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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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Date	10/01/2018
Attachments	2018-10-01 APPLICANT_S ANSWER - HANBEV.7655M.pdf(184925 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

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

**APPLICANT’S ANSWER TO NOTICE OF OPPOSITION**

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

Dear Sir or Madam:

Applicant Monster Energy Company (“Monster” or “Applicant”), a Delaware corporation, located and doing business at 1 Monster Way, Corona, California 92879, hereby answers the Notice of Opposition filed by Integrated Supply Network, LLC (“Opposer”) against Application Serial No. 87/833591 as follows:

1. Applicant admits the allegations of Paragraph 1 of the Notice.
2. Applicant admits the allegations of Paragraph 2 of the Notice.
3. Applicant admits that Application Serial No. 85/902,238 claims a date of first use in commerce of December 29, 2010. Applicant denies any remaining allegations of Paragraph 3 of the Notice.

4. Applicant admits that Application Serial No. 85/902,238 registered on May 3, 2016 as U.S. Registration No. 4,951,671. Applicant denies the remaining allegations of Paragraph 4 of the Notice.

5. Applicant admits that ISN has used the MONSTER MOBILE (plus design) mark in U.S. Commerce on at least some of the services recited in the '671 Registration. Applicant denies the remaining allegations of Paragraph 5 of the Notice.

6. Applicant admits that Exhibit A to the Notice appears to be a copy of the '671 Registration and the status pages from the TSDR System for the '671 Registration. Applicant denies any remaining allegations of Paragraph 6 of the Notice.

7. Applicant denies the allegations of Paragraph 7 of the Notice.

8. Applicant admits that ISN sells or has sold tools under the MONSTER MOBILE trademark and under a stylized MONSTER mark in U.S. commerce. Applicant denies all remaining allegations of Paragraph 8 of the Notice.

9. Applicant admits the allegations of Paragraph 9 of the Notice.

10. Applicant admits that it sells beverages, and that it sells energy drinks under the MONSTER ENERGY<sup>®</sup> mark. Applicant denies any remaining allegations of Paragraph 10 of the Notice.

11. Applicant admits that it has been selling energy drinks in U.S. commerce under the MONSTER ENERGY<sup>®</sup> trademark since 2002. Applicant also admits that it sometimes uses the logo depicted in Paragraph 11 of the Notice. Applicant denies any remaining allegations of Paragraph 11 of the Notice.

12. Applicant admits that it has filed and obtained U.S. trademark registrations for its MONSTER ENERGY<sup>®</sup> trademark and its M MONSTER ENERGY logo for goods that

encompass energy drinks. Applicant denies any remaining allegations of Paragraph 12 of the Notice.

13. Applicant admits that third party companies have used trademarks that include the term “monster.” Applicant denies any remaining allegations of Paragraph 13 of the Notice.

14. Applicant admits that third party companies have used trademarks that include the term “monster.” Applicant denies any remaining allegations of Paragraph 14 of the Notice.

15. Applicant admits that third party companies have used trademarks that include the term “monster.” Applicant denies any remaining allegations of Paragraph 15 of the Notice.

16. Applicant admits that third party companies have used trademarks that include the term “monster.” Applicant denies any remaining allegations of Paragraph 16 of the Notice.

17. Applicant admits the allegations of Paragraph 17 of the Notice.

18. Applicant admits that it has entered into a coexistence agreement with Odwalla, Inc., and that, at the time of the agreement, Odwalla had been using the marks C MONSTER and B MONSTER in commerce in the United States in conjunction with certain beverages. Applicant denies the remaining allegations of Paragraph 18 of the Notice.

19. Applicant admits the allegations of Paragraph 19 of the Notice.

20. Applicant denies the allegations of Paragraph 20 of the Notice.

21. Applicant denies the allegations of Paragraph 21 of the Notice.

22. Applicant denies the allegations of Paragraph 22 of the Notice.

23. Applicant denies the allegations of Paragraph 23 of the Notice.

24. Applicant denies the allegations of Paragraph 24 of the Notice.

25. Applicant admits the allegations of Paragraph 25 of the Notice.

26. Applicant admits that it has filed a complaint against ISN in the United States District Court for the Central District of California (Case No. 5:17-cv-00548-CBM-RAO), alleging trademark and trade dress infringement by ISN. Applicant denies any remaining allegations of Paragraph 26 of the Notice.

27. Applicant admits the allegations of Paragraph 27 of the Notice.

28. Applicant admits the allegations of Paragraph 28 of the Notice.

29. Applicant admits the allegations of Paragraph 29 of the Notice.

30. Applicant admits the allegations of Paragraph 30 of the Notice.

31. Applicant admits the allegations of Paragraph 31 of the Notice.

32. Applicant admits the allegations of Paragraph 32 of the Notice.

33. Applicant admits the allegations of Paragraph 33 of the Notice.

34. Applicant admits the allegations of Paragraph 34 of the Notice.

35. Paragraph 35 of the Notice constitutes an admission by ISN as to its beliefs. No response by Applicant as to ISN's statement of its beliefs is necessary or appropriate.

36. Paragraph 36 of the Notice constitutes an admission by ISN as to its beliefs. No response by Applicant as to ISN's statement of its beliefs is necessary or appropriate.

37. Applicant denies the allegations of Paragraph 37 of the Notice.

38. Applicant admits the allegations of Paragraph 38 of the Notice.

39. Applicant admits the allegations of Paragraph 39 of the Notice, but denies any implication that it had not used the MONSTER ENERGY® mark in connection with the listed services at the time it filed its application.

40. Applicant admits the allegations of Paragraph 40 of the Notice.

41. Applicant denies the allegations of Paragraph 41 of the Notice.

42. Applicant denies the allegations of Paragraph 42 of the Notice.
43. Applicant denies the allegations of Paragraph 43 of the Notice.
44. Applicant admits the allegations of Paragraph 44 of the Notice.
45. Applicant denies the allegations of Paragraph 45 of the Notice.
46. Applicant admits that, among other things, it has alleged that there is a likelihood of confusion between the MONSTER ENERGY<sup>®</sup> trademark and ISN's MONSTER MOBILE trademark and stylized MONSTER mark on various goods sold in commerce. Applicant admits that one or more of these allegations have been made in the California civil suit, the Suspended Oppositions, and the Cancellation Action. Applicant denies any remaining allegations of Paragraph 46 of the Notice.
47. Applicant lacks sufficient information to determine the truth or falsity of ISN's assertion as to its own alleged subjective belief and, on that basis, denies the allegations of Paragraph 47 of the Notice.
48. Applicant lacks sufficient information to determine the truth or falsity of ISN's assertion as to its own alleged subjective belief and, on that basis, denies the allegations of Paragraph 48 of the Notice.
49. Applicant admits there has been no final decision on the merits as to Applicant's allegations of a likelihood of confusion in the California civil suit, the Suspended Oppositions, or the Cancellation Action. Applicant denies any remaining allegations of Paragraph 49 of the Notice.
50. Applicant denies that ISN will be injured if the '591 Application is permitted to register and denies any remaining allegations of Paragraph 50 of the Notice.
51. Applicant denies the allegations of Paragraph 51 of the Notice.

**AFFIRMATIVE DEFENSES**

1. The Notice fails to state a claim upon which relief can be granted.
2. ISN lacks standing to bring the present Opposition Proceeding.

WHEREFORE, Applicant prays that this Opposition be denied in its entirety, for lack of standing and on the merits, and that the '591 Application be permitted to register.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: October 1, 2018

By: /Jason A. Champion/

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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing APPLICANT'S ANSWER TO NOTICE OF OPPOSITION has been served on the Applicant's counsel of record on October 1, 2018 via electronic mail to:

Beverly A. Marsh  
STANDLEY LAW GROUP LLP  
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Signature: 

Name: Doreen P. Buluran

Date: October 1, 2018

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