

ESTTA Tracking number: **ESTTA604852**

Filing date: **05/18/2014**

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

Proceeding	91215813
Party	Defendant International Pastry Concepts LLC
Correspondence Address	CANDICE COOK CA-CO GLOBAL INC./THE COOK LAW GROUP 77 WATER ST FL 8 NEW YORK, NY 10005-4418  csc@ca-coglobalinc.com;candicescook@hot
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Date	05/18/2014
Attachments	Ansel Answer and Affirmative Defenses.pdf(1993765 bytes )



evidentiary support of this fact can be identified in the Attachments submitted with Opposers' Notice of Opposition. The evidentiary support Opposers submitted specifically identifies Dominique Ansel and *not* Opposers as the creators of the CRONUT brand name and pastry. A chart summarizing Opposers' evidence illustrating Dominique Ansel's innovation as the creator of the CRONUT is attached as Exhibit 1.

2. Applicants deny that Opposers adopted and began using the term CRONUTS to describe sweet and savory doughnuts before Applicants commenced using and applied to register the designation for CRONUT. With respect to the remaining allegations of ¶2 of the Notice of Opposition, Applicants are without knowledge or information sufficient to form a belief as to the truth of the allegations in ¶2 and therefore deny those allegations.
3. Admit.
4. Admit.
5. Answering ¶5 of the Notice of Opposition, Applicants admit that they are seeking the registration of the trademark CRONUT and that Opposers' subsequent registration is substantially identical to Applicants' mark, but otherwise deny each and every allegation contained therein.
6. Applicants admit that their trademark application for CRONUT encompasses doughnuts, but otherwise deny each and every allegation in ¶6 of the Notice of Opposition.
7. Applicants are without knowledge or information sufficient to form a belief as to the truth of the allegations in ¶7 of the Notice of Opposition—specifically, whether “the goods set forth in Applicants' CRONUT application are or will be advertised, promoted, sold, and distributed to customers who are the same customers to which Opposers said CRONUTS

donuts are advertised and sold.” Since Applicants can neither admit nor deny the paragraph as written, Applicants must deny.

8. Applicants admit that Opposers’ subsequent and later registration application is confusingly similar to Applicants’ Mark, but otherwise lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in ¶8 of the Notice of Opposition. Since Applicants can neither admit nor deny the paragraph as written, Applicants therefore deny the remaining allegations.
9. Denied.
10. Denied.
11. Denied.
12. Applicants repeat and reallege paragraphs 1 through 11 of the Notice of Opposition as though fully set forth herein.
13. Denied. Applicants received a registration with Registration No. 4,465,439 on January 14, 2014 in International Class 30. A true and correct copy of the registration is attached hereto as Exhibit 2. Applicants NEVER received the refusal alleged in ¶13 of Opposers’ Notice of Opposition and in fact, the quotes cited from the Examining Attorney in ¶13 specifically include links to articles which state among other things the following regarding the Cronut, “[f]irst sold by Dominique Ansel Bakery in New York”; “Invented by French baker Dominique Ansel and sold at his Soho bakery”.
14. Denied.
15. Applicants admit that Opposers’ application should be denied registration on the Principal Register, but deny the remaining allegations set forth in ¶15.
16. Applicants repeat and reallege paragraphs 1 through 15 as though fully set forth herein.

17. Denied.
18. Denied.
19. Applicants repeat and reallege paragraphs 1 through 18 as though fully set forth herein.
20. Admitted.
21. Admitted. Applicants did receive a notice from the USPTO which stated, among other things, “The USPTO issued the registration while the application was the subject of an unexpired extension of time to oppose the registration of the mark” and “[t]he USPTO will restore the application to pendency as Application Serial No. 85936327 and will forward the file to the Trademark Trial and Appeal Board for further action.”
22. Applicants admit that they sent a letter to Opposers’ counsel accusing Opposers of infringing upon Applicants’ rights, but otherwise deny each and every quoted allegation contained therein.
23. Denied. Applicants utilized the ® symbol after receiving the Registration Certificate from the USPTO, and subsequently removed the registration symbol upon learning of the clerical error at the USPTO—any suggestions to the contrary are vehemently denied. Moreover, Dominique Ansel has internationally registered the trademark CRONUT in Hong Kong, Australia, the United Kingdom, Monaco, and Switzerland. A true and correct copy of international certificates of registration are attached hereto as Exhibit 3.
24. Denied.
25. Applicants repeat and reallege paragraphs 1 through 24 as though fully set forth herein.
26. Admitted and Applicants respectfully refer the USPTO to the true and correct affirmation located on the USPTO’s website.
27. Denied.

28. Denied.

29. Denied.

30. Denied.

31. Denied.

32. Denied.

33. Denied.

### **AFFIRMATIVE DEFENSES**

Applicants assert that the following affirmative defenses bar Opposers' requested relief in their Notice of Opposition.

#### **FIRST AFFIRMATIVE DEFENSE**

Opposers' fail to state a claim upon which relief may be granted. Applicants are filing a Motion to Dismiss concurrently with this Answer.

#### **SECOND AFFIRMATIVE DEFENSE**

Applicants have been using the Mark and developing consumer recognition and goodwill therein since at least May 10, 2013, such use being open, notorious, and known to Opposers and such knowledge, in turn, being known to Applicants. During this time, Opposers failed to take ANY action to assert the claims on which it bases this Opposition, on which inaction Applicants have relied to their detriment. Opposers' claims are consequently barred by the doctrines and equitable defenses of laches, waiver, acquiescence, and estoppel.

### THIRD AFFIRMATIVE DEFENSE

As a result of Applicants' continuous use of the Mark since the time of Applicants' adoption thereof, the Mark has developed significant local, regional, and international goodwill and fame among the consuming public as well as consumer acceptance of the services offered by Applicants in conjunction with the Mark. Such goodwill and widespread usage has caused the Mark to acquire distinctiveness with respect to Applicants, and caused the Mark to be a valuable asset of Applicants. To date, Applicants have received accolades from *Time Magazine*, *People Magazine*, *Vogue Magazine*, and most recently, The Tribeca Disruptive Innovation Award. Support of this goodwill, distinctiveness, and secondary meaning can be found in Opposers' Notice of Opposition evidentiary support and is also identified in Applicants' summarization chart which is attached hereto as an Exhibit 1.

### FOURTH AFFIRMATIVE DEFENSE

Opposers lack standing to assert claims surrounding the CRONUTS trademark. Opposers have not established title to the mark CRONUTS and have failed to establish a real interest and reasonable belief for an equal right to use the mark for goods. *Zero* evidence was submitted with this Notice of Opposition to illustrate *any* prior usage of the term CRONUTS and more specifically, any prior usage of the term Cronuts in Class 30. Moreover, Crystalline Management has not asserted any facts to support or illustrate *any* relationship or title to the mark CRONUTS or this Notice of Opposition. Najat Kaanache is a former chef at Private Social—an establishment that has since closed and, thus, is no longer in business. Moreover, as an employee at the time of the alleged CRONUTS “creation”, any item she prepared for the Private Social menu would be the intellectual property of her former employer. Opposers have

failed to illustrate a viable relationship to the owner of record of the intellectual property rights in CRONUTS. Accordingly, they lack standing to assert any claims via the Notice of Opposition.

#### **FIFTH AFFIRMATIVE DEFENSE**

Opposers have unclean hands. On or around June 10, 2013, Opposers engaged in drastic and overt measures to intentionally and wrongfully divert Applicants' customers, fans, and professional colleagues through actions intended to cause consumer confusion, including *inter alia*, by the use of the same Mark. It was not until Dominique Ansel received fame and monetary success from his original CRONUT creation that Opposers' sought to a) trademark the term CRONUTS; b) resurrect an appetizer that it had discontinued and which was undeniably *unrelated to a pastry* and was in fact a crawfish croquette on some days and a crab patty on others; c) change the entire formulation of its previous croquette into an attempt of a croissant-doughnut hybrid pastry to mimic the creation of Applicants in an effort to bamboozle both the USPTO and customers; and d) file for classification with the USPTO under International Class 30 *after* Dominique Ansel filed for trademark registration of the name CRONUT, despite the fact that the Opposers' product had been discontinued from its menu and was a seafood product that—if trademarked at all—belonged in International Class 29. Opposers' only goals in these efforts have been to hijack the rightful trademark ownership rights from Dominique Ansel and to serve as “trademark trolls” in an unscrupulous attempt to preclude Dominique Ansel from receiving his rightful federal trademark protection.

#### **SIXTH AFFIRMATIVE DEFENSE**

Opposers' rights in and to the portion of its alleged CRONUTS trademark are generic or, in the alternative, merely descriptive of the goods or services offered under the mark. Opposers'

alleged mark is therefore inherently unprotectable absent acquired distinctiveness, which the alleged CRONUTS used by Opposers lacks.

#### **SEVENTH AFFIRMATIVE DEFENSE**

Opposers have conducted and continue to engage in fraudulent behavior as it pertains to the CRONUTS trademark. Opposers have stated to the United States Patent and Trademark Office and to the press that they created CRONUTS as a contraction for “creative doughnuts”—despite the absence of ANY EVIDENCE in support of Opposers’ assertions. The CRONUTS allegedly sold by Opposers were not doughnuts, but croquettes made of fish—a food item that belongs in a different class of goods and which Opposers knew were not to be classified under Class 30 and certainly were not “creative doughnuts”. In fact, Opposers alleged CRONUTS were briefly sold as appetizers, were classified as croquettes, and were *never identified* as creative doughnuts. In addition, Opposers have not had continuous usage of the name CRONUTS and discontinued the item on their menu until learning of Applicants’ famous pastry. Yet, after Opposers discontinued the alleged CRONUTS, and after the success, fame, and press surrounding Dominique Ansel, Opposers resurrected their crawfish product and subsequently and significantly changed the product aesthetically and via the recipe to attempt a blatant replication of Dominique Ansel’s unique creation including the material misrepresentation to the press and the USPTO that they were the priority users of the name CRONUTS. Opposers’ statements and representations to the USPTO are not true. Opposers’ on-going deception and material misrepresentations to the United States Trademark and Patent Office has not ended with this Notice of Opposition, but has continued via their attempts to procure CRONUTS applications in other categories—again in an effort to leach off of the success of Award Winning Chef, Dominique Ansel. Opposers have sought to move additional “CRONUTS” related applications forward in the books category

despite initiating the adjudication of these marks before the panel and with knowledge that a pending application for Mr. Ansel is before the USPTO in the same category. Even within the content of this Notice of Opposition, blatant misrepresentations have been submitted in an effort to needlessly delay, distract, and misrepresent the truth to this panel. Paragraph 13 of this Notice goes to great effort to outline how Applicants' mark was cited by the USPTO with the following notice—"CRONUTS mark...is descriptive." Not only is this assertion false and misleading, but it is fraudulent and borderline unethical. Applicants' application *has never been noted as descriptive* and in fact, Applicants were granted a Registration on January 14, 2014 with the Registration Number 4,465,439. It was Opposers' misrepresentations then and continued misrepresentations now that have thwarted Applicants' registration and blatantly misled the USPTO in a bad faith attempt to delay this Application. Opposers' own evidence submitted with this Notice of Opposition supports the registration of the CRONUT mark for Dominique Ansel and cites both his innovation, creativity, and responsibility for the creation of the distinct pastry, the Cronut. Yet, Opposers' fraudulently have sought to play fast and loose with the facts, the truth, and the USPTO's time. The USPTO has relied and continues to rely on the representations of Opposers to the USPTO's and Applicants' detriment and the Opposers' continuous fraudulent behavior should not be rewarded.

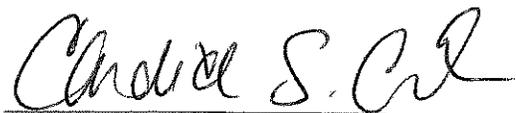
Applicants hereby give notice that they may rely on any other defenses that may become available or appear proper during discovery, and hereby reserve their right to amend this Answer to assert any such defenses.

Applicants hereby appoint Candice S. Cook, a member of the Bars of the State of New York and Texas at the firm of The Cook Law Group PLLC/ 77 Water Street, 8<sup>th</sup> FL/ New York, New York 10005/ Tel: TEL: (646) 722-4166/ Email: csc@ca-coglobalinc.com, to act as attorney in the matter of the opposition identified above, to prosecute said opposition, to transact all business in the Patent and Trademark Office, and in the United States courts connected with the opposition, to sign its name to all papers which are hereinafter to be filed in connection therewith, and to receive all communications relating to the same.

WHEREFORE, Applicants request that the Trademark Trial and Appeal Board deny and dismiss the Opposition and grant all other appropriate relief to Applicants as it deems just. Applicants pray as follows:

- (a) this opposition be dismissed;
- (b) that pending applications with the registration Nos. 86008577 and 85961168 be cancelled and/or denied; and
- (c) permit registration of Applicants' proposed mark in Application Serial Number 85936327 in the United States Patent and Trademark Office.

Dated this 18 of May, 2014



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ATTORNEY FOR INTERNATIONAL  
PASTRY CONCEPTS, LLC AND  
DOMINIQUE ANSEL

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the ANSWER TO NOTICE OF OPPOSITION, AFFIRMATIVE DEFENSES, AND MOTION TO DISMISS was served on Counsel for Opposer by certified mail and first class mail at the address below:

Robert B.G. Horowitz  
Attorney for Opposers  
45 Rockefeller Plaza  
New York, New York 10111

Dated: May 18, 2014

By: Candice S. Cook

Candice S. Cook  
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ATTORNEY FOR  
INTERNATIONAL PASTRY  
CONCEPTS, LLC AND  
DOMINIQUE ANSEL

**CERTIFICATE OF ELECTRONIC FILING**

The undersigned certifies that this submission (along with any paper referred to as being attached or enclosed) is being filed with the United States Patent and Trademark Office via the Electronic System for Trademark Trials and Appeals (ESTTA) on this 18 of May, 2014.

Dated: May 18, 2014

By: 

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ATTORNEY FOR  
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DOMINIQUE ANSEL

# **EXHIBIT 1**

The chart below demonstrates that the evidence submitted by Opposers in support of their Notice of Opposition goes counter to their claims and instead confirms that Dominique Ansel invented the Cronut. Specifically, the chart identifies specific quotes from the Opposers' evidence, virtually all of which expressly states that Dominique Ansel created the Cronut. The chart also includes quotes that show that the mark "Cronut" is synonymous with Dominique Ansel as well as public knowledge that he has sought and protected the trademark for the Cronut brand. Due to the submission format of the Opposers' Notice of Opposition, individual references for the evidence attached to the opposition are not available. Accordingly, the evidence will be referenced as follows: (1) source of the document; (2) title of the article, blog, video or web page; (3) web address; and (4) date of publication.

<u>Source</u>	<u>Title</u>	<u>Web Address</u>	<u>Date</u>	<u>Quote(s)</u>
Wikipedia	Cronut	en.wikipedia.org/wiki/Cronut	9/27/2013	<p>"The Cronut is a croissant-doughnut pastry developed by chef Dominique Ansel for Dominique Ansel Bakery in New York City. In May 2013, the bakery trademarked the name. Imitation versions of Ansel's croissant-doughnut hybrid recipe have sprung up in Saint Louis, Los Angeles, Jacksonville, Minneapolis, and Sydney, Australia. A similar make-at-home recipe has also been developed. These similar versions largely go under different names since the mark Cronut has pending trademark applications filed with the USPTO and internationally. The bakery's Facebook site states that Cronut is not a generic term to describe all croissant-doughnut hybrids, but a specific pastry associated with the bakery. A Boston Globe article describes the Dominique Ansel Bakery croissant-doughnut hybrid as food portmanteau."</p> <p>"The Dominique Ansel Bakery's website states that though the item is best described as "Half Croissant, Half Doughnut" it is not made by simply frying croissant dough, but a type of laminated dough using a proprietary recipe that took the chef two months and 10 recipes to make."</p> <p>"Ansel's Cronut has been featured on Late Night with Jimmy Fallon, The Today Show, Good Morning America and Piers Morgan Live on CNN with host Anthony Bourdain. Dominique Ansel's Cronut has also been seen with celebrities Heidi Klum, Hugh Jackman, Joel McHale and Emma Roberts."</p>

<u>Source</u>	<u>Title</u>	<u>Web Address</u>	<u>Date</u>	<u>Quote(s)</u>
Grub Street	Introducing the Cronut, a Doughnut-Croissant Hybrid That May Very Well Change Your Life	www.grubstreet.com/2013/05/dominique-ansel-cronut.html	5/9/2013	<p>"In September of 2013, Victoria Beckham was rumored to have been conned into purchasing a fake Cronut. She was called out when it disclosed that Dominique Ansel's real Cronuts were offered exclusively to the fashion brand Opening Ceremony due to a prior arrangement between Chef Ansel and the fashion brand."</p> <p>"In July 2013, Dominique Ansel Bakery launched a series of charitable campaigns with their Cronut product to benefit the Food Bank for New York City. The campaign The Cronut Project, sponsored by Dominique Ansel and three interns at BBH benefitted Food Bank for New York City by raising over \$6K in 6 days with only 12 Cronuts."</p> <p>"In September 2013, Dominique Ansel Bakery partnered with Shake Shack to offer Cronut Hole Concretes, featuring the first ever Cronut Holes from Dominique Ansel Bakery and brown butter caramel custard. Hundreds of people lined up as early as 4am at a chance to purchase one of the 1000 Cronut Hole Concretes. All proceeds were donated to the NYPD Widows and Children Fund and Madison Square Park Conservatory. More than \$5,300 was raised."</p> <p>"The Swiss retailer Migros started selling cronuts in August 2013. To prevent this, Ansel announced that he intended to register 'cronut' as a Swiss trademark."</p> <p>"Starting tomorrow, this round, glazed thing you see before you will be added to the permanent collection at Dominique Ansel Bakery. Because it's part croissant and part doughnut, the pastry chef is, appropriately, calling it a cronut."</p> <p>"Ansel says it took around 10 recipes and adjustments to multiple variables of time and temperature before he found a special trick to sheeting the dough, then learning to fry it in grapeseed oil at one specific (and someone secret) temperature."</p>

<u>Source</u>	<u>Title</u>	<u>Web Address</u>	<u>Date</u>	<u>Quote(s)</u>
CBS St. Louis	The 'Cronut'... Er, That's the 'Doughssant'... Has Arrived In St. Louis	stlouis.cbslocal.com/2013/07/08/the-cronut-er-thats-the-doughssant-has-arrived-in-st-louis/	7/8/2013	<p>"Ansel's ongoing work with religieuses and his reinvention of the fraiser already had us convinced that the pastry chef routinely dares to dream at his Soho shop and is never content to rest on his macarons (though they are also very good), but this is just sort of nuts. It's a bold step forward for pastry."</p> <p>"Cronuts are \$5.00 apiece and go on sale tomorrow at the bakery, just in time for Mother's Day."</p>
First Coast News	'Cronut' craze has made it to Jacksonville	www.firstcoastnews.com/topstories/article/318217/483/Cronut-craze-has-made-it-to-Jacksonville?odyssey=tab%7Ctopnews%7Cbe%7Clarge	6/28/2013	<p>"A croissant-doughnut mix originally from New York was created by Dominique Ansel a few years ago. And now people on the First Coast are going nuts for the 'cronut.'"</p>
Huffington Post	Cronut In Canada: Fever Hits Vancouver as 'Frissant' Unveiled	www.huffingtonpost.ca/2013/06/27/cronut-in-canada-vancouver-in_3511850.html	6/27/2013	<p>"You've heard of the cronut, right? The hybrid donut-croissant invented — and trademarked — by New York pastry chef Dominique Ansel has sparked copycats around the world since its arrival in the baked goods category back in March."</p>
Khon 2	Cronut craze comes to Hawaii	khon2.com/2013/09/25/cronut-craze-comes-to-hawaii/	9/25/2013	<p>"Originally created by famed pastry chef Dominique Ansel in SoHo, New York just over four months ago, the Cronut has sparked a global food fad with Cronut copycats as far as Brazil, London, and in Hawaii."</p>

<u>Source</u>	<u>Title</u>	<u>Web Address</u>	<u>Date</u>	<u>Quote(s)</u>
polioyomic	The Cronut Craze is Spiraling Out of Control	www.polioyomic.com/articles/52843/the-cronut-craze-is-spiraling-out-of-control	7/5/2013	<p>"If you are a foodie, by now you have heard about the legend of the Cronut. The Cronut is a hybrid of a doughnut and a croissant, brought to you by pastry chef Dominique Ansel and sold at his New York bakery, Ansel's SoHo. Chef Ansel introduced the world to Cronuts on May 10, and the exclusive dessert has been making quite a name for itself."</p> <p>"Ansel's Soho has made it very clear that the Cronut is not simply half doughnut half croissant. In fact, the baker has offered his process to the public:</p> <p>"The Cronut™ is first proofed and then fried in grapeseed oil at a specific temperature. Once cooked, each Cronut™ is flavored in three ways: 1. rolled in sugar; 2. filled with cream; and 3. topped with glaze. Cronuts™ are made fresh daily, and completely done in house. The entire process takes up to 3 days," according to the pastry chef. Still, there is something that cannot be replicated about Ansel's Cronut. The search for the treat is taking New York by storm ... or hurricane might be the more apt term. "</p> <p>"In New York, a Cronut might just be more valuable than gold. And the sky-high demand has allowed Ansel to place some stringent restrictions on the sale of his coveted treat."</p> <p>"The obsession has turned ugly as Ansel has been forced to battle a whole host of Cronut copycats.</p> <p>Since the sweet treat was unveiled in May, there has been literally dozens of Cronut-like pastries invented under such creative names as "Doissants," "Crognets," "DoughSsants," and "Cro-Nots." According to Fox, dozens of Cronut-like pastries invented under such creative names as "Doissants," "Crognets," "DoughSsants," and "Cro-Nots" have tried to mimic Ansel's creation."</p>

<u>Source</u>	<u>Title</u>	<u>Web Address</u>	<u>Date</u>	<u>Quote(s)</u>
Sorted	How To Make Cronuts	sortedfood.com/#1/cronuts/		"Cronuts are a mix between a croissant and a doughnut/donut, and are the most gorgeous sweet treats that have been taking over Manhattan and London for the last couple of months! Dominique Ansel may have started them, but we've shared with you a recipe courtesy of Edd Kimber to bring them to you guys!"
Daily Mail	Make your own Cronuts: DIY manual allows food-craze fans to avoid the lines by making their own sugary treats at home	www.dailymail.co.uk/news/article-2389350/Cronut-recipe-Avoid-lines-stay-home-Cronuts-masses.html	8/11/2013	"Invented by baker Dominique Ansel, cronut fans have taken over SoHo standing on line for hours" "First sold by the Dominique Ansel Bakery in New York, the croissant-doughnut that took over the city's SoHo neighborhood earlier this year can now be made from the comfort of your own kitchen."
Youtube	How to make Cronuts	www.youtube.com/watch?v=RgtdGbpokPA	8/11/2013	"Cronuts are a mix between a croissant and a doughnut/donut, and are the most gorgeous sweet treats that have been taking over Manhattan and London over the last couple of months! Dominique Ansel may have started them, but we've shared with you a recipe courtesy of Edd Kimber to bring them to you guys!"
Dominique Ansel Bakery	Dominique Ansel Bakery	dominiqueansel.com		"The Cronut™, Half croissant, Half Doughnut. The signature of pastry by Dominique Ansel."

# **EXHIBIT 2**

# United States of America

United States Patent and Trademark Office

# Cronut

**Reg. No. 4,465,439**

**Registered Jan. 14, 2014**

**Int. Cl.: 30**

**TRADEMARK**

**PRINCIPAL REGISTER**

INTERNATIONAL PASTRY CONCEPTS LLC (NEW YORK LIMITED LIABILITY COMPANY)  
DOMINIQUE ANSEL  
189 SPRING STREET  
NEW YORK, NY 10012 AND

DOMINIQUE ANSEL (FRANCE INDIVIDUAL)  
DOMINIQUE ANSEL  
189 SPRING STREET  
NEW YORK, NY 10012

FOR: BAKERY DESSERTS; BAKERY GOODS; BAKERY GOODS AND DESSERT ITEMS, NAMELY, CHEESECAKES FOR RETAIL AND WHOLESALE DISTRIBUTION AND CONSUMPTION ON OR OFF THE PREMISES; BAKERY GOODS, NAMELY, CROISSANT AND DOUGHNUT HYBRID; BAKERY PRODUCTS; BAKERY PRODUCTS, NAMELY, SWEET BAKERY GOODS; BEVERAGES MADE OF COFFEE; BEVERAGES MADE OF TEA; BEVERAGES WITH A CHOCOLATE BASE; BEVERAGES WITH A COFFEE BASE; BISCUITS; BISCUITS AND BREAD; BISCUITS, TARTS, CAKES MADE WITH CEREALS; BREAD AND BUNS; BREAD AND PASTRY; BREAD DOUGHS; BREAD MIXES; BREAD ROLLS; BREAD STICKS; BRIOCHES; CAKE DOUGHS; CAKE ICING; CAKE MIXES; CAKES; CHOCOLATE FOR CONFECTIONERY AND BREAD; COCOA-BASED BEVERAGES; COCOA-BASED INGREDIENT IN CONFECTIONERY PRODUCTS; COFFEE BASED BEVERAGES; COFFEE BEVERAGES WITH MILK; COFFEE-BASED BEVERAGES; COFFEE-BASED ICED BEVERAGES; CONFECTIONERIES, NAMELY, SNACK FOODS, NAMELY, CHOCOLATE; CONFECTIONERY CHIPS FOR BAKING; COOKIE DOUGH; COOKIE MIXES; COOKIES; CROISSANTS; DOUGHNUTS; EDIBLE CAKE DECORATIONS; EDIBLE DECORATIONS FOR CAKES; EDIBLE FLOUR; FOOD PACKAGE COMBINATIONS CONSISTING PRIMARILY OF BREAD, CRACKERS AND/OR COOKIES; INSTANT DOUGHNUT MIXES; MACAROONS; MADELEINES; MIXES FOR BAKERY GOODS; MUFFIN MIXES; MUFFINS; PASTRIES; PASTRY DOUGH; PASTRY MIXES; PREPARED COCOA AND COCOA-BASED BEVERAGES; PREPARED COFFEE AND COFFEE-BASED BEVERAGES; SCONES, IN CLASS 30 (U.S. CL. 46).



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

FIRST USE 5-10-2013; IN COMMERCE 5-10-2013.

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

# **EXHIBIT 3**



Australian Government

IP Australia

# CERTIFICATE OF REGISTRATION OF TRADE MARK

No. 1576675

I, **Fatima Beattie**, Registrar of Trade Marks hereby certify -

that the trade mark represented on this certificate was filed as Trade Mark No. 1576675 on **26 August 2013**. It is due for renewal on **26 August 2023** and **Dominique Ansel** of **189 Spring St New York 10012-3689 NY UNITED STATES OF AMERICA** and **International Pastry Concepts LLC** of **189 Spring St New York 10012-3689 NY UNITED STATES OF AMERICA** have been entered in the Register of Trade Marks as joint owners of the trade mark.

The trade mark is registered in the following class/es: **30**

## **CRONUT**

The goods and/or services for which the trade mark is registered, plus any endorsement, additional owners or other information relating to the registration, are listed on the attached pages.

*Given under my hand and the seal of the Trade  
Marks Office on 21 February 2014*



**Fatima Beattie**  
**REGISTRAR OF TRADE MARKS**



Australian Government

IP Australia

# CERTIFICATE OF REGISTRATION OF TRADE MARK ATTACHMENT

**No. 1576675**

The trade mark is registered for the following goods and/or services:

**Bakery desserts; Bakery goods; Bakery goods and dessert items, namely, cheesecakes for retail and wholesale distribution and consumption on or off the premises; Bakery goods, namely, croissant and doughnut hybrid; Bakery products; Bakery products, namely, sweet bakery goods; Beverages made of coffee; Beverages made of tea; Beverages with a chocolate base; Beverages with a coffee base; Biscuits; Biscuits and bread; Biscuits, tarts, cakes made with cereals; Bread and buns; Bread and pastry; Bread doughs; Bread mixes; Bread rolls; Bread sticks; Brioches; Cake doughs; Cake icing; Cake mixes; Cakes; Chocolate for confectionery and bread; Cocoa-based beverages; Cocoa-based ingredient in confectionery products; Coffee based beverages; Coffee beverages with milk; Coffee-based beverages; Coffee-based iced beverages; Confectioneries, namely, snack foods, namely, chocolate; Confectionery chips for baking; Cookie dough; Cookie mixes; Cookies; Croissants; Doughnuts; Edible cake decorations; Edible decorations for cakes; Edible flour; Food package combinations consisting primarily of bread, crackers and/or cookies; Instant doughnut mixes; Macaroons; Macaroons; Madeleines; Mixes for bakery goods; Muffin mixes; Muffins; Pastries; Pastry dough; Pastry mixes; Prepared cocoa and cocoa-based beverages; Prepared coffee and coffee-based beverages; Scones being goods in class 30**

**Convention priority claimed: 19 May 2013 UNITED STATES OF AMERICA 85936327.**

The trade mark is subject to the following endorsements:

**Convention priority claimed: 19 May 2013, United States of America, No. 85936327 in respect of BAKERY DESSERTS; BAKERY GOODS; BAKERY GOODS AND DESSERT ITEMS, NAMELY, CHEESECAKES FOR RETAIL AND WHOLESALE DISTRIBUTION AND CONSUMPTION ON OR OFF THE PREMISES; BAKERY GOODS, NAMELY, CROISSANT AND DOUGHNUT HYBRID; BAKERY PRODUCTS; BAKERY PRODUCTS, NAMELY, SWEET BAKERY GOODS; BEVERAGES MADE OF COFFEE; BEVERAGES MADE OF TEA; BEVERAGES WITH A CHOCOLATE BASE; BEVERAGES WITH A COFFEE BASE; BISCUITS; BISCUITS AND BREAD; BISCUITS, TARTS, CAKES MADE WITH CEREALS; BREAD AND BUNS; BREAD AND PASTRY; BREAD DOUGHS; BREAD MIXES; BREAD ROLLS; BREAD STICKS; BRIOCHES; CAKE DOUGHS; CAKE ICING; CAKE MIXES; CAKES; CHOCOLATE FOR CONFECTIONERY AND BREAD; COCOA-BASED BEVERAGES; COCOA-BASED INGREDIENT IN CONFECTIONERY PRODUCTS; COFFEE BASED BEVERAGES; COFFEE BEVERAGES WITH MILK; COFFEE-BASED BEVERAGES; COFFEE-BASED ICED BEVERAGES; CONFECTIONERIES, NAMELY, SNACK FOODS, NAMELY, CHOCOLATE; CONFECTIONERY CHIPS FOR BAKING; COOKIE DOUGH; COOKIE MIXES; COOKIES; CROISSANTS; DOUGHNUTS; EDIBLE CAKE DECORATIONS; EDIBLE DECORATIONS FOR CAKES; EDIBLE FLOUR; FOOD PACKAGE COMBINATIONS CONSISTING PRIMARILY OF BREAD, CRACKERS AND/OR COOKIES; INSTANT DOUGHNUT MIXES; MACAROONS; MACAROONS; MADELEINES; MIXES FOR BAKERY GOODS; MUFFIN MIXES; MUFFINS; PASTRIES; PASTRY DOUGH; PASTRY MIXES; PREPARED COCOA AND COCOA-BASED BEVERAGES; PREPARED COFFEE AND COFFEE-BASED BEVERAGES; SCONES in class 30.**



ARRANGEMENT ET PROTOCOLE DE MADRID  
DÉCISION FINALE CONCERNANT LA SITUATION DE LA MARQUE

– DÉCLARATION D'OCTROI DE LA PROTECTION –

Règle 18ter.1)

I. Office qui envoie la déclaration : Division de la Propriété Intellectuelle de Monaco 9 rue du Gabian 98000 Monaco
II. Numéro de l'enregistrement international : 1180079
III. Nom du titulaire (ou autre indication permettant de confirmer l'identité de l'enregistrement international) : International Pastry Concepts LLC Dominique Ansel, 189 Spring Street (US)
IV. La protection est accordée à la marque qui fait l'objet de cet enregistrement international pour tous les produits et/ou tous les services demandés.
V. Signature ou sceau officiel de l'Office qui envoie la déclaration : 
VI. Date : 04/02/2014

# **EXHIBIT 4**



11:45 PM - 24 Apr 2014

Flag media



**Dominique Ansel** @DominiqueAnsel · Apr 25

@teresawliao I hope it's still okay! Short shelf life! Happy beef noodle soup eating!

Details

Reply Retweet Favorite More



**Teresa** @teresawliao · Apr 25

@DominiqueAnsel my friend enjoyed it, but would like to try a fresh one when she's in NYC!

Details

Reply Retweet Favorite More



**Teresa 廖**  
@teresawliao

 **Follow**

Operation Cronuts to Taipei was a success 36 hours later! I'll be eating lots of beef noodle soup @DominiqueAnsel!  
[pic.twitter.com/M0sm3VjJx1](http://pic.twitter.com/M0sm3VjJx1)

 from Taiwan

 Reply  Retweet  Favorite  More

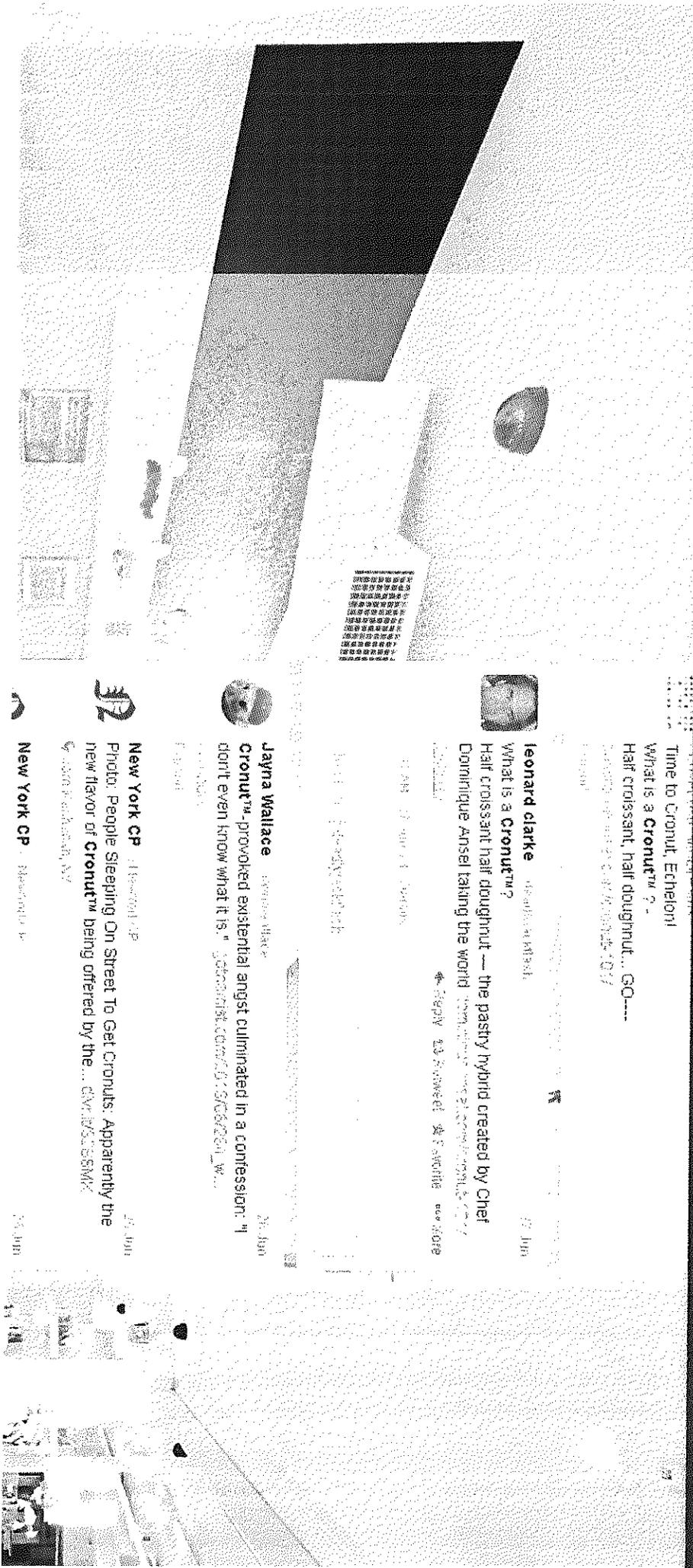
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# **EXHIBIT 5**



Time to Cronut, Echelon!  
What is a Cronut™?  
Half croissant, half doughnut... GO.....  
#cronutls #cronut #cronutls #cronutls #cronutls



**leonard clarke** @leonardclarke  
What is a Cronut™?  
Half croissant half doughnut — the pastry hybrid created by Chef Dominique Ansel taking the world by storm. [http://www.dominiqueansel.com/](#)  
#cronutls #cronut #cronutls #cronutls #cronutls



**Jayna Wallace** @jayna Wallace  
Cronut™, provoked existential angst culminated in a confession: "I don't even know what it is." [http://schronutls.com/2015/06/07/2015\\_06\\_07/](#)  
#cronutls #cronut #cronutls #cronutls #cronutls



**New York CP** @NewYorkCP  
Photo: People Sleeping On Street To Get Cronuts. Apparently the new flavor of Cronut™ being offered by the... [http://www.105.55555555.com/](#)  
#cronutls #cronut #cronutls #cronutls #cronutls



**New York CP** @NewYorkCP

# **EXHIBIT 6**

REDACTED FOR CONFIDENTIALITY

**DOMINIQUE ANSEL  
BAKERY**

189 SPRING STREET,  
NEW YORK, NY 10012  
212-219-2773

Daily Closing (Detail)  
May 10, 2013

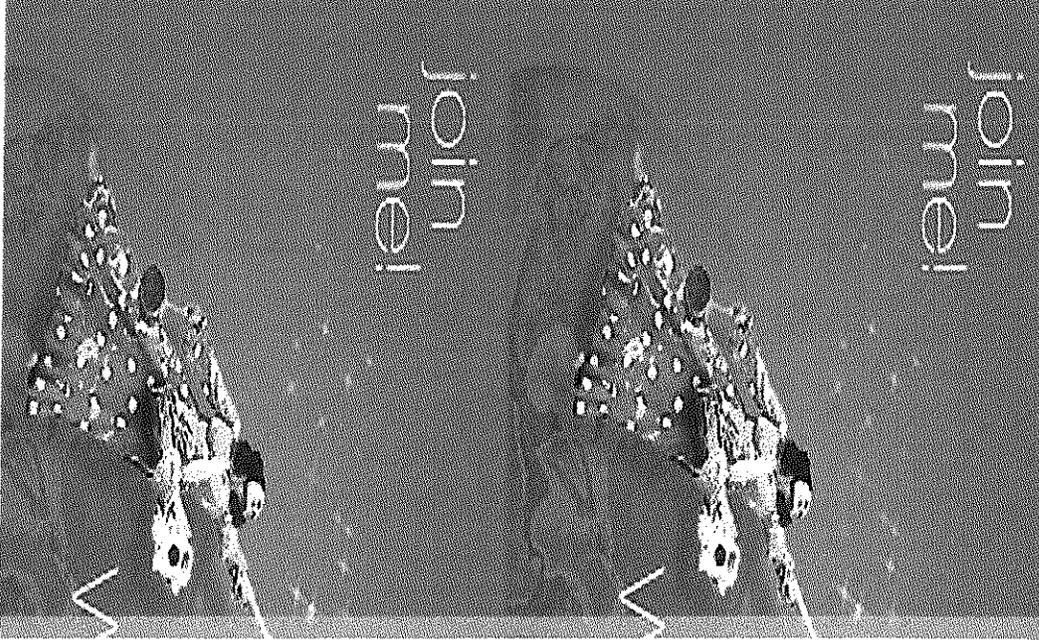
STID: ALL ADMIN  
Printed Date : 5/14/2014 12:20 PM

Total # of Trans : 492  
Avg Sales : ██████████  
Void : ██████████

Category	Sales Qty	Rtn. Qty	Total
BREAKFAST	50	0	██████████
CAKES & TARTS	105	0	██████████
CANNELE	4	0	██████████
COFFEE (COLD)	128	0	██████████
COFFEE (HOT)	196	-1	██████████
COOKIES	93	0	██████████
ICE CREAM/SORBET	15	0	██████████
LARGE CAKES	1	0	██████████
MACARONS	33	0	██████████
MACARONS PKG	21	0	██████████
MADE-TO-ORDER	17	-1	██████████
MINI ME'S	1	0	██████████
MISC	7	0	██████████
OTHER COLD DRINKS	54	0	██████████
OTHER HOT DRINKS	14	0	██████████
SALADS	10	0	██████████
SANDWICHES	33	-2	██████████
SEASONAL ITEMS	1	0	██████████
SOUP	3	0	██████████
Special Coffee	1	0	██████████
TEA (COLD)	30	0	██████████
TEA (HOT)	9	0	██████████
VIENNOISERIE	281	0	██████████

Gross Sales : ██████████  
Refund : ██████████  
Tax : ██████████  
Net Sales : ██████████

# **EXHIBIT 7**

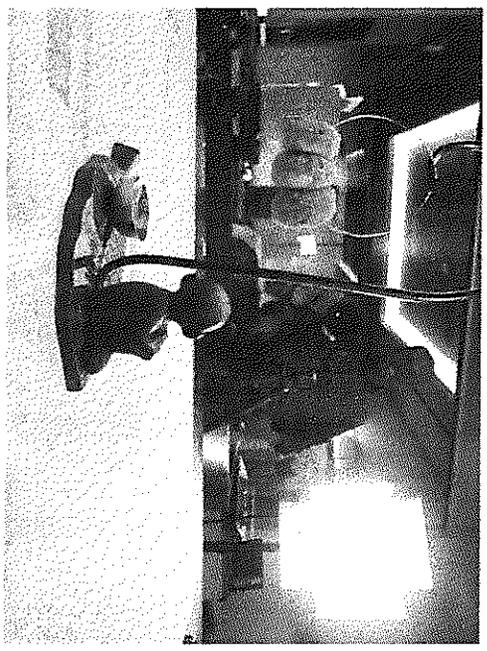


Najat Kaanche

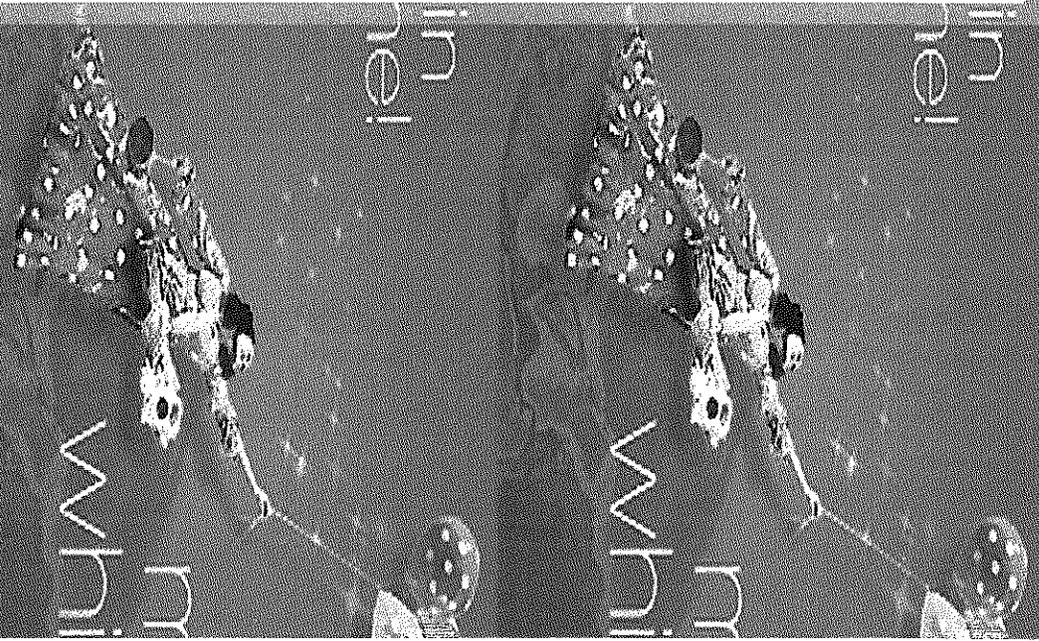
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@circulosdefuego desde USA MY MINI  
FLUNKY Croquetas )  
pic.twitter.com/e78qiuou6i

Reply Retweet Favorite More



Reply to @NajatKaanche @circulosdefuego



Soul



MARKET



TEAM



PRESS

Soups & Salads

### “STARTERS TO NIBBLE”

Crabfish Cornus - 8

Troquette donuts, cilantro, saffron essence & charmoda mousse

Biscaya Tort - 8<sup>oo</sup>

Baked phyllo pie with chicken, orange blossom, cinnamon, honey and almonds

Hacha - 7

Tomato soup with green lentils, lemon zest, cilantro-oil, dates and a crusty crouton with Harissa Tapenade

### MINI MEZZE CARRITO

Souk Platter - 15

Mezze Carrito - 24

8 Addis Olives - 6

Maintained olives, confit garlic & fresh charbro

Ma'aboula - 8

# **EXHIBIT 8**



# PHOTO



nicajayne

7w

#DominiqueAnsel Bakery



47 likes

nicajayne The birthplace of the "Cronut"