

ESTTA Tracking number: **ESTTA409135**

Filing date: **05/13/2011**

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	Stokely-Van Camp, Inc.
Granted to Date of previous extension	06/01/2011
Address	555 West Monroe Street Chicago, IL 60661 UNITED STATES

Correspondence information	Antony J. McShane c/o Trademark Administrator Neal, Gerber & Eisenberg LLP Two North LaSalle Street, Suite 1700 Chicago, IL 60602-3801 UNITED STATES amcshane@ngelaw.com, cjasso@ngelaw.com, lmiller@ngelaw.com, knye@ngelaw.com Phone:312-269-8000
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**Applicant Information**

Application No	85107806	Publication date	02/01/2011
Opposition Filing Date	05/13/2011	Opposition Period Ends	06/01/2011
Applicant	Caudle, Charles P. 17315 De Chirico Circle Spring, TX 77379 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 005. All goods and services in the class are opposed, namely: Dietary supplement beverage for energy, promoting digestion and hydration
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**Grounds for Opposition**

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

**Marks Cited by Opposer as Basis for Opposition**

U.S. Registration No.	848245	Application Date	09/21/1967
Registration Date	04/30/1968	Foreign Priority	NONE

		Date	
Word Mark	GATORADE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U045 (International Class 032). First use: First Use: 1967/03/01 First Use In Commerce: 1967/08/30 FRUIT FLAVORED SOFT DRINK AND POWDER FOR MAKING THE SAME		

U.S. Registration No.	1229701	Application Date	03/10/1982
Registration Date	03/08/1983	Foreign Priority Date	NONE
Word Mark	GATORADE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1970/08/00 First Use In Commerce: 1970/08/00 Pens, Decalomanias, Playing Cards Class 018. First use: First Use: 1980/02/00 First Use In Commerce: 1980/02/00 Umbrellas Class 021. First use: First Use: 1973/02/00 First Use In Commerce: 1973/02/00 Beverage Coolers, Glass Beverageware, Paper Cups, Insulated Glass Holders, Plastic Beverage Bottles Class 025. First use: First Use: 1973/04/00 First Use In Commerce: 1973/04/00 Sport Shirts, Hats, Sweatbands Class 026. First use: First Use: 1970/08/00 First Use In Commerce: 1970/08/00 Embroidered Patches for Clothing		

U.S. Registration No.	1410822	Application Date	01/21/1986
Registration Date	09/23/1986	Foreign Priority Date	NONE
Word Mark	GATORADE THIRST QUENCHER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 1973/00/00 First Use In Commerce: 1973/00/00 THIRST QUENCHING SOFT DRINK AND POWDER FOR MAKING THE SAME		

U.S. Registration No.	1605457	Application Date	11/14/1989
Registration Date	07/10/1990	Foreign Priority Date	NONE
Word Mark	GATORADE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 014. First use: First Use: 1970/08/00 First Use In Commerce: 1970/08/00 WATCHES</p> <p>Class 018. First use: First Use: 1970/08/00 First Use In Commerce: 1970/08/00 TOTE BAGS, GARMENT BAGS, DUFFLE BAGS AND LUGGAGE</p> <p>Class 021. First use: First Use: 1970/08/00 First Use In Commerce: 1970/08/00 PORTABLE BEVERAGE DISPENSERS AND ICE CHESTS</p> <p>Class 024. First use: First Use: 1970/08/00 First Use In Commerce: 1970/08/00 TOWELS</p> <p>Class 025. First use: First Use: 1970/08/00 First Use In Commerce: 1970/08/00 JACKETS, PULLOVERS, SHORTS, SHIRTS, SWEATERS, VISORS, SWEATPANTS, SWEATSHIRTS, SWEATSHORTS, SWEATSUITS AND T-SHIRTS</p> <p>Class 028. First use: First Use: 1970/08/00 First Use In Commerce: 1970/08/00 GOLF BAGS, GOLF BALLS AND HEAD COVERS FOR GOLF CLUBS</p>		

U.S. Registration No.	1663400	Application Date	06/28/1990
Registration Date	11/05/1991	Foreign Priority Date	NONE
Word Mark	THE SCIENCE OF GATORADE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 016. First use: First Use: 1989/03/00 First Use In Commerce: 1989/03/00 leaflets, pamphlets and brochures relating to topics in exercise, nutrition and sports medicine</p> <p>Class 041. First use: First Use: 1989/03/00 First Use In Commerce: 1989/03/00 educational services; namely, conducting classes and seminars in the fields of exercise, nutrition, and sports medicine</p>		

U.S. Registration No.	1714014	Application Date	11/20/1991
Registration Date	09/08/1992	Foreign Priority Date	NONE
Word Mark	GATORADE		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 032. First use: First Use: 1991/05/01 First Use In Commerce: 1991/05/01 thirst quenching soft drinks

U.S. Registration No.	1905547	Application Date	04/26/1994
Registration Date	07/18/1995	Foreign Priority Date	NONE
Word Mark	GATORADE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 011. First use: First Use: 1991/12/31 First Use In Commerce: 1991/12/31 electric coolers in the nature of refrigeration units for commercial use		

U.S. Registration No.	2129891	Application Date	06/14/1996
Registration Date	01/20/1998	Foreign Priority Date	NONE
Word Mark	GATORADE		
Design Mark			
Description of Mark	The mark consists of the design of a bottle.		
Goods/Services	Class 032. First use: First Use: 1992/03/15 First Use In Commerce: 1992/03/15 non-alcoholic, non-carbonated beverages		

U.S. Registration No.	2444386	Application Date	04/04/2000
Registration Date	04/17/2001	Foreign Priority	NONE

		Date	
Word Mark	GATORADE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 2000/02/07 First Use In Commerce: 2000/02/07 Grain-based food bars		

U.S. Registration No.	2444436	Application Date	04/18/2000
Registration Date	04/17/2001	Foreign Priority Date	NONE
Word Mark	GATORADE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 2000/02/07 First Use In Commerce: 2000/02/07 Grain-based food bars		

U.S. Registration No.	2599493	Application Date	07/20/2000
Registration Date	07/23/2002	Foreign Priority Date	NONE
Word Mark	GATOR LYLES		

Design Mark	GATOR LYTES		
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2000/09/01 First Use In Commerce: 2000/09/01 Electrolyte replacement powder		

U.S. Registration No.	2637355	Application Date	12/07/2000
Registration Date	10/15/2002	Foreign Priority Date	NONE
Word Mark	GATORADE PERFORMANCE SERIES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 2001/07/01 First Use In Commerce: 2001/07/01 Non-alcoholic, non-carbonated sports drinks		

U.S. Registration No.	2688862	Application Date	06/03/2002
Registration Date	02/18/2003	Foreign Priority Date	NONE
Word Mark	GATORADE PERFORMANCE SERIES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2001/07/01 First Use In Commerce: 2001/07/01 sports nutrition supplement		

U.S. Registration No.	3054733	Application Date	02/04/2005
Registration Date	01/31/2006	Foreign Priority Date	NONE
Word Mark	GATORADE ENDURANCE FORMULA		

Design Mark	
Description of Mark	The mark consists of The mark consist of the word GATORADE with a Lightning Bolt Design, the words ENDURANCE FORMULA and a segmented circle.
Goods/Services	Class 032. First use: First Use: 2004/11/30 First Use In Commerce: 2004/11/30 Non-alcoholic, non-carbonated fruit flavored drink

U.S. Registration No.	3181037	Application Date	05/25/2006
Registration Date	12/05/2006	Foreign Priority Date	NONE

Word Mark	GATORADE
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Design Mark	
Description of Mark	The mark consists of a stylized lightning bolt design and the word GATORADE.

Goods/Services	<p>Class 018. First use: First Use: 2003/12/30 First Use In Commerce: 2003/12/30 Umbrellas, tote bags, garment bags for travel, duffel bags, luggage, briefcases, and fanny packs</p> <p>Class 021. First use: First Use: 2003/12/30 First Use In Commerce: 2003/12/30 Portable beverage dispensers, portable ice chests for food and beverages, portable beverage coolers, glass and plastic beverage ware, paper cups, insulating sleeve holders made of glass for holding beverage cans and plastic beverage bottles sold empty</p> <p>Class 025. First use: First Use: 2003/12/30 First Use In Commerce: 2003/12/30 Sport shirts, hats, sweatbands, jackets, pullovers, shorts, shirts, sweaters, sweatpants, sweatshirts, sweatshorts, sweatsuits, t-shirts, and visors</p> <p>Class 028. First use: First Use: 2003/12/30 First Use In Commerce: 2003/12/30 beach balls, golf bags, golf balls, head covers for golf clubs; and other sports apparatus, namely baseballs, soccer balls, basketballs and hockey pucks</p>
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U.S. Registration No.	3454836	Application Date	03/27/2007
Registration Date	06/24/2008	Foreign Priority	NONE

		Date	
Word Mark	GATORADE SPORTS SCIENCE INSTITUTE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2007/04/30 First Use In Commerce: 2007/04/30 Educational services, namely, classes, seminars, conferences and workshops in the field of exercise, science and sports medicine		

U.S. Registration No.	3659283	Application Date	10/03/2008
Registration Date	07/21/2009	Foreign Priority Date	NONE
Word Mark	GATORADE G		
Design Mark			
Description of Mark	The mark consists of the word "GATORADE", the letter "G" containing a stylized lightning bolt design.		
Goods/Services	Class 032. First use: First Use: 2009/01/30 First Use In Commerce: 2009/01/30 Non-alcoholic, non-carbonated fruit flavored beverages		

U.S. Registration No.	3681221	Application Date	09/02/2008
Registration Date	09/08/2009	Foreign Priority Date	NONE
Word Mark	GATORADE		

Design Mark	<h1>GATORADE</h1>		
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2009/01/30 First Use In Commerce: 2009/01/30 non-alcoholic, vitamin and/or nutritionally fortified fruit-flavored beverages		

U.S. Registration No.	3801119	Application Date	09/14/2009
Registration Date	06/08/2010	Foreign Priority Date	NONE
Word Mark	GATORADE PRIME 01		
Design Mark	<h1>GATORADE PRIME 01</h1>		
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 2010/03/05 First Use In Commerce: 2010/03/05 Fruit flavored sports beverages, namely, non-alcoholic fruit flavored beverages containing vitamins and/or nutrients and/or protein and liquid energy shots, namely, energy drinks sold in shot form		

U.S. Registration No.	3801120	Application Date	09/14/2009
Registration Date	06/08/2010	Foreign Priority Date	NONE
Word Mark	GATORADE PERFORM 02		

Design Mark	<b>GATORADE PERFORM 02</b>		
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 2010/03/05 First Use In Commerce: 2010/03/05 Non-alcoholic, non-carbonated fruit flavored beverages		

U.S. Registration No.	3801121	Application Date	09/14/2009
Registration Date	06/08/2010	Foreign Priority Date	NONE
Word Mark	GATORADE RECOVER 03		
Design Mark	<b>GATORADE RECOVER 03</b>		
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 2010/04/05 First Use In Commerce: 2010/04/05 Non-alcoholic, non-carbonated fruit flavored beverages		

U.S. Registration No.	3838892	Application Date	05/14/2009
Registration Date	08/24/2010	Foreign Priority Date	NONE
Word Mark	GATORADE PRIME		

Design Mark	<b>GATORADE PRIME</b>		
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 2010/03/31 First Use In Commerce: 2010/03/31 Fruit flavored beverages, namely, non-alcoholic fruit flavored beverages containing vitamins and/or nutrients and/or protein		

U.S. Registration No.	3831889	Application Date	02/08/2010
Registration Date	08/10/2010	Foreign Priority Date	NONE
Word Mark	GATORADE PERFORM		
Design Mark	<b>GATORADE PERFORM</b>		
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 2010/02/05 First Use In Commerce: 2010/02/05 Non-alcoholic, non-carbonated fruit flavored beverages		

U.S. Registration No.	3874932	Application Date	02/08/2010
Registration Date	11/09/2010	Foreign Priority Date	NONE
Word Mark	GATORADE RECOVER		

Design Mark	<b>GATORADE RECOVER</b>
Description of Mark	NONE
Goods/Services	Class 032. First use: First Use: 2010/03/30 First Use In Commerce: 2010/03/30 Non-alcoholic, fruit-flavored beverages containing proteins

Attachments	<p>GREATORADE Notice of Opposition.pdf ( 8 pages )(247161 bytes )  73578744#TMSN.jpeg ( 1 page )( bytes )  74223452#TMSN.gif ( 1 page )( bytes )  75121479#TMSN.gif ( 1 page )( bytes )  76017675#TMSN.gif ( 1 page )( bytes )  76028685#TMSN.gif ( 1 page )( bytes )  78017698#TMSN.gif ( 1 page )( bytes )  78560569#TMSN.jpeg ( 1 page )( bytes )  78892601#TMSN.jpeg ( 1 page )( bytes )  77141125#TMSN.jpeg ( 1 page )( bytes )  77584833#TMSN.jpeg ( 1 page )( bytes )  77560576#TMSN.jpeg ( 1 page )( bytes )  77825593#TMSN.jpeg ( 1 page )( bytes )  77825594#TMSN.jpeg ( 1 page )( bytes )  77825596#TMSN.jpeg ( 1 page )( bytes )  77737212#TMSN.jpeg ( 1 page )( bytes )  77930656#TMSN.jpeg ( 1 page )( bytes )  77930735#TMSN.jpeg ( 1 page )( bytes )</p>
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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	/Antony J. McShane/
Name	Antony J. McShane
Date	05/13/2011

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

In the Matter of Application )  
Serial No.: 85/107,806 )  
 )  
Stokely-Van Camp, Inc. )  
 )  
 )  
Opposer, )  
v. )  
 )  
Charles P. Caudle, )  
 )  
 )  
Applicant. )

**NOTICE OF OPPOSITION**

This Notice of Opposition is submitted in the matter of Application Serial No. 85/107,806 for registration by Charles P. Caudle of the term GREATERADE based upon his intent to use that term in connection with a dietary supplement beverage for energy, promoting digestion and hydration in International Class 5. Stokely-Van Camp, Inc., an Indiana Corporation, having a place of business at 555 West Monroe Street, Chicago, Illinois 60661, believes that it would be damaged by the registration of the aforesaid mark, and therefore opposes the same.

The grounds for Opposition herein are as follows:

1. For many decades, and long before to the acts of Applicant alleged herein, Stokely-Van Camp, Inc. ("Stokely"), has been engaged, *inter alia*, in the manufacturing, marketing, distributing, and selling throughout the United States of a variety of food, beverage and nutritional products.

2. Since 1967, Stokely has developed, manufactured, marketed, distributed and sold fruit flavored beverages, in ready-to-drink and powdered form, under the trademark GATORADE. These beverages have primarily been targeted to consumers involved with sports

who are looking for a drink to satisfy their hydration and energy needs. Since 1967, Stokely has devoted substantial resources, time and effort to marketing, promoting and distributing its GATORADE branded beverages. As a result, Stokely has developed considerable recognition and goodwill in the GATORADE mark, which is now widely recognized as signifying Stokely and its goods, and which is now considered to be among Stokely's most valuable assets.

3. To protect its valuable rights, Stokely has obtained a registration from the United States Patent and Trademark Office ("USPTO") for the mark GATORADE for use with soft drinks, namely Registration No. 848,245, which was issued on April 30, 1968, and which is now incontestable pursuant to 15 U.S.C. § 1065.

4. Since its first use and registration of the GATORADE mark, Stokely has developed, marketed and distributed additional beverages, a variety of foods, nutritional supplements and other products under the GATORADE marks. Similarly, Stokely has also marketed and distributed such products under trademarks derived from and comprising the mark GATORADE. Stokely has also sought and been issued federal trademark protection for such trademarks for such goods, including, among many others, the following registrations for the following marks and associated goods:

<u>Mark</u>	<u>Goods</u>	<u>Registration No.</u>	<u>Registration Date</u>
GATORADE	Pens, decalomanias, playing cards, umbrellas; beverage coolers, glass beverageware, paper cups, insulated glass holders, plastic beverage bottles, sport shirts, hats, and sweatbands	1,229,701	March 8, 1983

<u>Mark</u>	<u>Goods</u>	<u>Registration No.</u>	<u>Registration Date</u>
GATORADE THIRST QUENCHER & Design	Thirst quenching soft drink and powder for making the same	1,410,822	September 23, 1986
GATORADE	Watches, tote bags, garment bags, duffle bags, luggage, portable beverage dispensers and ice chests, towels, jackets, pullovers, shorts, shirts, sweaters, visors, sweatpants, sweatshirts, sweatshorts, sweatsuits and t-shirts, golf bags, golf balls, and head covers for golf clubs	1,605,457	July 10, 1990
THE SCIENCE OF GATORADE	Leaflets, pamphlets and brochures relating to topics in exercise, nutrition and sports medicine, educational services, namely, conducting classes and seminars in the fields of exercise, nutrition, and sports medicine	1,663,400	November 5, 1991
GATORADE & Design	Thirst quenching soft drinks	1,714,014	September 8, 1992
GATORADE	Electric coolers in the nature of refrigeration units for commercial use	1,905,547	July 18, 1995
GATORADE & Design	Non-alcoholic, non-carbonated beverages	2,129,891	January 20, 1998
GATORADE and Design	Grain-based food bars	2,444,386	April 17, 2001
GATORADE	Grain-based food bars	2,444,436	April 17, 2001

<u>Mark</u>	<u>Goods</u>	<u>Registration No.</u>	<u>Registration Date</u>
GATOR LYTRES	Electrolyte replacement powder	2,599,493	July 23, 2002
GATORADE PERFORMANCE SERIES	Non-alcoholic, non-carbonated sports drinks	2,637,355	October 15, 2002
GATORADE PERFORMANCE SERIES	Sports nutrition supplement	2,688,862	February 18, 2003
GATORADE ENDURANCE FORMULA and Design	Non-alcoholic, non-carbonated fruit flavored drink	3,054,733	January 31, 2006
GATORADE and Design	Umbrellas, tote bags, garment bags for travel, duffle bags, luggage, briefcases, and fanny packs, portable beverage dispensers, portable ice chests for food and beverages, portable beverage coolers, glass and plastic beverage ware, sport shirts, hats, sweatbands, jackets, pullovers, shorts, shirts, sweaters, sweatpants, beach balls, golf bags, golf balls, and head covers for golf clubs	3,181,037	December 5, 2006
GATORADE SPORTS SCIENCE INSTITUTE & Design	Educational Services, namely, classes, seminars, conferences and workshops in the field of exercise, science and sports medicine	3,454,836	June 24, 2008

<u>Mark</u>	<u>Goods</u>	<u>Registration No.</u>	<u>Registration Date</u>
GATORADE G & Design	Non-carbonated, non-alcoholic fruit-flavored drinks	3,659,283	July 21, 2009
GATORADE	Non-alcoholic, vitamin and/or nutritionally fortified fruit-flavored beverages	3,681,221	September 8, 2009
GATORADE PRIME 01	Non-alcoholic fruit flavored beverages containing vitamins, nutrients and/or protein	3,801,119	June 8, 2010
GATORADE PERFORM 02	Non-alcoholic, non-carbonated fruit flavored beverages	3,801,120	June 8, 2010
GATORADE RECOVER 03	Non-alcoholic, non-carbonated fruit flavored beverages	3,801,121	June 8, 2010
GATORADE PRIME	Non-alcoholic fruit flavored beverages containing vitamins, nutrients and/or protein	3,838,892	August 24, 2010
GATORADE PERFORM	Non-alcoholic, non-carbonated fruit flavored beverages	3,831,889	August 10, 2010
GATORADE RECOVER	Non-alcoholic fruit beverages containing proteins	3,874,932	November 9, 2010

Collectively, these marks reflect a broad family of GATORADE marks (the “Family of GATORADE Marks”).

5. Through Stokely’s long, extensive and continuous use of its GATORADE mark and its Family of GATORADE Marks, the public has come to recognize the GATORADE mark and the Family of GATORADE Marks as being uniquely associated with Stokely. Stokely has

developed, at great effort and expense, exceedingly valuable goodwill with respect to the GATORADE mark and the Family of GATORADE Marks, and in particular with respect to its GATORADE mark for sports drinks and nutritional supplements.

6. As a result of the foregoing, the GATORADE mark, and the Family of GATORADE Marks, are famous marks, within the meaning of 15 U.S.C. § 1125(c)(2).

7. On August 15, 2010, long after Stokely began using the GATORADE mark and its Family of GATORADE Marks, Applicant filed an application to register the term GREATERADE based upon his intent to use the term in connection with a “dietary supplement beverage for energy, promoting digestion and hydration,” in International Class 5, Serial No. 85/107,806. Applicant’s application was published on February 1, 2011.

8. As a result of the similarity of the parties’ marks, the similarity of the goods associated with the marks, and the strength of Stokely’s GATORADE mark and Family of GATORADE Marks, Applicant’s use and registration of the GREATERADE mark is likely to cause confusion or mistake, or to deceive purchasers, in that purchasers would be likely to believe Applicant’s goods are Stokely’s goods, or are in some way legitimately connected with, sponsored by, or approved by Stokely, in violation of 15 U.S.C. § 1052(d) and § 1125.

9. Applicant’s use and registration of the GREATERADE mark is also likely to cause dilution of Stokely’s GATORADE mark and Family of GATORADE Marks by impairing the distinctiveness of the marks and by harming the reputation of the marks, in violation of 15 U.S.C. § 1125(c).

10. Registration of the mark GREATERADE would give Applicant an unqualified right to wrongfully appropriate Stokely’s valuable goodwill and reputation associated with its GATORADE mark and its Family of GATORADE Marks, to benefit from the likely confusion

among purchasers led to believe that Applicant's goods are offered, sponsored, endorsed or legitimately associated with Stokely, to dilute the distinctiveness of the GATORADE mark and Family of GATORADE Marks and harm Stokely's goodwill and reputation associated with the GATORADE mark and Family of GATORADE Marks, to tarnish Stokely's good name by offering confusingly similar goods not subject to Stokely's quality controls, and to restrict the natural growth of Stokely's GATORADE mark and the Family of GATORADE Marks.

WHEREFORE, Stokely requests that the registration sought by Applicant be refused and that this Notice of Opposition be sustained.

Respectfully submitted,

Date: May 13, 2011

By:           /Antony J. McShane/            
One of the Attorneys for  
Stokely Van-Camp, Inc.

Antony J. McShane  
Katherine Dennis Nye  
Neal, Gerber & Eisenberg  
Two North LaSalle Street  
Chicago, Illinois 60602-3801  
(312) 269-8000

**CERTIFICATE OF SERVICE**

I, Katherine Dennis Nye, state that I served a copy of the foregoing Notice of Opposition

upon:

Charles P. Caudle  
17315 De Chirico Circle  
Spring, Texas 77379

via First Class U.S. Mail on May 13, 2011.

/Katherine Dennis Nye/  
Katherine Dennis Nye