

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Mailed: September 14, 2002

Cancellation No. 92040135

KCS - MIAMI, INC

v.

GERWIT, BARBARA

Nancy L. Omelko, Interlocutory Attorney:

This case now comes up for consideration of the following contested motions:

- 1) Respondent's contested motion (filed May 2 2002) to extend its time to file responses to discovery or, in the alternative, to stay proceedings pending resolution of court action;¹ and
- 2) Petitioner's contested motion (filed May 31, 2002) to compel discovery.

Both parties have filed responses to the other party's motion. We turn first to respondent's contested motion to suspend proceedings pending the outcome of Civil Action No. 02-CIV-20543 between the parties herein before the United States District Court for the Southern District of Florida.

It is the policy of the Board to suspend proceedings when the parties are involved in a civil action which may be dispositive of or have a bearing on the Board case. See Trademark Rule 2.117(a). It is the view of the Board that

¹ We note the appearance of Jorge Espinosa for the firm of Sandler, Travis & Rosenberg, P.A. on behalf of respondent.

the outcome of the motion before the United States District Court for the Southern District of Florida may be dispositive or have a bearing on the Board case.

Accordingly, proceedings are suspended pending final disposition of the civil action between the parties. Decision on petitioner's contested motion to compel and respondent's contested motion to extend respondent's time to respond to discovery is deferred.

Within twenty days after the final determination of the civil action, the interested party should notify the Board so that this case may be called up for appropriate action. During the suspension period the Board should be notified of any address changes for the parties or their attorneys.

If proceedings herein are subsequently resumed, the Board will resuspend proceedings to consider petitioner's contested motion to compel and respondent's contested motion to extend respondent's time to respond to discovery.