

**UNITED STATES PATENT AND TRADEMARK OFFICE**  
**Trademark Trial and Appeal Board**  
**2900 Crystal Drive**  
**Arlington, Virginia 22202-3513**

Mailed: March 2, 2004

Opposition No. 91123805

RKO PICTURES, INC.

v.

RKO CENTURY WARNER THEATRES,  
INC.

Nancy L. Omelko, Interlocutory Attorney:

This case now comes up for consideration of applicant's "communication" filed on February 17, 2004, requesting that the motion to strike, which applicant filed on August 31, 2001, be decided.

As background we note that on January 23, 2003, the Board acted on applicant's motion to strike by stating that the "motion to strike the notice of opposition is well taken only to the extent that this opposition should be dismissed in favor of the concurrent use proceeding at the appropriate time." The Board further indicated that proceedings herein would remain suspended pending the disposition of Opposition Nos. 91120565 and 91125220. Opposition No. 91120565 is still in the testimony periods; and Opposition No. 91125220 is suspended for settlement negotiations.

Accordingly, no action by the Board in this proceeding is needed.