

Beast vs. Monster? Marshawn Lynch and Monster Energy Poised for Trademark Battle

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Since his defining 67-yard touchdown run against the then-defending Super Bowl champion Saints in the 2011 NFC Wild Card game (Lynch's first playoff game), "Beast Mode" has taken off. **Marshawn Lynch**, a four-time pro bowl running back, catalyst to the Seattle Seahawks' 2014 Super Bowl championship and Skittles enthusiast, **anchors the team's running game and is apparently just as enthusiastic about his brand** as he is about stiff-arming safeties. Lynch has used the Beast Mode moniker since college and registered the BEAST MODE trademark in his second year in the NFL in connection with t-shirts, [men's, women's and children's clothing and headwear](#) (BEAST MODE, Registration Nos. 3,650,781 and 4,254,213).

Just as he totes the rock, Lynch aggressively defends his brand, which brings in more than six-figures each year for his non-profit Fam 1st Family Foundation, Lynch reportedly rejects at least five proposals per month to license his mark (including resisting requests from apparel companies and an electronics manufacturer), and has even turned down the L.A. Dodger's request to use "BEAST MODE" in conjunction with outfielder Matt Kemp. However, Lynch has allowed his trademark to be licensed to the University of South Carolina for apparel, supplement manufacturer MusclePharm, , Deuce Watches and Nike footwear. Fellow NFL'ers Aaron Rodgers (through his brother Luke) and Joe Montana (through his wife, Jennifer) have also received licenses to use "BEAST MODE" on certain items.

Earlier this year, Lynch filed an application to extend his trademark for use in other classes of goods, including in connection with [candy and non-alcoholic beverages, namely energy drinks, sports drinks and coconut water](#).

But, it appears, Lynch's run at the expanded trademark registration will not be an open-field rumble to the end zone. Instead, several companies holding similar-sounding marks may attempt to tackle Lynch's latest registrations.

- Already Monster Energy has filed for an extension with the Trademark Trial and Appeal Board (TTAB) to oppose Lynch's trademark. Monster owns trademarks to the phrases "Unleash the Ultra Beast" and "Pump Up The Beast!", and is no stranger to the TTAB, having filed more than 40 oppositions this year. Indeed, the producer of Monster Energy Drink, Monster Beverage Corporation, is not shy when it comes to protecting its brands. In recent years, it has sent C&D letters to a Vermont Brewery, a beverage review website and a Montana energy drink start-up, just to name a few, and, like the Seahawks, plays aggressive defense to keep potential infringers out of their end zone. This zealous policing of its brand has earned Monster a rebuke from a U.S. Senator and the moniker "trademark bully", yet others have categorized the company as simply rightfully protecting its intellectual property.
- USA Nutraceuticals Group, has also announced that it may object to Lynch's registration. In 2010, the Florida company registered the "Beast Mode" trademark for dietary and nutritional supplements and may view Lynch's current request as encroaching on its registered mark (BEAST MODE, Registration No. 3,978,998).
- And while outside of the scope of his current application, before Mr. Lynch thinks about brewing a "Beast Mode" brew, Sixpoint Craft Ales may also have something to say. In September 2011, Sixpoint registered the trademark BEAST MODE in connection with beer (Beast Mode, Registration No. 4,142,459).

It remains to be seen whether any of the above will bring Lynch down in the backfield or whether Lynch will make them miss and expand the BEAST MODE brand. Assuming Lynch is successful, at *Three Point Shot*, we'll be looking forward to serving "Beast Mode" coconut water at our Thanksgiving holiday dinner next year.

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