

ESTTA Tracking number: **ESTTA317632**

Filing date: **11/18/2009**

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	HTV, LLC
Granted to Date of previous extension	11/18/2009
Address	1 CNN Center, South Tower - 12th Floor Atlanta, GA 30303 UNITED STATES
Attorney information	Erin S. Hennessy K&L Gates LLP 925 4th Avenue, Suite 2900 Seattle, WA 98104-1158 UNITED STATES setrademarks@klgates.com, jembaa.cole@klgates.com, erin.hennessy@klgates.com Phone:206 623-7580

Applicant Information

Application No	79055231	Publication date	07/21/2009
Opposition Filing Date	11/18/2009	Opposition Period Ends	11/18/2009
International Registration No.	0968149	International Registration Date	05/13/2008
Applicant	DAI TRUYEN HINH THANH; PHO HO CHI MINH 9 Nguyen Thi Minh Khai Phuong Ben Nghe,; Quan 1; Thanh pho Ho Chi Minh VIET NAM		

Goods/Services Affected by Opposition

<p>Class 035. All goods and services in the class are opposed, namely: Providing advertising services by means of television for others</p>
<p>Class 038. All goods and services in the class are opposed, namely: Broadcast and Television Services, namely, providing cable television broadcasting, radio broadcasting, music broadcasting, namely, providing access to digital music websites on the Internet; video broadcasting, television broadcasting, broadcast of cable television programmes, broadcast of information by radio, satellite and television; broadcasting services and provision of telecommunication access to films and videos provided via a video-on-demand service; transmission of cable television, transmission of television programmes by satellite, transmission of video films over digital network; broadcast of radio programmes, broadcast of information by means of television, broadcast of television programmes, broadcast of cable television</p>

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	2938454	Application Date	09/28/2000
Registration Date	04/05/2005	Foreign Priority Date	NONE
Word Mark	HTV		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 1996/03/01 First Use In Commerce: 1996/07/15 entertainment services in the nature of television programs in the field of music; entertainment services in the nature of on-going television programs in the field of music; providing information in the field of music via the internet		

Related Proceedings	79055020
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Attachments	76138276#TMSN.gif (1 page)(bytes) 2opposition.pdf (4 pages)(304185 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	/Erin S. Hennessy/
Name	Erin S. Hennessy
Date	11/18/2009

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

HTV, LLC	X		
	:		
Opposer,	:	Opposition No.:	_____
	:		
v.	:		
	:		
Dai Truyen Hinh Tranh; Pho Ho Chi Minh	X		
	:		
Applicant.	:		

NOTICE OF OPPOSITION

In the matter of the application for registration of an alleged trademark, HTV, Application No. 79/055,231, filed May 13, 2008 by Dai Truyen Hinh Tranh; Pho Ho Chi Minh (hereinafter “Applicant”), which was published for opposition in the Official Gazette on July 21, 2009 with extension of time to file an opposition granted until September 19, 2009 and a subsequent extension of time to file an opposition granted until November 18, 2009.

HTV, LLC, a limited liability company organized under the laws of Delaware, with an office at 1 CNN Center, South Tower – 12th Floor, Atlanta, GA 30303 (hereinafter “Opposer”), believes that it is or would be damaged by registration of the alleged mark shown in Application No. 79/055,231, and hereby opposes registration of said application.

As grounds for opposition, it is alleged that:

1. Opposer is the owner of Registration No. 2,938,454 for the mark HTV (stylized) covering “entertainment services in the nature of television programs in the field of music; entertainment services in the nature of on-going television programs in the field of music; providing information in the field of music via the internet” in International Class 41 (hereinafter the “HTV Mark”).

2. The HTV Mark has been continuously used since at least as early as July 15, 1996, which is over ten years before Applicant’s filing date.

3. In addition to the HTV Mark, Opposer has filed the following applications in the United States Patent and Trademark Office (hereinafter the HTV Mark and the marks below to be defined as “Opposer’s Marks”):

Trademark	Serial Number	Services
HTV (Stylized)	77/678,258	Entertainment services, namely, provision of ongoing multimedia programs in the field of music distributed via various platforms across multiple forms of transmission media

HTV (Stylized)	77/678,230	Cable television and satellite broadcasting services, streaming of audio, video and audio/video materials over the Internet
HTV (Stylized)	77/678,203	Cable television and satellite broadcasting services, streaming of audio, video and audio/video materials over the Internet
HTV (Stylized)	77/678,200	Entertainment services, namely, provision of ongoing multimedia programs in the field of music distributed via various platforms across multiple forms of transmission media

4. Opposer's Marks are unique and famous as applied to Opposer's services. Indeed, Opposer's Marks and related services are well-known in the United States, Latin America, and Europe.

5. Opposer has expended substantial time, money and effort in advertising, promoting and marketing its services under Opposer's Marks, and sales thereunder have generated revenues in the millions of dollars.

6. As a result of Opposer's efforts, the public has come to know, recognize and rely on Opposer's Marks as identifying services which originate with Opposer, and Opposer has created and acquired substantial goodwill in Opposer's Marks.

7. Applicant has applied for registration of the alleged mark HTV for "Providing advertising services by means of television for others" in Class 35 and for "Broadcast and Television Services, namely, providing cable television broadcasting, radio broadcasting, music broadcasting, namely, providing access to digital music websites on the Internet; video broadcasting, television broadcasting, broadcast of cable television programmes, broadcast of information by radio, satellite and television; broadcasting services and provision of telecommunication access to films and videos provided via a video-on-demand service; transmission of cable television, transmission of television programmes by satellite, transmission of video films over digital network; broadcast of radio programmes, broadcast of information by means of television, broadcast of television programmes, broadcast of cable television" in International Class 38.

8. Opposer's Marks and Applicant's alleged HTV mark are identical since the dominant and distinctive features of the marks are the letters H T V.

9. Upon information and belief, Opposer's HTV services and Applicant's alleged HTV services are capable of promotion to, sale to, and use by the same consumers.

10. Upon information and belief, Opposer's HTV services and Applicant's alleged HTV services are capable of being advertised and sold in the same channels of trade.

11. Applicant's alleged HTV mark is confusingly similar to Opposer's Marks.

12. Opposer believes and alleges that Applicant's alleged HTV mark, when used in connection with the services of Applicant, is likely to cause confusion, mistake, and deception within the meaning of Section 2(d) of the Trademark Act.

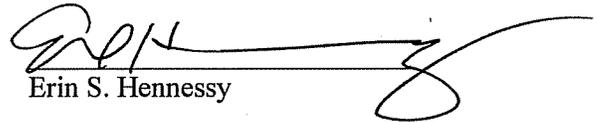
13. By reason of the foregoing, Opposer will be irreparably damaged by the registration of Applicant's confusingly similar HTV mark.

WHEREFORE, Opposer prays that this opposition be sustained and that registration to Applicant be refused.

Dated: November 18, 2009

Respectfully submitted,
Opposer, by its attorneys,
K&L GATES LLP

By:



Erin S. Hennessy

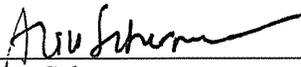
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing NOTICE OF OPPOSITION has been served upon Applicant's Correspondent

VISION & ASSOCIATES
Unit 308-310, Third Floor
Hanoi Tower
Hanoi
VIETNAM

On this 18th day of November, 2009,



Alice Schermer