

ESTTA Tracking number: **ESTTA513270**

Filing date: **12/27/2012**

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

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Evergreen Media Holdings, LLC		
Entity	Limited Liability Company	Citizenship	Texas
Address	923 High Meadow Ranch Drive Magnolia, TX 97355 UNITED STATES		

Attorney information	Laura Goldbard George Stroock & Stroock & Lavan LLP 180 Maiden Lane, 38th Floor New York, NY 10038-4892 UNITED STATES tm@stroock.com, lgoldbard@stroock.com Phone:212-806-5400		
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Registration Subject to Cancellation

Registration No	3945854	Registration date	04/12/2011
Registrant	World Wrestling Entertainment, Inc. 1241 East Main Street Stamford, CT 06902 UNITED STATES		

Goods/Services Subject to Cancellation

Class 041. First Use: 2010/02/23 First Use In Commerce: 2010/02/23 All goods and services in the class are cancelled, namely: Entertainment services, namely, wrestling exhibitions and performances by a professional wrestler and entertainer; entertainment services, namely, wrestling competitor on an on-going reality based television program; providing wrestling news and information via a global computer network
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Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Petitioner as Basis for Cancellation

U.S. Application No.	85616187	Application Date	05/03/2012
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	THE ROOKIE		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 041. First use: Entertainment services in the nature of an ongoing reality based television program

U.S. Application No.	85616194	Application Date	05/03/2012
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	THE ROOKIE
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Design Mark	
Description of Mark	The mark consists of the words THE ROOKIE wherein the word THE is written in fanciful capital letters and the word ROOKIE is written in script angled slightly upward. The word ROOKIE is underscored, beginning from the right, by a fanciful underscore which begins by connection from the "E" in the word ROOKIE and proceeds leftward.
Goods/Services	Class 041. First use: Entertainment services in the nature of an ongoing reality based television program

Attachments	85616187#TMSN.jpeg (1 page)(bytes) 85616194#TMSN.jpeg (1 page)(bytes) Petition for Cancellation NXT ROOKIE.pdf (3 pages)(157157 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/laura goldbard george/
Name	Laura Goldbard George
Date	12/27/2012

Docket No.: 002411.0002

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

In the Matter of Registration No. 3,945,854

Mark: NXT ROOKIE
Registrant: World Wrestling Entertainment, Inc.
Registered: April 12, 2011

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Evergreen Media Holdings, LLC	:	
	:	
Petitioner,	:	
	:	Cancellation No.
vs.	:	
	:	
World Wrestling Entertainment, Inc.,	:	
	:	
Registrant.	:	
-----X		

PETITION FOR CANCELLATION

Petitioner Evergreen Media Holdings, LLC (“Evergreen”), a Texas limited liability company, located at 923 High Meadow Ranch Drive, Magnolia, Texas 97355, believes that it will be damaged by the registration for the mark NXT ROOKIE, Registration No. 3,945,854 (the “Registration”) and hereby petitions to cancel the Registration. Evergreen’s grounds for cancellation are as follows::

1. Since approximately 2004, Petitioner has been distributing format sheets for THE ROOKIE. In addition, the pilot for the show has been seen by broadcast networks, cable networks, major US sports leagues and individual major sports team franchises over the years. In fact, in 2006 Spike TV was sued in connection with its use of THE ROOKIE in its Pros vs. Joes show.

2. Petitioner filed two applications for THE ROOKIE, Serial No. 85/616,187 and THE ROOKIE (stylized), Serial No. 85/616,194 (collectively referred to herein as “the Applications”). On June 27, 2012, Petitioner received Office Actions from the Trademark Office in the Applications stating that registration is refused under Trademark Act Section 2(d), based on a likelihood of confusion with the mark NXT ROOKIE, Registration No. 3,945,854. Registration No. 3,945,854 claims a date of first use of February 23, 2010.

3. For the purposes of priority, Petitioner is the first to use the mark THE ROOKIE as Petitioner used THE ROOKIE prior to the date of first use by Registrant. Accordingly, the Applications should be allowed to issue into registration.

4. The assertion of Registration No. 3,945,854 against the Applications is causing and will continue to cause injury and damage to Petitioner unless Registration No. 3,945,854 is cancelled.

WHEREFORE, for all of the reasons stated in herein, Evergreen respectfully submits that the Registration, No. 3,945,854 for the mark NXT ROOKIE be cancelled and that the Petition for Cancellation be sustained.

Respectfully submitted,

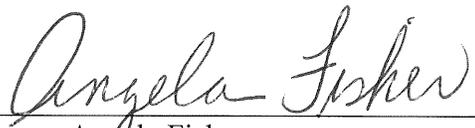
STROOCK & STROOCK & LAVAN LLP
Attorneys for Evergreen Media Holdings, LLC
180 Maiden Lane
New York, New York 10038-4982
(212) 806-5400

BY 
LAURA GOLDBARD GEORGE

Dated: New York, New York
December 27, 2012

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Petition for Cancellation has been served on counsel for World Wrestling Entertainment, Inc. by forwarding said copy on December 27, 2012, by First Class Mail, to the attorney for Registrant, Lauren A. Dienes-Middlen, World Wrestling Entertainment, Inc., 1241 E. Main St., Stamford, Connecticut 06902-3520.



Angela Fisher