

ESTTA Tracking number: **ESTTA482638**

Filing date: **07/10/2012**

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

Proceeding	91192645
Party	Plaintiff Trummer Bar, LLC, Heather Tierney, Christopher Tierney and Eric Lopez
Correspondence Address	MICHAEL J PAMPALONE III COLUCCI & UMANS 218 EAST 50TH STREET NEW YORK, NY 10022 UNITED STATES mpampalone@colucci-umans.com
Submission	Other Motions/Papers
Filer's Name	Michael J. Pampalone, III
Filer's e-mail	mpampalone@colucci-umans.com
Signature	/Michael Pampalone/
Date	07/10/2012
Attachments	PAMPALONE_DECL_EX_4.pdf (1 page)(3180 bytes) Pampalone Declaration Exhibit 4.pdf (8 pages)(113519 bytes)

EXHIBIT 4

Trademark/Service Mark Application, Principal Register

Serial Number: 77584448

Filing Date: 10/02/2008

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77584448
MARK INFORMATION	
*MARK	<u>Apotheke</u>
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	Apotheke
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Albert Trummer
*STREET	140 East 66th Street
INTERNAL ADDRESS	Penthouse A
*CITY	New York
*STATE (Required for U.S. applicants)	New York
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	10022

PHONE	6466518470
EMAIL ADDRESS	TrummerHome@Armada-Partners.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
LEGAL ENTITY INFORMATION	
TYPE	individual
COUNTRY OF CITIZENSHIP	United States
GOODS AND/OR SERVICES AND BASIS INFORMATION	
* INTERNATIONAL CLASS	032
* IDENTIFICATION	Essences for the manufacture of liqueurs
FILING BASIS	SECTION 1(b)
* INTERNATIONAL CLASS	033
* IDENTIFICATION	Spirits, Liquor and liqueur beverages, beverages (both alcoholic and non-alcoholic), Herb liqueurs
FILING BASIS	SECTION 1(b)
* INTERNATIONAL CLASS	043
* IDENTIFICATION	Bar and restaurant services
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 01/01/2006
FIRST USE IN COMMERCE DATE	At least as early as 01/16/2008
SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	<u>spec-74221920-150327133 . ApothekeTNR.pdf</u>
CONVERTED PDF FILE(S) (1 page)	<u>\\TICRS\EXPORT3\IMAGEOUT3\775\844\77584448\xml1\APP0003.JPG</u>
SPECIMEN	Name of Bars and Restaurants for use in the promotion of a new style of

DESCRIPTION	lounge and beverage experience.
DOMESTIC REPRESENTATIVE INFORMATION	
NAME	David M Rudy
FIRM NAME	Armada Partners
STREET	815 Moraga Drive
CITY	Los Angeles
STATE	California
COUNTRY	United States
ZIP CODE	90049
PHONE	4246525055
EMAIL ADDRESS	TrummerHome@Armada-Partners.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
CORRESPONDENCE INFORMATION	
NAME	David M Rudy
FIRM NAME	Armada Partners
STREET	815 Moraga Drive
CITY	Los Angeles
STATE	California
COUNTRY	United States
ZIP/POSTAL CODE	90049
PHONE	4246525055
EMAIL ADDRESS	TrummerHome@Armada-Partners.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	3
FEE PER CLASS	325
*TOTAL FEE DUE	975
*TOTAL FEE	

PAID	975
SIGNATURE INFORMATION	
SIGNATURE	/david m rudy/
SIGNATORY'S NAME	David M Rudy
SIGNATORY'S POSITION	Manager
DATE SIGNED	10/02/2008

Trademark/Service Mark Application, Principal Register

Serial Number: 77584448

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To the Commissioner for Trademarks:

MARK: Apotheke (Standard Characters, see mark)

The literal element of the mark consists of Apotheke.

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

The applicant, Albert Trummer, a citizen of United States, having an address of

Penthouse A,

140 East 66th Street

New York, New York 10022

United States

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

International Class 032: Essences for the manufacture of liqueurs

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 033: Spirits, Liquor and liqueur beverages, beverages (both alcoholic and non-alcoholic), Herb liqueurs

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 043: Bar and restaurant services

Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, or the applicant's predecessor in interest used the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended.

In International Class 043, the mark was first used at least as early as 01/01/2006, and first used in commerce at least as early as 01/16/2008, and is now in use in such commerce. The applicant is submitting one specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) Name of Bars and Restaurants for use in the promotion of a new style of lounge and beverage experience..

Original PDF file:

Converted PDF file(s) (1 page)

Specimen File 1

The applicant hereby appoints David M Rudy of Armada Partners

815 Moraga Drive
Los Angeles California 90049
United States

as applicant's representative upon whom notice or process in the proceedings affecting the mark may be served.

Correspondence Information: David M Rudy

815 Moraga Drive
Los Angeles, California 90049
4246525055(phone)
TrummerHome@Armada-Partners.com (authorized)

A fee payment in the amount of \$975 has been submitted with the application, representing payment for 3 class(es).

Declaration

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

Signature: /david m rudy/ Date Signed: 10/02/2008

Signatory's Name: David M Rudy

Signatory's Position: Manager

RAM Sale Number: 1876

RAM Accounting Date: 10/03/2008

Serial Number: 77584448

Internet Transmission Date: Thu Oct 02 16:42:53 EDT 2008

TEAS Stamp: USPTO/BAS-74.2.219.20-200810021642532010

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Apotheke