

ESTTA Tracking number: **ESTTA749294**

Filing date: **05/31/2016**

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	Dr Pepper/Seven Up, Inc.
Granted to Date of previous extension	06/29/2016
Address	5301 Legacy Drive Plano, TX 75024 UNITED STATES
Attorney information	Barbara A. Solomon Fross Zelnick Lehrman & Zissu, P.C. 866 United Nations Plaza New York, NY 10017 UNITED STATES bsolomon@fzlz.com, eweiss@fzlz.com Phone:212-813-5900

### Applicant Information

Application No	86772944	Publication date	03/01/2016
Opposition Filing Date	05/31/2016	Opposition Period Ends	06/29/2016
Applicant	PDB Sports, Ltd. 13655 Broncos Parkway Englewood, CO 80112 UNITED STATES		

### Goods/Services Affected by Opposition


Class 025. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: shirts, caps and sweatshirts
Class 041. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Education and entertainment services in the nature of professional football games and exhibitions; providing sports and entertainment information via a global computer network or a commercial on-line computer service or by cable, satellite, television and radio; arranging and conducting athletic competitions, namely, professional football games and exhibitions; football fan club services; entertainment services, namely, musical and dance performances provided during intervals at sports events; educational services, namely, physical education programs; production of radio and television programs; live shows featuring football games, football exhibitions, and football competitions, live shows featuring music and dance performances, organizing sporting and cultural events featuring football


### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
Dilution by blurring	Trademark Act Sections 2 and 43(c)

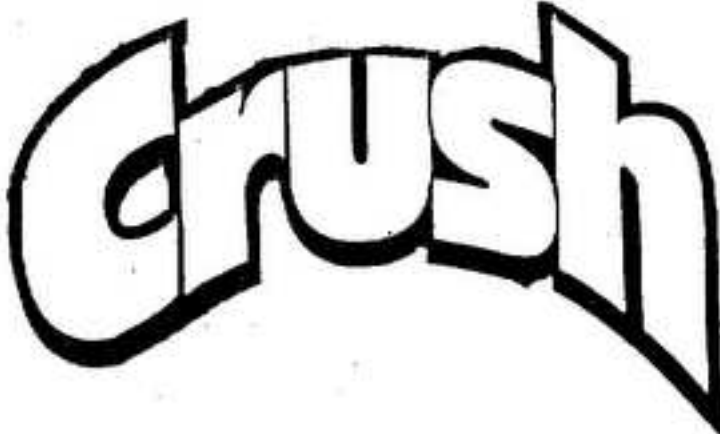
Other	Common law rights
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## Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	4514934	Application Date	01/14/2011
Registration Date	04/15/2014	Foreign Priority Date	NONE
Word Mark	ORANGE CRUSH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 2013/08/09 First Use In Commerce: 2013/08/09 Concentrates and syrups for making non-alcoholic beverages		

U.S. Registration No.	187791	Application Date	12/12/1921
Registration Date	08/12/1924	Foreign Priority Date	NONE
Word Mark	CRUSH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 1915/00/00 First Use In Commerce: 1915/00/00 Non-Alcoholic, Maltless Beverages and Concentrates and Compounds for Making the Same		


U.S. Registration No.	2418265	Application Date	02/08/1999
Registration Date	01/02/2001	Foreign Priority Date	NONE
Word Mark	CRUSH		


Design Mark	
Description of Mark	NONE
Goods/Services	Class 032. First use: First Use: 1999/06/01 First Use In Commerce: 1999/06/01 soft drinks and concentrates for makingthe same

U.S. Registration No.	2536979	Application Date	10/22/1998
Registration Date	02/05/2002	Foreign Priority Date	NONE
Word Mark	CRUSH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 1999/09/00 First Use In Commerce: 1999/09/00 confectionery, namely, soft candies		

U.S. Registration No.	2895772	Application Date	10/16/2003
Registration Date	10/19/2004	Foreign Priority Date	NONE
Word Mark	CRUSH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 1999/10/31 First Use In Commerce: 1999/10/31 CONFECTIONERY, NAMELY CANDY		

U.S. Registration No.	3209282	Application Date	07/12/2006
Registration Date	02/13/2007	Foreign Priority Date	NONE
Word Mark	CRUSH		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 003. First use: First Use: 1981/08/10 First Use In Commerce: 1981/08/10 Cosmetic products, namely lip balm and lip gloss

U.S. Registration No.	3289137	Application Date	01/12/2006
Registration Date	09/04/2007	Foreign Priority Date	NONE
Word Mark	CRUSH		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 030. First use: First Use: 2006/02/28 First Use In Commerce: 2006/02/28 Frozen novelties, namely, frozen confections
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U.S. Registration No.	2418266	Application Date	02/08/1999
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Registration Date	01/02/2001	Foreign Priority Date	NONE
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Word Mark	CRUSH
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 032. First use: First Use: 1999/06/01 First Use In Commerce: 1999/06/01 soft drinks and concentrates for makingthe same
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Attachments	85218189#TMSN.png( bytes ) 71156594#TMSN.png( bytes ) 75639221#TMSN.png( bytes ) 78928155#TMSN.png( bytes ) 78978696#TMSN.png( bytes ) 75639222#TMSN.png( bytes ) Notice of Opposition.pdf(2721851 bytes )
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### 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	/Barbara A. Solomon/
Name	Barbara A. Solomon
Date	05/31/2016



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

In the Matter of Application Serial No. 86/772,944

Mark: ORANGE CRUSH

Filed: September 29, 2015

Published in the *Official Gazette* on March 1, 2016

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DR PEPPER/SEVEN UP, INC.,	:	
	:	
Opposer,	:	
	:	
- against -	:	NOTICE OF OPPOSITION
	:	
PDB SPORTS, LTD. d/b/a	:	
DENVER BRONCOS FOOTBALL CLUB	:	
	:	
Applicant.	:	
-----X	:	

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

BOX TTAB - FEE

Opposer Dr Pepper/Seven Up, Inc. (“Opposer”), a company organized and existing under the laws of the State of Delaware, with its principal place of business at 5301 Legacy Drive, Plano, Texas 75024, believes that it would be damaged by the issuance of a registration of the trademark ORANGE CRUSH, applied for in intent-to-use application Serial No. 86/772,944 for “shirts, caps and sweatshirts” in International Class 25 and “education and entertainment services in the nature of professional football games and exhibitions; providing sports and entertainment information via a global computer network or a commercial on-line computer service or by cable, satellite, television and radio; arranging and conducting athletic competitions, namely, professional football games and exhibitions; football fan club services; entertainment services, namely, musical and dance performances provided during intervals at sports events; educational

services, namely, physical education programs; production of radio and television programs; live shows featuring football games, football exhibitions, and football competitions, live shows featuring music and dance performances, organizing sporting and cultural events featuring football” in International Class 41 and therefore opposes the same. As grounds for the opposition, Opposer, by its attorneys Fross Zelnick Lehrman & Zissu, P.C., alleges as follows:

1. Since at least as early as 1916 and continuing through the present, Opposer, through its predecessors in interest, has used the marks ORANGE CRUSH and CRUSH (collectively, the “CRUSH Marks”) for beverage products.

2. The sale and marketing of CRUSH beverages has continued without interruption through the present day. CRUSH soda has been a fixture in the United States for almost a century, and has even been immortalized in paintings by Norman Rockwell. The product has also appeared on a July 14, 2014 segment of the *Colbert Report* on Comedy Central, in the *Teenage Mutant Ninja Turtles 2* movie, and in the movie *Joe Versus the Volcano*.

3. CRUSH brand beverages are sold in 85% of all grocery, convenience, mass/dollar stores. Millions of bottles and cans of CRUSH-branded beverages have been distributed in the United States with sales in the millions of dollars. Opposer and its predecessors-in-interest have been using the CRUSH Marks on beverages continuously for a period commencing long prior to any date on which Applicant can rely up to the current date.

4. CRUSH brand beverages are advertised on the local, regional and national level. Opposer also has run national and local promotions, including promoting the movie *Teenage Mutant Ninja Turtles 1* on its packaging, and participates in partner programs that account for thousands of ads and displays that prominently feature Opposer’s marks.



5. Today, CRUSH soda is one of the top-selling flavored sodas in the United States with annual sales of 150 million units. CRUSH soda is sold to over 13 million households in the U.S. ORANGE CRUSH accounts for the largest share of the CRUSH sales and is the most iconic flavor in the CRUSH line.

6. Due to the extreme popularity of CRUSH-branded products, there have been significant opportunities for Opposer to expand its use of the CRUSH Marks. In addition to using the CRUSH Marks in connection with beverages, Opposer uses the CRUSH marks on candy and confectionery which products are sold nationwide. Further, Opposer has licensed the CRUSH Marks for use in connection with flavored lip balm, confectionary, lottery tickets, beverageware, loungewear, headwear, and t-shirts, among other goods. As a result of the use of the CRUSH Marks on such goods, Opposer has acquired common law rights in the CRUSH Marks in connection with such goods and consumers who see the CRUSH Marks on the listed goods and other commonly licensed products are likely to believe the goods come from or are licensed by Opposer. Opposer's use of the CRUSH Marks on such goods and its establishment of rights in the CRUSH Marks predates the application filing date.

7. Opposer is the owner by assignments recorded in May, 2006 of numerous U.S. trademark registrations for the CRUSH Marks including, but not limited to:

<b><i>Mark</i></b>	<b><i>Registration No./Registration Date</i></b>	<b><i>First Use Date</i></b>	<b><i>Class and Goods</i></b>
ORANGE CRUSH	4,514,934 4/15/14	August 9, 2013	IC 32: concentrates and syrups for making non-alcoholic beverages

	CRUSH	187,791 8/12/24	1915	IC 32: non-alcoholic, maltless beverages and concentrates and compounds for making the same
*	CRUSH (Stylized)	2,418,265 1/2/01	June 1, 1999	IC 32: soft drinks and concentrates for making the same
*	CRUSH	2,536,979 2/5/02	September, 1999	IC 30: Confectionery, namely soft candies
*	CRUSH	2,895,772 10/19/04	October 31, 1999	IC 30: confectionery, namely candy
*	CRUSH (Stylized)	3,209,282 2/13/07	August 10, 1981	IC 3: Cosmetic products, namely lip balm and lip gloss
*	CRUSH (Stylized)	3,289,137 9/4/07	February 28, 2006	IC 30: frozen confections
*	CRUSH and Design	2,418,266 1/2/01	June 1, 1999	IC 32: soft drinks and concentrates for making the same

All of the registrations set forth above are valid, subsisting and in full force and effect, all serve as *prima facie* evidence of the validity of the marks shown and of Opposer's exclusive right to use the marks on the goods identified, 15 U.S.C. § 1057(b); all establish that Opposer's rights in the CRUSH Marks are long-prior to any rights on which Applicant can rely; and all serve to place Applicant on notice of Opposer's rights. In addition, those marked with an asterisk are incontestable and are conclusive evidence of Opposer's exclusive right to use the mark identified on the goods specified therein pursuant to Sections 7 and 33 of the Lanham Act, 15 U.S.C.

§1057, 115(b). Printouts of the listed marks from the United States Patent and Trademark Office's online database are attached as Exhibit A and made of record in this Opposition.

8. Through the years of use and advertising of CRUSH and as a result of the expenditure of significant resources by Opposer and its predecessors to promote CRUSH products, Opposer through its predecessors has established strong common law rights in the CRUSH Marks in addition to its rights flowing from its federal registrations. The CRUSH Marks have come to be associated uniquely with Opposer, represent enormous goodwill of Opposer and identify and distinguish goods manufactured, approved of or licensed by Opposer from those of others.

9. As a result of the long use, registration and renown of the CRUSH Marks, Opposer's CRUSH Marks are entitled to an extremely broad scope of protection.

10. As found by the Trademark Trial and Appeal Board in *Dr Pepper/Seven Up, Inc. v. Crush Global*, Opposition No. 91/180742, decided December 13, 2010, Opposer's CRUSH mark has "achieved a degree of recognition and strength in the market" and "is therefore entitled to a broader scope of protection than might be accorded a less distinctive mark." Since that decision, the strength of our client's CRUSH mark has only increased due to expanded sales and distribution of its goods.

11. Upon information and belief, Applicant is a Colorado limited partnership composed of Bowlen Sports, Inc., an Arizona company. Applicant does business as the Denver Broncos Football Club. Applicant is located at 13655 Broncos Parkway, Englewood, Colorado 80112.

12. On September 29, 2015, Applicant filed intent-to-use application Serial No. 86/772,944 to register ORANGE CRUSH for "shirts, caps and sweatshirts" in International Class

25 and “education and entertainment services in the nature of professional football games and exhibitions; providing sports and entertainment information via a global computer network or a commercial on-line computer service or by cable, satellite, television and radio; arranging and conducting athletic competitions, namely, professional football games and exhibitions; football fan club services; entertainment services, namely, musical and dance performances provided during intervals at sports events; educational services, namely, physical education programs; production of radio and television programs; live shows featuring football games, football exhibitions, and football competitions, live shows featuring music and dance performances, organizing sporting and cultural events featuring football” in International Class 41.

13. As a matter of law, as a result of Opposer’s existing federal trademark registrations, Applicant was deemed to be on constructive notice of Opposer’s rights in the CRUSH Marks at the time it filed its application.

14. Upon information and belief, Applicant was on actual notice of Opposer’s or its predecessors’ prior rights in and to the CRUSH Marks based on Opposer’s and its predecessors’ extensive use of the CRUSH Marks for almost 90 years.

15. Also placing Applicant on actual notice of Opposer’s rights in the CRUSH Marks is Applicant’s prior association with Opposer’s ORANGE CRUSH brand which included receiving shipments of ORANGE CRUSH soda when the Broncos went to the Super Bowl after the 1977 season and the use of photographs of members of the Denver Broncos on original ORANGE CRUSH cans.

16. Actual notice of Opposer’s mark is also shown by the fact that players on the Denver Broncos team have endorsed Opposer’s ORANGE CRUSH product.

17. The filing date of the application, and the only date on which Applicant can rely, is decades after the use, registration and acquisition of rights in the CRUSH Marks by Opposer or its predecessors-in-interest and decades after Applicant knew of Opposer's mark. Opposer's rights in its CRUSH Marks are prior and superior to any trademark rights Applicant may claim in the mark ORANGE CRUSH.

18. Applicant's mark is identical to Opposer's prior used and registered ORANGE CRUSH trademark and incorporates in its entirety Opposer's CRUSH mark.

19. Registration of Applicant's mark is inconsistent with Opposer's prior rights in its CRUSH and ORANGE CRUSH marks, is inconsistent with Opposer's statutory grant of exclusivity of use of the registered CRUSH Marks, and would destroy Opposer's investment and goodwill in its CRUSH and ORANGE CRUSH marks.

FIRST CLAIM FOR RELIEF UNDER SECTION 2(d)

20. Opposer repeats and re-alleges each and every allegation contained in paragraphs 1 through 19 as if fully set forth herein.

21. The CRUSH Marks are associated exclusively with Opposer and its predecessors-in-interest and have been used continuously and registered by Opposer or its predecessors since a date long prior to any date on which Applicant can rely.

22. Applicant's mark ORANGE CRUSH is identical to Opposer's prior registered and prior used ORANGE CRUSH marks and otherwise incorporates Opposer's CRUSH mark.

23. The application herein opposed is not limited with respect to channels of trade or consumers for goods or services to be provided by Applicant under the ORANGE CRUSH mark. As a matter of law, Applicant's goods and services to be provided under the ORANGE CRUSH mark will be deemed to be available and provided to all customers and through all channels of

trade that are customary for such goods and services. These channels of trade and customers overlap with those consumers who are familiar with Opposer's CRUSH Marks and through which Opposer or its licensees sell Opposer's CRUSH and ORANGE CRUSH branded products.

24. Applicant seeks to register its mark for goods in International Class 25 that are identical to goods long provided by Opposer through licensees. Opposer has established common law rights in its marks by virtue of such use.

25. Given Opposer's licensing of the ORANGE CRUSH and CRUSH marks for use on a wide variety of goods, including clothing, and the fact that consumers recognize that trademarks are licensed for a broad array of goods, consumers are likely to believe that Applicant's goods and services are licensed by Opposer or otherwise believe that there is some type of relationship between Applicant and Opposer.

26. The likelihood that consumers will believe there is an association between Opposer and Applicant as a result of Applicant's use of Opposer's identical ORANGE CRUSH mark is furthered by the fact that companies, including beverage companies, are often sponsors of sporting events, sports teams, and of sports leagues, including the NFL. Opposer itself has sponsored a broad range of professional sports teams including professional hockey, baseball, football and basketball teams; college football games and bowls; and USA Baseball and USA gymnastics, among others.

27. By virtue of the use of the CRUSH Marks by Opposer, its predecessors and its licensees, the goodwill associated with Opposer's CRUSH Marks, the registrations owned by Opposer for the CRUSH Marks, the fame of the CRUSH Marks, the prior relationship between the Parties, and consumer recognition of beverage companies sponsoring sporting events and teams, registration by Applicant of ORANGE CRUSH for the goods and services identified in

Application S.N. 86/772,944 is likely to create the erroneous impression that Applicant's goods and services originate from, come from or are otherwise associated with Opposer or that Applicant's use of ORANGE CRUSH is licensed by, or its products and services are endorsed or in some way connected with Opposer or that there otherwise is an association between the Parties in violation of Section 2(d) of the Lanham Act, 15 U.S.C. §1052(d).

28. By reason of the foregoing, Opposer is likely to be harmed by registration of Application S.N. 86/772,944 for the mark ORANGE CRUSH.

SECOND CLAIM FOR RELIEF UNDER SECTION 2(f)

29. Opposer repeats and re-alleges each and every allegation contained in Paragraphs 1 through 19 as if fully set forth herein.

30. Opposer's ORANGE CRUSH and CRUSH marks are inherently distinctive, have been used for nearly 90 years in connection with goods sold and advertised nationally, have become well-known among consumers, and are the subject of numerous U.S. federal trademark registrations as identified above, including an incontestable federal trademark registration. As a result, the ORANGE CRUSH mark and CRUSH marks are famous marks under the Lanham Act.

31. Applicant's application to register ORANGE CRUSH was filed long after Opposer had been using its ORANGE CRUSH and CRUSH marks nationally, long after Opposer had been selling and advertising its product nationally, long after Opposer had generated significant sales of goods under the ORANGE CRUSH and CRUSH marks nationally and long after Opposer's ORANGE CRUSH and CRUSH marks had become widely recognized by the general consuming public as a designation of source of goods of Opposer.

32. Given the renown of Opposer's ORANGE CRUSH and CRUSH marks, Applicant's registration and use of a mark that is identical to Opposer's ORANGE CRUSH mark is likely to dilute the distinctive quality of Opposer's marks and lessen Opposer's ability to identify and distinguish its goods from those of others.

33. Registration of the mark ORANGE CRUSH by Applicant is likely to dilute Opposer's ORANGE CRUSH and CRUSH marks in violation of Section 2(f) of the Latham Act, 15 U.S.C. Section 1052(f).

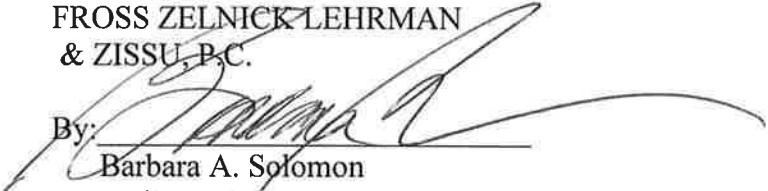
34. By reason of the foregoing, Opposer is likely to be harmed by registration of Application Serial No. 86/772,944 for the mark ORANGE CRUSH

WHEREFORE, it is respectfully requested that this opposition be sustained and that the registration sought by Applicant in Application S.N. 86/772,944 be denied.

Opposer authorizes the opposition fee in the amount of \$600.00 to oppose in two classes to be debited from Opposer's attorneys' Deposit Account No. 23-0825-0576900.

Dated: New York, New York  
May 31, 2016

FROSS ZELNICK LEHRMAN  
& ZISSU, P.C.

By:   
Barbara A. Solomon  
Emily Weiss

866 United Nations Plaza  
New York, New York 10017  
(212) 813-5900

*Attorneys for Opposer Dr Pepper/Seven Up, Inc.*



# EXHIBIT A

Generated on: This page was generated by TSDR on 2016-05-31 10:42:40 EDT

Mark: ORANGE CRUSH

ORANGE CRUSH

US Serial Number: 85218189

Application Filing Date: Jan. 14, 2011

US Registration Number: 4514934

Registration Date: Apr. 15, 2014

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

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

Status Date: Apr. 15, 2014

Publication Date: May 31, 2011

Notice of Allowance Date: Jul. 26, 2011

## Mark Information

Mark Literal Elements: ORANGE CRUSH

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

Disclaimer: "ORANGE"

## Related Properties Information

Claimed Ownership of US Registrations: 0187791, 2418265, 2418266 and others

## 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 incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

For: Concentrates and syrups for making non-alcoholic beverages

International Class(es): 032 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 09, 2013

Use in Commerce: Aug. 09, 2013

## 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:** Dr Pepper/Seven Up, Inc.

**Owner Address:** 5301 Legacy Drive  
IP - Legal Dept.  
Plano, TEXAS UNITED STATES 75024

**Legal Entity Type:** CORPORATION

**State or Country** DELAWARE  
**Where Organized:**

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Arthur Swanson

**Attorney Primary** [keshia.martin@dpsg.com](mailto:keshia.martin@dpsg.com)  
**Email Address:**

**Attorney Email** Yes  
**Authorized:**

### Correspondent

**Correspondent** Arthur Swanson  
**Name/Address:** Dr Pepper/Seven Up, Inc.  
5301 LEGACY DR  
Legal Department - IP  
PLANO, TEXAS UNITED STATES 75024-3109

**Phone:** 9726738955

**Correspondent e-** [keshia.martin@dpsg.com](mailto:keshia.martin@dpsg.com) [art.swanson@dpsg.com](mailto:art.swanson@dpsg.com)  
**mail:**

**Correspondent e-** Yes  
**mail Authorized:**

**Domestic Representative - Not Found**

## Prosecution History

Date	Description	Proceeding Number
Jun. 05, 2014	ATTORNEY REVOKED AND/OR APPOINTED	
Jun. 05, 2014	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Apr. 15, 2014	REGISTERED-PRINCIPAL REGISTER	
Mar. 08, 2014	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Mar. 07, 2014	LAW OFFICE REGISTRATION REVIEW COMPLETED	69712
Mar. 05, 2014	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Mar. 04, 2014	STATEMENT OF USE PROCESSING COMPLETE	66154
Jan. 27, 2014	USE AMENDMENT FILED	66154
Jan. 27, 2014	TEAS STATEMENT OF USE RECEIVED	
Jul. 27, 2013	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jul. 26, 2013	EXTENSION 4 GRANTED	66154
Jul. 25, 2013	EXTENSION 4 FILED	66154
Jul. 25, 2013	TEAS EXTENSION RECEIVED	
Feb. 28, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Feb. 28, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jan. 25, 2013	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jan. 24, 2013	EXTENSION 3 GRANTED	66154
Jan. 17, 2013	EXTENSION 3 FILED	66154
Jan. 17, 2013	TEAS EXTENSION RECEIVED	
Aug. 11, 2012	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Aug. 10, 2012	EXTENSION 2 GRANTED	66154
Jul. 25, 2012	EXTENSION 2 FILED	66154
Aug. 09, 2012	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66154
Jul. 25, 2012	TEAS EXTENSION RECEIVED	
Jan. 20, 2012	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jan. 18, 2012	EXTENSION 1 GRANTED	98765

Jan. 18, 2012	EXTENSION 1 FILED	98765
Jan. 18, 2012	TEAS EXTENSION RECEIVED	
Jul. 26, 2011	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
May 31, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
May 31, 2011	PUBLISHED FOR OPPOSITION	
Apr. 26, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	69712
Apr. 22, 2011	ASSIGNED TO LIE	69712
Apr. 07, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 07, 2011	EXAMINER'S AMENDMENT ENTERED	88888
Apr. 07, 2011	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Apr. 07, 2011	EXAMINERS AMENDMENT E-MAILED	6328
Apr. 07, 2011	EXAMINERS AMENDMENT -WRITTEN	80813
Apr. 06, 2011	ASSIGNED TO EXAMINER	80813
Jan. 20, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jan. 18, 2011	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Mar. 07, 2014

## Proceedings

### Summary

**Number of** 1  
**Proceedings:**

### Type of Proceeding: Opposition

**Proceeding Number:** 91218211

**Filing Date:** Sep 05, 2014

**Status:** Terminated

**Status Date:** Nov 18, 2014

**Interlocutory Attorney:** ROBERT COGGINS

#### Defendant

**Name:** Napa Smith Holdings, LLC

**Correspondent Address:** KEATON OSBORNE  
BRADLEY ARANT BOULT CUMMINGS LLP  
1600 DIVISION ST STE 700  
NASHVILLE TN UNITED STATES , 37203-2771

**Correspondent e-mail:** kosborne@babco.com;snaples@babco.com

### Associated marks

Mark	Application Status	Serial Number	Registration Number
GIANT CRUSH	Abandoned - After Inter-Partes Decision	<u>86207320</u>	

#### Plaintiff(s)

**Name:** Dr Pepper/Seven Up, Inc.

**Correspondent Address:** PAMELA B HUFF  
COX SMITH MATTHEWS INCORPORATED  
112 EAST PECAN STREET , SUITE 1800  
SAN ANTONIO TX UNITED STATES , 78205

**Correspondent e-mail:** ipdocket@coxsmith.com

### Associated marks

Mark	Application Status	Serial Number	Registration Number
CRUSH	Renewed	<u>71156594</u>	<u>187791</u>
CRUSH	Renewed	<u>73592383</u>	<u>1424931</u>

CRUSH	Renewed	<u>75639221</u>	<u>2418265</u>
CRUSH	Renewed	<u>75639222</u>	<u>2418266</u>
CRUSH	Renewed	<u>75576146</u>	<u>2536979</u>
CRUSH	Renewed	<u>78314308</u>	<u>2895772</u>
CRUSH	Section 8 and 15 - Accepted and Acknowledged	<u>78928155</u>	<u>3209282</u>
CRUSH	Section 8 and 15 - Accepted and Acknowledged	<u>78978696</u>	<u>3289137</u>
CRUSH	Registered	<u>77602920</u>	<u>3974989</u>
CRUSH	Registered	<u>85615496</u>	<u>4355263</u>
ORANGE CRUSH	Registered	<u>85218189</u>	<u>4514934</u>
STRAWBERRY CRUSH	Registered	<u>85218192</u>	<u>4514935</u>
GRAPE CRUSH	Registered	<u>85218193</u>	<u>4514936</u>

#### Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 05, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 05, 2014	Oct 15, 2014
3	PENDING, INSTITUTED	Sep 05, 2014	
4	P MOT FOR DEFAULT JUDGMENT	Oct 17, 2014	
5	BD DECISION: SUSTAINED	Nov 18, 2014	
6	TERMINATED	Nov 18, 2014	

**Generated on:** This page was generated by TSDR on 2016-05-31 10:42:09 EDT

**Mark:** CRUSH

**US Serial Number:** 78314308

**Application Filing Date:** Oct. 16, 2003

**US Registration Number:** 2895772

**Registration Date:** Oct. 19, 2004

**Register:** Principal

**Mark Type:** Trademark

**TM5 Common Status Descriptor:**



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

**Status:** The registration has been renewed.

**Status Date:** Oct. 29, 2014

**Publication Date:** Jul. 27, 2004

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## Mark Information

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**Mark Literal Elements:** CRUSH

**Standard Character Claim:** No

**Mark Drawing Type:** 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

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## Goods and Services

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**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 incontestability; and
- Asterisks \*-\* identify additional (new) wording in the goods/services.

**For:** CONFECTIONERY, NAMELY CANDY

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

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

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Oct. 31, 1999

**Use in Commerce:** Oct. 31, 1999

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## Basis Information (Case Level)

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<b>Filed Use:</b> Yes	<b>Currently Use:</b> Yes	<b>Amended Use:</b> No
<b>Filed ITU:</b> No	<b>Currently ITU:</b> No	<b>Amended ITU:</b> No
<b>Filed 44D:</b> No	<b>Currently 44D:</b> No	<b>Amended 44D:</b> No
<b>Filed 44E:</b> No	<b>Currently 44E:</b> No	<b>Amended 44E:</b> No
<b>Filed 66A:</b> No	<b>Currently 66A:</b> No	
<b>Filed No Basis:</b> No	<b>Currently No Basis:</b> No	

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## Current Owner(s) Information

---

**Owner Name:** DR PEPPER/SEVEN UP, INC.

**Owner Address:** 5301 LEGACY DRIVE  
Legal Department - IP  
PLANO, TEXAS UNITED STATES 75024

**Legal Entity Type:** CORPORATION

**State or Country** DELAWARE  
**Where Organized:**

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## Attorney/Correspondence Information

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### Attorney of Record

**Attorney Name:** Arthur Swanson

**Attorney Primary Email Address:** [keshia.martin@dpsg.com](mailto:keshia.martin@dpsg.com)

**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** Arthur Swanson  
Dr Pepper/Seven Up, Inc.  
5301 LEGACY DR  
Legal Department - IP  
PLANO, TEXAS UNITED STATES 75024-3109

**Phone:** 9726736028

**Correspondent e-mail:** [keshia.martin@dpsg.com](mailto:keshia.martin@dpsg.com) [art.swanson@dpsg.com](mailto:art.swanson@dpsg.com)

**Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found**

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## Prosecution History

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Date	Description	Proceeding Number
Oct. 29, 2014	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Oct. 29, 2014	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	69471
Oct. 29, 2014	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	69471
Oct. 29, 2014	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	69471
Oct. 14, 2014	TEAS SECTION 8 & 9 RECEIVED	
Jun. 05, 2014	ATTORNEY REVOKED AND/OR APPOINTED	
Jun. 05, 2014	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Feb. 28, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Feb. 28, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Oct. 29, 2010	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	77315
Oct. 29, 2010	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	77315
Oct. 19, 2010	TEAS SECTION 8 & 15 RECEIVED	
May 17, 2006	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Feb. 16, 2005	ATTORNEY REVOKED AND/OR APPOINTED	
Feb. 16, 2005	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Feb. 15, 2005	ATTORNEY REVOKED AND/OR APPOINTED	
Feb. 15, 2005	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Feb. 15, 2005	ATTORNEY REVOKED AND/OR APPOINTED	
Feb. 15, 2005	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Oct. 19, 2004	REGISTERED-PRINCIPAL REGISTER	
Jul. 27, 2004	PUBLISHED FOR OPPOSITION	
Jul. 12, 2004	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 07, 2004	NOTICE OF PUBLICATION	
Jun. 16, 2004	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
May 13, 2004	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 13, 2004	ASSIGNED TO EXAMINER	68788

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## Maintenance Filings or Post Registration Information

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**Affidavit of Continued Use:** Section 8 - Accepted

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

**Renewal Date:** Oct. 19, 2014

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## TM Staff and Location Information

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**TM Staff Information - None**

**File Location**

**Current Location:** GENERIC WEB UPDATE

**Date in Location:** Oct. 29, 2014

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## Assignment Abstract Of Title Information

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### Summary

**Total Assignments:** 1

**Registrant:** Cadbury Beverages B.V.

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### Assignment 1 of 1

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**Conveyance:** ASSIGNS THE ENTIRE INTEREST

**Reel/Frame:** [3307/0771](#)

**Pages:** 26

**Date Recorded:** May 12, 2006

**Supporting Documents:** [assignment-tm-3307-0771.pdf](#)

**Name:** [CADBURY BEVERAGES B.V.](#)

**Legal Entity Type:** CORPORATION

**Assignor**

**Execution Date:** Nov. 30, 2005

**State or Country Where Organized:** NETHERLANDS

**Assignee**

**Name:** [DR PEPPER/SEVEN UP, INC.](#)

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

**Address:** 5301 LEGACY DRIVE  
PLANO, TEXAS 75024

**Correspondent**

**Correspondent Name:** DANIEL CHUNG, ESQ.

**Correspondent Address:** 900 KING STREET - CADBURY SCHWEPPE  
RYE BROOK, NY 10573

**Domestic Representative - Not Found**

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## Proceedings

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### Summary

**Number of Proceedings:** 3

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### Type of Proceeding: Opposition

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**Proceeding Number:** [91218211](#)

**Filing Date:** Sep 05, 2014

**Status:** Terminated

**Status Date:** Nov 18, 2014

**Interlocutory Attorney:** ROBERT COGGINS

**Defendant**

**Name:** Napa Smith Holdings, LLC

**Correspondent Address:** KEATON OSBORNE  
BRADLEY ARANT BOULT CUMMINGS LLP  
1600 DIVISION ST STE 700  
NASHVILLE TN UNITED STATES , 37203-2771

**Correspondent e-mail:** [kosborne@babco.com](mailto:kosborne@babco.com); [snapples@babco.com](mailto:snapples@babco.com)



**Associated marks**

Mark	Application Status	Serial Number	Registration Number
GIANT CRUSH	Abandoned - After Inter-Partes Decision	<a href="#">86207320</a>	

**Plaintiff(s)**

**Name:** Dr Pepper/Seven Up, Inc.

**Correspondent** PAMELA B HUFF

**Address:** COX SMITH MATTHEWS INCORPORATED  
112 EAST PECAN STREET , SUITE 1800  
SAN ANTONIO TX UNITED STATES , 78205

**Correspondent e-mail:** [ipdocket@coxsmith.com](mailto:ipdocket@coxsmith.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
CRUSH	Renewed	<a href="#">71156594</a>	<a href="#">187791</a>
CRUSH	Renewed	<a href="#">73592383</a>	<a href="#">1424931</a>
CRUSH	Renewed	<a href="#">75639221</a>	<a href="#">2418265</a>
CRUSH	Renewed	<a href="#">75639222</a>	<a href="#">2418266</a>
CRUSH	Renewed	<a href="#">75576146</a>	<a href="#">2536979</a>
CRUSH	Renewed	<a href="#">78314308</a>	<a href="#">2895772</a>
CRUSH	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78928155</a>	<a href="#">3209282</a>
CRUSH	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78978696</a>	<a href="#">3289137</a>
CRUSH	Registered	<a href="#">77602920</a>	<a href="#">3974989</a>
CRUSH	Registered	<a href="#">85615496</a>	<a href="#">4355263</a>
ORANGE CRUSH	Registered	<a href="#">85218189</a>	<a href="#">4514934</a>
STRAWBERRY CRUSH	Registered	<a href="#">85218192</a>	<a href="#">4514935</a>
GRAPE CRUSH	Registered	<a href="#">85218193</a>	<a href="#">4514936</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 05, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 05, 2014	Oct 15, 2014
3	PENDING, INSTITUTED	Sep 05, 2014	
4	P MOT FOR DEFAULT JUDGMENT	Oct 17, 2014	
5	BD DECISION: SUSTAINED	Nov 18, 2014	
6	TERMINATED	Nov 18, 2014	

**Type of Proceeding: Opposition**

**Proceeding Number:** [91180742](#)

**Filing Date:** Nov 12, 2007

**Status:** Terminated

**Status Date:** Dec 09, 2010

**Interlocutory Attorney:** YONG OH (RICHARD) KIM

**Defendant**

**Name:** Krush Global Limited

**Correspondent** WILLIAM C. WRIGHT

**Address:** EPSTEIN DRANGEL BAZERMAN & JAMES, LLP  
60 EAST 42nd STREET, SUITE 820  
NEW YORK NY UNITED STATES , 10165

**Correspondent e-mail:** [wwright@ipcounselors.com](mailto:wwright@ipcounselors.com), [jdrangel@ipcounselors.com](mailto:jdrangel@ipcounselors.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
CRUSH	Abandoned - After Inter-Partes Decision	<a href="#">79033050</a>	

**Plaintiff(s)**

**Name:** Dr Pepper/Seven Up, Inc.

**Correspondent** LAURA POPP-ROSENBERG  
**Address:** FROSS ZELNICK LEHRMAN & ZISSU, PC  
 866 UNITED NATIONS PLAZA  
 NEW YORK NY UNITED STATES , 10017

**Correspondent e-mail:** [lpopp-rosenberg@fzlz.com](mailto:lpopp-rosenberg@fzlz.com), [bsolomon@fzlz.com](mailto:bsolomon@fzlz.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
CRUSH	Renewed	<u>71156594</u>	<u>187791</u>
ORANGE CRUSH	Expired	<u>72038378</u>	<u>683361</u>
CRUSH	Renewed	<u>73592383</u>	<u>1424931</u>
CRUSH	Renewed	<u>75639221</u>	<u>2418265</u>
CRUSH	Renewed	<u>75576146</u>	<u>2536979</u>
CRUSH	Renewed	<u>78314308</u>	<u>2895772</u>
CRUSH	Section 8 and 15 - Accepted and Acknowledged	<u>78928155</u>	<u>3209282</u>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 12, 2007	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 14, 2007	Dec 24, 2007
3	PENDING, INSTITUTED	Nov 14, 2007	
4	P'S MOTION TO CONSOLIDATE	Nov 28, 2007	
5	ANSWER	Dec 21, 2007	
6	PL'S MOTION TO CONSOL. GRANTED, TRAIL DATES REMAIN AS SET.	Jan 22, 2008	
7	STIPULATION FOR AN EXTENSION OF TIME	Mar 26, 2008	
8	STIP PROTEC AGREE	Apr 15, 2008	
9	STIP PROTECTIVE AGREEMENT NOTED	Apr 29, 2008	
10	MOTION GRANTED	May 15, 2008	
11	STIPULATION FOR AN EXTENSION OF TIME	Jul 02, 2008	
12	EXTENSION OF TIME GRANTED	Jul 02, 2008	
13	P'S MOTION FOR SUMMARY JUDGMENT	Nov 07, 2008	
14	Confidential Plaintiff's Summary Judgment	Nov 07, 2008	
15	DECLA OF M ORTIZ IN SUPPORT OF OP'S MOT FOR SJ	Nov 07, 2008	
16	DECLA OF A SPRINGATE IN SUPPORT OF OP'S SJ	Nov 08, 2008	
17	DECLA OF L POPP-ROSENBERG IN SUPPORT OF OP'S MOTION FOR SJ	Nov 08, 2008	
18	PL'S DECLARATION OF ANDREW D. SPRINGATE IN MOTION FOR SUMMARY JUDGMENT	Nov 08, 2008	
19	SUSPENDED	Nov 19, 2008	
20	Confidential Defendant's Supporting Evidents/Exhibits	Dec 12, 2008	
21	D'S OPPOSITION/RESPONSE TO MOTION	Dec 12, 2008	
22	DECLARATION OF JAMES LEARMOND AND EXH	Dec 12, 2008	
23	DECLARATION OF WILLIAM C. WRIGHT AND EXH	Dec 12, 2008	
24	P'S REPLY IN SUPPORT OF MOTION	Jan 02, 2009	
25	Other Motions/Papers	Jan 02, 2009	
26	PL'S MOT. FOR SUMM. JUDGMENT DENIED	Feb 12, 2009	
27	STIPULATION FOR AN EXTENSION OF TIME	Feb 13, 2009	
28	EXTENSION OF TIME GRANTED	Feb 13, 2009	
29	DEF'S OPPOSITION TO OP'S MOTION FOR SJ	Mar 17, 2009	
30	PLAINTIFF'S NOTICE OF RELIANCE	May 15, 2009	
31	TRIAL DECL OF MARIO ORTIZ	May 18, 2009	
32	TRIAL DECLARATION OF ANDREW SPRINGATE	May 21, 2009	
33	DECLARATION OF A. SPRINGATE CONF. DOC	May 21, 2009	
34	P'S NOTICE OF RELIANCE	Jun 02, 2009	
35	P'S NOTICE OF RELIANCE	Jun 02, 2009	
36	P'S NOTICE OF RELIANCE	Jun 02, 2009	
37	OPP'S OBJECTIONS TO APPL'S DISC.	Jun 25, 2009	
38	DECLARATION OF WILLIAM C WRIGHT	Jul 15, 2009	

39	DECLARATION OF JAMES LEARMOND	Jul 22, 2009
40	Confidential Defendant's Notice of Reliance	Jul 29, 2009
41	DEFENDANT'S NOTICE OF RELIANCE	Jul 29, 2009
42	SUPPL DECLARATION OF C WRIGHT	Jul 30, 2009
43	P'S MOTION TO STRIKE	Aug 06, 2009
44	D'S OPPOSITION/RESPONSE TO MOTION	Aug 20, 2009
45	PLAINTIFF'S NOTICE OF RELIANCE	Sep 01, 2009
46	DECLARATION OF MARIO ORTIZ	Sep 01, 2009
47	DECLARATION OF A SPRINGATE	Sep 01, 2009
48	TESTIMONY FOR PLAINTIFF	Sep 03, 2009
49	OPP'S REPLY BRIEF	Sep 03, 2009
50	STIP TO SUBMISSION OF SUP REBUTTAL	Sep 04, 2009
51	EX'S TO DEPOSITION OF ANDREW SPRINGATE	Sep 25, 2009
52	DEPOSITION OF ANDREW SPRINGATE	Sep 25, 2009
53	DEPOSITION OF ANDREW SPRINGATE	Sep 25, 2009
54	DEP OF JAMES P NEEDHAM	Oct 13, 2009
55	TESTIMONY FOR PLAINTIFF	Nov 10, 2009
56	OPP'S OBJECTIONS TO APPL'S PROFFERED EVIDENCE	Nov 12, 2009
57	BRIEF ON MERITS FOR PLAINTIFF	Nov 12, 2009
58	Confidential Brief on Merits for Plaintiff	Nov 12, 2009
59	Confidential Brief on Merits for Defendant	Dec 11, 2009
60	FINAL BRIEF ON MERITS FOR DEFENDANT(S)	Dec 11, 2009
61	P'S REBUTTAL BRIEF	Dec 28, 2009
62	Confidential Plaintiff's Rebuttal Brief	Dec 28, 2009
63	SUBMITTED ON BRIEF	May 26, 2010
64	BOARD'S DECISION: SUSTAINED	Sep 13, 2010
65	TERMINATED	Dec 09, 2010

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**Type of Proceeding: Cancellation**

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**Proceeding Number:** 92048446

**Filing Date:** Nov 12, 2007

**Status:** Terminated

**Status Date:** Dec 23, 2010

**Interlocutory Attorney:** YONG OH (RICHARD) KIM

**Defendant**

**Name:** Krush Global Limited

**Correspondent Address:** WILLIAM C WRIGHT  
EPSTEIN DRANGEL BAZERMAN & JAMES, LLP  
60 EAST 42ND STREET, SUITE 820  
NEW YORK NY UNITED STATES , 10165

**Correspondent e-mail:** wwright@ipcounselors.com , jdrangel@ipcounselors.com

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
CRUSH	Cancelled - Section 18 <b>Plaintiff(s)</b>	<u>79030220</u>	<u>3275548</u>

**Name:** Dr Pepper/Seven Up, Inc.

**Correspondent Address:** LAURA POPP-RESENBERG  
FROSS ZELNICK LEHRMAN & ZISSU, P.C.  
866 UNITED NATIONS PLAZA  
NEW YORK NY UNITED STATES , 10017

**Correspondent e-mail:** lpopp-rosenberg@fzlz.com, bsolomon@fzlz.com

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
ORANGE CRUSH	Expired	<u>72038378</u>	<u>683361</u>

CRUSH	Renewed	<u>73592383</u>	<u>1424931</u>
CRUSH	Renewed	<u>75639221</u>	<u>2418265</u>
CRUSH	Renewed	<u>75576146</u>	<u>2536979</u>
CRUSH	Renewed	<u>78314308</u>	<u>2895772</u>
CRUSH	Section 8 and 15 - Accepted and Acknowledged	<u>78928155</u>	<u>3209282</u>
CRUSH	Renewed	<u>71156594</u>	<u>187791</u>

**Prosecution History**

<b>Entry Number</b>	<b>History Text</b>	<b>Date</b>	<b>Due Date</b>
1	FILED AND FEE	Nov 12, 2007	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 16, 2007	Dec 26, 2007
3	PENDING, INSTITUTED	Nov 16, 2007	
4	OPP'S SUBMISSIO OF PROOF OF SERVICE	Nov 19, 2007	
5	P'S MOTION TO CONSOLIDATE	Nov 28, 2007	
6	ANSWER	Dec 21, 2007	
7	PL'S MOTION TO CONSOL. GRANTED, TRAIL DATES REMAIN AS SET	Jan 22, 2008	
8	PL'S MOT. FOR SUMM. JUDGMENT DENIED	Feb 12, 2009	
9	SUBMITTED ON BRIEF	Jul 25, 2010	
10	BOARD'S DECISION: GRANTED	Sep 13, 2010	
11	COMMR'S ORDER CANCELLING REGISTRATION	Dec 23, 2010	
12	TERMINATED	Dec 23, 2010	

**Generated on:** This page was generated by TSDR on 2016-05-31 11:01:16 EDT

**Mark:** CRUSH

**US Serial Number:** 75576146

**Application Filing Date:** Oct. 22, 1998

**US Registration Number:** 2536979

**Registration Date:** Feb. 05, 2002

**Register:** Principal

**Mark Type:** Trademark

**Status:** The registration has been renewed.

**Status Date:** Mar. 05, 2012

**Publication Date:** Sep. 19, 2000

**Notice of Allowance Date:** Dec. 12, 2000

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## Mark Information

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**Mark Literal Elements:** CRUSH

**Standard Character Claim:** No

**Mark Drawing Type:** 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

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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 incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

**For:** confectionery, namely, soft candies

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

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

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Sep. 1999

**Use in Commerce:** Sep. 1999

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## Basis Information (Case Level)

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**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

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## Current Owner(s) Information

---

**Owner Name:** DR PEPPER/SEVEN UP, INC.

**Owner Address:** 5301 LEGACY DRIVE  
PLANO, TEXAS 75024  
UNITED STATES

**Legal Entity Type:** CORPORATION

**State or Country** DELAWARE  
**Where Organized:**

---

## Attorney/Correspondence Information

---

### Attorney of Record

**Attorney Name:** Arthur Swanson

**Attorney Primary** [keshia.martin@dpsg.com](mailto:keshia.martin@dpsg.com)  
**Email Address:**

**Attorney Email** Yes  
**Authorized:**

### Correspondent

**Correspondent** Arthur Swanson  
**Name/Address:** Dr Pepper/Seven Up, Inc.  
5301 LEGACY DR  
Legal Department - IP  
PLANO, TEXAS 75024-3109  
UNITED STATES

**Phone:** 9726738955

**Correspondent e-** [keshia.martin@dpsg.com](mailto:keshia.martin@dpsg.com) [art.swanson@dpsg.com](mailto:art.swanson@dpsg.com)  
**mail:**

**Correspondent e-** Yes  
**mail Authorized:**

### Domestic Representative

**Domestic** Daniel Chung, Esq.  
**Representative**  
**Name:**

**Phone:** 914-612-4701

**Fax:** 914-612-6325

**Domestic** [groupip@cs-americas.com](mailto:groupip@cs-americas.com)  
**Representative e-**  
**mail:**

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

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## Prosecution History

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Date	Description	Proceeding Number
Jun. 05, 2014	ATTORNEY REVOKED AND/OR APPOINTED	
Jun. 05, 2014	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Feb. 28, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Feb. 28, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Mar. 05, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Mar. 05, 2012	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	68335
Mar. 05, 2012	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	68335
Mar. 05, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68335
Feb. 03, 2012	TEAS SECTION 8 & 9 RECEIVED	
Apr. 10, 2007	CASE FILE IN TICRS	
Mar. 21, 2007	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	70131
Mar. 20, 2007	ASSIGNED TO PARALEGAL	70131
Feb. 08, 2007	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Feb. 08, 2007	TEAS SECTION 8 & 15 RECEIVED	
May 17, 2006	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Feb. 16, 2005	ATTORNEY REVOKED AND/OR APPOINTED	
Feb. 16, 2005	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Feb. 15, 2005	ATTORNEY REVOKED AND/OR APPOINTED	
Feb. 15, 2005	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Feb. 15, 2005	ATTORNEY REVOKED AND/OR APPOINTED	
Feb. 15, 2005	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jul. 12, 2004	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jun. 16, 2004	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 13, 2003	TEAS CHANGE OF CORRESPONDENCE RECEIVED	

Feb. 05, 2002	REGISTERED-PRINCIPAL REGISTER	
Nov. 01, 2001	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Oct. 30, 2001	ASSIGNED TO EXAMINER	73714
Oct. 16, 2001	STATEMENT OF USE PROCESSING COMPLETE	
Oct. 12, 2001	USE AMENDMENT FILED	
Jun. 20, 2001	EXTENSION 1 GRANTED	
Jun. 12, 2001	EXTENSION 1 FILED	
Dec. 12, 2000	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Sep. 19, 2000	PUBLISHED FOR OPPOSITION	
Aug. 18, 2000	NOTICE OF PUBLICATION	
Jun. 22, 2000	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 17, 2000	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Sep. 27, 1999	LETTER OF SUSPENSION MAILED	
Sep. 03, 1999	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Mar. 03, 1999	NON-FINAL ACTION MAILED	
Mar. 01, 1999	ASSIGNED TO EXAMINER	73714
Feb. 26, 1999	ASSIGNED TO EXAMINER	74307

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## Maintenance Filings or Post Registration Information

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**Affidavit of Continued Use:** Section 8 - Accepted

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

**Renewal Date:** Feb. 05, 2012

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## TM Staff and Location Information

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**TM Staff Information - None**

**File Location**

**Current Location:** GENERIC WEB UPDATE

**Date in Location:** Mar. 05, 2012

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## Assignment Abstract Of Title Information

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### Summary

**Total Assignments:** 1

**Registrant:** Cadbury Beverages B.V.

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### Assignment 1 of 1

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**Conveyance:** ASSIGNS THE ENTIRE INTEREST

**Reel/Frame:** 3307/0771

**Pages:** 26

**Date Recorded:** May 12, 2006

**Supporting Documents:** assignment-tm-3307-0771.pdf

**Name:** CADBURY BEVERAGES B.V.

**Legal Entity Type:** CORPORATION

### Assignor

**Execution Date:** Nov. 30, 2005

**State or Country Where Organized:** NETHERLANDS

### Assignee

**Name:** DR PEPPER/SEVEN UP, INC.

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

**Address:** 5301 LEGACY DRIVE  
PLANO, TEXAS 75024

### Correspondent

**Correspondent Name:** DANIEL CHUNG, ESQ.

**Correspondent Address:** 900 KING STREET - CADBURY SCHWEPES  
RYE BROOK, NY 10573

## Proceedings

### Summary

Number of 4  
Proceedings:

### Type of Proceeding: Opposition

Proceeding [91218211](#)  
Number:

Filing Date: Sep 05, 2014

Status: Terminated

Status Date: Nov 18, 2014

Interlocutory ROBERT COGGINS  
Attorney:

### Defendant

Name: Napa Smith Holdings, LLC

Correspondent KEATON OSBORNE  
Address: BRADLEY ARANT BOULT CUMMINGS LLP  
1600 DIVISION ST STE 700  
NASHVILLE TN , 37203-2771  
UNITED STATES

Correspondent e-mail: [kosborne@babco.com](mailto:kosborne@babco.com); [snaples@babco.com](mailto:snaples@babco.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
GIANT CRUSH	Abandoned - After Inter-Partes Decision	<a href="#">86207320</a>	
	Plaintiff(s)		

Name: Dr Pepper/Seven Up, Inc.

Correspondent PAMELA B HUFF  
Address: COX SMITH MATTHEWS INCORPORATED  
112 EAST PECAN STREET , SUITE 1800  
SAN ANTONIO TX , 78205  
UNITED STATES

Correspondent e-mail: [ipdocket@coxsmith.com](mailto:ipdocket@coxsmith.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
CRUSH	Renewed	<a href="#">71156594</a>	<a href="#">187791</a>
CRUSH	Renewed	<a href="#">73592383</a>	<a href="#">1424931</a>
CRUSH	Renewed	<a href="#">75639221</a>	<a href="#">2418265</a>
CRUSH	Renewed	<a href="#">75639222</a>	<a href="#">2418266</a>
CRUSH	Renewed	<a href="#">75576146</a>	<a href="#">2536979</a>
CRUSH	Renewed	<a href="#">78314308</a>	<a href="#">2895772</a>
CRUSH	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78928155</a>	<a href="#">3209282</a>
CRUSH	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78978696</a>	<a href="#">3289137</a>
CRUSH	Registered	<a href="#">77602920</a>	<a href="#">3974989</a>
CRUSH	Registered	<a href="#">85615496</a>	<a href="#">4355263</a>
ORANGE CRUSH	Registered	<a href="#">85218189</a>	<a href="#">4514934</a>
STRAWBERRY CRUSH	Registered	<a href="#">85218192</a>	<a href="#">4514935</a>
GRAPE CRUSH	Registered	<a href="#">85218193</a>	<a href="#">4514936</a>

### Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 05, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 05, 2014	Oct 15, 2014
3	PENDING, INSTITUTED	Sep 05, 2014	
4	P MOT FOR DEFAULT JUDGMENT	Oct 17, 2014	
5	BD DECISION: SUSTAINED	Nov 18, 2014	



**Type of Proceeding: Opposition****Proceeding Number:** [91180742](#)**Filing Date:** Nov 12, 2007**Status:** Terminated**Status Date:** Dec 09, 2010**Interlocutory Attorney:** YONG OH (RICHARD) KIM**Defendant****Name:** Krush Global Limited**Correspondent Address:** WILLIAM C. WRIGHT  
EPSTEIN DRANGEL BAZERMAN & JAMES, LLP  
60 EAST 42nd STREET, SUITE 820  
NEW YORK NY , 10165  
UNITED STATES**Correspondent e-mail:** [wwright@ipcounselors.com](mailto:wwright@ipcounselors.com), [jdrangel@ipcounselors.com](mailto:jdrangel@ipcounselors.com)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
CRUSH	Abandoned - After Inter-Partes Decision <b>Plaintiff(s)</b>	<a href="#">79033050</a>	

**Name:** Dr Pepper/Seven Up, Inc.**Correspondent Address:** LAURA POPP-ROSENBERG  
FROSS ZELNICK LEHRMAN & ZISSU, PC  
866 UNITED NATIONS PLAZA  
NEW YORK NY , 10017  
UNITED STATES**Correspondent e-mail:** [lpopp-rosenberg@fzlz.com](mailto:lpopp-rosenberg@fzlz.com), [bsolomon@fzlz.com](mailto:bsolomon@fzlz.com)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
CRUSH	Renewed	<a href="#">71156594</a>	<a href="#">187791</a>
ORANGE CRUSH	Expired	<a href="#">72038378</a>	<a href="#">683361</a>
CRUSH	Renewed	<a href="#">73592383</a>	<a href="#">1424931</a>
CRUSH	Renewed	<a href="#">75639221</a>	<a href="#">2418265</a>
CRUSH	Renewed	<a href="#">75576146</a>	<a href="#">2536979</a>
CRUSH	Renewed	<a href="#">78314308</a>	<a href="#">2895772</a>
CRUSH	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78928155</a>	<a href="#">3209282</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 12, 2007	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 14, 2007	Dec 24, 2007
3	PENDING, INSTITUTED	Nov 14, 2007	
4	P'S MOTION TO CONSOLIDATE	Nov 28, 2007	
5	ANSWER	Dec 21, 2007	
6	PL'S MOTION TO CONSOL. GRANTED, TRAIL DATES REMAIN AS SET.	Jan 22, 2008	
7	STIPULATION FOR AN EXTENSION OF TIME	Mar 26, 2008	
8	STIP PROTEC AGREE	Apr 15, 2008	
9	STIP PROTECTIVE AGREEMENT NOTED	Apr 29, 2008	
10	MOTION GRANTED	May 15, 2008	
11	STIPULATION FOR AN EXTENSION OF TIME	Jul 02, 2008	
12	EXTENSION OF TIME GRANTED	Jul 02, 2008	
13	P'S MOTION FOR SUMMARY JUDGMENT	Nov 07, 2008	
14	Confidential Plaintiff's Summary Judgment	Nov 07, 2008	
15	DECLA OF M ORTIZ IN SUPPORT OF OP'S MOT FOR SJ	Nov 07, 2008	
16	DECLA OF A SPRINGATE IN SUPPORT OF OP'S SJ	Nov 08, 2008	

17	DECLA OF L POPP-ROSENBERG IN SUPPORT OF OP'S MOTION FOR SJ	Nov 08, 2008
18	PL'S DECLARATION OF ANDREW D. SPRINGATE IN MOTION FOR SUMMARY JUDGMENT	Nov 08, 2008
19	SUSPENDED	Nov 19, 2008
20	Confidential Defendant's Supporting Evidents/Exhibits	Dec 12, 2008
21	D'S OPPOSITION/RESPONSE TO MOTION	Dec 12, 2008
22	DECLARATION OF JAMES LEARMOND AND EXH	Dec 12, 2008
23	DECLARATION OF WILLIAM C. WRIGHT AND EXH	Dec 12, 2008
24	P'S REPLY IN SUPPORT OF MOTION	Jan 02, 2009
25	Other Motions/Papers	Jan 02, 2009
26	PL'S MOT. FOR SUMM. JUDGMENT DENIED	Feb 12, 2009
27	STIPULATION FOR AN EXTENSION OF TIME	Feb 13, 2009
28	EXTENSION OF TIME GRANTED	Feb 13, 2009
29	DEF'S OPPOSITION TO OP'S MOTION FOR SJ	Mar 17, 2009
30	PLAINTIFF'S NOTICE OF RELIANCE	May 15, 2009
31	TRIAL DECL OF MARIO ORTIZ	May 18, 2009
32	TRIAL DECLARATION OF ANDREW SPRINGATE	May 21, 2009
33	DECLARATION OF A. SPRINGATE CONF. DOC	May 21, 2009
34	P'S NOTICE OF RELIANCE	Jun 02, 2009
35	P'S NOTICE OF RELIANCE	Jun 02, 2009
36	P'S NOTICE OF RELIANCE	Jun 02, 2009
37	OPP'S OBJECTIONS TO APPL'S DISC.	Jun 25, 2009
38	DECLARATION OF WILLIAM C WRIGHT	Jul 15, 2009
39	DECLARATION OF JAMES LEARMOND	Jul 22, 2009
40	Confidential Defendant's Notice of Reliance	Jul 29, 2009
41	DEFENDANT'S NOTICE OF RELIANCE	Jul 29, 2009
42	SUPPL DECLARATION OF C WRIGHT	Jul 30, 2009
43	P'S MOTION TO STRIKE	Aug 06, 2009
44	D'S OPPOSITION/RESPONSE TO MOTION	Aug 20, 2009
45	PLAINTIFF'S NOTICE OF RELIANCE	Sep 01, 2009
46	DECLARATION OF MARIO ORTIZ	Sep 01, 2009
47	DECLARATION OF A SPRINGATE	Sep 01, 2009
48	TESTIMONY FOR PLAINTIFF	Sep 03, 2009
49	OPP'S REPLY BRIEF	Sep 03, 2009
50	STIP TO SUBMISSION OF SUP REBUTTAL	Sep 04, 2009
51	EX'S TO DEPOSITION OF ANDREW SPRINGATE	Sep 25, 2009
52	DEPOSITION OF ANDREW SPRINGATE	Sep 25, 2009
53	DEPOSITION OF ANDREW SPRINGATE	Sep 25, 2009
54	DEP OF JAMES P NEEDHAM	Oct 13, 2009
55	TESTIMONY FOR PLAINTIFF	Nov 10, 2009
56	OPP'S OBJECTIONS TO APPL'S PROFFERED EVIDENCE	Nov 12, 2009
57	BRIEF ON MERITS FOR PLAINTIFF	Nov 12, 2009
58	Confidential Brief on Merits for Plaintiff	Nov 12, 2009
59	Confidential Brief on Merits for Defendant	Dec 11, 2009
60	FINAL BRIEF ON MERITS FOR DEFENDANT(S)	Dec 11, 2009
61	P'S REBUTTAL BRIEF	Dec 28, 2009
62	Confidential Plaintiff's Rebuttal Brief	Dec 28, 2009
63	SUBMITTED ON BRIEF	May 26, 2010
64	BOARD'S DECISION: SUSTAINED	Sep 13, 2010
65	TERMINATED	Dec 09, 2010

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**Type of Proceeding: Cancellation**

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**Proceeding** 92048446  
**Number:**

**Filing Date:** Nov 12, 2007

**Status:** Terminated

**Status Date:** Dec 23, 2010

**Interlocutory** YONG OH (RICHARD) KIM  
**Attorney:**

**Defendant****Name:** Krush Global Limited

**Correspondent** WILLIAM C WRIGHT  
**Address:** EPSTEIN DRANGEL BAZERMAN & JAMES, LLP  
 60 EAST 42ND STREET, SUITE 820  
 NEW YORK NY , 10165  
 UNITED STATES

**Correspondent e-mail:** [wwright@ipcounselors.com](mailto:wwright@ipcounselors.com) , [jdrangel@ipcounselors.com](mailto:jdrangel@ipcounselors.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
CRUSSH	Cancelled - Section 18 <b>Plaintiff(s)</b>	<a href="#">79030220</a>	<a href="#">3275548</a>

**Name:** Dr Pepper/Seven Up, Inc.

**Correspondent** LAURA POPP-RESENBERG  
**Address:** FROSS ZELNICK LEHRMAN & ZISSU, P.C.  
 866 UNITED NATIONS PLAZA  
 NEW YORK NY , 10017  
 UNITED STATES

**Correspondent e-mail:** [lpopp-rosenberg@fziz.com](mailto:lpopp-rosenberg@fziz.com), [bsolomon@fziz.com](mailto:bsolomon@fziz.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
ORANGE CRUSH	Expired	<a href="#">72038378</a>	<a href="#">683361</a>
CRUSH	Renewed	<a href="#">73592383</a>	<a href="#">1424931</a>
CRUSH	Renewed	<a href="#">75639221</a>	<a href="#">2418265</a>
CRUSH	Renewed	<a href="#">75576146</a>	<a href="#">2536979</a>
CRUSH	Renewed	<a href="#">78314308</a>	<a href="#">2895772</a>
CRUSH	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78928155</a>	<a href="#">3209282</a>
CRUSH	Renewed	<a href="#">71156594</a>	<a href="#">187791</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 12, 2007	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 16, 2007	Dec 26, 2007
3	PENDING, INSTITUTED	Nov 16, 2007	
4	OPP'S SUBMISSIO OF PROOF OF SERVICE	Nov 19, 2007	
5	P'S MOTION TO CONSOLIDATE	Nov 28, 2007	
6	ANSWER	Dec 21, 2007	
7	PL'S MOTION TO CONSOL. GRANTED, TRAIL DATES REMAIN AS SET	Jan 22, 2008	
8	PL'S MOT. FOR SUMM. JUDGMENT DENIED	Feb 12, 2009	
9	SUBMITTED ON BRIEF	Jul 25, 2010	
10	BOARD'S DECISION: GRANTED	Sep 13, 2010	
11	COMMR'S ORDER CANCELLING REGISTRATION	Dec 23, 2010	
12	TERMINATED	Dec 23, 2010	

**Type of Proceeding: Cancellation**

**Proceeding Number:** [92029352](#)

**Filing Date:** Sep 03, 1999**Status:** Terminated**Status Date:** Sep 15, 1999

**Interlocutory Attorney:** ELIZABETH A DUNN

**Defendant****Name:** FAVORITE BRANDS INTERNATIONAL, INC.

**Correspondent** LAURIE PEARD SOLDER  
**Address:** FAVORITE BRANDS INTERNATIONAL, INC.  
 SUITE 400 25 TRI-STATE  
 LINCOLNSHIRE IL , 60069

UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
CHERRY CRUSH	Cancelled - Section 18 Plaintiff(s)	<u>71138812</u>	<u>142656</u>

Name: CADBURY BEVERAGES B.V.

Correspondent HOWARD B. BARNABY  
Address: ROBIN, BLECKER & DALEY  
330 MADISON AVENUE  
NEW YORK NY , 10017  
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
CRUSH	Renewed	<u>75576146</u>	<u>2536979</u>

Prosecution History		Date	Due Date
Entry Number	History Text		
1	FILED AND FEE	Sep 03, 1999	
2	NOTICE SENT; TRIAL DATES RESET; ANSWER DUE	Sep 15, 1999	Oct 25, 1999
3	PENDING, INSTITUTED	Sep 15, 1999	
4	CANCELLATION GRANTED	May 09, 2000	
5	COMMR'S ORDER CANCELLING REGISTRATION	Jun 01, 2000	

**Generated on:** This page was generated by TSDR on 2016-05-31 11:01:47 EDT

**Mark:** CRUSH



**US Serial Number:** 75639222

**Application Filing Date:** Feb. 08, 1999

**US Registration Number:** 2418266

**Registration Date:** Jan. 02, 2001

**Register:** Principal

**Mark Type:** Trademark

**Status:** The registration has been renewed.

**Status Date:** Feb. 08, 2011

**Publication Date:** Nov. 23, 1999

**Notice of Allowance Date:** Feb. 15, 2000

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## Mark Information

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**Mark Literal Elements:** CRUSH

**Standard Character Claim:** No

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

**Design Search Code(s):** 01.15.25 - Light rays; Sand; Coal; Dust; Spilling liquids; Liquids, spilling; Pouring liquids  
05.09.03 - Oranges, tangerines and the like; grapefruit  
05.09.13 - Fruits (slices or quarters of)

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## Related Properties Information

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**Claimed Ownership of US Registrations:** 0187791, 0683361, 1681367, 1885642, 1939670, 1943854 and others

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## Goods and Services

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**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 incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

**For:** soft drinks and concentrates for making the same

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

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

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Jun. 01, 1999

**Use in Commerce:** Jun. 01, 1999

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## Basis Information (Case Level)

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**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

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## Current Owner(s) Information

---

**Owner Name:** DR PEPPER/SEVEN UP, INC.

**Owner Address:** 5301 LEGACY DRIVE  
PLANO, TEXAS 75024  
UNITED STATES

**Legal Entity Type:** CORPORATION

**State or Country** DELAWARE  
**Where Organized:**

---

## Attorney/Correspondence Information

---

### Attorney of Record

**Attorney Name:** Arthur Swanson

**Attorney Primary** keshia.martin@dpsg.com  
**Email Address:**

**Attorney Email** Yes  
**Authorized:**

### Correspondent

**Correspondent** Arthur Swanson  
**Name/Address:** Dr Pepper/Seven Up, Inc.  
5301 LEGACY DR  
Legal Department - IP  
PLANO, TEXAS 75024-3109  
UNITED STATES

**Phone:** 9726738955

**Correspondent e-** keshia.martin@dpsg.com art.swanson@dpsg.com  
**mail:**

**Correspondent e-** Yes  
**mail Authorized:**

**Domestic Representative - Not Found**

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## Prosecution History

---

Date	Description	Proceeding Number
Jun. 05, 2014	ATTORNEY REVOKED AND/OR APPOINTED	
Jun. 05, 2014	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Feb. 28, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Feb. 28, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Feb. 08, 2011	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	76293
Feb. 08, 2011	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Feb. 08, 2011	AMENDMENT UNDER SECTION 7 - ISSUED	76293
Jan. 27, 2011	TEAS RESPONSE TO OFFICE ACTION-POST REG RECEIVED	
Jan. 03, 2011	POST REGISTRATION ACTION MAILED - SEC. 7	76293
Dec. 30, 2010	TEAS SECTION 8 & 9 RECEIVED	
Dec. 30, 2010	TEAS SECTION 7 REQUEST RECEIVED	
Jan. 27, 2009	NOTICE OF DESIGN SEARCH CODE MAILED	
Aug. 28, 2006	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	76293
Jul. 25, 2006	CASE FILE IN TICRS	
Jun. 07, 2006	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Jun. 07, 2006	TEAS SECTION 8 & 15 RECEIVED	
May 17, 2006	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Feb. 16, 2005	ATTORNEY REVOKED AND/OR APPOINTED	
Feb. 16, 2005	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Feb. 15, 2005	ATTORNEY REVOKED AND/OR APPOINTED	
Feb. 15, 2005	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Feb. 15, 2005	ATTORNEY REVOKED AND/OR APPOINTED	
Feb. 15, 2005	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jul. 12, 2004	TEAS CHANGE OF CORRESPONDENCE RECEIVED	

Jun. 16, 2004	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 13, 2003	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 02, 2001	REGISTERED-PRINCIPAL REGISTER	
Sep. 10, 2000	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Sep. 07, 2000	ASSIGNED TO EXAMINER	73714
Aug. 18, 2000	STATEMENT OF USE PROCESSING COMPLETE	
Jun. 08, 2000	USE AMENDMENT FILED	
Feb. 15, 2000	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Nov. 23, 1999	PUBLISHED FOR OPPOSITION	
Oct. 22, 1999	NOTICE OF PUBLICATION	
Aug. 13, 1999	ASSIGNED TO EXAMINER	73714
Jul. 30, 1999	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 09, 1999	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jun. 23, 1999	NON-FINAL ACTION MAILED	
May 24, 1999	ASSIGNED TO EXAMINER	73714
May 21, 1999	ASSIGNED TO EXAMINER	76735

## Maintenance Filings or Post Registration Information

**Affidavit of Continued Use:** Section 8 - Accepted

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

**Renewal Date:** Jan. 02, 2011

**Change in Registration:** Yes

**Amendment to a Registration/Renewal Certificate:** The drawing is amended to appear as follows: PUBLISH NEW CUT

## TM Staff and Location Information

**TM Staff Information - None**

**File Location**

**Current Location:** Not Found

**Date in Location:** Apr. 01, 2011

## Assignment Abstract Of Title Information

### Summary

**Total Assignments:** 1

**Registrant:** Cadbury Beverages B.V.

### Assignment 1 of 1

**Conveyance:** ASSIGNS THE ENTIRE INTEREST

**Reel/Frame:** 3307/0771

**Pages:** 26

**Date Recorded:** May 12, 2006

**Supporting Documents:** assignment-tm-3307-0771.pdf

**Name:** CADBURY BEVERAGES B.V.

**Legal Entity Type:** CORPORATION

### Assignor

**Execution Date:** Nov. 30, 2005

**State or Country Where Organized:** NETHERLANDS

### Assignee

**Name:** DR PEPPER/SEVEN UP, INC.

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

**Address:** 5301 LEGACY DRIVE  
PLANO, TEXAS 75024

**Correspondent**

**Correspondent Name:** DANIEL CHUNG, ESQ.

**Correspondent Address:** 900 KING STREET - CADBURY SCHWEPPE  
RYE BROOK, NY 10573

**Domestic Representative - Not Found**

## Proceedings

### Summary

**Number of Proceedings:** 1

### Type of Proceeding: Opposition

**Proceeding Number:** [91218211](#)

**Filing Date:** Sep 05, 2014

**Status:** Terminated

**Status Date:** Nov 18, 2014

**Interlocutory Attorney:** ROBERT COGGINS

### Defendant

**Name:** Napa Smith Holdings, LLC

**Correspondent Address:** KEATON OSBORNE  
BRADLEY ARANT BOULT CUMMINGS LLP  
1600 DIVISION ST STE 700  
NASHVILLE TN , 37203-2771  
UNITED STATES

**Correspondent e-mail:** [kosborne@babco.com](mailto:kosborne@babco.com); [snables@babco.com](mailto:snables@babco.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
GIANT CRUSH	Abandoned - After Inter-Partes Decision	<a href="#">86207320</a>	
<b>Plaintiff(s)</b>			

**Name:** Dr Pepper/Seven Up, Inc.

**Correspondent Address:** PAMELA B HUFF  
COX SMITH MATTHEWS INCORPORATED  
112 EAST PECAN STREET , SUITE 1800  
SAN ANTONIO TX , 78205  
UNITED STATES

**Correspondent e-mail:** [ipdocket@coxsmith.com](mailto:ipdocket@coxsmith.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
CRUSH	Renewed	<a href="#">71156594</a>	<a href="#">187791</a>
CRUSH	Renewed	<a href="#">73592383</a>	<a href="#">1424931</a>
CRUSH	Renewed	<a href="#">75639221</a>	<a href="#">2418265</a>
CRUSH	Renewed	<a href="#">75639222</a>	<a href="#">2418266</a>
CRUSH	Renewed	<a href="#">75576146</a>	<a href="#">2536979</a>
CRUSH	Renewed	<a href="#">78314308</a>	<a href="#">2895772</a>
CRUSH	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78928155</a>	<a href="#">3209282</a>
CRUSH	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78978696</a>	<a href="#">3289137</a>
CRUSH	Registered	<a href="#">77602920</a>	<a href="#">3974989</a>
CRUSH	Registered	<a href="#">85615496</a>	<a href="#">4355263</a>
ORANGE CRUSH	Registered	<a href="#">85218189</a>	<a href="#">4514934</a>
STRAWBERRY CRUSH	Registered	<a href="#">85218192</a>	<a href="#">4514935</a>
GRAPE CRUSH	Registered	<a href="#">85218193</a>	<a href="#">4514936</a>

### Prosecution History

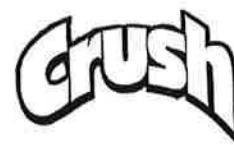
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 05, 2014	



2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 05, 2014	Oct 15, 2014
3	PENDING, INSTITUTED	Sep 05, 2014	
4	P MOT FOR DEFAULT JUDGMENT	Oct 17, 2014	
5	BD DECISION: SUSTAINED	Nov 18, 2014	
6	TERMINATED	Nov 18, 2014	

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Mark: CRUSH



US Serial Number: 75639221

Application Filing Date: Feb. 08, 1999

US Registration Number: 2418265

Registration Date: Jan. 02, 2001

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Dec. 21, 2010

Publication Date: Nov. 16, 1999

Notice of Allowance Date: Feb. 15, 2000

## Mark Information

Mark Literal Elements: CRUSH

Standard Character Claim: No

Mark Drawing Type: 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM

## Related Properties Information

Claimed Ownership of US Registrations: 0187791, 0683361, 1681367, 1885642, 1939670, 1943854 and others

## 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 incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

For: soft drinks and concentrates for making the same

International Class(es): 032 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 01, 1999

Use in Commerce: Jun. 01, 1999

## 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:** DR PEPPER/SEVEN UP, INC.

**Owner Address:** 5301 LEGACY DRIVE  
PLANO, TEXAS 75024  
UNITED STATES

**Legal Entity Type:** CORPORATION

**State or Country** DELAWARE  
**Where Organized:**

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Arthur Swanson

**Attorney Primary** [keshia.martin@dpsg.com](mailto:keshia.martin@dpsg.com)  
**Email Address:**

**Attorney Email** Yes  
**Authorized:**

### Correspondent

**Correspondent** Arthur Swanson  
**Name/Address:** Dr Pepper/Seven Up, Inc.  
5301 LEGACY DR  
Legal Department - IP  
PLANO, TEXAS 75024-3109  
UNITED STATES

**Phone:** 9726738955

**Correspondent e-mail:** [keshia.martin@dpsg.com](mailto:keshia.martin@dpsg.com) [art.swanson@dpsg.com](mailto:art.swanson@dpsg.com)

**Correspondent e-mail** Yes  
**Authorized:**

### Domestic Representative

**Domestic** Daniel Chung, Esq.  
**Representative**  
**Name:**

**Phone:** 914-612-4701

**Fax:** 914-612-6325

**Domestic** [groupip@cs-americas.com](mailto:groupip@cs-americas.com)  
**Representative e-mail:**

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

## Prosecution History

Date	Description	Proceeding Number
Jun. 05, 2014	ATTORNEY REVOKED AND/OR APPOINTED	
Jun. 05, 2014	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Feb. 28, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Feb. 28, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Dec. 21, 2010	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	76293
Dec. 21, 2010	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Dec. 17, 2010	TEAS SECTION 8 & 9 RECEIVED	
Aug. 28, 2006	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	76293
Jul. 25, 2006	CASE FILE IN TICRS	
Jun. 07, 2006	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Jun. 07, 2006	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Jun. 07, 2006	TEAS SECTION 8 & 15 RECEIVED	
May 17, 2006	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Feb. 16, 2005	ATTORNEY REVOKED AND/OR APPOINTED	
Feb. 16, 2005	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Feb. 15, 2005	ATTORNEY REVOKED AND/OR APPOINTED	
Feb. 15, 2005	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Feb. 15, 2005	ATTORNEY REVOKED AND/OR APPOINTED	
Feb. 15, 2005	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jul. 12, 2004	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jun. 16, 2004	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 13, 2003	TEAS CHANGE OF CORRESPONDENCE RECEIVED	

Jan. 02, 2001 REGISTERED-PRINCIPAL REGISTER  
Sep. 10, 2000 ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED  
Sep. 07, 2000 ASSIGNED TO EXAMINER  
Aug. 18, 2000 STATEMENT OF USE PROCESSING COMPLETE  
Jun. 08, 2000 USE AMENDMENT FILED  
Feb. 15, 2000 NOA MAILED - SOU REQUIRED FROM APPLICANT  
Nov. 16, 1999 PUBLISHED FOR OPPOSITION  
Oct. 15, 1999 NOTICE OF PUBLICATION  
Jul. 30, 1999 APPROVED FOR PUB - PRINCIPAL REGISTER  
Jul. 09, 1999 CORRESPONDENCE RECEIVED IN LAW OFFICE  
Jun. 23, 1999 NON-FINAL ACTION MAILED  
May 24, 1999 ASSIGNED TO EXAMINER  
May 21, 1999 ASSIGNED TO EXAMINER

73714

73714

76735

## Maintenance Filings or Post Registration Information

**Affidavit of Continued Use:** Section 8 - Accepted

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

**Renewal Date:** Jan. 02, 2011

## TM Staff and Location Information

**TM Staff Information - None**

**File Location**

**Current Location:** GENERIC WEB UPDATE

**Date in Location:** Dec. 21, 2010

## Assignment Abstract Of Title Information

### Summary

**Total Assignments:** 1

**Registrant:** Cadbury Beverages B.V.

### Assignment 1 of 1

**Conveyance:** ASSIGNS THE ENTIRE INTEREST

**Reel/Frame:** 3307/0771

**Pages:** 26

**Date Recorded:** May 12, 2006

**Supporting Documents:** assignment-tm-3307-0771.pdf

### Assignor

**Name:** CADBURY BEVERAGES B.V.

**Execution Date:** Nov. 30, 2005

**Legal Entity Type:** CORPORATION

**State or Country:** NETHERLANDS

**Where Organized:**

### Assignee

**Name:** DR PEPPER/SEVEN UP, INC.

**Legal Entity Type:** CORPORATION

**State or Country:** DELAWARE

**Where Organized:**

**Address:** 5301 LEGACY DRIVE  
PLANO, TEXAS 75024

### Correspondent

**Correspondent Name:** DANIEL CHUNG, ESQ.

**Correspondent Address:** 900 KING STREET - CADBURY SCHWEPPES  
RYE BROOK, NY 10573

**Domestic Representative - Not Found**

## Proceedings

### Summary

Number of 3  
Proceedings:

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**Type of Proceeding: Opposition**

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Proceeding [91218211](#)  
Number:

Filing Date: Sep 05, 2014

Status: Terminated

Status Date: Nov 18, 2014

Interlocutory Attorney: ROBERT COGGINS

**Defendant**

Name: Napa Smith Holdings, LLC

Correspondent Address: KEATON OSBORNE  
BRADLEY ARANT BOULT CUMMINGS LLP  
1600 DIVISION ST STE 700  
NASHVILLE TN , 37203-2771  
UNITED STATES

Correspondent e-mail: [kosborne@babco.com](mailto:kosborne@babco.com); [snables@babco.com](mailto:snables@babco.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
GIANT CRUSH	Abandoned - After Inter-Partes Decision	<a href="#">86207320</a>	

**Plaintiff(s)**

Name: Dr Pepper/Seven Up, Inc.

Correspondent Address: PAMELA B HUFF  
COX SMITH MATTHEWS INCORPORATED  
112 EAST PECAN STREET , SUITE 1800  
SAN ANTONIO TX , 78205  
UNITED STATES

Correspondent e-mail: [ipdocket@coxsmith.com](mailto:ipdocket@coxsmith.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
CRUSH	Renewed	<a href="#">71156594</a>	<a href="#">187791</a>
CRUSH	Renewed	<a href="#">73592383</a>	<a href="#">1424931</a>
CRUSH	Renewed	<a href="#">75639221</a>	<a href="#">2418265</a>
CRUSH	Renewed	<a href="#">75639222</a>	<a href="#">2418266</a>
CRUSH	Renewed	<a href="#">75576146</a>	<a href="#">2536979</a>
CRUSH	Renewed	<a href="#">78314308</a>	<a href="#">2895772</a>
CRUSH	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78928155</a>	<a href="#">3209282</a>
CRUSH	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78978696</a>	<a href="#">3289137</a>
CRUSH	Registered	<a href="#">77602920</a>	<a href="#">3974989</a>
CRUSH	Registered	<a href="#">85615496</a>	<a href="#">4355263</a>
ORANGE CRUSH	Registered	<a href="#">85218189</a>	<a href="#">4514934</a>
STRAWBERRY CRUSH	Registered	<a href="#">85218192</a>	<a href="#">4514935</a>
GRAPE CRUSH	Registered	<a href="#">85218193</a>	<a href="#">4514936</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 05, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 05, 2014	Oct 15, 2014
3	PENDING, INSTITUTED	Sep 05, 2014	
4	P MOT FOR DEFAULT JUDGMENT	Oct 17, 2014	
5	BD DECISION: SUSTAINED	Nov 18, 2014	
6	TERMINATED	Nov 18, 2014	

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**Type of Proceeding: Opposition**

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Proceeding [91180742](#)  
Number:

Filing Date: Nov 12, 2007

**Status:** Terminated

**Status Date:** Dec 09, 2010

**Interlocutory Attorney:** YONG OH (RICHARD) KIM

**Defendant**

**Name:** Krush Global Limited

**Correspondent Address:** WILLIAM C. WRIGHT  
EPSTEIN DRANGEL BAZERMAN & JAMES, LLP  
60 EAST 42nd STREET, SUITE 820  
NEW YORK NY , 10165  
UNITED STATES

**Correspondent e-mail:** [wwright@ipcounselors.com](mailto:wwright@ipcounselors.com), [jdrangel@ipcounselors.com](mailto:jdrangel@ipcounselors.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
CRUSSH	Abandoned - After Inter-Partes Decision <b>Plaintiff(s)</b>	<u>79033050</u>	

**Name:** Dr Pepper/Seven Up, Inc.

**Correspondent Address:** LAURA POPP-ROSENBERG  
FROSS ZELNICK LEHRMAN & ZISSU, PC  
866 UNITED NATIONS PLAZA  
NEW YORK NY , 10017  
UNITED STATES

**Correspondent e-mail:** [lpopp-rosenberg@fzlz.com](mailto:lpopp-rosenberg@fzlz.com), [bsolomon@fzlz.com](mailto:bsolomon@fzlz.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
CRUSH	Renewed	<u>71156594</u>	<u>187791</u>
ORANGE CRUSH	Expired	<u>72038378</u>	<u>683361</u>
CRUSH	Renewed	<u>73592383</u>	<u>1424931</u>
CRUSH	Renewed	<u>75639221</u>	<u>2418265</u>
CRUSH	Renewed	<u>75576146</u>	<u>2536979</u>
CRUSH	Renewed	<u>78314308</u>	<u>2895772</u>
CRUSH	Section 8 and 15 - Accepted and Acknowledged	<u>78928155</u>	<u>3209282</u>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 12, 2007	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 14, 2007	Dec 24, 2007
3	PENDING, INSTITUTED	Nov 14, 2007	
4	P'S MOTION TO CONSOLIDATE	Nov 28, 2007	
5	ANSWER	Dec 21, 2007	
6	PL'S MOTION TO CONSOL. GRANTED, TRAIL DATES REMAIN AS SET.	Jan 22, 2008	
7	STIPULATION FOR AN EXTENSION OF TIME	Mar 26, 2008	
8	STIP PROTEC AGREE	Apr 15, 2008	
9	STIP PROTECTIVE AGREEMENT NOTED	Apr 29, 2008	
10	MOTION GRANTED	May 15, 2008	
11	STIPULATION FOR AN EXTENSION OF TIME	Jul 02, 2008	
12	EXTENSION OF TIME GRANTED	Jul 02, 2008	
13	P'S MOTION FOR SUMMARY JUDGMENT	Nov 07, 2008	
14	Confidential Plaintiff's Summary Judgment	Nov 07, 2008	
15	DECLA OF M ORTIZ IN SUPPORT OF OP'S MOT FOR SJ	Nov 07, 2008	
16	DECLA OF A SPRINGATE IN SUPPORT OF OP'S SJ	Nov 08, 2008	
17	DECLA OF L POPP-ROSENBERG IN SUPPORT OF OP'S MOTION FOR SJ	Nov 08, 2008	
18	PL'S DECLARATION OF ANDREW D. SPRINGATE IN MOTION FOR SUMMARY JUDGMENT	Nov 08, 2008	
19	SUSPENDED	Nov 19, 2008	
20	Confidential Defendant's Supporting Evidents/Exhibits	Dec 12, 2008	

21	D'S OPPOSITION/RESPONSE TO MOTION	Dec 12, 2008
22	DECLARATION OF JAMES LEARMOND AND EXH	Dec 12, 2008
23	DECLARATION OF WILLIAM C. WRIGHT AND EXH	Dec 12, 2008
24	P'S REPLY IN SUPPORT OF MOTION	Jan 02, 2009
25	Other Motions/Papers	Jan 02, 2009
26	PL'S MOT. FOR SUMM. JUDGMENT DENIED	Feb 12, 2009
27	STIPULATION FOR AN EXTENSION OF TIME	Feb 13, 2009
28	EXTENSION OF TIME GRANTED	Feb 13, 2009
29	DEF'S OPPOSITION TO OP'S MOTION FOR SJ	Mar 17, 2009
30	PLAINTIFF'S NOTICE OF RELIANCE	May 15, 2009
31	TRIAL DECL OF MARIO ORTIZ	May 18, 2009
32	TRIAL DECLARATION OF ANDREW SPRINGATE	May 21, 2009
33	DECLARATION OF A. SPRINGATE CONF. DOC	May 21, 2009
34	P'S NOTICE OF RELIANCE	Jun 02, 2009
35	P'S NOTICE OF RELIANCE	Jun 02, 2009
36	P'S NOTICE OF RELIANCE	Jun 02, 2009
37	OPP'S OBJECTIONS TO APPL'S DISC.	Jun 25, 2009
38	DECLARATION OF WILLIAM C WRIGHT	Jul 15, 2009
39	DECLARATION OF JAMES LEARMOND	Jul 22, 2009
40	Confidential Defendant's Notice of Reliance	Jul 29, 2009
41	DEFENDANT'S NOTICE OF RELIANCE	Jul 29, 2009
42	SUPPL DECLARATION OF C WRIGHT	Jul 30, 2009
43	P'S MOTION TO STRIKE	Aug 06, 2009
44	D'S OPPOSITION/RESPONSE TO MOTION	Aug 20, 2009
45	PLAINTIFF'S NOTICE OF RELIANCE	Sep 01, 2009
46	DECLARATION OF MARIO ORTIZ	Sep 01, 2009
47	DECLARATION OF A SPRINGATE	Sep 01, 2009
48	TESTIMONY FOR PLAINTIFF	Sep 03, 2009
49	OPP'S REPLY BRIEF	Sep 03, 2009
50	STIP TO SUBMISSION OF SUP REBUTTAL	Sep 04, 2009
51	EX'S TO DEPOSITION OF ANDREW SPRINGATE	Sep 25, 2009
52	DEPOSITION OF ANDREW SPRINGATE	Sep 25, 2009
53	DEPOSITION OF ANDREW SPRINGATE	Sep 25, 2009
54	DEP OF JAMES P NEEDHAM	Oct 13, 2009
55	TESTIMONY FOR PLAINTIFF	Nov 10, 2009
56	OPP'S OBJECTIONS TO APPL'S PROFFERED EVIDENCE	Nov 12, 2009
57	BRIEF ON MERITS FOR PLAINTIFF	Nov 12, 2009
58	Confidential Brief on Merits for Plaintiff	Nov 12, 2009
59	Confidential Brief on Merits for Defendant	Dec 11, 2009
60	FINAL BRIEF ON MERITS FOR DEFENDANT(S)	Dec 11, 2009
61	P'S REBUTTAL BRIEF	Dec 28, 2009
62	Confidential Plaintiff's Rebuttal Brief	Dec 28, 2009
63	SUBMITTED ON BRIEF	May 26, 2010
64	BOARD'S DECISION: SUSTAINED	Sep 13, 2010
65	TERMINATED	Dec 09, 2010

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**Type of Proceeding: Cancellation**

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**Proceeding Number:** 92048446

**Filing Date:** Nov 12, 2007

**Status:** Terminated

**Status Date:** Dec 23, 2010

**Interlocutory Attorney:** YONG OH (RICHARD) KIM

**Defendant**

**Name:** Krush Global Limited

**Correspondent Address:** WILLIAM C WRIGHT  
EPSTEIN DRANGEL BAZERMAN & JAMES, LLP  
60 EAST 42ND STREET, SUITE 820

NEW YORK NY , 10165  
UNITED STATES

Correspondent e-mail: [wwright@ipcounselors.com](mailto:wwright@ipcounselors.com) , [jdangel@ipcounselors.com](mailto:jdangel@ipcounselors.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
CRUSH	Cancelled - Section 18	<a href="#">79030220</a>	<a href="#">3275548</a>
<b>Plaintiff(s)</b>			

**Name:** Dr Pepper/Seven Up, Inc.

**Correspondent Address:** LAURA POPP-RESENBERG  
FROSS ZELNICK LEHRMAN & ZISSU, P.C.  
866 UNITED NATIONS PLAZA  
NEW YORK NY , 10017  
UNITED STATES

Correspondent e-mail: [lpopp-rosenberg@fziz.com](mailto:lpopp-rosenberg@fziz.com), [bsolomon@fziz.com](mailto:bsolomon@fziz.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
ORANGE CRUSH	Expired	<a href="#">72038378</a>	<a href="#">683361</a>
CRUSH	Renewed	<a href="#">73592383</a>	<a href="#">1424931</a>
CRUSH	Renewed	<a href="#">75639221</a>	<a href="#">2418265</a>
CRUSH	Renewed	<a href="#">75576146</a>	<a href="#">2536979</a>
CRUSH	Renewed	<a href="#">78314308</a>	<a href="#">2895772</a>
CRUSH	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78928155</a>	<a href="#">3209282</a>
CRUSH	Renewed	<a href="#">71156594</a>	<a href="#">187791</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 12, 2007	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 16, 2007	Dec 26, 2007
3	PENDING, INSTITUTED	Nov 16, 2007	
4	OPP'S SUBMISSIO OF PROOF OF SERVICE	Nov 19, 2007	
5	P'S MOTION TO CONSOLIDATE	Nov 28, 2007	
6	ANSWER	Dec 21, 2007	
7	PL'S MOTION TO CONSOL. GRANTED, TRAIL DATES REMAIN AS SET	Jan 22, 2008	
8	PL'S MOT. FOR SUMM. JUDGMENT DENIED	Feb 12, 2009	
9	SUBMITTED ON BRIEF	Jul 25, 2010	
10	BOARD'S DECISION: GRANTED	Sep 13, 2010	
11	COMMR'S ORDER CANCELLING REGISTRATION	Dec 23, 2010	
12	TERMINATED	Dec 23, 2010	



**Generated on:** This page was generated by TSDR on 2016-05-31 11:03:08 EDT

**Mark:** CRUSH

# CRUSH

**US Serial Number:** 71156594

**Application Filing Date:** Dec. 12, 1921

**US Registration Number:** 187791

**Registration Date:** Aug. 12, 1924

**Register:** Principal

**Mark Type:** Trademark

**Status:** The registration has been renewed.

**Status Date:** Aug. 27, 2013

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## Mark Information

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**Mark Literal Elements:** CRUSH

**Standard Character Claim:** No

**Mark Drawing Type:** 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

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## Related Properties Information

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**Publish Previously Registered Mark:** Yes

**Previously Registered Mark Publication Date:** Aug. 31, 1948

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## Goods and Services

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**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 incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

**For:** Non-Alcoholic, Maltless Beverages and Concentrates and Compounds for Making the Same

**International Class(es):** 032

**U.S Class(es):** 035 - Primary Class

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** 1915

**Use in Commerce:** 1915

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## Basis Information (Case Level)

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**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

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## Current Owner(s) Information

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**Owner Name:** DR PEPPER/SEVEN UP, INC.

Owner Address: 5301 LEGACY DRIVE  
PLANO, TEXAS 75024  
UNITED STATES

Legal Entity Type: CORPORATION

State or Country DELAWARE  
Where Organized:

## Attorney/Correspondence Information

### Attorney of Record

Attorney Name: Arthur Swanson

Attorney Primary [keshia.martin@dpsg.com](mailto:keshia.martin@dpsg.com)  
Email Address:

Attorney Email Yes  
Authorized:

### Correspondent

Correspondent Arthur Swanson  
Name/Address: Dr Pepper/Seven Up, Inc.  
5301 LEGACY DR  
Legal Department - IP  
PLANO, TEXAS 75024-3109  
UNITED STATES

Phone: 9726738955

Correspondent e- [keshia.martin@dpsg.com](mailto:keshia.martin@dpsg.com) [art.swanson@dpsg.com](mailto:art.swanson@dpsg.com)  
mail:

Correspondent e- Yes  
mail Authorized:

### Domestic Representative

Domestic Daniel Chung, Esq.  
Representative Name:

Phone: 914-612-4701

Fax: 914-612-6325

Domestic [groupip@cs-americas.com](mailto:groupip@cs-americas.com)  
Representative e-  
mail:

Domestic Yes  
Representative e-  
mail Authorized:

## Prosecution History

Date	Description	Proceeding Number
Jun. 05, 2014	ATTORNEY REVOKED AND/OR APPOINTED	
Jun. 05, 2014	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Aug. 27, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Aug. 27, 2013	REGISTERED AND RENEWED (FIFTH RENEWAL - 10 YRS)	69471
Aug. 27, 2013	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	69471
Aug. 13, 2013	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	69471
Aug. 27, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	69471
Aug. 13, 2013	TEAS SECTION 8 & 9 RECEIVED	
Feb. 28, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Feb. 28, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Nov. 28, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
May 04, 2009	REVIEW OF CORRESPONDENCE COMPLETE	61619
Oct. 06, 2008	CASE FILE IN TICRS	
May 17, 2006	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Feb. 16, 2005	ATTORNEY REVOKED AND/OR APPOINTED	
Feb. 16, 2005	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Feb. 15, 2005	ATTORNEY REVOKED AND/OR APPOINTED	
Feb. 15, 2005	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Feb. 15, 2005	ATTORNEY REVOKED AND/OR APPOINTED	
Feb. 15, 2005	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Sep. 17, 2004	REGISTERED AND RENEWED (FOURTH RENEWAL - 10 YRS)	
Sep. 17, 2004	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Aug. 09, 2004	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Aug. 09, 2004	TEAS SECTION 8 & 9 RECEIVED	

Jul. 12, 2004 TEAS CHANGE OF CORRESPONDENCE RECEIVED  
Jun. 16, 2004 TEAS CHANGE OF CORRESPONDENCE RECEIVED  
Jul. 13, 2003 TEAS CHANGE OF CORRESPONDENCE RECEIVED  
Jan. 05, 1990 MISCELLANEOUS PAPER  
Aug. 12, 1984 REGISTERED AND RENEWED (THIRD RENEWAL - 20 YRS)  
Jan. 04, 1978 AMENDMENT UNDER SECTION 7 - ISSUED

## Maintenance Filings or Post Registration Information

**Affidavit of Continued Use:** Section 8 - Accepted

**Renewal Date:** Aug. 12, 2014

**Amendment to a Registration/Renewal Certificate:** APPLICATION TO AMEND HAVING BEEN MADE BY CRUSH INTERNATIONAL INC., OWNER OF THE REGISTRATION ABOVE IDENTIFIED, THE DRAWING IS AMENDED (SEE BOUND VOLUME FOR AMENDMENT). #SUCH AMENDMENT HAS BEEN ENTERED UPON THE RECORDS OF THE PATENT AND TRADEMARK OFFICE AND SAID ORIGINAL REGISTRATION SHOULD READ AS SO AMENDED.

## TM Staff and Location Information

**TM Staff Information - None**

**File Location**

**Current Location:** GENERIC WEB UPDATE

**Date in Location:** Aug. 27, 2013

## Assignment Abstract Of Title Information

### Summary

**Total Assignments:** 6

**Registrant:** Orange Crush Company

### Assignment 1 of 6

**Conveyance:** CHANGE OF NAME 19600122

**Reel/Frame:** [0065/0714](#)

**Pages:** 0

**Date Recorded:** May 31, 1960

**Supporting Documents:** No Supporting Documents Available

### Assignor

**Name:** [ORANGE-CRUSH COMPANY, INCORPORATED](#)  
[AUG. 16, 1916.](#)

**Execution Date:** May 26, 1960

**Legal Entity Type:** UNKNOWN

**State or Country Where Organized:** No Place Where Organized Found

### Assignee

**Name:** [CRUSH INTERNATIONAL INC.](#)

**Legal Entity Type:** UNKNOWN

**State or Country Where Organized:** No Place Where Organized Found

**Address:** No Assignee Address Found

### Correspondent

**Correspondent Name:** CARL S. LLOYD

**Correspondent Address:** PRUDENTIAL PLAZA  
CHICAGO, I, ILL.

**Domestic Representative - Not Found**

### Assignment 2 of 6

**Conveyance:** CHANGE OF NAME 19600122

**Reel/Frame:** [0065/F714](#)

**Pages:** 6

**Date Recorded:** May 31, 1960

**Supporting Documents:** No Supporting Documents Available

### Assignor

**Name:** [ORANGE-CRUSH COMPANY](#)

**Execution Date:** May 26, 1960

Legal Entity Type: UNKNOWN

State or Country No Place Where Organized Found  
Where Organized:

Assignee

Name: CRUSH INTERNATIONAL INC.

Legal Entity Type: UNKNOWN

State or Country No Place Where Organized Found  
Where Organized:

Address: No Assignee Address Found

Correspondent

Correspondent Name: CARL S. LLOYD

Correspondent Address: PRUDENTIAL PLAZA  
CHICAGO 1, ILL.

Domestic Representative - Not Found

---

Assignment 3 of 6

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Conveyance: ASSIGNS ALL INTEREST, TOGETHER WITH THE GOOD WILL OF THE BUSINESS SYMBOLIZED BY SAID MARK.

Reel/Frame: 0096/0069

Pages: 3

Date Recorded: Dec. 05, 1962

Supporting Documents: No Supporting Documents Available

Name: CRUSH INTERNATIONAL INC.

Legal Entity Type: CORPORATION

Assignor

Execution Date: Nov. 30, 1962

State or Country ILLINOIS  
Where Organized:

Assignee

Name: CRUSH INTERNATIONAL INC.

Legal Entity Type: CORPORATION

State or Country DELAWARE  
Where Organized:

Address: 2201 MAIN ST.  
EVANSTON, ILLINOIS

Correspondent

Correspondent Name: KIRKLAND, ELLIS, ET AL.

Correspondent Address: PRUDENTIAL PLAZA  
CHICAGO 1, IL

Domestic Representative - Not Found

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Assignment 4 of 6

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Conveyance: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL.

Reel/Frame: 0503/0027

Pages: 2

Date Recorded: Aug. 16, 1985

Supporting Documents: No Supporting Documents Available

Name: CRUSH INTERNATIONAL INC.

Legal Entity Type: CORPORATION

Assignor

Execution Date: Jul. 01, 1985

State or Country DELAWARE  
Where Organized:

Assignee

Name: CRUSH INTERNATIONAL INC.

Legal Entity Type: CORPORATION

State or Country OHIO  
Where Organized:

Address: ONE PROCTER & GAMBLE PLAZA  
CINCINNATI, OHIO

Correspondent

Correspondent Name: CRUSH INTERNATIONAL INC.

Correspondent Address: ONE PROCTER & GAMBLE PLAZA  
CINCINNATI, OH 45202

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Domestic Representative - Not Found

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Assignment 5 of 6

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Conveyance: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

Reel/Frame: [0677/0881](#)

Pages: 0

Date Recorded: Nov. 13, 1989

Supporting Documents: No Supporting Documents Available

Name: [CRUSH INTERNATIONAL INC.](#)

Legal Entity Type: CORPORATION

Assignor

Execution Date: Nov. 06, 1989

State or Country: OHIO  
Where Organized:

Assignee

Name: [CADBURY BEVERAGES B.V.](#)

Legal Entity Type: COMPANY

State or Country: NETHERLANDS  
Where Organized:

Address: 17TH FLOOR  
WORLD TRADE CENTER, "TOWER B", STRAWINSKYLAAN 1725  
1077 XX AMSTERDAM, NETHERLANDS

Correspondent

Correspondent Name: WEISS DAWID FROSS

Correspondent Address: ZELNICK & LEHRMAN, P.C.  
633 THIRD AVENUE  
NEW YORK, NY 10017-6703

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Domestic Representative - Not Found

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Assignment 6 of 6

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Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [3307/0771](#)

Pages: 26

Date Recorded: May 12, 2006

Supporting Documents: [assignment-tm-3307-0771.pdf](#)

Name: [CADBURY BEVERAGES B.V.](#)

Legal Entity Type: CORPORATION

Assignor

Execution Date: Nov. 30, 2005

State or Country: NETHERLANDS  
Where Organized:

Assignee

Name: [DR PEPPER/SEVEN UP, INC.](#)

Legal Entity Type: CORPORATION

State or Country: DELAWARE  
Where Organized:

Address: 5301 LEGACY DRIVE  
PLANO, TEXAS 75024

Correspondent

Correspondent Name: DANIEL CHUNG, ESQ.

Correspondent Address: 900 KING STREET - CADBURY SCHWEPES  
RYE BROOK, NY 10573

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Domestic Representative - Not Found

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Proceedings

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Summary

Number of Proceedings: 5

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Type of Proceeding: Opposition

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Proceeding Number: [91218211](#)

Filing Date: Sep 05, 2014

Status: Terminated

Status Date: Nov 18, 2014

**Interlocutory Attorney:** ROBERT COGGINS

**Defendant**

**Name:** Napa Smith Holdings, LLC

**Correspondent Address:** KEATON OSBORNE  
BRADLEY ARANT BOULT CUMMINGS LLP  
1600 DIVISION ST STE 700  
NASHVILLE TN , 37203-2771  
UNITED STATES

**Correspondent e-mail:** [kosborne@babc.com](mailto:kosborne@babc.com); [snaples@babc.com](mailto:snaples@babc.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
GIANT CRUSH	Abandoned - After Inter-Partes Decision <b>Plaintiff(s)</b>	<a href="#">86207320</a>	

**Name:** Dr Pepper/Seven Up, Inc.

**Correspondent Address:** PAMELA B HUFF  
COX SMITH MATTHEWS INCORPORATED  
112 EAST PECAN STREET , SUITE 1800  
SAN ANTONIO TX , 78205  
UNITED STATES

**Correspondent e-mail:** [ipdocket@coxsmith.com](mailto:ipdocket@coxsmith.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
CRUSH	Renewed	<a href="#">71156594</a>	<a href="#">187791</a>
CRUSH	Renewed	<a href="#">73592383</a>	<a href="#">1424931</a>
CRUSH	Renewed	<a href="#">75639221</a>	<a href="#">2418265</a>
CRUSH	Renewed	<a href="#">75639222</a>	<a href="#">2418266</a>
CRUSH	Renewed	<a href="#">75576146</a>	<a href="#">2536979</a>
CRUSH	Renewed	<a href="#">78314308</a>	<a href="#">2895772</a>
CRUSH	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78928155</a>	<a href="#">3209282</a>
CRUSH	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78978696</a>	<a href="#">3289137</a>
CRUSH	Registered	<a href="#">77602920</a>	<a href="#">3974989</a>
CRUSH	Registered	<a href="#">85615496</a>	<a href="#">4355263</a>
ORANGE CRUSH	Registered	<a href="#">85218189</a>	<a href="#">4514934</a>
STRAWBERRY CRUSH	Registered	<a href="#">85218192</a>	<a href="#">4514935</a>
GRAPE CRUSH	Registered	<a href="#">85218193</a>	<a href="#">4514936</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 05, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 05, 2014	Oct 15, 2014
3	PENDING, INSTITUTED	Sep 05, 2014	
4	P MOT FOR DEFAULT JUDGMENT	Oct 17, 2014	
5	BD DECISION: SUSTAINED	Nov 18, 2014	
6	TERMINATED	Nov 18, 2014	

**Type of Proceeding: Opposition**

**Proceeding Number:** [91180742](#)

**Filing Date:** Nov 12, 2007

**Status:** Terminated

**Status Date:** Dec 09, 2010

**Interlocutory Attorney:** YONG OH (RICHARD) KIM

**Defendant**

**Name:** Krush Global Limited

**Correspondent** WILLIAM C. WRIGHT

**Address:** EPSTEIN DRANGEL BAZERMAN & JAMES, LLP  
60 EAST 42nd STREET, SUITE 820  
NEW YORK NY , 10165  
UNITED STATES

**Correspondent e-mail:** [wwright@ipcounselors.com](mailto:wwright@ipcounselors.com), [jdrangel@ipcounselors.com](mailto:jdrangel@ipcounselors.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
CRUSSH	Abandoned - After Inter-Partes Decision	<u>79033050</u>	

**Plaintiff(s)**

**Name:** Dr Pepper/Seven Up, Inc.

**Correspondent Address:** LAURA POPP-ROSENBERG  
FROSS ZELNICK LEHRMAN & ZISSU, PC  
866 UNITED NATIONS PLAZA  
NEW YORK NY , 10017  
UNITED STATES

**Correspondent e-mail:** [lpopp-rosenberg@fzlz.com](mailto:lpopp-rosenberg@fzlz.com), [bsolomon@fzlz.com](mailto:bsolomon@fzlz.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
CRUSH	Renewed	<u>71156594</u>	<u>187791</u>
ORANGE CRUSH	Expired	<u>72038378</u>	<u>683361</u>
CRUSH	Renewed	<u>73592383</u>	<u>1424931</u>
CRUSH	Renewed	<u>75639221</u>	<u>2418265</u>
CRUSH	Renewed	<u>75576146</u>	<u>2536979</u>
CRUSH	Renewed	<u>78314308</u>	<u>2895772</u>
CRUSH	Section 8 and 15 - Accepted and Acknowledged	<u>78928155</u>	<u>3209282</u>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 12, 2007	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 14, 2007	Dec 24, 2007
3	PENDING, INSTITUTED	Nov 14, 2007	
4	P'S MOTION TO CONSOLIDATE	Nov 28, 2007	
5	ANSWER	Dec 21, 2007	
6	PL'S MOTION TO CONSOL. GRANTED, TRAIL DATES REMAIN AS SET.	Jan 22, 2008	
7	STIPULATION FOR AN EXTENSION OF TIME	Mar 26, 2008	
8	STIP PROTEC AGREE	Apr 15, 2008	
9	STIP PROTECTIVE AGREEMENT NOTED	Apr 29, 2008	
10	MOTION GRANTED	May 15, 2008	
11	STIPULATION FOR AN EXTENSION OF TIME	Jul 02, 2008	
12	EXTENSION OF TIME GRANTED	Jul 02, 2008	
13	P'S MOTION FOR SUMMARY JUDGMENT	Nov 07, 2008	
14	Confidential Plaintiff's Summary Judgment	Nov 07, 2008	
15	DECLA OF M ORTIZ IN SUPPORT OF OP'S MOT FOR SJ	Nov 07, 2008	
16	DECLA OF A SPRINGATE IN SUPPORT OF OP'S SJ	Nov 08, 2008	
17	DECLA OF L POPP-ROSENBERG IN SUPPORT OF OP'S MOTION FOR SJ	Nov 08, 2008	
18	PL'S DECLARATION OF ANDREW D. SPRINGATE IN MOTION FOR SUMMARY JUDGMENT	Nov 08, 2008	
19	SUSPENDED	Nov 19, 2008	
20	Confidential Defendant's Supporting Evidents/Exhibits	Dec 12, 2008	
21	D'S OPPOSITION/RESPONSE TO MOTION	Dec 12, 2008	
22	DECLARATION OF JAMES LEARMOND AND EXH	Dec 12, 2008	
23	DECLARATION OF WILLIAM C. WRIGHT AND EXH	Dec 12, 2008	
24	P'S REPLY IN SUPPORT OF MOTION	Jan 02, 2009	
25	Other Motions/Papers	Jan 02, 2009	
26	PL'S MOT. FOR SUMM. JUDGMENT DENIED	Feb 12, 2009	

27	STIPULATION FOR AN EXTENSION OF TIME	Feb 13, 2009
28	EXTENSION OF TIME GRANTED	Feb 13, 2009
29	DEF'S OPPOSITION TO OP'S MOTION FOR SJ	Mar 17, 2009
30	PLAINTIFF'S NOTICE OF RELIANCE	May 15, 2009
31	TRIAL DECL OF MARIO ORTIZ	May 18, 2009
32	TRIAL DECLARATION OF ANDREW SPRINGATE	May 21, 2009
33	DECLARATION OF A. SPRINGATE CONF. DOC	May 21, 2009
34	P'S NOTICE OF RELIANCE	Jun 02, 2009
35	P'S NOTICE OF RELIANCE	Jun 02, 2009
36	P'S NOTICE OF RELIANCE	Jun 02, 2009
37	OPP'S OBJECTIONS TO APPL'S DISC.	Jun 25, 2009
38	DECLARATION OF WILLIAM C WRIGHT	Jul 15, 2009
39	DECLARATION OF JAMES LEARMOND	Jul 22, 2009
40	Confidential Defendant's Notice of Reliance	Jul 29, 2009
41	DEFENDANT'S NOTICE OF RELIANCE	Jul 29, 2009
42	SUPPL DECLARATION OF C WRIGHT	Jul 30, 2009
43	P'S MOTION TO STRIKE	Aug 06, 2009
44	D'S OPPOSITION/RESPONSE TO MOTION	Aug 20, 2009
45	PLAINTIFF'S NOTICE OF RELIANCE	Sep 01, 2009
46	DECLARATION OF MARIO ORTIZ	Sep 01, 2009
47	DECLARATION OF A SPRINGATE	Sep 01, 2009
48	TESTIMONY FOR PLAINTIFF	Sep 03, 2009
49	OPP'S REPLY BRIEF	Sep 03, 2009
50	STIP TO SUBMISSION OF SUP REBUTTAL	Sep 04, 2009
51	EX'S TO DEPOSITION OF ANDREW SPRINGATE	Sep 25, 2009
52	DEPOSITION OF ANDREW SPRINGATE	Sep 25, 2009
53	DEPOSITION OF ANDREW SPRINGATE	Sep 25, 2009
54	DEP OF JAMES P NEEDHAM	Oct 13, 2009
55	TESTIMONY FOR PLAINTIFF	Nov 10, 2009
56	OPP'S OBJECTIONS TO APPL'S PROFFERED EVIDENCE	Nov 12, 2009
57	BRIEF ON MERITS FOR PLAINTIFF	Nov 12, 2009
58	Confidential Brief on Merits for Plaintiff	Nov 12, 2009
59	Confidential Brief on Merits for Defendant	Dec 11, 2009
60	FINAL BRIEF ON MERITS FOR DEFENDANT(S)	Dec 11, 2009
61	P'S REBUTTAL BRIEF	Dec 28, 2009
62	Confidential Plaintiff's Rebuttal Brief	Dec 28, 2009
63	SUBMITTED ON BRIEF	May 26, 2010
64	BOARD'S DECISION: SUSTAINED	Sep 13, 2010
65	TERMINATED	Dec 09, 2010

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**Type of Proceeding: Cancellation**

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**Proceeding Number:** [92048446](#)

**Filing Date:** Nov 12, 2007

**Status:** Terminated

**Status Date:** Dec 23, 2010

**Interlocutory Attorney:** YONG OH (RICHARD) KIM

**Defendant**

**Name:** Krush Global Limited

**Correspondent Address:** WILLIAM C WRIGHT  
EPSTEIN DRANGEL BAZERMAN & JAMES, LLP  
60 EAST 42ND STREET, SUITE 820  
NEW YORK NY , 10165  
UNITED STATES

**Correspondent e-mail:** [wwright@ipcounselors.com](mailto:wwright@ipcounselors.com) , [jdrangel@ipcounselors.com](mailto:jdrangel@ipcounselors.com)

**Associated marks**

<b>Mark</b>	<b>Application Status</b>	<b>Serial Number</b>	<b>Registration Number</b>
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CRUSSH

Cancelled - Section 18

[79030220](#)[3275548](#)**Plaintiff(s)****Name:** Dr Pepper/Seven Up, Inc.

**Correspondent Address:** LAURA POPP-RESENBERG  
FROSS ZELNICK LEHRMAN & ZISSU, P.C.  
866 UNITED NATIONS PLAZA  
NEW YORK NY , 10017  
UNITED STATES

**Correspondent e-mail:** [lpopp-rosenberg@fzlz.com](mailto:lpopp-rosenberg@fzlz.com), [bsolomon@fzlz.com](mailto:bsolomon@fzlz.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
ORANGE CRUSH	Expired	<a href="#">72038378</a>	<a href="#">683361</a>
CRUSH	Renewed	<a href="#">73592383</a>	<a href="#">1424931</a>
CRUSH	Renewed	<a href="#">75639221</a>	<a href="#">2418265</a>
CRUSH	Renewed	<a href="#">75576146</a>	<a href="#">2536979</a>
CRUSH	Renewed	<a href="#">78314308</a>	<a href="#">2895772</a>
CRUSH	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78928155</a>	<a href="#">3209282</a>
CRUSH	Renewed	<a href="#">71156594</a>	<a href="#">187791</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 12, 2007	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 16, 2007	Dec 26, 2007
3	PENDING, INSTITUTED	Nov 16, 2007	
4	OPP'S SUBMISSIO OF PROOF OF SERVICE	Nov 19, 2007	
5	P'S MOTION TO CONSOLIDATE	Nov 28, 2007	
6	ANSWER	Dec 21, 2007	
7	PL'S MOTION TO CONSOL. GRANTED, TRAIL DATES REMAIN AS SET	Jan 22, 2008	
8	PL'S MOT. FOR SUMM. JUDGMENT DENIED	Feb 12, 2009	
9	SUBMITTED ON BRIEF	Jul 25, 2010	
10	BOARD'S DECISION: GRANTED	Sep 13, 2010	
11	COMMR'S ORDER CANCELLING REGISTRATION	Dec 23, 2010	
12	TERMINATED	Dec 23, 2010	

**Type of Proceeding: Opposition**

**Proceeding Number:** [91067500](#)

**Filing Date:** Mar 28, 1983

**Status:** Terminated

**Status Date:** Oct 27, 1983

**Interlocutory Attorney:**

**Defendant**

**Name:** ROBERT CORR, D/B/A CORR'S GINSENG BEVERA GE COMPANY AND/OR CORR'S HERBAL BEVERAGE COMPANY

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
RUSH	Abandoned - After Inter-Partes Decision	<a href="#">73274495</a>	

**Plaintiff(s)**

**Name:** CRUSH INTERNATIONAL INC.

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
CRUSH	Renewed	<a href="#">71156594</a>	<a href="#">187791</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED	Mar 28, 1983	
2	PENDING, INSTITUTED	Jul 01, 1983	

3	BOARD'S DECISION: SUSTAINED	Sep 07, 1983
4	TERMINATED	Oct 27, 1983

Type of Proceeding: Opposition

Proceeding Number:	91062332	Filing Date:	Apr 02, 1979
Status:	Terminated	Status Date:	Jul 16, 1979
Interlocutory Attorney:			

Defendant

Name: ROCKY MOUNTAIN EMPIRE SPORTS, INC.

Associated marks

Mark	Application Status	Serial Number	Registration Number
		<u>73155165</u>	
Plaintiff(s)			

Name: CRUSH INTERNATIONAL INC.

Associated marks

Mark	Application Status	Serial Number	Registration Number
CRUSH	Renewed	<u>71156594</u>	<u>187791</u>
Prosecution History			

Entry Number	History Text	Date	Due Date
1	FILED	Apr 02, 1979	
2	PENDING, INSTITUTED	Apr 25, 1979	
3	BOARD'S DECISION: SUSTAINED	Jun 05, 1979	
4	TERMINATED	Jul 16, 1979	

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**Mark:** CRUSH



**US Serial Number:** 78978696

**Application Filing Date:** Jan. 12, 2006

**US Registration Number:** 3289137

**Registration Date:** Sep. 04, 2007

**Register:** Principal

**Mark Type:** Trademark

**TM5 Common Status Descriptor:**



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

**Status:** A Sections 8 and 15 combined declaration has been accepted and acknowledged.

**Status Date:** Jan. 22, 2013

**Publication Date:** Sep. 19, 2006

**Notice of Allowance Date:** Dec. 12, 2006

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## Mark Information

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**Mark Literal Elements:** CRUSH

**Standard Character Claim:** No

**Mark Drawing Type:** 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM

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

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## Related Properties Information

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**Claimed Ownership of US Registrations:** 0187791, 1424931, 2418265 and others

**Child Of:** 78790771

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## Goods and Services

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**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 incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

**For:** Frozen novelties, namely, frozen confections

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

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

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Feb. 28, 2006

**Use in Commerce:** Feb. 28, 2006

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## Basis Information (Case Level)

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**Filed Use:** No

**Filed ITU:** Yes

**Filed 44D:** No

**Filed 44E:** No

**Filed 66A:** No

**Filed No Basis:** No

**Currently Use:** Yes

**Currently ITU:** No

**Currently 44D:** No

**Currently 44E:** No

**Currently 66A:** No

**Currently No Basis:** No

**Amended Use:** No

**Amended ITU:** No

**Amended 44D:** No

**Amended 44E:** No

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## Current Owner(s) Information

---

**Owner Name:** DR PEPPER/SEVEN UP, INC.

**Owner Address:** 5301 LEGACY DRIVE  
PLANO, TEXAS UNITED STATES 75024

**Legal Entity Type:** CORPORATION

**State or Country** DELAWARE  
**Where Organized:**

---

## Attorney/Correspondence Information

---

### Attorney of Record

**Attorney Name:** Arthur Swanson

**Attorney Primary** [keshia.martin@dpsg.com](mailto:keshia.martin@dpsg.com)  
**Email Address:**

**Attorney Email** Yes  
**Authorized:**

### Correspondent

**Correspondent** Arthur Swanson  
**Name/Address:** Dr Pepper/Seven Up, Inc.  
5301 LEGACY DR  
Legal Department - IP  
PLANO, TEXAS UNITED STATES 75024-3109

**Phone:** 9726738955

**Correspondent e-mail:** [keshia.martin@dpsg.com](mailto:keshia.martin@dpsg.com) [art.swanson@dpsg.com](mailto:art.swanson@dpsg.com)

**Correspondent e-mail** Yes  
**Authorized:**

**Domestic Representative - Not Found**

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## Prosecution History

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Date	Description	Proceeding Number
Jun. 05, 2014	ATTORNEY REVOKED AND/OR APPOINTED	
Jun. 05, 2014	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Feb. 28, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Feb. 28, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jan. 22, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Jan. 22, 2013	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	76533
Jan. 22, 2013	AMENDMENT UNDER SECTION 7 - ISSUED	76533
Jan. 12, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76533
Dec. 14, 2012	TEAS SECTION 8 & 15 RECEIVED	
Dec. 14, 2012	TEAS SECTION 7 REQUEST RECEIVED	
Nov. 28, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Sep. 04, 2007	REGISTERED-PRINCIPAL REGISTER	
Jul. 30, 2007	LAW OFFICE REGISTRATION REVIEW COMPLETED	78145
Jul. 30, 2007	ASSIGNED TO LIE	78145
Jun. 19, 2007	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jun. 18, 2007	STATEMENT OF USE PROCESSING COMPLETE	76873
May 07, 2007	USE AMENDMENT FILED	76873
Jun. 18, 2007	DIVISIONAL PROCESSING COMPLETE	
May 07, 2007	DIVISIONAL REQUEST RECEIVED	
May 07, 2007	PAPER RECEIVED	
Dec. 12, 2006	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Sep. 19, 2006	PUBLISHED FOR OPPOSITION	

Aug. 30, 2006	NOTICE OF PUBLICATION	
Jul. 27, 2006	LAW OFFICE PUBLICATION REVIEW COMPLETED	77978
Jul. 21, 2006	ASSIGNED TO LIE	77978
Jul. 17, 2006	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 11, 2006	EXAMINER'S AMENDMENT ENTERED	88888
Jul. 11, 2006	EXAMINERS AMENDMENT E-MAILED	6328
Jul. 11, 2006	EXAMINERS AMENDMENT -WRITTEN	81860
Jun. 29, 2006	ASSIGNED TO EXAMINER	81860
May 17, 2006	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jan. 18, 2006	NEW APPLICATION ENTERED IN TRAM	

## Maintenance Filings or Post Registration Information

**Affidavit of Continued Use:** Section 8 - Accepted

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

**Change in Registration:** Yes

**Amendment to a Registration/Renewal Certificate:** The drawing is amended to appear as follows: PUBLISH NEW CUT

## TM Staff and Location Information

**TM Staff Information - None**

**File Location**

**Current Location:** POST REGISTRATION

**Date in Location:** Feb. 28, 2013

## Proceedings

### Summary

**Number of Proceedings:** 1

**Type of Proceeding: Opposition**

**Proceeding Number:** 91218211

**Filing Date:** Sep 05, 2014

**Status:** Terminated

**Status Date:** Nov 18, 2014

**Interlocutory Attorney:** ROBERT COGGINS

**Defendant**

**Name:** Napa Smith Holdings, LLC

**Correspondent Address:** KEATON OSBORNE  
BRADLEY ARANT BOULT CUMMINGS LLP  
1600 DIVISION ST STE 700  
NASHVILLE TN UNITED STATES , 37203-2771

**Correspondent e-mail:** [kosborne@babbc.com](mailto:kosborne@babbc.com); [snaples@babbc.com](mailto:snaples@babbc.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
GIANT CRUSH	Abandoned - After Inter-Partes Decision	<u>86207320</u>	

**Plaintiff(s)**

**Name:** Dr Pepper/Seven Up, Inc.

**Correspondent Address:** PAMELA B HUFF  
COX SMITH MATTHEWS INCORPORATED  
112 EAST PECAN STREET , SUITE 1800  
SAN ANTONIO TX UNITED STATES , 78205

**Correspondent e-mail:** [ipdocket@coxsmith.com](mailto:ipdocket@coxsmith.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
CRUSH	Renewed	<a href="#">71156594</a>	<a href="#">187791</a>
CRUSH	Renewed	<a href="#">73592383</a>	<a href="#">1424931</a>
CRUSH	Renewed	<a href="#">75639221</a>	<a href="#">2418265</a>
CRUSH	Renewed	<a href="#">75639222</a>	<a href="#">2418266</a>
CRUSH	Renewed	<a href="#">75576146</a>	<a href="#">2536979</a>
CRUSH	Renewed	<a href="#">78314308</a>	<a href="#">2895772</a>
CRUSH	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78928155</a>	<a href="#">3209282</a>
CRUSH	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78978696</a>	<a href="#">3289137</a>
CRUSH	Registered	<a href="#">77602920</a>	<a href="#">3974989</a>
CRUSH	Registered	<a href="#">85615496</a>	<a href="#">4355263</a>
ORANGE CRUSH	Registered	<a href="#">85218189</a>	<a href="#">4514934</a>
STRAWBERRY CRUSH	Registered	<a href="#">85218192</a>	<a href="#">4514935</a>
GRAPE CRUSH	Registered	<a href="#">85218193</a>	<a href="#">4514936</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 05, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 05, 2014	Oct 15, 2014
3	PENDING, INSTITUTED	Sep 05, 2014	
4	P MOT FOR DEFAULT JUDGMENT	Oct 17, 2014	
5	BD DECISION: SUSTAINED	Nov 18, 2014	
6	TERMINATED	Nov 18, 2014	

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Mark: CRUSH



US Serial Number: 78928155

Application Filing Date: Jul. 12, 2006

US Registration Number: 3209282

Registration Date: Feb. 13, 2007

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Mar. 28, 2012

Publication Date: Nov. 28, 2006

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## Mark Information

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Mark Literal Elements: CRUSH

Standard Character Claim: No

Mark Drawing Type: 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM

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

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## Related Properties Information

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Claimed Ownership of US Registrations: 0187791, 0683361, 2418265, 2418266 and others

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## Goods and Services

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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 incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

For: Cosmetic products, namely lip balm and lip gloss

International Class(es): 003 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 10, 1981

Use in Commerce: Aug. 10, 1981

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## Basis Information (Case Level)

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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

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## Current Owner(s) Information

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**Owner Name:** Dr Pepper/Seven Up, Inc.

**Owner Address:** 5301 Legacy Drive  
Plano, TEXAS UNITED STATES 75024

**Legal Entity Type:** CORPORATION

**State or Country** DELAWARE  
**Where Organized:**

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## Attorney/Correspondence Information

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### Attorney of Record

**Attorney Name:** Arthur Swanson

**Attorney Primary** [keshia.martin@dpsg.com](mailto:keshia.martin@dpsg.com)  
**Email Address:**

**Attorney Email** Yes  
**Authorized:**

### Correspondent

**Correspondent** Arthur Swanson  
**Name/Address:** Dr Pepper/Seven Up, Inc.  
5301 LEGACY DR  
Legal Department - IP  
PLANO, TEXAS UNITED STATES 75024-3109

**Phone:** 9726738955

**Correspondent e-mail:** [keshia.martin@dpsg.com](mailto:keshia.martin@dpsg.com) [art.swanson@dpsg.com](mailto:art.swanson@dpsg.com)

**Correspondent e-mail** Authorized: Yes

Domestic Representative - Not Found

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## Prosecution History

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Date	Description	Proceeding Number
Feb. 13, 2016	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Jun. 05, 2014	ATTORNEY REVOKED AND/OR APPOINTED	
Jun. 05, 2014	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Feb. 28, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Feb. 28, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Mar. 28, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Mar. 28, 2012	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	68502
Mar. 28, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68502
Feb. 17, 2012	TEAS SECTION 8 & 15 RECEIVED	
Feb. 13, 2007	REGISTERED-PRINCIPAL REGISTER	
Nov. 28, 2006	PUBLISHED FOR OPPOSITION	
Nov. 08, 2006	NOTICE OF PUBLICATION	
Oct. 10, 2006	LAW OFFICE PUBLICATION REVIEW COMPLETED	59272
Oct. 02, 2006	ASSIGNED TO LIE	59272
Sep. 28, 2006	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 21, 2006	EXAMINER'S AMENDMENT ENTERED	88888
Sep. 21, 2006	EXAMINERS AMENDMENT E-MAILED	6328
Sep. 21, 2006	EXAMINERS AMENDMENT -WRITTEN	81097
Sep. 19, 2006	ASSIGNED TO EXAMINER	81097
Jul. 18, 2006	NEW APPLICATION ENTERED IN TRAM	

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## Maintenance Filings or Post Registration Information

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**Affidavit of Continued Use:** Section 8 - Accepted



## TM Staff and Location Information

### TM Staff Information - None

#### File Location

Current Location: TMEG LAW OFFICE 102

Date in Location: Mar. 28, 2012

## Proceedings

### Summary

Number of 3  
Proceedings:

### Type of Proceeding: Opposition

Proceeding Number: [91218211](#)

Filing Date: Sep 05, 2014

Status: Terminated

Status Date: Nov 18, 2014

Interlocutory Attorney: ROBERT COGGINS

### Defendant

Name: Napa Smith Holdings, LLC

Correspondent Address: KEATON OSBORNE  
BRADLEY ARANT BOULT CUMMINGS LLP  
1600 DIVISION ST STE 700  
NASHVILLE TN UNITED STATES , 37203-2771

Correspondent e-mail: [kosborne@babco.com](mailto:kosborne@babco.com); [snapples@babco.com](mailto:snapples@babco.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
GIANT CRUSH	Abandoned - After Inter-Partes Decision Plaintiff(s)	<a href="#">86207320</a>	

Name: Dr Pepper/Seven Up, Inc.

Correspondent Address: PAMELA B HUFF  
COX SMITH MATTHEWS INCORPORATED  
112 EAST PECAN STREET , SUITE 1800  
SAN ANTONIO TX UNITED STATES , 78205

Correspondent e-mail: [ipdocket@coxsmith.com](mailto:ipdocket@coxsmith.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
CRUSH	Renewed	<a href="#">71156594</a>	<a href="#">187791</a>
CRUSH	Renewed	<a href="#">73592383</a>	<a href="#">1424931</a>
CRUSH	Renewed	<a href="#">75639221</a>	<a href="#">2418265</a>
CRUSH	Renewed	<a href="#">75639222</a>	<a href="#">2418266</a>
CRUSH	Renewed	<a href="#">75576146</a>	<a href="#">2536979</a>
CRUSH	Renewed	<a href="#">78314308</a>	<a href="#">2895772</a>
CRUSH	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78928155</a>	<a href="#">3209282</a>
CRUSH	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78978696</a>	<a href="#">3289137</a>
CRUSH	Registered	<a href="#">77602920</a>	<a href="#">3974989</a>
CRUSH	Registered	<a href="#">85615496</a>	<a href="#">4355263</a>
ORANGE CRUSH	Registered	<a href="#">85218189</a>	<a href="#">4514934</a>
STRAWBERRY CRUSH	Registered	<a href="#">85218192</a>	<a href="#">4514935</a>
GRAPE CRUSH	Registered	<a href="#">85218193</a>	<a href="#">4514936</a>

### Prosecution History

Entry Number	History Text	Date	Due Date
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1	FILED AND FEE	Sep 05, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 05, 2014	Oct 15, 2014
3	PENDING, INSTITUTED	Sep 05, 2014	
4	P MOT FOR DEFAULT JUDGMENT	Oct 17, 2014	
5	BD DECISION: SUSTAINED	Nov 18, 2014	
6	TERMINATED	Nov 18, 2014	

#### Type of Proceeding: Opposition

**Proceeding Number:** 91180742

**Filing Date:** Nov 12, 2007

**Status:** Terminated

**Status Date:** Dec 09, 2010

**Interlocutory Attorney:** YONG OH (RICHARD) KIM

#### Defendant

**Name:** Krush Global Limited

**Correspondent Address:** WILLIAM C. WRIGHT  
EPSTEIN DRANGEL BAZERMAN & JAMES, LLP  
60 EAST 42nd STREET, SUITE 820  
NEW YORK NY UNITED STATES , 10165

**Correspondent e-mail:** wwright@ipcounselors.com,jdrangel@ipcounselors.com

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
CRUSH	Abandoned - After Inter-Partes Decision	<u>79033050</u>	

#### Plaintiff(s)

**Name:** Dr Pepper/Seven Up, Inc.

**Correspondent Address:** LAURA POPP-ROSENBERG  
FROSS ZELNICK LEHRMAN & ZISSU, PC  
866 UNITED NATIONS PLAZA  
NEW YORK NY UNITED STATES , 10017

**Correspondent e-mail:** lpopp-rosenberg@fzlz.com,bsolomon@fzlz.com

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
CRUSH	Renewed	<u>71156594</u>	<u>187791</u>
ORANGE CRUSH	Expired	<u>72038378</u>	<u>683361</u>
CRUSH	Renewed	<u>73592383</u>	<u>1424931</u>
CRUSH	Renewed	<u>75639221</u>	<u>2418265</u>
CRUSH	Renewed	<u>75576146</u>	<u>2536979</u>
CRUSH	Renewed	<u>78314308</u>	<u>2895772</u>
CRUSH	Section 8 and 15 - Accepted and Acknowledged	<u>78928155</u>	<u>3209282</u>

#### Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 12, 2007	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 14, 2007	Dec 24, 2007
3	PENDING, INSTITUTED	Nov 14, 2007	
4	P'S MOTION TO CONSOLIDATE	Nov 28, 2007	
5	ANSWER	Dec 21, 2007	
6	PL'S MOTION TO CONSOL. GRANTED, TRAIL DATES REMAIN AS SET.	Jan 22, 2008	
7	STIPULATION FOR AN EXTENSION OF TIME	Mar 26, 2008	
8	STIP PROTEC AGREE	Apr 15, 2008	
9	STIP PROTECTIVE AGREEMENT NOTED	Apr 29, 2008	
10	MOTION GRANTED	May 15, 2008	
11	STIPULATION FOR AN EXTENSION OF TIME	Jul 02, 2008	
12	EXTENSION OF TIME GRANTED	Jul 02, 2008	
13	P'S MOTION FOR SUMMARY JUDGMENT	Nov 07, 2008	

14	Confidential Plaintiff's Summary Judgment	Nov 07, 2008
15	DECLA OF MORTIZ IN SUPPORT OF OP'S MOT FOR SJ	Nov 07, 2008
16	DECLA OF A SPRINGATE IN SUPPORT OF OP'S SJ	Nov 08, 2008
17	DECLA OF L POPP-ROSENBERG IN SUPPORT OF OP'S MOTION FOR SJ	Nov 08, 2008
18	PL'S DECLARATION OF ANDREW D. SPRINGATE IN MOTION FOR SUMMARY JUDGMENT	Nov 08, 2008
19	SUSPENDED	Nov 19, 2008
20	Confidential Defendant's Supporting Evidents/Exhibits	Dec 12, 2008
21	D'S OPPOSITION/RESPONSE TO MOTION	Dec 12, 2008
22	DECLARATION OF JAMES LEARMOND AND EXH	Dec 12, 2008
23	DECLARATION OF WILLIAM C. WRIGHT AND EXH	Dec 12, 2008
24	P'S REPLY IN SUPPORT OF MOTION	Jan 02, 2009
25	Other Motions/Papers	Jan 02, 2009
26	PL'S MOT. FOR SUMM. JUDGMENT DENIED	Feb 12, 2009
27	STIPULATION FOR AN EXTENSION OF TIME	Feb 13, 2009
28	EXTENSION OF TIME GRANTED	Feb 13, 2009
29	DEF'S OPPOSITION TO OP'S MOTION FOR SJ	Mar 17, 2009
30	PLAINTIFF'S NOTICE OF RELIANCE	May 15, 2009
31	TRIAL DECL OF MARIO ORTIZ	May 18, 2009
32	TRIAL DECLARATION OF ANDREW SPRINGATE	May 21, 2009
33	DECLARATION OF A. SPRINGATE CONF. DOC	May 21, 2009
34	P'S NOTICE OF RELIANCE	Jun 02, 2009
35	P'S NOTICE OF RELIANCE	Jun 02, 2009
36	P'S NOTICE OF RELIANCE	Jun 02, 2009
37	OPP'S OBJECTIONS TO APPL'S DISC.	Jun 25, 2009
38	DECLARATION OF WILLIAM C WRIGHT	Jul 15, 2009
39	DECLARATION OF JAMES LEARMOND	Jul 22, 2009
40	Confidential Defendant's Notice of Reliance	Jul 29, 2009
41	DEFENDANT'S NOTICE OF RELIANCE	Jul 29, 2009
42	SUPPL DECLARATION OF C WRIGHT	Jul 30, 2009
43	P'S MOTION TO STRIKE	Aug 06, 2009
44	D'S OPPOSITION/RESPONSE TO MOTION	Aug 20, 2009
45	PLAINTIFF'S NOTICE OF RELIANCE	Sep 01, 2009
46	DECLARATION OF MARIO ORTIZ	Sep 01, 2009
47	DECLARATION OF A SPRINGATE	Sep 01, 2009
48	TESTIMONY FOR PLAINTIFF	Sep 03, 2009
49	OPP'S REPLY BRIEF	Sep 03, 2009
50	STIP TO SUBMISSION OF SUP REBUTTAL	Sep 04, 2009
51	EX'S TO DEPOSITION OF ANDREW SPRINGATE	Sep 25, 2009
52	DEPOSITION OF ANDREW SPRINGATE	Sep 25, 2009
53	DEPOSITION OF ANDREW SPRINGATE	Sep 25, 2009
54	DEP OF JAMES P NEEDHAM	Oct 13, 2009
55	TESTIMONY FOR PLAINTIFF	Nov 10, 2009
56	OPP'S OBJECTIONS TO APPL'S PROFFERED EVIDENCE	Nov 12, 2009
57	BRIEF ON MERITS FOR PLAINTIFF	Nov 12, 2009
58	Confidential Brief on Merits for Plaintiff	Nov 12, 2009
59	Confidential Brief on Merits for Defendant	Dec 11, 2009
60	FINAL BRIEF ON MERITS FOR DEFENDANT(S)	Dec 11, 2009
61	P'S REBUTTAL BRIEF	Dec 28, 2009
62	Confidential Plaintiff's Rebuttal Brief	Dec 28, 2009
63	SUBMITTED ON BRIEF	May 26, 2010
64	BOARD'S DECISION: SUSTAINED	Sep 13, 2010
65	TERMINATED	Dec 09, 2010

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**Type of Proceeding: Cancellation**

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Proceeding 92048446  
Number:

Filing Date: Nov 12, 2007

**Status:** Terminated

**Status Date:** Dec 23, 2010

**Interlocutory Attorney:** YONG OH (RICHARD) KIM

**Defendant**

**Name:** Krush Global Limited

**Correspondent Address:** WILLIAM C WRIGHT  
EPSTEIN DRANGEL BAZERMAN & JAMES, LLP  
60 EAST 42ND STREET, SUITE 820  
NEW YORK NY UNITED STATES , 10165

**Correspondent e-mail:** [wwright@ipcounselors.com](mailto:wwright@ipcounselors.com) , [jdrangel@ipcounselors.com](mailto:jdrangel@ipcounselors.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
CRUSSH	Cancelled - Section 18 Plaintiff(s)	<u>79030220</u>	<u>3275548</u>

**Name:** Dr Pepper/Seven Up, Inc.

**Correspondent Address:** LAURA POPP-RESENBERG  
FROSS ZELNICK LEHRMAN & ZISSU, P.C.  
866 UNITED NATIONS PLAZA  
NEW YORK NY UNITED STATES , 10017

**Correspondent e-mail:** [lpopp-rosenberg@fzlz.com](mailto:lpopp-rosenberg@fzlz.com), [bsolomon@fzlz.com](mailto:bsolomon@fzlz.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
ORANGE CRUSH	Expired	<u>72038378</u>	<u>683361</u>
CRUSH	Renewed	<u>73592383</u>	<u>1424931</u>
CRUSH	Renewed	<u>75639221</u>	<u>2418265</u>
CRUSH	Renewed	<u>75576146</u>	<u>2536979</u>
CRUSH	Renewed	<u>78314308</u>	<u>2895772</u>
CRUSH	Section 8 and 15 - Accepted and Acknowledged	<u>78928155</u>	<u>3209282</u>
CRUSH	Renewed	<u>71156594</u>	<u>187791</u>

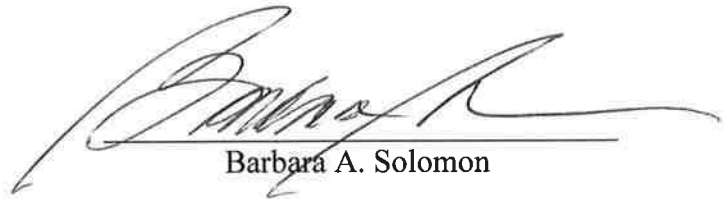
**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 12, 2007	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 16, 2007	Dec 26, 2007
3	PENDING, INSTITUTED	Nov 16, 2007	
4	OPP'S SUBMISSIO OF PROOF OF SERVICE	Nov 19, 2007	
5	P'S MOTION TO CONSOLIDATE	Nov 28, 2007	
6	ANSWER	Dec 21, 2007	
7	PL'S MOTION TO CONSOL. GRANTED, TRAIL DATES REMAIN AS SET	Jan 22, 2008	
8	PL'S MOT. FOR SUMM. JUDGMENT DENIED	Feb 12, 2009	
9	SUBMITTED ON BRIEF	Jul 25, 2010	
10	BOARD'S DECISION: GRANTED	Sep 13, 2010	
11	COMMR'S ORDER CANCELLING REGISTRATION	Dec 23, 2010	
12	TERMINATED	Dec 23, 2010	

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing **NOTICE OF OPPOSITION** was served on this 31<sup>st</sup> day of May, 2016 by first-class mail, postage prepaid, on the Applicant by serving the same on the Correspondent of Record as listed in the USPTO records at the following address:

Anastasia Danias  
National Football League  
345 Park Ave  
New York, NY 10154-0004

  
Barbara A. Solomon