

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

BDB

Mailed: April 10, 2008

Opposition Nos. 91181947  
91181948  
91181949

The DIRECTV Group, Inc.

v.

Applian Technologies

**Brian D. Brown, Interlocutory Attorney**

Applicant's consented motion filed March 27, 2008 to consolidate proceedings and to extend discovery and trial dates is granted. See Trademark Rule 2.127(a). In view thereof, please note the following.

When cases involving common questions of law or facts are pending before the Board, the Board may, upon its own initiative or upon motion, order the consolidation of the cases. See Fed. R. Civ. P. 42(a) and TBMP § 511 and authorities cited therein (2d ed. rev. 2004).

The parties in both cases are the same, our review of the pleadings in the two proceedings indicates that the cases involve common questions of law and fact, and the Board's ruling in one of the opposition proceedings will have a bearing on the other two. As a result, these

proceedings may be presented on the same record and briefs without appreciable inconvenience or confusion. See *Helene Curtis Industries Inc. v. Suave Shoe Corp.*, 12 USPQ2d 1618 (TTAB 1989).

Since consolidation would contribute to the orderly and timely administration of two pending cases, Opposition Nos. 91181947, 91181948 and 91181949 are hereby consolidated. Consequently, the parties' future submissions should be captioned as they are in the beginning of this order. The Board file will be maintained in Opposition No. 91181947 as the "parent" case. As a general rule, only a single copy of any paper or motion should be filed in the parent case file.

Despite being consolidated, each proceeding retains its separate character. The decision on the consolidated cases shall take into account any differences in the issues raised by the respective pleadings. The parties are further advised that they are to inform the Board of any other proceedings which involve the same parties and the same or related issues.

Finally, the discovery and trial dates are hereby reset in accordance with applicant's consented motion.

**NEWS FROM THE TTAB:**

The USPTO published a notice of final rulemaking in the Federal Register on August 1, 2007, at 72 F.R. 42242. By this notice, various rules governing Trademark Trial and Appeal Board inter partes proceedings are amended. Certain amendments have an effective date of August 31, 2007, while most have an effective date of November 1, 2007. For

further information, the parties are referred to a reprint of the final rule and a chart summarizing the affected rules, their changes, and effective dates, both viewable on the USPTO website via these web addresses:

<http://www.uspto.gov/web/offices/com/sol/notices/72fr42242.pdf>

[http://www.uspto.gov/web/offices/com/sol/notices/72fr42242\\_FinalRuleChart.pdf](http://www.uspto.gov/web/offices/com/sol/notices/72fr42242_FinalRuleChart.pdf)

By one rule change effective August 31, 2007, the Board's standard protective order is made applicable to all TTAB inter partes cases, whether already pending or commenced on or after that date. However, as explained in the final rule and chart, this change will not affect any case in which any protective order has already been approved or imposed by the Board. Further, as explained in the final rule, parties are free to agree to a substitute protective order or to supplement or amend the standard order even after August 31, 2007, subject to Board approval. The standard protective order can be viewed using the following web address:

<http://www.uspto.gov/web/offices/dcom/ttab/tbmp/stndagmnt.htm>