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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

RARITAN COMPUTER, INC.,

Opposer,

v.

AVOCENT CORPORATION,

Applicant.

Attorney Refs.: 2540-370, -548

Opposition Nos. 91-153554
91-153614



06-03-2003

U.S. Patent & TMO/TM Mail Rcpt Dt. #39

**APPLICANT AVOCENT CORPORATION'S MOTION TO
CONSOLIDATE OPPOSITION MATTERS**

Applicant, Avocent Corporation, in accordance with Trademark Rule 2.104(b) and other applicable provisions of the Federal Rules, requests that the Trademark Trial and Appeal Board consolidate Opposition Nos. 91-153554 and 91-153614. The subject applications, namely, 75/981890 and 76/160489, are for the same trademark and the goods and services are closely related. The subject applications were originally filed as one application on November 6, 2000. The PTO granted Applicant's request to divide the applications on February 4, 2002 and assigned the child application Serial No. 75/981890.

Opposer filed identical Notices of Opposition to contest the subject applications. Opposer has also filed identical discovery requests in each matter. Applicant believes that consolidation will expedite resolution of the oppositions and eliminate the need for duplicate motions, discovery, briefs, etc. Since the trademarks and issues involved in the Oppositions are virtually identical, there is no practical reason to proceed with two separate oppositions.

Applicant has conferred with counsel for Opposer on this motion. But Opposer has refused to consent to consolidation of the oppositions.

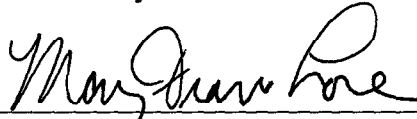
For the reasons stated above, Applicant respectfully requests that this Motion be granted.

DATED: June 3, 2003

Respectfully submitted,

AVOCENT CORPORATION

by its Attorneys

A handwritten signature in cursive script, appearing to read "Mary Fran Love", written over a horizontal line.

Mary Fran Love

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CERTIFICATE OF SERVICE

The undersigned certifies that, on June 3, 2003, the foregoing "Applicant Avocent Corporation's Motion to Consolidate Opposition Matters" was served on counsel of record Michael J. Zinna, Ward & Olivo, 382 Springfield Avenue, Summit, NJ 07901, by first-class mail.

