

ESTTA Tracking number: **ESTTA1032942**

Filing date: **01/31/2020**

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	Starz Entertainment, LLC
Granted to Date of previous extension	02/05/2020
Address	8900 LIBERTY CIRCLE ENGLEWOOD, CO 80112 UNITED STATES

Attorney information	DAVID E. SIPIORA KILPATRICK TOWNSEND & STOCKTON LLP 1400 WEWATTA STREET, SUITE 600 DENVER, CO 80202 UNITED STATES denverteas@kilpatricktownsend.com, tmadmin@kilpatricktownsend.com, dsipiora@kilpatricktownsend.com, aweber@kilpatricktownsend.com 3035714000
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Applicant Information

Application No	88184488	Publication date	10/08/2019
Opposition Filing Date	01/31/2020	Opposition Period Ends	02/05/2020
Applicant	StarzMe, LLC 332 Eastern Point Rd. Groton, CT 06340 UNITED STATES		


Goods/Services Affected by Opposition

Class 009. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Computer application software for mobile phones, namely, software for uploading and live streaming user-generated content, namely, electronic media, multimedia content, videos, movies, pictures, images, text, photos, audio content, and related content which showcase the users' talent; Computer application platform for users to interact with one another, to share entertainment information, view user-generated content, rate user-generated content, participate in discussions, get feedback from other users, and engage in social networking in real time, and which offers incentives for interacting with the application
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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.	3612110	Application Date	09/19/2008
Registration Date	04/28/2009	Foreign Priority Date	NONE
Word Mark	STARZ		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 2006/08/29 First Use In Commerce: 2006/08/29 PRERECORDED VIDEOS AND DVDS FEATURING ENTERTAINMENT IN THE NATURE OF MOVIES ANDTELEVISION PROGRAMS CONTAINING ANIMATION, FITNESS, DANCE, COMEDY, MUSIC, DRAMA,SPORTS, AND DOCUMENTARIES; PRERECORDED VIDEOS AND DVDS IN THE FIELD OF CHILDREN'S EDUCATION; AUDIO RECORDINGS FEATURINGMUSIC; [CHILDREN'S EDUCATIONAL SOFTWARE;] DOWNLOADABLE VIDEO RECORDINGS FEATURING ENTERTAINMENT IN THE NATURE OF MOVIES AND TELEVISION PROGRAMS CONTAINING ANIMATION, FITNESS, DANCE, COMEDY, MUSIC, DRAMA, SPORTS, AND DOCUMENTARIES; DOWNLOADABLE SOFTWARE FOR ACCESSING, DOWNLOADING, SELECTING, AND VIEWING MOTION PICTURES, FILMS, AND TELEVISION PROGRAMMING</p>		


U.S. Registration No.	3102213	Application Date	02/03/2005
Registration Date	06/06/2006	Foreign Priority Date	NONE
Word Mark	STARZ		

Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 038. First use: First Use: 1993/10/01 First Use In Commerce: 1993/10/01 VIDEO AND AUDIO BROADCASTING AND TRANSMISSION; TELEVISION BROADCASTING AND TRANSMISSION; CABLE AND SATELLITE TELEVISION BROADCASTING; SUBSCRIPTION TELEVISION BROADCASTING AND TRANSMISSION; VIDEO-ON-DEMAND TRANSMISSION; VIDEO AND AUDIO TRANSMISSION VIA A GLOBAL COMPUTER NETWORK</p> <p>Class 041. First use: First Use: 1993/10/01 First Use In Commerce: 1993/10/01 ENTERTAINMENT SERVICES IN THE NATURE OF VIDEO AND AUDIO PROGRAMMING, TELEVISION AND MOTION PICTURE PROGRAMMING, TELEVISION AND MOTION PICTURE PROGRAMMING ON A GLOBAL COMPUTER NETWORK, PRODUCTION AND DISTRIBUTION OF TELEVISION AND MOTION PICTURE PROGRAMMING FOR TELEVISION BROADCASTING AND TRANSMISSION VIA A GLOBAL COMPUTER NETWORK</p>


U.S. Registration No.	2050515	Application Date	01/22/1996
Registration Date	04/08/1997	Foreign Priority Date	NONE
Word Mark	STARZ!		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 038. First use: First Use: 1993/10/01 First Use In Commerce: 1993/10/01 cable television and satellite television broadcasting</p> <p>Class 041. First use: First Use: 1993/10/01 First Use In Commerce: 1993/10/01 entertainment services in the nature of cable and satellite television programming</p>		

U.S. Registration No.	3154983	Application Date	10/20/2004
Registration Date	10/10/2006	Foreign Priority	NONE

		Date	
Word Mark	STARZ KIDS & FAMILY		
Design Mark	 <p style="text-align: center;">STARZ KIDS & FAMILY</p>		
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2005/03/28 First Use In Commerce: 2005/03/28 Entertainment services in the nature of programming and production of motion pictures and television programs for cable and satellite television broadcasting; distribution of motion pictures and audio and video programming via a global communications network		

U.S. Registration No.	3102066	Application Date	10/19/2004
Registration Date	06/06/2006	Foreign Priority Date	NONE
Word Mark	STARZ INBLACK		
Design Mark	 <p style="text-align: center;">STARZ INBLACK</p>		
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2005/03/28 First Use In Commerce: 2005/03/28 Entertainment services in the nature of programming and production of motion		

	pictures and television programs for cable and satellite television broadcasting; distribution of motion pictures and audio and video programming via a global communications network
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U.S. Registration No.	3080791	Application Date	10/19/2004
Registration Date	04/11/2006	Foreign Priority Date	NONE
Word Mark	STARZ COMEDY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2005/03/28 First Use In Commerce: 2005/03/28 Entertainment services in the nature of programming and production of motion pictures and television programs for cable and satellite television broadcasting; distribution of motion pictures and audio and video programming for transmission via a global communications network		

U.S. Registration No.	3096752	Application Date	10/19/2004
Registration Date	05/23/2006	Foreign Priority Date	NONE
Word Mark	STARZ EDGE		

Design Mark	<h1>STARZ EDGE</h1>		
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2005/03/28 First Use In Commerce: 2005/03/28 Entertainment services in the nature of programming and production of motion pictures and television programs for cable and satellite television broadcasting; distribution of motion pictures and audio and video programming for transmission via a global communications network		

U.S. Registration No.	2623610	Application Date	01/03/2001
Registration Date	09/24/2002	Foreign Priority Date	NONE
Word Mark	STARZ! CINEMA		
Design Mark	<h1>STARZ! CINEMA</h1>		
Description of Mark	NONE		
Goods/Services	Class 038. First use: First Use: 1999/05/00 First Use In Commerce: 1999/05/00 Cable and satellite television broadcasting Class 041. First use: First Use: 1999/05/00 First Use In Commerce: 1999/05/00 Entertainment services in the nature of cable and satellite television programming		

U.S. Registration No.	2456291	Application Date	08/19/1999
Registration Date	05/29/2001	Foreign Priority Date	NONE
Word Mark	STARZ! ON DEMAND		

Design Mark	STARZ! ON DEMAND
Description of Mark	NONE
Goods/Services	Class 038. First use: First Use: 2000/11/27 First Use In Commerce: 2000/11/27 Cable and satellite television broadcasting Class 041. First use: First Use: 2000/11/27 First Use In Commerce: 2000/11/27 entertainment services in the nature of cable and satellite television programming

U.S. Registration No.	2989446	Application Date	06/16/2004
Registration Date	08/30/2005	Foreign Priority Date	NONE


Word Mark	STARZ! HD
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Design Mark	STARZ! HD
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Description of Mark	NONE
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Goods/Services	Class 041. First use: First Use: 2003/12/15 First Use In Commerce: 2003/12/15 Entertainment services in the nature of programming and production of motion pictures and television programs for cable and satellite television broadcasting; distribution of motion pictures and other entertainment programming via a global communications network
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U.S. Registration No.	5199263	Application Date	09/29/2016
Registration Date	05/09/2017	Foreign Priority Date	NONE

Word Mark	STARZ ENCORE
Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 038. First use: First Use: 2016/04/05 First Use In Commerce: 2016/04/05 Video and audio broadcasting and transmission; television broadcasting and transmission; cable and satellite television broadcasting; subscription television broadcasting and transmission; video-on-demand transmission; video and audio transmission via a global computer network</p> <p>Class 041. First use: First Use: 2016/04/05 First Use In Commerce: 2016/04/05 Entertainment services in the nature of video and audio programming, television- and motion picture programming, television and motion picture programming on a global computer network, production and distribution of television and motion picture programming for television broadcasting and transmission via a global computer network</p>

Attachments	<p>77574568#TMSN.png(bytes) 78559871#TMSN.png(bytes) 78503295#TMSN.png(bytes) 78502446#TMSN.png(bytes) 78502435#TMSN.png(bytes) 78502432#TMSN.png(bytes) 76188927#TMSN.png(bytes) 75778994#TMSN.png(bytes) 78436564#TMSN.png(bytes) 87187444#TMSN.png(bytes) STARZME - Notice of Opposition - 88184488.pdf(155289 bytes)</p>
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Signature	/David E. Sipiora/
Name	DAVID E. SIPIORA
Date	01/31/2020

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

In the Matter of Application Serial No. 88/184,488
Published in the Official Gazette on October 8, 2019

STARZ ENTERTAINMENT, LLC,)	
)	
Opposer,)	Opposition No.
)	
v.)	
)	
STARZME, LLC,)	
)	
Applicant.)	
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NOTICE OF OPPOSITION

Starz Entertainment, LLC (“Opposer”), a limited liability company duly organized and existing under the laws of the State of Colorado, having its headquarters at 8900 Liberty Circle, Englewood, Colorado 80112, believes that it will be damaged by registration of the mark shown in Application Serial No. 88/184,488 in connection with goods in International Class 9, and hereby opposes the same. As grounds for opposition, Opposer alleges:

1. Opposer has adopted and continuously used the mark “STARZ” since at least as early as 1993 for services in International Class 38, including for cable television and satellite television broadcasting, and for services in International Class 41, including for entertainment services in

the nature of television and motion picture programming, including but not limited to the production and distribution of television and motion pictures.

2. Opposer has adopted and continuously used the mark “STARZ” since at least as early as 2006 for goods in International Class 9, including for downloadable software for accessing, downloading, selecting, and viewing motion pictures, films, and television programming.

3. Opposer is the owner of various valid and subsisting U.S. trademark registrations on the Principal Register for STARZ and STARZ-formative marks, including Trademark Registration Number 3,612,110 for STARZ in International Class 9. In total, Opposer owns no fewer than eleven (11) federal registrations for various STARZ marks, including but not limited to the following:

MARK	REG. NO.	SERVICES	FILING. DATE	FIRST USE DATE
STARZ	3612110	Prerecorded videos and dvds featuring entertainment in the nature of movies and television programs containing animation, fitness, dance, comedy, music, drama, sports, and documentaries; prerecorded videos and dvds in the field of children's education; audio recordings featuring music; children's educational software; downloadable video recordings featuring entertainment in the nature of movies and television programs containing animation, fitness, dance, comedy, music, drama, sports, and documentaries; downloadable software for accessing, downloading, selecting, and viewing motion pictures, films, and television programming, in IC 9	9/19/08	8/29/06

MARK	REG. NO.	SERVICES	FILING. DATE	FIRST USE DATE
STARZ	3102213	Video and audio broadcasting and transmission; television broadcasting and transmission; cable and satellite television broadcasting; subscription television broadcasting and transmission; video-on-demand transmission; video and audio transmission via a global computer network, in IC 38; Entertainment services in the nature of video and audio programming, television and motion picture programming, television and motion picture programming on a global computer network, production and distribution of television and motion picture programming for television broadcasting and transmission via a global computer network, in IC 41	2/3/05	10/1/93
STARZ!	2050515	Cable television and satellite television broadcasting, in IC 38; Entertainment services in the nature of cable and satellite television programming, in IC 41	1/22/96	10/01/93
STARZ KIDS & FAMILY	3154983	Entertainment services in the nature of programming and production of motion pictures and television programs for cable and satellite television broadcasting; distribution of motion pictures and audio and video programming via a global communications network, in IC 41	10/20/04	3/28/05
STARZ INBLACK	3102066	Entertainment services in the nature of programming and production of motion pictures and television programs for cable and satellite television broadcasting; distribution of motion pictures and audio and video programming via a global communications network, in IC 41	10/19/04	3/28/05

MARK	REG. NO.	SERVICES	FILING. DATE	FIRST USE DATE
STARZ COMEDY	3080791	Entertainment services in the nature of programming and production of motion pictures and television programs for cable and satellite television broadcasting; distribution of motion pictures and audio and video programming for transmission via a global communications network, in IC 41	10/19/04	3/28/05
STARZ EDGE	3096752	Entertainment services in the nature of programming and production of motion pictures and television programs for cable and satellite television broadcasting; distribution of motion pictures and audio and video programming for transmission via a global communications network, in IC 41	10/19/04	3/28/05
STARZ! CINEMA	2623610	Cable and satellite television broadcasting, in IC 38; Entertainment services in the nature of cable and satellite television programming, in IC 41	1/3/01	5/00/99
STARZ! ON DEMAND	2456291	Cable and satellite television broadcasting, in IC 38; Entertainment services in the nature of cable and satellite television programming, in IC 41	8/19/99	11/27/00
STARZ! HD	2989446	Entertainment services in the nature of programming and production of motion pictures and television programs for cable and satellite television broadcasting; distribution of motion pictures and other entertainment programming via a global communications network, in IC 41	6/16/04	12/15/03

MARK	REG. NO.	SERVICES	FILING. DATE	FIRST USE DATE
STARZ ENCORE	5199263	<p>Video and audio broadcasting and transmission; television broadcasting and transmission; cable and satellite television broadcasting; subscription television broadcasting and transmission; video-on-demand transmission; video and audio transmission via a global computer network, in IC 38;</p> <p>Entertainment services in the nature of video and audio programming, television and motion picture programming, television and motion picture programming on a global computer network, production and distribution of television and motion picture programming for television broadcasting and transmission via a global computer network, in IC 41</p>	9/29/16	4/5/16

True and correct copies of these registrations are attached hereto as Exhibit A.

4. In addition to its various federal trademark registrations, Opposer Starz Entertainment also possesses common law trademark rights for other STARZ-formative marks, including STARZ ENTERTAINMENT and Starz Entertainment, LLC, both of which are used by the Opposer in conjunction with entertainment goods and services such as those listed above.

5. Among the goods and services offered to consumers, Opposer offers original programming, including acclaimed shows such as *Power*, *Spartacus*, *Outlander*, *Da Vinci's Demons*, *Black Sails*, and *American Gods*, to name only a few.

6. Opposer's common law and federal registration rights in and to the distinctive STARZ marks are collectively referred to below as the "Starz Entertainment Marks."

7. As a result of substantial sales and extensive advertising and promotion over its 25+ year history, Opposer has established valuable goodwill in the Starz Entertainment Marks, and the public has come to associate the Starz Entertainment Marks with Opposer and to recognize the Starz Entertainment Marks as indicators of products and services that emanate from Opposer. In particular, the STARZ mark is an extremely well-known mark and has achieved substantial recognition throughout the United States.

8. Applicant filed Serial No. 88/184,488, which is the subject of this Opposition, on November 7, 2018, for STARZME and now seeks registration for use of the term in connection with the following goods in International Class 9: “Computer application software for mobile phones, namely, software for uploading and live streaming user-generated content, namely, electronic media, multimedia content, videos, movies, pictures, images, text, photos, audio content, and related content which showcase the users' talent; Computer application platform for users to interact with one another, to share entertainment information, view user-generated content, rate user-generated content, participate in discussions, get feedback from other users, and engage in social networking in real time, and which offers incentives for interacting with the application.” The application was filed on the basis of intent to use.

9. Opposer adopted and used its Starz Entertainment Marks well prior to Applicant's filing date of November 7, 2018.

10. The Applicant's mark STARZME is similar in appearance, sound, connotation and/or commercial impression to Opposer's Starz Entertainment Marks. Moreover, the goods identified in Application Serial No. 88/184,488 for STARZME are arguably similar to Opposer's goods/services offered under the Starz Entertainment Marks.

11. As a result of the public association of the well-known Starz Entertainment Marks with Opposer, a likelihood of confusion exists such that Applicant's goods offered under the mark STARZME may be thought by consumers to emanate from Opposer, and may be confused with those of Opposer.

12. Registration of the mark in Application Serial No. 88/184,488, and use of Applicant's mark, is likely to cause confusion, or to cause mistake, or to deceive, particularly as to the source or origin of the goods with which Applicant uses its mark, to induce purchasers to believe that the services of Applicant are those of Opposer, or are endorsed by, or are in some way affiliated or associated with Opposer.

13. If Application Serial No. 88/184,488 for STARZME is permitted to register, the registration by Applicant would presumptively entitle it to *prima facie* exclusive ownership and rights to the mark STARZME and would, therefore, cause confusion among consumers of the relevant goods as to the separate and distinct sources of Applicant's goods and Opposer's goods and services and the relationship of Opposer to Applicant, thereby damaging Opposer's goodwill in its Starz Entertainment Marks, and causing Opposer's business and reputation irreparable harm, all to the detriment of Opposer who has expended considerable sums and effort in promoting its Starz Entertainment Marks.

Wherefore, Opposer prays that this Opposition be sustained and that registration of Application Serial No. 88/184,488 for STARZME in International Class 9 be denied.

Please recognize as attorney for Opposer in this proceeding David E. Sipiora (member of the Bar of the State of Colorado) and the firm Kilpatrick Townsend & Stockton LLP, 1400 Wewatta Street, Suite 600, Denver, Colorado 80202. Please address all communications to David E. Sipiora at that address.

Respectfully submitted,

STARZ ENTERTAINMENT, LLC

Date: January 30, 2020

/David E. Sipiora/
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