

ESTTA Tracking number: **ESTTA1092422**

Filing date: **10/30/2020**

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

**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

**Opposer Information**

Name	Neal Technologies, Inc.
Granted to Date of previous extension	10/31/2020
Address	4245 EAST PALM STREET MESA, AZ 85215 UNITED STATES
Attorney information	PHILIP VICKERS CANTEY HANGER LLP 600 W. 6TH ST., SUITE 300 FORT WORTH, TX 76102 UNITED STATES Primary Email: pvickers@canteyhanger.com Secondary Email(s): jbergkamp@canteyhanger.com, sfredricks@canteyhanger.com 817-877-2800
Docket Number	

**Applicant Information**

Application No.	88599731	Publication date	09/01/2020
Opposition Filing Date	10/30/2020	Opposition Period Ends	10/31/2020
Applicant	F&V Corporation 12398 ATHENA DRIVE NORTH ROYALTON, OH 44133 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 009. First Use: 2019/04/01 First Use In Commerce: 2019/07/20 All goods and services in the class are opposed, namely: Mounts for mobile electronic devices, namely, mounts for cell phones and video cameras
Class 011. First Use: 2019/04/01 First Use In Commerce: 2019/07/20 All goods and services in the class are opposed, namely: Light Guards and Light Covers specifically adapted to fit on or around headlights, brake lights, and tail lights of vehicles

**Grounds for Opposition**

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

U.S. Registration No.	5130772	Application Date	09/29/2015
Registration Date	01/31/2017	Foreign Priority Date	NONE
Word Mark	BULLET PROOF		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2009/06/01 First Use In Commerce: 2009/06/01 Retail store services featuring diesel engine parts; on-line retail store services featuring diesel engine parts; wholesale store services featuring diesel engine parts		

U.S. Registration No.	5220129	Application Date	10/19/2015
Registration Date	06/13/2017	Foreign Priority Date	NONE
Word Mark	BULLET PROOF		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 037. First use: First Use: 2009/06/01 First Use In Commerce: 2009/06/01 Automotive repair and maintenance services, namely, repair and maintenance of diesel engines, and repair and installation of diesel engine components		

U.S. Registration No.	5854736	Application Date	07/17/2018
Registration Date	09/10/2019	Foreign Priority Date	NONE
Word Mark	BULLETPROOF		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 007. First use: First Use: 2018/07/16 First Use In Commerce: 2018/07/16 Automotive components, namely, oil coolers and exhaust gas recirculation coolers for diesel engines; oil filtration systems comprised of filters for diesel engines; water pumps for diesel engines; and fuel injection control modules for diesel engines		

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	BULLETPROOF		
Goods/Services	The manufacture and/or sale of automotive parts and accessories and related goods and services, include external brake-light antenna mounts, light bars and mounting brackets, mounts for scan gauges (an electronic device used in some diesel trucks), and similar products sold for use on or in work and passenger vehicles of various types and styles, including those intended for off-road use.		

Attachments	20_1030 - Notice of Opposition BMS.pdf(391996 bytes )
Signature	/Philip Vickers/
Name	PHILIP VICKERS
Date	10/30/2020

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

In the Matter of the Trademark Application Serial No. 88599731 for the mark  
“BULLETPROOF MOUNTING SOLUTIONS” filed by F&V Corporation and  
Published in the Official Gazette on September 1, 2020

Neal Technologies, Inc.,

Opposer,

v.

F&V Corporation,

Applicant.

Opposition No. \_\_\_\_\_

**NOTICE OF OPPOSITION**

Neal Technologies, Inc., an Arizona corporation, whose address is 4245 East Palm Street, Mesa, Arizona 85215 (“Opposer”), believes that it would be damaged by the registration of the mark BULLETPROOF MOUNTING SOLUTIONS that is the subject of the application Serial No. 88599731 published in the *Official Gazette* on September 1, 2020, and therefore requests that registration to Applicant, F&V Corporation, be refused.

The grounds for the opposition are:

**The Opposed Application**

1. F&V Corporation, an Ohio corporation with its address at 12398 Athena Drive, North Royalton, Ohio 44133 (“Applicant”), is the owner of application Serial No. 88599731 and seeks to register the mark BULLETPROOF MOUNTING SOLUTIONS in standard characters (“Applicant’s Mark”) as a trademark for these goods and services (the “Opposed Application”):

- a. International Class 9 covering “Mounts for mobile electronic devices, namely, mounts for cell phones and video cameras”; and
  - b. International Class 11 covering “Light Guards and Light Covers specifically adapted to fit on or around headlights, brake lights, and tail lights of vehicles.”
2. The Opposed Application was filed on August 30, 2019.
  3. The Applicant’s Mark was published for opposition on or about September 1, 2020. Opposer filed a request for extension of time to oppose, which was granted until October 31, 2020.

**Opposer’s BULLETPROOF Marks**

4. Opposer is the owner of at least the following U.S. Trademark

Registrations:

<b>Mark</b>	<b>Reg. No./ Serial No.</b>	<b>Application Date</b>	<b>Registration Date</b>	<b>Goods/Services</b>
BULLET PROOF	5130772/ 76718511	Sept. 29, 2015	Jan. 31, 2017	Class 35: Retail store services featuring diesel engine parts; on-line retail store services featuring diesel engine parts; wholesale store services featuring diesel engine parts.

Mark	Reg. No./ Serial No.	Application Date	Registration Date	Goods/Services
BULLET PROOF	5220129/ 76718573	Oct. 19, 2015	June 13, 2017	Class 37: Automotive repair and maintenance services, namely, repair and maintenance of diesel engines, and repair and installation of diesel engine components.
BULLETPROOF	5854736/ 88041096	July 17, 2018	Sept. 10, 2019	Class 7: Automotive components, namely, oil coolers and exhaust gas recirculation coolers for diesel engines; oil filtration systems comprised of filters for diesel engines; water pumps for diesel engines; and fuel injection control modules for diesel engines.

Copies of the TSDR records for these marks showing status and title and of the Registration Certificates are attached as **Exhibits A, B, and C**, respectively.

5. Opposer also holds common law rights in the mark BULLETPROOF for use in connection with the manufacture and/or sale of automotive parts and accessories and related goods and services since at least as early as June 1, 2009. Those parts and accessories include external brake-light antenna mounts, light bars and mounting brackets, mounts for scan gauges (an electronic device used in some diesel trucks), and similar products sold for use on or in work and passenger vehicles of various types and styles, including those intended for off-road use.

6. Opposer's registered and common law rights in the mark BULLETPROOF, along and in combination with other registered and common law words or designs,<sup>1</sup> are collectively referred to in this document as the "BULLETPROOF Marks."

7. Opposer has made substantial sales of goods and services under the BULLETPROOF Marks. Opposer has also licensed the use of the BULLETPROOF Marks to independent repair shops throughout the United States in connection with the sale and installation of Opposer's goods.

8. Because of Opposer's use and registration of the BULLETPROOF Marks, Opposer has developed substantial goodwill in the BULLETPROOF Marks, and the public associates the BULLETPROOF Marks with the Opposer's goods and services.

9. The recognizable portion of Applicant's Mark is identical to Opposer's BULLETPROOF Marks, and thus is confusingly similar in sight, sound, meaning, and commercial impression.

10. On information and belief, Applicant knew of Opposer's BULLETPROOF Marks when Applicant filed the Opposed Application.

### **Opposition Due to Likelihood of Confusion**

11. Applicant's use of BULLETPROOF in connection with the manufacture or sale of mounts or with accessories used on or in connection with vehicles would infringe on Opposer's rights to exclusive use of the BULLETPROOF Marks in connection with

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<sup>1</sup> Opposer also holds registrations for the word and/or design marks BULLETPROOFDIESEL.COM, BULLET PROOF DIESEL, and BULLETPROOFDIESEL, Reg. Nos. 4262825, 4235578, 5220127, and 5220128, respectively, among others.

after-market automotive goods and services, including mounts, brackets, and other accessories for trucks.

12. As an example, Opposer uses the BULLETPROOF Marks in connection with after-market engine parts and other accessories for work and passenger trucks, including antenna mounts designed to fit around break lights, light bars/mounts, oil caps, and brackets for certain electronic accessories. Opposer also licenses independently-owned truck and automobile repair shops to advertise, sell, and install Opposer's BULLETPROOF-branded goods and services using the BULLETPROOF Marks.

13. Applicant's Mark, if registered, would apply to goods such as "Mounts for mobile electronic devices" used in trucks and other vehicles, and on goods intended to "fit on or around headlights, brake lights, and tail lights of vehicles" – uses very similar to those of goods already manufactured or sold by Opposer under the BULLETPROOF Marks.

14. Opposer's Marks and Applicant's Mark are sufficiently similar in terms of their commercial impression, and the goods and services sold by Applicant and Opposer are sufficiently similar, such that consumers who encounter Applicant's Mark would be likely to assume a connection with Opposer. Also, Opposer's customers would reasonably expect Opposer to expand its use of the BULLETPROOF Marks to additional related engine services, parts, and accessories for other off-road applications. Applicant's use and registration of Applicant's Mark will inevitably lead to confusion, to mistake, or to deception as to the origin of Applicant's goods and services in that the consuming public is likely to mistakenly believe that Applicant's goods and services are provided by,



sponsored by, affiliated with, or in some other way connected to Opposer as related goods or services.

15. Applicant's addition of "MOUNTING SOLUTIONS" to Opposer's BULLETPROOF mark is not sufficient to prevent confusion between the marks because customers are generally inclined to focus on the first word, prefix, or syllable in any trademark.

16. If Applicant is allowed to register the Applicant's Mark for mounts or after-market vehicle parts that are similar and/or related to the goods and services identified with the BULLETPROOF Marks or within the zone of expansion of the BULLETPROOF Marks, Opposer will suffer damage and injury from the resulting likelihood of confusion among consumers as to the source of the Applicant's and Opposer's respective goods and services.

17. Further, if Applicant is allowed to register the Applicant's Mark for goods or services that are similar and/or related to the goods and services identified in the BULLETPROOF Marks, or are within the zone of expansion of the BULLETPROOF Marks, the registration of Applicant's Mark will be prima facie evidence of the Applicant's exclusive right to use its confusingly similar mark on goods or services that are the same, similar, or within the zone of natural expansion of the goods and services covered by the BULLETPROOF Marks and will injure Opposer's rights in the Bulletproof Marks.

WHEREFORE, Opposer prays that the present opposition be sustained, that application Serial No. 88599731 be rejected, and that the mark sought for goods and services as described in the Opposed Application be denied and refused.

Dated: October 30, 2020

Respectfully submitted,

/s/ Philip A. Vickers  
Julie C. Bergkamp  
Texas State Bar No. 24045487  
Philip A. Vickers  
Texas State Bar No. 24051699  
CANTEY HANGER LLP  
600 West 6th St., Suite 300  
Fort Worth, Texas 76102  
(817) 877-2800  
(817) 877-2807 – Fax  
jbergkamp@canteyhanger.com  
pvickers@canteyhanger.com

ATTORNEYS FOR OPPOSER  
NEAL TECHNOLOGIES, INC.

**CERTIFICATE OF SERVICE**

I certify that on October 30, 2020 I served the foregoing document on counsel for Applicant via E-mail and First Class Mail as follows:

Donovan A. Runkle  
Marshall & Melhorn, LLC  
4 Seagate, 8<sup>th</sup> Floor  
Toledo, OH 43604  
runkle@marshall-melhorn.com

/s/ Philip A. Vickers  
Philip A. Vickers

# Exhibit

# A

Generated on: This page was generated by TSDR on 2020-07-01 21:44:46 EDT

Mark: BULLET PROOF

**BULLET PROOF**

US Serial Number: 76718511

Application Filing Date: Sep. 29, 2015

US Registration Number: 5130772

Registration Date: Jan. 31, 2017

Register: Principal

Mark Type: Service Mark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: The Trademark Trial and Appeal Board has terminated a cancellation proceeding. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

Status Date: Sep. 27, 2019

Publication Date: Oct. 11, 2016

## Mark Information

Mark Literal Elements: BULLET PROOF

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

## Related Properties Information

Claimed Ownership of US Registrations: 4235578, 4262825

## 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: Retail store services featuring diesel engine parts; on-line retail store services featuring diesel engine parts; wholesale store services featuring diesel engine parts

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 01, 2009

Use in Commerce: Jun. 01, 2009

## 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:** Neal Technologies, Inc.

**Owner Address:** 4245 East Palm Street  
Mesa, ARIZONA UNITED STATES 85215

**Legal Entity Type:** CORPORATION

**State or Country** ARIZONA  
**Where Organized:**

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** James W. Armstrong

**Attorney Primary** [armstrong@sackstierney.com](mailto:armstrong@sackstierney.com)  
**Email Address:**

**Attorney Email** No  
**Authorized:**

### Correspondent

**Correspondent** RICHARD L SCHWARTZ  
**Name/Address:** WHITAKER CHALK SWINDLE & SCHWARTZ PLLC  
301 COMMERCE ST  
STE 3500  
FORT WORTH, TEXAS UNITED STATES 76102

**Phone:** (480) 425-2628

**Correspondent e-** [armstrong@sackstierney.com](mailto:armstrong@sackstierney.com)  
**mail:**

**Correspondent e-** No  
**mail Authorized:**

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
May 28, 2020	NOTICE OF SUIT	
Apr. 15, 2020	NOTICE OF SUIT	
Sep. 27, 2019	TTAB RELEASE CASE TO TRADEMARKS	67945
Sep. 27, 2019	CANCELLATION TERMINATED NO. 999999	67945
Sep. 27, 2019	CANCELLATION DENIED NO. 999999	67945
Nov. 19, 2018	NOTICE OF SUIT	
Oct. 29, 2018	NOTICE OF SUIT	
Apr. 16, 2018	NOTICE OF SUIT	
Feb. 21, 2018	CANCELLATION INSTITUTED NO. 999999	67945
Jan. 31, 2017	REGISTERED-PRINCIPAL REGISTER	
Dec. 26, 2016	EXTENSION OF TIME TO OPPOSE PROCESS - TERMINATED	
Nov. 10, 2016	EXTENSION OF TIME TO OPPOSE RECEIVED	
Oct. 11, 2016	PUBLISHED FOR OPPOSITION	
Sep. 21, 2016	NOTICE OF PUBLICATION	
Sep. 06, 2016	LETTER OF PROTEST EVIDENCE REVIEWED-NO FURTHER ACTION TAKEN	92578
Sep. 04, 2016	LETTER OF PROTEST ACCEPTED	
Aug. 02, 2016	LAW OFFICE PUBLICATION REVIEW COMPLETED	68171
Aug. 02, 2016	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 28, 2016	AMENDMENT FROM APPLICANT ENTERED	68171
Jul. 28, 2016	CORRESPONDENCE RECEIVED IN LAW OFFICE	68171
Jul. 23, 2016	ASSIGNED TO LIE	68171
Jul. 20, 2016	PAPER RECEIVED	
Jan. 21, 2016	NON-FINAL ACTION MAILED	
Jan. 20, 2016	NON-FINAL ACTION WRITTEN	92578
Jan. 20, 2016	ASSIGNED TO EXAMINER	92578
Oct. 06, 2015	APPLICATION FILING RECEIPT MAILED	
Sep. 30, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jan. 31, 2017

## Proceedings

### Summary

Number of  
Proceedings: 2

### Type of Proceeding: Cancellation

Proceeding  
Number: [92067945](#)

Filing Date: Feb 15, 2018

Status: Terminated

Status Date: Sep 27, 2019

Interlocutory  
Attorney: JILL M MCCORMACK

### Defendant

Name: Neal Technologies, Inc.

Correspondent  
Address: RICHARD L SCHWARTZ  
WHITAKER CHALK SWINDLE & SCHWARTZ PLLC  
301 COMMERCE ST, STE 3500  
FORT WORTH TX UNITED STATES , 76102

Correspondent e-  
mail: [tgwynne@whitakerchalk.com](mailto:tgwynne@whitakerchalk.com) , [rschwartz@whitakerchalk.com](mailto:rschwartz@whitakerchalk.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
BULLET PROOF	Cancellation Terminated - See TTAB Records	<a href="#">76718573</a>	<a href="#">5220129</a>
BULLET PROOF	Cancellation Terminated - See TTAB Records	<a href="#">76718511</a>	<a href="#">5130772</a>

### Plaintiff(s)

Name: Unique Motorsports inc

Correspondent  
Address: DUSTIN HELMS  
UNIQUE MOTORSPORTS INC  
500 EAST STATE HWY 121  
LEWISVILLE TX UNITED STATES , 75057

Correspondent e-  
mail: [dustin@unique-motorsports.com](mailto:dustin@unique-motorsports.com)

### Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 15, 2018	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 21, 2018	Apr 02, 2018
3	PENDING, INSTITUTED	Feb 21, 2018	
4	D MOT FOR EXT W/O CONSENT	Mar 06, 2018	
5	D REQUEST	Mar 29, 2018	
6	RESPONSE DUE	Apr 19, 2018	
7	D RESP TO BD ORDER/INQUIRY	Apr 30, 2018	
8	DIS CT JURY VERDICT	May 08, 2018	
9	D MOT TO SUSP PEND DISP CIV ACTION	May 09, 2018	
10	CONSOLIDATED; PROC SUSP PEND DISP OF BANKRUPTCY CASE	Jul 10, 2018	
11	D MOT TO DISMISS	Jul 25, 2019	
12	BD DECISION: CAN DENIED W/PREJ	Sep 27, 2019	
13	TERMINATED	Sep 27, 2019	

### Type of Proceeding: Extension of Time

Proceeding  
Number: [76718511](#)

Filing Date: Nov 10, 2016

Status: Terminated

Status Date: Dec 26, 2016

Interlocutory  
Attorney:

**Defendant**

**Name:** Neal Technologies, Inc.

**Correspondent** JAMES W. ARMSTRONG  
**Address:** SACKS TIERNEY  
4250 N DRINKWATER BLVD FL 4  
SCOTTSDALE AZ , 85251-3693

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
BULLET PROOF	Cancellation Terminated - See TTAB Records	<a href="#">76718511</a>	<a href="#">5130772</a>

**Potential Opposer(s)**

**Name:** Unique Motorsports Inc.

**Correspondent** Gerald W. Roberts  
**Address:** G. W. Roberts Law Firm, PLLC  
5001 Spring Valley Road Suite 400 East  
Dallas TX UNITED STATES , 75244

**Correspondent e-mail:** [gwroberts@robertslawdallas.com](mailto:gwroberts@robertslawdallas.com) , [geraldwroberts@netzero.net](mailto:geraldwroberts@netzero.net)

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Nov 10, 2016	
2	EXTENSION OF TIME GRANTED	Nov 10, 2016	

# United States of America

United States Patent and Trademark Office

## BULLET PROOF

**Reg. No. 5,130,772**

Neal Technologies, Inc. (ARIZONA CORPORATION)  
4245 East Palm Street  
Mesa, AZ 85215

**Registered Jan. 31, 2017**

**Int. Cl.: 35**

CLASS 35: Retail store services featuring diesel engine parts; on-line retail store services featuring diesel engine parts; wholesale store services featuring diesel engine parts

**Service Mark**

FIRST USE 6-1-2009; IN COMMERCE 6-1-2009

**Principal Register**

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

OWNER OF U.S. REG. NO. 4235578, 4262825

SER. NO. 76-718,511, FILED 09-29-2015  
THOMAS PAUL YOUNG, EXAMINING ATTORNEY



*Michelle K. Lee*

Director of the United States  
Patent and Trademark Office



**REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION**

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

**Requirements in the First Ten Years\***

**What and When to File:**

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

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

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

**Grace Period Filings\***

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

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

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

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

# Exhibit B

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Mark: BULLET PROOF

BULLET PROOF

US Serial Number: 76718573

Application Filing Date: Oct. 19, 2015

US Registration Number: 5220129

Registration Date: Jun. 13, 2017

Register: Principal

Mark Type: Service Mark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: The Trademark Trial and Appeal Board has terminated a cancellation proceeding. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

Status Date: Sep. 27, 2019

Publication Date: Mar. 28, 2017

## Mark Information

Mark Literal Elements: BULLET PROOF

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

## Related Properties Information

Claimed Ownership of US Registrations: 4235578, 4262825

## 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: Automotive repair and maintenance services, namely, repair and maintenance of diesel engines, and repair and installation of diesel engine components

International Class(es): 037 - Primary Class

U.S Class(es): 100, 103, 106

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 01, 2009

Use in Commerce: Jun. 01, 2009

## 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:** Neal Technologies, Inc.

**Owner Address:** 4245 East Palm Street  
Mesa, ARIZONA UNITED STATES 85215

**Legal Entity Type:** CORPORATION

**State or Country** ARIZONA  
**Where Organized:**

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** James W. Armstrong

**Attorney Primary** [ARMSTRONG@SACKSTIERNEY.COM](mailto:ARMSTRONG@SACKSTIERNEY.COM)  
**Email Address:**

**Attorney Email** No  
**Authorized:**

### Correspondent

**Correspondent** RICHARD L SCHWARTZ  
**Name/Address:** WHITAKER CHALK SWINDLE & SCHWARTZ PLLC  
301 COMMERCE ST  
STE 3500  
FORT WORTH, TEXAS UNITED STATES 76102

**Phone:** 480) 425-2628

**Fax:** 480.425.4928

**Correspondent e-** [ARMSTRONG@SACKSTIERNEY.COM](mailto:ARMSTRONG@SACKSTIERNEY.COM)  
**mail:**

**Correspondent e-** No  
**mail Authorized:**

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
May 28, 2020	NOTICE OF SUIT	
Apr. 15, 2020	NOTICE OF SUIT	
Sep. 27, 2019	TTAB RELEASE CASE TO TRADEMARKS	67945
Sep. 27, 2019	CANCELLATION TERMINATED NO. 999999	67945
Sep. 27, 2019	CANCELLATION DENIED NO. 999999	67945
Nov. 19, 2018	NOTICE OF SUIT	
Oct. 29, 2018	NOTICE OF SUIT	
Apr. 16, 2018	NOTICE OF SUIT	
Feb. 21, 2018	CANCELLATION INSTITUTED NO. 999999	67945
Jun. 13, 2017	REGISTERED-PRINCIPAL REGISTER	
Mar. 28, 2017	PUBLISHED FOR OPPOSITION	
Mar. 08, 2017	NOTICE OF PUBLICATION	
Feb. 22, 2017	LAW OFFICE PUBLICATION REVIEW COMPLETED	68171
Feb. 07, 2017	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 06, 2017	AMENDMENT FROM APPLICANT ENTERED	68171
Feb. 06, 2017	CORRESPONDENCE RECEIVED IN LAW OFFICE	68171
Jan. 30, 2017	PAPER RECEIVED	
Nov. 01, 2016	LETTER OF PROTEST EVIDENCE REVIEWED-NO FURTHER ACTION TAKEN	92578
Oct. 31, 2016	LETTER OF PROTEST ACCEPTED	
Aug. 10, 2016	PRIORITY ACTION MAILED	
Aug. 10, 2016	PRIORITY ACTION WRITTEN	92578
Jul. 28, 2016	AMENDMENT FROM APPLICANT ENTERED	68171
Jul. 28, 2016	CORRESPONDENCE RECEIVED IN LAW OFFICE	68171
Jul. 23, 2016	ASSIGNED TO LIE	68171
Jul. 20, 2016	PAPER RECEIVED	
Jan. 21, 2016	NON-FINAL ACTION MAILED	
Jan. 20, 2016	NON-FINAL ACTION WRITTEN	92578

Jan. 20, 2016 ASSIGNED TO EXAMINER  
 Nov. 17, 2015 APPLICATION FILING RECEIPT MAILED  
 Nov. 16, 2015 FILING RECEIPT CORRECTION ENTERED  
 Nov. 16, 2015 PAPER RECEIVED  
 Nov. 11, 2015 APPLICATION FILING RECEIPT MAILED  
 Nov. 10, 2015 FILING RECEIPT CORRECTION ENTERED  
 Nov. 06, 2015 PAPER RECEIVED  
 Oct. 27, 2015 APPLICATION FILING RECEIPT MAILED  
 Oct. 21, 2015 NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM

92578

## 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:** 1

### Type of Proceeding: Cancellation

**Proceeding Number:** [92067945](#)

**Filing Date:** Feb 15, 2018

**Status:** Terminated

**Status Date:** Sep 27, 2019

**Interlocutory Attorney:** JILL M MCCORMACK

### Defendant

**Name:** Neal Technologies, Inc.

**Correspondent Address:** RICHARD L SCHWARTZ  
 WHITAKER CHALK SWINDLE & SCHWARTZ PLLC  
 301 COMMERCE ST, STE 3500  
 FORT WORTH TX UNITED STATES , 76102

**Correspondent e-mail:** [tgwynne@whitakerchalk.com](mailto:tgwynne@whitakerchalk.com) , [rschwartz@whitakerchalk.com](mailto:rschwartz@whitakerchalk.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
BULLET PROOF	Cancellation Terminated - See TTAB Records	<a href="#">76718573</a>	<a href="#">5220129</a>
BULLET PROOF	Cancellation Terminated - See TTAB Records	<a href="#">76718511</a>	<a href="#">5130772</a>

### Plaintiff(s)

**Name:** Unique Motorsports inc

**Correspondent Address:** DUSTIN HELMS  
 UNIQUE MOTORSPORTS INC  
 500 EAST STATE HWY 121  
 LEWISVILLE TX UNITED STATES , 75057

**Correspondent e-mail:** [dustin@unique-motorsports.com](mailto:dustin@unique-motorsports.com)

### Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 15, 2018	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 21, 2018	Apr 02, 2018
3	PENDING, INSTITUTED	Feb 21, 2018	
4	D MOT FOR EXT W/O CONSENT	Mar 06, 2018	
5	D REQUEST	Mar 29, 2018	
6	RESPONSE DUE	Apr 19, 2018	
7	D RESP TO BD ORDER/INQUIRY	Apr 30, 2018	

8	DIS CT JURY VERDICT	May 08, 2018
9	D MOT TO SUSP PEND DISP CIV ACTION	May 09, 2018
10	CONSOLIDATED; PROC SUSP PEND DISP OF BANKRUPTCY CASE	Jul 10, 2018
11	D MOT TO DISMISS	Jul 25, 2019
12	BD DECISION: CAN DENIED W/PREJ	Sep 27, 2019
13	TERMINATED	Sep 27, 2019

# United States of America

United States Patent and Trademark Office

## BULLET PROOF

**Reg. No. 5,220,129**

Neal Technologies, Inc. (ARIZONA CORPORATION)  
4245 East Palm Street  
Mesa, AZ 85215

**Registered Jun. 13, 2017**

**Int. Cl.: 37**

CLASS 37: Automotive repair and maintenance services, namely, repair and maintenance of diesel engines, and repair and installation of diesel engine components

**Service Mark**

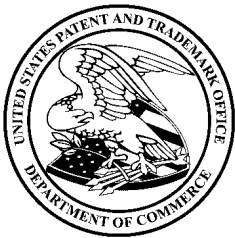
FIRST USE 6-1-2009; IN COMMERCE 6-1-2009

**Principal Register**

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

OWNER OF U.S. REG. NO. 4235578, 4262825

SER. NO. 76-718,573, FILED 10-19-2015  
THOMAS PAUL YOUNG, EXAMINING ATTORNEY



*Joseph Matol*

Performing the Functions and Duties of the  
Under Secretary of Commerce for  
Intellectual Property and Director of the  
United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION**

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

**Requirements in the First Ten Years\***

**What and When to File:**

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

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

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

**Grace Period Filings\***

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

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

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

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



# Exhibit C

Generated on: This page was generated by TSDR on 2020-07-01 21:47:12 EDT

Mark: BULLETPROOF

BULLETPROOF

US Serial Number: 88041096

Application Filing Date: Jul. 17, 2018

US Registration Number: 5854736

Registration Date: Sep. 10, 2019

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: Sep. 10, 2019

Publication Date: Jun. 25, 2019

## Mark Information

Mark Literal Elements: BULLETPROOF

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

## Related Properties Information

Claimed Ownership of US Registrations: 5130772, 5220128, 5220129 and others

## 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: Automotive components, namely, oil coolers and exhaust gas recirculation coolers for diesel engines; oil filtration systems comprised of filters for diesel engines; water pumps for diesel engines; and fuel injection control modules for diesel engines

International Class(es): 007 - Primary Class

U.S Class(es): 013, 019, 021, 023, 031, 034, 035

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 16, 2018

Use in Commerce: Jul. 16, 2018

## 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:** Neal Technologies, Inc.

**Owner Address:** 4245 East Palm Street  
Mesa, ARIZONA UNITED STATES 85215

**Legal Entity Type:** CORPORATION

**State or Country** ARIZONA  
**Where Organized:**

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Richard L. Schwartz

**Docket Number:** 26611.041

**Attorney Primary** [tgwynne@whitakerchalk.com](mailto:tgwynne@whitakerchalk.com)  
**Email Address:**

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

### Correspondent

**Correspondent** RICHARD L. SCHWARTZ  
**Name/Address:** WHITAKER CHALK SWINDLE & SCHWARTZ PLLC  
301 COMMERCE ST., SUITE 3500  
FORT WORTH, TEXAS UNITED STATES 76102

**Phone:** 817-878-0500

**Fax:** 817.878.0501

**Correspondent e-mail:** [tgwynne@whitakerchalk.com](mailto:tgwynne@whitakerchalk.com)

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

**Domestic Representative - Not Found**

## Prosecution History

Date	Description	Proceeding Number
Sep. 10, 2019	REGISTERED-PRINCIPAL REGISTER	
Jun. 25, 2019	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jun. 25, 2019	PUBLISHED FOR OPPOSITION	
Jun. 05, 2019	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
May 19, 2019	ASSIGNED TO LIE	68123
May 03, 2019	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 02, 2019	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
May 02, 2019	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
May 02, 2019	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Nov. 05, 2018	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Nov. 05, 2018	NON-FINAL ACTION E-MAILED	6325
Nov. 05, 2018	NON-FINAL ACTION WRITTEN	93428
Nov. 05, 2018	ASSIGNED TO EXAMINER	93428
Jul. 20, 2018	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 20, 2018	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:** Sep. 10, 2019

# United States of America

United States Patent and Trademark Office

## BULLETPROOF

**Reg. No. 5,854,736**

**Registered Sep. 10, 2019**

**Int. Cl.: 7**

**Trademark**

**Principal Register**

Neal Technologies, Inc. (ARIZONA CORPORATION)  
4245 East Palm Street  
Mesa, ARIZONA 85215

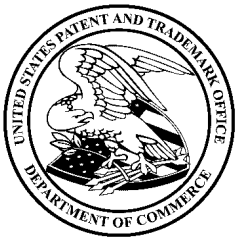
CLASS 7: Automotive components, namely, oil coolers and exhaust gas recirculation coolers for diesel engines; oil filtration systems comprised of filters for diesel engines; water pumps for diesel engines; and fuel injection control modules for diesel engines

FIRST USE 7-16-2018; IN COMMERCE 7-16-2018

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

OWNER OF U.S. REG. NO. 5220128, 5220129, 5130772

SER. NO. 88-041,096, FILED 07-17-2018



*Andrei Iancu*

Director of the United States  
Patent and Trademark Office

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