

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Take-Two Interactive Software, Inc.
Serial No. : 88/340,525 Examiner: Elizabeth A. O'Brien
Filed : March 14, 2019 Law Office 105
Mark : **T2**

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

APPLICANT'S RESPONSE TO OFFICE ACTION DATED MAY 30, 2019

The Examining Attorney has refused registration of the above-referenced application (the "Application") for the mark **T2** ("Applicant's Mark") in International Classes 9 and 41 on the grounds that the descriptions of the goods and services in the Application require amendments. Applicant's response is set forth below.

I. IDENTIFICATION OF GOODS AND SERVICES

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

Recorded €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, live action programs, motion pictures, and animation 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, live action programs, motion pictures, and animation in the field of video games and computer games.

Applicant amends its description of services in International Class 41 as follows:


Entertainment services, namely, providing a website featuring computer games and video games, and news, information and non-downloadable audio-visual content; **in the nature of** music, films, videos and ~~other~~ **entertainment content** in the field



of computer games and video games; providing information, news and commentary in the field of computer games and video games.



II. APPLICANT’S DESCRIPTION OF GOODS IN CLASS 9 IS PROPER



Applicant respectfully disagrees with the Examining Attorney’s contention that the term “wireless devices” should be substituted for “wireless networks” in Applicant’s description of goods in International Class 9. Applicant likewise respectfully disagrees with the Examining Attorney’s contention that the term “devices” should be added to the phrase “pre-recorded digital media.”

As an initial matter, Applicant notes that it is the owner of several dozen applications and registrations on the Principal Register which have been approved in International Class 9 for goods which are identical or nearly identical to those covered by Applicant’s Mark without requiring the substitution of the term “wireless devices” for “wireless networks” or the addition of the term “devices” to the phrase “pre-recorded digital media”, including the following representative examples (attached hereto as **Exhibit A** are true and correct copies of the TESS pages for the registrations set forth below):

Mark	Status	Relevant Good/Services	Owner
BEATERATOR and Design  Reg. No. 3,896,078	Registered 8 & 15, February 28, 2017	(Int’l Class: 09) computer and video game programs and software; downloadable computer and video game programs and software and downloadable digital materials, namely, ring tones and digital music files, delivered via global computer networks and wireless networks	Take-Two Interactive Software, Inc.
BULLY Reg. No. 4,690,664	Registered, February 24, 2015	(Int’l Class: 09) computer and video game programs and software; downloadable digital materials, namely, wallpapers, screensavers, digital music files, and graphics, videos, films, multimedia files, live action programs, motion pictures, and animation 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	Take-Two Interactive Software, Inc.

Mark	Status	Relevant Good/Services	Owner
		video games, wallpapers, screensavers, digital music files, and graphics, videos, films, multimedia files, live action programs, motion pictures, and animation in the field of video games and computer games	
CITY STORIES Reg. No. 4,848,943	Registered, November 10, 2015	(Int'l Class: 09) 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, motion pictures, and animation 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, motion pictures, and animation in the field of video games and computer games	Take-Two Interactive Software, Inc.
GRAND THEFT AUTO (Stylized)  Reg. No. 4,510,940	Registered, April 8, 2014	(Int'l Class: 09) computer and video game programs and software; downloadable computer and video game programs and software; downloadable digital materials, namely, wallpapers, screensavers, digital music files, and graphics, videos, films, multimedia files, live action programs, motion pictures, and animation 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, wallpapers, screensavers, digital music files, and graphics, videos, films, multimedia files, live action programs, motion pictures, and animation in the field of video games and computer games	Take-Two Interactive Software, Inc.
GRAND THEFT AUTO ONLINE (Stylized)  Reg. No. 5,506,604	Registered, July 3, 2018	(Int'l Class: 09) computer and video game programs and software; downloadable computer and video game programs and software; downloadable digital materials, namely, wallpapers, screensavers, digital music files, graphics, videos, films, multimedia files, motion pictures, and animation in the field of video games and computer games, all delivered via global computer networks and wireless networks; pre-recorded digital media, namely, digital video discs, compact discs, optical discs, laser discs, and downloadable audio and video files featuring computer games and video games,	Take-Two Interactive Software, Inc.

Mark	Status	Relevant Good/Services	Owner
<p>GRAND THEFT AUTO V FIVE and Design</p>  <p>Reg. No. 4,743,893</p>	<p>Registered, May 26, 2015</p>	<p>wallpapers, screensavers, digital music files, graphics, videos, films, multimedia files, motion pictures, and animation in the field of video games and computer games</p> <p>(Int'l Class: 09) computer and video game programs and software; downloadable computer and video game programs and software; downloadable digital materials, namely, wallpapers, screensavers, digital music files, and graphics, videos, films, multimedia files, motion pictures, and animation 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, wallpapers, screensavers, digital music files, and graphics, videos, films, multimedia files, motion pictures, and animation in the field of video games and computer games</p>	<p>Take-Two Interactive Software, Inc.</p>
<p>HANGAR 13 TRADE MARK HAMILTON AFB 2K NOVATO CA US and Design</p>  <p>Reg. No. 5,341,257</p>	<p>Registered, November 21, 2017</p>	<p>(Int'l Class: 09) computer and video game programs and software; downloadable computer and video game programs and software; downloadable digital materials, namely, digital music files, and graphics, videos, films, multimedia files, live action programs, motion pictures, and animation 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, digital music files, and graphics, videos, films, multimedia files, live action programs, motion pictures, and animation in the field of video games and computer games</p>	<p>Take-Two Interactive Software, Inc.</p>
<p>L.A. NOIRE Reg. No. 4,254,483</p>	<p>Registered 8 & 15, May 16, 2018</p>	<p>(Int'l Class: 09) computer programs and software, namely, wallpapers, screensavers, graphics, digital music files, videos, films and other multimedia materials all in the field of video games and computer games, all delivered via pre-recorded discs and other pre-recorded media and via downloadable delivery on global computer networks and wireless networks</p>	<p>Take-Two Interactive Software, Inc.</p>
<p>MIDNIGHT CLUB and Design</p>	<p>Registered 8 & 15, December 17, 2018</p>	<p>(Int'l Class: 09) computer and video game programs and software; downloadable computer and video game programs and software; downloadable digital materials, namely,</p>	<p>Take-Two Interactive Software, Inc.</p>

Mark	Status	Relevant Good/Services	Owner
 Reg. No. 4,356,658		wallpapers, screensavers, and graphics, videos, films, multimedia files, motion pictures, and animation 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	
R and Design  Reg. No. 4,034,074	Registered 8 & 15, October 24, 2017	(Int'l Class: 09) animated motion picture films featuring entertainment, namely, action, adventure, dramatic, comedic, children's and documentary themes; computer and video game programs and 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	Take-Two Interactive Software, Inc.
RED DEAD Reg. No. 4,186,707	Registered 8 & 15, May 16, 2018	(Int'l Class: 09) computer and video game programs and software; downloadable computer and video game programs and software; downloadable digital materials, namely, wallpapers, screensavers, videos, films, multimedia files, motion pictures, and animation 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, wallpapers, screensavers, videos, films, multimedia files, motion pictures, and animation in the field of video games and computer games	Take-Two Interactive Software, Inc.
ROCKSTAR GAMES Reg. No. 4,037,654	Registered 8 & 15, May 31, 2017	(Int'l Class: 09) animated motion picture films featuring entertainment, namely, action, adventure, dramatic, comedic, children's and documentary themes; computer and video game software, and related programs and software, namely, screensavers, digital music files, videos, films and other multimedia materials, all featuring entertainment, namely, action, adventure,	Take-Two Interactive Software, Inc.

Mark	Status	Relevant Good/Services	Owner
		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	
ROCKSTAR NORTH Reg. No. 4,274,517	Registered 8 & 15. June 6, 2018	(Int'l Class: 09) 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	Take-Two Interactive Software, Inc.
ROCKSTAR STUDIOS Reg. No. 5,715,643	Registered, April 2, 2019	(Int'l Class: 09) 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	Take-Two Interactive Software, Inc.

Mark	Status	Relevant Good/Services	Owner
		featuring entertainment, namely, action, adventure, dramatic, comedic, children's and documentary themes	
THE BALLAD OF GAY TONY Reg. No. 4,115,325	Registered 8 & 15, March 22, 2018	(Int'l Class: 09) computer and video game programs and software; downloadable computer and video game programs and software; downloadable digital materials, namely, wallpapers, digital music files, and graphics, videos, films, multimedia files, live action programs, motion pictures, and animation 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, live action programs, motion pictures, and animation in the field of video games and computer games	Take-Two Interactive Software, Inc.

While Applicant acknowledges that the USPTO is not bound by its prior decisions, it is entitled to a certain degree of reliance on treatment of similar marks. In fact, the Court of Appeals for the Federal Circuit encourages the use of a uniform standard in assessing marks. *See In re Nett Designs*, 57 U.S.P.Q.2d 1564, 1566 (Fed Cir. 2001). Applicant thus asserts that the present Application for Applicant's Mark should likewise be permitted to register without requiring substitution of the term "wireless devices" for "wireless networks" or the addition of the term "devices" to the phrase "pre-recorded digital media".

Applicant further respectfully submits that the term "wireless devices" is not an accurate representation of the goods offered in connection with Applicant's Mark in International Class 9. Specifically, Applicant's downloadable digital materials are delivered via wireless networks, meaning wireless communication channels, such as WiFi, which are accessible using a wide range of devices, including both cabled and wireless devices, and not necessarily solely via wireless

devices. Accordingly, “wireless devices” does not accurately describe the method of delivery of Applicant’s goods and incorrectly limits the scope of Applicant’s goods.

Similarly, the addition of the term “devices” to the phrase “pre-recorded digital media” inaccurately describes the nature of Applicant’s goods. The phrase “pre-recorded digital media” encompasses all types of digital media, which may not necessarily be fixed in a physical device, such as computer files. As such, the addition of the term “devices” incorrectly implies that Applicant’s pre-recorded digital media is offered only via physical devices.

Accordingly, Applicant respectfully requests that the requirements that the term “wireless devices” be substituted for “wireless networks” and the term “devices” be added to the phrase “pre-recorded digital media” be withdrawn.

III. CONCLUSION

For all the foregoing reasons, Applicant respectfully requests that the Examining Attorney approve the Application for publication. If any unresolved issues still remain, the Examining Attorney is respectfully requested to telephone the undersigned in order to resolve said issues.

Respectfully submitted,

KELLEY DRYE & WARREN LLP
Attorneys for Applicant

Dated: December 2, 2019

By: /Patricia L. Werner/
Andrea L. Calvaruso
Patricia L. Werner
Kelli D. Ortega
101 Park Avenue
New York, NY 10178
(212) 808-7800

EXHIBIT A

**Trademarks > Trademark Electronic Search System (TESS)**

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Word Mark **BEATERATOR**

Goods and Services IC 009. US 021 023 026 036 038. G & S: Computer and video game programs and software; downloadable computer and video game programs and software and downloadable digital materials, namely, ring tones and digital music files, delivered via global computer networks and wireless networks. FIRST USE: 20090929. FIRST USE IN COMMERCE: 20090929

IC 016. US 002 005 022 023 029 037 038 050. G & S: printed materials, namely, manuals, pamphlets, booklets, books, posters and guides in the field of computer and video games. FIRST USE: 20090929. FIRST USE IN COMMERCE: 20090929

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 01.01.03 - Star - a single star with five points
26.11.14 - Rectangles (three or more rectangles); Three or more rectangles
26.11.16 - Rectangles touching or intersecting
26.11.21 - Rectangles that are completely or partially shaded

Trademark Search Facility Classification Code SHAPES-ASTRO Astronomical shapes consisting of celestial bodies, globes and geographical maps
SHAPES-GEOMETRIC Geometric figures and solids including squares, rectangles, quadrilaterals and polygons

Serial Number 77853742

Filing Date October 21, 2009

Current Basis 1A

Original Filing Basis 1A

Published for Opposition October 12, 2010

Registration Number 3896078

Registration Date December 28, 2010

Owner (REGISTRANT) Take-Two Interactive Software, Inc. CORPORATION DELAWARE 622 Broadway New York NEW YORK 10012

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record ANDREA L. CALVARUSO

Prior Registrations 3082257

Description of Mark Color is not claimed as a feature of the mark. The mark consists of the word "BEATERATOR" in block letters with a design consisting of small squares underneath, and a star to the bottom right.

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR).

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BULLY

Word Mark BULLY

Goods and Services IC 009. US 021 023 026 036 038. G & S: Computer and video game programs and software; downloadable digital materials, namely, wallpapers, screensavers, digital music files, and graphics, videos, films, multimedia files, live action programs, motion pictures, and animation 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, wallpapers, screensavers, digital music files, and graphics, videos, films, multimedia files, live action programs, motion pictures, and animation in the field of video games and computer games. FIRST USE: 20060810. FIRST USE IN COMMERCE: 20060810

IC 041. US 100 101 107. G & S: Entertainment services, namely, providing online games, providing a website featuring computer games and video games, and news, information, tips, hints, contests, computer interface themes, enhancements, audio-visual content, music, films, videos, television programs, animated series, and other multimedia materials in the field of computer games and video games; providing information, news and commentary in the field of computer games and video games. FIRST USE: 20060810. FIRST USE IN COMMERCE: 20060810

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 86020198

Filing Date July 25, 2013

Current Basis 1A

Original Filing Basis 1A

Published for Opposition July 8, 2014

Registration Number 4690664

Registration Date February 24, 2015

Owner (REGISTRANT) Take-Two Interactive Software, Inc. CORPORATION DELAWARE 622 Broadway New York NEW YORK 10012

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record ANDREA L. CALVARUSO

Prior Registrations 3413563;3670955;4289379

Type of Mark TRADEMARK. SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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CITY STORIES

Word Mark CITY STORIES

Goods and Services IC 009. US 021 023 026 036 038. G & S: 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, motion pictures, and animation 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, motion pictures, and animation in the field of video games and computer games. FIRST USE: 20061031. FIRST USE IN COMMERCE: 20061031

IC 041. US 100 101 107. G & S: Entertainment services, namely, providing online games, providing a website featuring computer games and video games, and news, information, tips, hints, contests, computer interface themes, enhancements, audio-visual content, music, films, videos, television programs, animated series, and other multimedia materials in the field of computer games and video games; providing information, news and commentary in the field of computer games and video games. FIRST USE: 20061031. FIRST USE IN COMMERCE: 20061031

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 86282548

Filing Date May 15, 2014

Current Basis 1A

Original Filing Basis 1A

Published for Opposition August 25, 2015

Registration Number 4848943

Registration Date November 10, 2015

Owner (REGISTRANT) Take-Two Interactive Software, Inc. CORPORATION DELAWARE 622 Broadway New York NEW YORK 10012

Attorney of Record Kristen McCallion

Prior Registrations 3345871;3638058;3638061;AND OTHERS

Type of Mark TRADEMARK. SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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IC 041. US 100 101 107. G & S: Entertainment services, namely, providing a website featuring computer games and video games, and news, information, tips, hints, contests, computer interface themes, enhancements, audio-visual content, music, films, videos, animated series, and other multimedia materials in the field of computer games and video games; providing information, news and commentary in the field of computer games and video games. FIRST USE: 20011031. FIRST USE IN COMMERCE: 20011031

Mark Drawing Code (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM**Serial Number** 86124384**Filing Date** November 20, 2013**Current Basis** 1A**Original Filing Basis** 1A**Published for Opposition** January 21, 2014**Registration Number** 4510940**Registration Date** April 8, 2014**Owner** (REGISTRANT) Take-Two Interactive Software, Inc. CORPORATION DELAWARE 622 Broadway New York NEW YORK 10012**Assignment Recorded** ASSIGNMENT RECORDED**Attorney of Record** Kristen McCallion**Prior Registrations** 2755932;2909548;3926016;AND OTHERS**Description of Mark** Color is not claimed as a feature of the mark. The mark consists of the wording "GRAND THEFT AUTO" in stylized font.**Type of Mark** TRADEMARK. SERVICE MARK**Register** PRINCIPAL**Live/Dead Indicator** LIVE[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [TOP](#) | [HELP](#) | [PREV LIST](#) | [CURR LIST](#) | [NEXT LIST](#) | [FIRST DOC](#) | [PREV DOC](#) | [NEXT DOC](#) | [LAST DOC](#)[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



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Word Mark GRAND THEFT AUTO ONLINE

Goods and Services IC 009. US 021 023 026 036 038. G & S: Computer and video game programs and software; downloadable computer and video game programs and software; downloadable digital materials, namely, wallpapers, screensavers, digital music files, graphics, videos, films, multimedia files, motion pictures, and animation in the field of video games and computer games, all delivered via global computer networks and wireless networks; pre-recorded digital media, namely, digital video discs, compact discs, optical discs, laser discs, and downloadable audio and video files featuring computer games and video games, wallpapers, screensavers, digital music files, graphics, videos, films, multimedia files, motion pictures, and animation in the field of video games and computer games. FIRST USE: 20130917. FIRST USE IN COMMERCE: 20130917

IC 041. US 100 101 107. G & S: Entertainment services, namely, providing online computer and video games, providing a website featuring computer games and video games, news, information, tips, hints, contests, computer interface themes, enhancements, audio-visual content, music, films, videos, television programs, animated series, and other multimedia materials in the field of computer games and video games; providing information, news and commentary in the field of computer games and video games. FIRST USE: 20130917. FIRST USE IN COMMERCE: 20130917

Mark Drawing Code (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

Serial Number 87612845

Filing Date September 18, 2017

Current Basis 1A

Original Filing Basis 1A

Published for Opposition April 17, 2018

Registration Number 5506604

Registration Date July 3, 2018

Owner (REGISTRANT) Take-Two Interactive Software, Inc. CORPORATION DELAWARE 622 Broadway New York NEW YORK 10012

Attorney of Record Andrea L. Calvaruso

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ONLINE" APART FROM THE MARK AS SHOWN

Description of Mark Color is not claimed as a feature of the mark. The mark consists of the stylized wording "GRAND THEFT AUTO ONLINE". The wording "GRAND THEFT AUTO" is in lowercase letters followed by the word "ONLINE" in uppercase letters. All of the wording has thick outlining.

Type of Mark TRADEMARK. SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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**Word Mark** GRAND THEFT AUTO V FIVE

Goods and Services IC 009. US 021 023 026 036 038. G & S: Computer and video game programs and software; downloadable computer and video game programs and software; downloadable digital materials, namely, wallpapers, screensavers, digital music files, and graphics, videos, films, multimedia files, motion pictures, and animation 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, wallpapers, screensavers, digital music files, and graphics, videos, films, multimedia files, motion pictures, and animation in the field of video games and computer games. FIRST USE: 20130917. FIRST USE IN COMMERCE: 20130917

IC 016. US 002 005 022 023 029 037 038 050. G & S: Printed materials, namely, manuals, pamphlets, booklets, books, posters and guides in the field of computer and video games. FIRST USE: 20130617. FIRST USE IN COMMERCE: 20130617

IC 025. US 022 039. G & S: Clothing, namely, shirts, t-shirts, sweatshirts, casual and leisure jackets; headgear, namely, hats and caps. FIRST USE: 20121227. FIRST USE IN COMMERCE: 20121227

IC 041. US 100 101 107. G & S: Entertainment services, namely, providing online games, providing a website featuring computer games and video games, and news, information, tips, hints, contests, computer interface themes, enhancements, audio-visual content, music, films, videos, television programs, animated series, and other multimedia materials in the field of computer games and video games; providing information, news and commentary in the field of computer games and video games. FIRST USE: 20111025. FIRST USE IN COMMERCE: 20111025

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 09.01.04 - Bows, decorative; Ribbons, giftwrap (gift wrap); Ribbons, hair

24.09.07 - Advertising, banners; Banners

26.09.21 - Squares that are completely or partially shaded

Serial Number 85463985

Filing Date November 3, 2011

Current Basis 1A

Original Filing Basis 1B

Published for Opposition July 10, 2012

Registration Number 4743893

Registration Date May 26, 2015

Owner (REGISTRANT) Take-Two Interactive Software, Inc. CORPORATION DELAWARE 622 Broadway New York NEW YORK 10012

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record ANDREA L. CALVARUSO

Prior Registrations 2148765;2755932;2909548;AND OTHERS

Description of Mark Color is not claimed as a feature of the mark. The mark consists of the words "GRAND THEFT AUTO" and a "V" with the word "FIVE" inside of a ribbon wrapped around the "V".

Type of Mark TRADEMARK. SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	TOP	HELP	PREV LIST	CURR LIST	NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC
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Word Mark HANGAR 13 TRADE MARK HAMILTON AFB 2K NOVATO CA US

Goods and Services IC 009. US 021 023 026 036 038. G & S: Computer and video game programs and software; downloadable computer and video game programs and software; downloadable digital materials, namely, digital music files, and graphics, videos, films, multimedia files, live action programs, motion pictures, and animation 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, digital music files, and graphics, videos, films, multimedia files, live action programs, motion pictures, and animation in the field of video games and computer games. FIRST USE: 20161007. FIRST USE IN COMMERCE: 20161007

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 01.15.02 - Electricity; Lightning; Sparks (jagged lines)
 03.01.04 - Cats, domestic Cats; Kittens
 03.01.16 - Heads of cats, dogs, wolves, foxes, bears, lions, tigers
 03.01.24 - Stylized cats, dogs, wolves, foxes, bears, lions, tigers
 10.05.25 - Bathroom articles, soap dishes; Cotton balls; Cotton swabs; Dental floss; Emery boards; Eye patches; Feminine hygiene products; Files (nail); Floss, dental; Nail clippers; Nail files; Polisher/buffers, nail; Shoe horns; Tooth picks; Vibrators, massage
 26.01.01 - Circles as carriers or as single line borders
 26.11.14 - Rectangles (three or more rectangles); Three or more rectangles

Serial Number 86779217

Filing Date October 6, 2015

Current Basis 1A

Original Filing Basis 1B

Published for Opposition August 16, 2016

Registration Number 5341257

Registration Date November 21, 2017

Owner (REGISTRANT) Take-Two Interactive Software, Inc. CORPORATION DELAWARE 622 Broadway New York NEW YORK 10012

Attorney of Record ANDREA L. CALVARUSO

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "TRADEMARK" AND "HAMILTON AFB NOVATO CA US" APART FROM THE MARK AS SHOWN

Description of Mark Color is not claimed as a feature of the mark. The mark consists of a circle with the word "HANGAR" on the top part of the circle, a lightning bolt on each side of the circle and the words "HAMILTON AFB 2K NOVATO CA US" in the lower part of the circle, with a center portion consisting of a cat's head with an eye patch that has three rectangular stripes and the number "13" in between the words "TRADE" and "MARK" above the cat's head.

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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L.A. NOIRE

Word Mark L.A. NOIRE**Translations** The English translation of the word "NOIRE" in the mark is BLACK.**Goods and Services** IC 009. US 021 023 026 036 038. G & S: Computer programs and software, namely, wallpapers, screensavers, graphics, digital music files, videos, films and other multimedia materials all in the field of video games and computer games, all delivered via pre-recorded discs and other pre-recorded media and via downloadable delivery on global computer networks and wireless networks. FIRST USE: 20110517. FIRST USE IN COMMERCE: 20110517

IC 041. US 100 101 107. G & S: Entertainment services, namely, [providing online games,] providing a website featuring nondownloadable computer and video games, news, information, tips, hints, contests, computer enhancements for games, audio-visual content, music, films, videos, animated series, and other multimedia materials, all in the field of computer games and video games; providing information, news and commentary in the field of computer games and video games. FIRST USE: 20110517. FIRST USE IN COMMERCE: 20110517

Standard Characters Claimed**Mark Drawing Code** (4) STANDARD CHARACTER MARK**Serial Number** 85202685**Filing Date** December 21, 2010**Current Basis** 1A**Original Filing Basis** 1B**Published for Opposition** November 22, 2011**Registration Number** 4254483**Registration Date** December 4, 2012**Owner** (REGISTRANT) Take-Two Interactive Software, Inc. CORPORATION DELAWARE 622 Broadway New York NEW YORK 10012**Attorney of Record** ANDREA L. CALVARUSO**Prior Registrations** 4008081**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "L.A." APART FROM THE MARK AS SHOWN**Type of Mark** TRADEMARK. SERVICE MARK**Register** PRINCIPAL**Affidavit Text** SECT 15. SECT 8 (6-YR).**Live/Dead Indicator** LIVE[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [TOP](#) | [HELP](#)

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[TSDR](#) | [ASSIGN Status](#) | [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)
**Word Mark** MIDNIGHT CLUB**Translations** The non-Latin characters in the mark transliterate to "wangan", and this means "bay shore" in English. The English translation of the Kanji characters in the mark is "bay shore".**Goods and Services** IC 009. US 021 023 026 036 038. G & S: Computer and video game programs and software; downloadable computer and video game programs and software; downloadable digital materials, namely, wallpapers, screensavers, and graphics, videos, films, multimedia files, motion pictures, and animation 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. FIRST USE: 20000501. FIRST USE IN COMMERCE: 20000501

IC 041. US 100 101 107. G & S: Entertainment services, namely, [providing online games,] providing a website featuring computer games and video games, and news, information, tips, hints, contests, computer interface themes, enhancements, audio-visual content, films, videos, and other multimedia materials in the field of computer games and video games; providing information, news and commentary in the field of computer games and video games. FIRST USE: 20000501. FIRST USE IN COMMERCE: 20000501

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS**Design** 26.11.21 - Rectangles that are completely or partially shaded**Search Code** 28.01.03 - Chinese characters ; Japanese characters ; Japanese and Chinese characters**Serial Number** 85631417**Filing Date** May 22, 2012**Current Basis** 1A**Original Filing Basis** 1A**Published for Opposition** April 9, 2013**Registration Number** 4356658**Registration Date** June 25, 2013**Owner** (REGISTRANT) Take-Two Interactive Software, Inc. CORPORATION DELAWARE 110 West 44th Street New York NEW YORK 10036**Attorney of Record** ANDREA L. CALVARUSO**Prior Registrations** 2962851;3092859**Description of Mark** Color is not claimed as a feature of the mark. The mark consists of Kanji letters above the words "MIDNIGHT CLUB".**Type of Mark** TRADEMARK. SERVICE MARK**Register** PRINCIPAL**Affidavit Text** SECT 15. SECT 8 (6-YR).**Live/Dead Indicator** LIVE
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Word Mark R

Goods and Services IC 009. US 021 023 026 036 038. G & S: Animated motion picture films featuring entertainment, namely, action, adventure, dramatic, comedic, children's and documentary themes; computer and video game programs and 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. FIRST USE: 20101019. FIRST USE IN COMMERCE: 20101019

IC 041. US 100 101 107. G & S: Entertainment services, namely, providing online computer and video games, 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. FIRST USE: 19990430. FIRST USE IN COMMERCE: 19990430

Mark

Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design 01.01.03 - Star - a single star with five points

Search Code 26.11.01 - Rectangles as carriers or rectangles as single or multiple line borders

Serial Number 85204405

Filing Date December 22, 2010

Current Basis 1A

Original Filing Basis 1A

Published for Opposition July 19, 2011

Registration Number 4034074

Registration Date October 4, 2011

Owner (REGISTRANT) Take-Two Interactive Software, Inc. CORPORATION DELAWARE 622 Broadway New York NEW YORK 10012

Attorney of Record ANDREA L. CALVARUSO

Prior Registrations 2391635;3351855;3631311;AND OTHERS

Description of Mark Color is not claimed as a feature of the mark.

Type of Mark TRADEMARK. SERVICE MARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR).

Live/Dead Indicator LIVE

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TSDR ASSIGN Status TTAB Status (Use the "Back" button of the Internet Browser to return to TESS)

RED DEAD

Word Mark RED DEAD

Goods and Services IC 009. US 021 023 026 036 038. G & S: Computer and video game programs and software; downloadable computer and video game programs and software; downloadable digital materials, namely, wallpapers, screensavers, videos, films, multimedia files, motion pictures, and animation 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, wallpapers, screensavers, videos, films, multimedia files, motion pictures, and animation in the field of video games and computer games. FIRST USE: 20040503. FIRST USE IN COMMERCE: 20040503

IC 041. US 100 101 107. G & S: Entertainment services, namely, providing online games, providing a website featuring computer games and video games, and news, information, tips, hints, contests, computer interface themes, enhancements, audio-visual content, films, videos, animated series, and other multimedia materials in the field of computer games and video games; providing information, news and commentary in the field of computer games and video games. FIRST USE: 20040503. FIRST USE IN COMMERCE: 20040503

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85502192

Filing Date December 22, 2011

Current Basis 1A

Original Filing Basis 1A

Published for Opposition May 22, 2012

Registration Number 4186707

Registration Date August 7, 2012

Owner (REGISTRANT) Take-Two Interactive Software, Inc. CORPORATION DELAWARE 622 Broadway New York NEW YORK 10012

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record ANDREA L. CALVARUSO

Prior Registrations 3036636;4034063

Type of Mark TRADEMARK. SERVICE MARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR).

Live/Dead Indicator LIVE

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ROCKSTAR GAMES

Word Mark ROCKSTAR GAMES

Goods and Services IC 009. US 021 023 026 036 038. G & S: Animated motion picture films featuring entertainment, namely, action, adventure, dramatic, comedic, children's and documentary themes; computer and video game 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. FIRST USE: 19990401. FIRST USE IN COMMERCE: 19990401

IC 041. US 100 101 107. G & S: 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. FIRST USE: 19990401. FIRST USE IN COMMERCE: 19990401

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85204403

Filing Date December 22, 2010

Current Basis 1A

Original Filing Basis 1A

Published for Opposition July 26, 2011

Registration Number 4037654

Registration Date October 11, 2011

Owner (REGISTRANT) Take-Two Interactive Software, Inc. CORPORATION DELAWARE 622 Broadway New York NEW YORK 10012

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record ANDREA L. CALVARUSO

Prior Registrations 2456387;2855543;3905775;AND OTHERS

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "GAMES" APART FROM THE MARK AS SHOWN

Type of Mark TRADEMARK. SERVICE MARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR).

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ROCKSTAR NORTH

Word Mark ROCKSTAR NORTH

Goods and Services IC 009. US 021 023 026 036 038. G & S: 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. FIRST USE: 20021031. FIRST USE IN COMMERCE: 20021031

IC 041. US 100 101 107. G & S: 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. FIRST USE: 20021031. FIRST USE IN COMMERCE: 20021031

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85549240

Filing Date February 22, 2012

Current Basis 1A

Original Filing Basis 1A

Published for Opposition May 29, 2012

Registration Number 4274517

Registration Date January 15, 2013

Owner (REGISTRANT) Take-Two Interactive Software, Inc. CORPORATION DELAWARE 622 Broadway New York NEW YORK 10012

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record ANDREA L. CALVARUSO

Prior Registrations 2456387;2855543;4037654;AND OTHERS

Type of Mark TRADEMARK. SERVICE MARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR).

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ROCKSTAR STUDIOS

Word Mark **ROCKSTAR STUDIOS**

Goods and Services IC 009. US 021 023 026 036 038. G & S: 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. FIRST USE: 20120515. FIRST USE IN COMMERCE: 20120515

IC 016. US 002 005 022 023 029 037 038 050. G & S: Printed materials, namely, books, pamphlets, and manuals in the field of video games; posters. FIRST USE: 20120515. FIRST USE IN COMMERCE: 20120515

IC 041. US 100 101 107. G & S: 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 in the field of computer games and video games. FIRST USE: 20110914. FIRST USE IN COMMERCE: 20110914

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85419485

Filing Date September 9, 2011

Current Basis 1A

Original Filing Basis 1B

Published for Opposition November 22, 2016

Registration Number 5715643

Registration Date April 2, 2019

Owner (REGISTRANT) Take-Two Interactive Software, Inc. CORPORATION DELAWARE 101 Park Avenue New York NEW YORK 10178

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record ANDREA L. CALVARUSO

Prior Registrations 2456387;2855543;3956407;AND OTHERS

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Type of Mark TRADEMARK. SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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THE BALLAD OF GAY TONY

Word Mark THE BALLAD OF GAY TONY

Goods and Services IC 009. US 021 023 026 036 038. G & S: Computer and video game programs and software; downloadable computer and video game programs and software; downloadable digital materials, namely, wallpapers, digital music files, and graphics, videos, films, multimedia files, live action programs, motion pictures, and animation 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, live action programs, motion pictures, and animation in the field of video games and computer games. FIRST USE: 20091029. FIRST USE IN COMMERCE: 20091029

IC 041. US 100 101 107. G & S: Entertainment services, namely, providing online games, providing a website featuring computer games and video games, and news, information, tips, hints, contests, computer interface themes, enhancements, audio-visual content, music, films, videos, television programs, animated series, and other multimedia materials in the field of computer games and video games; providing information, news and commentary in the field of computer games and video games. FIRST USE: 20090924. FIRST USE IN COMMERCE: 20090924

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 77767446

Filing Date June 24, 2009

Current Basis 1A

Original Filing Basis 1B

Published for Opposition June 1, 2010

Registration Number 4115325

Registration Date March 20, 2012

Owner (REGISTRANT) Take-Two Interactive Software, Inc. CORPORATION DELAWARE 622 Broadway New York NEW YORK 10012

Attorney of Record ANDREA L. CALVARUSO

Type of Mark TRADEMARK. SERVICE MARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR).

Other Data The name shown in the mark does not identify a particular living individual.

Live/Dead Indicator LIVE

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