

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

vb

Mailed: January 21, 2009

Opposition No. 91184081  
Cancellation No. 92049351

Mr. Charles F. Hudson, Jr.

v.

Roger Nelson Chipman

Jennifer Krisp, Interlocutory Attorney:

Before the Board is opposer/petitioner's January 13, 2009 consented motion to consolidate Opposition No. 91184081 and Cancellation No. 92049351.

When cases involving common questions of law or fact are pending before the Board, the Board may, in its discretion, order consolidation upon motion granted by the Board, or upon stipulation of the parties approved by the Board, or upon the Board's own initiative. See Fed. R. Civ. P. 42(a). See also TBMP § 511 (2d ed. rev. 2004).

It is noted that the proceedings involve the same parties and common questions of law or fact. In view thereof, opposer/petitioner's motion is granted. Opposition No. 91184081 and Cancellation No. 92049351 are hereby consolidated and may be presented on the same record and briefs. See *Internet Inc. v. Corporation for National*

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*Research Initiatives*, 38 USPQ2d 1435, n.2 (TTAB 1996) and *Hilson Research Inc. v. Society for Human Resource Management*, 26 USPQ2d 1423 (TTAB 1993).

The Board file will be maintained in Opposition No. 91184081 as the "parent" case. From this point on, only a single copy of any paper or motion shall be filed in the parent case, and shall caption each proceeding number, with the parent case listed first.

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; a copy of the decision shall be placed in each proceeding file.

As stipulated by the parties, discovery and trial dates for these consolidated proceedings are reset to reflect those dates previously set by the Board in Cancellation No. 92049351, as indicated below. Trademark Rule 2.121(d).

Expert Disclosures Due	<b>4/19/2009</b>
Discovery Closes	<b>5/19/2009</b>
Plaintiff's Pretrial Disclosures	<b>7/3/2009</b>
Plaintiff's 30-day Trial Period Ends	<b>8/17/2009</b>
Defendant's Pretrial Disclosures	<b>9/1/2009</b>
Defendant's 30-day Trial Period Ends	<b>10/16/2009</b>
Plaintiff's Rebuttal Disclosures	<b>10/31/2009</b>
Plaintiff's 15-day Rebuttal Period Ends	<b>11/30/2009</b>

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 2.125.

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 2.129.

**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>