

ESTTA Tracking number: **ESTTA967978**

Filing date: **04/18/2019**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	World Wrestling Entertainment, Inc.
Granted to Date of previous extension	04/24/2019
Address	1241 East Main Street Stamford, CT 06902 UNITED STATES

Attorney information	Christopher M. Verdini K&L Gates LLP 210 Sixth Avenue Pittsburgh, PA 15222 UNITED STATES christopher.verdini@klgates.com, curtis.krasik@klgates.com, USPTO.LitigationDocket@klgates.com 4123556766
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Applicant Information

Application No	88055535	Publication date	12/25/2018
Opposition Filing Date	04/18/2019	Opposition Period Ends	04/24/2019
Applicants	Go, Kyung Chan B-1203, 393, Seongnam-Dearo, Bundan-Gu Gyeonggi-Do, 13555 REPUBLIC OF KOREA Lee, Jae Il 214-801, 435, Olympic-ro, Songpa-gu Seoul, 05507 REPUBLIC OF KOREA		

Goods/Services Affected by Opposition

Class 025. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: apparel, namely, coats, jackets, parkas, underwear, underclothing, uniforms, bathing suits, swimsuits, rash guards, tee-shirts; shirts, waistcoats, vests, sweaters, pullovers, jumpers, pants, trousers, leggings, skirts, suits, socks, stockings, caps being headwear, bras, panties, boxers; footwear; athletic footwear

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	4760595	Application Date	08/07/2012
Registration Date	06/23/2015	Foreign Priority Date	NONE
Word Mark	BE A STAR		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 016. First use: First Use: 2011/04/30 First Use In Commerce: 2011/04/30 Manuals, newsletters, pamphlets and books in the field of anti-bullying</p> <p>Class 041. First use: First Use: 2011/04/30 First Use In Commerce: 2011/04/30 Educational services, namely, conducting training, workshops, conferences and tutoring in the field of anti-bullying and distribution of educational materials in connection therewith</p> <p>Class 045. First use: First Use: 2011/04/30 First Use In Commerce: 2011/04/30 Providing a website featuring information in the field of anti-bullying</p>		

U.S. Registration No.	4593423	Application Date	08/07/2012
Registration Date	08/26/2014	Foreign Priority Date	NONE
Word Mark	B.A. BE A STAR		
Design Mark			
Description of Mark	<p>The mark consists of a letter "B" followed by a period and the letter "A" followed by a period followed by a star design, all within a shaded rectangular border, with the words "be a STAR" underneath.</p>		

Goods/Services	<p>Class 041. First use: First Use: 2011/04/30 First Use In Commerce: 2011/04/30 Educational services, namely, conducting training, workshops, conferences and tutoring in the field of anti-bullying and distribution of educational materials in connection therewith</p> <p>Class 045. First use: First Use: 2011/04/30 First Use In Commerce: 2011/04/30 Providing a website featuring information in the field of anti-bullying</p>
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U.S. Application No.	87101189	Application Date	07/12/2016
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	B.A. BE A STAR
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Design Mark	
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Description of Mark	The mark consists of the letter "B" followed by a period and the letter "A" followed by a period, followed by a star design inside a black box, with the words "be a STAR" underneath.
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Goods/Services	<p>Class 025. First use: First Use: 0 First Use In Commerce: 0 Clothing, namely, tops, shirts, jackets, sweatshirts, hoodies; outerwear, namely, coats, hats, gloves; bottoms, pants, shorts, underwear, dresses, pajamas, lingerie, clothing ties, scarves, gloves, swimwear; Halloween and masquerade costumes; footwear, namely, shoes, sneakers, slippers, flip flops, boots; headwear, namely, hats, caps; wrist bands; bandanas</p>
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Attachments	<p>85697606#TMSN.png(bytes) 85697614#TMSN.png(bytes) 87101189#TMSN.png(bytes) A BEASTAR Notice of Opposition.pdf(118825 bytes)</p>
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Signature	/Christopher M. Verdini/
Name	Christopher M. Verdini
Date	04/18/2019

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

Applicants: Kyung Chan Go and Jae Ik Lee
Serial No.: 88/055,535
Mark: A BEASTAR (Design)
Class: 25
Filing Date: July 27, 2018
Publication Date: December 25, 2018

WORLD WRESTLING)
ENTERTAINMENT, INC.,)
)
Opposer,)
)
v.)
)
KYUNG CHAN GO and JAE IK LEE,)
)
Applicants.)

Opposition No. _____

NOTICE OF OPPOSITION

World Wrestling Entertainment, Inc. (“Opposer” or “WWE”), a Delaware corporation with its principal place of business at 1241 East Main Street, Stamford, Connecticut 06902, believes that it will be damaged by registration of the mark A BEASTAR (Design), which is the subject of U.S. Application No. 88/055,535 (“A Beastar Application”). As such, WWE opposes the A Beastar Application and requests that registration be refused. The A Beastar Application was filed by Kyung Chan Go, an individual with an address of Seongnam-Dearo, Bundan-Gu, B-1203, 393, Gyeonggi-Do, South Korea 13555 and Jae Ik Lee, an individual with an address of Olympic-ro, Songpa-gu, Seoul, South Korea 05507 (“Applicants”). Applicants have authorized e-mail addresses of trademark@polsinelli.com, dmullarkey@polsinelli.com, and lcimino@polsinelli.com.

As grounds in support of its opposition, Opposer asserts as follows:

I. Introduction

1. WWE is an integrated media and entertainment company that has been involved in the sports entertainment business for approximately four decades and has developed WWE into one of the most recognized and popular brands in global entertainment today. WWE develops unique and creative content centered around its wrestlers and presents that content via its subscription network (WWE Network), television, online, and live events.

2. At the heart of WWE's success are the athletic and entertainment skills and appeal of its wrestlers, known as "WWE Superstars," and the consistently innovative and multifaceted storylines WWE creates for its Superstars. WWE also licenses and sells consumer products depicting WWE's distinctive trademarks, logos and images of its Superstars.

3. WWE's unique content, for which it coined the term "sports entertainment," is perhaps best described as an action-adventure episodic drama that is akin to an ongoing, ever-developing soap opera based around WWE's Superstars. WWE creates colorful characters that generally wrestle under a trademarked name and are distinctively delineated with unique persona, history, relationships, music, visual appearance, and behavior.

4. WWE promotes hundreds of live events each year that take place in arenas and stadiums in cities around the world.

5. WWE also produces pay-per-view events, which are extensively promoted and widely attended and viewed. For example, in 2018, WWE's marquee pay-per-view event, WrestleMania[®], took place at the Superdome in New Orleans, Louisiana, drew over 75,000 spectators from all 50 states and 67 countries, and grossed approximately \$14.1 million. On April 7, 2019, WrestleMania[®] took place at MetLife Stadium in East Rutherford, New Jersey, drew over 82,000 fans from all 50 states and 68 countries, and grossed approximately \$16.9 million.

6. In addition to its pay-per-view events, WWE produces television and online programs under various brands including “RAW[®]”, “SMACKDOWN[®]” and “NXT[®]”.

7. In or around February 2014, WWE launched the WWE Network, a 24/7 direct-to-consumer online video-streaming network with scheduled programming and a massive video-on-demand library. The WWE Network is available in over 180 countries and territories and has over 1.5 million paid subscribers.

8. The WWE Network carries all of WWE’s pay-per-view events as well as original programming. WWE also provides subscribers to the WWE Network with “on demand” access to a massive and continuously growing video library of historical pay-per-view events and television programs from WWE and its predecessors, as well as footage that WWE has acquired from third-party wrestling promotions.

9. Each year, more than 7,000 hours of WWE programming can be seen in 650 million homes in more than 180 countries and territories and 35 languages.

10. Ancillary to its sports entertainment programming, WWE engages in an extensive licensing program to create and sell products featuring its trademarks, copyrighted works, copyrighted characters and other intellectual property in diverse categories including, among other things, apparel, video games, toys and DVDs. In 2018, WWE earned over \$100 million in revenues from its licensing and sale of consumer products.

II. Opposer’s BE A STAR Marks

11. In connection with its world famous WWE[®] brand, sports entertainment programming and consumer products, WWE has been committed to leveraging the power of its brands and platforms to address important social issues worldwide.

12. As part of that commitment, in or around 2011, WWE introduced a multi-platform, nationwide anti-bullying initiative, in conjunction with the National Education Association Health Information Network, GLAAD, True Educator Inc., Ad Council, Island Def Jam Music Group, Close Up Foundation and others.

13. WWE branded its anti-bullying initiative under the mark BE A STAR and, since 2011, has continued to promote the initiative under the mark BE A STAR in typed or stylized form and with or without design elements (collectively the “BE A STAR Marks”).

14. The mission of WWE’s BE A STAR campaign to ensure a positive and equitable social environment for everyone regardless of age, race, religion or sexual orientation through grassroots efforts beginning with education and awareness.

15. Through WWE’s BE A STAR website, over 30,000 people from all 50 U.S. States and from 91 international countries have taken the pledge to end bullying through WWE’s BE A STAR program.

16. In 2017, WWE collaborated with the Boys & Girls Clubs of America and the Yale Center For Emotional Intelligence to update its BE A STAR curriculum. WWE’s BE A STAR curriculum is available to teachers worldwide and to all 4,300 Boys & Girls Clubs across the country.

17. In 2018, WWE’s BE A STAR program was honored at Cynopsis Social Good Awards by winning the top honors in the Anti-Bullying Campaign/Initiative category.

18. In connection with the foregoing, WWE owns common law rights and U.S. applications and registrations for its BE A STAR Marks that cover a variety of goods and services including, educational services and clothing. WWE owns U.S. Registration Nos. 4,760,595 and 4,593,423 and U.S. Application No. 87/101,189 for its BE A STAR Marks.

19. The popularity, success, and recognition of WWE's BE A STAR Marks are the direct result of the time, effort and resources WWE has invested in development, marketing and promotion of the BE A STAR Marks. The BE A STAR Marks are uniquely and exclusively associated with WWE and have become indelibly linked in the public's mind in exclusive association with and in exclusive sponsorship by WWE.

20. WWE has used and continues to use its BE A STAR Marks in connection with its anti-bullying campaign and related goods. WWE's use of its BE A STAR Marks predates any date of first use upon which Applicants can rely.

21. Despite the use and recognition of WWE's BE A STAR Marks, Applicants have filed an application to register the A Beastar Application in International Class 25 for "apparel, namely coats, jackets, parkas, underwear, underclothing, uniforms, bathing suits, swimsuits, rash guards, tee-shirts; shirts, waistcoats, vests, sweaters, pullovers, jumpers, pants, trousers, leggings, skirts, suits, socks, stockings, caps being headwear, bras, panties, boxers; footwear; athletic footwear."

22. Applicants filed the A Beastar Application on July 27, 2018 and the application was assigned Serial No. 88/055,535.

III. The Application Should Be Dismissed Because A Likelihood Of Confusion Exists

23. As described herein, Opposer's BE A STAR Marks are uniquely associated with Opposer and are a valuable intellectual property asset of Opposer.

24. Applicants' A Beastar Application incorporates the "Be A Star" portion of Opposer's BE A STAR Marks; is similar in sight, sound and/or commercial meaning to Opposer's BE A STAR Marks; and is likely, when used on or in connection with the goods set

forth in the A Beastar Application, to cause confusion, or to cause mistake, or to deceive relative to Opposer's BE A STAR Marks within the meaning of Section 2(d) of the Lanham Act.

25. By applying for a mark that so resembles Opposer's BE A STAR Marks, Applicants' applied-for "A Beastar" mark is likely to cause confusion among consumers as to Opposer's affiliation and/or sponsorship of Applicants' goods.

26. Accordingly, Opposer, as the owner of the BE A STAR Marks, will be damaged if Applicants' A Beastar Application matures into a registration.

WHEREFORE, Opposer prays that the Notice of Opposition be sustained and that registration of U.S. Trademark Application Serial No. 88/055,535 be refused.

Respectfully submitted,

/s/ Christopher M. Verdini
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World Wrestling Entertainment, Inc.

April 18, 2019