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

Proceeding	91217482
Party	Defendant Jeff Pearson
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Date	10/01/2014
Attachments	Gatorade response for initial opposition involving board of trademarks and appeals.pdf(81626 bytes)

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

In the Matter of Application SN 86076424: Gamer Aid
Published in the *Official Gazette* dated March 25, 2014

STOKELY – VAN CAMP, INC.,

Opposer,

v.

JEFF PEARSON

Applicant.

NOTICE OF OPPOSITION TO THE OPPOSITION

Stokely – Van Camp, Inc., and Indiana corporation, located and doing business at 555 West Monroe Street, Chicago, Illinois 60661, believes that, based on no scientific evidence whatsoever, it will be damaged by registration of my trademark **GAMER AID** shown in Application Serial No. 86076424.

Responses of Allegations are as follow.

1. Undeniably true.
2. Also undeniably true.
3. I admit to the validity of the registered mark and opposer's exclusive rights.
4. I admit that opposer owns the listed registrations of GATORADE, GATORADE PRIME, AND GATORADE RECOVER.
5. Admit
6. Admit
7. Admit, and since it is so distinctive that means there should be zero concern being confused with **GAMER AID**.
8. Admit, which again means there should be zero concern with being confused with **GAMER AID**.
9. Admit, which is also fantastic news as now I don't have to worry about Gatorade being confused with **GAMER AID**. If all of those hundreds of

millions of dollars were effectively used then no one will get the two confused.

10. Admit, also impressive.
11. Admit, which proves even more mounting evidence as to why this shouldn't even be happening.
12. Admit.
13. Admit.
14. Partially correct. Not for drinks at least...yet.
15. False
16. Admit, I consider myself a pretty cultured person, what with all of those millions of dollars in advertising from every corporation in the world, Gatorade is just one of virtually THOUSANDS of brands I am familiar with. Also, Powerade, Kool Aid, Flavor Aid, Lemonade, Orangeade, Limeade, Grapeade, Lucozade, Cherryade, Accelerade, Staminade, and Sporade exist happily together.
17. This can actually go either way. There haven't been any tests conducted yet to actually prove this right or wrong. I plan on doing those shortly. Until the tests come back for review this is just "He said, she said" fight. Believe me, I don't want to be mistaken for Gatorade. The drink I'm making is not for athletes. **GAMER AID** - "*It's not for athletes*".
18. Deny. The Logo looks nothing like Gatorades. And with Gatorades flavors ranging from ESPN The Flavor (not a joke) to Xtremo Mango Electrico, I would find it hard to believe that anything they could put out would be easily confused with a **GAMER AID** flavor/product. Plus Gatorade has already spent hundreds of millions of dollars in advertising to create a DISTINCT IDENTITY to ensure consumers won't get products confused. Reference # 7, 8, 9, 10, 11, and 12 in the Opposer's filing.

CONCLUSION. Gatorade feels that it's hundreds of millions in advertising may be ineffective and that the general consumer cannot tell Gatorade Sports Drink, from **GAMER AID**, a drink that is "*Not for athletes*". In doing so Gatorade is also indicating that they feel the general consumer just isn't smart enough to be able to read or speak phonetically.

All fees requiring submission will be done so upon requirement.

Please address all correspondence to Jeff Pearson, 508 Saint Camille,
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By: Jeff Pearson
508 Saint Camille
Lafayette, LA
70506

Self-Represented.

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature /Jeff Pearson/

Name Jeff Pearson

Date 10/1/2014