

ESTTA Tracking number: **ESTTA596618**

Filing date: **04/04/2014**

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 party opposes registration of the indicated application.

Opposer Information

Name	BB Farmaceuticals, Inc. dba FARMAESTHETICS
Granted to Date of previous extension	04/09/2014
Address	Box 10741003 Anthony Road Portsmouth, RI 02871 UNITED STATES

Attorney information	Daniel J. Holmander Barlow, Josephs & Holmes Ltd. 101 Dyer Street5th floor Providence, RI 02903 UNITED STATES djh@barjos.com, tm@barjos.com, clc@barjos.com Phone:4012734446
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Applicant Information

Application No	85658031	Publication date	12/10/2013
Opposition Filing Date	04/04/2014	Opposition Period Ends	04/09/2014
Applicant	Skinny Pineapple, Inc. 1321 College Avenue, Suite 200 Boulder, CO 80302 COLOMBIA		

Goods/Services Affected by Opposition

Class 003. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: beauty products, namely, face and body lotion, essential oils, body oils, bath oils, oils for cosmetic purposes, soap, bath salts, bubble bath and petroleum jelly for cosmetic purposes; beauty products made with hemp, namely, face and bodylotion, essential oils, body oils, bathoils, oils for cosmetic purposes, soap,bath salts, bubble bath and petroleum jelly for cosmetic purposes

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
The mark is merely descriptive	Trademark Act section 2(e)(1)
Other	Trademark Act Section 1 and 45 - Not in Lawful Use in Commerce

Mark Cited by Opposer as Basis for Opposition

U.S. Registration	2620034	Application Date	12/05/2000
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No.			
Registration Date	09/17/2002	Foreign Priority Date	NONE
Word Mark	FARMAESTHETICS		
Design Mark	FARMAESTHETICS		
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2000/08/01 First Use In Commerce: 2000/08/15 BODY AND BATH PRODUCTS IN THE FORM OF HERBAL PREPARATIONS, NAMELY, HAND CREAM, BODY POWDER, FOOT POWDER, NON-MEDICATED BATH AND BODY PRODUCTS, NAMELY, SALVES, MASSAGE OILS, SINUS SALTS, MINERAL BATH SALTS, BODY LOTIONS, ALOE WATER FRAGRANCES, FOR SCENTING AND MOISTURIZING SKIN, NON-MEDICATED REMEDY OILS FOR USE IN HOTBATH SOAKS AND EXTERNAL MASSAGE, AFTER SHAVE LOTION, NON-MEDICATED BUG BITE BALM, AND SUNBURN LOTION, FACIAL AND BODY SOAP, FACIAL AND BODY CLEANSERS AND FACE CREAM		

Attachments	76176014#TMSN.gif(bytes) ComplaintSkinnyPineapple.pdf(134835 bytes) The Farm _ Boulder Medical Marijuana Dispensary.pdf(788322 bytes) 85015150OfficeAction.pdf(1027865 bytes) 85015150Application.pdf(51242 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	/daniel j. holmander/
Name	Daniel J. Holmander
Date	04/04/2014

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

)	
BB Farmaceuticals, Inc. dba)	
Farmaesthetics)	Opposition No. _____
Opposer,)	
)	Application S.N.
v.)	85/658,031
)	
Skinny Pineapple, Inc.)	
Applicant)	
)	

OPPOSITION

Opposer, BB Farmaceuticals, Inc. dba Farmaesthetics, a corporation organized under the laws of Delaware and located at Box 1074, 1003 Anthony Road, Portsmouth, Rhode Island, 02871, believes that it will be damaged by registration of THE FARM (“Mark”), which Mark is the subject of U.S. Fed. Trademark Application Serial No. 85/658,031 (“Application”) filed by Skinny Pineapple, Inc., a corporation organized under the laws of Colorado and located at 1321 College Avenue, Suite 200, Boulder, Colorado, 80302, and which Mark was published for opposition in the *Official Gazette* on December 10, 2013. An extension of time was granted by the Trademark Office for Opposer to file an Opposition by April 9, 2014.

The grounds for the opposition are as follows:

COUNT I – Section 2(e)(1) of the Trademark Act – Merely Descriptive and/or Generic

1. Applicant submits that the Mark THE FARM is merely descriptive and/or generic under Section 2(e)(1) of the Trademark Act.
2. The opposed U.S. Trademark Appl. Ser. No. 85/658,031 for the mark THE FARM was filed on June 21, 2012 under Section 1(b) of the Trademark Act on an intent-to-use filing basis.
3. Applicant seeks to register THE FARM for beauty products, namely, face and body lotion, essential oils, body oils, bath oils, oils for cosmetic purposes, soap, bath salts, bubble bath and petroleum jelly for cosmetic purposes; beauty products made with hemp, namely, face and body lotion, essential oils, body oils, bath oils, oils for cosmetic purposes, soap, bath salts, bubble bath and petroleum jelly for cosmetic purposes in International Class 003.
4. Applicant filed an identical mark for THE FARM in U.S. Trademark Appl. Ser. No. 85/015,150 (see attached), now abandoned, for retail

store services for alternative medicine, herbal remedies, and related products.

5. The Examiner in the U.S. Trademark Appl. Ser. No. 85/015,150 required a disclaimer of FARM for the following reason:

“In this case, if the applicant’s response to the above information request indicates that the term “FARM” in the mark refers to the fact that the goods sold via the identified retail store services are farm-grown products, then the applicant must disclaim this term apart from the mark as shown. See 15 U.S.C. §1056(a); TMEP §§1213, 1213.03(a). See the attached examples of third-party registrations showing consistent descriptive treatment of the term “FARM” where it refers to the fact that the identified goods or services involve farm-grown products.”

6. Applicant currently offers for sale at www.thefarmco a number of farm-grown products, specifically medical marijuana, where it states “The Farm cultivates 100% of its own medicine in Boulder, CO with expert cultivators on staff. Our team uses organic sustainable growing techniques to bring out the best qualities of the plant. Our aim is to provide consistent high-grade cannabis our members can rely on. We focus on bringing out the highest medicinal qualities of each strain that we offer. We constantly work to increase our knowledge of new cultivation techniques and innovations, and we work with our

members to ensure this knowledge finds its way into higher quality medicine. Because we oversee all of our own production, we can offer more affordable prices to our patients on select top-shelf medical cannabis.”

7. Opposer submits that the Mark THE FARM is merely descriptive and/or generic because it describes or represents an ingredient, quality, characteristic, function, feature, purpose or use of the specified goods, namely farm-grown products.
8. Opposer submits that it has a personal interest in the outcome beyond that of the general public. Opposer believes that it will be damaged by registration of Applicant’s Mark by preventing the Opposer from competing effectively in the marketplace.
9. Opposer alleges that Applicant’s Mark is merely descriptive and/or generic under Section 2(e)(1) of the Trademark Act and therefore unregistrable and should be refused registration, rendered unenforceable, disclaimed with respect to THE FARM, and/or restricted.

**COUNT 2 – Section 1 and 45 of the Trademark Act – Not in Lawful Use
in Commerce**

10. Applicant submits that the Mark THE FARM is directed to goods which are not lawful use in commerce under Section 1 and 45 of the Trademark Act, thereby does not have a bona fide intention to lawfully use the applied-for-mark in commerce.

11. The opposed U.S. Trademark Appl. Ser. No. 85/658,031 for the mark THE FARM was filed on June 21, 2012 under Section 1(b) of the Trademark Act on an intent-to-use filing basis.

12. Applicant seeks to register THE FARM for beauty products, namely, face and body lotion, essential oils, body oils, bath oils, oils for cosmetic purposes, soap, bath salts, bubble bath and petroleum jelly for cosmetic purposes; beauty products made with hemp, namely, face and body lotion, essential oils, body oils, bath oils, oils for cosmetic purposes, soap, bath salts, bubble bath and petroleum jelly for cosmetic purposes in International Class 003.

13. Hemp is not legal to grow in the U.S. under Federal law because of

its relation to marijuana, and any imported hemp products must meet a zero tolerance level. It is considered a controlled substance under the Controlled Substances Act (P.L. 91-513; 21 U.S.C. 801 et seq.).

14. The Controlled Substances Act (CSA) prohibits, among other things, manufacturing, distributing, dispensing, or possessing certain controlled substances, including marijuana and marijuana-based preparations. 21 U.S.C. §§812, 841(a)(1), 844(a); see also 21 U.S.C. §802(16) (defining "[marijuana]").

15. The Applicant seeks to register the Mark THE FARM for at least beauty products made with hemp.

16. Applicant is currently displaying the mark THE FARM in relation to marijuana on its website www.thefarmco.com.

17. Applicant currently offers for sale at www.thefarmco.com a number of farm-grown products, specifically medical marijuana, where it states “The Farm cultivates 100% of its own medicine in Boulder, CO with expert cultivators on staff. Our team uses organic sustainable growing techniques to bring out the best qualities of the plant. Our aim is to provide consistent high-grade cannabis our members can rely on. We

focus on bringing out the highest medicinal qualities of each strain that we offer. We constantly work to increase our knowledge of new cultivation techniques and innovations, and we work with our members to ensure this knowledge finds its way into higher quality medicine. Because we oversee all of our own production, we can offer more affordable prices to our patients on select top-shelf medical cannabis.”

18. Applicant’s goods consist of, or include, items that are prohibited by the Controlled Substances Act (CSA) namely hemp and marijuana.
19. Because the identified goods are prohibited by the CSA, the applied-for mark, as used in connection with such goods, is not in lawful use in commerce.
20. Opposer alleges therefore that the Mark THE FARM is directed to goods which are not lawful use in commerce under Section 1 and 45 of the Trademark Act, thereby does not have a bona fide intention to lawfully use the applied-for-mark in commerce, and therefore unregistrable and should be refused registration, rendered unenforceable, and/or restricted.

COUNT 3 - Section 2(d) of the Trademark Act –Likelihood of Confusion

21. Applicant seeks to register THE FARM for beauty products, namely, face and body lotion, essential oils, body oils, bath oils, oils for cosmetic purposes, soap, bath salts, bubble bath and petroleum jelly for cosmetic purposes; beauty products made with hemp, namely, face and body lotion, essential oils, body oils, bath oils, oils for cosmetic purposes, soap, bath salts, bubble bath and petroleum jelly for cosmetic purposes in International Class 003.
22. The opposed Application was filed on June 21, 2012 under Section 1(b) of the Trademark Act.
23. Opposer is the owner of U.S. Trademark Registration No. 2620034 for the mark FARMAESTHETICS in at least international class 003 in relation to BODY AND BATH PRODUCTS IN THE FORM OF HERBAL PREPARATIONS, NAMELY, HAND CREAM, BODY POWDER, FOOT POWDER, NON-MEDICATED BATH AND BODY PRODUCTS, NAMELY, SALVES, MASSAGE

OILS, SINUS SALTS, MINERAL BATH SALTS, BODY LOTIONS, ALOE WATER FRAGRANCES, FOR SCENTING AND MOISTURIZING SKIN, NON-MEDICATED REMEDY OILS FOR USE IN HOT BATH SOAKS AND EXTERNAL MASSAGE, AFTER SHAVE LOTION, NON-MEDICATED BUG BITE BALM, AND SUNBURN LOTION, FACIAL AND BODY SOAP, FACIAL AND BODY CLEANSERS AND FACE CREAM. Said registration is valid and subsisting.

24. Since at least 2000 or earlier, and long prior to Applicant's filing date, Opposer has used FARMAESTHETICS above in connection with at least BODY AND BATH PRODUCTS IN THE FORM OF HERBAL PREPARATIONS, NAMELY, HAND CREAM, BODY POWDER, FOOT POWDER, NON-MEDICATED BATH AND BODY PRODUCTS, NAMELY, SALVES, MASSAGE OILS, SINUS SALTS, MINERAL BATH SALTS, BODY LOTIONS, ALOE WATER FRAGRANCES, FOR SCENTING AND MOISTURIZING SKIN, NON-MEDICATED REMEDY OILS FOR USE IN HOT BATH SOAKS AND EXTERNAL MASSAGE, AFTER SHAVE LOTION, NON-MEDICATED BUG BITE BALM,

AND SUNBURN LOTION, FACIAL AND BODY SOAP, FACIAL AND BODY CLEANSERS AND FACE CREAM.

25. Opposer's goods in connection with its trademark for FARMAESTHETICS are closely related to goods identified in Application Serial No. 85/658,031 for the mark THE FARM. On information and belief, Opposer's goods and Applicant's goods are offered to the same classes of customers through the same channels of trade.

26. Applicant's Mark, THE FARM, is confusingly similar to Opposer's FARMAESTHETICS mark, and is likely to cause confusion.

27. If Applicant uses the Mark THE FARM with the services identified in Application 85/658,031, such use would be likely to cause confusion, mistake, and/or deception of the relevant trade and public. Customers and potential customers are likely to believe that Applicant's services offered under the Mark emanate from, or are licensed or approved by, Opposer, when that is not the case. Such

confusion, mistake, and/or deception would be a source of damage to Opposer.

28. If Applicant is granted the registration herein opposed, it would thereby obtain a prima facie right to use the Mark THE FARM which is confusingly similar to the Opposer's marks, which would be a further source of damage to Opposer.

29. Applicant's Mark, THE FARM, is likely to cause confusion with Opposer's trademark FARMAESTHETICS, and therefore Applicant's Mark should be refused registration, rendered unenforceable, and/or restricted under Section 2(d) of the Trademark Act.

WHEREFORE, Opposer believes that it will be damaged by registration of said Mark – THE FARM, and prays that this Opposition be sustained in favor of Opposer, that Application Serial No. 85/658,031 be refused registration, rendered unenforceable, and/or restricted based upon at the least the grounds set forth above. The Applicant reserves the right to add additional counts beyond those recited above.

Opposer hereby appoints Barlow, Josephs & Holmes Ltd., a law firm composed of Daniel J. Holmander, Stephen J. Holmes, Cheryl Clarkin, David Josephs, Robert Lichter, and Joshua Stockwell, to act as attorneys for Opposer herein, with full power to prosecute said Opposition, to transact all relevant business with the Patent and Trademark Office and in the United States Courts and to receive all official communications in connection with this Opposition.

The fee required for the Opposition for one class (\$300 USD) is set out at (2.6(a)(17) and the TTAB is authorized to charge any fees necessary for filing this Opposition to our Deposit Account 020900.

Respectfully submitted,

BB Pharmaceuticals, Inc. (Opposer)

Date: April 4, 2014

/daniel j. holmander/
Daniel J. Holmander, Esq.
Counsel for Opposer

Barlow, Josephs & Holmes Ltd.
101 Dyer Street, 5th floor
Providence, RI 02903-3908
Tel. 401-273-4446
Fax 401-273-4447
Email: djh@barjos.com

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **OPPOSITION** has been served on Applicant's counsel, at the following addresses of record, by first class mail, postage prepaid, this 3rd day of April 2014:

Applicant's Counsel
PAMELA N. HIRSCHMAN
SHERIDAN ROSS P.C.
1560 BROADWAY STE 1200
DENVER, CO 80202-5145



About The Farm

Our Products

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Boulder's Finest Medical Marijuana Dispensary

The Farm is a locally owned and operated Care Center in Boulder, CO. The Farm Team is dedicated to delivering nature's best medicine to Colorado patients in a safe, compassionate environment. Our knowledgeable staff is warm, welcoming and excited to share their passion for the medical marijuana movement. Here you will find a professional, clean and open space offering the highest grade medicine in addition to largest selection of edibles, books and accessories. Get back to your roots, if you haven't visited The Farm yet, it's time.



Locally Grown

The Farm cultivates 100% of its own medicine in Boulder, CO with expert cultivators on staff. Our team uses organic sustainable growing techniques to bring out the best qualities of the plant. Our aim is to



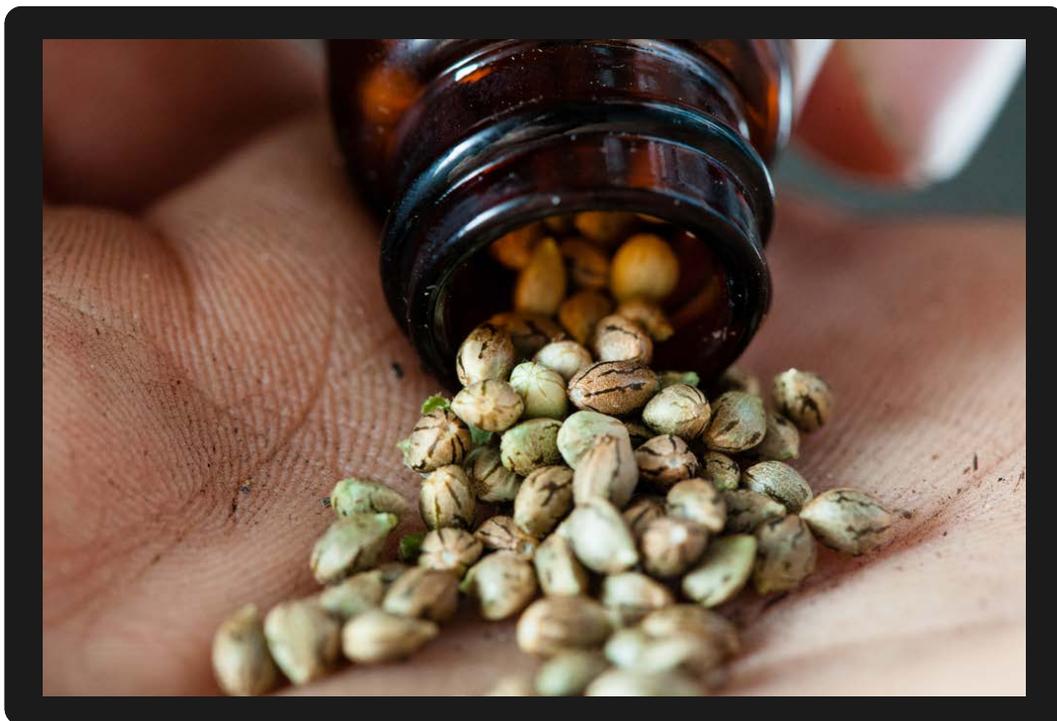
The Farm Co.



You like this. 1,434



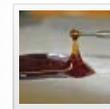
provide consistent high-grade cannabis our members can rely on. We focus on bringing out the highest medicinal qualities of each strain that we offer. We constantly work to increase our knowledge of new cultivation techniques and innovations, and we work with our members to ensure this knowledge finds its way into higher quality medicine. Because we oversee all of our own production, we can offer more affordable prices to our patients on select top-shelf medical cannabis.



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CO2 Extraction For Cannabis Concentrates



More States Enforcing Marijuana DUI's



Dr. Sanjay Gupta Weed 2 Documentary

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2801 Iris Avenue
Boulder, CO 80301
(303) 440-1323



5420 Arapahoe Avenue, Unit D
Boulder, CO 80303
(303) 443-0240



The Farm Co.



You like this, 1,434



Contact Us

Mon. – Fri. 8-6:45
Sat. 9-6:45
Sun. 11-6:45

Mon. – Sat. 10-6:45
Sun. 11-6:45



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To: The Skinny Pineapple, Inc. (ann@grmpc.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85015150 - THE FARM - N/A
Sent: 7/29/2010 9:49:11 AM
Sent As: ECOM111@USPTO.GOV
Attachments: [Attachment - 1](#)
[Attachment - 2](#)
[Attachment - 3](#)
[Attachment - 4](#)
[Attachment - 5](#)
[Attachment - 6](#)
[Attachment - 7](#)
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[Attachment - 18](#)
[Attachment - 19](#)
[Attachment - 20](#)

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

APPLICATION SERIAL NO. 85/015150

MARK: THE FARM

85015150

CORRESPONDENT ADDRESS:

ANN M. SCHROEDER, ESQ.
G. REDMOND MICHAELS, P.C.
3100 ARAPAHOE AVE STE 450
BOULDER, CO 80303-1586

CLICK HERE TO RESPOND TO THIS LETTER:
<http://www.uspto.gov/teas/eTEASpageD.htm>

APPLICANT: The Skinny Pineapple, Inc.

CORRESPONDENT'S REFERENCE/DOCKET

NO:

N/A

CORRESPONDENT E-MAIL ADDRESS:

ann@grmpc.com

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

ISSUE/MAILING DATE: 7/29/2010

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62, 2.65(a); TMEP §§711, 718.03.

Request for Additional Information

The applied-for mark includes the wording THE FARM, with the applicant having stated in the application that the term FARM has no significance in the relevant trade or industry or as applied to the goods/services listed in the application.

However, in light of some of the wording on the specimen advertisement submitted with the application, the examining attorney finds that additional information is required with regard to the nature of the identified services and the significance of the wording in the mark. *See* 37 C.F.R. §2.61(b); TMEP §§814, 1402.01(e).

Specifically, the applicant has identified retail store services in the fields of alternative medicine, herbal remedies, and related products. It appears from the applicant's website that the applicant is a healthcare facility that specializes in medical marijuana and alternative medicine. However, the specimen submitted with the application refers to "Locally Grown" herbal products, "Free Growing Classes," and invites visitors to view the applicant's "clone nursery." In light of this information on the specimen, the examining attorney is unclear as to whether the applicant is solely a healthcare facility or whether part of the applicant's activities involve farmland (on or off the premises of the applicant's healthcare facility) that is used to grow various types of herbal products that are then used in the applicant's caregiving activities and/or sold to customers.

Accordingly, to ensure that a proper determination can be made with regard to the significance of the wording in the applied-for mark, the applicant must explain for the record whether the applicant operates or uses a farm or farmland in order to grow any of the herbal products that it sells; or whether any of the products that the applicant sells via the identified retail store services are specifically farm-grown products.

If the applicant indicates that any of the goods sold by means of the identified retail store services are

farm-grown products, then the following disclaimer requirement is applicable.

Disclaimer Requirement

The Office can require an applicant to disclaim an unregistrable part of a mark consisting of particular wording, symbols, numbers, design elements or combinations thereof. 15 U.S.C. §1056(a). Under Trademark Act Section 2(e), the Office can refuse registration of an entire mark if the entire mark is merely descriptive, deceptively misdescriptive, or primarily geographically descriptive of the goods. 15 U.S.C. §1052(e). Thus, the Office may require an applicant to disclaim a portion of a mark that, when used in connection with the goods or services, is merely descriptive, deceptively misdescriptive, primarily geographically descriptive, or otherwise unregistrable (e.g., generic). See TMEP §§1213, 1213.03. Failure to comply with a disclaimer requirement can result in a refusal to register the entire mark. TMEP §1213.01(b).

A “disclaimer” is a statement that applicant does not claim exclusive rights to an unregistrable component of a mark. TMEP §1213. A disclaimer does not affect the appearance of the applied-for mark. See TMEP §1213.10. In other words, a disclaimer does not physically remove the disclaimed matter from the mark, but rather is a written statement that applicant does not claim exclusive rights to the disclaimed wording and/or design separate and apart from the mark as shown in the drawing. TMEP §§1213, 1213.10.

In this case, if the applicant’s response to the above information request indicates that the term “FARM” in the mark refers to the fact that the goods sold via the identified retail store services are farm-grown products, then the applicant must disclaim this term apart from the mark as shown. See 15 U.S.C. §1056(a); TMEP §§1213, 1213.03(a). See the attached examples of third-party registrations showing consistent descriptive treatment of the term “FARM” where it refers to the fact that the identified goods or services involve farm-grown products.

The computerized printing format for the Office’s *Trademark Official Gazette* requires a standardized format for a disclaimer. TMEP §1213.08(a)(i); see *In re Owatonna Tool Co.*, 231 USPQ 493 (Comm’r Pats. 1983). The following is the standard format used by the Office:

No claim is made to the exclusive right to use “FARM” apart from the mark as shown.

Search of Office Database – No Conflicting Marks Noted

The Office records have been searched and there are no similar registered or pending marks that would bar registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d). TMEP §704.02.

If the applicant has any questions or needs assistance in responding to this Office action, please telephone the examining attorney.

/Elizabeth A. Hughitt/

Elizabeth A. Hughitt
Examining Attorney
Law Office 111
U.S. Patent and Trademark Office
(571) 272-9384

TO RESPOND TO THIS LETTER: Use the Trademark Electronic Application System (TEAS) response form at <http://teasroa.uspto.gov/roa/>. Please wait 48-72 hours from the issue/ mailing date before using TEAS, to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using Trademark Applications and Registrations Retrieval (TARR) at <http://tarr.uspto.gov/>. Please keep a copy of the complete TARR screen. If TARR shows no change for more than six months, call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the TEAS form at <http://www.uspto.gov/teas/eTEASpageE.htm>.

DESIGN MARK

Serial Number

77143751

Status

REGISTERED

Word Mark

BUXTON HOLLOW FARM

Standard Character Mark

Yes

Registration Number

3680227

Date Registered

2009/09/08

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Jacques, Francis L. INDIVIDUAL UNITED STATES 300 Buxton St. North
Smithfield RHODE ISLAND 02896

Goods/Services

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Retail
store services featuring wines, wine accessories, clothing, gifts, and
farm products. First Use: 2005/06/17. First Use In Commerce:
2005/06/17.

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "FARM" APART FROM THE
MARK AS SHOWN.

Name/Portrait Statement

"BUXTON HOLLOW" DOES NOT IDENTIFY A LIVING INDIVIDUAL

Filing Date

2007/03/29

Examining Attorney

DAWE, BILL

Print: Jul 29, 2010

77143751

Attorney of Record
Elliot Salter

BUXTON HOLLOW FARM

DESIGN MARK

Serial Number

77462681

Status

REGISTERED

Word Mark

HALO FARM

Standard Character Mark

Yes

Registration Number

3611369

Date Registered

2009/04/28

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Halo Farm, Inc. CORPORATION NEW JERSEY 970 Spruce Street Lawrenceville
NEW JERSEY 08648

Goods/Services

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: retail
store services featuring dairy products, fruit juices and drinks, iced
tea, ice cream and bread. First Use: 1975/00/00. First Use In
Commerce: 1975/00/00.

Prior Registration(s)

1128726;1128738;1404272

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "FARM" APART FROM THE
MARK AS SHOWN.

Filing Date

2008/05/01

Examining Attorney

FATHY, DOMINIC

Print: Jul 29, 2010

77462681

Attorney of Record
David M. Quinlan

HALO FARM

DESIGN MARK

Serial Number

77508061

Status

REGISTERED

Word Mark

CRAZY K FARM

Standard Character Mark

Yes

Registration Number

3569835

Date Registered

2009/02/03

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Crazy K Poultry And Livestock, LLC LIMITED LIABILITY COMPANY TEXAS
28384 Mellman Road Hempstead TEXAS 77445

Goods/Services

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Retail store and on-line retail store services featuring chicken and duck eggs, poultry, and avian, parrot and avian pet-related items; Wholesale distributorships featuring chicken and duck eggs, poultry, and avian, parrot and avian pet-related items. First Use: 2006/10/09. First Use In Commerce: 2008/01/15.

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "FARM" APART FROM THE MARK AS SHOWN.

Filing Date

2008/06/25

Examining Attorney

KON, ELISSA GARBER

CRAZY K FARM

DESIGN MARK

Serial Number

77644981

Status

REGISTERED

Word Mark

HAWTHORNE VALLEY FARM

Standard Character Mark

Yes

Registration Number

3663236

Date Registered

2009/08/04

Type of Mark

TRADEMARK; SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Hawthorne Valley Association, Inc. CORPORATION NEW YORK 327 County
Route 21C Ghent NEW YORK 12075

Goods/Services

Class Status -- ACTIVE. IC 029. US 046. G & S: cheeses; yogurt; beef products, namely, beef, ground beef, beef steak, beef stew, and beef bones; pork products, namely, pork, ground pork, pork ribs, pork chops, ham steaks, pork sausage, and hot dogs; sauerkraut; pickles; processed beans; and processed carrots. First Use: 1989/00/00. First Use In Commerce: 1989/00/00.

Goods/Services

Class Status -- ACTIVE. IC 030. US 046. G & S: breads, bread rolls, quick bread, muffins, cookies, cakes, granola, pies and pastries. First Use: 1998/00/00. First Use In Commerce: 1998/00/00.

Goods/Services

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: retail store services featuring food products. First Use: 1989/00/00. First Use In Commerce: 1989/00/00.

Print: Jul 29, 2010

77644981

Prior Registration(s)

2648850

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "FARM" APART FROM THE MARK AS SHOWN.

Filing Date

2009/01/07

Examining Attorney

EINSTEIN, MATTHEW

Attorney of Record

EDWARD G. GREIVE

HAWTHORNE VALLEY FARM

DESIGN MARK

Serial Number

77832459

Status

REGISTERED

Word Mark

KATCHKIE FARM

Standard Character Mark

No

Registration Number

3778034

Date Registered

2010/04/20

Type of Mark

TRADEMARK; SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

Owner

Katchkie Farm, LLC LIMITED LIABILITY COMPANY NEW YORK c/o Great Performances 304 Hudson Street, 2nd Floor New York NEW YORK 10013

Goods/Services

Class Status -- ACTIVE. IC 029. US 046. G & S: Processed fruits and vegetables. First Use: 2006/08/03. First Use In Commerce: 2009/07/09.

Goods/Services

Class Status -- ACTIVE. IC 031. US 001 046. G & S: Fresh organic produce, namely, fruits and vegetables; fresh produce, namely, fruits and vegetables. First Use: 2004/09/01. First Use In Commerce: 2009/08/27.

Goods/Services

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Retail store services featuring fruits and vegetables, organically grown fruits and vegetables and processed fruits and vegetables. First Use: 2006/07/01. First Use In Commerce: 2006/07/01.

Prior Registration(s)

3436656

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "FARM" APART FROM THE MARK AS SHOWN.

Description of Mark

The mark consists of the term "KATCHKIE" appearing horizontally across the top of the mark in descending, shadowed font from left to right followed directly below by the term "FARM" in script; a mountain range and the silhouette of two small birds appears across the middle of the mark with cultivated, tilled fields and orchard rows of trees appearing diagonally at the bottom of the mark.

Colors Claimed

Color is not claimed as a feature of the mark.

Filing Date

2009/09/22

Examining Attorney

TWOHIG, SHANNON

Attorney of Record

James M. Gibson

KATCHKIE

Farm



DESIGN MARK

Serial Number

78655719

Status

REGISTERED

Word Mark

BERRYBROOK FARM NATURAL FOOD PANTRY

Standard Character Mark

No

Registration Number

3129207

Date Registered

2006/08/15

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

Owner

Abundant Provisions, Inc. CORPORATION NORTH CAROLINA 1257 East
Boulevard Charlotte NORTH CAROLINA 28203

Goods/Services

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Retail
store services featuring natural foods and supplements and on-line
retail store services featuring natural foods and supplements. First
Use: 1972/10/00. First Use In Commerce: 1972/10/00.

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "FARM" and "NATURAL
FOOD" APART FROM THE MARK AS SHOWN.

Lining/Stippling Statement

The color gray is intended to indicate shading and contrast only.

Filing Date

2005/06/22

Examining Attorney

VASQUEZ, JENNIFER

Print: Jul 29, 2010

78655719

Attorney of Record
Ralph H. Dougherty

**Berrybrook
Farm**



NATURAL FOOD PANTRY



DESIGN MARK

Serial Number

78748275

Status

REGISTERED

Word Mark

PRETTY BROOK FARM

Standard Character Mark

Yes

Registration Number

3628844

Date Registered

2009/05/26

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

T.J.R. McDowell, LLC LIMITED LIABILITY COMPANY CALIFORNIA 923 14th
Street Pacific Grove CALIFORNIA 93950

Goods/Services

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Wholesale distributorship, retail store services, and distributorship services featuring farm products and supplies in the nature of canned goods, eggs, fresh cut flowers, fresh produce, prepared foods, poultry, sheep, raw wool and wool products. First Use: 1969/00/00. First Use In Commerce: 1969/00/00.

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "FARM" APART FROM THE MARK AS SHOWN.

Filing Date

2005/11/07

Examining Attorney

RIRIE, VERNA BETH

Print: Jul 29, 2010

78748275

Attorney of Record
Jack Grant

PRETTY BROOK FARM

To: The Skinny Pineapple, Inc. (ann@grmpc.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85015150 - THE FARM - N/A
Sent: 7/29/2010 9:49:15 AM
Sent As: ECOM111@USPTO.GOV
Attachments:

IMPORTANT NOTICE REGARDING YOUR TRADEMARK APPLICATION

Your trademark application (Serial No. 85015150) has been reviewed. The examining attorney assigned by the United States Patent and Trademark Office (“USPTO”) has written a letter (an “Office action”) on **7/29/2010** to which you must respond (*unless the Office letter specifically states that no response is required*). Please follow these steps:

1. **Read** the Office letter by clicking on this [link](#) http://tmportal.uspto.gov/external/portal/tow?DDA=Y&serial_number=85015150&doc_type=OOA& OR go to <http://tmportal.uspto.gov/external/portal/tow> and enter your serial number to access the Office letter. If you have difficulty accessing the Office letter, contact TDR@uspto.gov.

PLEASE NOTE: The Office letter may not be immediately available but will be viewable within 24 hours of this e-mail notification.

2. **Contact** the examining attorney who reviewed your application if you have any questions about the content of the Office letter (contact information appears at the end thereof).

3. **Respond** within 6 months, calculated from **7/29/2010** (*or sooner if specified in the Office letter*), using the Trademark Electronic Application System (TEAS) [Response to Office Action form](#). If you have difficulty using TEAS, contact TEAS@uspto.gov.

ALERT:

Failure to file any required response by the applicable deadline will result in the [ABANDONMENT](#) (loss) of your application.

Do NOT hit “Reply” to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses.



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Word Mark **THE FARM**

Goods and Services (ABANDONED) IC 035. US 100 101 102. G & S: retail store services for alternative medicine, herbal remedies, and related products. FIRST USE: 20091101. FIRST USE IN COMMERCE: 20091101

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design 26.17.09 - Bands, curved; Bars, curved; Curved line(s), band(s) or bar(s); Lines, curved

Search Code 26.17.13 - Letters or words underlined and/or overlined by one or more strokes or lines; Overlined words or letters; Underlined words or letters

Serial Number 85015150

Filing Date April 15, 2010

Current Basis 1A

Original Filing Basis 1A

Owner (APPLICANT) The Skinny Pineapple, Inc. DBA The Farm CORPORATION COLORADO # 200 1305 College Ave Boulder COLORADO 80302

Attorney of Record Ann M. Schroeder, Esq.

Description of Mark Color is not claimed as a feature of the mark. The mark consists of the words "THE FARM" in stylized block letters shaped in a curve with two curved lines above the word "FARM" and to curved lines below the word "FARM." The word "THE" is in smaller letters and is above the letter "F" in the word "FARM" and to the left of one curved line and below another curved line.

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator DEAD

Abandonment
Date February 1, 2011

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