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Filing date: **01/20/2023**

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

Proceeding no.	92081198
Party	Defendant Bully Max
Correspondence address	BULLY MAX #413 4885-A MCKNIGHT ROAD PITTSBURGH, PA 15237 UNITED STATES Primary email: matt@bullymax.com 844-285-5987
Submission	Motion to Suspend for Civil Action
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Signature	/Anthony W. Brooks/
Date	01/20/2023
Attachments	Motion to Suspend.pdf(219856 bytes) Exhibit 1 part 1.pdf(3398126 bytes) Exhibit 1 part 2.pdf(4090446 bytes) Exhibit 1 part 3.pdf(4257876 bytes) Exhibit 1 part 4.pdf(3653837 bytes)

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

REPLENISH PET INC.,)	Cancellation No. 91216249
)	
Petitioner,)	Registration No. 6,051,700
)	
v.)	Mark: BULLY MAX
)	
BULLY MAX LLC,)	Registered: May 12, 2020
)	
Registrant.)	

**REGISTRANT’S MOTION TO SUSPEND PROCEEDING IN VIEW OF
PENDING CIVIL ACTION PURSUANT TO 37 C.F.R. 2.117**

Registrant Bully Max LLC (“Bully Max” or “Registrant”) hereby moves for suspension of these proceedings pursuant to 37 C.F.R. § 2.117(a). In support of this Motion, Registrant submits herewith **Exhibit A**, which is a copy of a Complaint filed on January 19, 2023, by Registrant. *See Bully Max LLC v. Replenish Pet Inc.*, No. 2:23-cv-00101-MJH (W.D. Pa.) (“Civil Action” or “Complaint”). The Civil Action is pending in the United States District Court for the Western District of Pennsylvania.

In the Complaint, Registrant alleges that Petitioner Replenish Pet, Inc. (“Replenish Pet” or “Petitioner”) is infringing the registration at issue in this cancellation proceeding, Registration No. 6,051,700 for the mark BULLY MAX (“the ‘700 Registration”). Specifically, in its allegations, Registrant contends that Petitioner is infringing the ‘700 Registration under 15 U.S.C. § 1114(1) by using Registrant’s BULLY MAX mark and variations thereof, and that use of the MAXIMUM BULLY and ULTIMATE BULLY names and marks and variations thereof in commerce in association with Petitioner’s goods is and was likely to cause confusion, mistake or to deceive. Registrant has also alleged in the Civil Action that Petitioner’s actions constitute false designation of origin and trademark infringement under 15 U.S.C. § 1125(a). Petitioner admitted in its

cancellation petition in this proceeding that Bully Max's "Mark ("BULLY MAX") is confusingly similar to [Replenish Pet]'s Mark ("MAXIMUM BULLY)". See Cancellation Petition at ¶ 15.

Registrant has also alleged in the Civil Action that Petitioner's Registration No. 4,553,200 for the mark MAXIMUM BULLY ("the '200 Registration") should itself be cancelled. The '200 Registration is the mark cited by the Petitioner as the basis for cancellation of Registrant's '700 Registration at issue in this proceeding.

It is Registrant's position that the Civil Action, given that it directly involves the same registrations, namely the '200 Registration and the '700 Registration, at issue in this proceeding, will have a direct and potentially dispositive impact on this cancellation proceeding. Accordingly, Registrant hereby moves to stay this cancellation proceeding.

Whenever it comes to the attention of the Board that the parties to a case before it are involved in a civil action which may be dispositive of the Board case, the proceedings before the Board may be suspended upon final determination of the civil action. TBMP § 510.02(a). Ordinarily, the Board will suspend proceedings in the case before it if the final determination of the other proceedings may have a bearing on the issues before the Board. TBMP § 510.02, *citing* 37 C.F.R. § 2.117(a); *see, e.g., New Orleans Louisiana Saints LLC v. Who Dat? Inc.*, 99 U.S.P.Q.2d 1550, 1552 (TTAB 2011).

Suspension of Board proceedings is within the discretion of the TTAB, and will generally be granted when a final decision of the court will likely be controlling on the issues to be decided by the TTAB. In *Whopper Burger, Inc. v. Burger King Corp.*, 171 U.S.P.Q. 805, 807 (TTAB 1971), the Board suspended proceedings, finding that "There can be no doubt ... that the outcome of the civil action will have a direct bearing on the question of the rights of the parties herein and

may in fact completely resolve all the issues.” There can be no doubt that the very issues involved in the Civil Action are involved here.

CONCLUSION

In view of the fact that the pending Civil Action involves the same registrations at issue in this cancellation proceeding, the determination of the issues in the Civil Action will likely be dispositive of, or will at least have bearing on, this proceeding. Registrant therefore respectfully requests suspension of these proceedings pending determination of the Civil Action pursuant to Trademark Rule 2.117(a), 37 C.F.R. § 2.117(a). Petitioner was contacted but did not respond whether or not it would consent to this Motion by the time requested by Petitioner.

Respectfully submitted,

THE WEBB LAW FIRM

Dated: January 20, 2023

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **REGISTRANT'S MOTION TO SUSPEND PROCEEDING IN VIEW OF PENDING CIVIL ACTION PURSUANT TO 37 C.F.R. 2.117** was served this 20th day of January, 2023, upon the following via email:

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s/ Anthony W. Brooks
Anthony W. Brooks

EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

BULLY MAX LLC,)	Civil Action
)	
Plaintiff,)	No. <u>2:23-cv-101</u>
)	
v.)	
)	
REPLENISH PET INC.,)	JURY TRIAL DEMANDED
)	
Defendant.)	
)	
)	
)	

COMPLAINT

Plaintiff, Bully Max LLC, by and through its undersigned attorneys, respectfully sets forth this Complaint against Defendant, Replenish Pet Inc., alleging as follows:

INTRODUCTION

1. This dispute arises from the wrongful and intentional acts of Defendant Replenish Pet Inc. (“Replenish Pet” or “Defendant”) to misappropriate, infringe upon, and profit from trademarks and commercial reputation belonging to Plaintiff Bully Max LLC (“Bully Max” or “Plaintiff”).

2. Bully Max uses the mark BULLY MAX in connection with its dog food and related goods and has been doing so since at least 2009. Bully Max owns a federal trademark registration protecting its trademark. Replenish Pet knowingly and willfully adopted the mark MAXIMUM BULLY for the same and similar products as those sold under the BULLY MAX mark for the purpose of causing confusion among the consuming public to improperly trade off of and benefit from the good will of Bully Max and its intellectual property.

THE PARTIES

3. Bully Max is a Pennsylvania limited liability company with its principal place of

business at 4885-A McKnight Road #413, Pittsburgh, PA 15237.

4. Replenish Pet is a California corporation with a principal place of business at 1734 Illinois Avenue, Perris, CA 92571.

JURISDICTION AND VENUE

5. This Court has federal question jurisdiction for Bully Max's trademark infringement claims under 28 U.S.C. §§ 1331 and 1338(a).

6. In addition, this Court also has federal question jurisdiction over Bully Max's unfair competition claim under Section 43(a) of the Lanham Act pursuant to 15 U.S.C. § 1121.

7. Furthermore, this Court has supplemental jurisdiction over Bully Max's state law claims under 28 U.S.C. § 1367, as Bully Max's state law claims form part of the same case and controversy as its federal statutory claims.

8. This Court has personal jurisdiction over Replenish Pet by virtue of Replenish Pet doing business in this Commonwealth, and in particular, this judicial district and/or engaging in tortious activity and intentional acts of infringement in this Commonwealth within this judicial district. Replenish Pet has further expressly aimed its intentional acts at Bully Max and this judicial district such that this judicial district is the focal point of such acts. For example, upon information and belief, Replenish Pet has sold infringing product to a retailer in Irvine, Pennsylvania, in Warren County, in this judicial district. *See* attached Exhibit A.

9. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391.

FACTUAL BACKGROUND

10. Since at least 2009, Bully Max began using the mark BULLY MAX in connection with dog food and supplements. Examples of that usage are shown in attached Exhibit B.

11. In the Commonwealth of Pennsylvania, the products sold by Bully Max were always and continue to be licensed as animal feed. A copy of Bully Max's current feed license

from the Commonwealth of Pennsylvania is attached hereto as Exhibit C. Dog food and dog supplements are typically sold in the same channels of trade and can be found in very close proximity, if not the aisle, in most retailing locations. They are offered on the same websites, are produced by the same companies, and show up in the same search results.

12. Since its inception, Bully Max invested heavily into the marketing of the BULLY MAX mark and brand. Bully Max has built a strong reputation surrounding the BULLY MAX mark as a high-quality brand with products that deliver results. As a result, Bully Max has become a household name within the American Bully breed community as well as the larger bulldog and similar breed community.

13. In 2013, Bully Max obtained U.S. Trademark Registration No. 4,347,610 (the '610 Registration") for the mark BULLY MAX in connection with "dog vitamins." That registration was subsequently cancelled because Bully Max did not file an affidavit of use after 5 years of registration under Section 8 of the Lanham Act. In 2015, Bully Max filed a new trademark application, which ultimately registered as U.S. Trademark Registration No. 4,950,796 ("the '796 Registration"), also for the mark BULLY MAX, in connection with "Dietary supplements for pets; Food supplements for pets; Vitamins for pets" and "Pet food; Pet treats." That registration was also cancelled due to the non-filing of an affidavit of use under Section 8 of the Lanham Act.

14. Despite the '610 Registration and '796 Registration being cancelled, Bully Max has continuously used the BULLY MAX mark in commerce and built the good will and reputation surrounding the BULLY MAX mark and brand since its introduction in 2009. Since 2009, Bully Max has invested at least 21.5 million dollars into advertising and marketing of the BULLY MAX mark and brand and the products sold under it. As a result of Bully Max's

efforts, the BULLY MAX mark has come to symbolize high-quality goods that deliver results in muscle and size growth for dogs.

15. Today, Bully Max is the owner of U.S. Trademark Registration No. 6,051,700 (“the ’700 Registration”) for the mark BULLY MAX in connection with “Dietary supplements for pets; Vitamins for pets”, “Pet toys” and “Pet food.” A copy of the ’700 Registration is attached hereto as Exhibit D.

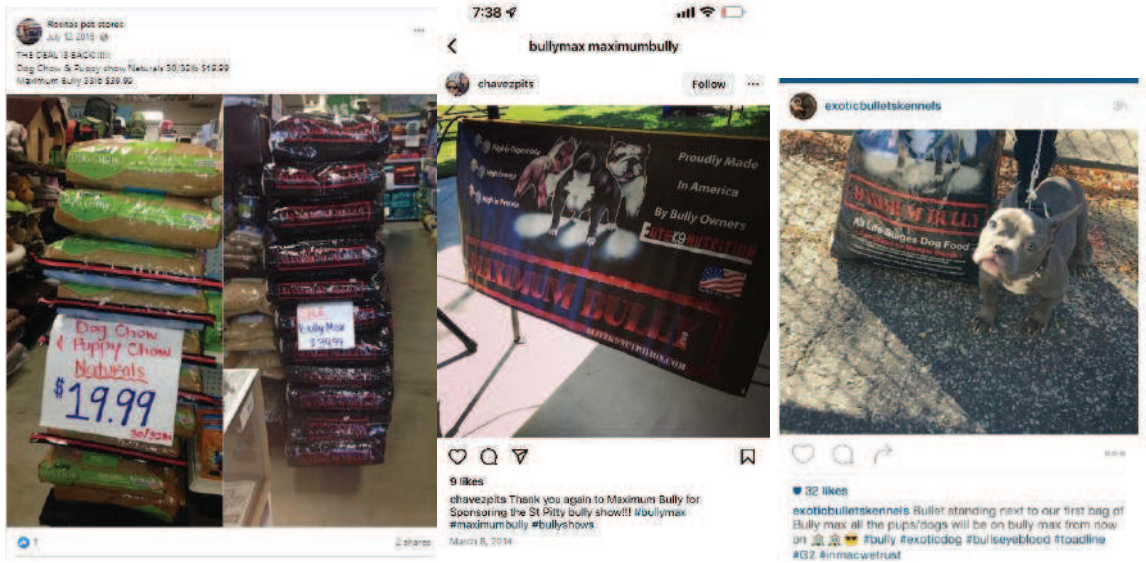
16. Upon information and belief, Replenish Pet’s predecessor-in-interest, Elite K9 Nutrition, LLC (“Elite K9”), was founded by bulldog and American Bully breed owners and breeders. Three to four years after Bully Max began using the BULLY MAX mark in selling products targeted for American Bully, bulldog and other similar breed owners and breeders, Elite K9 began selling and marketing a dog food under the mark MAXIMUM BULLY. Elite K9 filed a U.S. trademark application on January 8, 2013, that later issued as U.S. Trademark Registration No. 4,553,200 (“the ’200 Registration), for the mark MAXIMUM BULLY. The ’200 Registration was assigned to Defendant Replenish Pet in 2015.

17. The MAXIMUM BULLY-bearing dog food product was and continues to be marketed to dog owners for the exact same purpose as the BULLY MAX-bearing product, namely to supplement and enhance the strength, size and muscle growth of dogs.

18. Prior to the introduction of the MAXIMUM BULLY dog food product, Bully Max marketed and advertised its BULLY MAX product heavily to American Bully breeders and the American Bully community, generally, including in American Bully breed magazines, trade shows, forums, and every online outlet related to this dog breed.

19. Elite K9’s introduction of MAXIMUM BULLY-bearing products into the market place caused actual confusion among the relevant consuming public. Shortly after introduction of MAXIMUM BULLY, Bully Max began receiving telephone calls and emails from customers

expressing their belief that BULLY MAX products and MAXIMUM BULLY products were the same and/or were supplied by the same source. Pet stores and dog owners alike were under the mistaken impression that MAXIMUM BULLY was sold and/or were the same as the products sold under the BULLY MAX mark:



20. Confusion between the parties’ respective brands continues today. Examples of the confusion caused by Defendant and its predecessor-in-interest’s use of the MAXIMUM BULLY mark are attached hereto as Exhibit E.

21. Replenish Pet and its predecessor Elite K9 have been content to allow this confusion to exist so as to benefit from and trade off of Bully Max’s marketing, advertising and good will surrounding the BULLY MAX mark.

22. In 2014, Bully Max sent a cease and desist letter to Elite K9, a copy of which is attached hereto as Exhibit F, asserting infringement of its rights in the BULLY MAX mark. Bully Max received no response.

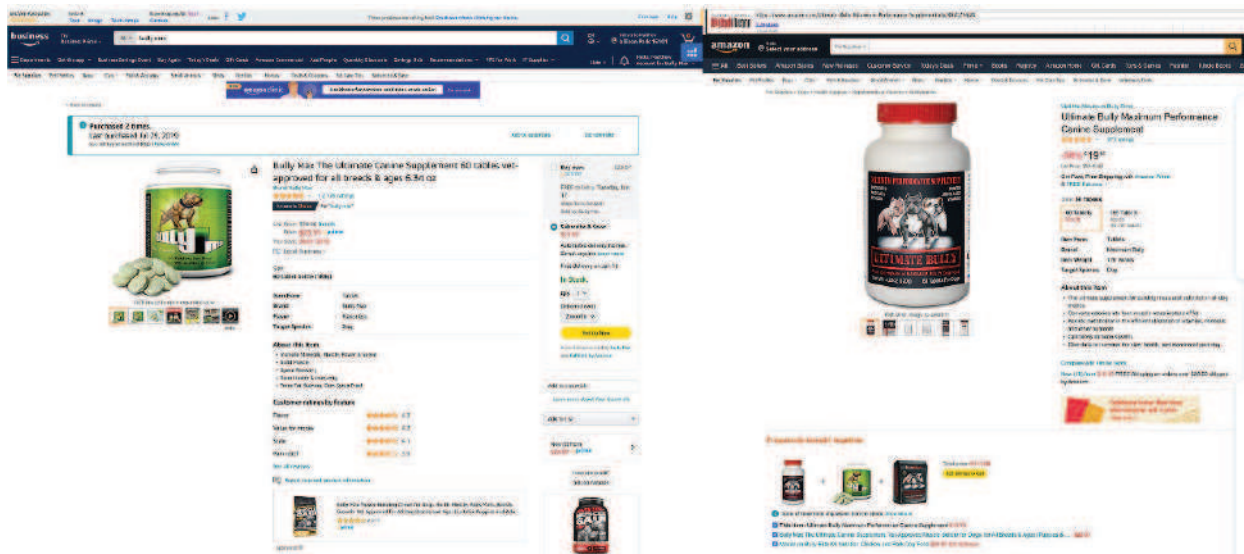
23. In 2016, clearly aware of Bully Max and its products due to the 2014 cease and desist letter, Replenish Pet introduced a pet supplement product ostensibly called “Ultimate Bully” which was a near identical copy of the original product offered in 2009 under the BULLY

MAX mark. Indeed, the Ultimate Bully product contained every single vitamin and nutrient, of which there were and are thirty-seven (37), used in Bully Max’s formula.

24. Despite knowing of Bully Max, its products and the BULLY MAX mark, on January 7, 2020 Replenish Pet filed a declaration of incontestability under Section 15 of the Lanham Act in connection with the ’200 Registration for the mark MAXIMUM BULLY.

25. In 2018, Replenish Pet obtained U.S. Trademark Registration No. 5,807,900 (“the ’900 Registration”) for the mark ULTIMATE BULLY in connection with “Vitamins for pets; food supplements for pets; dietary supplements for pets.”

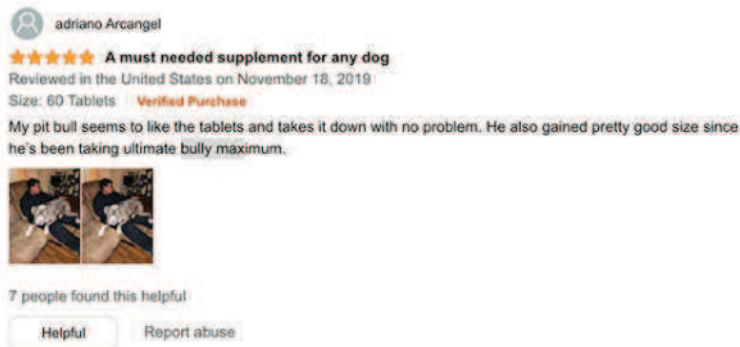
26. Despite obtaining a registration for the mark ULTIMATE BULLY, Replenish Pet marketed its pet supplement product as “ULTIMATE BULLY MAXIMUM PERFORMANCE CANINE SUPPLEMENT” in a further and surreptitious attempt to trade on the good will of the BULLY MAX mark. Indeed, Replenish Pet’s Amazon advertisement when compared with Bully Max’s demonstrates a clear attempt to infringe and copy:



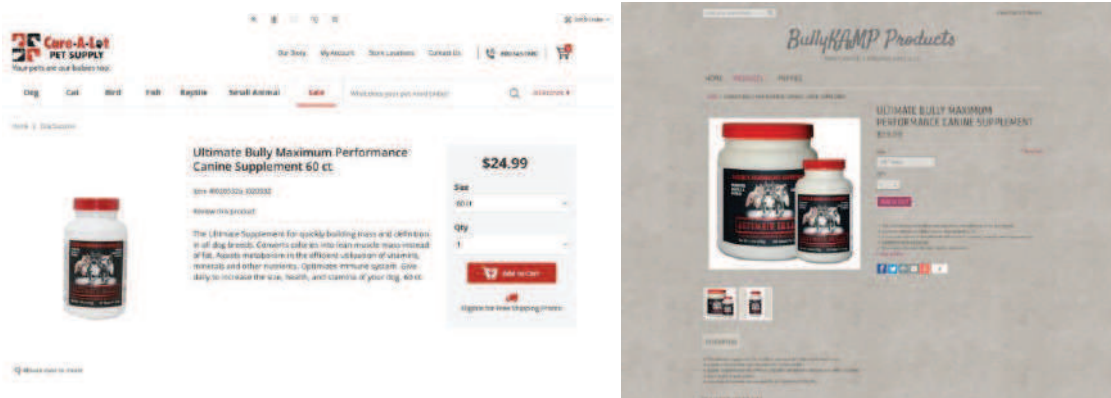
27. As demonstrated in the above photos, like Bully Max’s product, Replenish Pet utilizes a white plastic bottle with a screw cap, both bottles depict muscular dogs as the focal

point, both contain 60 tablets per bottle, and they are sold in the same category (dog supplement) for the exact same benefits (muscle support).

28. Most glaringly, however, Replenish Pet uses the term “Ultimate,” as used by Bully Max’s product listings for the BULLY MAX product. Replenish Pet positions the word “Bully” directly preceding the word “Maximum” in the phrase “Ultimate **Bully Maximum**.” Indeed, consumers referred to the product as “Ultimate Bully Maximum”:



29. Replenish Pet is attempting to create the same commercial impression as the BULLY MAX mark and products in order to mislead consumers into believing Replenish Pet’s product originates from the same source. This thinly veiled attempt to benefit from Bully Max’s BULLY MAX mark, reputation and marketing is consistent across Replenish Pet’s various retail channels:



30. Additional examples of this are shown attached hereto as Exhibit G.

31. Replenish Pet also uses the term “Bully Maximum” and “Max Bully” on eBay and other various online retail sites, and on social media channels. *See, e.g.*, attached Exhibit M. This resulted in MAXIMUM BULLY-branded products appearing in Google search results for the exact search term “Bully Max.” Given the identical products offered, this exacerbated the confusion among Bully Max's customers.

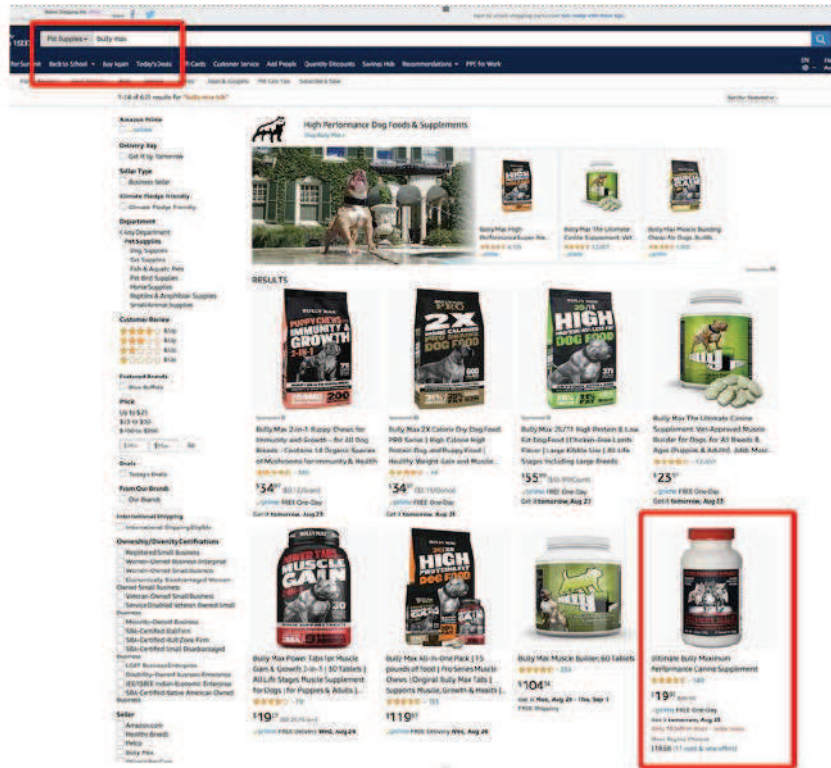
32. Even on the Spanish-language MAXIMUM BULLY webpage, Replenish Pet again, surreptitiously attempts to hide usage of the BULLY MAX mark by referring to its product as “Bully máxima” despite the page header referring to “Maximo Bully”:

A black rectangular box containing white Spanish text. The text reads: "Si usted está alimentando a Bully máxima Dog Food , por primera vez , se recomienda mezclar gradualmente Bully máxima Dog Food con la comida actual. Mezclar unas cuantas cucharadas de Bully máxima Dog Food con la comida actual perro y poco a poco aumentar la cantidad máxima de Bully Dog Food a diario hasta que conforma toda la comida. Mantenga el agua potable limpia y fresca en todo momento ."

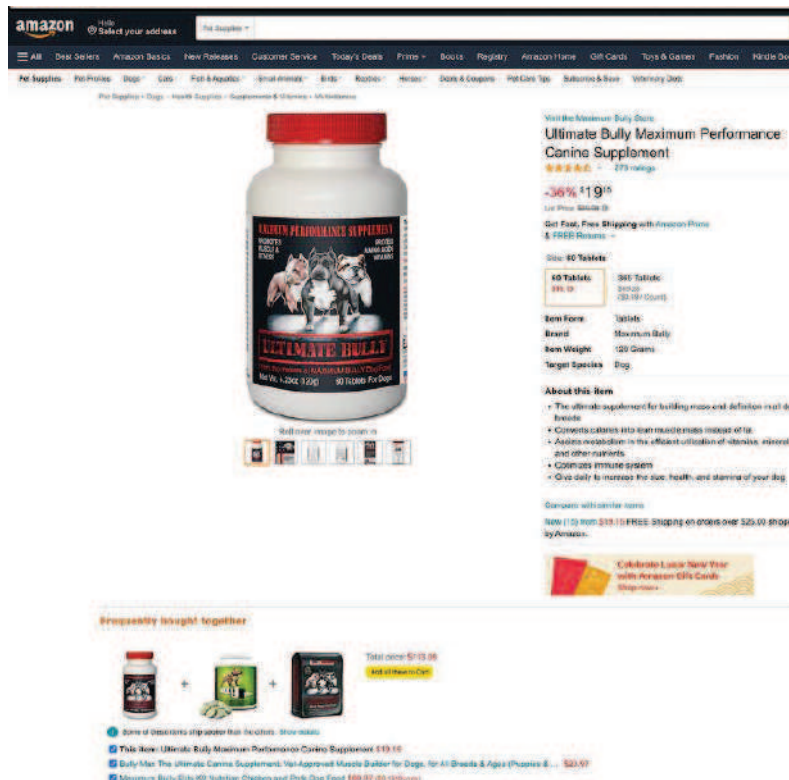
33. A full copy of the Spanish-language MAXIMUM BULLY webpage is attached hereto as Exhibit H.

34. Replenish Pet’s bad faith conduct has caused its products to be discovered by customers searching for BULLY MAX brand products.

35. Online searches for BULLY MAX products return results for Replenish Pet’s products:



36. Indeed, Amazon even notes that consumers frequently buy BULLY MAX and MAXIMUM BULLY products together:



37. Since introduction of the MAXIMUM BULLY products into the marketplace, Replenish Pet and Elite K9 have tip-toed around the literal version Plaintiff's BULLY MAX mark using numerous variations of the same in order to trade off Bully Max's good will and reputation.

38. Given Replenish Pet's and/or Elite K9's bad faith conduct demonstrated above, the MAXIMUM BULLY mark was adopted for, used and continues to be used on identical goods to those sold by Bully Max for the purpose of intentionally trading on the good will and reputation surrounding the BULLY MAX mark.

39. In October 2022, Replenish Pet sent a cease and desist letter to Bully Max alleging improper complaints submitted to certain e-retailers. A copy of this cease and desist letter is attached hereto as Exhibit K. Subsequently, Bully Max responded that it, in fact, was the senior user and Replenish Pet's use of the mark MAXIMUM BULLY infringed Bully Max's trademark rights. A copy of Bully Max's response letter is attached hereto as Exhibit L.

40. On December 12, 2022, Replenish Pet's response was to file a cancellation petition at the Trademark Trial and Appeal Board (TTAB) at the U.S. Patent and Trademark Office based in part on Replenish Pet's '200 Registration for the mark MAXIMUM BULLY. A copy of Replenish Pet's cancellation petition is attached hereto as Exhibit N.

41. Replenish Pet admitted in its cancellation petition before the TTAB that Bully Max's "Mark ("BULLY MAX") is confusingly similar to [Replenish Pet]'s Mark ("MAXIMUM BULLY"). Ex. N (Cancellation Petition) at ¶ 15.

COUNT I:
TRADEMARK INFRINGEMENT OF U.S. REG. NO. 6,051,700
UNDER 15 U.S.C. § 1114(1)

42. The preceding paragraphs of the Complaint are hereby incorporated by reference as if fully set forth herein.

43. Defendant's above-described use in commerce of Plaintiff's BULLY MAX mark and variations thereof and Defendant's use of the MAXIMUM BULLY and ULTIMATE BULLY names and marks and variations thereof in association with its goods is and was likely to cause confusion, mistake or to deceive.

44. The above-described acts of Defendant constitute trademark infringement of Plaintiff's U.S. Trademark Registration No. 6,051,700 for BULLY MAX in violation of 15 U.S.C. § 1114(1), entitling Plaintiff to relief.

45. Defendant has unfairly profited from the infringing acts alleged, in an amount to be determined at trial.

46. By reason of Defendant's acts, Plaintiff has suffered damage to the goodwill associated with Plaintiff's federally registered BULLY MAX mark.

47. Defendant's acts of infringement, as alleged herein and in violation of U.S. Trademark law, have caused and, unless enjoined by this Court, will continue to cause irreparable harm to Plaintiff and Plaintiff's federally registered BULLY MAX mark for which Plaintiff has no adequate remedy at law.

48. Defendant's activities have irreparably harmed, and if not enjoined, will continue to irreparably harm the general public, who has an interest in being free from confusion, mistake, and deception.

49. By reason of Defendant's acts, Plaintiff's remedy at law is not adequate to compensate Plaintiff for the injuries inflicted by Defendant. Accordingly, Plaintiff is entitled to preliminary and permanent injunctive relief against Defendant pursuant to 15 U.S.C. § 1116.

50. By reason of Defendant's willful acts, Plaintiff is entitled to damages, and that those damages be trebled under 15 U.S.C. § 1117.

51. Due to Defendant's acts of infringement, Plaintiff is entitled to reasonable attorneys' fees and costs of this action. This is an exceptional case, making Plaintiff eligible for an award of attorneys' fees under 15 U.S.C. § 1117.

52. The infringement by the Defendant has been willful and deliberate, designed specifically to trade upon the enormous goodwill associated with Plaintiff's federally registered BULLY MAX mark.

53. Defendant's infringement will continue unless enjoined by this court.

COUNT II:
FALSE DESIGNATION OF ORIGIN/TRADEMARK INFRINGEMENT
UNDER 15 U.S.C. § 1125(A)

54. The preceding paragraphs of the Complaint are hereby incorporated by reference as if fully set forth herein.

55. Plaintiff is the exclusive owner of the BULLY MAX mark.

56. Defendant's use of Plaintiff's BULLY MAX mark and variations thereof and Defendant's use of the MAXIMUM BULLY and ULTIMATE BULLY names and marks and variations thereof is confusingly similar to Plaintiff's BULLY MAX mark.

57. Defendant's use in interstate commerce of the BULLY MAX, MAXIMUM BULLY and ULTIMATE BULLY names and marks and variations thereof is likely to cause confusion, or to cause mistake, or to deceive the relevant public that products offered by Defendant are authorized, sponsored, or approved by, or are affiliated with, Plaintiff.

58. Defendant's use of the BULLY MAX, MAXIMUM BULLY and ULTIMATE BULLY names and marks and variations thereof is likely to cause confusion among the general public.

59. Defendant's use of the infringing BULLY MAX, MAXIMUM BULLY and ULTIMATE BULLY names and marks and variations thereof constitutes a false designation of

origin which is likely to deceive consumers into believing that Defendant's goods and services are those of the Plaintiff, and, as a consequence, are likely to divert customers away from the Plaintiff.

60. Plaintiff has no control over the nature and quality of the goods provided by Defendant. Any failure, neglect or default by Defendant in providing such goods will reflect adversely on Plaintiff as the believed source of origin thereof, hampering efforts by Plaintiff to continue to protect its reputation in the marketplace, resulting in loss of sales and the considerable expenditures to promote its goods under Plaintiff's BULLY MAX mark, all to the irreparable harm of the Plaintiff.

61. The above-described acts of the Defendant constitute trademark infringement of Plaintiff's BULLY MAX mark, and false designation of origin in violation of 15 U.S.C. § 1125(a), entitling Plaintiff to relief.

62. Defendant has unfairly profited from the actions alleged in an amount to be determined at trial.

63. By reason of Defendant's acts alleged herein, Plaintiff has suffered damage to the goodwill associated with Plaintiff's BULLY MAX mark.

64. Defendant's activities have irreparably harmed and, if not enjoined, will continue to irreparably harm Plaintiff and Plaintiff's BULLY MAX mark.

65. Defendant's activities have irreparably harmed and, if not enjoined, will continue to irreparably harm the general public, which has an interest in being free from confusion, mistake and deception.

66. Defendant's actions will cause Plaintiff to lose the benefit of the substantial investment made in developing, marketing, and selling its goods. Defendant's improper actions were intended to cause harm to Plaintiff.

67. By reason of Defendant's acts alleged herein, Plaintiff's remedy at law is not adequate to compensate Plaintiff for the injuries inflicted by Defendant. Accordingly, Plaintiff is entitled to preliminary and permanent injunctive relief against Defendant pursuant to 15 U.S.C. § 1116.

68. By reason of Defendant's willful acts, Plaintiff is entitled to damages, and that those damages be trebled, under 15 U.S.C. § 1117.

69. This is an exceptional case, making Plaintiff eligible for an award of attorneys' fees under 15 U.S.C. §1117.

70. Defendant's false designation of origin and trademark infringement will continue unless enjoined by this court.

COUNT III:
UNFAIR COMPETITION/TRADEMARK INFRINGEMENT UNDER
PENNSYLVANIA COMMON LAW

71. The preceding paragraphs of the Complaint are hereby incorporated by reference as if fully set forth herein.

72. In addition to its federal registration of the BULLY MAX mark and its long time, continuous common law use of the BULLY MAX mark, Plaintiff filed BULLY MAX as a fictitious name with the Pennsylvania Department of State on February 11, 2002.

73. By virtue of its intentional infringement and willful misappropriation of the Plaintiff's BULLY MAX mark, Defendant has engaged in unfair competition and trademark infringement under Pennsylvania common law.

74. Defendant has used Plaintiff's BULLY MAX mark and confusingly similar variations thereof and the MAXIMUM BULLY and ULTIMATE BULLY names and marks and variations thereof to divert or damage Plaintiff's business relationships, expectancies, and opportunities to the detriment of Plaintiff. Defendant's actions and use of Plaintiff's BULLY

MAX mark and confusingly similar variations thereof and Defendant's use of the MAXIMUM BULLY and ULTIMATE BULLY names and marks and variations thereof have created confusion between Plaintiff's goods and Defendant's goods.

75. Defendant's actions will cause Plaintiff to lose the benefit of the substantial investment made in developing, marketing, and selling its goods. Defendant's improper actions were intended to cause harm to Plaintiff.

76. Defendant's actions constitute unfair competition. The actions were intentional and calculated to injure Plaintiff in the marketplace and cause confusion in the marketplace and among consumers between Plaintiff's and Defendant's goods. The actions are unfair and wrongful and done with the intent of damaging Plaintiff's business interests.

77. Defendant's conduct has caused and will continue to cause irreparable injury to Plaintiff, its business reputation, and its goodwill. Plaintiff has no adequate remedy at law and will continue to be irreparably harmed unless and until Defendant is preliminarily and permanently enjoined from these actions.

78. Defendant's conduct was gross, wanton, malicious, oppressive, and showed spite, ill will, and reckless indifference to the interests of others. The conduct evidences an evil hand guided by an evil mind. As a result, Defendant is liable for punitive damages.

COUNT IV:
CANCELLATION OF FEDERAL TRADEMARK REGISTRATION NO. 4,553,200

79. The preceding paragraphs of the Complaint are hereby incorporated by reference as if fully set forth herein.

80. This count is brought under 15 U.S.C. § 1051 *et. seq.* based upon at least an intentionally false and fraudulent misstatement of the dates of first use recited in the application for the standard character word mark MAXIMUM BULLY (U.S. Reg. No. 4,553,200).

81. In its intent-to-use trademark application that resulted in U.S. Reg. No. 4,553,200 for MAXIMUM BULLY filed on January 8, 2013, Defendant's predecessor Elite K9, through its signatory, upon information and belief, falsely declared: "to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive." *See* Exhibit J. Defendant's predecessor Elite K9 did not disclose Plaintiff's prior use of the BULLY MAX mark to the USPTO and agreed to this statement despite the fact, upon information and belief, that Defendant's predecessor Elite K9 was aware of Plaintiff's prior use of the BULLY MAX mark given Plaintiff's marketing of its BULLY MAX-branded products to American Bully, bulldog and other similar breed owners and breeders.

82. On information and belief, Defendant's predecessor Elite K9 omitted its knowledge of Plaintiff's prior use of the BULLY MAX mark in its application for MAXIMUM BULLY that resulted in U.S. Reg. No. 4,553,200 with the intent to deceive the USPTO in an attempt to predate the Plaintiff's use of, application for, and federal registration of the BULLY MAX mark which was first federally registered in Registration No. 4,347,610 on June 4, 2013 and was subsequently federally registered for dog food in Registration No. 6,051,700 on May 12, 2020.

83. Further, when Defendant's predecessor Elite K9 filed its application for Defendant's trademark registration for MAXIMUM BULLY on January 8, 2013, it filed the application as an intent-use-application under Trademark Act Section 1(b) that did not set forth a date of first use or a date of first use in U.S. interstate commerce. *See* Exhibit J. When Defendant's predecessor Elite K9 subsequently filed a statement of use on May 24, 2014 in the

intent-to-use application for Defendant's trademark registration for MAXIMUM BULLY, it claimed a date of first use and a date of first use in U.S. interstate commerce of December 1, 2012, even though, upon information and belief, Defendant or its predecessor Elite K9 was not using the MAXIMUM BULLY trademark on or in connection with the sale or offer for sale of the identified goods as of December 1, 2012. *See* Exhibit J.

84. The Internet Archive Wayback Machine (<https://archive.org/web/>) preserves archived copies of the Maximum Bully website (<https://www.maximumbully.com/>) which indicates that the earliest date the Maximum Bully website was in existence and listed dog food as a product was April 12, 2013, as shown in the attached Exhibit I. This internet archive evidences that Defendant or its predecessor Elite K9 was not using the MAXIMUM BULLY mark on or in connection with the identified goods as of the alleged dates of first use of December 1, 2012.

85. Further, on May 24, 2014, the same day Defendant's predecessor Elite K9 filed the statement of use in the intent-to-use application for Defendant's trademark registration for MAXIMUM BULLY, Elite K9 filed a request to divide the goods identified in the application between goods in class 031, namely dog food, which it claimed was in use at that time, and goods in class 005, namely dietary supplements for dogs, which it claimed it still had only an intent to use at that time. *See* Exhibit J. Elite K9 subsequently abandoned the divided application for goods in class 005, namely dietary supplements for dogs. Upon information and belief, Elite K9's request to divide and its subsequent abandonment of its application for the mark MAXIMUM BULLY for goods in class 005, namely dietary supplements for dogs, was at least in part due to Elite K9's desire to avoid disclosing to the USPTO Bully Max's prior use of the BULLY MAX mark and Bully Max's '610 Registration for the mark BULLY MAX in connection with "dog vitamins" which was registered on June 4, 2013.

86. On information and belief, Defendant's predecessor Elite K9 fraudulently and intentionally misstated its dates of first use in its statement of use filed on May 24, 2014 in its application for MAXIMUM BULLY filed on January 8, 2013, that later issued as U.S. Reg. No. 4,553,200.

87. On information and belief, Defendant's predecessor Elite K9 filed this fraudulent statement of use and application in an attempt to leverage the eventual registration against Plaintiff. Due to the fraudulent and intentional nature of these omissions and false statements, Defendant's U.S. Reg. No. 4,553,200 should be cancelled.

88. On information and belief, Defendant's predecessor Elite K9's statement that its mark was in use with the identified goods, namely dog food, on the December 1, 2012 dates of first use alleged in the statement of use for the application for MAXIMUM BULLY was false, material, made knowingly and with an intent to deceive in an attempt to predate, and avoid disclosure of, Plaintiff's applications and registrations for and prior use of the BULLY MAX mark. Defendant's predecessor Elite K9 made a fraudulent representation in its application for U.S. Reg. No. 4,553,200, and as such the registration should be cancelled in its entirety.

89. On information and belief, Defendant's predecessor Elite K9 omitted its knowledge of Plaintiff's BULLY MAX mark and misstated its dates of first use in its application for MAXIMUM BULLY with intent to deceive the USPTO in an attempt to predate and avoid disclosure of Plaintiff's applications and registrations for, and prior use of, Plaintiff's BULLY MAX mark.

90. Plaintiff will be damaged by U.S. Reg. No. 4,553,200 and seeks to cancel the same. Namely, U.S. Reg. No. 4,553,200, based on Elite K9's omission of its knowledge of Plaintiff's prior application, registration, and use of the BULLY MAX mark in Elite K9's application and Elite K9's fraudulent listing of dates of first use, may potentially prevent

Plaintiff from using or expanding its use of its BULLY MAX mark even though Plaintiff used the BULLY MAX mark prior to Elite K9's application and U.S. Reg. No. 4,553,200 for MAXIMUM BULLY.

91. Plaintiff will be damaged by continued registration by Defendant of the MAXIMUM BULLY mark.

92. A judicial declaration canceling U.S. Reg. No. 4,553,200 for MAXIMUM BULLY is necessary and appropriate to resolve this controversy between the parties and afford Plaintiff complete relief.

93. For the foregoing reasons, the Court should order cancellation, pursuant to 15 U.S.C. § 1064(3), of U.S. Trademark Registration No. 4,553,200 for MAXIMUM BULLY.

94. The willful and intentional nature of Defendant's conduct makes this an exceptional case under 15 U.S.C. § 1117(a).

95. Given that U.S. Trademark Registration No. 4,553,200 was obtained through willful fraud and intentional misrepresentation, any allegation of incontestability does not preclude cancellation pursuant to the terms of the Lanham Act.

COUNT V:
CIVIL LIABILITY FOR FALSE OR FRAUDULENT REGISTRATION
UNDER 15 U.S.C. § 1120

96. The preceding paragraphs of the Complaint are hereby incorporated by reference as if fully set forth herein.

97. Upon information and belief, Defendant's predecessor Elite K9 procured Defendant's U.S. Trademark Reg. No. 4,533,200 for MAXIMUM BULLY by a false or fraudulent representation or by false means as described above.

98. Plaintiff will be damaged by Defendant's U.S. Reg. No. 4,533,200 and seeks to cancel the same. Namely, U.S. Reg. No. 4,533,200, based on Defendant's predecessor Elite

K9's omission of knowledge of Plaintiff's prior use of the BULLY MAX mark in its application and Defendant's predecessor Elite K9's fraudulent listing of dates of first use, may potentially prevent Plaintiff from using or expanding its use of its BULLY MAX mark, even though Plaintiff used the BULLY MAX mark in connection with dog food prior to Defendant's and Elite K9's application and U.S. Reg. No. 4,533,200 for MAXIMUM BULLY.

99. As a result of Defendant's predecessor Elite K9's false or fraudulent procurement of Defendant's U.S. Reg. No. 4,533,200 for MAXIMUM BULLY, Plaintiff has suffered and continues to suffer damages in an amount to be determined.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment in its favor, and against Defendant, and grant the following relief:

A. a preliminary and permanent injunction enjoining Defendant, its agents, representatives, employees, assigns and suppliers, and all persons acting in concert or privity with Defendant, from engaging in the following activities:

- i. Registering, trafficking in, and using, in any manner, any name, confusingly similar to, or likely to dilute Plaintiff's BULLY MAX mark;
- ii. Using any of Plaintiff's BULLY MAX mark or any other name, mark, designation or depiction in a manner that is likely to cause confusion regarding whether Defendant is affiliated or associated with or sponsored by Plaintiff, or that is likely to dilute the distinctiveness of Plaintiff's BULLY MAX mark or any other marks owned by Plaintiff;
- iii. Engaging in trademark infringement, trademark dilution, counterfeiting, unfair competition, false advertising, false designation of origin, and,

passing off against Plaintiff, or misappropriation of Plaintiff's trademark rights;

- iv. Assisting, aiding, or abetting any other person or business entity in engaging in or performing any of the activities referred to in subparagraphs (i) through (iii) above.

B. a final judgment that Defendant has violated Plaintiff's rights in Plaintiff's BULLY MAX mark in violation of 15 U.S.C. § 1114(1), and is liable to Plaintiff for damages for the same;

C. a final judgment:

- i. permanently enjoining Defendant, its agents, representatives, employees, assigns and suppliers, and all persons acting in concert or privity with Defendant, from engaging in the activities described in Paragraph A (i)-(iv) above;
- ii. ordering Defendant to account to Plaintiff for, and disgorge, all profits it has derived by reason of the unlawful acts complained of above;
- iii. ordering Defendant to pay damages, in an amount to be determined at trials, and that those damages be trebled, under 15 U.S.C. § 1117;
- iv. ordering Defendant to pay Plaintiff's reasonable attorneys' fees, prejudgment interest, and costs of this action under the Lanham Act, 15 U.S.C. § 1116, § 1117, and § 1125(a), and 35 U.S.C. § 285;
- v. ordering Defendant to file with the Court and serve upon Plaintiff a written report under oath setting forth in detail the manner and form in which Defendant has complied with the injunction and judgment within

thirty (30) days after the service of the injunction and judgment upon Defendant;

vi. ordering Defendant to pay punitive damages in an amount to be determined, based upon the foregoing acts of Defendant; and

vii. granting Plaintiff such other relief as the Court may deem appropriate.

D. cancellation of U.S. Trademark Registration No. 4,553,200;

E. a preliminary and permanent injunction enjoining Defendant from any further attempts to fraudulently procure trademark rights and obtain an unfair competitive advantage in the marketplace;

F. an award of pre-judgment and post-judgment interest on the above monetary awards;

G. an award of all costs, expenses and attorneys' fees; and

H. such further legal and equitable relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff demands a jury trial on all issues so triable by jury alleged or relating to this litigation included in this Complaint pursuant to Rule 38 of the Federal Rules of Civil Procedure.

Respectfully submitted,

THE WEBB LAW FIRM

Dated: January 19, 2023

s/ Anthony W. Brooks
John McIlVaine (PA ID No. 56773)
Anthony W. Brooks (PA ID No. 307446)
Barry J. Coyne (PA ID No. 77007)

One Gateway Center
420 Ft. Duquesne Blvd., Suite 1200
Pittsburgh, PA 15222
412.471.8815
412.471.4094 (fax)

jmcilvaine@webblaw.com
abrooks@webblaw.com
bcoyne@webblaw.com

Attorneys for Plaintiff Bully Max LLC

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
BULLY MAX LLC
(b) County of Residence of First Listed Plaintiff Allegheny County
(c) Attorneys (Firm Name, Address, and Telephone Number)
Anthony W. Brooks, Barry J. Coyne, John W. McIlvain, The Webb Law Firm, One Gateway Center, 420 Ft. Duquesne Blvd, Suite 1200, Pittsburgh, PA 15222, 412-471-8815

DEFENDANTS
REPLENISH PET INC.
County of Residence of First Listed Defendant Riverside County, CA
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.
Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)
1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
PTF DEF
Citizen of This State 1 1
Citizen of Another State 2 2
Citizen or Subject of a Foreign Country 3 3
Incorporated or Principal Place of Business In This State 4 4
Incorporated and Principal Place of Business In Another State 5 5
Foreign Nation 6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only) Click here for: Nature of Suit Code Descriptions.

Table with columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, INTELLECTUAL PROPERTY RIGHTS, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)
1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District (specify)
6 Multidistrict Litigation - Transfer
8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
15 U.S.C. § 1125; 15 U.S.C. § 1114
Brief description of cause:
Trademark Infringement, Unfair Competition, False Designation of Origin & Trademark Cancellation

VII. REQUESTED IN COMPLAINT:
CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$
CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions):
JUDGE DOCKET NUMBER

DATE January 19, 2023 SIGNATURE OF ATTORNEY OF RECORD s/Anthony W. Brooks

FOR OFFICE USE ONLY
RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

JS 44A REVISED June, 2009

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA
THIS CASE DESIGNATION SHEET MUST BE COMPLETED

PART A

This case belongs on the (Erie Johnstown Pittsburgh) calendar.

1. **ERIE CALENDAR** - If cause of action arose in the counties of Crawford, Elk, Erie, Forest, McKean, Venang or Warren, OR any plaintiff or defendant resides in one of said counties.
2. **JOHNSTOWN CALENDAR** - If cause of action arose in the counties of Bedford, Blair, Cambria, Clearfield or Somerset OR any plaintiff or defendant resides in one of said counties.
3. Complete if on **ERIE CALENDAR**: I certify that the cause of action arose in _____ County and that the _____ resides in _____ County.
4. Complete if on **JOHNSTOWN CALENDAR**: I certify that the cause of action arose in _____ County and that the _____ resides in _____ County.

PART B (You are to check ONE of the following)

1. This case is related to Number _____ . Short Caption _____
2. This case is not related to a pending or terminated case.

DEFINITIONS OF RELATED CASES:

CIVIL: Civil cases are deemed related when a case filed relates to property included in another suit or involves the same issues of fact or it grows out of the same transactions as another suit or involves the validity or infringement of a patent involved in another suit

EMINENT DOMAIN: Cases in contiguous closely located groups and in common ownership groups which will lend themselves to consolidation for trial shall be deemed related.

HABEAS CORPUS & CIVIL RIGHTS: All habeas corpus petitions filed by the same individual shall be deemed related. All pro se Civil Rights actions by the same individual shall be deemed related.

PART C

I. CIVIL CATEGORY (Select the applicable category).

1. Antitrust and Securities Act Cases
2. Labor-Management Relations
3. Habeas corpus
4. Civil Rights
5. Patent, Copyright, and Trademark
6. Eminent Domain
7. All other federal question cases
8. All personal and property damage tort cases, including maritime, FELA, Jones Act, Motor vehicle, products liability, assault, defamation, malicious prosecution, and false arrest
9. Insurance indemnity, contract and other diversity cases.
10. Government Collection Cases (shall include HEW Student Loans (Education), V A Overpayment, Overpayment of Social Security, Enlistment Overpayment (Army, Navy, etc.), HUD Loans, GAO Loans (Misc. Types), Mortgage Foreclosures, SBA Loans, Civil Penalties and Coal Mine Penalty and Reclamation Fees.)

I certify that to the best of my knowledge the entries on this Case Designation Sheet are true and correct

s/Anthony W. Brooks

Date: January 19, 2023

ATTORNEY AT LAW

NOTE: ALL SECTIONS OF BOTH FORMS MUST BE COMPLETED BEFORE CASE CAN BE PROCESSED.

EXHIBIT A

Store Locator



Replenish and Maximum Bully partner with local independent pet stores that promote the health and well-being of animals.
Search your address or zip code to find an independent retailer near you.

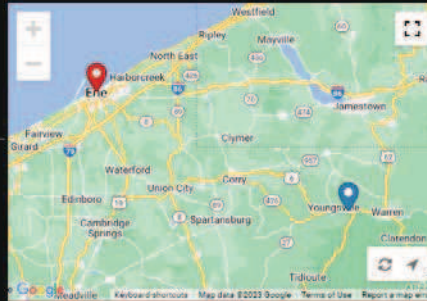
Your location Search radius Results

Pet Food Club

1920 Main Street
Irvine PA 16329

46.2 mi

[Directions](#)



CONTACT US

Replenish Pet Inc.
Distribution Center
1734 Illinois Ave.
Perris, CA 92571

Replenish Pet Inc.
PO Box 75496
San Clemente, CA 92673
Tel: 888.442.3114
Fax: 888.682.1229
Email: staff@replenishpet.com

[Terms of Use](#)
[Privacy Policy](#)
[Satisfaction Guarantee](#)

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EXHIBIT B

Bully Max online store

Home Search Email



- Home
- Order Now
- Ingredients
- Dealers
- About Us
- Links
- Contacts
- Order In Bulk and Save



ORDER NOW

<p>60 DAY SUPPLY</p>  <p>29.99</p> <p>Buy Now</p> <p>Google Checkout</p>	<p>120 DAY SUPPLY</p>  <p>49.99</p> <p>Buy Now</p> <p>Google Checkout</p>
---	--

Special Limited Time Offer

Order a year supply of Bully Max for **124.99**. This is a discount of over 30%. This offer is only available for a limited time.

[read more](#)



ABOUT BULLY MAX

The benefits dogs can get from Bully Max is a better immune system (which means your dog will be safer from infections), an improved metabolism, and improved vision. Bully Max is also designed for proper bone nourishment, strengthening tendons, building muscle, and over all growth in canines.

- LINKS AND RESOURCES**
- Feeding Instructions
 - Training equipment
 - Feeding tips
 - Exercise tips
 - Links
 - Order in bulk
 - Contact us

Bully Max online store



Bully Max Canine Muscle Building Supplement. 60 Day Supply.

Bully Max Canine Supplement

Our Price per bottle (Based on quantity): ~~US \$19.99~~ - ~~\$29.99~~

Description

There are many benefits your dog can get by using Bully Max. Bully Max supports a healthy immune system (which means your dog will be safer from infections), supports a healthy metabolism proper bone nourishment, tendon strength, and vision. Bully Max muscle supplement also aids in dog's muscle build as well as skin and coat health.

Bully Max provides the following powerful benefits:

- Increase Strength, Muscle, Power & Speed
- Extend Endurance
- Speed Recovery
- Better Oxygen Delivery
- Stress Fighters
- Build Muscle
- Raise Health & Immunity
- Post Surgery, Chemo, & Trauma
- Trans Fat, Sucrose, Corn Syrup Free!
- K9 Athletes
- Hard Keepers
- Dogs Needing to Muscle Up

Shipping costs are calculated through our web site and are based on your location. Shipping is available worldwide. Recommended for dogs 9 weeks and older.

CLOSE X



ABOUT BULLY MAX

The benefits dogs can get from Bully Max is a better immune system (which means your dog will be safer from infections), an improved metabolism, and improved vision. Bully Max is also designed for proper bone nourishment, strengthening tendons, building muscle, and over all growth in canines.

LINKS AND RESOURCES

- [Feeding Instructions](#)
- [Training equipment](#)
- [Feeding Tips](#)
- [Exercise tips](#)
- [Links](#)
- [Order in bulk](#)
- [Contact Us](#)

Dog Supplements Muscle Building



EXHIBIT C

AAO-1A (11/01)

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF AGRICULTURE**

HARRISBURG, PA 17110-9408

Commercial Feed License



**Bully Max, LLC
4885-A Mcknight Rd. #413
Pittsburgh PA 15237-5679**

**PaPlants ID: 00777M
Issue Date: 12/10/2022
Expire Date: 12/31/2023**

Ruth A. Welliver
SIGNATURE

NOT TRANSFERABLE

Visit www.paplants.pa.gov to obtain information on your License and Lab Samples.

EXHIBIT D

United States of America

United States Patent and Trademark Office

Bully Max

Reg. No. 6,051,700

Registered May 12, 2020

Int. Cl.: 5, 28, 31

Trademark

Principal Register

Bully Max (PENNSYLVANIA LIMITED LIABILITY COMPANY)
#413

4885-a Mcknight Road
Pittsburgh, PENNSYLVANIA 15237

CLASS 5: Dietary supplements for pets; Vitamins for pets

FIRST USE 12-23-2009; IN COMMERCE 12-23-2009

CLASS 28: Pet toys

FIRST USE 12-23-2009; IN COMMERCE 12-23-2009

CLASS 31: Pet food

FIRST USE 12-23-2009; IN COMMERCE 12-23-2009

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

No claim is made to the exclusive right to use the following apart from the mark as shown:
"BULLY"

The name(s), portrait(s), and/or signature(s) shown in the mark does not identify a particular living individual.

SER. NO. 88-566,614, FILED 08-05-2019



Andrei Iancu

Director of the United States
Patent and Trademark Office



REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION

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

Requirements in the First Ten Years*

What and When to File:

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

Requirements in Successive Ten-Year Periods*

What and When to File:

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

Grace Period Filings*

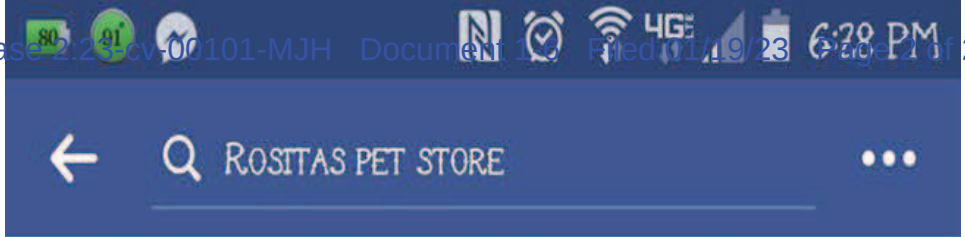
The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

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

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

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

EXHIBIT E



ROSITAS PET STORE

NOV 21 AT 2:41PM • 🌐

COME VISIT US AT BOTH STORE
ROSITAS PET STORE 1
2551 E AVE S PALMDALE CA 93550

ROSITAS PET STORE 2
43953 SIERRA HWY UNIT B
LANCASTER CA 93534





This photo is from a post.
Rositas pet stores
July 12, 2016 · 🌐

👍 Like 🗨️ Com
👤 Write a comment.



Maximum Bully
May 5, 2015 · 🌐

Let your family and friends know we are now available in Colombia. We will be posting information about us coming Bully Shows for the breeders that want expand their market.

10 · 2 comments

Like · Comment · Share

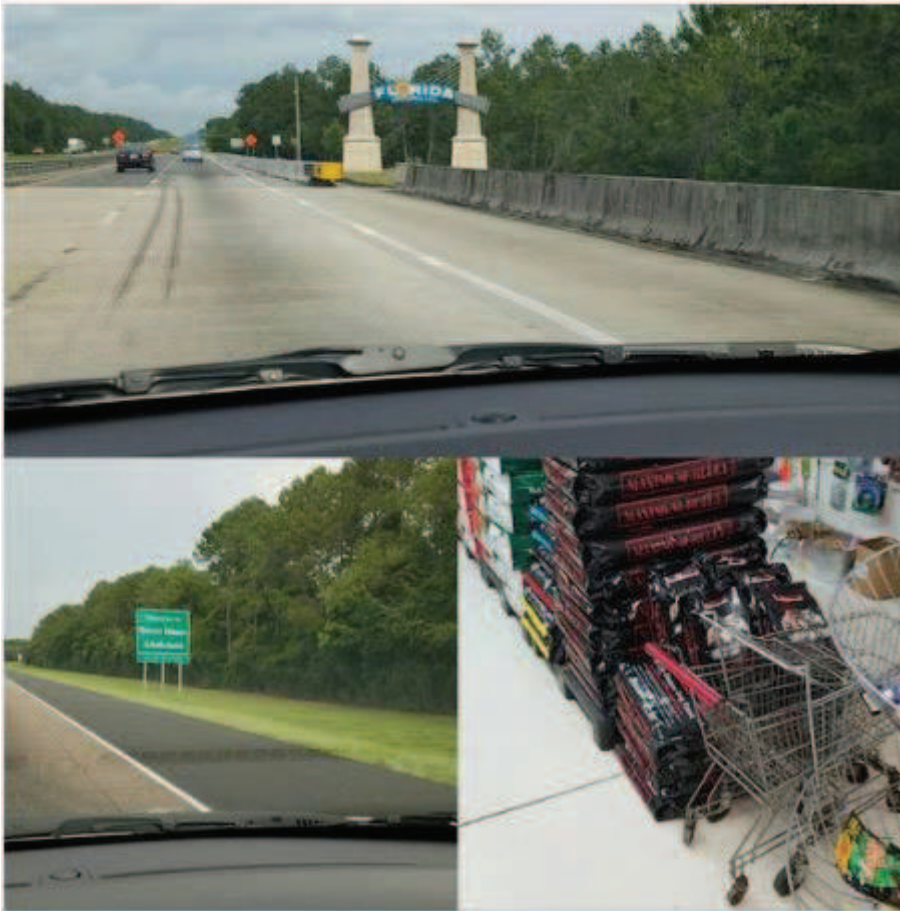
Jose Familybully
👍👍👍👍
Like · Reply · 🗨️

Antonio Lucks
Where can I order or get the Bully max dog food from?
Like · Reply · 🗨️

Write a comment... 🗨️ 📷 📺 📧 📌

Maximum Bully
July 12, 2016 · 🌐

Building the brand!



12 4 comments

Like Comment Share

Most relevant ▾

Write a comment... 🗨️ 😄 📷 📺 🎵

Ulisses Cisneros
Where do I get it at?
Like Reply 4y

Jay Jackson
Bgd Kell
Like Reply 5y

Sparta Cane
I live in the Sarasota area. And would like to know where can I purchase bully max products
Like Reply 6y

Adrian Alamillo
Would your brand be OK for puppies.. Or how old would you recommend they start it at
Like Reply 6y

Write a comment...

BULLY MAX

BullyMax.com Help Center <help@bullymax.com>

New customer message on October 11, 2021 at 11:24 am

Bully Max Customer Success Team <help@bullymax.com>
Reply-To: Bully Max Customer Success Team <help@bullymax.com>
To: jvgenna@gmail.com

Tue, Oct 12, 2021 at 3:40 PM

Hello,

Looks like you have us and Maximum Bully mixed up, lol. That is a different brand from Bully Max.

-Nate

Nate Houston
Bully Max Customer Success Team
E: help@bullymax.com
W: bullymax.com



Bully Max recipes are established to meet the essential nutritional standards for complete & balanced pet food set by the Association of American Feed Control Officials (AAFCO). Comprised of federal & state officials, veterinarians, scientists and more.

On Tue, Oct 12, 2021, at 07:37 PM, <jvgenna@gmail.com> wrote:

Hi Nate,

Thanks for the reply, but I was at Theresa's Pet Food in Simi Valley and they carry one type of your dry dog food. Unfortunately, it does have Pea Protein and that was why I was asking.

Thanks,

John

On Tue, Oct 12, 2021, at 07:29 PM, Bully Max Customer Success Team <help@bullymax.com> wrote:

Hello,

We do not use pea protein in our foods. Those foods are actually the same formula, we are rebranding the Gorilla Max food to the pro series food but it is the same thing. We do all our sales online.

-Nate

On Mon, Oct 11, 2021, at 03:24 PM, <jvgenna@gmail.com> wrote:

You received a new message from your online store's contact form.

Name: John Genna

Email: jvgenna@gmail.com

Phone: 18184977772

Body: Hello, I have a 90lb 1 year old Doberman Pinscher and wanted to know what is the difference between the Gorilla Max dog food and the Pro 2x Pro Series? Also, I want to make sure there is no "Pea" protein in either product due to the recent studies about a possible correlation with DCM. Any brick and mortar stores carry your product? Thanks, John

BULLY MAX

BullyMax.com Help Center <help@bullymax.com>

Bullymax.com contact form: shipping fees

Bully Max Customer Success Team <help@bullymax.com>
Reply-To: Bully Max Customer Success Team <help@bullymax.com>
To: rubensmailbox@yahoo.com

Mon, Mar 22, 2021 at 9:59 AM

Hello,

Sorry but we do not have a distributor there. If you want to start a subscription use the coupon code NATE77 and you'll get free shipping for the life of the subscription.

-Nate

Nate Houston
Bully Max Customer Success Team
help@bullymax.com

bullymax.com

On Sat, Mar 20, 2021, at 09:22 PM, <rubensmailbox@yahoo.com> wrote:

Your Name ruben m **Your Email (use your account email if possible)** rubensmailbox@yahoo.com **Subject** shipping fees **Your Message** the cost of shipping on the food becomes too expensive to afford. is there a distributor in Long Beach or LA area where I can pick up the food?. if so please let me know, as of now all I found was a food by the name of maximum bully, but I don't know if that product belong to you

BULLY MAX

BullyMax.com Help Center <help@bullymax.com>

Bullymax.com contact form: Website

RaYRaY 1944 <nbyndd42@hotmail.com>

Thu, Aug 20, 2020 at 2:15 AM

To: Bully Max Customer Success Team <help@bullymax.com>

It is so frustrating that I had to order it from the bullymax.com website as 2 out of the 3 Bully Max products on Amazon.ca are currently unavailable for at least the last 2 weeks. For us who live in Canada and would not like to wait 3 weeks for A delivery it is very FRUSTRATING. I don't call this free shipping also you put it in our face so much on your website it flashes up about Amazon every 5 seconds when really it is a load of crap. NOT FREE SHIPPING

Maximum Bully Chicken and Pork Dog Food, 5 lb

Brand: Maximum Bully
3.8 out of 5 stars 23 ratings

Price: **CDN\$ 31.66 + CDN\$ 79.44 shipping**

Sent from [Mail](#) for Windows 10

From: Bully Max Customer Success Team
Sent: August 18, 2020 7:29 AM
To: RaYRaY 1944
Subject: Bullymax.com contact form: Website

Hello,

[Quoted text hidden]

BULLY MAX

BullyMax.com Help Center <help@bullymax.com>

New customer message on October 11, 2021 at 11:24 am

jvgenna@gmail.com <jvgenna@gmail.com>
To: Bully Max Customer Success Team <help@bullymax.com>

Hi Nate,

Thanks for the reply, but I was at Theresa's Pet Food in Simi Valley and they carry one type of your dry dog food. Unfortunately, it does have Pea Protein and that was w

Thanks,

John



amazon prime Deliver to John Simi Valley 93065

Maximum Bully Elite Dog Food

Maximum Bully Dog Food has been created by a man who has had a life saving military dog, used in the States. The American Bully is a lovable breed known as the nanny dog because they were known for their gentle nature. From the 1800's through present day, they have become the most dominant trait.

- Chicken and egg
- Oatmeal
- 32% Protein
- Multiple nutrients
- Yeast and all

Formulated for Multiple Breeds: American Terrier, Bull Terrier, American Staffordshire Terrier, German Shepherd, Cane Corso, Akita, Boxer

Ingredients:
 Chicken meal, pork meal, chicken fat (tocopherols), white rice, barley, pea protein, spray dried egg product, dried plain beef, fish meal, salt, flaxseed meal, yeast extract, potassium chloride, choline chloride, niacin, niacinamide, copper proteinate, ferrous sulfate, potassium iodide, manganese oxide, manganese sulfate, sodium selenite, zinc oxide, zinc sulfate, zinc supplement, thiamine mononitrate, ascorbic acid, biotin, niacin, calcium hydrochloride, vitamin B12 supplement, folic acid, salmon oil, dried carrots, dried cranberries, dried apple, dried rosemary, dried blueberries, dried chicory root, dried Lactobacillus acidophilus fermentation product, dried Trichoderma longibrachia fermentation product, dried Trichoderma longibrachia yeast culture, mixed tocopherols (a natural source)

ACTIVE8
 PROBIOTIC & PREBIOTIC BLEND
 DIGESTIVE SUPPORT

Frequently bought together

[Quoted text hidden]

BULLY MAX

BullyMax.com Help Center <help@bullymax.com>

New customer message on September 3, 2021 at 8:59 pm

Matthew Richards <richardsm27@yahoo.com>
To: Bully Max Customer Success Team <help@bullymax.com>

Tue, Sep 7, 2021 at 4:42 PM

Please send out 5lb bag how long will this delay be? When will your product be in stores for customers to pick up? I seen Maximum bully in pet store the other day, is that your product?

Sent from my iPhone

On Sep 7, 2021, at 7:15 AM, Bully Max Customer Success Team <help@bullymax.com> wrote:

[Quoted text hidden]

BULLY MAX

BullyMax.com Help Center <help@bullymax.com>

Re: Cyber Monday Sale: \$40 OFF ALL BUNDLES

Johny Martinez <thelostangel_13@yahoo.com>
To: Bully Max <help@bullymax.com>

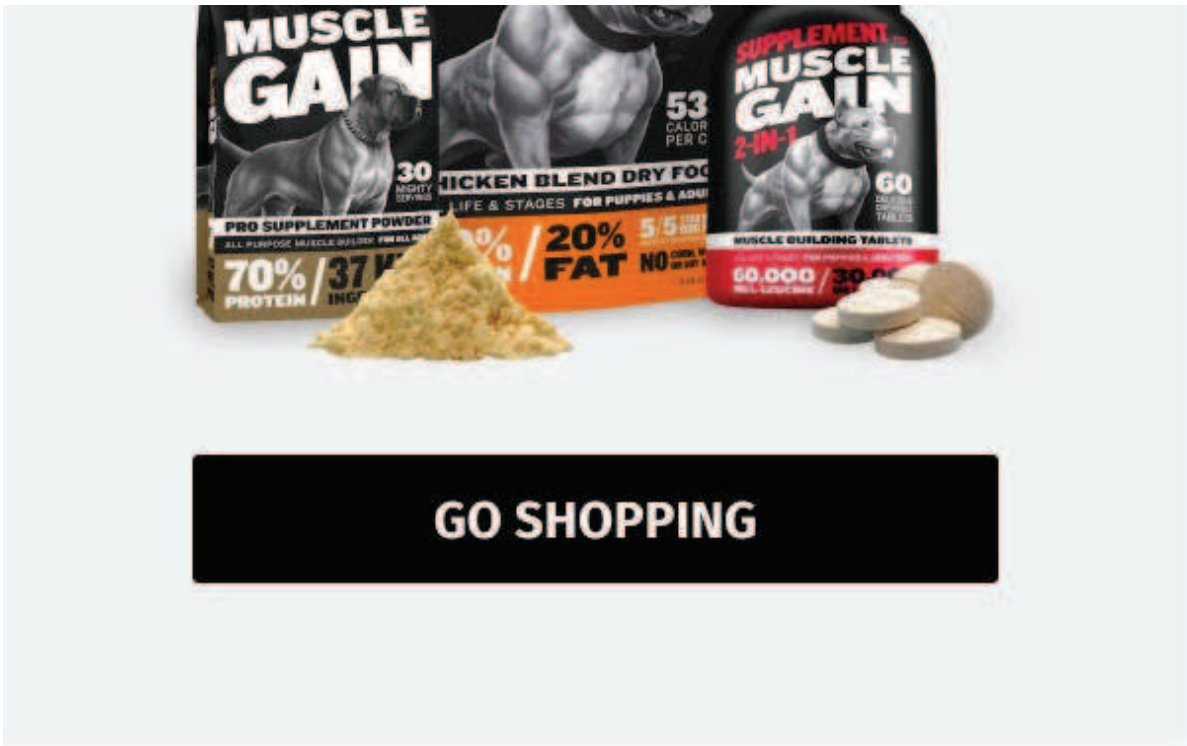
Mon, Nov 29, 2021 at 10:00 PM

Quick question is maximum bully the same as bully max?



On Monday, November 29, 2021, 6:12 AM, Bully Max <help@bullymax.com> wrote:





Bundles are great for your dog!

- ✓ Everything your dog needs to be its best
- ✓ Add Muscle, Mass, and Reach Your Dog’s Fullest Potential
- ✓ The #1 Rated & Reviewed canine performance products on the market
- ✓ 5-Star rated (dogfoodadvisor.com)

Offer Valid only for a Limited time!

BULLY MAX

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exoticbulletskennels

3h



♥ 32 likes

exoticbulletskennels Bullet standing next to our first bag of Bully max all the pups/dogs will be on bully max from now on 🏠🏠😎 #bully #exoticdog #bullseyeblood #toadline #G2 #inmacwetrust

blizz19_we_love Don't forget Skylar

bullymax Disclaimer: we do not endorse, manufacture, or have any affiliation with the brand "maximum bully"



bullymax maximumbully



daniella_baby710
Jesse's Pet & Feed Store

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1 like

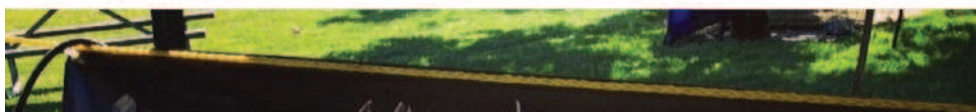
daniella_baby710 Nothin But The Best For My Dog 🐕 Ive Been Looking For This EveryWhere! 50 Bucks But Its Well Worth It For My Big Ass Baby! #bullymax #dogfood #protein #maximumbully

May 7, 2015



chavezpits

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chavezpits Thank you again to Maximum Bully for Sponsoring the St Pitty bully show!!! #bullymax #maximumbully #bullyshows

March 8, 2014



c5bullies

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7:39



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felinefinery Our Bully DOC! :-)
#bullterrier#englishbullterrier#ebt#maximumbully#bullymax#
englishbullterriersofinstagram#bullterriersofinstagram#sprin
gpoll#dog#dogs#bullies

March 3, 2014



alanbaquero

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Zeke the Freaks monster son!

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#bullymagazine #BullyMax #maximumbully
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January 28



felinefinery

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7:39



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alanbaquero

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147 likes

alanbaquero **CAPONE** ^{TOP} #staffordshirebullterrier #americanbully #bullymax #maximumbully #bluenose #pitblue #pitbluenose

December 29, 2017



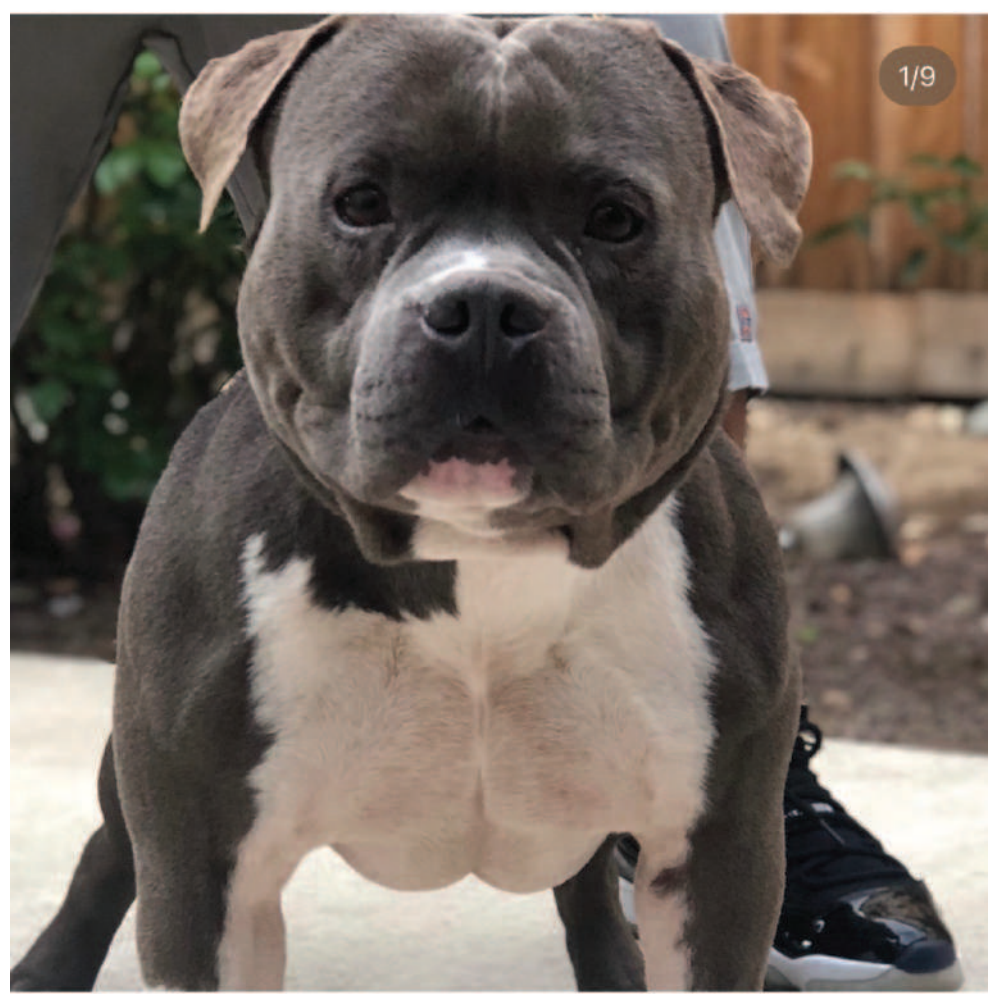


bullymax maximumbully



c5bullies

Follow



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c5bullies Needed to post a pic of lotso show him some love Old razors edge blood 🔥🔥🔥🔥 #americanbully #abkcbully#abkcbully#westcoast #pocketbully#bullymax #maximumbully#ukcbullies#atomicdogmagazine

November 3, 2018



hobpitslongbeach

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89 views

mikewillz85 just hangin out #maximumbully #bullymax

July 3, 2016



hobbitslongbeach

Queen Mary Long Beach Harbor

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7:48



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August 12, 2017



azrkennelsbully
Madrid, Spain

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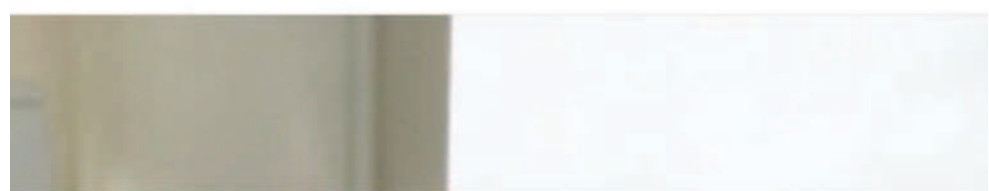


EXHIBIT F



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FRE 408 APPLIES

February 10, 2014

VIA CERTIFIED MAIL

Lee Chen
Kyler, Kohler Ostermiller & Sorensen, LLP
7700 Irvine Center, Suite 800
Irvine, CA 92618

RE: Bully Max, LLC v. Elite K9 Nutrition, LLC
Your Client's Use of MAXIMUM BULLY

Dear Mr. Chen:

Please be advised that we represent Bully Max LLC in regard to the protection of their federally protected intellectual property. In this regard, we are writing regarding your client's use of the mark MAXIMUM BULLY.

Our client has been continuously using the mark BULLY MAX in connection to dog supplements since as early as 2009. Because of the excellent quality of the goods provided under our client's mark in conjunction with the substantial resources dedicated to promoting the same our client's mark has become distinctive and synonymous with its mark and now embodies a very substantial amount of valuable business goodwill. The mark is protected by U.S. Reg. No. 4,347,610. Attached please find a copy of said Registration.

It has recently come to our client's attention that your client has been using the mark MAXIMUM BULLY in connection with dietary supplements for dogs and dog food. Your client's use of the mark MAXIMUM BULLY is confusingly similar to our client's rights as listed above and dilutes the distinctiveness of that mark.

Consequently, your client's unauthorized use of our client's mark as a trademark constitutes federal trademark infringement, unfair competition, and dilution under federal and service mark laws.

*Admitted to practice in Virginia and the District of Columbia. Practice limited to federal trademark and copyright law.

Thus, this is our formal demand that your client:

- Cease any use of the mark MAXIMUM BULLY within 14 days;
- Voluntarily expressly abandons their U.S. Trademark Application, further identified by U.S. Ser. No. 85/818,442, within 14 days;
- Removes all pages posted to the domain name, www.maximumbully.com, bearing the infringing mark within 14 days;
- Voluntarily transfers all rights to the domain name www.maximumbully.com to our client within 14 days;
- Removes all pages posted to the domain name, www.elitek9nutrition.com, bearing the infringing mark within 14 days;
- Removes all pages posted to the domain name, www.elitek9nutrition.net, bearing the infringing mark within 14 days;
- Removes all pages posted to the domain name, www.elitek9nutrition.org, bearing the infringing mark within 14 days;
- Removes all pages posted to the Facebook page hosted at www.facebook.com/MaximumBully/152069614994185 bearing the infringing mark in connection to the services specified above within 14 days;
- Voluntarily shuts down the Facebook page hosted at www.facebook.com/MaximumBully/152069614994185 within 14 days;
- Removes all pages posted to the Twitter page hosted at www.twitter.com/MaximumBully bearing the infringing mark in connection to the services specified above within 14 days;
- Voluntarily shuts down the Twitter page hosted at www.twitter.com/MaximumBully within 14 days;
- Provides an accounting of all profits received as a result of the unauthorized use of the infringing mark within 14 days; and
- Provides an accounting of all items left bearing the infringing mark within 14 days.

We ask that you confirm, in writing, that your client will comply with our client's demands no later than **February 24, 2014**. Failure to do so or to otherwise contact our office concerning this matter will be regarded as non-compliance with our client's demands and will be responded to accordingly.

Thank you for your time and attention to this matter. I look forward to your reply at your earliest convenience.

Lastly, nothing herein shall be construed as an admission against the interests of our client all of whose rights are hereby expressly reserved.

Yours very truly,

/Matthew H. Swyers/

cc: MK

/mhs/



EXHIBIT G

Customers who viewed this item also viewed



Ultimate Bully - Maximum Performance Canine Supplement, 60 Tablets, Made in The USA

Brand: Maximum Bully
 4.8 (4,477) 1 (100%)

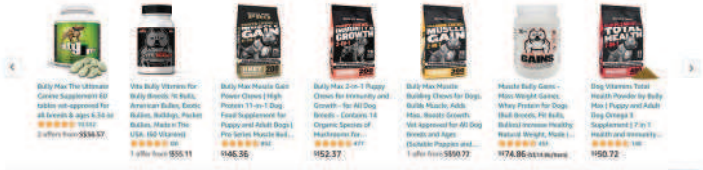
Currently unavailable.
 We don't know when or if this item will be back in stock.

About this item

- The ultimate supplement for building mass and definition in all dog breeds.
- Converts calories into muscle mass instead of fat.
- Assures metabolism in the efficient utilization of vitamins, minerals and other nutrients.
- Optimizes immune system.
- Give your dog maximum size, health, and energy of your dog.

Currently unavailable.
 We don't know when or if this item will be back in stock.

Customers who viewed this item also viewed



What other items do customers buy after viewing this item?



Product Information

Technical Details		Additional Information	
Manufacturer	MaximumBully	Feedback	
Item model number	---	Would you like to tell us about a lower price?	
Package dimensions	11.51 x 4.3 x 6.7 in; 130 Grams		
ASIN	B07121L028		

Product Description

The ultimate supplement for quickly building mass and definition in all dog breeds. Converts calories into muscle mass instead of fat. Assures metabolism in the efficient utilization of vitamins, minerals and other nutrients. Optimizes immune system. Give your dog maximum size, health and energy of your dog.
 Contains a variety of highly selected, superior ingredients.

Feeding Directions: For use on dogs over 12 weeks of age. Dogs under 10lbs: 1/2 Tablet Daily. Dogs 10 lbs to 1-3 Tablets Daily for working dogs, use 1/2 additional (dependent on running dogs). Under 10 lbs: 1 Tablet Daily. Dogs 10 lbs to 2 Tablets Daily depending on breed. (Medium breeds: Boxer, Bull Terrier, Cocker Spaniel, Golden Retriever, Labrador Retriever, Mastiff, Pit Bull, Rottweiler, Weimaraner, German Shepherd, Doberman Pinscher, Akita, Chow Chow, Great Dane, Husky, Irish Setter, Irish Wolfhound, Mastiff, Newfoundlander, Old English Sheepdog, Poodle, Saint Bernard, Shetland Sheepdog, Siberian Husky, Weimaraner, Wire Fox Terrier, Yorkshire Terrier, etc.) Large breeds: (Large breeds: Akita, Boxer, Bull Terrier, Cocker Spaniel, Golden Retriever, Labrador Retriever, Mastiff, Pit Bull, Rottweiler, Weimaraner, German Shepherd, Doberman Pinscher, Akita, Chow Chow, Great Dane, Husky, Irish Setter, Irish Wolfhound, Mastiff, Newfoundlander, Old English Sheepdog, Poodle, Saint Bernard, Shetland Sheepdog, Siberian Husky, Weimaraner, Wire Fox Terrier, Yorkshire Terrier, etc.)

Important information

Directions:

Customers who bought this item also bought



Customer questions & answers

Have a question? Search for answers

Typical questions asked about products:

- Is this item available?
- Is this item easy to use?
- What are the dimensions of this item?

Customer reviews

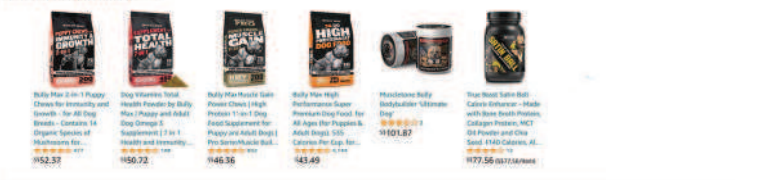


Review this product

Share your thoughts with other customers

Write a customer review

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See personalized recommendations

Sign in



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Home > Ultimate Bully - Maximum Performance Canine Supplement, 60-Count



Sku: 210000020578
Vendor: Maximum Bully

Ultimate Bully - Maximum Performance Canine Supplement, 60-Count

\$29.99 USD

 In stock!

 Spend \$59.00 to Free Local Delivery

 Free Same Day Delivery in Orders \$59+

 100% Satisfaction Guarantee

 Fast & Easy In-store Pickup or Curbside

- 1 +  Add to cart

 Share

-  Product description
-  Guaranteed Analysis
-  Ingredients

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Multivitamin Dog Supplement,
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Supplement for Dogs
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SHOP / ULTIMATE BULLY MAXIMUM PERFORMANCE CANINE SUPPLEMENT



ULTIMATE BULLY MAXIMUM PERFORMANCE CANINE SUPPLEMENT

\$39.99

Size * * Required

60 Tablets

QTY:

1

Add to Cart

- The ultimate supplement for building mass and definition in all dog breeds
- Converts calories into lean muscle mass instead of fat
- Assists metabolism in the efficient utilization of vitamins, minerals and other nutrients
- Optimizes immune system
- Give daily to increase the size, health, and stamina...

[\(read more\)](#)



DESCRIPTION

- The ultimate supplement for building mass and definition in all dog breeds.
- Converts calories into lean muscle mass instead of fat
- Assists metabolism in the efficient utilization of vitamins, minerals and other nutrients
- Optimizes immune system
- Give daily to increase the size, health, and stamina of your dog

FEATURED PRODUCTS



Newborn Puppy Silicone Feeding Station \$25.00



CapShield MAXX ~~\$48.00~~ \$60.00



43" COLLAPSIBLE DOUBLE DOOR KENNEL \$350.00

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Home | Dog Supplies



Ultimate Bully Maximum Performance Canine Supplement 60 ct

Item #I020532b_I020532

Review this product

The Ultimate Supplement for quickly building mass and definition in all dog breeds. Converts calories into lean muscle mass instead of fat. Assists metabolism in the efficient utilization of vitamins, minerals and other nutrients. Optimizes immune system. Give daily to increase the size, health, and stamina of your dog. 60 ct.

\$24.99

Size

60 ct

Qty

1

Add to Cart

Eligible for Free Shipping Promo.

Mouse over to zoom

CUSTOMER REVIEWS INGREDIENTS

Write a Review

- Love It
- Like It
- It's OK
- Don't Like It
- Hate It

Review
required

Name
required

Email Address
required

PEOPLE WHO BOUGHT THIS ALSO BOUGHT



Ultimate Bully Maximum Performance Canine Supplement

From \$24.99



Maximum Bully All Life Stages Dry Dog Food

From \$18.99

FREE SHIPPING

On all eligible items with this symbol for orders \$49 or above.

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SAVE OVER 15% OFF THE ORIGINAL PRICE



Ultimate Body Nutrition Performance Cocktail Supplement

100% MONEY BACK GUARANTEE

BUY NOW

Other products in the collection:

- Product 1: \$24.99
- Product 2: \$24.99
- Product 3: \$24.99
- Product 4: \$24.99
- Product 5: \$24.99

SALE 100% MONEY BACK GUARANTEE

Ultimate Body Nutrition Performance Cocktail Supplement



DESCRIPTION

Ultimate Body Nutrition Performance Cocktail Supplement is a powerful blend of natural ingredients designed to support your body's performance and recovery. It contains a variety of vitamins, minerals, and amino acids that work together to enhance your energy, improve your focus, and help you recover faster after your workouts. This supplement is perfect for anyone who is looking to take their fitness to the next level.

KEY BENEFITS

- Increases energy and stamina
- Improves focus and concentration
- Supports muscle recovery and growth
- Enhances overall health and well-being

HOW TO USE

Take 1-2 capsules daily with water, or as directed by your healthcare provider.

TESTIMONIALS

★★★★★


100% MONEY BACK GUARANTEE

What's Trending

Grid of trending products:

- Product 1: \$24.99
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- Product 16: \$24.99
- Product 17: \$24.99
- Product 18: \$24.99
- Product 19: \$24.99
- Product 20: \$24.99
- Product 21: \$24.99
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- Product 29: \$24.99
- Product 30: \$24.99

Disrupt Your Rivals' Key Traffic Drivers



Learn how to identify and disrupt your competitors' key traffic drivers to gain a competitive edge.



Maximum Bully Ultimate Performance Canine Supplement For Dogs 365 Tablets

Condition: **New**

Quantity: [2 available / Last!](#)

Price: **US \$94.99**

[Buy It Now](#)

[Add to cart](#)

Best Offer:

[Make offer](#)

[Add to Watchlist](#)

Shipping: Free 2-4 day shipping (US 48) (US 49) (US 50) (US 51) (US 52) (US 53) (US 54) (US 55) (US 56) (US 57) (US 58) (US 59) (US 60) (US 61) (US 62) (US 63) (US 64) (US 65) (US 66) (US 67) (US 68) (US 69) (US 70) (US 71) (US 72) (US 73) (US 74) (US 75) (US 76) (US 77) (US 78) (US 79) (US 80) (US 81) (US 82) (US 83) (US 84) (US 85) (US 86) (US 87) (US 88) (US 89) (US 90) (US 91) (US 92) (US 93) (US 94) (US 95) (US 96) (US 97) (US 98) (US 99) (US 00)

Returns: 30 day returns (Buyer pays for return shipping)

Payments: [PayPal](#) [CREDIT](#)

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Similar sponsored items

<p>Flex-Gone Fast 10 result Control 50 Capsule Dog Cat 76-125lb Natural Supplement</p> <p>Price: \$24.99</p> <p>Free shipping</p> <p>Buy It Now</p> <p>Add to cart</p>	<p>Maximum Bully 60 Tablets Ultimate Performance Supplement For Dogs 4.23 Oz</p> <p>Price: \$47.49</p> <p>Free shipping</p>	<p>PREDATOR 60 CHEW MUSCLE BUILDER FOR DOGS (CANINE NUTRITIONAL SUPPLEMENT FOR...</p> <p>Price: \$23.99</p> <p>Free shipping</p> <p>Buy It Now</p>	<p>Bully Max the Ultimate Canine Supplement 60 Tablets Vet Approved for All Breeds</p> <p>Price: \$37.03</p> <p>Free shipping</p> <p>Buy It Now</p> <p>Add to cart</p>	<p>Deviate Nutritional Supplement for Blood Sugar</p> <p>Price: \$55.00</p> <p>Free shipping</p> <p>Buy It Now</p>
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--	---	--	---

Description | **Shipping and payments** | **Product ID: 354430034015**

Seller assumes all responsibility for this listing.

Last updated on Dec 18, 2022 07:08:05 PST [View all listings](#)

Item specifics		Brand	
Condition:	New: A brand new, unused, unopened, undamaged item. See the seller's listing for full details. See eBay's condition guidelines .	Brand:	Maximum Bully
Formulation:	Tablet	Purpose:	Muscle Growth
Dog Breed:	All Breeds	Custom Bundle:	No
Brand Description:	No Suggested Values	MPN:	No Suggested Values
Modified Item:	No	Modification Description:	No Suggested Values
Country/Region of Manufacture:	United States	Expiration Date:	04/2023
UPC:	Does not apply		

This item has been professionally inspected and is authentic.

Maximum Bully Ultimate Performance Canine Supplement For Dogs 365 Tablets

Condition: **New**

Returns: **Accepted**

Brand: **Maximum Bully**

Type: **Canine Supplement**

Formulation: **Tablet**

Purpose: **Muscle Growth**

Dog Breed: **All Breeds**

Number Of Tablets: **365**

Expiration Date: **04/2023**

Country/Region of Manufacture: **United States**

Custom Bundle: **No**

MOMDMECOM

98.5% Positive Feedback

2.8K items sold

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Explore more sponsored options: Formulation

Capsule		Chewable Tablet		Liquid	
<p>Flex-Gone Fast 10 result Control 25 Capsule Dog Cat 76-125lb Natural...</p> <p>Price: \$19.99</p> <p>Free shipping</p> <p>Buy It Now</p>	<p>Flex-Gone Fast 10 result Control 50 Capsule Dog Cat 76-125lb Natural...</p> <p>Price: \$24.99</p> <p>Free shipping</p> <p>Buy It Now</p>	<p>Calming Chews For Dogs - Hemp Treats for Anxiety Relief, Noise - Made in USA</p> <p>Price: \$21.99</p> <p>Free shipping</p> <p>Buy It Now</p>	<p>Muscle Bully Muscle Builder</p> <p>Price: \$45.99</p> <p>Free shipping</p> <p>Buy It Now</p>	<p>8BK LIQUID GOLD HIGH CALORIE SUPPLEMENT FOR CANNINES...</p> <p>Price: \$39.99</p> <p>Free shipping</p> <p>Buy It Now</p>	<p>8BK LIQUID GOLD FOR DOGS High Calorie Dietary Supplement - 32 oz</p> <p>Price: \$25.00</p> <p>Free shipping</p> <p>Buy It Now</p>

Home / Pet Supplies / Dogs / Food / Wet / Canned / Maximum Bully Dog Food 5lbs- Muscle Health.

<



Maximum Bully

Maximum Bully Dog Food 5lbs- Muscle Health Plus 6 Wet Food Cans 6 Flavors 1 Can Topper 1 Dog Toy 1 Bottle of Ultimate Bully Maximum Performance Canine Supplement

3.9 rating

- Get 7% OFF (Max Discount: USD 14,525.00) T&C
- Extra 10% Cashback on Express Shipping
- Apply code 7%OFF on checkout (Max 10% kg discount)

Availability: **Out of Stock** Imported from USA store

Get notified when this item comes back in stock

EMAIL ADDRESS

Note: Electronic products sold in US store operate on (110-120) volts, a step-down power converter is required for the smooth device function. It is mandatory to know the voltage of the device in order to choose the appropriate power converter. Recommended power converters: [Buy Here](#)

Product Details

Package Dimensions	12.2 x 9.4 x 8.8 inches (31 x 23.9 x 17.4 cm) 5 Pounds (2.25 kg)
Date First Available	October 3, 2019
Manufacturer	Maximum Bully
Brand	Maximum Bully
Target Species	Dog
Item Form	Wet
Specific Uses for Product	Active, Immune System, Muscle
Unit Count	1 Count
Package Information	Can, Bottle
Item Weight	5 Pounds (2.25 kg)
Weight Recommendation	Large breeds

Product Description

Overview Maximum Bully Dog Food 5lb- Muscle Health Plus 6 Wet Food Cans 6 Flavors 1 Can Topper 1 Dog Toy 1 Bottle of Ultimate Bully Maximum Performance Canine Supplement

Have any Query? [Click here](#)

No question and answer found

Customer Ratings



Maximum Bully Canned reviews by customers

Enter search terms Sort by | **MORE RECENT**

5.0 out of 5 stars
May 4, 2020
Everything

Review this product

Share your thoughts with other customers

More to consider from our brands

- Amazon Brand - Wag Wet Dog Food Topper (Chicken) Lamb**
- Amazon Brand - Wag Whole Grain Senior Dry**
- Amazon Brand - Wag Training Treats for Dogs (Chicken)**
- Pawveyor 9" Munchy Stick Dog Treat Flavor Burst Bawlside**
- Pawveyor 10-12" Roll'over Balls for Large Dogs - Pak of 20**

Top Selling Products

- Amazon Brand - Amazon Stone 2 Unicorn Hand Carved Crystal Gemstone Statue Figures**
- Amazon Brand - Ring Pop, Made in Korea, Wireless Charging Friendly Phone Holder - Cell**
- Amazon Brand - Kwadron Tattoo Needles Box Of 50 - 25mm 7 Round Liner Long Taper**
- Amazon Brand - Mens Sexy Backless Bikini V-shaped Pouch Enhancing Low Waist Thing**

EXHIBIT H

Productos



MÁXIMO BULLY Pienso para perros Piensos para perros



Máximo Bully Toda Vida Etapas Fórmula

Equipado con 32 % de proteína y grasa 22 %, nuestra formulado comida seca para perros también incluye Nupro 2000 - una poderosa proteína de levadura ideal para la construcción de músculos fuertes y una salud óptima. Construido con múltiples fuentes de proteínas, aminoácidos, vitaminas y nutrientes para la dieta equilibrada perfecto para la raza del matón. Promueve un sistema digestivo saludable, que contiene harina de avena, arándanos, los probióticos, y la calabaza. Estamos orgullosos incluyendo pollo real y comida de cerdo como los dos primeros ingredientes de la energía necesaria, la masa muscular y el mantenimiento muscular.

Formulado para Múltiples Razas:

American Bulldog, Boston Terrier, Bulldog Inglés, Bulldog Francés, American Pitbull Terrier, Bull Terrier, American Staffordshire Terrier, Bull Mastiff, Gran Danés, Doberman Pinscher, Mastín, Rottweiler, German Shepherd, de Corso del bastón, Akita, Boxer, Chow Chow y Nuvi Bulldog.

Proteínas: 32 % Grasas: 22 %

Calorías: 481 kcal por cada taza

Disponible en bolsas de 33 libras

Análisis garantizado

Crudo mínimo de proteína 32,0 %

Crudo mínimo de grasa del 22,0%

Fibra cruda máxima 4,0 %

Omega 3 ácidos grasos * Mínimo 0,31 %

Omega 6 ácidos grasos * Mínimo 4,0 %

La humedad máxima de 10,0 %

* No reconocido como nutriente esencial en la AAFCO Dog Food Nutrient perfil.

Ingredientes:

Harina de pollo, harina de cerdo, grasa de pollo (conservada con tocoferoles mixtos), arroz blanco, cebada, proteína de guisante, harina de avena, salvado de arroz, producto de huevo deshidratado, pulpa seca de remolacha, mijo, sabor natural, harina de pescado, sal, harina de linaza, extracto de levadura, levadura de cerveza, cloruro de potasio, cloruro de colina, minerales (proteinato de hierro, proteinato de cinc, proteinato de cobre, sulfato ferroso, sulfato de zinc, sulfato de cobre, yoduro de potasio, proteinato de manganeso, óxido manganeso, sulfato de manganeso, selenito sódico) vitaminas (suplemento de vitamina E, mononitrato de tiamina, ácido ascórbico, suplemento de vitamina A, biotina, niacina, pantotenato de calcio, clorhidrato de piridoxina, suplemento de vitamina B12, riboflavina, suplemento de vitamina D3, ácido fólico), aceite de salmón, calabaza seca, zanahorias, arándanos rojo secos, manzanas secas, espinacas secas, romero seco, arándanos secos, producto secado de fermentación de Enterococcus faecium, producto de fermentación seco de Lactobacillus casei, secado Lactobacillus plantarum producto de fermentación, secado de Trichoderma longibrachiatum, cultivo de levadura, tocoferoles mezclados (un conservante).

Guía Alimentación (tazas / día de medición estándar)

Peso (libras) Adulto Perros Crecimiento y Reproducción

Enero 05 al 10 1/4 - 2/3 taza 1/2 - 1 taza

02 10 al 20 3/4 - 1 1/4 tazas de enero 1 a 1 1/2 tazas

01 20 al 30 1/4 - 1 1/2 tazas de 1 1/2 - 1 3/4 tazas de

30 - 40 1 1/2 - 2 tazas de 1 3/4 - 2 1/4 tazas

40 - 60 febrero 2 a 2 2/3 tazas de 2 1/4 - 3 tazas

60-80 2 2/3 - 3 1/3 tazas 3 - 3 1/2 tazas

80-100 3 1/3 - 4 tazas de 3 1/2 - 4 1/4 tazas

* Use una taza medidora estándar de 8 oz. 1 taza = 4,2 oz en peso.



Enfermería y lactantes perros puede requerir 2-4 veces la cantidad normal de adulto. Alimentar a tanta comida como sea necesario para mantener la condición corporal ideal de la hembra.

Si usted está alimentando a Bully máxima Dog Food, por primera vez, se recomienda mezclar gradualmente Bully máxima Dog Food con la comida actual. Mezclar unas cuantas cucharadas de Bully máxima Dog Food con la comida actual perro y poco a poco aumentar la cantidad máxima de Bully Dog Food a diario hasta que conforma toda la comida. Mantenga el agua potable limpia y fresca en todo momento.

CONTACT US

Replenish Pet Inc.
Distribution Center
1734 Illinois Ave.
Perris, CA 92571

Replenish Pet Inc.
PO Box 75496
San Clemente, CA 92673
Tel: 888.442.2114
Fax: 888.662.1229
Email: staff@replenishpet.com

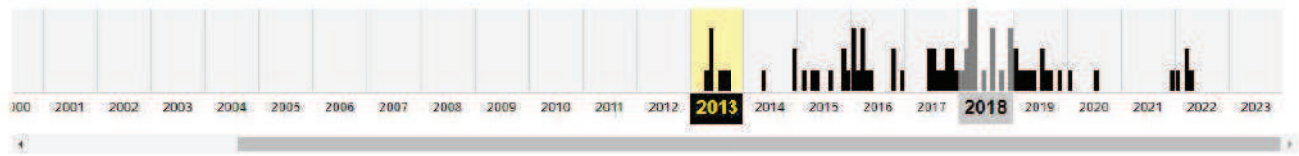
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EXHIBIT I

INTERNET ARCHIVE **Wayback Machine** Explore more than 776 billion web pages saved over time
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Calendar · Collections · Changes · Summary · Site Map · URLs

Saved **77 times** between April 12, 2013 and April 13, 2022.



JAN							FEB							MAR							APR										
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29	30	27	28	29	30	31	24	25	26	27	28	29	30	29	30	31															

Note
 This calendar view maps the number of times <https://www.maximumbully.com> was crawled by the Wayback Machine, *not* how many times the site was actually updated. More info in the [FAQ](#).
 Green indicates redirects (3xx).

[FAQ](#) | [Contact Us](#) | [Terms of Service](#) (Dec 31, 2014)



Search...

MAXIMUM BULLY

MADE BY BULLY OWNERS FOR BULLY BREEDS

- HOME
- PRODUCTS
- STORE LOCATOR
- CONTACT US

WELCOME TO
MAXIMUM BULLY



MAXIMUM BULLY

MADE BY BULLY OWNERS FOR BULLY BREEDS

HOME PRODUCTS STORE LOCATOR CONTACT US

PRODUCTS MAXIMUM BULLY



Dry Dog Food

Maximum Bully All Life Stages Formula

Packed with 32% protein and 22% fat, our formulated dry dog food also includes Nupro 2000—a powerful yeast protein perfect for building strong muscles and optimum health. Built with multiple protein sources, amino acids, vitamins and nutrients for the perfect, balanced diet for the bully breed. Promotes a healthy digestive system by containing oatmeal, cranberry, probiotics, and pumpkin. We pride ourselves on including real chicken and pork meal as the first two ingredients for necessary energy, lean muscle, and muscle maintenance.

Formulated for Multiple Breeds:

American Bulldog, Boston Terrier, English Bulldog, French Bulldog, American Pitbull Terrier, Bull Terrier, American Staffordshire Terrier, Bull Mastiff, Great Dane, Doberman Pincher, Mastiff, Rottweiler, German Shepard, Cane Corso, Akita, Boxer, Chow Chow and Nubi Bulldog.

Protein: 32% Fat: 22%
Calories: 491 KCAL per cup
Available in 33lb bags.

Guaranteed Analysis

Crude Protein	Minimum	32.0%
Crude Fat	Minimum	22.0%

EXHIBIT J

Trademark/Service Mark Application, Principal Register**TEAS Plus Application**

Serial Number: 85818442

Filing Date: 01/08/2013

*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	<u>Maximum Bully</u>
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	Maximum Bully
*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	Elite K9 Nutrition, LLC
*STREET	30325 Skipstone Way
*CITY	Menifee
*STATE (Required for U.S. applicants)	California
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	92584
PHONE	951-733-8581
LEGAL ENTITY INFORMATION	
*TYPE	LIMITED LIABILITY COMPANY
* STATE/COUNTRY WHERE LEGALLY ORGANIZED	California
GOODS AND/OR SERVICES AND BASIS INFORMATION	
* INTERNATIONAL CLASS	005
*IDENTIFICATION	Dietary supplements for Dogs
* FILING BASIS	SECTION 1(b)
* INTERNATIONAL CLASS	031
*IDENTIFICATION	

*IDENTIFICATION	Dog food
*FILING BASIS	SECTION 1(b)
ADDITIONAL STATEMENTS INFORMATION	
*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION (if applicable)	
*CONSENT (NAME/LIKENESS) (if applicable)	
*CONCURRENT USE CLAIM (if applicable)	
ATTORNEY INFORMATION	
NAME	Lee Chen
FIRM NAME	Kyler, Kohler Ostermiller & Sorensen, LLP
STREET	7700 Irvine Center Drive, Suite 800
CITY	Irvine
STATE	California
COUNTRY	United States
ZIP/POSTAL CODE	92618
PHONE	888-801-0010
FAX	435-590-4540
EMAIL ADDRESS	lee@kkoslawyers.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
CORRESPONDENCE INFORMATION	
*NAME	Lee Chen
FIRM NAME	Kyler, Kohler Ostermiller & Sorensen, LLP
*STREET	7700 Irvine Center Drive, Suite 800
*CITY	Irvine
*STATE (Required for U.S. applicants)	California
*COUNTRY	United States
*ZIP/POSTAL CODE	92618
PHONE	888-801-0010
FAX	435-590-4540
*EMAIL ADDRESS	lee@kkoslawyers.com
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	2
FEE PER CLASS	275

* TOTAL FEE PAID	550
SIGNATURE INFORMATION	
* SIGNATURE	/s/
* SIGNATORY'S NAME	Lee Chen
* SIGNATORY'S POSITION	Attorney
SIGNATORY'S PHONE NUMBER	888-801-0010
* DATE SIGNED	01/08/2013

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 85818442

Filing Date: 01/08/2013

To the Commissioner for Trademarks:

MARK: Maximum Bully (Standard Characters, see [mark](#))

The literal element of the mark consists of Maximum Bully.

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

The applicant, Elite K9 Nutrition, LLC, a limited liability company legally organized under the laws of California, having an address of
30325 Skipstone Way
Menifee, California 92584
United States

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 005: Dietary supplements for Dogs

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

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

International Class 031: Dog food

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

The applicant's current Attorney Information:

Lee Chen of Kyler, Kohler Ostermiller & Sorensen, LLP
7700 Irvine Center Drive, Suite 800
Irvine, California 92618
United States

The applicant's current Correspondence Information:

Lee Chen
Kyler, Kohler Ostermiller & Sorensen, LLP
7700 Irvine Center Drive, Suite 800
Irvine, California 92618
888-801-0010(phone)
435-590-4540(fax)
lee@kkoslawyers.com (authorized)

A fee payment in the amount of \$550 has been submitted with the application, representing payment for 2 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be

the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /s/ Date Signed: 01/08/2013

Signatory's Name: Lee Chen

Signatory's Position: Attorney

RAM Sale Number: 5950

RAM Accounting Date: 01/09/2013

Serial Number: 85818442

Internet Transmission Date: Tue Jan 08 19:12:14 EST 2013

TEAS Stamp: USPTO/FTK-XX.XXX.XXX.XXX-201301081912147

17779-85818442-4905edc766e9b5277929363dd

9e113eb938-CC-5950-20130108185206975410

Maximum Bully

Trademark/Service Mark Statement of Use (15 U.S.C. Section 1051(d))

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85818442
LAW OFFICE ASSIGNED	LAW OFFICE 102
EXTENSION OF USE	NO
MARK SECTION	
MARK	http://tsdr.uspto.gov/img/85818442/large
LITERAL ELEMENT	MAXIMUM BULLY
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
OWNER SECTION	
NAME	Elite K9 Nutrition, LLC
STREET	30325 Skipstone Way
CITY	Menifee
STATE	California
ZIP/POSTAL CODE	92584
COUNTRY	United States
PHONE	951-733-8581
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	005
CURRENT IDENTIFICATION	Dietary supplements for Dogs
GOODS OR SERVICES	DELETE ALL ITU GOODS/SERVICES IN THIS CLASS OR PROCESS ACCORDING TO REQUEST TO DIVIDE
INTERNATIONAL CLASS	031
CURRENT IDENTIFICATION	Dog food
GOODS OR SERVICES	KEEP ALL LISTED
FIRST USE ANYWHERE DATE	12/01/2012
FIRST USE IN COMMERCE DATE	12/01/2012
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT16\IMAGEOUT 16\859\819\85981950\LM2Co py\85818442\1\SOU14\SOU2.
SPECIMEN DESCRIPTION	Mark used on Dog Food Bag
REQUEST TO DIVIDE	YES

GOOD(S)/SERVICE(S) IN USE	Class 031
GOOD(S)/SERVICES INTENT TO USE	Class 005
PAYMENT SECTION	
NUMBER OF CLASSES IN USE	1
SUBTOTAL AMOUNT [ALLEGATION OF USE FEE]	100
REQUEST TO DIVIDE FEE	100
TOTAL AMOUNT	200
SIGNATURE SECTION	
DECLARATION SIGNATURE	/lee chen/
SIGNATORY'S NAME	Lee Chen
SIGNATORY'S POSITION	Attorney of Record, California bar member
DATE SIGNED	03/24/2014
SIGNATORY'S PHONE NUMBER	888-801-0010
REQUEST TO DIVIDE SIGNATURE	/lee chen/
SIGNATORY'S NAME	Lee Chen
SIGNATORY'S POSITION	Attorney of record, CA bar member
DATE SIGNED	03/24/2014
SIGNATORY'S PHONE NUMBER	888-801-0010
AUTHORIZED SIGNATORY	YES
FILING INFORMATION	
SUBMIT DATE	Mon Mar 24 11:54:55 EDT 2014
TEAS STAMP	USPTO/SOU-XX.XXX.XXX.XXX- 20140324115455854047-8581 8442-500e2bbdbb66c48171ed a1db5562ab6604a23d6b87f7b 4ee808f1c3582473004b-CC-1 0287-20140324112436586683

PTO Form 1553 (Rev 9/2005)
OMB No. 0651-0054 (Exp. 10/31/2017)

**Trademark/Service Mark Statement of Use
(15 U.S.C. Section 1051(d))**

To the Commissioner for Trademarks:

MARK: MAXIMUM BULLY(Standard Characters, see <http://tsdr.uspto.gov/img/85818442/large>)

SERIAL NUMBER: 85818442

The applicant, Elite K9 Nutrition, LLC, having an address of
30325 Skipstone Way
Menifee, California 92584
United States

is submitting the following allegation of use information:

For International Class 005:

Current identification: Dietary supplements for Dogs

All ITU goods/services in this class are to be deleted or processed according to a request to divide.

For International Class 031:

Current identification: Dog food

The mark is in use in commerce on or in connection with all of the goods/services, or to indicate membership in the collective organization listed in the application or Notice of Allowance or as subsequently modified for this specific class.

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 12/01/2012, and first used in commerce at least as early as 12/01/2012, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) Mark used on Dog Food Bag.

[Specimen File1](#)

REQUEST TO DIVIDE

The applicant is requesting to divide the application and specifies the following:

The following good(s) or service(s) is/are now in use: Class 031

The following good(s) or service(s) remain(s) under the Section 1(b), intent to use basis: Class 005

A fee payment in the amount of \$100 will be submitted with the form, representing payment for the allegation of use for 1 class.

A fee payment in the amount of \$100 will be submitted with the form, representing payment for the request to divide fee.

Declaration

Applicant requests registration of the above-identified trademark/service mark 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). Applicant is the owner of the mark sought to be registered, and is using the mark in commerce on or in connection with the goods/services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements may jeopardize the validity of the form or any resulting registration, declares that he/she is properly authorized to execute this form on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /lee chen/ Date Signed: 03/24/2014
Signatory's Name: Lee Chen
Signatory's Position: Attorney of Record, California bar member
Signatory's Phone: 888-801-0010

Request to Divide Signature

Signature: /lee chen/ Date: 03/24/2014
Signatory's Name: Lee Chen
Signatory's Position: Attorney of record, CA bar member

Signatory's Phone: 888-801-0010

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

RAM Sale Number: 85818442
RAM Accounting Date: 03/24/2014

Serial Number: 85818442
Internet Transmission Date: Mon Mar 24 11:54:55 EDT 2014
TEAS Stamp: USPTO/SOU-XX.XXX.XXX.XXX-201403241154558
54047-85818442-500e2bbdbb66c48171eda1db5
562ab6604a23d6b87f7b4ee808f1c3582473004b
-CC-10287-20140324112436586683



ELITE NUTRITION



MAXIMUM BULLY

All Life Stages Dog Food

• **Formulated for Multiple Breeds**

- Contains Yeast Extract that contains an excellent amino acid profile that supports muscle development and maintains a healthy digestive tract
- Complex carbohydrates in the form of whole grains provide long lasting energy
- Balanced omega 3 and omega 6 fatty acids to support healthy skin and a shiny coat

Net Weight 33 lbs (14.96 kg)

FEE RECORD SHEET

Serial Number: 85818442



RAM Sale Number: 85818442

Total Fees: \$200

RAM Accounting Date: 20140324

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Total Fee</u>
Statement of Use (SOU)	7003	20140324	\$100	1	\$100
Request to Divide (per new app.)	7006	20140324			\$100

Transaction Date: 20140324



Trademark/Service Mark Request to Divide

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85818442
LAW OFFICE ASSIGNED	LAW OFFICE 102
EXTENSION OF USE	NO
MARK SECTION	
MARK	MAXIMUM BULLY
REQUEST TO DIVIDE	YES
GOOD(S)/SERVICE(S) IN USE	Class 031
GOOD(S)/SERVICES INTENT TO USE	Class 005
SIGNATURE SECTION	
DECLARATION SIGNATURE	/lee chen/
SIGNATORY'S NAME	Lee Chen
SIGNATORY'S POSITION	Attorney of Record, California bar member
DATE SIGNED	03/24/2014
REQUEST TO DIVIDE SIGNATURE	/lee chen/
SIGNATORY'S NAME	Lee Chen
SIGNATORY'S POSITION	Attorney of record, CA bar member
DATE SIGNED	03/24/2014
AUTHORIZED SIGNATORY	YES
PAYMENT SECTION	
NUMBER OF CLASSES IN USE	1
SUBTOTAL AMOUNT [ALLEGATION OF USE FEE]	100
REQUEST TO DIVIDE FEE	100
TOTAL AMOUNT	200
PAYMENT METHOD	CC
FILING INFORMATION	
SUBMIT DATE	Mon Mar 24 11:54:55 EDT 2014
TEAS STAMP	USPTO/SOU-XX.XXX.XXX.XXX- 20140324115455854047-8581 8442-500e2bbdbb66c48171ed a1db5562ab6604a23d6b87f7b 4ee808f1c3582473004b-CC-1 0287-20140324112436586683

PTO Form 1553 (Rev 9/2005)
OMB No. 0651-0054 (Exp. 10/31/2017)

Trademark/Service Mark Request to Divide

To the Commissioner for Trademarks:

MARK: MAXIMUM BULLY
SERIAL NUMBER: 85818442

REQUEST TO DIVIDE

The applicant is requesting to divide the application and specifies the following:

The following good(s) or service(s) is/are now in use: Class 031

The following good(s) or service(s) remain(s) under the Section 1(b), intent to use basis: Class 005

A fee payment in the amount of \$100 will be submitted with the form, representing payment for the allegation of use for 1 class.

A fee payment in the amount of \$100 will be submitted with the form, representing payment for the request to divide fee.

Declaration

Applicant requests registration of the above-identified trademark/service mark 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). Applicant is the owner of the mark sought to be registered, and is using the mark in commerce on or in connection with the goods/services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements may jeopardize the validity of the form or any resulting registration, declares that he/she is properly authorized to execute this form on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /lee chen/ Date Signed: 03/24/2014
Signatory's Name: Lee Chen
Signatory's Position: Attorney of Record, California bar member

Request to Divide Signature:

Signature: /lee chen/ Date Signed: 03/24/2014
Signatory's Name: Lee Chen
Signatory's Position: Attorney of record, CA bar member

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Serial Number: 85818442
Internet Transmission Date: Mon Mar 24 11:54:55 EDT 2014
TEAS Stamp: USPTO/SOU-XX.XXX.XXX.XXX-201403241154558
54047-85818442-500e2bbdbb66c48171eda1db5
562ab6604a23d6b87f7b4ee808f1c3582473004b
-CC-10287-20140324112436586683

FEE RECORD SHEET

Serial Number: 85818442



RAM Sale Number: 85818442

Total Fees: \$200

RAM Accounting Date: 20140324

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Total Fee</u>
Statement of Use (SOU)	7003	20140324	\$100	1	\$100
Request to Divide (per new app.)	7006	20140324			\$100

Transaction Date: 20140324



EXHIBIT K

Knobbe Martens

KNOBBE, MARTENS, OLSON & BEAR, LLP

2040 Main St., 14th Fl., Irvine, CA 92614
T (949) 760-0404

Charles K. Crane
Charles.Crane@knobbe.com

October 14, 2022

VIA FEDERAL EXPRESS AND ELECTRONIC MAIL

Matthew Kinneman
Bully Max, LLC
4885-A McKnight Rd # 413
Pittsburgh, Pennsylvania 15237
matt@bullymax.com

Re: Unfair Competition and Tortious Interference with Prospective Economic Advantage
Our Client: Replenish Pet Inc.
Our Reference No.: RPET.012TIS

Dear Mr. Kinneman,

We represent Replenish Pet Inc. (“Replenish Pet”) in its intellectual property matters. Since 2012, Replenish Pet has been a market leader in producing and manufacturing high quality pet food, vitamins, and supplements. Over this period, Replenish Pet has invested a significant amount of time, resources and money in developing, promoting and marketing products under its trademarks, including its MAXIMUM BULLY® and ULTIMATE BULLY® trademarks (“Replenish Pet’s Marks”).

To protect its substantial goodwill and investment, Replenish Pet registers its trademarks with the U.S. Patent and Trademark Office and enforces its rights against infringers. Copies of U.S. Registration Nos. 4553200 and 5807900 are enclosed as **Exhibit A**. These registrations are evidence of Replenish Pet’s exclusive rights to use its marks, and to prevent unauthorized uses of its marks. *See* 15 U.S.C. § 1057. These federal registrations also constitute constructive notice to others, including you, of Replenish Pet’s trademark rights and ownership of its marks. *See* 15 U.S.C. § 1072. Through Replenish Pet’s extensive use and registration of its trademarks, Replenish Pet has generated strong rights under federal and state trademark and unfair competition laws.

It has recently come to Replenish Pet’s attention that you are submitting meritless reports to Amazon.com regarding Replenish Pet’s products on the e-commerce platform, which has resulted in Amazon.com taking down the listings of several of Replenish Pet’s authorized resellers. Enclosed as **Exhibit B** is a copy of a takedown notice that one of Replenish Pet’s resellers received from Amazon.com.

Your claims that Replenish Pet’s product packaging infringe on your purported intellectual property rights are entirely baseless. As noted above, and shown in Exhibit A, Replenish Pet owns valid and enforceable trademark registrations for the MAXIMUM BULLY® and ULTIMATE BULLY® marks. Moreover, authorized products bearing Replenish Pet’s Marks have been sold on Amazon.com for over seven years.

Even a cursory investigation of Replenish Pet’s Marks would have established that there is no basis for having Replenish Pet’s authorized products removed.

As a consequence, your actions have caused substantial injury to Replenish Pet's goodwill and name. Such acts are actionable under a number of federal and state laws. *See, e.g.*, Lanham Act (15 U.S.C. § 1125), the California False Advertising Act (Cal. Bus. & Prof. Code, § 17500), the California Unfair Competition Act (Cal. Bus. & Prof. Code, § 17200), and the California Consumer Protection Act (Cal. Bus. & Prof. Code, § 17508). Your actions may also constitute tortious interference with prospective economic advantage.

The causes of action described above carry heavy penalties including, but not limited to, monetary damages, treble damages for willful infringement, attorneys' fees, and injunctive relief.

In view of the foregoing, Replenish Pet hereby demands that you **immediately**:

1. Submit retractions to Amazon.com for each and every report you filed against listings for Replenish Pet's authorized products;
2. Cease and desist from further false claims and misrepresentations of trademark infringement involving Replenish Pet's Marks; and
3. Pay Replenish Pet's attorney's fees and costs incurred in connection with this matter.

Due to the seriousness of this matter, we demand that you provide us with written assurances that you will comply with the demands set forth above by **October 21, 2022**. If we do not hear from you within this time period, Replenish Pet will consider all available legal options to protect its rights.

Please note that in naming specific causes of action above, we do not intend to catalogue all possible causes of action arising as a result of your conduct. In addition, the demands set forth above are without prejudice to and with full reservation of, all other rights or remedies that Replenish Pet may have in this matter. Furthermore, we will take your continued non-compliance as further evidence of willful and intentional infringement of Replenish Pet's rights and may subject you to enhanced monetary damages.

Sincerely,



Charles K. Crane

cc: Replenish Pet Inc.
Jonathan A. Menkes, Esq.

Exhibit A



TESS was last updated on Fri Oct 14 03:47:22 EDT 2022.

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [Browse Dict](#) | [SEARCH OG](#) | [BOTTOM](#) | [HELP](#)[Logout](#) Please logout when you are done to release system resources allocated for you.**Record 1 out of 1**[TSDR](#) | [ASSIGN Status](#) | [TTAB Status](#) *(Use the "Back" button of the Internet Browser to return to TESS)*

Maximum Bully

Word Mark	MAXIMUM BULLY
Goods and Services	IC 031. US 001 046. G & S: Dog food. FIRST USE: 20121201. FIRST USE IN COMMERCE: 20121201
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85981950
Filing Date	January 8, 2013
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	September 10, 2013
Registration Number	4553200
Registration Date	June 17, 2014
Owner	(REGISTRANT) Elite K9 Nutrition, LLC LIMITED LIABILITY COMPANY CALIFORNIA 30325 Skipstone Way Menifee CALIFORNIA 92584 (LAST LISTED OWNER) REPLENISH PET INC. CORPORATION CALIFORNIA 1734 ILLINOIS AVENUE PERRIS CALIFORNIA 92571
Assignment Recorded	ASSIGNMENT RECORDED
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BULLY" APART FROM THE MARK AS SHOWN.
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR)
Live/Dead Indicator	LIVE

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TESS was last updated on Fri Oct 14 03:47:22 EDT 2022.

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [Browse Dict](#) | [SEARCH OG](#) | [BOTTOM](#) | [HELP](#)[Logout](#) Please logout when you are done to release system resources allocated for you.**Record 1 out of 1**[TSDR](#) | [ASSIGN Status](#) | [TTAB Status](#) *(Use the "Back" button of the Internet Browser to return to TESS)*

ULTIMATE BULLY

Word Mark	ULTIMATE BULLY
Goods and Services	IC 005; US 006 018 044 046 051 052; G & S: Vitamins for pets; food supplements for pets; dietary supplements for pets; FIRST USE: 20180700; FIRST USE IN COMMERCE: 20180700
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	87857835
Filing Date	March 30, 2018
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	September 11, 2018
Registration Number	5807900
Registration Date	July 16, 2019
Owner	(REGISTRANT) Replenish Pet Inc. CORPORATION CALIFORNIA 1734 Illinois Avenue Perris CALIFORNIA 92571
Attorney of Record	Diane M. Reed
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BULLY" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [Browse Dict](#) | [SEARCH OG](#) | [TOP](#) | [HELP](#)

Exhibit B

Removed - Maximum Bully Chicken and Pork High Performance, Premium Dry Dog Food
Formulated for All Breeds
ASIN: B07M865SC6

https://www.amazon.com/dp/B07M865SC6?ref=myi_title_dp

Hello

We removed some of your listings because we received a report from a rights owner that they may violate the rights owner's intellectual property. The rights owner communication about the alleged violation and the listings we removed are at the bottom of this message.

Why did this happen?

We received a report from a rights owner alleging that one or more of your listings may be violating the intellectual property rights of others. Listing content violating the intellectual property of others is against our policies.

We're here to help.

If you need help understanding how you may have violated the above intellectual property, please see the Amazon Intellectual Property policy (<https://sellercentral.amazon.com/gp/help/external/201361070>), or search for "Intellectual Property Policy" in Seller Central Help.

How do I reactivate my listing?

Please provide one of the following to reactivate your listing:

-- An invoice, a valid order ID, or letter of authorization from the manufacturer or rights owner demonstrating that your use of the intellectual property is lawful. External links are not accepted. For security reasons, we only accept attachments in the following file formats: .jpeg, .jpg, .pjpeg, .gif, .png, .tiff.

How do I submit this information?

Go to Received Intellectual Property Complaints under the Product Policy Compliance section in account health (https://sellercentral.amazon.com/performance/dashboard?ref=ah_em_mpa) and locate the deactivation record for this product listing. Click on the Appeal button next to the listing deactivation record to submit information necessary to reactivate your listing.

Have your listings been removed in error?

If you think that the rights owner has made an error in sending the notice, please reach out to the rights owner and ask them to submit a retraction of this notice. We may only accept retractions that the rights owner submits to us directly. We do not accept forwarded or attached retractions.

These are the rights owner's contact details:

-- Matthew Kinneman
-- matt@bullymax.com

For any other reason, please explain to us why you were warned in error so that we can investigate the case.

If you do not provide the information within 60 days, you will receive a request to remove the inventory associated with these listing per our removal policy (<https://sellercentral.amazon.com/gp/help/202000820>). Failure to address this request can lead to destruction of your inventory.

ASIN: B07M865SC6

Violation type: Intellectual property - Product Packaging

Complaint ID: 10647258651

You can view your account performance

(https://sellercentral.amazon.com/performance/dashboard?reftag=email_warn) or select Account Health on the home screen of the Amazon Seller app on your iOS or Android device. The Account Health page shows how well your account is performing against the performance metrics and policies required to sell on Amazon.

EXHIBIT L

ACKER WOOD
INTELLECTUAL PROPERTY LAW, LLC

Gwen R. Acker Wood, PhD, Esq., President
Anthony H. Handal, Esq., Of Counsel



October 24, 2022

VIA FIRST CLASS MAIL AND EMAIL

Charles K. Crane
Knobbe, Marens, Olson & Bear, LLP
2040 Main St., 14th Fl.
Irvine, CA 92614
charles.crane@knobbe.com

RE: Cease and Desist Letter
Our Client: Bully Max, LLC
Our Ref. No.: 078264.1

Dear Mr. Crane,

We represent Bully Max, LLC (“my client” or “Bully Max”) in connection with its intellectual property matters. We have received your letter, dated October 14, 2022, in which certain demands of our client were made.

Please be advised that, contrary to your assertions regarding your client’s reputation in the pet food and supplement industry, Bully Max has been the industry leader in manufacturing and selling the finest quality pet foods and pet nutritional supplements since 2009.

Further, Bully Max is the owner of U.S. Trademark Registration No. 6,051,700, registration date May 12, 2020, for the mark BULLY MAX[®] in Class 5 for “Dietary supplements for pets; Vitamins for pets,” with a date of first use anywhere and in commerce of December 23, 2009; in Class 28 for “Pet toys,” with a date of first use anywhere and in commerce of December 23, 2009; and in Class 31 for “Pet food,” with a date of first use anywhere and in commerce of December 23, 2009. A copy of this registration is attached herewith as **Exhibit 1**.

Thus, our client’s use of their registered BULLY MAX[®] trademark predates your client’s date of first use of 2012 of its trademark MAXIMUM BULLY and 2018 of its trademark ULTIMATE BULLY (the “two trademarks”), and therefore confers on our client senior rights of priority to the BULLY MAX[®] trademark over your client’s junior rights to its two trademarks.

Under U.S. Trademark Law, it is not trademark registration, but actual use of a mark that creates rights and priority over others. Thus, ownership of a mark goes to the party that is the first-to-use a mark, not the first-to-file a mark. Ownership rights therefore flow from prior use, either actual or constructive. The Federal Circuit has held that “[t]he requirements of both adoption and use devolve from the common law; trademark rights in the United States are acquired by such adoption and use, not by registration.”

Further still, which is of great concern to our client, are the many instances of customer confusion between my client’s BULLY MAX[®] pet food and pet supplements and your client’s products sold under its two trademarks. An exemplary, but definitely not complete, list of the websites where this confusion is found is attached as **Exhibit 2**.

Accordingly, in view of my client’s senior rights of priority to its BULLY MAX[®] trademark as well as the plethora of examples of customer confusion between my client’s trademark and your client’s two trademarks, not only shall my client disregard all demands contained in your letter, but instead we demand that your client **immediately cease and desist all further use of its two trademarks** on all websites, social media platforms, and anywhere else with respect to the sale of its pet food, pet vitamins, and pet supplements, and provide us written assurance of the same **by November 3, 2023**.

Please be advised that if our demand is not met by the above date, we intend to file Petitions for Cancellation of your client’s two trademarks in the Trademark Trial and Appeal Board. We hope that this matter can be resolved expeditiously so that the aforesaid legal action may be avoided.

This letter is sent without prejudice to all of Bully Max’s legal rights, claims and remedies, all of which are expressly reserved.

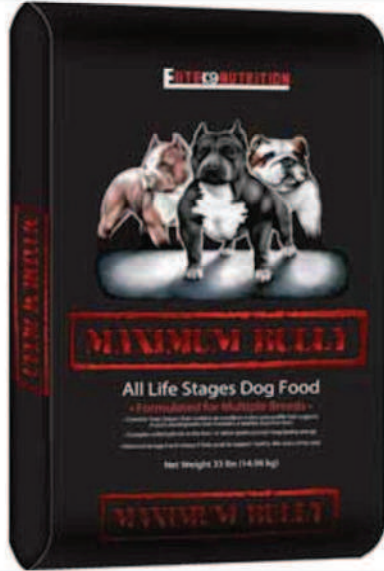
Sincerely,



Gwen R. Acker Wood

cc: Jeffrey P. Myers, Esq.

EXHIBIT M



Max Bully: 32% Maximum Bully 33 lb

SKU# MB100

32% MAXIMUM BULLY 30 #

ADD TO FAVORITES

ADD TO COMPARE

Overview

32% MAXIMUM BULLY 30 #

DETAILS MORE INFORMATION RELATED DOCUMENTS

Maximum Bully All Life Stages Formula

Packed with 32% protein and 22% fat, our formulated dry dog food also includes Nupro 2000—a powerful yeast protein perfect for building strong muscles and optimum health. Built with multiple protein sources, amino acids, vitamins and nutrients for the perfect balanced diet for the bully breed. Promotes a healthy digestive system by containing oatmeal, cranberry, probiotics, and pumpkin. We pride ourselves on including real chicken and pork meal as the first two ingredients for necessary energy, lean muscle, and muscle maintenance.

Formulated for Multiple Breeds:

American Bulldog, Boston Terrier, English Bulldog, French Bulldog, American Pitbull Terrier, Bull Terrier, American Staffordshire Terrier, Bull Mastiff, Great Dane, Doberman Pincher, Mastiff, Rottweiler, German Shepard, Cane Corso, Akita, Boxer, Chow Chow and Nuvi Bulldog.

Crude Protein Minimum 32.0%

Crude Fat Minimum 22.0%

Crude Fiber Maximum 4.0%

Omega 3 Fatty Acids* Minimum 0.31%

Omega 6 Fatty Acids* Minimum 4.0%

Moisture Maximum 10.0%

*Not recognized as an essential nutrient by the AAFCO Dog Food Nutrient Profile.

Chicken meal, pork meal, chicken fat (preserved with mixed tocopherols), white rice, whole barley, oatmeal, rice bran, dried plant beet pulp, millet, pea protein, spray dried egg product, yeast extract, fish meal, salt, flaxseed meal, potassium chloride, choline chloride, vitamin A supplement, vitamin D supplement, vitamin E supplement, vitamin K (menadione sodium bisulfite complex), calcium pantothenate, niacin, riboflavin, folic acid, vitamin B12 supplement, thiamine mononitrate, pyridoxine hydrochloride, (vitamin B6), zinc oxide, iron sulfate, manganese oxide, copper sulfate, sodium selenite (selenium), zinc amino acid complex, calcium carbonate, iron amino acid complex, ferrous sulfate, sodium selenite, copper amino acid complex, manganese amino acid complex, calcium iodate, pumpkin, cranberries, saccharomyces cerevisiae yeast culture, dried enterococcus faecium fermentation product, dried lactobacillus acidophilus fermentation product, dried aspergillus niger fermentation extract, dried trichoderma longibrachiatum fermentation extract, dried bacillus subtilis fermentation extract.

Feeding Guideline (standard measuring cups/day)

Weight (lbs.) Adult Dogs Growth & Reproduction

5 – 10: 1/4 – 2/3 cup 1/2 – 1 cup

10 – 20: 2/3 – 1 1/4 cups 1 – 1 1/2 cups

20 – 30: 1 1/4 – 1 1/2 cups 1 1/2 – 1 3/4 cups

30 – 40: 1 1/2 – 2 cups 1 3/4 – 2 1/4 cups

40 – 60: 2 – 2 2/3 cups 2 1/4 – 3 cups

60 – 80: 2 2/3 – 3 1/3 cups 3 – 3 1/2 cups

80 – 100: 3 1/3 – 4 cups 3 1/2 – 4 1/4 cups

*Use a standard 8 oz measuring cup. 1 cup = 4.2 oz by weight.

Nursing and lactating dogs may require 2-4 times the normal adult amount. Feed as much food as required to maintain the female's ideal body condition.

If you're feeding Maximum Bully Dog Food for the first time, it's recommended to gradually mix in Maximum Bully Dog Food with your current food. Mix a few tablespoons of Maximum Bully Dog Food with your current dog food and gradually increase the amount of Maximum Bully Dog Food on a daily basis until it makes up the entire food. Keep clean, fresh drinking water available at all times.



Trusted Delivery



Large Inventory



Customer Service

Categories

Beekeeping

Bird

Cat

Cattle

Dog

Fencing

Home, Lawn & Garden

Blog

Horse

Human

Poultry

Rabbit

Sheep & Goat

Swine

Wildlife

Store

Favorites

Compare

Quick Order Pad

About Us

Careers

Locations

Meet the Team

My Account

Dashboard

Orders

Policies

Terms & Conditions

Shipping Policy

Return Policy

Privacy Policy

Email Sign Up

Get all the latest news, trends, and offers straight in your inbox!

Enter your email address

EXHIBIT N

Trademark Trial and Appeal Board Electronic Filing System. <https://estta.uspto.gov>ESTTA Tracking number: **ESTTA1253661**Filing date: **12/12/2022**

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

Petition for Cancellation

Notice is hereby given that the following party has filed a petition to cancel the registration indicated below.

Petitioner information

Name	Replenish Pet Inc.		
Entity	Corporation	Citizenship	California
Address	1734 ILLINOIS AVENUE PERRIS, CA 92571 UNITED STATES		

Attorney information	CHARLES K. CRANE KNOBBE, MARTENS, OLSON & BEAR, LLP 2040 MAIN STREET 14TH FLOOR IRVINE, CA 92614 UNITED STATES Primary email: efiling@knobbe.com 949-760-0404		
Docket no.	RPET.012N		

Registration subject to cancellation

Registration no.	6051700	Registration date	05/12/2020
Register	Principal		
Registrant	Bully Max #413 4885-A MCKNIGHT ROAD PITTSBURGH, PA 15237 UNITED STATES		

Goods/services subject to cancellation

Class 005. First Use: Dec 23, 2009 First Use In Commerce: Dec 23, 2009 All goods and services in the class are subject to cancellation, namely: Dietary supplements for pets; Vitamins for pets
Class 028. First Use: Dec 23, 2009 First Use In Commerce: Dec 23, 2009 All goods and services in the class are subject to cancellation, namely: Pet toys
Class 031. First Use: Dec 23, 2009 First Use In Commerce: Dec 23, 2009 All goods and services in the class are subject to cancellation, namely: Pet food

Grounds for cancellation

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)
No use of mark in commerce before application, amendment to allege use, or statement of use was due	Trademark Act Sections 14(1) and 1(a), (c), and (d)

Deceptiveness	Trademark Act Sections 14(3) and 2(a)
Fraud on the USPTO	Trademark Act Section 14(3); In re Bose Corp., 580 F.3d 1240, 91 USPQ2d 1938 (Fed. Cir. 2009)

Mark cited by petitioner as basis for cancellation

U.S. registration no.	4553200	Application date	01/08/2013
Register	Principal		
Registration date	06/17/2014	Foreign priority date	NONE
Word mark	MAXIMUM BULLY		
Design mark			
Description of mark	NONE		
Goods/services	Class 031. First use: First Use: Dec 1, 2012 First Use In Commerce: Dec 1, 2012 Dog food		

Attachments	Signed Petition for Cancellation w Exhibit - RPET.012N.pdf(984499 bytes)
-------------	---

Signature	/Charles Crane/
Name	Charles Crane
Date	12/12/2022

RPET.012N

TTAB

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

REPLENISH PET INC.,

Petitioner,

v.

BULLY MAX,

Respondent.

Cancellation No.: _____

Reg. No.: 6,051,700

Mark: BULLY MAX

PETITION FOR CANCELLATION

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

Dear Sir or Madam:

Pursuant to Section 14 of the Trademark Act, 15 U.S.C. § 1064 and T.B.M.P. § 309.03(c), Petitioner, Replenish Pet Inc. (“Petitioner”), a California corporation, believes that it has been and will continue to be damaged by the continued registration of the mark shown in Registration No. 6,051,700 (the “Subject Registration”) for the mark BULLY MAX, registered by Bully Max, (“Respondent”), a Pennsylvania limited liability company, and Petitioner hereby petitions to cancel the same. A description of the Subject Registration is as follows:

Mark:	BULLY MAX
Registration Number:	6,051,700
Filing Date:	August 5, 2019
Registration Date:	May 12, 2020
Alleged First Use Date:	December 23, 2009
Goods:	“Dietary supplements for pets; Vitamins for pets” in Class 05; “Pet toys” in Class 28; and “Pet food” in Class 31.

As grounds for this Petition, it is alleged that:

1. Since at least as early as 2012, Petitioner and/or its predecessors-in-interest have been prominently using the MAXIMUM BULLY® trademark (“Petitioner’s Mark”) in connection with dog food products. Petitioner’s products are sold in retail stores, as well as online through prominent e-commerce websites, including Amazon.com, and through Petitioner’s website. As a result of over 10 years of use, Petitioner owns extensive rights in Petitioner’s Mark across the United States. Examples of Petitioner’s product packaging bearing Petitioner’s Mark are shown below:



2. Through Petitioner’s extensive promotion and use of Petitioner’s Mark, Petitioner has developed a significant amount of goodwill and rights in Petitioner’s Mark. Additionally, through continuous use of Petitioner’s Mark in interstate commerce since at least as early as 2012, Petitioner has generated strong and valuable trademark rights and associated goodwill.

3. To protect its substantial goodwill and investment in Petitioner's Mark, Petitioner is the owner of Incontestable U.S. Trademark Registration No. 4,553,200 ("200 Registration") for the MAXIMUM BULLY® mark for "dog food" in Class 31 ("Petitioner's Goods"). The '200 Registration issued on June 17, 2014 and is based on an application filed in the United States Patent and Trademark Office on January 8, 2013. The '200 Registration claims a date of first use in commerce at least as early as December 1, 2012. True and correct copies of the specifics of the '200 Registration obtained from the PTO's TESS and Assignment databases are attached hereto as **Exhibit A** and made of record.

4. Petitioner's '200 Registration is incontestable. As such, the '200 Registration constitutes conclusive evidence of the validity of the registered mark and of the registration of the mark, of Petitioner's ownership of the mark, and of Petitioner's exclusive right to use the registered mark in commerce as provided in Section 33(b) of the Lanham Act, 15 U.S.C. § 1115(b).

5. By virtue of Petitioner's continuous and substantial use of Petitioner's Mark for over 10 years, Petitioner's Mark has become a strong identifier of Petitioner such that consumers have come to recognize Petitioner's Goods as originating solely from Petitioner. As a result, Petitioner has built up, at great expense and effort, valuable goodwill, and extensive common law rights in Petitioner's Mark.

6. Respondent is the listed owner of the mark BULLY MAX ("Respondent's Mark") in connection with "Dietary supplements for pets; Vitamins for pets" in Class 5, "Pet toys" in Class 28, and "Pet food" in Class 31.

7. Respondent's Mark (BULLY MAX) is highly similar to Petitioner's Mark (MAXIMUM BULLY) in sight, sound, connotation and overall commercial impression. In

addition, Respondent's Goods are identical and highly similar to Petitioner's Goods. An example of Respondent's products bearing Respondent's Mark is shown below:



Priority – Petitioner's Rights Predate Respondent's Rights

8. Upon information and belief, Petitioner's use of Petitioner's Mark predates Respondent's use of Respondent's Mark in connection with Petitioner's Goods by nearly four years, and as such, Petitioner is the senior user of the mark in connection with Petitioner's Goods.

9. On August 5, 2019, Respondent filed U.S. Serial No. 88/566,614 (the "Application") to register Respondent's Mark with the United States Patent and Trademark Office ("USPTO").

10. In the Application, Respondent attested that the "mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 12/23/2009, and first used in commerce at least as early as 12/23/2009, and is now in use in such commerce" for

all three classes of goods.

11. In the Application, Respondent also attested that, “[t]he 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 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.”

12. On February 25, 2020, the Application was published in the *Trademark Official Gazette*.

13. Upon information and belief, contrary to Respondent’s statements in the Application, Respondent’s first use of the BULLY MAX mark in U.S. commerce in connection with “pet food,” within the meaning of § 1(a) of the Trademark Act, 15 U.S.C. § 1051(a), did not occur until after 2013.

14. Thus, Petitioner’s rights in Petitioner’s Mark are senior to Respondent’s rights to Respondent’s Mark in connection with Petitioner’s Goods.

Likelihood of Confusion Between Petitioner’s Mark and Respondent’s Mark

15. Respondent’s Mark (“BULLY MAX”) is confusingly similar to Petitioner’s Mark (“MAXIMUM BULLY”). Both marks consist of two-word phrases containing the term “BULLY” and the terms “MAX” and “MAXIMUM.” The terms “MAX” and “MAXIMUM” are virtually identical in meaning as the term “MAX” is a well-known abbreviation for the term “MAXIMUM.” Thus, Respondent’s Mark is virtually identical to Petitioner’s Mark.

16. The Subject Registration covers “pet food,” which is identical, related and complementary to Petitioner’s Goods, and the respective goods are marketed or directed to the same consumers and potential consumers in the same channels of trade.

17. As such, when Respondent's Mark is used on or in connection with "pet food," as identified in Respondent's Subject Registration, it is likely to cause confusion, or to cause mistake or to deceive within the meaning of Sections 2(d) and 43(a) of the Lanham Act, 15 U.S.C. §§ 1052(d), 1125(a).

18. In view of Petitioner's prior statutory and common law trademark rights in Petitioner's Mark, Respondent is not entitled to continued registration of Respondent's Mark in connection with "pet food" in Class 31 pursuant to Sections 2(d) and 43(a) of the Lanham Act, 15 U.S.C. §§ 1052(d), 1125(a).

The Subject Registration is Void Ab Initio

19. Upon information and belief based on an investigation conducted by a third party, contrary to Respondent's statements in the Application, Respondent did not use the BULLY MAX mark in U.S. commerce in connection with all of the goods listed in the Application, within the meaning of § 1(a) of the Trademark Act, 15 U.S.C. § 1051(a) as of the filing date of the Application.

20. Upon information and belief, Respondent did not use the BULLY MAX mark in U.S. commerce in connection with "pet toys" within the meaning of § 1(a) of the Trademark Act, 15 U.S.C. § 1051(a) as of the filing date of the Application.

21. Respondent's non-use of the BULLY MAX mark in connection with one or more goods listed in the Application at the time of filing its use-based application under § 1(a) of the Trademark Act, 15 U.S.C. § 1051 renders the registration void *ab initio*.

The Subject Registration Was Procured By Fraud/Deceptive Means

22. Upon information and belief based on an investigation conducted by a third party, Respondent falsely alleged in its declaration in support of the Application that the mark was used "in commerce on or in connection with the goods/services in the application."

23. Upon information and belief, at the time Respondent filed the Application, Respondent knew it had not used the BULLY MAX mark in commerce within the meaning of § 1(a) of the Trademark Act, 15 U.S.C. § 1051(a), in connection with all of the goods listed in the Application.

24. Upon information and belief, Respondent knew at the time it filed the Application that the attestation of use of the BULLY MAX mark for the goods listed in the Application was false.

25. The USPTO approved the Application for publication based on Respondent's false attestation that its statements made in the Application were true, including that the BULLY MAX mark was in fact in use in connection with all of the goods listed in the Application, and the attestation and statements were material to the USPTO approving the mark for publication.

26. Respondent's Application was approved for publication based on false means and/or by Respondent knowingly making a false declaration or representation to the USPTO, or acting with reckless disregard to the truth and accuracy of the statements contained in the declaration, including a false allegation that Respondent used the BULLY MAX mark in connection with all of the recited goods, when in fact Respondent did not use the BULLY MAX mark in connection with all of the recited goods at the time it filed the Application.

27. In view of the above, Respondent is not entitled to continued registration of Respondent's Mark.

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Request for Relief

WHEREFORE, Petitioner requests that U.S. Trademark Registration No. 6,051,700 be cancelled and that this Petition for Cancellation be sustained in favor of Petitioner.

The required cancellation fee is submitted hereto. Please charge any additional fees or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

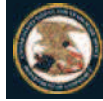
Dated: December 12, 2022

By: */Charles K. Crane/*

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Exhibit A



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TSDR ASSIGN Status TTAB Status (Use the "Back" button of the Internet Browser to return to TESS)

Maximum Bully

Word Mark MAXIMUM BULLY

Goods and Services IC 031. US 001 046. G & S: Dog food. FIRST USE: 20121201. FIRST USE IN COMMERCE: 20121201

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85981950

Filing Date January 8, 2013

Current Basis 1A

Original Filing Basis 1B

Published for Opposition September 10, 2013

Registration Number 4553200

Registration Date June 17, 2014

Owner (REGISTRANT) Elite K9 Nutrition, LLC LIMITED LIABILITY COMPANY CALIFORNIA 30325 Skipstone Way Menifee CALIFORNIA 92584

(LAST LISTED OWNER) REPLENISH PET INC. CORPORATION CALIFORNIA 1734 ILLINOIS AVENUE PERRIS CALIFORNIA 92571

Assignment Recorded ASSIGNMENT RECORDED

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BULLY" APART FROM THE MARK AS SHOWN

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR).

Live/Dead Indicator LIVE

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Trademark Assignment Abstract of Title

Total Assignments: 1

Serial #: [85981950](#)

Filing Dt: 01/08/2013

Reg #: [4553200](#)

Reg. Dt: 06/17/2014

Registrant: Elite K9 Nutrition, LLC

Mark: MAXIMUM BULLY

Assignment: 1

Reel/Frame: [5704/0656](#)

Recorded: 01/07/2016

Pages: 3

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: [ELITE K9 NUTRITION, LLC](#)

Exec Dt: 12/23/2015

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: CALIFORNIA

Entity Type: CORPORATION

Citizenship: CALIFORNIA

Assignee: [REPLENISH PET INC.](#)

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Correspondent: DIANE REED/KNOBBE, MARTENS, ET AL.

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