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

BROCKSTAR MEDIA CORP.,
Petitioner,

v.

TAKE-TWO INTERACTIVE SOFTWARE, INC.,
Respondent.

Cancellation No. _____

Registration No. 2,855,543
Mark: R (star design) ROCKSTAR GAMES
Registered: June 22, 2004
International Class 9

BOOK OF SPECIMENS

Exhibits A–M to the Petition for Cancellation

Nothing in this volume is or shall be construed as an admission that any registration, mark, or designation of Respondent is valid, enforceable, or in bona fide use in commerce. Every image in this volume is reproduced from the public records of the United States Patent and Trademark Office (TSDR and TTABVUE) and is identified by the source system's document number, by which it may be independently retrieved and verified. Pages are numbered SPEC-001 through SPEC-032.

EXHIBIT A	The Registered Mark — Reg. No. 2,855,543	SPEC-001
EXHIBIT B	Application-Stage "Specimens" (2002–2003): Printed Logo Artwork	SPEC-004
EXHIBIT C	November 23, 2010 — §§8/15 Specimens	SPEC-007
EXHIBIT D	December 16, 2014 — §§8/9 Renewal Specimen	SPEC-009
EXHIBIT E	June 4, 2024 — §§8/9 Renewal Specimen and Declaration	SPEC-010
EXHIBIT F	Respondent's Own 2021 Specimen (Reg. 4,037,654): Modern Packaging Without the Composite	SPEC-012
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EXHIBIT A
The Registered Mark — Reg. No. 2,855,543

The USPTO record of the registered mark

Registration No. 2,855,543 · Serial No. 76/408,131 · Filed May 14, 2002 (use basis, §1(a)) · Registered June 22, 2004 · Int'l Class 9: "computer game software and video game programs."

Mark literal elements (TSDR): "R ROCKSTAR GAMES." **Drawing type 3** (design plus words).

Lining/stippling statement (TSDR): "Color is a feature of the mark. The background in the drawing is in the color gold, while the 'R' and the trim of the drawing is black and the star design and lettering for 'ROCKSTAR GAMES' is white."

Maintenance history: §8/15 filed Nov. 23, 2010 · §8/9 renewal filed Dec. 16, 2014 (accepted Jan. 9, 2015) · §8/9 renewal filed June 4, 2024 (accepted Aug. 20, 2024).

Source: TSDR status record, SN 76408131 (tsdr.uspto.gov).

The registration drawing



The registered composite: R-and-star device with the words ROCKSTAR GAMES in an integral band. TSDR mark image, SN 76408131.

Respondent pleaded this registration against Petitioner

	tion and presentation of television shows, sports events, fashion shows, game shows, music shows, award shows and comedy shows before live audiences which are all broadcast live or taped for later broadcast; entertainment services, namely, providing a web site featuring non-downloadable musical performances, musical videos, related film clips, photographs, and other multimedia materials featuring music and entertainment; entertainment services, namely, providing on-line reviews of music, musical artists and music videos; entertainment services, namely, providing prerecorded non-downloadable music, information in the field of music, and commentary and articles about music, all on-line via a global computer network; entertainment services, namely, live, televised and movie appearances by a professional entertainer; conducting entertainment exhibitions in the nature of music festivals; entertainment services, namely, conducting exhibitions in the field of music and the arts; organizing exhibitions for entertainment purposes featuring music and the arts; and publishing of web magazines

U.S. registration no.	2855543	Application date	05/14/2002
Register	Principal		
Registration date	06/22/2004	Foreign priority date	NONE
Word mark	R ROCKSTAR GAMES		
Design mark			
Description of mark	NONE		
Goods/services	Class 009. First use: First Use: Apr 1, 1999 First Use In Commerce: Apr 1, 1999 Computer game software and video game programs		

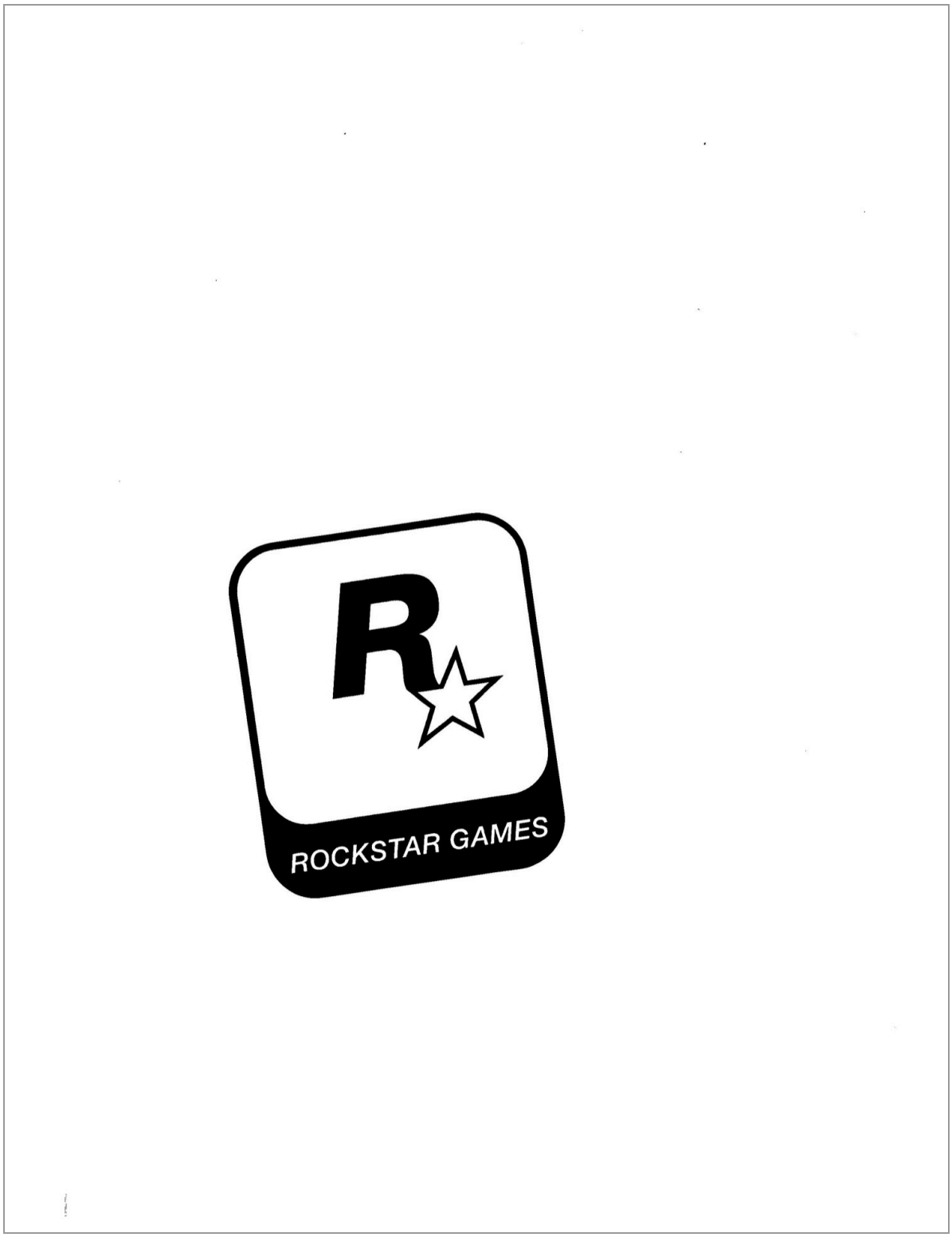
U.S. application no.	86617422	Application date	05/01/2015
Registration date	NONE	Foreign priority date	NONE
Word mark	ROCKSTAR TV		
Design mark	ROCKSTAR TV		
Description of mark	NONE		
Goods/services	Class 009. First use: First Use: None First Use In Commerce: None Computer game programs and software; animated motion picture films featuring entertainment, namely, action, adventure, dramatic, comedic, children's and documentary themes; pre-recorded video discs and other pre-recorded digital and electronic media in the nature of optical discs, DVDs, Blu-Ray Discs, HD-DVDs, and downloadable files in the field of live action programs, motion pictures, or animation featuring entertainment, namely, action, adventure, dramatic, comedic, children's and documentary themes		

Excerpt, Notice of Opposition, Opp. No. 91295390 (Nov. 27, 2024): Reg. No. 2,855,543 among "Opposer's ROCKSTAR Marks" asserted against BROCKSTAR MEDIA.

EXHIBIT B

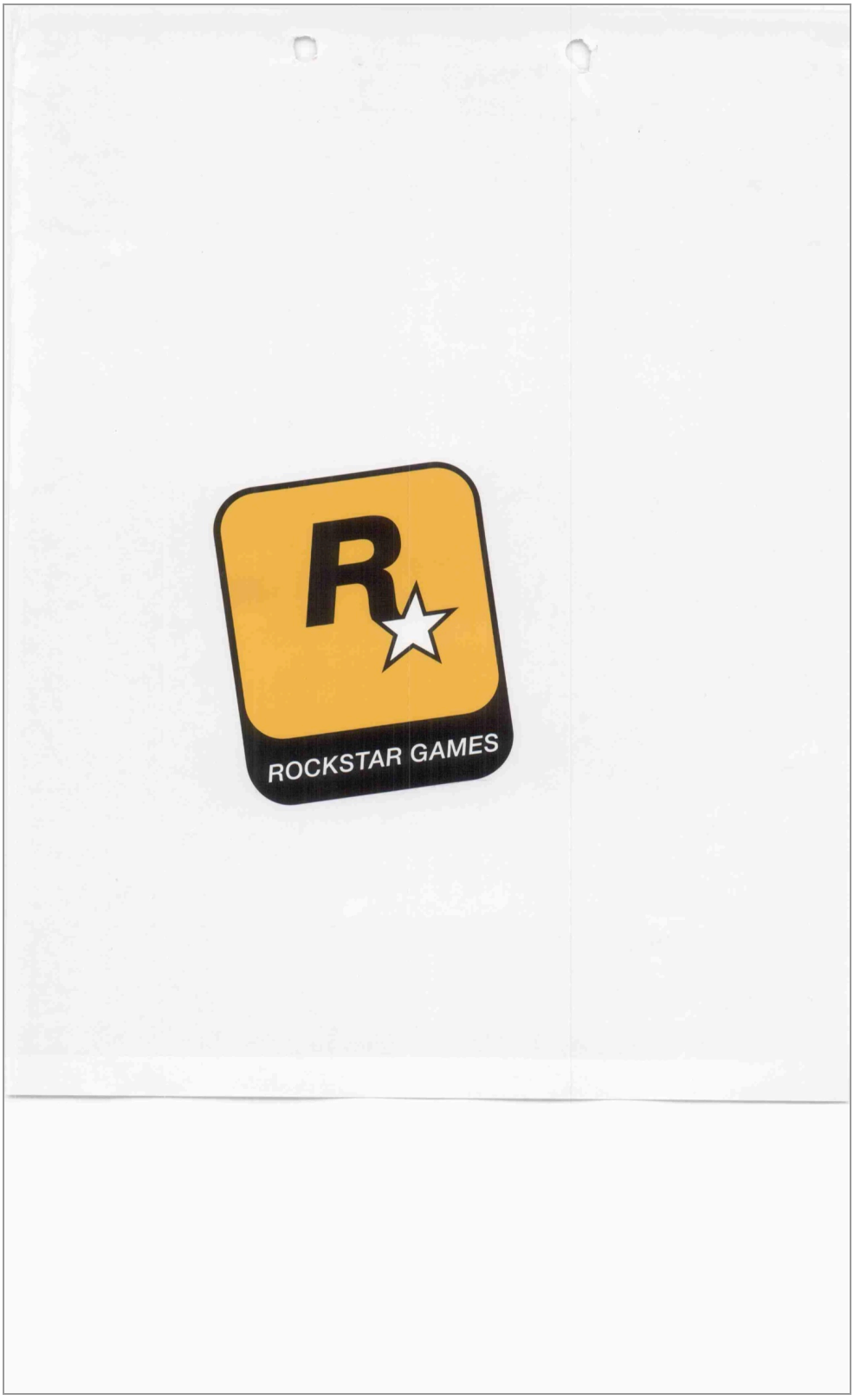
Application-Stage "Specimens" (2002–2003): Printed Logo Artwork

May 2002 "specimen" — filed with the use-based application



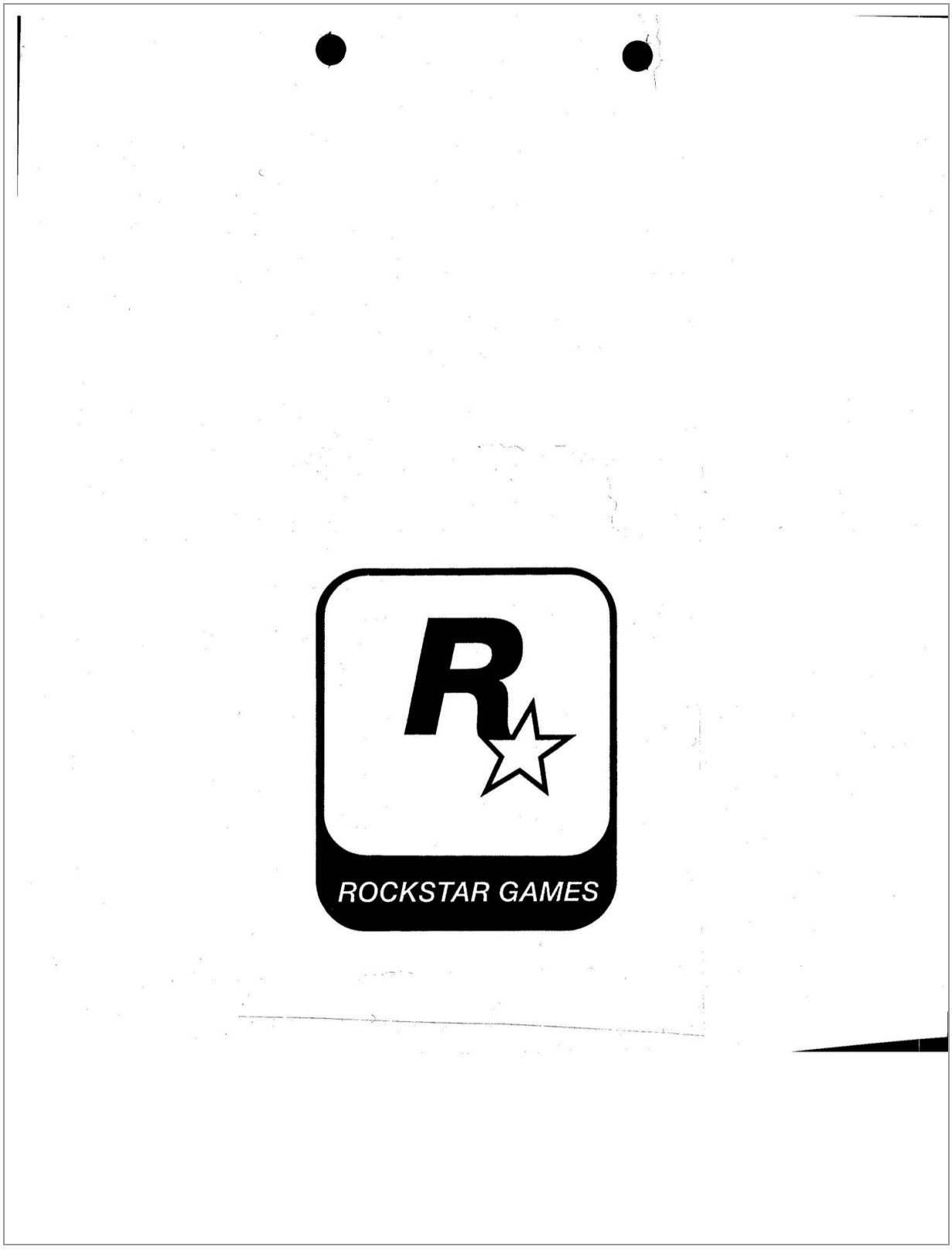
Printed logo artwork on an otherwise blank page. No goods, no packaging, no point of sale. TSDR doc SPE20020524053622.

November 2003 substitute "specimen"



The badge artwork printed on a loose hole-punched sheet. TSDR doc SPE20031121175446.

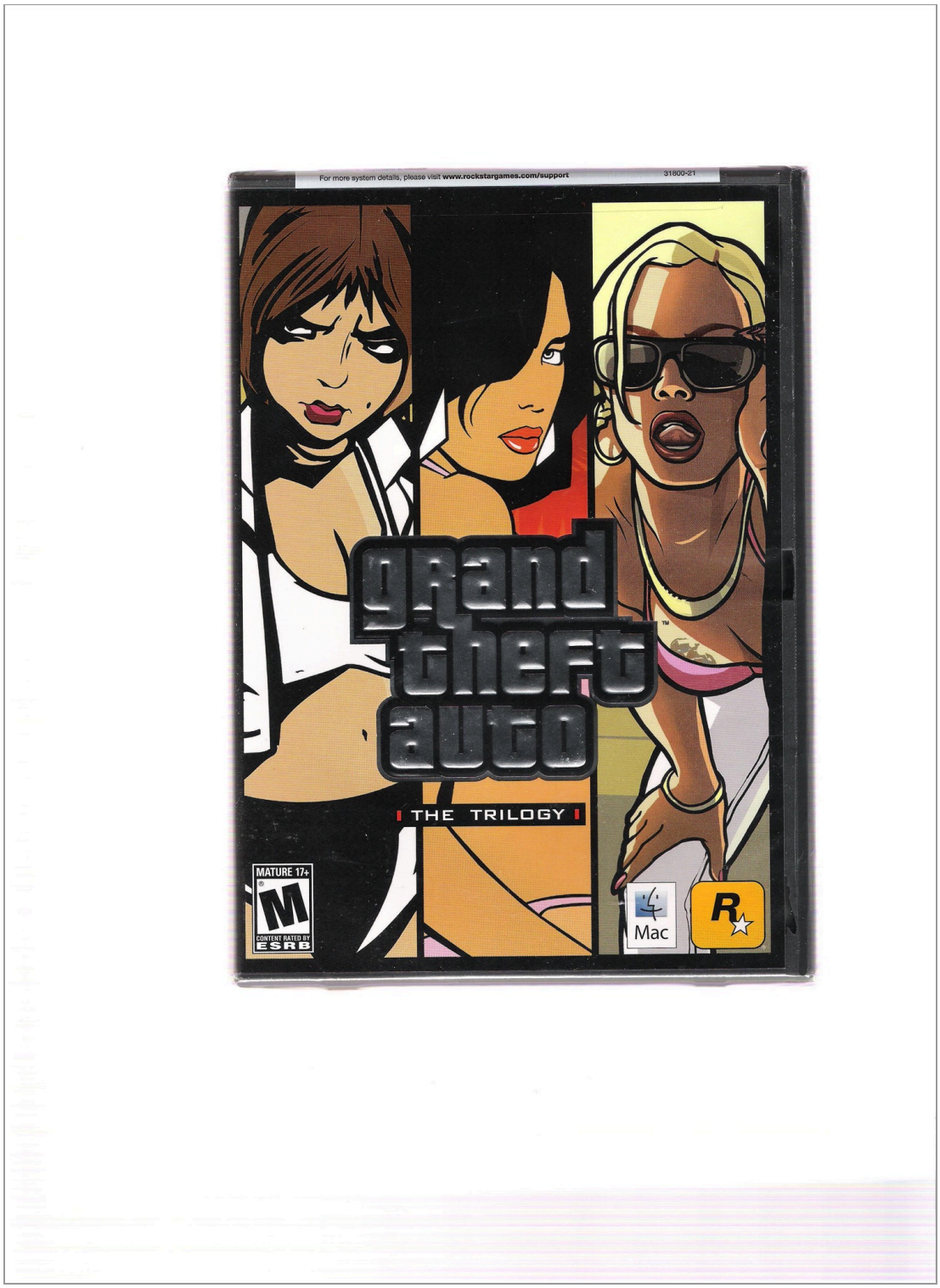
November 2003 substitute "specimen"



A second sheet of printed logo artwork. TSDR doc SPE20031124210512.

EXHIBIT C
November 23, 2010 — §§8/15 Specimens

2010 §8/15 specimen, page 1



"Grand Theft Auto: The Trilogy" (Mac) front cover. The badge shown carries NO "ROCKSTAR GAMES" band. Declaration signed by Katherine Todd, Associate Counsel. TSDR doc SPE20101124124816.

2010 §8/15 specimen, page 2



Back panel of the Grand Theft Auto: The Trilogy package (Mac edition; lists Grand Theft Auto III, Vice City and San Andreas): copyright legend "© 2002-2010," UPC 710425318009, item no. 31800-3 — product manufactured no later than 2010. The same physical SKU reappears in 2014 (Ex. D) and 2024 (Ex. E).

EXHIBIT D
December 16, 2014 — §§8/9 Renewal Specimen

2014 renewal specimen



Photograph of the same shrink-wrapped © 2002-2010 Grand Theft Auto: The Trilogy package, UPC 710425318009. Declaration signed by Gena A. Feist, Respondent's Vice President & Associate General Counsel: "Photographs of back game cover." TSDR docs SPE20141219144453 / S8920141219144453.

EXHIBIT E
June 4, 2024 — §§8/9 Renewal Specimen and Declaration

2024 renewal specimen — the sole evidence of "continued use"



Another photograph of the same © 2002-2010 sealed unit — same UPC 710425318009 — then approximately fourteen years old. Compare Ex. C p.2 and Ex. D. TSDR doc SPE20240604212622.

The sworn declaration the specimen supported

From the combined §§8/9 declaration filed June 4, 2024 (TSDR doc S8920240604212622), executed **/patricialwerner/ — Patricia L. Werner, "Attorney of Record, New York bar member, Kelley Drye & Warren LLP"**:

> "For International Class 009, the mark is **in use in commerce** on or in connection with all goods/services … listed in the existing registration for this specific class: Computer game software and video game programs …"
>
> "The owner is submitting one(or more) specimen(s) showing the mark as used in commerce … consisting of a(n) **scanned image showing the mark used on product packaging**."
>
> "Specimen File1 · Webpage URL: **None Provided** · Webpage Date of Access: **None Provided**"

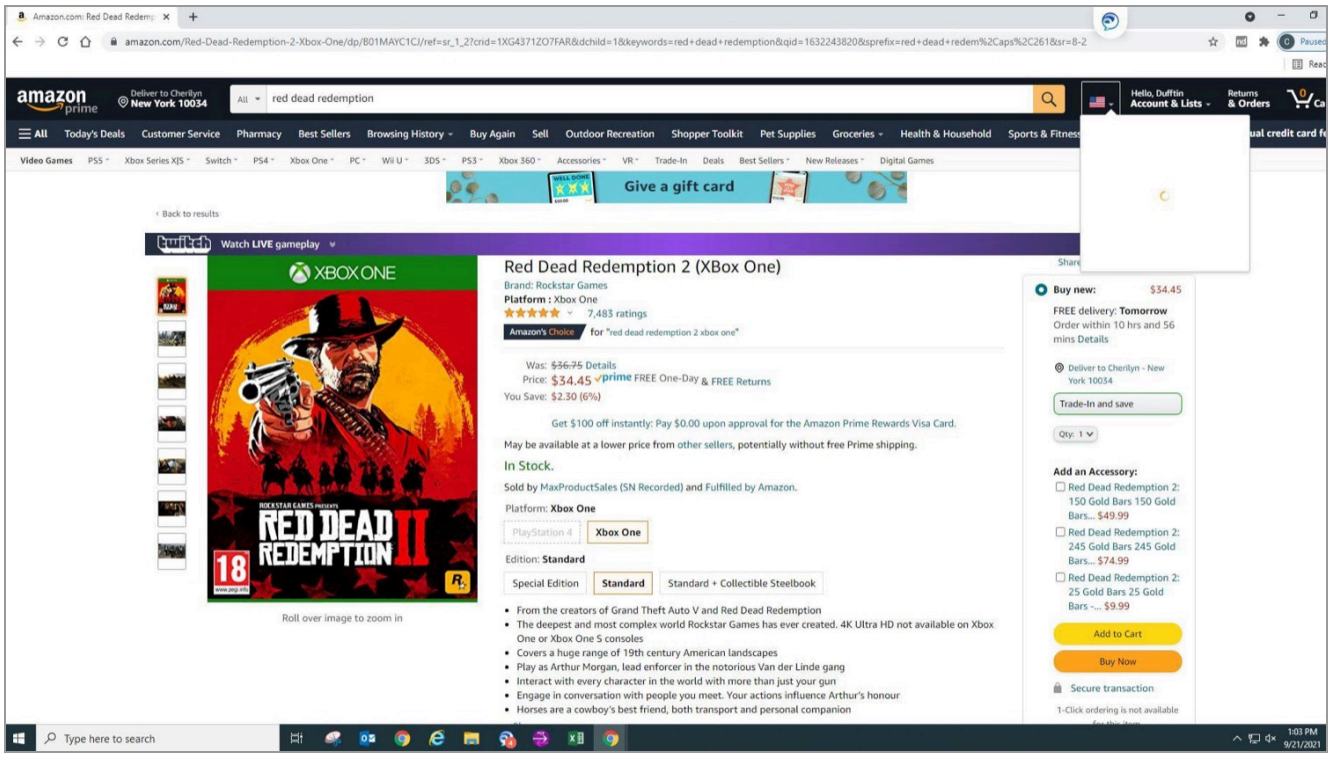
Fee paid: $525. Filing accepted by the Office on August 20, 2024.

Section 8 requires a declaration of continued use (15 U.S.C. § 1058; TMEP § 1604). The specimen offered to prove continuity in 2024 is a photograph of the same product photographed in 2010 and 2014.

EXHIBIT F

Respondent's Own 2021 Specimen (Reg. 4,037,654): Modern Packaging Without the Composite

Respondent's specimen of Sept. 21, 2021 (for Reg. 4,037,654)



Red Dead Redemption 2 retail packaging as shown in Respondent's own filing: the R-and-star badge appears WITHOUT the "ROCKSTAR GAMES" band. TSDR doc SPE20210922163713.

Respondent's own Aug. 31, 2010 renewal specimen for Reg. No. 2,391,635: the 2009 Episodes from Liberty City package, front and back

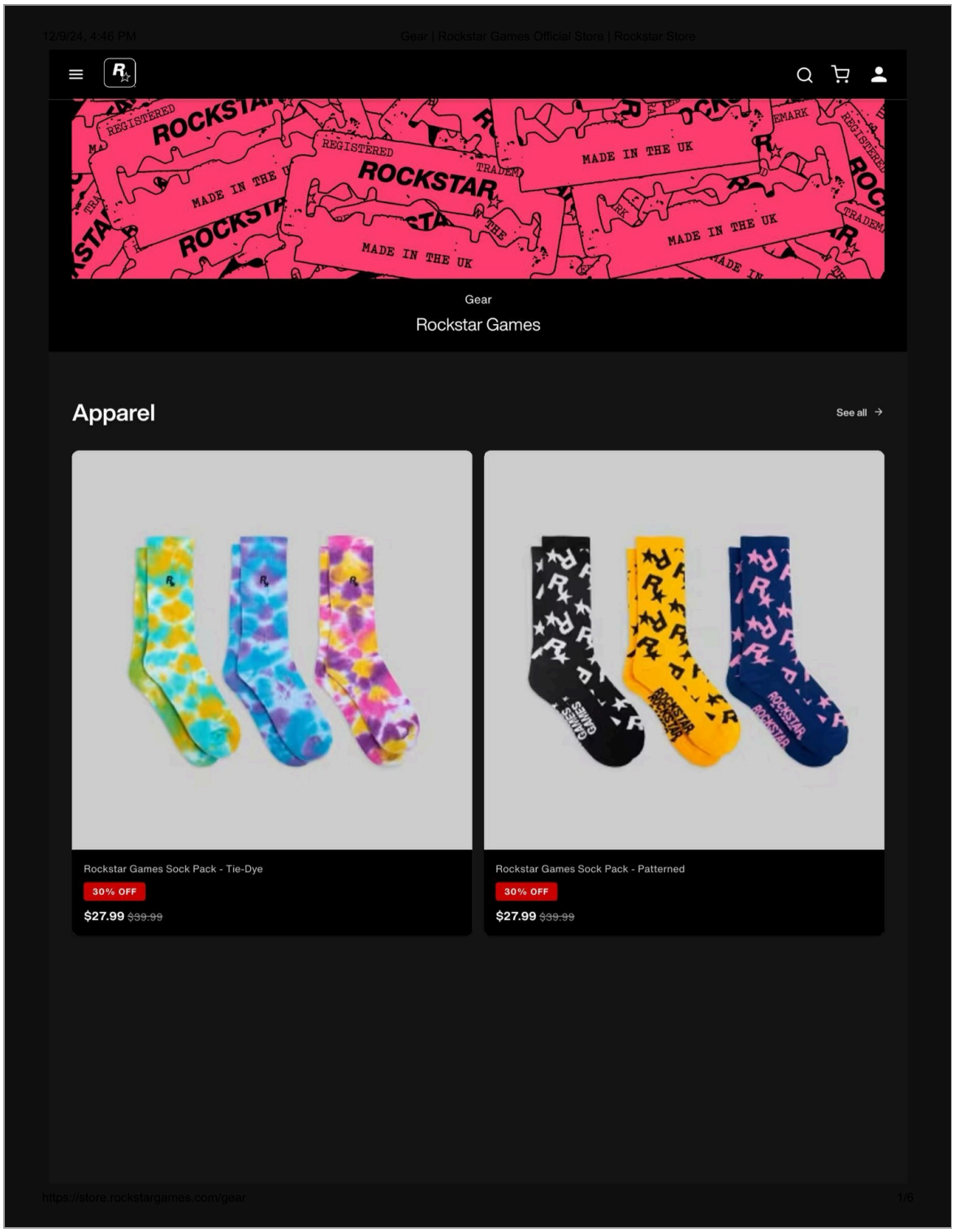




Filed by Respondent (Katherine Todd, Associate Counsel) to renew the R-and-star device registration. Grand Theft Auto: Episodes from Liberty City (Xbox 360, © 2009): the gold R-and-star square appears on the front and, beside the blue Rockstar North badge, on the back; the "ROCKSTAR GAMES" band appears on neither panel. TSDR doc SPE20100901122433.

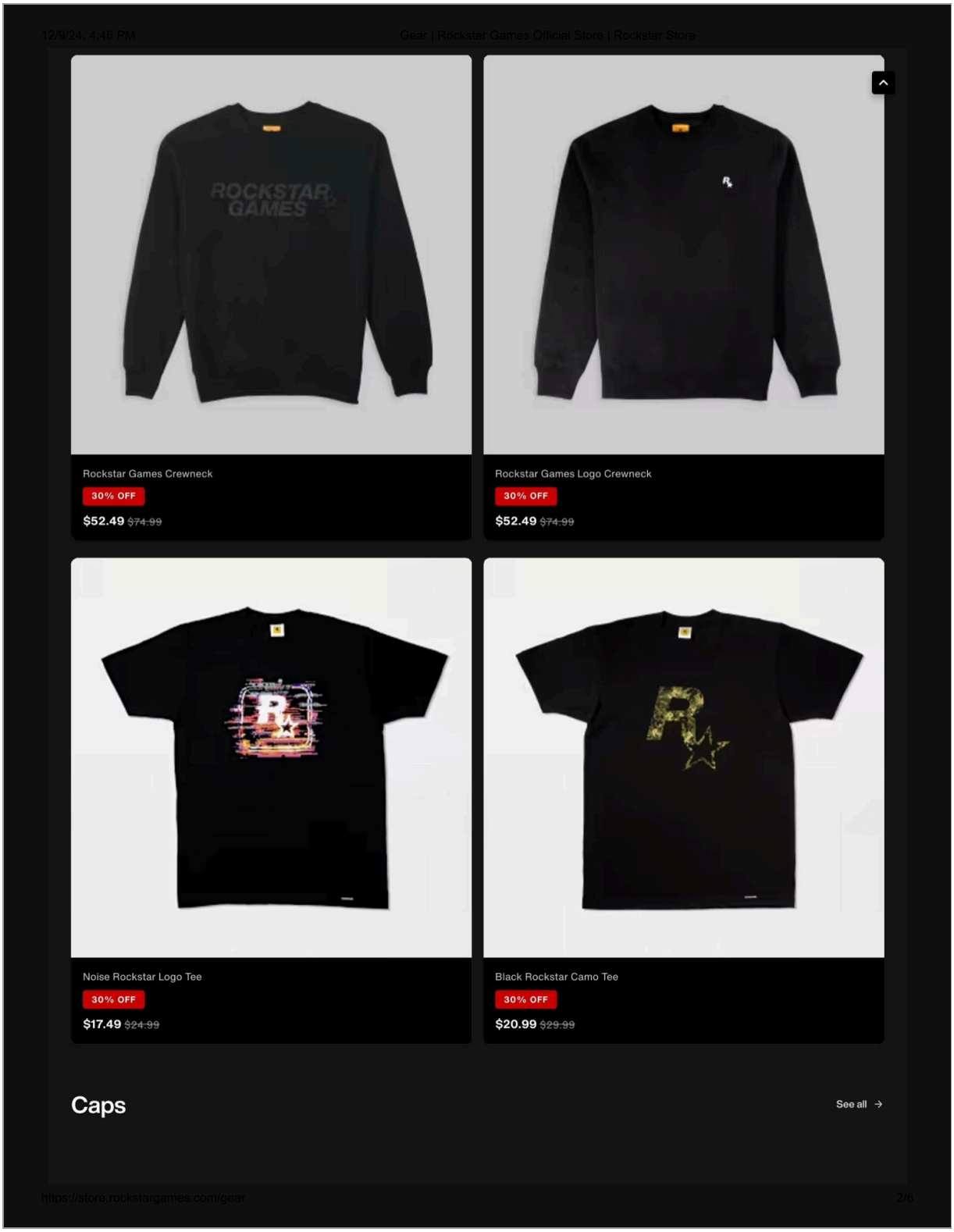
EXHIBIT G
Respondent's Own December 2024 Specimens (Reg. 5,639,907): Current Storefront

Respondent's specimen of Dec. 9, 2024 (for Reg. 5,639,907), p.1



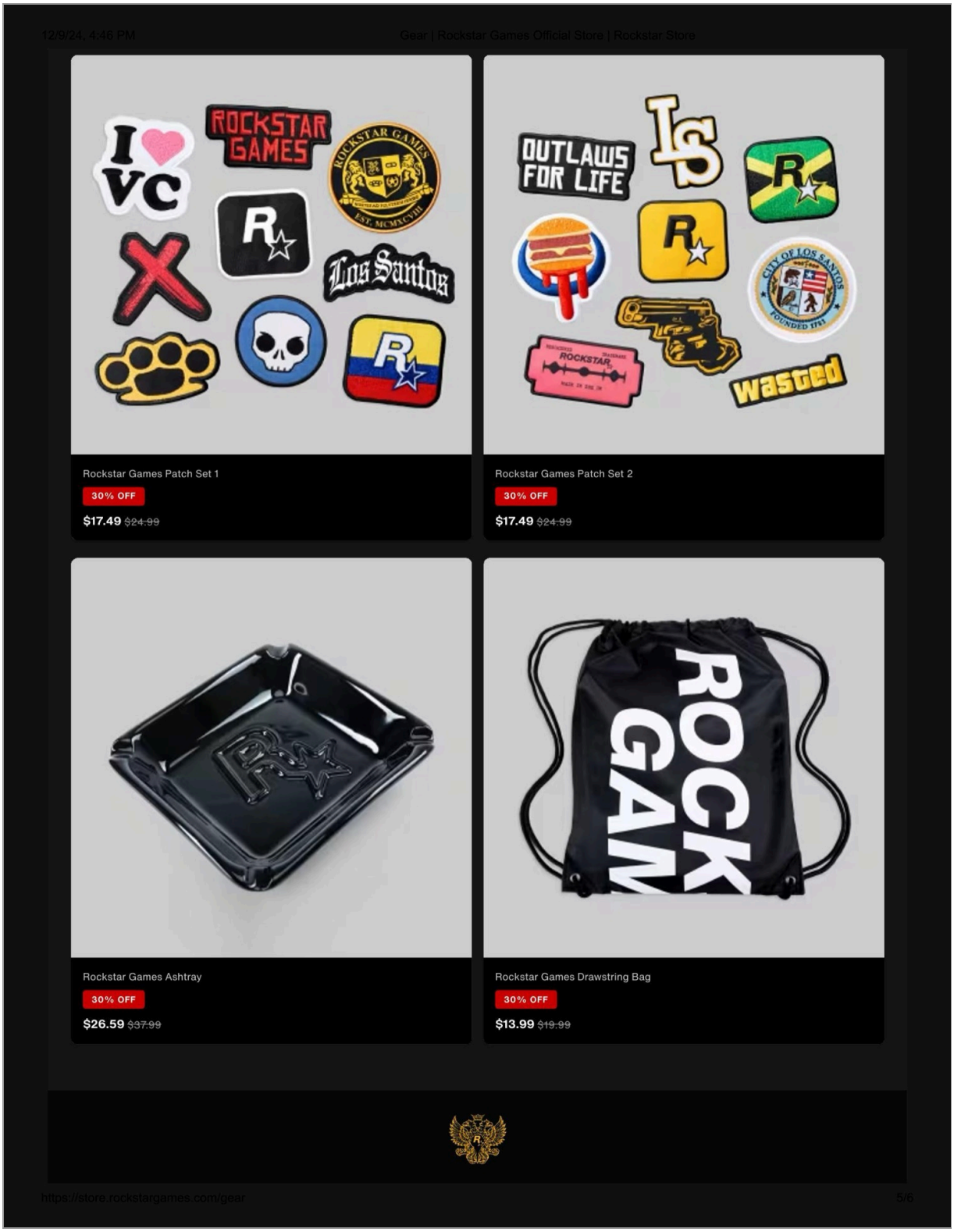
store.rockstargames.com "Gear" page: masthead is the R-and-star device alone; goods bear the device or ROCKSTAR GAMES. Filed twelve days after Respondent opposed Petitioner. TSDR doc SPE20241209225711.

Same filing, p.2



"Rockstar Games Crewneck" and logo apparel: the designations on the goods are ROCKSTAR GAMES and the R-and-star device — not the registered composite, and not the standard-character word ROCKSTAR.

Same filing, p.5

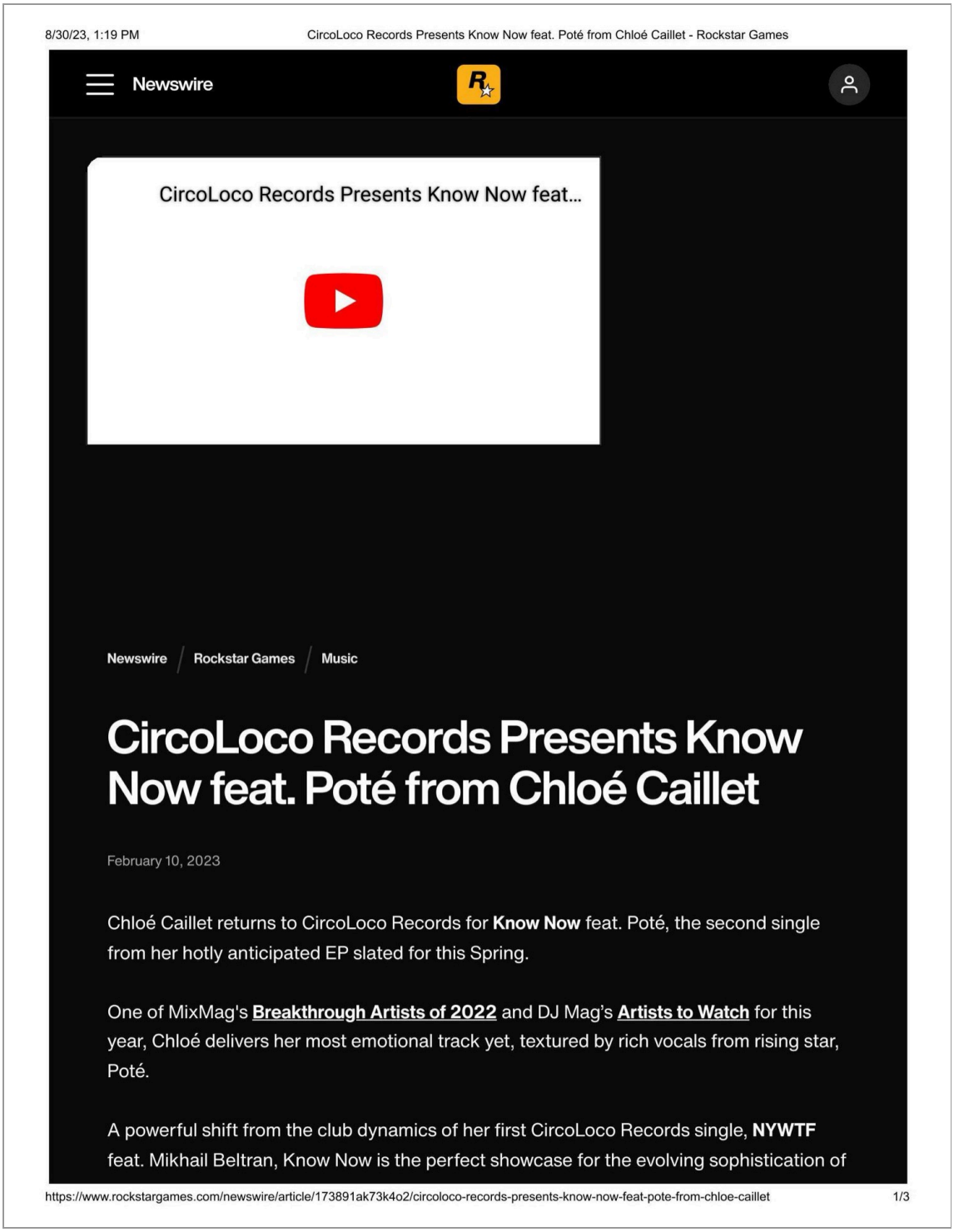


Patch sets and accessories. The composite gold badge with integral wording appears nowhere in Respondent's current storefront imagery.

EXHIBIT H

Respondent's Own 2023 Statement of Use (Reg. 7,287,850): The Device Registered Separately

Respondent's Statement of Use, Aug. 30, 2023 (Reg. 7,287,850)

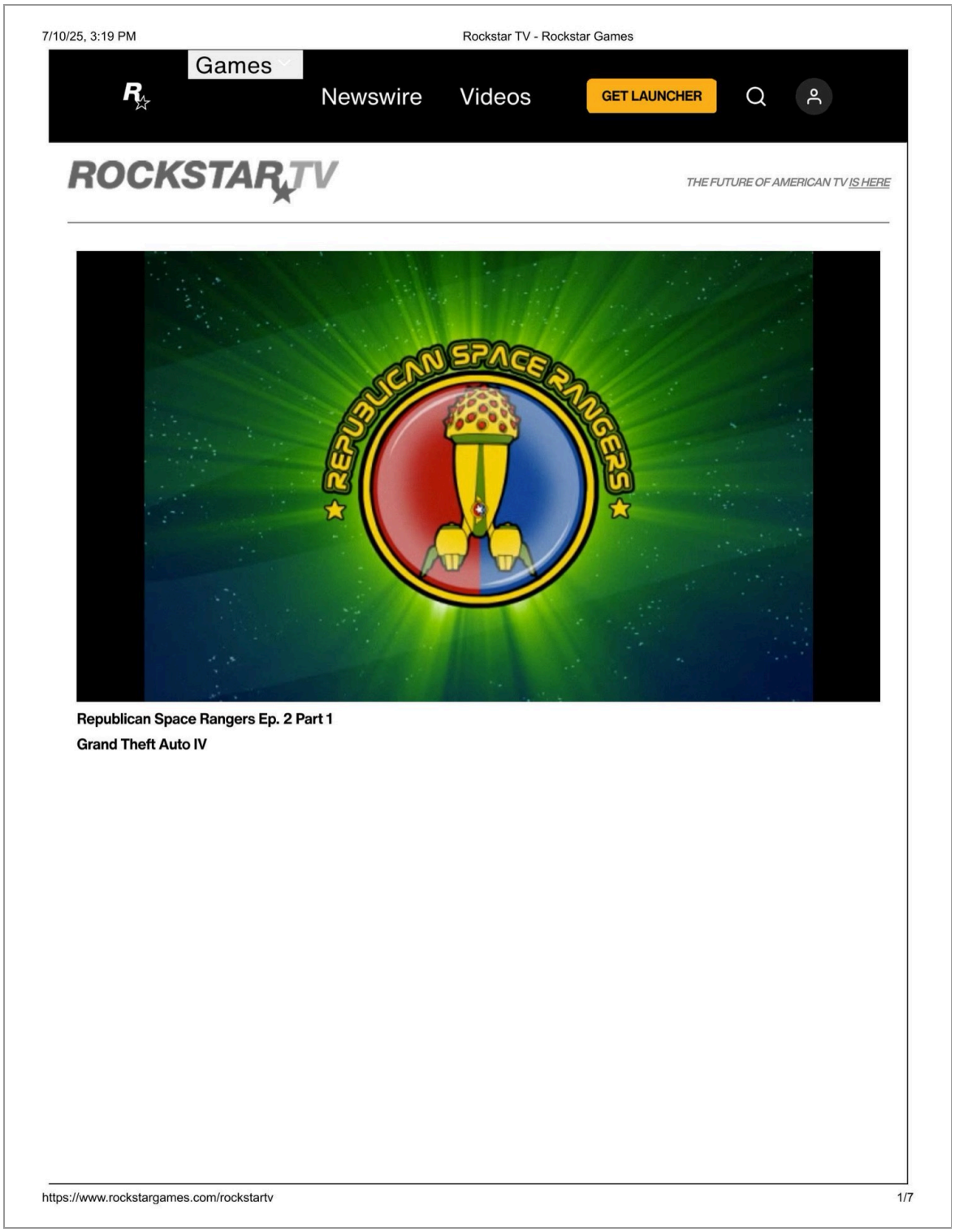


Thirty pages of Respondent's current sites and storefronts supporting a NEW registration for the R-and-star device ALONE. Respondent produced thirty pages of current material for the designation it displays today — while maintaining the challenged registration on a photograph of decade-old stock. TSDR docs SOU20230901192755 / SPE20230901192755 (p.1 of 30 shown).

EXHIBIT I

Respondent's Own July 2025 Site Capture: The Masthead Without the Composite

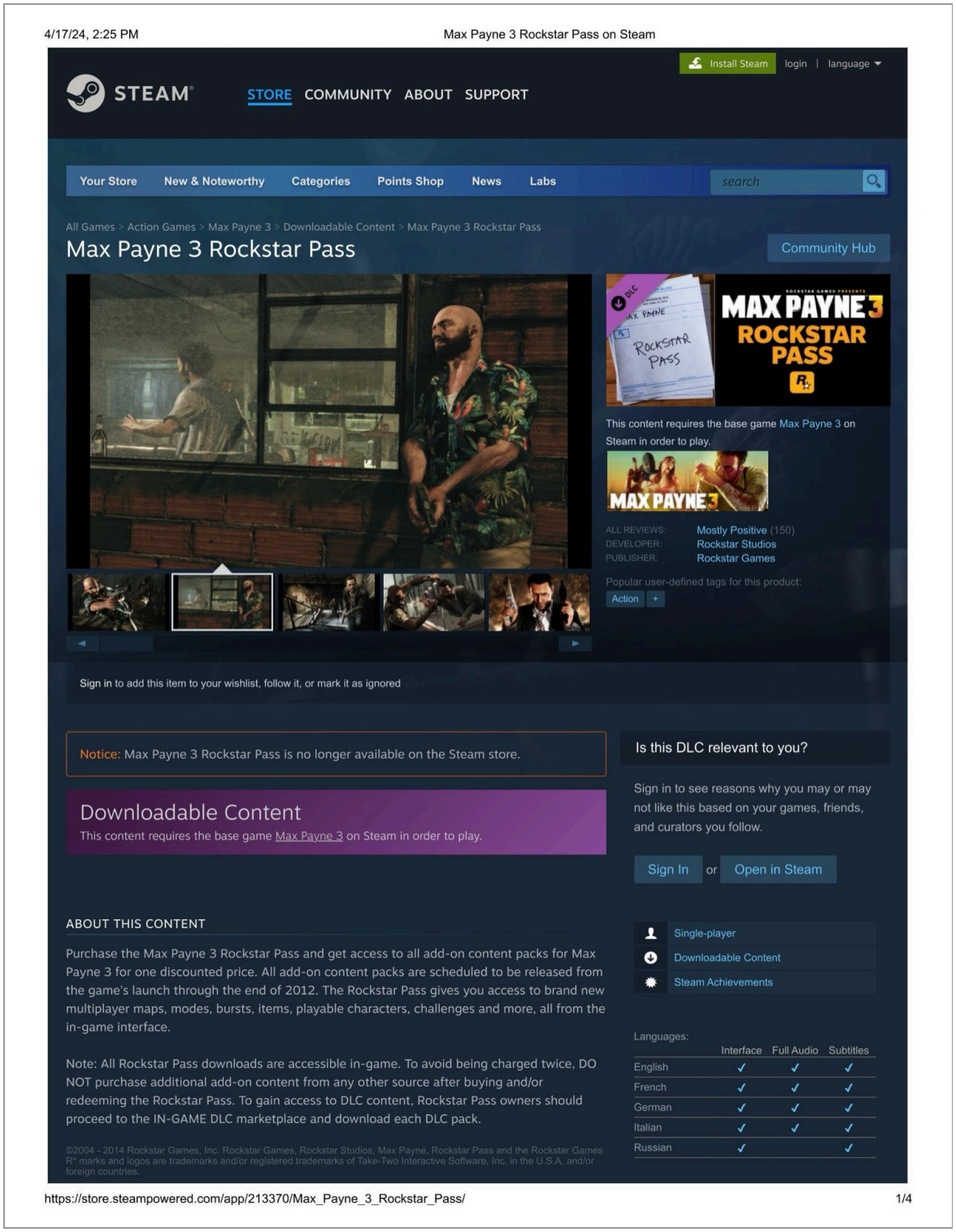
Respondent's own capture of rockstargames.com, July 10, 2025



Filed by Respondent as its ROCKSTAR TV renewal specimen: the site masthead carries the R-and-star device alone. The registered composite is absent. TSDR doc SPE20250710213946.

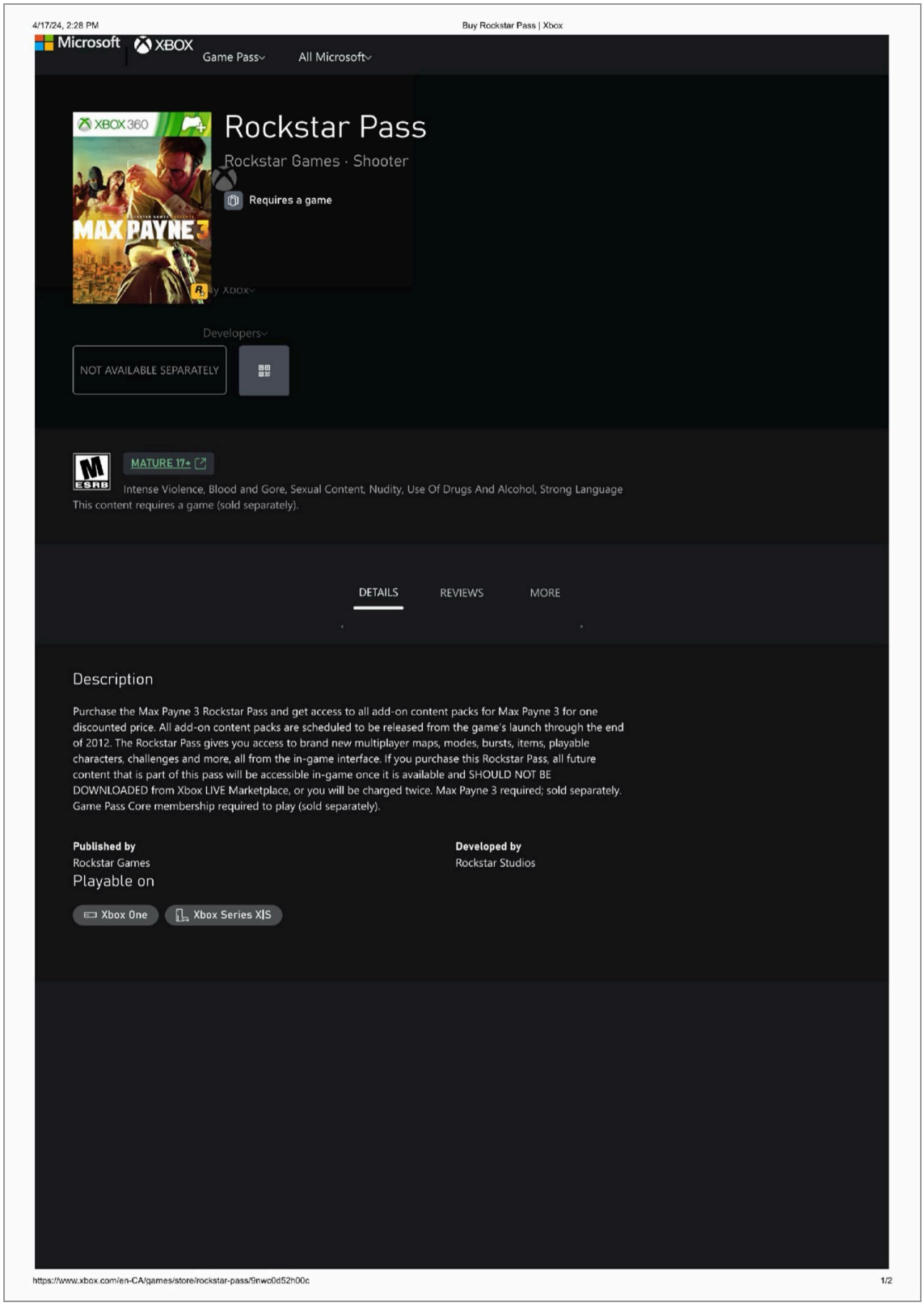
EXHIBIT J
Pattern Evidence Across the Portfolio

ROCKSTAR PASS, Reg. 4,519,873 — renewal specimen, Apr. 2024



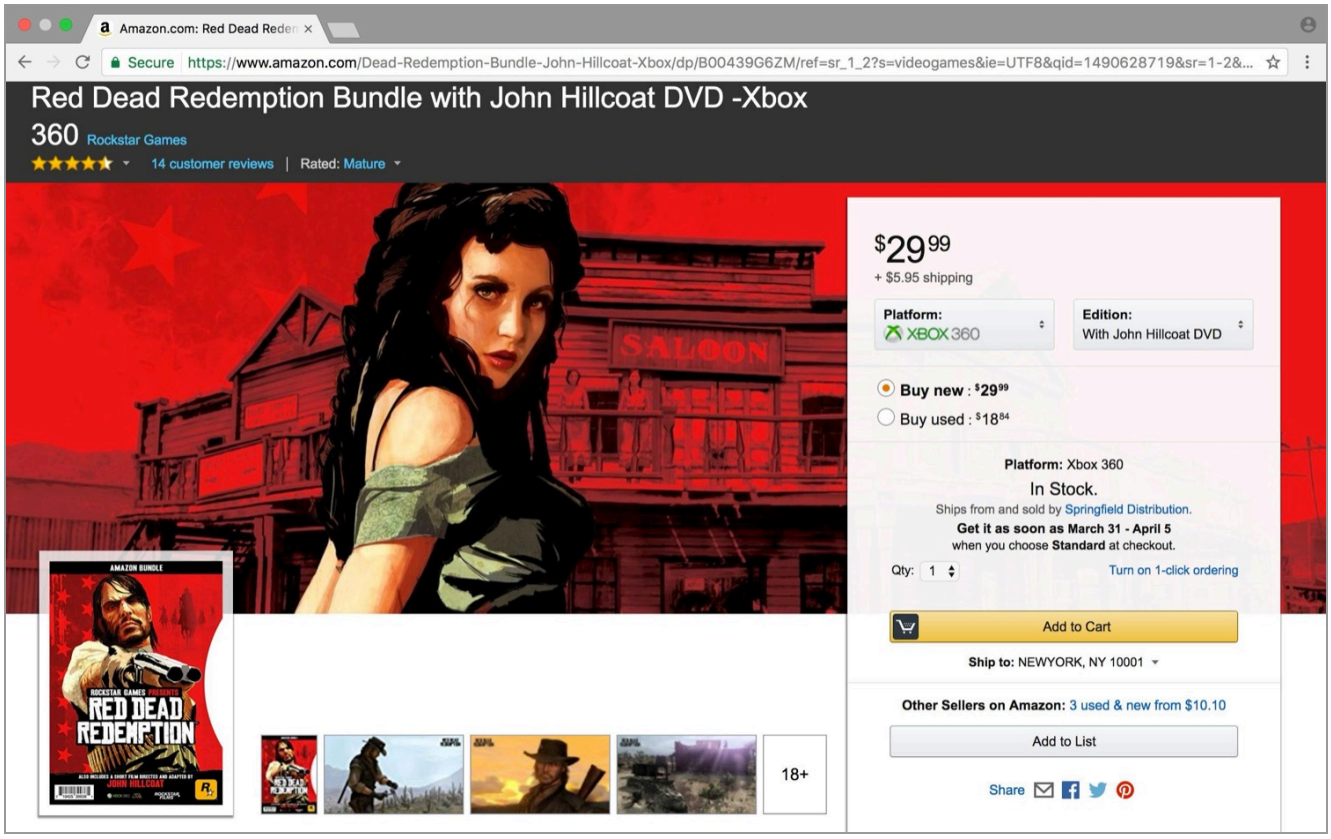
The specimen states on its face: "Notice: Max Payne 3 Rockstar Pass is no longer available on the Steam store." TSDR doc SPE20240417213306, p.1.

Same filing, p.10 (Xbox)



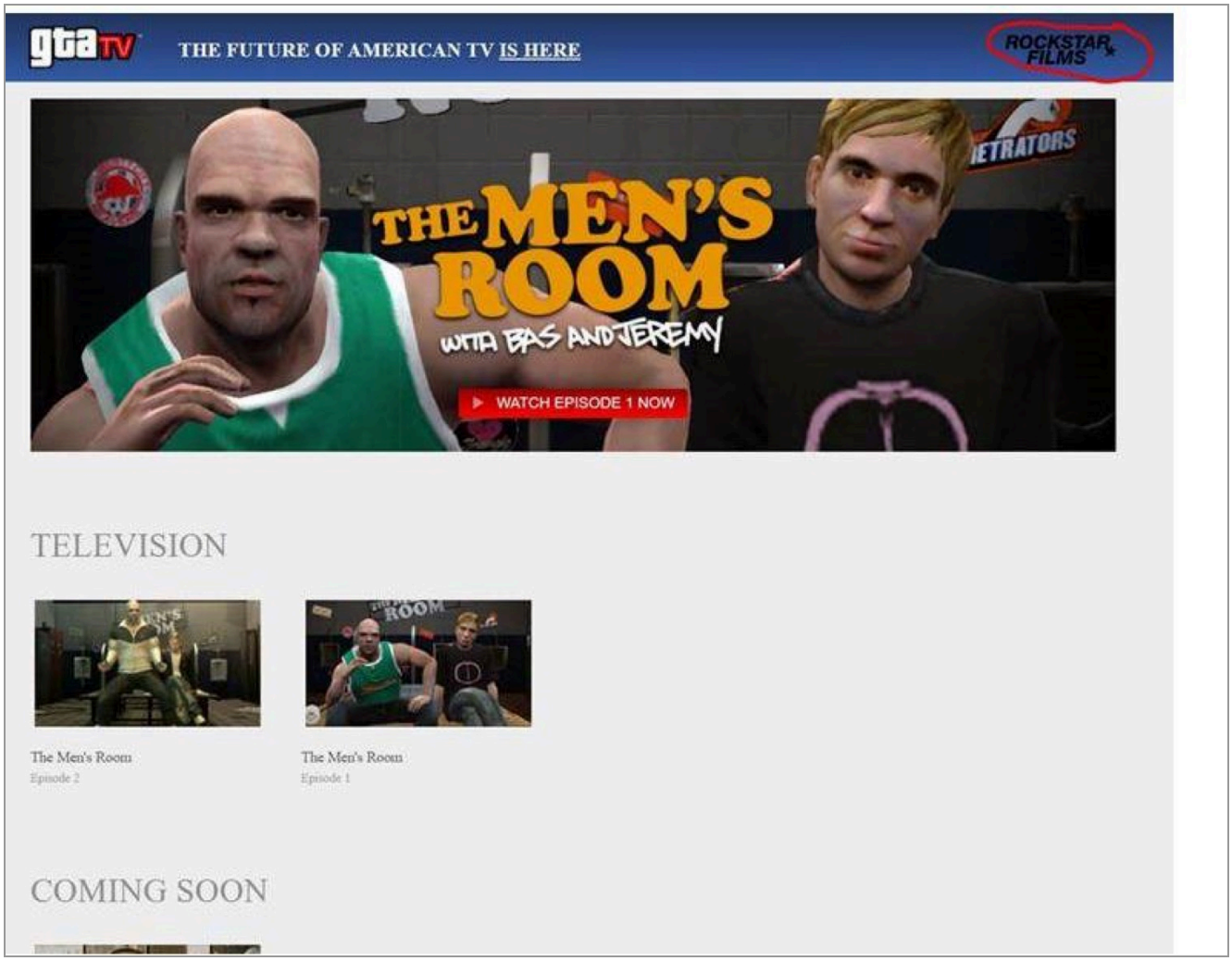
The Xbox listing for the same product: "NOT AVAILABLE SEPARATELY."

ROCKSTAR FILMS, Reg. 3,905,775 — §8/15 specimen, 2017



A third-party Amazon reseller's listing ("Ships from and sold by Springfield Distribution") of a 2011-era bundle. TSDR doc SPE20170415144738.

ROCKSTAR FILMS — renewal specimen, Dec. 2020



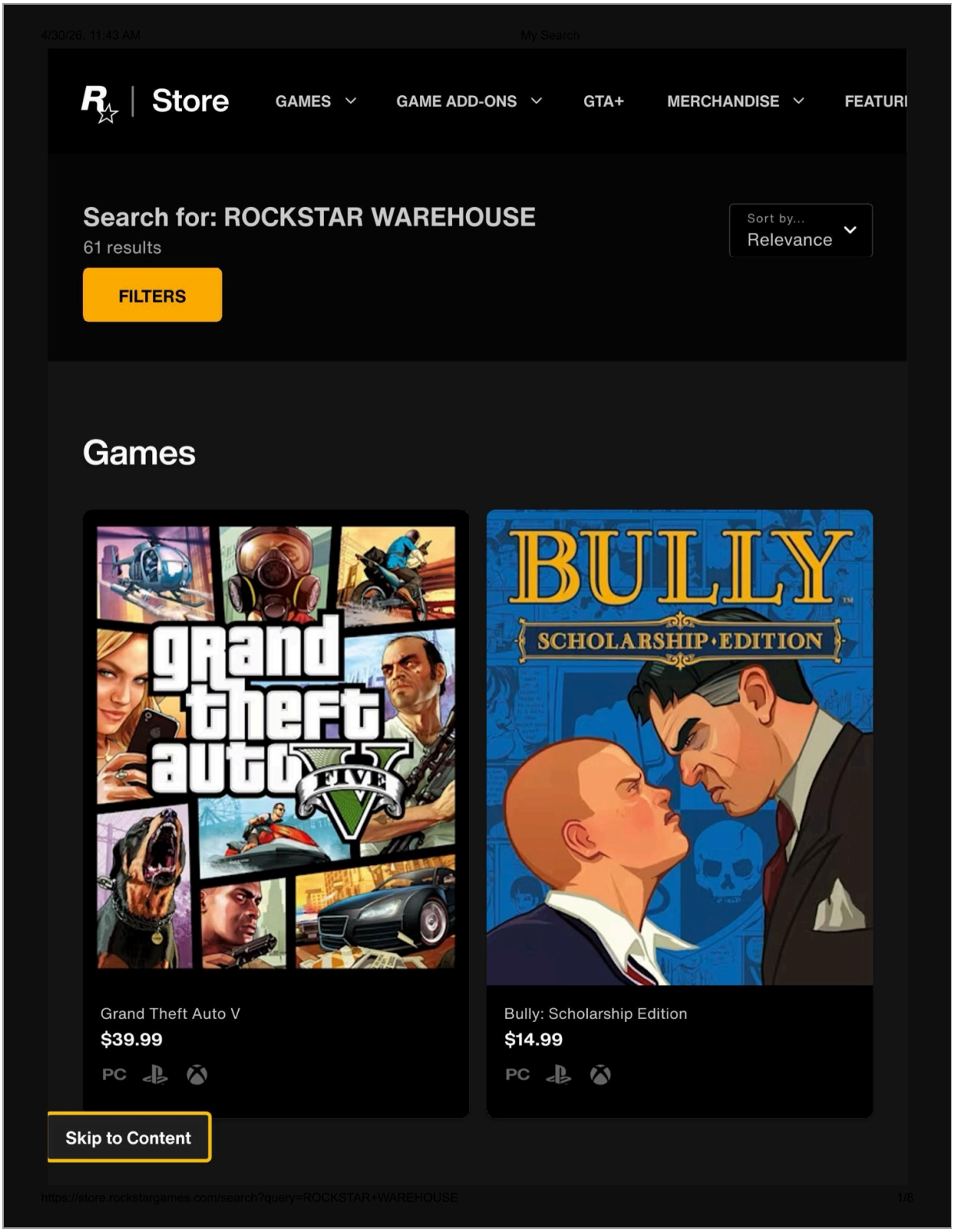
A legacy "gta TV" promotional page hosting Grand Theft Auto IV in-game cartoon content dating to circa 2008. The same page family was refiled in July 2025 to renew both ROCKSTAR TV registrations. TSDR doc SPE20201229165840.

R-and-star for toys, Reg. 4,216,755 — renewal specimen, 2022



Product photographs of "KUBRICK" Grand Theft Auto: San Andreas collectible figure sets manufactured circa 2005. TSDR doc SPE20220930184609.

ROCKSTAR WAREHOUSE, Reg. 4,843,249 — renewal specimen, Apr. 30, 2026



A screenshot of search results for the typed query "ROCKSTAR WAREHOUSE" in Respondent's online store. The registered mark appears nowhere on the page except in the search box where the filer typed it. TSDR doc SPE20260430222758.

EXHIBIT K
Opposition No. 91295390: Admission and Dismissal With Prejudice

Notice of Opposition ¶2 (Nov. 27, 2024)

1. Opposer is a leading worldwide developer, marketer, and publisher of interactive entertainment, including software, video games, computer games, mobile games, tablet games, downloadable digital materials including music, multimedia content, interactive video and online entertainment services, online retail store services, and a wide array of related goods and services (together with the goods and services in Paragraphs 4-6 below, collectively referred to as, "Opposer's Goods and Services"). Opposer's Goods and Services are marketed and sold to consumers throughout the world, including the United States.

2. As set forth in detail below, Opposer's Goods and Services are marketed and sold under trade names, trademarks, and service marks comprising or containing the term ROCKSTAR and/or prominently featuring the letter "R" combined with a star design, used alone or with other words or designs (hereafter collectively referred to together with Opposer's common law rights "Opposer's ROCKSTAR Marks"). The iteration of Opposer's ROCKSTAR Marks combining an R and a star design denotes and is understood by consumers to stand for the word "Rockstar":



(the "R & Star Design Mark").

3. Opposer is the parent company of the world-famous video game publishing label Rockstar Games, Inc. ("Rockstar"). Rockstar has conducted business under the ROCKSTAR house mark since 1998 and the R & Star Design Mark since 1999, long prior to April 4, 2022, the earliest first use date claimed in the Application.

4. Beginning in 1999, Opposer, through its Rockstar subsidiary, has continuously used Opposer's ROCKSTAR Marks to designate its world-famous entertainment software,

2

Respondent's own description of its usage: marks "comprising or containing the term ROCKSTAR and/or prominently featuring the letter 'R' combined with a star design, USED ALONE OR WITH OTHER WORDS OR DESIGNS." (Emphasis added.)

Board order, June 27, 2025 — p.1

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
General Email: TTABInfo@uspto.gov

JMM

June 27, 2025

Opposition No. 91295390

Take-Two Interactive Software, Inc.

v.

BrockStar Media Corp.

By The Trademark Trial and Appeal Board:

On January 17, 2025, the Board issued notice of default against Applicant for failure to file an answer, or in the alternative, to file a motion to extend time to answer. On January 20, 2025, Applicant filed (i) a notice of pro se representation, (ii) a motion to set aside the notice of default and to accept its late-filed answer, and (iii) an answer.

In view of such response, the Board finds that Applicant's failure to timely response was neither willful nor the result of gross neglect, and that there is no indication of prejudice to Opposer. Further, Applicant has set forth a meritorious defense by way of the denials in its answer. *See Fred Hayman Beverly Hills, Inc. v. Jacques Bernier, Inc.*, 21 USPQ2d 1556, 1557 (TTAB 1991); TBMP § 312.02 (2024). Accordingly, the notice of default is set aside. Applicant's answer to the notice of opposition is its operative pleading in this proceeding.

Opposition No. 91295390, Take-Two Interactive Software, Inc. v. BrockStar Media Corp.: dismissed WITH PREJUDICE.

Board order, June 27, 2025 — p.2

On March 11, 2025, Opposer filed a withdrawal of the notice of opposition without written consent and requests that the proceeding be dismissed "without prejudice."[1] Trademark Rule 2.106(c) provides that "the opposition may be withdrawn without prejudice before the answer is filed. After the answer is filed, the opposition may not be withdrawn without prejudice except with the written consent of the applicant or the applicant's attorney or other authorized representative." 37 C.F.R. § 2.106(c). Here, although Applicant was in default, there is no dispute that an answer was filed on January 20, 2025.

In view of the foregoing, the opposition is dismissed with prejudice.[2] *See* Trademark Rule 2.106(c).

[1] 8 TTABVUE 2.

[2] Applicant's subsequently filed submissions, 9–12 TTABVUE, are moot and will receive no further consideration. However, Applicant is reminded that the Board's jurisdiction is limited to registrability determinations, and as a result, the Board does not handle ethics complaints and does not award attorneys' fees or costs.

EXHIBIT L
Respondent's Board Enforcement Activity

Respondent's enforcement activity before the Board

A TTABVUE party search for "Take-Two Interactive Software, Inc." (retrieved Aug. 28, 2026) returns **more than one hundred Board proceedings**, including 2026 oppositions and extensions of time directed at third parties' "R"-formative and star-formative marks — among them filings against marks such as "Rockstar Bullshit," "Vice City Subs," "Los Santos," "GTA Technology," "T2P Gaming," "It Takes Two," and multiple third-party "R" marks.

Recent examples (TTABVUE, first results page, Aug. 2026): Opp. 91309921 (Aug. 26, 2026, "R"); Ext. 99603463 (Aug. 20, 2026, "R"); Ext. 99541106 (June 25, 2026, "Rockstar Bullshit"); Opp. 91305220 (Feb. 13, 2026, "Vice City Subs"); Ext. 99281813 (Feb. 19, 2026, "It Takes Two").

Source: ttabvue.uspto.gov party search. A complete printout may be supplemented; the docket is a public record and independently verifiable.

EXHIBIT M

Notices to Respondent's Counsel (header excerpts; full documents in Petitioner's files and, where noted, on the TTABVUE docket)

January 20, 2025 — the answer, and its transmittal to Respondent's counsel

Filed: Answer with Affirmative Defenses, Opposition No. 91295390, January 20, 2025, 4:05 p.m. (ESTTA receipt), docketed as 6 TTABVUE; Notice of Appearance (5 TTABVUE) and Motion for Relief from Default (7 TTABVUE) the same afternoon.

Transmitted: email from BrockStarMedia@icloud.com to trademarks@KelleyDrye.com, January 20, 2025, 4:03 p.m., subject "Answer with Affirmative Defenses," attachment ANSWER_AFFIRM_DEF.pdf.

Receipt: the firm's trademarks mailbox forwarded the message at 4:04 p.m. to Andrea Calvaruso, Kelli Ortega, Patricia Werner, Cherilyn Garcia and four other Kelley Drye addressees (the forwarding header is reproduced in Respondent's counsel's replies of January 23, February 21 and March 7, 2025).

Source: TTABVUE, Opposition No. 91295390, entries 5–7; Petitioner's sent-mail record and the quoted header in Respondent's counsel's emails.

March 9, 2025 — draft petition alleging false maintenance specimens, transmitted to Respondent's counsel

Email: from BrockStarMedia@icloud.com to KOrtega@KelleyDrye.com, Sunday, March 9, 2025, 5:07 a.m., subject "Take-Two Interactive's Unwarranted Opposition – A Turning Point," attachment Draft_Cancel_Trademark.pdf.

The attachment: a draft petition for cancellation whose first count is headed "Fraud on the USPTO – Submission of False Specimens," alleging that Respondent "knowingly submitted false specimens in maintenance" filings.

Two days later: Respondent filed its Notice of Withdrawal (8 TTABVUE, March 11, 2025).

Source: Petitioner's sent-mail record (raw message retained); TTABVUE entry 8.

April 11, 2025 — memorandum filed with the Board and served; letter naming this Registration

Filed: Combined motion and memorandum, April 11, 2025 (12 TTABVUE), asking the Board to "take judicial notice of repeated specimen anomalies and potential fraud on the USPTO" across Respondent's registrations.

Served: email "Copies of Filings" from BrockStarMedia@icloud.com to ACalvaruso@kelleydrye.com, KOrtega@kelleydrye.com and KDennigan@kelleydrye.com, April 11, 2025, 6:32 a.m., attachments Motion to DENY.pdf and Memo_Motion_to_Deny.pdf.

Letter the same day: "Litigation Notice … and Evidence Preservation Demand," to Ms. Calvaruso, cc Ms. Ortega, April 11, 2025, 3:13 p.m.: "… I intend to proceed with Petitions to Cancel Registration Nos. 77142681 and 76408131 …"; demanding preservation of "all communications involving specimen creation, use, selection, or interpretation." (Excerpt; cuts marked.)

Context: on April 10, 2025 Ms. Calvaruso had written, "I am the partner responsible for the Take-Two intellectual property work."

Source: TTABVUE entry 12; Petitioner's sent-mail record; Respondent's counsel's email of April 10, 2025.

February 5, 2026 — draft petition directed to this Registration, transmitted to Respondent's counsel

Email: from BrockStarMedia@icloud.com to ACalvaruso@KelleyDrye.com, cc KOrtega, KDennigan, Kdrye and trademarks@kelleydrye.com, February 5, 2026, 1:11 a.m., subject "Draft Petition," attachment Petition_for_Cancellation_REVISED_Surgical.docx: "I'm writing in regards to Registration No. 76408131 … Before filing the Petition to Cancel with the Board, I wanted to extend a professional courtesy and share a working draft …" (Excerpt; cuts marked.)

Receipt: automatic reply from Ms. Ortega, February 5, 2026, 1:18 a.m., directing "trademark searches, filing and maintenance-related matters" to Patricia Werner.

Declarations executed by Ms. Werner after the notices above: July 10, 2025 (Reg. Nos. 4,773,125 and 4,832,117); October 1, 2025 (Reg. No. 5,715,643); April 30, 2026 (Reg. No. 4,843,249); October 29, 2026 (Reg. No. 6,187,097). TSDR documents S8920250710213946, S8920250710213037, 81520251001155639, S8920260430222758, 81520261029102800.

Source: Petitioner's sent-mail record; Respondent's counsel's automatic reply; TSDR.