

ESTTA Tracking number: **ESTTA740591**

Filing date: **04/18/2016**

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	Tokyo Broadcasting System Television, Inc.
Granted to Date of previous extension	04/13/2016
Address	5-3-6 Akasaka, Minato-Ku Tokyo, 107-8006 JAPAN

Attorney information	J. Alison Grabell, Esq. BRUTZKUS GUBNER ROZANSKY SEROR WEBER LLP 21650 Oxnard Street Suite 500 Woodland Hills, CA 91367 UNITED STATES agrabell@brutzkusgubner.com, sbroffman@brutzkusgubner.com, jwhiting@jwhitinglaw.com Phone:(818) 827-9000
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Applicant Information

Application No	86626274	Publication date	12/15/2015
Opposition Filing Date	04/18/2016	Opposition Period Ends	04/13/2016
Applicant	Ninja Lounge P.O. Box 600979 North Miami Beach, FL 33160 UNITED STATES		

Goods/Services Affected by Opposition

Class 041. First Use: 2014/09/00 First Use In Commerce: 2014/09/00 All goods and services in the class are opposed, namely: Recreational park services featuring obstacle courses and climbing wall courses; entertainment services in the nature of an indoor trampoline park

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution by blurring	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3387835	Application Date	02/16/2007
Registration Date	02/26/2008	Foreign Priority Date	NONE

Word Mark	NINJA WARRIOR
Design Mark	
Description of Mark	NONE
Goods/Services	Class 041. First use: First Use: 2006/10/03 First Use In Commerce: 2006/10/03 Production of [motion picture films and] television programs, series and segments; production of pre-recorded optical, electronic, digital, and magnetic media in the nature of compact discs, laser discs, CD-ROMs, DVDs, DVD-ROMs, videotapes and videocassettes featuring competition-based entertainment and companion programming with actual and/or fictional characters involved in comedic, dramatic,documental and animated stories; design, creation, production and post-production of audiovisual works, particularly [cinematic,] television [and multimediaworks;]entertainment services, namely,a continuing competition-based program and companion variety programs with actual and/or fictional characters in comedic, dramatic, documental [and animated stories] broadcast over television, satellite, audio and video media, and via a global computer network; providing information in the field of entertainment viaa global computer network; distributionfor others of motion picture films and television programs; production of television programs; entertainment services, namely, an on-going television series broadcast over television and podcast featuring competition-based programming and companion programming with actual and/orfictional characters involved in comedic, dramatic, documental and animated stories; entertainment services in the nature of variety shows

U.S. Registration No.	4109319	Application Date	12/16/2009
Registration Date	03/06/2012	Foreign Priority Date	NONE
Word Mark	AMERICAN NINJA WARRIOR		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2010/07/01 First Use In Commerce: 2011/07/01 Pre-recorded compact discs, laser discs, CD-ROMs, DVDs, DVD-ROMs, videotapes, videocassettes, and other pre-recorded optical, electronic, digital, and		

	magneticmedia featuring competition-based entertainment and companion programming with actual and/or fictional characters involved in comedic, dramatic, documental, live-action and animated stories; computergame software; computer game programs and cartridges; electronic game programs;video game software; computer screen saver software; downloadable graphics and sound recordings via a global computer network and wireless devices; analog and digital materials, namely, downloadable video recordings, audio recordings, digital photographs, digital still images, digital moving images, computer software screen savers, and digital computer desktop background images for computers and wireless devices; motion picture films featuring competition-based entertainmentand companion programming with actual and/or fictional characters involved in comedic, dramatic, documental and animated stories
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U.S. Registration No.	4476074	Application Date	12/12/2012
Registration Date	01/28/2014	Foreign Priority Date	NONE
Word Mark	NINJA WARRIOR		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2013/04/08 First Use In Commerce: 2013/05/29 Providing on-line computer games; providing on-line computer games for use on smart phones		

U.S. Registration No.	4767586	Application Date	09/12/2014
Registration Date	07/07/2015	Foreign Priority Date	NONE
Word Mark	AMERICAN NINJA WARRIOR		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2009/12/31 First Use In Commerce: 2009/12/31		

	<p>Production of television programs, series and segments; design, creation, production and post-production of audiovisual works, particularly television entertainment services, namely, a continuing competition-based program and companion variety programs with actual and/or fictional characters in comedic, dramatic, documental broadcast over television, satellite, audio and video media, and via a global computer network; providing information in the field of entertainment via a global computer network; entertainment services, namely, an on-going television series broadcast over television and podcast featuring competition-based programming and companion programming with actual and/or fictional characters involved in comedic, dramatic, documental and animated stories; distribution for others of programs; Production of pre-recorded optical, electronic, digital, and magnetic media in the nature of downloadable media featuring competition-based entertainment and companion programming with actual and/or fictional characters involved in comedic, dramatic and documental stories</p>
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U.S. Registration No.	4777365	Application Date	07/16/2010
Registration Date	07/21/2015	Foreign Priority Date	NONE
Word Mark	AMERICAN NINJA WARRIOR		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2015/05/26 First Use In Commerce: 2015/05/26 clothing for men, women and children, namely, shirts, t-shirts, sweatshirts, hats, caps, headbands		

U.S. Application No.	86646068	Application Date	05/29/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NINJA WARRIOR		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 025. First use: First Use: 0 First Use In Commerce: 0 clothing for men, women and children, namely, shirts, t-shirts, sweatshirts, jogging suits, trousers, pants, shorts, tank tops, rainwear, sweaters, jackets, coats, raincoats, snow suits, ties, robes, hats, caps, sun visors, headbands, belts, scarves, gloves, sleepwear, pajamas, lingerie, underwear, briefs, boxer shorts, boots, shoes, sneakers, sandals, booties, slipper socks, socks, tights, stockings, hosiery and swimwear
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U.S. Application No.	86852460	Application Date	12/17/2015
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	AMERICAN NINJA WARRIOR
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Design Mark	
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Description of Mark	The mark consists of the words AMERICANNINJA WARRIOR inside a stylized shield.
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Goods/Services	Class 009. First use: First Use: 0 First Use In Commerce: 0 Game software, including downloadable computer game application software, computer game software provided on CDs, DVDs, cartridges and memory cards and downloadable computer game programs; video game cartridges, memory cards, cassettes, discs, software and programs; downloadable application software for mobile, portable and handheld devices that allow users to view and play audio, video and audiovisual content and information relating to content in the field of entertainment; computer application software for mobile, portable and handheld devices for use in distribution and viewing of audio, video and audiovisual content and information relating to content in the field of entertainment; downloadable audio, video and audiovisual multimedia content in the field of entertainment, namely, motion picture films and television shows featuring athletic competitions; digital media, namely, pre-recorded DVDs, CDs, high definition digital discs, video cassettes, digital video discs, digital versatile discs, downloadable audio and video files and high definition digital discs, all featuring audiovisual and multimedia entertainment content in the field of athletic competitions; motion picture films featuring athletic competitions; headphones; audio speakers; earbuds; batteries; media players; portable media players; computer peripheral equipment; glasses, namely, eyeglasses, sunglasses, reading
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	glasses and cases therefor; accessories for mobile, portable and handheld devices, namely, battery chargers, headphones, speakers, cases, protective covers, protective display screen covers, wired and wireless ear buds, micro-phones and hands-free devices; gift cards, namely, magnetically encoded gift cards and encoded electronic chip gift cards; magnets; downloadable electronic publications, namely, informational sheets, informational flyers, leaflets, newsletters, periodicals, style guides, books and manuals, all featuring information relating to audiovisual and multimedia entertainment content; pre-recorded media, namely, DVDs, CDs, high definition digital discs, video cassettes, digital video discs, digital versatile discs, downloadable audio and video files, and high definition digital discs, all featuring audiovisual and multimedia entertainment content in the field of athletic competitions; blank flash drives; downloadable ringtones for mobile phones, portable and handheld devices; interactive computer game programs; downloadable computer screen saver software; downloadable image files containing artwork, text, audio, video, games and graphics relating to audiovisual and multimedia entertainment content; downloadable video recordings featuring audiovisual and multimedia movie clips, movie trailers, interviews, reviews, commentary, music videos, motion pictures and television shows in the field of athletic competitions; downloadable music files; 3-D glasses; protective carrying cases for portable media devices and mobile phones; computer application software for wearable technology devices; downloadable software for use with wearable technology devices; downloadable mobile applications featuring fitness content; downloadable application software featuring fitness content
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U.S. Application No.	86852363	Application Date	12/17/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	AMERICAN NINJA WARRIOR		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 0 First Use In Commerce: 0 Dietary and nutritional supplements		

U.S. Application No.	86852465	Application Date	12/17/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	AMERICAN NINJA WARRIOR		

Design Mark			
Description of Mark	The mark consists of the words AMERICANNINJA WARRIOR inside a stylized shield.		
Goods/Services	Class 009. First use: First Use: 0 First Use In Commerce: 0 Multifunctional electronic devices for displaying, measuring, and uploading to the Internet information including time,date, heart rate, global positioning, direction, distance, altitude, speed, steps taken, calories burned, navigational information, changes in heart rate, activity level, hours slept, quality of sleep, and silent wake alarm; computer software for wireless data communication for receiving, processing, transmitting and displaying information relating to fitness, body fat, body mass index; computer software for managing information regarding tracking, compliance and motivation with a health and fitness program		
U.S. Application No.	86852381	Application Date	12/17/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	AMERICAN NINJA WARRIOR		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 007. First use: First Use: 0 First Use In Commerce: 0 Electric juicers; electric food processors; kitchen machines, namely, electric standing mixers; electric mixers; electric food blenders		

U.S. Application No.	86852388	Application Date	12/17/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	AMERICAN NINJA WARRIOR		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 0 First Use In Commerce: 0</p> <p>Computer application software for wearable technology devices; downloadable software for use with wearable technology devices; downloadable mobile applicationsfeaturing fitness content; downloadableapplication software featuring fitness content; headphones; audio speakers; earbuds; batteries; media players; portablemedia players; computer peripheral equipment; glasses, namely, eyeglasses, sunglasses, reading glasses and cases therefor; accessories for mobile, portable andhandheld devices, namely, battery chargers, headphones, speakers, cases, protective covers, protective display screen covers, wired and wireless ear buds, microphones and hands-free devices; gift cards, namely, magnetically encoded gift cards and encoded electronic chip gift cards; magnets; downloadable electronic publications, namely, informational sheets,informational flyers, leaflets, newsletters, periodicals, style guides, books and manuals, all featuring information relating to audiovisual and multimedia entertainment content; blank flash drives; downloadable ringtones for mobile phones, portable and handheld devices; interactive computer game programs; downloadable music files; 3-D glasses; protective carrying cases for portable media devicesand mobile phones</p>		

U.S. Application No.	86852397	Application Date	12/17/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	AMERICAN NINJA WARRIOR		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 011. First use: First Use: 0 First Use In Commerce: 0 Electric cooking ovens, electric cooking pots, electric frypans, electric broilers, electric food warmers, electric toasters

U.S. Application No.	86852401	Application Date	12/17/2015
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	AMERICAN NINJA WARRIOR
Design Mark	AMERICAN NINJA WARRIOR

Description of Mark	NONE
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Goods/Services	Class 009. First use: First Use: 0 First Use In Commerce: 0 Multifunctional electronic devices for displaying, measuring, and uploading to the Internet information including time,date, heart rate, global positioning, direction, distance, altitude, speed, steps taken, calories burned, navigational information, changes in heart rate, activity level, hours slept, quality of sleep, and silent wake alarm; computer software for wireless data communication for receiving, processing, transmitting and displaying information relating to fitness, body fat, body mass index; computer software for managing information regarding tracking, compliance and motivation with a health and fitness program
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U.S. Application No.	86852403	Application Date	12/17/2015
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	AMERICAN NINJA WARRIOR
Design Mark	AMERICAN NINJA WARRIOR

Description of Mark	NONE
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Goods/Services	Class 016. First use: First Use: 0 First Use In Commerce: 0 Paper and cardboard products, namely, address labels, adhesive labels, adhes-
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ivenote paper, adhesive notepads, agendas, appointment books, art pictures, art prints, bathroom tissue, blank cards, blank note cards, blank notebooks, blank or partially printed paper labels, book covers, bookmarkers, book-cover paper, cardboard hang tags, children's wall stickers and murals, Christmas cards, children's arts and crafts paper kits, coasters made of paper, coasters of cardboard, craft paper, daily planners, decorative paper centerpieces, engagement books, envelopes, facial tissue, flags and pennants of paper, graphic prints and representations, hand towels of paper, holiday cards, illustrated notepads, letter paper, memo blocks, note cards, notepads, occasion cards, paper bags and sacks, paper banners, paper gift cards, paper gift tags, paper hang tags, paper note tablets, paper party bags, paper party decorations, paper cake decorations, paper cake toppers, paper serviettes, paper table linens, paper tissues, paper towels, party favor gift boxes sold empty, party goodiebags of paper, party ornaments of paper, picture books, picture postcards and printed paper signs; bookbinding material; photographs; stationery; adhesives for stationery or household purposes; artists' materials, namely, paint brushes, art pads, art paper, artists' pencils, artists' pens, arts and craft clay kits, arts and craft paint kits, chalk, chalk sticks, color pencils, colored pens, craft glue for stationery and household purposes, drawing pads, drawing paper, drawing pencils, drawing rulers, drawing tablets, easel pads, felt marking pens, felt pens, felt tip markers, felt writing pens, felt-tip pens, highlighter pens and markers, ink pens, modeling clay, nail stencils, iron-on transfers, pencils for painting and drawing, sketch books and sketch pads; books, namely, a series of fiction books, comic books, and graphic books in the field of animation, cartoons, drama, action, adventure, science-fiction, romance and suspense; children's activity books; puzzle books, brain game books, word game books, children's storybooks; children's books; address books; coloring books; comic books; poster books; notebooks; diaries; blank writing journals; bookmarks; magazines in the field of animation, cartoons, drama, action, adventure, science-fiction, romance and suspense; posters; calendars; albums for scrapbooks, stickers, sketchbooks, and photographs; crayons; arts and crafts paint kits; markers; pens; erasers; pencils; pencil cases; decorative pencil top ornaments; activity kits consisting of stickers and toy stamps; decals and plastic transfers; stickers; markers; pens; erasers; pencils; pencil sharpeners; school supply kits containing various combinations of selected school supplies, namely, writing instruments, pens, pencils, mechanical pencils, erasers, markers, crayons, highlighter pens, folders, notebooks, paper, paper clips, pencil sharpeners, writing grips, glue for stationery purpose; folders; binders as stationery; office requisites, namely, paper staplers, staple removers; slate boards for writing; stencils; rubber stamps other than hand tools or parts of machines and stamp pads; adhesives for stationery or household purposes; paper pennants; paper party supplies, namely, paper napkins, paper placemats, paper gift wrap and paper gift wrapping ribbons, paper table cloths and paper party bags; gift bags; printed invitations; postcards; trading cards; greeting cards; writing paper; envelopes as stationery; memo pads; and lunch bags of paper

U.S. Application No.	86852407	Application Date	12/17/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	AMERICAN NINJA WARRIOR		

Design Mark	AMERICAN NINJA WARRIOR		
Description of Mark	NONE		
Goods/Services	Class 018. First use: First Use: 0 First Use In Commerce: 0 Bags, namely, all-purpose carrying bags, all-purpose sport bags, athletic bags, backpacks, beach bags, belt bags, book bags, duffel bags, gym bags, messenger bags, overnight bags, shoulder bags, totebags, handbags, travel bags, diaper bags; travel cases; luggage; luggage tags; suitcases; knapsacks; satchels; fanny packs; purses; calling card cases; change purses; coin purses; pocketbooks; wallets; umbrellas; articles made from leather and imitations of leather, namely, calling card cases, change purses, coin purses, fanny packs, luggage, luggage tags, key cases, key chains, satchels, duffel bags, backpacks, and wallets		

U.S. Application No.	86852411	Application Date	12/17/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	AMERICAN NINJA WARRIOR		
Design Mark	AMERICAN NINJA WARRIOR		
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 0 First Use In Commerce: 0 Toys, games and playthings, namely, action target games; action-type target games; aero-dynamic disk for use in playing catching games; air mattress swimming floats for recreational use; airsoft guns for recreational purposes; amusement game machines; amusement products, namely, inflatable balls; bath toys; beach balls; bean bags; children's toy bicycles other than for transport; decorative wind spinners; dice games; Easter egg coloring kits; electric action toys; electric toy vehicles; electronically operated toy motor vehicles; equipment sold as a unit for playing action type target games; floats for bathing and swimming; inflatable bop bags; inflatable inner tubes for aquatic recreational use; inflatable swimming pools; inflatable toys; inflatable toys showing decorative pictures; non-electric toy vehicles; paper face masks; paper party favors; paper streamers; party favor hats; play balls; play figures; plush dolls; sandbox toys; swim fins;		

swimming flippers; tossing disc toys; toy and novelty face masks; toy artificial fingernails; toy boxes; toy candy dispensers; toy construction blocks; toy construction sets; toy masks; toys, namely, a disc to toss in playing a game wherein other discs are flipped and collected; toys, namely, children's dress-up accessories; vinyl toy figures; water wing swim aids for recreational use; action figures and accessories therefor; playsets for action figures; battery operated action toys; toy pistols; toy miniature car models; toy airplanes and helicopters; battery operated remote controlled toy vehicles, namely, cars, trains, airplanes, boats, helicopters, motorcycles and hover crafts; flying disks; toy model train sets; balls for games; toy model hobby craft kits for constructing two- and three-dimensional positionable toy figures; toy rubber stamps; sporting articles, namely, skateboards, roller-skates, target sets comprised of targets and stands for targets for sporting use, balls for sports, inflatable punching bags, athletic protective elbow pads for skateboarding, athletic protective knee pads for skateboarding, bowling bags, bowling ball covers, bowling gloves, elbow guards for athletic use and elbow pads for athletic use; kites; yo-yos; snow globes; pinball machines and arcade game machines; hand held units for playing electronic games; swim floats for recreational use; collectable toy figures; balloons; toy building blocks; playing cards; board games, card games; memory games; action skill games; parlor games; party games; role playing games; children's educational toys for developing cognitive skills; stress relief balls for hand exercise; puzzles; marbles for games; play tents; drawing toys; musical toys; plush toys; pull toys; sand toys; squeeze toys; stuffed toys; talking toys; water toys; toy figures; wind-up toys; hand puppets; sit-in and ride-on toy vehicles; toy banks; bubble-making wand and solution sets; egg decorating kits; piñatas; party favors in the nature of small toys and toy noisemakers; bobble head dolls; dolls and accessories therefor; playsets for dolls; doll clothing; doll houses; clothing for stuffed and plush toys; children's toy cosmetics; pet toys; Christmas tree ornaments and decorations, excluding confectionery and illumination articles; toy snow globes; amusement park rides

U.S. Application No.	86852412	Application Date	12/17/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	AMERICAN NINJA WARRIOR		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 0 First Use In Commerce: 0 Applesauce; bagged garden salads; butter; canned beans with meat and canned beans without meat; canned fruits and bottled fruits; canned processed olives; canned soups; canned vegetables; cheese; cheese and cracker combinations; chicken nuggets; condensed and evaporated milk; cooking oils; cottage cheese; cream cheese; dehydrated fruits; dips, excluding salsa and other sauces used as dips; dried beans; dried fruits; eggs; flaked coconut; French fries; frozen French fries; frozen fruit; frozen vegetables; frozen appetizers con-		

	<p>sisting primarily of cheese; frozen appetizers consisting primarily of chicken; frozen appetizers consisting primarily of jalapeno peppers; frozen appetizers consisting primarily of meat; frozen appetizers consisting primarily of seafood; frozen appetizers consisting primarily of vegetables; frozen entrees consisting primarily of fish; frozen entrees consisting primarily of meat; frozen entrees consisting primarily of poultry; frozen entrees consisting primarily of vegetables; fruit based pie filling for cakes and pies; fruit based snack foods; fruit preserves; half and half, namely, milk and cream mixture; instant potatoes; jellies; jerky; margarine; meat, fish, poultry and game, not live; milk and milk products excluding ice cream, ice milk and frozen yogurt; non-dairy whipped topping; packaged meal combinations consisting primarily of meat or cheese; peanut butter; pickles; potato based snack foods; potato salad; prepared potatoes and processed potatoes; processed luncheon meats; processed, prepared and roasted nuts; sausages; seafood, not live; shortening, nondairy creamer; snack mix consisting primarily of processed fruits, processed nuts and/or raisins; soup mixes; sour cream; vegetable oils; whipped cream</p>
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U.S. Application No.	86852415	Application Date	12/17/2015
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Registration Date	NONE	Foreign Priority Date	NONE
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Word Mark	AMERICAN NINJA WARRIOR		
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Design Mark			
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Description of Mark	NONE		
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Goods/Services	<p>Class 030. First use: First Use: 0 First Use In Commerce: 0</p> <p>Bagel chips; bakery desserts; bakery goods; biscuits; bread, pastry and confectionery made of sugar; bubble gum; cake decorations made of candy; cake mixes; cakes; candy; cereal bars; cereal based snack foods; cereal based energy bars; cheeseburger sandwiches; chewing gum; chocolate; chocolate bars; chocolate candies; chocolate confections; cocoa mixes; coffee; cones for ice cream; confectionery chips for baking; cookies; corn chips; cotton candy; crackers; cupcakes; dessert mixes for making brownies, cookies, and cakes; dessert puddings; dietetic food and beverages (not for medical or veterinary use); doughnuts; edible decorations for cakes and desserts; flavored and sweetened gelatin; French toast; frozen confections; frozen yogurt; granola; granola-based snack bars; hamburger sandwiches; hot chocolate mixes; ice cream; ice cream bars; ice cream drinks; ice cream sandwiches; ice milk; ketchup; licorice; macaroni and cheese; marshmallows; mixes for making instant dessert pudding; muffins; oatmeal; pancakes; pasta; pastries; pita chips; pizza; popcorn; popped popcorn; flour; prepared meals consisting primarily of pasta or rice; prepared food mixes, namely, prepared food composed of pasta or rice or breads; pretzel chips; pretzels; processed cereals; ready-to-eat cereal; salad dressings; sandwiches; sherbets; snack cakes; spices; table syrups; taffy; tea; toaster pastries; tortilla chips; waffles</p>		
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U.S. Application No.	86852419	Application Date	12/17/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	AMERICAN NINJA WARRIOR		
Design Mark	<p style="text-align: center;">AMERICAN NINJA WARRIOR</p>		
Description of Mark	NONE		
Goods/Services	<p>Class 041. First use: First Use: 0 First Use In Commerce: 0 Entertainment services, namely, entertainment in the nature of a themed area in an amusement park and amusement park rides; arranging and conducting athletic competitions; entertainment in the nature of obstacle courses; providing obstacle course training gym facilities; health club services; non-downloadable, digital audiovisual content in the field of fitness content</p>		

U.S. Application No.	86852423	Application Date	12/17/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	AMERICAN NINJA WARRIOR		
Design Mark	<p style="text-align: center;">AMERICAN NINJA WARRIOR</p>		
Description of Mark	NONE		
Goods/Services	<p>Class 044. First use: First Use: 0 First Use In Commerce: 0 Providing a website featuring information and advice in the fields of fitness, diet, weight loss, diet planning, and lifestyle wellness</p>		

U.S. Application No.	86852425	Application Date	12/17/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	AMERICAN NINJA WARRIOR		

Design Mark	AMERICAN NINJA WARRIOR		
Description of Mark	NONE		
Goods/Services	Class 021. First use: First Use: 2015/05/25 First Use In Commerce: 2015/05/25 (Based on Use in Commerce) plastic water bottles sold empty; water bottles sold empty; (Based on Intent to Use) Battery powered toothbrushes; beverage ware; bottle openers; bowls; cake molds; cookie cutters; cookie jars; crystal, ceramic, glass and porcelain figurines; crystal, ceramic, glass and porcelain sculptures; cupcake molds; cups and mugs; dental care kits comprising toothbrushes and floss; dental floss; dinnerware; dishes; drinking straws; hair brushes; hair combs; ice cube molds; insulating sleeve holders for beverage cans; lunch boxes; pet brushes; pet feeding and drinking bowls; piggy banks; plastic coasters; plastic squeeze bottles sold empty; plates; salt and pepper shakers; serving trays; soap dispensers; soap holders; teapots not made of precious metal; thermal insulated containers for food or beverages; toothbrush holders; toothbrushes; wastepaper baskets		

U.S. Application No.	86852431	Application Date	12/17/2015
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	AMERICAN NINJA WARRIOR		
Design Mark	AMERICAN NINJA WARRIOR		
Description of Mark	NONE		
Goods/Services	Class 024. First use: First Use: 2015/05/25 First Use In Commerce: 2015/05/25 (Based on Use in Commerce) towels; (Based on Intent to Use) Bed sheets, washcloths, bed skirts; bed spreads; bed blankets, hand towels; pillow covers; blanket throws; children's blankets; comforters; curtains; quilts; hooded towels; household linens; textile table napkins; textile place mats; textile tablecloths; throws; cloth pennants; cloth flags		

U.S. Application No.	86852436	Application Date	12/17/2015
Registration Date	NONE	Foreign Priority	NONE

		Date	
Word Mark	AMERICAN NINJA WARRIOR		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 035. First use: First Use: 2015/05/25 First Use In Commerce: 2015/05/25 Retail store and online retail store services connected with the sale of multimedia goods, multimedia content, and electronic media, namely, videos, DVDs, CDs, movies, pictures, images, text, photos, games, audio content and audio recordings; retail store and online retail store services featuring fitness products, health foods, dietary supplements, nutritional supplements, sports nutrition products, clothing, apparel, clothing accessories, fitness accessories, towels, athletic equipment, sports bags, and physical fitness equipment</p>		

U.S. Application No.	86852438	Application Date	12/17/2015
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	ANW		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 025. First use: First Use: 0 First Use In Commerce: 0 Clothing, namely, shirts, T-shirts, blouses, tank tops, skirts, trousers, jeans, pants, shorts, skorts, overalls, jumpers, rompers, dresses, sweaters, jackets, blazers, coats, ponchos, scarves, stoles, shawls, socks, tights, leotards, stockings, leggings, leg warmers, slipper socks, ties, bow ties, pocket squares, suspenders, belts, aprons, undershirts, underpants, underwear, snow suits, snow pants, ear muffs; mittens, gloves, cloth bibs, plastic baby bibs, infantwear; sweatshirts, sweatpants, jogging suits, masquerade and Halloween costumes and masks sold in connection therewith; sleepwear; loungewear; swimwear; rainwear; footwear; headwear; Halloween costumes</p>		

U.S. Application	86852450	Application Date	12/17/2015
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No.			
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	AMERICAN NINJA WARRIOR		
Design Mark			
Description of Mark	The mark consists of the words AMERICANNINJA WARRIOR inside a stylized shield.		
Goods/Services	Class 005. First use: First Use: 0 First Use In Commerce: 0 Dietary and nutritional supplements		
U.S. Application No.	86852454	Application Date	12/17/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	AMERICAN NINJA WARRIOR		

Design Mark	
Description of Mark	The mark consists of the words AMERICANNINJA WARRIOR inside a stylized shield.
Goods/Services	Class 007. First use: First Use: 0 First Use In Commerce: 0 Electric juicers; electric food processors; kitchen machines, namely, electric standing mixers; electric mixers; electric food blenders

U.S. Application No.	86852463	Application Date	12/17/2015
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	AMERICAN NINJA WARRIOR
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Design Mark	
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Description of Mark	The mark consists of the words AMERICANNINJA WARRIOR inside a stylized shield.
Goods/Services	Class 011. First use: First Use: 0 First Use In Commerce: 0 Electric cooking ovens, electric cooking pots, electric frypans, electric broilers, electric food warmers, electric toasters

U.S. Application No.	86852469	Application Date	12/17/2015
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	AMERICAN NINJA WARRIOR
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Description of Mark	The mark consists of the words AMERICANNINJA WARRIOR inside a stylized shield.
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Goods/Services	Class 016. First use: First Use: 0 First Use In Commerce: 0 Paper and cardboard products, namely, address labels, adhesive labels, adhesive note paper, adhesive notepads, agendas, appointment books, art pictures, art prints, bathroom tissue, blank cards, blank note cards, blank notebooks, blank or partially printed paper labels, book covers, bookmarkers, book-cover paper, cardboard hang tags, children's wall stickers and murals, Christmas cards, children's arts and crafts paper kits, coasters made of paper, coasters of cardboard, craft paper, daily planners, decorative paper centerpieces, engagement books, envelopes, facial tissue, flags and pennants of paper, graphic prints and representations, hand towels of paper, holiday cards, illustrated notepads, letter paper, memo blocks, note cards, notepads, occasion cards, paper bags and sacks, paper banners, paper gift cards, paper gift tags, paper hang tags, paper note tablets, paper party bags, paper party decorations, paper cake decorations, paper cake toppers, paper serviettes, paper table linens, paper tissues, paper towels, party favor gift boxes sold empty, party goodiebags of paper, party ornaments of paper, picture books, picture postcards and printed paper signs; bookbinding material; photographs; stationery; adhesives for stationery or household purposes; artists' materials, namely, paint brushes, art pads, art paper, artists' pencils, artists' pens, arts and craft clay kits, arts and craft paint kits, chalk, chalk sticks, color pencils, colored pens, craft glue for stationery and household purposes, drawing pads, drawing paper, drawing pencils, drawing rulers, drawing
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tablets, easel pads, felt marking pens, felt pens, felt tip markers, felt writing pens, felt-tip pens, highlighter pens and markers, ink pens, modeling clay, nail stencils, iron-on transfers, pencils for painting and drawing, sketch books and sketch pads; books, namely, a series of fiction books, comic books, and graphic books in the field of in the field of animation, cartoons, drama, action, adventure, science-fiction, romance and suspense; children's activity books; puzzle books, brain game books, word game books, children's storybooks; children's books; address books; coloring books; comic books; poster books; notebooks; diaries; blank writing journals; bookmarks; magazines in the field of animation, cartoons, drama, action, adventure, science-fiction, romance and suspense; posters; calendars; albums for scrapbooks, stickers, sketchbooks, and photographs; crayons; markers; pens; erasers; pencils; pencil cases; decorative pencil top ornaments; activity kits consisting of stickers and toystamps; decals and plastic transfers; stickers; pencil sharpeners; school supply kits containing various combinations of selected school supplies, namely, writing instruments, pens, pencils, mechanical pencils, erasers, markers, crayons, highlighter pens, folders, notebooks, paper, paper clips, pencil sharpeners, writing grips, glue for stationery purpose; folders; binders as stationery; office requisites, namely, paper staplers, staple removers; slate boards for writing; stencils; rubber stamps other than hand tools or parts of machines and stamp pads; paper pennants; paper party supplies, namely, paper napkins, paper placemats, paper gift wrap and paper gift wrapping ribbons, paper table cloths and paper party bags; gift bags; printed invitations; postcards; trading cards; greeting cards; writing paper; envelopes as stationery; memo pads; and lunch bags of paper

U.S. Application No.	86852470	Application Date	12/17/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	AMERICAN NINJA WARRIOR		
Design Mark			
Description of Mark	The mark consists of the words AMERICANNINJA WARRIOR inside a stylized shield.		
Goods/Services	Class 018. First use: First Use: 0 First Use In Commerce: 0 Bags, namely, all-purpose carrying bags, all-purpose sport bags, athletic		

	bags,backpacks, beach bags, belt bags, book bags, duffel bags, gym bags, messenger bags, overnight bags, shoulder bags, totebags, handbags, travel bags, diaper bags; travel cases; luggage; luggage tags; suitcases; knapsacks; satchels; fanny packs; purses; calling card cases; change purses; coin purses; pocketbooks; wallets; umbrellas; articles made from leather and imitations of leather, namely, calling card cases, change purses, coin purses, fanny packs, luggage, luggage tags, key cases, key chains, satchels, duffel bags, backpacks, and wallets
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U.S. Application No.	86852472	Application Date	12/17/2015
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	AMERICAN NINJA WARRIOR
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Description of Mark	The mark consists of the words AMERICANNINJA WARRIOR inside a stylized shield.
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Goods/Services	Class 028. First use: First Use: 0 First Use In Commerce: 0 Toys, games and playthings, namely, action target games; action-type target games; aero-dynamic disk for use in playing catching games; air mattress swimming floats for recreational use; airsoft guns for recreational purposes; amusement game machines; amusement products, namely, inflatable balls; bath toys; beach balls; bean bags; children's toy bicycles other than for transport; decorative wind spinners; dice games; Easter egg coloring kits; electric action toys; electric toy vehicles; electronically operated toy motor vehicles; equipment sold as a unit for playing action type target games; floats for bathing and swimming; inflatable bop bags; inflatable inner tubes for aquatic recreational use; inflatable swimming pools; inflatable toys; inflatable toys showing decorative pictures; non-electric toy vehicles; paper face masks; paper party favors; paper streamers; party favor hats; play balls; play figures; plush dolls; sandbox toys; swim fins; swimming flippers; tossing disc toys; toy and novelty face masks; toy artificial fingernails; toy boxes; toy candy dispensers; toy construction blocks; toy construction sets; toy masks; toys, namely, a disc to toss in playing a game wherein other discs are flipped and collected; toys, namely, children's dress-up accessories; vinyl toy figures; water wing swim aids for recreational use; action
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figures and accessories therefor; playsets for action figures; battery operated action toys; toy pistols; toy miniature car models; toy airplanes and helicopters; battery operated remote controlled toy vehicles, namely, cars, trains, airplanes, boats, helicopters, motorcycles and hover crafts; flying disks; toy model trainsets; balls for games; toy model hobby craft kits for constructing two- and three-dimensional positionable toy figures; toy rubber stamps; sporting articles, namely, skateboards, roller-skates, target sets comprised of targets and stands for targets for sporting use, balls for sports, inflatable punching bags, athletic protective elbow pads for skateboarding, athletic protective knee pads for skateboarding, bowling bags, bowling ball covers, bowling gloves, elbow guards for athletic use and elbow pads for athletic use; kites; yo-yos; snow globes; pinball machines and arcade game machines; hand held units for playing electronic games; swim floats for recreational use; collectable toy figures; balloons; toy building blocks; playing cards; board games, card games; memory games; action skill games; parlor games; party games; role playing games; children's educational toys for developing cognitive skills; stress relief balls for hand exercise; puzzles; marbles for games; play tents; drawing toys; musical toys; plush toys; pull toys; sand toys; squeeze toys; stuffed toys; talking toys; water toys; toy figures; wind-up toys; hand puppets; sit-in and ride-on toy vehicles; toy banks; bubble-making wand and solution sets; egg decorating kits; piñatas; party favors in the nature of small toys and toy noisemakers; bobble head dolls; dolls and accessories therefor; playsets for dolls; doll clothing; doll houses; clothing for stuffed and plush toys; children's toy cosmetics; pet toys; Christmas tree ornaments and decorations, excluding confectionery and illumination articles; toy snow globes; amusement park rides

U.S. Application No.	86852475	Application Date	12/17/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	AMERICAN NINJA WARRIOR		
Design Mark			
Description of Mark	The mark consists of the words AMERICAN NINJA WARRIOR inside a stylized shield.		
Goods/Services	Class 029. First use: First Use: 0 First Use In Commerce: 0		

Applesauce; bagged garden salads; butter; canned beans with meat and canned beans without meat; canned fruits and bottled fruits; canned processed olives; canned soups; canned vegetables; cheese; cheese and cracker combinations; chicken nuggets; condensed and evaporated milk; cooking oils; cottage cheese; cream cheese; dehydrated fruits; dips, excluding salsa and other sauces used as dips; dried beans; dried fruits; eggs; flaked coconut; French fries; frozen French fries; frozen fruit; frozen vegetables; frozen appetizers consisting primarily of cheese; frozen appetizers consisting primarily of chicken; frozen appetizers consisting primarily of jalapeno peppers; frozen appetizers consisting primarily of meat; frozen appetizers consisting primarily of seafood; frozen appetizers consisting primarily of vegetables; frozen entrees consisting primarily of fish; frozen entrees consisting primarily of meat; frozen entrees consisting primarily of poultry; frozen entrees consisting primarily of vegetables; fruit based pie filling for cakes and pies; fruit based snack foods; fruit preserves; half and half, namely, milk and cream mixture; instant potatoes; jellies; jerky; margarine; meat, fish, poultry and game, not live; milk and milk products excluding ice cream, ice milk and frozen yogurt; non-dairy whipped topping; packaged meal combinations consisting primarily of meat or cheese; peanut butter; pickles; potato based snack foods; potato salad; prepared potatoes and processed potatoes; processed luncheon meats; processed, prepared and roasted nuts; sausages; seafood, not live; shortening, nondairy creamer; snack mix consisting primarily of processed fruits, processed nuts and/or raisins; soup mixes; sour cream; vegetable oils; whipped cream

U.S. Application No.	86852480	Application Date	12/17/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	AMERICAN NINJA WARRIOR		
Design Mark			
Description of Mark	The mark consists of the words AMERICANNINJA WARRIOR inside a stylized shield.		
Goods/Services	Class 030. First use: First Use: 0 First Use In Commerce: 0 Bagel chips; bakery desserts; bakery goods; biscuits; bread, pastry and confectionery made of sugar; bubble gum; cake decorations made of candy; cake		

mixes; cakes; candy; cereal bars; cereal based snack foods; cereal based energy bars; cheeseburger sandwiches; chewing gum; chocolate; chocolate bars; chocolate candies; chocolate confections; cocoa mixes; coffee; cones for ice cream; confectionery chips for baking; cookies; corn chips; cotton candy; crackers; cupcakes; dessert mixes for making brownies, cookies, and cakes; dessert puddings; dietetic food and beverages (not for medical or veterinary use); doughnuts; edible decorations for cakes and desserts; flavored and sweetened gelatin; French toast; frozen confections; frozen yogurt; granola; granola-based snack bars; hamburger sandwiches; hot chocolate mixes; ice cream; ice cream bars; ice cream drinks; ice cream sandwiches; ice milk; ketchup; licorice; macaroni and cheese; marshmallows; mixes for making instant dessert pudding; muffins; oatmeal; pancakes; pasta; pastries; pita chips; pizza; popcorn; popped popcorn; flour; prepared meals consisting primarily of pasta or rice; prepared food mixes, namely, prepared food composed of pasta or rice or breads; pretzel chips; pretzels; processed cereals; ready-to-eat cereal; salad dressings; sandwiches; sherbets; snack cakes; spices; table syrups; taffy; tea; toaster pastries; tortilla chips; waffles

U.S. Application No.	86852487	Application Date	12/17/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	AMERICAN NINJA WARRIOR		
Design Mark			
Description of Mark	The mark consists of the words AMERICAN NINJA WARRIOR inside a stylized shield.		
Goods/Services	Class 041. First use: First Use: 0 First Use In Commerce: 0 Entertainment services, namely, providing online video games, providing online computer games, providing online electronic games, providing temporary use of non-downloadable video games, providing temporary use of non-downloadable computer games, providing temporary use of non-downloadable interactive games, providing temporary use of non-downloadable electronic games, providing temporary use of non-downloadable video games via an on-demand service and providing temporary use of non-downloadable computer games via an on-demand service; entertainment services in the nature of ongoing television		

series in the field of athletic competitions; entertainment services, namely, production of television programs; entertainment services, namely, production and distribution of motion pictures, videos in the field of athletic competitions; entertainment services, namely, providing information, news and commentary in the field of athletic competitions; entertainment services in the nature of development and production of multimedia entertainment content; providing a website featuring non-downloadable videos and images in the field of athletic competitions provided via global computer networks, wireless communication networks and portable device applications; entertainment services in the nature of development, production and distribution of audio visual television programs in the field of athletic competitions; electronic publishing services, namely, publication of text and graphic works of others online featuring entertainment and athletic competitions, novelizations, scripts, comic books, strategy guides, photographs, commentary and interviews; multimedia publishing of movie trailers and film clips; presentation of live show performances; fan clubs; amusement parks; theme parks; entertainment in the nature of a themed area in an amusement park and amusement park rides; arranging and conducting athletic competitions; entertainment in the nature of obstacle courses; providing obstacle course training gym facilities; health club services; non-downloadable, digital audiovisual content in the field of fitness content

U.S. Application No.	86852488	Application Date	12/17/2015
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark AMERICAN NINJA WARRIOR



Description of Mark The mark consists of the words AMERICAN NINJA WARRIOR inside a stylized shield.

Goods/Services Class 044. First use: First Use: 0 First Use In Commerce: 0
 Providing a website featuring information and advice in the fields of fitness, diet, weight loss, diet planning, and lifestyle wellness

U.S. Application No.	86852491	Application Date	12/17/2015
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Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	AMERICAN NINJA WARRIOR		
Design Mark			
Description of Mark	The mark consists of the words AMERICANNINJA WARRIOR inside a stylized shield.		
Goods/Services	Class 021. First use: First Use: 2015/05/25 First Use In Commerce: 2015/05/25 (Based on Use in Commerce) plastic water bottles sold empty; water bottles sold empty; (Based on Intent to Use) Batterypowered toothbrushes; beverage ware; bottle openers; bowls; cake molds; cookie cutters; cookie jars; crystal, ceramic, glass and porcelain figurines; crystal, ceramic, glass and porcelain sculptures; cupcake molds; cups and mugs; dental care kits comprising toothbrushes and floss; dental floss; dinnerware; dishes; drinking straws; hair brushes; hair combs; ice cube molds; insulating sleeve holders for beverage cans; lunch boxes; pet brushes; pet feeding and drinking bowls; piggy banks; plastic coasters; plastic squeeze bottles sold empty; plates; salt and pepper shakers; serving trays; soap dispensers; soap holders; teapots not made of precious metal; thermal insulated containers for food or beverages; toothbrush holders; toothbrushes; wastepaper baskets		
U.S. Application No.	86852496	Application Date	12/17/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	AMERICAN NINJA WARRIOR		

Design Mark			
Description of Mark	The mark consists of the words AMERICANNINJA WARRIOR inside a stylized shield.		
Goods/Services	Class 024. First use: First Use: 2015/05/25 First Use In Commerce: 2015/05/25 (Based on Use) towels; (Based on Intentto Use) Bed sheets, washcloths, bed skirts; bed spreads; bed blankets, hand towels; pillow covers; blanket throws; children's blankets; comforters; curtains; quilts; hooded towels; household linens; textile napkins; textile place mats; textile tablecloths; throws; cloth penants; cloth flags		
U.S. Application No.	86852528	Application Date	12/17/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	AMERICAN NINJA WARRIOR		

Design Mark			
Description of Mark	The mark consists of the words "AMERICAN NINJA WARRIOR" inside a stylized shield.		
Goods/Services	Class 025. First use: First Use: 2015/05/25 First Use In Commerce: 2015/05/25 (Based on Use in Commerce) Clothing, namely, shirts, T-shirts, sweatshirts, bandanas, caps; (Based on Intent to Use) Clothing, namely, blouses, tank tops, skirts, trousers, jeans, pants, shorts, skorts, overalls, jumpers, rompers, dresses, sweaters, jackets, blazers, coats, ponchos, scarves, stoles, shawls, socks, tights, leotards, stockings, leggings, leg warmers, slipper socks, ties, bow ties, pocket squares, suspenders, belts, aprons, undershirts, underpants, underwear, snow suits, snow pants, ear muffs; mittens, gloves, cloth bibs, plastic baby bibs, infantwear; sweatpants, jogging suits, masquerade and Halloween costumes and masks sold in connection therewith; sleepwear; loungewear; swimwear; rainwear; footwear; headwear; Halloween costumes		
U.S. Application No.	86852529	Application Date	12/17/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	AMERICAN NINJA WARRIOR		

Design Mark	
Description of Mark	The mark consists of the words AMERICANNINJA WARRIOR inside a stylized shield.
Goods/Services	Class 035. First use: First Use: 2015/05/25 First Use In Commerce: 2015/05/25 Retail store and online retail store services connected with the sale of multimedia goods, multimedia content, and electronic media, namely, videos, DVDs, CDs, movies, pictures, images, text, photos, games, audio content and audio recordings; retail store and online retail store services featuring fitness products, health foods, dietary supplements, nutritional supplements, sports nutrition products, clothing, apparel, clothing accessories, fitness accessories, towels, athletic equipment, sports bags, and physical fitness equipment

Attachments	77109965#TMSN.png(bytes) 77894610#TMSN.png(bytes) 85800909#TMSN.png(bytes) 86393966#TMSN.png(bytes) 85086615#TMSN.png(bytes) 86646068#TMSN.png(bytes) 86852460#TMSN.png(bytes) 86852363#TMSN.png(bytes) 86852465#TMSN.png(bytes) 86852381#TMSN.png(bytes) 86852388#TMSN.png(bytes) 86852397#TMSN.png(bytes) 86852401#TMSN.png(bytes) 86852403#TMSN.png(bytes) 86852407#TMSN.png(bytes) 86852411#TMSN.png(bytes) 86852412#TMSN.png(bytes) 86852415#TMSN.png(bytes) 86852419#TMSN.png(bytes) 86852423#TMSN.png(bytes) 86852425#TMSN.png(bytes) 86852431#TMSN.png(bytes) 86852436#TMSN.png(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	/J. Alison Grabell/
Name	J. Alison Grabell, Esq.
Date	04/13/2016

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

TOKYO BROADCASTING SYSTEM TELEVISION, INC.,)	Opposition No.:
)	
Opposer,)	Mark: NINJALOUNGE NINJA WARRIOR
)	COURSE & TRAMPOLINE PARK &
)	Design
v.)	
)	Serial No.: 86626274
NINJA LOUNGE,)	
)	Filing Date: May 12, 2015
Applicant.)	
_____)	Date of Publication: December 15, 2015

NOTICE OF OPPOSITION

TOKYO BROADCASTING SYSTEM TELEVISION, INC. (“Opposer”) believes it will be damaged by the registration of the mark **NINJALOUNGE NINJA WARRIOR COURSE &**

TRAMPOLINE PARK  shown in United States Trademark

Application Serial No. 86626274 filed by Ninja Lounge, a Florida Limited Liability Company, and published for opposition on December 15, 2015; and therefore, Opposer opposes that application.

The grounds for opposition are as follows:

1. Opposer Tokyo Broadcasting System Television, Inc. (“Tokyo Broadcasting”) is a corporation organized under the laws of Japan with a corporate address at 5-3-6 Akasaka, Minato-ku, Tokyo 107-8006, Japan.

2. Opposer is the owner of numerous registrations and pending applications to register the **NINJA WARRIOR** and **AMERICAN NINJA WARRIOR** trademarks and

formatives/derivatives thereof (collectively the “NINJA WARRIOR Marks”), as shown in **Exhibit 1** hereto.

3. Opposer or its licensees have used the NINJA WARRIOR Mark in the United States since at least as early as October 3, 2006 in connection with production of television programs and for and in connection with related goods and services.

4. Opposer is the owner of the registered mark NINJA WARRIOR, Registration No. 3387835, which registered on February 26, 2008 and is incontestable. Since at least as early as October 3, 2006, Opposer or its licensees have used the NINJA WARRIOR mark in connection with “Production of television programs, series and segments; production of pre-recorded optical, electronic, digital, and magnetic media in the nature of compact discs, laser discs, CD-ROMs, DVDs, DVD-ROMs, videotapes and videocassettes featuring competition-based entertainment and companion programming with actual and/or fictional characters involved in comedic, dramatic, documental stories; design, creation, production and post-production of audiovisual works, particularly television works; entertainment services, namely, a continuing competition-based program and companion variety programs with actual and/or fictional characters in comedic, dramatic, documental stories broadcast over television, satellite, audio and video media, and via a global computer network; providing information in the field of entertainment via a global computer network; distribution for others of television programs production of television programs; entertainment services, namely, an on-going television series broadcast over television and podcast featuring competition-based programming and companion programming with actual and/or fictional characters involved in comedic, dramatic and documental stories; entertainment services in the nature of variety shows,” in Class 41. Attached

hereto as **Exhibit 2**, and made of record, are a current TSDR status downloaded from the USPTO website located at www.uspto.gov, and a copy of the Certificate of Registration.

5. Opposer is the owner of the registered mark AMERICAN NINJA WARRIOR, Registration No. 4109319, which registered on March 6, 2012. Since at least as early as July 1, 2010, Opposer or its licensees have used the AMERICAN NINJA WARRIOR mark on “Pre-recorded compact discs, laser discs, CD-ROMs, DVDs, DVD-ROMs, videotapes, videocassettes, and other pre-recorded optical, electronic, digital, and magnetic media featuring competition-based entertainment and companion programming with actual and/or fictional characters involved in comedic, dramatic, documentary, live-action and animated stories; computer game software; computer game programs and cartridges; electronic game programs; video game software; computer screen saver software; downloadable graphics and sound recordings via a global computer network and wireless devices; analog and digital materials, namely, downloadable video recordings, audio recordings, digital photographs, digital still images, digital moving images, computer software screen savers, and digital computer desktop background images for computers and wireless devices; motion picture films featuring competition-based entertainment and companion programming with actual and/or fictional characters involved in comedic, dramatic, documentary and animated stories” in Class 9. Attached hereto as **Exhibit 3**, and made of record, are a current TSDR status downloaded from the USPTO website located at www.uspto.gov, and a copy of the Certificate of Registration.

6. Opposer is the owner of the registered mark AMERICAN NINJA WARRIOR, Registration No. 4777365, which registered on July 21, 2015. Since at least as early as May 26, 2015, Opposer or its licensees have used the AMERICAN NINJA WARRIOR mark on “clothing

for men, women and children, namely, shirts, t-shirts, sweatshirts, hats, caps, headbands” in Class 25. Attached hereto as **Exhibit 4**, and made of record, are a current TSDR status downloaded from the USPTO website located at www.uspto.gov, and a copy of the Certificate of Registration.

7. Opposer is the owner of the registered mark AMERICAN NINJA WARRIOR, Registration No. 4767586, which registered on July 7, 2015. Since at least as early as December 31, 2009, Opposer or its licensees have used the AMERICAN NINJA WARRIOR mark in connection with “Production of television programs, series and segments; design, creation, production and post-production of audiovisual works, particularly television entertainment services, namely, a continuing competition-based program and companion variety programs with actual and/or fictional characters in comedic, dramatic, documental broadcast over television, satellite, audio and video media, and via a global computer network; providing information in the field of entertainment via a global computer network; entertainment services, namely, an on-going television series broadcast over television and podcast featuring competition-based programming and companion programming with actual and/or fictional characters involved in comedic, dramatic, documental and animated stories; distribution for others of programs; Production of pre-recorded optical, electronic, digital, and magnetic media in the nature of downloadable media featuring competition-based entertainment and companion programming with actual and/or fictional characters involved in comedic, dramatic and documental stories” in Class 41. Attached hereto as **Exhibit 5**, and made of record, are a current TSDR status downloaded from the USPTO website located at www.uspto.gov, and a copy of the Certificate of Registration.

8. Opposer is the owner of the registered mark NINJA WARRIOR, Registration No. 4476074, which registered on January 28, 2014. Since at least as early as May 29, 2013, Opposer or its licensees have used the NINJA WARRIOR mark on “Providing on-line computer games; providing on-line computer games for use on smart phones” in Class 41. Attached hereto as **Exhibit 6**, and made of record, are a current TSDR status downloaded from the USPTO website located at www.uspto.gov, and a copy of the Certificate of Registration issued by the USPTO.

9. Opposer is the owner of the pending application for registration of the mark NINJA WARRIOR, Serial No. 86646068, which was filed on May 29, 2015, for “clothing for men, women and children, namely, shirts, t-shirts, sweatshirts, jogging suits, trousers, pants, shorts, tank tops, rainwear, sweaters, jackets, coats, raincoats, snow suits, ties, robes, hats, caps, sun visors, headbands, belts, scarves, gloves, sleepwear, pajamas, lingerie, underwear, briefs, boxer shorts, boots, shoes, sneakers, sandals, booties, slipper socks, socks, tights, stockings, hosiery and swimwear,” in Class 25. Attached hereto as **Exhibit 7**, and made of record, is a current TSDR status downloaded from the USPTO website located at www.uspto.gov.

10. Opposer is the owner of the pending application for registration of the mark



, Serial No. 86852460, which was filed on December 17, 2015, in connection with “Game software, including downloadable computer game application software, computer game software provided on CDs, DVDs, cartridges and memory cards and downloadable computer game programs; video game cartridges, memory cards, cassettes, discs, software and programs; downloadable application software for mobile, portable and handheld devices that allow users to

view and play audio, video and audiovisual content and information relating to content in the field of entertainment; computer application software for mobile, portable and handheld devices for use in distribution and viewing of audio, video and audiovisual content and information relating to content in the field of entertainment; downloadable audio, video and audiovisual multimedia content in the field of entertainment, namely, motion picture films and television shows featuring athletic competitions; digital media, namely, pre-recorded DVDs, CDs, high definition digital discs, video cassettes, digital video discs, digital versatile discs, downloadable audio and video files and high definition digital discs, all featuring audiovisual and multimedia entertainment content in the field of athletic competitions; motion picture films featuring athletic competitions; headphones; audio speakers; earbuds; batteries; media players; portable media players; computer peripheral equipment; glasses, namely, eyeglasses, sunglasses, reading glasses and cases therefor; accessories for mobile, portable and handheld devices, namely, battery chargers, headphones, speakers, cases, protective covers, protective display screen covers, wired and wireless ear buds, microphones and hands-free devices; gift cards, namely, magnetically encoded gift cards and encoded electronic chip gift cards; magnets; downloadable electronic publications, namely, informational sheets, informational flyers, leaflets, newsletters, periodicals, style guides, books and manuals, all featuring information relating to audiovisual and multimedia entertainment content; pre-recorded media, namely, DVDs, CDs, high definition digital discs, video cassettes, digital video discs, digital versatile discs, downloadable audio and video files, and high definition digital discs, all featuring audiovisual and multimedia entertainment content in the field of athletic competitions; blank flash drives; downloadable ringtones for mobile phones, portable and handheld devices; interactive computer game programs; downloadable

computer screen saver software; downloadable image files containing artwork, text, audio, video, games and graphics relating to audiovisual and multimedia entertainment content; downloadable video recordings featuring audiovisual and multimedia movie clips, movie trailers, interviews, reviews, commentary, music videos, motion pictures and television shows in the field of athletic competitions; downloadable music files; 3-D glasses; protective carrying cases for portable media devices and mobile phones; computer application software for wearable technology devices; downloadable software for use with wearable technology devices; downloadable mobile applications featuring fitness content; downloadable application software featuring fitness content,” in Class 41. Attached hereto as **Exhibit 8**, and made of record, is a current TSDR status downloaded from the USPTO website located at www.uspto.gov.

11. Opposer is the owner of the pending application for registration of the mark AMERICAN NINJA WARRIOR, Serial No. 86852363, which was filed on December 17, 2015, for “Dietary and nutritional supplements,” in Class 5. Attached hereto as **Exhibit 9**, and made of record, is a current TSDR status downloaded from the USPTO website located at www.uspto.gov.

12. Opposer is the owner of the pending application for registration of the mark



, Serial No. 86852465, which was filed on December 17, 2015, for “Multifunctional electronic devices for displaying, measuring, and uploading to the Internet information including time, date, heart rate, global positioning, direction, distance, altitude, speed, steps taken, calories burned, navigational information, changes in heart rate, activity level, hours slept, quality of sleep, and silent wake alarm; computer software for wireless data communication for receiving,

processing, transmitting and displaying information relating to fitness, body fat, body mass index; computer software for managing information regarding tracking, compliance and motivation with a health and fitness program,” in Class 9. Attached hereto as **Exhibit 10**, and made of record, is a current TSDR status downloaded from the USPTO website located at www.uspto.gov.

13. Opposer is the owner of the pending application for registration of the mark AMERICAN NINJA WARRIOR, Serial No. 86852381, which was filed on December 17, 2015, for “Electric juicers; electric food processors; kitchen machines, namely, electric standing mixers; electric mixers; electric food blenders,” in Class 7. Attached hereto as **Exhibit 11**, and made of record, is a current TSDR status downloaded from the USPTO website located at www.uspto.gov.

14. Opposer is the owner of the pending application for registration of the mark AMERICAN NINJA WARRIOR, Serial No. 86852388, which was filed on December 17, 2015, for “Computer application software for wearable technology devices; downloadable software for use with wearable technology devices; downloadable mobile applications featuring fitness content; downloadable application software featuring fitness content; headphones; audio speakers; earbuds; batteries; media players; portable media players; computer peripheral equipment; glasses, namely, eyeglasses, sunglasses, reading glasses and cases therefor; accessories for mobile, portable and handheld devices, namely, battery chargers, headphones, speakers, cases, protective covers, protective display screen covers, wired and wireless ear buds, microphones and hands-free devices; gift cards, namely, magnetically encoded gift cards and encoded electronic chip gift cards; magnets; downloadable electronic publications, namely,

informational sheets, informational flyers, leaflets, newsletters, periodicals, style guides, books and manuals, all featuring information relating to audiovisual and multimedia entertainment content; blank flash drives; downloadable ringtones for mobile phones, portable and handheld devices; interactive computer game programs; downloadable music files; 3-D glasses; protective carrying cases for portable media devices and mobile phones,” in Class 9. Attached hereto as **Exhibit 12**, and made of record, is a current TSDR status downloaded from the USPTO website located at www.uspto.gov.

15. Opposer is the owner of the pending application for registration of the mark AMERICAN NINJA WARRIOR, Serial No. 86852397, which was filed on December 17, 2015, for “Electric cooking ovens, electric cooking pots, electric frypans, electric broilers, electric food warmers, electric toasters,” in Class 11. Attached hereto as **Exhibit 13**, and made of record, is a current TSDR status downloaded from the USPTO website located at www.uspto.gov.

16. Opposer is the owner of the pending application for registration of the mark AMERICAN NINJA WARRIOR, Serial No. 86852401, which was filed on December 17, 2015, for “Multifunctional electronic devices for displaying, measuring, and uploading to the Internet information including time, date, heart rate, global positioning, direction, distance, altitude, speed, steps taken, calories burned, navigational information, changes in heart rate, activity level, hours slept, quality of sleep, and silent wake alarm; computer software for wireless data communication for receiving, processing, transmitting and displaying information relating to fitness, body fat, body mass index; computer software for managing information regarding tracking, compliance and motivation with a health and fitness program,” in Class 9. Attached

hereto as **Exhibit 14**, and made of record, is a current TSDR status downloaded from the USPTO website located at www.uspto.gov.

17. Opposer is the owner of the pending application for registration of the mark AMERICAN NINJA WARRIOR, Serial No. 86852403, which was filed on December 17, 2015, for "Paper and cardboard products, namely, address labels, adhesive labels, adhesive note paper, adhesive notepads, agendas, appointment books, art pictures, art prints, bathroom tissue, blank cards, blank note cards, blank notebooks, blank or partially printed paper labels, book covers, bookmarkers, book-cover paper, cardboard hang tags, children's wall stickers and murals, Christmas cards, children's arts and crafts paper kits, coasters made of paper, coasters of cardboard, craft paper, daily planners, decorative paper centerpieces, engagement books, envelopes, facial tissue, flags and pennants of paper, graphic prints and representations, hand towels of paper, holiday cards, illustrated notepads, letter paper, memo blocks, note cards, notepads, occasion cards, paper bags and sacks, paper banners, paper gift cards, paper gift tags, paper hang tags, paper note tablets, paper party bags, paper party decorations, paper cake decorations, paper cake toppers, paper serviettes, paper table linens, paper tissues, paper towels, party favor gift boxes sold empty, party goodie bags of paper, party ornaments of paper, picture books, picture postcards and printed paper signs; bookbinding material; photographs; stationery; adhesives for stationery or household purposes; artists' materials, namely, paint brushes, art pads, art paper, artists' pencils, artists' pens, arts and craft clay kits, arts and craft paint kits, chalk, chalk sticks, color pencils, colored pens, craft glue for stationery and household purposes, drawing pads, drawing paper, drawing pencils, drawing rulers, drawing tablets, easel pads, felt marking pens, felt pens, felt tip markers, felt writing pens, felt-tip pens, highlighter pens and

markers, ink pens, modeling clay, nail stencils, iron-on transfers, pencils for painting and drawing, sketch books and sketch pads; books, namely, a series of fiction books, comic books, and graphic books in the field of in the field of animation, cartoons, drama, action, adventure, science-fiction, romance and suspense; children's activity books; puzzle books, brain game books, word game books, children's storybooks; children's books; address books; coloring books; comic books; poster books; notebooks; diaries; blank writing journals; bookmarks; magazines in the field of animation, cartoons, drama, action, adventure, science-fiction, romance and suspense; posters; calendars; albums for scrapbooks, stickers, sketchbooks, and photographs; crayons; arts and crafts paint kits; markers; pens; erasers; pencils; pencil cases; decorative pencil top ornaments; activity kits consisting of stickers and toy stamps; decals and plastic transfers; stickers; markers; pens; erasers; pencils; pencil sharpeners; school supply kits containing various combinations of selected school supplies, namely, writing instruments, pens, pencils, mechanical pencils, erasers, markers, crayons, highlighter pens, folders, notebooks, paper, paper clips, pencil sharpeners, writing grips, glue for stationery purpose; folders; binders as stationery; office requisites, namely, paper staplers, staple removers; slate boards for writing; stencils; rubber stamps other than hand tools or parts of machines and stamp pads; adhesives for stationery or household purposes; paper pennants; paper party supplies, namely, paper napkins, paper placemats, paper gift wrap and paper gift wrapping ribbons, paper table cloths and paper party bags; gift bags; printed invitations; postcards; trading cards; greeting cards; writing paper; envelopes as stationery; memo pads; and lunch bags of paper," in Class 16. Attached hereto as **Exhibit 15**, and made of record, is a current TSDR status downloaded from the USPTO website located at www.uspto.gov.

18. Opposer is the owner of the pending application for registration of the mark AMERICAN NINJA WARRIOR, Serial No. 86852407, which was filed on December 17, 2015, for “Bags, namely, all-purpose carrying bags, all-purpose sport bags, athletic bags, backpacks, beach bags, belt bags, book bags, duffel bags, gym bags, messenger bags, overnight bags, shoulder bags, tote bags, handbags, travel bags, diaper bags; travel cases; luggage; luggage tags; suitcases; knapsacks; satchels; fanny packs; purses; calling card cases; change purses; coin purses; pocketbooks; wallets; umbrellas; articles made from leather and imitations of leather, namely, calling card cases, change purses, coin purses, fanny packs, luggage, luggage tags, key cases, key chains, satchels, duffel bags, backpacks, and wallets,” in Class 18. Attached hereto as **Exhibit 16**, and made of record, is a current TSDR status downloaded from the USPTO website located at www.uspto.gov.

19. Opposer is the owner of the pending application for registration of the mark AMERICAN NINJA WARRIOR, Serial No. 86852411, which was filed on December 17, 2015, for “Toys, games and playthings, namely, action target games; action-type target games; aerodynamic disk for use in playing catching games; air mattress swimming floats for recreational use; airsoft guns for recreational purposes; amusement game machines; amusement products, namely, inflatable balls; bath toys; beach balls; bean bags; children's toy bicycles other than for transport; decorative wind spinners; dice games; Easter egg coloring kits; electric action toys; electric toy vehicles; electronically operated toy motor vehicles; equipment sold as a unit for playing action type target games; floats for bathing and swimming; inflatable bop bags; inflatable inner tubes for aquatic recreational use; inflatable swimming pools; inflatable toys; inflatable toys showing decorative pictures; non-electric toy vehicles; paper face masks; paper

party favors; paper streamers; party favor hats; play balls; play figures; plush dolls; sandbox toys; swim fins; swimming flippers; tossing disc toys; toy and novelty face masks; toy artificial fingernails; toy boxes; toy candy dispensers; toy construction blocks; toy construction sets; toy masks; toys, namely, a disc to toss in playing a game wherein other discs are flipped and collected; toys, namely, children's dress-up accessories; vinyl toy figures; water wing swim aids for recreational use; action figures and accessories therefor; playsets for action figures; battery operated action toys; toy pistols; toy miniature car models; toy airplanes and helicopters; battery operated remote controlled toy vehicles, namely, cars, trains, airplanes, boats, helicopters, motorcycles and hover crafts; flying disks; toy model train sets; balls for games; toy model hobby craft kits for constructing two- and three-dimensional positionable toy figures; toy rubber stamps; sporting articles, namely, skateboards, roller-skates, target sets comprised of targets and stands for targets for sporting use, balls for sports, inflatable punching bags, athletic protective elbow pads for skateboarding, athletic protective knee pads for skateboarding, bowling bags, bowling ball covers, bowling gloves, elbow guards for athletic use and elbow pads for athletic use; kites; yo-yos; snow globes; pinball machines and arcade game machines; hand held units for playing electronic games; swim floats for recreational use; collectable toy figures; balloons; toy building blocks; playing cards; board games, card games; memory games; action skill games; parlor games; party games; role playing games; children's educational toys for developing cognitive skills; stress relief balls for hand exercise; puzzles; marbles for games; play tents; drawing toys; musical toys; plush toys; pull toys; sand toys; squeeze toys; stuffed toys; talking toys; water toys; toy figures; wind-up toys; hand puppets; sit-in and ride-on toy vehicles; toy banks; bubble-making wand and solution sets; egg decorating kits; piñatas; party favors in the

nature of small toys and toy noisemakers; bobble head dolls; dolls and accessories therefor; playsets for dolls; doll clothing; doll houses; clothing for stuffed and plush toys; children's toy cosmetics; pet toys; Christmas tree ornaments and decorations, excluding confectionery and illumination articles; toy snow globes; amusement park rides," in Class 28. Attached hereto as **Exhibit 17**, and made of record, is a current TSDR status downloaded from the USPTO website located at www.uspto.gov.

20. Opposer is the owner of the pending application for registration of the mark AMERICAN NINJA WARRIOR, Serial No. 86852412, which was filed on December 17, 2015, for "Applesauce; bagged garden salads; butter; canned beans with meat and canned beans without meat; canned fruits and bottled fruits; canned processed olives; canned soups; canned vegetables; cheese; cheese and cracker combinations; chicken nuggets; condensed and evaporated milk; cooking oils; cottage cheese; cream cheese; dehydrated fruits; dips, excluding salsa and other sauces used as dips; dried beans; dried fruits; eggs; flaked coconut; French fries; frozen French fries; frozen fruit; frozen vegetables; frozen appetizers consisting primarily of cheese; frozen appetizers consisting primarily of chicken; frozen appetizers consisting primarily of jalapeno peppers; frozen appetizers consisting primarily of meat; frozen appetizers consisting primarily of seafood; frozen appetizers consisting primarily of vegetables; frozen entrees consisting primarily of fish; frozen entrees consisting primarily of meat; frozen entrees consisting primarily of poultry; frozen entrees consisting primarily of vegetables; fruit based pie filling for cakes and pies; fruit based snack foods; fruit preserves; half and half, namely, milk and cream mixture; instant potatoes; jellies; jerky; margarine; meat, fish, poultry and game, not live; milk and milk products excluding ice cream, ice milk and frozen yogurt; non-dairy whipped

topping; packaged meal combinations consisting primarily of meat or cheese; peanut butter; pickles; potato based snack foods; potato salad; prepared potatoes and processed potatoes; processed luncheon meats; processed, prepared and roasted nuts; sausages; seafood, not live; shortening, nondairy creamer; snack mix consisting primarily of processed fruits, processed nuts and/or raisins; soup mixes; sour cream; vegetable oils; whipped cream,” in Class 29. Attached hereto as **Exhibit 18**, and made of record, is a current TSDR status downloaded from the USPTO website located at www.uspto.gov.

21. Opposer is the owner of the pending application for registration of the mark AMERICAN NINJA WARRIOR, Serial No. 86852415, which was filed on December 17, 2015, for “Bagel chips; bakery desserts; bakery goods; biscuits; bread, pastry and confectionery made of sugar; bubble gum; cake decorations made of candy; cake mixes; cakes; candy; cereal bars; cereal based snack foods; cereal based energy bars; cheeseburger sandwiches; chewing gum; chocolate; chocolate bars; chocolate candies; chocolate confections; cocoa mixes; coffee; cones for ice cream; confectionery chips for baking; cookies; corn chips; cotton candy; crackers; cupcakes; dessert mixes for making brownies, cookies, and cakes; dessert puddings; dietetic food and beverages (not for medical or veterinary use); doughnuts; edible decorations for cakes and desserts; flavored and sweetened gelatin; French toast; frozen confections; frozen yogurt; granola; granola-based snack bars; hamburger sandwiches; hot chocolate mixes; ice cream; ice cream bars; ice cream drinks; ice cream sandwiches; ice milk; ketchup; licorice; macaroni and cheese; marshmallows; mixes for making instant dessert pudding; muffins; oatmeal; pancakes; pasta; pastries; pita chips; pizza; popcorn; popped popcorn; flour; prepared meals consisting primarily of pasta or rice; prepared food mixes, namely, prepared food composed of pasta or rice

or breads; pretzel chips; pretzels; processed cereals; ready-to-eat cereal; salad dressings; sandwiches; sherbets; snack cakes; spices; table syrups; taffy; tea; toaster pastries; tortilla chips; waffles,” in Class 30. Attached hereto as **Exhibit 19**, and made of record, is a current TSDR status downloaded from the USPTO website located at www.uspto.gov.

22. Opposer is the owner of the pending application for registration of the mark AMERICAN NINJA WARRIOR, Serial No. 86852419, which was filed on December 17, 2015, in connection with “Entertainment services, namely, entertainment in the nature of a themed area in an amusement park and amusement park rides; arranging and conducting athletic competitions; entertainment in the nature of obstacle courses; providing obstacle course training gym facilities; health club services; non-downloadable, digital audiovisual content in the field of fitness content,” in Class 41. Attached hereto as **Exhibit 20**, and made of record, is a current TSDR status downloaded from the USPTO website located at www.uspto.gov.

23. Opposer is the owner of the pending application for registration of the mark AMERICAN NINJA WARRIOR, Serial No. 86852423, which was filed on December 17, 2015, in connection with “Providing a website featuring information and advice in the fields of fitness, diet, weight loss, diet planning, and lifestyle wellness,” in Class 44. Attached hereto as **Exhibit 21**, and made of record, is a current TSDR status downloaded from the USPTO website located at www.uspto.gov.

24. Opposer is the owner of the pending application for registration of the mark AMERICAN NINJA WARRIOR, Serial No. 86852425, which was filed on December 17, 2015, for “(Based on Use in Commerce [since at least as early as May 25, 2015]) Plastic water bottles sold empty; water bottles sold empty; (Based on Intent to Use) Battery powered toothbrushes;

beverageware; bottle openers; bowls; cake molds; cookie cutters; cookie jars; crystal, ceramic, glass and porcelain figurines; crystal, ceramic, glass and porcelain sculptures; cupcake molds; cups and mugs; dental care kits comprising toothbrushes and floss; dental floss; dinnerware; dishes; drinking straws; hair brushes; hair combs; ice cube molds; insulating sleeve holders for beverage cans; lunch boxes; pet brushes; pet feeding and drinking bowls; piggy banks; plastic coasters; plastic squeeze bottles sold empty; plates; salt and pepper shakers; serving trays; soap dispensers; soap holders; teapots not made of precious metal; thermal insulated containers for food or beverages; toothbrush holders; toothbrushes; wastepaper baskets,” in Class 21. Attached hereto as **Exhibit 22**, and made of record, is a current TSDR status downloaded from the USPTO website located at www.uspto.gov.

25. Opposer is the owner of the pending application for registration of the mark AMERICAN NINJA WARRIOR, Serial No. 86852431, which was filed on December 17, 2015, for “(Based on Use in Commerce [since at least as early as May 25, 2015]) Towels; (Based on Intent to Use) Bed sheets, washcloths, bed skirts; bed spreads; bed blankets, hand towels; pillow covers; blanket throws; children's blankets; comforters; curtains; quilts; hooded towels; household linens; textile table napkins; textile place mats; textile tablecloths; throws; cloth pennants; cloth flags,” in Class 24. Attached hereto as **Exhibit 23**, and made of record, is a current TSDR status downloaded from the USPTO website located at www.uspto.gov.

26. Opposer is the owner of the pending application for registration of the mark AMERICAN NINJA WARRIOR, Serial No. 86852436, which was filed on December 17, 2015, in connection with “Retail store and online retail store services connected with the sale of multimedia goods, multimedia content, and electronic media, namely, videos, DVDs, CDs,

movies, pictures, images, text, photos, games, audio content and audio recordings; retail store and online retail store services featuring fitness products, health foods, dietary supplements, nutritional supplements, sports nutrition products, clothing, apparel, clothing accessories, fitness accessories, towels, athletic equipment, sports bags, and physical fitness equipment,” in Class 35. Attached hereto as **Exhibit 24**, and made of record, is a current TSDR status downloaded from the USPTO website located at www.uspto.gov.

27. Opposer is the owner of the pending application for registration of the mark ANW, Serial No. 86852438, which was filed on December 17, 2015, for “Clothing, namely, shirts, T-shirts, blouses, tank tops, skirts, trousers, jeans, pants, shorts, skorts, overalls, jumpers, rompers, dresses, sweaters, jackets, blazers, coats, ponchos, scarves, stoles, shawls, socks, tights, leotards, stockings, leggings, leg warmers, slipper socks, ties, bow ties, pocket squares, suspenders, belts, aprons, undershirts, underpants, underwear, snow suits, snow pants, ear muffs; mittens, gloves, cloth bibs, plastic baby bibs, infantwear; sweatshirts, sweatpants, jogging suits, masquerade and Halloween costumes and masks sold in connection therewith; sleepwear; loungewear; swimwear; rainwear; footwear; headwear; Halloween costumes,” in Class 25. Attached hereto as **Exhibit 25**, and made of record, is a current TSDR status downloaded from the USPTO website located at www.uspto.gov.

28. Opposer is the owner of the pending application for registration of the mark



, Serial No. 86852450, which was filed on December 17, 2015, for “Clothing, namely, shirts, T-shirts, blouses, tank tops, skirts, trousers, jeans, pants, shorts, skorts, overalls, jumpers, rompers, dresses, sweaters, jackets, blazers, coats, ponchos, scarves, stoles, shawls, socks, tights,

leotards, stockings, leggings, leg warmers, slipper socks, ties, bow ties, pocket squares, suspenders, belts, aprons, undershirts, underpants, underwear, snow suits, snow pants, ear muffs; mittens, gloves, cloth bibs, plastic baby bibs, infantwear; sweatshirts, sweatpants, jogging suits, masquerade and Halloween costumes and masks sold in connection therewith; sleepwear; loungewear; swimwear; rainwear; footwear; headwear; Halloween costumes,” in Class 25.

Attached hereto as **Exhibit 26**, and made of record, is a current TSDR status downloaded from the USPTO website located at www.uspto.gov.

29. Opposer is the owner of the pending application for registration of the mark



, Serial No. 86852454, which was filed on December 17, 2015, for “Electric juicers; electric food processors; kitchen machines, namely, electric standing mixers; electric mixers; electric food blenders,” in Class 7. Attached hereto as **Exhibit 27**, and made of record, is a current TSDR status downloaded from the USPTO website located at www.uspto.gov.

30. Opposer is the owner of the pending application for registration of the mark



, Serial No. 86852463, which was filed on December 17, 2015, for “Electric cooking ovens, electric cooking pots, electric frypans, electric broilers, electric food warmers, electric toasters,” in Class 11. Attached hereto as **Exhibit 28**, and made of record, is a current TSDR status downloaded from the USPTO website located at www.uspto.gov.

31. Opposer is the owner of the pending application for registration of the mark



, Serial No. 86852469, which was filed on December 17, 2015, for “Paper and cardboard products, namely, address labels, adhesive labels, adhesive note paper, adhesive notepads, agendas, appointment books, art pictures, art prints, bathroom tissue, blank cards, blank note cards, blank notebooks, blank or partially printed paper labels, book covers, bookmarkers, book-cover paper, cardboard hang tags, children's wall stickers and murals, Christmas cards, children's arts and crafts paper kits, coasters made of paper, coasters of cardboard, craft paper, daily planners, decorative paper centerpieces, engagement books, envelopes, facial tissue, flags and pennants of paper, graphic prints and representations, hand towels of paper, holiday cards, illustrated notepads, letter paper, memo blocks, note cards, notepads, occasion cards, paper bags and sacks, paper banners, paper gift cards, paper gift tags, paper hang tags, paper note tablets, paper party bags, paper party decorations, paper cake decorations, paper cake toppers, paper serviettes, paper table linens, paper tissues, paper towels, party favor gift boxes sold empty, party goodie bags of paper, party ornaments of paper, picture books, picture postcards and printed paper signs; bookbinding material; photographs; stationery; adhesives for stationery or household purposes; artists' materials, namely, paint brushes, art pads, art paper, artists' pencils, artists' pens, arts and craft clay kits, arts and craft paint kits, chalk, chalk sticks, color pencils, colored pens, craft glue for stationery and household purposes, drawing pads, drawing paper, drawing pencils, drawing rulers, drawing tablets, easel pads, felt marking pens, felt pens, felt tip markers, felt writing pens, felt-tip pens, highlighter pens and markers, ink pens, modeling clay, nail stencils, iron-on transfers, pencils for painting and

drawing, sketch books and sketch pads; books, namely, a series of fiction books, comic books, and graphic books in the field of in the field of animation, cartoons, drama, action, adventure, science-fiction, romance and suspense; children's activity books; puzzle books, brain game books, word game books, children's storybooks; children's books; address books; coloring books; comic books; poster books; notebooks; diaries; blank writing journals; bookmarks; magazines in the field of animation, cartoons, drama, action, adventure, science-fiction, romance and suspense; posters; calendars; albums for scrapbooks, stickers, sketchbooks, and photographs; crayons; markers; pens; erasers; pencils; pencil cases; decorative pencil top ornaments; activity kits consisting of stickers and toy stamps; decals and plastic transfers; stickers; pencil sharpeners; school supply kits containing various combinations of selected school supplies, namely, writing instruments, pens, pencils, mechanical pencils, erasers, markers, crayons, highlighter pens, folders, notebooks, paper, paper clips, pencil sharpeners, writing grips, glue for stationery purpose; folders; binders as stationery; office requisites, namely, paper staplers, staple removers; slate boards for writing; stencils; rubber stamps other than hand tools or parts of machines and stamp pads; paper pennants; paper party supplies, namely, paper napkins, paper placemats, paper gift wrap and paper gift wrapping ribbons, paper table cloths and paper party bags; gift bags; printed invitations; postcards; trading cards; greeting cards; writing paper; envelopes as stationery; memo pads; and lunch bags of paper," in Class 16. Attached hereto as **Exhibit 29**, and made of record, is a current TSDR status downloaded from the USPTO website located at www.uspto.gov.

32. Opposer is the owner of the pending application for registration of the mark



, Serial No. 86852470, which was filed on December 17, 2015, for “Bags, namely, all-purpose carrying bags, all-purpose sport bags, athletic bags, backpacks, beach bags, belt bags, book bags, duffel bags, gym bags, messenger bags, overnight bags, shoulder bags, tote bags, handbags, travel bags, diaper bags; travel cases; luggage; luggage tags; suitcases; knapsacks; satchels; fanny packs; purses; calling card cases; change purses; coin purses; pocketbooks; wallets; umbrellas; articles made from leather and imitations of leather, namely, calling card cases, change purses, coin purses, fanny packs, luggage, luggage tags, key cases, key chains, satchels, duffel bags, backpacks, and wallets,” in Class 18. Attached hereto as **Exhibit 30**, and made of record, is a current TSDR status downloaded from the USPTO website located at www.uspto.gov.

33. Opposer is the owner of the pending application for registration of the mark



, Serial No. 86852472, which was filed on December 17, 2015, for “Toys, games and playthings, namely, action target games; action-type target games; aero-dynamic disk for use in playing catching games; air mattress swimming floats for recreational use; airsoft guns for recreational purposes; amusement game machines; amusement products, namely, inflatable balls; bath toys; beach balls; bean bags; children's toy bicycles other than for transport; decorative wind spinners; dice games; Easter egg coloring kits; electric action toys; electric toy vehicles; electronically operated toy motor vehicles; equipment sold as a unit for playing action type target

games; floats for bathing and swimming; inflatable bop bags; inflatable inner tubes for aquatic recreational use; inflatable swimming pools; inflatable toys; inflatable toys showing decorative pictures; non-electric toy vehicles; paper face masks; paper party favors; paper streamers; party favor hats; play balls; play figures; plush dolls; sandbox toys; swim fins; swimming flippers; tossing disc toys; toy and novelty face masks; toy artificial fingernails; toy boxes; toy candy dispensers; toy construction blocks; toy construction sets; toy masks; toys, namely, a disc to toss in playing a game wherein other discs are flipped and collected; toys, namely, children's dress-up accessories; vinyl toy figures; water wing swim aids for recreational use; action figures and accessories therefor; playsets for action figures; battery operated action toys; toy pistols; toy miniature car models; toy airplanes and helicopters; battery operated remote controlled toy vehicles, namely, cars, trains, airplanes, boats, helicopters, motorcycles and hover crafts; flying disks; toy model train sets; balls for games; toy model hobby craft kits for constructing two- and three-dimensional positionable toy figures; toy rubber stamps; sporting articles, namely, skateboards, roller-skates, target sets comprised of targets and stands for targets for sporting use, balls for sports, inflatable punching bags, athletic protective elbow pads for skateboarding, athletic protective knee pads for skateboarding, bowling bags, bowling ball covers, bowling gloves, elbow guards for athletic use and elbow pads for athletic use; kites; yo-yos; snow globes; pinball machines and arcade game machines; hand held units for playing electronic games; swim floats for recreational use; collectable toy figures; balloons; toy building blocks; playing cards; board games, card games; memory games; action skill games; parlor games; party games; role playing games; children's educational toys for developing cognitive skills; stress relief balls for hand exercise; puzzles; marbles for games; play tents; drawing toys; musical toys; plush toys;

pull toys; sand toys; squeeze toys; stuffed toys; talking toys; water toys; toy figures; wind-up toys; hand puppets; sit-in and ride-on toy vehicles; toy banks; bubble-making wand and solution sets; egg decorating kits; piñatas; party favors in the nature of small toys and toy noisemakers; bobble head dolls; dolls and accessories therefor; playsets for dolls; doll clothing; doll houses; clothing for stuffed and plush toys; children's toy cosmetics; pet toys; Christmas tree ornaments and decorations, excluding confectionery and illumination articles; toy snow globes; amusement park rides,” in Class 28. Attached hereto as **Exhibit 31**, and made of record, is a current TSDR status downloaded from the USPTO website located at www.uspto.gov.

34. Opposer is the owner of the pending application for registration of the mark



, Serial No. 86852475, which was filed on December 17, 2015, for “Applesauce; bagged garden salads; butter; canned beans with meat and canned beans without meat; canned fruits and bottled fruits; canned processed olives; canned soups; canned vegetables; cheese; cheese and cracker combinations; chicken nuggets; condensed and evaporated milk; cooking oils; cottage cheese; cream cheese; dehydrated fruits; dips, excluding salsa and other sauces used as dips; dried beans; dried fruits; eggs; flaked coconut; French fries; frozen French fries; frozen fruit; frozen vegetables; frozen appetizers consisting primarily of cheese; frozen appetizers consisting primarily of chicken; frozen appetizers consisting primarily of jalapeno peppers; frozen appetizers consisting primarily of meat; frozen appetizers consisting primarily of seafood; frozen appetizers consisting primarily of vegetables; frozen entrees consisting primarily of fish; frozen entrees consisting primarily of meat; frozen entrees consisting primarily of poultry; frozen entrees consisting primarily of vegetables; fruit based pie filling for cakes and pies; fruit based

snack foods; fruit preserves; half and half, namely, milk and cream mixture; instant potatoes; jellies; jerky; margarine; meat, fish, poultry and game, not live; milk and milk products excluding ice cream, ice milk and frozen yogurt; non-dairy whipped topping; packaged meal combinations consisting primarily of meat or cheese; peanut butter; pickles; potato based snack foods; potato salad; prepared potatoes and processed potatoes; processed luncheon meats; processed, prepared and roasted nuts; sausages; seafood, not live; shortening, nondairy creamer; snack mix consisting primarily of processed fruits, processed nuts and/or raisins; soup mixes; sour cream; vegetable oils; whipped cream,” in Class 29. Attached hereto as **Exhibit 32**, and made of record, is a current TSDR status downloaded from the USPTO website located at www.uspto.gov.

35. Opposer is the owner of the pending application for registration of the mark



, Serial No. 86852480, which was filed on December 17, 2015, for “Bagel chips; bakery desserts; bakery goods; biscuits; bread, pastry and confectionery made of sugar; bubble gum; cake decorations made of candy; cake mixes; cakes; candy; cereal bars; cereal based snack foods; cereal based energy bars; cheeseburger sandwiches; chewing gum; chocolate; chocolate bars; chocolate candies; chocolate confections; cocoa mixes; coffee; cones for ice cream; confectionery chips for baking; cookies; corn chips; cotton candy; crackers; cupcakes; dessert mixes for making brownies, cookies, and cakes; dessert puddings; dietetic food and beverages (not for medical or veterinary use); doughnuts; edible decorations for cakes and desserts; flavored and sweetened gelatin; French toast; frozen confections; frozen yogurt; granola; granola-based snack bars; hamburger sandwiches; hot chocolate mixes; ice cream; ice cream

bars; ice cream drinks; ice cream sandwiches; ice milk; ketchup; licorice; macaroni and cheese; marshmallows; mixes for making instant dessert pudding; muffins; oatmeal; pancakes; pasta; pastries; pita chips; pizza; popcorn; popped popcorn; flour; prepared meals consisting primarily of pasta or rice; prepared food mixes, namely, prepared food composed of pasta or rice or breads; pretzel chips; pretzels; processed cereals; ready-to-eat cereal; salad dressings; sandwiches; sherbets; snack cakes; spices; table syrups; taffy; tea; toaster pastries; tortilla chips; waffles,” in Class 30. Attached hereto as **Exhibit 33**, and made of record, is a current TSDR status downloaded from the USPTO website located at www.uspto.gov.

36. Opposer is the owner of the pending application for registration of the mark



, Serial No. 86852487, which was filed on December 17, 2015, in connection with “Entertainment services, namely, providing online video games, providing online computer games, providing online electronic games, providing temporary use of non-downloadable video games, providing temporary use of non-downloadable computer games, providing temporary use of non-downloadable interactive games, providing temporary use of non-downloadable electronic games, providing temporary use of non-downloadable video games via an on-demand service and providing temporary use of non-downloadable computer games via an on-demand service; entertainment services in the nature of ongoing television series in the field of athletic competitions; entertainment services, namely, production of television programs; entertainment services, namely, production and distribution of motion pictures, videos in the field of athletic competitions; entertainment services, namely, providing information, news and commentary in the field of athletic competitions; entertainment services in the nature of development and

production of multimedia entertainment content; providing a website featuring non-downloadable videos and images in the field of athletic competitions provided via global computer networks, wireless communication networks and portable device applications; entertainment services in the nature of development, production and distribution of audio visual television programs in the field of athletic competitions; electronic publishing services, namely, publication of text and graphic works of others online featuring entertainment and athletic competitions, novelizations, scripts, comic books, strategy guides, photographs, commentary and interviews; multimedia publishing of movie trailers and film clips; presentation of live show performances; fan clubs; amusement parks; theme parks; entertainment in the nature of a themed area in an amusement park and amusement park rides; arranging and conducting athletic competitions; entertainment in the nature of obstacle courses; providing obstacle course training gym facilities; health club services; non-downloadable, digital audiovisual content in the field of fitness content,” in Class 41. Attached hereto as **Exhibit 34**, and made of record, is a current TSDR status downloaded from the USPTO website located at www.uspto.gov.

37. Opposer is the owner of the pending application for registration of the mark



, Serial No. 86852488, which was filed on December 17, 2015, in connection with “Providing a website featuring information and advice in the fields of fitness, diet, weight loss, diet planning, and lifestyle wellness,” in Class 44. Attached hereto as **Exhibit 35**, and made of record, is a current TSDR status downloaded from the USPTO website located at www.uspto.gov.

38. Opposer is the owner of the pending application for registration of the mark



, Serial No. 86852491, which was filed on December 17, 2015, in connection with “Providing a website featuring information and advice in the fields of fitness, diet, weight loss, diet planning, and lifestyle wellness,” in Class 44. Attached hereto as **Exhibit 36**, and made of record, is a current TSDR status downloaded from the USPTO website located at www.uspto.gov.

39. Opposer is the owner of the pending application for registration of the mark



, Serial No. 86852496, which was filed on December 17, 2015, for “(Based on Use [since at least as early as May 25, 2015]) Towels; (Based on Intent to Use) bed sheets, washcloths, bed skirts; bed spreads; bed blankets, hand towels; pillow covers; blanket throws; children's blankets; comforters; curtains; quilts; hooded towels; household linens; textile napkins; textile place mats; textile tablecloths; throws; cloth pennants; cloth flags,” in Class 24. Attached hereto as **Exhibit 37**, and made of record, is a current TSDR status downloaded from the USPTO website located at www.uspto.gov.

40. Opposer is the owner of the pending application for registration of the mark



, Serial No. 86852528, which was filed on December 17, 2015, for “(Based on Use in Commerce [since at least as early as May 25, 2015]) Clothing, namely, shirts, T-shirts, sweatshirts, bandanas, caps; (Based on Intent to Use) Clothing, namely, blouses, tank tops, skirts,

trousers, jeans, pants, shorts, skorts, overalls, jumpers, rompers, dresses, sweaters, jackets, blazers, coats, ponchos, scarves, stoles, shawls, socks, tights, leotards, stockings, leggings, leg warmers, slipper socks, ties, bow ties, pocket squares, suspenders, belts, aprons, undershirts, underpants, underwear, snow suits, snow pants, ear muffs; mittens, gloves, cloth bibs, plastic baby bibs, infantwear; sweatpants, jogging suits, masquerade and Halloween costumes and masks sold in connection therewith; sleepwear; loungewear; swimwear; rainwear; footwear; headwear; Halloween costumes,” in Class 25. Attached hereto as **Exhibit 38**, and made of record, is a current TSDR status downloaded from the USPTO website located at www.uspto.gov.

41. Opposer is the owner of the pending application for registration of the mark



, Serial No. 86852529, which was filed on December 17, 2015, in connection with ([Based on Intent to Use]) “Retail store and online retail store services connected with the sale of multimedia goods, multimedia content, and electronic media, namely, videos, DVDs, CDs, movies, pictures, images, text, photos, games, audio content and audio recordings; ([Based on Use in Commerce] [since at least as early as May 25, 2015]) retail store and online retail store services featuring fitness products, health foods, dietary supplements, nutritional supplements, sports nutrition products, clothing, apparel, clothing accessories, fitness accessories, towels, athletic equipment, sports bags, and physical fitness equipment,” in Class 35. Attached hereto as **Exhibit 39**, and made of record, is a current TSDR status downloaded from the USPTO website located at www.uspto.gov.

42. Opposer or its licensees have advertised and promoted Opposer's family of **NINJA WARRIOR Marks** continuously and extensively in connection with its services and substantial sales of goods under those marks. As a result of Opposer's or its licensees' continuous use and promotion of its **NINJA WARRIOR Marks**, Opposer's **NINJA WARRIOR Marks** have developed and represent valuable good will inuring to Opposer's benefit.

43. Opposer or its licensees have advertised and promoted Opposer's family of **NINJA WARRIOR Marks** continuously and extensively in connection with its services and substantial sales of goods under those marks. As a result of Opposer's or its licensees' continuous use and promotion of its **NINJA WARRIOR Marks**, Opposer's **NINJA WARRIOR Marks** have become famous.

44. Opposer or its licensees have used the **AMERICAN NINJA WARRIOR Mark** in connection with a popular television series in the United States, broadcast by Opposer's licensees National Broadcasting Company ("NBC") that has aired for multiple seasons and for which new seasons and episodes are still being produced, broadcast, or otherwise distributed to the public.

45. Opposer's **NINJA WARRIOR** mark has been used in the United States in connection with broadcast of the English language subtitled and dubbed television series entitled "Sasuke," a global television series now in its thirty-first season in Japan. The television series aired in the United States on the G4 Network, which is affiliated with NBC, as "Ninja Warrior" and became the highest rated series on the G4 Network at that time. Attached hereto as **Exhibit 40** and made of record are relevant pages downloaded from the website at www.nbc.com. Both

the AMERICAN NINJA WARRIOR and NINJA WARRIOR television series produced by Opposer or its licensees center around a competition wherein contestants must compete on obstacle and climbing wall courses to win.

46. Applicant is the owner of Application Serial No. 86626274 (the “‘274 Application”), filed on May 12, 2015, based on first use as of September 2014, for “Recreational park services featuring *obstacle courses and climbing wall courses*; entertainment services in the nature of an indoor trampoline park,” (emphasis added).

47. Applicant’s services as covered in the ‘274 Application are in Class 41 and are the same as or related to Opposer’s services under the **NINJA WARRIOR Marks**.

48. There is no issue of priority as to the ‘274 Application because Opposer used its **NINJA WARRIOR Marks** in commerce prior to Applicant’s May 12, 2015 filing date. Opposer’s use of its **NINJA WARRIOR Marks** commenced at least as early as October 3, 2006, approximately 8 and a half (8½) years before Applicant’s filing date and eight (8) years before Applicant’s claimed first use date. Opposer, therefore, has priority over Applicant with respect to the mark at issue in the ‘274 Application.

49. Applicant’s **NINJALOUNGE NINJA WARRIOR COURSE &**

TRAMPOLINE PARK  **NINJALOUNGE**
NINJA WARRIOR COURSE & TRAMPOLINE PARK mark is confusingly similar to

Opposer’s well-known **NINJA WARRIOR Marks** in that **NINJALOUNGE NINJA**

WARRIOR COURSE & TRAMPOLINE PARK  **NINJALOUNGE**
NINJA WARRIOR COURSE & TRAMPOLINE PARK mark

contains the entirety of Opposer’s distinctive “NINJA WARRIOR” mark. Applicant’s mark

creates the same commercial impression as the **NINJA WARRIOR Marks**, such that consumers are likely to be confused, mistaken or deceived as to the source of origin of the services.

50. Applicant's **NINJALOUNGE NINJA WARRIOR COURSE &**

TRAMPOLINE PARK  **NINJALOUNGE**
NINJA WARRIOR COURSE & TRAMPOLINE PARK mark is confusingly similar to

Opposer's well-known **NINJA WARRIOR Marks** in that **NINJALOUNGE NINJA**

WARRIOR COURSE & TRAMPOLINE PARK  **NINJALOUNGE**
NINJA WARRIOR COURSE & TRAMPOLINE PARK mark

contains the entirety of Opposer's distinctive "NINJA WARRIOR" mark. Applicant's mark creates the same commercial impression as the **NINJA WARRIOR Marks**, such that consumers are likely to be confused, mistaken or deceived as to the source of origin of the goods.

51. Opposer's and Applicant's services are sold, marketed and offered in the same or related channels of trade to the same consumers or class of consumers.

52. Due to the similarity of the parties' marks and services, customers and potential customers are likely to believe that Applicant's services originate from Opposer, resulting in a likelihood of confusion in the marketplace, and damage to Opposer.

53. Because the parties' services are similar, and because the parties' marks are confusingly similar, Applicant's use and registration of **NINJALOUNGE NINJA WARRIOR**

COURSE & TRAMPOLINE PARK  **NINJALOUNGE**
NINJA WARRIOR COURSE & TRAMPOLINE PARK mark is likely to cause

confusion, mistake or deception that Applicant's services are those of Opposer or are otherwise

endorsed, sponsored or approved by Opposer for use in connection with Opposer's services, causing further damage to Opposer.

54. Registration of the mark **NINJALOUNGE NINJA WARRIOR COURSE &**

TRAMPOLINE PARK  shown in the '274 Application will result in damage to Opposer pursuant to Section 2(d) of the Trademark Act, in that Applicant's **NINJALOUNGE NINJA WARRIOR COURSE & TRAMPOLINE PARK**

 mark "consists of or comprises a mark which so resembles a mark registered in the Patent and Trademark Office ... as to be likely, when used on or in connection with the goods of the applicant, to cause confusion, or to cause mistake, or to deceive...." (15 USC § 1052).

55. Opposer's **NINJA WARRIOR Marks** are famous as they are distinctive in that they are widely recognized by the general consuming public as designating the source of origin of Opposer's services since at least as early as October 3, 2006.

56. Opposer or its licensees have used and advertised Opposer's **NINJA WARRIOR Marks** extensively, such that consumers recognize that services offered under the marks are associated with and emanate from Opposer.

57. Because of the fame of Opposer's **NINJA WARRIOR Marks**, and the fact that "NINJA WARRIOR" is not diluted on the Trademark Register for and in connection with goods and services, Applicant's use and registration of the mark **NINJALOUNGE NINJA**

WARRIOR COURSE & TRAMPOLINE PARK



mark will

result in the dilution of Opposer's **NINJA WARRIOR Marks**.

WHEREFORE, Opposer prays that its opposition to registration of Application Serial No. 86626274 be sustained and that registration of the mark **NINJALOUNGE NINJA**

WARRIOR COURSE & TRAMPOLINE PARK



in

connection with the services set forth therein be refused.

Dated: April 13, 2016

Respectfully submitted,

BRUTZKUS GUBNER ROZANSKY SEROR WEBER LLP

By: _____

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Attorneys for Opposer

TOKYO BROADCASTING SYSTEM TELEVISION, INC.

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of April, 2016, the foregoing **NOTICE OF OPPOSITION** was served upon Applicant by United States first-class mail, postage prepaid, as follows:

Ninja Lounge
P.O. Box 600979
North Miami Beach, Florida 33160

With a courtesy copy to counsel for Applicant via U.S. mail and e-mail as follows:

Matthew H. Swyers, Esq.
The Trademark Company
344 Maple Avenue W, PMB 151
Vienna, Virginia 22180-5612

Email: mshyers@thetrademarkcompany.com

Dated: April 13, 2016



Sheri Lee Broffman