

ESTTA Tracking number: **ESTTA1041589**

Filing date: **03/11/2020**

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	Magnolia Pictures LLC		
Entity	LLC	Citizenship	Delaware
Address	1614 West 5th Street Austin, TX 78703 UNITED STATES		

Attorney information	Michael A. Bittner Winston & Strawn LLP 2121 North Pearl Street, Suite 900 Dallas, TX 75201 UNITED STATES MBittner@winston.com, ilyapis@winston.com, DocketSF@winston.com, MNo-cera@winston.com, lfranco@winston.com no phone number provided
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Applicant Information

Application No	88347974	Publication date	02/11/2020
Opposition Filing Date	03/11/2020	Opposition Period Ends	03/12/2020
Applicant	Magnolia IP Holdings LLC 7503 Bosque Boulevard Waco, TX 76712 UNITED STATES		

Goods/Services Affected by Opposition

Class 038. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Television broadcasting; Internet broadcasting services; Video-on-demand transmission services; Webcasting services; Electronic transmission and streaming of digital media content for others via global and local computer networks
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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.	2919326	Application Date	09/10/2001
Registration Date	01/18/2005	Foreign Priority Date	NONE
Word Mark	MAGNOLIA PICTURES		

Design Mark	MAGNOLIA PICTURES		
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2001/12/00 First Use In Commerce: 2001/12/00 distribution of independent and foreignfilms		

U.S. Registration No.	3100797	Application Date	06/30/2005
Registration Date	06/06/2006	Foreign Priority Date	NONE
Word Mark	MAGNOLIA PICTURES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2002/02/00 First Use In Commerce: 2002/02/00 Distribution of independent and foreignfilms		

U.S. Registration No.	3241622	Application Date	01/20/2006
Registration Date	05/15/2007	Foreign Priority Date	NONE
Word Mark	MAGNOLIA HOME ENTERTAINMENT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2006/01/17 First Use In Commerce: 2006/01/17 Distribution of independent and foreignfilms		

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	MAGNOLIA SELECTS		
Goods/Services	subscription VOD and broadcast streaming services First use: 2001		

Attachments	76310932#TMSN.png(bytes) 78661334#TMSN.png(bytes) 78795933#TMSN.png(bytes) Notice of Opposition Magnolia.pdf(599598 bytes)
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Signature	/Irina Lyapis/
Name	Irina Lyapis
Date	03/11/2020

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

In the Matter of Application Serial No. 88/347974
Filed: March 20, 2019
For the Mark: MAGNOLIA
Published in the Official Gazette on: February 11, 2020

MAGNOLIA PICTURES LLC,	:	
	:	
Opposer,	:	
	:	
v.	:	Opposition No. _____
	:	
MAGNOLIA IP HOLDINGS LLC,	:	
	:	
Applicant.	:	
	:	

NOTICE OF OPPOSITION

Magnolia Pictures LLC, a Delaware limited liability company having its principal place of business at 1614 West 5th Street Austin, Texas 78703 (“Magnolia Pictures” or “Opposer”), believes that it will be damaged by the registration of the mark MAGNOLIA as set forth in U.S. Trademark Application Serial No. 88/347974 (the “Application”) filed by Magnolia IP Holdings LLC, a Texas limited liability company, having its principal place of business at 7503 Bosque Boulevard Waco, Texas 76712 (“Applicant”), and hereby opposes the Application.

As grounds for its consolidated opposition, Opposer alleges that:



I. MAGNOLIA PICTURES AND ITS PRIOR RIGHTS IN ITS FAMILY OF MAGNOLIA MARKS.

1. Opposer Magnolia Pictures is a Delaware limited liability company.
2. Founded in 2001, Magnolia Pictures is a U.S. film distributor and specializes in foreign and independent films.

3. Over the years, Magnolia Pictures has worked on the international distribution of many ground-breaking documentaries including RBG, LO AND BEHOLD: REVERIES OF THE CONNECTED WORLD, THE WOLFPACK, and IRIS; critically-acclaimed narratives such as LUCKY, TANGERINE, GOOD NIGHT AND GOOD LUCK, and TWO LOVERS; and genre films XX, THE EYES OF MY MOTHER, TROLLHUNTER, and HONEYMOON.

4. Magnolia Pictures links media and entertainment content through a variety of providers through its website and popular video-streaming services like Hulu and Amazon Video.

5. Since long before the filing date of the Application, and at least as early as December 2001, Magnolia Pictures has continuously used its family of marks containing the term MAGNOLIA, including the marks MAGNOLIA PICTURES, MAGNOLIA HOME ENTERTAINMENT, and MAGNOLIA SELECTS (collectively, the “MAGNOLIA Marks”) in connection with a broad range of media and entertainment services. Magnolia also owns a number of valid, subsisting, uncancelled and unrevoked registrations issued by the U.S. Patent and Trademark Office (“PTO”), including the following:

MARK	REG. NO.	REG. DATE	DESCRIPTION OF SERVICES
MAGNOLIA PICTURES	2,919,326	01/18/2005	Class 41: distribution of independent and foreign films
MAGNOLIA PICTURES and Design 	3,100,797	06/06/2006	Class 41: Distribution of independent and foreign films
MAGNOLIA HOME ENTERTAINMENT and Design 	3,241,622	05/15/2007	Class 41: Distribution of independent and foreign films

6. Attached hereto as **Exhibit A** are true and correct copies of the certificates of registration for these marks together with TSDR printouts showing each registration's current status.

7. Registration numbers 2,919,326, 3,100,797, and 3,241,622 are incontestable under Section 15 of the Lanham Act, 15 U.S.C. § 1065.

8. Since 2001, Magnolia Pictures has expanded its film acquisition and distribution business to include a motion picture and television department, financing, production, home entertainment distribution, and subscription VOD (video-on-demand) distribution, all of which are offered in connection with the MAGNOLIA Marks.

9. Magnolia Pictures has continuously used its MAGNOLIA SELECTS mark at common law since at least 2001 specifically for its subscription VOD and broadcast streaming services.

10. Through offering its high-quality services to consumers throughout the United States and the world under the MAGNOLIA Marks, Magnolia Pictures has established tremendous goodwill in each of those marks.

11. The MAGNOLIA Marks are non-functional and distinctive.

12. Magnolia Pictures has expended considerable time, effort and money on the creation, development, advertising and promotion, and enforcement of its MAGNOLIA Marks.

13. Through Magnolia Pictures' widespread promotion and use of the MAGNOLIA Marks, those marks have become strong and well-known.

14. Given Magnolia Pictures' continuous and extensive use of the MAGNOLIA Marks, the marks have become widely and generally known to the consuming public.

15. The general public, including consumers and potential consumers, associate the MAGNOLIA Marks with an exceptional level of services in the field of media and entertainment services.

16. The MAGNOLIA Marks have acquired enormous value throughout the United States, all of which inure to the benefit of Magnolia Pictures.

17. As a result of Magnolia Pictures' exclusive use of the MAGNOLIA Marks, the general public has come to know, identify, and recognize media and entertainment services and related goods and services marketed in connection with marks incorporating the term MAGNOLIA as services or products originating solely with or authorized by Magnolia Pictures.

III. APPLICANT AND ITS CONFUSINGLY SIMILAR MARK.

18. On information and belief, Applicant is a Texas limited liability company.

19. On March 20, 2019, notwithstanding Magnolia Pictures' prior rights in and to the MAGNOLIA Marks, Applicant filed the Application on an intent to use basis. The Application is for the mark MAGNOLIA for use in connection with the following:

Television broadcasting; Internet broadcasting services; Video-on-demand transmission services; Webcasting services; Electronic transmission and streaming of digital media content for others via global and local computer networks in Class 38.

20. The Application was published in the USPTO's Official Gazette (Trademarks) on February 11, 2020.¹

II. MAGNOLIA PICTURES WILL BE HARMED IF THE APPLICATION REGISTERS.

21. Magnolia repeats and realleges paragraphs 1-20 as if fully set forth herein.

22. There is no question of priority. Applicant's filing date for the Application, March

¹ On February 11, 2020 Magnolia Pictures submitted a 30-day Request for Extension of Time to Oppose the Application, which was granted by the Board on February 11, 2020.

20, 2019, is eighteen years after Magnolia Pictures' first use and first use in commerce of the MAGNOLIA Marks.

23. Applicant's MAGNOLIA mark is confusingly similar in appearance, sound and commercial impression to the MAGNOLIA Marks.

24. Applicant's services, namely television broadcasting services are identical or complimentary to, overlap with, or are closely related to the services offered in connection with the MAGNOLIA Marks.

25. On information and belief, the services for which Applicant seeks registration of the MAGNOLIA mark and the services offered by Magnolia Pictures in connection with its MAGNOLIA Marks may be offered or sold to the same purchasers and through the same channels of trade.

26. Magnolia Pictures has not given Applicant permission to use or register the MAGNOLIA mark.

27. Because Magnolia Pictures is well known and has a strong reputation in media and entertainment, consumers will presume a connection with Magnolia Pictures when Applicant uses the MAGNOLIA mark in connection with the services identified in the Application.

28. On information and belief, Applicant intentionally adopted the MAGNOLIA mark to falsely suggest a connection with Magnolia Pictures in order to take advantage of Magnolia Pictures' reputation and high level of trust among consumers and to deceive consumers as to the true source of Applicant's services.

29. Applicant's use and registration of its MAGNOLIA mark in connection with the services covered by the Application are likely to cause confusion, cause mistake, or to deceive the public into the false belief that Applicant's goods and services come from or are otherwise

San Francisco, CA 94111
Telephone: (415) 591-1000
Facsimile: (415) 591-1400

Attorneys for Opposer Magnolia Pictures, LLC

EXHIBIT A

Int. Cl.: 41

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

Reg. No. 2,919,326

United States Patent and Trademark Office

Registered Jan. 18, 2005

**SERVICE MARK
PRINCIPAL REGISTER**

MAGNOLIA PICTURES

MAGNOLIA PICTURES, LLC (TEXAS CORPORATION)
1614 W. 5TH STREET
AUSTIN, TX 78703

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

FOR: DISTRIBUTION OF INDEPENDENT AND FOREIGN FILMS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

SN 76-310,932, FILED 9-10-2001.

FIRST USE 12-0-2001; IN COMMERCE 12-0-2001.

GEORGIA CARTY, EXAMINING ATTORNEY

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Mark: MAGNOLIA PICTURES

MAGNOLIA PICTURES

US Serial Number: 76310932

Application Filing Date: Sep. 10, 2001

US Registration Number: 2919326

Registration Date: Jan. 18, 2005

Register: Principal

Mark Type: Service Mark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: The registration has been renewed.

Status Date: Feb. 15, 2014

Publication Date: Sep. 16, 2003

Notice of Allowance Date: Dec. 09, 2003

Mark Information

Mark Literal Elements: MAGNOLIA PICTURES

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Disclaimer: "PICTURES"

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *...* identify additional (new) wording in the goods/services.

For: distribution of independent and foreign films

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 2001

Use in Commerce: Dec. 2001

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Filed ITU: Yes

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: MAGNOLIA PICTURES LLC

Owner Address: 1614 WEST 5TH STREET
AUSTIN, TEXAS UNITED STATES 78703

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country DELAWARE
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: W. Scott Brown

Docket Number: MAG515/

Attorney Primary iptldocket@velaw.com
Email Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent W. Scott Brown
Name/Address: VINSON & ELKINS L.L.P.
1001 Fannin Street, Suite 2500
HOUSTON, TEXAS UNITED STATES 77002-6760

Phone: (713) 758-1105

Fax: (713) 615-5243

Correspondent e- iptldocket@velaw.com
mail:

Correspondent e- Yes
mail Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 15, 2014	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Feb. 15, 2014	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	67723
Feb. 15, 2014	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	67723
Jan. 31, 2014	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	67723
Feb. 14, 2014	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	67723
Jan. 31, 2014	TEAS SECTION 8 & 9 RECEIVED	
Feb. 05, 2010	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	77315
Feb. 05, 2010	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	77315
Jan. 28, 2010	TEAS SECTION 8 & 15 RECEIVED	
Jan. 18, 2005	REGISTERED-PRINCIPAL REGISTER	
Nov. 08, 2004	LAW OFFICE REGISTRATION REVIEW COMPLETED	76538
Nov. 08, 2004	ASSIGNED TO LIE	76538
Nov. 01, 2004	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Sep. 30, 2004	STATEMENT OF USE PROCESSING COMPLETE	72067
Sep. 30, 2004	USE AMENDMENT FILED	72067
Sep. 30, 2004	TEAS STATEMENT OF USE RECEIVED	
Jun. 23, 2004	EXTENSION 1 GRANTED	
Jun. 09, 2004	EXTENSION 1 FILED	
Jun. 09, 2004	TEAS EXTENSION RECEIVED	
Jun. 07, 2004	CASE FILE IN TICRS	
Dec. 09, 2003	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Sep. 16, 2003	PUBLISHED FOR OPPOSITION	
Aug. 27, 2003	NOTICE OF PUBLICATION	
Jul. 24, 2003	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 22, 2003	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 15, 2002	LETTER OF SUSPENSION MAILED	
Jun. 17, 2002	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Dec. 19, 2001	NON-FINAL ACTION MAILED	
Dec. 04, 2001	ASSIGNED TO EXAMINER	76927
Dec. 02, 2001	ASSIGNED TO EXAMINER	76726
Nov. 28, 2001	ASSIGNED TO EXAMINER	76726

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Feb. 15, 2014

Assignment Abstract Of Title Information

Summary

Total Assignments: 5

Registrant: Magnolia Pictures, LLC

Assignment 1 of 5

Conveyance: MERGER

Reel/Frame: [3113/0618](#)

Pages: 4

Date Recorded: Jun. 30, 2005

Supporting Documents: [assignment-tm-3113-0618.pdf](#)

Assignor

Name: [MAGNOLIA PICTURES, LLC](#)

Execution Date: Oct. 18, 2001

Legal Entity Type: CORPORATION

State or Country Where Organized: TEXAS

Assignee

Name: [MAGNOLIA PICTURES COMPANY](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 1614 WEST 5TH STREET
AUSTIN, TEXAS 78703

Correspondent

Correspondent Name: W. SCOTT BROWN

Correspondent Address: 1001 FANNIN STREET
2300 FIRST CITY TOWER
HOUSTON, TX 77002-6760

Domestic Representative - Not Found

Assignment 2 of 5

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [3113/0622](#)

Pages: 5

Date Recorded: Jun. 30, 2005

Supporting Documents: [assignment-tm-3113-0622.pdf](#)

Assignor

Name: [MAGNOLIA PICTURES COMPANY](#)

Execution Date: Oct. 23, 2003

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Assignee

Name: [MAGNOLIA PICTURES LLC](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Address: 1614 WEST 5TH STREET
AUSTIN, TEXAS 78703

Correspondent

Correspondent Name: W. SCOTT BROWN

Correspondent Address: 1001 FANNIN STREET
2300 FIRST CITY TOWER
HOUSTON, TX 77002-6760

Domestic Representative - Not Found

Assignment 3 of 5

Conveyance: SECURITY INTEREST

Reel/Frame: [3369/0778](#)

Pages: 16

Date Recorded: Aug. 15, 2006

Supporting Documents: [assignment-tm-3369-0778.pdf](#)

Assignor

Name: [MAGNOLIA PICTURES LLC](#)

Execution Date: Aug. 04, 2006

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Assignee

Name: [JPMORGAN CHASE BANK](#)

State or Country Where Organized: UNITED STATES

Legal Entity Type: NATIONAL ASSOCIATION

Address: 131 SOUTH DEARBORN ST. , 6TH FLOOR
CHICAGO, ILLINOIS 60603-5506

Correspondent

Correspondent Name: CATHERINE R. HOWELL, PARALEGAL

Correspondent Address: 1111 PENNSYLVANIA AVE., N.W.
MORGAN, LEWIS & BOCKIUS LLP
WASHINGTON, DC 20004

Domestic Representative - Not Found

Assignment 4 of 5

Conveyance: SECURITY INTEREST

Reel/Frame: [4673/0813](#)

Pages: 11

Date Recorded: Dec. 07, 2011

Supporting Documents: [assignment-tm-4673-0813.pdf](#)

Assignor

Name: [MAGNOLIA PICTURES LLC](#)

Execution Date: Dec. 06, 2011

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Assignee

Name: [JPMORGAN CHASE BANK, N.A. \(AS ADMINISTRATIVE AGENT AND ISSUING BANK\)](#)

State or Country Where Organized: UNITED STATES

Legal Entity Type: NATIONAL ASSOCIATION: UNITED STATES

Address: 2029 CENTURY PARK EAST, 38TH FLOOR
LOS ANGELES, CALIFORNIA 90067

Correspondent

Correspondent Name: CATHERINE R. HOWELL, SENIOR PARALEGAL

Correspondent Address: 1111 PENNSYLVANIA AVE., N.W.; ATTN: TMSU
MORGAN, LEWIS & BOCKIUS LLP
WASHINGTON, DC 20004

Domestic Representative - Not Found

Assignment 5 of 5

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: [4674/0134](#)

Pages: 7

Date Recorded: Dec. 07, 2011

Supporting Documents: [assignment-tm-4674-0134.pdf](#)

Assignor

Name: [JPMORGAN CHASE BANK, N.A. \(AS ADMINISTRATIVE AGENT AND ISSUING BANK\)](#)

Execution Date: Dec. 06, 2011

Legal Entity Type: NATIONAL ASSOCIATION: UNITED STATES

State or Country Where Organized: UNITED STATES

Assignee

Name: [MAGNOLIA PICTURES LLC](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Address: 49 WEST 27TH STREET, 7TH FLOOR
NEW YORK, NEW YORK 10001

Correspondent

Correspondent Name: CATHERINE R. HOWELL, SENIOR PARALEGAL

Correspondent Address: 1111 PENNSYLVANIA AVE., N.W.; ATTN: TMSU
MORGAN, LEWIS & BOCKIUS LLP
WASHINGTON, DC 20004

Domestic Representative - Not Found

Int. Cl.: 41

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

Reg. No. 3,100,797

United States Patent and Trademark Office

Registered June 6, 2006

**SERVICE MARK
PRINCIPAL REGISTER**



MAGNOLIA PICTURES LLC (DELAWARE LTD
LIAB CO)
1614 WEST 5TH STREET
AUSTIN, TX 78703

OWNER OF U.S. REG. NO. 2,919,326.

FOR: DISTRIBUTION OF INDEPENDENT AND
FOREIGN FILMS, IN CLASS 41 (U.S. CLS. 100, 101
AND 107).

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

SER. NO. 78-661,334, FILED 6-30-2005.

FIRST USE 2-0-2002; IN COMMERCE 2-0-2002.

GINNY ISAACSON, EXAMINING ATTORNEY

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Mark: MAGNOLIA PICTURES



US Serial Number: 78661334

Application Filing Date: Jun. 30, 2005

US Registration Number: 3100797

Registration Date: Jun. 06, 2006

Register: Principal

Mark Type: Service Mark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: The registration has been renewed.

Status Date: Jan. 20, 2016

Publication Date: Mar. 14, 2006

Mark Information

Mark Literal Elements: MAGNOLIA PICTURES

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Disclaimer: PICTURES

Design Search Code(s): 05.05.25 - Daffodils; Iris (flower); Other flowers
16.03.03 - Film, photographic; Reels, movie film; X-ray negatives
26.01.21 - Circles that are totally or partially shaded.

Related Properties Information

Claimed Ownership of US Registrations: 2919326

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Distribution of independent and foreign films

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 2002

Use in Commerce: Feb. 2002

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No
Filed 44E: No
Filed 66A: No
Filed No Basis: No

Currently 44E: No
Currently 66A: No
Currently No Basis: No

Current Owner(s) Information

Owner Name: Magnolia Pictures LLC
Owner Address: 1614 West 5th Street
Austin, TEXAS UNITED STATES 78703
Legal Entity Type: LIMITED LIABILITY COMPANY
State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: W. Scott Brown
Attorney Primary Email Address: iptldocket@velaw.com
Docket Number: MAG515
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: W. Scott Brown
VINSON & ELKINS L.L.P.
1001 FANNIN STREET
2500 FIRST CITY TOWER
HOUSTON, TEXAS UNITED STATES 77002-6760
Phone: (713) 758-1105
Correspondent e-mail: iptldocket@velaw.com
Fax: (713) 615-5243
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jan. 20, 2016	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Jan. 20, 2016	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	76533
Jan. 20, 2016	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	76533
Jan. 20, 2016	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76533
Nov. 05, 2015	TEAS SECTION 8 & 9 RECEIVED	
Jun. 06, 2015	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Jul. 21, 2011	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Jul. 21, 2011	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	77315
Jul. 21, 2011	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	77315
Jun. 08, 2011	TEAS SECTION 8 & 15 RECEIVED	
Jun. 06, 2006	REGISTERED-PRINCIPAL REGISTER	
Mar. 14, 2006	PUBLISHED FOR OPPOSITION	
Feb. 22, 2006	NOTICE OF PUBLICATION	
Feb. 01, 2006	LAW OFFICE PUBLICATION REVIEW COMPLETED	78289
Jan. 27, 2006	ASSIGNED TO LIE	78289
Jan. 23, 2006	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 23, 2006	EXAMINERS AMENDMENT E-MAILED	6328
Jan. 23, 2006	EXAMINERS AMENDMENT -WRITTEN	76511
Jan. 23, 2006	ASSIGNED TO EXAMINER	76511
Jul. 06, 2005	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None
File Location

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: Magnolia Pictures LLC

Assignment 1 of 1

Conveyance: SECURITY INTEREST

Reel/Frame: [4673/0813](#)

Pages: 11

Date Recorded: Dec. 07, 2011

Supporting Documents: [assignment-tm-4673-0813.pdf](#)

Assignor

Name: [MAGNOLIA PICTURES LLC](#)

Execution Date: Dec. 06, 2011

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Assignee

Name: [JPMORGAN CHASE BANK, N.A. \(AS ADMINISTRATIVE AGENT AND ISSUING BANK\)](#)

Legal Entity Type: NATIONAL ASSOCIATION: UNITED STATES

State or Country Where Organized: UNITED STATES

Address: 2029 CENTURY PARK EAST, 38TH FLOOR
LOS ANGELES, CALIFORNIA 90067

Correspondent

Correspondent Name: CATHERINE R. HOWELL, SENIOR PARALEGAL

Correspondent Address: 1111 PENNSYLVANIA AVE., N.W.; ATTN: TMSU
MORGAN, LEWIS & BOCKIUS LLP
WASHINGTON, DC 20004

Domestic Representative - Not Found

Int. Cl.: 41

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

Reg. No. 3,241,622

United States Patent and Trademark Office

Registered May 15, 2007

**SERVICE MARK
PRINCIPAL REGISTER**



MAGNOLIA PICTURES LLC (DELAWARE LTD
LIAB CO)
1614 WEST 5TH STREET
AUSTIN, TX 78703

FOR: DISTRIBUTION OF INDEPENDENT AND
FOREIGN FILMS, IN CLASS 41 (U.S. CLS. 100, 101
AND 107).

FIRST USE 1-17-2006; IN COMMERCE 1-17-2006.

OWNER OF U.S. REG. NO. 2,919,326.

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

SER. NO. 78-795,933, FILED 1-20-2006.

BARBARA A. GOLD, EXAMINING ATTORNEY

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Mark: MAGNOLIA HOME ENTERTAINMENT



US Serial Number: 78795933

Application Filing Date: Jan. 20, 2006

US Registration Number: 3241622

Registration Date: May 15, 2007

Register: Principal

Mark Type: Service Mark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: The registration has been renewed.

Status Date: Aug. 05, 2016

Publication Date: Feb. 27, 2007

Mark Information

Mark Literal Elements: MAGNOLIA HOME ENTERTAINMENT

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Color(s) Claimed: Color is not claimed as a feature of the mark.

Disclaimer: "HOME ENTERTAINMENT"

Design Search Code(s): 05.05.25 - Daffodils; Iris (flower); Other flowers
26.01.21 - Circles that are totally or partially shaded.

Related Properties Information

Claimed Ownership of US Registrations: 2919326

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Distribution of independent and foreign films

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 17, 2006

Use in Commerce: Jan. 17, 2006

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: Magnolia Pictures LLC

Owner Address: 1614 West 5th Street
Austin, TEXAS UNITED STATES 78703

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: W. Scott Brown

Docket Number: MAG515

Attorney Primary Email Address: iptldocket@velaw.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: W. Scott Brown
VINSON & ELKINS L.L.P.
1001 Fannin Street, Suite 2500
HOUSTON, TEXAS UNITED STATES 77002-6760

Phone: 7137581105

Correspondent e-mail: iptldocket@velaw.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Aug. 05, 2016	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Aug. 05, 2016	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	68973
Aug. 05, 2016	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	68973
Aug. 05, 2016	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68973
May 16, 2016	TEAS SECTION 8 & 9 RECEIVED	
May 15, 2016	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Aug. 14, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Aug. 14, 2012	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	76293
Aug. 13, 2012	TEAS RESPONSE TO OFFICE ACTION-POST REG RECEIVED	
Aug. 11, 2012	POST REGISTRATION ACTION MAILED - SEC. 8 & 15	76293
Aug. 11, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76293
Jul. 24, 2012	TEAS SECTION 8 & 15 RECEIVED	
May 15, 2007	REGISTERED-PRINCIPAL REGISTER	
Feb. 27, 2007	PUBLISHED FOR OPPOSITION	
Feb. 07, 2007	NOTICE OF PUBLICATION	
Jan. 05, 2007	LAW OFFICE PUBLICATION REVIEW COMPLETED	73797
Jan. 05, 2007	ASSIGNED TO LIE	73797
Dec. 13, 2006	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 13, 2006	USE AMENDMENT ACCEPTED	66384
Dec. 13, 2006	AMENDMENT TO USE PROCESSING COMPLETE	68602
Aug. 20, 2006	USE AMENDMENT FILED	68602
Dec. 13, 2006	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Dec. 12, 2006	ATTORNEY REVIEW/DECISION ON AMENDMENT REQUIRED	69690
Dec. 12, 2006	WITHDRAWN FROM ISSUE - INCOMING CORR RECEIVED	69690
Dec. 05, 2006	PUBLISHED FOR OPPOSITION	

Nov. 15, 2006	NOTICE OF PUBLICATION	
Oct. 14, 2006	LAW OFFICE PUBLICATION REVIEW COMPLETED	76529
Oct. 13, 2006	ASSIGNED TO LIE	76529
Sep. 06, 2006	ASSIGNED TO LIE	68602
Aug. 21, 2006	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 21, 2006	TEAS/EMAIL CORRESPONDENCE ENTERED	88888
Aug. 20, 2006	CORRESPONDENCE RECEIVED IN LAW OFFICE	88888
Aug. 20, 2006	TEAS AMENDMENT OF USE RECEIVED	
Aug. 19, 2006	TEAS/EMAIL CORRESPONDENCE ENTERED	69712
Aug. 10, 2006	CORRESPONDENCE RECEIVED IN LAW OFFICE	69712
Aug. 10, 2006	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jul. 15, 2006	NON-FINAL ACTION E-MAILED	6325
Jul. 15, 2006	NON-FINAL ACTION WRITTEN	66384
Jul. 10, 2006	ASSIGNED TO EXAMINER	66384
Jan. 27, 2006	NOTICE OF DESIGN SEARCH CODE MAILED	
Jan. 26, 2006	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Aug. 05, 2016

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: Magnolia Pictures LLC

Assignment 1 of 1

Conveyance: SECURITY INTEREST

Reel/Frame: [4673/0813](#)

Pages: 11

Date Recorded: Dec. 07, 2011

Supporting Documents: [assignment-tm-4673-0813.pdf](#)

Assignor

Name: [MAGNOLIA PICTURES LLC](#)

Execution Date: Dec. 06, 2011

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Assignee

Name: [JPMORGAN CHASE BANK, N.A. \(AS ADMINISTRATIVE AGENT AND ISSUING BANK\)](#)

Legal Entity Type: NATIONAL ASSOCIATION: UNITED STATES

State or Country Where Organized: UNITED STATES

Address: 2029 CENTURY PARK EAST, 38TH FLOOR
LOS ANGELES, CALIFORNIA 90067

Correspondent

Correspondent Name: CATHERINE R. HOWELL, SENIOR PARALEGAL

Correspondent Address: 1111 PENNSYLVANIA AVE., N.W.; ATTN: TMSU
MORGAN, LEWIS & BOCKIUS LLP
WASHINGTON, DC 20004

Domestic Representative - Not Found