

ESTTA Tracking number: **ESTTA722330**

Filing date: **01/22/2016**

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

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Monster Energy Company		
Entity	Corporation	Citizenship	Delaware
Address	1 Monster Way Corona, CA 92879 UNITED STATES		

Attorney information	Lynda Zadra-Symes, Jonathan Menkes Knobbe Martens Olson & Bear LLP 2040 Main Street, 14th Floor Irvine, CA 92614 UNITED STATES efiling@knobbe.com, francie.leonguerrero@knobbe.com Phone:949-760-0404		
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Registration Subject to Cancellation

Registration No	4772758	Registration date	07/14/2015
Registrant	Thunder Beast LLC 1110 Congress St NE Washington, DC 20002 UNITED STATES		

Goods/Services Subject to Cancellation

Class 032. First Use: 2012/04/09 First Use In Commerce: 2013/09/14 All goods and services in the class are cancelled, namely: Non-alcoholic beverages, namely, carbonated beverages
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Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)
Other	Common law rights as asserted in the Petition for Cancellation

Marks Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	2769364	Application Date	12/18/2002
Registration Date	09/30/2003	Foreign Priority Date	NONE
Word Mark	UNLEASH THE BEAST!		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 032. First use: First Use: 2002/04/16 First Use In Commerce: 2002/04/16 Fruit juice drinks, soft drinks, carbonated soft drinks and soft drinks enhanced with vitamins, minerals, nutrients, amino acids and/or herbs,[aerated water, soda water and seltzer water]

U.S. Registration No.	4394044	Application Date	12/14/2010
Registration Date	08/27/2013	Foreign Priority Date	NONE

Word Mark	UNLEASH THE NITRO BEAST!
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 032. First use: First Use: 2009/07/08 First Use In Commerce: 2009/07/08 Non-alcoholic beverages, namely, carbonated soft drinks; carbonated drinks enhanced with vitamins, minerals, nutrients,proteins, amino acids and/or herbs; carbonated energy or sports drinks
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U.S. Registration No.	4336329	Application Date	11/03/2010
Registration Date	05/14/2013	Foreign Priority Date	NONE

Word Mark	REHAB THE BEAST!
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 030. First use: First Use: 2011/03/02 First Use In Commerce: 2011/03/02 Ready to drink tea, iced tea and tea based beverages; ready to drink flavored tea, iced tea and tea based beverages Class 032. First use: First Use: 2011/03/02 First Use In Commerce: 2011/03/02 Non-alcoholic beverages, namely, energydrinks, sports drinks and fruit juice drinks; all the foregoing enhanced with vitamins, minerals, nutrients, proteins,
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	amino acids and/or herbs		
U.S. Registration No.	4292502	Application Date	02/15/2012
Registration Date	02/19/2013	Foreign Priority Date	NONE
Word Mark	REHAB THE BEAST! WWW.MONSTERENERGY.COM		
Design Mark	<p style="text-align: center;">REHAB THE BEAST! WWW.MONSTERENERGY.COM</p>		
Description of Mark	NONE		
Goods/Services	<p>Class 030. First use: First Use: 2011/03/02 First Use In Commerce: 2011/03/02 Ready to drink tea, iced tea and tea based beverages; ready to drink flavored tea, iced tea and tea based beverages</p> <p>Class 032. First use: First Use: 2011/03/02 First Use In Commerce: 2011/03/02 Non-alcoholic beverages, namely, energydrinks, sports drinks and fruit juice drinks, all the foregoing enhanced with vitamins, minerals, nutrients, proteins, amino acids and/or herbs</p>		
U.S. Registration No.	4371544	Application Date	11/19/2012
Registration Date	07/23/2013	Foreign Priority Date	NONE
Word Mark	UNLEASH THE ULTRA BEAST!		
Design Mark	<p style="text-align: center;">UNLEASH THE ULTRA BEAST!</p>		
Description of Mark	NONE		
Goods/Services	<p>Class 032. First use: First Use: 2012/08/30 First Use In Commerce: 2012/08/30 Non-alcoholic beverages, namely, carbonated soft drinks; carbonated drinks enhanced with vitamins, minerals, nutrients,proteins, amino acids and/or herbs; carbonated energy drinks and sports drinks</p>		
U.S. Registration No.	4482659	Application Date	05/15/2013

Registration Date	02/11/2014	Foreign Priority Date	NONE
Word Mark	PUMP UP THE BEAST!		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2013/03/18 First Use In Commerce: 2013/03/18 Nutritional supplements in liquid form;vitamin fortified beverages		

U.S. Registration No.	4482660	Application Date	05/15/2013
Registration Date	02/11/2014	Foreign Priority Date	NONE
Word Mark	PUMP UP THE BEAST!		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 2013/03/18 First Use In Commerce: 2013/03/18 Dairy-based beverages; dairy-based energy shakes		

Attachments	85977331#TMSN.png(bytes) 85976727#TMSN.png(bytes) 85978208#TMSN.png(bytes) 85783008#TMSN.png(bytes) 85933255#TMSN.png(bytes) 85933264#TMSN.png(bytes) 2016-01-22-PETITION FOR CANCELLATION-HANBEV.4155N.pdf(80526 bytes) EXHIBIT 01 REG NO 2769364.pdf(772901 bytes) EXHIBIT 02 REG NO 4394044.pdf(868214 bytes) EXHIBIT 03 REG NO 4336329.pdf(872235 bytes) EXHIBIT 04 REG NO 4292502.pdf(871485 bytes) EXHIBIT 05 REG NO 4371544.pdf(865124 bytes) EXHIBIT 06 REG NO 4482659.pdf(855085 bytes)
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EXHIBIT 07 REG NO 4482660.pdf(853726 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Lynda Zadra-Symes/
Name	Lynda Zadra-Symes
Date	01/22/2016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

MONSTER ENERGY COMPANY,)	
)	Cancellation No.: _____
Petitioner,)	
)	Registration No.: 4,772,758
v.)	
)	Mark: THUNDER BEAST
THUNDER BEAST, LLC,)	
)	
Respondent.)	
)	
)	
)	

PETITION FOR CANCELLATION

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

Dear Sir:

Pursuant to Section 14(3) of the Trademark Act, 15 U.S.C. § 1064(3), and TBMP § 307, Petitioner, Monster Energy Company, a Delaware corporation, located and doing business at 1 Monster Way, Corona, California 92879, (“Petitioner”), believes that it has been and will continue to be damaged by the continued registration of the mark shown in U.S. Trademark Registration No. 4,772,758 (the “Subject Registration”) for the mark THUNDER BEAST (the “Trademark”) in International Class 32, registered by Thunder Beast LLC, a District of Columbia Limited Liability Company, located at 1110 Congress St NE, Washington, District Of Columbia 20002, (“Respondent”) and hereby petitions to cancel the same.

As grounds for this Petition, it is alleged:

1. Respondent obtained the Subject Registration for the mark THUNDER BEAST in connection with “Non-alcoholic beverages, namely, carbonated beverages” in International Class 32. The Subject Registration issued July 14, 2015 and is based on an application filed in the United States Patent and Trademark Office (“PTO”) on November 19, 2014. The Respondent claims to have first used the mark shown in the Subject Registration at least as early as April 9, 2012 and to have first used the mark in interstate commerce at least as early as September 14, 2013.

2. Since at least 2002, long before the filing date and the dates of first use listed in the Subject Registration, Petitioner has been, and still is, engaged in the development, marketing and sale of beverages bearing Petitioner’s UNLEASH THE BEAST! mark and other BEAST inclusive marks in connection with its MONSTER ENERGY® line of beverages.

3. Since the launch of Petitioner’s MONSTER ENERGY® beverages in 2002, Petitioner has continuously used the UNLEASH THE BEAST! mark and/or related marks, including UNLEASH THE NITRO BEAST!, REHAB THE BEAST!, REHAB THE BEAST! WWW.MONSTERENERGY.COM, UNLEASH THE ULTRA BEAST!, and PUMP UP THE BEAST! (collectively, the “BEAST Marks”) on almost all cans of its MONSTER™ line of beverages, including on Petitioner’s original Monster Energy® and Lo-Carb Monster Energy® products, Petitioner’s full line of Monster Rehab® drinks, Petitioner’s full line of Monster Energy Extra Strength Nitrous Technology® drinks, Petitioner’s full line of MUSCLE MONSTER® drinks, and Petitioner’s Monster Energy® Zero Ultra drinks.

4. Petitioner’s BEAST Marks are the subject of substantial and continuous marketing and promotion by Petitioner in connection with its MONSTER™ line of beverages. Petitioner has and continues to widely market and promote its UNLEASH THE BEAST! mark in

the industry and to consumers by displaying the UNLEASH THE BEAST! mark on billions of cans; on promotional and point of sale materials; on product samplings, apparel and merchandise; in magazines and other industry publications; on the MONSTER ENERGY® website, the Monster Army website, and other Internet websites; at trade shows, concert tours and live events; and through sponsorship of athletes.

5. As a result, Petitioner's BEAST Marks have developed into well-known identifiers of Petitioner and its high-quality, premium energy beverages, as well as other items.

6. Petitioner is the owner of incontestable U.S. Trademark Registration 2,769,364 (the "'364 Registration") for the mark UNLEASH THE BEAST! for "Fruit juice drinks, soft drinks, carbonated soft drinks and soft drinks enhanced with vitamins, minerals, nutrients, amino acids and/or herbs" in International Class 32, which registration issued September 30, 2003 and is based on an application filed in the PTO on December 18, 2002. The filing date of Opposer's '364 Registration is prior to the filing date of the Subject Registration. True and correct copies of the specifics of the '364 Registration obtained from the PTO's TSDR, TESS and Assignment databases are attached hereto as Exhibit 1 and made of record.

7. Petitioner is the owner of U.S. Trademark Registration No. 4,394,044 (the "'044 Registration") for the mark UNLEASH THE NITRO BEAST! for "Non-alcoholic beverages, namely, carbonated soft drinks; carbonated drinks enhanced with vitamins, minerals, nutrients, proteins, amino acids and/or herbs; carbonated energy or sports drinks" in International Class 32, which registration issued August 27, 2013 and is based on an application filed in the PTO on December 14, 2010. The filing date of Opposer's '044 Registration is prior to the filing date of the Subject Registration. True and correct copies of the specifics of the '044 Registration obtained from the PTO's TSDR and TESS databases are attached hereto as Exhibit 2 and made of record.

8. Petitioner is the owner of U.S. Trademark Registration No. 4,336,329 (the “‘329 Registration”) for the mark REHAB THE BEAST! for “Ready to drink tea, iced tea and tea based beverages; ready to drink flavored tea, iced tea and tea based beverages” in International Class 30 and for “Non-alcoholic beverages, namely, energy drinks, sports drinks and fruit juice drinks; all the foregoing enhanced with vitamins, minerals, nutrients, proteins, amino acids and/or herbs” in International Class 32, which registration issued May 14, 2013 and is based on an application filed in the PTO on November 3, 2010. The filing date of Opposer’s ‘329 Registration is prior to the filing date of the Subject Registration. True and correct copies of the specifics of Opposer’s ‘329 Registration obtained from the PTO’s TSDR and TESS databases are attached hereto as Exhibit 3 and made of record.

9. Petitioner is the owner of U.S. Trademark Registration No. 4,292,502 (the “‘502 Registration”) for the mark REHAB THE BEAST! WWW.MONSTERENERGY.COM for “Ready to drink tea, iced tea and tea based beverages; ready to drink flavored tea, iced tea and tea based beverages” in International Class 30 and for “Non-alcoholic beverages, namely, energy drinks, sports drinks and fruit juice drinks, all the foregoing enhanced with vitamins, minerals, nutrients, proteins, amino acids and/or herbs” in International Class 32, which registration issued February 19, 2013 and is based on an application filed in the PTO on February 15, 2012. The filing date of Opposer’s ‘502 Registration is prior to the filing date of the Subject Registration. True and correct copies of the specifics of Opposer’s ‘502 Registration obtained from the PTO’s TSDR and TESS databases are attached hereto as Exhibit 4 and made of record.

10. Petitioner is the owner of U.S. Trademark Registration No. 4,371,544 (the “‘544 Registration”) for the mark UNLEASH THE ULTRA BEAST! for “Non-alcoholic beverages, namely, carbonated soft drinks; carbonated drinks enhanced with vitamins, minerals, nutrients,

proteins, amino acids and/or herbs; carbonated energy drinks and sports drinks” in International Class 32, which registration issued July 23, 2013 and is based on an application filed in the PTO on November 19, 2012. The filing date of Opposer’s ‘544 Registration is prior to the filing date of the Subject Registration. True and correct copies of the specifics of Opposer’s ‘544 Registration obtained from the PTO’s TSDR and TESS databases are attached hereto as Exhibit 5 and made of record.

11. Petitioner is the owner of U.S. Trademark Registration No. 4,482,659 (the “‘659 Registration”) for the mark PUMP UP THE BEAST! for “Nutritional supplements in liquid form; vitamin fortified beverages” in International Class 5, which registration issued February 11, 2014 and is based on an application filed in the PTO on May 15, 2013. The filing date of Opposer’s ‘659 Registration is prior to the filing date of the Subject Registration. True and correct copies of the specifics of Opposer’s ‘659 Registration obtained from the PTO’s TSDR and TESS databases are attached hereto as Exhibit 6 and made of record.

12. Petitioner is the owner of U.S. Trademark Registration No. 4,482,660 (the “‘660 Registration”) for the mark PUMP UP THE BEAST! for “Dairy-based beverages; dairy-based energy shakes” in International Class 29, which registration issued February 11, 2014 and is based on an application filed in the PTO on May 15, 2013. The filing date of Opposer’s ‘660 Registration is prior to the filing date of the Subject Registration. True and correct copies of the specifics of Opposer’s ‘660 Registration obtained from the PTO’s TSDR and TESS databases are attached hereto as Exhibit 7 and made of record.

13. Petitioner’s ‘364, ‘044, ‘329, ‘502, ‘544, ‘659, and ‘660 Registrations are valid, subsisting, unrevoked and uncanceled; as such they constitute *prima facie* evidence of (i) the validity of the registered marks and of the registrations thereof, (ii) Petitioner’s ownership of the

marks shown therein and (iii) Petitioner's exclusive right to use the registered marks on the goods set forth in the registrations. Petitioner's registrations also constitute notice to Respondent of Petitioner's claim of ownership of the marks shown therein as provided in Sections 7(b), 22 and 33(a) of the Trademark Act.

14. Petitioner's '364 Registration is incontestable. As such, it constitutes conclusive evidence of the validity of the registered mark and of the registration of the mark, of Petitioner's ownership of its mark, and of Petitioner's exclusive right to use the registered mark in commerce as provided in Section 33 of the Lanham Act, 15 U.S.C. § 1115.

15. Since at least before the filing date of the Subject Registration, Petitioner has continuously used and promoted its UNLEASH THE BEAST!, UNLEASH THE NITRO BEAST!, REHAB THE BEAST!, REHAB THE BEAST! WWW.MONSTERENERGY.COM, UNLEASH THE ULTRA BEAST!, and PUMP UP THE BEAST! marks shown in its Registration Nos. '364, '044, '329, '502, '544, '659, and '660 Registrations in interstate commerce in connection with its goods. By virtue of Petitioner's continuous and substantial use, the BEAST Marks have become famous identifiers of Petitioner and its goods, and distinguish Petitioner's goods from the goods of others. As a result, Petitioner has built up, at great expense and effort, valuable goodwill in the BEAST Marks. In addition, Petitioner's BEAST Marks, or at the very least some of the BEAST Marks, were well established and famous long before Respondent filed its application for the THUNDER BEAST registration.

16. In addition to the protection afforded Petitioner by its federal trademark registrations, Petitioner has extensive common law rights in its BEAST Marks throughout the United States having sold billions of dollars worth of goods bearing Petitioner's BEAST Marks. Petitioner relies on its common law trademark rights in Petitioner's BEAST Marks.

17. Through Petitioner's extensive and continuous use of the BEAST Marks, the public has come to recognize use of the formative BEAST when applied to beverages, as a family of BEAST Marks uniquely associated with Petitioner. Petitioner has developed, at great effort and expense, exceedingly valuable goodwill with respect to the specific marks listed above, as well as for its entire family of BEAST Marks.

18. Respondent claims first use of the THUNDER BEAST mark as of April 16, 2012 and first use in commerce as of September 14, 2013. Petitioner's use of its BEAST Marks predates Respondent's filing date and claimed date of first use of the mark shown in the Subject Registration.

19. If the Subject Registration is permitted to remain on the Principal Register, Respondent's corresponding *prima facie* exclusive right to use the THUNDER BEAST mark in nationwide commerce will conflict with Petitioner's lawful and exclusive right to use its BEAST Marks nationwide.

20. Petitioner will be damaged by continued registration of Respondent's THUNDER BEAST mark in that the THUNDER BEAST mark is confusingly similar to Petitioner's BEAST Marks. Potential purchasers, upon seeing the distinctive formative BEAST in Respondent's THUNDER BEAST mark, are likely to mistakenly believe that such a term and the beverages offered thereunder originated with or are connected or associated with, or sponsored, licensed or approved by Petitioner. In addition, the goods covered by the Subject Registration are identical and/or related to Petitioner's goods in connection with which Petitioner uses its BEAST Marks throughout the United States. Thus, the registration and use by Respondent of the THUNDER BEAST mark in connection with Respondent's goods for all channels of trade 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).

21. In view of Petitioner's prior rights in BEAST Marks, Respondent is not entitled to maintain its registration for the THUNDER BEAST mark pursuant to Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

WHEREFORE, Petitioner prays that the within Petition be granted and U.S. Registration No. 4,772,758 be canceled in its entirety.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: January 22, 2016

By: /Lynda J. Zadra-Symes/
Steven J. Nataupsky
Lynda Zadra-Symes
Jonathan A. Menkes
2040 Main Street, Fourteenth Floor
Irvine, CA 92614
(949) 760-0404
efiling@knobbe.com
Attorneys for Petitioner,
MONSTER ENERGY COMPANY

CERTIFICATE OF SERVICE

I hereby certify that I served copies of the foregoing **PETITION FOR CANCELLATION** upon Registrant by depositing copies thereof in the United States Mail, first-class postage prepaid, on January 22, 2016, addressed as follows:

Stephen Norberg
Thunder Beast LLC
1110 Congress St NE
Washington, DC 20002

Signature: _____

Name: Francisca C. Leon Guerrero

Date: January 22, 2016

22501033
011916

TTAB Cancellation No. _____
Monster Energy Company v. Thunder Beast, LLC

EXHIBIT 1

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Typed Drawing

Word Mark	UNLEASH THE BEAST!
Goods and Services	IC 032. US 045 046 048. G & S: Fruit juice drinks, soft drinks, carbonated soft drinks and soft drinks enhanced with vitamins, minerals, nutrients, amino acids and/or herbs, [aerated water, soda water and seltzer water]. FIRST USE: 20020416. FIRST USE IN COMMERCE: 20020416
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	78195777
Filing Date	December 18, 2002
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	July 8, 2003
Registration Number	2769364
International Registration Number	0885429
Registration Date	September 30, 2003
Owner	(REGISTRANT) Hansen Beverage Company CORPORATION DELAWARE 550 Monica Circle Suite 201 Corona CALIFORNIA 92880 (LAST LISTED OWNER) MONSTER ENERGY COMPANY CORPORATION DELAWARE 1 Monster Way Corona CALIFORNIA 92879
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Diane M. Reed

Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20121017.
Renewal 1ST RENEWAL 20121017
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Assignments on the Web > Trademark Query

Trademark Assignment Abstract of Title

Total Assignments: 1

Serial #: [78195777](#) **Filing Dt:** 12/18/2002 **Reg #:** [2769364](#) **Reg. Dt:** 09/30/2003

Registrant: Hansen Beverage Company

Mark: UNLEASH THE BEAST!

Assignment: 1

Reel/Frame: [4699/0063](#) **Recorded:** 01/13/2012 **Pages:** 10

Conveyance: CHANGE OF NAME

Assignor: [HANSEN BEVERAGE COMPANY](#)

Exec Dt: 01/05/2012

Entity Type: CORPORATION

Citizenship: DELAWARE

Assignee: [MONSTER ENERGY COMPANY](#)

550 MONICA CIRCLE, SUITE 201
CORONA, CALIFORNIA 92880

Entity Type: CORPORATION

Citizenship: DELAWARE

Correspondent: DIANE M. REED
2040 MAIN STREET, 14TH FLOOR
IRVINE, CA 92614

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Int. Cl.: 32

Prior U.S. Cls.: 45, 46 and 48

Reg. No. 2,769,364

United States Patent and Trademark Office

Registered Sep. 30, 2003

**TRADEMARK
PRINCIPAL REGISTER**

UNLEASH THE BEAST!

HANSEN BEVERAGE COMPANY (DELAWARE
CORPORATION)
1010 RAILROAD STREET
CORONA, CA 92882

FOR: FRUIT JUICE DRINKS, SOFT DRINKS,
CARBONATED SOFT DRINKS AND SOFT DRINKS
ENHANCED WITH VITAMINS, MINERALS, NU-
TRIENTS, AMINO ACIDS AND/OR HERBS, AERA-

TED WATER, SODA WATER AND SELTZER
WATER, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).


FIRST USE 4-16-2002; IN COMMERCE 4-16-2002.

SER. NO. 78-195,777, FILED 12-18-2002.

BRENDAN REGAN, EXAMINING ATTORNEY

TTAB Cancellation No. _____
Monster Energy Company v. Thunder Beast, LLC

EXHIBIT 2

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UNLEASH THE NITRO BEAST!

Word Mark	UNLEASH THE NITRO BEAST!
Goods and Services	IC 032. US 045 046 048. G & S: Non-alcoholic beverages, namely, carbonated soft drinks; carbonated drinks enhanced with vitamins, minerals, nutrients, proteins, amino acids and/or herbs; carbonated energy or sports drinks. FIRST USE: 20090708. FIRST USE IN COMMERCE: 20090708
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85977331
Filing Date	December 14, 2010
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	April 26, 2011
Registration Number	4394044
Registration Date	August 27, 2013
Owner	(REGISTRANT) MONSTER ENERGY COMPANY CORPORATION DELAWARE 550 MONICA CIRCLE, SUITE 201 CORONA CALIFORNIA 92880
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of	Cindy N. Nguyen

Record
Prior Registrations 2769364
Type of Mark TRADEMARK
Register PRINCIPAL
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No assignment has been recorded at the USPTO

For Serial Number: 85977331

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Web interface last modified: July 25, 2014 v.2.5

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United States of America
United States Patent and Trademark Office

UNLEASH THE NITRO BEAST!

Reg. No. 4,394,044

Registered Aug. 27, 2013

Int. Cl.: 32

TRADEMARK

PRINCIPAL REGISTER

MONSTER ENERGY COMPANY (DELAWARE CORPORATION)
550 MONICA CIRCLE, SUITE 201
CORONA, CA 92880

FOR: NON-ALCOHOLIC BEVERAGES, NAMELY, CARBONATED SOFT DRINKS; CARBONATED DRINKS ENHANCED WITH VITAMINS, MINERALS, NUTRIENTS, PROTEINS, AMINO ACIDS AND/OR HERBS; CARBONATED ENERGY OR SPORTS DRINKS, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 7-8-2009; IN COMMERCE 7-8-2009.

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

OWNER OF U.S. REG. NO. 2,769,364.

SN 85-977,331, FILED 12-14-2010.

TAMARA FRAZIER, EXAMINING ATTORNEY



Lisa A. Stewart
Acting Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

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

Requirements in the First Ten Years*
What and When to File:

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

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*
What and When to File:

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

Grace Period Filings*

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

The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or reminder of these filing requirements.

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

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

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EXHIBIT 3



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REHAB THE BEAST!

Word Mark	REHAB THE BEAST!
Goods and Services	IC 030. US 046. G & S: Ready to drink tea, iced tea and tea based beverages; ready to drink flavored tea, iced tea and tea based beverages. FIRST USE: 20110302. FIRST USE IN COMMERCE: 20110302
	IC 032. US 045 046 048. G & S: Non-alcoholic beverages, namely, energy drinks, sports drinks and fruit juice drinks; all the foregoing enhanced with vitamins, minerals, nutrients, proteins, amino acids and/or herbs. FIRST USE: 20110302. FIRST USE IN COMMERCE: 20110302
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85976727
Filing Date	November 3, 2010
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	June 14, 2011
Registration Number	4336329
International Registration Number	1079467
Registration Date	May 14, 2013

Owner (REGISTRANT) MONSTER ENERGY COMPANY CORPORATION DELAWARE 1 Monster Way Corona CALIFORNIA 92879

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Diane M. Reed

Prior Registrations 2769364

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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For Serial Number: 85976727

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United States of America

United States Patent and Trademark Office

REHAB THE BEAST!

Reg. No. 4,336,329

Registered May 14, 2013

Int. Cls.: 30 and 32

TRADEMARK

PRINCIPAL REGISTER

MONSTER ENERGY COMPANY (DELAWARE CORPORATION)
550 MONICA CIRCLE, SUITE 201
CORONA, CA 92880

FOR: READY TO DRINK TEA, ICED TEA AND TEA BASED BEVERAGES; READY TO DRINK FLAVORED TEA, ICED TEA AND TEA BASED BEVERAGES, IN CLASS 30 (U.S. CL. 46).

FIRST USE 3-2-2011; IN COMMERCE 3-2-2011.

FOR: NON-ALCOHOLIC BEVERAGES, NAMELY, ENERGY DRINKS, SPORTS DRINKS AND FRUIT JUICE DRINKS; ALL THE FOREGOING ENHANCED WITH VITAMINS, MINERALS, NUTRIENTS, PROTEINS, AMINO ACIDS AND/OR HERBS, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 3-2-2011; IN COMMERCE 3-2-2011.

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

OWNER OF U.S. REG. NO. 2,769,364.

SN 85-976,727, FILED 11-3-2010.

TAMARA FRAZIER, EXAMINING ATTORNEY



Lena Street Hew
Acting Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

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

Requirements in the First Ten Years*
What and When to File:

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

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*
What and When to File:

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

Grace Period Filings*

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

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

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

TTAB Cancellation No. _____
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EXHIBIT 4



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REHAB THE BEAST!
WWW.MONSTERENERGY.COM

Word Mark	REHAB THE BEAST! WWW.MONSTERENERGY.COM
Goods and Services	IC 030. US 046. G & S: Ready to drink tea, iced tea and tea based beverages; ready to drink flavored tea, iced tea and tea based beverages. FIRST USE: 20110302. FIRST USE IN COMMERCE: 20110302
	IC 032. US 045 046 048. G & S: Non-alcoholic beverages, namely, energy drinks, sports drinks and fruit juice drinks, all the foregoing enhanced with vitamins, minerals, nutrients, proteins, amino acids and/or herbs. FIRST USE: 20110302. FIRST USE IN COMMERCE: 20110302
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85978208
Filing Date	February 15, 2012
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	May 1, 2012
Registration Number	4292502
Registration Date	February 19, 2013
Owner	(REGISTRANT) Monster Energy Company CORPORATION DELAWARE 1 Monster Way Corona CALIFORNIA 92879

Attorney of Record Diane M. Reed
Prior Registrations 3353473
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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For Serial Number: 85978208

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United States of America

United States Patent and Trademark Office

REHAB THE BEAST!
WWW.MONSTERENERGY.COM

Reg. No. 4,292,502

Registered Feb. 19, 2013

Int. Cls.: 30 and 32

TRADEMARK

PRINCIPAL REGISTER

MONSTER ENERGY COMPANY (DELAWARE CORPORATION)
SUITE 201
550 MONICA CIRCLE
CORONA, CA 92880

FOR: READY TO DRINK TEA, ICED TEA AND TEA BASED BEVERAGES; READY TO DRINK FLAVORED TEA, ICED TEA AND TEA BASED BEVERAGES, IN CLASS 30 (U.S. CL. 46).

FIRST USE 3-2-2011; IN COMMERCE 3-2-2011.

FOR: NON-ALCOHOLIC BEVERAGES, NAMELY, ENERGY DRINKS, SPORTS DRINKS AND FRUIT JUICE DRINKS, ALL THE FOREGOING ENHANCED WITH VITAMINS, MINERALS, NUTRIENTS, PROTEINS, AMINO ACIDS AND/OR HERBS, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 3-2-2011; IN COMMERCE 3-2-2011.

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

OWNER OF U.S. REG. NO. 3,353,473.

SER. NO. 85-978,208, FILED 2-15-2012.

GEOFFREY FOSDICK, EXAMINING ATTORNEY



Lena Street-Hen
Acting Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

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

Requirements in the First Ten Years*

What and When to File:

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Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

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

Grace Period Filings*

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

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

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

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EXHIBIT 5



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UNLEASH THE ULTRA BEAST!

Word Mark	UNLEASH THE ULTRA BEAST!
Goods and Services	IC 032. US 045 046 048. G & S: Non-alcoholic beverages, namely, carbonated soft drinks; carbonated drinks enhanced with vitamins, minerals, nutrients, proteins, amino acids and/or herbs; carbonated energy drinks and sports drinks. FIRST USE: 20120830. FIRST USE IN COMMERCE: 20120830
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85783008
Filing Date	November 19, 2012
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	May 7, 2013
Registration Number	4371544
Registration Date	July 23, 2013
Owner	(REGISTRANT) Monster Energy Company CORPORATION DELAWARE 1 Monster Way Corona CALIFORNIA 92879
Attorney of Record	Diane M. Reed

Type of Mark TRADEMARK
Register PRINCIPAL
**Live/Dead
Indicator** LIVE

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For Serial Number: 85783008

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United States of America

United States Patent and Trademark Office

UNLEASH THE ULTRA BEAST!

Reg. No. 4,371,544

Registered July 23, 2013

Int. Cl.: 32

TRADEMARK

PRINCIPAL REGISTER

MONSTER ENERGY COMPANY (DELAWARE CORPORATION)
550 MONICA CIRCLE SUITE 201
CORONA, CA 92880

FOR: NON-ALCOHOLIC BEVERAGES, NAMELY, CARBONATED SOFT DRINKS; CARBONATED DRINKS ENHANCED WITH VITAMINS, MINERALS, NUTRIENTS, PROTEINS, AMINO ACIDS AND/OR HERBS; CARBONATED ENERGY DRINKS AND SPORTS DRINKS, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 8-30-2012; IN COMMERCE 8-30-2012.

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

SER. NO. 85-783,008, FILED 11-19-2012.

REGINA DRUMMOND, EXAMINING ATTORNEY



Lucia Street, Esq.
Acting Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

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

Requirements in the First Ten Years*
What and When to File:

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Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*
What and When to File:

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

Grace Period Filings*

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

TTAB Cancellation No. _____
Monster Energy Company v. Thunder Beast, LLC

EXHIBIT 6



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PUMP UP THE BEAST!

Word Mark PUMP UP THE BEAST!
Goods and Services IC 005. US 006 018 044 046 051 052. G & S: Nutritional supplements in liquid form; vitamin fortified beverages. FIRST USE: 20130318. FIRST USE IN COMMERCE: 20130318
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 85933255
Filing Date May 15, 2013
Current Basis 1A
Original Filing Basis 1B
Published for Opposition August 27, 2013
Registration Number **4482659**
Registration Date February 11, 2014
Owner (REGISTRANT) Monster Energy Company CORPORATION DELAWARE 550 Monica Circle, Suite 201 Corona CALIFORNIA 92880
Attorney of Record Diane M. Reed
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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For Serial Number: 85933255

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Web interface last modified: July 25, 2014 v.2.5

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United States of America
United States Patent and Trademark Office

PUMP UP THE BEAST!

Reg. No. 4,482,659

Registered Feb. 11, 2014

Int. Cl.: 5

TRADEMARK

PRINCIPAL REGISTER

MONSTER ENERGY COMPANY (DELAWARE CORPORATION)
550 MONICA CIRCLE, SUITE 201
CORONA, CA 92880

FOR: NUTRITIONAL SUPPLEMENTS IN LIQUID FORM; VITAMIN FORTIFIED BEVERAGES,
IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 3-18-2013; IN COMMERCE 3-18-2013.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-
TICULAR FONT, STYLE, SIZE, OR COLOR.

SN 85-933,255, FILED 5-15-2013.

JAY FLOWERS, EXAMINING ATTORNEY



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

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

Requirements in the First Ten Years*

What and When to File:

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

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Requirements in Successive Ten-Year Periods*

What and When to File:

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

Grace Period Filings*

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

TTAB Cancellation No. _____
Monster Energy Company v. Thunder Beast, LLC

EXHIBIT 7



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PUMP UP THE BEAST!

Word Mark	PUMP UP THE BEAST!
Goods and Services	IC 029. US 046. G & S: Dairy-based beverages; dairy-based energy shakes. FIRST USE: 20130318. FIRST USE IN COMMERCE: 20130318
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85933264
Filing Date	May 15, 2013
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	August 27, 2013
Registration Number	4482660
Registration Date	February 11, 2014
Owner	(REGISTRANT) Monster Energy Company CORPORATION DELAWARE 550 Monica Circle, Suite 201 Corona CALIFORNIA 92880
Attorney of Record	Diane M. Reed
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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No assignment has been recorded at the USPTO

For Serial Number: 85933264

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.5
Web interface last modified: July 25, 2014 v.2.5

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United States of America
United States Patent and Trademark Office

PUMP UP THE BEAST!

Reg. No. 4,482,660

Registered Feb. 11, 2014

Int. Cl.: 29

TRADEMARK

PRINCIPAL REGISTER

MONSTER ENERGY COMPANY (DELAWARE CORPORATION)
550 MONICA CIRCLE, SUITE 201
CORONA, CA 92880

FOR: DAIRY-BASED BEVERAGES; DAIRY-BASED ENERGY SHAKES, IN CLASS 29 (U.S. CL. 46).

FIRST USE 3-18-2013; IN COMMERCE 3-18-2013.

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

SN 85-933,264, FILED 5-15-2013.

JAY FLOWERS, EXAMINING ATTORNEY



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

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

Requirements in the First Ten Years*
What and When to File:

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

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*
What and When to File:

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

Grace Period Filings*

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

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

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

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