

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

**IN THE MATTER OF TRADEMARK REGISTRATION NO. 2,382,866
Registered September 5, 2000**

BOYDS COLLECTION, LTD.
Petitioner,

v.

HERRINGTON & COMPANY, INC.
Registrant.

Cancellation No. 32,282

CERTIFICATE OF MAILING BY FACSIMILE AND 1ST CLASS MAIL

I hereby certify that pursuant to 37 C.F.R. §§1.6 and 1.8 this correspondence is being faxed to TTAB Attorney Nancy Omellco at 703-746-7111 and also deposited with the United States Postal Service as First Class Mail on the date indicated below, addressed to The U.S. Trademark Trial and Appeal Board, 2900 Crystal Drive, Arlington, VA, 22202-3513.

February 20, 2003

(Date of Facsimile and Mailing)

Aracely Sandoval
Name of Representative

Aracely Sandoval
Signature

02/20/03
Date of Signature

PETITIONER'S REQUEST TO RESUME

Petitioner, The Boyds Collection, Ltd. (hereafter "Boyds" or "Petitioner") hereby requests that the Trademark Trial and Appeal Board resume the instant cancellation proceedings against Respondent, Herrington & Company, Inc. In support of its motion, Petitioner states as follows:

1. Petitioner filed Petition to Cancel on June 26, 2001.
2. Petitioner filed a federal suit on December 5, 2002 in U.S. District Court in the Middle District of Pennsylvania against the Respondent.

Cancellation No. 32,282

Request to Resume

Page -2-

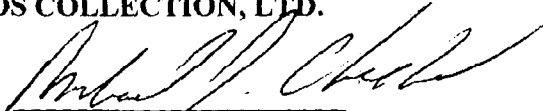
3. In light of the filing of the federal suit, Petitioner moved to suspend these Cancellation proceedings on December 9, 2002. That Motion to Suspend has been briefed by the parties but not ruled upon by the TTAB.
4. Petitioner voluntarily dismissed its Pennsylvania law suit on February 7, 2003, and provided Respondent with notice of said dismissal.
5. Respondent filed a Request of Judicial Notice of said dismissal on February 13, 2003.

In light of the foregoing, Petitioner requests resumption of the Cancellation proceeding.

Dated: February 20, 2003

Respectfully Submitted,
BOYDS COLLECTION, LTD.

By:



Michael J. Cherskov
CHERSKOV & FLAYNIK
20 N. Wacker Drive, Suite 1447
Chicago, IL 60606
O: (312) 621-1330
Attorney for Petitioner

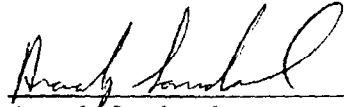
Cancellation No. 32,282
Request to Resume
Page -3-

CERTIFICATE OF SERVICE

I hereby certify that on February 20, 2003, I served a copy of the foregoing Petitioner's Request to Resume upon Respondent Herrington and Company's counsel of record Elizabeth Moreno McArthur, by mailing a true and correct copy thereof via Certified First Class U.S. Mail to the following address:

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

Dated: February 20, 2003

By: 
Aracely Sandoval

CHERSKOV & FLAYNIK

LAWYERS

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FACSIMILE TRANSMITTAL FORM

Date: 2/20/03

Time Sent: 12:15 p.m.

Total Pages Transmitted 4 (including this page)

TO:

Name: Nancy Omelko (Ext. 239)

Company: TTAB

Telecopy No.: (703) 746-7111

REMARKS:

Transmitted herewith is a
Petitioner's Request to Resume

FROM:

Attorney: _____

Operator: Aracely Sandoval

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THANK YOU FOR YOUR COOPERATION