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

Proceeding	91186573
Party	Defendant CHW, LLC
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Attachments	STIPULATED MOTION TO CONSOLIDATE.pdf (2 pages)(60510 bytes)

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

April 7, 2009

Proceeding No. 91186569

Proceeding No. 91186573

**MIP Metro Group Intellectual
Property GmbH & Co. KG**

v.

CHW, LLC

**JOINT MOTION FOR CONSOLIDATION OF PROCEEDINGS AND FOR
EXTENSION OF DISCOVERY AND TRIAL PERIODS**

Motion for Consolidation:

Pursuant to TBMP Section 511, Defendant CHW, LLC and Opposer MIP Metro Group Intellectual Property GmbH & Co. KG jointly move that Proceedings 91186573 and 91196569 be consolidated. The grounds for consolidation are as follows:

The two proceedings involve the same parties, the same marks cited by Opposer as the basis for opposition, the same questions of law and fact, and virtually identical pleadings. *See* Fed. R. Civ. P. 42(a); *Helene Curtis Industries Inc. v. Suave Shoe Corp.*, 13 USPQ2d 1618 (TTAB 1989) (consolidation ordered upon stipulation by parties); *Bigfoot 4x4 Inc. v. Bear Foot Inc.*, 5 USPQ2d 1444 (TTAB 1987) (consolidation ordered upon joint motion by parties); *S. Industries Inc. v. Lamb-Weston Inc.*, 45 USPQ2d 1293, 1297 (TTAB 1997) (consolidation ordered where both proceedings involved the same mark and virtually identical pleadings). Consolidation of the two proceedings would result in savings of time, effort, and expense, and would cause no prejudice or inconvenience, as the two proceedings were initiated at the same time and are at the same stage. *See World Hockey Ass'n v. Tudor Metal Products Corp.*, 185 USPQ 246 (TTAB 1975) (consolidation ordered where issues were substantially the same and consolidation would be advantageous to both parties).

For the reasons set forth above, the parties jointly move that Proceedings Nos. 91186573 and 91196569 be consolidated.

Motion for Extension:

Pursuant to TBMP Section 403.04, Defendant CHW, LLC and Opposer MIP Metro Group Intellectual Property GmbH & Co. KG hereby jointly move to extend the discovery and trial periods in these proceedings, according to the proposed schedule set

forth below. The grounds for this request are that the parties are engaged in settlement discussions.

The parties held their Initial Discovery Conference on March 24, 2009, and at that time agreed to exchange Initial Disclosures on April 7, 2009. The extended schedule agreed upon by the parties is as follows:

Discovery opens:	04/07/2009
Initial disclosures due:	04/07/2009
Expert disclosures due:	11/02/2009
Discovery closes:	11/30/2009
Plaintiff's pretrial disclosures due:	01/15/2010
Plaintiff's 30-day trial period ends:	03/01/2010
Defendant's pretrial disclosures due:	03/15/2010
Defendant's 30-day trial period ends:	04/28/2010
Plaintiff's rebuttal disclosures:	05/12/2010
Plaintiff's 15-day rebuttal period ends:	06/14/2010.

For the reasons set forth above, the parties jointly move that the deadlines in Proceedings Nos. 91186573 and 91196569, individually and as consolidated, be extended according to the schedule submitted above.

Defendant CHW, LLC and Opposer MIP Metro Group Intellectual Property GmbH & Co. KG have provided e-mail addresses herewith so that any Order(s) on this joint motion may be issued electronically by the Board.

Respectfully submitted,

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04/07/2009