

ESTTA Tracking number: **ESTTA472318**

Filing date: **05/14/2012**

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	Showtime Networks Inc.
Granted to Date of previous extension	05/20/2012
Address	1633 Broadway New York, NY 10019 UNITED STATES

Correspondence information	Mallory Levitt Counsel Showtime Networks Inc. C/o CBS Law 51 West 52nd Street New York, NY 10019 UNITED STATES mallory.levitt@cbs.com
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Applicant Information

Application No	85080823	Publication date	11/22/2011
Opposition Filing Date	05/14/2012	Opposition Period Ends	05/20/2012
Applicant	DIRECTV, LLC 2230 EAST IMPERIAL HWY EL SEGUNDO, CA 90245 UNITED STATES		

Goods/Services Affected by Opposition

Class 041. All goods and services in the class are opposed, namely: Distribution of television programs for others; television programming; programming on a global computer network; pay-per-view television programming; video-on-demand television programming; entertainment services, namely, providing prerecorded music and entertainment information in the field of music, all on-line via a global computer network; providing on-line interactive computer databases featuring television program lists, schedules and related information about the content of said programs; providing on-line interactive computer databases featuring information about television shows, movies and other digital images, audio, video and multimedia content, all in the field of entertainment

Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
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.	2014877	Application Date	03/15/1995
Registration Date	11/12/1996	Foreign Priority Date	NONE
Word Mark	FLIX		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 038. First use: First Use: 1992/08/01 First Use In Commerce: 1992/08/01 television broadcasting services, cable television broadcasting services and subscription television broadcasting services		

U.S. Registration No.	3024247	Application Date	04/23/2001
Registration Date	12/06/2005	Foreign Priority Date	NONE
Word Mark	FLIX CLASSIC CLIPS		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 038. First use: First Use: 2003/06/23 First Use In Commerce: 2003/06/23 TELEVISION BROADCASTING, CABLE TELEVISION, AND SATELLITE BROADCASTING OF TELEVISION PROGRAMS IN HIGH DEFINITION FORMAT</p> <p>Class 041. First use: First Use: 2003/06/23 First Use In Commerce: 2003/06/23 ENTERTAINMENT SERVICES, NAMELY, PRODUCTION AND DISTRIBUTION OF MOTION PICTURES AND TELEVISION SERIES IN THE FIELD OF COMEDY, MUSIC, DRAMA, DOCUMENTARIES AND SPORTING EVENTS FOR CABLE TELEVISION, AND SATELLITE TELEVISION AND TELEVISION BROADCASTING</p>		

U.S. Registration No.	3259285	Application Date	04/29/2005
Registration Date	07/03/2007	Foreign Priority Date	NONE
Word Mark	FLIX ON DEMAND		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 041. First use: First Use: 2005/04/30 First Use In Commerce: 2005/04/30 Education and entertainment services, namely, production and distribution of motion pictures; production of comedy, musical and dramatic television series, documentaries and sporting events rendered through the media of television, cable and satellite systems, and the Internet; distribution for others of comedy, musical and dramatic television series, documentaries and sporting events rendered through the media of television, cable and satellite systems and the Internet
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U.S. Registration No.	3194926	Application Date	06/16/2004
Registration Date	01/02/2007	Foreign Priority Date	NONE

Word Mark	FLIX ON DEMAND
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 038. First use: First Use: 2005/09/30 First Use In Commerce: 2005/09/30 Communication services, namely, transmitting pre-recorded streamed audio and video material through media of television, cable and satellite systems and the internet
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U.S. Registration No.	3194927	Application Date	06/16/2004
Registration Date	01/02/2007	Foreign Priority Date	NONE

Word Mark	FLIX ON DEMAND
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 041. First use: First Use: 2005/09/30 First Use In Commerce: 2005/09/30 Education and entertainment services, namely, production and distribution of
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	<p>motion pictures; production of comedy, musical and dramatic television series, documentaries and sporting events rendered through the media of television, cable and satellite systems, and the Internet; distribution for others of comedy, musical and dramatic television series, documentaries and sporting events rendered through the media of television, cable and satellite systems and the Internet</p>
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<p>Related Proceedings</p>	<p>Opposition No. 91202996 for the same mark DIRECTVFLIX in Class 38</p>
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<p>Attachments</p>	<p>78619793#TMSN.jpeg (1 page)(bytes) 78436340#TMSN.jpeg (1 page)(bytes) 78436342#TMSN.jpeg (1 page)(bytes) Directv.pdf (3 pages)(14575 bytes) ExhibitA.pdf (7 pages)(179045 bytes)</p>
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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 Facsimile or email (by agreement only) on this date.

<p>Signature</p>	<p>/ml/</p>
<p>Name</p>	<p>Mallory Levitt</p>
<p>Date</p>	<p>05/14/2012</p>

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

In the matter of Service Mark
Application Serial No. 85/080,825
Filing Date: July 8, 2010
Mark: DIRECTVFLIX
Published for Opposition: June 21, 2011

SHOWTIME NETWORKS INC.,)	
)	
Opposer,)	
)	
v.)	Opposition No. 91202996
)	
DIRECTV, LLC.)	
)	
Applicant.)	
)	

**CONSENTED MOTION FOR EXTENSION OF SUSPENSION OF
PROCEEDINGS PENDING SETTLEMENT NEGOTIATIONS**

Pursuant to 37 C.F.R. § 2.117(c) and TBMP § 510.01, Applicant DIRECTV, LLC. and Opposer SHOWTIME NETWORKS INC. (hereinafter collectively, the “Parties”), by and through their undersigned counsel, submit this Consented Motion for Extension of Suspension of Proceedings Pending Settlement Negotiations with the Trademark Trial and Appeal Board (“Board”). As noted herein, the Parties respectfully request that the Board suspend the proceedings up to and including **June 20, 2012**.

In support of the instant motion, the Parties state they are continuing their efforts to endeavor to reach an amicable resolution of all outstanding issues in this Proceeding. The suspension request, if granted, would be a savings of time and expense both for the Parties and the Board. The Parties respectfully submit that this Consented Motion is not made for the purpose of unduly delaying proceedings before the Board.

WHEREFORE, in light of the foregoing, the Parties believe they have shown good cause as to why the Consented Motion for Extension of Suspension of Proceedings Pending Settlement Negotiations should be granted and respectfully request that the Board grant the Consented Motion.

Dated: May 9, 2012

Respectfully submitted,

By: /s/ Takehiko Suzuki
Takehiko Suzuki
DIRECTV, LLC.
2230 East Imperial Highway
El Segundo, CA 90245-3504
Attorneys for Applicant
DIRECTV, LLC.

By: /s/ Mallory Levitt/
Mallory Levitt
CBS Law
51 West 52nd Street
New York, New York 10019
Attorney for Opposer
Showtime Networks Inc.

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing CONSENTED MOTION FOR EXTENSION OF SUSPENSION OF PROCEEDINGS PENDING SETTLEMENT NEGOTIATIONS was served via electronic mail and properly addressed to counsel of record:

Takehiko Suzuki
DIRECTTV, LLC
2230 East Imperial Highway
El Segundo, CA 90245-3504
tsukuki@directv.com

This 9th day of May, 2012.

/s/ Mallory Levitt
Mallory Levitt
Attorney for Opposer

Opposition to Serial No. 85/080,823

EXHIBIT A

Int. Cl.: 38

Prior U.S. Cls.: 100, 101 and 104

Reg. No. 2,014,877

United States Patent and Trademark Office Registered Nov. 12, 1996

**SERVICE MARK
PRINCIPAL REGISTER**

FLIX

SHOWTIME NETWORKS INC. (DELAWARE
CORPORATION)
1633 BROADWAY
NEW YORK, NY 10019

FOR: TELEVISION BROADCASTING SER-
VICES, CABLE TELEVISION BROADCASTING
SERVICES AND SUBSCRIPTION TELEVISION

BROADCASTING SERVICES, IN CLASS 38
(U.S. CLS. 100, 101 AND 104).
FIRST USE 8-1-1992; IN COMMERCE
8-1-1992.

SER. NO. 74-647,191, FILED 3-15-1995.

J. TINGLEY, EXAMINING ATTORNEY



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451
www.uspto.gov

REGISTRATION NO: 2014877 SERIAL NO: 74/647191 MAILING DATE: 02/17/2007
REGISTRATION DATE: 11/12/1996
MARK: FLIX
REGISTRATION OWNER: SHOWTIME NETWORKS INC.

CORRESPONDENCE ADDRESS:

Mallory Levitt
c/o CBS
51 West 52nd St
New York NY 10019

NOTICE OF ACCEPTANCE

15 U.S.C. Sec. 1058(a)(3)

THE COMBINED AFFIDAVIT AND RENEWAL APPLICATION FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 8 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1058.

ACCORDINGLY, THE SECTION 8 AFFIDAVIT IS ACCEPTED.

NOTICE OF RENEWAL

15 U.S.C. Sec. 1059(a)

THE COMBINED AFFIDAVIT AND RENEWAL APPLICATION FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 9 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1059.

ACCORDINGLY, THE REGISTRATION IS RENEWED.

THE REGISTRATION WILL REMAIN IN FORCE FOR CLASS(ES):
038.

AHMED, DEBORAH Y
PARALEGAL SPECIALIST
POST-REGISTRATION DIVISION
571-272-9500

**PLEASE SEE THE REVERSE SIDE OF THIS NOTICE FOR INFORMATION
CONCERNING REQUIREMENTS FOR MAINTAINING THIS REGISTRATION**
ORIGINAL

Int. Cls.: 38 and 41

Prior U.S. Cls.: 100, 101, 104, and 107

United States Patent and Trademark Office

Reg. No. 3,024,247

Registered Dec. 6, 2005

**SERVICE MARK
PRINCIPAL REGISTER**

FLIX CLASSIC CLIPS

SHOWTIME NETWORKS INC. (DELAWARE CORPORATION)
1633 BROADWAY
NEW YORK, NY 10019

FOR: TELEVISION BROADCASTING, CABLE TELEVISION, AND SATELLITE BROADCASTING OF TELEVISION PROGRAMS IN HIGH DEFINITION FORMAT, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 6-23-2003; IN COMMERCE 6-23-2003.

FOR: ENTERTAINMENT SERVICES, NAMELY, PRODUCTION AND DISTRIBUTION OF MOTION PICTURES AND TELEVISION SERIES IN THE FIELD OF COMEDY, MUSIC, DRAMA, DOCUMENTARIES AND SPORTING EVENTS FOR CABLE TELEVISION, AND SATELLITE TELEVISION AND

TELEVISION BROADCASTING, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 6-23-2003; IN COMMERCE 6-23-2003.

OWNER OF U.S. REG. NO. 2,014,877.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CLASSIC CLIPS", APART FROM THE MARK AS SHOWN.

SEC. 2(F) AS TO "FLIX".

SN 78-059,789, FILED 4-23-2001.

STEVEN JACKSON, EXAMINING ATTORNEY

Int. Cl.: 38

Prior U.S. Cls.: 100, 101, and 104

United States Patent and Trademark Office

Reg. No. 3,194,926

Registered Jan. 2, 2007

**SERVICE MARK
PRINCIPAL REGISTER**

FLIX ON DEMAND

SHOWTIME NETWORKS INC. (DELAWARE
CORPORATION)
1633 BROADWAY
NEW YORK, NY 10019

FOR: COMMUNICATION SERVICES, NAMELY,
TRANSMITTING PRE-RECORDED STREAMED
AUDIO AND VIDEO MATERIAL THROUGH MED-
IA OF TELEVISION, CABLE AND SATELLITE SYS-
TEMS AND THE INTERNET , IN CLASS 38 (U.S.
CLS. 100, 101 AND 104).

FIRST USE 9-30-2005; IN COMMERCE 9-30-2005.

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

OWNER OF U.S. REG. NO. 2,014,877.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "ON DEMAND", APART FROM
THE MARK AS SHOWN.

SEC. 2(F).

SN 78-436,340, FILED 6-16-2004.

JESSICA A. POWERS, EXAMINING ATTORNEY

Int. Cl.: 41

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

Reg. No. 3,194,927

United States Patent and Trademark Office

Registered Jan. 2, 2007

**SERVICE MARK
PRINCIPAL REGISTER**

FLIX ON DEMAND

SHOWTIME NETWORKS INC. (DELAWARE
CORPORATION)
1633 BROADWAY
NEW YORK, NY 10019

FOR: EDUCATION AND ENTERTAINMENT SERVICES, NAMELY, PRODUCTION AND DISTRIBUTION OF MOTION PICTURES; PRODUCTION OF COMEDY, MUSICAL AND DRAMATIC TELEVISION SERIES, DOCUMENTARIES AND SPORTING EVENTS RENDERED THROUGH THE MEDIA OF TELEVISION, CABLE AND SATELLITE SYSTEMS, AND THE INTERNET; DISTRIBUTION FOR OTHERS OF COMEDY, MUSICAL AND DRAMATIC TELEVISION SERIES, DOCUMENTARIES AND SPORTING EVENTS RENDERED THROUGH THE MEDIA OF TELEVISION, CABLE AND SATELLITE SYSTEMS AND THE INTERNET, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 9-30-2005; IN COMMERCE 9-30-2005.

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

OWNER OF U.S. REG. NO. 2,014,877.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ON DEMAND", APART FROM THE MARK AS SHOWN.

SEC. 2(F).

SN 78-436,342, FILED 6-16-2004.

JESSICA A. POWERS, EXAMINING ATTORNEY

Int. Cl.: 41

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

United States Patent and Trademark Office

Reg. No. 3,259,285

Registered July 3, 2007

SERVICE MARK
PRINCIPAL REGISTER



SHOWTIME NETWORKS INC. (DELAWARE
CORPORATION)
1633 BROADWAY
NEW YORK, NY 10019

FOR: EDUCATION AND ENTERTAINMENT SERVICES, NAMELY, PRODUCTION AND DISTRIBUTION OF MOTION PICTURES; PRODUCTION OF COMEDY, MUSICAL AND DRAMATIC TELEVISION SERIES, DOCUMENTARIES AND SPORTING EVENTS RENDERED THROUGH THE MEDIA OF TELEVISION, CABLE AND SATELLITE SYSTEMS, AND THE INTERNET; DISTRIBUTION FOR OTHERS OF COMEDY, MUSICAL AND DRAMATIC TELEVISION SERIES, DOCUMENTARIES AND SPORTING EVENTS RENDERED THROUGH THE MEDIA OF TELEVISION, CABLE AND SATELLITE SYSTEMS AND THE INTERNET, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 4-30-2005; IN COMMERCE 4-30-2005.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ON DEMAND", APART FROM THE MARK AS SHOWN.

THE STIPPLING IS FOR SHADING PURPOSES ONLY.

SEC. 2(F).

SN 78-619,793, FILED 4-29-2005.

CAROLINE WOOD, EXAMINING ATTORNEY