

ESTTA Tracking number: **ESTTA1117249**

Filing date: **02/28/2021**

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

Proceeding	92074661
Party	Plaintiff START TV LLC
Correspondence Address	LAURENCE SINGER 1629 K STREET N.W. SUITE 300 WASHINGTON, DC 20006 UNITED STATES Primary Email: ls@laurencesinger.com 646-347-8772
Submission	Other Motions/Submissions
Filer's Name	Laurence Singer
Filer's email	ls@laurencesinger.com
Signature	/Laurence Singer/
Date	02/28/2021
Attachments	Amended Petition_FINAL.pdf(5542061 bytes)

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

START TV, LLC

Cancellation No.: 92074661

Petitioners,

v.

WEIGEL BROADCASTING CO.

Mark: START TV

Registration Nos. 5,910,625 and 5,909,324

Registrant,

AMENDED PETITION FOR CANCELLATION

STATEMENT OF CLAIM

START TV, LLC hereby petitions for the cancellation of Registration Nos. 5,910,625 and 5,909,324 for the mark START TV, registered to Weigel Broadcasting Co., 26 N. Halsted Street Chicago IL 60606 (“Registrant”), and states as follows:

INTRODUCTION

1. Petitioner START TV, LLC was established as a Limited Liability Company in the State of California in October 2015, with a current address of 333 Palos Verdes Blvd., Unit 42, Redondo Beach CA 90277.
2. Registrant Weigel Broadcasting Co. is a corporation registered in the State of Illinois with the address of 26 N. Halsted Street, Chicago, IL 60606.

BACKGROUND

Registrant

3. Registrant is the owner of two registrations, a stylized design version of START TV (Registration No. 5910625) and word mark for START TV (Registration No. 5909324).

4. Registrant also is the owner of Section 1(b) applications for a stylized design version of START TV (Serial No. 88010711) and word mark for START TV (Serial No. 87945112 in Class 09 for Downloadable mobile applications for streaming audio and video content.
5. Registrant's two registrations were first used in commerce on September 3, 2018:
 - 5.1. IC 038. Television broadcasting both directly over the air, cable and satellite; television network services, namely, television and cable broadcasting; internet broadcasting services; electronic transmission of audio, video and data via computer networks; transmission, broadcasting and distribution of audio and video content streamed over computer networks, namely, electronic transmission of audio and video content; transmission and broadcasting of TV shows and movies; internet protocol television transmission services; Transmission of entertainment content to mobile devices.
 - 5.2. IC 041. entertainment services, namely, providing ongoing television programs in the fields of comedy, action, drama, science fiction and adventure via a global computer network; production and distribution of television shows; entertainment services in the nature of ongoing internet protocol television programs and segments in the fields of comedy, action, drama, science fiction and adventure; Entertainment services, namely, provision of on-going multimedia programs featuring comedy, action, drama, science fiction and adventure distributed via various platforms across multiple forms of transmission media; and production and distribution of TV shows and movies.
6. Predominantly carried on the digital subchannels of its affiliated television stations in most markets, Weigel's START TV primarily airs classic television drama series from the 1980s

through the 2000s, with a focus on dramas, police and legal procedures geared toward female audiences.

Petitioner

7. Judith Norman is a self-funded creative storyteller and entrepreneur. She founded START TV with a mission to produce original short-form, long-form, and scripted and unscripted video content highlighting the entrepreneurial journeys of multicultural women. The START TV concept has evolved into a multimedia company consisting of online web series, books, offline public events and a soon-to-come online streaming subscription service.

8. Ms. Norman has extensive experience producing lifestyle-oriented web series, podcasts, online subscription clubs, fee-based e-courses, e-books and offline public events targeted to women, and has successfully negotiated sponsorship packages with major lifestyle brands. It was the consistent demand from her audience for content featuring authentic stories about fearless multicultural women entrepreneurs, along with the substantial growth in the number of African-American and Latina women pursuing business ownership, that led Ms. Norman to create START TV.

9. In October 2015 Ms. Norman formed STARTTV, LLC as a platform featuring content about fearless women entrepreneurs who used their creative talents to rise from humble beginnings to successfully fulfill their vision. Thus, the name, START TV.

10. Since October 2015 Ms. Norman has used the TM symbol as an indicia of ownership for START TV and the tag line “Dream. Hustle. Repeat”.

11. The domain name starttv.com was registered on June 6, 2001. Ms. Norman made several attempts to purchase this domain name and could not afford the asking price. On April 3, 2016 she purchased the www.starttv.net.

12. Upon information and belief, Registrant purchased its domain name in July 2018. Registrant was aware of Petitioner's domain name. Before launching the company, a domain name search would have had to be undertaken, in which starttv.net would have been discovered.

13. www.starttv.net went live in April 2016. The home page clearly described START TV as: “Inspiring. Entertaining. Informative. TV shows and films about fearless, enterprising women”.

14. In March 2016 Ms. Norman began using the first Start TV logo publicly, on the website, as an email signature, and on social media platforms.

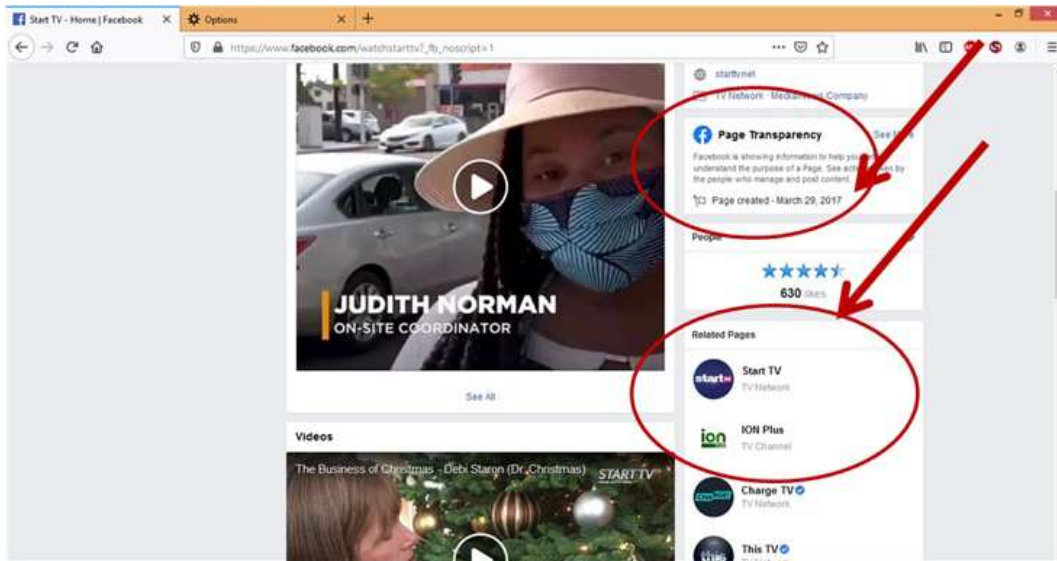


15. Throughout April 2016 - May 2018 undertook activities to build her START TV brand through various proposals to seed venture capital firms about investing, multiple brands about sponsorship, and major broadcast networks, including CBS Morning News about program distribution and partnership. These proposals were for such projects as the START TV’s Hustle & Health Initiative and various web series profiling the rise in entrepreneurship among women as well as profiles of individual female founders. These companies are the natural distributors, partners and collaborators for START TV, and were, and continue to be, an important part of Petitioner’s branding efforts.

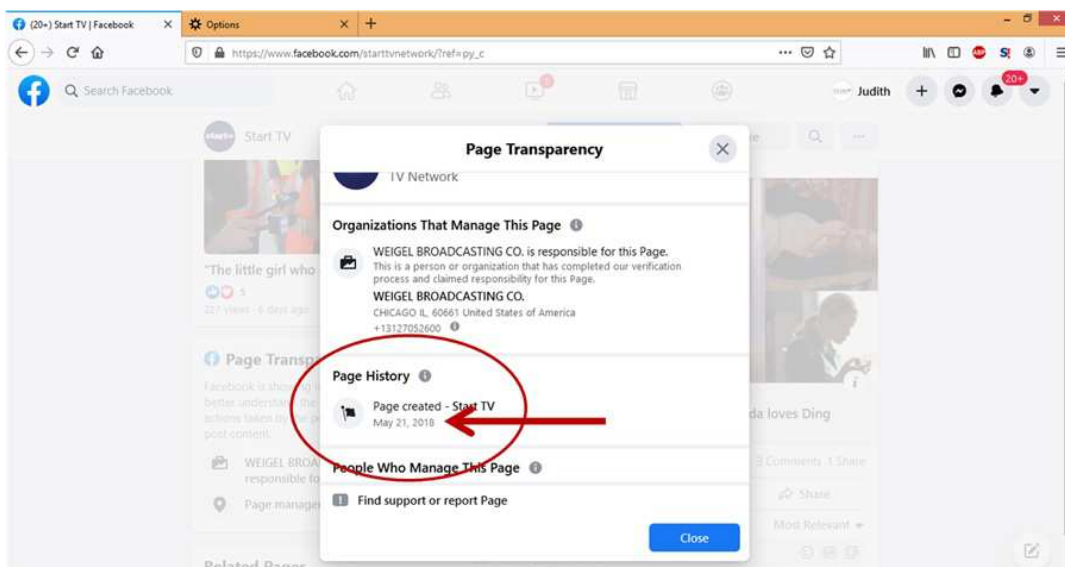
16. As it turns out, Registrant’s “new multicast entertainment television network” was launched in association with CBS Television Stations:

CHICAGO, IL (July 18, 2018) - Weigel Broadcasting Co. announces the launch of the new multicast entertainment television network- Start TV, beginning Monday, September 3, 2018, in association with CBS Television Stations. Start TV showcases strong and resourceful female leading characters in a lineup of contemporary and proven procedural dramas. Each lead character and series embody a boldness and determination to “Start” leading the way, seeking the truth, solving the crime, and defending the innocent. <https://www.starttv.com/press>.

17. Petitioner's Facebook page was created on March 29, 2017.



18. Respondent's Facebook page was created on May 21, 2018.



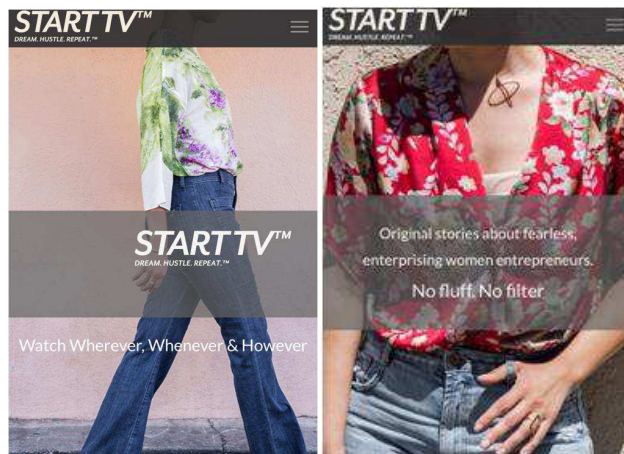
19. In May 2017 Ms. Norman joined Here Now Us, a networking group for black Los Angeles-based women entrepreneurs. Here Now Us hosted monthly meetups and informational talks for its members at the Los Angeles Google Campus, at Snapchat, WeWork, and the General Assembly Co-Working headquarters, and at several smaller company locations.



20. Ms. Norman used this opportunity to create START TV's early video content (short interviews with the Here Now Us co-founder and members) for START TV's Instagram account (@watchstarttv).

21. Ms. Norman's interview videos also were shared on Here Now Us' Instagram feed and the Instagram feeds of people featured in the videos.

22. In July 2017, the START TV website was updated with a carousel of images and a new logo. The homepage description also was updated to read: "Original stories about fearless enterprising women entrepreneurs. No fluff. No filter."



23. Ms. Norman shared an image of START TV's new homepage image on her Instagram feeds and announced: "What I am working on...@watchstarttv the greatest hustle women stories told. No fluff. No filter".



24. START TV's first live event in July 2017 was a meetup for local women entrepreneurs at the Fowler Museum at UCLA to view the African-Print Fashion Now! Exhibit, to share information about START TV, and to network with potential START TV's interview prospects.

PLAY HOOKY with

STARTTV™

TUESDAY, JULY 25
1:30 P.M. to 4:00 P.M.

Take a break from the hustle and join Start TV™ founder Judith Norman and other women entrepreneurs for an exclusive private tour of the **African- Print Fashion Now!** exhibit at the Fowler Museum at UCLA.

FREE

(Parking available in UCLA Lot 4, 221 Westwood Plaza off Sunset Blvd. \$3/hr or max \$12/day)

SPACE IS LIMITED.
(The exhibit closes on July 30)

RSVP events@starttv.net

**AFRICAN-
PRINT
FASHION
NOW!**

**A STORY OF TASTE,
GLOBALIZATION,
AND STYLE**



**REFRESHMENTS | AFRICAN FABRIC +
MORE GIVEAWAY CONTESTS**

Special thanks:

Fowler
MUSEUM AT UCLA

Sponsors:

H
E
R
E
N
O
W
U
S

fundamental

LOS ANGELES

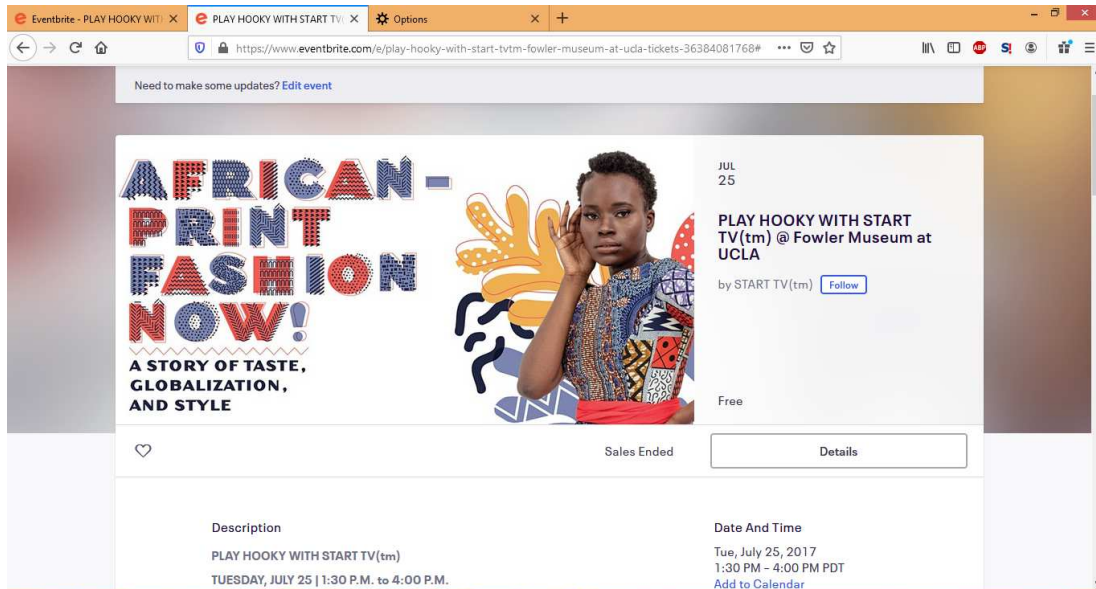


REFLEKTION
DESIGN

**suakoko
betty**

crafts. culture. style.

25. The event included giveaway contests with prizes from women-owned business sponsors that use African fabric in their products. The sponsors were (Suakoko Betty, women's clothing: <https://www.suakokobetty.com/> and Reflektion Design, home decor: <https://www.reflektiondesign.com/>). Registration for the event was conducted on Eventbrite and the event information was available for view to all Eventbrite users.



<https://www.eventbrite.com/e/play-hooky-with-start-tv-tm-fowler-museum-at-ucla-tickets-36384081768#>

26. Ongoing event promotion featuring the flyer image clearly identifying START TV as the event host was posted on START TV's Instagram feed and on Facebook, Ms. Norman's Instagram feeds, and the Suakoko Betty and Reflektion Design's Instagram feeds.

27. In addition, Here Now Us shared information about the event with their 2,000+ email subscribers in an e-newsletter.

• Pssst! Are you free on Tuesday? 😊



• Here Now Us <here@herenow.us>
To: jnorman9@yahoo.com

Sat, 7/25/2015

HERE
NOW
US

NEWS FROM OUR COMMUNITY

SPOTLIGHT

PLAY HOOKY with
STARTTV™
TUESDAY, JULY 25
1:30 P.M. to 4:00 P.M.
Take a break from the hustle and join Start TV™ founder Judith Norman and other women entrepreneurs for an exclusive private tour of the African- Print Fashion Now! exhibit at the Fowler Museum at UCLA.
FREE
(Parking available in UCLA Lot 4, 221 Westwood Plaza off Sunset Blvd. \$3/hr or max \$12/day)
SPACE IS LIMITED
(The exhibit closes on July 30)
RSVP: events@starttv.net

**AFRICAN-
PRINT
FASHION
NOW!**
A STORY OF TASTE,
GLOBALIZATION,
AND STYLE
REFRESHMENTS | AFRICAN FABRIC +
MORE GIVEAWAY CONTESTS
Special thanks:
Fowler
MUSEUM AT UCLA
Sponsors:
fundamental
Quikrete
Buckley's

WE LOVE OUR COMMUNITY

SO WHEN WE HEARD THAT JUDITH NORMAN OF STARTTV
WAS HAVING AN EVENT, WE HAD TO SHARE IT WITH YOU!
JOIN START TV, A NEW CHANNEL FOR WOMEN ENTREPRENEURS,
ON TUESDAY 7/25 FOR AN EXCLUSIVE TOUR OF THE
FOWLER MUSEUM. RSVP FOR FREE!

28. Post-event videos and images (giveaway prize winners, and behind-the-scenes and exhibit images were shared on Instagram by START TV, event attendees and sponsors.

Petition to Cancel – Page 10 of 18

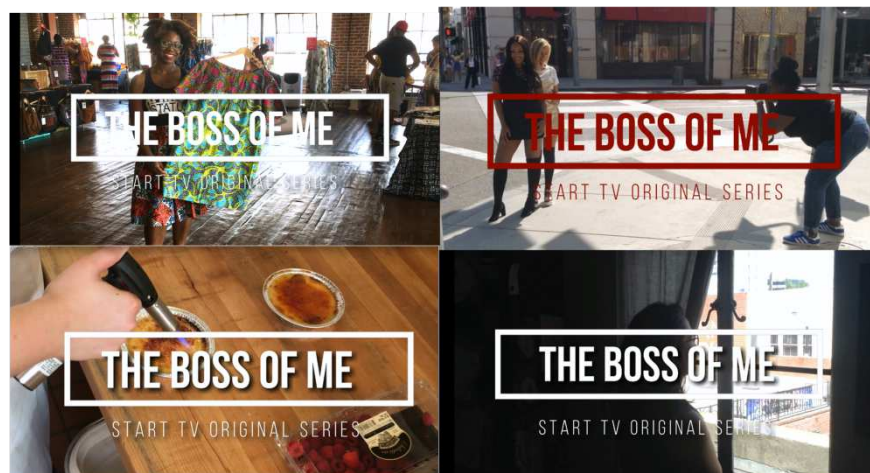


29. In August 2017 START TV created and produced START TV's video – "Collaboration". The video featured two women entrepreneurs (a photographer and a brand strategist) who collaborated to create the *Who Shot Ya* campaign. The *Who Shot Ya* campaign provided sales promotion through photography sessions for local Los Angeles-based women entrepreneurs in need of affordable stylized promotional photographs. In the video, the collaborators share how they came up with the *Who Shot Ya* idea, the benefits of collaboration, and then viewers follow along on one of the *Who Shot Ya* photo sessions.

30. The video was distributed on starttv.net, START TV's YouTube channel, Facebook (@watchstarttv) and Instagram (@watchstarttv). It was also shared on Instagram by the three featured video participants and on Ms. Norman's Instagram pages.



31. In August 2017, START TV created and produced [The Boss of Me](#), an original 4-episode web series featuring profiles of four women entrepreneurs (a dress designer, a lifestyle photographer, a baker, and a book packager) sharing information about their businesses and why being their own boss was important to them.



32. The web series was distributed on starttv.net, Start TV's YouTube channel, Facebook (@watchstarttv) and Instagram (@watchstarttv).
33. From April 2018 - May 2018, Ms. Norman conducted 30-minute individual recorded telephone interviews with 20 women entrepreneurs for the *Women's Work: Los Angeles Edition* book - the first START TV publication in a five-book series featuring conversations with female founders in five different cities, Los Angeles, Detroit, Atlanta, Philadelphia and New York.
34. The notable women who were interviewed were:
- 34.1. Ruth Carter (<https://ruthecarter.com/>) was the first black woman to win the *Academy Award* for the Best Costume Design and earned two other *Academy Award* nominations, working with Spike Lee and Steven Spielberg.
- 34.2. Laura Wasser (<https://wcmfamilylaw.com/laura-wasser/>) aka the "Disso Queen" - is the go-to divorce attorney for celebrities seeking a divorce.
- 34.3. Chiquis Rivera (https://en.wikipedia.org/wiki/Chiquis_Rivera) is a Latin Grammy-award winner, *The New York Times* bestselling author, TV producer, host and personality.
- 34.4. Model/Actress Chandra Anderson is the founder of The Model Behavior, a non-profit organization whose mission is to provide our most vulnerable women with feminine hygiene products that are essential to leading a healthy, dignified life.
- 34.5. Influencer Mimi G Ford aka Mimi G went from homeless teen mother to multimillionaire. She built a multi-million-dollar empire consisting of the popular Mimi G Style blog, Sew It Academy online sewing school, a bestselling line of Simplicity sewing patterns, conference appearances.
- 34.6. There are more donut shops in Los Angeles per square mile than anywhere else in the country. Janeen Gudelj flipped the script on the traditional donut shop business model and created Donut Snob - the nation's first home delivery gourmet donut service. Her donuts are made from scratch using all-natural ingredients.
- 34.7. Artist/Designer/Entrepreneur/House Flipper Alexandra Becket of ModOp Design has created her own niche by purchasing old bungalows and properties and updating them with modern amenities without disturbing the home's original charm.
- 34.8. Makeup artist Stacy Lande and photographer Carol Sheridan joined forces in 2009 and created Iconic Pinups - a unique, intimate and empowering photo shoot experience that transforms average gals into femme fatales. More than 3,000 women of all ages

(including an 82-year old), shapes, and sizes have participated in Iconic Pinups photo sessions

34.9. Ashley Sumner and Gianna Wurzl are making it easier for women entrepreneurs to connect. They created Quilt – a membership community that hosts weekly, intimate meetups of up to eight women in private homes in Los Angeles, San Francisco and New York.

34.10. Victoria Reese (<https://www.weareillmatic.com/>) is a Multiple Sclerosis spokesperson she created the #We Are Illmatic campaign to empower women of color living with MS by providing them with information, support and a platform to share their stories.

34.11. Itika Oldwine went from working on The Oprah Winfrey Show, to multiple years at AEG - the world's leading sports and live entertainment company. Itika decided to merge her passion for flowers opening Old Vine Florals, a floral boutique in the heart of downtown Los Angeles.

34.12. Dr. Renee Dua's created Heal, a mobile app that brings affordable in-home pediatric, internal medicine, general practitioner, and family healthcare visits to everyone and keeps primary care out of the emergency room.

34.13. Gia Fey, founder of Body By Gia, is not just another YouTube fitness guru. She creates content for curvy girls in both English and Spanish. YouTube provided the platform for Gia to build a thriving business that inspires women around the world. Her channel has over 500,000 subscribers and her videos have over 46 million views.

34.14. Pamela Samuels Young (<https://www.pamelasamuelsyoung.com/books/>) was a partner at a major law firm when she decided to become an author, publishing a series of bestselling mystery novels including Anybody's Daughter, the winner of the NAACP Image Award for Outstanding Fiction.

34.15. Nicole Dean is the founder of KOLLO - a premium line of organic, preservative, flavoring and sweetener-free glass-bottled teas produced in Los Angeles. KOLLO has been described as the "first luxury bottled iced tea.

PRIORITY AND LIKELIHOOD OF CONFUSION

35. Petitioner has openly and continuously used the mark START TV, which has never been abandoned, in interstate commerce since at least as early as March 2016 in connection with services relating to programs featuring fearless women entrepreneurs, who used their creative talents to rise from humble beginnings to successfully fulfill their vision.

36. In the ordinary course of business, Petitioner used, continues to use and has a bona fide intent to use the mark START TV in the future, and uses "START TV" as its business name.
37. In undertaking these efforts Petitioner has spent substantial time, effort and money promoting the services of START TV.
38. Petitioner has built up substantial goodwill in START TV.
39. Petitioner's START TV is inherently distinctive and Petitioner has established proprietary common law trademark rights in the START TV mark.
40. The Registrations depict the same name as Petitioner's START TV mark.
41. At the time Registrant filed its applications Registrant was aware of Petitioner and Petitioner's common law claims to exclusive rights in the START TV mark.
42. The Registrations depict virtually exact duplicates of Ms. Norman' prior-used START TV mark and Registrant's mark is identical to Petitioner's senior START TV mark.
43. Ms. Norman developed and established proprietary nationwide common law rights in the START TV mark long prior to June 2018.
44. The products and services of the Petitioner and Registrant are closely related, and the Registered marks are likely to cause confusion, to cause mistake, or to deceive as to the affiliation, connection, or association of Registrant's START TV with Petitioner's START TV and as to the origin of the products and services.
45. Petitioner has evidenced confusion in the marketplace with regard to the source of Petitioner's mark and Registrant's marks in interviews and on social media.

46. Petitioner's START TV mark is inherently distinctive and Petitioner has established and developed proprietary common law trademark rights in the START TV mark for services directed to woman and relating to programs featuring fearless women entrepreneurs, who used their creative talents to rise from humble beginnings to successfully fulfill their vision.
47. The Registrant's marks dilute and weaken the usefulness and trade identity of Petitioner's START TV, hurting Petitioner's business reputation and interfering with Petitioner's ability to fairly compete.
48. Petitioner has evidenced confusion in the marketplace with regard to the source of Petitioner's mark and Registrant's marks in interviews and on social media.
49. Petitioner has sent a cease and desist letter to the Registrant.
50. Petitioner's common law rights preclude the continued registration of Registrant's marks.
51. Petitioner has a higher priority than Registrant, and Registrants' Marks are accordingly barred from registration.
52. Petitioner has promoted its services under the START TV mark in the United States since at least as early as March 2016 and has built up substantial goodwill in the mark.
53. Petitioner's use has been valid and continuous since the date of first use and has not been abandoned.
54. Petitioner has priority on the START TV mark based upon its open and continuous use of the START TV mark in the United States prior to the filing date of the Registrant's applications and prior to the first use of the Registered marks in the United States.
55. In view of the fact that the parties' respective marks are identical, and that the services are highly related, it is clear Registrant's marks so resemble Petitioner's mark previously used in

the United States, and not abandoned, as to be likely to cause confusion, or to cause mistake, or to deceive, and therefore, should be canceled.

56. Petitioner's common law rights preclude those rights claimed by Registrant's.

57. By reason of all of the foregoing, Petitioner will be gravely damaged by the continuance of Registrant's registrations.

58. In view of the above, the Registered Mark is not entitled to continued federal registrations.

WHEREFORE, Petitioner is damaged by U.S. Registration Nos. 5,910,625 and 5,909,324 and prays that the same be canceled immediately, and that this Petition for Cancellation be granted.

Respectfully submitted,

Laurence Singer

Laurence Singer, Esq.
1629 K Street N.W.
Suite 300
Washington D.C. 20006
Phone: 646.327.8772
Fax: 646.435.0622
Email: ls@laurencesinger.com

February 28, 2021

CERTIFICATE OF SERVICE

I hereby certify that on February 28, 2021, a true and correct copy of the foregoing Amended Petition for Cancellation is being served electronically and by mail as shown in the correspondence record in the Office, as follows:

Philip A. Jones, Esq.
Barnes & Thornburg LLC
One North Wacker Drive
Suite 4400
Chicago, IL 60606-2833

Laurence Singer
Laurence Singer, Esq.