

ESTTA Tracking number: **ESTTA1322514**
Filing date: **11/15/2023**

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	Mr. James K. Duck
Granted to date of previous extension	11/15/2023
Address	P.O. BOX 1015 DEKALB, IL 60115 UNITED STATES

Correspondence information	JAMES K. DUCK TRADEMARK OWNER 1307 S. 7TH STREET DEKALB, IL 60115 UNITED STATES Primary email: wcpwowner@gmail.com 8472437574
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Applicant information

Application no.	97024008	Publication date	07/18/2023
Opposition filing date	11/15/2023	Opposition period ends	11/15/2023
Applicant	World Wrestling Entertainment, Inc. 1241 EAST MAIN STREET STAMFORD, CT 06902 UNITED STATES		

Goods/services affected by opposition

Class 041. First Use: None First Use In Commerce: None

All goods and services in the class are opposed, namely: Entertainment services, namely, wrestling exhibitions and performances by a professional wrestler and entertainer rendered live and through broadcast media, namely, television, radio, the Internet or commercial online services.; providing wrestling news and information via a global computer network; providing information in the fields of sports and entertainment via an online community portal; providing a website in the field of sports entertainment information; fan club services, namely, organizing sporting events in the field of wrestling for wrestling fan club members; organizing social entertainment events for entertainment purposes for wrestling fan club members; providing online newsletters in the fields of sports entertainment; on-line journals, namely, blogs, in the field of sports entertainment

Grounds for opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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Mark cited by opposer as basis for opposition

U.S. registration no.	3255186	Application date	01/13/2006
Register	Principal		
Registration date	06/26/2007	Foreign priority date	NONE
Word mark	BIGTIME		
Design mark			
Description of mark	NONE		
Goods/services	Class 041. First use: First Use: Nov 30, 1997 First Use In Commerce: Nov 30, 1997 Sports and entertainment services, namely, appearing and performing in wrestling exhibitions, and providing wrestling news and information via a global computer network		

Attachments	James K Duck Notice of Opposition re Serial No 97024008.pdf(289359 bytes)
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Signature	/James K. Duck/
Name	James K. Duck
Date	11/15/2023

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

Appl. No. : 97024008
Filed : September 13, 2021
Published : July 18, 2023
Mark : Big Time Becks
Applicant : World Wrestling Entertainment, Inc.
CORPORATION DELAWARE

James K. Duck)	
Opposer,)	Opposition No. _____
)	
v.)	
)	
World Wrestling Entertainment, Inc.)	
CORPORATION DELAWARE)	
Applicant.)	

NOTICE OF OPPOSITION

James K. Duck, believes he will be damaged by registration of the mark "Big Time Becks" by World Wrestling Entertainment, Inc. CORPORATION DELAWARE ("Applicant"), as applied for in U.S. Application Serial No. 97024008. Accordingly, James K. Duck ("Opposer"), hereby opposes registration of Applicant's mark ("Big Time Becks"). In support of this Notice of Opposition, Opposer states as follows:

Opposer is an Individual with an address at 1307 S. 7th Street DeKalb, Illinois 60115. To protect the tremendous and highly valuable goodwill accrued in its "Bigtime" brand and trademark, Opposer has obtained the following United States trademark registration:

Trademark	U.S. Reg. No.	Filing Date	Relevant
Bigtime	3255186	January 13, 2006	IC 041. US 100 101 107. G & S: Sports and entertainment services, namely, appearing and performing in wrestling exhibitions, and providing wrestling news and information via a global computer network. FIRST USE: 19971130. FIRST USE IN COMMERCE: 19971130

1) Attached hereto as Exhibit A are true and correct copies of the certificate of registration and printouts from the United States Patent and Trademark Office online database showing the current trademark status and assignment history associated with the "Bigtime" Registration. This registration is valid, subsisting, and in full force and effect.

2) Opposer filed Declarations of Use and Renewal under Sections 8 and 9 of the Lanham Act for Registration No. 3255186

3) In addition, since at least as early as 30 November 1997, Opposer has used the name and mark "Bigtime" in connection with the goods and services listed in the Registration as well as other goods and services not listed in the registration.

4) Over the course of the past 26 years Opposer has also invested substantial energy and resources introducing, organizing, and publicizing its "Bigtime" mark in connection with the "Bigtime" services.

5) As a result of Opposer's longstanding and continuous use of the mark in its "Bigtime" Registration and its "Bigtime" mark (together the "Bigtime Trademark"), the relevant consuming public recognizes the "Bigtime" Trademark as identifying Opposer as the source of the goods offered and services rendered under the "Bigtime" Trademark and serving to distinguish Opposer's goods and services from those of others.

6) Used in connection with the goods and services identified in the "Bigtime" Registration, and in relation to the "Bigtime" services, the "Bigtime" Trademark is inherently distinctive.

7) And, because of Opposer's continuous use and significant promotional efforts, the "Bigtime" Trademark has acquired secondary meaning signifying Opposer as the exclusive source of the goods offered under the mark.

8) Accordingly, Opposer has established valuable common law rights in its "Bigtime" Trademark.

9) Applicant is a Delaware Corporation with an address at 1241 East Main Street Stamford CONNECTICUT 06902.

10) According to the USPTO's records, Applicant filed the "Big Time Becks" application, U.S. Serial No 97024008 ("Big Time Becks Application"), on 13 September 2021, under Trademark Act Section 1(a) in connection with the following International Class 41 services:

Entertainment services, namely, wrestling exhibitions and performances by a professional wrestler and entertainer rendered live and through broadcast media, namely, television, radio, the Internet or commercial

online services.; providing wrestling news and information via a global computer network; providing information in the fields of sports and entertainment via an online community portal; providing a website in the field of sports entertainment information; fan club services, namely, organizing sporting events in the field of wrestling for wrestling fan club members; organizing social entertainment events for entertainment purposes for wrestling fan club members; providing online newsletters in the fields of sports entertainment; online journals, namely, blogs, in the field of sports entertainment

11) The "Big Time Becks" Application was published for opposition on July 18, 2023.

12) On 17 August 2023, Opposer applied for and was granted a 90 Day Extension to Oppose for Good Cause U.S. Serial No. [97024008](#) expiring on 15 November 2023.

13) Opposer has not consented to Applicant's use or registration in the United States of the "Big Time Becks" Mark.

14) Because of its longstanding rights in the "Bigtime" Trademark and the "Bigtime" Registration, Opposer believes it will be irreparably harmed by registration of the "Big Time Becks" Mark in connection with the Class 41 services identified in the "Big Time Becks" Application.

Grounds For Opposition

1. Priority and Likelihood Of Confusion

15) Opposer's "Bigtime" Registration has a filing date, registration date, and first use date that long precede the 13 September 2021, filing date of the "Big Time Becks" Application. In addition, Opposer has used the "Bigtime" Mark in U.S. commerce

continuously since 1997 and commenced such use long before the filing date of the "Big Time Becks" Application. Accordingly, the "Bigtime" Registration and "Bigtime" Trademark have priority over the "Big Time Becks" Application.

16) Opposer's "Bigtime" Trademark and Applicant's "Big Time Becks" Mark are visually highly similar and in part identical.

17) "Big Time Becks" begins with and incorporates Opposer's "Bigtime" mark in its entirety.

18) The first and second element of Applicant's mark, "Big Time", is visually similar in print and identical when spoken, to the Opposer's "Bigtime" Trademark.

19) As a result, the first and second elements of the Applicant's mark are almost identical to Opposer's "Bigtime" Trademark, and the marks sound the same and look similar.

20) Further, because Applicant's "Big Time Becks" Application consists of standard characters, and does not claim any particular font style, size, or color, it can be used in any style, including any style adopted for use by Opposer with its "Bigtime" Trademark.

21) Applicant's "Big Time Becks" Application identifies services that are identical and highly related to services and goods identified in Opposer's "Bigtime" Registration and rendered and offered by Opposer under the "Bigtime" Trademark.

22) Given the identical and highly related nature of the services identified in Applicant's "Big Time Becks" Application and the goods and services identified in Opposer's "Bigtime" Registration and offered and rendered under the "Bigtime" Trademark, these services and goods are likely to be marketed, advertised, rendered, and sold to the same consumers and move in the same channels of trade.

23) Opposer's "Bigtime" Trademark is famous under the criteria established for the *DuPont* analysis used by the TTAB to assess likelihood of confusion.

24) Registration of the "Big Time Becks" Mark will impair Opposer's exclusive right to use the "Bigtime" Trademark in connection with the goods and services identified in the "Bigtime" Registration and offered and rendered by Opposer under the "Bigtime" Trademark.

25) Further, registration of the "Big Time Becks" Mark will diminish the tremendous goodwill accrued by Opposer in its "Bigtime" Trademark.

26) Owing to the following: (1) Opposer's use of and priority of rights in the "Bigtime" Trademark; (2) the partial identity and high similarity between Opposer's "Bigtime" Trademark and Applicant's "Big Time Becks" Mark in appearance, sound, connotation, and commercial impression; (3) the identical and highly related nature of goods and services; and (4) the vast exposure of the "Bigtime" Trademark to the same consumers in the same markets and channels of trade as those implicated by Applicant's applied-for mark, "Big Time Becks" so resembles the "Bigtime" Trademark as to be likely to cause confusion or mistake, or to deceive, within the meaning of 15 U.S.C. § 1052(d).

27) Applicant's "Big Time Becks" Application should therefore be refused under 15 U.S.C. § 1052(d) on the ground of priority and likelihood of confusion.

Conclusion

28) For the foregoing reasons, Applicant's "Big Time Becks" Application should be denied registration under 15 U.S.C. Sections 1052(d), 1125(c) and 1063, and 1052(a).

WHEREFORE, Opposer requests that this Notice of Opposition be sustained and that U.S. Trademark Application Serial No. 97024008 for "Big Time Becks" be refused registration.

Dated: 15 November 2023

Respectfully submitted,

James K. Duck

EXHIBIT A

Int. Cl.: 41

Prior U.S. Cls.: 100, 101 and 107

United States Patent and Trademark Office

Reg. No. 3,255,186

Registered June 26, 2007

SERVICE MARK
PRINCIPAL REGISTER

BIGTIME

DUCK, JAMES K. (UNITED STATES INDIVIDUAL)
2714 W. ARGYLE
CHICAGO, IL 60625


FOR: SPORTS AND ENTERTAINMENT SERVICES, NAMELY, APPEARING AND PERFORMING IN WRESTLING EXHIBITIONS, AND PROVIDING WRESTLING NEWS AND INFORMATION VIA A GLOBAL COMPUTER NETWORK, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 11-30-1997; IN COMMERCE 11-30-1997.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 78-791,545, FILED 1-13-2006.

LINDA MICKLEBURGH, EXAMINING ATTORNEY

STATUS	DOCUMENTS	MAINTENANCE	Download	Print Preview
Generated on: This page was generated by TSDR on 2023-11-15 19:16:21 EST				
Mark: BIGTIME				
			BIGTIME	
US Serial Number:	78791545	Application Filing Date:	Jan. 13, 2008	
US Registration Number:	3255186	Registration Date:	Jun. 26, 2007	
Register:	Principal			
Mark Type:	Service Mark			
TM5 Common Status	LIVE/REGISTRATION/Issued and Active			
Descriptor:		The trademark application has been registered with the Office.		
Status:	The registration has been renewed.			
Status Date:	Feb. 15, 2018			
Publication Date:	Apr. 10, 2007			
<ul style="list-style-type: none"> ▶ Mark Information ▶ Goods and Services ▶ Basis Information (Case Level) ▶ Current Owner(s) Information ▶ Attorney/Correspondence Information ▶ Prosecution History ▶ TM Staff and Location Information ▶ Assignment Abstract Of Title Information - Click to Load ▶ Proceedings - Click to Load 				Expand All

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Select All <input type="checkbox"/>	Create/Mail Date ▲	Document Description ▼	Document Category ▲	Document Type	
<input type="checkbox"/>	Feb. 15, 2018	Notice-Acceptance-Renewal		XML	
<input type="checkbox"/>	Jun. 26, 2017	PR-Section 8 and 9		MULTI	
<input type="checkbox"/>	Jun. 26, 2017	Specimen		JPEG	
<input type="checkbox"/>	Jun. 26, 2016	Courtesy E-Reminder of Sec. 8/Sec. 9		XML	
<input type="checkbox"/>	Mar. 13, 2013	Notice Of Acceptance		XML	
<input type="checkbox"/>	Feb. 26, 2013	PR-Section 8		MULTI	
<input type="checkbox"/>	Feb. 26, 2013	Specimen		JPEG	
<input type="checkbox"/>	Jun. 26, 2007	Registration Certificate		TIFF	
<input type="checkbox"/>	Mar. 21, 2007	Notice of Publication		XML	
<input type="checkbox"/>	Feb. 27, 2007	Publication & Issue Review Complete		MULTI	
<input type="checkbox"/>	Feb. 27, 2007	Amendment and Mail Process Complete		MULTI	
<input type="checkbox"/>	Feb. 23, 2007	Notice of Acceptance of AAU		XML	
<input type="checkbox"/>	Feb. 23, 2007	TRAM Snapshot of App at Pub for Oppostr		MULTI	
<input type="checkbox"/>	Feb. 03, 2007	Amendment and Mail Process Complete		MULTI	
<input type="checkbox"/>	Jan. 09, 2007	Response to Office Action		MULTI	
<input type="checkbox"/>	Jan. 09, 2007	Specimen		JPEG	
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<input type="checkbox"/>	Mar. 22, 2006	Amendment to Allege Use		MULTI	
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<input type="checkbox"/>	Mar. 21, 2006	Teas Change of Owner Address		XML	
<input type="checkbox"/>	Jan. 13, 2006	Application		MULTI	
<input type="checkbox"/>	Jan. 13, 2006	Drawing		JPEG	
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