To: Lauren A. Dienes-Middlen(lauren.middlen@wwecorp.com)

Subject: U.S. Trademark Application Serial No. 97120424 - DEREK SANDERS

Sent: August 23, 2022 12:35:12 PM EDT

Sent As: tmng.notices@uspto.gov

Attachments

screencapture-prowrestling-fandom-com-wiki-Derek_Sanders-16612707808411

United States Patent and Trademark Office (USPTO) Office Action (Official Letter) About Applicant's Trademark Application

U.S. Application Serial No. 97120424

Mark: DEREK SANDERS

Correspondence Address:

LAUREN A. DIENES-MIDDLEN WORLD WRESTLING ENTERTAINMENT, INC. 1241 EAST MAIN STREET STAMFORD CT 06902 UNITED STATES

Applicant: World Wrestling Entertainment, Inc.

Reference/Docket No. N/A

Correspondence Email Address: lauren.middlen@wwecorp.com

NONFINAL OFFICE ACTION

The USPTO must receive applicant's response to this letter within <u>six months</u> of the issue date below or the application will be <u>abandoned</u>. Respond using the Trademark Electronic Application System (TEAS). A link to the appropriate TEAS response form appears at the end of this Office action.

Issue date: August 23, 2022

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

SEARCH OF USPTO DATABASE OF MARKS

The trademark examining attorney searched the USPTO database of registered and pending marks and found no conflicting marks that would bar registration under Trademark Act Section 2(d). 15 U.S.C. §1052(d); TMEP §704.02.

SUMMARY OF ISSUES:

• Consent Required

Consent Required

The applied-for mark includes the name of the following individual(s) applicant(s): "DEREK SANDERS" However, this individual(s) did not sign the application and the application does not include a written consent personally signed by this individual(s). To register a mark that consists of or comprises the name of a particular living individual, including a first name, pseudonym, stage name, or nickname, an applicant must provide a written consent personally signed by the named individual. 15 U.S.C. §1052(c); TMEP §§813, 1206.04(a). Consent to registration is presumed only when the particular individual identified in the mark is also the person who signed the application. *Alford Mfg. Co. v. Alfred Elecs.*, 137 USPQ 250, 250 (TTAB 1963), *aff'd*, 333 F.3d 912, 142 USPQ 168 (C.C.P.A. 1964); TMEP §1206.04(b).

Because the individual(s) named in the mark did not sign the application and the application did not include a proper written consent, applicant must provide a statement that the name(s) in the mark identifies a particular living individual(s) and a written consent to register the name(s). *See* 15 U.S.C. §1052(c); TMEP §§813.01(a)-(b), 1206.04(a), 1206.05.

A name in a mark identifies a particular living individual if the person bearing the name will be associated with the mark as used on the goods or services because he or she is "publicly connected with the business in which the mark is being used." *In re Hoefflin*, 97 USPQ2d 1174, 1175-76 (TTAB 2010). A person may be publicly connected with the business in which the mark is being used if he or she is well known in the relevant field of goods or services, is associated in some manner with the entity using the mark (e.g., the named individual is the president of the entity), or is actually connected to the goods or services at issue (e.g., the named individual invented the relevant product). *See Krause v. Krause Publ'ns Inc.*, 76 USPQ2d 1904, 1909-10 (TTAB 2005); *In re New John Nissen Mannequins*, 227 USPQ 569, 570 (TTAB 1985); *Reed v. Bakers Eng'g & Equip. Co.*, 100 USPQ 196, 199-200 (PTO 1954);

TMEP §1206.02. The attached evidence from https://prowrestling.fandom.com/wiki/Derek_Sanders shows that a particular living individual bearing the name is associated with the mark and services.

Accordingly, applicant must submit both of the following:

(1)	The following statemen	at: "The name(s) shown in the mark identifies a
living in	dividual(s) whose consent(s)	to register is made of record." If the name is a
pseudony	m, stage name, or nickname,	, applicant must provide the following statement:
	" identifies "	", a living individual whose consent is of
record."		

(2) A written consent, personally signed by the named individual(s), as

follows:	"I, "		consent	to	the	use	and	registration	of	my
name, "		", as a trad	lemark and	l/or s	ervice	mark	with t	he USPTO."		

For an overview of the requirements for names appearing in marks, and instructions on how to satisfy this requirement using the online Trademark Electronic Application System (TEAS) response form, see the Name/Portrait/Signature of Particular Living Individual in Mark webpage.

Response Guidelines

How to respond. Click to file a response to this nonfinal Office action.

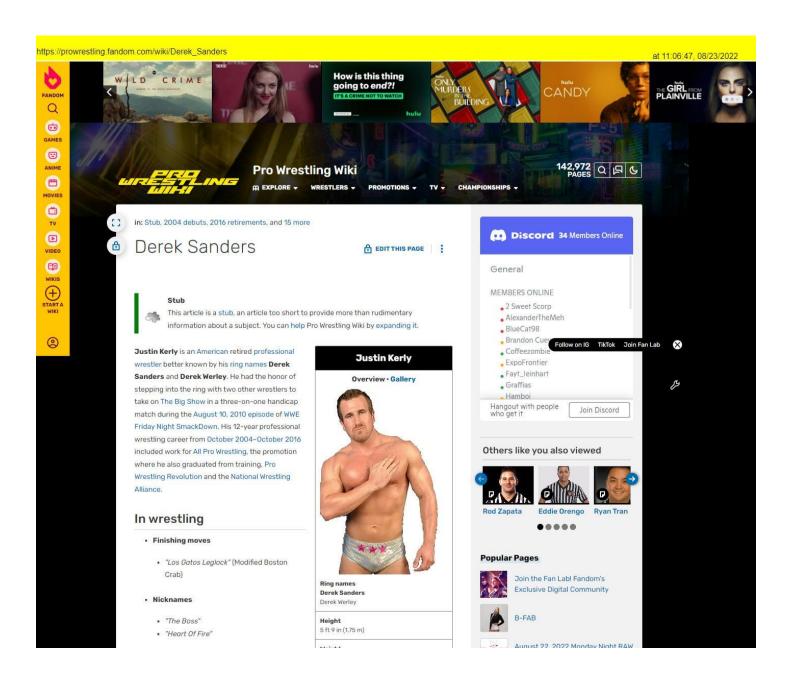
Please call or email the assigned trademark examining attorney with questions about this Office action. Although an examining attorney cannot provide legal advice, the examining attorney can provide additional explanation about the refusal(s) and/or requirement(s) in this Office action. *See* TMEP §§705.02, 709.06.

The USPTO does not accept emails as responses to Office actions; however, emails can be used for informal communications and are included in the application record. *See* 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05.

/Grace Duffin/ Grace Duffin (571) 270-7069 grace.duffin@uspto.gov

RESPONSE GUIDANCE

- Missing the response deadline to this letter will cause the application to <u>abandon</u>. The response must be received by the USPTO before midnight **Eastern Time** of the last day of the response period. TEAS maintenance or <u>unforeseen circumstances</u> could affect an applicant's ability to timely respond.
- Responses signed by an unauthorized party are not accepted and can cause the application to abandon. If applicant does not have an attorney, the response must be signed by the individual applicant, all joint applicants, or someone with <u>legal authority to bind a juristic applicant</u>. If applicant has an attorney, the response must be signed by the attorney.
- If needed, **find contact information for the supervisor** of the office or unit listed in the signature block.



- Teams and stables
 - Border Patrol with Nathan Rulez

Championships and accomplishments

- All Pro Wrestling
 - APW Universal Heavyweight Championship (3-times)
 - APW Worldwide Internet Championship (1) time)
 - APW Tag Team Championship (2-times) (1time with Payton), (1-time with Nathan Rulez as Boarder Patrol)
 - Winner of 2010 APW's Super Summer Series
- Pro Wrestling Revolution
 - PWR Junior Heavyweight Championship (1 time)
 - PWR Tag Team Championship (3-times) (2-times with with Brian Cage as Border Patrol) (1-time) (with Zack Reeb as Border Patrol)

weight 205 lb (93 kg)

Birth Place Sunset Beach, California

Billed from Los Gatos, California

El Cazador del Alma APW Boot Camp

October 9, 2004

October 15, 2016

Trainer Killer J Mathias

External links

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Quincy Elliott







August 22, 2022 Monday Night RAW



Quincy Elliott







August 22, 2022 Monday Night RAW





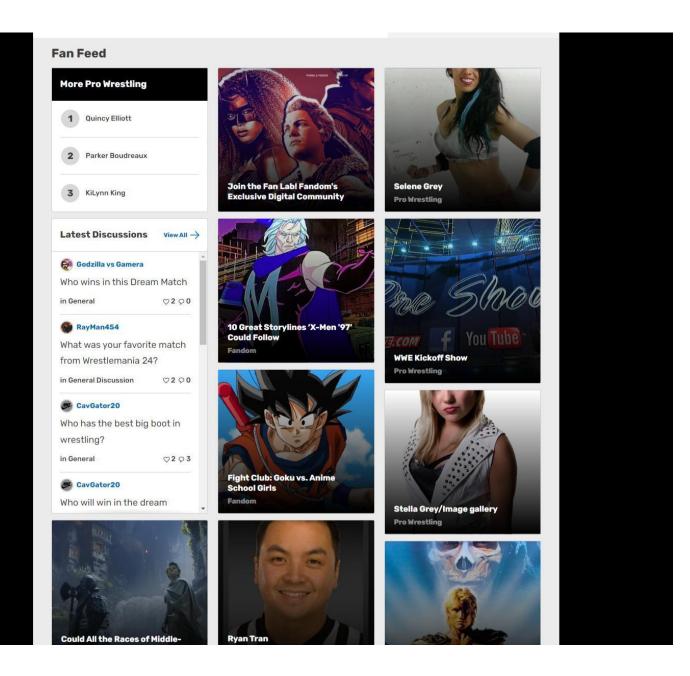






Quincy Elliott



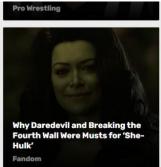




earth Really Speak to One Another?



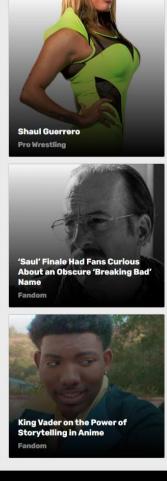








Club 57 Wiki



'Masters of the Universe' at 35: A Weird and Wonderful History

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United States Patent and Trademark Office (USPTO)

USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued on August 23, 2022 for U.S. Trademark Application Serial No. 97120424

A USPTO examining attorney has reviewed your trademark application and issued an Office action. You must respond to this Office action in order to avoid your application abandoning. Follow the steps below.

- (1) Read the Office action. This email is NOT the Office action.
- (2) **Respond to the Office action by the deadline** using the Trademark Electronic Application System (TEAS). Your response must be received by the USPTO on or before 11:59 p.m. **Eastern Time** of the last day of the response period. Otherwise, your application will be <u>abandoned</u>. See the Office action itself regarding how to respond.
- (3) **Direct general questions** about using USPTO electronic forms, the USPTO <u>website</u>, the application process, the status of your application, and whether there are outstanding deadlines to the <u>Trademark Assistance Center (TAC)</u>.

After reading the Office action, address any question(s) regarding the specific content to the USPTO examining attorney identified in the Office action.

GENERAL GUIDANCE

- <u>Check the status</u> of your application periodically in the <u>Trademark Status & Document Retrieval (TSDR)</u> database to avoid missing critical deadlines.
- <u>Update your correspondence email address</u> to ensure you receive important USPTO notices about your application.
- Beware of trademark-related scams. Protect yourself from people and companies that may try to take financial advantage of you. Private companies may call you and pretend to be the USPTO or may send you communications that resemble official USPTO documents to trick you. We will never request your credit card number or social security number over the phone. And all official USPTO correspondence will only be emailed from the domain "@uspto.gov." Verify the correspondence originated from us by using your Serial Number in our database, TSDR, to confirm that it appears under the "Documents" tab, or contact the Trademark Assistance Center.

• Hiring a U.S.-licensed attorney. If you do not have an attorney and are not required to have one under the trademark rules, we encourage you to hire a U.S.-licensed attorney specializing in trademark law to help guide you through the registration process. The USPTO examining attorney is not your attorney and cannot give you legal advice, but rather works for and represents the USPTO in trademark matters.

User: Grace Duffin

Statistics for Case 97120424								
#	Search	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/Search Duration		
1	97120424	1	0	1	1	0:00		
2	*d{"iey":2}{"r":2}{"iey":2}{"ckqx":2}*[bi,ti] not dead [ld]	5062	0	0	0	0:01		
3	*s{v:2}{"n":2}{"d":2}{"iey":2}r*[bi,ti] not de ad [ld]	414	0	0	0	0:02		
4	2 and 3	8	0	8	8	0:02		
5	2 and "041"[cc]	3346	0	0	0	0:01		
6	2 and ("042" "035" "041" a b "200") [ic] not de ad[ld]	2363	0	0	0	0:01		
7	2 and ("042" "041" a b "200") [ic] not dead[ld]	1061	0	0	0	0:02		
8	2 and ("041" a b "200") [ic] not dead[ld]	509	0	0	0	0:02		
9	*derek*[bi,ti] not dead [ld]	58	0	58	58	0:01		
10	3 and "041"[cc]	188	0	188	188	0:02		

Session started 08/23/2022 10:47 am
Session ended 08/23/2022 11:15 am
Total search duration 14.00
Session duration 28 minutes 14 seconds
Adjacency Level 1
Near Level 1