

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

Mailed: November 23, 2004

Opposition Nos. 91116937  
91118765  
91118909  
91120690  
91124081  
91124107  
91124123  
91150163  
91150304

STERLING SOFTWARE, INC.

v.

COOL PARTNERS, L.L.C.

Karen Kuhlke, Attorney:

It has come to the attention of the Board that the above-noted oppositions are suitable for consolidation inasmuch as they involve the same parties and common questions of law and fact. 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 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).

The Board file will be maintained in Opposition No. 91116937 as the "parent" case, but all papers filed herein must include the proceeding numbers of the consolidated cases, as set forth above.

It is noted that there is an outstanding notice of default in Opposition No. 91120960, which is hereby discharged in view of applicant's timely filed answer.

Further, it is noted that all of the above-noted proceedings have been suspended pending resolution of applicant's bankruptcy proceeding. In response to a status inquiry issued in Opposition Nos. 91118765 and 91124081, applicant indicated that the bankruptcy proceeding is still open. In view of these responses and this consolidation, applicant need no longer respond to the status inquiries issued in Opposition Nos. 91116937, 91120690 and 91150163.

Finally, the requests to withdraw as applicant's attorney filed in Opposition Nos. 91118909 and 91124123 are granted, and the law firm of Munsch Hardt Kopf & Harr P.C. no longer represents applicant in these proceedings. The request to serve all correspondence in behalf of applicant on Guy S. Neal, Sidley Austin Brown & Wood, 1501 Kay Street NW, Washington, DC 20005 is noted and applicant's correspondence address has been updated in all proceedings to reflect that change.

Inasmuch as the bankruptcy proceeding is ongoing these consolidated proceedings remain suspended pending final determination of the bankruptcy action.<sup>1</sup>

Within twenty days after such final determination, the interested party should call up this proceeding for appropriate action. During the suspension period the Board should be notified of any address changes for the parties or their attorneys.

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

cc:

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<sup>1</sup> If and when proceedings are resumed, dates will be reset, including time for applicant to file an answer to the notice of opposition in Opposition No. 91150304.