

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: March 17, 2005

Cancellation No. 92040135

KCS - MIAMI, INC

v.

GTA APPAREL GROUP, INC. and
GERWIT, KEN, joined as party
defendant

Nancy L. Omelko, Interlocutory Attorney:

As a preliminary matter we note that the petition to cancel was filed on December 4, 2001; that the cancellation proceeding was instituted on January 14, 2002 against Barbara Gerwit who was not the owner of the involved registration at that time because she had assigned the mark to GTA Apparel Group, Inc. on January 13, 1998; and that on October 17, 2001, GTA Apparel Group, Inc. assigned the rights in the mark to Ken Gerwit. Accordingly, the caption is amended as shown above.

On September 15, 2004, the Board allowed the parties time in which to inform the Board of the status of the civil action which occasioned the suspension of the proceeding herein, failing which the Board would resume proceedings and act on the pending motions.

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On October 15, 2004, respondent indicated that the parties reached an agreement. The Board suspended proceedings in order to allow time for the paperwork documenting the earlier settlement to be submitted.

If the parties have settled this matter, submission of the settlement agreement is not required. Accordingly, the parties are allowed until **thirty days** to notify the Board of the disposition of this case. In other words, the parties must indicate whether the opposition will be dismissed with or without prejudice; and/or whether or not the registration will be cancelled; and/or some other language that reflects the resulting rights of the parties.