

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
General Email: TTABInfo@uspto.gov

December 5, 2019

Opposition No. 91245121

*Alzheimer's Disease and Related Disorders
Association*

v.

Alzheimer's New Jersey

**M. Catherine Faint,
Interlocutory Attorney:**

On October 16, 2019, the Board issued an order setting Opposer's due date for filing its response in opposition to the cross motion for summary judgment and reply brief in support of its motion for summary judgment.¹ On November 14, 2019, Opposer inadvertently filed its intended response and reply brief in Opposition No. 91251201 while also serving it on Applicant.² On November 18, 2019, Opposer filed the parties' consented motion to accept Opposer's filing as timely served in Opposition No. 91245121.

The motion is **granted** and the combined response and reply brief is timely. Applicant's reply brief is noted.

¹ 11 TTABVUE.

² Opposition No. 91251201 is suspended pending disposition of the motion and cross motion for summary judgment in Opposition No. 91245121.

However, Opposer's response and reply brief is **overlength**. As noted in the Board's October 16 order, the combined response and reply brief was limited to 25 pages. The brief filed by Opposer consists in part of a 1 page Table of Contents, a 3 page Table of Authorities, and a 25 page brief on the motion for a total of 29 pages. In view thereof, Opposer's brief **will be given no consideration**. See Trademark Rule 2.127(a), 37 C.F.R. § 2.127(a). See also *Cooper Techs. Co. v. Denier Elec. Co.*, 89 USPQ2d 1478, 1479 (TTAB 2008) (cross-motions for summary judgment denied without prejudice because briefs exceeded page limits; page limits include, if submitted, table of contents, index of cases, description of record, statement of issues, recitation of facts, argument and summary).

Opposer is allowed until **TWENTY DAYS** from the date of this order to submit a combined response brief and reply brief that complies with the Rules, failing which the motion and cross motion for summary judgment will be considered on the merits without consideration of Opposer's response and reply brief or Applicant's reply brief. If Opposer submits a brief in light of this order, Applicant may **either** file a reply brief in accordance with Trademark Rule 2.127(a) or indicate that it wishes the Board to consider the reply brief filed on December 3, 2019.³

The parties are **encouraged again to consider stipulating to the use of ACR** in this proceeding and may contact the Interlocutory Attorney at 571-272-9274 to discuss proceeding this way.

Proceedings otherwise remain **suspended**.

³ 15 TTABVUE.