

**Exhibit**



01-24-2003

U.S. Patent & TMO/TM Mail F

**In The United States Patent and Trademark Office  
Trademark Trial and Appeal Board**

Our Ref: 1092-029.001

In the Matter of:  
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A.J. Boggs & Company

Petitioner

Trademark: 911.NET

v.

Registration No. 2551269

General Electric Capital Corporation  
Intrado Inc.

Cancellation No. 040559

Registrant

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Trademark Trial and Appeal Board  
Assistant Commissioner of Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

**MOTION TO COMPEL**

Now comes, Gordon E. R. Troy, Esq. of the firm Gordon E. R. Troy, PC, attorney for Registrant, seeking a motion to compel the production of documents and answer of interrogatories addressed to the Petitioner. Registrant states the following factual background:

1. On November 25, 2002 Registrant served its First Discovery Requests upon Petitioner. Annexed hereto as Exhibit 1 are the Requests for Production consisting of Interrogatories, Requests to Admit and Document Requests along with Registrant's counsel's cover letter and a proposed Stipulated Protective Order for the disclosure of confidential and/or proprietary information.
2. Petitioner responded to Registrant's First Discovery Requests on December 31, 2002, and a copy of the response is annexed hereto as Exhibit 2. As of this date, petitioner has not provided any documents responsive to registrant's requests.

3. On January 14, 2003, Registrant's counsel sent correspondence to Petitioner's counsel advising of the reasons why the responses were defective. A copy of the January 14, 2003 correspondence is annexed hereto as Exhibit 3.

Registrant states the following basis in support of its motion to compel.

4. Petitioner claims that the total number of interrogatories exceed 75. Registrant has calculated the total number of interrogatories at 67, well within the rules of the Board. Under *37 CFR 2.120(d)(1)* and *TBMP 406.03(e)*, a "party must, within the time for (and instead of) serving answers and specific objections to the interrogatories, serve a general objection on the ground of their excessive number." Petitioner did not comply with the foregoing rule. Accordingly, any objection it has to the number of interrogatories is incorrect. Furthermore, the total number of interrogatories are not excessive, as provided by the rules, and accordingly, the Petitioner should be required to answer all of the interrogatories, without objection.
5. Petitioner has made baseless objections in the answers it did give and has failed to comply with its discovery obligations in this case.
6. Registrant provided petitioner's counsel with a proposed Stipulated Protective Order in order to deal with the likely disclosure of proprietary information. Registrant has not provided petitioner with certain information at this point due to its proprietary nature.
7. Registrant is well aware of the requirements of the Board to seek resolution of all discovery issues prior to making an application with the TTAB. In that regard, registrant sent its letter of January 14, 2003, and has yet to receive any reply to its correspondence. *See 37 CFR 2.120(d)(1)* and *2.120(e)*
8. Petitioner's testimony period closes February 24, 2003 and accordingly opens January 25, 2003. Therefore, this motion is timely filed as provided in *37 CFR 2.120(e)(1)*.

9. Accordingly, registrant requests that petitioner be compelled to answer all of its discovery requests as shown in the attached Exhibit 1.

### EXPRESS MAILING CERTIFICATION

"Express Mail" mailing label number : EV098570429US  
Date of Deposit : January 24, 2003

I hereby certify that this *Motion to Compel* and any attachments are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to the Assistant Commissioner of Trademarks 2900 Crystal Drive Arlington, VA 22202-3513.

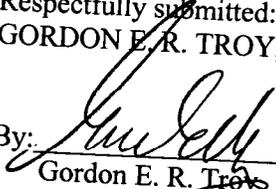
### Certificate of Service

The undersigned hereby certifies that a copy of the foregoing *Motion to Compel* has been served on counsel for Petitioner by depositing same with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to:

Jeffrey A. Sadowski, Esq.  
Howard & Howard Attorneys, PC  
4265 Okemos Rd Ste D  
Odemos, MI 48864-3285

on January 24, 2003.

Respectfully submitted:  
GORDON E. R. TROY, PC

By:   
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*Practice Exclusively in the area of Intellectual Property Law  
and Information Technology Matters*

Admitted in:  
Vermont, Illinois,  
New York, and  
District of Columbia

January 24, 2003

Assistant Commissioner of Trademarks  
Trademark Trial and Appeal Board  
2900 Crystal Drive  
Arlington, VA 22202-3513



01-24-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #01

Re: A.J. Boggs & Company v. General Electric Capital Corporation  
Trademark: 911.NET  
Registration No. 2551269  
Cancellation No. 040559  
Our Ref : 1092-029.001

Dear Assistant Commissioner:

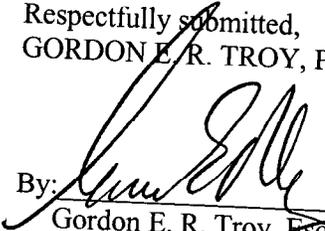
Kindly acknowledge and confirm receipt of the enclosed  
Motion to Compel  
by stamping and returning the self addressed stamped post card.

**EXPRESS MAILING CERTIFICATION**

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Respectfully submitted,  
GORDON E. R. TROY, PC

By:   
Gordon E. R. Troy, Esq.  
Attorney for Registrant