

ESTTA Tracking number: **ESTTA1079210**

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	Mr. Jeff Morris
Granted to Date of previous extension	09/02/2020
Address	2655 FIRST ST. #250 SIMI VALLEY, CA 93065 UNITED STATES
Attorney information	SHAWN WHITE LAW OFFICE OF STEPHANIE WHITE 2655 FIRST ST. STE. 250 SIMI VALLEY, CA 93065 UNITED STATES Primary Email: shawn@805lawyer.com Secondary Email(s): swlawfirm@gmail.com 805-322-7270
Docket Number	

Applicant Information

Application No.	88662828	Publication date	05/05/2020
Opposition Filing Date	09/02/2020	Opposition Period Ends	09/02/2020
Applicant	Big Sky Ranch Company LLC 9301 WILSHIRE BLVD. SUITE 315 BEVERLY HILLS, CA 90210 UNITED STATES		

Goods/Services Affected by Opposition

Class 041. First Use: 1960/00/00 First Use In Commerce: 1960/00/00

All goods and services in the class are opposed, namely: Film location services, namely, providing facilities for producing video, cinema and photography productions; providing facilities for use for filming; providing location for filming; media production location services for entertainment filming purposes, namely, providing facilities for producing video, cinema and photography productions

Grounds for Opposition

The mark is merely descriptive	Trademark Act Section 2(e)(1)
The mark is deceptively misdescriptive	Trademark Act Section 2(e)(1)

Attachments	noticeofopptofile.pdf(1084324 bytes)
Signature	/Shawn White/
Name	SHAWN WHITE
Date	09/02/2020

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

3
4 JEFF MORRIS

5 Opposer,

6 vs.

7 BIG SKY RANCH COMPANY, LLC,

8 Applicant.
9

Serial No. 88662828

For the Mark: BIG SKY MOVIE RANCH

Publication Date: 5/5/2020

Filing Date: 10/21/2019

10
11 Jeff Morris (“Opposer”), an individual with a principal place of business in Simi Valley,
12 CA will be damaged by the issuance of a registration for the trademark shown in Application Serial
13 No. 88662828 and hereby opposes the same.

14
15 As grounds for his opposition, Jeff Morris alleges as follows, with knowledge concerning
16 its own acts, and on information and belief as to all other matters:

17
18 **FACTS**

19 Opposer is a professional location scout for the motion picture industry. He had worked
20 with the Applicant for over a decade. In that time the Opposer raised numerous concerns with
21 Applicant that Applicant was not complying with zoning laws, licensing requirements, and safety
22 codes.

23 Fear that the Opposer would become a whistle blower led the Applicant to file this
24 Trademark Application. A few weeks after applying for this Trademark the Applicant terminated
25 their business relationship with the Opposer and informed him that they had a Trademark that
26 prohibited him from talking about them. The Applicant never disclosed this Trademark Application
27 to the Opposer but they implied that they had a common law trademark that made it illegal for the
28 Opposer to discuss the Applicant on social media or to own photographs of the Big Sky Ranch.

1 The Applicant does not have a common law trademark. The Applicant has been publicly
2 known by many names, The Ranch, The Big Sky Ranch, Big Sky, the Big Sky Movie Ranch, and
3 the Big Sky movie ranch without Applicant raising any objection. Applicant has never asserted or
4 defended a Trademark prior to this filing. Jeff Morris is now a competitor to the Applicant and is
5 presently being sued by the Applicant for alleged violation of their non-existent Trademark.

6
7 **FIRST GROUND FOR OPPOSITION**
THE MARK IS MERELY DESCRIPTIVE

8 Movie ranches were developed in the 1920s for location shooting in Southern California to
9 support the making of popular western films. Finding it difficult to recreate the topography of the
10 Old West on sound stages and studio backlots, the Hollywood studios went to the rustic valleys,
11 canyons and foothills of Southern California for filming locations. Other large-scale productions,
12 such as war films, also needed large, undeveloped settings for outdoor scenes, such as battles.
13

14
15 A movie ranch is a ranch that is at least partially dedicated for use as a set in the creation
16 and production of motion pictures and television shows. These were developed in the United States
17 in southern California, because of the climate. The first such facilities were all within the 30-mile
18 (48 km) studio zone, known in the industry as “The TMZ”. These are often in the foothills of the
19 San Fernando Valley, Santa Clarita Valley, and Simi Valley in the U.S. state of California (exhibit
20 “2”).
21

22 In the motion picture industry, the phrase “Movie Ranch” has a specific meaning. “Movie
23 Ranch” is a descriptive location category designated by the California Film Commission (exhibit
24 “1”). Allowing a ranch to trademark their name plus “Movie Ranch” would be no different than
25 allowing a lawyer named Bill Smith to trademark “Bill Smith Lawyer”. The phrase “Big Sky
26 Movie Ranch” only identifies that Big Sky is a Movie Ranch – a ranch where movies are
27
28

1 sometimes filmed. It has no secondary meaning. It is merely descriptive or geographically
2 descriptive.

3
4 **SECOND GROUND FOR OPPOSITION**
5 **THE MARK IS DECEPTIVELY MISDESCRIPTIVE**

6 The CFC designates certain facilities as “Approved Production Facilities” (exhibit “3”).
7 Approved production facilities receive tax incentives, favorable union rates, and are allowed to
8 maintain permanent sets. They are able to build, and tear down sets in the same manner that an
9 actual indoor movie studio can do on a sound stage without having to get individual building
10 permits. To be designated as an “Approved Production Facility” you must be within the 30 mile
11 Studio Zone i.e. the TMZ.

12
13 The California Film Commission has designated that the Big Sky Movie Ranch is not in
14 this zone (exhibit “1”), though Applicant falsely advertises that they are. The Applicant is zoned
15 for agriculture. Yes, they do film movies there, but allowing them to trademark “Big Sky Movie
16 Ranch” will enable them to falsely represent themselves as being zoned and permitted in ways that
17 they are not, to represent a competitive edge that they do not have and that would give them an
18 unfair advantage over other ranches that are actually in the Studio 30 Mile Zone and actually are
19 approved production facilities. This service mark would deceive potential customers.

20
21 WHEREFORE, pursuant to the Lanham Act Section 2(e)(1) Jeff Morris requests that the
22 Trademark Trial and Appeal Board deny the application for “BIG SKY MOVIE RANCH” (Serial
23 Number 88662828) by BIG SKY RANCH COMPANY, LLC

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