

ESTTA Tracking number: **ESTTA616787**

Filing date: **07/21/2014**

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	Sony Pictures Television Inc.
Granted to Date of previous extension	07/23/2014
Address	10202 West Washington Blvd. Culver City, CA 90232 UNITED STATES

Attorney information	Aryn M. Emert Cowan, Liebowitz & Latman, P.C. 1133 Avenue of the Americas New York, NY 10036 UNITED STATES trademark@cll.com Phone:212-790-9200
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**Applicant Information**

Application No	86101155	Publication date	03/25/2014
Opposition Filing Date	07/21/2014	Opposition Period Ends	07/23/2014
Applicants	Rothsman, Wallace OM 2221 NE 164th St Suite 296 Aventura, FL 33160 UNITED STATES  SpeedVenture Holdings, Inc 2221 NE 164th St Suite 296 Aventura, FL 33160 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 036. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Financial services, namely, business fundraising for others; Financial services, namely, business fundraising provided over a computer network such as the Internet; On-line business fundraising services; Providing venture capital, development capital, private equity, and investment funding; Venture capital financing; Venture capital funding services to emerging and start-up companies
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**Grounds for Opposition**

Other	Please see attached pleading.
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Attachments	NOO - FOR THAT REASON.pdf(16220 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	/Aryn M. Emert/
Name	Aryn M. Emert
Date	07/21/2014

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

In re Application Serial No. 86/101,155  
Filed: October 25, 2013  
For Mark: FOR THAT REASON, I'M OUT. I'M OUT  
Published in the *Official Gazette* of March 25, 2014

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SONY PICTURES TELEVISION INC., :

Opposer, : Opposition No.

- against - : NOTICE OF OPPOSITION

WALLACE OM ROTHSMAN and :  
SPEEDVENTURE HOLDINGS, INC.

Applicants. :

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Sony Pictures Television Inc. ("Opposer") believes that it will be damaged by registration of the mark shown in Application Serial No. 86/101,155 (the "Application"), filed October 25, 2013, and having been granted extensions of time to oppose up to and including July 23, 2014, hereby opposes the same.

As grounds of opposition, Opposer alleges as follows:

1. Opposer is a Delaware corporation with an address at 10202 W. Washington Blvd., Culver City, California 90232.

2. Upon information and belief, Applicant Wallace OM Rothsman is an individual located at 2221 NE 164th Street, Suite 296, Aventura, Florida 33160, and Applicant

SpeedVenture Holdings, Inc. is a Delaware corporation with a place of business at 2221 NE

164th Street, Suite 296, Aventura, Florida 33160. (Wallace OM Rothsman and SpeedVenture Holdings, Inc. are referred to collectively herein as “Applicants”).

3. For many years, Opposer and its predecessors in interest and related companies have been engaged in the business of producing audiovisual entertainment programs, including television programs.

4. Opposer is the owner of the hit reality television show SHARK TANK, which premiered on the ABC television network in August 2009. The SHARK TANK show features budding entrepreneurs who present business pitches to a panel of highly successful business owners and venture capitalists (identified on the show as “Sharks”) in an effort to secure capital investments in their start-up businesses.

5. SHARK TANK is one of the most watched and critically acclaimed shows on television, averaging over 7 million viewers per episode. The show was nominated in 2012 and 2013 for the Emmy Award for Outstanding Reality Program and in 2014 for the Emmy Award for Outstanding Structured Reality Program. The SHARK TANK show has also received nominations for a Critics’ Choice Television Award and Producers Guild Award.

6. Long prior to Applicants’ filing of the Application, the SHARK TANK show popularized the catch phrase FOR THAT REASON, I’M OUT, which has been continuously and repeatedly used on the show by various of the Sharks when deciding not to bid on an entrepreneur’s proposed business deal. The widespread success of the SHARK TANK show has caused the slogan FOR THAT REASON, I’M OUT to become familiar to a vast number of consumers in the United States who immediately associate the phrase with Opposer and its SHARK TANK show. As a result, Opposer has built up tremendously valuable goodwill in the

slogan FOR THAT REASON, I'M OUT as a trademark signifying Opposer and its SHARK TANK hit television show.

7. On or about October 25, 2013, Applicants filed the Application in the United States Patent and Trademark Office seeking to register the standard character word mark FOR THAT REASON, I'M OUT. I'M OUT ("Applicants' Mark") for "Financial services, namely, business fundraising for others; Financial services, namely, business fundraising provided over a computer network such as the Internet; On-line business fundraising services; Providing venture capital, development capital, private equity, and investment funding; Venture capital financing; Venture capital funding services to emerging and start-up companies" in International Class 36, based on an intent-to-use.

8. Upon information and belief, Applicants adopted and selected Applicants' Mark with the intention of trading upon the fame and success of Opposer's SHARK TANK show and the FOR THAT REASON, I'M OUT mark used on and closely associated with such show.

9. The services covered by the Application are closely related to the services for which Opposer uses its FOR THAT REASON, I'M OUT mark inasmuch as the underlying premise around which the entire SHARK TANK show revolves is the raising of funds for businesses. Accordingly, consumers would be likely to believe that a business providing business fundraising services under Applicants' Mark was licensed by, or otherwise approved or sponsored by, Opposer as the owner of the SHARK TANK show.

10. Applicants' Mark so resembles Opposer's FOR THAT REASON, I'M OUT mark as to be likely, when used in connection with Applicants' services, to cause confusion, to cause mistake or to deceive the public into believing that Applicants' services have their origin with Opposer and/or that Applicants' services are approved, endorsed or sponsored by Opposer or

associated with Opposer in some other way, thereby causing injury to Opposer and the consuming public.

11. Opposer would be further injured by the granting of a certificate of registration to Applicants for Applicants' Mark because such mark, which is the same as and/or a close approximation of Opposer's FOR THAT REASON, I'M OUT mark, and which point uniquely to Opposer when used in connection with the applied-for services, would falsely suggest a connection between Applicants, which are not connected with or authorized by Opposer, and Opposer.

12. Opposer's FOR THAT REASON, I'M OUT mark is distinctive and famous and has enjoyed distinctiveness and fame since prior to the Applicants' filing of the Application for Applicants' Mark.

13. Applicants' intended use of Applicants' Mark in connection with Applicants' services is likely to dilute Opposer's FOR THAT REASON, I'M OUT mark by rendering it less distinctive.

14. Opposer would be injured by the granting to Applicants of the registration sought because Applicants' Mark so resembles Opposer's FOR THAT REASON, I'M OUT mark as to be likely, when used in connection with Applicants' services:

- (a) to cause confusion, or to cause mistake, or to deceive;
- (b) to falsely suggest a connection with Opposer;
- (c) to damage Opposer's valuable goodwill in Opposer's FOR THAT REASON, I'M OUT mark;

- (d) to interfere with Opposer's sale and/or potential sale of its own goods and/or services under Opposer's FOR THAT REASON, I'M OUT mark; and
- (e) to dilute Opposer's FOR THAT REASON, I'M OUT mark by rendering it less distinctive.

WHEREFORE, Opposer, by its attorneys, respectfully requests that its opposition be sustained and that the registration sought by Applicants be denied.

Dated: New York, New York  
July 21, 2014

Respectfully submitted,

COWAN LIEBOWITZ & LATMAN, P.C.  
Attorneys for Opposer

By: /Richard S. Mandel/  
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Certificate of Service

A copy of the foregoing Notice of Opposition was served upon Applicant by sending a copy by first-class mail, postage prepaid, addressed to Applicants' correspondent of record, Wallace OM Rothsman, Roc Nation Ventures, LLC, 2221 NE 164<sup>th</sup> St., Suite 296, Aventura, Florida 33160-3703, on this 21st day of July, 2014.

/Richard S. Mandel/

Richard S. Mandel