

ESTTA Tracking number: **ESTTA1178204**

Filing date: **12/13/2021**

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	Chubby Gorilla, Inc.
Granted to Date of previous extension	12/15/2021
Address	4320 N. HARBOR BLVD. FULLERTON, CA 92835 UNITED STATES
Attorney information	STACEY HALPERN KNOBBE, MARTENS, OLSON & BEAR, LLP 2040 MAIN STREET, 14TH IRVINE, CA 92614 UNITED STATES Primary Email: efiling@knobbe.com 949-760-0404
Docket Number	CHGOR.240TIS

Applicant Information

Application No.	88723372	Publication date	08/17/2021
Opposition Filing Date	12/13/2021	Opposition Period Ends	12/15/2021
Applicant	Hills Point Industries, LLC 20 KETCHUM STREET WESTPORT, CT 06880 UNITED STATES		


Goods/Services Affected by Opposition


<p>Class 035. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: business consulting services for brands and retailers; advertising, marketing, and promotion of the brands of others; guidance being consultancy in the field of promoting and tracking the brands of others; optimizing an online presence on the Internet for the brands of others being online marketing consulting services, web site traffic optimization, search optimization for sales promotion; promoting the brands and goods of other through optimizing the presence of the brands and goods of others at retailers; business logistics management in the field of on-line retail services in the field of consumer goods; business services, namely, strategic product sourcing for others; business consulting services in the field of strategic product sourcing for others; on-line retail store services featuring a wide variety of consumer goods of others; on-line retail department store services</p>
<p>Class 042. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: product development</p>

Grounds for Opposition


Priority and likelihood of confusion	Trademark Act Section 2(d)
Other	non-registered statutory and common law rights

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	4949119	Application Date	02/04/2015
Registration Date	05/03/2016	Foreign Priority Date	NONE
Word Mark	CHUBBY GORILLA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 021. First use: First Use: 2014/04/04 First Use In Commerce: 2015/01/29 Reusable glass bottles, sold empty, notfor medical use, not for drinking purposes; reusable plastic bottles, sold empty, not for medical use, not for drinking-purposes		

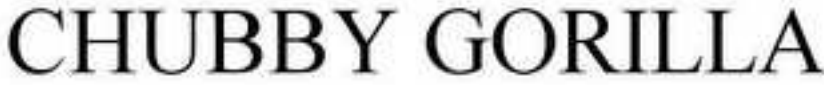
U.S. Registration No.	6098811	Application Date	04/05/2019
Registration Date	07/14/2020	Foreign Priority Date	NONE
Word Mark	CHUBBY GORILLA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 010. First use: First Use: 2015/00/00 First Use In Commerce: 2015/00/00 DROPPER BOTTLES, CONTAINERS AND VIALS, SOLD EMPTY, FOR ADMINISTERING MEDICATION Class 020. First use: First Use: 2015/00/00 First Use In Commerce: 2015/00/00 PACKAGING CONTAINERS OF PLASTIC; CONTAINERS FOR TRANSPORT,		

	<p>NOT OF METAL; PLASTIC STORAGE CONTAINERS FOR INDUSTRIAL OR COMMERCIAL USE; CONTAINERS FOR TRANSPORTATION; NOT OF METAL; NONMETAL AND NON-PAPER CONTAINERS FOR TRANSPORTATION OR STORAGE; CONTAINERS FOR INDUSTRIAL AND COMMERCIAL USE NOT MADE OF METAL; NONMETAL CONTAINERS FOR USE IN THE TRANSPORT OF SOLIDS, LOTIONS OR POWDERS FOR COMMERCIAL OR INDUSTRIAL USE; NON-METALLIC CLOSURES FOR CONTAINERS; PACKING CONTAINERS OF PLASTIC MATERIAL; PLASTIC CAPS; NON-METALLIC BOTTLE CAPS; CONTAINERS FOR MEDICATIONS SOLD EMPTY FOR COMMERCIAL USE; PLASTIC MEDICATION CONTAINERS FOR COMMERCIAL USE; CONTAINER CLOSURES OF PLASTIC; CONTAINERS FOR INDUSTRIAL AND COMMERCIAL LIQUIDS NOT MADE OF METAL; NON-MODULAR CONTAINERS, NOT OF METAL, FOR USE IN TRANSPORTATION AND STORAGE FOR COMMERCIAL OR INDUSTRIAL USE; PLASTIC MEDICATION CONTAINERS FOR COMMERCIAL USE; CONTAINERS FOR MEDICATIONS SOLD EMPTY FOR COMMERCIAL USE; BOTTLE CLOSURES, NOT OF METAL</p> <p>Class 021. First use: First Use: 2015/00/00 First Use In Commerce: 2015/00/00 CONTAINERS FOR HOUSEHOLD OR KITCHEN USE; ALL PURPOSE PORTABLE HOUSEHOLD CONTAINERS; MEDICATION CONTAINERS FOR PERSONAL USE; LOTION CONTAINERS SOLD EMPTY FOR DOMESTIC USE; BOTTLES SOLD EMPTY NOT FOR MEDICAL USE; BOTTLES SOLD EMPTY FOR MEDICAL AND PHARMACEUTICAL USE; BOTTLES FOR PHARMACEUTICALS SOLD EMPTY; VIALS FOR MEDICATIONS SOLD EMPTY; PLASTIC STORAGE CONTAINERS FOR HOUSEHOLD USE; PLASTIC STORAGE CONTAINERS FOR DOMESTIC USE; PLASTIC SAFETY CAPS FOR MEDICINE CONTAINERS; VIALS FOR MEDICAL USE SOLD EMPTY; REUSABLE BOTTLES, CONTAINERS AND VIALS SOLD EMPTY NOT FOR MEDICAL USE; REUSABLE PLASTIC BOTTLES, CONTAINERS AND VIALS SOLD EMPTY NOT FOR MEDICAL USE; REUSABLE BOTTLES, CONTAINERS AND VIALS FOR MEDICATION SOLD EMPTY; REUSABLE BOTTLES, CONTAINERS AND VIALS SOLD EMPTY FOR PERSONAL USE; REUSABLE BOTTLES, CONTAINERS AND VIALS SOLD EMPTY FOR HOUSEHOLD USE; REUSABLE BOTTLES, CONTAINERS AND VIALS SOLD EMPTY FOR DOMESTIC USE; CONTAINERS FOR HOUSEHOLD USE; BOTTLES, SOLD EMPTY; AND VIALS BEING MEDICATION CONTAINERS FOR PERSONAL USE SOLD EMPTY; NON-MODULAR CONTAINERS FOR USE IN TRANSPORTATION AND STORAGE FOR HOUSEHOLD USE</p> <p>Class 040. First use: First Use: 2015/00/00 First Use In Commerce: 2015/00/00 CUSTOM MOLDING OF PLASTIC CONTAINERS FOR OTHERS; CUSTOM MANUFACTURE OF CLOSURES OF PLASTIC AND PLASTIC BOTTLES, SOLD EMPTY, FOR OTHERS; CUSTOM MANUFACTURE OF BOTTLES</p>
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U.S. Registration No.	5053505	Application Date	02/08/2016
Registration Date	10/04/2016	Foreign Priority Date	NONE
Word Mark	CHUBBY GORILLA		
Design Mark			

Description of Mark	The mark consists of a gorilla logo to the left of the stylized text "CHUBBY GORILLA".
Goods/Services	Class 021. First use: First Use: 2014/04/04 First Use In Commerce: 2015/01/29 Reusable glass bottles, sold empty, not for medical use, not for drinking purposes; Reusable plastic bottles, sold empty, not for medical use, not for drinking purposes

U.S. Registration No.	5223288	Application Date	12/05/2016
Registration Date	06/13/2017	Foreign Priority Date	NONE

Word Mark	CHUBBY GORILLA
Design Mark	

Description of Mark	NONE
Goods/Services	Class 010. First use: First Use: 2014/04/04 First Use In Commerce: 2015/01/29 Reusable glass dropper bottles for administering medication sold empty; reusable plastic dropper bottles for administering medication sold empty Class 021. First use: First Use: 2014/04/04 First Use In Commerce: 2015/01/29 Reusable glass containers and vials for medication sold empty for personal use; reusable plastic containers and vials for medication sold empty for personal use

U.S. Registration No.	5209538	Application Date	12/16/2016
Registration Date	05/23/2017	Foreign Priority Date	NONE

Word Mark	GORILLA
Design Mark	

Description of Mark	NONE
Goods/Services	Class 010. First use: First Use: 2014/04/04 First Use In Commerce: 2015/01/29 Reusable glass dropper bottles for administering medication sold empty; re-

	<p>usable plastic dropper bottles for administering medication sold empty Class 021. First use: First Use: 2014/04/04 First Use In Commerce: 2015/01/29 Reusable glass bottles sold empty; reusable plastic bottles sold empty; reusable glass containers and vials for medication sold empty for personal use; reusable plastic containers and vials for medication sold empty for personal use Class 034. First use: First Use: 2014/04/04 First Use In Commerce: 2015/01/29 [Electronic cigarette liquid (e-liquid) comprised of flavorings in liquid form, other than essential oils, used to refill electronic cigarette cartridges; electronic cigarettes; electronic cigarettes for use as an alternative to traditional cigarettes; electronic hookahs; smokeless cigar vaporizer pipes; smokeless cigarette vaporizer pipe;] Electronic cigarette drip tips sold as a component of electronic cigarettes</p>
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Attachments	<p>86524939#TMSN.png(bytes) 88373580#TMSN.png(bytes) 86900621#TMSN.png(bytes) 87257945#TMSN.png(bytes) 87272013#TMSN.png(bytes) opposition.pdf(317237 bytes) TSDR.pdf(177467 bytes)</p>
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Signature	/Stacey R. Halpern/
Name	STACEY HALPERN
Date	12/13/2021

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Chubby Gorilla, Inc.,)	
Opposer,)	Opposition Number: _____
v.)	Application Serial No.: 88723372
)	
Hills Point Industries, LLC,)	
Applicant.)	
)	
)	
)	

NOTICE OF OPPOSITION

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

Dear Sir or Madam:

Opposer, Chubby Gorilla, Inc. (“Chubby Gorilla”) believes it is or will be damaged by registration of the mark GORILLA COMMERCE, shown in Application Serial No. 88/723372 (“Applicant’s Application”) filed by Hills Point Industries, LLC (“Applicant”), and hereby opposes the goods listed below. Description of Applicant’s Application is as follows:

Mark	:	GORILLA COMMERCE
Serial No.	:	88/723372
Filed	:	December 11, 2019
Published	:	August 17, 2021
Int’l. Classes	:	35 and 42
Services:		business consulting services for brands and retailers; advertising, marketing, and promotion of the brands of others; guidance being consultancy in the field of promoting and tracking the brands of others; optimizing an online presence on the Internet for the brands of others being online marketing consulting services, web site traffic optimization, search optimization for sales promotion; promoting the brands and goods of other through optimizing the presence of the brands and goods of others at retailers; business logistics management in the field of on-line retail services in the field of consumer goods; business services, namely, strategic product sourcing for others; business consulting services in the field of

strategic product sourcing for others; on-line retail store services featuring a wide variety of consumer goods of others; on-line retail department store services in Class 35 and product development in Class 42

As grounds for opposition, it is alleged:

1. Prior to the filing dates of Applicant's Application, Chubby Gorilla and its affiliated companies, have designed, developed, marketed, manufactured, promoted and sold a variety of products and offered a variety of goods and services in connection with the GORILLA mark and the CHUBBY GORILLA name and mark (the "GORILLA Marks").

2. Among the goods and services that Chubby Gorilla has offered or is offering in connection with the GORILLA mark and the CHUBBY GORILLA name and mark are vials, bottles and containers, lids and caps for such goods, custom design of bottles, vials and containers, and online and wholesale services related to the foregoing goods (hereinafter collectively referred to as "Chubby Gorilla's Goods and Services").

3. Chubby Gorilla is the owner of and relies on United States Trademark Registration No. 4949119 (the "'119 Registration") for the mark CHUBBY GORILLA for Reusable glass bottles, sold empty, not for medical use, not for drinking purposes; reusable plastic bottles, sold empty, not for medical use, not for drinking purposes in International Class 21, which was registered on the Principal Register on May 3, 2016. The '119 Registration is based on an application filed in the United States Patent and Trademark Office ("PTO") on February 4, 2015. Thus, the dates of application and registration of the mark shown in the '119 Registration are both prior to the date Applicant filed Applicant's Application. A true and correct copy of the specifics of the '119 Registration obtained from the PTO's TSDR databases are attached hereto and made of record.

4. Chubby Gorilla is the owner of and relies on United States Trademark Registration No. 6098811 (the "'811 Registration") for the mark CHUBBY GORILLA for Dropper bottles,

containers and vials, sold empty, for administering medication in Class 10; packaging containers of plastic; containers for transport, not of metal; plastic storage containers for industrial or commercial use; containers for transportation; not of metal; nonmetal and non-paper containers for transportation or storage; containers for industrial and commercial use not made of metal; nonmetal containers for use in the transport of solids, lotions or powders for commercial or industrial use; non-metallic closures for containers; packing containers of plastic material; plastic caps; non-metallic bottle caps; containers for medications sold empty for commercial use; plastic medication containers for commercial use; container closures of plastic; containers for industrial and commercial liquids not made of metal; non-modular containers, not of metal, for use in transportation and storage for commercial or industrial use; plastic medication containers for commercial use; containers for medications sold empty for commercial use; bottle closures, not of metal in Class 20; Containers for household or kitchen use; all purpose portable household containers; medication containers for personal use; lotion containers sold empty for domestic use; bottles sold empty not for medical use; bottles sold empty for medical and pharmaceutical use; bottles for pharmaceuticals sold empty; vials for medications sold empty; plastic storage containers for household use; plastic storage containers for domestic use; plastic safety caps for medicine containers; vials for medical use sold empty; reusable bottles, containers and vials sold empty not for medical use; reusable plastic bottles, containers and vials sold empty not for medical use; reusable bottles, containers and vials for medication sold empty; reusable bottles, containers and vials sold empty for personal use; reusable bottles, containers and vials sold empty for household use; reusable bottles, containers and vials sold empty for domestic use; containers for household use; bottles, sold empty; and vials being medication containers for personal use sold empty; non-modular containers for use in transportation and storage for household use in Class 21; and custom molding of plastic containers for others; custom manufacture of closures of plastic and plastic bottles, sold empty, for others; custom manufacture

of bottles in Class 40, which was registered on the Principal Register on July 14, 2020. The '811 Registration is based on an application filed in the United States Patent and Trademark Office ("PTO") on April 5, 2019. Further, the '811 Registration claims dates of first use and first use in commerce of 2015. Thus, the filing date and dates of first use shown in the '811 Registration are prior to the date Applicant filed Applicant's Application. A true and correct copy of the specifics of the '811 Registration obtained from the PTO's TSDR databases are attached hereto and made of record.

5. Chubby Gorilla is the owner of and relies on United States Trademark Registration No. 5053505 (the "'505 Registration") for the mark



for Reusable glass bottles, sold empty, not for medical use, not for drinking purposes; Reusable plastic bottles, sold empty, not for medical use, not for drinking purposes in International Class 21, which was registered on the Principal Register on October 4, 2016. The '505 Registration is based on an application filed in the PTO on February 8, 2016. Thus, the dates of application, and registration of the mark shown in the '505 Registration are both prior to the date Applicant filed Applicant's Application. A true and correct copy of the specifics of the '505 Registration obtained from the PTO's TSDR databases are attached hereto and made of record.

6. Chubby Gorilla is the owner of and relies on United States Trademark Registration No. 5223288 (the "'288 Registration") for the mark CHUBBY GORILLA for Reusable glass dropper bottles for administering medication sold empty; reusable plastic dropper bottles for administering medication sold empty in International Class 10 and Reusable glass containers and vials sold empty for personal use; reusable plastic containers and vials for medications sold empty for personal in International Class 21, which was registered on the Principal Register on

June 13, 2017. The '288 Registration is based on an application filed in the PTO on December 5, 2016. Thus, the dates of application and registration of the mark shown in the '288 Registration are both prior to the date Applicant filed Applicant's Application. A true and correct copy of the specifics of the '288 Registration obtained from the PTO's databases are attached hereto and made of record.

7. Chubby Gorilla is the owner of and relies on United States Trademark Registration No. 5209538 (the "'538 Registration") for the mark GORILLA for Reusable glass dropper bottles for administering medication sold empty; reusable plastic dropper bottles for administering medication sold empty in International Class 10 and Reusable glass bottles sold empty; reusable plastic bottles sold empty; reusable glass containers and vials for medication sold empty for personal use; reusable plastic containers and vials for medication sold empty for personal use in Class 21, which was registered on the Principal Register on May 23, 2017. The '538 Registration is based on an application filed in the PTO on December 16, 2016. Thus, the dates of application and registration of the mark shown in the '538 Registration are both prior to the date Applicant filed Applicant's Application. A true and correct copy of the specifics of the '538 Registration obtained from the PTO's databases are attached hereto and made of record.

8. Chubby Gorilla is the owner of the U.S. Registrations specified above (collectively "Chubby Gorilla's Federal Registrations"). Chubby Gorilla's Federal Registrations are valid, subsisting, unrevoked and uncancelled; as such they constitute prima facie evidence of the validity of the registered marks and of the registrations thereof, and of Chubby Gorilla's ownership of the marks shown therein and/or Chubby Gorilla's exclusive right to use the marks in commerce in connection with the goods and services named therein, without condition or limitation. Chubby Gorilla's Federal Registrations also constitute notice to Applicant of Chubby Gorilla's claim of ownership of the marks shown therein; all as provided in Section 7(b), 22 and 33(a) of the Trademark Act of 1946, as amended.

9. Chubby Gorilla's Federal Registrations are derived from applications filed in the PTO on dates prior to the filing of Applicant's Application. Chubby Gorilla's Federal Registrations are valid and subsisting. In view of the substantial similarity of the respective marks and the related nature of the goods and services of the respective parties, it is alleged that the mark in Applicant's Application so resembles the registered marks in Chubby Gorilla's Federal Registrations, previously used in the United States and not abandoned, as to be likely to cause confusion or to cause mistake or deceive.

10. Chubby Gorilla's use of the GORILLA Marks have been valid and continuous since a date prior to the filing dates of Applicant's Application and have not been abandoned. The GORILLA Marks are symbolic of extensive goodwill and consumer recognition built up by Chubby Gorilla through time and effort in advertising and promotion.

11. In view of the substantial similarity between the mark GORILLA COMMERCE and the GORILLA Marks as well as the related nature of the goods and services of the respective parties, it is alleged that the mark in Applicant's Application so resembles the GORILLA Marks previously used in the United States, and not abandoned, as to be likely to cause confusion, or to cause mistake or deceive.

12. Since at least prior to the filing dates of Applicant's Application, Chubby Gorilla has consistently used the CHUBBY GORILLA marks in interstate commerce. The GORILLA Marks, by virtue of substantial use, have acquired great value as indicators of Chubby Gorilla and Chubby Gorilla's Goods and Services, and distinguish them from the goods and services of others.

13. Since at least prior to the filing dates of Applicant's Application, Chubby Gorilla has used the GORILLA Marks in connection with the sale and promotion of Chubby Gorilla's Goods and Services. Such use has been valid and continuous and has not been abandoned.

14. If Applicant is allowed to register the mark in Applicant's Application, Applicant's corresponding prima facie exclusive right to use the mark nationwide will conflict with Chubby

Gorilla's lawful and prima facie exclusive right to use the GORILLA Marks nationwide.

15. Since a date prior to the filing dates of Applicant's Application, Chubby Gorilla has used the GORILLA Marks. Such use has been valid and continuous, and has not been abandoned. The relevant class of the public has come to associate Chubby Gorilla with the GORILLA Marks.

16. Since a date well prior to the filing dates of Applicant's Application, Chubby Gorilla has used the GORILLA Marks. Such use has been valid and continuous, and has not been abandoned. As a result of this use, well prior to the filing dates of Applicant's Application, the relevant class of the public has come to associate Chubby Gorilla with the GORILLA Marks.

17. Chubby Gorilla has invested substantial amounts of time, effort and money in the GORILLA Marks throughout the United States. By reason of Chubby Gorilla's widespread and continuous use of the GORILLA Marks, in addition to the protection afforded by the federal registrations, Chubby Gorilla has extensive, non-registered statutory and common law rights in the GORILLA Marks.

18. Chubby Gorilla, through sales, advertising and promotion of Chubby Gorilla's Goods and Services under the GORILLA Marks, since a date well prior to the filing dates of Applicant's Application, has built up at great expense and effort, valuable goodwill symbolized by the GORILLA Marks.

19. Chubby Gorilla's Goods and Services have received widespread success.

20. In view of Chubby Gorilla's prior rights in the GORILLA marks, Applicant is not entitled to registration of the mark GORILLA COMMERCE for goods in Class 21 listed above in Applicant's Application pursuant to Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

21. The mark GORILLA COMMERCE in Applicant's Application for goods in Class 21 is likely to cause confusion with the registered marks identified above. Additionally, Applicant seeks registration for goods closely related to Chubby Gorilla's Goods and Services, as well as the

goods identified in Chubby Gorilla's Federal Registrations, detailed above. As such, when the mark GORILLA COMMERCE is used on or in connection with the goods identified in Applicant's Application, it is likely to cause confusion, or to cause mistake or to deceive within the meaning of Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d).

22. The mark in Applicant's Application is likely to cause confusion with the marks in Chubby Gorilla's Federal Registrations, identified above. Additionally, Applicant seeks registration for services that are closely related to Chubby Gorilla's Goods and Services, as well as the goods identified in Chubby Gorilla's registrations, detailed above. The mark in Applicant's Application and use thereof is likely to cause confusion in, or to cause mistake by, or to deceive the trade and purchasing public into believing that Applicant's goods originate with Chubby Gorilla or are otherwise authorized, licensed or sponsored by Chubby Gorilla.

23. The mark GORILLA COMMERCE in Applicant's Application is likely to cause confusion with the mark in Chubby Gorilla's Federal Registrations. Applicant seeks registration for goods closely related to Chubby Gorilla's Goods and Services. As such, when the mark GORILLA COMMERCE is used in connection with the goods identified in Applicant's Application it is likely to cause confusion, or to cause mistake or to deceive within the meaning of Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d).

24. Applicant has no license, consent or permission from Chubby Gorilla to use or register the mark GORILLACOMMERCE.

25. There are no limitations as to the channels of trade in Chubby Gorilla's Federal Registrations.

26. There are no limitations as to the channels of trade in Applicant's Application.

27. There are no limitations as to the consumers in Applicant's Application.

28. There are no limitations as to the consumers in Chubby Gorilla's Federal Registrations.

29. The GORILLA COMMERCE mark in Applicant's Application is likely to cause confusion with the marks in Chubby Gorilla's Federal Registrations.

30. The mark GORILLA COMMERCE in Applicant's Application is likely to deceive by falsely suggesting a connection with Chubby Gorilla.

31. The mark in Applicant's Application is likely to deceive by falsely suggesting a connection with Chubby Gorilla's Goods and Services.

32. The mark in Applicant's Application is likely to deceive by falsely suggesting a connection with the goods in Chubby Gorilla's Federal Registrations.

33. The mark in Applicant's Application is likely to cause confusion with Chubby Gorilla's Goods and Services.

34. The mark GORILLA COMMERCE is substantially similar in commercial impression to the marks in Chubby Gorilla's Federal Registrations.

35. The term COMMERCE is disclaimed in Applicant's Application.

36. The dominant feature of the mark in Applicant's Application is GORILLA.

37. The mark GORILLA COMMERCE is substantially similar in commercial impression to the mark CHUBBY GORILLA.

38. The mark GORILLA COMMERCE is virtually identical in commercial impression to the marks in Chubby Gorilla's Federal Registrations.

39. The mark GORILLA COMMERCE is virtually identical in commercial impression to the CHUBBY GORILLA mark.

40. The mark GORILLA COMMERCE is substantially similar in commercial impression to the mark GORILLA.

41. The mark GORILLA COMMERCE is virtually identical in commercial impression to the GORILLA mark.

42. The mark in Applicant's Application is likely to cause confusion with the goods

in Chubby Gorilla's Federal Registrations.

43. The services in Applicant's Application are likely to cause confusion with the goods and services in Chubby Gorilla's Federal Registrations.

44. The services in Applicant's Application are likely to cause confusion with Chubby Gorilla's Goods and Services.

45. The services in Applicant's Application are so broad that they encompass the specific goods identified in Chubby Gorilla's Federal Registrations.

46. The mark GORILLA COMMERCE in Applicant's Application is similar in sight to the marks in Chubby Gorilla's Federal Registrations.

47. The mark GORILLA COMMERCE in Applicant's Application is similar in sight to the mark CHUBBY GORILLA.

48. The mark GORILLA COMMERCE in Applicant's Application is similar in sight to the mark GORILLA.

49. The mark in Applicant's Application and the marks in Chubby Gorilla's Federal Registrations are similar in sight.

50. Based on the services identified in Applicant's Application, Applicant's services are related to the goods in Chubby Gorilla's Federal Registrations.

51. Based on the services identified in Applicant's Application, Applicant's services are related to the services in Chubby Gorilla's Federal Registrations.

52. Based on the services identified in Applicant's Application, Applicant's services are related to Chubby Gorilla's Goods and Services.

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

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

55. Applicant adopted and applied to register the GORILLA COMMERCE mark with

full knowledge of Chubby Gorilla's Federal Registrations.

56. Applicant adopted and applied to register the GORILLA COMMERCE with full knowledge of Chubby Gorilla's rights in the mark CHUBBY GORILLA.

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

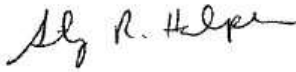
58. By reason of all the foregoing, Chubby Gorilla will be gravely damaged by the registration of the mark shown in Applicant's Application because registration of this mark would be in violation of Chubby Gorilla's rights.

WHEREFORE, Chubby Gorilla prays that Applicant's Application be rejected and stricken, that no registration be issued thereon to Applicant, and that this Opposition be sustained in its favor.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: December 13, 2021

By: 

Stacey R. Halpern
2040 Main Street, 14th Floor
Irvine, CA 92614
949-760-0404
efiling@knobbe.com
Attorneys for Opposer, Chubby Gorilla, Inc.

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Mark: CHUBBY GORILLA

CHUBBY GORILLA

US Serial Number: 86524939

Application Filing Date: Feb. 04, 2015

US Registration Number: 4949119

Registration Date: May 03, 2016

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: A Section 8 declaration has been accepted.

Status Date: Sep. 16, 2021

Publication Date: Feb. 16, 2016

Mark Information

Mark Literal Elements: CHUBBY GORILLA

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

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

International Registration Number: 1373372

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

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

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

International Class(es): 021 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 04, 2014

Use in Commerce: Jan. 29, 2015

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

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

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

Current Owner(s) Information

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

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Stacey R. Halpern
Attorney Primary Email Address: efiling@knobbe.com
Docket Number: CHGOR.036T
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Stacey R. Halpern
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET, 14TH FLOOR
IRVINE, CALIFORNIA UNITED STATES 92614
Phone: 949-760-0404
Fax: (949) 760-9502

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Sep. 16, 2021	NOTICE OF ACCEPTANCE OF SEC. 8 - E-MAILED	
Sep. 16, 2021	REGISTERED - SEC. 8 (6-YR) ACCEPTED	77074
Sep. 16, 2021	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	77074
Aug. 13, 2021	NOTICE OF SUIT	
May 12, 2021	TEAS SECTION 8 RECEIVED	
May 03, 2021	COURTESY REMINDER - SEC. 8 (6-YR) E-MAILED	
Oct. 09, 2020	NOTICE OF SUIT	
May 08, 2020	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
May 08, 2020	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
May 08, 2020	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
May 08, 2020	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
May 08, 2020	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
May 08, 2020	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
May 08, 2020	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
May 08, 2020	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
May 08, 2020	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
May 08, 2020	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
May 06, 2020	NOTICE OF SUIT	
Feb. 06, 2019	TTAB RELEASE CASE TO TRADEMARKS	68428
Feb. 06, 2019	CANCELLATION TERMINATED NO. 999999	68428
Feb. 05, 2019	CANCELLATION DENIED NO. 999999	68428
Aug. 06, 2018	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Aug. 06, 2018	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jul. 11, 2018	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
May 04, 2018	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	

May 04, 2018	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Apr. 26, 2018	CANCELLATION INSTITUTED NO. 999999	68428
Mar. 01, 2018	NOTICE OF SUIT	
May 25, 2016	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
May 03, 2016	REGISTERED-PRINCIPAL REGISTER	
Feb. 16, 2016	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Feb. 16, 2016	PUBLISHED FOR OPPOSITION	
Jan. 27, 2016	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jan. 11, 2016	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 23, 2015	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Oct. 23, 2015	LETTER OF SUSPENSION E-MAILED	6332
Oct. 23, 2015	SUSPENSION LETTER WRITTEN	90324
Oct. 23, 2015	ASSIGNED TO EXAMINER	90324
Oct. 19, 2015	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Oct. 18, 2015	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Oct. 18, 2015	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
May 11, 2015	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
May 11, 2015	NON-FINAL ACTION E-MAILED	6325
May 11, 2015	NON-FINAL ACTION WRITTEN	81860
May 11, 2015	ASSIGNED TO EXAMINER	81860
Feb. 18, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Feb. 07, 2015	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMO LAW OFFICE 120

Date in Location: Sep. 16, 2021

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: Eyad Aboabdo

Assignment 1 of 1

Conveyance: ASSIGNS THE ENTIRE INTEREST

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

Pages: 3

Date Recorded: May 12, 2016

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

Assignor

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

Execution Date: May 06, 2016

Legal Entity Type: INDIVIDUAL

Citizenship: UNITED STATES

Assignee

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

Legal Entity Type: CORPORATION

State or Country Where Organized: CALIFORNIA

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

Correspondent

Correspondent Name: WILLIAM L. CHAPIN

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

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 5

Type of Proceeding: Opposition

Proceeding Number: [91266658](#)

Filing Date: Dec 18, 2020

Status: Consolidated/Child Case

Status Date: Nov 18, 2021

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: Hills Point Industries, LLC

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

Correspondent e-mail: davidj@gjip.com , pto@gordonjacobson.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
GORILLA GRIP	Opposition Pending	88815304	
GORILLA GRIP	Opposition Pending	88701306	

Plaintiff(s)

Name: Chubby Gorilla, Inc.

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

Correspondent e-mail: efiling@knobbe.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
CHUBBY GORILLA	Section 8 - Accepted	86524939	4949119
CHUBBY GORILLA	Registered	88373580	6098811
CHUBBY GORILLA	Registered	86900621	5053505
CHUBBY GORILLA	Registered	87257945	5223288
GORILLA	Registered	87272013	5209538

Prosecution History

Entry Number	History Text	Date	Due Date
14	MOT TO DIVIDE APPLICATION	Nov 04, 2021	
13	ANSWER	Oct 26, 2021	
12	P REPLY IN SUPPORT OF MOTION	Jul 09, 2021	
11	D OPP/RESP TO MOTION	Jun 21, 2021	
10	ANSWER TO COUNTERCLAIM	Jun 09, 2021	
9	P MOT TO DISMISS COUNTERCLAIM: FRCP 12(B)	Jun 09, 2021	
8	ANSWER AND COUNTERCLAIM (FEE)	Apr 14, 2021	
7	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Feb 10, 2021	
6	CONSOLIDATED - CHILD OF 91253105; SUSPENDED	Feb 03, 2021	
5	SUSPENDED	Jan 13, 2021	
4	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Jan 13, 2021	
3	INSTITUTED	Dec 22, 2020	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 22, 2020	Jan 31, 2021
1	FILED AND FEE	Dec 18, 2020	

Type of Proceeding: Opposition

Proceeding Number: [91254743](#)

Filing Date: Mar 18, 2020

Status: Consolidated/Child Case

Status Date: Sep 23, 2020

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: Hills Point Industries, LLC

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

Correspondent e-mail: pto@gordonjacobson.com , davidj@gjip.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
GORILLA GRIP	Opposition Pending	88344162	
GORILLA GRIP	Opposition Pending	88612360	

Plaintiff(s)

Name: Chubby Gorilla, Inc.

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

Correspondent e-mail: efiling@knobbe.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
CHUBBY GORILLA	Section 8 - Accepted	86524939	4949119
CHUBBY GORILLA	Registered	86900621	5053505
CHUBBY GORILLA	Registered	87257945	5223288

Prosecution History

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

Type of Proceeding: Opposition

Proceeding Number: [91253653](#)

Filing Date: Jan 16, 2020

Status: Consolidated/Child Case

Status Date: Sep 23, 2020

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: Hills Point Industries, LLC

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

Correspondent e-mail: pto@gordonjacobson.com , davidj@gjip.com

mail: _____

Associated marks			
Mark	Application Status	Serial Number	Registration Number
GORILLA GRIP	Opposition Pending	88449165	
GORILLA GRIP	Opposition Pending	88406724	
GORILLA GRIP	Opposition Pending	88406769	

Plaintiff(s)

Name: Chubby Gorilla, Inc.

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

Correspondent e-mail: efiling@knobbe.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
CHUBBY GORILLA	Section 8 - Accepted	86524939	4949119
CHUBBY GORILLA	Registered	86900621	5053505
CHUBBY GORILLA	Registered	87257945	5223288

Prosecution History

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

Type of Proceeding: Opposition

Proceeding Number: [91253105](#)

Filing Date: Dec 23, 2019

Status: Pending

Status Date: Oct 01, 2021

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: Hills Point Industries, LLC

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

Correspondent e-mail: pto@gordonjacobson.com , davidj@gjip.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
GORILLA GRIP	Opposition Pending	88184698	

Plaintiff(s)

Name: Chubby Gorilla, Inc.

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

Correspondent e-mail: efiling@knobbe.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
CHUBBY GORILLA	Section 8 - Accepted	86524939	4949119
CHUBBY GORILLA	Registered	86900621	5053505
CHUBBY GORILLA	Registered	87257945	5223288
GORILLA	Registered	87272013	5209538
CHUBBY GORILLA	Registered	88373580	6098811

Prosecution History			
Entry Number	History Text	Date	Due Date
27	MOT TO DIVIDE GRANTED; TRIAL DATES REMAIN AS SET	Dec 09, 2021	
26	MOT TO DIVIDE APPLICATION	Nov 04, 2021	
25	PROCEEDINGS RESUMED	Oct 01, 2021	
24	P REPLY IN SUPPORT OF MOTION	Jul 09, 2021	
23	D OPP/RESP TO MOTION	Jun 21, 2021	
22	SUSP PEND DISP OF OUTSTNDNG MOT	Jun 16, 2021	
21	ANSWER TO COUNTERCLAIM	Jun 09, 2021	
20	P MOT TO DISMISS COUNTERCLAIM: FRCP 12(B)	Jun 02, 2021	
19	ANSWER TO COUNTERCLAIM DUE (DUE DATE)	May 12, 2021	Jun 11, 2021
18	ANSWER TO OPP 91266658 AND COUNTERCLAIM	Apr 14, 2021	
17	SUSPENDED	Feb 24, 2021	
16	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Feb 10, 2021	
15	CONSOLIDATED FURTHER W/91266658; SUSPENDED	Feb 03, 2021	
14	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Jan 13, 2021	
13	P OPP/RESP TO MOTION	Nov 20, 2020	
12	D MOT FOR EXT W/O CONSENT	Nov 02, 2020	
11	CONSOLIDATED (PARENT); MOT TO DIVIDE GRANTED	Sep 23, 2020	
10	MOT TO DIVIDE APPLICATION	Aug 24, 2020	
9	D OPP/RESP TO MOTION	Aug 19, 2020	
8	D OPP/RESP TO MOTION	Aug 19, 2020	
7	P MOT TO CONSOLIDATE	Jul 30, 2020	
6	ANSWER	Mar 30, 2020	
5	SUSPENDED	Jan 29, 2020	
4	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Jan 29, 2020	
3	INSTITUTED	Dec 23, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 23, 2019	Feb 01, 2020
1	FILED AND FEE	Dec 23, 2019	

Type of Proceeding: Cancellation

Proceeding Number: [92068428](#)

Filing Date: Apr 24, 2018

Status: Terminated

Status Date: Feb 06, 2019

Interlocutory Attorney: ELIZABETH WINTER

Defendant

Name: Chubby Gorilla, Inc.

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

Correspondent e-mail: efiling@knobbe.com , stacey.halpern@knobbe.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number

CHUBBY GORILLA	Section 8 - Accepted	86524939	4949119
CHUBBY GORILLA	Registered	86900621	5053505
CHUBBY GORILLA	Registered	86932401	5054694
	Registered	87082330	5137172
GORILLA	Registered	87272013	5209538
	Registered	87190007	5221844
CHUBBY GORILLA	Registered	87257945	5223288

Plaintiff(s)

Name: Alien Visions E-Juice, Inc.

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

Correspondent e-mail: ahyland@taylorenGLISH.com , kelleby@taylorenGLISH.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
	Registered	87890106	6291777

Prosecution History

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

Generated on: This page was generated by TSDR on 2021-12-13 15:52:08 EST

Mark: CHUBBY GORILLA



US Serial Number: 86900621

Application Filing Date: Feb. 08, 2016

US Registration Number: 5053505

Registration Date: Oct. 04, 2016

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

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

Status Date: Feb. 06, 2019

Publication Date: Jul. 19, 2016

Mark Information

Mark Literal Elements: CHUBBY GORILLA

Standard Character Claim: No

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

Description of Mark: The mark consists of a gorilla logo to the left of the stylized text "CHUBBY GORILLA".

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

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

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

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

International Class(es): 021 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 04, 2014

Use in Commerce: Jan. 29, 2015

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: Yes

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: CHUBBY GORILLA, INC.

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

Legal Entity Type: CORPORATION

State or Country CALIFORNIA
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Stacey R. Halpern

Docket Number: CHGOR.037T

Attorney Primary efiling@knobbe.com
Email Address:

Attorney Email Yes
Authorized:

Correspondent

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

Phone: 949-760-0404

Fax: (949) 760-9502

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Nov. 18, 2021	TEAS SECTION 8 RECEIVED	
Oct. 04, 2021	COURTESY REMINDER - SEC. 8 (6-YR) E-MAILED	
May 08, 2020	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
May 08, 2020	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
May 08, 2020	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
May 08, 2020	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
May 08, 2020	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Feb. 06, 2019	TTAB RELEASE CASE TO TRADEMARKS	68428
Feb. 06, 2019	CANCELLATION TERMINATED NO. 999999	68428
Feb. 05, 2019	CANCELLATION DENIED NO. 999999	68428
Aug. 06, 2018	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Aug. 06, 2018	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
May 04, 2018	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
May 04, 2018	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Apr. 26, 2018	CANCELLATION INSTITUTED NO. 999999	68428
Oct. 04, 2016	REGISTERED-PRINCIPAL REGISTER	
Jul. 19, 2016	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jul. 19, 2016	PUBLISHED FOR OPPOSITION	
Jun. 29, 2016	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jun. 13, 2016	LAW OFFICE PUBLICATION REVIEW COMPLETED	70138
Jun. 06, 2016	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 01, 2016	EXAMINER'S AMENDMENT ENTERED	70138
Jun. 01, 2016	ASSIGNED TO LIE	70138
Jun. 01, 2016	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jun. 01, 2016	EXAMINERS AMENDMENT E-MAILED	6328
Jun. 01, 2016	EXAMINERS AMENDMENT -WRITTEN	92990
May 31, 2016	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
May 31, 2016	NON-FINAL ACTION E-MAILED	6325
May 31, 2016	NON-FINAL ACTION WRITTEN	92990

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

92990

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Oct. 04, 2016

Proceedings

Summary

Number of Proceedings: 6

Type of Proceeding: Opposition

Proceeding Number: [91266658](#)

Filing Date: Dec 18, 2020

Status: Consolidated/Child Case

Status Date: Nov 18, 2021

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: Hills Point Industries, LLC

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

Correspondent e-mail: davidj@gjip.com , pto@gordonjacobson.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
GORILLA GRIP	Opposition Pending	88815304	
GORILLA GRIP	Opposition Pending	88701306	

Plaintiff(s)

Name: Chubby Gorilla, Inc.

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

Correspondent e-mail: efiling@knobbe.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
CHUBBY GORILLA	Section 8 - Accepted	86524939	4949119
CHUBBY GORILLA	Registered	88373580	6098811
CHUBBY GORILLA	Registered	86900621	5053505
CHUBBY GORILLA	Registered	87257945	5223288
GORILLA	Registered	87272013	5209538

Prosecution History

Entry Number	History Text	Date	Due Date
14	MOT TO DIVIDE APPLICATION	Nov 04, 2021	
13	ANSWER	Oct 26, 2021	
12	P REPLY IN SUPPORT OF MOTION	Jul 09, 2021	
11	D OPP/RESP TO MOTION	Jun 21, 2021	
10	ANSWER TO COUNTERCLAIM	Jun 09, 2021	

9	P MOT TO DISMISS COUNTERCLAIM: FRCP 12(B)	Jun 09, 2021	
8	ANSWER AND COUNTERCLAIM (FEE)	Apr 14, 2021	
7	P MOT TO SUSP W/ CONSENT PEND SETTLE NEGOTIATIONS	Feb 10, 2021	
6	CONSOLIDATED - CHILD OF 91253105; SUSPENDED	Feb 03, 2021	
5	SUSPENDED	Jan 13, 2021	
4	P MOT TO SUSP W/ CONSENT PEND SETTLE NEGOTIATIONS	Jan 13, 2021	
3	INSTITUTED	Dec 22, 2020	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 22, 2020	Jan 31, 2021
1	FILED AND FEE	Dec 18, 2020	

Type of Proceeding: Opposition

Proceeding Number: [91254743](#)

Filing Date: Mar 18, 2020

Status: Consolidated/Child Case

Status Date: Sep 23, 2020

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: Hills Point Industries, LLC

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

Correspondent e-mail: pto@gordonjacobson.com , davidj@gjip.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
GORILLA GRIP	Opposition Pending	88344162	
GORILLA GRIP	Opposition Pending	88612360	

Plaintiff(s)

Name: Chubby Gorilla, Inc.

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

Correspondent e-mail: efiling@knobbe.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
CHUBBY GORILLA	Section 8 - Accepted	86524939	4949119
CHUBBY GORILLA	Registered	86900621	5053505
CHUBBY GORILLA	Registered	87257945	5223288

Prosecution History

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

Type of Proceeding: Opposition

Proceeding Number: [91253653](#)

Filing Date: Jan 16, 2020

Number: _____

Status: Consolidated/Child Case

Status Date: Sep 23, 2020

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: Hills Point Industries, LLC

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

Correspondent e-mail: pto@gordonjacobson.com , davidj@gjip.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
GORILLA GRIP	Opposition Pending	88449165	
GORILLA GRIP	Opposition Pending	88406724	
GORILLA GRIP	Opposition Pending	88406769	

Plaintiff(s)

Name: Chubby Gorilla, Inc.

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

Correspondent e-mail: efiling@knobbe.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
CHUBBY GORILLA	Section 8 - Accepted	86524939	4949119
CHUBBY GORILLA	Registered	86900621	5053505
CHUBBY GORILLA	Registered	87257945	5223288

Prosecution History

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

Type of Proceeding: Opposition

Proceeding Number: [91253105](#)

Filing Date: Dec 23, 2019

Status: Pending

Status Date: Oct 01, 2021

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: Hills Point Industries, LLC

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

Correspondent e-mail: pto@gordonjacobson.com , davidj@gjip.com

mail: _____

Associated marks			
Mark	Application Status	Serial Number	Registration Number
GORILLA GRIP	Opposition Pending	88184698	

Plaintiff(s)

Name: Chubby Gorilla, Inc.

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

Correspondent e-mail: efiling@knobbe.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
CHUBBY GORILLA	Section 8 - Accepted	86524939	4949119
CHUBBY GORILLA	Registered	86900621	5053505
CHUBBY GORILLA	Registered	87257945	5223288
GORILLA	Registered	87272013	5209538
CHUBBY GORILLA	Registered	88373580	6098811

Prosecution History

Entry Number	History Text	Date	Due Date
27	MOT TO DIVIDE GRANTED; TRIAL DATES REMAIN AS SET	Dec 09, 2021	
26	MOT TO DIVIDE APPLICATION	Nov 04, 2021	
25	PROCEEDINGS RESUMED	Oct 01, 2021	
24	P REPLY IN SUPPORT OF MOTION	Jul 09, 2021	
23	D OPP/RESP TO MOTION	Jun 21, 2021	
22	SUSP PEND DISP OF OUTSTNDNG MOT	Jun 16, 2021	
21	ANSWER TO COUNTERCLAIM	Jun 09, 2021	
20	P MOT TO DISMISS COUNTERCLAIM: FRCP 12(B)	Jun 02, 2021	
19	ANSWER TO COUNTERCLAIM DUE (DUE DATE)	May 12, 2021	Jun 11, 2021
18	ANSWER TO OPP 91266658 AND COUNTERCLAIM	Apr 14, 2021	
17	SUSPENDED	Feb 24, 2021	
16	P MOT TO SUSP W/ CONSENT PEND SETTLE NEGOTIATIONS	Feb 10, 2021	
15	CONSOLIDATED FURTHER W/91266658; SUSPENDED	Feb 03, 2021	
14	P MOT TO SUSP W/ CONSENT PEND SETTLE NEGOTIATIONS	Jan 13, 2021	
13	P OPP/RESP TO MOTION	Nov 20, 2020	
12	D MOT FOR EXT W/O CONSENT	Nov 02, 2020	
11	CONSOLIDATED (PARENT); MOT TO DIVIDE GRANTED	Sep 23, 2020	
10	MOT TO DIVIDE APPLICATION	Aug 24, 2020	
9	D OPP/RESP TO MOTION	Aug 19, 2020	
8	D OPP/RESP TO MOTION	Aug 19, 2020	
7	P MOT TO CONSOLIDATE	Jul 30, 2020	
6	ANSWER	Mar 30, 2020	
5	SUSPENDED	Jan 29, 2020	
4	D MOT TO SUSP W/ CONSENT PEND SETTLE NEGOTIATIONS	Jan 29, 2020	
3	INSTITUTED	Dec 23, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 23, 2019	Feb 01, 2020
1	FILED AND FEE	Dec 23, 2019	

Type of Proceeding: Opposition

Proceeding Number: [91240937](#)

Filing Date: May 01, 2018

Status: Terminated

Status Date: Jul 02, 2018

Interlocutory ANN LINNEHAN VOGLER

Attorney:**Defendant****Name:** Gerald Romine**Correspondent Address:** MARK F WRIGHT
WRIGHT LAW GROUP PLLC
1959 SOUTH POWER ROAD, SUITE 103-376
MESA AZ UNITED STATES , 85206**Correspondent e-mail:** mwright@wrightlawgroup.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
CHILL GORILLA	Abandoned - After Inter-Partes Decision	87554564	

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

Mark	Application Status	Serial Number	Registration Number
CHUBBY GORILLA	Registered	87082330	5137172
	Registered	87190007	5221844
	Registered	87443339	5323895
	Registered	87263209	5200069
	Registered	86900621	5053505

Prosecution History

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

Type of Proceeding: Cancellation**Proceeding Number:** [92068428](#)**Filing Date:** Apr 24, 2018**Status:** Terminated**Status Date:** Feb 06, 2019**Interlocutory Attorney:** ELIZABETH WINTER**Defendant****Name:** Chubby Gorilla, Inc.**Correspondent Address:** STACEY R HALPERN
CHUBBY GORILLA INC
2040 MAIN ST 14TH FL
IRVINE CA UNITED STATES , 92614**Correspondent e-mail:** efiling@knobbe.com , stacey.halpern@knobbe.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
CHUBBY GORILLA	Section 8 - Accepted	86524939	4949119

CHUBBY GORILLA	Registered	86900621	5053505
CHUBBY GORILLA	Registered	86932401	5054694
	Registered	87082330	5137172
GORILLA	Registered	87272013	5209538
	Registered	87190007	5221844
CHUBBY GORILLA	Registered	87257945	5223288

Plaintiff(s)

Name: Alien Visions E-Juice, Inc.

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

Correspondent e-mail: ahyland@taylorenGLISH.com , kelleby@taylorenGLISH.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
	Registered	87890106	6291777

Prosecution History

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

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Mark: CHUBBY GORILLA

CHUBBY GORILLA

US Serial Number: 87257945

Application Filing Date: Dec. 05, 2016

US Registration Number: 5223288

Registration Date: Jun. 13, 2017

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

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

Status Date: Feb. 06, 2019

Publication Date: Mar. 28, 2017

Mark Information

Mark Literal Elements: CHUBBY GORILLA

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

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

International Registration Number: 1373372

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

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

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

International Class(es): 010 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 04, 2014

Use in Commerce: Jan. 29, 2015

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

International 021 - Primary Class

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

Class(es):**Class Status:** ACTIVE**Basis:** 1(a)**First Use:** Apr. 04, 2014**Use in Commerce:** Jan. 29, 2015**Basis Information (Case Level)****Filed Use:** Yes**Currently Use:** Yes**Filed ITU:** No**Currently ITU:** No**Filed 44D:** No**Currently 44E:** No**Filed 44E:** No**Currently 66A:** No**Filed 66A:** No**Currently No Basis:** No**Filed No Basis:** No**Current Owner(s) Information****Owner Name:** CHUBBY GORILLA, INC.**Owner Address:** 4320 N. Harbor Blvd.
Fullerton, CALIFORNIA UNITED STATES 92835**Legal Entity Type:** CORPORATION**State or Country** CALIFORNIA
Where Organized:**Attorney/Correspondence Information****Attorney of Record****Attorney Name:** Stacey R. Halpern**Docket Number:** CHGOR.039T**Attorney Primary** efiling@knobbe.com
Email Address:**Attorney Email** Yes
Authorized:**Correspondent****Correspondent** Stacey R. Halpern
Name/Address: KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET, 14TH FLOOR
IRVINE, CALIFORNIA UNITED STATES 92614**Phone:** 949-760-0404**Fax:** (949) 760-9502**Domestic Representative - Not Found****Prosecution History**

Date	Description	Proceeding Number
Oct. 09, 2020	NOTICE OF SUIT	
May 08, 2020	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
May 08, 2020	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
May 08, 2020	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
May 08, 2020	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
May 08, 2020	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
May 06, 2020	NOTICE OF SUIT	
Feb. 06, 2019	TTAB RELEASE CASE TO TRADEMARKS	68428
Feb. 06, 2019	CANCELLATION TERMINATED NO. 999999	68428
Feb. 05, 2019	CANCELLATION DENIED NO. 999999	68428
Aug. 06, 2018	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Aug. 06, 2018	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
May 04, 2018	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
May 04, 2018	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Apr. 26, 2018	CANCELLATION INSTITUTED NO. 999999	68428
Mar. 01, 2018	NOTICE OF SUIT	
Jun. 13, 2017	REGISTERED-PRINCIPAL REGISTER	
Mar. 28, 2017	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	

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

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jun. 13, 2017

Proceedings

Summary

Number of Proceedings: 5

Type of Proceeding: Opposition

Proceeding Number: [91266658](#)

Filing Date: Dec 18, 2020

Status: Consolidated/Child Case

Status Date: Nov 18, 2021

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: Hills Point Industries, LLC

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

Correspondent e-mail: davidj@gjip.com , pto@gordonjacobson.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
GORILLA GRIP	Opposition Pending	88815304	
GORILLA GRIP	Opposition Pending	88701306	

Plaintiff(s)

Name: Chubby Gorilla, Inc.

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

Correspondent e-mail: efiling@knobbe.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
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CHUBBY GORILLA	Section 8 - Accepted	86524939	4949119
CHUBBY GORILLA	Registered	88373580	6098811
CHUBBY GORILLA	Registered	86900621	5053505
CHUBBY GORILLA	Registered	87257945	5223288
GORILLA	Registered	87272013	5209538

Prosecution History

Entry Number	History Text	Date	Due Date
14	MOT TO DIVIDE APPLICATION	Nov 04, 2021	
13	ANSWER	Oct 26, 2021	
12	P REPLY IN SUPPORT OF MOTION	Jul 09, 2021	
11	D OPP/RESP TO MOTION	Jun 21, 2021	
10	ANSWER TO COUNTERCLAIM	Jun 09, 2021	
9	P MOT TO DISMISS COUNTERCLAIM: FRCP 12(B)	Jun 09, 2021	
8	ANSWER AND COUNTERCLAIM (FEE)	Apr 14, 2021	
7	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Feb 10, 2021	
6	CONSOLIDATED - CHILD OF 91253105; SUSPENDED	Feb 03, 2021	
5	SUSPENDED	Jan 13, 2021	
4	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Jan 13, 2021	
3	INSTITUTED	Dec 22, 2020	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 22, 2020	Jan 31, 2021
1	FILED AND FEE	Dec 18, 2020	

Type of Proceeding: Opposition

Proceeding Number: [91254743](#)

Filing Date: Mar 18, 2020

Status: Consolidated/Child Case

Status Date: Sep 23, 2020

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: Hills Point Industries, LLC

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

Correspondent e-mail: pto@gordonjacobson.com , davidj@gjip.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
GORILLA GRIP	Opposition Pending	88344162	
GORILLA GRIP	Opposition Pending	88612360	

Plaintiff(s)

Name: Chubby Gorilla, Inc.

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

Correspondent e-mail: efiling@knobbe.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
CHUBBY GORILLA	Section 8 - Accepted	86524939	4949119
CHUBBY GORILLA	Registered	86900621	5053505
CHUBBY GORILLA	Registered	87257945	5223288

Prosecution History

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

Type of Proceeding: Opposition

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

Defendant

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

Associated marks

Mark	Application Status	Serial Number	Registration Number
GORILLA GRIP	Opposition Pending	88449165	
GORILLA GRIP	Opposition Pending	88406724	
GORILLA GRIP	Opposition Pending	88406769	

Plaintiff(s)

Name: Chubby Gorilla, Inc.
Correspondent Address: STACEY R HALPERN
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET, 14TH FLOOR
IRVINE CA UNITED STATES , 92614
Correspondent e-mail: efiling@knobbe.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
CHUBBY GORILLA	Section 8 - Accepted	86524939	4949119
CHUBBY GORILLA	Registered	86900621	5053505
CHUBBY GORILLA	Registered	87257945	5223288

Prosecution History

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

Type of Proceeding: Opposition

Proceeding Number: [91253105](#)

Filing Date: Dec 23, 2019

Status: Pending

Status Date: Oct 01, 2021

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: Hills Point Industries, LLC

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

Correspondent e-mail: pto@gordonjacobson.com , davidj@gjip.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
GORILLA GRIP	Opposition Pending	88184698	

Plaintiff(s)

Name: Chubby Gorilla, Inc.

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

Correspondent e-mail: efiling@knobbe.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
CHUBBY GORILLA	Section 8 - Accepted	86524939	4949119
CHUBBY GORILLA	Registered	86900621	5053505
CHUBBY GORILLA	Registered	87257945	5223288
GORILLA	Registered	87272013	5209538
CHUBBY GORILLA	Registered	88373580	6098811

Prosecution History

Entry Number	History Text	Date	Due Date
27	MOT TO DIVIDE GRANTED; TRIAL DATES REMAIN AS SET	Dec 09, 2021	
26	MOT TO DIVIDE APPLICATION	Nov 04, 2021	
25	PROCEEDINGS RESUMED	Oct 01, 2021	
24	P REPLY IN SUPPORT OF MOTION	Jul 09, 2021	
23	D OPP/RESP TO MOTION	Jun 21, 2021	
22	SUSP PEND DISP OF OUTSTNDNG MOT	Jun 16, 2021	
21	ANSWER TO COUNTERCLAIM	Jun 09, 2021	
20	P MOT TO DISMISS COUNTERCLAIM: FRCP 12(B)	Jun 02, 2021	
19	ANSWER TO COUNTERCLAIM DUE (DUE DATE)	May 12, 2021	Jun 11, 2021
18	ANSWER TO OPP 91266658 AND COUNTERCLAIM	Apr 14, 2021	
17	SUSPENDED	Feb 24, 2021	
16	P MOT TO SUSP W/ CONSENT PEND SETTLE NEGOTIATIONS	Feb 10, 2021	
15	CONSOLIDATED FURTHER W/91266658; SUSPENDED	Feb 03, 2021	
14	P MOT TO SUSP W/ CONSENT PEND SETTLE NEGOTIATIONS	Jan 13, 2021	
13	P OPP/RESP TO MOTION	Nov 20, 2020	
12	D MOT FOR EXT W/O CONSENT	Nov 02, 2020	
11	CONSOLIDATED (PARENT); MOT TO DIVIDE GRANTED	Sep 23, 2020	
10	MOT TO DIVIDE APPLICATION	Aug 24, 2020	
9	D OPP/RESP TO MOTION	Aug 19, 2020	
8	D OPP/RESP TO MOTION	Aug 19, 2020	

7	P MOT TO CONSOLIDATE	Jul 30, 2020	
6	ANSWER	Mar 30, 2020	
5	SUSPENDED	Jan 29, 2020	
4	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Jan 29, 2020	
3	INSTITUTED	Dec 23, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 23, 2019	Feb 01, 2020
1	FILED AND FEE	Dec 23, 2019	

Type of Proceeding: Cancellation

Proceeding Number: [92068428](#) **Filing Date:** Apr 24, 2018
Status: Terminated **Status Date:** Feb 06, 2019
Interlocutory Attorney: ELIZABETH WINTER

Defendant

Name: Chubby Gorilla, Inc.
Correspondent Address: STACEY R HALPERN
 CHUBBY GORILLA INC
 2040 MAIN ST 14TH FL
 IRVINE CA UNITED STATES , 92614
Correspondent e-mail: efiling@knobbe.com , stacey.halpern@knobbe.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
CHUBBY GORILLA	Section 8 - Accepted	86524939	4949119
CHUBBY GORILLA	Registered	86900621	5053505
CHUBBY GORILLA	Registered	86932401	5054694
	Registered	87082330	5137172
GORILLA	Registered	87272013	5209538
	Registered	87190007	5221844
CHUBBY GORILLA	Registered	87257945	5223288

Plaintiff(s)

Name: Alien Visions E-Juice, Inc.
Correspondent Address: AMANDA G HYLAND
 TAYLOR ENGLISH DUMA LLP
 1600 PARKWOOD CIRCLE STE 400
 ATLANTA GA UNITED STATES , 30339
Correspondent e-mail: ahyland@taylorenglish.com , kelleby@taylorenglish.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
	Registered	87890106	6291777

Prosecution History

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

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Mark: GORILLA

GORILLA

US Serial Number: 87272013

Application Filing Date: Dec. 16, 2016

US Registration Number: 5209538

Registration Date: May 23, 2017

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

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

Status Date: Feb. 06, 2019

Publication Date: Mar. 07, 2017

Mark Information

Mark Literal Elements: GORILLA

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

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

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

International Class(es): 010 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 04, 2014

Use in Commerce: Jan. 29, 2015

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

International Class(es): 021 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 04, 2014

Use in Commerce: Jan. 29, 2015

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

International Class(es): 034 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 04, 2014

Use in Commerce: Jan. 29, 2015

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: CHUBBY GORILLA, INC.

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

Legal Entity Type: CORPORATION

State or Country Where Organized: CALIFORNIA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Stacey R. Halpern

Docket Number: CHGOR.041T

Attorney Primary Email Address: efiling@knobbe.com

Attorney Email Authorized: Yes

Correspondent

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

Phone: 949-760-0404

Fax: (949) 760-9502

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 09, 2020	NOTICE OF SUIT	
May 08, 2020	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
May 08, 2020	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
May 08, 2020	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
May 08, 2020	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
May 08, 2020	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
May 06, 2020	NOTICE OF SUIT	
Jul. 23, 2019	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Mar. 20, 2019	AMENDMENT UNDER SECTION 7 Â- PROCESSED	71378
Mar. 19, 2019	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	71378
Feb. 07, 2019	TEAS SECTION 7 REQUEST RECEIVED	
Feb. 06, 2019	TTAB RELEASE CASE TO TRADEMARKS	68428
Feb. 06, 2019	CANCELLATION TERMINATED NO. 999999	68428
Feb. 05, 2019	CANCELLATION DENIED NO. 999999	68428
Aug. 06, 2018	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Aug. 06, 2018	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
May 04, 2018	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
May 04, 2018	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Apr. 26, 2018	CANCELLATION INSTITUTED NO. 999999	68428

Mar. 01, 2018	NOTICE OF SUIT	
May 23, 2017	REGISTERED-PRINCIPAL REGISTER	
Mar. 07, 2017	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Mar. 07, 2017	PUBLISHED FOR OPPOSITION	
Feb. 15, 2017	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jan. 10, 2017	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 10, 2017	EXAMINER'S AMENDMENT ENTERED	88888
Jan. 10, 2017	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jan. 10, 2017	EXAMINERS AMENDMENT E-MAILED	6328
Jan. 10, 2017	EXAMINERS AMENDMENT -WRITTEN	76509
Jan. 09, 2017	ASSIGNED TO EXAMINER	76509
Dec. 23, 2016	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Dec. 20, 2016	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None File Location

Current Location: POST REGISTRATION

Date in Location: Mar. 20, 2019

Proceedings

Summary

Number of Proceedings: 3

Type of Proceeding: Opposition

Proceeding Number: [91266658](#)

Filing Date: Dec 18, 2020

Status: Consolidated/Child Case

Status Date: Nov 18, 2021

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: Hills Point Industries, LLC

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

Correspondent e-mail: davidj@gjip.com , pto@gordonjacobson.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
GORILLA GRIP	Opposition Pending	88815304	
GORILLA GRIP	Opposition Pending	88701306	

Plaintiff(s)

Name: Chubby Gorilla, Inc.

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

Correspondent e-mail: efiling@knobbe.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
CHUBBY GORILLA	Section 8 - Accepted	86524939	4949119
CHUBBY GORILLA	Registered	88373580	6098811

CHUBBY GORILLA	Registered	86900621	5053505
CHUBBY GORILLA	Registered	87257945	5223288
GORILLA	Registered	87272013	5209538

Prosecution History

Entry Number	History Text	Date	Due Date
14	MOT TO DIVIDE APPLICATION	Nov 04, 2021	
13	ANSWER	Oct 26, 2021	
12	P REPLY IN SUPPORT OF MOTION	Jul 09, 2021	
11	D OPP/RESP TO MOTION	Jun 21, 2021	
10	ANSWER TO COUNTERCLAIM	Jun 09, 2021	
9	P MOT TO DISMISS COUNTERCLAIM: FRCP 12(B)	Jun 09, 2021	
8	ANSWER AND COUNTERCLAIM (FEE)	Apr 14, 2021	
7	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Feb 10, 2021	
6	CONSOLIDATED - CHILD OF 91253105; SUSPENDED	Feb 03, 2021	
5	SUSPENDED	Jan 13, 2021	
4	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Jan 13, 2021	
3	INSTITUTED	Dec 22, 2020	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 22, 2020	Jan 31, 2021
1	FILED AND FEE	Dec 18, 2020	

Type of Proceeding: Opposition

Proceeding Number: [91253105](#)

Filing Date: Dec 23, 2019

Status: Pending

Status Date: Oct 01, 2021

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: Hills Point Industries, LLC

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

Correspondent e-mail: pto@gordonjacobson.com , davidj@gjip.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
GORILLA GRIP	Opposition Pending	88184698	

Plaintiff(s)

Name: Chubby Gorilla, Inc.

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

Correspondent e-mail: efiling@knobbe.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
CHUBBY GORILLA	Section 8 - Accepted	86524939	4949119
CHUBBY GORILLA	Registered	86900621	5053505
CHUBBY GORILLA	Registered	87257945	5223288
GORILLA	Registered	87272013	5209538
CHUBBY GORILLA	Registered	88373580	6098811

Prosecution History

Entry Number	History Text	Date	Due Date
27	MOT TO DIVIDE GRANTED; TRIAL DATES REMAIN AS SET	Dec 09, 2021	

26	MOT TO DIVIDE APPLICATION	Nov 04, 2021	
25	PROCEEDINGS RESUMED	Oct 01, 2021	
24	P REPLY IN SUPPORT OF MOTION	Jul 09, 2021	
23	D OPP/RESP TO MOTION	Jun 21, 2021	
22	SUSP PEND DISP OF OUTSTNDNG MOT	Jun 16, 2021	
21	ANSWER TO COUNTERCLAIM	Jun 09, 2021	
20	P MOT TO DISMISS COUNTERCLAIM: FRCP 12(B)	Jun 02, 2021	
19	ANSWER TO COUNTERCLAIM DUE (DUE DATE)	May 12, 2021	Jun 11, 2021
18	ANSWER TO OPP 91266658 AND COUNTERCLAIM	Apr 14, 2021	
17	SUSPENDED	Feb 24, 2021	
16	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Feb 10, 2021	
15	CONSOLIDATED FURTHER W/91266658; SUSPENDED	Feb 03, 2021	
14	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Jan 13, 2021	
13	P OPP/RESP TO MOTION	Nov 20, 2020	
12	D MOT FOR EXT W/O CONSENT	Nov 02, 2020	
11	CONSOLIDATED (PARENT); MOT TO DIVIDE GRANTED	Sep 23, 2020	
10	MOT TO DIVIDE APPLICATION	Aug 24, 2020	
9	D OPP/RESP TO MOTION	Aug 19, 2020	
8	D OPP/RESP TO MOTION	Aug 19, 2020	
7	P MOT TO CONSOLIDATE	Jul 30, 2020	
6	ANSWER	Mar 30, 2020	
5	SUSPENDED	Jan 29, 2020	
4	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Jan 29, 2020	
3	INSTITUTED	Dec 23, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 23, 2019	Feb 01, 2020
1	FILED AND FEE	Dec 23, 2019	

Type of Proceeding: Cancellation

Proceeding Number: [92068428](#)

Filing Date: Apr 24, 2018

Status: Terminated

Status Date: Feb 06, 2019

Interlocutory Attorney: ELIZABETH WINTER

Defendant

Name: Chubby Gorilla, Inc.

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

Correspondent e-mail: efiling@knobbe.com , stacey.halpern@knobbe.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
CHUBBY GORILLA	Section 8 - Accepted	86524939	4949119
CHUBBY GORILLA	Registered	86900621	5053505
CHUBBY GORILLA	Registered	86932401	5054694
CHUBBY GORILLA	Registered	87082330	5137172
GORILLA	Registered	87272013	5209538
GORILLA	Registered	87190007	5221844
CHUBBY GORILLA	Registered	87257945	5223288

Plaintiff(s)

Name: Alien Visions E-Juice, Inc.

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

Correspondent e-mail: ahyland@taylorenghish.com , kelleby@taylorenghish.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
	Registered	87890106	6291777

Prosecution History

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

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Mark: CHUBBY GORILLA

CHUBBY GORILLA

US Serial Number: 88373580

Application Filing Date: Apr. 05, 2019

US Registration Number: 6098811

Registration Date: Jul. 14, 2020

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark, Service Mark

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: Jul. 14, 2020

Publication Date: Jan. 14, 2020

Mark Information

Mark Literal Elements: CHUBBY GORILLA

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

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US Registrations: 4949119, 5053505, 5223288

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: DROPPER BOTTLES, CONTAINERS AND VIALS, SOLD EMPTY, FOR ADMINISTERING MEDICATION

International Class(es): 010 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: 2015

Use in Commerce: 2015

For: PACKAGING CONTAINERS OF PLASTIC; CONTAINERS FOR TRANSPORT, NOT OF METAL; PLASTIC STORAGE CONTAINERS FOR INDUSTRIAL OR COMMERCIAL USE; CONTAINERS FOR TRANSPORTATION; NOT OF METAL; NONMETAL AND NON-PAPER CONTAINERS FOR TRANSPORTATION OR STORAGE; CONTAINERS FOR INDUSTRIAL AND COMMERCIAL USE NOT MADE OF METAL; NONMETAL CONTAINERS FOR USE IN THE TRANSPORT OF SOLIDS, LOTIONS OR POWDERS FOR COMMERCIAL OR INDUSTRIAL USE; NON-METALLIC CLOSURES FOR CONTAINERS; PACKING CONTAINERS OF PLASTIC MATERIAL; PLASTIC CAPS; NON-METALLIC BOTTLE CAPS; CONTAINERS FOR MEDICATIONS SOLD EMPTY FOR COMMERCIAL USE; PLASTIC MEDICATION CONTAINERS FOR COMMERCIAL USE; CONTAINER CLOSURES OF PLASTIC; CONTAINERS FOR INDUSTRIAL AND COMMERCIAL LIQUIDS NOT MADE OF METAL; NON-MODULAR CONTAINERS, NOT OF METAL, FOR USE IN TRANSPORTATION AND STORAGE FOR COMMERCIAL OR INDUSTRIAL USE; PLASTIC MEDICATION CONTAINERS FOR COMMERCIAL USE; CONTAINERS FOR MEDICATIONS SOLD EMPTY FOR COMMERCIAL USE; BOTTLE

CLOSURES, NOT OF METAL

International Class(es): 020 - Primary Class

U.S Class(es): 002, 013, 022, 025, 032, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: 2015

Use in Commerce: 2015

For: CONTAINERS FOR HOUSEHOLD OR KITCHEN USE; ALL PURPOSE PORTABLE HOUSEHOLD CONTAINERS; MEDICATION CONTAINERS FOR PERSONAL USE; LOTION CONTAINERS SOLD EMPTY FOR DOMESTIC USE; BOTTLES SOLD EMPTY NOT FOR MEDICAL USE; BOTTLES SOLD EMPTY FOR MEDICAL AND PHARMACEUTICAL USE; BOTTLES FOR PHARMACEUTICALS SOLD EMPTY; VIALS FOR MEDICATIONS SOLD EMPTY; PLASTIC STORAGE CONTAINERS FOR HOUSEHOLD USE; PLASTIC STORAGE CONTAINERS FOR DOMESTIC USE; PLASTIC SAFETY CAPS FOR MEDICINE CONTAINERS; VIALS FOR MEDICAL USE SOLD EMPTY; REUSABLE BOTTLES, CONTAINERS AND VIALS SOLD EMPTY NOT FOR MEDICAL USE; REUSABLE PLASTIC BOTTLES, CONTAINERS AND VIALS SOLD EMPTY NOT FOR MEDICAL USE; REUSABLE BOTTLES, CONTAINERS AND VIALS FOR MEDICATION SOLD EMPTY; REUSABLE BOTTLES, CONTAINERS AND VIALS SOLD EMPTY FOR PERSONAL USE; REUSABLE BOTTLES, CONTAINERS AND VIALS SOLD EMPTY FOR HOUSEHOLD USE; REUSABLE BOTTLES, CONTAINERS AND VIALS SOLD EMPTY FOR DOMESTIC USE; CONTAINERS FOR HOUSEHOLD USE; BOTTLES, SOLD EMPTY; AND VIALS BEING MEDICATION CONTAINERS FOR PERSONAL USE SOLD EMPTY; NON-MODULAR CONTAINERS FOR USE IN TRANSPORTATION AND STORAGE FOR HOUSEHOLD USE

International Class(es): 021 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: 2015

Use in Commerce: 2015

For: CUSTOM MOLDING OF PLASTIC CONTAINERS FOR OTHERS; CUSTOM MANUFACTURE OF CLOSURES OF PLASTIC AND PLASTIC BOTTLES, SOLD EMPTY, FOR OTHERS; CUSTOM MANUFACTURE OF BOTTLES

International Class(es): 040 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: 2015

Use in Commerce: 2015

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: Chubby Gorilla, Inc.

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

Legal Entity Type: CORPORATION

State or Country Where Organized: CALIFORNIA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Stacey Halpern

Docket Number: CHGOR.190T

Attorney Primary Email Address: efiling@knobbe.com

Attorney Email Authorized: Yes

Correspondent

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

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jul. 14, 2020	REGISTERED-PRINCIPAL REGISTER	
Jun. 04, 2020	EXTENSION OF TIME TO OPPOSE PROCESS - TERMINATED	
May 28, 2020	CHANGES/CORRECTIONS AFTER PUB APPROVAL ENTERED	86882
May 27, 2020	ASSIGNED TO PETITION STAFF	86882
May 01, 2020	TEAS POST PUBLICATION AMENDMENT RECEIVED	1111
Feb. 12, 2020	EXTENSION OF TIME TO OPPOSE RECEIVED	
Jan. 14, 2020	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jan. 14, 2020	PUBLISHED FOR OPPOSITION	
Dec. 25, 2019	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Dec. 11, 2019	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 10, 2019	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Dec. 09, 2019	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Dec. 09, 2019	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jun. 17, 2019	NOTIFICATION OF PRIORITY ACTION E-MAILED	6326
Jun. 17, 2019	PRIORITY ACTION E-MAILED	6326
Jun. 17, 2019	PRIORITY ACTION WRITTEN	77769
Jun. 17, 2019	ASSIGNED TO EXAMINER	77769
Apr. 23, 2019	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Apr. 09, 2019	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jul. 14, 2020

Proceedings

Summary

Number of Proceedings: 3

Type of Proceeding: Opposition

Proceeding Number: [91266658](#)

Filing Date: Dec 18, 2020

Status: Consolidated/Child Case

Status Date: Nov 18, 2021

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: Hills Point Industries, LLC

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

Correspondent e-mail: davidj@gjip.com , pto@gordonjacobson.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
GORILLA GRIP	Opposition Pending	88815304	
GORILLA GRIP	Opposition Pending	88701306	

Plaintiff(s)

Name: Chubby Gorilla, Inc.

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

Correspondent e-mail: efiling@knobbe.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
CHUBBY GORILLA	Section 8 - Accepted	86524939	4949119
CHUBBY GORILLA	Registered	88373580	6098811
CHUBBY GORILLA	Registered	86900621	5053505
CHUBBY GORILLA	Registered	87257945	5223288
GORILLA	Registered	87272013	5209538

Prosecution History

Entry Number	History Text	Date	Due Date
14	MOT TO DIVIDE APPLICATION	Nov 04, 2021	
13	ANSWER	Oct 26, 2021	
12	P REPLY IN SUPPORT OF MOTION	Jul 09, 2021	
11	D OPP/RESP TO MOTION	Jun 21, 2021	
10	ANSWER TO COUNTERCLAIM	Jun 09, 2021	
9	P MOT TO DISMISS COUNTERCLAIM: FRCP 12(B)	Jun 09, 2021	
8	ANSWER AND COUNTERCLAIM (FEE)	Apr 14, 2021	
7	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Feb 10, 2021	
6	CONSOLIDATED - CHILD OF 91253105; SUSPENDED	Feb 03, 2021	
5	SUSPENDED	Jan 13, 2021	
4	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Jan 13, 2021	
3	INSTITUTED	Dec 22, 2020	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 22, 2020	Jan 31, 2021
1	FILED AND FEE	Dec 18, 2020	

Type of Proceeding: Extension of Time

Proceeding Number: [88373580](#)

Filing Date: Feb 12, 2020

Status: Terminated

Status Date: Jun 04, 2020

Interlocutory Attorney:

Defendant

Name: Chubby Gorilla, Inc.

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

Correspondent e-mail: efiling@knobbe.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
CHUBBY GORILLA	Registered	88373580	6098811

Potential Opposer(s)

Name: Hills Point Industries, LLC

Correspondent Address: DAVID JACOBSON
GORDON & JACOBSNON, PC
60 LONG RIDGE ROAD, STE 407
STAMFORD CT UNITED STATES , 06902

Correspondent e-mail: davidj@gjip.com , pto@gordonjacobson.com

Prosecution History

Entry Number	History Text	Date	Due Date
4	EXT GRANTED	Mar 10, 2020	
3	ADD'L 60-DAY REQUEST TO EXT TIME TO OPPOSE	Mar 10, 2020	
2	EXT GRANTED	Feb 12, 2020	
1	FIRST 30-DAY REQUEST TO EXT TIME TO OPPOSE	Feb 12, 2020	

Type of Proceeding: Opposition

Proceeding Number: [91253105](#)

Filing Date: Dec 23, 2019

Status: Pending

Status Date: Oct 01, 2021

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: Hills Point Industries, LLC

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

Correspondent e-mail: pto@gordonjacobson.com , davidj@gjip.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
GORILLA GRIP	Opposition Pending	88184698	

Plaintiff(s)

Name: Chubby Gorilla, Inc.

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

Correspondent e-mail: efiling@knobbe.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
CHUBBY GORILLA	Section 8 - Accepted	86524939	4949119
CHUBBY GORILLA	Registered	86900621	5053505
CHUBBY GORILLA	Registered	87257945	5223288
GORILLA	Registered	87272013	5209538
CHUBBY GORILLA	Registered	88373580	6098811

Prosecution History

Entry Number	History Text	Date	Due Date
27	MOT TO DIVIDE GRANTED; TRIAL DATES REMAIN AS SET	Dec 09, 2021	
26	MOT TO DIVIDE APPLICATION	Nov 04, 2021	
25	PROCEEDINGS RESUMED	Oct 01, 2021	
24	P REPLY IN SUPPORT OF MOTION	Jul 09, 2021	
23	D OPP/RESP TO MOTION	Jun 21, 2021	
22	SUSP PEND DISP OF OUTSTNDNG MOT	Jun 16, 2021	
21	ANSWER TO COUNTERCLAIM	Jun 09, 2021	
20	P MOT TO DISMISS COUNTERCLAIM: FRCP 12(B)	Jun 02, 2021	
19	ANSWER TO COUNTERCLAIM DUE (DUE DATE)	May 12, 2021	Jun 11, 2021
18	ANSWER TO OPP 91266658 AND COUNTERCLAIM	Apr 14, 2021	
17	SUSPENDED	Feb 24, 2021	
16	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Feb 10, 2021	
15	CONSOLIDATED FURTHER W/91266658; SUSPENDED	Feb 03, 2021	
14	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Jan 13, 2021	

13	P OPP/RESP TO MOTION	Nov 20, 2020	
12	D MOT FOR EXT W/O CONSENT	Nov 02, 2020	
11	CONSOLIDATED (PARENT); MOT TO DIVIDE GRANTED	Sep 23, 2020	
10	MOT TO DIVIDE APPLICATION	Aug 24, 2020	
9	D OPP/RESP TO MOTION	Aug 19, 2020	
8	D OPP/RESP TO MOTION	Aug 19, 2020	
7	P MOT TO CONSOLIDATE	Jul 30, 2020	
6	ANSWER	Mar 30, 2020	
5	SUSPENDED	Jan 29, 2020	
4	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Jan 29, 2020	
3	INSTITUTED	Dec 23, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 23, 2019	Feb 01, 2020
1	FILED AND FEE	Dec 23, 2019	