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

Proceeding	91195582
Party	Plaintiff Microsoft Corporation
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Submission	Motion to Strike
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Date	03/08/2011
Attachments	MS-MotStrike.pdf ( 3 pages )(59986 bytes )

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

MICROSOFT CORPORATION,	)	
	)	Opposition No. 91195582
Opposer,	)	
	)	Serial No. 77/525433
v.	)	
	)	Attorney Docket No. 663005.80652
APPLE INC.,	)	
	)	
Applicant.	)	

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**MOTION TO STRIKE OVER LENGTH RESPONSE BRIEF  
FILED BY APPLICANT APPLE INC.**

Opposer Microsoft Corporation moved for summary judgment on January 10, 2011 (Doc. 5). Applicant Apple Inc. timely filed its response brief on February 28, 2011 (Doc. 13). Apple's response brief is 31 pages, including the table of contents and table of authorities, and on information and belief, is printed in less than 11 point font.

Under the rules, Apple's brief cannot exceed 25 pages in its entirety, including the table of contents and table of authorities, and must be printed in at least 11 point font. 37 CFR §2.127(a); 37 CFR §2.126(a)(1).


Microsoft hereby moves to strike Apple's response brief for failure to comply with 37 CFR Sections 2.127(a) and 2.126(a)(1) and asks that Apple be given leave to file a brief that complies with the rules and does not add any new matter or arguments.

Microsoft further requests that the briefing schedule on its summary judgment motion be suspended while this motion is considered and that the date for filing its Reply brief be reset to fifteen (15) days from the date of service of Apple's corrected response brief.

Finally, Microsoft believe this motion is appropriate for telephone disposition and will be contacting Apple's counsel and Interlocutory Attorney Ms. Cheryl Butler to schedule such a hearing.

DATED this 8th day of March, 2011.

Seed IP Law Group PLLC



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**CERTIFICATE OF SERVICE**

I, Annette Baca, hereby certify that the above **OPPOSER MICROSOFT CORPORATION'S MOTION TO STRIKE OVER LENGTH OPPOSITION BRIEF FILED BY APPLICANT APPLE INC.** was served on Opposer's counsel by depositing same with the U.S. Postal Service, first-class postage prepaid, on March 8, 2011, addressed as follows:

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