

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

MARTHA STEWART LIVING
OMNIMEDIA, INC.

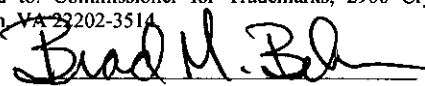
Opposer,

v.

AMERICAN PUBLISHING, LLC and
MARS ADVERTISING COMPANY, INC.

Applicants.

Opposition No. 91157919

<p>CERTIFICATE OF EXPRESS MAIL UNDER 37 C.F.R. § 1.10</p> <p>“Express Mail” mailing label number: EL 803884585 US</p> <p>DATE OF DEPOSIT: <u>July 26, 2004</u></p> <p>I hereby certify that this paper or fee is being deposited with the United States Postal Service “Express Mail Post Office to Addressee” Service Under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3514</p> <p style="text-align: center;"> Brad M. Behar</p>

**MOTION ON CONSENT FOR
JOINDER OF MARS ADVERTISING COMPANY, INC.**

Pursuant to Federal Rule of Civil Procedure 20(a), Martha Stewart Living Omnimedia, Inc. (“MSLO”), through its undersigned counsel, hereby requests on consent of counsel for Applicant American Publishing, LLC and Applicant Mars Advertising Company, Inc., that the Trademark Trial and Appeal Board join Mars Advertising Company Inc. as a defendant in the above referenced opposition proceeding.

By operation of an assignment dated June 14, 2004, a copy of which is attached hereto, Mars Advertising Company, Inc. (“Mars”) is now the alleged owner of the subject application in this opposition and has consented to join as a party in the above referenced opposition. The parties conferred and consented to the joinder on July 8, 2004 and on July 21, 2004.



07-26-2004

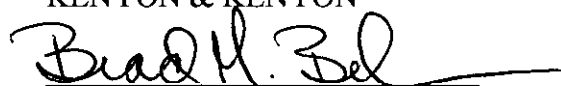
The parties respectfully request that the request to join Mars be granted and amendment of the case caption to include Mars Advertising Company, Inc. as a defendant.

Respectfully submitted,

KENYON & KENYON

Dated: July 26, 2004

By:



Howard J. Shire

Brad M. Behar

KENYON & KENYON

One Broadway

New York, New York 10004

(212) 425-7200

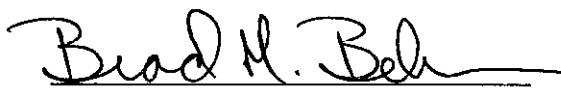
Attorneys for Opposer

Martha Stewart Living Omnimedia, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Motion On Consent For Joinder Of Mars Advertising Company, Inc.* has been sent on this 26th day of July, 2004, via first class mail, postage prepaid to:

Thomas E. Bejin, Esq.
Young & Basile, P.C.
3001 W. Big Beaver Road
Troy, MI 48084-3107
(248) 649-3333

A handwritten signature in black ink that reads "Brad M. Behar". The signature is written in a cursive style with a horizontal line underneath the name.

Brad M. Behar

TRADEMARK ASSIGNMENT

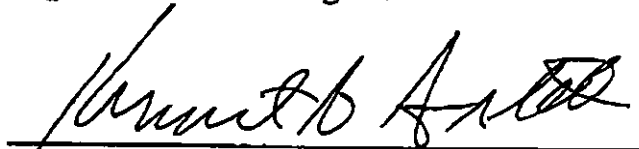
WHEREAS American Publishing, LLC, a Limited Liability Company of the State of Michigan, and having a principal place of business at 23777 Southfield Rd., Southfield, MI 48075, hereafter referred to as "Assignor", is desirous of assigning all of its right, title and interest in the mark "EVERYDAY LIVING";

WHEREAS, Mars Advertising Company, Inc., a corporation of the State of Michigan, and having a principal place of business at 23777 Southfield Rd., Southfield, MI 48075, hereafter referred to as "Assignee", is desirous of acquiring said mark; and

WHEREAS, Mars Advertising Company, Inc. had intended to use the mark "EVERYDAY LIVING" in commerce and had caused to be filed on July 6, 2000, an application now assigned Serial No. 76/083,594 indicating that intention, but had not yet filed an Allegation of Use Under § 1(c) or § 1(d) of the Trademark Act. Mars Advertising Company, Inc. thereafter assigned the above-identified application as part of the entire business or portion thereof to which the mark pertained as required by 15 U.S.C. § 1060, to American Publishing, LLC. American Publishing, LLC is herein assigning the mark in the above-identified application as part of the entire business or portion thereof to which the mark pertains as required by § 15 U.S.C. 1060.

NOW, THEREFORE, for One (\$1.00) Dollar and other good and valuable consideration, receipt of which is hereby acknowledged, said Assignor does hereby assign unto said Assignee all right, title and interest in and to said mark, together with the entire business or portion thereof to which the mark pertains and the goodwill of the business symbolized by the mark, and the above-identified application for registration of said mark.

The Commissioner of Patents and Trademarks is requested to issue the Certificate of Registration to said Assignee.



American Publishing, LLC.

Date: 6/14/04