

ESTTA Tracking number: **ESTTA1079374**

Filing date: **09/02/2020**

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	Blitz NV, LLC
Granted to Date of previous extension	09/02/2020
Address	6005 LAS VEGAS BLVD. SOUTH SUITE 7 LAS VEGAS, NV 89119 UNITED STATES
Attorney information	WILLIAM G. GILTINAN CARLTON FIELDS, PA P.O. BOX 3239 TAMPA, FL 33601 UNITED STATES Primary Email: trademarks@carltonfields.com Secondary Email(s): wgiltinan@carltonfields.com 813-223-7000
Docket Number	12271/33563

Applicant Information

Application No.	88753112	Publication date	05/05/2020
Opposition Filing Date	09/02/2020	Opposition Period Ends	09/02/2020
Applicant	Playtika Santa Monica, LLC SUITE 240 2225 VILLAGE WALK DR. HENDERSON, NV 89052 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. First Use: 2019/12/18 First Use In Commerce: 2019/12/18
All goods and services in the class are opposed, namely: Clothing, namely, t-shirts, sweatshirts, and pajamas; socks

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.	4763642	Application Date	10/10/2014
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Registration Date	06/30/2015	Foreign Priority Date	NONE
Word Mark	BLITZ		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2014/07/01 First Use In Commerce: 2014/07/01 Clothing namely, t-shirts		

U.S. Registration No.	5595904	Application Date	10/10/2014
Registration Date	10/30/2018	Foreign Priority Date	NONE
Word Mark	BLITZ		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2018/09/08 First Use In Commerce: 2018/09/08 Entertainment services in the nature of development, creation, production and post-production services of multimedia entertainment content; Entertainment services, namely, personal appearances by a celebrity; Providing a website featuring non-downloadable photographs in the field of entertainment; Providing a website featuring non-downloadable publications in the nature of articles, commentary and blog posts in the fields of entertainment, celebrities and celebrity activities; Providing entertainment information via a website		

U.S. Application No.	87244132	Application Date	11/21/2016
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	BLITZ TV		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 0 First Use In Commerce: 0 Downloadable software in the nature of a mobile application for accessing and displaying multimedia entertainment content		

U.S. Application No.	87244187	Application Date	11/21/2016
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	BLITZ TV		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 0 First Use In Commerce: 0 Entertainment services in the nature of development, creation, production and post-production services of multimedia entertainment content; Production of television programs; Providing entertainment information via a website; Providing a website featuring non-downloadable photographs in the field of entertain-		

	ment; Providing a website featuring non-downloadable publications in the nature of articles, commentary and blog posts in the field of entertainment, celebrities and celebrity activities; Providing a website featuring non-downloadable videos in the field of entertainment
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U.S. Application No.	87244205	Application Date	11/21/2016
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	BLITZ TV		
Design Mark			
Description of Mark	The mark consists of the text "BLITZ TV" with the word "BLITZ" in bold below a rendering of a goat skull.		
Goods/Services	Class 009. First use: First Use: 0 First Use In Commerce: 0 Downloadable software in the nature of a mobile application for accessing and displaying multimedia entertainment content		

U.S. Application No.	87244217	Application Date	11/21/2016
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	BLITZ TV		
Design Mark			
Description of Mark	The mark consists of the text "BLITZ TV" with the word "BLITZ" in bold below a rendering of a goat skull.		
Goods/Services	Class 041. First use: First Use: 0 First Use In Commerce: 0 Entertainment services in the nature of development, creation, production and post-production services of multimedia entertainment content; Production of television programs; Providing entertainment information via a website; Providing a website featuring non-downloadable photographs in the field of entertainment; Providing a website featuring non-downloadable publications in the nature of articles, commentary and blog posts in the field of entertainment, celebrities and celebrity activities; Providing a website featuring non-downloadable videos in the field of entertainment		

Attachments	Notice of Opposition 88753112.pdf(323547 bytes)
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Signature	/William G. Giltinan/
Name	WILLIAM G. GILTINAN
Date	09/02/2020

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

Blitz NV, LLC.

Opposer,

vs.

Proceeding No. _____

Playtika Santa Monica, LLC

Applicant.

_____ /

NOTICE OF OPPOSITION

Opposer, Blitz NV, LLC, a Nevada limited liability company, with an address of 6005 Las Vegas Blvd. South, Suite 7, Las Vegas, NV 89119, believes that it will be damaged by registration of the mark BINGO BLITZ, Application Serial No. 88/753,112 (“the ‘112 Application”), published in the Official Gazette on May 5, 2020, and hereby opposes the same. As grounds for the opposition, Opposer alleges as follows:

1. Opposer is the owner of the trademark BLITZ for use in connection with a variety of goods and services, including clothing and entertainment services.
2. Opposer also uses the trade name Blitz NV, LLC and is commonly known as BLITZ.
3. Opposer owns common law rights in BLITZ relating to products including clothing based on use in interstate commerce.
4. Opposer is the owner of the following U.S. federal trademark registrations for the BLITZ Marks, which are collectively referred to as “Opposer’s Registrations”:

Mark	Registration #	Registration Date	First Use Date	Description Combined
BLITZ	4,763,642	06/30/2015	07/01/2014	025: Clothing namely, t-shirts
BLITZ	5,595,904	10/30/2018	09/08/2018	041: Entertainment services in the nature of development, creation, production and post-production services of multimedia entertainment content; Entertainment services, namely, personal appearances by a celebrity; Providing a website featuring non-downloadable photographs in the field of entertainment; Providing a website featuring non-downloadable publications in the nature of articles, commentary and blog posts in the fields of entertainment, celebrities and celebrity activities; Providing entertainment information via a website

5. Opposer's Registrations are valid, subsisting, in full force and effect, and are evidence of Opposer's exclusive rights to use such marks in connection with the goods and services listed pursuant to 15 U.S.C. §§ 1057 and 1115. Exhibit A (Opposer's Certificates of Registration).

6. Opposer is also the owner of two intent to use applications for BLITZ TV for entertainment services and software, each of which was filed before the '112 Application U.S. Application Serial Numbers 87/244,132 and 87/244,187.

7. Opposer is also the owner of two intent to use applications for logos incorporating BLITZ TV for entertainment services and software, each of which was filed before the '112 Application U.S. Application Serial Numbers 87/244,205 and 87/244,217 (together with U.S. Application Serial Numbers 87/244,132 and 87/244,187 the "BLITZ TV Filings").

8. Opposer's BLITZ Marks represent a brand promoted by Instagram personality and international celebrity Dan Bilzerian, who is affiliated with Opposer.

9. Opposer's marks using BLITZ constitute a family of marks ("the BLITZ Marks").

10. Opposer has invested large sums promoting, developing and advertising its BLITZ Marks.

11. As a result of Opposer's investment in its brand, and Dan Bilzerian's celebrity, the BLITZ marks are well known and have received substantial media and third party attention.

12. Dan Bilzerian's celebrity is in part based on his reputation in the gaming industry.

13. Upon information and belief, Playtika Santa Monica, LLC ("Applicant") is a Nevada limited liability company with an address of 2225 Village Walk Dr. Suite, 240, Henderson, NV 89052.

14. On January 9, 2020, Applicant filed the '112 Application to register the mark BINGO BLITZ ("Applicant's Mark") in connection with "Clothing, namely, t-shirts, sweatshirts, and pajamas; socks" in International Class 25 on a use basis pursuant to Section 1(a) of the Lanham Act, 15 U.S.C. § 1051(a). Exhibit B (TESS record of '112 Application).

15. The '112 Application was filed after Opposer's registration number 4,763,642, which recites goods in international class 25, has already registered.

16. The '112 Application was filed after Opposer's registration number 5,595,904 registered.

17. The '112 Application was filed after Opposer's BLITZ TV Filings were filed the USPTO.

18. The '112 Application was filed after Opposer had secured common law marks in BLITZ as a brand for products including clothing.

19. The BLITZ marks have been used continuously by Opposer since dates prior to any date on which Applicant can rely.

20. Applicant's Mark is the similar to the prior registered and prior-used BLITZ Marks in sight, sound and commercial impression.

21. The goods recited in the '112 Application include "t-shirts" which includes goods recited in Opposer's registration number 4,763,642.

22. Applicant's Mark is also similar to Opposer's common law rights in BLITZ.

23. Registration of Applicant's Mark in connection with the recited goods set forth in the '112 Application is likely to create the erroneous impression that Applicant's goods originate from, or are otherwise associated with, Opposer or that Applicant's Mark or products are somehow endorsed by or connected with Opposer and/or Mr. Dan Bilzerian, all to Opposer's injury and harm.

24. Registration of Applicant's Mark in connection with the recited goods is likely to cause confusion, cause mistake, or to deceive the public into the false belief that such goods come from or are otherwise sponsored by Opposer in violation of Sections 2(d) and 43(a) of the Lanham Act, 15 U.S.C. §§ 1052(d) and 1125(a).

25. Opposer is and will continue to be damaged by the registration of Applicant's Mark.

26. Opposer filed extensions of time to oppose, and this Notice of Opposition is timely.

WHEREFORE, it is respectfully requested that this opposition be sustained and that allowance and subsequent registration sought by Application Serial No. 88/753,112 be denied.

Date: September 2, 2020

CARLTON FIELDS, PA

/William G. Giltinan/

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Counsel for Opposer

EXHIBIT A

United States of America
United States Patent and Trademark Office

BLITZ

Reg. No. 4,763,642

Registered June 30, 2015

Int. Cl.: 25

TRADEMARK

PRINCIPAL REGISTER

BLITZ NV, LLC (NEVADA LIMITED LIABILITY COMPANY)
WELLS FARGO TOWER
3800 HOWARD HUGHES PARKWAY, SUITE 1000
LAS VEGAS, NV 89169

FOR: CLOTHING NAMELY, T-SHIRTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 7-1-2014; IN COMMERCE 7-1-2014.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 86-421,128, FILED 10-10-2014.

LINDA E. BLOHM, EXAMINING ATTORNEY



Michelle K. Lee

Director of the United States
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*
What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*
What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.

United States of America

United States Patent and Trademark Office

BLITZ

Reg. No. 5,595,904

Registered Oct. 30, 2018

Int. Cl.: 41

Service Mark

Principal Register

Blitz NV, LLC (NEVADA LIMITED LIABILITY COMPANY)
400 South Fourth Street, Third Floor
Las Vegas, NEVADA 89101

CLASS 41: Entertainment services in the nature of development, creation, production and post-production services of multimedia entertainment content; Entertainment services, namely, personal appearances by a celebrity; Providing a website featuring non-downloadable photographs in the field of entertainment; Providing a website featuring non-downloadable publications in the nature of articles, commentary and blog posts in the fields of entertainment, celebrities and celebrity activities; Providing entertainment information via a website

FIRST USE 9-8-2018; IN COMMERCE 9-8-2018

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

SER. NO. 86-421,119, FILED 10-10-2014



Andrei Iancu

Director of the United States
Patent and Trademark Office

REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION

WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.

Requirements in the First Ten Years*

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- **Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

- You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

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EXHIBIT B



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BINGO BLITZ

Word Mark BINGO BLITZ
Goods and Services IC 025. US 022 039. G & S: Clothing, namely, t-shirts, sweatshirts, and pajamas; socks. FIRST USE: 20191218. FIRST USE IN COMMERCE: 20191218
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 88753112
Filing Date January 9, 2020
Current Basis 1A
Original Filing Basis 1A
Published for Opposition May 5, 2020
Owner (APPLICANT) Playtika Santa Monica, LLC LIMITED LIABILITY COMPANY NEVADA Suite 240 2225 Village Walk Dr. Henderson NEVADA 89052
Attorney of Record Lisa Greenwald-Swire
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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