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16 Attorneys for Defendants
 17 USA NUTRACEUTICALS GROUP, INC. and
 18 ULTRA-LAB NUTRITION, INC.

19 **IN THE UNITED STATES DISTRICT COURT**
 20 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

21 _____
 22 MONSTER ENERGY COMPANY,
 a Delaware corporation,
 23 Plaintiff/Counterdefendant,
 24 v.
 25 USA NUTRACEUTICALS
 GROUP, INC., a Florida
 26 corporation, and ULTRA-LAB
 NUTRITION, INC., a Florida
 27 corporation,
 28 Defendants/Counterclaimants.

) Case No. 5:17-CV-00896 PA (DTBx)
) Hon. Percy Anderson
) **STIPULATED DISMISSAL AND**
) **FINAL JUDGMENT**

1 Plaintiff Monster Energy Company (“Plaintiff”) and Defendants USA
2 Nutraceuticals Group, Inc., and Ultra-Lab Nutrition, Inc. (collectively,
3 “Defendants”) in settlement of this matter, consent and agree to the terms and
4 conditions of this Stipulated Dismissal and Final Judgment.

5 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:

6 1. Plaintiff filed this lawsuit against Defendants seeking, *inter alia*,
7 judicial review pursuant to 15 U.S.C. § 1071(b) of a decision of the U.S. Patent
8 and Trademark Office Trademark Trial and Appeal Board (“TTAB”) dated March
9 9, 2017(hereinafter, the “TTAB Decision”), denying registration in International
10 Class 5 of Plaintiff’s U.S. Trademark Application Nos. 85/543,622, 85/783,034,
11 85/168,304, and 85/197,756 for the marks REHAB THE BEAST!
12 WWW.MONSTERENERGY.COM, UNLEASH THE ULTRA BEAST!, REHAB
13 THE BEAST!, and UNLEASH THE NITRO BEAST!, respectively (hereinafter,
14 the “Opposed Applications”).

15 2. As part of a settlement of this matter, Plaintiff and Defendants have
16 agreed that the TTAB Decision should be vacated and that Plaintiff should be
17 permitted to register the marks identified in Paragraph 1 above in Class 5 with the
18 goods in the Opposed Applications revised to state: “nutritional energy
19 supplements in liquid form; nutritional supplement beverages containing
20 vitamins.”

21 3. Pursuant to Section 1071(b), the Director of the U.S. Patent &
22 Trademark Office is ordered to vacate the TTAB Decision pursuant to the parties’
23 settlement of this action, to amend the description of goods in the Opposed
24 Applications to state “nutritional energy supplements in liquid form; nutritional
25 supplement beverages containing vitamins,” and to direct that the Opposed
26 Applications proceed to registration in Class 5.

27 4. Plaintiff’s remaining claims for trademark infringement, false
28 designation of origin, and unfair competition, which are based upon Defendants’

1 use of UNLEASH THE BEAST in connection with clothing, are dismissed.
2 Defendants' declaratory judgment counterclaims for non-infringement and no
3 unfair competition and Defendants' affirmative defenses are also dismissed.


4 5. This is a final judgment. Any other remaining claims and defenses, to
5 the extent not otherwise addressed above by this Judgment, are hereby dismissed.

6 6. Each party shall bear their own costs and attorneys' fees.

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IT IS SO ORDERED.

Dated: March 23, 2018



Hon. Percy Anderson
United States District Judge