

ESTTA Tracking number: **ESTTA548489**

Filing date: **07/15/2013**

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

Proceeding	91208003
Party	Plaintiff Red Bull GmbH
Correspondence Address	Martin R. Greenstein TechMark a Law Corporation 4820 Harwood Road, 2nd Floor San Jose, CA 95124 UNITED STATES MRG@TechMark.com, LZH@TechMark.com, MPV@TechMark.com, AMR@TechMark.com
Submission	Motion to Amend Pleading/Amended Pleading
Filer's Name	Leah Z Halpert
Filer's e-mail	MRG@TechMark.com, LZH@TechMark.com, AMR@TechMark.com
Signature	/Leah Z Halpert/
Date	07/15/2013
Attachments	Michael Ball RED Appls-91208003-Amended Cons Notice of Opp.pdf(147823 bytes)

2. Opposer, Red Bull, is the owner of the corporate name, trade name and trademark RED BULL, having used said name, mark and logo continuously in interstate commerce on and in connection with its beverages, energy drinks, sports drinks, soft drinks, carbonated beverages, and various other products and services related or complementary thereto, since long prior to the August 18, 2011 and August 24, 2011 filing dates of **Applicant's Opposed Marks**.

3. Opposer Red Bull is the owner of the valid and subsisting U.S. Trademark Reg. No. 3,939,863 for the wordmark RED, which was registered on the Principal Register on April 5, 2011, and currently covers "*energy drinks and soft drinks*" in Int'l Class 32. A copy of the TSDR record for this registration showing current status and title is attached hereto in Exhibit 1.

4. Opposer Red Bull is the owner of the valid and subsisting U.S. Trademark Reg. No. 2,494,093 for the wordmark RED BULL, which was registered on the Principal Register on October 2, 2001, and currently covers, in relevant part, "*soft drinks; and sports drinks*" in Int'l Class 32. Reg. No. 2,494,093 was duly renewed under Sec 8 & 9 of the Trademark Act on November 23, 2011, and a Sec. 15 Declaration of Incontestability was acknowledged in relation to, *inter alia*, the relevant goods above on December 29, 2012. A copy of the TSDR record for this registration showing current status and title is attached hereto in Exhibit 1.

5. Opposer Red Bull is the owner of the valid and subsisting U.S. Trademark Reg. No. 3,092,197 for the wordmark RED BULL, which was registered on the Principal Register on May 16, 2006, and currently covers "*Non-alcoholic beverages, namely energy drinks and hypertonic drinks*" in Int'l Class 32. A combined Sec 8 & 15 declaration of use and incontestability was accepted and acknowledged for Reg. No. 3,092,197 on March 10, 2012. A copy of the TSDR record for this registration showing current status and title is attached hereto in Exhibit 1.

6. Opposer Red Bull is also the owner of various common law rights for the trademarks RED, RED BULL, and other marks for or incorporating the words RED and RED

BULL for various goods and services, all of which, in addition to the above three U.S. Trademark Registrations are hereinafter collectively referred to herein as Red Bull's **RED and RED BULL Marks**.

7. Red Bull's various **RED and RED BULL Marks** have been used continuously in interstate commerce on and in connection with its various products and services since long prior to the August 18, 2011 and August 24, 2011 filing dates of **Applicant's Opposed Marks**.

8. Red Bull's various **RED and RED BULL Marks**, all of which include the word RED, have become valuable assets of Opposer Red Bull, identifying its beverages, energy drinks, sports drinks, soft drinks, carbonated beverages, and various other products and services related or complementary thereto, and distinguishing Red Bull's products and services from the products and services of others.

9. Red Bull's **RED and RED BULL Marks** are extensively advertised in the United States and throughout the world, and have appeared on or in relation to products, product packaging, point-of-sale displays and other promotional materials for products sold, offered and advertised, and/or have been used in connection with beverages, energy drinks, sports drinks, soft drinks, carbonated beverages, and various other products and services related or complementary thereto, advertised, offered, conducted and/or promoted in the United States and throughout the world.

10. In 2012 alone, sales of Opposer Red Bull's beverages, energy drinks, sports drinks, soft drinks, and carbonated beverages worldwide exceeded 5.2 billion units, with over 1.9 billion units sold in the United States. As a result of the enormous success and sales of Red Bull's beverages, energy drinks, sports drinks, soft drinks, and carbonated beverages and of the extensive advertising and promotion of the **RED and RED BULL Marks** and products in the United States and throughout the world, Red Bull's **RED and RED BULL Marks** have become famous marks, and are recognized in the United States and elsewhere as such.

11. Applicant Michael F. Ball (“Applicant”) filed Appln. No. 85/400,933 on August 18, 2011, for the trademark +RED DETOX ELIXIR based on an intent to use the mark in commerce on the Int. Class 32 goods set forth in said application, namely “Non-alcoholic beverages, namely, carbonated beverages”. Appln. No. 85/400,933 was published for opposition on July 17, 2012.

12. Applicant filed Appln. No. 85/400,941 on August 18, 2011, for the trademark +RED DREAM ELIXIR based on an intent to use the mark in commerce on the Int. Class 32 goods set forth in said application, namely “Non-alcoholic beverages, namely, carbonated beverages”. Appln. No. 85/400,941 was published for opposition on July 17, 2012.

13. Applicant filed Appln. No. 85/400,955 on August 18, 2011, for the trademark +RED SUN REPAIR ELIXIR based on an intent to use the mark in commerce on the Int. Class 32 goods set forth in said application, namely “Non-alcoholic beverages, namely, carbonated beverages”. Appln. No. 85/400,955 was published for opposition on July 17, 2012.

14. Applicant filed Appln. No. 85/406,652 on August 24, 2011, for the trademark +RED RESCUE ELIXIR based on an intent to use the mark in commerce on the Int. Class 32 goods set forth in said application, namely “Non-alcoholic beverages, namely, carbonated beverages”. Appln. No. 85/406,652 was published for opposition on July 17, 2012.

15. According to the USPTO records, Applicant is an individual whose address is listed as 145 Channel Pointe Mall, Marina Del Rey, CA 90292.

Claim 1: Likelihood of Confusion under Sec. 2(d) of the Trademark Act

16. Opposer repeats and realleges each and every allegation contained in paragraphs 1-15, inclusive, as if fully recited in this paragraph.

17. **Applicant’s Opposed Marks** so resemble Opposer Red Bull’s **RED and RED BULL Marks** as to be likely, when applied to the goods of Applicant’s Appln. Nos. 85/400,933,

85/400,941, 85/400,955, and 85/406,652, to cause confusion, mistake or deception among purchasers, users, and the public, thereby damaging Red Bull.

18. The goods on which Applicant asserts a bona fide intent to use **Applicant's Opposed Marks** are identical or very similar to, used for the same or similar purposes, and/or are or will be advertised and promoted to and directed at the same trade channels, the same purchasers, and are or will be used in the same environment as Opposer Red Bull's products and related goods and services.

19. Simultaneous use of **Applicant's Opposed Marks** on the goods set forth in Appln. Nos. 85/400,933, 85/400,941, 85/400,955, and 85/406,652, and Opposer Red Bull's **RED and RED BULL Marks** on its goods and related services as set forth above is likely to cause confusion, mistake or deception among purchasers, users, and the public, thereby damaging Red Bull.

20. Use by Applicant of **Applicant's Opposed Marks** on the goods set forth in Appln. Nos. 85/400,933, 85/400,941, 85/400,955, and 85/406,652 is likely to lead to the mistaken belief that Applicant's products are sponsored by, affiliated with, approved by or otherwise emanate from Opposer Red Bull, thereby damaging Red Bull.

21. Upon information and belief, Applicant knew or should have known of Red Bull's prior adoption and use of its **RED and RED BULL Marks**, and therefore could not have formed the requisite good faith belief that Applicant is the owner of **Applicant's Opposed Marks**, and that no other person, firm, corporation or association has the right to use said marks in commerce, and consequently knew that such use is and would be in derogation and violation of Red Bull's rights.

Wherefore, Red Bull requests that registration of the marks sought to be registered herein, +RED DETOX ELIXIR of Appln. No. 85/400,933, +RED DREAM ELIXIR of Appln.

No. 85/400,941, +RED SUN REPAIR ELIXIR of Appln No. 85/400,955, and +RED RESCUE ELIXIR of Appln. No. 85/406,652, be denied and that this opposition be sustained.

The sum of \$1200 for the statutory fee for this Consolidated Notice of Opposition has been paid at the time of filing. Any deficiency or shortfall, or any additional fees in connection with this opposition at any time should be charged to TechMark's PTO Deposit Account No. 20-0330.

Please recognize Martin R. Greenstein, Neil D. Greenstein, Leah Z. Halpert, and Angelique M. Riordan, members in good standing of the Bar of the State of California, c/o TechMark, 4820 Harwood Road, 2nd Floor, San Jose, California 95124-5273, Tel: 408-266-4700, as Opposer Red Bull's attorneys in connection with this opposition proceeding. All correspondence should be directed to Martin R. Greenstein.

RED BULL GMBH
By: /Martin R. Greenstein/
Martin R. Greenstein
Leah Z. Halpert
Angelique M. Riordan
TechMark a Law Corporation
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San Jose, CA 95124-5273
Tel: 408- 266-4700 Fax: 408-850-1955
E-Mail: MRG@TechMark.com
Attorneys for Opposer Red Bull GmbH

Dated: July 15, 2013

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **FIRST AMENDED CONSOLIDATED NOTICE OF OPPOSITION** is being served on July 15, 2013, by deposit of same in the United States Mail, first class postage prepaid, in an envelope addressed to Applicant's Counsel at their Correspondent address given on the TARR website, with a courtesy copy via email to cwcdocketing@roylance.com.

Casimir W. Cook II
Roylance, Abrams, Berdo & Goodman LLP
1300 19th Street NW, Suite 600
Washington, D.C. 20036

/Leah Z. Halpert/
Leah Z. Halpert

Exhibit 1

The USPTO will perform a database maintenance activity impacting the availability of Trademark Status and Document Retrieval (TSDR) system. TSDR will not be available during the database maintenance period beginning at 12:00 a.m. and ending at 1 a.m. on Sunday, July 14th.

STATUS	DOCUMENTS	Back to Search  Print
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Generated on: This page was generated by TSDR on 2013-07-15 15:10:08 EDT

Mark: RED

No Image exists for this case.

US Serial Number:	78191805	Application Filing Date:	Dec. 05, 2002
US Registration Number:	3939863	Registration Date:	Apr. 05, 2011
Register:	Principal		
Mark Type:	Trademark		
Status:	Registered. The registration date is used to determine when post-registration maintenance documents are due.		
Status Date:	Apr. 05, 2011		
Publication Date:	Sep. 04, 2007		

▼ Mark Information

[Collapse All](#)

Mark Literal Elements:	RED
Standard Character Claim:	No
Mark Drawing Type:	1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

▼ Related Properties Information

Claimed Ownership of US Registrations:	2494093
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▼ Foreign Information

Priority Claimed:	Yes		
Foreign Application Number:	7011/2002	Foreign Application Filing Date:	Nov. 04, 2002
Foreign Registration Number:	208089	Foreign Registration Date:	Jan. 28, 2003
Foreign Application/Registration Country:	AUSTRIA	Foreign Expiration Date:	Jan. 31, 2013

▼ Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *..* identify additional (new) wording in the goods/services.

For:	energy drinks and soft drinks		
International Class(es):	032 - Primary Class	U.S Class(es):	045, 046, 048
Class Status:	ACTIVE		
Basis:	44(e)		

▼ Basis Information (Case Level)

Filed Use:	No	Currently Use:	No	Amended Use:	No
Filed ITU:	Yes	Currently ITU:	No	Amended ITU:	No
Filed 44D:	Yes	Currently 44D:	No	Amended 44D:	No
Filed 44E:	Yes	Currently 44E:	Yes	Amended 44E:	No
Filed 66A:	No	Currently 66A:	No		
Filed No Basis:	No	Currently No Basis:	No		

▼ Current Owner(s) Information

Owner Name:	RED BULL GMBH		
Owner Address:	Am Brunnen 1 5330 Fuschl am See AUSTRIA		
Legal Entity Type:	CORPORATION	State or Country Where Organized:	AUSTRIA

▼ Attorney/Correspondence Information

Attorney of Record

Attorney Name:	Martin R Greenstein		
Attorney Primary Email Address:	MRG@TechMark.com	Attorney Email Authorized:	No

Correspondent

Correspondent Name/Address:	Martin R. Greenstein TechMark a Law Corporation 4820 Harwood Road 2nd Floor San Jose, CALIFORNIA 95124-5273 UNITED STATES		
Phone:	408-266-4700	Fax:	408-864-2044
Correspondent e-mail:	MRG@TechMark.com	Correspondent e-mail Authorized:	No

Domestic Representative

Domestic Representative Name:	Martin R Greenstein		
Fax:	1-408-280-2235	Phone:	1-408-280-2233
Domestic Representative e-mail:	MRG@TechMark.com	Domestic Representative e-mail Authorized:	No

▼ Prosecution History

Date	Description	Proceeding Number
Apr. 11, 2011	SEC 7 REQUEST FILED	75184
Apr. 23, 2011	CERTIFICATE OF CORRECTION ISSUED	75184
Apr. 12, 2011	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	75184
Apr. 11, 2011	TEAS SECTION 7 REQUEST RECEIVED	
Apr. 05, 2011	REGISTERED-PRINCIPAL REGISTER	
Mar. 22, 2011	CHANGES/CORRECTIONS AFTER PUB APPROVAL ENTERED	67832
Mar. 16, 2011	ASSIGNED TO PETITION STAFF	67832
Mar. 15, 2011	TEAS POST PUBLICATION AMENDMENT RECEIVED	1111
Mar. 02, 2011	TTAB RELEASE CASE TO TRADEMARKS	182755
Mar. 02, 2011	OPPOSITION TERMINATED NO. 999999	182755
Mar. 02, 2011	OPPOSITION DISMISSED NO. 999999	182755
Mar. 03, 2008	OPPOSITION INSTITUTED NO. 999999	182755
Sep. 28, 2007	EXTENSION OF TIME TO OPPOSE RECEIVED	
Sep. 04, 2007	PUBLISHED FOR OPPOSITION	
Aug. 15, 2007	NOTICE OF PUBLICATION	
May 25, 2007	LAW OFFICE PUBLICATION REVIEW COMPLETED	70824
May 15, 2007	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 20, 2007	TEAS/EMAIL CORRESPONDENCE ENTERED	70824
Apr. 20, 2007	CORRESPONDENCE RECEIVED IN LAW OFFICE	70824
Apr. 20, 2007	ASSIGNED TO LIE	70824
Mar. 19, 2007	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jan. 14, 2007	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Sep. 21, 2006	INQUIRY AS TO SUSPENSION MAILED	
Sep. 20, 2006	SUSPENSION INQUIRY WRITTEN	67516
Aug. 22, 2006	LIE CHECKED SUSP - TO ATTY FOR ACTION	76243

Feb. 21, 2006	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	76243
Aug. 09, 2005	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	78413
Feb. 03, 2005	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	78413
Jul. 26, 2004	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
Jan. 14, 2004	LETTER OF SUSPENSION MAILED	
Nov. 14, 2003	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Nov. 18, 2003	EMAIL RECEIVED	
May 14, 2003	NON-FINAL ACTION MAILED	
May 05, 2003	ASSIGNED TO EXAMINER	67516

▼ **Maintenance Filings or Post Registration Information**

Change in Registration: Yes

Correction made to Registration: In the statement, lines 4 and 5 are deleted; line 6 "drinks, smoothies, sports drinks; hypertonic drinks; non-" are deleted; line 7, alcoholic cocktails and drinks in the nature of" are deleted.

▼ **TM Staff and Location Information**

TM Staff Information - None

File Location

Current Location: POST REGISTRATION

Date in Location: Jun. 06, 2011

▼ **Assignment Abstract Of Title Information - Click to Load**

▼ **Proceedings - Click to Load**

The USPTO will perform a database maintenance activity impacting the availability of Trademark Status and Document Retrieval (TSDR) system. TSDR will not be available during the database maintenance period beginning at 12:00 a.m. and ending at 1 a.m. on Sunday, July 14th.

STATUS	DOCUMENTS	Back to Search  Print
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Mark: RED BULL

No Image exists for this case.

US Serial Number:	75979618	Application Filing Date:	Feb. 28, 1995
US Registration Number:	2494093	Registration Date:	Oct. 02, 2001
Register:	Principal		
Mark Type:	Trademark, Service Mark		
Status:	A Section 15 declaration has been acknowledged.		
Status Date:	Dec. 29, 2012		
Publication Date:	Dec. 30, 1997		

▼ Mark Information

[Collapse All](#)

Mark Literal Elements:	RED BULL
Standard Character Claim:	No
Mark Drawing Type:	1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)
Color(s) Claimed:	Color is not claimed as a feature of the mark.

▼ Related Properties Information

Claimed Ownership of US Registrations:	74641395
Child Of:	74641395

▼ Foreign Information

Priority Claimed:	Yes		
Foreign Application Number:	R56349/32Wz	Foreign Application Filing Date:	Sep. 01, 1994
Foreign Registration Number:	2081750	Foreign Registration Date:	Oct. 20, 1994
Foreign Application/Registration Country:	GERMANY	Foreign Expiration Date:	Sep. 30, 2004
Priority Claimed:	Yes		
Foreign Application Number:	R56361/34Wz	Foreign Application Filing Date:	Sep. 02, 1994
Foreign Registration Number:	2901093	Foreign Registration Date:	Feb. 01, 1995
Foreign Application/Registration Country:	GERMANY	Foreign Expiration Date:	Sep. 30, 2004

▼ Goods and Services

Note:

- The following symbols indicate that the registrant/owner has amended the goods/services:
- Brackets [...] indicate deleted goods/services;
 - Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
 - Asterisks *...* identify additional (new) wording in the goods/services.

For: [body soaps; perfumes; cosmetics, namely, lipstick, lip gloss, and eyeliner]

International Class(es): 003 - Primary Class

U.S Class(es): 001, 004, 006, 050, 051, 052

Class Status: SECTION 8 - CANCELLED

Basis: 44(e)

For: [pharmaceutical products for the purposes of strengthening and body restoration, specifically, vitamin and mineral supplements; nutritional supplement

	tonics; nutritionally fortified beverages for use as supplements]	
International Class(es):	005 - Primary Class	U.S Class(es): 006, 018, 044, 046, 051, 052
Class Status:	SECTION 8 - CANCELLED	
Basis:	44(e)	
	For: [land] [and air] ((vehicles, namely, bicycles;))[parts and accessories for bicycles, namely, luggage carriers, bells and air pumps]	
International Class(es):	012 - Primary Class	U.S Class(es): 019, 021, 023, 031, 035, 044
Class Status:	SECTION 8 - CANCELLED	
Basis:	44(e)	
	For: ((goods of precious metals their alloys and goods coated therewith, namely, pendants [and medals], ornamental pins and giftware, namely, jewelry charms;)) [chains,] [tie clips, cuff links, flasks] [jewelry, including costume jewelry;] [cuff links] [and tie pins;] horological instruments, namely, clocks, watches [, stopwatches, timing devices and chronometers]	
International Class(es):	014 - Primary Class	U.S Class(es): 002, 027, 028, 050
Class Status:	ACTIVE	
Basis:	44(e)	
	For: [paper goods, namely, table napkins;] printed matter, namely, magazines, newsletters and publications featuring information and articles on sports, health, [nutrition and diet] and general topic information; [mounted photographs;] instructional and teaching material in the fields of sports, health, [nutrition, diet] and general lifestyle activities	
International Class(es):	016 - Primary Class	U.S Class(es): 002, 005, 022, 023, 029, 037, 038, 050
Class Status:	ACTIVE	
Basis:	44(e)	
	For: ((goods and small articles made of leather and of imitation leather, namely, [knapsacks,] purses, pocket wallets;)) [key cases] [trunks and] traveling bags; [garment bags for travel;] umbrellas	
International Class(es):	018 - Primary Class	U.S Class(es): 001, 002, 003, 022, 041
Class Status:	ACTIVE	
Basis:	44(e)	
	For: [furniture mirrors,] picture frames;[goods made of plastic, namely, money clips;] goods made of plastics, namely, key chain tags	
International Class(es):	020 - Primary Class	U.S Class(es): 002, 013, 022, 025, 032, 050
Class Status:	ACTIVE	
Basis:	44(e)	
	For: footwear, clothing, namely, shirts, pants, T-shirts, sweat shirts and sweat pants, shorts, blouses, [skirts,] jumpers, [socks,] hats, caps; outerwear, namely, jackets; [and coats] activewear, namely, shorts, shirts, hats, caps and visors;[bandannas, neckerchiefs, coats.] jackets, sweaters, [sleepwear; resort wear, namely, shorts, shirts, T-shirts and pants; suspenders]	
International Class(es):	025 - Primary Class	U.S Class(es): 022, 039
Class Status:	ACTIVE	
Basis:	44(e)	
	For: ((belt clasps))	
International Class(es):	026 - Primary Class	U.S Class(es): 037, 039, 040, 042, 050
Class Status:	ACTIVE	
Basis:	44(e)	
	For: [games and playthings, namely, toy action figures; basketball equipment, namely, basketballs and backboards; skis, ski poles, bags for skis, ski parts, and snowboards; non-motorized golf carts,] balls and bags; balls for soccer [, football, volleyball] [and baseball; hockey sticks and pucks; roller-skates; ornaments for Christmas trees]	
International Class(es):	028 - Primary Class	U.S Class(es): 022, 023, 038, 050
Class Status:	ACTIVE	
Basis:	44(e)	
	For: [flavored ices; milkshakes, frozen yoghurt and ice cream]	
International Class(es):	030 - Primary Class	U.S Class(es): 046
Class Status:	SECTION 8 - CANCELLED	
Basis:	44(e)	
	For: [mineral waters and aerated waters and other non-alcoholic beverages, namely, flavored waters;] soft drinks; and sports drinks	
International Class(es):	032 - Primary Class	U.S Class(es): 045, 046, 048

Class Status:	ACTIVE	
Basis:	44(e)	
For:	[tobacco;] ((smokers' articles, namely,)) [tobacco tins, cigar and cigarette holders,] ((matches,)) [cigar and cigarette cases,] ((ashtrays,)) [all not of precious metal; pipe stands; smoking pipe cleaners; cigar cutters; smoking pipes;] ((cigarette lighters)) [not of precious metal; pocket machines for rolling cigarettes; cigarette paper and filters; and matches]	
International Class(es):	034 - Primary Class	U.S Class(es): 002, 008, 009, 017
Class Status:	SECTION 8 - CANCELLED	
Basis:	44(e)	
For:	promoting goods and services in the beverage, sports, auto racing, motorcycle racing, bicycle racing, boat racing[food,][fragrance, toiletries, tobacco,] [and] [automobile] industries through the distribution of printed, audio and visual promotional materials((; and promoting sports events and competitions for others))	
International Class(es):	035 - Primary Class	U.S Class(es): 100, 101, 102
Class Status:	ACTIVE	
Basis:	44(e)	
For:	[travel agency services, namely, making reservations and bookings for transportation; tour guide services; airplane rental]	
International Class(es):	039 - Primary Class	U.S Class(es): 100, 105
Class Status:	SECTION 8 - CANCELLED	
Basis:	44(e)	
For:	teaching and education services, namely, conducting seminars in the fields of sports and general lifestyle activities; entertainment in the nature of live music performances, ongoing and special event television shows featuring sports competitions, racing competition for autos, motorcycles, bicycles, boats, musical and/or dance performances; sports competitions, namely, [baseball and] football games; and organizing exhibits for cultural purposes	
International Class(es):	041 - Primary Class	U.S Class(es): 100, 101, 107
Class Status:	ACTIVE	
Basis:	44(e)	
For:	[hotel services and boarding house services]	
International Class(es):	042 - Primary Class	U.S Class(es): 100, 101
Class Status:	SECTION 8 - CANCELLED	
Basis:	44(e)	

▼ Basis Information (Case Level)

Filed Use:	No	Currently Use:	No	Amended Use:	No
Filed ITU:	Yes	Currently ITU:	No	Amended ITU:	No
Filed 44D:	Yes	Currently 44D:	No	Amended 44D:	No
Filed 44E:	Yes	Currently 44E:	Yes	Amended 44E:	Yes
Filed 66A:	No	Currently 66A:	No		
Filed No Basis:	No	Currently No Basis:	No		

▼ Current Owner(s) Information

Owner Name:	RED BULL GMBH		
Owner Address:	Am Brunnen 1 Fuschl am See A-5330 AUSTRIA		
Legal Entity Type:	LIMITED LIABILITY COMPANY	State or Country Where Organized:	AUSTRIA

▼ Attorney/Correspondence Information

Attorney of Record			
Attorney Name:	Martin R. Greenstein	Docket Number:	REDBULL-US-2
Attorney Primary Email Address:	MRG@TechMark.com	Attorney Email Authorized:	Yes
Correspondent			
Correspondent Name/Address:	Martin R. Greenstein TECHMARK A LAW CORPORATION 4820 HARWOOD ROAD, 2ND FLOOR		

	SAN JOSE, CALIFORNIA 95124-5273 UNITED STATES	
Phone:	408-266-4700	Fax: 408-850-1955
Correspondent e-mail:	MRG@TechMark.com	Correspondent e-mail Authorized: Yes
Domestic Representative		
Domestic Representative Name:	Martin R. Greenstein	Phone: 408-266-4700
Fax:	408-864-2044	
Domestic Representative e-mail:	MRG@TechMark.com	Domestic Representative e-mail Authorized: Yes

▼ Prosecution History

Date	Description	Proceeding Number
Dec. 29, 2012	SEC. 15 ACKNOWLEDGEMENT - E-MAILED	
Dec. 29, 2012	REGISTERED - SEC. 15 ACKNOWLEDGED	68973
Dec. 29, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68973
Dec. 26, 2012	TEAS SECTION 15 RECEIVED	
Aug. 22, 2012	CERTIFICATE OF CORRECTION ISSUED	66607
Aug. 02, 2012	ASSIGNED TO PARALEGAL	66607
Jul. 27, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	73376
Jul. 26, 2012	TEAS SECTION 7 REQUEST RECEIVED	
May 31, 2012	AMENDMENT UNDER SECTION 7 - ISSUED	66607
May 31, 2012	ASSIGNED TO PARALEGAL	66607
Jan. 13, 2012	AMENDMENT UNDER SECTION 7 - ISSUED	66607
Jan. 11, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	66607
Jan. 10, 2012	TEAS SECTION 7 REQUEST RECEIVED	
Nov. 23, 2011	NOTICE OF ACCEPTANCE OF SEC. 8 - E-MAILED	
Nov. 23, 2011	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	68335
Nov. 23, 2011	REGISTERED - SEC. 9 GRANTED/CHECK RECORD FOR SEC. 8	68335
Nov. 23, 2011	REGISTERED - PARTIAL SEC. 8 (10-YR) ACCEPTED	68335
Sep. 07, 2011	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	68335
Sep. 07, 2011	TEAS SECTION 8 & 9 RECEIVED	
Mar. 17, 2009	NOTICE OF SUIT	
Sep. 23, 2008	REGISTERED - PARTIAL SEC. 8 (6-YR) ACCEPTED	68335
Apr. 01, 2008	REGISTERED - SEC. 8 (6-YR) FILED	
Aug. 08, 2008	POST REGISTRATION ACTION CORRECTION	68335
Jun. 02, 2008	NOTICE OF SUIT	
Apr. 10, 2008	ASSIGNED TO PARALEGAL	68335
Apr. 01, 2008	REGISTERED - SEC. 8 (6-YR) FILED	
Apr. 01, 2008	TEAS SECTION 8 RECEIVED	
Feb. 03, 2008	NOTICE OF SUIT	
Apr. 09, 2007	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Apr. 09, 2007	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jan. 26, 2007	CASE FILE IN TICRS	
Jan. 14, 2007	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Dec. 27, 2005	COUNTERCLAIM OPP. NO. 999999	160944
Aug. 03, 2005	ASSIGNED TO PARALEGAL	73376
Aug. 03, 2005	REPRINTING REGISTRATION CERTIFICATE	
Jul. 13, 2005	ASSIGNED TO PARALEGAL	67657
Oct. 06, 2004	SEC 7 REQUEST FILED	
Oct. 06, 2004	PAPER RECEIVED	
Oct. 02, 2001	REGISTERED-PRINCIPAL REGISTER	
Apr. 27, 2001	ASSIGNED TO EXAMINER	76143
Sep. 25, 2000	ASSIGNED TO EXAMINER	68309
May 13, 2000	DIVISIONAL PROCESSING COMPLETE	

Sep. 29, 1998	OPPOSITION INSTITUTED NO. 999999	111750
Jan. 29, 1998	EXTENSION OF TIME TO OPPOSE RECEIVED	
Dec. 30, 1997	PUBLISHED FOR OPPOSITION	
Nov. 28, 1997	NOTICE OF PUBLICATION	
Sep. 30, 1997	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 23, 1997	EXAMINER'S AMENDMENT MAILED	
Jul. 15, 1997	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Mar. 06, 1997	NON-FINAL ACTION MAILED	
Dec. 20, 1996	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jun. 20, 1996	FINAL REFUSAL MAILED	
Feb. 14, 1996	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Aug. 10, 1995	NON-FINAL ACTION MAILED	
Jul. 12, 1995	ASSIGNED TO EXAMINER	70734

▼ Maintenance Filings or Post Registration Information

Affidavit of Continued Use:	Section 8 - Accepted in Part
Affidavit of Incontestability:	Section 15 - Accepted
Renewal Date:	Oct. 02, 2011
Change in Registration:	Yes
Amendment to a Registration/Renewal Certificate:	In the statement, page 2, column 2, line 34 -40, should be deleted, and, " soft drinks; and sports drinks" should be inserted. In the statement line 1, "corporation" should be deleted, and "limited liability company" should be inserted. In the statement, page 2, column 2, line 34 -40, should be deleted, and, " soft drinks; and sports drinks" should be inserted.
Correction made to Registration:	In the statement, page 3, column 2, line 10 " APPLICATION NO. 2901093 " should be deleted, and, " APPLICATION NO. R56361/34Wz " should be inserted.

▼ TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMO LAW OFFICE 112	Date in Location: Dec. 29, 2012
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▼ Proceedings - Click to Load

The USPTO will perform a database maintenance activity impacting the availability of Trademark Status and Document Retrieval (TSDR) system. TSDR will not be available during the database maintenance period beginning at 12:00 a.m. and ending at 1 a.m. on Sunday, July 14th.

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Mark: RED BULL

RED BULL

US Serial Number:	78347152	Application Filing Date:	Dec. 31, 2003
US Registration Number:	3092197	Registration Date:	May 16, 2006
Register:	Principal		
Mark Type:	Trademark		
Status:	A partial Sections 8 and 15 combined declaration has been accepted and acknowledged.		
Status Date:	Mar. 10, 2012		
Publication Date:	Nov. 01, 2005		

Mark Information

[Collapse All](#)

Mark Literal Elements:	RED BULL
Standard Character Claim:	Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type:	4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US Registrations:	1541794 , 1935272 , 2852235 and others
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Goods and Services

Note:

- The following symbols indicate that the registrant/owner has amended the goods/services:
- Brackets [..] indicate deleted goods/services;
 - Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of
 - Asterisks *..* identify additional (new) wording in the goods/services.

For:	Non-alcoholic beverages, namely energy drinks and hypertonic drinks		
International Class(es):	032 - Primary Class	U.S Class(es):	045, 046, 048
Class Status:	ACTIVE		
Basis:	1(a)		
First Use:	Jan. 31, 1987	Use in Commerce:	May 31, 1996

For:	[Alcoholic beverages, namely, vodka]		
International Class(es):	033 - Primary Class	U.S Class(es):	047, 049
Class Status:	SECTION 8 - CANCELLED		
Basis:	1(a)		
First Use:	Jul. 23, 2002	Use in Commerce:	Aug. 15, 2002

Basis Information (Case Level)

Filed Use:	Yes	Currently Use:	Yes	Amended Use:	No
Filed ITU:	No	Currently ITU:	No	Amended ITU:	No
Filed 44D:	No	Currently 44D:	No	Amended 44D:	No
Filed 44E:	No	Currently 44E:	No	Amended 44E:	No
Filed 66A:	No	Currently 66A:	No		
Filed No Basis:	No	Currently No Basis:	No		

▼ Current Owner(s) Information

Owner Name:	RED BULL GMBH		
Owner Address:	Am Brunnen 1 Fuschl am See A5330 AUSTRIA		
Legal Entity Type:	LIMITED LIABILITY COMPANY	State or Country Where Organized:	AUSTRIA

▼ Attorney/Correspondence Information

Attorney of Record

Attorney Name:	Martin R. Greenstein		
Attorney Primary Email Address:	MRG@TechMark.com	Attorney Email Authorized:	Yes

Correspondent

Correspondent Name/Address:	Martin R. Greenstein TECHMARK A LAW CORPORATION 4820 HARWOOD ROAD, 2ND FLOOR SAN JOSE, CALIFORNIA 95124-5273 UNITED STATES		
Phone:	408-266-4700	Fax:	408-850-1955
Correspondent e-mail:	MRG@TechMark.com	Correspondent e-mail Authorized:	Yes

Domestic Representative

Domestic Representative Name:	Martin R. Greenstein		
Fax:	408-280-2235	Phone:	408-280-2233
Domestic Representative e-mail:	MRG@TechMark.com	Domestic Representative e-mail Authorized:	No

▼ Prosecution History

Date	Description	Proceeding Number
Oct. 24, 2012	NOTICE OF SUIT	
Mar. 10, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Mar. 10, 2012	REGISTERED - PARTIAL SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	67603
Jan. 24, 2012	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	67603
Mar. 10, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	67603
Jan. 24, 2012	TEAS SECTION 8 & 15 RECEIVED	
Jul. 11, 2011	NOTICE OF SUIT	
Mar. 30, 2010	NOTICE OF SUIT	
Dec. 30, 2009	NOTICE OF SUIT	
Jul. 07, 2009	NOTICE OF SUIT	
Jul. 07, 2009	NOTICE OF SUIT	
Aug. 05, 2008	NOTICE OF SUIT	
Jun. 10, 2008	NOTICE OF SUIT	
Jun. 10, 2008	NOTICE OF SUIT	
Jan. 14, 2007	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
May 16, 2006	REGISTERED-PRINCIPAL REGISTER	
Apr. 01, 2006	EXTENSION OF TIME TO OPPOSE PROCESS - TERMINATED	
Nov. 23, 2005	EXTENSION OF TIME TO OPPOSE RECEIVED	
Nov. 01, 2005	PUBLISHED FOR OPPOSITION	
Oct. 12, 2005	NOTICE OF PUBLICATION	
Sep. 08, 2005	LAW OFFICE PUBLICATION REVIEW COMPLETED	76985
Sep. 02, 2005	ASSIGNED TO LIE	76985
Aug. 26, 2005	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 26, 2005	AMENDMENT FROM APPLICANT ENTERED	88888
Aug. 23, 2005	CORRESPONDENCE RECEIVED IN LAW OFFICE	88888

Aug. 23, 2005	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 07, 2005	FINAL REFUSAL MAILED	
Mar. 04, 2005	FINAL REFUSAL WRITTEN	74309
Jan. 28, 2005	TEAS/EMAIL CORRESPONDENCE ENTERED	76869
Jan. 25, 2005	CORRESPONDENCE RECEIVED IN LAW OFFICE	76869
Jan. 25, 2005	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Aug. 04, 2004	AMENDMENT FROM APPLICANT ENTERED	76532
Jul. 28, 2004	UNRESPONSIVE/DUPLICATE PAPER RECEIVED	76532
Jul. 29, 2004	UNRESPONSIVE/DUPLICATE PAPER RECEIVED	
Jul. 26, 2004	NON-FINAL ACTION MAILED	
Jul. 21, 2004	NON-FINAL ACTION MAILED	
Jul. 19, 2004	ASSIGNED TO EXAMINER	74309
Jan. 08, 2004	NEW APPLICATION ENTERED IN TRAM	

▼ Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted in Part

Affidavit of Incontestability: Section 15 - Accepted

Change in Registration: Yes

▼ TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: Not Found

Date in Location: Mar. 10, 2012

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