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01-21-2003

U.S. Patent & TMOtc/TM Mail Rcpt Dt. #30

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

In the Matter of Trademark Application Serial No. 76/026,184
For the Mark: FARM LIVING
Published in the Official Gazette January 2, 2001

Reiman Publications, LLC.	:	
	:	
Opposer	:	
v.	:	Opposition No. 150,075
	:	
Farm Living, Inc.	:	
	:	
Applicant	:	
	:	

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Box TTAB
NO FEE
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

MOTION TO QUASH NOTICE OF TRIAL DEPOSITION OF JUDITH A. WOLF

Applicant, Farm Living, Inc., respectfully moves to quash the Notice of Trial Deposition of Judith A. Wolf and as grounds therefore states:

1. By Ruling dated November 26, 2002, the Board extended Opposer's trial testimony period through and until January 20, 2003.
2. On January 15, 2003, just three business days before the deadline, Opposer served a Notice of Trial Deposition of

Judith A. Wolf for January 20, 2003 at 1:30 p.m.¹ A copy of the Notice is attached hereto as an Exhibit.

3. Opposer gave Applicant no prior notice of this "eleventh hour" deposition and made no attempt whatsoever to coordinate scheduling with Applicant's counsel.

4. Further, Opposer has not previously identified this trial witness. Moreover, Opposer has not furnished a single document to Applicant in advance of this deposition. Applicant cannot reasonably prepare for the cross examination of this surprise witness under these circumstances.


5. Opposer cannot possibly demonstrate good cause for waiting over seven weeks after receiving an extension of its testimony period before deciding, on short and surprise notice, to depose this witness.

6. Moreover, January 20 is the Birthday of Martin Luther King, Jr., a federal holiday. All federal courts and most of the law firms in Florida, including the undersigned's law offices, will be closed in honor of this holiday.

¹ The Notice was faxed at 7:01 EST on January 14, which is effectively January 15.

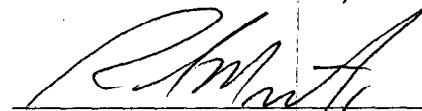
Wherefore, Applicant respectfully requests that the Board
quash Opposer's Notice of Trial Deposition of Judith A. Wolf.

Respectfully submitted,


Robert M. Schwartz, Esq.
Attorney for Applicant:
Farm Living, Inc.
200 E. Broward Boulevard
Suite 1500
Fort Lauderdale, FL 33301
Telephone: (954) 527-6252
Facsimile: (954) 333-4252


CERTIFICATE OF SERVICE

I HEREBY certify that a true and correct copy of Applicant's
Motion to Quash Notice of Trial Deposition of Judith A. Wolf has
been served by First-Class mail, postage prepaid, this 16
day of January, 2003, to: Opposer's attorney, Nathan D. Jamison,
Esq., Quarles & Brady, LLP, 411 East Wisconsin Avenue, Milwaukee,
WI 53202-4497.


Robert M. Schwartz, Esq.

CERTIFICATE OF MAILING

I CERTIFY that on January 16, 2003 a copy of the foregoing
Applicant's Motion to Quash Notice of Trial Deposition of Judith
A. Wolf was sent by U.S. Postal Service, First Class Mail to Box
TTAB, No Fee, Assistant Commissioner for Trademarks, 2900 Crystal
Drive, Arlington, VA 22202-3513.


Robert M. Schwartz, Esq.

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
Published in the Official Gazette on January 2, 2001

REIMAN PUBLICATIONS, LLC,

Opposer,

v.

Opposition No. 91/150,075

FARM LIVING, INC.,

Applicant.

NOTICE OF TRIAL DEPOSITION OF JUDITH A. WOLF

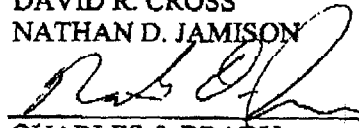
To: Robert M. Schwartz, Esq.
Ruden, McClosky, Smith, Schuster & Russell, P.A.
Attorneys for Applicant
200 East Broward Boulevard
Fort Lauderdale, FL 33301

PLEASE TAKE NOTICE that pursuant to Rule 2.123 of the Trademark Rules of Practice, the undersigned, counsel for Opposer Reiman Publications LLC, will conduct the trial deposition on oral examination of Judith A. Wolf on January 20, 2003, beginning at 1:30 p.m. CDT, and continuing from day to day until completed, before an officer authorized to administer oaths. The depositions will take place at the offices of Quarles & Brady LLP, 411 East Wisconsin Avenue, Milwaukee, Wisconsin 53202.

You are invited to attend and cross-examine.

Dated this 14th day of January, 2003.

MARTA S. LEVINE
DAVID R. CROSS
NATHAN D. JAMISON



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January 14, 2003

VIA FACSIMILE (954-333-4252) AND U. S. MAIL

Robert M. Schwartz, Esq.
Ruden, McClosky, Smith, Schuster & Russell, P.A.
200 East Broward Boulevard
Fort Lauderdale, FL 33301

**RE: Reiman Publications LLC v. Farm Living, Inc.
Opposition No. 150,075**

Dear Mr. Schwartz:

Enclosed please find a notice of trial deposition of Judith A. Wolf scheduled for Monday January 20, 2003 at 1:30 p.m. Central Standard Time. We anticipate that you will wish to appear by telephone and have no objections to you doing so. We expect that Ms. Wolf's deposition will be very short.

Please do not hesitate to contact me if you have any questions.

Sincerely,

QUARLES & BRADY LLP

A handwritten signature in black ink, appearing to read "Nathan D. Jamison".

Nathan D. Jamison

NJAMISON:crpp
Enclosure

EXHIBIT

QBMKEJ3357064.1