ESTTA Tracking number:

ESTTA1066650

Filing date:

07/07/2020

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

Notice of Opposition

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

Opposer Information

Name	leal Technologies, Inc.		
Granted to Date of previous extension	07/08/2020		
Address	4245 EAST PALM STREET MESA, AZ 85212 UNITED STATES		

Attorney information	JULIE C. BERGKAMP CANTEY HANGER LLP 600 WEST 6TH STREET, SUITE 300 FORT WORTH, TX 76102 UNITED STATES Primary Email: jbergkamp@canteyhanger.com Secondary Email(s): mduran@canteyhanger.com, pvickers@canteyhanger.com, sfredricks@canteyhanger.com 8178772812
Docket Number	

Applicant Information

Application No.	88406429	Publication date	03/10/2020
Opposition Filing Date	07/07/2020	Opposition Peri- od Ends	07/08/2020
Applicant	Bulletproof Automotive, LLC 3523 JACK NORTHROP AVE HAWTHORNE, CA 90250 UNITED STATES	<u>.</u>	

Goods/Services Affected by Opposition

Class 012. First Use: 2002/04/01 First Use In Commerce: 2002/04/01

All goods and services in the class are opposed, namely: Automotive body kits comprising external structural parts of automobiles; Pre-designed vinyl vehicle wraps specially adapted for vehicles; all of the foregoinggoods excluding vehicle diesel engines and their component parts, vehicle engine mounts and their component parts, and vehicle steering and suspension systems and their component parts

Class 037. First Use: 2002/04/01 First Use In Commerce: 2002/04/01

All goods and services in the class are opposed, namely: Car washing; Automobile cleaning and car washing; all of the foregoing services excluding repair, maintenance, and installation of diesel engines and their component parts

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)

Marks Cited by Opposer as Basis for Opposition

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

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

U.S. Registration No.	5854736	Application Date	07/17/2018		
Registration Date	09/10/2019	Foreign Priority Date	NONE		
Word Mark	BULLETPROOF				
Design Mark	BULL	ETPR	OOF		
Description of Mark	NONE				

Goods/Services	Class 007. First use: First Use: 2018/07/16 First Use In Commerce: 2018/07/16
	Automotive components, namely, oil coolers and exhaust gas recirculation coolers for diesel engines; oil filtration systems comprised of filters for diesel engines; water pumps for diesel engines; and fuel injection control modules for diesel engines

Attachments	76718573#TMSN.png(bytes)	
	76718511#TMSN.png(bytes)	
	88041096#TMSN.png(bytes)	
	Notice of Opposition to 88406429.pdf(302360 bytes)	
	Exhibit A.pdf(1744291 bytes)	
	Exhibit B.pdf(1620868 bytes)	
	Exhibit C.pdf(1294627 bytes)	
	Exhibit D Part 1.pdf(927585 bytes)	
	Exhibit D Part 2.pdf(5806174 bytes)	
	Exhibit D Part 3.pdf(2624988 bytes)	
	Exhibit D Part 4.pdf(3696440 bytes)	
	Exhibit D Part 5.pdf(2573192 bytes)	
	Exhibit E Part 1.pdf(1944282 bytes)	
	Exhibit E Part 2.pdf(1862782 bytes)	
	Exhibit E Part 3.pdf(5468283 bytes)	
	Exhibit E Part 4.pdf(3116879 bytes)	
	Exhibit E Part 5.pdf(4859815 bytes)	
	Exhibits F-I.pdf(2331516 bytes)	

Signature	/juliebergkamp/
Name	JULIE C. BERGKAMP
Date	07/07/2020

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

In the Matter of the Trademark Application Serial No. 88406429 for the mark "BULLETPROOF" filed by Bulletproof Automotive, LLC and Published in the Official Gazette on March 10, 2020

Neal Technologies, Inc.,	
Opposer,	
v.	Opposition No
Bulletproof Automotive, LLC,	
Applicant.	

NOTICE OF OPPOSITION

Neal Technologies, Inc., an Arizona corporation, whose address is 4245 East Palm Street, Mesa, Arizona 85215 ("Opposer"), believes that it would be damaged by the registration of the mark BULLETPROOF that is the subject of the application Serial No. 88406429 published in the *Official Gazette* on March 10, 2020, and therefore requests that registration to Applicant, Bulletproof Automotive, LLC, be refused.

The grounds for the opposition are:

The Opposed Application

1. Bulletproof Automotive LLC, a California limited liability company, with its address at 3525 Jack Northrop Ave, Hawthorne, California 90250 ("Applicant"), is the owner of application Serial No. 88406429 and seeks to register the mark BULLETPROOF in standard characters ("Applicant's Mark") as a trademark for these goods and services (the "Opposed Application"):

- a. International Class 12 covering "Automotive body kits comprising external structural parts of automobiles; Pre-designed vinyl vehicle wraps specially adapted for vehicles; all of the foregoing goods excluding vehicle diesel engines and their component parts, vehicle engine mounts and their component parts, and vehicle steering and suspension systems and their component parts"; and
- b. International Class 37 covering "Car washing; Automobile cleaning and car washing; all of the foregoing services excluding repair, maintenance, and installation of diesel engines and their component parts."
- 2. The Opposed Application was filed on April 29, 2019.
- 3. The Applicant's Mark was published for opposition on or about March 10, 2020. Opposer filed requests for extension of time to oppose, which were granted until July 8, 2020.

Opposer's BULLETPROOF Marks

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

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

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

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

5. Opposer also has common law rights in the mark BULLETPROOF for use in connection with the sale of automotive parts and accessories and for automotive repair and maintenance services since at least as early as June 1, 2009.

- 6. Opposer's registered and common law rights in the mark BULLETPROOF, along and in combination with other registered and common law words or designs, ¹ are collectively referred to in this document as the "BULLETPROOF Marks."
- 7. Opposer has made substantial sales of goods and services under the BULLETPROOF Marks. Opposer has also licensed the use of the BULLETPROOF Marks to independent repair shops throughout the United States in connection with the sale and installation of Opposer's goods.
- 8. Because of Opposer's use and registration of the BULLETPROOF Marks, Opposer has developed substantial goodwill in the BULLETPROOF Marks, and the public associates the BULLETPROOF Marks with the Opposer's goods and services.
- 9. Applicant's Mark and Opposer's BULLETPROOF Marks, both in standard characters, are identical and thus confusingly similar in sight, sound, meaning, and commercial impression.
- 10. On information and belief, Applicant knew of Opposer's BULLETPROOF Marks when Applicant filed the Opposed Application.

The Examiner's Amendments

11. In addition to the services noted in paragraph 1 above, Applicant's original application also sought to register BULLETPROOF for use in connection with "[a]utomotive upgrade services, namely, supercharging, turbocharging and performance upgrades of automobiles." (See the Apr. 29, 2019 TEAS Plus Application attached as

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

- **Exhibit D.**) The original application indicated that Applicant's first use of BULLETPROOF in connection with such "supercharging, turbocharging and performance upgrade" services was January 1, 2013. (*Id.*)
- 12. The Trademark Examiner initially refused the Application in part because of a likelihood of confusion with Opposer's marks. (See July 2, 2019 Office Action, attached as **Exhibit E**.) In an apparent effort to eliminate the likelihood of confusion, the Examiner issued Examiner's Amendments that made the following changes to the goods and services in the Opposed Application:²
 - Class 012: Automotive body kits comprising external structural parts of
 automobiles; Pre-designed vinyl vehicle wraps specially adapted for vehicles; <u>all</u>
 of the foregoing goods excluding vehicle diesel engines and their component
 parts, vehicle engine mounts and their component parts, and vehicle steering
 and suspension systems and their component parts.
 - Class 037: Automotive upgrade services, namely, supercharging, turbocharging and performance upgrades of automobiles; Car washing; Automobile cleaning and car washing; all of the foregoing services excluding repair, maintenance, and installation of diesel engines and their component parts.

(See Examiner's Amendments dated Jan. 22, 2020 and Jan. 29, 2020, and Final Office Action dated Jan. 28, 2020 (without attachments), attached as **Exhibits F**, **G**, and **H**, respectively (emphasis added).)

13. Thus, the Examiner amended the Application to remove any reference to the Applicant's providing any automobile engine upgrade services and required Applicant to disclaim certain repair and maintenance goods and services for "diesel engines." (See Exhibits F and G.)

² Added language is depicted in **bold underlined** type. Removed language is depicted with a strikethrough.

14. Although the descriptions proposed in the final Opposed Application only cover non-engine-related parts and services (i.e., body kits, vinyl wraps, car washes, and cleaning), the addition of the word "diesel" to the exclusion sows seeds of confusion over whether the registration might nevertheless grant Applicant rights to use BULLETPROOF in connection with *non-diesel* engine services. This likelihood of confusing similarity was acknowledged by Applicant's counsel in correspondence with Opposer's counsel.

Applicant's Unreasonable Interpretation

15. In an effort to clarify the scope of the proposed registration and to eliminate the possibility of confusion caused by the "diesel engine" exclusion, Opposer asked Applicant to remove the word "diesel" from the exclusionary language in the Opposed Application. Even though the Opposed Application's descriptive language does not cover any engine parts or services, Applicant's Counsel suggested in response that the registration would nevertheless grant Applicant the right to use the term BULLETPROOF in connection with "aftermarket engine performance 'tuning,' or 'tune-ups'" for non-diesel engines. (See correspondence attached as **Exhibit I**.)

Opposition Due to Likelihood of Confusion

16. Applicant's use of BULLETPROOF with non-diesel engine services, as unreasonably described by Applicant's Counsel, would infringe on Opposer's common law rights to exclusive use of the BULLETPROOF Marks in connection with automotive engine repair goods and services.

- 17. As an example, Opposer uses the BULLETPROOF Marks in connection with after-market engine parts and other accessories for diesel *and non-diesel* work and passenger trucks, such as oil fill caps, antenna mounts, and diagnostic tools and equipment. Opposer further licenses independently-owned truck and automobile repair shops to advertise, sell, and install Opposer's BULLETPROOF-branded goods and services using the BULLETPROOF Marks. And Opposer's customers would reasonably expect Opposer to expand its use of the BULLETPROOF Marks to additional related engine services, parts, and accessories, both for diesel and non-diesel engines.
- 18. If Applicant's correspondence to Opposer is to be believed, Applicant's Mark, if registered, may apply to goods sold and services performed in connection with non-diesel engines. Applicant's use and registration of Applicant's Mark will inevitably lead to confusion, to mistake, or to deception as to the origin of Applicant's goods and services in that the consuming public are likely to mistakenly believe that Applicant's goods and services are provided by, sponsored by, affiliated with, or in some other way connected to Opposer as related goods or services.
- 19. If Applicant is allowed to register the Applicant's Mark for non-diesel engine parts or services that are similar and/or related to the goods and services identified with the BULLETPROOF Marks or within the zone of expansion of the BULLETPROOF Marks, Opposer will suffer damage and injury from the resulting likelihood of confusion among consumers as to the source of the Applicant's and Opposer's respective goods and services.

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

WHEREFORE, Opposer prays that the present opposition be sustained, that application Serial No. 88406429 be rejected, and that the mark sought for goods and services as described in the Opposed Application be denied and refused.

Respectfully submitted,

/s/ Julie C. Bergkamp

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

ATTORNEYS FOR OPPOSER NEAL TECHNOLOGIES, INC.

CERTIFICATE OF SERVICE

I certify that on July 7, 2020 I served the foregoing document on counsel for Applicant via E-mail and First Class Mail as follows:

John D. Tran Rhema Law Group 1 Park Plaza, 6th Floor Irvine, CA 92614 ipdocket@rhemalaw.com jdt@rhemalaw.com

/s/ Julie C. Bergkamp
Julie C. Bergkamp

Exhibit A

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

Mark: BULLET PROOF



US Serial Number: 76718511 Application Filing Sep. 29, 2015

Date:

US Registration 5130772

Number:

Registration Date: Jan. 31, 2017

Register: Principal

Mark Type: Service Mark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

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

Trademark Trial and Appeal Board web page.

Status Date: Sep. 27, 2019

Publication Date: Oct. 11, 2016

Mark Information

Mark Literal BULLET PROOF

Elements:

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

Claim:

Mark Drawing 4 - STANDARD CHARACTER MARK

Type:

Related Properties Information

Claimed Ownership 4235578, 4262825

of US Registrations:

Goods and Services

Note:

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

Brackets [..] indicate deleted goods/services;

• Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and

Asterisks *..* identify additional (new) wording in the goods/services.

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

featuring diesel engine parts

International 035 - Primary Class U.S Class(es): 100, 101, 102

Class(es):

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 01, 2009 **Use in Commerce:** Jun. 01, 2009

Basis Information (Case Level)

Filed Use: Yes Currently Use: Yes

Filed ITU: No Currently ITU: No Filed 44D: No Currently 44E: No

Filed 44E: No Currently 66A: No

Filed 66A: No Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: Neal Technologies, Inc.
Owner Address: 4245 East Palm Street

Mesa, ARIZONA UNITED STATES 85215

Legal Entity Type: CORPORATION State or Country ARIZONA

Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: James W. Armstrong

Attorney Primary armstrong@sackstierney.com Attorney Email No Email Address: Authorized:

Correspondent

Correspondent RICHARD L SCHWARTZ

Name/Address: WHITAKER CHALK SWINDLE & SCHWARTZ PLLC

301 COMMERCE ST

STE 3500

FORT WORTH, TEXAS UNITED STATES 76102

Phone: (480) 425-2628

Sep. 30, 2015

NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM

ali: maii Authorized:

Prosecution History

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

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION Date in Location: Jan. 31, 2017

Proceedings

Summary

Number of 2 Proceedings:

Type of Proceeding: Cancellation

Proceeding 92067945

Number:

Filing Date: Feb 15, 2018

Status: Terminated

Status Date: Sep 27, 2019

Interlocutory JILL M MCCORMACK

Attorney:

Defendant

Name: Neal Technologies, Inc.

Correspondent RICHARD L SCHWARTZ

Address: WHITAKER CHALK SWINDLE & SCHWARTZ PLLC 301 COMMERCE ST, STE 3500

FORT WORTH TX UNITED STATES, 76102

 $\textbf{Correspondent e-} \quad \underline{tgwynne@whitakerchalk.com} \,, \, \underline{rschwartz@whitakerchalk.com} \,, \, \underline{rschwa$

mail:

Associated	marks	

Application Status	Serial Number	Registration Number
Cancellation Terminated - See TTAB Records	76718573	<u>5220129</u>
Cancellation Terminated - See TTAB Records	<u>76718511</u>	<u>5130772</u>
	Cancellation Terminated - See TTAB Records	Application Status Number Cancellation Terminated - See TTAB Records 76718573

Plaintiff(s)

Name: Unique Motorsports inc Correspondent DUSTIN HELMS

Address: UNIQUE MOTORSPORTS INC 500 EAST STATE HWY 121

LEWISVILLE TX UNITED STATES, 75057

Correspondent e- dustin@unique-motorsports.com

mail:

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

Type of Proceeding: Extension of Time

Proceeding 76718511 Number:

Filing Date: Nov 10, 2016

Status: Terminated Status Date: Dec 26, 2016

Interlocutory Attorney:

Defendant

Name: Neal Technologies, Inc.

Correspondent JAMES W. ARMSTRONG

Address: SACKS TIERNEY

 $4250\ \mbox{N}$ DRINKWATER BLVD FL 4 SCOTTSDALE AZ , 85251-3693

Associated marks			
Mark	Application Status	Serial Number	Registration Number
BULLET PROOF	Cancellation Terminated - See TTAB Records	<u>76718511</u>	<u>5130772</u>
	Potential Opposer(s)		

Name: Unique Motorsports Inc.

Correspondent Gerald W. Roberts

Address: G. W. Roberts Law Firm, PLLC

5001 Spring Valley RoadSuite 400 East Dallas TX UNITED STATES, 75244

Correspondent e- gwroberts@robertslawdallas.com, geraldwroberts@netzero.net

mail:

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

United States of America United States Patent and Trademark Office

BULLET PROOF

Reg. No. 5,130,772 Neal Technologies, Inc. (ARIZONA CORPORATION)

4245 East Palm Street

Registered Jan. 31, 2017 Mesa, AZ 85215

Int. Cl.: 35 CLASS 35: Retail store services featuring diesel engine parts; on-line retail store services

featuring diesel engine parts; wholesale store services featuring diesel engine parts

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

Principal Register THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY

PARTICULAR FONT STYLE, SIZE OR COLOR

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

SER. NO. 76-718,511, FILED 09-29-2015

THOMAS PAUL YOUNG, EXAMINING ATTORNEY



Michelle K. Len

Director of the United States Patent and Trademark Office

REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION

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

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

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

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

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

Grace Period Filings*

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

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

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

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

Page: 2 of 2 / RN # 5130772

Exhibit B

Generated on: This page was generated by TSDR on 2020-07-01 21:46:02 EDT

Mark: BULLET PROOF



US Serial Number: 76718573 Application Filing Oct. 19, 2015

Date:

US Registration 5220129

Number:

Registration Date: Jun. 13, 2017

Register: Principal

Mark Type: Service Mark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

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

Trademark Trial and Appeal Board web page.

Status Date: Sep. 27, 2019

Publication Date: Mar. 28, 2017

Mark Information

Mark Literal BULLET PROOF

Elements:

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

Claim:

Mark Drawing 4 - STANDARD CHARACTER MARK

Type:

Related Properties Information

Claimed Ownership 4235578, 4262825

of US Registrations:

Goods and Services

Note:

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

Brackets [..] indicate deleted goods/services;

Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and

Asterisks *..* identify additional (new) wording in the goods/services.

For: Automotive repair and maintenance services, namely, repair and maintenance of diesel engines, and repair and installation of diesel

engine components

International 037 - Primary Class U.S Class(es): 100, 103, 106

Class(es):

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 01, 2009 Use in Commerce: Jun. 01, 2009

Basis Information (Case Level)

Filed Use: Yes Currently Use: Yes
Filed ITU: No Currently ITU: No

Filed 44D: No Currently 44E: No

Filed 44E: No Currently 66A: No

Filed 66A: No Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: Neal Technologies, Inc. Owner Address: 4245 East Palm Street

Mesa, ARIZONA UNITED STATES 85215

Legal Entity Type: CORPORATION State or Country ARIZONA

Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: James W. Armstrong

Attorney Primary ARMSTRONG@SACKSTIERNEY.COM Attorney Email No Email Address: Authorized:

Correspondent

Correspondent RICHARD L SCHWARTZ

Name/Address: WHITAKER CHALK SWINDLE & SCHWARTZ PLLC

301 COMMERCE ST

STE 3500

FORT WORTH, TEXAS UNITED STATES 76102

Phone: 480) 425-2628 Fax: 480.425.4928

Correspondent e- ARMSTRONG@SACKSTIERNEY.COM Correspondent e- No mail Authorized:

mail:

Domestic Representative - Not Found Prosecution History

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

Nov. 17, 2015APPLICATION FILING RECEIPT MAILEDNov. 16, 2015FILING RECEIPT CORRECTION ENTEREDNov. 16, 2015PAPER RECEIVEDNov. 11, 2015APPLICATION FILING RECEIPT MAILEDNov. 10, 2015FILING RECEIPT CORRECTION ENTEREDNov. 06, 2015PAPER RECEIVEDOct. 27, 2015APPLICATION FILING RECEIPT MAILEDOct. 21, 2015NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	Jan. 20, 2016	ASSIGNED TO EXAMINER	92578
Nov. 16, 2015 PAPER RECEIVED Nov. 11, 2015 APPLICATION FILING RECEIPT MAILED Nov. 10, 2015 FILING RECEIPT CORRECTION ENTERED Nov. 06, 2015 PAPER RECEIVED Oct. 27, 2015 APPLICATION FILING RECEIPT MAILED	Nov. 17, 2015	APPLICATION FILING RECEIPT MAILED	
Nov. 11, 2015 APPLICATION FILING RECEIPT MAILED Nov. 10, 2015 FILING RECEIPT CORRECTION ENTERED Nov. 06, 2015 PAPER RECEIVED Oct. 27, 2015 APPLICATION FILING RECEIPT MAILED	Nov. 16, 2015	FILING RECEIPT CORRECTION ENTERED	
Nov. 10, 2015 FILING RECEIPT CORRECTION ENTERED Nov. 06, 2015 PAPER RECEIVED Oct. 27, 2015 APPLICATION FILING RECEIPT MAILED	Nov. 16, 2015	PAPER RECEIVED	
Nov. 06, 2015 PAPER RECEIVED Oct. 27, 2015 APPLICATION FILING RECEIPT MAILED	Nov. 11, 2015	APPLICATION FILING RECEIPT MAILED	
Oct. 27, 2015 APPLICATION FILING RECEIPT MAILED	Nov. 10, 2015	FILING RECEIPT CORRECTION ENTERED	
	Nov. 06, 2015	PAPER RECEIVED	
Oct. 21, 2015 NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	Oct. 27, 2015	APPLICATION FILING RECEIPT MAILED	
	Oct. 21, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION Date in Location: Jun. 13, 2017

Proceedings

Summary

Number of 1 Proceedings:

Type of Proceeding: Cancellation

Proceeding 92067945 **Filing Date**: Feb 15, 2018

Number:

Status: Terminated Status Date: Sep 27, 2019

Interlocutory JILL M MCCORMACK

Attorney:

Defendant

Name: Neal Technologies, Inc.

Correspondent RICHARD L SCHWARTZ

Address: WHITAKER CHALK SWINDLE & SCHWARTZ PLLC

301 COMMERCE ST, STE 3500 FORT WORTH TX UNITED STATES , 76102

Correspondent e- tgwynne@whitakerchalk.com, rschwartz@whitakerchalk.com

mail:

Associated marks			
Mark	Application Status	Serial Number	Registration Number
BULLET PROOF	Cancellation Terminated - See TTAB Records	<u>76718573</u>	<u>5220129</u>
BULLET PROOF	Cancellation Terminated - See TTAB Records	<u>76718511</u>	<u>5130772</u>
	Plaintiff(s)		

Name: Unique Motorsports inc Correspondent DUSTIN HELMS

Address: UNIQUE MOTORSPORTS INC

500 EAST STATE HWY 121

LEWISVILLE TX UNITED STATES , 75057

Correspondent e- <u>dustin@unique-motorsports.com</u>

mail:

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

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

United States of America United States Patent and Trademark Office

BULLET PROOF

Reg. No. 5,220,129 Neal Technologies, Inc. (ARIZONA CORPORATION)

4245 East Palm Street

Registered Jun. 13, 2017 Mesa, AZ 85215

Int. Cl.: 37 CLASS 37: Automotive repair and maintenance services, namely, repair and maintenance of

diesel engines, and repair and installation of diesel engine components

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

Principal Register THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY

PARTICULAR FONT STYLE, SIZE OR COLOR

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

SER. NO. 76-718,573, FILED 10-19-2015

THOMAS PAUL YOUNG, EXAMINING ATTORNEY



Performing the Functions and Duties of the

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

REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION

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

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

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

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

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

Grace Period Filings*

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

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

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

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

Page: 2 of 2 / RN # 5220129

Exhibit C

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

Mark: BULLETPROOF

BULLETPROOF

US Serial Number: 88041096 Application Filing Jul. 17, 2018

Date:

US Registration 5854736 Registration Date: Sep. 10, 2019

Number:

Filed as TEAS RF: Yes Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

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

Status Date: Sep. 10, 2019

Publication Date: Jun. 25, 2019

Mark Information

Mark Literal BULLETPROOF

Elements:

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

Claim:

Mark Drawing 4 - STANDARD CHARACTER MARK

Type:

Related Properties Information

Claimed Ownership 5130772, 5220128, 5220129 and others

of US Registrations:

Goods and Services

Note:

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

• Brackets [..] indicate deleted goods/services;

• Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and

Asterisks *..* identify additional (new) wording in the goods/services.

For: Automotive components, namely, oil coolers and exhaust gas recirculation coolers for diesel engines; oil filtration systems comprised of

filters for diesel engines; water pumps for diesel engines; and fuel injection control modules for diesel engines

International 007 - Primary Class U.S Class(es): 013, 019, 021, 023, 031, 034, 035

Class(es):

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 16, 2018 **Use in Commerce:** Jul. 16, 2018

Basis Information (Case Level)

Filed Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44E: No

Currently 66A: No

Filed 66A: No Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: Neal Technologies, Inc. Owner Address: 4245 East Palm Street

Mesa, ARIZONA UNITED STATES 85215

Legal Entity Type: CORPORATION State or Country ARIZONA

Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Richard L. Schwartz Docket Number: 26611.041 Attorney Primary tgwynne@whitakerchalk.com Attorney Email Yes Email Address: Authorized:

Correspondent

Correspondent RICHARD L. SCHWARTZ

Name/Address: WHITAKER CHALK SWINDLE & SCHWARTZ PLLC 301 COMMERCE ST., SUITE 3500

FORT WORTH, TEXAS UNITED STATES 76102

Phone: 817-878-0500 Fax: 817.878.0501

Correspondent e- tgwynne@whitakerchalk.com Correspondent e- Yes mail Authorized:

mail:

Domestic Representative - Not Found

Prosecution History

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

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION Date in Location: Sep. 10, 2019

United States of America United States Patent and Trademark Office

BULLETPROOF

Reg. No. 5,854,736

Neal Technologies, Inc. (ARIZONA CORPORATION)

Registered Sep. 10, 2019

4245 East Palm Street Mesa, ARIZONA 85215

Int. Cl.: 7

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

for diesel engines; and fuel injection control modules for diesel engines

Trademark

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

Principal Register

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY

PARTICULAR FONT STYLE, SIZE OR COLOR

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

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



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.

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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:

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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 h ttp://www.uspto.gov.

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

Page: 2 of 2 / RN # 5854736

Exhibit D

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.

OMB No. 0651-0009 (Exp 02/28/2021)

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 88406429 Filing Date: 04/29/2019

NOTE: Data fields with the * are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.

The table below presents the data as entered.

Input Field	Entered	
TEAS Plus	YES	
MARK INFORMATION		
*MARK	BULLETPROOF	
*STANDARD CHARACTERS	YES	
USPTO-GENERATED IMAGE	YES	
LITERAL ELEMENT	BULLETPROOF	
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size, or color.	
REGISTER	Principal	
APPLICANT INFORMATION		
*OWNER OF MARK	Bulletproof Automotive, LLC	
*STREET	3523 Jack Northrop Ave.	
*CITY	Hawthorne	
*STATE (Required for U.S. applicants)	California	
*COUNTRY	United States	
*ZIP/POSTAL CODE (Required for U.S. and certain international addresses)	90250	
PHONE	213-745-6954	
LEGAL ENTITY INFORMATION		
*TYPE	LIMITED LIABILITY COMPANY	
* STATE/COUNTRY WHERE LEGALLY ORGANIZED	California	
GOODS AND/OR SERVICES AND BASIS INFORMATION		
*INTERNATIONAL CLASS	012	
*IDENTIFICATION	Automotive body kits comprising external structural parts of automobiles; Pre-designed vinyl vehicle wraps specially adapted for vehicles	
*FILING BASIS	SECTION 1(a)	

FIRST USE ANYWHERE DATE	At least as early as 04/01/2002
FIRST USE IN COMMERCE DATE	At least as early as 04/01/2002
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT17\IMAGEOUT 17\884\064\88406429\xml1\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\
	\\TICRS\EXPORT17\IMAGEOUT 17\884\064\88406429\xml1\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\
	\\TICRS\EXPORT17\IMAGEOUT 17\884\064\88406429\xm11\\\FTK0005.JPG
	\\TICRS\EXPORT17\IMAGEOUT 17\884\064\88406429\xml1\\\FTK0006.JPG
SPECIMEN DESCRIPTION	Digital photograph of lug nuts, vehicle body kits, lowering suspension springs and vehicle wheel packaging
*INTERNATIONAL CLASS	037
*IDENTIFICATION	Automotive upgrade services, namely, supercharging, turbocharging and performance upgrades of automobiles
*FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 01/01/2013
FIRST USE IN COMMERCE DATE	At least as early as 01/01/2013
SPECIMEN FILE NAME(S)	
JPG FILE(S)	\\\TICRS\EXPORT17\IMAGEOUT 17\884\064\88406429\xm11\\\FTK0007.JPG
ORIGINAL PDF FILE	SPE0-6851281-20190416023820088750 website.pdf
CONVERTED PDF FILE(S) (3 pages)	\\\TICRS\EXPORT17\IMAGEOUT17\884\064\88406429\xml1\FTK0008.JPG
	\\\TICRS\EXPORT17\IMAGEOUT17\884\064\88406429\xml1\FTK0009.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\884\064\88406429\xml1\FTK0010.JPG
SPECIMEN DESCRIPTION	Digital photograph of performance upgrades on a vehicle and digital screenshot of website
*INTERNATIONAL CLASS	037
*IDENTIFICATION	Car washing; Automobile cleaning and car washing
*FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 04/01/2002
FIRST USE IN COMMERCE DATE	At least as early as 04/01/2002
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT17\IMAGEOUT 17\884\064\88406429\xml1\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\
	\\TICRS\EXPORT17\IMAGEOUT 17\884\064\88406429\xml1\\\FTK0012.JPG
	\\\TICRS\EXPORT17\IMAGEOUT 17\884\064\88406429\xm11\\\\FTK0013.JPG
SPECIMEN DESCRIPTION	Digital photograph and website screenshot
ADDITIONAL STATEMENTS INFORM	MATION
*TRANSLATION (if applicable)	

**TRANSTITERATION (irapplicable) **CLAIMED PRIOR REGISTRATION (irapplicable) **CONSINT (NAMELIKENESS) (irapplicable) **CONSINT (NAMELIKENESS) **CONCILERENT USE CLAIM (irapplicable) **CONCILERENT USE CLAIM (irapplicable) **CONCILERENT USE CLAIM (irapplicable) John D. Tran **RINAME RHEMA LAW GROUP **NTERNAL ADDRESS 6th Floor **STREET 1 Park Plaza CITY Irvine **STATE California COUNTRY United States ZIPPOSTAL CODE 92614 **PIONE 949-852-4430 **FAX 866-929-3519 **EMAIL ADDRESS ipdocket@rhemalaw.com *AUTHORIZED TO COMMUNICATE VIA RMAIL Yes **CORRESPONDENCE INFORMATION* **TON **NAME John D. Tran *FIRENT AM RHEMA LAW GROUP *NTERNAL ADDRESS 6th Floor **STEERT 1 Park Plaza **CITY Irvine *STATE California *CUIVARY United States *ZIPPONTAL CODE 92614			
(trapplicable) (consist (NAME-LIKENESS) (or applicable) **CONSENT (NAME-LIKENESS) (or applicable) **CONSENT (NAME-LIKENESS) (or applicable) **CONSENT (USE CLAIM (or applicable) **CONSENT (USE CLAIM (or applicable) **CONSENT USE CLAIM (or applicable) **CONSENT (USE CLAIM (or applicable) **ITTORNEY INFORMATION** ***INFORMATION** **ITTORNEY INFORMATION** ***INFORMATION** **ITTORNEY INFORMATION** ***INTORNEY (United States **COLVITRY ***United States **ZIPPOSTAL CODE ***948-852-4430 **FAX ***66-929-3519 **EMAL ADDRESS **pdocket@rhemalaw.com **AUTHORIZED TO COMMINICATE VIA EMBA (SPO) ****ITTORNEY **SAME **John D. Tran **FIRST ADDRESS **John D. Tran **FIRST AL ADDRESS **John D. Tran **GREAT AL ADRESS **John D. Tran **FIRST AL ADDRESS <td></td> <td></td>			
of applicable) CONCURRENTUS CLAIM (of applicable) attrorrey Information John D. Tran FIRM NAME AHEMA LAW GROUP Internal Address 6th Floor STREET 1 Park Plaza CITY Irvine STATE California COUNTRY United States ZIPPOSTAL CODE 92614 PHONE 494-852-4430 FAX 866-929-3519 EMAIL ADDRESS ipdocket@rhemalaw.com AUTHORIZED TO COMMUNICATE VIA EMIAL (p. ex.) Vex *CORRESPONDENCE INFORMATION ** *NAME John D. Tran FERN NAME RHEMA LAW GROUP INTERNAL ADDRESS 6th Floor *STREET 1 Park Plaza *CITY Irvine *STATE (Required for U.S. addresses) California *COUNTRY United States *ZIPPOSTAL CODE 949-852-4430 *FAX 869-929-3519 *COUNTRY United States *ZIPPOSTAL CODE 949-852-4430 *FAX 949-852-4430			
Grapplicable) ATTORNEY INFORMATION NAME John D. Tran FIRM NAME RHEMA LAW GROUP INTERNAL ADDRESS 6th Floor STREET 1 Park Plaza CITY Invine STATE California COUNTRY United States 21PORTAL CODE 940-852-4430 FAX 366-929-3519 EMAIL ADDRESS dipdocket@rhemalaw.com AUTHORIZED TO COMMUNICATE VIA EMAIL Yes CORRESPONDENCE INFORMATION *NAME John D. Tran FIRM NAME RHEMA LAW GROUP INTERNAL ADDRESS 6th Floor *STATE (CITY) Invited STATE (CITY) Invited STATE (CITY) Invited STATE (CITY) Invited<			
NAME John D. Tran FIRM NAME RHEMA LAW GROUP INTERNAL ADDRESS 6th Floor STREET 1 Park Plaza CITY Irvine STATE California COUNTRY United States ZIPPOSTAL CODE 92614 PHONE 949-852-4430 EAX 866-929-3519 EMAIL ADDRESS ipdocket@rhemalaw.com AUTHORIZED TO COMMUNICATE VIA EMAIL Yes CORRESPONDENCE INFORMATION Tran FIRM NAME RHEMA LAW GROUP INTERNAL ADDRESS 6th Floor "STREET 1 Park Plaza "CITY Irvine "STATE (Required for U.S. addresses) California "COUNTRY United States "ZIPPOSTAL CODE 92614 PHIONE 949-852-4430 FAX 866-929-3519 "EMAIL ADDRESS ipdocket@rhemalaw.com; ipdocket@rhemalaw.com "AUTHORIZED TO COMMUNICATE VIA EMAIL Yes FEE INFORMATION TEAS Plas NUMBER OF CLASSES 2 <			
FIRM NAME RHEMA LAW GROUP INTERNAL ADDRESS 6th Floor STREET 1 Park Plaza CITY Irvine STATE California COUNTRY United States ZIPPOSTAL COBE 92614 PHONE 949-852-4430 EAX 866-929-3519 EMAIL ADDRESS ipdocket@rhemalaw.com AUTHORIZED TO COMMUNICATE VIA EMAIL Ves CORRESPONDENCE INFORMATION NAME FIRM NAME John D. Tran FIRM NAME RHEMA LAW GROUP INTERNAL ADDRESS ofth Floor "STREET 1 Park Plaza "CITY Irvine "STATE (Required for U.S. addresses) California "COUNTRY United States "ZIPPOSTAL CODE 92614 PHONE 949-852-4430 FAX 866-929-3519 "EMAIL ADDRESS ipdocket@rhemalaw.com; ipdocket@rhemalaw.com "AUTHORIZED TO COMMUNICATE VIA EMAIL Ves FEE INFORMATION TEAS Plus NUMBER OF CLASSES 2	ATTORNEY INFORMATION		
INTERNAL ADDRESS 6th Floor STREET 1 Park Plaza CITY Irvine STATE California COUNTRY United States ZIPPOSTAL CODE 92614 PHIONE 949-852-4430 FAX 866-929-3519 EMAIL ADDRESS ipdocket@rhemalaw.com AUTHORIZED TO COMMUNICATE VIA EMAIL Yes CORRESPONDENCE INFORMATION **NAME *NAME John D. Tran FIRM NAME RHEMA LAW GROUP INTERNAL ADDRESS 6th Floor *STREET 1 Park Plaza *CITY Irvine *STATE (Required for U.S. addresses) California *COUNTRY United States *ZIPPOSTAL CODE 92614 PHONE 949-852-4430 *AX 866-929-3519 *EMAIL ADDRESS ipdocket@rhemalaw.com; ipdocket@rhemalaw.com *AUTHORIZED TO COMMUNICATE VIA EMAIL Yes FEE INFORMATION TEAS Plus NUMBER OF CLASSES 2 FEE PER CLASS 225	NAME	John D. Tran	
STREET 1 Park Plaza CITY Irvine STATE California COUNTRY United States ZIPPOSTAL CODE 92614 PHONE 949-852-4430 FAX 866-929-3519 EMAIL ADDRESS ipdocket@rhemalaw.com AUTHORIZED TO COMMUNICATE VIA EMAIL Yes CORRESPONDENCE INFORMATION *** *NAME John D. Tran FIRM NAME RHEMA LAW GROUP INTERNAL ADDRESS 6th Floor *STREET 1 Park Plaza *CITY Irvine *STATE (Required for U.S. addresses) California *COUNTRY United States *ZIPPOSTAL CODE 92614 *HONE 949-852-4430 *FAX 866-929-3519 *EMAIL ADDRESS ipdocket@rhemalaw.com; ipdocket@rhemalaw.com *AUTHORIZED TO COMMUNICATE VIA EMAIL Yes FEE INFORMATION TEAS Plus NUMBER OF CLASSES 2 FEE PER CLASS 225	FIRM NAME	RHEMA LAW GROUP	
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FIRM NAME RHEMA LAW GROUP INTERNAL ADDRESS 6th Floor *STREET 1 Park Plaza *CITY Irvine *STATE (Required for U.S. addresses) *COUNTRY United States *ZIP/POSTAL CODE 92614 PHONE 949-852-4430 FAX 866-929-3519 *EMAIL ADDRESS ipdocket@rhemalaw.com; ipdocket@rhemalaw.com *AUTHORIZED TO COMMUNICATE VIA EMAIL Yes FEE INFORMATION APPLICATION FILING OPTION TEAS Plus NUMBER OF CLASSES 2 FEE PER CLASS 225	CORRESPONDENCE INFORMATION		
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*AUTHORIZED TO COMMUNICATE VIA EMAIL Yes FEE INFORMATION APPLICATION FILING OPTION TEAS Plus NUMBER OF CLASSES 2 FEE PER CLASS 225	FAX	866-929-3519	
FEE INFORMATION APPLICATION FILING OPTION TEAS Plus NUMBER OF CLASSES 2 FEE PER CLASS 225	*EMAIL ADDRESS	ipdocket@rhemalaw.com; ipdocket@rhemalaw.com	
APPLICATION FILING OPTION TEAS Plus NUMBER OF CLASSES 2 FEE PER CLASS 225	*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes	
NUMBER OF CLASSES 2 FEE PER CLASS 225	FEE INFORMATION		
FEE PER CLASS 225	APPLICATION FILING OPTION	TEAS Plus	
	NUMBER OF CLASSES	2	
*TOTAL FEE PAID 450	FEE PER CLASS	225	
	*TOTAL FEE PAID	450	

SIGNATURE INFORMATION	
* SIGNATURE	/johntran/
* SIGNATORY'S NAME	John D. Tran
* SIGNATORY'S POSITION	Attorney of Record, CA Bar Member
SIGNATORY'S PHONE NUMBER	949-852-4430
* DATE SIGNED	04/29/2019

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.

OMB No. 0651-0009 (Exp 02/28/2021)

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 88406429 Filing Date: 04/29/2019

To the Commissioner for Trademarks:

MARK: BULLETPROOF (Standard Characters, see <u>mark</u>) The mark in your application is BULLETPROOF.

The applicant, Bulletproof Automotive, LLC, a limited liability company legally organized under the laws of California, having an address of 3523 Jack Northrop Ave.

Hawthorne, California 90250

United States
213-745-6954(phone)

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 012: Automotive body kits comprising external structural parts of automobiles; Pre-designed vinyl vehicle wraps specially adapted for vehicles

Use in Commerce: The applicant is using the mark in commerce on or in connection with the identified goods/services. The applicant attaches, or will later submit, one specimen as a JPG/PDF image file showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, regardless of whether the mark itself is in the standard character format or is a stylized or design mark. The specimen image file may be in color, and the image must be in color if color is being claimed as a feature of the mark.

In International Class 012, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 04/01/2002, and first used in commerce at least as early as 04/01/2002, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) Digital photograph of lug nuts, vehicle body kits, lowering suspension springs and vehicle wheel packaging.

Specimen File1

Specimen File2

Specimen File3

Specimen File4

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 037: Automotive upgrade services, namely, supercharging, turbocharging and performance upgrades of automobiles; Car washing; Automobile cleaning and car washing

Use in Commerce: The applicant is using the mark in commerce on or in connection with the identified goods/services. The applicant attaches, or will later submit, one specimen as a JPG/PDF image file showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, regardless of whether the mark itself is in the standard character format or is a stylized or design mark. The specimen image file may be in color, and the image must be in color if color is being claimed as a feature of the mark.

In International Class 037, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 04/01/2002, and first used in commerce at least as early as 04/01/2002, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) Digital photograph of performance upgrades on a vehicle and digital screenshot of website; Digital photograph and website screenshot.

JPG file(s):

Specimen File1

Specimen File2

Specimen File3

Specimen File4

Original PDF file:

SPE0-6851281-20190416023820088750 . website.pdf

Converted PDF file(s) (3 pages)

Specimen File1

Specimen File2

Specimen File3

The applicant's current Attorney Information:

John D. Tran of RHEMA LAW GROUP 6th Floor 1 Park Plaza Irvine, California 92614 United States 949-852-4430(phone) 866-929-3519(fax) ipdocket@rhemalaw.com (authorized)

The applicant's current Correspondence Information:

John D. Tran RHEMA LAW GROUP 6th Floor 1 Park Plaza Irvine, California 92614 949-852-4430(phone)

866-929-3519(fax)

ipdocket@rhemalaw.com;ipdocket@rhemalaw.com (authorized)

E-mail Authorization: I authorize the USPTO to send e-mail correspondence concerning the application to the applicant or the applicant's attorney, or the applicant's domestic representative at the e-mail address provided in this application. I understand that a valid e-mail address must be maintained and that the applicant or the applicant's attorney must file the relevant subsequent application-related submissions via the Trademark Electronic Application System (TEAS). Failure to do so will result in the loss of TEAS Plus status and a requirement to submit an additional processing fee of \$125 per international class of goods/services.

A fee payment in the amount of \$450 has been submitted with the application, representing payment for 2 class(es).

Declaration

☑ Basis:

If the applicant is filing the application based on use in commerce under 15 U.S.C. § 1051(a):

- The signatory believes that the applicant is the owner of the trademark/service mark sought to be registered;
- The mark is in use in commerce on or in connection with the goods/services in the application;
- The specimen(s) shows the mark as used on or in connection with the goods/services in the application; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

AND/OR

If the applicant is filing the application based on an intent to use the mark in commerce under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e):

- The signatory believes that the applicant is entitled to use the mark in commerce;
- The applicant has a bona fide intention to use the mark in commerce on or in connection with the goods/services in the application; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.
- To the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the

goods/services of such other persons, to cause confusion or mistake, or to deceive.

\checkmark	To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the
	allegations and other factual contentions made above have evidentiary support.

The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Declaration Signature

Signature: /johntran/ Date: 04/29/2019 Signatory's Name: John D. Tran

Signatory's Position: Attorney of Record, CA Bar Member

Signatory's Phone Number: 949-852-4430

Payment Sale Number: 88406429 Payment Accounting Date: 04/29/2019

Serial Number: 88406429

Internet Transmission Date: Mon Apr 29 05:58:18 EDT 2019 TEAS Stamp: USPTO/FTK-XX.X.XX.XX.2019042905581876970

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834**-**20190429051249611547

BULLETPROOF





















Why Bulletproof?

Quality Assurance

Everyone at Bulletproof prides themselves in the quality of the products and services we provide. From the moment after you purchase online, our team will follow up to confirm the parts are exactly what you want and can answer any questions. Rest assure that nothing you buy from us are replicas. We inspect every shipment that comes in to our warchouse to assure that nothing is broken or damaged.

Real Value Pricing

We do things a little differently, all the prices on site include shipping costs to our office in Los Angeles, California. This does a few things for you; firstly it creates a *built in cost savings* since we are covering the import shipping, import taxes, and full insurance end-to-end costs. Secondly, *no hidden* fees will be sprung up after the fact you order it. Lastly, less hassles from not having to deal with all of the paperwork associated with customs. This applies to purchase in the United States. For our International customers, contact us for the various shipping options to ensure you get your package the fastest and at the best price possible. Direct shipping from the supplier to your door is often available worldwide!

We Are Craftsmen

We are very proud of our team and the work they do on a daily basis. Fortunately for us, others tend to agree as we have won over 50 awards.

From drawing board to race track, we also put our skills to the test. Our FR-S Concept One (pictured) was conceived and built by us here in the USA, but eventually made its way back to Japan to be on display at Tokyo Auto Salon. as well as undergo rigorous tracking testing at the famous Tsukuba Circuit.

Price Match Guarantee

No More Searching

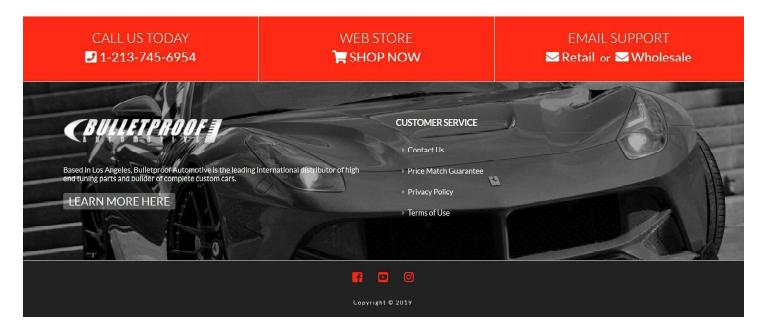
Safe and Secure

V V V I I

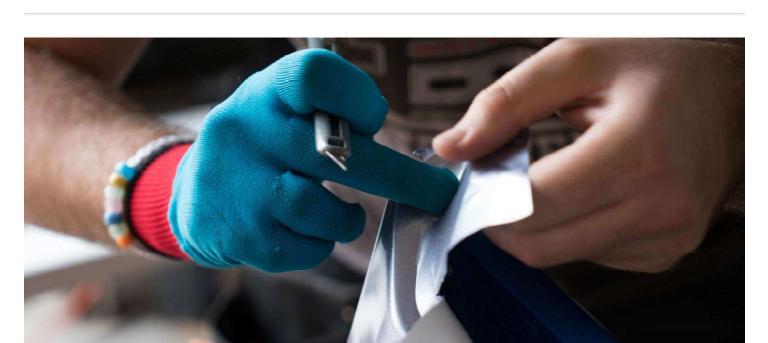
Just in case you feel like you are getting the short end of the stick with the cost of a product, we will price match any of our competitors plus credit you 2% for your next purchase just to gain you as a customer. Click here to get your price match started!

Numerous occasions have occurred when a customer contacted us looking for a product they can't find, literally, anywhere. After some searching, we always manage to find what they want. Bulletproof loves to go above and beyond to make you happy, so if you don't see that one thing you are looking for, contact us. Let us do the heavy lifting for you.

Industry's safest credit card processor by Authorize.net. Your information will always stay confidential.



CONTACT US



(BULLETPROOF)



VINYL WRAPPING

Using the market's leading brands, we offer paint-like color changes using non damaging, fully removable vinyl wrap. Ranging from metallic and pearlescent gloss finishes to matte to chrome vinyl there are hundreds of options to choose from! Coverages ranges from full exterior to complete color change including interior doors and door jams.

PREMIUM DETAILING

We offer a range of detailing options from complete washes done strictly by hand, to complete restoration of a vehicle's interior and exterior to achieve a better-than-new,







PAINT PROTECTION FILM (PPF)

10 year warranted Paint Protection Film [PPF] (clear bra), which protects vehicle paint from damaging road debrie and environmental acid damage. Paint Protection film stops your vehicle resale value from decreasing due to rock chips and clear coat damage.

PROTECTIVE COATINGS

To mitigate damage from harmful UV light, as well common contaminants like tree sap, pollen and bird droppings, we offer permanent protective coatings that can be applied to vehicle paint, and even vinyl wraps.





CUSTOM GRAPHICS

From simple accents to intricate creations, we offer custom in-house graphic design that allows your car to speak for itself. We will work with you one-on-one to help make your statement, whether it's vinyl pin-stripping, a full one-off livery, or even brand promotion, we can do it all!



WINDOW TINTING

Protect you, your passengers and your vehicle's interior from harmful UV-rays and heat with protective window film. We offer several types and brands, as well as computer-cut patterns to ensure the "right fit" for every customer and their vehicle!







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> > BULLETPROOF AUTOMOTIVE BMW Z4 GT CONTINUUM



Bulletproof Automotive BMW Z4 GT Continuum

Specification List

Exterior

- Varis / VRS Widebody Kit

Performance

- ESS Tuning Stage II ECU Tune
- Custom Fender-Exit "Trident"

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- (hardtop delete, A-Pillar delete, custom windscreen, custom dash panel, custom rear decklid cowl, custom side view mirror set)
- Varis Front Canards, Carbon
 Varis Rear Diffuser + side extensions, Carbon
- Varis 1800mm GT-Wing

Interior

Suspension / Brakes

ETS Intercooler

BMW M4 OEM Big Brake Conversion

iui no-nack ori algiit-bibe extianer

- Aragosta Type-SS Coilover Kit
- Aragosta Cup Lifter System

Custom Imogla Red Leather Interior with Diamond-Stitching

- Stingray Leather & Alcantara Accents
- BMW M3 / M4 OEM Seats
- Macht Schnell Alloy Pedal Set
- Porsche Vintage Wood Ball-Style Shift Knob

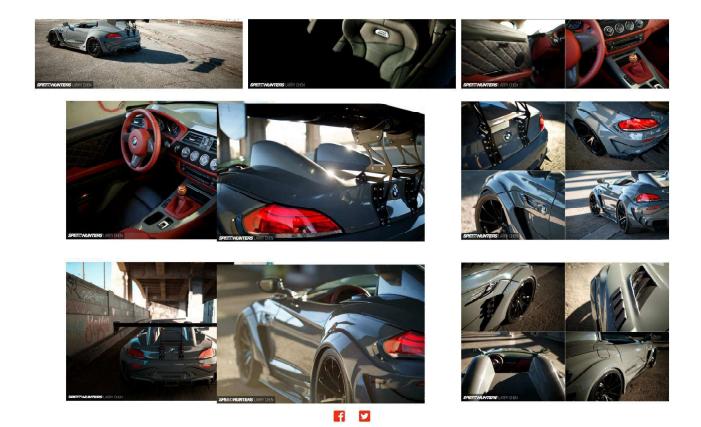
Wheels & Tires

- Rays Volk G25 Wheels 20×10+30 (f); 20×12+20 (r)
- Toyo Proxes R888 Tires 285/35/20 (f), 315/30/20 (r)

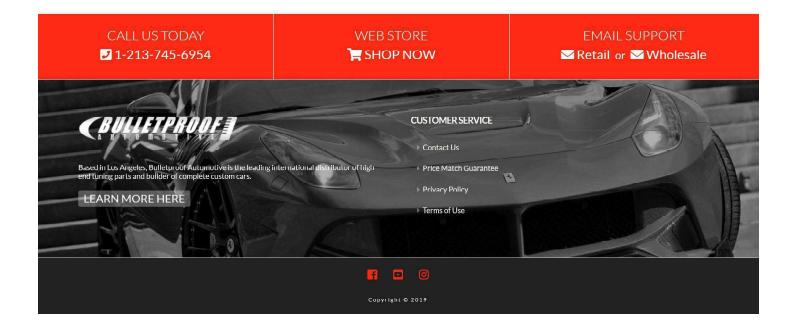




Gallery:

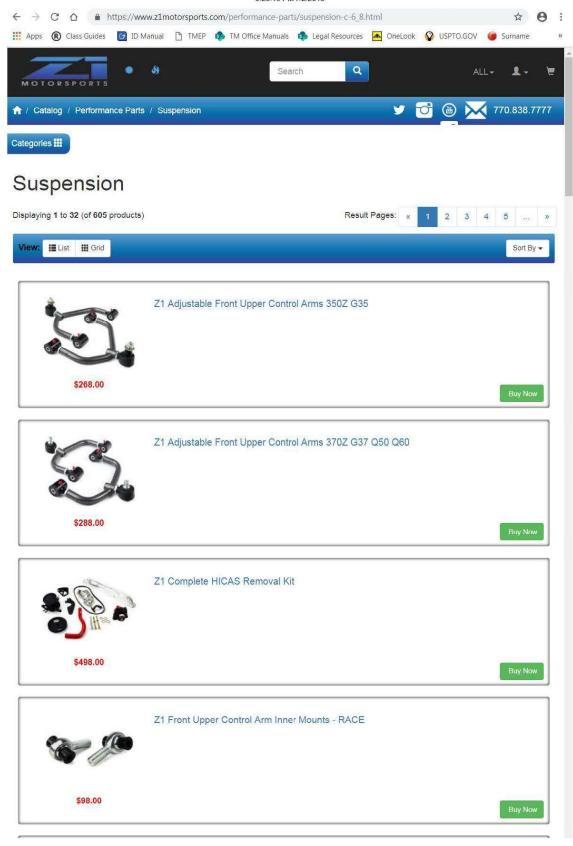


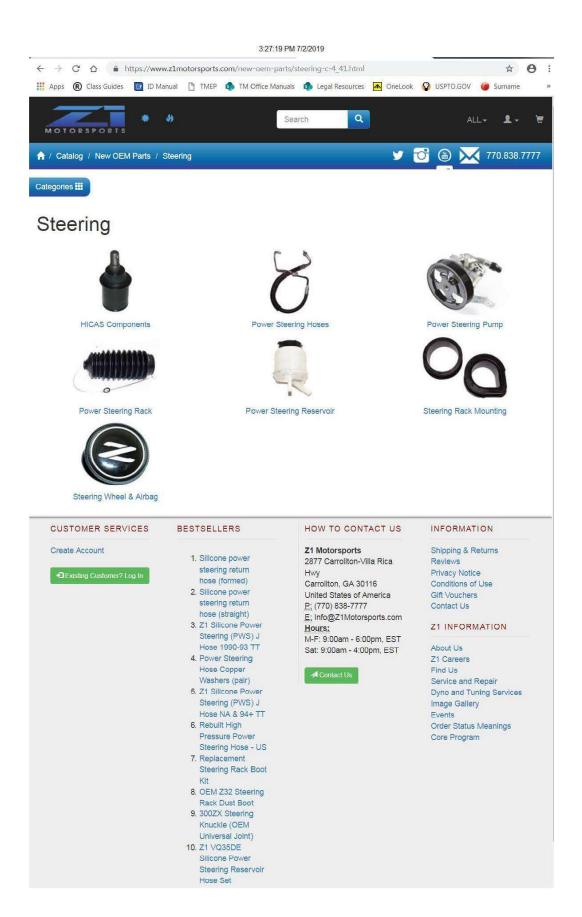




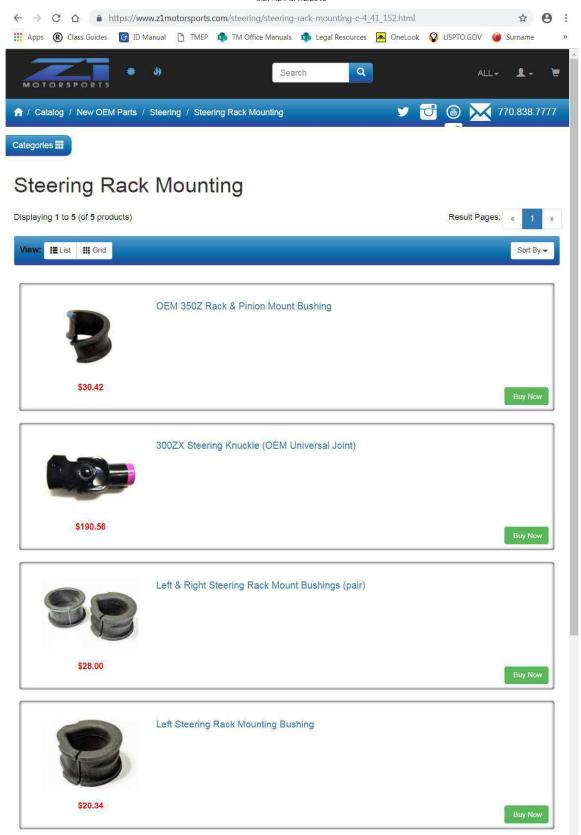


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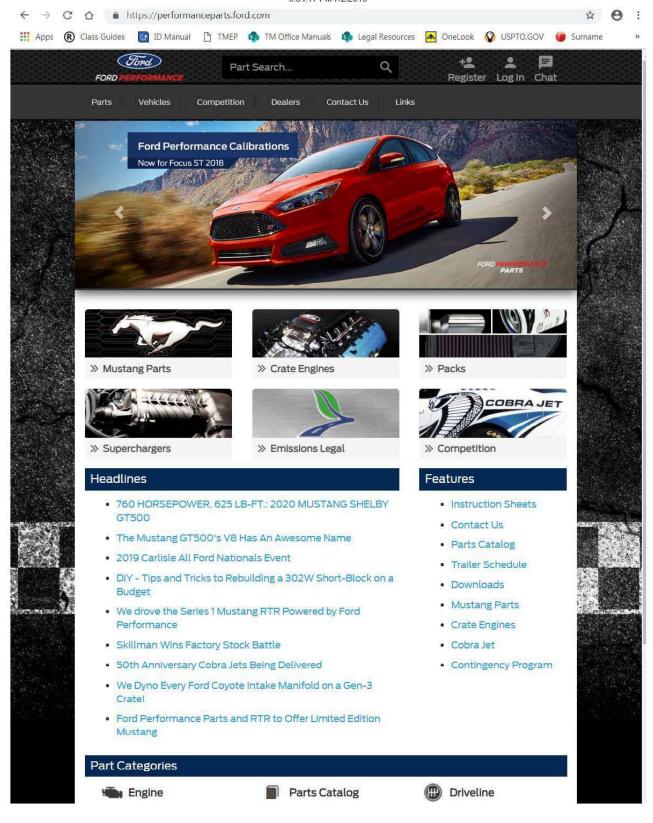


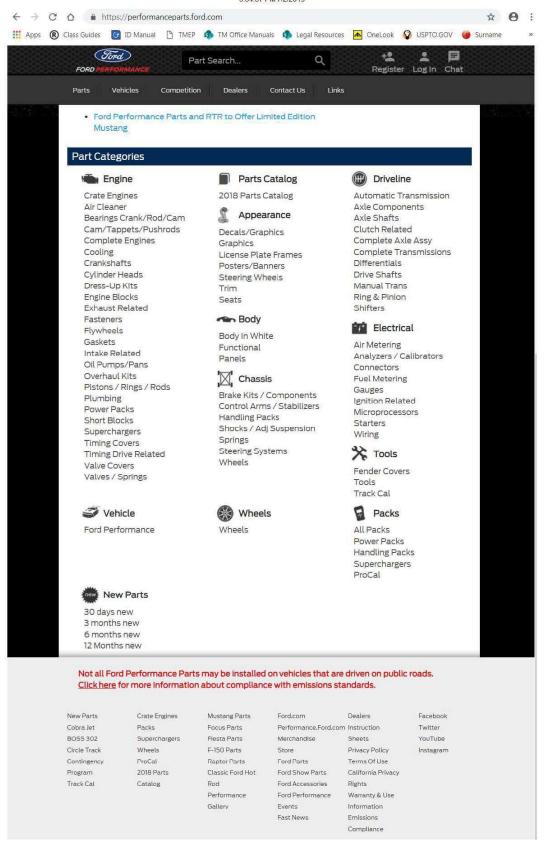


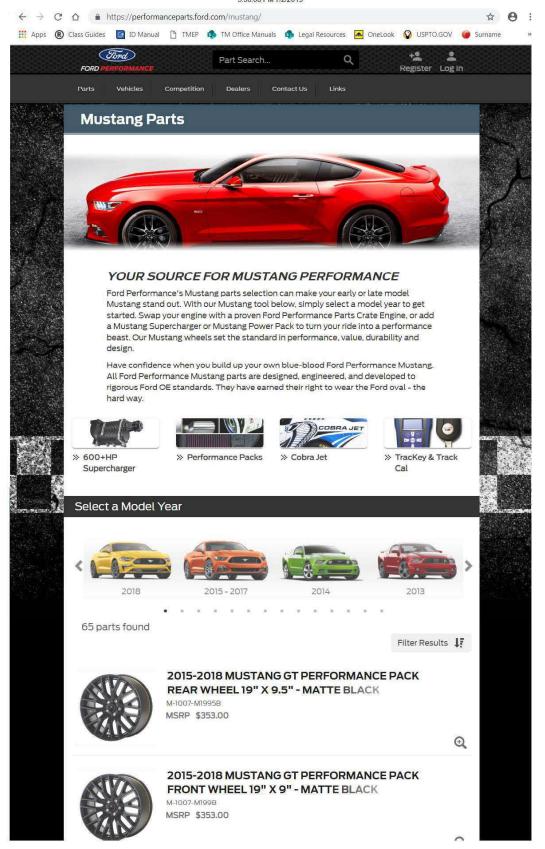
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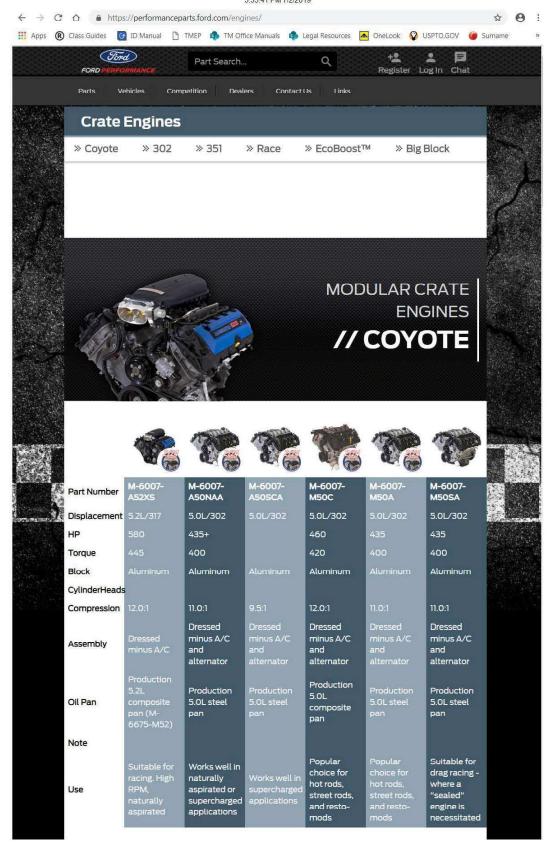


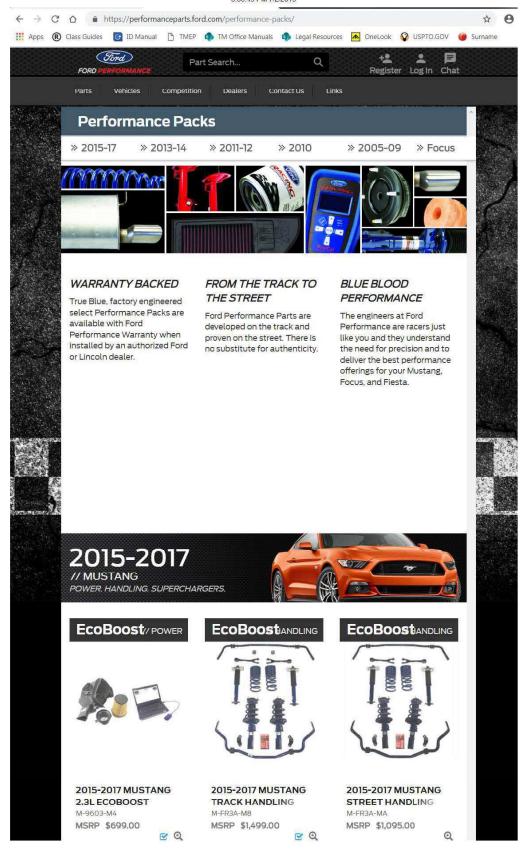
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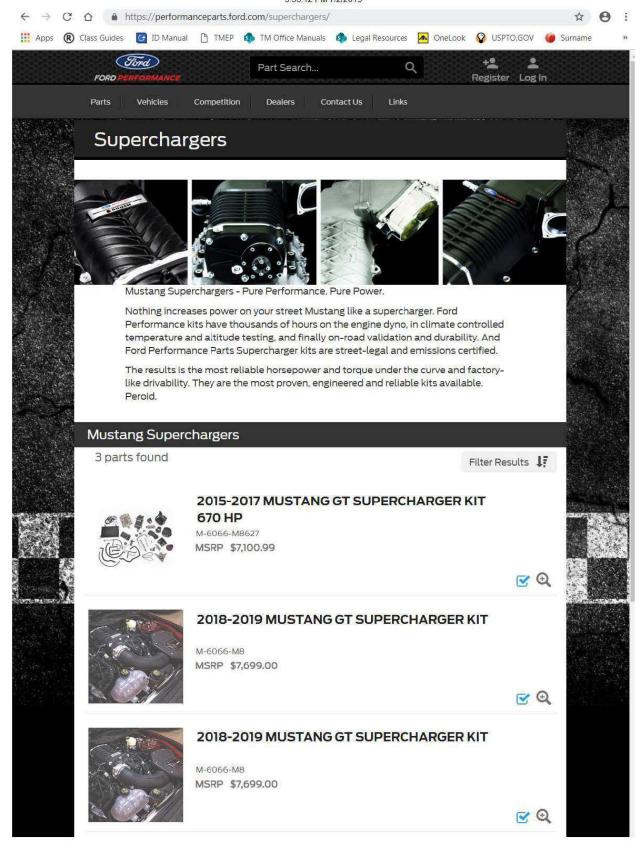








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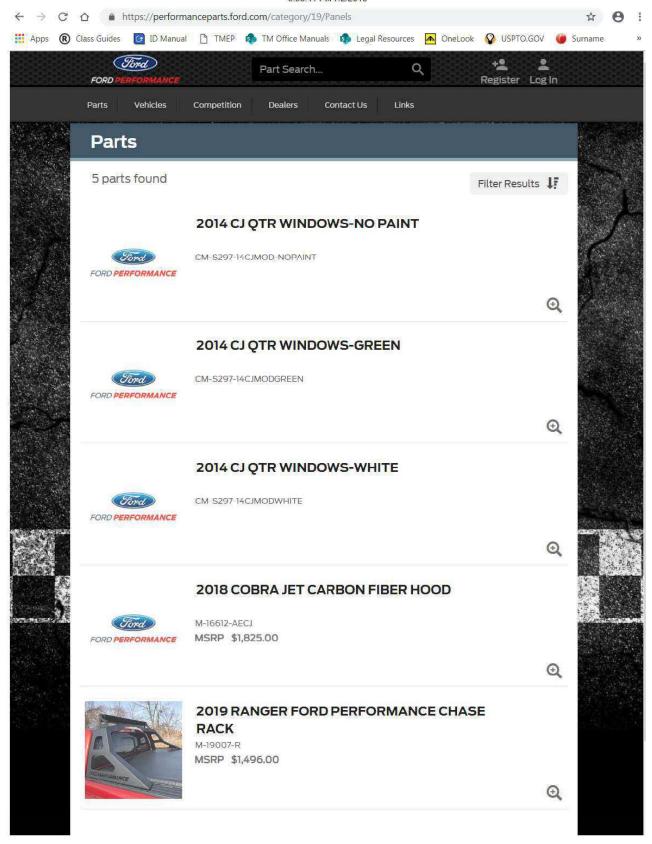


Exhibit E

To: Bulletproof Automotive, LLC (ipdocket@rhemalaw.com)

U.S. Trademark Application Serial No. 88406429 - BULLETPROOF - N/A **Subject:**

July 02, 2019 06:52:34 PM Sent:

Sent As: ecom126@uspto.gov

Attachments: Attachment - 1

Attachment - 2

Attachment - 3

Attachment - 4

Attachment - 5

Attachment - 6

Attachment - 7

Attachment - 8

Attachment - 9

Attachment - 10

Attachment - 11

Attachment - 12

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Attachment - 36

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UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO) OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION

U.S. APPLICATION

SERIAL NO. 88406429

MARK: BULLETPROOF *88406429*

CORRESPONDENT

ADDRESS:

CLICK HERE TO RESPOND TO THIS LETTER:

JOHN D. TRAN

 $\underline{http://www.uspto.gov/trademarks/teas/response_forms.jsp}$

VIEW YOUR APPLICATION FILE

RHEMA LAW

GROUP 1 PARK PLAZA

6TH FLOOR

IRVINE, CA 92614

APPLICANT:

Bulletproof Automotive,

LLC

CORRESPONDENT'S

REFERENCE/DOCKET

NO:

CORRESPONDENT E-

MAIL ADDRESS:

ipdocket@rhemalaw.com

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION. THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE BELOW. A RESPONSE TRANSMITTED THROUGH THE TRADEMARK ELECTRONIC APPLICATION SYSTEM (TEAS) MUST BE RECEIVED BEFORE MIDNIGHT EASTERN TIME OF THE LAST DAY OF THE RESPONSE PERIOD.

ISSUE/MAILING DATE: July 02, 2019

INTRODUCTION

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issues below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

SUMMARY OF ISSUES:

- · Refusal under Trademark Act Section 2(d) Likelihood of Confusion
- · Advisory regarding Prior-Filed Application
- · Requirement for Information Descriptiveness Issue

REFUSAL UNDER TRADEMARK ACT SECTION 2(d) - LIKELIHOOD OF CONFUSION

Registration of the applied-for mark is refused because of a likelihood of confusion with the marks in U.S. Registration Nos. 5573968, 5220129 and 5130772. Trademark Act Section 2(d), 15 U.S.C. §1052(d); see TMEP §§1207.01 et seq. See the attached registrations.

The applied-for mark is BULLETPROOF in standard characters for the following goods and services:

- · Class 012: Automotive body kits comprising external structural parts of automobiles; Pre-designed vinyl vehicle wraps specially adapted for vehicles.
- · Class 037: Automotive upgrade services, namely, supercharging, turbocharging and performance upgrades of automobiles; Car washing; Automobile cleaning and car washing.

The mark in U.S. Registration No. 5573968, which is owned by Hasport Performance, Inc., is BULLETPROOF in standard characters for the following goods:

· Class 012: Molded polyurethane parts for engine mounts for land vehicles; Steering and suspension systems and parts for steering and suspension systems for vehicles, namely, upper ball joints, lower ball joints, ball joints with control arms, bushing kits, inner tie rod ends, outer tie rod ends, sleeves, idler arms, center links, stabilizer kits, inner sockets and pitman arms.

The marks U.S. Registration Nos. 5220129 and 5130772, which are owned by Neal Technologies, Inc., is BULLET PROOF in standard characters for the following services:

- · Class 037: Automotive repair and maintenance services, namely, repair and maintenance of diesel engines, and repair and installation of diesel engine components.
- · Class 035: Retail store services featuring diesel engine parts; on-line retail store services featuring diesel engine parts; wholesale store services featuring diesel engine parts.

Trademark Act Section 2(d) bars registration of an applied-for mark that is so similar to a registered mark that it is likely consumers would be confused, mistaken, or deceived as to the commercial source of the goods and/or services of the parties. See 15 U.S.C. §1052(d). Likelihood of confusion is determined on a case-by-case basis by applying the factors set forth in In re E. I. du Pont de Nemours & Co., 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973) (called the "du Pont factors"). In re i.am.symbolic, Ilc, 866 F.3d 1315, 1322, 123 USPQ2d 1744, 1747 (Fed. Cir. 2017). Only those factors that are "relevant and of record" need be considered. M2 Software, Inc. v. M2 Commc'ns, Inc. , 450 F.3d 1378, 1382, 78 USPQ2d 1944, 1947 (Fed. Cir. 2006) (citing Shen Mfg. Co. v. Ritz Hotel Ltd., 393 F.3d 1238, 1241, 73 USPQ2d 1350, 1353 (Fed. Cir. 2004)); see In re Inn at St. John's, LLC , 126 USPQ2d 1742, 1744 (TTAB 2018).

Although not all *du Pont* factors may be relevant, there are generally two key considerations in any likelihood of confusion analysis: (1) the similarities between the compared marks and (2) the relatedness of the compared goods and/or services. *See In re i.am.symbolic, Ilc*, 866 F.3d at 1322, 123 USPQ2d at 1747 (quoting *Herbko Int'l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1164-65, 64 USPQ2d 1375, 1380 (Fed. Cir. 2002)); *Federated Foods, Inc. v. Fort Howard Paper Co.*, 544 F.2d 1098, 1103, 192 USPQ 24, 29 (C.C.P.A. 1976) ("The fundamental inquiry mandated by [Section] 2(d) goes to the cumulative effect of differences in the essential characteristics of the goods [or services] and differences in the marks."); TMEP §1207.01.

Similarity of the Marks

Marks are compared in their entireties for similarities in appearance, sound, connotation, and commercial impression. *Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1321, 110 USPQ2d 1157, 1160 (Fed. Cir. 2014) (quoting *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondee En 1772*, 396 F.3d 1369, 1371, 73 USPQ2d 1689, 1691 (Fed. Cir. 2005)); TMEP §1207.01(b)-(b)(v). "Similarity in any one of these elements may be sufficient to find the marks confusingly similar." *In re Inn at St. John's, LLC*, 126 USPQ2d 1742, 1746 (TTAB 2018) (citing *In re Davia*, 110 USPQ2d 1810, 1812 (TTAB 2014)); TMEP §1207.01(b).

As to Registration No. 5573968, applicant's mark is BULLETPROOF and registrant's mark is BULLETPROOF. These marks are identical in appearance, sound, and meaning, "and have the potential to be used . . . in exactly the same manner." *In re i.am.symbolic, llc*, 116 USPQ2d 1406, 1411 (TTAB 2015), *aff'd*, 866 F.3d 1315, 123 USPQ2d 1744 (Fed. Cir. 2017). Additionally, because they are identical, these marks are likely to engender the same connotation and overall commercial impression when considered in connection with applicant's and registrant's respective goods and/or services. *Id.* Therefore, the marks are confusingly similar.

As to Registration Nos. 5220129 and 5130772, the compared marks are identical except for a slight difference in appearance between applicant's mark, which appears as a compound word with no space separating the words, that is, BULLETPROOF; and registrant's marks, which appears as two words with a space separating the words, that is, BULLET PROOF. As such, the marks are identical in sound and virtually identical in appearance, and are thus confusingly similar for the purposes of determining likelihood of confusion. See, e.g., Seaguard Corp. v. Seaward Int'l, Inc., 223 USPQ 48, 51 (TTAB 1984) ("[T]he marks 'SEAGUARD' and 'SEA GUARD' are, in contemplation of law, identical [internal citation omitted]."); In re Best W. Family Steak House, Inc., 222 USPQ 827, 827 (TTAB 1984) ("There can be little doubt that the marks [BEEFMASTER and BEEF MASTER] are practically identical"); Stock Pot, Inc., v. Stockpot Rest., Inc., 220 USPQ 52, 52 (TTAB 1983), aff'd 737 F.2d 1576, 222 USPQ 665 (Fed. Cir. 1984) ("There is no question that the marks of the parties [STOCKPOT and STOCK POT] are confusingly similar. The word marks are phonetically identical and visually almost identical.").

Accordingly, for the reasons stated above, the applicant's mark is confusingly similar to the registered marks.

Relatedness of the Goods/Services

The goods and/or services are compared to determine whether they are similar, commercially related, or travel in the same trade channels. *See Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1369-71, 101 USPQ2d 1713, 1722-23 (Fed. Cir. 2012); *Herbko Int'l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1165, 64 USPQ2d 1375, 1381 (Fed. Cir. 2002); TMEP §§1207.01, 1207.01(a)(vi).

The compared goods and/or services need not be identical or even competitive to find a likelihood of confusion. See On-line Careline Inc. v. Am. Online Inc., 229 F.3d 1080, 1086, 56 USPQ2d 1471, 1475 (Fed. Cir. 2000); Recot, Inc. v. Becton, 214 F.3d 1322, 1329, 54 USPQ2d 1894, 1898 (Fed. Cir. 2000); TMEP §1207.01(a)(i). They need only be "related in some manner and/or if the circumstances surrounding their marketing are such that they could give rise to the mistaken belief that [the goods and/or services] emanate from the same source." Coach Servs., Inc. v. Triumph Learning LLC, 668 F.3d 1356, 1369, 101 USPQ2d 1713, 1722 (Fed. Cir. 2012) (quoting 7-Eleven Inc. v. Wechsler, 83 USPQ2d 1715, 1724 (TTAB 2007)); TMEP §1207.01(a)(i).

The attached Internet evidence, consisting of excerpts from Z1 Motorsports, Ford, Summit Racing Equipment, Bumbera's Performance, Weaver Motorsports, Wolf Motorsports, Prestige Autowash & Automotive, Ryko, and Carl's Wash & Service Center, shows that the same entity commonly provides both automotive body parts and automotive engine parts, both automotive performance services and automotive repair services, and both car washing services and automotive repair services, and markets the goods and services under the same mark through the same trade channels. Thus, applicant's and registrants' goods and services are considered related for likelihood of confusion purposes. *See*, *e.g.*, *In re Davey Prods. Pty Ltd.*, 92 USPQ2d 1198, 1202-04 (TTAB 2009); *In re Toshiba Med. Sys. Corp.*, 91 USPQ2d 1266, 1268-69, 1271-72 (TTAB 2009).

Additionally, the use of similar marks on or in connection with both products and retail-store services has been held likely to cause confusion where the evidence showed that the retail-store services featured the same type of products. See In re Detroit Athletic Co., 903 F.3d 1297, 1307, 128 USPQ2d 1047, 1051 (Fed. Cir. 2018) (holding the use of similar marks for various clothing items, including athletic uniforms, and for retail shops featuring sports team related clothing and apparel likely to cause confusion); In re House Beer, LLC, 114 USPQ2d 1073, 1078 (TTAB 2015) (holding the use of identical marks for beer and for retail store services featuring beer likely to cause confusion); In re Thomas, 79 USPQ2d 1021, 1023 (TTAB 2006) (holding the use of similar marks for jewelry and for retail-jewelry and mineral-store services likely to cause confusion); TMEP §1207.01(a)(ii).

Accordingly, for the reasons stated above, the applicant's goods and services are closely related to the registrants' goods and services.

Further, where the marks of the respective parties are identical or virtually identical, as in this case, the degree of similarity or relatedness between the goods and/or services needed to support a finding of likelihood of confusion declines. *See In re i.am.symbolic, llc*, 116 USPQ2d 1406, 1411 (TTAB 2015) (citing *In re Shell Oil Co.*, 992 F.2d 1204, 1207, 26 USPQ2d 1687, 1689 (Fed. Cir. 1993)), *aff'd*, 866 F.3d 1315, 123 USPQ2d 1744 (Fed. Cir. 2017); TMEP §1207.01(a).

The overriding concern is not only to prevent buyer confusion as to the source of the goods and/or services, but to protect the registrant from adverse commercial impact due to use of a similar mark by a newcomer. *See In re Shell Oil Co.*, 992 F.2d 1204, 1208, 26 USPQ2d 1687, 1690 (Fed. Cir. 1993). Therefore, any doubt regarding a likelihood of confusion determination is resolved in favor of the registrant. TMEP §1207.01(d)(i); *see Hewlett-Packard Co. v. Packard Press, Inc.*, 281 F.3d 1261, 1265, 62 USPQ2d 1001, 1003 (Fed. Cir. 2002); *In re Hyper Shoppes (Ohio), Inc.*, 837 F.2d 463, 464-65, 6 USPQ2d 1025, 1026 (Fed. Cir. 1988).

Conclusion

The applicant's mark is confusingly similar to the registrants' marks because they share identical or nearly identical wording and create a similar commercial impression. In addition, the applicant's goods and services are closely related to the registrants' goods and services. Therefore, for the reasons stated above, registration of applicant's mark is refused under Trademark Act Section 2(d).

Although applicant's mark has been refused registration, applicant may respond to the refusal by submitting evidence and arguments in support of registration. However, if applicant responds to the refusal, applicant must also respond to the advisory and requirement set forth below.

ADVISORY REGARDING PRIOR-FILED APPLICATION

The filing date of pending U.S. Application Serial No. 88041096 precedes applicant's filing date. See attached referenced application. If the mark in the referenced application registers, applicant's mark may be refused registration under Trademark Act Section 2(d) because of a likelihood of confusion between the two marks. See 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 et seq. Therefore, upon receipt of applicant's response to this Office action, action on this application may be suspended pending final disposition of the earlier-filed referenced application.

In response to this Office action, applicant may present arguments in support of registration by addressing the issue of the potential conflict between applicant's mark and the mark in the referenced application. Applicant's election not to submit arguments at this time in no way limits applicant's right to address this issue later if a refusal under Section 2(d) issues.

REQUIREMENT FOR INFORMATION - DESCRIPTIVENESS ISSUE

To permit proper examination of the application, applicant must submit additional information about applicant's goods and services. *See* 37 C.F.R. §2.61(b); TMEP §814. The requested information should include fact sheets, instruction manuals, brochures, and/or advertisements. If these materials are unavailable, applicant should submit similar documentation for goods and services of the same type, explaining how its own product or services will differ. If the goods and services feature new technology and no information regarding competing goods and services is available, applicant must provide a detailed factual description of the goods and services.

Factual information about the goods must clearly indicate how they operate, their salient features, and their prospective customers and channels of trade. Factual information about the services must clearly indicate what the services are and how they are rendered, their salient features, and their prospective customers and channels of trade. Conclusory statements will not satisfy this requirement for information.

In addition to this, applicant must respond to the following questions:

- (1) Are applicant's goods bulletproof -- that is, are the goods impenetrable to bullets.
- (2) Are applicant's services related to bulletproofing -- that is, are the services related to making automobiles impenetrable to bullets.

Failure to comply with a request for information is grounds for refusing registration. *In re Harley*, 119 USPQ2d 1755, 1757-58 (TTAB 2016); TMEP §814. Merely stating that information about the goods and services is available on applicant's website is an insufficient response and will not make the relevant information of record. *See In re Planalytics, Inc.*, 70 USPQ2d 1453, 1457-58 (TTAB 2004).

ASSISTANCE

Please call or email the assigned trademark examining attorney with questions about this Office action. Although the trademark examining attorney cannot provide legal advice or statements about applicant's rights, the trademark examining attorney can provide applicant with additional explanation about the refusal(s) and/or requirement(s) in this Office action. *See* TMEP §§705.02, 709.06. Although the USPTO does not accept emails as responses to Office actions, emails can be used for informal communications and will be included in the application record. *See* 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05.

ADVISORY REGARDING U.S. COUNSEL RULES CHANGES

In spring 2019, the USPTO is likely to issue proposed changes to the federal trademark regulations to require trademark applicants, registrants, and parties to Trademark Trial and Appeal Board proceedings who are foreign-domiciled (have a permanent legal residence or a principal place of business outside of the United States), including Canadian filers, to have an attorney who is licensed to practice law in the United States represent them at the USPTO. In addition, U.S.-licensed attorneys representing a trademark applicant, registrant, or party will generally be required to provide their bar membership information, a statement attesting to their good standing in that bar, and their postal/email addresses in trademark-related submissions. All U.S.-licensed attorneys who practice before the USPTO are subject to the rules in 37 C.F.R. Part

11 governing representation of others, including the USPTO's Rules of Professional Conduct.

These changes are being made to increase customer compliance with federal trademark law, improve the accuracy of trademark submissions to the USPTO, and safeguard the integrity of the U.S. trademark register. See the U.S. Counsel Rule change webpage for more information.

TEAS PLUS OR TEAS REDUCED FEE (TEAS RF) APPLICANTS – TO MAINTAIN LOWER FEE, ADDITIONAL

REQUIREMENTS MUST BE MET, INCLUDING SUBMITTING DOCUMENTS ONLINE: Applicants who filed their application online using the lower-fee TEAS Plus or TEAS RF application form must (1) file certain documents online using TEAS, including responses to Office actions (see TMEP §§819.02(b), 820.02(b) for a complete list of these documents); (2) maintain a valid e-mail correspondence address; and (3) agree to receive correspondence from the USPTO by e-mail throughout the prosecution of the application. *See* 37 C.F.R. §§2.22(b), 2.23(b); TMEP §§819, 820. TEAS Plus or TEAS RF applicants who do not meet these requirements must submit an additional processing fee of \$125 per class of goods and/or services. 37 C.F.R. §§2.6(a)(1)(v), 2.22(c), 2.23(c); TMEP §§819.04, 820.04. However, in certain situations, TEAS Plus or TEAS RF applicants may respond to an Office action by authorizing an examiner's amendment by telephone or e-mail without incurring this additional fee.

/Julie H. Choe/ Trademark Examining Attorney United States Patent and Trademark Office Law Office 126 (571) 270-3368 Julie.Choe@uspto.gov

TO RESPOND TO THIS LETTER: Go to http://www.uspto.gov/trademarks/teas/response forms.jsp. Please wait 48-72 hours from the issue/mailing date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For technical assistance with online forms, e-mail TEAS@uspto.gov/trademarks/teas/response forms.jsp. Please wait 48-72 hours from the issue/mailing date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For technical assistance with online forms, e-mail TEAS@uspto.gov/trademarks/teas/response forms.jsp. Please wait 48-72 hours from the issue/mailing date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For technical assistance with online forms, e-mail TEAS@uspto.gov/trademarks/teas/response for necessary system updates of the application. For technical assistance with online forms, e-mail TEAS@uspto.gov/trademarks/teas/responses for necessary system updates of the application. For technical assistance with online forms, e-mail TEAS@uspto.gov/trademarks/teas/responses for necessary system updates of the application. For technical assistance with online forms, e-mail TEAS@uspto.gov/trademarks/teas/responses for the application. For technical assistance with online forms, e-mail TEAS@uspto.gov/trademarks/teas/responses for the application. The application is the application of the application of the application of the applicat

All informal e-mail communications relevant to this application will be placed in the official application record.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at http://tsdr.uspto.gov/. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at TrademarkAssistanceCenter@uspto.gov or call 1-800-786-9199. For more information on checking status, see http://www.uspto.gov/trademarks/process/status/.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the TEAS form at http://www.uspto.gov/trademarks/teas/correspondence.jsp.

Print: Jul 2, 2019 87759345

DESIGN MARK

Serial Number

87759345

Status

REGISTERED

Word Mark

BULLETPROOF

Standard Character Mark

Yes

Registration Number

5573968

Date Registered

2018/10/02

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Hasport Performance, INC CORPORATION ARIZONA 2849 S 44th St Phoenix ARIZONA 85040

Goods/Services

Class Status -- ACTIVE. IC 012. US 019 021 023 031 035 044. G & S: Molded polyurethane parts for engine mounts for land vehicles; Steering and suspension systems and parts for steering and suspension systems for vehicles, namely, upper ball joints, lower ball joints, ball joints with control arms, bushing kits, inner tie rod ends, outer tie rod ends, sleeves, idler arms, center links, stabilizer kits, inner sockets and pitman arms. First Use: 2018/01/17. First Use In Commerce: 2018/01/17.

Filing Date

2018/01/17

Examining Attorney

RADEMACHER, APRIL L.

BULLETPROOF

Print: Jul 1, 2019 76718573

DESIGN MARK

Serial Number

76718573

Status

CANCELLATION PENDING

Word Mark

BULLET PROOF

Standard Character Mark

Yes

Registration Number

5220129

Date Registered

2017/06/13

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

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

Goods/Services

Class Status -- ACTIVE. IC 037. US 100 103 106. G & S: Automotive repair and maintenance services, namely, repair and maintenance of diesel engines, and repair and installation of diesel engine components. First Use: 2009/06/01. First Use In Commerce: 2009/06/01.

Prior Registration(s)

4235578;4262825

Filing Date

2015/10/19

Examining Attorney

YOUNG, THOMAS P

Attorney of Record

James W. Armstrong

BULLET PROOF

Print: Jul 2, 2019 76718511

DESIGN MARK

Serial Number

76718511

Status

CANCELLATION PENDING

Word Mark

BULLET PROOF

Standard Character Mark

Yes

Registration Number

5130772

Date Registered

2017/01/31

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

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

Goods/Services

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Retail store services featuring diesel engine parts; on-line retail store services featuring diesel engine parts; wholesale store services featuring diesel engine parts. First Use: 2009/06/01. First Use In Commerce: 2009/06/01.

Prior Registration(s)

4235578;4262825

Filing Date

2015/09/29

Examining Attorney

YOUNG, THOMAS P

Attorney of Record

James W. Armstrong

BULLET PROOF

DESIGN MARK

Serial Number

88041096

Status

PUBLISHED FOR OPPOSITION

Word Mark

BULLETPROOF

Standard Character Mark

Yes

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

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

Goods/Services

Class Status -- ACTIVE. IC 007. US 013 019 021 023 031 034 035. G & S: Automotive components, namely, oil coolers and exhaust gas recirculation coolers for diesel engines; oil filtration systems comprised of filters for diesel engines; water pumps for diesel engines; and fuel injection control modules for diesel engines. First Use: 2018/07/16. First Use In Commerce: 2018/07/16.

Prior Registration(s)

5130772;5220128;5220129;AND OTHERS

Filing Date

2018/07/17

Examining Attorney

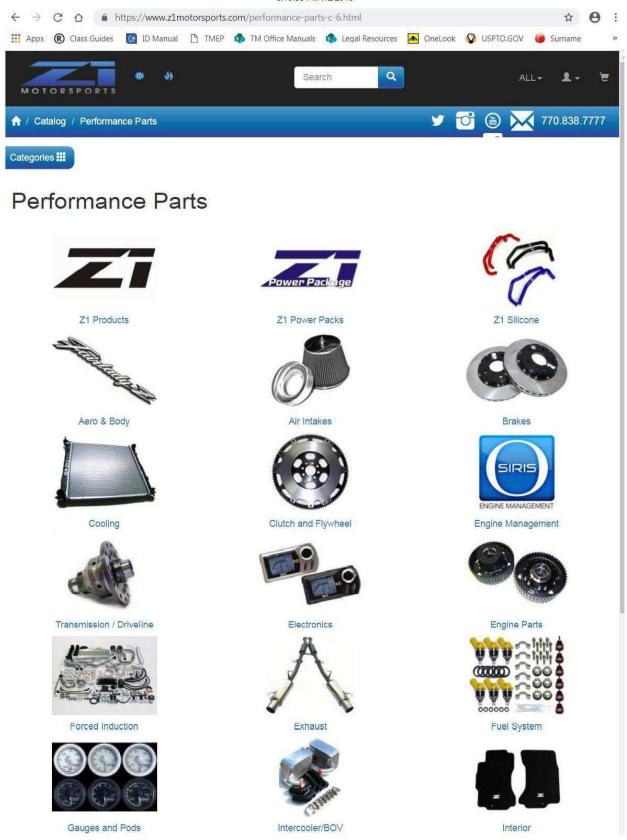
HOWELL, MATTHEW

Attorney of Record

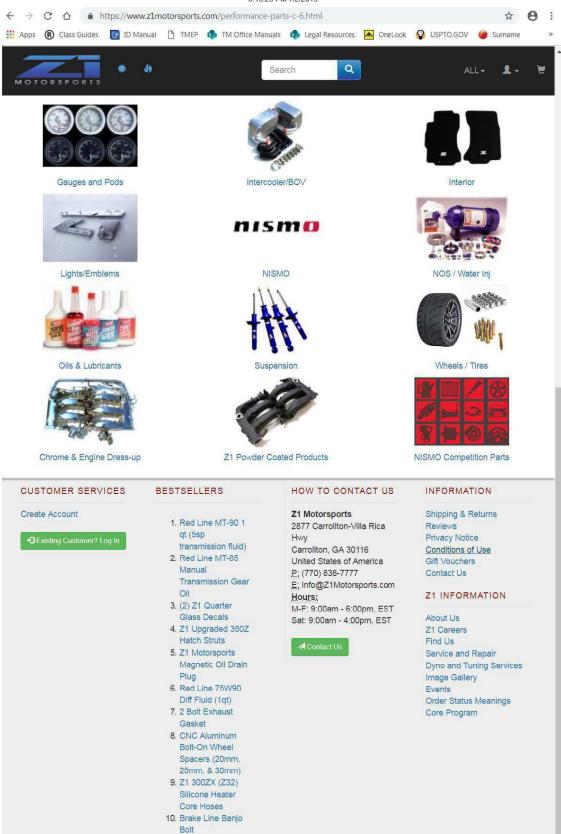
Richard L. Schwartz

BULLETPROOF

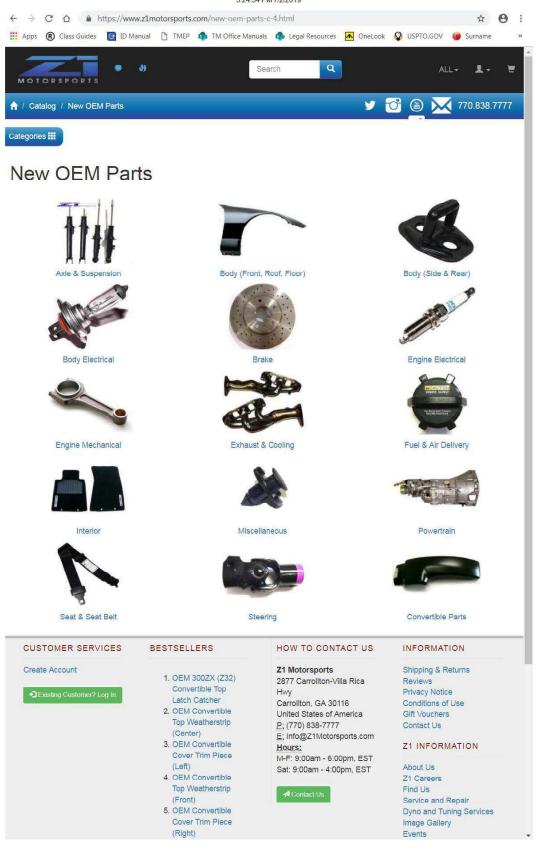
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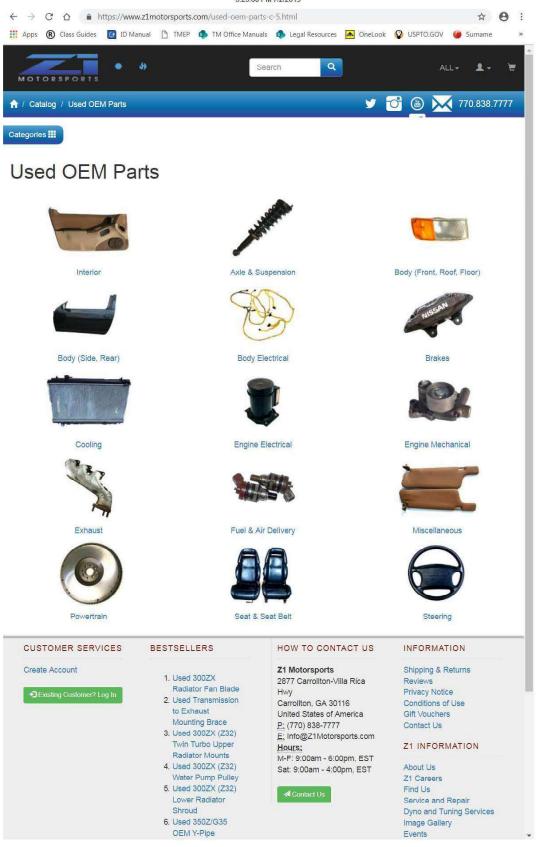
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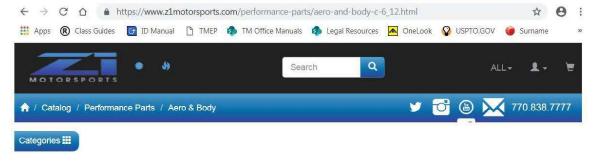
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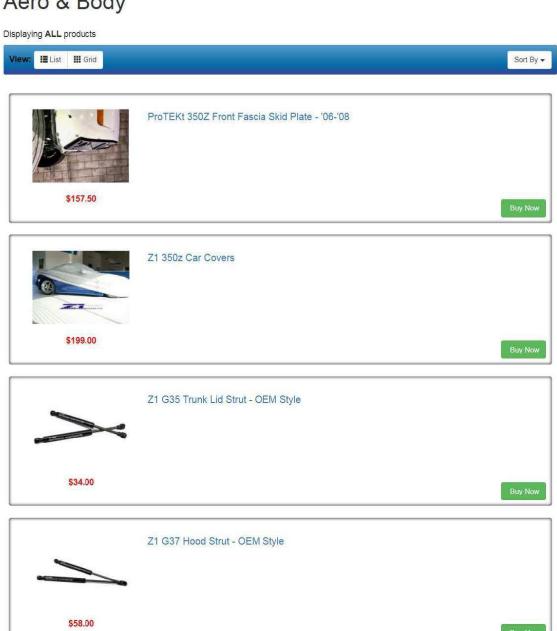


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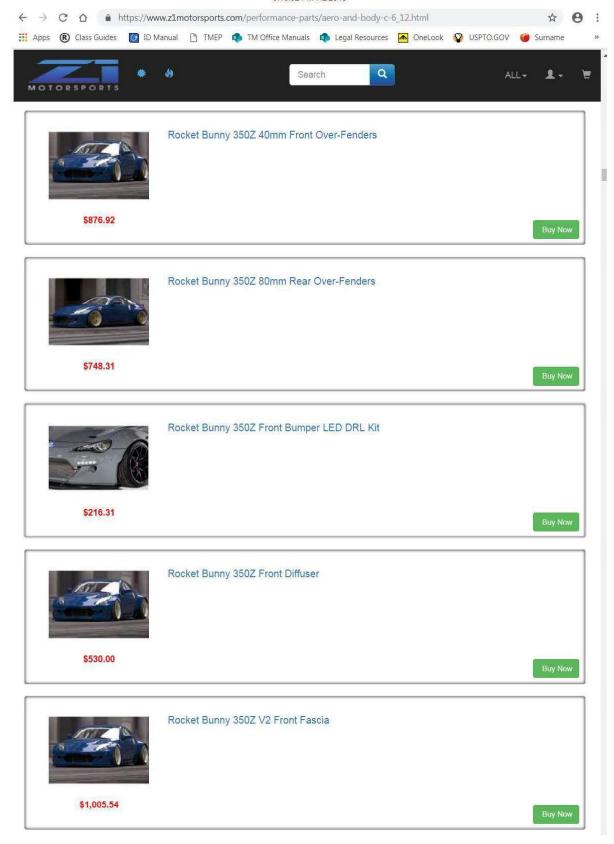


Aero & Body

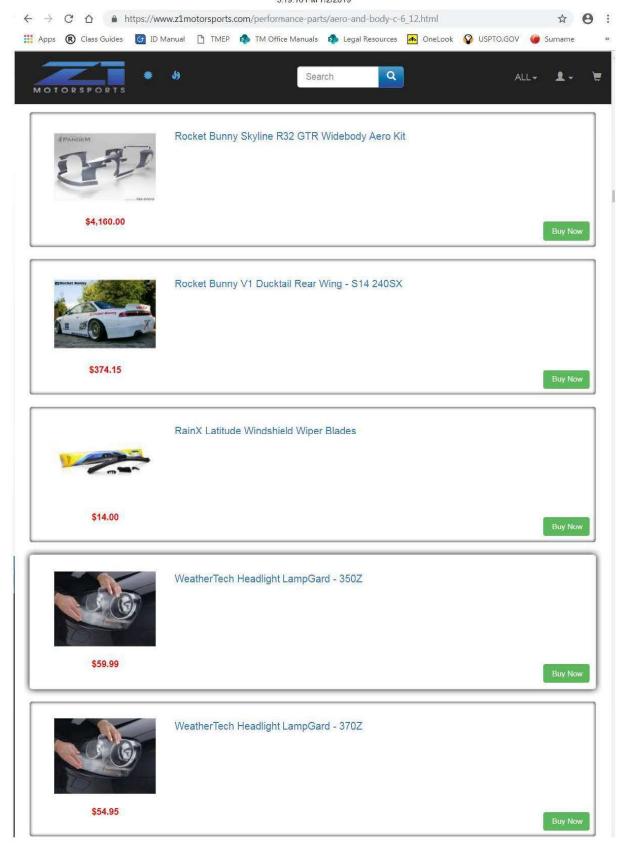




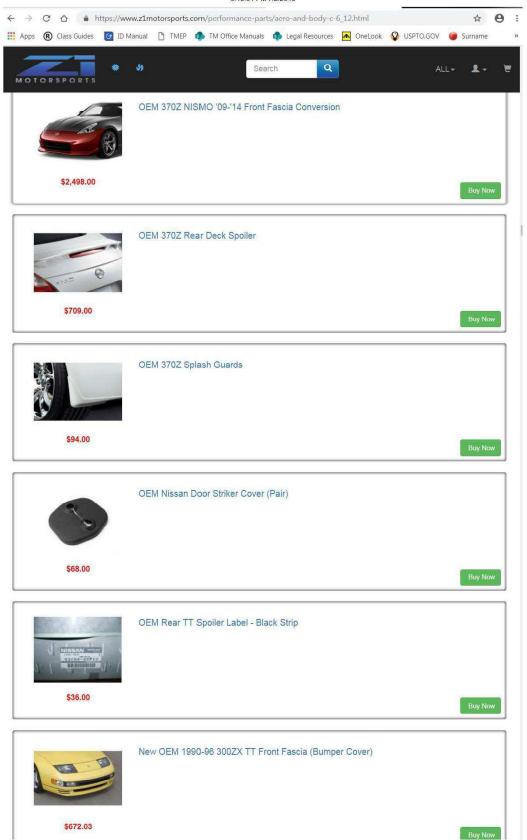
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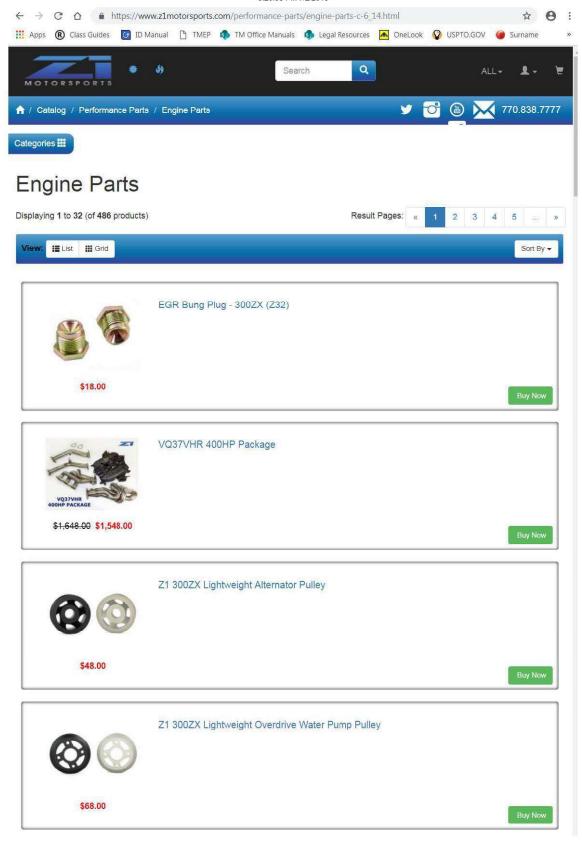
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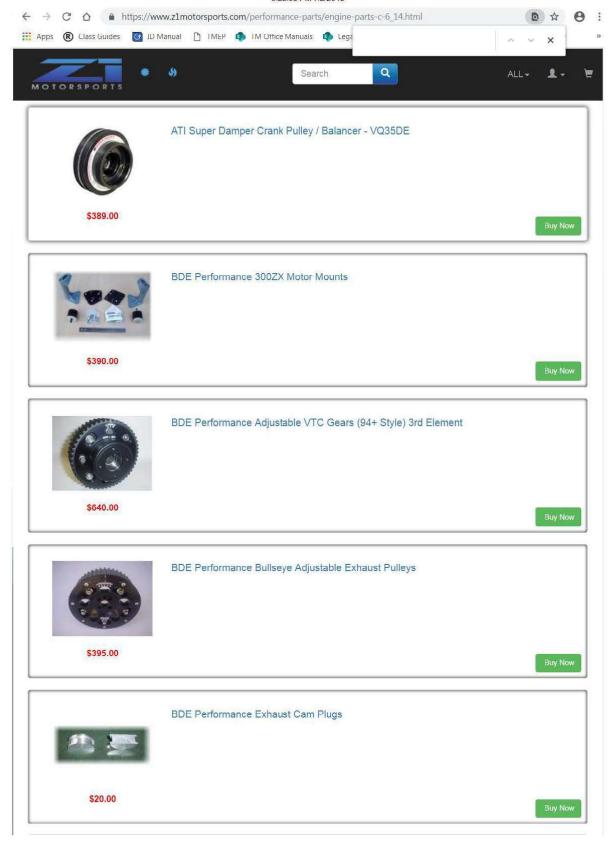
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Welcome to Weaver Motorsports Inc. - Raleigh's European Import Repair Specialists!

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4

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Location



What Our Clients Are Saying

"Weaver Motorsports did an excellent job working on my Porsche. Nick was very friendly and knowledgeable. I have already recommended Weaver Motorsports to my fellow drivers as an alternative solution to the dealership."

Repair / Sales BMW Audi Mercedes Porsche Volkswagen Volvo

Weaver Motorsports, Inc. 3101 Spring Forest Rd. Raleigh, NC 27616

Contact Us



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Performance & Tuning



At Weaver Motorsports we eat, sleep and breathe performance. It is our main specialty to offer performance enhancing solutions to our customers. We understand and know from our previous road racing experience that reliability is almost more important than the performance gains from various systems or modifications. With this in mind, we believe in supplying products that not only offer the best performance available in the market today, but also offer the best quality and reliability. Weaver Motorsports has strategically partnered with suppliers of performance products that have an unsurpassed industry reputation for performance, quality and reliability.

As a turnkey performance outfit, Weaver Motorsports also offers complete K&N filter cold air induction kits, Bilstein sports suspension upgrades, performance wheel rims and many other performance accessories. We also offer package deals with ECU Tuning, cold air intake and performance exhaust systems. Feel free to Contact us for further information.

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Service & Maintenance



Weaver Motorsports is proud to offer a full service automotive repair facility. We specialize in European brands such as Saab, Porsche, BMW, <a href="Volvo, Mercedes, Audi, MINI, <a href="Wolvo, <a href="Wolvo</

without the inflated dealership price-tag. Our European specialist technicians are ASE certified so you can trust that only the best hands will repair your car. Weaver Motorsports has in house factory certified Master Technicians to ensure all diagnostics, troubleshooting and repairs are carried out correctly, first time. Weaver Motorsports has all the latest tools and equipment to repair your vehicle, ensuring the highest level of quality possible. Your car is safe in our hands and we aim to deliver a reliable, trustworthy and knowledgeable service to all of our customers. Contact us for further information. We look forward to hearing from you.

See our Deals page to find out about our current monthly offers!

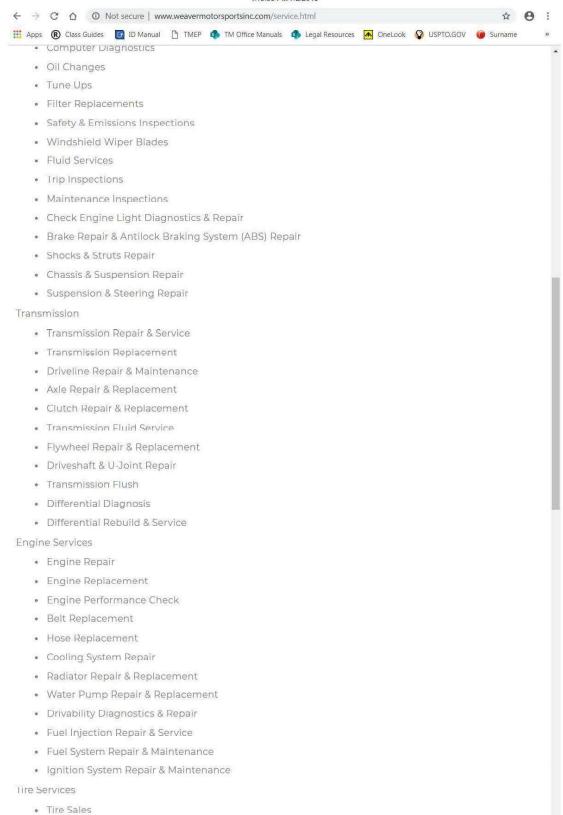
Reasons to choose Weaver Motorsports for servicing and maintaining your vehicle:

- · In-house factory ASE certified Master Technicians
- Most affordable labor rate in the triangle
- Night drop off for your convenience
- · Original equipment and OEM parts
- · Vehicles secured day and night in our fully fenced and security lighted parking lot
- · In-house electronic history of your vehicle services
- · Email service reminders and coupon specials
- Customers' own vehicle webpage with vehicle service history
- · Regular maintenance to protect your factory warranty
- We offer a 2 year or 24000 mile warranty on all our repairs which includes parts and labor
- We service most extended warranties & we offer add-on extended warranties
- We can repair all electrical & mechanical faults including troubleshooting & diagnostics
- Tires, brakes, oil changes, A/C, timing belts, state inspections, check engine lights, pre-purchase inspections and more!

Standard Maintenance Services

- · Factory Scheduled Maintenance
- 30/60/90/120 Mile Services
- DMV Certified Vehicle Inspection & Repairs
- · State Emission Inspections & Repairs
- Computer Diagnostics

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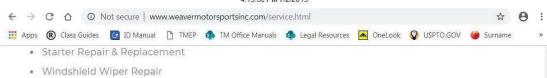


· Tire Installations



- Exhaust Repair & Replacement
- · Muffler Repair & Replacement
- · Tailpipe Repair & Replacement
- · Catalytic Converter Repair
- Exhaust Manifold Repair
- Custom Exhaust Fabrication
- Exhaust Upgrades

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- · Power Lock Repair
- · Power Antenna Repair
- · Power Steering Repair
- Power Window Repair
- Power Accessory Repair
- · Light Repair & Bulb Replacements

Exhaust Services

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- · State of Health Battery Testing & Conditioning
- · High Voltage Battery Testing & Conditioning
- High Voltage Cable Inspection & Repair
- Brake System Repair & Maintenance
- · Transmission Fluid Flush
- · Heating & Cooling System

Please note that we are an independent company. We are not affiliated with Lamborghini, Ferrari, Porsche, BMW, Corvette, Volvo, Mercedes, Ford, Mitsubishi, Nissan, Audi, MINI, VW, Saab and Land Rover or any other subsidiary or other vehicle manufacturers referred to on this site. The use of company corporate identities is used solely for clarification purposes.

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919 790-8811 Service

919 790-2235 Sales

Contact Us

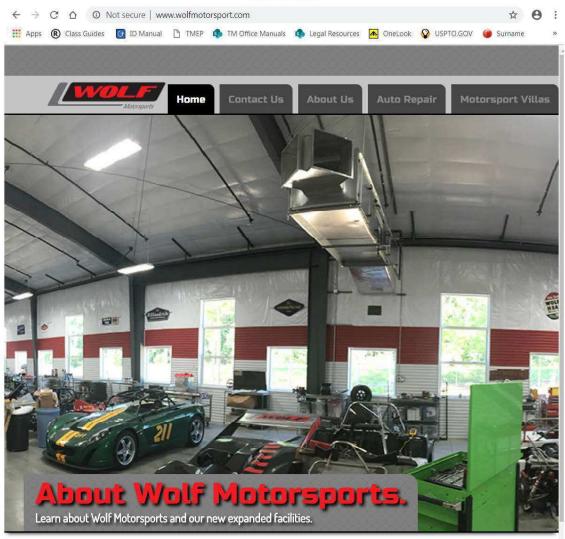


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"WE CAN FIX THAT!"

Now specializing in automotive service and repair. Click here to find out more!



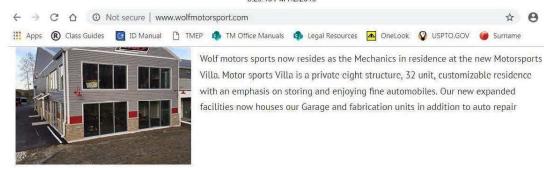
What's happening with Wolf Motorsports



Wolf Motorsports has moved!

Wolf motors sports now resides as the Mechanics in residence at the new Motorsports Villa. Motor sports Villa is a private eight structure, 32 unit, customizable residence with an emphasis on storing and enjoying fine automobiles. Our new expanded facilities now houses our Garage and fabrication units in addition to auto repair

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Services

Wolf Motorsports now plays host to a state of the art racing facilities in Elkhart Lake, WI. Located only 1.5 miles from Road America we provide a secure space to prepare Race cars and vintage street cars. In addition we also provide a number of services including:



Track Side Services - Full race car preparation. We have the staff and spare parts to keep your vehicle running though the weekend. Covered support under our canopy for your vehicle and guests.

Automotive Restoration – Race cars or Street cars. Our experienced staff has the knowledge and ability to perform award winning restorations.

Hospitality Services - Our friendly staff will work with you to plan an at track experience that will be second to none. If you have a corporate outing, staff, friends or family we can organize an unique day of activities that they will remember for years to come.

Driver Coaching - We have professional race car drivers with years of experience who are ready to take you to the height of your ability.

Suspension Analysis - We have all of the equipment and expertise to full analyze and adjust your race car suspension to optimize performance. Our years of experience in damper tuning will enable us to adjust you car to any conditions or driving style.

Race Car Preparation - Final car tuning, setup etc.

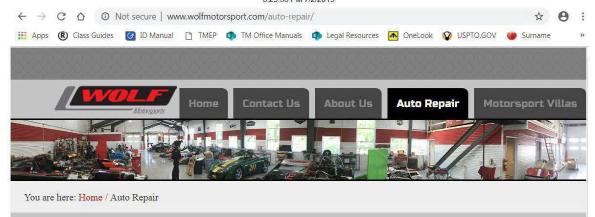
Fabrication - We have several fabrication experts with years of experience and hundreds of projects under their belts. Let us complete whatever you can dream up. Our new facilities also allow us to fabricate custom A arms, Suspension, Uprights and more.

Race Car Rentals (SCCA and Historic) – We have several SCCA and Historic rental race cars available for your pleasure.



Contact Us Site Menu Wolf Motorsport 790 South Lincoln St Elkhart Lake WI, 53020 Phone: (920) 287-2511 Email: Bar Mathbetorsport/Plas.com Recent Facebook Posts No recent Facebook posts to show Find Usign Facebook

3:29:56 PM 7/2/2019



Auto Repair

Wolf Motorsports now serving the Elkhart Lake Community



With years of experience servicing and prepping racecars Wolf Motorsports is now offering their services to the community at large. Whether it is your daily driver, a high end performance car or your beloved classic. Wolf Motorsports team of trusted and dependable certified auto mechanics are, here to get your vehicle in tip-top shape.

We Can Fix That...

- Oil Changes
- Brake Repairs
- Engine Rebuilds
- Transmission Rebuilds
- Tire Replacements
- Computer diagnostics
- exhaust systems.
- and more...

With **competitive pricing** Wolf Motorsports offers a unique experience in the Elkhart Lake community. While you wait for your oil change, brake repair or tune-up you will enter Car Nirvana. Catch a glimpse of one of our technicians working on some of the rarest and expensive cars in existence. Or sit back and relax in our upscale second story customer lounge, featuring everything a car lover could want complete with couches workstations and WiFi.

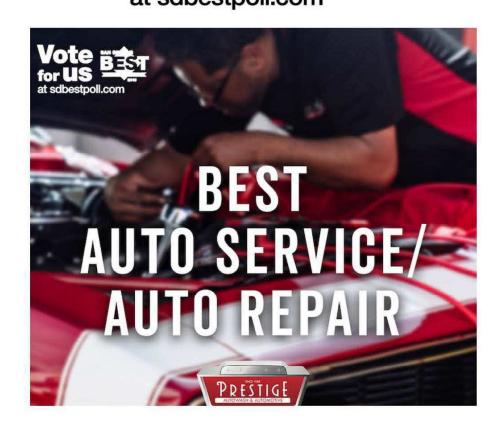
Wolf Motorsports seeks to connect with local auto culture as well as the Elkhart Lake community at large. Hours of business are 9am to 5pm Monday-Friday or by appointment. Wolf Motorsports can also accommodate early morning and evening drop-offs or pick-ups.



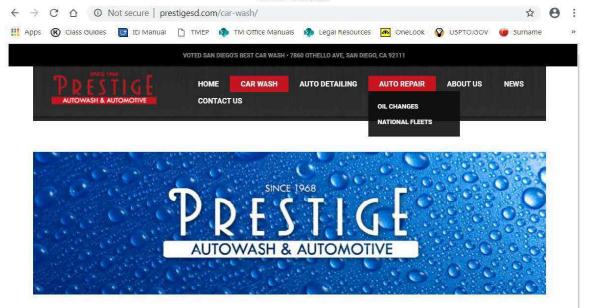
To schedule an appointment for your vehicle you can call or text at (920) 207-2511 or fill out our form below.







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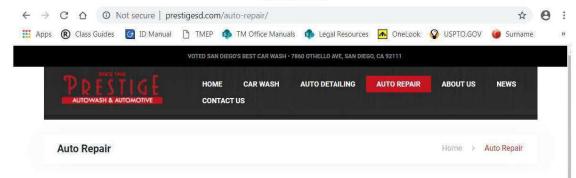


CAR WASH PACKAGES



We are San Diego's best Car Wash and Auto Detailing Center. If you're looking for a spot free finish with attention to detail, you've come to the right place. Stop by soon and see why we're constantly recommended by our customers. We look forward to seeing you soon!

4:42:02 PM 7/2/2019



We are more than just an Automotive Repair Center, we offer Complimentary Car Wash with Every Service.

Prestige has full and modern Automotive Repair center with Advanced State-of-the-Art Equipment. It's no wonder we were voted Best Auto Ropair in San Diego, CA. From routine auto service, maintenance to complex auto repairs on all domestic and foreign vehicles Gas & Diesel. ASE Certified Technicians courteous and competent with years of experience in the Automotive Repair field.

Prestige is one of kind full service auto repair shop, for fast computer diagnostics, exceptional service and high quality parts. We will take care of your vehicle and make your visit as convenient as possible. Our goal is to keep your vehicle in great shape, safe and dependable, clean and shinny, an exceptional service combined with unmatched quality and results, all in one location.

Our 24 month, 24 thousand-mile nationwide peace of mind warranty covers parts and labor on qualifying repairs and services for 24 months/24 miles.



Some of our Featured Services offered are:

- · 30K, 60K, 90K, 120K mile Maintenance / Factory Recommended Services.
- · Air-Conditioning
- · Brake Inspection and Repair
- Computer Diagnostics & Check Engine Light Repair
- Driveability Problems
- · Engine Service, repair and replacement
- · Electrical Problems
- Exhaust Problems
- · Suspension Repair/Maintenance
- · Fuel Injection Service
- · Pre-Sale or Pre-Purchase Inspection
- Shocks & Struts Replacement
- · Smog Inspection Station & Repair
- Transmission and Differential Service and Repair

We also offer Free Local Pick up & Shuttle service! Towing can be arranged for your convenience.

When you bring your car to Prestige for Auto Repair, we do recognize the trust you are placing in our team of technicians. Our technicians are ASE certified with many years of experience. Our reputation has been achieved by daily commitment to excellent quality, truth, integrity and honesty. Unlike the competition our automotive repair center is unique and true one-stop-shop for all your automotive needs. At Prestige you really experience the power of <u>Satisfaction Guaranteed</u>, as we go the extra mile to satisfy every customer. Since 1968, everything has changed except our service.















4:43:33 PM 7/2/2019



One Call Meets All Your Car Wash Needs

With Ryko, you don't have to juggle several local service vendors to provide car wash service and repair. We do it all, so you can focus on running your business—not on worrying about keeping your equipment running. We offer the only national direct support network. It's staffed by 250 specially factory-trained, locally based service technicians—so you get a faster response time when you need it most. Trust your maintenance and repair service with Ryko and find out why we serve more than 4,750 car wash locations across the nation.

We Service All Leading Wash Systems

Our technicians not only know the ins and outs of all Ryko wash systems, but they are experts in all car wash equipment, including our competitors' systems. So, no matter what type of wash equipment you own, Ryko is here to keep your car wash up and running—and earning profits. We can supply maintenance contracts, service and parts for most leading brands.



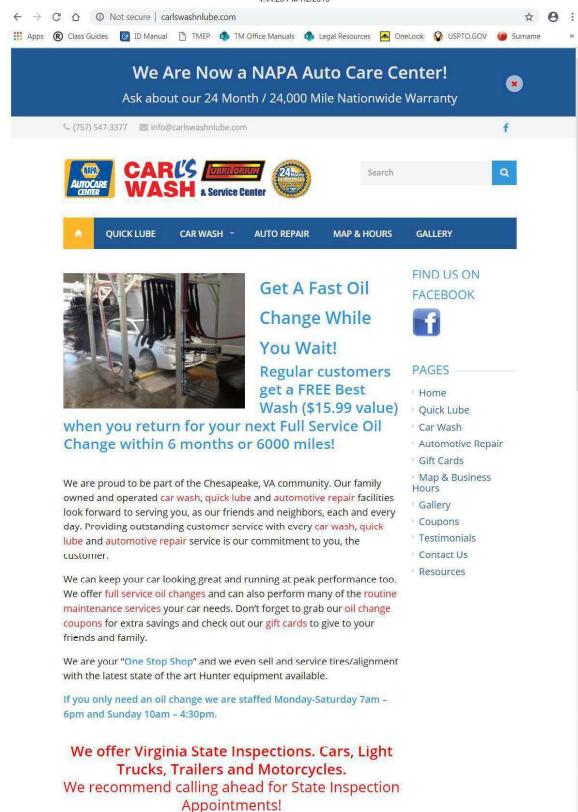
Mark VII is the trademark of WashTec AG. PDQ Car Wash is the trademark of Dover Corporation. Belanger is the trademark of Belanger Inc. N/S Corporation is the trademark of NS Wash Systems. SONNY'S is the trademark of SONNY'S Enterprises Inc.

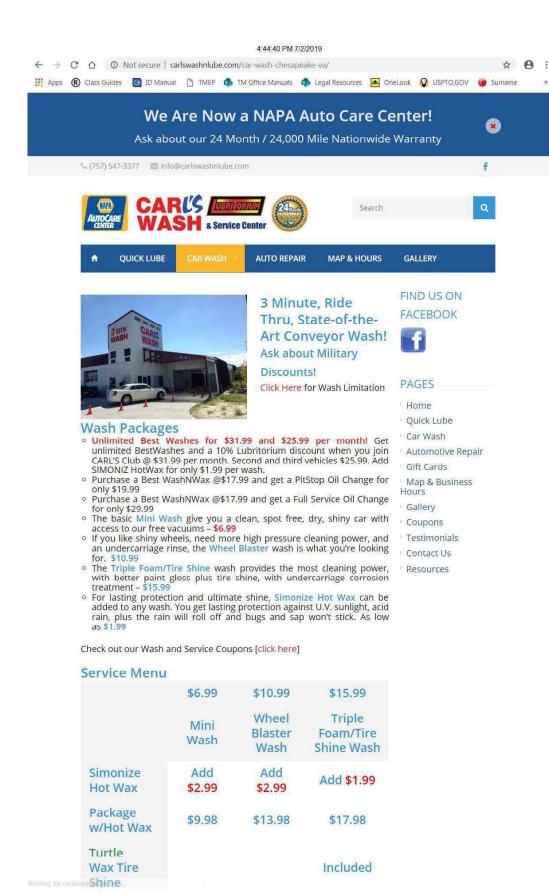


We Pride Ourselves on Fixing Things the First Time

Ryko can meet all your car wash service needs. Our preventive maintenance plans keep your machines running smoothly and save you money by preventing larger problems and breakdowns. When you need a car wash repair, you can feel confident that we'll get your machine back on track as fast as possible—our more than 90 percent first-time fix rate is one of the best in the industry.

Maintenance Offering	Coverage Summary	aylo Trax
Premium Maintenance	Comprehensive preventive maintenance All service calls, parts and labor associated with covered equipment included Priority response time	The Ryko Technology Advantage Ryko's advanced diagnostic tools keep you up and running. • RykoTrax is our proprietary cloud-based web portal. It can show remote diagnostics, data reporting, machine status and real-time revenue and wash counts. • Our exclusive Ryko Service Solutions (RSS) tablet based field tools offer real-time electronic diagnostics, work orders and parts and invoice processing. RykoTrax and RSS identify and solve issues quicker, saving you time and money
Managed Maintenance	Comprehensive preventive maintenance All labor associated with preventive maintenance on covered equipment All material 10% off preferred Ryko customer parts pricing	
Preventive Inspections	Comprehensive Preventive Inspection on all equipment Recommendations for preventive maintenance and repair Ryko preferred customer pricing on all labor and material	





4:44:54 PM 7/2/2019







We Install
3 Years / 100,000 Miles
Parts & Labor
Nationwide Warranty!

To: Bulletproof Automotive, LLC (<u>ipdocket@rhemalaw.com</u>)

Subject: U.S. Trademark Application Serial No. 88406429 - BULLETPROOF - N/A

Sent: July 02, 2019 06:52:36 PM

Sent As: ecom126@uspto.gov

Attachments:

United States Patent and Trademark Office (USPTO)

USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued on July 02, 2019 for

U.S. Trademark Application Serial No. 88406429

Your trademark application has been reviewed by a trademark examining attorney. As part of that review, the assigned attorney has issued an official letter that you must respond to by the specified deadline or your application will be <u>abandoned</u>. Please follow the steps below.

- (1) Read the official letter.
- (2) Direct questions about the contents of the Office action to the assigned attorney below.

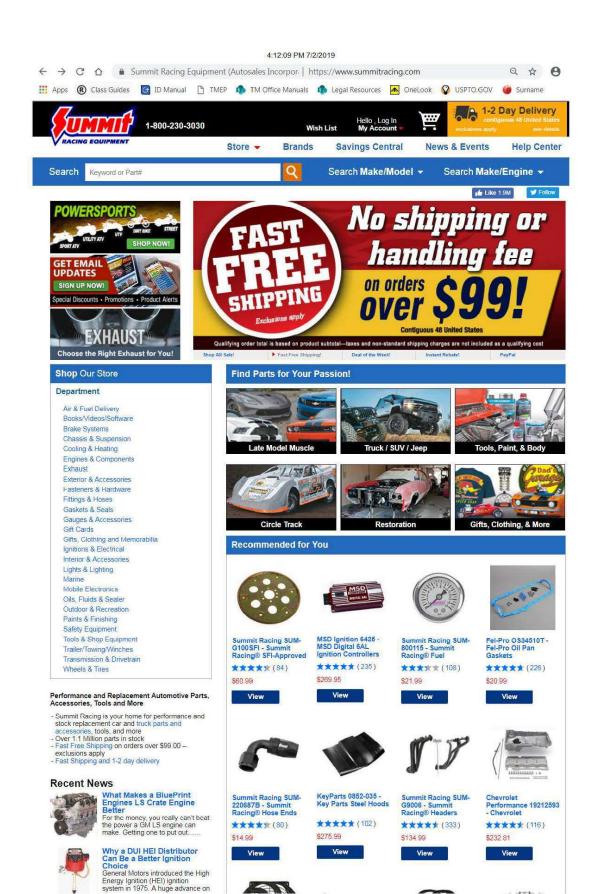
/Julie H. Choe/ Trademark Examining Attorney United States Patent and Trademark Office Law Office 126 (571) 270-3368 Julie.Choe@uspto.gov

Direct questions about navigating USPTO electronic forms, the USPTO website, the application process, the status of your application, and/or whether there are outstanding deadlines or documents related to your file to the <u>Trademark Assistance Center (TAC)</u>.

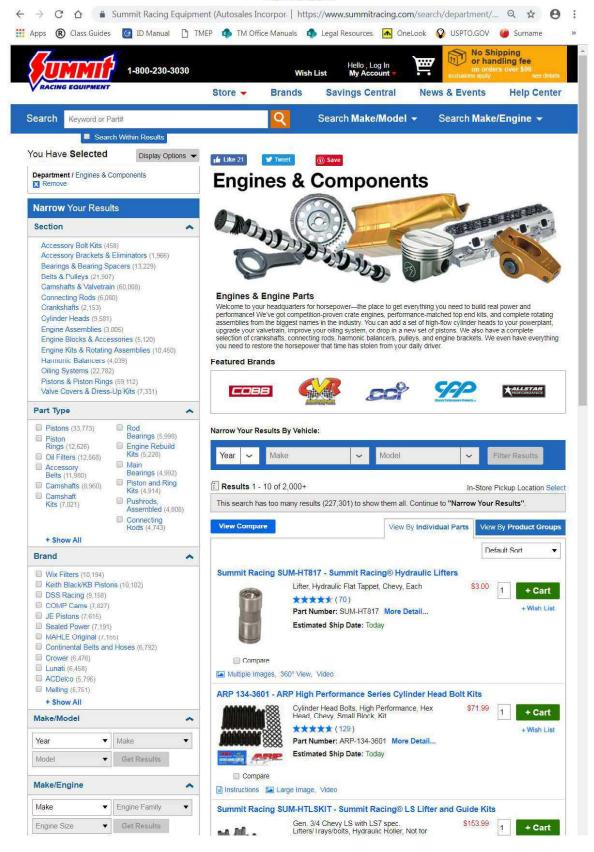
(3) Respond within 6 months (or earlier, if required in the Office action) from July 02, 2019, using the Trademark Electronic Application System (TEAS). The response must be received by the USPTO before midnight Eastern Time of the last day of the response period. See the Office action for more information about how to respond.

GENERAL GUIDANCE

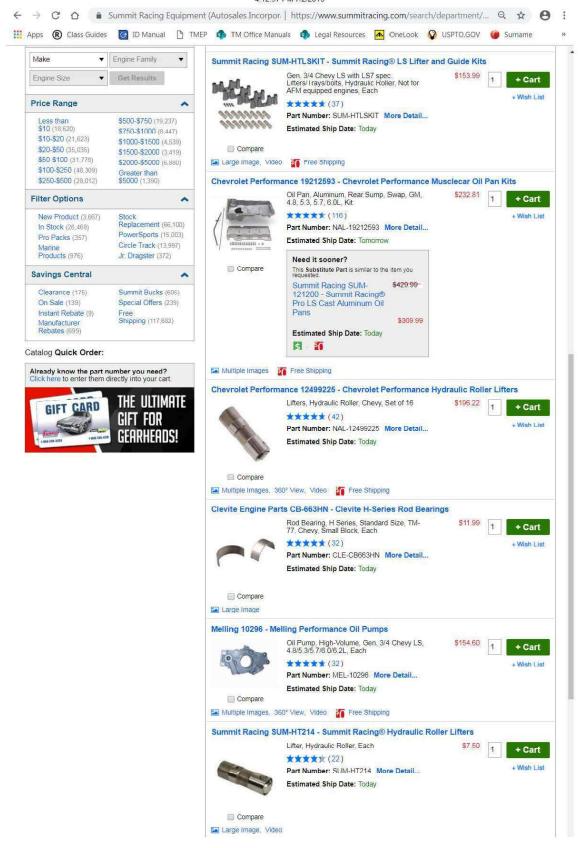
- <u>Check the status</u> of your application periodically in the <u>Trademark Status & Document Retrieval (TSDR)</u> database to avoid missing critical deadlines.
- Update your correspondence email address, if needed, to ensure you receive important USPTO notices about your application.
- Beware of misleading notices sent by private companies about your application. Private companies not associated with the USPTO use public information available in trademark registrations to mail and email trademark-related offers and notices most of which require fees. All official USPTO correspondence will only be emailed from the domain "@uspto.gov."

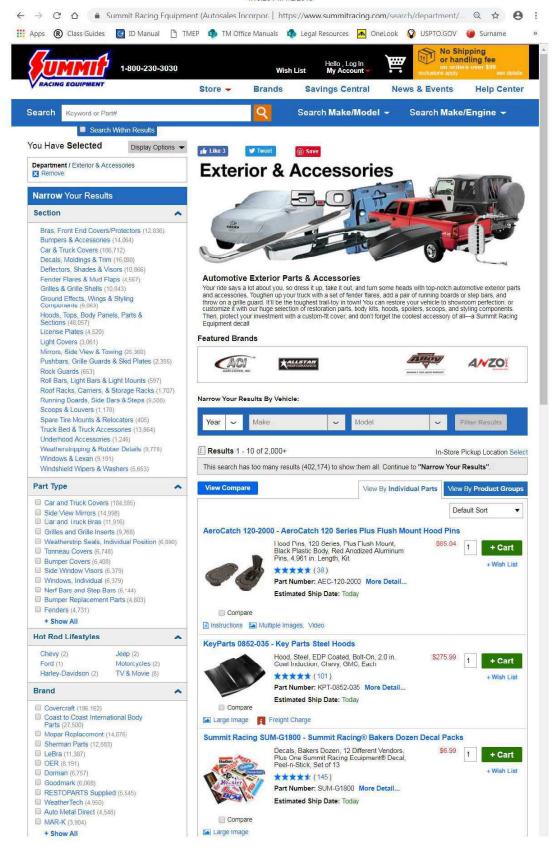


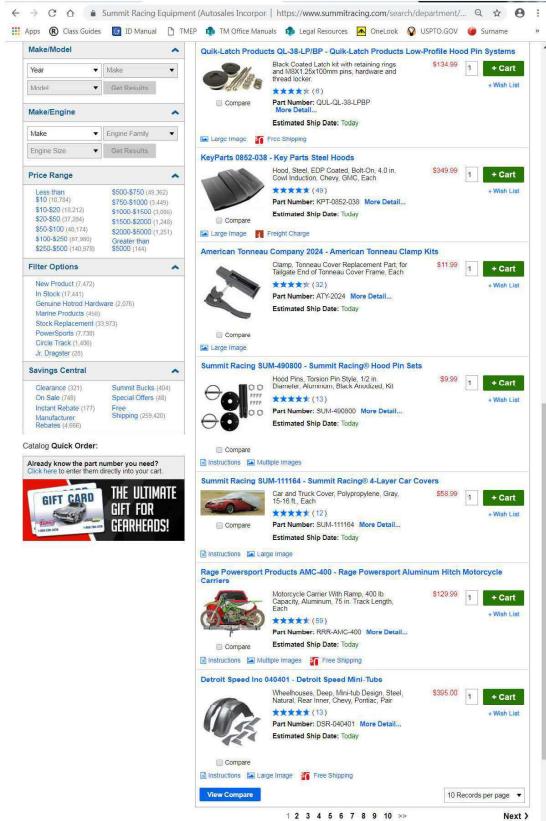
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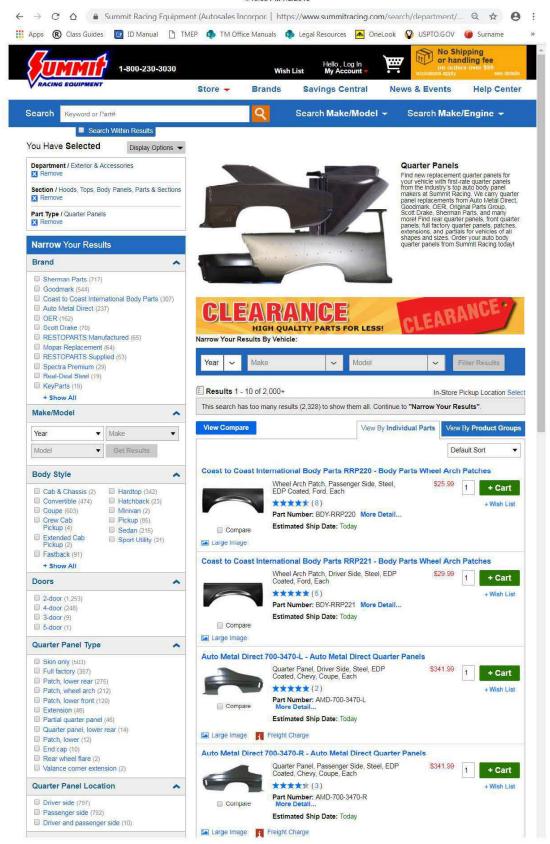


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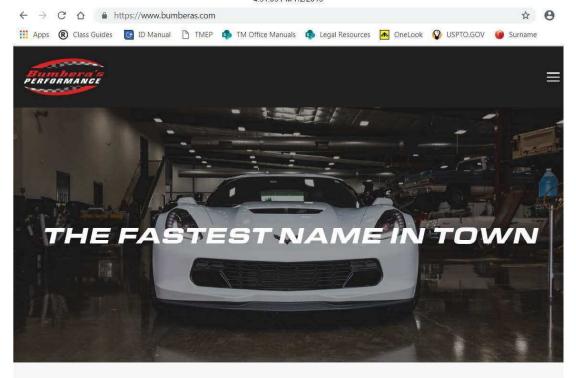








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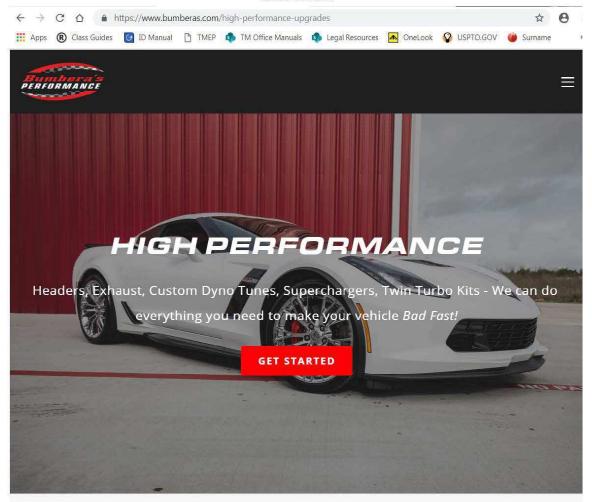








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BAD FAST PACKAGES

STAGE 1	STAGE 2	STAGE 3	STAGE 4
CUSTOM TUNE	CUSTOM TUNE	SUPERCHARGER	SUPERCHARGER
3" CAT BACK EXHAUST	3" CAT BACK EXHAUST	CUSTOM DYNO TUNE	CUSTOM DYNO TUNE
COLD AIR INTAKE	HEADERS	3" CAT BACK EXHAUST	3" CAT BACK EXHAUST
	HIGH FLOW CATS	HEADERS	HEADERS
	COLD AIR INTAKE	HIGH FLOW CATS	HIGH FLOW CATS
		LOWERING KIT	LOWERING KIT
			ROLL CAGE



FIND OUT MORE

GAIN 100+ HORSEPOWER BY ADDING A SUPERCHARGER

HOW IT WORKS



We will discuss what you already like about your vehicle and what upgrades you would love to have on it. This could include performance upgrades, body kits, graphics, restoration, lowering, wheels, badging, and much more. Your only limit is your imagination and your budget. You will even be able to see and hear what actual exhaust systems sound like with an engine like yours. All of your performance questions will be answered. We take the guess work out of your decisions.



When the job is completed we go over the work performed making sure that you are satisfied with your new "BAD FAST" creation. At this time we will perform your final dyno test if necessary which you will receive copies of. You will receive your complete invoice, warranty information, and maintenance tips.



It's that easy!

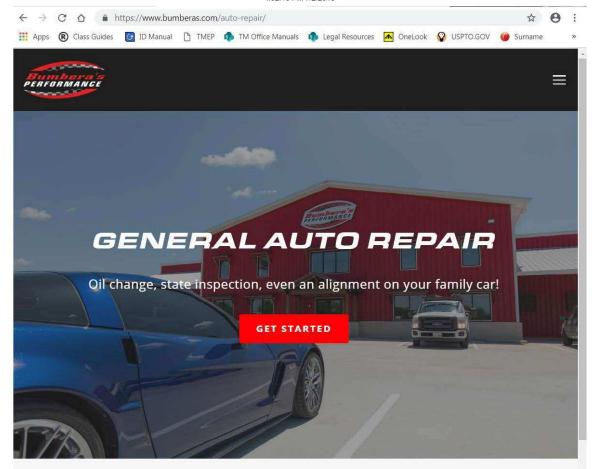
Call us to schedule today

281-493-9300

Or send us an email below:

CONTACT US





ANY MAKE OR MODEL – FOREIGN OR DOMESTIC

Company fleet accounts welcome

Corporate references available

Certified Texas State Emissions

Inspection Station

Belts

Custom made lines & hoses

Batteries

Air-conditioning and heating

Engines and transmissions

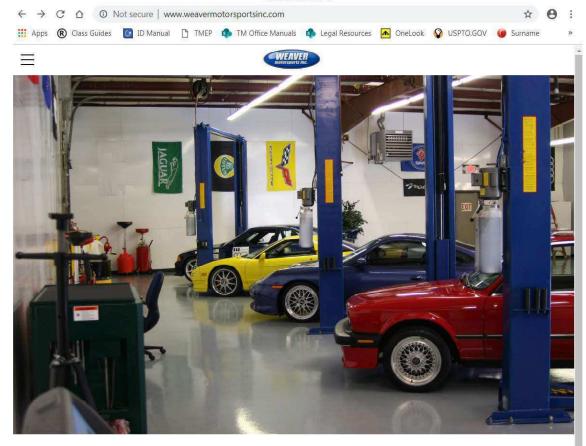
Brakes

Shocks and alignments

Alternators and starters

Air bags, etc...We Do Everything!

We guarantee your satisfaction. We are family-owned and have been proudly serving our customers since 1992. We invite you to stop in for the "Bumbera Experience", the kind of service you should expect and the personal attention you deserve.



Quality European Auto Service and Repair

Over the last few years we have developed an excellent reputation for affordable quality repairs and outstanding customer service. We stand by our repairs and only use the best quality OEM parts available in the market. We have expert level experienced technicians performing all service and maintenance repairs. We offer 2 year/24000 mile warranty on all the work we do - so you can have peace of mind while having your vehicle repaired with us. See what our customers are saying about us on the testimonials page. Thank you for visiting us on the web!



Like us on Faceboo

receive 10% off labor of your next repair!!!

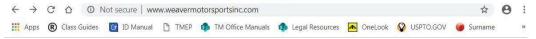
Cars For Sale

Our entire inventory is hand selected and checked over in hopes of bringing the best blend of quality and value you could find as a used car buyer. In turn, we feel we can gain a service customer for life through the sale of quality vehicles.



SCHEDULE AN APPOINTMENT

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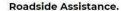
Welcome to Weaver Motorsports Inc. - Raleigh's European Import Repair Specialists!

Weaver Motorsports are independent European Repair Specialists for <u>Porsche, BMW, MINI, Mercedes-Benz, Volvo, Saab, Audi & VW.</u>

We offer trustworthy, friendly and knowledgeable service at highly competitive prices - most times up to 50% less than the dealerships. Conveniently located in beautiful north Raleigh NC; our state-of-the-art 6700 sq foot facility includes our new service facility with dealer level equipment and factory trained technicians.

We are a family owned business that has three generations of experience in this industry. We also have a motorcycle and sports-car racing background so we are familiar with your passion for "fun" cars as well as your daily driver. We aim to provide the complete solution for your automotive needs, from service & maintenance, used vehicles and even your performance upgrades.

Visit us and find out why we are Raleigh's fastest growing automotive center! Thanks for looking!



RESCUE

Never, ever be stranded again!

Discounted vehicle



24/24 Nationwide Warranty.



Turning customers into fans.





Free Gourmet Coffee.











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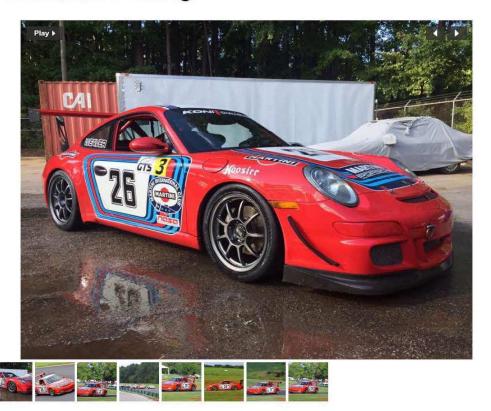
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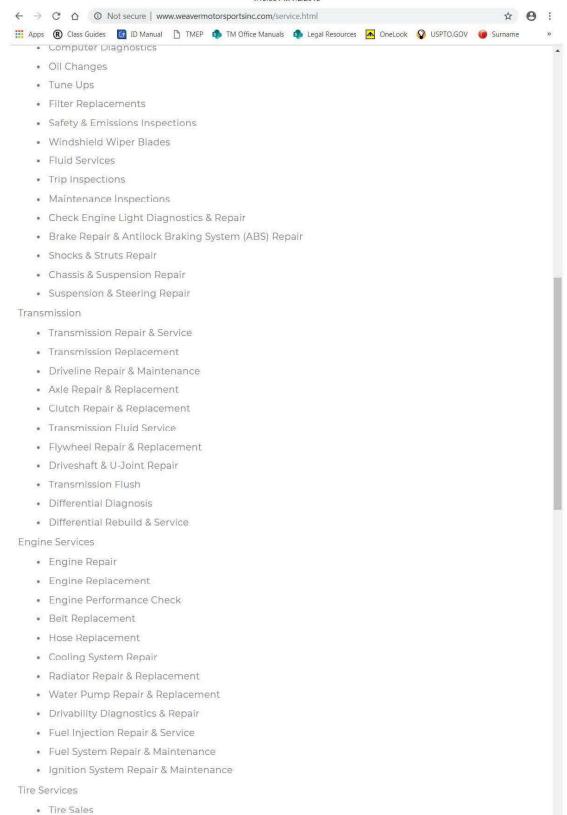
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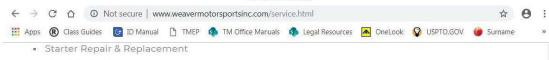
· Tire Installations



Exhaust Manifold RepairCustom Exhaust Fabrication

Exhaust Upgrades

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- · Windshield Wiper Repair
- · Power Lock Repair
- · Power Antenna Repair
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- High Voltage Cable Inspection & Repair
- Brake System Repair & Maintenance
- · Transmission Fluid Flush
- · Heating & Cooling System

Please note that we are an independent company. We are not affiliated with Lamborghini, Ferrari, Porsche, BMW, Corvette, Volvo, Mercedes, Ford, Mitsubishi, Nissan, Audi, MINI, VW, Saab and Land Rover or any other subsidiary or other vehicle manufacturers referred to on this site. The use of company corporate identities is used solely for clarification purposes.

Location



What Our Clients Are Saying

"Weaver Motorsports did an excellent job working on my Porsche. Nick was very friendly and knowledgeable. I have already recommended Weaver Motorsports to my fellow drivers as an alternative solution to the dealership."

Repair / Sales BMW Audi Mercedes Porsche Volkswagen Volvo

> Weaver Motorsports, Inc. 3101 Spring Forest Rd. Raleigh, NC 27616

919 790-8811 Service

919 790-2235 Sales

Contact Us

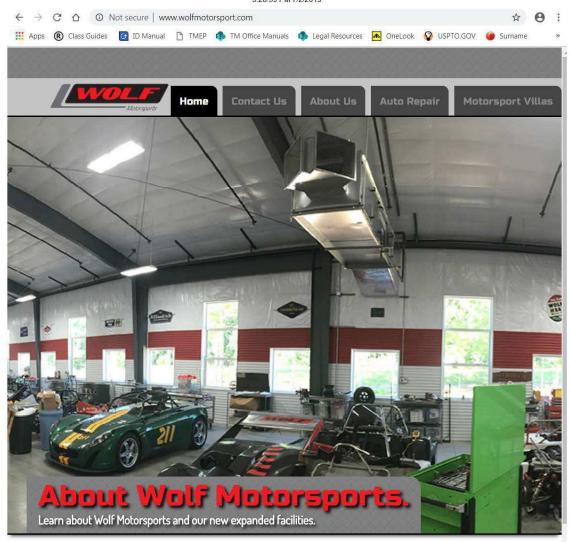


Subscribe

Join our mailing list today!

JOIN NOW

3:28:59 PM 7/2/2019



"WE CAN FIX THAT!"

Now specializing in automotive service and repair. Click here to find out more!



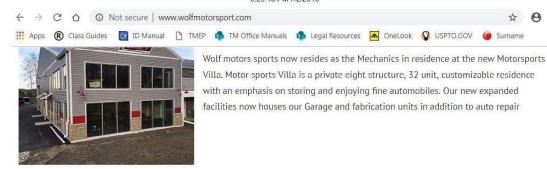
What's happening with Wolf Motorsports



Wolf Motorsports has moved!

Wolf motors sports now resides as the Mechanics in residence at the new Motorsports Villa. Motor sports Villa is a private eight structure, 32 unit, customizable residence with an emphasis on storing and enjoying fine automobiles. Our new expanded facilities now houses our Garage and fabrication units in addition to auto repair

3:29:18 PM 7/2/2019



Services

Wolf Motorsports now plays host to a state of the art racing facilities in Elkhart Lake, WI. Located only 1.5 miles from Road America we provide a secure space to prepare Race cars and vintage street cars. In addition we also provide a number of services including:



Track Side Services – Full race car preparation. We have the staff and spare parts to keep your vehicle running though the weekend. Covered support under our canopy for your vehicle and guests.

Automotive Restoration – Race cars or Street cars. Our experienced staff has the knowledge and ability to perform award winning restorations.

Hospitality Services - Our friendly staff will work with you to plan an at track experience that will be second to none. If you have a corporate outing, staff, friends or family we can organize an unique day of activities that they will remember for years to come.

Driver Coaching - We have professional race car drivers with years of experience who are ready to take you to the height of your ability.

Suspension Analysis - We have all of the equipment and expertise to full analyze and adjust your race car suspension to optimize performance. Our years of experience in damper tuning will enable us to adjust you car to any conditions or driving style.

Race Car Preparation - Final car tuning, setup etc.

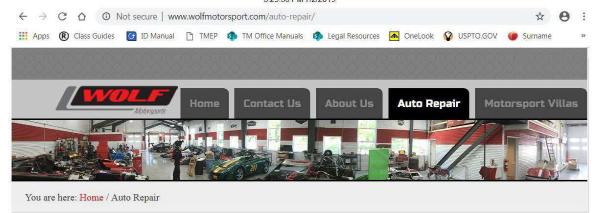
Fabrication - We have several fabrication experts with years of experience and hundreds of projects under their belts. Let us complete whatever you can dream up. Our new facilities also allow us to fabricate custom A arms, Suspension, Uprights and more.

Race Car Rentals (SCCA and Historic) - We have several SCCA and Historic rental race cars available for your pleasure.



Contact Us Site Menu Recent Facebook Posts 790 South Lincoln St Elkhart Lake WI, 53020 Phone: (920) 207-2511 Email: Bail ta Motorsport/lias.com Recent Facebook Posts No recent Facebook posts to show Find us on facebook

3:29:56 PM 7/2/2019



Auto Repair

Wolf Motorsports now serving the Elkhart Lake Community



With years of experience servicing and prepping racecars Wolf Motorsports is now offering their services to the community at large. Whether it is your daily driver, a high end performance car or your beloved classic. Wolf Motorsports team of trusted and dependable certified auto mechanics are here to get your vehicle in tip-top shape.

We Can Fix That...

- Oil Changes
- Brake Repairs
- Engine Rebuilds
- Transmission Rebuilds
- Tire Replacements
- Computer diagnostics
- exhaust systems.
- and more...

With competitive pricing Wolf Motorsports offers a unique experience in the Elkhart Lake community. While you wait for your oil change, brake repair or tune-up you will enter Car Nirvana. Catch a glimpse of one of our technicians working on some of the rarest and expensive cars in existence. Or sit back and relax in our upscale second story customer lounge, featuring everything a car lover could want complete with couches workstations and WiFi.

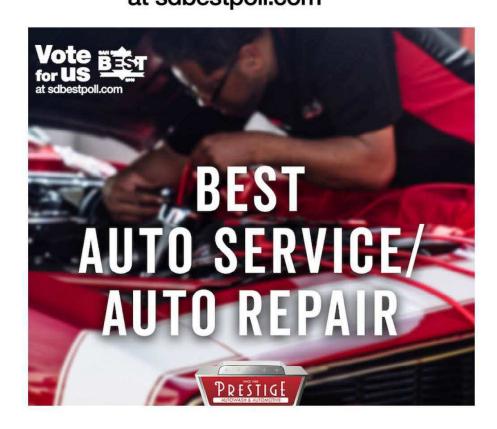
Wolf Motorsports seeks to connect with local auto culture as well as the Elkhart Lake community at large. Hours of business are 9am to 5pm Monday-Friday or by appointment. Wolf Motorsports can also accommodate early morning and evening drop-offs or pick-ups.



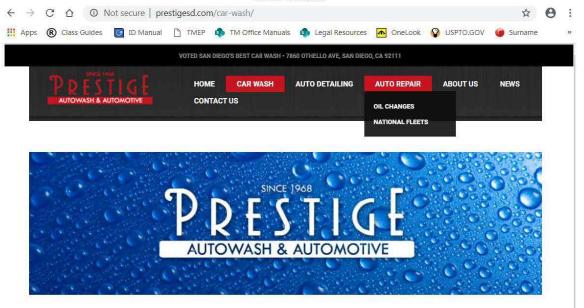
To schedule an appointment for your vehicle you can call or text at (920) 207-2511 or fill out our form below.



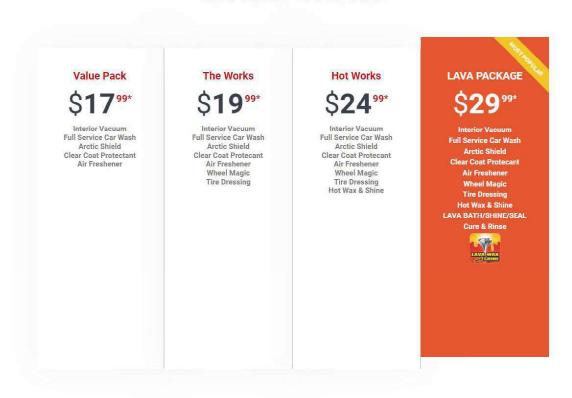




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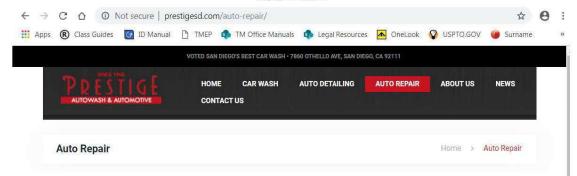


CAR WASH PACKAGES



We are San Diego's best Car Wash and Auto Detailing Center. If you're looking for a spot free finish with attention to detail, you've come to the right place. Stop by soon and see why we're constantly recommended by our customers. We look forward to seeing you soon!

4:42:02 PM 7/2/2019



We are more than just an Automotive Repair Center, we offer Complimentary Car Wash with Every Service.

Prestige has full and modern Automotive Repair center with Advanced State-of-the-Art Equipment. It's no wonder we were voted Best Auto Repair in San Diego, CA. From routine auto service, maintenance to complex auto repairs on all domestic and foreign vehicles Gas & Diesel. ASE Certified Techniclans courteous and competent with years of experience in the Automotive Repair field.

Prestige is one of kind full service auto repair shop, for fast computer diagnostics, exceptional service and high quality parts. We will take care of your vehicle and make your visit as convenient as possible. Our goal is to keep your vehicle in great shape, safe and dependable, clean and shinny, an exceptional service combined with unmatched quality and results, all in one location.

Our 24 month, 24 thousand-mile nationwide peace of mind warranty covers parts and labor on qualifying repairs and services for 24 months/24 miles.



Some of our Featured Services offered are:

- 30K, 60K, 90K, 120K mile Maintenance / Factory Recommended Services.
- Air-Conditioning
- · Brake Inspection and Repair
- Computer Diagnostics & Check Engine Light Repair
- Driveability Problems
- · Engine Service, repair and replacement
- · Electrical Problems
- Exhaust Problems
- · Suspension Repair/Maintenance
- · Fuel Injection Service
- Pre-Sale or Pre-Purchase Inspection
- · Shocks & Struts Replacement
- · Smog Inspection Station & Repair
- Transmission and Differential Service and Repair

We also offer Free Local Pick up & Shuttle service! Towing can be arranged for your convenience.

When you bring your car to Prestige for Auto Repair, we do recognize the trust you are placing in our team of technicians. Our technicians are ASE certified with many years of experience. Our reputation has been achieved by daily commitment to excellent quality, truth, integrity and honesty. Unlike the competition our automotive repair center is unique and true one-stop-shop for all your automotive needs. At Prestige you really experience the power of <u>Satisfaction Guaranteed</u>, as we go the extra mile to satisfy every customer. Since 1968, everything has changed except our service.















4:43:33 PM 7/2/2019



One Call Meets All Your Car Wash Needs

With Ryko, you don't have to juggle several local service vendors to provide car wash service and repair. We do it all, so you can focus on running your business—not on worrying about keeping your equipment running. We offer the only national direct support network. It's staffed by 250 specially factory-trained, locally based service technicians—so you get a faster response time when you need it most. Trust your maintenance and repair service with Ryko and find out why we serve more than 4.750 car wash locations across the nation.

We Service All Leading Wash Systems

Our technicians not only know the ins and outs of all Ryko wash systems, but they are experts in all car wash equipment, including our competitors' systems. So, no matter what type of wash equipment you own, Ryko is here to keep your car wash up and running—and earning profits. We can supply maintenance contracts, service and parts for most leading brands.



Mark VII is the trademark of WashTec AG. PDQ Car Wash is the trademark of Dover Corporation. Belanger is the trademark of Belanger Inc. N/S Corporation is the trademark of NS Wash Systems. SONNY'S is the trademark of SONNY'S Enterprises Inc.

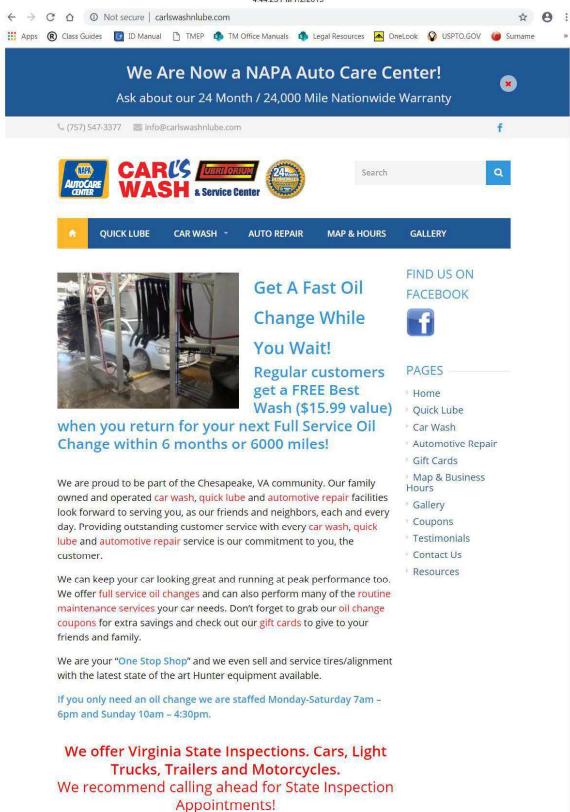


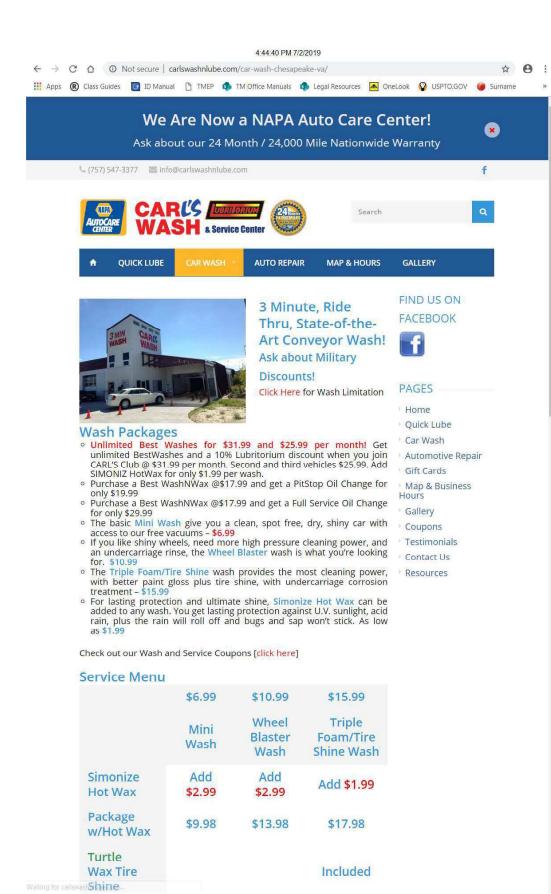
We Pride Ourselves on Fixing Things the First Time

Ryko can meet all your car wash service needs. Our preventive maintenance plans keep your machines running smoothly and save you money by preventing larger problems and breakdowns. When you need a car wash repair, you can feel confident that we'll get your machine back on track as fast as possible—our more than 90 percent first-time fix rate is one of the best in the industry.

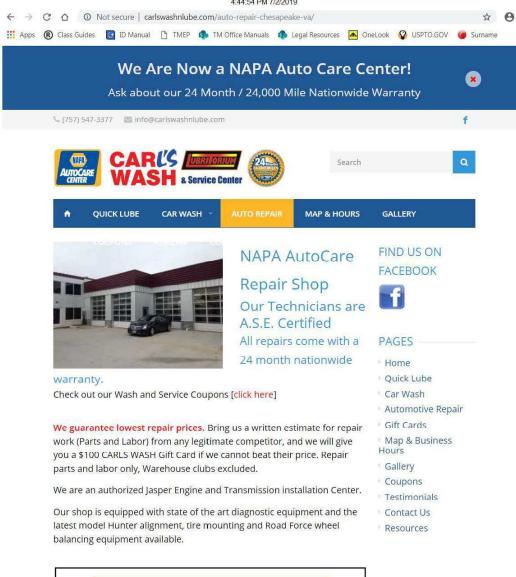
Maintenance Offering	Coverage Summary	TRAX	
Premium Maintenance	Comprehensive preventive maintenance All service calls, parts and labor associated with covered equipment included Priority response time	The Ryko Technology Advantage	
Managed Maintenance	Comprehensive preventive maintenance All labor associated with preventive maintenance on covered equipment All material 10% off preferred Ryko customer parts pricing	Ryko's advanced diagnostic tools keep you up and running. RykoTrax is our proprietary cloud-based web portal. It can show remote diagnostics, data reporting machine status and real-time revenue and wash counts. Our exclusive Ryko Service Solutions (RSS) tablet-based field tools offer real-time electronic diagnostics, work orders and parts and invoice processing. RykoTrax and RSS identify and solve issues quicker, saving you time and money	
Preventive Inspections	Comprehensive Preventive Inspection on all equipment Recommendations for preventive maintenance and repair Ryko preferred customer pricing on all labor and material		

4:44:23 PM 7/2/2019





4:44:54 PM 7/2/2019







We Install 3 Years / 100,000 Miles Parts & Labor Nationwide Warranty!

To: Bulletproof Automotive, LLC (<u>ipdocket@rhemalaw.com</u>)

Subject: U.S. Trademark Application Serial No. 88406429 - BULLETPROOF - N/A

Sent: July 02, 2019 06:52:36 PM

Sent As: ecom126@uspto.gov

Attachments:

United States Patent and Trademark Office (USPTO)

USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued on July 02, 2019 for

U.S. Trademark Application Serial No. 88406429

Your trademark application has been reviewed by a trademark examining attorney. As part of that review, the assigned attorney has issued an official letter that you must respond to by the specified deadline or your application will be <u>abandoned</u>. Please follow the steps below.

- (1) Read the official letter.
- (2) Direct questions about the contents of the Office action to the assigned attorney below.

/Julie H. Choe/ Trademark Examining Attorney United States Patent and Trademark Office Law Office 126 (571) 270-3368 Julie.Choe@uspto.gov

Direct questions about navigating USPTO electronic forms, the USPTO website, the application process, the status of your application, and/or whether there are outstanding deadlines or documents related to your file to the <u>Trademark Assistance Center (TAC)</u>.

(3) Respond within 6 months (or earlier, if required in the Office action) from July 02, 2019, using the Trademark Electronic Application System (TEAS). The response must be received by the USPTO before midnight Eastern Time of the last day of the response period. See the Office action for more information about how to respond.

GENERAL GUIDANCE

- · <u>Check the status</u> of your application periodically in the <u>Trademark Status & Document Retrieval (TSDR)</u> database to avoid missing critical deadlines.
- Update your correspondence email address, if needed, to ensure you receive important USPTO notices about your application.
- Beware of misleading notices sent by private companies about your application. Private companies not associated with the USPTO use public information available in trademark registrations to mail and email trademark-related offers and notices most of which require fees. All official USPTO correspondence will only be emailed from the domain "@uspto.gov."

Exhibit F

To: Bulletproof Automotive, LLC (<u>ipdocket@rhemalaw.com</u>)

Subject: U.S. Trademark Application Serial No. 88406429 - BULLETPROOF - N/A

Sent: January 22, 2020 05:56:13 PM

Sent As: ecom126@uspto.gov

Attachments:

United States Patent and Trademark Office (USPTO) Office Action (Official Letter) About Applicant's Trademark Application

U.S. Application Serial No. 88406429

Mark:

BULLETPROOF

Correspondence

Address:

John D. Tran RHEMA LAW

GROUP

6TH FLOOR 1 PARK PLAZA IRVINE CA 92614 **Applicant:** Bulletproof

Automotive, LLC

Reference/Docket No.

N/A

Correspondence Email

Address:

ipdocket@rhemalaw.com

EXAMINER'S AMENDMENT

Issue date: January 22, 2020

Application has been amended as shown below. As agreed to by John D. Tran on January 22, 2020 by telephone call, the examining attorney has amended the application as shown below. Please notify the examining attorney immediately of any objections. TMEP §707. Otherwise, no response is required. *Id*.

In addition, applicant is advised that amendments to the goods and/or services are permitted only if they clarify or limit them; amendments that add to or broaden the scope of the goods and/or services are not permitted. 37 C.F.R. §2.71(a).

IDENTIFICATION OF GOODS AND SERVICES

The identification of goods and services is amended to read as follows, with edits in **bold**:

- · Class 012: Automotive body kits comprising external structural parts of automobiles; Pre-designed vinyl vehicle wraps specially adapted for vehicles; all of the foregoing goods excluding vehicle diesel engines and their component parts, vehicle engine mounts and their component parts, and vehicle steering and suspension systems and their component parts.
- Class 037: Automotive upgrade services, namely, supercharging, turbocharging and performance upgrades of automobiles; Car washing; Automobile cleaning and car washing; all of the foregoing services excluding repair, maintenance, and installation

of diesel engines and their component parts.

See TMEP §§1402.01, 1402.01(e).

Note, immediately following this examiner's amendment an Office action will issue for the following reason: Refusal under Trademark Act Section 2(d) - Likelihood of Confusion

/Julie H. Choe/ Trademark Examining Attorney United States Patent and Trademark Office Law Office 126 (571) 270-3368 julie.choe@uspto.gov To: Bulletproof Automotive, LLC (<u>ipdocket@rhemalaw.com</u>)

Subject: U.S. Trademark Application Serial No. 88406429 - BULLETPROOF - N/A

Sent: January 22, 2020 05:56:14 PM

Sent As: ecom126@uspto.gov

Attachments:

United States Patent and Trademark Office (USPTO)

USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued on **January 22**, **2020** for

U.S. Trademark Application Serial No. 88406429

Your trademark application has been reviewed by a trademark examining attorney. As part of that review, the assigned attorney has issued an official letter. Please follow the steps below.

- (1) Read the official letter. No response is necessary.
- (2) Direct questions about the contents of the Office action to the assigned attorney below.

/Julie H. Choe/ Trademark Examining Attorney United States Patent and Trademark Office Law Office 126 (571) 270-3368 julie.choe@uspto.gov

Direct questions about navigating USPTO electronic forms, the USPTO website, the application process, the status of your application, and/or whether there are outstanding deadlines or documents related to your file to the Trademark Assistance Center (TAC).

GENERAL GUIDANCE

- · <u>Check the status</u> of your application periodically in the <u>Trademark Status & Document Retrieval (TSDR)</u> database to avoid missing critical deadlines.
- · <u>Update your correspondence email address</u>, if needed, to ensure you receive important USPTO notices about your application.
- Beware of misleading notices sent by private companies about your application. Private companies not associated with the USPTO use public information available in trademark registrations to mail and email trademark-related offers and notices most of which require fees. All official USPTO correspondence will only be emailed from the domain "@uspto.gov."

Exhibit G

To: Bulletproof Automotive, LLC (<u>ipdocket@rhemalaw.com</u>)

Subject: U.S. Trademark Application Serial No. 88406429 - BULLETPROOF - N/A

Sent: January 29, 2020 01:34:54 PM

Sent As: ecom126@uspto.gov

Attachments:

United States Patent and Trademark Office (USPTO) Office Action (Official Letter) About Applicant's Trademark Application

U.S. Application Serial

No. 88406429

Mark:

BULLETPROOF

Correspondence

Address:

John D. Tran RHEMA LAW

GROUP

1 PARK PLAZA 6TH FLOOR IRVINE, CA 92614

Applicant: Bulletproof Automotive, LLC

Reference/Docket No.

N/A

Correspondence Email

Address:

ipdocket@rhemalaw.com

EXAMINER'S AMENDMENT

Issue date: January 29, 2020

Application has been amended as shown below. As agreed to by applicant's attorney John D. Tran on January 29, 2020 by telephone call, the examining attorney has amended the application as shown below. Please notify the examining attorney immediately of any objections. TMEP §707. Otherwise, no response is required. *Id*.

In addition, applicant is advised that amendments to the goods and/or services are permitted only if they clarify or limit them; amendments that add to or broaden the scope of the goods and/or services are not permitted. 37 C.F.R. §2.71(a).

IDENTIFICATION OF SERVICES

The identification of services in Class 037 is amended to read as follows, with edits in strikethrough:

· Class 037: Automotive upgrade services, namely, supercharging, turbocharging and performance upgrades of automobiles; Car washing; Automobile cleaning and car washing; all of the foregoing services excluding repair, maintenance, and installation of diesel engines and their component parts

See TMEP §§1402.01, 1402.01(e).

The identification of goods in Class 012 is acceptable as written.

CONCLUSION

With this examiner's amendment, all refusal(s) and requirements(s) have been met and or withdrawn.

/Julie H. Choe/ Trademark Examining Attorney United States Patent and Trademark Office Law Office 126 (571) 270-3368 julie.choe@uspto.gov To: Bulletproof Automotive, LLC (<u>ipdocket@rhemalaw.com</u>)

Subject: U.S. Trademark Application Serial No. 88406429 - BULLETPROOF - N/A

Sent: January 29, 2020 01:34:55 PM

Sent As: ecom126@uspto.gov

Attachments:

United States Patent and Trademark Office (USPTO)

USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued on **January 29**, **2020** for

U.S. Trademark Application Serial No. 88406429

Your trademark application has been reviewed by a trademark examining attorney. As part of that review, the assigned attorney has issued an official letter. Please follow the steps below.

- (1) Read the official letter. No response is necessary.
- (2) Direct questions about the contents of the Office action to the assigned attorney below.

/Julie H. Choe/ Trademark Examining Attorney United States Patent and Trademark Office Law Office 126 (571) 270-3368 julie.choe@uspto.gov

Direct questions about navigating USPTO electronic forms, the USPTO <u>website</u>, the application process, the status of your application, and/or whether there are outstanding deadlines or documents related to your file to the <u>Trademark Assistance Center (TAC)</u>.

GENERAL GUIDANCE

- · <u>Check the status</u> of your application periodically in the <u>Trademark Status & Document Retrieval (TSDR)</u> database to avoid missing critical deadlines.
- · <u>Update your correspondence email address</u>, if needed, to ensure you receive important USPTO notices about your application.
- Beware of misleading notices sent by private companies about your application. Private companies not associated with the USPTO use public information available in trademark registrations to mail and email trademark-related offers and notices most of which require fees. All official USPTO correspondence will only be emailed from the domain "@uspto.gov."

Exhibit H

To: Bulletproof Automotive, LLC (<u>ipdocket@rhemalaw.com</u>)

Subject: U.S. Trademark Application Serial No. 88406429 - BULLETPROOF - N/A

Sent: January 28, 2020 02:55:56 PM

Sent As: ecom126@uspto.gov

Attachments: Attachment - 1

Attachment - 2

Attachment - 3

Attachment - 4

Attachment - 5

Attachment - 6

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- Attachment 195

United States Patent and Trademark Office (USPTO) Office Action (Official Letter) About Applicant's Trademark Application

U.S. Application Serial No. 88406429

Mark:

BULLETPROOF

Correspondence Address: John D. Tran RHEMA LAW GROUP 1 PARK PLAZA 6TH FLOOR IRVINE, CA 92614 Applicant: Bulletproof Automotive, LLC

Reference/Docket No.

N/A

Correspondence Email Address:

ipdocket@rhemalaw.com

FINAL OFFICE ACTION

The USPTO must receive applicant's response to this letter within <u>six months</u> of the issue date below or the application will be **PARTIALLY** <u>abandoned</u>. Respond using the Trademark Electronic Application System (TEAS) and/or Electronic System for Trademark Trials and Appeals (ESTTA). A link to the appropriate TEAS response form and/or to ESTTA for an appeal appears at the end of this Office action.

Issue date: January 28, 2020

INTRODUCTION

This Office action is in response to applicant's communication filed on January 2, 2020.

In a previous Office action dated July 2, 2019, the following issues were raised:

- · Refusal under Trademark Act Section 2(d) Likelihood of Confusion ·
- · Advisory regarding Prior-Filed Application
- · Requirement for Information Descriptiveness Issue

Based on applicant's response filed on January 2, 2020 and the Examiner's Amendment issued on January 22, 2020, the following issues have been <u>withdrawn</u>, <u>obviated</u> and/or <u>satisfied</u>:

- · Refusal under Trademark Act Section 2(d) Likelihood of Confusion with U.S. Registration Nos. 5130772 and 5573968
- · Advisory regarding Prior-Filed Application
- · Requirement for Information Descriptiveness Issue

See TMEP §§713.02, 714.04.

Applicant's arguments have been considered and found unpersuasive for the reasons set forth below.

The trademark examining attorney maintains and now makes FINAL the refusal in the summary of issues below. See 37 C.F.R. §2.63(b); TMEP §714.04.

SUMMARY OF ISSUES MADE FINAL that applicant must address:

- Partial Refusal under Trademark Act Section 2(d) as to Class 037 Likelihood of Confusion with U.S. Registration No. 5220129
- · Partial Abandonment Advisory

PARTIAL REFUSAL UNDER TRADEMARK ACT SECTION 2(d) AS TO CLASS 037 - LIKELIHOOD OF CONFUSION WITH U.S. REGISTRATION NO. 5220129

THIS PARTIAL REFUSAL APPLIES TO CLASS 037 ONLY

For the reasons set forth below, the refusal under Trademark Act Section 2(d) is now made FINAL with respect to **U.S. Registration No. 5220129**. *See* 15 U.S.C. §1052(d); 37 C.F.R. §2.63(b).

Registration of the applied-for mark is <u>partially</u> refused as to Class 037 because of a likelihood of confusion with the mark in **U.S. Registration**No. 5220129. Trademark Act Section 2(d), 15 U.S.C. §1052(d); see TMEP §§1207.01 et seq. See the attached registration, a copy of which was attached to the previous Office action.

The applied-for mark is BULLETPROOF in standard characters for the following services, in part:

· Class 037: Automotive upgrade services, namely, supercharging, turbocharging and performance upgrades of automobiles; Car washing; Automobile cleaning and car washing; all of the foregoing services excluding repair, maintenance, and installation of diesel engines and their component parts

The registered mark is BULLET PROOF in standard characters for the following services:

· Class 037: Automotive repair and maintenance services, namely, repair and maintenance of diesel engines, and repair and installation of diesel engine components

Trademark Act Section 2(d) bars registration of an applied-for mark that is so similar to a registered mark that it is likely consumers would be confused, mistaken, or deceived as to the commercial source of the goods and/or services of the parties. See 15 U.S.C. §1052(d). Likelihood of confusion is determined on a case-by-case basis by applying the factors set forth in In re E. I. du Pont de Nemours & Co., 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973) (called the "du Pont factors"). In re i.am.symbolic, Ilc, 866 F.3d 1315, 1322, 123 USPQ2d 1744, 1747 (Fed. Cir. 2017). Only those factors that are "relevant and of record" need be considered. M2 Software, Inc. v. M2 Commc'ns, Inc., 450 F.3d 1378, 1382, 78 USPQ2d 1944, 1947 (Fed. Cir. 2006) (citing Shen Mfg. Co. v. Ritz Hotel Ltd., 393 F.3d 1238, 1241, 73 USPQ2d 1350, 1353 (Fed. Cir. 2004)); see In re Inn at St. John's, LLC, 126 USPQ2d 1742, 1744 (TTAB 2018).

Although not all *du Pont* factors may be relevant, there are generally two key considerations in any likelihood of confusion analysis: (1) the similarities between the compared marks and (2) the relatedness of the compared goods and/or services. *See In re i.am.symbolic, llc*, 866 F.3d at 1322, 123 USPQ2d at 1747 (quoting *Herbko Int'l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1164-65, 64 USPQ2d 1375, 1380 (Fed. Cir. 2002)); *Federated Foods, Inc. v. Fort Howard Paper Co.*, 544 F.2d 1098, 1103, 192 USPQ 24, 29 (C.C.P.A. 1976) ("The fundamental inquiry mandated by [Section] 2(d) goes to the cumulative effect of differences in the essential characteristics of the goods [or services] and differences in the marks."); TMEP §1207.01.

Similarity of the Marks

Marks are compared in their entireties for similarities in appearance, sound, connotation, and commercial impression. *Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1321, 110 USPQ2d 1157, 1160 (Fed. Cir. 2014) (quoting *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondee En 1772*, 396 F.3d 1369, 1371, 73 USPQ2d 1689, 1691 (Fed. Cir. 2005)); TMEP §1207.01(b)-(b)(v). "Similarity in any one of these elements may be sufficient to find the marks confusingly similar." *In re Inn at St. John's, LLC*, 126 USPQ2d 1742, 1746 (TTAB 2018) (citing *In re Davia*, 110 USPQ2d 1810, 1812 (TTAB 2014)); TMEP §1207.01(b).

In this case, the compared marks are identical except for a slight difference in appearance between applicant's mark, which appears as a compound word with no space separating the words, that is, BULLETPROOF; and registrant's mark, which appears as two words with a space separating the words, that is, BULLET PROOF. As such, the marks are identical in sound and virtually identical in appearance, and are thus confusingly similar for the purposes of determining likelihood of confusion. See, e.g., Seaguard Corp. v. Seaward Int'l, Inc., 223 USPQ 48, 51

(TTAB 1984) ("[T]he marks 'SEAGUARD' and 'SEA GUARD' are, in contemplation of law, identical [internal citation omitted]."); *In re Best W. Family Steak House, Inc.*, 222 USPQ 827, 827 (TTAB 1984) ("There can be little doubt that the marks [BEEFMASTER and BEEF MASTER] are practically identical"); *Stock Pot, Inc.*, v. *Stockpot Rest., Inc.*, 220 USPQ 52, 52 (TTAB 1983), aff'd 737 F.2d 1576, 222 USPQ 665 (Fed. Cir. 1984) ("There is no question that the marks of the parties [STOCKPOT and STOCK POT] are confusingly similar. The word marks are phonetically identical and visually almost identical.").

Accordingly, for the reasons stated above, the applicant's mark is confusingly similar to the registered mark.

Relatedness of the Services

The goods and/or services are compared to determine whether they are similar, commercially related, or travel in the same trade channels. See Coach Servs., Inc. v. Triumph Learning LLC, 668 F.3d 1356, 1369-71, 101 USPQ2d 1713, 1722-23 (Fed. Cir. 2012); Herbko Int'l, Inc. v. Kappa Books, Inc., 308 F.3d 1156, 1165, 64 USPQ2d 1375, 1381 (Fed. Cir. 2002); TMEP §§1207.01, 1207.01(a)(vi).

The compared goods and/or services need not be identical or even competitive to find a likelihood of confusion. See On-line Careline Inc. v. Am. Online Inc., 229 F.3d 1080, 1086, 56 USPQ2d 1471, 1475 (Fed. Cir. 2000); Recot, Inc. v. Becton, 214 F.3d 1322, 1329, 54 USPQ2d 1894, 1898 (Fed. Cir. 2000); TMEP §1207.01(a)(i). They need only be "related in some manner and/or if the circumstances surrounding their marketing are such that they could give rise to the mistaken belief that [the goods and/or services] emanate from the same source." Coach Servs., Inc. v. Triumph Learning LLC, 668 F.3d 1356, 1369, 101 USPQ2d 1713, 1722 (Fed. Cir. 2012) (quoting 7-Eleven Inc. v. Wechsler, 83 USPQ2d 1715, 1724 (TTAB 2007)); TMEP §1207.01(a)(i).

The evidence attached to the previous Office action, and the attached Internet evidence, consisting of excerpts from APR1 Automotive Performance & Repair, RRT Automotive, AR Auto Service, Rackley's Performance & Auto, Art's Automotive Service Center, Diesel USA Group, Spiffy, 5 Star Auto Spa, Five Star Auto Center, and Downey Hand Car Wash & Detail Center, show that the same entity commonly provides automotive performance services and automotive repair services, and car washing services and automotive maintenance services, and markets the services under the same mark through the same trade channels. Thus, applicant's and registrant's services are considered related for likelihood of confusion purposes. See, e.g., In re Davey Prods. Pty Ltd., 92 USPQ2d 1198, 1202-04 (TTAB 2009); In re Toshiba Med. Sys. Corp., 91 USPQ2d 1266, 1268-69, 1271-72 (TTAB 2009).

The examining attorney has also attached several sample registrations from the Office's database of registered marks showing automotive performance services and automotive repair services, and car washing services and automotive maintenance services, are commonly provided under the same mark. See attached U.S. Registration Nos. 3900611, 4021982, 4037699, 4410517, 4642005, 5011816, 5159217, 5274025, 5358873, 5373017, 5553066, 5573623, 5708474, 5774275, 5792530, 5806540, 5826887, 5914530, 5918067, and 5934115; and U.S. Registration Nos. 4921920, 5005977, 5090656, 5096783, 5115762, 5127440, 5136282, 5309175, 5323299, 5339309, 5476971, 5477188, 5573189, 5549381, 5643895, 5689229, 5734308, 5741944, 5833610, and 5942714. This evidence shows that the services are related.

Moreover, where the marks of the respective parties are identical or virtually identical, as in this case, the degree of similarity or relatedness between the services needed to support a finding of likelihood of confusion declines. *See In re i.am.symbolic, llc*, 116 USPQ2d 1406, 1411 (TTAB 2015) (citing *In re Shell Oil Co.*, 992 F.2d 1204, 1207, 26 USPQ2d 1687, 1689 (Fed. Cir. 1993)), *aff'd*, 866 F.3d 1315, 123 USPQ2d 1744 (Fed. Cir. 2017); TMEP §1207.01(a).

The overriding concern is not only to prevent buyer confusion as to the source of the services, but to protect the registrant from adverse commercial impact due to use of a similar mark by a newcomer. See In re Shell Oil Co., 992 F.2d 1204, 1208, 26 USPQ2d 1687, 1690 (Fed. Cir. 1993). Therefore, any doubt regarding a likelihood of confusion determination is resolved in favor of the registrant. TMEP §1207.01(d)(i); see Hewlett-Packard Co. v. Packard Press, Inc., 281 F.3d 1261, 1265, 62 USPQ2d 1001, 1003 (Fed. Cir. 2002); In re Hyper Shoppes (Ohio), Inc., 837 F.2d 463, 464-65, 6 USPQ2d 1025, 1026 (Fed. Cir. 1988).

Response to Applicant's Arguments

Applicant argues that its services are different from the registrant's services. Indeed, applicant has amended its services to exclude the repair, maintenance, and installation of diesel engines and their component parts. However, as discussed above, this argument is not persuasive because the compared services need not be identical or even competitive to find a likelihood of confusion; they need only be related. As discussed above, applicant's services are related because the evidence shows that the relevant services commonly emanate from the same source.

Conclusion

The applicant's mark is confusingly similar to the registrant's mark because they share identical or nearly identical wording and create a highly similar commercial impression. In addition, the applicant's services are closely related to the registrant's services. Further, applicant's arguments have been considered and found unpersuasive. In view of the foregoing and the reasons stated above, the refusal to register under Trademark Act Section 2(d) in Class 037 is continued and made final.

PARTIAL ABANDONMENT ADVISORY

If applicant does not timely respond within six months of the issue date of this final Office action, the following class to which the final refusal applies will be **deleted** from the application by Examiner's Amendment:

· Class 037: Automotive upgrade services, namely, supercharging, turbocharging and performance upgrades of automobiles; Car washing; Automobile cleaning and car washing; all of the foregoing services excluding repair, maintenance, and installation of diesel engines and their component parts.

37 C.F.R. §2.65(a); see 15 U.S.C. §1062(b).

In such case, the application will proceed for the following class only:

· Class 012: Automotive body kits comprising external structural parts of automobiles; Pre-designed vinyl vehicle wraps specially adapted for vehicles; all of the foregoing goods excluding vehicle diesel engines and their component parts, vehicle engine mounts and their component parts, and vehicle steering and suspension systems and their component parts.

RESPONSE OPTIONS TO FINAL OFFICE ACTION

Applicant must respond within six months of the date of issuance of this final Office action or the application will be **PARTIALLY** abandoned. 15 U.S.C. §1062(b); 37 C.F.R. §2.65(a). Applicant may respond by providing one or both of the following:

- (1) a response <u>filed using the Trademark Electronic Application System (TEAS)</u> that fully satisfies all outstanding requirements and/or resolves all outstanding refusals; and/or
- (2) an appeal to the Trademark Trial and Appeal Board <u>filed using the Electronic System for Trademark Trials and Appeals (ESTTA)</u> with the required filing fee of \$200 per class.

37 C.F.R. §2.63(b)(1)-(2); TMEP §714.04; see 37 C.F.R. §2.6(a)(18); TBMP ch. 1200.

In certain rare circumstances, an applicant may respond by filing a petition to the Director pursuant to 37 C.F.R. §2.63(b)(2) to review procedural issues. TMEP §714.04; see 37 C.F.R. §2.146(b); TBMP §1201.05; TMEP §1704 (explaining petitionable matters). There is a fee required for filing a petition. 37 C.F.R. §2.6(a)(15).

ASSISTANCE

Please call or email the assigned trademark examining attorney with questions about this Office action. Although the trademark examining attorney cannot provide legal advice or statements about applicant's rights, the trademark examining attorney can provide applicant with additional explanation about the refusal(s) and/or requirement(s) in this Office action. *See* TMEP §§705.02, 709.06. Although the USPTO does not accept emails as responses to Office actions, emails can be used for informal communications and will be included in the application record. *See* 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05.

TEAS PLUS OR TEAS REDUCED FEE (TEAS RF) APPLICANTS – TO MAINTAIN LOWER FEE, ADDITIONAL REQUIREMENTS MUST BE MET, INCLUDING SUBMITTING DOCUMENTS ONLINE: Applicants who filed their application online using the lower-fee TEAS Plus or TEAS RF application form must (1) file certain documents online using TEAS, including responses to Office actions (see TMEP §§819.02(b), 820.02(b) for a complete list of these documents); (2) maintain a valid e-mail correspondence address; and (3) agree to receive correspondence from the USPTO by e-mail throughout the prosecution of the application. *See* 37 C.F.R. §§2.22(b), 2.23(b); TMEP §§819, 820. TEAS Plus or TEAS RF applicants who do not meet these requirements must submit an additional processing fee of \$125 per class of goods and/or services. 37 C.F.R. §§2.6(a)(1)(v), 2.22(c), 2.23(c); TMEP §§819.04, 820.04. However, in certain situations, TEAS Plus or TEAS RF applicants may respond to an Office action by authorizing an examiner's amendment by telephone or e-mail without incurring this additional fee.

How to respond. Click to file a request for reconsideration of this final Office action that fully resolves all outstanding requirements and refusals and/or click to file a timely appeal to the Trademark Trial and Appeal Board (TTAB) with the required filing fee(s).

United States Patent and Trademark Office Law Office 126 (571) 270-3368 julie.choe@uspto.gov

RESPONSE GUIDANCE

- Missing the response deadline to this letter will cause the application to <u>abandon</u>. A response or notice of appeal must be received by the USPTO before midnight Eastern Time of the last day of the response period. TEAS and ESTTA maintenance or <u>unforeseen circumstances</u> could affect an applicant's ability to timely respond.
- Responses signed by an unauthorized party are not accepted and can cause the application to abandon. If applicant does not have an attorney, the response must be signed by the individual applicant, all joint applicants, or someone with legal authority to bind a juristic applicant. If applicant has an attorney, the response must be signed by the attorney.
- If needed, find contact information for the supervisor of the office or unit listed in the signature block.

Exhibit I

From: John D. Tran [mailto:jdt@rhemalaw.com]

Sent: Friday, May 1, 2020 1:10 PM

To: Julie Bergkamp < jbergkamp@canteyhanger.com> Subject: [EXTERNAL] RE: Bulletproof Trademark

Hi Julie:

Thank you for the follow-up. Unfortunately, I think deleting the "diesel" limitation is too limiting for our client's goods/services as from time to time, they may do some aftermarket engine performance "tuning," or "tune-ups." They 100% never work on diesel engines or components which is why we were ok with adding that language to the description, which obviously the examiner viewed as preventing any likelihood of confusion between the parties' marks.

Our client has already narrowed its goods/services quite significantly by adding the diesel engine and components limitations and believe this is more than adequate to address any potential likelihood of confusion between the parties' marks, which we believe will be nominal at best.

If need be, we are confident that we would prevail in an opposition proceeding given the examiner's finding and the totality of the circumstances.

Best Regards,

John D. Tran Partner

Rhema Law Group | Intellectual Property & Business Lawyers 1 Park Plaza, 6th Floor, Irvine CA 92614

Tel: 949-852-4430 Fax: 866-929-3519 | jdt@rhemalaw.com

www.rhemalaw.com

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From: Julie Bergkamp < jbergkamp@canteyhanger.com >

Sent: Friday, May 1, 2020 8:48 AM

To: 'jdt@rhemalaw.com' <jdt@rhemalaw.com>

Subject: Bulletproof Trademark

Hi, John. I wanted to reach out to you on the bulletproof automotive trademark to see if we could come to a compromise that would prevent my client from filing an opposition to your client's mark. As you have probably noticed, we were granted an extension of time to file an opposition to your client's mark.

I followed the various office actions and the examining attorney's amendment and think that there might be an easy "fix" so that our respective clients can avoid further costs on the mark. Your client's mark has been published for opposition in Class 37 with the following description:

Class 37: Car washing; Automobile cleaning and car washing; all of the foregoing services excluding repair, maintenance, and installation of diesel engines and their component parts.

As you probably recall my client's company works on engines and related parts, as well as other automotive parts and automobile-related mechanisms. Initially their services involved principally a particular type of diesel engine. They have, however, branched out into engines that are not diesel. I worry that the limiting language in the class description above implies the limit extends to diesel engines only. We propose, therefore, simply to strike the word "diesel" from the description above so it would read:

Class 37: Car washing; Automobile cleaning and car washing; all of the foregoing services excluding repair, maintenance, and installation of engines and their component parts.

Please let me know your thoughts and whether your client would agree to this. We have until the end of next week to file our opposition, so if you could please let me know as soon as possible, we will refrain from filing that opposition. I spoke with the examining attorney about this and I believe that you could simply call her and make the request.

Thank you, John, and I hope you and your family are staying healthy.

Member of MERITAS Law Firms Worldwide, *licensed in TX, NY, and IL

Julie

P.S. Feel free to reach out to me on my cell phone, (817) 896-7160, if you're not able to get me on my office number. These days I'm out of the office more than I'm in it.

JULIE C. BERGKAMP*, PARTNER

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