

ESTTA Tracking number: **ESTTA512246**

Filing date: **12/20/2012**

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

Proceeding	91208438
Party	Plaintiff Take-Two Interactive Software, Inc.
Correspondence Address	ARYN M EMERT COWAN LIEBOWITZ & LATMAN PC 1133 AVENUE OF THE AMERICAS NEW YORK, NY 10036-6799 UNITED STATES ame@cll.com, jzk@cll.com, mmh@cll.com, trademark@cll.com, sbi@cll.com
Submission	Other Motions/Papers
Filer's Name	Aryn M. Emert
Filer's e-mail	ame@cll.com, jzk@cll.com, mmh@cll.com, trademark@cll.com, sbi@cll.com
Signature	/Aryn M. Emert/
Date	12/20/2012
Attachments	Return of Service - ROCKSTARZ.pdf (3 pages)(15097 bytes)

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

In the Matter of Application Serial No. 78/519,244

Filed: November 18, 2004

For Mark: ROCKSTARZ and Design

Published in the Official Gazette: August 21, 2012

----- X
TAKE-TWO INTERACTIVE SOFTWARE, INC.,

Opposer,

Opposition No. 91208438

-against-

ROCKSTARZ, INC.,

Applicant.

----- X

Commissioner for Trademarks

Attn: Trademark Trial and Appeal Board

P.O. Box 1451

Alexandria, VA 22313-1451

NOTICE OF RETURNED SERVICE COPY

Pursuant to 37 C.F.R. § 2.101(b), Take-Two Interactive Software, Inc. (“Opposer”) hereby notifies the Board that the service copy of the Notice of Opposition, sent to Applicant’s Attorney and Correspondent of Record on December 13, 2012, was returned to Opposer on December 19, 2012 by the postal service as undeliverable as addressed.

Upon filing the Notice of Opposition on December 13, 2012 and as required under the amendments to Rule 2.101(a), Opposer mailed a service copy to Francine Miller, Esq. at the correspondence address of record listed in the Trademark Status & Document Retrieval (“TSDR”) system on the USPTO website at that time. Proof of service was included in the Notice of Opposition filed with the Board.

However, prior to Opposer's filing of the Notice of Opposition, Opposer was informed by the Attorney and Correspondent of Record that Applicant was no longer represented by counsel. Applicant additionally confirmed that Applicant was no longer represented by counsel.

Accordingly, pursuant to Rule 2.101 and TBMP § 309.02(c)(1), Opposer additionally mailed a service copy of the Notice of Opposition to Applicant, Rockstarz, Inc. at the address listed as the current owner's address in the TSDR system on the USPTO website. Proof of service to Applicant was also included in the Notice of Opposition filed with the Board.

Accordingly, as the Notice of Opposition was sent to Applicant, and Applicant is no longer represented by the Attorney and Correspondent of Record, the necessary party has received notice of the opposition. A copy of this notice is being served to Applicant at the address provided in the current owner's section of the TSDR system: 23 Treeview Circle, Scotch Plains, New Jersey 07076.

Dated: New York, New York
December 20, 2012

Respectfully submitted,
COWAN, LIEBOWITZ & LATMAN, P.C.
Attorneys for Opposer

By: /Aryn M. Emert /
Jonathan Z. King
Midge M. Hyman
Aryn M. Emert
1133 Avenue of the Americas
New York, New York 10036
(212) 790-9200

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 20, 2012, I caused a copy of the foregoing NOTICE OF RETURNED SERVICE COPY to be sent via first class mail, postage paid mail to Applicant, Rockstarz, Inc., 23 Treeview Circle, Scotch Plains, NJ 07076.

/Aryn M. Emert/

Aryn M. Emert