

ESTTA Tracking number: **ESTTA1099395**

Filing date: **12/03/2020**

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

Proceeding	91251641
Party	Defendant Donald J. Trump for President, Inc.
Correspondence Address	MEREDITH M WILKES JONES DAY NORTH POINT 901 LAKESIDE AVENUE CLEVELAND, OH 44114-1190 UNITED STATES Primary Email: mwilkes@jonesday.com 216-586-3939
Submission	Motion to Strike
Filer's Name	Meredith M. Wilkes
Filer's email	mwilkes@jonesday.com, clsullivan@jonesday.com, pcyngier@jonesday.com
Signature	/Meredith M. Wilkes/
Date	12/03/2020
Attachments	Applicant Motion to Strike Opposer Reply Brief.pdf(99637 bytes )

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

America In Harms Way DBA Keep America Great!,

Opposer,

v.

Donald J. Trump for President, Inc.,

Applicant.

Opposition No. 91251641

Application No. 87/305,582

**APPLICANT'S MOTION TO STRIKE OPPOSER'S REPLY BRIEF**

Applicant, Donald J. Trump for President, Inc., ("Applicant") respectfully submits this Motion to Strike America In Harms Way DBA Keep America Great!'s ("Opposer") Reply Brief in Support of its Motion for Leave to Amend Complaint as untimely.

Although strongly disfavored, if filed, reply briefs must be "filed within 20 days from the date of service of the brief in response to the motion." TBMP § 502.02(b). Furthermore, "[t]he time for filing a reply brief will not be extended, even upon the parties' consent." *Id.*

Applicant served its brief in response to Opposer's motion on November 4, 2020. *See* 14 TTABVUE 8. The deadline to reply was November 24, 2020. As Opposer's reply was filed on December 3, 2020, it is untimely and should be stricken. TBMP § 517.

For the reasons set forth herein, Applicant respectfully requests that the Board strike Opposer's Reply Brief and deny its Motion for Leave to Amend.

Date: December 3, 2020

Respectfully submitted,

/Meredith M. Wilkes/

Meredith M. Wilkes

[mwilkes@jonesday.com](mailto:mwilkes@jonesday.com)

JONES DAY

901 Lakeside Avenue

Cleveland, Ohio 44114

(216) 586-7231

*Attorney for Applicant*

Donald J. Trump for President, Inc.

**CERTIFICATE OF SERVICE**

It is hereby certified that a copy of the foregoing document entitled Applicant's Motion to Strike Opposer's Reply Brief has been served upon Opposer by e-mailing said copy on December 3, 2020, to the below listed correspondence e-mail address of record in the U.S. Patent and Trademark Office:

Jay R. Yablon  
Law Offices of Jay R. Yablon  
910 Northumberland Drive  
Schenectady, NY 12309  
[jyablon@nycap.rr.com](mailto:jyablon@nycap.rr.com)

Anthony M. Verna III, Esq.  
Verna Law, P.C.  
80 Theodore Fremd Drive  
Rye, NY 10580  
[anthony@vernalaw.com](mailto:anthony@vernalaw.com)

/Meredith M. Wilkes/  
Meredith M. Wilkes