

ESTTA Tracking number: **ESTTA738637**

Filing date: **04/07/2016**

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

Proceeding	91226340
Party	Plaintiff American Council on Exercise
Correspondence Address	STEVEN MASHAL AMERICAN COUNCIL ON EXERCISE 4851 PARAMOUNT DR SAN DIEGO, CA 92123 UNITED STATES steven.mashal@acefitness.org
Submission	Other Motions/Papers
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Date	04/07/2016
Attachments	ACE PATHWAY Motion to Suspend.pdf(620053 bytes )

**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**  
**TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of trademark application Serial No. 86/639,061  
Published in the Official Gazette (Trademarks) on October 20, 2015  
Mark: "ACE Pathway" (words only)

AMERICAN COUNCIL ON EXERCISE	)	
	)	
Opposer,	)	
	)	
vs.	)	Opposition No. 91226340
	)	
William John Matin	)	
	)	
Applicant.	)	
<hr/>		)

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

**CONSENT MOTION TO SUSPEND PROCEEDINGS**

Opposer moves to suspend these proceedings pursuant to Trademark Rule 2.117(a), 37 C.F.R § 2.117(a), pending the resolution of the Opposition No. 91203539.

Applicant not only suggested the suspension but has consented to the suspension in emails with the undersigned.

The issues in the prior pending Opposition address the registrability of the mark ACE WATER in view of Opposer's ACE mark. The resolution of the issues in the prior

pending opposition will likely have a bearing on, and indeed may resolve, the issues in this opposition as well.

Since the parties are in agreement that this proceeding should be suspended and the requirements of Trademark Rule 2.117 are met, Opposer respectfully submits that suspension is appropriate.

Respectfully submitted,

By: 

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Steven L. Mashal  
Corporate Counsel  
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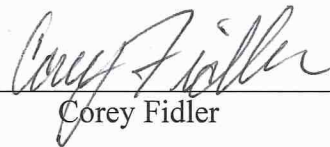
Date: April 7, 2016

## CERTIFICATION OF SERVICE

I hereby certify that a copy of the foregoing Notice of Opposition is being served by first-class mail, postage pre-paid, upon Applicant at the following address:

William John Martin  
1634 Spruce Street  
South Pasadena, CA 91030

Dated: April 7, 2016



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Corey Fidler