

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

January 15, 2025

Cancellation No. 92084359

Act Bad LLC

v.

*Charles Kenyatta Jr*¹

Tashia A. Bunch, Interlocutory Attorney:

This proceeding was suspended as of the filing of Respondent's motion for judgment on the pleadings on November 25, 2024. *See* 10 TTABVUE;² *see also* Trademark Rule 2.127(d).

On December 18, 2024, Petitioner filed a response to Respondent's motion. 11 TTABVUE. Respondent initially filed his reply brief on December 20, 2024, however, the Board declined to consider the reply because there was no proof of service with

¹ The Board notes Respondent's attorney's entry of appearance, filed on January 14, 2025. 16 TTABVUE. The Board's records have been updated accordingly.

² Citations to the record in this proceeding are to the TTABVUE docket entry number and page number. *See, e.g., New Era Cap Co. v. Pro Era, LLC*, 2020 USPQ2d 10596, at *2 n.1 (TTAB 2020). The number preceding "TTABVUE" corresponds to the docket entry number; the number(s) following "TTABVUE" refer to the page number(s) of that particular docket entry, if applicable. To facilitate our review, the parties **must** cite to the record using the TTABVUE docket entry and page numbers in future filings, in accordance with the guidance provided in TRADEMARK TRIAL AND APPEAL BOARD MANUAL OF PROCEDURE (TBMP) §§ 106.03 and 801.01 (2024).

the submission as required by Trademark Rule 2.119(a). 13 TTABVUE. On January 7, 2025, Respondent filed a reply in support of its motion. 14 TTABVUE.

The parties' filings on January 7 and 14, 2025, (at 15, 17, & 18 TTABVUE) were all filed after Respondent's reply brief. Each of these filings further responds to issues with each parties' prior filing while briefing the motion for judgment on the pleadings. The Board will not consider any filings beyond a brief in support of a motion, a brief in response, and a reply brief. Trademark Rule 2.127(a); *Pioneer Kabushiki Kaisha v. Hitachi High Technologies America, Inc.*, 74 USPQ2d 1672, 1677 (TTAB 2005) (because 37 C.F.R. § 2.127(a) prohibits the filing of surreply briefs, opposer's surreply to applicant's motion was not considered). Accordingly, the filings are given no consideration.

Proceedings remain suspended pending a disposition of Respondent's motion for judgment on the pleadings. The Board will address any procedural and substantive issues in its order. As the motion is fully briefed, the parties should not file any further papers until proceedings are resumed.