

ESTTA Tracking number: **ESTTA408650**

Filing date: **05/11/2011**

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	The Ohio State University
Granted to Date of previous extension	05/11/2011
Address	190 North Oval Mall Columbus, OH 43210 UNITED STATES

Attorney information	Samantha M. Quimby FROST BROWN TODD LLC 10 West Broad Street Suite 2300 Columbus, OH 43215 UNITED STATES squimby@fbtlaw.com, bdowney@fbtlaw.com Phone:614.559.7282
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### Applicant Information

Application No	85095644	Publication date	01/11/2011
Opposition Filing Date	05/11/2011	Opposition Period Ends	05/11/2011
Applicant	Gibson II, Jack H. 410 370 S.5Th St Columbus, OH 43215 UNITED STATES		

### Goods/Services Affected by Opposition

Class 032. First Use: 2010/02/00 First Use In Commerce: 2010/02/00  
All goods and services in the class are opposed, namely: Energy drinks; Non-alcoholic beverages, namely, carbonated beverages; Sports drinks

### Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

### Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	1152683	Application Date	01/29/1975
Registration Date	04/28/1981	Foreign Priority Date	NONE
Word Mark	BUCKEYES		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 041. First use: First Use: 1878/05/01 First Use In Commerce: 1878/05/01 Providing College Sport Exhibition Events and Recreation Programs

Attachments	BUCKEYE JUICE Notice of Opposition USE FOR FILING.pdf ( 34 pages ) (4801283 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 USPS Express Mail Post Office to Addressee on this date.

Signature	/samantha m quimby/
Name	Samantha M. Quimby
Date	05/11/2011

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

IN THE MATTER OF: Application Serial No. 85/095644  
DATE OF PUBLICATION: January 11, 2011

The Ohio State University,	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition Proceeding # _____
	)	
Jack H. Gibson II,	)	
	)	
Applicant.	)	
	)	

**NOTICE OF OPPOSITION**

THE OHIO STATE UNIVERSITY, an Ohio Educational Institution, having a principal place of business at 190 North Oval Mall, Columbus, Ohio, 43210, (hereinafter “OSU” or “Opposer”), believes that it will be damaged by registration of Application Serial No. 85/095644 – BUCKEYE JUICE – for “energy drinks; non-alcoholic beverages, namely carbonated beverages; sports drinks” in Class 32, filed by Jack H. Gibson II (hereinafter referred to as “Applicant”) and hereby opposes the same under the provisions of Section 13 of the Trademark Act of July 5, 1946 (15 U.S.C. § 1063).

As grounds therefore, it is alleged that:

1. Established in 1870, The Ohio State University (hereinafter referred to as “OSU” or “Opposer”), has developed into one of the most well-respected institutions of higher learning in the country.

2. For 140 years, OSU has provided college level educational courses, sponsored collegiate sporting events and recreation programs and staged dramatic and musical entertainment events.
3. OSU's athletic teams and students have been known as "Buckeyes" since at least as early as 1920. Due to the long, extensive and continuous use of the term "Buckeye" in association with OSU programs and events, consumers now associate the term "Buckeye" with OSU.
4. OSU licenses and markets many items using the trademarks "Buckeye," "Buckeyes," "Brutus Buckeye," "Go Bucks" and the signature "Buckeye Leaf" (collectively, the "Buckeye Marks").
5. OSU's academic and athletic programs rank among the best in the nation. OSU's undergraduate program and graduate programs for law, medicine, business, engineering and education are all currently ranked among the top 40 schools in the nation in their respective areas by U.S. News & World Report.
6. OSU alumni have an affinity for OSU that runs deep and these Buckeyes can be found in every corner of the country. When consumers throughout the nation hear the word "Buckeye" or see it used on certain products, they immediately associate it with OSU.
7. In 2002, the OSU football team, the Buckeyes, won the NCAA football championship. This was the seventh national football championship for the Buckeyes. Only five other programs, in the history of collegiate football, have amassed more than seven national championships.

8. OSU Athletic programs have a long history of success. OSU is among only four universities with NCAA championships in baseball, basketball and football. OSU athletic teams have also won national championships in men's swimming and diving, men's outdoor track and field, men's golf, men's gymnastics, men's fencing, co-ed fencing, synchronized swimming and most recently, men's volleyball.
9. In the 2006 – 2007 athletic year, OSU Buckeye teams appeared in both the NCAA Football National Championship and the NCAA Final Four and championship basketball games. This success again cemented the presence of the Buckeye Marks on a national stage, making goods bearing the Buckeye Marks even more sought after and desired. Not surprisingly, 2006 – 2007 was a record year for licensing revenue for OSU, which was in excess of nine (9) million dollars.
10. Since 2007, the success of the OSU athletic programs has continued to bolster the fame and recognition of the Buckeye Marks. In 2008, the OSU football team again appeared in the NCAA Football National Championship game. In January of 2010, the football Buckeyes capped their 34<sup>th</sup> Big Ten title with a win in the nationally televised Rose Bowl game. And again in 2011, the football Buckeyes capped their 35<sup>th</sup> Big Ten title with a win in the nationally televised Sugar Bowl game.
11. As a result of OSU's fame and its extensive use, advertising, and sale of goods bearing the Buckeye Marks, the Buckeye Marks have acquired strong secondary meaning, have achieved favorable national recognition, and have become assets

of significant value as symbols pointing only to OSU, its services, products and goodwill.

12. OSU strictly controls the nature and quality of the goods bearing its marks and its trade dress to protect the tradition, prestige and goodwill associated with these marks, and OSU makes systematic efforts to safeguard the quality and integrity of the OSU marks.
13. For more than twenty-five years, OSU has licensed third parties to use the Buckeye Marks on various items and services, including food products and beverages, restaurant services, clothing of all types, internet websites, screen savers, athletic uniforms, calendars, novelties, books, household goods, toys, sporting goods, home furnishings, glassware, collectibles, pens and watches.
14. OSU's licensing program has become the most profitable collegiate licensing program in the United States, in the past five (5) years generating royalties of more than \$35 million. The past and current success of OSU's academic and athletic programs has resulted in extensive exposure of OSU's trademarks to a national audience and has created a large demand for products and services bearing OSU's trademarks throughout the United States.
15. In fact, Applicant currently has approximately 600 authorized licenses for products using the Buckeye Marks on everything from food and beverage products and services, such as sports drinks, ice cream, breakfast cereals, popcorn snacks, pretzel snacks, tortilla chips, cinnamon cracker snacks, gourmet candies, hot dogs, cafés and restaurants, to computer equipment, such as screen savers, mouse pads, and wrist rests, to T-shirts, hats, flags and banners. OSU also

licenses the sale of DVDs of important and memorable Ohio State athletic contests, which are a significant source of royalty income. For example, in 2003, more than 150,000 copies of a licensed DVD of the Fiesta Bowl were sold.

16. OSU, having adopted the BUCKEYE mark at least as early as 1920, is the owner of, among others, the following federal trademark registration:

BUCKEYES – Registration No. 1,152,683, registered April 28, 1981, to provide college sport exhibition events and recreation programs.

17. Pursuant to Trademark Rule 2.122(d)(1), OSU hereby provides proof of status and title of the pleaded registration by filing a copy of record from the USPTO electronic database (i.e., TARR) attached hereto as Exhibit 1.
18. The certificate of registration identified in paragraph 16 is valid and subsisting and is prima facie evidence of the validity of the registration, of OSU's ownership of the mark, and of OSU's exclusive right to use the mark in commerce in connection with the services specified under the provisions of 15 U.S.C. § 1057(b), and constructive notice of OSU's claim of ownership under 15 U.S.C. § 1072. Moreover, Registration No. 1,152, 683 is incontestable, which provides conclusive evidence of its validity, of OSU's ownership of the mark and of OSU's exclusive right to use the mark in commerce under 15 U.S.C. § 1115(b).
19. The use of the words "Buckeye" and "Buckeyes" has become associated in the mind of the public with OSU and particularly with its athletic teams, events and activities.
20. In addition to its pleaded BUCKEYES registration for use in connection with its college sports exhibition events and recreation programs, OSU owns numerous federal trademark registrations for BUCKEYE and BUCKEYE – formative marks

for use in connection with the vast array of associated services and licensed products as a result of the success of OSU's athletic programs and subsequent expansion of OSU's licensing program.

21. Opposer approves and maintains quality control over all of the products and services it licenses and produces, and the public assumes that Opposer has approved, sponsored or endorsed all products and services bearing its trademarks.
22. Applicant has applied for BUCKEYE JUICE as a standard character mark for use in connection with energy drinks, non-alcoholic carbonated beverages and sports drinks.
23. Upon information and belief, Applicant's target market and target consumer base for its sale of energy drinks, non-alcoholic carbonated beverages and sports drinks under the BUCKEYE JUICE mark are the students, alumni, fans and supporters of OSU – the same target market and target consumer base as the Opposer's for its sale of various licensed BUCKEYE products and services.
24. Upon information and belief, Applicant's use of "Buckeye" in BUCKEYE JUICE refers to The Ohio State University and its athletic programs, along with its students, alumni, fans and supporters.
25. Upon information and belief, Applicant intends to use, and uses, the BUCKEYE JUICE mark in connection with OSU's school colors of scarlet and gray, adopted by OSU in 1878, as well as other OSU indicia, such as use of the famous "O-H-I-O" Buckeye fan chant.
26. Applicant's specimen of use is a photograph that depicts cans of BUCKEYE JUICE packaged in the colors of scarlet and grey. These cans also depict the

BUCKEYE JUICE mark in a red, collegiate-style font. The backside of these cans also contains the following statement: “Warning: Contents may lead to belts of “Hang on Sloopy” and/or disgust for the colors Blue and Gold.” This statement is clearly intended to conjure up an association with the OSU Buckeyes as the song “Hang on Sloopy” has been played by the OSU Marching Band at the end of the third quarter of every OSU Buckeyes home football game for decades and the colors blue and gold clearly refers to the historic rivalry between the OSU Buckeyes and the Michigan Wolverines.

27. Despite Applicant’s allegations of use in commerce, Applicant had the wording “BUCKEYE JUICE, COMING SOON” published on its website at mybuckeyejuice.com in a red, collegiate font as late as January 21, 2011. The website at mybuckeyejuice.com further encouraged consumers to check out its fan pages on both Twitter and Facebook. *See Exhibit 2.* As can be seen from Applicant’s twitter account, the profile picture depicted a can of BUCKEYE JUICE superimposed upon a photograph of the entrance to Ohio Stadium, affectionately known as “The Shoe”, the home field for Opposer’s Buckeyes football team. *See Exhibit 3.*
28. Applicant’s facebook fan page also provided information and “updates” on where the BUCKEYE JUICE product could be found for purchase. These retail locations are in and around the OSU Columbus campus area, clearly targeting OSU Buckeyes – students, alumni and fans alike. *See Exhibit 4.*
29. Applicant’s BUCKEYE JUICE product, as purchased at one of these OSU Columbus campus area markets, continues to depict BUCKEYE JUICE in a red,

collegiate font. Applicant has also adopted a “Get Bucked Up!” tagline, a clear attempt to evoke passion and excitement from OSU Buckeyes – students, alumni and fans alike. The backside of these cans now also reference the famous “O-H-I-O” Buckeyes fan chant. *See Exhibit 5.*

30. Applicant’s intent could not be more transparent – that is, to trade off of the good will of OSU and the affinity that OSU’s students, alumni and the “Buckeye fans” in general have for OSU and its athletic programs.
31. OSU has, continuously and long prior to February of 2010, the claimed first use date of BUCKEYE JUICE by Applicant, used BUCKEYE as a trademark, or made use in a manner analogous to trademark use.
32. The Applicant’s BUCKEYE JUICE mark is highly similar to Opposer’s trademarks and registrations such that confusion is likely, having only added the descriptive wording “juice” to Opposer’s BUCKEYE mark.
33. Applicant’s application for the mark BUCKEYE JUICE and Opposer’s various BUCKEYE trademarks and registrations are confusingly similar so that one would reasonably expect them to emanate from Opposer, and the contemporaneous use thereof is likely to cause confusion, mistake or deception in that the purchasing public is likely to believe that Applicant as a company and/or Applicant’s goods emanate from or are in some way associated or connected with, or sponsored, licensed or authorized by Opposer, all to the damage of Opposer and should be refused registration under Section 2(d) of the Lanham Act.
34. Applicant’s application for BUCKEYE JUICE is for energy drinks, non-alcoholic carbonated beverages and sports drinks that, upon information and belief, has

been and will continue to be advertised and sold to the same consuming public that Opposer's BUCKEYE products and services are advertised, offered and sold to – namely the students, alumni, fans and supporters of The Ohio State University. As a result, given the fame of Opposer's BUCKEYE trademarks in connection with its educational and athletic programs, and the vast array of licensed products sold in connection therewith, including sports drinks, Applicant's mark creates a false suggestion of a connection between the mark and Opposer under Section 2(a).

35. Given Opposer's use of the BUCKEYE mark for 90 years in connection with its educational and athletic programs, and its subsequent expansion of the BUCKEYE mark to use in connection with the vast array of licensed products sold in connection therewith, including sports drinks, the BUCKEYE mark became famous long before Applicant's first use date. As such, Applicant's use of BUCKEYE JUICE dilutes the distinctiveness of Opposer's BUCKEYE marks under Section 43(e).
36. By reason of the foregoing, Opposer's opposition should be sustained and Applicant's application refused registration pursuant to Section 13 of the Trademark Act (15 U.S.C. § 1063).

WHEREFORE, Opposer prays that this Notice of Opposition be sustained and that Application Serial No. 85/095644 – BUCKEYE JUICE – be refused registration.

The fee of \$300 as provided by Sections 13 and 31 of the Trademark Act of 1946 is paid by credit card upon electronic filing of this Notice of Opposition.

Please recognize Brian J. Downey and Samantha M. Quimby, both members of the Bar

of the State of Ohio, as its attorneys to prosecute this Notice of Opposition and to transact all business in the Patent and Trademark Office in connection herewith. Please address all communications and correspondence to: Brian J. Downey, Frost Brown Todd LLC, 10 West Broad Street, Suite 2300, Columbus, Ohio 43215, Telephone 614.559.7281, Facsimile 614.464.1737, e-mail bdowney@fbtlaw.com.

Date: May 11, 2011

Respectfully submitted,



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Brian J. Downey  
Samantha M. Quimby  
Frost Brown Todd LLC  
One Columbus  
10 West Broad Street  
Suite 2300  
Columbus, Ohio 43215-3484  
Telephone: (614) 559-7281  
Facsimile: (614) 464-1737

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Notice of Opposition was served by Express Mail Post Office to Addressee, postage prepaid, on Jack H. Gibson II, 370 S. 5th St., Apt. 410, Columbus, Ohio, the correspondent of record, on this 11<sup>th</sup> day of May, 2011.

  
\_\_\_\_\_  
Samantha M. Quimby  
Attorney for Opposer

# Exhibit 1



United States Patent and Trademark Office

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### Record 1 out of 1

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#### Typed Drawing

**Word Mark** BUCKEYES  
**Goods and Services** IC 041. US 107. G & S: Providing College Sport Exhibition Events and Recreation Programs. FIRST USE: 18780501. FIRST USE IN COMMERCE: 18780501  
**Mark Drawing Code** (1) TYPED DRAWING  
**Serial Number** 73042963  
**Filing Date** January 29, 1975  
**Current Filing Basis** 1A  
**Original Filing Basis** 1A  
**Published for Opposition** September 2, 1975  
**Registration Number** 1152683  
**Registration Date** April 28, 1981  
**Owner** (REGISTRANT) Ohio State University, The institution OHIO 190 N. Oval Dr. Columbus OHIO 43210  
**Attorney of Record** Samantha M. Quimby  
**Type of Mark** SERVICE MARK  
**Register** PRINCIPAL  
**Affidavit Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20010717.  
**Renewal** 1ST RENEWAL 20010717  
**Live/Dead Indicator** LIVE

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**Serial Number:** 73042963 [Assignment Information](#)      [Trademark Document Retrieval](#)

**Registration Number:** 1152683

**Mark (words only):** BUCKEYES

**Standard Character claim:** No

**Current Status:** The registration has been renewed.

**Date of Status:** 2001-07-17

**Filing Date:** 1975-01-29

**Transformed into a National Application:** No

**Registration Date:** 1981-04-28

**Register:** Principal

**Law Office Assigned:** (NOT AVAILABLE)

**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](mailto:TrademarkAssistanceCenter@uspto.gov)**

**Current Location:** 40S -Scanning On Demand

**Date In Location:** 2008-02-26

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

---

1. Ohio State University, The

**Address:**

Ohio State University, The  
190 N. Oval Dr.  
Columbus, OH 43210  
United States

**Legal Entity Type:** institution

**State or Country Where Organized:** Ohio

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#### GOODS AND/OR SERVICES

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**International Class:** 041

**Class Status:** Active

Providing College Sport Exhibition Events and Recreation Programs

**Basis:** 1(a)

**First Use Date:** 1878-05-01

**First Use in Commerce Date:** 1878-05-01

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#### ADDITIONAL INFORMATION

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(NOT AVAILABLE)

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#### MADRID PROTOCOL INFORMATION

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(NOT AVAILABLE)

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#### PROSECUTION HISTORY

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

2011-04-26 - TEAS Section 8 & 9 Received

2010-11-15 - Notice Of Suit

2010-08-30 - Notice Of Suit

2008-02-26 - Case File In TICRS

2007-10-15 - Attorney Revoked And/Or Appointed

2007-10-15 - TEAS Revoke/Appoint Attorney Received

2007-08-07 - Attorney Revoked And/Or Appointed

2007-08-07 - TEAS Revoke/Appoint Attorney Received

2001-07-17 - First renewal 10 year

2001-07-17 - Section 8 (10-year) accepted/ Section 9 granted

2001-04-27 - Combined Section 8 (10-year)/Section 9 filed

1987-11-14 - Section 8 (6-year) accepted & Section 15 acknowledged

1987-04-21 - Section 8 (6-year) and Section 15 Filed

1981-04-28 - Registered - Principal Register

1980-11-17 - Opposition dismissed for Proceeding

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

Samantha M. Quimby

**Correspondent**

Samantha M. Quimby

FROST BROWN TODD LLC

10 WEST BROAD STREET

SUITE 2300

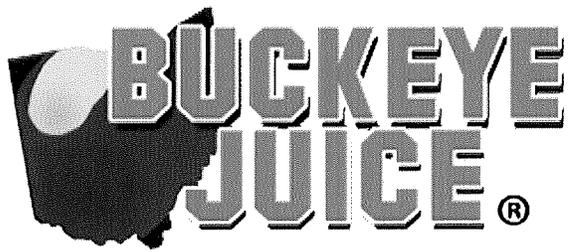
COLUMBUS OH 43215-3484

Phone Number: 614.559.7282

Fax Number: 614.464.1737

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## Exhibit 2



COMING  
SOON



Buckeye Juice Energy Drink

## Exhibit 3

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 Codes for other countries



### BuckeyeJuice

- *Name* [Buckeye Juice](#)
- *Location* [Columbus, OH-IO](#)
- *Web* <http://www.Buckey...>

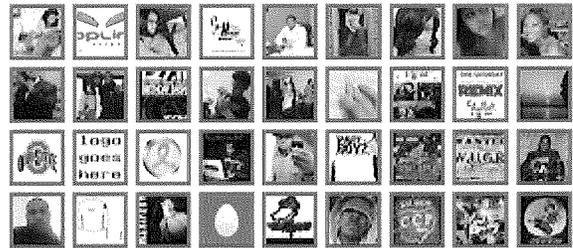
[202 Following](#) [85 Followers](#) [2 Listed](#)

1. RT [@BeShayBE](#) HUSTLERS HOLIDAY @ CLUB FUSION IS GOING DOWN JAN 7TH HOSTED BY [@JAYONNAFABRO](#) SPONSORED BY [@BUCKEYEJUICE](#) [@THAALLIANCEDJS](#) 1:34 PM Jan 6th via [HTC Peep](#)

- [70Tweets](#)
- [Favorites](#)

2. RT [@dommystyles](#) HUSTLERS HOLIDAY @ CLUB FUSION IS GOING DOWN JAN 7TH HOSTED BY [@JAYONNAFABRO](#) SPONSORED BY [@BUCKEYEJUICE](#) [@THAALLIANCEDJS](#) 8:36 AM Jan 4th via [HTC Peep](#)
3. RT [@dommystyles](#) HUSTLERS HOLIDAY @ CLUB FUSION IS GOING DOWN JAN 7TH HOSTED BY [@JAYONNAFABRO](#) SPONSORED BY [@BUCKEYEJUICE](#) [@THAALLIANCEDJS](#) 8:56 AM Jan 1st via [HTC Peep](#)
4. Happy holidays & Merry Christmas to you. 8:36 AM Dec 25th, 2010 via [HTC Peep](#)
5. Happy Solstice! 3:29 AM Dec 21st, 2010 via [HTC Peep](#)
6. 500 tickets still available to the [#SugarBowl](#). 3:28 AM Dec 21st, 2010 via [HTC Peep](#)
7. [bucksinsider](#) Urban Meyer Delivers Top Recruit to THE Ohio State Buckeyes: Little did we all know that when Urban Meyer resign... <http://bit.ly/fncruA> 7:48 AM Dec 18th, 2010 via [twitterfeed](#) Retweeted by [BuckeyeJuice](#) and 1 other
8. S/O to [@soleclassics](#) for hosting us during gallery hop. S/O to [@djkornbread](#) for keeping us rockin! 11:02 AM Dec 6th, 2010 via [HTC Peep](#)
9. Good day Columbus. Buckeye fans can root for their team in the upcoming Sugar Bowl against the Razorbacks in New Orleans. Congrats Bucks! 10:09 AM Dec 6th, 2010 via [HTC Peep](#)
10. S/O to all who participated in the Jingle Bell Run for Diabetes. Thanks for supporting research & advancements in treatment 4 our community 1:25 PM Dec 5th, 2010 via [HTC Peep](#)
11. Will be down @ gallery hop inside of Sole Classics today @ 4:30.Come down for a free taste & to support local talent. S/O to [@alliacedjs](#) 11:56 AM Dec 4th, 2010 via [HTC Peep](#)
12. RT[@10TV](#) RT[@Buckeyes10TV](#): Which OSU player had best individual season in 2010?Vote: <http://bit.ly/9x07i0> Results Sat on Wall To Wall Sports. 10:36 AM Dec 3rd, 2010 via [HTC Peep](#)
13. RT [@Power1075](#) Voted #1 25 & Up Event in Columbus Experience [#TheGrownLife](#) 4 Yourself Friday's [@ICON](#) [@Power1075](#) [@Flypapermag](#) [@konata365](#): 8:44 AM Dec 3rd, 2010 via [HTC Peep](#)
14. RT [@savethechildren](#) PLS RT: Kidfresh will donate 10 cents to [@SavetheChildren](#) for every

## Following



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- new “like” on their Facebook page! (ends 12/31)  
 8:43 AM Dec 3rd, 2010 via [HTC Peep](#)
15. RT [@ColsUnderground](#) Fun stuff to do this weekend: Get Right @ Skully's, North Market Craft Extravaganza, HolidayVille, Holiday Hop and more 8:39 AM Dec 3rd, 2010 via [HTC Peep](#)
  16. Hate gets you nowhere! 7:01 PM Dec 2nd, 2010 via [HTC Peep](#)
  17. Are you watching the big rivalry tonight? Are you a Cavalier fan or Learn fan? Talent vs allegiance, who ya wit? 6:46 PM Dec 2nd, 2010 via [HTC Peep](#)
  18. Will be @ Sole Classics during Gallery Hop on Saturday. Come down for a taste of the energy drink & CO's hottest hip-hop talent. Cya zoo. 10:38 AM Dec 2nd, 2010 via [HTC Peep](#)
  19. RT [@FirouzianDDS](#) We thought this was neat- Columbus, OH 5th Grader Collects 276 jars of Peanut Butter to send to Haiti.<http://bit.ly/ewQTNS> 9:40 AM Nov 29th, 2010 via [HTC Peep](#)
  20. RT [@DjKornbread](#) RT [@Djdboogie](#): Re-Do today at the Garage Bar All Vinyl Edition. 4-9pm. B.J. will be in the building. 8:11 AM Nov 28th, 2010 via [HTC Peep](#)

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Indonesia • 89887 AXIS, 3, Telkomsel

Ireland • 51210 O2

India • 53000 Bharti Airtel, Videocon

Jordan • 90903 Zain

New Zealand • 8987 Vodafone, Telecom NZ

United States • 40404 (any)

## Exhibit 4

Chat (11)

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Buckeye Juice has a special blend of b-vitamins. Designed to give you real energy, with no Jitters and no crash.

Information

About: Buckeye Juice has a special blend of b-vitamins. Designed to give you real energy, with no Jitters and no crash.

248 People Like This



Favorite Pages

1 Page See All



Tha Alliance DJs

Photos

2 of 5 albums See All



Ocean Bar 1/11 Created last Saturday



Time Traveling Created about a week ago

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Chat (11)

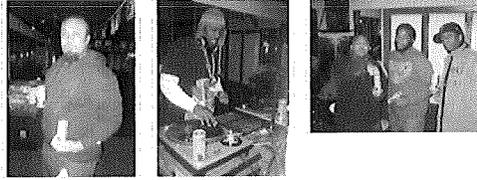
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**Buckeye Juice**



Ocean Bar 1/11  
5 new photos

January 15 at 3:23pm · Share



**Buckeye Juice Deon Of KleanKutz**



Time Traveling

January 14 at 12:32pm · Share



**Buckeye Juice**



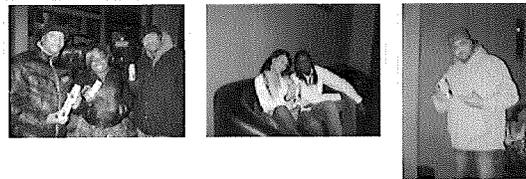
107.5 1/11  
8 new photos

January 13 at 3:15pm · Share

2 people like this.



**Buckeye Juice**



Jayonna Fabro Party 1/11  
16 new photos

January 9 at 7:32pm · Share

2 people like this.



**Buckeye Juice Ask for Buckeye Juice at your local retailers.**

October 29, 2010 at 9:27am

**RECENT ACTIVITY**

Buckeye Juice changed their Website.

Buckeye Juice edited their Website and Description.

Buckeye Juice changed their Description.

Buckeye Juice joined Facebook.

**Buckeye Juice has no more posts.**

Create an Ad

Connect With More Friends



Share the Facebook experience with more of your friends. Use our simple invite tools to start connecting.

More Ads

Facebook © 2011 English (US)  
Chat (11)

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Chat (13)

Search

Home Profile Find Friends Account

### Juice Buckeye

Add as Friend

Send Message

Lives in Columbus, Ohio

#### Wall



**J.g. TheJuggernaut**  
Big birthday S/O to my brother Jack Gibson aka Juice Buckeye.... y'all should try his energy drink .. its grrrrreatttt  
Saturday at 12:26pm · View Post



**J.g. TheJuggernaut**  
wants to wish a happy birthday to his Mother Sheila Washington (ladies, call your sons mother#\$\$ers and your kids will be like me and Juice Buckeye) LMAO!!!  
April 11 at 10:04pm · View Post

#### RECENT ACTIVITY

Buckeye and Graffiti Jones are now friends. · Like · Comment · Add Graffiti as Friend  
Buckeye and Tbone Jenkins are now friends. · Like · Comment · Add Tbone as Friend

#### RECENT ACTIVITY

Buckeye and Mark Alston are now friends. · Like · Comment · Add Mark as Friend  
Buckeye likes Nick "Afrozilla" Gaston. · Like This Page

#### RECENT ACTIVITY

Buckeye is now friends with Paul Williams and 3 other people.  
Buckeye is now friends with Chad Wise and 8 other people.



**Juice Buckeye**  
@BuckeyeJuice is now available @ Campus Corner, 1876 North High Street, Columbus, Ohio GET BUCKED UP!!!

February 18 at 4:56pm via HootSuite · Like · Comment

Queasha Anderson likes this.



**DjLil Man** I copped some yesterday at 14-0!  
February 18 at 6:30pm · Like · 1 person

Write a comment...



**Juice Buckeye**  
Buckeye Juice is now available @ Icon, 231 N. 5th st, Columbus, OH, S/O @IamBobbyFame

February 18 at 9:15am via HootSuite · Like · Comment



**Juice Buckeye**  
RT @Roy\_Suite143: Just threw back a @BuckeyeJuice. Better than Redbull. We'll have them @Suite143Lounge this Sat! ... http://tmi.me/6Vp9m

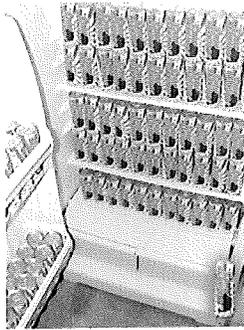
February 17 at 7:43pm via HootSuite · Like · Comment

#### RECENT ACTIVITY

Buckeye is now friends with Denev A. Durr and Timothy Carreker.  
Buckeye is now friends with Troy Sutton and 2 other people.



**Juice Buckeye**  
Buckeye Juice is now @ Suite 143 lounge, 303 S. 4th st., Columbus, OH . Thanks @Roy\_Suite143



Wall  
Info  
Friends

Friends (187)



Jennifer Griggs



Slank Slim CSCC



Peinda Sow Ohio State



Sheila Washington



Deon At Kleankutz Barbershop



Bigbro Gt



Roshawn Saunders



Nick Brown



Dommy Styles



Donte Moorer

Share Profile  
Report/Block This Person

#### Sponsored

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Olney Friends School  
olneyfriends.org



Want something more out of high school for your teen? Click to find out more about affordable Ohio boarding school.

Free for Women!  
women.getitfree.us



If you're an American women age 38-40 we need you! Companies ask us to deliver their free samples. Hundreds to choose from. Click Here!

#### Lookup Your Class



Look Up profiles from your high school class now. Reconnect with friends from high school today.

Beautifying Neck exercise  
neckperfect.com



By preventing the formation of double chins & unsightly neck-folds you can look younger always. 2 mins a day! Results visible & tested.

Chat (13)

February 16 at 1:20pm via HootSuite · Like · Comment

2 people like this.



Unique Collins Congrats fam  
February 16 at 3:20pm · Like

Write a comment...



Juice Buckeye  
S/O to @buzzincolumbus our latest follower

February 16 at 9:49am via HootSuite · Like · Comment



Juice Buckeye  
S/O to our newest twitter follower @ColumbusDaily . GET BUCKED UP!

February 16 at 9:42am via HootSuite · Like · Comment

Sheila Washington likes this.

Write a comment...



Juice Buckeye  
S/O to @BeShayBE for putting us on to Hoot Suite!!!

February 15 at 6:49pm via HootSuite · Like · Comment



Juice Buckeye  
Buckeye Juice is now available @ Tobacco 4 Less, 2410 N. High st., Columbus, OH 43202

February 15 at 3:05pm via Mobile Web · Like · Comment

5 people like this.

Write a comment...

RECENT ACTIVITY

Buckeye and JaVay PacMan Cox are now friends. · Like · Comment · Add JaVay as Friend



Juice Buckeye  
Buckeye Juice is now available at North Campus Food Mart, 2424 N. High st., Columbus, OH

February 15 at 3:02pm via Mobile Web · Like · Comment

5 people like this.

Write a comment...



Juice Buckeye  
Buckeye Juice Is now available @ Campus Liquor Store, 465 North High Street Columbus, OH 43202-2987

February 14 at 4:59pm via HootSuite · Like · Comment

4 people like this.



Helenor Wade Congats on the accomplishment... Stay wit it  
February 14 at 6:26pm · Like



Tiffany Griffith Congrats!!! Look at you...I remember when this was all in the works. I'm glad to see all of the hard work in paying off.  
February 14 at 6:59pm · Like

Write a comment...

Chat (13)



Juice Buckeye

Get cases of Buckeye Juice Delivered to you, just in time for the Super Bowl! Only \$25 Per Case. This offer is for 1 day Only, while supplies last. Inbox for Details!!!

February 5 at 1:27pm · Like · Comment

RECENT ACTIVITY

Buckeye is now friends with Lisa Pryor and 8 other people.

Buckeye likes HootSuite. · Like This Page

RECENT ACTIVITY

Buckeye likes Butch Reynolds and Buckeye Juice.

Buckeye is now friends with DjLil Man and 2 other people.

Buckeye and Ro Tha Realest are now friends. · Like · Comment · Add Ro Tha as Friend

Buckeye is now friends with Maegan Belle and 5 other people.

RECENT ACTIVITY

Buckeye is now friends with Charles Stewart and 6 other people.

Buckeye likes Lazy Cakes. · Like This Page

Buckeye is now friends with Jenna Johnson and 8 other people.

RECENT ACTIVITY

Buckeye is now friends with Hersheb Everybodysweetheart Smiff and 7 other people.

Buckeye is now friends with Rickiesha March and 10 other people.

RECENT ACTIVITY

Buckeye likes Middle West Spirits and Tha Alliance DJs.

Buckeye is now friends with Erica Garbe and 8 other people.

Buckeye is now friends with Whatwetalkinbout Hankton and 8 other people.

Buckeye changed their profile picture.

Buckeye likes Small Business Beanstalk and Elementz: The Hip Hop Youth Arts Center.

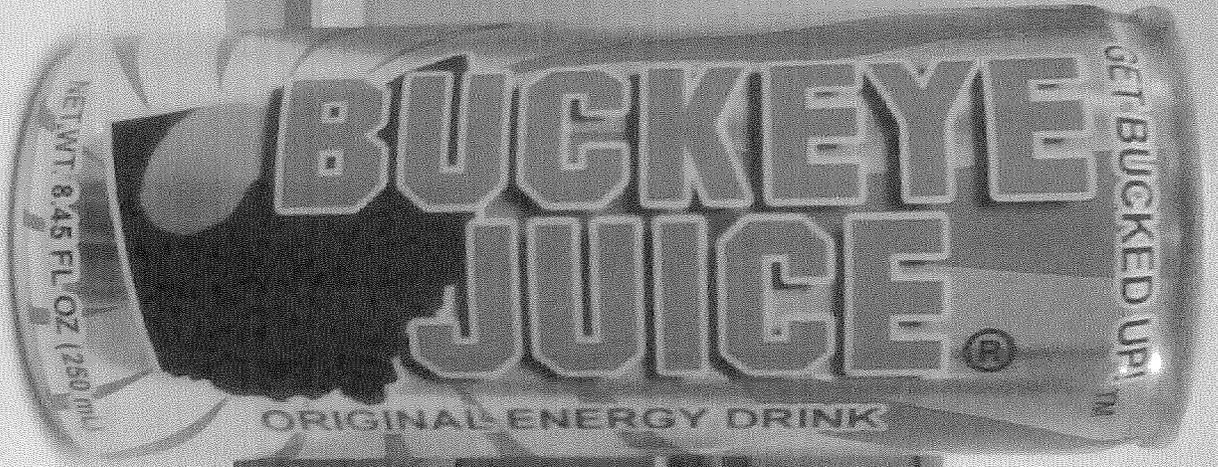
Buckeye is now friends with Kisha Smith and 7 other people.

Buckeye likes Buckeye Juice. · Like This Page

Buckeye is now friends with Vicky Caslin and 10 other people.

Older Posts

## Exhibit 5



NET WT. 8.45 FL OZ (250 ml)

**BUCKEYE  
JUICE**®

ORIGINAL ENERGY DRINK

GET BUCKED UP!™



GET BUCKKED UP!

BUCK

ENERGY DRINK

Warning: May cause one  
to yell "O-H!" and/or "I-O"  
uncontrollably. Some may  
experience disgust at the  
sight of the colors maroon  
and blue

Play Hard,  
Play Long!!!