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

Proceeding	91122524
Party	Plaintiff X/OPEN Company Limited
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Date	08/08/2012
Attachments	91122524 Response to Suspension Inquiry.pdf ( 3 pages )(77192 bytes )

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

X/Open Company Limited,	)	
	)	
Opposer,	)	
	)	Opposition No.: 91122524
v.	)	Application No.: 75/680,034
	)	Mark: INUX
Wayne R. Gray,	)	
	)	
Applicant.	)	
_____	)	

**RESPONSE TO SUSPENSION INQUIRY**

Opposer X/Open Company Limited (“X/Open”) responds to the Board’s August 1, 2012 inquiry concerning the status of the civil action that occasioned the suspension of these proceedings: *Wayne R. Gray v. Novell, Inc., The SCO Group, Inc., and X/Open Company Limited*, Civil Action No. 8:06-cv-1950-T-33TGW, U.S. District Court for Middle District of Florida.

On February 20, 2009, the District Court (1) granted X/Open’s motion for summary judgment on all of Gray’s claims, ruling that X/Open is the lawful owner of the trademark UNIX (2) granted Novell, Inc.’s motion for summary judgment on several of Gray’s claims, and (3) denied Gray’s motion for summary judgment.

On March 16, 2009, Gray appealed summary judgment on the merits to the U.S. Court of Appeals for the Eleventh Circuit *Wayne R. Gray v. Novell, Inc., The SCO Group, Inc., and X/Open Company Limited*, Appeal No. 09-11374-C, and on January 7, 2011, the Eleventh Circuit affirmed the District Court decision in its entirety.

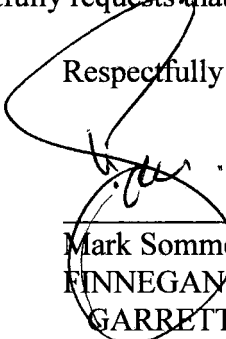
On June 28, 2010, the District Court granted X/Open’s motion for attorneys’ fees incurred in connection with Gray’s Florida RICO Act claims, deferring consideration of the amount of

X/Open's attorneys' fees pending the conclusion of Gray's appeal on the merits. After the District Court's decision on the merits was affirmed by the Eleventh Circuit, X/Open filed Motion for attorneys fees amount determination with the District Court on December 28, 2011. X/Open's motion (which has been fully briefed) remains pending decision by the District Court.

As such, Opposer respectfully requests that these proceedings remain suspended.

Respectfully submitted,

Dated: August 8, 2012



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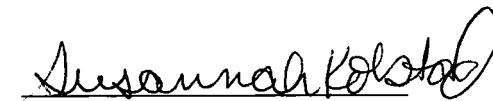
Attorneys for X/Open Company Limited

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the attached document, RESPONSE TO SUSPENSION INQUIRY, was served by U.S. Mail, First Class, postage prepaid, on August 8, 2012 on the following:

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