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

PETITION FOR CANCELLATION

Petitioner BrockStar Media Corp. ("Petitioner"), a North Carolina corporation with its principal place of business at 668 Tiffany Blvd., Suite C, Rocky Mount, North Carolina 27804, believes that it is and will continue to be damaged by U.S. Registration No. 2,855,543 (the "Registration"), owned by Take-Two Interactive Software, Inc. ("Respondent"), and petitions to cancel the Registration under Section 14(3) of the Trademark Act, 15 U.S.C. § 1064(3), on the grounds of (i) abandonment and (ii) fraud committed in maintaining and renewing the Registration. In support, Petitioner alleges as follows:

I. NATURE OF THE CASE

1. This petition concerns a registration that has been kept on the Principal Register for more than two decades on the strength of, first, printed mock-ups of the logo itself, and thereafter, photographs of a single discontinued retail product manufactured no later than 2010 — a product Respondent re-photographed, still in its shrink wrap, for maintenance filings in 2010, 2014, and again in 2024.

2. The registered mark is a unitary composite: a stylized "R" with a five-point star inside a gold rounded square, with the words "ROCKSTAR GAMES" in white lettering set in a black band integral to the badge. Respondent long ago stopped using that composite on computer game software. Its modern packaging, digital storefronts, launcher, and website display a different designation — the R-and-star device alone — and, separately, the words "ROCKSTAR GAMES," each of which Respondent has separately registered. What remains in the Registration is a mark Respondent does not use, maintained by declarations that Respondent’s in-house counsel and outside counsel signed while relying on photographs of fourteen-year-old sealed inventory.

3. Respondent nevertheless pleaded this Registration against Petitioner in an inter partes opposition that the Board dismissed with prejudice, and it continues to assert its "ROCKSTAR Marks" portfolio — this Registration included — in more than one hundred Board proceedings. A registration that is not in use, and that survives on recycled photographs of vintage stock, should not remain a weapon on the register. The Registration's own maintenance file makes out a prima facie case of abandonment under 15 U.S.C. § 1127 and shows on its face that the June 4, 2024 declaration of continued use was false; the circumstances pleaded in Count II establish that the declaration was made knowingly or with reckless disregard for its truth, and Petitioner will make that showing on this record.

II. THE PARTIES

4. Petitioner is the owner of U.S. Registration No. 7,870,392 for the mark BROCKSTAR MEDIA for "Internet-based marketing services; advertising services; media relations services and marketing services; lead generation services" in International Class 35, registered on the Principal Register on July 22, 2025. Petitioner uses the BROCKSTAR MEDIA mark in commerce and has since at least April 4, 2022.

5. Respondent Take-Two Interactive Software, Inc. is a Delaware corporation with a principal place of business at 110 West 44th Street, New York, New York 10036. Respondent is the record owner of the Registration.

III. ENTITLEMENT TO A STATUTORY CAUSE OF ACTION

6. Petitioner has an entitlement to a statutory cause of action within the zone of interests protected by Section 14, and a reasonable belief of damage proximately caused by the continued registration. Corcamore, LLC v. SFM, LLC, 978 F.3d 1298 (Fed. Cir. 2020); Australian Therapeutic Supplies Pty. Ltd. v. Naked TM, LLC, 965 F.3d 1370 (Fed. Cir. 2020); Ritchie v. Simpson, 170 F.3d 1092 (Fed. Cir. 1999).

7. On November 27, 2024, Respondent filed Opposition No. 91295390 against Petitioner's Application Serial No. 98/060,411 for BROCKSTAR MEDIA. In its Notice of Opposition, Respondent pleaded the Registration at issue here as one of "Opposer's ROCKSTAR Marks" asserted against Petitioner.

8. Petitioner appeared through its president, answered, and put the validity of Respondent's pleaded registrations in issue. On March 11, 2025, Respondent filed a notice of withdrawal of its opposition, asking that the dismissal be without prejudice; Petitioner did not consent. By order of June 27, 2025, the Board dismissed Opposition No. 91295390 WITH PREJUDICE.

9. Respondent maintains a continuous and aggressive enforcement program before this Board. As of August 2026, TTABVUE reflects more than one hundred Board proceedings in which Respondent is a party, including oppositions and extensions of time to oppose filed in 2026 against third parties' "R"-formative and star-formative marks. In 2026 alone Respondent has opposed the letter-"R" marks of Rareform Audio, LLC (Opposition No. 91304556) and Raised On Film LLP (No. 91309921), VICE CITY SUBS (No. 91305220), DOTS (No. 91306122), T2P GAMING (No. 91309584) and ROCKSTAR BULLSHIT (No. 91310603), and has sought extensions of time to oppose the letter-"R" applications of Redis Ltd., NEW PORT LLC and FirstJoy Inc. On information and belief, Respondent counts the Registration among the portfolio it asserts in cease-and-desist correspondence and Board filings.

10. Petitioner's BROCKSTAR MEDIA mark is itself a star-formative mark. In its commercial presentation since at least 2022, on its website brockstarmedia.com and in its marketing materials, Petitioner renders the mark with a five-point star device integrated into the letter "B." Petitioner's marks thus fall squarely within the class of marks — star-formative marks and letter-plus-star designs — that Respondent systematically opposes and threatens before this Board.

11. Petitioner was a marketing agency when Respondent filed its opposition, and it has since expanded its business under BROCKSTAR-formative marks and into the goods of International Class 9. Petitioner is enrolled in the Apple Developer Program as an organization (since October 13, 2026) and, as of the date of this petition, has two iOS software applications, HAIL DONKEY and CTR STAFF, submitted to Apple and awaiting App Store review, with Petitioner as the App Store seller of record. Petitioner has audiovisual projects in production for commercial release, to be published and marketed under its BROCKSTAR MEDIA mark and under BROCKSTAR FILMS. And Petitioner is developing a computer game, THE GHETTO, conceived in December 2024 and in continuing development through October 2026, to be offered under BROCKSTAR GAMES — goods within the very class, and of the very kind, recited in the challenged Registration. Petitioner intends to seek federal registration of BROCKSTAR GAMES for computer game software in International Class 9, of BROCKSTAR FILMS, and of its B-and-star design mark. The challenged Registration recites goods identical to those Petitioner will identify, and its literal element, ROCKSTAR GAMES, differs from BROCKSTAR GAMES by one letter. An unused registration left on the register for identical goods is a citation that an examining attorney may raise against Petitioner's application under Section 2(d), and that Respondent, having pleaded it once, may plead again. Petitioner therefore has a direct and personal stake in removing it.

12. Having already asserted the challenged Registration against Petitioner once, and given its demonstrated practice of opposition and threat against star-formative marks belonging to numerous third parties, Respondent can reasonably be expected to assert the challenged

Registration against Petitioner's expanded uses. An unused registration left on the register enlarges the arsenal available for such assertions and clouds Petitioner's expansion. The dismissal with prejudice of Opposition No. 91295390 bars Respondent from re-opposing the BROCKSTAR MEDIA application; it does not bar Respondent from asserting the Registration against Petitioner's later applications and uses, and Respondent's 2026 filings show that it continues to assert its portfolio against marks of this kind. A petitioner need not await a second attack before acting to clear from the register an unused registration that it reasonably believes will be asserted against it; a prior dispute between the parties and a demonstrated practice of assertion establish entitlement. Australian Therapeutic, 965 F.3d at 1374-76; Corcamore, 978 F.3d at 1305-08.

13. A party that has been the target of Respondent's assertion of the very registration challenged here, and that operates under a mark Respondent has attacked, plainly has a real interest in clearing the register of a registration that Respondent does not use but continues to wield. Petitioner also has a present commercial interest in the integrity of the register on which its own registration resides.

IV. THE REGISTRATION AND THE REGISTERED MARK

14. The Registration issued June 22, 2004 from Application Serial No. 76/408,131, filed May 14, 2002, for "computer game software and video game programs" in International Class 9. The application was filed under Section 1(a), alleging use in commerce.

15. The mark of the Registration is a composite design-plus-words mark (Mark Drawing Type 3). The USPTO record describes the mark's literal element as "R ROCKSTAR GAMES," and the lining and stippling statement recites: "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." The registration drawing depicts the words ROCKSTAR GAMES within a band that forms the bottom of the badge. The wording is an integral element of the mark as registered. "GAMES" is disclaimed apart from the mark as shown.

16. A registrant must use a composite mark as registered; a specimen or actual use that omits or materially alters an integral element does not show use of the registered mark. In re Chica, Inc., 84 USPQ2d 1845 (TTAB 2007); TMEP § 1604.13. Likewise, use of a mark in a form that creates a different commercial impression from the registered mark is not use of the registered mark. Ilco Corp. v. Ideal Security Hardware Corp., 527 F.2d 1221 (CCPA 1976); Torres v. Cantine Torresella S.r.l., 808 F.2d 46 (Fed. Cir. 1986).

V. THE MAINTENANCE RECORD: MOCK-UPS, THEN ONE VINTAGE BOX FOR FOURTEEN YEARS

A. The prosecution specimens were printed logo artwork, not goods.

17. Although the application was filed on a use basis, the specimen filed May 2002 in support of the alleged use consists of a printed image of the logo artwork itself, reproduced on an otherwise blank sheet of paper. It depicts no computer game software, no packaging, no product, and no point of sale.

18. The substitute specimens filed in November 2003 are of the same character: the badge artwork — one in color, one in black and white — printed on loose, hole-punched sheets of paper, unconnected to any goods. (TSDR, SN 76/408,131, documents SPE20020524053622, SPE20031121175446, SPE20031124210512.)

19. These filings are recited as background to the maintenance record that followed: from the outset, the Registration's file has been supported by images of the logo rather than evidence of the composite mark on actual goods in commerce.

B. 2010: the Grand Theft Auto Trilogy packaging enters the file.

20. On November 23, 2010, Respondent filed its combined Sections 8 and 15 declaration, signed by Katherine Todd, Associate Counsel, describing the specimens as "scanned images of product packaging." The specimens are images of "Grand Theft Auto: The Trilogy" retail packaging, including the back panel of that package (the Mac edition, whose back panel lists Grand Theft Auto III, Vice City and San Andreas) bearing the copyright legend "© 2002-2010 Rockstar Games, Inc.," UPC 710425318009, item number 31800-3 — product manufactured no later than 2010. (TSDR document SPE20101124124816.)

21. Notably, the front-cover badge shown in the 2010 specimen displays the R-and-star device without the "ROCKSTAR GAMES" band — the words appear only in the small legacy badge printed on the back panel of the 2010-era box.

C. 2014: the same box, photographed again.

22. On December 16, 2014, Respondent filed its combined Sections 8 and 9 renewal declaration, signed by Gena A. Feist, Respondent's Vice President & Associate General Counsel, describing the specimen as "Photographs of back game cover. The mark can be found on the back game cover in the lower right corner." The photograph depicts the same shrink-wrapped © 2002-2010 Grand Theft Auto: The Trilogy package, same UPC 710425318009 — by then a discontinued product at least four years old. (TSDR documents SPE20141219144453, S8920141219144453.)

D. 2024: the same box, a decade older, photographed a third time.

23. On June 4, 2024, Respondent filed its second combined Sections 8 and 9 renewal declaration, executed by Patricia L. Werner as Attorney of Record, Kelley Drye & Warren LLP, on

Respondent’s behalf. The declaration avers that "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," and describes the sole specimen as a "scanned image showing the mark used on product packaging." No webpage, screenshot, purchase page, or any other indicium of current availability was provided.

24. The sole 2024 specimen is another photograph — from a different angle, in visibly lower quality — of the same © 2002-2010 sealed Grand Theft Auto: The Trilogy package, same UPC 710425318009, then approximately fourteen years old. (TSDR documents SPE20240604212622, S8920240604212622.) The USPTO accepted the filing on August 20, 2024. Acceptance of a maintenance filing does not preclude cancellation; the Board decides use and fraud on the full record.

25. Thus, across the entire twenty-two-year life of the Registration, the only "goods" ever shown bearing the registered composite are printed sheets of the logo itself (2002-2003) and one boxed product line whose manufacture ended by 2010, recycled through three successive maintenance cycles spanning fourteen years.

VI. THE REGISTERED COMPOSITE IS ABSENT FROM RESPONDENT’S CURRENT COMMERCE

26. Respondent’s own filings in sister registrations demonstrate what its current use looks like — and the registered composite is not part of it. The specimen Respondent filed on August 31, 2010 to renew Registration No. 2,391,635 (the R-and-star device alone) shows the front and back panels of its 2009 Grand Theft Auto: Episodes from Liberty City (Xbox 360) package: the R-and-star device appears on both panels, and the “ROCKSTAR GAMES” band appears on neither. (TSDR document SPE20100901122433.) The specimen Respondent filed on September 21, 2021 to maintain Registration No. 4,037,654 (ROCKSTAR GAMES, word mark) shows the Red Dead Redemption 2 retail package, as pictured in the online retail listing Respondent itself submitted: its badge is the R-and-star device WITHOUT the "ROCKSTAR GAMES" band. (TSDR document SPE20210922163713.)

27. The specimen Respondent filed on December 9, 2024 to maintain Registration No. 5,639,907 (ROCKSTAR, word mark, clothing) comprises screenshots of store.rockstargames.com: the storefront masthead, product tiles, and goods display the R-and-star device alone and the words "ROCKSTAR GAMES" as separate marks. The registered gold composite appears nowhere. (TSDR document SPE20241209225711.)

28. The specimen Respondent filed on August 30, 2023 in support of its new application for the R-and-star device alone (Registration No. 7,287,850) comprises some thirty pages of

Respondent’s current websites and storefronts — again displaying the device mark and the words separately, and not the registered composite. (TSDR documents SPE20230901192755, SOU20230901192755.)

29. As of August 28, 2026, rockstargames.com presents the R-and-star outline device alone in its masthead and the plain words "Rockstar Games" in its footer; store.rockstargames.com and the Rockstar Games Launcher likewise present the device and the words as separate marks. On information and belief, Respondent’s computer game software is today distributed overwhelmingly through digital channels (its own launcher and store, Steam, console storefronts) on which the registered composite does not appear in connection with the goods.

30. Respondent itself describes its usage in modular terms. In the Notice of Opposition it filed against Petitioner, Respondent alleged that its goods are marketed under 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." Respondent’s portfolio practice matches that description: it separately registered the device alone (e.g., Reg. Nos. 2,391,635; 3,351,855; 7,287,850) and the words alone (e.g., Reg. Nos. 2,456,387; 4,037,654; 6,230,637). The unitary composite of the Registration serves no function in Respondent’s current commerce — which is why no specimen newer than a 2010 print run has ever been produced for it.

VII. PATTERN EVIDENCE BEARING ON KNOWLEDGE AND INTENT

31. The 2024 renewal of this Registration was not an isolated lapse. It is part of a documented practice, executed through the same signatories in the same period, of maintaining unused or barely-used registrations with recycled, stale, or self-refuting evidence:

> **(a)** ROCKSTAR PASS, Reg. No. 4,519,873 (Cl. 9/41): renewed by declaration executed April 17, 2024 — the same season as the renewal at issue — supported by screenshots that state on their face "Max Payne 3 Rockstar Pass is no longer available on the Steam store" and, on the Xbox page, "NOT AVAILABLE SEPARATELY." The Rockstar Pass was a 2012-era add-on program. (TSDR document SPE20240417213306.)
>
> **(b)** ROCKSTAR FILMS, Reg. No. 3,905,775: maintained in 2017 with a screenshot of a third-party Amazon reseller’s listing of a 2010 product, and renewed in 2020 with screenshots of a legacy "Rockstar TV / gta TV" promotional webpage hosting Grand Theft Auto IV in-game cartoon content dating to circa 2008. (TSDR documents SPE20170415144738, SPE20201229165840.)
>
> **(c)** ROCKSTAR TV, Reg. No. 4,773,125: renewed July 10, 2025 with screenshots of the same legacy webpage and the same circa-2008 in-game cartoon content ("Republican Space Rangers," Grand Theft Auto IV). One dormant legacy page has thus served as the

"use" evidence for two different registrations across three filings. (TSDR document SPE20250710213946.)

(d) ROCKSTAR, Reg. No. 5,639,907 (Cl. 25 clothing): its first Section 8 declaration was filed December 9, 2024 — twelve days after Respondent initiated its opposition against Petitioner — supported by store screenshots in which the goods bear the R-and-star device or "ROCKSTAR GAMES," not the registered standard-character mark ROCKSTAR, and in which the only "ROCKSTAR"-alone items (novelty patches, socks) are not goods identified in the registration. (TSDR document SPE20241209225711.)

(e) R-and-star device, Reg. No. 4,216,755 (Cl. 28 toys): renewed in 2022 with product photographs of "KUBRICK" Grand Theft Auto: San Andreas collectible figure sets manufactured circa 2005. (TSDR document SPE20220930184609.)

(f) ROCKSTAR WAREHOUSE, Reg. No. 4,843,249 (Cl. 35, online retail store services): renewed by declaration executed April 30, 2026, supported by a screenshot of search results for the typed query “ROCKSTAR WAREHOUSE” in Respondent’s online store — a storefront branded with the R-and-star device — the mark appearing nowhere on the page except in the search box where the filer typed it. (TSDR document SPE20260430222758.)

32. Petitioner pleads the foregoing not as separate claims but as evidence of Respondent’s knowledge, practice, and intent bearing on Count II: a systematic willingness, concentrated in 2020-2026 and executed, with a single exception (the 2017 filing in ¶ 31(b)), over the signature of the same attorney of record who executed the 2024 declaration at issue, to declare "use in commerce" on the strength of evidence its signatories knew did not reflect current use of the registered marks on the identified goods.

COUNT I — ABANDONMENT (15 U.S.C. §§ 1064(3), 1127)

33. Petitioner realleges and incorporates paragraphs 1 through 32.

34. A mark is abandoned when its use has been discontinued with intent not to resume, and nonuse for three consecutive years is prima facie evidence of abandonment. 15 U.S.C. § 1127; Imperial Tobacco Ltd. v. Philip Morris, Inc., 899 F.2d 1575 (Fed. Cir. 1990); On-Line Careline, Inc. v. America Online, Inc., 229 F.3d 1080 (Fed. Cir. 2000).

35. On information and belief, Respondent has not made bona fide use of the registered composite mark in the ordinary course of trade on "computer game software and video game programs" for a continuous period well in excess of three years preceding the filing of this petition. The most recent product bearing the composite that Respondent has ever evidenced was manufactured no later than 2010. Whatever residual copies of that discontinued 2010 product

may linger in warehouses or resale channels, warehoused or residual stock is not bona fide use in the ordinary course of trade, and residual goodwill does not defeat abandonment. Imperial Tobacco, 899 F.2d at 1581-83.

36. Respondent's current display of materially different designations — the R-and-star device alone, and the words ROCKSTAR GAMES alone — does not constitute use of the registered composite and does not inure to the Registration's benefit, because those forms create a different commercial impression from the unitary gold badge with integral white "ROCKSTAR GAMES" lettering that is the subject of the Registration. Ilco, 527 F.2d at 1224; Torres, 808 F.2d at 48; In re Chica, 84 USPQ2d at 1848.

37. Respondent's conduct evidences no intent to resume use of the composite: for fourteen years it has answered every maintenance deadline not with current product, but with another photograph of the same discontinued box, while building and separately registering the component marks it actually uses.

38. The Registration is therefore subject to cancellation for abandonment under 15 U.S.C. § 1064(3).

COUNT II — FRAUD IN MAINTAINING AND RENEWING THE REGISTRATION

39. Petitioner realleges and incorporates paragraphs 1 through 38.

40. Fraud in procuring, maintaining, or renewing a registration occurs when an applicant or registrant knowingly makes a false, material representation of fact in a declaration with the intent to deceive the USPTO. In re Bose Corp., 580 F.3d 1240 (Fed. Cir. 2009). A false declaration of use in connection with a Section 8 declaration or Section 9 renewal supports cancellation, Torres, 808 F.2d at 48-49, and fraud committed in connection with maintaining a registration is within Section 14. Great Concepts, LLC v. Chutter, Inc., 90 F.4th 1333 (Fed. Cir. 2023) (as modified on reh'g, Jan. 10, 2024) (reaffirming, with citation to Torres, that "fraud in connection with maintaining a registration is actionable in a Section 14 cancellation proceeding," while holding that fraud in a Section 15 declaration, which "is in no way necessary to maintaining registration of a mark," is not).

41. Every signatory to the maintenance filings at issue owed the USPTO independent duties of candor and verification. Under 37 C.F.R. § 2.193(f), a signature on a declaration certifies that all statements made of the signatory's own knowledge are true. Under 37 C.F.R. § 11.18(b), every paper presented to the Office certifies that its factual contentions have evidentiary support, on pain of sanctions, and declarations under 37 C.F.R. § 2.20 are executed subject to the penalties of 18 U.S.C. § 1001. The Office holds every filer — including a pro se individual — to these standards, and they are elementary, first-week principles for specialist trademark practitioners.

Respondent’s maintenance declarations were executed not by laypersons but by its own Vice President & Associate General Counsel (2014) and by experienced trademark counsel of record at a national law firm (2024).

42. The June 4, 2024 declaration averred that the registered mark "is in use in commerce" on computer game software and video game programs. That averment was false. The registered composite had not been used in commerce on the identified goods for many years — far beyond the three consecutive years that constitute prima facie abandonment under 15 U.S.C. § 1127 — and old specimens were deployed to make a mark long out of use appear to be in active current use. The falsity is evidenced by: (i) the sole specimen — a photograph of a sealed, discontinued product approximately fourteen years old; (ii) the absence of the composite from every contemporaneous depiction of Respondent’s actual packaging, storefronts, launcher, and website in the record of Respondent’s own contemporaneous filings; and (iii) Respondent’s wholesale migration to the device-alone and words-alone designations it separately registered.

43. The statute itself frames what the 2024 filing had to show. Section 8, 15 U.S.C. § 1058, requires an affidavit or declaration of CONTINUED use — see TMEP § 1604 ("Affidavit or Declaration of Continued Use or Excusable Nonuse") — and its purpose is to remove from the register marks that are no longer in use. Submitting the identical aged artifact at maintenance cycle after maintenance cycle is the antithesis of continued use: continuity of use cannot be evidenced by re-photographing the same fourteen-year-old sealed unit a third time; it can only be simulated by it. The recycled specimen is itself affirmative evidence that use had ceased and that the declarants knew no current-use evidence existed.

44. The false averment was made knowingly, or at minimum with reckless disregard for the truth, which satisfies the intent element. Chutter, Inc. v. Great Management Group, LLC, 2021 USPQ2d 1001 (TTAB 2021) (reckless disregard for the truth satisfies the intent element), rev’d on other grounds sub nom. Great Concepts, LLC v. Chutter, Inc., 90 F.4th 1333 (Fed. Cir. 2023) (holding only that fraud in a Section 15 declaration is not a ground for cancellation under Section 14, and expressly not reaching the Board’s fraud finding or its reckless-disregard standard); see Bose, 580 F.3d 1240 (leaving open whether reckless disregard suffices). The circumstances supporting knowledge and intent include:

> **(a)** Respondent controls its own packaging, storefronts, and digital distribution, and therefore knew what designations its current goods bore;
>
> **(b)** Respondent’s in-house legal department had personally handled the same registration’s prior renewal on the same vintage product — its Vice President & Associate General Counsel signed the 2014 declaration describing "[p]hotographs of

back game cover" — such that the 2024 re-use of the same fourteen-year-old unit cannot have been inadvertent;

(c) the 2024 declaration conspicuously offered no webpage or storefront evidence for a company whose distribution is digital-first — because no such page displays the composite on the goods;

(d) the same attorney of record executed, within the same 2020-2026 period, maintenance declarations for other registrations in the family supported by self-refuting or stale evidence, including a specimen stating the product is "no longer available" (¶ 31(a)) and a legacy webpage recycled across two registrations (¶¶ 31(b)-(c)); and

(e) Respondent is a sophisticated, high-volume trademark filer represented by experienced trademark counsel, for whom the requirement that a Section 8/9 specimen reflect current use of the mark as registered is elementary.

(f) the Board has found reckless disregard — and therefore fraud — where an attorney signed a declaration without ascertaining the accuracy of its contents. Chutter, 2021 USPQ2d 1001. A seasoned trademark practitioner who declares that a composite mark "is in use in commerce" on the strength of nothing but a photograph of fourteen-year-old discontinued inventory either knows the declaration is false or is indifferent to whether it is true; either state of mind satisfies the intent element.

(g) Respondent and its counsel were on written notice that Respondent's maintenance record was under challenge before several of the declarations described in ¶ 31 were executed. Petitioner's answer in Opposition No. 91295390, filed and served on January 20, 2025, put the validity of Respondent's pleaded registrations in issue (6 TTABVUE). On March 9, 2025, Petitioner transmitted to Respondent's counsel a draft petition for cancellation alleging the submission of false maintenance specimens. On April 11, 2025, Petitioner filed with the Board, and served on Respondent's counsel, a memorandum asking the Board to take notice of specimen anomalies across Respondent's registrations (12 TTABVUE), together with written notice that this Registration would be the subject of a petition to cancel. On February 5, 2026, Petitioner transmitted to Respondent's counsel a draft petition directed to this Registration. After each of those notices, the same attorney of record executed further maintenance declarations, including the ROCKSTAR TV renewals of July 10, 2025 (¶ 31(c)) and the ROCKSTAR WAREHOUSE renewal of April 30, 2026 (¶ 31(f)), as well as declarations for Registration Nos. 5,715,643 (October 1, 2025) and 6,187,097 (October 29, 2026). A practice continued after written notice that it is challenged is not inadvertence. (Exhibit M.)

45. The false averment was material. A registration is maintained under Section 8, and renewed under Section 9, only upon a declaration of current use (or excusable nonuse, which Respondent did not claim). But for the false averment of use, the Registration would have been cancelled and could not have been renewed.

46. The Registration was therefore fraudulently maintained and renewed, and is subject to cancellation under 15 U.S.C. § 1064(3).

RESERVATION OF RIGHTS

Nothing in this petition is or shall be construed as an admission that any registration, application, mark, or designation of Respondent is valid, enforceable, distinctive, famous, or in bona fide use in commerce, or that Respondent holds any enforceable right against Petitioner or anyone else. Petitioner's references to Respondent's filings, specimens, packaging, storefronts, and websites describe only what those materials themselves depict, and are made solely to demonstrate the non-use of the mark of the challenged Registration and the falsity of the maintenance declarations at issue. Petitioner expressly reserves all rights to challenge the validity, use, and enforceability of any other registration, application, or claimed right of Respondent in this or any other proceeding.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Petition for Cancellation be granted; that Registration No. 2,855,543 be cancelled in its entirety; and that the Board grant such other and further relief as it deems just and proper.

The required filing fee of $600.00 for one class (37 C.F.R. § 2.6(a)(16)(ii)) is submitted herewith through TTAB Center. Petitioner designates the email address below for correspondence.

Respectfully submitted,

/Carl B. Brock/
Carl B. Brock, President
BrockStar Media Corp., Petitioner — by its authorized officer, 37 C.F.R. § 11.14(e)(3)
668 Tiffany Blvd., Suite C, Rocky Mount, NC 27804
BrockStarMedia@icloud.com · (252) 299-0857
Dated: November 4, 2026

INDEX OF EXHIBITS

A. TSDR status record, Reg. No. 2,855,543 (drawing, literal elements, lining and stippling statement, prosecution history).

B. Application-stage specimens: SPE20020524053622 (May 2002); SPE20031121175446 and SPE20031124210512 (Nov. 2003) — printed logo artwork.

C. Sections 8/15 filing of Nov. 23, 2010: declaration and specimens (SPE20101124124816; 81520101124124816).

D. Sections 8/9 renewal of Dec. 16, 2014: declaration and specimen (S8920141219144453; SPE20141219144453).

E. Sections 8/9 renewal of June 4, 2024: declaration and specimen (S8920240604212622; SPE20240604212622); Notice of Acceptance (Aug. 20, 2024).

F. Respondent's specimen of Sept. 21, 2021 for Reg. No. 4,037,654 (SPE20210922163713) — Red Dead Redemption 2 packaging; Respondent's specimen of Aug. 31, 2010 for Reg. No. 2,391,635 (SPE20100901122433) — Episodes from Liberty City packaging, front and back.

G. Respondent's specimen of Dec. 9, 2024 for Reg. No. 5,639,907 (SPE20241209225711) — store.rockstargames.com screenshots.

H. Respondent's statement of use of Aug. 30, 2023 for Reg. No. 7,287,850 (SOU20230901192755; SPE20230901192755).

I. Respondent's own July 10, 2025 capture of rockstargames.com, filed as its ROCKSTAR TV renewal specimen (TSDR document SPE20250710213946), showing the R-and-star device alone in the site masthead.

J. Pattern exhibits: SPE20240417213306 (ROCKSTAR PASS, 2024); SPE20170415144738 and SPE20201229165840 (ROCKSTAR FILMS, 2017/2020); SPE20250710213946 (ROCKSTAR TV, 2025); SPE20220930184609 (R-and-star, Cl. 28, 2022); SPE20260430222758 (ROCKSTAR WAREHOUSE, 2026).

K. TTABVUE docket, Opposition No. 91295390 (Notice of Opposition ¶ 2; Board order of dismissal with prejudice, June 27, 2025).

L. TTABVUE party-search results for Respondent (Aug. 2026).

M. Notices to Respondent's counsel: answer of Jan. 20, 2025 (6 TTABVUE) and its transmittal; transmittal of a draft petition, Mar. 9, 2025; memorandum of Apr. 11, 2025 (12 TTABVUE) and letter of the same date naming this Registration; transmittal of a draft petition directed to this Registration, Feb. 5, 2026 (header excerpts).