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Filing date: **09/15/2014**

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

Proceeding	91196299
Party	Plaintiff Connect Public Relations, Inc.
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Submission	Motion to Strike
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Date	09/15/2014
Attachments	MotiontoStrike.pdf(117388 bytes )

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

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**Opposition No. 91196299 (Parent)** )

CONNECT PUBLIC RELATIONS, INC., )  
Opposer, )

v. )

DIGITALMOJO, INC., Applicant. )

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**Cancellation Nos. 92054395 & 92054427** )

DIGITALMOJO, INC., Petitioner, )

v. )

CONNECT PUBLIC RELATIONS, INC., )  
Respondent. )

**MOTION TO STRIKE  
APPLICANT'S/PETITIONER'S  
REPLY IN SUPPORT OF ITS  
MOTION TO COMPEL  
SUPPLEMENTAL RESPONSES**

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Opposer and Respondent Connect Public Relations, Inc. ("Connect") moves the Board to strike Applicant and Petitioner Digitalmojo, Inc.'s ("Digitalmojo") Applicant's/Petitioner's Reply in Support of its Motion to Compel Supplemental Responses ("Reply") because it was not timely filed.

## ARGUMENT

The Board should strike Digitalmojo's Reply as untimely pursuant to 37 CFR § 2.127(a) (and TBMP § 502.02). In particular, § 2.127(a) states that "a reply brief, if filed, shall be filed within 15 days from the date of service of the brief in response to the motion. The time for filing a reply brief will not be extended." In the present case, Connect filed its response to Digitalmojo's Motion to Compel on June 11, 2014. Thus, the deadline to file a reply, with 5 additional days for mailing, was July 1, 2014. Despite this non-extendable deadline, Digitalmojo did not file its Reply until July 21, 2014, a full 20 days past the deadline. Thus, Digitalmojo's Reply should be stricken and given no consideration by the Board. *Ron Cauldwell Jewelry, Inc. v. Clothestime Clothes, Inc.*, 63 USPQ2d 2009, 2010 (TTAB 2002) (reply brief was untimely and exceeded page limit).

Connect further notes that it was unable to file this motion earlier due to the fact that it did not receive the service copy of Digitalmojo's Reply. Connect only learned of the existence of Digitalmojo's Reply when its undersigned counsel conducted a check on the status of this proceeding on TTABVUE a few days ago.

**CONCLUSION**

Connect respectfully submits that when all of the foregoing is considered, the Board will summarily strike Digitalmojo's Reply and give it no consideration as required by 37 CFR § 2.127(a).

Respectfully submitted this 15 day of September, 2014.

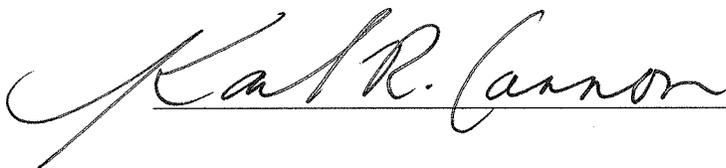
  
Karl R. Cannon  
Brett J. Davis

**CLAYTON, HOWARTH & CANNON, P.C.**  
Attorneys for Opposer  
Connect Public Relations, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that I caused a true and correct copy of the foregoing **MOTION TO STRIKE APPLICANT'S/PETITIONER'S REPLY IN SUPPORT OF ITS MOTION TO COMPEL SUPPLEMENTAL RESPONSES** to be served, via first class mail, postage prepaid, on this 15 day of September, 2014 to:

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