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Filing date: **04/22/2019**

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

Proceeding	91243647
Party	Plaintiff Blacklands Malt, LLC
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Signature	/Samantha Ade/
Date	04/22/2019
Attachments	2019.4.22 Final Stuffings Declaration.pdf(200245 bytes) Exhibit A.pdf(2925529 bytes) Exhibit B.pdf(156193 bytes) Exhibit C.pdf(1367280 bytes) Exhibit D.pdf(1305181 bytes) Exhibit E.pdf(3049116 bytes)

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

In the matter of Application Serial No. 87731387
By M Distillery, Inc. for the Mark: BLACKLAND DISTILLERY
Published in the *Official Gazette* on May 22, 2018

BLACKLANDS MALT, LLC,

Opposer,

v.

M DISTILLERY, INC.,

Applicant.

Opposition No. 91243647

Serial No. 87731387

DECLARATION OF JEFFREY STUFFINGS

I, Jeffrey Stuffings, declare under penalty of perjury as follows:

1. I am the Co-Founder of Jester King Brewery in Austin, Texas.
2. The facts set forth herein are based on my personal knowledge and on information contained in Jester King's business records regularly maintained by me in the normal course of business and to which I have regular access in the course of my job. Unless otherwise noted, the exhibits to which I refer and which are attached to this declaration are copies of documents and other materials from Jester King's business records kept in the ordinary course of business.

3. I co-founded Jester King in 2010. As the Co-Founder, my responsibilities include overseeing all departments and operations, including decisions regarding selection and procurement of raw materials.
4. Jester King beers are distributed to 35 states and 15 countries.
5. Jester King beers are available for purchase at the Brewery, and in restaurants, grocery stores, and liquor stores. Jester King also sells beer by direct shipment to consumers.
6. Jester King was one of the first purchasers of malt and raw grain from Blacklands Malt and has regularly purchased malt and raw grain from Blacklands Malt since December 2013.
7. Jester King specializes in brewing farmhouse ales and prides itself on brewing beer connected to a time, place, and people.
8. Use of local ingredients is a key feature in Jester King's philosophy of brewing beer connected to a time, place, and people.
9. Jester King regularly advertises its use of Blacklands Malt.
10. Jester King regularly notes its use of Blacklands Malt on the label of its finished beers. Blacklands Malt has appeared on Jester King beer labels sold to consumers no later than March 2017, when Jester King released Part & Parcel. True and correct copies of representative samples of labels noting Blacklands Malt as an ingredient in Jester King's finished beers are attached as Exhibit A.

11. A true and correct copy of the label for Part & Parcel, first released in March 2017, is attached as Exhibit B.

12. Jester King beers noting the use of Blacklands Malt on the label have been available for purchase at the Brewery, and in restaurants, grocery stores, liquor stores, and by direct shipment.

13. Jester King has advertised its use of Blacklands Malt on postings to its website and blog.

14. Attached as Exhibit C are true and correct copies of postings to Jester King's website discussing Jester King's use of malt from Blacklands Malt.

15. Jester King has advertised its use of malt from Blacklands Malt on postings to Instagram, Twitter, and Facebook.

16. Attached as Exhibit D are true and correct copies of representative samples of Instagram postings by Jester King Brewery featuring Jester King's use of malt from Blacklands Malt.

17. Jester King currently has more than 90,000 Instagram followers.

18. Attached as Exhibit E are true and correct copies of representative samples of Tweets by Jester King Brewery featuring Jester King's use of malt from Blacklands Malt.

19. Jester King currently has more than 30,000 Twitter followers.

20. In my experience, consumers associate Blacklands Malt as a source of craft malt.

21. Blacklands Malt is frequently discussed on tours of Jester King's Brewery.

The signatory, being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 declares that all the statements made of his own knowledge are true and all statements made on information and belief are believed to be true.

Dated: 22 day of April, 2019


JEFFREY STUFFINGS

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Declaration of Jeffrey Stuffings has been served on the Applicant by forwarding said copy on April 22, 2019, via email to:

Scott Davison
MUSICK DAVISON LLP
12636 High Bluff Drive, Suite 400
San Diego, California 92130
scott@mdiplaw.net

This 22nd day of April, 2019.

/ Samantha Ade /

EXHIBIT A

The hand and leaf do not live separate from the bodies from which they extend. We divide them by word, rope, and scythe but have found earth. The mind does not exist beyond the body it commands. We divide by thought, cord, and blade but again find earth. This land does not exist unattached to the next, nor this season to the next. Divided again by belief, chain, and spade. All is body of earth toiling in body of earth. All things sown, all returning earth.

Jester King is an authentic farmhouse brewery in the beautiful Texas Hill Country, on the outskirts of Austin. We brew what we like, drink what we want, and offer the rest to those who share our tastes.

WWW.JESTERKINGBREWERY.COM

IA-OR-VT-CT-MA-NH-NY-SC-REF MI-10C-REF

FL CASH REFUND OK+



DICHOTOMOUS

ALC/VOL 5.2%

Ingredients: Unfiltered Hill Country Well Water, Texas Malted Barley from Blacklands Malt, Speltz, Malted Rye, Grilled Lemons, Hops, Smoked Paprika, Mixed Culture of Brewers Yeast, Native Yeast, and Native Bacteria

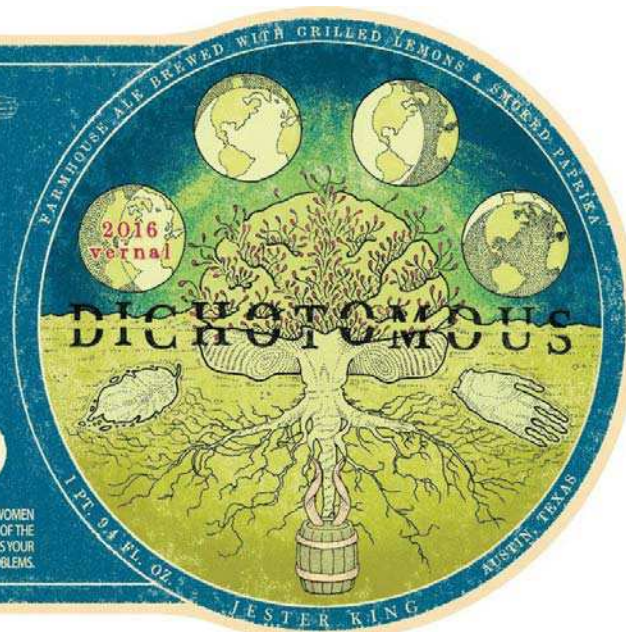
Suitable for Vegetarians and Vegans

Our beers are often inspired by the culinary world, and this is true of 2016 Vernal Dichotomous. A simple approach to preparing seafood - grilling, a squeeze of lemon, and a dusting of smoked paprika - was the inspiration for this beer. Unfiltered, unpasteurized, and 100% naturally conditioned.

STORE COOL & UPRIGHT
REFRIGERATE MIN 24 HOURS BEFORE OPENING

BREWED & BOTTLED IN AUSTIN, TEXAS BY
JESTER KING BREWERY

GOVERNMENT WARNING: (1) ACCORDING TO THE SURGEON GENERAL, WOMEN SHOULD NOT DRINK ALCOHOLIC BEVERAGES DURING PREGNANCY BECAUSE OF THE RISK OF BIRTH DEFECTS. (2) CONSUMPTION OF ALCOHOLIC BEVERAGES IMPAIRS YOUR ABILITY TO DRIVE A CAR OR OPERATE MACHINERY, AND MAY CAUSE HEALTH PROBLEMS.



CORRELATION

ALC / VOL 6.2%

INGREDIENTS: Texas Hill Country Well Water, Texas Malted Barley from Blacklands Malt, Texas Gala apples, Malted Wheat, Oats, Hops, Chamomile, Mixed Culture of Brewers Yeast and Native Yeast and Bacteria

NOTES: Correlation was brewed with Texas Malted barley from Blacklands Malt, English hops, and a small addition of chamomile. It was then fermented with crushed Texas Gala apples and allowed to mature in oak muscat barrels for over a year. Unfiltered, unpasteurized, and 100% naturally conditioned.

Brewed & Bottled in Austin, Texas by
JESTER KING BREWERY

GOVERNMENT WARNING: (1) ACCORDING TO THE SURGEON GENERAL, WOMEN SHOULD NOT DRINK ALCOHOLIC BEVERAGES DURING PREGNANCY BECAUSE OF THE RISK OF BIRTH DEFECTS. (2) CONSUMPTION OF ALCOHOLIC BEVERAGES INCREASES YOUR RISK OF ACCIDENTS AND INJURIES.

FBLM_000682

The best things in life aren't always extreme. A tired old cat, for example, can surprise you with the love it has to offer. Pizza, despite its ubiquity, rivals just about any food in terms of sheer satisfaction. And English cask ale, often mistaken as boring, provides endless intrigue when shared in the company of a friend. Excitement is in the details. In some instances it's even punctuated with an exclamation point.

Jester King is an authentic farmhouse brewery located in the beautiful Hill Country on the outskirts of Austin, Texas. We make farmhouse ales and spontaneously fermented beers tied to a time, place, and people.

www.jesterkingbrewery.com
BATCH #1 - MAY 2018



Brewed & Bottled in Austin, Texas by
JESTER KING BREWERY

IA-OR-VT-CT-MA-ME-NH-
NY-SC-REF-NH-10< REF
FL CASH REFUND OK+



MEOWZAH! ALC / VOL 4.6%

INGREDIENTS: Texas Hill Country Well Water, Texas Malted Barley from Blacklands Malt, Flaked Barley, Hops, Mixed Culture of Brewers Yeast and Native Yeast and Bacteria

NOTES: *Meowzah!* was brewed with our friends from The Masonry in Seattle. It celebrates their 5 year anniversary, our mutual love of pizza, cats, beer and most importantly the under-appreciated brewing styles of England. Unfiltered, unpasteurized, and 100% naturally conditioned.



Image Courtesy of Jester King / mybearbuzz.com

BLMALT000659

WHALEERS SHARE WITH ONE ANOTHER CAUTIOUS TALKS OF A PALE AND DUSTY BEARD. GREEDILY THEY LISTEN TO THE STORIES TOLD IN HETION, HOPING FOR A CLUE TO SECURE THEMSELVES THE GLORY OF ITS DESTRUCTION. BLINDED BY GREED, THEY FAIL TO CONSIDER A GRIM POSSIBILITY: THE ENTITY THEY DEEM AS A TRICKSTER LURING THEM INTO A DANGEROUS PURSUIT IT WILL EVASIVE CAPTURE BY SHIFTING ITS DISGUISE INTO SOMETHING COMMONPLACE AND THEN FEED ON THEIR AGONY, HAVING USED URGENTLY TO RESCUE BEFORE THEIR VERY EYES THAT WHICH THEY MOST DESIRE.

JESTER KING IS AN AUTHENTIC FARMHOUSE BREWERY LOCATED IN THE BEAUTIFUL TEXAS HILL COUNTRY ON THE OUTSKIRTS OF AUSTIN. WE MAKE FARMHOUSE ALES AND SPONTANEOUSLY FERMENTED BEERS TIED TO A FINE, PLACE, AND PEOPLE.

WWW.JESTERKINGBREWERY.COM
 BATCH #1 - JULY 2017



BREWED & BOTTLED IN AUSTIN, TEXAS BY
 JESTER KING BREWERY

14-08-KY-CR-NA-06-08
 18-04-REF-00-104-REF
 CASH REFUND



GOVERNMENT WARNING: (1) ALCOHOL TO THE SURGEON GENERAL, WOMEN SHOULD NOT DRINK ALCOHOLIC BEVERAGES DURING PREGNANCY BECAUSE OF THE RISK OF BIRTH DEFECTS. (2) CONSUMPTION OF ALCOHOLIC BEVERAGES IMPAIRS YOUR ABILITY TO DRIVE A CAR OR OPERATE MACHINERY AND MAY CAUSE HEALTH PROBLEMS.

NO WHALEZ HERE

ALE/W/ 6.0%

INGREDIENTS: HILL COUNTRY WELL WATER, BLACKLANDS WHITE HOOP PILSNER, RAW MALTED AND FLAKED WHEAT, CARAFAN, ROLLED OATS, HOPS, DRIED TEXAS TAMERINES, TEXAS CORIANDER, TEXAS LAVENDER, MIXED CULTURE OF BREWERS YEAST AND NATIVE YEAST AND BACTERIA

NOTES: NO WHALEZ HERE IS A SIMPLE FARMHOUSE TAKE ON CLASSIC WITBIER. A WHEAT DOMINANT CRUST WAS BREWED WITH ADDITIONS OF TEXAS GROWN CORIANDER, HOUSE-BREWED TEXAS TAMERINES, AND LAVENDER HARVESTED FROM OUR PROPERTY IN THE HILL COUNTRY. UNFILTERED, UNPASTEURIZED, AND 100% BOTTLE-CONDITIONED.



Image Courtesy of Jester King /mybeerbuzz.com

CURRENCIES HAVE EXISTED CONSISTING ENTIRELY OF SEASHELLS. LIFE AND LIMB HAS BEEN RISKED TO ACCESS EXOTIC FRUITS AND RARE SEA CREATURES FOR COMMERCE AND TRADE. WITH ALMOST TWO THIRDS OF THE EARTH'S POPULATION IN CLOSE PROXIMITY TO A COAST AND SUCH STRONG VALUE PLACED ON ITS OFFERINGS, ONE MUST ASK THE QUESTION, "WHY THE HELL AM I NOT AT THE BEACH?"

JESTER KING IS AN AUTHENTIC FARMHOUSE BREWERY LOCATED IN THE BEAUTIFUL TEXAS HILL COUNTRY ON THE OUTSKIRTS OF AUSTIN, TEXAS. WE MAKE FARMHOUSE ALES AND SPONTANEOUSLY FERMENTED BEERS TIED TO A TIME, PLACE, AND PEOPLE.

WWW.JESTERKINGBREWERY.COM
BATCH #1 - 12.05.2016

IA-OR-VT-CT-MA-ME-NH-
NY-SC-REF-MI-10C-REF
CA CASH REFUND OK+



Rare Corals

ALC/VOL: 5.3%

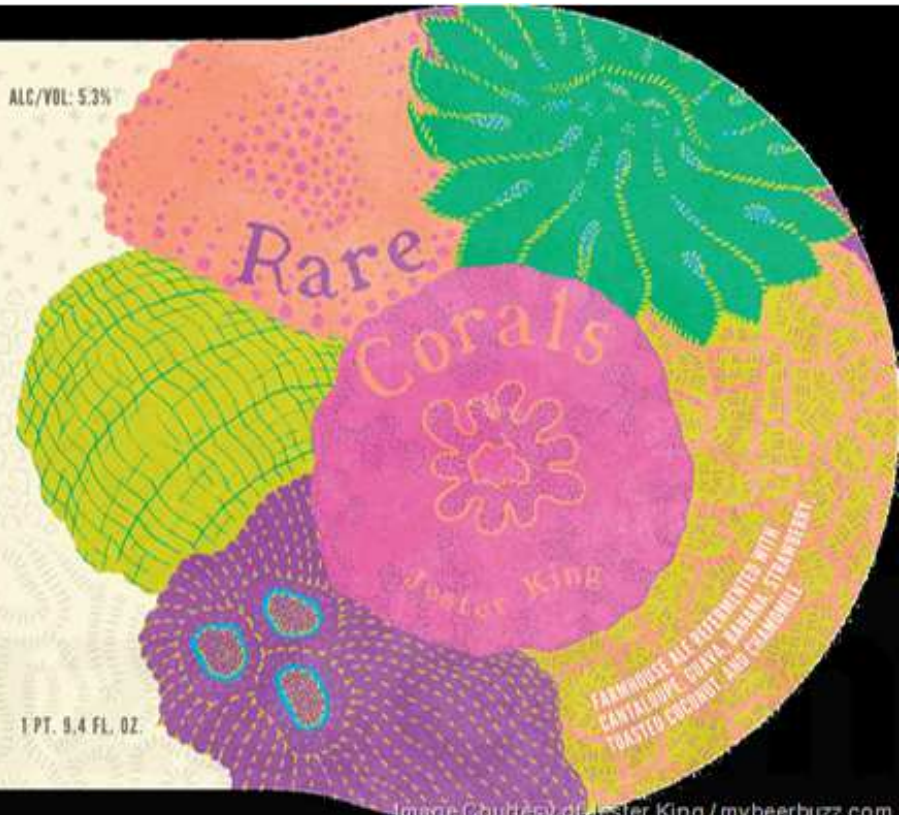
INGREDIENTS: TEXAS HILL COUNTRY WELL WATER, TEXAS MALTED BARLEY FROM BLACKLANDS MALT, RAW WHEAT, ROLLED OATS, CANTALOUPE, GUAVA, BANANA, STRAWBERRY, TOASTED COCONUT, CHAMOMILE, HOPS, MIXED CULTURE OF BREWERS YEAST AND NATIVE YEAST AND BACTERIA

NOTES: RARE CORALS WAS CREATED IN AGREEMENT WITH THE FREQUENCIES, BRIGHT COLORS, AND LAYERED TEXTURES THAT SURROUND THE UNDULATING BODIES OF CERTAIN TROPICAL ORGANISMS. UNFILTERED, UNPASTEURIZED, AND 100% BOTTLE CONDITIONED.

BREWED & BOTTLED IN AUSTIN, TEXAS BY
JESTER KING BREWERY

GOVERNMENT WARNING: (1) ACCORDING TO THE SURGEON GENERAL, WOMEN SHOULD NOT DRINK ALCOHOLIC BEVERAGES DURING PREGNANCY BECAUSE OF THE RISK OF BIRTH DEFECTS. (2) CONSUMPTION OF ALCOHOLIC BEVERAGES IMPAIRS YOUR ABILITY TO DRIVE A CAR OR OPERATE MACHINERY, AND MAY CAUSE HEALTH PROBLEMS.

1 PT. 9.4 FL. OZ.



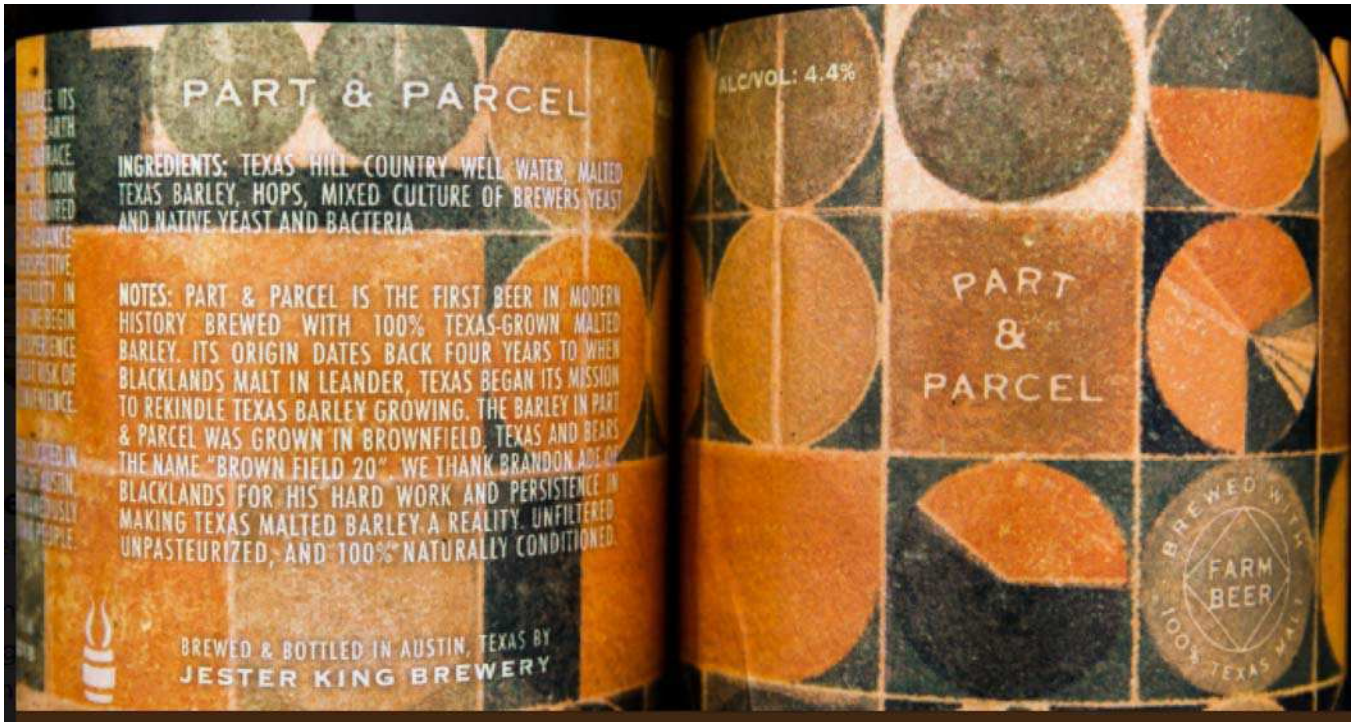
FARMHOUSE ALE BREWED WITH
CANTALOUPE, GUAVA, BANANA, STRAWBERRY,
TOASTED COCONUT, AND CHAMOMILE

Image Courtesy of Jester King / mybeerbuzz.com



700 x 544 - Images may be subject to copyright. [Learn More](#)

EXHIBIT B



PART & PARCEL

ALC/VOL: 4.4%

INGREDIENTS: TEXAS HILL COUNTRY WELL WATER, MALTED TEXAS BARLEY, HOPS, MIXED CULTURE OF BREWERS YEAST AND NATIVE YEAST AND BACTERIA

NOTES: PART & PARCEL IS THE FIRST BEER IN MODERN HISTORY BREWED WITH 100% TEXAS-GROWN MALTED BARLEY. ITS ORIGIN DATES BACK FOUR YEARS TO WHEN BLACKLANDS MALT IN LEANDER, TEXAS BEGAN ITS MISSION TO REKINDLE TEXAS BARLEY GROWING. THE BARLEY IN PART & PARCEL WAS GROWN IN BROWNFIELD, TEXAS AND BEARS THE NAME "BROWN FIELD 20". WE THANK BRANDON ADE OF BLACKLANDS FOR HIS HARD WORK AND PERSISTENCE IN MAKING TEXAS MALTED BARLEY A REALITY. UNFILTERED, UNPASTEURIZED, AND 100% NATURALLY CONDITIONED.

PART & PARCEL



BREWED & BOTTLED IN AUSTIN, TEXAS BY JESTER KING BREWERY

EMBRACE ITS
THE BIRTH
EMBRACE.
LOOK
REQUIRED
ADVANCE
PERSPECTIVE,
EFFICIENCY IN
THE BEGIN
EXPERIENCE
THE RISK OF
CONSEQUENCE.
COLLECTED IN
AUSTIN,
UNWAVINGLY
THE PEOPLE.



EXHIBIT C

Jester King Craft Brewery

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First Brew with Texas Grown Malted Barley from Blacklands Malt!



Monday was a very special day! We brewed our first beer with 100% Texas grown malted barley from Blacklands Malt in Leander, Texas! The day was nearly four years in the making. Back in 2012, Blacklands began its mission to revitalize native malted barley in Texas, and yesterday, that mission saw a major milestone with the brewing of the first 100% Texas malted barley beer in modern history!

The first Texas malted barley came from Brownfield, Texas, located not far from Lubbock. It's a two row, winter barley called "Endeavor" that was planted in 2015 and harvested in 2016. Blacklands used the Endeavor barley from Brownfield to make a 20 SRM Munich malt. They chose to make a Munich malt from the barley given its relatively high protein content. The high protein makes the

malt conducive to more color and flavor development. The name of the first Texas malted barley in modern history is “Brown Field 20”.

Blacklands Malt’s road to this milestone has been fraught with setbacks and challenges. Events like drought, heavy rains, and hail have led to crop failures throughout the last several years. Brandon Ade, founder of Blacklands Malt, has had to be very patient and persistent along the way. “It has been an ongoing consistent battle against the random, uncontrollable elements of the universe”, says Brandon. But finally, after nearly four years, the first Texas malted barley is here, and we’re very grateful and appreciative of Brandon’s remarkable drive and determination to make this day happen.

Why is this important? We think it’s important for several reasons. Perhaps most importantly in our opinion, it falls in line with a beer making philosophy of working with what nature gives you, so as to make beer that’s unique to a time and place. Science, technology, and transportation have made it possible to access high quality raw ingredients from around the world at practically anytime. It’s now possible to bypass the limitations of time and place when it comes to making beer, which has many positive attributes.

But what we find worthwhile and meaningful is to strike a partnership with our natural surroundings and allow them to dictate to us the type of beer we make. For example, Brandon at Blacklands Malt didn’t set out to make the first Texas malted barley a 20 SRM Munich malt. Nature dictated to him what the first Texas malted barley would be, and we followed suit by making a beer with a malt character inextricably linked to a time and place. This to us is very exciting! In a world that’s dominated by commoditization and homogeneity at the macro-level, poking small holes in this system is something we consider to be a worthwhile endeavor.

The first 100% Texas malted barley beer in modern history was brewed at Jester King on October 3rd, 2016. We mashed with raw well water and a grist of 100% Brown Field 20 malt. We boiled and hopped the wort with a relatively small amount of hops, so as not to overwhelm the malt character. The beer is presently fermenting in stainless steel with our mixed culture of brewers yeast, native yeast, and native bacteria. We don’t plan on extended fermentation and maturation time for this beer. We plan on releasing it while it’s still relatively “clean”, before the yeast and bacteria fundamentally transform it over time.

We want to thank Brandon Ade of Blacklands Malt very, very much for all his hard work and persistence. This accomplishment of his has been a true labor of love, and he has now made a major leap forward toward revitalizing a dormant industry in Texas. We consider Brandon to be a true pioneer, and we’re very grateful he’s allowed us to work with him along the way.

Jeffrey Stuffings
Founder
Jester King



Brandon Ade of Blacklands Malt



100% Texas malted barley mash

First Texas Barley Malt from Blacklands Malt





100% Texas malted barley beer a few days into fermentation

« Introducing 2016 Vernal Dichotomous Jester King Buddha's Brew Batch 2 »

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Jester King Craft Brewery

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First Delivery of Texas Malt from Blacklands

We are excited today to receive our first ever order of Texas malted barley and raw wheat! We received a delivery from [Blacklands Malt](#) located in Leander, Texas. Blacklands is the first ever micro-maltster in Texas. They produce brewing grains with barley and wheat grown in central Texas.

Making beer with a sense of place is of utmost importance to us and our beer making process. We use well water and naturally occurring wild yeast and bacteria captured from the air and land where our brewery is located to make beer with flavor and aroma derived from the Texas Hill Country. Adding barley and wheat grown and malted in central Texas to our beer making equation is something we're very excited about!



BLMALT000323



Malted barley from Blacklands Malt



Brandon Ade from Blacklands at Jester King making our first delivery

« [On Our Anniversary Party...](#) [Pellicle Photos](#) »

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NEW TEXAS BARLEY CROP ARRIVES!

July 25, 2018 6:30pm
Jeffrey Stuffings

Earlier this month, our friend Brandon Ade of **BLACKLANDS MALT** delivered us the first of the 2018 Texas barley crop! Brandon brought us several hundred pounds of Pale Moon two-row barley grown in Moore County near the Texas panhandle and malted in Leander, just north of Austin.

Being able to finally make beer with Texas malt is not something that has worn off on us. When we started in 2010, we were doubtful it would ever happen. But thanks to Blackland's vision and persistence, and the chance taken by Texas farmers, we can brew with grain that had roots in Texas soil and was malted just up the road from Austin.

Why are we excited about this? First and foremost, it gives us a chance to support local agriculture. Knowing that our dollars are going to support farmers in our state is something that's important to us. Second, it brings us a step closer to **BLACKLANDS MALT**

beer that's a product of place. The foundation of our beer is the well water from below our feet and the grain grown in our state's soil.

Here are some photos Brandon sent us of the first of the 2018 crop!





CONNECT WITH US



VISIT THE TASTING ROOM

FRI 4-10 | SAT 12-10 | SUN 12-9
13187 FITZHUGH RD
AUSTIN, TX 78736

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(/)

ABOUT

PHILOSOPHY (/PHILOSOPHY)

HISTORY (/HISTORY)

PEOPLE (/PEOPLE)

BEER

CURRENT (/CURRENT)

STAINLESS STEEL (/STAINLESS-STEEL)

BARREL AGED (/BARREL-AGED)

SPON (/SPON)

TASTING ROOM & RESTAURANT

TOURS (/TASTING-ROOM-RESTAURANT/TOURS)

**PUBLIC EVENTS (/TASTING-ROOM-RESTAURANT/PUBLIC-
EVENTS)**

FAQS (/TASTING-ROOM-RESTAURANT/FAQS)

PRIVATE EVENTS

PRIVATE EVENT HALL (/PRIVATE-EVENT-HALL)

RESTAURANT (/RESTAURANT)

FARM

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VULGAR AFFECTATION BATCH 2

August 2, 2018

Tomorrow at 4pm when our tasting room opens, we will be releasing our second batch of Vulgar Affectation. Vulgar Affectation is a farmhouse ale with Kapoor Holy Basil Flower and Chamomile. This beer is the exhibition of floral character in compliment to the unique nature of our mixed culture fermentation.

A note about the floral ingredients used for this year's Vulgar Affectation from Jester King Brewer Allison Huffman, "for this iteration of Vulgar Affectation I wanted to use two different flowers with complementary aromatics. We had some dried holy basil flowers with a really beautiful fruity, spicy aroma that I thought would blend well with the floral, apple-like aroma of chamomile."

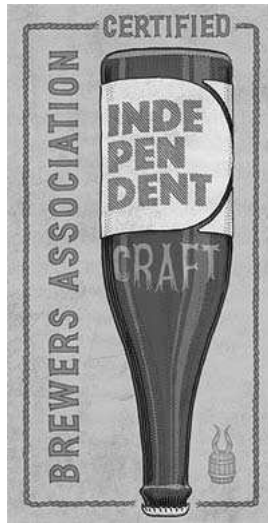
This beer was brewed with Texas Hill Country well water, malted barley from Blacklands Malt and Texas wheat from Barton Springs Mill. It was then fermented with our mixed culture of native yeasts and native bacteria. The flowers were added post-fermentation in the same manner that hop flowers or cones are used for dry-hop additions, to preserve some of the more delicate aromatic notes that may otherwise have been blown of during the brewing process or fermentation.

Vulgar Affectation Batch 2 has an ABV of 2.9%. It will be available by the glass and in bottles to go (750mL/\$13). There are around 2,700 bottles available with no bottle limit. We anticipate some distribution of this beer.





FBLM_0000815



CONNECT WITH US



(<https://www.facebook.com/jesterkingbrewery/>)
VISIT THE TASTING ROOM

THUR 4-10 | FRI 4-10
SAT 12-10 | SUN 12-9
13187 FITZHUGH RD

(<https://www.google.com/maps/place/Jester+King+Brewery/@30.2412384,-97.993861,16Z/data=!3m1!1e3!4m2!3m1!1s13187+Fitzhugh+Rd,+Austin,+TX+78736>)

AUSTIN, TX 78736

(<https://www.google.com/maps/place/Jester+King+Brewery/@30.2412384,-97.993861,16Z/data=!3m1!1e3!4m2!3m1!1s13187+Fitzhugh+Rd,+Austin,+TX+78736>)

BREWERY NEWS

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STAINLESS STEEL (/STAINLESS-STEEL)

BARREL AGED (/BARREL-AGED)

SPON (/SPON)

TASTING ROOM & RESTAURANT

TOURS (/TASTING-ROOM-RESTAURANT/TOURS)

**PUBLIC EVENTS (/TASTING-ROOM-RESTAURANT/PUBLIC-
EVENTS)**

FAQS (/TASTING-ROOM-RESTAURANT/FAQS)

PRIVATE EVENTS

PRIVATE EVENT HALL (/PRIVATE-EVENT-HALL)

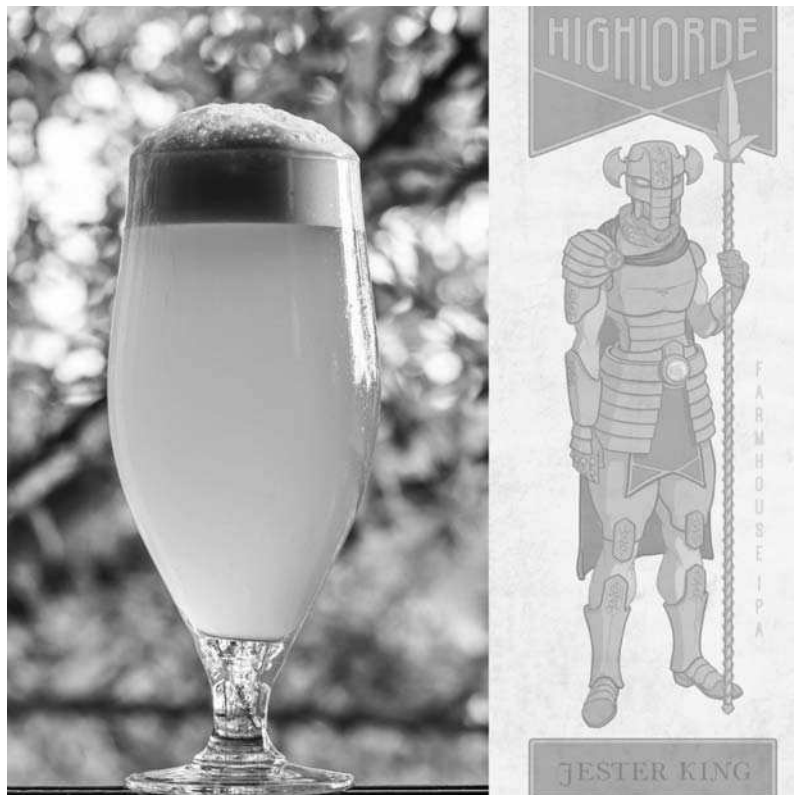
RESTAURANT (/RESTAURANT)

FARM

> BLOG

CONTACT

SHOP



INTRODUCING HIGHLORDE FARMHOUSE IPA

February 27, 2019

When we open at 4pm this Thursday, we'll be debuting a brand new beer called **HIGHLORDE FARMHOUSE IPA!** Highlorde is our take on an American-Style India Pale Ale. It was brewed with natural, unfiltered well water, Texas malted barely from Blacklands Malt (<https://www.blacklandsmalt.com/>), small amounts of wheat, rye, oats, and spelt, and Millennium, Simcoe and Amarillo hops. It was fermented in stainless steel with our mixed culture of brewers yeast and native yeast and bacteria. Prior to packaging, it was dry hopped with Amarillo and Simcoe. Finally, it was 100% naturally conditioned through refermentation in kegs.

Our motivation behind Highlorde is to make somewhat of a new take on Wytchmaker Farmhouse Rye IPA (<http://beerstreetjournal.com/jester-king-wytchmaker/jester-king-wytchmaker/>), which is one of our oldest beers (initially released in 2010). When we formulated Wytchmaker back in the day, we were inspired by homebrewer Denny Conn's rye IPA recipe (<https://www.homebrewtalk.com/forum/threads/denny-conns-wry-smile-rye-ipa.84515/>), as well as Bear Republic's Hop Rod Rye (<https://bearrepublic.com/beer/hop-rod-rye/>). Our desire in 2019 is to make a new farmhouse IPA with a lower ABV and less dominant specialty malt character. However, we still wanted it to retain a firm bitterness and fruity hop flavor and aroma. On a side note, we haven't retired Wytchmaker and still plan to make it.

Highlorde is only 4.4% ABV and finishes at 1.003 specific gravity (0.75 Plato). It's bone dry, bitter, has nice aromatics, and is very drinkable in our opinion. As we've stated many times over the years, we like bitter beer. Our inspiration comes from beers like De Ranke XX Bitter (<https://www.beeradocate.com/beer/profile/739/2656/>) and

De la Senne Zinnebir (<http://brassieriedelasenne.be/?portfolio=zinnebir>), which have a pronounced bitterness. If Jester King is going to do our take on American-style IPA, it is going to be bitter. For us, if we're going to sit down and drink three or four glasses of beer with friends, we'd prefer something that's dry and bitter or dry and tart, especially in a warmer weather environment like Texas.

Another thing that's a little different with Highlorde is that we've decided to make it draft only, at least for now. Unlike a lot of our beers which depend on time and patience, we believe it's best to drink Highlorde fresh. All our beer is wild, and given enough time, you'll start to see funkiness and tartness begin to develop. It's also worth mentioning that all IPA, as well as all beer for that matter, was "wild" historically. Pure culture or monoculture fermentation was only developed in the 20th century. For the vast majority of brewing history, all beer was wild. People would simply drink certain styles of beer fresh before they started to develop some tartness and funk.

Highlorde will be on draft in our restaurant and tasting room starting this Thursday, and will be distributed around Austin and a few other places in Texas by our friends at Flood Independent Distribution (<http://www.flooddistribution.com/>). We hope you enjoy!

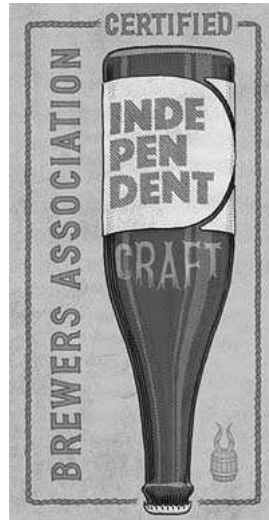
Finally, here's artist commentary on Highlorde from our artist Josh Cockrell:

"The art concept for Highlorde is a return to the character driven art and naming for our earliest beers like Petit Prince and Noble King. This initial rendering is a merely an introduction to the character. You can expect to see an illustration in line with our early art stylings as more develops with this beer.."

Hungry for swift victory, The Great Battle Lion paces back and forth ahead of the formations. All fine kings possess such bravery. His is not a fool's bravery either, the sort that is briefly held through naivety, for atop his back rides the true ruler, absolute defender, and Highlorde of The Kingdom. Her golden armor engulfs them in a brilliant aura as if enchanted by the vines that proudly adorn its surfaces. Light dances in her every movement, stunning the wise with fear and taunting the foolish to dare and strike at her. Those that choose to recklessly engage the matriarch will quickly fall, for the kindness and love she possesses as a ruler is mirrored by her ferocity and fearlessness as a warrior.

The king well knows the certainty of victory tied to that truth. He stops pacing and all eyes shift up to The Highlorde. She slowly and silently raises her Highblade, pointing it towards the enemy. The battle begins..."





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EXHIBIT D

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jesterkingbrewery Very excited to start getting floor malted, Texas-grown barley from Blacklands Malt!!! @blacklandsmalt #blacklandsmalt #localgrain

ogi_the_yogi Did you use this malt for all three years of SPON that went into SPON 2017? I wonder how big of a role this change in ingredients played in the differences between SPON 2016 and 2017. @jesterkingbrewery

blacklandsmalt Aww shucks, anything for you fine folks!

cerveceriagrano Chilean flag?

jacobime7hod @jesterkingbrewery and/or @blacklandsmalt, why floor malted??? Also, I would Google it, but I wanna know from the professionals. LOL

Liked by chattatx and 1,025 others

NOVEMBER 9, 2017

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jesterkingbrewery • Following

jesterkingbrewery We're pleased to introduce Jester King Rare Corals, a farmhouse ale refermented with guava, bananas, strawberries, cantaloupe, toasted coconut, and chamomile!

Rare Corals was brewed in September, 2016 with unfiltered Hill Country well water, two-row malted barley from Blacklands Malt, raw wheat, rolled oats, and hops. It was fermented in a stainless steel tank with our mixed culture of

1,040 likes

MARCH 30, 2017

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EXHIBIT E



Jester King Brewery @jesterkingbeer · 10 Dec 2013

Pic of first ever Texas grown brewing grain running through our mill, specifically raw TX wheat from @BlacklandsMalt

FBLM_000005



7

18

29



Jester King Brewery

@jesterkingbeer

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FBLM_0000010

First turbid mash runnings of 2017! Texas-grown Silver Star malted barley from Blacklands Malt (real nice grassy character) @BlacklandsMalt



6:42 AM - 12 Jan 2017 from Austin, TX

4 Retweets 42 Likes



3 4 42



Seth Trout @troutseth · 12 Jan 2017

Replying to @jesterkingbeer

BLMALT000060



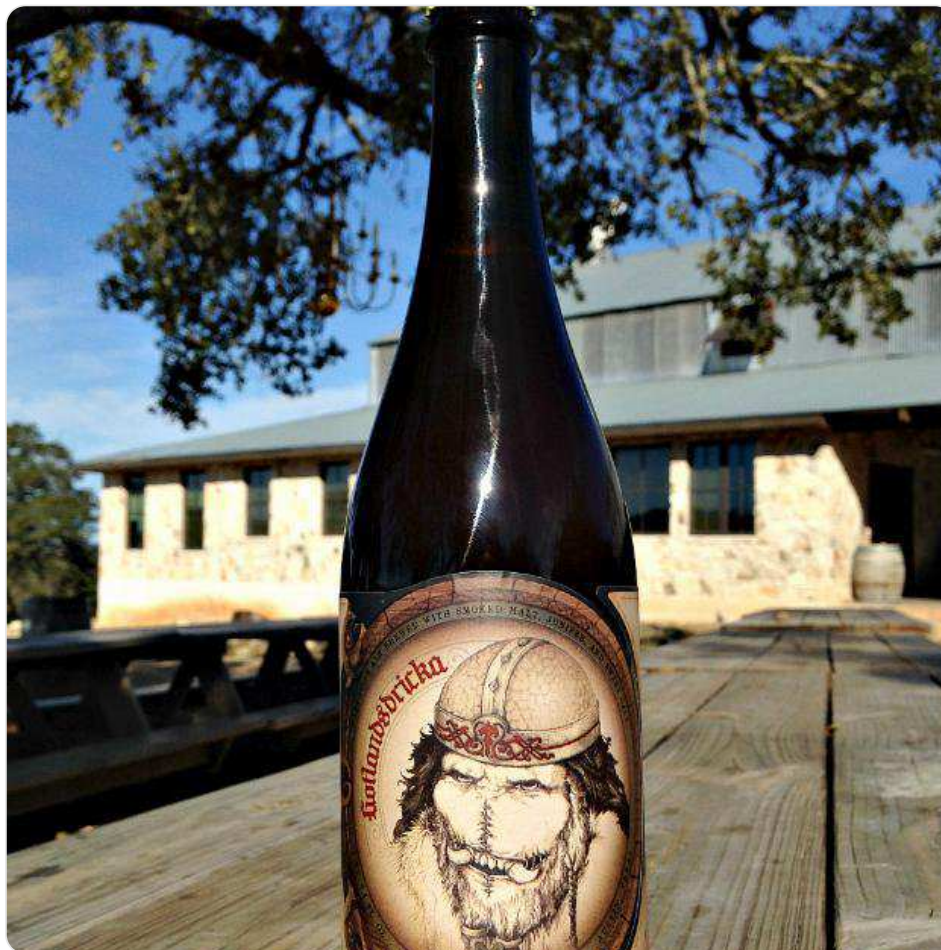
Jester King Brewery

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Gotlandsdricka Batch 2 -- w/ birchwood smoked malt from @BlacklandsMalt, juniper & Myrica gale

jesterkingbrewery.com/gotlandsdricka...



7:17 AM - 30 Jan 2015 from Austin, TX

9 Retweets 13 Likes



1 9 13



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Corn Joseph Hebert @DadWolf87 · 30 Jan 2015

Replying to @jesterkingbeer

@jesterkingbeer @BlacklandsMalt yes! Was hoping that one would make a comeback



pleased t

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Jester King Brewery

@jesterkingbeer

Following

Pleased to see the central Texas barley crop is looking good so far.

[facebook.com/blacklandsmalt ...](https://facebook.com/blacklandsmalt)

[@BlacklandsMalt](#)



6:34 AM - 7 Apr 2015 from Austin, TX

7 Retweets 16 Likes



1 Reply 7 Retweets 16 Likes



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The Beer Temple @TheBeerTemple · 7 Apr 2015

Replying to @jesterkingbeer

[@jesterkingbeer](#) [@BlacklandsMalt](#) how cool! I would have thought TX was too warm for barley, especially 2 row

1 Reply 7 Retweets 16 Likes



1st ever d

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NCAA Tournament: First Round



Jester King Brewery

@jesterkingbeer

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1st ever decoction mash. Seeking interesting malt flavor by physically working w/ local base malt @BlacklandsMalt



7:59 AM - 1 Jun 2015 from Austin, TX

6 Retweets 22 Likes



1 Reply 6 Retweets 22 Likes



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InterBrews @InterBrews · 1 Jun 2015

Replying to @jesterkingbeer

@jesterkingbeer @BlacklandsMalt how long does this brew session take?

1 Reply 6 Retweets 22 Likes



@jesterkingbeer

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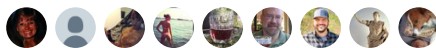
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New blog post: First beer brewed with Texas grown malted barley in modern history. jesterkingbrewery.com/first-brew-wit ... @BlacklandsMalt



10:25 AM - 5 Oct 2016 from Denver, CO

12 Retweets 57 Likes



1

12

57



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Blacklands Malt @BlacklandsMalt · 5 Oct 2016

Replying to @jesterkingbeer

Humbled.



2



3

16

41





@jesterking

Top Latest



Jester King Brewery

@jesterkingbeer

Following



This is going to be a really special event, 11/5 "A Brewer's Garden" at @FarmshareATX eventbrite.com/e/a-brewers-ga ... @BlacklandsMalt @TXKeeperCider

10:52 AM - 30 Oct 2016 from Dallas, TX

2 Retweets 14 Likes

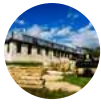


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@jesterkingbeer

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This weekend we're releasing this year's batch of Gotlandsdricka -- farmhouse ale brewed with birchwood smoked malt, smoked in-house by @BlacklandsMalt, Myrica gale and juniper.

6.4% ABV

1.003 finishing gravity

27 IBU

3.8 pH

Available by the glass and in bottles to go (750ml)



7:05 AM - 9 Dec 2017

4 Retweets 19 Likes

