

ESTTA Tracking number: **ESTTA1110956**

Filing date: **01/28/2021**

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	Cruz Blanca Brewery LLC
Granted to Date of previous extension	02/03/2021
Address	1012 W. RANDOLPH ST. #2 CHICAGO, IL 60607 UNITED STATES
Attorney information	ALICE A. KELLY ICE MILLER LLP 200 W. MADISON ST., STE. 3500 CHICAGO, IL 60606 UNITED STATES Primary Email: <a href="mailto:chiipdocket@icemiller.com">chiipdocket@icemiller.com</a> Secondary Email(s): <a href="mailto:chiipdocket@icemiller.com">chiipdocket@icemiller.com</a> , <a href="mailto:alice.kelly@icemiller.com">alice.kelly@icemiller.com</a> , <a href="mailto:matt.grothouse@icemiller.com">matt.grothouse@icemiller.com</a> , <a href="mailto:daisy.muschamp@icemiller.com">daisy.muschamp@icemiller.com</a> , <a href="mailto:brian.lum@icemiller.com">brian.lum@icemiller.com</a> 3127261567
Docket Number	062782.10001

**Applicant Information**

Application No.	88936003	Publication date	10/06/2020
Opposition Filing Date	01/28/2021	Opposition Period Ends	02/03/2021
Applicant	Calicraft, LLC 40 RAHN COURT WALNUT CREEK, CA 94597 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 032. First Use: 0 First Use In Commerce: 0  
All goods and services in the class are opposed, namely: 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.	5008504	Application Date	04/16/2014
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Registration Date	07/26/2016	Foreign Priority Date	NONE
Word Mark	CRUZ BLANCA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 040. First use: First Use: 2016/04/29 First Use In Commerce: 2016/04/29 Beer making and brewing services Class 043. First use: First Use: 2016/04/29 First Use In Commerce: 2016/04/29 Brewpub services		

U.S. Registration No.	5245832	Application Date	12/21/2016
Registration Date	07/18/2017	Foreign Priority Date	NONE
Word Mark	CRUZ BLANCA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 2016/05/05 First Use In Commerce: 2016/05/05 Beer		

U.S. Registration No.	5601363	Application Date	04/25/2018
Registration Date	11/06/2018	Foreign Priority Date	NONE
Word Mark	CRUZ BLANCA PALOMA		
Design Mark			
Description of Mark	The mark consists of the words "CRUZ BLANCA" and a cross symbol with each character formed of three parallel lines, above a graphic image of a dove formed of the word "PALOMA" in stylized letters against a square with four stars.		
Goods/Services	Class 032. First use: First Use: 2017/05/12 First Use In Commerce: 2017/05/12 Beer		

Attachments	2021-01-28-Opposition - CRUZ Ser No 88936003.pdf(61788 bytes ) Ex 1.pdf(270924 bytes ) Ex 2.pdf(237081 bytes ) Ex 3.pdf(291814 bytes )
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Signature	/Alice A. Kelly/
Name	Alice A. Kelly
Date	01/28/2021

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

**In re Application Serial No. 88/936,003**

**Filed: May 27, 2020**

**Published: October 6, 2020**

**Mark: CRUZ**

CRUZ BLANCA BREWERY LLC,

Opposer,

v.

CALICRAFT, LLC,

Applicant.

Opposition No. \_\_\_\_\_

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**NOTICE OF OPPOSITION**

Opposer, Cruz Blanca Brewery LLC (“Opposer”), a limited liability company organized and existing under the laws of Illinois, believes that it will be damaged by registration of the mark shown in Application Serial No. 88/936,003 (the “Opposed Mark”), which is owned by Applicant Calicraft, LLC (“Applicant”), a limited liability company organized and existing under the laws of Delaware.

Pursuant to 37 C.F.R. § 2.104(b), Opposer hereby opposes registration of the Opposed Mark based on a likelihood of confusion under Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

In support of its Opposition, Opposer states as follows:

**BACKGROUND**

1. Opposer is a beer maker and brewpub co-founded in 2015 by the internationally recognized and award-winning chef Rick Bayless.

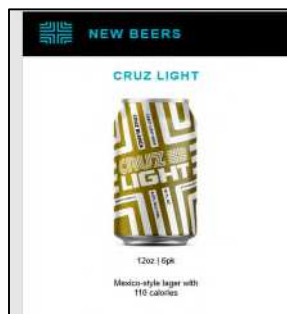
2. Opposer and its line of internationally recognized and award-winning craft beers have been featured in USA Today®, Chicago Tribune®, Men’s Journal®, WGN®, Good Beer Hunting®, on popular beer-oriented internet websites such as untapped.com and beeradvocate.com, and on national social media platforms like Facebook®, Instagram®, Twitter®, Pinterest®, and TripAdvisor®.

3. The nationwide recognition of Opposer’s beer is further evidenced by participation in numerous beer festivals throughout the country as well as the world. Its beer is distributed in multiple states through distributors and retailers such as Binny’s Beverage Depot®, Whole Foods®, and Kroger® stores and is sold in international travel hubs, such as the EPCOT Center at Disney World® and O’Hare International Airport.

4. Opposer’s beer is also available for delivery through online ordering apps.

5. Since at least as early as May of 2015, Opposer has marketed its craft beer and beer-making services under the marks CRUZ, CRUZ BLANCA, and CRUZ BLANCA PALOMA & Design.

6. Opposer emphasizes and uses the solo CRUZ in its advertisements and on its products:



7. Through Cruz's substantial investment, effort, creativity, and commercial success, the Cruz Marks have acquired significant public recognition and goodwill among consumers and in the industry, thereby becoming a valuable and important source identifier of Opposer's goods and services. Opposer owns federally registered and common law rights throughout the United States for CRUZ and CRUZ BLANCA (collectively, the "Cruz Marks").

8. As a result of Opposer's widespread, continuous, and substantially exclusive use of the Cruz Marks, Opposer owns common law rights throughout the United States for the Cruz Marks in connection with beer, beer making, and brewpub services since at least 2015.

9. Opposer also owns federal registrations for CRUZ BLANCA (U.S. Reg. No. 5,008,504) for beer making, brewery services, and brewpub services in Classes 040 and 043; CRUZ BLANCA (U.S. Reg. No. 5,245,832) for beer in Class 032; and, CRUZ BLANCA PALOMA & Design (Reg. No. 5,601,363) for beer in Class 032. True and correct copies of the registration certificates and current status of the registrations from the USPTO's Trademark Status and Document Retrieval ("TSDR") are attached hereto as Exhibits 1-3.

10. Pursuant to 15 U.S.C. § 1115, Opposer's federal registrations for CRUZ BLANCA, CRUZ BLANCA, and CRUZ BLANCA PALOMA & Design constitute *prima facie* evidence of the validity of those marks, as well as Opposer's ownership of and exclusive right to use those marks in connection with the goods identified in the aforementioned federal registrations.

11. Opposer also has a pending federal trademark application for CRUZ, used in connection with beer making and brewery services, which was filed on March 17, 2020 (before Applicant's application), and which approved and published in March of 2020.

12. Notwithstanding Opposer's prior rights in the Cruz Marks, on May 27, 2020, Applicant filed an application to register the Opposed Mark ("CRUZ") in connection with "beer" in Class 032. Applicant's application is an intent-to-use application.

13. On information and belief, Applicant had actual knowledge of Opposer's rights to the Cruz Marks prior to filing its application to register the Opposed Mark.

**COUNT I: Likelihood of Consumer Confusion**  
**15 U.S.C. § 1052(d)**

14. Opposer repeats and realleges the allegations contained in Paragraphs 1 through 13 above, as though fully set forth herein.

15. Opposer used the Cruz Marks in interstate commerce in connection with beer and beer-making services long prior to Applicant's intent-to-use filing date of May 27, 2020, or any possible first use by Applicant.

16. Moreover, the Opposed Mark that Applicant seeks to register is confusingly similar to Opposer's Cruz Marks, including Opposer's federally registered marks and Applicant's use and registration of the Opposed Marks is likely to cause confusion as to source, origin, sponsorship, or approval and mislead consumers, all to Opposer's damage.

17. The Opposed Mark is solely comprised of the first and dominant portion of each of the Cruz Marks (the term "CRUZ") and is either identical or substantially similar in sound, meaning, appearance, and commercial impression to the Cruz Marks.

18. Further, the goods and services offered by Opposer and Applicant in connection with their respective marks are either identical or are intimately related and travel through the same trade channels.

19. Applicant's alleged use and attempted registration of the Opposed Mark is without Opposer's consent or permission.

20. If Applicant is granted registration, Applicant will gain the *prima facie* right to use the Opposed Mark, thereby causing damage to Opposer and its Cruz Marks under Section 2(d) of the Trademark Act.

**PRAYER FOR RELIEF**

WHEREFORE, Opposer prays that the Opposed Mark shown by the above-identified application be refused registration, and that this Notice of Opposition be sustained in favor of Opposer.

Opposer submits herewith the requisite filing fee in the amount of \$600. The Board is authorized to charge PTO Deposit Account No. 09-0007 for any additional charges or fees related to this filing.

Respectfully submitted,

Dated: January 28, 2021

By: /s/ Matthew R. Grothouse

Alice A. Kelly  
Matthew R. Grothouse  
Ice Miller, LLP  
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Chicago, IL 60606  
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*Attorneys for Opposer Cruz Blanca Brewery LLC*

# EXHIBIT 1



# United States of America

United States Patent and Trademark Office

## CRUZ BLANCA

**Reg. No. 5,008,504**

**Registered Jul. 26, 2016**

**Int. Cl.: 40, 43**

**Service Mark**

**Principal Register**

Frontera Ventures, LLC (ILLINOIS LIMITED LIABILITY COMPANY)  
449 N. Clark St.  
Chicago, IL 60654

CLASS 40: Beer making and brewing services

FIRST USE 4-29-2016; IN COMMERCE 4-29-2016

CLASS 43: Brewpub services

FIRST USE 4-29-2016; IN COMMERCE 4-29-2016

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

The English translation of "CRUZ BLANCA" in the mark is "white cross".

SER. NO. 86-254,257, FILED 04-16-2014

DAVID AARO BROOKSHIRE, EXAMINING ATTORNEY



*Michelle K. Lee*

Director of the United States  
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***

**What and When to File:**

- **First Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.
- **Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.\* See 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

- You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

**NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.**

**NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.**

For assistance with TSDR, email [teas@uspto.gov](mailto:teas@uspto.gov) and include your serial number, the document you are looking for, and a screenshot of any error messages you have received.

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**Mark:** CRUZ BLANCA

**CRUZ BLANCA**

**US Serial Number:** 86254257

**Application Filing Date:** Apr. 16, 2014

**US Registration Number:** 5008504

**Registration Date:** Jul. 26, 2016

**Filed as TEAS Plus:** Yes

**Currently TEAS Plus:** Yes

**Register:** Principal

**Mark Type:** Service Mark

**TM5 Common Status**

LIVE/REGISTRATION/Issued and Active

**Descriptor:**



The trademark application has been registered with the Office

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

**Status Date:** Jul. 26, 2016

**Publication Date:** Aug. 05, 2014

**Notice of Allowance Date:** Sep. 30, 2014

## Mark Information

**Mark Literal Elements:** CRUZ BLANCA

**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

**Translation:** The English translation of "CRUZ BLANCA" in the mark is "white cross".

## 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:** Beer making and brewing services

**International Class(es):** 040 - Primary Class

**U.S Class(es):** 100, 103, 106

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Apr. 29, 2016

**Use in Commerce:** Apr. 29, 2016

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**For:** Brewpub services**International Class(es):** 043 - Primary Class**U.S Class(es):** 100, 101**Class Status:** ACTIVE**Basis:** 1(a)**First Use:** Apr. 29, 2016**Use in Commerce:** Apr. 29, 2016

## Basis Information (Case Level)

**Filed Use:** No**Currently Use:** Yes**Filed ITU:** Yes**Currently ITU:** No**Filed 44D:** No**Currently 44E:** No**Filed 44E:** No**Currently 66A:** No**Filed 66A:** No**Currently No Basis:** No**Filed No Basis:** No

## Current Owner(s) Information

**Owner Name:** CRUZ BLANCA BREWERY LLC**Owner Address:** 1012 W. RANDOLPH #2  
CHICAGO, ILLINOIS UNITED STATES 60607**Legal Entity Type:** LIMITED LIABILITY COMPANY**State or Country Where  
Organized:** ILLINOIS

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Brian Lum**Docket Number:** T05996US01**Attorney Primary Email  
Address:** [brian.lum@icemiller.com](mailto:brian.lum@icemiller.com)**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent** BRIAN LUM**Name/Address:** ICE MILLER LLP  
200 W MADISON ST STE 3500  
CHICAGO, ILLINOIS UNITED STATES 60606-3417**Phone:** 312-726-8129**Fax:** 312-726-6259**Correspondent e-mail:** [brian.lum@icemiller.com](mailto:brian.lum@icemiller.com)**Correspondent e-mail  
Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Feb. 27, 2019	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	

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Sep. 14, 2016	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jul. 26, 2016	REGISTERED-PRINCIPAL REGISTER	
Jun. 21, 2016	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Jun. 19, 2016	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jun. 05, 2016	STATEMENT OF USE PROCESSING COMPLETE	61813
May 09, 2016	USE AMENDMENT FILED	61813
May 09, 2016	TEAS STATEMENT OF USE RECEIVED	
Mar. 29, 2016	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Mar. 28, 2016	EXTENSION 3 GRANTED	61813
Mar. 18, 2016	EXTENSION 3 FILED	61813
Mar. 18, 2016	TEAS EXTENSION RECEIVED	
Oct. 02, 2015	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Oct. 01, 2015	EXTENSION 2 GRANTED	61813
Sep. 21, 2015	EXTENSION 2 FILED	61813
Sep. 21, 2015	TEAS EXTENSION RECEIVED	
Jun. 18, 2015	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jun. 17, 2015	EXTENSION 1 GRANTED	61813
Mar. 30, 2015	EXTENSION 1 FILED	61813
Jun. 15, 2015	CASE ASSIGNED TO INTENT TO USE PARALEGAL	61813
May 12, 2015	NOTICE OF REVIVAL - E-MAILED	
May 11, 2015	EXTENSION RECEIVED WITH TEAS PETITION	
May 11, 2015	PETITION TO REVIVE-GRANTED	88889
May 11, 2015	TEAS PETITION TO REVIVE RECEIVED	
May 04, 2015	ABANDONMENT NOTICE MAILED - NO USE STATEMENT FILED	
May 04, 2015	ABANDONMENT - NO USE STATEMENT FILED	99999
Sep. 30, 2014	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Aug. 05, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Aug. 05, 2014	PUBLISHED FOR OPPOSITION	
Jul. 16, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jun. 30, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 27, 2014	ASSIGNED TO EXAMINER	90330
May 01, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Apr. 19, 2014	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:** Jun. 19, 2016

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# EXHIBIT 2

# United States of America

United States Patent and Trademark Office

## CRUZ BLANCA

**Reg. No. 5,245,832**

**Registered Jul. 18, 2017**

**Int. Cl.: 32**

**Trademark**

**Principal Register**

Frontera Hospitality Group LLC (ILLINOIS LIMITED LIABILITY COMPANY)  
449 N. Clark St., Ste. 205  
Chicago, IL 60610

CLASS 32: Beer

FIRST USE 5-5-2016; IN COMMERCE 5-5-2016

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

OWNER OF U.S. REG. NO. 5008504

The English translation of "CRUZ BLANCA" in the mark is "white cross".

SER. NO. 87-276,986, FILED 12-21-2016  
COLLEEN M DOMBROW, EXAMINING ATTORNEY



*Joseph Matal*

Performing the Functions and Duties of the  
Under Secretary of Commerce for  
Intellectual Property and Director of the  
United States Patent and Trademark Office



**REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION**

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**Requirements in the First Ten Years\***

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- **Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.\* See 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

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**For assistance with TSDR**, email [teas@uspto.gov](mailto:teas@uspto.gov) and include your serial number, the document you are looking for, and a screenshot of any error messages you have received.

**STATUS**      **DOCUMENTS**      **MAINTENANCE**

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**Mark:** CRUZ BLANCA

# CRUZ BLANCA

**US Serial Number:** 87276986

**Application Filing Date:** Dec. 21, 2016

**US Registration Number:** 5245832

**Registration Date:** Jul. 18, 2017

**Filed as TEAS Plus:** Yes

**Currently TEAS Plus:** Yes

**Register:** Principal

**Mark Type:** Trademark

**TM5 Common Status**

LIVE/REGISTRATION/Issued and Active

**Descriptor:**



The trademark application has been registered with the Office

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

**Status Date:** Jul. 18, 2017

**Publication Date:** May 02, 2017

## Mark Information

**Mark Literal Elements:** CRUZ BLANCA

**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

**Translation:** The English translation of "CRUZ BLANCA" in the mark is "white cross".

## Related Properties Information

**Claimed Ownership of US** [5008504](#)

**Registrations:**

## 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:** Beer

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**International Class(es):** 032 - Primary Class**U.S Class(es):** 045, 046, 048**Class Status:** ACTIVE**Basis:** 1(a)**First Use:** May 05, 2016**Use in Commerce:** May 05, 2016

## Basis Information (Case Level)

**Filed Use:** Yes**Currently Use:** Yes**Filed ITU:** No**Currently ITU:** No**Filed 44D:** No**Currently 44E:** No**Filed 44E:** No**Currently 66A:** No**Filed 66A:** No**Currently No Basis:** No**Filed No Basis:** No

## Current Owner(s) Information

**Owner Name:** CRUZ BLANCA BREWERY LLC**Owner Address:** 1012 W. RANDOLPH #2  
CHICAGO, ILLINOIS UNITED STATES 60607**Legal Entity Type:** LIMITED LIABILITY COMPANY**State or Country Where  
Organized:** ILLINOIS

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Brian J. Lum**Docket Number:** 35332.4005**Attorney Primary Email** [brian.lum@icemiller.com](mailto:brian.lum@icemiller.com)**Attorney Email Authorized:** Yes**Address:**

### Correspondent

**Correspondent** BRIAN J. LUM**Name/Address:** ICE MILLER LLP  
200 WEST MADISON STREET, SUITE 3500  
CHICAGO, ILLINOIS UNITED STATES 60606**Phone:** 312-726-8129**Fax:** 312-726-6259**Correspondent e-mail:** [brian.lum@icemiller.com](mailto:brian.lum@icemiller.com)  
[chiipdocket@icemiller.com](mailto:chiipdocket@icemiller.com)**Correspondent e-mail  
Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Feb. 27, 2019	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jul. 18, 2017	REGISTERED-PRINCIPAL REGISTER	

May 02, 2017	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
May 02, 2017	PUBLISHED FOR OPPOSITION	
Apr. 12, 2017	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Mar. 23, 2017	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 21, 2017	ASSIGNED TO EXAMINER	81089
Jan. 04, 2017	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Dec. 24, 2016	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: Jul. 18, 2017

## Assignment Abstract Of Title Information - Click to Load

## Proceedings - Click to Load

# EXHIBIT 3

# United States of America

United States Patent and Trademark Office



**Reg. No. 5,601,363**

**Registered Nov. 06, 2018**

**Int. Cl.: 32**

**Trademark**

**Principal Register**

Frontera Hospitality Group LLC (ILLINOIS LIMITED LIABILITY COMPANY)  
449 N. Clark St., Ste. 205  
Chicago, ILLINOIS 60610

CLASS 32: Beer

FIRST USE 5-12-2017; IN COMMERCE 5-12-2017

The mark consists of the words "CRUZ BLANCA" and a cross symbol with each character formed of three parallel lines, above a graphic image of a dove formed of the word "PALOMA" in stylized letters against a square with four stars.

The English translation of "CRUZ BLANCA PALOMA" in the mark is "white cross dove".

SER. NO. 87-893,357, FILED 04-25-2018



*Andrei Iancu*

Director of the United States  
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***

**What and When to File:**

- **First Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.
- **Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.\* See 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

- You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

**NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.**

**NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.**

For assistance with TSDR, email [teas@uspto.gov](mailto:teas@uspto.gov) and include your serial number, the document you are looking for, and a screenshot of any error messages you have received.

**STATUS**      **DOCUMENTS**      **MAINTENANCE**

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**Mark:** CRUZ BLANCA PALOMA



**US Serial Number:** 87893357

**Application Filing Date:** Apr. 25, 2018

**US Registration Number:** 5601363

**Registration Date:** Nov. 06, 2018

**Filed as TEAS Plus:** Yes

**Currently TEAS Plus:** Yes

**Register:** Principal

**Mark Type:** Trademark

**TM5 Common Status**

**Descriptor:**



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office

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

**Status Date:** Nov. 06, 2018

**Publication Date:** Aug. 21, 2018

## Mark Information

**Mark Literal Elements:** CRUZ BLANCA PALOMA

**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 "CRUZ BLANCA" and a cross symbol with each character formed of three points. Below the words is an image of a dove formed of the word "PALOMA" in stylized letters against a square with four stars.

**Color(s) Claimed:** Color is not claimed as a feature of the mark.

**Translation:** The English translation of "CRUZ BLANCA PALOMA" in the mark is "white cross dove".

**Design Search Code(s):** 01.01.10 - Three or more stars; Stars, three or more  
 01.01.14 - Stars - multiple stars with six points  
 03.15.10 - Doves  
 03.15.24 - Stylized birds and bats  
 24.13.02 - Cross, Greek (equal sides); Greek cross (equal sized lines)

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26.09.21 - Squares that are completely or partially shaded

27.03.03 - Animals forming letters or numerals

## 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:** Beer

**International Class(es):** 032 - Primary Class

**U.S Class(es):** 045, 046, 048

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** May 12, 2017

**Use in Commerce:** May 12, 2017

## Basis Information (Case Level)

**Filed Use:** Yes

**Currently Use:** Yes

**Filed ITU:** No

**Currently ITU:** No

**Filed 44D:** No

**Currently 44E:** No

**Filed 44E:** No

**Currently 66A:** No

**Filed 66A:** No

**Currently No Basis:** No

**Filed No Basis:** No

## Current Owner(s) Information

**Owner Name:** CRUZ BLANCA BREWERY LLC

**Owner Address:** 1012 W. RANDOLPH #2  
CHICAGO, ILLINOIS UNITED STATES 60607

**Legal Entity Type:** LIMITED LIABILITY COMPANY

**State or Country Where Organized:** ILLINOIS

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Brian Lum

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**Attorney Email Authorized:** Yes

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Correspondent e-mail Yes  
 Authorized:

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Feb. 27, 2019	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Nov. 06, 2018	REGISTERED-PRINCIPAL REGISTER	
Aug. 21, 2018	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Aug. 21, 2018	PUBLISHED FOR OPPOSITION	
Aug. 01, 2018	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jul. 17, 2018	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 10, 2018	TEAS/EMAIL CORRESPONDENCE ENTERED	68171
Jul. 10, 2018	CORRESPONDENCE RECEIVED IN LAW OFFICE	68171
Jul. 03, 2018	ASSIGNED TO LIE	68171
Jun. 19, 2018	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jun. 16, 2018	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jun. 16, 2018	NON-FINAL ACTION E-MAILED	6325
Jun. 16, 2018	NON-FINAL ACTION WRITTEN	65720
Jun. 13, 2018	ASSIGNED TO EXAMINER	65720
May 05, 2018	NOTICE OF DESIGN SEARCH CODE E-MAILED	
May 04, 2018	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Apr. 28, 2018	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: Nov. 06, 2018

## Assignment Abstract Of Title Information - Click to Load

## Proceedings - Click to Load