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

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Name Administration, Inc.		
Entity	Corporation	Citizenship	British Virgin Islands
Address	10518 APO Grand Cayman, CAYMAN ISLANDS		

Attorney information	Alex R. Sluzas Paul and Paul 2000 Market Street Suite 2900 Philadelphia, PA 19103 UNITED STATES asluzas@paulandpaul.com Phone:215-568-4900
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Registration Subject to Cancellation

Registration No	3503531	Registration date	09/23/2008
Registrant	CheatCodes.com LLC. P.O. Box 848 Maple Valley, WA 98038 UNITED STATES		

Goods/Services Subject to Cancellation

Class 041. First Use: 1996/10/31 First Use In Commerce: 1996/10/31 All goods and services in the class are cancelled, namely: Providing a website featuring video game cheats, video game information and news, game play strategies and frequently asked questions about video games
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Grounds for Cancellation

Genericness	Trademark Act section 23
The mark is merely descriptive	Trademark Act section 2(e)(1)

Attachments	Petition for Cancellation-1.pdf (5 pages)(76590 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Alex R. Sluzas/
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Name	Alex R. Sluzas
Date	11/20/2009

1. Petitioner is Name Administration, Inc., a corporation chartered under the laws of the British Virgin Islands, and having a mailing address at 10518 APO, Grand Cayman, Cayman Islands.
2. On information and belief, CheatCodes.com LLC, is a Washington limited liability company, having a mailing address of P.O. Box 848, Maple Valley, Washington 98038 ("Registrant").
3. On information and belief, the Registrant is the owner of Registration No. 3,503,531, registered September 23, 2008, for CHEAT CODE in International Class 41 for "providing a website featuring video game cheats, video game information and news, game play strategies and frequently asked questions about video games." On information and belief the Registrant operates a website at cheatcodes.com.

PETITIONER'S STANDING

4. Petitioner Name Administration, Inc., and its predecessor-in-interest have continuously owned and operated the Internet domain name cheatcode.com since October 31, 2000.
5. Petitioner and its predecessor-in-interest have used the Internet domain name cheatcode.com for more than nine years for the purpose of providing advertising links relevant to the subject matter of video and computer games, and specifically cheat codes.
6. Petitioner Name Administration, Inc.'s use of the Internet domain name cheatcode.com has been continuous up to the present time. Petitioner is now using and will continue to use cheatcode.com in connection with the purpose of providing advertising links relevant to the subject matter of video and computer games, and specifically cheat codes.
7. Petitioner has expended effort in connection with its Internet domain name cheatcode.com and the provision of advertising links set forth on the website accessed by cheatcode.com.
8. Upon information and belief, Registrant has threatened other users of internet domain names pre-dating Registrant's trademark registration.
9. On October 21, 2009, Registrant through counsel, threatened Petitioner with various actions premised on Petitioner's registration and use of the domain name cheatcode.com since October 31, 2000.

10. If Registrant is permitted to retain the Registration for which cancellation is sought, thereby retaining *prima facie* exclusive rights to the words “cheat code” for services of the type offered by Petitioner on its Internet domain name cheatcode.com, Registrant would be in a position to contest Petitioner’s Internet domain name.

11. Accordingly, Petitioner is being and will continue to be injured if the Registrant is permitted to maintain the corresponding Certificate of Registration for CHEAT CODE on the record of the United States Patent and Trademark Office.

REGISTRANT'S MARK IS GENERIC

12. The term “cheat code” is the generic term for a semi-official code created by video game designers, which is hidden within a video game, and which will provide extra skills to the player that are actually not part of the official game mechanics. A “cheat code” can be understood as an input sequence programmed into a computer or video game which allows a user to obtain un-earned advantages or to access modified parameters differing from normal game play.

13. The term “cheat code” is defined in dictionary and glossary resources in a manner that is descriptive of the services offered in association with Registrant’s mark.

(a) The Free Online Dictionary at TheFreeDictionary.com defines “cheat code” as “In a video game, a cheat code is a character combination that is entered to change the game’s behavior.”

(b) Wiktionary, a dictionary associated with Wikipedia defines “cheat code” as “(video games) A line of text or series of commands which can be used to change a game’s behavior, alter a character’s looks and abilities, skip levels, or access other hidden features.”

http://en.wiktionary.org/wiki/cheat_code domain name access.

14. To grant or continue a monopoly on a generic term would be contrary to the public interest in promoting competition.

REGISTRANT'S MARK IS MERELY DESCRIPTIVE

15. The term CHEAT CODE is highly descriptive of the cheat codes that are provided as part of the services rendered by the Registrant.

16. Alternatively, the term CHEAT CODE conveys an immediate idea of the qualities and characteristics of Registrant's services, and the term is thus merely descriptive.

17. Consumers do not associate the mark CHEAT CODE with a single source, and the mark has no secondary meaning.

18. On information and belief, the term “cheat code” is included in over 900 registered Internet domain names, and has long been a constituent component of Internet domain names corresponding to websites of general interest in the area of video and computer gaming, such as:

www.cheatcodesgalore.com
www.cheatcodesclub.com
www.consolecheatcodes.com
www.cheatcodepost.com
www.cheatcodesweb.com
www.cheatcodesguides.com
www.cheatcodeschamp.com

19. The term “cheat code” has long been used in the video game industry and consumer publications of general interest in association with Registrant’s services, namely video game news, information and strategy tips in connection with the services recited in Registrant’s mark.

20. On information and belief, since September 2003, software site Download.com has offered a program entitled “The Ultimate Cheat List XP” described as “. . . a giant cheat code database with over 17,000 cheats, codes, trainers, patches, reviews, hints, game company info” including the generation of a whole cheat code site for the user; and since June 2005 has offered “Free Xbox Cheats Collection 1.1,” described as enabling the user to “Download the complete collection of Xbox Gaming Console Cheat Codes.”

21. “Cheat code” has been a descriptive term used in connection with video games and a subject of interest relating to video games since well prior to Registrant’s Application for Federal Registration.

22. The term “cheat code” has repeatedly been established within the records of the United States Patent and Trademark Office as a descriptive term, for example, in the identification of goods of the following registrations and application:

- (a) United States Trademark Supplemental Registration No. 2,603,072 for the mark CODE BREAKER for “computer software to facilitate users access to cheat codes in computer games.”
- (b) United States Trademark Registration No. 3,265,641 for DAY ONE for “computer software for use with video games; computer software to facilitate users access to cheat codes in computer games.”

- (c) United States Trademark Registration No. 3,596,631 for the mark PERFORMANCE DESIGN PRODUCTS for “computer controller for video games, computer software for use with video games, hand-held video game consoles for use with an external monitor or television receiver, video game carrying cases, video game accessory carrying cases, steering wheels for video games, video game controller, racing wheel for video games, video game equipment containing memory devices, video hardware, video cables, video game interactive control floor pads or mats, video game interactive remote control units, video game accessories, namely AC adapters, video game lights, video game portable power packs, video game holders and stands, multiple player adapters, RF switch adapters for connecting video game devices to external monitors, video game guns, video game CD cleaners, system selectors for selecting between multiple signals, video game software, CDs and discs, computer software to facilitate users access to cheat codes in computer games, ear phones and headphones.”
- (d) United States Trademark Registration No. 3,593,282 for the mark TOO HUMAN for, the following recitation of goods in International Class 016: “written materials, namely, computer game manuals, cheat code manuals and software instructional manuals; posters.”
- (e) United States Trademark Registration No. 3,628,975 for the mark SILICON KNIGHTS AND DESIGN for, the following recitation of goods in International Class 016: “written materials, namely, computer game manuals, cheat code manuals for video games and software instructional manuals; posters.”
- (f) United States Trademark Application Serial No. 77/058,994 for the mark RIOT GAMES for, the following recitation of goods in International Class 016: “printed matter, namely, cheat code books, strategy guides for games, coloring books, rub-on transfers, notebooks and stationery-type portfolios, instructional leaflets in the field of computer games, manuals for computer games, advertisement boards of paper or cardboard, pictures, catalogues featuring computer game merchandise, photographs and prints, art prints, postcards, and

writing paper; role-playing game equipment in the nature of game book manuals.”

23. The term “cheat code” was required by the United States Patent and Trademark Office to be disclaimed from prior registered United States Trademark Registration No. 3,264,686 for the mark CCC CHEAT CODE CENTRAL and Design issued July 17, 2007, to David Allison. On information and belief, Mr. Allison operates the Internet website located at cheatcc.com since an alleged First Use date of May 1997.

24. To bestow or continue a monopoly on a descriptive term where there has been no period of exclusive use, and where the term has no secondary meaning, would be contrary to the public interest in promoting competition.

25. Registrant’s mark CHEAT CODE is descriptive of the services recited in the Registration, and thus the Registration should not exist in view of 15 U.S.C. Section 1052(e).

WHEREFORE, Petitioner requests that this Petition be granted and that U.S. Trademark Registration 3,503,531 be cancelled from the Principal Register.