

ESTTA Tracking number: **ESTTA657094**

Filing date: **02/20/2015**

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

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	JDS Advertising, Inc.		
Entity	Corporation	Citizenship	North Carolina
Address	2007 Hobbton Highway Clinton, NC 28328-1769 UNITED STATES		

Attorney information	Daniel I. Schloss Greenberg Traurig 200 Park Avenue New York, NY 10166 UNITED STATES schlossd@gtlaw.com, bergerm@gtlaw.com, nairm@gtlaw.com, bian- coc@gtlaw.com, nytmkt@gtlaw.com Phone:212-801-2256		
----------------------	---	--	--

Registration Subject to Cancellation

Registration No	4191968	Registration date	08/14/2012
Registrant	FARMLIFE, LLC 6830 NE 150th Avenue Williston, FL 32696 UNITED STATES		

Goods/Services Subject to Cancellation

Class 006. First Use: 2012/03/24 First Use In Commerce: 2012/03/24 All goods and services in the class are cancelled, namely: Non-luminous and non-mechanical metal signs
Class 016. First Use: 2012/03/24 First Use In Commerce: 2012/03/24 All goods and services in the class are cancelled, namely: Bumper stickers
Class 021. First Use: 2012/03/24 First Use In Commerce: 2012/03/24 All goods and services in the class are cancelled, namely: Insulating sleeve holder for bottles; Insulating sleeve holders for beverage cans
Class 025. First Use: 2012/03/24 First Use In Commerce: 2012/03/24 All goods and services in the class are cancelled, namely: Button down shirts; Collared shirts; Dress shirts; Hats; Jackets; Long-sleeved shirts; Pants; Shorts; T-shirts; Tee shirts

Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

Marks Cited by Petitioner as Basis for Cancellation

U.S. Application/ Registra-	NONE	Application Date	NONE
-----------------------------	------	------------------	------

tion No.			
Registration Date	NONE		
Word Mark	FARM LIFE		
Goods/Services	shirts, t-shirts, sweatshirts, hats, stickers, bumper stickers, car decals, key chains, insulating sleeves for beverage bottles and cans		

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	FARM LIFE DESIGNS		
Goods/Services	shirts, t-shirts, sweatshirts, hats, stickers, bumper stickers, car decals, key chains, insulating sleeves for beverage bottles and cans		

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		

Design Mark			
Goods/Services	shirts, t-shirts, sweatshirts, hats, stickers, bumper stickers, car decals, key chains, insulating sleeves for beverage bottles and cans		

Attachments	FARM LIFE DESIGNS Logo.jpg Petition to Cancel FARM LIFE WATCH EM' GROW.pdf(117415 bytes)
-------------	--

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	/MELISSA BERGER/
Name	Melissa Berger
Date	02/20/2015

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

In re: U.S. Registration No. 4,191,968

Mark: FARM LIFE WATCH EM' GROW & Design



Registered: August 14, 2012

-----X
JDS ADVERTISING, INC.,

Petitioner,

-against-

Cancellation No. _____

FARMLIFE, LLC,

Respondent.
-----X

PETITION TO CANCEL

JDS Advertising, Inc., believing that it will be damaged by the above-identified trademark registrations, hereby petitions to cancel the same, pursuant to 15 U.S.C. § 1064 and 37 C.F.R. § 2.111(b), and alleges as follows:

FACTS

Respondent

1. Upon information and belief, Respondent Farmlife, LLC ("Respondent") is a limited liability company, organized and existing under the laws of the State of Florida, with a principal place of business at 6830 NE 150th Avenue, Williston, Florida 32696.

2. On October 6, 2011, Respondent filed Application Serial No. 85/440,807 (the “Application”), seeking to register the mark FARM LIFE WATCH EM’ GROW & Design



(“Respondent’s Mark”).

3. On August 14, 2012, the Application was registered as Registration No. 4,191,968 (“the Registration”).

4. The goods covered by the Registration are:

International Class 6: Non-luminous and non-mechanical metal signs;

International Class 16: Bumper stickers;

International Class 21: Insulating sleeve holder for bottles; Insulating sleeve holders for beverage cans; and

International Class 25: Button down shirts; Collared shirts; Dress shirts; Hats; Jackets; Long-sleeved shirts; Pants; Shorts; T-shirts; Tee shirts

(collectively, “Respondent’s Goods”).

5. The Registration identifies a first use date – anywhere and in commerce – of March 24, 2012.

Petitioner

6. Petitioner JDS Advertising, Inc. (“JDS” or “Petitioner”) is a corporation organized and existing under the laws of the State of North Carolina, having a place of business at 2007 Hobbton Hwy., Clinton, North Carolina 28328.

7. Since a time prior to any actual or constructive use by Respondent of Respondent’s Mark, Petitioner has used in commerce the trademarks FARM LIFE and FARM LIFE DESIGNS (alone and as part of the following distinctive logo):



(collectively, "Petitioner's Marks") for wearing apparel and other goods identical or similar to Respondent's Goods ("Petitioner's Goods").

8. Since early 2013, Petitioner has also used in commerce the related variant mark FARM LIVIN' and Design, depicted as follows, which mark is the subject of Registration No. 4,464,103:



Grounds: Likelihood of Confusion Under Section 2(d)

9. Petitioner repeats and realleges the allegations set forth in the preceding paragraphs.

10. Petitioner has used in commerce Petitioner's Marks prior to any use by Respondent of Respondent's Mark. As such, Petitioner has priority.

11. Respondent's Mark is closely similar to the Petitioner's Marks in sight, sound, connotation, and commercial impression.

12. Respondent's Goods are identical and related to Petitioner's Goods.

13. The continued registration of the Registration and use of Respondent's Mark for Respondent's Goods is therefore likely to cause confusion, mistake, and deception as to the source of Respondent's Goods.

W H E R E F O R E Petitioner prays that the Board sustain the Cancellation and cancel

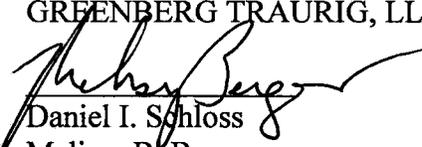
the Registration, pursuant to 15 U.S.C. § 1064.

Dated: New York, New York
February 20, 2015

Respectfully Submitted,

GREENBERG TRAURIG, LLP

By:



Daniel I. Schloss
Melissa B. Berger
200 Park Avenue
New York, New York 10166
(212) 801-2256
(212) 805-5571
schlossd@gtlaw.com

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of February, 2015, the foregoing Petition to Cancel was served upon Respondent by delivering same to the following Attorney of Record for

Respondent via First Class Mail:

Mark D. Bowen, Esq.
Malin Haley Dimaggio & Bowen, P.A.
1936 S Andrews Avenue
Fort Lauderdale, Florida 33316-2859



Melissa Berger