

ESTTA Tracking number: **ESTTA1173733**

Filing date: **11/19/2021**

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

Proceeding	91254243
Party	Defendant JHO Intellectual Property Holdings, LLC
Correspondence Address	FRANK MASSABKI VITAL PHARMACEUTICALS INC 1600 NORTH PARK DRIVE WESTON, FL 33326 UNITED STATES Primary Email: trademarks@vpxsports.com Secondary Email(s): manjit.gill@vpxsports.com No phone number provided.
Submission	Defendant's Notice of Reliance
Filer's Name	Gideon Eckhouse
Filer's email	trademarks@bangenergy.com
Signature	/Gideon Eckhouse/
Date	11/19/2021
Attachments	Notice of Reliance.pdf(978514 bytes)

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

Guess? IP Holder L.P. and Guess?, Inc.,) **Opposition No. 91254243**
Opposer,)
v.) **Serial No.: 88/657335**
JHO INTELLECTUAL PROPERTY HOLDING, LLC,) **Mark: GUESS**
Applicant.)
_____)

APPLICANT’S NOTICE OF RELIANCE

Applicant, JHO Intellectual Property Holdings, LLC (“JHO”) hereby submits a Notice of Reliance. The Notice of Reliance includes Internet materials that are relevant to show Applicant’s use of the applied-for mark. The evidence is specifically relevant to show that there is no likelihood of confusion between Opposer’s marks and Applicant. Each webpage shows its date of publication and URL and is therefore admissible under 37 C.F.R. § 2.122(e).

The particular evidence is a set of Instagram posts under the Bang Energy account that can be found at the following URLs

<https://www.instagram.com/p/CVEKRwpljUE/>

<https://www.instagram.com/p/CU2qEkBFVEp/>

<https://www.instagram.com/p/CU54q8tA8Xy/>

Dated this 19th day of November 2021

By:  _____

Gideon B. Eckhouse
Chief IP Counsel
JHO Intellectual Property Holdings, LLC
1600 N. Park Drive
Weston, FL 33326

Certificate of Service

I hereby certify that a true and complete copy of the foregoing Notice of Reliance has been served on Michael MacDermott by forwarding said copy on November 19, 2021, via electronic mail to:

Michael MacDermott

pto@lrrc.com

LEWIS ROCA ROTHGERBER CHRISTIE LLP

P.O. BOX 29001

Los Angeles, CA 91209-9001

Dated this 19th day of November, 2021

By: _____



Gideon B. Eckhouse

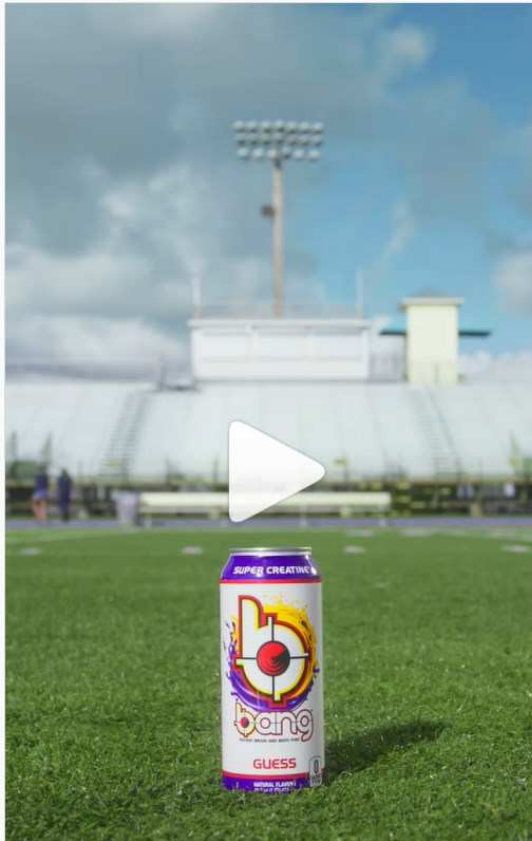
Chief IP Counsel

JHO Intellectual Property Holdings, LLC

1600 N. Park Drive

Weston, FL 33326

EXHIBIT 1



bangenergy • Following

Original Audio



bangenergy GET YOUR GAME PLAN GOIN'!

A NEW Bang Energy flavor is on the way! Exclusive to The Vitamin Shoppe, this one's got the unique flavors, energy, and FUN you crave from Bang Energy but will ONLY available in store!

Be one of the first to get a taste with our latest giveaway!

- 1 FOLLOW @BangEnergy & @BangEnergy.CEO
- 2 TAG 3 friends & Guess the flavor in 1 COMMENT below!
- 3 SIGN-UP at the link in our bio to complete your entry, so we know where



Liked by bangenergy.ceo and 1,368 others

OCTOBER 11



bangenergy • Following

bangenergy LET'S RALLY FOR A NEW FLAVOR! 🏈

Ready for an all new, exclusive flavor release?! 🙌 We've teamed up with The Vitamin Shoppe to bring you a NEW flavor that gets the crowds cheering and the scoreboard ticking! 🏆

Take a guess and WIN! Check out our newest giveaway to be the first to get a taste!

- 1 FOLLOW @BangEnergy & @BangEnergy.CEO
- 2 TAG 3 friends & Guess the flavor in 1 COMMENT below!
- 3 SIGN-UP at the link in our bio to complete your entry, so we know where

Like, Comment, Share, Bookmark icons

Liked by bangenergy.ceo and 7,085 others

OCTOBER 10



bangenergy • Following
Original Audio

bangenergy HOME TEAM VIBES ALL DAY! 🍌

📣 Get ready to cheer on the home team, BANG ENERGY! The latest addition to our Bangin' lineup is an exclusive new flavor that will found only at @VitaminShoppe! Get all the fun and all the flavor in an amazing new energy drink flavor to keep your body movin'!

For your chance at being the first to give it a taste, follow the 3 steps below!

- 1] FOLLOW @BangEnergy & @BangEnergy.CEO
- 2] TAG 3 friends & Guess the flavor in 1 COMMENT below!
- 3] SIGN-UP at GuessTheFlavor.com to



Liked by bangenergy.ceo and 991 others

OCTOBER 15