

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451  
General Contact Number: 571-272-8500

DUNN

Mailed: February 16, 2018

Opposition No. 91226340

*American Council on Exercise*

*v.*

*William John Martin*

**Elizabeth A. Dunn, Attorney (571-272-4267):**

On January 24, 2018, the Board suspended proceedings pending the disposition of Opposer's motion to compel filed January 19, 2018.

On February 8, 2018, Applicant filed a 61 page brief in opposition to the motion. Pursuant to Trademark Rule 2.127(a), "Neither the brief in support of a motion nor the brief in response to a motion shall exceed twenty-five pages in length in its entirety, including table of contents, index of cases, description of the record, statement of the issues, recitation of the facts, argument, and summary." The page limitation for briefs on motions is for the convenience of the Board and is intended to prevent the filing of unduly long briefs. This limitation cannot be waived by action, inaction or consent of the parties. *See Saint-Gobain Corp. v. Minnesota Mining and Manufacturing Co.*, 66 USPQ2d 1220, 1222 (TTAB 2003).

Accordingly, Applicant's response is procedurally improper and in violation of Board rules regarding page limitations of briefs on motions, and will receive no

Opposition No. 91226340

consideration. The Board will not grant the motion as conceded, but take it up on the merits. No further papers should be filed with respect to this motion.

The motion to compel will be addressed in due course.