

ESTTA Tracking number: **ESTTA1134487**

Filing date: **05/18/2021**

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	Sony Pictures Television Inc.
Granted to Date of previous extension	05/19/2021
Address	10202 WEST WASHINGTON BLVD. CULVER CITY, CA 90232 UNITED STATES
Attorney information	LYNN S. FRUCHTER/RICHARD S. MANDEL COWAN, LIEBOWITZ & LATMAN, P.C. 114 WEST 47TH STREET NEW YORK, NY 10036 UNITED STATES Primary Email: trademark@cll.com Secondary Email(s): rsm@cll.com, lsf@cll.com, fxm@cll.com, jyc@cll.com 212-790-9200
Docket Number	13078-144

**Applicant Information**

Application No.	90116997	Publication date	01/19/2021
Opposition Filing Date	05/18/2021	Opposition Period Ends	05/19/2021
Applicant	Millionaire Shark LLC 215 KIRKLAND DR. APT. D RICHMOND, VA 23227 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 041. First Use: 2020/08/09 First Use In Commerce: 2020/08/09

All goods and services in the class are opposed, namely: Providing on-line publications in the nature of news for professionals and entrepreneurs in the field of inspiration and expert advice for entrepreneurs and small business owners

**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act Section 2(d)
Dilution by blurring	Trademark Act Sections 2 and 43(c)
Other	Common law priority and likelihood of confusion

## Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3716584	Application Date	09/18/2008
Registration Date	11/24/2009	Foreign Priority Date	NONE
Word Mark	SHARK TANK		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2009/08/09 First Use In Commerce: 2009/08/09 ENTERTAINMENT SERVICES IN THE NATURE OF AN ON GOING REALITY TELEVISION SERIES, INVOLVING PRESENTATION OF BUSINESS CONCEPTS		

U.S. Registration No.	5261312	Application Date	03/20/2017
Registration Date	08/08/2017	Foreign Priority Date	NONE
Word Mark	SHARK TANK		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2009/08/09 First Use In Commerce: 2009/08/09 BUSINESS CONSULTING SERVICES, NAMELY, FACILITATING THE INTRODUCTION OF POTENTIAL PRIVATE INVESTORS TO ENTREPRENEURS IN NEED OF FUNDING		

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	SHARK TANK alone or with other word, letter, and/or design elements		

Goods/Services	entertainment services, business consulting services, and other goods and services related to providing business advice, including books and publications
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Attachments	77572866#TMSN.png( bytes ) 87377732#TMSN.png( bytes ) NOO Millionaire Shark.pdf(153644 bytes )
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Signature	/Jeffrey Chery/
Name	Jeffrey Chery
Date	05/18/2021

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

In re Application No. 90/116,997  
Filed: August 16, 2020  
Published: January 19, 2021  
For Mark: MILLIONAIRE SHARK

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SONY PICTURES TELEVISION INC.,	:	
	:	Opposition No.
Opposer,	:	
	:	<b><u>NOTICE OF OPPOSITION</u></b>
- against -	:	
MILLIONAIRE SHARK LLC,	:	
	:	Applicant.

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Opposer Sony Pictures Television Inc. ("Opposer") believes that it will be damaged by registration of the mark shown in App. Serial No. 90/116,997 (the "Application"), filed August 16, 2020, and hereby opposes the same.

As grounds of opposition, Opposer alleges as follows:

1. Opposer is a Delaware corporation with an address at 10202 W. Washington Blvd., Culver City, California 90232.
2. Upon information and belief, Applicant Millionaire Shark LLC ("Applicant") is a Virginia limited liability company with an address at 215 Kirkland Dr. Apt. D, Richmond, Virginia 23227.
3. Opposer is a world-renowned entertainment company. Its global operations encompass production, acquisition and distribution of television programs; television networks;

digital content creation and distribution; and development of new entertainment products, services and technologies.

4. Among the many high-profile television shows produced by Opposer is the hit reality television show SHARK TANK, which premiered on the ABC television network in August 2009. SHARK TANK is a business-themed reality television show that connects entrepreneurs in need of funding with investors called “Sharks” – tough, self-made, successful business people – looking to invest in new American businesses and products. In each episode, budding entrepreneurs appear on air before a panel of “Sharks” to pitch their business ideas, products and services in hopes of landing investment funds.

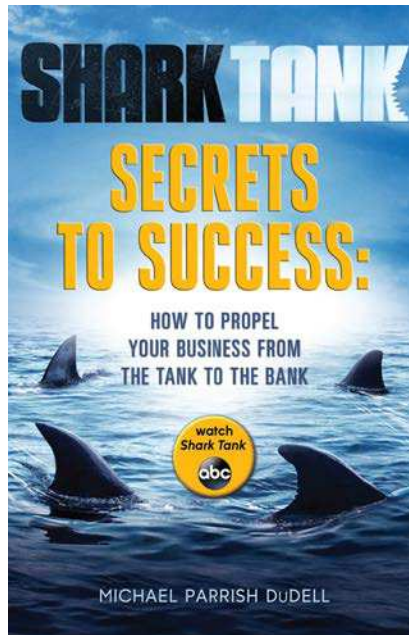
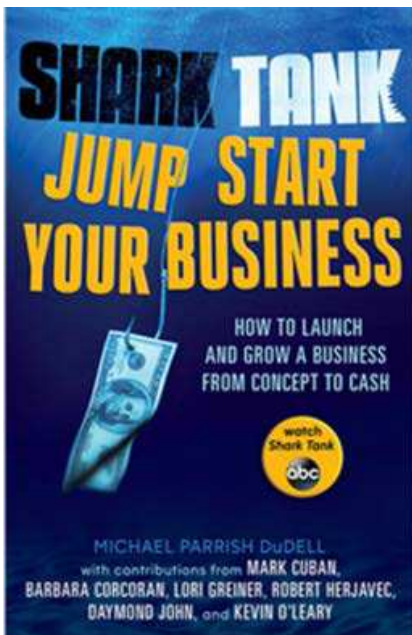
5. The SHARK TANK television show highlights entrepreneurship in America and has become a culturally defining series. Since its inception, the show has aired in prime time or in syndication more than 2,000 times, and full episodes of SHARK TANK, as well as clips from the show, can be accessed through the show’s official website. The ABC prime time show has averaged over 5 million viewers per episode, with viewership increasing to average over 8 million viewers per episode by seasons five and six and some episodes receiving as many as 12 million viewers. The critically acclaimed SHARK TANK television show has received numerous awards, including four consecutive Emmy award wins for Outstanding Structured Reality Program in 2014, 2015, 2016 and 2017.

6. The expert business advice offered to the entrepreneurs on the show, as well as the Sharks’ real-life investments in the promising businesses that fit their investment portfolios, makes SHARK TANK unlike any other show on television. Each SHARK TANK episode features actual businesses and investment deals, with real-life consequences that extend far beyond broadcasts of the show. Indeed, SHARK TANK episodes often include follow-up stories

on former deals, allowing viewers the opportunity to see the real-world results of some investments.

7. In addition to the tremendous success enjoyed by the show, further awareness of Opposer’s SHARK TANK has also created by the extensive press coverage that the show, and the entrepreneurs and investors who appear on the show, have received in a broad range of online and print publications, including *The New York Times*, *Forbes*, *Entertainment Weekly*, *The Los Angeles Times*, *Variety*, *USA Today* and even *MAD Magazine*.

8. Opposer’s SHARK TANK mark has also been extensively used in connection with goods and services offering business advice to would-be entrepreneurs. For example, the two books depicted below, SHARK TANK Jump Start Your Business and SHARK TANK Secrets to Success: How To Propel Your Business From The Tank To The Bank, feature introductions from the “Sharks” and inspirational stories from the show while serving as a valuable resource for anyone thinking about starting or growing a business:



9. Opposer and the “Sharks” have also prominently used the SHARK TANK mark in connection with other books, articles and promotions featuring business tips and advice for entrepreneurs, such as shown below in a promotional partnership undertaken with the retailer Staples:



### Shark Tank Products

Staples support entrepreneurs and that's why we're so excited to team up with the hit TV show Shark Tank. Get business tips and advice from entrepreneurs and shop the innovative products as seen on Shark Tank.

[READ LESS](#)



10. Since long prior to August 9, 2020, Applicant’s claimed first use date, Opposer and its predecessors, and their affiliated and related entities, licensees and/or sponsors have used the name or mark SHARK TANK alone or with other word, letter, and/or design elements on or in connection with a wide variety of goods and services, including entertainment services, business consulting services, and other goods and services related to providing business advice, including books and publications.

11. Opposer owns a federal trademark registration, Registration No. 3,716,584, for the SHARK TANK mark for “entertainment services in the nature of an on going reality television series, involving presentation of business concepts” in International Class 41. The registration, which issued on November 24, 2009 based on an application filed on September 18, 2008, is valid, subsisting and in full force and effect.

12. Opposer also owns a federal trademark registration, Registration No. 5,261,312 for the SHARK TANK mark for “business consulting services, namely, facilitating the introduction of potential private investors to entrepreneurs in need of funding” in International Class 35. The registration, which issued on August 8, 2017 based on an application filed on March 20, 2017, is valid, subsisting and in full force and effect.

13. As a result of the great success of the SHARK TANK show and the ever-expanding exposure the SHARK TANK mark has received through the various uses described above, Opposer has developed highly valuable goodwill in its SHARK TANK mark, which is closely associated with Opposer, its hit television show and the related products and services offered under the mark.

14. On or about August 16, 2020, long after Opposer’s registration and first use of its SHARK TANK mark, Applicant filed the Application in the United States Patent & Trademark Office (“USPTO”) seeking to register the mark MILLIONAIRE SHARK (“Applicant’s Mark”) for “providing on-line publications in the nature of news for professionals and entrepreneurs in the field of inspiration and expert advice for entrepreneurs and small business owners” in International Class 41, alleging a date of first use of August 9, 2020.

15. Applicant's Mark is confusingly similar to Opposer's SHARK TANK mark and the services covered by the Application are closely related to the goods and services for which Opposer uses its SHARK TANK mark.

16. Applicant's Mark so resembles Opposer's SHARK TANK mark as to be likely, when used in connection with the applied-for services, to cause confusion, to cause mistake or to deceive the public into believing that Applicant's services have their origin with Opposer and/or that Applicant's services are approved, endorsed or sponsored by Opposer or associated with Opposer in some other way, thereby causing injury to Opposer and the consuming public.

17. Opposer's SHARK TANK mark is distinctive and famous and has enjoyed distinctiveness and fame since prior to Applicant's filing of the Application and Applicant's first use of Applicant's Mark.

18. Applicant's use of Applicant's Mark in connection with the services covered by the Application is likely to dilute Opposer's SHARK TANK mark through blurring by rendering it less distinctive.

19. Opposer would be injured by the granting of a registration to Applicant for Applicant's Mark because such mark so resembles Opposer's SHARK TANK mark as to be likely, when used in connection with Applicant's services:

- (a) to cause confusion, or to cause mistake, or to deceive;
- (b) to damage Opposer's valuable goodwill in its SHARK TANK mark;
- (c) to interfere with Opposer's sale and/or potential sale of its own goods and/or services under Opposer's SHARK TANK mark; and

(d) to dilute Opposer's SHARK TANK mark by rendering it less distinctive.

WHEREFORE, Opposer, by its attorneys, respectfully requests that its opposition be granted and registration of Applicant's Mark be refused.

Dated: New York, New York  
May 18, 2021

Respectfully submitted,

COWAN, LIEBOWITZ & LATMAN, P.C.  
Attorneys for Opposer

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