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

Proceeding	92053482
Party	Plaintiff Illumina, Inc.
Correspondence Address	JAMES MENKER HOLLEY & MENKER PA PO BOX 331937 ATLANTIC BEACH, FL 32233 UNITED STATES eastdocket@holleymenker.com
Submission	Motion to Consolidate
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Date	07/22/2011
Attachments	2011-7-22 Motion to Consolidate Proceedings 91194218; 91194219; 92053479; 92053482.pdf (3 pages)(183853 bytes)

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

ILLUMINA, INC.,)	
)	Opp. No. 91194218 (SN 77768176) (Parent)
Opposer,)	
)	Opp. No. 91194219 (SN 77775316)
v.)	
)	Can. No. 92053479 (RN 3887164)
Meridian Bioscience, Inc.,)	
)	Can. No. 92053482 (RN 3868081)
Applicant.)	

STIPULATED MOTION TO CONSOLIDATE

Pursuant to TBMP Section 511 and Fed. R. Civ. P. 42(a), ILLUMINA, INC. (“Opposer/Petitioner”) and Meridian Bioscience, Inc. (“Applicant/Registrant”), by and through their respective counsel, hereby move the Board for an order consolidating Opposition Nos. 91194218 and 91194219 (previously consolidated) with Cancellation Nos. 92053479 and 92053482.

The parties submit that both the consolidated opposition proceedings and the cancellation proceedings involve common questions of law and fact and the same parties. Specifically, all of the marks relied upon by Opposer/Petitioner in its Notices of Opposition and Petitions for Cancellation are the same for all four proceedings. In addition, the marks (ILLUMIPRO and ILLUMIPRO-10) in the opposed applications and the marks (ILLUMIGENE and I


ILLUMIGENE MOLECULAR SIMPLIFIED) in the registrations which have been petitioned for cancellation, and the goods in those applications and registrations are all sufficiently similar that the parties believe that the evidence to be proffered in the consolidated opposition proceedings will be largely the same as those in the cancellation proceedings.

To avoid duplicative litigation and promote judicial economy while preserving the interests of the parties in the opposition and cancellation proceedings, the parties request that the Board consolidate the above-identified cancellation proceedings with the consolidated opposition proceedings.

Respectfully submitted,

Holley & Menker, PA

By:




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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing "STIPULATED MOTION TO CONSOLIDATE" was served on Applicant's attorney, J. Michael Hurst of Keating Muething & Klekamp PLL, with an email address of mhurst@kmlaw.com, via email by agreement, today **July 21, 2011**.

By:



James R. Menker