

ESTTA Tracking number: **ESTTA582603**

Filing date: **01/17/2014**

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

Proceeding	91210282
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, AMR@TechMark.com, MPV@TechMark.com
Submission	Motion to Amend Pleading/Amended Pleading
Filer's Name	Angelique M. Riordan
Filer's e-mail	mrg@techmark.com, amr@techmark.com, lzh@techmark.com
Signature	/Angelique M. Riordan/
Date	01/17/2014
Attachments	Bull Device Stockmarket Burger-85680816-Amended Notice of Oppo.pdf(187047 bytes ) Exhibits Part 1.pdf(4149303 bytes ) Exhibits Part 2.pdf(3582046 bytes )



dilatory motive behind the motion, whether the motion was filed with undue delay, whether granting the motion would be unduly prejudicial to the opposing parties, and whether the amendment would be futile.<sup>4</sup>

Opposer's First Motion to Amend should be granted, in the interest of justice, as discovery has just opened, with four months remaining in the discovery period, and granting the motion will not prejudice Applicant Stockmarket Burger, Inc. ("Applicant"). Opposer's Motion to Amend is being filed shortly after the Board supervised discovery conference, at which time Opposer was advised that, while not mandatory, pleading specific registrations would help clarify Opposer's Notice of Opposition for Applicant. In the interest of justice, where timely filed and with no prejudice to Applicant, Opposer's motion to add one additional claim and plead specific registrations should be granted. As Opposer's Motion to Amend is being filed so early in the above-captioned proceeding, where the discovery period has recently opened and neither party has served discovery, Applicant will not be unduly prejudiced by the Board's granting Opposer's Motion to Amend.

As there is no undue delay, bad faith or dilatory motive, and the Board's granting Opposer's Motion to Amend will not prejudice Applicant, Opposer's attached Motion to Amend should be granted.

Respectfully submitted,

RED BULL GMBH  
By /Martin R Greenstein/  
Martin R. Greenstein  
Angelique M. Riordan  
Leah Z. Halpert  
TechMark a Law Corporation  
4820 Harwood Road, 2<sup>nd</sup> Floor  
San Jose, CA 95124-5273  
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E-Mail: MRG@TechMark.com  
Attorneys for Opposer Red Bull GmbH

Dated: January 17, 2014

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<sup>4</sup> *Enterprise Rent-A-Car Company v. U-Haul Intern., Inc.*, 327 F. Supp.2d 1032, 1047(E.D. Mo. 2004).

**CERTIFICATE OF ELECTRONIC FILING AND  
STANDBY AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT**

I hereby certify that this Amended Notice of Opposition is being filed with the TTAB via ESTTA on the date set forth below.

Date: January 17, 2014

/Angelique M. Riordan/  
Angelique M. Riordan

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

IN THE MATTER OF Appln. No. 85/680,816 for **Bull Logo** (Classes 11, 25, 30, 32, 33, 43),  
filed July 18, 2012, and published in the Official Gazette on January 1, 2013.

RED BULL GMBH,	)	Opposition No.: 91-210,282
	)	
Opposer	)	Appln. No.: 85/680,816
v.	)	Trademark:
	)	
STOCKMARKET BURGER, INC.,	)	
	)	
Applicant.	)	

**AMENDED NOTICE OF OPPOSITION**

RED BULL GMBH, a limited liability company organized and existing under the laws of Austria, with its principal place of business at Am Brunnen 1, 5330 Fuschl am See, AUSTRIA, (hereafter “Red Bull” or “Opposer”) believes it is or will be damaged by the registration on the Principal Register of the mark Bull Logo, shown in Appln. No. 85/680,816 (hereinafter “**Applicant’s Bull Logo Mark**”) and hereby opposes the same.

As grounds of opposition it is alleged that:

1. Opposer Red Bull is now and has for many years been engaged in the development, marketing, advertising, distribution and sale of various products and services including, among others, beverages, energy drinks, sports drinks, soft drinks, various items of clothing, including but not limited to shirts, pants, jackets, hats and other clothing items, as well

as restaurant and café services, and various other products and services related or complementary thereto.

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, various items of clothing, including but not limited to shirts, pants, jackets, hats and other clothing items, as well as restaurant and café services, and various other products and services related or complementary thereto since long prior to the July 18, 2012 filing date of **Applicant's Bull Logo Mark**, opposed herein.

3. Opposer Red Bull is the owner of the valid and subsisting U.S. Trademark Reg. No. 2,946,045 for the Bull Logo Mark, which was registered on the principal register on May 3, 2005, and currently covers, in relevant part, "*non-alcoholic beverages, namely energy drinks and hypertonic drinks,*" in Int'l Class 32. A combined Declaration of Use and Incontestability under Sec 8 & 15 of the Trademark Act was acknowledged and accepted in relation to, *inter alia*, the relevant goods above on January 13, 2011. A copy of the TSDR record for this registration showing the 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. 3,051,994 for the Bull Logo Mark, which was registered on the principal register on January 31, 2006, and currently covers, in relevant part, "*apparatus for refrigerating, namely, refrigerators, refrigerated drink cabinets,*" in Int'l Class 11, "*clothing, namely, shirts, t-shirts, sweat shirts, blouses, hats, caps; activewear, namely, shirts, hats, caps and visors; bandannas, neckerchiefs, sweaters; resort wear, namely, t-shirts,*" in Int'l Class 25, and "*non-alcoholic beverages, namely, soft drinks; sports drinks; energy drinks,*" in Int'l Class 32. A Declaration of Use under Sec 8 of the Trademark Act was accepted in relation to, *inter alia*, the relevant goods above on March 23, 2012. A Declaration of Incontestability under Sec 15 of the Trademark Act

was accepted in relation to, *inter alia*, the relevant goods above on December 2, 2012. A copy of the TSDR record for this registration showing the current status and title is attached hereto in Exhibit 2.

5. Opposer Red Bull is the owner of the valid and subsisting U.S. Trademark Reg. No. 3,561,283 for the RED BULL & Bull Logo Mark, which was registered on the principal register on January 13, 2009, and currently covers, in relevant part, “*apparatus for refrigerating, namely, refrigerating display cabinets, refrigerating or freezing showcases; refrigerators, refrigerated drinks cabinets,*” in Int'l Class 11, “*clothing and headgear, namely, T-shirts, blouses, sweaters, tops, jackets, vests, anoraks, wind-resistant jackets, aprons, caps, hats, headbands, braces, belts, money-belts, sun visors; sportswear, namely, shirts, pants, polo shirts, sweat shirts and sweat pants, hooded shirts and sweat shirts, shorts blouses, skirts, jumpers, jackets and coats; footwear for sport,*” in Int'l Class 25, “*non-alcoholic beverages, namely, sports drinks, energy drinks, and soft drinks,*” in Int'l Class 32, “*Alcoholic beverages, namely, vodka,*” in Int'l Class 33, and “*Services for providing food and drinks, namely, bar services, cafes, cafeterias, snack bars, restaurants, self-service restaurants, food and drink catering,*” in Int'l Class 43. A copy of the TSDR record for this registration showing the current status and title is attached hereto in Exhibit 3.

6. Opposer Red Bull is the owner of the valid and subsisting U.S. Trademark Reg. No. 4,031,959 for the RED BULL ARENA & Device Mark, which was registered on the principal register on September 27, 2011, and currently covers, in relevant part, “*Providing food, beverage and souvenir stands and concessions stands featuring food, beverages, clothing, sporting equipment and souvenirs in connection with, at the location of and during the sports competitions, concerts and other events at a sports and entertainment events stadium,*” in Int'l Class 35, and “*Arena services, namely, providing stadium facilities for sports events, cultural*

*exhibitions and musical concerts,”* in Int'l Class 43. A copy of the TSDR record for this registration showing the current status and title is attached hereto in Exhibit 4.

7. Opposer Red Bull is also the owner of various common law rights for the trademarks RED BULL, RED BULL & Two Bulls Logo, Two Bulls Logo and (Single) Bull Logo, and other marks incorporating the word BULL, and/or the design of a bull or bovine animal for various goods and services, all of which are collectively referred to herein as Red Bull's "**Red Bull and Bull Logo Marks**".

8. Red Bull's various **Red Bull and Bull Logo Marks**, all of which include the word BULL and/or the design of a bull, are and have become valuable assets of Opposer Red Bull, identifying its beverages, energy drinks, sports drinks, soft drinks, various items of clothing, including but not limited to shirts, pants, jackets, hats and other clothing items, as well as restaurant and café services, and various other products and services of Red Bull, and distinguishing Red Bull's products and services from the products and services of others.

9. Opposer Red Bull's **Red Bull and Bull Logo Marks** as described herein 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 various services, sporting events, contests, exhibitions and cultural events advertised, offered, conducted and/or promoted in the United States and throughout the world.

10. In 2012 alone, sales of RED BULL beverages exceeded 5.2 billion units worldwide, 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 and of the extensive advertising and promotion of the **Red Bull and Bull Logo Marks** on products such as beverages, energy drinks, sports drinks, soft drinks, various items of clothing, including but not limited to shirts, pants, jackets, hats and other clothing items, and services such as restaurant and café services, and various other products

and services related or complementary thereto in the United States and throughout the world, the **Red Bull and Bull Logo Marks** have become and are famous marks, and are recognized in the United States and elsewhere as such.

11. The depictions of a bull, as used and registered by Opposer typically show a bull in a charging, angry, aggressive, fighting, and/or “mad” pose, posture, and expression.

12. Opposer Red Bull’s well-known energy drink and beverage products are often purchased and served at bars, clubs, cafes, restaurants and at similar on-premise eating and drinking establishments.

13. Opposer Red Bull’s well-known energy drink and beverage products are often referred to as “the Bull” or “a Bull”, with consumers asking for “a Bull”.

14. Applicant, Stockmarket Burger, Inc. (“Applicant”), whose address is listed in the USPTO records as 13603 Marina Pointe Drive, C520, Marina Del Rey, CA 90292, filed Appln. No. 85/680,816 on July 18, 2012, for the trademark Bull Device based on an intent to use the mark on or in connection with the Int’l. Class 11, 25, 30, 32, 33, and 43 goods and services set forth in the application. Appln. No. 85/680,816 does not claim color as a feature of the mark.

15. Applicant has used **Applicant’s Bull Logo Mark** in the color red, the primary color used by Opposer (and the image equivalent of Opposer’s corporate name and house mark) on or in connection with the well-known and famous **Red Bull and Bull Logo Marks**. This highlights Applicant’s direct reference to Opposer and Opposer’s well-known and famous **Red Bull and Bull Logo Marks**.

Claim 1: Priority and Likelihood of Confusion Under § 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 Bull Logo Mark** so resembles Opposer Red Bull’s **RED BULL and Bull Logo Marks** as to be likely, when applied to the goods and services of Appln. No.

85/680,816, to cause confusion, mistake or deception among purchasers, users, and the public, thereby damaging Red Bull.

18. The goods and services on which Applicant asserts a bona fide intent-to-use **Applicant's Bull Logo Mark** include and are, in part, 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 Bull Logo Mark** on the goods and services set forth in Appln. No. 85/680,816 and Opposer Red Bull's **RED BULL and Bull Logo 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 Bull Logo Mark** on the goods and services set forth in Appln. No. 85/680,816 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 BULL and Bull Logo Marks**, and therefore could not have formed the requisite good faith belief that Applicant is the owner of the mark, and that no other person, firm, corporation or association has the right to use said mark in commerce, and consequently knew that such use is and would be in derogation and violation of Red Bull's rights.

22. As laid out in Paragraphs 16-21 above, **Applicant's Bull Logo Mark** is likely to cause confusion with Red Bull's prior **RED BULL and Bull Logo Marks**, in violation of § 2(d) of the Trademark Act.

Claim 2: Lack of Bona Fide Intent to Use under Trademark Act § 1(b)

23. Opposer repeats and realleges each and every allegation contained in Paragraphs 1-22 inclusively, as if fully recited in this paragraph.

24. On information and belief, Applicant did not make any actual commercial or bona fide trademark use of **Applicant's Bull Logo Mark** in commerce or otherwise prior to the July 18, 2012 filing date of US Appln. No. 85/680,816, on the goods and services set forth therein, or on or in connection with closely related goods or services.

25. On information and belief, Applicant did not, at the time of filing or at any time thereafter, have a bona fide intent to use **Applicant's Bull Logo Mark** in commerce on or in connection with some or all of the goods and services as set forth in US Appln. No. 85/680,816.

26. Based on the above, Applicant, at the time of filing or at any time thereafter, did not have a bona fide intent to use **Applicant's Bull Logo Mark** in connection with the goods and services recited in Appln. No. 85/680,816 and should be refused.

Wherefore, Red Bull requests that registration of the mark sought to be registered herein, Bull Device of Appln. No. 85/680,816, be denied and that this opposition be sustained.

Please recognize Martin R. Greenstein, Neil D. Greenstein, Leah Z. Halpert, Angelique M. Riordan and Lee D. Green, members in good standing of the Bar of the State of California, c/o TechMark, 4820 Harwood Road, 2<sup>nd</sup> 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  
Angelique M. Riordan  
Leah Z. Halpert  
TechMark a Law Corporation  
4820 Harwood Road, 2<sup>nd</sup> Floor  
San Jose, CA 95124-5273  
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E-Mail: MRG@TechMark.com  
Attorneys for Opposer Red Bull GmbH

Dated: January 17, 2014

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **OPPOSER'S MOTION FOR LEAVE TO FILE ITS FIRST AMENDED NOTICE OF OPPOSITION** and **OPPOSER'S AMENDED NOTICE OF OPPOSITION** is being served on January 17, 2014, by deposit of same in the United States Mail, first class postage prepaid, in an envelope addressed to Applicant's Attorney at his address given on the TARR website, with courtesy copy being served via email to Paulo@PatelAlmeida.com:

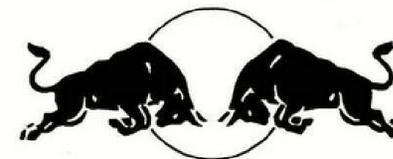
PAULO A. DE ALMEIDA  
PATEL & ALMEIDA  
16830 VENTURA BLVD., SUITE 360  
ENCINO, CA 91436  
UNITED STATES

/Angelique M. Riordan/  
Angelique M. Riordan

# EXHIBIT 1

**STATUS**    **DOCUMENTS**[Back to Search](#)

Print

**Generated on:** This page was generated by TSDR on 2014-01-17 20:23:29 EST**Mark:****US Serial Number:** 78347148**Application Filing Date:** Dec. 31, 2003**US Registration Number:** 2946045**Registration Date:** May 03, 2005**Register:** Principal**Mark Type:** Trademark**Status:** A Sections 8 and 15 combined declaration has been accepted and acknowledged.**Status Date:** Jan. 13, 2011**Publication Date:** Nov. 30, 2004

## Mark Information

**Mark Literal Elements:** None**Standard Character Claim:** No**Mark Drawing Type:** 2 - AN ILLUSTRATION DRAWING WITHOUT ANY WORDS(S)/ LETTER(S)/NUMBER(S)**Description of Mark:** The mark consists of Two Opposing or Charging Bulls, with a circular, globe or sun background.**Design Search Code(s):** 03.07.01 - Cattle; Steers; Oxen, cows, calves, bulls  
26.01.01 - Circles as carriers or as single line borders

## Related Properties Information

**Claimed Ownership of US** [2594767](#)**Registrations:**

## 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

## 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 5330  
AUSTRIA

**Legal Entity Type:** LIMITED LIABILITY COMPANY

**State or Country Where** AUSTRIA

**Organized:**

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Martin R Greenstein

**Attorney Primary Email** [MRG@TechMark.com](mailto:MRG@TechMark.com)

**Attorney Email Authorized:** No

**Address:**

### 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](mailto:MRG@TechMark.com)

**Correspondent e-mail Authorized:** Yes

### Domestic Representative

**Domestic Representative Name:** Martin R Greenstein

**Phone:** 408-280-2233

**Fax:** 408-280-2235

**Domestic Representative e-mail:** [MRG@TechMark.com](mailto:MRG@TechMark.com)

**Domestic Representative e-mail Authorized:** No

## Prosecution History

Date	Description	Proceeding Number
Jul. 11, 2011	NOTICE OF SUIT	
Jan. 13, 2011	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	76293
Jan. 12, 2011	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76293
Dec. 08, 2010	TEAS SECTION 8 & 15 RECEIVED	
Mar. 30, 2010	NOTICE OF SUIT	
Dec. 30, 2009	NOTICE OF SUIT	

Sep. 01, 2009	NOTICE OF SUIT	
Jul. 07, 2009	NOTICE OF SUIT	
Jul. 07, 2009	NOTICE OF SUIT	
Dec. 30, 2008	NOTICE OF DESIGN SEARCH CODE MAILED	
Aug. 05, 2008	NOTICE OF SUIT	
Jan. 14, 2007	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Nov. 18, 2005	AMENDMENT UNDER SECTION 7 - ISSUED	
Nov. 18, 2005	ASSIGNED TO PARALEGAL	69471
Jul. 22, 2005	SEC 7 REQUEST FILED	
Jul. 22, 2005	PAPER RECEIVED	
May 03, 2005	REGISTERED-PRINCIPAL REGISTER	
Mar. 02, 2005	EXTENSION OF TIME TO OPPOSE PROCESS - TERMINATED	
Jan. 07, 2005	EXTENSION OF TIME TO OPPOSE RECEIVED	
Nov. 30, 2004	PUBLISHED FOR OPPOSITION	
Nov. 10, 2004	NOTICE OF PUBLICATION	
Sep. 27, 2004	LAW OFFICE PUBLICATION REVIEW COMPLETED	76869
Sep. 24, 2004	ASSIGNED TO LIE	76869
Sep. 21, 2004	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 10, 2004	AMENDMENT FROM APPLICANT ENTERED	76532
Aug. 31, 2004	CORRESPONDENCE RECEIVED IN LAW OFFICE	76532
Sep. 10, 2004	AMENDMENT FROM APPLICANT ENTERED	76532
Aug. 31, 2004	CORRESPONDENCE RECEIVED IN LAW OFFICE	76532
Sep. 01, 2004	EMAIL RECEIVED	
Sep. 01, 2004	EMAIL RECEIVED	
Jul. 22, 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

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**Affidavit of Incontestability:** Section 15 - Accepted

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**Change in Registration:** Yes

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**Amendment to a  
Registration/Renewal  
Certificate:** Column 1, line 7, "1-31-1996" should be deleted, and, "5-31-1996" should be inserted.

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## TM Staff and Location Information

**TM Staff Information - None**

### File Location

**Current Location:** TMO LAW OFFICE 110

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**Date in Location:** Jan. 13, 2011

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

**Proceedings - Click to Load**

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# EXHIBIT 2

**STATUS**    **DOCUMENTS**[Back to Search](#)

Print

**Generated on:** This page was generated by TSDR on 2014-01-17 20:24:26 EST**Mark:****US Serial Number:** 76355425**Application Filing Date:** Dec. 13, 2001**US Registration Number:** 3051994**Registration Date:** Jan. 31, 2006**Register:** Principal**Mark Type:** Trademark, Service Mark**Status:** Registered. The registration date is used to determine when post-registration maintenance documents are due.**Status Date:** Apr. 11, 2013**Publication Date:** Nov. 08, 2005

## Mark Information

**Mark Literal Elements:** None**Standard Character Claim:** No**Mark Drawing Type:** 2 - AN ILLUSTRATION DRAWING WITHOUT ANY WORDS(S)/ LETTER(S)/NUMBER(S)**Color(s) Claimed:** Color is not claimed as a feature of the mark.**Design Search Code(s):** 03.07.01 - Cattle; Oxen, cows, calves, bulls; Steers  
26.01.02 - Plain single line circles; Circles, plain single line

## Related Properties Information

**Claimed Ownership of US** [2594767](#)  
**Registrations:**

## Foreign Information

<b>Foreign Registration Number:</b>	179643	<b>Foreign Registration Date:</b>	Dec. 21, 1998
<b>Foreign Application/Registration Country:</b>	AUSTRIA	<b>Foreign Expiration Date:</b>	Dec. 21, 2008

## 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:** [ Paints for artistic use ]

**International Class(es):** 002 - Primary Class

**U.S Class(es):** 006, 011, 016

**Class Status:** SECTION 8 - CANCELLED

**Basis:** 44(e)

**For:** [ Soaps for personal use; cosmetics ]

**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:** [ Candles ]

**International Class(es):** 004 - Primary Class

**U.S Class(es):** 001, 006, 015

**Class Status:** SECTION 8 - CANCELLED

**Basis:** 44(e)

**For:** [ Pharmaceutical preparations, namely, fortifying and strengthening preparations in the nature of tonics, nutritional supplement preparations containing minerals and/or vitamins and/or trace elements for health purposes; Dietetic substances adapted for medical use, namely, foods, beverages, food supplements and nutritional supplements ]

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**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:** Decorative objects and works of art of common metal; metal signboards [ and holders for signboards ]

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**International Class(es):** 006 - Primary Class**U.S Class(es):** 002, 012, 013, 014, 023, 025, 050**Class Status:** ACTIVE**Basis:** 44(e)**For:** [ Cutlery ]

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**International Class(es):** 008 - Primary Class**U.S Class(es):** 023, 028, 044**Class Status:** SECTION 8 - CANCELLED**Basis:** 44(e)**For:** [ Electronic timers for sports events and competitions; electronic race timers; electronic lap timers; prerecorded video tapes and ] recorded video and audio discs featuring musical performances, concerts, sports events, sports competitions, [ and exhibitions, health and nutrition, ] fitness, athletic training and conditioning, [ travelogues, humor and comedy performances and exhibitions ] and competitions of skill; (( automatic vending machines; )) [ entertainment machines, namely, electronic video game machines; electronic pinball machines; ] pre-recorded magnetic and optical disks, CD-Roms [ and tapes ] featuring musical performances, concerts, sports events, sports competitions, [ and exhibitions, health and nutrition, ] fitness, athletic training and conditioning, [ travelogues, humor and comedy performances and exhibitions ] and competitions of skill; computer game software; [ computer software screensavers; ] protective clothing, namely, [ protective spectacles, protective masks, ] protective helmets; [ shoes; protective shields, namely, ear, body and face protective shields; spectacles, ] (( sunglasses; )) [ spectacle frames, spectacle cases; ] luminous signs, luminous signs for advertising; [ electronic scoreboards ]

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**International Class(es):** 009 - Primary Class**U.S Class(es):** 021, 023, 026, 036, 038**Class Status:** ACTIVE**Basis:** 44(e)**For:** [ Condoms ]

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**International Class(es):** 010 - Primary Class**U.S Class(es):** 026, 039, 044**Class Status:** SECTION 8 - CANCELLED

**Basis:** 44(e)

**For:** Apparatus for refrigerating, namely, refrigerators, refrigerated drinks cabinets; (( and bar lamps ))

**International Class(es):** 011 - Primary Class

**U.S Class(es):** 013, 021, 023, 031, 034

**Class Status:** ACTIVE

**Basis:** 44(e)

**For:** [ Vehicles, namely, cars, trucks, motorcycles, dirt bikes, scooters, bicycles, motor-driven cycles, airplanes, gliders, ultra-light aircraft, stunt planes, boats, speedboats, sailboats, dune buggies and all-terrain vehicles; bicycle accessories, namely, saddle covers for bicycles; saddle covers for motorcycles; automobile accessories, namely, seats and seat covers, steering wheels ]

**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:** [ Fireworks ]

**International Class(es):** 013 - Primary Class

**U.S Class(es):** 002, 009

**Class Status:** SECTION 8 - CANCELLED

**Basis:** 44(e)

**For:** [ Goods in precious metals and their alloys or coated therewith, namely, ice buckets, ashtrays, cigar and cigarette cases, cigar and cigarette holders, key rings; ] jewelry; [ including costume jewelry, cufflinks and tie pins; ] horological and chronometric instruments, namely, (( watches, )) clocks, [ timers, ] wall clocks; [ alarm clocks and desk clocks; ] (( wrist watches )) [ and watch straps; clock cases ]

**International Class(es):** 014 - Primary Class

**U.S Class(es):** 002, 027, 028, 050

**Class Status:** ACTIVE

**Basis:** 44(e)

**For:** [ Musical instruments; musical boxes; electric and electronic musical instruments ]

**International Class(es):** 015 - Primary Class

**U.S Class(es):** 002, 021, 036

**Class Status:** SECTION 8 - CANCELLED

**Basis:** 44(e)

**For:** [ Paper goods, namely, table napkins; (( printed matter, namely, books and magazines featuring musical performances, concerts, sports events, sports competitions and exhibitions, health and nutrition, fitness, athletic training and conditioning, athletic equipment and clothing, travelogues, humor and comedy performances and exhibitions and competitions of skill; )) ] (( printed matter, namely, calendars; )) [ diaries, agendas, notebooks and note cards; ] photographs; posters; [ paper flags; ] signboards of paper or cardboard; (( iron-on and plastic transfers, )) stickers; (( printed labels not of textile, including iron-on labels not of textile; )) printed instructional and teaching material in the fields of [ music, ] sports, sports events, sports competitions, [ and exhibitions, health and nutrition, ] fitness, athletic training and conditioning, [ travelogues, humor and comedy performances and exhibitions ] and competitions of skill; slate boards for writing and blackboards

**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:** Leather and imitations of leather and goods made from these materials, namely, bags [ and other containers not adapted to other objects to be carried ] (( and small goods of leather, namely, [ purses, ] pocket wallets; )) [ key wallets; garment bags for travel, school satchels; ] backpacks, rucksacks; [ trunks and ] (( traveling bags; )) [ traveling sets in the nature of luggage; ] umbrellas

**International Class(es):** 018 - Primary Class

**U.S Class(es):** 001, 002, 003, 022, 041

**Class Status:** ACTIVE

**Basis:** 44(e)

**For:** [ Decorative objects and works of art of stone, concrete or marble ]

**International Class(es):** 019 - Primary Class

**U.S Class(es):** 001, 012, 033, 050

**Class Status:** SECTION 8 - CANCELLED

**Basis:** 44(e)

**For:** [ Mirrors, ] (( picture frames; )) display boards and signboards of (( wood or )) plastic

**International Class(es):** 020 - Primary Class

**U.S Class(es):** 002, 013, 022, 025, 032, 050

**Class Status:** ACTIVE

**Basis:** 44(e)

**For:** Drinking vessels (( and drinking glasses; )) drinking flasks sold empty; (( beverage glassware ))

**International Class(es):** 021 - Primary Class

**U.S Class(es):** 002, 013, 023, 029, 030, 033, 040, 050

**Class Status:** ACTIVE

**Basis:** 44(e)

**For:** Tents, awnings not of metal, (( sails ))

**International Class(es):** 022 - Primary Class

**U.S Class(es):** 001, 002, 007, 019, 022, 042, 050

**Class Status:** ACTIVE

**Basis:** 44(e)

**For:** Textile banners, cloth flags; labels, including [ iron-on labels, of textile, textile stickers, ] sew-on labels; wall hangings of textile

**International Class(es):** 024 - Primary Class

**U.S Class(es):** 042, 050

**Class Status:** ACTIVE

**Basis:** 44(e)

**For:** (( Footwear, footwear for sports; )) 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:** Non-textile wall hanging; [ carpets for automobiles ]

**International Class(es):** 027 - Primary Class

**U.S Class(es):** 019, 020, 037, 042, 050

**Class Status:** ACTIVE

**Basis:** 44(e)

**For:** Toys, games and playthings, namely, [ board games, action figures, ] (( toy vehicles; )) [ electronic educational game machines for

children; sporting articles and equipment, namely, skis, snowboards, scoreboards; special purpose bags for sports equipment, namely, ski bags; ski poles, edges for skis, coverings for skis; baseballs, softballs, basketballs, ] soccer balls, [ footballs, cricket balls, rugby balls, racquet balls, bowling balls, golf balls, field hockey balls, volley balls, ] sport balls; [ table tennis balls; hockey sticks; ] (( ornaments for Christmas trees except confectionary or illumination articles; )) [ in-line skates; paragliders, hang-glidiers; skateboards; surfboards; windsurfing boards; elbow and knee pads for athletic use ]

**International Class(es):** 028 - Primary Class

**U.S Class(es):** 022, 023, 038, 050

**Class Status:** ACTIVE

**Basis:** 44(e)

**For:** [ Flavored ices; chewing gums ]

**International Class(es):** 030 - Primary Class

**U.S Class(es):** 046

**Class Status:** SECTION 8 - CANCELLED

**Basis:** 44(e)

**For:** [ Mineral waters, aerated waters, carbonated waters, flavored waters and other] non-alcoholic beverages, namely, [ punches, ] soft drinks; [ smoothies and lemonades; ] sports drinks; energy drinks; [ non-alcoholic cocktail mixes ]

**International Class(es):** 032 - Primary Class

**U.S Class(es):** 045, 046, 048

**Class Status:** ACTIVE

**Basis:** 44(e)

**For:** [ Alcoholic beverages excluding beers, namely, rum, vodka, gin, tequila, whiskey, brandy spirits, distilled spirits; alcoholic hot beverages and alcoholic mixed beverages, namely, alcoholic punches and energy drinks; alcoholic beverage mixes, namely, pre-mixed cocktail bases; wine cooler beverages, alcoholic lemonades, fruit drinks and smoothies ]

**International Class(es):** 033 - Primary Class

**U.S Class(es):** 047, 049

**Class Status:** SECTION 8 - CANCELLED

**Basis:** 44(e)

**For:** [ Tobacco; smokers' articles, namely, cigarette lighters, cigar cutters and clippers, cigar and cigarette cases not made of precious metal, cigar, cigarette and cigarillo tips and holders not of precious metal, smoking pipes, smoking pipe stands and racks, smoking pipe cleaners, tobacco pouches and other containers for tobacco, ashtrays not made of precious metal; machines for individual rolling of cigarettes; cigarette stuffing machines for personal use; cigar and cigarette boxes not of precious metals; tobacco and snuff bottles, brushes and containers not made of precious metals; matches; cigarette lighters not made of precious metal ]

**International Class(es):** 034 - Primary Class

**U.S Class(es):** 002, 008, 009, 017

**Class Status:** SECTION 8 - CANCELLED

**Basis:** 44(e)

**For:** Advertising agency services, in particular promotion of goods and services and of competitive events, including competitive events of a sporting nature; dissemination of advertising matter; [ organization of trade fairs and exhibitions for commercial or advertising purposes, namely, to advertise and promote specific products, services and events of others in the fields of musical performances, concerts, sports events, sports competitions and exhibitions, health and nutrition, fitness, athletic training and conditioning, athletic equipment and clothing, travelogues, humor and comedy performances and exhibitions and competitions of skill ]

**International Class(es):** 035 - Primary Class

**U.S Class(es):** 100, 101, 102

**Class Status:** ACTIVE

**Basis:** 44(e)

**For:** [ Financial analysis and consultation ]

**International Class(es):** 036 - Primary Class

**U.S Class(es):** 100, 101, 102

**Class Status:** SECTION 8 - CANCELLED

**Basis:** 44(e)

**For:** [ Repair or maintenance of aircraft and automobiles ]

**International Class(es):** 037 - Primary Class

**U.S Class(es):** 100, 103, 106

**Class Status:** SECTION 8 - CANCELLED

**Basis:** 44(e)

**For:** Telecommunication services, namely, [ acting as an Internet service provider, ] providing multiple-user Internet and computer network access services; transmission of radio [ and television ] programs

**International Class(es):** 038 - Primary Class

**U.S Class(es):** 100, 101, 104

**Class Status:** ACTIVE

**Basis:** 44(e)

**For:** [ Organizing and arranging custom and packaged vacation trips, travel tours and sightseeing tours, and on-location golf, sports and entertainment activities and activities packages sold as a part thereof; transport of persons and goods by air and road; rental of aircraft ]

**International Class(es):** 039 - Primary Class**U.S Class(es):** 100, 105**Class Status:** SECTION 8 - CANCELLED**Basis:** 44(e)

**For:** (( Educational services, namely, providing training and arranging and conducting seminars, classes, courses, [ conferences ] and workshops in the field of sports, athletic competitions, physical fitness and musical entertainment; )) organizing and conducting athletic competitions, sports exhibitions, entertainment events and contests in the nature of athletic competitions, jumping, races, exhibitions and skills-based events for skiers, snowboarders, skateboarders and other winter and board or platform-based sports; organizing and conducting indoor and outdoor musical competitions, band concerts; [ and music festivals; ] entertainment services, namely, (( providing television programs, cable television programs, )) video and still photo exhibitions and webcast television or video programs via a global computer network, all in the field of the foregoing sports and music entertainment events; [ technical consultation and research services in the fields of health and fitness, sports, sports training and physical performance ]

**International Class(es):** 041 - Primary Class**U.S Class(es):** 100, 101, 107**Class Status:** ACTIVE**Basis:** 44(e)

**For:** Restaurant and bar services, namely, operation of permanent, temporary, portable or mobile establishments serving food, beverages and/or snacks of all types; [ technical consultation and research services in the field of food and beverages ]

**International Class(es):** 042 - Primary Class**U.S Class(es):** 100, 101**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:** No**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  
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:** DBD-3051994-

**Attorney Primary Email Address:** [MRG@TechMark.com](mailto: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](mailto:MRG@TechMark.com)

**Correspondent e-mail Authorized:** Yes

### Domestic Representative

**Domestic Representative Name:** Martin R. Greenstein

**Phone:** 408-266-4700

**Fax:** 408-850-1955

**Domestic Representative e-mail:** [MRG@TechMark.com](mailto:MRG@TechMark.com)

**Domestic Representative e-mail Authorized:** Yes

## Prosecution History

Date	Description	Proceeding Number
Apr. 23, 2013	AMENDMENT UNDER SECTION 7 - ISSUED	75184
Apr. 19, 2013	ON HOLD - ELECTRONIC RECORD REVIEW REQUIRED	
Apr. 17, 2013	AMENDMENT UNDER SECTION 7 - ISSUED	75184
Apr. 11, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	75184
Mar. 28, 2013	OTQR WITHDRAWAL FROM PUBLICATION	71359
Mar. 19, 2013	CERTIFICATE OF CORRECTION ISSUED	75184
Mar. 19, 2013	ASSIGNED TO PARALEGAL	75184
Jan. 23, 2013	SEC 7 REQUEST FILED	75184
Feb. 01, 2013	AMENDMENT UNDER SECTION 7 - ISSUED	75184
Jan. 31, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	75184
Jan. 23, 2013	TEAS SECTION 7 REQUEST RECEIVED	
Dec. 02, 2012	SEC. 15 ACKNOWLEDGEMENT - E-MAILED	
Dec. 02, 2012	REGISTERED - SEC. 15 ACKNOWLEDGED	71378
Nov. 16, 2012	TEAS SECTION 15 RECEIVED	
Mar. 23, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 - E-MAILED	
Mar. 23, 2012	REGISTERED - PARTIAL SEC. 8 (6-YR) ACCEPTED	71378
Jan. 30, 2012	REGISTERED - SEC. 8 (6-YR) FILED	71378
Mar. 22, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	71378
Jan. 30, 2012	TEAS SECTION 8 RECEIVED	
Apr. 09, 2007	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Apr. 09, 2007	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jan. 14, 2007	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 31, 2006	REGISTERED-PRINCIPAL REGISTER	
Nov. 08, 2005	PUBLISHED FOR OPPOSITION	
Oct. 19, 2005	NOTICE OF PUBLICATION	

Sep. 27, 2005	LAW OFFICE PUBLICATION REVIEW COMPLETED	67215
Sep. 23, 2005	ASSIGNED TO LIE	67215
Sep. 17, 2005	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 08, 2005	TEAS/EMAIL CORRESPONDENCE ENTERED	67215
Sep. 02, 2005	CORRESPONDENCE RECEIVED IN LAW OFFICE	67215
Sep. 02, 2005	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 11, 2005	FINAL REFUSAL MAILED	
Mar. 10, 2005	FINAL REFUSAL WRITTEN	71994
Feb. 17, 2005	TEAS/EMAIL CORRESPONDENCE ENTERED	78413
Feb. 04, 2005	CORRESPONDENCE RECEIVED IN LAW OFFICE	78413
Feb. 04, 2005	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 15, 2004	EXAMINER'S AMENDMENT AND/OR PRIORITY ACTION MAILED	
Dec. 14, 2004	EXAMINERS AMENDMENT AND/OR PRIORITY ACTION - COMPLETED	71994
Nov. 08, 2004	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Aug. 16, 2004	LAW OFFICE PUBLICATION REVIEW COMPLETED	76243
Aug. 03, 2004	ASSIGNED TO LIE	76243
Jul. 30, 2004	ASSIGNED TO LIE	76243
Jun. 04, 2004	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 13, 2004	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Apr. 14, 2004	EMAIL RECEIVED	
Mar. 15, 2004	CONTINUATION OF FINAL REFUSAL MAILED	
Feb. 09, 2004	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Feb. 09, 2004	PAPER RECEIVED	
May 28, 2003	UNRESPONSIVE/DUPLICATE PAPER RECEIVED	
Aug. 13, 2003	CASE FILE IN TICRS	
Aug. 01, 2003	CONTINUATION OF FINAL REFUSAL MAILED	
May 30, 2003	CORRESPONDENCE RECEIVED IN LAW OFFICE	

Dec. 02, 2002	FINAL REFUSAL MAILED	
Oct. 09, 2002	Sec. 1(B) CLAIM DELETED	72589
Oct. 15, 2002	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Oct. 15, 2002	PAPER RECEIVED	
Apr. 11, 2002	NON-FINAL ACTION MAILED	
Mar. 21, 2002	ASSIGNED TO EXAMINER	71994

## 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

**Amendment to a Registration/Renewal Certificate:** In the statement, Column 1, page 2, lines 36 through 45 should be deleted; line 46, "diaries" should be deleted; line 47 should be deleted; line 48, "cards" and "paper" should be deleted; line 49, "flags" should be deleted; line 54, "music" should be deleted; line 55, the word "and" should be deleted; line 56, "exhibitions, health and nutrition" should be deleted; line 58, "travelogues, humor and comedy" should be deleted; line 59, "performances and exhibitions" should be deleted.

## TM Staff and Location Information

**TM Staff Information - None**

**File Location**

**Current Location:** POST REGISTRATION

**Date in Location:** May 31, 2013

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

**Proceedings - Click to Load**

# EXHIBIT 3

[SEARCH](#)[MULTI-SEARCH](#)

US Registration No

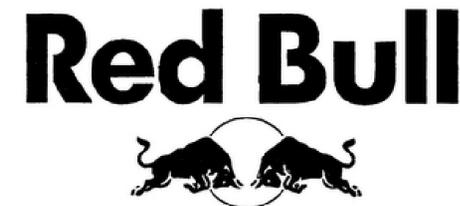


3561283

[STATUS](#)[DOCUMENTS](#)[Back to Search](#)[Print](#)

**Generated on:** This page was generated by TSDR on 2014-01-17 20:25:50 EST

**Mark:** RED BULL



**US Serial Number:** 79047033

**Application Filing Date:** Aug. 16, 2007

**US Registration Number:** 3561283

**Registration Date:** Jan. 13, 2009

**Register:** Principal

**Mark Type:** Trademark, Service Mark

**Status:** Registered. The registration date is used to determine when post-registration maintenance documents are due.

**Status Date:** Jan. 13, 2009

**Publication Date:** Oct. 28, 2008

## Mark Information

**Mark Literal Elements:** RED BULL

**Standard Character Claim:** No

**Mark Drawing Type:** 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

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

**Design Search Code(s):** 03.01.24 - Stylized cats, dogs, wolves, foxes, bears, lions, tigers

03.07.01 - Steers; Cattle; Oxen, cows, calves, bulls

26.01.02 - Plain single line circles; Circles, plain single line

## Related Properties Information

**International Registration** [0945573](#)  
**Number:**

**International Registration** Aug. 16, 2007  
**Date:**

**Claimed Ownership of US** [1935272](#), [2494093](#), [3092197](#) and others  
**Registrations:**

## 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-luminous and non-mechanical signboards and panels

**International Class(es):** 006 - Primary Class

**U.S Class(es):** 002, 012, 013, 014, 023, 025, 050

**Class Status:** ACTIVE

**Basis:** 66(a)

**For:** Magnetic data carriers, namely, blank video tapes and recording discs, and prerecorded video tapes and video discs in the field of aviation, sports, aerobatics, flying competitions, entertainment, athletic competitions, and exhibitions; automatic vending machines; entertainment machines, namely, electronic video game machines for use with televisions; video game software; machine readable data carriers of all types with programs installed; downloadable electronic publications in the fields of aviation, sports, aerobatics, flying competitions, entertainment, culture, energy drinks, athletic competitions and exhibitions, sports and athletic equipment, clothing and fashion, computers, audio and video equipment, cars and motorcycles, boats and exercise, food and beverages, music, dancing, watercraft, concerts, collegiate activities, and health and nutrition; computer programs for creating and running background images and graphics on computer monitors and computer systems; computer programs for planning, managing and conducting contests, exhibitions and sporting and cultural events; computer programs for e-mail, text messaging, social networking, web browsing and exchanging data, images and files across a computer network and among users of the Internet; computer programs for creating, storing, editing, downloading and playing videos, audio files, music, podcasts and entertainment content on computers, cell phones, PDA's and electronic hand-held terminals and devices; computer game programs; downloadable cell phone ring tones and screen

savers; computer programs for handling e-commerce transactions; computer games programs; protective clothing for sports purposes, namely, protective spectacles, protective masks and protective helmets; protective shields, namely, ear, body and face protective shields; marker buoys; wind socks for indicating wind direction and intensity; luminous signs, luminous advertising signs

**International Class(es):** 009 - Primary Class

**U.S Class(es):** 021, 023, 026, 036, 038

**Class Status:** ACTIVE

**Basis:** 66(a)

**For:** Apparatus for refrigerating, namely, refrigerating display cabinets, refrigerating or freezing showcases; refrigerators, refrigerated drinks cabinets

**International Class(es):** 011 - Primary Class

**U.S Class(es):** 013, 021, 023, 031, 034

**Class Status:** ACTIVE

**Basis:** 66(a)

**For:** Land vehicles; water vehicles, namely, boats; motor racing vehicles, namely, racing cars and racing boats; aircraft, bicycles; refrigerated trucks; parachutes

**International Class(es):** 012 - Primary Class

**U.S Class(es):** 019, 021, 023, 031, 035, 044

**Class Status:** ACTIVE

**Basis:** 66(a)

**For:** Paper, cardboard, and goods made from these materials included in this class, namely, paper or cardboard packaging; packaging containers of paper; paper and plastic bags for packaging; printed matter, namely, leaflets, brochures and folders in the field of sport, culture and energy drinks; photographs; posters; paper and plastic transparencies; flags of paper; signboards of paper or cardboard; stationery; stickers; printed instructional, educational, and teaching materials in the field of sport, culture and energy drinks; black boards

**International Class(es):** 016 - Primary Class

**U.S Class(es):** 002, 005, 022, 023, 029, 037, 038, 050

**Class Status:** ACTIVE

**Basis:** 66(a)

**For:** Leather and imitations of leather and goods made from these materials included in this class, namely, bags, purses, pocket wallets; backpacks, rucksacks; trunks and traveling bags, sports bags, gym bags and overnight bags; umbrellas, parasols

**International Class(es):** 018 - Primary Class

**U.S Class(es):** 001, 002, 003, 022, 041

**Class Status:** ACTIVE

---

**Basis:** 66(a)

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**For:** Transportable buildings not of metal

---

**International Class(es):** 019 - Primary Class

---

**U.S Class(es):** 001, 012, 033, 050

---

**Class Status:** ACTIVE

---

**Basis:** 66(a)

---

**For:** Mirrors; furniture and tables made of plastic or metal; display boards and signboards of plastic; containers of plastic

---

**International Class(es):** 020 - Primary Class

---

**U.S Class(es):** 002, 013, 022, 025, 032, 050

---

**Class Status:** ACTIVE

---

**Basis:** 66(a)

---

**For:** Kitchen utensils, namely, wire baskets, graters, pot and pan scrapers, rolling pins, sieves, strainers, spatulas, turners, whisks, skimmer, heat-resistant ceramic or glass pans, teapots not of precious metal, non-electric frying pans, cooking pots, bowls not of precious metal, fruit cups not of precious metal, basins or bowls, glass bowls, cups of plastic, non-electric fruit presses for household purposes, garlic presses, bottle openers, napkin rings not of precious metal, shakers, manual cocktail shakers, hand-operated coffee grinders, buckets; drinking vessels and drinking glasses; bottles and drinking flasks; carboys or demijohns, decanters, ice buckets, portable non-electric cold boxes, portable ice chests, ice cube molds

---

**International Class(es):** 021 - Primary Class

---

**U.S Class(es):** 002, 013, 023, 029, 030, 033, 040, 050

---

**Class Status:** ACTIVE

---

**Basis:** 66(a)

---

**For:** Tarpaulins

---

**International Class(es):** 022 - Primary Class

---

**U.S Class(es):** 001, 002, 007, 019, 022, 042, 050

---

**Class Status:** ACTIVE

---

**Basis:** 66(a)

---

**For:** Textile banners, flags not of paper

---

**International Class(es):** 024 - Primary Class

---

**U.S Class(es):** 042, 050

---

**Class Status:** ACTIVE

---

**Basis:** 66(a)

---

**For:** Clothing and headgear, namely, T-shirts, blouses, sweaters, tops, jackets, vests, anoraks, wind-resistant jackets, aprons, caps, hats, headbands, braces, belts, money-belts, sun visors; sportswear, namely, shirts, pants, polo shirts, sweat shirts and sweat pants, hooded shirts and sweat shirts, shorts, blouses, skirts, jumpers, jackets and coats; footwear for sports

**International Class(es):** 025 - Primary Class

**U.S Class(es):** 022, 039

**Class Status:** ACTIVE

**Basis:** 66(a)

**For:** Mats, bar mats and matting

**International Class(es):** 027 - Primary Class

**U.S Class(es):** 019, 020, 037, 042, 050

**Class Status:** ACTIVE

**Basis:** 66(a)

**For:** Games and playthings, namely, board games, action figures, toy vehicles, electronic educational game machines for children, playing cards, card games; sporting articles, namely, skis, snowboards, manual scoreboards, ice skates and snowshoes; winter sports equipment, namely, skis, snowboards; special purpose bags for sports equipment, namely, bags for volleyball sets, skis and surfboards; balls; scale model vehicles, toy vehicles, radio-controlled scale model vehicles, radio-controlled toy vehicles; nets for ball games; paragliders, hang-glidiers; skateboards; surfboards, body boards, windsurfing boards; elbow and knee pads

**International Class(es):** 028 - Primary Class

**U.S Class(es):** 022, 023, 038, 050

**Class Status:** ACTIVE

**Basis:** 66(a)

**For:** Non-alcoholic beverages, namely, sports drinks, energy drinks, and soft drinks

**International Class(es):** 032 - Primary Class

**U.S Class(es):** 045, 046, 048

**Class Status:** ACTIVE

**Basis:** 66(a)

**For:** Alcoholic beverages, namely, vodka

**International Class(es):** 033 - Primary Class

**U.S Class(es):** 047, 049

**Class Status:** ACTIVE

**Basis:** 66(a)

**For:** Advertising, namely, promotion of goods and services and of competitive events, namely, competitive events of a sporting nature; arranging of advertising; distribution of goods for advertising purposes; online advertising on a computer network; bringing together for the benefit of others a variety of goods, enabling customers to conveniently view and purchase those goods

**International Class(es):** 035 - Primary Class

**U.S Class(es):** 100, 101, 102

**Class Status:** ACTIVE

**Basis:** 66(a)

**For:** Entertainment, namely, musical performances and radio and television entertainment programs in the field of sports, culture, lifestyle, news and music, theatre performances, sport and music competitions and festivals, video and still photo exhibitions; sporting and cultural activities, namely, the staging of sports competitions; night clubs and discotheque services; organization of fairs and exhibitions for cultural, sporting and educational purposes; publication of electronic journals on-line; electronic desktop publishing; multimedia publishing of books, magazines, journals, and electronic publications; publication of electronic publications; publication of electronic magazines; publication of electronic newspapers accessible online; game services provided on-line

**International Class(es):** 041 - Primary Class

**U.S Class(es):** 100, 101, 107

**Class Status:** ACTIVE

**Basis:** 66(a)

**For:** Services for providing food and drinks, namely, bar services, cafes, cafeterias, canteens, snack bars, restaurants, self-service restaurants; food and drink catering

**International Class(es):** 043 - Primary Class

**U.S Class(es):** 100, 101

**Class Status:** ACTIVE

**Basis:** 66(a)

## Basis Information (Case Level)

**Filed Use:** No

**Currently Use:** No

**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:** Yes

**Currently 66A:** Yes

Filed No Basis: No

Currently No Basis: No

## Current Owner(s) Information

Owner Name: Red Bull GmbH

Owner Address: Trademark Department  
Am Brunnen 1  
A-5330 Fuschl am See  
AUSTRIA

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: AUSTRIA

## Attorney/Correspondence Information

### Attorney of Record

Attorney Name: MARTIN R. GREENSTEIN

### Correspondent

Correspondent Name/Address: Mariela P. Vidolova  
TechMark a Law Corporation  
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Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Jan. 06, 2013	FINAL DECISION TRANSACTION PROCESSED BY IB	
Nov. 02, 2009	EMAIL RECEIVED	65294

Oct. 29, 2009	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Oct. 23, 2009	CHANGE OF OWNER RECEIVED FROM IB	
Oct. 15, 2009	NEW REPRESENTATIVE AT IB RECEIVED	
Apr. 23, 2009	FINAL DISPOSITION NOTICE SENT TO IB	
Apr. 23, 2009	FINAL DISPOSITION PROCESSED	68359
Apr. 13, 2009	FINAL DISPOSITION NOTICE CREATED, TO BE SENT TO IB	
Jan. 13, 2009	REGISTERED-PRINCIPAL REGISTER	
Oct. 28, 2008	PUBLISHED FOR OPPOSITION	
Oct. 08, 2008	NOTICE OF PUBLICATION	
Sep. 22, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	76537
Sep. 18, 2008	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 18, 2008	EXAMINER'S AMENDMENT ENTERED	88888
Sep. 18, 2008	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Sep. 18, 2008	EXAMINERS AMENDMENT E-MAILED	6328
Sep. 18, 2008	EXAMINERS AMENDMENT -WRITTEN	81859
Sep. 18, 2008	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Sep. 18, 2008	WITHDRAWN FROM PUB - EXAMINING ATTORNEY REQUEST	81859
Sep. 17, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	76537
Sep. 17, 2008	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 17, 2008	EXAMINER'S AMENDMENT ENTERED	88888
Sep. 17, 2008	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Sep. 17, 2008	EXAMINERS AMENDMENT E-MAILED	6328
Sep. 17, 2008	EXAMINERS AMENDMENT -WRITTEN	81859
Sep. 04, 2008	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Aug. 29, 2008	WITHDRAWN FROM PUB - OG REVIEW QUERY	61844
Aug. 20, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	76537
Aug. 14, 2008	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 14, 2008	EXAMINER'S AMENDMENT ENTERED	88888

Aug. 14, 2008	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Aug. 14, 2008	EXAMINERS AMENDMENT E-MAILED	6328
Aug. 14, 2008	EXAMINERS AMENDMENT -WRITTEN	81859
Jul. 24, 2008	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Jul. 21, 2008	WITHDRAWN FROM PUB - OG REVIEW QUERY	61844
Jul. 07, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	76537
Jul. 07, 2008	ASSIGNED TO LIE	76537
Jul. 07, 2008	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 03, 2008	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jul. 02, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jul. 02, 2008	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jul. 02, 2008	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Feb. 01, 2008	REFUSAL PROCESSED BY IB	
Jan. 03, 2008	NON-FINAL ACTION MAILED - REFUSAL SENT TO IB	
Jan. 03, 2008	REFUSAL PROCESSED BY MPU	72589
Jan. 03, 2008	NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW	
Jan. 02, 2008	NON-FINAL ACTION WRITTEN	81859
Dec. 31, 2007	ASSIGNED TO EXAMINER	81859
Dec. 31, 2007	NEW APPLICATION ENTERED IN TRAM	
Dec. 28, 2007	SN ASSIGNED FOR SECT 66A APPL FROM IB	

### International Registration Information (Section 66a)

**International Registration** 0945573  
**Number:** \_\_\_\_\_

**Priority Claimed Flag:** Yes

**Intl. Registration Status:** REQUEST FOR EXTENSION OF PROTECTION  
 PROCESSED

**International Registration** Aug. 16, 2007  
**Date:** \_\_\_\_\_

**Date of Section 67 Priority** Jul. 25, 2007  
**Claim:** \_\_\_\_\_

**Date of International** Dec. 28, 2007  
**Registration Status:** \_\_\_\_\_

**Notification of Designation Date:** Dec. 27, 2007

**Date of Automatic Protection:** Jun. 27, 2009

**International Registration Renewal Date:** Aug. 16, 2017

**First Refusal Flag:** Yes

## TM Staff and Location Information

### TM Staff Information - None

### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Jan. 13, 2009

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# EXHIBIT 4

[SEARCH](#)[MULTI-SEARCH](#)

US Registration No



4031959

[STATUS](#)[DOCUMENTS](#)[Back to Search](#)[Print](#)**Generated on:** This page was generated by TSDR on 2014-01-17 20:28:03 EST**Mark:** RED BULL ARENA**US Serial Number:** 77569283**Application Filing Date:** Sep. 12, 2008**US Registration Number:** 4031959**Registration Date:** Sep. 27, 2011**Register:** Principal**Mark Type:** Service Mark**Status:** Registered. The registration date is used to determine when post-registration maintenance documents are due.**Status Date:** Sep. 27, 2011**Publication Date:** Jun. 30, 2009**Notice of Allowance Date:** Sep. 22, 2009

## Mark Information

**Mark Literal Elements:** RED BULL ARENA**Standard Character Claim:** No**Mark Drawing Type:** 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)**Description of Mark:** The mark consists of a red bull with white accents against a yellow soccer ball inside a stadium. The outline of the stadium is blue. The inside of the stadium is blue and grey. The stylized wording "RED BULL ARENA" appears beneath the design. The wording "RED BULL" appears in the color red. The wording "ARENA" appears in the color blue.**Color Drawing:** Yes

**Color(s) Claimed:** The color(s) red, white, blue, grey, and yellow is/are claimed as a feature of the mark.

**Disclaimer:** "ARENA"

**Design Search Code(s):** 03.07.01 - Cattle; Oxen, cows, calves, bulls; Steers  
 07.09.05 - Stadiums; Football stadiums; Baseball stadiums; Arenas, outdoor; Bleachers and grandstands  
 21.03.15 - Soccer balls; Volleyballs

## Related Properties Information

**Claimed Ownership of US** [2877139](#), [2877141](#), [3051994](#)  
**Registrations:**

## 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:** Providing food, beverage and souvenir stands and concession stands featuring food, beverages, clothing, sporting equipment and souvenirs in connection with, at the location of and during the sports competitions, concerts and other events at a sports and entertainment events stadium

**International Class(es):** 035 - Primary Class

**U.S Class(es):** 100, 101, 102

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Mar. 20, 2010

**Use in Commerce:** Mar. 20, 2010

**For:** Entertainment, namely, live musical performances; sporting and cultural activities, namely, the staging of competitions; organization of exhibitions for cultural, sporting and educational purposes, namely, sports events, exhibitions and competitions

**International Class(es):** 041 - Primary Class

**U.S Class(es):** 100, 101, 107

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Mar. 20, 2010

**Use in Commerce:** Mar. 20, 2010

**For:** Arena services, namely, providing stadium facilities for sports events, cultural exhibitions and musical concerts

**International Class(es):** 043 - Primary Class

**U.S Class(es):** 100, 101

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Mar. 20, 2010

**Use in Commerce:** Mar. 20, 2010

**For:** Licensing of food, beverage and souvenir stands and concession stands at a sports and entertainment events stadium

**International Class(es):** 045 - Primary Class

**U.S Class(es):** 100, 101

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Mar. 20, 2010

**Use in Commerce:** Mar. 20, 2010

## Basis Information (Case Level)

**Filed Use:** No

**Currently Use:** Yes

**Amended Use:** No

**Filed ITU:** Yes

**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 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:** RBArena\_Mult

**Attorney Primary Email** [MRG@TechMark.com](mailto:MRG@TechMark.com)

**Attorney Email Authorized:** No

**Address:**

### Correspondent

**Correspondent Name/Address:** MARTIN R. GREENSTEIN

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**Correspondent e-mail:** [MRG@TechMark.com](mailto:MRG@TechMark.com)

**Correspondent e-mail** No

**Authorized:**

### Domestic Representative

**Domestic Representative Name:** Martin R. Greenstein

**Phone:** 408-266-4700

**Name:**

**Fax:** 408-864-2044

**Domestic Representative e-mail:** [MRG@TechMark.com](mailto:MRG@TechMark.com)

**Domestic Representative e-mail** Yes  
**Authorized:**

## Prosecution History

Date	Description	Proceeding Number
Sep. 27, 2011	REGISTERED-PRINCIPAL REGISTER	
Aug. 25, 2011	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Aug. 24, 2011	LAW OFFICE REGISTRATION REVIEW COMPLETED	68658
Aug. 19, 2011	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Aug. 12, 2011	STATEMENT OF USE PROCESSING COMPLETE	76985
Aug. 10, 2011	USE AMENDMENT FILED	76985

Aug. 10, 2011	TEAS STATEMENT OF USE RECEIVED	
Mar. 15, 2011	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Mar. 12, 2011	EXTENSION 3 GRANTED	76985
Mar. 09, 2011	EXTENSION 3 FILED	76985
Mar. 09, 2011	TEAS EXTENSION RECEIVED	
Oct. 13, 2010	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Oct. 12, 2010	EXTENSION 2 GRANTED	76985
Sep. 22, 2010	EXTENSION 2 FILED	76985
Oct. 12, 2010	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76985
Sep. 22, 2010	TEAS EXTENSION RECEIVED	
Mar. 17, 2010	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Mar. 15, 2010	EXTENSION 1 GRANTED	98765
Mar. 15, 2010	EXTENSION 1 FILED	98765
Mar. 15, 2010	TEAS EXTENSION RECEIVED	
Sep. 22, 2009	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jun. 30, 2009	PUBLISHED FOR OPPOSITION	
Jun. 10, 2009	NOTICE OF PUBLICATION	
May 28, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	68658
May 22, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 15, 2009	TEAS/EMAIL CORRESPONDENCE ENTERED	68658
May 15, 2009	CORRESPONDENCE RECEIVED IN LAW OFFICE	68658
May 15, 2009	ASSIGNED TO LIE	68658
May 14, 2009	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Nov. 21, 2008	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Nov. 21, 2008	NON-FINAL ACTION E-MAILED	6325
Nov. 21, 2008	NON-FINAL ACTION WRITTEN	76635
Nov. 17, 2008	ASSIGNED TO EXAMINER	76635

Sep. 17, 2008 NOTICE OF DESIGN SEARCH CODE MAILED

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Sep. 16, 2008 NEW APPLICATION ENTERED IN TRAM

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### **TM Staff and Location Information**

**TM Staff Information - None**

**File Location**

**Current Location:** PUBLICATION AND ISSUE SECTION

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**Date in Location:** Aug. 24, 2011

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