

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

Mailed: April 27, 2009

**Cancellation No. 92049675**

Klosterbrauerei Andechs

v.

Andechs Trading Company

**Cancellation No. 92049764**

**Opposition No. 91185303**

Andechs Trading Company

v.

Klosterbrauerei Andechs

**Linda Skoro, Interlocutory Attorney**

Consolidation

A review of the pleadings in the above identified proceedings indicates that the parties are the same and the proceedings involve substantially identical questions of fact and law. Accordingly, these proceedings are hereby consolidated.

The consolidated cases may be presented on the same record and briefs. *See Helene Curtis Industries Inc. v. Suave Shoe Corp.*, 13 USPQ2d 1618 (TTAB 1989). The Board will maintain the record in the "parent" case, in this instance it is cancellation No. 92049675. As a general

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rule, from this point on only a single copy of any paper or motion should be filed herein; but that copy should bear all proceeding numbers in its caption.

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

In accordance with standard Board practice, the discovery and trial schedule for the consolidated cases will be reset and time will be allowed for answers to the counterclaims which have not been filed.

Withdrawal of Klosterbrauerei Andechs Counsel

On April 23, 2009, Klosterbrauerei attorneys filed a request to withdraw as counsel of record in this case. The request to withdraw is due to a conflict of interest due to prior representation of Andechs Trading. The request to withdraw as counsel is in compliance with the requirements of Trademark Rule 2.19(b) and Patent and Trademark Rule 10.40, and is accordingly granted. The law firm of Perkins Coie no longer represents Klosterbaerei in this proceeding.

In view of the withdrawal of counsel, and in accordance with standard Board practice, proceedings herein are **suspended**, and Klosterbrauerei is allowed until **thirty** days

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from the mailing date of this order to appoint new counsel, or to file a paper stating that Klosterbrauerei chooses to represent itself. If Klosterbrauerei files no response, the Board may issue an order to show cause why default judgment should not be entered against it based on an apparent loss of interest in the case.

The parties will be notified by the Board when proceedings are resumed, and dates will be rescheduled at the appropriate time.

A copy of this order has been sent to all persons listed below.

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