

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)**

**APPLICATION SERIAL NO.** 77957741

**MARK:** HUMAN HORSEPOWER

**\*77957741\***

**CORRESPONDENT ADDRESS:**

CYNTHIA R PARKS  
PARKS IP LAW LLC  
1117 PERIMETER CENTER WEST SUITE E402  
ATLANTA, GA 30338

**APPLICANT:** The Coca-Cola Company

**CORRESPONDENT'S REFERENCE/DOCKET  
NO:**

81122205

**CORRESPONDENT E-MAIL ADDRESS:**

dfolmar@na.ko.com

**MOTION TO REMAND**

**BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD ON APPEAL**

**TRADEMARK EXAMINING ATTORNEY'S REQUEST FOR REMAND**

The trademark examining attorney requests that the Trademark Trial and Appeal Board remand this case to the examining attorney under 37 C.F.R. §2.142(d) for the following reason(s):

Application Serial No. 77957741 was preliminarily refused registration under Trademark Act Section 2(d) with respect to U.S. Registration No. 3690631. *See attachments.* Following a Response to Office Action, the refusal was withdrawn and the mark approved for publication. Subsequently, the registrant in U.S. Registration No. 3690631 filed an opposition against the mark in Application Serial No. 77957741.

Upon further consideration, it has been determined by the Office that the initial refusal with respect to U.S. Registration No. 3690631, should have been maintained under Trademark Act Section 2(d). Furthermore, action on the application should have been suspended pending the disposition of Application Ser. Nos. 77294640 & 77505597. *See attachments.*

Consequently, it is requested that Application Serial No. 77957741 be remanded to the Office for further action and that the inter parties proceeding be suspended pending final outcome of those proceedings.

Respectfully submitted,

/Eli J. Hellman/  
Trademark Examining Attorney  
(Angela B. Wilson, Managing Attorney)  
Law Office 112  
571-272-8276

Print: Dec 7, 2011

77294640

**DESIGN MARK**

**Serial Number**

77294640

**Status**

FINAL REFUSAL - MAILED

**Word Mark**

DRHORSEPOWER

**Standard Character Mark**

Yes

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

DRHORSEPOWER, INC. CORPORATION CALIFORNIA 7633 EL CAJON BLVD. SUITE  
217B LA MESA CALIFORNIA 91941

**Goods/Services**

Class Status -- ACTIVE. IC 032. US 045 046 048. G & S: Energy  
drinks.

**Filing Date**

2007/10/03

**Examining Attorney**

MACIOL, GENE

**Attorney of Record**

ANDREW SKALE

DrHorsepower

**DESIGN MARK**

**Serial Number**

77505597

**Status**

ACTION CONTINUING FINAL COUNTED - NOT MAILED

**Word Mark**

DRHORSEPOWER YOUR PRESCRIPTION FOR WINNING!

**Standard Character Mark**

No

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

**Owner**

DRHORSEPOWER, INC. CORPORATION CALIFORNIA Suite 217B 7633 El Cajon  
Boulevard La Mesa CALIFORNIA 91941

**Goods/Services**

Class Status -- ACTIVE. IC 032. US 045 046 048. G & S:  
Non-alcoholic beverages, namely, energy drinks.

**Description of Mark**

The mark consists of a whiskered man riding on a cartoon dragster with  
smoke coming from the wheels.

**Colors Claimed**

Color is not claimed as a feature of the mark.

**Filing Date**

2008/06/23

**Examining Attorney**

GUSTASON, ANNE E.

**Attorney of Record**

Andrew D. Skale



*Your Prescription for Winning!*

**DESIGN MARK**

**Serial Number**

78568206

**Status**

REGISTERED

**Word Mark**

HORSEPOWER ENERGY DRINKS

**Standard Character Mark**

Yes

**Registration Number**

3690631

**Date Registered**

2009/09/29

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

carruth, brad G. INDIVIDUAL UNITED STATES 2410 Walnut st reno NEVADA 89502

**Goods/Services**

Class Status -- ACTIVE. IC 032. US 045 046 048. G & S: BEVERAGE DRINKS, NAMELY, ENERGY DRINKS. First Use: 2009/08/03. First Use In Commerce: 2009/08/03.

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ENERGY DRINKS" APART FROM THE MARK AS SHOWN.

**Filing Date**

2005/02/16

**Examining Attorney**

BAKER, JORDAN

**Attorney of Record**

William H. Eilberg

# HORSEPOWER ENERGY DRINKS

**DESIGN MARK**

**Serial Number**

77957741

**Status**

OPPOSITION PENDING

**Word Mark**

HUMAN HORSEPOWER

**Standard Character Mark**

Yes

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

The Coca-Cola Company CORPORATION DELAWARE One Coca-Cola Plaza Atlanta  
GEORGIA 30313

**Goods/Services**

Class Status -- ACTIVE. IC 032. US 045 046 048. G & S: Energy  
drinks. First Use: 2006/01/00. First Use In Commerce: 2006/01/00.

**Filing Date**

2010/03/12

**Examining Attorney**

HELLMAN, ELI

**Attorney of Record**

Dinisa H. Folmar



# HUMAN HORSEPOWER