

ESTTA Tracking number: **ESTTA460292**

Filing date: **03/06/2012**

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

Proceeding	92055094
Party	Defendant Temperance Distilling Company, Inc.
Correspondence Address	TEMPERANCE DISTILLING COMPANY INC 7312 EXPRESS ROAD TEMPERANCE, MI 48182 UNITED STATES
Submission	Answer and Counterclaim
Filer's Name	Carrie A. Johnson
Filer's e-mail	firm@fraser-ip.com
Signature	/caj/
Date	03/06/2012
Attachments	42058 Answer Defenses Counterclaims filed.pdf (30 pages)(6145708 bytes)

Registrations Subject to the filing

Registration No	3416488	Registration date	04/29/2008
Registrant	Swig, Inc. 816 Camaron, Suite 1.00 San Antonio, TX 78212 UNITED STATES		

Goods/Services Subject to the filing

Class 043. First Use: 1997/05/26 First Use In Commerce: 1997/05/26
All goods and services in the class are requested, namely: Restaurant and cocktail lounge services

Registration No	2243360	Registration date	05/04/1999
Registrant	SWIG, INC. 816 CAMARON NO. 100 San Antonio, TX 78212 UNITED STATES		
Grounds for filing	The registration was obtained fraudulently.		

Goods/Services Subject to the filing

Class 042. First Use: 1997/05/26 First Use In Commerce: 1997/05/26
All goods and services in the class are requested, namely: cocktail lounge services

Registration No	3836245	Registration date	08/17/2010
Registrant	Swig, Inc. 816 Camaron Suite 100 San Antonio, TX 78212 UNITED STATES		

Goods/Services Subject to the filing

Class 043. First Use: 2010/05/21 First Use In Commerce: 2010/05/21

All goods and services in the class are requested, namely: Restaurant, bar, cocktail lounge, and prepared food take-out services

Registration No	1839570	Registration date	06/14/1994
Registrant	SWIG INC. 816 CAMARON, STE. 100 SAN ANTONIO, TX 78212 UNITED STATES		
Grounds for filing	The registered mark has been abandoned.		
	The registration was obtained fraudulently.		

Goods/Services Subject to the filing

Class 032. First Use: 1991/04/01 First Use In Commerce: 1991/04/01
All goods and services in the class are requested, namely: carbonated soft drinks

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

Swig, Inc.)	
)	Cancellation No. 92055094
Petitioner,)	
)	U.S. Registration No. 3,885,993
v.)	
)	Mark: SWIG
Temperance Distilling Company, Inc.)	
)	
Registrant.)	
)	

ANSWER, AFFIRMATIVE DEFENSES, AND COUNTERCLAIMS

Temperance Distilling Company, Inc. (“Registrant”) hereby answers Swig, Inc.’s (“Petitioner”) Petition for Cancellation.

The first paragraph in the Petition for Cancellation is unnumbered. That paragraph is admitted to the extent that it alleges that U.S. Registration No. 3,885,993 relates to goods in Class 33 namely, alcoholic beverages, except beers. Registrant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in the first, unnumbered paragraph of the Petition for Cancellation.

Registrant responds to the numbered paragraphs in the Petition for Cancellation as follows:

1. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph of the Petition for Cancellation and therefore denies those allegations.

2. Registrant responds to the subpart of paragraph two (2) of the Petition for Cancellation as follows:

- a. Registrant admits that the U.S. Patent and Trademark Office records show Swig, Inc. as the record owner of U.S. Registration No. 3,416,488.
- b. Registrant admits that the U.S. Patent and Trademark Office records show Swig,

Inc. as the record owner of U.S. Registration No. 2,243,360.

- c. Registrant admits that the U.S. Patent and Trademark Office records show Swig, Inc. as the record owner of U.S. Registration No. 3,836,245.
- d. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 2(d) of the Petition for Cancellation and therefore denies those allegations.

3. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph of the Petition for Cancellation and therefore denies those allegations.

4. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph of the Petition for Cancellation and therefore denies those allegations.

5. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph of the Petition for Cancellation and therefore denies those allegations.

6. Registrant admits that the U.S. Patent and Trademark Office issued U.S. Registration No. 3,885,993 for its SWIG mark for “alcoholic beverages, except beers” in Class 33. Registrant denies the remaining allegations of this paragraph of the Petition for Cancellation.

7. Registrant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of this paragraph of the Petition for Cancellation and therefore denies those allegations.

8. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph of the Petition for Cancellation and therefore denies those allegations.

9. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph of the Petition for Cancellation and therefore denies those allegations.

10. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph of the Petition for Cancellation and therefore denies those allegations.

11. Denied, except Registrant admits that Registration No. 3,885,993 grants it statutory rights, including the exclusive right to use the mark SWIG with “alcoholic beverages, except beers”.

12. Denied.

13. Denied.

14. Denied.

Registrant requests that the Petition for Cancellation be dismissed with prejudice.

AFFIRMATIVE DEFENSES

1. Petitioner’s claims are barred by the doctrine of laches.

2. Petitioner’s claims are barred by the doctrine of acquiescence.

3. Petitioner’s claims are barred by the doctrine of estoppel.

4. Numerous third parties other than Petitioner use marks that include the term SWIG for restaurant and/or cocktail lounge services. Given the widespread use of the term SWIG by third parties, Petitioner’s rights to its purported marks – SWIG, SWIG and Design, SWIG SALOON, and SWIG SODA (Stylized) – are weak and entitled to extremely limited protection.

5. Petitioner does not own U.S. Registration No. 1,839,570 for the mark SWIG SODA (Stylized).

6. U.S. Registration No. 1,839,570 for the mark SWIG SODA (Stylized) lapsed for failure by Mr. Kevin Wise and Petitioner to file renewal applications and affidavits of continued use under 15

U.S.C. §1058 to maintain the registration.

REGISTRANT'S COUNTERCLAIMS

Registrant Temperance Distilling, Inc. believes that it will be damaged by the continued registration of the following marks:

U.S. Registration No. 3,416,488 **SWIG** for “restaurant and cocktail lounge services”;

U.S. Registration No. 2,243,360 **SWIG and Design** for “cocktail lounge services”;

U.S. Registration No. 3,836,245 **SWIG SALOON** for “restaurant, bar, cocktail lounge, and prepared take-out services”, and

U.S. Registration No. 1,839,570 **SWIG SODA (Stylized)** for “carbonated soft drinks”.

As grounds for its counterclaims, Registrant alleges:

1. Registrant is a developer and bottler of alcoholic beverages. Since at least as early as March 31, 2009, Registrant has offered Southern-style sweet tea liqueur and Southern-style lemonade liqueur under its SWIG trademark.
2. Due to Registrant’s continuous use of its SWIG mark in connection with alcoholic beverages, Registrant’s SWIG mark is widely recognized by the public as an indicator of the source of Registrant’s goods.
3. On April 19, 2010, Registrant filed U.S. Application Serial No. 85/017,111 seeking registration of its SWIG mark for “alcoholic beverages, except beers”.
4. The Examining Attorney at the U.S. Patent and Trademark Office did not cite U.S. Registration Nos. 3,416,488 SWIG, 2,243,360 SWIG and Design, 3,836,245 SWIG SALOON, or 1,839,570 SWIG SODA (Stylized) as a bar to the registration of U.S. Application Serial No. 85/017,111.

5. U.S. Application Serial No. 85/017,111 for the mark SWIG was published for opposition by the U.S. Patent and Trademark Office on September 21, 2010. Petitioner did not oppose it.

6. On December 7, 2010, the U.S. Patent and Trademark Office issued U.S. Registration No. 3,885,993 for Registrant's SWIG mark for "alcoholic beverages, except beers" in Class 33.

**Claim One:
Cancellation of U.S. Registration No. 3,416,488 SWIG**

7. Petitioner is the record owner of U.S. Registration No. 3,416,488 for the mark SWIG.

8. Registrant believes that it will be damaged by the continued registration of the mark that is the subject of U.S. Registration No. 3,416,488, and hereby petitions to cancel the same pursuant to 15 U.S.C. § 1068.

9. An internet search found uses of SWIG by nine (9) different restaurants and/or cocktail lounges. None of these parties appear to be Petitioner's authorized licensee. Attached as Exhibit 1 are printouts from the internet for these restaurants/cocktail lounges.

10. On information and belief, when Petitioner filed U.S. Application Serial No. 76/559,301 for the mark SWIG, it knew that there were numerous third parties that used identical, or virtually identical marks, for services that are identical to those offered by Petitioner.

11. Nonetheless, Petitioner's President, Mr. Christopher Erck, executed a declaration representing that:

...to the best of his knowledge and belief no other person, firm, corporation, or association has the right to use the above identified [SWIG] mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive...

12. On information and belief, at the time of execution of the application, Petitioner's President knew that there were multiple third parties that were using SWIG for identical services to those offered by Petitioner.

13. Petitioner therefore knowingly, intentionally, and fraudulently submitted the application for registration of the mark SWIG to the U.S. Patent and Trademark Office, with the intent to mislead the U.S. Patent and Trademark Office.

14. The false statement was material to the decision of the U.S. Patent and Trademark Office to issue U.S. Registration No. 3,416,488.

15. Therefore, U.S. Application Serial No. 76/559,301 was void *ab initio* and U.S. Registration No. 3,416,488 for the mark SWIG should be cancelled.

**Claim Two:
Cancellation of U.S. Registration No. 2,243,360 SWIG and Design**

16. On information and belief, Petitioner is the owner of U.S. Registration No. 2,243,360 for the mark SWIG and Design.

17. Registrant believes it will be damaged by continued registration of the mark that is the subject of U.S. Registration No. 2,243,360, and hereby petitions to cancel the same pursuant to 15 U.S.C. § 1068.

18. An internet search found uses of SWIG by nine (9) different restaurants and/or cocktail lounges. None of these parties appear to be Swig's authorized licensee. *See* Exhibit 1.

19. On information and belief, when Petitioner filed U.S. Application Serial No. 75/255,287 for the mark SWIG and Design, it knew that there were numerous third parties that used identical, or virtually identical marks, for services that are identical to those offered by Petitioner.

20. Nonetheless, Petitioner's President, Mr. Christopher Erck, executed a declaration representing that:

...to the best of his knowledge and belief no other person, firm, corporation, or association has the right to use the above identified [SWIG and Design] mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive...

21. On information and belief, at the time of execution of the application, Petitioner's President knew that there were multiple third parties that were using SWIG for identical services to those offered by Petitioner.

22. Petitioner therefore knowingly, intentionally, and fraudulently submitted the application for registration of the mark SWIG and Design to the U.S. Patent and Trademark Office, with the intent to mislead the U.S. Patent and Trademark Office.

23. The false statement was material to the decision of the U.S. Patent and Trademark Office to issue U.S. Registration No. 2,243,360.

24. Therefore, U.S. Application Serial No. 75/255,287 was void *ab initio* and U.S. Registration No. 2,243,360 for the mark SWIG and Design should be cancelled.

**Claim Three:
Cancellation of U.S. Registration No. 3,836,245 SWIG SALOON**

25. On information and belief, Petitioner, Swig, Inc., is the owner of U.S. Registration No. 3,836,245 for the mark SWIG SALOON.

26. Registrant believes it will be damaged by continued registration of the mark that is the subject of U.S. Registration No. 3,836,245, and hereby petitions to cancel the same pursuant to 15 U.S.C. § 1068.

27. An internet search found uses of SWIG by nine (9) different restaurants and/or cocktail lounges. None of these parties appear to be Swig's authorized licensee. *See Exhibit 1.*

28. On information and belief, when Petitioner filed U.S. Application Serial No. 78/403,818 for the mark SWIG SALOON, it knew that there were numerous third parties that used identical, or virtually identical marks, for services that are identical to those offered by Petitioner.

29. Nonetheless, Petitioner's President, Mr. Christopher Erck, executed a declaration representing that:

...to the best of his knowledge and belief no other person, firm,

corporation, or association has the right to use the above identified [SWIG SALOON] mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive...

30. On information and belief, at the time of execution of the application, Petitioner's President knew that there were multiple third parties that were using SWIG for identical services to those offered by Petitioner.

31. Petitioner therefore knowingly, intentionally, and fraudulently submitted the application for registration of the mark SWIG SALOON to the U.S. Patent and Trademark Office, with the intent to mislead the U.S. Patent and Trademark Office.

32. The false statement was material to the decision of the U.S. Patent and Trademark Office to issue U.S. Registration No. 3,836,245.

33. Therefore, U.S. Application Serial No. 78/403,818 was void *ab initio* and U.S. Registration No. 3,836,245 for the mark SWIG SALOON should be cancelled.

**Claim Four:
Cancellation of U.S. Registration No. 1,839,570 SWIG SODA (Stylized)**

34. Petitioner claims to be the owner of U.S. Registration No. 1,839,570 ("the '570 Registration") for the mark SWIG SODA (Stylized).

35. Registrant believes it will be damaged by continued registration of the mark that is the subject of the '570 Registration, and hereby petitions to cancel the same pursuant to 15 U.S.C. § 1068.

36. In an assignment that was executed on September 3, 1998, and recorded with the U.S. Patent and Trademark Office on September 24, 1998, the original registrant of the '570 Registration, Kevin Wise, attempted to assign part or all of the '570 Registration to Petitioner.

37. In the 1998 assignment, Mr. Wise agreed to assign:

...the entire right, title, and interest in, to and under the said U.S. Reg.

no. 1,839,570 (“SWIG SODA”) and together with the goodwill symbolized for “SWIG SODA” for the following enumerated geographic territory [sic]: for the entire United States of America, but excluding: the entire states of Minnesota, Iowa, North Dakota, South Dakota, and Nebraska, and excluding also the Missouri counties of Atchison, Holt, Buchanan, Platte, and Kansas City.

See Exhibit 2.

38. On May 30, 2000, Mr. Wise filed Section 8 and 15 affidavits in connection with the ‘570 Registration.

39. There is no record of Sections 8 and 15 affidavits filed by Petitioner in connection with the ‘570 Registration in the U.S. Patent and Trademark Office’s database.

40. On information and belief, Petitioner did not file Sections 8 and 15 affidavits in connection with the ‘570 Registration.

41. On June 8, 2004, Petitioner filed Sections 8 and 9 affidavits in connection with the ‘570 Registration.

42. There is no record of Sections 8 and 9 affidavits filed by Mr. Wise in connection with the ‘570 Registration in the U.S. Patent and Trademark Office’s database.

43. On information and belief, Mr. Wise did not file Sections 8 and 9 affidavits in connection with the ‘570 Registration.

44. At worst, the 1998 assignment is invalid and conveyed no rights in the mark SWIG SODA (Stylized) to Petitioner because it attempts to impose geographic restrictions on the registration.

45. Assuming, *arguendo*, that the 1998 assignment is valid, Petitioner and Mr. Wise intended to be co-owners of U.S. Registration No. 1,839,570. As co-owners, both Petitioner and Mr. Wise were required to file the necessary renewal applications and affidavits of continued use under 15 U.S.C. §1058 to maintain the registration. This did not happen.

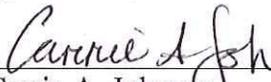
46. Therefore, U.S. Registration No. 1,839,570 for the mark SWIG SALOON should be cancelled.

Conclusion

47. For the foregoing reasons, Registrant respectfully requests cancellation of U.S. Registration Nos. 3,416,488, 2,243,360, 3,836,245, and 1,839,570.

48. Wherefore, Registrant prays that its counterclaims be granted and that U.S. Trademark Registration Nos. 3,416,488, 2,243,360, 3,836,245 and 1,839,570 be canceled as requested herein, or in a manner consistent with facts developed in this proceeding.

Date: March 6, 2012


Carrie A. Johnson
Richard G. Martin
Fraser Clemens Martin & Miller LLC
28366 Kensington Lane
Perrysburg, Ohio 43551-4163
Phone: 419-874-1100
Fax: 419-874-1130
E-mail: johnson@fraser-ip.com
E-mail: firm@fraser-ip.com

Attorneys for Registrant

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

Swig, Inc.)	
)	Cancellation No. 92055094
Petitioner,)	
)	U.S. Registration No. 3,885,993
v.)	
)	Mark: SWIG
Temperance Distilling Company, Inc.)	
)	
Registrant.)	
)	

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was served upon Petitioner by causing a true and correct copy thereof to be sent by first class mail, postage prepaid to:

Gunn, Lee & Cave P.C.
Attention: John C. Cave, Esq.
300 Convent, Suite 1080
San Antonio, Texas 78205

Date: March 6, 2012

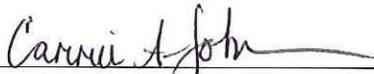
By: 
Carrie A. Johnson
Fraser Clemens Martin & Miller LLC
28366 Kensington Lane
Phone: 419-874-1100
Fax: 419-874-1130
E-mail: johnson@fraser-ip.com
E-mail: firm@fraser-ip.com

EXHIBIT 1



Special Events **Swig** Water Buffalo AJ Bombers Weddings in The Ward

- Swig Details
- Menu
- Location
- Reservations
- Steal a Drink!
- Parking
- Critical Acclaim
- Catering

Please join us in our new location in the 3rd Ward, on North Broadway between Buffalo and Chicago streets. Our menu now includes Lunch, Entrees, Salads, Sandwiches, Fireside dining, and a large outdoor patio. In 2005 Swig was Milwaukee's first and only small plate dining restaurant. It's meant to be a fun, shared experience where guests can choose from a variety of flavors and sample several menu items each visit. Start with just a couple of choices and see where our menu takes you. The menu also features 20 martinis, an eclectic array of wines and champagnes as well as award-winning desserts. Swig's earthy tones offer a warm and cozy environment that makes for perfect place to spend your evening and experience a classy, big-city atmosphere in Milwaukee's Third Ward.



ABOUT SWIG:

- **Dining Style:** Smoke Free - Casual Dining
- **Cuisine:** Contemporary American and Small Plates
- **Neighborhood:** Third Ward
- **Cross Street:** Broadway Avenue and Chicago Street
- **Price:** \$20 and under
- **Email:** info@swigmilwaukee.com
- **Phone:** (414) 431-7944
- **Hours of Operation:** Open 7 days a week for Lunch at 11am. Dinner served till 10pm Weeknights and 11pm Weekends.
- **Payment Options:** Cash, Amex, MasterCard, Visa
- **Dress Code:** Smart Casual
- **Accepts Walk-Ins:** Yes
- **Additional Details:** Full-Service Restaurant, Private Rooms, Bar/Lounge, Fireplace, Full Bar with Beer, Wine and Specialty Drinks, Happy Hour Menu, Late Night, Non-Smoking Restaurant, Patio/Outdoor Dining, Personal wines welcome (corkage fee applies), Takeout, Weekend Brunch
- **Parking:** Valet on Weekends, Many surface lots available and Valet on Weekends. Also, 3 public garages within 1 block.

SPECIAL EVENTS:

The Roasting Room and Broadway Room at Swig are perfect for your next cocktail reception, private group dinner, board meeting or any celebration. Featuring table seating and lounge seating, cocktail height tables and a private full-service bar we can truly accommodate a variety of events from a casual intimate gathering to a larger formal affair. Our event space has a great "industrial chic" feel with wood flooring, timber ceiling, cream city brick walls, local artwork and coffee roasting equipment original to the space.

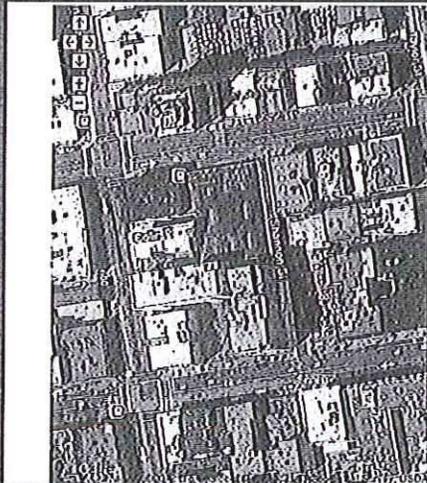
1 2

- **Roasting Room:** Seated Dinner: 60 guests, Cocktail Reception: 125 Guests
- **Broadway Room:** Seated Dinner: 20 guests, Meeting: 14 guests - 24 guests
- **Full Restaurant Rental:** 175+ Guests
- Full A/V Capabilities: 50" Plasma Television, MP3 Hook-up and Free WIFI
- Inquire About Handicap Accessibility

Start your event profile today, [click here](#).

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Swig
561 Geary Street
San Francisco, California
94102
(415) 931-7292

Open 1
Tuesday - Friday 2pm-2am
Saturday - Monday 4pm-2am

Swig is located past the Hotel Monaco across from the Hotel Adagio on the left side of Geary Street

[CONTACT](#)

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[CALENDAR](#)

[EVENT](#)

[DIRECTIONS](#)



Swig Lounge

Bar · Houston, Texas

Carrie Johnson Find Friends Home

Wall

Info

Friend Activity

Photos

Notes

About

See Notes Page For Daily Specials!!!

598

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16

talking about this

1,042

were here

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Tosh.0


Simon the CrAz...


South Park


Entourage


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Phone **1 281.872.7944**

Website [Add Website](#)

Status **Opens at 3:00 pm.**

Hours **Mon - Fri: 3:00 pm-2:00 am**
Sat - Sun: 8:00 pm-2:00 am

About See Notes Page For Daily Specials!!!

Price Range **\$ (0-10)**

Parking **Parking Lot**

General Manager **David Castleberry**

Atmire **Casual**

Payment Options

Services **Good For Groups**
Waiter Service
Outdoor Seating

Specialties **Drinks**

Likes and Interests

Likes **Simon the CrAZy CaT, Ashley's Fun Time Palace, Kings Of Leon, Family Guy, Victoria's Secret, Tosh.0, Entourage, Starbucks, Johnny Cash, South Park, The Hangover, Texas Longhorns, Buc-ee's, Pink Floyd, Jay-Z and 17 more**

Recommendations (2) See All



Eddie Perez My Hangout!



Quentin McDonald Great place, great people.

Write a recommendation...

Friend Requests See All



Jon Waldrop

7 mutual friends

[Confirm Friend](#)



Jake Norley

6 mutual friends

[Confirm Friend](#)



Aleta Mills-Stubin

8 mutual friends

[Confirm Friend](#)



Eric Lewis

22 mutual friends

[Confirm Friend](#)



Annette Bogart

23 mutual friends

[Confirm Friend](#)

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Marcia Ellen, Michael Oglesbee and Jamonah Rae Hazario Like Tough Mudder.



Tough Mudder

Like

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\$28.57/hr Data Entry Jobs. Must have a computer. Limited positions.

Swig Lounge Like Edit

Information Edit

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Phone **1 281.872.7944**

Website [Add Website](#)

Status **Opens at 3:00 pm.**

Hours **Mon - Fri: 3:00 pm-2:00 am**
Sat - Sun: 8:00 pm-2:00 am



About See Notes Page For Daily Specials!!!

Price Range **\$ (0-10)**

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General Manager **David Castleberry**

Atmire **Casual**

Payment Options

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Waiter Service
Outdoor Seating

Specialties **Drinks**

Likes and Interests

Likes **Simon the CrAZy CaT, Ashley's Fun Time Palace, Kings Of Leon, Family Guy, Victoria's Secret, Tosh.0, Entourage, Starbucks, Johnny Cash, South Park, The Hangover, Texas Longhorns, Buc-ee's, Pink Floyd, Jay-Z and 17 more**

Recommendations (2) See All



Eddie Perez My Hangout!



Quentin McDonald Great place, great people.

Write a recommendation...

Friend Requests See All



Jon Waldrop

7 mutual friends

[Confirm Friend](#)



Jake Norley

6 mutual friends

[Confirm Friend](#)



Aleta Mills-Stubin

8 mutual friends

[Confirm Friend](#)



Eric Lewis

22 mutual friends

[Confirm Friend](#)



Annette Bogart

23 mutual friends

[Confirm Friend](#)

Sponsored Story See All



Marcia Ellen, Michael Oglesbee and Jamonah Rae Hazario Like Tough Mudder.



Tough Mudder

Like

Sponsored See All

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NOW HIRING

\$28.57/hr Data Entry Jobs. Must have a computer. Limited positions.

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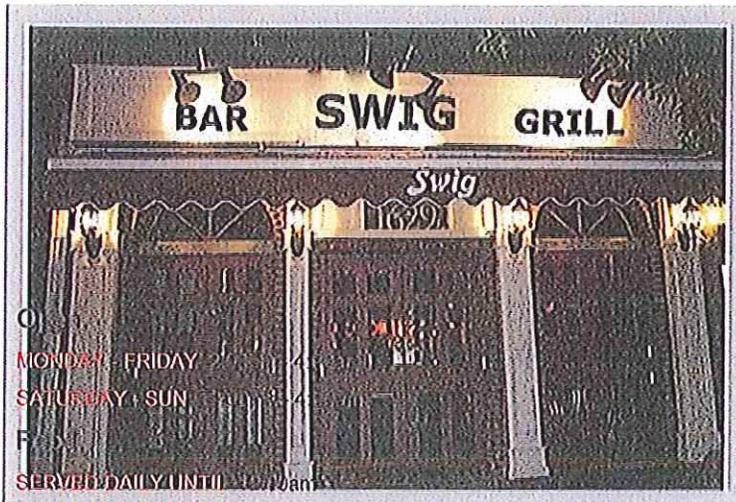
Chat (6)

SWIG BAR AND GRILL

1629 Second Ave New York, New York 10028 212.628.2364

(upper east side)

Drinks . Menu . Contact Us



Daily Happy Hour 'till 8:00pm

Tuesdays. TRIVIA WITH TIM 8:30pm

Sun & Mon. \$12 BURGERS with select beer

Deliverles. M-F 4 - 11pm SAT-SUN 2 - 11pm

HOUSE SPECIALS

- Bangers & Mash 12
- Homemade Strophords Pie 12
- Swig Ale Battered Cod & Chlps 13
- Chicken Curry with rice or fries 13
- Chicken Pot Pie with mashed potato 13
- Spaghetti & Meatballs 12
- Spinach Ravioll with marinara sauce 12

DELIVERY DAILY UNTIL 11:00pm
Welcome to Swig!
Tuesday Nights.

TRIVIA WITH 'MAD TIM' 8:30pm; \$4 Swig Ale, Bud/Coors, Light Draft

Premiership Soccer.

SHOWING ALL LIVE PREMIERSHIP MATCHES every saturday & sunday

Conveniently located on 2nd Avenue between 84th and 85th Streets

Let us help plan your next party or event!

Click [HERE](#) to join our mailing list



The Swig Bar logo features a pin-up girl in a white bikini pouring beer from a pitcher into a glass. The text 'The SWIG' is written in a large, stylized, metallic font. Below it, 'Fullerton, CA' and 'est. 2010' are written in a smaller font. To the right of the logo is a navigation menu with the following items: [HOME](#), [MENU](#), [GIRLS](#), [STORE](#), [EVENTS](#), [CONTACT](#), and [SCHEDULE](#).

The Swig Bar • 2466 Fender Ave, Unit 2 • Fullerton, Ca, 92831 • 1714.071.9211

Map  Swig
2466 Fender Ave # A,

Web  The Swig Bar - Fullerton, CA
(5)

Related Places  Sugars of Garden Grove, 7.5
(6) mi SW





Wall
Info
Friend Activity
Photos
Poll

About
Thanks for choosing Swig!

753
like this

10
talking about this

129
were here

Is this your business?
Do you know the owner?
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Get Updates via RSS
Report Page
Share

Swig Like

Restaurant/Cafe • St. George, Utah

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Website <http://www.swigstop.com>

Status Open until 8:00 pm.

Hours
 Mon - Thu: 6:30 am-8:00 pm
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 **Julia Dent** Please come to cedar or open one in cedar. You have a town full of college stude...[See More](#)

1

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26 mutual friends
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http://www.facebook.com/pages/Swig/112410825444643?v=info

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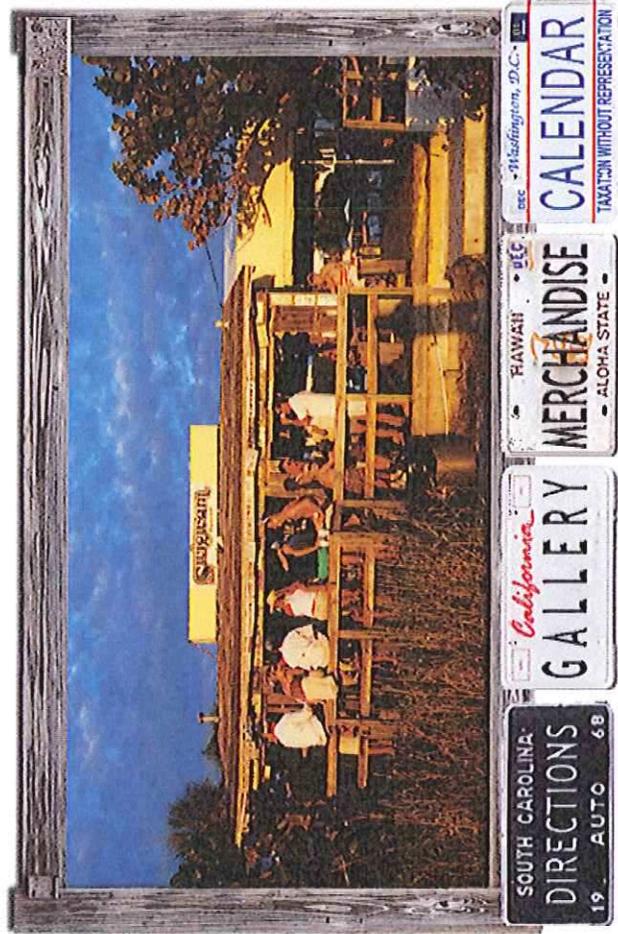
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Swigam Beach Bar



The original Swigam Beach Bar, located on the beach, closed after 20 some odd years thanks to the short sighted decisions by the Post Card INN. This website is a memorial to that wonderful place before PCI took over.

The Swigam opened again in a new place on Corey Ave on 3/17/2010. Come see Alice and Rob and the rest of the gang. The new web page can be found at <http://www.swigam.webs.com>

All photographs on this website are copyrighted 2007-2009 © by Michael Roadancer Photography. Nothing on this website may be reproduced without written permission.

Swigam Beach Bar rides again come see the new Swigam - Mozilla Firefox | Swigam Beach... | 42058 CANCEL... | Document - Mi... | 10:04 AM



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ghborhood: [St. Pete Beach](#)

6500 Gulf Blvd.
St. Pete Beach, FL 33706
(727) 360-0889

- Bar Type: [Bars](#)
- Restaurant Style: American, Burgers
- Bar Style: Biker
-
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Question 1 of 9 [view all](#)

What's the vibe?

Choose one

Answer questions. See results.

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Buzz about Swigwam Beach Bar

Rate it:

- like it
- eh
- don't like it

Say it: _____

3000 characters remaining



liked it

[Boomer](#) wrote about [Swigwam Beach Bar](#)

Don't tell anyone, but the Swig sets the standard by which all beach bars should be measured. But since there is no sign on the road, and no advertising, it's a well-kept secret amongst us locals. Damn, I just blew it!

posted on January 5, 2012



liked it

[jwyerxa5471](#) wrote about [Swigwam Beach Bar](#)

very comfortable spot, locals are great, love the theme, fun spot, cheap draught, good ole boy and girl digs, lots to look at, no problems, git r done!

John from Canada

posted on January 5, 2012

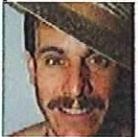


liked it

[Parliament](#) wrote about [Swigwam Beach Bar](#)

It's no longer on the beach. The space is currently occupied by the Postcard Inn Beach Bar. The Swigwam Beach Bar has moved to 336 Corey Ave, and it's just as awesome as the old place. Stop by here before the movies or if you just want to have a good time. :)

posted on January 5, 2012



liked it

[YoungstownFan](#) wrote about [Swigwam Beach Bar](#)

This was one of the first beach bars my big brother took me to on my visit to Florida. We enjoyed RumRunners, the view and the wonderful atmosphere the facility had to offer. I even think we carved our names somewhere together in order to leave our memories which would one day mean more to me than I'd ever realize. Mike loved to walk his dogs on the beach, he loved the work he did for his fighters in his near by gym with our older brother

EXHIBIT 2

09-29-1998



Tab settings 000
To the Honorable Commissioner of Patents

100841400

original documents or copy thereof.

MRD 9-24-98

1. Name of conveying party(ies):
KEVIN J. WISE d/b/a SWIG SODA
 Individual(s) Association
 General Partnership Limited Partnership
 Corporation-State
 Other
Additional name(s) of conveying party(ies) attached? Yes No

2. Name and address of receiving party(ies):
Name: SWIG, INC.
Internal Address: 111 West Crockett, Suite 205
Street Address: 111 West Crockett, Suite 205
City San Antonio State TX ZIP 78205
 Individual(s) citizenship
 Association
 General Partnership
 Limited Partnership
 Corporation-State Texas
 Other
If assignee is not domiciled in the United States, a domestic representative designation is attached: Yes No
(Designation must be a separate document from Assignment)
Additional name(s) & address(es) attached? Yes No

3. Nature of conveyance:
 Assignment Merger
 Security Agreement Change of Name
 Other
Execution Date: September 3, 1998

4. Application number(s) or registration number(s):
A. Trademark Application No.(s)
B. Trademark registration No.(s) 1,839,570
Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:
Name: TED D. LEE
Internal Address: GUNN, LEE & KEELING
Street Address: 700 N. St. Mary's Street
Suite 1500
City: San Antonio State: TX ZIP 78205

6. Total number of applications and registrations involved: 1
7. Total fee (37 CFR 3.41): \$ 40.00
 Enclosed
 Authorized to be charged to deposit account
8. Deposit account number:
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9. Statement and signature.
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TRADEMARK ASSIGNMENT

WHEREAS, I, KEVIN J. WISE, d/b/a "SWIG SODA" ("Assignor"), a citizen of the United States of America, residing at 8456 Western Avenue, Omaha, Nebraska 68114, am the present owner of the following United States Trademark Registration and attendant good will:

U. S. Trademark Reg. No. 1,839,570 (issued June 14, 1994) (based upon appln serial no. 74/422,110 -filed Aug 9, 1993) for "SWIG SODA" ;

WHEREAS, SWIG, INC., a Texas corporation ("Assignee") is desirous of obtaining the entire right, title and interest in, to and under the same "SWIG SODA" trademark for the following enumerated geographic territory: for the entire United States of America, but excluding: the entire states of Minnesota, Iowa, North Dakota, South Dakota, and Nebraska, and excluding also the Missouri counties of Atchison, Holt, Buchanan, Platte and Kansas City ;

Now, THEREFORE, in consideration of the sum of \$7,500.00 already paid by "Assignee" to "Assignor", and other good and valuable consideration, the receipt of which is hereby acknowledged, I, the said "Assignor" do hereby sell, assign, transfer, and set over unto the said "Assignee" its successors, legal representatives and assigns, the entire right, title and interest in, to and under the said U. S. Trademark Reg. no. 1,839,570 ("SWIG SODA") and together with the goodwill symbolized for "SWIG SODA" for the following enumerated geographic territory:

for the entire United States of America, but excluding: the entire states of Minnesota, Iowa, North Dakota, South Dakota, and Nebraska, and excluding also the Missouri counties of Atchison, Holt, Buchanan, Platte, and Kansas City; and any and all causes of action

thereto that may have accrued anywhere in "Assignor's" favor anywhere;

And, I HEREBY, covenant that I have full right to convey the entire enumerated interests herein assigned, and that I have not executed, and will not execute, any agreement in conflict therewith.

And, I HEREBY further covenant and agree that I will communicate unto the said "Assignee", its legal successors, representatives and assigns, any facts known by me to said "SWIG SODA" mark, and to testify in any legal proceeding, sign all lawful papers, make all rightful oaths and generally do everything possible to aid the said "Assignee", its successors, legal representatives and assigns, to obtain and enforce proper trademark for the said "SWIG SODA" mark, as depicted in U. S. Reg. no. 1,839,570 everywhere.

In TESTIMONY WHEREOF, I have hereunto set my hand and affixed my seal on this 3 day of SEP, 1998.

Kevin J. Wise
Kevin J. Wise, d/b/a "SWIG SODA" (date)

State of Nebraska)
County of Douglas) ss

Before me personally appeared KEVIN J. WISE, personally known to me, and who signed the foregoing instrument before me as his own free act and deed.

Lawrence D. Pete
Notary Public

(SEAL)

My Commission expires on 1/4/2000

