

ORIGINAL FILED

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RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA S.J.

1 LARIVIERE, GRUBMAN & PAYNE, LLP
Robert W. Payne, Esq. (Bar No. 073901)
2 Scott J. Allen, Esq. (Bar No. 178925)
William R. Samuels, Esq. (Bar No. 246049)
3 Post Office Box 3140
19 Upper Ragsdale Drive
4 Monterey, CA 93942-3140
Telephone: (831) 649-8800
5 Facsimile: (831) 649-8835

ADR

6 Attorneys for Plaintiff
MONSTER CABLE PRODUCTS, INC.

E-filing

8
9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 MONSTER CABLE PRODUCTS, INC., a
California Corporation,

12 Plaintiff,

14 vs.

15 AVALANCHE CORPORATION, a Florida
16 corporation,

17 Defendant.

Case No:

08 04792 MMC

COMPLAINT FOR FEDERAL AND
STATE TRADEMARK INFRINGEMENT,
UNFAIR COMPETITION, UNFAIR
BUSINESS PRACTICES, and
INTERFERENCE WITH PROSPECTIVE
BUSINESS ADVANTAGE

JURY TRIAL DEMANDED

18
19 Plaintiff, MONSTER CABLE PRODUCTS, INC. (hereafter "MONSTER") alleges as
20 follows:

21 JURISDICTION AND VENUE

22 1. This action arises under the Lanham Act, 15 U.S.C. §1125 *et seq.* Jurisdiction over the
23 subject matter of this action is therefore proper under 15 U.S.C. §1121(a), which states that the
24 district courts shall have "original jurisdiction . . . of all actions arising under this Act. . ."
25 Jurisdiction over the subject matter of this action is also proper under 28 U.S.C. §§1331 and 1332.

26 2. Pendent or supplemental jurisdiction of this Court exists for the state law claims stated
27 herein, each of which arise out of a common nucleus of operative facts with those from which the
28 federal claims arise.

1 3. Venue in this judicial district is proper under 28 U.S.C. §§1391 (b) and (c). Avalanche
2 Corporation (hereafter “Avalanche”) has on a continual basis committed infringing and diluting acts
3 alleged below within the Northern District of California, in business interactions purposefully
4 elicited by Avalanche with or directed to residents of said District, including, *inter alia*, actively
5 soliciting and causing infringing sales within and to the District, Internet Website advertising and
6 promotion, and other promotion and media advertising within said district, and other use of the
7 infringing marks which harms plaintiff within said district.

8 INTRADISTRICT ASSIGNMENT

9 4. This is an Intellectual Property case subject to district-wide assignment under Local
10 Rule 3-2.

11 THE PARTIES

12 5. Plaintiff is a corporation existing under the laws of California, with its principal place
13 of business in Brisbane, California.

14 6. Plaintiff is informed and believes, and based thereon alleges, that defendant
15 Avalanche Corporation (“Avalanche”) is a Florida corporation, having its principal place of
16 business in Spring Hill, Florida.

17 FACTUAL BACKGROUND AND GENERAL ALLEGATIONS

18 7. From and after August 18, 1978, and continuing to date, plaintiff has been doing
19 business in the United States, using in commerce the mark “MONSTER” and related marks as
20 trademarks in connection with electrical, audio, video, clothing, musical items, and thereafter on
21 related items, including computer products and services, internet and electronic commerce,
22 professional sports events, automotive events, sporting goods, community events, grammy
23 award-winning music production and entertainment, television entertainment and related
24 merchandising, computer, electronic and industrial cleaning products, and related goods and
25 services.

26 8. Plaintiff has acquired trademark and service mark rights to the mark “MONSTER”
27 and related marks, both at common law from and after said date and further by virtue of
28 registrations with the United States Patent and Trademark Office, including, *inter alia*, (A)

1 federal Trademark Registration No. 2,184,002, "MONSTER" in Class 009 for "Electrical and
2 musical signal transmitting cable and connectors", a true copy of which is attached hereto as
3 Exhibit A; (B) the design mark "Monster Garage" depicted in federal Trademark Registration
4 No. 3,097,551 in Class 41 for "entertainment services in the nature of a television series
5 regarding the reconstruction of automobiles into unique motor vehicle devices . . .," a true and
6 correct copy of which is attached hereto as Exhibit B; (C) the trademarks "Monster Garage" as
7 stated in federal Trademark Registration Nos. 3,206,737, 3,103,290, 3,103,291, and 3,206,740
8 respectively, in Class 25 ("clothing, namely tops, jerseys, sweaters, . . . vests"), Class 41
9 ("Entertainment services in the nature of a television series regarding the reconstruction of
10 automobiles into unique motor vehicle devices. . .", Class 9 ("motor picture films . . . related to
11 the television series of the same name that feature the reconstruction of automobiles into unique
12 motor vehicle devices"), and Class 14 (jewelry, necklaces, etc. .), copies of which are attached
13 hereto as Exhibit C; (D) federal Trademark Registration No. 3,125,800, "Monster Performance
14 Car" in Class 9 for "electrical and electromagnetic signal transmitting, receiving and converting
15 devices, namely, cables, wires, connectors and control devices in the nature of automotive stereo
16 adapters. . ." a copy of which is attached hereto as Exhibit D; (E) federal Trademark Registration
17 No. 2,627,042, "Monster" in Class 25 for "clothing, namely sweatshirts, T-shirts . . . and caps" a
18 copy of which is attached hereto as Exhibit E; (F) federal Trademark Registration No. 2,055,050,
19 "Monster Car Audio" in Class No. 9 for "car audio cables, power and audio cables, power cable
20 terminators, ground cables, distributor blocks, fuse holders, car battery terminal collets, audio
21 interconnects, and contact ring terminals," a copy of which is attached hereto as Exhibit F; (G)
22 federal Trademark Registration No. 3,272,808, "Monster Park" in Class 41 for "Entertainment in
23 the nature of professional football games . . . and automobile shows," a copy of which is attached
24 hereto as Exhibit G; (H) the trademark "Monster" as set forth in federal Trademark Registration
25 Nos. 2,197,793, 2,575,745, and 2,774,858 in Classes 9 and 16, copies of which are set forth
26 hereto as Exhibit H; and (I) the trademark "Monster Sport," federal Trademark No. 2,634,360, in
27 Class 25 for "clothing, namely T-shirts, jackets, hats, polo shirts and vests," a copy of which is
28 set forth hereto as Exhibit I.

1 9. In total, Plaintiff is the owner of over one hundred registrations for “MONSTER-”
2 derivative marks in the U.S., with over thirty additional applications pending, and over one
3 hundred additional registered “MONSTER-” derivative marks worldwide.

4 10. Plaintiff has extensively advertised and promoted said marks. Moreover, plaintiff
5 has invested substantial time, energy, and resources to develop said marks. Each of its marks are
6 strong marks, being inherently arbitrary, fanciful, suggestive, or distinctive.

7 11. Plaintiff is also the licensor of numerous additional marks comprising or otherwise
8 employing the term “MONSTER.”

9 12. Plaintiff is informed and believes, and based thereon alleges, that from and after
10 about August of 2003, Avalanche has commenced use in commerce marks confusingly similar to
11 the “Monster-” derivative marks owned by the Plaintiff. Avalanche has used said confusingly
12 similar marks in connection with the promotion, advertising, offering for sale, sale, and licensing
13 for goods and services, product labeling, or other use in commerce as an indicator of origin of
14 goods, including, without limitation, automobile transmissions, automobile parts, and related
15 merchandise (specifically, clothing, such as T-shirts and hats, and silverware). Plaintiff is further
16 informed and believes that Avalanche, and/or its affiliates, joint venturers, partners, agents or
17 others acting for or on behalf of Avalanche, have used said confusingly similar marks in
18 commerce in connection with television shows and other video or film entertainment regarding
19 the repair and customization of automobiles. Plaintiff is further informed and believes that
20 Avalanche has incorporated confusingly similar marks in Internet domain names used in the
21 marketing, promotion and/or sale of goods in commerce.

22 13. At least as early as Avalanche’s date of first use of the mark MONSTER in
23 commerce, plaintiff has sold and continues to sell a great variety of goods bearing the mark
24 MONSTER and its derivatives, including the production of television entertainment involving
25 the repair and reconstruction of automobiles, the sale of clothing including T-shirts and hats, and
26 the sale of audio equipment for automobiles.

27 14. Plaintiff is informed and believes, and based thereon alleges that Avalanche’s goods
28 are sold in the same channels of trade as those of plaintiff. In addition to numerous other retail

1 outlets, Plaintiff's products are sold via the Internet. Avalanche's Monster products are or were
2 also sold over the Internet.

3 COUNT I

4 (Infringement of Registered Trademark - 15 U.S.C. §1114)

5 15. As and for a cause of action against Avalanche, plaintiff adopts, realleges, and
6 incorporates by reference all of the allegations contained hereinabove in paragraphs 1 through the
7 immediately preceding paragraph as though fully set forth.

8 16. Plaintiff is informed and believes that Avalanche has and continues to use in
9 commerce one or more reproductions, counterfeits, copies or colorable imitations of one or more
10 registered marks that are owned by Plaintiff in connection with the sale, offering for sale,
11 distribution, or advertising of any goods or services on or in connection with which such use is
12 likely to cause confusion, and/or cause mistake, and/or deceive. Avalanche's conduct in this
13 regard violates 11 U.S.C. § 1114(1)(a).

14 17. As a proximate result of Avalanche's above-described conduct, plaintiff is informed
15 and believes and based thereon alleges that it has been damaged in an amount to be proven at
16 trial.

17 18. At all material times, Avalanche acted in bad faith, oppressively, and maliciously
18 toward plaintiff, with intent to injure plaintiff, thereby entitling plaintiff to treble damages,
19 attorneys fees and costs against Avalanche.

20 19. The above described acts of Avalanche have caused and are continuing to cause
21 irreparable injury to plaintiff, for which plaintiff has no adequate remedy at law, and Avalanche
22 will continue to do so unless enjoined by this Court.

23 WHEREFORE, plaintiff prays for judgment as hereafter set forth.

24 COUNT II

25 (Federal Trademark Infringement - 15 U.S.C. §1125(a))

26 20. As and for a cause of action against Avalanche, Plaintiff adopts, realleges, and
27 incorporates by reference all of the allegations contained hereinabove in paragraphs 1 through the
28 immediately preceding paragraph as though fully set forth.

1 21. Plaintiff is informed and believes and based thereon alleges that Avalanche's conduct
2 has created a likelihood of confusion with plaintiff's marks in the relevant marketplace to
3 plaintiff's damage, thereby constituting infringement of plaintiff's registered and unregistered
4 trademarks and service marks in violation of 15 U.S.C. §1125(a).

5 22. As a proximate result of Avalanche's above-described conduct, plaintiff is informed
6 and believes and based thereon alleges that it has been damaged in an amount to be proven at
7 trial.

8 23. At all material times, Avalanche acted in bad faith, oppressively, and maliciously
9 toward plaintiff, with intent to injure plaintiff, thereby entitling plaintiff to treble damages,
10 attorneys fees and costs against Avalanche.

11 24. The above described acts of Avalanche have caused and are continuing to cause
12 irreparable injury to plaintiff, for which plaintiff has no adequate remedy at law, and Avalanche
13 will continue to do so unless enjoined by this Court.

14 WHEREFORE, plaintiff prays for judgment as hereafter set forth.

15 COUNT III

16 (Federal Unfair Competition- 15 U.S.C. §1125(a))

17 25. As and for a cause of action against Avalanche, plaintiff adopts, realleges, and
18 incorporates by reference all of the allegations contained hereinabove in paragraphs 1 through the
19 immediately preceding paragraph as though fully set forth.

20 26. The foregoing actions constitute unfair competition, in violation of 15 U.S.C.
21 §1125(a).

22 27. As a proximate result of Avalanche's above-described conduct, plaintiff is informed
23 and believes and based thereon alleges that it has been damaged in an amount to be proven at
24 trial.

25 28. At all material times, Avalanche acted in bad faith, oppressively and maliciously
26 toward plaintiff, with intent to injure plaintiff, thereby entitling plaintiff to treble damages against
27 Avalanche.

28 29. The above described acts of Avalanche have caused and are continuing to cause

1 irreparable injury to plaintiff, for which plaintiff has no adequate remedy at law, and Avalanche
2 will continue to do so unless enjoined by this Court.

3 WHEREFORE, plaintiff prays for judgment as hereinafter set forth.

4 COUNT IV

5 (State Unfair Business Practices - Bus. & Prof. Code Sec. 17200, et seq.)

6 30. As and for a cause of action against Avalanche, plaintiff adopts, realleges, and
7 incorporates by reference all of the allegations contained hereinabove in paragraphs 1 through the
8 immediately preceding paragraph as though fully set forth.

9 31. The actions of Avalanche as described hereinabove constitute "unfair competition"
10 under California Bus. & Prof. Code Section 17200, *et seq.* Plaintiff has suffered injury in fact by
11 such actions.

12 32. As a proximate result of Avalanche's above-described conduct, plaintiff is informed
13 and believes and based thereon alleges that Avalanche's acts of unfair competition have caused
14 Plaintiff damages in an amount to be proven at trial.

15 33. The above described acts of Avalanche have caused and are continuing to cause
16 irreparable injury to plaintiff, for which plaintiff has no adequate remedy at law, and Avalanche
17 will continue to do so unless enjoined by this Court.

18 WHEREFORE, plaintiff prays for judgment as hereinafter set forth.

19 COUNT V

20 (Interference with Prospective Business Advantage)

21 34. As and for a cause of action against Avalanche, plaintiff adopts, realleges, and
22 incorporates by reference all of the allegations contained hereinabove in paragraphs 1 through the
23 immediately preceding paragraph as though fully set forth.

24 35. By the aforesaid acts, Avalanche is interfering with plaintiff's prospective business
25 advantage and advantageous relationships with actual and prospective customers and licensees
26 without justification, thereby causing damage to plaintiff.

27 36. On information and belief, plaintiff alleges that the aforesaid acts were committed
28 with willful intent for the purpose of trading upon plaintiff's goodwill and business reputation,

1 with knowledge of the lack of right to do so, and said acts have caused plaintiff damage.

2 37. As a proximate result of Avalanche's actions described herein, Plaintiff has suffered
3 damages in an amount to be proven at trial.

4 WHEREFORE, plaintiff prays for judgment in its favor and against Avalanche as
5 follows:

6 1. For damages, including Avalanche's profits, disgorgement, restitution or other
7 compensation or monetary remedy, according to proof;

8 2. An award of prejudgment interest from the date of each wrongful act;

9 3. For punitive, exemplary and/or treble damages, according to proof;

10 4. For an award of attorneys' fees and costs;

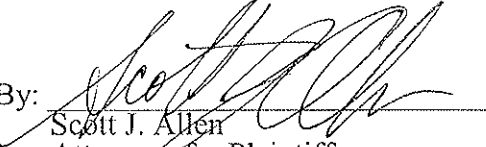
11 5. For an accounting and payment by Avalanche over to plaintiff of all profits realized by
12 Avalanche from sales of its products under the trademark MONSTER or any other reproduction,
13 counterfeit, copy, or colorable imitation of plaintiff's trademarks.

14 6. For preliminary and permanent injunctive relief, enjoining Avalanche from continuing
15 to engage in unauthorized sales, infringement and actions likely to dilute plaintiff's trademark
16 rights, from continuing to engage in unfair competition, from continuing to interfere with
17 plaintiff's prospective economic advantage, and from continuing actions likely to injure
18 plaintiffs' business reputation; and

19 7. For such other and further relief as the Court may deem just and proper.

20
21 Respectfully submitted,

22 LARIVIERE, GRUBMAN & PAYNE, LLP

23
24 By: 
25 Scott J. Allen
26 Attorneys for Plaintiff
27
28

1 JURY TRIAL DEMAND

2 Pursuant to Fed R. Civ. P. 38(b), 5(d) and Local Rule 3-6, Plaintiff demands a jury trial of
3 all issues triable by jury.

4
5 Dated: October 17, 2008.

6 Respectfully submitted,

7 LARIVIERE, GRUBMAN & PAYNE, LLP

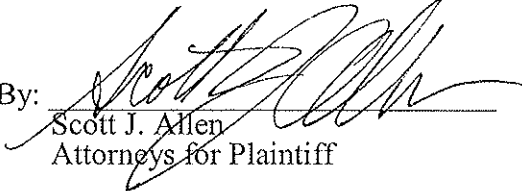
8
9 By: 
10 Scott J. Allen
11 Attorneys for Plaintiff

Exhibit A

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

Reg. No. 2,184,002

United States Patent and Trademark Office

Registered Aug. 25, 1998

**TRADEMARK
PRINCIPAL REGISTER**

MONSTER

MONSTER CABLE PRODUCTS, INC. (CALI-
FORNIA CORPORATION)
274 WATTIS WAY
SOUTH SAN FRANCISCO, CA 940806761

FIRST USE 5-18-1978; IN COMMERCE
5-19-1978.

SER. NO. 75-332,159, FILED 7-7-1997.

FOR: ELECTRICAL AND MUSICAL SIGNAL
TRANSMITTING CABLE AND CONNECTORS,
IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

SHAUNIA WALLACE, EXAMINING ATTOR-
NEY

Exhibit B

Int. Cl.: 41

Prior U.S. Cls.: 100, 101 and 107

United States Patent and Trademark Office

Reg. No. 3,097,551

Registered May 30, 2006

SERVICE MARK
PRINCIPAL REGISTER



MONSTER CABLE PRODUCTS, INC (CALIFORNIA CORPORATION)
455 VALLEY DRIVE
BRISBANE, CA 940051209

FOR: ENTERTAINMENT SERVICES IN THE NATURE OF A TELEVISION SERIES REGARDING THE RECONSTRUCTION OF AUTOMOBILES INTO UNIQUE MOTOR VEHICLE DEVICES; PROVISION OF INFORMATION RELATED TO TELEVISION

PROGRAM OF THE SAME NAME VIA THE INTERNET, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 6-23-2002; IN COMMERCE 6-23-2002.

SER. NO. 78-526,367, FILED 12-2-2004.

SCOTT OSCLICK, EXAMINING ATTORNEY

Exhibit C

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 3,206,737

Registered Feb. 6, 2007

TRADEMARK
PRINCIPAL REGISTER

MONSTER GARAGE

MONSTER CABLE PRODUCTS, INC. (CALIFORNIA CORPORATION)

455 VALLEY DRIVE

BRISBANE, CA 940051209

FOR: CLOTHING, NAMELY TOPS, JERSEYS, SWEATERS, VESTS, SKIRTS, SHORTS, PANTS, BLAZERS, JACKETS, COATS, SCARVES, WRISTBANDS, SLEEPWEAR, ROBES, SOCKS, UNDERWEAR, LEGGINGS, LEOTARDS, JOGGING SUITS, BELTS, SWIMWEAR, COVER-UPS, RAINWEAR; HEADWEAR, NAMELY, CAPS, HATS, BEANIES, HEAD-

BANDS, BANDANAS; FOOTWEAR, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 6-23-2002; IN COMMERCE 6-23-2002.

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

SN 78-526,330, FILED 12-2-2004.

ELLEN PERKINS, EXAMINING ATTORNEY

Int. Cl.: 41

Prior U.S. Cls.: 100, 101 and 107

United States Patent and Trademark Office

Reg. No. 3,103,290

Registered June 13, 2006

SERVICE MARK
PRINCIPAL REGISTER

MONSTER GARAGE

MONSTER CABLE PRODUCTS, INC (CALIFOR-
NIA CORPORATION)
455 VALLEY DRIVE
BRISBANE, CA 940051209

FOR: ENTERTAINMENT SERVICES IN THE
NATURE OF A TELEVISION SERIES REGARDING
THE RECONSTRUCTION OF AUTOMOBILES INTO
UNIQUE MOTOR VEHICLE DEVICES, IN CLASS 41
(U.S. CLS. 100, 101 AND 107).

FIRST USE 6-23-2002; IN COMMERCE 6-23-2002.

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

SER. NO. 78-526,356, FILED 12-2-2004.

ELLEN PERKINS, EXAMINING ATTORNEY

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

United States Patent and Trademark Office

Reg. No. 3,103,291

Registered June 13, 2006

TRADEMARK
PRINCIPAL REGISTER

MONSTER GARAGE

MONSTER CABLE PRODUCTS, INC (CALIFORNIA CORPORATION)
455 VALLEY DRIVE
BRISBANE, CA 940051209

FOR: MOTION PICTURE FILMS, PRE-RECORDED VIDEO DISKS AND AUDIO-VISUAL RECORDINGS, PRE-RECORDED VIDEOTAPES, PRE-RECORDED COMPACT DISC, DVDS AND CD-ROMS ALL OF THE ABOVE GOODS FEATURING SUBJECT MATTER RELATED TO THE TELEVISION SERIES OF THE SAME NAME THAT FEATURES THE RECONSTRUCTION OF AUTOMOBILES INTO UNIQUE MOTOR VEHICLE

DEVICES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 12-17-2002; IN COMMERCE 12-17-2002.

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

SER. NO. 78-526,360, FILED 12-2-2004.

ELLEN PERKINS, EXAMINING ATTORNEY

Int. Cl.: 14

Prior U.S. Cls.: 2, 27, 28, and 50

Reg. No. 3,206,740

United States Patent and Trademark Office

Registered Feb. 6, 2007

TRADEMARK
PRINCIPAL REGISTER

MONSTER GARAGE

MONSTER CABLE PRODUCTS, INC. (CALIFORNIA CORPORATION)
455 VALLEY DRIVE
BRISBANE, CA 940051209

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

FOR: JEWELRY, NECKLACES, BRACELETS, TIE TACKS, WATCH BANDS, CLOCKS, WATCHES, IN CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

SN 78-526,354, FILED 12-2-2004.

FIRST USE 6-23-2002; IN COMMERCE 6-23-2002.

ELLEN PERKINS, EXAMINING ATTORNEY

Exhibit D

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

Reg. No. 3,125,800

United States Patent and Trademark Office

Registered Aug. 8, 2006

TRADEMARK
PRINCIPAL REGISTER

MONSTER
PERFORMANCE CAR

MONSTER CABLE PRODUCTS, INC. (CALIFORNIA CORPORATION)
455 VALLEY DRIVE
BRISBANE, CA 940051209

POWER CABLES, SWITCHES, CAPACITORS AND CONNECTORS; ENERGY CONDITIONING DEVICES, NAMELY VOLTAGE CONDITIONERS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FOR: ELECTRICAL AND ELECTROMAGNETIC SIGNAL TRANSMITTING, AMPLIFYING, RECEIVING, AND CONVERTING DEVICES, NAMELY, CABLES, WIRES, CONNECTORS, AND CONTROL DEVICES IN THE NATURE OF AUTOMOTIVE STEREO ADAPTERS FOR USE WITH ELECTRICAL, ELECTRONIC, AND COMPUTER DEVICES; LOUD-SPEAKERS; STEREO AMPLIFIERS; COMPUTER COMPONENTS AND ACCESSORIES, NAMELY COMPUTER CABLES AND CONNECTORS; AUDIO EQUIPMENT AND ACCESSORIES, NAMELY, AUDIO CABLES AND CONNECTORS; VIDEO EQUIPMENT AND ACCESSORIES, NAMELY, VIDEO CABLES AND CONNECTORS; ELECTRONIC GAME EQUIPMENT AND ACCESSORIES, NAMELY, ELECTRONIC GAME CABLES AND CONNECTORS; ELECTRICAL POWER CONTROL COMPONENTS AND ACCESSORIES, NAMELY

FIRST USE 9-9-2004; IN COMMERCE 9-9-2004.

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

OWNER OF U.S. REG. NOS. 2,639,223, 2,774,858 AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CAR", APART FROM THE MARK AS SHOWN.

SER. NO. 78-509,879, FILED 11-2-2004.

RAMONA ORTIGA, EXAMINING ATTORNEY

Exhibit E

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 2,627,042

Registered Oct. 1, 2002

TRADEMARK
PRINCIPAL REGISTER

MONSTER

MONSTER CABLE PRODUCTS, INC. (CALIFOR-
NIA CORPORATION)
274 WATTIS WAY
SOUTH SAN FRANCISCO, CA 940706761

OWNER OF U.S. REG. NOS. 1,414,284 AND
1,704,275.

FOR: CLOTHING, NAMELY, SWEATSHIRTS, T-
SHIRTS, PANTS, JACKETS, AND CAPS, IN CLASS 25
(U.S. CLS. 22 AND 39).

SER. NO. 75-325,907, FILED 7-10-1997.

FIRST USE 12-20-1983; IN COMMERCE 12-20-1983.

DAVID TAYLOR, EXAMINING ATTORNEY

Exhibit F

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

Reg. No. 2,055,050

United States Patent and Trademark Office

Registered Apr. 22, 1997

**TRADEMARK
PRINCIPAL REGISTER**

MONSTER CAR AUDIO

MONSTER CABLE INTERNATIONAL, LTD.
(BERMUDA CORPORATION)
31 CHURCH STREET
REID HOUSE
HAMILTON HM12, BERMUDA

FOR: CAR AUDIO CABLES, POWER AND
AUDIO CABLES, POWER CABLE TERMINA-
TORS, GROUND CABLES, DISTRIBUTOR
BLOCKS, FUSE HOLDERS, CAR BATTERY
TERMINAL COLLETS, AUDIO INTERCON-

NECTS, AND CONTACT RING TERMINALS,
IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).
FIRST USE 5-30-1994; IN COMMERCE
5-30-1994.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "CAR AUDIO", APART FROM
THE MARK AS SHOWN.

SER. NO. 75-101,102, FILED 5-9-1996.

DAVID NICHOLSON, EXAMINING ATTOR-
NEY



United States Patent and Trademark Office

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Assignments on the Web > Trademark Query

Trademark Assignment Abstract of Title

Total Assignments: 6Serial #: 75101102

Filing Dt: 05/09/1996

Reg #: 2055050

Reg. Dt: 04/22/1997

Registrant: Monster Cable International, Ltd.

Mark: MONSTER CAR AUDIO

Assignment: 1Reel/Frame: 1815/0881

Received: 12/01/1998

Recorded: 11/25/1998

Pages: 17

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: MONSTER CABLE PRODUCTS, INC.

Exec Dt: 10/21/1998

Entity Type: CORPORATION

Citizenship: CALIFORNIA

Entity Type: CORPORATION

Citizenship: CALIFORNIA

Assignee: IMPERIAL BANK275 BATTERY STREET, SUITE 1100
SAN FRANCISCO, CALIFORNIA 94111

Correspondent: WHITE & CASE LLP

MARY WITKOP
633 W. 5TH STREET, SUITE 1900
LOS ANGELES, CA 90071**Assignment: 2**Reel/Frame: 2271/0071

Received: 04/19/2001

Recorded: 04/02/2001

Pages: 19

Conveyance: SECURITY INTEREST

Assignors: MONSTER CABLE PRODUCTS, INC.

Exec Dt: 02/08/2001

Entity Type: CORPORATION

Citizenship: CALIFORNIA

Exec Dt: 02/08/2001

Entity Type: INDIVIDUAL

Citizenship: UNITED STATES

Entity Type: CORPORATION

Citizenship: CALIFORNIA

LEE, NOELAssignee: IMPERIAL BANK, AS AGENT275 BATTERY STREET, SUITE 110
SAN FRANCISCO, CALIFORNIA 94111

Correspondent: ARTER & HADDEN, LLP

NEIL J. RUBENSTEIN
TWO EMBARCADERO CENTER, 5TH FLOOR
SAN FRANCISCO, CALIFORNIA 94111**Assignment: 3**Reel/Frame: 2278/0597

Received: 04/19/2001

Recorded: 04/02/2001

Pages: 11

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: IMPERIAL BANK

Exec Dt: 02/08/2001

Entity Type: CORPORATION

Citizenship: CALIFORNIA

Entity Type: CORPORATION

Citizenship: CALIFORNIA

Assignee: MONSTER CABLE PRODUCTS, INC.455 VALLEY DRIVE
BRISBANE, CALIFORNIA 94005

Correspondent: ARTER & HADDEN LLP

NEIL J, RUBENSTEIN
TWO EMBARCADERO CENTER, 5TH FLOOR

SAN FRANCISCO, CA 94111

Assignment: 4**Reel/Frame:** 2687/0301 **Received:** 03/19/2003**Recorded:** 03/13/2003**Pages:** 6**Conveyance:** ASSIGNS THE ENTIRE INTEREST**Assignor:** MONSTER CABLE INTERNATIONAL**Exec Dt:** 02/28/2003**Entity Type:** CORPORATION**Citizenship:** BERMUDA**Entity Type:** CORPORATION**Citizenship:** CALIFORNIA**Assignee:** MONSTER CABLE PRODUCTS, INC.455 VALLEY DRIVE
BRISBANE, CALIFORNIA 94005**Correspondent:** LARIVIERE, GRUBMAN & PAYNE, LLPF. DAVID LARIVIERE
P.O. BOX 3140
MONTEREY, CA 93942**Assignment: 5****Reel/Frame:** 2713/0542 **Received:** 04/17/2003**Recorded:** 04/11/2003**Pages:** 5**Conveyance:** SECURITY AGREEMENT**Assignor:** MONSTER CABLE PRODUCTS, INC.**Exec Dt:** 02/28/2003**Entity Type:** CORPORATION**Citizenship:** NONE**Entity Type:** CORPORATION**Citizenship:** CALIFORNIA**Assignee:** COMERICA BANK - CALIFORNIA275 BATTERY STREET
SUITE 1100
SAN FRANCISCO, CALIFORNIA 94111**Correspondent:** BUCHALTER, NEMER, FIELDS & YOUNGERNEIL J. RUBENSTEIN
333 MARKET STREET, 25TH FLOOR
SAN FRANCISCO, CA 94105**Assignment: 6****Reel/Frame:** 3870/0023 **Received:** 10/14/2008**Recorded:** 10/14/2008**Pages:** 11**Conveyance:** RE-RECORD TO CORRECT THE NAME OF THE ASSIGNOR, PREVIOUSLY RECORDED ON REEL 02687 FRAME 0301.**Assignor:** MONSTER CABLE INTERNATIONAL, LTD.**Exec Dt:** 08/07/2008**Entity Type:** CORPORATION**Citizenship:** BERMUDA**Entity Type:** CORPORATION**Citizenship:** CALIFORNIA**Assignee:** MONSTER CABLE PRODUCTS, INC.455 VALLEY DRIVE
BRISBANE, CALIFORNIA 94005**Correspondent:** MATTHEW A. POWELSON19 UPPER RAGSDALE DRIVE, SUITE 200
MONTEREY, CALIFORNIA 93940

Search Results as of: 10/16/2008 07:38 PM

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.0.1
Web interface last modified: April 20, 2007 v.2.0.1| [.HOME](#) | [INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [CONTACT US](#) | [PRIVACY STATEMENT](#)

Exhibit G

Int. Cl.: 41

Prior U.S. Cls.: 100, 101, and 107

United States Patent and Trademark Office

Reg. No. 3,272,808

Registered July 31, 2007

SERVICE MARK
PRINCIPAL REGISTER

MONSTER PARK

MONSTER CABLE PRODUCTS, INC. (CALIFORNIA CORPORATION)
455 VALLEY DRIVE
BRISBANE, CA 940051209

FOR: ENTERTAINMENT IN THE NATURE OF PROFESSIONAL FOOTBALL GAMES, LIVE MUSICAL CONCERTS, HOLIDAY FESTIVALS, EASTER EGG HUNTS, AND AUTOMOBILE SHOWS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 9-28-2004; IN COMMERCE 9-28-2004.

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 "PARK", APART FROM THE MARK AS SHOWN.

SN 78-491,069, FILED 9-28-2004.

BARBARA GAYNOR, EXAMINING ATTORNEY

Exhibit H

Int. Cl.: 16

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38 and 50

Reg. No. 2,197,793

United States Patent and Trademark Office

Registered Oct. 20, 1998

**TRADEMARK
PRINCIPAL REGISTER**

MONSTER

MONSTER CABLE PRODUCTS, INC. (CALI-
FORNIA CORPORATION)
274 WATTIS WAY
SOUTH SAN FRANCISCO, CA 940806761

DUSTY NEWS, IN CLASS 16 (U.S. CLS. 2, 5, 22,
23, 29, 37, 38 AND 50).

FIRST USE 6-1-1989; IN COMMERCE
6-1-1989.

SER. NO. 75-332,160, FILED 7-7-1997.

FOR: NEWSLETTERS, MAGAZINES, CATA-
LOGS AND NEWSPAPERS PROVIDING EN-
TERTAINMENT INDUSTRY AND CABLE IN-

SHAUNIA WALLACE, EXAMINING ATTOR-
NEY

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

Reg. No. 2,575,745

United States Patent and Trademark Office

Registered June 4, 2002

TRADEMARK
PRINCIPAL REGISTER

MONSTER

MONSTER CABLE PRODUCTS, INC. (CALIFORNIA CORPORATION)
455 VALLEY DRIVE
BRISBANE, CA 94005

FOR: VIDEO GAME MACHINES FOR USE WITH TELEVISIONS; AND ELECTRONIC GAME ACCESSORIES, NAMELY, ELECTRICAL CABLES, ELECTRICAL CONNECTORS AND VIDEO GAME

INTERACTIVE REMOTE CONTROL UNITS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 10-26-2000; IN COMMERCE 10-26-2000.

SER. NO. 76-197,156, FILED 1-18-2001.

MARK T. MULLEN, EXAMINING ATTORNEY

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

Reg. No. 2,774,858

United States Patent and Trademark Office

Registered Oct. 21, 2003

TRADEMARK
PRINCIPAL REGISTER

MONSTER

MONSTER CABLE PRODUCTS, INC. (CALIFORNIA CORPORATION)
455 VALLEY DRIVE
BRISBANE, CA 94005

FOR: ELECTRICAL AND OPTICAL CABLES, WIRES AND CONNECTORS FOR USE WITH AUDIO AND VIDEO COMPONENTS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 12-31-1998; IN COMMERCE 12-31-1998.

OWNER OF U.S. REG. NOS. 2,606,971 AND 2,757,745.

SER. NO. 76-422,059, FILED 6-17-2002.

G. T. GLYNN, EXAMINING ATTORNEY

Exhibit I

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 2,634,360

Registered Oct. 15, 2002

**TRADEMARK
PRINCIPAL REGISTER**

MONSTER SPORT

MONSTER CABLE PRODUCTS, INC. (CALIFOR-
NIA CORPORATION)
455 VALLEY DRIVE
BRISBANE, CA 94005

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "SPORT", APART FROM THE
MARK AS SHOWN.

FOR: CLOTHING, NAMELY T-SHIRTS, JACK-
ETS, HATS, POLO SHIRTS AND VESTS, IN CLASS 25
(U.S. CLS. 22 AND 39).

SER. NO. 76-210,317, FILED 2-12-2001.

FIRST USE 4-1-1992; IN COMMERCE 4-1-1992.

DARRYL SPRULL, EXAMINING ATTORNEY