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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