

ESTTA Tracking number: **ESTTA933681**

Filing date: **11/07/2018**

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	Power Horse Energy Drinks GmbH
Granted to Date of previous extension	11/07/2018
Address	Fiedlerstrasse 10 Linz, A-4041 AUSTRIA

Attorney information	Aylin Demirci Carr & Ferrell LLP 120 Constitution Drive Menlo Park, CA 94025 UNITED STATES ademirci@carrferrell.com, jwhite@carrferrell.com, usptomail@carrferrell.com 6508123400
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**Applicant Information**

Application No	85265524	Publication date	07/10/2018
Opposition Filing Date	11/07/2018	Opposition Period Ends	11/07/2018
Applicant	Brad Carruth 4865 Joule St #C7 Reno, NV 89502 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 032. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Energy drinks
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**Applicant Information**

Application No	85264778	Publication date	07/10/2018
Opposition Filing Date	11/07/2018	Opposition Period Ends	
Applicant	Brad Carruth Suite C7 4865 Joule Street Reno, NV 89502 UNITED STATES		


## Goods/Services Affected by Opposition

Class 032. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Energy drinks
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## Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
No bona fide intent to use mark in commerce for identified goods or services	Trademark Act Section 1(b)
Other	Void Ab Initio for lacking bona fide intent to use the marks in interstate commerce in connection with the applied- for goods in International Class 32

## Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2428647	Application Date	01/23/1997
Registration Date	02/13/2001	Foreign Priority Date	NONE
Word Mark	POWER HORSE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 1998/03/00 First Use In Commerce: 1999/05/00 sports drinks		

U.S. Registration No.	2073791	Application Date	06/21/1996
Registration Date	06/24/1997	Foreign Priority Date	NONE
Word Mark	POWER-HORSE		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 032. First use: First Use: 0 First Use In Commerce: 0 sports drinks

U.S. Registration No.	4173415	Application Date	09/15/2010
Registration Date	07/17/2012	Foreign Priority Date	NONE

Word Mark	POWER HORSE
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Design Mark	
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Description of Mark	The mark consists of a black horse in between two red triangles and the word-ing"POWER HORSE" in black below.
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Goods/Services	Class 032. First use: First Use: 0 First Use In Commerce: 0 Non-alcoholic drinks, namely, sports and energy drinks [ ; preparations for making beverages, namely, sports and energydrinks ]
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Attachments	75229971#TMSN.png( bytes ) 79091115#TMSN.png( bytes ) 01107098.pdf(549489 bytes )
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Signature	/Aylin Demirci/
Name	Aylin Demirci
Date	11/07/2018

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

In the Matters of  
Trademark Application Serial Nos. 85/265,524 and 85/264,778  
Published: July 10, 2018  
Opposition Period Extended Until: November 7, 2018  
Marks: CONCENTRATED HORSEPOWER and HORSEPOWER AMERICA

_____	)	
Power Horse Energy Drinks GmbH	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. _____
	)	
Brad Carruth (dba HorsePower Energy Drinks))	)	
	)	
Applicant.	)	
_____	)	

Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

**CONSOLIDATED NOTICE OF OPPOSITION**

Power Horse Energy Drinks GmbH (“Opposer”), an Austrian limited liability company having its principal place of business at Fiedlerstrasse 10, A-4041, Linz, Austria, believes it will be damaged by registration of the CONCENTRATED HORSEPOWER mark shown in U.S. Application Serial No. 85/265,524 and

HORSEPOWER AMERICA mark shown in U.S. Application Serial No. 85/264,778 (“HORSEPOWER Marks” or “Applications”).

Opposer was granted an extension of time up to and including November 7, 2018, within which to file this Consolidated Notice of Opposition. Opposer hereby opposes Applicant’s HORSEPOWER Marks with respect to all the goods in the Applications, alleging as grounds for its opposition that:

1. As is evidenced by the publication of Applicant’s HORSEPOWER Marks in the July 10, 2018 issue of the Official Gazette (attached hereto as Exhibit 1), Applicant, Brad Carruth dba HorsePower Energy Drinks (“Applicant”) seeks to register HORSEPOWER Marks in Class 32 in connection with “*Energy drinks.*”

2. According to the Trademark Status & Document Retrieval (“TSDR”) Status Pages, Applicant is a U.S. citizen individual with an address at 4865 Joule St #C7 Reno Nevada 89502, United States. Applicant filed the opposed Applications based on intent-to-use under Section 1(b) of the Lanham Act, declaring under oath that he has a bona fide intention, and is entitled, to use the HORSEPOWER Marks in commerce on or in connection with the above-listed goods in the Applications. The filing date of the opposed CONCENTRATED HORSEPOWER mark shown in U.S. Application Serial No. 85/265,524 is March 12, 2011, and filing date of the opposed HORSEPOWER AMERICA shown in U.S. Application Serial No. 85/264,778 is March 11, 2011.

**FIRST CLAIM FOR RELIEF**  
**PRIORITY AND LIKELIHOOD OF CONFUSION UNDER § 2(d)**

3. Opposer hereby incorporates by reference Paragraphs 1-2 as set forth in full herein.

4. Opposer is a well-known energy/sports drinks company world-wide. Over the years, Opposer has invested significant resources in advertising and

promoting its brand and, as a result, the distinctive POWER HORSE trademark has become widely known and is a valuable asset of the company.

5. Opposer has been continuously using its POWER HORSE mark in interstate commerce in the United States in connection with energy and sports drinks since at least as early as 1998. Furthermore, Opposer has been continuously using logos that incorporate the "POWER HORSE" word and a horse image in interstate commerce in the United States in connection with energy and sports drinks since at least as early as 1998.

6. Opposer has registered its POWER HORSE mark with the U.S. Patent and Trademark Office ("USPTO"). The print-outs of the TSDR Status Pages from the USPTO online database for U.S. Registration Nos. 2428647, 2073791, and 4173415 (the "Registrations") are enclosed hereto as Exhibit 2 and hereinafter collectively referred to as "POWER HORSE Mark".

7. Opposer's Registrations are valid, and subsisting, and not abandoned, and in good standing. Indeed, affidavits have been filed and accepted pursuant to Sections 8 and 15 of the Lanham Act for Opposer's Registration Nos. 2428647, 2073791, and pursuant to Sections 71 and 15 of the Lanham Act for Opposer's Registration No. 4173415.

8. Opposer's Registrations are incontestable.

9. On information and belief, Applicant has not started using the CONCENTRATED HORSEPOWER mark or HORSEPOWER AMERICA mark in connection with energy drinks in commerce, yet.

10. Opposer's constructive dates of first use and common law trademark rights in the POWER HORSE Mark and respective Registrations pre-date the March 11, 2011 and March 12, 2011 filing dates and any date of first use of Applicant's the HORSEPOWER Marks.

11. Opposer has spent significant time, money, and effort promoting and advertising its valuable POWER HORSE Mark and developing customer recognition and goodwill in the mark nationwide in the energy and sports drink industry. Opposer's POWER HORSE Mark has become well-known as identifying Opposer's goods, and as a result, has become a valuable asset of Opposer and symbol of its goodwill.

12. The goods in the opposed Application are identical to Opposer's goods. On information and belief, Applicant's goods are intended to be sold through overlapping trade channels with Opposer's goods.

13. The Applicant's Mark and the Opposer's POWER HORSE Mark are very similar in appearance, sound, meaning and commercial impression. The HORSEPOWER Marks contain both words "POWER" and "HORSE" that comprises the Opposer's POWER HORSE marks. Furthermore, the term AMERICA is disclaimed from the Applicant's HORSEPOWER AMERICA mark where the dominant portion of the mark is HORSEPOWER and is almost identical to Opposer's POWER HORSE Mark. Both Applicant's HORSEPOWER Marks and the Opposer's POWER HORSE Mark emphasize/refer to the strength/power of a "horse". Therefore, the HORSEPOWER Marks have the same meaning and commercial impression as Opposer's POWER HORSE Mark (i.e. that the drinks are strong and effective, that the drinks give energy and power to the drinker). Furthermore, the word "HORSE" in the Applicant's HORSEPOWER Marks would evoke a pictorial image of a "horse" in the purchaser's mind, which makes it further similar to Opposer's POWER HORSE logos that incorporate a "horse" image.

14. The Applicant's HORSEPOWER Marks were filed as standard character marks, and if registered, would give exclusive rights to the Applicant to use the marks in any style, design and depiction.

15. In view of the striking similarities of Opposer's POWER HORSE Mark and Applicant's HORSEPOWER Marks, the identical nature of the goods under the respective marks as well as the overlapping trade channels through which the goods under the respective marks travel through, it is alleged that Applicant's HORSEPOWER Marks so resemble Opposer's POWER HORSE Mark as to be likely to cause confusion or mistake or to deceive, thereby causing loss, damage and injury to Opposer and the purchasing public.

16. In the beverage market, Opposer and its POWER HORSE Mark enjoy widespread recognition. As a result, the same or related goods with energy and sports drinks offered under a mark very similar to Opposer's POWER HORSE Mark would lead the purchasing public and business partners in the relevant industry to mistakenly think that there is a relation between the new comer and Opposer - that Opposer launched or is otherwise affiliated with a new product line.

17. Registration of Applicant's HORSEPOWER Marks would be a further source of damage to Opposer because they would confer upon Applicant various statutory presumptions to which it is not entitled in view of Opposer's prior registrations and use of its distinctive POWER HORSE Mark.

**SECOND CLAIM FOR RELIEF**  
**VOID AB INITIO FOR LACK OF BONA FIDE INTENT TO USE**  
**AS OF FILING DATE**

18. Opposer hereby incorporates by reference Paragraphs 1-17 as if set forth herein.

19. On information and belief, on March 11, 2011 when Applicant filed HORSEPOWER AMERICA application Serial No. 85/264,778 based on bona fide intent to use the mark for energy drinks in commerce under §1(b) of the Lanham Act, Applicant did not have a bona fide intent to use the HORSEPOWER AMERICA mark for energy drinks.



20. On information and belief, on March 12, 2011 when Applicant filed CONCENTRATED HORSEPOWER application Serial No. 85/265,524 based on bona fide intent to use the mark for energy drinks in commerce under §1(b) of the Lanham Act, Applicant did not have a bona fide intent to use the CONCENTRATED HORSEPOWER mark for energy drinks.

21. Because Applicant lacked a bona fide intent to use in commerce of the HORSEPOWER Marks for the applied goods, namely, energy drinks, at the time of the respective filing dates of the HORSEPOWER Marks, the Applications are *void ab initio*.

WHEREFORE, Opposer prays that this Consolidated Notice of Opposition be sustained, that Applicant's Trademark Application Serial Nos. 85/265,524 and 85/264,778 be rejected, and that Applicant be denied registration of CONCENTRATED HORSEPOWER and HORSEPOWER AMERICA for all the goods in International Class 32 as specified in said applications.

The required fee under 37 C.F.R. §2.6(a)(17) of \$800.00 is being submitted with this electronic filing. Should any additional fees be required, please charge such necessary fees to our Deposit Account No. 50-3937.

Respectfully submitted,



Aylin Demirci, Esq.  
Bruno Tarabichi, Esq.  
Joi A. White, Esq.  
Attorneys for Opposer  
CARR & FERRELL LLP  
120 Constitution Drive  
Menlo Park, California 94025  
Phone: (650) 812-3400  
Fax: (650) 812-3444

Dated: November 7, 2018

**CERTIFICATE OF SERVICE**

I hereby certify that, on November 7, 2018, a true copy of the foregoing Consolidated Notice of Opposition was served by email to Applicant:

Brad Carruth DBA Horsepower Energy Drinks

E-mail:

[bradcarruth@yahoo.com](mailto:bradcarruth@yahoo.com)




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Aylin Demirci

# **EXHIBIT 1**

**REASON FOR PUBLICATION**

Published for Opposition

**Mark Literal(s)** CONCENTRATED  
HORSEPOWERconcentrated horsepower**CASE IDENTIFIERS****Serial Number** 85265524 **Application Filing Date** Mar. 12, 2011 **Register** Principal **Mark Type** Trademark  
**Publication Date** Jul. 10, 2018**MARK INFORMATION****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**RELATED PROPERTIES INFORMATION****Claimed Ownership of US Registrations** 3690631**GOODS AND SERVICES INFORMATION****For** Energy drinks**International Classes** 32 - Primary Classes **US Classes** 45, 46, 48 **International Class Title** Light Beverages**BASIS INFORMATION****Currently ITU** Yes**OWNER INFORMATION****Owner Name** Brad Carruth **DBA, AKA, Formerly** DBA Horsepower Energy Drinks **Address** Brad Carruth 4865  
Joule St #C7 Reno NEVADA 89502 **Legal Entity** INDIVIDUAL **Citizenship** UNITED STATES**EXAMINING ATTORNEY****Examining Attorney** AIKENS, RONALD E

**REASON FOR PUBLICATION**

Published for Opposition

**Mark Literal(s)** HORSEPOWER AMERICAThe logo for HorsePower America, featuring the words "HorsePower America" in a serif font, enclosed in a rectangular border.**CASE IDENTIFIERS****Serial Number** 85264778 **Application Filing Date** Mar. 11, 2011 **Register** Principal **Mark Type** Trademark  
**Publication Date** Jul. 10, 2018**MARK INFORMATION****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** "AMERICA"**RELATED PROPERTIES INFORMATION****Claimed Ownership of US Registrations** 3690631**GOODS AND SERVICES INFORMATION****For** Energy drinks**International Classes** 32 - Primary Classes **US Classes** 45, 46, 48 **International Class Title** Light Beverages**BASIS INFORMATION****Currently ITU** Yes**OWNER INFORMATION****Owner Name** Brad Carruth **DBA, AKA, Formerly** DBA HorsePower Energy Drinks **Address** Brad Carruth Suite C7  
4865 Joule Street Reno NEVADA 89502 **Legal Entity** INDIVIDUAL **Citizenship** UNITED STATES**EXAMINING ATTORNEY****Examining Attorney** AIKENS, RONALD E

# **EXHIBIT 2**

October 5, 2018

We believe the recent Trademark Status and Document Retrieval (TSDR) outages have been resolved. There is a possibility you may still experience intermittent outages. If you still need assistance accessing a document, [email teas@uspto.gov](mailto:email_teas@uspto.gov) and include your serial number, the document you are looking for, and a screenshot of any error messages you have received.

Starting Oct. 4, 2018, bulk data customers can no longer obtain direct access to TSDR data through [tsdrsec.uspto.gov](http://tsdrsec.uspto.gov). [There are two alternative ways to receive bulk data from TSDR.](#)

STATUS	DOCUMENTS	MAINTENANCE	<a href="#">Back to Search</a>	Print
<b>Generated on:</b> This page was generated by TSDR on 2018-11-06 20:50:28 EST				
<b>Mark:</b> POWER HORSE				
<b>US Serial Number:</b>	75229971	<b>Application Filing Date:</b>	Jan. 23, 1997	
<b>US Registration Number:</b>	2428647	<b>Registration Date:</b>	Feb. 13, 2001	
<b>Register:</b>	Principal			
<b>Mark Type:</b>	Trademark			
<b>TM5 Common Status Descriptor:</b>	LIVE/REGISTRATION/Issued and Active			
		The trademark application has been registered with the Office.		
<b>Status:</b>	The registration has been renewed.			
<b>Status Date:</b>	Oct. 28, 2010			
<b>Publication Date:</b>	Oct. 14, 1997	<b>Notice of Allowance Date:</b>	Jan. 06, 1998	
<b>▼ Mark Information</b> <span style="float: right;"><a href="#">Expand All</a></span>				
<b>Mark Literal Elements:</b>	POWER HORSE			
<b>Standard Character Claim:</b>	No			
<b>Mark Drawing Type:</b>	3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)			
<b>Lining and Stippling Statement:</b>	The lining in the drawing is a feature of the mark and is not intended to indicate color.			
<b>Design Search Code(s):</b>	03.05.01 - Horses 26.05.13 - Triangles, exactly two triangles; Two triangles 26.05.16 - Triangles touching or intersecting 26.05.21 - Triangles that are completely or partially shaded 26.07.21 - Diamonds that are completely or partially shaded			
<b>▼ Related Properties Information</b>				
<b>Claimed Ownership of US Registrations:</b>	<a href="#">2073791</a>			
<b>▼ Goods and Services</b>				
<b>Note:</b>				
The following symbols indicate that the registrant/owner has amended the goods/services:				
<ul style="list-style-type: none"> <li>• Brackets [...] indicate deleted goods/services;</li> <li>• Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and</li> <li>• Asterisks *.* identify additional (new) wording in the goods/services.</li> </ul>				
<b>For:</b>	sports drinks			
<b>International Class(es):</b>	032 - Primary Class	<b>U.S Class(es):</b>	045, 046, 048	
<b>Class Status:</b>	ACTIVE			
<b>Basis:</b>	1(a)			

First Use: Mar. 1998

Use in Commerce: May 1999

### ▼ Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Filed ITU: Yes

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

### ▼ Current Owner(s) Information

Owner Name: POWER HORSE ENERGY DRINKS GMBH

Owner Address: FIEDLERSTRASSE 10  
4041 LINZ AUSTRIA

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: AUSTRIA

### ▼ Attorney/Correspondence Information

#### Attorney of Record

Attorney Name: Aylin Demirci

Docket Number: T-4158 US

Attorney Primary Email Address: [usptomail@carrferrell.com](mailto:usptomail@carrferrell.com)

Attorney Email Authorized: Yes

#### Correspondent

Correspondent Name/Address: Aylin Demirci  
Carr & Ferrell LLP  
120 Constitution Drive  
Menlo Park, CALIFORNIA UNITED STATES 94025

Phone: 650-812-3400

Fax: 650-812-3444

Correspondent e-mail: [usptomail@carrferrell.com](mailto:usptomail@carrferrell.com) [ademirci@carrferrell.com](mailto:ademirci@carrferrell.com)

Correspondent e-mail Authorized: Yes

#### Domestic Representative

Domestic Representative Name: Aylin Demirci

Phone: 650-812-3400

Fax: 650-812-3444

Domestic Representative e-mail: [usptomail@carrferrell.com](mailto:usptomail@carrferrell.com)

Domestic Representative e-mail Authorized: Yes

### ▲ Prosecution History

### ▼ Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Feb. 13, 2011

### ▲ TM Staff and Location Information

### ▲ Assignment Abstract Of Title Information

### ▲ Proceedings - Click to Load



October 5, 2018

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SEARCH MULTI-SEARCH ?

US Serial, Registration, or Reference No. ▼ 2073791 [Status](#) [Documents](#)

STATUS DOCUMENTS MAINTENANCE [Back to Search](#) Print

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Mark: POWER-HORSE

No Image exists for this case.

US Serial Number: 75123471

Application Filing Date: Jun. 21, 1996

US Registration Number: 2073791

Registration Date: Jun. 24, 1997

Register: Principal

Mark Type: Trademark

TM5 Common Status

LIVE/REGISTRATION/Issued and Active

Descriptor:



The trademark application has been registered with the Office.

Status: A Section 15 declaration has been acknowledged.

Status Date: Aug. 06, 2018

Publication Date: Apr. 01, 1997

▼ Mark Information [Expand All](#)

Mark Literal Elements: POWER-HORSE

Standard Character Claim: No

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

▼ Foreign Information

Foreign Registration Number: 150048

Foreign Registration Date: Nov. 18, 1993

Foreign Application/Registration Country: AUSTRIA

Foreign Expiration Date: Nov. 30, 2005

▼ 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: sports drinks

International Class(es): 032 - Primary Class

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

Class Status: ACTIVE

Basis: 44(e)

▼ Basis Information (Case Level)

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

### ▼ Current Owner(s) Information

<b>Owner Name:</b>	POWER HORSE ENERGY DRINKS GMBH		
<b>Owner Address:</b>	FIEDLERSTRASSE 10 A-4041 LINZ AUSTRIA		
<b>Legal Entity Type:</b>	LIMITED LIABILITY COMPANY	<b>State or Country Where Organized:</b>	AUSTRIA

### ▼ Attorney/Correspondence Information

<b>Attorney of Record</b>			
<b>Attorney Name:</b>	Aylin Demirci	<b>Docket Number:</b>	T-4159 US
<b>Attorney Primary Email Address:</b>	<a href="mailto:usptomail@carrferrell.com">usptomail@carrferrell.com</a>	<b>Attorney Email Authorized:</b>	Yes
<b>Correspondent</b>			
<b>Correspondent Name/Address:</b>	Aylin Demirci Carr & Ferrell LLP 120 Constitution Drive Menlo Park, CALIFORNIA UNITED STATES 94025		
<b>Phone:</b>	650-812-3400	<b>Fax:</b>	650-812-3444
<b>Correspondent e-mail:</b>	<a href="mailto:usptomail@carrferrell.com">usptomail@carrferrell.com</a> <a href="mailto:ademirci@carrferrell.com">ademirci@carrferrell.com</a>	<b>Correspondent e-mail Authorized:</b>	Yes
<b>Domestic Representative</b>			
<b>Domestic Representative Name:</b>	Aylin Demirci	<b>Phone:</b>	650-812-3400
<b>Fax:</b>	650-812-3444		
<b>Domestic Representative e-mail:</b>	<a href="mailto:usptomail@carrferrell.com">usptomail@carrferrell.com</a>	<b>Domestic Representative e-mail Authorized:</b>	Yes

### ▼ Prosecution History

Date	Description	Proceeding Number
Aug. 06, 2018	SEC. 15 ACKNOWLEDGEMENT - E-MAILED	
Aug. 06, 2018	REGISTERED - SEC. 15 ACKNOWLEDGED	74704
Aug. 06, 2018	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	74704
Jun. 25, 2018	TEAS SECTION 15 RECEIVED	
Nov. 22, 2017	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Nov. 22, 2017	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Apr. 05, 2017	REVIEW OF CORRESPONDENCE COMPLETE - ADDRESS UPDATED	88889
Jan. 31, 2017	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Mar. 12, 2017	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Mar. 11, 2017	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	68335
Mar. 11, 2017	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	68335
Mar. 11, 2017	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68335
Jan. 13, 2017	TEAS SECTION 8 & 9 RECEIVED	
Feb. 29, 2012	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jan. 12, 2007	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	66607
Jan. 12, 2007	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jan. 04, 2007	ASSIGNED TO PARALEGAL	66607
Dec. 01, 2006	CASE FILE IN TICRS	

Oct. 30, 2006	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Oct. 30, 2006	PAPER RECEIVED	
Jun. 20, 2003	REGISTERED - SEC. 8 (6-YR) ACCEPTED	
Mar. 20, 2003	REGISTERED - SEC. 8 (6-YR) FILED	
Mar. 20, 2003	PAPER RECEIVED	
Jun. 24, 1997	REGISTERED-PRINCIPAL REGISTER	
Apr. 01, 1997	PUBLISHED FOR OPPOSITION	
Feb. 28, 1997	NOTICE OF PUBLICATION	
Jan. 10, 1997	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 07, 1997	ASSIGNED TO EXAMINER	70722

**▼ Maintenance Filings or Post Registration Information****Affidavit of Continued Use:** Section 8 - Accepted**Affidavit of Incontestability:** Section 15 - Accepted**Renewal Date:** Jun. 24, 2017**▲ TM Staff and Location Information****▲ Assignment Abstract Of Title Information - Click to Load****▲ Proceedings - Click to Load**

October 5, 2018

We believe the recent Trademark Status and Document Retrieval (TSDR) outages have been resolved. There is a possibility you may still experience intermittent outages. If you still need assistance accessing a document, [email teas@uspto.gov](mailto:email_teas@uspto.gov) and include your serial number, the document you are looking for, and a screenshot of any error messages you have received.

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SEARCH	MULTI-SEARCH	?
US Serial, Registration, or Reference No. ▼	4173415	Status Documents

STATUS	DOCUMENTS	MAINTENANCE	<a href="#">Back to Search</a>	Print
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Generated on: This page was generated by TSDR on 2018-11-06 21:00:13 EST

Mark: POWER HORSE



US Serial Number: 79091115

Application Filing Date: Sep. 15, 2010

US Registration Number: 4173415

Registration Date: Jul. 17, 2012

Register: Principal

Mark Type: Trademark

TM5 Common Status

LIVE/REGISTRATION/Issued and Active

Descriptor:



The trademark application has been registered with the Office.

Status: A Section 71 and 15 declaration has been accepted and acknowledged.

Status Date: Jul. 25, 2018

Publication Date: May 01, 2012

## ▼ Mark Information

▼ Expand All

Mark Literal Elements: POWER HORSE

Standard Character Claim: No

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

Description of Mark: The mark consists of a black horse in between two red triangles and the wording "POWER HORSE" in black below.

Color Drawing: Yes

Color(s) Claimed: The color(s) black and red is/are claimed as a feature of the mark.

Design Search Code(s): 03.05.01 - Horses  
 26.05.13 - Triangles, exactly two triangles; Two triangles  
 26.05.21 - Triangles that are completely or partially shaded

## ▼ Related Properties Information

International Registration Number: [1037284](#)

International Registration Date: Mar. 22, 2010

Claimed Ownership of US Registrations: [2073791](#), [2428647](#)

## ▼ 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.

<b>For:</b>	Non-alcoholic drinks, namely, sports and energy drinks [ ; preparations for making beverages, namely, sports and energy drinks ]	
<b>International Class(es):</b>	032 - Primary Class	<b>U.S Class(es):</b> 045, 046, 048
<b>Class Status:</b>	ACTIVE	
<b>Basis:</b>	66(a)	

**▼ Basis Information (Case Level)**

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

**▼ Current Owner(s) Information**

<b>Owner Name:</b>	Power Horse Energy Drinks GmbH		
<b>Owner Address:</b>	Fiedlerstrasse 10 A-4041 Linz AUSTRIA		
<b>Legal Entity Type:</b>	LIMITED LIABILITY COMPANY	<b>State or Country Where Organized:</b>	AUSTRIA

**▼ Attorney/Correspondence Information**

**Attorney of Record**

<b>Attorney Name:</b>	Aylin Demirci	<b>Docket Number:</b>	T-4160 US MP
<b>Attorney Primary Email Address:</b>	<a href="mailto:usptomail@carrferrell.com">usptomail@carrferrell.com</a>	<b>Attorney Email Authorized:</b>	Yes

**Correspondent**

<b>Correspondent Name/Address:</b>	Aylin Demirci Carr & Ferrell LLP 120 Constitution Drive Menlo Park, CALIFORNIA UNITED STATES 94025		
<b>Phone:</b>	650-812-3400	<b>Fax:</b>	650-812-3444
<b>Correspondent e-mail:</b>	<a href="mailto:usptomail@carrferrell.com">usptomail@carrferrell.com</a> <a href="mailto:ademirci@carrferrell.com">ademirci@carrferrell.com</a>	<b>Correspondent e-mail Authorized:</b>	Yes

**Domestic Representative**

<b>Domestic Representative Name:</b>	Aylin Demirci	<b>Phone:</b>	650-812-3400
<b>Fax:</b>	650-812-3444		
<b>Domestic Representative e-mail:</b>	<a href="mailto:usptomail@carrferrell.com">usptomail@carrferrell.com</a>	<b>Domestic Representative e-mail Authorized:</b>	Yes

**▼ Prosecution History**

Date	Description	Proceeding Number
Jul. 25, 2018	NOTICE OF ACCEPTANCE OF SEC. 71 & 15 - E-MAILED	
Jul. 25, 2018	REGISTERED - SEC. 71 ACCEPTED & SEC. 15 ACK.	70131
Jul. 18, 2018	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	70131
Jun. 25, 2018	TEAS SECTION 71 & 15 RECEIVED	
Nov. 22, 2017	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Nov. 22, 2017	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Aug. 21, 2014	NEW REPRESENTATIVE AT IB RECEIVED	
Nov. 30, 2012	NOTIFICATION PROCESSED BY IB	

Nov. 14, 2012	FINAL DECISION TRANSACTION PROCESSED BY IB	
Oct. 24, 2012	FINAL DISPOSITION NOTICE SENT TO IB	
Oct. 24, 2012	FINAL DISPOSITION PROCESSED	72589
Oct. 17, 2012	FINAL DISPOSITION NOTICE CREATED, TO BE SENT TO IB	
Jul. 17, 2012	REGISTERED-PRINCIPAL REGISTER	
May 01, 2012	PUBLISHED FOR OPPOSITION	
Apr. 11, 2012	NOTIFICATION OF POSSIBLE OPPOSITION SENT TO IB	
Apr. 11, 2012	NOTICE OF START OF OPPOSITION PERIOD CREATED, TO BE SENT TO IB	
Apr. 11, 2012	NOTICE OF PUBLICATION	
Mar. 27, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	66121
Mar. 27, 2012	ASSIGNED TO LIE	66121
Mar. 09, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 23, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Feb. 23, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Feb. 23, 2012	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
Sep. 22, 2011	CORRECTION FROM IB ENTERED - NO REVIEW REQUIRED	70527
Aug. 25, 2011	FINAL REFUSAL MAILED	
Aug. 25, 2011	FINAL REFUSAL WRITTEN	83174
Aug. 02, 2011	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Aug. 02, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Aug. 02, 2011	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Apr. 01, 2011	CORRECTION TRANSACTION RECEIVED FROM IB	
Mar. 05, 2011	REFUSAL PROCESSED BY IB	
Feb. 11, 2011	NON-FINAL ACTION MAILED - REFUSAL SENT TO IB	
Feb. 11, 2011	REFUSAL PROCESSED BY MPU	67445
Feb. 11, 2011	NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW	
Feb. 10, 2011	NON-FINAL ACTION WRITTEN	83174
Feb. 09, 2011	ASSIGNED TO EXAMINER	83174
Jan. 15, 2011	APPLICATION FILING RECEIPT MAILED	
Jan. 11, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jan. 07, 2011	LIMITATION FROM ORIGINAL APPLICATION ENTERED	68359
Jan. 07, 2011	SN ASSIGNED FOR SECT 66A SUBSEQ DESIG FROM IB	

#### ▼ International Registration Information (Section 66a)

<b>International Registration Number:</b>	1037284	<b>International Registration Date:</b>	Mar. 22, 2010
<b>Intl. Registration Status:</b>	REQUEST FOR EXTENSION OF PROTECTION PROCESSED	<b>Date of International Registration Status:</b>	Jan. 07, 2011
<b>Notification of Designation Date:</b>	Jan. 06, 2011	<b>Date of Automatic Protection:</b>	Oct. 01, 2012
<b>International Registration Renewal Date:</b>	Mar. 22, 2020		
<b>First Refusal Flag:</b>	Yes		

#### ▼ Maintenance Filings or Post Registration Information

<b>Affidavit of Incontestability:</b>	Section 15 - Accepted
<b>Affidavit of Continued Use:</b>	Section 71 - Accepted

#### ▲ TM Staff and Location Information

▲ [Assignment Abstract Of Title Information - Click to Load](#)

▲ [Proceedings - Click to Load](#)