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

THE PEP BOYS MANNY, MOE & JACK OF CALIFORNIA		
Opposer,	**Opposition No.**	**91158786**
	Mark:	**FUTURE**
	Serial No.	**76 – 299,227**
v.		
KENT G. ANDERSON		
Applicant		

03-12-2004

U.S. Patent & TMOfc/TM Mail Rcpt Dt. #2

MOTION TO ACCEPT UNTIMELY ANSWER TO NOTICE OF OPPOSITION

Applicant, Kent G. Anderson, hereby requests that the Board accept this answer to the notice of opposition, even though it is being filed more than 40 days after the opposition proceeding was instituted. The answer is being submitted herewith.

1. Applicant's counsel contacted the opposer's counsel in early January, 2004 to discuss possible settlement. It was the understanding of Applicant's counsel that a proposal from opposer's counsel would be forthcoming prior to the time the answer was due.

2. This opposition is one of seven now pending between the parties.

3. A docketing error, in part occasioned by the large number of oppositions being handled simultaneously for the Applicant against this opposer, caused a timely answer not to be filed.

4. Applicant is also filing on this date a Motion to Consolidate the seven opposition proceedings, to save the Board and the parties, significant time and expense.

5. In each of the other oppositions, timely answers were filed.

6. The opposer will not be harmed or prejudiced if this motion is granted.

WHEREFORE Applicant requests that the Board accept the late-filed answer to the notice of opposition.

Respectfully submitted,

KENT G. ANDERSON

March 10, 2004
Date

By: Paul E. Fahrenkopf

Paul E. Fahrenkopf
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served on Marsha G. Gentner, Jacobson Holman PLLC, 400 Seventh Street, NW, Washington, DC 20004, on this 10th day of March, 2004, by first class mail, postage prepaid.

CERTIFICATE OF MAILING

I hereby certify that the foregoing Motion to Accept Untimely Answer to Opposition No. 91158786 has been deposited with the U.S. Postal Service with sufficient postage as first class mail, addressed to Trademark Trial and Appeal Board, 2900 Crystal Drive, Arlington, Virginia 22202- 3514 on this 10th day of March, 2004.

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KENT G. ANDERSON		
Applicant		

ANSWER TO NOTICE OF OPPOSITION

Applicant, Kent G. Anderson, hereby answers the Notice of Opposition as follows:

1. Applicant is without knowledge sufficient to form a belief as to the truth or falsity of the allegations of paragraph 1 of the Notice, and hereby denies the same.

2. Applicant is without knowledge sufficient to form a belief as to the truth or falsity of the allegations of paragraph 2 of the Notice, and hereby denies the same

3. Applicant is without knowledge sufficient to form a belief as to the truth or falsity of the allegations of paragraph 3 of the Notice, and hereby denies the same.

4. Applicant is without knowledge sufficient to form a belief as to the truth or falsity of the allegations of paragraph 4 of the Notice, and hereby denies the same.

5. Applicant admits that he filed an application for registration of the mark FUTURE on August 15, 2001 for the services referenced in the Notice. Applicant denies the other allegations of paragraph 5.

6. Denied.

7. Denied.

8. Denied.

9. Denied.

10. Denied.

WHEREFORE, the Notice of Opposition should be denied.

Respectfully submitted,

KENT G. ANDERSON

March 10, 2004
Date

By: Paul E. Fahrenkopf

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Paul E. Fahrenkopf