

ESTTA Tracking number: **ESTTA466350**

Filing date: **04/10/2012**

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 | A&E Television Networks, LLC |
| Granted to Date of previous extension | 04/11/2012 |
| Address | 235 East 45th Street New York, NY 10017 UNITED STATES |
| Attorney information | MONICA B. RICHMAN SNR DENTON US LLP PO BOX 061080 CHICAGO, IL 60606-1080 UNITED STATES ian.farias@snrdenton.com,trademarks@snrdenton.com Phone:(212)768-5367 |

Applicant Information

| | | | |
|------------------------|--|------------------------|------------|
| Application No | 85216572 | Publication date | 12/13/2011 |
| Opposition Filing Date | 04/10/2012 | Opposition Period Ends | 04/11/2012 |
| Applicant | Hildreth, Mark 1918 Corporate Drive Boynton Beach, FL 33425 UNITED STATES | | |

Goods/Services Affected by Opposition

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| Class 016. All goods and services in the class are opposed, namely: Bumper stickers and decals; books in the field of religion and counseling |
| Class 025. All goods and services in the class are opposed, namely: Clothing, namely, shirts, jerseys, polo shirts, blouses, belts, caps, dresses, hats, headwear, jackets, boxers, lingerie, loungewear, pants, shorts, skirts, sleepwear, socks, sweat pants, sweat shirts, swim wear, t-shirts, underwear, and footwear |
| Class 041. All goods and services in the class are opposed, namely: Television, radio and Internet television programming, and production of television programs, radio programs and Internet television and radio programs; book publishing |

Grounds for Opposition

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

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|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 3270517 | Application Date | 09/06/2005 |
| Registration Date | 07/24/2007 | Foreign Priority Date | NONE |
| Word Mark | INTERVENTION | | |
| Design Mark |  | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 041. First use: First Use: 2005/03/06 First Use In Commerce: 2005/03/06 ENTERTAINMENT SERVICES, NAMELY, CONTINUING SERIES OF CABLE TELEVISION PROGRAMS FEATURING THE LIVES AND STRUGGLES OF PEOPLE WITH ALCOHOL AND SUBSTANCE ABUSE PROBLEMS AND OTHER ADDICTIONS AND THE EFFECTS ON AND EFFORTS TO HELP MADE BY THEIR FRIENDS AND FAMILY | | |

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|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 3928022 | Application Date | 04/07/2010 |
| Registration Date | 03/08/2011 | Foreign Priority Date | NONE |
| Word Mark | INTERVENTION | | |
| Design Mark |  | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 009. First use: First Use: 2005/07/19 First Use In Commerce: 2005/07/19 Multimedia goods, namely, prerecorded digital video discs and DVDs, digital media, namely, downloadable audio and video files featuring the lives and struggles of people with alcohol and substance abuse problems and other addictions and the effects on and efforts to help made by their friends and family; downloadable webcasts featuring the lives and struggles of people with alcohol and substance abuse problems and other addictions and the effects on | | |

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|--|---|
| | <p>and efforts to help made by their friends and family; downloadable on-line discussion boards featuring the lives and struggles of people with alcohol and substance abuse problems and other addictions and the effects on and efforts to help made by their friends and family</p> <p>Class 041. First use: First Use: 2005/03/06 First Use In Commerce: 2005/03/06 Entertainment services, namely, continuing series of cable television programs featuring the lives and struggles of people with alcohol and substance abuse problems and other addictions and the effects on and efforts to help made by their friends and family</p> |
|--|---|

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|-------------|--|
| Attachments | <p>78707483#TMSN.jpeg (1 page)(bytes) 85008077#TMSN.jpeg (1 page)(bytes) SINTERVENTION - Notice of Opposition.pdf (6 pages)(115460 bytes) SINTERVENTION - Exhibit 1.pdf (3 pages)(62933 bytes) SINTERVENTION - Exhibit 2.pdf (3 pages)(64894 bytes)</p> |
|-------------|--|

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 | /monica b. richman/ |
| Name | MONICA B. RICHMAN |
| Date | 04/10/2012 |

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

A&E Television Networks, LLC)
Opposer,)
)
v.) Opposition No. _____
)
)
Mark Hildreth)
Applicant.)
)
)

Serial No. 85/216572
Mark: SINTERVENTION
Classes: 16, 25 and 41
Filed: January 13, 2011
Published: December 13, 2011

NOTICE OF OPPOSITION

Opposer, A&E Television Networks, LLC, a Delaware limited liability company, with an address at 235 East 45th Street, New York, NY 10017, (“Opposer”) believes that it would be damaged by registration of Application 85/216572 for SINTERVENTION and hereby opposes that application.

As grounds of opposition, Opposer hereby alleges:

1. On information and belief, Applicant, Mark Hildreth (“Mr. Hildreth”) is a United States individual having an address at 1918 Corporate Drive, Boynton Beach, Florida 33425.
2. On information and belief, on January 13, 2011, Applicant filed an intent-to-use trademark application, Serial No. 85/216572 with the United States Patent and

Trademark Office (the “USPTO”) to register SINTERVENTION for “bumper stickers and decals; books in the field of religion and counseling” in International Class 16; “clothing, namely, shirts, jerseys, polo shirts, blouses, belts, caps, dresses, hats, headwear, jackets, boxers, lingerie, loungewear, pants, shorts, skirts, sleepwear, socks, sweat pants, sweat shirts, swim wear, t-shirts, underwear, and footwear” in International Class 25; and “television, radio and Internet television programming, and production of television programs, radio programs and Internet television and radio programs; book publishing” in International Class 41 (the “Application”) (See Exhibit 1). Applicant has not alleged any date of first use in the United States.

3. The United States Patent and Trademark Office published the Application for opposition in the *Official Gazette* on December 13, 2011. Opposer timely filed an extension of time to oppose the Application with The Trademark Trial and Appeal Board (the “Board”) and the Board granted Opposer’s request until April 11, 2012. Accordingly, Opposer has timely filed this Opposition.
4. Opposer owns two trademark registrations for the INTERVENTION mark: Reg. No. 3270517 filed on September 6, 2005 and Reg. No. 3928022 filed on April 7, 2010. See Exhibit 2.
5. Opposer has used the INTERVENTION mark since at least as early as March 6, 2005 in connection with “entertainment services, namely, continuing series of cable television programs featuring the lives and struggles of people with alcohol and substance abuse problems and other addictions and the effects on and efforts to help made by their friends and family” in International Class 41 and since at

least as early as July 19, 2005 in connection with “multimedia goods, namely, prerecorded digital video discs and DVDs, digital media, namely, downloadable audio and video files featuring the lives and struggles of people with alcohol and substance abuse problems and other addictions and the effects on and efforts to help made by their friends and family; downloadable webcasts featuring the lives and struggles of people with alcohol and substance abuse problems and other addictions and the effects on and efforts to help made by their friends and family; downloadable on-line discussion boards featuring the lives and struggles of people with alcohol and substance abuse problems and other addictions and the effects on and efforts to help made by their friends and family” in International Class 9 (See Exhibit 2), with such use starting prior to the filing date of the Application on all of the goods and services listed therein.

6. The INTERVENTION mark is an asset of substantial value to Opposer as a symbol of Opposer, its quality goods and services, and goodwill.
7. Opposer has invested significant resources in promoting its INTERVENTION mark in connection with its goods and services.
8. As a result of Opposer’s significant investment in the promotion of its goods and services under its INTERVENTION mark, the mark has become associated with Opposer and its good and services in the minds of consumers. For example, Opposer’s INTERVENTION show has averaged upwards of approximately 46 million video views across Opposer’s website and third party providers. Opposer has received approximately 47 million page views on its website in connection with the INTERVENTION series. Opposer’s INTERVENTION series has won

the prestigious 2009 Primetime Emmy® Awards for “Outstanding Reality Programming.” The following are a few examples of quotes regarding Applicant’s INTERVENTION series:

- *“Recently [INTERVENTION] was nominated for its first Emmy, for outstanding series, and there is no question that it stands out. Nothing on television matches its freaky calculus of exploitation and good will.”* – The NY Times;
- *“Before we get into any discussion about the inner workings of the show, the quality of Intervention... should be addressed. It is riveting.”* – The Daily Beast.com; and
- *“Powered by shows such as Intervention, ... A&E, ... wrapped its best ratings quarter ever in March [2010].”* – The Philadelphia Enquirer

9. On information and belief, Opposer has prior use of its INTERVENTION mark in the United States in connection with entertainment related goods and services, which therefore qualifies Opposer as the senior rights holder in and to a INTERVENTION mark.
10. It is likely that Applicant’s SINTERVENTION designation, when applied to Applicant’s goods and services, will cause confusion, or cause mistake, or deceive with Opposer’s senior INTERVENTION mark and dilute Opposer’s senior INTERVENTION mark because the dominant portion of Applicant’s SINTERVENTION designation is the word “INTERVENTION.” The mere addition of the letter “s” to “intervention” is insignificant as Opposer’s INTERVENTION mark has been totally encompassed in Applicant’s SINTERVENTION designation, and is for use with identical and closely related goods and services.
11. For the above reasons, Opposer would be damaged by registration of the Application.

WHEREFORE, Opposer prays that this opposition is sustained and that registration of Application Serial No. 85/216572 is denied.

Respectfully submitted,

A&E TELEVISION NETWORKS, LLC

By: /s/ Monica B. Richman/

Monica B. Richman, Esq.

Mary S. Mathew, Esq.

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Attorneys for A&E Television Networks,
LLC

Dated: April 10, 2012

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing NOTICE OF
OPPOSITION to be served upon:

Gregg A. Paradise
Lerner, David, Littenberg, Krumholz
600 South Ave W Ste 2
Westfield, NJ 07090-1497

by placing same in an envelope, properly sealed and addressed, with postage prepaid and
depositing same with the United States Postal Service on this 10th day of April, 2012.

/s/ /monica b. richman/
Monica B. Richman

Filed with the TTAB via
ESTTA on April 10, 2012

EXHIBIT 1



United States Patent and Trademark Office

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SINTERVENTION

Word Mark SINTERVENTION

Goods and Services IC 016. US 002 005 022 023 029 037 038 050. G & S: Bumper stickers and decals; books in the field of religion and counseling

IC 025. US 022 039. G & S: Clothing, namely, shirts, jerseys, polo shirts, blouses, belts, caps, dresses, hats, headwear, jackets, boxers, lingerie, loungewear, pants, shorts, skirts, sleepwear, socks, sweat pants, sweat shirts, swim wear, t-shirts, underwear, and footwear

IC 041. US 100 101 107. G & S: Television, radio and Internet television programming, and production of television programs, radio programs and Internet television and radio programs; book publishing

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85216572

Filing Date January 13, 2011

Filing Basis 1B

Original Filing Basis 1B

Published for Opposition December 13, 2011

Owner (APPLICANT) Hildreth, Mark INDIVIDUAL UNITED STATES 1918 Corporate Drive Boynton Beach FLORIDA 33425

Attorney of Record GREGG A. PARADISE

Type of Mark TRADEMARK, SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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EXHIBIT 2

Int. Cl.: 41

Prior U.S. Cls.: 100, 101, and 107

United States Patent and Trademark Office

Reg. No. 3,270,517

Registered July 24, 2007

**SERVICE MARK
SUPPLEMENTAL REGISTER**

INTERVENTION

**A&E TELEVISION NETWORKS (NEW YORK
JOINT VENTURE)
235 EAST 45TH STREET
NEW YORK, NY 10017**

**FOR: ENTERTAINMENT SERVICES, NAMELY,
CONTINUING SERIES OF CABLE TELEVISION
PROGRAMS FEATURING THE LIVES AND
STRUGGLES OF PEOPLE WITH ALCOHOL AND
SUBSTANCE ABUSE PROBLEMS AND OTHER AD-
DICTIONS AND THE EFFECTS ON AND EFFORTS
TO HELP MADE BY THEIR FRIENDS AND FA-
MILY, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).**

FIRST USE 3-6-2005; IN COMMERCE 3-6-2005.

**THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.**

**SER. NO. 78-707,483, FILED P.R. 9-6-2005; AM. S.R.
4-13-2007.**

SHARON MEIER, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office

INTERVENTION

Reg. No. 3,928,022

Registered Mar. 8, 2011

Int. Cls.: 9 and 41

TRADEMARK

SERVICE MARK

PRINCIPAL REGISTER

A&E TELEVISION NETWORKS, LLC (DELAWARE LIMITED LIABILITY COMPANY)
235 EAST 45TH STREET
NEW YORK, NY 10017

FOR: MULTIMEDIA GOODS, NAMELY, PRERECORDED DIGITAL VIDEO DISCS AND DVDS, DIGITAL MEDIA, NAMELY, DOWNLOADABLE AUDIO AND VIDEO FILES FEATURING THE LIVES AND STRUGGLES OF PEOPLE WITH ALCOHOL AND SUBSTANCE ABUSE PROBLEMS AND OTHER ADDICTIONS AND THE EFFECTS ON AND EFFORTS TO HELP MADE BY THEIR FRIENDS AND FAMILY; DOWNLOADABLE WEBCASTS FEATURING THE LIVES AND STRUGGLES OF PEOPLE WITH ALCOHOL AND SUBSTANCE ABUSE PROBLEMS AND OTHER ADDICTIONS AND THE EFFECTS ON AND EFFORTS TO HELP MADE BY THEIR FRIENDS AND FAMILY; DOWNLOADABLE ON-LINE DISCUSSION BOARDS FEATURING THE LIVES AND STRUGGLES OF PEOPLE WITH ALCOHOL AND SUBSTANCE ABUSE PROBLEMS AND OTHER ADDICTIONS AND THE EFFECTS ON AND EFFORTS TO HELP MADE BY THEIR FRIENDS AND FAMILY, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 7-19-2005; IN COMMERCE 7-19-2005.

FOR: ENTERTAINMENT SERVICES, NAMELY, CONTINUING SERIES OF CABLE TELEVISION PROGRAMS FEATURING THE LIVES AND STRUGGLES OF PEOPLE WITH ALCOHOL AND SUBSTANCE ABUSE PROBLEMS AND OTHER ADDICTIONS AND THE EFFECTS ON AND EFFORTS TO HELP MADE BY THEIR FRIENDS AND FAMILY, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 3-6-2005; IN COMMERCE 3-6-2005.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 3,270,517.

SEC. 2(F).

SER. NO. 85-008,077, FILED 4-7-2010.

CHERYL CLAYTON, EXAMINING ATTORNEY



David J. Kyffes

Director of the United States Patent and Trademark Office