

ESTTA Tracking number: **ESTTA1002439**

Filing date: **09/16/2019**

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

Proceeding	92063316
Party	Plaintiff Joe Van Gogh, Inc.
Correspondence Address	SUSAN FREYA OLIVE OLIVE & OLIVE PA PO BOX 2049 DURHAM, NC 27702 UNITED STATES emailboxTTAB@oliveandolive.com, solive@oliveandolive.com 919-683-5514
Submission	Plaintiff's Notice of Taking Testimony
Filer's Name	David McKenzie
Filer's email	dmckenzie@oliveandolive.com
Signature	/david mckenzie/
Date	09/16/2019
Attachments	1.pdf(3104454 bytes )

UNITED STATES PATENT AND TRADEMARK OFFICE  
 Trademark Trial and Appeal Board  
**Cancellation No.: 92063316**

JOE VAN GOGH INC., Plaintiff-Petitioner v. VINCENT VAN GOGH PREMIUM COFFEE, Defendant-Applicant	<b>PETITIONER’S NOTICE OF FILING                  OF TESTIMONIAL DECLARATION OF                  THOMAS F. ROBERTS Jr.</b>
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Petitioner, Joe Van Gogh Inc. (“Petitioner” or “JVG”) immediately gives notice that, today, it has previously sought to extend the deadlines in this matter with the consent of the Respondent. JVG assumes, but does not know for certain, that the Motion to Extend will be granted. Should the Board, as expected, grant the consent Motion to Extend, JVG will file a Second Notice of Filing of Testimonial Declaration in accordance with the new order.

However, and as a prophylactic matter, JVG, pursuant to Trademark Rules 2.115 and 2.123 of the Trademark Rules of Practice, 37 C.F.R. § 2.125, gives notice of its intent to rely upon the testimonial declaration of Thomas F. Roberts, Jr., including its exhibits, set forth as follows:

Declarant:                    Thomas F. Roberts Jr.  
                                       President of Joe Van Gogh Inc., Petition

Date of Declaration:    August 14, 2018

Exhibits:

Exhibit	Relevancy / Issue
A. Joe Van Gogh’s Articles of Incorporation	<ul style="list-style-type: none"> <li>• Priority</li> <li>• Confusion</li> <li>• Defendant’s contentions</li> </ul>
B. JVG’s Annual Report 2005	Same as indicted above
C. JVG’s Website Pages, January 2007	<ul style="list-style-type: none"> <li>• Priority</li> <li>• Confusion</li> </ul>
D. JVG’s WhoIs Page	<ul style="list-style-type: none"> <li>• Priority</li> <li>• Confusion</li> <li>• Defendant’s contentions</li> </ul>
E. JVG’s Website Pages, October 2011	<ul style="list-style-type: none"> <li>• Priority</li> <li>• Confusion</li> <li>• Defendant’s contentions</li> </ul>
F. JVG’s Website Page, 2013 (Retail Items)	<ul style="list-style-type: none"> <li>• Priority</li> <li>• Confusion</li> <li>• Defendant’s contentions</li> </ul>

G. JVG's Website, 2015 Artistic View of Cup	<ul style="list-style-type: none"> <li>• Priority</li> <li>• Confusion</li> <li>• Defendant's contentions</li> </ul>
H. JVG's Website, 2018, "Our Story"	<ul style="list-style-type: none"> <li>• Priority</li> <li>• Confusion</li> <li>• Defendant's contentions</li> </ul>
I. Google Search of Van Gogh	<ul style="list-style-type: none"> <li>• Confusion</li> </ul>
J. National Coffee Association 2017 Coffee Trends Report	<ul style="list-style-type: none"> <li>• Defendant's contentions</li> <li>• Confusion</li> </ul>
K. Affidavit of Rush Riemer	<ul style="list-style-type: none"> <li>• Priority</li> <li>• Defendant's Contentions</li> </ul>

This 16<sup>th</sup> day of September 2019.

Respectfully submitted,

/David McKenzie/

David McKenzie

NC Bar No. 36376

P. O. Box 2049

Durham, North Carolina 27702

Telephone: (919) 683-5514

Email: [emailboxTTAB@oliveandolive.com](mailto:emailboxTTAB@oliveandolive.com)

**CERTIFICATE OF SERVICE**

I served the foregoing document upon Respondent at the following email address as provided:

[jordanweisz@hotmail.com](mailto:jordanweisz@hotmail.com)

on this the 16<sup>th</sup> day of September 2019.

/David McKenzie/

David McKenzie

**UNITED STATES PATENT AND TRADEMARK OFFICE**  
**Trademark Trial and Appeal Board**  
**Cancellation No.: 92063316**

Joe Van Gogh Inc.,  
Plaintiff-Petitioner  
vs.  
Vincent Van Gogh Marketing LLC,  
Defendant-Registrants

**DECLARATION OF  
THOMAS F. ROBERTS, JR.**

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Our Ref.: JOVG9001

I, THOMAS F. ROBERTS, JR. declare as follows:

1. I am the founder, president and owner of Joe Van Gogh Inc. (“JVG”), a North Carolina corporation with its headquarters and coffee roasting facility in Hillsborough, North Carolina. JVG is first and foremost in the coffee roasting business, but JVG also has retail outlets in Chapel Hill, Durham, and Greensboro, North Carolina— all of which sell roasted coffee, coffee beverages, coffee-related goods and tea. In addition to having storefronts, JVG sells nationally and even internationally by way of its online retail outlet, [www.joevangogh.com](http://www.joevangogh.com), which gets at least 900 unique hits per week. At its retail stores and/or online, JVG sells coffee, tea, and related goods such as teapots and coffee pots. It is not uncommon for JVG to sell its coffee wholesale, and it is likewise not unusual for JVG to sell products to support the operation of business committed to selling or servicing coffee or tea.
2. I began roasting and selling coffee in 1991. After going through a couple of names, including Cup A Joe and Joe City Roasters, JVG settled on “Joe Van Gogh” in November 2003. In March of 2004, I incorporated JVG with the North Carolina Secretary of State. As evidence of this incorporation, I am attaching true and accurate copies of JVG’s Articles of Incorporation (**Ex. A**) as well as JVG’s first annual report (**Ex. B**). On or about March 11, 2004, JVG made its first sale in commerce under the JOE VAN GOGH word mark. Around the same time of this first sale, JVG also used the shortened “VAN GOGH” as a signifier of itself. JVG did this in print and spoken word, and customers also used this shortened mark in conversation with each other when talking about JVG, JVG’s coffee and/or JVG’s tea. In October 2004, I commissioned an artist to come up with designs for JVG. I offer further testimony regarding her personal knowledge in paragraph 13 of this Declaration.

3. JVG's marks of JOE VAN GOGH and the shortened VAN GOGH have been used to sell JVG's roasting services, coffee, and tea products since at least as early as March 2004. JVG has not ceased use of these marks; and, use continues to this day.
4. I intentionally chose the renown of the painter Vincent Van Gogh. There is an art to roasting coffee; like a painter, I believe there are numerous artistic decisions (e.g., roasting temperature, roasting duration, geographic location of coffee bean harvest, etc.) that can produce what I believe is an artistic smell and flavor at the end. For this reason, I wanted to link Vincent Van Gogh with JVG, replacing "Joe" with "Vincent" to create a clever association with both Vincent Van Gogh and coffee. It is commonly known that "Joe" is at least a moniker, if not a synonym, for coffee, and so JOE VAN GOGH made sense. To further enhance an association with Vincent Van Gogh, or just Van Gogh, JVG, in October 2004, adopted the tag line "the art of the bean," represented as follows:



- The public quickly recognized the tag line, logos, and use of JOE VAN GOGH as belonging to and being associated with JVG, and then unconsciously with Vincent Van Gogh and art. I have never known any person or consumer to be led away from art or Van Gogh by the use of "JOE"; quite the contrary as my experience tells me that "Joe Van Gogh" connotes with art, Vincent Van Gogh, and now coffee because of JVG's success. From the very beginning of JVG and without cessation to this very day, the consuming public recognizes a connection between Vincent Van Gogh and JVG, and then JVG and art.
5. While JVG has adopted a newer version of its principal design mark, JVG still uses the above mark in one way or another to the day of this Declaration. Examples of the early use of this mark in connection with the sale of coffee and coffee-related products on JVG's website being sold and distributed are attached hereto as **Exhibit C**.
  6. I purchased the domain [www.joevangogh.com](http://www.joevangogh.com) in June 2004. A commercial website was launched in January 2006 and has always sold roasted coffee and coffee-related products (e.g., the coffee and tea pots). As evidence of the site's launching and its continuous use of both the mark above and JOE VAN GOGH, I am attaching a whois search (**Ex. D**) and examples from 2011 (**Ex. E**) and 2013 (**Ex. F**). I am attaching additional examples of JVG's efforts to maintain a connection to art, and therefore Van Gogh, in **Exhibits G-H**. I verify all these attachments/exhibits as true and accurate.

7. JVG is the holder of two federal trademark registrations and two North Carolina trademark registrations. I have reviewed the Amended Petition to Cancel along with the attached exhibits. I verify that the registrations attached to Amended Petition are true and accurate.
8. As the Board can see, JVG tried but failed to get a federal registration in 2008-2009. Though JVG had priority, the examiner denied JVG's applications because of Respondent's registrations. As part of JVG's ongoing dispute with Respondent, in 2011 JVG commissioned a private investigator to determine what Respondent was selling and where. This investigator surveyed a number of stores at which Respondent claimed to be selling both coffee as well as:
  - a. Reg. No. 3,931,277 (VINCENT VAN GOGH): ""flavourings [*sic*] of tea; lime tea; mixes in the nature of concentrates, syrups or powders used in the preparation of tea based beverages; oolong tea; sage tea; tea of parched powder of barley with husk (mugi-cha); tea of salty kelp powder (kombu-cha); tea pods; theine-free tea sweetened with sweeteners[.]""
  - b. Reg. No. 3,941,023 (VINCENT VAN GOGH PREMIUM COFFEE): ""caffeine-free coffee; chicory based coffee substitute; coffee flavored syrup used in making food beverages; coffee pods; coffee substitutes; instant coffee; sugar-coated coffee beans.""

The private investigator could find absolutely no evidence of Respondent selling any of these items. In 2011, JVG also conducted its own online investigation. JVG found no evidence that Respondent was selling any of these items, including caffeine-free coffee.

9. I conducted a Google search for just "van gogh" on the date of this Declaration. I could not review all the hits – there were 62 million – but virtually all of those that I reviewed were related to Vincent Van Gogh.
10. JVG sells its goods in numerous channels of trade. These channels include:
  - a. National chains such as Whole Foods and Fresh Market as well as regional chains such as Lowe's Food, King's Red & White, and Reid's.
  - b. Coffee venues owned by third parties and JVG. As noted above, JVG has several retail food and beverage service facilities that owned and operated by JVG.
  - c. JVG-operated websites. The site [www.joevangogh.com](http://www.joevangogh.com) gets nearly 900 hits per week.
  - d. Other Internet sites that are not operated by JVG, such as jet.com.

- e. JVG also sells through “Community Supported Agriculture,” or CSA’s.
  - f. The sale of JVG goods through these channels of trade generate millions of dollars in annual revenues.
  - g. Finally, JVG takes pride in selling its coffee and coffee-related products to a wide variety of consumers: all ages, all genders, all ethnicities, all nationalities, all sexual orientations, and all income levels. As a general proposition, the consumers who purchase from JVG is not small or limited to sophisticated buyers looking for ultra-high end products. The purchasers who would purchase coffee and coffee-related products from Respondent are the same who would purchase coffee and coffee-related products from Starbucks, Dunkin Donuts, the local gas station, or JVG. The cost of the product is not expensive and certainly not prohibitive. Moreover, coffee consumption and expansion is on the rise. I am attaching a report from the National Coffee Association, a trade group I follow to stay current, which shows that coffee growth is robust and that the future is bright.
11. JVG stays abreast about other VAN GOGH uses, and to this end JVG polices its marks. JVG is unaware of any other use of VAN GOGH or JOE VAN GOGH usage for the goods identified in Respondent’s registrations.
12. JVG has investigated whether Respondent actually sells coffee, coffee-related products, and the goods identified in Respondents registrations. This investigation indicates that Respondent’s use of its marks is suspect and, at best, minimal.
13. In connection with another matter, we had occasion to review the dates associated with development of our logo and website, and obtained an affidavit from the graphic artist who performed that work. A copy is attached as **Ex. K** and, as is evident, she confirms that our logo was being well-utilized by 2005 and that the website was fully operative in 2006.

#### **Verification of Amended Petition and Exhibits**

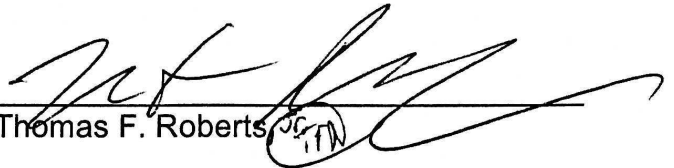
14. All of the facts set forth in JVG’s Amended Petition to Cancel in this matter, which I understand is on file with the Board at Docket #22, are true and correct to the best of my knowledge, information and belief; and those facts set forth in it on information and belief are believed to be true. Furthermore, the exhibits attached to JVG’s Amended Petition to Cancel as Exhibits 1 – 4 are authentic copies of the originals and are what they purport to be: accurate printouts from the Trademark Office showing the status and title of two registrations owned by JVG that are currently valid and in good standing, and



accurate copies of North Carolina trademark registrations owned by JVG that are currently valid and in good standing. Exhibit 5 accurately depicts common law marks owned and used by JVG, and accurately describes some of the goods and services with which the marks are used in commerce.

**Declaration under 28 U.S.C. §1746**

I declare under penalty of perjury that the foregoing is true and correct. Executed  
this the 14th day of August 2018.

  
Thomas F. Roberts

**UNITED STATES PATENT AND TRADEMARK OFFICE**  
**Trademark Trial and Appeal Board**  
**Cancellation No.: 91233300**

<p>JOE VAN GOGH INC., Plaintiff-Petitioner,</p> <p>v.</p> <p>VINCENT VAN GOGH MARKETING LLC, Defendant-Registrant</p>	<p style="text-align: center;"><b>DECLARATION OF THOMAS F. ROBERTS JR.</b></p> <p>Cancellation Proceeding: <u>91233300</u></p> <p>Trademark Registration Nos: <u>3931277,</u> <u>3941023, 4287468, and 4319499</u></p>
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**Exhibit A:**  
**Joe Van Gogh, Inc.’s Articles of Incorporation,**  
**2004**

State of North Carolina  
Department of the Secretary of State

ARTICLES OF INCORPORATION

Pursuant to §55-2-02 of the General Statutes of North Carolina, the undersigned does hereby submit these Articles of Incorporation for the purpose of forming a business corporation.

1. The name of the corporation is: Joe Van Gogh, Inc.

2. The number of shares the corporation is authorized to issue is: 10,000

3. These shares shall be: (*check either a or b*)

a.  all of one class, designated as common stock; or

b.  divided into classes or series within a class as provided in the attached schedule, with the information required by N.C.G.S. Section 55-6-01.

4. The street address and county of the initial registered office of the corporation is:

Number and Street 400 West Weaver Street

City Carrboro State NC Zip Code 27510 County Orange

5. The mailing address, *if different from the street address*, of the initial registered office is:

Number and Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_ County \_\_\_\_\_

6. The name of the initial registered agent is: Dayna Kelly

7. Principal office information: (*must select either a or b.*)

a.  The corporation has a principal office.

The street address and county of the principal office of the corporation is:

Number and Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_ County \_\_\_\_\_

The mailing address, *if different from the street address*, of the principal office of the corporation is:

Number and Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_ County \_\_\_\_\_

b.  The corporation does not have a principal office.

8. Any other provisions, which the corporation elects to include, are attached.

9. The name and address of each incorporator is as follows:

Thomas F. Roberts, Jr. 609 Greenwood Road, Chapel Hill, NC 27514

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

10. These articles will be effective upon filing, unless a date and/or time is specified:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

This the 25<sup>th</sup> day of Feb., 2004

\_\_\_\_\_  
*Thomas F. Roberts, Jr.* INCORPORATOR  
Signature  
Thomas F. Roberts, Jr., President  
Type or Print Name and Title

NOTES:

1. Filing fee is \$125. This document must be filed with the Secretary of State.  
*Instructions for Filing*

**UNITED STATES PATENT AND TRADEMARK OFFICE**  
**Trademark Trial and Appeal Board**  
**Cancellation No.: 91233300**

<p>JOE VAN GOGH INC., Plaintiff-Petitioner,</p> <p>v.</p> <p>VINCENT VAN GOGH MARKETING LLC, Defendant-Registrant</p>	<p style="text-align: center;"><b>DECLARATION OF THOMAS F. ROBERTS JR.</b></p> <p>Cancellation Proceeding: <u>91233300</u></p> <p>Trademark Registration Nos: <u>3931277,</u> <u>3941023, 4287468, and 4319499</u></p>
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**Exhibit B:**  
**Joe Van Gogh, Inc.'s Annual Report, 2005**

CD-479 (50)  
9-19-03

# Business Corporation North Carolina Annual Report

Use this form only if  
Contact the North Carolina  
an Annual Report for  
Liability Partnership

SOSID: 0715514  
Date Filed: 7/4/2005 3:10:00 PM  
Elaine F. Marshall  
North Carolina Secretary of State  
2005 185 01277

Name of Corporation: JOE VAN GOGH, INC.

State of Incorporation: NORTH CAROLINA

Fiscal Year Ending: 12/31/04  
Month/Day/Year

Secretary of State Corporation ID Number: 0715514

Federal Employer ID Number: [REDACTED]

If this is the initial annual report filing, you must complete the entire form. If your business corporation's information has not changed since the previous report, check the box and complete Line 7 only

**1 Registered agent and registered office street address: (Must be a North Carolina Address)**

Name: DAYNA KELLY

Street Address: 400 WEST WEAVER ST

City, State, Zip Code: CARRBORO NC 27510 County: ORANGE

**2 Mailing address if different from street address:**

Mailing Address:

City, State, Zip Code:

**3 If registered agent changed, signature of new agent:** \_\_\_\_\_

(signature constitutes consent to the appointment)

**4 Enter principal office address and telephone number here:**

Street Address: 505 A CORNERSTONE COURT

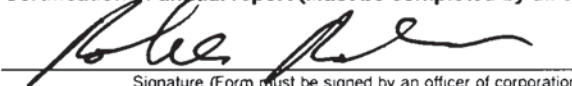
City, State, Zip Code: HILLSBOROUGH NC 27278 Telephone: (919) 644-0111

**5 Briefly describe the nature of business: WHOLESALE COFFEE**

**6 Enter name, title, and business address of principal officers here:  
Complete Form CD-479A to list additional principal officers**

Name: ROBBIE ROBERTS	Title: PRESIDENT
Address: 505 A CORNERSTONE COURT	
City: HILLSBOROUGH	State: NC ZIP: 27278
Name:	Title:
Address:	
City:	State: ZIP:
Name:	Title:
Address:	
City:	State: ZIP:

**7 Certification of annual report (Must be completed by all corporations).**



Signature (Form must be signed by an officer of corporation)

4-18-05

Date

ROBBIE ROBERTS

Type or Print Name

PRESIDENT

Title

**UNITED STATES PATENT AND TRADEMARK OFFICE**  
**Trademark Trial and Appeal Board**  
**Cancellation No.: 91233300**

<p>JOE VAN GOGH INC., Plaintiff-Petitioner,</p> <p>v.</p> <p>VINCENT VAN GOGH MARKETING LLC, Defendant-Registrant</p>	<p style="text-align: center;"><b>DECLARATION OF THOMAS F. ROBERTS JR.</b></p> <p>Cancellation Proceeding: <u>91233300</u></p> <p>Trademark Registration Nos: <u>3931277,</u> <u>3941023, 4287468, and 4319499</u></p>
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**Exhibit C:**  
**Joe Van Gogh, Inc.'s Website Pages, January  
2007**



http://www.joevangogh.com/

Go

DEC

JAN

MAR



18



2006

2007

2008



About this capture

156 captures

18 Jan 2007 - 6 Aug 2018

enthusiasm. experience. intuition. inspiration.

HOME

SHOP

OUR COFFEE

FROM THE FARM

OUR STORES

COFFEE CLUB

CONTACT US



Joe Van Gogh  
the art of coffee

Go

DEC

JAN

JUN



28 captures

17 Jan 2007 - 22 Feb 2017

2006

17  
2007

2008

About this capture



MY ACCOUNT

MEMBERS ONLY

SIGN OUT

CHECK OUT | SEARCH PRODUCTS | VIEW CART

enthusiasm. experience. intuition. inspiration.

HOME

SHOP

OUR COFFEE

FROM THE FARM

our stores

COFFEE CLUB

CONTACT US

### Relationships Nurtured with Farmers and Brokers

The wild fruit of Ethiopia, the smooth earthiness of Timor, the bright spice of Guatemala, the dry citrus of Kenya, the dark chocolate of Peru - this is the map of our world.

A decade and a half after we began buying green coffee, we know the farmers and brokers who deliver consistently good coffee year after year, and these relationships guarantee a special cup of coffee from a single-family Nicaraguan Estate, from an Indian farm in the Ghiri Hills, from the slopes of a former sugar plantation on the Hawaiian island of Kauai.

We have relationships with a Colombian co-operative, a Costa Rican co-op, a Peruvian co-op, a Kenyan importer and the Komun Tribal Plantation of Papua New Guinea. In short, when we find a great coffee, we search for its source. And when we find the source, we cultivate a friend and a partner.

### Fairly Traded and Organic Offerings

As you would imagine, much of our coffee carries Fair Trade certification. But more importantly, most of it is fairly traded. We directly purchase from the source at every opportunity, and all of our favorite coffees come from farmers and farm representatives that have become fast friends.



Our organic offerings come from around the globe, with special suppliers of Peruvian, Ethiopian, Colombian, Mexican, Ugandan and Timor origins. Add to those bird-friendly, sustainable coffees from Papua New Guinea, Panama, Nicaragua, Costa Rica and Guatemala, and you will discover that our coffee is truly planet friendly and palate perfect.



#### Organic

Organic coffee is certified according to USDA rules to be pesticide and artificial fertilizer free in its production, and free from those and all other contaminants, including non-certified organic coffee, in its handling by shippers and roasters.

#### Fairly Traded

Fairly traded coffee is coffee that is bought and sold between roasters and co-operatives or individual farmers that exceeds the "Fair Trade" minimum pricing, and is traded in the spirit of TransFair's rules, but without a third party certifying the deal.

#### Shade Grown

Shade grown (or bird-friendly) coffee is certified by the Rainforest Alliance, the Smithsonian, or another environmental organization to have been produced under a canopy of shade trees, not in clear-cut conditions. Most Arabica coffee, and certainly all older Arabicas, are optimally grown under a canopy.

#### Certified Fair Trade

Certified Fair Trade coffee is coffee that is sold above a certain minimum price, under stringent rules governing coffee-producing cooperatives as certified by TransFair, USA.

http://stores.homestead.com:80/joevangogh/StoreFront.bok

Go

DEC

JAN

JUN

16

2007

2008



7 captures

16 Jan 2007 - 7 Sep 2007

2006

2007

2008

About this capture

Joe Van Gogh :: The Art of Coffee



MY ACCOUNT  
MEMBERS ONLY  
SIGN OUT

CHECK OUT | SEARCH PRODUCTS | VIEW CART



HOME SHOP OUR COFFEE FROM THE FARM OUR STORES COFFEE CLUB CONTACT US

COFFEE

the americas

africa

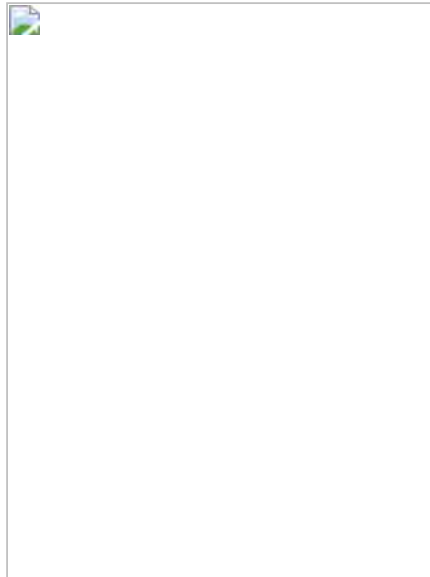
indonesia

islands

organic/fairly traded

our blends

T-SHIRT



Featured Product!

To Have and Have Not: half decaf, half house Blend. Order today and receive \$1 off per pound!

In Coffee:

Joe Van Gogh brings you the finest beans and custom blends.

In Merchandise:

Get your Joe Van Gogh logo T-Shirt today!

**UNITED STATES PATENT AND TRADEMARK OFFICE**  
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**Exhibit D:**  
**Joe Van Gogh, Inc.'s Website WhoIs page**

Home > Whois Lookup > JoeVanGogh.com

## Whois Record for JoeVanGogh.com

Find out more about Project Whois and DomainTools for Windows.

### Related Domains For Sale or At Auction

1 2 3 More >

- AgOgHe.com (\$2,595)
- VangOgHart.com (\$4,888)
- VangOgHlight.com (\$688)
- ChicagoGhost.com (\$1,799)
- YouGoGhost.com (\$449)
- YougovAnGogh.com (\$5,000)

### Domain Profile

<b>Registrant</b>	Proxy Protection LLC
<b>Registrant Org</b>	Proxy Protection LLC
<b>Registrant Country</b>	US
<b>Registrar</b>	DREAMHOST IANA ID: 431 URL: WWW.DREAMHOST.COM Whois Server: WHOIS.DREAMHOST.COM domain-abuse@dreamhost.com (p) 12132719359
<b>Registrar Status</b>	clienttransferprohibited, registrar-lock*
<b>Dates</b>	5,176 days old Created on 2004-06-11 Expires on 2019-06-11 Updated on 2013-12-15
<b>Name Servers</b>	NS1.DREAMHOST.COM (has 1,331,276 domains) NS2.DREAMHOST.COM (has 1,331,276 domains) NS3.DREAMHOST.COM (has 1,331,276 domains)

### Tools



- Hosting History
- Monitor Domain Properties
- Reverse IP Address Lookup
- Network Tools
- Buy This Domain
- Visit Website

Preview the Full Domain Report



Sitemap Blog Terms of Service Privacy Policy Contact Us Domain News

© 2018 DomainTools

<b>Tech Contact</b>	Proxy Protection LLC 417 Associated Rd #324, Brea, CA, 92821, US <a href="mailto:joevangogh.com@proxy.dreamhost.com">joevangogh.com@proxy.dreamhost.com</a> (p) 17147064182	
<b>IP Address</b>	23.227.38.64 - 938,189 other sites hosted on this server	<a href="#">↗</a>
<b>IP Location</b>	 - Ontario - Ottawa - Shopify Inc.	
<b>ASN</b>	 AS62679 SHOPIFYASN1 - Shopify, Inc., CA (registered Aug 06, 2013)	
<b>Domain Status</b>	Registered And Active Website	
<b>IP History</b>	23 changes on 23 unique IP addresses over 14 years	<a href="#">↗</a>
<b>Registrar History</b>	3 registrars	<a href="#">↗</a>
<b>Hosting History</b>	1 change on 2 unique name servers over 14 years	<a href="#">↗</a>

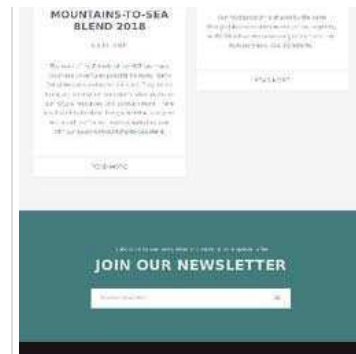
**— Website**

<b>Website Title</b>	None given.	<a href="#">↗</a>
----------------------	-------------	-------------------

**Whois Record ( last updated on 2018-08-13 )**

```

Domain Name: joevangogh.com
Registry Domain ID: 122333593_DOMAIN_COM-VRSN
Registrar WHOIS Server: WHOIS.DREAMHOST.COM
Registrar URL: WWW.DREAMHOST.COM
Updated Date: 2013-12-15T14:10:00.00Z
Creation Date: 2004-06-11T13:31:33.00Z
Registrar Registration Expiration Date: 2019-06-11T20:31:33.00Z
Registrar: DREAMHOST
Registrar IANA ID: 431
Domain Status: clienttransferprohibited https://www.icann.org/epp#clienttransferprohibited
Domain Status: registrar-lock* https://www.icann.org/epp#registrar-lock*
Registrant Name: Proxy Protection LLC
Registrant Organization: Proxy Protection LLC
Registrant Street: 417 Associated Rd #324
Registrant Street: C/O joevangogh.com
Registrant City: Brea
Registrant State/Province: CA
Registrant Postal Code: 92821
Registrant Country: US
Registrant Phone: +1.7147064182
Registrant Phone Ext:
Registrant Fax:
Registrant Email: joevangogh.com@proxy.dreamhost.com
Admin Name: Proxy Protection LLC
Admin Organization: Proxy Protection LLC
Admin Street: 417 Associated Rd #324
Admin Street: C/O joevangogh.com
Admin City: Brea
Admin State/Province: CA
Admin Postal Code: 92821
    
```



[View Screenshot History](#)

**Available TLDs**

- [General TLDs](#)
- [Country TLDs](#)

The following domains are available through our preferred partners. Select domains below for more information. (3rd party site)

- Taken domain.
- Available domain.
- Deleted previously owned domain.

- [JoeVanGogh.com](#) [View Whois](#)
- [JoeVanGogh.net](#) [View Whois](#)
- [JoeVanGogh.org](#) [View Whois](#)
- [JoeVanGogh.info](#) [View Whois](#)
- [JoeVanGogh.biz](#) [Buy Domain](#)
- [JoeVanGogh.us](#) [Buy Domain](#)



Admin Country: US  
Admin Phone: +1.7147064182  
Admin Phone Ext:  
Admin Fax:  
Admin Email: [joevangogh.com@proxy.dreamhost.com](mailto:joevangogh.com@proxy.dreamhost.com)  
Tech Name: Proxy Protection LLC  
Tech Organization: Proxy Protection LLC  
Tech Street: 417 Associated Rd #324  
Tech Street: C/O joevangogh.com  
Tech City: Brea  
Tech State/Province: CA  
Tech Postal Code: 92821  
Tech Country: US  
Tech Phone: +1.7147064182  
Tech Phone Ext:  
Tech Fax:  
Tech Email: [joevangogh.com@proxy.dreamhost.com](mailto:joevangogh.com@proxy.dreamhost.com)  
Name Server: NS1.DREAMHOST.COM  
Name Server: NS2.DREAMHOST.COM  
Name Server: NS3.DREAMHOST.COM  
DNSSEC: UNSIGNED  
Registrar Abuse Contact Email: [domain-abuse@dreamhost.com](mailto:domain-abuse@dreamhost.com)  
Registrar Abuse Contact Phone: +1.2132719359  
URL of the ICANN WHOIS Data Problem Reporting System  
: [HTTP://WDPRS.INTERNIC.NET/](http://WDPRS.INTERNIC.NET/)  
  
For more information on Whois status codes, please visit <https://icann.org/epp>

**UNITED STATES PATENT AND TRADEMARK OFFICE**  
**Trademark Trial and Appeal Board**  
**Cancellation No.: 91233300**

<p>JOE VAN GOGH INC., Plaintiff-Petitioner,</p> <p>v.</p> <p>VINCENT VAN GOGH MARKETING LLC, Defendant-Registrant</p>	<p style="text-align: center;"><b>DECLARATION OF THOMAS F. ROBERTS JR.</b></p> <p>Cancellation Proceeding: <u>91233300</u></p> <p>Trademark Registration Nos: <u>3931277,</u> <u>3941023, 4287468, and 4319499</u></p>
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**Exhibit E:**  
**Joe Van Gogh, Inc.'s Website Pages, October  
2011**



http://www.joevangogh.com:80/  SEP **OCT** NOV  
 156 captures  
 18 Jan 2007 - 8 Aug 2018  
 2010 2011 2013  
 About this capture



enthusiasm. experience. intuition. inspiration.

[HOME](#) [SHOP](#) [OUR COFFEE](#) [FROM THE FARM](#) [OUR STORES](#) [COFFEE CLUB](#) [CONTACT US](#)



**Planet Friendly - Palate Perfect**

Joe Van Gogh is a **certified organic** coffee roaster. Our roasting facility is inspected annually by the OCIA for compliance with the USDA National Organic Program. We offer certified Fair Trade and Shade Grown coffees. Whenever possible we strive to purchase our green coffee directly from farmers at origin, maximizing the compensation for hard working coffee growers around the globe.

**Roast it. Brew it. Share it.**

Joe Van Gogh makes the coffee bean our canvas and your palate our exhibition space. Before the phrase "artisanal" was attached to coffee roasting, before it was part of our marketing-saturated daily lexicon, our coffee roasters were learning their craft in a coffeehouse, 12 pounds at a time.

Ever since, for more than 15 years, we've roasted coffee every day, quietly developing the skill and touch, the taste and savvy to make masterpieces of the world's finest coffees one batch, one cup, one shot at a time.

Joe Van Gogh operates coffee shops in Durham and Chapel Hill, North Carolina. We roast all our coffee at our production headquarters in Hillsborough, North Carolina. Our fresh roasted coffee is also available at many restaurants, cafes, coffee shops, and grocery stores in North Carolina. Some of our finest coffees can be found in convenient twelve ounce bags at Weaver Street Market and Whole Foods.

[Find us](#) [Follow us](#)

Sign up for our  **Email Newsletter**

Privacy by  **SafeSubscribe<sup>SM</sup>**  
 For Email Newsletters you can trust

https://secure.joevangogh.com/ Go **MAR** **OCT** **FEB**  
 11 captures 30 Jun 2007 - 22 Jun 2012 **27** 2009 2011 2012 About this capture



Home Shop Our Coffee From the Farm Our Stores Coffee Club Contact Us

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## Joe Van Gogh Coffee Roasters - Roast It. Brew It. Share It.

By buying from Joe Van Gogh you will receive the world in a cup. Take a look around, and if you don't know what kind of coffee you'd like, just let us know -- we'll help you make a decision! We offer a wide selection from Organic to Shade Grown to Fair Trade, across all the coffee growing regions throughout Central and South America, Southeast Asia, and Africa.

Roasted to order. Packaged by hand. We stand behind our product's freshness and quality every step of the way.

Wondering how to store your coffee? For optimal results, store your coffee in an opaque, airtight container at room temperature. Coffee stored in the fridge or freezer can pick up odors, and moisture can cause the coffee to break down, altering the taste and flavor.

In need of [brewing gear](#)? We have you covered. Be sure to check out our helpful [Brewing Guide](#) for suggested brewing recipes!

If you have any questions or comments regarding our shopping cart, please email us at [orders@joevangogh.com](mailto:orders@joevangogh.com) or give us a call at 919.644.0111, Monday through Friday, 9am to 4pm.



### Featured Coffees

Organic  
Ethiopia  
Sidamo  
- 12oz

[Organic Ethiopia Sidamo - 12oz](#)  
\$12.99

Copyright © 2011 Joe Van Gogh. 505 Meadowland Drive, Unit 104, Hillsborough, NC 27278

Joe Van Gogh Coffee Roasters will roast your coffee when it is ordered. Most coffee orders will ship within one business day. We are a certified organic handler, certified by NCCIA. If you would like a custom roast or blend [contact us](#)- we love talking about coffee and are always happy to answer any questions you might have.

http://www.joevangogh.com/contactus/index.html Go SEP OCT DEC  
 33 captures  
 19 Jan 2007 - 19 Apr 2012  
 2010 2011 2012  
 About this capture



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[HOME](#)

[SHOP](#)

[OUR COFFEE](#)

[FROM THE FARM](#)

[OUR STORES](#)

[COFFEE CLUB](#)

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#### Coffee Roasting Facility

Joe Van Gogh, Inc.  
 505 Meadowland Drive  
 Unit 104  
 Hillsborough, NC 27278  
 Tel: 919. 644. 0111  
 Fax: 919. 644. 1111

#### Owner, Master Roaster

Robbie Roberts  
 robbie@

#### Production & Roasting Manager

Hayes Wiley  
 hayes@

joevangogh.com

We roast coffee every weekday for our [coffee shops](#) and wholesale customers.

There is no minimum for custom orders and they can be shipped or picked up at one of our coffee shops.



#### Interested in joining the Joe Van Gogh team?

Email Sabrina for an application!  
 (sabrina at joevangogh.com)

#### General Inquiries

info at joevangogh.com

#### Shopping Cart

**Questions/ Comments**  
 orders at joevangogh.com

#### Retail Director

Sabrina Borst  
 sabrina@

#### Marketing Director

Stephanie Calato  
 stephanie@

#### Sales Director

Jonathan Bonchak  
 jonathan@

#### Office Manager

Amanda Wiley  
 amandaw@

joevangogh.com

We hope you enjoy the art of the bean with Joe Van Gogh artisan roasted coffee!

**UNITED STATES PATENT AND TRADEMARK OFFICE**  
**Trademark Trial and Appeal Board**  
**Cancellation No.: 91233300**

<p>JOE VAN GOGH INC., Plaintiff-Petitioner,</p> <p>v.</p> <p>VINCENT VAN GOGH MARKETING LLC, Defendant-Registrant</p>	<p style="text-align: center;"><b>DECLARATION OF THOMAS F. ROBERTS JR.</b></p> <p>Cancellation Proceeding: <u>91233300</u></p> <p>Trademark Registration Nos: <u>3931277,</u> <u>3941023, 4287468, and 4319499</u></p>
---	--

**Exhibit F:**  
**Joe Van Gogh, Inc.'s Website Page - 2013**  
**Retail Items**

http://www.joevangogh.com:80/product-category/retail/ Go MAR APR MAR  
2012 2013 2015  
15 captures  
20 Apr 2013 - 22 Mar 2017  
About this capture



## Joe Van Gogh

The Art of the Bean

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  - [Africa](#)
  - [Americas](#)
  - [South East Asia](#)
  - [Decaf](#)
  - [Blends](#)
  - [Organics](#)
  - [Brewing Gear](#)
  - [Retail Items](#)
- [Locations](#)
  - [Chapel Hill](#)
  - [Durham](#)
  - [Duke](#)
  - [Roastworks](#)
- [About](#)
  - [About Us](#)
  - [Meet the Owner](#)
  - [Meet the Team](#)
- [Farm to Cup](#)
  - [From the Farm](#)
  - [Coffee 101](#)

Go
MAR
APR
MAR

15 captures
2012

20

2013

2015

About this capture

- [Aerobie AeroPress](#)
- [Bee House](#)
- [Bodum French Press](#)
- [Clever Dripper](#)
- [Hario V60](#)
- [Community](#)
  - [Local Community](#)
  - [Coffee Community](#)
- [News](#)

## Retail Items

[Home](#) » Retail Items

## Retail Items

Showing the single result

[Full-Robot-Tee](#)

•

### [Barista T-Shirt Series](#)

[\\$20.00 Add to cart](#)

We are excited to introduce JOE VAN GOGH BARISTA T-SHIRT SERIES! It's a new line of t-shirts designed by our very own baristas. The first is by Darin Shuler. Read more about it here. Printed on American Apparel's 50/50 t-shirt (50% Polyester, 50% Cotton) Color: Heather Lieutenant with a soft black ink, front print only. [...]

- [Log In / My Account](#)

## Shopping Cart

MAR APR MAR  
2012 20 2013 2015  
15 captures  
20 Apr 2013 - 22 Mar 2017  
About this capture

- [Americas](#)
- [Indonesia](#)
- [Decaf](#)
- [Blends](#)
- [Organics](#)
- [Retail Items](#)
- [Brewing Gear](#)

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**Exhibit G:**  
**Joe Van Gogh, Inc.'s Website, 2015 Artistic  
View of Farm to Cup**



https://www.joevangogh.com/celebrating-colombian-coffee- Go FEB MAR JUN  
29  
2014 2015 2016  
5 captures  
29 Mar 2015 - 25 Dec 2015  
About this capture

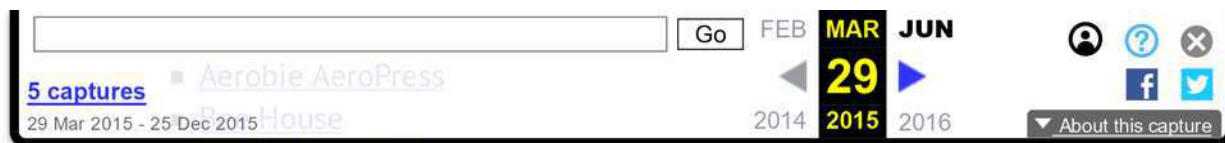


[Joe Van Gogh](#) Coffee Roasters since 1991

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- [Farm to Cup](#)
  - [From the Farm](#)
  - [Coffee 101](#)



5 captures Aerobie AeroPress  
29 Mar 2015 - 25 Dec 2015  
2014 2015 2016  
About this capture

- [Bodum French Press](#)
- [Clever Dripper](#)
- [Hario V60](#)
- [Community](#)
  - [Local Community](#)
  - [Coffee Community](#)
  - [Art](#)
  - [Donations](#)
- [News](#)

# Celebrating Colombian Coffee: An Artistic View of Farm to Cup

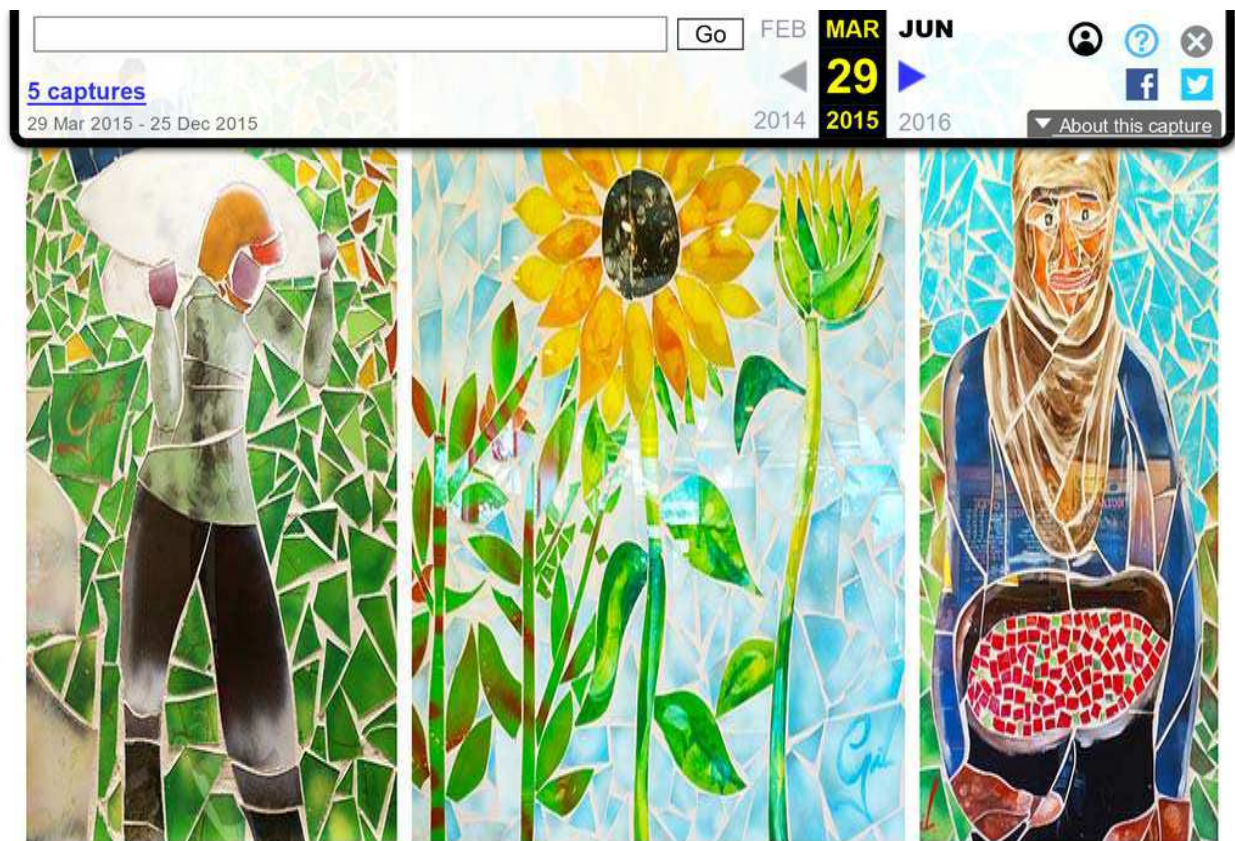
[Home](#) » [News](#) » Celebrating Colombian Coffee: An Artistic View of Farm to Cup

Celebrating Colombian Coffee: An Artistic View of *Farm to Cup*  
by Edwin Gil

***Closing Art Show | February 27 from 5-7pm  
1104 Broad St | Durham***

***Upcoming display at our Chapel Hill shop from May – June  
1129 Weaver Dairy Rd | Chapel Hill***

We work closely with Edwin through [Cafe Perfecto](#), to receive coffee from the [El Socorro farm in Colombia](#), and are thrilled to have his upcycled mosaics at our Broad Street shop through the end of February. His art beautifully depicts the farm to cup coffee process while also relating each piece back to the El Socorro farm. Catch him at the closing reception Friday, February 27 from 5-7pm to learn more!



Colombian artist [Edwin Gil](#) and business partner in Charlotte based Café Perfecto will have his art exhibit – Celebrating Colombian Coffee: An Artistic View of ‘Farm to Cup’ Through Upcycling – on display at Joe Van Gogh through February 27.

Gil, a Colombian native who uses discarded and recycled pieces of glass as his medium, created artwork that traces Café Perfecto’s journey from the El Socorro Family Farm where its grown to the coffee cup here in the United States. Thousands of mosaic-like pieces of glass were hand painted to give way to his 4’ X 4’ pieces that celebrate one of Colombia’s finest exports known throughout the world for quality and taste.

“Upcycling is the process of reusing discarded objects in such a way as to create a product of a higher quality or value than the original,” says artist Edwin Gil. “The marriage of Upcycled art and coffee was seamless for me since both are very near and dear to my heart. I remember drinking my first cup of coffee when I was just a boy and believe this artistic expression that’s distinctly Colombian opened the doors to other creative outlets like working with my hands and ultimately becoming an artist.”

About Café Perfecto: Café Perfecto coffee is a single origin, Direct Trade Colombian coffee grown on the El Socorro Family Farm in the city of Amagá, Colombia nestled among the Andes Mountains in the state of Antioquia. The Cooperativa de Caficultores de Salgar (Coffee



Tags: [Art](#)



About Joe Van Gogh

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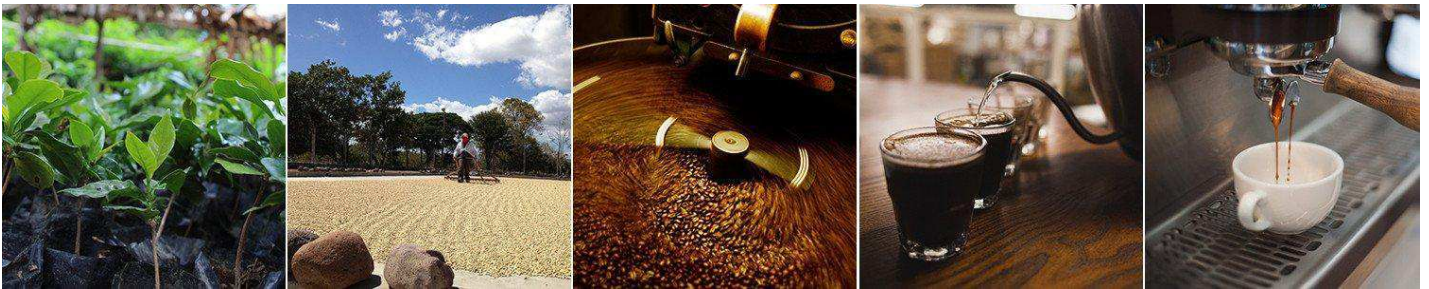
**Exhibit H:**  
**Joe Van Gogh, Inc.’s Website - Our Story, 2018**



## OUR STORY

(/) >

**WE TAKE PRIDE IN THE  
ART AND CRAFT OF COFFEE.**



### THE STORY

We began as a single coffee shop in 1991, roasting coffee by the front door to serve our customers. Creating a unique coffee house culture and building a sense of community is how we started our journey in coffee and what continues to drive us today.



Our mission is to foster a community with great coffee - a community of farmers, millers, roasters, baristas, and coffee drinkers.

We ensure high-quality green coffee from trusted partners and producers. When we find a great coffee, we search for its source. And when we find the source, we cultivate a friend and partner.

*My goal, with all of the coffee we sell, is to get to the source. To get to know the farmer, the co-op, the mill, the importer. It is a lengthy, global process that is personal to each of us along the coffee supply chain.*

*And, we hope, personal to you as well.*

*The more we know and are a part of the coffee that we roast, serve, and drink, the better we are.*


**Robbie Roberts, owner Joe Van Gogh**

## **THE COFFEE**

We pay special attention to each season's crop and fine tune our roasts to highlight each individual coffee's unique characteristics. We roast to order, package by hand, and stand behind the freshness of everything we do. In short, we are committed to sharing the finest cup of coffee we can achieve from farm to cup.

## **THE ROASTER**

We proudly roast coffee on Loring Smartroasters, the most innovative and sustainable roasters in the world. Loring roasters are extremely fuel-efficient, reducing CO2 emissions by up to 80% as compared to traditional roasters. These convection air roasters incorporate state of the art technology to produce a roast which enhances the clarity and uniqueness of the individual flavors found within each coffee.

 919 644-0111

 [info@joevangogh.com](mailto:info@joevangogh.com)

USEFUL LINKS 

A LITTLE HELP 

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 (<https://www.instagram.com/joevangogh>)



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**Exhibit I:**  
Google search of 'Van Gogh'



"van gogh"



All Images News Shopping Videos More Settings Tools

About 62,800,000 results (1.08 seconds)

### Vincent van Gogh - Wikipedia

[https://en.wikipedia.org/wiki/Vincent\\_van\\_Gogh](https://en.wikipedia.org/wiki/Vincent_van_Gogh)  
Vincent Willem van Gogh was a Dutch Post-Impressionist painter who is among the most famous and influential figures in the history of Western art. In just over a ...

Nationality: Dutch Resting place: Cimetière d'Auvers-sur-Oise, Fr...  
Known for: Painting, drawing Education: Anton Mauve  
Van Gogh Museum · List of works by Vincent van ... · Sunflowers · Theo van Gogh

### Vincent van Gogh Gallery - Welcome!

<https://www.vangoghgallery.com/>  
Welcome to the Van Gogh Gallery - the definitive reference for information about the life and work of Vincent van Gogh. As a post impressionist painter and one ...  
Biography · Art · Legacy · Prints

### Vincent van Gogh: 300 Famous Paintings Analysis & Complete Artworks

<https://www.vangogh.org/>  
Perhaps the most famous artist in the world, Vincent Van Gogh (1853-90) is perceived by many as the 'mad' artist, the man who painted in a frenzy or simply the ...

### On the Verge of Insanity - Van Gogh Museum

<https://www.vangoghmuseum.nl/en/stories/on-the-verge-of-insanity>  
How did Vincent van Gogh cope with his illness? Why did he cut off his ear? Read the story and find out.

#### People also ask

- Why did Van Gogh cut off his ear?
- How much is the Mona Lisa worth 2016?
- Which artist cut off his own ear?
- Why is Van Gogh so well known?

[Feedback](#)

### Vincent van Gogh (1853–1890) | Essay | Heilbrunn Timeline of Art ...

[https://www.metmuseum.org/toah/hd/gogh/hd\\_gogh.htm](https://www.metmuseum.org/toah/hd/gogh/hd_gogh.htm)  
By the outbreak of World War I, with the discovery of his genius by the Fauves and German Expressionists, Vincent van Gogh had already come to be regarded ...

### Vincent van Gogh Biography - Biography

<https://www.biography.com/people/vincent-van-gogh-9515695>  
Apr 2, 2014 - Vincent van Gogh, known for works like "Starry Night" and "Irises," is considered the greatest Dutch painter after Rembrandt. Learn more at ...  
Education: Brussels Academy Birth Date: March 30, 1853  
Death Date: July 29, 1890 Nickname: "Christ of the Coal Mines"

### Vincent van Gogh - 102 Artworks, Bio & Shows on Artsy

<https://www.artsy.net/artist/vincent-van-gogh>  
Find the latest shows, biography, and artworks for sale by Vincent van Gogh. Primarily self-taught and unappreciated during his lifetime, Vincent van Gogh ma...

#### Top stories

**Vans Aims to Inspire and Educate With Its Van Gogh Museum Collection**  
Adweek · 21 hours ago

**The Met's Van Gogh Paintings Are Usually Touring the World. Now, All 16 Have Been Reunited in New York At Last**  
artnet News · 16 hours ago

**Vans x Van Gogh Museum Fashion Collection + More Celebrity Collaborations We Love**  
The List · 13 hours ago

[→ More for "van gogh"](#)

### Vincent van Gogh Online - Artcyclopedia

[www.artcyclopedia.com/artists/van\\_gogh\\_vincent.html](http://www.artcyclopedia.com/artists/van_gogh_vincent.html)  
Vincent van Gogh [Dutch Post-Impressionist Painter, 1853-1890] Guide to pictures of works by Vincent van Gogh in art museum sites and image archives ...

[Vincent van Gogh | Biography, Art, & Facts | Britannica.com](http://www.britannica.com/EBchecked/topic/101111/Vincent-van-Gogh)



## Vincent van Gogh

Dutch painter

Vincent Willem van Gogh was a Dutch Post-Impressionist painter who is among the most famous and influential figures in the history of Western art. [Wikipedia](#)

**Born:** March 30, 1853, Zundert, Netherlands

**Died:** July 29, 1890, Auvers-sur-Oise, France

**On view:** Van Gogh Museum, Musée d'Orsay, [MORE](#)

**Periods:** Realism, Post-Impressionism, Modern art, Impressionism, Japonism, Cloisonnism, Pointillism, Neo-impressionism

**Siblings:** Theo van Gogh, Wil van Gogh, Cor van Gogh, [MORE](#)

**Education:** Royal Academy of Fine Arts (1866–1866), Willem II College (1866–1868)

#### Quotes

[View 7+ more](#)

*If you hear a voice within you say 'you cannot paint,' then by all means paint, and that voice will be silenced.*

*For my part I know nothing with any certainty, but the sight of the stars makes me dream.*

*Love many things, for therein lies the true strength, and whosoever loves, much performs much, and can accomplish much, and what is done in love is done well.*

#### Artworks

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#### People also search for

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[Feedback](#)

#### See results about

**Van Gogh Museum (Museum in Amsterdam, Netherlands)**  
Museumplein 6, 1071 DJ Amsterdam, Netherlands  
4.6 ★★★★★ 24,950 reviews



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**Exhibit J:**  
**National Coffee Association 2017 Coffee  
Trends Report**



45 Broadway, Suite 1140  
New York, NY 10006  
Tel. (212) 766-4007  
Fax (212) 766-5815  
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## **NEWS RELEASE**

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### **Daily Coffee Consumption Up Sharply**

#### ***Strength among Younger Consumers and Gourmet Varieties Drive Increase***

**Austin, TX (March 25, 2017)** – The percentage of Americans drinking coffee on a daily basis increased to 62% this year, up from 57% in 2016, according to the NCA's 2017 *National Coffee Drinking Trends* (NCDT) consumption tracking report, released today at the NCA Annual Convention. The increase brings past-day overall coffee consumption back above 2014 levels, reversing slow declines since 2013.

Among the drivers behind the increase was soaring consumer enthusiasm for gourmet coffee varieties across most demographics. Another key driver was a robust increase in past-day coffee drinking among younger consumers, whose consumption data is being debuted in this year's NCDT and detailed in a separate report, *Generational Report: Coffee Through the Ages*.

"More of us are drinking coffee, and younger consumers appear to be leading the charge," said Bill Murray, NCA president and CEO. "A steadily growing taste for gourmet varieties is also driving a wider trend toward specialty beverages."

#### **Demographics**

While the frequency of daily consumption continued to grow for all age groups, the most robust increase occurred among those 13-18, whose daily consumption rose to 37% in 2017 from 31% in 2016, capping a 14-point increase over 2014's 23%. The 40-59 group showed an 11-point uptick over last year – moving from 53% in 2016 to 64% in 2017 – but the increase essentially restored levels seen in 2014. Those 60+ moved to 68% in 2017 from 64% last year, while the 25-39 year olds increased from 60% to 63%, and the 18-24 cohort edged up to 50% from 2016's 48%.

However, when gourmet coffee beverages are singled out, the changes were even more dramatic. Compared with last year, daily consumption among those 40-59 jumped to 39% in 2017 versus 24% in 2016. Consumption increases among the other age groups were: 36% to 39% for those 18-24, 41% to 50% for the 25-39 year olds, and 24% to 34% among the 60+ cohort. And among 13-18 year olds, 29% drank a gourmet coffee beverage yesterday,

compared with 19% for traditional coffee, and a 70% share of the cups they drank were gourmet versus 30% non-gourmet.

### **Gourmet Varieties**

Clearly, consumer enthusiasm for gourmet varieties also drove the year's overall consumption increase.

- The 2017 results show the largest one-year increase in past-day espresso-based beverages in NCDT history – a jump from 18 to 24%.
- In another NCDT record, more than half of all cups of coffee consumed in the past-day were gourmet – 59% in 2017 versus 46% in 2012.
- “Non-Espresso-Based Beverages,” a new category for 2017 consisting of non-espresso, gourmet coffee-based beverages, made a strong debut in past-week consumption:
  - Frozen Blended - 14%
  - Cold Brew – 11%
  - Nitrogen-infused - 3%.

### **Single-Cup**

Single-cup brewing continues to grow exponentially in 2017. New data shows that nearly one-third of American households (33%) now own a single-cup brewer, up from 29% in 2016. That means since 2012, ownership has grown nearly five-fold. Thirteen to eighteen year olds reported that single-cup ownership in their households jumped from 23% to 31% over the last two years.

Purchase intent also increased – those who would “definitely or probably buy” a single-cup brewer jumped to 17% in 2017, up from 10% in 2016. Similarly, definite or probable gifting intent jumped by 5 percentage points over last year.

### **National Coffee Drinking Trends**

The NCDT has been conducted annually by the NCA since 1950. It is the longest available statistical series tracking consumer attitudes and behaviors, and has become an industry-standard reference tool. The study engages a nationally representative sample of about 3,000 people aged 13 and older. Respondents are selected from an online panel with ethnic breakouts aligned proportionately with the makeup of the U.S. population. Respondents complete the survey online in English or Spanish at their choosing.

NCDT data, some of which is previewed above, includes extensive statistical information on consumer attitudes and behaviors related to coffee consumption in the U.S. Variables explored in the report include consumption patterns by frequency, coffee type, age, gender, ethnicity, daypart, and region, along with attitudes that impede or encourage coffee consumption. Other data includes associations with coffee quality by origins, knowledge of coffee certifications, and extensive historic demographic tables.

Recent innovations include this year's introduction of the *Generational Report – Coffee Through the Ages*, which compares and contrasts consumer behaviors and attitudes across generational lines and, for the first time, presents data on Generation Z, those 13 to 18 years of age. Data in the NCDT report is also made available on an interactive, online platform that enables customization by applying multiple demographic filters. And, the NCDT report and companion reports, like the new *Generational Report*, are now published in time for the NCA Convention, rather than in early summer as in years prior to 2015.

### **About the National Coffee Association**

The National Coffee Association of U.S.A., Inc. (NCA), established in 1911, is the leading trade organization for the coffee industry in the United States. The NCA is the only trade association that serves all segments of the U.S. coffee industry, including traditional and specialty companies. A majority of NCA membership, which accounts for over 90% of U.S. coffee commerce, is comprised of small and mid-sized companies and includes growers, roasters, retailers, importer/exporters, wholesaler/suppliers, and allied industry businesses. The NCA offers a wide array of member benefits, focusing on [market research](#), scientific affairs, domestic and international [government affairs](#), issues management and [public relations](#), and [education](#). The NCA's core purpose is to champion the well-being of the U.S. coffee industry within the context of the world coffee community. Visit [www.ncausa.org](http://www.ncausa.org) for additional information [about the NCA](#), its [many offerings](#), and the [world of coffee](#).

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**UNITED STATES PATENT AND TRADEMARK OFFICE**  
**Trademark Trial and Appeal Board**  
**Cancellation No.: 91233300**

<p>JOE VAN GOGH INC., Plaintiff-Petitioner,</p> <p>v.</p> <p>VINCENT VAN GOGH MARKETING LLC, Defendant-Registrant</p>	<p style="text-align: center;"><b>DECLARATION OF THOMAS F. ROBERTS JR.</b></p> <p>Cancellation Proceeding: <u>91233300</u></p> <p>Trademark Registration Nos: <u>3931277,</u> <u>3941023, 4287468, and 4319499</u></p>
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**Exhibit K:**  
**Affidavit of Russhe Riemer**

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF NORTH CAROLINA

JOE VAN GOGH, INC.,  
Plaintiff

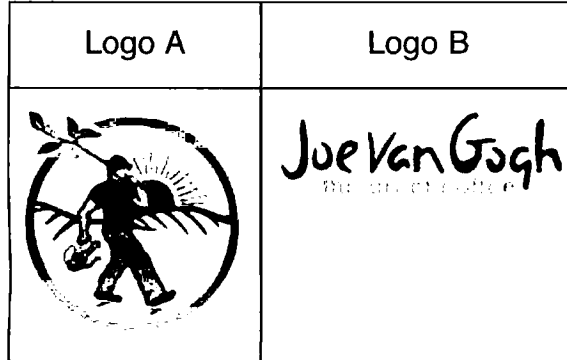
v.

JORDAN M. WEISZ, RACHEL WEISZ  
COSTELLO, and VAN GOGH CAFÉ LLC,  
Defendants

**AFFIDAVIT OF RUSSHE RIEMER**

I, Russhe Riemer, having first been sworn, depose and say:

1. I am over 18 years old, competent to offer this Affidavit, and not a party to this action.
2. I am a graphics artist. I created the Joe Van Gogh logo.
3. On or about November 2003, Thomas F. Roberts, Jr. ("Roberts"), approached me about creating a logo for a new brand or word mark he invented and was using in his coffee business. This new brand or word mark was "Joe Van Gogh."
4. On or about October 2004, and possibly earlier, I began the process of creating the Joe Van Gogh logo and word art. I created original sketches of these logos:



5. Over the rest of 2004, I periodically tweaked the foregoing logos as Roberts implemented the original sketches in his coffee business.
6. By January 2005, I personally know that Roberts' use of the Joe Van Gogh brand and/or word mark was widespread. His use of the foregoing logos, or variants of these logos, was robust.

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7. In January 2006, and after Roberts began to use the Joe Van Gogh brand/word mark in his coffee business, and also after Roberts began to use the foregoing logos (or variants thereof) in his coffee business, I created and launched a commercial website bearing the Joe Van Gogh brand/word mark. This website contained the above-referenced logos. Its domain address was www.joevangogh.com, which, on information and belief, was first registered and secured as Roberts' domain name no later than 11 June 2004.
8. Roberts has been a long time client of mine. I understand him to be the President and owner of Joe Van Gogh Inc., a North Carolina corporation.
9. I state all the above from personal knowledge.

Further, I sayeth not.

This the 18<sup>th</sup> day of November 2010, at Christiansburg, Virginia.

Russhe B. Riemer

Russhe Riemer

*Sworn & Subscribed*

Nikki Hamblin

Notary Public – Commonwealth of Virginia

Print Name: ~~NI~~ Nikki Hamblin

Dated: 11-18-10

County: Roanoke County, VA Montgomery

My Commission Expires: Oct. 31 2011

[SEAL]

*Notary: please use ink stamp*

