

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Ryan

MAILED: August 5, 2003

Opposition No. 150,752

American Council on Exercise

v.

Sherwin "Ace" Ross

Before Karyn K. Ryan, Interlocutory Attorney
Trademark Trial and Appeal Board:

Applicant on July 3, 2003 filed a second consented motion to amend his application. With regard to Serial No. 76/151,890, the Board on July 3, 2003 addressed the proposed amendment and issued an order approving it in the manner set forth in applicant's May 28, 2003 motion to amend¹. Thus, as to Serial No. 76/151,890, applicant's July 3, 2003 submission is moot.

We observe that applicant's July 3, 2003 submission includes a combined request to amend several other applications which are not the subject of this proceeding,

¹ In the future, applicant shall refrain from filing redundant requests with the Board. The filing of unnecessary papers is an administrative burden on the Board and a waste of the parties' resources. *ITC Entertainment Group Ltd. v. Nintendo of America Inc.*, 45 USPQ2d 2021 (TTAB 1998). Counsel is hereby advised to instruct its staff accordingly.

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i.e., application Serial Nos. 76/218,246, and 76/339,612, and 76/218,244. Insofar as oppositions have not been filed on any of these applications, the Board does not hold jurisdiction thereon and as such, we cannot consider the amendments proposed in any of these other applications. See TBMP §212.01 (2d. Edition, June 2003).²

On July 14, 2003, applicant furnished a copy of its settlement agreement. It appears that opposer's withdrawal of this opposition may be contingent on the PTO's approval of the amendments proposed in the three related applications.

Flowing from the Board's inherent power to schedule disposition of the cases on its docket is the power to stay proceedings, which may be exercised by the Board upon its own initiative, upon motion, or upon stipulation of the parties approved by the Board. TBMP Section 510.01.³ In the interest of judicial economy and consistent with our inherent authority to regulate our own proceedings to avoid unnecessary effort by the Board, we **suspend** this proceeding pending final action by the Trademark Examining Operation on

² Notwithstanding, because requests to extend to oppose have been filed on application Serial Nos. 76/218,246, and 76/339,612, and 76/218,244, the Board will transfer the concerned application files to the Trademark Examining Operation for appropriate action. See TBMP §212.01 (2d. Edition, June 2003).

³ See also *Opticians Ass'n of America v. Independent Opticians of America Inc.*, 734 F. Supp. 1171, 14 USPQ2d 2021 (D.N.J. 1990),

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the proposed amendments in the three related applications.
See Trademark Rule 2.117(c).

Within **twenty** days of either approval or final refusal of the proposed amendments to application Serial Nos. 76/218,246, and 76/339,612, and 76/218,244, the interested parties should notify the Board in writing so that appropriate action may be taken in this case. Upon resumption of this case, the Board will issue an order allowing opposer time to file its withdrawal of the notice of opposition in the event the parties' dispute has been resolved.

If, during the suspension period, either of the parties or their attorneys should have a change of address, the Board should be so informed in writing. See Trademark Rule 2.18.

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