

ESTTA Tracking number: **ESTTA1088424**

Filing date: **10/13/2020**

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

Proceeding	92072691
Party	Plaintiff Brookeville Brewing LLC
Correspondence Address	KEVIN J MCNEELY BROWDY AND NEIMARK PLLC 1625 K STREET NW SUITE 1100 WASHINGTON, DC 20006 UNITED STATES Primary Email: kmcneely@browdyneimark.com Secondary Email(s): mail@browdyneimark.com , RDavis@browdyneimark.com , LMStaley@browdyneimark.com 202-841-2406
Submission	Plaintiff's Notice of Reliance
Filer's Name	Kevin McNeely
Filer's email	kmcneely@browdyneimark.com
Signature	/Kevin McNeely/
Date	10/13/2020
Attachments	Notice12RiversideAlcoholVendors.pdf(365301 bytes)

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

BROOKEVILLE BREWING LLC,)	
)	
Petitioner,)	Cancellation No. 92072691
)	
v.)	
)	
IE BEER FARM,)	
)	
Registrant.)	

PETITIONER’S NOTICE OF RELIANCE NO. 12

Petitioner hereby submits public records from the California Department of Alcoholic Beverage Control (“California ABC”). The documents were accessed from the ABC website at <https://www.abc.ca.gov/> on October 13, 2020.

The documents are relevant to show priority of use and to provide fraud and non-use.

October 13, 2020
Date

/s/ Kevin J. McNeely
Kevin J. McNeely
Browdy and Neimark, PLLC
1625 K Street, NW
Suite 1100
Washington, DC 20006

Attorney for Petitioner
Ph 202-841-2406
Em kmcneely@browdyneimark.com

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served this date by electronic mail on the Registrant's attorneys as follows:

Stephen L. Anderson
Anderson Law
41923 2nd Street, Suite 201
Temecula, CA 92590
Correspondent e-mail: attorneys@brandxperts.com

October 13, 2020
Date

/s/ Kevin J. McNeely
Kevin J. McNeely



CALIFORNIA DEPARTMENT OF

Alcoholic Beverage Control

Show entries

Search:

License Number	Licensee Name	Business Name	Address	Status
589671	IE BEER FARM	BEER FARM	3605 MARKET ST,	47-(ACTIVE), 77-(ACTIVE)
590991	BRICKS AND BIRCH INC	BRICKS AND BIRCH	3605 MARKET ST,	47-(ACTIVE)
591455	F & B ASSOCIATES INC	WILSON'S & MONTY'S GOOD BURGER	3605 MARKET ST ,	47-(ACTIVE), 58-(ACTIVE)
591543	DDL P RFL INC	EL DIA DE LOS PUERCOS AT THE RIVERSIDE FOOD LAB	3605 MARKET ST,	47-(ACTIVE)

Showing 1 to 4 of 4 entries

[Previous](#)
1
[Next](#)

[DOWNLOAD REPORT \(CSV\)](#)



CALIFORNIA DEPARTMENT OF

Alcoholic Beverage Control

Report Date: Tuesday, October 13, 2020

LICENSE INFORMATION

License Number: 590991 **Primary Owner:** BRICKS AND BIRCH INC

Office of Application: 07 - RIVERSIDE

BUSINESS NAME

BRICKS AND BIRCH

BUSINESS ADDRESS

3605 MARKET ST STE 5, RIVERSIDE, CA, 92501

County: RIVERSIDE **Census Tract:** 0303.00

LICENSEE INFORMATION

Licensee: BRICKS AND BIRCH INC

Company Information

OFFICER: BRADFORD, DANIEL JOHN (DIRECTOR)

OFFICER: BRADFORD, DANIEL JOHN (PRESIDENT & SECRETARY)

OFFICER: BRADFORD, MELANIE SUE (DIRECTOR)

OFFICER: BRADFORD, MELANIE SUE (VICE PRESIDENT)

STOCKHOLDER: BRADFORD, DANIEL JOHN

STOCKHOLDER: BRADFORD, MELANIE SUE

LICENSE TYPES

47 - ON-SALE GENERAL EATING PLACE

License Type Status: ACTIVE **Status Date:** 03-AUG-2018 **Term:** 12 Month(s)

Original Issue Date: 02-AUG-2018 **Expiration Date:** 31-JUL-2021 **Master:** Y **Duplicate:** 0

Fee Code: P40 **Transfers:** **Conditions:**

23824 CITY COUNTY OWNED PROPERTY, PERS-PERS ONLY

OPERATING RESTRICTIONS:

Any violation of the Alcoholic Beverage Control Act occurring at areas outside the licensee's premises, as depicted on the most recently certified ABC-257, constituting grounds for suspension or revocation of the license shall be deemed to be the act and responsibility of all licensees therein licensed within the premises.

Each licensee within the premises is responsible for ensuring signs shall be posted in a prominent place at each location so marked on the most recently certified ABC-257, stating: "NO OPEN CONTAINERS OF ALCOHOLIC BEVERAGES BEYOND THIS POINT"

Petitioner(s) will only serve their alcoholic beverages in containers which shall significantly differ in appearance from those containers utilized by any other licensees located in the premises. Said containers must display the name of the licensee's business.

Petitioner agrees to serve its alcoholic beverages in containers clearly distinguishable from non-alcoholic beverage containers.

Petitioner(s) and his her its employees shall be responsible to ensure that no patrons leave the premises with open containers of alcoholic beverages.

Only the petitioner(s) or his her its employees are allowed to sell or serve alcoholic beverages on the patios as depicted on the most recently certified ABC-257.

Only patrons of this premises are allowed to consume alcoholic beverages purchased at this premises on the patio as depicted on the most recently certified ABC-257.

When alcoholic beverages are being sold, served or consumed, employees or security personnel shall be assigned the responsibility of supervising the licensed premises as depicted on the most recently certified abc-257. The petitioner shall be held accountable for any violations that occur in this area.

Employees or security personnel hired by the landlord or management of the premises shall be deemed agents of the licensee. employees of all licensees therein shall be deemed agents of the petitioner.

Said patio(s) shall be fully enclosed with barrier(s).

Signs shall be posted in a conspicuous space at the entrance & exit point of said patios, which shall state, "NO ALCOHOLIC BEVERAGES BEYOND THIS POINT". Said sign shall measure no less than seven inches by eleven inches (7" x 11"), and contain lettering no less than one (1) inch height.

The sale of alcoholic beverages for consumption off the premises is prohibited.

DISCIPLINARY ACTION:

No Active Disciplinary Action found

DISCIPLINARY HISTORY:

No Disciplinary History found.

HOLDS:

No Active Holds found

ESCROWS:

No Escrow found



CALIFORNIA DEPARTMENT OF

Alcoholic Beverage Control

Report Date: Tuesday, October 13, 2020

LICENSE INFORMATION

License Number: 591455 **Primary Owner:** F & B ASSOCIATES INC **Office of Application:**

07 - RIVERSIDE

BUSINESS NAME

WILSON'S & MONTY'S GOOD BURGER

BUSINESS ADDRESS

3605 MARKET ST UNIT 3 & 10, RIVERSIDE, CA, 92501

County: RIVERSIDE **Census Tract:** 0303.00

LICENSEE INFORMATION

Licensee: F & B ASSOCIATES INC

Company Information

OFFICER: ALTON, DIRK RICHARD (CHIEF EXECUTIVE OFFICER)

OFFICER: ALTON, DIRK RICHARD (CHIEF FINANCIAL OFFICER)

OFFICER: ALTON, DIRK RICHARD (PRESIDENT & TREASURER)

OFFICER: REINHOLD, NIELS TOBIAS (DIRECTOR & GENERAL MANAGER)

OFFICER: KAVERT, SUZANNE (SECRETARY & ASST SEC)

STOCKHOLDER: ALTON, ELIZABETH OWSLEY

STOCKHOLDER: AVILES, FRANCISCO

STOCKHOLDER: BURR, ALISA

STOCKHOLDER: OWSLEY, MARGUERITE TOD

STOCKHOLDER: ALTON, DIRK RICHARD

LICENSE TYPES

47 - ON-SALE GENERAL EATING PLACE

License Type Status: ACTIVE **Status Date:** 08-AUG-2018 **Term:** 12 Month(s)

Original Issue Date: 07-AUG-2018 **Expiration Date:** 31-JUL-2021 **Master:** Y **Duplicate:** 0

Fee Code: P40 **Transfers:** **Conditions:**

23824 CITY ☒ COUNTY OWNED PROPERTY, PERS-PERS ONLY

47 - ON-SALE GENERAL EATING PLACE

License Type Status: ACTIVE **Status Date:** 07-AUG-2018 **Term:** 12 Month(s)

Original Issue Date: 07-AUG-2018 **Expiration Date:** 31-JUL-2021 **Master:** N **Duplicate:** 1

Fee Code: P40 **Transfers:** **Conditions:**

23824 CITY ☒ COUNTY OWNED PROPERTY, PERS-PERS ONLY

58 - CATERER PERMIT

License Type Status: ACTIVE **Status Date:** 08-OCT-2018 **Term:** 12 Month(s)

Original Issue Date: 15-OCT-2018 **Expiration Date:** 31-JUL-2021 **Master:** N **Duplicate:** 1

Fee Code: P40 **Transfers:** **Conditions:**

23824 CITY ☒ COUNTY OWNED PROPERTY, PERS-PERS ONLY

OPERATING RESTRICTIONS:

The sale of alcoholic beverages for consumption off the premises is prohibited.

Any violation of the Alcoholic Beverage Control Act occurring at areas outside the licensee's premises, as depicted on the most recently certified ABC-257, constituting grounds for suspension or revocation of the license shall be deemed to be the act and responsibility of all licensees therein licensed within the premises.

Each licensee within the premises is responsible for ensuring signs shall be posted in a prominent place at each location so marked on the most recently certified ABC-257, stating: "NO OPEN CONTAINERS OF ALCOHOLIC BEVERAGES BEYOND THIS POINT"

Petitioner(s) will only serve their alcoholic beverages in containers which shall significantly differ in appearance from those containers utilized by any other licensees located in the premises. Said containers must display the name of the licensee's business.

Petitioner agrees to serve its alcoholic beverages in containers clearly distinguishable from non-alcoholic beverage containers.

Petitioner(s) and his/her/ its employees shall be responsible to ensure that no patrons leave the licensed premises with open containers of alcoholic beverages.

Only the petitioner(s) or his/her/ its employees are allowed to sell or serve alcoholic beverages on the patios as depicted on the most recently certified ABC-257.

Only patrons of this premises are allowed to consume alcoholic beverages purchased at this premises on the patio as depicted on the most recently certified ABC-257.

When alcoholic beverages are being sold, served or consumed, employees or security personnel shall be assigned the responsibility of supervising the licensed premises as depicted on the most recently certified ABC-257. The petitioner shall be held accountable for any violations that occur in this area.

Employees or security personnel hired by the landlord or management of the premises shall be deemed agents of the licensee. Employees of all licensees therein shall be deemed agents of the petitioner.

Said patio(s) shall be fully enclosed with barrier(s).

Signs shall be posted in a conspicuous space at the entrance/ exit point of said patios, which shall state, "NO ALCOHOLIC BEVERAGES BEYOND THIS POINT". Said sign shall measure no less than seven inches by eleven inches (7" x 11"), and contain lettering no less than one (1) inch height.

DISCIPLINARY ACTION:

No Active Disciplinary Action found

DISCIPLINARY HISTORY:

No Disciplinary History found.

HOLDS:

No Active Holds found

ESCROWS:

No Escrow found



CALIFORNIA DEPARTMENT OF

Alcoholic Beverage Control

Report Date: Tuesday, October 13, 2020

LICENSE INFORMATION

License Number: 591543 **Primary Owner:** DDLP RFL INC **Office of Application:**

07 - RIVERSIDE

BUSINESS NAME

EL DIA DE LOS PUERCOS AT THE RIVERSIDE FOOD LAB

BUSINESS ADDRESS

3605 MARKET ST UNIT 11, RIVERSIDE, CA, 92501

County: RIVERSIDE **Census Tract:** 0303.00

LICENSEE INFORMATION

Licensee: DDLP RFL INC

Company Information

OFFICER: GARCIA, RICK GILBERT (PRESIDENT SECRETARY)

OFFICER: GARCIA, RICK GILBERT (DIRECTOR)

OFFICER: GARCIA, RICK GILBERT (CHIEF FINANCIAL OFFICER)

OFFICER: GARCIA, RICK GILBERT (CHIEF EXECUTIVE OFFICER)

STOCKHOLDER: GARCIA, RICK GILBERT

LICENSE TYPES

47 - ON-SALE GENERAL EATING PLACE

License Type Status: ACTIVE **Status Date:** 06-AUG-2018 **Term:** 12 Month(s)

Original Issue Date: 31-JUL-2018 **Expiration Date:** 30-JUN-2021 **Master:** Y **Duplicate:** 0

Fee Code: P40 **Transfers:** **Conditions:**

23824 CITY COUNTY OWNED PROPERTY, PERS-PERS ONLY

OPERATING RESTRICTIONS:

The sale of alcoholic beverages for consumption off the premises is prohibited.

Any violation of the Alcoholic Beverage Control Act occurring at areas outside the licensee's premises, as depicted on the most recently certified ABC-257, constituting grounds for suspension or revocation of the license shall be deemed to be the act and responsibility of all licensees therein licensed within the premises.

Each licensee within the premises is responsible for ensuring signs shall be posted in a prominent place at each location so marked on the most recently certified ABC-257, stating: "NO OPEN CONTAINERS OF ALCOHOLIC BEVERAGES BEYOND THIS POINT"

Petitioner(s) will only serve their alcoholic beverages in containers which shall significantly differ in appearance from those containers utilized by any other licensees located in the premises. Said containers must display the name of the licensee's business.

Petitioner agrees to serve its alcoholic beverages in containers clearly distinguishable from non-alcoholic beverage containers.

Petitioner(s) and his/her/its employees shall be responsible to ensure that no patrons leave the premises with open containers of alcoholic beverages.

Only the petitioner(s) or his/her/its employees are allowed to sell or serve alcoholic beverages on the patios as depicted on the most recently certified ABC-257.

Only patrons of this premises are allowed to consume alcoholic beverages purchased at this premises on the patio as depicted on the most recently certified ABC-257.

When alcoholic beverages are being sold, served or consumed, employees or security personnel shall be assigned the responsibility of supervising the licensed premises as depicted on the most recently certified ABC-257. The petitioner shall be held accountable for any violations that occur in this area.

Employees or security personnel hired by the landlord or management of the premises shall be deemed agents of the licensee. Employees of all licensees therein shall be deemed agents of the petitioner.

Said patio(s) shall be fully enclosed with barrier(s).

Signs shall be posted in a conspicuous space at the entrance & exit point of said patios, which shall state, "NO ALCOHOLIC BEVERAGES BEYOND THIS POINT". Said sign shall measure no less than seven inches by eleven inches (7" x 11"), and contain lettering no less than one (1) inch height.

DISCIPLINARY ACTION:

No Active Disciplinary Action found

DISCIPLINARY HISTORY:

No Disciplinary History found.

HOLDS:

No Active Holds found

ESCROWS:

No Escrow found



CALIFORNIA DEPARTMENT OF

Alcoholic Beverage Control

Report Date: Tuesday, October 13, 2020

LICENSE INFORMATION

License Number: 589671 **Primary Owner:** IE BEER FARM **Office of Application:**

07 - RIVERSIDE

BUSINESS NAME

BEER FARM

BUSINESS ADDRESS

3605 MARKET ST SP 4, RIVERSIDE, CA, 92501

County: RIVERSIDE **Census Tract:** 0303.00

LICENSEE INFORMATION

Licensee: IE BEER FARM

Company Information

OFFICER: GIBSON, DANIEL JAMES (CHIEF FINANCIAL OFFICER)

OFFICER: GIBSON, DANIEL JAMES (DIRECTOR)

OFFICER: GIBSON, DANIEL JAMES (PRESIDENT)

OFFICER: ANDRADE, NATHAN LYNN (DIRECTOR)

OFFICER: ANDRADE, NATHAN LYNN (SECRETARY ASST SEC)

STOCKHOLDER: ANDRADE, NATHAN LYNN

STOCKHOLDER: GIBSON, DANIEL JAMES

LICENSE TYPES

47 - ON-SALE GENERAL EATING PLACE

License Type Status: ACTIVE **Status Date:** 27-JUL-2018 **Term:** 12 Month(s)

Original Issue Date: 26-JUL-2018 **Expiration Date:** 30-JUN-2021 **Master:** Y **Duplicate:** 0

Fee Code: P40 **Transfers:** **Conditions:**

23824 CITY☒ COUNTY OWNED PROPERTY, PERS-PERS ONLY

77 - EVENT PERMIT

License Type Status: ACTIVE **Status Date:** 26-JUL-2019 **Term:** 12 Month(s)

Original Issue Date: 30-JUL-2019 **Expiration Date:** 30-JUN-2021 **Master:** N **Duplicate:** 1

Fee Code: P40 **Transfers:** **Conditions:**

23824 CITY☒ COUNTY OWNED PROPERTY, PERS-PERS ONLY

OPERATING RESTRICTIONS:

The sale of alcoholic beverages for consumption off the premises is strictly prohibited.

Any violation of the Alcoholic Beverage Control Act occurring at areas outside the licensee's premises, as depicted on the most recently certified ABC-257, constituting grounds for suspension or revocation of the license shall be deemed to be the act and responsibility of all licensees therein licensed within the premises.

Each licensee within the premises is responsible for ensuring signs shall be posted in a prominent place at each location so marked on the most recently certified ABC-257, stating: "NO OPEN CONTAINERS OF ALCOHOLIC BEVERAGES BEYOND THIS POINT"

Petitioner(s) will only serve their alcoholic beverages in containers which shall significantly differ in appearance from those containers utilized by any other licensees located in the premises. Said containers must display the name of the licensee's business.

Petitioner agrees to serve its alcoholic beverages in containers clearly distinguishable from non-alcoholic beverage containers.

Petitioner(s) and his☒ her☒ its employees shall be responsible to ensure that no patrons leave the premises with open containers of alcoholic beverages.

Only the petitioner(s) or his/her/its employees are allowed to sell or serve alcoholic beverages on the patios as depicted on the most recently certified ABC-257.

Only patrons of this premises are allowed to consume alcoholic beverages purchased at this premises on the patio as depicted on the most recently certified ABC-257.

When alcoholic beverages are being sold, served or consumed, employees or security personnel shall be assigned the responsibility of supervising the licensed premises as depicted on the most recently certified ABC-257. The petitioner shall be held accountable for any violations that occur in this area.

Employees or security personnel hired by the landlord or management of the premises shall be deemed agents of the licensee. Employees of all licensees therein shall be deemed agents of the petitioner.

Said patio(s) shall be fully enclosed with barrier(s).

Signs shall be posted in a conspicuous space at the entrance/exit point of said patios, which shall state, "NO ALCOHOLIC BEVERAGES BEYOND THIS POINT". Said sign shall measure no less than seven inches by eleven inches (7" x 11"), and contain lettering no less than one (1) inch height.

DISCIPLINARY ACTION:

No Active Disciplinary Action found

DISCIPLINARY HISTORY:

No Disciplinary History found.

HOLDS:

No Active Holds found

ESCROWS:

No Escrow found