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



08-07-2003

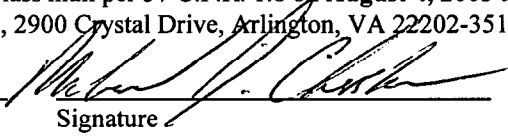
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08/14/03/2003TTAB

Mars, Incorporated, )  
 )  
 Opposer, )  
 )  
 v. ) Serial No.: 76/240,252  
 )  
 ) Opposition No.: 91156905  
 )  
 The Boyds Collection, Ltd., )  
 )  
 Applicant. )  
 )

**CERTIFICATE OF MAILING** I hereby certify that this correspondence is being deposited with the United States Postal Service via first class mail per 37 C.F.R. 1.8 on **August 4, 2003** and is addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3514, Box TTAB NO FEE.

Michael J. Cherskov  August 4 2003  
 Name of Representative Signature Date of Signature

ANSWER

NOW COMES Applicant, THE BOYDS COLLECTION, LTD., by and through its attorneys CHERSKOV & FLAYNIK, located at 20 N. Wacker Drive, Suite 1447, Chicago, Illinois, in Answer to Opposer's NOTICE OF OPPOSITION, and states as follows:

1. Applicant lacks sufficient knowledge to either admit or deny the allegations in ¶ 1 and demands strict proof thereof.
2. Applicant lacks sufficient knowledge to either admit or deny the allegations in ¶ 2 and demands strict proof thereof.
3. Applicant lacks sufficient knowledge to either admit or deny the allegations in ¶ 3 and demands strict proof thereof.
4. Paragraph 4 is admitted as to any information of the public record. Applicant denies the remaining allegations in ¶ 4 and demands strict proof thereof.
5. Applicant lacks sufficient knowledge to either admit or deny the allegations in ¶ 5 and demands strict proof thereof.

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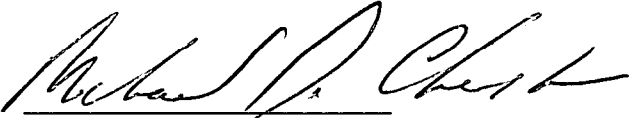
- 6. Applicant denies the allegations in ¶ 6 and demands strict proof thereof.
- 7. Applicant denies the allegations in ¶ 7 and demands strict proof thereof.
- 8. Applicant denies the allegations in ¶ 8 and demands strict proof thereof.
- 9. Applicant denies the allegations in ¶ 9 and demands strict proof thereof.
- 10. Applicant denies the allegations in ¶ 10 and demands strict proof thereof.

**Affirmative Defenses**

- 1. Applicant's use of the mark UNCLE BEAN'S HUGGLE-FLUFFS is not confusingly similar to Opposer's mark UNCLE BEN'S because:
  - a. The marks are not confusingly similar;
  - b. The goods of the Applicant and the Opposer are noncompetitive and unrelated;
  - c. The Applicant's goods are sold in channels of trade remote from those utilized by Opposer.
- 2. Opposer's claim is barred by laches, estoppel, or acquiesce in bringing or maintaining the present cancellation action.

Respectfully submitted,

**THE BOYDS COLLECTION, LTD.**

By: 

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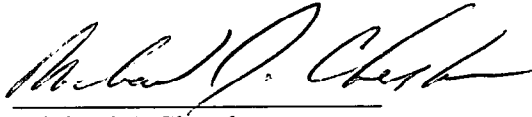
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Mars, Inc. v. The Boyds Collection, Ltd.  
Answer (Opposition No.: 91156905)  
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**CERTIFICATE OF SERVICE:**

I, Michael J. Cherskov, hereby certify that a true and correct copy of the Applicant's ANSWER was served upon Timothy J. Kelly, Esq., of FITZPATRICK, CELLA, HARPER & SCINTO, located at 30 Rockefeller Plaza, New York, New York 10112 via United States First Class Mail on this 4th day of August, 2003.

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