

ESTTA Tracking number: **ESTTA402086**

Filing date: **04/06/2011**

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

Proceeding	91122524
Party	Plaintiff X/OPEN Company Limited
Correspondence Address	EVAN A. RAYNES FINNEGAN HENDERSON FARABOW 901 NEW YORK AVENUE WASHINGTON, DC 20001-4413 UNITED STATES docketing@finnegan.com, nichelle.randolph@finnegan.com
Submission	Other Motions/Papers
Filer's Name	Mark Sommers
Filer's e-mail	mark.sommers@finnegan.com, naresh.kilaru@finnegan.com, docketing@finnegan.com, larry.white@finnegan.com
Signature	/Mark Sommers/
Date	04/06/2011
Attachments	Opposer's Response to Applicant's Notice of Case Status Change.pdf ( 3 pages ) (29730 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.	)	
_____	)	

**OPPOSER’S RESPONSE TO APPLICANT’S NOTICE OF CASE STATUS CHANGE**

Opposer X/Open Company Limited responds to Applicant Wayne Gray’s “Notice of Case Status Change” filed with the Board on March 24, 2011.

While the civil action that occasioned the suspension of the Board proceedings has been resolved in X/Open’s favor (*see* copy of Eleventh Circuit’s decision attached at Exhibit A), Applicant omits to mention in his notice that X/Open’s motions for attorneys’ fees are still pending before both the Florida district court and Eleventh Circuit Court of Appeals.

On June 28, 2010, the Florida district court granted X/Open’s entitlement to attorneys’ fees incurred with certain pleadings of Applicant that “lacked substantial legal and factual support.” On March 15, 2011, X/Open filed a memorandum supporting the amount of its requested attorneys’ fees. Further, X/Open moved the Eleventh Circuit on February 11, 2011 for certain appellate attorneys’ fees incurred with that appeal.

As such, X/Open respectfully requests that the present proceedings remain suspended until such time as the Florida district court and Eleventh Circuit proceedings are disposed in their entireties.

Respectfully submitted,

Dated: April 6, 2011

/Mark Sommers/  
Mark Sommers  
FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.  
901 New York Avenue, N.W.  
Washington, D.C. 20001-4413  
Telephone: 202-408-4000  
Facsimile: 202-408-4400

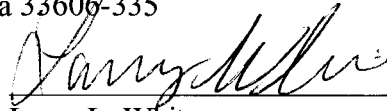
Attorneys for X/Open Company Limited

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the attached document, OPPOSER'S RESPONSE TO APPLICANT'S NOTICE OF CASE STATUS CHANGE, was served by U.S. Mail, First Class, postage prepaid, on April 6, 2011 on the following:

David L. Partlow, Esq.  
David L. Partlow, P.A.  
P.O. Box 82963  
Tampa, Florida 33682-2963

Mr. Wayne R. Gray  
2 Adalia Avenue, #706  
Tampa, Florida 33606-335



Larry L. White  
Legal Assistant