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Filing date: **05/31/2013**

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

Proceeding	91209914
Party	Plaintiff GEORGETOWN TRADING CO., LLC
Correspondence Address	Andrew N. Spivak Mosaic Legal Group, PLLC 5185 MacArthur Boulevard, NW, Suite 350 Washington, DC 20016-3341 UNITED STATES aspivak@mosaiclegalgroup.com
Submission	Motion for Default Judgment
Filer's Name	Andrew N. Spivak
Filer's e-mail	aspivak@mosaiclegalgroup.com
Signature	/Andrew N. Spivak/
Date	05/31/2013
Attachments	<p>OLD PEPPER BOURBON - Motion for Default Judgment.pdf(1438925 bytes)</p> <p>OLD PEPPER BOURBON - Motion for Default Judgment - Exhibit A.pdf(1415549 bytes)</p> <p>OLD PEPPER BOURBON - Motion for Default Judgment - Exhibit B.pdf(280573 bytes)</p> <p>OLD PEPPER BOURBON - Motion for Default Judgment - Exhibit C.pdf(1071754 bytes)</p> <p>OLD PEPPER BOURBON - Motion for Default Judgment - Exhibit D.pdf(283904 bytes)</p> <p>OLD PEPPER BOURBON - Motion for Default Judgment - Exhibit E.pdf(485657 bytes)</p> <p>OLD PEPPER BOURBON - Motion for Default Judgment - Exhibit F.pdf(523122 bytes)</p> <p>OLD PEPPER BOURBON - Motion for Default Judgment - Exhibit G.pdf(881153 bytes)</p> <p>OLD PEPPER BOURBON - Motion for Default Judgment - Exhibit H.pdf(714519 bytes)</p> <p>OLD PEPPER BOURBON - Motion for Default Judgment - Exhibit I.pdf(875502 bytes)</p> <p>OLD PEPPER BOURBON - Motion for Default Judgment - Exhibit J.pdf(1552524 bytes)</p> <p>OLD PEPPER BOURBON - Motion for Default Judgment - Exhibit K.pdf(538588 bytes)</p>

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

Georgetown Trading Co., LLC

Opposer,

vs.

Venturi Spirits, LLC

Applicant.

Opposition No. 91/209,914

Application No.: 85/693,721
Publication Date: 01/02/2013

Mark: OLD PEPPER BOURBON

PETITIONER'S MOTION FOR DEFAULT JUDGMENT

I. INTRODUCTION

Opposer Georgetown Trading Co., LLC (“Opposer”) respectfully requests that the Trademark Trial and Appeal Board (“Board”) enter default judgment against Venturi Spirits, LLC (“Applicant”) in this action. Applicant was required to file an Answer in this proceeding by May 4, 2013 (as May 4, 2013 fell on a Saturday, the true deadline became Monday, May 6, 2013).

On May 23, 2013, Applicant filed an Answer without any mention or other explanation of the lateness thereof. In so doing, Applicant neither contacted Opposer nor the Board to explain or seek to excuse such a failure to time answer. Because there is no “good cause” to preclude the entry of default judgment against Applicant, Opposer requests that the Board enter a Judgment of Default pursuant to Fed. R. Civ. P. 55(b) and 37 CFR §2.106(a). *See also* TBMP §312 and §508.

II. FACTS

On October 22, 2008, Opposer filed an application for and ultimately secured U.S. Trademark Registration No. 3,832,546 for its mark JAMES E. PEPPER for use in connection with “Bourbon; Whiskey.”

On January 23, 2009, Opposer filed an application for and ultimately secured U.S. Trademark Registration No. 3,845,966 for its mark ELIJAH PEPPER for use in connection with “Bourbon; Whiskey.”

That same day, Opposer also filed for and ultimately secured U.S. Trademark Registration No. 3,845,967 for its mark OSCAR PEPPER for use in connection with “Bourbon; Whiskey.”

During that time, Opposer was the sole owner of any live U.S. trademark registrations or applications containing the word PEPPER for use in connection with bourbon or whiskey products.

On August 2, 2012, Applicant filed U.S. Trademark Application Serial No. 85/693,721 in order to register the mark OLD PEPPER BOURBON (hereafter the “Mark”).

On December 28, 2012, Opposer sent by U.S. and electronic mail a “cease and desist” letter to both Applicant and Applicant’s listed prosecution counsel demanding among other things that Applicant abandon its application for the Mark. Opposer’s basis for the demands was its ownership of and prior rights to the above-referenced JAMES E. PEPPER, ELIJAH PEPPER, and OSCAR PEPPER marks (hereafter the “PEPPER Family of Marks”). *See* a copy of Opposer’s cease and desist letter attached hereto as Exhibit A. Opposer requested a response to its letter by January 11, 2013.

That same day, Applicant's counsel opened the email containing Opposer's cease and desist letter and thereby presumably read the attached letter. *See* a copy of the email "read receipt" confirmation attached hereto as Exhibit B. Applicant's counsel did not proactively confirm receipt itself.

On January 2, 2013, the application for the Mark was published for opposition.

By end-of-day on January 11, 2013, Opposer had received no response to its cease and desist letter.

On January 22, 2013, Opposer timely requested, and the Board granted, a ninety (90) day extension of time to oppose the application for the Mark.

On February 21, 2013, Opposer in good faith sent by U.S. and electronic mail a follow-up "cease and desist" letter to both Applicant and Applicant's listed prosecution counsel reiterating the demands laid out in Opposer's letter of December 28, 2012. *See* a copy of the follow-up letter attached hereto as Exhibit C. Opposer requested a response to its follow-up letter by March 7, 2013.

That same day, Applicant's counsel opened the email containing Opposer's follow-up cease and desist letter and thereby presumably read the attached letter. *See* a copy of the email "read receipt" confirmation attached hereto as Exhibit D. Applicant's counsel did not proactively confirm receipt itself.

On February 26, 2013, Applicant's counsel finally left the undersigned a voicemail message confirming receipt of both the December 28, 2012 and February 21, 2013 letters from Opposer. In that voicemail message, Applicant's counsel apologized for the failure to timely respond to the first letter, stated that he would be sharing both letters with Applicant, and further stated that he hoped to have a response in "the next couple of days." The undersigned has not

attached the voicemail message hereto as an Exhibit, but does have a digital copy should the Board request the same.

On March 4, 2013, Applicant's counsel emailed the undersigned to again acknowledge receipt of the February 21, 2013 letter and to state that he was "in the process of reviewing" the same. He further stated that he "should be prepared to respond by mid-next week." *See* a copy of that email attached hereto as the second half of Exhibit F.

One week later on March 11, 2013, or two and one-half months after issuance of the first letter without any substantive response, the undersigned again in good faith emailed Applicant's counsel for any status update. *See* a copy of the undersigned's email attached hereto as Exhibit E.

On Tuesday, March 12, 2013, Applicant's counsel replied to the undersigned's email, stating "I am still attempting to clarify our response with the client. I expect a response by early next week." *See* a copy of Applicant's counsel's email attached hereto as the first half of Exhibit F.

On March 22, 2013, Applicant finally issued to Opposer by electronic mail a response to Opposer's demands. Opposer has not attached Applicant's response hereto as an Exhibit since that response included a statement that it was "FOR SETTLEMENT PURPOSES ONLY". Among other things, however, the response contained Applicant's intention not to abandon its application for the Mark.

On March 25, 2013, Opposer timely filed, and the Board instituted, this opposition proceeding.

III. ARGUMENTS

A. Opposer Is Entitled To Default Judgment Because Applicant Has Failed To File A Timely Answer.

If no Answer is filed within the time set, the opposition may be decided as in case of default. 37 CFR § 2.106(a); *see also* Fed. R. Civ. P. 55(a). A default judgment may be entered upon application to the court by a party. Fed. R. Civ. P. 55(b)(2). Because the requisite time for Applicant to file its Answer passed nearly three weeks prior to its actual filing, Opposer respectfully submits that a default judgment against Applicant should now be entered.

B. Applicant Cannot Show “Good Cause” To Preclude Default Judgment For Opposer.

To avoid the entry of default judgment in favor of Opposer, Applicant must establish good cause to excuse its failure to timely answer the Notice of Opposition. TBMP § 312.01; Fed. R. Civ. P. 55(c). A show of good cause requires evidence that: (1) the delay in filing an Answer is not the result of willful conduct or gross neglect on the part of Applicant; (2) the delay will not result in substantial prejudice to Opposer; and (3) Applicant has a meritorious defense. *See DeLorme Publishing Co v. Eartha’s Inc.*, 60 USPQ2d 1222 (TTAB 2000); *also see Paolo’s Associates Limited Partnership v. Paolo Bodo*, 21 USPQ2d 1889 (Comm’r 1990). In this case, there can be no showing of good cause.

Applicant’s failure to submit a timely Answer is the result of Applicant’s own willful conduct and gross neglect, as Applicant and Applicant’s counsel still reside at the business addresses listed in the prosecution history of the application for the Mark with the U.S. Trademark Office. *See* a copy of online business listing for Applicant, and Applicant’s counsel’s website, both confirming the same, attached hereto as Exhibit G. Thus, just as it had eventually

confirmed receipt of Opposer's initial cease-and-desist letter and follow-up letter by way of voicemail to the undersigned, Applicant and/or Applicant's counsel presumably also received Opposer's Notice of Opposition. Further, Opposer notes that Applicant's counsel, Silverberg & Weiss, P.A., is not new to Board proceedings and, in fact, filed a timely Answer on behalf of a client just last month in unrelated Opposition Proceeding No. 91/209,567. In Opposer's opinion, and since December 28, 2012, Applicant was well aware that the institution of this proceeding was a distinct possibility. Thus, Applicant has been afforded enough opportunity to answer the Notice of Opposition.

Applicant's willful conduct and gross neglect are also evident through recognition of other actions it has taken in the interim while its Answer was due. Based on these actions, Opposer has already been substantially prejudiced by the delay in the conclusion of this proceeding. Specifically, and despite being put on notice by Opposer's two letters and Notice of Opposition, Applicant nevertheless created an account to promote the Mark on Twitter on April 30, 2013, with the first "Tweet" dated April 30, 2013 stating "Old Pepper Bourbon is officially on Twitter!! Stay tuned for news and updates..." See a copy of Applicant's Twitter page attached hereto as Exhibit H. This creation date occurred nearly one week before Applicant's deadline to file its Answer, and is obviously harmful to Opposer and its business since (1) Opposer has not yet created a Twitter account for its PEPPER Family of Marks, and (2) between the creation of Applicant's Twitter account and May 30, 2013, Applicant's Twitter account already has 508 followers. *Id.*

Then, On May 4, 2013, two days before Applicant's Answer was due, Applicant posted a "Tweet" that it had also created a page on Facebook, stating "Check out our new fb page at [facebook.com/oldpepperbourbon](https://www.facebook.com/oldpepperbourbon)" *Id.* A copy of that Facebook page is attached hereto as

Exhibit I. It is clear from a review of the Facebook page that, like the Twitter page, it too was created on April 30, 2013. In addition to the sheer exposure of the Facebook page substantially prejudicing Opposer, that page contains further evidence that also substantially prejudices Opposer, namely, that Applicant even launched its product during the time it could have prepared and submitted a timely Answer. Specifically, Applicant stated on its Facebook page on April 30, 2013: “Old Pepper Bourbon Kentucky Straight coming to you now!” *Id.* **Emphasis added.**

Opposer further notes that the domain name www.oldpepperbourbon.com, presumably owned by Applicant, was registered on January 7, 2013, ten days after Opposer issued its first cease and desist letter to Applicant on the matter. See a copy of the WHOIS page for www.oldpepperbourbon.com which contains the date the website was registered, attached hereto as Exhibit J. At a specific web page on that site, www.oldpepperbourbon.com/home_story, Applicant clearly states a connection between its Mark and “the legacy of the Pepper family of Kentucky”, otherwise known as James E. Pepper, Elijah Pepper, and Oscar Pepper, the namesakes for Opposer’s PEPPER Family of Marks. See a copy of Applicant’s web page attached hereto as Exhibit K.

The fact that Applicant spent its time creating these various websites after it was on notice of Opposer’s rights to the PEPPER Family of Marks and, more egregiously, during the very period it was granted to answer the Notice of Opposition shows both willful conduct and gross neglect. The willful conduct occurred in Applicant’s spending the time, effort, and money to create the aforementioned cumulative “web presence” while ignoring Opposer’s communications and rights. The gross neglect occurred in Applicant’s spending the time, effort, and money to create the aforementioned cumulative “web presence” while shunning its own

legal responsibilities in also spending the time, effort, and money to file its Answer to the Notice of Opposition in a timely manner. Opposer finds Applicant's ability to create multiple websites but failure to answer the Notice of Opposition by the deadline to be both willful and deliberately planned. Surely, if Applicant is capable of creating a website, creating a Twitter account, and creating a Facebook page during the period it was granted to answer the Notice of Opposition, Applicant is capable of filing a timely Answer.

More importantly, Opposer has definitively been substantially prejudiced by Applicant's actions because Opposer is now left to consider its separate legal remedies regarding Applicant's additional websites and, thus additional infringements, all created while Applicant could have been preparing and submitting its Answer in a timely manner. To allow Applicant to create numerous allegedly infringing websites during its Answer period, and yet also allowing Applicant to knowingly file a late Answer, would simply be unjust, unreasonable, and downright unfair to Opposer, especially in light of Opposer's good faith efforts to rectify this matter all along. Opposer also notes that it has been substantially prejudiced because it waited to receive Applicant's Answer before making certain economic decisions of its own. Once Applicant's time to answer passed, Opposer proceeded to spend certain monies elsewhere only to have to double-spend in order to now prepare and submit this motion and potential other Board documentation.

Finally, in its late and incomplete Answer (Applicant failed to answer Count No. 7 of the Notice of Opposition), Applicant has the gall to include seven non-meritorious Affirmative Defenses. Nowhere in its late and incomplete Answer does Applicant address the cause for its lateness, and nowhere does it propose a meritorious defense. Such silence is presumably because

Applicant knows that no good cause for its lateness exists. In total, all of the above is sufficient to demonstrate that no good cause exists to preclude the entry of a default judgment.

For these reasons, Opposer respectfully submits that Applicant cannot adequately demonstrate a showing of good cause that would preclude the entry of a default judgment for the benefit of Opposer. Accordingly, Opposer respectfully requests that the Board grant this motion and enter judgment in favor of Opposer in this action.

WHEREFORE, Opposer prays that this motion be sustained in favor of Opposer and that judgment be entered against Applicant pursuant to Fed. R. Civ. P. 55(b) and 37 CFR § 2.106(a).

Respectfully submitted,

Dated: May 31, 2013

By: 
Andrew N. Spivak
Attorneys for Applicant

Mosaic Legal Group, PLLC
5185 MacArthur Boulevard, NW, Suite 350
Washington, D.C. 20016-3341
Telephone: (202) 600-2270
Facsimile: (202) 600-2261

CERTIFICATE OF SERVICE

I, Andrew N. Spivak, one of the Attorneys for Petitioner, hereby certify that on this 31st day of May, 2013, a true a correct copy of the foregoing OPPOSER'S MOTION FOR DEFAULT JUDGMENT was served via first class mail, postage prepaid upon:

Kraig S. Weiss, Esq.
SILVERBERG & WEISS, P.A.
1290 Weston Road, Suite 218
Weston, Florida 33326



Andrew N. Spivak
For the firm

MOSAIC LEGAL GROUP, PLLC
5185 MacArthur Boulevard, NW
Suite 350
Washington, D.C. 20016-3341

Exhibit A



December 28, 2012

By First Class Mail
By Email to FCorrales@pkslegal.com
By Email to KWeiss@pkslegal.com

Legal Department
Venturi Spirits, LLC
4581 Weston Road, Suite 206
Weston, Florida 33331

Francisco A. Corrales
Silverberg & Weiss, P.A.
1290 Weston Road, Suite 218
Weston, Florida 33326-1909

Re: OLD PEPPER BOURBON Trademark and Application

Dear Venturi Spirits, LLC and/or Mr. Corrales:

We represent Georgetown Trading Co., LLC (hereinafter "Georgetown Trading") in its intellectual property matters. As you are likely aware, Georgetown Trading manufactures and distributes bourbon, whiskey, and other liquor and distilled spirits throughout the United States. Among its various brands, Georgetown Trading owns the following federal trademark registrations (collectively, the "Pepper Marks") for use in connection with bourbon and whiskey:

<u>Trademark</u>	<u>U.S. Registration No.</u>
James E. Pepper	3,832,546
Elijah Pepper	3,845,966
Oscar Pepper	3,845,967

Georgetown Trading has used its Pepper Marks in commerce in connection with its bourbon and whiskey since at least as early as June 9, 2010. Since its adoption and use of its Pepper Marks, Georgetown Trading has also actively marketed and promoted the Pepper family's historic bourbon and whiskey legacy. In fact, the Pepper family once marketed and produced a brand of bourbon and whiskey named OLD PEPPER, which later evolved into the JAMES E. PEPPER brand.

It has recently come to Georgetown Trading's attention that on August 2, 2012, Venturi Spirits, LLC (hereinafter "Venturi") filed a U.S. trademark application for the mark OLD PEPPER BOURBON, with no exclusive right to use the term BOURBON apart from the mark as shown, in connection with bourbon and bourbon whisky.

Upon information and belief, Venturi knows that OLD PEPPER was once the name of a Pepper family bourbon and whiskey brand. Upon further information and belief, Venturi is or is directly affiliated with an entity that previously discussed the possibility of purchasing or licensing the Pepper Marks from Georgetown Trading in or about March, 2010. Such prior knowledge and discussions make Venturi's actions herein willful in nature.

Given Georgetown Trading's prior use of its Pepper Marks in connection with its goods, and in light of the substantial investment it has placed in these brands both in marketing and production, we are very concerned that Venturi's use and application of the OLD PEPPER BOURBON mark in connection with the same goods creates and/or will create a likelihood of confusion in the marketplace. This is especially the case since (1) both Georgetown Trading's and Venturi's products are of the kind that emanate from the state of Kentucky where the Pepper family is iconic, (2) both Georgetown Trading's and Venturi's products appear in the same shelf space, whether in retail stores, restaurants, bars, or the like, and (3) Georgetown Trading is the only owner of federal trademark registrations containing the term PEPPER for use in connection with bourbon and whiskey.

Under the circumstances, we must demand that Venturi immediately and expressly abandon U.S. Trademark Application Serial No. 85/693,721 for the mark OLD PEPPER BOURBON, and that it cease and desist from any current, proposed, and/or future use of the OLD PEPPER BOURBON mark in connection with bourbon and bourbon whisky, including but not limited to use on labels, product shelf talkers, websites, and elsewhere in any and all marketing materials. Since Venturi does not appear to have begun actual use of the OLD PEPPER BOURBON mark in commerce, it should be a simple matter for Venturi to cease using this mark and to re-brand its products utilizing a mark that neither contains the term PEPPER nor in any way references the Pepper family bourbon and whiskey legacy.

We look forward to your response by **January 11, 2013** giving written assurances to Georgetown that Venturi will comply with all of the above-referenced demands. Georgetown Trading would certainly prefer to resolve this matter amicably but, if that is not possible, it stands ready to aggressively defend its rights as prior user, proprietor, and registrant of its Pepper Marks. Of course, if we do not hear from you within the stated time frame, we will presume that Venturi does not wish to voluntarily comply with U.S. trademark laws and we will advise Georgetown Trading accordingly.

Venturi Spirits, LLC
December 28, 2012
Page 2

This letter is written without prejudice to Georgetown Trading Co., LLC's rights, all of which are hereby expressly reserved.

Please feel free to contact me at (202) 600-2270 or aspivak@mosaiclegalgroup.com to discuss this matter further.

Very truly yours,


Andrew N. Spivak

Exhibit B

Andy Spivak

From: Francisco Corrales [fcorrales@pkslegal.com]
To: 'Andy Spivak'
Sent: Friday, December 28, 2012 10:39 AM
Subject: Read: OLD PEPPER BOURBON Trademark and Application

Your message

To: FCorrales@pkslegal.com; KWeiss@pkslegal.com
Subject: OLD PEPPER BOURBON Trademark and Application
Sent: 12/28/2012 10:07 AM

was read on 12/28/2012 10:38 AM.

Exhibit C



February 21, 2013

By First Class Mail

By Email to FCorrales@pkslegal.com

By Email to KWeiss@pkslegal.com

Legal Department
Venturi Spirits, LLC
4581 Weston Road, Suite 206
Weston, Florida 33331

Francisco A. Corrales
Silverberg & Weiss, P.A.
1290 Weston Road, Suite 218
Weston, Florida 33326-1909

Re: Follow-up on OLD PEPPER BOURBON Trademark and Application

Dear Venturi Spirits, LLC and/or Mr. Corrales:

We write in furtherance of our letter to you dated December 28, 2012, a copy of which is enclosed herewith. As stated in that letter, our client Georgetown Trading Co., LLC ("Georgetown Trading") is aware of a U.S. trademark application that Venturi Spirits, LLC ("Venturi") filed in August, 2012 for the mark OLD PEPPER BOURBON in connection with bourbon and bourbon whisky.

Georgetown trading also has reason to believe that Venturi either is or is directly affiliated with an entity that previously discussed the possibility of purchasing or licensing the Georgetown Trading's family of prior PEPPER trademarks in or about March, 2010, long before Venturi filed its OLD PEPPER BOURBON trademark application.

Georgetown Trading hereby reiterates its request that Venturi immediately and expressly abandon U.S. Trademark Application Serial No. 85/693,721 for the mark OLD PEPPER BOURBON, and that it cease and desist from any current, proposed, and/or future use of the OLD PEPPER BOURBON mark in connection with bourbon and bourbon whisky, including but not limited to use on labels, product shelf talkers, websites, and elsewhere in any and all marketing materials. In addition to the application abandonment, Georgetown Trading also requests that Venturi neither uses any trademarks containing the term PEPPER nor in any way references the Pepper family bourbon and whiskey legacy. Since it does not appear that Venturi

Venturi Spirits, LLC
February 21, 2013
Page 2

has begun actual use of the OLD PEPPER BOURBON trademark in commerce, compliance with these requests should be easy.

Should Venturi adhere to the above-referenced requests, confirm the same in writing, and offer proof of the filing of the express abandonment by March 7, 2013, Georgetown Trading will agree in good faith to:

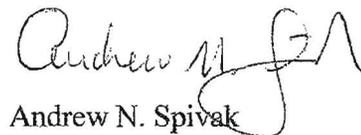
- (1) pay for the costs associated with the express abandonment of the OLD PEPPER BOURBON trademark application;
- (2) not pursue a formal opposition against Venturi's HENRY CLAY BOURBON trademark application; and,
- (3) not pursue a formal opposition against Venturi's ROYAL SPRING BOURBON trademark application.

We look forward to your response by **March 7, 2013** giving written assurances to Georgetown that Venturi will comply with all of the above-referenced requests. Again, Georgetown Trading prefers to resolve this matter amicably but, if that is not possible, it stands ready to aggressively defend its rights as prior user, proprietor, and registrant of its family of PEPPER trademarks. Of course, if we do not hear from you within the stated time frame, we will presume that Venturi does not wish to voluntarily comply with U.S. trademark laws and we will advise Georgetown Trading accordingly.

This letter is written without prejudice to Georgetown Trading Co., LLC's rights, all of which are hereby expressly reserved.

Please feel free to contact me at (202) 600-2270 or aspivak@mosaiclegalgroup.com to discuss this matter further.

Very truly yours,


Andrew N. Spivak

Enclosure

Exhibit D

Andy Spivak

From: Francisco Corrales [fcorrales@pkslegal.com]
To: 'Andy Spivak'
Sent: Thursday, February 21, 2013 7:41 PM
Subject: Read: Follow-up: OLD PEPPER BOURBON Trademark and Application

Your message

To: FCorrales@pkslegal.com; KWeiss@pkslegal.com
Subject: Follow-up: OLD PEPPER BOURBON Trademark and Application
Sent: 2/21/2013 1:11 PM

was read on 2/21/2013 7:39 PM.

Exhibit E

Andy Spivak

From: Andy Spivak [aspivak@mosaiclegalgroup.com]
Sent: Monday, March 11, 2013 4:28 PM
To: 'FCorrales@pkslegal.com'
Subject: Follow-up: OLD PEPPER BOURBON

Hi Francisco –

I wanted to follow up on my two letters to you regarding the OLD PEPPER BOURBON issue. I had received your voicemail message in February stating that it was your intent to discuss with your client and revert back to me, but I hadn't yet heard from you. Is there any status on it?

All my best,

Andy

Andrew N. Spivak
Mosaic Legal Group, PLLC



5185 MacArthur Boulevard, N.W.
Suite 350
Washington, D.C. 20016-3341
Direct Dial: (202) 600-2262
Facsimile: (202) 600-2261
Email: aspivak@mosaiclegalgroup.com
www.mosaiclegalgroup.com

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Exhibit F

Andy Spivak

From: Paul Silverberg [psilverberg@pkslegal.com]
Sent: Tuesday, March 12, 2013 3:06 PM
To: aspivak@mosaiclegalgroup.com
Subject: FW: Old Pepper - Venturi Spirits

I am still attempting to clarify our response with the client. I expect a response by early next week.

Regards,

PAUL K. SILVERBERG, ESQ.

SILVERBERG & WEISS, PA
1290 WESTON ROAD, SUITE 218 - WESTON, FLORIDA 33326
954.384.0998 - MAIN | 305.280.0095 - MIAMI | 561.651.0998 - BOCA RATON | 813.865.0998 - TAMPA
954.384.5390 - FAX | 813.200.1005 - FAX | 239.580.5390 - FAX
EMAIL: psilverberg@pkslegal.com | WEB: www.pkslegal.com



From: Paul Silverberg [<mailto:psilverberg@pkslegal.com>]
Sent: Monday, March 04, 2013 10:00 AM
To: 'aspivak@mosaiclegalgroup.com'
Subject: Old Pepper - Venturi Spirits

We are in receipt of your February 21st letter and are in the process of reviewing your letter. We should be prepared to respond by mid-next week. Thank you for your cooperation.

Regards,

PAUL K. SILVERBERG, ESQ.

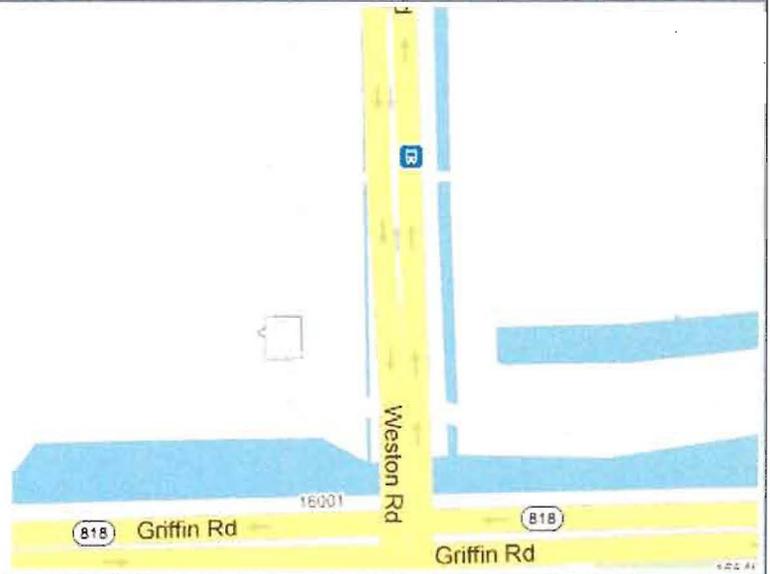
SILVERBERG & WEISS, PA
1290 WESTON ROAD, SUITE 218 - WESTON, FLORIDA 33326
954.384.0998 - MAIN | 305.280.0095 - MIAMI | 561.651.0998 - BOCA RATON | 813.865.0998 - TAMPA
954.384.5390 - FAX | 813.200.1005 - FAX | 239.580.5390 - FAX
EMAIL: psilverberg@pkslegal.com | WEB: www.pkslegal.com



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Exhibit G

VENTURI SPIRITS, LLC



Officer name(s): PASSERA FLORIAN

Company Title: MGR

Corporate Name:
VENTURI SPIRITS, LLC
Company Start Date: 06202012

Corporate Address:
4581 WESTON ROAD
WESTON, 33331

Corporate Mailing Address:
4581 WESTON ROAD
WESTON FL 33331

Registered Agent Info:
JOEL FRIEND AND ASSOCIATES, INC.
2863 EXECUTIVE PARK DRIVE
WESTON FL 33331

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FIRM FOUNDER, PAUL K. SILVERBERG, ESTABLISHED THIS LAW FIRM IN 2000 BASED ON HIS LEGAL TRAINING AT ONE OF THE LARGEST INTERNATIONAL LAW FIRMS, JUDICIAL CLERK INTERNSHIP FOR A FEDERAL JUDGE, PROFESSIONAL BUSINESS CONSULTING AND VITAL ROLES AS VICE PRESIDENT OF CORPORATE AFFAIRS, DIRECTOR OF FINANCE AND GENERAL COUNSEL.

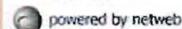
KRAIG S. WEISS JOINED THE FIRM IN 2004, HAVING PREVIOUSLY SERVED AS REGIONAL (LEGAL) COUNSEL FOR THE ENTIRE SOUTH FLORIDA AREA FOR J.P. MORGAN CHASE (FORMERLY CHASE MANHATTAN BANK). PRIOR TO WORKING IN-HOUSE, MR. WEISS WAS ENGAGED FOR OVER EIGHT YEARS IN PRIVATE PRACTICE, WHERE HE PRACTICED A BROAD SCOPE OF LITIGATION IN BOTH FEDERAL AND STATE COURTS.

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Naples Office:

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Exhibit H



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Old Pepper Bourbon
@OldPepperKSB
Official account for OLD PEPPER BOURBON
Straight from Kentucky, USA · oldpepperbourbon.com

5

TWEETS

1

FOLLOWING

508

FOLLOWERS

Tweets



Old Pepper Bourbon @OldPepperKSB

9 May

Drink for the WE! Try a Suffering Bastard: 1oz Old Pepper, 1oz gin, 1oz lime juice, 3oz ginger ale, dash of bitters [#bourboncocktail](#) [#cheers](#)

[Expand](#)



Old Pepper Bourbon @OldPepperKSB

6 May

Congrats to Shug McGaughey and Orb! [#derbywinner](#)

[Expand](#)



Old Pepper Bourbon @OldPepperKSB

4 May

Check out our new fb page at facebook.com/oldpepperbourb...

[Expand](#)



Old Pepper Bourbon @OldPepperKSB

4 May

Kentucky Derby weekend, time to do a shot of Old Pepper bourbon!

[Expand](#)



Old Pepper Bourbon @OldPepperKSB

30 Apr

Old Pepper Bourbon is officially on Twitter!! Stay tuned for news and updates...

Expand

Exhibit I



Old Pepper Bourbon

8 likes

Like

Wine / Spirits

Old Pepper Bourbon --- Straight from Kentucky. U.S.A.

About Suggest an Edit



Photos



Likes

8

Highlights

Post Photo / Video

Write something...

Old Pepper Bourbon
May 9

Mint julep: 2.5 oz Old Pepper Bourbon, 4 mint sprigs, 1 tsp powdered sugar, shaved ice

Activity Recent

Old Pepper Bourbon joined Facebook.



Old Pepper Bourbon
April 30

Old Pepper Bourbon Kentucky Straight coming to you now! Stay tuned...



Old Pepper Bourbon Timeline Now

Like

Create Page



Like · Comment · Share

Old Pepper Bourbon Kentucky Straight coming to you now! Stay tuned...

Like · Comment · Share

Now
Joined Facebook

Old Pepper Bourbon changed their cover photo.
April 30



Like · Comment · Share

Earlier in 2013



Joined Facebook

April 30



Exhibit J

[Network Solutions](#) >> [Whois](#) >> Results

[Log In](#)



- [Search](#)
- [Renew](#)
- [Transfer](#)
- [Features](#)
- [Private Registration](#)
- [Protect](#)
- [Forward](#)

WHOIS Results for oldpepperbourbon.com

Available domain names similar to oldpepperbourbon.com

Available Extensions

- oldpepperbourbon.net**
- oldpepperbourbon.org**
- oldpepperbourbon.us**
- oldpepperbourbon.us.com**

Available Domains

- old-pepper-bourbon.com
- oldpeperbourbon.com
- road**oldpepperbourbon**.com
- oldpepperbourbon**road.com

Premium Resale Domains

- bourbonix.com **\$549**
- hottestpepper.com **\$1,299**
- bourbonice.com **\$1,888**
- mexicanpepper.com **\$1,149**
- oldpepperbourbon.info**
- oldpepperbourbon.mobi**
- oldpepperbourbon.biz**
- oldpepperbourbon.co.uk**
- oldpepperbourbon.pro**
- oldpepperbourbon.de**
- stuff**oldpepperbourbon**.com
- agedpepperbourbon.com
- maturepepperbourbon.com
- aged-pepper-bourbon.com

- mature-pepper-bourbon.com
- oldpepperbourbonhotel.com**
- bourbonism.com **\$1,900**
- onlinepepper.com **\$1,749**
- bourbonst.org **\$595**

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oldpepperbourbon.com

Is this your domain name? [Renew it now.](#)



BOOKMARK

Current Registrar: GODADDY.COM, LLC

IP Address: [50.62.224.1](#) (ARIN & RIPE IP search)

Lock Status: clientDeleteProhibited

The data contained in GoDaddy.com, LLC's WhoIs database, while believed by the company to be reliable, is provided "as is" with no guarantee or warranties regarding its accuracy. This information is provided for the sole purpose of assisting you in obtaining information about domain name registration records. Any use of this data for any other purpose is expressly forbidden with permission of GoDaddy.com, LLC. By submitting an inquiry, you agree to these terms of usage and limitations of warranty. In pa you agree not to use this data to allow, enable, or otherwise make pc dissemination or collection of this data, in part or in its entirety, purpose, such as the transmission of unsolicited advertising and and solicitations of any kind, including spam. You further agree not to use this data to enable high volume, automated or robotic elec processes designed to collect or compile this data for any purpose, including mining this data for your own personal or commercial purpos

Please note: the registrant of the domain name is specified in the "registrant" field. In most cases, GoDaddy.com, LLC is not the registrant of domain names listed in this database.

Registered through: GoDaddy.com, LLC (<http://www.godaddy.com>)
 Domain Name: OLDPEPPERBOURBON.COM
 Created on: 07-Jan-13
 Expires on: 07-Jan-15
 Last Updated on: 07-Jan-13

Registrant:
 Domains By Proxy, LLC

DomainsByProxy.com
14747 N Northsight Blvd Suite 111, PMB 309
Scottsdale, Arizona 85260
United States

Administrative Contact:

Private, Registration OLDPEPPERBOURBON.COM@domainsbyproxy.com
Domains By Proxy, LLC
DomainsByProxy.com
14747 N Northsight Blvd Suite 111, PMB 309
Scottsdale, Arizona 85260
United States
(480) 624-2599 Fax -- (480) 624-2598

Technical Contact:

Private, Registration OLDPEPPERBOURBON.COM@domainsbyproxy.com
Domains By Proxy, LLC
DomainsByProxy.com
14747 N Northsight Blvd Suite 111, PMB 309
Scottsdale, Arizona 85260
United States
(480) 624-2599 Fax -- (480) 624-2598

Domain servers in listed order:

NS37.DOMAINCONTROL.COM
NS38.DOMAINCONTROL.COM

The previous information has been obtained either directly from the registrant or a registrar of the domain name other than Network Solutions. Network Solutions, therefore, does not guarantee its accuracy or completeness.

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Search by either

- [Domain Name](#) e.g. networksolutions.com
- [IP Address](#) e.g. 205.178.187.13

Search



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Exhibit K



WHISKEY

STORY

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The heritage of Old Pepper Bourbon

harks back as early as 1780 to the legacy of the Pepper family of Kentucky. The Pepper dynasty is credited as being one of the founding families of bourbon and their roots are still linked to some of the most popular original distilleries still in operation today. The relocation of the original Pepper distillery to the "Distillery District" in Lexington KY made the Pepper operation one of the cornerstones of the modern day "Bourbon Trail", running between Lexington and Louisville.

In addition, the Pepper family has been associated with the first production of "Sour Mash" and the introduction of the "The Old Fashioned" cocktail to New York City's elite. A history so intertwined with the birth of Bourbon makes us proud to continue those traditions and produce an authentic experience for social drinkers and connoisseurs alike. The smooth finish and sublime tastes make Old Pepper Bourbon a true gem to be savored.

