

Exhibits

TAB

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

In the Matter of Registration No. 1,934,369  
Registration date: Nov. 7, 1995  
For the Mark: **BARBARA GERWIT**  
For: **clothing**

02 JUN 2002  
U.S. PATENT & TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEAL BOARD  
AH 8:23



05-31-2002

U.S. Patent & TMO/TM Mail Report 1/04

\_\_\_\_\_  
KCS-Miami, Inc.

Petitioner,  
vs.

Barbara Gerwit

Registrant  
\_\_\_\_\_

Cancellation No. 92,040,135

MOTION TO COMPEL REGISTRANT TO ANSWER  
DISCOVERY

COMES NOW, **Petitioner**, by and through its undersigned attorney, and hereby moves the Board, pursuant to 37 CFR Section 2.120 (e) and Section 523.01 of the TBMP, to Compel **Registrant**, to fully respond to **Petitioner's First Request For Production of Documents and Petitioner's First Set of Interrogatories** served on said party on February 28, 2002.

As of today, Registrant has not responded to this discovery. We deem necessary that Registrant submits answers, in order to fairly continue with these proceedings.

WHEREFORE Petitioner prays this Board for the issuance of an order compelling Registrant to comply with the propounded request.

Respectfully submitted,

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	)	
Barbara Gerwit	)	
	)	
Registrant	)	
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**MEMORANDUM OF LAW IN SUPPORT OF PETITIONER'S**  
**MOTION TO COMPEL REGISTRANT TO ANSWER DISCOVERY**

Petitioner, KCS-Miami, Inc., served its Request for Production of Documents and First Set of Interrogatories to Registrant on February 28, 2002. See Petitioner's Exhibit "3" herewith attached, corresponding to a complete copy of the documents served.

On May 30, 2002 Petitioner called Jorge Espinosa, attorney for Registrant, inquiring about the outstanding discovery. Mr. Espinosa stated that discovery would not be answered until the Board addressed