

ESTTA Tracking number: **ESTTA607991**

Filing date: **06/04/2014**

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

**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

**Opposer Information**

Name	Margaritaville Enterprises, LLC
Granted to Date of previous extension	06/07/2014
Address	256 Worth Ave., Suite Q-R Palm Beach, FL 33480 UNITED STATES
Attorney information	Kristen L. Fancher and Joel R. Feldman Greenberg Traurig, LLP 3333 Piedmont Rd., NE, Suite 2500 Atlanta, GA 30305 UNITED STATES atltrademark@gtlaw.com, fancherk@gtlaw.com Phone:678-553-2457

**Applicant Information**

Application No	86061629	Publication date	04/08/2014
Opposition Filing Date	06/04/2014	Opposition Period Ends	06/07/2014
Applicant	Caratachea, Luis David 201 Hunterwood Drive White House, TN 37188 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 043. First Use: 2012/10/04 First Use In Commerce: 2012/10/04 All goods and services in the class are opposed, namely: Restaurant services, including sit-downservice of food and take-out restaurantservices
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**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act section 2(d)
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**Marks Cited by Opposer as Basis for Opposition**

U.S. Registration No.	1926809	Application Date	01/22/1990
Registration Date	10/17/1995	Foreign Priority Date	NONE
Word Mark	MARGARITAVILLE		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 042. First use: First Use: 1976/12/00 First Use In Commerce: 1976/12/00 restaurant

U.S. Registration No.	3996811	Application Date	11/15/2010
Registration Date	07/19/2011	Foreign Priority Date	NONE

Word Mark	MARGARITAVILLE GRILLE
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 043. First use: First Use: 2005/02/00 First Use In Commerce: 2005/02/00 Restaurant services
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U.S. Registration No.	2463238	Application Date	04/08/1999
Registration Date	06/26/2001	Foreign Priority Date	NONE

Word Mark	JIMMY BUFFETT'S MARGARITAVILLE
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 042. First use: First Use: 1999/02/04 First Use In Commerce: 1999/02/04 Restaurant, bar and nightclub services
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U.S. Registration No.	3117273	Application Date	12/13/2005
Registration Date	07/18/2006	Foreign Priority Date	NONE

Word Mark	JIMMY BUFFETT'S MARGARITAVILLE
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Design Mark			
Description of Mark	NONE		
Goods/Services	Class 043. First use: First Use: 1987/12/00 First Use In Commerce: 1987/12/00 Restaurant and bar services		

U.S. Registration No.	3501784	Application Date	03/26/2008
Registration Date	09/16/2008	Foreign Priority Date	NONE
Word Mark	MARGARITAVILLE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 043. First use: First Use: 1987/11/00 First Use In Commerce: 1987/11/00 Bar services		

Attachments	85176697#TMSN.jpeg( bytes ) 75678384#TMSN.gif( bytes ) 78771957#TMSN.jpeg( bytes ) 77432027#TMSN.jpeg( bytes ) MARGARITAGRILL Opposition.pdf(4044154 bytes )
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/kristen l fancher/
Name	Kristen L. Fancher, Esq.

Date	06/04/2014
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application Serial No. 86/061,629:  
MARGARITAGRILL MEXICAN RESTAURANT  
Published in the *Official Gazette* on April 8, 2014

_____	)	
<b>MARGARITAVILLE</b>	)	
<b>ENTERPRISES, LLC</b>	)	
	)	
<b>Opposer,</b>	)	
	)	
<b>v.</b>	)	<b>Opposition No.</b> _____
	)	
<b>LUIS DAVID CARATACHEA,</b>	)	
<b>D/B/A MARGARITAGRILL</b>	)	
<b>MEXICAN RESTAURANT,</b>	)	
	)	
<b>Applicant.</b>	)	
_____	)	

**NOTICE OF OPPOSITION**

Margaritaville Enterprises, LLC (“Margaritaville”) opposes the application of Luis David Caratachea, d/b/a Margaritagrill Mexican Restaurant, to register the mark MARGARITAGRILL MEXICAN RESTAURANT (the “Application”) because Margaritaville will be damaged by the registration of the Application.

The grounds for opposition are:

**MARGARITAVILLE’S BACKGROUND**

1. Margaritaville is a Delaware limited liability company with a principal address at 256 Worth Avenue, Suite Q-R, Palm Beach, Florida 33480.
2. Jimmy Buffett, an internationally-famous musician, songwriter, and entertainer, is an owner of Margaritaville’s parent company, Margaritaville Holdings LLC.

3. Margaritaville is the successor-in-interest to trademarks filed and registered by Jimmy Buffett.

4. Margaritaville provides goods and services associated with Jimmy Buffett and Jimmy Buffett-related themes such as beaches, tropics, leisure activities, and islands.

5. Margaritaville regularly commercializes Jimmy Buffett's song titles and lyrics, most notably, "Margaritaville."

**MARGARITAVILLE'S USE AND REGISTRATION OF THE MARGARITAVILLE MARK**

6. The MARGARITAVILLE mark is a coined term based on Jimmy Buffett's famous "Margaritaville" song.

7. Jimmy Buffett released the song "Margaritaville" in 1977, on the album *Changes in Latitudes, Changes in Attitudes*.

8. "Margaritaville" is Jimmy Buffett's most popular song and is played at every single Jimmy Buffett concert.

9. Margaritaville owns over 150 federal trademark applications and registrations incorporating the MARGARITAVILLE mark for various goods and services ranging from clothing, travel bags, printed items, beach accessories, sports equipment, barware and tequila, to restaurants, hotels, casinos, stores, and nightclubs.

10. Margaritaville operates or licenses a chain of restaurants and bars called MARGARITAVILLE located throughout the United States, currently with 15 locations.

11. Margaritaville has used the MARGARITAVILLE mark for restaurant and bar services since at least 1987.

12. Margaritaville has used the mark MARGARITAVILLE GRILLE at its restaurants since at least 2005.

13. Margaritaville owns five U.S. service mark registrations incorporating the MARGARITAVILLE mark for restaurant and/or bar services:
  - a. Registration No. 1,926,809 for MARGARITAVILLE for restaurants, in International Class 42 (TSDR record attached at Exhibit 1);
  - b. Registration No. 3,996,811 for MARGARITAVILLE GRILLE for restaurant services in International Class 43 (TSDR record attached at Exhibit 2);
  - c. Registration No. 2,463,238 for JIMMY BUFFETT'S MARGARITAVILLE & Design for restaurant, bar, and nightclub services, in International Class 42 (TSDR record attached at Exhibit 3);
  - d. Registration No. 3,117,273 for JIMMY BUFFETT'S MARGARITAVILLE for restaurant and bar services, in International Class 43 (TSDR record attached at Exhibit 4); and
  - e. Registration No. 3,501,784 for MARGARITAVILLE for bar services in International Class 43 (TSDR record attached at Exhibit 5).
14. Margaritaville's registrations for the MARGARITAVILLE mark give Margaritaville priority in the MARGARITAVILLE mark for restaurant services since at least December 1976 and bar services since at least November 1987.
15. Due to the longstanding and widespread use of the mark, including extensive use of the mark adjacent to Jimmy Buffett's name, the MARGARITAVILLE mark is strongly associated with Margaritaville and Jimmy Buffett.
16. The MARGARITAVILLE mark is an inherently distinctive mark.

17. The MARGARITAVILLE mark has been used on a wide variety of goods and services for many years. As a result, the mark is a commercially-strong source indicator for Margaritaville's various goods and services.

18. By virtue of Margaritaville's continuous, exclusive, and widespread use of the distinctive MARGARITAVILLE mark, Margaritaville is entitled to a broad scope of protection for this mark.

### **APPLICANT'S BACKGROUND**

19. Notwithstanding Margaritaville's prior rights in the MARGARITAVILLE mark, Applicant seeks to register MARGARITAGRILL MEXICAN RESTAURANT for use in connection with "Restaurant services, including sit-down service of food and take-out restaurant services," in International Class 43.

20. Applicant is an individual with a mailing address of 201 Hunterwood Drive, White House, Tennessee 37188.

21. Applicant filed his application for MARGARITAGRILL MEXICAN GRILL on September 11, 2013, over three decades after Margaritaville (and its predecessors) began using the MARGARITAVILLE mark for restaurant services.

### **COUNT I** **LIKELIHOOD OF CONFUSION**

22. The mark that Applicant seeks to register resembles Margaritaville's MARGARITAVILLE mark.

23. Applicant's use and registration of its applied-for mark is likely to cause confusion, mistake, and deception as to the source or origin of Applicant's services within the meaning of 15 U.S.C. §§ 1114 and 1125(a), and will injure and damage Margaritaville and the goodwill and

reputation symbolized by Margaritaville's MARGARITAVILLE mark within the meaning of 15 U.S.C. § 1063(a).

24. MARGARITAGRILL, which (based on Applicant's disclaimer of the term MEXICAN RESTAURANT) is the distinctive portion of Applicant's mark, is similar in appearance to the MARGARITAVILLE mark.

25. MARGARITAGRILL and MARGARITAVILLE sound similar.

26. MARGARITAGRILL and MARGARITAVILLE have a similar commercial impression.

27. Applicant's proposed services are identical to Margaritaville's restaurant services.

28. Based on the similarity of the marks and the identity of the services, the public is likely to be confused, to be deceived, and to assume erroneously that Applicant's services are Margaritaville's services or that Applicant is in some way connected with, sponsored by, or affiliated with Margaritaville, resulting in irreparable damage to Margaritaville.

29. Accordingly, Applicant's alleged mark is not registrable under 15 U.S.C. § 1052(d), because it resembles a mark previously used in the United States by another and not abandoned and is therefore likely to cause confusion, mistake, or to deceive.

#### CONCLUSION

30. Opposer will be damaged by the Applicant's registration and use of the mark MARGARITAGRILL MEXICAN RESTAURANT, as set forth in Applicant's Service Mark Application Serial No. 86/061,629 because the applied-for mark is confusingly similar to Margaritaville's registered MARGARITAVILLE mark.

WHEREFORE, Opposer prays that the instant opposition be sustained and registration of Applicant's applied-for mark MARGARITAGRILL MEXICAN RESTAURANT be refused.

This 4 day of June, 2014.

Respectfully submitted,

**GREENBERG TRAURIG LLP**



Jeffrey M. Smith, Esq.  
Kristen L. Fancher, Esq.  
Joel R. Feldman, Esq.

GREENBERG TRAURIG, LLP  
3333 Piedmont Road, NE  
Suite 2500  
Atlanta, Georgia 30305  
Phone: (678) 553-2100  
Fax: (678) 553-2212

*Attorneys for Opposer,  
Margaritaville Enterprises, LLC*

**CERTIFICATE OF ELECTRONIC TRANSMISSION**

Date: June 4, 2014

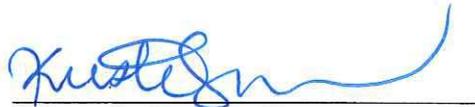
I hereby certify that this paper is being transmitted electronically to the Trademark Trial and Appeal Board of the United States Patent & Trademark Office, on the date indicated above, through the ESTTA electronic filing system at the web site <http://estta.uspto.gov/>.

  
\_\_\_\_\_  
Kristen L. Fancher, Esq.

**CERTIFICATE OF SERVICE**

I hereby certify that on June 4, 2014 I served the foregoing Notice of Opposition by first-class mail to Applicant's attorney of record, as follows:

Allen Woods  
Woods & Woods  
707 18th Ave S., Ste. 9  
Nashville, Tennessee 37203-3214

  
\_\_\_\_\_  
Kristen L. Fancher, Esq.

# **EXHIBIT 1**

Generated on: This page was generated by TSDR on 2014-06-04 12:20:00 EDT

Mark: MARGARITAVILLE

US Serial Number: 74021044  
US Registration Number: 1926809  
Register: Principal  
Mark Type: Service Mark  
Status: The registration has been renewed.  
Status Date: Nov. 15, 2005  
Publication Date: May 10, 1994

Application Filing Date: Jan. 22, 1990  
Registration Date: Oct. 17, 1995

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## Mark Information

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Mark Literal Elements: MARGARITAVILLE  
Standard Character Claim: No  
Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

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## Goods and Services

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Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*.\* identify additional (new) wording in the goods/services.

For: restaurant  
International Class(es): 042 - Primary Class  
Class Status: ACTIVE  
Basis: 1(a)  
First Use: Dec. 1976

U.S Class(es): 100  
Use in Commerce: Dec. 1976

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## Basis Information (Case Level)

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Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

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## Current Owner(s) Information

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Owner Name: JB INTELLECTUAL PROPERTY, LLC  
Owner Address: 256 WORTH AVENUE, SUITE Q-R  
PALM BEACH, FLORIDA 33480  
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY  
State or Country Where Organized: DELAWARE

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## Attorney/Correspondence Information

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Attorney Name: ROBERT A. ROSENBLIUM  
Attorney Primary Email: rulem@pepperlaw.com

Attorney of Record  
Docket Number: 32777.057000  
Attorney Email: Yes

Address: \_\_\_\_\_

Authorized: \_\_\_\_\_

**Correspondent**

**Correspondent Name/Address:** JEFFREY M. SMITH AND KRISTEN L. FANCHER  
GREENBERG TRAURIG, LLP  
3333 Piedmont Road NE, Suite 2500  
ATLANTA, GEORGIA 30305  
UNITED STATES

**Phone:** 678-553-2100

**Fax:** 678-553-2212

**Correspondent e-mail:** [atltrademark@gtlaw.com](mailto:atltrademark@gtlaw.com)

**Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found**

## Prosecution History

Date	Description	Proceeding Number
Dec. 13, 2013	REVIEW OF CORRESPONDENCE COMPLETE - INFORMATION MADE OF RECORD	67149
Dec. 11, 2013	FAX RECEIVED	
May 21, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jun. 13, 2007	CASE FILE IN TICRS	
Jan. 17, 2007	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jan. 10, 2007	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Nov. 15, 2005	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	67603
Nov. 15, 2005	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Nov. 15, 2005	ASSIGNED TO PARALEGAL	67603
Jul. 18, 2005	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Jul. 20, 2005	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Jul. 18, 2005	TEAS SECTION 8 & 9 RECEIVED	
Feb. 24, 2005	ATTORNEY REVOKED AND/OR APPOINTED	
Feb. 24, 2005	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
May 08, 2003	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Nov. 27, 2001	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Aug. 22, 2001	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Oct. 17, 1995	REGISTERED-PRINCIPAL REGISTER	
May 10, 1994	PUBLISHED FOR OPPOSITION	
Apr. 08, 1994	NOTICE OF PUBLICATION	
Dec. 13, 1993	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 12, 1993	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jun. 01, 1990	LETTER OF SUSPENSION MAILED	
Apr. 19, 1990	NON-FINAL ACTION MAILED	
Apr. 05, 1990	ASSIGNED TO EXAMINER	61751
Mar. 26, 1990	ASSIGNED TO EXAMINER	67348

## Maintenance Filings or Post Registration Information

**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

**Renewal Date:** Oct. 17, 2005

## TM Staff and Location Information

**TM Staff Information - None**

**File Location**

**Current Location:** SCANNING ON DEMAND

**Date in Location:** Jun. 13, 2007

## Assignment Abstract Of Title Information

**Summary**

Total Assignments: 7

Registrant: CHI-CHI'S, INC.

**Assignment 1 of 7**

Conveyance: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

Reel/Frame: 0997/0089

Pages: 3

Date Recorded: Jun. 29, 1993

Supporting Documents: No Supporting Documents Available

**Assignor**Name: KEMPER, LEON D.

Execution Date: May 19, 1993

Legal Entity Type: INDIVIDUAL

Citizenship: UNITED STATES

DBA, AKA, TA, Formerly: DBA LA CASA RESTAURANT AND  
MARGARITAVILLE TAPPING SYSTEMS**Assignee**Name: CHI-CHI'S, INC.

Legal Entity Type: CORPORATION

State or Country Where  
Organized: DELAWAREAddress: TRIAD EAST  
10200 LINN STATION ROAD  
LOUISVILLE, KENTUCKY 40223**Correspondent**

Correspondent Name: JOHN S. HALE

Correspondent Address: GIPPLE & HALE  
6667-B OLD DOMINION DRIVE  
MCLEAN, VA 22101**Domestic Representative - Not Found****Assignment 2 of 7**

Conveyance: SECURITY INTEREST

Reel/Frame: 2535/0001

Pages: 61

Date Recorded: Jul. 09, 2002

Supporting Documents: [assignment-tm-2535-0001.pdf](#)**Assignor**Name: CHI-CHI'S, INC.

Execution Date: Jul. 02, 2002

Legal Entity Type: CORPORATION

State or Country Where  
Organized: DELAWAREName: KOO KOO ROO, INC.

Execution Date: Jul. 02, 2002

Legal Entity Type: CORPORATION

State or Country Where  
Organized: DELAWAREName: PRANDIUM, INC.

Execution Date: Jul. 02, 2002

Legal Entity Type: CORPORATION

State or Country Where  
Organized: DELAWAREName: FRI-MRD CORPORATION

Execution Date: Jul. 02, 2002

Legal Entity Type: CORPORATION

State or Country Where  
Organized: DELAWAREName: HAMLET GROUP, INC., THE

Execution Date: Jul. 02, 2002

Legal Entity Type: CORPORATION

State or Country Where  
Organized: CALIFORNIAName: CCMR OT TIMONIUM, INC.

Execution Date: Jul. 02, 2002

Legal Entity Type: CORPORATION

State or Country Where  
Organized: DELAWAREName: CCMR OF MARYLAND, INC.

Execution Date: Jul. 02, 2002

Legal Entity Type: CORPORATION

State or Country Where  
Organized: DELAWAREName: CCMR OF CATONSVILLE, INC.

Execution Date: Jul. 02, 2002

Legal Entity Type: CORPORATION

State or Country Where  
Organized: KENTUCKYName: CCMR OF GREENBELT, INC.

Execution Date: Jul. 02, 2002

Legal Entity Type: CORPORATION

State or Country Where  
KENTUCKY

**Organized:**

**Name:** CCMR OF RITCHIE HIGHWAY, INC. **Execution Date:** Jul. 02, 2002  
**Legal Entity Type:** CORPORATION **State or Country Where Organized:** KENTUCKY

**Name:** CCMR OF CUMBERLAND, INC. **Execution Date:** Jul. 02, 2002  
**Legal Entity Type:** CORPORATION **State or Country Where Organized:** KENTUCKY

**Name:** CCMR OF HARFORD COUNTY, INC. **Execution Date:** Jul. 02, 2002  
**Legal Entity Type:** CORPORATION **State or Country Where Organized:** KENTUCKY

**Name:** CCMR OF FREDERICK, INC. **Execution Date:** Jul. 02, 2002  
**Legal Entity Type:** CORPORATION **State or Country Where Organized:** KENTUCKY

**Name:** CHI-CHI'S OF WEST VIRGINIA, INC. **Execution Date:** Jul. 02, 2002  
**Legal Entity Type:** CORPORATION **State or Country Where Organized:** KENTUCKY

**Name:** FRI-ADMIN CORPORATION **Execution Date:** Jul. 02, 2002  
**Legal Entity Type:** CORPORATION **State or Country Where Organized:** DELAWARE

**Name:** MAINTENANCE SUPPORT GROUP, INC **Execution Date:** Jul. 02, 2002  
**Legal Entity Type:** CORPORATION **State or Country Where Organized:** KENTUCKY

**Assignee**

**Name:** FOOTHILL CAPITAL CORPORATION, AS AGENT  
**Legal Entity Type:** CORPORATION **State or Country Where Organized:** CALIFORNIA

**Address:** SUITE 3000W  
2450 COLORADO AVENUE  
SANTA MONICA, CALIFORNIA 90404

**Correspondent**

**Correspondent Name:** FEDERAL RESEARCH CORPORATION  
**Correspondent Address:** PENELOPE AGODOA  
400 7TH STREET N.W.  
SUITE 101  
WASHINGTON, DC 20004

**Domestic Representative - Not Found**

**Assignment 3 of 7**

**Conveyance:** RELEASE BY SECURED PARTY

**Reel/Frame:** 3443/0577

**Pages:** 7

**Date Recorded:** Dec. 13, 2006

**Supporting Documents:** [assignment-tm-3443-0577.pdf](#)

**Assignor**

**Name:** US BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE **Execution Date:** Dec. 06, 2004  
**Legal Entity Type:** FEDERAL AGENCY **State or Country Where Organized:** DELAWARE

**Name:** CHI-CHI'S, INC. **Execution Date:** Dec. 06, 2004  
**Legal Entity Type:** CORPORATION **State or Country Where Organized:** DELAWARE

**Name:** KOO KOO ROO, INC. **Execution Date:** Dec. 06, 2004  
**Legal Entity Type:** CORPORATION **State or Country Where Organized:** DELAWARE

**Name:** PRANDIUM, INC. **Execution Date:** Dec. 06, 2004  
**Legal Entity Type:** CORPORATION **State or Country Where Organized:** DELAWARE

**Name:** FRI-MRD CORPORATION **Execution Date:** Dec. 06, 2004  
**Legal Entity Type:** CORPORATION **State or Country Where Organized:** DELAWARE

**Name:** THE HAMLET GROUP, INC. **Execution Date:** Dec. 06, 2004

Legal Entity Type: CORPORATION State or Country Where Organized: CALIFORNIA

Name: CCMR OF MARYLAND, INC. Execution Date: Dec. 06, 2004

Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE

Name: CCMR OF CANTONSVILLE, INC. Execution Date: Dec. 06, 2004

Legal Entity Type: CORPORATION State or Country Where Organized: KENTUCKY

Name: CCMR OF GREENBELT, INC. Execution Date: Dec. 06, 2004

Legal Entity Type: CORPORATION State or Country Where Organized: KENTUCKY

Name: CCMR OF RITCHIE HIGHWAY, INC. Execution Date: Dec. 06, 2004

Legal Entity Type: CORPORATION State or Country Where Organized: KENTUCKY

Name: CCMR OF CUMBERLAND, INC. Execution Date: Dec. 06, 2004

Legal Entity Type: CORPORATION State or Country Where Organized: KENTUCKY

Name: CCMR OF HARFORD COUNTY, INC. Execution Date: Dec. 06, 2004

Legal Entity Type: CORPORATION State or Country Where Organized: KENTUCKY

Name: CCMR OF FREDERICK, INC. Execution Date: Dec. 06, 2004

Legal Entity Type: CORPORATION State or Country Where Organized: KENTUCKY

Name: CHI-CHI'S OF WEST VIRGINIA, INC. Execution Date: Dec. 06, 2004

Legal Entity Type: CORPORATION State or Country Where Organized: KENTUCKY

Name: FRI-ADMIN CORPORATION Execution Date: Dec. 06, 2004

Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE

Name: MAINTENANCE SUPPORT GROUP, INC. Execution Date: Dec. 06, 2004

Legal Entity Type: CORPORATION State or Country Where Organized: KENTUCKY

Name: CCMR OT TIMONIUM, INC. Execution Date: Dec. 06, 2004

Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE

**Assignee**

Name: BUFFETT, JIMMY

Legal Entity Type: INDIVIDUAL Citizenship: UNITED STATES

Address: 424-A FLEMING STREET  
KEY WEST, FLORIDA 33040

**Correspondent**

Correspondent Name: KRISTEN L. FANCHER, ESQ.

Correspondent Address: 3290 NORTHSIDE PARKWAY, SUITE 400  
ATLANTA, GA 30327

Domestic Representative - Not Found

**Assignment 4 of 7**

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 2987/0719

Pages: 4

Date Recorded: Dec. 09, 2004

Supporting Documents: [assignment-tm-2987-0719.pdf](#)

**Assignor**

Name: CHI-CHI'S, INC.

Execution Date: Dec. 08, 2004

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

**Assignee**

Name: BUFFETT, JIMMY

Legal Entity Type: INDIVIDUAL

Citizenship: UNITED STATES

Address: 424-A FLEMING STREET  
KEY WEST, FLORIDA 33040

**Correspondent**

**Correspondent Name:** JAMIE NORDHAUS SHIPP, ESQ.

**Correspondent Address:** 3290 NORTHSIDE PARKWAY, SUITE 400  
GREENBERG TRAUERIG  
ATLANTA, GA 30327

**Domestic Representative - Not Found**

**Assignment 5 of 7**

**Conveyance:** SECURITY INTEREST

**Reel/Frame:** 3471/0100

**Pages:** 70

**Date Recorded:** Jan. 30, 2007

**Supporting Documents:** assignment-tm-3471-0100.pdf

**Assignor**

**Name:** MARGARITAVILLE ENTERPRISES, LLC

**Execution Date:** Dec. 20, 2006

**Legal Entity Type:** LIMITED LIABILITY COMPANY

**State or Country Where Organized:** No Place Where Organized Found

**Assignee**

**Name:** GUGGENHEIM CORPORATE FUNDING, LLC

**Legal Entity Type:** LIMITED LIABILITY COMPANY

**State or Country Where Organized:** No Place Where Organized Found

**Address:** 135 EAST 57TH STREET  
NEW YORK, NEW YORK 10022

**Correspondent**

**Correspondent Name:** WEIL, GOTSHAL & MANGES C/O JULIO GURDIAN

**Correspondent Address:** 767 5TH AVENUE  
NEW YORK, NY 10153

**Domestic Representative - Not Found**

**Assignment 6 of 7**

**Conveyance:** ASSIGNS THE ENTIRE INTEREST

**Reel/Frame:** 3458/0516

**Pages:** 20

**Date Recorded:** Jan. 10, 2007

**Supporting Documents:** assignment-tm-3458-0516.pdf

**Assignor**

**Name:** BUFFETT, JIMMY

**Execution Date:** Jan. 03, 2007

**Legal Entity Type:** INDIVIDUAL

**Citizenship:** UNITED STATES

**Assignee**

**Name:** JB INTELLECTUAL PROPERTY, LLC

**Legal Entity Type:** LIMITED LIABILITY COMPANY

**State or Country Where Organized:** DELAWARE

**Address:** 256 WORTH AVENUE, SUITE Q-R  
PALM BEACH, FLORIDA 33480

**Correspondent**

**Correspondent Name:** KRISTEN L. FANCHER, ESQ.

**Correspondent Address:** 3290 NORTHSIDE PARKWAY, SUITE 400  
ATLANTA, GA 30327

**Domestic Representative - Not Found**

**Assignment 7 of 7**

**Conveyance:** ASSIGNS THE ENTIRE INTEREST

**Reel/Frame:** 3460/0384

**Pages:** 20

**Date Recorded:** Jan. 12, 2007

**Supporting Documents:** assignment-tm-3460-0384.pdf

**Assignor**

**Name:** JB INTELLECTUAL PROPERTY, LLC

**Execution Date:** Jan. 03, 2007

**Legal Entity Type:** LIMITED LIABILITY COMPANY

**State or Country Where Organized:** DELAWARE

**Assignee**

**Name:** MARGARITAVILLE ENTERPRISES, LLC

**Legal Entity Type:** LIMITED LIABILITY COMPANY

**State or Country Where Organized:** DELAWARE

Address: 256 WORTH AVENUE, SUITE Q-R  
PALM BEACH, FLORIDA 33480

**Correspondent**

Correspondent Name: KRISTEN L. FANCHER, ESQ.

Correspondent Address: 3290 NORTHSIDE PARKWAY, SUITE 400  
ATLANTA, GA 30327

**Domestic Representative - Not Found**

**Proceedings**

**Summary**

Number of Proceedings: 6

**Type of Proceeding: Opposition**

Proceeding Number: 91213067

Filing Date: Oct 18, 2013

Status: Pending

Status Date: Oct 18, 2013

Interlocutory Attorney: BENJAMIN U OKEKE

**Defendant**

Name: Simmons Veterinary Clinic, Inc.

Correspondent Address: MICHAEL W VARY  
MCCARTHY LEBIT CRYSTAL & LIFFMAN CO LPA  
101 W PROSPECT AVE, SUITE 1800  
CLEVELAND OH, 44115-1088  
UNITED STATES

Correspondent e-mail: [kmh@mccarthylebit.com](mailto:kmh@mccarthylebit.com), [mwv@mccarthylebit.com](mailto:mwv@mccarthylebit.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
BARKERITAVILLE	Opposition Pending	<u>85751742</u>	
BARKERITAVILLE	Opposition Pending	<u>85920460</u>	

**Plaintiff(s)**

Name: Margaritaville Enterprises, LLC

Correspondent Address: JOEL R FELDMAN  
GREENBERG TRAUIG LLP  
3333 PIEDMONT ROAD NE, SUITE 2500  
ATLANTA GA, 30305  
UNITED STATES

Correspondent e-mail: [atltrademark@gtlaw.com](mailto:atltrademark@gtlaw.com), [feldmanjoel@gtlaw.com](mailto:feldmanjoel@gtlaw.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
THE MARGARITAVILLE STORE	Renewed	<u>73591373</u>	<u>1641613</u>
MARGARITAVILLE	Renewed	<u>74015895</u>	<u>1642132</u>
JIMMY BUFFETT'S MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78771962</u>	<u>3120801</u>
MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78537900</u>	<u>3002003</u>
MARGARITAVILLE	Registered	<u>77090784</u>	<u>3900887</u>
MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78221896</u>	<u>3007784</u>
MARGARITAVILLE	Registered	<u>77090783</u>	<u>3900886</u>
MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78538648</u>	<u>3002008</u>
MARGARITAVILLE	Renewed	<u>75651815</u>	<u>2729442</u>
MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78538444</u>	<u>3002005</u>
MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78764751</u>	<u>3117262</u>
MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78538669</u>	<u>3002010</u>

MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78538447</u>	<u>3002006</u>
MARGARITAVILLE	Registered	<u>85254544</u>	<u>4339177</u>
MARGARITAVILLE	Registered	<u>77786963</u>	<u>4175955</u>
MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>76415369</u>	<u>2896179</u>
MARGARITAVILLE	Registered	<u>77326938</u>	<u>4012771</u>
MARGARITAVILLE	Renewed	<u>74021044</u>	<u>1926809</u>
JIMMY BUFFETT'S MARGARITAVILLE	Renewed	<u>75678384</u>	<u>2463238</u>
JIMMY BUFFETT'S MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78771957</u>	<u>3117273</u>
MARGARITAVILLE	Registered	<u>77432027</u>	<u>3501784</u>
MARGARITAVILLE	Registered	<u>77980011</u>	<u>3855017</u>
MARGARITAVILLE	Second Extension - Granted	<u>85654333</u>	
MARGARITAVILLE	Registered	<u>77569980</u>	<u>4135785</u>

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 18, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 18, 2013	Nov 27, 2013
3	PENDING, INSTITUTED	Oct 18, 2013	
4	ANSWER	Nov 15, 2013	
5	P REQ FOR DISCOVERY CONFERENCE-ESTTA	Nov 20, 2013	
6	TRIAL DATES REMAIN AS SET	Jan 10, 2014	
7	MOT TO AMEND ANS OR COUNTERCLAIM/AMENDED ANS OR COUNTERCLAIM	Jan 22, 2014	
8	STIPULATED PROTECTIVE ORDER	Mar 06, 2014	
9	TRIAL DATES REMAIN AS SET	Mar 10, 2014	
10	D MOT FOR EXT W/O CONSENT	May 23, 2014	

**Type of Proceeding: Opposition**

Proceeding Number: 91198819

Filing Date: Mar 02, 2011

Status: Terminated

Status Date: Dec 20, 2011

Interlocutory Attorney: ELIZABETH WINTER

**Defendant**

Name: PadreRitaVille LLC

Correspondent Address: SCOTT T GRIGGS  
GRIGGS BERGEN LLP  
17950 PRESTON RD, STE 1000  
DALLAS TX , 75252  
UNITED STATES

Correspondent e-mail: [scott@griggslaw.com](mailto:scott@griggslaw.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
PADRERITAVILLE	Abandoned - After Inter-Partes Decision	<u>85085918</u>	

**Plaintiff(s)**

Name: Margaritaville Enterprises, LLC

Correspondent Address: KRITEN L FANCHER  
GREENBERG TRAURIG LLP  
3290 NORTHSIDE PKWY, STE 400  
ATLANTA GA , 30327  
UNITED STATES

Correspondent e-mail: [feldmanjoel@gtlaw.com](mailto:feldmanjoel@gtlaw.com) , [fancherk@gtlaw.com](mailto:fancherk@gtlaw.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
JIMMY BUFFETT'S MARGARITAVILLE	Renewed	<u>75678384</u>	<u>2463238</u>

JIMMY BUFFETT'S MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78771957</u>	<u>3117273</u>
MARGARITAVILLE	Renewed	<u>74021044</u>	<u>1926809</u>
MARGARITAVILLE	Registered	<u>77432027</u>	<u>3501784</u>

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 02, 2011	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 02, 2011	Apr 11, 2011
3	PENDING, INSTITUTED	Mar 02, 2011	
4	D'S APPEARANCE OF COUNSEL/POWER OF ATTORNEY	Apr 07, 2011	
5	ANSWER	Apr 07, 2011	
6	P REQUEST FOR DISCOVERY CONFERENCE-ESTTA	Apr 12, 2011	
7	DISCOVERY CONFERENCE ORDER - TRIAL DATES REMAIN AS SET	May 09, 2011	
8	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Jun 08, 2011	
9	SUSPENDED	Jun 08, 2011	
10	STIPULATION FOR AN EXTENSION OF TIME	Aug 11, 2011	
11	EXTENSION OF TIME GRANTED	Aug 11, 2011	
12	D'S MTN FOR PROTECTIVE ORDER	Dec 19, 2011	
13	P'S OPPOSITION/RESPONSE TO MOTION	Dec 19, 2011	
14	WITHDRAWAL OF APPLICATION	Dec 19, 2011	
15	BOARD'S DECISION: SUSTAINED	Dec 20, 2011	
16	TERMINATED	Dec 20, 2011	

**Type of Proceeding: Opposition**

Proceeding Number: 91195142 Filing Date: Jun 02, 2010  
 Status: Terminated Status Date: Nov 01, 2010

Interlocutory Attorney: GEORGE POLOGEORGIS

**Defendant**

Name: Grandma's, Inc.

Correspondent Address: JOHN R. GASELE  
 FRYBERGER, BUCHANA, SMITH & FREDERICK, PA  
 302 WEST SUPERIOR STREET, SUITE 700  
 DULUTH MN , 55802  
 UNITED STATES

Correspondent e-mail: [mmarkusen@fryberger.com](mailto:mmarkusen@fryberger.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
FAJITAVILLE	Abandoned - After Inter-Partes Decision	<u>77820325</u>	

**Plaintiff(s)**

Name: Margaritaville Enterprises, LLC

Correspondent Address: Kristen Fancher and Joel Feldman  
 Greenberg Traurig, LLP  
 3290 Northside Parkway, Suite 400  
 Atlanta GA , 30327  
 UNITED STATES

Correspondent e-mail: [atltrademark@gtlaw.com](mailto:atltrademark@gtlaw.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
JIMMY BUFFETT'S MARGARITAVILLE	Renewed	<u>75678384</u>	<u>2463238</u>
JIMMY BUFFETT'S MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78771957</u>	<u>3117273</u>
MARGARITAVILLE	Renewed	<u>74021044</u>	<u>1926809</u>

**Prosecution History**

Entry	History Text	Date	Due Date
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Number			
1	FILED AND FEE	Jun 02, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 03, 2010	Jul 13, 2010
3	PENDING, INSTITUTED	Jun 03, 2010	
4	D'S APPEARANCE OF COUNSEL/POWER OF ATTORNEY	Jul 13, 2010	
5	ANSWER	Jul 13, 2010	
6	P REQUEST FOR DISCOVERY CONFERENCE-PHONE	Jul 15, 2010	
7	BOARD'S COMMUNICATION	Aug 06, 2010	
8	ABANDONMENT OF APPLICATION AND WITHDRAWAL OF OPPOSITION	Oct 28, 2010	
9	BD'S DECISION: DISMISSED W/ PREJUDICE	Nov 01, 2010	
10	TERMINATED	Nov 01, 2010	

**Type of Proceeding: Opposition**

Proceeding Number: 91193086

Filing Date: Dec 21, 2009

Status: Terminated

Status Date: Apr 07, 2011

Interlocutory Attorney: ROBERT COGGINS

**Defendant**

Name: Jay M. Diaz, Jr.

Correspondent Address: JAY M DIAZ JR  
33073 E LIGHT DR  
LEWES DE , 19958 4661  
UNITED STATES

Correspondent e-mail: [whatsonthemenu@verizon.net](mailto:whatsonthemenu@verizon.net)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
MOJITOVILLE	Abandoned - After Inter-Partes Decision	<u>77751968</u>	
MOJITOVILLE	Abandoned - After Inter-Partes Decision	<u>77761861</u>	

**Plaintiff(s)**

Name: Margaritaville Enterprises, LLC

Correspondent Address: KRISTEN L FANCHER  
GREENBERG TRAURIG LLP  
3290 NORTHSIDE PKWY NW STE 400  
ATLANTA GA , 30327-2268  
UNITED STATES

Correspondent e-mail: [atltrademark@gtlaw.com](mailto:atltrademark@gtlaw.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
MARGARITAVILLE	Registered	<u>77432027</u>	<u>3501784</u>
JIMMY BUFFETT'S MARGARITAVILLE	Renewed	<u>75678384</u>	<u>2463238</u>
JIMMY BUFFETT'S MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78771957</u>	<u>3117273</u>
MARGARITAVILLE	Renewed	<u>74021044</u>	<u>1926809</u>
MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78764751</u>	<u>3117262</u>
MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78730954</u>	<u>3082894</u>
MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78538669</u>	<u>3002010</u>
MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78221902</u>	<u>2995766</u>
MARGARITAVILLE	Renewed	<u>75651815</u>	<u>2729442</u>
MARGARITAVILLE	Renewed	<u>74015895</u>	<u>1642132</u>
MVILLE	Cancelled - Section 8	<u>77152808</u>	<u>3301620</u>
MARGARITAVILLE	Renewed	<u>74446313</u>	<u>1877860</u>

MARGARITAVILLE

Renewed

75571395

2284131

MARGARITAVILLE

Renewed

74446314

1907542

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 21, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 21, 2009	Jan 30, 2010
3	PENDING, INSTITUTED	Dec 21, 2009	
4	AMENDED NOTICE OF OPPOSITION	Dec 28, 2009	
5	TRIAL DATES RESET	Jan 08, 2010	
6	D'S APPEARANCE OF COUNSEL/POWER OF ATTORNEY	Jan 28, 2010	
7	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Jan 28, 2010	
8	EXTENSION OF TIME GRANTED	Feb 01, 2010	
9	ANSWER	Mar 05, 2010	
10	P REQUEST FOR DISCOVERY CONFERENCE-PHONE	Mar 10, 2010	
11	DISCOVERY CONFERENCE HELD	Mar 22, 2010	
12	D'S REVOCATION OF ATTORNEY	May 27, 2010	
13	REVOCATION NOTED	Jun 14, 2010	
14	D'S REVOCATION & DISCOVERY RESPONSES	Jun 24, 2010	
15	BOARD'S COMMUNICATION	Jul 08, 2010	
16	P'S MOTION FOR SUMMARY JUDGMENT	Dec 01, 2010	
17	P'S MOT TO SUSP PEND DISP OUTSTNDNG MOT	Dec 01, 2010	
18	P'S MSJ (CONFIDENTIAL)	Dec 01, 2010	
19	SUSPENDED PENDING DISP OF OUTSTNDNG MOT	Dec 09, 2010	
20	BOARD'S DECISION: SUSTAINED	Mar 10, 2011	
21	TERMINATED	Mar 10, 2011	
22	DEF'S REQUEST FOR RECONSIDERATION	Apr 08, 2011	
23	P'S OPPOSITION/RESPONSE TO MOTION	Apr 08, 2011	
24	DEF'S REQUEST FOR RECONSIDERATION DENIED	Aug 11, 2011	

Type of Proceeding: Opposition

Proceeding Number: 91192936

Filing Date: Dec 08, 2009

Status: Terminated

Status Date: Jan 15, 2010

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: Euro-Pro Operating LLC

Correspondent Address: LAWRENCE W. GREENE  
COWAN, LIEBOWITZ & LATMAN, P.C.  
1133 AVENUE OF THE AMERICAS  
NEW YORK NY , 10036-6710  
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
FIESTAVILLE	Abandoned - After Inter-Partes Decision	77668526	
	Plaintiff(s)		
	Name: Margaritaville Enterprises, LLC		
	Correspondent Address: David Ehrlich Fross Zelnick 866 UN Plaza New York NY , 10017 UNITED STATES		
	Correspondent e-mail: <a href="mailto:ehrlch-docket@fziz.com">ehrlch-docket@fziz.com</a>		

Associated marks

Mark	Application Status	Serial Number	Registration Number
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MARGARITAVILLE	Acknowledged	<u>78276645</u>	<u>3151524</u>
MARGARITAVILLE	Registered	<u>77432027</u>	<u>3501784</u>
MARGARITAVILLE	Renewed	<u>74021044</u>	<u>1926809</u>
MARGARITAVILLE	Renewed	<u>75571395</u>	<u>2284131</u>
MARGARITAVILLE	Renewed	<u>74446313</u>	<u>1877860</u>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 08, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 09, 2009	Jan 18, 2010
3	PENDING, INSTITUTED	Dec 09, 2009	
4	WITHDRAWAL OF APPLICATION	Jan 12, 2010	
5	BOARD'S DECISION: SUSTAINED	Jan 15, 2010	
6	TERMINATED	Jan 15, 2010	

**Type of Proceeding: Opposition**

Proceeding Number: 91189518

Filing Date: Apr 01, 2009

Status: Terminated

Status Date: Apr 01, 2009

Interlocutory Attorney: ELIZABETH WINTER

**Defendant**

Name: Scharlat, Michael, Malamas, George

Correspondent Address: Anthony F. Lo Cicero  
AMSTER, ROTHSTEIN & EBENSTEIN LLP  
90 PARK AVE  
NEW YORK NY , 10016-1301  
UNITED STATES

Correspondent e-mail: [ptodocket@arelaw.com](mailto:ptodocket@arelaw.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
MARGARITA GRILLE	Abandoned - After Inter-Partes Decision	<u>77405271</u>	

**Plaintiff(s)**

Name: Margaritaville Enterprises, LLC

Correspondent Address: Kristen Fancher and Joel Feldman  
Greenberg Traurig, LLP  
3290 Northside Parkway, Suite 400  
Atlanta GA , 30327  
UNITED STATES

Correspondent e-mail: [atltrademark@gtlaw.com](mailto:atltrademark@gtlaw.com) , [feldmanjoel@gtlaw.com](mailto:feldmanjoel@gtlaw.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>76415369</u>	<u>2896179</u>
MARGARITAVILLE	Renewed	<u>75571395</u>	<u>2284131</u>
MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78764751</u>	<u>3117262</u>
MARGARITAVILLE	Renewed	<u>74015895</u>	<u>1642132</u>
RADIO MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78619165</u>	<u>3188170</u>
MARGARITAVILLE	Renewed	<u>75001464</u>	<u>2082231</u>
MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78276645</u>	<u>3151524</u>
JIMMY BUFFETT'S MARGARITAVILLE	Renewed	<u>75678384</u>	<u>2463238</u>
MARGARITAVILLE	Registered	<u>77432027</u>	<u>3501784</u>
JIMMY BUFFETT'S MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78771957</u>	<u>3117273</u>

MARGARITAVILLE

Renewed

74021044

1926809

MARGARITAVILLE

Cancelled - Section 8

78757198

3320679

**Prosecution History**

<b>Entry Number</b>	<b>History Text</b>	<b>Date</b>	<b>Due Date</b>
1	FILED AND FEE	Apr 01, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 02, 2009	May 12, 2009
3	PENDING, INSTITUTED	Apr 02, 2009	
4	STIPULATION FOR AN EXTENSION OF TIME	May 11, 2009	
5	EXTENSION OF TIME GRANTED	May 11, 2009	
6	STIPULATION FOR AN EXTENSION OF TIME	Jun 11, 2009	
7	EXTENSION OF TIME GRANTED	Jun 11, 2009	
8	STIPULATION FOR AN EXTENSION OF TIME	Jul 13, 2009	
9	EXTENSION OF TIME GRANTED	Jul 13, 2009	
10	STIPULATION FOR AN EXTENSION OF TIME	Aug 07, 2009	
11	EXTENSION OF TIME GRANTED	Aug 07, 2009	
12	STIPULATION FOR AN EXTENSION OF TIME	Aug 27, 2009	
13	EXTENSION OF TIME GRANTED	Aug 27, 2009	
14	STIPULATION FOR AN EXTENSION OF TIME	Oct 07, 2009	
15	EXTENSION OF TIME GRANTED	Oct 07, 2009	
16	WITHDRAWAL OF OPPOSITION	Dec 03, 2009	
17	BD'S DECISION: DISMISSED W/ PREJUDICE	Dec 04, 2009	
18	TERMINATED	Dec 04, 2009	
19	BD'S DECISION: DISMISSED W/ PREJUDICE	Dec 04, 2009	

## **EXHIBIT 2**

Generated on: This page was generated by TSDR on 2014-06-04 12:21:10 EDT

Mark: MARGARITAVILLE GRILLE

MARGARITAVILLE GRILLE

US Serial Number: 85176697

Application Filing Date: Nov. 15, 2010

US Registration Number: 3996811

Registration Date: Jul. 19, 2011

Register: Principal

Mark Type: Service Mark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Jul. 19, 2011

Publication Date: May 03, 2011

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## Mark Information

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Mark Literal Elements: MARGARITAVILLE GRILLE

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "GRILLE"

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## Related Properties Information

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Claimed Ownership of US Registrations: 3117273, 3501784, 3855017 and others

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## Goods and Services

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Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \* identify additional (new) wording in the goods/services.

For: Restaurant services

International Class(es): 043 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 2005

Use in Commerce: Feb. 2005

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## Basis Information (Case Level)

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Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

---

## Current Owner(s) Information

---

Owner Name: Margaritaville Enterprises, LLC

Owner Address: 256 Worth Avenue, Suite Q-R  
Palm Beach, FLORIDA 33480  
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

---

## Attorney/Correspondence Information

---

### Attorney of Record

Attorney Name: Jeffrey M. Smith, Esq. and Kristen L. Fancher,

Docket Number: 101885.02000

Esq.

Attorney Primary Email Address: [atltrademark@gtlaw.com](mailto:atltrademark@gtlaw.com)

Attorney Email No Authorized:

**Correspondent**

**Correspondent Name/Address:** JEFFREY M. SMITH AND KRISTEN L. FANCHER  
GREENBERG TRAURIG, LLP  
3333 Piedmont Road NE, Suite 2500  
ATLANTA, GEORGIA 30305  
UNITED STATES

Phone: 678-553-2100

Fax: 678-553-2212

Correspondent e-mail: [atltrademark@gtlaw.com](mailto:atltrademark@gtlaw.com)

Correspondent e-mail Yes Authorized:

**Domestic Representative - Not Found**

## Prosecution History

Date	Description	Proceeding Number
May 21, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 19, 2011	REGISTERED-PRINCIPAL REGISTER	
May 03, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
May 03, 2011	PUBLISHED FOR OPPOSITION	
Mar. 25, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	73797
Mar. 24, 2011	ASSIGNED TO LIE	73797
Mar. 08, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 23, 2011	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Feb. 23, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Feb. 23, 2011	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Feb. 23, 2011	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jan. 04, 2011	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jan. 04, 2011	NON-FINAL ACTION E-MAILED	6325
Jan. 04, 2011	NON-FINAL ACTION WRITTEN	83184
Dec. 29, 2010	ASSIGNED TO EXAMINER	83184
Nov. 18, 2010	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Nov. 18, 2010	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

**TM Staff Information - None**

**File Location**

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jul. 19, 2011

## **EXHIBIT 3**

Generated on: This page was generated by TSDR on 2014-06-04 12:21:53 EDT

Mark: JIMMY BUFFETT'S MARGARITAVILLE



US Serial Number: 75678384

Application Filing Date: Apr. 08, 1999

US Registration Number: 2463238

Registration Date: Jun. 26, 2001

Register: Principal

Mark Type: Service Mark

Status: The registration has been renewed.

Status Date: Jan. 13, 2011

Publication Date: Dec. 07, 1999

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## Mark Information

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Mark Literal Elements: JIMMY BUFFETT'S MARGARITAVILLE

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Design Search Code(s): 01.05.25 - Sun, other representations of the sun  
03.15.14 - Parrots; Macaws; Toucans  
05.01.03 - Palm trees  
06.03.01 - Coastlines; Beaches; Shores

Name Portrait Consent: The name "JIMMY BUFFETT" refers to a living individual whose consent is of record.

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## Related Properties Information

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Claimed Ownership of US Registrations: 1642132, 1831949 and others

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## Goods and Services

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Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [ ] indicate deleted goods/services;
- Double parenthesis {{...}} identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \* \* identify additional (new) wording in the goods/services.

For: Restaurant, bar and nightclub services

International Class(es): 042 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 04, 1999

Use in Commerce: Feb. 04, 1999

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## Basis Information (Case Level)

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Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

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## Current Owner(s) Information

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Owner Name: Margaritaville Enterprises, LLC

Owner Address: 256 Worth Avenue, Suite Q-R  
Palm Beach, FLORIDA 33480  
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where: DELAWARE

Organized:

## Attorney/Correspondence Information

Attorney of Record - None

Correspondent

**Correspondent Name/Address:** Jeffrey M. Smith, Esq. and Kristen L. Fancher, Esq.  
GREENBERG TRAUERIG, LLP  
3333 Piedmont Road NE, Suite 2500  
ATLANTA, GEORGIA 30305  
UNITED STATES

Phone: 678-553-2100

Fax: 678-553-2212

Correspondent e-mail: [attrademark@gtlaw.com](mailto:attrademark@gtlaw.com)

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
May 21, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 13, 2011	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	70131
Jan. 13, 2011	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jan. 03, 2011	TEAS SECTION 8 & 9 RECEIVED	
Feb. 17, 2007	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	70131
Dec. 18, 2006	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Jan. 17, 2007	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jan. 10, 2007	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Dec. 18, 2006	TEAS SECTION 8 & 15 RECEIVED	
Oct. 16, 2006	CASE FILE IN TICRS	
Jun. 26, 2001	REGISTERED-PRINCIPAL REGISTER	
Jan. 05, 1999	EXTENSION OF TIME TO OPPOSE RECEIVED	
Dec. 07, 1999	PUBLISHED FOR OPPOSITION	
Nov. 05, 1999	NOTICE OF PUBLICATION	
Sep. 15, 1999	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 06, 1999	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jul. 13, 1999	NON-FINAL ACTION MAILED	
Jul. 02, 1999	ASSIGNED TO EXAMINER	76722

## Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Jun. 26, 2011

## TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: Not Found

Date in Location: Jan. 13, 2011

## Assignment Abstract Of Title Information

### Summary

Total Assignments: 3

Registrant: Buffett, Jimmy

Assignment 1 of 3

Conveyance: SECURITY INTEREST

Reel/Frame: 3471/0100

Pages: 70

Date Recorded: Jan. 30, 2007

Supporting Documents: [assignment-tm-3471-0100.pdf](#)

**Assignor**

Name: MARGARITAVILLE ENTERPRISES, LLC

Execution Date: Dec. 20, 2006

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: No Place Where Organized Found  
Organized:

**Assignee**

Name: GUGGENHEIM CORPORATE FUNDING, LLC

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: No Place Where Organized Found  
Organized:

Address: 135 EAST 57TH STREET  
NEW YORK, NEW YORK 10022

**Correspondent**

Correspondent Name: WEIL, GOTSHAL & MANGES C/O JULIO GURDIAN

Correspondent Address: 767 5TH AVENUE  
NEW YORK, NY 10153

**Domestic Representative - Not Found**

**Assignment 2 of 3**

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 3458/0516

Pages: 20

Date Recorded: Jan. 10, 2007

Supporting Documents: [assignment-tm-3458-0516.pdf](#)

**Assignor**

Name: BUFFETT, JIMMY

Execution Date: Jan. 03, 2007

Legal Entity Type: INDIVIDUAL

Citizenship: UNITED STATES

**Assignee**

Name: JB INTELLECTUAL PROPERTY, LLC

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE  
Organized:

Address: 256 WORTH AVENUE, SUITE Q-R  
PALM BEACH, FLORIDA 33480

**Correspondent**

Correspondent Name: KRISTEN L. FANCHER, ESQ.

Correspondent Address: 3290 NORTHSIDE PARKWAY, SUITE 400  
ATLANTA, GA 30327

**Domestic Representative - Not Found**

**Assignment 3 of 3**

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 3460/0384

Pages: 20

Date Recorded: Jan. 12, 2007

Supporting Documents: [assignment-tm-3460-0384.pdf](#)

**Assignor**

Name: JB INTELLECTUAL PROPERTY, LLC

Execution Date: Jan. 03, 2007

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE  
Organized:

**Assignee**

Name: MARGARITAVILLE ENTERPRISES, LLC

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE  
Organized:

Address: 256 WORTH AVENUE, SUITE Q-R  
PALM BEACH, FLORIDA 33480

**Correspondent**

Correspondent Name: KRISTEN L. FANCHER, ESQ.

Correspondent Address: 3290 NORTHSIDE PARKWAY, SUITE 400  
ATLANTA, GA 30327

**Domestic Representative - Not Found**

**Proceedings**

Summary

Number of Proceedings: 6

**Type of Proceeding: Opposition**

Proceeding Number: 91213067

Filing Date: Oct 18, 2013

Status: Pending

Status Date: Oct 18, 2013

Interlocutory Attorney: BENJAMIN U OKEKE

**Defendant**

Name: Simmons Veterinary Clinic, Inc.

Correspondent Address: MICHAEL W VARY  
MCCARTHY LEBIT CRYSTAL & LIFFMAN CO LPA  
101 W PROSPECT AVE , SUITE 1800  
CLEVELAND OH , 44115-1088  
UNITED STATES

Correspondent e-mail: [kmh@mccarthylebit.com](mailto:kmh@mccarthylebit.com) , [mwv@mccarthylebit.com](mailto:mwv@mccarthylebit.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
BARKERITAVILLE	Opposition Pending	<u>85751742</u>	
BARKERITAVILLE	Opposition Pending	<u>85920460</u>	

**Plaintiff(s)**

Name: Margaritaville Enterprises, LLC

Correspondent Address: JOEL R FELDMAN  
GREENBERG TRAUIG LLP  
3333 PIEDMONT ROAD NE, SUITE 2500  
ATLANTA GA , 30305  
UNITED STATES

Correspondent e-mail: [alltrademark@gtlaw.com](mailto:alltrademark@gtlaw.com) , [feldmanjoel@gtlaw.com](mailto:feldmanjoel@gtlaw.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
THE MARGARITAVILLE STORE	Renewed	<u>73591373</u>	<u>1641613</u>
MARGARITAVILLE	Renewed	<u>74015895</u>	<u>1642132</u>
JIMMY BUFFETT'S MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78771962</u>	<u>3120801</u>
MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78537900</u>	<u>3002003</u>
MARGARITAVILLE	Registered	<u>77090784</u>	<u>3900887</u>
MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78221896</u>	<u>3007784</u>
MARGARITAVILLE	Registered	<u>77090783</u>	<u>3900886</u>
MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78538648</u>	<u>3002008</u>
MARGARITAVILLE	Renewed	<u>75651815</u>	<u>2729442</u>
MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78538444</u>	<u>3002005</u>
MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78764751</u>	<u>3117262</u>
MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78538669</u>	<u>3002010</u>
MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78538447</u>	<u>3002006</u>
MARGARITAVILLE	Registered	<u>85254544</u>	<u>4339177</u>
MARGARITAVILLE	Registered	<u>77786963</u>	<u>4175955</u>
MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>76415369</u>	<u>2896179</u>
MARGARITAVILLE	Registered	<u>77326938</u>	<u>4012771</u>
MARGARITAVILLE	Renewed	<u>74021044</u>	<u>1926809</u>
JIMMY BUFFETT'S MARGARITAVILLE	Renewed	<u>75678384</u>	<u>2463238</u>

JIMMY BUFFETT'S MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78771957</u>	<u>3117273</u>
MARGARITAVILLE	Registered	<u>77432027</u>	<u>3501784</u>
MARGARITAVILLE	Registered	<u>77980011</u>	<u>3855017</u>
MARGARITAVILLE	Second Extension - Granted	<u>85654333</u>	
MARGARITAVILLE	Registered	<u>77569980</u>	<u>4135785</u>

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 18, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 18, 2013	Nov 27, 2013
3	PENDING, INSTITUTED	Oct 18, 2013	
4	ANSWER	Nov 15, 2013	
5	P REQ FOR DISCOVERY CONFERENCE-ESTTA	Nov 20, 2013	
6	TRIAL DATES REMAIN AS SET	Jan 10, 2014	
7	MOT TO AMEND ANS OR COUNTERCLAIM/AMENDED ANS OR COUNTERCLAIM	Jan 22, 2014	
8	STIPULATED PROTECTIVE ORDER	Mar 06, 2014	
9	TRIAL DATES REMAIN AS SET	Mar 10, 2014	
10	D MOT FOR EXT W/O CONSENT	May 23, 2014	

**Type of Proceeding: Opposition**

Proceeding Number: 91198819

Filing Date: Mar 02, 2011

Status: Terminated

Status Date: Dec 20, 2011

Interlocutory Attorney: ELIZABETH WINTER

**Defendant**

Name: PadreRitaVille LLC

Correspondent Address: SCOTT T GRIGGS  
GRIGGS BERGEN LLP  
17950 PRESTON RD, STE 1000  
DALLAS TX , 75252  
UNITED STATES

Correspondent e-mail: [scott@griggslaw.com](mailto:scott@griggslaw.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
PADRERITAVILLE	Abandoned - After Inter-Partes Decision	<u>85085918</u>	

**Plaintiff(s)**

Name: Margaritaville Enterprises, LLC

Correspondent Address: KRITEN L FANCHER  
GREENBERG TRAUIG LLP  
3290 NORTHSIDE PKWY, STE 400  
ATLANTA GA , 30327  
UNITED STATES

Correspondent e-mail: [feldmanjoel@gtlaw.com](mailto:feldmanjoel@gtlaw.com) , [fancherk@gtlaw.com](mailto:fancherk@gtlaw.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
JIMMY BUFFETT'S MARGARITAVILLE	Renewed	<u>75678384</u>	<u>2463238</u>
JIMMY BUFFETT'S MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78771957</u>	<u>3117273</u>
MARGARITAVILLE	Renewed	<u>74021044</u>	<u>1926809</u>
MARGARITAVILLE	Registered	<u>77432027</u>	<u>3501784</u>

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 02, 2011	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 02, 2011	Apr 11, 2011

3	PENDING, INSTITUTED	Mar 02, 2011
4	D'S APPEARANCE OF COUNSEL/POWER OF ATTORNEY	Apr 07, 2011
5	ANSWER	Apr 07, 2011
6	P REQUEST FOR DISCOVERY CONFERENCE-ESTTA	Apr 12, 2011
7	DISCOVERY CONFERENCE ORDER - TRIAL DATES REMAIN AS SET	May 09, 2011
8	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Jun 08, 2011
9	SUSPENDED	Jun 08, 2011
10	STIPULATION FOR AN EXTENSION OF TIME	Aug 11, 2011
11	EXTENSION OF TIME GRANTED	Aug 11, 2011
12	D'S MTN FOR PROTECTIVE ORDER	Dec 19, 2011
13	P'S OPPOSITION/RESPONSE TO MOTION	Dec 19, 2011
14	WITHDRAWAL OF APPLICATION	Dec 19, 2011
15	BOARD'S DECISION: SUSTAINED	Dec 20, 2011
16	TERMINATED	Dec 20, 2011

**Type of Proceeding: Opposition**

Proceeding Number: 91195142

Filing Date: Jun 02, 2010

Status: Terminated

Status Date: Nov 01, 2010

Interlocutory Attorney: GEORGE POLOGEORGIS

**Defendant**

Name: Grandma's, Inc.

Correspondent Address: JOHN R. GASELE  
 FRYBERGER, BUCHANA, SMITH & FREDERICK, PA  
 302 WEST SUPERIOR STREET, SUITE 700  
 DULUTH MN , 55802  
 UNITED STATES

Correspondent e-mail: [mmarkusen@fryberger.com](mailto:mmarkusen@fryberger.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
FAJITAVILLE	Abandoned - After Inter-Partes Decision	<u>77820325</u>	

**Plaintiff(s)**

Name: Margaritaville Enterprises, LLC

Correspondent Address: Kristen Fancher and Joel Feldman  
 Greenberg Traurig, LLP  
 3290 Northside Parkway, Suite 400  
 Atlanta GA , 30327  
 UNITED STATES

Correspondent e-mail: [alltrademark@gtlaw.com](mailto:alltrademark@gtlaw.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
JIMMY BUFFETT'S MARGARITAVILLE	Renewed	<u>75678384</u>	<u>2463238</u>
JIMMY BUFFETT'S MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78771957</u>	<u>3117273</u>
MARGARITAVILLE	Renewed	<u>74021044</u>	<u>1926809</u>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jun 02, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 03, 2010	Jul 13, 2010
3	PENDING, INSTITUTED	Jun 03, 2010	
4	D'S APPEARANCE OF COUNSEL/POWER OF ATTORNEY	Jul 13, 2010	
5	ANSWER	Jul 13, 2010	
6	P REQUEST FOR DISCOVERY CONFERENCE-PHONE	Jul 15, 2010	
7	BOARD'S COMMUNICATION	Aug 06, 2010	
8	ABANDONMENT OF APPLICATION AND WITHDRAWAL OF	Oct 28, 2010	

OPPOSITION  
 9 BD'S DECISION: DISMISSED W/ PREJUDICE Nov 01, 2010  
 10 TERMINATED Nov 01, 2010

**Type of Proceeding: Opposition**

**Proceeding Number:** 91193086 **Filing Date:** Dec 21, 2009  
**Status:** Terminated **Status Date:** Apr 07, 2011  
**Interlocutory Attorney:** ROBERT COGGINS

**Defendant**

**Name:** Jay M. Diaz, Jr.  
**Correspondent Address:** JAY M DIAZ JR  
 33073 E LIGHT DR  
 LEWES DE , 19958 4661  
 UNITED STATES  
**Correspondent e-mail:** [whatsonthemenu@verizon.net](mailto:whatsonthemenu@verizon.net)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
MOJITOVILLE	Abandoned - After Inter-Partes Decision	<u>77751968</u>	
MOJITOVILLE	Abandoned - After Inter-Partes Decision	<u>77761861</u>	

**Plaintiff(s)**

**Name:** Margaritaville Enterprises, LLC  
**Correspondent Address:** KRISTEN L FANCHER  
 GREENBERG TRAUIG LLP  
 3290 NORTHSIDE PKWY NW STE 400  
 ATLANTA GA , 30327-2268  
 UNITED STATES  
**Correspondent e-mail:** [atltrademark@glaw.com](mailto:atltrademark@glaw.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
MARGARITAVILLE	Registered	<u>77432027</u>	<u>3501784</u>
JIMMY BUFFETT'S MARGARITAVILLE	Renewed	<u>75678384</u>	<u>2463238</u>
JIMMY BUFFETT'S MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78771957</u>	<u>3117273</u>
MARGARITAVILLE	Renewed	<u>74021044</u>	<u>1926809</u>
MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78764751</u>	<u>3117262</u>
MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78730954</u>	<u>3082894</u>
MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78538669</u>	<u>3002010</u>
MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78221902</u>	<u>2995766</u>
MARGARITAVILLE	Renewed	<u>75651815</u>	<u>2729442</u>
MARGARITAVILLE	Renewed	<u>74015895</u>	<u>1642132</u>
MVILLE	Cancelled - Section 8	<u>77152808</u>	<u>3301620</u>
MARGARITAVILLE	Renewed	<u>74446313</u>	<u>1877860</u>
MARGARITAVILLE	Renewed	<u>75571395</u>	<u>2284131</u>
MARGARITAVILLE	Renewed	<u>74446314</u>	<u>1907542</u>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 21, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 21, 2009	Jan 30, 2010
3	PENDING, INSTITUTED	Dec 21, 2009	
4	AMENDED NOTICE OF OPPOSITION	Dec 28, 2009	

5	TRIAL DATES RESET	Jan 08, 2010
6	D'S APPEARANCE OF COUNSEL/POWER OF ATTORNEY	Jan 28, 2010
7	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Jan 28, 2010
8	EXTENSION OF TIME GRANTED	Feb 01, 2010
9	ANSWER	Mar 05, 2010
10	P REQUEST FOR DISCOVERY CONFERENCE-PHONE	Mar 10, 2010
11	DISCOVERY CONFERENCE HELD	Mar 22, 2010
12	D'S REVOCATION OF ATTORNEY	May 27, 2010
13	REVOCATION NOTED	Jun 14, 2010
14	D'S REVOCATION & DISCOVERY RESPONSES	Jun 24, 2010
15	BOARD'S COMMUNICATION	Jul 08, 2010
16	P'S MOTION FOR SUMMARY JUDGMENT	Dec 01, 2010
17	P'S MOT TO SUSP PEND DISP OUTSTNDNG MOT	Dec 01, 2010
18	P'S MSJ (CONFIDENTIAL)	Dec 01, 2010
19	SUSPENDED PENDING DISP OF OUTSTNDNG MOT	Dec 09, 2010
20	BOARD'S DECISION: SUSTAINED	Mar 10, 2011
21	TERMINATED	Mar 10, 2011
22	DEF'S REQUEST FOR RECONSIDERATION	Apr 08, 2011
23	P'S OPPOSITION/RESPONSE TO MOTION	Apr 08, 2011
24	DEF'S REQUEST FOR RECONSIDERATION DENIED	Aug 11, 2011

**Type of Proceeding: Opposition**

**Proceeding Number:** 91189518

**Filing Date:** Apr 01, 2009

**Status:** Terminated

**Status Date:** Apr 01, 2009

**Interlocutory Attorney:** ELIZABETH WINTER

**Defendant**

**Name:** Scharlat, Michael, Malamas, George

**Correspondent Address:** Anthony F. Lo Cicero  
AMSTER, ROTHSTEIN & EBENSTEIN LLP  
90 PARK AVE  
NEW YORK NY , 10016-1301  
UNITED STATES

**Correspondent e-mail:** [plodocket@arelaw.com](mailto:plodocket@arelaw.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
MARGARITA GRILLE	Abandoned - After Inter-Partes Decision	77405271	

**Plaintiff(s)**

**Name:** Margaritaville Enterprises, LLC

**Correspondent Address:** Kristen Fancher and Joel Feldman  
Greenberg Traurig, LLP  
3290 Northside Parkway, Suite 400  
Atlanta GA , 30327  
UNITED STATES

**Correspondent e-mail:** [at@trademark@gtlaw.com](mailto:at@trademark@gtlaw.com) , [feldmanjoel@gtlaw.com](mailto:feldmanjoel@gtlaw.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	76415369	2896179
MARGARITAVILLE	Renewed	75571395	2284131
MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	78764751	3117262
MARGARITAVILLE	Renewed	74015895	1642132
RADIO MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	78619165	3188170
MARGARITAVILLE	Renewed	75001464	2082231



Mark	Application Status	Serial Number	Registration Number
JIMMY BUFFETT'S MARGARITAVILLE	Renewed	<u>75678384</u>	<u>2463238</u>
JIMMY BUFFETT'S MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78764975</u>	<u>3192551</u>
JIMMY BUFFETT'S MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78764926</u>	<u>3117269</u>
JIMMY BUFFETT'S MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78764965</u>	<u>3117272</u>
JIMMY BUFFETT'S MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78764946</u>	<u>3192548</u>
JIMMY BUFFETT'S MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78764939</u>	<u>3117270</u>
JIMMY BUFFETT'S MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78764919</u>	<u>3117268</u>
JIMMY BUFFETT'S MARGARITAVILLE	Cancelled - Section 8	<u>78764911</u>	<u>3117267</u>
JIMMY BUFFETT'S MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78764898</u>	<u>3192546</u>

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 08, 2007	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 08, 2007	Sep 17, 2007
3	PENDING, INSTITUTED	Aug 08, 2007	
4	NOTICE OF DEFAULT	Oct 19, 2007	
5	BOARD'S DECISION: SUSTAINED	Dec 20, 2007	
6	TERMINATED	Dec 20, 2007	

## **EXHIBIT 4**

Generated on: This page was generated by TSDR on 2014-06-04 12:22:47 EDT

Mark: JIMMY BUFFETT'S MARGARITAVILLE

JIMMY BUFFETT'S  
MARGARITAVILLE

US Serial Number: 78771957      Application Filing Date: Dec. 13, 2005  
US Registration Number: 3117273      Registration Date: Jul. 18, 2006  
Filed as TEAS Plus: Yes      Currently TEAS Plus: Yes  
Register: Principal  
Mark Type: Service Mark  
Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.  
Status Date: Jun. 28, 2012  
Publication Date: Apr. 25, 2006

## Mark Information

Mark Literal Elements: JIMMY BUFFETT'S MARGARITAVILLE  
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.  
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

## Related Properties Information

Claimed Ownership of US Registrations: 1530199, 2201541, 2463238 and others

## Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [..] indicate deleted goods/services;
- Double parenthesis {(..)} identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*,\* identify additional (new) wording in the goods/services.

For: Restaurant and bar services

International Class(es): 043 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 1987

Use in Commerce: Dec. 1987

## Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

## Current Owner(s) Information

Owner Name: MARGARITAVILLE ENTERPRISES, LLC  
Owner Address: SUITE Q-R  
256 WORTH AVENUE  
PALM BEACH, FLORIDA 33480  
UNITED STATES  
Legal Entity Type: LIMITED LIABILITY COMPANY      State or Country Where Organized: DELAWARE

## Attorney/Correspondence Information

Attorney of Record

**Attorney Name:** Jeffrey M. Smith, Esq. and Kristen L.Fancher, Esq.

**Docket Number:** 101885.02000

**Attorney Primary Email Address:** [alltrademark@gtlaw.com](mailto:alltrademark@gtlaw.com)

**Attorney Email Authorized:** Yes

**Correspondent**

**Correspondent Name/Address:** Jeffrey M. Smith, Esq. and Kristen L.Fancher, Esq.  
GREENBERG TRAURIG, LLP  
3333 Piedmont Road NE, Suite 2500  
Atlanta, Georgia 30305  
United States

**Phone:** 678-553-2100

**Fax:** 678-553-2212

**Correspondent e-mail:** [alltrademark@gtlaw.com](mailto:alltrademark@gtlaw.com)

**Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found**

## Prosecution History

Date	Description	Proceeding Number
Jun. 28, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Jun. 28, 2012	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	75461
Jun. 28, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	75461
Jun. 21, 2012	TEAS SECTION 8 & 15 RECEIVED	
May 21, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 28, 2011	SEC 7 REQUEST FILED	75184
Feb. 08, 2011	CERTIFICATE OF CORRECTION ISSUED	75184
Jan. 29, 2011	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	75184
Jan. 28, 2011	TEAS SECTION 7 REQUEST RECEIVED	
Jan. 17, 2007	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jan. 10, 2007	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jul. 18, 2006	REGISTERED-PRINCIPAL REGISTER	
Apr. 25, 2006	PUBLISHED FOR OPPOSITION	
Apr. 05, 2006	NOTICE OF PUBLICATION	
Mar. 06, 2006	LAW OFFICE PUBLICATION REVIEW COMPLETED	76568
Jan. 23, 2006	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 04, 2006	EXAMINER'S AMENDMENT ENTERED	76568
Jan. 04, 2006	ASSIGNED TO LIE	76568
Jan. 03, 2006	EXAMINERS AMENDMENT E-MAILED	6328
Jan. 03, 2006	EXAMINERS AMENDMENT -WRITTEN	80804
Dec. 28, 2005	ASSIGNED TO EXAMINER	80804
Dec. 19, 2005	NEW APPLICATION ENTERED IN TRAM	

## Maintenance Filings or Post Registration Information

**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

**Change in Registration:** Yes

**Correction made to Registration:** In the statement, line 7, "First Use 2-1-1985 and in Commerce 2-1-1985", should be deleted and "First Use December 00, 1987 In Commerce December 00, 1987", should be inserted.

## TM Staff and Location Information

**TM Staff Information - None**

**File Location**

**Current Location:** TMEG LAW OFFICE 106

**Date in Location:** Jun. 28, 2012

## Assignment Abstract Of Title Information

**Summary**

Total Assignments: 3

Registrant: Buffett, Jimmy

**Assignment 1 of 3**

Conveyance: SECURITY INTEREST

Reel/Frame: 3471/0100

Pages: 70

Date Recorded: Jan. 30, 2007

Supporting Documents: assignment-tm-3471-0100.pdf**Assignor**Name: MARGARITAVILLE ENTERPRISES, LLC

Execution Date: Dec. 20, 2006

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: No Place Where Organized Found

**Assignee**Name: GUGGENHEIM CORPORATE FUNDING, LLC

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: No Place Where Organized Found

Address: 135 EAST 57TH STREET  
NEW YORK, NEW YORK 10022**Correspondent**

Correspondent Name: WEIL, GOTSHAL &amp; MANGES C/O JULIO GURDIAN

Correspondent Address: 767 5TH AVENUE  
NEW YORK, NY 10153**Domestic Representative - Not Found****Assignment 2 of 3**

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 3458/0516

Pages: 20

Date Recorded: Jan. 10, 2007

Supporting Documents: assignment-tm-3458-0516.pdf**Assignor**Name: BUFFETT, JIMMY

Execution Date: Jan. 03, 2007

Legal Entity Type: INDIVIDUAL

Citizenship: UNITED STATES

**Assignee**Name: JB INTELLECTUAL PROPERTY, LLC

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Address: 256 WORTH AVENUE, SUITE Q-R  
PALM BEACH, FLORIDA 33480**Correspondent**

Correspondent Name: KRISTEN L. FANCHER, ESQ.

Correspondent Address: 3290 NORTHSIDE PARKWAY, SUITE 400  
ATLANTA, GA 30327**Domestic Representative - Not Found****Assignment 3 of 3**

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 3460/0384

Pages: 20

Date Recorded: Jan. 12, 2007

Supporting Documents: assignment-tm-3460-0384.pdf**Assignor**Name: JB INTELLECTUAL PROPERTY, LLC

Execution Date: Jan. 03, 2007

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

**Assignee**Name: MARGARITAVILLE ENTERPRISES, LLC

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Address: 256 WORTH AVENUE, SUITE Q-R  
PALM BEACH, FLORIDA 33480**Correspondent**

Correspondent Name: KRISTEN L. FANCHER, ESQ.

Correspondent Address: 3290 NORTHSIDE PARKWAY, SUITE 400

## Proceedings

### Summary

Number of Proceedings: 5

### Type of Proceeding: Opposition

Proceeding Number: 91213067

Filing Date: Oct 18, 2013

Status: Pending

Status Date: Oct 18, 2013

Interlocutory Attorney: BENJAMIN U OKEKE

### Defendant

Name: Simmons Veterinary Clinic, Inc.

Correspondent Address: MICHAEL W VARY  
MCCARTHY LEBIT CRYSTAL & LIFFMAN CO LPA  
101 W PROSPECT AVE , SUITE 1800  
CLEVELAND OH , 44115-1088  
UNITED STATES

Correspondent e-mail: [kmh@mccarthylebit.com](mailto:kmh@mccarthylebit.com) , [mwv@mccarthylebit.com](mailto:mwv@mccarthylebit.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
BARKERITAVILLE	Opposition Pending	<u>85751742</u>	
BARKERITAVILLE	Opposition Pending	<u>85920460</u>	

### Plaintiff(s)

Name: Margaritaville Enterprises, LLC

Correspondent Address: JOEL R FELDMAN  
GREENBERG TRAUIG LLP  
3333 PIEDMONT ROAD NE, SUITE 2500  
ATLANTA GA , 30305  
UNITED STATES

Correspondent e-mail: [alltrademark@gtlaw.com](mailto:alltrademark@gtlaw.com) , [feldmanjoel@gtlaw.com](mailto:feldmanjoel@gtlaw.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
THE MARGARITAVILLE STORE	Renewed	<u>73591373</u>	<u>1641613</u>
MARGARITAVILLE	Renewed	<u>74015895</u>	<u>1642132</u>
JIMMY BUFFETT'S MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78771962</u>	<u>3120801</u>
MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78537900</u>	<u>3002003</u>
MARGARITAVILLE	Registered	<u>77090784</u>	<u>3900887</u>
MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78221896</u>	<u>3007784</u>
MARGARITAVILLE	Registered	<u>77090783</u>	<u>3900886</u>
MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78538648</u>	<u>3002008</u>
MARGARITAVILLE	Renewed	<u>75651815</u>	<u>2729442</u>
MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78538444</u>	<u>3002005</u>
MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78764751</u>	<u>3117262</u>
MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78538669</u>	<u>3002010</u>
MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78538447</u>	<u>3002006</u>
MARGARITAVILLE	Registered	<u>85254544</u>	<u>4339177</u>
MARGARITAVILLE	Registered	<u>77786963</u>	<u>4175955</u>

MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>76415369</u>	<u>2896179</u>
MARGARITAVILLE	Registered	<u>77326938</u>	<u>4012771</u>
MARGARITAVILLE	Renewed	<u>74021044</u>	<u>1926809</u>
JIMMY BUFFETT'S MARGARITAVILLE	Renewed	<u>75678384</u>	<u>2463238</u>
JIMMY BUFFETT'S MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78771957</u>	<u>3117273</u>
MARGARITAVILLE	Registered	<u>77432027</u>	<u>3501784</u>
MARGARITAVILLE	Registered	<u>77980011</u>	<u>3855017</u>
MARGARITAVILLE	Second Extension - Granted	<u>85654333</u>	
MARGARITAVILLE	Registered	<u>77569980</u>	<u>4135785</u>

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 18, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 18, 2013	Nov 27, 2013
3	PENDING, INSTITUTED	Oct 18, 2013	
4	ANSWER	Nov 15, 2013	
5	P REQ FOR DISCOVERY CONFERENCE-ESTTA	Nov 20, 2013	
6	TRIAL DATES REMAIN AS SET	Jan 10, 2014	
7	MOT TO AMEND ANS OR COUNTERCLAIM/AMENDED ANS OR COUNTERCLAIM	Jan 22, 2014	
8	STIPULATED PROTECTIVE ORDER	Mar 06, 2014	
9	TRIAL DATES REMAIN AS SET	Mar 10, 2014	
10	D MOT FOR EXT W/O CONSENT	May 23, 2014	

**Type of Proceeding: Opposition**

Proceeding Number: 91198819

Filing Date: Mar 02, 2011

Status: Terminated

Status Date: Dec 20, 2011

Interlocutory Attorney: ELIZABETH WINTER

**Defendant**

Name: PadreRitaVille LLC

Correspondent Address: SCOTT T GRIGGS  
GRIGGS BERGEN LLP  
17950 PRESTON RD, STE 1000  
DALLAS TX, 75252  
UNITED STATES

Correspondent e-mail: [scott@griggslaw.com](mailto:scott@griggslaw.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
PADRERITAVILLE	Abandoned - After Inter-Partes Decision	<u>85085918</u>	

**Plaintiff(s)**

Name: Margaritaville Enterprises, LLC

Correspondent Address: KRITEN L FANCHER  
GREENBERG TRAUIG LLP  
3290 NORTHSIDE PKWY, STE 400  
ATLANTA GA, 30327  
UNITED STATES

Correspondent e-mail: [feldmanjoel@gtlaw.com](mailto:feldmanjoel@gtlaw.com), [fancherk@gtlaw.com](mailto:fancherk@gtlaw.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
JIMMY BUFFETT'S MARGARITAVILLE	Renewed	<u>75678384</u>	<u>2463238</u>
JIMMY BUFFETT'S MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78771957</u>	<u>3117273</u>
MARGARITAVILLE	Renewed	<u>74021044</u>	<u>1926809</u>
MARGARITAVILLE	Registered	<u>77432027</u>	<u>3501784</u>

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 02, 2011	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 02, 2011	Apr 11, 2011
3	PENDING, INSTITUTED	Mar 02, 2011	
4	D'S APPEARANCE OF COUNSEL/POWER OF ATTORNEY	Apr 07, 2011	
5	ANSWER	Apr 07, 2011	
6	P REQUEST FOR DISCOVERY CONFERENCE-ESTTA	Apr 12, 2011	
7	DISCOVERY CONFERENCE ORDER - TRIAL DATES REMAIN AS SET	May 09, 2011	
8	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Jun 08, 2011	
9	SUSPENDED	Jun 08, 2011	
10	STIPULATION FOR AN EXTENSION OF TIME	Aug 11, 2011	
11	EXTENSION OF TIME GRANTED	Aug 11, 2011	
12	D'S MTN FOR PROTECTIVE ORDER	Dec 19, 2011	
13	P'S OPPOSITION/RESPONSE TO MOTION	Dec 19, 2011	
14	WITHDRAWAL OF APPLICATION	Dec 19, 2011	
15	BOARD'S DECISION: SUSTAINED	Dec 20, 2011	
16	TERMINATED	Dec 20, 2011	

**Type of Proceeding: Opposition**

Proceeding Number: 91195142

Filing Date: Jun 02, 2010

Status: Terminated

Status Date: Nov 01, 2010

Interlocutory Attorney: GEORGE POLOGEORGIS

**Defendant**

Name: Grandma's, Inc.

Correspondent Address: JOHN R. GASELE  
FRYBERGER, BUCHANA, SMITH & FREDERICK, PA  
302 WEST SUPERIOR STREET, SUITE 700  
DULUTH MN , 55802  
UNITED STATES

Correspondent e-mail: [mmarkusen@fryberger.com](mailto:mmarkusen@fryberger.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
FAJITAVILLE	Abandoned - After Inter-Partes Decision	<u>77820325</u>	

**Plaintiff(s)**

Name: Margaritaville Enterprises, LLC

Correspondent Address: Kristen Fancher and Joel Feldman  
Greenberg Traurig, LLP  
3290 Northside Parkway, Suite 400  
Atlanta GA , 30327  
UNITED STATES

Correspondent e-mail: [atltrademark@gtlaw.com](mailto:atltrademark@gtlaw.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
JIMMY BUFFETT'S MARGARITAVILLE	Renewed	<u>75678384</u>	<u>2463238</u>
JIMMY BUFFETT'S MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78771957</u>	<u>3117273</u>
MARGARITAVILLE	Renewed	<u>74021044</u>	<u>1926809</u>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jun 02, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 03, 2010	Jul 13, 2010
3	PENDING, INSTITUTED	Jun 03, 2010	

4	D'S APPEARANCE OF COUNSEL/POWER OF ATTORNEY	Jul 13, 2010
5	ANSWER	Jul 13, 2010
6	P REQUEST FOR DISCOVERY CONFERENCE-PHONE	Jul 15, 2010
7	BOARD'S COMMUNICATION	Aug 06, 2010
8	ABANDONMENT OF APPLICATION AND WITHDRAWAL OF OPPOSITION	Oct 28, 2010
9	BD'S DECISION: DISMISSED W/ PREJUDICE	Nov 01, 2010
10	TERMINATED	Nov 01, 2010

**Type of Proceeding: Opposition**

Proceeding Number: 91193086

Filing Date: Dec 21, 2009

Status: Terminated

Status Date: Apr 07, 2011

Interlocutory Attorney: ROBERT COGGINS

**Defendant**

Name: Jay M. Diaz, Jr.

Correspondent Address: JAY M DIAZ JR  
33073 E LIGHT DR  
LEWES DE , 19958 4661  
UNITED STATES

Correspondent e-mail: [whatsonthefmenu@verizon.net](mailto:whatsonthefmenu@verizon.net)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
MOJITOVILLE	Abandoned - After Inter-Partes Decision	<u>77751968</u>	
MOJITOVILLE	Abandoned - After Inter-Partes Decision	<u>77761861</u>	

**Plaintiff(s)**

Name: Margaritaville Enterprises, LLC

Correspondent Address: KRISTEN L FANCHER  
GREENBERG TRAUERIG LLP  
3290 NORTHSIDE PKWY NW STE 400  
ATLANTA GA , 30327-2288  
UNITED STATES

Correspondent e-mail: [atitrademark@gtlaw.com](mailto:atitrademark@gtlaw.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
MARGARITAVILLE	Registered	<u>77432027</u>	<u>3501784</u>
JIMMY BUFFETT'S MARGARITAVILLE	Renewed	<u>75678384</u>	<u>2463238</u>
JIMMY BUFFETT'S MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78771957</u>	<u>3117273</u>
MARGARITAVILLE	Renewed	<u>74021044</u>	<u>1926809</u>
MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78764751</u>	<u>3117262</u>
MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78730954</u>	<u>3082894</u>
MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78538669</u>	<u>3002010</u>
MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78221902</u>	<u>2995766</u>
MARGARITAVILLE	Renewed	<u>75651815</u>	<u>2729442</u>
MARGARITAVILLE	Renewed	<u>74015895</u>	<u>1642132</u>
MVILLE	Cancelled - Section 8	<u>77152808</u>	<u>3301620</u>
MARGARITAVILLE	Renewed	<u>74446313</u>	<u>1877860</u>
MARGARITAVILLE	Renewed	<u>75571395</u>	<u>2284131</u>
MARGARITAVILLE	Renewed	<u>74446314</u>	<u>1907542</u>

**Prosecution History**

Entry Number	History Text	Date	Due Date
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1	FILED AND FEE	Dec 21, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 21, 2009	Jan 30, 2010
3	PENDING, INSTITUTED	Dec 21, 2009	
4	AMENDED NOTICE OF OPPOSITION	Dec 28, 2009	
5	TRIAL DATES RESET	Jan 08, 2010	
6	D'S APPEARANCE OF COUNSEL/POWER OF ATTORNEY	Jan 28, 2010	
7	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Jan 28, 2010	
8	EXTENSION OF TIME GRANTED	Feb 01, 2010	
9	ANSWER	Mar 05, 2010	
10	P REQUEST FOR DISCOVERY CONFERENCE-PHONE	Mar 10, 2010	
11	DISCOVERY CONFERENCE HELD	Mar 22, 2010	
12	D'S REVOCATION OF ATTORNEY	May 27, 2010	
13	REVOCATION NOTED	Jun 14, 2010	
14	D'S REVOCATION & DISCOVERY RESPONSES	Jun 24, 2010	
15	BOARD'S COMMUNICATION	Jul 08, 2010	
16	P'S MOTION FOR SUMMARY JUDGMENT	Dec 01, 2010	
17	P'S MOT TO SUSP PEND DISP OUTSTNDNG MOT	Dec 01, 2010	
18	P'S MSJ (CONFIDENTIAL)	Dec 01, 2010	
19	SUSPENDED PENDING DISP OF OUTSTNDNG MOT	Dec 09, 2010	
20	BOARD'S DECISION: SUSTAINED	Mar 10, 2011	
21	TERMINATED	Mar 10, 2011	
22	DEF'S REQUEST FOR RECONSIDERATION	Apr 08, 2011	
23	P'S OPPOSITION/RESPONSE TO MOTION	Apr 08, 2011	
24	DEF'S REQUEST FOR RECONSIDERATION DENIED	Aug 11, 2011	

**Type of Proceeding: Opposition**

Proceeding Number: 91189518

Filing Date: Apr 01, 2009

Status: Terminated

Status Date: Apr 01, 2009

Interlocutory Attorney: ELIZABETH WINTER

**Defendant**

Name: Scharlat, Michael, Malamas, George

Correspondent Address: Anthony F. Lo Cicero  
AMSTER, ROTHSTEIN & EBENSTEIN LLP  
90 PARK AVE  
NEW YORK NY , 10016-1301  
UNITED STATES

Correspondent e-mail: [ptodocket@arelaw.com](mailto:ptodocket@arelaw.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
MARGARITA GRILLE	Abandoned - After Inter-Partes Decision	<u>77405271</u>	

**Plaintiff(s)**

Name: Margaritaville Enterprises, LLC

Correspondent Address: Kristen Fancher and Joel Feldman  
Greenberg Traurig, LLP  
3290 Northside Parkway, Suite 400  
Atlanta GA , 30327  
UNITED STATES

Correspondent e-mail: [atltrademark@gtlaw.com](mailto:atltrademark@gtlaw.com) , [feldmanjoel@gtlaw.com](mailto:feldmanjoel@gtlaw.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>76415369</u>	<u>2896179</u>
MARGARITAVILLE	Renewed	<u>75571395</u>	<u>2284131</u>
MARGARITAVILLE	Section 8 and 15 - Accepted and	<u>78764751</u>	<u>3117262</u>

MARGARITAVILLE	Acknowledged		
MARGARITAVILLE	Renewed	<u>74015895</u>	<u>1642132</u>
RADIO MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78619165</u>	<u>3188170</u>
MARGARITAVILLE	Renewed	<u>75001464</u>	<u>2082231</u>
MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78276645</u>	<u>3151524</u>
JIMMY BUFFETT'S MARGARITAVILLE	Renewed	<u>75678384</u>	<u>2463238</u>
MARGARITAVILLE	Registered	<u>77432027</u>	<u>3501784</u>
JIMMY BUFFETT'S MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78771957</u>	<u>3117273</u>
MARGARITAVILLE	Renewed	<u>74021044</u>	<u>1926809</u>
MARGARITAVILLE	Cancelled - Section 8	<u>78757198</u>	<u>3320679</u>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 01, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 02, 2009	May 12, 2009
3	PENDING, INSTITUTED	Apr 02, 2009	
4	STIPULATION FOR AN EXTENSION OF TIME	May 11, 2009	
5	EXTENSION OF TIME GRANTED	May 11, 2009	
6	STIPULATION FOR AN EXTENSION OF TIME	Jun 11, 2009	
7	EXTENSION OF TIME GRANTED	Jun 11, 2009	
8	STIPULATION FOR AN EXTENSION OF TIME	Jul 13, 2009	
9	EXTENSION OF TIME GRANTED	Jul 13, 2009	
10	STIPULATION FOR AN EXTENSION OF TIME	Aug 07, 2009	
11	EXTENSION OF TIME GRANTED	Aug 07, 2009	
12	STIPULATION FOR AN EXTENSION OF TIME	Aug 27, 2009	
13	EXTENSION OF TIME GRANTED	Aug 27, 2009	
14	STIPULATION FOR AN EXTENSION OF TIME	Oct 07, 2009	
15	EXTENSION OF TIME GRANTED	Oct 07, 2009	
16	WITHDRAWAL OF OPPOSITION	Dec 03, 2009	
17	BD'S DECISION: DISMISSED W/ PREJUDICE	Dec 04, 2009	
18	TERMINATED	Dec 04, 2009	
19	BD'S DECISION: DISMISSED W/ PREJUDICE	Dec 04, 2009	

## **EXHIBIT 5**

Generated on: This page was generated by TSDR on 2014-06-04 12:23:23 EDT

Mark: MARGARITAVILLE

MARGARITAVILLE

US Serial Number: 77432027

Application Filing Date: Mar. 26, 2008

US Registration Number: 3501784

Registration Date: Sep. 16, 2008

Register: Principal

Mark Type: Service Mark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Sep. 16, 2008

Publication Date: Jul. 01, 2008

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## Mark Information

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Mark Literal Elements: MARGARITAVILLE

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

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## Related Properties Information

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Claimed Ownership of US Registrations: 2082231, 2463238, 3117273 and others

---

## Goods and Services

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Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [.] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*.\* identify additional (new) wording in the goods/services.

For: Bar services

International Class(es): 043 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Nov. 1987

Use in Commerce: Nov. 1987

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## Basis Information (Case Level)

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Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

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## Current Owner(s) Information

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Owner Name: Margaritaville Enterprises, LLC

Owner Address: 256 Worth Avenue, Suite Q-R  
Palm Beach, FLORIDA 33480  
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

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## Attorney/Correspondence Information

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### Attorney of Record

Attorney Name: Jeffrey M. Smith, Esq., Kristen L. Fancher, Esq.,  
Joel R. Feldman, Esq.

Docket Number: 101885.02000

Attorney Primary Email [atltrademark@gtlaw.com](mailto:atltrademark@gtlaw.com)  
Address:

Attorney Email Yes  
Authorized:

**Correspondent**

**Correspondent Name/Address:** Jeffrey M. Smith, Esq., Kristen L. Fancher, Esq.,  
GREENBERG TRAUERIG, LLP  
3333 Piedmont Road NE, Suite 2500  
ATLANTA, GEORGIA 30305  
UNITED STATES

Phone: 678-553-2100

Fax: 678-553-2212

Correspondent e-mail: [atltrademark@gtlaw.com](mailto:atltrademark@gtlaw.com)

Correspondent e-mail Yes  
Authorized:

**Domestic Representative - Not Found**

## Prosecution History

Date	Description	Proceeding Number
Apr. 23, 2014	POST REGISTRATION ACTION MAILED - SEC. 8 & 15	68502
Apr. 22, 2014	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68502
Apr. 08, 2014	TEAS SECTION 8 & 15 RECEIVED	
May 21, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Sep. 16, 2008	REGISTERED-PRINCIPAL REGISTER	
Jul. 01, 2008	PUBLISHED FOR OPPOSITION	
Jun. 18, 2008	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jun. 11, 2008	NOTICE OF PUBLICATION	
May 28, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	77075
May 28, 2008	ASSIGNED TO LIE	77075
May 28, 2008	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 27, 2008	ASSIGNED TO EXAMINER	74309
Mar. 31, 2008	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

**TM Staff Information - None**

**File Location**

Current Location: TMO LAW OFFICE 110

Date in Location: Apr. 23, 2014

## Assignment Abstract Of Title Information

### Summary

Total Assignments: 1

Registrant: Margaritaville Enterprises, LLC

### Assignment 1 of 1

Conveyance: TRADEMARK SECURITY AGREEMENT

Reel/Frame: [3794/0429](#)

Pages: 29

Date Recorded: Jun. 12, 2008

Supporting Documents: [assignment-tm-3794-0429.pdf](#)

### Assignor

Name: [MARGARITAVILLE ENTERPRISES, LLC](#)

Execution Date: May 28, 2008

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: No Place Where Organized Found

### Assignee

Name: [GUGGENHEIM CORPORATE FUNDING, LLC](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: No Place Where Organized Found

Address: 135 EAST 57TH STREET  
NEW YORK, NEW YORK 10022

### Correspondent

Correspondent Name: JESSICA RYAN C/O WEIL, GOTSHAL & MANGES

Correspondent Address: 767 FIFTH AVENUE  
NEW YORK, NY 10153

## Proceedings

### Summary

Number of Proceedings: 5

### Type of Proceeding: Opposition

Proceeding Number: 91213067

Filing Date: Oct 18, 2013

Status: Pending

Status Date: Oct 18, 2013

Interlocutory Attorney: BENJAMIN U OKEKE

### Defendant

Name: Simmons Veterinary Clinic, Inc.

Correspondent Address: MICHAEL W VARY  
MCCARTHY LEBIT CRYSTAL & LIFFMAN CO LPA  
101 W PROSPECT AVE , SUITE 1800  
CLEVELAND OH , 44115-1088  
UNITED STATES

Correspondent e-mail: [kmh@mccarthylebit.com](mailto:kmh@mccarthylebit.com) , [mwv@mccarthylebit.com](mailto:mwv@mccarthylebit.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
BARKERITAVILLE	Opposition Pending	<u>85751742</u>	
BARKERITAVILLE	Opposition Pending	<u>85920460</u>	

### Plaintiff(s)

Name: Margaritaville Enterprises, LLC

Correspondent Address: JOEL R FELDMAN  
GREENBERG TRAUIG LLP  
3333 PIEDMONT ROAD NE, SUITE 2500  
ATLANTA GA , 30305  
UNITED STATES

Correspondent e-mail: [atitrademark@gtlaw.com](mailto:atitrademark@gtlaw.com) , [feldmanjoel@gtlaw.com](mailto:feldmanjoel@gtlaw.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
THE MARGARITAVILLE STORE	Renewed	<u>73591373</u>	<u>1641613</u>
MARGARITAVILLE	Renewed	<u>74015895</u>	<u>1642132</u>
JIMMY BUFFETT'S MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78771962</u>	<u>3120801</u>
MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78537900</u>	<u>3002003</u>
MARGARITAVILLE	Registered	<u>77090784</u>	<u>3900887</u>
MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78221896</u>	<u>3007784</u>
MARGARITAVILLE	Registered	<u>77090783</u>	<u>3900886</u>
MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78538648</u>	<u>3002008</u>
MARGARITAVILLE	Renewed	<u>75651815</u>	<u>2729442</u>
MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78538444</u>	<u>3002005</u>
MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78764751</u>	<u>3117262</u>
MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78538669</u>	<u>3002010</u>
MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78538447</u>	<u>3002006</u>
MARGARITAVILLE	Registered	<u>85254544</u>	<u>4339177</u>
MARGARITAVILLE	Registered	<u>77786963</u>	<u>4175955</u>
MARGARITAVILLE	Section 8 and 15 - Accepted and	<u>76415369</u>	<u>2896179</u>

	Acknowledged		
MARGARITAVILLE	Registered	<u>77326938</u>	<u>4012771</u>
MARGARITAVILLE	Renewed	<u>74021044</u>	<u>1926809</u>
JIMMY BUFFETT'S MARGARITAVILLE	Renewed	<u>75678384</u>	<u>2463238</u>
JIMMY BUFFETT'S MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78771957</u>	<u>3117273</u>
MARGARITAVILLE	Registered	<u>77432027</u>	<u>3501784</u>
MARGARITAVILLE	Registered	<u>77980011</u>	<u>3855017</u>
MARGARITAVILLE	Second Extension - Granted	<u>85654333</u>	
MARGARITAVILLE	Registered	<u>77569980</u>	<u>4135785</u>

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 18, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 18, 2013	Nov 27, 2013
3	PENDING, INSTITUTED	Oct 18, 2013	
4	ANSWER	Nov 15, 2013	
5	P REQ FOR DISCOVERY CONFERENCE-ESTTA	Nov 20, 2013	
6	TRIAL DATES REMAIN AS SET	Jan 10, 2014	
7	MOT TO AMEND ANS OR COUNTERCLAIM/AMENDED ANS OR COUNTERCLAIM	Jan 22, 2014	
8	STIPULATED PROTECTIVE ORDER	Mar 06, 2014	
9	TRIAL DATES REMAIN AS SET	Mar 10, 2014	
10	D MOT FOR EXT W/O CONSENT	May 23, 2014	

**Type of Proceeding: Opposition**

Proceeding Number: 91198819

Filing Date: Mar 02, 2011

Status: Terminated

Status Date: Dec 20, 2011

Interlocutory Attorney: ELIZABETH WINTER

**Defendant**

Name: PadreRitaVille LLC

Correspondent Address: SCOTT T GRIGGS  
GRIGGS BERGEN LLP  
17950 PRESTON RD, STE 1000  
DALLAS TX , 75252  
UNITED STATES

Correspondent e-mail: [scott@griggslaw.com](mailto:scott@griggslaw.com)

Associated marks			
Mark	Application Status	Serial Number	Registration Number
PADRERITAVILLE	Abandoned - After Inter-Partes Decision	<u>85085918</u>	

**Plaintiff(s)**

Name: Margaritaville Enterprises, LLC

Correspondent Address: KRITEN L FANCHER  
GREENBERG TRAUERIG LLP  
3290 NORTHSIDE PKWY, STE 400  
ATLANTA GA , 30327  
UNITED STATES

Correspondent e-mail: [feldmanjoel@gtlaw.com](mailto:feldmanjoel@gtlaw.com) , [fancherk@gtlaw.com](mailto:fancherk@gtlaw.com)

Associated marks			
Mark	Application Status	Serial Number	Registration Number
JIMMY BUFFETT'S MARGARITAVILLE	Renewed	<u>75678384</u>	<u>2463238</u>
JIMMY BUFFETT'S MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78771957</u>	<u>3117273</u>
MARGARITAVILLE	Renewed	<u>74021044</u>	<u>1926809</u>
MARGARITAVILLE	Registered	<u>77432027</u>	<u>3501784</u>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 02, 2011	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 02, 2011	Apr 11, 2011
3	PENDING, INSTITUTED	Mar 02, 2011	
4	D'S APPEARANCE OF COUNSEL/POWER OF ATTORNEY	Apr 07, 2011	
5	ANSWER	Apr 07, 2011	
6	P REQUEST FOR DISCOVERY CONFERENCE-ESTTA	Apr 12, 2011	
7	DISCOVERY CONFERENCE ORDER - TRIAL DATES REMAIN AS SET	May 09, 2011	
8	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Jun 08, 2011	
9	SUSPENDED	Jun 08, 2011	
10	STIPULATION FOR AN EXTENSION OF TIME	Aug 11, 2011	
11	EXTENSION OF TIME GRANTED	Aug 11, 2011	
12	D'S MTN FOR PROTECTIVE ORDER	Dec 19, 2011	
13	P'S OPPOSITION/RESPONSE TO MOTION	Dec 19, 2011	
14	WITHDRAWAL OF APPLICATION	Dec 19, 2011	
15	BOARD'S DECISION: SUSTAINED	Dec 20, 2011	
16	TERMINATED	Dec 20, 2011	

**Type of Proceeding: Opposition**

Proceeding Number: 91193086

Filing Date: Dec 21, 2009

Status: Terminated

Status Date: Apr 07, 2011

Interlocutory Attorney: ROBERT COGGINS

**Defendant**

Name: Jay M. Diaz, Jr.

Correspondent Address: JAY M DIAZ JR  
33073 E LIGHT DR  
LEWES DE , 19958 4661  
UNITED STATES

Correspondent e-mail: [whatsonthefmenu@verizon.net](mailto:whatsonthefmenu@verizon.net)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
MOJITOVILLE	Abandoned - After Inter-Partes Decision	<u>77751968</u>	
MOJITOVILLE	Abandoned - After Inter-Partes Decision	<u>77761861</u>	

**Plaintiff(s)**

Name: Margaritaville Enterprises, LLC

Correspondent Address: KRISTEN L FANCHER  
GREENBERG TRAUERIG LLP  
3290 NORTHSIDE PKWY NW STE 400  
ATLANTA GA , 30327-2268  
UNITED STATES

Correspondent e-mail: [alltrademark@qtlaw.com](mailto:alltrademark@qtlaw.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
MARGARITAVILLE	Registered	<u>77432027</u>	<u>3501784</u>
JIMMY BUFFETT'S MARGARITAVILLE	Renewed	<u>75678384</u>	<u>2463238</u>
JIMMY BUFFETT'S MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78771957</u>	<u>3117273</u>
MARGARITAVILLE	Renewed	<u>74021044</u>	<u>1926809</u>
MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78764751</u>	<u>3117262</u>
MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78730954</u>	<u>3082894</u>
MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78538669</u>	<u>3002010</u>

MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78221902</u>	<u>2995766</u>
MARGARITAVILLE	Renewed	<u>75651815</u>	<u>2729442</u>
MARGARITAVILLE	Renewed	<u>74015895</u>	<u>1642132</u>
MVILLE	Cancelled - Section 8	<u>77152808</u>	<u>3301620</u>
MARGARITAVILLE	Renewed	<u>74446313</u>	<u>1877860</u>
MARGARITAVILLE	Renewed	<u>75571395</u>	<u>2284131</u>
MARGARITAVILLE	Renewed	<u>74446314</u>	<u>1907542</u>

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 21, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 21, 2009	Jan 30, 2010
3	PENDING, INSTITUTED	Dec 21, 2009	
4	AMENDED NOTICE OF OPPOSITION	Dec 28, 2009	
5	TRIAL DATES RESET	Jan 08, 2010	
6	D'S APPEARANCE OF COUNSEL/POWER OF ATTORNEY	Jan 28, 2010	
7	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Jan 28, 2010	
8	EXTENSION OF TIME GRANTED	Feb 01, 2010	
9	ANSWER	Mar 05, 2010	
10	P REQUEST FOR DISCOVERY CONFERENCE-PHONE	Mar 10, 2010	
11	DISCOVERY CONFERENCE HELD	Mar 22, 2010	
12	D'S REVOCATION OF ATTORNEY	May 27, 2010	
13	REVOCATION NOTED	Jun 14, 2010	
14	D'S REVOCATION & DISCOVERY RESPONSES	Jun 24, 2010	
15	BOARD'S COMMUNICATION	Jul 08, 2010	
16	P'S MOTION FOR SUMMARY JUDGMENT	Dec 01, 2010	
17	P'S MOT TO SUSP PEND DISP OUTSTNDNG MOT	Dec 01, 2010	
18	P'S MSJ (CONFIDENTIAL)	Dec 01, 2010	
19	SUSPENDED PENDING DISP OF OUTSTNDNG MOT	Dec 09, 2010	
20	BOARD'S DECISION: SUSTAINED	Mar 10, 2011	
21	TERMINATED	Mar 10, 2011	
22	DEF'S REQUEST FOR RECONSIDERATION	Apr 08, 2011	
23	P'S OPPOSITION/RESPONSE TO MOTION	Apr 08, 2011	
24	DEF'S REQUEST FOR RECONSIDERATION DENIED	Aug 11, 2011	

**Type of Proceeding: Opposition**

Proceeding Number: 91192936

Filing Date: Dec 08, 2009

Status: Terminated

Status Date: Jan 15, 2010

Interlocutory Attorney: MARY CATHERINE FAINT

**Defendant**

Name: Euro-Pro Operating LLC

Correspondent Address: LAWRENCE W. GREENE  
COWAN, LIEBOWITZ & LATMAN, P.C.  
1133 AVENUE OF THE AMERICAS  
NEW YORK NY , 10036-6710  
UNITED STATES

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
FIESTAVILLE	Abandoned - After Inter-Partes Decision	<u>77668526</u>	

**Plaintiff(s)**

Name: Margaritaville Enterprises, LLC

Correspondent Address: David Ehrlich

Fross Zelnick  
866 UN Plaza  
New York NY , 10017  
UNITED STATES

Correspondent e-mail: [ehrich-docket@fzlj.com](mailto:ehrich-docket@fzlj.com)

Associated marks			
Mark	Application Status	Serial Number	Registration Number
MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78276645</u>	<u>3151524</u>
MARGARITAVILLE	Registered	<u>77432027</u>	<u>3501784</u>
MARGARITAVILLE	Renewed	<u>74021044</u>	<u>1926809</u>
MARGARITAVILLE	Renewed	<u>75571395</u>	<u>2284131</u>
MARGARITAVILLE	Renewed	<u>74446313</u>	<u>1877860</u>

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 08, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 09, 2009	Jan 18, 2010
3	PENDING, INSTITUTED	Dec 09, 2009	
4	WITHDRAWAL OF APPLICATION	Jan 12, 2010	
5	BOARD'S DECISION: SUSTAINED	Jan 15, 2010	
6	TERMINATED	Jan 15, 2010	

**Type of Proceeding: Opposition**

Proceeding Number: 91189518

Filing Date: Apr 01, 2009

Status: Terminated

Status Date: Apr 01, 2009

Interlocutory Attorney: ELIZABETH WINTER

**Defendant**

Name: Scharlat, Michael, Malamas, George

Correspondent Address: Anthony F. Lo Cicero  
AMSTER, ROTHSTEIN & EBENSTEIN LLP  
90 PARK AVE  
NEW YORK NY , 10016-1301  
UNITED STATES

Correspondent e-mail: [ptodocket@arelaw.com](mailto:ptodocket@arelaw.com)

Associated marks			
Mark	Application Status	Serial Number	Registration Number
MARGARITA GRILLE	Abandoned - After Inter-Partes Decision	<u>77405271</u>	

**Plaintiff(s)**

Name: Margaritaville Enterprises, LLC

Correspondent Address: Kristen Fancher and Joel Feldman  
Greenberg Traurig, LLP  
3290 Northside Parkway, Suite 400  
Atlanta GA , 30327  
UNITED STATES

Correspondent e-mail: [alltrademark@gtlaw.com](mailto:alltrademark@gtlaw.com) , [feldmanjoel@gtlaw.com](mailto:feldmanjoel@gtlaw.com)

Associated marks			
Mark	Application Status	Serial Number	Registration Number
MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>76415369</u>	<u>2896179</u>
MARGARITAVILLE	Renewed	<u>75571395</u>	<u>2284131</u>
MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78764751</u>	<u>3117262</u>
MARGARITAVILLE	Renewed	<u>74015895</u>	<u>1642132</u>
RADIO MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78619165</u>	<u>3188170</u>
MARGARITAVILLE	Renewed	<u>75001464</u>	<u>2082231</u>

MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78276645</u>	<u>3151524</u>
JIMMY BUFFETT'S MARGARITAVILLE	Renewed	<u>75678384</u>	<u>2463238</u>
MARGARITAVILLE	Registered	<u>77432027</u>	<u>3501784</u>
JIMMY BUFFETT'S MARGARITAVILLE	Section 8 and 15 - Accepted and Acknowledged	<u>78771957</u>	<u>3117273</u>
MARGARITAVILLE	Renewed	<u>74021044</u>	<u>1926809</u>
MARGARITAVILLE	Cancelled - Section 8	<u>78757198</u>	<u>3320679</u>

**Prosecution History**

<b>Entry Number</b>	<b>History Text</b>	<b>Date</b>	<b>Due Date</b>
1	FILED AND FEE	Apr 01, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 02, 2009	May 12, 2009
3	PENDING, INSTITUTED	Apr 02, 2009	
4	STIPULATION FOR AN EXTENSION OF TIME	May 11, 2009	
5	EXTENSION OF TIME GRANTED	May 11, 2009	
6	STIPULATION FOR AN EXTENSION OF TIME	Jun 11, 2009	
7	EXTENSION OF TIME GRANTED	Jun 11, 2009	
8	STIPULATION FOR AN EXTENSION OF TIME	Jul 13, 2009	
9	EXTENSION OF TIME GRANTED	Jul 13, 2009	
10	STIPULATION FOR AN EXTENSION OF TIME	Aug 07, 2009	
11	EXTENSION OF TIME GRANTED	Aug 07, 2009	
12	STIPULATION FOR AN EXTENSION OF TIME	Aug 27, 2009	
13	EXTENSION OF TIME GRANTED	Aug 27, 2009	
14	STIPULATION FOR AN EXTENSION OF TIME	Oct 07, 2009	
15	EXTENSION OF TIME GRANTED	Oct 07, 2009	
16	WITHDRAWAL OF OPPOSITION	Dec 03, 2009	
17	BD'S DECISION: DISMISSED W/ PREJUDICE	Dec 04, 2009	
18	TERMINATED	Dec 04, 2009	
19	BD'S DECISION: DISMISSED W/ PREJUDICE	Dec 04, 2009	