



July 22, 2003

Mr. Kent G. Anderson  
925 North Griffin  
Bismark, North Dakota 58501

Via Next Day Mail

RE: Potential Oppositions –  
The Pep Boys Manny, Moe & Jack of California v. Kent G. Anderson

Mark: FUTURE  
Serial No.: 76/262,483  
Our Reference: 3701/I-4896;

Mark: FUTURE  
Serial No.: 76/141,013  
Our Reference: 3701/I-4904; and

Mark: FUTURE  
Serial No.: 76/188,809  
Our Reference: 3701/I-4920

Dear Mr. Anderson:

This will refer to our earlier discussion regarding the above-referenced applications.

You have advised that you are not represented by counsel with regard to the above-referenced matters. If you have retained counsel since our last conversation, please have that counsel call us immediately to notify us of same.

We represent The Pep Boys Manny, Moe & Jack of California ("Pep Boys") with regard to its intellectual property matters. Our client has noted with concern the following FUTURE applications you have filed:

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Mark	Serial No.	Goods and/or Services
FUTURE	76/262,483	Automobiles, trucks, sports utility vehicles, vans, motorcycles, aircraft, space vehicles in general, boats, ships, recreational vehicles, namely, campers and truck campers, locomotives and structural parts therefore for all aforesaid goods
FUTURE (Stylized)	76/141,013	See Attached print out.
FUTURE	76/188,809	See Attached print out.

As you know, Pep Boys has filed one or more extensions of time to oppose these applications. Pep Boys is also aware that you have filed other FUTURE applications for various goods and services. These applications would be encompassed by any agreement between the parties.

As you may know, Pep Boys is a national retailer of replacement vehicle parts and accessories, and vehicle repair and maintenance services. Pep Boys owns and operates over 600 stores/service centers, which sell about 30,000 vehicle parts, products and/or accessories, including Pep Boys's FUTURA tires, and related tire accessories. These centers also provide numerous repair and maintenance services, including the installation of tires and tire accessories, including FUTURA tires, and related tire accessories.

Our client owns a number of marks for FUTURA in connection with tires and various automotive accessories, including the registrations therefor, namely, nos. 778,767; 1,582,462; and 2,454,578. Two of these registrations are incontestable.

Notwithstanding the foregoing, we believe that this matter may be resolved under an agreement whereby you would agree not to use or seek to register the FUTURE mark, its equivalency in any foreign language (including FUTURA), or any designation comprised in whole or in part of the term FUTURE (including its equivalency in any foreign language) in connection with tires, wheels, automotive aftermarket parts, accessories, and/or services as well as retail stores featuring automotive parts and accessories (including but not limited to tire stores).

Additionally, you would agree to delete from all FUTURE-formative applications you own goods and services which conflict with the above-referenced restrictions, including, but not limited to, the following:

- "retail automobile and vehicle parts stores" in Class 35;
- "automotive and vehicle parts" as it relates to "discount stores and on-line ordering in the file of" in Class 35;

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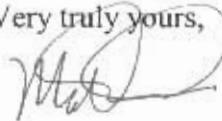
- “automobile service car station services” in Class 37;
- maintenance and repair of vehicles in Class 37;
- “vehicle parts, car parts” as it relates to “custom manufacturing of general products lines in the field of” in Class 40;

If this is acceptable to you, we will draw up the papers for your review and execution.

Finally, we note that our client must file a Notice of Opposition no later than **August 6, 2003** with regard to Application Serial No. 76/262,483 (I-4896). However, if you believe it worthwhile to pursue settlement discussions, please so advise and we can file an extension of time to file such a Notice (with your consent).

We look forward to hearing from you in the near term with regard to the above-referenced proposal and whether you consent to our filing of further extension of time.

Very truly yours,



Matthew J. Cuccias



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## Record 1 out of 1

**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)

### Typed Drawing

**Word Mark** FUTURE

**Goods and Services** IC 041. US 100 101 107. G & S: Recreational services in the nature of pools and horse back riding; providing facilities for sports tournaments, car races, football, baseball, basketball, game shows and educational conventions; providing exercise and fitness facilities; providing facilities for recreation activities; recreational park services; sports camps; amusement parks; sports camps; publication of books, magazines, newspapers, journals, leaflets, and manuals; music publishing; casinos; lottery services; entertainment in the nature of bingo games; providing courses of instruction at the secondary, high school, college and university level; organizing exhibitions in the fields of hockey, baseball, basketball, tennis, wrestling, volleyball and auto racing; fan clubs; entertainment in the nature of an amusement park ride; live performances by a musical band and musical group; botanical gardens; movie theaters; fan clubs; amusement arcades; amusement centers; planetariums; song writing services; live performances by a musical band; online computer games; entertainment in the nature of an on-going cartoon television series; live performances by costumed characters for the entertainment of children; entertainment in the nature of light shows, magic shows, modeling shows, and football, baseball, basketball, auto racing competitions

IC 040. US 100 103 106. G & S: Custom manufacturing of general products lines in the field of automobiles, vehicles, motorcycles, aircraft, water craft boats, ships, furniture, vehicle parts, car parts, aircraft parts, space craft and computers for others; generation of energy; production of energy; oil refining; film editing

IC 039. US 100 105. G & S: Transportation of passengers and/or goods by air, boat, rail, and bus; freight transportation by truck, train, air and space shuttle

IC 038. US 100 101 104. G & S: Radio broadcasting via the Internet; local and long distance telephon services; local and long distance transmission of voice, data, graphics by means of telephone, telegraphic, cable, and satellite transmissions; providing long distance service with audio advertising for others as a component of the long distance service; providing long distance telecommunication services; personal communications services; routing calls to local third-party taxi-cab dispatchers in the vicinity of the caller; wireless cellular telephone services; providing multiple-user access to a global information network; email services; transmission of information via the Internet; audio

roadcasting; audio teleconferencing; electronic voice messaging, namely, the recording and subsequent transmission of voice messages by telephone; delivery of messages by electronic transmission; facsimile transmission and retrieval; network conferencing services; providing facilities and equipment for video conferencing; paging services; Pay-per-view television transmission services; rental of telecommunications equipment; satellite transmission services; ISDN services; teleprinting; television broadcasting; text and numeric wireless digital messaging services; wireless digital messaging services

IC 037. US 100 103 106. G & S: Automobile service car station services; building construction and repair; construction of athletic facilities, entertainment facilities, office building, homes, amusement parks, and recreational facilities; construction services, namely, planning, laying out and custom construction of residential and commercial communities; custom construction of homes; construction planning; harbor construction; marine construction; HVAC contractor services; building inspection; cleaning services, namely, rug cleaning and shampooing; textile cleaning; car cleaning; dry cleaning; cleaning of clothing; buildings, vehicles and residential homes; maintenance and repair of vehicles, furniture, insulation and burglar alarms; aircraft repair and maintenance; ship repair and maintenance; drilling for crude oil; oil well drilling

IC 036. US 100 101 102. G & S: Financial services, leasing of shopping mall space; banking services; savings account services; savings and loan associations; security brokerage; mortgage banking; mortgage lending; savings bank services; funds and stocks investment; credit card services; insurance administration in the field of home, health, business, auto, and fire; insurance claims and administration; brokerage houses in the field of stocks, commodities, and futures; investment consultation and brokerage; investment management of and distribution of variable annuities; investment brokerage; real estate brokerage

IC 035. US 100 101 102. G & S: Retail drug stores, retail department stores, retail convenience stores, retail toy stores, retail book stores, retail appliance stores, retail sporting goods stores, retail hardware stores, retail women's, men's, and children's clothing stores, retail jewelry stores, retail cosmetics stores, retail gift stores, retail novelty stores, retail hobby stores, retail furniture stores, retail music stores, retail video stores, retail pharmacy stores, retail pet stores, retail electronics stores, retail automobile and vehicle parts stores; promoting the goods and services of others through the distribution of printed advertisements and promotional contests; market research; on-line ordering in the field of toys, books, appliances, clothing cosmetics, novelty gifts, hobby kits, furniture, music, videos, pharmaceutical products, pet products, electronics, and automotive and vehicle parts; public relations; business marketing consulting; dealerships in the field automobiles, water-crafts, namely, boats and motorcycles; accounting services

IC 042. US 100 101. G & S: Lodging accommodation services, namely, motels, hotels, resort hotels, inns and lodges; hosting web sites of others on a computer server for a global computer network; web site design for others' health care; engineering; architectural design; dating services; police protection; private investigations; medical research; research and development for new products for others; scientific research; medical and scientific research, namely, conducting clinical trials; security guard services

IC 016. US 002 005 022 023 029 037 038 050. G & S: Books in the field of sports, finance, transportation, entertainment and health care; stationary; gift cards; stickers

**Mark  
Drawing  
Code** (1) TYPED DRAWING  
**Serial  
Number** 76188809  
**Filing Date** January 2, 2001

FILED AS ITU

May 20, 2003

ation

er (APPLICANT) ANDERSON, KENT G INDIVIDUAL UNITED STATES FUTURE SM TM 925 N  
GRIFFIN BISMARCK NORTH DAKOTA 58501

Type of Mark TRADEMARK. SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE





UNITED STATES PATENT AND TRADEMARK OFFICE

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**FUTURE**

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brokerage; investment management of and distribution of variable annuities; investment brokerage; real estate brokerage; shopping center services

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**Classification** (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

**Serial Number** 76141013

**Filing Date** October 5, 2000

**Filed ITU** FILED AS ITU

**Published**

**Priority** April 29, 2003

**Applicant** (APPLICANT) Anderson, Kent G INDIVIDUAL UNITED STATES 925 N GRIFFIN BISMARK NORTH DAKOTA 58501

**Type of Mark** TRADEMARK. SERVICE MARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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