

TTAB

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number 571-272-8500

Albert Patterson, Petitioner

V.

77626242

World Wrestling Entertainment, Inc., Respondent

09/10/2014 SWILSON1 00000004 77626242

01 FC:6005

100.00 OF

PETITION FOR REVIEW

Petitioner, Albert Patterson petitions United States Patent and Trademark Office pursuant to rule 2.127(a) and res judicata and judgment Under Fed. R. Civ. P. (60(b)). Petitioner hereby requests a review of the orders made by the Trademark Trial and Appeal Board regarding the decision made on June 23, 2014 and July 30, 2014. Petitioner never received orders dated June 23, 2014 and July 30, 2014.

In response to June 23, 2014 order it is stated that Albert Patterson failed to provide proof of service of 12/18/2013 submission by March 5, 2014. This proof of service was faxed on March 9, 2014 to United States Patent and Trademark Office and stamped received by the Central Fax Center on March 10, 2014, (Exhibit #1). It was also delivered to K and L Gates c/o Attorney Christopher M. Verdini via United States Postal Service Priority Mail on March 12, 2014 signed by B. Bradley at 10:18 a.m. (Exhibit #2). It was mentioned that the Petitioner uses Office Depot for mailing and faxing purposes. It is a known fact that Office Depot contracts with United Parcel Service and United States Postal Service.

In response to the July 30, 2014 order it is stated that the Petitioner failed to file proof of service on the Respondent. United States Patent and Trial Board was served by Fax on May 16, 2014 (Exhibit #3) and by mail on July 2, 2014. Betty



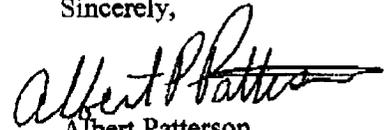
09-09-2014

The infringement claims against the WWE based on their use of 'WWF Superstars' and 'WWE Superstars' are not barred by res judicata (see ex. 2). The infringement claims against the WWE based on their use of 'WWE' and 'World Wrestling Entertainment' are not barred by judicial estoppel.

Judgment in a civil case #02-c-240 C.N Chev US district judge August 31, 2005. 'World Wrestling' 'All Stars' 'Superstars'. Also, judgment in the civil case #03-c-374 Hon. Rudolph T. Randa chief judge August 21, 2006 'World Wrestling' 'Superstars' 'WWE'.

I hope that with this new information and evidence that has been brought to light the patent and trademark office keep the case open, and a resolution finally be reached.

Sincerely,


Albert Patterson

RECEIVED
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE CENTRAL FAX CENTER
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD MAY 16 2014

SUPERSTARS OF WRESTLING
(WWA SUPERSTARS), INC. and
ALBERT PATTERSON,

Petitioners,

v.

TITAN SPORTS, INC.,

Respondent.

EXPRESS MAIL CERTIFICATION

I hereby certify that the following attached papers:

PETITIONER'S NOTICE TO REVIEW

EXHIBITS IN SUPPORT OF PETITIONER'S MOTION TO REVIEW

DECLARATION OF ALBERT PATTERSON

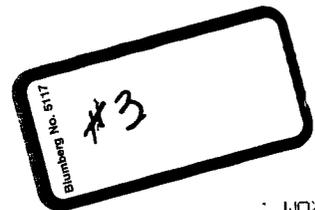
Are being deposited with the United States Postal Service

Albert Patterson

Typed or printed name of person mailing papers

Albert Patterson

Signature of person mailing papers





Search USPS.com or Track Packages

Track Your It

Track Packages

Send Mail

Manage Your List

Shop

Customer Solutions

USPS Tracking™



Customer Service ›
Have questions? We're here to help.

Tracking Number: **9410810200882110223932**

Expected Delivery Day: **Wednesday, March 12, 2014**
Signed for By: **B BRADLEY // PITTSBURGH, PA 15222 // 10:18 am**

Product & Tracking Information

Available Actions

Postal Product: PriorityMail 2-Day™	Features: \$50 insurance included	Signature Confirmation™	Proof of Delivery
---	---	-------------------------	-------------------

DATE & TIME	STATUS OF ITEM	LOCATION
March 12, 2014 , 10:18 am	Delivered	PITTSBURGH, PA 15222

This item was delivered at 10:18 am on March 12, 2014 in PITTSBURGH, PA 15222 to 10222 DC PP. The item was signed for by B BRADLEY.

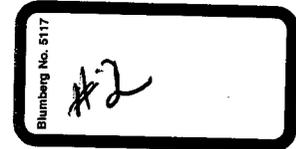
March 12, 2014 , 8:36 am	Arrived at Post Office	PITTSBURGH, PA 15219
March 12, 2014 , 3:26 am	Departed USPS Facility	WARRENDALE, PA 15095
March 11, 2014 , 9:53 pm	Arrived at USPS Origin Facility	WARRENDALE, PA 15095
March 10, 2014 , 11:00 pm	Departed USPS Facility	OAK CREEK, WI 53154
March 10, 2014 , 8:50 pm	Arrived at USPS Origin Facility	OAK CREEK, WI 53154
March 10, 2014 , 7:35 pm	Accepted at USPS Origin Sort Facility	MILWAUKEE, WI 53216

March 9, 2014 Pre-Shipment Info Sent to USPS

Track Another Package

What's your tracking (or receipt) number?

Track It



LEGAL

- Privacy Policy ›
- Terms of Use ›
- FOIA ›
- No FEAR Act EEO Data ›

ON USPS.COM

- Government Services ›
- Buy Stamps & Shop ›
- Print a Label with Postage ›
- Customer Service ›
- Delivering Solutions to the Last Mile ›

ON ABOUT.USPS.COM

- About USPS Home ›
- New room ›
- USPS Service Alerts ›
- Forms & Publications ›
- Careers ›

OTHER USPS SITES

- Business Customer Gateway ›
- Postal Inspectors ›
- Inspector General ›
- Postal Explorer ›
- National Postal Museum ›



RECEIVED
CENTRAL FAX CENTER

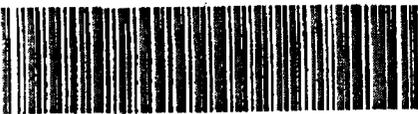
MAR 10 2014

Store:
Office Depot Store 02681
Copy and Print
5433 W. FOND DU LAC AVENUE
MILWAUKEE, WI 53218
4148715000

Customer Information:
Albert Patterson
Albert Patterson
3840 n sherman blvd
MILWAUKEE, WI 53206
Telephone: 4148715000

Employee: od02681

Ship Date: 03/09/2014

SKU	Description	Price	Recipient Information
 00164486000008508	Priority Mail Flat Rate Envelope	\$8.50	KandL LLP
	Insured Value Fee:	\$0.00	Christopher M Verdini
	Delivery Confirmation	\$0.00	210 sixth avenue
	Signature Confirmation	\$0.00	PITT, PA, 15222, US
	Insured Value: \$ 0.00		
	Contents: Other : Legal Document		
	Tracking #: 9410810200882110223932	Weight: 1.00 LBS Dim: 11.00 in. x 8.00 in. x 11.00 in.	
Delivery Date: 3/11/2014	* Weight entered manually		

Total \$8.50

- I understand that Office Depot is not liable for packages improperly packed.
- I understand that Office Depot will not ship any hazardous materials, as designated by the Department of Transportation, or any other materials restricted by UPS or US Post Office rules. Please see an Office Depot associate if you have any item in question.
- I represent that my description of the materials I am shipping is accurate.
- Packing guidelines and Restricted Items are available at the Copy & Print Depot counter.
- I have declared a value for my package and paid for insurance if optioned.
- To ensure your packages are shipped your receipt must be validated by a cashier at the time of purchase. The validated copy will be retained by the cashier.
- Please retain this receipt as proof of shipment in the event a claim needs to be filed with UPS or USPS.
- USPS claims are to be made by the shipper directly to a local USPS office or through their website www.usps.com
- USPS claims for lost or damaged parcels are to be made at the same Office Depot location the parcels were shipped from.


Customer Signature

**IMPORTANT INFORMATION REGARDING
PACKING SHIPPING PROGRAM**

UPS - Your package can be tracked online at www.ups.com
USPS - Your package can be tracked online at www.usps.com only if you purchased this additional service.



Sunday, March 9, 2014 1:48:35 pm



Search USPS.com or Track Packages

Track Package

Track a Package

Track Mail

Manage Your Mail

Shop

Purchase Gift Cards

USPS Tracking™



Customer Service ›
Have questions? We're here to help.

Tracking Number: **70132630000220687366**

Expected Delivery Day: **Friday, May 9, 2014**

Product & Tracking Information

Available Actions

Postal Product:
First-Class Mail®

Features:
Certified Mail™

DATE & TIME	STATUS OF ITEM	LOCATION
May 9, 2014 , 12:39 pm	Delivered	STAMFORD, CT 06902
This item was delivered at 12:39 pm on May 9, 2014 in STAMFORD, CT 06902.		
May 9, 2014 , 10:00 am	Arrived at Unit	STAMFORD, CT 06902
May 9, 2014 , 5:40 am	Departed USPS Facility	STAMFORD, CT 06910
May 9, 2014 , 5:33 am	Arrived at USPS Facility	STAMFORD, CT 06910
May 9, 2014 , 1:39 am	Departed USPS Facility	WHITE PLAINS, NY 10610
May 8, 2014 , 4:01 pm	Arrived at USPS Facility	WHITE PLAINS, NY 10610
May 6, 2014 , 11:10 am	Acceptance	MILWAUKEE, WI 53216

Track Another Package

What's your tracking (or receipt) number?

9410810200882110223932

Track It

LEGAL

- Privacy Policy ›
- Terms of Use ›
- FOIA ›
- No FEAR Act EEO Data ›

ON USPS.COM

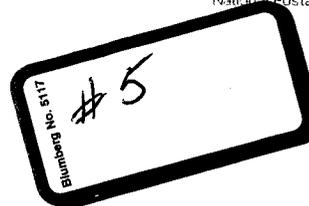
- Government Services ›
- Buy Stamps & Shop ›
- Print a Label with Postage ›
- Customer Service ›
- Delivering Solutions to the Last Mile ›
- Site Index ›

ON ABOUT.USPS.COM

- About USPS Home ›
- New sroom ›
- USPS Service Alerts ›
- Forms & Publications ›
- Careers ›

OTHER USPS SITES

- Business Customer Gateway ›
- Postal Inspectors ›
- Inspector General ›
- Postal Explorer ›
- National Postal Museum ›



United States District Court

EASTERN DISTRICT OF WISCONSIN

JUDGMENT IN A CIVIL CASE

**ALBERT PATTERSON d/b/a
WORLD WRESTLING ASSOCIATION,
SUPERSTARS OF WRESTLING, INC.
and d/b/a W.W.A. SUPERSTARS,**

Plaintiff,

V.

CASE NUMBER: 03-C-374

**WORLD WRESTLING ENTERTAINMENT, INC.; and
GOOD HUMOR CORPORATION,
d/b/a Good Humor Breyer's Ice Cream;**

Defendants.

and

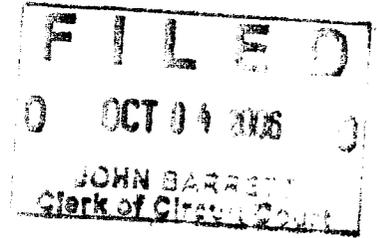
WORLD WRESTLING ENTERTAINMENT, INC.

Counterclaimant.

V.

**ALBERT PATTERSON, d/b/a
WORLD WRESTLING ASSOCIATION,
SUPERSTARS OF WRESTLING, INC.
and d/b/a W.W.A. SUPERSTARS,**

Counter-defendant.



**HON. JEAN W. DIMOTTO, BR. 7
CIVIL F**

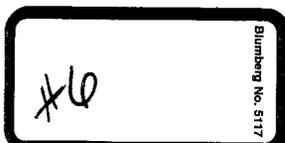
U.S. District Court
Eastern Div. of Wis.

I hereby certify that this is a true and correct copy of the original now remaining of record in my office.

SOFRON B. NEDILSKY, Clerk

DATED:

10/10/06 By *[Signature]* Deputy



- Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.
- Decision by Court.** This action came on for consideration and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that the motion of defendants World Wrestling Entertainment, Inc. and Good Humor Corporation for summary judgment dismissing Albert Patterson's complaint is GRANTED.

Albert Patterson's infringement claims against the defendants based on their use of "WWF" and "World Wrestling Federation" are barred by res judicata.

Albert Patterson's infringement claims against the defendants based on their use of "WWF Superstars" and "WWE Superstars" are not barred by res judicata.

Albert Patterson's infringement claims against the defendants based on their use of "WWE" and "World Wrestling Entertainment" are not barred by judicial estoppel.

Albert Patterson's infringement claims against the defendants based on their use of "World Wrestling Federation," "WWF," and "WWF Superstars" are barred by laches.

Albert Patterson's claims arising out of the defendants' wrestling business's use of "WWF," "World Wrestling Federation," and "WWF Superstars" marks are barred by laches.

Albert Patterson's claims are fundamentally inconsistent with both resolution of the 1990 action and his course of conduct over the past 20 years. Summary judgment dismissing Albert Patterson's Lanham Act claims is granted. Albert Patterson has not proffered any admissible evidence of actual confusion.

Count Four, which alleges that the defendants misappropriated Albert Patterson's unique method of advertising involving Albert Patterson's selection and promotion of a collection of wrestlers each possessing a unique persona, fails as a matter of law.

The Court's determination that the defendants are entitled to summary judgment dismissing Albert Patterson's Lanham Act trademark infringement claims is likewise dispositive of Albert Patterson's state statutory claim. Therefore, Albert Patterson's fifth claim for state law trademark infringement is dismissed.

World Wrestling Entertainment, Inc.'s motion to voluntarily withdraw its counterclaims without prejudice is granted. World Wrestling Entertainment, Inc. may reinstate its counterclaims in the event Albert Peterson is successful in any appeal of this action.

Albert Peterson's motion seeking sanctions against World Wrestling Entertainment, Inc. and for reconsideration of the Court's order imposing sanctions is denied.

The defendants' are awarded attorney's fees and costs in the amount of \$41,210.56 which shall be paid to the defendants no later than September 5, 2006.

The defendants' supplemental petition for attorney's fees and costs is granted in the amount of \$10,097.91. Albert Patterson shall pay such amount to the defendants no later than September 5, 2006.

This action is hereby DISMISSED.

August 21, 2006
Date

SOFRON B. NEDILSKY
Clerk

s/ Linda M. Zik
(By) Deputy Clerk

Approved as to form:

s/ Rudolph T. Randa
Hon. Rudolph T. Randa, Chief Judge

August 21, 2006
Date