

ESTTA Tracking number: **ESTTA835439**

Filing date: **07/25/2017**

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	Monster Energy Company		
Entity	Corporation	Citizenship	Delaware
Address	1 Monster Way Corona, CA 92879 UNITED STATES		

Attorney information	Jacob R. Rosenbaum KNOBBE MARTENS OLSON & BEAR LLP 2040 Main Street, 14th Floor Irvine, CA 92614 UNITED STATES Email: efiling@knobbe.com , MEC.TTAB@knobbe.com Phone: 949-760-0404
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Applicant Information

Application No	87308881	Publication date	06/27/2017
Opposition Filing Date	07/25/2017	Opposition Period Ends	07/27/2017
International Registration No.	NONE	International Registration Date	NONE
Applicant	ECO-W CO., LTD. 802 (Yangjae-dong AT center), 27, Gangnam-daero, Seocho-gu, Seoul REPUBLIC OF KOREA		

Goods/Services Affected by Opposition

Class 030. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Coffee; Coffee-based beverages; Coffee and coffee substitutes; Caffeine-free coffee; Roasted coffee beans; Iced coffee; Instant coffee; Coffee and artificial coffee Coffee essences; Coffee extracts
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
Other	Common law rights as asserted in the Notice of Opposition

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	4542107	Application Date	05/15/2013
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Registration Date	06/03/2014	Foreign Priority Date	NONE
Word Mark	PUMP UP THE BEAST!		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 2013/03/18 First Use In Commerce: 2013/03/18 Ready to drink coffee-based beverages; coffee-based shakes for boosting energy; chocolate-based shakes for boosting energy; ready to drink chocolate-based beverages		

U.S. Registration No.	4336329	Application Date	11/03/2010
Registration Date	05/14/2013	Foreign Priority Date	NONE
Word Mark	REHAB THE BEAST!		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 2011/03/02 First Use In Commerce: 2011/03/02 Ready to drink tea, iced tea and tea based beverages; ready to drink flavored tea, iced tea and tea based beverages Class 032. First use: First Use: 2011/03/02 First Use In Commerce: 2011/03/02 Non-alcoholic beverages, namely, energydrinks, sports drinks and fruit juice drinks; all the foregoing enhanced with vitamins, minerals, nutrients, proteins, amino acids and/or herbs		

U.S. Registration No.	4292502	Application Date	02/15/2012
Registration Date	02/19/2013	Foreign Priority Date	NONE
Word Mark	REHAB THE BEAST! WWW.MONSTERENERGY.COM		

Design Mark	<p style="text-align: center;">REHAB THE BEAST! WWW.MONSTERENERGY.COM</p>
Description of Mark	NONE
Goods/Services	<p>Class 030. First use: First Use: 2011/03/02 First Use In Commerce: 2011/03/02 Ready to drink tea, iced tea and tea based beverages; ready to drink flavored tea, iced tea and tea based beverages</p> <p>Class 032. First use: First Use: 2011/03/02 First Use In Commerce: 2011/03/02 Non-alcoholic beverages, namely, energydrinks, sports drinks and fruit juice drinks, all the foregoing enhanced with vitamins, minerals, nutrients, proteins, amino acids and/or herbs</p>

U.S. Registration No.	2769364	Application Date	12/18/2002
Registration Date	09/30/2003	Foreign Priority Date	NONE
Word Mark	UNLEASH THE BEAST!		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 032. First use: First Use: 2002/04/16 First Use In Commerce: 2002/04/16 Fruit juice drinks, soft drinks, carbonated soft drinks and soft drinks enhanced with vitamins, minerals, nutrients, amino acids and/or herbs,[aerated water, soda water and seltzer water]</p>		

U.S. Registration No.	4482659	Application Date	05/15/2013
Registration Date	02/11/2014	Foreign Priority Date	NONE
Word Mark	PUMP UP THE BEAST!		
Design Mark	<p style="text-align: center;">PUMP UP THE BEAST!</p>		
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2013/03/18 First Use In Commerce: 2013/03/18		

	Nutritional supplements in liquid form; vitamin fortified beverages		
U.S. Registration No.	4482660	Application Date	05/15/2013
Registration Date	02/11/2014	Foreign Priority Date	NONE
Word Mark	PUMP UP THE BEAST!		
Design Mark	<p style="text-align: center;">PUMP UP THE BEAST!</p>		
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 2013/03/18 First Use In Commerce: 2013/03/18 Dairy-based beverages; dairy-based energy shakes		

U.S. Registration No.	4546402	Application Date	05/15/2013
Registration Date	06/10/2014	Foreign Priority Date	NONE
Word Mark	PUMP UP THE BEAST!		
Design Mark	<p style="text-align: center;">PUMP UP THE BEAST!</p>		
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 2013/03/18 First Use In Commerce: 2013/03/18 Non-alcoholic beverages, namely, non-alcoholic and non-carbonated drinks enhanced with vitamins, minerals, nutrients, proteins, amino acids and/or herbs; non-carbonated energy or sports drinks		

U.S. Registration No.	4394044	Application Date	12/14/2010
Registration Date	08/27/2013	Foreign Priority Date	NONE
Word Mark	UNLEASH THE NITRO BEAST!		

Design Mark	UNLEASH THE NITRO BEAST!
Description of Mark	NONE
Goods/Services	Class 032. First use: First Use: 2009/07/08 First Use In Commerce: 2009/07/08 Non-alcoholic beverages, namely, carbonated soft drinks; carbonated drinks enhanced with vitamins, minerals, nutrients, proteins, amino acids and/or herbs; carbonated energy or sports drinks

U.S. Registration No.	4371544	Application Date	11/19/2012
Registration Date	07/23/2013	Foreign Priority Date	NONE
Word Mark	UNLEASH THE ULTRA BEAST!		
Design Mark	UNLEASH THE ULTRA BEAST!		
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 2012/08/30 First Use In Commerce: 2012/08/30 Non-alcoholic beverages, namely, carbonated soft drinks; carbonated drinks enhanced with vitamins, minerals, nutrients, proteins, amino acids and/or herbs; carbonated energy drinks and sports drinks		

Attachments	85933268#TMSN.png(bytes) 85976727#TMSN.png(bytes) 85978208#TMSN.png(bytes) 85933255#TMSN.png(bytes) 85933264#TMSN.png(bytes) 85933272#TMSN.png(bytes) 85977331#TMSN.png(bytes) 85783008#TMSN.png(bytes) 2017-07-25 NTC OF OPPOSITION - Serial No. 87308881 - HAN-BEV.6473M.pdf(29391 bytes) Exhibit 1 No. 4542107 - HANBEV.6473M.PDF(638468 bytes) Exhibit 2 No. 4336329 - HANBEV.6473M.PDF(646149 bytes)
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	Exhibit 3 No. 4292502 - HANBEV.6473M.pdf(599660 bytes) Exhibit 4 No. 2769364 - HANBEV.6473M.PDF(630553 bytes) Exhibit 5 No. 4482659 - HANBEV.6473M.pdf(585133 bytes) Exhibit 6 No. 4482660 - HANBEV.6473M.PDF(635202 bytes) Exhibit 7 No. 4546402 - HANBEV.6473M.pdf(592967 bytes) Exhibit 8 No. 4394044 - HANBEV.6473M.PDF(640522 bytes) Exhibit 9 No. 4371544 - HANBEV.6473M.PDF(639731 bytes)
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Signature	/Jacob R. Rosenbaum/
Name	Jacob R. Rosenbaum
Date	07/25/2017

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

MONSTER ENERGY COMPANY,

Opposer,

v.

ECO-W CO., LTD.,

Applicant.

)
) Opposition No.: _____
)

) Serial No.: 87/308881

) Mark:



NOTICE OF OPPOSITION

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

Monster Energy Company, a Delaware corporation, located and doing business at 1 Monster Way, Corona, California 92879, (“Opposer”) believes that it will be damaged by registration of U.S. Trademark Application Serial No. 87/308881 (“Application”) for the mark



(“Applicant’s Mark”) filed by Eco-W Co., Ltd. (“Applicant”) and therefore opposes the same.

As grounds for opposition, it is alleged:

1. By the Application filed on January 20, 2017 under Section 44(e) of the Trademark Act, Applicant seeks to obtain registration on the Principal Register of Applicant's Mark for "Coffee; Coffee-based beverages; Coffee and coffee substitutes; Caffeine-free coffee; Roasted coffee beans; Iced coffee; Instant coffee; Coffee and artificial coffee Coffee essences; Coffee extracts" in International Class 30.

2. Since at least 2002, long before the filing date of the Application, Opposer has been, and still is, engaged in the development, marketing and sale of beverages, nutritional supplements, and other products bearing Opposer's UNLEASH THE BEAST!® mark in connection with its MONSTER ENERGY® line of beverages. In addition, Opposer has expanded its use to include other BEAST inclusive marks, including, for example, REHAB THE BEAST!®, UNLEASH THE NITRO BEAST!®, UNLEASH THE ULTRA BEAST!®, PUMP UP THE BEAST!®, and REHAB THE BEAST! WWW.MONSTERENERGY.COM® (collectively, the "BEAST-inclusive Marks") in connection with its MONSTER ENERGY® line of beverages.

3. Since the launch of Opposer's MONSTER ENERGY® beverages in 2002, Opposer has continuously used the BEAST-inclusive Marks on almost all cans of its MONSTER ENERGY® line of beverages, including on Opposer's original Monster Energy® and Lo-Carb Monster Energy® products, Opposer's full line of Monster Rehab® drinks, Opposer's full line of Monster Energy Extra Strength Nitrous Technology® drinks, Opposer's full line of Muscle Monster® drinks, and Opposer's Monster Energy® Zero Ultra drinks.

4. Since at least before the filing date of the Application, Opposer has continuously used and promoted its BEAST-inclusive Marks in connection with its MONSTER ENERGY® line of beverages. For example, Opposer has and continues to widely market and promote its

BEAST-inclusive Marks to consumers by displaying at least one of the BEAST-inclusive Marks on billions of cans of beverages and nutritional supplements; on apparel, merchandise, and on product samplings; on promotional and point of sale materials; in magazines and other publications; on the monsterenergy.com website, monsterarmy.com website and other Internet websites and social media sites; at trade shows, concert tours and live events; and through sponsorship of athletes.

5. By virtue of Opposer's continuous and substantial use, Opposer's BEAST-inclusive Marks have developed into well-known identifiers of Opposer and its high-quality, premium beverages, as well as other items, and consumers have come to recognize a family of BEAST-inclusive Marks with which Opposer markets, sells, and/or provides its goods and services. As a result, Opposer has built up, at great expense and effort, valuable goodwill in its BEAST-inclusive Marks and has developed strong common law rights in Opposer's BEAST-inclusive Marks, which have appeared on billions of cans of beverages and nutritional supplements and in extensive nationwide promotions. Opposer relies on its common law rights in its BEAST-inclusive Marks, which rights predate the filing date of the Application.

6. In addition to its common law rights, Opposer owns and relies on U.S. Trademark Registration No. 4,542,107 (the "'107 Registration") for the mark PUMP UP THE BEAST! for "ready to drink coffee-based beverages; coffee-based shakes for boosting energy; chocolate-based shakes for boosting energy; ready to drink chocolate-based beverages" in International Class 30, which registration issued June 3, 2014 and is based on an application filed in the United States Patent and Trademark Office ("PTO") on May 15, 2013. The filing date of Opposer's '107 Registration is prior to the filing date of the Application. True and correct copies of the specifics of

Opposer's '107 Registration obtained from the PTO's TESS and Assignment databases are attached hereto as Exhibit 1 and made of record.

7. Opposer owns and relies on U.S. Trademark Registration No. 4,336,329 (the "'329 Registration") for the mark REHAB THE BEAST! for "ready to drink tea, iced tea and tea based beverages; ready to drink flavored tea, iced tea and tea based beverages" in International Class 30 and for "non-alcoholic beverages, namely, energy drinks, sports drinks and fruit juice drinks; all the foregoing enhanced with vitamins, minerals, nutrients, proteins, amino acids and/or herbs" in International Class 32, which registration issued May 14, 2013 and is based on an application filed in the PTO on November 3, 2010. The filing date of Opposer's '329 Registration is prior to the filing date of the Application. True and correct copies of the specifics of Opposer's '329 Registration obtained from the PTO's TESS and Assignment databases are attached hereto as Exhibit 2 and made of record.

8. Opposer owns and relies on U.S. Trademark Registration No. 4,292,502 (the "'502 Registration") for the mark REHAB THE BEAST! WWW.MONSTERENERGY.COM for "ready to drink tea, iced tea and tea based beverages; ready to drink flavored tea, iced tea and tea based beverages" in International Class 30 and for "non-alcoholic beverages, namely, energy drinks, sports drinks and fruit juice drinks, all the foregoing enhanced with vitamins, minerals, nutrients, proteins, amino acids and/or herbs" in International Class 32, which registration issued February 19, 2013 and is based on an application filed in the PTO on February 15, 2012. The filing date of Opposer's '502 Registration is prior to the filing date of the Application. True and correct copies of the specifics of Opposer's '502 Registration obtained from the PTO's TESS and Assignment databases are attached hereto as Exhibit 3 and made of record.

9. Opposer owns and relies on incontestable U.S. Trademark Registration 2,769,364 (the “’364 Registration”) for the mark UNLEASH THE BEAST! for “fruit juice drinks, soft drinks, carbonated soft drinks and soft drinks enhanced with vitamins, minerals, nutrients, amino acids and/or herbs” in International Class 32, which registration issued September 30, 2003 and is based on an application filed in the PTO on December 18, 2002. The filing date of Opposer’s ’364 Registration is prior to the filing date of the Application. True and correct copies of the specifics of the ’364 Registration obtained from the PTO’s TESS and Assignment databases are attached hereto as Exhibit 4 and made of record.

10. Opposer owns and relies on U.S. Trademark Registration No. 4,482,659 (the “’659 Registration”) for the mark PUMP UP THE BEAST! for “nutritional supplements in liquid form; vitamin fortified beverages” in International Class 5, which registration issued February 11, 2014 and is based on an application filed in the PTO on May 15, 2013. The filing date of Opposer’s ’659 Registration is prior to the filing date of the Application. True and correct copies of the specifics of Opposer’s ’659 Registration obtained from the PTO’s TESS and Assignment databases are attached hereto as Exhibit 5 and made of record.

11. Opposer owns and relies on U.S. Trademark Registration No. 4,482,660 (the “’660 Registration”) for the mark PUMP UP THE BEAST! for “dairy-based beverages; dairy-based energy shakes” in International Class 29, which registration issued February 11, 2014 and is based on an application filed in the PTO on May 15, 2013. The filing date of Opposer’s ’660 Registration is prior to the filing date of the Application. True and correct copies of the specifics of Opposer’s ’660 Registration obtained from the PTO’s TESS and Assignment databases are attached hereto as Exhibit 6 and made of record.

12. Opposer owns and relies on U.S. Trademark Registration No. 4,546,402 (the “’402 Registration”) for the mark PUMP UP THE BEAST! for “non-alcoholic beverages, namely, non-alcoholic and non-carbonated drinks enhanced with vitamins, minerals, nutrients, proteins, amino acids and/or herbs; non-carbonated energy or sports drinks” in International Class 32, which registration issued June 10, 2014 and is based on an application filed in the PTO on May 15, 2013. The filing date of Opposer’s ’402 Registration is prior to the filing date of the Application. True and correct copies of the specifics of Opposer’s ’402 Registration obtained from the PTO’s TESS and Assignment databases are attached hereto as Exhibit 7 and made of record.

13. Opposer owns and relies on U.S. Trademark Registration No. 4,394,044 (the “’044 Registration”) for the mark UNLEASH THE NITRO BEAST! for “non-alcoholic beverages, namely, carbonated soft drinks; carbonated drinks enhanced with vitamins, minerals, nutrients, proteins, amino acids and/or herbs; carbonated energy or sports drinks” in International Class 32, which registration issued August 27, 2013 and is based on an application filed in the PTO on December 14, 2010. The filing date of Opposer’s ’044 Registration is prior to the filing date of the Application. True and correct copies of the specifics of the ’044 Registration obtained from the PTO’s TESS and Assignment databases are attached hereto as Exhibit 8 and made of record.

14. Opposer owns and relies on U.S. Trademark Registration No. 4,371,544 (the “’544 Registration”) for the mark UNLEASH THE ULTRA BEAST! for “non-alcoholic beverages, namely, carbonated soft drinks; carbonated drinks enhanced with vitamins, minerals, nutrients, proteins, amino acids and/or herbs; carbonated energy drinks and sports drinks” in International Class 32, which registration issued July 23, 2013 and is based on an application filed

in the PTO on November 19, 2012. The filing date of Opposer's '544 Registration is prior to the filing date of the Application. True and correct copies of the specifics of Opposer's '544 Registration obtained from the PTO's TESS and Assignment databases are attached hereto as Exhibit 9 and made of record.

15. The foregoing registrations are valid, subsisting, unrevoked and uncanceled; as such they constitute *prima facie* evidence of the validity of the registered marks and of the registrations thereof, and of Opposer's ownership of the marks shown therein. Opposer's registrations also constitute notice to Applicant of Opposer's claim of ownership of the marks shown therein as provided in Sections 7(b), 22, and 33(a) of the Trademark Act.

16. Opposer's Registration No. 2,769,364 is incontestable. As such, it constitutes conclusive evidence of the validity of the registered mark and of the registration of the mark, of Opposer's ownership of its mark, and of Opposer's exclusive right to use the registered mark in commerce as provided in Section 33 of the Lanham Act, 15 U.S.C. § 1115.

17. Since at least before the filing date of the Application, Opposer has continuously used and promoted its BEAST-inclusive Marks, including the marks listed in paragraphs 2 through 14, in interstate commerce in connection with its goods, including the goods identified in such Registrations. In addition, Opposer's BEAST-inclusive Marks, or at the very least some of the BEAST-inclusive Marks, were well established and famous long before Applicant filed its Application for registration of Applicant's Mark.

18. The Application was filed on January 20, 2017 and is based on Applicant's ownership of a registration in a foreign country. Opposer's use of its BEAST-inclusive Marks predates Applicant's use of its marks.

19. Applicant seeks an unrestricted federal registration for Applicant's Mark covering the goods set forth in the Application in Class 30. As such, if registration issues for the Application, such registration will constitute prima facie evidence of the Applicant's exclusive right to use the registered mark in commerce on or in connection with the listed goods throughout the United States with no limitation thereon.

20. Opposer will be damaged by registration of the Application in that Applicant's Mark so resembles Opposer's BEAST-inclusive Marks, including as registered in the PTO, and in which Opposer owns common law trademark rights, as to be likely, when used on or in connection with the goods as they are identified in the Applications, as to cause confusion, or to cause mistake or to deceive within the meaning of Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d).

21. In view of Opposer's prior rights in its BEAST-inclusive Marks, Applicant is not entitled to federal registration of Applicant's Mark pursuant to Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d).

WHEREFORE, Opposer prays that U.S. Trademark Application Serial No. 87/308881 be rejected and stricken, that no registration be issued thereon to Applicant, and that this opposition be sustained in favor of Opposer.

Please charge Deposit Account No. 11-1410 to cover the opposition fee and any additional fees which may be required, or credit any overpayment to this account.

Respectfully submitted,
KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: July 25, 2017

By: /Jacob R. Rosenbaum/
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Lynda J. Zadra-Symes
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MONSTER ENERGY COMPANY

26296727

TTAB Opposition No. _____
Monster Energy Company v. Eco-W Co., Ltd.

EXHIBIT 1

Trademark Electronic Search System (TESS)

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PUMP UP THE BEAST!

Word Mark PUMP UP THE BEAST!
Goods and Services IC 030. US 046. G & S: Ready to drink coffee-based beverages; coffee-based shakes for boosting energy; chocolate-based shakes for boosting energy; ready to drink chocolate-based beverages. FIRST USE: 20130318. FIRST USE IN COMMERCE: 20130318
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 85933268
Filing Date May 15, 2013
Current Basis 1A
Original Filing Basis 1B
Published for Opposition March 18, 2014
Registration Number 4542107
Registration Date June 3, 2014
Owner (REGISTRANT) Monster Energy Company CORPORATION DELAWARE 1 Monster Way Corona CALIFORNIA 92879
Attorney of Record Diane M. Reed
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead

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Indicator LIVE

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United States of America

United States Patent and Trademark Office

PUMP UP THE BEAST!

Reg. No. 4,542,107
Registered June 3, 2014

MONSTER ENERGY COMPANY (DELAWARE CORPORATION)
1 MONSTER WAY
CORONA, CA 92879

Int. Cl.: 30

FOR: READY TO DRINK COFFEE-BASED BEVERAGES; COFFEE-BASED SHAKES FOR BOOSTING ENERGY; CHOCOLATE-BASED SHAKES FOR BOOSTING ENERGY; READY TO DRINK CHOCOLATE-BASED BEVERAGES, IN CLASS 30 (U.S. CL. 46).

TRADEMARK

FIRST USE 3-18-2013; IN COMMERCE 3-18-2013.

PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 85-933,268, FILED 5-15-2013.

JAY FLOWERS, EXAMINING ATTORNEY



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

TTAB Opposition No. _____
Monster Energy Company v. Eco-W Co., Ltd.

EXHIBIT 2



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REHAB THE BEAST!

Word Mark REHAB THE BEAST!

Goods and Services IC 030. US 046. G & S: Ready to drink tea, iced tea and tea based beverages; ready to drink flavored tea, iced tea and tea based beverages. FIRST USE: 20110302. FIRST USE IN COMMERCE: 20110302

IC 032. US 045 046 048. G & S: Non-alcoholic beverages, namely, energy drinks, sports drinks and fruit juice drinks; all the foregoing enhanced with vitamins, minerals, nutrients, proteins, amino acids and/or herbs. FIRST USE: 20110302. FIRST USE IN COMMERCE: 20110302

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85976727

Filing Date November 3, 2010

Current Basis 1A

Original Filing Basis 1B

Published for Opposition June 14, 2011

Registration Number 4336329

International Registration Number 1079467

Registration Date May 14, 2013

Owner (REGISTRANT) MONSTER ENERGY COMPANY CORPORATION DELAWARE 1 Monster Way Corona CALIFORNIA 92879

Assignment ASSIGNMENT RECORDED

Trademark Electronic Search System (TESS)

Recorded

Attorney of Record Diane M. Reed

Prior Registrations 2769364

Type of Mark TRADEMARK

Register PRINCIPAL

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Web interface last modified: July 25, 2014 v.2.5

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United States of America

United States Patent and Trademark Office

REHAB THE BEAST!

Reg. No. 4,336,329
Registered May 14, 2013

MONSTER ENERGY COMPANY (DELAWARE CORPORATION)
550 MONICA CIRCLE, SUITE 201
CORONA, CA 92880

Int. Cls.: 30 and 32

FOR: READY TO DRINK TEA, ICED TEA AND TEA BASED BEVERAGES; READY TO DRINK FLAVORED TEA, ICED TEA AND TEA BASED BEVERAGES, IN CLASS 30 (U.S. CL. 46).

TRADEMARK

FIRST USE 3-2-2011; IN COMMERCE 3-2-2011.

PRINCIPAL REGISTER

FOR: NON-ALCOHOLIC BEVERAGES, NAMELY, ENERGY DRINKS, SPORTS DRINKS AND FRUIT JUICE DRINKS; ALL THE FOREGOING ENHANCED WITH VITAMINS, MINERALS, NUTRIENTS, PROTEINS, AMINO ACIDS AND/OR HERBS, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 3-2-2011; IN COMMERCE 3-2-2011.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 2,769,364.

SN 85-976,727, FILED 11-3-2010.

TAMARA FRAZIER, EXAMINING ATTORNEY



Lisa Street Lee

Acting Director of the United States Patent and Trademark Office

TTAB Opposition No. _____
Monster Energy Company v. Eco-W Co., Ltd.

EXHIBIT 3

Trademark Electronic Search System (TESS)

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REHAB THE BEAST!
WWW.MONSTERENERGY.COM

Word Mark REHAB THE BEAST! WWW.MONSTERENERGY.COM

Goods and Services IC 030. US 046. G & S: Ready to drink tea, iced tea and tea based beverages; ready to drink flavored tea, iced tea and tea based beverages. FIRST USE: 20110302. FIRST USE IN COMMERCE: 20110302

IC 032. US 045 046 048. G & S: Non-alcoholic beverages, namely, energy drinks, sports drinks and fruit juice drinks, all the foregoing enhanced with vitamins, minerals, nutrients, proteins, amino acids and/or herbs. FIRST USE: 20110302. FIRST USE IN COMMERCE: 20110302

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85978208

Filing Date February 15, 2012

Current Basis 1A

Original Filing Basis 1A

Published for Opposition May 1, 2012

Registration Number 4292502

Registration Date February 19, 2013

Owner (REGISTRANT) Monster Energy Company CORPORATION DELAWARE 1 Monster Way Corona CALIFORNIA 92879

Attorney of Record Diane M. Reed

Trademark Electronic Search System (TESS)

Prior Registrations 3353473
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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No assignment has been recorded at the USPTO

For Serial Number: 85978208

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United States of America

United States Patent and Trademark Office

REHAB THE BEAST!
WWW.MONSTERENERGY.COM

Reg. No. 4,292,502

Registered Feb. 19, 2013

Int. Cls.: 30 and 32

TRADEMARK

PRINCIPAL REGISTER

MONSTER ENERGY COMPANY (DELAWARE CORPORATION)
SUITE 201
550 MONICA CIRCLE
CORONA, CA 92880

FOR: READY TO DRINK TEA, ICED TEA AND TEA BASED BEVERAGES; READY TO DRINK FLAVORED TEA, ICED TEA AND TEA BASED BEVERAGES, IN CLASS 30 (U.S. CL. 46).

FIRST USE 3-2-2011; IN COMMERCE 3-2-2011.

FOR: NON-ALCOHOLIC BEVERAGES, NAMELY, ENERGY DRINKS, SPORTS DRINKS AND FRUIT JUICE DRINKS, ALL THE FOREGOING ENHANCED WITH VITAMINS, MINERALS, NUTRIENTS, PROTEINS, AMINO ACIDS AND/OR HERBS, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 3-2-2011; IN COMMERCE 3-2-2011.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 3,353,473.

SER. NO. 85-978,208, FILED 2-15-2012.

GEOFFREY FOSDICK, EXAMINING ATTORNEY



Lisa M. H. Lee

Acting Director of the United States Patent and Trademark Office

TTAB Opposition No. _____
Monster Energy Company v. Eco-W Co., Ltd.

EXHIBIT 4



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Typed Drawing

Word Mark UNLEASH THE BEAST!

Goods and Services IC 032. US 045 046 048. G & S: Fruit juice drinks, soft drinks, carbonated soft drinks and soft drinks enhanced with vitamins, minerals, nutrients, amino acids and/or herbs,[aerated water, soda water and seltzer water]. FIRST USE: 20020416. FIRST USE IN COMMERCE: 20020416

Mark Drawing Code (1) TYPED DRAWING

Serial Number 78195777

Filing Date December 18, 2002

Current Basis 1A

Original Filing Basis 1A

Published for Opposition July 8, 2003

Registration Number 2769364

International Registration Number 0885429

Registration Date September 30, 2003

Owner (REGISTRANT) Hansen Beverage Company CORPORATION DELAWARE 550 Monica Circle Suite 201 Corona CALIFORNIA 92880

(LAST LISTED OWNER) MONSTER ENERGY COMPANY CORPORATION DELAWARE 1 Monster Way Corona CALIFORNIA 92879

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Diane M. Reed

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20121017.

Renewal 1ST RENEWAL 20121017

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Trademark Assignment Abstract of Title

Total Assignments: 1

Serial # : [78195777](#)

Filing Dt: 12/18/2002

Reg # : [2769364](#)

Reg. Dt: 09/30/2003

Registrant: Hansen Beverage Company

Mark: UNLEASH THE BEAST!

Assignment: 1

Reel/ Frame: [4699/0063](#)

Recorded: 01/13/2012

Pages: 10

Conveyance: CHANGE OF NAME

Assignor: [HANSEN BEVERAGE COMPANY](#)

Exec Dt: 01/05/2012

Entity Type: CORPORATION

Citizenship: DELAWARE

Assignee: [MONSTER ENERGY COMPANY](#)

550 MONICA CIRCLE, SUITE 201
CORONA, CALIFORNIA 92880

Entity Type: CORPORATION

Citizenship: DELAWARE

Correspondent: DIANE M. REED

2040 MAIN STREET, 14TH FLOOR
IRVINE, CA 92614

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.5
Web interface last modified: July 25, 2014 v.2.5

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Int. Cl.: 32

Prior U.S. Cls.: 45, 46 and 48

Reg. No. 2,769,364

United States Patent and Trademark Office

Registered Sep. 30, 2003

**TRADEMARK
PRINCIPAL REGISTER**

UNLEASH THE BEAST!

HANSEN BEVERAGE COMPANY (DELAWARE
CORPORATION)
1010 RAILROAD STREET
CORONA, CA 92882

FOR: FRUIT JUICE DRINKS, SOFT DRINKS,
CARBONATED SOFT DRINKS AND SOFT DRINKS
ENHANCED WITH VITAMINS, MINERALS, NU-
TRIENTS, AMINO ACIDS AND/OR HERBS, AERA-

TED WATER, SODA WATER AND SELTZER
WATER, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 4-16-2002; IN COMMERCE 4-16-2002.

SER. NO. 78-195,777, FILED 12-18-2002.

BRENDAN REGAN, EXAMINING ATTORNEY

TTAB Opposition No. _____
Monster Energy Company v. Eco-W Co., Ltd.

EXHIBIT 5

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PUMP UP THE BEAST!

Word Mark	PUMP UP THE BEAST!
Goods and Services	IC 005. US 006 018 044 046 051 052. G & S: Nutritional supplements in liquid form; vitamin fortified beverages. FIRST USE: 20130318. FIRST USE IN COMMERCE: 20130318
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85933255
Filing Date	May 15, 2013
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	August 27, 2013
Registration Number	4482659
Registration Date	February 11, 2014
Owner	(REGISTRANT) Monster Energy Company CORPORATION DELAWARE 550 Monica Circle, Suite 201 Corona CALIFORNIA 92880
Attorney of Record	Diane M. Reed
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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No assignment has been recorded at the USPTO

For Serial Number: 85933255

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United States of America

United States Patent and Trademark Office

PUMP UP THE BEAST!

Reg. No. 4,482,659

MONSTER ENERGY COMPANY (DELAWARE CORPORATION)
550 MONICA CIRCLE, SUITE 201
CORONA, CA 92880

Registered Feb. 11, 2014

Int. Cl.: 5

FOR: NUTRITIONAL SUPPLEMENTS IN LIQUID FORM; VITAMIN FORTIFIED BEVERAGES,
IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

TRADEMARK

FIRST USE 3-18-2013; IN COMMERCE 3-18-2013.

PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 85-933,255, FILED 5-15-2013.

JAY FLOWERS, EXAMINING ATTORNEY



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

TTAB Opposition No. _____
Monster Energy Company v. Eco-W Co., Ltd.

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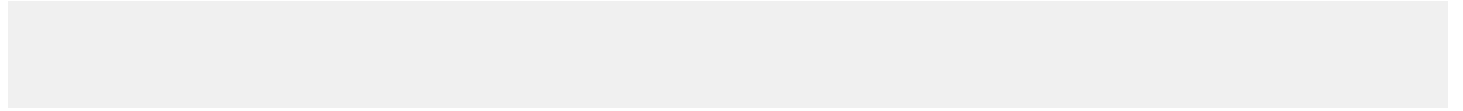
PUMP UP THE BEAST!

Word Mark	PUMP UP THE BEAST!
Goods and Services	IC 029. US 046. G & S: Dairy-based beverages; dairy-based energy shakes. FIRST USE: 20130318. FIRST USE IN COMMERCE: 20130318
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85933264
Filing Date	May 15, 2013
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	August 27, 2013
Registration Number	4482660
Registration Date	February 11, 2014
Owner	(REGISTRANT) Monster Energy Company CORPORATION DELAWARE 550 Monica Circle, Suite 201 Corona CALIFORNIA 92880
Attorney of Record	Diane M. Reed
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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No assignment has been recorded at the USPTO

For Serial Number: 85933264

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United States of America

United States Patent and Trademark Office

PUMP UP THE BEAST!

Reg. No. 4,482,660

MONSTER ENERGY COMPANY (DELAWARE CORPORATION)
550 MONICA CIRCLE, SUITE 201
CORONA, CA 92880

Registered Feb. 11, 2014

Int. Cl.: 29

FOR: DAIRY-BASED BEVERAGES; DAIRY-BASED ENERGY SHAKES, IN CLASS 29 (U.S. CL. 46).

TRADEMARK

FIRST USE 3-18-2013; IN COMMERCE 3-18-2013.

PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 85-933,264, FILED 5-15-2013.

JAY FLOWERS, EXAMINING ATTORNEY



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

TTAB Opposition No. _____
Monster Energy Company v. Eco-W Co., Ltd.

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PUMP UP THE BEAST!

Word Mark PUMP UP THE BEAST!

Goods and Services IC 032. US 045 046 048. G & S: Non-alcoholic beverages, namely, non-alcoholic and non-carbonated drinks enhanced with vitamins, minerals, nutrients, proteins, amino acids and/or herbs; non-carbonated energy or sports drinks. FIRST USE: 20130318. FIRST USE IN COMMERCE: 20130318

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85933272

Filing Date May 15, 2013

Current Basis 1A

Original Filing Basis 1B

Published for Opposition March 25, 2014

Registration Number 4546402

Registration Date June 10, 2014

Owner (REGISTRANT) Monster Energy Company CORPORATION DELAWARE 1 Monster Way Corona CALIFORNIA 92879

Attorney of Record Diane M. Reed

Type of Mark TRADEMARK

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Indicator** LIVE

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For Serial Number: 85933272

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United States of America

United States Patent and Trademark Office

PUMP UP THE BEAST!

Reg. No. 4,546,402

MONSTER ENERGY COMPANY (DELAWARE CORPORATION)
1 MONSTER WAY
CORONA, CA 92879

Registered June 10, 2014

Int. Cl.: 32

FOR: NON-ALCOHOLIC BEVERAGES, NAMELY, NON-ALCOHOLIC AND NON-CARBONATED DRINKS ENHANCED WITH VITAMINS, MINERALS, NUTRIENTS, PROTEINS, AMINO ACIDS AND/OR HERBS; NON-CARBONATED ENERGY OR SPORTS DRINKS, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

TRADEMARK

PRINCIPAL REGISTER

FIRST USE 3-18-2013; IN COMMERCE 3-18-2013.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 85-933,272, FILED 5-15-2013.

JAY FLOWERS, EXAMINING ATTORNEY



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

TTAB Opposition No. _____
Monster Energy Company v. Eco-W Co., Ltd.

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UNLEASH THE NITRO BEAST!

Word Mark UNLEASH THE NITRO BEAST!
Goods and Services IC 032. US 045 046 048. G & S: Non-alcoholic beverages, namely, carbonated soft drinks; carbonated drinks enhanced with vitamins, minerals, nutrients, proteins, amino acids and/or herbs; carbonated energy or sports drinks. FIRST USE: 20090708. FIRST USE IN COMMERCE: 20090708
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 85977331
Filing Date December 14, 2010
Current Basis 1A
Original Filing Basis 1B
Published for Opposition April 26, 2011
Registration Number 4394044
Registration Date August 27, 2013
Owner (REGISTRANT) MONSTER ENERGY COMPANY CORPORATION DELAWARE 550 MONICA CIRCLE, SUITE 201 CORONA CALIFORNIA 92880
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Cindy N. Nguyen

Trademark Electronic Search System (TESS)

Prior Registrations 2769364
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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For Serial Number: 85977331

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United States of America

United States Patent and Trademark Office

UNLEASH THE NITRO BEAST!

Reg. No. 4,394,044

Registered Aug. 27, 2013

Int. Cl.: 32

TRADEMARK

PRINCIPAL REGISTER

MONSTER ENERGY COMPANY (DELAWARE CORPORATION)
550 MONICA CIRCLE, SUITE 201
CORONA, CA 92880

FOR: NON-ALCOHOLIC BEVERAGES, NAMELY, CARBONATED SOFT DRINKS; CARBONATED DRINKS ENHANCED WITH VITAMINS, MINERALS, NUTRIENTS, PROTEINS, AMINO ACIDS AND/OR HERBS; CARBONATED ENERGY OR SPORTS DRINKS, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 7-8-2009; IN COMMERCE 7-8-2009.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 2,769,364.

SN 85-977,331, FILED 12-14-2010.

TAMARA FRAZIER, EXAMINING ATTORNEY



Lisa Street Lee

Acting Director of the United States Patent and Trademark Office

TTAB Opposition No. _____
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UNLEASH THE ULTRA BEAST!

Word Mark UNLEASH THE ULTRA BEAST!

Goods and Services IC 032. US 045 046 048. G & S: Non-alcoholic beverages, namely, carbonated soft drinks; carbonated drinks enhanced with vitamins, minerals, nutrients, proteins, amino acids and/or herbs; carbonated energy drinks and sports drinks. FIRST USE: 20120830. FIRST USE IN COMMERCE: 20120830

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85783008

Filing Date November 19, 2012

Current Basis 1A

Original Filing Basis 1B

Published for Opposition May 7, 2013

Registration Number 4371544

Registration Date July 23, 2013

Owner (REGISTRANT) Monster Energy Company CORPORATION DELAWARE 1 Monster Way Corona CALIFORNIA 92879

Attorney of Record Diane M. Reed

Type of Mark TRADEMARK

Trademark Electronic Search System (TESS)

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Indicator** LIVE

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For Serial Number: 85783008

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United States of America

United States Patent and Trademark Office

UNLEASH THE ULTRA BEAST!

Reg. No. 4,371,544

MONSTER ENERGY COMPANY (DELAWARE CORPORATION)
550 MONICA CIRCLE SUITE 201
CORONA, CA 92880

Registered July 23, 2013

Int. Cl.: 32

FOR: NON-ALCOHOLIC BEVERAGES, NAMELY, CARBONATED SOFT DRINKS; CARBONATED DRINKS ENHANCED WITH VITAMINS, MINERALS, NUTRIENTS, PROTEINS, AMINO ACIDS AND/OR HERBS; CARBONATED ENERGY DRINKS AND SPORTS DRINKS, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

TRADEMARK

PRINCIPAL REGISTER

FIRST USE 8-30-2012; IN COMMERCE 8-30-2012.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 85-783,008, FILED 11-19-2012.

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