**UNITED STATES PATENT AND TRADEMARK OFFICE**
**Trademark Trial and Appeal Board**
**P.O. Box 1451**
**Alexandria, VA 22313-1451**

Mailed: September 26, 2006

Opposition No. 91171416
Opposition No. 91171417
Opposition No. 91171418
Opposition No. 91171419

KARL STORZ GMBH & CO. KG

v.

ALVEOLUS INC

George C. Pologeorgis, Interlocutory Attorney:

It has come to the attention of the Board that Opposition Nos. 91171416, 91171417, 91171418 and 91171419 involve the same parties and common questions of law and fact. It would therefore be appropriate to consolidate these proceedings pursuant to Fed. R. Civ. P. 42(a).

Consolidation is discretionary with the Board, and may be ordered upon motion granted by the Board, or upon stipulation of the parties approved by the Board, or upon the Board's own initiative. See, for example, Wright & Miller, Federal Practice and Procedure: Civil §2383 (2004); *Regatta Sport Ltd. v. Telux-Pioneer Inc.*, 20 USPQ2d 1154 (TTAB 1991) (Board's initiative).

Accordingly, the above-noted opposition proceedings are hereby consolidated and may be presented on the same record and briefs.

The Board file will be maintained in Opposition No. 91171416 as the "parent" case. The parties should no longer file separate papers in connection with each proceeding. Only a single copy of each paper should be filed by the parties and each paper should bear the case captions as set forth above.[1]

In accordance with Board practice, discovery and trial dates are reset to conform to the dates latest set in the opposition proceedings that are being consolidated. In this instance, however, all the consolidated proceedings were previously suspended pending settlement negotiations between the parties. Accordingly, these now consolidated proceedings remain suspended until six months from the mailing date of this action, subject to the right of either party to request resumption at any time. See Trademark Rule 2.117(c).

In the event that there is no word from either party concerning the progress of their negotiations, upon conclusion of the suspension period, proceedings shall

[1] The parties should promptly inform the Board in writing of any other related *inter partes* proceedings. *See* Fed. R. Civ. P. 42(a).

resume without further notice or order from the Board, upon the schedule set out below:

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|---|---|
| Proceedings resume: | **3/25/07** |
| Discovery Period to close: | **8/25/07** |
| 30-day testimony period for party in position of plaintiff to close: | **11/23/07** |
| 30-day testimony period for party in position of defendant to close: | **1/22/08** |
| 15-day rebuttal testimony period to close: | **3/7/08** |

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.l25.

Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.l29.

If, during the suspension period, either of the parties or their attorneys should have a change of address, the Board should be so informed.