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

RKO PICTURES, INC., )  
Opposer, )  
v. )  
RKO CENTURY WARNER THEATRES, INC., )  
Applicant. )



Opposition No. 123,805  
Serial No. 75/386,638  
Mark: RKO CENTURY WARNER  
THEATRES



03-10-2004

U.S. Patent & TMOft/TM Mail Rcpt Dt. #22

**REQUEST FOR CLARIFICATION OF MARCH 2, 2004**  
**RESPONSE FROM TRADEMARK TRIAL AND APPEAL BOARD**

Applicant has requested a motion to strike the above noted opposition on the basis that it should not have been instituted since it involves concurrent use parties. The Interlocutory attorney has suspended its decision on the motion pending the outcome of Opposition Proceeding Nos. 91120565 and 91125220. Applicant does not understand what bearing the outcomes of the above opposition proceedings have on the merits of Applicant's motion, or why the Board would wish to continue to maintain on its caseload docket an opposition proceeding that was improperly instituted through its error. To Applicant's knowledge, the Opposer in Proceeding No. 91120565 has no relation to the parties in this proceeding or Opposition No. 91125220.

Applicant maintains that, no matter what the outcome of the cited opposition proceedings, the present opposition proceeding should never have been instituted and, therefore, must be dismissed immediately and a concurrent use proceeding instituted.

Thereafter, the Board may consider it appropriate to suspend the concurrent use proceeding, although Applicant does not request such a suspension.

Respectfully submitted,

Date: March 10, 2004

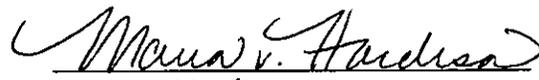
By: Maria v. Hardison

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**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing document was mailed, first-class, postage prepaid,  
this 10<sup>th</sup> day of March 2004, to:

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