

ESTTA Tracking number: **ESTTA721424**

Filing date: **01/19/2016**

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

## Notice of Opposition

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

### Opposer Information

Name	Jim Beam Brands Co.
Granted to Date of previous extension	01/17/2016
Address	510 Lake Cook Road Deerfield, IL 60015 UNITED STATES
Attorney information	Claudia W. Stangle Leydig, Voit & Mayer 180 North Stetson Avenue, Suite 4900 Chicago, IL 60601 UNITED STATES cstangle@leydig.com, saagaard@leydig.com Phone:312-616-5600

### Applicant Information

Application No	85893729	Publication date	07/21/2015
Opposition Filing Date	01/19/2016	Opposition Period Ends	01/17/2016
Applicant	88 East Beverage Company Apt 2C Chicago, IL 60614 UNITED STATES		

### Goods/Services Affected by Opposition

Class 033. First Use: 0 First Use In Commerce: 0  
All goods and services in the class are opposed, namely: Prepared alcoholic cocktails except beer

### Grounds for Opposition

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

U.S. Registration No.	4154926	Application Date	12/16/2010
Registration Date	06/05/2012	Foreign Priority Date	NONE
Word Mark	2 GINGERS		

Design Mark	<h1>2 GINGERS</h1>		
Description of Mark	NONE		
Goods/Services	Class 033. First use: First Use: 2011/03/16 First Use In Commerce: 2011/03/16 Whiskey		

U.S. Registration No.	3662647	Application Date	06/04/2008
Registration Date	08/04/2009	Foreign Priority Date	NONE
Word Mark	BIG GINGER		
Design Mark	<h1>BIG GINGER</h1>		
Description of Mark	NONE		
Goods/Services	Class 033. First use: First Use: 2005/07/11 First Use In Commerce: 2005/07/11 Alcoholic beverages except beers		

U.S. Registration No.	4035953	Application Date	06/29/2010
Registration Date	10/04/2011	Foreign Priority Date	NONE
Word Mark	SKINNY GINGER		
Design Mark	<h1>SKINNY GINGER</h1>		
Description of Mark	NONE		
Goods/Services	Class 033. First use: First Use: 2010/11/00 First Use In Commerce: 2010/11/00 Alcoholic beverages except beers		

U.S. Registration No.	4509683	Application Date	06/20/2013
Registration Date	04/08/2014	Foreign Priority Date	NONE
Word Mark	2 GINGERS Â· IRISH WHISKEY Â· KIERAN		

Design Mark	
Description of Mark	<p>The mark consists of the words "2 GINGERS IRISH WHISKEY" with the signature "KIERAN" in script and the drawn faces of two women. There are two dots separating the wording "2 GINGERS" and "IRISH WHISKEY". The elements of the mark are surrounded by two circles with the inner circle formed by broken lines.</p>
Goods/Services	<p>Class 033. First use: First Use: 2011/03/16 First Use In Commerce: 2011/03/16 Alcoholic beverages, namely, Irish whiskey</p>

Attachments	<p>85199355#TMSN.png( bytes )  77490677#TMSN.png( bytes )  85074209#TMSN.png( bytes )  85965155#TMSN.png( bytes )  GINGERHEAD Notice of Opposition 1-19-2016.pdf(1038191 bytes )  EXHIBIT A.pdf(1104447 bytes )  EXHIBIT B - part 1.pdf(2713602 bytes )  EXHIBIT B - part 2.pdf(3430734 bytes )</p>
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### Certificate of Service

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

Signature	/Claudia W. Stangle/
Name	Claudia W. Stangle
Date	01/19/2016

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

JIM BEAM BRANDS CO.,	)	
	)	
Opposer,	)	Opposition No. _____
	)	Serial No. 85/893,729
v.	)	
	)	
88 EAST BEVERAGE COMPANY,	)	
	)	
Applicant.	)	

Jim Beam Brands Co. (“Opposer”), a Delaware corporation, located at 510 Lake Cook Road, Deerfield, Illinois 60015, hereby opposes Application Serial No. 85/893,729 for the mark “GINGERHEAD” in Class 33, filed by 88 East Beverage Company (“Applicant”) and published in the Official Gazette on July 21, 2015. Opposer has secured extensions of time to oppose this Application, which expire on January 19, 2015. Opposer believes it will be damaged by the registration of this Application and therefore opposes the same.

As grounds for the opposition, Opposer alleges as follows:

1. On information and belief, Applicant 88 East Beverage Company is an Illinois corporation located at 1937 West Diversey Parkway, Apartment 2C, Chicago, Illinois 60614.
2. On April 3, 2013, Applicant filed Application Serial No. 85/893,729 on an intent to use basis (the “Application”) for the mark “GINGERHEAD” (“Applicant’s Mark”), covering “prepared alcoholic cocktails except beer” in Class 33.
3. Opposer is the owner of a family of trademarks for use in connection with its 2 GINGERS brand, including the following registrations in Class 33 (herein collectively referred to as “Opposer’s GINGER Marks”):

<b>Official No.</b>	<b>Mark</b>	<b>Good(s)</b>	<b>Registration Date</b>
4154926	2 GINGERS	"Whiskey"	June 5, 2012
3662647	BIG GINGER	"Alcoholic beverages except beers"	August 4, 2009
4035953	SKINNY GINGER	"Alcoholic beverages except beers"	October 4, 2011
4509683		"Alcoholic beverages, namely, Irish whiskey"	April 8, 2014

Exhibit A contains true and correct copies from the USPTO's TSDR database of the Registration Certificates for these registered marks along with the current status and title for the registrations.

4. Opposer's brand was inspired by two red-haired women, Mary and Delia, whose faces are found on Opposer's bottle and in Registration No. 4509683 and are integral to the history of the 2 GINGERS brand.

5. Opposer has extensively advertised and promoted its goods in connection with Opposer's GINGER Marks, causing the 2 GINGERS brand to become one of the fastest growing Irish whiskey brands in the United States.

6. On April 3, 2013, many years after Opposer's use of and applications for Opposer's GINGER Marks, Applicant filed its "GINGERHEAD" Application based on an alleged intent to use Applicant's Mark for "prepared alcoholic cocktails except beer."

7. Opposer's rights in Opposer's GINGER Marks, including Opposer's actual and constructive first use dates, predate Applicant's filing date for Applicant's Mark.

8. On information and belief, Applicant does not currently use the "GINGERHEAD" mark in connection with the goods for which it seeks registration or any other goods.

9. Despite Opposer's prior rights, Applicant seeks registration for a mark that is nearly identical to Opposer's GINGER Marks in appearance. Both Applicant and Opposer use

the word “GINGER” as the dominant, distinctive portion of their respective marks in connection with alcoholic beverages.

10. On June 4, 2015, Applicant admitted to the USPTO in its Petition to Revive the Application and response to an Office Action that the “HEAD” portion of the “GINGERHEAD” mark is “not dominant” and “is weak because it is so commonly used by third party registrations in association with alcoholic beverages.” In addition, Applicant conceded to the USPTO that “consumers will give more importance to the word GINGER” in the “GINGERHEAD” mark. Exhibit B contains a true and correct copy of Applicant’s Petition to Revive the Application and Office Action response.

11. In addition to the similarities in appearance, the respective marks share an identical connotation and commercial impression as each mark appears to use the word “GINGER” to refer to a character or person(s). Just as the 2 GINGERS brand refers to two red-haired women, Applicant’s Mark “GINGERHEAD” conveys the idea of a person or character with red hair.

12. Furthermore, Applicant seeks to register its “GINGERHEAD” mark for goods that are virtually identical to those offered by Opposer, which, in this case, means the parties’ respective channels of trade and classes of purchasers are also identical. When encountering such goods and marks in the marketplace, consumers are highly likely to believe that Applicant’s goods emanate from the same source as Opposer’s goods or are at least affiliated with or sponsored by Opposer.

13. Since Opposer has registered and used a variety of GINGER formatives in connection with alcoholic beverages, consumers will likely believe that Applicant’s Mark and the goods used in connection therewith are an extension of Opposer’s 2 GINGERS brand. As a

result, Applicant's proposed use and registration of its mark is likely to cause confusion, to cause mistake, and to deceive consumers.

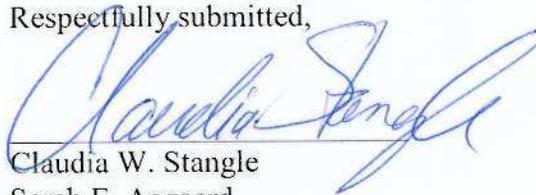
14. If Applicant is permitted to register the "GINGERHEAD" mark as specified in the Application, consumer confusion will likely result due to the similarities between the parties' marks and the nearly identical nature of their goods, classes of purchasers, and channels of trade, all to the detriment of Opposer. In addition, if Applicant is granted the registration of its "GINGERHEAD" mark, Applicant would obtain at least a *prima facie* exclusive right to use a mark that conflicts with Opposer's GINGER Marks, causing further damage and injury to Opposer.

15. In view of the above, Applicant is not entitled to federal registration of its alleged "GINGERHEAD" mark because (1) Opposer has priority in its use of Opposer's GINGER Marks in connection with alcoholic beverages; (2) Opposer owns prior federal registrations for Opposer's GINGER Marks for alcoholic beverages; and (3) Applicant's Mark is confusingly similar to Opposer's GINGER Marks as registered and used in commerce.

WHEREFORE, by its undersigned attorneys, Opposer respectfully requests that this Notice of Opposition be sustained and that registration of Application Serial No. 85/893,729 be refused.

Electronically submitted herewith is the applicable fee of \$300 for filing this Notice of Opposition. Please charge any deficiencies to Opposer's counsel's deposit account, No. 12-1216.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Claudia Stangle". The signature is written in a cursive style with a horizontal line drawn across the middle of the name.

Claudia W. Stangle

Sarah E. Aagaard

Leydig, Voit & Mayer, Ltd.

Two Prudential Plaza - Suite 4900

180 N. Stetson Avenue

Chicago, Illinois 60601

Ph. 312-616-5600

Fax 312-616-5700

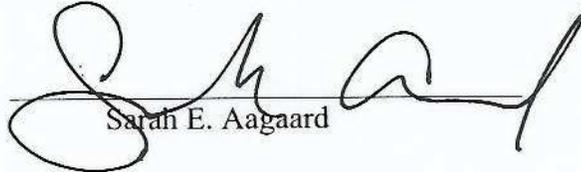
Attorneys for Opposer

Date: January 19, 2016

Opposition No. \_\_\_\_\_  
Serial No. 85/893,729

**CERTIFICATE OF ELECTRONIC FILING**

The undersigned attorney hereby certifies that the attached **NOTICE OF OPPOSITION** was filed electronically with the Trademark Trial and Appeal Board on January 19, 2016.

  
Sarah E. Aagaard

**CERTIFICATE OF SERVICE**

The undersigned attorney hereby certifies that a copy of this **NOTICE OF OPPOSITION** was served by Federal Express on January 19, 2016 to the following address, such being the Applicant's correspondence address listed in the USPTO's TSDR database as of this date:

Daniel Christopherson  
Lehrman Beverage Law, PLLC  
2911 Hunter Mill Road, Suite 303  
Oakton, Virginia 22124

  
Sarah E. Aagaard

# **EXHIBIT A**

**Generated on:**

This page was generated by TSDR on 2016-01-19 12:04:43 EST

**Mark:** 2 GINGERS

2 GINGERS

**US Serial Number:** 85199355  
Dec. 16, 2010  
**Application Filing Date:**

**US Registration Number:** 4154926  
Jun. 05, 2012  
**Registration Date:**

**Filed as TEAS Plus:** Yes  
Yes  
**Currently TEAS Plus:**

**Register:**  
Principal

**Mark Type:**  
Trademark

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

**Status Date:**  
Jun. 05, 2012

**Publication Date:** Nov. 01, 2011  
Dec. 27, 2011  
**Notice of Allowance Date:**

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## Mark Information

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**Mark Literal Elements:**

2 GINGERS

**Standard Character Claim:**

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

**Mark Drawing Type:**

4 - STANDARD CHARACTER MARK

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## Goods and Services

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

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

**For:**

Whiskey

**International Class(es):** 033 - Primary Class

**U.S Class(es):**

047, 049

**Class Status:**

ACTIVE

**Basis:**

1(a)

**First Use:** Mar. 16, 2011

**Use in Commerce:**

Mar. 16, 2011

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## Basis Information (Case Level)

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**Filed Use:** No

**Currently Use:** Yes

**Amended Use:** No

**Filed ITU:** Yes

**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  
Filed No Basis: No

Currently 66A: No  
Currently No Basis: No

## Current Owner(s) Information

**Owner Name:**

JIM BEAM BRANDS CO.

**Owner Address:**

510 LAKE COOK ROAD  
DEERFIELD, ILLINOIS 60015  
UNITED STATES

**Legal Entity Type:** CORPORATION

**State or Country Where  
Organized:**

DELAWARE

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Claudia W. Stangle

**Attorney Primary Email  
Address:** [trademark@leydig.com](mailto:trademark@leydig.com)

**Attorney Email  
Authorized:**

Yes

### Correspondent

**Correspondent  
Name/Address:**

Claudia W. Stangle  
Leydig, Voit & Mayer, Ltd.  
Two Prudential Plaza, 180 N. Stetson Ave  
Suite 4900  
Chicago, ILLINOIS 60601-6731  
UNITED STATES

**Phone:** 312-616-5600

**Fax:**

312-616-5700

**Correspondent e-mail:** [trademark@leydig.com](mailto:trademark@leydig.com)

**Correspondent e-mail  
Authorized:**

Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Jan. 02, 2013	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Dec. 26, 2012	ATTORNEY REVOKED AND/OR APPOINTED	
Dec. 26, 2012	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jun. 05, 2012	REGISTERED-PRINCIPAL REGISTER	
May 02, 2012	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
May 01, 2012	LAW OFFICE REGISTRATION REVIEW COMPLETED	68552
Apr. 27, 2012	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Apr. 05, 2012	STATEMENT OF USE PROCESSING COMPLETE	66230
Mar. 14, 2012	USE AMENDMENT FILED	66230
Apr. 04, 2012	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66230
Mar. 14, 2012	TEAS STATEMENT OF USE RECEIVED	
Jan. 04, 2012	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Dec. 27, 2011	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Nov. 30, 2011	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Nov. 01, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Nov. 01, 2011	PUBLISHED FOR OPPOSITION	
Sep. 27, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	68552
Sep. 27, 2011	ASSIGNED TO LIE	68552
Sep. 15, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 27, 2011	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Aug. 26, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Aug. 26, 2011	TEAS RESPONSE TO OFFICE ACTION RECEIVED	

Feb. 28, 2011	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Feb. 28, 2011	NON-FINAL ACTION E-MAILED	6325
Feb. 28, 2011	NON-FINAL ACTION WRITTEN	82091
Feb. 21, 2011	ASSIGNED TO EXAMINER	82091
Dec. 22, 2010	NOTICE OF PSEUDO MARK MAILED	
Dec. 21, 2010	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Dec. 20, 2010	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:**

May 01, 2012

## Assignment Abstract Of Title Information

### Summary

**Total Assignments:** 2

**Registrant:**

A KIERAN COLLECTION LLC

### Assignment 1 of 2

**Conveyance:**

ASSIGNS THE ENTIRE INTEREST

**Reel/Frame:** [4685/0527](#)

**Pages:**

4

**Date Recorded:** Dec. 22, 2011

**Supporting Documents:**

[assignment-tm-4685-0527.pdf](#)

### Assignor

**Name:** [CARA IRISH PUBS L.P.](#)

**Execution Date:**

Dec. 02, 2011

**Legal Entity Type:** LIMITED PARTNERSHIP

**State or Country Where Organized:**

MINNESOTA

### Assignee

**Name:**

[A KIERAN COLLECTION LLC](#)

**Legal Entity Type:** LIMITED LIABILITY COMPANY

**State or Country Where Organized:**

MINNESOTA

**Address:**

23 SE 4TH STREET, SUITE 217  
MINNEAPOLIS, MINNESOTA 55414

### Correspondent

**Correspondent Name:**

TIMOTHY KENNY/FULBRIGHT & JAWORSKI LLP

**Correspondent Address:**

98 SAN JACINTO BOULEVARD, SUITE 1100  
C/O TRADEMARK DOCKETING DEPT.  
AUSTIN, TX 78701-4255

### Domestic Representative - Not Found

### Assignment 2 of 2

**Conveyance:**

ASSIGNS THE ENTIRE INTEREST

**Reel/Frame:** [4928/0740](#)

**Pages:**

13

**Date Recorded:** Dec. 26, 2012

**Supporting Documents:**

[assignment-tm-4928-0740.pdf](#)

**Assignor**  
**Name:** [A KIERAN COLLECTION LLC](#) **Execution Date:**  
Dec. 04, 2012  
**Legal Entity Type:** LIMITED LIABILITY COMPANY **State or Country Where Organized:**  
MINNESOTA

**Assignee**  
**Name:**  
[JIM BEAM BRANDS CO.](#)  
**Legal Entity Type:** CORPORATION **State or Country Where Organized:**  
DELAWARE  
**Address:**  
510 LAKE COOK ROAD  
DEERFIELD, ILLINOIS 60015

**Correspondent**  
**Correspondent Name:**  
LEYDIG, VOIT & MAYER, LTD.  
**Correspondent Address:**  
TWO PRUDENTIAL PLAZA, 180 N. STETSON AVE  
SUITE 4900; ATTN: CLAUDIA W. STANGLE  
CHICAGO, IL 60601-6731

**Domestic Representative - Not Found**

## Proceedings

### Summary

**Number of Proceedings:**  
1

**Type of Proceeding: Opposition**  
**Proceeding Number:** [91223497](#) **Filing Date:**  
Aug 26, 2015  
**Status:** Pending **Status Date:**  
Aug 26, 2015  
**Interlocutory Attorney:** ANDREW P BAXLEY

**Defendant**  
**Name:**  
Buglisi Recobs Group LLC  
**Correspondent Address:**  
PATRICK C O'REILLY  
LIPSITZ GREEN SCIME CAMBRIA LLP  
42 DELAWARE AVENUE, SUITE 120  
BUFFALO NY , 14202  
UNITED STATES  
**Correspondent e-mail:**  
[poreilly@lglaw.com](mailto:poreilly@lglaw.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
MISTER GINGER	Opposition Pending	<a href="#">86415114</a>	

**Plaintiff(s)**  
**Name:**  
Jim Beam Brands Co.  
**Correspondent Address:**  
CLAUDIA W STANGLE  
LEYDIG VOIT & MAYER LTD  
180 NORTH STETSON AVENUE, SUITE 4900  
CHICAGO IL , 60601  
UNITED STATES  
**Correspondent e-mail:**  
[trademark@leydig.com](mailto:trademark@leydig.com) , [cstangle@leydig.com](mailto:cstangle@leydig.com) , [saagaard@leydig.com](mailto:saagaard@leydig.com)

**Associated marks**

<b>Mark</b>	<b>Application Status</b>	<b>Serial Number</b>	<b>Registration Number</b>
2 GINGERS	Registered	<a href="#">85199355</a>	<a href="#">4154926</a>
BIG GINGER	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77490677</a>	<a href="#">3662647</a>
SKINNY GINGER	Registered	<a href="#">85074209</a>	<a href="#">4035953</a>
2 GINGERS · IRISH WHISKEY · KIERAN	Registered	<a href="#">85965155</a>	<a href="#">4509683</a>

**Prosecution History**

<b>Entry Number</b>	<b>History Text</b>	<b>Date</b>	<b>Due Date</b>
1	FILED AND FEE	Aug 26, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 26, 2015	Oct 05, 2015
3	PENDING, INSTITUTED	Aug 26, 2015	
4	ANSWER	Oct 02, 2015	

**United States of America**  
United States Patent and Trademark Office

# 2 GINGERS

**Reg. No. 4,154,926**

**Registered June 5, 2012**

**Int. Cl.: 33**

**TRADEMARK**

**PRINCIPAL REGISTER**

A KIERAN COLLECTION LLC (MINNESOTA LIMITED LIABILITY COMPANY)  
23 SE 4TH STREET, SUITE 217  
MINNEAPOLIS, MN 55414

FOR: WHISKEY, IN CLASS 33 (U.S. CLS. 47 AND 49).

FIRST USE 3-16-2011; IN COMMERCE 3-16-2011.

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

SN 85-199,355, FILED 12-16-2010.

JUSTINE D. PARKER, EXAMINING ATTORNEY



*David J. Kyffers*

Director of the United States Patent and Trademark Office

**Generated on:**

This page was generated by TSDR on 2016-01-19 12:06:26 EST

**Mark:** BIG GINGER

**BIG GINGER**

**US Serial Number:** 77490677

**Application Filing Date:**

Jun. 04, 2008

**US Registration Number:** 3662647

**Registration Date:**

Aug. 04, 2009

**Filed as TEAS Plus:** Yes

**Currently TEAS Plus:**

Yes

**Register:**

Principal

**Mark Type:**

Trademark

**Status:**

A Sections 8 and 15 combined declaration has been accepted and acknowledged.

**Status Date:**

Aug. 22, 2015

**Publication Date:** May 19, 2009

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## Mark Information

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**Mark Literal Elements:**

BIG GINGER

**Standard Character Claim:**

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

**Mark Drawing Type:**

4 - STANDARD CHARACTER MARK

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## 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:**

Alcoholic beverages except beers

**International Class(es):** 033 - Primary Class

**U.S Class(es):**

047, 049

**Class Status:**

ACTIVE

**Basis:**

1(a)

**First Use:** Jul. 11, 2005

**Use in Commerce:**

Jul. 11, 2005

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## Basis Information (Case Level)

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**Filed Use:** Yes

**Currently Use:** Yes

**Amended Use:** No

**Filed ITU:** No

**Currently ITU:** No

**Amended ITU:** No

**Filed 44D:** No

**Currently 44D:** No

**Amended 44D:** No

**Filed 44E:** No

**Currently 44E:** No

**Amended 44E:** No

**Filed 66A:** No

**Currently 66A:** No

**Filed No Basis:** No

**Currently No Basis:** No

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## Current Owner(s) Information

---

**Owner Name:**

JIM BEAM BRANDS CO.

**Owner Address:**510 LAKE COOK ROAD  
DEERFIELD, ILLINOIS 60015  
UNITED STATES**Legal Entity Type:** CORPORATION**State or Country Where  
Organized:**

DELAWARE

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**Attorney/Correspondence Information**

---

**Attorney of Record****Attorney Name:** Claudia W. Stangle**Attorney Primary Email  
Address:** [trademark@leydig.com](mailto:trademark@leydig.com)**Attorney Email  
Authorized:**

Yes

**Correspondent****Correspondent  
Name/Address:**Claudia W. Stangle  
Leydig, Voit & Mayer, Ltd.  
Two Prudential Plaza, 180 N. Stetson Ave  
Suite 4900  
Chicago, ILLINOIS 60601-6731  
UNITED STATES**Phone:** 312-616-5600**Fax:**

312-616-5700

**Correspondent e-mail:** [trademark@leydig.com](mailto:trademark@leydig.com)**Correspondent e-mail  
Authorized:**

Yes

**Domestic Representative - Not Found**

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**Prosecution History**

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Date	Description	Proceeding Number
Aug. 22, 2015	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Aug. 22, 2015	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	68973
Aug. 22, 2015	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68973
Jul. 22, 2015	TEAS SECTION 8 & 15 RECEIVED	
Jan. 02, 2013	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Dec. 26, 2012	ATTORNEY REVOKED AND/OR APPOINTED	
Dec. 26, 2012	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Nov. 27, 2012	AMENDMENT UNDER SECTION 7 - ISSUED	67603
Nov. 16, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	67603
Nov. 15, 2012	TEAS SECTION 7 REQUEST RECEIVED	
Jun. 29, 2012	NOTICE OF SUIT	
Jun. 28, 2012	NOTICE OF SUIT	
May 04, 2012	NOTICE OF SUIT	
Jan. 04, 2012	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Dec. 14, 2011	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Nov. 30, 2011	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 04, 2009	REGISTERED-PRINCIPAL REGISTER	
May 19, 2009	PUBLISHED FOR OPPOSITION	
Apr. 29, 2009	NOTICE OF PUBLICATION	
Apr. 10, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	70633
Apr. 09, 2009	ASSIGNED TO LIE	70633
Apr. 09, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 21, 2009	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Mar. 20, 2009	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Mar. 20, 2009	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Sep. 22, 2008	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325

Sep. 22, 2008 NON-FINAL ACTION E-MAILED  
Sep. 22, 2008 NON-FINAL ACTION WRITTEN  
Sep. 15, 2008 ASSIGNED TO EXAMINER  
Jun. 09, 2008 NEW APPLICATION ENTERED IN TRAM

6325  
78440  
78440

## Maintenance Filings or Post Registration Information

### Affidavit of Continued Use:

Section 8 - Accepted

### Affidavit of Incontestability:

Section 15 - Accepted

### Change in Registration:

Yes

### Amendment to a Registration/Renewal Certificate:

The drawing is amended to appear as follows: BIG GINGER

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

Current Location: TMO LAW OFFICE 113

Date in Location:

Aug. 22, 2015

## Assignment Abstract Of Title Information

### Summary

Total Assignments: 3

Registrant:

The Local - An Epicurean Cafe and Pub, LLC

### Assignment 1 of 3

#### Conveyance:

ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [4674/0019](#)

Pages:

4

Date Recorded: Dec. 07, 2011

#### Supporting Documents:

[assignment-tm-4674-0019.pdf](#)

### Assignor

Name: [THE LOCAL - AN EPICUREAN CAFE AND PUB, LLC \(DBA THE LOCAL\)](#)

Execution Date:

Nov. 30, 2011

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized:

MINNESOTA

### Assignee

Name:

[CARA IRISH PUBS L.P.](#)

Legal Entity Type: LIMITED PARTNERSHIP

State or Country Where Organized:

MINNESOTA

Address:

931 NICOLLET MALL  
MINNEAPOLIS, MINNESOTA 55402

### Correspondent

Correspondent Name:

TIMOTHY KENNY/FULBRIGHT & JAWORSKI LLP

Correspondent Address:

98 SAN JACINTO BOULEVARD, SUITE 1100  
C/O TRADEMARK DOCKETING DEPT.

AUSTIN, TX 78701-4255

Domestic Representative - Not Found

Assignment 2 of 3

Conveyance:

ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [4686/0062](#)

Pages:

4

Date Recorded: Dec. 22, 2011

Supporting Documents:

[assignment-tm-4686-0062.pdf](#)

Assignor

Name: [CARA IRISH PUBS L.P.](#)

Execution Date:

Dec. 02, 2011

Legal Entity Type: LIMITED PARTNERSHIP

State or Country Where Organized:

MINNESOTA

Assignee

Name:

[A KIERAN COLLECTION LLC](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized:

MINNESOTA

Address:

23 SE 4TH STREET, SUITE 217  
MINNEAPOLIS, MINNESOTA 55414

Correspondent

Correspondent Name:

TIMOTHY KENNY/FULBRIGHT & JAWORSKI LLP

Correspondent Address:

98 SAN JACINTO BOULEVARD, SUITE 1100  
C/O TRADEMARK DOCKETING DEPT.  
AUSTIN, TX 78701-4255

Domestic Representative - Not Found

Assignment 3 of 3

Conveyance:

ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [4928/0740](#)

Pages:

13

Date Recorded: Dec. 26, 2012

Supporting Documents:

[assignment-tm-4928-0740.pdf](#)

Assignor

Name: [A KIERAN COLLECTION LLC](#)

Execution Date:

Dec. 04, 2012

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized:

MINNESOTA

Assignee

Name:

[JIM BEAM BRANDS CO.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized:

DELAWARE

Address:

510 LAKE COOK ROAD  
DEERFIELD, ILLINOIS 60015

Correspondent

Correspondent Name:

LEYDIG, VOIT & MAYER, LTD.

**Correspondent Address:**

TWO PRUDENTIAL PLAZA, 180 N. STETSON AVE  
SUITE 4900; ATTN: CLAUDIA W. STANGLE  
CHICAGO, IL 60601-6731

Domestic Representative - Not Found

## Proceedings

### Summary

**Number of Proceedings:**

1

**Type of Proceeding: Opposition**

**Proceeding Number:** [91223497](#)

**Filing Date:**

Aug 26, 2015

**Status:** Pending

**Status Date:**

Aug 26, 2015

**Interlocutory Attorney:** ANDREW P BAXLEY

### Defendant

**Name:**

Buglisi Recobs Group LLC

**Correspondent Address:**

PATRICK C O'REILLY  
LIPSITZ GREEN SCIME CAMBRIA LLP  
42 DELAWARE AVENUE, SUITE 120  
BUFFALO NY , 14202  
UNITED STATES

**Correspondent e-mail:**

[poreilly@lglaw.com](mailto:poreilly@lglaw.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
MISTER GINGER	Opposition Pending	<a href="#">86415114</a>	

### Plaintiff(s)

**Name:**

Jim Beam Brands Co.

**Correspondent Address:**

CLAUDIA W STANGLE  
LEYDIG VOIT & MAYER LTD  
180 NORTH STETSON AVENUE, SUITE 4900  
CHICAGO IL , 60601  
UNITED STATES

**Correspondent e-mail:**

[trademark@leydig.com](mailto:trademark@leydig.com) , [cstangle@leydig.com](mailto:cstangle@leydig.com) , [saagaard@leydig.com](mailto:saagaard@leydig.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
2 GINGERS	Registered	<a href="#">85199355</a>	<a href="#">4154926</a>
BIG GINGER	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77490677</a>	<a href="#">3662647</a>
SKINNY GINGER	Registered	<a href="#">85074209</a>	<a href="#">4035953</a>
2 GINGERS · IRISH WHISKEY · KIERAN	Registered	<a href="#">85965155</a>	<a href="#">4509683</a>

### Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 26, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 26, 2015	Oct 05, 2015
3	PENDING, INSTITUTED	Aug 26, 2015	
4	ANSWER	Oct 02, 2015	

**United States of America**  
United States Patent and Trademark Office

# BIG GINGER

**Reg. No. 3,662,647**

A KIERAN COLLECTION LLC (MINNESOTA LIMITED LIABILITY COMPANY)  
23 SE 4TH STREET, SUITE 217  
MINNEAPOLIS, MN 55414

**Registered Aug. 4, 2009**

**Amended Jan. 1, 2013**

FOR: ALCOHOLIC BEVERAGES EXCEPT BEERS, IN CLASS 33 (U.S. CLS. 47 AND 49).

**Int. Cl.: 33**

FIRST USE 7-11-2005; IN COMMERCE 7-11-2005.

**TRADEMARK**

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

**PRINCIPAL REGISTER**

SER. NO. 77-490,677, FILED 6-4-2008.



*David J. Kyffers*

Director of the United States Patent and Trademark Office

**Generated on:**

This page was generated by TSDR on 2016-01-19 12:07:46 EST

**Mark:** SKINNY GINGER

SKINNY GINGER

**US Serial Number:** 85074209

**Application Filing Date:**

Jun. 29, 2010

**US Registration Number:** 4035953

**Registration Date:**

Oct. 04, 2011

**Filed as TEAS Plus:** Yes

**Currently TEAS Plus:**

Yes

**Register:**

Principal

**Mark Type:**

Trademark

**Status:**

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

**Status Date:**

Oct. 04, 2011

**Publication Date:** Nov. 23, 2010

**Notice of Allowance Date:**

Jan. 18, 2011

---

## Mark Information

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**Mark Literal Elements:**

SKINNY GINGER

**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:**

Alcoholic beverages except beers

**International Class(es):** 033 - Primary Class

**U.S Class(es):**

047, 049

**Class Status:**

ACTIVE

**Basis:**

1(a)

**First Use:** Nov. 2010

**Use in Commerce:**

Nov. 2010

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## Basis Information (Case Level)

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**Filed Use:** No

**Currently Use:** Yes

**Amended Use:** No

**Filed ITU:** Yes

**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:**

JIM BEAM BRANDS CO.

**Owner Address:**

510 LAKE COOK ROAD  
DEERFIELD, ILLINOIS 60015  
UNITED STATES

**Legal Entity Type:** CORPORATION

**State or Country Where  
Organized:**

DELAWARE

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Claudia W. Stangle

**Attorney Primary Email  
Address:** [trademark@leydig.com](mailto:trademark@leydig.com)

**Attorney Email  
Authorized:**

Yes

### Correspondent

**Correspondent  
Name/Address:**

Claudia W. Stangle  
Leydig, Voit & Mayer, Ltd.  
Two Prudential Plaza, 180 N. Stetson Ave  
Suite 4900  
Chicago, ILLINOIS 60601-6731  
UNITED STATES

**Phone:** 312-616-5600

**Fax:**

312-616-5700

**Correspondent e-mail:** [trademark@leydig.com](mailto:trademark@leydig.com)

**Correspondent e-mail  
Authorized:**

Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Mar. 17, 2014	AMENDMENT UNDER SECTION 7 - ISSUED	75184
Feb. 26, 2014	SEC 7 REQUEST FILED	75184
Feb. 26, 2014	SEC 7 REQUEST FILED	75184
Mar. 13, 2014	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	75184
Feb. 26, 2014	TEAS SECTION 7 REQUEST RECEIVED	
Feb. 26, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 02, 2013	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Dec. 26, 2012	ATTORNEY REVOKED AND/OR APPOINTED	
Dec. 26, 2012	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jan. 04, 2012	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Dec. 14, 2011	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Nov. 30, 2011	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Oct. 04, 2011	REGISTERED-PRINCIPAL REGISTER	
Aug. 27, 2011	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Aug. 26, 2011	LAW OFFICE REGISTRATION REVIEW COMPLETED	68658
Aug. 25, 2011	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Aug. 16, 2011	STATEMENT OF USE PROCESSING COMPLETE	69302
Jul. 29, 2011	USE AMENDMENT FILED	69302
Aug. 16, 2011	CASE ASSIGNED TO INTENT TO USE PARALEGAL	69302
Jul. 29, 2011	TEAS STATEMENT OF USE RECEIVED	
Jul. 20, 2011	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jul. 18, 2011	EXTENSION 1 GRANTED	98765
Jul. 18, 2011	EXTENSION 1 FILED	98765
Jul. 18, 2011	TEAS EXTENSION RECEIVED	

Jan. 18, 2011	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Nov. 23, 2010	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Nov. 23, 2010	PUBLISHED FOR OPPOSITION	
Oct. 21, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	68658
Oct. 21, 2010	ASSIGNED TO LIE	68658
Oct. 06, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 06, 2010	ASSIGNED TO EXAMINER	80804
Jul. 03, 2010	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 02, 2010	NEW APPLICATION ENTERED IN TRAM	

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## Maintenance Filings or Post Registration Information

---

**Change in Registration:**

Yes

**Amendment to a  
Registration/Renewal  
Certificate:**

The drawing is amended to appear as follows: SKINNY GINGER

---

## TM Staff and Location Information

---

**TM Staff Information - None**

**File Location**

**Current Location:** POST REGISTRATION

**Date in Location:**

Mar. 17, 2014

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## Assignment Abstract Of Title Information

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**Summary**

**Total Assignments:** 3

**Registrant:**

The Local - An Epicurean Cafe and Pub, LLC

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**Assignment 1 of 3**

**Conveyance:**

ASSIGNS THE ENTIRE INTEREST

**Reel/Frame:** [4673/0680](#)

**Pages:**

4

**Date Recorded:** Dec. 07, 2011

**Supporting Documents:**

[assignment-tm-4673-0680.pdf](#)

---

**Assignor**

**Name:** [THE LOCAL - AN EPICUREAN CAFE AND PUB, LLC \(DBA THE LOCAL\)](#)

**Execution Date:**

Nov. 30, 2011

**Legal Entity Type:** LIMITED LIABILITY COMPANY

**State or Country Where Organized:**

MINNESOTA

---

**Assignee**

**Name:**

[CARA IRISH PUBS L.P.](#)

**Legal Entity Type:** LIMITED PARTNERSHIP

**State or Country Where Organized:**

MINNESOTA

**Address:**

931 NICOLLET MALL  
MINNEAPOLIS, MINNESOTA 55402

---

**Correspondent**

**Correspondent Name:**

TIMOTHY KENNY/FULBRIGHT & JAWORSKI LLP

**Correspondent Address:**

98 SAN JACINTO BOULEVARD, SUITE 1100  
C/O TRADEMARK DOCKETING DEPT.  
AUSTIN, TX 78701-4255

---

Domestic Representative - Not Found

Assignment 2 of 3

Conveyance:

ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [4685/0502](#)

Pages:

4

Date Recorded: Dec. 22, 2011

Supporting Documents:

[assignment-tm-4685-0502.pdf](#)

Assignor

Name: [CARA IRISH PUBS L.P.](#)

Execution Date:

Dec. 02, 2011

Legal Entity Type: LIMITED PARTNERSHIP

State or Country Where  
Organized:

MINNESOTA

Assignee

Name:

[A KIERAN COLLECTION LLC](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where  
Organized:

MINNESOTA

Address:

23 SE 4TH STREET, SUITE 217  
MINNEAPOLIS, MINNESOTA 55414

Correspondent

Correspondent Name:

TIMOTHY KENNY/FULBRIGHT & JAWORSKI LLP

Correspondent Address:

98 SAN JACINTO BOULEVARD, SUITE 1100  
C/O TRADEMARK DOCKETING DEPT.  
AUSTIN, TX 78701-4255

Domestic Representative - Not Found

Assignment 3 of 3

Conveyance:

ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [4928/0740](#)

Pages:

13

Date Recorded: Dec. 26, 2012

Supporting Documents:

[assignment-tm-4928-0740.pdf](#)

Assignor

Name: [A KIERAN COLLECTION LLC](#)

Execution Date:

Dec. 04, 2012

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where  
Organized:

MINNESOTA

Assignee

Name:

[JIM BEAM BRANDS CO.](#)

Legal Entity Type: CORPORATION

State or Country Where  
Organized:

DELAWARE

Address:

510 LAKE COOK ROAD  
DEERFIELD, ILLINOIS 60015

Correspondent

Correspondent Name:

LEYDIG, VOIT & MAYER, LTD.

**Correspondent Address:**

TWO PRUDENTIAL PLAZA, 180 N. STETSON AVE  
 SUITE 4900; ATTN: CLAUDIA W. STANGLE  
 CHICAGO, IL 60601-6731

Domestic Representative - Not Found

## Proceedings

**Summary****Number of Proceedings:**

1

**Type of Proceeding: Opposition**

**Proceeding Number:** [91223497](#)

**Filing Date:**

Aug 26, 2015

**Status:** Pending

**Status Date:**

Aug 26, 2015

**Interlocutory Attorney:** ANDREW P BAXLEY

**Defendant****Name:**

Buglisi Recobs Group LLC

**Correspondent Address:**

PATRICK C O'REILLY  
 LIPSITZ GREEN SCIME CAMBRIA LLP  
 42 DELAWARE AVENUE, SUITE 120  
 BUFFALO NY , 14202  
 UNITED STATES

**Correspondent e-mail:**

[poreilly@lglaw.com](mailto:poreilly@lglaw.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
MISTER GINGER	Opposition Pending	<a href="#">86415114</a>	

**Plaintiff(s)****Name:**

Jim Beam Brands Co.

**Correspondent Address:**

CLAUDIA W STANGLE  
 LEYDIG VOIT & MAYER LTD  
 180 NORTH STETSON AVENUE, SUITE 4900  
 CHICAGO IL , 60601  
 UNITED STATES

**Correspondent e-mail:**

[trademark@leydig.com](mailto:trademark@leydig.com) , [cstangle@leydig.com](mailto:cstangle@leydig.com) , [saagaard@leydig.com](mailto:saagaard@leydig.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
2 GINGERS	Registered	<a href="#">85199355</a>	<a href="#">4154926</a>
BIG GINGER	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77490677</a>	<a href="#">3662647</a>
SKINNY GINGER	Registered	<a href="#">85074209</a>	<a href="#">4035953</a>
2 GINGERS · IRISH WHISKEY · KIERAN	Registered	<a href="#">85965155</a>	<a href="#">4509683</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 26, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 26, 2015	Oct 05, 2015
3	PENDING, INSTITUTED	Aug 26, 2015	
4	ANSWER	Oct 02, 2015	

**United States of America**  
United States Patent and Trademark Office

**SKINNY GINGER**

**Reg. No. 4,035,953**

JIM BEAM BRANDS CO. (DELAWARE CORPORATION)  
510 LAKE COOK ROAD  
DEERFIELD, IL 60015

**Registered Oct. 4, 2011**

**Amended Apr. 22, 2014**

**Int. Cl.: 33**

**TRADEMARK**

**PRINCIPAL REGISTER**

FOR: ALCOHOLIC BEVERAGES EXCEPT BEERS, IN CLASS 33 (U.S. CLS. 47 AND 49).

FIRST USE 11-0-2010; IN COMMERCE 11-0-2010.

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

SER. NO. 85-074,209, FILED 6-29-2010.



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

**Generated on:**

This page was generated by TSDR on 2016-01-19 12:08:53 EST

**Mark:** 2 GINGERS · IRISH WHISKEY · KIERAN



**US Serial Number:** 85965155

Jun. 20, 2013

**US Registration Number:** 4509683

Apr. 08, 2014

**Filed as TEAS Plus:** Yes

No

**Register:**

Principal

**Mark Type:**

Trademark

**Status:**

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

**Status Date:**

Apr. 08, 2014

**Publication Date:** Jan. 21, 2014

**Application Filing Date:**

**Registration Date:**

**Currently TEAS Plus:**

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## Mark Information

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**Mark Literal Elements:**

2 GINGERS · IRISH WHISKEY · KIERAN

**Standard Character Claim:**

No

**Mark Drawing Type:**

3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

**Description of Mark:**

The mark consists of the words "2 GINGERS IRISH WHISKEY" with the signature "KIERAN" in script and the drawn faces of two women. There are two dots separating the wording "2 GINGERS" and "IRISH WHISKEY". The elements of the mark are surrounded by two circles with the inner circle formed by broken lines.

**Color(s) Claimed:**

Color is not claimed as a feature of the mark.

**Disclaimer:**

"IRISH WHISKEY"

**Design Search Code(s):**

02.03.01 - Heads of women facing forward; Women - head, portraiture or busts facing forward; Busts of women facing forward;

Portraiture of women facing forward

02.07.02 - Groups, females

26.01.01 - Circles as carriers or as single line borders

**Name Portrait Consent:**

The name "KIERAN" in the mark identifies Kieran Folliard, a living individual whose consent to register is of record. The portraits in the mark do not identify living individuals.

---

## Related Properties Information

---

**Claimed Ownership of US Registrations:**

4154926

---

# 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:**

Alcoholic beverages, namely, Irish whiskey

**International Class(es):** 033 - Primary Class

**U.S Class(es):**

047, 049

**Class Status:**

ACTIVE

**Basis:**

1(a)

**First Use:** Mar. 16, 2011

**Use in Commerce:**

Mar. 16, 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:**

Jim Beam Brands Co.

**Owner Address:**

510 Lake Cook Road  
Deerfield, ILLINOIS UNITED STATES 60015

**Legal Entity Type:** CORPORATION

**State or Country Where  
Organized:**

DELAWARE

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Claudia W. Stangle

**Docket Number:**

278467

**Attorney Primary Email  
Address:** [trademark@leydig.com](mailto:trademark@leydig.com)

**Attorney Email  
Authorized:**

Yes

### Correspondent

**Correspondent  
Name/Address:**

CLAUDIA W. STANGLE  
LEYDIG, VOIT & MAYER, LTD.  
STE 4900  
180 N STETSON AVE 2 PRUDENTIAL PLZ  
CHICAGO, ILLINOIS UNITED STATES 60601-6731

**Phone:** 312-616-5600

**Fax:**

312-616-5700

**Correspondent e-mail:** [trademark@leydig.com](mailto:trademark@leydig.com)

**Correspondent e-mail  
Authorized:**

Yes

**Domestic Representative - Not Found**

## Prosecution History

Date	Description	Proceeding Number
Apr. 08, 2014	REGISTERED-PRINCIPAL REGISTER	
Jan. 21, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jan. 21, 2014	PUBLISHED FOR OPPOSITION	
Jan. 01, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Dec. 17, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	69712
Dec. 17, 2013	ASSIGNED TO LIE	69712
Dec. 12, 2013	ASSIGNED TO LIE	76568
Dec. 12, 2013	ASSIGNED TO LIE	59554
Dec. 04, 2013	ASSIGNED TO LIE	76568
Dec. 04, 2013	ASSIGNED TO LIE	59554
Nov. 27, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 24, 2013	EXAMINER'S AMENDMENT ENTERED	76568
Nov. 22, 2013	ASSIGNED TO LIE	76568
Nov. 22, 2013	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Nov. 22, 2013	EXAMINERS AMENDMENT E-MAILED	6328
Nov. 22, 2013	EXAMINERS AMENDMENT -WRITTEN	76795
Oct. 29, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Oct. 28, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Oct. 28, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Oct. 06, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Oct. 06, 2013	NON-FINAL ACTION E-MAILED	6325
Oct. 06, 2013	NON-FINAL ACTION WRITTEN	76795
Oct. 06, 2013	REMOVED FROM TEAS PLUS	76795
Sep. 28, 2013	ASSIGNED TO EXAMINER	76795
Jul. 03, 2013	NOTICE OF DESIGN SEARCH CODE AND PSEUDO MARK E-MAILED	
Jul. 02, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 24, 2013	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information - None File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:**

Apr. 08, 2014

## Proceedings

### Summary

**Number of Proceedings:**

1

### Type of Proceeding: Opposition

**Proceeding Number:** [91223497](#)

**Filing Date:**

Aug 26, 2015

**Status:** Pending

**Status Date:**

Aug 26, 2015

**Interlocutory Attorney:** ANDREW P BAXLEY

### Defendant

**Name:**

Buglisi Recobs Group LLC

**Correspondent Address:**

PATRICK C O'REILLY  
LIPSITZ GREEN SCIME CAMBRIA LLP  
42 DELAWARE AVENUE, SUITE 120  
BUFFALO NY UNITED STATES , 14202

**Correspondent e-mail:**

[poreilly@lglaw.com](mailto:poreilly@lglaw.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
------	--------------------	---------------	---------------------

MISTER GINGER

Opposition Pending

[86415114](#)

**Plaintiff(s)**

**Name:**

Jim Beam Brands Co.

**Correspondent Address:**

CLAUDIA W STANGLE  
LEYDIG VOIT & MAYER LTD  
180 NORTH STETSON AVENUE, SUITE 4900  
CHICAGO IL UNITED STATES , 60601

**Correspondent e-mail:**

[trademark@leydig.com](mailto:trademark@leydig.com) , [cstangle@leydig.com](mailto:cstangle@leydig.com) , [saagaard@leydig.com](mailto:saagaard@leydig.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
2 GINGERS	Registered	<a href="#">85199355</a>	<a href="#">4154926</a>
BIG GINGER	Section 8 and 15 - Accepted and Acknowledged	<a href="#">77490677</a>	<a href="#">3662647</a>
SKINNY GINGER	Registered	<a href="#">85074209</a>	<a href="#">4035953</a>
2 GINGERS · IRISH WHISKEY · KIERAN	Registered	<a href="#">85965155</a>	<a href="#">4509683</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 26, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 26, 2015	Oct 05, 2015
3	PENDING, INSTITUTED	Aug 26, 2015	
4	ANSWER	Oct 02, 2015	

# United States of America

United States Patent and Trademark Office



**Reg. No. 4,509,683**

**Registered Apr. 8, 2014**

**Int. Cl.: 33**

**TRADEMARK**

**PRINCIPAL REGISTER**

JIM BEAM BRANDS CO. (DELAWARE CORPORATION)  
510 LAKE COOK ROAD  
DEERFIELD, IL 60015

FOR: ALCOHOLIC BEVERAGES, NAMELY, IRISH WHISKEY, IN CLASS 33 (U.S. CLS. 47 AND 49).

FIRST USE 3-16-2011; IN COMMERCE 3-16-2011.

OWNER OF U.S. REG. NO. 4,154,926.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "IRISH WHISKEY", APART FROM THE MARK AS SHOWN.

THE NAME "KIERAN" IN THE MARK IDENTIFIES KIERAN FOLLIARD, A LIVING INDIVIDUAL WHOSE CONSENT TO REGISTER IS OF RECORD. THE PORTRAITS IN THE MARK DO NOT IDENTIFY LIVING INDIVIDUALS.

THE MARK CONSISTS OF THE WORDS "2 GINGERS IRISH WHISKEY" WITH THE SIGNATURE "KIERAN" IN SCRIPT AND THE DRAWN FACES OF TWO WOMEN. THERE ARE TWO DOTS SEPARATING THE WORDING "2 GINGERS" AND "IRISH WHISKEY". THE ELEMENTS OF THE MARK ARE SURROUNDED BY TWO CIRCLES WITH THE INNER CIRCLE FORMED BY BROKEN LINES.

SER. NO. 85-965,155, FILED 6-20-2013.

LINDA ESTRADA, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

# **EXHIBIT B**

## Petition To Revive Abandoned Application - Failure To Respond Timely To Office Action

**The table below presents the data as entered.**

Input Field	Entered
<b>SERIAL NUMBER</b>	85893729
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 113
<b>DATE OF NOTICE OF ABANDONMENT</b>	06/03/2015
<b>PETITION</b>	
<b>PETITION STATEMENT</b>	Applicant has firsthand knowledge that the failure to respond to the Office Action by the specified deadline was unintentional, and requests the USPTO to revive the abandoned application.
<b>RESPONSE TO OFFICE ACTION</b>	
<b>MARK SECTION</b>	
<b>MARK</b>	<a href="http://tsdr.uspto.gov/img/85893729/large">http://tsdr.uspto.gov/img/85893729/large</a>
<b>LITERAL ELEMENT</b>	GINGERHEAD
<b>STANDARD CHARACTERS</b>	YES
<b>USPTO-GENERATED IMAGE</b>	YES
<b>MARK STATEMENT</b>	The mark consists of standard characters, without claim to any particular font style, size or color.
<b>ARGUMENT(S)</b>	
The applicant did not intentionally fail to respond to the Office action of August 27, 2014. Instead, applicant was under the mistaken impression that it had more time to respond to the Office action. New counsel has been engaged in this proceeding, and a substantive response to the Office action is provided herewith.	
<b>EVIDENCE SECTION</b>	
<b>EVIDENCE FILE NAME(S)</b>	

<b>ORIGINAL PDF FILE</b>	<a href="#">evi_981752476-20150604111449144347_.GINGERHEAD_OA3_Response.pdf</a>
<b>CONVERTED PDF FILE(S) (58 pages)</b>	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\858\937\85893729\xml21\POA0002.JPG</a>
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	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\858\937\85893729\xml21\POA0028.JPG</a>



	<a href="\\TICRS\EXPORT16\IMAGEOUT16\858\937\85893729\xml21\POA0059.JPG">\\TICRS\EXPORT16\IMAGEOUT16\858\937\85893729\xml21\POA0059.JPG</a>
<b>DESCRIPTION OF EVIDENCE FILE</b>	arguments as to why there is no likelihood of confusion with the cited references, and amendments to the identification of goods.
<b>GOODS AND/OR SERVICES SECTION (current)</b>	
<b>INTERNATIONAL CLASS</b>	033
<b>DESCRIPTION</b>	Prepared alcoholic cocktail mixes
<b>FILING BASIS</b>	Section 1(b)
<b>GOODS AND/OR SERVICES SECTION (proposed)</b>	
<b>INTERNATIONAL CLASS</b>	033
<b>TRACKED TEXT DESCRIPTION</b>	
<del>Prepared alcoholic cocktail mixes</del> ; <a href="#">Prepared alcoholic cocktails except beer</a>	
<b>FINAL DESCRIPTION</b>	Prepared alcoholic cocktails except beer
<b>FILING BASIS</b>	Section 1(b)
<b>PAYMENT SECTION</b>	
<b>TOTAL AMOUNT</b>	100
<b>TOTAL FEES DUE</b>	100
<b>SIGNATURE SECTION</b>	
<b>PETITION SIGNATURE</b>	/Daniel Christopherson/
<b>SIGNATORY'S NAME</b>	Daniel Christopherson
<b>SIGNATORY'S POSITION</b>	Attorney of Record
<b>SIGNATORY'S PHONE NUMBER</b>	202-449-3739 ext 708
<b>DATE SIGNED</b>	06/04/2015
<b>RESPONSE SIGNATURE</b>	/Daniel Christopherson/
<b>SIGNATORY'S NAME</b>	Daniel Christopherson
<b>SIGNATORY'S POSITION</b>	Attorney of Record
<b>SIGNATORY'S PHONE NUMBER</b>	202-449-3739, ext 708
<b>DATE SIGNED</b>	06/04/2015

<b>AUTHORIZED SIGNATORY</b>	YES
<b>FILING INFORMATION SECTION</b>	
<b>SUBMIT DATE</b>	Thu Jun 04 11:22:26 EDT 2015
<b>TEAS STAMP</b>	USPTO/POA-XX.XXX.XX.XX-20 150604112226404072-858937 29-530982ad118a98ae696afa 89855a138ab18696c948baa9a 244e619055d7c925-CC-10234 -20150604111449144347

PTO Form 2194 (Rev 9/2005)  
OMB No. 0651-0054 (Exp. 10/31/2017)

## **Petition To Revive Abandoned Application - Failure To Respond Timely To Office Action**

### **To the Commissioner for Trademarks:**

Application serial no. **85893729** GINGERHEAD(Standard Characters, see <http://tsdr.uspto.gov/img/85893729/large>) has been amended as follows:

#### **PETITION**

##### **Petition Statement**

Applicant has firsthand knowledge that the failure to respond to the Office Action by the specified deadline was unintentional, and requests the USPTO to revive the abandoned application.

#### **RESPONSE TO OFFICE ACTION**

##### **ARGUMENT(S)**

**In response to the substantive refusal(s), please note the following:**

The applicant did not intentionally fail to respond to the Office action of August 27, 2014. Instead, applicant was under the mistaken impression that it had more time to respond to the Office action. New counsel has been engaged in this proceeding, and a substantive response to the Office action is provided herewith.

##### **EVIDENCE**

Evidence in the nature of arguments as to why there is no likelihood of confusion with the cited references, and amendments to the identification of goods. has been attached.

##### **Original PDF file:**

[evi\\_981752476-20150604111449144347\\_. GINGERHEAD\\_OA3\\_Response.pdf](#)

##### **Converted PDF file(s) ( 58 pages)**

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)  
[Evidence-4](#)  
[Evidence-5](#)  
[Evidence-6](#)  
[Evidence-7](#)  
[Evidence-8](#)  
[Evidence-9](#)  
[Evidence-10](#)  
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[Evidence-55](#)

[Evidence-56](#)

[Evidence-57](#)

[Evidence-58](#)

## **CLASSIFICATION AND LISTING OF GOODS/SERVICES**

**Applicant proposes to amend the following class of goods/services in the application:**

**Current:** Class 033 for Prepared alcoholic cocktail mixes

Original Filing Basis:

**Filing Basis: Section 1(b), Intent to Use:** *For a trademark or service mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. *For a collective trademark, collective service mark, or collective membership mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. *For a certification mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

**Proposed:**

**Tracked Text Description:** ~~Prepared alcoholic cocktail mixes~~; [Prepared alcoholic cocktails except beer](#)

Class 033 for Prepared alcoholic cocktails except beer

**Filing Basis: Section 1(b), Intent to Use:** *For a trademark or service mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. *For a collective trademark, collective service mark, or collective membership mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. *For a certification mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

**FEE(S)**

Fee(s) in the amount of \$100 is being submitted.

**SIGNATURE(S)**

Signature: /Daniel Christopherson/ Date: 06/04/2015  
Signatory's Name: Daniel Christopherson  
Signatory's Position: Attorney of Record  
Signatory's Phone Number: 202-449-3739 ext 708

**Response Signature**

Signature: /Daniel Christopherson/ Date: 06/04/2015  
Signatory's Name: Daniel Christopherson  
Signatory's Position: Attorney of Record

Signatory's Phone Number: 202-449-3739, ext 708

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

RAM Sale Number: 85893729  
RAM Accounting Date: 06/04/2015

Serial Number: 85893729  
Internet Transmission Date: Thu Jun 04 11:22:26 EDT 2015  
TEAS Stamp: USPTO/POA-XX.XXX.XX.XX-20150604112226404  
072-85893729-530982ad118a98ae696afa89855  
a138ab18696c948baa9a244e619055d7c925-CC-  
10234-20150604111449144347

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: 88 East Beverage Company  
Mark: GINGERHEAD  
Filing Date: April 3, 2013  
Application Serial No.: 85/893,729  
Docket No.: TM0345  
Class: 33  
Examining Attorney: Jennifer D. Richardson

The Office Action of August 27, 2014 (the "Current Action") has been reviewed, and the remarks of the Examining Attorney carefully considered. The two remaining issues in the present Application are (1) whether the identification of goods is acceptable; and (2) the refusal under Section 2(d) of the Trademark Act. For the reasons presented below, Applicant submits that these issues have been overcome, and requests favorable reconsideration in view of these remarks.

**REQUIREMENT FOR CLARIFICATION OF GOODS**

In the Current Action, the Examining Attorney alleged that the amended identification of goods for the Applied-for Mark, "Prepared alcoholic cocktail mixes," is indefinite and must be clarified. The Examining Attorney suggested that the applicant substitute the following wording, if accurate: "Prepared alcoholic cocktails except beer." Applicant hereby amends its application to adopt the identification of goods suggested by the Examining Attorney. Accordingly, Applicant submits that the requirement for clarification of the identification of goods has been met.

CERTIFICATE OF TRANSMISSION

I hereby certify that, on the date shown below, this correspondence is being transmitted to the U.S. Patent and Trademark Office by the Trademark Electronic Application System ("TEAS").

Date: June 3, 2015

/Daniel Christopherson/

**Signature**

Daniel J. Christopherson

*(type or print name of person certifying)*

**REFUSAL UNDER TRADEMARK ACT SECTION 2(d)**

In the Current Action, the Examining Attorney maintained a refusal of registration of Applicant's GINGERHEAD mark (the "Applied-for Mark") and the marks owned by Ferrara Pan Candy Co., Inc. ("Registrant") in U.S. Registration no. 3,939,824 for GRAPEHEAD and U.S. Registration no. 3,841,466 for LEMONHEAD (collectively, the "Registered Marks"). In support of this refusal, the Examining Attorney alleged that (1) the Applied-for Mark is similar to the Registered Marks; and (2) the goods identified by the Applied-for Mark are related to the goods identified by the Registered Marks. For the reasons discussed herein, as well as the reasons included in Applicant's Responses to the First and Second Actions (which are incorporated herein by reference), Applicant respectfully disagrees with this refusal, and requests reconsideration and approval of the current application for publication.

A likelihood of confusion between two marks is determined by a review of all of the relevant factors laid out in the case *E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973) (the "*du Pont* factors"). Applicant submits that a proper application of these factors illustrates that the Applied-for Mark and the Registered Marks are not so similar as to cause a likelihood of confusion. Specifically, Applicant submits that the visual, sound, connotation, and commercial differences between the Applied-for Mark and the Registered Marks are sufficient to avoid confusion. Applicant submits that this is especially true, as discussed below, in light of the fact that there are numerous third-party registrations which incorporate the word HEAD in a similar fashion as the Registered Marks. Such third-party registrations are relevant under the sixth *du Pont* factor, and they indicate that the HEAD portion of the Registered Marks is relatively weak and entitled to only a narrow scope of protection. *See*

Response to Office Action  
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*Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondée en 1772*, 396 F.3d 1369, 1373-74, 73 USPQ2d 1689, 1693 (Fed. Cir. 2005). Applicant also submits that usage of the term HEAD as a suffix implies a laudatory nature, which provides further evidence that the term HEAD is a weak indication of source.

## **I. THERE ARE SUBSTANTIAL DIFFERENCES BETWEEN THE MARKS**

In any likelihood of confusion analysis, the similarity or dissimilarity of the marks is a key consideration. See *Federated Foods, Inc. v. Fort Howard Paper Co.*, 544 F.2d 1098, 1103, 192 USPQ 24, 29 (C.C.P.A. 1976); *In re Iolo Techs., LLC*, 95 USPQ2d 1498, 1499 (TTAB 2010); TMEP §1207.01; see also *In re Dixie Rests. Inc.*, 105 F.3d 1405, 1406-07, 41 USPQ2d 1531, 1533 (Fed. Cir. 1997). To determine whether marks are similar or dissimilar, marks are compared in their entireties for similarities in appearance, sound, connotation, and commercial impression. *In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (quoting *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973)); TMEP §1207.01(b).

### **A. DIFFERENCES IN APPEARANCE**

There are significant differences in appearance between the Applied-for Mark and the Registered Marks. Consumers are generally more inclined to focus on the first word, prefix or syllable in any trademark or service mark. See *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondée En 1772*, 396 F. 3d 1369, 1372, 73 USPQ2d 1689, 1692 (Fed. Cir. 2005); see also *Mattel Inc. v. Fumline Merch. Co.*, 81 USPQ2d 1372, 1374-75 (TTAB 2006); *Presto Prods., Inc. v. Nice-Pak Prods., Inc.*, 9 USPQ2d 1895, 1897 (TTAB 1988) (“it is often the first part of a mark which is most likely to be impressed upon the mind of a purchaser and

remembered” when making purchasing decisions). In the present case, Applicant notes that all of the Applied-for Mark and the Registered Marks are compound marks comprising different first terms, followed by the word HEAD. Applicant notes that the first terms in each of these marks are wholly different in appearance, in that the word GINGER bears little resemblance to the words LEMON or GRAPE. While it is true that both GINGER and GRAPE begin with the letter “G”, the similarities end there. Additionally, GINGER and LEMON are drastically different in appearance, as they both begin and end with different letters, only contain two of the same letters—“E” and “N”, and are different lengths—GINGER is six letters long while LEMON is five letters long. For at least these reasons, Consumers will have no difficulty visually differentiating between these marks.

B. DIFFERENCES IN SOUND

The sound of the Applied-for Mark is not similar to the sound of either of the Registered Marks. As discussed above, consumers are generally more inclined to focus on the first word, prefix, or syllable in a trademark. *Id.* In the present case, the first syllable of the Applied-for Mark—“GIN”—is completely different than the first syllables of both of the Registered Marks—namely, “GRAPE” and “LEM.” “GIN” and “LEM” contain entirely different letters and no similar sounds. Although “GIN” and “GRAPE” both begin with the letter “G,” “GIN” makes a soft-G sound while “GRAPE” makes a hard-G sound coupled with an “R” sound—that is, “GR.”

The second syllable of the Applied-for Mark—“GER”—is also completely different than the second syllables of both of the Registered Marks—namely “HEAD” and “ON,” respectively. “GER” begins with a different letter than both “HEAD” and “ON”, causing it to sound different from the beginning of the pronunciation. “GER” begins with a soft-G sound—which is drastically different than the sounds “HEAD” or “ON” make. Because of the drastic differences

Response to Office Action  
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in the pronunciation of the Applied-for Mark and the Registered Marks, there is no likelihood of confusion based on the sound of the marks.

C. DIFFERENCES IN CONNOTATION

The connotation of the Applied-for Mark and the connotation of each of the Registered Marks is sufficiently dissimilar to dispel any likelihood of confusion. While the Applied-for Mark and the Registered Marks all share the word HEAD, they are far from confusingly similar.

As discussed above, the first word, prefix, or syllable is given greater attention by the consumer. In the present case, the Applied-for Mark begins with the word GINGER, whereas the Registered Marks begin with the words LEMON and GRAPE. Applicant submits herewith the following descriptions, downloaded from the Merriam-Webster online dictionary:

- Ginger: the strongly flavored root of a tropical plant that is used in cooking; a spice made from ginger (see Exhibit D);
- Lemon: a yellow citrus fruit that has a sour taste (see Exhibit E);
- Grape: a green, dark red, or purplish black berry that is used to make wine or is eaten as a fruit (see Exhibit F).

Applicant notes that both of the Registered Marks preface the word HEAD with the words for fruits, whereas Applicant prefaces the Applied-for Mark with the word for a spice. Applicant submits that fruits and spices convey a very different connotation, as fruits are sweet and/or sour, whereas spices are spicy or savory.

Because the Applied-for Mark and the Registered Marks are significantly different in their connotations, there is no likelihood of confusion as to the source of the goods with which they are associated.

D. DIFFERENCES IN COMMERCIAL IMPRESSION

The Applied-for Mark creates a commercial impression that is sufficiently distinct from the commercial impression created by Registered Marks, and accordingly there is no likelihood of confusion. *See, e.g., In re Best Products Co., Inc.*, 231 USPQ 988 (TTAB 1986).

If two marks for related goods or services share the same dominant feature and the marks, when viewed in their entireties, create similar overall commercial impressions, then confusion is likely. *See In re J.M. Originals Inc.*, 6 USPQ2d 1393 (TTAB 1987). Applicant submits that the word HEAD, although a common feature in both the Applied-for and Registered Marks, is not dominant. The word HEAD always appears as the *last* word and syllable in both the Applied-for and Registered Marks. In contrast, the words GINGER (for the Applied-for Mark) and the words GRAPE and LEMON (for the Registered Marks) appear first to consumers. By preceding the word HEAD with the word GINGER, the Applied-for Mark creates a commercial impression—an impression of something that is gingery or spicy. In contrast, the Registered Marks—which precede the word HEAD with both GRAPE and LEMON—create a commercial impression of something that is fruity or sweet.

Even if the word HEAD were a dominant feature of the two marks, applicant submits that it is weak because it is so commonly used by third party registrations in association with alcoholic beverages. If the common element of two marks is weak, consumers typically will be able to avoid confusion unless the overall combinations have other commonality. *See, e.g., In re Bed & Breakfast Registry*, 791 F.2d 157, 229 USPQ 818 (Fed. Cir. 1986) (BED & BREAKFAST REGISTRY for making lodging reservations for others in private homes held not likely to be confused with BED & BREAKFAST INTERNATIONAL for room booking agency services). Because the word HEAD is weak, and because the term GINGER is only similar to

the terms GRAPE and LEMON at a high level of generality, consumers will be able to avoid being confused as to the source of the products associated with the marks.

Because the Applied-for Mark differs in appearance, sound, connotation, and commercial impression from the Registered Marks, confusion as to the source of the goods associated with the marks is unlikely.

## **II. THERE IS RAMPANT THIRD PARTY USE OF THE SUFFIX HEAD ON RELATED GOODS**

Evidence of third-party registrations and third-party use of a mark or a portion of a mark falls under the sixth *du Pont* factor, the “number and nature of similar marks in use on similar goods.” *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973). Third-party registrations for highly related goods may be relevant to show that a mark or a portion of a mark is descriptive, suggestive, or so commonly used that the public will look to other elements to distinguish the source of the goods or services. *See, e.g., In re Hartz Hotel Servs., Inc.*, 102 USPQ2d 1150, 1153-54 (TTAB 2012); *In re Melville Corp.*, 18 USPQ2d 1386, 1388 (TTAB 1991); *In re Dayco Products-Eagle Motive, Inc.*, 9 USPQ2d 1910, 1911-12 (TTAB 1988); *Plus Prods. v. Star-Kist Foods, Inc.*, 220 USPQ 541, 544 (TTAB 1983). If the evidence establishes that the consuming public is exposed to third-party use of similar marks on similar goods, it “is relevant to show that a mark is relatively weak and entitled to only a narrow scope of protection.” *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondée en 1772*, 396 F.3d 1369, 1373-74, 73 USPQ2d 1689, 1693 (Fed. Cir. 2005).

Applicant submits, for reasons and evidence adduced herein, that that the word HEAD is so commonly used in the alcoholic beverage industry that the public will look to other elements to distinguish the source of the goods. *See, e.g., In re Hartz Hotel Servs., Inc.*, 102 USPQ2d

Response to Office Action  
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1150, 1153-54 (TTAB 2012); *In re Melville Corp.*, 18 USPQ2d 1386, 1388 (TTAB 1991); *In re Dayco Products-Eagle Motive, Inc.*, 9 USPQ2d 1910, 1911-12 (TTAB 1988); *Plus Prods. v. Star-Kist Foods, Inc.*, 220 USPQ 541, 544 (TTAB 1983).

Applicant further submits that, in light of the fact that HEAD is a weak source identifier, any and all of the differences between the Applied-for Mark and the Registered Marks as described herein are *magnified*, and likelihood of confusion between the sources of the goods associated with the two marks is diminished.

A. THIRD PARTY REGISTRATIONS FOR ALCOHOLIC BEVERAGES  
INCORPERATING THE WORD "HEAD"

In the present case, the Registered Marks are registered in connection with "alcoholic beverages, namely martinis." Various types of alcoholic beverages have been shown to be related goods for purposes of a Trademark Act Section 2(d) analysis. *In re Chatam Int'l Inc.*, 380 F.3d 1340, 71 USPQ2d 1944 (Fed. Cir. 2004) (holding GASPAR'S ALE for beer and ale likely to be confused with JOSE GASPAR GOLD for tequila); *In re Majestic Distilling Co.*, 315 F.3d 1311, 65 USPQ2d 1201 (Fed. Cir. 2003) (holding RED BULL for tequila likely to be confused with RED BULL for malt liquor); *In re Salierbrau Franz Sailer*, 23 USPQ2d 1719 (TTAB 1992) (holding CHRISTOPHER COLUMBUS for beer likely to be confused with CRISTOBAL COLON & design for sweet wine); *Somerset Distilling, Inc. v. Speymalt Whiskey Distribs. Ltd.*, 14 USPQ2d 1539 (TTAB 1989) (holding JAS. GORDON and design for scotch whiskey likely to be confused with GORDON'S for distilled gin and vodka); *Schieffelin & Co. v. Molson Cos.*, 9 USPQ2d 2069 (TTAB 1989) (holding BRAS D'OR for brandy likely to be confused with BRADOR for beer); *Bureau Nat'l Interprofessionnel Du Cognac v. Int'l Better Drinks Corp.*, 6 USPQ2d 1610 (TTAB 1988) (holding trademark

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COLAGNAC for cola flavored liqueur likely to be confused with certification mark COGNAC for brandy).

Applicant submits that because beer is an alcoholic beverage, beer is highly related to “alcoholic beverages, namely martinis.” Additionally, Applicant notes that beer and “alcoholic beverages, namely martinis” will be encountered by the same purchasers under similar circumstances, which is likely to give rise to the mistaken belief that the goods come from a common source. *In re Martin’s Famous Pastry Shoppe, Inc.*, 748 F.2d 1565, 223 USPQ 1289 (Fed. Cir. 1984); *In re Corning Glass Works*, 229 USPQ 65 (TTAB 1985); *In re Rexel Inc.*, 223 USPQ 830 (TTAB 1984); *Guardian Products Co., Inc. v. Scott Paper Co.*, 200 USPQ 738 (TTAB 1978); *In re International Telephone & Telegraph Corp.*, 197 USPQ 910 (TTAB 1978). TMEP § 1207.01(a)(i). In support of this position, Applicant provides herewith a screenshot from Total Wine & More’s website showing beer and martinis being sold in the same store (attached hereto as Exhibit B). Similarly, Applicant provides herewith a screenshot of the drink menu for Mooncussers Tavern, displaying a list of martinis alongside a list of beers (attached hereto as Exhibit C). Applicant submits that it is clear that beer and “alcoholic beverages, namely martinis” travel in the same channels of trade, and that they are, therefore, highly related for the purposes of determining a likelihood of confusion between them.

A substantial number of third party registrations for beer that incorporate the word HEAD in a similar manner to the Registered Marks *currently coexist* with the Registered Marks. Applicant submits that these third party registrations indicate marks with the suffix HEAD are generally weak source identifiers for alcoholic beverages in general. Applicant provides herewith copies of 23 live registrations that incorporate the word HEAD in connection with

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various types of alcoholic beverages (attached hereto as Exhibit A). These 23 registrations are summarized in the table below:

<u>Reg. No.</u>	<u>IC</u>	<u>Owners</u>	<u>Mark</u>	<u>Product</u>
4716422	32	Northwest Brewing Company LLC	BONE HEAD	Beer
4713389	32	JL Beers, Inc.	HOT HEAD	Beer
4533492	32	Wine Dogs Beer Company, Inc.	CONEHEAD	Beer
4485210	33	Anchor Brewers & Distillers, LLC	HOPHEAD	Vodka
4485208	33	Anchor Brewers & Distillers, LLC	H HOPHEAD	Vodka
4552562	32	Shipyards Brewing Company, LLC	MELONHEAD	Beer
4470494	32	Joey's, Inc.	WHEATHEAD	Beer
4436469	33	Hoffman, Thomas C.	ZINHEAD	Wine
4337678	32	Shipyards Brewing Company, LLC	SHIPYARD BREWING CO PUMPKINHEAD	Beer
4457250	32	Green Flash Brewing Co.	HOP HEAD RED	Beer
4538048	32	Shipyards Brewing Company, LLC	APPLEHEAD	Beer
3954868	33	Hey Joe Wine Co., LLC	LEATHERHEAD	Wine
3864549	32	Three Floyds Brewing LLC	GUMBALLHEAD	Beer
3266363	33	Chateau St. Croix Winery & Vineyard, LLC	CHEESEHEAD WHITE	Wine
3266362	33	Chateau St. Croix Winery & Vineyard, LLC	CHEESEHEAD RED	Wine
3192711	33	Firestone Vineyard LLC	JARHEAD RED	Wine
3255094	33	Ian Macleod Distillers Limited	SMOKEHEAD	Wine, liqueur, and distilled spirits; whisky and scotch whisky
3802744	32	Troegs Brewing Company	JAVA HEAD STOUT	Beer
2922043	32	Cerveceria Modelo, S.A de C.V.	LIMEHEADS	Beer
2803154	32	Shipyards Brewing Company, LLC	PUMPKINHEAD ALE	Beer
2285581	33	Constellation Brands U.S. Operations, Inc.	TOASTED HEAD	Wine
2135050	33	Constellation Brands U.S. Operations, Inc.	TOASTED HEAD	Wine
1749556	33	Fiddlehead Cellars K. Joseph Enterprises, Inc.	FIDDLEHEAD	Wine

Applicant submits that these third party registrations provide substantial evidence of third party use of the word HEAD in conjunction with alcoholic beverages. Applicant further submits

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that this points to the conclusion that the word HEAD should be afforded only limited protection. Because several companies already own competing claims to the word HEAD as modified by various fruits, grains, food, body parts, and even instruments, Applicant submits that it would be inappropriate to extend the Registered Marks' scope to preclude registration of the Applied-for Mark, which modifies the word HEAD with the name of a spice and clearly indicates that Applicant's goods relate to an entirely different product.

B. DIFFERENCES BETWEEN THE APPLIED-FOR MARK AND THE REGISTERED MARKS ARE MAGNIFIED

Applicant submits that, in light of the fact that numerous third-party registrations for alcoholic beverages currently use the word HEAD as a suffix, the word HEAD is a weak source identifier, and, therefore, consumers will look to other aspects of the Applied-for and Registered Marks to determine the source of the goods associated with them. Specifically, consumers will give more importance to the word GINGER in the Applied-for Mark, and the words GRAPE and LEMON in the Registered Marks, when determining the source of the goods associated with the marks. For the reasons set out above as well as the reasons set out in applicant's response to the First and Second Actions, the word GINGER is significantly different from the word GRAPE and significantly different from the word LEMON in appearance, sound, connotation, and commercial impression. Additionally, GRAPE and LEMON share the commonality that they both refer to *fruits*. Accordingly, GINGER differs from GRAPE and LEMON jointly as GINGER refers to a spice.

In light of the third party registrations for alcoholic beverages using the word HEAD as a suffix, consumers will focus on the differences between the Applied-for Mark and the Registered Marks, and there will be no likelihood of confusion as to the source of the goods associated with each mark.

**III. THE SUFFIX “HEAD” IS LAUDATORY IN NATURE, AND THEREFORE WEAK AS AN INDICATION OF SOURCE**

A term is deemed to be merely descriptive of goods or services, within the meaning of Trademark Act § 2(e)(1), if it forthwith conveys an immediate idea of an ingredient, quality, characteristic, feature, function, purpose or use of the goods or services. *See, e.g., In re Gyulay*, 820 F.2d 1216, 3 USPQ2d 1009 (Fed. Cir. 1987), and *In re Abcor Development Corp.*, 588 F.2d 811, 200 USPQ 215 (CCPA 1978). Laudatory terms, those that attribute quality or excellence to goods or services, generally are deemed to be merely descriptive under Trademark Act § 2(e)(1). *See In re Nett Designs Inc.*, 236 F.3d 1339, 57 USPQ2d 1564 (Fed. Cir. 2001) (THE ULTIMATE BIKE RACK is “a laudatory descriptive phrase that touts the superiority of Nett Designs’ bike racks”); *In re Boston Beer Co. L.P.*, 198 F.3d 1370, 53 USPQ2d 1056 (Fed. Cir. 1999) (THE BEST BEER IN AMERCA for “beer and ale” found to be laudatory and incapable of distinguishing source).

In this case, the suffix HEAD is laudatory of “Registrant’s alcoholic beverages, namely martinis,” and should be given a narrow scope for the purposes of determining a likelihood of confusion. In support of this conclusion, Applicant submits herewith a screenshot from the Cambridge Dictionaries Online for the suffix “–head,” which provides, “[A] person with a particular strong interest or addiction.” As used in the third party registrations above, and by the Registrant and Applicant alike, all of these marks cater to consumers who love the characterizing feature of the marks, including lemons, grapes, ginger, hops, java, pumpkin, apple, zinfandel, lime, or cheese. As such, it would be improper, and inconsistent with the USPTO’s treatment of other –HEAD marks in connection with alcoholic beverages, to interpret the scope of Registrant’s

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Marks as being so broad as to preclude others from registering other marks in connection with distilled spirits products with that same suffix.

#### **IV. CONCLUSION**

Based on the foregoing, Applicant respectfully requests that the Examining Attorney withdraw the refusal to register under Trademark Section 2(d) due to a likelihood of confusion with U.S. Registration Nos. 3,841,466 and 3,939,824, and approve U.S. Application Serial no. 85/893,729 for publication in the Official Gazette.

Dated this June 3, 2015.

Respectfully submitted,  
/Daniel Christopherson/  
Daniel Christopherson  
2911 Hunter Mill Road, Suite 303  
Oakton, Virginia 22124  
Tel: 202-449-3739, ext. 708

Attorney for Applicant

# EXHIBIT A

**United States of America**  
United States Patent and Trademark Office

# Bone Head

**Reg. No. 4,716,422**

**Registered Apr. 7, 2015**

**Int. Cl.: 32**

**TRADEMARK**

**PRINCIPAL REGISTER**

NORTHWEST BREWING COMPANY LLC (WASHINGTON LIMITED LIABILITY COMPANY)  
1091 VALENTINE AVE. SE  
PACIFIC, WA 98047

FOR: BEER, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 11-19-2011; IN COMMERCE 11-19-2011.

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

SER. NO. 86-393,836, FILED 9-12-2014.

JENNIFER BUTTON, EXAMINING ATTORNEY



*Michelle K. Lee*

Director of the United States  
Patent and Trademark Office

**United States of America**  
United States Patent and Trademark Office

# HOT HEAD

**Reg. No. 4,713,389**

**Registered Mar. 31, 2015**

**Int. Cl.: 32**

**TRADEMARK**

**PRINCIPAL REGISTER**

JL BEERS, INC. (NORTH DAKOTA CORPORATION), DBA VINYL TACO,  
16 BROADWAY, SUITE 208  
FARGO, ND 58102

FOR: BEER, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 1-20-2014; IN COMMERCE 1-20-2014.

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

SN 86-075,218, FILED 9-26-2013.

NANCY CLARKE, EXAMINING ATTORNEY



*Michelle K. Lee*

Director of the United States  
Patent and Trademark Office

**United States of America**  
United States Patent and Trademark Office

# CONEHEAD

**Reg. No. 4,533,492**

**Registered May 20, 2014**

**Int. Cl.: 32**

**TRADEMARK**

**PRINCIPAL REGISTER**

WIND DOGS BEER COMPANY, INC. (VERMONT CORPORATION)  
115 ST. PAUL STREET  
BURLINGTON, VT 05401

FOR: ALE; BEER, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 4-30-2007; IN COMMERCE 4-30-2007.

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

SER. NO. 86-087,287, FILED 10-9-2013.

HOWARD B. LEVINE, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

**United States of America**  
United States Patent and Trademark Office

# HOPHEAD

**Reg. No. 4,485,210**

**Registered Feb. 18, 2014**

**Int. Cl.: 33**

**TRADEMARK**

**PRINCIPAL REGISTER**

ANCHOR BREWERS & DISTILLERS, LLC (CALIFORNIA LIMITED LIABILITY COMPANY)  
1705 MARIPOSA STREET  
SAN FRANCISCO, CA 94107

FOR: VODKA, IN CLASS 33 (U.S. CLS. 47 AND 49).

FIRST USE 11-27-2012; IN COMMERCE 11-27-2012.

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

SER. NO. 86-012,534, FILED 7-17-2013.

JOHN WILKE, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

# United States of America

United States Patent and Trademark Office



**Reg. No. 4,485,208**

**Registered Feb. 18, 2014**

**Int. Cl.: 33**

**TRADEMARK**

**PRINCIPAL REGISTER**

ANCHOR BREWERS & DISTILLERS, LLC (CALIFORNIA LIMITED LIABILITY COMPANY)  
1705 MARIPOSA STREET  
SAN FRANCISCO, CA 94107

FOR: VODKA, IN CLASS 33 (U.S. CLS. 47 AND 49).

FIRST USE 11-27-2012; IN COMMERCE 11-27-2012.

THE MARK CONSISTS OF LETTER "H" ENTWINED WITH IMAGE OF HOPVINE BEHIND WORD "HOPHEAD" WITH CURVED LINES ABOVE AND BELOW, ANCHORS IN STYLIZED CIRCLES AT EITHER END OF WORD HOPHEAD.

SER. NO. 86-012,523, FILED 7-17-2013.

JOHN WILKE, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

**United States of America**  
United States Patent and Trademark Office

# MELONHEAD

**Reg. No. 4,552,562**

**Registered June 17, 2014**

**Int. Cl.: 32**

**TRADEMARK**

**PRINCIPAL REGISTER**

SHIPYARD BREWING COMPANY, LLC (MAINE LIMITED LIABILITY COMPANY)  
86 NEWBURY STREET  
PORTLAND, ME 04104

FOR: BEER, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 4-1-2013; IN COMMERCE 4-1-2013.

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

SN 85-792,907, FILED 12-3-2012.

CHARLOTTE CORWIN, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

**United States of America**  
United States Patent and Trademark Office

# WHEATHEAD

**Reg. No. 4,470,494**

**Registered Jan. 21, 2014**

**Int. Cl.: 32**

**TRADEMARK**

**PRINCIPAL REGISTER**

JOEY'S, INC. (TEXAS CORPORATION)  
1414 S. ALAMO, #105  
SAN ANTONIO, TX 78210

FOR: BEER, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 9-30-2001; IN COMMERCE 9-30-2001.

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

SER. NO. 85-960,292, FILED 6-14-2013.

TRACY FLETCHER, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

**United States of America**  
United States Patent and Trademark Office

**ZINHEAD**

**Reg. No. 4,436,469**

**Registered Nov. 19, 2013**

**Int. Cl.: 33**

**TRADEMARK**

**PRINCIPAL REGISTER**

HOFFMAN, THOMAS, C. (UNITED STATES INDIVIDUAL)  
P.O. BOX 296  
VICTOR, CA 95253

FOR: WINES, IN CLASS 33 (U.S. CLS. 47 AND 49).

FIRST USE 6-24-2013; IN COMMERCE 6-24-2013.

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

SER. NO. 85-903,363, FILED 4-12-2013.

JERI J. FICKES, EXAMINING ATTORNEY

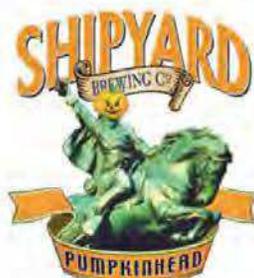


*Lynn Stewart Rice*

Deputy Director of the United States Patent and Trademark Office

# United States of America

United States Patent and Trademark Office



**Reg. No. 4,337,678**  
**Registered May 21, 2013**  
**Int. Cl.: 32**

SHIPYARD BREWING COMPANY, LLC (MAINE LIMITED LIABILITY COMPANY)  
86 NEWBURY STREET  
PORTLAND, ME 04104

**TRADEMARK**  
**PRINCIPAL REGISTER**

FOR: BEERS, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 9-30-1996; IN COMMERCE 9-30-1996.

OWNER OF U.S. REG. NOS. 2,015,253, 3,114,205 AND OTHERS.

THE COLOR(S) ORANGE, GREEN, BLACK, BLUE, BEIGE AND GRAY IS/ARE CLAIMED AS A FEATURE OF THE MARK.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BREWING CO.", APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF THE TERM "SHIPYARD" IN STYLIZED FORM ABOVE A BANNER CONTAINING THE PHRASE "BREWING CO.", WHICH IS ABOVE A FANCIFUL DEPICTION OF A HORSEMAN WITH A PUMPKIN HEAD AND HOLDING A GLASS OF BEER. ALL ABOVE ANOTHER, LARGER BANNER CONTAINING THE WORDING "PUMPKINHEAD". THE WORD "SHIPYARD", THE LARGER BANNER, AND MOST OF THE PUMPKIN HEAD ARE ORANGE. SOME OF THE LETTERS IN "SHIPYARD" HAVE TOUCHES OF BLACK AND GRAY ON THEIR BORDERS. THE BODY OF THE HORSEMAN AND THE HORSE ARE IN GREEN WITH TOUCHES OF BEIGE. THE BEER IS DEPICTED IN BLACK AND BEIGE. THE WORDING "BREWING CO." AND "PUMPKINHEAD" ARE IN BLUE. THE SMALLER BANNER IS OUTLINED IN BLACK, AND THE LARGER BANNER IS OUTLINED IN GREEN AND BLACK.



SER. NO. 85-689,713, FILED 7-30-2012.

NANCY CLARKE, EXAMINING ATTORNEY

*Laura Stewart King*  
Acting Director of the United States Patent and Trademark Office

**United States of America**  
United States Patent and Trademark Office

# Hop Head Red

**Reg. No. 4,457,250**

**Registered Dec. 31, 2013**

**Int. Cl.: 32**

**TRADEMARK**

**PRINCIPAL REGISTER**

GREEN FLASH BREWING CO. (CALIFORNIA CORPORATION)  
6550 MIRA MESA BLVD.  
SAN DIEGO, CA 92121

FOR: BEERS, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 1-1-2008; IN COMMERCE 3-14-2008.

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

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "RED", APART FROM THE MARK AS SHOWN.

SER. NO. 85-347,761, FILED 6-16-2011.

COLLEEN KEARNEY, EXAMINING ATTORNEY



*Deborah S. Cohen*

Commissioner for Trademarks of the  
United States Patent and Trademark Office

**United States of America**  
United States Patent and Trademark Office

# APPLEHEAD

**Reg. No. 4,538,048**

**Registered May 27, 2014**

**Int. Cl.: 32**

**TRADEMARK**

**PRINCIPAL REGISTER**

SHIPYARD BREWING COMPANY, LLC (MAINE LIMITED LIABILITY COMPANY)  
86 NEWBURY STREET  
PORTLAND, ME 04104

FOR: BEER, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 12-1-2011; IN COMMERCE 12-1-2011.

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

SN 85-237,450, FILED 2-9-2011.

BARBARA GAYNOR, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

# United States of America

United States Patent and Trademark Office

## LEATHERHEAD

**Reg. No. 3,954,868**

**Registered May 3, 2011**

**Int. Cl.: 33**

**TRADEMARK**

**PRINCIPAL REGISTER**

HEY JOE WINE CO., LLC (DELAWARE LIMITED LIABILITY COMPANY)  
700 NORTH WASHINGTON SUITE 219  
MINNEAPOLIS, MN 55401

FOR: WINE, IN CLASS 33 (U.S. CLS. 47 AND 49).

FIRST USE 8-23-2010; IN COMMERCE 8-23-2010.

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

SER. NO. 85-123,028, FILED 9-3-2010.

BARBARA RUTLAND, EXAMINING ATTORNEY



*David J. Kappas*

Director of the United States Patent and Trademark Office

# United States of America

United States Patent and Trademark Office

## GUMBALLHEAD

**Reg. No. 3,864,549**

**Registered Oct. 19, 2010**

**Int. Cl.: 32**

**TRADEMARK**

**PRINCIPAL REGISTER**

THREE FLOYDS BREWING LLC (INDIANA LIMITED LIABILITY COMPANY)  
9750 INDIANA PARKWAY  
MUNSTER, IN 46321

FOR: BEER, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 10-4-2004; IN COMMERCE 10-4-2004.

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

SER. NO. 85-000,983, FILED 3-29-2010.

CHRISIE B. KING, EXAMINING ATTORNEY



*David J. Kappas*

Director of the United States Patent and Trademark Office

Int. Cl.: 33

Prior U.S. Cls.: 47 and 49

**United States Patent and Trademark Office**

**Reg. No. 3,266,363**

Registered July 17, 2007

**TRADEMARK  
PRINCIPAL REGISTER**

**CHEESEHEAD WHITE**

CHATEAU ST. CROIX WINERY & VINEYARD,  
LLC (WISCONSIN LTD LIAB CO)  
BOX 398

1998A STATE ROAD 87  
ST. CROIX FALLS, WI 54024

FOR: WINES, IN CLASS 33 (U.S. CLS. 47 AND 49).

FIRST USE 7-25-2006; IN COMMERCE 9-1-2006.

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

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "WHITE", APART FROM THE MARK AS SHOWN.

SN 78-797,189, FILED 1-23-2006.

DAWN FELDMAN, EXAMINING ATTORNEY

Int. Cl.: 33

Prior U.S. Cls.: 47 and 49

United States Patent and Trademark Office

Reg. No. 3,266,362

Registered July 17, 2007

**TRADEMARK  
PRINCIPAL REGISTER**

**CHEESEHEAD RED**

CHATEAU ST. CROIX WINERY & VINEYARD,  
LLC (WISCONSIN LTD LIAB CO)  
BOX 398

1998A STATE ROAD 87  
ST. CROIX FALLS, MN 54024

FOR: WINES, IN CLASS 33 (U.S. CLS. 47 AND 49).

FIRST USE 7-25-2006; IN COMMERCE 9-1-2006.

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

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "RED", APART FROM THE MARK AS SHOWN.

SN 78-797,171, FILED 1-23-2006.

DAWN FELDMAN, EXAMINING ATTORNEY

Int. Cl.: 33

Prior U.S. Cls.: 47 and 49

United States Patent and Trademark Office

Reg. No. 3,192,711

Registered Jan. 2, 2007

TRADEMARK  
PRINCIPAL REGISTER

JARHEAD RED

FIRESTONE VINEYARD LLC (CALIFORNIA  
LTD LIAB CO)  
5000 ZACA STATION ROAD  
LOS OLIVOS, CA 93441

FOR: WINE, IN CLASS 33 (U.S. CLS. 47 AND 49).

FIRST USE 10-8-2003; IN COMMERCE 10-8-2003.

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

NO CLAIM IS MADE TO THE EXCLUSIVE  
RIGHT TO USE "RED", APART FROM THE MARK  
AS SHOWN.

SER. NO. 78-780,964, FILED 12-27-2005.

AISHA CLARKE, EXAMINING ATTORNEY

Int. Cl.: 33

Prior U.S. Cls.: 47 and 49

United States Patent and Trademark Office

Reg. No. 3,255,094

Registered June 26, 2007

TRADEMARK  
PRINCIPAL REGISTER

SMOKEHEAD

IAN MACLEOD DISTILLERS LIMITED (UNITED  
KINGDOM LIMITED COMPANY)

RUSSELL HOUSE DUNNET WAY

BROXBURN, UNITED KINGDOM EH52 5BU

FOR: WINES, LIQUEURS, AND DISTILLED SPIR-  
ITS; WHISKY AND SCOTCH WHISKY, IN CLASS 33  
(U.S. CLS. 47 AND 49).

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

OWNER OF ERPN CMNTY TM OFC REG. NO.  
004311254, DATED 4-4-2006, EXPIRES 2-28-2015.

SER. NO. 78-776,912, FILED 12-20-2005.

REBECCA EISINGER, EXAMINING ATTORNEY

# United States of America

United States Patent and Trademark Office

## JAVA HEAD STOUT

**Reg. No. 3,802,744**

**Registered June 15, 2010**

**Int. Cl.: 32**

**TRADEMARK**

**PRINCIPAL REGISTER**

TROEGS BREWING COMPANY (PENNSYLVANIA CORPORATION)  
600 PAXTON STREET  
HARRISBURG, PA 17104

FOR: BEER AND ALE, NAMELY, STOUT, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 8-25-2009; IN COMMERCE 8-25-2009.

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

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "JAVA" AND "STOUT", APART FROM THE MARK AS SHOWN.

SER. NO. 77-853,112, FILED 10-20-2009.

COURTNEY MCCORMICK, EXAMINING ATTORNEY



*David J. Kappas*

Director of the United States Patent and Trademark Office

**Int. Cl.: 32**

**Prior U.S. Cls.: 45, 46, and 48**

**Reg. No. 2,803,154**

**United States Patent and Trademark Office**

Registered Jan. 6, 2004

**TRADEMARK  
PRINCIPAL REGISTER**

**PUMPKINHEAD ALE**

SHIPYARD BREWING COMPANY, LLC (MAINE  
LIMITED LIABILITY COMPANY)  
86 NEWBURY STREET  
PORTLAND, ME 04101

NO CLAIM IS MADE TO THE EXCLUSIVE  
RIGHT TO USE "ALE" , APART FROM THE MARK  
AS SHOWN.

FOR: BEER, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

SN 76-365,581, FILED 2-4-2002.

FIRST USE 9-13-1996; IN COMMERCE 9-13-1996.

BRENDAN MCCAULEY, EXAMINING ATTORNEY

**Int. Cl.: 33**

**Prior U.S. Cls.: 47 and 49**

**Reg. No. 2,285,581**

**United States Patent and Trademark Office**

**Registered Oct. 12, 1999**

**TRADEMARK  
PRINCIPAL REGISTER**



R.H. PHILLIPS, INC. (CALIFORNIA CORPORATION)  
26836 COUNTY ROAD 12A  
ESPARTO, CA 95627

OWNER OF U.S. REG. NO. 2,135,050.  
THE LINING IS A FEATURE OF THE MARK  
AND DOES NOT INDICATE COLOR.

FOR: WINE, IN CLASS 33 (U.S. CLS. 47 AND 49).

SER. NO. 75-592,741, FILED 11-20-1998.

FIRST USE 2-6-1997; IN COMMERCE 3-11-1997.

MONTIA O. GIVENS, EXAMINING ATTORNEY

**Int. Cl.: 33**

**Prior U.S. Cls.: 47 and 49**

**Reg. No. 2,135,050**

**United States Patent and Trademark Office**

**Registered Feb. 3, 1998**

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**R.H. PHILLIPS, INC. (CALIFORNIA CORPORATION)  
26836 COUNTY ROAD 12A  
ESPARTO, CA 95627**

**FIRST USE 2-6-1997; IN COMMERCE  
3-11-1997.**

**SN 75-150,540, FILED 8-15-1996.**

**FOR: WINE, IN CLASS 33 (U.S. CLS. 47 AND  
49).**

**TERESA LEE, EXAMINING ATTORNEY**

**Int. Cl.: 33**

**Prior U.S. Cl.: 47**

**United States Patent and Trademark Office** **Reg. No. 1,749,556**  
Registered Jan. 26, 1993

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**FIDDLEHEAD**

JOSEPH, KATHY (UNITED STATES CITIZEN),  
DBA KJ ENTERPRISES,  
515 ELEVENTH STREET  
DAVIS, CA 95616

FIRST USE 8-28-1991; IN COMMERCE  
8-28-1991.

SN 74-059,191, FILED 5-15-1990.

FOR: WINES, IN CLASS 33 (U.S. CL. 47).

JERRY L. PRICE, EXAMINING ATTORNEY

**Int. Cl.: 32**

**Prior U.S. Cls.: 45, 46 and 48**

**Reg. No. 2,922,043**

**United States Patent and Trademark Office**

Registered Feb. 1, 2005

**TRADEMARK  
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**LIMEHEADS**

CERVECERIA MODELO, S.A. DE C.V. (MEXICO  
CORPORATION)  
LAGO ALBERTO NO. 156  
COLONIA ANAHUAC C.P.  
11320 MEXICO, D.F., MEXICO

FIRST USE 8-1-1998; IN COMMERCE 8-1-1998.

SER. NO. 76-514,145, FILED 5-12-2003.

FOR: BEER, IN CLASS 32 (U.S. CLS. 45, 46 AND 48). KAREN K. BUSH, EXAMINING ATTORNEY

# EXHIBIT B

# My Shopping Cart

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**10% MIX 6 DISCOUNT** | Valid on 6+ varied bottles of 750ml and/or 1.5L Wines. Excludes prices ending in ".7". Savings automatically applied in cart.

Product Description	Size	Qty	Price	
 Club Dry Martini	200ml	<input type="text" value="1"/>	\$2.29	Remove Move To Shopping List
 Club Vodka Martini	200ml	<input type="text" value="1"/>	\$2.29	Remove Move To Shopping List
 Lulu B Chocolate Martini	750ml	<input type="text" value="1"/>	\$14.99	Remove Move To Shopping List
 Corona Extra	24-12oz Btl's	<input type="text" value="1"/>	\$22.99	Remove Move To Shopping List
 Coors Light	30-12oz Cans	<input type="text" value="1"/>	\$19.99	Remove Move To Shopping List
 Blue Moon Belgian White	12pk-12oz Btl's	<input type="text" value="1"/>	\$11.99	Remove Move To Shopping List

## May We Suggest...



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Subtotal \$74.54

Select Pickup Method [?]

**Estimated Total** **\$74.54**

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# EXHIBIT C

# MOONCUSSERS TAVERN

## MARTINI LIST

<b>Boston Arnold</b>	<b>9</b>
Arnold Palmer with Absolut Boston	
<b>Dirty Peppar</b>	<b>9</b>
Hot and dirty martini with Absolut Peppar	
<b>Swedish Creamsicle</b>	<b>8</b>
A summer favorite made with Svedka Vanilla & Clementine	
<b>Ginger Lemon Drop</b>	<b>10</b>
An old favorite with a ginger twist	
<b>Lemon Drop</b>	<b>9</b>
Absolut Citron lemon drop with a sugared rim	
<b>Pomegranate Champagnetini</b>	<b>12</b>
Champagne martini with citrus and pomegranate	
<b>Cape Cod Cosmo</b>	<b>11</b>
A classic with local Cape Cod Vodka	
<b>Quebecois</b>	<b>11</b>
A blend of Canadian whiskey and French liqueurs	
<b>The Englishman</b>	<b>10</b>
A house favorite, Beefeaters gin and elderflower liqueur	
<b>The Scotsman</b>	<b>11</b>
Hendricks gin, dry sherry, lime, and simple syrup	
<b>Peggytini</b>	<b>9</b>
A citrus blend with mandarin and elderflower liqueurs	
<b>Brazilian Chocolate Martini</b>	<b>12</b>
Five different flavors with a coffee and chocolate twist	
<b>Ruby Red</b>	<b>9</b>
Absolut Ruby Red with cranberry	
<b>Pear Martini</b>	<b>9</b>
A sweet but refreshing Absolut Pear martini	
<b>French Martini</b>	<b>12</b>
Grey Goose Classic with Chambord and pineapple	
<b>Cucumber Cilantro Martini</b>	<b>12</b>
Square One cucumber, muddled cilantro, St. Germain	

# MOONCUSSERS TAVERN

## BEER LIST

### Tap Beers

Guinness (Irish)	5
Mooncussers Ale (Nantucket)	5
Devil's Purse Kolsch (Dennis, MA)	5
Harpoon IPA (Boston)	5
The Shed (Vermont)	5
Naukabout Lighthouse (Cape Cod)	5

### Bottle Beers

Bud Light	3.5
Budweiser	3.5
Coors Light	3.5
Miller Light	3.5
Michelob Ultra	3.5
Corona	4.5
Heineken	4.5
Amstel Light	4.5

### Red and White Sangria

Small Pitcher	12
Large Pitcher	21

# EXHIBIT D



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ginger



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Dictionary

# ginger

noun gin-ger \ˈjɪŋ-jər\

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- : the strongly flavored root of a tropical plant that is used in cooking
- : a spice made from ginger
- : a light reddish or reddish-brown color

Are you a trivia master? Test your knowledge with our [trivia game](#).

## Full Definition of GINGER

- a (1) : a thickened pungent aromatic rhizome that is used as a spice and sometimes medicinally (2) : the spice usually prepared by drying and grinding ginger
    - b : any of a genus (Zingiber of the family Zingiberaceae, the ginger family) of herbs with pungent aromatic rhizomes; especially : a widely cultivated tropical herb (Z. officinale) that supplies most commercial ginger — compare WILD GINGER
  - : PEP <the ginger to ... work hard — Willa Cather>
  - : a light reddish or reddish-brown color <ginger hair>
    - gin-ger-y \ˈjɪŋ-jə-ri, ˈjɪŋ-jə-ri\ adjective
- See ginger defined for English-language learners »  
See ginger defined for kids »

## Examples of GINGER

- The recipe calls for a teaspoon of ginger.
- <a 60-year-old with the ginger to consider skydiving lessons>

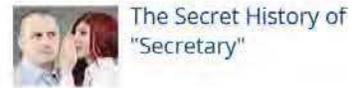
## Origin of GINGER

Middle English, alteration of Old English gingifer, from Medieval Latin zingiber, alteration of Latin zingiber, from Greek zingiberi, of Indo-Aryan origin; akin to Pali singivēra ginger  
First Known Use: before 12th century

## Related to GINGER

Synonyms

## Words at Play



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Antonyms

lethargy, listlessness, sluggishness, torpidity

[+] more

Other Seed Plant Terms

aubergine, box, bramble, briar, composite, perpetual, pulse, trefoil

Rhymes with GINGER

binger, injure, singer, swinger

## ginger

verb

gin·gered gin·ger·ing | \ˈjɪŋ-riŋ, ˈjɪŋ-jə-\

Definition of GINGER

transitive verb

: to make lively : pep up <ginger up the tourist trade — New York Times>

See ginger defined for English-language learners »

First Known Use of GINGER

1849

## ginger

noun gin·ger | \ˈjɪŋ-jər\ (Medical Dictionary)

Medical Definition of GINGER

- 1 a : a thickened pungent aromatic rhizome that is used as a spice and sometimes in medicine
- b : the spice usually prepared by drying and grinding ginger
- 2 : any of a genus (Zingiber of the family Zingiberaceae, the ginger family) of herbs with pungent aromatic rhizomes; especially : a widely cultivated tropical herb (Z. officinale) that supplies most of the ginger of commerce

Learn More About GINGER

- Thesaurus: All synonyms and antonyms for "ginger"
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- SCRABBLE®: Playable words you can make from "ginger"
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43 ENTRIES FOUND:

ginger  
ginger ale  
ginger beer  
Ginger Brown T-5902  
ginger cake

Next Word in the Dictionary: gingerade  
Previous Word in the Dictionary: gingelly oil  
All Words Near: ginger

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16 comments



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Johnathan Watts · Newton, North Carolina

i thought it would describe us gingers, i guess not...

Reply · Like · Follow Post · December 4, 2014 at 8:59pm



Yada Elisha Sy · Follow · Di ko aLam at Bahay, Eskwela, Tulog

helpful.... :)

Reply · Like · 1 · Follow Post · August 27, 2014 at 6:55am



Ruth Augustine

In Doris Lessing's Coming Home: Capricorn is not a political party, but a kind of ginger group.

Reply · Like · Follow Post · June 26, 2014 at 3:14pm



Belen Bustos

"The key is not to pop it. You gotta be very ginger." I'll assume it means careful or gentle.

Reply · Like · Follow Post · April 16, 2012 at 11:36am



Janet Hopkins Clark · Top Commenter · Haverhill, Massachusetts

I keep hearing sports commentators using the word "ginger" to describe players who appear hurt or questionable. This is the antonym of the verb "ginger", and it drives me nuts.

Reply · Like · 1 · Follow Post · December 1, 2011 at 8:09pm



Janet Hopkins Clark · Top Commenter · Haverhill, Massachusetts

The adjective, "gingerly", is probably what they mean, as in moving carefully or cautiously, but there is no such thing as a player being "ginger". Okay. End of rant. I can't help it, I tell you!! I want to restore the King's English!!

Reply · Like · 1 · December 1, 2011 at 10:49pm



Janet Hopkins Clark · Top Commenter · Haverhill, Massachusetts

Although not Colonialism. Although what's the difference, really. We've just colonized and subjugated our own.

Reply · Like · 1 · December 2, 2011 at 12:24am



Lincoln Gaffney · Follow · Top Commenter · Business Consultant at Definitive Logic

I thoroughly enjoyed this stream of consciousness :)

Reply · Like · December 16, 2012 at 12:19pm

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Dictionary

# lemon

noun lem·on | \ˈle-mən\

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- : a yellow citrus fruit that has a sour taste
- : a bright yellow color
- : a product that is not made well : a product that does not work the way it should

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## Full Definition of LEMON

- a : an acid fruit that is botanically a many-seeded pale yellow oblong berry produced by a small thorny citrus tree (*Citrus limon*) and that has a rind from which an aromatic oil is extracted  
b : a tree that bears lemons
- : one (as an automobile) that is unsatisfactory or defective

See lemon defined for English-language learners »

See lemon defined for kids »

## Examples of LEMON

The recipe calls for the juice of two lemons.

Garnish it with a slice of lemon.

Our new car is a lemon.

## Illustration of LEMON



## Origin of LEMON

Middle English *lymon*, from Middle French *limon*, from Medieval Latin *limon-*, *limo*, from Arabic *laymūn*, *līmūn*, from Persian *līmū*, *līmūn*

First Known Use: 15th century

## Words at Play

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# stalwart

marked by outstanding strength or spirit

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## Related to LEMON

## Synonyms

bomb, bummer, bust, catastrophe, clinker, clunker, debacle (also débâcle), disaster, dud, fiasco, fizzle, flop, frost, failure, loser, miss, shipwreck, turkey, washout

## Antonyms

blockbuster, hit, smash, success, winner

[\*] more

## Other Food Terms

Reuben, calamari, chuck, curry, edamame, foie gras, hummus, leaven, nonpareil, peel

## Rhymes with LEMON

Bremen, leman, Yemen

## lemon

adjective

## Definition of LEMON

- 1 : of the color lemon yellow
- 2 a : containing lemon  
b : having the flavor or scent of lemon

## First Known Use of LEMON

1598

## Other Food Terms

Reuben, calamari, chuck, curry, edamame, foie gras, hummus, leaven, nonpareil, peel

## lemon

noun lem·on | \ˈlem-ən\ (Medical Dictionary)

## Medical Definition of LEMON

: an acid fruit that contains citric acid and vitamin C, is botanically a many-seeded pale yellow oblong berry, and is produced by a small thorny tree of the genus *Citrus* (*C. limon*); also : this tree

—lemon | adjective

## Illustration of LEMON



## Learn More About LEMON

**Thesaurus:** All synonyms and antonyms for "lemon"

**Spanish Central:** Spanish translation of "lemon"

**SCRABBLE®:** Playable words you can make from "lemon"

**Britannica.com:** Encyclopedia article about "lemon"

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lemon chrome  
lemon chrome yellow  
lemon cucumber

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Louis Fortunier · Sainte marie la grand grange

very big fish! hey!!!

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Dictionary

# grape

noun, often attributive \ˈgrāp\

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Share  

: a green, dark red, or purplish-black berry that is used to make wine or is eaten as a fruit

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## Full Definition of GRAPE

- 1 : a smooth-skinned juicy greenish-white to deep red or purple berry eaten dried or fresh as a fruit or fermented to produce wine
- 2 : any of numerous woody vines (genus *Vitis* of the family Vitaceae, the grape family) that usually climb by tendrils, produce grapes, and are nearly cosmopolitan in cultivation

3 : GRAPESHOT

— grape-like \-līk\ adjective

See grape defined for English-language learners »

See grape defined for kids »

## Examples of GRAPE

a bunch of seedless grapes

## Origin of GRAPE

Middle English, from Anglo-French grape grape stalk, bunch of grapes, grape, of Germanic origin; akin to Old High German krāpfō hook  
First Known Use: 14th century

## Rhymes with GRAPE

ape, cape, chape, crape, crépe, drape, gape, jape, nape, rape, scape, scrape, shape, tape

## Learn More About GRAPE

Spanish Central: Spanish translation of "grape"

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## Words at Play



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- grape
- grape anthracnose
- grape-berry moth
- grape colaspis
- grape cure

Next Word in the Dictionary: grape anthracnose

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# EXHIBIT G

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English (US)

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English definition of "-head" See all translations

1.97 m Likes 87.68 k Followers 3.17 k Fans

# -head

suffix UK US /-hed/

a person with a particular strong interest or addiction; a crack-head (= someone who depends on the drug crack)

## Translations of "-head"

in Chinese (Traditional) 癮君子, ...迷...

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- head-butt
- head-butt noun, at head-butt
- head cold
- clear head

See all meanings »

SMART Thesaurus: Drug addiction

"-head": synonyms and related words:

- buzzed up
- cold turkey
- crack house
- crackhead
- druggie
- glue-sniffer
- habit
- habit-forming
- hooked
- junkie
- on
- pothead
- smackhead
- sniffer
- substance abuse taker

## Word of the Day

Word of the Day

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- Facebook
- Twitter
- Google+

- Develop
- Dictionary API
- Double-Click Lookup
- Search Widgets
- License Data

- About
- Accessibility
- Cambridge English Language Teaching
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- Cookies and Privacy
- Corpus
- Terms of Use

RAM SALE NUMBER: 85893729  
RAM ACCOUNTING DATE: 20150604

INTERNET TRANSMISSION DATE:  
2015/06/04

SERIAL NUMBER:  
85/893729

Description	Fee Code	Transaction	Total Fees Paid
POA	7005	2015/06/04	100