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07-23-2001

U.S. Patent & TMO/TM Mail Rcpt Dt. #57

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

In the Matter of Application Serial No. 76/026,184
Mark: FARM LIVING (in Int. Class 016)
Published in the *Official Gazette* on January 2, 2001

Reiman Publications, LLC

Opposer,

v.

Opposition No.

Farm Living, Inc.

Applicant.

07/26/2001 SWILSON1 00000275 170055 76026184
01 FC:377 300.00 CH

NOTICE OF OPPOSITION

Box TTAB
FEE
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

Reiman Publications, LLC, a Delaware limited liability company with its principal place of business at 5400 South 60th Street, Greendale, Wisconsin 53129, believes that it would be damaged by registration of the mark shown in Application Serial No. 76/026,184, and hereby opposes same. Opposer has been granted an extension of time to oppose (with Applicant's consent), to August 1, 2001.

As grounds of opposition, Opposer alleges that:

1. Application Serial No. 76/026,184 is an intent to use trademark application, filed on April 13, 2000 under Section 1(b) of the Trademark Act (15 U.S.C.

§1051(b), as amended), for registration of the mark FARM LIVING (with the word FARM disclaimed), for “publications, namely a magazine featuring homes, barns, land, fences, furnishings, gardening, food, entertaining, decorating, arts, antiques, architecture, real estate, travel, events, construction, and general lifestyle; catalogs in the field of products for the home and farm,” in Int. Class 016. Upon information and belief, the applicant has not used the mark in commerce in connection with the goods recited in the application.

2. Opposer is, among other things, engaged in interstate commerce in the business of publishing magazines, with over 15 million paid subscribers in the United States.

3. Opposer has, since March, 1978, published a magazine featuring human interest stories under the mark FARM & RANCH LIVING. This magazine has over 400,000 subscribers and has been distributed and is well known throughout the United States.

4. Opposer owns U.S. Trademark Registration No. 1,198,664 for the mark FARM & RANCH LIVING for magazines, which registration issued on June 22, 1982, and is valid, subsisting, and incontestable.

5. Opposer’s use of the FARM & RANCH LIVING mark in connection with its magazines began long prior to the date that Applicant filed its application and, upon information and belief, long prior to any use by Applicant of its mark in commerce.

6. Opposer's FARM & RANCH LIVING mark has been extensively used and advertised in interstate commerce to identify Opposer's magazines and thus Opposer has developed and owns valuable property rights and goodwill in said mark.

7. Applicant's mark FARM LIVING so resembles Opposer's mark, the latter of which has previously been used in the United States and not abandoned, as to be likely, when applied to the goods of Applicant, to cause confusion and to cause mistake and to deceive. Specifically, and without limitation, members of the public seeing Applicant's mark are likely to believe or assume that the same identifies goods that are provided by or otherwise associated with or sponsored by Opposer.

8. By reason of the foregoing, registration of Applicant's mark will result in irreparable injury to Opposer and to its rights in its mark.

WHEREFORE, Opposer prays that this opposition be sustained and that registration of Applicant's mark be refused.

Dated: July 18, 2001

Respectfully submitted,

Reiman Publication, LLC

By: *Marta Levine*

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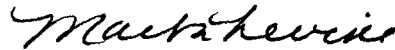
Opposer: Reiman Publications, LLC
Applicant: Farm Living, Inc.
Mark: FARM LIVING
Serial No.: 76/026,184
Int. Class No.: 016

Direct Inquiries to:
David R. Cross

Certificate of Mailing

I hereby certify that this Notice of Opposition (in duplicate) is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Box TTAB FEE, Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513.

Date of signature and deposit:
July 18 2001



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July 18, 2001
Our Reference: 790117.81195

07-23-2001

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Re: Opposer: Reiman Publications, LLC
 Applicant: Farm Living, Inc.
 Mark: FARM LIVING
 Serial No.: 76/026,184
 Int. Class No.: 016

Dear Sir:

Enclosed for filing are one original and one duplicate copy of a Notice of Opposition to the above-noted trademark application. Please charge Deposit Account No. 17-0055 to cover the filing fee of \$300.00 (and any other amounts necessary to effectuate this Notice of Opposition); an additional copy of this letter is enclosed.

Also enclosed is a return postcard. Please date-stamp the postcard and return it to me to indicate receipt of the enclosures. Thank you for your attention to this matter.

Very truly yours,

QUARLES & BRADY LLP

Marta S. Levine
Marta S. Levine

msl/kt - Enclosures

Certificate of Mailing

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