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

Proceeding	91243188
Party	Defendant Monster Energy Company
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Submission	Response to Board Order/Inquiry
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Attachments	2020-04-29 Applicant_s Response to Board Order - HAN-BEV.7655M.pdf(709355 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

INTEGRATED SUPPLY NETWORK, LLC,)	
)	Opposition No.: 91243188
Opposer,)	
)	Serial No.: 87/833591
v.)	
)	Mark: MONSTER ENERGY
MONSTER ENERGY COMPANY,)	
)	
Applicant.)	
)	

APPLICANT MONSTER ENERGY COMPANY’S RESPONSE TO BOARD ORDER

Pursuant to 37 C.F.R. § 2.117(a) and Trademark Trial and Appeal Board Manual of Procedure (“T.B.M.P.”) § 510.02, and the Board’s March 25, 2020 Order (Docket No. 10), Applicant Monster Energy Company (“Monster” or “Applicant”) responds as follows:

The jury trial in Civil Action No. 5:17-CV-00548-CBM-RAO (“the Lawsuit”) concluded on November 16, 2018.

The jury found that Integrated Supply Network, LLC (“ISN” or “Opposer”) infringed Monster’s trade dress and one or more of Monster’s registered trademarks, in part, by using the marks shown in ISN’s trademark applications and registration asserted in this Opposition. The jury also found that ISN had acted with “malice, oppression, or fraud” in competing unfairly with Monster and awarded Monster \$5,000,000 in punitive damages. On July 2, 2019, the Court entered judgment in favor of Monster Energy Company and against Defendant Integrated Supply Network, LLC, in the amount of \$1.00 in nominal damages and \$5,000,000 in punitive damages. The Lawsuit is now on appeal to the U.S. Court of Appeals for the Ninth Circuit. Applicant’s

initial brief on appeal was filed October 11, 2019. Opposer's response brief, and opening brief on cross appeal was filed November 12, 2019. Applicant's response brief was filed January 13, 2020, and Opposer's reply brief was filed February 3, 2020. The Ninth Circuit has indicated that oral arguments are scheduled to take place during the week of July 6th – July 10th, 2020.

Should the Board require any additional information, please contact the undersigned.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: April 29, 2020

By: /Jacob R. Rosenbaum/

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Attorneys for Applicant,

MONSTER ENERGY COMPANY

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing APPLICANT
MONSTER ENERGY COMPANY'S RESPONSE TO BOARD ORDER has been served on
Opposer's counsel of record on April 29, 2020 via electronic mail to:

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Signature: 

Name: Doreen P. Buluran

Date: April 29, 2020

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