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Filing date: **03/31/2015**

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

Proceeding	92060929
Party	Defendant Farmlife, LLC
Correspondence Address	FARMLIFE, LLC 6830 NE 150TH AVENUE WILLISTON, FL 32696 UNITED STATES
Submission	Answer
Filer's Name	Kristina M. DiMaggio
Filer's e-mail	info@mhdpatents.com
Signature	/kristina m. dimaggio/
Date	03/31/2015
Attachments	Respondent's answer.pdf(92260 bytes )

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

In the Matter of Registration No. 4191968  
Trademark: FARM LIFE WATCH EM' GROW + Design

JDS Advertising, Inc.,	)	
	)	
Petitioner,	)	
	)	
v.	)	Cancellation No. 92060929
	)	
Farmlife, LLC,	)	
	)	
Respondent.	)	
_____	)	

**ANSWER TO PETITION TO CANCEL**

Comes now Respondent, Farmlife, LLC (hereinafter "Respondent"), a Florida limited liability company, with an address at 6830 NE 150<sup>th</sup> Avenue, Williston, Florida 32696, by and through the undersigned counsel, and answers the Petition to Cancel, filed by JDS Advertising, Inc. ("Petitioner") as follows:

1. Respondent admits the facts contained in paragraph 1 of the Petition to Cancel.
2. Respondent admits the facts contained in paragraph 2 of the Petition to Cancel.
3. Respondent admits the facts contained in paragraph 3 of the Petition to Cancel.
4. Respondent admits the facts contained in paragraph 4 of the Petition to Cancel.
5. Respondent admits the facts contained in paragraph 5 of the Petition the Cancel.
6. Respondent is without sufficient information upon which to form a belief as to the truth, falsity or completeness of the allegations contained in paragraph 6 of the Petition to Cancel and therefore denies the same.

7. Respondent denies the allegations contained in paragraph 7 of the Petition to Cancel.

8. Respondent is without sufficient information upon which to form a belief as to the truth, falsity or completeness of the allegations contained in paragraph 8 of the Petition to Cancel and therefore denies the same.

9. Respondent repeats and realleges the answers set forth in the preceding paragraphs.

10. Respondent denies the allegations contained in paragraph 10 of the Petition to Cancel.

11. Respondent is without sufficient information upon which to form a belief as to the truth, falsity or completeness of the allegations contained in paragraph 11 of the Petition to Cancel and therefore denies the same.

12. Respondent is without sufficient information upon which to form a belief as to the truth, falsity or completeness of the allegations regarding Petitioner's goods contained in paragraph 12 of the Petition to Cancel and therefore denies the same.

13. Respondent is without sufficient information upon which to form a belief as to the truth, falsity or completeness of the allegations contained in paragraph 13 of the Petition to Cancel and therefore denies the same.

### **AFFIRMATIVE DEFENSES**

#### **FIRST AFFIRMATIVE DEFENSE-PRIORITY**

14. Based on the dates of first use of record, Respondent's date of first use is March 24, 2012, which is at least a year earlier than Petitioner's date of first use of April 12, 2013 for the mark FARM LIVIN and Design. As a result, Respondent has priority over Petitioner's mark.

**SECOND AFFIRMATIVE DEFENSE-ABANDONMENT**

15. Petitioner's application, Serial No. 85522634 for the mark FARM LIFE DESIGNS was abandoned on May 15, 2013. The application was issued a Notice of Abandonment on June 12, 2013 after failure to file a response to office action mailed on November 12, 2012 and no petition to revive was filed. See attached. As a result, Petitioner abandoned its use of the mark FARM LIFE DESIGNS.

**WHEREFORE**, Respondent, Farmlife, LLC, respectfully demands judgment dismissing the Petitioner's Petition to Cancel against Respondent's Registration No. 4191968 and that this Answer in response to such petition be sustained, that Judgment is entered in Respondent's favor and its registration upheld.

Date: 3/31/15

Respectfully Submitted By:

/kristina m. dimaggio/  
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Kristina M. DiMaggio  
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**CERTIFICATE OF SERVICE**

This **ANSWER TO PETITION TO CANCEL** is being filed electronically this day with the U.S. Trademark Trial and Appeal Board, and one copy of the foregoing is being mailed by First Class U.S. Mail in a postage prepaid envelope to Petitioner's Counsel this 31st day of March, 2015, as follows:

Daniel I. Schloss  
Melissa B. Berger  
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