

**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**  
**Trademark Trial and Appeal Board**  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Mailed: June 26, 2003

Opposition No. 91153237

Opposition No. 91153251

POWER TOOL SPECIALISTS, INC.

v.

SIPLAST, INC.

**Frances S. Wolfson, Interlocutory Attorney:**

On May 21, 2003, applicant filed a motion for entry of a protective order; to extend discovery and trial dates; and to consolidate these proceedings.

Office records indicate no response thereto. When a party fails to file a brief in response to a motion, the Board may treat the motion as conceded. See 37 CFR §2.127(a), and TBMP §502.03. In view thereof, applicant's motion is treated as conceded; the protective agreement is entered;<sup>1</sup> trial dates (including the close of discovery) are

---

<sup>1</sup> The parties are referred, as appropriate, to TBMP §§ 416.05 (Signature of Protective Order), 416.06 (Filing Confidential Materials With Board), 416.07 (Handling of Confidential Materials by Board).

The parties are advised that only confidential or trade secret information should be filed pursuant to a stipulated protective agreement. Such an agreement may not be used as a means of circumventing paragraphs (d) and (e) of 37 CFR § 2.27, which

reset as set forth in applicant's motion; and these cases are consolidated.<sup>2</sup>

---

provide, in essence, that the file of a published application or issued registration, and all proceedings relating thereto, should otherwise be available for public inspection.

<sup>2</sup> The cases may now be presented on the same records and briefs. Papers should bear the number of each of the consolidated cases, although Opposition No. 153,237 is treated as the "parent" case, and most of the papers filed by the parties, or issued by the Board, will be placed only in the file of the parent case. The parties need not file a copy for each consolidated case; a single copy, bearing the number of each consolidated case, normally is sufficient.

Consolidated cases do not lose their separate identity because of consolidation. Each proceeding retains its separate character and requires entry of a separate judgment. See Wright & Miller, Federal Practice and Procedure: Civil §2382 (1971).