

ESTTA Tracking number: **ESTTA377483**

Filing date: **11/08/2010**

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	Dr Pepper/Seven Up, Inc.
Granted to Date of previous extension	11/07/2010
Address	5301 Legacy Drive Plano, TX 75024 UNITED STATES

Attorney information	Pamela B. Huff Cox Smith Matthews Incorporated 112 East Pecan Street, Suite 1800 San Antonio, TX 78205 UNITED STATES ipdocket@coxsmith.com Phone:210-554-5450
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Applicant Information

Application No	77304667	Publication date	05/11/2010
Opposition Filing Date	11/08/2010	Opposition Period Ends	11/07/2010
Applicants	Norm Pomeranz P.O. Box 67603 Los Angeles, CA 90067 UNITED STATES Brian L. Ross P.O. Box 67603 Los Angeles, CA 90067 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. All goods and services in the class are opposed, namely: Clothing, namely, shirts, caps and sports wear, namely, shorts, pants and t-shirts

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2564633	Application Date	05/24/2001
Registration Date	04/23/2002	Foreign Priority	NONE

		Date	
Word Mark	VENOM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2001/06/18 First Use In Commerce: 2001/06/18 Dietary supplement in beverage form		

U.S. Registration No.	3795390	Application Date	11/30/2007
Registration Date	06/01/2010	Foreign Priority Date	NONE
Word Mark	VENOM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 2008/05/05 First Use In Commerce: 2008/05/05 non-alcoholic, non-carbonated and carbonated fruit flavored drinks, energy drinks and syrups and concentrates for making same		

U.S. Registration No.	3742477	Application Date	07/21/2009
Registration Date	01/26/2010	Foreign Priority Date	NONE
Word Mark	VENOM BITE		

Design Mark	VENOM BITE
Description of Mark	NONE
Goods/Services	Class 032. First use: First Use: 2009/07/01 First Use In Commerce: 2009/07/01 Non-alcoholic fruit flavored drinks and energy drinks

U.S. Application No.	77689174	Application Date	03/12/2009
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	VENOM		
Design Mark	VENOM		
Description of Mark	NONE		
Goods/Services	Class 016. First use: Paper napkins Class 021. First use: Barware, namely, glasses, stirrers, mixers and shakers		

U.S. Registration No.	3756827	Application Date	02/26/2009
Registration Date	03/09/2010	Foreign Priority Date	NONE
Word Mark	NONE		

Design Mark		
Description of Mark	The mark consists of a reptilian eye, outlined by an eyelid and layers of scales.	
Goods/Services	Class 005. First use: First Use: 2008/05/05 First Use In Commerce: 2008/05/05 Dietary energy supplement in beverage form Class 032. First use: First Use: 2008/05/05 First Use In Commerce: 2008/05/05 Non-alcoholic, non-carbonated and carbonated fruit flavored drinks, sport drinks, energy drinks, and syrups and concentrates for making same	

U.S. Application No.	77689179	Application Date	03/12/2009
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	NONE
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Design Mark		
Description of Mark	The mark consists of a reptilian eye surrounded by scales.	
Goods/Services	Class 016. First use: Paper napkins Class 021. First use: Barware, namely, glasses, stirrers, mixers and shakers Class 025. First use: Clothing, namely, t-shirts, caps, coats, underwear, and pajamas	

Attachments	76261549#TMSN.gif (1 page)(bytes) 77340803#TMSN.jpeg (1 page)(bytes) 77786207#TMSN.jpeg (1 page)(bytes) 77689174#TMSN.jpeg (1 page)(bytes) 77678805#TMSN.jpeg (1 page)(bytes) 77689179#TMSN.jpeg (1 page)(bytes)
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	VENOMOpp.pdf (33 pages)(1925289 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	/pbhuff35901/
Name	Pamela B. Huff
Date	11/08/2010

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

In the matter of Trademark Application Serial No. 77/304,667
Published in the Official Gazette (Trademarks) on May 11, 2010

Dr Pepper/Seven Up, Inc.,	§	
Opposer	§	
v.	§	Opposition No. _____
	§	
Norm Pomeranz and Brian L. Ross d/b/a	§	
Brinorman Enterprises,	§	
Applicants.	§	

NOTICE OF OPPOSITION

Box TTAB Fee
Commissioner for Trademarks
U.S. Patent and Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Sir/Madam:

This Notice of Opposition is brought against pending trademark application Serial No. 77/304,667, filed October 15, 2007 by Norm Pomeranz and Brian L. Ross, doing business as Brinorman Enterprises (hereinafter "Applicants"), for registration of the proposed mark WENCH VENOM for goods identified as "clothing, namely, shirts, caps and sports wear, namely, shorts, pants and t-shirts," in International Class 25 (the "Opposed Application").

The Opposed Application was published in the Official Gazette on May 11, 2010. Dr Pepper/Seven Up, Inc. (hereinafter "Opposer"), a Delaware corporation, filed requests for extensions of time to file an opposition against the Opposed Application on June 8, 2010, July 9, 2010, and September 8, 2010, all of which were granted, extending the opposition period until November 7, 2010. Opposer believes that it will be damaged by registration of the Opposed

Application and hereby opposes the same. Opposer submits this Notice of Opposition within the extended opposition period.

The grounds for opposition are as follows:

Likelihood of Confusion

1. For nearly a decade (and long prior to the October 15, 2007 filing date of the Opposed Application), Opposer has provided high-quality energy drinks and collateral promotional materials under its federally registered VENOM marks.

2. Over the years, Opposer has expended significant time, money, and effort to establish substantial customer recognition of the term VENOM as identifying Opposer as the source of various goods, including energy drinks and associated promotional clothing, signs, advertisements, and other tangible goods associated with beverages.

3. Opposer, through its predecessor, has adopted and used in interstate commerce since at least as early as June 18, 2001 the mark VENOM in connection with a “dietary supplement in beverage form.” Opposer obtained U.S. Trademark Registration No. 2,564,633, now renewed, for the mark VENOM in connection with such goods on April 23, 2002. A true and correct copy of the current Trademark Application and Registrations Retrieval (“TARR”) report for this registration is attached hereto as Exhibit A.

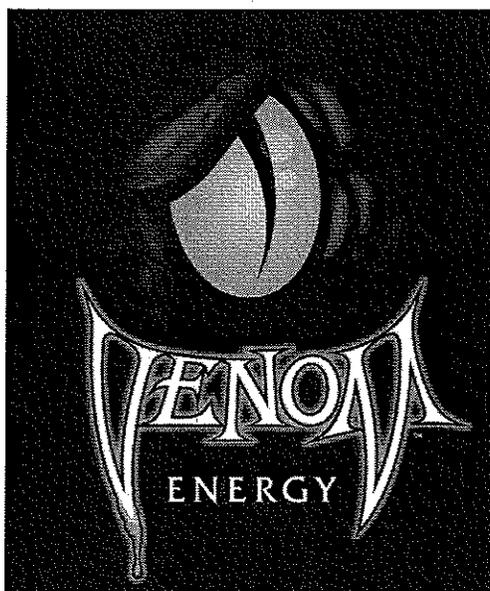
4. Opposer also has adopted and used in interstate commerce the mark VENOM in connection with “non-alcoholic, non-carbonated and carbonated fruit flavored drinks, energy drinks and syrups and concentrates for making same” since at least as early as May 5, 2008. Opposer obtained U.S. Trademark Registration No. 3,795,390 for the mark VENOM in

connection with such goods on June 1, 2010. A true and correct copy of the current TARR report for this registration is attached hereto as Exhibit B.

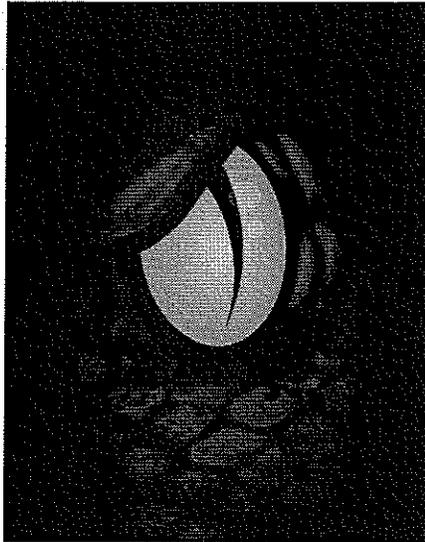
5. Opposer also has adopted and used in interstate commerce the mark VENOM BITE in connection with “non-alcoholic fruit flavored drinks and energy drinks” since at least as early as July 1, 2009. Opposer obtained U.S. Trademark Registration No. 3,742,477 for the mark VENOM BITE in connection with such goods on January 26, 2010. A true and correct copy of the current TARR report for this registration is attached hereto as Exhibit C.

6. Opposer has adopted and intends to use in interstate commerce the mark VENOM in connection with “paper napkins” and “barware, namely, glasses, stirrers, mixers, and shakers.” Opposer owns U.S. Trademark Application Serial No. 77/689,174 for the mark VENOM in connection with such goods. A true and correct copy of the current TARR report for this application is attached hereto as Exhibit D.

7. In connection with its various VENOM-branded goods, Opposer frequently uses a snake-like eye design in conjunction with Opposer’s VENOM mark, as shown below:



8. Opposer adopted and used in interstate commerce a design-only mark consisting of this snake-like eye:



(the “VENOM Eye Design”) in connection with a “dietary energy supplement in beverage form” and “non-alcoholic, non-carbonated and carbonated fruit flavored drinks, energy drinks and syrups and concentrates for making same” since at least as early as May 5, 2008. Opposer obtained U.S. Trademark Registration No. 3,756,827 for the VENOM Eye Design in connection with such goods on March 9, 2010. A true and correct copy of the current TARR report for this registration is attached hereto as Exhibit E.

9. Opposer has also adopted and intends to use in interstate commerce the VENOM Eye Design in connection with “paper napkins;” “barware, namely, glasses, stirrers, mixers, and shakers;” and “clothing, namely, t-shirts, caps, coats, underwear, and pajamas.” Opposer owns U.S. Trademark Application Serial No. 77/689,179 for the VENOM Eye Design in connection with such goods. A true and correct copy of the current TARR report for this application is attached hereto as Exhibit F.

10. In fact, Opposer currently uses both the VENOM Eye Design and the VENOM mark in connection with various clothing items—including t-shirts, hoodies, tank tops, and caps—which are available for sale through Opposer’s online Venom Energy Store, accessible from Opposer’s product website www.venomenergy.com. True and correct printouts from Opposer’s online Venom Energy Store are attached hereto as Exhibit G. Upon information and belief, the sale of such branded promotional apparel is common in the beverage industry.

11. Opposer has continuously used the above family of VENOM marks and has not abandoned its use thereof.

12. Opposer’s use of the above family of VENOM marks has, to Opposer’s knowledge, occurred prior to and continued during and after any use by Applicants of their WENCH VENOM mark. Upon information and belief, neither Applicants nor any predecessor or related company of Applicants have a claim of right in the mark WENCH VENOM prior to October 15, 2007, the filing date of the Opposed Application. In fact, upon information and belief, Applicants have not begun use of the mark WENCH VENOM in connection with any goods or services.

13. Further, Opposer offers for sale VENOM-branded goods, including clothing, and has spent millions of dollars advertising and promoting its family of VENOM marks across the United States, including use of the VENOM marks on promotional clothing (Exhibit G), sponsorship of a VENOM-branded NASCAR (Exhibit H), and promotional relationships with Marco Andretti (race car driver), DeMarcus Ware (linebacker for the Dallas Cowboys NFL team), Patrick Willis (linebacker for the San Francisco 49ers NFL team), Brent Seabrook (defenseman for the Chicago Blackhawks NHL team), Aaron Brooks (point guard for the

Houston Rockets NBA team), and other high-profile, professional athletes (Exhibit I, screen shot of Opposer's product website www.venomenergy.com, showing "Team Venom" in VENOM-branded clothing). As a result, Opposer has built up and now owns valuable goodwill in its VENOM marks, symbolized by its above-mentioned federal registrations and allowed applications.

14. Upon information and belief, Applicants' clothing to be provided under the mark WENCH VENOM would be marketed in the same channels of trade and to the same classes of consumers as Opposer's goods provided under Opposer's family of VENOM marks. Opposer specifically notes that Applicants also own suspended U.S. Trademark Application Serial No. 77/794,394 for the mark WENCH VENOM to be used in connection with "energy drinks." This application was suspended pending the disposition of U.S. Trademark Application Serial No. 77/340,803, now U.S. Trademark Registration No. 3,795,390, owned by Opposer and attached hereto as Exhibit B.

15. Applicants' WENCH VENOM mark so resembles Opposer's VENOM family of marks, by virtue of the common VENOM element, that, when used in connection with Applicants' goods, there is a strong likelihood that consumer confusion will result. The public is likely to believe that there is some connection, sponsorship, affiliation, or association between the source of Applicants' services and that of Opposer's.

16. In light of Opposer's long-term use of its family of VENOM marks in connection with energy drinks and associated promotional goods and materials, including clothing, Applicants' use of the mark WENCH VENOM to identify clothing is likely to cause consumer confusion, to cause consumer mistake, or to deceive consumers into the mistaken belief that

Applicants' goods emanate from, or are endorsed by, Opposer, all to Opposer's irreparable damage.

17. Based on the foregoing, Opposer believes that it will be damaged by registration of the Opposed Application.

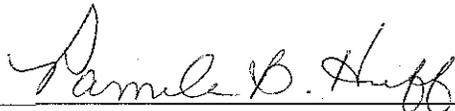
WHEREFORE, Opposer respectfully requests that the application for registration of WENCH VENOM by Applicants be refused and that this Opposition be sustained.

The required fee of \$300.00 is submitted herewith. If any additional fees are required, the Commissioner is hereby authorized to charge any such deficiency to Deposit Account No. 03-3483.

Respectfully submitted,

Date: November 8, 2010

By:

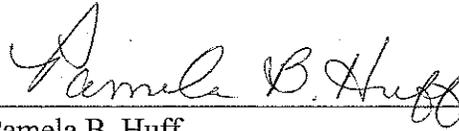

Pamela B. Huff, Reg. No. 35,901
Marissa Helm, Reg. No. 61,514
COX SMITH MATTHEWS INCORPORATED
112 East Pecan Street, Suite 1800
San Antonio, Texas 78205
210-554-5450
210-226-8395 (Fax)

ATTORNEYS FOR OPPOSER,
DR PEPPER/SEVEN UP, INC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Notice of Opposition has been sent by first class mail to the following on this the 8th day of November, 2010.

Norm Pomeranz
Brian L. Ross
d/b/a Brinorman Enterprises
P.O. Box 67603
Los Angeles, California 90067



Pamela B. Huff

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-11-08 15:51:53 ET

Serial Number: 76261549 Assignment Information Trademark Document Retrieval

Registration Number: 2564633

Mark (words only): VENOM

Standard Character claim: No

Current Status: Section 8 and 15 affidavits have been accepted and acknowledged.

Date of Status: 2009-02-17

Filing Date: 2001-05-24

Transformed into a National Application: No

Registration Date: 2002-04-23

Register: Principal

Law Office Assigned: LAW OFFICE 105

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 830 -Post Registration

Date In Location: 2009-02-17

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. DR PEPPER/SEVEN UP, INC.

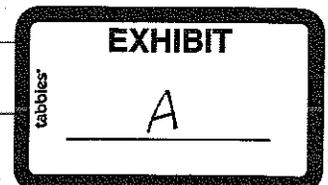
Address:

DR PEPPER/SEVEN UP, INC.
5301 LEGACY DRIVE
PLANO, TX 75024
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES



International Class: 005

Class Status: Active

Dietary supplement in beverage form

Basis: 1(a)

First Use Date: 2001-06-18

First Use in Commerce Date: 2001-06-18

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2009-02-17 - Section 8 (6-year) accepted & Section 15 acknowledged

2008-10-03 - Assigned To Paralegal

2008-09-30 - TEAS Section 8 & 15 Received

2007-12-19 - Automatic Update Of Assignment Of Ownership

2007-05-08 - Case File In TICRS

2005-03-29 - Attorney Revoked And/Or Appointed

2005-03-29 - TEAS Revoke/Appoint Attorney Received

2004-06-25 - TEAS Change Of Correspondence Received

2003-07-14 - TEAS Change Of Correspondence Received

2002-04-23 - Registered - Principal Register

2002-01-18 - Allowed for Registration - Principal Register (SOU accepted)

2002-01-17 - Assigned To Examiner

2002-01-16 - Statement Of Use Processing Complete

2001-12-20 - Use Amendment Filed

2001-12-11 - NOA Mailed - SOU Required From Applicant

2001-09-18 - Published for opposition

2001-08-29 - Notice of publication

2001-08-07 - Approved For Pub - Principal Register

2001-08-06 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Pamela B. Huff

Correspondent

Pamela B. Huff

Cox Smith Matthews Incorporated

Suite 1800

112 East Pecan Street

San Antonio TX 78205

Phone Number: 210-554-5450

Fax Number: 210-226-8395

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-11-08 15:52:12 ET

Serial Number: 77340803 Assignment Information Trademark Document Retrieval

Registration Number: 3795390

Mark

VENOM

(words only): VENOM

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2010-06-01

Filing Date: 2007-11-30

Transformed into a National Application: No

Registration Date: 2010-06-01

Register: Principal

Law Office Assigned: LAW OFFICE 102

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

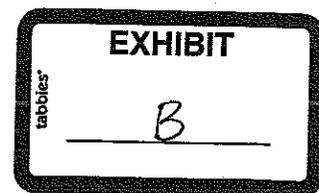
Current Location: 650 -Publication And Issue Section

Date In Location: 2010-06-01

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Dr Pepper/Seven Up, Inc.

Address:



Dr Pepper/Seven Up, Inc.
5301 Legacy Drive
Plano, TX 75024
United States

Legal Entity Type: Corporation
State or Country of Incorporation: Delaware
Phone Number: 914.612.4701
Fax Number: 914.612.6325

GOODS AND/OR SERVICES

International Class: 032
Class Status: Active
non-alcoholic, non-carbonated and carbonated fruit flavored drinks, energy drinks and syrups and concentrates for making same
Basis: 1(a)
First Use Date: 2008-05-05
First Use in Commerce Date: 2008-05-05

ADDITIONAL INFORMATION

Prior Registration Number(s):
2564633
2801147

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2010-06-01 - Registered - Principal Register
2010-03-16 - Notice Of Publication E-Mailed
2010-03-16 - Published for opposition
2010-02-05 - Law Office Publication Review Completed
2010-02-04 - Approved for Pub - Principal Register (Initial exam)
2009-10-03 - Report Completed Suspension Check Case Still Suspended
2009-04-02 - Report Completed Suspension Check Case Still Suspended

2009-04-02 - Assigned To LIE
2008-10-02 - Notification Of Letter Of Suspension E-Mailed
2008-10-02 - LETTER OF SUSPENSION E-MAILED
2008-10-02 - Suspension Letter Written
2008-09-25 - Amendment to Use approved
2008-09-24 - Amendment To Use Processing Complete
2008-09-24 - Use Amendment Filed
2008-09-23 - TEAS Amendment of Use Received
2008-08-29 - Teas/Email Correspondence Entered
2008-08-29 - Communication received from applicant
2008-08-29 - TEAS Response to Office Action Received
2008-03-13 - Notification Of Non-Final Action E-Mailed
2008-03-13 - Non-final action e-mailed
2008-03-13 - Non-Final Action Written
2008-03-12 - Assigned To Examiner
2008-02-08 - Attorney Revoked And/Or Appointed
2008-02-08 - TEAS Revoke/Appoint Attorney Received
2007-12-04 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Pamela B. Huff

Correspondent

Pamela B. Huff

Cox Smith Matthews Incorporated

112 East Pecan Street Suite 1800

San Antonio TX 78205

Phone Number: 210-554-5450

Fax Number: 210-226-8395

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-11-08 15:52:47 ET

Serial Number: 77786207 Assignment Information Trademark Document Retrieval

Registration Number: 3742477

Mark

VENOM BITE

(words only): VENOM BITE

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2010-01-26

Filing Date: 2009-07-21

Transformed into a National Application: No

Registration Date: 2010-01-26

Register: Principal

Law Office Assigned: LAW OFFICE 109

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

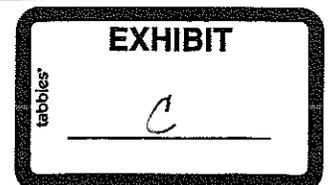
Current Location: 650 -Publication And Issue Section

Date In Location: 2010-01-26

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. DR PEPPER/SEVEN UP, INC.

Address:



DR PEPPER/SEVEN UP, INC.
5301 Legacy Drive
Plano, TX 75024
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 032
Class Status: Active
Non-alcoholic fruit flavored drinks and energy drinks
Basis: 1(a)
First Use Date: 2009-07-01
First Use in Commerce Date: 2009-07-01

ADDITIONAL INFORMATION

Prior Registration Number(s):
2564633
2801147

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2010-01-26 - Registered - Principal Register
2009-11-10 - Notice Of Publication E-Mailed
2009-11-10 - Published for opposition
2009-10-07 - Law Office Publication Review Completed
2009-10-07 - Assigned To LIE
2009-09-22 - Approved for Pub - Principal Register (Initial exam)
2009-09-22 - Assigned To Examiner
2009-07-24 - New Application Office Supplied Data Entered In Tram

2009-07-24 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Pamela B. Huff

Correspondent

PAMELA B. HUFF

COX SMITH MATTHEWS INCORPORATED

112 E PECAN ST STE 1800

SAN ANTONIO, TX 78205-1521

Phone Number: 210-554-5450

Fax Number: 210-226-8395

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-11-08 15:52:30 ET

Serial Number: 77689174 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

VENOM

(words only): VENOM

Standard Character claim: Yes

Current Status: A request for the second extension of time to file a statement of use has been granted.

Date of Status: 2010-10-08

Filing Date: 2009-03-12

The Notice of Allowance Date is: 2009-10-06

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

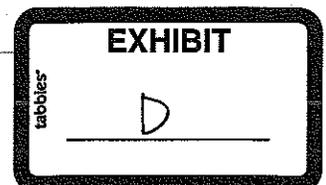
Law Office Assigned: LAW OFFICE 110

Attorney Assigned:
SMITH REBECCA A

Current Location: 700 -Intent To Use Section

Date In Location: 2010-04-22

LAST APPLICANT(S)/OWNER(S) OF RECORD



1. DR PEPPER/SEVEN UP, INC.

Address:

DR PEPPER/SEVEN UP, INC.

5301 Legacy Drive

Plano, TX 75024

United States

Legal Entity Type: Corporation**State or Country of Incorporation:** Delaware

GOODS AND/OR SERVICES

International Class: 016**Class Status:** Active

Paper napkins

Basis: 1(b)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)**International Class:** 021**Class Status:** Active

Barware, namely, glasses, stirrers, mixers and shakers

Basis: 1(b)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

Prior Registration Number(s):

2564633

2801147

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2010-10-09 - Notice Of Approval Of Extension Request E-Mailed

2010-10-08 - Extension 2 granted

2010-10-06 - Extension 2 filed

2010-10-06 - TEAS Extension Received
2010-04-23 - Notice Of Approval Of Extension Request E-Mailed
2010-04-22 - Extension 1 granted
2010-03-31 - Extension 1 filed
2010-04-22 - Case Assigned To Intent To Use Paralegal
2010-03-31 - TEAS Extension Received
2009-10-06 - NOA Mailed - SOU Required From Applicant
2009-07-14 - Published for opposition
2009-06-24 - Notice of publication
2009-06-06 - Law Office Publication Review Completed
2009-06-06 - Assigned To LIE
2009-06-04 - Approved For Pub - Principal Register
2009-06-04 - Assigned To Examiner
2009-03-16 - New Application Office Supplied Data Entered In Tram
2009-03-16 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Pamela B. Huff

Correspondent

PAMELA B. HUFF
COX SMITH MATTHEWS INCORPORATED
112 E PECAN ST STE 1800
SAN ANTONIO, TX 78205-1521
Phone Number: 210-554-5450
Fax Number: 210-226-8395

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-11-08 15:51:34 ET

Serial Number: 77678805 Assignment Information Trademark Document Retrieval

Registration Number: 3756827

Mark



Standard Character claim: No

Current Status: Registered.

Date of Status: 2010-03-09

Filing Date: 2009-02-26

Transformed into a National Application: No

Registration Date: 2010-03-09

Register: Principal

Law Office Assigned: LAW OFFICE 112

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

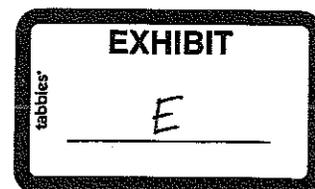
Date In Location: 2010-03-09

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. DR PEPPER/SEVEN UP, INC.

Address:

DR PEPPER/SEVEN UP, INC.
5301 Legacy Drive



Plano, TX 75024
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 005
Class Status: Active
Dietary energy supplement in beverage form
Basis: 1(a)
First Use Date: 2008-05-05
First Use in Commerce Date: 2008-05-05

International Class: 032
Class Status: Active
Non-alcoholic, non-carbonated and carbonated fruit flavored drinks, sport drinks, energy drinks, and syrups and concentrates for making same
Basis: 1(a)
First Use Date: 2008-05-05
First Use in Commerce Date: 2008-05-05

ADDITIONAL INFORMATION

Color(s) Claimed: Color is not claimed as a feature of the mark.

Description of Mark: The mark consists of a reptilian eye, outlined by an eyelid and layers of scales.

Design Search Code(s):
03.21.02 - Snakes
03.21.24 - Stylized reptiles, frogs and snails
26.11.21 - Rectangles that are completely or partially shaded

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2010-03-09 - Registered - Principal Register
2009-12-22 - Notice Of Publication E-Mailed
2009-12-22 - Published for opposition

2009-11-19 - Law Office Publication Review Completed
2009-11-18 - Assigned To LIE
2009-11-02 - Approved for Pub - Principal Register (Initial exam)
2009-10-13 - Teas/Email Correspondence Entered
2009-10-12 - Communication received from applicant
2009-10-12 - TEAS Response to Office Action Received
2009-04-10 - Notification Of Non-Final Action E-Mailed
2009-04-10 - Non-final action e-mailed
2009-04-10 - Non-Final Action Written
2009-04-07 - Assigned To Examiner
2009-03-04 - Notice Of Design Search Code Mailed
2009-03-03 - New Application Office Supplied Data Entered In Tram
2009-03-02 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Matthew M. Jennings

Correspondent
MATTHEW M. JENNINGS
COX SMITH MATTHEWS INCORPORATED
112 E PECAN ST STE 1800
SAN ANTONIO, TX 78205-1521
Phone Number: 210-554-5363
Fax Number: 210-226-8395

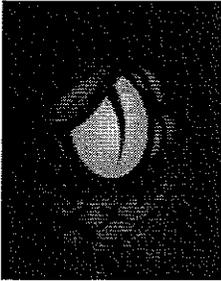
Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-11-08 15:51:12 ET

Serial Number: 77689179 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark



Standard Character claim: No

Current Status: A request for the second extension of time to file a statement of use has been granted.

Date of Status: 2010-10-08

Filing Date: 2009-03-12

The Notice of Allowance Date is: 2009-10-06

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 110

Attorney Assigned:
SMITH REBECCA A

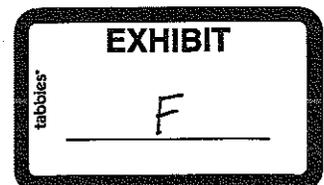
Current Location: 700 -Intent To Use Section

Date In Location: 2010-04-22

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. DR PEPPER/SEVEN UP, INC.

Address:



DR PEPPER/SEVEN UP, INC.
5301 Legacy Drive
Plano, TX 75024
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 016
Class Status: Active
Paper napkins
Basis: 1(b)
First Use Date: (DATE NOT AVAILABLE)
First Use in Commerce Date: (DATE NOT AVAILABLE)

International Class: 021
Class Status: Active
Barware, namely, glasses, stirrers, mixers and shakers
Basis: 1(b)
First Use Date: (DATE NOT AVAILABLE)
First Use in Commerce Date: (DATE NOT AVAILABLE)

International Class: 025
Class Status: Active
Clothing, namely, t-shirts, caps, coats, underwear, and pajamas
Basis: 1(b)
First Use Date: (DATE NOT AVAILABLE)
First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

Color(s) Claimed: Color is not claimed as a feature of the mark.

Description of Mark: The mark consists of a reptilean eye surrounded by scales.

Design Search Code(s):

- 03.13.25 - Ears of four-footed mammals or primates (excluding humans); Eyes of four-footed mammals or primates (excluding humans); Other parts of four-footed mammals or primates (excluding humans); Snouts of four-footed mammals or primates (excluding humans); Tails of four-footed mammals or primates (excluding humans); Teeth of four-footed mammals or primates (excluding humans); Tusks of four-footed mammals or primates (excluding humans)
 - 03.21.25 - Other reptiles
 - 26.11.21 - Rectangles that are completely or partially shaded
-

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2010-10-09 - Notice Of Approval Of Extension Request E-Mailed

2010-10-08 - Extension 2 granted

2010-10-06 - Extension 2 filed

2010-10-06 - TEAS Extension Received

2010-04-23 - Notice Of Approval Of Extension Request E-Mailed

2010-04-22 - Extension 1 granted

2010-03-31 - Extension 1 filed

2010-04-22 - Case Assigned To Intent To Use Paralegal

2010-03-31 - TEAS Extension Received

2009-10-06 - NOA Mailed - SOU Required From Applicant

2009-07-14 - Published for opposition

2009-06-24 - Notice of publication

2009-06-10 - Law Office Publication Review Completed

2009-06-10 - Assigned To LIE

2009-06-08 - Approved For Pub - Principal Register

2009-06-04 - Assigned To Examiner

2009-03-17 - Notice Of Design Search Code Mailed

2009-03-16 - New Application Office Supplied Data Entered In Tram

2009-03-16 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Pamela B. Huff

Correspondent

PAMELA B. HUFF
COX SMITH MATTHEWS INCORPORATED
112 E PECAN ST STE 1800
SAN ANTONIO, TX 78205-1521
Phone Number: 210-554-5450
Fax Number: 210-226-8395

Search: KEYWORD

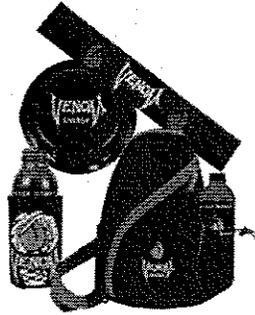


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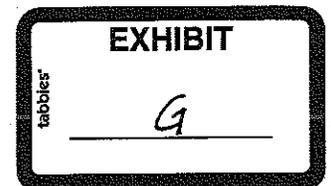


Venom Race

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Dry-Tech Tee



Venom Black Hoodie



Venom Black Cotton Tee



Ladies Tatoo T-shirt



Men's Mirror T-Shirt



Ladies Grey Snake T-Shirt



Venom Ladies Tank Top



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Caps

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You have 2 item(s) in your shopping cart.

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	Item Number	Sell Price	Extended Price	QTY	Remove
	VM0021XL Grey Mirror T-Shirt 5.1 oz ringspun 100% Cotton Tee	8.50 EA	8.50	1	
	VM0005L Venom Energy with Eye Black T-Shirt (L) 6.1 oz Ringspun Cotton T-Shirt	7.00 EA	7.00	1	

[UPDATE CART](#)

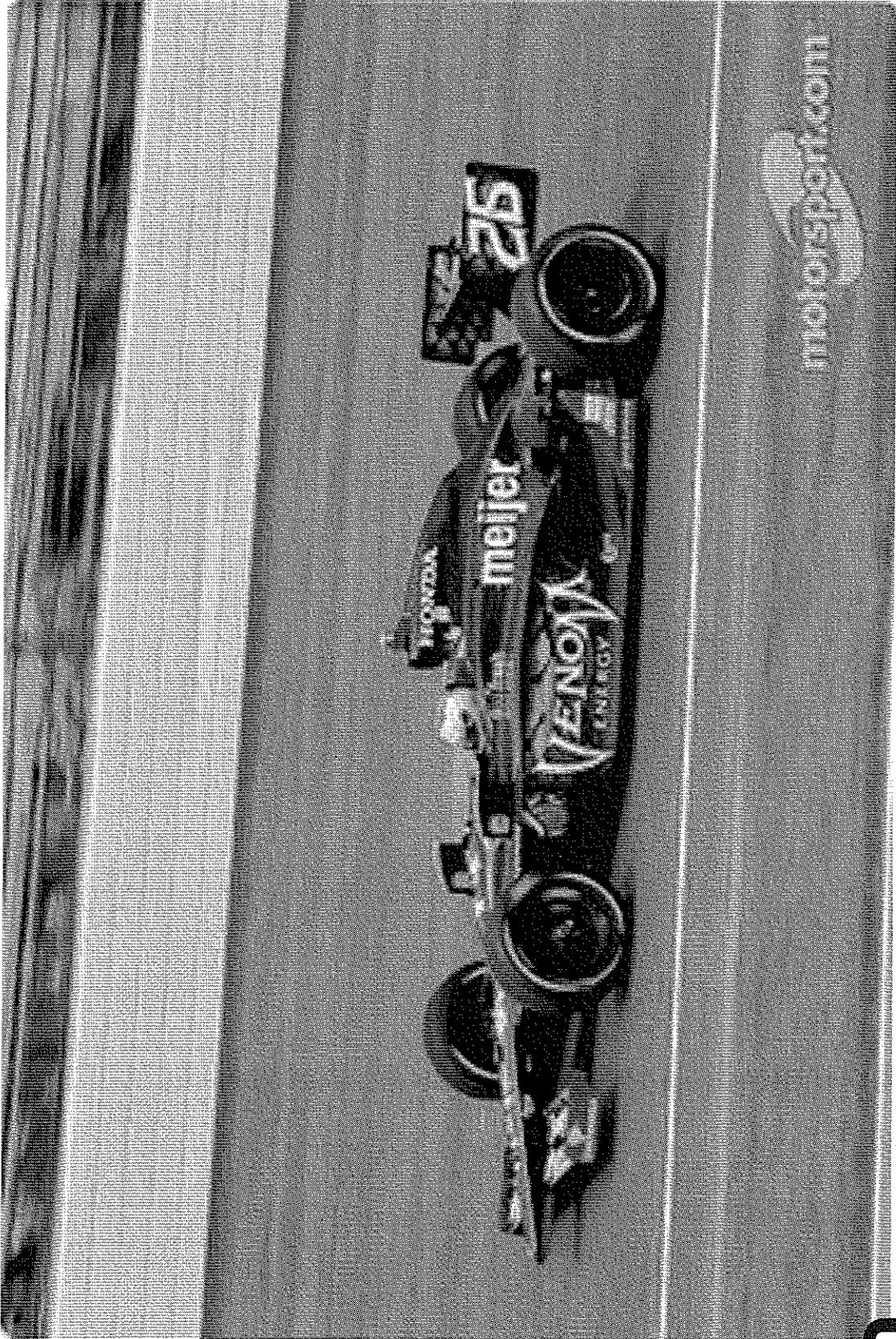
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