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

Proceeding	91253105
Party	Plaintiff Chubby Gorilla, Inc.
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Date	06/09/2021
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

<p>Chubby Gorilla, Inc., Opposer/Counter-Claim Respondent</p> <p>v.</p> <p>Hills Point Industries, LLC, Applicant/Counter-Claim Petitioner</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Consolidated Opposition/Cancellation Nos. 91253105 (parent); 91253653; 91254743; and 91266658</p> <p>Opposed Marks: GORILLA GRIP and GORILLA GRIP and Design</p> <p>Applicant’s Counter-Claim for Cancellation Nos: 4949119, 5053505, 5209538, 5223288, and 6098811.</p> <p>Counter/Count-Claim for Cancellation of Registration No. : 5060102</p>
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**ANSWER TO COUNTERCLAIM FOR CANCELLATION, AFFIRMATIVE DEFENSES  
AND COUNTERCLAIM FOR CANCELLATION OF REGISTRATION NO. 5060102**

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

Dear Sir:

Chubby Gorilla, Inc. (“Chubby Gorilla”) hereby answers the Counterclaim for Cancellation filed by Hills Point Industries, LLC (“Applicant”) against Registration Nos. 4949119, 5053505, 5209538, 5223288, and 6098811.

1. Answering Paragraph 60 of the Counter-Claim, Chubby Gorilla denies each and every allegation contained therein.

2. Answering Paragraph 61 of the Counter-Claim, Chubby Gorilla does not have sufficient knowledge or information to form a belief as to the truth or falsity of the allegations in Paragraph 2 and accordingly denies the same.

3. Answering Paragraph 62 of the Counter-Claim, Chubby Gorilla does not have

sufficient knowledge or information to form a belief as to the truth or falsity of the allegations in Paragraph 2 and accordingly denies the same.

4. Answering Paragraph 63 of the Counter-Claim, Chubby Gorilla admits that Registration No. 5060102 contains the mark GORILLA GRIP.

5. Answering Paragraph 64 of the Counter-Claim, Chubby Gorilla denies the allegations contained therein.

6. Answering Paragraph 65 of the Counter-Claim, Chubby Gorilla denies the allegation contained therein.

7. Answering Paragraph 66 of the Counter-Claim, as the prior and senior user of the marks, Chubby Gorilla denies the allegation contained therein.

8. Answering Paragraph 67 of the Counter-Claim, Chubby Gorilla admits that Chubby Gorilla's goods are related to kitchen and household goods.

9. Answering Paragraph 68 of the Counter-Claim, Chubby Gorilla submits that this provision is duplicative. Nonetheless, Chubby Gorilla admits that Chubby Gorilla's goods are related to kitchen and household goods.

10. Answering Paragraph 69 of the Counter-Claim, Chubby Gorilla admits that Chubby Gorilla's goods are related to kitchen goods.

11. Answering Paragraph 70 of the Counter-Claim, Chubby Gorilla admits that Chubby Gorilla's goods are related to kitchen utensils, namely oven mitts and cutting boards.

12. Answering Paragraph 71 of the Counter-Claim, Chubby Gorilla denies the allegations contained therein.

13. Answering Paragraph 72 of the Counter-Claim, Chubby Gorilla denies the allegations contained therein.

14. Answering Paragraph 73 of the Counter-Claim, Chubby Gorilla denies the

allegations contained therein.

15. Answering Paragraph 74 of the Counter-Claim, Chubby Gorilla denies the allegations contained therein.

16. Answering Paragraph 75 of the Counter-Claim, a Statement of Use was not filed in connection with Registration No. 4949119. Accordingly, Chubby Gorilla denies the allegations contained therein.

17. Answering Paragraph 76 of the Counter-Claim, Chubby Gorilla denies the allegations contained therein.

18. Answering Paragraph 77 of the Counter-Claim, Chubby Gorilla denies the allegations contained therein.

19. Answering Paragraph 78 of the Counter-Claim, a Statement of Use was not filed in connection with Registration No. 6098811. Accordingly, Chubby Gorilla denies the allegations contained therein.

20. Answering Paragraph 79 of the Counter-Claim, Chubby Gorilla denies the allegations contained therein.

21. Answering Paragraph 80 of the Counter-Claim, Chubby Gorilla denies the allegations contained therein.

22. Answering Paragraph 81 of the Counter-Claim, Chubby Gorilla denies the allegations contained therein.

23. Answering Paragraph 82 of the Counter-Claim, a Statement of Use was not filed in connection with Registration No. 6098811. Accordingly, Chubby Gorilla denies the allegations contained therein.

24. Answering Paragraph 83 of the Counter-Claim, Chubby Gorilla denies the allegations contained therein.

25. Answering Paragraph 84 of the Counter-Claim, Chubby Gorilla notes that a Statement of Use was not filed in connection with Registration No. 6098811. Accordingly, Chubby Gorilla denies the allegations contained therein.

26. Answering Paragraph 85 of the Counter-Claim, Chubby Gorilla denies the allegations contained therein.

27. Answering Paragraph 86 of the Counter-Claim, Chubby Gorilla denies the allegations contained therein.

28. Answering Paragraph 87 of the Counter-Claim, a Statement of Use was not filed in connection with Registration No. 5053505. Accordingly, Chubby Gorilla denies the allegations contained therein.

29. Answering Paragraph 89 of the Counter-Claim, Chubby Gorilla denies the allegations contained therein.

30. Answering Paragraph 90 of the Counter-Claim, a Statement of Use was not filed in connection with Registration No. 5223288. Accordingly, Chubby Gorilla denies the allegations contained therein.

31. Answering Paragraph 91 of the Counter-Claim, Chubby Gorilla denies the allegations contained therein.

32. Answering Paragraph 92 of the Counter-Claim, a Statement of Use was not filed in connection with Registration No. 5209538. Accordingly, Chubby Gorilla denies the allegations contained therein.

33. Answering Paragraph 93 of the Counter-Claim, Chubby Gorilla denies the allegations contained therein.

34. Answering Paragraph 94 of the Counter-Claim, Chubby Gorilla denies the allegations contained therein.

35. Answering Paragraph 95 of the Counter-Claim, a Statement of Use was not filed in connection with Registration No. 5209538. Accordingly, Chubby Gorilla denies the allegations contained therein.

36. Answering Paragraph 96 of the Counter-Claim, Chubby Gorilla denies the allegations contained therein.

37. Answering Paragraph 97 of the Counter-Claim, a Statement of Use was not filed in connection with Registration No. 5209538. Accordingly, Chubby Gorilla denies the allegations contained therein.

38. Answering Paragraph 98 of the Counter-Claim, Chubby Gorilla denies the allegations contained therein.

39. Answering Paragraph 99 of the Counter-Claim, Chubby Gorilla denies the allegations contained therein.

40. Answering Paragraph 100 of the Counter-Claim, Chubby Gorilla denies the allegations contained therein.

#### **AFFIRMATIVE DEFENSES**

##### **FIRST AFFIRMATIVE DEFENSE**

Chubby Gorilla is the senior user of the mark CHUBBY GORILLA as compared with Applicant's use of any mark Applicant claims to be the same or similar.

##### **SECOND AFFIRMATIVE DEFENSE**

Chubby Gorilla is the senior user of the mark GORILLA as compared with Applicant's use of any mark Applicant claims to be the same or similar.

**THIRD AFFIRMATIVE DEFENSE**

Chubby Gorilla's rights in the CHUBBY GORILLA mark pre-date Applicant's rights, if any, in the GORILLA GRIP mark.

**FOURTH AFFIRMATIVE DEFENSE**

Chubby Gorilla's rights in the GORILLA mark pre-date Applicant's rights, if any, in the GORILLA GRIP mark.

**FIFTH AFFIRMATIVE DEFENSE**

Chubby Gorilla's rights in the CHUBBY GORILLA mark are senior to Applicant's rights, if any, in the GORILLA GRIP mark.

**SIXTH AFFIRMATIVE DEFENSE**

Chubby Gorilla's rights in the GORILLA mark are senior to Applicant's rights, if any, in the GORILLA GRIP mark.

**SEVENTH AFFIRMATIVE DEFENSE**

Applicant is barred by laches as Applicant filed an extension of time to oppose against Application Serial No. 88373580 that matured into Registration No. 6098811 but did not file a Notice of Opposition after Applicant admitted there was no likelihood of confusion between Chubby Gorilla's Goods in Registration No. 6098811 and Applicant's prior rights, if any, in the GORILLA GRIP mark.

### **EIGHTH AFFIRMATIVE DEFENSE**

Applicant is barred by acquisition as Applicant filed an extension of time to oppose against Application Serial No. 88373580 that matured into Registration No. 6098811 but did not file a Notice of Opposition after Applicant actively admitted in would not assert a claim against Application Serial No. 88373580 because there was no likelihood of confusion between Application Serial No. 88373580 and Applicant's prior rights, if any, in the GORILLA GRIP mark.



**COUNTERCLAIM FOR CANCELLATION OF REGISTRATION NO. 5060102**

Opposer/Counter-Claim Respondent, Chubby Gorilla, Inc. (“Chubby Gorilla”) believes it is being damaged by the continued registration of the mark shown in Registration No. 5060102 (the ’102 Registration) owned by Hills Point Industries, LLC (“Applicant”) as Applicant has alleged that it has priority over Chubby Gorilla’s GORILLA and CHUBBY GORILLA containing and consisting marks and that goods in the ’102 Registration are likely to cause confusion with the goods in Chubby Gorilla’s Registration Nos. 4949119, 5053505, 5209538 and 5223288 as well as Chubby Gorilla’s common law rights in the GORILLA and CHUBBY GORILLA marks. Accordingly, Chubby Gorilla hereby seeks to cancel the ’102 Registration.

A description of the ’102 Registration is as follows:

Mark	:	GORILLA GRIP
Reg. No.	:	5060102
Filed	:	November 13, 2014
Alleged Date of First Use:	:	August 19, 2016
Int’l. Class	:	21
Goods:	:	Kitchen utensils, namely, oven mitts and cutting boards.

As grounds for this cancellation, Chubby Gorilla alleges:

1. Prior to the filing date of the application that matured into the ’102 Registration and prior to Applicant’s alleged date of use, Chubby Gorilla, its predecessors-in-interest, related parties and affiliated companies, designed, developed, marketed, manufactured, promoted and sold a variety of products and offered a variety of goods and services in connection with the CHUBBY GORILLA name and mark.

2. Among the goods and services that Chubby Gorilla has offered or is offering in connection with the CHUBBY GORILLA name and mark are vials, bottles and containers, lids and caps for such goods, custom design of bottles, vials and containers (collectively,

“Applicant’s Goods”), and online and wholesale services related to the foregoing goods (collectively, “Chubby Gorilla’s Goods and Services”).

3. Chubby Gorilla is the owner of and relies on United States Trademark Registration No. 4949119 (the “’119 Registration”) for the mark CHUBBY GORILLA for Reusable glass bottles, sold empty, not for medical use, not for drinking purposes; reusable plastic bottles, sold empty, not for medical use, not for drinking purposes in International Class 21, which claims a date of first use of **April 4, 2014**. Thus, the date of first use of mark shown in the ’119 Registration is prior to the date Applicant filed the application that matured into the ’102 Registration and prior to Applicant’s alleged date of first use. A true and correct copy of the specifics of the ’119 Registration obtained from the PTO’s TSDR databases are attached hereto and made of record.

4. Chubby Gorilla is the owner of and relies on United States Trademark Registration No. 5053505 (the “’505 Registration”) for the mark



for Reusable glass bottles, sold empty, not for medical use, not for drinking purposes; Reusable plastic bottles, sold empty, not for medical use, not for drinking purposes in International Class 21, which claims a date of first use of **April 4, 2014**. Thus, the date of first use of mark shown in the ’505 Registration is prior to the date Applicant filed the application that matured into the ’102 Registration and prior to Applicant’s alleged date of first use. A true and correct copy of the specifics of the ’505 Registration obtained from the PTO’s TSDR databases are attached hereto and made of record.

5. Chubby Gorilla is the owner of and relies on United States Trademark Registration No. 5223288 (the “’288 Registration”) for the mark CHUBBY GORILLA for Reusable glass dropper bottles for administering medication sold empty; reusable plastic dropper bottles for

administering medication sold empty in International Class 10 and Reusable glass containers and vials sold empty for personal use; reusable plastic containers and vials for medications sold empty for personal in International Class 21, which claims a date of first use of **April 4, 2014**. Thus, the date of first use of mark shown in the '288 Registration is prior to the date Applicant filed the application that matured into the '102 Registration and prior to Applicant's alleged date of first use. A true and correct copy of the specifics of the '288 Registration obtained from the PTO's databases are attached hereto and made of record.

6. Chubby Gorilla is the owner of and relies on United States Trademark Registration No. 5209538 (the "'538 Registration") for the mark GORILLA for Reusable glass dropper bottles for administering medication sold empty; reusable plastic dropper bottles for administering medication sold empty in International Class 10 and Reusable glass containers and vials sold empty for personal use; reusable plastic containers and vials for medications sold empty for personal in International Class 21, which claims a date of first use of **April 4, 2014**. Thus, the date of first use of mark shown in the '538 Registration is prior to the date Applicant filed the application that matured into the '102 Registration and prior to Applicant's alleged date of first use. A true and correct copy of the specifics of the '538 Registration obtained from the PTO's databases are attached hereto and made of record.

7. Chubby Gorilla is the owner of the U.S. Registrations specified above (collectively "Chubby Gorilla's Federal Registrations"). Chubby Gorilla's Federal Registrations are valid, subsisting, unrevoked and uncancelled; as such they constitute prima facie evidence of the validity of the registered marks and of the registrations thereof, and of Chubby Gorilla's ownership of the marks shown therein and/or Chubby Gorilla's exclusive right to use the marks in commerce in connection with the goods named therein, without condition or limitation. Chubby Gorilla's Federal Registrations also constitute notice to Applicant of Chubby Gorilla's claim of ownership of

the marks shown therein; all as provided in Section 7(b), 22 and 33(a) of the Trademark Act of 1946, as amended.

8. Chubby Gorilla's Federal Registrations are derived from applications claiming a date of first use prior to the filing of the '102 Registration and prior to the alleged date of first use set forth in the '102 Registration. Chubby Gorilla's Federal Registrations are valid and subsisting. In view of the substantial similarity of the respective marks and Applicant's admission that the goods of set forth in the '102 Registration are related to the goods in Chubby Gorilla's Federal Registrations, if the PTO agrees with Applicant that there is a likelihood of confusion between the goods in the '102 Registration and Chubby Gorilla's Goods, Chubby Gorilla alleges that the mark in the '102 Registration so resembles the registered marks in Chubby Gorilla's Federal Registrations, previously used in the United States and not abandoned, as to be likely to cause confusion or to cause mistake or deceive.

9. Chubby Gorilla's use of the CHUBBY GORILLA mark has been valid and continuous since a date prior to the filing date of the '102 Registration and has not been abandoned. The CHUBBY GORILLA and mark is symbolic of extensive goodwill and consumer recognition built up by Chubby Gorilla through time and effort in advertising and promotion.

10. In view of the substantial similarity between the mark GORILLA GRIP and the mark CHUBBY GORILLA as well as Applicant's admission that the goods in the '102 Registration are related to Chubby Gorilla's Goods, it is alleged that the mark in the '102 Registration so resembles the CHUBBY GORILLA mark previously used in the United States, and not abandoned, as to be likely to cause confusion, or to cause mistake or deceive.

11. In view of the substantial similarity between the mark GORILLA GRIP and the mark GORILLA as well as Applicant's admission that the goods in the '102 Registration are related to Chubby Gorilla's Goods, it is alleged that the mark in the '102 Registration so resembles the

GORILLA mark previously used in the United States, and not abandoned, as to be likely to cause confusion, or to cause mistake or deceive.

12. In view of the substantial similarity between the mark GORILLA GRIP and the mark CHUBBY GORILLA as well as Applicant's admission that the mark in the '102 Registration is likely to cause confusion with the mark CHUBBY GORILLA and that goods in the '102 Registration are related to Chubby Gorilla's Goods, it is alleged that the mark in the '102 Registration so resembles the CHUBBY GORILLA mark previously used in the United States, and not abandoned, as to be likely to cause confusion, or to cause mistake or deceive.

13. In view of the substantial similarity between the mark GORILLA GRIP and the mark GORILLA as well as Applicant's admission that the mark in the '102 Registration is likely to cause confusion with the mark GORILLA and that goods in the '102 Registration are related to Chubby Gorilla's goods, it is alleged that the mark in '102 Registration so resembles the GORILLA mark previously used in the United States, and not abandoned, as to be likely to cause confusion, or to cause mistake or deceive.

14. Since at least prior to the filing date of the application that matured into the '102 Registration, Chubby Gorilla consistently used the CHUBBY GORILLA marks in interstate commerce. The CHUBBY GORILLA mark, by virtue of substantial use, have acquired great value as an indicator of Chubby Gorilla and Chubby Gorilla's Goods and Services, and distinguish them from the goods and services of others.

15. Since at least prior to the filing date of the application that matured into the '505 Registration, Chubby Gorilla has used the CHUBBY GORILLA mark in connection with the sale and promotion of Chubby Gorilla's Goods and Services. Such use has been valid and continuous, and has not been abandoned.

16. In light of Applicant's admission that the goods in the '102 Registration are

related to Chubby Gorilla's Goods, if the PTO agrees and if Applicant is allowed to maintain the '102 Registration, Applicant's corresponding prima facie exclusive right to use the mark nationwide will conflict with Chubby Gorilla's lawful and prima facie exclusive right to use the CHUBBY GORILLA mark nationwide.

17. Since a date prior to the filing date of the application that matured into the '102 Registration, Chubby Gorilla has used the mark CHUBBY GORILLA. Such use has been valid and continuous, and has not been abandoned. The relevant class of the public has come to associate Chubby Gorilla with the CHUBBY GORILLA mark.

18. Since a date well prior to the filing date of to the filing date of the application that matured into the '102 Registration, Chubby Gorilla has used the CHUBBY GORILLA mark. Such use has been valid and continuous, and has not been abandoned. As a result of this use, well prior to the filing date of the '102 Registration, the relevant class of the public has come to associate Chubby Gorilla with the CHUBBY GORILLA mark.

19. Chubby Gorilla has invested substantial amounts of time, effort and money in the CHUBBY GORILLA mark throughout the United States. By reason of Chubby Gorilla's widespread and continuous use of the CHUBBY GORILLA mark, Chubby Gorilla has extensive, non-registered statutory and common law rights in the CHUBBY GORILLA mark.

20. Chubby Gorilla, through sales, advertising and promotion of Chubby Gorilla's Goods under the CHUBBY GORILLA mark, since a date prior to the filing date of the application that matured into the '102 Registration, has built up at great expense and effort, valuable goodwill symbolized by the mark CHUBBY GORILLA.

21. In view of Chubby Gorilla's prior rights in the mark CHUBBY GORILLA, and in light of Applicant's admission that the goods in the '102 Registration are related to Chubby Gorilla's Goods and Services, Applicant is not entitled to maintain the '102 Registration pursuant to

Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

22. In view of Chubby Gorilla's prior rights in the mark CHUBBY GORILLA, and in light of Applicant's admission that the goods in the '102 Registration are related to Chubby Gorilla's Goods, Applicant is not entitled to maintain the '102 Registration pursuant to Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

23. Since at least prior to the filing date of the application that matured into the '102 Registration, Chubby Gorilla consistently used GORILLA containing or consisting marks in interstate commerce. Chubby Gorilla's GORILLA mark, by virtue of substantial use, have acquired great value as an indicator of Chubby Gorilla and Chubby Gorilla's Goods and Services, and distinguish them from the goods and services of others.

24. Since at least prior to the filing date of the application that matured into the '102 Registration, Chubby Gorilla has used GORILLA containing and consisting marks in connection with the sale and promotion of Chubby Gorilla's Goods and Services. Such use has been valid and continuous, and has not been abandoned.

25. In light of Applicant's admission that the goods in the '102 Registration are related to Chubby Gorilla's Goods, if the PTO agrees and if Applicant is allowed to maintain the '102 Registration, Applicant's corresponding prima facie exclusive right to use the mark nationwide will conflict with Chubby Gorilla's lawful and prima facie exclusive right to use GORILLA containing and/or consisting marks nationwide.

26. Since a date prior to the filing date of the application that matured into the '102 Registration, Chubby Gorilla has used GORILLA consisting and/or containing marks. Such use has been valid and continuous, and has not been abandoned. The relevant class of the public has come to associate Chubby Gorilla with GORILLA consisting and/or containing marks.

27. Since a date well prior to the filing date of to the filing date of the application that

matured into the '102 Registration, Chubby Gorilla has used the CHUBBY GORILLA mark. Such use has been valid and continuous, and has not been abandoned. As a result of this use, well prior to the filing date of the '102 Registration, the relevant class of the public has come to associate Chubby Gorilla with the CHUBBY GORILLA mark.

28. Chubby Gorilla has invested substantial amounts of time, effort and money in the CHUBBY GORILLA mark throughout the United States. By reason of Chubby Gorilla's widespread and continuous use of the CHUBBY GORILLA mark, Chubby Gorilla has extensive, non-registered statutory and common law rights in the CHUBBY GORILLA mark.

29. Chubby Gorilla, through sales, advertising and promotion of Chubby Gorilla's Goods under the CHUBBY GORILLA mark, since a date prior to the filing date of the application that matured into the '102 Registration, has built up at great expense and effort, valuable goodwill symbolized by the mark CHUBBY GORILLA.

30. In view of Chubby Gorilla's prior rights in the mark CHUBBY GORILLA, and in light of Applicant's admission that the goods in the '102 Registration are related to Chubby Gorilla's Goods and Services, Applicant is not entitled to maintain the '102 Registration pursuant to Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

31. In view of Chubby Gorilla's prior rights in GORILLA consisting and/or containing marks, and in light of Applicant's admission that the goods in the '102 Registration are related to Chubby Gorilla's Goods, Applicant is not entitled to maintain the '102 Registration pursuant to Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

32. In light of Applicant's admission that the goods in the '102 Registration are related to Chubby Gorilla's Goods and Services, and if the PTO agrees that the goods in the '102 Registration are related to Chubby Gorilla's Goods, Chubby Gorilla submits the '102 Registration is likely to cause confusion with Chubby Gorilla's use prior to the filing date of the '102 Registration



and/or or to cause mistake or to deceive within the meaning of Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d).

33. In light of Applicant's admission that the goods in the '102 Registration are related to Chubby Gorilla's Goods and if the PTO agrees that the goods are related, Chubby Gorilla submits the '102 Registration is likely to cause confusion with Chubby Gorilla's use prior to the filing date of the '102 Registration and/or or to cause mistake or to deceive within the meaning of Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d).

34. Applicant has no license, consent or permission from Chubby Gorilla to use or register the mark GORILLA GRIP.

35. There are no limitations as to the channels of trade in the '102 Registration.

36. There are no limitations as to the consumers in the '102 Registration.

37. As Applicant has admitted that "the goods in Chubby Gorilla's Federal Registrations are related to kitchen and household goods, if the PTO agrees, as Chubby Gorilla is the senior use of the CHUBBY GORILLA mark, the '102 Registration should be cancelled.

38. As Applicant has admitted that the "the goods in Chubby Gorilla's Federal Registrations are related to kitchen and household goods, namely oven mitts and cutting boards." If the PTO agrees, as Chubby Gorilla is the senior use of the CHUBBY GORILLA mark, the '102 Registration should be cancelled.

39. As Applicant has admitted that the mark in the '102 Registration is likely to cause confusion with the mark CHUBBY GORILLA, Applicant should not be entitled to maintain the '102 Registration as Chubby Gorilla is the prior use of the CHUBBY GORILLA mark.

40. As Applicant has admitted that the mark GORILLA GRIP is substantially similar in commercial impression to CHUBBY GORILLA mark, Applicant should not be entitled to maintain the '102 Registration as Chubby Gorilla is the prior use of the CHUBBY GORILLA

mark.

41. The mark GORILLA GRIP is substantially similar in commercial impression to the mark CHUBBY GORILLA.

42. The mark GORILLA GRIP is virtually identical in commercial impression to the CHUBBY GORILLA mark.

43. The mark GORILLA GRIP in the '102 Registration is similar in sight to the mark CHUBBY GORILLA.

44. Based on Applicant's admissions, the goods identified in the '102 Registration, Applicant's goods are related to Chubby Gorilla's Goods.

45. Chubby Gorilla's rights to the CHUBBY GORILLA marks are superior to those of Applicant.

46. Applicant adopted and applied to register the GORILLA GRIP mark with full knowledge of Chubby Gorilla's prior rights in the CHUBBU GORILLA mark.

47. As Applicant has admitted that the mark in the '102 Registration is likely to deceive by falsely suggesting a connection with Chubby Gorilla's Goods, Applicant should not be entitled to maintain the '102 Registration as Chubby Gorilla is the prior use of the GORILLA mark.

48. As Applicant has admitted that the mark in the '102 Registration is likely to deceive by falsely suggesting a connection with Chubby Gorilla's Goods, if the PTO agrees, Applicant should not be entitled to maintain the '102 Registration as Chubby Gorilla is the prior use of the GORILLA mark.

49. As Applicant has admitted that the mark in the '102 Registration is likely to cause confusion with the mark CHUBBY GORILLA, Applicant should not be entitled to maintain the '102 Registration as Chubby Gorilla is the prior use of the GORILLA mark.

50. As Applicant has admitted that the mark GORILLA GRIP is substantially similar in commercial impression to CHUBBY GORILLA mark, Applicant should not be entitled to maintain the '102 Registration as Chubby Gorilla is the prior use of the GORILLA mark.

51. The mark GORILLA GRIP is substantially similar in commercial impression to the mark GORILLA.

52. The mark GORILLA GRIP is virtually identical in commercial impression to the GORILLA mark.

53. The mark GORILLA GRIP in the '505 Registration is similar in sight to the mark GORILLA.

54. Chubby Gorilla's rights to the GORILLA mark are superior to those of Applicant.

55. Applicant adopted and applied to register the GORILLA GRIP mark with full knowledge of Chubby Gorilla's prior rights in the GORILLA mark.

56. Chubby Gorilla is gravely damaged by the continued registration of the mark shown in the '102 Registration as Applicant has incorrectly alleged it has priority.

57. Chubby Gorilla is gravely damaged by the continued registration of the mark shown in the '102 Registration as Applicant has alleged that the goods in the '102 Registration are likely to cause confusion with Chubby Gorilla's Goods.

58. Chubby Gorilla is gravely damaged by the continued registration of the mark shown in the '102 Registration as Applicant has alleged the '102 Registration as a basis for cancelling Chubby Gorilla's Registration Nos. 4949119, 5053505, 5209538, 5223288, and 6098811.

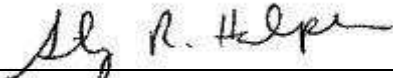
WHEREFORE, Chubby Gorilla prays that Applicant's Counter-Claim for Cancellation be dismissed in its entirety and that Chubby Gorilla's Opposition and Counter-Claim for Cancellation be granted. As the ESTTA filing system does not have a prompt for payment when

filing an answer to a counterclaim for cancellation and filing a counterclaim for cancellation, please charge Deposit Account No. 11-1410 for any fees which may be required.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: June 9, 2021

By: 

Stacey R. Halpern

2040 Main Street, 14<sup>th</sup> Floor

Irvine, California 92614

Attorneys for Opposer/Counter-Claim Respondent  
and Counter-Counter-Claim Petitioner

Chubby Gorilla, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that I served a copy of the foregoing **ANSWER TO COUNTERCLAIM FOR CANCELLATION, AFFIRMATIVE DEFENSES AND COUNTERCLAIM FOR CANCELLATION OF REGISTRATION NO. 5060102** upon Applicant's counsel by electronic mail on June 9, 2021, addressed as follows:

David Jacobson

davidj@gjip.com, pto@gordonjacobson.com

  
\_\_\_\_\_  
Lisa Helmle

**Generated on:** This page was generated by TSDR on 2021-06-09 11:37:29 EDT

**Mark:** CHUBBY GORILLA

CHUBBY GORILLA

**US Serial Number:** 87257945

**Application Filing Date:** Dec. 05, 2016

**US Registration Number:** 5223288

**Registration Date:** Jun. 13, 2017

**Filed as TEAS RF:** Yes

**Currently TEAS RF:** Yes

**Register:** Principal

**Mark Type:** Trademark

**TM5 Common Status Descriptor:**



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

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

**Status Date:** Feb. 06, 2019

**Publication Date:** Mar. 28, 2017

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## Mark Information

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**Mark Literal Elements:** CHUBBY GORILLA

**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

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## Related Properties Information

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**International Registration Number:** 1373372

**International Application(s) /Registration(s) Based on this Property:** A0069779/1373372

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## Goods and Services

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**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:** Reusable glass dropper bottles for administering medication sold empty; reusable plastic dropper bottles for administering medication sold empty

**International Class(es):** 010 - Primary Class

**U.S Class(es):** 026, 039, 044

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Apr. 04, 2014

**Use in Commerce:** Jan. 29, 2015

**For:** Reusable glass containers and vials for medication sold empty for personal use; reusable plastic containers and vials for medication sold empty for personal use

**International** 021 - Primary Class

**U.S Class(es):** 002, 013, 023, 029, 030, 033, 040, 050

**Class(es):****Class Status:** ACTIVE**Basis:** 1(a)**First Use:** Apr. 04, 2014**Use in Commerce:** Jan. 29, 2015**Basis Information (Case Level)****Filed Use:** Yes**Currently Use:** Yes**Filed ITU:** No**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:** CHUBBY GORILLA, INC.**Owner Address:** 4320 N. Harbor Blvd.  
Fullerton, CALIFORNIA UNITED STATES 92835**Legal Entity Type:** CORPORATION**State or Country** CALIFORNIA  
**Where Organized:****Attorney/Correspondence Information****Attorney of Record****Attorney Name:** Stacey R. Halpern**Docket Number:** CHGOR.039T**Attorney Primary** [efiling@knobbe.com](mailto:efiling@knobbe.com)  
**Email Address:****Attorney Email** Yes  
**Authorized:****Correspondent****Correspondent** Stacey R. Halpern  
**Name/Address:** KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET, 14TH FLOOR  
IRVINE, CALIFORNIA UNITED STATES 92614**Phone:** 949-760-0404**Fax:** (949) 760-9502**Correspondent e-** [efiling@knobbe.com](mailto:efiling@knobbe.com)  
**mail:****Correspondent e-** Yes  
**mail Authorized:****Domestic Representative - Not Found****Prosecution History**

Date	Description	Proceeding Number
Oct. 09, 2020	NOTICE OF SUIT	
May 08, 2020	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
May 08, 2020	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
May 08, 2020	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
May 08, 2020	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
May 08, 2020	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
May 06, 2020	NOTICE OF SUIT	
Feb. 06, 2019	TTAB RELEASE CASE TO TRADEMARKS	68428
Feb. 06, 2019	CANCELLATION TERMINATED NO. 999999	68428
Feb. 05, 2019	CANCELLATION DENIED NO. 999999	68428
Aug. 06, 2018	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Aug. 06, 2018	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
May 04, 2018	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
May 04, 2018	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Apr. 26, 2018	CANCELLATION INSTITUTED NO. 999999	68428
Mar. 01, 2018	NOTICE OF SUIT	

Jun. 13, 2017	REGISTERED-PRINCIPAL REGISTER	
Mar. 28, 2017	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Mar. 28, 2017	PUBLISHED FOR OPPOSITION	
Mar. 08, 2017	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Feb. 21, 2017	LAW OFFICE PUBLICATION REVIEW COMPLETED	76568
Feb. 01, 2017	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 31, 2017	TEAS/EMAIL CORRESPONDENCE ENTERED	76568
Jan. 31, 2017	CORRESPONDENCE RECEIVED IN LAW OFFICE	76568
Jan. 30, 2017	ASSIGNED TO LIE	76568
Jan. 10, 2017	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jan. 10, 2017	NOTIFICATION OF EXAMINER'S AMENDMENT/PRIORITY ACTION E-MAILED	6326
Jan. 10, 2017	EXAMINER'S AMENDMENT/PRIORITY ACTION E-MAILED	6326
Jan. 10, 2017	COMBINED EXAMINER'S AMENDMENT/PRIORITY ACTION AUTOMATIC ENTRY	76509
Jan. 10, 2017	EXAMINERS AMENDMENT AND/OR PRIORITY ACTION - COMPLETED	76509
Jan. 09, 2017	ASSIGNED TO EXAMINER	76509
Dec. 09, 2016	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Dec. 08, 2016	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:** Jun. 13, 2017

## Proceedings

### Summary

**Number of Proceedings:** 5

### Type of Proceeding: Opposition

**Proceeding Number:** [91266658](#)

**Filing Date:** Dec 18, 2020

**Status:** Consolidated/Child Case

**Status Date:** Feb 03, 2021

**Interlocutory Attorney:** MARY CATHERINE FAINT

#### Defendant

**Name:** Hills Point Industries, LLC

**Correspondent Address:** DAVID JACOBSON  
GORDON & JACOBSON PC  
60 LONG RIDGE ROAD, STE 407  
STAMFORD CT UNITED STATES , 06905

**Correspondent e-mail:** [davidj@gjip.com](mailto:davidj@gjip.com) , [pto@gordonjacobson.com](mailto:pto@gordonjacobson.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
GORILLA GRIP	Opposition Pending	<a href="#">88815304</a>	
GORILLA GRIP	Opposition Pending	<a href="#">88701306</a>	

#### Plaintiff(s)

**Name:** Chubby Gorilla, Inc.

**Correspondent Address:** STACEY HALPERN  
KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET, 14TH FLOOR  
IRVINE CA UNITED STATES , 92614

**Correspondent e-mail:** [efiling@knobbe.com](mailto:efiling@knobbe.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
CHUBBY GORILLA	Registered	<a href="#">86524939</a>	<a href="#">4949119</a>
CHUBBY GORILLA	Registered	<a href="#">88373580</a>	<a href="#">6098811</a>
CHUBBY GORILLA	Registered	<a href="#">86900621</a>	<a href="#">5053505</a>
CHUBBY GORILLA	Registered	<a href="#">87257945</a>	<a href="#">5223288</a>
GORILLA	Registered	<a href="#">87272013</a>	<a href="#">5209538</a>

#### Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 18, 2020	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 22, 2020	Jan 31, 2021
3	INSTITUTED	Dec 22, 2020	
4	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Jan 13, 2021	
5	SUSPENDED	Jan 13, 2021	
6	CONSOLIDATED W/91253105; SUSPENDED	Feb 03, 2021	
7	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Feb 10, 2021	
8	ANSWER AND COUNTERCLAIM ( FEE)	Apr 14, 2021	

#### Type of Proceeding: Opposition

**Proceeding Number:** [91254743](#)

**Filing Date:** Mar 18, 2020

**Status:** Consolidated/Child Case

**Status Date:** Sep 23, 2020

**Interlocutory Attorney:** MARY CATHERINE FAINT

#### Defendant

**Name:** Hills Point Industries, LLC

**Correspondent Address:** DAVID S JACOBSON  
GORDON & JACOBSON PC  
60 LONG RIDGE ROAD, SUITE 407  
STAMFORD CT UNITED STATES , 06902

**Correspondent e-mail:** [pto@gordonjacobson.com](mailto:pto@gordonjacobson.com) , [davidj@gjip.com](mailto:davidj@gjip.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
GORILLA GRIP	Opposition Pending	<a href="#">88344162</a>	
GORILLA GRIP	Opposition Pending	<a href="#">88612360</a>	

#### Plaintiff(s)

**Name:** Chubby Gorilla, Inc.

**Correspondent Address:** SACEY HALPERN  
KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET, 14TH FLOOR  
IRVINE CA UNITED STATES , 92614

**Correspondent e-mail:** [efiling@knobbe.com](mailto:efiling@knobbe.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
CHUBBY GORILLA	Registered	<a href="#">86524939</a>	<a href="#">4949119</a>
CHUBBY GORILLA	Registered	<a href="#">86900621</a>	<a href="#">5053505</a>
CHUBBY GORILLA	Registered	<a href="#">87257945</a>	<a href="#">5223288</a>

#### Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 18, 2020	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 18, 2020	Apr 27, 2020
3	INSTITUTED	Mar 18, 2020	
4	ANSWER	Apr 27, 2020	



5	P MOT TO CONSOLIDATE	Jul 30, 2020
6	D OPP/RESP TO MOTION	Aug 19, 2020
7	D OPP/RESP TO MOTION	Aug 19, 2020
8	MOT TO DIVIDE APPLICATION	Aug 24, 2020
9	CONSOLIDATED (CHILD); MOT TO DIVIDE GRANTED	Sep 23, 2020
10	CONSOLIDATED FURTHER W/91266658; SUSPENDED	Feb 03, 2021

### Type of Proceeding: Opposition

**Proceeding Number:** [91253653](#)

**Filing Date:** Jan 16, 2020

**Status:** Consolidated/Child Case

**Status Date:** Sep 23, 2020

**Interlocutory Attorney:** MARY CATHERINE FAINT

#### Defendant

**Name:** Hills Point Industries, LLC

**Correspondent Address:** DAVID S JACOBSON  
GORDON & JACOBSON PC  
60 LONG RIDGE ROAD, SUITE 407  
STAMFORD CT UNITED STATES , 06902

**Correspondent e-mail:** [pto@gordonjacobson.com](mailto:pto@gordonjacobson.com) , [davidj@gjip.com](mailto:davidj@gjip.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
GORILLA GRIP	Opposition Pending	<a href="#">88449165</a>	
GORILLA GRIP	Opposition Pending	<a href="#">88406724</a>	
GORILLA GRIP	Opposition Pending	<a href="#">88406769</a>	

#### Plaintiff(s)

**Name:** Chubby Gorilla, Inc.

**Correspondent Address:** STACEY R HALPERN  
KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET, 14TH FLOOR  
IRVINE CA UNITED STATES , 92614

**Correspondent e-mail:** [efiling@knobbe.com](mailto:efiling@knobbe.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
CHUBBY GORILLA	Registered	<a href="#">86524939</a>	<a href="#">4949119</a>
CHUBBY GORILLA	Registered	<a href="#">86900621</a>	<a href="#">5053505</a>
CHUBBY GORILLA	Registered	<a href="#">87257945</a>	<a href="#">5223288</a>

#### Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 16, 2020	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 24, 2020	Mar 04, 2020
3	INSTITUTED	Jan 24, 2020	
4	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Jan 29, 2020	
5	SUSPENDED	Jan 29, 2020	
6	ANSWER	Apr 27, 2020	
7	P MOT TO CONSOLIDATE	Jul 30, 2020	
8	D OPP/RESP TO MOTION	Aug 19, 2020	
9	CONSOLIDATED (CHILD)	Sep 23, 2020	
10	CONSOLIDATED FURTHER W/91266658; SUSPENDED	Feb 03, 2021	

### Type of Proceeding: Opposition

**Proceeding Number:** [91253105](#)

**Filing Date:** Dec 23, 2019

**Status:** Suspended

**Status Date:** Jun 08, 2021

**Interlocutory Attorney:** MARY CATHERINE FAINT

**Defendant**

**Name:** Hills Point Industries, LLC

**Correspondent Address:** DAVID S JACOBSON  
GORDON & JACOBSON PC  
60 LONG RIDGE ROAD, SUITE 407  
STAMFORD CT UNITED STATES , 06902

**Correspondent e-mail:** [pto@gordonjacobson.com](mailto:pto@gordonjacobson.com) , [davidj@gjip.com](mailto:davidj@gjip.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
GORILLA GRIP	Opposition Pending	<a href="#">88184698</a>	

**Plaintiff(s)**

**Name:** Chubby Gorilla, Inc.

**Correspondent Address:** STACEY R HALPERN  
KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET, 14TH FLOOR  
IRVINE CA UNITED STATES , 92614

**Correspondent e-mail:** [efiling@knobbe.com](mailto:efiling@knobbe.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
CHUBBY GORILLA	Registered	<a href="#">86524939</a>	<a href="#">4949119</a>
CHUBBY GORILLA	Registered	<a href="#">86900621</a>	<a href="#">5053505</a>
CHUBBY GORILLA	Registered	<a href="#">87257945</a>	<a href="#">5223288</a>
GORILLA	Registered	<a href="#">87272013</a>	<a href="#">5209538</a>
CHUBBY GORILLA	Registered	<a href="#">88373580</a>	<a href="#">6098811</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 23, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 23, 2019	Feb 01, 2020
3	INSTITUTED	Dec 23, 2019	
4	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Jan 29, 2020	
5	SUSPENDED	Jan 29, 2020	
6	ANSWER	Mar 30, 2020	
7	P MOT TO CONSOLIDATE	Jul 30, 2020	
8	D OPP/RESP TO MOTION	Aug 19, 2020	
9	D OPP/RESP TO MOTION	Aug 19, 2020	
10	MOT TO DIVIDE APPLICATION	Aug 24, 2020	
11	CONSOLIDATED (PARENT); MOT TO DIVIDE GRANTED	Sep 23, 2020	
12	D MOT FOR EXT W/O CONSENT	Nov 02, 2020	
13	P OPP/RESP TO MOTION	Nov 20, 2020	
14	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Jan 13, 2021	
15	CONSOLIDATED FURTHER W/91266658; SUSPENDED	Feb 03, 2021	
16	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Feb 10, 2021	
17	SUSPENDED	Feb 24, 2021	
18	ANSWER TO OPP 91266658 AND COUNTERCLAIM	Apr 14, 2021	
19	ANSWER TO COUNTERCLAIM DUE ( DUE DATE)	May 12, 2021	Jun 11, 2021
20	P MOT TO DISMISS COUNTERCLAIM: FRCP 12(B)	Jun 02, 2021	

**Type of Proceeding: Cancellation**

**Proceeding Number:** [92068428](#)

**Filing Date:** Apr 24, 2018

**Status:** Terminated

**Status Date:** Feb 06, 2019

Interlocutory Attorney: ELIZABETH WINTER

**Defendant**

**Name:** Chubby Gorilla, Inc.

**Correspondent Address:** STACEY R HALPERN  
CHUBBY GORILLA INC  
2040 MAIN ST 14TH FL  
IRVINE CA UNITED STATES , 92614

**Correspondent e-mail:** [efiling@knobbe.com](mailto:efiling@knobbe.com) , [stacey.halpern@knobbe.com](mailto:stacey.halpern@knobbe.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
CHUBBY GORILLA	Registered	<a href="#">86524939</a>	<a href="#">4949119</a>
CHUBBY GORILLA	Registered	<a href="#">86900621</a>	<a href="#">5053505</a>
CHUBBY GORILLA	Registered	<a href="#">86932401</a>	<a href="#">5054694</a>
	Registered	<a href="#">87082330</a>	<a href="#">5137172</a>
GORILLA	Registered	<a href="#">87272013</a>	<a href="#">5209538</a>
	Registered	<a href="#">87190007</a>	<a href="#">5221844</a>
CHUBBY GORILLA	Registered	<a href="#">87257945</a>	<a href="#">5223288</a>

**Plaintiff(s)**

**Name:** Alien Visions E-Juice, Inc.

**Correspondent Address:** AMANDA G HYLAND  
TAYLOR ENGLISH DUMA LLP  
1600 PARKWOOD CIRCLE STE 400  
ATLANTA GA UNITED STATES , 30339

**Correspondent e-mail:** [ahyland@taylorenghish.com](mailto:ahyland@taylorenghish.com) , [kelleby@taylorenghish.com](mailto:kelleby@taylorenghish.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
	Registered	<a href="#">87890106</a>	<a href="#">6291777</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 24, 2018	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 26, 2018	Jun 05, 2018
3	PENDING, INSTITUTED	Apr 26, 2018	
4	ANSWER	Jun 04, 2018	
5	D CHANGE OF CORRESP ADDRESS	Jun 04, 2018	
6	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Jul 10, 2018	
7	SUSPENDED	Jul 13, 2018	
8	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Sep 27, 2018	
9	SUSPENDED	Sep 27, 2018	
10	W/DRAW OF PET FOR CANCELLATION	Jan 09, 2019	
11	BD DECISION: CAN DENIED	Feb 05, 2019	
12	TERMINATED	Feb 06, 2019	

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Mark: GORILLA

# GORILLA

US Serial Number: 87272013

Application Filing Date: Dec. 16, 2016

US Registration Number: 5209538

Registration Date: May 23, 2017

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

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

Status Date: Feb. 06, 2019

Publication Date: Mar. 07, 2017

## Mark Information

Mark Literal Elements: GORILLA

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

## 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:** Reusable glass dropper bottles for administering medication sold empty; reusable plastic dropper bottles for administering medication sold empty

**International Class(es):** 010 - Primary Class

**U.S Class(es):** 026, 039, 044

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Apr. 04, 2014

**Use in Commerce:** Jan. 29, 2015

**For:** Reusable glass bottles sold empty; reusable plastic bottles sold empty; reusable glass containers and vials for medication sold empty for personal use; reusable plastic containers and vials for medication sold empty for personal use

**International Class(es):** 021 - Primary Class

**U.S Class(es):** 002, 013, 023, 029, 030, 033, 040, 050

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Apr. 04, 2014

**Use in Commerce:** Jan. 29, 2015

**For:** [ Electronic cigarette liquid (e-liquid) comprised of flavorings in liquid form, other than essential oils, used to refill electronic cigarette cartridges; electronic cigarettes; electronic cigarettes for use as an alternative to traditional cigarettes; electronic hookahs; smokeless cigar vaporizer pipes; smokeless cigarette vaporizer pipe; ] Electronic cigarette drip tips sold as a component of electronic cigarettes

**International Class(es):** 034 - Primary Class

**U.S Class(es):** 002, 008, 009, 017

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Apr. 04, 2014

**Use in Commerce:** Jan. 29, 2015

## Basis Information (Case Level)

**Filed Use:** Yes

**Currently Use:** Yes

**Filed ITU:** No

**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:** CHUBBY GORILLA, INC.

**Owner Address:** 4320 N. Harbor Blvd.  
Fullerton, CALIFORNIA UNITED STATES 92835

**Legal Entity Type:** CORPORATION

**State or Country** CALIFORNIA  
**Where Organized:**

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Stacey R. Halpern

**Docket Number:** CHGOR.041T

**Attorney Primary** [efiling@knobbe.com](mailto:efiling@knobbe.com)  
**Email Address:**

**Attorney Email** Yes  
**Authorized:**

### Correspondent

**Correspondent** Stacey R. Halpern  
**Name/Address:** KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET, 14TH FLOOR  
IRVINE, CALIFORNIA UNITED STATES 92614

**Phone:** 949-760-0404

**Fax:** (949) 760-9502

**Correspondent e-** [efiling@knobbe.com](mailto:efiling@knobbe.com)  
**mail:**

**Correspondent e-** Yes  
**mail Authorized:**

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Oct. 09, 2020	NOTICE OF SUIT	
May 08, 2020	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
May 08, 2020	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
May 08, 2020	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
May 08, 2020	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
May 08, 2020	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
May 06, 2020	NOTICE OF SUIT	
Jul. 23, 2019	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Mar. 20, 2019	AMENDMENT UNDER SECTION 7 Â- PROCESSED	71378
Mar. 19, 2019	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	71378
Feb. 07, 2019	TEAS SECTION 7 REQUEST RECEIVED	
Feb. 06, 2019	TTAB RELEASE CASE TO TRADEMARKS	68428
Feb. 06, 2019	CANCELLATION TERMINATED NO. 999999	68428
Feb. 05, 2019	CANCELLATION DENIED NO. 999999	68428
Aug. 06, 2018	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Aug. 06, 2018	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
May 04, 2018	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	

May 04, 2018	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Apr. 26, 2018	CANCELLATION INSTITUTED NO. 999999	68428
Mar. 01, 2018	NOTICE OF SUIT	
May 23, 2017	REGISTERED-PRINCIPAL REGISTER	
Mar. 07, 2017	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Mar. 07, 2017	PUBLISHED FOR OPPOSITION	
Feb. 15, 2017	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jan. 10, 2017	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 10, 2017	EXAMINER'S AMENDMENT ENTERED	88888
Jan. 10, 2017	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jan. 10, 2017	EXAMINERS AMENDMENT E-MAILED	6328
Jan. 10, 2017	EXAMINERS AMENDMENT -WRITTEN	76509
Jan. 09, 2017	ASSIGNED TO EXAMINER	76509
Dec. 23, 2016	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Dec. 20, 2016	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

**Current Location:** POST REGISTRATION

**Date in Location:** Mar. 20, 2019

## Proceedings

### Summary

**Number of Proceedings:** 3

### Type of Proceeding: Opposition

**Proceeding Number:** [91266658](#)

**Filing Date:** Dec 18, 2020

**Status:** Consolidated/Child Case

**Status Date:** Feb 03, 2021

**Interlocutory Attorney:** MARY CATHERINE FAINT

#### Defendant

**Name:** Hills Point Industries, LLC

**Correspondent Address:** DAVID JACOBSON  
GORDON & JACOBSON PC  
60 LONG RIDGE ROAD, STE 407  
STAMFORD CT UNITED STATES , 06905

**Correspondent e-mail:** [davidj@gjip.com](mailto:davidj@gjip.com) , [pto@gordonjacobson.com](mailto:pto@gordonjacobson.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
GORILLA GRIP	Opposition Pending	<a href="#">88815304</a>	
GORILLA GRIP	Opposition Pending	<a href="#">88701306</a>	

#### Plaintiff(s)

**Name:** Chubby Gorilla, Inc.

**Correspondent Address:** STACEY HALPERN  
KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET, 14TH FLOOR  
IRVINE CA UNITED STATES , 92614

**Correspondent e-mail:** [efiling@knobbe.com](mailto:efiling@knobbe.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
------	--------------------	---------------	---------------------

CHUBBY GORILLA	Registered	<a href="#">86524939</a>	<a href="#">4949119</a>
CHUBBY GORILLA	Registered	<a href="#">88373580</a>	<a href="#">6098811</a>
CHUBBY GORILLA	Registered	<a href="#">86900621</a>	<a href="#">5053505</a>
CHUBBY GORILLA	Registered	<a href="#">87257945</a>	<a href="#">5223288</a>
GORILLA	Registered	<a href="#">87272013</a>	<a href="#">5209538</a>

#### Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 18, 2020	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 22, 2020	Jan 31, 2021
3	INSTITUTED	Dec 22, 2020	
4	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Jan 13, 2021	
5	SUSPENDED	Jan 13, 2021	
6	CONSOLIDATED W/91253105; SUSPENDED	Feb 03, 2021	
7	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Feb 10, 2021	
8	ANSWER AND COUNTERCLAIM ( FEE)	Apr 14, 2021	

#### Type of Proceeding: Opposition

**Proceeding Number:** [91253105](#)

**Filing Date:** Dec 23, 2019

**Status:** Suspended

**Status Date:** Jun 08, 2021

**Interlocutory Attorney:** MARY CATHERINE FAINT

#### Defendant

**Name:** Hills Point Industries, LLC

**Correspondent Address:** DAVID S JACOBSON  
GORDON & JACOBSON PC  
60 LONG RIDGE ROAD, SUITE 407  
STAMFORD CT UNITED STATES , 06902

**Correspondent e-mail:** [pto@gordonjacobson.com](mailto:pto@gordonjacobson.com) , [davidj@gjip.com](mailto:davidj@gjip.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
GORILLA GRIP	Opposition Pending	<a href="#">88184698</a>	

#### Plaintiff(s)

**Name:** Chubby Gorilla, Inc.

**Correspondent Address:** STACEY R HALPERN  
KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET, 14TH FLOOR  
IRVINE CA UNITED STATES , 92614

**Correspondent e-mail:** [efiling@knobbe.com](mailto:efiling@knobbe.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
CHUBBY GORILLA	Registered	<a href="#">86524939</a>	<a href="#">4949119</a>
CHUBBY GORILLA	Registered	<a href="#">86900621</a>	<a href="#">5053505</a>
CHUBBY GORILLA	Registered	<a href="#">87257945</a>	<a href="#">5223288</a>
GORILLA	Registered	<a href="#">87272013</a>	<a href="#">5209538</a>
CHUBBY GORILLA	Registered	<a href="#">88373580</a>	<a href="#">6098811</a>

#### Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 23, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 23, 2019	Feb 01, 2020
3	INSTITUTED	Dec 23, 2019	
4	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Jan 29, 2020	
5	SUSPENDED	Jan 29, 2020	

6	ANSWER	Mar 30, 2020	
7	P MOT TO CONSOLIDATE	Jul 30, 2020	
8	D OPP/RESP TO MOTION	Aug 19, 2020	
9	D OPP/RESP TO MOTION	Aug 19, 2020	
10	MOT TO DIVIDE APPLICATION	Aug 24, 2020	
11	CONSOLIDATED (PARENT); MOT TO DIVIDE GRANTED	Sep 23, 2020	
12	D MOT FOR EXT W/O CONSENT	Nov 02, 2020	
13	P OPP/RESP TO MOTION	Nov 20, 2020	
14	P MOT TO SUSP W/ CONSENT PEND SETTLE NEGOTIATIONS	Jan 13, 2021	
15	CONSOLIDATED FURTHER W/91266658; SUSPENDED	Feb 03, 2021	
16	P MOT TO SUSP W/ CONSENT PEND SETTLE NEGOTIATIONS	Feb 10, 2021	
17	SUSPENDED	Feb 24, 2021	
18	ANSWER TO OPP 91266658 AND COUNTERCLAIM	Apr 14, 2021	
19	ANSWER TO COUNTERCLAIM DUE ( DUE DATE)	May 12, 2021	Jun 11, 2021
20	P MOT TO DISMISS COUNTERCLAIM: FRCP 12(B)	Jun 02, 2021	

### Type of Proceeding: Cancellation

**Proceeding Number:** [92068428](#)

**Filing Date:** Apr 24, 2018

**Status:** Terminated

**Status Date:** Feb 06, 2019

**Interlocutory Attorney:** ELIZABETH WINTER

#### Defendant

**Name:** Chubby Gorilla, Inc.

**Correspondent Address:** STACEY R HALPERN  
CHUBBY GORILLA INC  
2040 MAIN ST 14TH FL  
IRVINE CA UNITED STATES , 92614

**Correspondent e-mail:** [efiling@knobbe.com](mailto:efiling@knobbe.com) , [stacey.halpern@knobbe.com](mailto:stacey.halpern@knobbe.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
CHUBBY GORILLA	Registered	<a href="#">86524939</a>	<a href="#">4949119</a>
CHUBBY GORILLA	Registered	<a href="#">86900621</a>	<a href="#">5053505</a>
CHUBBY GORILLA	Registered	<a href="#">86932401</a>	<a href="#">5054694</a>
	Registered	<a href="#">87082330</a>	<a href="#">5137172</a>
GORILLA	Registered	<a href="#">87272013</a>	<a href="#">5209538</a>
	Registered	<a href="#">87190007</a>	<a href="#">5221844</a>
CHUBBY GORILLA	Registered	<a href="#">87257945</a>	<a href="#">5223288</a>

#### Plaintiff(s)

**Name:** Alien Visions E-Juice, Inc.

**Correspondent Address:** AMANDA G HYLAND  
TAYLOR ENGLISH DUMA LLP  
1600 PARKWOOD CIRCLE STE 400  
ATLANTA GA UNITED STATES , 30339

**Correspondent e-mail:** [ahyland@taylorenghish.com](mailto:ahyland@taylorenghish.com) , [kelleby@taylorenghish.com](mailto:kelleby@taylorenghish.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
	Registered	<a href="#">87890106</a>	<a href="#">6291777</a>

#### Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 24, 2018	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 26, 2018	Jun 05, 2018
3	PENDING, INSTITUTED	Apr 26, 2018	



4	ANSWER	Jun 04, 2018
5	D CHANGE OF CORRESP ADDRESS	Jun 04, 2018
6	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Jul 10, 2018
7	SUSPENDED	Jul 13, 2018
8	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Sep 27, 2018
9	SUSPENDED	Sep 27, 2018
10	W/DRAW OF PET FOR CANCELLATION	Jan 09, 2019
11	BD DECISION: CAN DENIED	Feb 05, 2019
12	TERMINATED	Feb 06, 2019

Generated on: This page was generated by TSDR on 2021-06-09 11:28:56 EDT

Mark: CHUBBY GORILLA



US Serial Number: 86900621

Application Filing Date: Feb. 08, 2016

US Registration Number: 5053505

Registration Date: Oct. 04, 2016

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

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

Status Date: Feb. 06, 2019

Publication Date: Jul. 19, 2016

## Mark Information

Mark Literal Elements: CHUBBY GORILLA

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 gorilla logo to the left of the stylized text "CHUBBY GORILLA".

Color(s) Claimed: Color is not claimed as a feature of the mark.

Design Search Code(s): 03.11.01 - Orangutans; Monkeys; Apes; Chimpanzees; Baboons; Gorillas

## 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: Reusable glass bottles, sold empty, not for medical use, not for drinking purposes; Reusable plastic bottles, sold empty, not for medical use, not for drinking purposes

International Class(es): 021 - Primary Class

U.S Class(es): 002, 013, 023, 029, 030, 033, 040, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 04, 2014

Use in Commerce: Jan. 29, 2015

## Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: Yes

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:** CHUBBY GORILLA, INC.

**Owner Address:** 4320 N. Harbor Blvd.  
Fullerton, CALIFORNIA UNITED STATES 92835

**Legal Entity Type:** CORPORATION

**State or Country** CALIFORNIA  
**Where Organized:**

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Stacey R. Halpern

**Docket Number:** CHGOR.037T

**Attorney Primary** [efiling@knobbe.com](mailto:efiling@knobbe.com)  
**Email Address:**

**Attorney Email** Yes  
**Authorized:**

### Correspondent

**Correspondent** Stacey R. Halpern  
**Name/Address:** KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET, 14TH FLOOR  
IRVINE, CALIFORNIA UNITED STATES 92614

**Phone:** 949-760-0404

**Fax:** (949) 760-9502

**Correspondent e-** [efiling@knobbe.com](mailto:efiling@knobbe.com)  
**mail:**

**Correspondent e-** Yes  
**mail Authorized:**

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
May 08, 2020	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
May 08, 2020	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
May 08, 2020	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
May 08, 2020	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
May 08, 2020	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Feb. 06, 2019	TTAB RELEASE CASE TO TRADEMARKS	68428
Feb. 06, 2019	CANCELLATION TERMINATED NO. 999999	68428
Feb. 05, 2019	CANCELLATION DENIED NO. 999999	68428
Aug. 06, 2018	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Aug. 06, 2018	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
May 04, 2018	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
May 04, 2018	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Apr. 26, 2018	CANCELLATION INSTITUTED NO. 999999	68428
Oct. 04, 2016	REGISTERED-PRINCIPAL REGISTER	
Jul. 19, 2016	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jul. 19, 2016	PUBLISHED FOR OPPOSITION	
Jun. 29, 2016	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jun. 13, 2016	LAW OFFICE PUBLICATION REVIEW COMPLETED	70138
Jun. 06, 2016	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 01, 2016	EXAMINER'S AMENDMENT ENTERED	70138
Jun. 01, 2016	ASSIGNED TO LIE	70138
Jun. 01, 2016	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jun. 01, 2016	EXAMINERS AMENDMENT E-MAILED	6328
Jun. 01, 2016	EXAMINERS AMENDMENT -WRITTEN	92990
May 31, 2016	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
May 31, 2016	NON-FINAL ACTION E-MAILED	6325
May 31, 2016	NON-FINAL ACTION WRITTEN	92990

May 24, 2016 ASSIGNED TO EXAMINER  
 Feb. 12, 2016 NOTICE OF DESIGN SEARCH CODE E-MAILED  
 Feb. 11, 2016 NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM

92990

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Oct. 04, 2016

## Proceedings

### Summary

**Number of Proceedings:** 6

### Type of Proceeding: Opposition

**Proceeding Number:** [91266658](#)

**Filing Date:** Dec 18, 2020

**Status:** Consolidated/Child Case

**Status Date:** Feb 03, 2021

**Interlocutory Attorney:** MARY CATHERINE FAINT

#### Defendant

**Name:** Hills Point Industries, LLC

**Correspondent Address:** DAVID JACOBSON  
 GORDON & JACOBSON PC  
 60 LONG RIDGE ROAD, STE 407  
 STAMFORD CT UNITED STATES , 06905

**Correspondent e-mail:** [davidj@gjip.com](mailto:davidj@gjip.com) , [pto@gordonjacobson.com](mailto:pto@gordonjacobson.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
GORILLA GRIP	Opposition Pending	<a href="#">88815304</a>	
GORILLA GRIP	Opposition Pending	<a href="#">88701306</a>	

#### Plaintiff(s)

**Name:** Chubby Gorilla, Inc.

**Correspondent Address:** STACEY HALPERN  
 KNOBBE MARTENS OLSON & BEAR LLP  
 2040 MAIN STREET, 14TH FLOOR  
 IRVINE CA UNITED STATES , 92614

**Correspondent e-mail:** [efiling@knobbe.com](mailto:efiling@knobbe.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
CHUBBY GORILLA	Registered	<a href="#">86524939</a>	<a href="#">4949119</a>
CHUBBY GORILLA	Registered	<a href="#">88373580</a>	<a href="#">6098811</a>
CHUBBY GORILLA	Registered	<a href="#">86900621</a>	<a href="#">5053505</a>
CHUBBY GORILLA	Registered	<a href="#">87257945</a>	<a href="#">5223288</a>
GORILLA	Registered	<a href="#">87272013</a>	<a href="#">5209538</a>

#### Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 18, 2020	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 22, 2020	Jan 31, 2021
3	INSTITUTED	Dec 22, 2020	
4	P MOT TO SUSP W/ CONSENT PEND SETTLE NEGOTIATIONS	Jan 13, 2021	
5	SUSPENDED	Jan 13, 2021	

6	CONSOLIDATED W/91253105; SUSPENDED	Feb 03, 2021
7	P MOT TO SUSP W/ CONSENT PEND SETTLE NEGOTIATIONS	Feb 10, 2021
8	ANSWER AND COUNTERCLAIM ( FEE)	Apr 14, 2021

**Type of Proceeding: Opposition**

**Proceeding Number:** [91254743](#) **Filing Date:** Mar 18, 2020  
**Status:** Consolidated/Child Case **Status Date:** Sep 23, 2020  
**Interlocutory Attorney:** MARY CATHERINE FAINT

**Defendant**

**Name:** Hills Point Industries, LLC  
**Correspondent Address:** DAVID S JACOBSON  
 GORDON & JACOBSON PC  
 60 LONG RIDGE ROAD, SUITE 407  
 STAMFORD CT UNITED STATES , 06902  
**Correspondent e-mail:** [pto@gordonjacobson.com](mailto:pto@gordonjacobson.com) , [davidj@gjip.com](mailto:davidj@gjip.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
GORILLA GRIP	Opposition Pending	<a href="#">88344162</a>	
GORILLA GRIP	Opposition Pending	<a href="#">88612360</a>	

**Plaintiff(s)**

**Name:** Chubby Gorilla, Inc.  
**Correspondent Address:** SACEY HALPERN  
 KNOBBE MARTENS OLSON & BEAR LLP  
 2040 MAIN STREET, 14TH FLOOR  
 IRVINE CA UNITED STATES , 92614  
**Correspondent e-mail:** [efiling@knobbe.com](mailto:efiling@knobbe.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
CHUBBY GORILLA	Registered	<a href="#">86524939</a>	<a href="#">4949119</a>
CHUBBY GORILLA	Registered	<a href="#">86900621</a>	<a href="#">5053505</a>
CHUBBY GORILLA	Registered	<a href="#">87257945</a>	<a href="#">5223288</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 18, 2020	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 18, 2020	Apr 27, 2020
3	INSTITUTED	Mar 18, 2020	
4	ANSWER	Apr 27, 2020	
5	P MOT TO CONSOLIDATE	Jul 30, 2020	
6	D OPP/RESP TO MOTION	Aug 19, 2020	
7	D OPP/RESP TO MOTION	Aug 19, 2020	
8	MOT TO DIVIDE APPLICATION	Aug 24, 2020	
9	CONSOLIDATED (CHILD); MOT TO DIVIDE GRANTED	Sep 23, 2020	
10	CONSOLIDATED FURTHER W/91266658; SUSPENDED	Feb 03, 2021	

**Type of Proceeding: Opposition**

**Proceeding Number:** [91253653](#) **Filing Date:** Jan 16, 2020  
**Status:** Consolidated/Child Case **Status Date:** Sep 23, 2020  
**Interlocutory Attorney:** MARY CATHERINE FAINT

**Defendant**

**Name:** Hills Point Industries, LLC

**Correspondent** DAVID S JACOBSON  
**Address:** GORDON & JACOBSON PC  
60 LONG RIDGE ROAD, SUITE 407  
STAMFORD CT UNITED STATES , 06902

**Correspondent e-mail:** [pto@gordonjacobson.com](mailto:pto@gordonjacobson.com) , [davidj@gjip.com](mailto:davidj@gjip.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
GORILLA GRIP	Opposition Pending	<a href="#">88449165</a>	
GORILLA GRIP	Opposition Pending	<a href="#">88406724</a>	
GORILLA GRIP	Opposition Pending	<a href="#">88406769</a>	

**Plaintiff(s)**

**Name:** Chubby Gorilla, Inc.

**Correspondent** STACEY R HALPERN  
**Address:** KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET, 14TH FLOOR  
IRVINE CA UNITED STATES , 92614

**Correspondent e-mail:** [efiling@knobbe.com](mailto:efiling@knobbe.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
CHUBBY GORILLA	Registered	<a href="#">86524939</a>	<a href="#">4949119</a>
CHUBBY GORILLA	Registered	<a href="#">86900621</a>	<a href="#">5053505</a>
CHUBBY GORILLA	Registered	<a href="#">87257945</a>	<a href="#">5223288</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 16, 2020	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 24, 2020	Mar 04, 2020
3	INSTITUTED	Jan 24, 2020	
4	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Jan 29, 2020	
5	SUSPENDED	Jan 29, 2020	
6	ANSWER	Apr 27, 2020	
7	P MOT TO CONSOLIDATE	Jul 30, 2020	
8	D OPP/RESP TO MOTION	Aug 19, 2020	
9	CONSOLIDATED (CHILD)	Sep 23, 2020	
10	CONSOLIDATED FURTHER W/91266658; SUSPENDED	Feb 03, 2021	

**Type of Proceeding: Opposition**

**Proceeding Number:** [91253105](#)

**Filing Date:** Dec 23, 2019

**Status:** Suspended

**Status Date:** Jun 08, 2021

**Interlocutory Attorney:** MARY CATHERINE FAINT

**Defendant**

**Name:** Hills Point Industries, LLC

**Correspondent** DAVID S JACOBSON  
**Address:** GORDON & JACOBSON PC  
60 LONG RIDGE ROAD, SUITE 407  
STAMFORD CT UNITED STATES , 06902

**Correspondent e-mail:** [pto@gordonjacobson.com](mailto:pto@gordonjacobson.com) , [davidj@gjip.com](mailto:davidj@gjip.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
GORILLA GRIP	Opposition Pending	<a href="#">88184698</a>	

**Plaintiff(s)**

**Name:** Chubby Gorilla, Inc.

**Correspondent Address:** STACEY R HALPERN  
KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET, 14TH FLOOR  
IRVINE CA UNITED STATES , 92614

**Correspondent e-mail:** [efiling@knobbe.com](mailto:efiling@knobbe.com)

Mark	Application Status	Serial Number	Registration Number
CHUBBY GORILLA	Registered	<a href="#">86524939</a>	<a href="#">4949119</a>
CHUBBY GORILLA	Registered	<a href="#">86900621</a>	<a href="#">5053505</a>
CHUBBY GORILLA	Registered	<a href="#">87257945</a>	<a href="#">5223288</a>
GORILLA	Registered	<a href="#">87272013</a>	<a href="#">5209538</a>
CHUBBY GORILLA	Registered	<a href="#">88373580</a>	<a href="#">6098811</a>

#### Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 23, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 23, 2019	Feb 01, 2020
3	INSTITUTED	Dec 23, 2019	
4	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Jan 29, 2020	
5	SUSPENDED	Jan 29, 2020	
6	ANSWER	Mar 30, 2020	
7	P MOT TO CONSOLIDATE	Jul 30, 2020	
8	D OPP/RESP TO MOTION	Aug 19, 2020	
9	D OPP/RESP TO MOTION	Aug 19, 2020	
10	MOT TO DIVIDE APPLICATION	Aug 24, 2020	
11	CONSOLIDATED (PARENT); MOT TO DIVIDE GRANTED	Sep 23, 2020	
12	D MOT FOR EXT W/O CONSENT	Nov 02, 2020	
13	P OPP/RESP TO MOTION	Nov 20, 2020	
14	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Jan 13, 2021	
15	CONSOLIDATED FURTHER W/91266658; SUSPENDED	Feb 03, 2021	
16	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Feb 10, 2021	
17	SUSPENDED	Feb 24, 2021	
18	ANSWER TO OPP 91266658 AND COUNTERCLAIM	Apr 14, 2021	
19	ANSWER TO COUNTERCLAIM DUE ( DUE DATE)	May 12, 2021	Jun 11, 2021
20	P MOT TO DISMISS COUNTERCLAIM: FRCP 12(B)	Jun 02, 2021	

#### Type of Proceeding: Opposition

**Proceeding Number:** [91240937](#)

**Filing Date:** May 01, 2018

**Status:** Terminated

**Status Date:** Jul 02, 2018

**Interlocutory Attorney:** ANN LINNEHAN VOGLER

#### Defendant

**Name:** Gerald Romine

**Correspondent Address:** MARK F WRIGHT  
WRIGHT LAW GROUP PLLC  
1959 SOUTH POWER ROAD, SUITE 103-376  
MESA AZ UNITED STATES , 85206

**Correspondent e-mail:** [mwright@wrightlawgroup.com](mailto:mwright@wrightlawgroup.com)

Mark	Application Status	Serial Number	Registration Number
CHILL GORILLA	Abandoned - After Inter-Partes Decision	<a href="#">87554564</a>	

#### Plaintiff(s)

**Name:** Chubby Gorilla, Inc.

**Correspondent Address:** STACEY R HALPERN  
KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET  
IRVINE CA UNITED STATES , 92614

**Correspondent e-mail:** [efiling@knobbe.com](mailto:efiling@knobbe.com)

Associated marks			
Mark	Application Status	Serial Number	Registration Number
	Registered	<a href="#">87082330</a>	<a href="#">5137172</a>
	Registered	<a href="#">87190007</a>	<a href="#">5221844</a>
	Registered	<a href="#">87443339</a>	<a href="#">5323895</a>
	Registered	<a href="#">87263209</a>	<a href="#">5200069</a>
CHUBBY GORILLA	Registered	<a href="#">86900621</a>	<a href="#">5053505</a>

#### Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	May 01, 2018	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	May 01, 2018	Jun 10, 2018
3	PENDING, INSTITUTED	May 01, 2018	
4	D APPEARANCE / POWER OF ATTORNEY	Jun 07, 2018	
5	ANSWER	Jun 07, 2018	
6	W/DRAW OF APPLICATION	Jun 29, 2018	
7	BD DECISION: SUSTAINED	Jul 02, 2018	
8	TERMINATED	Jul 02, 2018	

#### Type of Proceeding: Cancellation

**Proceeding Number:** [92068428](#)

**Filing Date:** Apr 24, 2018

**Status:** Terminated

**Status Date:** Feb 06, 2019

**Interlocutory Attorney:** ELIZABETH WINTER

#### Defendant

**Name:** Chubby Gorilla, Inc.

**Correspondent Address:** STACEY R HALPERN  
CHUBBY GORILLA INC  
2040 MAIN ST 14TH FL  
IRVINE CA UNITED STATES , 92614

**Correspondent e-mail:** [efiling@knobbe.com](mailto:efiling@knobbe.com) , [stacey.halpern@knobbe.com](mailto:stacey.halpern@knobbe.com)

Associated marks			
Mark	Application Status	Serial Number	Registration Number
CHUBBY GORILLA	Registered	<a href="#">86524939</a>	<a href="#">4949119</a>
CHUBBY GORILLA	Registered	<a href="#">86900621</a>	<a href="#">5053505</a>
CHUBBY GORILLA	Registered	<a href="#">86932401</a>	<a href="#">5054694</a>
	Registered	<a href="#">87082330</a>	<a href="#">5137172</a>
GORILLA	Registered	<a href="#">87272013</a>	<a href="#">5209538</a>
	Registered	<a href="#">87190007</a>	<a href="#">5221844</a>
CHUBBY GORILLA	Registered	<a href="#">87257945</a>	<a href="#">5223288</a>

#### Plaintiff(s)

**Name:** Alien Visions E-Juice, Inc.

**Correspondent Address:** AMANDA G HYLAND  
TAYLOR ENGLISH DUMA LLP  
1600 PARKWOOD CIRCLE STE 400  
ATLANTA GA UNITED STATES , 30339

**Correspondent e-mail:** [ahyland@taylorenglish.com](mailto:ahyland@taylorenglish.com) , [kelleby@taylorenglish.com](mailto:kelleby@taylorenglish.com)



Associated marks			
Mark	Application Status	Serial Number	Registration Number

Registered      [87890106](#)      [6291777](#)

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 24, 2018	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 26, 2018	Jun 05, 2018
3	PENDING, INSTITUTED	Apr 26, 2018	
4	ANSWER	Jun 04, 2018	
5	D CHANGE OF CORRESP ADDRESS	Jun 04, 2018	
6	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Jul 10, 2018	
7	SUSPENDED	Jul 13, 2018	
8	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Sep 27, 2018	
9	SUSPENDED	Sep 27, 2018	
10	W/DRAW OF PET FOR CANCELLATION	Jan 09, 2019	
11	BD DECISION: CAN DENIED	Feb 05, 2019	
12	TERMINATED	Feb 06, 2019	

**Generated on:** This page was generated by TSDR on 2021-06-09 11:28:35 EDT

**Mark:** CHUBBY GORILLA

CHUBBY GORILLA

**US Serial Number:** 86524939

**Application Filing Date:** Feb. 04, 2015

**US Registration Number:** 4949119

**Registration Date:** May 03, 2016

**Filed as TEAS RF:** Yes

**Currently TEAS RF:** Yes

**Register:** Principal

**Mark Type:** Trademark

**TM5 Common Status Descriptor:**



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

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

**Status Date:** Feb. 06, 2019

**Publication Date:** Feb. 16, 2016

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## Mark Information

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**Mark Literal Elements:** CHUBBY GORILLA

**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

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## Related Properties Information

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**International Registration Number:** 1373372

**International Application(s) /Registration(s) Based on this Property:** A0069779/1373372

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## Goods and Services

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**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:** Reusable glass bottles, sold empty, not for medical use, not for drinking purposes; reusable plastic bottles, sold empty, not for medical use, not for drinking purposes

**International Class(es):** 021 - Primary Class

**U.S Class(es):** 002, 013, 023, 029, 030, 033, 040, 050

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Apr. 04, 2014

**Use in Commerce:** Jan. 29, 2015

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## Basis Information (Case Level)

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

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

## Current Owner(s) Information

**Owner Name:** CHUBBY GORILLA, INC.  
**Owner Address:** 4320 N. Harbor Blvd.  
Fullerton, CALIFORNIA UNITED STATES 92835  
**Legal Entity Type:** CORPORATION  
**State or Country Where Organized:** CALIFORNIA

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Stacey R. Halpern  
**Attorney Primary Email Address:** [efiling@knobbe.com](mailto:efiling@knobbe.com)  
**Docket Number:** CHGOR.036T  
**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** Stacey R. Halpern  
KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET, 14TH FLOOR  
IRVINE, CALIFORNIA UNITED STATES 92614  
**Phone:** 949-760-0404  
**Fax:** (949) 760-9502  
**Correspondent e-mail:** [efiling@knobbe.com](mailto:efiling@knobbe.com)  
**Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
May 12, 2021	TEAS SECTION 8 RECEIVED	
May 03, 2021	COURTESY REMINDER - SEC. 8 (6-YR) E-MAILED	
Oct. 09, 2020	NOTICE OF SUIT	
May 08, 2020	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
May 08, 2020	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
May 08, 2020	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
May 08, 2020	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
May 08, 2020	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
May 08, 2020	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
May 08, 2020	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
May 08, 2020	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
May 08, 2020	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
May 08, 2020	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
May 06, 2020	NOTICE OF SUIT	
Feb. 06, 2019	TTAB RELEASE CASE TO TRADEMARKS	68428
Feb. 06, 2019	CANCELLATION TERMINATED NO. 999999	68428
Feb. 05, 2019	CANCELLATION DENIED NO. 999999	68428
Aug. 06, 2018	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Aug. 06, 2018	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jul. 11, 2018	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
May 04, 2018	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
May 04, 2018	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Apr. 26, 2018	CANCELLATION INSTITUTED NO. 999999	68428

Mar. 01, 2018	NOTICE OF SUIT	
May 25, 2016	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
May 03, 2016	REGISTERED-PRINCIPAL REGISTER	
Feb. 16, 2016	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Feb. 16, 2016	PUBLISHED FOR OPPOSITION	
Jan. 27, 2016	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jan. 11, 2016	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 23, 2015	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Oct. 23, 2015	LETTER OF SUSPENSION E-MAILED	6332
Oct. 23, 2015	SUSPENSION LETTER WRITTEN	90324
Oct. 23, 2015	ASSIGNED TO EXAMINER	90324
Oct. 19, 2015	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Oct. 18, 2015	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Oct. 18, 2015	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
May 11, 2015	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
May 11, 2015	NON-FINAL ACTION E-MAILED	6325
May 11, 2015	NON-FINAL ACTION WRITTEN	81860
May 11, 2015	ASSIGNED TO EXAMINER	81860
Feb. 18, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Feb. 07, 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:** May 03, 2016

## Assignment Abstract Of Title Information

### Summary

**Total Assignments:** 1

**Registrant:** Eyad Aboabdo

### Assignment 1 of 1

**Conveyance:** ASSIGNS THE ENTIRE INTEREST

**Reel/Frame:** [5791/0276](#)

**Pages:** 3

**Date Recorded:** May 12, 2016

**Supporting Documents:** [assignment-tm-5791-0276.pdf](#)

#### Assignor

**Name:** [ABOABDO, EYAD, MR.](#)

**Execution Date:** May 06, 2016

**Legal Entity Type:** INDIVIDUAL

**Citizenship:** UNITED STATES

#### Assignee

**Name:** [CHUBBY GORILLA, INC.](#)

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** CALIFORNIA

**Address:** 1407 N. BATAVIA ST., SUITE 111  
ORANGE, CALIFORNIA 92867

#### Correspondent

**Correspondent Name:** WILLIAM L. CHAPIN

**Correspondent Address:** 16791 SEA WITCH LANE  
HUNTINGTON BEACH, CA 92649

**Domestic Representative - Not Found**

## Proceedings

### Summary

Number of 5  
Proceedings:

**Type of Proceeding: Opposition**

Proceeding [91266658](#)  
Number:

Filing Date: Dec 18, 2020

Status: Consolidated/Child Case

Status Date: Feb 03, 2021

Interlocutory MARY CATHERINE FAINT  
Attorney:

**Defendant**

Name: Hills Point Industries, LLC

Correspondent DAVID JACOBSON  
Address: GORDON & JACOBSON PC  
60 LONG RIDGE ROAD, STE 407  
STAMFORD CT UNITED STATES , 06905

Correspondent e-mail: [davidj@gjip.com](mailto:davidj@gjip.com) , [pto@gordonjacobson.com](mailto:pto@gordonjacobson.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
GORILLA GRIP	Opposition Pending	<a href="#">88815304</a>	
GORILLA GRIP	Opposition Pending	<a href="#">88701306</a>	

**Plaintiff(s)**

Name: Chubby Gorilla, Inc.

Correspondent STACEY HALPERN  
Address: KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET, 14TH FLOOR  
IRVINE CA UNITED STATES , 92614

Correspondent e-mail: [efiling@knobbe.com](mailto:efiling@knobbe.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
CHUBBY GORILLA	Registered	<a href="#">86524939</a>	<a href="#">4949119</a>
CHUBBY GORILLA	Registered	<a href="#">88373580</a>	<a href="#">6098811</a>
CHUBBY GORILLA	Registered	<a href="#">86900621</a>	<a href="#">5053505</a>
CHUBBY GORILLA	Registered	<a href="#">87257945</a>	<a href="#">5223288</a>
GORILLA	Registered	<a href="#">87272013</a>	<a href="#">5209538</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 18, 2020	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 22, 2020	Jan 31, 2021
3	INSTITUTED	Dec 22, 2020	
4	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Jan 13, 2021	
5	SUSPENDED	Jan 13, 2021	
6	CONSOLIDATED W/91253105; SUSPENDED	Feb 03, 2021	
7	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Feb 10, 2021	
8	ANSWER AND COUNTERCLAIM ( FEE)	Apr 14, 2021	

**Type of Proceeding: Opposition**

Proceeding [91254743](#)  
Number:

Filing Date: Mar 18, 2020

Status: Consolidated/Child Case

Status Date: Sep 23, 2020

Interlocutory MARY CATHERINE FAINT  
Attorney:

**Defendant**

Name: Hills Point Industries, LLC

**Correspondent** DAVID S JACOBSON  
**Address:** GORDON & JACOBSON PC  
60 LONG RIDGE ROAD, SUITE 407  
STAMFORD CT UNITED STATES , 06902

**Correspondent e-mail:** [pto@gordonjacobson.com](mailto:pto@gordonjacobson.com) , [davidj@gjip.com](mailto:davidj@gjip.com)

Associated marks			
Mark	Application Status	Serial Number	Registration Number
GORILLA GRIP	Opposition Pending	<a href="#">88344162</a>	
GORILLA GRIP	Opposition Pending	<a href="#">88612360</a>	

**Name:** Chubby Gorilla, Inc.

**Correspondent** SACEY HALPERN  
**Address:** KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET, 14TH FLOOR  
IRVINE CA UNITED STATES , 92614

**Correspondent e-mail:** [efiling@knobbe.com](mailto:efiling@knobbe.com)

Associated marks			
Mark	Application Status	Serial Number	Registration Number
CHUBBY GORILLA	Registered	<a href="#">86524939</a>	<a href="#">4949119</a>
CHUBBY GORILLA	Registered	<a href="#">86900621</a>	<a href="#">5053505</a>
CHUBBY GORILLA	Registered	<a href="#">87257945</a>	<a href="#">5223288</a>

#### Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 18, 2020	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 18, 2020	Apr 27, 2020
3	INSTITUTED	Mar 18, 2020	
4	ANSWER	Apr 27, 2020	
5	P MOT TO CONSOLIDATE	Jul 30, 2020	
6	D OPP/RESP TO MOTION	Aug 19, 2020	
7	D OPP/RESP TO MOTION	Aug 19, 2020	
8	MOT TO DIVIDE APPLICATION	Aug 24, 2020	
9	CONSOLIDATED (CHILD); MOT TO DIVIDE GRANTED	Sep 23, 2020	
10	CONSOLIDATED FURTHER W/91266658; SUSPENDED	Feb 03, 2021	

#### Type of Proceeding: Opposition

**Proceeding Number:** [91253653](#)

**Filing Date:** Jan 16, 2020

**Status:** Consolidated/Child Case

**Status Date:** Sep 23, 2020

**Interlocutory Attorney:** MARY CATHERINE FAINT

#### Defendant

**Name:** Hills Point Industries, LLC

**Correspondent** DAVID S JACOBSON  
**Address:** GORDON & JACOBSON PC  
60 LONG RIDGE ROAD, SUITE 407  
STAMFORD CT UNITED STATES , 06902

**Correspondent e-mail:** [pto@gordonjacobson.com](mailto:pto@gordonjacobson.com) , [davidj@gjip.com](mailto:davidj@gjip.com)

Associated marks			
Mark	Application Status	Serial Number	Registration Number
GORILLA GRIP	Opposition Pending	<a href="#">88449165</a>	
GORILLA GRIP	Opposition Pending	<a href="#">88406724</a>	
GORILLA GRIP	Opposition Pending	<a href="#">88406769</a>	

**Plaintiff(s)****Name:** Chubby Gorilla, Inc.**Correspondent Address:** STACEY R HALPERN  
KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET, 14TH FLOOR  
IRVINE CA UNITED STATES , 92614**Correspondent e-mail:** [efiling@knobbe.com](mailto:efiling@knobbe.com)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
CHUBBY GORILLA	Registered	<a href="#">86524939</a>	<a href="#">4949119</a>
CHUBBY GORILLA	Registered	<a href="#">86900621</a>	<a href="#">5053505</a>
CHUBBY GORILLA	Registered	<a href="#">87257945</a>	<a href="#">5223288</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 16, 2020	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 24, 2020	Mar 04, 2020
3	INSTITUTED	Jan 24, 2020	
4	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Jan 29, 2020	
5	SUSPENDED	Jan 29, 2020	
6	ANSWER	Apr 27, 2020	
7	P MOT TO CONSOLIDATE	Jul 30, 2020	
8	D OPP/RESP TO MOTION	Aug 19, 2020	
9	CONSOLIDATED (CHILD)	Sep 23, 2020	
10	CONSOLIDATED FURTHER W/91266658; SUSPENDED	Feb 03, 2021	

**Type of Proceeding: Opposition****Proceeding Number:** [91253105](#)**Filing Date:** Dec 23, 2019**Status:** Suspended**Status Date:** Jun 08, 2021**Interlocutory Attorney:** MARY CATHERINE FAINT**Defendant****Name:** Hills Point Industries, LLC**Correspondent Address:** DAVID S JACOBSON  
GORDON & JACOBSON PC  
60 LONG RIDGE ROAD, SUITE 407  
STAMFORD CT UNITED STATES , 06902**Correspondent e-mail:** [pto@gordonjacobson.com](mailto:pto@gordonjacobson.com) , [davidj@gjip.com](mailto:davidj@gjip.com)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
GORILLA GRIP	Opposition Pending	<a href="#">88184698</a>	

**Plaintiff(s)****Name:** Chubby Gorilla, Inc.**Correspondent Address:** STACEY R HALPERN  
KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET, 14TH FLOOR  
IRVINE CA UNITED STATES , 92614**Correspondent e-mail:** [efiling@knobbe.com](mailto:efiling@knobbe.com)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
CHUBBY GORILLA	Registered	<a href="#">86524939</a>	<a href="#">4949119</a>
CHUBBY GORILLA	Registered	<a href="#">86900621</a>	<a href="#">5053505</a>

CHUBBY GORILLA	Registered	<a href="#">87257945</a>	<a href="#">5223288</a>
GORILLA	Registered	<a href="#">87272013</a>	<a href="#">5209538</a>
CHUBBY GORILLA	Registered	<a href="#">88373580</a>	<a href="#">6098811</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 23, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 23, 2019	Feb 01, 2020
3	INSTITUTED	Dec 23, 2019	
4	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Jan 29, 2020	
5	SUSPENDED	Jan 29, 2020	
6	ANSWER	Mar 30, 2020	
7	P MOT TO CONSOLIDATE	Jul 30, 2020	
8	D OPP/RESP TO MOTION	Aug 19, 2020	
9	D OPP/RESP TO MOTION	Aug 19, 2020	
10	MOT TO DIVIDE APPLICATION	Aug 24, 2020	
11	CONSOLIDATED (PARENT); MOT TO DIVIDE GRANTED	Sep 23, 2020	
12	D MOT FOR EXT W/O CONSENT	Nov 02, 2020	
13	P OPP/RESP TO MOTION	Nov 20, 2020	
14	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Jan 13, 2021	
15	CONSOLIDATED FURTHER W/91266658; SUSPENDED	Feb 03, 2021	
16	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Feb 10, 2021	
17	SUSPENDED	Feb 24, 2021	
18	ANSWER TO OPP 91266658 AND COUNTERCLAIM	Apr 14, 2021	
19	ANSWER TO COUNTERCLAIM DUE ( DUE DATE)	May 12, 2021	Jun 11, 2021
20	P MOT TO DISMISS COUNTERCLAIM: FRCP 12(B)	Jun 02, 2021	

**Type of Proceeding: Cancellation**

**Proceeding Number:** [92068428](#)

**Filing Date:** Apr 24, 2018

**Status:** Terminated

**Status Date:** Feb 06, 2019

**Interlocutory Attorney:** ELIZABETH WINTER

**Defendant**

**Name:** Chubby Gorilla, Inc.

**Correspondent Address:** STACEY R HALPERN  
CHUBBY GORILLA INC  
2040 MAIN ST 14TH FL  
IRVINE CA UNITED STATES , 92614

**Correspondent e-mail:** [efiling@knobbe.com](mailto:efiling@knobbe.com) , [stacey.halpern@knobbe.com](mailto:stacey.halpern@knobbe.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
CHUBBY GORILLA	Registered	<a href="#">86524939</a>	<a href="#">4949119</a>
CHUBBY GORILLA	Registered	<a href="#">86900621</a>	<a href="#">5053505</a>
CHUBBY GORILLA	Registered	<a href="#">86932401</a>	<a href="#">5054694</a>
	Registered	<a href="#">87082330</a>	<a href="#">5137172</a>
GORILLA	Registered	<a href="#">87272013</a>	<a href="#">5209538</a>
	Registered	<a href="#">87190007</a>	<a href="#">5221844</a>
CHUBBY GORILLA	Registered	<a href="#">87257945</a>	<a href="#">5223288</a>

**Plaintiff(s)**

**Name:** Alien Visions E-Juice, Inc.

**Correspondent Address:** AMANDA G HYLAND  
TAYLOR ENGLISH DUMA LLP  
1600 PARKWOOD CIRCLE STE 400  
ATLANTA GA UNITED STATES , 30339

**Correspondent e-mail:** [ahyland@taylorenglish.com](mailto:ahyland@taylorenglish.com) , [kelleby@taylorenglish.com](mailto:kelleby@taylorenglish.com)



mail: \_\_\_\_\_

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
	Registered	<a href="#">87890106</a>	<a href="#">6291777</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 24, 2018	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 26, 2018	Jun 05, 2018
3	PENDING, INSTITUTED	Apr 26, 2018	
4	ANSWER	Jun 04, 2018	
5	D CHANGE OF CORRESP ADDRESS	Jun 04, 2018	
6	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Jul 10, 2018	
7	SUSPENDED	Jul 13, 2018	
8	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Sep 27, 2018	
9	SUSPENDED	Sep 27, 2018	
10	W/DRAW OF PET FOR CANCELLATION	Jan 09, 2019	
11	BD DECISION: CAN DENIED	Feb 05, 2019	
12	TERMINATED	Feb 06, 2019	