

has not responded during the time required for a response and has not otherwise requested or moved for an enlargement of the time to respond.

If a party fails to respond to interrogatories or fails to produce inspection and copying of any document or, thus, the party seeking discovery may file a motion to compel answers and production (37 C.F.R. § 2.120(e)(1).

Opposer, by its present motion, has timely moved for relief and includes copies of the discovery which it propounded to applicant.

Opposer's undersigned counsel states that a good faith effort, by correspondence, has been made to resolve the issues presented by this motion and that they have been unable to reach an agreement resolving such issues.

Dated: December 31, 2002

Respectfully submitted,



Angelo Notaro
John Zaccaria
Attorneys for Opposer
(845) 359-7700

Notaro & Michalos P.C.
100 Dutch Hill Road, Suite 110
Orangeburg, N.Y. 10962-2100

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing **MOTION TO COMPEL DISCOVERY** has been served upon Applicant's attorney via first class mail, postage prepaid, this 31st day of December, 2002 addressed to:

Norton R. Townsley, Esq.
Belasco Jacobs & Townsley, LLP
100 Corporate Pointe
Suite 300
Culver City, CA 90230.

