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Filing date: **12/06/2005**

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

Proceeding	91161439
Party	Defendant RKO Pictures, Inc. RKO Pictures, Inc. 1875 Century Park East, Suite 2140 Los Angeles, CA 90067
Correspondence Address	ANTHONY M. KEATS KEATS MCFARLAND & WILSON LLP 9720 WILSHIRE BLD., PENTHOUSE SUITE BEVERLY HILLS, CA 90212 kgatien@kmwlaw.com, akeats@kmwlaw.com
Submission	Other Motions/Papers
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Signature	/s/
Date	12/06/2005
Attachments	Petition to Reply - 91161439.pdf (3 pages)

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Loews Cineplex Theatres, Inc.,)	Opp. No.: 91161439
)	
Opposer,)	In re Application
)	Ser. No.: 76/402,255
v.)	Mark: RKO MAGIC, and design
)	Int'l Class: 041
RKO Pictures, Inc.)	
)	Published in the Official Gazette
Applicant.)	on March 23, 2004
_____)		

APPLICANT'S PETITION TO RESPOND TO

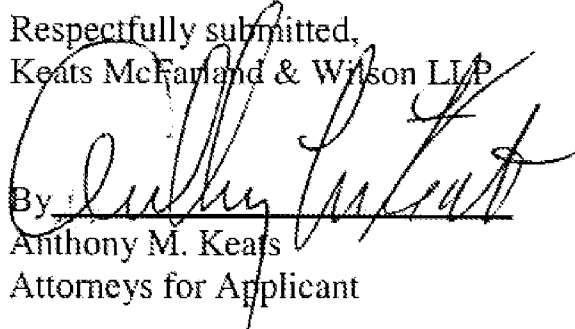
OPPOSER'S REPLY RE MOTION TO SUSPEND PROCEEDING

Applicant respectfully files this Petition for leave to respond to Opposer's Reply in order to bring to the Board's attention certain key misrepresentations and omissions of fact contained in Opposer's Reply. Specifically, Applicant wishes to address the facts that (1) Opposer did not send a settlement agreement to Applicant until *over 2 months after filing its Motion to Suspend*, (2) Applicant has yet to receive a substantive response from Opposer to its response to settlement of October 5, 2005, and (3) Opposer filed its Motion to Suspend within less than 24 hours of sending its request for a stipulation, before Applicant reviewed it, thus rendering a response from Applicant moot. Moreover, because Opposer failed to serve its Motion to Suspend on Applicant. The Board granted the requested suspension prior to Applicant becoming aware of the Motion and prior to Applicant filing its Opposition.

Applicant respectfully requests leave to submit a reply which accurately and fully sets forth

these facts before the Board so that the record is complete before a decision is rendered

Respectfully submitted,
Keats McFarland & Wilson LLP

By: 
Anthony M. Keats
Attorneys for Applicant

Dated: December 6, 2005

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing petition was mailed first class, postage prepaid, this 6th day of

December 2005, to:

Maria V. Hardison
Attorney for Opposer
Tassan & Hardison
4143 27th Street North
Arlington, VA 22207-5211

A handwritten signature in cursive script, reading "Darrell V. Orme", written over a horizontal line.

Darrell V. Orme