

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

AVON PRODUCTS, INC.,)
Petitioner,)
v.) Cancellation No. ~~27,417~~
HERSHY THE TIN MAN) 27,416
Respondent.)

Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3514

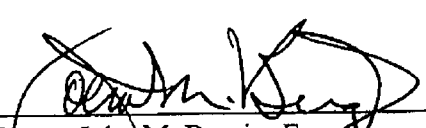
**REVOCATION OF POWER OF ATTORNEY
AND APPOINTMENT OF POWER OF ATTORNEY**

Dear Sir/Madam:

Petitioner Avon Products, Inc. hereby revokes all previous powers of attorney and appoints William R. Golden, Jr., and Michelle M. Graham, members of the Bar of the State of New York, of the firm of KELLEY DRYE & WARREN LLP, 101 Park Avenue, New York, New York 10178, as its attorneys, with full powers of substitution and revocation, in the above-referenced cancellation proceeding and to transact all business in the Patent and Trademark Office before the Trademark Trial and Appeals Board in connection therewith. Please address all communications in this matter to Michelle M. Graham, Esq. of said firm.

September 18, 2003

Avon Products, Inc.


Name: John M. Bergin, Esq.
Title: Chief Trademark Counsel

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

AVON PRODUCTS, INC.,)
 Petitioner,)
 v.) Cancellation No. 27,417
)
HERSHY THE TIN MAN)
 Respondent.)

Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3514

Dear Sir/Madam:

In response to the Board's status inquiry dated August 22, 2003 in connection with the above-referenced cancellation proceeding, Petitioner Avon Products, Inc. ("Petitioner") respectfully informs the Board that the civil action which occasioned the suspension of this proceeding, namely, *Hershy The Tin Man v. Avon Products, Inc.*, No. CV 97-7-M-LBE filed in the United States District Court for the District of Montana was dismissed on June 25, 2001.

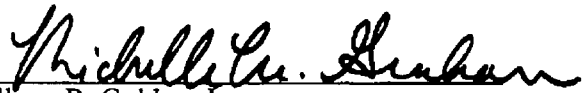
Pursuant to a Settlement Agreement, Respondent Hershy The Tin Man ("Respondent") surrendered for cancellation its Registration No. 1,856,533 on February 27, 2002. Accordingly, that registration was cancelled on October 9, 2002. (*See* Exh. A hereto).

Based on the foregoing, Petitioner respectfully requests that judgment in the instant proceeding be entered against Respondent.

September 22, 2003

Respectfully submitted,

KELLEY DRYE & WARREN LLP
Attorneys for Petitioner
AVON PRODUCTS, INC.

By: 
William R. Golden, Jr.
Michelle M. Graham
101 Park Avenue
New York, New York 10178
(212) 808-7800

A



UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Electronic Search System (TESS)

TESS was last updated on Sat Sep 20 04:20:28 EDT 2003

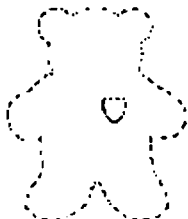
PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	BOTTOM	HELP	PREV LIST
CURR LIST	NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC				

Logout Please logout when you are done to release system resources allocated for you.

Start List At: OR **Jump** to record: **Record 1 out of 4**

Check Status

(TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)



Goods and Services (CANCELLED) IC 006. US 050. G & S: metal figurines for various decorative uses.
FIRST USE: 19850501. FIRST USE IN COMMERCE: 19850501

Mark Drawing Code (2) DESIGN ONLY

Design Search Code 021101 030114 030124 210111

Serial Number 74422225

Filing Date August 9, 1993

Published for Opposition April 19, 1994

Change In Registration CHANGE IN REGISTRATION HAS OCCURRED

Registration Number 1856533

Registration Date October 4, 1994

Owner (REGISTRANT) **Hershy the Tin Man** composed of Dennis J. Hershberger and Jerri E. Hershberger, both U.S. citizens PARTNERSHIP MONTANA 1200 Eastside Highway Corvallis MONTANA 59828

Attorney of Record DOROTHY L. BROWNLOW

Description of Mark The mark consists of the design of a heart ON A METAL figurine. The dotted lines are not part of the mark but serve only to show the location of the mark on one of the figurines, and no claim is made to the shape of the figurine shown.

Type of Mark TRADEMARK

Register PRINCIPAL-2(F)

Live/Dead Indicator DEAD

Cancellation Date October 9, 2002

PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	Browse Dict	TOP	HELP	PREV LIST
CURR LIST	NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC				

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2003-09-22 15:51:47 ET

Serial Number: 74422225

Registration Number: 1856533

Mark



Current Status: Registration canceled under Section 7.

Date of Status: 2002-10-09

Filing Date: 1993-08-09

Registration Date: 1994-10-04

Law Office Assigned: TMEO Law Office # 07

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -Warehouse (Newington)

Date In Location: 2002-10-09

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Hershy the Tin Man

Composed Of:

composed of Dennis J. Hershberger and Jerri E. Hershberger, both U.S. citizens

Address:

Hershy the Tin Man
1200 Eastside Highway
Corvallis, MT 59828
United States

Legal Entity Type: Partnership

State or Country Where Organized: Montana

GOODS AND/OR SERVICES

metal figurines for various decorative uses

International Class: 006

First Use Date: 1985-05-01

First Use in Commerce Date: 1985-05-01

Basis: 1(a)

ADDITIONAL INFORMATION

Description of Mark: The mark consists of the design of a heart ON A METAL figurine. The dotted lines are not part of the mark but serve only to show the location of the mark on one of the figurines, and no claim is made to the shape of the figurine shown.

PROSECUTION HISTORY

2002-10-18 - PAPER RECEIVED

2002-10-09 - Canceled Section 7 - total surrender

2002-02-27 - Section 7 total surrender filed

2002-02-27 - Section 7 total surrender filed

1998-03-30 - Cancellation instituted for Proceeding

1996-04-12 - Section 7 correction issued

1995-08-17 - Response received for Post Registration action

1995-07-28 - Post Registration action mailed - Section 7

1995-02-24 - Section 7 amendment filed

1994-10-04 - Registered - Principal Register

1994-04-19 - Published for opposition

1994-03-18 - Notice of publication

1994-02-02 - Approved for Pub - Principal Register (Initial exam)

1994-01-24 - Examiner's amendment mailed

1994-01-03 - Case file assigned to examining attorney

CONTACT INFORMATION

Correspondent (Owner)

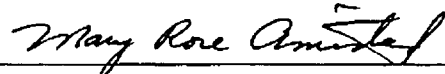
DOROTHY L. BROWNLOW (Attorney of record)

HERSHY THE TIN MAN
DENNIS J. HERSHBERGER
1200 EASTSIDE HIGHWAY, CORVALLIS,
MT 59828
United States

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Revocation of Power of Attorney and Response to Status Inquiry Dated August 22, 2003 has been served upon Respondent's attorney, Shane A. Vannatta, Esq. of Worden, Thane & Haines, P.C. at 111 N. Higgins Avenue, Suite 600, P.O. Box 4747, Missoula, MT 59806, the address designated by said attorney for that purpose by depositing a true copy thereof with the United States Postal Service as first-class mail on September 22, 2003.

Dated: September 22, 2003



Mary Rose Amistad

CERTIFICATE OF MAILING

EXPRESS MAIL LABEL NO: EU 947769793 US

DATE OF DEPOSIT: September 22, 2003

The undersigned hereby certifies that the foregoing Revocation of Power of Attorney and Response to Status Inquiry Dated August 22, 2003 is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3514.



Mary Rose Amistad

TTAB

KELLEY DRYE & WARREN LLP

A LIMITED LIABILITY PARTNERSHIP

101 PARK AVENUE

NEW YORK, NEW YORK 10178

(212) 808-7800

FACSIMILE

(212) 808-7897

www.kelleydrye.com

DIRECT LINE (212) 808-5127

E-MAIL: mgraham@kelleydrye.com

WASHINGTON, DC

TYSONS CORNER, VA

CHICAGO, IL

STAMFORD, CT

PARSIPPANY, NJ

BRUSSELS, BELGIUM

HONG KONG

AFFILIATE OFFICES

BANGKOK, THAILAND

JAKARTA, INDONESIA

MUMBAI, INDIA

TOKYO, JAPAN

September 22, 2003

VIA EXPRESS MAIL

Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3514


Re: Cancellation No. 27,417
27416

Dear Sir or Madam:

On behalf of Petitioner Avon Products, Inc., we enclose a Revocation of Power of Attorney and Appointment of Power of Attorney as well as a Response to the Board's Status Inquiry Dated August 22, 2003 in the above-captioned proceeding.

Please acknowledge receipt of same by stamping and returning the enclosed self-addressed postcard.

Very truly yours,



Michelle M. Graham

Enclosures



09-24-2003

U.S. Patent & TMO/c/TM Mail Rpt Dt. #77

NY01/GRAHM/866688.1