

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

In re Applications of
Industria de Diseno Textil, S.A.

Serial Nos. 75/288,214
75/310,397
76/101,025
76/101,026
76/101,030
76/101,031



10-08-2003
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #74

Mark: ZARA

Published in the Official Gazette of
February 2, 1999; May 18, 1999; February 12, 2002; February 19, 2002; February 26, 2002

JOHNSON PUBLISHING COMPANY, INC.,	:	
	:	
Opposer,	:	
	:	
v.	:	Opposition Nos.
	:	91/120,820
INDUSTRIA DE DISENO TEXTIL, S.A.,	:	91/120,842
	:	91/155,782 x
Applicant.	:	

STIPULATED MOTION TO CONSOLIDATE AND TO RESET DATES

Pursuant to Rule 42(a) of the Federal Rules of Civil Procedure and Section 511 of the Trademark Trial and Appeal Board Manual of Procedure, Applicant, Industria De Diseno Textil, S.A. and Opposer Johnson Publishing Company respectfully request that the Board consolidate Opposition numbers 91/120,820, 91/120,842, and 91/155,782 for all purposes, including discovery, testimony, and trial periods. In addition, the parties respectfully request that

the Board reset the trial and discovery dates for the consolidated proceeding based on the following schedule, which is currently in place for Opposition No. 91/155,782:

- Discovery Period to Close: March 5, 2004
- Testimony Period for Opposer to Close: June 3, 2004
- Testimony Period for Applicant to Close: August 2, 2004
- Rebuttal Period to Close: September 16, 2004

Counsel for Opposer, Jasmine Abdel-Kalik, has consented to the filing of this motion in a telephone conference with Applicant's counsel.

Consolidation is clearly warranted in these proceedings. Applicant has filed applications to register ZARA in classes 4, 8, 9, 14, 26 and 28. Opposer has opposed these applications on the grounds that the Applicant's mark is likely to be confused with the registered mark ZAHRA. The Notices of Opposition that Opposer has filed in each proceeding are virtually identical. Thus, the same parties, the same marks, and the same factual and legal arguments are at issue in each proceeding. Furthermore, consolidating these proceedings will not cause any prejudice or inconvenience, because each proceeding is currently in the midst of discovery.

Therefore, Applicant and Opposer respectfully request that the Board consolidate Opposition numbers 91/120,820; 91/120,842; and 91/155,782 for all purposes, and reset the discovery and testimony periods for these proceedings based on the schedule that is currently in place for Opposition number 91/155,782.

Respectfully submitted,



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Attorneys for Applicant
INDUSTRIA DE DISEÑO TEXTIL S.A.

Dated: October 7, 2003

Certificate of Mailing by Express Mail

I hereby certify that this Stipulated Motion to Consolidate and to Reset Dates is being deposited with the United States Postal Service as Express Mail, Post Office to Addressee, in an envelope addressed to: Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3514, on October 7, 2003.

Erik Bertin
Name of Person Signing Certificate

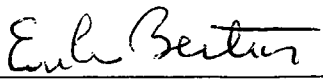
October 7, 2003
Date of Signature


Signature

ET939239895US
Express Mail Number

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this Stipulated Motion to Consolidate and to Reset Dates has been duly served by mailing such copy first class, postage prepaid, to Jasmine Abdel-Khalik, Baker & McKenzie, One Prudential Plaza, 130 East Randolph Drive, Chicago, Illinois 60601, on October 7, 2003.


Erik Bertin

7117D



October 7, 2003



VIA U.S. EXPRESS MAIL

10-08-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #74

Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3514

BOSTON

BRUSSELS

FRANKFURT

Re: Johnson Publishing Company, Inc. v. Industria De Diseno Textil, S.A.
(Opposition No. 120,820; 120,842; 155,782)

HARRISBURG

To the Commissioner for Trademarks:

HARTFORD

Enclosed for filing is a Stipulated Motion to Consolidate and Reset Dates in
Opposition Nos. 120,820; 120,842; and 155,782.

LONDON

Sincerely,

LUXEMBOURG

NEW YORK

Erik Bertin

NEWPORT BEACH

Enclosure

PALO ALTO

cc: Jasmine Abdel-khalik
(Counsel for Opposer Johnson Publishing Company)

PARIS

PHILADELPHIA

PRINCETON

SAN FRANCISCO

WASHINGTON