

ESTTA Tracking number: **ESTTA662933**

Filing date: **03/25/2015**

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

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Fashion TV Programmgesellschaft mbH		
Entity	limited liability company	Citizenship	Austria
Address	Wasagasse 4 Wien, A-1090 AUSTRIA		

Attorney information	Raymond J. Dowd Dunnington, Bartholow & Miller LLP 1359 Broadway Suite 600 New York, NY 10018 UNITED STATES rdowd@dunnington.com, azablocki@dunnington.com, sblaustein@dunnington.com		
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Registration Subject to Cancellation

Registration No	2945407	Registration date	05/03/2005
International Registration No.	NONE	International Registration Date	NONE
Registrant	BIGFOOT ENTERTAINMENT INC. 246 WEST BROADWAY NEW YORK, NY 10013 UNITED STATES		

Goods/Services Subject to Cancellation

Class 038. First Use: 1992/00/00 First Use In Commerce: 1992/00/00 All goods and services in the class are cancelled, namely: broadcasting programs via a global computer network
Class 041. First Use: 1992/00/00 First Use In Commerce: 1992/00/00 All goods and services in the class are cancelled, namely: production and distribution of television programs; and entertainment services in the nature of an ongoing series of television programs concerning commentary, news, history and personalities in the fields of fashion, design trends, photography, art, architecture, music, pop culture, and dance

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Petition for Cancellation - FT FASHION TELEVISION (Reg. No. 2945407).pdf(20842 bytes) Assaff Declaration.pdf(114285 bytes) Assaff Decl. Ex. A.pdf(50016 bytes)
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	Exhibit A.pdf(116512 bytes) Exhibit B.pdf(138419 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	/Raymond J. Dowd/
Name	Raymond J. Dowd
Date	03/25/2015

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

In re Registration No. 2,945,407	§	
Mark: FT FASHION TELEVISION	§	
Issued: May 3, 2005	§	
	§	Cancellation No.
	§	_____
	§	
FASHION TV Programmgesellschaft mbH,	§	
	§	
Petitioner	§	
	§	
v.	§	
	§	
Bigfoot Entertainment Inc.,	§	
	§	
Owner	§	

PETITION FOR CANCELLATION

FASHION TV Programmgesellschaft mbH (“Petitioner”), a limited liability company organized and existing under the laws of Austria, having its principal place of business at Wasagasse 4, A-1090 Wien, Austria, believes that it has been damaged by Service Registration No. 2,945,407 (the “Registration”) for the stylized service mark FT FASHION TELEVISION (the “Mark”), and hereby petitions to cancel the same under the provisions of Section 14 of the Lanham Act, 15 U.S.C. §1064(3) on the grounds that Bell Media Inc. abandoned the mark.

In support of this petition for cancellation, Petitioner makes reference to the Declaration of Kevin A. Assaff dated March 2, 2015 (“Assaff Declaration”). Mr. Assaff is the Senior Vice-President, Legal and Regulatory Affairs, for Bell Media Inc., a former owner of the Registration. In making his declaration, Mr. Assaff was authorized by Bell Media to make statements on

behalf of the company. *Assaff Decl.* ¶1. The Assaff Declaration with accompanying Exhibit A is attached hereto.

As grounds for cancellation, Petitioner asserts that:

1. On May 9, 1996, CHUM, Ltd. (“Registrant”) submitted application serial no. 75,101,259 to the USPTO for the stylized Mark, with use claimed in International Classes 38 and 41. The application was submitted under Sections 1(a) (15 U.S.C. 1051(b)) and 44(d) (15 U.S.C. 1126(d)) of the Lanham Act. First use under Section 1(a) was claimed beginning 1992. Section 44(d) priority was claimed based upon Canadian application no. 810,139. *Assaff Decl. Exhibit A.*

2. On May 3, 2005, the USPTO issued registration no. 2,945,407 for the Mark. *Assaff Decl. Exhibit A.*

3. In April 2012, the FT Fashion Television Series, which had been broadcast on various cable channels in the US, was cancelled, and then-current owner Bell Media ceased use of the mark in the US. *Exhibits A, B.* Specifically, Bell Media has not aired the FT Fashion Television Series in the US since April 2012, and never aired the FT Fashion Television Channel in the US, despite broadcasting in Canada from 2001 through the present. *Assaff Decl.* ¶11-12.

4. Bell Media had no intent of resuming use when it ceased broadcast of programming utilizing the Mark in April 2012. *Assaff Decl.* ¶21.

5. In June 2007, registrant CHUM, Ltd. was purchased by CTVglobemedia Inc. (“CTV”). Included in this purchase were rights to the Mark. *Assaff Decl.* ¶5.

6. As early as 2007, the owner of the Registration intended to abandon use of the mark outside Canada and accordingly began to unwind existing international licenses and syndication rights. *Assaff Decl.* ¶15.

7. Since 2007, owner CTV had a general policy of not opposing proceedings in foreign jurisdictions, including the US, which sought cancellation of the registrations if the FT Fashion Television marks (which include the Mark central to this petition) were no longer in active use in those jurisdictions. Mr. Assaff notes that CTV made only the efforts needed to maintain foreign trademark registrations. *Assaff Decl.* ¶21.

8. In April 2011, owner CTV was purchased by BCE, Inc. (“BCE”). *Assaff Decl.* ¶6. Following this purchase, the Registration was assigned to Bell Media Inc. (“Previous Owner” or “Bell Media”). *Assaff Decl.* ¶2.

9. Bell Media followed CTV’s precedent policy of allowing cancellation proceedings brought in foreign jurisdictions where trademarks were no longer actively used to proceed unopposed and doing only the minimum required to maintain foreign trademark registrations. *Assaff Decl.* ¶21.

10. This policy of what amounted to cancellation upon request is clear, unequivocal evidence that the owner of the Mark had no intention of resuming use of the Mark outside of Canada.

11. Bell Media abandoned the Mark with its final US use in April 2012. *Exhibits A, B.*

12. The Mark is not currently in use in the United States and has not been since April 2012.

13. The Registration should be cancelled because it has been abandoned.

WHEREFORE, Petitioner prays that Registration No. 2,945,407 be cancelled pursuant to 15 U.S.C. §1064(3) because the FT FASHION TELEVISION trademark has been abandoned.

Dated: March 25, 2015

Respectfully submitted,

DUNNINGTON, BARTHOLOW & MILLER LLP

By: /s/ Raymond J. Dowd

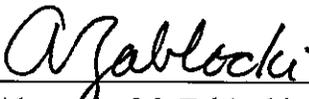
Raymond J. Dowd
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New York, NY 10018
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rdowd@dunnington.com

CERTIFICATE OF SERVICE

Pursuant to C.R.F. §2.111, I hereby certify that a true and correct copy of the foregoing Petition for Cancellation was served, via First Class Mail and via Federal Express, on Bigfoot Entertainment Inc. at the following address:

246 West Broadway
New York, NY 10013

Dated: March ~~25~~, 2015



Alexandra M. Zablocki

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

<hr/>		x
F.TV Ltd., and FASHION TV	:	
PROGRAMMGESELLSCHAFT MbH,	:	
	:	Civil Action No. 14-cv-9856 (KBF)
Plaintiffs,	:	
	:	
v.	:	
	:	
BELL MEDIA, INC., a Canadian Corporation,	:	
as successor-in-interest to CHUM LIMITED, a	:	
Canadian Corporation, and BIGFOOT	:	
ENTERTAINMENT, INC. d/b/a/ FASHION	:	
TELEVISION INTERNATIONAL, LTD.,	:	
	:	
Defendants.	:	
	:	
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DECLARATION OF KEVIN A. ASSAFF

I, KEVIN A. ASSAFF, of the City of Toronto, in the Province of Ontario, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am the Senior Vice-President, Legal and Regulatory Affairs, for defendant Bell Media Inc. (hereinafter, "Bell Media"). I submit this declaration in support of Defendant's Motion to Dismiss. I am authorized by Bell Media to make this statement on its behalf. Unless otherwise stated, the facts and matters referred to in this statement are within my personal knowledge, or are based on information gleaned from documents and records of Bell Media to which I have access, and are true to the best of my knowledge, information, and belief.

2. Bell Media is a Canadian corporation registered under the Canada Business Corporations Act, with a principal place of business at 299 Queen Street West, Toronto, Ontario M5V 2Z5. Bell Media is a wholly-owned subsidiary of Bell Canada, a Canadian corporation,

and Bell Canada is a wholly-owned subsidiary of BCE, Inc. (“BCE”), a publicly-traded company.

3. I have held my current position since April 2011. Prior to assuming this role, I held various positions in the business and legal affairs groups of CTVglobemedia Inc. (“CTV”), including Senior Vice-President and General Counsel. I began my career at BCE, where I served as Assistant General Counsel prior to joining CTV in 2002. I was called to the Ontario bar in 1994 and I am currently a member in good standing in that jurisdiction.

4. I submit this declaration to set forth relevant facts about (i) Bell Media, CHUM, Ltd. (“CHUM”), and CTV; (ii) Bell Media’s relationship with co-defendant Bigfoot Entertainment, Inc. (“Bigfoot”); and (iii) Bell Media’s interests in and transactions regarding the “FT Fashion Television” brand, trademarks and content.

Background Regarding the Corporate Relationships between Bell Media, CHUM and CTV

5. CHUM was a Canadian corporation that produced, broadcast and distributed television and radio programming. CTV is one of Canada’s national broadcast networks. In June 2007, CTV purchased all of the assets of CHUM for an estimated \$1.7 billion CAD. Included in this purchase were the trademark rights and content associated with the FT Fashion Television Series and Channel (as described below). Prior to CTV’s acquisition of CHUM in 2007, the two companies were entirely distinct corporate entities. Post-acquisition, CTV made significant changes, replacing CHUM’s then-existing management with CTV employees and implementing policies and procedures consistent with those of CTV. This transaction had no relationship with the State of New York.

6. Almost four years later, in April 2011, the Canadian Radio-television and Telecommunications Commission (“CRTC”) approved the purchase of all of CTV’s assets by its

minority shareholder, BCE. BCE is Canada's largest communications company and, through its subsidiaries, provides a comprehensive and innovative suite of broadband communications and content services to consumer, residential, business and government customers in Canada, including fiber-based IPTV and high-speed Internet services, 4G LTE wireless, home phone and business network and communications services.

7. Following BCE's purchase of CTV, Defendant Bell Media, Inc. was formed in 2011 to hold all of BCE's multimedia assets. Bell Media is now Canada's premier multimedia company, with assets that include radio broadcasting, digital media and internet properties, and television broadcasting and production, including CTV, Canada's #1 television network and the country's most-watched specialty channels. Among its many assets were the rights in the FT Fashion Television Series and Channel (as defined below). Bell Media's head office is situated in Toronto, Ontario, although production for its programs occurs across Canada and its content reaches Canadians across the country.

8. Neither the BCE transaction nor the incorporation of Bell Media had any relationship with the State of New York.

Background Regarding "FT Fashion Television" Series, Channel and Brand and Bell Media's Acquisition of the Rights of FT Fashion Television

9. Fashion Television, commonly referred to as 'FT,' launched in 1985 as a series of 15-minute clips on CityTV, a local Toronto station then operated by CHUM.

10. In 1986, the clips were expanded into an independent, half-hour broadcast (the "FT Fashion Television Series" or "Series"). As one of the first television series devoted to interviews and reporting on topics relevant to the fashion industry from haute couture to street fashion, the Series and its host, Jeanne Beker, rapidly gained in popularity. In addition to reporting on fashion events and trends, Beker introduced the world to Marc Jacobs (an unknown

at the time), and developed ongoing relationships with industry leaders like Donna Karan, Calvin Klein, the late Alexander McQueen, the iconic Karl Lagerfeld, supermodel Naomi Campbell, and many others—all of whom were featured on the Series. After an incredibly successful 27-year run, production for the final episode of the FT Fashion Television Series ended on April 11, 2012.

11. In 1992, on information and belief, the Series began to air in the United States on the VH1 cable channel. In 1998, the Series moved to E! Entertainment and its sister cable network, Style. To my knowledge, the Series has not aired in the United States, or more specifically New York, since the Series was cancelled in April 2012.

12. In or around September 2001, CHUM also launched the FashionTelevisionChannel, an English-language specialty television service dedicated to fashion, beauty, style, art, architecture, photography and design, which was broadcast nationwide in Canada (hereinafter, the “FT Fashion Television Channel” or “Channel”). The FT Fashion Television Channel continues to broadcast content in Canada. However, the Channel has never been broadcast in the United States.

The FT Fashion Television Logo/Trademark

13. As early as 1992, I understand that CHUM used the FT Fashion Television mark and logo (the “FT Fashion Television Logo”), depicted below, to identify the Series and later the FT Fashion Television Channel within Canada.



This trademark, and related trademarks, are the subject of numerous trademark registrations in Canada and internationally, including the United States (collectively, the “FT Fashion Television Marks”).

14. Based on the number of registrations and syndication licenses that were in CHUM’s portfolio when CTV acquired CHUM in 2007, it appeared that CHUM put great emphasis on international content licensing. Among other international contacts, CHUM filed trademark registrations in various FT Fashion Television Marks internationally and syndicated the FT Fashion Television Series to third-party broadcasters in Europe, the Pacific Rim and the United States for some period of time.

15. While CHUM had aspired to license and syndicate content internationally, after the acquisition and a change in management, CTV made the strategic decision to focus on the Canadian market. Accordingly, CTV began to unwind existing international licenses and syndication rights for the content acquired from CHUM.

16. Among the trademarks acquired by CTV (and, later, by Bell Media) is the United States registration for the FT Fashion Television Logo. Our records evidence that on May 3, 2005, the above FT Fashion Television Logo was registered by the United States Patent and Trademark Office as a service mark, U.S. S. Reg. No. 2,945,407, for use in connection with Classes IC 038, “broadcasting programs via a global computer network,” and IC 041, “production and distribution of television programs; and entertainment services in the nature of an ongoing series of television programs concerning commentary, news, history and personalities in the fields of fashion, design trends, photography, art, architecture, music, pop culture, and dance” (the “U.S. Registration”) (A copy of the U.S. Registration is attached as **Exhibit A.**)

17. The U.S. Registration for the FT Fashion Television Logo became incontestable on May 3, 2010, five years after registration. Bell Media has no records of Plaintiffs, or any other party, seeking to cancel the U.S. Registration.

18. Based on the various acquisitions described above, on April 1, 2011, the U.S. Registration was assigned from CTV to Bell Media and the assignment was subsequently recorded with the USPTO.

19. The FT Fashion Television Logo was consistently used in connection with syndicated television broadcasts of the FT Fashion Television Series internationally, including use in the United States beginning in 1992.

20. Bell Media continues to use the FT Fashion Television Logo in Canada in connection with its FT Fashion Television Channel, <http://www.bellmedia.ca/sales/tv/fashion-television/>, and the associated Canadian website, <http://www.fashiontelevision.ca>.

21. While CTV (and later Bell Media) made the efforts needed to maintain its foreign trademark registrations, it did not oppose any proceedings in foreign jurisdictions (including those initiated by Plaintiffs) which sought cancellation of the registrations if the FT Fashion Television Marks were no longer in active use in those jurisdictions.

Bell Media's Operations in and Contacts with New York and the United States

22. Bell Media's operations are centered in Canada—not in the United States or New York. It does not have any significant operations in the United States and none in New York and, as explained below, only a minute portion of its revenues are derived from the United States.

23. Bell Media does not derive more than minute revenues from licensing or syndicating any programs or series to entities in the United States, or more specifically, New York. To the extent that any Canadian programming that broadcasts on Bell Media's Canadian

networks is syndicated to networks or channels in the United States, those licensing and syndication relationships, in almost all instances, are negotiated by the third-party production companies that created the content. Bell Media does not obtain any revenues as a result of those relationships. On occasion, U.S. news programs have licensed excerpts of news footage from Bell Media's affiliates for a nominal fee (if any)—for example, in connection with the recent shooting of a member of the armed forces by an alleged terrorist in Canada's capital city, Ottawa. But these episodic licenses produce *de minimis* revenue for Bell Media.

24. Bell Media's only business operation in the United States concerns a wholly-owned subsidiary, Canadian Radio Sales, Inc. (of which I am a Director), that sells Canadian radio airtime to businesses in Detroit seeking to reach customers across the Canadian border, in the vicinity of Windsor, Ontario. Beyond this subsidiary, Bell Media does not have any operations in the United States and does not generate revenues by marketing content or services to U.S. consumers. To the extent that any of Bell Media's expenses are attributable to the United States, these include costs incurred in connection with limited news reporting in the United States or costs incurred when licensing content to be aired on Bell Media stations in Canada from creators/owners in the United States, such as programming and related trademarks. To the extent that any of Bell Media's revenues are attributable to the United States, these involve minimal revenues generated when U.S. entities purchase airtime through agencies in order to advertise their products or services to Canadian consumers on Bell Media's Canadian television and radio stations. However when Bell Media acquires content from the United States to air in Canada, or when companies purchase advertising on Bell Media's Canadian stations, Bell Media does not receive any revenue from the sale or exploitation of services or goods in the United States. None

of these business arrangements have anything to do with the FT Fashion Television Marks or Logo, including the U.S. Registration for the Logo.

25. Bell Media does not have any other contacts with the State of New York. It is not registered to do business in New York State with the New York Secretary of State. It has no offices, employees, sales representatives, bank accounts or other property or assets in New York. With the exception of this action, it is not involved in any other active litigation in New York. In connection with its prior relationship with the NHL, Bell Media had an insignificant interest in a limited partnership in the U.S. version of the NHL Network based in New York, as well as an interest in the NHL Network in Canada. Bell Media's interest in that NHL Network partnership has been sold.

26. Since BCE acquired CTV's assets in 2011, Bell Media has not acted in any fashion to ratify CHUM's prior contacts with the United States District Court for the Southern District of New York; it has never done anything to rely on the CHUM decisions; and, it has not initiated any follow-up litigation to the CHUM action in New York.

Bell Media's Contacts with Bigfoot/Fashion Television International, Ltd. ("FTIL")

27. In 2014, Bigfoot's Managing Partner, Michael Gleissner, contacted Bell Media seeking to purchase Bell Media's rights in the FT Fashion Television brand and FT Fashion Television Marks, in all regions except Canada. At that time, Bell Media's use of FT Fashion Television was limited to the Canadian market and Bell Media was not using the FT Fashion Television Marks outside of Canada, including in the United States.

28. It was my understanding that Bigfoot was interested in achieving deeper market penetration for its own fashion-related content in certain countries in Europe and Asia. Knowing that Bell Media had an established brand and registered trademarks in some of these countries, Bigfoot was interested in acquiring those rights from Bell Media.

29. Bell Media's negotiations with Bigfoot took place entirely by telephone and over email, with Mr. Gleissner as the primary contact for Bigfoot and myself as the primary contact for Bell Media. I was in Canada, and it is my understanding that Mr. Gleissner was located in Singapore or Hong Kong throughout the negotiations. According to the Agreement ultimately entered into, I understood that Bigfoot was a California corporation. While I am aware that Bigfoot's letterhead lists a New York address, I had no meetings in New York with Bigfoot in connection with the negotiation of the license agreement with Bigfoot or after its execution.

A. The October 2014 Agreement

30. Bell Media and Bigfoot ultimately executed an agreement in October 2014 (the "October 2014 Agreement"). Under the October 2014 Agreement, Bell Media licensed to Bigfoot the rights to 32 registered trademarks in 20 countries or regions for worldwide use with the exception of Canada. This included the U.S. Registration listed as Registration No. 2,945,407 in International Classes 038 and 041. A true and correct copy of the October 2014 Agreement is annexed hereto as **Exhibit B**. The October 2014 Agreement provided that Bigfoot would establish an entity using the brand "Fashion Television."

31. For accounting reasons, the parties agreed to a springing sale whereby Bigfoot would hold an exclusive license in the FT Fashion Television Marks outside of Canada, with an option to purchase the FT Fashion Television Marks at the end of four years.

32. Bell Media and Bigfoot agreed that the FT Fashion Television Marks were offered "as-is" with no representations or warranties by Bell Media, knowing that there were then-pending cancellation proceedings in the EU with respect to certain of the FT Fashion Television Marks. This understanding was clearly set forth in the October 2014 Agreement.

33. Bigfoot and Bell Media agreed upon a Canadian choice-of-law clause for the license agreement.

34. Pursuant to the October 2014 Agreement, Bell Media received no ongoing royalties attributable to Bigfoot's use of the FT Fashion Television Marks. The Agreement instead provided for a lump sum payment over four years. In other words, Bigfoot's decisions on how or where to use the marks had no bearing on Bell Media's earnings under the license.

35. Bigfoot and Bell Media also agreed to "geogate" the Fashion Television website so that access to Bell Media's content was limited to consumers within Canada, whereas Bigfoot's Fashion One content would be served to consumers from other regions.

36. Under the October 2014 Agreement, Bigfoot was "entitled to defend current brand assets such as trademarks." There were no discussions with Bigfoot concerning affirmative enforcement actions anywhere, including the United States. Instead, the October 2014 Agreement explicitly provided that any actions taken by Bigfoot to defend the FT Fashion Television Marks were to be taken at Bigfoot's "sole discretion and expense."

37. Bell Media had no contractual or other right or ability to control Bigfoot's attempts (or later those of its subsidiary FTIL) to defend the FT Fashion Television Marks under the October 2014 Agreement. The October 2014 Agreement did not include any restrictions on Bigfoot's defense of the FT Fashion Television Marks that required ongoing oversight by Bell Media or ongoing reporting by Bigfoot. Bell Media agreed only to provide whatever written assurances Bigfoot might need to authenticate the existence of the October 2014 Agreement and/or approve a sublicense of any of the FT Fashion Television Marks. For example, Bell Media was asked to confirm, in two letters dated November 26, 2014, that Bigfoot was Bell Media's licensee and that FTIL was Bigfoot's sublicensee. True and correct copies of the November 26, 2014 letters are annexed hereto as **Exhibit C**.

38. From the date the October 2014 Agreement was executed, Bell Media never exercised any control over, or played any role in, any enforcement or other actions taken by Bigfoot or FTIL with respect to the FT Fashion Television Marks.

39. Bigfoot further agreed to indemnify Bell Media with respect to any claims arising out of the October 2014 Agreement.

40. Based on our review of the Amended Complaint, it is Bell Media's understanding that Plaintiffs' claims arise out of cease-and-desist letters that FTIL sent to Atlantic Broadband in Massachusetts and F.TV in Austria. (*See* Am. Compl. Exs. G and N.)

41. Neither Bigfoot nor FTIL informed or consulted with Bell Media about its intentions with respect to the Plaintiffs. Bell Media had no knowledge that Bigfoot or FTIL or their representatives intended to send, or in fact had sent, the cease and desist letters described in the Amended Complaint until Bell Media was served with the Complaint in this action. Since the filing of this action, the management of both Bigfoot and FTIL provided Bell Media with letters confirming these facts. (Copies of the letters are annexed hereto as **Exhibits D** and **E**.)

42. Even now, Bell Media has no knowledge of any enforcement actions by Bigfoot or FTIL beyond those that Plaintiffs have alleged in the Complaint or that Plaintiffs have otherwise communicated to Bell Media since this action was filed.

B. The December 2014 Assignment

43. As the October 2014 Agreement indicates, it was the intent of the parties to ultimately sell and assign the FT Fashion Television Marks to Bigfoot. After the commencement of this action, the parties proceeded to consummate the anticipated sale and assignment of the Marks. Thus, Bell Media and Bigfoot executed a further agreement (the "Assignment"), effective December 24, 2014, pursuant to which Bell Media and Bigfoot agreed to terminate the October 2014 Agreement and Bell Media agreed to sell, assign and transfer to Bigfoot the FT

Fashion Television Marks and all of its worldwide rights, title and interest therein, except for Canada. A short-form assignment memorializing the transfer of ownership of the U.S. FT Fashion Television Mark is annexed hereto as **Exhibit F**. With the permission of Bigfoot, Bell Media will produce the Assignment Agreement in its entirety.

44. In short, Bell Media no longer has any ownership interest in the trademarks that are the subject of Plaintiffs' declaratory judgment claims.

I declare under penalty of perjury under the laws of Canada and the United States of America that the foregoing is true and correct to the best of my knowledge, information and belief.

Executed on March 2, 2015 in Toronto, Ontario, Canada.



Kevin A. Assaff

EXHIBIT A

Int. Cls.: 38 and 41

Prior U.S. Cls.: 100, 101, 104 and 107

Reg. No. 2,945,407

United States Patent and Trademark Office

Registered May 3, 2005

**SERVICE MARK
PRINCIPAL REGISTER**



**FASHION
TELEVISION**

CHUM LIMITED (CANADA CORPORATION)
1331 YONGE STREET
TORONTO, ONTARIO, M4T 1Y1, CANADA

FOR: BROADCASTING PROGRAMS VIA A GLOBAL COMPUTER NETWORK, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 0-0-1992; IN COMMERCE 0-0-1992.

FOR: PRODUCTION AND DISTRIBUTION OF TELEVISION PROGRAMS; AND ENTERTAINMENT SERVICES IN THE NATURE OF AN ONGOING SERIES OF TELEVISION PROGRAMS CONCERNING COMMENTARY, NEWS, HISTORY AND PERSONALITIES IN THE FIELDS OF FASHION, DESIGN TRENDS, PHOTOGRAPHY, ART, ARCHITECTURE, MUSIC, POP CULTURE, AND DANCE, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 0-0-1992; IN COMMERCE 0-0-1992.

PRIORITY CLAIMED UNDER SEC. 44(D) ON CANADA APPLICATION NO. 810,139, FILED 4-17-1996.

OWNER OF U.S. REG. NO. 1,526,138.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "TELEVISION", APART FROM THE MARK AS SHOWN.

SEC. 2(F).

SER. NO. 75-101,259, FILED 5-9-1996.

JOHN E. MICHOS, EXAMINING ATTORNEY

EXHIBIT A



Fashion Television gets the boot

After 27 years, the trendsetting show finally fell out of fashion.

Fashion Television, or FT as it was affectionately called, was first broadcast in 1985. The show began life as a series of 15-minute clips on Citytv, a local Toronto station, eventually moving to CTV. Its concept was to provide viewers with a more personal and less pretentious way into the world of style by offering an up-close look at the industry—from haute couture to the streets. It was fashion made accessible, and that accessibility was embodied by the show's host, Jeanne Beker. (The show's use of the song "Obsession" by Animotion as its impossibly catchy opening theme didn't hurt.) Equal parts thoughtful and irreverent, Beker was the face of FT from its first episode. FT expanded to a half-hour weekly format in 1986 (the same year Beker first met an unknown designer named Marc Jacobs), and its camera was, at the time, one of very few allowed behind the scenes at fashion events. Beker delivered quick clips from the lips of the busy designers (notably Donna Karan in FT's first year, Calvin Klein in its second) and show attendees. The host developed industry favourites, such as supermodel Naomi Campbell, and was there when the late Alexander McQueen received an honorary degree in San Francisco. Even the iconic Karl Lagerfeld, head of Chanel, once gave her a dress from his collection while she was pregnant. The audience loved it all, and in 1993 FT expanded into the U.S., and was later syndicated around the world. This interest inspired the launch of the 24-hour FashionTelevisionChannel in 2001. It was the first specialty fashion channel in Canada, also focusing on art, architecture and design. FT's coverage could have become as filmy as the blouses on the young models, but Beker's coverage remained curious and thoughtful. But where TV competition failed to pull Fashion Television's seam, the Internet eventually began to pill the show's fabric. High fashion, though still an elite world, had become easier to understand thanks to the new front line of fashion: bloggers (such as teen Tavi Gevinson, who once guest-reported for FT) and guerrilla fashion photographers. They could deliver the drama to fans faster via apps and



videos, like the ones on Style.com hosted by Tim Blanks, the former host of CBC's Fashion File, which competed with FT from 1989 to 2009. Supermodels such as Canada's Coco Rocha (who is four years younger than the show) now post photos and juicy details from behind the scenes at shows and shoots, erasing some of the industry's mystery and making it less necessary for Beker to travel 80,000 kilometres a year to bring viewers a front-row seat. Even Beker seemed to need FT a little less recently. In 2010, she debuted a clothing line called Edit for the Bay, and has judged Canada's Next Top Model. Fashion Television's final curtain fell on April 12. Its demise was announced with a tweet from Beker: "So surreal. This dream is over: After 27 glorious years, FT production ceased today." FT is survived by Beker (who will continue to cover fashion for Bell Media), and the recently rechristened Fashion Television station.

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EXHIBIT B

FashionTelevision

From Wikipedia, the free encyclopedia

FashionTelevision, also known as ***FT***, was a Canadian-produced special interest show focusing on fashion. The show, created by Jay Levine in 1985 was last hosted by Jeanne Beker. Production of the broadcast finally ended on April 11, 2012.^[1]

The program was originally a local production of CITY-TV Toronto, the original Citytv station. Its popularity there led it to eventually be carried across Canada on various channels owned by CHUM Limited, the station's owner, and later spawning its own specialty cable channel, Fashion Television. The show was also broadcast in syndication for many years on VH1, E! and sister network style in the United States, and continues to air in many parts of Europe, making Beker a very recognizable person in the fashion world.

The show's theme song was "Obsession" by the group Animotion.

CTV's parent company, CTVglobemedia bought out CHUM in June 2007. Citytv, which remained the nominal producer of the show throughout its history, was sold to Rogers Communications; however, because CTVglobemedia kept the spinoff channel, it was also entitled to the rights to the show itself. *FT's* terrestrial broadcasts moved from Citytv to the CTV network in January 2008. This brought the series back to CTV Atlantic (the former ATV), which aired *FT* when it was still owned by CHUM.

On April 11, 2012 host Jeanne Beker broke the news on Twitter by saying "This dream is over: After 27 glorious years, *FT* production ceased today."

External links

- Official website (<http://www.fashiontelevision.com>)
- Online Video Content (<http://www.fashiontelevision.com/videos/default.aspx>)
- FT Podcasts (<http://www.fashiontelevision.com/podcasts/podcasts.aspx>)
- FashionTelevision* (<http://www.imdb.com/title/tt0461086/>) at the Internet Movie Database

- Beker, Jeanne. "Tweet" (https://twitter.com/jeanne_beker/status/190115999947829248). @Jeanne_Beker. Retrieved 11 April 2012.

FashionTelevision



Also known as	FT
Genre	Magazine Format
Created by	Jay Levine
Starring	Jeanne Beker
Theme music composer	Animotion
Opening theme	"Obsession"
Country of origin	Canada
Original language(s)	English
	Production
Editor(s)	Luke McCarty, Tharanga Ramanayake
Running time	22 mins
	Broadcast
Original channel	Citytv (1985-2007); CTV / Fashion Television (2007-2012)
Original run	1985 – 2012
	External links
	Website (http://www.fashiontelevision.com/)

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Categories: [City \(TV network\) shows](#) | [CTV Television Network shows](#) | [CTV Two network shows](#)

| [E! network shows](#) | [Entertainment news shows in Canada](#) | [Fashion-themed television series](#)

| [Fashion journalism](#) | [1985 Canadian television series debuts](#) | [2012 Canadian television series endings](#)

| [English-language television programming](#) | [1980s Canadian television series](#)

| [1990s Canadian television series](#) | [2000s Canadian television series](#) | [2010s Canadian television series](#)

| [Canadian television program stubs](#)

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