

ESTTA Tracking number: **ESTTA698437**

Filing date: **09/25/2015**

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

Proceeding	91223324
Party	Defendant FremantleMedia North America, Inc
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Date	09/25/2015
Attachments	2015.09.25_Answer re BUZZR.pdf(154271 bytes)

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

In re App. Serial No. 86451967

Codename Enterprises, Inc.,

Opposer,

v.

FremantleMedia North America, Inc.,

Applicant.

Opposition No. 91223324

ANSWER

TO: ASSISTANT COMMISSIONER FOR TRADEMARKS
BOX TTAB –FEE
2900 Crystal Drive
Arlington, VA 22202-3513

Applicant FremantleMedia North America, Inc. (“FremantleMedia”), by its attorneys Holmes Weinberg, P.C., hereby answers the Notice of Opposition (the “Opposition”) filed by Opposer Codename Enterprises, Inc. (“Opposer”) as follows:

1. FremantleMedia lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the preamble Paragraph of the Opposition, and therefore denies the same.
2. FremantleMedia denies that Opposer is entitled to relief in this Opposition, and lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 1 of the Opposition, and therefore denies the same.

3. FremantleMedia denies that the spelling of its name is “Freemantle” and otherwise denies the allegations set forth in Paragraph 2 of the Opposition in that the allegations are not of the kind that requires a response.
4. FremantleMedia admits that it is a major television production company and the producer of successful television series including AMERICAN IDOL®, THE X FACTOR®, AMERICA’S GOT TALENT®, FAMILY FEUD®, THE PRICE IS RIGHT® and LET’S MAKE A DEAL®, that these are famous brands, that it uses these marks and variants thereof in many countries and that it is affiliated with the RTL Group.

FremantleMedia lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 3 of the Opposition, and therefore denies the same.
5. FremantleMedia denies the allegation in Paragraph 4 of the Opposition that it “has already launched multiple infringing entities using the unregistered mark,” and denies the remaining allegations in Paragraph 4 except that FremantleMedia:
 - a. Admits that it has launched a BUZZR television network, featuring content exclusively relating to game shows;
 - b. Admits that it has launched a BUZZR YouTube channel, featuring content exclusively relating to game shows;
 - c. Admits that it owns a website at buzzrgames.com, featuring content exclusively relating to game shows;
 - d. Admits that it owns a website at buzzrplay.com, in connection with content exclusively relating to game shows;

- e. Admits that it owns the Twitter handle @Buzzrgames, featuring content exclusively relating to game shows;
 - f. Admits that it owns the Twitter handle @Buzzrplay, featuring content exclusively relating to game shows;
 - g. Admits that it owns a Facebook page at Facebook.com/buzzrgames, featuring content exclusively relating to game shows;
 - h. Admits that it owns a Facebook page at Facebook.com/buzzrplay, featuring content exclusively relating to game shows;
 - i. Lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 4(i) of the Opposition, and therefore denies the same;
 - j. Admits that it owns an Instagram handle @Buzzrgames, featuring content exclusively relating to game shows;
 - k. Admits that it owns an Instagram handle @Buzzrplay, featuring content exclusively relating to game shows.
6. FremantleMedia admits that its BUZZR television network features content exclusively relating to game shows, including episodes of the well-known television game shows LET'S MAKE A DEAL®, TO TELL THE TRUTH, PASSWORD®, WHAT'S MY LINE® and FAMILY FEUD®, and that it is the owner of the largest game show library in the world. FremantleMedia lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 5 of the Opposition, and therefore denies the same.

7. FremantleMedia denies the allegations in Paragraph 6 of the Opposition that its strategy to maximize revenue is to “appeal to the youth market,” and that “Freemantle [sic] has regularly created salacious, sexist and sexually-themed programming on its YouTube channel” and therefore denies the allegations in subparts (a) through (g) of Paragraph 6 of the Opposition as supporting those allegations and otherwise denies the allegations in said subparts.
8. FremantleMedia admits that that many news articles about its BUZZR brand have appeared on the internet and in news media, including a story in USA Today, but otherwise lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 7 of the Opposition, and therefore denies the same.
9. FremantleMedia lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 8 of the Opposition, and therefore denies the same.
10. FremantleMedia admits that many of its brands are famous, but otherwise denies the allegations set forth in Paragraph 9 of the Opposition.
11. FremantleMedia denies the allegations set forth in Paragraph 10 of the Opposition.
12. FremantleMedia admits that there are one or more jurisdictions that have recognized the doctrine of reverse confusion, but denies that either reverse or forward confusion exists in this case and further denies the allegations set forth in Paragraph 11 of the Opposition.
13. FremantleMedia admits that the TTAB and the Court of Appeals of the Federal Circuit have recognized both forward and reverse confusion as Section 2(d) grounds, but denies that either reverse or forward confusion exists in this case and otherwise denies the allegations set forth in Paragraph 12 of the Opposition.

14. FremantleMedia denies the allegations set forth in Paragraph 13 of the Opposition.
15. FremantleMedia lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 14 of the Opposition, and therefore denies the same.
16. FremantleMedia lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 15 of the Opposition, and therefore denies the same.
17. FremantleMedia lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 16 of the Opposition, and therefore denies the same.
18. FremantleMedia lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 17 of the Opposition, and therefore denies the same.
19. FremantleMedia lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 18 of the Opposition, and therefore denies the same.
20. FremantleMedia lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 19 of the Opposition, and therefore denies the same.
21. FremantleMedia lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 20 of the Opposition, and therefore denies the same.

22. FremantleMedia lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 21 of the Opposition, and therefore denies the same.
23. FremantleMedia lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 22 of the Opposition, and therefore denies the same.
24. FremantleMedia denies that it and Opposer compete, and otherwise lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 23 of the Opposition, and therefore denies the same.
25. FremantleMedia denies the allegations set forth in Paragraph 24 of the Opposition.
26. FremantleMedia denies the allegations set forth in Paragraph 25 of the Opposition.
27. FremantleMedia admits that it intends to continue to use and promote the BUZZR name and services, but denies the remaining allegations set forth in Paragraph 26 of the Opposition.
28. FremantleMedia denies the allegations set forth in Paragraph 27 of the Opposition.
29. FremantleMedia lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 28 of the Opposition, and therefore denies the same.
30. FremantleMedia admits that it and followers of its BUZZR services have used the designation #buzzr but otherwise denies the allegations set forth in Paragraph 29 of the Opposition.
31. FremantleMedia admits that there has been entertainment industry news coverage relating to its BUZZR television game show network including in ENTERTAINMENT

WEEKLY®, VARIETY and THE HOLLYWOOD REPORTER®, but FremantleMedia otherwise denies the allegations set forth in Paragraph 30 of the Opposition.

32. FremantleMedia denies the allegations set forth in Paragraph 31 of the Opposition.

33. FremantleMedia denies the allegations set forth in Paragraph 32 of the Opposition.

Affirmative Defenses

1. Opposer has failed to state any claim upon which relief may be granted.
2. Upon information and belief, Opposer's mark is weak and entitled to a narrow scope of protection.
3. Upon information and belief, the parties' respective services are not similar or related.
4. Upon information and belief, the class of consumers for the respective services is not similar.

Dated: September 25, 2015

Respectfully submitted,

By: /s/ Steven M. Weinberg

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Attorneys for FremantleMedia North America,
Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing ANSWER was served
by USPS Priority Mail to Opposer at the following address:

Edward Sussman
Codename Enterprises, Inc.
111 West 67th St., 20B
New York, NY 10023

DATED: September 25, 2015

By: /s/ Nelda Piper
Nelda Piper
Paralegal