

ESTTA Tracking number: **ESTTA205323**

Filing date: **04/16/2008**

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

Proceeding	91168862
Party	Plaintiff Red Head, Inc. d/b/a Cabo Wabo Enterpris
Correspondence Address	Matthew Pulliam Greenberg Traurig, LLP The Forum, 3290 Northside Parkway Suite 400 Atlanta, GA 33027 UNITED STATES firthj@gtlaw.com
Submission	Motion to Join/Substitute Party
Filer's Name	Charmaine Williams
Filer's e-mail	williamsch@gtlaw.com, trendlet@gtlaw.com, atltrademark@gtlaw.com
Signature	/Charmaine Williams/
Date	04/16/2008
Attachments	Motion to Substitute -- Cabo Nuts Cabo Azul - 2.pdf ( 3 pages )(9851 bytes ) Cabo Substitute Exhibit A.pdf ( 20 pages )(461763 bytes )

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

Red Head, Inc. d/b/a Cabo Wabo Enterprises,

Opposer,

v.

Brady Bunte,

Applicant.

Opposition No. 91168862

Opposition No. 91168968

Ser. No. 78/468,593

Ser. No. 78/551,176

Mark: CABO AZUL

Mark: CABO NUTS

**MOTION TO SUBSTITUTE CABO WABO LLC FOR RED HEAD, INC. d/b/a/ CABO  
WABO ENTERPRISES**

Trademark Trial and Appeal Board  
Commissioner for Trademarks  
P.O. Box 1451  
Arlington, VA 22313-1451

Pursuant to TBMP Rule 512.01, Opposer Red Head, Inc. d/b/a Cabo Wabo Enterprises (“Opposer”) hereby moves, on behalf of itself and its assignee, Cabo Wabo LLC, to substitute Cabo Wabo LLC for Red Head, Inc. d/b/a Cabo Wabo Enterprises in the instant consolidated opposition proceedings (“Opposition”). Applicant Brady Bunte has consented to this substitution.

The marks relied upon by Opposer in this Opposition have been assigned to Cabo Wabo LLC.<sup>1</sup> The assignments have been recorded, and a copy of the assignments is attached hereto as Exhibit A. Where there has been an assignment of a mark that is the subject of, or relied upon in, an inter partes proceeding before the Board, the assignee may be substituted for the originally named party. *See* TBMP 512.01. Substitution, rather the joinder, is appropriate where, as here, the opposing party has consented to the request for substitution.

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<sup>1</sup> Those marks that Opposer relied upon but did not assign to Cabo Wabo LLC have been abandoned.

Accordingly, Opposer respectfully requests that this Motion to Substitute Cabo Wabo LLC for Red Head, Inc. d/b/a Cabo Wabo Enterprises be granted.

Dated: April 16, 2008.

By: /s/ Charmaine Williams

Attorney for Opposer  
Red Head, Inc. d/b/a Cabo Wabo  
Enterprises

Greenberg Traurig, LLP  
3290 Northside Parkway, Suite 400  
Atlanta, GA 30327  
Telephone: (678) 553-2100  
Facsimile: (678) 553-2212

**CERTIFICATE OF SERVICE**

This is to certify that I have this day served a true and correct copy of the within and foregoing MOTION TO SUBSTITUTE CABO WABO LLC FOR RED HEAD, INC. d/b/a/ CABO WABO ENTERPRISES, upon the following counsel via U.S. Mail, postage prepaid:

Bruce B. Brunda  
Stetina Brunda Garred & Brucker  
75 Enterprise, Suite 250  
Aliso Viejo, CA 92656

**Attorney for Brady Bunte**

Rosemary Tarlton  
Morrison Foerster  
425 Market Street  
San Francisco, CA 94105-2482

**Attorney for Cabo Wabo LLC**

Dated: April 16, 2008.

By: /s/ Charmaine Williams

Attorney for Opposer  
Red Head, Inc. d/b/a Cabo Wabo  
Enterprises

Greenberg Traurig, LLP  
3290 Northside Parkway, Suite 400  
Atlanta, GA 30327  
Telephone: (678) 553-2100  
Facsimile: (678) 553-2212

# EXHIBIT A

ROSEMARY S. TARLTON COMP. MORRISON & FOERSTER LLP, 425 MARKET ST.

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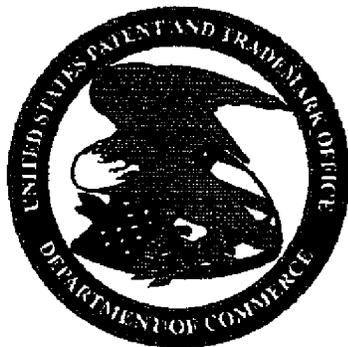
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# UNITED STATES PATENT AND TRADEMARK OFFICE

## Facsimile Transmission

**To:**                   **Name:**                   ROSEMARY S. TARLTON  
                             **Company:**               MORRISON & FOERSTER LLP, 425 MARKET ST.  
                             **Fax Number:**           14152687522  
                             **Voice Phone:**

**From:**               **Name:**                   ASSIGNMENT SERVICES BRANCH  
                             **Voice Phone:**           571-272-3350

37 C.F.R. 1.6 sets forth the types of correspondence that can be communicated to the Patent and Trademark Office via facsimile transmissions. Applicants are advised to use the certificate of facsimile transmission procedures when submitting a reply to a non-final or final Office action by facsimile (37 CFR 1.8(a)).

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Number of pages including this cover sheet: 07

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O:ROSEMARY S. TARLTON COMP/ 7:MORRISON &amp; FOERSTER LLP, 5 MARKET ST.

**UNITED STATES PATENT AND TRADEMARK OFFICE**UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

JANUARY 17, 2008

\*900096685A\*

PTAS

ROSEMARY S. TARLTON  
MORRISON & FOERSTER LLP, 425 MARKET ST.  
SAN FRANCISCO, CA 94105-2482UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 571-272-3350. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, MAIL STOP: ASSIGNMENT SERVICES BRANCH, P.O. BOX 1450, ALEXANDRIA, VA 22313.

RECORDATION DATE: 01/16/2008

REEL/FRAME: 003698/0231  
NUMBER OF PAGES: 5BRIEF: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL  
DOCKET NUMBER: 40698/17ASSIGNOR:  
RED HEAD INC.DOC DATE: 01/02/2008  
CITIZENSHIP: CALIFORNIA  
ENTITY: CORPORATIONASSIGNEE:  
CABO WABO LLC  
1 BEACH STREET, SUITE 300  
SAN FRANCISCO, CALIFORNIA 94133CITIZENSHIP: DELAWARE  
ENTITY: LIMITED LIABILITY COMPANYAPPLICATION NUMBER: 77330509  
REGISTRATION NUMBER:FILING DATE: 11/15/2007  
ISSUE DATE:MARK: CABO WABO RADIO  
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

003698/0231 PAGE 2

APPLICATION NUMBER: 78392328 FILING DATE: 03/29/2004  
REGISTRATION NUMBER: 2911300 ISSUE DATE: 12/14/2004

MARK: A SHOT AT THE CABO WABO  
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 78392332 FILING DATE: 03/29/2004  
REGISTRATION NUMBER: 2908848 ISSUE DATE: 12/07/2004

MARK: A SHOT AT THE CABO WABO  
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 78148263 FILING DATE: 07/29/2002  
REGISTRATION NUMBER: 2802283 ISSUE DATE: 01/06/2004

MARK: CABO WABO  
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN TYPED FORM

APPLICATION NUMBER: 78542125 FILING DATE: 01/04/2005  
REGISTRATION NUMBER: 3166323 ISSUE DATE: 10/31/2006

MARK: CABO WABO  
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 78351348 FILING DATE: 01/13/2004  
REGISTRATION NUMBER: 3066661 ISSUE DATE: 03/07/2006

MARK: CABO WABO  
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 77046771 FILING DATE: 11/17/2006  
REGISTRATION NUMBER: 3282182 ISSUE DATE: 08/21/2007

MARK: CABO WABO  
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 78547568 FILING DATE: 01/14/2005  
REGISTRATION NUMBER: 3111433 ISSUE DATE: 07/04/2006

MARK: CABO WABO  
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 77046780 FILING DATE: 11/17/2006  
REGISTRATION NUMBER: 3282183 ISSUE DATE: 08/21/2007

MARK: CABO WABO  
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 77046725 FILING DATE: 11/17/2006  
REGISTRATION NUMBER: 3282181 ISSUE DATE: 08/21/2007

MARK: CABO WABO  
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

003698/0231 PAGE 3

APPLICATION NUMBER: 77046004 FILING DATE: 11/16/2006  
REGISTRATION NUMBER: 3282174 ISSUE DATE: 08/21/2007

MARK: CABO WABO  
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 76372662 FILING DATE: 02/19/2002  
REGISTRATION NUMBER: 3066271 ISSUE DATE: 03/07/2006

MARK: CABO WABO  
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS AND DESIGN

APPLICATION NUMBER: 76370882 FILING DATE: 02/13/2002  
REGISTRATION NUMBER: 2830521 ISSUE DATE: 04/06/2004

MARK: CABO WABO  
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS AND DESIGN

APPLICATION NUMBER: 76235335 FILING DATE: 03/28/2001  
REGISTRATION NUMBER: 3261376 ISSUE DATE: 07/10/2007

MARK: CABO WABO CANTINA  
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN TYPED FORM

APPLICATION NUMBER: 76977900 FILING DATE: 03/28/2001  
REGISTRATION NUMBER: 3066473 ISSUE DATE: 03/07/2006

MARK: CABO WABO CANTINA  
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN TYPED FORM

APPLICATION NUMBER: 75833279 FILING DATE: 10/27/1999  
REGISTRATION NUMBER: 2657637 ISSUE DATE: 12/10/2002

MARK: CABO WABO CANTINA  
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS AND DESIGN

APPLICATION NUMBER: 78841363 FILING DATE: 03/20/2006  
REGISTRATION NUMBER: 3251140 ISSUE DATE: 06/12/2007

MARK: CABO WABO MUSIC  
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 78841298 FILING DATE: 03/20/2006  
REGISTRATION NUMBER: 3332279 ISSUE DATE: 11/06/2007

MARK: CABO WABO MUSIC  
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 76361712 FILING DATE: 01/23/2002  
REGISTRATION NUMBER: 2971276 ISSUE DATE: 07/19/2005

MARK: CABO WABORITA  
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN TYPED FORM

003698/0231 PAGE 4

APPLICATION NUMBER: 76425980 FILING DATE: 06/28/2002  
REGISTRATION NUMBER: 2892451 ISSUE DATE: 10/12/2004

MARK: CABO-ME-CRAZY  
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN TYPED FORM

APPLICATION NUMBER: 78295985 FILING DATE: 09/04/2003  
REGISTRATION NUMBER: 3330441 ISSUE DATE: 11/06/2007

MARK: GOT TEQUILA?  
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN TYPED FORM

APPLICATION NUMBER: 78295986 FILING DATE: 09/04/2003  
REGISTRATION NUMBER: 3303368 ISSUE DATE: 10/02/2007

MARK: GOT TEQUILA?  
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN TYPED FORM

APPLICATION NUMBER: 76370742 FILING DATE: 02/13/2002  
REGISTRATION NUMBER: 3177356 ISSUE DATE: 11/28/2006

MARK: REPOSADO 100% DE AGAVE TEQUILA CABO WABO  
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS AND DESIGN

APPLICATION NUMBER: 78542113 FILING DATE: 01/04/2005  
REGISTRATION NUMBER: 3152035 ISSUE DATE: 10/03/2006

MARK: TAHOE WABO  
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 78475519 FILING DATE: 08/30/2004  
REGISTRATION NUMBER: 3091380 ISSUE DATE: 05/09/2006

MARK: TAKE YOUR BEST SHOT  
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 75897855 FILING DATE: 01/18/2000  
REGISTRATION NUMBER: 2970899 ISSUE DATE: 07/19/2005

MARK: WABORITA  
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN TYPED FORM

LAZENA MARTIN, EXAMINER  
ASSIGNMENT SERVICES BRANCH  
PUBLIC RECORDS DIVISION

## TRADEMARK ASSIGNMENT

Electronic Version v1.1  
 Stylesheet Version v1.1

01/16/2008  
 900096685

SUBMISSION TYPE:		NEW ASSIGNMENT	
NATURE OF CONVEYANCE:		ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL	
CONVEYING PARTY DATA			
Name	Formerly	Execution Date	Entity Type
Red Head Inc.		01/02/2008	CORPORATION: CALIFORNIA
RECEIVING PARTY DATA			
Name:	Cabo Wabo LLC		
Street Address:	1 Beach Street, Suite 300		
City:	San Francisco		
State/Country:	CALIFORNIA		
Postal Code:	94133		
Entity Type:	LIMITED LIABILITY COMPANY: DELAWARE		
PROPERTY NUMBERS Total: 26			
Property Type	Number	Word Mark	
Registration Number:	2911300	A SHOT AT THE CABO WABO	
Registration Number:	2908848	A SHOT AT THE CABO WABO	
Registration Number:	2802283	CABO WABO	
Registration Number:	3166323	CABO WABO	
Registration Number:	3066661	CABO WABO	
Registration Number:	3282182	CABO WABO	
Registration Number:	3111433	CABO WABO	
Registration Number:	3282183	CABO WABO	
Registration Number:	3282181	CABO WABO	
Registration Number:	3282174	CABO WABO	
Registration Number:	3066271	CABO WABO	
Registration Number:	2830521	CABO WABO	
Registration Number:	3261376	CABO WABO CANTINA	
Registration Number:	3066473	CABO WABO CANTINA	

CH \$665.00 2911300

O:ROSEMARY S. TARLTON COMP'Y:MORRISON &amp; FOERSTER LLP, 5 MARKET ST.

Registration Number:	2657637	CABO WABO CANTINA
Registration Number:	3251140	CABO WABO MUSIC
Registration Number:	3332279	CABO WABO MUSIC
Serial Number:	77330509	CABO WABO RADIO
Registration Number:	2971276	CABO WABORITA
Registration Number:	2892451	CABO-ME-CRAZY
Registration Number:	3330441	GOT TEQUILA?
Registration Number:	3303368	GOT TEQUILA?
Registration Number:	3177356	REPOSADO 100% DE AGAVE TEQUILA CABO WABO REPOSADO 100% TEQUILANA WEBER BLUE AGAVE FROM THE REGION OF TEQUILA, STATE OF JALISCO, MEXICO HECHO EN MEXICO CONT. NET. 750 ML 40% ALC. VOL. 80 PROOF NOM 1426 CRT
Registration Number:	3152035	TAHOE WABO
Registration Number:	3091380	TAKE YOUR BEST SHOT
Registration Number:	2970899	WABORITA

## CORRESPONDENCE DATA

Fax Number: (415)268-7522  
*Correspondence will be sent via US Mail when the fax attempt is unsuccessful.*  
 Email: dpung@mofo.com  
 Correspondent Name: Rosemary S. Tarlton  
 Address Line 1: Morrison & Foerster LLP, 425 Market St.  
 Address Line 4: San Francisco, CALIFORNIA 94105-2482

ATTORNEY DOCKET NUMBER:	40698/17
NAME OF SUBMITTER:	Rosemary S. Tarlton
Signature:	/Rosemary S. Tarlton/
Date:	01/16/2008

## Total Attachments: 3

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# CONFIRMATORY TRADEMARK ASSIGNMENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## ASSIGNMENT

WHEREAS, Red Head Inc., a California Corporation, with offices at P.O.Box 5395, Novato, California 94948 ("ASSIGNOR") owns certain trademarks and/or service marks, and applications and/or registrations for such marks, as listed in Schedule 1 attached hereto, all common law rights related thereto, and all benefits, privileges, causes of action and remedies relating to any of the foregoing ("MARKS"), which MARKS are incorporated herein by this reference; and

WHEREAS, Cabo Wabo LLC, a Delaware limited liability company, with offices at One Beach Street, Suite 300, San Francisco, California 94133 ("ASSIGNEE"), desires to acquire all of the right, title and interest of ASSIGNOR in, to and under the MARKS, together with the goodwill of the business symbolized by the MARKS;

WHEREAS, ASSIGNOR and ASSIGNEE have entered into a certain Trademark Assignment Agreement dated January 2, 2008, assigning, among other things, all right, title and interest in and to the MARKS, including all associated Mark Rights, and in and to the registrations and/or applications for same from ASSIGNOR to ASSIGNEE. "Mark Rights" is defined in the Purchase Agreement ("PURCHASE AGREEMENT"), dated as of May 6, 2007, by and among Redfire, Inc., a Delaware corporation and subsidiary of Davide Campari-Milano S.p.A., a corporation incorporated under the laws of the Republic of Italy, Skyy Spirits, LLC, a Delaware limited liability company whose sole member is Redfire, Tequila Cabo Wabo, Inc., a California corporation, P.W.O. Inc., a California corporation, Red Head Inc., a California corporation, Red Rocker Touring, a California corporation, Cabo-Wabo Castina, S.A. de C.V., a corporation incorporated under the laws of the United Mexican States, Tequila Cabo Wabo, S.A. de C.V., a corporation incorporated under the laws of the United Mexican States, Sammy Roy Hagar, an individual and citizen of the United States of America, and Marco Antonio Mourry Strafil, an individual and citizen of the United States of America.

NOW, THEREFORE, in consideration of the good and valuable consideration received by ASSIGNOR in connection with the PURCHASE AGREEMENT, the receipt and sufficiency of which hereby is acknowledged, ASSIGNOR does hereby sell, assign, transfer and convey unto ASSIGNEE its entire right, title and interest in and to the MARKS, and to the applications and/or registrations for the MARKS, together with the goodwill of the business symbolized by the MARKS, including the right to sue and recover for any infringement thereof.

IN WITNESS WHEREOF, ASSIGNOR has caused this Assignment to be duly executed by an authorized officer on this 2 day of January, 2008

Red Head Inc.  
By:   
Name: Sammy Hagar  
Title: President

**SCHEDULE 1**

**TRADEMARK APPLICATIONS AND REGISTRATIONS**

<b>Mark</b>	<b>Serial No. / Filing Date</b>	<b>Reg. No. / Reg. Date</b>	<b>Class</b>	<b>Renewal Date</b>
<b>A SHOT AT THE CABO WABO</b>	78/392,328 3/29/04	2,911,300 12/14/04	25	12/14/2014
<b>A SHOT AT THE CABO WABO</b>	78/392,332 3/29/04	2,908,848 12/7/04	41	12/7/2014
<b>CABO WABO</b>	78/148,263 7/29/02	2,802,283 1/6/04	9	1/6/2014
<b>CABO WABO</b>	78/542,125 1/4/05	3,166,323 10/31/06	15	10/31/2016
<b>CABO WABO</b>	78/351,348 1/13/04	3,066,661 3/7/06	21	3/7/2016
<b>CABO WABO</b>	77/046,771 11/17/06	3,282,182 8/21/07	25	8/21/2017
<b>CABO WABO</b>	78/547,568 1/14/05	3,111,433 7/04/06	33	7/4/2016
<b>CABO WABO</b>	77/046,780 11/17/06	3,282,183 8/21/07	35	8/21/2017
<b>CABO WABO</b>	77/046,725 11/17/06	3,282,181 8/21/07	41	8/21/2017
<b>CABO WABO</b>	77/046,004 11/16/06	3,282,174 8/21/07	43	8/21/2017
<b>CABO WABO (&amp; Design)</b> 	76/372,662 2/19/02	3,066,271 3/7/06	25	3/7/2016
<b>CABO WABO (&amp; Design)</b> 	76/370,882 2/13/02	2,830,521 04/06/04	33	4/6/2014
<b>CABO WABO CANTINA</b>	76/235,335 3/28/01	3,261,376 7/10/07	35	7/10/2017
<b>CABO WABO CANTINA</b>	76/977,900 3/28/01	3,066,473 3/7/06	41, 43	3/7/2016
<b>CABO WABO CANTINA (&amp; Design)</b> 	75/833,279 10/27/99	2,657,637 12/10/02	25	12/10/2012
<b>CABO WABO MUSIC</b>	78/841,363 3/20/06	3,251,140 6/12/07	9	6/12/2017

Mark	Serial No. / Filing Date	Reg. No. / Reg. Date	Class	Renewal Date
CABO WABO MUSIC	78/841,298 3/20/06	3,332,279 11/6/07	41	11/6/2017
CABO WABO RADIO	77/330,509 11/15/07		41	
CABO WAVORITA	76/361,712 1/23/02	2,971,276 7/19/05	33	7/19/2015
CABO-ME-CRAZY	76/425,980 6/28/02	2,892,451 10/12/04	33	10/12/2014
GOT TEQUILA?	78/295,985 9/4/03	3,330,441 11/6/07	25	11/6/2017
GOT TEQUILA?	78/295,986 9/4/03	3,303,368 10/2/07	33	10/2/2017
REPOSADO 100% DE AGAVE TEQUILA CABO WABO REPOSADO 100% TEQUILANA WEBER BLUE AGAVE FROM THE REGION OF TEQUILA, STATE OF JALISCO, MEXICO HECHO EN MEXICO CONT. NET. 750 ML 40% ALC. VOL. 80 PROOF NOM 1426 CRT 	76/370,742 2/13/02	3,177,356 11/28/06	33	11/28/2016
TAHOE WABO	78/542,113 1/4/05	3,152,035 10/03/06	41	10/3/2016
TAKE YOUR BEST SHOT	78/475,519 8/30/04	3,091,380 5/9/06	33	5/9/2016
WAVORITA	75/897,855 1/18/00	2,970,899 7/19/05	33	7/19/2015

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~~JAN 17 2008~~



UNITED STATES PATENT AND TRADEMARK OFFICE

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JAN 17 2008  
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Facsimile Transmission

To:                   Name:                   ROSEMARY S. TARLTON  
                           Company:               MORRISON & FOERSTER LLP, 425 MARKET ST  
                           Fax Number:           14152687522  
                           Voice Phone:

From:                 Name:                   ASSIGNMENT SERVICES BRANCH  
                           Voice Phone:           571-272-3350

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Fax Notes:

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Pg#	Description
1	Cover Page
2	61.TXT
6	Document 1, Batch 1147387

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Date and time of transmission: Thursday, January 17, 2008 5:22:28 PM  
 Number of pages including this cover sheet: 07

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O:ROSEMARY S. TARLTON COME Y:MORRISON &amp; FOERSTER LLP, 25 MARKET ST.

**UNITED STATES PATENT AND TRADEMARK OFFICE**UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

\*900096682A\*

JANUARY 17, 2008

PTAS

ROSEMARY S. TARLTON  
MORRISON & FOERSTER LLP, 425 MARKET ST.  
SAN FRANCISCO, CA 94105-2482UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENTTHE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF  
THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS  
AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER  
REFERENCED BELOW.PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE  
INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA  
PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD  
FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY  
CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 571-272-3350.  
PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE,  
MAIL STOP: ASSIGNMENT SERVICES BRANCH, P.O. BOX 1450, ALEXANDRIA, VA 22313.

RECORDATION DATE: 01/16/2008

REEL/FRAME: 003698/0227  
NUMBER OF PAGES: 4BRIEF: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL  
DOCKET NUMBER: 40698/17

## ASSIGNOR:

RED HEAD INC.

DOC DATE: 01/02/2008  
CITIZENSHIP: CALIFORNIA  
ENTITY: CORPORATION

## ASSIGNEE:

CABO WABO LLC  
1 BEACH STREET, SUITE 300  
SAN FRANCISCO, CALIFORNIA 94133CITIZENSHIP: DELAWARE  
ENTITY: LIMITED LIABILITY COMPANYAPPLICATION NUMBER: 78475517  
REGISTRATION NUMBER:FILING DATE: 08/30/2004  
ISSUE DATE:MARK: TAKE YOUR BEST SHOT  
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

ROSEMARY S. TARLTON COMEY MORRISON & FOERSTER LLP, 15 MARKET ST.

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APPLICATION NUMBER: 78475515 FILING DATE: 08/30/2004  
REGISTRATION NUMBER: ISSUE DATE:

MARK: TAKE YOUR BEST SHOT  
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 78547571 FILING DATE: 01/14/2005  
REGISTRATION NUMBER: ISSUE DATE:

MARK: GOT CABO?  
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 78547575 FILING DATE: 01/14/2005  
REGISTRATION NUMBER: ISSUE DATE:

MARK: GOT CABO?  
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 78547581 FILING DATE: 01/14/2005  
REGISTRATION NUMBER: ISSUE DATE:

MARK: GOT CABO?  
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 77057349 FILING DATE: 12/05/2006  
REGISTRATION NUMBER: ISSUE DATE:

MARK: CABO WABO TEQUILA  
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 77067252 FILING DATE: 12/19/2006  
REGISTRATION NUMBER: ISSUE DATE:

MARK: CABO WABO CANTINA  
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 78457916 FILING DATE: 07/28/2004  
REGISTRATION NUMBER: ISSUE DATE:

MARK: CABO WABO BEACH CLUB  
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 78457924 FILING DATE: 07/28/2004  
REGISTRATION NUMBER: ISSUE DATE:

MARK: CABO WABO BEACH CLUB  
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 78457913 FILING DATE: 07/28/2004  
REGISTRATION NUMBER: ISSUE DATE:

MARK: CABO WABO BEACH CLUB  
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

'O:ROSEMARY S. TARLTON COME .Y:MORRISON & FOERSTER LLP, 115 MARKET ST.

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APPLICATION NUMBER: 78457922  
REGISTRATION NUMBER:

FILING DATE: 07/28/2004  
ISSUE DATE:

MARK: CABO WABO BEACH CLUB  
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 78974353  
REGISTRATION NUMBER:

FILING DATE: 09/14/2006  
ISSUE DATE:

MARK: CABO WABO  
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS AND DESIGN

APPLICATION NUMBER: 78386235  
REGISTRATION NUMBER:

FILING DATE: 03/17/2004  
ISSUE DATE:

MARK: CABO WABO  
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 77172249  
REGISTRATION NUMBER:

FILING DATE: 05/03/2007  
ISSUE DATE:

MARK: CABO WABO  
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 78918768  
REGISTRATION NUMBER:

FILING DATE: 06/28/2006  
ISSUE DATE:

MARK: CABO UNO  
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 77064932  
REGISTRATION NUMBER:

FILING DATE: 12/15/2006  
ISSUE DATE:

MARK: CABO SUSHI  
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 77064933  
REGISTRATION NUMBER:

FILING DATE: 12/15/2006  
ISSUE DATE:

MARK: CABO SUSHI  
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 77064938  
REGISTRATION NUMBER:

FILING DATE: 12/15/2006  
ISSUE DATE:

MARK: CABO SUSHI  
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 77064942  
REGISTRATION NUMBER:

FILING DATE: 12/15/2006  
ISSUE DATE:

MARK: CABO SUSHI  
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

O:ROSEMARY S. TARLTON COMP Y:MORRISON & FOERSTER LLP, 25 MARKET ST.

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APPLICATION NUMBER: 77064943  
REGISTRATION NUMBER:

FILING DATE: 12/15/2006  
ISSUE DATE:

MARK: CABO SUSHI  
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

LAZENA MARTIN, EXAMINER  
ASSIGNMENT SERVICES BRANCH  
PUBLIC RECORDS DIVISION

O:ROSEMARY S. TARLTON COMF Y:MORRISON &amp; FOERSTER LLP, .5 MARKET ST.

## TRADEMARK ASSIGNMENT

Electronic Version v1.1  
Stylesheet Version v1.101/16/2008  
900096682

SUBMISSION TYPE:		NEW ASSIGNMENT	
NATURE OF CONVEYANCE:		ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL	
CONVEYING PARTY DATA			
Name	Formerly	Execution Date	Entity Type
Red Head Inc.		01/02/2008	CORPORATION: CALIFORNIA
RECEIVING PARTY DATA			
Name:	Cabo Wabo LLC		
Street Address:	1 Beach Street, Suite 300		
City:	San Francisco		
State/Country:	CALIFORNIA		
Postal Code:	94133		
Entity Type:	LIMITED LIABILITY COMPANY: DELAWARE		
PROPERTY NUMBERS Total: 20			
Property Type	Number	Word Mark	
Serial Number:	78475517	TAKE YOUR BEST SHOT	
Serial Number:	78475515	TAKE YOUR BEST SHOT	
Serial Number:	78547571	GOT CABO?	
Serial Number:	78547575	GOT CABO?	
Serial Number:	78547581	GOT CABO?	
Serial Number:	77057349	CABO WABO TEQUILA	
Serial Number:	77067252	CABO WABO CANTINA	
Serial Number:	78457916	CABO WABO BEACH CLUB	
Serial Number:	78457924	CABO WABO BEACH CLUB	
Serial Number:	78457913	CABO WABO BEACH CLUB	
Serial Number:	78457922	CABO WABO BEACH CLUB	
Serial Number:	78974353	CABO WABO	
Serial Number:	78386235	CABO WABO	
Serial Number:	77172249	CABO WABO	

CH \$515.00 78475517

O:ROSEMARY S. TARLTON COMP Y:MORRISON &amp; FOERSTER LLP, 5 MARKET ST.

Serial Number:	78918768	CABO UNO
Serial Number:	77064932	CABO SUSHI
Serial Number:	77064933	CABO SUSHI
Serial Number:	77064938	CABO SUSHI
Serial Number:	77064942	CABO SUSHI
Serial Number:	77064943	CABO SUSHI

## CORRESPONDENCE DATA

Fax Number: (415)268-7522

*Correspondence will be sent via US Mail when the fax attempt is unsuccessful.*

Email: dpung@mofa.com

Correspondent Name: Rosemary S. Tarlton

Address Line 1: Morrison &amp; Foerster LLP, 425 Market St.

Address Line 4: San Francisco, CALIFORNIA 94105-2482

ATTORNEY DOCKET NUMBER: 40698/17

NAME OF SUBMITTER: Rosemary S. Tarlton

Signature: /Rosemary S. Tarlton/

Date: 01/16/2008

Total Attachments: 2

source=40698-17 - ITU TM Assignment to Cabo Wabo LLC#page1.tif

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CONFIRMATORY TRADEMARK ASSIGNMENT (ITU)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ASSIGNMENT

WHEREAS, Red Head, Inc., a California corporation, with offices at P.O.Box 5395, Novato, California 94948 ("ASSIGNOR") owns certain trademarks and/or service marks, and applications and/or registrations for such marks, as listed in Schedule 1 attached hereto, all common law rights related thereto, and all benefits, privileges, causes of action and remedies relating to any of the foregoing ("MARKS"), which MARKS are incorporated herein by this reference;

WHEREAS, Cabo Wabo LLC, a Delaware limited liability company, with offices at One Beach Street, Suite 300, San Francisco, California 94133 ("ASSIGNEE"), the successor of the ongoing and existing portion of Assignor's business to which the MARKS pertain, desires to acquire all of the right, title and interest of ASSIGNOR in, to and under the MARKS, together with the goodwill of the business symbolized by the MARKS;

WHEREAS, ASSIGNEE is the successor the entire ongoing and existing business or portion thereof to which the MARKS pertain, as required by 15 U.S.C. § 1060, pursuant to the Purchase Agreement ("PURCHASE AGREEMENT"), dated as of May 6, 2007, by and among Redfire, Inc., a Delaware corporation and subsidiary of Davide Campari-Milano S.p.A., a corporation incorporated under the laws of the Republic of Italy, Skyy Spirits, LLC, a Delaware limited liability company whose sole member is Redfire, Tequileria Cabo Wabo, Inc., a California corporation, F.W.O. Inc., a California corporation, Red Head Inc., a California corporation, Red Rocker Touring, a California corporation, Cabo-Wabo Cantina, S.A. de C.V., a corporation incorporated under the laws of the United Mexican States, Tequileria Cabo Wabo, S.A. de C.V., a corporation incorporated under the laws of the United Mexican States, Sammy Roy Hagar, an individual and citizen of the United States of America, and Marjo Antonio Monroy Strail, an individual and citizen of the United States of America; and

WHEREAS, ASSIGNOR and ASSIGNEE have entered into a certain Trademark Assignment Agreement dated January 2, 2008, assigning, among other things, all right, title and interest in and to the MARKS, including all associated Mark Rights, as defined in the Purchase Agreement, and in and to the registrations and/or applications for same from ASSIGNOR to ASSIGNEE;

NOW, THEREFORE, in consideration of the good and valuable consideration received by ASSIGNOR in connection with the PURCHASE AGREEMENT, the receipt and sufficiency of which hereby is acknowledged, ASSIGNOR does hereby sell, assign, transfer and convey unto ASSIGNEE its entire right, title and interest in and to the MARKS, and to the applications and/or registrations for the MARKS, together with the goodwill of the business symbolized by the MARKS, including the right to sue and recover for any infringement thereof.

In WITNESS WHEREOF, ASSIGNOR has caused this Assignment to be duly executed by an authorized officer on this 2 day of January, 2008.

Red Head Inc.  
By: \_\_\_\_\_  
Name: Sammy Hagar  
Title: President

**SCHEDULE 1**  
**INTENT-TO-USE TRADEMARK APPLICATIONS**

<b>Mark</b>	<b>Serial No. / Filing Date</b>	<b>Reg. No. / Reg. Date</b>	<b>Class</b>	<b>Renewal Date</b>
<b>TAKE YOUR BEST SHOT</b>	78/475,517 8/30/04		21	
<b>TAKE YOUR BEST SHOT</b>	78/475,515 8/30/04		25	
<b>GOT CABO?</b>	78/547,571 1/14/05		16	
<b>GOT CABO?</b>	78/547,575 1/14/05		25	
<b>GOT CABO?</b>	78/547,581 1/14/05		33	
<b>CABO WABO TEQUILA</b>	77/057,349 12/5/06		25	
<b>CABO WABO CANTINA</b>	77/067,252 12/19/06		25	
<b>CABO WABO BEACH CLUB</b>	78/457,916 7/28/04		24	
<b>CABO WABO BEACH CLUB</b>	78/457,924 7/28/04		25	
<b>CABO WABO BEACH CLUB</b>	78/457,913 7/28/04		41	
<b>CABO WABO BEACH CLUB</b>	78/457,922 7/28/04		43	
<b>CABO WABO and Design</b> 	78/974,353 9/14/06		33	
<b>CABO WABO</b>	78/386,235 3/17/04		32	
<b>CABO WABO</b>	77/172,249 5/3/07		32	
<b>CABO UNO</b>	78/918,768 6/28/06		33	
<b>CABO SUSHI</b>	77/064,932 12/15/06		8	
<b>CABO SUSHI</b>	77/064,933 12/15/06		21	
<b>CABO SUSHI</b>	77/064,938 12/15/06		25	
<b>CABO SUSHI</b>	77/064,942 12/15/06		33	
<b>CABO SUSHI</b>	77/064,943 12/15/06		43	