

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

nmt/sb/gcp

Mailed: October 7, 2009

Opposition No. 91186569

Opposition No. 91186573

MIP Metro Group Intellectual
Property GmbH & Co. KG

v.

CHW, LLC

George C. Pologeorgis, Interlocutory Attorney:

Opposer's consented motion (filed September 24, 2009) to extend disclosure, discovery and trial dates is noted.

It has come to the Board's attention that applicant's April 7, 2009 motion for an extension of time included an additional consented request to consolidate Opposition Nos. 91186569 and 91186573 which the Board has yet to entertain.

Opposition Nos. 91186569 and 91186573 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

Opposition No. 91186569
Opposition No. 91186573

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. *See Helene Curtis Industries Inc. v. Suave Shoe Corp.*, 13 USPQ2d 1618 (TTAB 1989), and *Hilson Research Inc. v. Society for Human Resource Management*, 26 USPQ2d 1432 (TTAB 1993).

The Board file will be maintained in Opposition No. 91186569 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 caption as set forth above.¹

Opposer's September 24, 2009 consented motion to extend disclosure, discovery and trial dates is hereby granted to the extent that the dates for these now consolidated proceedings are reset as follows:²

Expert Disclosures Due	1/31/2010
Discovery Closes	3/2/2010
Plaintiff's Pretrial Disclosures	4/16/2010

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

² The Board notes that opposer miscalculated the reset trial dates in its proposed trial schedule. The instant order corrects the miscalculation.

Opposition No. 91186569
Opposition No. 91186573

Plaintiff's 30-day Trial Period Ends	5/31/2010
Defendant's Pretrial Disclosures	6/15/2010
Defendant's 30-day Trial Period Ends	7/30/2010
Plaintiff's Rebuttal Disclosures	8/14/2010
Plaintiff's 15-day Rebuttal Period Ends	9/13/2010

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 upon request as filed as provided by Trademark Rule 2.129.

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