

ESTTA Tracking number: **ESTTA1261819**

Filing date: **01/24/2023**

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	Drake's Organic Spirits, Inc.
Granted to date of previous extension	02/11/2023
Address	601 CARLSON PARKWAY, SUITE 400 MINNETONKA, MN 55305 UNITED STATES

Attorney information	CARL E. CHRISTENSEN CHRISTENSEN LAW OFFICE PLLC 305 NORTH FIFTH AVENUE, SUITE 375 MINNEAPOLIS, MN 55401 UNITED STATES Primary email: carl@clawoffice.com Secondary email(s): trademark@clawoffice.com (612) 473-1200
Docket no.	219-18

Applicant information

Application no.	97239326	Publication date	12/13/2022
Opposition filing date	01/24/2023	Opposition period ends	02/11/2023
Applicant	Bombarda Rum USA Inc 13300 SW 98 PL MIAMI, FL 33176 UNITED STATES		

Goods/services affected by opposition

Class 033. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Rum
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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.	5397017	Application date	03/16/2016
Register	Principal		
Registration date	02/06/2018	Foreign priority	NONE

		date	
Word mark	DRAKE'S ORGANIC		
Design mark			
Description of mark	NONE		
Goods/services	Class 033. First use: First Use: Jun 2017 First Use In Commerce: Jun 2017 Spirits; alcoholic beverages, except beer; all of the foregoing consisting of non-genetically modified ingredients within definitions acceptable for USDA Organic certification and/or applicable local jurisdiction organic standards certification		

U.S. registration no.	6037504	Application date	05/30/2017
Register	Principal		
Registration date	04/21/2020	Foreign priority date	NONE
Word mark	DRAKE'S		
Design mark			
Description of mark	NONE		
Goods/services	Class 033. First use: First Use: Feb 10, 2016 First Use In Commerce: Feb 10, 2016 Spirits; alcoholic beverages, except beer; all of the foregoing consisting of non-genetically modified ingredients within definitions acceptable for USDA Organic certification and/or applicable local jurisdiction organic standards certification		

U.S. registration no.	6037505	Application date	06/02/2017
Register	Principal		
Registration date	04/21/2020	Foreign priority date	NONE
Word mark	DRAKE'S		
Design mark			
Description of mark	The mark consists of The word "DRAKE'S" in stylized script.		
Goods/services	Class 033. First use: First Use: Feb 10, 2016 First Use In Commerce: Feb 10, 2016 Spirits; alcoholic beverages, except beer; all of the foregoing consisting of non-genetically modified ingredients within definitions acceptable for USDA Organic certification and/or applicable local jurisdiction organic standards certification		

U.S. registration no.	6054217	Application date	11/27/2018
Register	Principal		
Registration date	05/12/2020	Foreign priority date	NONE
Word mark	DRAKE'S ORGANIC SPIKED ICE		
Design mark			
Description of mark	NONE		
Goods/services	Class 033. First use: First Use: Nov 5, 2018 First Use In Commerce: Nov 5,		

	2018 Organic alcoholic cocktails in the form of frozen pops
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U.S. registration no.	6558333	Application date	09/01/2020
Register	Principal		
Registration date	11/16/2021	Foreign priority date	NONE
Word mark	DRAKE'S		
Design mark			
Description of mark	NONE		
Goods/services	Class 032. First use: First Use: Feb 1, 2018 First Use In Commerce: Feb 1, 2018 Non-alcoholic mixes used in the preparation of alcoholic cocktails Class 033. First use: First Use: Feb 1, 2018 First Use In Commerce: Feb 1, 2018 Prepared alcoholic cocktail; Alcoholic cocktail mixes		

U.S. registration no.	6494935	Application date	09/01/2020
Register	Principal		
Registration date	09/21/2021	Foreign priority date	NONE
Word mark	DRAKE'S ORGANIC BOXTAILS		
Design mark			
Description of mark	NONE		
Goods/services	Class 033. First use: First Use: Oct 30, 2020 First Use In Commerce: Oct 30, 2020 Alcoholic fruit cocktail drinks; Prepared cocktails consisting primarily of distilled spirits and not containing beer; Prepared alcoholic cocktail; all of the foregoing consisting of non-genetically modified ingredients within definitions acceptable for USDA Organic certification and/or applicable local jurisdiction organic standards certification		

Attachments	2023.01.24 Drakes Notice of Opp. Bombarda DRAKE RUM.pdf(5276699 bytes)
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Signature	/s/ Carl E. Christensen
Name	CARL E. CHRISTENSEN
Date	01/24/2023

2. Opposer is the owner of Registration No. 6037504 for the word mark DRAKE'S® in class 33 for spirits; alcoholic beverages, except beer; all of the foregoing consisting of non-genetically modified ingredients within definitions acceptable for USDA Organic certification and/or applicable local jurisdiction organic standards certification, issued by the Patent and Trademark Office ("PTO") April 21, 2020, based on a 1B application filed on May 30, 2017. As proof of status and title, attached as Exhibit B, and incorporated by reference herein, as true, and correct printouts of the PTO's TESS records for this registration.

3. Opposer is the owner of Registration No. 6037505 for the word/design mark DRAKE'S® in class 33 for spirits; alcoholic beverages, except beer; all of the foregoing consisting of non-genetically modified ingredients within definitions acceptable for USDA Organic certification and/or applicable local jurisdiction organic standards certification, issued by the Patent and Trademark Office ("PTO") April 21, 2020, based on a 1B application filed on June 2, 2017. As proof of status and title, attached as Exhibit C, and incorporated by reference herein, as true, and correct printouts of the PTO's TESS records for this registration.

4. Opposer is the owner of Registration No. 6054217 for the word mark DRAKE'S ORGANIC SPIKED ICE® in class 33 for organic alcoholic cocktails in the form of frozen pops, issued by the Patent and Trademark Office ("PTO") May 12, 2020, based on a 1B application filed on November 27, 2018. As proof of

status and title, attached as Exhibit D, and incorporated by reference herein, as true, and correct printouts of the PTO's TESS records for this registration.

5. Opposer is the owner of Registration No. 6558333 for the word mark DRAKE'S® in class 32 for non-alcoholic mixes used in the preparation of alcoholic cocktails and class 33 for prepared alcoholic cocktail and alcoholic cocktail mixes issued by the Patent and Trademark Office ("PTO") November 16, 2021, based on a 1A application. As proof of status and title, attached as Exhibit E, and incorporated by reference herein, as true, and correct printouts of the PTO's TESS records for this registration.

6. Opposer is the owner of Registration No. 6494935 for the word mark DRAKE'S ORGANIC BOXTAILS® in class 33 for Alcoholic fruit cocktail drinks; Prepared cocktails consisting primarily of distilled spirits and not containing beer; Prepared alcoholic cocktail; all of the foregoing consisting of non-genetically modified ingredients within definitions acceptable for USDA Organic certification and/or applicable local jurisdiction organic standards certification by the Patent and Trademark Office ("PTO") September 21, 2021 based on 1B application filed on September 1, 2020. As proof of status and title, attached as Exhibit F, and incorporated by reference herein, as true, and correct printouts of the PTO's TESS records for this registration.

7. Opposer's DRAKE'S line of spirits are the first and only spirits line in the world certified USDA Organic, Non-GMO Project Verified, Gluten-Free, Vegan and Kosher.

8. Opposer's high-quality ingredients, distilling, and taste have garnered it various awards, including the 2021 San Diego Spirits Festival Double Gold for white rum, 2019 Wine & Spirits Wholesalers of America Double Gold for vodka, 2019 Wine & Spirits Wholesalers of America Gold for white rum, 2017 Global Spirit Awards Double Gold for white rum, 2017 San Diego Spirits Festival Gold for vodka, and the 2017 Global Spirit Awards Double gold for white rum.
9. Opposer's partners include the leaders in hospitality, sports, dining, and entertainment, such as Caesars Palace, Hilton Hotels and Resorts, Four Seasons, Spago, House of Blues, The Palazzo, The Venetian, TGI Fridays, The Ritz-Carlton, and Target Field.
10. Opposer also partners with retailers such as Costco, CVS, Target, Meijer, Trader Joes, Walgreens, BevMo!, Albertsons, and Wegmans. These are just a partial list of Opposer's partners.
11. Opposer's spirit line includes vodka, white rum, spiced rum, as well as alcoholic pops and ready-to-drink cocktails.
12. A sample of spirit bottles bearing the DRAKE'S® word and design marks and DRAKE'S ORGANIC® word mark for vodka, white rum, and spiced rum as Drake's uses them in commerce are attached as Exhibit G.
13. A sample of the product packaging bearing the DRAKE'S ORGANIC SPIKED ICE® mark for alcoholic pops as Drake' uses it in commerce is attached as Exhibit H.

14. A sample of the ready-to-drink cocktails bearing the DRAKE'S ORGANIC BOXTAILS® mark as Drake's uses it in commerce is attached as Exhibit I.
15. Applicant filed in the PTO on January 26, 2022, Application No. 97239326 to register the mark DRAKE RUM. *See* Application attached as Exhibit J.
16. Prior to Applicant's filing of Application No. 97239326, Applicant knew or had constructive knowledge of Opposer's trademark registrations.
17. This knowledge includes knowledge that Opposer held the registrations for DRAKE'S® and DRAKE'S ORGANIC® to identify spirits and alcoholic beverages, except beer, that that Opposer used those trademarks affixed to spirits and alcoholic beverages in commerce in the United States.
18. This knowledge also includes knowledge that Opposer held the registrations for DRAKE'S ORGANIC SPIKED ICE® to identify products in the same commercial zone of trade as spirits and alcoholic beverages, i.e., organic alcoholic cocktails in the form of frozen pops.
19. This knowledge also includes knowledge that Opposer held the registrations for DRAKE'S ORGANIC BOXTAILS® to identify products in the same commercial zone of trade as spirits and alcoholic beverages, i.e., alcoholic fruit cocktail drinks, prepared cocktails consisting primarily of distilled spirits and not containing beer, and prepared alcoholic cocktails.
20. Applicant is a Florida corporation that produces rum in the United States prior to the Applicant's filing of Application No. 97239326.

21. Applicant through Bombarda Rum USA Inc. has produced and distributed DRAKE RUM brand rum in the United States. A sample of Applicant's label for the DRAKE RUM products from their trademark application are attached as Exhibit K.

22. Applicant's DRAKE RUM mark for rum so resembles Opposer's registered DRAKE'S ORGANIC® mark as to be likely to cause confusion, mistake, or deception, and is therefore precluded from registration under Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

23. Applicant's DRAKE RUM mark for rum so resembles Opposer's registered DRAKE'S® marks as to be likely to cause confusion, mistake, or deception, and is therefore precluded from registration under Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

24. Applicant's DRAKE RUM mark for rum so resembles Opposer's registered DRAKE'S ORGANIC SPIKED ICE® mark as to be likely to cause confusion, mistake, or deception, and is therefore precluded from registration under Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

25. Applicant's DRAKE RUM mark for rum so resembles Opposer's registered DRAKE'S ORGANIC BOXTAILS® mark as to be likely to cause confusion, mistake, or deception, and is therefore precluded from registration under Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

26. Opposer's spirits, and alcoholic beverages containing the DRAKE'S ORGANIC®, DRAKE'S®, DRAKE'S ORGANIC SPIKED ICE®, and DRAKE'S

ORGANIC BOXTAILS® marks, and Applicant's DRAKE RUM are both distributed via liquor stores, restaurants, event and sports venues, and the internet in the United States.

27. If Applicant is granted registration of the DRAKE RUM mark, it would obtain a *prima facie* right to use of this mark that would cause damage or injury to Opposer.

WHEREFORE, Opposer respectfully requests that this opposition be granted, and that Application No. 97239326 be denied registration.

Respectfully,

CHRISTENSEN LAW OFFICE PLLC

Dated: January 24, 2023

/s/ Carl E. Christensen
Carl E. Christensen (MN #350412)
Aaron D. Sampsel (MN #398521)
305 North Fifth Avenue, Suite 375
Minneapolis, Minnesota 55401
Ph: (612) 473-1200
Fax: (612) 823-4777
carl@clawoffice.com

Attorneys for Drake's Organic Spirits, Inc.

Certificate of Service

This is to certify that a copy of the foregoing Notice of Opposition with Exhibits A-K was served on January 24, 2023 by first class mail, postage prepaid, on the following as the registrant and to applicant's registered correspondence address and email:

James Papagno
Bombarda Rum USA Inc.
13300 SW 98 PL
Miami, Florida 33176
captainjames@bombardarum.com
notifications@trademarkengine.com

By: /s/Carl E. Christensen



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TSDR ASSIGN Status TTAB Status (Use the "Back" button of the Internet Browser to return to TESS)

DRAKE'S ORGANIC

Word Mark DRAKE'S ORGANIC

Goods and Services IC 033. US 047 049. G & S: Spirits; alcoholic beverages, except beer; all of the foregoing consisting of non-genetically modified ingredients within definitions acceptable for USDA Organic certification and/or applicable local jurisdiction organic standards certification. FIRST USE: 20170600. FIRST USE IN COMMERCE: 20170600

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 86941681

Filing Date March 16, 2016

Current Basis 1A

Original Filing Basis 1B

Published for Opposition August 16, 2016

Registration Number 5397017

Registration Date February 6, 2018

Owner (REGISTRANT) Captain Drake, LLC LIMITED LIABILITY COMPANY MINNESOTA 601 Carlson Parkway, Suite 400 Minnetonka MINNESOTA 55305

(LAST LISTED OWNER) DRAKE'S ORGANIC SPIRITS, INC. CORPORATION MINNESOTA 601 CARLSON PARKWAY SUITE 400 MINNETONKA MINNESOTA 55305

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Carl E. Christensen

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ORGANIC" APART FROM THE MARK AS SHOWN



Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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DRAKE'S

Word Mark DRAKE'S

Goods and Services IC 033. US 047 049. G & S: Spirits; alcoholic beverages, except beer; all of the foregoing consisting of non-genetically modified ingredients within definitions acceptable for USDA Organic certification and/or applicable local jurisdiction organic standards certification. FIRST USE: 20160210. FIRST USE IN COMMERCE: 20160420

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 87468068

Filing Date May 30, 2017

Current Basis 1A

Original Filing Basis 1B

Published for Opposition June 19, 2018

Registration Number **6037504**

Registration Date April 21, 2020

Owner (REGISTRANT) Drake's Organic Spirits, LLC LIMITED LIABILITY COMPANY MINNESOTA 601 Carlson Parkway, Suite 400 Minnetonka MINNESOTA 55305
(LAST LISTED OWNER) DRAKE'S ORGANIC SPIRITS, INC. CORPORATION MINNESOTA 601 CARLSON PARKWAY SUITE 400 MINNETONKA MINNESOTA 55305

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Carl E. Christensen

Prior Registrations 5397017



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Word Mark DRAKE'S

Goods and Services IC 033. US 047 049. G & S: Spirits; alcoholic beverages, except beer; all of the foregoing consisting of non-genetically modified ingredients within definitions acceptable for USDA Organic certification and/or applicable local jurisdiction organic standards certification. FIRST USE: 20160210. FIRST USE IN COMMERCE: 20160420

Mark Drawing Code (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

Serial Number 87472782

Filing Date June 2, 2017

Current Basis 1A

Original Filing Basis 1B

Published for Opposition June 19, 2018

Registration Number 6037505

Registration Date April 21, 2020

Owner (REGISTRANT) Drake's Organic Spirits, LLC LIMITED LIABILITY COMPANY MINNESOTA 601 Carlson Parkway, Suite 400 Minnetonka MINNESOTA 55305

(LAST LISTED OWNER) DRAKE'S ORGANIC SPIRITS, INC. CORPORATION MINNESOTA 601 CARLSON PARKWAY SUITE 400 MINNETONKA MINNESOTA 55305

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Carl E. Christensen

Prior Registrations 5397017

Description of Mark Color is not claimed as a feature of the mark. The mark consists of The word "DRAKE'S" in stylized script.



Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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DRAKE'S ORGANIC SPIKED ICE

Word Mark	DRAKE'S ORGANIC SPIKED ICE
Goods and Services	IC 033. US 047 049. G & S: Organic alcoholic cocktails in the form of frozen pops. FIRST USE: 20181105. FIRST USE IN COMMERCE: 20190201
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	88206998
Filing Date	November 27, 2018
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	April 16, 2019
Registration Number	6054217
International Registration Number	1498991
Registration Date	May 12, 2020
Owner	(REGISTRANT) Drake's Organic Spirits, LLC LIMITED LIABILITY COMPANY MINNESOTA 601 Carlson Parkway, Suite 400 Minnetonka MINNESOTA 55305 (LAST LISTED OWNER) DRAKE'S ORGANIC SPIRITS, INC. CORPORATION MINNESOTA 601 CARLSON PARKWAY SUITE 400 MINNETONKA MINNESOTA 55305
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Carl E. Christensen
Prior Registrations	5397017
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ORGANIC SPIKED ICE" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE





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Word Mark DRAKE'S

Goods and Services IC 032. US 045 046 048. G & S: Non-alcoholic mixes used in the preparation of alcoholic cocktails. FIRST USE: 20180201. FIRST USE IN COMMERCE: 20180201

IC 033. US 047 049. G & S: Prepared alcoholic cocktail; Alcoholic cocktail mixes. FIRST USE: 20180201. FIRST USE IN COMMERCE: 20180201

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 90151401

Filing Date September 1, 2020

Current Basis 1A

Original Filing Basis 1A

Published for Opposition August 31, 2021

Registration Number **6558333**

Registration Date November 16, 2021

Owner (REGISTRANT) Drake's Organic Spirits, LLC LIMITED LIABILITY COMPANY MINNESOTA 601 Carlson Parkway, Suite 400 Minnetonka MINNESOTA 55305

(LAST LISTED OWNER) DRAKE'S ORGANIC SPIRITS, INC. CORPORATION MINNESOTA 601 CARLSON PARKWAY SUITE 400 MINNETONKA MINNESOTA 55305

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Carl E. Christensen

Prior Registrations 5397017;6037504;6037505;AND OTHERS

Type of Mark TRADEMARK

Register PRINCIPAL

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DRAKE'S ORGANIC BOXTAILS

Word Mark DRAKE'S ORGANIC BOXTAILS

Goods and Services IC 033. US 047 049. G & S: Alcoholic fruit cocktail drinks; Prepared cocktails consisting primarily of distilled spirits and not containing beer; Prepared alcoholic cocktail; all of the foregoing consisting of non-genetically modified ingredients within definitions acceptable for USDA Organic certification and/or applicable local jurisdiction organic standards certification. FIRST USE: 20201030. FIRST USE IN COMMERCE: 20201030

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 90152209

Filing Date September 1, 2020

Current Basis 1A

Original Filing Basis 1B

Published for Opposition May 18, 2021

Registration Number **6494935**

International Registration Number 1624346

Registration Date September 21, 2021

Owner (REGISTRANT) DRAKE'S ORGANIC SPIRITS, INC. CORPORATION MINNESOTA 601 CARLSON PARKWAY SUITE 400 MINNETONKA MINNESOTA 55305

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Carl E. Christensen

Prior Registrations 5397017;6037504;6037505



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Type of Mark TRADEMARK

Register PRINCIPAL

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VIEW ALL SPIRITS BOXTAILS SPIKED ICE



VIEW BY PRODUCT TYPE

SPIRITS



VIEW ALL

SPIRITS

BOXTAILS

SPIKED ICE



ORGANIC VODKA

\$14.99

750ML

ADD TO CART



ORGANIC WHITE RUM

\$15.99

ADD TO CART



ORGANIC SPICED RUM

\$15.99

ADD TO CART

ABOUT DRAKE'S ORGANIC

At Drake's Organic Spirits, our mission is to make great-tasting spirits produced with the healthiest and most sustainable ingredients. We are the first and only spirits line distilled with pure organic cane sugar, that also meets all 5 official certifications including Vegan, Gluten Free, Non-GMO, Kosher, and USDA Organic.

SHOP NOW

VIEW ALL

SPIRITS

BOXTAILS

SPIKED ICE

QUICK LINKS

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CLICK HERE TO RETURN TO DRAKESORGANIC.COM



VIEW ALL SPIRITS BOXTAILS SPIKED ICE



VIEW BY PRODUCT TYPE

SPIKED ICE



- VIEW ALL
- SPIRITS
- BOXTAILS
- SPIKED ICE



SPIKED ICE
\$14.99

ADD TO CART

ABOUT DRAKE'S ORGANIC

At Drake's Organic Spirits, our mission is to make great-tasting spirits produced with the healthiest and most sustainable ingredients. We are the first and only spirits line distilled with pure organic cane sugar, that also meets all 5 official certifications including Vegan, Gluten Free, Non-GMO, Kosher, and USDA Organic.

SHOP NOW

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- SPIRITS
- BOXTAILS
- SPIKED ICE

QUICK LINKS

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CLICK HERE TO RETURN TO DRAKESORGANIC.COM



VIEW ALL SPIRITS BOXTAILS SPIKED ICE



VIEW BY PRODUCT TYPE

BOXTAILS



- VIEW ALL
- SPIRITS
- BOXTAILS**
- SPIKED ICE



**BLACK CHERRY LIMEADE
BOXTAIL**
\$19.99

ADD TO CART



MANGO PUNCH BOXTAIL
\$19.99

ADD TO CART



MINTED MOJITO BOXTAIL
\$19.99

ADD TO CART



PERFECT MARGARITA BOXTAIL
\$19.99

ADD TO CART

Sold Out



WATERMELON TINI BOXTAIL
\$19.99



Trademark/Service Mark Application, Principal Register**TEAS Plus Application**

Serial Number: 97239326

Filing Date: 01/26/2022

NOTE: Data fields with the * are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.

The table below presents the data as entered.

Input Field	Entered
TEAS Plus	YES
MARK INFORMATION	
*MARK	Drake Rum
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	Drake Rum
*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	Bombarda Rum USA Inc
*MAILING ADDRESS	13300 SW 98 PL
*CITY	Miami
*STATE (Required for U.S. applicants)	Florida
*COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
*ZIP/POSTAL CODE (Required for U.S. and certain international addresses)	33176
PHONE	561-479-6355
*EMAIL ADDRESS	XXXX
LEGAL ENTITY INFORMATION	
*TYPE	CORPORATION
*STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY OF INCORPORATION	Florida
GOODS AND/OR SERVICES AND BASIS INFORMATION	
*INTERNATIONAL CLASS	033
*IDENTIFICATION	Rum

EXHIBIT**J**

* FILING BASIS	SECTION 1(b)
ADDITIONAL STATEMENTS INFORMATION	
* TRANSLATION (if applicable)	
* TRANSLITERATION (if applicable)	
* CLAIMED PRIOR REGISTRATION (if applicable)	
* CONSENT (NAME/LIKENESS) (if applicable)	
* CONCURRENT USE CLAIM (if applicable)	
CORRESPONDENCE INFORMATION	
NAME	Bombarda Rum USA Inc
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	captainjames@bombardarum.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	notifications@trademarkengine.com
FEE INFORMATION	
APPLICATION FILING OPTION	TEAS Plus
NUMBER OF CLASSES	1
APPLICATION FOR REGISTRATION PER CLASS	250
* TOTAL FEES DUE	250
* TOTAL FEES PAID	250
SIGNATURE INFORMATION	
* SIGNATURE	/james papagno/
* SIGNATORY'S NAME	James Papagno
* SIGNATORY'S POSITION	CEO
SIGNATORY'S PHONE NUMBER	561-479-6355
* DATE SIGNED	01/26/2022
SIGNATURE METHOD	Sent to third party for signature

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 97239326

Filing Date: 01/26/2022

To the Commissioner for Trademarks:

MARK: Drake Rum (Standard Characters, see [mark](#))

The literal element of the mark consists of Drake Rum. The mark consists of standard characters, without claim to any particular font style, size, or color.

The applicant, Bombarda Rum USA Inc, a corporation of Florida, having an address of

13300 SW 98 PL

Miami, Florida 33176

United States

561-479-6355(phone)

XXXX

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, for the following:

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 033: Rum

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services. (15 U.S.C. Section 1051(b)).

The applicant's current Correspondence Information:

Bombarda Rum USA Inc

PRIMARY EMAIL FOR CORRESPONDENCE: captainjames@bombardarum.com

SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): notifications@trademarkengine.com

Requirement for Email and Electronic Filing: I understand that a valid email address must be maintained by the applicant owner/holder and the applicant owner's/holder's attorney, if appointed, and that all official trademark correspondence must be submitted via the Trademark Electronic Application System (TEAS).

A fee payment in the amount of \$250 has been submitted with the application, representing payment for 1 class(es).

Declaration

Basis:

If the applicant is filing the application based on use in commerce under 15 U.S.C. § 1051(a):

- The signatory believes that the applicant is the owner of the trademark/service mark sought to be registered;
- The mark is in use in commerce and was in use in commerce as of the filing date of the application on or in connection with the goods/services in the application;
- The specimen(s) shows the mark as used on or in connection with the goods/services in the application and was used on or in connection with the goods/services in the application as of the application filing date; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

And/Or

If the applicant is filing the application based on an intent to use the mark in commerce under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e):

- The signatory believes that the applicant is entitled to use the mark in commerce;
 - The applicant has a bona fide intention to use the mark in commerce and had a bona fide intention to use the mark in commerce as of the application filing date on or in connection with the goods/services in the application; and
 - To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.
- To the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive.
- To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.
- 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, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Declaration Signature

Signature: /james papagno/ Date: 01/26/2022
Signatory's Name: James Papagno
Signatory's Position: CEO
Signatory's Phone Number: 561-479-6355
Signature method: Sent to third party for signature
Payment Sale Number: 97239326
Payment Accounting Date: 01/26/2022

Serial Number: 97239326
Internet Transmission Date: Wed Jan 26 13:46:13 ET 2022
TEAS Stamp: USPTO/FTK-XXXX:XX:XXXX:XXX:XXXX:XXX:XXXX
:XXXX-20220126134613656669-97239326-810f
1f3ea31c29360b1d1c4c3d032df63e571770495b
4452587dbdad01344f379-CC-46123542-202201
25181815372745

Drake Rum



THE RUMS RECIPES SHOP MERCH

BATTLE READY
BOMBARDA
DARK CARIBBEAN RUM

FIND OUR RUMS CART (0)



DRAKE

LOST BARREL BLEND

AGED AT LEAST

5

FIVE YEARS

BUY DRAKE

OR

FIND BOMBARDA

HISTORY OF DRAKE



Chat with us ¹

EXHIBIT
K



DRAKE

CARIBBEAN DARK RUM RARE BLEND



A 3-5 YEAR RARE DARK RUM AWARD WINNING
BLEND OF 5 ORIGINS

ABV	YEARS AGED	SIZE
40%	3-5 Years	750ml

A VICTORIOUS SPIRIT FOR THE UNRULY KIND

