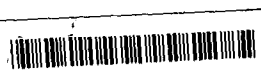

TTAB

04-28-2003

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CERTIFICATE OF MAILING
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I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513, on the date below:

4/23/03
Date

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

In the Matter of Serial No. 75/831,361
For the Mark: Miscellaneous Design

S-B POWER TOOL CORPORATION,	§	
	§	
Opposer,	§	
	§	
v.	§	Opposition No. 154,902
	§	
MILWAUKEE ELECTRIC TOOL CORPORATION,	§	
	§	
Applicant.	§	

STIPULATED REQUEST FOR CONSOLIDATION OF OPPOSITION PROCEEDINGS AND EXTENSION OF DISCOVERY AND TRIAL DATES

BOX TTAB NO FEE
Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

Opposer S-B Power Tool Corporation ("Opposer") and Applicant Milwaukee Electric Tool Corporation ("Applicant") hereby jointly request the Board to consolidate the following nine (9) opposition proceedings, all of which involve these same two parties:

1. Opposition No. 125,371 to the mark MISCELLANEOUS DESIGN (S.N. 75/831,346);

2. Opposition No. 150,928 to the mark MISCELLANEOUS DESIGN (S.N. 75/830,887);

3. Opposition No. 153,446 to the mark MISCELLANEOUS DESIGN (S.N. 75/830,888);

4. Opposition No. 154,663 to the mark MISCELLANEOUS DESIGN (S.N. 75/831,328);

5. Opposition No. 154,162 to the mark MISCELLANEOUS DESIGN (S.N. 75/830,880);

6. Opposition No. 154,327 to the mark MISCELLANEOUS DESIGN (S.N. 75/831,337);

7. Opposition No. 154,172 to the mark MISCELLANEOUS DESIGN (S.N. 75/830,879);

8. Opposition No. 154,902 to the mark MISCELLANEOUS DESIGN (S.N. 75/831,361); and

9. Opposition No. 155,458 to the mark MISCELLANEOUS DESIGN (S.N. 75/831,360).

Applicant has nine (9) pending applications to register designs consisting of a red and black, or red and black and grey, color combination. One of these applications is the application at issue in this proceeding. Opposer has filed a Notice of Opposition against each of these applications, which led to the commencement of the above-listed opposition proceedings. All of these proceedings will involve common questions of law or fact. Consequently, consolidation is proper. *See* T.B.M.P. § 511. This stipulation will be submitted in each proceeding.

So that these consolidated actions may proceed in a uniform manner, Opposer and Applicant further respectfully request that the Trademark Trial and Appeal Board extend the discovery and trial dates in the consolidated proceedings as follows:

Period for discovery to close:	September 26, 2003
Testimony period for party in position of plaintiff to close	December 25, 2003
Testimony period for party in position of defendant to close	February 23, 2004
Rebuttal testimony period to close	April 8, 2004

These dates reflect the discovery and trial dates set by the Trademark Trial and Appeal Board in Opposition No. 155,458, the last instituted of the opposition proceedings subject to this consolidation request.

This stipulation is submitted in triplicate.

SO STIPULATED:

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