ESTTA Tracking number: **ESTTA1204**
Filing date: **06/11/2013**

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

Proceeding	91210437
Party	Plaintiff Stonefire Grill, Inc.
Correspondence Address	AFSCHINEH LATIFI TUCKER & LATIFI LLP 160 EAST 84TH STREET, SUITEE 5-E NEW YORK, NY 10028 UNITED STATES alatifi@tuckerlatifi.com
Submission	Response to Board Order/Inquiry
Filer's Name	Afschineh Latifi
Filer's e-mail	alatifi@tuckerlatifi.com
Signature	/Afschineh Latifi/
Date	06/11/2013
Attachments	Stonefire Grill complaint.pdf(1373573 bytes)

Brent H. Blakely (SBN 157292)
bblakely@blakelylawgroup.com
Michael Marchand (SBN 281080)
mmarchand@blakelylawgroup.com
BLAKELY LAW GROUP
915 North Citrus Avenue
Los Angeles, California 90038
Telephone: (323) 464-7400
Facsimile: (323) 464-7410

Attorneys for Plaintiff
Stonefire Grill, Inc.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

STONEFIRE GRILL, INC., a California Corporation, Plaintiff, v. FGF BRANDS, INC., a Canadian Corporation, dba STONEFIRE AUTHENTIC FLATBREADS, and DOES 1-10, inclusive, Defendants.	CASE NO. CV 11-8292 CAS (PJOx) **PLANTIFF'S FIRST AMENDED COMPLAINT :** **1. TRADEMARK INFRINGEMENT;** **2. FALSE DESIGNATION OF ORIGIN AND UNFAIR COMPETITION;** **3. TRADEMARK INFRINGEMENT UNDER CALIFORNIA LAW; AND** **4. VIOLATIONS OF BUSINESS & PROFESSIONS CODE §17200 ET SEQ.** **5. CANCELLATION OF U.S. REG. NO. 4,020,583**
RELATED COUNTERCLAIM	

COMES NOW Plaintiff and Counterclaim-Defendant Stonefire Grill, Inc. ("Plaintiff'), who demands trial by jury in this matter and complains and alleges as follows:

JURISDICTION & VENUE

1. This action arises under the Lanham Act, 15 U.S.C. §§ 1051, et seq. and California common and statutory law. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331, 1332, and 1338. This Court has supplemental jurisdiction over the state law claims pursuant to 28 U.S.C. § 1367.

2. This Court has personal jurisdiction over Defendant because, on information and belief, Defendant conducts or has conducted business, as well as advertises its products, in the State of California and within this judicial district, and Defendant has caused damages in this judicial district by means of its wrongful conduct.

3. Venue is proper in the Central District of California under 28 USC § 1391(b) because *inter alia* Defendant resides in, does business in and/or may be found in this judicial district and/or because a substantial part of the events or omissions giving rise to this action occurred in this judicial district and/or because a substantial part of the property that is the subject of this action is situated in this judicial district

THE PARTIES

4. Plaintiff Stonefire Grill, Inc. is a California corporation with a principal place of business located in this judicial district in Westlake Village, California.

5. Plaintiff is informed and believes that Defendant and Counterclaim-Plaintiff FGF BRANDS, INC., is a Canadian corporation doing business as STONEFIRE AUTHENTIC FLATBREADS (hereafter "Defendant"). Defendant's corporate headquarters are in Ontario, Canada. Defendant does business in California and in this judicial district.

NATURE OF THE ACTION

6. This action arises from Defendant's unauthorized use of Plaintiff's Federal and California STONEFIRE word marks and stylized logos ("Marks"). By using a trademark that is virtually identical to Plaintiff's well-known Marks, Defendant has caused and is likely to continue to cause confusion that Plaintiff is the source or sponsor of the products Defendant sells, or that there is an association between Plaintiff and Defendant. Consequently, Plaintiff seeks injunctive relief, damages and other relief under the Lanham Act, 15 U.S.C. §§ 1051, *et seq.*, common law and California statutory law.

FACTUAL BACKGROUND

Stonefire Grill's Business and Trademarks

7. Plaintiff is a chain of unique, fast-casual restaurants. With an emphasis on using the finest ingredients, Plaintiff offers freshly prepared meals to tens of thousands of patrons per month from around the United States at reasonable prices. Since its opening in 2002, Plaintiff has garnered both local and national praise.

8. Plaintiff has registered with the USPTO and is the owner of the Marks, specifically "STONEFIRE GRILL", USPTO Reg. Nos. 2,880,327 and 3,716,351 and "STONEFIRE GRILL A FRESH APPROACH TO FAMILY DINING!", USPTO Reg. No. 3,716,355. These registrations are valid and subsisting, and U.S. Reg. No. 2,880,327 is incontestable. True and correct copies of these federal trademark registrations are attached hereto as **Exhibit A**.

9. Plaintiff has also recorded and is the registered owner of the Marks in the State of California, specifically "STONEFIRE GRILL", Cal. Reg. Nos. 64925 and 65097 and "STONEFIRE GRILL A FRESH APPROACH TO FAMILY DINING!", Cal. Reg. No. 65100. These registrations are valid and subsisting. True and correct copies of these California registrations are attached hereto as **Exhibit B.**

10. Throughout its promotional materials and in connection with its business operations, Plaintiff often refers to itself and its products and services as simply

"Stonefire." By way of example, on its menu, Plaintiff, in large print, promotes its catering as "STONEFIRE'S CATERING." Further, the menu states that "At STONEFIRE, we use simple, fresh ingredients daily to prepare exceptionally delicious meals at reasonable prices just like families across America." Similarly, consumers frequently refer to Plaintiffs restaurant and related products and services as just "Stonefire."

11. In addition to welcoming consumers to dine at its restaurants, Plaintiff also offers meals and food items under the Marks to the public through pickup, delivery, and catering.

12. In light of the popularity of its restaurants, Plaintiff has been opening new locations under the name and mark STONEFIRE GRILL at a rapid clip. Plaintiff has established a pattern of expansion where it targets consumers seeking healthy food made only from the finest ingredients.

13. Bread is a prominent feature on the menu at Plaintiffs restaurants. Indeed, Plaintiff is well known for its breads made from sustainable, high quality ingredients. Plaintiff offers a variety of types of bread, including but not limited to French rolls, breadsticks, and tortillas.

14. Plaintiff has continuously and substantially used the Marks in interstate commerce for almost a decade, with great success. Through its extensive use and promotion, Plaintiff also owns common law trademark rights in the Marks.

15. The Marks, having been registered with the USPTO and the State of California, provide constructive notice of Plaintiffs claim of exclusive ownership thereof. Registration of the Marks also constitutes *prima facie* evidence of their validity and Plaintiffs exclusive right to use and license said Marks in commerce, as provided by Sections 7 and 22 of the Lanham Act, 15 U.S.C. §§1057 and 1072.

16. Plaintiff has devoted substantial time, effort and resources to the development and promotion of the Marks. As a result of these promotional efforts, the purchasing public has come to know, rely upon, and recognize the business and services

of Plaintiff by the Marks.

17. By virtue of Plaintiff's marketing efforts and expenditures, and as a result of the excellence of its goods and services, Plaintiff's Marks have achieved a valuable reputation and a high degree of goodwill.

18. Since its inception, Plaintiff has invested considerable time and money establishing exclusive rights in the Marks. Partially by virtue of these efforts, the Marks are well known by the relevant consumers in the marketplace as originating from Plaintiff.

Defendant's Business and Infringement

19. Plaintiff recently learned that Defendant is selling bread in connection with the mark STONEFIRE ("Infringing Mark"), which infringes Plaintiff's Marks.

20. Defendant's Infringing Mark is virtually identical to Plaintiff's Marks in sight, sound and meaning.

21. Plaintiff and Defendant sell their closely related products and service in close proximity to one another. Plaintiff is informed and believes, and on that basis alleges, that Defendant offers bread under the Infringing Mark through retail outlets near where Plaintiff offers its restaurant and catering services in California.

22. The parties' respective products and services are complementary and closely related, and are within the zone of natural expansion of one another. It is a common practice for popular restaurants to offer a variety of food products in retail and wholesale settings. To illustrate, well-known examples of such restaurants with food offerings at retail stores include Wolfgang Puck®, The Cheesecake Factory®, Marie Callender's®, and T.G.I. Friday's®, to name just a few. Because the consuming public is accustomed to seeing food products in retail stores that are offered or sponsored by, or affiliated with, popular restaurants, consumers will mistakenly assume that Defendant's bread is somehow connected to Plaintiff, especially because of Defendant's use of the Infringing Mark.

23. Plaintiff and Defendant will undoubtedly market their products and

services through the very same channels of trade. Plaintiff is informed and believes, and on that basis alleges, that Defendant markets and promotes its confusingly similar products on the Internet. Defendant also markets and promotes its products on Facebook®. Because of the nature of searching the Internet through using a search engine query, the virtual identity of the Marks and the Infringing Mark makes it very likely that consumers searching for Plaintiff's products or services on the Internet will be misdirected to Defendant's products, or, due to the results of the search engine query, will mistakenly believe that Defendant's bread is sponsored by or affiliated or associated with the source of Plaintiff's products.

Further Allegations

24. Defendant has used the Infringing Mark for bread, despite Plaintiff's established common law rights and federal and California registrations of its Marks, without permission or authority from Plaintiff.

25. Plaintiff is informed and believes, and on that basis alleges, that Defendant is selling bread under the Infringing Mark with full knowledge of Plaintiff's Marks, and with the intention that consumers would be confused into believing that Defendant's bread was and is sponsored, associated, or affiliated in some way, with Plaintiff.

26. Plaintiff has no control over the nature and quality of Defendant's bread. Any failure, neglect, default or other negative association arising due to Defendant's promotion and sales of its bread products will reflect negatively on Plaintiff's reputation and goodwill. Further, because of the fame of Plaintiff's restaurant services and food offerings, it will be natural for Defendant's customers and potential customers to mistakenly assume that Defendant's bread is sold with Plaintiff's authorization, sponsorship, or consent.

27. Because Plaintiff's and Defendant's goods are complementary and closely related, consumers will mistakenly assume that said goods and their sources are associated or affiliated. Such a result significantly undermines Plaintiff's substantial

efforts to establish its identity in the highly competitive consumables field.

28. By virtue of the acts complained of herein, Defendant has created a likelihood of injury to Plaintiff's business reputation, caused a strong likelihood of consumer confusion as to the source of origin or relationship of Plaintiff and Defendant's goods and services, and has otherwise competed unfairly with Plaintiff.

29. Plaintiff is informed and believes, and on that basis alleges, that Defendant's acts complained of herein are willful and deliberate.

FIRST CLAIM FOR RELIEF

(Trademark Infringement, 15 U.S.C. § 1114)

30. Plaintiff realleges and incorporates by reference the allegations set forth in Paragraphs 1 through 29 above as though fully set forth at this place.

31. Defendant's actions as described above and Defendant's use of the Infringing Mark to promote and sell bread constitutes trademark infringement in violation of Section 32 of the Lanham Act, 15 U.S.C. §1114.

32. Defendant's use of the Infringing Mark in interstate commerce, a mark so similar to Plaintiffs Marks, has caused and continues to cause irreparable injury to the value and goodwill of Plaintiffs Marks, as well as to Plaintiffs business, goodwill, and reputation. Defendant's actions, if not enjoined, will continue. Plaintiff has no adequate remedy at law in that the amount of its damages is difficult to ascertain with certainty.

33. As a direct and proximate result of Defendant's wrongful conduct, Plaintiff has suffered actual damages in an amount according to proof at trial. In addition, Defendant has improperly profited by means of engaging in the aforementioned wrongdoing. In addition to the other remedies prayed for herein, Plaintiff seeks an accounting of Defendant's profits in this regard. Plaintiff seeks an award of its actual damages and an award of Defendant's profits, pursuant to 15 U.S.C. §1117(a). Plaintiff is informed and believes and thereon alleges that Defendant's infringement was intentional, within the meaning of 15 U.S.C. §

1117(b). The intentional nature of Defendant's acts makes this an exceptional case under 15 U.S.C. § 1117(a).

34. Plaintiff has been, is now, and will continue to be irreparably harmed by Defendant's aforementioned acts of infringement, and unless enjoined or otherwise restrained by the Court, Defendant will continue to infringe upon the Marks.

SECOND CLAIM FOR RELIEF

(False Designation of Origin & Unfair Competition Under Federal Law, 15 U.S.C. §1125)

35. Plaintiff realleges and incorporates by reference the allegations set forth in Paragraphs 1 through 34 above as though fully set forth at this place.

36. Consumers have come to identify the popular and distinctive Plaintiff's Marks exclusively as the single source of restaurant and related products and services bearing such Marks.

37. Defendant's interstate use of the Infringing Mark for bread is a false designation of origin, or a false representation, that wrongfully and falsely designates Defendant's goods as originating from, or being connected with, Plaintiff, and constitutes the use of false descriptions or representations in interstate commerce. Defendant's use is likely to deceive consumers into believing that Defendant's goods are those of, or associated with, Plaintiff, and as a consequence Defendant's use is likely to divert, and has diverted, consumers away from Plaintiff's goods and services.

39. This constitutes false designation of origin, which is likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of Defendants with Plaintiff, or as to the origin, sponsorship, or approval of goods or commercial activities offered and sold by Plaintiff and Defendants.

40. Plaintiff is informed and believes that Defendant, by acting as alleged hereinabove, also engaged in acts of unfair competition. The governing standard for common law unfair competition is the same as that under Section 43(a) of the

Lanham Act, 15 U.S.C. § 1125(a), the likelihood of confusion as to the source or sponsorship of the marks or symbols being used without authorization.

41. As a direct and proximate result of Defendant's wrongful conduct, Plaintiff has suffered actual damages in an amount according to proof at trial. In addition, Defendant has improperly profited by means of engaging in the aforementioned wrongdoing. In addition to the other remedies prayed for herein, Plaintiff seeks an accounting of Defendant's profits in this regard. Plaintiff seeks an award of its actual damages and an award of Defendant's profits, pursuant to 15 U.S.C. §1117(a). Plaintiff is informed and believes and thereon alleges that Defendant's false designation of origin was intentional, within the meaning of 15 U.S.C. § 1117(b). The intentional nature of Defendant's acts makes this an exceptional case under 15 U.S.C. § 1117(a).

42. Plaintiff has been, is now, and will continue to be irreparably harmed by Defendant's aforementioned acts of false designation of origin and unfair competition, and unless enjoined or otherwise restrained by the Court, Defendant will continue to engage in such acts.

THIRD CLAIM FOR RELIEF

(Infringement Under California Law, Cal. Bus. & Prof. Code § 14245)

43. Plaintiff realleges and incorporates by reference the allegations set forth in Paragraphs 1 through 41 above as though fully set forth at this place.

44. Defendant's unauthorized use of the Infringing Mark and trade name in connection with the sale, offering for sale, distribution or advertising of its products and services is likely to cause confusion or mistake or to deceive as to the source or origin of its goods and/or services in violation of California Business and Professions Code § 14245.

45. Upon information and belief, Defendant's infringement has been with knowledge of Plaintiff's rights.

46. Plaintiff has been, is now, and will be irreparably injured and damaged by

Defendant's aforementioned acts and, unless enjoined by the Court, Plaintiff will suffer further harm to its name, reputation and goodwill. This harm constitutes an injury for which Plaintiff has no adequate remedy at law.

FOURTH CLAIM FOR RELIEF

(Unfair Competition, Cal. Bus. & Prof. Code § 17200)

47. Plaintiff realleges and incorporates by reference the allegations set forth in Paragraphs 1 through 46 above as though fully set forth at this place.

43. Plaintiff is informed and believes that Defendant, by acting as alleged hereinabove, engaged in acts of unfair competition within the meaning of California *Business & Professions Code § 17200* and its judicial interpretations. Unfair competition is defined to include unlawful, unfair and/or fraudulent business practices. Defendant engaged in "unlawful" business practices, because Defendant engaged in conduct which violates 15 U.S.C. §1114, 15 U.S.C. §1125(a) and California *Business and Professions Code § 14245.* Defendant engaged in "unfair" business practices, because the utility of Defendant's conduct is outweighed by the gravity of the harm to victims of that conduct. Defendant engaged in "fraudulent" business practices, because members of the public are likely to be deceived by Defendant's conduct.

49. As alleged hereinabove, Plaintiff suffered injury in fact and lost money and property as a result of the Defendant's wrongdoing.

50. Plaintiff is informed and believes that Defendant's aforementioned acts of unfair competition are ongoing and present a continuing harm to Plaintiff and members of the general public. In this regard, Plaintiff alleges that until and unless enjoined and/or otherwise restrained by the Court, Defendant will continue to engage in acts of unfair competition, all to the harm and detriment of Plaintiff and other members of the general public.

51. Pursuant to *Business & Professions Code § 17203,* Plaintiff seeks preliminary and permanent injunctive relief, preventing Defendant from continuing to

engage in acts of unfair competition.

52. Plaintiff is informed and believes that Defendant has profited by means of its wrongful conduct. This profit amounts to "ill-gotten gain." Pursuant to *Business and Professions Code § 17203* and its judicial interpretations, Plaintiff seeks injunctive and other relief preventing Defendant from profiting from its wrongful conduct. In this regard, in conjunction with the injunctive relief sought herein, Plaintiff seeks full restitution of monies, as necessary and according to proof, to restore to Plaintiff any and all monies that may have acquired by Defendant by means of the wrongful conduct complained of herein.

FIFTH CLAIM FOR RELIEF

Cancellation of U.S. Reg. No. 4,020,583

53. Plaintiff realleges and incorporates by reference the allegations set forth in Paragraphs 1 through 52 above as though fully set forth at this place.

54. Plaintiff registered the mark "STONEFIRE GRILL" on August 31, 2004. The "STONEFIRE GRILL" Mark has been in continuous use since 2002.

55. In August, 2011, Defendant registered the mark "STONEFIRE" with the (U.S. Reg. No. 4,020,583).

56. Defendant has used in interstate commerce the mark "STONEFIRE" in a manner that mimics Plaintiff's "STONEFIRE GRILL" Mark as to create a likelihood of confusion.

57. Plaintiff seeks to cancel Defendant's registration of the mark "STONEFIRE" on the grounds that such mark resembles Plaintiff's "STONEFIRE GRILL" Mark such as to be likely to cause confusion or to cause mistake, or to cause the public to believe that Plaintiff has produced, sponsored, authorized, licensed, or is otherwise connected or affiliated with Defendant's commercial and business activities.

58. Upon information and belief, Plaintiff hereon alleged that Defendant obtained the registration for the mark "STONEFIRE" fraudulently since said mark does not appear on Defendant's goods as represented in its Statement of Use when

applying for the registration of said mark.

59. Plaintiff has standing to petition for cancellation of Defendant's "STONEFIRE" mark since Plaintiff has sustained and will continue to sustain, as a result of Defendant's use of the mark "STONEFIRE", damages both economically and to Plaintiff's reputation.

60. This Court has jurisdiction over this matter pursuant to 15 U.S.C. § 1119.

61. By reason of the foregoing, Plaintiff is being damaged by Defendant's unauthorized use of Plaintiff's "STONEFIRE GRILL" Mark in the manner set forth above and will continue to be damaged unless and until the registration for the "STONEFIRE" mark is cancelled and Defendant is immediately enjoined from using any of Plaintiff's trademarks.

PRAYER FOR RELIEF

Wherefore, Plaintiff prays for judgment against Defendant as follows:

1. For actual, compensatory damages, including general and special damages, in an amount according to proof at the time of trial;

2. That Defendant be preliminarily and permanently enjoined from continuing its trademark infringement, false designation of origin and unfair competition;

3. That Defendant be Ordered to provide an accounting to Plaintiff and the Court detailing the source and amount of all income that may have been obtained, directly or indirectly, as a result of sales of bread under the Infringing Mark. Upon being provided with this accounting, Plaintiff requests that some or all of said amount be Ordered paid to Plaintiff;

4. That Plaintiff be awarded three (3) times Defendant's profits or actual damages to Plaintiff from Defendant's use of the Marks, together with Plaintiff's reasonable attorney's fees and costs, pursuant to 15 U.S.C. §§1117(a) and (b);

5. For prejudgment interest, as allowed by law;

6. Cancellation of Defendant's Infringing Mark (U.S. Reg. No. 4,020,583)

7. For such other and further relief as the court may deem just and proper; and

DATED: January 16, 2013 BLAKELY LAW GROUP

By: /s/ Michael Marchand
Brent H. Blakely
Michael Marchand
Attorneys for Plaintiff Stonefire Grill, Inc.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiffs hereby demand a trial by jury as to all claims in this litigation.

DATED: January 16, 2013 BLAKELY LAW GROUP

By: /s/ Michael Marchand
Brent H. Blakely
Michael Marchand
Attorneys for Plaintiff Stonefire Grill, Inc.

EXHIBIT A

United States Patent and Trademark Office

Home | Site Index | Search | FAQ | Glossary | Guides | Contacts | eBusiness | eBiz alerts | News | Help

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Thu Sep 22 04:35:58 EDT 2011

TESS Home | New User | Structured | Free Form | Browse Dict | SEARCH OG | Bottom | HELP | Prev List | Curr List | Next List | First Doc | Prev Doc | Next Doc | Last Doc

Logout Please logout when you are done to release system resources allocated for you.

Start List At: OR Jump to record: **Record 4 out of 7**

TARR Status | ASSIGN Status | TDR | TTAB Status *(Use the "Back" button of the Internet Browser to return to TESS)*

Typed Drawing

Word Mark	**STONEFIRE** GRILL
Goods and Services	IC 043. US 100 101. G & S: Restaurant services. FIRST USE: 20021201. FIRST USE IN COMMERCE: 20021201
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	78182529
Filing Date	November 6, 2002
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	February 10, 2004
Registration Number	2880327
Registration Date	August 31, 2004
Owner	(REGISTRANT) Wildfire Grill, Inc. CORPORATION CALIFORNIA 23300 Cinema Drive Attention: Jim Rice Valencia CALIFORNIA 91355 (LAST LISTED OWNER) STONEFIRE GRILL, INC. CORPORATION CALIFORNIA 5655 LINDERO CANYON ROAD BLDG, 200; SUITE 204 WESTLAKE VILLAGE CALIFORNIA 91362
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Darin Margules
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "GRILL" APART FROM THE MARK AS SHOWN
Type of Mark	SERVICE MARK

Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR).
Live/Dead Indicator	LIVE

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Thu Sep 22 04:35:58 EDT 2011

Logout Please logout when you are done to release system resources allocated for you.

Start List At: OR Jump to record: **Record 6 out of 7**

STONEFIRE GRILL

Word Mark	**STONEFIRE** GRILL
Goods and Services	IC 043. US 100 101. G & S: Bar and restaurant services. FIRST USE: 20021201. FIRST USE IN COMMERCE: 20021201
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	01.15.15 - Fire (flames), emanating from objects, words or numbers 26.11.21 - Rectangles that are completely or partially shaded
Trademark Search Facility Classification Code	INAN Inanimate objects such as lighting,clouds,footprints,atomic configurations,snowflakes,rainbows,flames SHAPES-MISC Miscellaneous shaped designs
Serial Number	77525199
Filing Date	July 17, 2008
Current Filing	1A

Owner	(REGISTRANT) STONEFIRE GRILL, INC. CORPORATION CALIFORNIA 5655 Lindero Canyon Road, Suite 204 Westlake Village CALIFORNIA 91362
Attorney of Record	Darin Margules
Prior Registrations	2880327
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "GRILL" APART FROM THE MARK AS SHOWN
Description of Mark	Color is not claimed as a feature of the mark. The mark consists of the words "STONEFIRE GRILL" in stylized form, with flames in the background.
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Thu Sep 22 04:35:58 EDT 2011

Logout Please logout when you are done to release system resources allocated for you.

Start List At: OR Jump to record: **Record 5 out of 7**

STONEFIRE GRILL

A FRESH APPROACH TO FAMILY DINING

Word Mark	**STONEFIRE** GRILL A FRESH APPROACH TO FAMILY DINING!
Goods and Services	IC 043. US 100 101. G & S: Bar and restaurant services. FIRST USE: 20060901. FIRST USE IN COMMERCE: 20060901
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	01.15.15 - Fire (flames), emanating from objects, words or numbers 26.11.21 - Rectangles that are completely or partially shaded
Trademark Search Facility Classification Code	INAN Inanimate objects such as lighting,clouds,footprints,atomic configurations,snowflakes,rainbows,flames SHAPES-MISC Miscellaneous shaped designs
Serial Number	77525218
Filing Date	July 17, 2008
Current Filing Basis	1A

Owner	(REGISTRANT) STONEFIRE GRILL, INC. CORPORATION CALIFORNIA 5655 Lindero Canyon Road, Suite 204 Westlake Village CALIFORNIA 91362
Attorney of Record	Darin Margules
Prior Registrations	2880327
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "GRILL" APART FROM THE MARK AS SHOWN
Description of Mark	Color is not claimed as a feature of the mark. The mark consists of the words "STONEFIRE GRILL", with flames in the background and the words "A FRESH APPROACH TO FAMILY DINING!" appearing at the bottom.
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

EXHIBIT B

https://ecf.cacd.uscourts.gov/doc1/031113216922

State of California
Secretary of State

CERTIFICATE OF REGISTRATION OF SERVICE MARK

I, DEBRA BOWEN, Secretary of State of the State of California, hereby certify

Service Mark Reg. No.:	64925
Name of Registrant:	Stonefire Grill, Inc.
Business Address:	5655 Lindero Canyon Rd., Suite 204, Westlake Village, Ca 91362
State of Incorporation/ Organization:	California
Date First Used in California:	December 1, 2002
Date First Used Anywhere:	December 1, 2002
Description of Service Mark:	STONEFIRE GRILL (standard characters). (Disclaimer: "Grill")
Description of Services with which the Service Mark is Used:	Bar and restaurant services.
Class Number(s):	43
Date of Registration:	September 15, 2008
Term of Registration Extends to and Includes:	September 15, 2013

In accordance with the application filed in this office, the Service Mark described above has been duly registered. A copy, specimen, facsimile, counterpart or a reproduction of the mark is attached.

IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this 18th day of September 2008

Debra Bowen

DEBRA BOWEN
Secretary of State

031113216922

SECSTATE FORM TN-107-S

https://ecf.cacd.uscourts.gov/doc1/031113216922

State of California
Secretary of State

CERTIFICATE OF REGISTRATION OF SERVICE MARK

I, DEBRA BOWEN, Secretary of State of the State of California, hereby certify:

Service Mark Reg. No.:	65097
Name of Registrant:	Stonefire Grill, Inc.
Business Address:	5655 Lindero Canyon Rd., Suite 204, Westlake Village, Ca 91362
State of Incorporation/ Organization:	California
Date First Used in California:	December 1, 2002
Date First Used Anywhere:	December 1, 2002
Description of Service Mark:	STONEFIRE GRILL (and disign) The mark consists of the words STONEFIRE GRILL in stylized form, with flames in the background. (Disclaimer: "Grill")
Description of Services with which the Service Mark is Used:	Bar and restaurant services.
Class Number(s):	43
Date of Registration:	November 3, 2008
Term of Registration Extends to and Includes:	November 3, 2013

In accordance with the application filed in this office, the Service Mark described above has been duly registered. A copy, specimen, facsimile, counterpart or a reproduction of the mark is attached.

IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this 10th day of November 2008

00065097

State of California
Secretary of State

CERTIFICATE OF REGISTRATION OF SERVICE MARK

I, DEBRA BOWEN, Secretary of State of the State of California, hereby certify:

Service Mark Reg. No.:	65100
Name of Registrant:	Stonefire Grill, Inc.
Business Address:	5655 Lindero Canyon Rd., Suite 204, Westlake Village, Ca 91362
State of Incorporation/ Organization:	California
Date First Used in California:	September 1, 2006
Date First Used Anywhere:	September 1, 2006
Description of Service Mark:	STONEFIRE GRILL A FRESH APPROACH TO FAMILY DINING! (and design) The mark consists of the words STONEFIRE GRILL in stylized form with flames in the background, and the words A FRESH APPROACH TO FAMILY DINING! appearing at the bottom. (Disclaimer: "Grill, Family Dining")
Description of Services with which the Service Mark is Used:	Bar and restaurant services.
Class Number(s):	43
Date of Registration:	November 3, 2008
Term of Registration Extends to and Includes:	November 3, 2013

In accordance with the application filed in this office, the Service Mark described above has been duly registered. A copy, specimen, facsimile, counterpart or a reproduction of the mark is attached.

IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this 10th day of November 2008

00065100