


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

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MARTHA STEWART LIVING :
OMNIMEDIA, INC., :
Opposer :
v. :
AMERICAN PUBLISHING, LLC and :
MARS ADVERTISING COMPANY, INC., :
Applicants. :
-----X

Opposition No. 91157919

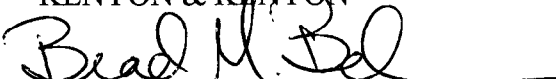
<p>CERTIFICATE OF EXPRESS MAIL UNDER 37 C.F.R. § 1.10</p> <p>"Express Mail" mailing label number: EL 803884789 US</p> <p>DATE OF DEPOSIT: <u>January 25, 2005</u></p> <p>I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service Under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.</p> <p style="text-align: center;"> Brad M. Behar</p>

WITHDRAWAL OF OPPOSITION BY OPPOSER

Martha Stewart Living Omnimedia, Inc. ("MSLO"), through its undersigned counsel, hereby withdraws the above referenced opposition. MSLO is doing this because the costs of litigation exceed the value of the benefit MSLO expects to receive from a successful outcome. MSLO continues to maintain that the subject trademark application for the mark EVERYDAY LIVING should not be registered for the reasons asserted by MSLO.

Respectfully submitted,

KENYON & KENYON

By: 
Howard J. Shire
Brad M. Behar
KENYON & KENYON
One Broadway
New York, New York 10004
(212) 425-7200

Dated: January 25, 2005

Attorneys for Opposer
Martha Stewart Living Omnimedia, Inc.

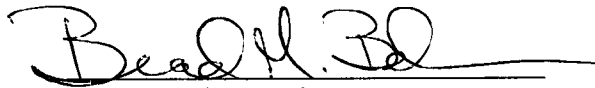


01-27-2005

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Withdrawal of Opposition By Opposer* has been sent on this 25th day of January, 2005, via first class mail, postage prepaid to:

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


Brad M. Behar