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Filing date: **05/03/2021**

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

Proceeding	91268316
Party	Plaintiff Red Bull GmbH
Correspondence Address	TYWANDA HARRIS LORD KILPATRICK TOWNSEND & STOCKTON LLP 1100 PEACHTREE STREET NE SUITE 2800 ATLANTA, GA 30309 UNITED STATES Primary Email: tlord@ktslaw.com Secondary Email(s): totay@ktslaw.com, cminervino@ktslaw.com, kteilhaber@ktslaw.com, tadmin@ktslaw.com 404-815-6500
Submission	Motion to Amend Pleading/Amended Pleading
Filer's Name	Tiffani D. Otey
Filer's email	tlord@ktslaw.com, totay@ktslaw.com, cminervino@ktslaw.com, kteilhaber@ktslaw.com, tadmin@ktslaw.com
Signature	/Tiffani D. Otey/
Date	05/03/2021
Attachments	2021.05.03 First Amended Notice Of Opposition_Exhibits A-1 - A-4.pdf(536816 bytes)

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

In re Applications Serial Nos. 90/081,512, 90/081,540, 90/081,580 & 90/081,586

Filed: July 29, 2020

Published: December 22, 2020 in the *Official Gazette*

For: BISON and 

RED BULL, GMBH

Opposer,

vs.

BISON PRODUCTS, LLC,

Applicant.

Opposition No. 91268316

**FIRST AMENDED CONSOLIDATED
NOTICE OF OPPOSITION**

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

P.O. Box 1451

Alexandria, Virginia 22313-1451

Dear Sir or Madam:

Red Bull GmbH (“**Opposer**”) believes that it will be damaged by the registration of the marks shown in Applications Serial Nos. 90/081,512, 90/081,540, 90/081,580 and 90/081,586 (together, the “**Applications**”), and hereby opposes same. Pursuant to TBMP §§ 305 and 503.03, Opposer is filing this first amended consolidated pleading because the Applications are owned by the same party and were filed on the same day, and Opposer’s claims against each application involve common questions of law and fact. Having timely filed requests for extensions of time to oppose, and timely filing Opposer’s Consolidated Notice of Opposition on March 23, 2021, Opposer now timely files this First Amended Consolidated Notice of Opposition as a matter of right under TBMP § 503.03 and Fed. R. Civ. P. 15(a).


As grounds for its opposition, Opposer alleges as follows:


The Parties and the Applications

1. Opposer Red Bull GmbH is a limited liability company organized and existing under the laws of Austria, with its principal place of business at Am Brunnen 1, 5330 Fuschl am See, Austria.

2. According to the information included in the Applications, the applicant is Bison Products, LLC (“**Applicant**”), a limited liability company organized and existing under the laws of Texas. Applicant’s address is 4633 Miramar Dr, League City, Texas 77573, United States.

3. On July 29, 2020, Applicant filed the Applications – namely, Application Serial No. 90/081,512 to register the word mark BISON and Application Serial No. 90/081,580 to

register the mark  for “nutritional supplements” in Class 5, and Application Serial No. 90/081,540 to register the word mark BISON and Application Serial No. 90/081,586 to

register the mark  for “mixed fruit juices” in Class 32, on an intent to use basis under Trademark Act Section 1(b).

Opposer and Its Famous Marks

4. Opposer is now and has for many years been engaged in the development, marketing, advertising, distribution and sale of various products and services including, among others, energy drinks, beverages, sports drinks, soft drinks, carbonated beverages (collectively “**Opposer’s Goods**”).



5. Opposer is the owner of the corporate name, trade name and trademark RED BULL, in use continuously in interstate commerce on and in connection with Opposer’s Goods

since at least as early as May 31, 1996, and long before the filing date of the Applications or any date on which Applicant can rely for priority.

6. Opposer is also the owner of various United States trademark registrations and

Red Bull

common law rights in and to the trademarks RED BULL,  (RED BULL &

Two Bulls Logo),  (Two Bulls Logo),  (Single Bull Logo),

and BULL, all of which are collectively referred to herein as the “**RED BULL and Bull Logo Marks**”.

7. Opposer is the owner of the valid and subsisting U.S. trademark Registration No. 3,092,197 for the RED BULL word mark, which was registered on the Principal Register on May 16, 2006, and covers the goods shown therein, including Opposer’s Goods. A true and correct copy of the current TSDR record for this registration showing current status and title is attached hereto in Exhibit A-1.

8. Opposer is the owner of the valid and subsisting U.S. trademark Registration No. 3,197,810 for the mark RED BULL & Two Bulls Logo (shown below), which was registered on the Principal Register on January 16, 2007, with a filing priority date of August 10, 1995, and covers the goods shown therein, including Opposer’s Goods. A true and correct copy of the current TSDR record for this registration showing current status and title is attached hereto in Exhibit A-2.

Red Bull



9. Opposer is the owner of the valid and subsisting U.S. trademark Registration No. 2946045 for the mark Two Bulls Logo (shown below), which was registered on the Principal Register on May 3, 2005, and covers the goods shown therein, including Opposer's Goods. A true and correct copy of the current TSDR record for this registration showing current status and title is attached hereto in Exhibit A-3.



10. Opposer is the owner of the valid and subsisting U.S. trademark Registration No. 3,838,170 for the mark Single Bull Logo (shown below), which was registered on the Principal Register on August 24, 2010 and covers the goods shown therein, including Opposer's Goods. A true and correct copy of the current TSDR record for this registration showing current status and title is attached hereto in Exhibit A-4.



11. Opposer's various RED BULL and Bull Logo Marks have been used continuously in interstate commerce on and in connection with Opposer's Goods, including, but not limited to, energy drinks, beverages, sports drinks, soft drinks, and carbonated beverages since at least as early as May 31, 1996, and long before the filing date of the Applications, or any claimed use date therein, or any earlier priority dates on which Applicant can rely.

12. Opposer's RED BULL and Bull Logo Marks have become valuable assets of Opposer, such that consumers have come to recognize a family of RED BULL and BULL Logo Marks identifying Opposer's Goods, and distinguishing Opposer's Goods from the goods and services of others.

13. Opposer's RED BULL and Bull Logo Marks have been extensively advertised in the United States and throughout the world, and have appeared on or in relation to products, product packaging, point-of-sale displays and other promotional materials for products sold, offered, and advertised, and have been used in connection with Opposer's Goods, advertised, offered, conducted, and promoted in the United States and throughout the world.


14. In 2020, Opposer's worldwide sales of its energy drinks, beverages, sports drinks, soft drinks, and carbonated beverages exceeded 7.9 billion units, with significant sales in the United States. As a result of the enormous success and sales of Opposer's Goods, and of

the extensive advertising and promotion of Opposer’s family of RED BULL and Bull Logo Marks and products in the United States and throughout the world, Opposer’s RED BULL and Bull Logo Marks are famous marks, and are recognized in the United States and elsewhere as such. For example, Forbes Magazine ranks RED BULL #69 on its 2020 list of the world’s most valuable brands. Moreover, the Trademark Trial and Appeal Board has previously found Opposer’s trademarks to be famous for energy drinks for purposes of its likelihood of confusion analysis. *See Red Bull GmbH v. Morganti Flavio Innovaciones Gastronomicas, S.L.*, Opp. No. 91223317 (T.T.A.B. Jan. 18, 2019) and *Red Bull GmbH v. Bullred Clothing, Inc.*, Opp. No. 91216739 (T.T.A.B. Jan. 12, 2016).

Applicant and Its Confusingly Similar Marks

15. The goods for which Applicant seeks registration are “nutritional supplements” and “mixed fruit juices,” which are similar and closely related to the goods for which Opposer both uses its RED BULL and Bull Logo Marks and owns registrations.

16. On information and belief, Applicant was aware of Opposer and one or more of the RED BULL and Bull Logo Marks before it filed the Applications.

17. The BISON and  marks that are the subjects of the Applications are highly similar in appearance and overall commercial impression to the RED BULL and Bull Logo Marks.

18. The Applicant’s marks when used in connection with the goods listed in the Applications, are intended to call to the mind of the consumer the Opposer and its RED BULL and Bull Logo Marks.

FIRST CLAIM FOR RELIEF
(Likelihood of Confusion With Registered Trademark)

19. Opposer repeats and re-alleges the allegations of Paragraphs 1 through 18 above, as though fully set forth herein.

20. The marks shown in the Applications so resemble Opposer's RED BULL and Bull Logo Marks as to be likely, when used on or in connection with the goods identified in the Applications, to cause confusion, to cause mistake, or to deceive, and Applicant's marks are thus unregistrable under § 2(d) of the United States Trademark Act, 15 U.S.C. §1052(d).

21. Opposer will be damaged by registration of the marks shown in the Opposed Applications because the registrations will give Applicant *prima facie* evidence of the validity of its confusingly-similar marks and the exclusive nationwide right to use its confusingly-similar marks in commerce in connection with the goods identified in the Applications, in derogation of Opposer's rights in the RED BULL and Bull Logo Marks.

SECOND CLAIM FOR RELIEF
(Likelihood of Confusion With Opposer's Previously-Used and Famous Marks)

22. Opposer repeats and re-alleges the allegations of Paragraphs 1 through 21 above, as though fully set forth herein.

23. The marks shown in the Applications so resemble Opposer's famous RED BULL and Bull Logo Marks previously used in the United States and not abandoned as to be likely, when used on or in connection with the goods and services identified in the Applications, to cause confusion, to cause mistake, and to deceive, and Applicant's marks are thus unregistrable under § 2(d) of the United States Trademark Act, 15 U.S.C. §1052(d), as amended.

24. Opposer will be damaged by registration of the marks shown in the Applications because registration of the marks would give Applicant *prima facie* evidence of

its ownership of, and exclusive right to use in commerce, marks that are confusingly similar to Opposer's famous previously-used and not-abandoned marks.

THIRD CLAIM FOR RELIEF
(Dilution of Famous Marks)

25. Opposer repeats and re-alleges the allegations of Paragraphs 1 through 24 above, as though fully set forth herein.

26. Opposer's marks are famous in the United States and became famous in the United States long before the filing date of the Applications, or any earlier date of actual use of the marks shown in the Applications upon which Applicant can rely or any earlier priority date upon which Applicant can rely, and use of Applicant's marks is likely to cause dilution by blurring in that Applicant's target customers are likely to associate Applicant's goods with Opposer and Opposer's famous RED BULL and Bull Logo Marks even if they are not confused as to the different origins of these services. Moreover, Applicant's marks are likely to cause dilution by tarnishment in that Applicant's use of its marks will harm the reputation of Opposer's famous marks

27. Accordingly, the Applications must be refused registration under Section 43(c) of the United States Trademark Act, 15 U.S.C. §1125(c), as amended.

FOURTH CLAIM FOR RELIEF
(False Suggestion of a Connection)

28. Opposer repeats and re-alleges the allegations of Paragraphs 1 through 27 above, as though fully set forth herein.

29. The marks shown in the Applications falsely suggest a connection between Opposer and Applicant, and Applicant's marks are thus unregistrable under § 2(a) of the United States Trademark Act, 15 U.S.C. §1052(a).

PRAYER FOR RELIEF

WHEREFORE, Opposer Red Bull GmbH prays that this Opposition be sustained, and that registration of the marks in the Applications be refused.

Please direct all notices, pleadings and process regarding this matter to the below.

Respectfully submitted,

KILPATRICK TOWNSEND & STOCKTON LLP

Dated: May 3, 2021

By: Tiffani D. Otey
Tywanda Harris Lord
Tiffani D. Otey
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Attorneys for Opposer Red Bull GmbH

CERTIFICATE OF SERVICE

This is to certify that the foregoing FIRST AMENDED NOTICE OF OPPOSITION was served on counsel for Applicant via email as follows:

sam@attorneysam.com

Dated: May 3, 2021

/Tiffani D. Otey/

Kilpatrick Townsend & Stockton LLP

s

EXHIBIT A-1

Generated on: This page was generated by TSDR on 2021-05-03 12:33:57 EDT

Mark: RED BULL

RED BULL

US Serial Number: 78347152

Application Filing Date: Dec. 31, 2003

US Registration Number: 3092197

Registration Date: May 16, 2006

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: The registration has been renewed.

Status Date: Feb. 17, 2016

Publication Date: Nov. 01, 2005

Mark Information

Mark Literal Elements: RED BULL

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: 1541794, 1935272, 2852235 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: Non-alcoholic beverages, namely energy drinks and hypertonic drinks

International Class(es): 032 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 31, 1987

Use in Commerce: May 31, 1996

For: [Alcoholic beverages, namely, vodka]

International Class(es): 033 - Primary Class

U.S Class(es): 047, 049

Class Status: SECTION 8 - CANCELLED

Basis: 1(a)

First Use: Jul. 23, 2002

Use in Commerce: Aug. 15, 2002

Basis Information (Case Level)

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: RED BULL GMBH
Owner Address: AM BRUNNEN 1
FUSCHL AM SEE AUSTRIA A5330
Legal Entity Type: LIMITED LIABILITY COMPANY
State or Country Where Organized: AUSTRIA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Joseph V. Myers III

Attorney Primary Email Address: tmatlanta@seyfarth.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Joseph V. Myers III
Seyfarth Shaw, LLP
1075 Peachtree St., #2500
Atlanta, GEORGIA UNITED STATES 30309

Phone: 404-885-1500

Correspondent e-mail: tmatlanta@seyfarth.com

Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: Joseph V. Myers III

Phone: 404-885-1500

Domestic Representative e-mail: tmatlanta@seyfarth.com

Domestic Representative e-mail Authorized: Yes

Prosecution History

Date	Description	Proceeding Number
Mar. 04, 2020	NOTICE OF SUIT	
Dec. 16, 2019	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Dec. 16, 2019	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jun. 24, 2019	NOTICE OF SUIT	
Nov. 06, 2018	NOTICE OF SUIT	
Sep. 26, 2018	NOTICE OF SUIT	
Jul. 24, 2018	NOTICE OF SUIT	
Jun. 05, 2018	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jun. 05, 2018	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Apr. 05, 2017	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Nov. 22, 2016	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Feb. 17, 2016	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Feb. 17, 2016	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	67603
Feb. 17, 2016	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	67603
Feb. 02, 2016	TEAS SECTION 8 & 9 RECEIVED	
May 16, 2015	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Oct. 24, 2012	NOTICE OF SUIT	

Mar. 10, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Mar. 10, 2012	REGISTERED - PARTIAL SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	67603
Jan. 24, 2012	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	67603
Mar. 10, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	67603
Jan. 24, 2012	TEAS SECTION 8 & 15 RECEIVED	
Jul. 11, 2011	NOTICE OF SUIT	
Mar. 30, 2010	NOTICE OF SUIT	
Dec. 30, 2009	NOTICE OF SUIT	
Jul. 07, 2009	NOTICE OF SUIT	
Jul. 07, 2009	NOTICE OF SUIT	
Aug. 05, 2008	NOTICE OF SUIT	
Jun. 10, 2008	NOTICE OF SUIT	
Jun. 10, 2008	NOTICE OF SUIT	
Jan. 14, 2007	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
May 16, 2006	REGISTERED-PRINCIPAL REGISTER	
Apr. 01, 2006	EXTENSION OF TIME TO OPPOSE PROCESS - TERMINATED	
Nov. 23, 2005	EXTENSION OF TIME TO OPPOSE RECEIVED	
Nov. 01, 2005	PUBLISHED FOR OPPOSITION	
Oct. 12, 2005	NOTICE OF PUBLICATION	
Sep. 08, 2005	LAW OFFICE PUBLICATION REVIEW COMPLETED	76985
Sep. 02, 2005	ASSIGNED TO LIE	76985
Aug. 26, 2005	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 26, 2005	AMENDMENT FROM APPLICANT ENTERED	88888
Aug. 23, 2005	CORRESPONDENCE RECEIVED IN LAW OFFICE	88888
Aug. 23, 2005	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 07, 2005	FINAL REFUSAL MAILED	
Mar. 04, 2005	FINAL REFUSAL WRITTEN	74309
Jan. 28, 2005	TEAS/EMAIL CORRESPONDENCE ENTERED	76869
Jan. 25, 2005	CORRESPONDENCE RECEIVED IN LAW OFFICE	76869
Jan. 25, 2005	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Aug. 04, 2004	AMENDMENT FROM APPLICANT ENTERED	76532
Jul. 28, 2004	UNRESPONSIVE/DUPLICATE PAPER RECEIVED	76532
Jul. 29, 2004	UNRESPONSIVE/DUPLICATE PAPER RECEIVED	
Jul. 26, 2004	NON-FINAL ACTION MAILED	
Jul. 21, 2004	NON-FINAL ACTION MAILED	
Jul. 19, 2004	ASSIGNED TO EXAMINER	74309
Jan. 08, 2004	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Feb. 17, 2016

EXHIBIT A-2

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Mark: RED BULL



US Serial Number: 74713796

Application Filing Date: Aug. 10, 1995

US Registration Number: 3197810

Registration Date: Jan. 16, 2007

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Cancellation/Invalidation Pending

This trademark application has been registered with the Office, but it is currently undergoing a challenge which may result in its removal from the registry.

Status: A cancellation proceeding is pending at the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

Status Date: Apr. 15, 2021

Publication Date: Mar. 21, 2006

Mark Information

Mark Literal Elements: RED BULL

Standard Character Claim: No

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

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

Design Search Code(s): 03.07.01 - Steers; Oxen, cows, calves, bulls; Cattle

26.01.03 - Incomplete circles (more than semi-circles); Circles, incomplete (more than semi-circles)

Foreign Information

Priority Claimed: Yes

Foreign Application Number: 395066565

Foreign Application Filing Date: Feb. 14, 1995

Foreign Registration Number: 395066565

Foreign Registration Date: Jul. 25, 1995

Foreign Application/Registration Country: GERMANY

Foreign Expiration Date: Feb. 28, 2015

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: [Mineral waters and aerated waters and other non-alcoholic beverages, namely, flavored waters;] soft drinks; [fruit drinks and fruit juices; powders and syrups for making soft drinks, fruit drinks, fruit juices;] and sports drinks

International Class(es): 032 - Primary Class

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

Class Status: ACTIVE

Basis: 44(e)

Basis Information (Case Level)

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

Current Owner(s) Information

Owner Name: RED BULL GMBH
Owner Address: AM BRUNNEN 1
FUSCHL AM SEE AUSTRIA A5330
Legal Entity Type: LIMITED LIABILITY COMPANY
State or Country Where Organized: AUSTRIA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: JOSEPH V. MYERS III
Attorney Primary Email Address: tmatlanta@seyfarth.com
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: JOSEPH V. MYERS III
SEYFARTH SHAW, LLP
1075 PEACHTREE ST., #2500
ATLANTA, GEORGIA UNITED STATES 30309
Phone: 404-885-1500
Correspondent e-mail: tmatlanta@seyfarth.com
Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: Joseph V. Myers III
Phone: 404-885-1500
Domestic Representative e-mail: tmatlanta@seyfarth.com
Domestic Representative e-mail Authorized: Yes

Prosecution History

Date	Description	Proceeding Number
Apr. 15, 2021	CANCELLATION INSTITUTED NO. 999999	76894
Mar. 04, 2020	NOTICE OF SUIT	
Dec. 16, 2019	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Dec. 16, 2019	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jun. 24, 2019	NOTICE OF SUIT	
Nov. 06, 2018	NOTICE OF SUIT	
Sep. 26, 2018	NOTICE OF SUIT	
Jul. 24, 2018	NOTICE OF SUIT	
Jun. 05, 2018	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jun. 05, 2018	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Apr. 05, 2017	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Dec. 20, 2016	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Dec. 20, 2016	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	67723
Dec. 20, 2016	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	67723

Dec. 20, 2016	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	67723
Nov. 22, 2016	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Oct. 11, 2016	TEAS SECTION 8 & 9 RECEIVED	
Oct. 11, 2016	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 16, 2016	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Jun. 13, 2012	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jun. 11, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Jun. 11, 2012	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	64591
Jun. 05, 2012	TEAS RESPONSE TO OFFICE ACTION-POST REG RECEIVED	
Mar. 21, 2012	POST REGISTRATION ACTION MAILED - SEC. 8 & 15	64591
Mar. 21, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	64591
Feb. 13, 2012	TEAS SECTION 8 & 15 RECEIVED	
Jan. 16, 2007	REGISTERED-PRINCIPAL REGISTER	
Jan. 14, 2007	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Dec. 04, 2006	1(B) BASIS DELETED; PROCEED TO REGISTRATION	65362
Nov. 14, 2006	NOTICE OF ALLOWANCE CANCELLED	65362
Nov. 14, 2006	TEAS DELETE 1(B) BASIS RECEIVED	
Sep. 19, 2006	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Aug. 04, 2006	EXTENSION OF TIME TO OPPOSE PROCESS - TERMINATED	
Jul. 26, 2006	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Apr. 19, 2006	EXTENSION OF TIME TO OPPOSE RECEIVED	
Mar. 21, 2006	PUBLISHED FOR OPPOSITION	
Mar. 01, 2006	NOTICE OF PUBLICATION	
Feb. 06, 2006	LAW OFFICE PUBLICATION REVIEW COMPLETED	73787
Feb. 06, 2006	ASSIGNED TO LIE	73787
Jan. 24, 2006	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 16, 2005	TEAS/EMAIL CORRESPONDENCE ENTERED	78413
Dec. 05, 2005	CORRESPONDENCE RECEIVED IN LAW OFFICE	78413
Dec. 05, 2005	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jun. 06, 2005	INQUIRY AS TO SUSPENSION MAILED	
Jun. 06, 2005	SUSPENSION INQUIRY WRITTEN	68309
Dec. 01, 2004	LETTER OF SUSPENSION MAILED	
Nov. 30, 2004	SUSPENSION LETTER WRITTEN	68309
Oct. 21, 2004	LIE CHECKED SUSP - TO ATTY FOR ACTION	73787
Aug. 30, 2004	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	73787
Jul. 07, 2003	CASE FILE IN TICRS	
Jul. 07, 2003	CASE FILE IN TICRS	
Mar. 30, 2000	ASSIGNED TO EXAMINER	68309
Oct. 01, 1999	ASSIGNED TO EXAMINER	70734
Apr. 28, 1999	ASSIGNED TO EXAMINER	76468
Nov. 13, 1997	LETTER OF SUSPENSION MAILED	
Jul. 15, 1997	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jan. 13, 1997	NON-FINAL ACTION MAILED	
Oct. 30, 1996	CORRESPONDENCE RECEIVED IN LAW OFFICE	
May 01, 1996	NON-FINAL ACTION MAILED	
Apr. 05, 1996	ASSIGNED TO EXAMINER	70734
Mar. 22, 1996	ASSIGNED TO EXAMINER	72147

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Dec. 20, 2016

Assignment Abstract Of Title Information

Summary

Total Assignments: 2

Registrant: RED BULL GMBH

Assignment 1 of 2**Conveyance:** NUNC PRO TUNC ASSIGNMENT EFFECTIVE 01152001**Reel/Frame:** [3354/0959](#)**Pages:** 4**Date Recorded:** Jul. 25, 2006**Supporting Documents:** [assignment-tm-3354-0959.pdf](#)**Assignor****Name:** [RED BULL GMBH](#)**Execution Date:** Dec. 22, 2005**Legal Entity Type:** LTD LIAB JT ST CO**State or Country Where Organized:** GERMANY**Assignee****Name:** [RED BULL GMBH](#)**Legal Entity Type:** LTD LIAB JT ST CO**State or Country Where Organized:** AUSTRIA**Address:** AM BRUNNEN 1
FUSCHL AM SEE, AUSTRIA A-5330**Correspondent****Correspondent Name:** TECHMARK A LAW CORPORATION**Correspondent Address:** 4820 HARWOOD ROAD, 2ND FLOOR
ATTN: MARTIN R. GREENSTEIN
SAN JOSE, CA 95124-5273**Domestic Representative****Domestic Representative Name:** TECHMARK A LAW CORPORATION**Domestic Representative Address:** 4820 HARWOOD ROAD, SUITE 200
ATTN: MARTIN R. GREENSTEIN
SAN JOSE, CA 95124-5273**Assignment 2 of 2****Conveyance:** CORRECTIVE ASSIGNMENT TO CORRECT THE ERRORS IN THE ENTITY TYPES OF ASSIGNOR AND ASSIGNEE PREVIOUSLY RECORDED ON REEL 003354 FRAME 0959. ASSIGNOR(S) HEREBY CONFIRMS THE ENTITY TYPE OF BOTH, ASSIGNEE AND ASSIGNOR, IS LIMITED LIABILITY COMPANY AS SHOWN IN THE ATTACHED ASSIGNMENT DOCUMENT.**Reel/Frame:** [4795/0568](#)**Pages:** 8**Date Recorded:** Jun. 05, 2012**Supporting Documents:** [assignment-tm-4795-0568.pdf](#)**Assignor****Name:** [RED BULL GMBH](#)**Execution Date:** Dec. 22, 2005**Legal Entity Type:** LIMITED LIABILITY COMPANY**State or Country Where Organized:** GERMANY**Assignee****Name:** [RED BULL GMBH](#)**Legal Entity Type:** LIMITED LIABILITY COMPANY**State or Country Where Organized:** AUSTRIA**Address:** AM BRUNNEN 1
FUSCHL AM SEE, AUSTRIA A-5330**Correspondent****Correspondent Name:** TECHMARK A LAW CORPORATION**Correspondent Address:** 4820 HARWOOD ROAD, 2ND FLOOR
ATTN: MARTIN R. GREENSTEIN
SAN JOSE, CA 95124**Domestic Representative**

Domestic Representative Name: TECHMARK A LAW CORPORATION

Domestic Representative Address: 4820 HARWOOD ROAD, 2ND FLOOR
ATTN: MARTIN R. GREENSTEIN
SAN JOSE, CA 95124-5273

Proceedings

Summary

Number of Proceedings: 4

Type of Proceeding: Cancellation

Proceeding Number: [92076894](#)

Filing Date: Apr 13, 2021

Status: Pending

Status Date: Apr 15, 2021

Interlocutory Attorney: ELIZABETH WINTER

Defendant

Name: Red Bull Gmbh

Correspondent Address: JOSEPH V. MYERS III
SEYFARTH SHAW, LLP
1075 PEACHTREE ST., #2500
ATLANTA GA UNITED STATES , 30309

Correspondent e-mail: tmatlanta@seyfarth.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
RED BULL	Cancellation Pending	74713796	3197810

Plaintiff(s)

Name: Bison Products, LLC

Correspondent Address: SAM SOKHANSANJ
LAW OFFICE OF SAM SOKHANSANJ PLLC
2101 CEDAR SPRINGS RD., SUITE 1050
DALLAS TX UNITED STATES , 75201

Correspondent e-mail: sam@attorneysam.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BISON	Opposition Pending	90081512	
BISON	Opposition Pending	90081540	
BISON	Opposition Pending	90081580	
BISON	Opposition Pending	90081586	

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 13, 2021	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 15, 2021	May 25, 2021
3	INSTITUTED	Apr 15, 2021	

Type of Proceeding: Opposition

Proceeding Number: [91255948](#)

Filing Date: May 18, 2020

Status: Terminated

Status Date: Aug 18, 2020

Interlocutory Attorney: WINSTON T FOLMAR

Defendant

Name: Adversus, Llc

Correspondent Address: MARIA ELISEEVA
PATENTBAR INTERNATIONAL PC
1666 MASSACHUSETTS AVE , SUITE 12
LEXINGTON MA UNITED STATES , 02420

Correspondent e-mail: tm.docket@patentbar.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
BIZON	IR CANCELLED; US APPLICATION ABANDONED	79258484	
BIZON	IR CANCELLED; US APPLICATION ABANDONED	79259190	

Plaintiff(s)

Name: Red Bull GmbH

Correspondent Address: TYWANDA HARRIS LORD
KILPATRICK TOWNSEND & STOCKTON LLP
1100 PEACHTREE STREET NE , SUITE 2800
ATLANTA GA UNITED STATES , 30309

Correspondent e-mail: flord@ktslaw.com , totey@ktslaw.com , cminervino@ktslaw.com , kteilhaber@ktslaw.com , tmadmin@ktslaw.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
RED BULL	REGISTERED AND RENEWED	78347152	3092197
RED BULL	Cancellation Pending	74713796	3197810
	REGISTERED AND RENEWED	75694927	3838170
	REGISTERED AND RENEWED	78702090	3881732
RED BULL ENERGY DRINK	REGISTERED AND RENEWED	77316470	3479607
	Section 8 and 15 - Accepted and Acknowledged	85638459	4409528

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	May 18, 2020	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	May 21, 2020	Jun 30, 2020
3	INSTITUTED	May 21, 2020	
4	NOTICE OF DEFAULT	Jul 10, 2020	
5	BD DECISION: OPP SUSTAINED	Aug 18, 2020	
6	TERMINATED	Aug 18, 2020	

Type of Proceeding: Extension of Time

Proceeding Number: [74713796](#)

Filing Date: Apr 18, 2006

Status: Terminated

Status Date: Aug 04, 2006

Interlocutory Attorney:

Defendant

Name: RED BULL GMBH

Correspondent Address: Martin R. Greenstein
TechMark
35 South Market Street Sixteenth Floor
San Jose CA UNITED STATES , 95113

Associated marks			
Mark	Application Status	Serial Number	Registration Number
RED BULL	Cancellation Pending	74713796	3197810

Potential Opposer(s)

Name: Mon Chong Loong Trading Corp.

Correspondent Address: Bernard Malina
Malina & Associates, P.C.

60 East 42nd Street, Suite 501
New York NY UNITED STATES , 10165

Correspondent e-mail: bmalina@malinalaw.com

Name: Foodmart International Corporation

Correspondent Address: Bernard Malina
Malina & Associates, P.C.
60 East 42nd Street, Suite 501
New York NY UNITED STATES , 10165

Correspondent e-mail: bmalina@malinalaw.com

Prosecution History

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Apr 18, 2006	
2	EXTENSION OF TIME GRANTED	Apr 19, 2006	
3	INCOMING - EXT TIME TO OPPOSE FILED	Apr 18, 2006	
4	EXTENSION OF TIME GRANTED	Apr 19, 2006	

Type of Proceeding: Opposition

Proceeding Number: [91123621](#)

Filing Date: Feb 12, 2001

Status: Terminated

Status Date: Aug 31, 2007

Interlocutory Attorney: ANDREW P BAXLEY

Defendant

Name: GHRHARD WINKLER

Correspondent Address: LISA M. MARTENS
FISH & RICHARDSON PC
12390 EL CAMINO REAL
SAN DIEGO CA UNITED STATES , 92130

Associated marks

Mark	Application Status	Serial Number	Registration Number
BLUE OX	Abandoned - After Inter-Partes Decision	75627515	

Plaintiff(s)

Name: RED BULL GMBH

Correspondent Address: RAYMOND A. KURZ
HOGAN & HARTSON L.L.P.
555 THIRTEENTH STREET, N.W.
WASHINGTON DC UNITED STATES , 20004

Associated marks

Mark	Application Status	Serial Number	Registration Number
RED BULL	Cancellation Pending	74713796	3197810

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 12, 2001	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 01, 2001	Sep 10, 2001
3	PENDING, INSTITUTED	Aug 01, 2001	
4	D'S MOTION FOR AN EXTENSION OF TIME	Sep 20, 2001	
5	ANSWER	Oct 15, 2001	
6	MOTION TO CONSOLIDATE	Jul 15, 2002	
7	DELETE ENTRY	Aug 20, 2002	
8	CONSOLIDATED W/91150097; TRIAL DATES RES ET	Aug 20, 2002	
9	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	Aug 30, 2002	
10	GRANTED PL'S #9	Oct 04, 2002	
11	STIPULATION FOR AN EXTENSION OF TIME	Oct 22, 2002	
12	DELETE ENTRY	Nov 27, 2002	

13	TRIAL DATES RESET	Nov 27, 2002
14	P'S SUBSTITUTION OF COUNSEL	Dec 04, 2002
15	P'S ALLOWED 30 DAYS TO SHOW CAUSE	Jul 03, 2003
16	BD'S 7/3/03 ORDER VACATED; PROC. RESUMED; TRIAL DATES RESET	Jul 10, 2003
17	PREVIOUS TRIAL SCHEDULE VACATED;TRIAL DATES RESET	Aug 08, 2003
18	PL'S NOTICE OF TEST DEP UPON WRITTEN QUESTIONS	Sep 22, 2003
19	P'S MOTION TO SUSPEND	Sep 19, 2003
20	PROCEEDINGS SUSPENDED	Oct 01, 2003
21	P'S MOTION TO SUSP. GRANTED;PROC. SUSPENDED	Oct 09, 2003
22	D'S CHANGE OF CORRESPONDENCE ADDRESS	Aug 24, 2004
23	Def's mot to substitute party	Nov 12, 2004
24	Notice of assignment	Oct 20, 2004
25	P's opp to mot to sub; mot to join G. Winkler KEG as D	Nov 18, 2004
26	D'S OPP TO MOT TO JOIN	Dec 13, 2004
27	P'S REPLY BRIEF TO MOTION TO JOIN	Dec 28, 2004
28	Proceedings remain suspended pending final determination of case no. LACV03-6731 DDP SHSx	Jan 08, 2005
29	Def's request that Bd not consider pl's surreply	Jan 13, 2005
30	PL'S REPLY TO DEF'S RESPONSE TO PL'S MOTION TO JOIN DEF'S TO THE OPPOSITION PROCEEDINGS	Dec 28, 2004
31	BOARD'S ORDER THE PARTIES ARE ALLOWED 30 DAYS TO INFORM THE BOARD OF THE STATUS OF THE CIVIL ACTION	Dec 09, 2005
32	WITHDRAWAL OF APPLICATION	Jan 09, 2006
33	BD'S DECISION: DISMISSED W/O PREJUDICE	Jan 10, 2006
34	TERMINATED	Jan 10, 2006
35	P'S OPPOSITION/RESPONSE TO MOTION	Jan 03, 2006
36	BD'S DECISION: DISMISSED W/O PREJUDICE	Jan 10, 2006
37	TERMINATED	Mar 17, 2006

EXHIBIT A-3

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Mark:



US Serial Number: 78347148

Application Filing Date: Dec. 31, 2003

US Registration Number: 2946045

Registration Date: May 03, 2005

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: The registration has been renewed.

Status Date: Jan. 02, 2015

Publication Date: Nov. 30, 2004

Mark Information

Mark Literal Elements: None

Standard Character Claim: No

Mark Drawing Type: 2 - AN ILLUSTRATION DRAWING WITHOUT ANY WORDS(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of Two Opposing or Charging Bulls, with a circular, globe or sun background.

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

Design Search Code(s): 03.07.01 - Steers; Oxen, cows, calves, bulls; Cattle
26.01.01 - Circles as carriers or as single line borders

Related Properties Information

Claimed Ownership of US Registrations: 2594767

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: Non-alcoholic beverages, namely energy drinks and hypertonic drinks

International Class(es): 032 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 31, 1987

Use in Commerce: May 31, 1996

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: RED BULL GMBH

Owner Address: AM BRUNNEN 1
FUSCHL AM SEE AUSTRIA A5330

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country AUSTRIA
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Joseph V. Myers III

Attorney Primary tmatlanta@seyfarth.com
Email Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent Joseph V. Myers III
Name/Address: Seyfarth Shaw, LLP
1075 Peachtree St., #2500
Atlanta, GEORGIA UNITED STATES 30309

Phone: 404-885-1500

Correspondent e- tmatlanta@seyfarth.com
mail:

Correspondent e- Yes
mail Authorized:

Domestic Representative

Domestic Joseph V. Myers III
Representative
Name:

Phone: 404-885-1500

Domestic tmatlanta@seyfarth.com
Representative e-
mail:

Domestic Yes
Representative e-
mail Authorized:

Prosecution History

Date	Description	Proceeding Number
Mar. 04, 2020	NOTICE OF SUIT	
Dec. 16, 2019	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Dec. 16, 2019	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jun. 24, 2019	NOTICE OF SUIT	
Nov. 06, 2018	NOTICE OF SUIT	
Sep. 26, 2018	NOTICE OF SUIT	
Jul. 24, 2018	NOTICE OF SUIT	
Jun. 05, 2018	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jun. 05, 2018	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Apr. 05, 2017	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Nov. 22, 2016	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 02, 2015	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Jan. 02, 2015	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	76533
Jan. 02, 2015	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	76533
Jan. 02, 2015	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76533
Dec. 10, 2014	TEAS SECTION 8 & 9 RECEIVED	
Jul. 11, 2011	NOTICE OF SUIT	
Jan. 13, 2011	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	76293
Jan. 12, 2011	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76293

Dec. 08, 2010	TEAS SECTION 8 & 15 RECEIVED	
Mar. 30, 2010	NOTICE OF SUIT	
Dec. 30, 2009	NOTICE OF SUIT	
Sep. 01, 2009	NOTICE OF SUIT	
Jul. 07, 2009	NOTICE OF SUIT	
Jul. 07, 2009	NOTICE OF SUIT	
Dec. 30, 2008	NOTICE OF DESIGN SEARCH CODE MAILED	
Aug. 05, 2008	NOTICE OF SUIT	
Jan. 14, 2007	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Nov. 18, 2005	AMENDMENT UNDER SECTION 7 A- PROCESSED	
Nov. 18, 2005	ASSIGNED TO PARALEGAL	69471
Jul. 22, 2005	SEC 7 REQUEST FILED	
Jul. 22, 2005	PAPER RECEIVED	
May 03, 2005	REGISTERED-PRINCIPAL REGISTER	
Mar. 02, 2005	EXTENSION OF TIME TO OPPOSE PROCESS - TERMINATED	
Jan. 07, 2005	EXTENSION OF TIME TO OPPOSE RECEIVED	
Nov. 30, 2004	PUBLISHED FOR OPPOSITION	
Nov. 10, 2004	NOTICE OF PUBLICATION	
Sep. 27, 2004	LAW OFFICE PUBLICATION REVIEW COMPLETED	76869
Sep. 24, 2004	ASSIGNED TO LIE	76869
Sep. 21, 2004	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 10, 2004	AMENDMENT FROM APPLICANT ENTERED	76532
Aug. 31, 2004	CORRESPONDENCE RECEIVED IN LAW OFFICE	76532
Sep. 10, 2004	AMENDMENT FROM APPLICANT ENTERED	76532
Aug. 31, 2004	CORRESPONDENCE RECEIVED IN LAW OFFICE	76532
Sep. 01, 2004	EMAIL RECEIVED	
Sep. 01, 2004	EMAIL RECEIVED	
Jul. 22, 2004	NON-FINAL ACTION MAILED	
Jul. 19, 2004	ASSIGNED TO EXAMINER	74309
Jan. 08, 2004	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Jan. 02, 2015

Proceedings

Summary

Number of Proceedings: 4

Type of Proceeding: Cancellation

Proceeding Number: [92059220](#)

Filing Date: May 19, 2014

Status: Terminated

Status Date: Jul 15, 2015

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: Stockmarket Burger Inc.

Correspondent Address: PAULO A DE ALMEIDA
 PATEL & ALMEIDA PC
 16830 VENTURA BLVD, SUITE 360
 ENCINO CA UNITED STATES , 91436

Correspondent e-mail: Paulo@PatelAlmeida.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
STOCKMARKET	Cancelled - Section 18	85678171	4481899
Plaintiff(s)			

Name: Red Bull GmbH

Correspondent Address: MARTIN R GREENSTEIN
TECHMARK A LAW CORPORATION
4820 HARWOOD ROAD, 2ND FLOOR
SAN JOSE CA UNITED STATES , 95124

Correspondent e-mail: MRG@TechMark.com , LZH@TechMark.com , AMR@TechMark.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
	REGISTERED AND RENEWED	78347148	2946045
	REGISTERED AND RENEWED	76355425	3051994
RED BULL	SECTION 71 ACCEPTED	79047033	3561283
RED BULL ARENA	Section 8 and 15 - Accepted and Acknowledged	77569283	4031959

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	May 19, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	May 19, 2014	Jun 28, 2014
3	PENDING, INSTITUTED	May 19, 2014	
4	D MOTION TO SUSPEND PEND RELATED PROCEEDING	Jun 27, 2014	
5	D CHANGE OF CORRESP ADDRESS	Jun 27, 2014	
6	P OPP/RESP TO MOTION	Jun 30, 2014	
7	SUSP PEND DISP OF OUTSTNDNG MOT	Jul 14, 2014	
8	D REPLY IN SUPPORT OF MOTION	Jul 18, 2014	
9	RESPONSE DUE 30 DAYS (DUE DATE)	Sep 16, 2014	Oct 16, 2014
10	D MOT TO DISMISS: FRCP 12(B)	Oct 16, 2014	
11	P OPP/RESP TO MOTION	Oct 31, 2014	
12	D REPLY IN SUPPORT OF MOTION	Nov 20, 2014	
13	BD DECISION: GRANTED	Jul 07, 2015	
14	COMMR ORDER CANCELLING REG	Jul 15, 2015	
15	TERMINATED	Jul 15, 2015	

Type of Proceeding: Opposition

Proceeding Number: [91214537](#)

Filing Date: Jan 17, 2014

Status: Terminated

Status Date: Jan 12, 2016

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: Stockmarket Burger Inc.

Correspondent Address: PAULO A DE ALMEIDA
PATEL & ALMEIDA PC
16830 VENTURA BLVD SUITE 360
ENCINO CA UNITED STATES , 91436

Correspondent e-mail: Paulo@PatelAlmeida.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
STOCKMARKET	Abandoned - After Inter-Partes Decision	85969820	
Plaintiff(s)			

Name: Red Bull GmbH

Correspondent MARTIN R GREENSTEIN
Address: TECHMARK A LAW CORPORATION
4820 HARWOOD ROAD 2ND FLOOR
SAN JOSE CA UNITED STATES , 95124-5237

Correspondent e-mail: MRG@TechMark.com , AMR@TechMark.com , LZH@TechMark.com , DMP@TechMark.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
	REGISTERED AND RENEWED	78347148	2946045
	REGISTERED AND RENEWED	76355425	3051994
RED BULL	SECTION 71 ACCEPTED	79047033	3561283
RED BULL ARENA	Section 8 and 15 - Accepted and Acknowledged	77569283	4031959

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 17, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 17, 2014	Feb 26, 2014
3	PENDING, INSTITUTED	Jan 17, 2014	
4	P MOT TO CONSOLIDATE	Jan 21, 2014	
5	ANSWER	Feb 26, 2014	
6	D CHANGE OF CORRESP ADDRESS	Feb 26, 2014	
7	CONSOLIDATED - CHILD OF 91210282	Mar 13, 2014	
8	RESPONSE DUE 30 DAYS (DUE DATE)	Sep 16, 2014	Oct 16, 2014
9	BD DECISION: SUSTAINED	Jan 12, 2016	
10	TERMINATED	Jan 12, 2016	

Type of Proceeding: Opposition

Proceeding Number: [91198362](#)

Filing Date: Jan 26, 2011

Status: Terminated

Status Date: Dec 12, 2014

Interlocutory Attorney: BENJAMIN U OKEKE

Defendant

Name: Bulls Eye Beverage Company

Correspondent Address: PIERRE GAMA
BULLS EYE BEVERAGES COMPANY
11503 JONES MALTSBERGER, SUITE 1149
SAN ANTONIO TX UNITED STATES , 78216

Correspondent e-mail: bullseyebv83@yahoo.com , impact3@yahoo.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BULLS EYE ENERGY DRINK HIT THE BULLSEYE!	Abandoned - After Inter-Partes Decision	76693938	

Plaintiff(s)

Name: Red Bull GmbH

Correspondent Address: BRIGETTE B CHAPUT
IP ATTORNEY THE AMERICAS
12100 OLYMPIC BLVD SUITE 200
LOS ANGELES CA UNITED STATES , 90064

Correspondent e-mail: IntellectualProperty@us.redbull.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
RED BULL	REGISTERED AND RENEWED	78347152	3092197
	REGISTERED AND RENEWED	78347148	2946045
RED BULL ENERGY DRINK	REGISTERED AND RENEWED	77316470	3479607

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 26, 2011	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 26, 2011	Mar 07, 2011
3	PENDING, INSTITUTED	Jan 26, 2011	
4	D'S MOTION FOR AN EXTENSION OF TIME	Mar 07, 2011	
5	BOARD'S ORDER	Mar 09, 2011	
6	BOARD'S ORDER	Mar 09, 2011	
7	EXTENSION OF TIME GRANTED	Apr 20, 2011	
8	ANSWER	May 16, 2011	
9	TRIAL DATES REMAIN AS PREVIOUSLY SET	May 18, 2011	
10	P'S MOT TO SUSP PEND SETLMT NEGOTIATIONS	Jun 13, 2011	
11	SUSPENDED	Jun 17, 2011	
12	P'S MOT TO SUSP PEND SETLMT NEGOTIATIONS	Sep 27, 2011	
13	SUSPENDED	Sep 28, 2011	
14	SUSPENDED	Sep 28, 2011	
15	SUSPENDED	Sep 28, 2011	
16	P'S MOTION TO SUSPEND W/CON	Dec 13, 2011	
17	SUSPENDED PENDING DISP OF CIVIL ACTION	Dec 22, 2011	
18	RESPONSE DUE 30 DAYS (DUE DATE)	Dec 27, 2012	Jan 26, 2013
19	PLS RESPONSE TO BOARDS ORDER	Jan 24, 2013	
20	SUSPENDED PENDING DISP OF CIVIL ACTION	Feb 01, 2013	
21	RESPONSE DUE 30 DAYS (DUE DATE)	Feb 03, 2014	Mar 05, 2014
22	P MOT TO SUSP W/ CONSENT PEND SETTLE NEGOTIATIONS	Mar 04, 2014	
23	SUSPENDED	Mar 13, 2014	
24	P MOT TO SUSP W/ CONSENT PEND SETTLE NEGOTIATIONS	Jun 13, 2014	
25	SUSPENDED	Jun 18, 2014	
26	D UNDELIVERABLE MAIL	Jun 27, 2014	
27	W/DRAW OF APPLICATION W/ CONSENT	Dec 01, 2014	
28	BD DECISION: DISMISSED W/O PREJ	Dec 12, 2014	
29	TERMINATED	Dec 12, 2014	

Type of Proceeding: Extension of Time

Proceeding Number: [78347148](#)

Filing Date: Dec 30, 2004

Status: Terminated

Status Date: Mar 02, 2005

Interlocutory Attorney:

Defendant

Name: RED BULL GMBH

Correspondent Address: Martin R Greenstein
TechMark a Law Corporation
55 So. Market St., Sixteenth Floor
San Jose, C CA UNITED STATES , 95113-2327

Associated marks

Mark	Application Status	Serial Number	Registration Number
	REGISTERED AND RENEWED	78347148	2946045

Potential Opposer(s)

Name: T.C. PHARMACEUTICAL INDUSTRIES CO., LTD.

Correspondent Address: HERBERT I. CANTOR
CROWELL & MORING LLP
P.O. BOX 14300
WASHINGTON DC UNITED STATES , 20044-4300

Prosecution History

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Dec 30, 2004	

EXHIBIT A-4

Generated on: This page was generated by TSDR on 2021-05-03 12:40:27 EDT

Mark:



US Serial Number: 75694927

Application Filing Date: Apr. 30, 1999

US Registration Number: 3838170

Registration Date: Aug. 24, 2010

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: The registration has been renewed.

Status Date: Aug. 07, 2020

Publication Date: Oct. 16, 2007

Notice of Allowance Date: Jan. 08, 2008

Mark Information

Mark Literal Elements: None

Standard Character Claim: No

Mark Drawing Type: 2 - AN ILLUSTRATION DRAWING WITHOUT ANY WORDS(S)/ LETTER(S)/NUMBER(S)

Design Search Code(s): 03.07.01 - Steers; Cattle; Oxen, cows, calves, bulls

Related Properties Information

Claimed Ownership of US Registrations: 3197810

Foreign Information

Foreign Registration Number: 179129

Foreign Registration Date: Nov. 23, 1998

Application/Registration Country: AUSTRIA

Foreign Expiration Date: Nov. 30, 2008

Foreign Registration Renewal Date: Feb. 26, 2008

Foreign Registration Renewal Expiration Date: Nov. 30, 2018

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: ((Footwear;)) clothing, namely, shirts,((pants,)) t-shirts, ((sweat shirts, shorts,)) [blouses, jumpers,] hats, caps; ((outerwear, namely, jackets; active wear, namely, visors; bandannas, sweaters))

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a) 44(e)

First Use: Aug. 31, 2001

Use in Commerce: Aug. 31, 2001

For: Soft drinks, and sports drinks

International Class(es): 032 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a) 44(e)

First Use: Jan. 31, 1987

Use in Commerce: May 31, 1996

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Filed ITU: Yes

Currently ITU: No

Filed 44D: No

Currently 44E: Yes

Filed 44E: Yes

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: Red Bull GmbH

Owner Address: AM BRUNNEN 1
FUSCHL AM SEE AUSTRIA A5330

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: AUSTRIA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Joseph V. Myers III

Docket Number: 104002030084

Attorney Primary Email Address: tmatlanta@seyfarth.com

Attorney Email Authorized: Yes

Correspondent

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Atlanta, GEORGIA UNITED STATES 30309

Phone: 404-885-1500

Correspondent e-mail: tmatlanta@seyfarth.com

Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: Joseph V. Myers III

Phone: 404-885-1500

Domestic Representative e-mail: tmatlanta@seyfarth.com

Domestic Representative e-mail Authorized: Yes

Prosecution History

Date	Description	Proceeding Number
Aug. 07, 2020	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Aug. 07, 2020	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	74886
Aug. 07, 2020	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	74886

Aug. 05, 2020	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	74886
Jun. 08, 2020	TEAS SECTION 8 & 9 RECEIVED	
Dec. 16, 2019	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Dec. 16, 2019	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Aug. 24, 2019	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Jun. 05, 2018	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jun. 05, 2018	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Aug. 08, 2016	SEC. 15 ACKNOWLEDGEMENT - MAILED	
Aug. 08, 2016	NOTICE OF ACCEPTANCE OF SEC. 8 - MAILED	
Aug. 08, 2016	REGISTERED - SEC. 15 ACKNOWLEDGED	75184
Aug. 08, 2016	REGISTERED - SEC. 8 (6-YR) ACCEPTED	75184
Aug. 05, 2016	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 05, 2016	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 06, 2016	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	75184
Aug. 05, 2016	TEAS SECTION 15 RECEIVED	
Aug. 05, 2016	TEAS SECTION 8 RECEIVED	
Jul. 11, 2011	NOTICE OF SUIT	
Aug. 24, 2010	REGISTERED-PRINCIPAL REGISTER	
Jul. 23, 2010	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Jul. 22, 2010	LAW OFFICE REGISTRATION REVIEW COMPLETED	70997
Jul. 20, 2010	TEAS/EMAIL CORRESPONDENCE ENTERED	70997
Jul. 20, 2010	CORRESPONDENCE RECEIVED IN LAW OFFICE	70997
Jul. 20, 2010	ASSIGNED TO LIE	70997
Jul. 20, 2010	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jul. 16, 2010	STATEMENT OF USE PROCESSING COMPLETE	70565
Jul. 01, 2010	USE AMENDMENT FILED	70565
Jul. 16, 2010	REVIEW OF CORRESPONDENCE COMPLETE	70565
Jul. 02, 2010	TEAS POST PUBLICATION AMENDMENT RECEIVED	
Jul. 01, 2010	TEAS STATEMENT OF USE RECEIVED	
Jan. 06, 2010	EXTENSION 4 GRANTED	70565
Dec. 28, 2009	EXTENSION 4 FILED	70565
Dec. 28, 2009	TEAS EXTENSION RECEIVED	
Jul. 28, 2009	EXTENSION 3 GRANTED	70565
Jul. 03, 2009	EXTENSION 3 FILED	70565
Jul. 28, 2009	CASE ASSIGNED TO INTENT TO USE PARALEGAL	70565
Jul. 03, 2009	TEAS EXTENSION RECEIVED	
Dec. 31, 2008	EXTENSION 2 GRANTED	98765
Dec. 31, 2008	EXTENSION 2 FILED	98765
Dec. 31, 2008	TEAS EXTENSION RECEIVED	
Jul. 02, 2008	EXTENSION 1 GRANTED	98765
Jul. 02, 2008	EXTENSION 1 FILED	98765
Jul. 02, 2008	TEAS EXTENSION RECEIVED	
Jan. 08, 2008	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Oct. 16, 2007	PUBLISHED FOR OPPOSITION	
Sep. 26, 2007	NOTICE OF PUBLICATION	
Sep. 10, 2007	LAW OFFICE PUBLICATION REVIEW COMPLETED	67215
Sep. 10, 2007	ASSIGNED TO LIE	67215
Aug. 02, 2007	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 17, 2007	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jul. 16, 2007	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jul. 16, 2007	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Apr. 09, 2007	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Apr. 09, 2007	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jan. 24, 2007	NON-FINAL ACTION E-MAILED	6325
Jan. 24, 2007	NON-FINAL ACTION WRITTEN	76508

Jan. 14, 2007	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 24, 2006	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
May 31, 2006	ASSIGNED TO EXAMINER	76508
Jan. 24, 2006	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	73787
Apr. 05, 2005	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	73787
Aug. 09, 2004	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
Nov. 21, 2003	CASE FILE IN TICRS	
Jun. 27, 2000	LETTER OF SUSPENSION MAILED	
Apr. 10, 2000	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Oct. 07, 1999	NON-FINAL ACTION MAILED	
Sep. 20, 1999	ASSIGNED TO EXAMINER	76468
Sep. 16, 1999	ASSIGNED TO EXAMINER	75596

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Aug. 07, 2020

Proceedings

Summary

Number of Proceedings: 3

Type of Proceeding: Opposition

Proceeding Number: [91255948](#)

Filing Date: May 18, 2020

Status: Terminated

Status Date: Aug 18, 2020

Interlocutory Attorney: WINSTON T FOLMAR

Defendant

Name: Adversus, Llc

Correspondent Address: MARIA ELISEEVA
PATENTBAR INTERNATIONAL PC
1666 MASSACHUSETTS AVE , SUITE 12
LEXINGTON MA UNITED STATES , 02420

Correspondent e-mail: tm.docket@patentbar.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BIZON	IR CANCELLED; US APPLICATION ABANDONED	79258484	
BIZON	IR CANCELLED; US APPLICATION ABANDONED	79259190	

Plaintiff(s)

Name: Red Bull GmbH

Correspondent Address: TYWANDA HARRIS LORD
KILPATRICK TOWNSEND & STOCKTON LLP
1100 PEACHTREE STREET NE , SUITE 2800
ATLANTA GA UNITED STATES , 30309

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Associated marks

Mark	Application Status	Serial Number	Registration Number
RED BULL	REGISTERED AND RENEWED	78347152	3092197
RED BULL	Cancellation Pending	74713796	3197810
	REGISTERED AND RENEWED	75694927	3838170
	REGISTERED AND RENEWED	78702090	3881732

RED BULL ENERGY DRINK

REGISTERED AND RENEWED
Section 8 and 15 - Accepted and Acknowledged

[77316470](#)

[3479607](#)

[85638459](#)

[4409528](#)

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	May 18, 2020	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	May 21, 2020	Jun 30, 2020
3	INSTITUTED	May 21, 2020	
4	NOTICE OF DEFAULT	Jul 10, 2020	
5	BD DECISION: OPP SUSTAINED	Aug 18, 2020	
6	TERMINATED	Aug 18, 2020	

Type of Proceeding: Opposition

Proceeding Number: [91255311](#)

Filing Date: Apr 15, 2020

Status: Terminated

Status Date: Oct 16, 2020

Interlocutory Attorney: WENDY COHEN

Defendant

Name: Ahmed Mahmoud Roshdy Kilany Dakroury

Correspondent Address: LAWRENCE E ABELMAN
ABELMAN FRAYNE & SCHWAB
10TH FLOOR 666 THIRD AVENUE
NEW YORK NY UNITED STATES , 10017-5621

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Associated marks

Mark	Application Status	Serial Number	Registration Number
COKDATE THE COLA BULLS	Abandoned - After Inter-Partes Decision	88192486	

Plaintiff(s)

Name: Red Bull GmbH

Correspondent Address: TYWANDA HARRIS LORD
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Associated marks

Mark	Application Status	Serial Number	Registration Number
RED BULL	REGISTERED AND RENEWED	78347152	3092197
	REGISTERED AND RENEWED	75694927	3838170
	REGISTERED AND RENEWED	78702090	3881732

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 15, 2020	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 15, 2020	May 25, 2020
3	INSTITUTED	Apr 15, 2020	
4	D MOT FOR EXT W/ CONSENT	May 26, 2020	
5	EXTENSION OF TIME GRANTED	May 29, 2020	
6	D MOT FOR EXT W/ CONSENT	Jun 23, 2020	
7	EXTENSION OF TIME GRANTED	Jun 23, 2020	
8	NOTICE OF DEFAULT	Sep 02, 2020	
9	BD DECISION: OPP SUSTAINED	Oct 16, 2020	
10	TERMINATED	Oct 16, 2020	

Type of Proceeding: Cancellation

Proceeding [92056438](#)
Number:

Filing Date: Nov 13, 2012

Status: Terminated

Status Date: Jul 11, 2013

Interlocutory Attorney: JENNIFER KRISP

Defendant

Name: Joaquin Rodriguez

Correspondent Address: JOAQUIN RODRIGUEZ
1702 DREXEL RD
LANSING MI UNITED STATES , 48915

Correspondent e-mail: jbisdorf@jaffelaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
	Cancelled - Section 8	78759429	3336642

Plaintiff(s)

Name: Red Bull GmbH

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Correspondent e-mail: LZH@TechMark.com , MRG@TechMark.com , MPV@TechMark.com , AMR@TechMark.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
	REGISTERED AND RENEWED	75694927	3838170

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 13, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 14, 2012	Dec 24, 2012
3	PENDING, INSTITUTED	Nov 14, 2012	
4	P MOT FOR EXT W/ CONSENT	Dec 19, 2012	
5	EXTENSION OF TIME GRANTED	Dec 19, 2012	
6	P MOT FOR EXT W/ CONSENT	Feb 18, 2013	
7	EXTENSION OF TIME GRANTED	Feb 18, 2013	
8	AMENDMENT TO REGIS; STIP W/D OF CANC	Apr 15, 2013	
9	RESPONSE DUE 30 DAYS (DUE DATE)	May 13, 2013	Jun 12, 2013
10	P RESP TO BD ORDER/INQUIRY	May 13, 2013	
11	RESPONSE DUE 30 DAYS (DUE DATE)	May 27, 2013	Jun 26, 2013
12	P RESP TO BD ORDER/INQUIRY	Jun 03, 2013	
13	BD DECISION: DISMISSED W/O PREJ	Jul 11, 2013	
14	TERMINATED	Jul 11, 2013	