

ESTTA Tracking number: **ESTTA312212**

Filing date: **10/19/2009**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Turner Network Television, Inc.
Granted to Date of previous extension	10/18/2009
Address	One CNN Center Atlanta, GA 30303 UNITED STATES
Attorney information	Marie Anne Mastrovito Abelman Frayne & Schwab 666 Third Avenue New York, NY 10017 UNITED STATES mamastrovito@lawabel.com Phone:212 885 9248

Applicant Information

Application No	79022221	Publication date	04/21/2009
Opposition Filing Date	10/19/2009	Opposition Period Ends	10/18/2009
International Registration No.	0880736	International Registration Date	05/23/2005
Applicant	TNT - Broadcasting Network 9/3 Krasnaya Presnaya St. RU-123242 Moscow RUSSIAN FEDERATION		

Goods/Services Affected by Opposition

<p>Class 016. All goods and services in the class are opposed, namely: Printed matter, namely, posters, magazines and books, featuring the subject of entertainment, calendars; bookbinding materials; photographs; stationery, namely, envelopes, postcards; office requisites, namely, notebooks, pens, copy-books, checkbook and passbook wallets</p>
<p>Class 025. All goods and services in the class are opposed, namely: Clothing, namely, t-shirts, tops, sweatshirts, wind resistant jackets, jackets, rain coats; headgear, namely, baseball caps</p>
<p>Class 035. All goods and services in the class are opposed, namely: Advertising and advertisement services</p>
<p>Class 038. All goods and services in the class are opposed, namely: News agencies, namely, the transmission of news items to news reporting organizations; Television broadcasting; Cable television broadcasting; Communications by computer terminals; Transmission of data, sound and images by satellite</p>

Class 041.

All goods and services in the class are opposed, namely: Videotaping; Publication of books; Providing information in the field of entertainment; Movie studios; Video tape editing; Production of television programs; Entertainment services, namely, providing online computer games; Publishing of electronic non-downloadable online publications; Organization of shows, namely, impresario services; Amusement parks; Entertainment, namely, production of television shows; Videotape production; motion picture film production; Rental of videotapes; Rental of motion picture films; Online publication of electronic books and journals; Publication of texts, other than publicity texts

Class 042.

All goods and services in the class are opposed, namely: Design and development of computer software

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2679935	Application Date	05/11/2001
Registration Date	01/28/2003	Foreign Priority Date	NONE
Word Mark	TNT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2001/06/12 First Use In Commerce: 2001/06/12 production of motion pictures for television		

U.S. Registration No.	2845431	Application Date	05/11/2001
Registration Date	05/25/2004	Foreign Priority Date	NONE
Word Mark	TNT		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 038. First use: First Use: 2001/06/12 First Use In Commerce: 2001/06/12 Cable and television broadcasting services

U.S. Registration No.	3575919	Application Date	07/10/2008
Registration Date	02/17/2009	Foreign Priority Date	NONE
Word Mark	TNT		
Design Mark			
Description of Mark	The mark consists of the letters "TNT" enclosed in a circle.		
Goods/Services	Class 041. First use: First Use: 2001/06/12 First Use In Commerce: 2001/06/12 Entertainment services, namely, provision of on-going multimedia programs in the field of action, adventure, comedy, drama and sports distributed via various platforms across multiple forms of transmission media		

Attachments	76256103#TMSN.gif (1 page)(bytes) 76256533#TMSN.gif (1 page)(bytes) 77518812#TMSN.jpeg (1 page)(bytes) 20091019162143634.pdf (15 pages)(617020 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/mam/
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Name	Marie Anne Mastrovito
Date	10/19/2009

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

In re Application No. 79/022221 for the mark THT AND DESIGN, Published April 21, 2009

Turner Network Television, Inc. Opposer, v. TNT-Broadcasting Network Applicant	Opposition No.
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NOTICE OF OPPOSITION

Turner Network Television, Inc., a Delaware corporation, with a business address at One CNN Center, Atlanta Georgia (“Opposer”), believes that it will be damaged by registration of the above identified trademark and hereby opposes the same.

As grounds for opposition it is alleged that:

1. On May 23, 2005, TNT- Broadcasting Network (“Applicant”) filed an application seeking registration of the mark THT AND DESIGN (“Applicant’s Mark”) and said application was assigned Serial No. 79/022221 (“Applicant’s Application”).

2. Applicant’s Application covers the following goods and services:

Class 16: Printed matter, namely, posters, magazines and books, featuring the subject of entertainment, calendars; bookbinding materials; photographs; stationery, namely, envelopes, postcards; office requisites, namely, notebooks, pens, copy-books, checkbook and passbook wallets

Class 25: Clothing, namely, t-shirts, tops, sweatshirts, wind resistant jackets, jackets, rain coats; headgear, namely, baseball caps

Class 35: Advertising and advertisement services

Class 38: News agencies, namely, the transmission of news items to news reporting organizations; Television broadcasting; Cable television broadcasting; Communications by computer terminals; Transmission of data, sound and images by satellite

Class 41: Videotaping; Publication of books; Providing information in the field of entertainment; Movie studios; Video tape editing; Production of television programs; Entertainment services, namely, providing online computer games; Publishing of electronic non-downloadable online publications; Organization of shows, namely, impresario services; Amusement parks; Entertainment, namely, production of television shows; Videotape production; motion picture film production; Rental of videotapes; Rental of motion picture films; Online publication of electronic books and journals; Publication of texts, other than publicity texts

(Applicant's Goods and Services")

3. Applicant seeks registration of its mark based on Section 66(a) of the Trademark Act.

4. Opposer is the owner of all right title and interest to the mark TNT and  (Opposer's Marks) in connection with entertainment services, broadcasting services, movie productions services and a wide variety of related merchandise and services ("Opposer's Goods and Services")

5. Opposer is the owner of Registration No. 2679935 for the mark  in connection with production of motion pictures for television. This registration is based on use of the mark in commerce since at least as early as June, 2001 and is now incontestible. A TARR printout of this registration is attached.

6. Opposer is also the owner of Registration Nos. 2845431 and 35759129 for the mark  in connection with cable and television broadcasting services, and a variety of entertainment services, respectively. TARR printouts of these registrations are also attached.
7. Applicant is an entity organized under the laws of the Russian federation.
8. In Russian, the cyrillic letter H, is pronounced similar to an English letter "N."
9. As Applicant's trade name incorporates the designation TNT and the letter H in Russian may be perceived as the letter "N" in English, it is likely that an appreciable number of consumers for Applicant's Goods and Services, will perceive the literal portion of Applicant's Mark as being identical to Opposer's Mark TNT.
10. Whether the H in Applicant's Mark is perceived as having an "h" or "n" sound, the Applicant's Mark is highly similar to Opposer's Marks.
11. The goods and services identified by Applicant's Mark are closely related to the goods and services covered by Opposer's Marks.
12. Opposer's first use of Opposer's Marks precedes the filing date of Applicant's Application and any use which Applicant has made of Applicant's Mark in U.S. commerce.
13. Applicant's Mark is confusingly similar to Opposer's Marks, and its use and registration is likely to deceive and to cause mistake or confusion among members of the public as to the source of Applicant's goods within the meaning of 15 U.S.C. §1052(d).

14. As a direct result of the long, continuous and extensive use of Opposer's Marks, these marks have become famous well in advance of the filing date of Applicant's Application and Applicant's use of Applicant's Mark.

15. Applicant's use and registration of the Applicant's mark will dilute the distinctive quality of Opposer's Marks within the meaning of 15 U.S.C. §125(c).

16. As a result of the foregoing, Opposer will be damaged within the meaning of 15 U.S.C. §1063

WHEREFORE, Opposer believes that it has a real interest in this proceeding and will be irreparably damaged by the registration of the Applicant's Mark, and respectfully requests that the Board sustain this Opposition and refuse the registration of the Applicant's Mark.

Respectfully submitted,



MARIE ANNE MASTROVITO

Attorney for Opposer

ABELMAN, FRAYNE & SCHWAB
666 Third Avenue
New York, New York 10017
(212) 949-9022

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing NOTICE OF OPPOSITION was served by first class mail, postage prepaid, this 19th day of October, 2009 upon counsel for Applicant:

Maria Eliseeva, Esq.
Houston Eliseeva LLP
4 Militia Drive, suite 4
Lexington, MA 02421


MARIE-ANNE MASTROVITO

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2009-10-19 15:30:29 ET

Serial Number: 76256103 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 2679935

Mark



(words only): TNT

Standard Character claim: No

Current Status: Section 8 and 15 affidavits have been accepted and acknowledged.

Date of Status: 2009-02-14

Filing Date: 2001-05-11

Transformed into a National Application: No

Registration Date: 2003-01-28

Register: Principal

Law Office Assigned: LAW OFFICE 104

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 830 -Post Registration

Date In Location: 2009-02-14

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Turner Network Television LP, LLLP

Composed Of:

Turner Entertainment Networks, Inc., a Georgia corporation and TEN Investment Co. Inc., a Delaware corporation

Address:

Turner Network Television LP, LLLP
c/o Turner Broadcasting System, Inc. One CNN Center, Box 105573
Atlanta, GA 303485573
United States

Legal Entity Type: LIMITED LIABILITY LIMITED PARTNERSHIP
State or Country Where Organized: Delaware

GOODS AND/OR SERVICES

International Class: 041
Class Status: Active
production of motion pictures for television
Basis: 1(a)
First Use Date: 2001-06-12
First Use in Commerce Date: 2001-06-12

ADDITIONAL INFORMATION

Design Search Code(s):
26.01.01 - Circles as carriers or as single line borders

Prior Registration Number(s):
1862011

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2009-02-14 - Section 8 (6-year) accepted & Section 15 acknowledged
2009-01-23 - Assigned To Paralegal
2009-01-16 - TEAS Section 8 & 15 Received
2008-04-07 - Case File In TICRS
2007-01-24 - Assignment Of Ownership Not Updated Automatically
2005-04-08 - TEAS Change Of Correspondence Received
2003-01-28 - Registered - Principal Register

2002-11-05 - Published for opposition

2002-10-16 - Notice of publication

2002-01-15 - Published for opposition

2001-12-26 - Notice of publication

2001-08-25 - Approved for Pub - Principal Register (Initial exam)

2001-07-31 - Examiner's amendment mailed

2001-07-28 - Amendment to Use approved

2001-07-13 - Assigned To Examiner

2001-07-11 - Amendment to use processing complete

2001-07-03 - Amendment to Use filed

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Claire M. Kimball

Correspondent

Claire M. Kimball

TBS, Inc., Legal Dept., Trademark Group

c/o Turner Broadcasting System, Inc.

One CNN Center

Atlanta GA 30303-2762

Phone Number: 404-827-2258

Fax Number: 404-827-1994

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2009-10-19 15:27:21 ET

Serial Number: 76256533 Assignment Information Trademark Document Retrieval

Registration Number: 2845431

Mark



(words only): TNT

Standard Character claim: No

Current Status: Registered.

Date of Status: 2004-05-25

Filing Date: 2001-05-11

Transformed into a National Application: No

Registration Date: 2004-05-25

Register: Principal

Law Office Assigned: LAW OFFICE 115

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 2004-06-07

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Turner Network Television LP, LLLP

Address:

Turner Network Television LP, LLLP
One CNN Center Box 105573

Atlanta, GA 303485573

United States

Legal Entity Type: LIMITED LIABILITY LIMITED PARTNERSHIP

State or Country Where Organized: Delaware

GOODS AND/OR SERVICES

International Class: 038

Class Status: Active

Cable and television broadcasting services

Basis: 1(a)

First Use Date: 2001-06-12

First Use in Commerce Date: 2001-06-12

ADDITIONAL INFORMATION

Design Search Code(s):

26.01.21 - Circles that are totally or partially shaded.

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2007-01-24 - Assignment Of Ownership Not Updated Automatically

2005-04-20 - TEAS Change Of Correspondence Received

2004-05-25 - Registered - Principal Register

2004-03-24 - Allowed for Registration - Principal Register (SOU accepted)

2004-03-24 - Assigned To Examiner

2004-03-23 - Case File In TICRS

2004-03-17 - Statement of use processing complete

2004-03-08 - Amendment to Use filed

2004-03-08 - TEAS Statement of Use Received

2004-02-10 - Noa Mailed - SOU Required From Applicant

2003-12-12 - Opposition terminated for Proceeding
2003-12-12 - Opposition terminated for Proceeding
2003-12-12 - Opposition dismissed for Proceeding
2002-05-08 - Opposition instituted for Proceeding
2001-10-22 - Extension Of Time To Oppose Received
2001-09-18 - Published for opposition
2001-08-29 - Notice of publication
2001-07-25 - Approved for Pub - Principal Register (Initial exam)
2001-07-18 - Assigned To Examiner
2001-07-13 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Jennifer L. Elgin, Esq.

Correspondent

TBS, Inc., Legal Dept., Trademark Group
M. Franklin, R. McMurtry, B.Plosker
One CNN Center
c/o Turner Broadcasting System, Inc.
Atlanta GA 30303-2762
Phone Number: 404-827-5122
Fax Number: 404-827-1994



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Trademark Assignment Abstract of Title

Total Assignments: 1
Serial #: [76256533](#)

Filing Dt: 05/11/2001

Reg #: [2845431](#)

Reg. Dt: 05/25/2004

Registrant: Turner Network Television LP, LLLP

Mark: TNT

Assignment: 1
Reel/Frame: [3462/0474](#)

Received: 01/17/2007

Recorded: 01/17/2007

Pages: 8

Conveyance: CERTIFICATE OF CONVERSION AND NAME CHANGE

Assignor: [TURNER NETWORK TELEVISION LP, LLLP](#)

Exec Dt: 12/28/2006

Entity Type: LIMITED LIABILITY LIMITED PARTNERSHIP

Citizenship: DELAWARE

Assignee: [TURNER NETWORK TELEVISION, INC.](#)1050 TECHWOOD DRIVE, NW
ATLANTA, GEORGIA 30318

Entity Type: CORPORATION

Citizenship: DELAWARE

Correspondent: OLIVIA MARIA BARATTA
1100 PEACHTREE STREET
SUITE 2800
ATLANTA, GA 30309-4530

Search Results as of: 10/19/2009 03:27 PM

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350.
Web interface last modified: October 18, 2008 v.2.0.2

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This page was generated by the TARR system on 2009-10-19 15:31:12 ET

Serial Number: 77518812 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 3575919

Mark



(words only): TNT

Standard Character claim: No

Current Status: Registered.

Date of Status: 2009-02-17

Filing Date: 2008-07-10

Transformed into a National Application: No

Registration Date: 2009-02-17

Register: Principal

Law Office Assigned: LAW OFFICE 107

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2009-02-17

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Turner Network Television, Inc.

Address:

Turner Network Television, Inc.
C/O Turner Broadcasting System, Inc. One CNN Center, 13 North

Atlanta, GA 30303

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Georgia

GOODS AND/OR SERVICES

International Class: 041

Class Status: Active

Entertainment services, namely, provision of on-going multimedia programs in the field of action, adventure, comedy, drama and sports distributed via various platforms across multiple forms of transmission media

Basis: 1(a)

First Use Date: 2001-06-12

First Use in Commerce Date: 2001-06-12

ADDITIONAL INFORMATION

Color(s) Claimed: Color is not claimed as a feature of the mark.

Description of Mark: The mark consists of the letters "TNT" enclosed in a circle.

Design Search Code(s):

26.01.02 - Circles, plain single line; Plain single line circles

Prior Registration Number(s):

2679935

2845431

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2009-02-17 - Registered - Principal Register

2008-12-02 - Published for opposition

2008-11-12 - Notice of publication

2008-10-29 - Law Office Publication Review Completed

2008-10-29 - Assigned To LIE

2008-10-20 - Approved for Pub - Principal Register (Initial exam)

2008-10-17 - Assigned To Examiner

2008-07-15 - Notice Of Design Search Code And Pseudo Mark Mailed

2008-07-14 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Claire M. Kimball

Correspondent

CLAIRE M. KIMBALL

TBS, INC., LEGAL DEPARTMENT, TRADEMARK

ONE CNN CENTER, 13 NORTH

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