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

Proceeding	91217625
Party	Plaintiff Big Front Door, LLC dba big front door
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Attachments	Opposer's Motion for Summary Judgment (Opp. No. 91217625).pdf(175630 bytes ) AMS Declaration in Support of Opposer's Motion for Summary Judgment (Opp. No. 91217625).pdf(3181668 bytes ) S. Riley Declaration in Support of Opposer's Motion for Summary Judgment (w_ Exhibits A-C).pdf(5971762 bytes ) S. Riley Declaration (Exhibits D - K).pdf(4075932 bytes ) S. Riley Declaration (Exhibit L).pdf(4664876 bytes ) S. Riley Declaration (Exhibit M).pdf(5463602 bytes ) S. Riley Declaration (Exhibit N).pdf(3208755 bytes ) Proof of Service Re - Opposer's MSJ (Opp. No. 91217625).pdf(50226 bytes )

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

Big Front Door, LLC,	)	
	)	
Opposer,	)	
	)	Opposition No. 91217625
v.	)	Ser. No. 86224809
	)	
Elliot H. Cohen,	)	
	)	
Applicant.	)	

**MOTION FOR SUMMARY JUDGMENT**

In accordance with Rule 56 of the Federal Rules of Civil Procedure, 37 C.F.R. § 2.127(d) and T.B.M.P § 528, Opposer Big Front Door, LLC (hereinafter “Opposer”) respectfully moves the Trademark Trial and Appeal Board (hereinafter the “Board”) for entry of summary judgment against Applicant, Elliot H. Cohen (hereinafter “Applicant”), on the basis that Applicant’s application Ser. No. 86224809 for BFD creates a likelihood of confusion with Opposer’s prior use of BFD and BFD BIG FRONT DOOR pursuant to Trademark Act Section 2(d), 15 U.S.C. § 1052(d).

**I. Introduction**

Opposer has opposed application Serial No. 86224809 for the mark BFD covering “restaurants” in International Class 43 based on a likelihood of confusion (15 U.S.C. § 1052(d)) and false suggestion (15 U.S.C. § 1052(a)).

## **II. Undisputed Factual Background**

The relevant facts are fully set forth in the accompanying Declaration of Andrew M. Smith, Esq. and Declaration of Stephen Riley, and the exhibits attached thereto. For the Board's convenience, the undisputed salient facts will be summarized here.

### **A. Opposer's Use of and Applications for BFD and BFD BIG FRONT DOOR**

Opposer first adopted the marks BFD BIG FRONT DOOR and BFD (collectively "Opposer's BFD Marks") in late 2011 and commenced using the mark in commerce in conjunction with restaurant services in June 2012. *See* Declaration of Stephen Riley in Support of Opposer's Motion for Summary Judgment (hereinafter "Riley Decl.") at ¶¶ 2, 4-14. Opposer's restaurant, located in San Diego, California, specializes in made-to-order sandwiches, soups, salads and related offerings made from fresh ingredients and inspired by California and worldwide cuisine. Riley Decl., ¶ 3. Opposer's BFD Marks have, at all relevant times, been displayed on restaurant signage, sandwich packaging, cold case products, and materials peripheral to restaurant services such as menus and take-out bags, among others. Riley Decl., ¶¶ 5, 9. Since June 2012, Opposer's restaurant services featuring Opposer's BFD Marks have been continuously rendered to paying consumers in California and to those traveling to San Diego, a major tourist destination, from out-of-state. Riley Decl., ¶ 14, 16.

As a consequence of the foregoing, Opposer's BFD Marks and restaurant services have earned valuable brand recognition and goodwill among consumers and enjoy a widespread following and favorable consumer reviews on social media, including Facebook<sup>®</sup>, Twitter<sup>®</sup>, and Yelp<sup>®</sup>, among others. Riley Decl., ¶ 16. Opposer's sandwiches have received numerous awards and are routinely featured in media publications distributed in San Diego and online periodicals

available to out-of-state consumers. Riley Decl., ¶ 17. Opposer's restaurant has been in continuous operation since June 2012 and, thus Opposer's BFD Marks have not been abandoned at any point prior to this proceeding. Documents in support of Opposer's continuous use of Opposer's BFD Marks are set forth Riley Decl., ¶¶ 6-14.

On March 18, 2014, Opposer filed application Ser. No. 86224960 with the United States Patent and Trademark Office ("US PTO") for the standard character mark BFD BIG FRONT DOOR for services in International Class 43, namely "catering services; restaurant services; take-out restaurant services." *See* Declaration of Andrew M. Smith in Support of Opposer's Motion for Summary Judgment (hereinafter "Smith Decl.") at ¶ 2. On March 19, 2014, Opposer filed application Ser. No. 86225653 with the US PTO for the standard character mark BFD for services in International Class 43, namely, "catering services; restaurant services; take-out restaurant services." Smith Decl., ¶ 3. Opposer's application Ser. Nos. 86224960 and 86225653 were filed under Section 1(a) of the Trademark Act based upon Opposer's actual use of Opposer's BFD Marks in commerce for restaurant services since at least as early as December 15, 2011. Copies of the US PTO Trademark Status and Document Retrieval System (TSDR) database records for Opposer's applications, Ser. Nos. 86224960 and 86225653, are attached to the Declaration of Andrew M. Smith. Smith Decl., ¶¶ 2-3, Exhibits A-B.

**B. Applicant's Mark**

On March 18, 2014, Applicant filed application Serial No. 86224809 with the US PTO seeking to register the standard character mark BFD for "restaurants" in International Class 43. Smith Decl., ¶ 10-11; Amended Notice of Opposition and Answer, TTABVUE Dkt. ## 7-8 at ¶ 4. Applicant filed application Serial No. 86224809 under Section 1(b) of the Trademark Act, 15

U.S.C. § 1051(b), based on Applicant's intention to use BFD for services relating to "restaurants." Smith Decl., ¶ 10-11; Amended Notice of Opposition and Answer, TTABVUE Dkt. ## 7-8 at ¶ 5. Applicant had not used BFD in commerce for restaurant services as of March 18, 2014, the filing date for application Ser. No. 86224809, and had not commenced use of the mark as of November 7, 2014. Smith Decl., ¶ 10-11; Amended Notice of Opposition and Answer, TTABVUE Dkt. ## 7-8 at ¶¶ 6-7.

**C. This Opposition Proceeding**

Opposer filed this opposition proceeding on July 30, 2014 and the Board instituted the proceeding as 91217625 and issued its governing scheduling order on the same day. Smith Decl., ¶ 5. Opposer's Notice of Opposition against application Ser. No. 86224809 was based on the grounds that Applicant's BFD mark is likely to: (1) cause confusion in violation of Trademark Act Section 2(d), 15 U.S.C. § 1052(d) and (2) falsely suggest a connection with Opposer BFD Marks in violation of Trademark Act Section 2(a), 15 U.S.C. § 1052(a). Smith Decl., ¶ 6. On September 5, 2014, Applicant through his counsel, Daniel Latter, filed an Answer to the Notice of Opposition. Smith Decl., ¶ 7.

On September 22, 2014, Opposer filed a request that the Board participate in the initial discovery conference. Smith Decl., ¶ 8. On October 7, 2014, Opposer and Applicant participated in a discovery conference before Elizabeth J. Winter, the interlocutory attorney assigned to the proceeding. Smith Decl., ¶ 9. In its October 7, 2014 Order, the Board struck Opposer's claim for false association under Section 2(a) and granted Opposer leave until October 22, 2014 to file an Amended Notice of Opposition. The Board further observed that, based on Applicant's Answer, priority remained the only issue under Opposer's Section 2(d) likelihood of

confusion claim as Applicant admitted that he had not used the BFD mark prior to the March 18, 2014 filing date for trademark application Ser. No. 86224809 and admitted his BFD mark was confusingly similar to Opposer's BFD BIG FRONT DOOR (Ser. No. 86224960) and BFD (Ser. No. 86225653) marks. Smith Decl., ¶ 9.

On October 14, 2014, Opposer filed an Amended Notice of Opposition on the grounds that Applicant's BFD mark is likely to: (1) cause confusion in violation of Trademark Act Section 2(d), 15 U.S.C. § 1052(d) and (2) falsely suggest a connection with Opposer BFD Marks in violation of Trademark Act Section 2(a), 15 U.S.C. § 1052(a). Smith Decl., ¶ 10. On November 7, 2014, Applicant filed an Answer and Affirmative Defenses to Opposer's Amended Notice of Opposition. Smith Decl., ¶ 11.

Under the Board's July 30, 2014 scheduling order, discovery in the opposition proceeding opened on October 8, 2014 and closed on April 6, 2015. Smith Decl., ¶ 12. On November 7, 2014, Opposer served its first set of written discovery requests on Applicant, including, interrogatories, requests for admission and requests for production of documents. Smith Decl., ¶ 13. On December 19, 2014, Applicant served its responses to Opposer's first set of discovery requests and produced documents responsive to the categories of requested information. Smith Decl., ¶ 14.

### **III. Summary Judgment Standard**

Summary judgment should be granted if the evidence shows "that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(c). Once the moving party has shown that no genuine issue of fact exists, the burden shifts to the non-moving party to demonstrate the existence of a factual issue. *Matsushita*

*Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 587 (1986). The non-moving party may not rest on the mere allegations or denials of the pleadings, but must instead set forth specific facts showing that there is a genuine issue for trial. Fed. R. Civ. P. 56(e). Disputed facts that do not resolve or affect the outcome of the litigation will not preclude the entry of summary judgment. *See Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986) (explaining that “the mere existence of some alleged factual dispute between the parties will not defeat an otherwise properly supported motion for summary judgment; the requirement is that there be no genuine issue of material fact”). “Where the record taken as a whole could not lead a rational trier of fact to find for the non-moving party, there is no ‘genuine issue for trial,’” and the moving party must prevail as a matter of law. *Anderson*, 477 U.S. at 587 (internal citations omitted).

In the case at hand, a finding of summary judgment in favor of the Opposer is appropriate because there is no genuine dispute as to any material facts that could be uncovered through trial as to the issues this motion raises, namely, that Opposer first used the BFD BIG FRONT DOOR and BFD marks in commerce in conjunction with restaurant services before March 18, 2014, the filing date for application Ser. No. 86224809, and that Opposer’s use of Opposer’s BFD Marks has been continuous and not abandoned. As a consequence, Opposer has priority of use and, therefore, is entitled to finding of summary judgment under Trademark Act 2(d), 15 U.S.C. § 1052(d).

#### **IV. Summary Judgment Finding a Likelihood of Confusion Should be Granted in Opposer’s Favor**

To establish a likelihood of confusion on a motion for summary judgment, Opposer must establish that there is no genuine dispute of material fact that (1) it has standing to Oppose Applicant’s BFD mark; (2) it has priority of use; and (3) Applicant’s use of Applicant’s BFD

mark is likely to cause confusion among consumers as to the sponsorship, affiliation or connection of goods offered under the parties' respective marks. *See Lipton Indus., Inc. v. Ralston Purina Co.*, 213 USPQ 185, 187 (CCPA 1982); *Hornblower & Weeks, Inc. v. Hornblower & Weeks, Inc.*, 60 USPQ2d 1773, 1735 (TTAB 2001). As discussed below, based on the undisputed evidence in the record and Applicant's own admissions, there can be no genuine dispute that Opposer has established each of these elements.

### **1. Opposer's Standing Not in Dispute**

The Lanham Act provides that "any person who believes that he would be damaged by the registration of a mark upon the principal register" may file an notice of opposition. 15 U.S.C. § 1063(a). This threshold standing requirement is satisfied when Opposer possesses a real interest in the proceeding and a reasonable belief of damage may be found. TBMP § 309.03(b); *See Cunningham v. Laser Golf Corp.*, 222 F.3d 943, 55 USPQ2d 1842, 1844 (Fed. Cir. 2000); *Lipton Indus.*, 213 USPQ at 189.

On June 22, 2014, US PTO notified Opposer that it had suspended its examination of application Ser. Nos. 86224960 and 86225653 for Opposer's BFD Marks in light of Applicant's prior-filed application Ser. No. 86224809. Smith Decl., ¶ 4; TTABVUE Dkt. ## 7 at ¶ 8. Opposer is and continues to be damaged by Applicant's application Ser. No. 86224809 and, as a consequence, Opposer has standing to file this opposition and bring the present motion. *See Cf. Giersch v. Scripps Networks*, 90 USPQ2d 1020, 1022 (TTAB 2009); *Weatherford/Lamb, Inc. v. C&J Energy Services, Inc.*, 96 USPQ2d 1834, 1837 (TTAB 2010) (standing established where office action suspending plaintiff's pending application pending possible refusal based on alleged likelihood of confusion with defendant's registration made of record). Applicant does

not contest Opposer's standing and, as such, there is no dispute that Opposer has standing in this matter. Amended Notice of Opposition and Answer, TTABVUE Dkt. ## 7-8 at ¶ 8.

## **2. No Dispute that Opposer has Priority**

There is no genuine dispute that Opposer used the BFD and BFD BIG FRONT DOOR marks in conjunction with restaurant services before Applicant filed application Ser. No. 86224809 and, thus Opposer has priority of use for purposes of the present motion. Riley Decl., ¶¶ 8-9.

As a preliminary matter, Applicant filed application Ser. No. 86224809 on March 18, 2014 under Section 1(b) of the Trademark Act based upon Applicant's intention to use BFD for services relating to "restaurants" in International Class 43. Amended Notice of Opposition and Answer TTABVUE Dkt, ## 7-8 at ¶¶ 4-5. Applicant admits that the BFD mark was not used in commerce for restaurant services prior to March 18, 2014, the filing date of application Ser. No. 86224809, and that Applicant has not commenced use as of December 19, 2014. Amended Notice of Opposition and Answer, TTABVUE Dkt. ## 7-8 at ¶¶ 6-7; Smith Decl., ¶ 14, Exhibit D at Interrogatory Response Nos. 6-9, 22-23; Smith Decl., ¶ 14, Exhibit E at Admission Response Nos. 1-2. As a consequence, Applicant's March 18, 2014 filing date is the earliest constructive or actual use date that he can establish for purposes of priority. *Larami Corp. v. Talk to Me Programs, Inc.*, 36 USPQ2d 1840, 1844 (TTAB 1995); *Otto Roth & Co. v. Universal Foods Corp.*, 209 USPQ 40, 43 (CCPA 1981) (if applicant has not established use of its mark in connection with the goods prior to the filing date of its application, the earliest date upon which applicant may rely for priority purposes is its constructive use date).

In the present case, there is no dispute that Opposer began using Opposer's BFD Marks

in conjunction with restaurant services before March 18, 2014. As set forth fully in the accompanying Declaration of Stephen Riley, Opposer first commenced use of Opposer's BFD Marks as early as December 2011 and has exclusively used Opposer's BFD Marks in conjunction with its restaurant services since June 2012. Riley Decl., ¶¶ 2, 4-14. Opposer's BFD Marks have been prominently used and displayed on restaurant signage, sandwich packaging, cold case products, and materials peripheral to restaurant services. Riley Decl., ¶¶ 5, 9. Opposer's restaurant services featuring Opposer's BFD Marks have been rendered to a variety of consumers, both residing in California and out-of-state, thereby earning it valuable brand recognition and goodwill among consumers. Riley Decl., ¶¶ 14, 16. *See Larry Harmon Pictures Corp. v. Williams Rest. Corp.*, 18 USPQ2d 1292 (Fed. Cir. 1991) (mark used to identify services rendered at a single-location restaurant serving interstate travelers constitutes "use in commerce"). Opposer's restaurant has been in continuous operation since June 2012 and, thus Opposer's BFD Marks have not been abandoned at any point prior March 18, 2014, the filing date for application Ser. No. 86224809. Riley Decl., ¶¶ 8-9, 11-15.

In similar cases, the Board has consistently found that continuous use of a mark, even those limited to intrastate commerce, is sufficient to establish priority of use so as to preclude the registration of a junior mark under Section 2(d). *Corporate Document Serv., Inc. v. I.C.E.D. Mgmt., Inc.*, 48 USPQ2d 1477, 1479 (TTAB 1998) ("whether or not this prior use is strictly intrastate in nature is inconsequential. While interstate use is a prerequisite to federal registration...rights in the mark itself are not dependent upon interstate use. It is well established that rights in and to a trademark are created by use of the mark in either intrastate or interstate commerce."); *Maids to Order of Ohio, Inc. v. Maid-to-Order, Inc.*, 78 USPQ2d 1899, 1909

(TTAB 2006) (intrastate use of a MAID TO ORDER service mark commencing in 1971 found to be sufficient for purposes of establishing priority over junior user's first use in 1987); *L. & J.G. Stickley, Inc. v. Cossar*, 81 USPQ2d 1956, 1965 (TTAB 2007) (use in intrastate commerce may be asserted by plaintiff); *Green Spot (Thailand) Ltd. v. Vitasoy Int'l Holdings Ltd.*, 86 USPQ2d 1283, 1284 (TTAB 2008) (opposer's use, while not large, was sufficient to constitute more than token use for purposes of priority); *Blast Blow Dry Bar, LLC v. Blown Away, LLC dba Blast Blow Dry Bar*, Opposition No. 91204769 (TTAB 2014) (opposer's intrastate use of mark in conjunction with hairstyling services two days before applicant's filing date sufficient to establish priority under Section 2(d)).

Thus, there simply is no question that Opposer's has priority of use for purposes of the present motion. Opposer commenced use of the BFD and BFD BIG FRONT DOOR marks over two years before March 18, 2014, the filing date for application Ser. No. 86224809, and Opposer's use thereof in conjunction with restaurant services has been continuous and not abandoned. *Miller Brewing Co. v. Anheuser-Busch, Inc.*, 27 USPQ2d 1711, 1714 (TTAB 1993) (opposer, to prevail on a Section 2(d) challenge, must prove that it had a proprietary interest in the contested mark and that that interest was obtained prior to the filing date of the applicant's intent-to-use application).

In sum, there is no genuine issue of material fact that Opposer has established priority of use for purposes of succeeding on its likelihood of confusion claim under Section 2(d).

### **3. No Genuine Dispute that Applicant's Mark is Likely to Cause Confusion with Opposer's BFD Marks**

In determining whether a likelihood of confusion exists, the Board may consider a number of factors, including: (1) the similarity of the marks in their entireties as to appearance,

sound, connotation, and commercial impression; (2) the similarity and nature of services described in a registration; (3) the similarities between the parties' trade channels and target consumers, among others. *In re E.I. DuPont Nemours & Co.*, 476 F.2d 1357 (CCPA 1973). Although the Board may assign varying weight to each *DuPont* factor depending on the facts of the case, two key considerations under a Section 2(d) likelihood of confusion analysis always include the similarity between the marks and the similarity between the respective goods and/or services designated under each mark. *Hewlett-Packard Co. v. Packard Press, Inc.*, 281 F.3d 1261, 1265, 62 USPQ2d 1001, 1003 (Fed. Cir. 2003); *In re SL&E Training Stable, Inc.*, 88 USPQ2d 1216 (TTAB 2008).

In the present case, the relevant likelihood of confusion factors include: (a) Applicant's own admissions that there is a likelihood of confusion between Applicant's BFD mark and Opposer's BFD Marks; (b) Applicant's BFD mark is similar, if not identical, to Opposer's BFD Marks in appearance and sound; (c) the services designated under Applicant's BFD mark are identical to those rendered under Opposer's BFD Marks; and (d) Applicant's services travel in the same channels of trade and target the same consumers as the restaurant services rendered under Opposer's BFD Marks.

**A. Applicant's Own Admissions Prove There is a Likelihood of Confusion between the Marks.**

In this case, Applicant has admitted all the facts necessary to establish that there is a likelihood of confusion under the *DuPont* factors. Specifically, Applicant has admitted the following:

- Applicant's BFD mark, as set forth in application Ser. No. 86224809, is confusingly similar to Opposer's BFD BIG FRONT DOOR and BFD marks.

TTABVUE Dkt. ## 1, 4 at ¶ 13; TTABVUE Dkt. ## 7-8 at ¶ 18.

- Applicant's BFD mark is identical in appearance to Opposer's BFD mark and similar in appearance to Opposer's BFD BIG FRONT DOOR mark. TTABVUE Dkt. ## 1, 4 at ¶ 12; TTABVUE Dkt. ## 7-8 at ¶ 17; Smith Decl., ¶ 14, Exhibit E at Admission Response No. 3.
- Applicant's BFD mark and Opposer's BFD mark are identical as to sound. Smith Decl., ¶ 14, Exhibit E at Admission Response No. 4.
- The services set forth in Applicant's application Ser. No. 86224809 are closely related, if not identical, to the services set forth in Opposer's application Ser. Nos. 86224960 and 86225653. TTABVUE Dkt. ## 1, 4 at ¶ 14; TTABVUE Dkt. ## 7-8 at ¶ 19; Smith Decl., ¶ 14, Exhibit E at Admission Response No. 8.
- The services set forth in Applicant's application Ser. No. 8622409 are competitive, and are intended to compete with, the restaurant services offered by Opposer under Opposer's BFD Marks. Smith Decl., ¶ 14, Exhibit E at Admission Response Nos. 12-13.

Applicant's admissions overwhelmingly favor a finding of confusion under the relevant *DuPont* factors. The Board similarly ruled as much in its October 7, 2014 Order wherein it noted that, based on Applicant's initial Answer, priority was the only remaining issue under Opposer's claim for likelihood of confusion under Section 2(d). Smith Decl., ¶ 9. Opposer notes that Applicant's Amended Answer did not substantively change any of his Admissions with regards to the likelihood of confusion between Applicant's BFD mark and Opposer's BFD Marks. *See* TTABVUE Dkt. ## 1, 4 at ¶¶ 12-14; Amended Notice of Opposition and Answer,

TTABVUE Dkt. ## 7-8 at ¶¶ 17-19. Accordingly, Opposer, having demonstrated priority of use, respectfully requests that the Board grant summary judgment on Opposer's Section 2(d) claim.

If, for any reason, Applicant's admissions do not stand as admitted, Opposer notes that there is still no genuine issue of fact that precludes a finding of likelihood of confusion between the parties' respective BFD marks.

**B. Marks are Similar, if not Identical, in Appearance and Sound**

Under the first *DuPont* factor, the question is whether Applicant's BFD mark so resembles Opposer's BFD Marks so that prospective purchasers of the respective restaurant services would be likely to assume a connection between the parties. *Recot, Inc. v. Becton*, 214 F.3d 1322 (Fed. Cir. 2000); *Coach Servs., Inc. v. Triumph Learning, LLC*, 668 F.3d 1356, 101 USPQ2d 1713, 1721 (Fed. Cir. 2012). It is well settled that a particular feature of a mark may be more dominant or salient and therefore given greater weight than other features in considering the overall effect of the mark in the mind of the consumers. *Hewlett-Packard Co.*, 281 F.3d 1261.

Applied to the present case, there is no doubt that Applicant's BFD mark is similar, if not identical, in appearance and sound to Opposer's BFD Marks. The term "BFD" comprises Applicant's BFD mark and Opposer's BFD mark in their entirety and, as such, the marks are identical in appearance and will have the same pronunciation. *See In re White Swan, Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988) ("In appropriate cases, a finding of similarity as to any one factor (sight, sound or meaning) alone 'may be sufficient to support a holding that the marks are confusingly similar'") (citations omitted). Similarly, the term "BFD" is the first part of Opposer's BFD BIG FRONT DOOR mark and therefore should be considered the dominant

portion of the mark that is most likely to be impressed upon a prospective consumer. *Joel Gott Wines, LLC v. Rehoboth Von Gott Inc.*, 107 USPQ2d 1424, 1430 (TTAB 2013). Applicant's BFD mark and Opposer's BFD Marks start with the same visually and phonetically identical word and, this alone, is ground to support a finding of likelihood of confusion. *See Krim-Ko Corp. v. The Coca-Cola Co.*, 390 F.2d 728, 156 USPQ 523, 526 (CCPA 1968) (similarity in any one of the elements of sound, appearance, connotation or commercial impression is sufficient to support a determination of likelihood of confusion.)

In sum, the similarity of Applicant's BFD mark and Opposer's BFD Marks in appearance and sound weighs heavily in Opposer's favor of under the first *DuPont* factor.

**C. The Services Designated in the Respective BFD Marks are Identical**

In a likelihood of confusion analysis under Section 2(d), the goods and/or services do not have to be identical or even competitive in order to find out that there is a likelihood of confusion. *In Re Iolo Techs., LLC*, 95 USPQ2d 1498, 1499 (TTAB 2010). Instead, it is sufficient that the services of the parties are related in some manner or that the conditions surrounding the marketing are such that they are likely to be encountered by the same persons under circumstances that, because of the marks used in connection therewith, would lead to the mistaken belief that they originate from the same source. *On-line Careline, Inc. v. America Online, Inc.*, 229 F.3d 1080, 56 USPQ2d 1471 (Fed. Cir. 2000); *Gen. Mills, Inc. v. Fage Dairy Processing Indus. S.A.*, 100 USPQ2d 1584, 1597 (TTAB 2011).

In the present case, the services designated by Applicant's BFD mark are not only related, but also legally identical and overlapping with the restaurant services used by Opposer under Opposer's BFD Marks. It is well settled that where a recitation of services is broad, the

Board must allow for all possible services that may fall within the particular recitation. *Tuxedo Monopoly, Inc. v. General Mills Fun Group*, 648 F.2d 1335, 209 USPQ 986, 988 (CCPA 1981). Thus, the “restaurant” services designated in Applicant’s application Ser. No. 86224809 are sufficiently broad to encompass all restaurant services, including those rendered by Opposer under Opposer’s BFD Marks at its restaurant and designated in Opposer’s applications Ser. Nos. 86224960 and 86225653, namely, “catering services; restaurant services; take-out services.”

The relatedness of the parties’ restaurant services is also evident as Applicant states that his restaurants will include the services traditionally used with Opposer’s BFD Marks, namely, “brick and mortar restaurant sites for walk-in customers, telephone orders, delivery in certain instances and catering.” Smith Decl., ¶ 14, Exhibit D at Interrogatory Response No. 8; Riley Decl., ¶¶ 3, 14. Applicant’s restaurant services are not only similar to Opposer’s but will also directly compete with Opposer as Applicant’s BFD restaurants will be located nationwide and target “anyone that can afford a \$7.00 to \$10.00 meal.” Riley Decl., ¶¶ 14; Smith Decl., ¶ 14, Exhibit D at Interrogatory Response Nos. 8-12, 24; Smith Decl., ¶ 14, Exhibit E at Admission Response Nos. 12-13.

In sum, the restaurant services designated in Applicant’s application Ser. No. 86224809 are identical to and overlap those used in conjunction with Opposer’s BFD Marks and, as such, the second *DuPont* factor weighs heavily in favor of finding a likelihood of confusion.

**D. The Channels of Trade are Identical**

The Board has consistently recognized that when services offered by two parties overlap, they are legally identical, and therefore it is fair to presume that they are rendered in the same channels of trade and to the same classes of purchasers. *See American Lebanese Syrian*

*Associated Charities, Inc. v. Child Health Research Institute*, 101 USPQ2d 1022, 1028 (TTAB 2011); *In re Smith and Mehaffey*, 31 USPQ2d 1531, 1532 (TTAB 1994); *In re Viterra, Inc.*, 671 F.3d 1358, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (even though there was no evidence regarding channels of trade and classes of consumers, the Board was entitled to rely on this legal presumption in determining a likelihood of confusion).

Thus, there is no genuine issue of material fact that the restaurant services designated by Applicant's application Ser. No. 86224809 will travel in the same channels of trade and to the same classes of customers as restaurant services offered in conjunction with Opposer's BFD Marks. As a consequence, the third *DuPont* factor weighs heavily in favor of finding a likelihood of confusion.

#### **V. Conclusion**

For the foregoing reasons, the undisputed facts and admissions by Applicant establish that Opposer is entitled to summary judgment on its claim under Trademark Act Section 2(d), 15 U.S.C. § 1052(d), in that Applicant's BFD mark creates a likelihood of confusion with Opposer's prior use of Opposer's BFD Marks in conjunction with restaurant services since at least as early as December 2011. Given the absence of any genuine dispute of material fact, Opposer is entitled to judgment as a matter of law.

THEREFORE, Opposer respectfully requests that the opposed application Ser. No. 86224809 be denied registration under Trademark Act Section 2(d), 15 U.S.C. § 1052(d), and that Opposer's application Ser. Nos. 86224960 and 86225623 be allowed to proceed towards registration with the US PTO.

Dated this 1<sup>st</sup> of June 2015

Respectfully submitted,

Big Front Door, LLC

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

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Opposer,	)	
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Elliot H. Cohen	)	
	)	
Applicant.	)	

**DECLARATION OF ANDREW M. SMITH  
IN SUPPORT OF OPPOSER’S MOTION FOR SUMMARY JUDGMENT**

I, Andrew M. Smith, declare pursuant to 28 U.S.C. § 1746 as follows:

1. I am an attorney at Holley & Menker, P.A., counsel for Opposer Big Front Door, LLC (“Opposer”). I submit this declaration in support of Opposer’s Motion for Summary Judgment based on personal knowledge of the facts and the circumstances set forth herein, my review of my firm’s records, and the records of the Trademark Trial and Appeal Board (the “Board”) and the United States Patent and Trademark Office (“US PTO”). I am competent to testify on the matters stated below.

2. On March 18, 2014, Opposer filed application Ser. No. 86224960 with the US PTO for the mark BFD BIG FRONT DOOR for services in International Class 43, namely “catering services; restaurant services; take-out restaurant services.” A copy of Opposer’s US PTO application Ser. No. 86224960 and Trademark Status and Document Retrieval System (TSDR) database records for the same are attached hereto as **Exhibit A**.

3. On March 19, 2014, Opposer filed application Ser. No. 86225653 with the US PTO for the mark BFD for services in International Class 43, namely, “catering services; restaurant services; take-out restaurant services.” A copy of Opposer’s US PTO application Ser. No. 86225653 and Trademark Status and Document Retrieval System (TSDR) database records for the same are attached hereto as **Exhibit B**.

4. On June 22, 2014, the US PTO issued a Suspension Notice relating to Opposer’s application Ser. Nos. 86224960 and 86225653 based upon Applicant’s prior-filed pending application Ser. No. 86224809. A copy of the US PTO Suspension Letters for application Ser. Nos. 86224960 and 86225653 is attached at **Exhibit C**.

5. Opposer filed this opposition proceeding on July 30, 2014 and the Board instituted the proceeding as 91217625 and issued its governing scheduling order on the same day. *See* TTABVUE Dkt. ## 1-3.

6. Opposer’s Notice of Opposition against application Ser. No. 86224809 was based on the grounds that Applicant’s BFD mark is likely to: (1) cause confusion in violation of Trademark Act Section 2(d), 15 U.S.C. § 1052(d) and (2) falsely suggest a connection with Opposer’s BFD BIG FRONT DOOR and BFD mark (collectively “Opposer’s BFD Marks”) in violation of Trademark Act Section 2(a), 15 U.S.C. § 1052(a). *See* TTABVUE Dkt. # 1 at ¶¶ 17-18.

7. On September 5, 2014, Applicant through his counsel, Daniel Latter, filed an Answer to the Notice of Opposition. *See* TTABVUE Dkt. # 4.

8. On September 22, 2014, Opposer filed a request that the Board participate in the initial discovery conference. *See* TTABVUE Dkt. # 5.

9. On October 7, 2014, Opposer and Applicant participated in a discovery conference before Elizabeth J. Winter, the interlocutory attorney assigned to the proceeding. In its October 7, 2014 Order, the Board struck Opposer's claim for false association under Section 2(a) and granted Opposer leave until October 22, 2014 to file an Amended Notice of Opposition. The Board further observed that, based on Applicant's Answer, priority remained the only issue under Opposer's Section 2(d) likelihood of confusion claim as Applicant admitted that he had not used the BFD mark prior to the March 18, 2014 filing date for application Ser. No. 86224809 and admitted his BFD mark was confusingly similar to Opposer's BFD BIG FRONT DOOR (Ser. No. 86224960) and BFD (Ser. No. 86225653) marks. *See* TTABVUE Dkt. # 6.

10. On October 14, 2014, Opposer filed an Amended Notice of Opposition on the grounds that Applicant's BFD mark is likely to: (1) cause confusion in violation of Trademark Act Section 2(d), 15 U.S.C. § 1052(d) and (2) falsely suggest a connection with Opposer's BFD Marks in violation of Trademark Act Section 2(a), 15 U.S.C. § 1052(a). *See* TTABVUE Dkt. # 7 at ¶¶ 22-23.

11. On November 7, 2014, Applicant filed an Answer and Affirmative Defenses to Opposer's Amended Notice of Opposition. *See* TTABVUE Dkt. # 8.

12. Under the Board's July 30, 2014 scheduling order, discovery in the opposition proceeding opened on October 8, 2014 and closed on April 6, 2015. *See* TTABVUE Dkt. # 2.

13. On November 7, 2014, Opposer served its first set of written discovery requests on Applicant, including, interrogatories, requests for admission and requests for production of documents.

14. On December 19, 2014, Applicant served its responses to Opposer's first set of discovery requests and produced documents responsive to the categories of requested information. Applicant's Responses to Opposer's First Set of Interrogatories are attached hereto as **Exhibit D**; Applicant's Responses to Opposer's First Set of Requests for Admission are attached hereto as **Exhibit E**.

I declare under penalty of perjury under the laws of the United States of America that foregoing is true and correct. Executed on June 1, 2015.

  
\_\_\_\_\_  
Andrew M. Smith, Esq.

## **Exhibit A**

# Trademark/Service Mark Application, Principal Register

## TEAS Plus Application

Serial Number: 86224960

Filing Date: 03/18/2014

*NOTE: Data fields with the \* are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.*

The table below presents the data as entered.

Input Field	Entered
<b>TEAS Plus</b>	<b>YES</b>
<b>MARK INFORMATION</b>	
*MARK	<a href="#">BFD BIG FRONT DOOR</a>
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	BFD BIG FRONT DOOR
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	Big Front Door, LLC
DBA/AKA/TA/FORMERLY	DBA big front door
*STREET	4135 Park Boulevard
*CITY	San Diego
*STATE (Required for U.S. applicants)	California
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	92103
<b>LEGAL ENTITY INFORMATION</b>	

<b>*TYPE</b>	LIMITED LIABILITY COMPANY
<b>* STATE/COUNTRY WHERE LEGALLY ORGANIZED</b>	California
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
<b>*INTERNATIONAL CLASS</b>	043
<b>*IDENTIFICATION</b>	Catering services; Restaurant services; Take-out restaurant services
<b>*FILING BASIS</b>	SECTION 1(a)
<b>FIRST USE ANYWHERE DATE</b>	At least as early as 12/15/2011
<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 12/15/2011
<b>SPECIMEN FILE NAME(S)</b>	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\862\249\86224960\xml1\FTK0003.JPG</a>
<b>SPECIMEN DESCRIPTION</b>	screen shot of a web page advertising the services
<b>ADDITIONAL STATEMENTS INFORMATION</b>	
<b>*TRANSLATION (if applicable)</b>	
<b>*TRANSLITERATION (if applicable)</b>	
<b>*CLAIMED PRIOR REGISTRATION (if applicable)</b>	
<b>*CONSENT (NAME/LIKENESS) (if applicable)</b>	
<b>*CONCURRENT USE CLAIM (if applicable)</b>	
<b>ATTORNEY INFORMATION</b>	
<b>NAME</b>	Gabrielle A. Holley
<b>ATTORNEY DOCKET NUMBER</b>	2279.TM2982US43
<b>FIRM NAME</b>	Holley & Menker, P.A.
<b>STREET</b>	P.O. Box 96
<b>CITY</b>	Solana Beach
<b>STATE</b>	California
<b>COUNTRY</b>	United States
<b>ZIP/POSTAL CODE</b>	92075

<b>PHONE</b>	888 750 4407
<b>FAX</b>	858 876 1604
<b>EMAIL ADDRESS</b>	westdocket@holleymenker.com
<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>OTHER APPOINTED ATTORNEY</b>	James R. Menker, Amy C. Menker, Andrew M. Smith
<b>CORRESPONDENCE INFORMATION</b>	
<b>*NAME</b>	Gabrielle A. Holley
<b>FIRM NAME</b>	Holley & Menker, P.A.
<b>*STREET</b>	P.O. Box 96
<b>*CITY</b>	Solana Beach
<b>*STATE (Required for U.S. applicants)</b>	California
<b>*COUNTRY</b>	United States
<b>*ZIP/POSTAL CODE</b>	92075
<b>PHONE</b>	888 750 4407
<b>FAX</b>	858 876 1604
<b>*EMAIL ADDRESS</b>	westdocket@holleymenker.com;gholley@holleymenker.com; gabrielleholley@gmail.com
<b>*AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>FEE INFORMATION</b>	
<b>NUMBER OF CLASSES</b>	1
<b>FEE PER CLASS</b>	275
<b>*TOTAL FEE PAID</b>	275
<b>SIGNATURE INFORMATION</b>	
<b>* SIGNATURE</b>	/Laura A Riley/
<b>* SIGNATORY'S NAME</b>	Laura A Riley
<b>* SIGNATORY'S POSITION</b>	Owner
<b>SIGNATORY'S PHONE NUMBER</b>	6198474608
<b>* DATE SIGNED</b>	03/18/2014

## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

**Serial Number: 86224960**

**Filing Date: 03/18/2014**

#### To the Commissioner for Trademarks:

**MARK:** BFD BIG FRONT DOOR (Standard Characters, see [mark](#))

The literal element of the mark consists of BFD BIG FRONT DOOR.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Big Front Door, LLC, DBA big front door, a limited liability company legally organized under the laws of California, having an address of

4135 Park Boulevard  
San Diego, California 92103  
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

**For specific filing basis information for each item, you must view the display within the Input Table.**

International Class 043: Catering services; Restaurant services; Take-out restaurant services

In International Class 043, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 12/15/2011, and first used in commerce at least as early as 12/15/2011, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) screen shot of a web page advertising the services.

[Specimen File 1](#)

The applicant's current Attorney Information:

Gabrielle A. Holley and James R. Menker, Amy C. Menker, Andrew M. Smith of Holley & Menker, P.A.

P.O. Box 96  
Solana Beach, California 92075  
United States

The attorney docket/reference number is 2279.TM2982US43.

The applicant's current Correspondence Information:

Gabrielle A. Holley

Holley & Menker, P.A.

P.O. Box 96

Solana Beach, California 92075

888 750 4407(phone)

858 876 1604(fax)

westdocket@holleymenker.com;gholley@holleymenker.com; gabrielleholley@gmail.com

(authorized)

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1 class(es).

### **Declaration**

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /Laura A Riley/ Date Signed: 03/18/2014

Signatory's Name: Laura A Riley

Signatory's Position: Owner

RAM Sale Number: 86224960

RAM Accounting Date: 03/19/2014

Serial Number: 86224960

Internet Transmission Date: Tue Mar 18 18:03:59 EDT 2014

TEAS Stamp: USPTO/FTK-108.193.228.50-201403181803597

03916-86224960-5008de492c349c747772d5fab

b283edd5eae3eb14784efd3223a6c314446411b

-CC-5379-20140318172403386380

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[menu](#)

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get [directions](#)



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Generated on: This page was generated by TSDR on 2014-07-22 13:10:48 EDT

Mark: BFD BIG FRONT DOOR

BFD BIG FRONT DOOR

US Serial Number: 86224960

Application Filing Date: Mar. 18, 2014

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Service Mark

Status: An Office action suspending further action on the application has been sent (issued) to the applicant. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Jun. 22, 2014

## Mark Information

Mark Literal Elements: BFD BIG FRONT DOOR

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

## 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: Catering services; Restaurant services; Take-out restaurant services

International Class(es): 043 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 15, 2011

Use in Commerce: Dec. 15, 2011

## 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: Big Front Door, LLC

DBA, AKA, Formerly: DBA big front door

Owner Address: 4135 Park Boulevard  
San Diego, CALIFORNIA 92103  
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: CALIFORNIA

## Attorney/Correspondence Information

### Attorney of Record

Attorney Name: Gabrielle A. Holley

Docket Number: 2279.TM2982U

Attorney Primary Email Address: [westdocket@holleymenker.com](mailto:westdocket@holleymenker.com)

Attorney Email Authorized: Yes

### Correspondent

Correspondent Name/Address: GABRIELLE A. HOLLEY  
HOLLEY & MENKER, P.A.

PO BOX 96  
SOLANA BEACH, CALIFORNIA 92075-0096  
UNITED STATES

Phone: 888 750 4407

Fax: 858 876 1604

Correspondent e-mail: [westdocket@holleymenker.com](mailto:westdocket@holleymenker.com) [gholley@holleymenker.com](mailto:gholley@holleymenker.com) [gabrielleholley@gmail.com](mailto:gabrielleholley@gmail.com)

Correspondent e-mail Yes  
Authorized:

**Domestic Representative - Not Found**

## Prosecution History

Date	Description	Proceeding Number
Jun. 22, 2014	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Jun. 22, 2014	LETTER OF SUSPENSION E-MAILED	6332
Jun. 22, 2014	SUSPENSION LETTER WRITTEN	81840
Jun. 20, 2014	ASSIGNED TO EXAMINER	81840
Apr. 02, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 21, 2014	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information

TM Attorney: HETZEL, DANNEAN

Law Office Assigned: LAW OFFICE 106

### File Location

Current Location: TMEG LAW OFFICE 106 - EXAMINING  
ATTORNEY ASSIGNED

Date in Location: Jun. 22, 2014

## **Exhibit B**

# Trademark/Service Mark Application, Principal Register

## TEAS Plus Application

Serial Number: 86225653

Filing Date: 03/19/2014

*NOTE: Data fields with the \* are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.*

The table below presents the data as entered.

Input Field	Entered
<b>TEAS Plus</b>	<b>YES</b>
<b>MARK INFORMATION</b>	
*MARK	<a href="#">BFD</a>
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	BFD
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	Big Front Door, LLC
DBA/AKA/TA/FORMERLY	DBA big front door
*STREET	4135 Park Boulevard
*CITY	San Diego
*STATE (Required for U.S. applicants)	California
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	92103
<b>LEGAL ENTITY INFORMATION</b>	

<b>*TYPE</b>	LIMITED LIABILITY COMPANY
<b>* STATE/COUNTRY WHERE LEGALLY ORGANIZED</b>	California
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
<b>*INTERNATIONAL CLASS</b>	043
<b>*IDENTIFICATION</b>	Catering services; Restaurant services; Take-out restaurant services
<b>*FILING BASIS</b>	SECTION 1(a)
<b>FIRST USE ANYWHERE DATE</b>	At least as early as 12/15/2011
<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 12/15/2011
<b>SPECIMEN FILE NAME(S)</b>	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\862\256\86225653.xml\FTK0003.JPG</a>
<b>SPECIMEN DESCRIPTION</b>	screen shot of a web page advertising the services
<b>ADDITIONAL STATEMENTS INFORMATION</b>	
<b>*TRANSLATION (if applicable)</b>	
<b>*TRANSLITERATION (if applicable)</b>	
<b>*CLAIMED PRIOR REGISTRATION (if applicable)</b>	
<b>*CONSENT (NAME/LIKENESS) (if applicable)</b>	
<b>*CONCURRENT USE CLAIM (if applicable)</b>	
<b>ATTORNEY INFORMATION</b>	
<b>NAME</b>	Gabrielle A. Holley
<b>ATTORNEY DOCKET NUMBER</b>	2279.TM2983US43
<b>FIRM NAME</b>	Holley & Menker, P.A.
<b>STREET</b>	P.O. Box 96
<b>CITY</b>	Solana Beach
<b>STATE</b>	California
<b>COUNTRY</b>	United States
<b>ZIP/POSTAL CODE</b>	92075

<b>PHONE</b>	888 750 4407
<b>FAX</b>	858 876 1604
<b>EMAIL ADDRESS</b>	westdocket@holleymenker.com
<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>OTHER APPOINTED ATTORNEY</b>	James R. Menker, Amy C. Menker, Andrew M. Smith
<b>CORRESPONDENCE INFORMATION</b>	
<b>*NAME</b>	Gabrielle A. Holley
<b>FIRM NAME</b>	Holley & Menker, P.A.
<b>*STREET</b>	P.O. Box 96
<b>*CITY</b>	Solana Beach
<b>*STATE (Required for U.S. applicants)</b>	California
<b>*COUNTRY</b>	United States
<b>*ZIP/POSTAL CODE</b>	92075
<b>PHONE</b>	888 750 4407
<b>FAX</b>	858 876 1604
<b>*EMAIL ADDRESS</b>	westdocket@holleymenker.com;gholley@holleymenker.com; gabrielleholley@gmail.com
<b>*AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>FEE INFORMATION</b>	
<b>NUMBER OF CLASSES</b>	1
<b>FEE PER CLASS</b>	275
<b>*TOTAL FEE PAID</b>	275
<b>SIGNATURE INFORMATION</b>	
<b>* SIGNATURE</b>	/GAHolley/
<b>* SIGNATORY'S NAME</b>	Gabrielle Holley
<b>* SIGNATORY'S POSITION</b>	Attorney of record, California bar member
<b>* DATE SIGNED</b>	03/19/2014

## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

**Serial Number: 86225653**

**Filing Date: 03/19/2014**

#### To the Commissioner for Trademarks:

**MARK:** BFD (Standard Characters, see [mark](#))

The literal element of the mark consists of BFD.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Big Front Door, LLC, DBA big front door, a limited liability company legally organized under the laws of California, having an address of

4135 Park Boulevard  
San Diego, California 92103  
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

**For specific filing basis information for each item, you must view the display within the Input Table.**

International Class 043: Catering services; Restaurant services; Take-out restaurant services

In International Class 043, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 12/15/2011, and first used in commerce at least as early as 12/15/2011, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) screen shot of a web page advertising the services.

[Specimen File 1](#)

The applicant's current Attorney Information:

Gabrielle A. Holley and James R. Menker, Amy C. Menker, Andrew M. Smith of Holley & Menker, P.A.

P.O. Box 96  
Solana Beach, California 92075  
United States

The attorney docket/reference number is 2279.TM2983US43.

The applicant's current Correspondence Information:

Gabrielle A. Holley

Holley & Menker, P.A.

P.O. Box 96

Solana Beach, California 92075

888 750 4407(phone)

858 876 1604(fax)

westdocket@holleymenker.com;gholley@holleymenker.com; gabrielleholley@gmail.com

(authorized)

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1 class(es).

### **Declaration**

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /GAHolley/ Date Signed: 03/19/2014

Signatory's Name: Gabrielle Holley

Signatory's Position: Attorney of record, California bar member

RAM Sale Number: 86225653

RAM Accounting Date: 03/19/2014

Serial Number: 86225653

Internet Transmission Date: Wed Mar 19 13:30:27 EDT 2014

TEAS Stamp: USPTO/FTK-108.193.226.64-201403191330271

61891-86225653-500c616f7c9a8ce578566567d

f4fdfa2109c5e66f299e8138ed089b5f7a35684e

b-CC-10572-20140319132112324427

**BFD**

**bfd**  
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Generated on: This page was generated by TSDR on 2014-07-22 13:12:10 EDT

Mark: BFD

BFD

US Serial Number: 86225653

Application Filing Date: Mar. 19, 2014

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Service Mark

Status: An Office action suspending further action on the application has been sent (issued) to the applicant. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Jun. 22, 2014

## Mark Information

Mark Literal Elements: BFD

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

## 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: Catering services; Restaurant services; Take-out restaurant services

International Class(es): 043 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 15, 2011

Use in Commerce: Dec. 15, 2011

## 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: Big Front Door, LLC

DBA, AKA, Formerly: DBA big front door

Owner Address: 4135 Park Boulevard  
San Diego, CALIFORNIA 92103  
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: CALIFORNIA

## Attorney/Correspondence Information

### Attorney of Record

Attorney Name: Gabrielle A. Holley

Docket Number: 2279.TM2983U

Attorney Primary Email Address: [westdocket@holleymenker.com](mailto:westdocket@holleymenker.com)

Attorney Email Authorized: Yes

### Correspondent

Correspondent Name/Address: GABRIELLE A. HOLLEY  
HOLLEY & MENKER, P.A.

PO BOX 96  
SOLANA BEACH, CALIFORNIA 92075-0096  
UNITED STATES

Phone: 888 750 4407

Fax: 858 876 1604

Correspondent e-mail: [westdocket@holleymenker.com](mailto:westdocket@holleymenker.com) [gholley@holleymenker.com](mailto:gholley@holleymenker.com) [gabrielleholley@gmail.com](mailto:gabrielleholley@gmail.com)

Correspondent e-mail Yes  
Authorized:

**Domestic Representative - Not Found**

## Prosecution History

Date	Description	Proceeding Number
Jun. 22, 2014	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Jun. 22, 2014	LETTER OF SUSPENSION E-MAILED	6332
Jun. 22, 2014	SUSPENSION LETTER WRITTEN	81840
Jun. 20, 2014	ASSIGNED TO EXAMINER	81840
Apr. 03, 2014	NOTICE OF PSEUDO MARK E-MAILED	
Apr. 02, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 22, 2014	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information

TM Attorney: HETZEL, DANNEAN

Law Office Assigned: LAW OFFICE 106

### File Location

Current Location: TMEG LAW OFFICE 106 - EXAMINING  
ATTORNEY ASSIGNED

Date in Location: Jun. 22, 2014

## **Exhibit C**

**To:** Big Front Door, LLC ([westdocket@holleymenker.com](mailto:westdocket@holleymenker.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 86224960 - BFD BIG FRONT DOOR - 2279.TM2982U  
**Sent:** 6/22/2014 8:00:36 PM  
**Sent As:** ECOM106@USPTO.GOV  
**Attachments:** [Attachment - 1](#)  
[Attachment - 2](#)

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)**

**OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

**U.S. APPLICATION SERIAL NO.** 86224960

**MARK:** BFD BIG FRONT DOOR

**\*86224960\***

**CORRESPONDENT ADDRESS:**

GABRIELLE A. HOLLEY

HOLLEY & MENKER, P.A.

PO BOX 96

SOLANA BEACH, CA 92075-0096

**GENERAL TRADEMARK IN**  
<http://www.uspto.gov/trademark>

**APPLICANT:** Big Front Door, LLC

**CORRESPONDENT'S REFERENCE/DOCKET NO :**

2279.TM2982U

**CORRESPONDENT E-MAIL ADDRESS:**

[westdocket@holleymenker.com](mailto:westdocket@holleymenker.com)

**SUSPENSION NOTICE: NO RESPONSE NEEDED**

**ISSUE/MAILING DATE: 6/22/2014**

The trademark examining attorney is suspending action on the application for the reason(s) stated below. *See* 37 C.F.R. §2.67; TMEP §§716 *et seq.*

The USPTO will periodically conduct a status check of the application to determine whether suspension remains appropriate, and the trademark examining attorney will issue as needed an inquiry letter to applicant regarding the status of the matter on which suspension is based. TMEP §§716.04, 716.05. Applicant will be notified when suspension is no longer appropriate. *See* TMEP §716.04.

No response to this notice is necessary; however, if applicant wants to respond, applicant should use the “Response to Suspension Inquiry or Letter of Suspension” form online at <http://teasroa.uspto.gov/rsi/rsi>.

**PRIOR-FILED PENDING APPLICATION(S) FOUND:** The trademark examining attorney has searched the USPTO’s database of registered and pending marks and has found no similar registered marks that would bar registration under Trademark Act Section 2(d). TMEP §704.02; *see* 15 U.S.C. §1052(d). However, a mark(s) in a prior-filed pending application(s) may present a bar to registration of applicant’s mark.

The effective filing date of the pending application(s) identified below precedes the filing date of applicant’s application. If the mark in the referenced application(s) registers, applicant’s mark may be refused registration under Section 2(d) because of a likelihood of confusion with that registered mark(s). *See* 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, action on this application is suspended until the earlier-filed referenced application(s) is either registered or abandoned. 37 C.F.R. §2.83(c). A copy of information relevant to this referenced application(s) is attached.

- Application Serial No(s). 86224809

**TEAS PLUS APPLICANTS – TO MAINTAIN REDUCED FEE, ADDITIONAL REQUIREMENTS MUST BE MET, INCLUDING SUBMITTING DOCUMENTS ONLINE:**

Applicants who filed their application online using the lower-fee TEAS Plus application form must (1) continue to submit certain documents online using TEAS, including responses to Office actions (see TMEP §819.02(b) for a complete list of these documents); (2) accept correspondence from the USPTO via e-mail throughout the examination process; and (3) maintain a valid e-mail address. *See* 37 C.F.R. §2.23(a)(1), (a)(2); TMEP §§819, 819.02(a). TEAS Plus applicants who do not meet these three requirements must submit an additional fee of \$50 per international class of goods and/or services. 37 C.F.R. §2.6(a)(1)(iv); TMEP §819.04. However, in certain situations, authorizing an examiner’s amendment by telephone will not incur this additional fee.

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. *See* 37 C.F.R. §2.191; TMEP §§304.01-.02, 709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and/or requirement(s) in this Office action, the trademark examining attorney may not provide legal advice or statements about applicant's rights. *See* TMEP §§705.02, 709.06.

**Please note** that informal email communication with the Office is not confidential and will be made part of the public record. TMEP §709.04.

/Dannean J Hetzel/

Trademark Examining Attorney

Law Office 106

P: 571-272-8858; F: 571-273-9106

dannean.hetzel@uspto.gov

**PERIODICALLY CHECK THE STATUS OF THE APPLICATION:** To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov) or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

**TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS:** Use the Trademark Electronic Application System (TEAS) form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

**To:** Big Front Door, LLC ([westdocket@holleymenker.com](mailto:westdocket@holleymenker.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 86225653 - BFD - 2279.TM2983U  
**Sent:** 6/22/2014 7:59:48 PM  
**Sent As:** ECOM106@USPTO.GOV  
**Attachments:** [Attachment - 1](#)  
[Attachment - 2](#)

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)**

**OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

**U.S. APPLICATION SERIAL NO.** 86225653

**MARK:** BFD

**\*86225653\***

**CORRESPONDENT ADDRESS:**

GABRIELLE A. HOLLEY

HOLLEY & MENKER, P.A.

PO BOX 96

SOLANA BEACH, CA 92075-0096

**GENERAL TRADEMARK IN**  
<http://www.uspto.gov/trademark>

**APPLICANT:** Big Front Door, LLC

**CORRESPONDENT'S REFERENCE/DOCKET NO :**

2279.TM2983U

**CORRESPONDENT E-MAIL ADDRESS:**

[westdocket@holleymenker.com](mailto:westdocket@holleymenker.com)

**SUSPENSION NOTICE: NO RESPONSE NEEDED**

**ISSUE/MAILING DATE: 6/22/2014**

The trademark examining attorney is suspending action on the application for the reason(s) stated below. *See* 37 C.F.R. §2.67; TMEP §§716 *et seq.*

The USPTO will periodically conduct a status check of the application to determine whether suspension remains appropriate, and the trademark examining attorney will issue as needed an inquiry letter to applicant regarding the status of the matter on which suspension is based. TMEP §§716.04, 716.05. Applicant will be notified when suspension is no longer appropriate. *See* TMEP §716.04.

No response to this notice is necessary; however, if applicant wants to respond, applicant should use the “Response to Suspension Inquiry or Letter of Suspension” form online at <http://teasroa.uspto.gov/rsi/rsi>.

**PRIOR-FILED PENDING APPLICATION(S) FOUND:** The trademark examining attorney has searched the USPTO’s database of registered and pending marks and has found no similar registered marks that would bar registration under Trademark Act Section 2(d). TMEP §704.02; *see* 15 U.S.C. §1052(d). However, a mark(s) in a prior-filed pending application(s) may present a bar to registration of applicant’s mark.

The effective filing date of the pending application(s) identified below precedes the filing date of applicant’s application. If the mark in the referenced application(s) registers, applicant’s mark may be refused registration under Section 2(d) because of a likelihood of confusion with that registered mark(s). *See* 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, action on this application is suspended until the earlier-filed referenced application(s) is either registered or abandoned. 37 C.F.R. §2.83(c). A copy of information relevant to this referenced application(s) is attached.

- Application Serial No(s). 86224809

**TEAS PLUS APPLICANTS – TO MAINTAIN REDUCED FEE, ADDITIONAL REQUIREMENTS MUST BE MET, INCLUDING SUBMITTING DOCUMENTS ONLINE:**

Applicants who filed their application online using the lower-fee TEAS Plus application form must (1) continue to submit certain documents online using TEAS, including responses to Office actions (see TMEP §819.02(b) for a complete list of these documents); (2) accept correspondence from the USPTO via e-mail throughout the examination process; and (3) maintain a valid e-mail address. *See* 37 C.F.R. §2.23(a)(1), (a)(2); TMEP §§819, 819.02(a). TEAS Plus applicants who do not meet these three requirements must submit an additional fee of \$50 per international class of goods and/or services. 37

C.F.R. §2.6(a)(1)(iv); TMEP §819.04. However, in certain situations, authorizing an examiner's amendment by telephone will not incur this additional fee.

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. *See* 37 C.F.R. §2.191; TMEP §§304.01-.02, 709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and/or requirement(s) in this Office action, the trademark examining attorney may not provide legal advice or statements about applicant's rights. *See* TMEP §§705.02, 709.06.

**Please note** that informal email communication with the Office is not confidential and will be made part of the public record. TMEP §709.04.

/Dannean J Hetzel/

Trademark Examining Attorney

Law Office 106

P: 571-272-8858; F: 571-273-9106

dannean.hetzel@uspto.gov

**PERIODICALLY CHECK THE STATUS OF THE APPLICATION:** To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov) or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

**TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS:** Use the Trademark Electronic Application System (TEAS) form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

## **Exhibit D**



1           **Interrogatory No. 3:** State whether any searches or investigations were conducted by  
2 Applicant or any person on his behalf (including his attorneys) to determine whether Applicant's  
3 Mark was available as a trademark, service mark or trade name and, if so, identify each such  
4 search or investigation.

5           3. **Response to Interrogatory No. 3:** Applicant searched the U.S. Trademark office data  
6 base (TESS) for BFD. He found no registration or pending application in the restaurant  
7 category.  
8

9           **Interrogatory No. 4:** Identify all state, federal, foreign and international trademark  
10 applications filed by or on behalf of Applicant for Applicant's Mark or any variants thereof.  
11

12           4. **Response to Interrogatory No. 4:** Federal Trademark Application Serial Nos.:  
13 86224809 (BFD) and 86267991 (Burgers Fries Drinks).

14           **Interrogatory No. 5:** Describe all types of services rendered, intended to be rendered,  
15 marketed, intended to be marketed, developed or offered by Applicant including, but not limited  
16 to the actual or expected cost and price for each of service identified.  
17

18           5. **Response to Interrogatory No. 5:** Applicant intends to provide restaurant services (dine  
19 in, take out and catering). At this time, Applicant is unaware of the expected cost and  
20 price for such services.  
21

22           **Interrogatory No. 6:** State whether Applicant's Mark is currently being used and, if so,  
23 describe the goods and/or services in connection with which it is used.

24           6. **Response to Interrogatory No. 6:** Applicant's Mark is not currently being used.

25           **Interrogatory No. 7:** Identify all documents concerning use of Applicant's Mark and  
26 identify the individuals most knowledgeable concerning such use.  
27  
28

1 7. **Response to Interrogatory No. 7:** Applicant's Mark is not currently being used and, as  
2 such, there are no documents. Elliot Cohen is the person most knowledgeable.

3 **Interrogatory No. 8:** Describe and identify the manner(s) in which Applicant's Mark is  
4 used or will be used in connection Applicant's Services.

5 8. **Response to Interrogatory No. 8:** Applicant's Mark is not currently being used. It is  
6 intended to be used for brick and mortar restaurant sites for walk-in customers, telephone  
7 orders, delivery in certain instances and catering. Locations will be established through  
8 company ownership and franchisees. It is intended that there be locations nationwide  
9 with international possibilities.  
10

11 **Interrogatory No. 9:** Describe all services rendered, intended to be rendered, marketed,  
12 intended to be marketed, developed or offered by Applicant that are or could be used in  
13 conjunction with "restaurants."  
14

15 9. **Response to Interrogatory No. 9:** Applicant's Mark is not currently being used. It is  
16 intended to be used for brick and mortar restaurant sites for walk-in customers, telephone  
17 orders, delivery in certain instances and catering. Locations will be established through  
18 company ownership and franchisees. It is intended that there be locations nationwide  
19 with international possibilities.  
20

21 **Interrogatory No. 10:** Identify the types of business establishments that render or will  
22 offer-to-render Applicant's Services.  
23

24 10. **Response to Interrogatory No. 10:** Restaurants, primarily of the fast casual variety.

25 **Interrogatory No. 11:** Describe the manner in which Applicant renders or intends to  
26 render Applicant's Services in connection with Applicant's Mark, identifying all channels of  
27 trade through which Applicant's Services travel or will travel.  
28

1       11. **Response to Interrogatory No. 11:** It is intended to be used for brick and mortar  
2       restaurant sites for walk-in customers, telephone orders, delivery in certain instances and  
3       catering. Locations will be established through company ownership and franchisees. It is  
4       intended that there be locations nationwide with international possibilities.

5       **Interrogatory No. 12:** Identify the classes of customers for Applicant's Services.

6       12. **Response to Interrogatory No. 12:** Children, women and men of all ages. Anyone that  
7       can afford a \$7.00 to \$10.00 meal.

8       **Interrogatory No. 13:** Identify the person(s) with primary responsibility for marketing,  
9       advertising, rendering or offering to render Applicant's Services in connection with Applicant's  
10      Mark.

11      13. **Response to Interrogatory No. 13:** Elliot Cohen.

12      **Interrogatory No. 14:** Identify the media through which Applicant has advertised or  
13      promoted Applicant's Services under Applicant's Mark.

14      14. **Response to Interrogatory No. 14:** Nothing at present.

15      **Interrogatory No. 15:** Identify any business plans or projections, revenue projections,  
16      cost projections, plans or proposals concerning Applicant's Mark or Applicant's Services.

17      15. **Response to Interrogatory No. 15:** See the documents produced as ECOHEN 0001-  
18      0051.

19      **Interrogatory No. 16:** Identify all entities, other than Applicant, that render, offer-to-  
20      render or are expected to render any services under Applicant's Mark.

21      16. **Response to Interrogatory No. 16:** Nothing at present.

22      **Interrogatory No. 17:** Identify any agreements (such as assignments, licenses,  
23      authorizations, permissions, or consents) entered into by Applicant regarding Applicant's Mark.  
24      25      26      27      28

1 21. **Response to Interrogatory No. 21:** Applicant was considering the license or sale of  
2 rights to the Mark, along with consulting services, in exchange for an ownership interest  
3 in a restaurant or restaurant chain to be developed with Riot Hospitality Group.

4 **Interrogatory No. 22:** Describe Applicant's geographic scope of use for Applicant's  
5 Mark in conjunction with Applicant's Services.  
6

7 22. **Response to Interrogatory No. 22:** Applicant is not currently using the Mark.

8 **Interrogatory No. 23:** Identify all documents evidencing, relating or referring to  
9 Applicant's geographic scope of use for Applicant's Mark in conjunction with Applicant's  
10 Services.  
11

12 23. **Response to Interrogatory No. 23:** None, as Applicant is not currently using the Mark.

13 **Interrogatory No. 24:** Describe Applicant's intended geographic scope of use for  
14 Applicant's Mark in conjunction with Applicant's Services.

15 24. **Response to Interrogatory No. 24:** Nationwide stores with company-owned and  
16 franchised stores. Possible expansion into international markets.  
17

18 **Interrogatory No. 25:** Identify all documents evidencing, relating or referring to  
19 Applicant's intended geographic scope of use for Applicant's Mark in conjunction with  
20 Applicant's Services.

21 25. **Response to Interrogatory No. 25:** See the documents numbered ECOHEN 0001,  
22 provided in response to Opposer's Request for Production of Documents.  
23

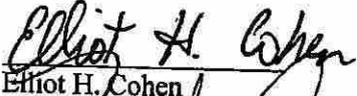
24 **Interrogatory No. 26:** Identify each third party mark or name that you contend is  
25 relevant to this proceeding and describe in reasonable detail the impact of each such mark or  
26 name.  
27

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34. Response to Interrogatory No. 34: See the documents numbered ECOHEN.0001-0079,  
provided in response to Opposer's Request for Production of Documents.

Dated: December 19, 2014

Respectfully submitted,

  
\_\_\_\_\_  
Elliot H. Cohen

  
\_\_\_\_\_  
Daniel S. Latter

Marquee Law Group, APC  
9100 Wilshire Boulevard  
Suite 445 East Tower  
Beverly Hills, CA 90212  
Telephone: 310.275.1844  
Email: dan@marqueelaw.com  
Attorneys for Defendant, Elliot Cohen

VERIFICATION

I, Elliot H. Cohen, I am a party to this action, and I have read the foregoing APPLICANT'S RESPONSES TO OPPOSER'S FIRST SET OF INTERROGATORIES and know its contents. The matters stated in said document are true based on my own knowledge, except as to those matters stated on information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct this 19<sup>th</sup> day of December, 2014, at Camarillo, California.

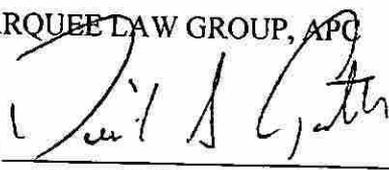
Elliot H. Cohen  
Elliot H. Cohen

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that, on December 19, 2014, I caused a true and correct copy of the foregoing Applicant's Responses to Opposer's First Set of Interrogatories to be sent via First-Class Mail, postage prepaid, to Opposer's Attorneys of Record, Drew M. Smith and Gabrielle A. Holley, Holley & Menker, PA, P.O. Box 1219, Sausalito, California 94966.

Dated: December 19, 2014

MARQUEE LAW GROUP, APC

By: 

Daniel S. Latter,  
Attorneys for Applicant, Elliot H. Cohen

**Exhibit E**

1 Daniel S. Latter, Esq. (SBN 99848)  
2 MARQUEE LAW GROUP, A Professional Corporation  
3 9100 Wilshire Boulevard, Suite 445 East Tower  
4 Beverly Hills, California 90212  
5 dan@marqueelaw.com  
6 (310) 275-1844 telephone  
7 (310) 275-1801 fax

8 Attorneys for Applicant, Elliot Cohen

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

11 BIG FRONT DOOR, LLC,

) Opposition No.: 91217625

) Serial No.: 86224809

12 Opposer,

13 vs.

)

) **APPLICANT'S RESPONSES TO**

) **OPPOSER'S FIRST SET OF REQUESTS**

14 ELLIOT H. COHEN,

)

) **FOR ADMISSIONS**

15 Applicant.

)

)

)

)

16 PROPOUNDING PARTY: OPPOSER: BIG FRONT DOOR, LLC

17 RESPONDING PARTY: APPLICANT: ELLIOT H. COHEN

18 SET NO.: ONE

19 Applicant, Elliot H. Cohen, hereby responds to Opposer, Big Front Door, LLC's First Set of  
20 Request for Admissions

21 **PRELIMINARY STATEMENT**

22 This response to Opposer Big Front Door, LLC's First Set of Requests for Admissions is  
23 made solely for the purpose of, and in relation to, this action. Each response is given subject to  
24 all appropriate objections (including, but not limited to, objections concerning competency,

25  
26 -1-

27 **APPLICANT'S RESPONSES TO OPPOSER'S FIRST SET OF**  
28 **REQUESTS FOR ADMISSIONS**

1 relevancy, materiality, propriety and admissibility) and all such objections and grounds therefore  
2 are reserved and may be interposed at the time of trial.

3 Applicant has yet to complete investigation of the facts relating to this action, has not yet  
4 completed discovery in this action, and has not yet completed preparation for trial.

5 Consequently, the following responses are given without prejudice to the right to produce, at the  
6 time of trial, subsequently discovered evidence.

7 Except for facts explicitly admitted in these responses, no admission of any nature  
8 whatsoever is to be implied or inferred. The fact that a response has been given should not be  
9 taken as an admission, or a concession of the existence of any facts set forth or assumed by the  
10 request, or that such response constitutes evidence of any fact thus set forth or assumed. All  
11 responses are to be construed on the basis of present recollection.

12  
13 **Request for Admission No. 1:** Admit that Applicant is not currently offering to render or  
14 rendering Applicant's Services to third parties in commerce under Applicant's Mark.

15 . 1. **Response to Request for Admission No. 1:** Admit

16 **Request for Admission No. 2:** Admit that Applicant is not currently licensing third  
17 parties to use Applicant's Mark in connection with offering to render or rendering of Applicant's  
18 Services in commerce.

19  
20 2. **Response to Request for Admission No. 2:** Admit

21 **Request for Admission No. 3:** Admit that Applicant's Mark and Opposer's BFD Mark  
22 are, in their entirety, identical as to appearance.

23  
24 3. **Response to Request for Admission No. 3:** Admit.



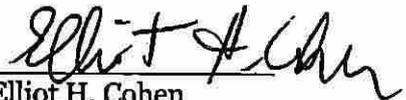




VERIFICATION

I, Elliot H. Cohen, I am a party to this action, and I have read the foregoing APPLICANT'S RESPONSES TO OPPOSER'S FIRST SET OF REQUESTS FOR ADMISSIONS and know its contents. The matters stated in said document are true based on my own knowledge, except as to those matters stated on information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct this 19<sup>th</sup> day of December, 2014, at Camarillo, California.

  
Elliot H. Cohen

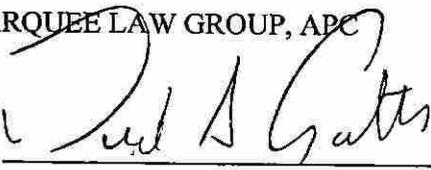
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that, on December 19, 2014, I caused a true and correct copy of the foregoing Applicant's Responses to Opposer's First Set of Requests for Admissions to be sent via First-Class Mail, postage prepaid, to Opposer's Attorneys of Record, Drew M. Smith and Gabrielle A. Holley, Holley & Menker, PA, P.O. Box 1219, Sausalito, California 94966.

Dated: December 19, 2014

MARQUEE LAW GROUP, APC

By:



Daniel S. Latter,  
Attorneys for Applicant, Elliot H. Cohen

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

Big Front Door, LLC	)	
	)	
Opposer,	)	
	)	Opposition No. 91217625
v.	)	Ser. No. 86224809
	)	
Elliot H. Cohen	)	
	)	
Applicant.	)	

**DECLARATION OF STEPHEN RILEY IN SUPPORT OF OPPOSER’S MOTION  
FOR SUMMARY JUDGMENT**

I, Stephen Riley, declare pursuant to 28 U.S.C. § 1746 as follows:

1. My name is Stephen (“Sheep”) Riley. I am a citizen of the United States of America and a resident of the State of California. I am over 21 years of age, of sound mind and otherwise fully competent to testify on the matters set forth herein, and I voluntarily make this declaration based upon my personal knowledge of the facts set forth below.

2. I am a member and co-founder of Big Front Door, LLC which does business in the County of San Diego under the name Big Front Door. Big Front Door, LLC was organized under the laws of California on or about December 14, 2011 for the express purpose of running a restaurant in San Diego, California. Big Front Door, LLC is an existing entity as shown in the California Secretary of State records attached hereto as **Exhibit A.**

3. In late 2011, I was approached to create, design and become a business

partner in an innovative deli and market concept located at 4135 Park Boulevard, San Diego, California 92103. I used my extensive experience as a professional chef to create a contemporary deli specializing in made-to-order sandwiches, soups, salads and related offerings made from fresh ingredients and inspired by California and worldwide cuisine.

4. In late 2011 my wife, Laura Riley, and I coined the trademark "BIG FRONT DOOR" to designate our restaurant services and, immediately thereafter, began using the trademark "BFD" in conjunction therewith. The trademarks BFD and BFD BIG FRONT DOOR have, at all relevant times, been synonymous with and used in conjunction with restaurant services rendered by Big Front Door, LLC.

5. In early 2012, Big Front Door, LLC hired a third party contractor, Creative Juices Signage and Advertising, to design and create exterior signage featuring BFD BIG FRONT DOOR to be displayed at 4135 Park Boulevard, San Diego, California 92103. On or about April 11, 2012, Big Front Door, LLC's plans were submitted to the City of San Diego Development Services Department and, shortly thereafter, Big Front Door, LLC obtained municipal approval for the proposed BFD BIG FRONT DOOR signage on April 16, 2012. A true and correct copy of Big Front Door, LLC's approved plans are attached to this declaration as **Exhibit B**.

6. In early 2012, Big Front Door, LLC submitted a payment in accordance with San Diego municipal law for payment of local business taxes. On or about April 25, 2012, the City of San Diego issued a Certificate of Payment of Business Tax to Big Front Door, LLC for its restaurant and catering establishment at 4135 Park Boulevard, San Diego, California 92103. A true and correct copy of Big Front Door, LLC's Certificate of Payment of Business Tax is attached to this declaration as **Exhibit C**.

7. On or about April 21, 2012, Big Front Door, LLC applied for and was granted a Seller's Permit by the California State Board of Equalization to engage in sale of tangible personal property at 4135 Park Boulevard, San Diego, California 92103. A true and correct copy of Big Front Door, LLC's Seller's Permit is attached to this declaration as **Exhibit D**.

8. On June 2, 2012, Big Front Door, LLC opened its restaurant for business and, at all relevant times since, has operated seven (7) days a week between the hours of 11:00 am and 8:00 pm Pacific Standard Time (PST), with the exceptions of holidays.

9. Big Front Door, LLC has exclusively used the BFD and BFD BIG FRONT DOOR marks on restaurant signage, sandwich packaging, cold case products, and materials peripheral to restaurant services since at least as early June 2, 2012. A true and correct picture showing the BFD and BFD BIG FRONT DOOR marks at 4135 Park Boulevard, San Diego, California 92103 is attached to this declaration as **Exhibit E**. True and correct pictures of the BFD and BFD BIG FRONT DOOR marks on food items sold by Big Front Door, LLC are attached to this declaration as **Exhibit F**.

10. On or about July 13, 2012, Big Front Door, LLC applied for and was granted an Alcoholic Beverage License from the State of California Department of Alcoholic Beverage Control to engage in the sale of beer, wine and related alcoholic beverages. A true and correct copy of Big Front Door, LLC's Alcoholic Beverage License is attached to this declaration as **Exhibit G**.

11. On July 30, 2012, Big Front Door, LLC electronically filed its quarterly sales and use tax for the period of April 21, 2012 through June 30, 2012 with the California State Board of Equalization. A true and correct copy of Big Front Door,

LLC's electronic tax filing and a copy of Big Front Door, LLC's accounting records for April – June 2012 are attached as **Exhibit H. \*Commercially Sensitive\***

12. On July 29, 2013, Big Front Door, LLC electronically filed its quarterly sales and use tax for the period of April 1, 2013 through June 30, 2013 with the California State Board of Equalization. A true and correct copy of Big Front Door, LLC's electronic tax filing and a copy of Big Front Door, LLC's accounting records for April – June 2013 are attached as **Exhibit I. \*Commercially Sensitive\***

13. On April 29, 2014, Big Front Door, LLC electronically filed its quarterly sales and use tax for the period of January 1, 2014 through March 31, 2014 with the California State Board of Equalization. A true and correct copy of Big Front Door, LLC's electronic tax filing and a copy of Big Front Door, LLC's accounting records for January – March 2014 are attached as **Exhibit J. \*Commercially Sensitive\***

14. At all times between June 2012 and present, Big Front Door, LLC has continuously used the BFD and BFD BIG FRONT DOOR marks in connection with restaurant services rendered to paying consumers in the greater San Diego metro area, as well as out-of-state visitors. A true and correct copy of Big Front Door's menu showing items available for purchase by walk-in and take-out customers is attached to this declaration as **Exhibit K.**

15. Big Front Door, LLC is actively preparing to open a second restaurant under its BFD and BFD BIG FRONT DOOR marks at 2870 4<sup>th</sup> Avenue, San Diego, California 92101, with projected opening scheduled for June 2016. The BFD and BFD BIG FRONT DOOR marks will be featured on restaurant signage, menus, sandwich packaging, cold case products, and other materials related to restaurant services.

16. Big Front Door, LLC has established valuable brand recognition and goodwill in its BFD and BFD BIG FRONT DOOR marks among consumers residing in California and visiting San Diego, a major tourist destination, from out-of-state. Big Front Door, LLC and its marks enjoy a widespread following and favorable reviews on social media, including, Facebook, Twitter, and Yelp, among others. A copy of Big Front Door, LLC's Yelp reviews from California and out-of-state consumers between June 2012 and March 2014 is attached to this declaration as **Exhibit L**. A copy of San Diego's tourism statistics for 2012 and online publications featuring San Diego as a top travel destination are attached to this declaration as **Exhibit M**.

17. Big Front Door, LLC's sandwiches have received numerous awards and are routinely featured in media publications in San Diego and online periodicals available to out-of-state consumers. For instance, on January 22, 2013 Big Front Door was featured in a video report by entitled "What's the BFD?" that aired on San Diego's CBS affiliate, KFMB Channel 8. Copies of print and online publications featuring Big Front Door, LLC and the BFD and BFD BIG FRONT DOOR marks are attached to this declaration as **Exhibit N**.

I declare under penalty of perjury under the laws of the United States of America that foregoing is true and correct. Executed on May 30, 2015.

  
\_\_\_\_\_  
Stephen Riley

## **Exhibit A**

**Business Entities (BE)**

## Online Services

- **E-File Statements of Information for Corporations**
- **Business Search**
- **Processing Times**
- **Disclosure Search**

## Main Page

## Service Options

## Name Availability

## Forms, Samples &amp; Fees

Statements of Information  
(annual/biennial reports)

## Filing Tips

Information Requests  
(certificates, copies & status reports)

## Service of Process

## FAQs

## Contact Information

## Resources

- **Business Resources**
- **Tax Information**
- **Starting A Business**

## Customer Alerts

- **Business Identity Theft**
- **Misleading Business Solicitations**

**Business Entity Detail**

Data is updated to the California Business Search on Wednesday and Saturday mornings. Results reflect work processed through Friday, May 15, 2015. Please refer to **Processing Times** for the received dates of filings currently being processed. The data provided is not a complete or certified record of an entity.

<b>Entity Name:</b>	BIG FRONT DOOR, LLC
<b>Entity Number:</b>	201202310281
<b>Date Filed:</b>	12/14/2011
<b>Status:</b>	ACTIVE
<b>Jurisdiction:</b>	CALIFORNIA
<b>Entity Address:</b>	4135 PARK BLVD
<b>Entity City, State, Zip:</b>	SAN DIEGO CA 92103
<b>Agent for Service of Process:</b>	STEPHEN RILEY
<b>Agent Address:</b>	4135 PARK BLVD
<b>Agent City, State, Zip:</b>	SAN DIEGO CA 92103

\* Indicates the information is not contained in the California Secretary of State's database.

\* **Note:** If the agent for service of process is a corporation, the address of the agent may be requested by ordering a status report.

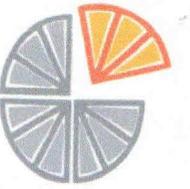
- For information on checking or reserving a name, refer to **Name Availability**.
- For information on ordering certificates, copies of documents and/or status reports or to request a more extensive search, refer to **Information Requests**.
- For help with searching an entity name, refer to **Search Tips**.
- For descriptions of the various fields and status types, refer to **Field Descriptions and Status Definitions**.

[Modify Search](#) [New Search](#) [Printer Friendly](#) [Back to Search Results](#)

[Privacy Statement](#) | [Free Document Readers](#)

Copyright © 2015 California Secretary of State

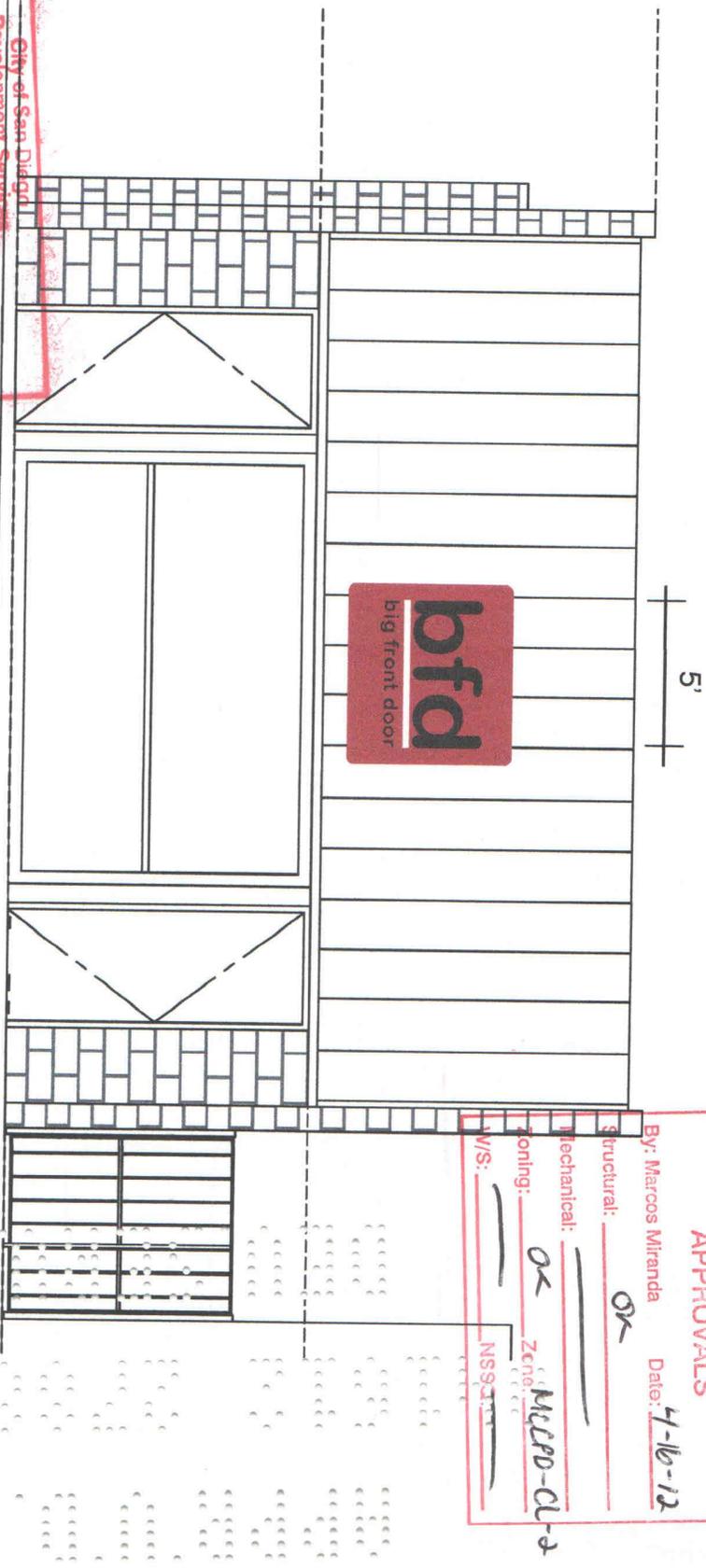
## **Exhibit B**



# CREATIVE JUICES

## SIGNAGE & ADVERTISING

DESCRIPTION:  
Exterior wall sign not to exceed 25 Square feet



City of San Diego  
Development Services  
APPROVED  
99631  
278851

**APPROVAL NO.**  
This set of plans and specifications MUST be kept on the job at all times. It is unlawful to make any changes or alterations on same without written permission from Planning & Development Review. The stamping of these plans and specifications SHALL NOT be held to permit nor approve the violation of City, County, State, or Federal Laws, nor other Restrictions.

Front Elevation

24'  
135 Park Avenue, San Diego, CA 92103

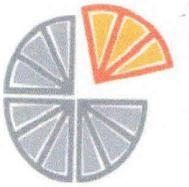
City of San Diego  
Development Services Department  
Information & Application Services  
**APPROVALS**  
By: Marcos Miranda Date: 4-16-12  
Structural: OK  
Mechanical: OK  
Zoning: OK MCPPD-CL-3  
S/S: NSS, JTT

OF \_\_\_\_\_  
Client sheets \_\_\_\_\_  
Date 4/11/12  
Revision

Big Front Door  
THIS IS A BUILDING PERMIT.

(858) 750-8363  
info@creativejuicesadvertising.com

1

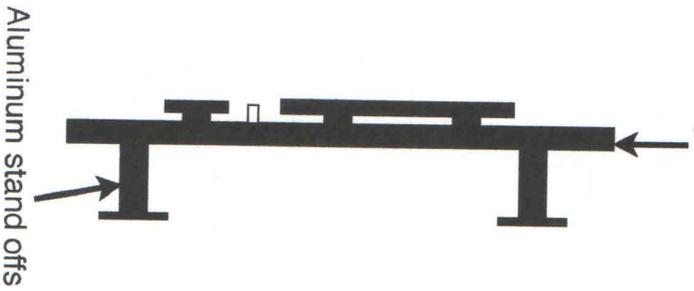


# CREATIVE JUICES SIGNAGE & ADVERTISING

4135 Park Avenue, San Diego, CA 92103

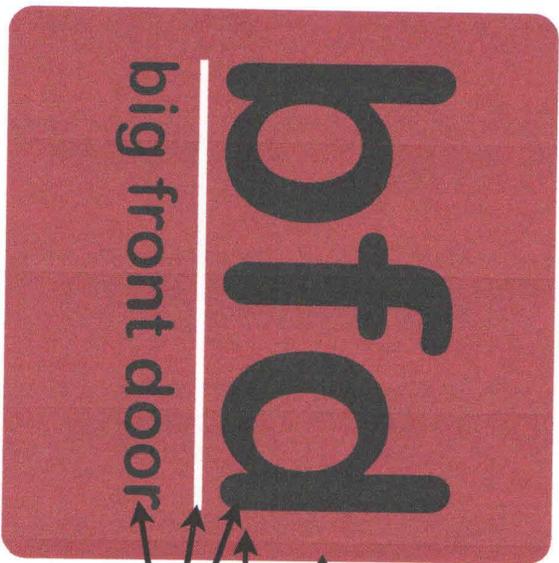
*Rev.*

Black Trim Cap circumference



Side Elevation

5'



Front Elevation

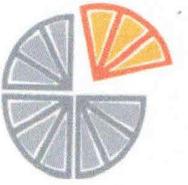
### DESCRIPTION:

- Exterior wall sign not to exceed 25 Square feet
- 1/8" Dibond laminated to 1/2" Omega board (ply)
- Digital graphic applied to surface (color only)
- Individual dimensional letters and pinline 1/2" thick acrylic. Letters mount with 1/4"-20 backpins and the line mounts flush with silicone.

Client Big Front Door  
 Date 4/11/12  
 Revision

(858) 750-8363  
 info@creativejuicesadvertising.com

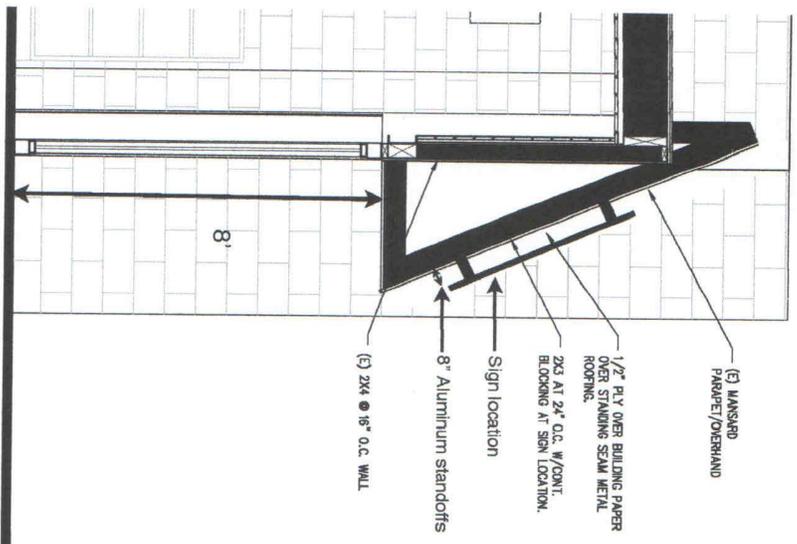
2



# CREATIVE JUICES

## SIGNAGE & ADVERTISING

4135 Park Avenue, San Diego, CA 92103



Side Elevation

Client: Big Front Door  
 Date: 4/11/12  
 Revision:

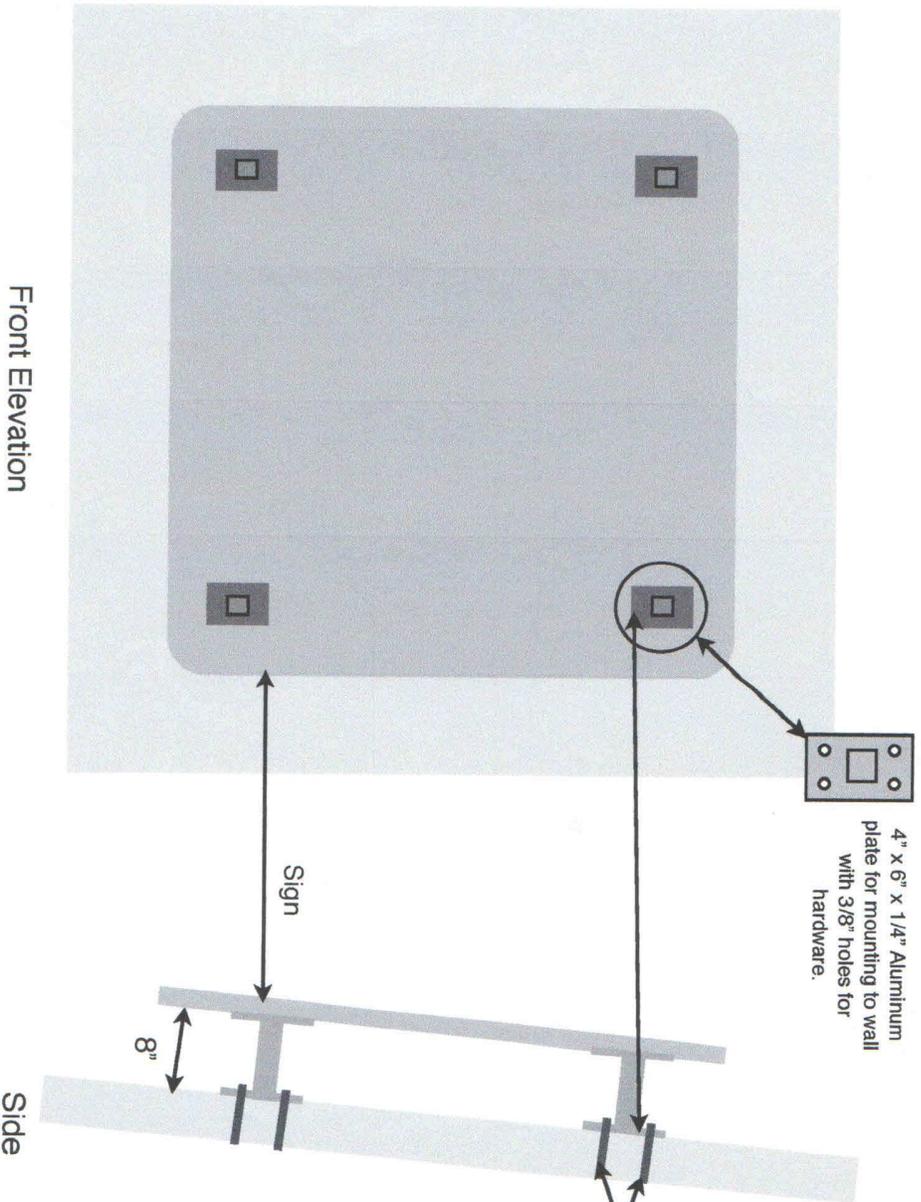
(858) 750-8363  
 info@creativejuicesadvertising.com



# CREATIVE JUICES SIGNAGE & ADVERTISING

Wall Sign - Method of Attachment

4135 Park Avenue, San Diego, CA 92103



4" x 6" x 1/4" Aluminum plate for mounting to wall with 3/8" holes for hardware.

Existing Wall  
Standard metal standing seam fascia with roofing paper over plywood sheathing

Framing is 2 x 3 @24 inch OC with 1/2 inch plywood sheathing.

Continuous 2x blocking for sign attachment

Sign Mounts with (4) 1/4" x 2" Stainless Lag Screws per plate  
Total (4) plates on sign

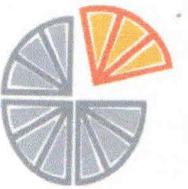
Side

Front Elevation

Client BFD  
Date 4-11-12  
Revision

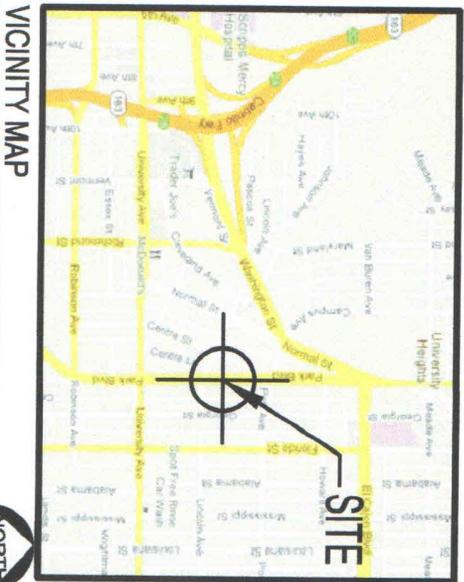
info@creativejuicesadvertising.com

Phone 858.750.8363



# CREATIVE JUICES

## SIGNAGE & ADVERTISING



VICINITY MAP

N.T.S.



**Project Address:** 4135 Park Avenue, San Diego, CA 92103

**APN** 445-501-10-00

**Legal Description**

Lot 16, Block 142, University Heights "D" Hemecourt Map,  
Page 36 LP8

**Ownership Info:**

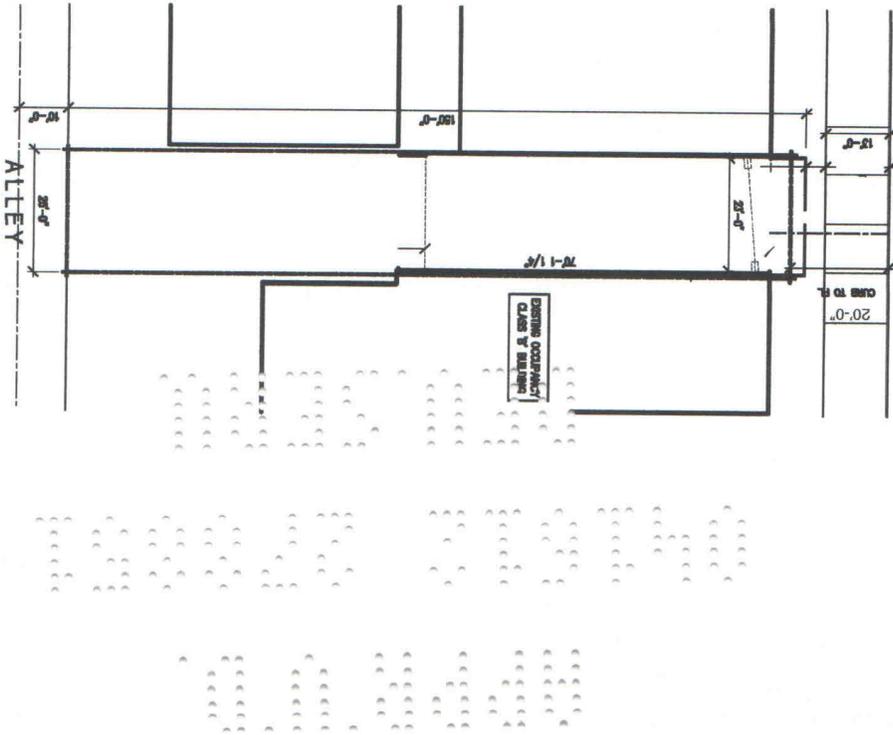
Bernardini Family Trust  
4142 Nabal Drive, La Mesa, CA 91941  
619.670.4100

Scale - 5/8" = 23'

Client **BFD**  
Date **4/11/12**  
Revision

PARK AVENUE

53'-0"  
TO CL. OF STREET



1 EXISTING SITE PLAN  
T1.0 BFD



(858) 750-8363  
info@creativejuicesadvertising.com

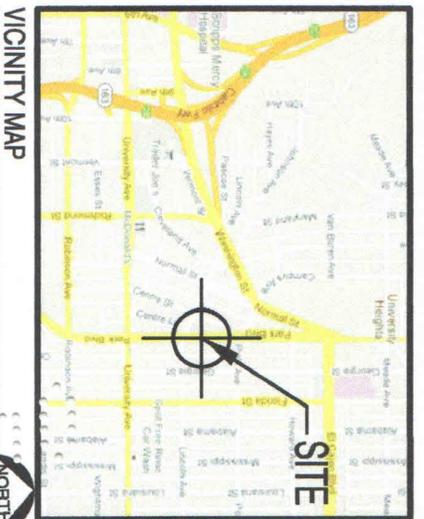


# CREATIVE JUICES SIGNAGE & ADVERTISING

Project Address: 4135 Park Avenue, San Diego, CA 92103

APN 445-501-10-00  
**Legal Description**  
Lot 16, Block 142, University Heights "D"  
Hemecourt Map,  
Page 36 LP8

**Ownership Info:**  
Bernardini Family Trust  
4142 Nabal Drive, La Mesa, CA 91941  
619.670.4100



VICINITY MAP

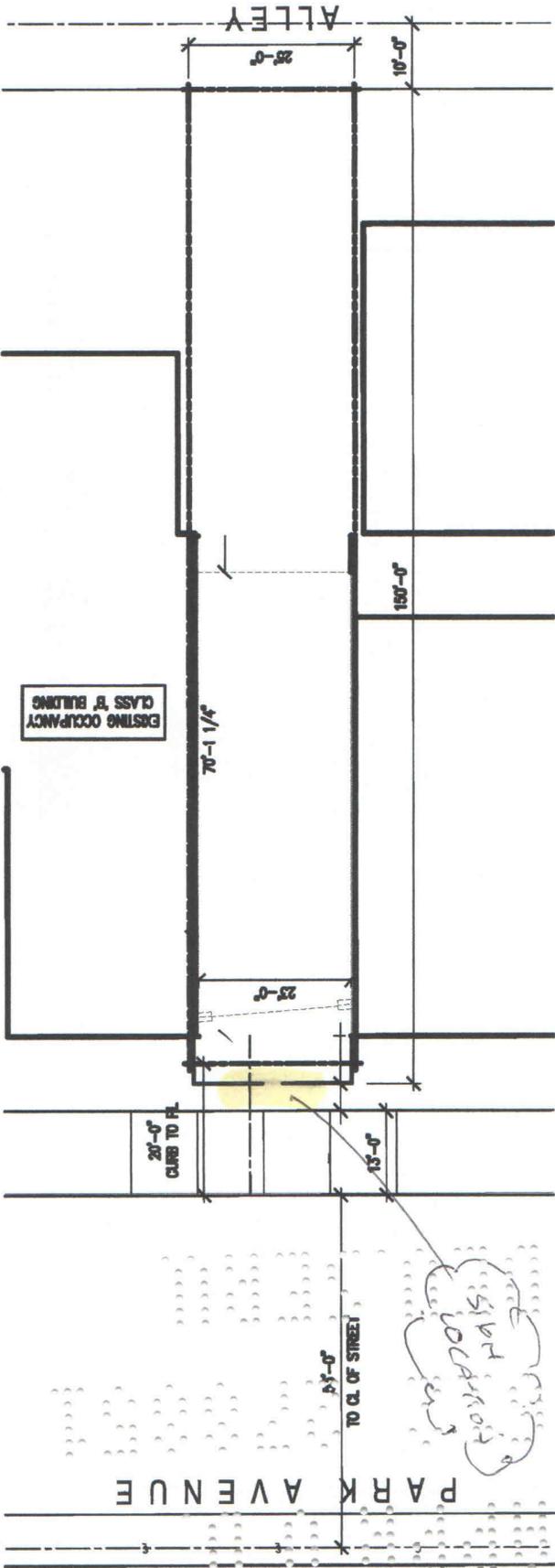


1  
T1.0

BFD

Scale - 1/4" = 6'

## EXISTING SITE PLAN



Client BFD  
Date 4/11/12  
Revision

(858) 750-8363

info@creativejuicesadvertising.com

# 1b

## **Exhibit C**

POST IN CONSPICUOUS PLACE OR KEEP ON PERSON

# CITY OF SAN DIEGO \* CERTIFICATE OF PAYMENT OF BUSINESS TAX



Certificate Number: B2012019928

Business Name: BIG FRONT DOOR  
Business Owner: BIG FRONT DOOR LLC  
Business Address: 4135 PARK BLVD  
SAN DIEGO CA 92103-2510

BIG FRONT DOOR  
4135 PARK BLVD  
SAN DIEGO, CA 92103

Primary Business Activity: LIMITED-SERVICE EATING PLACES  
Secondary Business Activity: CATERERS

Effective Date: 04/25/2012  
Expiration Date: 04/30/2013

PLEASE NOTIFY THE CITY TREASURER'S OFFICE IN WRITING OF ANY CHANGE IN OWNERSHIP OR ADDRESS - BUSINESS TAX PROGRAM, PO BOX 122289, SAN DIEGO, CA 92112

## BUSINESS FILE COPY

CITY OF SAN DIEGO  
CERTIFICATE OF PAYMENT OF BUSINESS TAX  
PO BOX 122289, SAN DIEGO, CA 92112-2289  
1200 3RD AVENUE, MS 51T, SAN DIEGO, CA 92101  
(619) 615-1500; FAX (619) 533-3272  
www.sandiego.gov/treasurer

Certificate Number: B2012019928  
Business Name: BIG FRONT DOOR  
Business Owner: BIG FRONT DOOR LLC  
Business Address: 4135 PARK BLVD  
SAN DIEGO CA 92103-2510

Primary Business Activity: LIMITED-SERVICE EATING PLACES

Secondary Business Activity: CATERERS

Effective Date: 04/25/2012  
Expiration Date: 04/30/2013

### Return Service Requested

\*\*\*\*\* AUTO\*\*3-DIGIT 921 2-355  
BIG FRONT DOOR  
4135 PARK BLVD  
SAN DIEGO, CA 92103-2510



Mailing Address: BIG FRONT DOOR  
4135 PARK BLVD  
SAN DIEGO CA 92103

This certificate acknowledges payment of business taxes pursuant to the San Diego Municipal Code. This **is not** a License to do business within the City of San Diego in violation of any section of the Municipal Code or regulation adopted by the City Council including, but not limited to: Zoning restrictions; Land Use specifications as defined in Planned Districts, Redevelopment areas, Historical Districts, or Revitalization areas; Business Tax Regulations; Police Department Regulations; and Fire, Health or Sanitation Permits and Regulations.

This document is issued without verification that the payer is subject to or exempt from licensing by the State of California.

Payment of the required tax at the time or times due is for the term and purpose stated and is pursuant to City Ordinance. Please refer to delinquency information under "Notice".

**NOTICE:** It is the responsibility of the certificate holder to renew this certificate of payment of business tax within the proper time limits. Failure to do so, even if you have not received a renewal notice, will result in the assessment of a penalty. Please note your expiration date on this certificate above. The certificate holder is requested to notify the City Treasurer's Office upon sale or closure of the business, change of location, or change of business activity.

The tax or fees collected are **Not Refundable** unless collected as a direct result of an error by the City of San Diego.

**This certificate is NOT transferable for a change in business ownership.**

## **Exhibit D**

DISPLAY CONSPICUOUSLY AT PLACE OF BUSINESS FOR WHICH ISSUED

CALIFORNIA STATE BOARD OF EQUALIZATION

## SELLER'S PERMIT



ACCOUNT NUMBER

4/21/2012 SR FH 102-210072

BIG FRONT DOOR  
BIG FRONT DOOR, LLC  
4135 PARK BLVD  
SAN DIEGO, CA 92103-2510

**NOTICE TO PERMITTEE:**  
You are required to obey all Federal and State laws that regulate or control your business. This permit does not allow you to do otherwise.

IS HEREBY AUTHORIZED PURSUANT TO **SALES AND USE TAX LAW** TO ENGAGE IN THE BUSINESS OF SELLING TANGIBLE PERSONAL PROPERTY AT THE ABOVE LOCATION. THIS PERMIT IS VALID ONLY AT THE ABOVE ADDRESS.

THIS PERMIT IS VALID UNTIL REVOKED OR CANCELED AND IS NOT TRANSFERABLE. IF YOU SELL YOUR BUSINESS OR DROP OUT OF A PARTNERSHIP, NOTIFY US OR YOU COULD BE RESPONSIBLE FOR SALES AND USE TAXES OWED BY THE NEW OPERATOR OF THE BUSINESS.

*Not valid at any other address*

**For general tax questions, please call our Information Center at 800-400-7115.**

**For information on your rights, contact the Taxpayers' Rights Advocate Office at 888-324-2798 or 916-324-2798.**

BOE-442-R REV. 15 (2-06)

### A MESSAGE TO OUR NEW PERMIT HOLDER

**As a seller, you have rights and responsibilities under the Sales and Use Tax Law. In order to assist you in your endeavor and to better understand the law, we offer the following sources of help:**

- Visiting our website at [www.boe.ca.gov](http://www.boe.ca.gov)
- Visiting a district office
- Attending a Basic Sales and Use Tax Law class offered at one of our district offices
- Sending your questions in writing to any one of our offices
- Calling our toll-free Information Center at 800-400-7115

**As a seller, you have the right to issue resale certificates for merchandise that you intend to resell. Conversely, you have the responsibility of not misusing resale certificates. While the sales tax is imposed upon the retailer,**

- You have the right to seek reimbursement of the tax from your customer
- You are responsible for filing and paying your sales and use tax returns timely
- You have the right to be treated in a fair and equitable manner by the employees of the Board
- You are responsible for following the regulations set forth by the Board

As a seller, you are expected to maintain the normal books and records of a prudent businessperson. You are required to maintain these books and records for no less than four years, and make them available for inspection by a Board representative when requested. You are also expected to notify us if you are buying, selling, adding a location, or discontinuing your business, adding or dropping a partner, officer, or member, or when you are moving any or all of your business locations. If it becomes necessary to surrender this permit, you should only do so by mailing it to a Board office, or giving it to a Board representative.

If you would like to know more about your rights as a taxpayer, or if you are unable to resolve an issue with the Board, please contact the Taxpayers' Rights Advocate Office for help by calling toll-free, 888-324-2798 or 916-324-2798. Their fax number is 916-323-3319.

**Please post this permit at the address for which it was issued and at a location visible to your customers.**

STATE BOARD OF EQUALIZATION

Sales and Use Tax Department

## **Exhibit E**



## **Exhibit F**







## **Exhibit G**

STATE OF CALIFORNIA  
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL  
ALCOHOLIC BEVERAGE LICENSE

OFF-SALE BEER AND WINE

VALID FROM

Jul 13, 2012

BIG FRONT DOOR LLC  
4135 PARK BLVD  
SAN DIEGO, CA 92103-2510

EXPIRES

Jun 30, 2013

TYPE NUMBER DUP

20 522313

AREA CODE

3710 10

BUSINESS ADDRESS DBA: BIG FRONT DOOR  
(IF DIFFERENT)

PER From:  
20-511439

OWNERS: BIG FRONT DOOR LLC

CONDITIONS

7



**IMPORTANT INFORMATION**

**EFFECTIVE PERIOD:** This license is effective only for the operating period shown above. A new license will be sent 4 to 6 weeks after the expiration date on your license if payment is timely. Your license status will remain in good standing for 60 days after the expiration date if the renewal payment was received timely. To check the status of your license, visit <http://www.abc.ca.gov/datport/LQSMenu.html>.

**RENEWAL NOTICES:** Renewal notices are sent to premises address unless a specific mailing address is requested. If a notice is not received 30 days before expiration date shown above, contact the nearest ABC office. To assure receipt of notices, advise your local ABC office of any change in address.

**RENEWAL DATES:** It is the licensee's responsibility to pay the required renewal fee by the expiration date shown above.  
A Penalty is charged for late renewal and the license can be automatically revoked for failure to pay.

**RENEWAL PAYMENTS:** Renewal payments can be made in person by visiting your local office or sent by mail to ABC Headquarters, 3927 Lennane Drive, Suite 100, Sacramento, CA 95834. If you do not have your renewal notice, your license number and the reason for payment (ex. "renewal") must be clearly indicated on the check. You can contact your local ABC office for your renewal fee amount.

**SEASONAL LICENSES:** It is the licensee's responsibility to pay the required renewal fee prior to the next operating period.

**POSTING:** Cover this license with glass or other transparent material and post it on premises in a conspicuous place.

**CONDITIONS:** A copy of all applicable conditions must be kept on premises.

**LICENSEE NAME:** Only 10 names will be printed on each license. If there are more names associated with the license, they will be indicated by "AND XX OTHERS". All names are on file and available upon request from your local ABC office.

**DBA:** If you change your business name please notify your local ABC office.

If you have any questions regarding this license, contact your local ABC office. You can find the contact information for each district office at <http://www.abc.ca.gov/distmap.html>.

**NOTE: CONTACT YOUR LOCAL ABC OFFICE IF YOUR LICENSED PREMISES WILL BE TEMPORARILY CLOSED FOR MORE THAN 15 DAYS OR WILL BE PERMANENTLY CLOSED.**

## **Exhibit H**

CONFIDENTIAL - COMMERCIALY SENSITIVE INFORMATION

## **Exhibit I**

CONFIDENTIAL - COMMERCIALY SENSITIVE INFORMATION

## **Exhibit J**

CONFIDENTIAL - COMMERCIALY SENSITIVE INFORMATION

**Exhibit K**



## salads

### avoberry

strawberry, avocado, cucumber, red onion,  
almond, goat cheese  
*balsamic vinaigrette* 9.5

### southwest

chicken, corn salsa, jicama, pico de gallo, avocado,  
jack cheese, black bean  
*orange vinaigrette* 10.5

### 'cobbler'

house smoked turkey, avocado, egg, tomato,  
cucumber, crumbled maytag  
*red wine & blue vinaigrette* 9.5

### greek

olive, pepper, pickled onion, feta, roma tomato, cucumber  
*meyer lemon dressing* 9

### grapevine

grape, almond, pistachio, date, avocado,  
onion, roma tomato  
*orange vinaigrette* 10

### sesame chicken

roast chicken, scallion, carrot, pea sprout,  
pepper, mandarin, crispy noodle  
*sesame vinaigrette* 10.5

### duck cranberry

shredded duck, cranberry, roasted walnut, crumbled maytag  
*orange vinaigrette* 11.5

### salmon

green bean, red onion, caper, tomato, pea sprout  
*balsamic vinaigrette* 11

### side green & market vegetable

*choice of dressing* 4

## featured sandwiches

### cali cubano

house cured & smoked pork loin, jack, pickle, red onion,  
avo, mustard & jalepeño aioli  
*torpedo* 10

### loins of fire

chili roast pork loin, roast poblano, pickled onion,  
cilantro, lettuce, garlic aioli  
*torpedo* 9.75

### sonoran chicken

chicken, poblano, jack, corn salsa, avocado,  
lettuce, chipotle aioli  
*ciabatta* 9.5

### sandwich of the season

could change tomorrow... or not  
mp

## hot sandwiches

### baby back ribs

house bbq, oven roasted onion, shredded cabbage, o&v  
*torpedo* 10.5

### smokey the meatloaf

cheddar, roma tomato, house ketchup  
*sourdough* 8.5

### hoisin-ginger pulled pork

carrot, cabbage, water chestnut, cilantro, scallion  
*torpedo* 10

### eggplant ball

marinara, parmesan  
*torpedo* 9.5

### o.f.t.

turkey, gravy, mashed pot  
(add "the goods" for 2 bucks)  
*sourdough* 9

## cold sandwiches

### avocado highway

stacked avocado, roma tomato, parmesan crisp, lettuce, o&v  
(add house smoked salmon or bacon for 2 bucks)  
*torpedo* 9.5

### t & t

turkey, tapenade, lettuce, red onion, roma tomato, o&v  
*french slice* 9.5

### double smoked berkshire

ham, swiss, house mustard, lettuce, roma tomato  
*torpedo* 9.5

### club

turkey, bacon, lettuce, roma tomato, mayo, house mustard  
*sourdough* 9.5

### house roast beef

provolone, broccoli rabe, black peppered roma tomato,  
lettuce, house aioli, o&v  
*torpedo* 10

### caprese

buffalo mozzarella, whole basil leaf, roma tomato,  
pressed garlic, o&v  
*ciabatta* 9

### b.g.p.

roast beef, house smoked gouda, pepperoncini, lettuce,  
roma tomato, red onion, o&v, chipotle aioli  
*sourdough* 10.5

### deep v

smoked potato, avo whip, lettuce, roma tomato,  
red onion, pea sprout, o&v  
*whole grain* 9

### turkey day

cranberry relish, candied bacon stuffing, drizzle of gravy  
*torpedo* 9.5

### the natural

beef, bread, jus  
*torpedo* 8.5

**Exhibit L**




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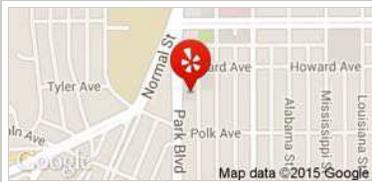
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# Big Front Door

★★★★★ 385 reviews [Details](#)

\$\$ · Delis, Sandwiches [Edit](#)



**4135 Park Blvd**  
**San Diego, CA 92103**  
 b/t Polk Ave & Howard Ave  
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Love the red curry quinoa \$1.75 a small... by Adria D.



"Tried the '**Avocado Highway**' and added turkey omg that Parmesan crisp is soooooooo gooooood!" in 33 reviews



"I also tried the **chipotle potato salad** and the regular potato salad which were both delightful!" in 17 reviews



"My go-to items are "**Loins of Fire**"- Pork sandwich, mac n' cheese, and oatmeal raisin cookies two." in 47 reviews

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English 385

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**Mario W.**  
 San Diego, CA  
 9 friends  
 13 reviews

★★★★★ 2/23/2014

i thought this was a store that made big doors haha. was pleasantly surprised. super simple awesome food and great staff. i had the cali cubano today. will defenetley be coming back.



**Mark S.**  
 San Diego, CA  
 0 friends  
 19 reviews

 Today 11:00 am - 8:00 pm **Open now**

---

 [Menu](#)

---

 Price range \$11-30

### Hours

<b>Mon</b>	11:00 am - 8:00 pm	<b>Open now</b>
<b>Tue</b>	11:00 am - 8:00 pm	
<b>Wed</b>	11:00 am - 8:00 pm	
<b>Thu</b>	11:00 am - 8:00 pm	
<b>Fri</b>	11:00 am - 8:00 pm	
<b>Sat</b>	11:00 am - 8:00 pm	
<b>Sun</b>	11:00 am - 8:00 pm	

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### More business info

- Takes Reservations **No**
- Delivery **No**
- Take-out **Yes**
- Accepts Credit Cards **Yes**
- Good For **Lunch**
- Parking **Street**
- Bike Parking **Yes**
- Good for Kids **Yes**
- Good for Groups **Yes**
- Attire **Casual**
- Ambience **Casual**
- Noise Level **Average**
- Alcohol **Beer & Wine Only**

★★★★★ 2/23/2014

Great home made food, friendly folks & they have JOLT!!  
Nuff said!



**Krista G.**  
Portland, OR  
70 friends  
317 reviews  
Elite '15

★★★★☆ 2/16/2014

Bfd it does have a big front door fore sure and their sandwiches are a big fecking deal too! Clean beautiful shop located in Hillcrest. The people here all were so sweet.

I had the club and it was the best one I have ever eaten. Moist delicious turkey and crispy salty bacon, just the perfect amount of mayo and mustard. My sweetie had the pbj which was sloppy messy goodness. The place is a little pricy but the high quality of the ingredients justifies it.

I'd totally eat here again!



**Kevin L.**  
New York, NY  
227 friends  
165 reviews  
Elite '15

★★★★★ 2/11/2014

1 check-in

Per popularity: Loins of Fire is my choice.

Usually, I am not into buying \$10 sandwiches, but I'll splurge a little bit for BFD. Head here on a nice sunny san diego day and you won't regret it. Sit outside and enjoy the beauty that is SD. They actually have a chill little beer collection which is nice too.

The menu is pretty crafty, of course I went with the loins of fire though. Lots of good flavors coming out of that sandwich, the pork, the peppers, the sweet sauce, all complimenting one another. It looks like a pretty small sandwich at first but it is quite stout..

anyways next time I'm lookin to try that rib sandwich, and some pasta too.

and the door is really big.



- Outdoor Seating **Yes**
- Wi-Fi **No**
- Has TV **No**
- Waiter Service **No**
- Caters **Yes**

**Michael K.**  
First to review

**People also viewed**



**Ripe North Park**  
★★★★★ 65 reviews

Everything was super fresh and most of their produce is organic.



**Hillcrest Sandwich Co.**  
★★★★☆ 347 reviews

The CABRILLO is hands down one of my favorites.



**San Diego Soup Shoppe**  
★★★★☆ 263 reviews

Lobster Bisque with Sherry (rich and addicting).

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taste buds very happy. The people who work there are super friendly and patient when you ask them about each sandwich- more than once, every time I (I mean you) visit. The SOS (sandwich of the season) is always my go to when I can't decide. The selection of sodas arena great treat along with the sides and cookies. I try to eat only half of the sandwich so I don't feel guilty about a cookie accidentally finding itself on my hands.

 **JP S.**  
 San Diego, CA  
 28 friends  
 53 reviews

★★★★★ 10/9/2013

When you can get beautiful design and great food in the same location, what's not to love?! The communal dining is an adjustment but maybe you'll make a new friend? Try the Asian chicken salad it's the bomb!

 **Cassandra S.**  
 San Diego, CA  
 66 friends  
 125 reviews

★★★★★ 10/8/2013

1 check-in

Great sandwiches now that I have been here I know you can definitely share a sandwich.

 **Sarah M.**  
 San Diego, CA  
 397 friends  
 78 reviews  
 Elite '15

★★★★★ 10/8/2013

1 check-in

As badly as I want to deduct a star or two for the price (\$10 sandwich!), I'm not because I really do want to see them succeed, and more venues to take some notes from them. I love that the ingredients were fresh and the meat is home cooked. There's nothing I can't stand more than paying good money for pressed meat. Yuck!

I ordered the Club. Was it the best sandwich I've had? No, it was a bit dry.. but I can't dock them, because I changed the bread and didn't technically have my 'wich the way they prefer to serve it. Plus, I think I may have sold myself a little short after looking at all the pictures here on Yelp. Next time I'm going for that open faced hot turkey meal, or the Avo sandwich. Both look amazing.

Aside from the amazing ingredients they also deserve 5 stars for their service. They were a breath of fresh air. I happened to bring my German shepherd for lunch and she decided to act a fool twice while there (DOG FRIENDLY PATIO PEOPLE!!!) . They were totally nice and understanding which is amazing... I still decided to make my order a togo order out of pure embarrassment via my brat, but still felt nice not to be judged by the venue.

 **Talia H.**  
 Denver, CO  
 84 friends  
 187 reviews  
 Elite '15

★★★★☆ 10/8/2013

1 check-in

Great sandwiches, awesome location. It was a nice day out, exploring San Diego. We wanted a quick and delicious lunch before we went to the zoo... what a great find! We enjoyed the meal and the environment. The food was great, the service was awesome and the venue, fun!

- Outdoor Seating **Yes**
- Wi-Fi **No**
- Has TV **No**
- Waiter Service **No**
- Caters **Yes**

 **Michael K.**  
 First to review

**People also viewed**

 **Ripe North Park**  
 ★★★★★ 65 reviews  
 Everything was super fresh and most of their produce is organic.

 **Hillcrest Sandwich Co.**  
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 The CABRILLO is hands down one of my favorites.

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 Lobster Bisque with Sherry (rich and addicting).

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[French Dip Sandwich San Diego](#)

I'm really hoping this visit was a fluke as I enjoy the quality of the ingredients. Next time I think I'll go for the loins of fire or their spin on the french dip.

★★★★★ 3/26/2013 · Previous review

Let me preface by saying I'm a major sandwich enthusiast. I have always said I could eat sandwiches... [Read more](#)



**Kimo J.**  
Honolulu, HI  
43 friends  
20 reviews

★★★★★ 4/17/2013

Badass sandwiches! Just go here and try one, any one, they are all good!



**Mel J.**  
San Diego, CA  
433 friends  
458 reviews  
Elite '15

★★★★☆ 4/12/2013

1 check-in ROTD 8/2/2013

Listed in 2013 Yelp 200 Challenge

The "Loins of Fire" torpedo for \$9.50 was loaded with flavor, although it had way too much mayo (or garlic aoli), so I'd order that on the side next time. What's not to love about a chili pork loin roast, made in house, and served on a yummy fresh torpedo roll with poblano peppers, pickled onion, cilantro, lettuce and tomato with garlic aoli? (-; The pork loin was nice and lean, and delicious.

How do you shake up a bottle of real ginger beer? Whoops, not THAT WAY! Eeek, not in the car! Yep, I saw real pieces of ginger in the bottom of my bottle of ginger beer, so I shook it up...in the car...it overflowed, so I held it out the window, where it baptized my car! 0-:

The Big Front Door has a fun selection of real ginger beer, and I chose one which was \$3.25 and very tasty, with real ginger in the bottom. The Big Front Door is a good place to pick up sandwiches if you are on the way to the Hillcrest cinema.

The staff are friendly and were happy to share info about the menu. Everything is made in house, and you order at the counter. We highly recommend The Big Front Door. But don't shake up your ginger beer in the car, and make sure you get the garlic aoli (or mayo) on the side! (-;



**Gene C.**  
San Diego, CA  
0 friends  
25 reviews

★★★★★ 4/11/2013

Great food, really nice people working. Sandwich was delicious, they need a few more tables though. Especially outside.

doesn't facilitate you know, sitting down easily. It was, of course, 5 degrees below optimal temperature outside, and their one long table inside was taken by just enough people to make 4 more feel too cozy and awkward between strangers.

So whatever, aside from those things? What about the food? Well, Man Candy and I shared a salad and a sandwich. We tried to order the duck salad, but were told there is no duck. I assume that means their nifty menu on rolls of paper are actually just for show, cuz otherwise why not, you know, cross that shit off the menu if you don't have it? Anyway. So we settled for the Cobb salad (~10 bucks) and the spicy pork loin sandwich (don't remember the specific name of it).

The food is served to-go style, which is silly I think. Wasteful, even. The salad came in this giant box, and was pretty generous. But though it had potential, it didn't deliver so well. It was a little bland. I don't know what it was missing, but it was definitely missing something.

The sandwich was the real winner here. The pork loin was sliced like deli meat, and there was a roasted poblano, some pickled onions, and mayo. Maybe there was something else? Who knows. Anyway, it was actually delicious. It was also 1.5x the price of my favorite whole foods sandwiches which are 1.5x the size, but that's a whole nother story.

All in all, a slightly weird food experience. Go for the pork loin sandwich!



**Leonard L.**  
TriBeCa, Manhattan, NY  
327 friends  
850 reviews  
Elite '15

★★★★★ 3/20/2013 · Updated review

4 check-ins  
Listed in [The Yelp 100 Challenge](#)

Big Front Door  
SD: North Park  
March 19, 2013  
Five Stars

I walked in the small little side door with 5 minutes before closing. The nice lady and gentleman made me a delicious Rib Meat with Sweet and Spicy Coleslaw. They even let me sit and eat while they were closing up the shop. The sandwich hit the spot and people were extremely friendly. I shall return with a empty stomach and high expectations.



- Outdoor Seating **Yes**
- Wi-Fi **No**
- Has TV **No**
- Waiter Service **No**
- Caters **Yes**

 **Michael K.**  
First to review

**People also viewed**

-  **Ripe North Park**  
★★★★★ 65 reviews  
Everything was super fresh and most of their produce is organic.
-  **Hillcrest Sandwich Co.**  
★★★★★ 347 reviews  
The CABRILLO is hands down one of my favorites.
-  **San Diego Soup Shoppe**  
★★★★★ 263 reviews  
Lobster Bisque with Sherry (rich and addicting).

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Gouda Mac n Cheese



Avocado Highway with Bacon

See all photos from Leonard L. for Big Front Door



6/24/2012 · Previous review

Big Front Door  
SD: North Park-Ish  
6pm Sunday 24 June 2012  
Four Stars

They really do have a big front... [Read more](#)



Sign Board



Wrapped Sandwich



Grape Salad

See all photos from Leonard L. for Big Front Door



**Jennifer R.**  
San Diego, CA  
33 friends  
26 reviews



3/18/2013

I'm always looking for a good lunch place that is counter service in my neighborhood. Decided to try this place out with my sister in law and baby nephew. Our sandwiches were delicious and I loved the soda selection. The only thing I found odd is that yelp says this place is kid friendly but they had neither high chairs nor a changing table in the bathroom. So I guess I wouldn't consider it baby/toddler friendly. My second experience here was an interesting one. I was super excited to bring my husband here after my first experience. I ordered the 5 spice pulled pork sandwich and when it came out the bread was already very soggy (maybe from the slaw?) and i did not taste any spice at all it was actually bland! Needless to say I was super disappointed as my husband devoured his delicious BLT. I rarely bring my food back but I was not going to eat it and this place is not inexpensive. I nervously brought it

back to the counter practically peeing my pants cause I hate being "that customer.". The guy at the counter was nice about it and said they appreciate the feedback and let me order a different sandwich. Overall this place serves very high quality food and I guess that day I just ordered the wrong thing.I will definitely be back here again but won't order that sandwich again. They really do want their customers to be satisfied and I appreciate that.

Ps. They are dog friendly with outdoor seating and a dish of water for your pooch and also have nice magazines to flip through which I enjoyed



**Jenny D.**  
Hagåtña, Guam  
0 friends  
45 reviews

★★★★★ 3/18/2013

omg, best food ever! i've been here five times already and each time does not disappoint in terms of grubs and service. they have a good selection of great sandwiches and fantastic salads. they don't skimp on the fillings either...you get what you pay for in both quality and price. the prepared food section are tasty and yummy. i've had their turkey day (subbed turkey for duck, they called it a "duckie day", lol) and it was very tasty. i've also had their duck salad as well as their salmon salad and they were huuuge! their pulled pork sandwich is probably the best i've had on their menu (hope they make it a regular and take it off their seasonal menu). Lots of different sodas, beers by the pack, wine, and unique iced teas. also offer a cheese platter for those inclined. potato salad is scrumptious as well as their desserts. i recommend the oatmeal rum raisin and macaroon!!

one con: when they're busy, it's hard to get seats. they have a communal table in the inside and a few sets of tables and chairs outside. you can, however, stand at the "door" and eat as there's a ledge for eating. still gets a 5-star in my books, though!



**Osito S.**  
San Diego, CA  
92 friends  
250 reviews

★★★★★ 3/17/2013

12 check-ins

Aaaaaaaaaaamen! Please be seated! BFD is truly a bfd! First, the guys that work here couldn't be friendlier and more helpful. When we walked in they didn't hesitate to offer advice on what to order or to remind us of all the many options to choose from. Second, they have a great prepared foods "section". My girl and I shared their crab cakes and they were aaaaaaamaaaalsing (see ABC's hit comedy "Happy Endings" for the reference). Third...the sauce with the crab cakes was mind blowing. It's called a something "whip" and resembles guacamole but tastes like it was made on Mt Olympus by Zeus's private chef. Fourth, please, for the love Dawson's Creek, order the meatloaf sandwich. Good lord that thing is killer. The sauce, the meat, the bread...it's the Jordan-Pippen-Grant trio of perfection. My girl had the turkey club and she loved it. Finally, the chocolate chip cookies are definitely a good way to round out a day of being a total fatty!

So...go to BFD; unless of course you hate puppies and America.



**Nick J.**  
San Diego, CA  
3 friends  
33 reviews



**Dan L.**  
San Diego, CA  
39 friends  
16 reviews

★★★★☆ 2/11/2013

BFD is the bees-knees. I've been here a number of times. I think it gets better every visit. Their meats are made in house and they're phenomenal. I like going in and looking at the roast pork in the deli case. They also have awesome sodas. Faygo in the glass bottle always gets points with me. The staff is always very nice. The chef typically comes out and asks how everything tastes. BFD is a great sandwich spot for an area that really doesn't have a true deli around. I only eat bread sporadically. But when I'm in the mood for a delicious sammy, BFD is my local spot.

Most recent visit I split the Avocado Highway with smoked salmon and the SoS which was the smoked rib sando. Both were freaking awesome. That damn rib sandwich is outta control. Go get it before they change it up.



**Lisa C.**  
San Diego, CA  
2 friends  
5 reviews

★★★★★ 2/10/2013

Love ya Big Front Door! I enjoy cooking - I really do, but between my long and ever changing work hours and my husband launching his own business nightly meal prep is rarely in the cards for us. We've come to rely on a select group of restaurants, delivery places, and items from Whole Foods' deli to round out our daily meals. Big Front Door has become one of our go to places.

As foodies, we're somewhat particular about what we'll eat. We find the places we frequent the most offer fresh, well-prepared items that are flavorful and for the most part, healthy. Big Front Door has all of the above. The tremendous smell alone had me hooked the first time I walked through the (big) front door. We've sampled most of the healthier sandwiches, salads, and even a few of the desserts. Everything has been outstanding! We pick up food from here 2-3 times per week.

I've seen a few reviews on here mentioning the cost and I think it really goes back to the old adage, "you get what you pay for." I don't mind spending a little more to make sure we get something well made with real ingredients, rather than over-processed and re-heated junk.

Also, I'm glad to see an eatery of this type in this section of North Park/University Heights. We're residents of the area and it's great to have more quality food places moving in.



**Gretchen R.**  
Bremerton, WA  
4 friends  
23 reviews

★★★★☆ 2/7/2013

I live w/in walking distance to this little place and finally decided to give it a go. I met a friend here for lunch the other day and was really looking forward to a nice crisp glass of wine w/my meal. This place lists that they have beer & wine...which is true - except that you can't drink it there! It's to-go only! Total buzz kill, it was just one of those type of days I really could have used a glass of wine before getting back to work.

So as soon as this place actually serves their beer & wine I'll give them 5 stars.

But the food was fantastic, I ordered the duck salad - YUM! - I'll definitely be going back for that! I brought my own goat cheese too & crumbled on top - since I can't have cow dairy. Another bonus - they sold freaking Faygo pop in bottles - being from Michigan I LOVE that!

So to recap:  
I hope they serve their wine & beer soon.  
It'd be nice if they added goat cheese to the salad and

sandwich options - way better for you than cow cheese. And it seemed odd that there was this 'bfd' with a 'bar' along it but no bar stools. It was a little chilly to sit outside but I would have much rather sat at the window and looked outside while I ate than at the community table inside....

But I'll definitely be going back!



**Jenna C.**  
San Diego, CA  
43 friends  
7 reviews

★★★★★ 2/4/2013

Stumbled upon this place today and soooo glad I did! The avocado highway is amazing as are the desserts! The staff was super friendly and very helpful! I'm excited to go back and try more! May be my new favorite lunch spot....they also have tons of bottled sodas and craft beer and wine!



Avocado highway! Sooo bomb!



**Emily A.**  
San Diego, CA  
7 friends  
101 reviews

★★★★★ 2/4/2013

The special Mc rib was to DIE for! This is such an amazing sandwich shop! Unfortunately the special can be gone in a day, week or month. The only down side is they sell alcohol BUT you cant drink it there! Overall this is a GEM! The owner came out a said hello to us! Two thumbs up!



**Joe I.**  
Tempe, AZ  
5 friends  
55 reviews

★★★☆☆ 1/30/2013

first visit i got the rib sandwich and while on the wall they make fun of the mc rib i personally would go for mcd's before this sandwich. the potato salad was as if someone was too lazy to slice potato and just threw in a few slices. thought i would give another try based on all the positive reviews. meatloaf sandwich was good, they forgot my salad and after waiting 18 minutes for what i could have done in two (i was only customer) i could not help but think that all these positive reviews must be from people that are used to this kind of food and service. its a real shame.



**Bill B.**  
San Diego, CA  
0 friends  
3 reviews

★★★★★ 1/17/2013

I used to come to this location for Greek, for decades. I stopped in @ BFD today and discovered a whole new presentation and inspired menu!! I also selected the Smokey Meatloaf and it was DELICIOUS! I also grabbed some Sesame Noodles and another reason to declare BFD




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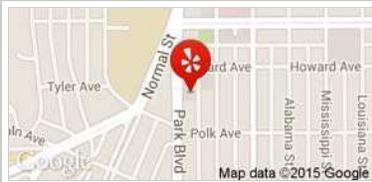
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# Big Front Door

★★★★★ 385 reviews [Details](#)

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See all 195 photos

Love the red curry quinoa \$1.75 a small... by Adria D.



"Tried the '[Avocado Highway](#)' and added turkey omg that Parmesan crisp is soooooooo goooooood!" in 33 reviews



"I also tried the [chipotle potato salad](#) and the regular potato salad which were both delightful!" in 17 reviews



"My go-to items are "[Loins of Fire](#)"- Pork sandwich, mac n' cheese, and oatmeal raisin cookies two." in 47 reviews

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English 385

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**Luis N.**  
 Miami, FL  
 261 friends  
 381 reviews  
 Elite '15

 Today 11:00 am - 8:00 pm **Open now**

---

 [Menu](#)

---

 Price range \$11-30

### Hours

<b>Mon</b>	11:00 am - 8:00 pm	<b>Open now</b>
<b>Tue</b>	11:00 am - 8:00 pm	
<b>Wed</b>	11:00 am - 8:00 pm	
<b>Thu</b>	11:00 am - 8:00 pm	
<b>Fri</b>	11:00 am - 8:00 pm	
<b>Sat</b>	11:00 am - 8:00 pm	
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### More business info

- Takes Reservations **No**
- Delivery **No**
- Take-out **Yes**
- Accepts Credit Cards **Yes**
- Good For **Lunch**
- Parking **Street**
- Bike Parking **Yes**
- Good for Kids **Yes**
- Good for Groups **Yes**
- Attire **Casual**
- Ambience **Casual**
- Noise Level **Average**
- Alcohol **Beer & Wine Only**

★★★★☆ 11/17/2012

1 check-in

Try this place. It's worth it.

We stopped in before going to the zoo and it was a great choice. I had the loin sandwich and it was delicious. Slightly too big to fit in my mouth but the combination was awesome. My wife made her own which they allow you to do and she loved it.

The atmosphere is great here. The service was great as well. They had a great selection of craft soda. I'd love to come back.

Slightly more than I'd like to pay for sandwiches but like I said...worth it.



**Food I.**  
San Diego, CA  
6 friends  
5 reviews

★★★★☆ 11/9/2012

I've been here a few times and each time it's just okay. I then realized, I keep coming back because I want the food to match the coolness of the space. Yeah, the front door is cool, the people are nice, but the food...meh. Go to the San Diego Soup Shoppe, no cool door, but the food is better.



**Audry T.**  
San Diego, CA  
64 friends  
36 reviews

★★★★☆ 11/6/2012

I just voted at the church and I figured I would try this place out. A first I was thinking the prices were high but thought, well let's eat the food before I judge. Well, OMG, prob one for the best greek salads I have ever had! I fill go back and try more dishes!



**Margaret K.**  
San Diego, CA  
0 friends  
9 reviews

★★★★☆ 11/1/2012 · Updated review

The desserts are tasty for sure. I've had the chocolate chip cookies and the macaroons. Yum.

The cold sesame noodles = the old standby

I just tried the Turkey Day sandwich on Halloween. Oh man was it jam packed with goodness. I ate it at home then slept for two hours.

★★★★☆ 8/21/2012 · Previous review

Tried this place today for the first time, based on the Yelp reviews. The Ginger Beer and Soda... [Read more](#)



**Alice Z.**  
San Francisco, CA  
75 friends  
10 reviews

★★★★☆ 10/27/2012

1 check-in

Loins of fire with avocado hmmm...grab a pistachio chocolate cookie and some root beer while you wait for their delicious sandwiches. They have a really nice open space with lots of seats and a large table. They have a wide variety of hipster named sodas AND they have Dirty chips. What more can you ask for??

Outdoor Seating **Yes**

Wi-Fi **No**

Has TV **No**

Waiter Service **No**

Caters **Yes**

 **Michael K.**  
First to review

**People also viewed**



**Ripe North Park**  
★★★★☆ 65 reviews

Everything was super fresh and most of their produce is organic.



**Hillcrest Sandwich Co.**  
★★★★☆ 347 reviews

The CABRILLO is hands down one of my favorites.



**San Diego Soup Shoppe**  
★★★★☆ 263 reviews

Lobster Bisque with Sherry (rich and addicting).

**Related Lists**



**Samiches**  
two pieces of bread, stuff in the middle you got yourself a sandwich.



**The Yelp 100 Challenge**  
100 is the low number I'm shooting for, but the main goal is writing a...



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conversation with Steve, half of the duo that started BFD, and get his take on everything. THANK YOU, STEVE, FOR BEING SO COOL!

This is definitely a place we'll go to again. There are sandwiches and Salads that I want to try plus a "Sandwich of the day", which I was beating myself up over later that day. I love limited engagement food and I can't believe I didn't even bother asking about it that day.



**Jaime B.**  
San Diego, CA  
27 friends  
39 reviews

★★★★☆ 6/14/2012

Checked out the BFD today... Mostly I just like saying BFD. The set-up is like a garage with a BFD. There is one long table in the center where everyone can sit which is a neat concept but a little annoying if you're next to a big mouth like I was... Hopefully they'll add a couple tables outside too.

There is a nice selection of salads and sandwiches. I tried the mac salad (delish!) and my friend and I split the Loins of Fire and the Turkey Day. The Loins of Fire was very good and a nice blend of flavors. The Turkey Day was ok but I think would be better if served warm.

Next time I'll try the Eggplant Ball sandwich...



**Helen E.**  
San Diego, CA  
4 friends  
24 reviews

★★★★★ 6/9/2012

Ever since old Uncle Henry joined up with Sprouts, I've been missing a really tasty deli sandwich in this neighborhood. Then along comes BFD (the name still makes me grin), and I'm happy again. I dropped by after work to grab dinner to take home. They were getting ready to close, and there were limited ingredients available, so I decided to build my own: roast beef on sour dough with cheese and the extras. It's the meat that makes or breaks a sandwich, and the roast beef was delicious--great flavor, no chemical after-taste, and no stringy bits of fat hanging from your mouth after a big bite. And all the ingredients were super fresh! I wanted a cookie but traded off for a bag of gourmet salt-and-vinegar chips, and I was in heaven. Loved how the guy who made my sandwich interacted with me and despite the fact that they were closing, I didn't feel as if I were being rushed--in fact, just the opposite--we chatted while my order was being made and he took the time to answer my questions. He told me they will be increasing their hours next week and will now be open until 8 pm. There are some intriguing sandwich ingredients and combinations on the menu. I'm looking forward to going back to try something new!



**Carrie O.**  
Longmont, CO  
347 friends  
927 reviews

★★★★★ 6/9/2012

2 check-ins

Listed in [Vegetarian & Vegan in San Diego & SoCal](#), [My San Diego favorites](#)

I'm a big fan of BFD! They helped a prego out with a craving this morning (me, duh) and I am so grateful! I got two avocado highway sandwiches (one for my husband, I'm not that gluttonous ;) haha), and they were perfect! TONS of avocado, and the veggies & parmesan crisp on them were delicious! Perfect! They also sell those "Grown up Sodas" here, and I got the grapefruit one. I'd never tried a GUS before, but I loved it! They are having their grand opening today, and I will definitely be back soon to have another delicious sandwich! The manager/owner (not sure?) who works here is SUPER nice! I didn't catch his

name, but he was ridiculously kind to me this am. The cashier was really fun to talk to, too! Thanks again, guys, I will be back asap! :)



**Melissa B.**  
San Diego, CA  
16 friends  
1 review

★★★★★ 6/6/2012

I used Big Front Door for a corporate catering lunch today and had a GREAT experience with them! As a marketing rep, I deal with countless delis and sandwich shops for big orders, and Big Front Door provided a great lunch for 20 people at a very reasonable price. All of the sandwiches were huge and SOO good (the avocado highway was the biggest hit.) The cookies were delicious as well, and the presentation was clean and very professional. I will definitely be using them again!



**Carmelle P.**  
San Diego, CA  
89 friends  
5 reviews

★★★★★ 6/4/2012

3 check-ins

We picked up a few sandwiches for lunch for the office. I absolutely loved the Avocado Highway (I added bacon, of course). The romaine was crunchy and the pickled red onions were too. Considering the word avocado was in the name, they loaded it with avo, as they should have. The parmesan crisp added the appropriate amount of saltiness. We also had potato salad that included peppers for a nice change. The sundried tomato pesto orzo salad was a great accompaniment too. My coworkers said great things about their caprese and smokey the meatloaf sandwiches, however everyone's absolute favorite were the chocolate chip cookies. They were chewy and perfect! Start to finish we all enjoyed a great, affordable lunch.



**Austin D.**  
San Diego, CA  
290 friends  
333 reviews

★★★★☆ 6/3/2012

ROTD 7/2/2012

Listed in [Egomania!](#)

A new deli in the Normal/Washington/El Cajon corner area. We went on a soft opening. Friendly owners, large industrial-ish space, communal style seating. The most prominent feature is a huge cantilevered glass door that basically transforms the space into an indoor-outdoor eating space. Just in time for summer!

They offer a good selection of sandwiches, inspired by the many soCal cultural influences (Vietnamese, Mexican, etc.). They also feature several sweet (fruit on brioche, e.g.) sandwiches. I had the 5-spice pulled pork, which had a sweet slaw to match the savoryness of the pork. It reminded me of a banh mi.

They are in the midst of getting their beer/wine license, but they sell beer and wine (retail) also have a decent selection of craft soft drinks/sodas.

I for one am glad there is a deli/sandwich shop within walking distance and I hope they find their groove in the 'hood, and hope to see them flourish!

Michael K. stole "first to review" badge with his drive-by "review", so you can consider this the REAL first review.



Beers, wine and craft sodas



See all photos from Austin D. for Big Front Door



Michael K.  
San Diego, CA  
0 friends  
38 reviews

★☆☆☆☆ 6/2/2012

🔧 First to Review

One long table in the middle of this warehouse looking space is a turn off no matter what the food is like. Sorry guys. Better luck with your next start up.

Page 10 of 10

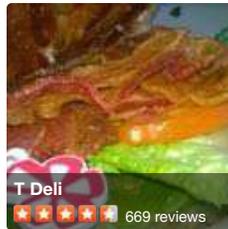
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25 other reviews that are not currently recommended ▾

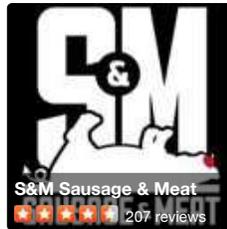
Other great stuff nearby



Mama's Bakery & Deli  
★★★★☆ 861 reviews



T Deli  
★★★★☆ 669 reviews



S&M Sausage & Meat  
★★★★☆ 207 reviews

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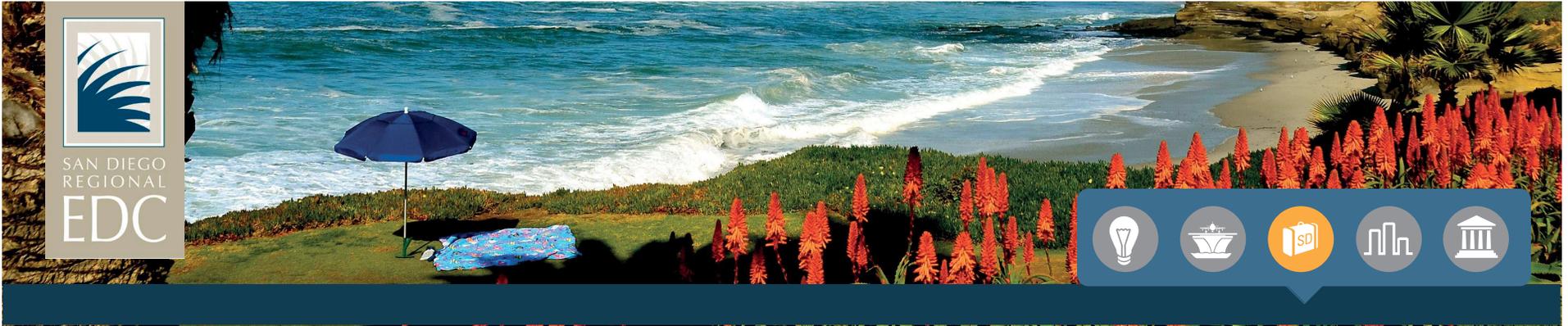
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## **Exhibit M**



## CONVENTION & TOURISM

### OVERVIEW

San Diego's convention and tourism industry is one of San Diego's three core traded economies, along with the region's innovation and military economies. Of the three traded economies, tourism is the second largest, employing more than 158,000 people in a variety of positions including lodging, food service, attractions and transportation.

San Diego's appealing weather and popular attractions and entertainment options draw visitors and conventions in all seasons. The U.S. Weather Bureau described San Diego's weather as the closest thing to perfect in America. Fodor's called San Diego a "vacationer's paradise." With more than 70 miles of coastline, state of the art hotel and convention spaces, and an array of entertainment options throughout the region, San Diego is positioned as one of the top visitor and convention destinations in the world.

### KEY ATTRACTIONS

- Balboa Park
- Del Mar Fairgrounds
- Hotel Del Coronado
- Legoland
- PETCO Park, home of the San Diego Padres
- San Diego Zoo and Safari Park
- SeaWorld San Diego
- USS Midway

REGIONALLY FOCUSED. GLOBALLY COMPETITIVE.

## INDUSTRY HIGHLIGHTS

In 2012, San Diego attracted nearly 32.3 million visitors who spent nearly \$8.0 billion at various San Diego businesses throughout their stay, according to the San Diego Tourism Authority. The annual economic impact of the visitor industry is more than \$18.3 billion.

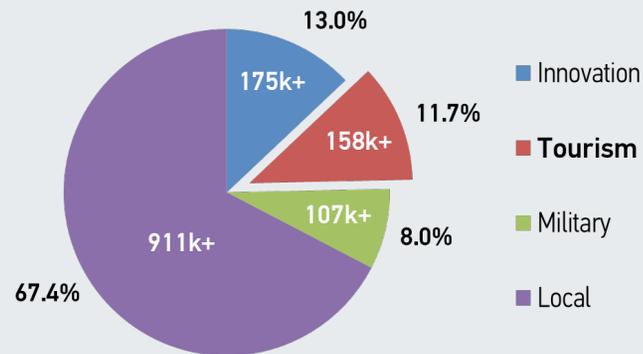
The San Diego Convention Center alone has contributed \$22.9 billion to the regional economy since its opening in 1989. In fiscal year 2013, the Convention Center's 148 events attracted more than 766,000 attendees and contributed approximately \$1.3 billion in economic impact to the region.

Beginning in 2014, the San Diego Convention Center will embark on a multi-year \$520 million expansion, adding additional meeting space, hotel rooms and new public amenities. The expansion will add 6,885 permanent jobs and \$698 million in new regional economic impact to the region.

San Diego International Airport (SAN) serves more than 17 million passengers annually. The airport and affiliated enterprises contribute an estimated \$9.9 billion annually to the regional economy.

## BY THE NUMBERS

### Traded Economies: Employment Breakdown



### Tourism Cluster: Top 10 Industry Sectors by Employment

Sector	Employment	Establishments	LQ*
Full-Service Restaurants	52,424	2,355	1.19
Limited-Service Restaurants	43,079	3,161	1.30
Hotels (except Casino Hotels) and Motels	26,164	455	1.90
Snack and Nonalcoholic Beverage Bars	7,973	754	1.58
Amusement and Theme Parks	4,447	10	3.01
Golf Courses and Country Clubs	4,100	64	1.26
Drinking Places (Alcoholic Beverages)	3,509	268	1.06
Food Service Contractors	3,441	159	0.91
Cafeterias, Grill Buffets, and Buffets	1,549	59	1.18
Caterers	1,327	83	0.92
<b>Total Tourism</b>	<b>158,164</b>	<b>8,066</b>	<b>1.30</b>

### Top 10 Tourism Employment Clusters (Among 25 Most Populous U.S. Metros)

Rank	Metro	LQ*
1	<b>San Diego</b>	<b>1.30</b>
2	San Antonio	1.26
3	Atlanta	1.16
4	Miami	1.13
5	Riverside	1.12
6	San Francisco	1.10
7	Dallas	1.00
8	Charlotte	0.99
9	Los Angeles	0.97
10	Saint Louis	0.97

## RESOURCES

### San Diego Tourism Authority

[www.sandiego.org](http://www.sandiego.org)

The San Diego Tourism Authority (SDTA) is a private, non-profit, mutual benefit corporation composed of approximately 1,100 member organizations, businesses, local governments, and individuals seeking a better community through the visitor industry. The main objective of SDTA is to promote and market the San Diego region as a preferred vacation and meeting destination. SDTA also represents and supports the interests of the visitor industry as a whole.

### San Diego Convention Center

[www.visitsandiego.com](http://www.visitsandiego.com)

San Diego Convention Center hosts international and national conventions and trade shows in a world-class facility located on the San Diego Harbor.

### San Diego International Airport

[www.san.org](http://www.san.org)

San Diego International Airport (SAN) is the busiest single-runway airport in the United States. The San Diego County Regional Airport Authority is responsible for providing air transportation services to the region with safe, effective facilities that exceed customer expectations.

## Sources:

Highlights: San Diego Tourism Authority, Port of San Diego, San Diego Airport Authority, San Diego Convention Center.

By the Numbers: Bureau of Labor Statistics, California Employment Development Department and the US Census Bureau, with definitions based partially on SANDAG Traded Clusters Report. Data period is annual 2011. | \*Note: LQ = Location Quotient.

Revised: 10/4/2013



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# San Diego in the Spotlight

May 8, 2009



Jo&atilde;o Canziani

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With 248 sunny days a year and verdant hillsides covered by bougainvillea-clad casitas, San Diego epitomizes all of southern California's considerable appeal. After decades of suffering from an image problem, the city has finally blossomed. Want great food? Endless beaches? Desert hiking? It's all here. Downtown, the revitalization of the Gaslamp Quarter has created parallel restaurant rows along Fourth and Fifth Avenues. Whether it's burgeoning clubs that lure San Diegans out well after midnight, or a handful of boutiques stylish enough to play in Paris or New York, the city is in its prime.

**HOTEL CALIFORNIA: WHERE TO STAY** When visiting San Diego, keep in mind that laid-back Coronado is worlds apart from energetic downtown; fashionable La Jolla and funky Pacific Beach, though adjacent, are a study in contrasts. The **W San Diego** (421 W. B St.; 866/837-4147 or 619/231-8220; [www.starwood.com](http://www.starwood.com); doubles from \$229) is the newest—and most talked about—hotel. *Le tout* San Diego comes here to soak up attitude at Magnet bar, dine at Rice, or sip wacky martinis over giant Plexiglas chessboards in the electric-blue Living Room lounge. Ask for a room on a high floor to escape the noise from the late-night revelers below—and pray that the couple next door isn't planning an all-night party. • Two years ago the **Bristol** (1055 First Ave.; 800/662-4477 or 619/232-6141; [www.thebristolsandiego.com](http://www.thebristolsandiego.com); doubles from \$239) got a major makeover; the formerly dowdy downtown lodge is now a boutique hotel with splashy red, yellow, and orange rooms and a Pop art lobby (Roy Lichtenstein's *Oval Office* greets guests as they check in). • Whether or not you play golf, you'll love looking out over the greens to the ocean from the **Lodge at Torrey Pines** (11480 N. Torrey Pines Rd., La Jolla; 888/826-0224 or 858/453-4420; [www.lodgetorrey.com](http://www.lodgetorrey.com); doubles from \$325). The rooms at the California Arts and Crafts hotel (featured in T+L's June issue) average a spacious 560 square feet, with William Morris wallpaper and faithfully reproduced Tiffany lamps; Palisade rooms have fireplaces, and balconies overlooking the golf course. • The Mediterranean villa-style **La Valencia Hotel** (1132 Prospect St., La Jolla; 800/451-0772 or 858/454-0771; [www.lavalencia.com](http://www.lavalencia.com); doubles from \$300) has been known as the Pink Lady of La Jolla since it was built in 1926. The inviting lobby is classic southern California: Spanish tiles, wrought-iron chandeliers, and a drop-dead view of La Jolla Cove. Rooms in the palm-shaded main building could use an update, but the Ocean Villas, added three years ago, are beachy-cool. • The **Hotel del Coronado** (1500 Orange Ave., Coronado; 800/468-3533 or 619/435-6611; [www.hoteldel.com](http://www.hoteldel.com); doubles from \$270) completed a three-year, \$55 million restoration in 2001. Its sandcastle charm and spectacular beach make it the gold standard for local resorts. Request one of the premier guest rooms in the historic Victorian building—they're larger than the quaint, but tiny, standard rooms. • Ambitious spa plans are under way at **Loews Coronado Bay Resort** (4000 Coronado Bay Rd., Coronado; 800/815-6397 or 619/424-4000; [www.loewshotels.com](http://www.loewshotels.com); doubles from \$149). The 10,000-square-foot spa, due to open in January, will include a garden with alfresco showers, outdoor treatment rooms, and a *watsu* pool.

**THE LATEST DISH: WHERE TO EAT** The fish taco once represented the culinary apogee in San Diego, but a flurry of openings has put the city in the gastronomic spotlight. In a town where tables at the most stylish restaurants go bare, **A. R. Valentien** (Lodge at Torrey Pines, 11480 N. Torrey Pines Rd., La Jolla; 858/777-6635; dinner for two \$100) is an oasis of Riedel crystal and white piqué tablecloths. Chef Jeff Jackson chooses farm-fresh produce; his unfussy cooking highlights rather than overwhelms the ingredients, as in a simply prepared steak of wild king salmon, garnished with roasted wild asparagus and garden-fresh potatoes. • On the ground floor of La Jolla's Grande Colonial Hotel, the French doors of **Nime-Tem** (910 Prospect St., La Jolla; 858/964-5400; dinner for two \$90) open onto the sidewalk. The menu offers tasting portions of all the main courses and makes experimenting a pleasure: creamy lobster risotto with porcini and white-truffle oil; intensely flavorful flatiron steak bathed in red wine sauce; ethereally light crème fraîche *panna cotta* with candied fennel and sautéed rhubarb topped with mint granita. • Little Italy's **Indigo Grill** (1536 India St.; 619/234-6802; dinner for two \$60) is a reincarnation of the restaurant that chef Deborah Scott owned a block away in the mid nineties. The unusual concept, "native offerings from Oaxaca to Alaska," is reflected in the rustic-artsy décor. Warm sesame-and-pumpkin-seed-crust Brie sounds a little risky, but bathed in a rich *mole negro* with roasted garlic, poblano chiles, and serrano jelly, it's a winner. • Though the Gaslamp Quarter's Fourth and Fifth Avenues are lined with many sidewalk restaurants, **Aqua Blu** (734 Fifth Ave.; 619/544-6456; dinner for two \$85) is a standout for local seafood. The red-and-yellow beet salad, heightened by pink grapefruit and dotted with *shiso* microgreens, has a beguilingly minty flavor. • At **Arterra** (11966 El Camino Real; 858/369-6032; dinner for two \$85), in

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opens onto the Danish-modern dining room. Order the fig salad. Its late-summer sweetness is perfectly offset by a miniature Gorgonzola soufflé.

**BUYING FRENZY: WHERE TO SHOP** Sure, there are still stores with rows of flip-flops, racks hung with neon bathing suits, and shelves filled with silly snow globes, but San Diego also has a new crop of stylish stores that make it a worthy destination for serious shoppers. In white-hot Little Italy, a colorful stretch of boutiques makes up Fir Street Cottage Shops. **Cathedral Home** (611 W. Fir St.; 619/255-5861) stocks leather-and-suede Geometrico pillows in chocolate and chartreuse, and tall, pink Japanese floral vases. • **Sorella Boutique** (619 W. Fir St.; 619/232-9322) has red silk shantung dresses, cotton Bermuda shorts, and calico cowboy shirts by Anna Huling. • **Niche** (621 W. Fir St.; 619/615-0782) sells the trendiest shoes by Marc Jacobs as well as handbags by Ballroom and Lauren Merkin. • Nearby, in the Gaslamp Quarter, **Divas on Fifth** (542 Fifth Ave.; 619/235-0550) is the boutique for Mandalay dresses, low-rider jeans by Policy, and Stella Page handbags with découpage cowboy motifs. • **Le Bel Age Boutique** (1607 W. Lewis St.; 619/297-7080) has been a staple in the well-heeled Mission Hills neighborhood for 17 years; it's still popular for silk hostess pants from Harari and jewelry designed by owners Valerie Lee and Michala Lawrence. • Up the coast in La Jolla, **Gallery Eight** (7464 Girard Ave.; 858/454-9781) stocks handblown glass vases and bowls, ceramic jars painted with botanical motifs, and quilted silk jackets imported from India.

**FEEL THE BEAT: NIGHTLIFE** Though it may not burn as bright as L.A. after dark, San Diego has an impressive number of thriving lounges and several new design-forward clubs. With its stainless-steel bar seats and oscillating fiber-optic lights, **Thim** (852 Fifth Ave.; 619/231-7529), the sleek, street-level extension of Onyx, is the most stylish newcomer. Down-tempo music and acid jazz are a welcome departure from the techno beat at most clubs. • Havana meets South Beach at **Deco's** (731 Fifth Ave.; 619/696-3326), where the young, beautiful, and libidinous drink cocktails with names like In-Fidel Castro and Don's Johnson and strut their stuff on two dance floors. Upstairs is a patio with oh-so-Miami nightclub beds. • The **W Sam Diego** (421 W. B St.; 619/231-8220) has locals so heated up that they pose as hotel guests in order to skip the velvet rope. The bare-midriff crowd sips mojitos in the futuristic-mod Living Room or moon-bathes at the rooftop bar, Beach. • On the edge of Old Town, **El Agave Tequileria** (2304 San Diego Ave.; 619/220-0692) draws aficionados of *añejo* and *reposado*—they pour 850 tequilas in all.

**DON'T MISS: MORE ESSENTIAL STOPS** **Pannikim** 7467 Girard Ave., La Jolla; 858/454-5453. A La Jolla institution, where locals come for terrific pastries and coffee (try the mocha—espresso mixed with Mexican chocolate). • **San Diego Zoo** 2920 Zoo Dr., Balboa Park; 619/234-3153. Still one of the world's best. See giant pandas Gao Gao, Bai Yun, and Hua Mei. • **Museum of Contemporary Art San Diego** 700 Prospect St., La Jolla; 858/454-3541; [www.mcasd.org](http://www.mcasd.org). The permanent collection of 3,000 works focuses on artists from the last half-century. • **Roberto's** 2206 Carmel Valley Rd., Del Mar; 858/755-1629. The Del Mar outpost is the best of a chain of fish taco stands. • **George's at the Cove** 1250 Prospect St., La Jolla; 858/454-4244. San Diegans love to argue about which La Jolla restaurant has the best ocean view, but the terrace here tops our list for drinks at sunset.

LESLIE BRENNER is a contributing editor for Travel + Leisure.

#### NEXT GREAT NEIGHBORHOOD: HILLCREST

This trendsetting area attracts hipsters who come for terrific used-book stores, stylish boutiques, vintage-clothing shops, intimate wine bars, coffeehouses, and restaurants. We've mapped out the best stops on the block.

**1 California Fleurish** 4011 Goldfinch St.; 619/291-4755. A pretty perfumery that also sells delicate silk scarves and fragile Japanese teacups.

**2 Maison en Provence** 820 Fort Stockton Dr.; 619/298-5318. Those red-and-white-checked Provençal ceramics you've always wanted are here, along with all things French: table linens, Orangina café trays, striped canvas market bags.

**3 Parallel 33** 741 W. Washington St.; 619/260-0033; dinner for two \$70. Chef Amiko Gubbins creates dishes inspired by stops along the 33rd parallel, from Japan to India to Morocco.



**5 Crush** *530 University Ave.; 619/291-1717.* A wine bar with 60 selections by the glass and Mediterranean tapas.

**6 Mint** *525 University Ave.; 619/291-6468.* Retro-chic sneakers by Puma, Adidas, and Fornarina.

**7 Wear It Again Sam** *3823 Fifth Ave.; 619/299-0185.* Expertly edited vintage: forties Mexican felt jackets, panama hats, collectible cowboy shirts.

#### EXPERT ADVICE

##### Joan Embery **WILDLIFE AMBASSADOR, SAN DIEGO ZOO**

An active conservationist, Embery has lived in San Diego for 54 years. Here, she shares her five favorite things about her hometown.

1. Horseback riding in Cuyamaca Rancho State Park (*12551 Hwy. 79, Descanso; 760/765-0755*). "Both the easy route around the lake and the scenic route through the mountains are beautiful."
2. Shopping at Antique Warehouse (*212 S. Cedros Ave.; 858/755-5156*). "I like antiques—primitive and folk art—and the Cedros Design District in Solana Beach is a great place to find them."
3. Swimming off Fiesta Island (*Fiesta Island Rd. at Sea World Dr.*). "It's the perfect spot for a picnic. Plus, my yellow Lab, Traveler, and my weimaraner, Blue, love the water."
4. A day of bird-watching. "Start by seeing the pelicans at La Jolla Cove, and then drive through the Anza-Borrego Desert. You'll be at the Salton Sea a few hours later. This is the only area of the United States with such a range of topography and wildlife."
5. Sunday brunch at the Beach House (*2530 S. Coast Hwy., Cardiff-by-the-Sea; 760/753-1321; brunch for two \$50*). "I was having brunch on the rocks once with a friend, watching the dolphins go by, when a wave crashed right on us and took our food with it."

#### BEST BEACHES: SAND, SURF, AND HARBOR SEALS

With 33 beaches, San Diego has a stretch of sand for every mood.

**SNORKELING** Beneath **La Jolla Cove** (*1100 Coast Blvd., La Jolla*) lies San Diego La Jolla Underwater Park & Ecological Reserve, where crystal-clear waters reveal a wealth of sea life, including bright orange garibaldi, tiger sharks, and spiny lobsters.

**SURFING** Made famous by Tom Wolfe in *The Pumphouse Gang*, **Windansea Beach** (*6800 Neptune Place, La Jolla*) is the spot for serious surfing. The thatched-roof surfboard hut, built during World War II, is a registered historic site.

**MOST DRAMATIC** A two-mile strand sheltered by imposing cliffs that hang gliders can't resist, **Black's Beach** (*2800 Torrey Pines Scenic Dr., La Jolla*) is also popular with nude sunbathers.

**LONG WALKS** At low tide, you can stroll along the whole coastline at **Del Mar** (*Coast Hwy. at 17th Ave.*)—from Black's Beach to Cardiff-by-the-Sea. Just don't forget your sunscreen.

**BUILDING A SANDCASTLE** The broad expanse of soft, white sand at **Coronado Beach** (*Ocean Blvd. at Marina Blvd., Coronado*) provides plenty of space and raw material to get creative.

**MOST CONTROVERSIAL** Harbor seals have colonized **Children's Pool** (*850 Coast Blvd., La Jolla*), a former favorite of dog-paddling tots, causing a raging kids-versus-animals debate citywide.

**PEOPLE-WATCHING** The busy boardwalk between **Mission Bay** and **Pacific Beach** (*3141 Ocean Front Walk, Mission Beach*) is home to a parade of bikinied babes, tattooed surfers, and skateboarders.



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Dusk falls on San Diego Pier.

*Photograph by Richard Cummins, Corbis*

**By Kate McCormack**

Just 17 miles north of the Mexican/U.S. border lies the waterfront city of San Diego. People come from all over the world to visit famous Balboa Park and to enjoy Southern California's world-renowned beaches. Recently rated as the fifth wealthiest city in the U.S. by *Forbes* magazine, it seems San Diego would leave your wallet empty. However, with all its rich history and excellent weather, San Diego is full of activities that require no cash. Here's a list of free attractions and events to get you started.

### **Art and Museums**

**Balboa Park**, San Diego's most famous park, is home to both architecturally stunning buildings and landscaped gardens. Entry is free, but most park museums have set admission prices. There are also free guided tours of Balboa Park leaving from the Visitors Center throughout the week. The famous Botanical Building and almost all the gardens require no fee—so stop by to smell the roses.

Outside the park, cross the San Diego-Coronado Bay Bridge and enter into Coronado, a car-optional, small beach town across the bay from the hustle and bustle of downtown San Diego. Visit the Hotel Del Coronado, which was built in 1888 on the oceanfront. Known as "the Del" to locals, it is where the 1950s classic *Some Like it Hot* was filmed. Non-hotel guests can stroll around this National Historic Landmark and learn about its history. After, amble around the streets of cozy downtown Coronado or grab your boogie board and head down to Coronado Central Beach, which was named as America's Best Family Beach by the Travel Channel.

See over 4,000 works of art created after 1950 at the Museum of Contemporary Art in downtown San Diego. The museum has expanded to the historic Jacobs Building, which was previously home to the Santa Fe Depot baggage building. Free admission daily for anyone 25 and under. Free for all visitors the third Thursday of every month from 5 to 7 p.m.

A historic 1800s stagecoach greets visitors outside the Wells Fargo Museum. Located within the **Colorado House** (originally a hotel) in the Old Town San Diego State Historic Park. This museum is home to one of 30 original Concord coaches shipped to Wells Fargo in 1867 and also to two authentic telegraph machines. Admission is always free.

Stop by the **Seeley Stable Museum**, a replica of the Yuma/San Diego stage stop that burned down—along with the rest of Old Town—in the fire of 1872. It has a wide collection of vintage transportation vehicles on display. Open 10 a.m. to 5 p.m. daily; Free admission.

See where the *San Diego Union* newspaper got its start at the **San Diego Union Museum**. Visitors can tour the editor's office and the original print room. Open 10 a.m. to 5 p.m. daily with free admission.

Explore the free San Diego County Sheriff's Museum in Old Town. Items on display include vintage badges, handcuffs, and uniforms, as well as a patrol car, helicopter, jail cell and courtroom. Open Tuesdays through Saturdays 10 a.m. to 4 p.m.

Walk through the first public school house in San Diego. At **Mason Street School** visitors can sit at the desks in the one room schoolhouse, or read about its long history on the plaques that cover the walls. See how many lashes a student would have received in the mid- to late-1800s for telling a lie or for wearing long fingernails. Open 10 a.m. to 5 p.m. daily.

Visit the First San Diego Courthouse, which was fully rebuilt in 1992 after it burned down in the Old Town fire of 1872.

Prepare to be spooked at **Casa de Estudillo** a National Historic Landmark, also in the State Historic Park. Built in 1829 by one of San Diego's earliest families, visitors have claimed to see the ghosts of prior residents still wandering around the building and its grounds. Open 10 a.m. to 5 p.m. daily.

### Attractions

Take a stroll through San Diego's Seaport Village, an outdoor shopping complex with more than 50 shops, galleries, and eateries. Meander along cobblestone paths that pass fountains, gardens, and ponds. There is also a half-mile stretch of bay-front boardwalk with great views. Architecture includes Mexican, Victorian, and New England styles.

Amble along 16 1/2 blocks of posh shops, restaurants, and Victorian buildings in the Gaslamp Quarter of downtown San Diego. The Gaslamp Quarter is located next to the marina across from Petco Park, home of the San Diego Padres. Listed on the National Register of Historic Places, the quarter has 94 historic buildings to investigate, all of which boast different architectural styles and are beautifully detailed with carvings, stained glass windows and vibrant colors. Most of the restaurants and shops are pricey, but there are many festivals and events that take place in the area during the year that make it a fun place to visit.

Known as San Diego's Beverly Hills, **downtown La Jolla** is a beautiful place to visit, featuring high-end boutiques and palm tree-lined streets. Walk from Scripps Park up winding streets and look at all the stores and cafés. Stop at La Valencia Hotel, located in the heart of La Jolla village. Built in 1926, it is known for its amazing views and pink facade.

Drive to the top of **Mount Soledad** in La Jolla. The hill, situated between Interstate 5 and the Pacific Ocean, has panoramic views of downtown San Diego and the ocean. At the top is the Mount Soledad Cross, which stands at 29 feet and is a well-known landmark of San Diego.

If you're willing to stray a little from downtown, stop by one of the United States Olympic Training Centers located in Chula Vista. See where Olympians eat meals and practice every day in preparation for the Olympic games. Free tours of the center are available Tuesday through Saturday at 1:30 p.m. Call first for reservations.

### **Culture**

Browse works by area artists and enjoy complimentary hors d'oeuvres at one of Little Italy's Kettner Art Nights. All the galleries and studios in the district participate, which makes for an impressive collection. Open 6-9 p.m. on some Fridays; check the website for exact dates.

Famous for its adobe buildings and haciendas, Old Town San Diego is steeped in history. Take a free guided tour around Old Town's Historical Park. Along with museums, restaurants, and unique shops, the park also features events every month, from flamenco dancers in colorful Mexican-style costumes to a market on Harney Street every Saturday, featuring live music and contemporary art. Visit [www.oldtownsandiegoguide.com](http://www.oldtownsandiegoguide.com) for updated event schedules and more information.

Walk along the port at Embarcadero where you can see public art inspired by the ocean, local military history, and San Diego's international ties.

Explore 37 different artist studios and galleries in Balboa Park's outdoor Spanish Village Art Center. See everything from paintings and sculptures to gourd art and basketweaving. Open from 11 a.m. to 4 p.m. daily.

### **Food/Drink**

Go to the restaurant voted as having the "Best Pizza in San Diego" by NBC's Golden Local Contest. Samples of Basic's pizzas are served Monday through Friday from 4 to 6 p.m.

Many of San Diego's restaurants offer great deals on food almost every night of the week. Visit [www.sandiegoreader.com//food\\_and\\_drink/](http://www.sandiegoreader.com//food_and_drink/) to pick out the best deals for you, or to get great discount coupons at some of San Diego's best eateries.

### **Kids**

The New Children's Museum, which opened in 2008, is located in San Diego's marina. The goal is to "inspire children to think, play and create," says the director of the museum. "We are a unique hybrid of a children's museum and an art museum." Kids are offered a number of hands-on experiences, from creating their own masterpieces in the art studios, to climbing around on art installations. Admission is free the second Sunday of every month from 10 a.m. to 4 p.m., with special performances and activities.

All aboard! Grab a seat on a fun-filled train ride through Rohr Park. Chula Vista Live Steamers offers the free rides but asks for a donation of 50 cents. The offer continues all summer on certain Saturdays and Sundays from noon until 3 p.m.; call for dates ( 1 619 421 5227).

Take your kids to listen to professional storyteller Harlyne Geisler spin tales directly inspired by Timken Museum's own works of art. Family Storytelling continues through September at 11 a. m. on certain Saturdays; check the website for dates.

Thought visiting the San Diego Zoo was out of your family's price range? Think again—the zoo offers free admission for children ages 3-11 for the whole month of October. The world-famous zoo is home to some of the planet's wildest creatures: everything from armadillos and hippopotamuses to hyenas and Tasmanian devils.

### **Beaches**

Grab your snorkel and fins and go paddling around **La Jolla Cove**, one of Southern California's most photographed beaches. The water here is calm, and you can see colorful fish and abundant sea life. Surf and boogie boards are not permitted. Get there early for a great spot by the caves that enclose this beach. Above La Jolla Cove lies **Scrapps Park**, a good place to picnic, lounge, or just enjoy the views of the Pacific Ocean.

Boomer Beach in La Jolla is a great place to spot the sea lions that call La Jolla home. Bring a camera along for some beautiful nature and wildlife shots.

Another of La Jolla's famous surfing beaches is Windansea Beach, a haven for surfers since the 1940s. The beach is split into two sections, one section for beach bathers and the other for surfers. The shack located here is

also one of San Diego's historical landmarks—built by surfers during World War II.

Observe seals and sea lions in their natural habitat at the **Children's Pool**. Swimming here is discouraged because of the significant number of animals nearby, but the sight of them basking in the sun is itself worth seeing.

Take your family to La Jolla Shores, a classic beach haven with sidewalks lined in palm trees and stunning views of the Pacific Ocean. The Shores consist of a small play area, beach (great for swimming), and lawn (perfect for a picnic lunch and a game of Frisbee). Summer months bring swarms of people, so be sure to get there early to claim a spot or arrive in the late afternoon to watch the sun set over the Pacific Ocean.

Mission Bay Park offers a wide variety of free activities. Take part in a game of horseshoes, beach volleyball, or basketball on one of the numerous courts. Or sit back and watch trick skaters from "Skate This!," a local skating club that performs for free on weekends. Check the website for exact performance locations.

Located just seven miles west of downtown San Diego is a gem of a beach. **Ocean Beach**, popular to locals for its surfing, is also best known for its **Dog Beach**, where dog lovers can bring their canines to frolic in the surf. Walk along Newport Avenue in search of old treasures in Ocean Beach's Antique District, where hundreds of people sell everything from vintage jewelry to furniture. Ocean Beach also has a view of Sea World across the bay, and the whole town is chock-full of colorful "OB" signs and banners displaying town pride.

Live out the California dream at **Pacific Beach** with its three main beaches, each one a hot spot for young locals and out-of-towners alike. Bask in the sun and take in the local southern California scene.

Visit a beach that is world-renowned and notorious for its surf break: **San Onofre Surf Beach**. The San Onofre State Park also consists of the **San Mateo Campground** and the **San Onofre Bluffs**, where visitors can park and hike down one of six dirt trails onto beaches below.

Each one of the five Solana beaches has a different vibe. To get to them you descend stairways built into the cliffs. The beautiful beaches have an ambiance that ranges from boisterous to peaceful, depending on which stairway you choose.

Heat things up and reserve your own **fire pit** for an evening on one of San Diego's beaches. Some beaches charge for the pits, but there are many that are free on a first-come, first-serve basis, including **Mission Bay**, **Ocean Beach**, **Pacific Beach**, and **Silver Strand State Beach**.

### Outdoors

Farmers markets in San Diego are numerous and, because of the warm temperature, they last all year long. Roam aisles overflowing with bright flowers and fresh produce. Check for days and times.

Positioned between the Municipal Pool and Naval Amphibious Base on Coronado Island is Glorietta Bay Park, a lush two-acre park with a playground and small beach that is less congested than most other beaches in Coronado. Another area of Coronado worth exploring is the Ferry Landing Marketplace. Cast a line off the fishing pier, take a walk in the marketplace, or relax on a small strip of sand.

Take a walk, ride your bike, or check out some of the interesting people who hang out along the three-mile **boardwalk** stretching between Mission and Pacific Beaches.

Mission Bay Park, a 4,600-acre park located on the bay front in San Diego, is the place to get active. Choose from biking along one of the park's many paths, boating in the bay, or taking a jog. There's a free event almost every month out of the year; check the website for exact dates.

To escape from the hustle and bustle of the city, visit Mission Trails Regional Park. Camping, bird-watching, and hiking are popular in this almost 5,800-acre park.

Thousands of people travel to Torrey Pines State Park every year to catch a glimpse of the massive sandstone cliffs that rise 300 feet above the Pacific Ocean and to see the rare Torrey pine trees. Hiking trails in the park feature unparalleled ocean vistas, spectacular wildflowers, and views of people gliding away from the **Torrey Pines Gliderport**. One of the park's most famous hikes starts at the visitors center and winds down to the beach below. Although grueling on the way back to the top, the beach and the views of the cliffs are worth the sore muscles you may experience the next day. Bring your swimsuit (or don't—the beach below, **Black's Beach**, is

one of the U.S.'s only nude beaches) and some sneakers.

**Theater/Music/Dance**

Take a seat outdoors in Seaport Village and enjoy free live entertainment. There's a performance of some kind almost every day from noon to 4 p.m., from musicians to magicians, so stop by and relax in the shade on a nice California day. Saturday nights feature performances by more recognized artists; check the website for exact dates.

San Diego's list of free music events seems never-ending in the summer months. For a guide to free summer show dates visit [www.signonsandiego.com/feature/free-summer-concerts/](http://www.signonsandiego.com/feature/free-summer-concerts/). Enjoy performances from a range of diverse artists, from the Bayou Brothers to the San Diego Six.

**More Information**

San Diego Convention & Visitors Bureau

San Diego Weekly Reader

"25 Fun & Free Things to Do in San Diego"



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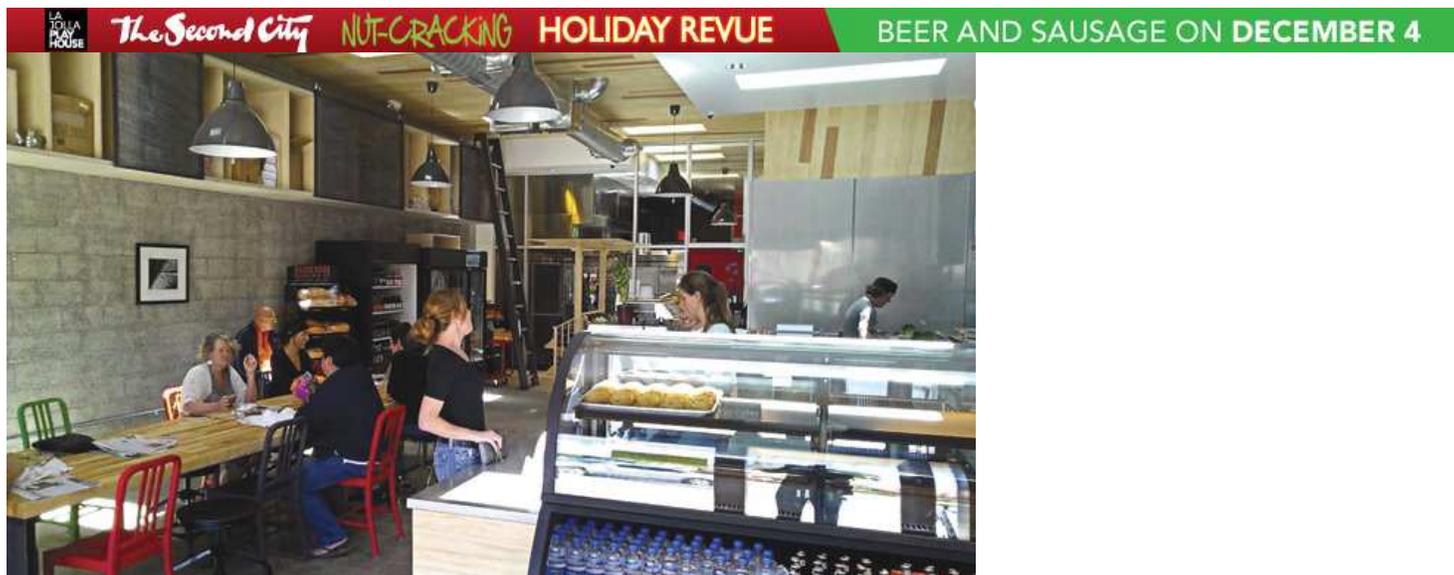
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**Exhibit N**

## [San Diego Reader](#)



- The titular door at the Big Front Door swings wide, and it's like a giant patio inside.
- [2012 Feast Issue](#)
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- [Kearny Mesa](#)
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### San Diego Restaurants to Try at Least Once

1 0

By [Ian Pike](#), Oct. 17, 2012

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Even if it weren't my job to go out and look for new places to eat, I still wouldn't be able to eat the same thing over and over again.

I rarely visit any place on the regular. It's just not in my nature, as I'm always looking for something new. The following list includes a few of the spots I just can't stay away from as well as a few restaurants everybody should try at least once. None of them are fancy — most are the opposite — but they've all delivered a memorable meal or two.

### [Big Front Door](#)

4135 Park Boulevard, University Heights

#### **Big Front Door**

I dig this combination deli and wine shop in University Heights as a place to grab a sandwich or salad and a special soda for lunch. The remodel that Steve "Sheep" Riley and company put the place through was just short of a miracle for the formerly dingy space. Now, the titular door swings open wide, and it's like a giant patio inside; great for sitting, and the staff will let you on the WiFi if you ask. The small selection of wine for sale (take-home only) has some cool choices, too.

### [Kiko's Place](#)

4404 Texas Street, University Heights

#### **Kiko's Place**

Kiko's got its start in Baja in the '80s, and the Kiko's truck in the Texas Food and Liquor parking lot in University Heights sells the same Mexican mariscos for short money. The marlin tacos are outstanding and the aguachiles, clamatos, and seafood cocktails all deliver pure seafood joy. Buy drinks in the liquor store first (the truck has none for sale) and don't try to go on Sundays (10-7 any other day). Bringing cash is a good idea, but if you want to risk it, they have Square running sometimes to take cards.

### [Izakaya Masa](#)

928 Ft. Stockton Drive, Mission Hills

#### **Izakaya Masa**

A lot of people ask me, "Where should I eat?" Izakaya Masa is my number-one recommendation. The compact sake house in Mission Hills has more charm and poise than half of uptown's restaurants put together. Best of all, the kitchen's open until 1:00 a.m. in the tradition of Japanese *izakaya*. The exceptional *tonkotsu* ramen isn't available until after 9:00 p.m., but it crushes the competition like Godzilla on a bad day. Japanese tapas and sushi make up the rest of the menu, but I just can't say no to sake and ramen. Make reservations — it's small.

### [Que Huong Restaurant](#)

4134 University Avenue, City Heights

#### **Que Huong**

The only thing that's not on the menu at this Vietnamese spot in a City Heights strip mall is vegetarian food. Everything else that flies, runs, or swims gets cooked up sooner or later. You want crocodile? They got that. Little, bony fish that're so hard to eat, the waiter shakes his head and warns you to pick something else? They got that, too. You can cook and wrap your own spring rolls — working through a forest of fresh herbs and greens in the process — or just pick one of the 200+ items you've never seen before on the menu.

### [Ostioneria Napoles](#)

1st Street 123 1825, Zona Centro, Baja

#### **Ostioneria Napoles**

For the reckless gastronome: walk right under the arch and keep on going down Calle Primera for a few blocks. Past the intoxicatingly meaty *carniceria* (stop there later) and a few seedy-looking bars. The oyster house will be on the left. Seven Seas Soup is the specialty of the house, but

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## Beats & Eats // Big Front Door

👤 [Mikey Beltran](#)

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🕒 February 11, 2014

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### By Mikey Beats

People tell me all the time they opened up a new spot and I have to try it.

It's not just because I have a food/music column but because I am fat and I work in the San Diego restaurant and bar scene. I try to get out as often as possible and try the food, but when I have other friends tell me that I have to try our mutual friend's spot because it's amazing, then I know I have to go.

So, without further storyline ado ... two fat guys walk into a Big Front Door ...Scooter and Beats! Badum Ching!

**Mikey Beats:** *One of your favorite sandwiches here is what you called the terminal sandwich because it kept well and when you would be in the terminal at an airport, you would pull it out of your DJ bag and eat it.*

**Scooter:** The Avocado Highway. I don't know what it is about it, it's so simple. I feel like avocados are God's butter. They put big slices of avocado in there with a crispy parmesan and then they add oil and vinegar. It's insane what they do here.

***For the record, you have nothing in this place, no investment?***

No, I don't own any part of this. I wish I did because I have spent enough money here to make it worth my own while.

***This is all straight from the gut?***

These sandwiches are bold and they don't dick around here. On that note, I will order.

*[Scooter takes control of the situation and orders an Avocado Highway, Loins of Fire, BGP, Cali Cubano and a Baby Back Rib, all sandwiches. I step in to order some sides which are Sesame Slaw and Sesame Noodles.]*

***Is this a good representation of BFD?***

I am crushing it right now, get out of my way! I have done vast research on this menu and you are getting my taste profile, all their deliciousness. It's one thing I can't stand is boring food.

***I agree, in fact, I may even pause halfway through this interview, go throw up and come back for more.***

*[Scooter finishes the order with a hefty tip, we grab a couple seats outside in the 70 degree winter that is San Diego.]*

***I want to throw in a little controversy here. City Beat, Club DJ of the year, I know you won it for a couple years in a row.***

I think I won it one year. As I understand, they want to sell ad space and if you show no interest in buying the ad space or bringing a ton of people to their music awards, they really don't show any more interest in you. I know how magazines work, they always want the hot and new. I have been here forever. Just because I do a good job still, doesn't mean I am fresh news. It's just how the news works and I can't hate on that.

***You are a resident at a few spots here in SD.***

Yes, I do Fluxx, Stingaree and Sidebar once a month.

***As far as the local standings go, Fluxx is still on top here in SD with Stingaree closely following still making noise after so many years.***

Sting is still making a ton of money and still crushing it. They have good management and a consistent product. How many clubs have you seen open and close around them? They are smart people.

*[The food is on the table: five sandwiches, two sides, three different kinds of specialty soda and half a tree of napkins.]*

***Five sandwiches, two dudes. We're popping bottles of Strawberry Fago, kids. Wow. This is the spot to got to for all those Insane Clown Posse readers of Four EL magazine and it's in the glass bottle.***

*[I take an unhealthy chug of the sugary carbonated red libation.]*

***This makes me want to paint my face and commit felonies. We also have a cream soda and an old school Mountain Dew type. We can eat and drink outside the normal here.***

I have a soda fetish; I love to try new sodas.

***That's hot.***

Food and drink. This is better than drugs to me, this is better than anything to me. These are like the five horsemen riding to a food apocalypse in my stomach.

***This is going to get in my mouth, all over my face, in my hair, on my clothes and I couldn't be happier. Should I just grab one and go?***

Let's do this.

*[Scooter is unwrapping the paper from a sandwich to give me my first look at this culinary work of art.]*

***What is that?***

*[Scooter takes a bite of the BBQ Pork Rib sandwich and just laughs as jolly as Santa Claus.]*

Remember, we are at a sandwich shop, and

that's how good those ribs taste!

*[He passes the sandwich over to me and I take a bite.]*

***Mmm. OMG, I have to put it down. Oh, these caramelized onions.***

*[I pass the sandwich back to him.]*

We are going to need more napkins.

*[I pass Scooter half a branch of napkins.]*

***There are two men on this earth that I will share a sandwich as messy as this one; Scooter happens to be one of them and my dad is the other.***

This is my favorite kind of BBQ sauce, tangy.  
That's one of my food profiles, tangy.

*[He passes the last few bites of the sandwich to me and I bite into it almost chomping one of my fingers, leaving only the last bite.]*

***Wow. Do you want the butt?***

No, go ahead. I have been here before and have a lot more work to do. What do you think?

***I didn't expect that.***

That's the problem, it really ruins you for anything else you would want. Like if I want BBQ, I will come here. Sometimes I will flip the top off of the sandwich and just eat the BBQ. All his meats, he does himself. He smokes them himself. This is not Boar's Head or some corporate entity selling him meats. He does this himself.

***Round II, what do we have?***

The Cali Cubano.

*[Our longtime friend Sheep, the owner, walks up to our table.]*

***What's in here?***

**Sheep:** Our freshly cured pork loin, red onions, jalapeño aioli, homemade mustard, jack cheese and avocado that makes it the Cali.

**Scooter:** I feel like I am sharing like a very important thing with you right now, Mikey. Sharing amazing food spots you find with your friends is the most gratifying thing ever. I love that not only is this food amazing, but I also know the guy making it. I am so proud of Sheep. This is not me being nice to a friend at all, I would not come here if I was not obsessed with it.

***Round III, The BGP: roast beef, house smoked gouda, peperoncini, lettuce, Roma tomato, red onion, o&v, chipotle aioli, all this slapped between sourdough and now in my mouth. Oh my.***

**Scooter:** Look at how it's engineered, meat on the bottom, lettuce on the top, all the moisture in the middle, cheese solidifying the entire deal. He's thought it out. It's like plating. His plating is when you cut it in half and look at it.

***Let's do some Beats.***

**Scooter:** Here's something I want to talk about right now: the death of classics in pop music. This is something that has been bothering me lately. I don't know what to attribute this to, whether it be the fault of the Internet and how fast we get info, or the younger generation's consumption of media and how it has to be new and fresh. The speed to which people go through new music I feel makes it very difficult for anything to become a classic, like a song that's going to around for 20 years.

***Just to name some songs, "Timber?" How about "Royals?" Ha!***

**Scooter:** Are those going to be around in 20 years?

***Definitely not Macklemore's "Thrift Shop."***

**Scooter:** When I grew up, pretty much the only way you heard new music was the radio or by people's records, tapes or CDs at their house. That was our only outlet for music. It was such a small pocket of what you could listen to and it was all controlled by the record labels. Today, everything is controlled by conglomerates and all the music is engineered to make money. That combined with a generation that always wants to have new things coming at them and they get bored really quick. I just think that is a weird recipe for getting anything lasting that would be interesting. In 50 years, what are they going to think about the 20-teens music? Will there be anything that stands out?

***I feel you.***

**Scooter:** You can still play "Hypnotize" or "This is How We Do it" in the club and everyone will cheer, but half these kids weren't even born when those songs came out. What do you think?

***I have thought about songs that are going to stand the test of time from this EDM generation of music like Rihanna "We Found Love" or "Only Girl in the World" for song subject, the beats and hooks.***

**Scooter:** When the kids who graduate in 2014 come back for their 10-year or 20-year reunions, are they going to want to hear the music from their high school days or the classics? Is it going to change the way people view their generation? Generations are dictated by their music. More than politics or anything, it has an emotional response to how people remember how they grew up, their life or school, whatever.

***You are talking about generation-defining music.***

**Scooter:** Yes. Is that gone?

***That's a really good question. If you look at the kids who are now into trap, who were into dub step and before that electro, it's***

***changing so fast now it's surpassing genre boundaries.***

**Scooter:** Exactly. There are really gnarly trap clubs where you could play electronic trap and play it right next to the hardest Juicy J track and it rolls just fine. It'll be an all African American crowd listening to a trap version on "Animals." Nobody says anything at all. To me, it doesn't make any sense at all, but what I think doesn't matter. It's their generation, they are going to dictate their own personal rules. On one hand, that's amazing, but on another, it does create a much larger pool of music to pull from and a more complicated pool. Thus, what is your favorite? Which one is the thing now? It isn't. There are too many things going on, too many choices. The pool is so enormous I think it is impossible to nail down something that is going to resonate with enough different people to make it that classic song. If I am completely wrong and people do choose something out of all that music, that's crazy—the craziest thing ever. That song is either the most commercialized, homogenized piece of crap in the world or it's that good. I've been contemplating that a lot lately, especially when I play all over the States.

***I have this conversation with myself all the time. Getting back to the Rihanna "We Found Love": It's the music with those same familiar chord progressions that we are so used to and the lyrics people can relate too or at least fantasize about that will always shine. The most over-produced, under-thought crap out there gets the love. It's kinda sad.***

**Scooter:** The media can push something really hard and it still fails, which is made most evident for Justin Timberlake's latest albums. They were good, but not great. They pushed it on the radio like it was amazing and people were requesting it every 10 seconds, which they weren't. I know that because I got out every night to play it. I am the real Nielsen tester. The test of reality is when

I play it at a club. If they like it, they will react and if they don't like it, they'll react, too, in a bad way. I got lukewarm reactions at best from those tracks.

*[Sheep walks up with a tray of coconut macaroons fresh out of the oven. Everyone grabs one and without hesitation I bite into one.]*

*[Moans of ecstasy.] **Oh my God.** [More moans on par with Meg Ryan's orgasm in When Harry Met Sally.] **Oh my, I love me some coconut. I like it fresh, I like it dry, I like it wet. If I was a baby coconut, I would breast feed forever. Roll me in coconut, I'd eat me.***

**Scooter:** I don't like Macaroons. They're always so dry. These are good though, I like these. These are fresh here, like fresh coconut, crispy on the outside and a chewy moistness on the inside. That's the thing that makes this place so great, you can not really like a certain ingredient or flavor and Sheep will deliver it on a platter or in a bun and you are hooked.

*[We gorged on some amazing sandwiches that didn't disappoint and kept talking for a total of two hours. I didn't write about my favorite sandwich, the Loins of Fire, for two reasons: No. 1) Words cannot describe the immaculate reception by my palate to that sandwich; 2.) Some things have to be left to your own personal taste experiences and not someone else's interpretation of excellent food.]*

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GUIDE

## San Diego's 9 Best Sandwiches

By Darlene Horn  
March 31, 2014



Photo by: Darlene Horn

In a town that seems to run on fish tacos and burritos, the all-American sandwich still holds an important place in many a San Diegan's heart. We canvassed as many delis, diners and restaurant sandwich boards as we could stomach to bring you the nine most awesome sandwiches San Diego has to offer. Read on for meat-filled rolls, vegetarian options and one with an entire avocado on a torpedo roll.



Photo by: Darlene Horn

### Avocado Highway at **Big Front Door**

Protein won't be missed in this avocado-laden creation. The basic avocado, lettuce, tomato sandwich is flipped on its head at this deli when a thick Parmesan crisp is added into the mix for an added layer of crunch and interest. A generous dousing of olive oil and vinegar adds up to bracing deliciousness on a torpedo roll.

**BOOK YOUR FLIGHT AND WATCH TIME FLY.**

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Price: \$9

Insider Tip: Add bacon or salmon for \$2 extra.

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PLACES MENTIONED



Carnitas' Snack Shack - North Park

American • North Park

FOOD	DECOR	SERVICE	COST
27	17	22	\$15



Lefty's Chicago Pizzeria

Pizza • Mission Hills

FOOD	DECOR	SERVICE	COST
27	15	21	\$17



Lefty's Chicago Pizzeria

Pizza • North Park

FOOD	DECOR	SERVICE	COST
27	15	21	\$17

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The Vinyl Dead · 8 months ago

I just had an Aphrodite today!

^ | ▾ · Reply · Share ›



Darlene Horn → The Vinyl Dead · 8 months ago

Yum! That's great to hear. Hope you enjoyed it.

^ | ▾ · Reply · Share ›



Manny Chen · 6 months ago

not a bad list. the turkey cobb at con pane in point loma is pretty good as well.

^ | ▾ · Reply · Share ›



Dakota Simoneaux · 6 months ago

No question, the "torta la puerta" from La Puerta downtown should be on this list. it is the best sandwich i have ever had in my life. HANDS DOWN!!!!

^ | ▾ · Reply · Share ›



liefrinck · 6 months ago

These look pretty routine compared to the menu at the Grand Deli in Carlsbad. Those

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San Diego Magazine / June 2014 / The Best Restaurants in San Diego 2014

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## The Best Restaurants in San Diego 2014

From happy hours to hotel bistros, it's our annual (reader-selected!) picks for the best eats in town

BY SAN DIEGO MAGAZINE | PHOTOGRAPHY BY DHANRAJ EMANUEL

Published: 2014.05.19 02:55 PM



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(page 3 of 5)

## Specific Dishes

### Best Burger

Readers' Pick: Burger Lounge

Runner-up: Nicky Rottens Bar & Burger Joint

Critic's Pick: Hodad's

### Best Salad

Readers' Pick: Tender Greens

Runner-up: Sammy's Woodfired Pizza

Critic's Pick: Tender Greens

### Most Popular

#### Secret San Diego

Psst! You didn't hear it from us, but this town has of "hidden gems" (yes, we said it). And we're not t ghost stories at the Hotel Del.

#### FIRST LOOK: Bottega Americano

With Bottega Americano opening this weekend, Downtown gets its first gourmet food hall

#### The Baja Moment

In eight short years, Baja's gone from a virtual dea to one of the globe's top food and drink destinatio what?

#### Wake Up And Smell the Coffee

As American coffee culture moves past the nonfat lattes toward a more elevated brew, San Diego is r trend

#### INCOMING: Duke's

Iconic Top of the Cove restaurant location gets ne

#### Top Docs 2014: The Doctors

Our annual list celebrating the best of the best in t healthcare field

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TENDER GREENS

### Best Sandwich

**Readers' Pick:** Rubicon Deli  
**Runner-up:** Big Front Door  
**Critic's Pick:** Mona Lisa Italian Foods

### Best Fries

**Readers' Pick:** Burger Lounge  
**Runner-up:** Mezè Greek Fusion  
**Critic's Pick:** The Smoking Goat

### Best Small Plates Menu

**Readers' Pick:** Café Sevilla  
**Runner-up:** Searsucker  
**Critic's Pick:** Cucina Enoteca

### Best Sushi

**Readers' Pick:** Sushi Ota  
**Runner-up:** Harney Sushi  
**Critic's Pick:** Azuki

### Best Pizza

**Readers' Pick:** Pizza Port  
**Runner-up:** Berkeley Pizza  
**Critic's Pick:** Buona Forchetta

### Best Fish Taco

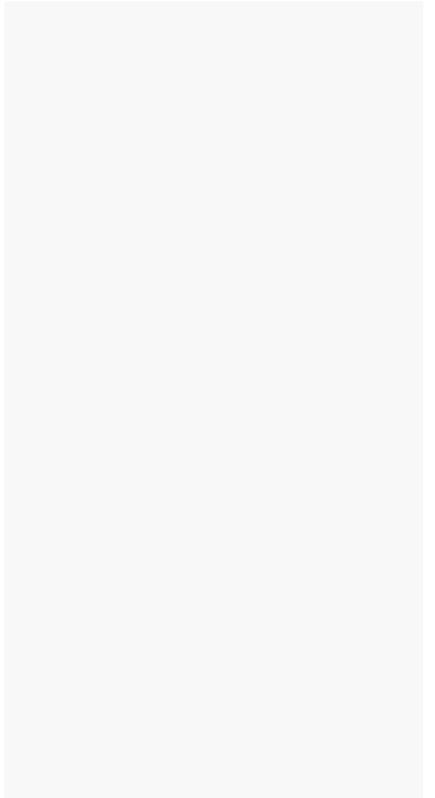
**Readers' Pick:** Rubio's  
**Runner-up:** The Brigantine  
**Critic's Pick:** TJ Oyster Bar

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## Grapevine Salad

Published on Tuesday, 05 August 2014 22:04 |  | 



Big Front Door Chef Steve “Sheep” Riley says his Grapevine Salad is a celebration of California’s San Joaquin Valley. “I wanted to encompass a bountiful harvest of items that make up the region,” he says. “It shows the diversity of the area’s yield that blends together so nicely, creating an array of flavor and texture, while the orange vinaigrette pays homage to another one of our largest and most recognizable crops.”

Grapevine Salad  
Serves 6-8

1 head red leaf lettuce, chopped  
1/2 c. each red and green seedless grapes  
1 avocado, sliced  
1/4 red onion, sliced  
2 Roma tomatoes, sliced  
4 medjool dates, pitted and sliced  
1/4 c. pistachios  
1/4 c. sliced almonds

Orange Vinaigrette:  
2 oranges, peeled  
2 cloves garlic

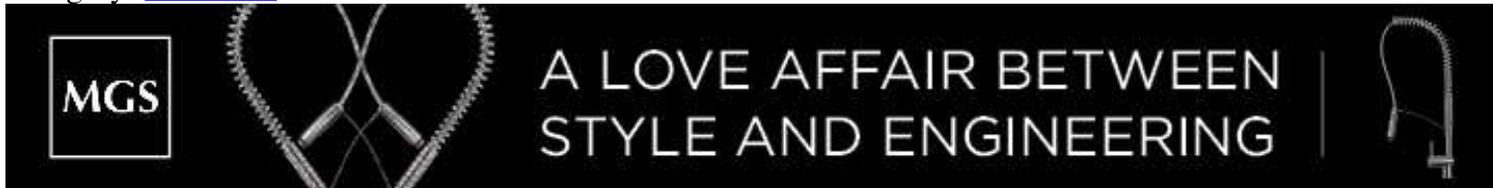
- 1 c. red wine vinegar
- 1/2 c. olive oil
- 1/2 c. orange juice
- 1/2 bunch cilantro
- 1 T. sugar
- 1/2 t. salt
- 1/2 t. coarse black pepper

Put all salad ingredients in a large bowl. Purée vinaigrette ingredients and toss with salad. Portion onto plates and serve.

Chef Steve “Sheep” Riley  
Big Front Door  
4135 Park Blvd.  
San Diego, CA 92103  
619-255-4100  
[bfdsandiego.com](http://bfdsandiego.com)

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# 10 best sandwich spots in San Diego

For midday meals and sandy beach days, find your best carb-protein-veggie stacks here.

By [Michelle Dederko \(/staff/michelle-dederko/\)](#) 9:25 A.M. OCT. 16, 2014

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## Big Front Door

Fresh-to-death sandwiches and salads, soups and sides make Big Front Door one of the most raved-about lunch spots, and for good reason. You can purchase a bottle of wine, too, before you chow down on the popular Cali Cubano 'wich (\$10): house cured and smoked pork loin, jack, pickle, red onion, avocado, mustard and jalapeno aioli and torpedo.

4135 Park Blvd., North Park. (619) 255-4100 or [bfdsandiego.com](http://www.bfdsandiego.com/) (<http://www.bfdsandiego.com/>)

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Home / Articles / Archives / Best of 2014 / Readers poll: Eats and food stuff

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Wednesday, Oct 22, 2014

## Readers poll: Eats and food stuff

Your picks for the best restaurants in San Diego



### Best 24-Hour Restaurant

Studio Diner

Honorable mention: Brian's 24, Rudford's, Saguaro's Mexican Food, Roses Donuts

### Best Bagel Shop

Calendar | Dining | Movies | Clubs |

TUE	WED	THU	FRI	SAT	SUN	MON
18	19	20	21	22	23	24

**Volver**

**Nov 18, 2014**

Penelope Cruz and Carmen Maura are haunting in Pedro Almodovar's sprightly ghost story about a family forever haunted by unrequited love.

[55 other events on Tuesday, November 18](#)

*Honorable mention:* Rudford's, La Puerta, Lion's Share, Don Chido

**Best Dim-Sum**

Jasmine

*Honorable mention:* Emerald, Hong Kong BBQ & Dimsum, China Max, Pearl Chinese Cuisine

**Best Romantic Restaurant**

The Marine Room

*Honorable mention:* Bertrand at Mr. A's, George's at the Cove, C Level, Whisknadle

**Best Chef**

Matt Gordon

*Honorable mention:* Deborah Scott, Chad White, Sharon Wilson, Kevin Lissy

**Best Sandwich Shop**

Rubicon Deli

*Honorable mention:* Mona Lisa, Big Front Door, The Cheese Shop, Board and Brew

**Best Seafood Restaurant**

Mitch's Seafood

*Honorable mention:* The Fish Market, Ironside Fish & Oyster, Oceanaire, Blue Water Seafood

**Best Soul Food Restaurant**

Proud Mary's Southern Bar & Grill

*Honorable mention:* Sister Pee Wee's Soul Food, Louisiana Fried Chicken, Bonnie Jean's, That Boy Good Southern BBQ Joint

**Best South American Food Restaurant**

Fogo de Chão Brazilian Steakhouse

*Honorable mention:* Pampas Argentine Grill, El Salvadoreno, Qero, Brazil by the Bay

**Best Spanish Restaurant**

Cafe Sevilla

*Honorable mention:* Costa Brava, Tapas Picasso, The Joint, Iberico Bistro

**Best Steakhouse**

Donovan's Steak & Chop House

*Honorable mention:* Cowboy Star, Bully's East, The Butcher Shop, Gaslamp Strip Club

**Best Sushi Restaurant**

Juniper & Ivy

*Honorable mention:* The Patio on Goldfinch, Puesto (at Headquarters), Ironside Fish & Oyster, Florent

Food Stuff

**Best Barbecue**

Phil's BBQ

*Honorable mention:* Coop's West Texas BBQ, BBQ House OB, Kansas City BBQ, Cali Comfort BBQ

**Best Breakfast**

Hash House A Go Go

*Honorable mention:* The Broken Yolk, Original Pancake House, The Mission Cafe, Richard Walker's Pancake House

**Best Breakfast Burrito**

The Mission Cafe

*Honorable mention:* Lolita's, Kono's Surf Club Cafe, Taco Surf, Dos Brasas

**Best Burger**

Hodad's

*Honorable mention:* Rocky's, Slater's 50/50, Burger Lounge, Crazy Burger

**Best Burrito**

Lucha Libre

*Honorable mention:* Lolita's, Sombrero Mexican Food, Nico's Mexican Food, El Zarape

**Best Chicken Wings**

Dirty Birds

*Honorable mention:* Bub's at the Ballpark, South Park Abbey, Wings-N-Things, Ritual Tavern

**Best Cupcakes**

BabyCakes

*Honorable mention:* Heavenly Cupcake, PubCakes, Pure Cupcakes, Frost Me

**Best Deli**

D.Z. Akin's

*Honorable mention:* Mona Lisa, Big Front Door, Rubicon Deli, Milton's

**Best Dessert**

Extraordinary Desserts

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Motion for Summary Judgment has been served on Applicant's Attorney of Record, Daniel S. Latter, via email at dan@marqueelaw.com (through prior agreement of counsel) on June 1, 2015.

  
\_\_\_\_\_  
Andrew M. Smith