

ESTTA Tracking number: **ESTTA927255**

Filing date: **10/09/2018**

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	Home Box Office, Inc.
Granted to Date of previous extension	10/07/2018
Address	1100 Avenue Of The Americas New York, NY 10036 UNITED STATES

Attorney information	Tamara Carmichael OLSHAN FROME WOLOSKY LLP 1325 Avenue of the Americas New York, NY 10019 UNITED STATES tcarmichael@olshanlaw.com, aprovenio@olshanlaw.com 2124512300
----------------------	---

Applicant Information

Application No	87680615	Publication date	04/10/2018
Opposition Filing Date	10/09/2018	Opposition Period Ends	10/07/2018
Applicant	The Trustees of Rancho Santa Ana Botanic Garden 1500 N. College Ave. Claremont, CA 91711 UNITED STATES		

Goods/Services Affected by Opposition

Class 041. First Use: 2017/08/24 First Use In Commerce: 2017/08/24 All goods and services in the class are opposed, namely: Botanical Gardens; Art Exhibition; Gardens for Public Admission; Museums; Museum Services; Conducting educational exhibitions in the nature of botanical gardens highlighting plants with thorns; Educational services, namely, providing displays and exhibits in the field of botany

Applicant Information

Application No	87680607	Publication date	04/10/2018
Opposition Filing Date	10/09/2018	Opposition Period Ends	
Applicant	The Trustees of Rancho Santa Ana Botanic Garden 1500 N. College Ave. Claremont, CA 91711 UNITED STATES		

Goods/Services Affected by Opposition

Class 041. First Use: 2017/08/24 First Use In Commerce: 2017/08/24

All goods and services in the class are opposed, namely: Botanical Gardens; Art Exhibition; Gardens for Public Admission; Museums; Museum Services; Conducting educational exhibitions in the nature of botanical gardens highlighting plants with thorns; Educational services, namely, providing displays and exhibits in the field of botany

Grounds for Opposition

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

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	4388348	Application Date	06/10/2009
Registration Date	08/20/2013	Foreign Priority Date	NONE
Word Mark	GAME OF THRONES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2012/03/06 First Use In Commerce: 2012/03/06 Pre-recorded DVD's featuring a television series featuring drama, action and adventure; downloadable screensaver software for use on personal computers; digital materials, namely, downloadable graphic files for use in handheld wireless devices and all featuring content from or relating to a television series; headphones, earphones and ear buds; mousepads		

U.S. Registration No.	5311590	Application Date	01/30/2014
Registration Date	10/17/2017	Foreign Priority Date	NONE
Word Mark	GAME OF THRONES		


Design Mark	GAME OF THRONES
Description of Mark	NONE
Goods/Services	<p>Class 009. First use: First Use: 2014/02/02 First Use In Commerce: 2014/02/02 Computer, video and interactive electronic game programs and software; downloadable computer, video and interactive electronic games via the internet and wireless devices; computer, video and interactive electronic game disks; interactive multimedia computer game programs; multiplayer computer game programs</p> <p>Class 041. First use: First Use: 2013/02/21 First Use In Commerce: 2013/02/21 Providing online computer, video and interactive electronic games via computer networks and global communications networks; providing on-line, non-downloadable virtual goods, namely, food and beverage products, clothing, land, real estate, weapons, armor, protective clothing, shields, armies, soldiers, animals, supernatural creatures, vehicles, beverage containers, storage barrels, coins, bags and pouches, magical charms, trinkets, potions, jewelry and crowns for use in virtual environments on social networking sites; all the aforementioned services relating to an ongoing television series</p>

U.S. Registration No.	4876924	Application Date	01/12/2015
Registration Date	12/29/2015	Foreign Priority Date	NONE

Word Mark	GAME OF THRONES
Design Mark	GAME OF THRONES
Description of Mark	NONE
Goods/Services	<p>Class 028. First use: First Use: 2012/03/24 First Use In Commerce: 2012/03/24 Action figures; collectible card games; puzzle games; playing cards; costume masks; decorations for Christmas trees; toy model and replica arms and armor; toy model and replica swords; toy model and replica knives</p>


U.S. Registration No.	5055306	Application Date	01/09/2015
-----------------------	---------	------------------	------------

Registration Date	10/04/2016	Foreign Priority Date	NONE
Word Mark	GAME OF THRONES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 2012/03/24 First Use In Commerce: 2012/03/24 board games; toy bobblehead resin figurines; role playing games and slot machines		

U.S. Application No.	87650297	Application Date	10/18/2017
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	GAME OF THRONES FIRE & BLOOD		
Design Mark			
Description of Mark	The mark consists of "GAME OF THRONES FIRE & BLOOD" in stylized font. The "O" in "OF" and the "O" in "THRONE" have 3 vertical lines inside. The top of the "T" in "THRONES" is elongated and extends over the other letters in "THRONES". The words "FIRE & BLOOD" are below the words "GAME OF THRONES". The color gray appearing in the mark represents background and is not part of the mark.		
Goods/Services	Class 028. First use: First Use: 0 First Use In Commerce: 0 Slot machines		

U.S. Registration No.	3986288	Application Date	06/10/2009
Registration Date	06/28/2011	Foreign Priority Date	NONE
Word Mark	GAME OF THRONES		

Design Mark	GAME OF THRONES
Description of Mark	NONE
Goods/Services	Class 041. First use: First Use: 2011/04/17 First Use In Commerce: 2011/04/17 Entertainment services in the nature of an ongoing television series featuring drama, action and adventure; interactive online entertainment in the nature of a website containing photographic, video and prose presentations, related film clips and other multimedia materials featuring an ongoing television series drama, action and adventure

U.S. Registration No.	4049330	Application Date	04/20/2011
Registration Date	11/01/2011	Foreign Priority Date	NONE
Word Mark	GAME OF THRONES		
Design Mark			
Description of Mark	The mark consists of the wording "GAME OF THRONES" with 3 vertical lines in the letter "O" in each word, along with long "T" that extends over entire word "thrones".		
Goods/Services	Class 041. First use: First Use: 2011/04/17 First Use In Commerce: 2011/04/17 Entertainment services in the nature of an ongoing television series featuring drama, action and adventure; providing online non-downloadable video clips and other multimedia materials featuring content from or related to a dramatic, action and adventure television series		

U.S. Registration No.	4485803	Application Date	05/11/2012
Registration Date	02/18/2014	Foreign Priority Date	NONE
Word Mark	GAME OF THRONES ASCENT		
Design Mark	GAME OF THRONES ASCENT		

Description of Mark	NONE
Goods/Services	Class 041. First use: First Use: 2013/02/21 First Use In Commerce: 2013/02/21 Providing online computer, video and interactive electronic games via computer networks and global communications networks; providing on-line, non-downloadable virtual goods, namely, food and beverage products, clothing, land, real estate, weapons, armor, protective clothing, shields, armies, soldiers, animals, supernatural creatures, vehicles, beverage containers, storage barrels, coins, bags and pouches, magical charms, trinkets, potions, jewelry and crowns for use in virtual environments on social networking sites; all the aforementioned services relating to an ongoing television series

U.S. Registration No.	4485802	Application Date	05/11/2012
Registration Date	02/18/2014	Foreign Priority Date	NONE

Word Mark	GAME OF THRONES ASCENT
-----------	------------------------



Description of Mark	The mark consists of the words "GAME OF THRONES" shown above the word "ASCENT" in which wings can be found on either side of the said word.
---------------------	---

Goods/Services	Class 041. First use: First Use: 2013/02/21 First Use In Commerce: 2013/02/21 Providing online computer, video and interactive electronic games via computer networks and global communications networks; providing on-line, non-downloadable virtual goods, namely, food and beverage products, clothing, land, real estate, weapons, armor, protective clothing, shields, armies, soldiers, animals, supernatural creatures, vehicles, beverage containers, storage barrels, coins, bags and pouches, magical charms, trinkets, potions, jewelry and crowns for use in virtual environments on social networking sites; all the aforementioned services relating to an ongoing television series
----------------	--

U.S. Application No.	87949362	Application Date	06/05/2018
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	GAME OF THRONES
-----------	-----------------



Description of	NONE
----------------	------

Mark	
Goods/Services	Class 003. First use: First Use: 0 First Use In Commerce: 0 Lip balm, lip gloss, lip liner, lip stick, lip gloss palette, make-up kits comprised of gloss; eye make-up, eye liner, eye pencils, eye shadow, eye make-up corrector pen, mascara, make-up kits comprising of eye shadows, make-up kits comprising of mascara and eye liner, brow stencils, brow gel, brow powder, brow pencils; make-up kits comprising of blush; blush, body powder, face powder, make-up powder, perfumed powder; concealers for face; nail enamel, nail enamel remover, nail enamel corrector pen; perfume, perfume oils, eau de perfume; non-medicated face and body soaps, bath beads, bath crystals, bath foam, bath gel, bath lotion, bath oil, non-medicated bath salts, bubble bath, foam bath, liquid bath soaps, shower and bath foam, shower and bath gel, shower and bath scrub; body scrub, facial scrub, body masks, facial masks, skin masks; massage oil; scented body spray, scented room spray; cologne; fragrances and perfumes

U.S. Registration No.	4396574	Application Date	12/16/2010
Registration Date	09/03/2013	Foreign Priority Date	NONE

Word Mark	GAME OF THRONES
-----------	-----------------

Design Mark	
-------------	---

Description of Mark	NONE
---------------------	------

Goods/Services	Class 008. First use: First Use: 2013/05/23 First Use In Commerce: 2013/05/23 Swords, daggers
----------------	--

U.S. Registration No.	4724981	Application Date	01/29/2014
Registration Date	04/21/2015	Foreign Priority Date	NONE

Word Mark	GAME OF THRONES
-----------	-----------------

Design Mark	
-------------	--

Description of Mark	NONE
---------------------	------

Goods/Services	Class 014. First use: First Use: 2013/06/01 First Use In Commerce: 2013/06/01 jewelry; watches; key rings and collectible coins		
----------------	---	--	--

U.S. Application No.	87488684	Application Date	06/14/2017
----------------------	----------	------------------	------------

Registration Date	NONE	Foreign Priority Date	NONE
-------------------	------	-----------------------	------

Word Mark	GAME OF THRONES		
-----------	-----------------	--	--

Design Mark	<h1>GAME OF THRONES</h1>		
-------------	--------------------------	--	--

Description of Mark	NONE		
---------------------	------	--	--

Goods/Services	Class 015. First use: First Use: 0 First Use In Commerce: 0 guitars, guitar picks, guitar strings, and guitar straps		
----------------	--	--	--

U.S. Registration No.	4168270	Application Date	06/11/2009
-----------------------	---------	------------------	------------

Registration Date	07/03/2012	Foreign Priority Date	NONE
-------------------	------------	-----------------------	------

Word Mark	GAME OF THRONES		
-----------	-----------------	--	--

Design Mark	<h1>GAME OF THRONES</h1>		
-------------	--------------------------	--	--

Description of Mark	NONE		
---------------------	------	--	--

Goods/Services	Class 016. First use: First Use: 2011/04/17 First Use In Commerce: 2011/04/17 Paper goods and printed matter, namely,calendars, posters, all the aforementioned goods relating to an ongoing television series featuring drama, action and adventure		
----------------	--	--	--

U.S. Registration No.	4187110	Application Date	06/10/2009
-----------------------	---------	------------------	------------

Registration Date	08/07/2012	Foreign Priority Date	NONE
-------------------	------------	-----------------------	------

Word Mark	GAME OF THRONES		
-----------	-----------------	--	--

Design Mark	<h1>GAME OF THRONES</h1>		
Description of Mark	NONE		
Goods/Services	Class 018. First use: First Use: 2011/10/20 First Use In Commerce: 2011/10/20 All-purpose carrying bags; [knapsacks;]backpacks; [rucksacks; shoulder bags;] all the aforementioned goods relating to an ongoing television series		

U.S. Registration No.	4376748	Application Date	01/13/2010
Registration Date	07/30/2013	Foreign Priority Date	NONE

Word Mark	GAME OF THRONES		
Design Mark	<h1>GAME OF THRONES</h1>		
Description of Mark	NONE		
Goods/Services	Class 020. First use: First Use: 2012/10/31 First Use In Commerce: 2012/10/31 resin figurines; featuring content from or related to a television series		

U.S. Application No.	87375889	Application Date	03/17/2017
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	GAME OF THRONES		

Design Mark	<h1>GAME OF THRONES</h1>		
Description of Mark	NONE		
Goods/Services	Class 021. First use: First Use: 0 First Use In Commerce: 0 Cosmetic brushes, eyebrow brushes, lip brushes, make-up brushes, nail brushes, powder compacts sold empty, powder puffs, bath products, namely, body sponges, bath brushes		

U.S. Registration No.	4010151	Application Date	12/09/2009
Registration Date	08/09/2011	Foreign Priority Date	NONE

Word Mark	GAME OF THRONES		
-----------	-----------------	--	--

Design Mark	<h1>GAME OF THRONES</h1>		
Description of Mark	NONE		
Goods/Services	Class 021. First use: First Use: 2011/03/30 First Use In Commerce: 2011/03/30 Mugs, drinking glasses, all related to an ongoing television series		

U.S. Registration No.	4632648	Application Date	02/11/2011
Registration Date	11/04/2014	Foreign Priority Date	NONE

Word Mark	GAME OF THRONES		
-----------	-----------------	--	--

Design Mark	<h1>GAME OF THRONES</h1>		
Description of Mark	NONE		
Goods/Services	Class 024. First use: First Use: 2013/07/18 First Use In Commerce: 2013/07/18 pillowcases, bed blankets		

U.S. Registration No.	4074517	Application Date	06/10/2009
Registration Date	12/20/2011	Foreign Priority Date	NONE
Word Mark	GAME OF THRONES		
Design Mark	<h1>GAME OF THRONES</h1>		
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2011/04/17 First Use In Commerce: 2011/04/17 Clothing, namely, shirts; t-shirts; headgear, namely, caps; all the aforementioned goods relating to an ongoing television series		

U.S. Registration No.	4448239	Application Date	09/27/2011
Registration Date	12/10/2013	Foreign Priority Date	NONE
Word Mark	GAME OF THRONES		

Design Mark	<h1>GAME OF THRONES</h1>		
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 2013/05/22 First Use In Commerce: 2013/05/22 cookies		

U.S. Registration No.	4358306	Application Date	02/09/2010
Registration Date	06/25/2013	Foreign Priority Date	NONE
Word Mark	GAME OF THRONES		
Design Mark	<h1>GAME OF THRONES</h1>		
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 2013/03/11 First Use In Commerce: 2013/03/11 alcoholic beverages, namely, beer, ale, relating to an ongoing television series		

U.S. Application No.	87850059	Application Date	03/26/2018
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	GAME OF THRONES		
Design Mark	<h1>GAME OF THRONES</h1>		

Description of Mark	NONE
Goods/Services	Class 033. First use: First Use: 0 First Use In Commerce: 0 Whiskey

U.S. Registration No.	5285050	Application Date	02/14/2017
Registration Date	09/12/2017	Foreign Priority Date	NONE

Word Mark	GAME OF THRONES
-----------	-----------------

Design Mark	<h1>GAME OF THRONES</h1>
-------------	--------------------------

Description of Mark	NONE
---------------------	------

Goods/Services	Class 033. First use: First Use: 2017/03/10 First Use In Commerce: 2017/03/10 wines
----------------	--

U.S. Application No.	87758098	Application Date	01/17/2018
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	GAME OF THRONES
-----------	-----------------


Design Mark	<h1>GAME OF THRONES</h1>
-------------	--------------------------

Description of Mark	NONE
---------------------	------

Goods/Services	Class 034. First use: First Use: 0 First Use In Commerce: 0 cigarette lighters; cigar lighters
----------------	---

U.S. Registration No.	4045540	Application Date	04/19/2011
Registration Date	10/25/2011	Foreign Priority Date	NONE

Word Mark	GAME OF THRONES
-----------	-----------------

Design Mark	
Description of Mark	The mark consists of the wording "GAME OF THRONES" with 3 vertical lines in the letter "O" in each word, along with long "T" that extends over entire word "thrones".
Goods/Services	Class 025. First use: First Use: 2010/12/31 First Use In Commerce: 2010/12/31 Clothing, namely, shirts, t-shirts

U.S. Registration No.	5032917	Application Date	06/16/2015
Registration Date	08/30/2016	Foreign Priority Date	NONE

Word Mark	GAME OF THRONES
-----------	-----------------

Design Mark	
-------------	---

Description of Mark	The mark consists of the wording "GAMEOF THRONES" with 3 vertical lines in the letter "O" in each word along with long "T" that extends over entire word "THRONES".
---------------------	---

Goods/Services	Class 028. First use: First Use: 2012/03/24 First Use In Commerce: 2012/03/24 board games; toy bobblehead doll resin figurines; role playing games; slot machines
----------------	---


U.S. Registration No.	4874475	Application Date	06/16/2015
Registration Date	12/22/2015	Foreign Priority Date	NONE

Word Mark	GAME OF THRONES
-----------	-----------------

Design Mark	
-------------	--

Description of	The mark consists of THE WORDING "GAME OF THRONES" WITH 3 VERTIC-
----------------	---

Mark	AL LINES IN THE LETTER "O" IN EACH WORD ALONG WITH LONG "T" THAT EXTENDS OVER ENTIRE WORD "THRONES".
Goods/Services	Class 028. First use: First Use: 2012/03/24 First Use In Commerce: 2012/03/24 Action figures; card games; collectible card games; puzzle games; playing cards; costume masks; decorations for Christmas trees; toy model and replica arms and armor; toy model and replica swords; toy model and replica knives

U.S. Registration No.	5556141	Application Date	12/18/2015
Registration Date	09/04/2018	Foreign Priority Date	NONE
Word Mark	GAME OF THRONES CONQUEST		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2017/10/17 First Use In Commerce: 2017/10/17 downloadable computer game software for use on mobile phones and devices; downloadable electronic game software for use on mobile phones and devices		

U.S. Registration No.	5413007	Application Date	09/18/2017
Registration Date	02/27/2018	Foreign Priority Date	NONE
Word Mark	GAME OF THRONES THE THREE-EYED RAVEN		
Design Mark			
Description of Mark	The mark consists of THE WORDS "GAME OF THRONES" WITH THREE LINES IN THE LETTER "O" IN EACH WORD, AND A LONG LETTER "T," AND UNDERNEATH APPEAR THE WORDS "THREE-EYED RAVEN" IN A BANNER.		
Goods/Services	Class 032. First use: First Use: 2017/04/30 First Use In Commerce: 2017/04/30 beer, ale		

Attachments	77756220#TMSN.png(bytes) 86180009#TMSN.png(bytes) 86500697#TMSN.png(bytes) 86499708#TMSN.png(bytes) 87650297#TMSN.png(bytes) 77756222#TMSN.png(bytes) 85299977#TMSN.png(bytes) 85623470#TMSN.png(bytes) 85623430#TMSN.png(bytes) 87949362#TMSN.png(bytes) 85199350#TMSN.png(bytes) 86178627#TMSN.png(bytes) 87488684#TMSN.png(bytes) 77756999#TMSN.png(bytes) 77756480#TMSN.png(bytes) 77911031#TMSN.png(bytes) 87375889#TMSN.png(bytes) 77982152#TMSN.png(bytes) 85240594#TMSN.png(bytes) 77756225#TMSN.png(bytes) 85433058#TMSN.png(bytes) 77931572#TMSN.png(bytes) 87850059#TMSN.png(bytes) 87334808#TMSN.png(bytes) 87758098#TMSN.png(bytes) 85298788#TMSN.png(bytes) 86663720#TMSN.png(bytes) 86663729#TMSN.png(bytes) 86853609#TMSN.png(bytes) 87612403#TMSN.png(bytes) Notice of Opposition - GAME OF THORNS.pdf(492105 bytes)
-------------	--

Signature	/Tamara Carmichael/
Name	Tamara Carmichael
Date	10/09/2018


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

*In the Matter of Application Serial No. 87680615 - GAME OF THORNS and
Application Serial No. 87680607 - GAME OF THORNS & Design
Published in the Official Gazette of Apr. 10, 2018*

Home Box Office, Inc.,)	
)	
Opposer,)	Opposition No. _____
)	
v.)	
)	
The Trustees of Rancho Santa Ana)	
Botanic Garden,)	
_____ Applicant.)	

NOTICE OF OPPOSITION

Home Box Office, Inc. (“Opposer”), a Delaware corporation, located and doing business at 1100 Avenue of the Americas, New York, New York 10036, believes it will be damaged by the registration of the trademarks GAME OF THORNS for “Botanical Gardens; Art Exhibition; Gardens for Public Admission; Museums; Museum Services; Conducting educational exhibitions in the nature of botanical gardens highlighting plants with thorns; Educational services, namely, providing displays and exhibits in the field of botany” in International Class 041 under Application Serial No.

87680615 and GAME OF THORNS & Design  for “Botanical Gardens; Art Exhibition; Gardens for Public Admission; Museums; Museum Services; Conducting educational exhibitions in the nature of botanical gardens highlighting plants with thorns; Educational services, namely, providing displays and exhibits in the field of botany” in International Class 041 under Application Serial No. 87680607 (the “Applications”), each owned by The Trustees of Rancho Santa Ana Botanic Garden (“Applicant”), and hereby opposes same.

As grounds for this opposition, Opposer alleges:

1. Opposer operates well-known and widely distributed premium television channels and is the producer of the renowned, critically acclaimed and award-winning television series

Game of Thrones, which first aired in April 2011.

2. Since long prior to the filing of Applicant's Application, Opposer has produced, marketed, and distributed the *Game of Thrones* television series and related merchandise as well as and its marks, logos, designs, and characters. The *Game of Thrones* television series is the most popular series in the history of Opposer's network and has seen its ratings and popularity rise with each passing season.




3. The popularity of Opposer's *Game of Thrones* series and its place in the cultural zeitgeist has been acknowledged by countless media publications. For example, Time Magazine, in its July 10, 2017 cover story, called *Game of Thrones* "the world's most popular show."

4. This popularity has translated into numerous awards for the series. For example, *Game of Thrones* set the record for the most Primetime Emmy wins for a series in a single season (12) and the most wins for a scripted primetime television series ever (47, to date). The series has been nominated for the Emmy Award for Outstanding Drama Series for each season that has aired, winning the award in 2015, 2016, and 2018.


5. Since long prior to the filing of Applicant's Application, Opposer has produced and distributed the *Game of Thrones* television series, as well as related goods and services, under the trademark and service mark GAME OF THRONES, with its attendant trade dress, logos, and designs (the "GAME OF THRONES Marks").

6. Opposer owns registrations and applications for its GAME OF THRONES Marks with the United States Patent and Trademark Office ("PTO"), including, but not limited to:

	Mark	App. No.	Reg. No.	Class/Goods/Services
1.	GAME OF THRONES	77756220	4388348	Class 9 - Pre-recorded DVD's featuring a television series featuring drama, action and adventure; downloadable screensaver software for use on personal computers; digital materials, namely, downloadable graphic files for use in handheld wireless devices and all featuring content from or relating to a television series; headphones, earphones and ear buds; mousepads

	Mark	App. No.	Reg. No.	Class/Goods/Services
2.	GAME OF THRONES	86180009	5311590	Class 9 - Computer, video and interactive electronic game programs and software; downloadable computer, video and interactive electronic games via the internet and wireless devices; computer, video and interactive electronic game disks; interactive multimedia computer game programs; multiplayer computer game programs Class 41 - Providing online computer, video and interactive electronic games via computer networks and global communications networks; providing on-line, non-downloadable virtual goods, namely, food and beverage products, clothing, land, real estate, weapons, armor, protective clothing, shields, armies, soldiers, animals, supernatural creatures, vehicles, beverage containers, storage barrels, coins, bags and pouches, magical charms, trinkets, potions, jewelry and crowns for use in virtual environments on social networking sites; all the aforementioned services relating to an ongoing television series
3.	GAME OF THRONES	86500697	4876924	Class 28 - Action figures; collectible card games; puzzle games; playing cards; costume masks; decorations for Christmas trees; toy model and replica arms and armor; toy model and replica swords; toy model and replica knives
4.	GAME OF THRONES	86499708	5055306	Class 28 - board games; toy bobblehead resin figurines; role playing games and slot machines
5.	GAME OF THRONES FIRE & BLOOD 	87650297		Class 28 - Slot machines
6.	GAME OF THRONES	77756222	3986288	Class 41 - Entertainment services in the nature of an ongoing television series featuring drama, action and adventure; interactive online entertainment in the nature of a website containing photographic, video and prose presentations, related film clips and other multimedia materials featuring an ongoing television series drama, action and adventure
7.	GAME OF THRONES 	85299977	4049330	Class 41 - Entertainment services in the nature of an ongoing television series featuring drama, action and adventure; providing online non-downloadable video clips and other multimedia materials featuring content from or related to a dramatic, action and adventure television series
8.	GAME OF THRONES ASCENT	85623470	4485803	Class 41 - Providing online computer, video and interactive electronic games via computer networks and global communications networks; providing on-line, non-downloadable virtual goods, namely, food and beverage products, clothing, land, real estate, weapons, armor, protective clothing, shields, armies, soldiers, animals, supernatural creatures, vehicles, beverage containers, storage barrels, coins, bags and pouches, magical charms, trinkets, potions, jewelry and crowns for use in virtual environments on social networking sites; all the aforementioned services relating to an ongoing television series
9.	GAME OF THRONES ASCENT 	85623430	4485802	Class 41 - Providing online computer, video and interactive electronic games via computer networks and global communications networks; providing on-line, non-downloadable virtual goods, namely, food and beverage products, clothing, land, real estate, weapons, armor, protective clothing, shields, armies, soldiers, animals, supernatural creatures, vehicles, beverage containers, storage barrels, coins, bags and pouches, magical charms, trinkets, potions, jewelry and crowns for use in virtual environments on social networking sites; all the aforementioned services relating to an ongoing television series


	Mark	App. No.	Reg. No.	Class/Goods/Services
10.	GAME OF THRONES	87949362		Class 3 - Lip balm, lip gloss, lip liner, lip stick, lip gloss palette, make-up kits comprised of gloss; eye make-up, eye liner, eye pencils, eye shadow, eye make-up corrector pen, mascara, make-up kits comprising of eye shadows, make-up kits comprising of mascara and eye liner, brow stencils, brow gel, brow powder, brow pencils; make-up kits comprising of blush; blush, body powder, face powder, make-up powder, perfumed powder; concealers for face; nail enamel, nail enamel remover, nail enamel corrector pen; perfume, perfume oils, eau de perfume; non-medicated face and body soaps, bath beads, bath crystals, bath foam, bath gel, bath lotion, bath oil, non-medicated bath salts, bubble bath, foam bath, liquid bath soaps, shower and bath foam, shower and bath gel, shower and bath scrub; body scrub, facial scrub, body masks, facial masks, skin masks; massage oil; scented body spray, scented room spray; cologne; fragrances and perfumes
11.	GAME OF THRONES	85199350	4396574	Class 8 - Swords, daggers
12.	GAME OF THRONES	86178627	4724981	Class 14 - jewelry; watches; key rings and collectible coins
13.	GAME OF THRONES	87488684		Class 15 - guitars, guitar picks, guitar strings, and guitar straps
14.	GAME OF THRONES	77756999	4168270	Class 16 - Paper goods and printed matter, namely, calendars, posters, all the aforementioned goods relating to an ongoing television series featuring drama, action and adventure
15.	GAME OF THRONES	77756480	4187110	Class 18 - All-purpose carrying bags; knapsacks; backpacks; rucksacks; shoulder bags; all the aforementioned goods relating to an ongoing television series
16.	GAME OF THRONES	77911031	4376748	Class 20 - resin figurines; featuring content from or related to a television series
17.	GAME OF THRONES	87375889		Class 21 - Cosmetic brushes, eyebrow brushes, lip brushes, make-up brushes, nail brushes, powder compacts sold empty, powder puffs, bath products, namely, body sponges, bath brushes
18.	GAME OF THRONES	77982152	4010151	Class 21 - Mugs, drinking glasses, all related to an ongoing television series
19.	GAME OF THRONES	85240594	4632648	Class 24 - pillowcases, bed blankets
20.	GAME OF THRONES	77756225	4074517	Class 25 - Clothing, namely, shirts; t-shirts; headgear, namely, caps; all the aforementioned goods relating to an ongoing television series
21.	GAME OF THRONES	85433058	4448239	Class 30 - cookies
22.	GAME OF THRONES	77931572	4358306	Class 32 - alcoholic beverages, namely, beer, ale, relating to an ongoing television series
23.	GAME OF THRONES	87850059		Class 33 - Whiskey
24.	GAME OF THRONES	87334808	5285050	Class 33 - wines
25.	GAME OF THRONES	87758098		Class 34 - cigarette lighters; cigar lighters
26.	GAME OF THRONES GAME OF THRONES	85298788	4045540	Class 25 Clothing, namely, shirts, t-shirts
27.	GAME OF THRONES GAME OF THRONES	86663720	5032917	Class 28 - board games; toy bobblehead doll resin figurines; role playing games; slot machines
28.	GAME OF THRONES GAME OF THRONES	86663729	4874475	Class 28 Action figures; card games; collectible card games; puzzle games; playing cards; costume masks; decorations for Christmas trees; toy model and replica arms and armor; toy model and replica swords; toy model and replica knives
29.	GAME OF THRONES CONQUEST	86853609	5556141	Class 9 - downloadable computer game software for use on mobile phones and devices; downloadable electronic game software for use on mobile phones and devices

	Mark	App. No.	Reg. No.	Class/Goods/Services
30.	GAME OF THRONES THE THREE-EYED RAVEN 	87612403	5413007	Class 32 - beer, ale

The foregoing registrations and applications are valid, subsisting, and owned by Opposer. Registration Nos. 3986288, 4010151, 4045540, 4049330, 4074517, 4168270, and 4187110 are also incontestable pursuant to 15 U.S.C. §§1064 and 1115(b).

7. By virtue of the popularity of Opposer’s goods and services offered or sold in connection with the GAME OF THRONES Marks, Opposer has built up and now owns an extremely valuable goodwill which is symbolized by its GAME OF THRONES Marks.


8. Applicant’s applications for, proposed use, and/or actual use of GAME OF THORNS for “Botanical Gardens; Art Exhibition; Gardens for Public Admission; Museums; Museum Services; Conducting educational exhibitions in the nature of botanical gardens highlighting plants with thorns; Educational services, namely, providing displays and exhibits in the

field of botany” in International Class 041 and GAME OF THORNS & Design  for “Botanical Gardens; Art Exhibition; Gardens for Public Admission; Museums; Museum Services; Conducting educational exhibitions in the nature of botanical gardens highlighting plants with thorns; Educational services, namely, providing displays and exhibits in the field of botany” in International Class 041 (“Applicant’s Services”) are without Opposer’s consent or permission.

COUNT I – LIKELIHOOD OF CONFUSION

9. Opposer realleges the allegations of Paragraphs 1 through 8.

10. Applicant’s proposed use, and/or actual use of GAME OF THORNS and GAME OF

THORNS & Design  in connection with Applicant’s Services is likely to cause


confusion, mistake, or deception in that consumers are likely to believe that Applicant's Services are Opposer's services, or the services of a person or company that is sponsored, authorized or licensed by, or in some other way legitimately connected with, Opposer.

COUNT II – DILUTION

11. Opposer realleges the allegations in Paragraphs 1 through 10.

12. Prior to Applicant's filing date that is the subject of the Application, Opposer's GAME OF THRONES Marks became distinctive and famous in accordance with 15 U.S.C. § 1125(c).

13. Applicant's proposed use, and/or actual use of GAME OF THORNS and GAME OF

THORNS & Design  in connection with Applicants' Services is likely to dilute the distinctive quality of Opposer's famous GAME OF THRONES Marks through blurring.

WHEREFORE, Opposer respectfully requests that this opposition be sustained and that Application Serial Nos. 87680615 and 87680607 be denied registration.

Please debit our Deposit Account No. 504261 for the filing fee and for any additional necessary fees.

Please address all correspondence to: Tamara Carmichael, Esq., OLSHAN FROME WOLOSKY LLP, 1325 Avenue of the Americas, New York, New York 10019.

OLSHAN FROME WOLOSKY LLP

Date: October 9, 2018

/s/ Tamara Carmichael
Tamara Carmichael
1325 Avenue of the Americas
New York, New York 10019
Tel: 212-451-2300
Email: tcarmichael@olshanlaw.com,
aprovencio@olshanlaw.com

Attorneys for Opposer, Home Box Office, Inc.