

**UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451**

Mailed: August 19, 2005

Opposition No. 92041805

KYMSTA CORP.

v.

QUIKSILVER, INC.

**Peter Cataldo, Attorney:**

On June 15, 2005, the Board issued an order allowing the parties thirty days in which to inform the Board of the status of petitioner's appeal to the United States Court of Appeals for the Ninth Circuit of the decision of the United States District Court for the Central District of California in the civil action between the parties. Office records indicate no response thereto.

Therefore, the Board presumes that the appeal is concluded and will give consideration to registrant's "notice of judgment by the court and request for decision based on related civil action" filed on March 23, 2005. In that regard, the Board notes that respondent's March 23, 2005 filing is, in essence, a motion for summary judgment based upon the decision of the court in the civil action. The Board notes in addition that respondent's motion is fully briefed.

Accordingly, proceedings herein are suspended pending disposition of respondent's motion for summary judgment. Any paper filed during the pendency of this motion which is not relevant thereto will be given no consideration. See Trademark Rule 2.127(d).

The summary judgment motion will be decided in due course.