

ESTTA Tracking number: **ESTTA171543**

Filing date: **10/29/2007**

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	Miramax Film Corp.
Granted to Date of previous extension	10/31/2007
Address	161 Avenue of the Americas, 15th Floor New York, NY 10013 UNITED STATES

Attorney information	Linda K. McLeod Finnegan Henderson Farabow Garrett & Dunner, L.L.P. 901 New York Avenue, NW Washington, DC 20001-4413 UNITED STATES docketing@finnegan.com, linda.mcleod@finnegan.com, judy.valusek@finnegan.com, susannah.klank@finnegan.com Phone:202.408.4000
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**Applicant Information**

Application No	77060730	Publication date	07/03/2007
Opposition Filing Date	10/29/2007	Opposition Period Ends	10/31/2007
Applicant	Trans World International, Inc. Suite 100, IMG Center 1360 East 9th Street Cleveland, OH 441141782 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 041. All goods and services in the class are opposed, namely: entertainment in the nature of on-going television programs in the field of reality-based programs
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**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act section 2(d)
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**Marks Cited by Opposer as Basis for Opposition**

U.S. Registration No.	3173086	Application Date	07/06/2004
Registration Date	11/21/2006	Foreign Priority Date	NONE
Word Mark	PROJECT RUNWAY		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 041. First use: First Use: 2004/12/01 First Use In Commerce: 2004/12/01 Entertainment services, namely, an ongoing television program featuring a fashion design competition and featuring fashion, fashion shows and fashion news and commentary and providing an Internet website related to an ongoing television program; entertainment services in the nature of competitions in the field of modeling

U.S. Application No.	78503728	Application Date	10/21/2004
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	PROJECT RUNWAY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: sunglasses Class 018. First use: Bags, namely, all-purpose sports bags, book bags, duffel bags, tote bags, beach bags, mesh shopping bags, leather shopping bags, textile shopping bags and handbags, excluding computer bags; wallets and umbrellas		

U.S. Application No.	78503733	Application Date	10/21/2004
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	PROJECT RUNWAY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: Athletic shoes; bandanas; baseball caps; beach cover-ups; beachwear; belts; cloth bibs for babies; bikinis; blazers; boots; bow ties; bras; caps; chaps; cloth bibs; coats; dresses; ear muffs; footwear; gloves; golf shirts; Halloween costumes; hats; head bands; headwear; hosiery; infantwear; jackets; jeans; jerseys; kerchiefs; leotards; leg warmers; mittens; neckties; night shirts; night gowns; pajamas; pants; panty hose; polo shirts; ponchos; rainwear; robes; sandals; scarves; shirts; shoes; skirts; shorts; slacks; slippers; sleepwear; socks; stockings; sweaters; sweat pants; sweat shirts; swimsuits; tank tops; tights; t-shirts; underwear; vests; wrist bands		

Attachments	78446470#TMSN.jpeg ( 1 page )( bytes ) 78503728#TMSN.jpeg ( 1 page )( bytes ) 78503733#TMSN.jpeg ( 1 page )( bytes ) 77060730 Notice of Opposition.pdf ( 5 pages )(156461 bytes )
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Signature	/Linda K. McLeod/
Name	Linda K. McLeod

Date	10/29/2007
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

<p>MIRAMAX FILM CORP.</p> <p>Opposer,</p> <p>v.</p> <p>TRANS WORLD INTERNATIONAL, INC.</p> <p>Applicant.</p>	<p>Opposition No.:</p> <p>Mark: RUNWAY TV Serial No.: 77060730 Filed: December 9, 2006</p>
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**NOTICE OF OPPOSITION**

Opposer, Miramax Film Corp. ("Opposer") a corporation of the State New York, having a principal place of business at 161 Avenue of the Americas, 15<sup>th</sup> Floor, New York, NY 10013, believes that it is being damaged, and will be damaged, by the registration of Trans World International, Inc.'s ("Applicant") mark RUNWAY TV shown in Application Serial No. 77060730, and hereby opposes the same. As grounds for its opposition, Opposer alleges that, upon actual knowledge with respect to itself and its own acts, and upon information and belief as to other matters:

**Opposer and its PROJECT RUNWAY Mark**

1. Opposer, Miramax Film Corp. ("Opposer"), is a corporation of the State of New York, having a principal place of business at 161 Avenue of the Americas, 15<sup>th</sup> Floor, New York, NY 10013.

2. Opposer, through its related companies and licensees, is one of the world's leading producers and providers of entertainment services, films, television programs, music, and consumer products.

3. Since at least as early as December 1, 2004, Opposer, through its related companies and licensees, has used its PROJECT RUNWAY mark in commerce in connection with entertainment services, namely, an ongoing television program in the field of fashion, providing an Internet website related to its ongoing television program, and entertainment services in the nature of competitions in the field of modeling. In its first season alone, Opposer's PROJECT RUNWAY television program received critical acclaim, including an Emmy nomination for outstanding reality series.

4. Opposer is the owner of the following U.S. trademark registration and prior pending applications for its mark PROJECT RUNWAY:

<b>Mark</b>	<b>Reg. No./Issue Date App. No./Filing Date</b>	<b>Goods/Services</b>
PROJECT RUNWAY	78446470 Filed 07-06-2004  3173086 Issued 11-21-2006	Entertainment services, namely, an entertainment services, namely, an ongoing television program featuring a fashion design competition and featuring fashion, fashion shows and fashion news and commentary and providing an Internet website related to an ongoing television program; entertainment services in the nature of competitions in the field of modeling
PROJECT RUNWAY	78503728 Filed 10-21-2004	Sunglasses; bags, namely, all-purpose sports bags, book bags, duffel bags, tote bags, beach bags, mesh shopping bags, leather shopping bags, textile shopping bags and handbags, excluding computer bags; wallets and umbrellas

Mark	Reg. No./Issue Date App. No./Filing Date	Goods/Services
PROJECT RUNWAY	78503733 Filed 0-21-2004	Athletic shoes; bandanas; baseball caps; beach cover-ups; beachwear; belts; cloth bibs for babies; bikinis; blazers; boots; bow ties; bras; caps; chaps; cloth bibs; coats; dresses; ear muffs; footwear; gloves; golf shirts; Halloween costumes; hats; head bands; headwear; hosiery; infantwear; jackets; jeans; jerseys; kerchiefs; leotards; leg warmers; mittens; neckties; night shirts; night gowns; pajamas; pants; panty hose; polo shirts; ponchos; rainwear; robes; sandals; scarves; shirts; shoes; skirts; shorts; slacks; slippers; sleepwear; socks; stockings; sweaters; sweat pants; sweat shirts; swimsuits; tank tops; tights; t-shirts; underwear; vests; wrist bands

5. Opposer's Registration No. 3173086 in Paragraph 4 above is valid and subsisting and constitutes *prima facie* evidence of the validity of the mark and registration, of Opposer's ownership of and exclusive right to use the mark PROJECT RUNWAY in commerce, and provides constructive notice of ownership thereof by Opposer.

6. As a result of Opposer's promotional efforts and commercial success, Opposer's PROJECT RUNWAY mark has achieved such widespread public recognition that it has become famous.

**Applicant and its RUNWAY TV Mark**

7. Applicant Trans World International, Inc. ("Applicant") is a corporation of the State of Ohio, having a principal place of business at Suite 100, IMG Center, 1360 East 9th Street, Cleveland, OH 44114-1782.

8. Applicant is the current owner of intent-to-use Application Serial No. 77060730, filed December 9, 2006, for the mark RUNWAY TV for "entertainment in the nature of on-going television programs in the field of reality-based programs." The term "TV" is disclaimed apart from the mark as shown in the application.

**LIKELIHOOD OF CONFUSION**

9. Opposer repeats and realleges each and every allegation set forth in Paragraphs 1 through 8.

10. Opposer has priority based on its prior use of its PROJECT RUNWAY mark in commerce, and based on its prior pending applications for its PROJECT RUNWAY mark that were filed prior to the filing date of the opposed application, and prior to any date of first use that may be alleged by Applicant. Opposer also has priority based on its valid and subsisting registration for its PROJECT RUNWAY mark.

11. Applicant's RUNWAY TV mark is substantially similar to Opposer's PROJECT RUNWAY mark in sound, appearance, connotation, and overall commercial impression. Applicant's entertainment services are the same or closely related to the services offered by Opposer in connection with its PROJECT RUNWAY mark, and the goods and services covered by Opposer's registration and prior pending applications for its PROJECT RUNWAY mark.

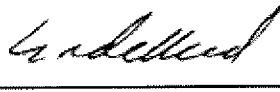
12. Applicant's RUNWAY TV mark so resembles Opposer's previously used and registered PROJECT RUNWAY mark, and prior pending applications for its PROJECT RUNWAY mark, as to be likely, when applied to the identified services, to cause confusion, or to cause mistake, or to deceive all in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

WHEREFORE, Opposer believes that it is being and will be damaged by the registration of the mark shown in Application Serial No. 77060730, and respectfully requests that registration be refused, and that this Opposition be sustained.

A filing fee of \$300 has been submitted electronically. If the filing fee is found to be insufficient for any reason, please charge such deficiency to our Deposit Account No. 06-0916.

Respectfully submitted,

MIRAMAX FILM CORP.

By: 

Dated: October 29, 2007

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