

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

In the matter of Application Serial No. 78-094,898  
Filed: November 25, 2001  
For the mark: DESIGN ONLY  
Published in the *Official Gazette* on April 8, 2003

TTAB

FOX ENTERTAINMENT GROUP, INC.

and

TWENTIETH CENTURY FOX FILM  
CORPORATION,

Opposers,

v.

IVY SILBERSTEIN,

Applicant.

Opposition No. 91157532

Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

**OPPOSERS' RESPONSE TO BOARD'S  
REQUEST FOR STATUS OF CIVIL ACTION**

Opposers FOX ENTERTAINMENT GROUP, INC. and TWENTIETH CENTURY  
FOX FILM CORPORATION (hereinafter collectively referred to as "Opposers" or  
"Defendants"), by and through their undersigned attorneys, hereby respond to the Board's order  
letter mailed March 27, 2007, to inform the Board of the current status of the civil Action (*Ivy  
Silberstein d/b/a Ivy Supersonic v. Fox, et al.* brought in the United States District Court for the

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Southern District of New York (Case No. 02-CV-1131 (RJH)) that occasioned the suspension of this proceeding.

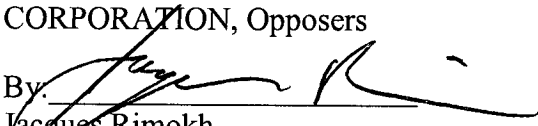
By Decision and Order dated July 19, 2004, the District Court granted Opposers' motion for summary judgment dismissing, among other claims, Applicant Silberstein's claims for trademark infringement with prejudice. The District Court held that Silberstein did not have a protectable SQRAT mark and that there was no confusion as to source.

Silberstein appealed the Order to the United States Court of Appeals for the Second Circuit (Docket No. 04-4401). The appeal has been fully briefed by all parties since January 2005. The Court of Appeals has scheduled oral argument on the appeal for May 29, 2007.

Respectfully submitted,


FOX ENTERTAINMENT GROUP, INC.  
and TWENTIETH CENTURY FOX FILM  
CORPORATION, Opposers

Dated: April 10, 2007

By:   
Jacques Rimokh  
Attorney for Opposers  
Loeb & Loeb LLP  
345 Park Avenue, 18<sup>th</sup> Floor  
New York, N.Y. 10154  
(212) 407-4000

CERTIFICATE OF SERVICE

I hereby certify that the foregoing OPPOSERS' RESPONSE TO BOARD'S REQUEST FOR STATUS OF CIVIL ACTION was served by U.S. Mail, postage pre-paid, Ivy Silberstein, One Irving Place P20I, New York, NY 10003, on this 10th day of April, 2007

  
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Jacques Rimokh