

**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**  
**Trademark Trial and Appeal Board**  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

**Mailed: July 17, 2002**

Cancellation No.92040052

BARNSTEAD/THERMOLYNE  
CORPORATION

v.

STERILE TECHNOLOGY  
INDUSTRIES, INC.

**Eric McWilliams, Legal Assistant**

On May 13, 2002, plaintiff filed with the Board a copy of its first set of interrogatories and a copy of its first requests for production of documents that were apparently served on counsel for applicant. However, requests for discovery, responses thereto, and materials or depositions obtained through the discovery process should not be filed with the Board except when submitted (1) with a motion relating to discovery; or (2) in support of or response to a motion for summary judgment; or (3) under a notice of reliance during a party's testimony period; or (4) as exhibits to a testimony deposition; or (5) in support of an objection to proffered evidence on the ground that the evidence should have been, but was not, provided in response to a request for discovery. The Board may return discovery papers or materials filed under other circumstances. See 37 CFR §2.120(j)(8); and TBMP §413 and authorities cited therein.

In view thereof, plaintiff is advised that the Board will accept the filing of discovery materials only in those instances outlined above.