

ESTTA Tracking number: **ESTTA534527**

Filing date: **04/26/2013**

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	Ovation LLC
Granted to Date of previous extension	04/28/2013
Address	2850 Ocean Park Blvd., Suite 225 Santa Monica, CA 90405 UNITED STATES

Attorney information	Wendy Mantell Greenberg Traurig, LLP 1840 Century Park East, Suite 1900 Los Angeles, CA 90067 UNITED STATES latm2@gtlaw.com, mantellw@gtlaw.com Phone:3105867700
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Applicant Information

Application No	85619736	Publication date	10/30/2012
Opposition Filing Date	04/26/2013	Opposition Period Ends	04/28/2013
Applicant	Ovation, Inc. Suite 200 3810 Bedford Ave. Nashville, TN 37215 UNITED STATES		

Goods/Services Affected by Opposition

Class 035. All goods and services in the class are opposed, namely: Business meeting planning, arranging and conducting business conferences and providing facilities for business meetings, providing on-line registration services for business meetings and for live corporate business events
Class 038. All goods and services in the class are opposed, namely: Webcasting of live events and audio, data, graphics, video and multimedia data in connection therewith, video conferencing services, electronic transmission of music, audio, data, graphics and video, satellite broadcasting of live television special events
Class 041. All goods and services in the class are opposed, namely: Arranging and conducting educational conferences, special event planning consultation services
Class 042. All goods and services in the class are opposed, namely: Design, development and maintenance of websites and web-based applications for others, design and development of multimedia products for use in corporate events, meetings and conferences, lighting design, graphics design, industrial design, visual design services in the nature of designing visual elements for online, broadcast, print,

outdoor and other communication media, and set design services for corporate events

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. Application No.	77894130	Application Date	12/15/2009
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	OVATION TV		
Design Mark			
Description of Mark	The mark consists of The words "OVATION TV" surrounded by three squares.		
Goods/Services	Class 038. First use: First Use: 2007/03/31 First Use In Commerce: 2007/03/31 Cable television broadcasting services Class 041. First use: First Use: 2007/03/31 First Use In Commerce: 2007/03/31 Development and production of television programs to be broadcast over television, iptv, Internet, cable and satellite; production of motion picture films to be broadcast over television, cable and satellite; cable television programming		

U.S. Application No.	77943004	Application Date	02/23/2010
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	OVATION		
Design Mark			
Description of Mark	The mark consists of the term "OVATION" in stylized font with circles within circles design to the left of the word.		
Goods/Services	Class 038. First use: Cable television broadcasting services Class 041. First use: Development and production of television programs to be broadcast over television, iptv, Internet, cable and satellite; production of motion picture films to be broadcast over television, cable and satellite; cable television programming; providing a website featuring programs and information relating to the arts, artists, entertainers, dance, music and prerecorded performances		

U.S. Application No.	77943009	Application Date	02/23/2010
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	OVATION		
Design Mark			
Description of Mark	The mark consists of the term "OVATION" in stylized font with circles within circles design on top of the word.		
Goods/Services	Class 038. First use:		

	Cable television broadcasting services Class 041. First use: Development and production of television programs to be broadcast over television, iptv, Internet, cable and satellite; production of motion picture films to be broadcast over television, cable and satellite; cable television programming; providing a website featuring programs and information relating to the arts, artists, entertainers, dance, music and prerecorded performances
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Related Proceedings	92053911
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Attachments	Notice of Opposition OVACION.pdf (7 pages)(250074 bytes) Exhibit A.pdf (13 pages)(607325 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	/cek/
Name	Candice E. Kim
Date	04/26/2013

own television programs featuring performance and documentary style programming on the visual arts, theater, opera, classical music, jazz, architecture, design, literature, and dance.

2. Since at least as early as 1995, Opposer has used the mark OVATION as the name of Opposer’s well-known network and in connection with Opposer’s television and Internet broadcasting services.

3. Opposer is the owner of the marks OVATION and OVATION TV for use in connection with, among other things, cable television broadcasting services and the development and production of television programs (hereinafter, the “Opposer’s Marks”).

4. Opposer is the owner of all right, title, and interest in and to Opposer’s Marks, including common law rights, and is the owner of U.S. federal trademark applications for Opposer’s Marks, which application filing and first use dates back prior to any date on which Applicant can rely. Opposer has applied for the following trademark applications for OVATION TV and Design and OVATION and Design:

Mark	Reg. / App. No.	First Use / Filing Date	Class: Goods/Services
	77/894,130	3/31/2007	38: Cable television broadcasting services; and 41: Development and production of television programs to be broadcast over television, iptv, Internet, cable and satellite; production of motion picture films to be broadcast over television, cable and satellite; cable television programming.
	77/943,004	2/23/2010	38: Cable television broadcasting services; and 41: Development and production of television programs to be broadcast over television, iptv, Internet, cable and satellite; production of motion picture films to be broadcast over television, cable and satellite; cable television programming.

Mark	Reg. / App. No.	First Use / Filing Date	Class: Goods/Services
	77/943,009	2/23/2010	38: Cable television broadcasting services; and 41: Development and production of television programs to be broadcast over television, iptv, Internet, cable and satellite; production of motion picture films to be broadcast over television, cable and satellite; cable television programming.

A copy of the corresponding TARR status reports for the pending applications are attached hereto as Exhibit A and are made part of the record in these proceedings.

5. Beginning at least as early as 1995, continuously through to the present and without abandonment, Opposer has advertised, promoted, and marketed its services in commerce under the OVATION mark, establishing valuable common law rights in the mark.

6. Through continuous and exclusive use in commerce, and as a result of extensive marketing, promotion, advertising, and distribution, Opposer’s well-known OVATION mark has acquired enormous value and have achieved widespread recognition and fame among the consuming public as a symbol of Opposer’s goodwill and reputation as a leading television network and provider of television programming.

7. Applicant OVATION, INC. (“Applicant”) is a Tennessee corporation with a place of business at 3810 Bedford Avenue, Suite 200, Nashville, Tennessee 37215.

8. According to the United States Patent and Trademark Office (“PTO”) records, on or about May 8, 2012, Applicant filed Application Serial No. 85/619,736 to register the mark OVACION (the “Applicant’s Mark”) for use in connection with “Business meeting planning, arranging and conducting business conferences and providing facilities for business meetings, providing on-line registration services for business meetings and for live corporate business events” in Class 35; “Webcasting of live

events and audio, data, graphics, video and multimedia data in connection therewith, video conferencing services, electronic transmission of music, audio, data, graphics and video, satellite broadcasting of live television special events” in Class 38; “Arranging and conducting educational conferences, special event planning consultation services” in Class 41; and “Design, development and maintenance of websites and web-based applications for others, design and development of multimedia products for use in corporate events, meetings and conferences, lighting design, graphics design, industrial design, visual design services in the nature of designing visual elements for online, broadcast, print, outdoor and other communication media, and set design services for corporate events” in Class 42. This application was filed on an intent-to-use basis.

9. The English translation of OVACION is OVATION. Accordingly, Applicant’s Mark is identical to Opposer’s OVATION mark.

10. The services identified in Applicant’s Application are overlapping and/or highly related to the services that are identified in Opposer’s applications in connection with Opposer’s Marks.

11. Applicant’s Mark is identical to Opposer’s Marks and the services identified in Applicant’s Application are identical or so highly related to the services offered by Opposer that registration of Applicant’s Mark is likely to cause confusion, mistake or deception among relevant consumers.

12. Upon information and belief, the services identified in Applicant’s Application would be offered to the same, substantially similar, and/or overlapping classes of consumers as those to which Opposer caters.

13. Upon information and belief, the services identified in Applicant’s Application would be offered through the same, substantially similar, and/or overlapping channels of trade as those through which Opposer offers its services.

14. Applicant's Application was filed on an intent-to-use basis on May 8, 2012, long after Opposer's first use in commerce and application filing dates of its famous OVATION mark. Opposer thus has priority of use and filing over Applicant.

15. Upon information and belief, Applicant was on actual notice of Opposer's prior rights in the OVATION mark before seeking to register Applicant's Mark opposed herein. As a matter of law, based on Opposer's pending trademark applications for its OVATION marks, Applicant was deemed on constructive notice of Opposer's rights in the OVATION mark.

16. Applicant's registration of Applicant's Mark in connection with the services identified in the Application would be damaging to Opposer.

17. The proposed use and registration by Applicant of Applicant's Mark for the services identified in Applicant's Application is likely to cause confusion, mistake or deception by having the public erroneously assume or believe that such services emanate from the same source or origin as Opposer, or are in some other way associated, endorsed, licensed, authorized, sponsored by, or, connected with Opposer, all to Opposer's irreparable damage in violation of Section 2(d) of the Trademark Act of 1946, 15 U.S.C. § 1052(d).

18. Applicant's proposed registration and use of Applicant's Mark would disparage and falsely suggest a connection with Opposer and/or Opposer's services, thereby causing loss, damage and injury to Opposer, in violation of Section 2(a) of the Trademark Act of 1946, 15 U.S.C. § 1052(a).

19. By reason of the identity between Applicant's Mark and Opposer's OVATION mark, the fame of Opposer's OVATION mark, and the exclusive association between the OVATION mark and Opposer, registration of Applicant's Mark would dilute and/or is likely to dilute Opposer's Marks by impairing the distinctiveness of Opposer's Marks to identify exclusively services offered by Opposer.

Accordingly, registration of the mark shown in the Application herein opposed violates the Federal Trademark Dilution Act, 15 U.S.C. § 1125(c).

For the reasons set forth herein, Opposer believes and asserts that it will be damaged by the registration of Application Serial No. 85/619,736. Accordingly, Opposer prays that this Opposition be sustained, and that Applicant be refused registration of its mark OVACION for the services set forth in Application Serial No. 85/619,736.

Respectfully submitted,

Dated: April 26, 2013

By:



Wendy M. Mantell
Candice E. Kim
GREENBERG TRAUIG, LLP
1840 Century Park East, Suite 1900
Los Angeles, California 90067
Tel: (310) 586-7700
Fax: (310) 586-7800
LATM2@gtlaw.com

Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that on April 26, 2013, a true and correct copy of the foregoing Notice of Opposition was served via First Class Mail, postage prepaid, to counsel for Applicant to the following:

Paige W. Mills
Robert L. Brewer
BASS BERRY & SIMS PLC
150 Third Avenue South, Suite 2800
Nashville, TN 37201-2017



EXHIBIT A

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Mark: OVATION TV



US Serial Number: 77894130

Application Filing Date: Dec. 15, 2009

Register: Principal

Mark Type: Service Mark

Status: Suspension check completed. Application remains suspended.

Status Date: Dec. 20, 2012

Mark Information

Mark Literal Elements: OVATION TV

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of The words "OVATION TV" surrounded by three squares.

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

Disclaimer: "TV"

Design Search Code(s): 26.09.14 - Squares, three or more; Three or more squares
26.09.16 - Squares touching or intersecting
26.09.21 - Squares that are completely or partially shaded

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Cable television broadcasting services

International Class: 038 - Primary Class

U.S Class: 100, 101, 104

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 31, 2007

Use in Commerce: Mar. 31, 2007

For: Development and production of television programs to be broadcast over television, iptv, Internet, cable and satellite; production of motion picture films to be broadcast over television, cable and satellite; cable television programming

International Class: 041 - Primary Class

U.S Class: 100, 101, 107

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 31, 2007

Use in Commerce: Mar. 31, 2007

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Ovation, LLC

Owner Address: 2850 Ocean Park Blvd., Suite 225
Ovation LLC
Santa Monica, CALIFORNIA 90405

UNITED STATES
Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jill M. Pietrini

Docket Number: 17BD

Correspondent

Correspondent Name/Address: Jill M. Pietrini
Sheppard Mullin Richter & Hampton LLP
1901 Avenue of the Stars, Suite 1600
Los Angeles, CALIFORNIA 90067-6017
UNITED STATES

Phone: 310.228.3700

Fax: 310.228.3701

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Dec. 20, 2012	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	73797
Jun. 19, 2012	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	73797
Jun. 14, 2012	ATTORNEY REVOKED AND/OR APPOINTED	
Jun. 14, 2012	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Nov. 07, 2011	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	73797
May 12, 2011	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
May 12, 2011	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
May 02, 2011	LETTER OF SUSPENSION MAILED	
May 02, 2011	SUSPENSION LETTER WRITTEN	76487
Apr. 25, 2011	TEAS/EMAIL CORRESPONDENCE ENTERED	73797
Apr. 25, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	73797
Apr. 22, 2011	ASSIGNED TO LIE	73797
Apr. 19, 2011	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
Apr. 19, 2011	EX PARTE APPEAL-INSTITUTED	894130
Apr. 19, 2011	JURISDICTION RESTORED TO EXAMINING ATTORNEY	894130
Apr. 19, 2011	EXPARTE APPEAL RECEIVED AT TTAB	
Oct. 21, 2010	FINAL REFUSAL MAILED	
Oct. 20, 2010	FINAL REFUSAL WRITTEN	76487
Sep. 29, 2010	ASSIGNED TO EXAMINER	76487
Sep. 17, 2010	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Sep. 16, 2010	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Sep. 16, 2010	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 19, 2010	NON-FINAL ACTION MAILED	
Mar. 18, 2010	NON-FINAL ACTION WRITTEN	82101
Mar. 16, 2010	ASSIGNED TO EXAMINER	82101
Dec. 23, 2009	NOTICE OF DESIGN SEARCH CODE AND PSEUDO MARK MAILED	
Dec. 22, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Dec. 18, 2009	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: STIGLITZ, SUSAN R

Law Office Assigned: LAW OFFICE 109

File Location

Current Location: TMEG LAW OFFICE 109

Date in Location: Dec. 20, 2012

Proceedings

Summary

Number of Proceedings: 2

Type of Proceeding: Exparte Appeal

Proceeding Number: 77894130

Filing Date: Apr 19, 2011

Status: Pending

Status Date: Apr 19, 2011

Interlocutory Attorney:

Plaintiff(s)

Name: Ovation, LLC

Correspondent Address: ELISE TENEN-AOKI
GREENBERG TRAUIG LLP
2040 COLORADO AVENUE, SUITE 400E
SANTA MONICA CA , 90404-3445
UNITED STATES

Correspondent e-mail: laipmail@gtlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
OVATION TV	Report Completed Suspension Check - Case Still Suspended	<u>77894130</u>	
	Prosecution History		
Entry Number	History Text	Date	Due Date
1	APPEAL TO BOARD	Apr 19, 2011	
2	Appeal Acknowledged; Case Remanded	Apr 19, 2011	
3	INSTITUTED	Apr 19, 2011	
4	REQUEST FOR RECONSIDERATION	Apr 19, 2011	

Type of Proceeding: Cancellation

Proceeding Number: 92053911

Filing Date: Apr 19, 2011

Status: Pending

Status Date: Apr 19, 2011

Interlocutory Attorney: ELIZABETH A DUNN

Defendant

Name: Ovation, Inc.

Correspondent Address: PAIGE W MILLS
BASS BERRY & SIMS PLC
150 3RD AVENUE SOUTH, SUITE 2800
NASHVILLE TN , 37201
UNITED STATES

Correspondent e-mail: pmills@bassberry.com , trademarks@bassberry.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
OVATION	Cancellation Pending	<u>77589339</u>	<u>3755679</u>
OVATION	Cancellation Pending	<u>77589331</u>	<u>3755678</u>
OVATION	Cancellation Pending	<u>77350025</u>	<u>3670163</u>

Plaintiff(s)

Name: Ovation LLC

Correspondent Address: WENDY M MANTELL
GREENBERG TRAUIG LLP
1840 CENTURY PARK EAST , SUITE 1900
LOS ANGELES CA , 90067
UNITED STATES

Correspondent e-mail: mantellw@gtlaw.com , kimce@gtlaw.com , latm2@gtlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
OVATION	Report Completed Suspension Check - Case Still Suspended	<u>77943009</u>	
OVATION TV	Report Completed Suspension Check - Case Still Suspended	<u>77894130</u>	

OVATION

Report Completed Suspension Check - Case 77943004
Still Suspended

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 19, 2011	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 20, 2011	May 30, 2011
3	PENDING, INSTITUTED	Apr 20, 2011	
4	ANSWER	May 31, 2011	
5	ANSWER	May 31, 2011	
6	ANSWER	May 31, 2011	
7	STIPULATION FOR AN EXTENSION OF TIME	Jun 24, 2011	
8	EXTENSION OF TIME GRANTED	Jul 18, 2011	
9	D'S RET UNDELIVERABLE	Aug 04, 2011	
10	STIPULATION FOR AN EXTENSION OF TIME	Aug 17, 2011	
11	EXTENSION OF TIME GRANTED	Aug 25, 2011	
12	UNDELIVERABLE MAIL	Sep 06, 2011	
13	D'S CHANGE OF CORRESPONDENCE ADDRESS	Sep 09, 2011	
14	STIPULATION FOR AN EXTENSION OF TIME	Sep 22, 2011	
15	TRIAL DATES RESET	Sep 23, 2011	
16	RESPONSE DUE 30 DAYS (DUE DATE)	Jan 31, 2012	Mar 01, 2012
17	P'S RESPONSE TO BOARD ORDER/INQUIRY	Feb 13, 2012	
18	SHOW CAUSE ORDER IS VACATED; TRIAL DATES REMAIN AS SET IN THE BD'S 9/23/11 ORDER	Feb 28, 2012	
19	P'S NOTICE OF EXPERT DISCLOSURES	Mar 26, 2012	
20	D'S MOTION FOR AN EXTENSION OF TIME	Mar 27, 2012	
21	APPEARANCE	Mar 27, 2012	
22	P'S OPPOSITION/RESPONSE TO MOTION	Apr 10, 2012	
23	D'S REPLY IN SUPPORT OF MOTION	Apr 17, 2012	
24	P'S MOTION TO STRIKE	May 07, 2012	
25	D'S OPPOSITION/RESPONSE TO MOTION	May 16, 2012	
26	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Jun 06, 2012	
27	CHANGE OF CORRESPONDENCE ADDRESS	Jun 26, 2012	
28	CHANGE OF CORRESPONDENCE ADDRESS	Jul 11, 2012	
29	CHANGE OF CORRESPONDENCE ADDRESS	Jul 11, 2012	
30	P'S MOT TO RESUME PROCEEDINGS	Aug 10, 2012	
31	PROCEEDINGS RESUMED	Aug 13, 2012	
32	P'S MOTION FOR SUMMARY JUDGMENT	Dec 10, 2012	
33	P'S MOT. FOR SUMMARY JUDGMENT (REDACTED VERSION)	Dec 10, 2012	
34	P'S EXHIBITS IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT	Dec 10, 2012	
35	P'S EXHIBITS IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT	Dec 10, 2012	
36	SUSPENDED PENDING DISP OF OUTSTNDNG MOT	Dec 14, 2012	
37	D'S MOTION FOR AN EXTENSION OF TIME	Dec 14, 2012	
38	Other Motions/Papers	Jan 30, 2013	
39	PAPER RECEIVED AT TTAB	Jan 30, 2013	
40	Other Motions/Papers	Jan 30, 2013	
41	PAPER RECEIVED AT TTAB	Jan 30, 2013	
42	P'S REPLY IN SUPPORT OF MOTION	Feb 19, 2013	

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Mark: OVATION



US Serial Number: 77943004

Application Filing Date: Feb. 23, 2010

Register: Principal

Mark Type: Service Mark

Status: Suspension check completed. Application remains suspended.

Status Date: Nov. 08, 2012

Mark Information

Mark Literal Elements: OVATION

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of the term "OVATION" in stylized font with circles within circles design to the left of the word.

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

Design Search Code(s): 26.01.02 - Plain single line circles; Circles, plain single line
26.01.18 - Concentric circles, three or more; Three or more concentric circles; Circles, three or more concentric

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *,* identify additional (new) wording in the goods/services.

For: Cable television broadcasting services

International Class: 038 - Primary Class

U.S Class: 100, 101, 104

Class Status: ACTIVE

Basis: 1(b)

For: Development and production of television programs to be broadcast over television, iptv, Internet, cable and satellite; production of motion picture films to be broadcast over television, cable and satellite; cable television programming; providing a website featuring programs and information relating to the arts, artists, entertainers, dance, music and prerecorded performances

International Class: 041 - Primary Class

U.S Class: 100, 101, 107

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: Yes	Currently ITU: Yes	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: OVATION LLC

Owner Address: 2850 Ocean Park Blvd., Suite 225
Ovation LLC
Santa Monica, CALIFORNIA 90405
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jill M. Pietrini

Docket Number: 17BD

Correspondent

Correspondent Name/Address: Jill M. Pietrini
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1901 Avenue of the Stars, Suite 1600
Los Angeles, CALIFORNIA 90067-6017
UNITED STATES

Phone: 310.228.3700

Fax: 310.228.3701

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Nov. 08, 2012	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	70468
Jun. 14, 2012	ATTORNEY REVOKED AND/OR APPOINTED	
Jun. 14, 2012	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
May 03, 2012	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	70468
Nov. 03, 2011	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	70468
May 12, 2011	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
May 12, 2011	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
May 02, 2011	LETTER OF SUSPENSION MAILED	
May 02, 2011	SUSPENSION LETTER WRITTEN	76487
Apr. 29, 2011	TEAS/EMAIL CORRESPONDENCE ENTERED	70468
Apr. 29, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	70468
Apr. 21, 2011	ASSIGNED TO LIE	70468
Apr. 19, 2011	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
Apr. 19, 2011	EX PARTE APPEAL-INSTITUTED	943004
Apr. 19, 2011	JURISDICTION RESTORED TO EXAMINING ATTORNEY	943004
Apr. 19, 2011	EXPARTE APPEAL RECEIVED AT TTAB	
Oct. 21, 2010	FINAL REFUSAL MAILED	
Oct. 20, 2010	FINAL REFUSAL WRITTEN	76487
Oct. 18, 2010	ASSIGNED TO EXAMINER	76487
Sep. 28, 2010	TEAS/EMAIL CORRESPONDENCE ENTERED	76869
Sep. 28, 2010	CORRESPONDENCE RECEIVED IN LAW OFFICE	76869
Sep. 28, 2010	ASSIGNED TO LIE	76869
Sep. 20, 2010	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 19, 2010	NON-FINAL ACTION MAILED	
Mar. 18, 2010	NON-FINAL ACTION WRITTEN	82101
Mar. 16, 2010	ASSIGNED TO EXAMINER	82101
Mar. 03, 2010	NOTICE OF DESIGN SEARCH CODE MAILED	
Mar. 02, 2010	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Feb. 26, 2010	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: STIGLITZ, SUSAN R

Law Office Assigned: LAW OFFICE 109

File Location

Current Location: TMEG LAW OFFICE 109

Date in Location: Nov. 08, 2012

Proceedings

Summary

Number of Proceedings: 2

Type of Proceeding: Exparte Appeal

Proceeding Number: 77943004

Filing Date: Apr 19, 2011

Status: Pending

Status Date: Apr 19, 2011

Interlocutory Attorney:

Plaintiff(s)

Name: Ovation LLC

Correspondent Address: ELISE TENEN AOKI
GREENBERG TRAUERIG LLP
2450 COLORADO AVENUE, SUITE 400E
SANTA MONICA CA , 90404-5524
UNITED STATES

Correspondent e-mail: laipmail@gtlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
OVATION	Report Completed Suspension Check - Case Still Suspended	<u>77943004</u>	

Prosecution History

Entry Number	History Text	Date	Due Date
1	APPEAL TO BOARD	Apr 19, 2011	
2	Appeal Acknowledged; Case Remanded	Apr 19, 2011	
3	INSTITUTED	Apr 19, 2011	
4	REQUEST FOR RECONSIDERATION	Apr 19, 2011	

Type of Proceeding: Cancellation

Proceeding Number: 92053911

Filing Date: Apr 19, 2011

Status: Pending

Status Date: Apr 19, 2011

Interlocutory Attorney: ELIZABETH A DUNN

Defendant

Name: Ovation, Inc.

Correspondent Address: PAIGE W MILLS
BASS BERRY & SIMS PLC
150 3RD AVENUE SOUTH, SUITE 2800
NASHVILLE TN , 37201
UNITED STATES

Correspondent e-mail: pmills@bassberry.com , trademarks@bassberry.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
OVATION	Cancellation Pending	<u>77589339</u>	<u>3755679</u>
OVATION	Cancellation Pending	<u>77589331</u>	<u>3755678</u>
OVATION	Cancellation Pending	<u>77350025</u>	<u>3670163</u>

Plaintiff(s)

Name: Ovation LLC

Correspondent Address: WENDY M MANTELL
GREENBERG TRAUERIG LLP
1840 CENTURY PARK EAST , SUITE 1900
LOS ANGELES CA , 90067
UNITED STATES

Correspondent e-mail: mantellw@gtlaw.com , kimce@gtlaw.com , latm2@gtlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
OVATION	Report Completed Suspension Check - Case Still Suspended	<u>77943009</u>	
OVATION TV	Report Completed Suspension Check - Case Still Suspended	<u>77894130</u>	
OVATION	Report Completed Suspension Check - Case Still Suspended	<u>77943004</u>	

Prosecution History

Entry Number	History Text	Date	Due Date
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1	FILED AND FEE	Apr 19, 2011	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 20, 2011	May 30, 2011
3	PENDING, INSTITUTED	Apr 20, 2011	
4	ANSWER	May 31, 2011	
5	ANSWER	May 31, 2011	
6	ANSWER	May 31, 2011	
7	STIPULATION FOR AN EXTENSION OF TIME	Jun 24, 2011	
8	EXTENSION OF TIME GRANTED	Jul 18, 2011	
9	D'S RET UNDELIVERABLE	Aug 04, 2011	
10	STIPULATION FOR AN EXTENSION OF TIME	Aug 17, 2011	
11	EXTENSION OF TIME GRANTED	Aug 25, 2011	
12	UNDELIVERABLE MAIL	Sep 06, 2011	
13	D'S CHANGE OF CORRESPONDENCE ADDRESS	Sep 09, 2011	
14	STIPULATION FOR AN EXTENSION OF TIME	Sep 22, 2011	
15	TRIAL DATES RESET	Sep 23, 2011	
16	RESPONSE DUE 30 DAYS (DUE DATE)	Jan 31, 2012	Mar 01, 2012
17	P'S RESPONSE TO BOARD ORDER/INQUIRY	Feb 13, 2012	
18	SHOW CAUSE ORDER IS VACATED; TRIAL DATES REMAIN AS SET IN THE BD'S 9/23/11 ORDER	Feb 28, 2012	
19	P'S NOTICE OF EXPERT DISCLOSURES	Mar 26, 2012	
20	D'S MOTION FOR AN EXTENSION OF TIME	Mar 27, 2012	
21	APPEARANCE	Mar 27, 2012	
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25	D'S OPPOSITION/RESPONSE TO MOTION	May 16, 2012	
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29	CHANGE OF CORRESPONDENCE ADDRESS	Jul 11, 2012	
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31	PROCEEDINGS RESUMED	Aug 13, 2012	
32	P'S MOTION FOR SUMMARY JUDGMENT	Dec 10, 2012	
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35	P'S EXHIBITS IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT	Dec 10, 2012	
36	SUSPENDED PENDING DISP OF OUTSTNDNG MOT	Dec 14, 2012	
37	D'S MOTION FOR AN EXTENSION OF TIME	Dec 14, 2012	
38	Other Motions/Papers	Jan 30, 2013	
39	PAPER RECEIVED AT TTAB	Jan 30, 2013	
40	Other Motions/Papers	Jan 30, 2013	
41	PAPER RECEIVED AT TTAB	Jan 30, 2013	
42	P'S REPLY IN SUPPORT OF MOTION	Feb 19, 2013	

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Mark: OVATION



US Serial Number: 77943009

Application Filing Date: Feb. 23, 2010

Register: Principal

Mark Type: Service Mark

Status: Suspension check completed. Application remains suspended.

Status Date: Nov. 08, 2012

Mark Information

Mark Literal Elements: OVATION

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of the term "OVATION" in stylized font with circles within circles design on top of the word.

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

Design Search Code(s): 26.01.02 - Plain single line circles; Circles, plain single line
26.01.18 - Concentric circles, three or more; Three or more concentric circles; Circles, three or more concentric

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Cable television broadcasting services

International Class: 038 - Primary Class

U.S Class: 100, 101, 104

Class Status: ACTIVE

Basis: 1(b)

For: Development and production of television programs to be broadcast over television, iptv, Internet, cable and satellite; production of motion picture films to be broadcast over television, cable and satellite; cable television programming; providing a website featuring programs and information relating to the arts, artists, entertainers, dance, music and prerecorded performances

International Class: 041 - Primary Class

U.S Class: 100, 101, 107

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: Yes	Currently ITU: Yes	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Ovation LLC

Owner Address: 2850 Ocean Park Blvd., Suite 225
Ovation LLC
Santa Monica, CALIFORNIA 90405

UNITED STATES
Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jill M. Pietrini

Docket Number: 17BD

Correspondent

Correspondent Name/Address: Jill M. Pietrini
Sheppard Mullin Richter & Hampton LLP
1901 Avenue of the Stars, Suite 1600
Los Angeles, CALIFORNIA 90067-6017
UNITED STATES

Phone: 310.228.3700

Fax: 310.228.3701

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Nov. 08, 2012	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	70468
Jun. 14, 2012	ATTORNEY REVOKED AND/OR APPOINTED	
Jun. 14, 2012	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
May 03, 2012	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	70468
Nov. 03, 2011	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	70468
May 12, 2011	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
May 12, 2011	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
May 02, 2011	LETTER OF SUSPENSION MAILED	
May 02, 2011	SUSPENSION LETTER WRITTEN	76487
Apr. 29, 2011	TEAS/EMAIL CORRESPONDENCE ENTERED	70468
Apr. 29, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	70468
Apr. 21, 2011	ASSIGNED TO LIE	70468
Apr. 19, 2011	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
Apr. 19, 2011	EX PARTE APPEAL-INSTITUTED	943009
Apr. 19, 2011	JURISDICTION RESTORED TO EXAMINING ATTORNEY	943009
Apr. 19, 2011	EXPARTE APPEAL RECEIVED AT TTAB	
Oct. 21, 2010	FINAL REFUSAL MAILED	
Oct. 20, 2010	FINAL REFUSAL WRITTEN	76487
Oct. 18, 2010	ASSIGNED TO EXAMINER	76487
Sep. 28, 2010	TEAS/EMAIL CORRESPONDENCE ENTERED	76869
Sep. 28, 2010	CORRESPONDENCE RECEIVED IN LAW OFFICE	76869
Sep. 28, 2010	ASSIGNED TO LIE	76869
Sep. 20, 2010	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 19, 2010	NON-FINAL ACTION MAILED	
Mar. 18, 2010	NON-FINAL ACTION WRITTEN	82101
Mar. 16, 2010	ASSIGNED TO EXAMINER	82101
Mar. 03, 2010	NOTICE OF DESIGN SEARCH CODE MAILED	
Mar. 02, 2010	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Feb. 26, 2010	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: STIGLITZ, SUSAN R

Law Office Assigned: LAW OFFICE 109

File Location

Proceedings

Summary

Number of Proceedings: 2

Type of Proceeding: Exparte Appeal

Proceeding Number: 77943009

Filing Date: Apr 19, 2011

Status: Pending

Status Date: Apr 19, 2011

Interlocutory Attorney:

Plaintiff(s)

Name: Ovation LLC

Correspondent Address: ELISE TENEN AOKI
GREENBERG TRAUIG LLP
2450 COLORADO AVENUE, SUITE 400E
SANTA MONICA CA , 90404-5524
UNITED STATES

Correspondent e-mail: laipmail@gtlaw.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
OVATION	Report Completed Suspension Check - Case Still Suspended	<u>77943009</u>	

Prosecution History

Entry Number	History Text	Date	Due Date
1	APPEAL TO BOARD	Apr 19, 2011	
2	Appeal Acknowledged; Case Remanded	Apr 19, 2011	
3	INSTITUTED	Apr 19, 2011	
4	REQUEST FOR RECONSIDERATION	Apr 19, 2011	

Type of Proceeding: Cancellation

Proceeding Number: 92053911

Filing Date: Apr 19, 2011

Status: Pending

Status Date: Apr 19, 2011

Interlocutory Attorney: ELIZABETH A DUNN

Defendant

Name: Ovation, Inc.

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BASS BERRY & SIMS PLC
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UNITED STATES

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Plaintiff(s)

Name: Ovation LLC

Correspondent Address: WENDY M MANTELL
GREENBERG TRAUIG LLP
1840 CENTURY PARK EAST , SUITE 1900
LOS ANGELES CA , 90067
UNITED STATES

Correspondent e-mail: mantellw@gtlaw.com , kimce@gtlaw.com , latm2@gtlaw.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
OVATION	Report Completed Suspension Check - Case Still Suspended	<u>77943009</u>	
	Report Completed Suspension Check - Case		

OVATION TV

Still Suspended

77894130

OVATION

Report Completed Suspension Check - Case
Still Suspended

77943004

Prosecution History

Entry Number	History Text	Date	Due Date
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