

ESTTA Tracking number: **ESTTA996684**

Filing date: **08/21/2019**

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	USA Nutraceuticals Group, Inc.
Granted to Date of previous extension	08/21/2019
Address	3100 NW BOCA RATON BLVD BOCA RATON, FL 33431 UNITED STATES

Attorney information	RYAN M. KAISER KAISER IP, LLC 800 ROOSEVELT RD. BUILDING B SUITE 230 GLEN ELLYN, IL 60137 UNITED STATES ryan@kaiserip.com 7734748271
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Applicant Information

Application No	88242135	Publication date	04/23/2019
Opposition Filing Date	08/21/2019	Opposition Period Ends	08/21/2019
Applicant	Beast Cookie Company, LLC 9745 Lurline Ave. Chatsworth, CA 91311 UNITED STATES		

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: Cookies
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	4334953	Application Date	10/19/2012
Registration Date	05/14/2013	Foreign Priority Date	NONE
Word Mark	BEAST		

Design Mark	<h1>BEAST</h1>		
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 1996/04/01 First Use In Commerce: 1996/05/01 Dietary and nutritional supplements		

U.S. Registration No.	3719344	Application Date	03/18/2008
Registration Date	12/01/2009	Foreign Priority Date	NONE
Word Mark	BEAST		
Design Mark	<h1>BEAST</h1>		
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2008/03/19 First Use In Commerce: 2008/03/19 Clothing, namely, shirts, tank tops, tee shirts, underclothes, boxer shorts, jockey shorts, underpants, underwear		

U.S. Registration No.	5551109	Application Date	01/16/2015
Registration Date	08/28/2018	Foreign Priority Date	NONE
Word Mark	BEAST BAR		

Design Mark	BEAST BAR
Description of Mark	NONE
Goods/Services	Class 005. First use: First Use: 2018/06/04 First Use In Commerce: 2018/06/28 Dietary and nutritional supplements in bar form Class 029. First use: First Use: 2018/06/04 First Use In Commerce: 2018/06/28 Protein-based, namely, whey and/or egg-based, nutrient-dense ready to eat snackbars

U.S. Registration No.	2012763	Application Date	03/23/1995
Registration Date	10/29/1996	Foreign Priority Date	NONE
Word Mark	THE BEAST		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 1996/04/01 First Use In Commerce: 1996/05/01 vitamins and nutritional food supplements		

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	BEAST		
Goods/Services	Dietary supplements.		

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	BEAST BAR		
Goods/Services	Snack bars.		

Attachments	85758767#TMSN.png(bytes) 77425273#TMSN.png(bytes) 86506053#TMSN.png(bytes) 2019.08.21 Notice of Opposition.pdf(121269 bytes) Exhibits A-D.pdf(955647 bytes)
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Signature	/Ryan M. Kaiser/
Name	RYAN M. KAISER

Date	08/21/2019
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

USA NUTRACEUTICALS GROUP, INC.)	
)	
Opposer,)	
)	
v.)	Opp. No. _____
)	Serial No. 88/242,135
)	
)	
BEAST COOKIE COMPANY, LLC)	
)	
Applicant.)	

NOTICE OF OPPOSITION

Opposer, USA Nutraceuticals Group, Inc. a Florida corporation with a business address of 3100 NW Boca Raton Blvd., Unit 213, Boca Raton, FL 33431, hereby opposes the application having Serial No. 88/242,135 (the “Challenged Application”) to register the mark BEAST ENERGY COOKIE (the “Challenged Mark”), and requests that registration to the Applicant be refused. As grounds in support of its opposition, Opposer asserts as follows:

1. Since at least as early as 1996, USA Nutraceuticals, Inc. (“Beast”) and/or its licensee, Ultra-Lab Nutrition, Inc. d/b/a Beast Sports Nutrition, have used the mark BEAST and THE BEAST to brand, market, and sell dietary supplements and sports nutrition products.
2. Beast currently uses the BEAST mark, and a family of BEAST marks on a wide variety of food, supplement, and sports nutrition products.
3. Beast owns the following relevant U.S. Trademark Registrations on the Principal Register in the U.S. Patent and Trademark Office (“USPTO”):

Mark	Reg. No.	Granted	Goods
BEAST	4334953	5/14/2013	Dietary and nutritional supplements.
BEAST	3719344	12/1/2009	Clothing, namely, shirts, tank tops, tee shirts, underclothes, boxer shorts, jockey shorts, underpants, underwear
BEAST BAR	5551109	8/28/2018	Dietary and nutritional supplements in bar form; and Protein-based, namely, whey and/or egg-based, nutrient-dense ready to eat snack bars.
THE BEAST	2012763	10/29/1996	vitamins and nutritional food supplements

4. True and correct printouts from the USPTO database of information about the foregoing marks (the “BEAST Marks”) and registrations (the “BEAST Registrations”) are attached hereto and incorporated herein as Exhibit A, Exhibit B, Exhibit C, and Exhibit D, respectively. Several of the BEAST Registrations (including registration for the standard character mark BEAST) have become incontestable under Section 15 of the Lanham Act, 15 U.S.C. § 1065.

5. Beast’s products bearing the BEAST Marks are widely available in stores across the United States, including stores in all fifty states.

6. Beast has spent significant time and resources marketing, advertising, and promoting its goods offered under the BEAST Marks.

7. As a result, Beast has enjoyed remarkable commercial success with respect to its products using the Beast Marks.

8. Beast's widespread, continuous use of the BEAST Marks to identify its goods with Beast as their source has led its customers, potential customers, and the general public to come to know and recognize the BEAST Marks and associate them with Beast and its goods. Beast has therefore built up valuable goodwill in the BEAST Marks and owns valid and subsisting federal statutory and common law rights in and to the BEAST Marks.

9. For these reasons, Beast's BEAST Marks, particularly its BEAST mark, are all strong marks.

10. On December 26, 2018, Applicant Beast Cookie Company, LLC ("Applicant") filed an application to register the Challenged Mark in class 030 for use on "Cookies." That application had U.S. Serial No. 88/242,135 and was based on Applicant's intent to use the Challenged Mark.

11. Upon information and belief, Applicant did not make use of, and cannot claim rights in the Challenged Mark prior to the filing date of the Challenged Application.

12. Beast's rights in each of the BEAST Marks have seniority and priority over the Challenged Mark, and any date to which Applicant may claim priority.

13. Applicant's Challenged Mark is confusingly similar to Beast's BEAST Marks in appearance, sound, and connotation.

14. The goods listed in the Challenged Application are highly related, to Beast's products, and are frequently sold in the same channels of trade and to the same consumers as Beast's goods.

COUNT I – LIKELIHOOD OF CONFUSION

BEAST

(Serial No. 88/242,135)

15. Beast incorporates each of the foregoing allegations as if fully set forth herein.

16. Beast owns and relies on common law rights in its various BEAST Marks on dietary supplement and sports nutrition products. Beast's use of each of its various BEAST marks pre-dates the filing date of the Challenged Application.

17. Opposer owns and relies on U.S. Trademark Registration No. 4,334,953 (the "953 Registration") for the mark BEAST. The filing and registration dates of Opposer's '953 Registration are prior to the filing date of Applicant's applications which are being opposed. True and correct copies of the specifics of Opposer's '953 Registration obtained from the PTO's TESS and Assignment databases are attached hereto as Exhibit A and made of record.

18. Opposer owns and relies on U.S. Trademark Registration No. 3,719,344 (the "344 Registration") for the mark BEAST. The filing and registration dates of Opposer's '344 Registration are prior to the filing date of Applicant's applications which are being opposed. True and correct copies of the specifics of Opposer's '344 Registration obtained from the PTO's TESS and Assignment databases are attached hereto as Exhibit B and made of record.

19. Opposer owns and relies on U.S. Trademark Registration No. 5,551,109 (the "109 Registration") for the mark BEAST BAR. The filing and registration dates of Opposer's '109 Registration are prior to the filing date of Applicant's applications which are being

opposed. True and correct copies of the specifics of Opposer's '109 Registration obtained from the PTO's TESS and Assignment databases are attached hereto as Exhibit C and made of record.

20. Opposer owns and relies on U.S. Trademark Registration No. 2,012,763 (the "'763 Registration") for the mark THE BEAST. The filing and registration dates of Opposer's '763 Registration are prior to the filing date of Applicant's applications which are being opposed. True and correct copies of the specifics of Opposer's '763 Registration obtained from the PTO's TESS and Assignment databases are attached hereto as Exhibit D and made of record.

21. 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.

22. Several of Opposer's Registrations are incontestable.

23. Since at least before the filing date of the Challenged Application, as well as any "use" or "use in commerce" dates upon which Applicant can rely, Opposer has continuously used and promoted the BEAST Marks in interstate commerce in connection with its goods and services, including the goods and services identified in the foregoing registrations.

24. Applicant seeks an unrestricted federal registration for the Challenged Mark covering the goods and services set forth in the Challenged Application. As such, if a registration issues for the Challenged Mark, such registration will constitute prima facie evidence of the Applicant's exclusive right to use that mark in commerce on or in connection with the listed goods and services throughout the United States without limitation.

25. Opposer will be damaged by registration of the Challenged Mark. Applicant's Challenged Mark so resembles Opposer's BEAST Marks, including as registered in the United States Patent and Trademark Office, and in which Opposer owns common law trademark rights, as to be likely, when used on or in connection with the goods and services as they are identified in the Challenged Application, 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).

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

WHEREFORE, Opposer respectfully prays that its Notice of Opposition be sustained, and that Applicant's Application, Serial No. 88/242,135 be refused registration.

Dated: August 21, 2019

Respectfully submitted:

/s/ Ryan M. Kaiser
Ryan M. Kaiser

KAISER IP, LLC
800 Roosevelt Rd.
Building B Suite 230
Glen Ellyn, IL 60137
ryan@kaiserip.com
773-474-8271

Opposer's Exhibit A

Generated on: This page was generated by TSDR on 2019-08-21 19:21:32 EDT

Mark: BEAST

BEAST

US Serial Number: 85758767

Application Filing Date: Oct. 19, 2012

US Registration Number: 4334953

Registration Date: May 14, 2013

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Trademark

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

Status Date: Jun. 22, 2019

Publication Date: Feb. 26, 2013

Mark Information

Mark Literal Elements: BEAST

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

International Registration Number: 1139097

International Application(s) /Registration(s) Based on this Property: A0032565/1139097

Claimed Ownership of US Registrations: 2012763, 3978998

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: Dietary and nutritional supplements

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 01, 1996

Use in Commerce: May 01, 1996

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No
Filed 44E: No
Filed 66A: No
Filed No Basis: No

Currently 44D: No
Currently 44E: No
Currently 66A: No
Currently No Basis: No

Amended 44D: No
Amended 44E: No

Current Owner(s) Information

Owner Name: USA Nutraceuticals Group, Inc.
Owner Address: Suite 213
3100 NW Boca Raton Blvd.
Boca Raton, FLORIDA 33431
UNITED STATES
Legal Entity Type: CORPORATION
State or Country Where Organized: FLORIDA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Ryan M. Kaiser
Attorney Primary Email Address: ryan@kaiserip.com
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: RYAN M. KAISER
KAISER IP, LLC
800 Roosevelt Road
Building B Suite 230
Glen Ellyn, ILLINOIS 60137
UNITED STATES
Phone: 773.474.8271
Fax: 312.884.7352
Correspondent e-mail: ryan@kaiserip.com
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 22, 2019	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Jun. 22, 2019	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	70131
Jun. 21, 2019	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	70131
May 14, 2019	TEAS SECTION 8 & 15 RECEIVED	
May 14, 2018	COURTESY REMINDER - SEC. 8 (6-YR) E-MAILED	
Jan. 27, 2016	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
May 14, 2013	REGISTERED-PRINCIPAL REGISTER	
Feb. 26, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Feb. 26, 2013	PUBLISHED FOR OPPOSITION	
Feb. 06, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jan. 23, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 22, 2013	ASSIGNED TO EXAMINER	89013
Oct. 24, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Oct. 23, 2012	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted
Affidavit of Incontestability: Section 15 - Accepted

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMO LAW OFFICE 113

Date in Location: Jun. 22, 2019

Proceedings

Summary

Number of Proceedings: 6

Type of Proceeding: Opposition

Proceeding Number: [91223172](#)

Filing Date: Aug 06, 2015

Status: Terminated

Status Date: Aug 06, 2015

Interlocutory Attorney: ELIZABETH A DUNN

Defendant

Name: LoveBug Nutrition Inc.

Correspondent Address: CHRISTOPHER MARSTON
EXEMPLAR LAW LLC
10 POST OFFICE SQUARE , 8TH FL SOUTH
BOSTON MA , 02109
UNITED STATES

Correspondent e-mail: cmarston@exemplarlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
YEAST IS A BEAST	Registered	86506377	5453849

Plaintiff(s)

Name: USA Nutraceuticals Group, Inc., Ultra-Lab Nutrition, Inc., d/b/a Beast Sports

Correspondent Address: RYAN M KAISER
AMIN TALATI & UPADHYE LLC
100 S WACKER DR SUITE 2000
CHICAGO IL , 60606
UNITED STATES

Correspondent e-mail: ryan@amintalati.com , sanjay@amintalati.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
THE BEAST	REGISTERED AND RENEWED	74650530	2012763
BEAST	Section 8 and 15 - Accepted and Acknowledged	85758767	4334953
BEAST MODE	Section 8 and 15 - Accepted and Acknowledged	77925401	3978998
TRAIN LIKE A BEAST	Registered	85749500	4429865
BEAST STACK	Section 8 and 15 - Accepted and Acknowledged	85765088	4338809
BEAST. SINCE 1995	Registered	85506038	4405431
TEAM BEAST	Abandoned - No Statement Of Use Filed	85620714	
BEAST PACKS	Registered	86143253	4956307
BEAST IN A BOTTLE	Abandoned - No Statement Of Use Filed	86506067	
BEAST BAR	Registered	86506053	5551109

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 06, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 06, 2015	Sep 15, 2015
3	PENDING, INSTITUTED	Aug 06, 2015	
4	ANSWER	Sep 07, 2015	
5	D REQ FOR DISCOVERY CONFERENCE-PHONE	Oct 05, 2015	

6	WITHDRAWAL OF REQUEST FOR DISCOVERY CONFERENCE	Nov 30, 2015	
7	D CHANGE OF CORRESP ADDRESS	Mar 25, 2016	
8	CHANGE OF CORRESP ADDRESS	Apr 07, 2016	
9	P MOT FOR EXT W/ CONSENT	Apr 07, 2016	
10	EXTENSION OF TIME GRANTED	Apr 07, 2016	
11	P MOT FOR EXT W/ CONSENT	May 05, 2016	
12	EXTENSION OF TIME GRANTED	May 05, 2016	
13	INCOMPLETE #14	Jun 28, 2016	
14	MOTION TO DISQUALIFY COUNSEL	Jun 28, 2016	
15	P MOT FOR EXT W/ CONSENT	Jul 11, 2016	
16	EXTENSION OF TIME GRANTED	Jul 11, 2016	
17	P OPP/RESP TO MOTION	Jul 12, 2016	
18	SUSP PEND DISP OF OUTSTNDNG MOT	Jul 13, 2016	
19	D RESP TO BD ORDER/INQUIRY	Jul 13, 2016	
20	D REPLY IN SUPPORT OF MOTION	Jul 27, 2016	
21	D REQ TO W/DRAW AS ATTORNEY	Sep 26, 2016	
22	RESPONSE DUE 30 DAYS (DUE DATE)	Oct 04, 2016	Nov 03, 2016
23	D REQ TO W/DRAW AS ATTORNEY	Oct 09, 2016	
24	SUSPENDED	Oct 13, 2016	
25	DECISION DENYING PETITION FOR DISQUALIFICATION	Oct 31, 2016	
26	D APPEARANCE / POWER OF ATTORNEY	Nov 01, 2016	
27	PROCEEDINGS RESUMED	Dec 27, 2016	
28	P MOT FOR EXT W/ CONSENT	Feb 24, 2017	
29	EXTENSION OF TIME GRANTED	Feb 24, 2017	
30	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Apr 24, 2017	
31	SUSPENDED	Apr 24, 2017	
32	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	May 26, 2017	
33	SUSPENDED	May 26, 2017	
34	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Jul 26, 2017	
35	SUSPENDED	Jul 26, 2017	
36	W/DRAW OF OPPOSITION	Sep 11, 2017	
37	BD DECISION: DISMISSED W/ PREJ	Sep 18, 2017	
38	TERMINATED	Sep 18, 2017	
39	BD DECISION: DISMISSED W/ PREJ	Sep 18, 2017	

Type of Proceeding: Cancellation

Proceeding Number: [92061754](#)

Filing Date: Jul 01, 2015

Status: Terminated

Status Date: Apr 01, 2016

Interlocutory Attorney: ROBERT COGGINS

Defendant

Name: Muscle Research, LLC

Correspondent Address: CORI D POWELL
BARROW & GRIMM PC
110 W 7TH STREET, SUITE 900
TULSA OK , 74119-1044
UNITED STATES

Correspondent e-mail: njones@barrowgrimm.com , c.powell@barrowgrimm.com , powell@barrowgrimm.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BEASTDROL	CANCELLED - SECTION 7	85657359	4285944

Plaintiff(s)

Name: USA Nutraceuticals Group, Inc. and Ultra-Lab Nutrition, Inc., d/b/a Beast Sports

Correspondent RYAN M KAISER
Address: AMIN TALATI & UPADHYE LLC
100 S WACKER DRIVE, SUITE 2000
CHICAGO IL , 60606
UNITED STATES

Correspondent e-mail: ryan@amintalati.com , saira@amintalati.com , ashley@amintalati.com , trademark@amintalati.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
THE BEAST	REGISTERED AND RENEWED	74650530	2012763
BEAST	Section 8 and 15 - Accepted and Acknowledged	85758767	4334953
BEAST MODE	Section 8 and 15 - Accepted and Acknowledged	77925401	3978998
TRAIN LIKE A BEAST	Registered	85749500	4429865
BEAST. SINCE 1995	Registered	85506038	4405431
BEAST STACK	Section 8 and 15 - Accepted and Acknowledged	85765088	4338809
TEAM BEAST	Abandoned - No Statement Of Use Filed	85620714	
BEAST PACKS	Registered	86143253	4956307
BEAST IN A BOTTLE	Abandoned - No Statement Of Use Filed	86506067	
BEAST BAR	Registered	86506053	5551109

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 01, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 06, 2015	Aug 15, 2015
3	PENDING, INSTITUTED	Jul 06, 2015	
4	D APPEARANCE / POWER OF ATTORNEY	Aug 14, 2015	
5	ANSWER	Aug 14, 2015	
6	VOLUNTARY SURRENDER OF REGISTRATION	Mar 18, 2016	
7	BD DECISION: DISMISSED W/O PREJ	Mar 28, 2016	
8	COMMR ORDER CANCELLING REG	Apr 01, 2016	
9	TERMINATED	Apr 01, 2016	

Type of Proceeding: Opposition

Proceeding Number: [91221101](#)

Filing Date: Mar 17, 2015

Status: Terminated

Status Date: Jun 23, 2015

Interlocutory Attorney: CHRISTEN M ENGLISH

Defendant

Name: James C. Wiedenheft

Correspondent Address: JAMES C WIEDENHEFT
6211 MASON RD
SANDUSKY OH , 44870-9713
UNITED STATES

Correspondent e-mail: jim@americasfitnessmagazine.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
ISLAND BEAST	Abandoned - After Inter-Partes Decision	85907695	

Plaintiff(s)

Name: USA Nutraceuticals Group, Inc., Ultra-Lab Nutrition, Inc., d/b/a Beast Sports

Correspondent Address: RYAN M KAISER
AMIN TALATI & UPADHYE LLC
55 W MONROE STREET, SUITE 3400
CHICAGO IL , 60603
UNITED STATES

Correspondent e-mail: ryan@amintalati.com , saira@amintalati.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
THE BEAST	REGISTERED AND RENEWED	74650530	2012763
BEAST	Section 8 and 15 - Accepted and Acknowledged	85758767	4334953
BEAST MODE	Section 8 and 15 - Accepted and Acknowledged	77925401	3978998
TRAIN LIKE A BEAST	Registered	85749500	4429865
BEAST. SINCE 1995	Registered	85506038	4405431
BEAST STACK	Section 8 and 15 - Accepted and Acknowledged	85765088	4338809

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 17, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 17, 2015	Apr 26, 2015
3	PENDING, INSTITUTED	Mar 17, 2015	
4	NOTICE OF DEFAULT	May 11, 2015	
5	BD DECISION: SUSTAINED	Jun 23, 2015	
6	TERMINATED	Jun 23, 2015	

Type of Proceeding: Opposition

Proceeding Number: 91214280	Filing Date: Jan 02, 2014
Status: Terminated	Status Date: Apr 15, 2014
Interlocutory Attorney: ANDREW P BAXLEY	

Defendant

Name: Matthew Kinneman
Correspondent Address: BRIAN A HALL TRAVERSE LEGAL PLC 810 COTTAGEVIEW DRIVE, UNIT G-20 TRAVERSE CITY MI , 49684 UNITED STATES
Correspondent e-mail: brianhall@traverselegal.com , pat@traverselegal.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
MEGA BEAST	Abandoned - After Inter-Partes Decision	85788375	

Plaintiff(s)

Name: Ultra-Lab Nutrition, Inc. dba Beast Sports and USA Nutraceuticals Group, Inc.
Correspondent Address: RYAN M KAISER AMIN TALATI LLC 55 W MONROE STREET , SUITE 3400 CHICAGO IL , 60603 UNITED STATES
Correspondent e-mail: ryan@amintalati.com , saira@amintalati.com , ashley@amintalati.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
THE BEAST	REGISTERED AND RENEWED	74650530	2012763
BEAST	Section 8 and 15 - Accepted and Acknowledged	85758767	4334953
BEAST MODE	Section 8 and 15 - Accepted and Acknowledged	77925401	3978998
TRAIN LIKE A BEAST	Registered	85749500	4429865
BEAST. SINCE 1995	Registered	85506038	4405431
BEAST STACK	Section 8 and 15 - Accepted and Acknowledged	85765088	4338809
TEAM BEAST	Abandoned - No Statement Of Use Filed	85620714	
BEAST PACKS	Registered	86143253	4956307

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 02, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 02, 2014	Feb 11, 2014
3	PENDING, INSTITUTED	Jan 02, 2014	
4	NOTICE OF DEFAULT	Feb 26, 2014	
5	BD DECISION: SUSTAINED	Apr 15, 2014	
6	TERMINATED	Apr 15, 2014	

Type of Proceeding: Opposition

Proceeding Number: [91209540](#)

Filing Date: Mar 01, 2013

Status: Terminated

Status Date: Jul 27, 2018

Interlocutory Attorney: GEOFFREY MCNUTT

Defendant

Name: Monster Energy Company

Correspondent Address: MATTHEW S BELLINGER
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET FOURTEENTH FLOOR
IRVINE CA , 92614-8214
UNITED STATES

Correspondent e-mail: efiling@knobbe.com , francie.leonguerrero@knobbe.com , doreen.buluran@knobbe.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
UNLEASH THE ULTRA BEAST!	Registered	85783034	5633094

Plaintiff(s)

Name: USA Nutraceuticals Group, Inc. and Ultra-Lab Nutrition, Inc. dba Beast Sports

Correspondent Address: RYAN M KAISER
AMIN TALATI LLC
55 W MONROE STREET SUITE 3400
CHICAGO IL , 60603
UNITED STATES

Correspondent e-mail: ryan@amintalati.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
THE BEAST	REGISTERED AND RENEWED	74650530	2012763
BEAST MODE	Section 8 and 15 - Accepted and Acknowledged	77925401	3978998
TRAIN LIKE A BEAST	Registered	85749500	4429865
BEAST	Section 8 and 15 - Accepted and Acknowledged	85758767	4334953
BEAST. SINCE 1995	Registered	85506038	4405431
BEAST STACK	Section 8 and 15 - Accepted and Acknowledged	85765088	4338809
TEAM BEAST	Abandoned - No Statement Of Use Filed	85620714	
TEAM BEAST	Report Completed Suspension Check - Case Still Suspended	85620679	
BEAST WEAR	Registered	85567616	4543954

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 01, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 01, 2013	Apr 10, 2013
3	PENDING, INSTITUTED	Mar 01, 2013	
4	ANSWER	Apr 10, 2013	
5	D MOT TO CONSOLIDATE	May 06, 2013	
6	CONSOLIDATED - CHILD OF 91199986	Jun 25, 2013	
7	P OPP/RESP TO MOTION	Oct 17, 2014	

8	P OPP/RESP TO MOTION	Oct 17, 2014
9	P OPP/RESP TO MOTION	Oct 17, 2014
10	P OPP/RESP TO MOTION	Oct 17, 2014
11	P OPP/RESP TO MOTION	Oct 17, 2014
12	P OPP/RESP TO MOTION	Oct 17, 2014
13	P OPP/RESP TO MOTION	Oct 17, 2014
14	P OPP/RESP TO MOTION	Oct 17, 2014
15	P OPP/RESP TO MOTION	Oct 17, 2014
16	P OPP/RESP TO MOTION	Oct 17, 2014
17	P OPP/RESP TO MOTION	Oct 17, 2014
18	P OPP/RESP TO MOTION	Oct 17, 2014
19	P OPP/RESP TO MOTION	Oct 17, 2014
20	P OPP/RESP TO MOTION	Oct 17, 2014
21	P OPP/RESP TO MOTION	Oct 17, 2014
22	P OPP/RESP TO MOTION	Oct 17, 2014
23	D MOT FOR SUMMARY JGT DENIED	Jan 30, 2015
24	SCHEDULE ORAL HEARING	Dec 16, 2015
25	WITHDRAWAL OF REQUEST FOR AN ORAL HEARING	Jan 05, 2017
26	SUBMITTED ON BRIEF	Jan 06, 2017
27	BD DECISION: SUSTAINED	Mar 09, 2017
28	APPEAL TO DISTRICT CT	May 10, 2017
29	CT DECISION:DISMISSED	Mar 23, 2018
30	BD DECISION: DISMISSED	Jul 27, 2018
31	TERMINATED	Jul 27, 2018

Type of Proceeding: Opposition

Proceeding Number: [91208851](#)

Filing Date: Jan 14, 2013

Status: Terminated

Status Date: Jan 14, 2013

Interlocutory Attorney: BENJAMIN U OKEKE

Defendant

Name: Beachbody, LLC

Correspondent Address: CAMILLE M MILLER
COZEN O'CONNOR
1900 MARKET ST
PHILADELPHIA PA , 19103-3527
UNITED STATES

Correspondent e-mail: cmiller@cozen.com , jcloak@cozen.com , reginelli@cozen.com , mmiller@cozen.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BODY BEAST	Abandoned - After Inter-Partes Decision	85730792	

Plaintiff(s)

Name: USA Nutraceuticals Group, Inc. and Ultra-Lab Nutrition, Inc., d/b/a Beast Sports

Correspondent Address: RYAN M KAISER
AMIN TALATI LLC
55 W MONROE STREET, SUITE 3400
CHICAGO IL , 60603
UNITED STATES

Correspondent e-mail: ryan@amintalati.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
THE BEAST	REGISTERED AND RENEWED	74650530	2012763
TRAIN LIKE A BEAST	Registered	85749500	4429865

BEAST	Section 8 and 15 - Accepted and Acknowledged	85758767	4334953
BEAST. SINCE 1995	Registered	85506038	4405431
BEAST STACK	Section 8 and 15 - Accepted and Acknowledged	85765088	4338809
TEAM BEAST	Abandoned - No Statement Of Use Filed	85620714	
TEAM BEAST	Report Completed Suspension Check - Case Still Suspended	85620679	
BEAST WEAR	Registered	85567616	4543954

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 14, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 14, 2013	Feb 23, 2013
3	PENDING, INSTITUTED	Jan 14, 2013	
4	ANSWER	Jan 18, 2013	
5	D'S MOT TO SUSP PEND DISP CIV ACTION	Jan 18, 2013	
6	SUSP PEND DISP OF CIVIL ACTION	Feb 28, 2013	
7	MOT TO AMEND APPLICATION	Sep 17, 2013	
8	D MOTION TO W/D MOTION TO AMEND	Sep 19, 2013	
9	SUSP PEND DISP OF CIVIL ACTION	Sep 24, 2013	
10	W/DRAW OF APPLICATION W/ CONSENT	Jan 06, 2014	
11	BD DECISION: DISMISSED W/O PREJ	Jan 13, 2014	
12	TERMINATED	Jan 13, 2014	
13	BD DECISION: DISMISSED W/O PREJ	Jan 13, 2014	

United States of America
United States Patent and Trademark Office

BEAST

Reg. No. 4,334,953

Registered May 14, 2013

Int. Cl.: 5

TRADEMARK

PRINCIPAL REGISTER

USA NUTRACEUTICALS GROUP, INC. (FLORIDA CORPORATION)
SUITE 213
3100 NW BOCA RATON BLVD.
BOCA RATON, FL 33431

FOR: DIETARY AND NUTRITIONAL SUPPLEMENTS, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 4-1-1996; IN COMMERCE 5-1-1996.

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

OWNER OF U.S. REG. NOS. 2,012,763 AND 3,978,998.

SER. NO. 85-758,767, FILED 10-19-2012.

TIMOTHY O. SCHIMPF, EXAMINING ATTORNEY



Sean Street Lee

Acting Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

Opposer's Exhibit B

Generated on: This page was generated by TSDR on 2019-08-21 19:22:28 EDT

Mark: BEAST

BEAST

US Serial Number: 77425273

Application Filing Date: Mar. 18, 2008

US Registration Number: 3719344

Registration Date: Dec. 01, 2009

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. 20, 2016

Publication Date: Feb. 10, 2009

Notice of Allowance Date: May 05, 2009

Mark Information

Mark Literal Elements: BEAST

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

Foreign Information

Priority Claimed: Yes

Foreign Application Number: 776097

Foreign Application Filing Date: Sep. 18, 2007

Foreign Registration Number: 776097

Foreign Registration Date: Sep. 18, 2007

Foreign Application/Registration Country: NEW ZEALAND

Foreign Expiration Date: Sep. 18, 2017

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: Clothing, namely, shirts, tank tops, tee shirts, underclothes, boxer shorts, jockey shorts, underpants, underwear

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a) 44(e)

First Use: Mar. 19, 2008

Use in Commerce: Mar. 19, 2008

Basis Information (Case Level)

Filed Use: No
Filed ITU: Yes
Filed 44D: Yes
Filed 44E: No
Filed 66A: No

Currently Use: Yes
Currently ITU: No
Currently 44E: Yes
Currently 66A: No
Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: USA NUTRACEUTICALS GROUP, INC.

Owner Address: 3100 NW BOCA RATON BOULEVARD
SUITE 213
BOCA RATON, FLORIDA UNITED STATES 33431

Legal Entity Type: CORPORATION

State or Country Where Organized: FLORIDA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Ryan M. Kaiser

Docket Number: BEAST IC 25

Attorney Primary Email Address: trademark@amintalati.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: RYAN M. KAISER
AMIN TALATI & UPADHYE, LLC
100 SOUTH WACKER DRIVE
SUITE 2000
CHICAGO, ILLINOIS UNITED STATES 60606

Phone: 312-466-1033

Fax: 312.884.7352

Correspondent e-mail: trademark@amintalati.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Dec. 01, 2018	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Jan. 27, 2016	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 20, 2016	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Jan. 20, 2016	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	77764
Jan. 12, 2016	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	77764
Nov. 23, 2015	TEAS SECTION 8 & 15 RECEIVED	
Aug. 05, 2015	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Dec. 01, 2009	REGISTERED-PRINCIPAL REGISTER	
Oct. 29, 2009	LAW OFFICE REGISTRATION REVIEW COMPLETED	77075
Oct. 29, 2009	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Oct. 28, 2009	STATEMENT OF USE PROCESSING COMPLETE	76873
Oct. 09, 2009	USE AMENDMENT FILED	76873
Oct. 28, 2009	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76873
Oct. 09, 2009	TEAS STATEMENT OF USE RECEIVED	
Jun. 02, 2009	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jun. 02, 2009	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
May 05, 2009	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Apr. 03, 2009	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Apr. 03, 2009	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Feb. 10, 2009	PUBLISHED FOR OPPOSITION	
Jan. 21, 2009	NOTICE OF PUBLICATION	

Jan. 05, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	77075
Jan. 02, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 23, 2008	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Dec. 22, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Dec. 23, 2008	ASSIGNED TO LIE	77075
Dec. 22, 2008	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Sep. 17, 2008	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jun. 24, 2008	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jun. 24, 2008	NON-FINAL ACTION E-MAILED	6325
Jun. 24, 2008	NON-FINAL ACTION WRITTEN	83185
Jun. 24, 2008	ASSIGNED TO EXAMINER	83185
Apr. 02, 2008	TEAS/EMAIL CORRESPONDENCE ENTERED	76984
Apr. 02, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	76984
Apr. 02, 2008	ASSIGNED TO LIE	76984
Mar. 25, 2008	TEAS VOLUNTARY AMENDMENT RECEIVED	
Mar. 24, 2008	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None File Location

Current Location: TMEG LAW OFFICE 109

Date in Location: Jan. 20, 2016

Assignment Abstract Of Title Information

Summary

Total Assignments: 2

Registrant: ICEBREAKER LIMITED

Assignment 1 of 2

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [3853/0478](#)

Pages: 6

Date Recorded: Sep. 15, 2008

Supporting Documents: [assignment-tm-3853-0478.pdf](#)

Assignor

Name: [ICEBREAKER NEW ZEALAND LIMITED](#)

Execution Date: Aug. 14, 2008

Legal Entity Type: CORPORATION

State or Country Where Organized: NEW ZEALAND

Assignee

Name: [ICEBREAKER LIMITED](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: NEW ZEALAND

Address: LEVEL 2, HOPE GIBBONS BUILDING
7-11 DIXON STREET, WELLINGTON, NEW ZEALAND

Correspondent

Correspondent Name: CINDY L. CADITZ

Correspondent Address: 1420 FIFTH AVENUE, SUITE 2800
SEATTLE, WA 98101-2347

Domestic Representative

Domestic Representative Name: CINDY L. CADITZ

Domestic Representative Address: 1420 FIFTH AVENUE, SUITE 2800
SEATTLE, WA 98101-2347

Assignment 2 of 2

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [5588/0022](#)

Pages: 14

Date Recorded: Jul. 30, 2015

Supporting Documents: [assignment-tm-5588-0022.pdf](#)

Assignor

Name: [ICEBREAKER LIMITED](#)

Execution Date: Jun. 24, 2015

Legal Entity Type: COMPANY

State or Country Where Organized: NEW ZEALAND

Assignee

Name: [USA NUTRACEUTICALS GROUP, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: FLORIDA

Address: 3100 NW BOCA RATON BOULEVARD
SUITE 213
BOCA RATON, FLORIDA 33431

Correspondent

Correspondent Name: RYAN M. KAISER

Correspondent Address: 55 WEST MONROE STREET
SUITE 3400
CHICAGO, IL 60603

Domestic Representative - Not Found

United States of America

United States Patent and Trademark Office

BEAST

Reg. No. 3,719,344 ICEBREAKER LIMITED (NEW ZEALAND CORPORATION)

Registered Dec. 1, 2009 LEVEL 2, HOPE GIBBONS BUILDING
7-11 DIXON STREET, WELLINGTON, NEW ZEALAND

Int. Cl.: 25 FOR: CLOTHING, NAMELY, SHIRTS, TANK TOPS, TEE SHIRTS, UNDERCLOTHES, BOXER SHORTS, JOCKEY SHORTS, UNDERPANTS, UNDERWEAR, IN CLASS 25 (U.S. CLS. 22 AND 39).

TRADEMARK
PRINCIPAL REGISTER FIRST USE 3-19-2008; IN COMMERCE 3-19-2008.

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

PRIORITY CLAIMED UNDER SEC. 44(D) ON NEW ZEALAND APPLICATION NO. 776097, FILED 9-18-2007, REG. NO. 776097, DATED 9-18-2007, EXPIRES 9-18-2017.

SN 77-425,273, FILED 3-18-2008.

CHRISTINA SOBRAL, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

Opposer's Exhibit C

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Mark: BEAST BAR

BEAST BAR

US Serial Number: 86506053

Application Filing Date: Jan. 16, 2015

US Registration Number: 5551109

Registration Date: Aug. 28, 2018

Register: Principal

Mark Type: Trademark

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

Status Date: Aug. 28, 2018

Publication Date: Jun. 02, 2015

Notice of Allowance Date: Jul. 28, 2015

Mark Information

Mark Literal Elements: BEAST BAR

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: "BAR"

Related Properties Information

Claimed Ownership of US Registrations: 2012763, 3978998, 4334953

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: Dietary and nutritional supplements in bar form

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 04, 2018

Use in Commerce: Jun. 28, 2018

For: Protein-based, namely, whey and/or egg-based, nutrient-dense ready to eat snack bars

International Class(es): 029 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 04, 2018

Use in Commerce: Jun. 28, 2018

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: USA Nutraceuticals Group, Inc.

Owner Address: 3100 NW Boca Raton Blvd
3100 NW Boca Raton Blvd
Boca Raton, FLORIDA 33431
UNITED STATES

Legal Entity Type: CORPORATION **State or Country:** FLORIDA
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Ryan M. Kaiser **Docket Number:** BEAST BAR

Attorney Primary Email Address: trademark@amintalati.com **Attorney Email Authorized:** Yes

Correspondent

Correspondent Name/Address: RYAN M. KAISER
AMIN TALATI UPADHYE LLP
100 SOUTH WACKER DRIVE
SUITE 2000
CHICAGO, ILLINOIS 60606
UNITED STATES

Phone: 312-466-1033 **Fax:** 312.884.7352

Correspondent e-mail: trademark@amintalati.com jim@amintalati.com **Correspondent e-mail Authorized:** Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Aug. 28, 2018	REGISTERED-PRINCIPAL REGISTER	
Jul. 25, 2018	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Jul. 24, 2018	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jul. 23, 2018	STATEMENT OF USE PROCESSING COMPLETE	71906
Jul. 16, 2018	USE AMENDMENT FILED	71906
Jul. 16, 2018	TEAS STATEMENT OF USE RECEIVED	
Jan. 20, 2018	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jan. 19, 2018	EXTENSION 5 GRANTED	71906
Jan. 16, 2018	EXTENSION 5 FILED	71906
Jan. 16, 2018	TEAS EXTENSION RECEIVED	
Jan. 16, 2018	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 14, 2017	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jul. 12, 2017	EXTENSION 4 GRANTED	98765
Jul. 12, 2017	EXTENSION 4 FILED	98765
Jul. 12, 2017	TEAS EXTENSION RECEIVED	
Mar. 14, 2017	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Mar. 13, 2017	EXTENSION 3 GRANTED	71906
Jan. 30, 2017	EXTENSION 3 FILED	71906
Mar. 13, 2017	CASE ASSIGNED TO INTENT TO USE PARALEGAL	71906
Mar. 07, 2017	NOTICE OF REVIVAL - E-MAILED	
Mar. 06, 2017	EXTENSION RECEIVED WITH TEAS PETITION	

Mar. 06, 2017	PETITION TO REVIVE-GRANTED	88889
Mar. 06, 2017	TEAS PETITION TO REVIVE RECEIVED	
Mar. 06, 2017	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Mar. 06, 2017	ABANDONMENT NOTICE MAILED - NO USE STATEMENT FILED	
Mar. 06, 2017	ABANDONMENT - NO USE STATEMENT FILED	99999
Aug. 23, 2016	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Aug. 20, 2016	EXTENSION 2 GRANTED	75298
Jul. 27, 2016	EXTENSION 2 FILED	75298
Jul. 27, 2016	TEAS EXTENSION RECEIVED	
Jan. 27, 2016	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Nov. 18, 2015	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Nov. 17, 2015	EXTENSION 1 GRANTED	75298
Oct. 29, 2015	EXTENSION 1 FILED	75298
Nov. 08, 2015	CASE ASSIGNED TO INTENT TO USE PARALEGAL	75298
Oct. 29, 2015	TEAS EXTENSION RECEIVED	
Oct. 19, 2015	ASSIGNED TO EXAMINER	81131
Jul. 28, 2015	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Jun. 02, 2015	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jun. 02, 2015	PUBLISHED FOR OPPOSITION	
May 13, 2015	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Apr. 28, 2015	LAW OFFICE PUBLICATION REVIEW COMPLETED	77976
Apr. 23, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 23, 2015	EXAMINER'S AMENDMENT ENTERED	88888
Apr. 23, 2015	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Apr. 23, 2015	EXAMINERS AMENDMENT E-MAILED	6328
Apr. 23, 2015	EXAMINERS AMENDMENT -WRITTEN	83704
Apr. 22, 2015	COMBINED EXAMINER'S AMENDMENT/PRIORITY ACTION ENTERED	77976
Apr. 22, 2015	ASSIGNED TO LIE	77976
Apr. 22, 2015	NOTIFICATION OF EXAMINER'S AMENDMENT/PRIORITY ACTION E-MAILED	6326
Apr. 22, 2015	EXAMINER'S AMENDMENT/PRIORITY ACTION E-MAILED	6326
Apr. 22, 2015	EXAMINERS AMENDMENT AND/OR PRIORITY ACTION - COMPLETED	83704
Apr. 21, 2015	ASSIGNED TO EXAMINER	83704
Jan. 29, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jan. 20, 2015	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: Jul. 24, 2018

Proceedings

Summary

Number of Proceedings: 2

Type of Proceeding: Opposition

Proceeding Number: [91223172](#)

Filing Date: Aug 06, 2015

Status: Terminated

Status Date: Aug 06, 2015

Interlocutory Attorney: ELIZABETH A DUNN

Defendant

Name: LoveBug Nutrition Inc.

Correspondent Address: CHRISTOPHER MARSTON
EXEMPLAR LAW LLC

10 POST OFFICE SQUARE , 8TH FL SOUTH
BOSTON MA , 02109
UNITED STATES

Correspondent e-mail: cmarston@exemplarlaw.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
YEAST IS A BEAST	Registered	86506377	5453849

Plaintiff(s)

Name: USA Nutraceuticals Group, Inc., Ultra-Lab Nutrition, Inc., d/b/a Beast Sports

Correspondent RYAN M KAISER
Address: AMIN TALATI & UPADHYE LLC
100 S WACKER DR SUITE 2000
CHICAGO IL , 60606
UNITED STATES

Correspondent e-mail: ryan@amintalati.com , sanjay@amintalati.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
THE BEAST	REGISTERED AND RENEWED	74650530	2012763
BEAST	Section 8 and 15 - Accepted and Acknowledged	85758767	4334953
BEAST MODE	Section 8 and 15 - Accepted and Acknowledged	77925401	3978998
TRAIN LIKE A BEAST	Registered	85749500	4429865
BEAST STACK	Section 8 and 15 - Accepted and Acknowledged	85765088	4338809
BEAST. SINCE 1995	Registered	85506038	4405431
TEAM BEAST	Abandoned - No Statement Of Use Filed	85620714	
BEAST PACKS	Registered	86143253	4956307
BEAST IN A BOTTLE	Abandoned - No Statement Of Use Filed	86506067	
BEAST BAR	Registered	86506053	5551109

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 06, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 06, 2015	Sep 15, 2015
3	PENDING, INSTITUTED	Aug 06, 2015	
4	ANSWER	Sep 07, 2015	
5	D REQ FOR DISCOVERY CONFERENCE-PHONE	Oct 05, 2015	
6	WITHDRAWAL OF REQUEST FOR DISCOVERY CONFERENCE	Nov 30, 2015	
7	D CHANGE OF CORRESP ADDRESS	Mar 25, 2016	
8	CHANGE OF CORRESP ADDRESS	Apr 07, 2016	
9	P MOT FOR EXT W/ CONSENT	Apr 07, 2016	
10	EXTENSION OF TIME GRANTED	Apr 07, 2016	
11	P MOT FOR EXT W/ CONSENT	May 05, 2016	
12	EXTENSION OF TIME GRANTED	May 05, 2016	
13	INCOMPLETE #14	Jun 28, 2016	
14	MOTION TO DISQUALIFY COUNSEL	Jun 28, 2016	
15	P MOT FOR EXT W/ CONSENT	Jul 11, 2016	
16	EXTENSION OF TIME GRANTED	Jul 11, 2016	
17	P OPP/RESP TO MOTION	Jul 12, 2016	
18	SUSP PEND DISP OF OUTSTNDNG MOT	Jul 13, 2016	
19	D RESP TO BD ORDER/INQUIRY	Jul 13, 2016	
20	D REPLY IN SUPPORT OF MOTION	Jul 27, 2016	
21	D REQ TO W/DRAW AS ATTORNEY	Sep 26, 2016	
22	RESPONSE DUE 30 DAYS (DUE DATE)	Oct 04, 2016	Nov 03, 2016
23	D REQ TO W/DRAW AS ATTORNEY	Oct 09, 2016	
24	SUSPENDED	Oct 13, 2016	

25	DECISION DENYING PETITION FOR DISQUALIFICATION	Oct 31, 2016
26	D APPEARANCE / POWER OF ATTORNEY	Nov 01, 2016
27	PROCEEDINGS RESUMED	Dec 27, 2016
28	P MOT FOR EXT W/ CONSENT	Feb 24, 2017
29	EXTENSION OF TIME GRANTED	Feb 24, 2017
30	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Apr 24, 2017
31	SUSPENDED	Apr 24, 2017
32	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	May 26, 2017
33	SUSPENDED	May 26, 2017
34	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Jul 26, 2017
35	SUSPENDED	Jul 26, 2017
36	W/DRAW OF OPPOSITION	Sep 11, 2017
37	BD DECISION: DISMISSED W/ PREJ	Sep 18, 2017
38	TERMINATED	Sep 18, 2017
39	BD DECISION: DISMISSED W/ PREJ	Sep 18, 2017

Type of Proceeding: Cancellation

Proceeding Number: [92061754](#)

Filing Date: Jul 01, 2015

Status: Terminated

Status Date: Apr 01, 2016

Interlocutory Attorney: ROBERT COGGINS

Defendant

Name: Muscle Research, LLC

Correspondent Address: CORI D POWELL
BARROW & GRIMM PC
110 W 7TH STREET, SUITE 900
TULSA OK , 74119-1044
UNITED STATES

Correspondent e-mail: njones@barrowgrimm.com , c.powell@barrowgrimm.com , powell@barrowgrimm.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BEASTDROL	CANCELLED - SECTION 7	85657359	4285944

Plaintiff(s)

Name: USA Nutraceuticals Group, Inc. and Ultra-Lab Nutrition, Inc., d/b/a Beast Sports

Correspondent Address: RYAN M KAISER
AMIN TALATI & UPADHYE LLC
100 S WACKER DRIVE, SUITE 2000
CHICAGO IL , 60606
UNITED STATES

Correspondent e-mail: ryan@amintalati.com , saira@amintalati.com , ashley@amintalati.com , trademark@amintalati.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
THE BEAST	REGISTERED AND RENEWED	74650530	2012763
BEAST	Section 8 and 15 - Accepted and Acknowledged	85758767	4334953
BEAST MODE	Section 8 and 15 - Accepted and Acknowledged	77925401	3978998
TRAIN LIKE A BEAST	Registered	85749500	4429865
BEAST. SINCE 1995	Registered	85506038	4405431
BEAST STACK	Section 8 and 15 - Accepted and Acknowledged	85765088	4338809
TEAM BEAST	Abandoned - No Statement Of Use Filed	85620714	
BEAST PACKS	Registered	86143253	4956307
BEAST IN A BOTTLE	Abandoned - No Statement Of Use Filed	86506067	
BEAST BAR	Registered	86506053	5551109

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 01, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 06, 2015	Aug 15, 2015
3	PENDING, INSTITUTED	Jul 06, 2015	
4	D APPEARANCE / POWER OF ATTORNEY	Aug 14, 2015	
5	ANSWER	Aug 14, 2015	
6	VOLUNTARY SURRENDER OF REGISTRATION	Mar 18, 2016	
7	BD DECISION: DISMISSED W/O PREJ	Mar 28, 2016	
8	COMMR ORDER CANCELLING REG	Apr 01, 2016	
9	TERMINATED	Apr 01, 2016	

United States of America

United States Patent and Trademark Office

BEAST BAR

Reg. No. 5,551,109

Registered Aug. 28, 2018

Int. Cl.: 5, 29

Trademark

Principal Register

USA Nutraceuticals Group, Inc. (FLORIDA CORPORATION)
3100 Nw Boca Raton Blvd
3100 Nw Boca Raton Blvd
Boca Raton, FLORIDA 33431

CLASS 5: Dietary and nutritional supplements in bar form

FIRST USE 6-4-2018; IN COMMERCE 6-28-2018

CLASS 29: Protein-based, namely, whey and/or egg-based, nutrient-dense ready to eat snack bars

FIRST USE 6-4-2018; IN COMMERCE 6-28-2018

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

OWNER OF U.S. REG. NO. 4334953, 2012763, 3978998

No claim is made to the exclusive right to use the following apart from the mark as shown:
"BAR"

SER. NO. 86-506,053, FILED 01-16-2015



Andrei Iancu

Director of the United States
Patent and Trademark Office

REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION

WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.

Requirements in the First Ten Years*

What and When to File:

- **First Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.
- **Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

- You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.

Opposer's Exhibit D

Generated on: This page was generated by TSDR on 2019-08-21 19:23:59 EDT

Mark: THE BEAST

US Serial Number: 74650530

Application Filing Date: Mar. 23, 1995

US Registration Number: 2012763

Registration Date: Oct. 29, 1996

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Dec. 22, 2016

Publication Date: Oct. 31, 1995

Notice of Allowance Date: Jan. 23, 1996

Mark Information

Mark Literal Elements: THE BEAST

Standard Character Claim: No

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

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: vitamins and nutritional food supplements

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 01, 1996

Use in Commerce: May 01, 1996

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: USA NUTRACEUTICALS GROUP, INC.

Owner Address: 3100 NW Boca Raton Blvd.
#213
Boca Raton, FLORIDA 33431
UNITED STATES

Legal Entity Type: CORPORATION

State or Country FLORIDA
Where Organized:

Attorney/Correspondence Information

Attorney of Record - None

Correspondent

Correspondent Name/Address: Anthony Alteiri
USA Nutraceuticals Group, Inc.
3100 NW Boca Raton Blvd
#213
Boca Raton, FLORIDA 33431
UNITED STATES

Phone: 561-367-1474

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Dec. 07, 2018	WITHDRAWAL OF ATTORNEY GRANTED	
Dec. 07, 2018	TEAS WITHDRAWAL OF ATTORNEY RECEIVED	
Dec. 22, 2016	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Dec. 22, 2016	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	76533
Dec. 22, 2016	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	76533
Dec. 22, 2016	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76533
Oct. 13, 2016	TEAS SECTION 8 & 9 RECEIVED	
Jan. 27, 2016	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Oct. 29, 2015	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Feb. 20, 2013	NOTICE OF SUIT	
Jul. 19, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Apr. 26, 2012	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Apr. 26, 2012	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Sep. 26, 2011	NOTICE OF SUIT	
Jan. 12, 2007	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	67603
Jan. 12, 2007	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Dec. 21, 2006	ASSIGNED TO PARALEGAL	67603
Oct. 23, 2006	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Oct. 23, 2006	PAPER RECEIVED	
Jun. 21, 2006	CASE FILE IN TICRS	
Mar. 25, 2005	PAPER RECEIVED	
Mar. 22, 2005	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Dec. 16, 2002	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Oct. 15, 2002	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Oct. 15, 2002	PAPER RECEIVED	
Oct. 29, 1996	REGISTERED-PRINCIPAL REGISTER	
Aug. 09, 1996	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Aug. 05, 1996	STATEMENT OF USE PROCESSING COMPLETE	
May 15, 1996	USE AMENDMENT FILED	
Jan. 23, 1996	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Oct. 31, 1995	PUBLISHED FOR OPPOSITION	
Oct. 02, 1995	NOTICE OF PUBLICATION	
Aug. 10, 1995	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 10, 1995	ASSIGNED TO EXAMINER	72519

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Oct. 29, 2016

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Dec. 22, 2016

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: Ultra-Lab Nutrition, Inc.

Assignment 1 of 1

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [3251/0446](#)

Pages: 5

Date Recorded: Jan. 17, 2006

Supporting Documents: [assignment-tm-3251-0446.pdf](#)

Assignor

Name: [ULTRA-LAB NUTRITION, INC.](#)

Execution Date: Dec. 07, 2005

Legal Entity Type: CORPORATION

State or Country Where Organized: FLORIDA

Assignee

Name: [USA NUTRACEUTICALS GROUP, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: FLORIDA

Address: 10538 RIO HERMOSO
DELRAY BEACH, FLORIDA 33446

Correspondent

Correspondent Name: ROBERT M. DOWNEY, P.A.

Correspondent Address: SUITE 300
601 S. FEDERAL HWY.
BOCA RATON, FLORIDA 33432

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 12

Type of Proceeding: Opposition

Proceeding Number: [91223172](#)

Filing Date: Aug 06, 2015

Status: Terminated

Status Date: Aug 06, 2015

Interlocutory Attorney: ELIZABETH A DUNN

Defendant

Name: LoveBug Nutrition Inc.

Correspondent CHRISTOPHER MARSTON
Address: EXEMPLAR LAW LLC
 10 POST OFFICE SQUARE , 8TH FL SOUTH
 BOSTON MA , 02109
 UNITED STATES

Correspondent e-mail: cmarston@exemplarlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
YEAST IS A BEAST	Registered	86506377	5453849

Plaintiff(s)

Name: USA Nutraceuticals Group, Inc., Ultra-Lab Nutrition, Inc., d/b/a Beast Sports

Correspondent RYAN M KAISER
Address: AMIN TALATI & UPADHYE LLC
 100 S WACKER DR SUITE 2000
 CHICAGO IL , 60606
 UNITED STATES

Correspondent e-mail: ryan@amintalati.com , sanjay@amintalati.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
THE BEAST	REGISTERED AND RENEWED	74650530	2012763
BEAST	Section 8 and 15 - Accepted and Acknowledged	85758767	4334953
BEAST MODE	Section 8 and 15 - Accepted and Acknowledged	77925401	3978998
TRAIN LIKE A BEAST	Registered	85749500	4429865
BEAST STACK	Section 8 and 15 - Accepted and Acknowledged	85765088	4338809
BEAST. SINCE 1995	Registered	85506038	4405431
TEAM BEAST	Abandoned - No Statement Of Use Filed	85620714	
BEAST PACKS	Registered	86143253	4956307
BEAST IN A BOTTLE	Abandoned - No Statement Of Use Filed	86506067	
BEAST BAR	Registered	86506053	5551109

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 06, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 06, 2015	Sep 15, 2015
3	PENDING, INSTITUTED	Aug 06, 2015	
4	ANSWER	Sep 07, 2015	
5	D REQ FOR DISCOVERY CONFERENCE-PHONE	Oct 05, 2015	
6	WITHDRAWAL OF REQUEST FOR DISCOVERY CONFERENCE	Nov 30, 2015	
7	D CHANGE OF CORRESP ADDRESS	Mar 25, 2016	
8	CHANGE OF CORRESP ADDRESS	Apr 07, 2016	
9	P MOT FOR EXT W/ CONSENT	Apr 07, 2016	
10	EXTENSION OF TIME GRANTED	Apr 07, 2016	
11	P MOT FOR EXT W/ CONSENT	May 05, 2016	
12	EXTENSION OF TIME GRANTED	May 05, 2016	
13	INCOMPLETE #14	Jun 28, 2016	
14	MOTION TO DISQUALIFY COUNSEL	Jun 28, 2016	
15	P MOT FOR EXT W/ CONSENT	Jul 11, 2016	
16	EXTENSION OF TIME GRANTED	Jul 11, 2016	
17	P OPP/RESP TO MOTION	Jul 12, 2016	
18	SUSP PEND DISP OF OUTSTNDNG MOT	Jul 13, 2016	
19	D RESP TO BD ORDER/INQUIRY	Jul 13, 2016	
20	D REPLY IN SUPPORT OF MOTION	Jul 27, 2016	
21	D REQ TO W/DRAW AS ATTORNEY	Sep 26, 2016	
22	RESPONSE DUE 30 DAYS (DUE DATE)	Oct 04, 2016	Nov 03, 2016

23	D REQ TO W/DRAW AS ATTORNEY	Oct 09, 2016
24	SUSPENDED	Oct 13, 2016
25	DECISION DENYING PETITION FOR DISQUALIFICATION	Oct 31, 2016
26	D APPEARANCE / POWER OF ATTORNEY	Nov 01, 2016
27	PROCEEDINGS RESUMED	Dec 27, 2016
28	P MOT FOR EXT W/ CONSENT	Feb 24, 2017
29	EXTENSION OF TIME GRANTED	Feb 24, 2017
30	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Apr 24, 2017
31	SUSPENDED	Apr 24, 2017
32	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	May 26, 2017
33	SUSPENDED	May 26, 2017
34	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Jul 26, 2017
35	SUSPENDED	Jul 26, 2017
36	W/DRAW OF OPPOSITION	Sep 11, 2017
37	BD DECISION: DISMISSED W/ PREJ	Sep 18, 2017
38	TERMINATED	Sep 18, 2017
39	BD DECISION: DISMISSED W/ PREJ	Sep 18, 2017

Type of Proceeding: Cancellation

Proceeding Number: [92061754](#)

Filing Date: Jul 01, 2015

Status: Terminated

Status Date: Apr 01, 2016

Interlocutory Attorney: ROBERT COGGINS

Defendant

Name: Muscle Research, LLC

Correspondent Address: CORI D POWELL
BARROW & GRIMM PC
110 W 7TH STREET, SUITE 900
TULSA OK , 74119-1044
UNITED STATES

Correspondent e-mail: njones@barrowgrimm.com , c.powell@barrowgrimm.com , powell@barrowgrimm.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BEASTDROL	CANCELLED - SECTION 7	85657359	4285944

Plaintiff(s)

Name: USA Nutraceuticals Group, Inc. and Ultra-Lab Nutrition, Inc., d/b/a Beast Sports

Correspondent Address: RYAN M KAISER
AMIN TALATI & UPADHYE LLC
100 S WACKER DRIVE, SUITE 2000
CHICAGO IL , 60606
UNITED STATES

Correspondent e-mail: ryan@amintalati.com , saira@amintalati.com , ashley@amintalati.com , trademark@amintalati.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
THE BEAST	REGISTERED AND RENEWED	74650530	2012763
BEAST	Section 8 and 15 - Accepted and Acknowledged	85758767	4334953
BEAST MODE	Section 8 and 15 - Accepted and Acknowledged	77925401	3978998
TRAIN LIKE A BEAST	Registered	85749500	4429865
BEAST. SINCE 1995	Registered	85506038	4405431
BEAST STACK	Section 8 and 15 - Accepted and Acknowledged	85765088	4338809
TEAM BEAST	Abandoned - No Statement Of Use Filed	85620714	
BEAST PACKS	Registered	86143253	4956307
BEAST IN A BOTTLE	Abandoned - No Statement Of Use Filed	86506067	

BEAST BAR

Registered

[86506053](#)[5551109](#)**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 01, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 06, 2015	Aug 15, 2015
3	PENDING, INSTITUTED	Jul 06, 2015	
4	D APPEARANCE / POWER OF ATTORNEY	Aug 14, 2015	
5	ANSWER	Aug 14, 2015	
6	VOLUNTARY SURRENDER OF REGISTRATION	Mar 18, 2016	
7	BD DECISION: DISMISSED W/O PREJ	Mar 28, 2016	
8	COMMR ORDER CANCELLING REG	Apr 01, 2016	
9	TERMINATED	Apr 01, 2016	

Type of Proceeding: Opposition**Proceeding Number:** [91221101](#)**Filing Date:** Mar 17, 2015**Status:** Terminated**Status Date:** Jun 23, 2015**Interlocutory Attorney:** CHRISTEN M ENGLISH**Defendant****Name:** James C. Wiedenheft**Correspondent Address:** JAMES C WIEDENHEFT
6211 MASON RD
SANDUSKY OH , 44870-9713
UNITED STATES**Correspondent e-mail:** jim@americasfitnessmagazine.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
ISLAND BEAST	Abandoned - After Inter-Partes Decision	85907695	

Plaintiff(s)**Name:** USA Nutraceuticals Group, Inc., Ultra-Lab Nutrition, Inc., d/b/a Beast Sports**Correspondent Address:** RYAN M KAISER
AMIN TALATI & UPADHYE LLC
55 W MONROE STREET, SUITE 3400
CHICAGO IL , 60603
UNITED STATES**Correspondent e-mail:** ryan@amintalati.com , saira@amintalati.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
THE BEAST	REGISTERED AND RENEWED	74650530	2012763
BEAST	Section 8 and 15 - Accepted and Acknowledged	85758767	4334953
BEAST MODE	Section 8 and 15 - Accepted and Acknowledged	77925401	3978998
TRAIN LIKE A BEAST	Registered	85749500	4429865
BEAST. SINCE 1995	Registered	85506038	4405431
BEAST STACK	Section 8 and 15 - Accepted and Acknowledged	85765088	4338809

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 17, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 17, 2015	Apr 26, 2015
3	PENDING, INSTITUTED	Mar 17, 2015	
4	NOTICE OF DEFAULT	May 11, 2015	
5	BD DECISION: SUSTAINED	Jun 23, 2015	
6	TERMINATED	Jun 23, 2015	

Type of Proceeding: Opposition

Proceeding Number: [91214280](#)

Filing Date: Jan 02, 2014

Status: Terminated

Status Date: Apr 15, 2014

Interlocutory Attorney: ANDREW P BAXLEY

Defendant

Name: Matthew Kinneman

Correspondent Address: BRIAN A HALL
TRAVERSE LEGAL PLC
810 COTTAGEVIEW DRIVE, UNIT G-20
TRAVERSE CITY MI , 49684
UNITED STATES

Correspondent e-mail: brianhall@traverselegal.com , pat@traverselegal.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
MEGA BEAST	Abandoned - After Inter-Partes Decision	85788375	

Plaintiff(s)

Name: Ultra-Lab Nutrition, Inc. dba Beast Sports and USA Nutraceuticals Group, Inc.

Correspondent Address: RYAN M KAISER
AMIN TALATI LLC
55 W MONROE STREET , SUITE 3400
CHICAGO IL , 60603
UNITED STATES

Correspondent e-mail: ryan@amintalati.com , saira@amintalati.com , ashley@amintalati.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
THE BEAST	REGISTERED AND RENEWED	74650530	2012763
BEAST	Section 8 and 15 - Accepted and Acknowledged	85758767	4334953
BEAST MODE	Section 8 and 15 - Accepted and Acknowledged	77925401	3978998
TRAIN LIKE A BEAST	Registered	85749500	4429865
BEAST. SINCE 1995	Registered	85506038	4405431
BEAST STACK	Section 8 and 15 - Accepted and Acknowledged	85765088	4338809
TEAM BEAST	Abandoned - No Statement Of Use Filed	85620714	
BEAST PACKS	Registered	86143253	4956307

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 02, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 02, 2014	Feb 11, 2014
3	PENDING, INSTITUTED	Jan 02, 2014	
4	NOTICE OF DEFAULT	Feb 26, 2014	
5	BD DECISION: SUSTAINED	Apr 15, 2014	
6	TERMINATED	Apr 15, 2014	

Type of Proceeding: Opposition

Proceeding Number: [91209540](#)

Filing Date: Mar 01, 2013

Status: Terminated

Status Date: Jul 27, 2018

Interlocutory Attorney: GEOFFREY MCNUTT

Defendant

Name: Monster Energy Company

Correspondent MATTHEW S BELLINGER

Address: KNOBBE MARTENS OLSON & BEAR LLP
 2040 MAIN STREET FOURTEENTH FLOOR
 IRVINE CA , 92614-8214
 UNITED STATES

Correspondent e-mail: efiling@knobbe.com , francie.leonguerrero@knobbe.com , doreen.buluran@knobbe.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
UNLEASH THE ULTRA BEAST!	Registered	85783034	5633094

Plaintiff(s)

Name: USA Nutraceuticals Group, Inc. and Ultra-Lab Nutrition, Inc. dba Beast Sports

Correspondent Address: RYAN M KAISER
 AMIN TALATI LLC
 55 W MONROE STREET SUITE 3400
 CHICAGO IL , 60603
 UNITED STATES

Correspondent e-mail: ryan@amintalati.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
THE BEAST	REGISTERED AND RENEWED	74650530	2012763
BEAST MODE	Section 8 and 15 - Accepted and Acknowledged	77925401	3978998
TRAIN LIKE A BEAST	Registered	85749500	4429865
BEAST	Section 8 and 15 - Accepted and Acknowledged	85758767	4334953
BEAST. SINCE 1995	Registered	85506038	4405431
BEAST STACK	Section 8 and 15 - Accepted and Acknowledged	85765088	4338809
TEAM BEAST	Abandoned - No Statement Of Use Filed	85620714	
TEAM BEAST	Report Completed Suspension Check - Case Still Suspended	85620679	
BEAST WEAR	Registered	85567616	4543954

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 01, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 01, 2013	Apr 10, 2013
3	PENDING, INSTITUTED	Mar 01, 2013	
4	ANSWER	Apr 10, 2013	
5	D MOT TO CONSOLIDATE	May 06, 2013	
6	CONSOLIDATED - CHILD OF 91199986	Jun 25, 2013	
7	P OPP/RESP TO MOTION	Oct 17, 2014	
8	P OPP/RESP TO MOTION	Oct 17, 2014	
9	P OPP/RESP TO MOTION	Oct 17, 2014	
10	P OPP/RESP TO MOTION	Oct 17, 2014	
11	P OPP/RESP TO MOTION	Oct 17, 2014	
12	P OPP/RESP TO MOTION	Oct 17, 2014	
13	P OPP/RESP TO MOTION	Oct 17, 2014	
14	P OPP/RESP TO MOTION	Oct 17, 2014	
15	P OPP/RESP TO MOTION	Oct 17, 2014	
16	P OPP/RESP TO MOTION	Oct 17, 2014	
17	P OPP/RESP TO MOTION	Oct 17, 2014	
18	P OPP/RESP TO MOTION	Oct 17, 2014	
19	P OPP/RESP TO MOTION	Oct 17, 2014	
20	P OPP/RESP TO MOTION	Oct 17, 2014	
21	P OPP/RESP TO MOTION	Oct 17, 2014	
22	P OPP/RESP TO MOTION	Oct 17, 2014	
23	D MOT FOR SUMMARY JGT DENIED	Jan 30, 2015	
24	SCHEDULE ORAL HEARING	Dec 16, 2015	

25	WITHDRAWAL OF REQUEST FOR AN ORAL HEARING	Jan 05, 2017
26	SUBMITTED ON BRIEF	Jan 06, 2017
27	BD DECISION: SUSTAINED	Mar 09, 2017
28	APPEAL TO DISTRICT CT	May 10, 2017
29	CT DECISION:DISMISSED	Mar 23, 2018
30	BD DECISION: DISMISSED	Jul 27, 2018
31	TERMINATED	Jul 27, 2018

Type of Proceeding: Opposition

Proceeding Number: [91208851](#) **Filing Date:** Jan 14, 2013
Status: Terminated **Status Date:** Jan 14, 2013
Interlocutory Attorney: BENJAMIN U OKEKE

Defendant

Name: Beachbody, LLC
Correspondent Address: CAMILLE M MILLER
COZEN O'CONNOR
1900 MARKET ST
PHILADELPHIA PA , 19103-3527
UNITED STATES
Correspondent e-mail: cmiller@cozen.com , jcloak@cozen.com , treginelli@cozen.com , mmiller@cozen.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BODY BEAST	Abandoned - After Inter-Partes Decision	85730792	

Plaintiff(s)

Name: USA Nutraceuticals Group, Inc. and Ultra-Lab Nutrition, Inc., d/b/a Beast Sports
Correspondent Address: RYAN M KAISER
AMIN TALATI LLC
55 W MONROE STREET, SUITE 3400
CHICAGO IL , 60603
UNITED STATES
Correspondent e-mail: ryan@amintalati.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
THE BEAST	REGISTERED AND RENEWED	74650530	2012763
TRAIN LIKE A BEAST	Registered	85749500	4429865
BEAST	Section 8 and 15 - Accepted and Acknowledged	85758767	4334953
BEAST. SINCE 1995	Registered	85506038	4405431
BEAST STACK	Section 8 and 15 - Accepted and Acknowledged	85765088	4338809
TEAM BEAST	Abandoned - No Statement Of Use Filed	85620714	
TEAM BEAST	Report Completed Suspension Check - Case Still Suspended	85620679	
BEAST WEAR	Registered	85567616	4543954

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 14, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 14, 2013	Feb 23, 2013
3	PENDING, INSTITUTED	Jan 14, 2013	
4	ANSWER	Jan 18, 2013	
5	D'S MOT TO SUSP PEND DISP CIV ACTION	Jan 18, 2013	
6	SUSP PEND DISP OF CIVIL ACTION	Feb 28, 2013	
7	MOT TO AMEND APPLICATION	Sep 17, 2013	
8	D MOTION TO W/D MOTION TO AMEND	Sep 19, 2013	
9	SUSP PEND DISP OF CIVIL ACTION	Sep 24, 2013	

10	W/DRAW OF APPLICATION W/ CONSENT	Jan 06, 2014
11	BD DECISION: DISMISSED W/O PREJ	Jan 13, 2014
12	TERMINATED	Jan 13, 2014
13	BD DECISION: DISMISSED W/O PREJ	Jan 13, 2014

Type of Proceeding: Opposition

Proceeding Number: [91205388](#) **Filing Date:** May 31, 2012
Status: Terminated **Status Date:** Jul 27, 2018
Interlocutory Attorney: GEOFFREY MCNUTT

Defendant

Name: Monster Energy Company
Correspondent Address: MATTHEW S BELLINGER
 KNOBBE MARTENS OLSON & BEAR LLP
 2040 MAIN STREET FOURTEENTH FLOOR
 IRVINE CA , 92614-8214
 UNITED STATES
Correspondent e-mail: efiling@knobbe.com , francie.leonguerrero@knobbe.com , doreen.buluran@knobbe.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
REHAB THE BEAST! WWW.MONSTERENERGY.COM	Registered	85543622	5552820

Plaintiff(s)

Name: USA Nutraceuticals Group, Inc. and Ultra-Lab Nutrition, Inc. dba Beast Sports
Correspondent Address: RYAN M KAISER
 AMIN TALATI LLC
 55 W MONROE STREET SUITE 3400
 CHICAGO IL , 60603
 UNITED STATES
Correspondent e-mail: ryan@amintalati.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
THE BEAST	REGISTERED AND RENEWED	74650530	2012763
BEAST MODE	Section 8 and 15 - Accepted and Acknowledged	77925401	3978998
THE BEAST CYCLE	Abandoned - No Statement Of Use Filed	77663693	
THE BEAST STACK	Abandoned - No Statement Of Use Filed	77663433	

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	May 31, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	May 31, 2012	Jul 10, 2012
3	PENDING, INSTITUTED	May 31, 2012	
4	D CHANGE OF CORRESP ADDRESS	Jul 10, 2012	
5	ANSWER	Jul 10, 2012	
6	P CHANGE OF CORRESP ADDRESS	Jul 20, 2012	
7	CONSOLIDATED - CHILD OF 91199986	Jul 26, 2012	
8	D MOT FOR SUMMARY JGT DENIED	Jan 30, 2015	
9	SCHEDULE ORAL HEARING	Dec 16, 2015	
10	WITHDRAWAL OF REQUEST FOR AN ORAL HEARING	Jan 05, 2017	
11	SUBMITTED ON BRIEF	Jan 06, 2017	
12	BD DECISION: SUSTAINED	Mar 09, 2017	
13	APPEAL TO DISTRICT CT	May 10, 2017	
14	CT DECISION:DISMISSED	Mar 23, 2018	
15	BD DECISION: DISMISSED	Jul 27, 2018	
16	TERMINATED	Jul 27, 2018	

Type of Proceeding: Opposition

Proceeding Number: [91204654](#)**Filing Date:** Apr 09, 2012**Status:** Terminated**Status Date:** Sep 25, 2012**Interlocutory Attorney:** ANDREW P BAXLEY**Defendant****Name:** MusclePharm Corporation**Correspondent Address:** MARK CAMPANINI
401 N TRYON ST FL 10
CHARLOTTE NC , 28202-2101
UNITED STATES**Correspondent e-mail:** erica@ericawstump.com , michelle@ericawstump.com , mcampanini@musclepharm.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
TRAIN LIKE AN UNCHAINED BEAST	Abandoned - After Inter-Partes Decision	85365641	

Plaintiff(s)**Name:** USA Nutraceuticals Group, Inc and Ultra-Lab Nutrition, Inc., d/b/a Beast Sports**Correspondent Address:** RYAN M KAISER
AMIN TALATI LLC
55 W MONROE ST SUITE 3400
CHICAGO IL , 60603
UNITED STATES**Correspondent e-mail:** ryanamintalati@amintalati.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
THE BEAST	REGISTERED AND RENEWED	74650530	2012763
BEAST MODE	Section 8 and 15 - Accepted and Acknowledged	77925401	3978998

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 09, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 09, 2012	May 19, 2012
3	PENDING, INSTITUTED	Apr 09, 2012	
4	NOTICE OF DEFAULT	Jun 06, 2012	
5	STIP TO SUSPEND PEND DISP CIV ACTION	Jul 07, 2012	
6	SUSPENDED	Jul 07, 2012	
7	CHANGE OF CORRESPONDENCE ADDRESS	Jul 20, 2012	
8	WITHDRAWAL OF APPLICATION	Sep 21, 2012	
9	BD'S DECISION: DISMISSED W/O PREJUDICE	Sep 25, 2012	
10	TERMINATED	Sep 25, 2012	

Type of Proceeding: Opposition

Proceeding Number: [91202947](#)**Filing Date:** Dec 12, 2011**Status:** Terminated**Status Date:** Jul 27, 2018**Interlocutory Attorney:** GEOFFREY MCNUTT**Defendant****Name:** Monster Energy Company**Correspondent Address:** MATTHEW S BELLINGER
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET FOURTEENTH FLOOR
IRVINE CA , 92614-8214
UNITED STATES

Correspondent e-mail: efiling@knobbe.com , francie.leonguerrero@knobbe.com , doreen.buluran@knobbe.com

Mark	Application Status	Serial Number	Registration Number
REHAB THE BEAST!	Registered	85168304	5628025

Plaintiff(s)

Name: USA Nutraceuticals Group, Inc. and Ultra-Lab Nutrition, Inc. dba Beast Sports

Correspondent Address: RYAN M KAISER
AMIN TALATI LLC
55 W MONROE STREET SUITE 3400
CHICAGO IL , 60603
UNITED STATES

Correspondent e-mail: ryan@amintalati.com

Mark	Application Status	Serial Number	Registration Number
THE BEAST	REGISTERED AND RENEWED	74650530	2012763
BEAST MODE	Section 8 and 15 - Accepted and Acknowledged	77925401	3978998

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 12, 2011	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 13, 2011	Jan 22, 2012
3	PENDING, INSTITUTED	Dec 13, 2011	
4	ANSWER	Jan 20, 2012	
5	D MOT TO JOIN/SUBSTITUTE PARTY	Feb 17, 2012	
6	MOTION GRANTED	Mar 02, 2012	
7	D MOTION TO DIVIDE	Mar 13, 2012	
8	MOTION GRANTED	Mar 29, 2012	
9	P CHANGE OF CORRESP ADDRESS	Apr 18, 2012	
10	P CHANGE OF CORRESP ADDRESS	Jul 20, 2012	
11	CONSOLIDATED - CHILD OF 91199986	Jul 26, 2012	
12	D MOT FOR SUMMARY JGT DENIED	Jan 30, 2015	
13	SCHEDULE ORAL HEARING	Dec 16, 2015	
14	WITHDRAWAL OF REQUEST FOR AN ORAL HEARING	Jan 05, 2017	
15	SUBMITTED ON BRIEF	Jan 06, 2017	
16	BD DECISION: SUSTAINED	Mar 09, 2017	
17	APPEAL TO DISTRICT CT	May 10, 2017	
18	CT DECISION:DISMISSED	Mar 23, 2018	
19	BD DECISION: DISMISSED	Jul 27, 2018	
20	TERMINATED	Jul 27, 2018	

Type of Proceeding: Opposition

Proceeding Number: [91199986](#)

Filing Date: May 25, 2011

Status: Terminated

Status Date: May 01, 2018

Interlocutory Attorney: GEOFFREY MCNUTT

Defendant

Name: Monster Energy Company

Correspondent Address: MATTHEW S BELLINGER
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET FOURTEENTH FLOOR
IRVINE CA , 92614-8214
UNITED STATES

Correspondent e-mail: efiling@knobbe.com , francie.leonguerrero@knobbe.com , doreen.buluran@knobbe.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
UNLEASH THE NITRO BEAST!	Registered	85197756	5622925

Plaintiff(s)

Name: USA Nutraceuticals Group, Inc. and Ultra-Lab Nutrition, Inc. dba Beast Sports

Correspondent Address: RYAN M KAISER
AMIN TALATI LLC
100 S WACKER DRIVE SUITE 2000
CHICAGO IL , 60606-4005
UNITED STATES

Correspondent e-mail: ryan@amintalati.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
THE BEAST	REGISTERED AND RENEWED	74650530	2012763
BEAST MODE	Section 8 and 15 - Accepted and Acknowledged	77925401	3978998
THE BEAST CYCLE	Abandoned - No Statement Of Use Filed	77663693	
THE BEAST STACK	Abandoned - No Statement Of Use Filed	77663433	

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	May 25, 2011	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	May 26, 2011	Jul 05, 2011
3	PENDING, INSTITUTED	May 26, 2011	
4	D MOT FOR EXT W/ CONSENT	Jun 29, 2011	
5	EXTENSION OF TIME GRANTED	Jun 29, 2011	
6	D MOT FOR EXT W/ CONSENT	Aug 30, 2011	
7	EXTENSION OF TIME GRANTED	Aug 30, 2011	
8	ANSWER	Nov 02, 2011	
9	D MOT TO JOIN/SUBSTITUTE PARTY	Feb 17, 2012	
10	TRIAL DATES REMAIN AS PREVIOUSLY SET	Feb 22, 2012	
11	D REQUEST TO DIVIDE	Mar 13, 2012	
12	P CHANGE OF CORRESP ADDRESS	Apr 18, 2012	
13	P MOT FOR EXT W/ CONSENT	Apr 30, 2012	
14	EXTENSION OF TIME GRANTED	Apr 30, 2012	
15	P MOT TO AMEND PLEADING/AMENDED PLEADING	Jun 27, 2012	
16	P MOT FOR EXT W/O CONSENT	Jun 27, 2012	
17	BOARD'S ORDER	Jul 10, 2012	
18	D OPP/RESP TO MOTION	Jul 12, 2012	
19	D OPP/RESP TO MOTION	Jul 12, 2012	
20	P CHANGE OF CORRESP ADDRESS	Jul 20, 2012	
21	CONSOLIDATED - PARENT OF 91202947 AND 91205388	Jul 26, 2012	
22	D MOTION TO DIVIDE	Aug 07, 2012	
23	ANSWER	Aug 14, 2012	
24	TRIAL DATES SET	Sep 27, 2012	
25	P MOT FOR EXT W/ CONSENT	Feb 04, 2013	
26	EXTENSION OF TIME GRANTED	Feb 04, 2013	
27	D MOT TO CONSOLIDATE	May 06, 2013	
28	FURTHER CONSOLIDATION ORDER TO INCLUDE 91209540	Jun 25, 2013	
29	DEPOSITION OF MARK HALL	Nov 25, 2013	
30	D EXPERT WITNESS NOTIFICATION	Dec 13, 2013	
31	STIP MOTION TO SUSPEND TO ALLOW FOR EXPERT DISCOVERY	Dec 31, 2013	
32	SUSPENDED	Feb 26, 2014	
33	STIP MOTION TO SUSPEND TO ALLOW FOR EXPERT DISCOVERY	Mar 21, 2014	
34	SUSPENDED	Apr 15, 2014	

35	STIP TO SUSP PEND SETTL NEGOTIATIONS	Apr 18, 2014
36	SUSPENDED	May 10, 2014
37	D DECLARATION IN SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT	Sep 17, 2014
38	D DECLARATION IN SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT	Sep 17, 2014
39	D DECLARATION IN SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT	Sep 17, 2014
40	D EXHIBITS	Sep 17, 2014
41	D DECLARATION IN SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT	Sep 17, 2014
42	D DECLARATION IN SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT	Sep 17, 2014
43	D MOT FOR SUMMARY JUDGMENT	Sep 17, 2014
44	D MOT FOR SUMMARY JUDGMENT	Sep 17, 2014
45	SUSP PEND DISP OF OUTSTNDNG MOT	Oct 02, 2014
46	P OPP/RESP TO MOTION	Oct 21, 2014
47	P EXHIBITS	Oct 21, 2014
48	P EXHIBITS	Oct 21, 2014
49	P EXHIBITS	Oct 21, 2014
50	P EXHIBITS	Oct 21, 2014
51	P EXHIBITS	Oct 21, 2014
52	P EXHIBITS	Oct 21, 2014
53	P EXHIBITS	Oct 21, 2014
54	P EXHIBITS	Oct 21, 2014
55	P EXHIBITS	Oct 21, 2014
56	P EXHIBITS	Oct 21, 2014
57	P EXHIBITS	Oct 21, 2014
58	P EXHIBITS	Oct 21, 2014
59	P EXHIBITS	Oct 21, 2014
60	P EXHIBITS	Oct 21, 2014
61	P DECLARATION IN SUPPORT OF ITS RESPONSE IN OPP TO D'S MOTION FOR SUMMARY JUDGMENT	Oct 21, 2014
62	P OPP/RESP TO MOTION	Oct 21, 2014
63	D MOT FOR SUMMARY JGT DENIED	Jan 30, 2015
64	STIP FOR EXT	Feb 13, 2015
65	EXTENSION OF TIME GRANTED	Mar 10, 2015
66	P NOTICE OF TAKING TESTIMONY	Apr 03, 2015
67	P NOTICE OF RELIANCE	Apr 03, 2015
68	P SECOND NOTICE OF RELIANCE	Apr 03, 2015
69	P THIRD NOTICE OF RELIANCE	Apr 03, 2015
70	P FOURTH NOTICE OF RELIANCE	Apr 03, 2015
71	P FIFTH NOTICE OF RELIANCE	Apr 03, 2015
72	P FIFTH NOTICE OF RELIANCE	Apr 03, 2015
73	P FIFTH NOTICE OF RELIANCE	Apr 03, 2015
74	P FIFTH NOTICE OF RELIANCE	Apr 03, 2015
75	P FIFTH NOTICE OF RELIANCE	Apr 03, 2015
76	P FIFTH NOTICE OF RELIANCE	Apr 03, 2015
77	P FIFTH NOTICE OF RELIANCE	Apr 03, 2015
78	P FIFTH NOTICE OF RELIANCE	Apr 03, 2015
79	P FIFTH NOTICE OF RELIANCE	Apr 03, 2015
80	P FIFTH NOTICE OF RELIANCE	Apr 03, 2015
81	P FIFTH NOTICE OF RELIANCE	Apr 03, 2015
82	P FIFTH NOTICE OF RELIANCE	Apr 03, 2015
83	P FIFTH NOTICE OF RELIANCE	Apr 03, 2015
84	P SIXTH NOTICE OF RELIANCE	Apr 03, 2015
85	P SIXTH NOTICE OF RELIANCE	Apr 03, 2015
86	P SIXTH NOTICE OF RELIANCE	Apr 03, 2015
87	P SIXTH NOTICE OF RELIANCE	Apr 03, 2015
88	P SIXTH NOTICE OF RELIANCE	Apr 03, 2015
89	P SIXTH NOTICE OF RELIANCE	Apr 03, 2015

90	P SIXTH NOTICE OF RELIANCE	Apr 03, 2015
91	P SIXTH NOTICE OF RELIANCE	Apr 03, 2015
92	P SIXTH NOTICE OF RELIANCE	Apr 03, 2015
93	P SEVENTH NOTICE OF RELIANCE	Apr 03, 2015
94	P SEVENTH NOTICE OF RELIANCE	Apr 03, 2015
95	P EIGHTH NOTICE OF RELIANCE	Apr 03, 2015
96	P NINTH NOTICE OF RELIANCE	Apr 03, 2015
97	P TENTH NOTICE OF RELIANCE	Apr 03, 2015
98	P ELEVENTH NOTICE OF RELIANCE	Apr 03, 2015
99	P TENTH NOTICE OF RELIANCE	Apr 04, 2015
100	D MOT FOR EXT W/ CONSENT	May 08, 2015
101	D MOT TO STRIKE	May 15, 2015
102	D MOT TO STRIKE	May 15, 2015
103	P OPP/RESP TO MOTION	Jun 01, 2015
104	P OPP/RESP TO MOTION	Jun 01, 2015
105	D NOTICE OF RELIANCE	Jul 01, 2015
106	D SECOND NOTICE OF RELIANCE	Jul 01, 2015
107	D SECOND NOTICE OF RELIANCE	Jul 01, 2015
108	P TWELFTH NOTICE OF RELIANCE	Aug 17, 2015
109	P TWELFTH NOTICE OF RELIANCE	Aug 17, 2015
110	P THIRTEENTH NOTICE OF RELIANCE	Aug 17, 2015
111	P THIRTEENTH NOTICE OF RELIANCE	Aug 17, 2015
112	P FOURTEENTH NOTICE OF RELIANCE	Aug 17, 2015
113	P FIFTEENTH NOTICE OF RELIANCE	Aug 17, 2015
114	P FIFTEENTH NOTICE OF RELIANCE	Aug 17, 2015
115	P TESTIMONY	Sep 21, 2015
116	P TESTIMONY	Sep 21, 2015
117	P TESTIMONY	Sep 21, 2015
118	P TESTIMONY	Sep 21, 2015
119	P TESTIMONY	Sep 21, 2015
120	P TESTIMONY	Sep 21, 2015
121	D TESTIMONY	Sep 30, 2015
122	TRIAL DATES RESET	Oct 02, 2015
123	D TESTIMONY	Oct 07, 2015
124	D TESTIMONY	Oct 14, 2015
125	D TESTIMONY	Oct 14, 2015
126	P FINAL BRIEF: TM RULE 2.128	Oct 15, 2015
127	P FINAL BRIEF: TM RULE 2.128	Oct 15, 2015
128	D TESTIMONY	Oct 30, 2015
129	D TESTIMONY	Oct 30, 2015
130	D FINAL BRIEF: TM RULE 2.128	Nov 16, 2015
131	D FINAL BRIEF: TM RULE 2.128	Nov 16, 2015
132	P REPLY BRIEF OR REBUTTAL BRIEF ON COUNTERCLAIM: TM RULE 2.128	Dec 01, 2015
133	P REPLY BRIEF OR REBUTTAL BRIEF ON COUNTERCLAIM: TM RULE 2.128	Dec 01, 2015
134	D REQ FOR ORAL HEARING	Dec 09, 2015
135	SCHEDULE ORAL HEARING	Dec 16, 2015
136	WITHDRAWAL OF REQUEST FOR AN ORAL HEARING	Jan 05, 2017
137	SUBMITTED ON BRIEF	Jan 06, 2017
138	P UNDELIVERABLE MAIL	Jan 18, 2017
139	BD DECISION: SUSTAINED	Mar 09, 2017
140	APPEAL TO DISTRICT CT	May 09, 2017
141	CT DECISION:DISMISSED	Mar 23, 2018
142	TERMINATED	May 01, 2018
143	BD ORDER; SERIAL NO. 85197756 REINSTATED	May 02, 2018
144	BD DECISION: DISMISSED	Jul 27, 2018

Type of Proceeding: Opposition

Proceeding Number: [91195081](#)

Filing Date: May 28, 2010

Status: Terminated

Status Date: Sep 10, 2010

Interlocutory Attorney: ELIZABETH WINTER

Defendant

Name: Seattle Natural Laboratories, Inc.

Correspondent Address: SEATTLE NATURAL LABORATORIES, INC.
SEATTLE NATURAL LABORATORIES, INC.
815 3RD STREET
BLAINE WA , 98230-4043
UNITED STATES

Correspondent e-mail: isaacberg@hotmail.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SLEEPING BEAST	Abandoned - After Inter-Partes Decision	77867751	

Plaintiff(s)

Name: USA Nutraceuticals Group, Inc., Ultra-Lab Nutrition, Inc., d/b/a Beast Sports

Correspondent Address: HENRY POGORZELSKI
COLLINS, EDMOND & POGORZELSKI, PLLC
709 SABINE STREET
HOUSTON TX , 77007
UNITED STATES

Correspondent e-mail: hpogorzelski@cepiplaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
THE BEAST	REGISTERED AND RENEWED	74650530	2012763
BEAST MODE	Section 8 and 15 - Accepted and Acknowledged	77925401	3978998
THE BEAST CYCLE	Abandoned - No Statement Of Use Filed	77663693	
THE BEAST STACK	Abandoned - No Statement Of Use Filed	77663433	

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	May 28, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	May 28, 2010	Jul 07, 2010
3	PENDING, INSTITUTED	May 28, 2010	
4	P'S CORRECTION TO SIGNATURE PAGE OF NOTICE OF OPPOSITION	Jun 01, 2010	
5	NOTICE OF DEFAULT	Jul 27, 2010	
6	BOARD'S DECISION: SUSTAINED	Sep 10, 2010	
7	TERMINATED	Sep 10, 2010	

Type of Proceeding: Opposition

Proceeding Number: [91194363](#)

Filing Date: Apr 01, 2010

Status: Terminated

Status Date: Nov 28, 2011

Interlocutory Attorney: CHERYL A BUTLER

Defendant

Name: Robert Waelty

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YOURTRADEMARKATTORNEY.COM
167 LAMP LANTERN VILLAGE, #220
CHESTERFIELD MO , 63017 8208
UNITED STATES

Correspondent e-mail: morris@yourtrademarkattorney.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
BEASTUP	Registered	77841371	4584629

Plaintiff(s)

Name: USA Nutraceuticals Group, Inc., Ultra-Lab Nutrition, Inc., d/b/a Beast Sports

Correspondent Address: HENRY POGORZELSKI
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1616 S VOSS ROAD, SUITE 125
HOUSTON TX , 77057
UNITED STATES

Correspondent e-mail: hpogorzelski@cepiplaw.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
THE BEAST	REGISTERED AND RENEWED	74650530	2012763
BEAST MODE	Section 8 and 15 - Accepted and Acknowledged	77925401	3978998
THE BEAST CYCLE	Abandoned - No Statement Of Use Filed	77663693	
THE BEAST STACK	Abandoned - No Statement Of Use Filed	77663433	

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 01, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 01, 2010	May 11, 2010
3	PENDING, INSTITUTED	Apr 01, 2010	
4	D REQUEST FOR DISCOVERY CONFERENCE-PHONE	Apr 14, 2010	
5	D'S APPEARANCE OF COUNSEL/POWER OF ATTORNEY	May 07, 2010	
6	ANSWER	May 07, 2010	
7	RESPONSE DUE 30 DAYS (DUE DATE)	Sep 21, 2011	Oct 21, 2011
8	RETURNED MAIL	Sep 26, 2011	
9	RESPONSE DUE 30 DAYS (DUE DATE)	Oct 04, 2011	Nov 03, 2011
10	BD'S DECISION: DISMISSED W/ PREJUDICE	Nov 28, 2011	
11	TERMINATED	Nov 28, 2011	

Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51, and 52

Reg. No. 2,012,763

United States Patent and Trademark Office Registered Oct. 29, 1996

**TRADEMARK
PRINCIPAL REGISTER**

THE BEAST

ULTRA-LAB NUTRITION, INC. (FLORIDA
CORPORATION)
350 CLUB CIRCLE, SUITE 205
BOCA RATON, FL 33487

FIRST USE 4-1-1996; IN COMMERCE
5-1-1996.

SN 74-650,530, FILED 3-23-1995.

FOR: VITAMINS AND NUTRITIONAL FOOD
SUPPLEMENTS, IN CLASS 5 (U.S. CLS. 6, 18, 44,
46, 51 AND 52).

JOYCE A. WARD, EXAMINING ATTORNEY

Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51, and 52

United States Patent and Trademark Office **Reg. No. 2,012,763**
Registered Oct. 29, 1996

**TRADEMARK
PRINCIPAL REGISTER**

THE BEAST

ULTRA-LAB NUTRITION, INC. (FLORIDA
CORPORATION)
350 CLUB CIRCLE, SUITE 205
BOCA RATON, FL 33487

FIRST USE 4-1-1996; IN COMMERCE
5-1-1996.

SN 74-650,530, FILED 3-23-1995.

FOR: VITAMINS AND NUTRITIONAL FOOD
SUPPLEMENTS, IN CLASS 5 (U.S. CLS. 6, 18, 44,
46, 51 AND 52).

JOYCE A. WARD, EXAMINING ATTORNEY

Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51, and 52

Reg. No. 2,012,763

United States Patent and Trademark Office Registered Oct. 29, 1996

**TRADEMARK
PRINCIPAL REGISTER**

THE BEAST

ULTRA-LAB NUTRITION, INC. (FLORIDA
CORPORATION)
350 CLUB CIRCLE, SUITE 205
BOCA RATON, FL 33487

FIRST USE 4-1-1996; IN COMMERCE
5-1-1996.

SN 74-650,530, FILED 3-23-1995.

FOR: VITAMINS AND NUTRITIONAL FOOD
SUPPLEMENTS, IN CLASS 5 (U.S. CLS. 6, 18, 44,
46, 51 AND 52).

JOYCE A. WARD, EXAMINING ATTORNEY