

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Take-Two Interactive Software, Inc.  
Serial No. : 87/786,291 Examiner: Kevin G. Crennan  
Filed : February 6, 2018 Law Office 113  
Mark : **GTAO**

**APPLICANT’S RESPONSE TO OFFICE ACTION DATED APRIL 2, 2018**

The Examining Attorney has refused registration of the above-referenced trademark application (the “Application”) for the mark **GTAO** (“Applicant’s Mark”) in International Class 9 (“Applicant’s Goods”) on the grounds that registration of the mark is likely to cause confusion because it is similar to two prior pending applications. The Examining Attorney is also requiring amendment of the description of the goods in the Application. Applicant’s response is set forth below.

**I. IDENTIFICATION OF GOODS**

Applicant amends its description of goods in Class 9 as follows:

Computer and video game programs and software; downloadable computer and video game programs and software; pre-recorded digital media featuring computer games and video games, and graphics, videos, films, multimedia files containing artwork, text, audio and video, all relating to video games and computer games, motion pictures, and ~~animated~~ videos and graphics in the field of video games and computer games.

**II. POTENTIAL SECTION 2(d) REFUSAL**

The Examining Attorney has potentially refused registration of Applicant’s Mark on the grounds that the mark, when used in connection with Applicant’s Goods, so resembles two prior-filed applications for the mark GTA in Class 9 (Ser. No. 87/219,978) and Classes 35 and 41 (Ser. No. 87/220,003) by Death to Genres, LLC (the “Cited Applicant”) (together, the “Cited Marks”), that it may be likely to cause confusion, mistake, or to deceive.

On February 6, 2018, Applicant filed Opposition No. 91239343 against Ser. No. 87/219,978 and two other applications owned by the Cited Applicant, namely, Ser. Nos. 87/219,987 and 87/219,993 (the “Opposition Proceeding”). Pursuant to TMEP § 716.02(d), Applicant respectfully requests that the Examining Attorney suspend further action herein pending the outcome of the Opposition Proceeding.

With respect to the Ser. No. 87/220,003, Applicant also respectfully requests that the Examining Attorney put the Application under suspension, and Applicant expressly reserves the right to submit arguments and address any issues later if this application is eventually registered and if a formal refusal under Section 2(d) issues.

**III. CONCLUSION**

For the foregoing reasons, Applicant respectfully requests that its amendments be allowed and that the Examining Attorney suspend the Application. If any unresolved issues still remain, the Examining Attorney is respectfully requested to telephone the undersigned in order to resolve said issues.

Respectfully submitted,

Dated: October 2, 2018

KELLEY DRYE & WARREN LLP  
Attorneys for Applicant

By: /s/ Andrea L. Calvaruso

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