

3. As a final good faith effort to bring forth a settlement and as a professional courtesy, Petitioner notified Registrant on April 30, 2003 that Petitioner intends to file the instant Motion to Resume Cancellation Proceedings on May 7, 2003. Attached hereto as Exhibit 3 is a copy of the April 30, 2003 letter sent to Respondent via facsimile.

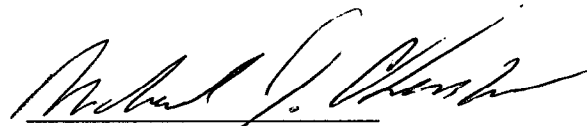
4. Since Petitioner's filing of the Agreed Motion to Suspend the Discovery Period, on January 9, 2003, Petitioner has received no communication from Respondent.

WHEREFORE, Petitioner respectfully request that the Trademark Trial and Appeal Board order a resumption of the instant cancellation proceeding.

Respectfully Submitted,

CHERSKOV & FLAYNIK

By:



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

Date: May 7, 2003

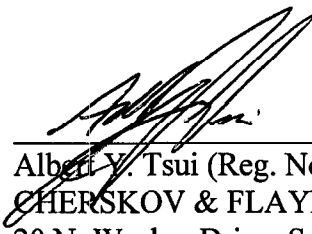
CERTIFICATE OF SERVICE:

I hereby certify that on May 7, 2003, I served a copy of Petitioner's Motion to Resume Cancellation Proceedings upon Registrant's counsel of record, Marsha G. Gentner, Esq., of Jacobson Holman PLLC by mailing a true and correct copy thereof by postage prepaid First Class United States Mail to the following address:

Marsha G. Gentner, Esq.
JACOBSON HOLMAN
400 Seventh Street, N.W.,
Washington, D.C., 20004

Dated: May 7, 2003

By:


Albert Y. Tsui (Reg. No. 51,066)
CHERSKOV & FLAYNIK
20 N. Wacker Drive, Suite 1447
Chicago, IL 60606
(312) 621-1330

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service on May 7, 2003 with sufficient postage as first class mail per 37 CFR §1.8 in an envelope addressed to: Trademark Trial and Appeal Board, 2900 Crystal Drive, Arlington, VA 22202-3513.

Albert Y. Tsui
Name of Sender


(Signature of Albert Y. Tsui)

May 7, 2003
(Date of Signature)

CHERSKOV & FLAYNIK

LAWYERS

THE CIVIC OPERA BUILDING
20 NORTH WACKER DRIVE
CHICAGO, ILLINOIS 60606
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TELEPHONE (312) 621-1330

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December 30, 2002

Via Facsimile 202-393-5350
(One Page - Original to Follow)

Ms. Marsha G. Gentner, Esquire
c/o JACOBSON HOLMAN
400 Seventh Street, N.W.
Washington, D.C. 20004-2218

Re: Boyds Collection, Ltd. v. James M. Owens
Cancellation No. 40,811 "BEARS & HARES"
Our Reference Nos.: 0107/01185

Dear Ms. Gentner:

As a follow up to our December 19, 2002 letter, we inquire as to whether your client has had the opportunity to review our submitted specimens regarding our senior use of the above-identified mark. Please advise.

Please also advise as to whether you are amenable to our December 19, 2002 proposed consent motion to suspend the TTAB proceeding in this matter. If we do not hear from you by **January 7, 2003**, we will assume that you do not agree with filing a consent motion and we will proceed with filing a motion to suspend on behalf of the petitioner only.

Regards,



Michael J. Cherskov
MJC/ayt

CHERSKOV & FLAYNIK

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February 4, 2003

Via Facsimile 202-393-5350
(3 Pages--Original to Follow)

Marsha G. Gentner, Esq.
c/o JACOBSON HOLMAN
400 Seventh Street, N.W.
Washington, D.C. 20004-2218

Re: Boyds Collection, Ltd. v. James . Owens
Cancellation No. 40,811 "BEARS & HARES"
Our Reference No.: 0107/01185

Dear Ms. Gentner:

As a follow up to our December 19, 2002, and December 30, 2002 letters to you, and reiterating our January 16, 2003 and January 22, 2003 telephone calls, we still await any response from you as to whether you intend to settle this cancellation proceeding.

At your request, back in December we sent you specimens evidencing Petitioner's senior use in the mark. You indicated then that your client may be willing to abandon this negotiation if those specimens proved convincing.

Enclosed please find a January 27, 2003 TTAB Notice of Suspension for this case, pursuant to our agreement. While the Notice provides the parties with six months to negotiate, my client is not amenable to such a long hiatus.

Please advise me by no later than **February 18, 2003** as to whether your client is convinced of Boyds' senior use. This will have allowed the registrant nearly two months to review our specimens.

Ms. Marsha G. Gentner, Esq.
February 4, 2003
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As you know, the registrant has honored none of our discovery requests in this matter. Without any indication by the applicant toward settling this case, we will be left with no alternative but to petition the TTAB to restart the briefing schedule and compel the applicant to honor our discovery requests.

Please contact me with any questions you have.

Regards,

A handwritten signature in black ink, appearing to read "Michael J. Cherskov". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Michael J. Cherskov
MJC/as

Enclosure

cc: Ms. Kelly Ausherman

CHERSKOV & FLAYNIK

LAWYERS

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April 30, 2003

Via Facsimile 202-393-5350
(Three Pages – No Original to Follow)

Marsha G. Gentner, Esq.
c/o JACOBSON HOLMAN
400 Seventh Street, N.W.
Washington, D.C. 20004-2218

Re: **Boyd's Collection, Ltd. v. James Owens**
Cancellation No. 40,811 "BEARS & HARES"
Our Reference No.: 0107/01185

Dear Ms. Gentner:

We have not received any indication that a settlement of the above-identified cancellation proceeding is feasible. As such, we plan on filing a Motion to Resume Cancellation Proceedings next week. As a professional courtesy, please find a copy of the Motion we intend to file.

Contact me before May 7, 2003 if you believe circumstances have changed sufficiently such that a settlement agreement can be reached.

Regards,



Michael J. Cherskov
MJC/ayt
Enclosure

cc: Ms. Kelly Ausherman