

ESTTA Tracking number: **ESTTA233758**

Filing date: **08/29/2008**

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

|                           |                                                                                                          |
|---------------------------|----------------------------------------------------------------------------------------------------------|
| Proceeding                | 91184181                                                                                                 |
| Party                     | Defendant<br>Theard, Stephen L                                                                           |
| Correspondence<br>Address | Stephen Theard<br>932 N. Florence St.<br>Burbank, CA 91505<br>UNITED STATES                              |
| Submission                | Answer                                                                                                   |
| Filer's Name              | Stephen L. Theard                                                                                        |
| Filer's e-mail            | sLtbiz@yahoo.com                                                                                         |
| Signature                 | /Stephen L. Theard/                                                                                      |
| Date                      | 08/29/2008                                                                                               |
| Attachments               | CERTIFICATE OF SERVICE.pdf ( 1 page )(27560 bytes )<br>ANSWER TO OPPOSITION.pdf ( 1 page )(34914 bytes ) |

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the forgoing ANSWER TO OPPOSITION was sent via First Class Mail, postage prepaid, this 29<sup>th</sup> day of August 2008, to Opposer's correspondence record of address as follows:

KIRKPARTICK & LOCHART PRESTON GATES ELLIS LLP  
Henry W. Oliver Bldg.  
535 Smithfield St.  
Pittsburgh, PA 15222

ATTN: Curtis B. Krasik  
Christopher M. Verdini  
Ashley L. O'Neill

Stephen L. Theard

## ANSWER TO OPPOSITION

The WWE seeks to corner the market on all trademark usage of the term STONE COLD. This is overreaching, and should be stopped. A google search of “stone cold” displays literally millions of examples of the use of the term in everyday English. It falls into the same category as idiomatic terms such as: “jive”, “fresh”, “groovy”, “cool”, and “boss” . My trademark application for STONE COLD PLAYER has precedent in the registered trademarks of the USPTO. An online search of the Trademark Electronic Search System reveals numerous registered trademarks using the aforementioned idiomatic terms in combination with other words. It is the *combination* of words that gives these trademarks their uniqueness. The fact that my trademark contains some of the same words as those owned by the WWE, is *not* evidence of “a likelihood of blurring by dilution”, as the WWE states. The history of trademark issuance by the USPTO bears this out. My trademark, STONE COLD PLAYER, is in no way confusing with STONE COLD, or STONE COLD STEVE AUSTIN. It’s a separate, unique entity that is worthy of trademark registration. Please avoid giving the WWE a monopoly on the trademark usage of a term that Merriam Webster’s online dictionary shows as dating back to 1592. The WWE most certainly did not invent the term “stone cold”, and should not be allowed to prevent the registration of any and all trademarks that use the term. Sincerely,

Stephen L. Theard

Owner: StoneCold Player

August 29, 2008