

Cancellation No. 32,146
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Petitioner disagrees. Both the instant cancellation and the law suit centers around registrant's use of "TBC." First, the instant cancellation action deals with Registration Number 2, 372,585 for "TBC Herrington's Teddy Bear Club." (emphasis mine.) That registration number is itemized in paragraph 21 of the Complaint. The instant Cancellation Petition is based *solely* on Registrant's adoption of "TBC" in conjunction with the sale of stuffed animals.

Second, "TBC" is the mark being sued over in Federal Court in Pennsylvania (see paragraphs 31-32 of the Complaint.) It is the Registrant's use of TBC in its registrations and at common law which prompted Petitioner to file both the cancellation proceeding and the law suit.

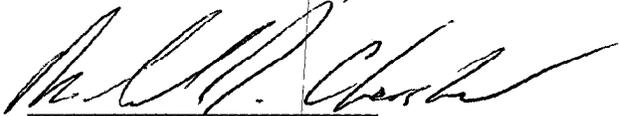
Both the Cancellation Petition and the lawsuit contend that the Registrant has no right to use TBC because of The Boyds Collection's (referred through out the industry as TBC) senior use. If Petitioner is successful in federal court, it necessarily follows that Registrant has no right to use any registration embodying the mark "TBC" dealing with stuffed animals.

In summary, Registrant's prominent display of TBC on several of its registered trademarks and at common law is the primary reason for filing of the Pennsylvania suit. Petitioner respectfully requests that the Board grant the Motion to Suspend.

Dated: January 21, 2003

Respectfully Submitted,

THE BOYDS COLLECTION, LTD.

By: 

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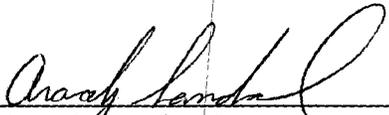
CERTIFICATE OF SERVICE

I hereby certify that on January 21, 2003, I served a copy of the foregoing **PETITIONER'S REPLY OF REGISTRANT'S RESPONSE TO PETITIONER'S MOTION TO SUSPEND** upon Registrant's Counsel of record, by mailing a true and correct copy thereof via Certified First Class Mail by the United States Postal Service to the following address:

Elizabeth Moreno McArthur, Esq.
SQUIRE SANDERS & DEMPSEY L.L.P.
1 Maritime Plaza, Suite 300
San Francisco, CA 94111

Dated: January 21, 2003

By:


Aracely Sandoval

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CERTIFICATE OF MAILING BY EXPRESS MAIL ET835049261US (Express Mailing Label No.)

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 C.F.R. 1.10 on January 21, 2003 and is addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia, 22202-3513.

Aracely Sandoval
Name of Representative

Aracely Sandoval
Signature

01/21/03
Date of Signature