

ESTTA Tracking number: **ESTTA1088033**

Filing date: **10/12/2020**

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	Take-Two Interactive Software, Inc.
Granted to Date of previous extension	10/11/2020
Address	110 WEST 44TH STREET NEW YORK, NY 10036 UNITED STATES
Attorney information	ANDREA L. CALVARUSO KELLEY DRYE & WARREN LLP 101 PARK AVENUE NEW YORK, NY 10178 UNITED STATES Primary Email: trademarks@kelleydrye.com 2128087800
Docket Number	

Applicant Information

Application No.	88703249	Publication date	04/14/2020
Opposition Filing Date	10/12/2020	Opposition Period Ends	10/11/2020
Applicant	Rockstar Axe Throwing, LLC SUITE 300 7901 4TH STREET N. ST. PETERSBURG, FL 33702 UNITED STATES		

Goods/Services Affected by Opposition

Class 041. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Entertainment in the nature of axe throwing competitions; Instruction in the nature of hatchet and axe throwing lessons; Providing sports facilities for hatchet and axe throwing
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Applicant Information

Application No.	88703293	Publication date	04/14/2020
Opposition Filing Date	10/12/2020	Opposition Period Ends	
Applicant	Rockstar Axe Throwing, LLC SUITE 300		

7901 4TH STREET N. ST. PETERSBURG, FL 33702 UNITED STATES

Goods/Services Affected by Opposition

Class 041. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Entertainment in the nature of axe throwing competitions; Instruction in the nature of hatchet and axe throwing lessons; Providing sports facilities for hatchet and axe throwing
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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.	2456387	Application Date	11/15/1999
Registration Date	05/29/2001	Foreign Priority Date	NONE
Word Mark	ROCKSTAR GAMES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1999/04/01 First Use In Commerce: 1999/04/01 COMPUTER GAMES SOFTWARE AND VIDEO GAME PROGRAMS		

U.S. Registration No.	3905775	Application Date	01/05/2004
Registration Date	01/11/2011	Foreign Priority Date	NONE
Word Mark	ROCKSTAR FILMS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2010/10/19 First Use In Commerce: 2010/10/19 Computer game programs and software Class 041. First use: First Use: 2010/05/15 First Use In Commerce: 2010/05/15 entertainment services in the nature of a live-action and/or animated television program series		

U.S. Registration No.	4037654	Application Date	12/22/2010
Registration Date	10/11/2011	Foreign Priority Date	NONE
Word Mark	ROCKSTAR GAMES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1999/04/01 First Use In Commerce: 1999/04/01		

	<p>Animated motion picture films featuring entertainment, namely, action, adventure, dramatic, comedic, children's and documentary themes; computer and video games software, and related programs and software, namely, screensavers, digital music files, videos, films and other multimedia materials, all featuring entertainment, namely, action, adventure, dramatic, comedic, children's and documentary themes, all delivered via pre-recorded discs and other pre-recorded media and via downloadable delivery on global computer networks and wireless networks; pre-recorded discs and other pre-recorded digital and electronic media in the field of live action programs, motion pictures, or animation featuring entertainment, namely, action, adventure, dramatic, comedic, children's and documentary themes</p> <p>Class 041. First use: First Use: 1999/04/01 First Use In Commerce: 1999/04/01 Entertainment services, namely, providing a website featuring use of non-downloadable computer and video games, and news, information, tips, hints, contests, computer interface themes and enhancements, audio-visual content, music, films, videos, television programs, animated series, and other multimedia materials, all non-downloadable and all in the field of computer games and video games; providing information, news and commentary in the field of computer games and video games</p>
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U.S. Registration No.	4519873	Application Date	10/07/2011
Registration Date	04/29/2014	Foreign Priority Date	NONE
Word Mark	ROCKSTAR PASS		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 2011/05/30 First Use In Commerce: 2011/05/30 Computer game software downloadable from a global computer network</p> <p>Class 041. First use: First Use: 2011/05/30 First Use In Commerce: 2011/05/30 Entertainment services, namely, providing a website featuring information in the field of video games</p>		

U.S. Registration No.	4274517	Application Date	02/22/2012
Registration Date	01/15/2013	Foreign Priority Date	NONE
Word Mark	ROCKSTAR NORTH		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 2002/10/31 First Use In Commerce: 2002/10/31 Computer and video game programs and software; downloadable computer and video game programs and software; downloadable digital materials namely, videos, films, multimedia files, animated films in the field of video games and computer games, all delivered via global computer networks and wireless networks; pre-recorded digital media featuring computer games and video games, graphics, videos, films, multimedia files, animated films in the field of video games and computer games; and pre-recorded video discs and other pre-recorded digital and electronic media in the field of live action programs, motion pictures, or animation featuring entertainment, namely, action, adventure, dramatic, comedic, children's and documentary themes</p> <p>Class 041. First use: First Use: 2002/10/31 First Use In Commerce: 2002/10/31</p>		

	Entertainment services, namely, providing online games, providing a website featuring news and information in the field of computer games and video games; providing information, news and commentary in the field of computer games and video games; and animated motion picture films featuring entertainment, namely, action, adventure, dramatic, comedic, children's and documentary themes		
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U.S. Registration No.	4171931	Application Date	03/28/2008
Registration Date	07/10/2012	Foreign Priority Date	NONE
Word Mark	ROCKSTAR GAMES SOCIAL CLUB		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2008/03/31 First Use In Commerce: 2008/03/31 Entertainment services, namely, production of computer programs and software for entertainment purposes; and providing information in the fields of computer games and entertainment via the Internet		

U.S. Registration No.	4034064	Application Date	12/21/2010
Registration Date	10/04/2011	Foreign Priority Date	NONE
Word Mark	ROCKSTAR FILMS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2010/10/19 First Use In Commerce: 2010/10/19 Animated motion picture films featuring entertainment, namely, action, adventure, dramatic, comedic, children's and documentary themes; pre-recorded video discs and other pre-recorded digital and electronic media in the field of live action programs, motion pictures, or animation featuring entertainment, namely, action, adventure, dramatic, comedic, children's and documentary themes		

U.S. Registration No.	4303689	Application Date	11/17/2011
Registration Date	03/19/2013	Foreign Priority Date	NONE
Word Mark	ROCKSTAR GAMES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 2003/10/31 First Use In Commerce: 2003/10/31 Games, toys, and playthings, namely, toy action figures and accessories therefor		

U.S. Registration No.	4773125	Application Date	02/12/2009
Registration Date	07/14/2015	Foreign Priority Date	NONE
Word Mark	ROCKSTAR TV		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 041. First use: First Use: 2015/05/01 First Use In Commerce: 2015/05/01 entertainment services, namely, providing audio-visual content, films, videos, television programs, animated series, and other multimedia materials in the field of computer games and video games; entertainment services in the form of providing a series of animated television programs featuring comedy

U.S. Registration No.	4832117	Application Date	02/09/2012
Registration Date	10/13/2015	Foreign Priority Date	NONE
Word Mark	ROCKSTAR TV		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2015/05/01 First Use In Commerce: 2015/05/01 animated motion picture films featuringentertainment, namely, action, adventure, dramatic, comedic, children's and documentary themes		

U.S. Registration No.	5715643	Application Date	09/09/2011
Registration Date	04/02/2019	Foreign Priority Date	NONE
Word Mark	ROCKSTAR STUDIOS		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 2012/05/15 First Use In Commerce: 2012/05/15 Computer and video game programs and software; downloadable computer and video game programs and software; downloadable digital materials, namely, ring tones, wallpapers, screensavers, digital music files, and graphics, videos, films, multimedia files, and animated films in the field of video games and computer games,all delivered via global computer networks and wireless networks; pre-recorded digital media featuring computer games and video games, ring tones, wallpapers, screensavers, digital music files, and graphics, videos, films, multimedia files, and animated films in the field of video games and computer games; and pre-recorded video discs and other pre-recorded digital and electronic media in the field of live action programs, motion pictures, or animation featuring entertainment, namely, action, adventure, dramatic, comedic, children's and documentary themes; animated motion picture films featuring entertainment, namely, action, adventure, dramatic, comedic, children's and documentary themes</p> <p>Class 016. First use: First Use: 2012/05/15 First Use In Commerce: 2012/05/15 Printed materials, namely, books, pamphlets, and manuals in the field of video games; posters</p> <p>Class 041. First use: First Use: 2011/09/14 First Use In Commerce: 2011/09/14 Providing a website featuring non-downloadable computer and video games, news, information, films, animated films, and other multimedia materials in the field of computer games and video games; providing information, news and commentary inthe field of computer games and video games</p>		

U.S. Registration	4843249	Application Date	05/18/2006
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