

ESTTA Tracking number: **ESTTA311248**

Filing date: **10/13/2009**

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

**Notice of Opposition**

Notice is hereby given that the following parties oppose registration of the indicated application.

**Opposers Information**

Name	Workman Publishing Co., Inc.
Granted to Date of previous extension	10/14/2009
Address	225 Varick Street New York, NY 10014 UNITED STATES

Name	Patricia Schultz
Granted to Date of previous extension	10/14/2009
Address	225 Varick Street c/o Workman Publishing Co., Inc. New York, NY 10014 UNITED STATES
Party who filed Extension of time to oppose	PatriciaSchultz
Relationship to party who filed Extension of time to oppose	Same party. Just inserted a space between the first and last name of Joint Opposer Paricia Schultz whose name had been improperly compressed into one word by ESTTA when her request for the extension of time to oppose was filed.

Attorney information	Oliver R. Chernin McLaughlin & Stern, LLP 260 Madison Avenue New York, NY 10016 UNITED STATES ochernin@mclaughlinstern.com Phone:212 448-1100
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**Applicant Information**

Application No	77538700	Publication date	06/16/2009
Opposition Filing Date	10/13/2009	Opposition Period Ends	10/14/2009
Applicant	Quarto Publishing plc 226 City Road London, EC1V2TT UNITED KINGDOM		

**Goods/Services Affected by Opposition**

Class 009. All goods and services in the class are opposed, namely: Audio and video recordings in the field of
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movies, films, television, sports, nature, music, books, art, architecture, history, gardening, food, beverages, travel, and entertainment

Class 016.

All goods and services in the class are opposed, namely: Series of books in the field of movies, films, television, sports, nature, music, books, art, architecture, history, gardening, food, beverages, travel, and entertainment

Class 041.

All goods and services in the class are opposed, namely: Entertainment services, namely, an on-going series featuring information about movies, films, television, sports, nature, music, books, art, architecture, history, gardening, food, beverages, travel, and entertainment provided through television and webcasts

## Grounds for Opposition

Priority and likelihood of confusion

Trademark Act section 2(d)

## Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3137137	Application Date	02/22/2005
Registration Date	08/29/2006	Foreign Priority Date	NONE
Word Mark	1,000 PLACES TO SEE BEFORE YOU DIE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 2003/09/00 First Use In Commerce: 2003/09/00 series of non-fiction books in the field of travel		

U.S. Registration No.	3402248	Application Date	10/21/2004
Registration Date	03/25/2008	Foreign Priority Date	NONE
Word Mark	1,000 PLACES TO SEE BEFORE YOU DIE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2006/11/00 First Use In Commerce: 2006/11/00 video discs, pre-recorded DVDs featuring movies and music		

U.S. Registration No.	3445645	Application Date	10/21/2004
Registration Date	06/10/2008	Foreign Priority Date	NONE
Word Mark	1,000 PLACES TO SEE BEFORE YOU DIE		
Design Mark	<b>1,000 PLACES TO SEE BEFORE YOU DIE</b>		
Description of Mark	NONE		
Goods/Services	<p>Class 039. First use: First Use: 2008/04/16 First Use In Commerce: 2008/04/16 computer services, namely, providing information in the field of travel via the Internet; computer services, namely, providing travel information news and information services via the Internet</p> <p>Class 041. First use: First Use: 2003/10/01 First Use In Commerce: 2003/10/01 entertainment services in the nature of ongoing television and cable television programs, namely, news, documentary and variety shows in the field of travel; production of television and cable television programming; production of television and cable television shows in the field of travel; on-line publication, namely, electronic books, magazines and journals, in the field of travel; educational services, namely, lectures and seminars in the field of providing travel news and travel destination information; entertainment services, namely, providing multi-user on-line computer games; providing computer games that may be accessed network wide by network-users</p>		

U.S. Registration No.	3002425	Application Date	02/20/2004
Registration Date	09/27/2005	Foreign Priority Date	NONE
Word Mark	1,000 PLACES TO SEE BEFORE YOU DIE		
Design Mark	<b>1,000 PLACES TO SEE BEFORE YOU DIE</b>		
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 2004/08/00 First Use In Commerce: 2004/08/00 calendars		

U.S. Registration No.	3002424	Application Date	02/20/2004
Registration Date	09/27/2005	Foreign Priority Date	NONE
Word Mark	1,000 PLACES TO SEE BEFORE YOU DIE		
Design Mark	<b>1,000 PLACES TO SEE BEFORE YOU DIE</b>		
Description of	NONE		

Mark	
Goods/Services	Class 028. First use: First Use: 2004/11/00 First Use In Commerce: 2004/11/00 board games and jigsaw puzzles

U.S. Registration No.	3591121	Application Date	08/14/2008
Registration Date	03/17/2009	Foreign Priority Date	NONE

Word Mark 1,000 ... BEFORE YOU DIE

Design Mark

**1,000 ... BEFORE YOU DIE**

Description of Mark NONE

Goods/Services Class 016. First use: First Use: 2005/08/00 First Use In Commerce: 2005/08/00 Non-fiction books on a variety of topics

U.S. Registration No.	3502107	Application Date	11/23/2004
Registration Date	09/16/2008	Foreign Priority Date	NONE

Word Mark 1,000 ... BEFORE YOU DIE

Design Mark

**1,000 ... BEFORE YOU DIE**

Description of Mark NONE

Goods/Services Class 016. First use: First Use: 2008/07/08 First Use In Commerce: 2008/07/08 calendars

U.S. Registration No.	3352969	Application Date	11/23/2004
Registration Date	12/11/2007	Foreign Priority Date	NONE

Word Mark 1,000 ... BEFORE YOU DIE

Design Mark

**1,000 ... BEFORE YOU DIE**

Description of Mark	NONE
Goods/Services	Class 016. First use: First Use: 2005/08/00 First Use In Commerce: 2005/08/00 series of non-fiction books in the fields of travel

Attachments	78572383#TMSN.jpeg ( 1 page )( bytes ) 76617161#TMSN.gif ( 1 page )( bytes ) 76617162#TMSN.gif ( 1 page )( bytes ) 76576864#TMSN.jpeg ( 1 page )( bytes ) 76576863#TMSN.jpeg ( 1 page )( bytes ) 77546842#TMSN.jpeg ( 1 page )( bytes ) 76621697#TMSN.gif ( 1 page )( bytes ) 76978674#TMSN.gif ( 1 page )( bytes ) NOO.pdf ( 30 pages )(1666915 bytes )
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Oliver R. Chernin/
Name	Oliver R. Chernin
Date	10/13/2009

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

-----	X	
Workman Publishing Co., Inc.	:	
Patricia Schultz	:	Opposition No. _____
Joint Opposers,	:	
	:	Mark: BEFORE YOU DIE
	:	A 1001 ORIGINAL & Design
v.	:	Serial No. 77/538,700
	:	Filed: August 4, 2008
Quarto Publishing plc	:	Published: June 16, 2009
	:	
Applicant	:	
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**NOTICE OF OPPOSITION**

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

Sir:

Workman Publishing Co., Inc. (hereinafter "WPC"), a corporation duly organized and existing under the laws of the State of New York, having its principal place of business at 225 Varick Street, New York, New York, believes that it will be damaged by issuance of a registration to Quarto Publishing plc (hereinafter "Applicant") for the mark BEFORE YOU DIE A 1001 ORIGINAL & Design, shown in Serial No. 77/538,700, and hereby opposes the registration of said mark.

Patricia Schultz (hereinafter "Ms. Schultz"), a United States citizen, having a business address at c/o Workman Publishing Co., Inc., 225 Varick Street, New York, New York, believes that she will be damaged by issuance of a registration to Applicant for the mark BEFORE YOU

DIE A 1001 ORIGINAL & Design, shown in Serial No. 77/538,700, and hereby opposes the registration of said mark.

WPC and Ms. Schultz are referred to herein collectively as “Joint Opposers”.

As grounds of opposition, Joint Opposers allege:

1. By the application herein opposed, Applicant is seeking to obtain, under the provisions of the Trademark Act of 1946, registration on the Principal Register of the mark BEFORE YOU DIE A 1001 ORIGINAL & Design, for the following goods and services:

audio and video recordings in the field of movies, films, television, sports, nature, music, books, art, architecture, history, gardening, food, beverages, travel, and entertainment (Class 009)

Series of books in the field of movies, films, television, sports, nature, music, books, art, architecture, history, gardening, food, beverages, travel, and entertainment (Class 016)

entertainment services, namely, an on-going series featuring movies, films, television, sports, nature, music, books, art, architecture, history, gardening, food, beverages, travel, and entertainment provided through television and webcasts (Class 041)

2. Applicant filed the instant application on August 4, 2008, based on an intent to use the mark. Upon information and belief, Applicant has not used the applied for mark and, therefore, the August 4, 2008 filing date is the earliest date of use on which Applicant can rely.
3. Ms. Schultz, is the author of the New York Times #1 bestseller entitled *1,000 Places To See Before You Die* (hereinafter the “Book”). The Book is the ultimate guide to the globe’s very best—the most beautiful beaches, the most luxurious hotels, the most vibrant festivals, the most amazing architecture, the most glorious wilderness, and much, much

more. It's a new way to explore the world, whether you're dreaming in your armchair or getting ready to pack your bags.

4. WPC, a publisher located in New York, New York, published the Book in September 2003.
5. Upon its publication, in September 2003, the Book immediately became a publishing phenomenon. During the first three months following publication, it sold in excess of 150,000 copies, an unheard of number for a travel book. Not surprisingly, this sales volume caused it to be listed on the October 19, 2003 New York Times Bestseller list. Rising as high as #1 for several weeks, the Book remained a fixture on the list for almost six years. To date, the Book has sold in excess of 2.8 million copies.
6. Since as early as October 2003, Joint Opposers have promoted the Book including Ms. Schultz's appearances on television news and entertainment programs, and providing lectures and seminars in the field of travel.
7. Ms. Schultz authored, and WPC published additional titles in the 1,000 PLACES TO SEE BEFORE YOU DIE series namely, in June 2005, a work entitled *1,000 Places To See Before You Die Traveler's Journal* and, in May 2007, a further work entitled *1,000 Places To See in the US and Canada Before You Die*.
8. Joint Opposers have expanded use of their mark 1,000 PLACES TO SEE BEFORE YOU DIE into areas beyond their series of books.
9. WPC, a major publisher of calendars, has published and sold several calendars bearing the mark 1,000 PLACES TO SEE BEFORE YOU DIE. WPC's famous PAGE-A-DAY® calendar line has featured a 1,000 PLACES TO SEE BEFORE YOU DIE calendar since

August 2004 which, to date, has sold approximately 721,000 copies. WPC's PICTURE-A-DAY® wall calendar line has featured a 1,000 PLACES TO SEE BEFORE YOU DIE calendar since August 2007 which, to date, has sold approximately 331,000 copies. Both of these calendars feature excerpts and images of the original book.

10. WPC further has sold board games and jigsaw puzzles bearing the mark 1,000 PLACES TO SEE BEFORE YOU DIE since November 2004.
11. In or about July 2005, Joint Opposers granted Stone & Company Entertainment ("S&C") an exclusive option to purchase certain licensed rights with respect to the development, production, distribution, and other exploitation of television programs based on the books *1,000 Places to See Before You Die* and *1,000 Places to See in the USA and Canada Before You Die*, including the right to use said titles in connection therewith.
12. S&C exercised its option and developed a television program, which was aired weekly on The Travel Channel under the title *1,000 Places To See Before You Die*, from March of 2007 through June 2007. The Travel Channel continued to air the program in reruns for approximately one additional year, and continues to air episodes sporadically.
13. DVDs of the television programs, are offered for sale by on-line retailers.
14. Joint Opposers operate a website at URL [www.1000beforeyoudie.com](http://www.1000beforeyoudie.com) since April 16, 2008. Said website, prominently featuring the mark 1,000 PLACES TO SEE BEFORE YOU DIE, provides travel information news in the field of travel via the Internet and includes a store featuring Joint Opposers' books (including electronic versions), puzzles and games.

15. Joint Opposer's use of 1,000 PLACES TO SEE BEFORE YOU DIE, to designate the products and services, as described in ¶3 to ¶14, has been valid and continuous since said dates of first use and has not been abandoned. Consequently, priority of use belongs to Joint Opposers.
16. Joint Opposer's mark 1,000 PLACES TO SEE BEFORE YOU DIE is symbolic of extensive good will and consumer recognition built up by Joint Opposers through substantial expenditures, amounts of time and effort, in advertising and promotion.
17. In August 2005, WPC adopted and used the mark 1,000 ... BEFORE YOU DIE for an imprint in connection with non-fiction books on a variety of topics, including, but not limited to, books in the field of travel.
18. On July 8, 2008, WPC adopted and used the mark 1,000 ... BEFORE YOU DIE in connection with calendars.
19. WPC's use of 1,000 ... BEFORE YOU DIE, to designate the products, as described in ¶17 o ¶18, has been valid and continuous since said dates of first use and has not been abandoned. Consequently, priority of use belongs to WPC.
20. WPC's mark 1,000 ... BEFORE YOU DIE is symbolic of extensive good will and consumer recognition built up by WPC through substantial expenditures, amounts of time and effort, in advertising and promotion.
21. Joint Opposers are the joint owners of the following subsisting U.S. Trademark Registrations:
  - a. Registration No. 3,137,137 for the mark 1,000 PLACES TO SEE BEFORE YOU DIE, for a series of non-fiction books in the field of travel in International Class

016, which was registered on the Principal Register on August 29, 2006. Said registration claims September 2003 as the date of first use in commerce, which is a date prior to the date of filing of applicant's application. Consequently, priority of use belongs to Joint Opposers. Said registered mark of Joint Opposers is valid, subsisting and is *prima facie* evidence of Joint Opposer's exclusive right to use said mark in commerce in connection with the goods specified in said registration. A copy of said registration is enclosed hereto as Exhibit 1.

- b. Registration No. 3,402,248 for the mark 1,000 PLACES TO SEE BEFORE YOU DIE, for video discs, pre-recorded DVDs featuring movies and music in International Class 009, which was registered on the Principal Register on March 25, 2008. Said registration was filed on October 21, 2004, based on Section 1(b) of the Trademark Act, and assigned Serial No. 76/617,161 and claims November 2006 as the date of first use in commerce, both of which are a date prior to the date of filing of applicant's application. Consequently, priority of use belongs to Joint Opposers. Said registered mark of Joint Opposers is valid, subsisting and is *prima facie* evidence of Joint Opposer's exclusive right to use said mark in commerce in connection with the goods specified in said registration. A copy of said registration is enclosed hereto as Exhibit 2.
- c. Registration No. 3,445,645 for the mark 1,000 PLACES TO SEE BEFORE YOU DIE, for computer services, namely, providing information in the field of travel via the Internet; computer services, namely, providing travel information news and information services via the Internet, in International Class 039, and for

entertainment services in the nature of ongoing television and cable television programs, namely, news, documentary and variety shows in the field of travel; production of television and cable television programming; production of television and cable television shows in the field of travel; on-line publication, namely, electronic books, magazines and journals, in the field of travel; educational services, namely, lectures and seminars in the field of providing travel news and travel destination information; entertainment services, namely, providing multi-user on-line computer games; providing computer games that may be accessed network wide by network-users in International Class 041, which was registered on the Principal Register on June 10, 2008. Said registration was filed on October 21, 2004, based on Section 1(b) of the Trademark Act, and assigned Serial No. 76/617,162, claims April 16, 2008 as the date of first use in commerce for the services in International Class 039 and claims October 1, 2003 as the date of first use in commerce for the services in International Class 041, all of which are a date prior to the date of filing of applicant's application.

Consequently, priority of use belongs to Joint Opposers. Said registered mark of Joint Opposers is valid, subsisting and is *prima facie* evidence of Joint Opposer's exclusive right to use said mark in commerce in connection with the services specified in said registration. A copy of said registration is enclosed hereto as Exhibit 3.

- d. Registration No. 3,002,425 for the mark 1,000 PLACES TO SEE BEFORE YOU DIE, for calendars in International Class 016, which was registered on the

Principal Register on September 27, 2005. Said registration was filed on February 20, 2004, based on Section 1(b) of the Trademark Act, and assigned Serial No. 76/576,864 and claims August 2004 as the date of first use in commerce, both of which are a date prior to the date of filing of applicant's application.

Consequently, priority of use belongs to Joint Opposers. Said registered mark of Joint Opposers is valid, subsisting and is *prima facie* evidence of Joint Opposer's exclusive right to use said mark in commerce in connection with the goods specified in said registration. A copy of said registration is enclosed hereto as Exhibit 4.

- e. Registration No. 3,002,424 for the mark 1,000 PLACES TO SEE BEFORE YOU DIE, for board games and jigsaw puzzles in International Class 028, which was registered on the Principal Register on September 27, 2005. Said registration was filed on February 20, 2004, based on Section 1(b) of the Trademark Act, and assigned Serial No. 76/576,863 and claims November 2004 as the date of first use in commerce, both of which are a date prior to the date of filing of applicant's application. Consequently, priority of use belongs to Joint Opposers. Said registered mark of Joint Opposers is valid, subsisting and is *prima facie* evidence of Joint Opposer's exclusive right to use said mark in commerce in connection with the goods specified in said registration. A copy of said registration is enclosed hereto as Exhibit 5.

22. Opposer WPC is the owner of the following subsisting U.S. Trademark Registrations:
- a. Registration No. 3,591,121 for the mark 1,000 ... BEFORE YOU DIE, for non-fiction books on a variety of topics in International Class 016, which was registered on the Principal Register on March 17, 2009. Said registration claims August 2005 as the date of first use in commerce, which is a date prior to the date of filing of applicant's application. Consequently, priority of use belongs to Opposer WPC. Said registered mark of Opposer WPC is valid, subsisting and is *prima facie* evidence of Opposer WPC's exclusive right to use said mark in commerce in connection with the goods specified in said registration. A copy of said registration is enclosed hereto as Exhibit 6.
  - b. Registration No. 3,502,107 for the mark 1,000 ... BEFORE YOU DIE, for calendars in International Class 016, which was registered on the Principal Register on September 16, 2008. Said registration was filed on November 23, 2004, based on Section 1(b) of the Trademark Act, and assigned Serial No. 76/621,697, and claims July 8, 2008 as the date of first use in commerce, both of which are a date prior to the date of filing of applicant's application. Consequently, priority of use belongs to Opposer WPC. Said registered mark of Opposer WPC is valid, subsisting and is *prima facie* evidence of Opposer WPC's exclusive right to use said mark in commerce in connection with the goods specified in said registration. A copy of said registration is enclosed hereto as Exhibit 7.

- c. Registration No. 3,352,969 for the mark 1,000 ... BEFORE YOU DIE, for a series on non-fiction books in the field of travel in International Class 016, which was registered on the Principal Register on December 11, 2007. Said registration was filed on November 23, 2004, based on Section 1(b) of the Trademark Act, and assigned Serial No. 76/978,674, and claims August 2005 as the date of first use in commerce, both of which are a date prior to the date of filing of applicant's application. Consequently, priority of use belongs to Opposer WPC. Said registered mark of Opposer WPC is valid, subsisting and is *prima facie* evidence of Opposer WPC's exclusive right to use said mark in commerce in connection with the goods specified in said registration. A copy of said registration is enclosed hereto as Exhibit 8.
23. Applicant's alleged mark BEFORE YOU DIE A 1001 ORIGINAL & Design, as applied to the goods and/or services that Applicant sets forth in its application, so resembles Joint Opposers' mark 1,000 PLACES TO SEE BEFORE YOU DIE, as applied to the goods and services set forth in ¶21, herein, as to be likely to cause confusion, or to cause mistake, or to deceive.
24. Applicant's alleged mark BEFORE YOU DIE A 1001 ORIGINAL & Design, as applied to the goods and/or services that Applicant sets forth in its application, so resembles Opposers WPC's mark 1,000 ... BEFORE YOU DIE, as applied to the goods set forth in ¶22, herein, as to be likely to cause confusion, or to cause mistake, or to deceive.
25. Applicant's alleged mark BEFORE YOU DIE A 1001 ORIGINAL & Design, as applied to the goods and/or services that Applicant sets forth in its application, is confusingly

similar to Joint Opposers' mark 1,000 PLACES TO SEE BEFORE YOU DIE, as applied to the goods and services set forth in ¶21, herein, as to be likely to cause confusion, mistake, or deception amongst the general and consuming public as to whether Applicant's goods originate with Joint Opposers, or are licensed, authorized or sponsored by Joint Opposers or are promoted with Joint Opposers' approval. Applicant's use and/or registration of the subject mark in connection with the goods and/or services identified in Serial No. 77/538,700, is thus likely to cause injury to Joint Opposers' business reputation and to injure and impair Joint Opposers' rights in its trademark(s), by causing confusion, mistake, and/or deception as to the source or sponsorship of such goods and/or services.

26. Applicant's alleged mark BEFORE YOU DIE A 1001 ORIGINAL & Design, as applied to the goods and/or services that Applicant sets forth in its application, is confusingly similar to Opposer WPC's mark 1,000 ... BEFORE YOU DIE, as applied to the goods set forth in ¶22, herein, as to be likely to cause confusion, mistake, or deception amongst the general and consuming public as to whether Applicant's goods originate with Opposer WPC, or are licensed, authorized or sponsored by Opposer WPC or are promoted with Opposer WPC's approval. Applicant's use and/or registration of the subject mark in connection with the goods and/or services identified in Serial No. 77/538,700, is thus likely to cause injury to Opposer WPC's business reputation and to injure and impair Opposer WPC's rights in its trademark(s), by causing confusion, mistake, and/or deception as to the source or sponsorship of such goods and/or services.

27. If Applicant is granted the registration of the alleged mark herein opposed, it would thereby obtain at least *prima facie* exclusive rights to the use of his alleged mark. Such registration would be a source of injury and damage to Joint Opposers and/or Opposer WPC.
28. By reason of the foregoing, Applicant's registration of the mark BEFORE YOU DIE A 1001 ORIGINAL & Design herein opposed will cause injury and damage to Joint Opposers, and to Joint Opposers' rights in their trademark 1,000 PLACES TO SEE BEFORE YOU DIE or the use thereof as described herein.
29. By reason of the foregoing, Applicant's registration of the mark BEFORE YOU DIE A 1001 ORIGINAL & Design herein opposed will cause injury and damage to Opposer WPC, and to Opposer WPC's rights in its trademark 1,000 ... BEFORE YOU DIE or the use thereof as described herein.

WHEREFORE, each Opposer prays that this opposition be sustained and that the application Serial No. 77/538,700 be rejected, and that the mark therein sought to be registered, for the goods and services therein specified in International Classes 009, 016 and 041 be denied and refused registration.

Joint Opposers herein appoints Oliver R. Chernin, and Edward Klagsbrun, each a member of the Bar of the State of New York, whose address is McLaughlin & Stern, LLP, 260 Madison Avenue, New York, New York, 10006, Tel. (212) 448-1100, its attorneys to prosecute the above opposition with full powers of substitution and revocation and to transact all business in the Patent and Trademark Office connected therewith.

Workman Publishing Co., Inc.

By:   
Oliver R. Chernin  
McLaughlin & Stern, LLP  
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New York, New York 10016  
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Attorneys for Opposer  
Workman Publishing Co., Inc.

Patricia Schultz

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260 Madison Avenue  
New York, New York 10016  
(212) 448-1100  
E-mail: ochernin@mclaughinstern.com  
Attorneys for Opposer Patricia Schultz

Dated: October 13, 2009

# **EXHIBIT 1**

Int. Cl.: 16

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38, and 50

Reg. No. 3,137,137

**United States Patent and Trademark Office**

Registered Aug. 29, 2006

**TRADEMARK  
PRINCIPAL REGISTER**

**1,000 PLACES TO  
SEE BEFORE YOU  
DIE**

WORKMAN PUBLISHING CO., INC. (NEW  
YORK CORPORATION)  
708 BROADWAY  
NEW YORK, NY 10003 AND  
SCHULTZ, PATRICIA (UNITED STATES INDIVI-  
DUAL)  
C/O WORKMAN PUBLISHING CO, INC.  
708 BROADWAY  
NEW YORK, NY 10003

FIRST USE 9-0-2003; IN COMMERCE 9-0-2003.

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

SN 78-572,383, FILED 2-22-2005.

FOR: SERIES OF NON-FICTION BOOKS IN THE  
FIELD OF TRAVEL, IN CLASS 16 (U.S. CLS. 2, 5, 22,  
23, 29, 37, 38 AND 50).

DOMINIC J. FERRAIUOLO, EXAMINING ATTOR-  
NEY

## **EXHIBIT 2**

**Int. Cl.: 9**

**Prior U.S. Cls.: 21, 23, 26, 36, and 38**

**United States Patent and Trademark Office**

**Reg. No. 3,402,248**

**Registered Mar. 25, 2008**

**TRADEMARK  
PRINCIPAL REGISTER**

**1,000 PLACES TO SEE BEFORE YOU DIE**

WORKMAN PUBLISHING CO., INC. (NEW  
YORK JOINT APPLICANT, NEW YORK COR-  
PORATION)

225 VARICK STREET

NEW YORK, NY 100144381 AND

SCHULTZ, PATRICIA (UNITED STATES JOINT  
APPLICANT, INDIVIDUAL UNITED STATES CI-  
TIZEN)

225 VARICK STREET

NEW YORK, NY 100144381

FOR: VIDEO DISCS, PRE-RECORDED DVDS  
FEATURING MOVIES AND MUSIC, IN CLASS 9  
(U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 11-0-2006; IN COMMERCE 11-0-2006.

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

SN 76-617,161, FILED 10-21-2004.

DOMINIC J. FERRAIUOLO, EXAMINING ATTOR-  
NEY

## **EXHIBIT 3**

Int. Cls.: 39 and 41

Prior U.S. Cls.: 100, 101, 105, and 107

United States Patent and Trademark Office

Reg. No. 3,445,645

Registered June 10, 2008

**SERVICE MARK  
PRINCIPAL REGISTER**

**1,000 PLACES TO SEE BEFORE YOU DIE**

WORKMAN PUBLISHING CO., INC. (NEW YORK CORPORATION)  
225 VARICK STREET  
NEW YORK, NY 100144381 AND  
SCHULTZ, PATRICIA (UNITED STATES INDIVIDUAL)  
225 VARICK STREET  
NEW YORK, NY 100144381

FOR: COMPUTER SERVICES, NAMELY, PROVIDING INFORMATION IN THE FIELD OF TRAVEL VIA THE INTERNET; COMPUTER SERVICES, NAMELY, PROVIDING TRAVEL INFORMATION NEWS AND INFORMATION SERVICES VIA THE INTERNET, IN CLASS 39 (U.S. CLS. 100 AND 105).

FIRST USE 4-16-2008; IN COMMERCE 4-16-2008.

FOR: ENTERTAINMENT SERVICES IN THE NATURE OF ONGOING TELEVISION AND CABLE TELEVISION PROGRAMS, NAMELY, NEWS, DOCUMENTARY AND VARIETY SHOWS IN THE FIELD OF TRAVEL; PRODUCTION OF TELEVISION AND CABLE TELEVISION PROGRAMMING; PRODUCTION OF TELEVISION AND CABLE TEL-

EVISION SHOWS IN THE FIELD OF TRAVEL; ON-LINE PUBLICATION, NAMELY, ELECTRONIC BOOKS, MAGAZINES AND JOURNALS, IN THE FIELD OF TRAVEL; EDUCATIONAL SERVICES, NAMELY, LECTURES AND SEMINARS IN THE FIELD OF PROVIDING TRAVEL NEWS AND TRAVEL DESTINATION INFORMATION; ENTERTAINMENT SERVICES, NAMELY, PROVIDING MULTI-USER ON-LINE COMPUTER GAMES; PROVIDING COMPUTER GAMES THAT MAY BE ACCESSED NETWORK WIDE BY NETWORK-USERS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 10-1-2003; IN COMMERCE 10-1-2003.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 76-617,162, FILED 10-21-2004.

DOMINIC J. FERRAIUOLO, EXAMINING ATTORNEY

## **EXHIBIT 4**

Int. Cl.: 16

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38 and 50

Reg. No. 3,002,425

United States Patent and Trademark Office

Registered Sep. 27, 2005

Corrected

OG Date Apr. 18, 2006

**TRADEMARK  
PRINCIPAL REGISTER**

**1,000 PLACES TO SEE BEFORE YOU DIE**

WORKMAN PUBLISHING CO., INC.  
(NEW YORK CORPORATION)  
708 BROADWAY  
NEW YORK, NY 10003 AND  
SCHULTZ, PATRICIA (UNITED STATES  
INDIVIDUAL)  
C/O WORKMAN PUBLISHING CO., INC.  
708 BROADWAY  
NEW YORK, NY 10003

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

FOR: CALENDARS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 8-0-2004; IN COMMERCE 8-0-2004.

SER. NO. 76-576,864, FILED 2-20-2004.

*In testimony whereof I have hereunto set my hand  
and caused the seal of The Patent and Trademark  
Office to be affixed on Apr. 18, 2006.*

**DIRECTOR OF THE U.S. PATENT AND TRADEMARK OFFICE**

## **EXHIBIT 5**

Int. Cl.: 28

Prior U.S. Cls.: 22, 23, 38 and 50

Reg. No. 3,002,424

United States Patent and Trademark Office

Registered Sep. 27, 2005

Corrected

OG Date Apr. 18, 2006

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INDIVIDUAL)  
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708 BROADWAY  
NEW YORK, NY 10003

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

FOR: BOARD GAMES AND JIGSAW PUZZLES, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 11-0-2004; IN COMMERCE 11-0-2004.

SER. NO. 76-576,863, FILED 2-20-2004.

*In testimony whereof I have hereunto set my hand  
and caused the seal of The Patent and Trademark  
Office to be affixed on Apr. 18, 2006.*

**DIRECTOR OF THE U.S. PATENT AND TRADEMARK OFFICE**

## **EXHIBIT 6**

**Int. Cl.: 16**

**Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38 and 50**

**United States Patent and Trademark Office**

**Reg. No. 3,591,121**

**Registered Mar. 17, 2009**

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PRINCIPAL REGISTER**

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WORKMAN PUBLISHING CO., INC. (NEW  
YORK CORPORATION)  
225 VARICK STREET  
NEW YORK, NY 100144381

FOR: NON-FICTION BOOKS ON A VARIETY OF  
TOPICS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38  
AND 50).

FIRST USE 8-0-2005; IN COMMERCE 8-0-2005.

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,002,425, 3,352,969  
AND OTHERS.

SER. NO. 77-546,842, FILED 8-14-2008.

ROBIN CHOSID, EXAMINING ATTORNEY

# **EXHIBIT 7**

**Int. Cl.: 16**

**Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38, and 50**

**United States Patent and Trademark Office**

**Reg. No. 3,502,107**

**Registered Sep. 16, 2008**

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PRINCIPAL REGISTER**

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YORK CORPORATION)  
225 VARICK STREET  
NEW YORK, NY 100144381

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

FOR: CALENDARS, IN CLASS 16 (U.S. CLS. 2, 5,  
22, 23, 29, 37, 38 AND 50).

SN 76-621,697, FILED 11-23-2004.

FIRST USE 7-8-2008; IN COMMERCE 7-8-2008.

ELLEN PERKINS, EXAMINING ATTORNEY

## **EXHIBIT 8**

**Int. Cl.: 16**

**Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38, and 50**

**United States Patent and Trademark Office**

**Reg. No. 3,352,969**

**Registered Dec. 11, 2007**

**TRADEMARK  
PRINCIPAL REGISTER**

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WORKMAN PUBLISHING CO., INC. (NEW  
YORK CORPORATION)  
225 VARICK STREET  
NEW YORK, NY 100144381

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

FOR: SERIES OF NON-FICTION BOOKS IN THE  
FIELDS OF TRAVEL, IN CLASS 16 (U.S. CLS. 2, 5, 22,  
23, 29, 37, 38 AND 50).

SN 76-978,674, FILED 11-23-2004.

FIRST USE 8-0-2005; IN COMMERCE 8-0-2005.

ELLEN PERKINS, EXAMINING ATTORNEY

CERTIFICATE OF SERVICE

I, Oliver R. Chernin, hereby certify that a true and correct copy of the attached Notice of Opposition, was mailed by first class mail, postage pre-paid, this 13<sup>th</sup> day of October, 2009, to applicant's attorney of record, addressed as follows:

Michael J. Brown, Esq.  
Curtis Mallet-Provost Colt & Mosle LLP  
101 Park Avenue, Fl. 34  
New York, NY 10178-0061

A handwritten signature in cursive script, reading "Oliver R. Chernin". The signature is written in black ink and is positioned above a horizontal line.

Oliver R. Chernin