



Attorney Docket: 080437.92129US
BOX - TTAB - NO FEE

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

HAGIE MANUFACTURING CO.,)
)
Opposer,)
)
v.)
)
BAYERISCHE MOTOREN WERKE)
AKTIENGESELLSCHAFT)
)
Applicant.)
)

Opposition No.: 91158034
Application No.: 76/454,861
Mark: XDRIVE



02-19-2004
U.S. Patent & TMOt/TM Mail Rcpt Dt. #22

APPLICANT'S MOTION FOR AN ORDER TO COMPEL DISCOVERY

Applicant, by its attorney, hereby requests an order to compel Opposer to produce and permit the inspection and copying of the documents requested in Applicant's First Request of Opposer for Production of Documents and Things by the Trademark Trial and Appeal Board.

Applicant's First Request, a true copy of which is attached hereto including the Certificate of Service, was served via First Class Mail on November 20, 2003. Subsequently, Opposer's attorney, Mr. Brett Trout, contacted the undersigned by telephone and requested an extension of the deadline to respond from December 25, 2003 until January 9, 2004. The undersigned granted Mr. Trout's request, but has since received no further correspondence in relation to this discovery request.

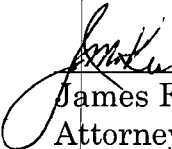
The undersigned has made a good faith effort, by correspondence, to resolve this issue with the Applicant's attorney, but received no response to either of the two written requests faxed to Mr. Trout on January 22, 2004 and February 11, 2004, respectively.

Accordingly, Applicant hereby requests that the Board compel the Opposer to respond to Applicant's outstanding discovery request.

Respectfully submitted,

BAYERISCHE MOTOREN WERKE
AKTIENGESELLSCHAFT

February 19, 2004



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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing APPLICANT'S MOTION FOR AN ORDER TO COMPEL DISCOVERY was served on counsel for the Opposer, this 19th day of February, 2004, by sending same via facsimile to 515-883-2983 and First Class Mail, postage prepaid, to:

Brett J. Trout, Esq.
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Rebecca C. Swan