

ESTTA Tracking number: **ESTTA742840**

Filing date: **04/27/2016**

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	Sony Pictures Television Inc.
Granted to Date of previous extension	05/04/2016
Address	10202 West Washington Blvd. Culver City, CA 90232 UNITED STATES

Attorney information	Lynn S. Fruchter Cowan, Liebowitz & Latman, P.C. 1133 Avenue of the Americas New York, NY 10036 UNITED STATES trademark@cll.com
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### Applicant Information

Application No	86735001	Publication date	01/05/2016
Opposition Filing Date	04/27/2016	Opposition Period Ends	05/04/2016
Applicant	Richard W Davis P. O. Box 2102 Calumet City, IL 60409 UNITED STATES		

### Goods/Services Affected by Opposition

Class 041. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Entertainment services in the nature of an ongoing reality based television program
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### Grounds for Opposition

Other	See attached pleading.
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Attachments	Notice of Opposition - LITTLE SHARK TANK.pdf(14877 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	/Erika S. Krystian/
Name	Erika S. Krystian
Date	04/27/2016

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

In re Application Serial No. 86/735,001  
Filed: August 24, 2015  
For Mark: "LITTLE" FISH TANK  
Published in the Official Gazette of January 5, 2016  
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SONY PICTURES TELEVISION INC., :  
Opposer, : Opposition No.  
- against - : **NOTICE OF OPPOSITION**  
RICHARD W. DAVIS, :  
Applicant. :  
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Opposer Sony Pictures Television Inc. ("Opposer") believes that it will be damaged by registration of the mark shown in Application Serial No. 86/735,001 (the "Application"), filed August 24, 2015, and having been granted an extension of time to oppose up to and including May 4, 2016, hereby opposes the same.

As grounds of opposition, Opposer alleges as follows:

1. Opposer is a Delaware corporation with an address at 10202 W. Washington Blvd., Culver City, California 90232.
2. Upon information and belief, Applicant Richard W. Davis ("Applicant") is an individual with an address at PO Box 2102, Calumet City, Illinois 60409.
3. For many years, Opposer and its predecessors in interest and related companies have been engaged in the business of producing audiovisual entertainment programs, including television programs.

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

5. SHARK TANK is one of the most watched and critically acclaimed shows on television, averaging over 7 million viewers per episode. The show was nominated in 2012 and 2013 for the Emmy Award for Outstanding Reality Program and won Emmy Awards in 2014 and 2015 for Outstanding Structured Reality Program. The SHARK TANK show has also received nominations for the Critics’ Choice Television Award for Best Reality Series in 2012 and 2013, and won the award three years’ running, in 2014 through 2016. SHARK TANK was nominated for Producers Guild Awards for Outstanding Producer of Non-Fiction Television from 2014 through 2016.

6. Opposer owns a federal trademark registration, Registration No. 3,716,584, for the SHARK TANK mark for “entertainment services in the nature of an on going reality television series, involving presentation of business concepts” in International Class 41. The registration, which issued on November 24, 2009 based on an application filed on September 18, 2008, is valid, subsisting and in full force and effect.

7. As a result of the great success of the SHARK TANK show, and the extensive advertising and promotion for such show, Opposer has developed highly valuable goodwill in its SHARK TANK mark, which is closely associated with Opposer and its hit television show.

8. On or about August 24, 2015, long after Opposer’s registration and first use of its SHARK TANK mark, Applicant filed the Application in the in the United States Patent and

Trademark Office (“USPTO”) seeking to register the mark “LITTLE” FISH TANK (“Applicant’s Mark”) for various “entertainment services in the nature of an ongoing reality based television program” in International Class 41

9. Upon information and belief, Applicant did not use Applicant’s Mark for the services covered by the Application in commerce prior to his constructive first use date of August 24, 2015.

10. The services covered by the Application are identical to the services in connection with which Opposer uses its SHARK TANK mark. Upon information and belief, Applicant intends to use Applicant’s Mark in connection with a reality television show similar to Opposer’s famous SHARK TANK show, but featuring children with business ideas instead of the adult entrepreneurs who appear on Opposer’s show.

11. Upon information and belief, Applicant adopted and selected Applicant’s Mark with the intention of trading upon the fame and success of Opposer’s SHARK TANK show and mark.

12. Consumers encountering a similar themed reality television show to Opposer’s SHARK TANK show offered under Applicant’s Mark will be likely to believe that such show was produced by, licensed by, or otherwise approved or sponsored by or associated with, Opposer as the owner of the SHARK TANK show.

13. Applicant’s Mark so resembles Opposer’s SHARK TANK mark as to be likely, when used in connection with Applicant’s services, to cause confusion, to cause mistake or to deceive the public into believing that services have their origin with Opposer and/or that Applicant’s services are approved, endorsed or sponsored by Opposer or associated with Opposer in some other way, thereby causing injury to Opposer and the consuming public.

14. Opposer's SHARK TANK mark is distinctive and famous and has enjoyed distinctiveness and fame since prior to Applicant's filing of the Application.

15. Applicant's use of Applicant's Mark in connection with the services listed in the Application is likely to dilute Opposer's SHARK TANK mark by rendering it less distinctive.

16. Opposer would be injured by the registration of Applicant's Mark because Applicant's Mark so resembles Opposer's SHARK TANK mark as to be likely, when used in connection with Applicant's services:

- (a) to cause confusion, or to cause mistake, or to deceive;
- (b) to damage Opposer's valuable goodwill in its SHARK TANK mark;
- (c) to interfere with Opposer's sale and/or potential sale of its own goods and/or services under Opposer's SHARK TANK mark; and
- (d) to dilute Opposer's SHARK TANK mark by rendering it less distinctive.

WHEREFORE, Opposer, by its attorneys, respectfully requests that its opposition be sustained and registration of Applicant's Mark be refused.

Dated: New York, New York  
April 27, 2016

Respectfully submitted,

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

By: /Richard S. Mandel/  
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Certificate of Service

A copy of the foregoing Notice of Opposition was served upon Applicant on April 27, 2016 by sending a copy by first-class mail, postage prepaid, addressed to the Applicant, Richard W. Davis, Futuristic Services Nfp, P.O. Box 2102, Calumet City, Illinois 60409-8102.

/Richard S. Mandel/  
Richard S. Mandel