

ESTTA Tracking number: **ESTTA221038**

Filing date: **06/27/2008**

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

Proceeding	91184546
Party	Plaintiff RED BULL GMBH
Correspondence Address	Martin R. Greenstein TechMark a Law Corporation 4820 Harwood Road, 2nd Floor SAN JOSE, CA 95124-5273 UNITED STATES MRG@TechMark.com, MPV@TechMark.com
Submission	Other Motions/Papers
Filer's Name	Martin R. Greenstein
Filer's e-mail	MRG@TechMark.com, MPV@TechMark.com
Signature	/Martin R Greenstein/
Date	06/27/2008
Attachments	MAD BULL-91184546-UndeliverableMailNotice.pdf ( 13 pages )(325651 bytes )

**CERTIFICATE OF ELECTRONIC FILING**

I hereby certify that this correspondence is being filed electronically via ESTTA on June 27, 2008.

/Martin R Greenstein/  
Martin R. Greenstein

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

**RED BULL GMBH,**

**Opposer**

**v.**

**GRUPO INDUSTRIAL MUYAAD SA DE  
CV,**

**Applicant.**

**Opposition No. 91-184,546**

**Trademark: MAD BULL  
Serial No.: 77/254,957**

**NOTICE TO THE BOARD REGARDING UNDELIVERABLE MAIL**

Opposer, through its counsel attempted service of the Notice of Opposition to Applicant by mailing a true and correct copy of the Notice of Opposition on June 11, 2008 to Applicant's Correspondent and Domestic Representative of Record. The service copy was mailed by deposit of same in the United States Mail, first class postage prepaid, in an envelope addressed to Applicant's Correspondent and Domestic Representative of Record at the following address as shown on the TARR website:

ANTONIO RAMOS  
PURVEYORS  
6400 W. LITTLE YORK 006  
HOUSTON, TX 77090 \_\_\_\_\_

The undersigned notifies the Board that he has received a returned envelope marked as “Return To Sender. Insufficient Address. Unable To Forward” on June 20, 2008. The returned envelope along with its full contents (the service copy of the Notice of Opposition) is attached herewith as Exhibit A. Opposer respectfully requests that the Board takes all the necessary steps to effect services.

RED BULL GMBH  
By /Martin R Greenstein/  
Martin R. Greenstein  
Mariela P. Vidolova  
TechMark a Law Corporation  
4820 Harwood Road, 2<sup>nd</sup> Floor  
San Jose, CA 95124-5273  
Tel: 408- 266-4700 Fax: 408-864-2044  
E-Mail: MRG@TechMark.com  
Attorneys for Opposer Red Bull GmbH

Dated: June 27, 2008

# Exhibit A

**TECHMARK**

Trademark and Intellectual Property Law  
4820 Harwood Road, 2nd Floor  
San Jose, CA 95124-5273

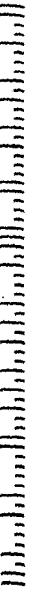
Antonio Ramos  
Purveyors  
6400 W. Little York 006  
Houston, TX 77090



NIXIE 773 CE 1 79 06/18/08

RETURN TO SENDER  
INSUFFICIENT ADDRESS  
UNABLE TO FORWARD

BC: 95124520099 \*0393-08049-18-03



95124@5200

**RECEIVED**  
JUN 20 2008


**United States Patent and Trademark Office**
[Home](#) | [Site Index](#) | [Search](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

**Electronic System for Trademark Trials and Appeals**

## Receipt

Your submission has been received by the USPTO.  
The content of your submission is listed below.  
You may print a copy of this receipt for your records.

ESTTA Tracking number: **ESTTA217115**Filing date: **06/11/2008**

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

### Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

#### Opposer Information

**Name** RED BULL GMBH

**Granted to Date  
of previous  
extension** 06/11/2008

**Address** Am Brunnen 1  
Fuschl am See, A-5330  
AUSTRIA

**Attorney  
information** Martin R. Greenstein  
TechMark a Law Corporation  
4820 Harwood Road, 2nd Floor  
SAN JOSE, CA 95124-5273  
UNITED STATES  
MRG@TechMark.com, MPV@TechMark.com Phone:408-266-4700

#### Applicant Information

**Application No** 77254957

**Publication date** 02/12/2008

**Opposition  
Filing Date** 06/11/2008

**Opposition  
Period Ends** 06/11/2008

**Applicant** Grupo Industrial Muyaad SA de CV  
Calle Tolov 4752 Col Mirador del Sol  
Zapopan, 45054  
MEXICO

### Goods/Services Affected by Opposition

Class 033.

All goods and services in the class are opposed, namely: Tequila

### Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Other	Missing declaration, declaration not properly signed by owner

### Mark Cited by Opposer as Basis for Opposition

<b>U.S. Application/ Registration No.</b>	NONE	<b>Application Date</b>	NONE
<b>Registration Date</b>	NONE		
<b>Word Mark</b>	RED BULL, BULL, other BULL marks, Bull Designs and Logos		
<b>Goods/Services</b>	Beverages of various types and related goods and services		

**Attachments** MAD BULL-77254957\_Oppo.pdf ( 5 pages )(14695 bytes )

### Certificate of Service

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

**Signature** /Martin R Greenstein/

**Name** Martin R. Greenstein

**Date** 06/11/2008

**[Return to ESTTA home page](#)** **[Start another ESTTA filing](#)**

| [HOME](#) | [INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [CONTACT US](#) | [PRIVACY STATEMENT](#)



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

I hereby certify that this opposition is being filed with the TTAB via ESTTA on the date set forth below, and the the \$300 per class statutory filing fee paid. Please charge any deficiency or any additional fees in connection with this Opposition to TechMark's PTO Deposit Account No. 20-0330.

Date: June 11, 2008

/Martin R Greenstein/

Martin R. Greenstein

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

IN THE MATTER OF Appln. Ser. No. 77/254,957 for the trademark **MAD BULL** (Class 33),  
filed August 14, 2007, and published in the Official Gazette of February 12, 2008

**RED BULL GMBH,**

**Opposer**

v.

**GRUPO INDUSTRIAL MUYAAD SA DE  
CV,**

**Applicant.**

**Opposition No.**

**Trademark: MAD BULL**

**Serial No.: 77/254,957**

**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 registration on the Principal Register of the mark MAD BULL shown in Appln. Ser. No. 77/254,957 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 beverages, including energy drinks, sports drinks and isotonic drinks and others, as well as various other products and services relating to or complementary to its Class 32 products. In addition, Red Bull has used

and registered certain of its marks on and in connection with alcoholic beverages, and establishments such as restaurants, bars and other venues serving alcoholic beverages often promote, serve and mix Red Bull non-alcoholic beverages with the establishment's alcoholic beverages.

2. Opposer Red Bull is the owner of the corporate name, trade name and trademark RED BULL, having used said name and mark continuously in interstate commerce on and in connection with its beverages, energy drinks, sports drinks and isotonic drinks, and various related products and services as described above since long prior to the October 6, 2006 filing date of U.S. Appln. No. 77/254,957 opposed herein.

3. Opposer Red Bull is also the owner of various Federal registrations and common law rights for the marks RED BULL, BULL, and various Bull design and logo trademarks.

4. The trademarks RED BULL, BULL and the various related Bull Design marks are and have become valuable assets of Opposer Red Bull, identifying its energy drinks, sports drinks and isotonic drinks as well as various and sundry other products and services of Red Bull, and distinguishing Red Bull's products and services from the products and services of others. The marks RED BULL, BULL and various other Bull Design marks have been extensively used and advertised in the United States and throughout the world, and have appeared on the packaging, point-of-sale displays and other promotional materials, as well as in connection with contests, exhibitions, sports events, sold, advertised, offered, conducted and/or promoted in the United States and throughout the world. Annual sales of RED BULL beverages worldwide exceed 3 billion units, with over 1 billion units sold in the United States.

5. As a result of the extensive use, advertising, fame, popularity and acceptance of Red Bull and its products and related services, the trademarks RED BULL, BULL and the various other related Bull Design marks are and have become famous marks, well-known to consumers and in the trade in the United States and elsewhere, and uniquely and unmistakably

identifying Red Bull, its energy drinks, sports drinks and isotonic drinks and related products and services as described herein.

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

7. Applicant Grupo Industrial Muyaad SA de CV (“Applicant”), a Mexican corporation whose address is Calle Tolov, 4752 Mirador del Sol, Zapopan 45054 Mexico, filed Appln. No. 77/254,957 on August 14, 2007, claiming a bona fide intent to use the trademark MAD BULL in commerce on the goods set forth in said application, namely “Tequila”.

8. On information and belief, Applicant did not make any actual commercial or bona fide trademark use of the alleged mark MAD BULL in commerce or otherwise prior to the August 14, 2007 filing date of Appln. No. 77/254,957 on the goods set forth therein, or on or in connection with closely related goods or services.

9. The goods on which Applicant asserts a bona fide intent to use the mark MAD BULL are identical or very similar to, and/or are advertised and promoted to and directed at the same trade channels, the same purchasers, and are used in the same environment as Opposer Red Bull’s beverages and related goods and services sold, advertised, promoted and/or offered under the marks RED BULL, BULL and the various other Bull marks, and/or for which Opposer has registered the mark RED BULL.

10. Simultaneous use of Applicant’s alleged mark MAD BULL on the goods set forth in Appln. No. 77/254,957 and Opposer Red Bull’s trademarks RED BULL, BULL and the various other 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.

11. Use by Applicant of the alleged mark MAD BULL on the goods set forth in Appln. No. 77/254,957 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.

12. Upon information and belief, Applicant knew or should have known of Red Bull's prior adoption and use of the trademarks RED BULL, BULL and the various other Bull marks and Red Bull's ownership of the various trademark applications and resulting registrations set forth above, and therefore could not have formed the requisite good faith belief that Applicant is the owner of the mark sought to be registered, 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.

13. On information and belief, Applicant did not have at the time of filing or at any time thereafter a bona fide intent to use the mark MAD BULL on or in connection with the goods set for in Appln. No. 77/254,957.

14. On information and belief, the signature affixed to the application was not affixed by the stated declarant, but rather by a 3<sup>rd</sup> party, rendering the declaration invalid and the application void.

15. Applicant Grupo Industrial Muyaad SA de CV is identified in the application as a corporation of Mexico, but the signature on the Declaration in the application opposed herein is by "Abel Murillo", identified as "Owner". On information and belief, the application was not signed by the owner of the mark, but rather by an individual, Mr. Abel Murillo, and as such there is no declaration by the owner and the existing declaration is not a valid Declaration, rendering the application void.

Wherefore, Red Bull requests that registration of the mark sought to be registered herein, MAD BULL, Appln. No. 77/254,957, be denied and that this opposition be sustained.

The sum of \$300 per class for the statutory fee for this 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, Mariela P. Vidolova 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  
TechMark a Law Corporation  
4820 Harwood Road, 2<sup>nd</sup> Floor  
San Jose, CA 95124-5273  
Tel: 408- 266-4700 Fax: 408-864-2044  
E-Mail: MRG@TechMark.com  
Attorneys for Opposer Red Bull GmbH

Dated: June 11, 2008

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **NOTICE OF OPPOSITION** is being served on June 11, 2008, by deposit of same in the United States Mail, first class postage prepaid, in separate envelope addressed to Applicant's Correspondent and Domestic Representative of Record at the address below:

ANTONIO RAMOS  
PURVEYORS  
6400 W. LITTLE YORK 006  
HOUSTON, TX 77090

/Mariela P Vidolova/  
Mariela P. Vidolova