

ESTTA Tracking number: **ESTTA19702**

Filing date: **11/21/2004**

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

<b>Name</b>	Starz Entertainment Group LLC
<b>Granted to Date of previous extension</b>	11/21/2004
<b>Address</b>	8900 Liberty Circle Englewood, CO 80112 UNITED STATES
<b>Party who filed Extension of time to oppose</b>	Starz Encore Group LLC
<b>Relationship to party who filed Extension of time to oppose</b>	In October 2004, Starz Encore Group LLC's name was changed to Starz Entertainment Group LLC.

<b>Attorney information</b>	Leslie H. Smith Liacouras & Smith, LLP 1515 Market Street, 9th Floor Philadelphia, PA 19102 UNITED STATES lsmith@liacouraslaw.com Phone:(215) 241-5303
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#### Applicant Information

<b>Application No</b>	76118110	<b>Publication date</b>	05/25/2004
<b>Opposition Filing Date</b>	11/21/2004	<b>Opposition Period Ends</b>	11/21/2004
<b>Applicant</b>	China Star Trademark Limited P.O. Box 957 Offshore Incorporations CentreRoad Town Tortola, VIRGIN ISLANDS, BRITISH		

### **Goods/Services Affected by Opposition**

Class 038.

Opposed goods and services in the class: (Based on Foreign Registration B11309)  
TELEVISION BROADCASTING; CABLE TELEVISION BROADCASTING;  
TELEVISION BROADCASTING TO PAID SUBSCRIBERS OF CERTAIN  
PROGRAMS; VIDEO-ON-DEMAND TRANSMISSION SERVICES; ELECTRONIC  
TRANSMISSION AND RECEIPT OF IMAGES, SOUNDS, DATA AND MESSAGES  
BY TELEVISION, CABLE TELEVISION, COMPUTER, ELECTRONIC MAIL,  
SATELLITE AND THE INTERNET

Class 041.

Opposed goods and services in the class: ENTERTAINMENT IN THE NATURE OF  
ONGOING TELEVISION PROGRAMS IN THE FIELD OF COMEDY, NEWS AND  
VARIETY; ENTERTAINMENT IN THE NATURE OF ONGOING TELEVISION  
PROGRAMS FEATURING ANIMATED CARTOONS; PROVIDING ON-LINE  
INFORMATION IN THE FIELD OF CINEMATOGRAPHY, MUSIC AND  
ENTERTAINMENT

<b>Attachments</b>	CHINASTAR (and design) Notice of Opposition Pg 2.TIF ( 1 page ) CHINASTAR (and design) Notice of Opposition Pg 3.TIF ( 1 page ) CHINASTAR (and design) Notice of Opposition Pg 4.TIF ( 1 page ) CHINASTAR (and design) Notice of Opposition Pg 1.TIF ( 1 page )
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<b>Signature</b>	/Leslie H. Smith/
<b>Name</b>	Leslie H. Smith
<b>Date</b>	11/21/2004

marks, among others, for which federal registration has been obtained:

- a. STARZ!®, Reg. No. 2,050,515;
- b. STARZ! (and design)®, Reg. No. 2,651,265; and
- c. BLACK STARZ®, Reg. No. 2,783,505.

STARZ!® and STARZ! (and design)® are each registered in International Class 38, for services described as “cable and satellite television broadcasting,” and in International Class 41, for services described as “entertainment services in the nature of cable and satellite television programming.” BLACK STARZ!® is registered in International Class 41, for services described as “entertainment services in the nature of cable and satellite television programming.” All of these registrations are valid and subsisting, and provide prima facie evidence of Starz’s exclusive right to use these marks in commerce. Starz’s family of STARZ! marks, including both registered and common law marks, are referred to collectively hereinafter as the “STARZ! marks.”

3. Starz’s use in commerce of its STARZ! service mark commenced at least as early as October, 1993; Starz’s use in commerce of its STARZ! (and design) service mark commenced at least as early as January 1994; and Starz’s use in commerce of its BLACK STARZ! service mark commenced at least as early as March 9, 2001, with a constructive first use date of February 23, 2000. Starz’s use of these marks has been valid and continuous since the respective commencements of such use.

4. Starz also owns intent-to-use applications for registration of CHINESE STARZ!, Serial No. 760306,284, and ORIENTAL STARZ!, Serial No. 760306,283, for services described as “entertainment services in the nature of cable and satellite television programming,” in International Class 41.

5. Starz has acquired valuable goodwill and consumer recognition in its STARZ! marks through years of extensive use, advertising, and promotion.

6. On August 25, 2000, Applicant filed an application for registration of CHINASTAR (and design), Serial No. 76/118,110, under Section 44(d), based on its applications filed in Hong Kong, in July 2000, for use in connection with, among other things, "radio and television broadcasting; cable television broadcasting; television broadcasting to paid subscribers of certain programs; video-on-demand transmission services; . . . electronic transmission and receipt of images, sounds, data and messages by television, radio, cable television, computer, electronic mail, satellite and the internet," in International Class 38, and "entertainment in the nature of ongoing television . . . programs in the field of comedy, news and variety, television programs featuring animated cartoons; providing on-line information in the field of cinematography, music and entertainment," in International Class 41.

7. Because Starz's priority dates for its STARZ! marks predate Applicant's priority date for the CHINASTAR (and design) mark that is the subject of the Application, Starz has priority of use.

8. A likelihood of confusion, mistake, and/or deception exists between Applicant's CHINASTAR (and design) mark and Starz's STARZ! marks, in view of the similarity of the marks in sight, sound, appearance and overall commercial impression, as well as the fact that the services either directly overlap or are closely related.

9. Applicant's CHINASTAR (and design) mark so resembles Starz's STARZ! marks that persons familiar with Starz's services are likely to believe erroneously that Applicant's services are provided or sponsored by, affiliated, associated, or in some way connected with, Starz.

10. Applicant's mark so resembles Starz's STARZ! marks that use of

Applicant's mark will dilute the goodwill associated with Starz's services.

11. Registration of Applicant's mark is likely to impair the uniqueness and

diminish the strength of Starz's STARZ! marks.

WHEREFORE, Starz requests that Trademark Application Serial No.

Nos. 76/118,110 be refused, that no registration be issued thereon to Applicant, and that this

Opposition be sustained in favor of Starz.

The required filing fee of \$600.00 is enclosed.

Respectfully Submitted,

Dated: November 21, 2004

Leslie H. Smith/\_\_\_\_\_  
Leslie H. Smith  
Gregory L. Liacouras

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Attorneys for Opposer Starz Entertainment  
Group LLC

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

In the Matter of Application No. 76/118,110  
Published in the Official Gazette on May 25, 2004

Starz Entertainment Group LLC,	:	
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Opposer,	:	Opposition No.
	:	
v.	:	
	:	
China Star Trademark Limited,	:	
	:	
Applicant.	:	

**NOTICE OF OPPOSITION**

Opposer Starz Entertainment Group LLC (formerly Starz Encore Group LLC) ("Starz"), a limited liability company organized and existing under the laws of the state of Colorado, and having a principal place of business at 8900 Liberty Circle, Englewood, Colorado 80112, believes that it will be damaged by registration of the CHINASTAR (and design) mark, shown in the above-identified application Serial No. 76/118,110 (the "Application"), filed by Applicant China Star Trademark Limited ("Applicant"), and hereby opposes registration of said Application in International Classes 38 and 41.

As grounds of its opposition, Starz alleges the following:

1. Starz is engaged in the business of providing premium subscription video broadcasting, programming, and production services throughout the United States, via cable, satellite, and internet platforms.