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

10-12-2001

U.S. Patent & TMO/TM Mail Rpt Dt. #70

In the Matter of Application Serial No. 76/026,184²2

Mark: FARM LIVING (in Int. Class 016)

Published in the Official Gazette on January 2, 2001

Reiman Publications, LLC

Opposer,

v.

Opposition No. 91150075

Farm Living, Inc.

Applicant

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

ANSWER TO NOTICE OF OPPOSITION
AND AFFIRMATIVE DEFENSES

Farm Living, Inc. (hereinafter "Applicant"), reserving its right to amend this Answer to include additional defenses, files this Answer to the allegations contained in the Notice of Opposition as follows:

1. Applicant admits that Applicant is the owner of a federal trademark application based on Intent to Use, filed on April 13, 2000, for registration of the mark FARM LIVING for the following: "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 international class 16, having the disclaimer: "No claim is made to the exclusive right to use "FARM" apart from the mark as shown" and having been published in the Official

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Gazette on January 2, 2001. Except as so admitted, Applicant denies all other allegations of paragraph 1 of the Notice of Opposition.

2. Applicant is without knowledge and therefore denies the allegations contained in paragraph 2 of the Notice of Opposition.

3. Applicant is without knowledge and therefore denies the allegations contained in paragraph 3 of the Notice of Opposition.

4. Applicant admits that U.S. Registration No. 1,198,664 is for the mark FARM & RANCH LIVING for "Periodically, Published Magazine"; and that said '664 registration contains a disclaimer stating that "No claim is made to the exclusive use of the words "Farm" and "Ranch" apart from the mark as shown." Applicant is without knowledge and therefore denies the remaining allegations contained in paragraph 4 of the Notice of Opposition.

5. Applicant is without knowledge and therefore denies the allegations contained in paragraph 5 of the Notice of Opposition.

6. Applicant is without knowledge and therefore denies the allegations contained in paragraph 6 of the Notice of Opposition.

7. Applicant denies the allegations contained in paragraph 7 of the Notice of Opposition.

8. Applicant denies the allegations contained in paragraph 8 of the Notice of Opposition.

AFFIRMATIVE DEFENSES

9. Opposer has no claim to exclusive use of the words "Farm" and "Ranch" apart from the mark as shown in U.S. Registration No. 1,198,664.

10. Opposer has no claim to exclusive use of the word "Living" apart from the mark as shown in U.S. Registration No. 1,198,664.

11. Opposer's rights in the mark shown in U.S. Registration No. 1,198,664 are narrow and limited in scope because, inter alia, the mark is a weak mark.

12. Opposer's rights in the mark shown in U.S. Registration No. 1,198,664 are narrow and limited in scope because, inter alia, there are numerous third party uses of similar marks.

13. There is no likelihood of confusion, mistake or deception between Applicant's mark and Opposer's Mark because, inter alia, the marks are not confusingly similar.

WHEREFORE, Applicant prays that the Notice of Opposition be dismissed in its entirety, and that a registration issue to Applicant for its mark.

Respectfully submitted,

Ruden McClosky Smith Schuster & Russell



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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box TTAB, NO FEE, Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513 on October 8, 2001.

Julie M. Landanski
(Print or type name of person signing the certificate)

Landanski
(Signature of person signing the certificate)

10/8/01
(Date of Signature)

CERTIFICATE OF SERVICE

The person whose signature appears below confirms that a true and correct copy of the foregoing ANSWER TO NOTICE OF OPPOSITION AND AFFIRMATIVE DEFENSES has been served upon Opposer by transmitting a copy of the document by first class mail, which mailing was made this 8th day of October, 2001 to counsel for the Applicant, Marta S. Levine, of Quarles & Brady at 411 E. Wisconsin Ave., Milwaukee, WI 53202.

Julie M. Lamdanksi



Signature