

ESTTA Tracking number: **ESTTA8277**

Filing date: **04/30/2004**

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	SATELLITE TELEVISION PRODUCTIONS LIMITED
Granted to Date of previous extension	05/03/2004
Address	SATELLITE TELEVISION PRODUCTIONS LIMITED Craigmuir Chambers P.O. Box 71 Road Town, Tortola, VIRGIN ISLANDS, BRITISH

Attorney information	PAULA J. KRASNY BAKER & MCKENZIE ONE PRUDENTIAL PLAZA, SUITE 3500 130 E. Randolph Drive CHICAGO, IL 60601 UNITED STATES paula.j.krasny@bakernet.com Phone:312-861-2822
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Applicant Information

Application No	78225643	Publication date	11/04/2003
Opposition Filing Date	04/30/2004	Opposition Period Ends	05/03/2004
Applicant	Starz Encore Group LLC		

Goods/Services Affected by Opposition

Class 041. First Use: 20020404 First Use In Commerce: 20020404

All goods and services in the class are opposed, namely: Entertainment services in the nature of programming and production of television programs and motion pictures for cable and satellite television broadcasting

Attachments	Document.pdf (7 pages)
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Signature	/pjk/
Name	PAULA J. KRASNY
Date	04/30/2004

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

STAR TELEVISION PRODUCTIONS)
LIMITED)

Opposer,)

v.)

Serial No. 78/225,643

Opposition No. _____

STARZ ENCORE GROUP LLC,)

Applicant.)

NOTICE OF OPPOSITION

Star Television Productions Limited, a British Virgin Islands Limited Liability Company, with its principal place of business at Craigmuir Chambers, P.O. Box 71, Road Town, Tortola, British Virgin Islands (“Opposer”), believes that it would be damaged by the registration of the mark described below, and hereby opposes same:

Mark:



Serial No.: 78225643

Applicant: Starz Encore Group LLC (“Applicant”)

Services: Entertainment services in the nature of programming and production of television programs and motion pictures for cable and satellite television broadcasting, in International Class 41.

Filing Date: March 14, 2003

Publication Date: November 4, 2003

Date of First Use: April 4, 2002

The above-described application hereinafter will be referred to as the “Applicant’s Star Mark.” The Trademark Trial and Appeal Board (the “Board”) has granted Opposer extensions of time up until May 3, 2004 to oppose registration of the Applicant’s Star Mark.


As grounds for its opposition, Opposer alleges as follows:


Applicant and Applicant’s STAR Marks

1. Upon information and belief, Applicant is a Colorado limited liability company.
2. Applicant filed an application to register Applicant’s Star Mark on March 14, 2003, based on a first use date of April 4, 2002.


Opposer and its STAR Marks


1. Opposer and its related companies are world renowned. They broadcast and/or market a wide array of television programming and channels in numerous jurisdictions around the world under the well-known famous “STAR” marks, four of which are described in further detail in paragraphs 2 and 3 below, and hereinafter will be referred to collectively as the “Opposer’s STAR Marks.”
2. In the U.S., Opposer owns the following service mark registrations:

MARK	REG. NO.	SERVICES	PRIORITY DATES
	2387482	Television broadcasting services, satellite transmission services, cable television broadcasting, telephone communication services, telegraph services, video broadcasting, teletext services, electronic transmission of messages and data, cable radio transmission, paging services, teleprinting, electronic mail services, facsimile transmission, electronic store-and-forward messages, rental telecommunication equipment, in Int'l Cl. 38	Date of first use: 09/10/1998 Reg. Date: 09/19/2000

MARK	REG. NO.	SERVICES	PRIORITY DATES
	2184280	Television broadcasting services, in Int'l Cl. 38 Entertainment services; namely, ongoing television series in the fields of news, comedy, variety, documentaries, drama, non-drama and music, in Int'l Cl. 41	Date of first use: 03/20/1998 Reg. Date: 08/25/1998

3. In addition, Opposer owns the following pending intent to use service mark applications in the U.S.:

MARK	APP. NO.	GOODS & SERVICES	ITU PRIORITY FILING DATE
	76185313	<p>Computers, computer terminals, computer keyboards and printers for use in processing, logging, storing, transmission, display, reception, input, output or print-out of non-pictorial or graphical data in data warehouses; software for maintaining security of information, scheduling of broadcast programming, subtitling and dubbing, database management, spreadsheet uses, word processing, and operating system and utility programs; computer memories; computer interfaces; microprocessors; modems; digital optical transmission apparatus and instruments, namely, digital optical transmission engines; blank video tapes and cd-roms; pre-recorded videos in the form of discs and cassettes, and pre-recorded cd-roms, all featuring or relating to television and radio programs pertaining to or featuring music, comedy, drama, interviews, documentaries, news, current affairs, exercise and fitness, health, fiction, sports, leisure, motoring, religion, law, crime, cartoons, animation, games, quizzes, cookery, nature, gardening, politics, culture, travel, natural history, social; issues, education and instruction for children, language teaching, mathematics, geography, history, geology, biology, technology, science and the arts, in Int'l Cl. 9</p> <p>Paper and paper articles, namely, tissue paper, paper bags, paper coasters, posters, calendars, notebooks, memo pads, stickers, envelopes, carbon paper; cardboard and cardboard articles, namely, carton boxes and containers, book covers, bookmarkers; printed matter, namely, newspapers and periodicals in the field of music, television programmes, sports, news, films and radio programmes, books and magazines relating to television, entertainment, operation of satellite television and computer; stationery; photographs; index cards, record cards, transfers, namely, decalcomanias; paper for computers; gift certificates; printed forms; binders; writing pens; labels; tags; gift cards; note cards, greeting cards, postcards; computer manuals; television program guides; ribbons for computer printers; computer programs in printed forms, namely, manuals featuring the computer program language; typewriters and office requisites, namely, files, paper cutters, finger-stalls, adhesive tape dispensers, correcting fluids, printing sets, desk-mounted cabinets for stationery, paper shredders, paper punches, in Int'l Cl. 16</p> <p>Television and radio broadcasting services; digital television transmission services; transmission of television programs; operation of earth-to-satellite transmitters for transmission of signals to satellite; broadcasting television programs by satellite; operation of satellite-to-earth receiving aerials; frequency conversion of microwave signals relayed by satellite; distribution of television by satellite; operation of television cable networks; operation of cable network communications systems; videotext and teletext transmission services; transmission (for others) of data and of information via computer, cable, radio, radiopaging, teleprinter, teletext, electronic mail, fax machine, television, microwave, laser beam, and communications satellite; providing on-line chat rooms for the interchange of data in the field of television and entertainment by electronic means; provision of information about telecommunications services for business or domestic purposes from a computer-stored data bank; time-share rental services of communications apparatus, namely, modems; providing multiple-user access to the internet; consultation services relating to electronic communications; professional consultation services relating to telecommunications, in Int'l Cl. 38</p> <p>Entertainment, namely continuing shows featuring news, music, general entertainment/variety, drama, and sports broadcast over television, satellite, audio and video media; providing a website featuring musical entertainment and audio entertainment in the nature of streaming audio broadcasts; booking of entertainment, film, radio, telephone, television and theatre entertainment; entertainment in the nature of broadcasts of live and recorded musical and television programmes in the field of comedy, fiction, non-fiction, news, documentaries, romance, adventure, drama, thrillers and sports; live musical performances,</p>	12/21/2000

CLASS	APP. NO.	GOODS & SERVICES	ITU PRIORITY FILING DATE
		<p>entertainment services for producing live shows; planning, production and distribution of television programs and films; entertainment services, namely, a continuing news show distributed over television, satellite audio and video; publication of books, brochures and pamphlets in the field of television and radio programmes, music, general entertainment, drama/movies, news, and sports; news publication; rental of sound recordings, films, film projectors, videotapes, video cassette recorders, radios and television sets and accessories therefor; providing cinema and theatre facilities; education, in the form of classes, seminars, and distance learning, and entertainment information services provided by means of the internet relating to music, audio visual displays, video entertainment, club, cruise ship, film, concerts, radio, roadshows, television, telephone, theatre productions, live musical performances, jazz music, laser show services; presentation of live performances by a musical band; organization of educational and entertainment competitions and cultural and sporting activities; providing entertainment services in the field of television and radio broadcast, sporting and cultural activities via electronic and digital interactive media, namely musical entertainment, presentations for entertainment purposes, audio entertainment services, booking of entertainment, film, radio, telephone, television and theatre entertainment, entertainment in the form of live musical performances, recorded music and television programmes, entertainment services for producing live shows; providing information via online computer databases and via the internet in the fields of television, entertainment, cultural and sporting activities; provision of entertainment information, entertainment consultancy services and entertainment advisory services related to television broadcasting, radio broadcasting, providing links to web sites of others featuring information on films, television programmes, sports, news and radio programmes and music, in Int'l Cl. 41</p> <p>Rental of computer terminals, computers, computer software, modems, computer interfaces, computer memories, microprocessors; design, drawing and commissioned writing, all for the compilation of web pages on the internet; technical research; testing of computing, telecommunication, electrical and electronic apparatus and instruments, in the field of computer programming, document management and workgroup collaboration, for compilation and systemization of information; computer programming, software design and development; professional consultation services relating to computer apparatus and instruments, computer networks, software and information systems; rental of computers, computer software, electrical and electronic apparatus and instruments relating to computing, namely, computer terminals, computer memories, computer interfaces, microprocessors, modems, printers, plotters, scanners, keyboards and mouse; updating computer software; news agencies, namely, gathering and disseminating news, in Int'l Cl. 42</p>	
<p>STAR </p>	<p>76185172</p>	<p>Computers, computer terminals, computer keyboards and printers for use in processing, logging, storing, transmission, display, reception, input, output or print-out of non-pictorial or graphical data in data warehouses; computer software for use in the field of telecommunications for broadcasting purposes; computer memories; computer interfaces; microprocessors; modems; digital optical transmission apparatus and instruments, namely, digital optical transmission engines; blank video tapes and cd-roms; pre-recorded videos in the form of discs and cassettes, and pre-recorded cd-roms, all featuring or relating to television and radio programs pertaining to or featuring music, comedy, drama, interviews, documentaries, news, current affairs, exercise and fitness, health, fiction, sports, leisure, motoring, religion, law, crime, cartoons, animation, games, quizzes, cookery, nature, gardening, politics, culture, travel, natural history, social; issues, education and instruction for children, language teaching, mathematics, geography, history, geology, biology, technology, science and the arts, in Int'l Cl. 9</p> <p>Paper and paper articles, namely, tissue paper, paper bags, paper coasters, posters, calendars, notebooks, memo pads, stickers, envelopes, carbon paper; cardboard and cardboard articles, namely, carton boxes and containers, book covers, bookmarks; printed matter, namely, newspapers and periodicals, books and magazines relating to television, entertainment, operation of satellite television and computer; stationery; photographs; index cards, record cards, transfers, namely, decalcomanias; paper for computers; gift certificates; printed forms; binders; writing pens; labels; tags; gift cards; note cards, greeting cards, postcards; computer manuals; television program guides; ribbons for computer printers; computer programs in printed forms, namely, manuals featuring the computer program language; typewriters and office requisites, namely, files, paper cutters, finger-stalls, adhesive tape dispensers, book binding machines, correcting fluids, printing sets, cabinets for stationery, paper shredders, punches, in Int'l Cl. 16</p> <p>Television and radio broadcasting services; digital television transmission services; providing telecommunications connections in the form of links to computer databases and the internet; providing computer connections in the form of links to computer databases and the internet; transmission of television programs; operation of earth-to-satellite transmitters for transmission of signals to satellite; broadcasting television programs by satellite; operation of satellite-to-earth receiving aerials; frequency conversion of microwave signals relayed by satellite; distribution of television by satellite; operation of television cable networks; operation of cable network communications systems; videotext and teletext transmission services;</p>	<p>12/21/2000</p>

CLASS	APP. NO.	GOODS & SERVICES	ITU PRIORITY FILING DATE
		<p>transmission (for others) of data and of information via computer, cable, radio, radiopaging, teleprinter, teletype, electronic mail, fax machine, television, microwave, laser beam, and communications satellite; providing on-line chat rooms for the interchange of data in the field of television and entertainment by electronic means; provision of information about telecommunications services for business or domestic purposes from a computer-stored data bank; time-share rental services of communications apparatus, namely, modems; providing information and advisory services relating to all the aforesaid services, in Int'l Cl. 38</p> <p>Education and entertainment services in the nature of planning, production and distribution of live or recorded audio, visual or audiovisual material for broadcasting by radio and television or through film or videotape; entertainment services provided by means of the internet namely, arranging of musical entertainment, arranging of presentations for entertainment purposes, audio entertainment services, audio-visual display presentation services for entertainment purposes, booking of entertainment, film, radio, telephone, television and theatre entertainment, arranging entertainment in the form of live musical performances, recorded music and television programmes, arranging entertainment services for producing live shows; planning, production and distribution of television programs and films; entertainment services, namely, a continuing news show distributed over television, satellite audio and video; publication of books and printed matter relating to films, videotapes, radio, news and television; rental of sound recordings, films, film projectors, videotapes, video cassette recorders, radios and television sets and accessories therefor; providing cinema and theatre facilities; education and entertainment information services provided by means of the internet relating to music, audio visual displays, video entertainment, club, cruise ship, film, concerts, radio, roadshows, television, telephone, theatre productions, live musical performances, jazz music, laser show services; presentation of live performances by a musical band; providing entertainment services in the field of television and radio broadcast, sporting and cultural activities via electronic and digital interactive media; information provided on-line from a computer database or from the internet in the field of television, entertainment, cultural and sporting activities, in Int'l Cl. 41</p> <p>Professional consultation services relating to data communications, telecommunications, computer apparatus and instruments, computer networks, software and information systems; design, drawing and commissioned writing, all for the compilation of web pages on the internet; technical research; testing of computing, telecommunication, electrical and electronic apparatus and instruments, in the field of computer programming, document management and workgroup collaboration, for compilation and systemization of information; computer programming, software design and development; rental of communications apparatus, namely, computers, computer terminals, computer software, computer memories, computer interfaces, microprocessors, modems, printers, plotters, scanners, keyboards and mice; updating computer software; news agencies, namely, gathering and disseminating news; provision of information, consultation services and advisory services relating to all the aforesaid services, in Int'l Cl. 42</p>	

The Registration of Applicant's Star Mark will Harm Opposer

4. Applicant's Star Mark is substantially similar to the star component in each of Opposer's STAR Marks.
5. Moreover, the description of services listed in the application for Applicant's Star Mark is identical, similar and/or related to the descriptions of goods and services for each of Opposer's STAR Marks.
6. The visual similarities between Opposer's STAR Marks and Applicant's Star Mark, as well as the goods and services offered under the respective marks, will result in a likelihood of

confusion, mistake or deception with respect to the source of origin of Opposer's goods and/or services and Applicant's services. Consumers will erroneously believe that Applicant's services are produced by or associated with Opposer.

7. The priority dates of Opposer's STAR Marks all predate the filing date and date of first use in commerce for Applicant's Star Mark.

8. Accordingly, the maturation of Applicant's Star Mark into a registration would be in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

9. The registration of Applicant's Star Mark would also dilute Opposer's famous STAR Marks and lessen their ability to distinguish Opposer as the source of the products and services offered under Opposer's STAR Marks, in violation of Section 43(c) of the Lanham Act, 15 U.S.C. §1025(c).

10. The grant of registration to Applicant of Applicant's Star Mark would create statutory rights in Applicant in violation and derogation of the established prior rights of Opposer, and would result in detriment, harm, and damage to Opposer.

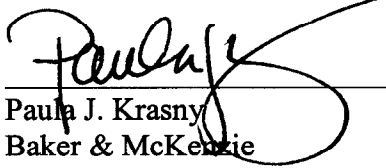
WHEREFORE, Opposer prays that application Serial No. 78225643 for Applicant's Star mark be rejected, that no registration be issued for the Applicant's Star Mark, and that this opposition be sustained in Opposer's favor.

The \$300 fee per application per class, as required by 37 C.F.R. § 2.6(17), may be deducted from our Deposit Account No. 501-649.

Respectfully submitted,

STAR TELEVISION
PRODUCTIONS LIMITED

Dated: 4.30.04


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