

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

CIGAR CITY BREWING, LLC

Plaintiff

Case No.: 8:17-cv-01728-VMC-TBM

v.

CIGAR CITY SMOKED SALSA, LLC

Defendant

**COMPLAINT FOR TRADEMARK INFRINGEMENT AND FALSE
DESIGNATION OF ORIGIN, WITH INJUNCTIVE RELIEF SOUGHT AND JURY
TRIAL DEMANDED**

Plaintiff Cigar City Brewing LLC, a Florida limited liability company, files this Complaint against Defendant Cigar City Smoked Salsa, LLC, a Florida limited liability company.

JURISDICTION AND VENUE

1. This is an action for monetary, injunctive, and declaratory relief arising under the trademark laws of the United States, including the Lanham Act, 15 U.S.C. § 1051 *et seq.* and under common law.
2. This court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1337 and 1338(a), and 15 U.S.C. § 1121(a), because this action arises under the laws of the

United States, specifically under the Trademark Laws of the United States, 15 U.S.C. §1051 *et seq.* The court can exercise supplemental jurisdiction over the related state law claims under 28 USC § 1367(a), because those claims are joined with related claims under the Lanham Act.

3. This court has personal jurisdiction over the Defendant because it maintains its principal place of business in Florida.
4. Venue is proper in the Middle District of Florida under 28 U.S.C. § 1391(b)(2), because Defendant's business is located in this District, and a substantial part of the events or omissions alleged in this Complaint occurred in this district.
5. Venue is proper in this Division under Local Rule 1.02(b)(4) and (c), because the county with the greatest nexus to this case is Hillsborough County.

PARTIES

6. Plaintiff is a Florida limited liability company with its principal place of business at 3924 West Spruce Street, Tampa, Florida 33607.
7. Plaintiff is engaged in, among other activities, brewing and sale of beer and ale (collectively, "beers"), and the operation of a facility where customers may purchase and consume Plaintiff's beers and other products.
8. Defendant, on information and belief, is a Florida limited liability company having its principal office at 5106 North 30th Street, Tampa, Florida 33610. (Exhibit 1.)
9. On information and belief, Defendant manufactures and distributes smoked salsa in Florida, and, at all times relevant to this Complaint, Defendant had regular and

systematic contacts with and currently does substantial business within this District.

PLAINTIFF CIGAR CITY BREWING LLC AND ITS TRADEMARKS

10. Plaintiff brews and distributes a broad range of award-winning beers in connection with a series of trademarks. (See Exhibit 2)
11. Plaintiff owns the trademark CIGAR CITY BREWING (the “Mark”), which it uses in connection with the sale of all of Plaintiff’s beers.
12. Plaintiff has been using the Mark continuously in connection with the sale and distribution of beers since at least as early as March, 2009 in the Tampa Bay area and beyond.
13. Plaintiff has enjoyed remarkable success and recognition with consumers for producing exceptional beers under its Mark, becoming the largest craft brewery based in Florida, and has developed considerable goodwill and value in its Mark.
14. Plaintiff was rated the third best brewer in the world for 2010 – just one year after opening its craft brewery – on the well-known website RateBeer.com for the beers sold under its Mark.
http://www.ratebeer.com/ratebeerbest/bestbrewers_012010.asp.
15. Indeed, Plaintiff has been rated among the top five brewers in the world in five of the past seven years out of thousands of brewers on Ratebeer.com. See <https://www.ratebeer.com/ratebeerbest/bestbrewers-world2017.asp> (rated fourth best brewer in world for 2016 out of more than 20,000 brewers); http://www.ratebeer.com/RateBeerBest/bestbrewers_012013x.asp (rated fourth

best brewer for 2013); http://www.ratebeer.com/ratebeerbest/bestbrewers_012012.asp (rated fifth best brewer 2012); http://www.ratebeer.com/ratebeerbest/bestbrewers_012011.asp (rated fourth best brewer in the world for 2011).

16. Plaintiff is the owner of U.S. Registration No. 4,665,481 on the Principal Register for the mark CIGAR CITY BREWING for beer, and U.S. Registration No. 4,528,243 on the Principal Register for the mark CIGAR CITY BREWING and Design for beer shown below (collectively, the “Marks”).



17. Plaintiff’s Marks and their federal registrations are valid and subsisting. Copies of the registration certificates and assignment records for these registrations are attached as Exhibit 3.
18. In addition to being rated among the top brewers in the world, Plaintiff’s beers have won numerous other awards for quality at prestigious beer festivals and competitions and in reviews for beers produced and sold under the CIGAR CITY BREWING Marks, including those listed in Exhibit 4.
19. As a result of the high quality of its craft beer products, Plaintiff’s Marks have become famous as symbols of the quality of Plaintiff’s products.
20. Plaintiff’s beers are distributed and sold under the Marks in at least 12 states, from Florida north to New York and west to Colorado and Utah, and consumer demand for Plaintiff’s beers far outstrips available supply.

21. Since adopting the Marks, Plaintiff has spent significant sums to advertise and promote its products bearing the Marks. Plaintiff's marketing and promotion efforts include point-of-sale display materials, sponsorship and donation of CIGAR CITY BREWING beer for events, extensive clothing and accessory merchandising as a secondary source indicator for CIGAR CITY BREWING beer, attendance at beer shows and festivals around the country and at beer tastings and competitions to promote CIGAR CITY BREWING beers, and web design, development and maintenance, among other activities to promote Plaintiff's products.
22. Plaintiff also promotes its products through a website located at www.cigarcitybrewing.com ("Plaintiff's Website") (Exhibit 5). Plaintiff's Website offers information on Plaintiff's beers and on the various types of beers being served and sold at its tasting room in its brewery in Tampa, Florida.
23. Plaintiff owns substantial goodwill and value in its Marks and the trade name CIGAR CITY BREWING LLC.
24. Plaintiff has received considerable public recognition and acclaim in numerous unsolicited news media stories, blogs, interviews and reviews.
25. Plaintiff has achieved significant commercial success in connection with the use of Plaintiff's Marks. Through Plaintiff's efforts, the Marks have become famous as designators of the source of Plaintiff's products.

DEFENDANT'S CONDUCT

26. On information and belief, Defendant was formed in 2012 and has at all times done business as CIGAR CITY SMOKED SALSA, LLC.
27. On information and belief, Defendant first sold its products bearing the trademark CIGAR CITY SMOKED SALSA in 2012. On information and belief, at a subsequent time Defendant changed its labeling to bear the trademark CIGAR CITY SALSA, deleting the word "SMOKED".
28. On August 7, 2015, Defendant filed an application for federal registration of the trademark CIGAR CITY SALSA for salsa in the United States Patent and Trademark Office ("USPTO"), as Application Serial No. 86/717,924 (Exhibit 6). When that application was refused registration by the USPTO, Defendant amended it to seek registration on the Supplemental Register, which carries no presumption of ownership of the mark for the identified goods (Exhibit 7). Registration No. 5,014,834 issued for the mark on the Supplemental Register on August 2, 2016 (Exhibit 8) and Plaintiff has filed a petition to cancel that registration that is pending in the USPTO (Exhibit 9).
29. On October 5, 2016, Defendant filed an application for federal registration of the trademark CIGAR CITY SALSA for barbeque sauce, hot sauce, salsa and seasonings, as Application Serial No. 87/193,661 (Exhibit 10). Defendant claimed a date of first use for that mark of January 11, 2012 and has sought registration on the Principal Register under Section 2(f) of the United States Trademark Laws (15 U.S.C. § 1052(f)), on the basis of claiming five years of continuous and substantially exclusive use of that mark. Registration of that

application has been opposed by Plaintiff, and an opposition proceeding in the USPTO is currently pending (Exhibit 11).

30. On information and belief, Plaintiff has now further changed its labeling on some of its products to use of a trademark comprising simply CIGAR CITY, without the word "SALSA" (Exhibit 12).
31. On information and belief, Defendant selected the CIGAR CITY SALSA and CIGAR CITY marks, the CIGAR CITY SMOKED SALSA trade name, and the domain name cigarcitysalsa.com in an effort to associate its business with Plaintiff and its Marks.

**DEFENDANT'S ACTIONS ARE INTENDED TO CAUSE CONFUSION OR MISTAKE
WITH PLAINTIFF'S TRADEMARKS**

32. There is no question that Defendant has at all relevant times been aware of Plaintiff's use of its Marks.
33. On information and belief, Defendant has, since prior to 2015, been aware of the favorable reputation and recognition of Plaintiff's Marks.
34. Plaintiff's beers and Defendant's salsa are sold in the same channels of trade, including grocery stores, and liquor stores. For example, both parties' products are sold in Publix Supermarkets, Walmart stores and ABC liquor stores, among others (Exhibits 13, 14, 15 and 16).
35. Beer and salsa, typically with snack chips, or with salsa on or in entrees, are frequently consumed together by the same persons and are thus purchased by the same types of consumers.

36. Brewers commonly extend their brands to a wide range of food products, including salsa, barbeque sauce, hot sauce and many other food products. (See, e.g., Exhibit 17)
37. Defendant's use of the mark CIGAR CITY, especially with the successive deletion of "SMOKED" and then of "SALSA", is likely to cause consumers to be confused, mistaken, or deceived into believing that Defendant's goods come from or are connected with or are otherwise authorized, sponsored, or licensed by Plaintiff, when in fact they do not.
38. The marks CIGAR CITY SALSA and CIGAR CITY, when used for Defendant's goods, so resemble the Plaintiff's Marks as to be likely to cause confusion, mistake and/or deception. There have, in fact, been instances of actual confusion as to the source of Defendant's goods, in which both store purchasing agents and consumers have believed that Defendant's salsa is produced or sold by Plaintiff.

DAMAGES CAUSED BY DEFENDANT

39. Defendant's conduct has caused and, unless permanently enjoined, will continue to cause irreparable injury to Plaintiff in the form of lost goodwill, diminished reputation and increased costs.
40. To the extent that Defendant's products are distinguishable from those of Plaintiff, Defendant's conduct has diluted and, unless permanently enjoined, will continue to dilute the distinctive quality of Plaintiff's Marks.
41. The threatened, continued injury to Plaintiff outweighs whatever damage the proposed injunction may cause Defendant, because Defendant has at all times

been aware of Plaintiff's Marks, and Defendant has no legitimate interest in the continued use of a mark and trade name confusingly similar to Plaintiff's Marks.

42. The public interest will be furthered by the granting of a permanent injunction, because the trademark laws were designed to prevent consumer confusion.
43. Plaintiff is further entitled to recover from Defendant all of the damages available under the applicable laws, including, but not limited to, actual damages, enhanced damages, interest and attorneys' fees and costs it has sustained and will sustain, and any gains, profits and advantages obtained by Defendant as a result of the acts alleged herein. At present, such amounts cannot be fully ascertained by Plaintiff.
44. Plaintiff has retained the law firm of Carlton Fields Jordan Burt P.A. ("Carlton Fields") to enforce its rights in this matter, and it has agreed to pay that firm a reasonable attorney's fee for the services herein.

COUNT I

TRADEMARK INFRINGEMENT BY DEFENDANT-15 U.S.C. § 1114(1)

45. Plaintiff repeats and re-alleges the allegations set forth in paragraphs 1 through 44, above, as if fully set forth herein.
46. Defendant's trademarks CIGAR CITY SALSA and CIGAR CITY, used in connection with the sale and promotion of its products, are confusingly similar to Plaintiff's Marks shown in Federal Registration Nos. 4,665,481 and 4,528,243 and are likely to cause confusion, mistake, or deception of the public as to the origin, sponsorship or approval of Defendant's products.
47. By reason of Defendant's wrongful conduct, Plaintiff has been damaged.

48. By reason of the irreparable harm done to Plaintiff by the use of the infringing marks, Plaintiff is entitled to injunctive relief preventing further use of the terms CIGAR CITY or CIGAR CITY SALSA in connection with the sale or offering for sale of products by or for the benefit of Defendant.
49. Plaintiff is further entitled to an order cancelling Supplemental Registration No. 5,014,834 and holding as abandoned Federal Application Serial No. 87/193,661 of Defendant.
50. By reason of Defendant's willfulness, Plaintiff is entitled to enhanced damages as permitted by statute.

COUNT II

FALSE DESIGNATION OF ORIGIN AND FALSE ADVERTISING - 15 U.S.C. § 1125(a)

51. Plaintiff repeats and re-alleges the allegations set forth in paragraphs 1 through 50, above, as if fully set forth herein.
52. Defendant's actions in adopting and using a trademark that is confusingly similar to Plaintiff's Marks are likely to cause confusion, mistake, or deception as to the origin, sponsorship, or approval of Defendant's products and thus constitute false designation of origin in violation of 15 U.S.C. § 1125(a).
53. Defendant's use of CIGAR CITY and CIGAR CITY SALSA in its advertising and promotion also constitutes false and misleading advertising and promotion, by misrepresenting the nature, characteristics, and/or qualities of its products, in violation of 15 U.S.C. § 1125(a)(1)(B), at least because Defendant's products are not associated with, or endorsed, by Plaintiff.

54. By reason of Defendant's false designation and false and misleading advertising and promotion, Plaintiff has been damaged, including by loss of goodwill in Plaintiff's Marks.
55. Defendant's false designation and false and misleading advertising and promotion have enabled it to earn profits to which it is not in law, equity or good conscience entitled and which have unjustly enriched it, all to Defendant's profit and to Plaintiff's loss, and Plaintiff is entitled to recover such profits.
56. By reason of the irreparable harm done to Plaintiff as a result of Defendant's false designation and false and misleading advertising and promotion, Plaintiff is entitled to injunctive relief preventing further use of CIGAR CITY or CIGAR CITY SALSA in advertising done by Defendant in connection with its products.

COUNT III

COMMON LAW TRADEMARK INFRINGEMENT

57. Plaintiff repeats and re-alleges the allegations set forth in Paragraphs 1 through 56 above as if fully set forth herein.
58. Plaintiff has common law rights in the Marks.
59. Defendant infringed Plaintiff's common law rights in the Marks by, at least, selling, offering for sale, and advertising products under the marks CIGAR CITY SMOKED SALSA, CIGAR CITY SALSA, and CIGAR CITY, using the trade name Cigar City Smoked Salsa, and using the domain name cigarcitysmokedsalsa.com.

60. Defendant's uses of CIGAR CITY in promotion of Defendant's goods is likely to confuse consumers who understand CIGAR CITY to be an indication of the source of goods and services manufactured, offered, provided or endorsed by Plaintiff.
61. Defendant's conduct constitutes common law trademark infringement and misappropriation of Plaintiff's goodwill under the common law of Florida, by reason of which Plaintiff has suffered and will continue to suffer irreparable injury.

JURY TRIAL DEMAND

62. Plaintiff demands trial by jury of all issues so triable.

WHEREFORE, Plaintiff requests this Court grant the following in relief:

- a. Entry of an Order of injunctive relief to enjoin all infringing use by Defendant of any mark incorporating the term "CIGAR CITY", including, but not limited to the marks CIGAR CITY, CIGAR CITY SALSA and CIGAR CITY SMOKED SALSA.
- b. A declaration declaring that Defendant's actions violated the rights of Plaintiff in Plaintiff's Marks.
- c. An Order canceling Supplemental Registration No. 5,014,834 and requiring abandonment of Federal Trademark Application Serial No. 87/193,661 for the mark CIGAR CITY SALSA;
- d. Entry of an Order enjoining Defendant from applying for or registering any mark incorporating the term "CIGAR CITY";
- e. Entry of an Order requiring Defendant to provide an accounting of profits and sales made or arising from any products bearing any of the trademarks CIGAR CITY SMOKED SALSA, CIGAR CITY SALSA or CIGAR CITY;

- f. All remedies permitted by 15 U.S.C. §§ 1117 and 1125, including, but not limited to, recovery of Defendant's profits, Plaintiff's damages, enhanced damages, and Plaintiff's reasonable attorney fees and costs;
- g. All remedies permitted by Florida common law including, but not limited to, a declaration of Defendant's dilutive use, recovery of Defendant's profits and Plaintiff's damages, an injunction preventing further infringement and the costs of this action;
- h. Such further relief as this court deems just and proper.

Dated July 19, 2017.

Respectfully submitted,

Carlton Fields Jordan Burt P.A.

s/ C. Douglas McDonald

(FBN 296538)

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Counsel for Plaintiff CIGAR CITY BREWING LLC

EXHIBIT 1



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Detail By Document Number](#) /

Detail by Entity Name

Florida Limited Liability Company
CIGAR CITY SMOKED SALSA, LLC

Filing Information

Document Number L12000005383
FEI/EIN Number 45-4240056
Date Filed 01/11/2012
State FL
Status ACTIVE
Last Event LC AMENDMENT
Event Date Filed 01/08/2015
Event Effective Date NONE

Principal Address

5106 NORTH 30TH STREET
TAMPA, FL 33610

Changed: 01/08/2015

Mailing Address

5106 NORTH 30TH STREET
TAMPA, FL 33610

Changed: 01/08/2015

Registered Agent Name & Address

KANE, ROY
5106 NORTH 30TH STREET
TAMPA, FL 33610

Name Changed: 01/08/2015

Address Changed: 01/08/2015

Authorized Person(s) Detail

Name & Address

Title MGR

KANE, ROY
5106 NORTH 30TH STREET
TAMPA, FL 33610

Annual Reports

Report Year	Filed Date
2015	04/20/2015
2016	02/29/2016
2017	01/16/2017

Document Images

01/16/2017 -- ANNUAL REPORT	View image in PDF format
02/29/2016 -- ANNUAL REPORT	View image in PDF format
04/20/2015 -- ANNUAL REPORT	View image in PDF format
02/19/2014 -- ANNUAL REPORT	View image in PDF format
04/23/2013 -- ANNUAL REPORT	View image in PDF format
01/11/2012 -- Florida Limited Liability	View image in PDF format

Florida Department of State, Division of Corporations

EXHIBIT 2



CORES	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Jai Alai IPA CANS & DRAFT												
Lager CANS & DRAFT												
Florida Cracker White Ale CANS & DRAFT												
Invasion Pale Ale CANS & DRAFT												
Maduro Brown Ale CANS & DRAFT												

CORES

BEER CHEAT SHEET

HECHO A MANO IN TAMPA, FLORIDA



ABV

7.5%

OG

17

IBU

70

SRM

17

Jai Alai® INDIA PALE ALE

BEER DESCRIPTION

Jai Alai, a game native to the Basque region of Spain, is played on a court called a fronton. Jai Alai players attempt to catch a ball using a curved mitt whilst the ball travels at speeds up to 188mph! Proving they have a sense of humor the Spanish dubbed this game, with its ball traveling at racecar speeds, "the merry game." Tampa was once home to a bustling Jai Alai fronton but sadly all that remains of Jai Alai in the Tampa Bay area is this India Pale Ale that we brew in tribute to the merry game. The India Pale Ale style of beer has its roots in the ales sent from England to thirsty British troops in India during the 18th century. Pair Jai Alai India Pale Ale with beef empanadas, deviled crabs and other spicy dishes.

TASTING NOTES

An intense bouquet of tangerine and candied orange peel entice the nose while flavors of clementines, Valencia orange and subtle caramel provide counterpoint to an assertive bitterness and rich malt character. Bold hop flavor and aroma from six different hop varieties is front and center in this flavorful American IPA

AWARDS

Ratebeer: [99 overall](#)

BeerAdvocate: [A- overall](#)

2010 Best Florida Beer Championship Gold Medal

2011 Best Florida Beer Championship Silver Medal

INGREDIENTS

Amarillo, Simcoe, Cascade, Motueka, Centennial and CTZ hops

PACKAGE

6-Packs Cans, 1/2 & 1/6 bbl Draft

GLASSWARE



IPA

AVAILABILITY

Core beer available year round

12oz Can



Case



BEER CHEAT SHEET

HECHO A MANO IN TAMPA, FLORIDA



ABV
4.5%
OG
9.8
IBU
22
SRM
3

Lager

TAMPA-STYLE LAGER

BEER DESCRIPTION

Inspired by traditional German lagers, our Tampa-style Lager is brewed with German malted barley, Hallertauer hops and an authentic Bavarian lager yeast. We combine these ingredients to create a style that's quite unique to our hometown of Tampa, Florida but will find admirers wherever a crisp, dry and flavorful lager is called for. Familiar to generations, it's truly a beer that's made for drinkin'.

TASTING NOTES

German hop aroma boasting floral and spicy notes meld with a nose of bread-like malt and light minerality while hop flavors of grass and a thirst-slaking bitterness are front and center on the palate of this crisp, clean Tampa-style lager.

AWARDS

2016 Best Florida Beer Championships, Gold Medal, European & International Beers Category

INGREDIENTS	PACKAGE
German hops, German malted barley, German lager yeast	6 pack Cans, 1/2 & 1/6 bbl Draft
GLASSWARE	AVAILABILITY
 Lager	Core beer available year round

12oz Can



Case



BEER CHEAT SHEET

HECHO A MANO IN TAMPA, FLORIDA



ABV

5.5%

OG

12

IBU

18

SRM

3

Florida Cracker® BELGIAN-STYLE WHITE ALE

BEER DESCRIPTION


The Cracker Cowboys of Florida were colonial-era settlers, often of Scots-Irish descent, who arrived in Florida when Spain traded their territory of La Florida to the English. The term Cracker in Florida usage relates to the whip these "cow hunters" used to herd cattle in Florida's Palmetto Prairies. Called Quaqueros by the Spanish, these hardy and hard working Cracker Cowboys helped to shape the history of Florida, the nation's oldest cattle raising state. We brew Florida Cracker White Ale with unmalted wheat, orange peel and coriander and then ferment it with a Belgian yeast strain to give it a spicy and dry finish. Perfect for a warm day on the Palmetto Prairie.

TASTING NOTES

Citrus aromas of oranges and lime leaves mingle with bubblegum and dried flowers on the nose of this hazy and refreshing Belgian-style White Ale. High carbonation and herbaceous bitterness quench the thirst while lemon-lime esters and flavors of Valencia orange add unique depth of flavor and complexity.

AWARDS

Ratebeer: [89 overall](#)
 BeerAdvocate: [84 overall](#) 2015 U.S. Beer Open Championships Silver Medal Witbier Category
 2016 Best Florida Beer Championship Bronze Medal Belgian/French Ales Category

INGREDIENTS	PACKAGE
Unmalted wheat, orange peel, coriander	6-packs Cans, 1/2 & 1/6 bbl Draft
GLASSWARE	AVAILABILITY
 Lager	Core beer available year round

12oz Can



Case



BEER CHEAT SHEET

HECHO A MANO IN TAMPA, FLORIDA



ABV

5%

OG

12.4

IBU

36

SRM

14

Invasion[®] AMERICAN PALE ALE

BEER DESCRIPTION

The people of Tampa Bay have fallen prey to a pirate invasion annually for well over 100 years. After more than a century of failing to repel these seafaring raiders in their anachronistic wooden ships and despite access to modern sea, land and air arsenals that ostensibly should make short work of wind powered vessels equipped with naught but cast iron cannons and raging scurvy, it occurred to the folks of Cigar City Brewing that if you can't beat them, start saying "Arrrr Matey!" We have brewed Invasion Pale Ale, a citrusy, tropical and low-alcohol session beer brewed for those long days of marauding, pillaging and pirating. Cheers!

TASTING NOTES

Tropical aromas dominate the nose of this approachable, low alcohol pale ale with distinct notes of mango, tangerine and soursop. On the palate, a moderate bitterness is tempered by flavors of navel orange and clementine and a dry, bread-like malt quality that makes this Pale Ale at once approachable and incredibly flavorful.

AWARDS

Ratebeer: [96 overall](#)

INGREDIENTS

Motueka, Galaxy, Simcoe, Pacifica, Amarillo hops

PACKAGE

6-packs Cans, 1/2 & 1/6 bbl Draft

GLASSWARE



IPA

AVAILABILITY

Core beer available year round

12oz Can



Case



BEER CHEAT SHEET

HECHO A MANO IN TAMPA, FLORIDA



ABV

5.5%

OG

14

IBU

25

SRM

32

Maduro

BROWN ALE

BEER DESCRIPTION

Maduro is a Northern English-style Brown Ale with some American affectations. Maduro is higher in alcohol than the common English Brown Ale and features flaked oats in the malt bill which imparts a silky body and works to mesh the roasted, toasted and chocolate components together in Maduro's complex malt profile. The end result is a remarkably full-flavored yet approachable Brown Ale that pairs well with mild to medium cigars.

TASTING NOTES

Aromas reminiscent of toffee and chocolate macaroons belie the low alcohol content and moderate body of this well-rounded English-style Brown Ale. Semi-sweet chocolate, almond and brown sugar flavors fill the palate but quickly dissipate into a dry, clean finish with notes of coffee grounds.

AWARDS

Ratebeer: [92 overall](#)

2010 Best Florida Beer Championship Gold Medal
 2011 United States Open Beer Championship Gold Medal

INGREDIENTS

Chocolate malt, flaked oats

PACKAGE

6-pack Cans, 1/2 & 1/6 bbl Draft

GLASSWARE



Lager

AVAILABILITY

Core beer available year round

12oz Can



Case



EXHIBIT 3

United States of America

United States Patent and Trademark Office



Reg. No. 4,528,243

Registered May 13, 2014

Int. Cl.: 32

TRADEMARK

PRINCIPAL REGISTER

CIGAR CITY BREWING LLC (FLORIDA LIMITED LIABILITY COMPANY)
SUITE A
3924 W. SPRUCE STREET
TAMPA, FL 33607

FOR: BEER, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 3-0-2009; IN COMMERCE 8-12-2009.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CIGAR CITY," "BREWING," AND "TAMPA", APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF AN OVAL WITH AN OUTLINE WITHIN WHICH THE WORDING "CIGAR CITY" APPEARS ON TOP, A DESIGN OF A CIGAR WITH A BAND AND AN OVAL CONTAINING THE LETTERS "CCB" SUPERIMPOSED ON THE BAND APPEARS IN THE MIDDLE, AND THE WORDING "TAMPA" APPEARS BELOW THE CIGAR DESIGN."

SER. NO. 85-934,190, FILED 5-16-2013.

JENNY PARK, EXAMINING ATTORNEY



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

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

Requirements in the First Ten Years*

What and When to File:

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

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

Requirements in Successive Ten-Year Periods*

What and When to File:

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

Grace Period Filings*

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

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

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

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

TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1
 Stylesheet Version v1.2

ETAS ID: TM391443

SUBMISSION TYPE:	NEW ASSIGNMENT		
NATURE OF CONVEYANCE:	TRADEMARK SECURITY AGREEMENT		
CONVEYING PARTY DATA			
Name	Formerly	Execution Date	Entity Type
CIGAR CITY BREWING LLC		07/08/2016	Limited Liability Company: FLORIDA
RECEIVING PARTY DATA			
Name:	HPS INVESTMENT PARTNERS, LLC, AS ADMINISTRATIVE AGENT		
Street Address:	40 WEST 57TH STREET, 33RD FLOOR		
City:	NEW YORK		
State/Country:	NEW YORK		
Postal Code:	10019		
Entity Type:	Limited Liability Company: DELAWARE		
PROPERTY NUMBERS Total: 12			
Property Type	Number	Word Mark	
Registration Number:	4459000	CCB	
Registration Number:	4665481	CIGAR CITY BREWING	
Registration Number:	4528243	CIGAR CITY BREWING TAMPA CCB	
Registration Number:	4583813	FLORIDA CRACKER	
Registration Number:	4600418	HOPPED ON THE HIGH SEAS	
Registration Number:	4648932	HOTTER THAN HELLES	
Registration Number:	4392339	HUMIDOR SERIES	
Registration Number:	4392338	HUNAHPU'S	
Registration Number:	4396207	HUNAHPU'S DAY	
Registration Number:	4622538	INVASION	
Registration Number:	4571821	JAI ALAI	
Registration Number:	4571987	TOCOBAGA	
CORRESPONDENCE DATA			
Fax Number:	7147558290		
<i>Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent using a fax number, if provided; if that is unsuccessful, it will be sent via US Mail.</i>			
Email:	IPDOCKET@LW.COM, KRISTIN.AZCONA@LW.COM		
Correspondent Name:	LATHAM & WATKINS LLP		
Address Line 1:	650 Town Center Drive, Suite 2000		

OP \$315.00 4459000

Address Line 4: Costa Mesa, CALIFORNIA 92626

ATTORNEY DOCKET NUMBER:	050485-30
NAME OF SUBMITTER:	KRISTIN J AZCONA
SIGNATURE:	/KJA/
DATE SIGNED:	07/14/2016

Total Attachments: 11

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TRADEMARK SECURITY AGREEMENT

TRADEMARK SECURITY AGREEMENT (“Agreement”), dated as of July 8, 2016, by and among CIGAR CITY BREWING LLC, a Florida limited liability company (“CCB”), OSKAR BLUES BREWERY, LLC, a Colorado limited liability company (“OBB”), SALT LAKE BREWING CO., L.C., a Utah limited liability company (“SLBC”), UTAH BREWERS COOPERATIVE, L.C., a Utah limited liability company (“UBC”), and OBB PERRIN HOLDCO CORP., a Delaware corporation (“OBB Perrin”; CCB, OBB Perrin, OBB, SLBC and UBC, individually as a “Grantor” and collectively as “Grantors”), in favor of HPS INVESTMENT PARTNERS, LLC, in its capacity as administrative agent (“Administrative Agent”) for the Secured Parties (as defined in the Credit Agreement (as defined below)).

WITNESSETH:

WHEREAS, pursuant to that certain Credit Agreement, dated as of even date herewith, by and among CCB, OBB, SLBC, UBC and OBB Perrin (each individually as a “Borrower” and collectively as “Borrowers”), the other Loan Parties party thereto from time to time, Administrative Agent and the Lenders party thereto from time to time (as amended, supplemented, amended and restated or otherwise modified from time to time, the “Credit Agreement”), the Lenders have agreed to make Loans to Borrowers;

WHEREAS, pursuant to that certain Security Agreement, dated as of even date herewith, by and among Grantors, the other grantors party thereto and Administrative Agent (including all annexes, exhibits or schedules thereto, as from time to time amended, restated, supplemented or otherwise modified, the “Security Agreement”), as security for all Obligations, each Grantor granted to Administrative Agent, for the benefit of the Secured Parties, a continuing security interest in, lien on, and right of set-off against all Trademarks of such Grantor, whether now owned or existing or hereafter acquired or arising; and

WHEREAS, pursuant to the Security Agreement, each Grantor is required to execute and deliver to Administrative Agent, for the benefit of Secured Parties, this Agreement.

NOW, THEREFORE, in consideration of the premises and the mutual covenants herein contained and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor hereby agrees as follows:

1. **DEFINED TERMS.** All capitalized terms used but not otherwise defined herein (including in the recitals above) have the meanings given to them in the Credit Agreement.

2. **GRANT OF SECURITY INTEREST IN TRADEMARK COLLATERAL.** Each Grantor hereby grants to Administrative Agent, for the benefit of the Secured Parties, a continuing first priority security interest in, and lien upon, all of such Grantor's presently existing or hereafter acquired right, title and interest in and to the

Trademarks, including, without limitation, the Trademarks set forth on Schedule A hereto, all related goodwill, and all proceeds and products thereof.

Notwithstanding the foregoing or anything else contained herein to the contrary, "Trademarks" shall not include any "intent to use" trademark application until such time as such Grantor begins to use such trademark.

3. SECURITY AGREEMENT. The security interests granted pursuant to this Agreement are granted in conjunction with, and not in limitation of, the security interests granted to Administrative Agent pursuant to the Security Agreement. Each Grantor hereby acknowledges and affirms that the rights and remedies of Administrative Agent with respect to the security interest in the Trademarks and related Collateral made and granted hereby are more fully set forth in the Security Agreement, the terms and provisions of which are incorporated by reference herein as if fully set forth herein.


4. EXECUTION IN COUNTERPARTS. This Agreement may be executed in any number of counterparts, each of which when so executed and delivered shall constitute an original, but all of which shall constitute a single contract. It shall not be necessary in making proof of this Agreement to produce or account for more than one such counterpart. Delivery of an executed counterpart of a signature page of this Agreement by telecopy or other electronic imaging means shall be effective as delivery of a manually executed counterpart of this Agreement.

5. GOVERNING LAW. This Agreement shall be governed by and construed in accordance with the internal laws of the State of New York without giving effect to its choice of law provisions.

[Signature Page Follows]

IN WITNESS WHEREOF, each Grantor has caused this Agreement to be executed and delivered by its duly authorized officer as of the date first set forth above.

OSKAR BLUES BREWERY, LLC

By: 
Name: Christopher Akelman
Title: Vice President

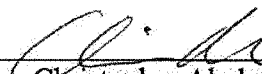
SALT LAKE BREWING CO., L.C.,
a Utah limited liability company, as a Borrower

By: _____
Name: Matt Fraser
Title: Chief Financial Officer

UTAH BREWERS COOPERATIVE, L.C.,
a Utah limited liability company, as a Borrower

By: _____
Name: Matt Fraser
Title: Chief Financial Officer

OBB PERRIN HOLDCO CORP.

By: 
Name: Christopher Akelman
Title: Treasurer

CIGAR CITY BREWING LLC

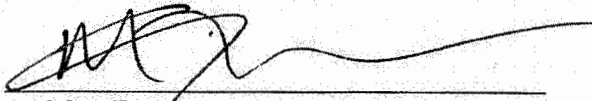
By: _____
Name: Matt Fraser
Title: Treasurer and Secretary

IN WITNESS WHEREOF, each Grantor has caused this Agreement to be executed and delivered by its duly authorized officer as of the date first set forth above.


OSKAR BLUES BREWERY, LLC

By: _____
Name: Christopher Akelman
Title: Vice President

SALT LAKE BREWING CO., L.C.,
a Utah limited liability company, as a Borrower

By: 
Name: Matt Fraser
Title: Chief Financial Officer

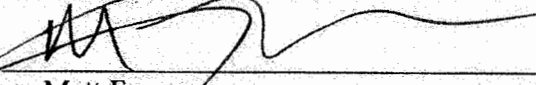
UTAH BREWERS COOPERATIVE, L.C.,
a Utah limited liability company, as a Borrower

By: 
Name: Matt Fraser
Title: Chief Financial Officer

OBB PERRIN HOLDCO CORP.

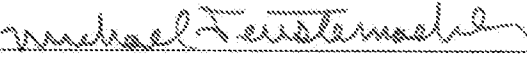
By: _____
Name: Christopher Akelman
Title: Treasurer

CIGAR CITY BREWING LLC

By: 
Name: Matt Fraser
Title: Treasurer and Secretary

ACCEPTED AND ACKNOWLEDGED BY:

HPS INVESTMENT PARTNERS, LLC,
as Administrative Agent

By: 
Name: Michael Fenstermacher
Title: Managing Director

Schedule A
Registered Trademarks

Mark	Owner	Status
OSKAR BLUES BREWERY	Oskar Blues Brewery, LLC	Registered
OSKAR BLUES GRILL AND BREW	Oskar Blues Brewery, LLC	3198713, registered 1/16/07 Registered
OSKAR BLUES HOME MADE LIQUIDS AND SOLIDS	Oskar Blues Brewery, LLC	3198714, registered 1/16/07 Registered
OLD CHUB	Oskar Blues Brewery, LLC	3921192, registered 2/15/11 Registered
DALE'S PALE ALE	Oskar Blues Brewery, LLC	3208205, registered 2/13/07 Registered
MAMA'S LITTLE YELLA PILS	Oskar Blues Brewery, LLC	3098105, registered 5/30/06 Registered
G'KNIGHT	Oskar Blues Brewery, LLC	3983771, registered 6/28/11 Registered
DEVIAANT DALES	Oskar Blues Brewery, LLC	3997561, registered 7/19/11 Registered
G'KNIGHTRO	Oskar Blues Brewery, LLC	4208990, registered 9/18/12 Registered
MOUNTAIN PALE ALE	Oskar Blues Brewery, LLC	4572575, registered 7/22/14 Registered

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Mark	Owner	Status
TEN FIDY IMPERIAL STOUT and design 	Oskar Blues Brewery, LLC	4395450, registered 9/3/13 Registered 4,005,798, registered 8/2/11
GUBNA IMPERIAL IPA and design 	Oskar Blues Brewery, LLC	Registered 4061020, registered 11/22/11
THE OLD CHUB WAY EXPEDITIONARY CHOW DISPENSARY (stylized) 	Oskar Blues Brewery, LLC	Registered 4111142, registered 3/13/12
BURNING CAN	Oskar Blues Brewery, LLC	Registered 4583977, registered 8/12/14
G' AFTERNOON	Oskar Blues Brewery, LLC	Registered 4695996, 3/3/2015
DALEGATE	Oskar Blues Brewery, LLC	Pending 86756759, 9/15/15
CANIVERSARY	Oskar Blues Brewery, LLC	Registered 4695484, 3/3/2015
Beertio	Oskar Blues Brewery,	Registered

NY17689373.2

Mark	Owner	Status
	LLC	4946355, 4/26/2016
HOT BOX	Oskar Blues Brewery, LLC	Registered 4895864, 2/2/16
Priscilla	Oskar Blues Brewery, LLC	Registered 4946329, 4/26/2016
The Deuce	Oskar Blues Brewery, LLC	Pending 87049951, 5/25/16
DALE'S PALE ALE	Oskar Blues Brewery, LLC	Registration No.: 3098105 Registered: May 30, 2006

Mark	U.S. Serial No.	Filing Date	U.S. Reg. No.	Reg. Date	Registrant/Applicant
CAPT. BASTARD'S OATMEAL STOUT	74/581,875	4-Oct-94	1,925,760	10-Oct-95	Salt Lake Brewing Co., L.C.
FULL SUSPENSION PALE ALE	75/232,357	01-Jan-97	2,127,348	6-Jan-98	Salt Lake Brewing Co., L.C.
GHOSTRIDER	85/627,491	16-May-12	4,293,492	19-Feb-13	Utah Brewers Cooperative, L.C.
GOOD FOR WHAT ALES YOU	74/584,560	12-Oct-94	2,007,460	15-Oct-96	Salt Lake Brewing Co., L.C.
GOOD FOR WHAT ALES YOU	74/084,454	1-Aug-90	1,656,409	10-Sep-91	Salt Lake Brewing Co., L.C.
HELL'S KEEP	77/659,622	29-Jan-09	3,779,201	15-Feb-11	Salt Lake Brewing Co., L.L.C.
HOP RISING	77/959,493	15-Mar-10	3,953,411	3-May-11	Salt Lake Brewing Co., L.C.
SQUATTERS	74/587,966	20-Oct-94	1,939,613	5-Dec-95	Salt Lake Brewing Co., L.C.
SQUATTERS	74/587,766	20-Oct-94	1,979,254	11-Jun-96	Salt Lake Brewing Co., L.C.
SQUATTERS	74/587,975	20-Oct-94	1,985,070	9-Jul-96	Salt Lake Brewing Co., L.C.
BLACK OILANTERN	86082869	4-Oct-13	4633914	4-Nov-14	Utah Brewers Cooperative, L.C.

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Mark	U.S. Serial No.	Filing Date	U.S. Reg. No.	Reg. Date	Registrant/Applicant
BOBSLED	86177766	28-Jan-14	4580163	5-Aug-14	Utah Brewers Cooperative, LLC
BUMPER CROP	86184494	4-Feb-14	4597054	2-Sep-14	Utah Brewers Cooperative, L.C.
CHASING TAIL GOLDEN ALE	86165846	15-Jan-14	4580121	5-Aug-14	Utah Brewers Cooperative, LLC
DEVASTATOR	86161283	9-Jan-14	n/a	n/a	Utah Brewers Cooperative, L.C.
LAST ONE IN	86162025	9-Jan-14	4634169	4-Nov-14	Utah Brewers Cooperative, LLC
LIVE AND LET LIVE	86184377	4-Feb-14	4765360	30-Jun-15	Utah Brewers Cooperative, L.C.
OFF DUTY INDIA PALE ALE	86135935	5-Dec-13	4634096	4-Nov-14	Utah Brewers Cooperative, L.C.
OUTER DARKNESS	86177752	28-Jan-14	4580162	5-Aug-14	Utah Brewers Cooperative, LLC
PASTOR CUREFEW	86805116	30-Oct-15	n/a	n/a	Utah Brewers Cooperative, L.C.
PARTY IN A BOX	86177589	28-Jan-14	4687161	n/a	Utah Brewers Cooperative, LLC
POLYGAMY PORTER	85/591439	6-Apr-12	4245494	20-NOV-12	Utah Brewers Cooperative, L.C.
POLYGAMY PORTER	85/590904	6-APR-12	4253333	4-DEC-12	Utah Brewers Cooperative, L.C.
PROVO GIRL	86167082	16-Jan-14	4580134	5-Aug-14	Utah Brewers Cooperative, LLC
RESPECT YOUR MOTHER	86184362	4-Feb-14	4634257	4-Nov-14	Utah Brewers Cooperative, LLC
SNAP DOWN HEADER	86162018	9-Jan-14	4634168	4-Nov-14	Utah Brewers Cooperative, LLC
SLICKROCK	86804013	29-Oct-15	4978076	14-Jun-16	Utah Brewers Cooperative, L.C.
SQUASATCH HOPPY PILSNER	86805196	30-Oct-15	n/a	n/a	Utah Brewers Cooperative, L.C.
WE DRINK OUR SHARE AND SELL THE REST	86877122	15-Jan-16	4983325	21-Jun-16	Utah Brewers Cooperative, L.C.
WASATCH BEERS	86163765	13-Jan-14	4580032	5-Aug-14	Utah Brewers Cooperative, LLC
WEE PEAT SCOTTISH ALE	86184385	4-Feb-14	n/a	n/a	Utah Brewers Cooperative, L.C.
FIRST ONE DOWN	86400110	Pending application	n/a	n/a	Utah Brewers Cooperative, L.C.

NYY7689373.2

Mark	U.S. Serial No.	Filing Date	U.S. Reg. No.	Reg. Date	Registrant/Applicant
		filed 19-SEP-14			
WELLED IRISH STOUT	86400035	Pending application filed 19-SEP-14	n/a	n/a	Utah Brewers Cooperative, L.C.
APPLE-A-DAY	86293585	Pending application filed 28-MAY-14	n/a	n/a	Utah Brewers Cooperative, L.C.

Mark	Owner	Status
PERRIN BREWING COMPANY	OBB PERRIN HOLDCO CORP	Registered 4915662, 3/8/2016
98 PROBLEMS (CUZ' A HOP AIN'T ONE	OBB PERRIN HOLDCO CORP	Application No.: 86626576 Filed: May 12, 2015

Mark	Owner	Status
CCB	Cigar City Brewing LLC	Registration No.: 4,459,000 Registered: Dec. 31, 2013
CIGAR CITY BREWING	Cigar City Brewing LLC	Registration No.: 4,665,481 Registered: Jan. 6, 2015
CIGAR CITY BREWING [OVAL LOGO]	Cigar City Brewing LLC	Registration No.: 4,528,243 Registered: May 13, 2014
FLORIDA CRACKER	Cigar City Brewing LLC	Registration No.: 4,583,813 Registered: Aug. 12, 2014

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Mark	Owner	Status
HOPPED ON HIGH SEAS	Cigar City Brewing LLC	Registration No.: 4,600,418 Registered: Sep. 9, 2014
HOTTER THAN HELLES	Cigar City Brewing LLC	Registration No.: 4,648,932 Registered: Dec. 2, 2014
HUMDOR SERIES	Cigar City Brewing LLC	Registration No.: 4,392,339 Registered: Aug. 27, 2013
HUNNAHPU'S	Cigar City Brewing LLC	Registration No.: 4,392,338 Registered: Aug. 27, 2013
HUNNAHPU'S DAY	Cigar City Brewing LLC	Registration No.: 4,396,207 Registered: Sep. 3, 2013
INVASION	Cigar City Brewing LLC	Registration No.: 4,622,538 Registered: Oct. 14, 2014
JAI ALAI	Cigar City Brewing LLC	Registration No.: 4,571,821 Registered: July 22, 2014
TOCOBAGA	Cigar City Brewing LLC	Registration No.: 4,571,987 Registered: July 22, 2014
THE PEREGRINATION PROJECT	Cigar City Brewing LLC	Application No.: 86/451,192 Filed: November 11, 2014

NYY7689373.2

TRADEMARK

REEL: 005834 FRAME: 0719

RECORDED: 07/14/2016

United States of America

United States Patent and Trademark Office

CIGAR CITY BREWING

Reg. No. 4,665,481

Registered Jan. 6, 2015

Int. Cl.: 32

TRADEMARK

PRINCIPAL REGISTER

CIGAR CITY BREWING LLC (FLORIDA LIMITED LIABILITY COMPANY)
3924 W. SPRUCE STREET
SUITE A
TAMPA, FL 33607

FOR: BEER, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 3-28-2009; IN COMMERCE 8-12-2009.

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

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BREWING", APART FROM THE MARK AS SHOWN.

SEC. 2(F).

SER. NO. 85-792,400, FILED 12-1-2012.

ZACHARY BELLO, EXAMINING ATTORNEY



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

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

Requirements in the First Ten Years*

What and When to File:

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

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

Requirements in Successive Ten-Year Periods*

What and When to File:

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

Grace Period Filings*

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

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

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

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

TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1
Stylesheet Version v1.2

ETAS ID: TM391443

SUBMISSION TYPE:	NEW ASSIGNMENT		
NATURE OF CONVEYANCE:	TRADEMARK SECURITY AGREEMENT		
CONVEYING PARTY DATA			
Name	Formerly	Execution Date	Entity Type
CIGAR CITY BREWING LLC		07/08/2016	Limited Liability Company: FLORIDA
RECEIVING PARTY DATA			
Name:	HPS INVESTMENT PARTNERS, LLC, AS ADMINISTRATIVE AGENT		
Street Address:	40 WEST 57TH STREET, 33RD FLOOR		
City:	NEW YORK		
State/Country:	NEW YORK		
Postal Code:	10019		
Entity Type:	Limited Liability Company: DELAWARE		
PROPERTY NUMBERS Total: 12			
Property Type	Number	Word Mark	
Registration Number:	4459000	CCB	
Registration Number:	4665481	CIGAR CITY BREWING	
Registration Number:	4528243	CIGAR CITY BREWING TAMPA CCB	
Registration Number:	4583813	FLORIDA CRACKER	
Registration Number:	4600418	HOPPED ON THE HIGH SEAS	
Registration Number:	4648932	HOTTER THAN HELLES	
Registration Number:	4392339	HUMIDOR SERIES	
Registration Number:	4392338	HUNAHPU'S	
Registration Number:	4396207	HUNAHPU'S DAY	
Registration Number:	4622538	INVASION	
Registration Number:	4571821	JAI ALAI	
Registration Number:	4571987	TOCOBAGA	
CORRESPONDENCE DATA			
Fax Number:	7147558290		
<i>Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent using a fax number, if provided; if that is unsuccessful, it will be sent via US Mail.</i>			
Email:	IPDOCKET@LW.COM, KRISTIN.AZCONA@LW.COM		
Correspondent Name:	LATHAM & WATKINS LLP		
Address Line 1:	650 Town Center Drive, Suite 2000		

OP \$315.00 4459000

Address Line 4: Costa Mesa, CALIFORNIA 92626

ATTORNEY DOCKET NUMBER:	050485-30
NAME OF SUBMITTER:	KRISTIN J AZCONA
SIGNATURE:	/KJA/
DATE SIGNED:	07/14/2016

Total Attachments: 11

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WITNESSETH:

WHEREAS, pursuant to that certain Credit Agreement, dated as of even date herewith, by and among CCB, OBB, SLBC, UBC and OBB Perrin (each individually as a “Borrower” and collectively as “Borrowers”), the other Loan Parties party thereto from time to time, Administrative Agent and the Lenders party thereto from time to time (as amended, supplemented, amended and restated or otherwise modified from time to time, the “Credit Agreement”), the Lenders have agreed to make Loans to Borrowers;

WHEREAS, pursuant to that certain Security Agreement, dated as of even date herewith, by and among Grantors, the other grantors party thereto and Administrative Agent (including all annexes, exhibits or schedules thereto, as from time to time amended, restated, supplemented or otherwise modified, the “Security Agreement”), as security for all Obligations, each Grantor granted to Administrative Agent, for the benefit of the Secured Parties, a continuing security interest in, lien on, and right of set-off against all Trademarks of such Grantor, whether now owned or existing or hereafter acquired or arising; and

WHEREAS, pursuant to the Security Agreement, each Grantor is required to execute and deliver to Administrative Agent, for the benefit of Secured Parties, this Agreement.

NOW, THEREFORE, in consideration of the premises and the mutual covenants herein contained and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor hereby agrees as follows:

1. **DEFINED TERMS.** All capitalized terms used but not otherwise defined herein (including in the recitals above) have the meanings given to them in the Credit Agreement.

2. **GRANT OF SECURITY INTEREST IN TRADEMARK COLLATERAL.** Each Grantor hereby grants to Administrative Agent, for the benefit of the Secured Parties, a continuing first priority security interest in, and lien upon, all of such Grantor's presently existing or hereafter acquired right, title and interest in and to the

Trademarks, including, without limitation, the Trademarks set forth on Schedule A hereto, all related goodwill, and all proceeds and products thereof.

Notwithstanding the foregoing or anything else contained herein to the contrary, "Trademarks" shall not include any "intent to use" trademark application until such time as such Grantor begins to use such trademark.

3. SECURITY AGREEMENT. The security interests granted pursuant to this Agreement are granted in conjunction with, and not in limitation of, the security interests granted to Administrative Agent pursuant to the Security Agreement. Each Grantor hereby acknowledges and affirms that the rights and remedies of Administrative Agent with respect to the security interest in the Trademarks and related Collateral made and granted hereby are more fully set forth in the Security Agreement, the terms and provisions of which are incorporated by reference herein as if fully set forth herein.


4. EXECUTION IN COUNTERPARTS. This Agreement may be executed in any number of counterparts, each of which when so executed and delivered shall constitute an original, but all of which shall constitute a single contract. It shall not be necessary in making proof of this Agreement to produce or account for more than one such counterpart. Delivery of an executed counterpart of a signature page of this Agreement by telecopy or other electronic imaging means shall be effective as delivery of a manually executed counterpart of this Agreement.

5. GOVERNING LAW. This Agreement shall be governed by and construed in accordance with the internal laws of the State of New York without giving effect to its choice of law provisions.

[Signature Page Follows]

IN WITNESS WHEREOF, each Grantor has caused this Agreement to be executed and delivered by its duly authorized officer as of the date first set forth above.

OSKAR BLUES BREWERY, LLC

By: 
Name: Christopher Akelman
Title: Vice President

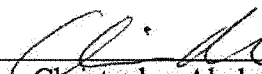
SALT LAKE BREWING CO., L.C.,
a Utah limited liability company, as a Borrower

By: _____
Name: Matt Fraser
Title: Chief Financial Officer

UTAH BREWERS COOPERATIVE, L.C.,
a Utah limited liability company, as a Borrower

By: _____
Name: Matt Fraser
Title: Chief Financial Officer

OBB PERRIN HOLDCO CORP.

By: 
Name: Christopher Akelman
Title: Treasurer

CIGAR CITY BREWING LLC

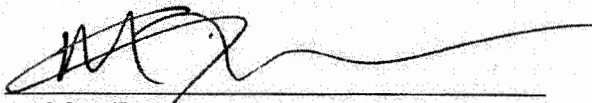
By: _____
Name: Matt Fraser
Title: Treasurer and Secretary

IN WITNESS WHEREOF, each Grantor has caused this Agreement to be executed and delivered by its duly authorized officer as of the date first set forth above.


OSKAR BLUES BREWERY, LLC

By: _____
Name: Christopher Akelman
Title: Vice President

SALT LAKE BREWING CO., L.C.,
a Utah limited liability company, as a Borrower

By: 
Name: Matt Fraser
Title: Chief Financial Officer

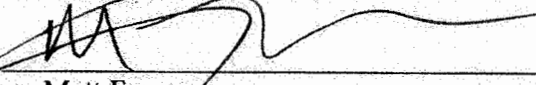
UTAH BREWERS COOPERATIVE, L.C.,
a Utah limited liability company, as a Borrower

By: 
Name: Matt Fraser
Title: Chief Financial Officer

OBB PERRIN HOLDCO CORP.

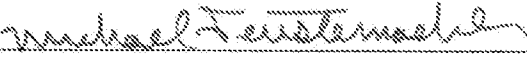
By: _____
Name: Christopher Akelman
Title: Treasurer

CIGAR CITY BREWING LLC

By: 
Name: Matt Fraser
Title: Treasurer and Secretary

ACCEPTED AND ACKNOWLEDGED BY:

HPS INVESTMENT PARTNERS, LLC,
as Administrative Agent

By: 
Name: Michael Fenstermacher
Title: Managing Director

Schedule A

Registered Trademarks

Mark	Owner	Status
OSKAR BLUES BREWERY	Oskar Blues Brewery, LLC	Registered
OSKAR BLUES GRILL AND BREW	Oskar Blues Brewery, LLC	3198713, registered 1/16/07 Registered
OSKAR BLUES HOME MADE LIQUIDS AND SOLIDS	Oskar Blues Brewery, LLC	3198714, registered 1/16/07 Registered
OLD CHUB	Oskar Blues Brewery, LLC	3921192, registered 2/15/11 Registered
DALE'S PALE ALE	Oskar Blues Brewery, LLC	3208205, registered 2/13/07 Registered
MAMA'S LITTLE YELLA PILS	Oskar Blues Brewery, LLC	3098105, registered 5/30/06 Registered
G'KNIGHT	Oskar Blues Brewery, LLC	3983771, registered 6/28/11 Registered
DEVIAANT DALES	Oskar Blues Brewery, LLC	3997561, registered 7/19/11 Registered
G'KNIGHTRO	Oskar Blues Brewery, LLC	4208990, registered 9/18/12 Registered
MOUNTAIN PALE ALE	Oskar Blues Brewery, LLC	4572575, registered 7/22/14 Registered

NY17689373.2

Mark	Owner	Status
TEN FIDY IMPERIAL STOUT and design 	Oskar Blues Brewery, LLC	4395450, registered 9/3/13 Registered 4,005,798, registered 8/2/11
GUBNA IMPERIAL IPA and design 	Oskar Blues Brewery, LLC	Registered 4061020, registered 11/22/11
THE OLD CHUB WAY EXPEDITIONARY CHOW DISPENSARY (stylized) 	Oskar Blues Brewery, LLC	Registered 4111142, registered 3/13/12
BURNING CAN	Oskar Blues Brewery, LLC	Registered 4583977, registered 8/12/14
G' AFTERNOON	Oskar Blues Brewery, LLC	Registered 4695996, 3/3/2015
DALEGATE	Oskar Blues Brewery, LLC	Pending 86756759, 9/15/15
CANIVERSARY	Oskar Blues Brewery, LLC	Registered 4695484, 3/3/2015
Beertio	Oskar Blues Brewery,	Registered

NY17689373.2

Mark	Owner	Status
	LLC	4946355, 4/26/2016
HOT BOX	Oskar Blues Brewery, LLC	Registered 4895864, 2/2/16
Priscilla	Oskar Blues Brewery, LLC	Registered 4946329, 4/26/2016
The Deuce	Oskar Blues Brewery, LLC	Pending 87049951, 5/25/16
DALE'S PALE ALE	Oskar Blues Brewery, LLC	Registration No.: 3098105 Registered: May 30, 2006

Mark	U.S. Serial No.	Filing Date	U.S. Reg. No.	Reg. Date	Registrant/Applicant
CAPT. BASTARD'S OATMEAL STOUT	74/581,875	4-Oct-94	1,925,760	10-Oct-95	Salt Lake Brewing Co., L.C.
FULL SUSPENSION PALE ALE	75/232,357	01-Jan-97	2,127,348	6-Jan-98	Salt Lake Brewing Co., L.C.
GHOSTRIDER	85/627,491	16-May-12	4,293,492	19-Feb-13	Utah Brewers Cooperative, L.C.
GOOD FOR WHAT ALES YOU	74/584,560	12-Oct-94	2,007,460	15-Oct-96	Salt Lake Brewing Co., L.C.
GOOD FOR WHAT ALES YOU	74/084,454	1-Aug-90	1,656,409	10-Sep-91	Salt Lake Brewing Co., L.C.
HELL'S KEEP	77/659,622	29-Jan-09	3,779,201	15-Feb-11	Salt Lake Brewing Co., L.L.C.
HOP RISING	77/959,493	15-Mar-10	3,953,411	3-May-11	Salt Lake Brewing Co., L.C.
SQUATTERS	74/587,966	20-Oct-94	1,939,613	5-Dec-95	Salt Lake Brewing Co., L.C.
SQUATTERS	74/587,766	20-Oct-94	1,979,254	11-Jun-96	Salt Lake Brewing Co., L.C.
SQUATTERS	74/587,975	20-Oct-94	1,985,070	9-Jul-96	Salt Lake Brewing Co., L.C.
BLACK OLANTERN	86082869	4-Oct-13	4633914	4-Nov-14	Utah Brewers Cooperative, L.C.

NYY7689373.2

Mark	U.S. Serial No.	Filing Date	U.S. Reg. No.	Reg. Date	Registrant/Applicant
BOBSLED	86177766	28-Jan-14	4580163	5-Aug-14	Utah Brewers Cooperative, LLC
BUMPER CROP	86184494	4-Feb-14	4597054	2-Sep-14	Utah Brewers Cooperative, L.C.
CHASING TAIL GOLDEN ALE	86165846	15-Jan-14	4580121	5-Aug-14	Utah Brewers Cooperative, LLC
DEVASTATOR	86161283	9-Jan-14	n/a	n/a	Utah Brewers Cooperative, L.C.
LAST ONE IN	86162025	9-Jan-14	4634169	4-Nov-14	Utah Brewers Cooperative, LLC
LIVE AND LET LIVE	86184377	4-Feb-14	4765360	30-Jun-15	Utah Brewers Cooperative, L.C.
OFF DUTY INDIA PALE ALE	86135935	5-Dec-13	4634096	4-Nov-14	Utah Brewers Cooperative, L.C.
OUTER DARKNESS	86177752	28-Jan-14	4580162	5-Aug-14	Utah Brewers Cooperative, LLC
PASTOR CURFEW	86805116	30-Oct-15	n/a	n/a	Utah Brewers Cooperative, L.C.
PARTY IN A BOX	86177589	28-Jan-14	4687161	n/a	Utah Brewers Cooperative, LLC
POLYGAMY PORTER	85/591439	6-Apr-12	4245494	20-NOV-12	Utah Brewers Cooperative, L.C.
POLYGAMY PORTER	85/590904	6-APR-12	4253333	4-DEC-12	Utah Brewers Cooperative, L.C.
PROVO GIRL	86167082	16-Jan-14	4580134	5-Aug-14	Utah Brewers Cooperative, LLC
RESPECT YOUR MOTHER	86184362	4-Feb-14	4634257	4-Nov-14	Utah Brewers Cooperative, LLC
SNAP DOWN HEADER	86162018	9-Jan-14	4634168	4-Nov-14	Utah Brewers Cooperative, LLC
SLICKROCK	86804013	29-Oct-15	4978076	14-Jun-16	Utah Brewers Cooperative, L.C.
SQUASATCH HOPPY PILSNER	86805196	30-Oct-15	n/a	n/a	Utah Brewers Cooperative, L.C.
WE DRINK OUR SHARE AND SELL THE REST	86877122	15-Jan-16	4983325	21-Jun-16	Utah Brewers Cooperative, L.C.
WASATCH BEERS	86163765	13-Jan-14	4580032	5-Aug-14	Utah Brewers Cooperative, LLC
WEE PEAT SCOTTISH ALE	86184385	4-Feb-14	n/a	n/a	Utah Brewers Cooperative, L.C.
FIRST ONE DOWN	86400110	Pending application	n/a	n/a	Utah Brewers Cooperative, L.C.

NYY7689373.2

Mark	U.S. Serial No.	Filing Date	U.S. Reg. No.	Reg. Date	Registrant/Applicant
		filed 19-SEP-14			
WELLED IRISH STOUT	86400035	Pending application filed 19-SEP-14	n/a	n/a	Utah Brewers Cooperative, L.C.
APPLE-A-DAY	86293585	Pending application filed 28-MAY-14	n/a	n/a	Utah Brewers Cooperative, L.C.

Mark	Owner	Status
PERRIN BREWING COMPANY	OBB PERRIN HOLDCO CORP	Registered 4915662, 3/8/2016
98 PROBLEMS (CUZ' A HOP AIN'T ONE	OBB PERRIN HOLDCO CORP	Application No.: 86626576 Filed: May 12, 2015

Mark	Owner	Status
CCB	Cigar City Brewing LLC	Registration No.: 4,459,000 Registered: Dec. 31, 2013
CIGAR CITY BREWING	Cigar City Brewing LLC	Registration No.: 4,665,481 Registered: Jan. 6, 2015
CIGAR CITY BREWING [OVAL LOGO]	Cigar City Brewing LLC	Registration No.: 4,528,243 Registered: May 13, 2014
FLORIDA CRACKER	Cigar City Brewing LLC	Registration No.: 4,583,813 Registered: Aug. 12, 2014

NYV7689373.2

Mark	Owner	Status
HOPPED ON HIGH SEAS	Cigar City Brewing LLC	Registration No.: 4,600,418 Registered: Sep. 9, 2014
HOTTER THAN HELLES	Cigar City Brewing LLC	Registration No.: 4,648,932 Registered: Dec. 2, 2014
HUMDOR SERIES	Cigar City Brewing LLC	Registration No.: 4,392,339 Registered: Aug. 27, 2013
HUNNAHPU'S	Cigar City Brewing LLC	Registration No.: 4,392,338 Registered: Aug. 27, 2013
HUNNAHPU'S DAY	Cigar City Brewing LLC	Registration No.: 4,396,207 Registered: Sep. 3, 2013
INVASION	Cigar City Brewing LLC	Registration No.: 4,622,538 Registered: Oct. 14, 2014
JAI ALAI	Cigar City Brewing LLC	Registration No.: 4,571,821 Registered: July 22, 2014
TOCOBAGA	Cigar City Brewing LLC	Registration No.: 4,571,987 Registered: July 22, 2014
THE PEREGRINATION PROJECT	Cigar City Brewing LLC	Application No.: 86/451,192 Filed: November 11, 2014

NYY7689373.2

TRADEMARK

REEL: 005834 FRAME: 0719

RECORDED: 07/14/2016

EXHIBIT 4

Awards for Quality Made to Cigar City Brewing Beers

Jai Alai IPA

Rate Beer: 99 Overall
BeerAdvocate: A-overall
2010: Best Florida Beer Championship- Gold Medal
2011: Best Florida Beer Championship- Silver Medal

Florida Cracker Belgian-style White Ale

Rate Beer: 89 Overall
BeerAdvocate: 84 Overall
2015 U.S. Beer Open Championships Silver Medal, Witbier Category
2016 Best Florida Beer Championship Bronze Medal Belgian/French Ales Category

Invasion Pale Ale: Rate

Beer: 96 Overall
BeerAdvocate: 88 Overall
Draft Magazine: 96 Overall

Maduro Brown Ale:

Rate Beer: 96 Overall
BeerAdvocate: A-overall
2010: Best Florida Beer Championship- Gold Medal
2011: US Open Beer Championship Gold Medal

Lager:

2016 Best Florida Beer Championships, Gold Medal, European, European & International Beers Category

Tocobaga Red Ale:

Rate Beer: 99 Overall
BeerAdvocate: A-Overall
2012 Gold: Best Florida Beer Championship
2011 Silver: Best Florida Beer Championship

Guayabera Citra Pale Ale

Minaret ESB:

2012 GABF Gold Medal

Patio Pils Pre-Prohibition Pilsner:

Rate Beer: 90 Overall
BeerAdvocate: 84 Overall

Cubano Espresso Brown Ale:

RateBeer: 99 Overall
Beer Advocate: A-overall
2010 Best Florida Beer Championship – Gold Medal
2010 Best Florida Beer Championship – 3rd place Best in Show
2011 Best Florida Beer Championship – Gold Medal

What Oak Jai Alai IPA:

Ratebeer: 99 overall
BeerAdvocate: A- overall
2011 Best Florida Beer Championship – Silver Medal
2011 United States Open Beer Championship – Silver Medal

Cucumber Saison:

Ratebeer: 92 overall
BeerAdvocate: 84 overall

Bolita Double Nut Brown Ale

Ratebeer: 98 overall

BeerAdvocate: B+ overall

2015 U.S. Open Beer Championship Gold Medal Imperial Brown Ale Category

Jose Marti India Style Porter

Ratebeer: 98 overall

BeerAdvocate: B+ overall

2015 U.S. Open Beer Championship Gold Medal Imperial Brown Ale Category

Big Sound Scotch Ale

Ratebeer: 99 overall

BeerAdvocate: 91 overall

2015 U.S. Open Beer Championship Bronze Medal

Puppy's Breath Robust Porter

Ratebeer: 99 overall

BeerAdvocate: 91 overall

Marshal Zhukov's Imperial Stout

Ratebeer: 100 overall

BeerAdvocate: 100 overall

2015 U.S. Beer Open Championship Gold Medal Imperial Stout Category

Good Gourd Imperial Pumpkin Ale

Ratebeer: 98 overall

BeerAdvocate: A- overall

Oktoberfest Märzen Lager

Ratebeer: 82 overall

BeerAdvocate: 84 overall

Warmer Winter Winter Warmer

Ratebeer: 98 overall

BeerAdvocate: 87 overall

EXHIBIT 5

[BREWERY](#)

[ABOUT](#)

[STORE](#)



[TASTING ROOM](#)



GOOD TIMES CHECK OUT THE EVENT CALENDAR

**WHAT'S ON
TAP**
IN THE TASTING ROOM

**WHERE TO
FIND
CCB BEER**
CLICK HERE TO SEARCH

**GET YOUR
CCB
MERCH**
VIEW STORE

[OUR BEERS](#)
[TASTING ROOM](#)

[SOCIAL MEDIA](#)
[CONTACT](#)

[CAREERS](#)
[BRANDING](#)

[LOGIN](#)
[TERMS OF USE](#)
[PRIVACY POLICY](#)
[DISTRIBUTOR LOGIN](#)



CCB TWITTER

We are so excited, honored, & humbled to have placed 4th overall @USOpenBeerChamp

#runsoforacelebrationpint... <https://t.co/37Liw6pND>

[FOLLOW CCB](#)

3364 W. Spruce St., Tampa, FL 33609 © 2014 Cigar City Brewing. All Rights Reserved.
Tasting Room Hours: Monday-Thursday 11:00am-11pm, Friday & Saturday 11:00am-1:00am, Sunday 11:00am-11pm

EXHIBIT 6

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

Serial Number: 86717924

Filing Date: 08/07/2015

*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	Cigar City Salsa
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	Cigar City Salsa
*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	Cigar City Smoked Salsa, LLC
*STREET	5106 North 30th Street
*CITY	Tampa
*STATE (Required for U.S. applicants)	Florida
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants)	33610
PHONE	8138715368
FAX	8138715414
EMAIL ADDRESS	pamwooten@gmail.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
LEGAL ENTITY INFORMATION	
*TYPE	LIMITED LIABILITY COMPANY
* STATE/COUNTRY WHERE LEGALLY ORGANIZED	Florida
GOODS AND/OR SERVICES AND BASIS INFORMATION	
*INTERNATIONAL CLASS	030

*IDENTIFICATION	Salsa
*FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 01/11/2012
FIRST USE IN COMMERCE DATE	At least as early as 01/11/2012
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT16\IMAGEOUT16\867\179\86717924\xml1\FTK0003.JPG
SPECIMEN DESCRIPTION	Label
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	Roy J. Kane
FIRM NAME	Cigar City Smoked Salsa, LLC
INTERNAL ADDRESS	5106 North 30th Street
*STREET	5106 North 30th Street
*CITY	Tampa
*STATE (Required for U.S. applicants)	Florida
*COUNTRY	United States
*ZIP/POSTAL CODE	33610
PHONE	8138715368
FAX	8138715414
*EMAIL ADDRESS	pamwooten@gmail.com;mark@cigarcitysalsa.com
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
APPLICATION FILING OPTION	TEAS Plus
NUMBER OF CLASSES	1
FEE PER CLASS	225
*TOTAL FEE PAID	225
SIGNATURE INFORMATION	
* SIGNATURE	/Roy J. Kane/
* SIGNATORY'S NAME	Roy J. Kane
* SIGNATORY'S POSITION	President
SIGNATORY'S PHONE NUMBER	

SIGNATORY'S PHONE NUMBER	8138715368 x1118
* DATE SIGNED	08/07/2015

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 86717924

Filing Date: 08/07/2015

To the Commissioner for Trademarks:

MARK: Cigar City Salsa (Standard Characters, see [mark](#))

The literal element of the mark consists of Cigar City Salsa.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Cigar City Smoked Salsa, LLC, a limited liability company legally organized under the laws of Florida, having an address of
5106 North 30th Street
Tampa, Florida 33610
United States

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 030: Salsa

Use in Commerce: The applicant is using the mark in commerce on or in connection with the identified goods/services. The applicant attaches, or will later submit, one specimen as a JPG/PDF image file showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, regardless of whether the mark itself is in the standard character format or is a stylized or design mark. The specimen image file may be in color, and the image must be in color if color is being claimed as a feature of the mark.

In International Class 030, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 01/11/2012, and first used in commerce at least as early as 01/11/2012, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) Label.

[Specimen File1](#)

The applicant's current Correspondence Information:

Roy J. Kane

Cigar City Smoked Salsa, LLC

5106 North 30th Street

5106 North 30th Street

Tampa, Florida 33610

8138715368(phone)

8138715414(fax)

pamwooten@gmail.com;mark@cigarcitysalsa.com (authorized)

E-mail Authorization: I authorize the USPTO to send e-mail correspondence concerning the application to the applicant or applicant's attorney at the e-mail address provided above. I understand that a valid e-mail address must be maintained and that the applicant or the applicant's attorney must file the relevant subsequent application-related submissions via the Trademark Electronic Application System (TEAS). Failure to do so will result in an additional processing fee of \$50 per international class of goods/services.

A fee payment in the amount of \$225 has been submitted with the application, representing payment for 1 class(es).

Declaration

The signatory believes that: if the applicant is filing the application under 15 U.S.C. § 1051(a), the applicant is the owner of the trademark/service mark sought to be registered; the applicant is using the mark in commerce 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/or if the applicant filed an application under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e), the applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the goods/services in the application. The signatory believes that 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. 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 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.

Signature: /Roy J. Kane/ Date Signed: 08/07/2015
Signatory's Name: Roy J. Kane
Signatory's Position: President

RAM Sale Number: 86717924
RAM Accounting Date: 08/07/2015

Serial Number: 86717924
Internet Transmission Date: Fri Aug 07 11:17:59 EDT 2015
TEAS Stamp: USPTO/FTK-XX.XXX.XX.XX-20150807111759761
417-86717924-540624b67bf32194d7d8ee59d5b
3783f0b35174e754238bdafca697b6888c923ec-
CC-8022-20150807103719114709

Cigar City Salsa



EXHIBIT 7

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO Form 1957 (Rev 10/2011)

OMB No. 0651-0050 (Exp 07/31/2017)

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86717924
LAW OFFICE ASSIGNED	LAW OFFICE 105
MARK SECTION	
MARK	http://tmng-al.uspto.gov/resting2/api/img/86717924/large
LITERAL ELEMENT	CIGAR CITY SALSA
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
GOODS AND/OR SERVICES SECTION (current)	
INTERNATIONAL CLASS	030
DESCRIPTION	Salsa
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 01/11/2012
FIRST USE IN COMMERCE DATE	At least as early as 01/11/2012
GOODS AND/OR SERVICES SECTION (proposed)	
INTERNATIONAL CLASS	030
DESCRIPTION	Salsa
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 01/11/2012
FIRST USE IN COMMERCE DATE	At least as early as 01/11/2012
STATEMENT TYPE	"The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application" [for an application based on Section 1(a), Use in Commerce] OR "The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use" [for an application based on Section 1(b) Intent-to-Use]. OR "The attached specimen is a true copy of the specimen that was originally submitted with the application, amendment to allege use, or statement of use" [for an illegible specimen].
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT16\IMAGEOUT_16\867\179\86717924\xml4\ ROA0002.JPG
SPECIMEN DESCRIPTION	photo of the goods
ADDITIONAL STATEMENTS SECTION	
DISCLAIMER	No claim is made to the exclusive right to use SALSA apart from the mark as shown.

SUPPLEMENTAL REGISTER	The applicant seeks registration of the mark on the Supplemental Register (i.e., a change of the words 'Principal Register' to 'Supplemental Register').
NEW ATTORNEY SECTION	
NAME	David R. Ellis
FIRM NAME	David R. Ellis, Attorney
STREET	3233 East Bay Drive, Suite 101
CITY	Largo
STATE	Florida
ZIP/POSTAL CODE	33771
COUNTRY	United States
PHONE	7275311111
FAX	7275315088
EMAIL	ellislaw@alum.mit.edu
AUTHORIZED EMAIL COMMUNICATION	Yes
CORRESPONDENCE SECTION	
ORIGINAL ADDRESS	ROY J. KANE Cigar City Smoked Salsa Llc 5106 N 30th St Tampa Florida US 33610-5102
NEW CORRESPONDENCE SECTION	
NAME	David R. Ellis
FIRM NAME	David R. Ellis, Attorney
STREET	3233 East Bay Drive, Suite 101
CITY	Largo
STATE	Florida
ZIP/POSTAL CODE	33771
COUNTRY	United States
PHONE	7275311111
FAX	7275315088
EMAIL	ellislaw@alum.mit.edu
AUTHORIZED EMAIL COMMUNICATION	Yes
SIGNATURE SECTION	
DECLARATION SIGNATURE	/David R. Ellis/
SIGNATORY'S NAME	David R. Ellis
SIGNATORY'S POSITION	Applicant
SIGNATORY'S PHONE NUMBER	727-531-1111
DATE SIGNED	04/27/2016

RESPONSE SIGNATURE	/David R. Ellis/
SIGNATORY'S NAME	David R. Ellis
SIGNATORY'S POSITION	Attorney
SIGNATORY'S PHONE NUMBER	727-531-1111
DATE SIGNED	04/27/2016
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Wed Apr 27 16:32:53 EDT 2016
TEAS STAMP	USPTO/ROA-XXX.XXX.XX.XX-2 0160427163253563927-86717 924-5507ebb96e35ac1beb7b4 28ac1e2538dbaa10edc5eb85e e22d54dffba432041c8-N/A-N /A-20160427162342358998

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PTO Form 1957 (Rev 10/2011)
OMB No. 0651-0050 (Exp 07/31/2017)

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. **86717924** CIGAR CITY SALSA(Standard Characters, see <http://tmng-al.uspto.gov/resting2/api/img/86717924/large>) has been amended as follows:

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 030 for Salsa

Original Filing Basis:

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 01/11/2012 and first used in commerce at least as early as 01/11/2012 , and is now in use in such commerce.

Proposed: Class 030 for Salsa

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 01/11/2012 and first used in commerce at least as early as 01/11/2012 , and is now in use in such commerce.

Applicant hereby submits one(or more) specimen(s) for Class 030 . The specimen(s) submitted consists of photo of the goods .

"The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application" [for an application based on Section 1(a), Use in Commerce] **OR** **"The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use"** [for an application based on Section 1(b) Intent-to-Use]. **OR** **"The attached specimen is a true copy of the specimen that was originally submitted with the application, amendment to allege use, or statement of use"** [for an illegible specimen]. [Specimen File1](#)

ATTORNEY ADDRESS

Applicant proposes to amend the following:

Proposed:

David R. Ellis of David R. Ellis, Attorney, having an address of
3233 East Bay Drive, Suite 101 Largo, Florida 33771
United States
ellislaw@alum.mit.edu

7275311111
7275315088

CORRESPONDENCE ADDRESS CHANGE

Applicant proposes to amend the following:

Current:

ROY J. KANE
Cigar City Smoked Salsa Llc
5106 N 30th St
Tampa
Florida
US
33610-5102

Proposed:

David R. Ellis of David R. Ellis, Attorney, having an address of
3233 East Bay Drive, Suite 101 Largo, Florida 33771
United States
ellislaw@alum.mit.edu
7275311111
7275315088

ADDITIONAL STATEMENTS

Disclaimer

No claim is made to the exclusive right to use SALSA apart from the mark as shown.

Supplemental Register

The applicant seeks registration of the mark on the Supplemental Register (i.e., a change of the words 'Principal Register' to 'Supplemental Register').

SIGNATURE(S)

Declaration Signature

DECLARATION: 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, if the applicant submitted the application or allegation of use (AOU) unsigned, all statements in the application or AOU and this submission based on the signatory's own knowledge are true, and all statements in the application or AOU and this submission made on information and belief are believed to be true.

STATEMENTS FOR UNSIGNED SECTION 1(a) APPLICATION/AOU: If the applicant filed an unsigned application under 15 U.S.C. §1051(a) or AOU under 15 U.S.C. §1051(c), the signatory additionally believes that: the applicant is the owner of the 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 or AOU on or in connection with the goods/services/collective membership organization in the application or AOU; the original specimen(s), if applicable, shows the mark in use in commerce as of the filing date of the application or AOU on or in connection with the goods/services/collective membership organization in the application or AOU; **for a collective trademark, collective service mark, collective membership mark application, or certification mark application**, the applicant is exercising legitimate control over the use of the mark in commerce and was exercising legitimate control over the use of the mark in commerce as of the filing date of the application or AOU; **for a certification mark application**, the applicant is not engaged in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant. **To the best of the signatory's knowledge and belief, no other persons, except, if applicable, authorized users, members, and/or 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/collective membership organization of such other persons, to cause confusion or mistake, or to deceive.**

STATEMENTS FOR UNSIGNED SECTION 1(b)/SECTION 44 APPLICATION AND FOR SECTION 66(a)

COLLECTIVE/CERTIFICATION MARK APPLICATION: If the applicant filed an unsigned application under 15 U.S.C. §§ 1051(b),

1126(d), and/or 1126(e), or filed a collective/certification mark application under 15 U.S.C. §1141f(a), the signatory additionally believes that: ***for a trademark or service mark application***, the applicant is entitled to use the mark in commerce on or in connection with the goods/services specified in the application; 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; ***for a collective trademark, collective service mark, collective membership mark, or certification mark application***, the applicant has a bona fide intention, and is entitled, to exercise legitimate control over the use of the mark in commerce and had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce as of the application filing date; the signatory is properly authorized to execute the declaration on behalf of the applicant; ***for a certification mark application***, the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant. **To the best of the signatory's knowledge and belief, no other persons, except, if applicable, authorized users, members, and/or 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/collective membership organization of such other persons, to cause confusion or mistake, or to deceive.**

Signature: /David R. Ellis/ Date: 04/27/2016
Signatory's Name: David R. Ellis
Signatory's Position: Applicant
Signatory's Phone Number: 727-531-1111

Response Signature

Signature: /David R. Ellis/ Date: 04/27/2016
Signatory's Name: David R. Ellis
Signatory's Position: Attorney

Signatory's Phone Number: 727-531-1111

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the owner's/holder's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the owner/holder in this matter: (1) the owner/holder has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Mailing Address: David R. Ellis
David R. Ellis, Attorney
3233 East Bay Drive, Suite 101
Largo, Florida 33771

Serial Number: 86717924
Internet Transmission Date: Wed Apr 27 16:32:53 EDT 2016
TEAS Stamp: USPTO/ROA-XXX.XXX.XX.XX-2016042716325356
3927-86717924-5507ebb96e35ac1beb7b428ac1
e2538dbaa10edc5eb85ee22d54dffba432041c8-
N/A-N/A-20160427162342358998



EXHIBIT 8

United States of America

United States Patent and Trademark Office

Cigar City Salsa

Reg. No. 5,014,834

Cigar City Smoked Salsa, LLC (FLORIDA LIMITED LIABILITY COMPANY)
5106 North 30th Street
Tampa, FL 33610

Registered Aug. 02, 2016

Int. Cl.: 30

CLASS 30: Salsa

Trademark

FIRST USE 1-11-2012; IN COMMERCE 1-11-2012

Supplemental Register

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

No claim is made to the exclusive right to use the following apart from the mark as shown:
"SALSA"

SER. NO. 86-717,924, FILED P.R. 08-07-2015; AM. S.R. 04-27-2016

KRISTIN MARI WILLIAMS, EXAMINING ATTORNEY



Michelle K. Lee

Director of the United States
Patent and Trademark Office

REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION

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

Requirements in the First Ten Years*

What and When to File:

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

Requirements in Successive Ten-Year Periods*

What and When to File:

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

Grace Period Filings*

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

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

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

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

EXHIBIT 9

Trademark Trial and Appeal Board Electronic Filing System. <http://estta.uspto.gov>ESTTA Tracking number: **ESTTA767058**Filing date: **08/26/2016**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Cigar City Brewing LLC		
Entity	Limited Liability Company	Citizenship	Florida
Address	3924 West Spruce Street Tampa, FL 33607 UNITED STATES		

Attorney information	Glenn A. Rice Funkhouser Vegosen Liebman & Dunn Ltd. 55 W. Monroe St., Suite 2300 Chicago, IL 60603 UNITED STATES grice@fvldlaw.com Phone:312 701-6895
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Registration Subject to Cancellation

Registration No	5014834	Registration date	08/02/2016
Registrant	Cigar City Smoked Salsa, LLC 5106 North 30th Street Tampa, FL 33610 UNITED STATES		

Goods/Services Subject to CancellationClass 030. First Use: 2012/01/11 First Use In Commerce: 2012/01/11
All goods and services in the class are cancelled, namely: Salsa**Grounds for Cancellation**

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)
--------------------------------------	---------------------------------------

Marks Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	4665481	Application Date	12/01/2012
Registration Date	01/06/2015	Foreign Priority Date	NONE
Word Mark	CIGAR CITY BREWING		

Design Mark	CIGAR CITY BREWING
Description of Mark	NONE
Goods/Services	Class 032. First use: First Use: 2009/03/28 First Use In Commerce: 2009/08/12 Beer

U.S. Registration No.	4528243	Application Date	05/16/2013
Registration Date	05/13/2014	Foreign Priority Date	NONE

Word Mark	CIGAR CITY BREWING TAMPA CCB
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Design Mark	
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Description of Mark	The mark consists of an oval with an outline within which the wording "CIGAR CITY" appears on top, a design of a cigar with a band and an oval containing the letters "CCB" superimposed on the band appears in the middle, and the wording "TAMPA" appears below the cigar design."
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Goods/Services	Class 032. First use: First Use: 2009/03/00 First Use In Commerce: 2009/08/12 Beer
----------------	--

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	CIGAR CITY BREWING trade name		
Goods/Services	Beer		

Attachments	85792400#TMSN.png(bytes) 85934190#TMSN.png(bytes) Petition to Cancel - Cigar City Salsa.pdf(336287 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/glenn rice/
Name	Glenn A. Riceb
Date	08/26/2016

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

In the matter of trademark Registration No. 5,014,834

For the mark CIGAR CITY SALSA

CIGAR CITY BREWING LLC,)	
Petitioner,)	
v.)	Cancellation No. _____
CIGAR CITY SMOKED SALSA, LLC,)	
Respondent.)	

PETITION TO CANCEL

Petitioner Cigar City Brewing LLC (“Petitioner”) is a Florida limited liability company with a place of business in Tampa, Florida.

To the best of Petitioner’s knowledge, the name of the current owner of the above-identified registration is Cigar City Smoked Salsa, LLC, 5106 North 30th Street, Tampa, Florida 33610.

Petitioner believes that it will be damaged by the continued registration of the above-identified registration and hereby petitions to cancel the same on the grounds stated below:

1. Petitioner is the largest and oldest craft brewer in Florida, and it is one of the country’s leading craft breweries. Petitioner is engaged in the business of producing and selling craft beer under the mark and trade name CIGAR CITY BREWING, and it is the owner of the CIGAR CITY BREWING mark and trade name.

2. In addition to its common law trademark rights, Petitioner is the owner of U.S. Reg. No. 4,665,481 on the Principal Register for the mark CIGAR CITY BREWING for beer, and it is the owner of U.S. Reg. No. 4,528,243 on the Principal Register for the CIGAR CITY BREWING logo mark for beer shown below (hereinafter collectively, the “CIGAR CITY BREWING Marks”):



3. Petitioner’s registrations for the CIGAR CITY BREWING Marks are valid and subsisting and printouts of the registrations from the electronic database of the U.S. Patent and Trademark Office showing the current status and title of the registrations are attached hereto as Exhibit A and submitted into evidence on behalf of Petitioner in accordance with Rule 2.122 of the Trademark Rules of Practice.

4. Since at least as early as March 2009, and long prior to the application filing date for the CIGAR CITY SALSA mark and any date of first use upon which Respondent can rely, Petitioner has used the CIGAR CITY BREWING Marks and trade name.

5. Petitioner has enjoyed immense success in its business and owns substantial goodwill and value in its CIGAR CITY BREWING Marks and trade name. Petitioner has won numerous awards for its beer at prestigious beer festivals and competitions and it has been rated by RateBeer.com as one of the best breweries in the world based on consumer review of its beer

marketed and sold under the CIGAR CITY BREWING Marks and trade name. Petitioner has further received considerable critical acclaim and publication recognition in numerous news media stories, blogs, interviews, and reviews.

6. On August 7, 2015, Respondent filed Application Ser. No. 86717924 to register the mark CIGAR CITY SALSA for salsa. On information and belief, Respondent had actual knowledge of Petitioner's CIGAR CITY BREWING Marks prior to filing Application Ser. No. 86717924. On information and belief, Respondent had actual knowledge of Petitioner's CIGAR CITY BREWING company name prior to filing said application.

7. On August 2, 2016, the Patent and Trademark Office issued Registration No. 5,014,834 on the Supplemental Register for the CIGAR CITY SALSA mark in the name of Respondent. The registration is unrestricted as to customers, channels of distribution or trade, or advertising media.

8. Petitioner's CIGAR CITY BREWING Marks and name and Respondent's CIGAR CITY SALSA mark are similar in sight, sound, and overall commercial impression.

9. The goods identified in Registration No. 5,014,834 are closely related to the goods sold under Petitioner's CIGAR CITY BREWING Marks and tradename and they travel through the same channels of trade, including grocery stores, to the same consumers. Brewers, in fact, commonly extend their brands to a wide range of food products, including salsa, barbeque and hot sauce, and many other food products. Examples of this include, without limitation:

[https://store.oskarblues.com/products-page/brands/new-oskar-blues-hot-sauces/;](https://store.oskarblues.com/products-page/brands/new-oskar-blues-hot-sauces/)

[https://www.dnainfo.com/chicago/20150417/university-village/new-dark-lord-hot-sauce-](https://www.dnainfo.com/chicago/20150417/university-village/new-dark-lord-hot-sauce-heat-up-annual-three-floyds-beer-fest)

[heat-up-annual-three-floyds-beer-fest;](https://www.dnainfo.com/chicago/20150417/university-village/new-dark-lord-hot-sauce-heat-up-annual-three-floyds-beer-fest) [http://www.shoppikebrewing.com/collections/food-](http://www.shoppikebrewing.com/collections/food-beer-pike-beer-sauces)

[beer-pike-beer-sauces;](http://www.shoppikebrewing.com/collections/food-beer-pike-beer-sauces) [http://www.southsidesalsaco.com/products/hot-blonde-craft-salsas/;](http://www.southsidesalsaco.com/products/hot-blonde-craft-salsas/)

http://www.yuengling.com/store/home__bar/home__bar/food/; <http://buy.rogue.com/>;
<http://shop.stonebrewing.com/en-us/bbq-sauce-sb/smoked-porter-bbq-sauce-1450>; and
<http://www.sierranevadagiftshop.com/food.html>.

10. Respondent is in no way authorized, sponsored, or licensed by, or in any other way legitimately connected with, Petitioner.

11. Respondent's use and registration of the mark CIGAR CITY SALSA is without Petitioner's permission or authorization.

12. Consumers are likely to be confused, mistaken or deceived into believing that Respondent's goods come from, are connected with, or are otherwise authorized, sponsored or licensed by Petitioner, when in fact they are not.

13. The CIGAR CITY SALSA mark, when used for the goods in Registration No. 5,014,834, so resembles the CIGAR CITY BREWING Marks and trade name as to be likely to cause confusion, mistake, and/or deception within the meaning of Section 2(d) of the Trademark Act, to the consequent damage of Petitioner. Further, there have, in fact, been instances of actual consumer confusion as to the source of Respondent's goods, with consumers believing, erroneously, that the source of such goods is Petitioner.

14. By reason of the foregoing, Respondent's continued ownership of Registration No. 5,014,834 is damaging to Petitioner.

WHEREFORE, Cigar City Brewing Company LLC respectfully requests that this Petition to Cancel be sustained in its favor and Registration No. 5,014,834 for the mark CIGAR CITY SALSA be cancelled.

Respectfully submitted,

Dated: August 26, 2016

Cigar City Brewing LLC, Petitioner

By: /s/ Glenn A. Rice
Counsel for Petitioner

Glenn A. Rice, Esq.
**FUNKHOUSER VEGOSEN LIEBMAN
& DUNN LTD.**
55 West Monroe Street Suite 2300
Chicago, Illinois 60603
Telephone (312) 701-6800
Facsimile (312) 701-6801
Counsel for Petitioner

EXHIBIT A

Generated on: This page was generated by TSDR on 2016-08-26 15:15:37 EDT

Mark: CIGAR CITY BREWING TAMPA CCB



US Serial Number: 85934190
Application Filing Date: May 16, 2013
US Registration Number: 4528243
Registration Date: May 13, 2014
Filed as TEAS Plus: Yes
Currently TEAS Plus: Yes
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: May 13, 2014
Publication Date: Feb. 25, 2014

Mark Information

Mark Literal Elements: CIGAR CITY BREWING TAMPA CCB
Standard Character Claim: No
Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)
Description of Mark: The mark consists of an oval with an outline within which the wording "CIGAR CITY" appears on top, a design of a cigar with a band and an oval containing the letters "CCB" superimposed on the band appears in the middle, and the wording "TAMPA" appears below the cigar design."
Color(s) Claimed: Color is not claimed as a feature of the mark.
Disclaimer: "CIGAR CITY," "BREWING," AND "TAMPA"
Design Search Code(s): 10.01.01 - Cigars
 24.05.02 - Seals having some other shape
 26.03.17 - Ovals, concentric; Concentric ovals and ovals within ovals; Concentric ovals; Ovals within ovals
 26.03.21 - Ovals that are completely or partially shaded

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Beer
International Class(es): 032 - Primary Class
U.S Class(es): 045, 046, 048
Class Status: ACTIVE
Basis: 1(a)
First Use: Mar. 2009
Use in Commerce: Aug. 12, 2009

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Cigar City Brewing LLC

Owner Address: Suite A
3924 W. Spruce Street
Tampa, FLORIDA 33607
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country: FLORIDA
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Glenn A. Rice

Attorney Primary Email Address: grice@fvldlaw.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: GLENN A. RICE
FUNKHOUSER VEGOSEN LIEBMAN & DUNN LTD.
55 W MONROE ST STE 2300
CHICAGO, ILLINOIS 60603-5117
UNITED STATES

Phone: 312 701-6895

Fax: 312 701-6801

Correspondent e-mail: grice@fvldlaw.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Aug. 03, 2016	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
May 13, 2014	REGISTERED-PRINCIPAL REGISTER	
Feb. 25, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Feb. 25, 2014	PUBLISHED FOR OPPOSITION	
Feb. 05, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jan. 18, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	66121
Jan. 18, 2014	ASSIGNED TO LIE	66121
Dec. 19, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 19, 2013	EXAMINER'S AMENDMENT ENTERED	88888
Dec. 19, 2013	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Dec. 19, 2013	EXAMINERS AMENDMENT E-MAILED	6328
Dec. 19, 2013	EXAMINERS AMENDMENT -WRITTEN	81848
Sep. 11, 2013	NOTIFICATION OF EXAMINER'S AMENDMENT/PRIORITY ACTION E-MAILED	6326
Sep. 11, 2013	EXAMINER'S AMENDMENT/PRIORITY ACTION E-MAILED	6326
Sep. 11, 2013	COMBINED EXAMINER'S AMENDMENT/PRIORITY ACTION AUTOMATIC ENTRY	81848
Sep. 11, 2013	EXAMINERS AMENDMENT AND/OR PRIORITY ACTION - COMPLETED	81848
Sep. 04, 2013	ASSIGNED TO EXAMINER	81848
Jul. 22, 2013	TEAS AMENDMENT ENTERED BEFORE ATTORNEY ASSIGNED	88889
Jul. 22, 2013	TEAS VOLUNTARY AMENDMENT RECEIVED	
May 29, 2013	NOTICE OF DESIGN SEARCH CODE E-MAILED	
May 28, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
May 20, 2013	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: May 13, 2014

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: Cigar City Brewing LLC

Assignment 1 of 1

Conveyance: TRADEMARK SECURITY AGREEMENT

Reel/Frame: [5834/0707](#)

Pages: 13

Date Recorded: Jul. 14, 2016

Supporting Documents: [assignment-tm-5834-0707.pdf](#)

Assignor

Name: [CIGAR CITY BREWING LLC](#)

Execution Date: Jul. 08, 2016

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: FLORIDA

Assignee

Name: [HPS INVESTMENT PARTNERS, LLC, AS ADMINISTRATIVE AGENT](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Address: 40 WEST 57TH STREET, 33RD FLOOR
NEW YORK, NEW YORK 10019

Correspondent

Correspondent Name: LATHAM & WATKINS LLP

Correspondent Address: 650 TOWN CENTER DRIVE, SUITE 2000
COSTA MESA, CA 92626

Domestic Representative - Not Found

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Mark: CIGAR CITY BREWING

CIGAR CITY BREWING

US Serial Number: 85792400

Application Filing Date: Dec. 01, 2012

US Registration Number: 4665481

Registration Date: Jan. 06, 2015

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Trademark

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

Status Date: Jan. 06, 2015

Publication Date: Oct. 21, 2014

Mark Information

Mark Literal Elements: CIGAR CITY BREWING

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "BREWING"

Acquired Distinctiveness Claim: In whole

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Beer

International Class(es): 032 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 28, 2009

Use in Commerce: Aug. 12, 2009

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Cigar City Brewing LLC**Owner Address:** 3924 W. Spruce Street
Suite A
Tampa, FLORIDA 33607
UNITED STATES**Legal Entity Type:** LIMITED LIABILITY COMPANY**State or Country** FLORIDA
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Glenn A. Rice**Attorney Primary** grice@fvldlaw.com
Email Address:**Attorney Email** Yes
Authorized:

Correspondent

Correspondent GLENN A. RICE
Name/Address: FUNKHOUSER VEGOSEN LIEBMAN & DUNN LTD.
55 W MONROE ST STE 2300
CHICAGO, ILLINOIS 60603-5117
UNITED STATES**Phone:** 312 701-6895**Fax:** 312 701-6801**Correspondent e-** grice@fvldlaw.com
mail:**Correspondent e-** Yes
mail Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Aug. 03, 2016	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jan. 06, 2015	REGISTERED-PRINCIPAL REGISTER	
Oct. 21, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Oct. 21, 2014	PUBLISHED FOR OPPOSITION	
Oct. 01, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Sep. 16, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	69712
Sep. 10, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 21, 2014	TEAS/EMAIL CORRESPONDENCE ENTERED	69712
Aug. 21, 2014	CORRESPONDENCE RECEIVED IN LAW OFFICE	69712
Aug. 14, 2014	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jul. 16, 2014	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jul. 16, 2014	NON-FINAL ACTION E-MAILED	6325
Jul. 16, 2014	NON-FINAL ACTION WRITTEN	77073
Jul. 16, 2014	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jul. 16, 2014	NON-FINAL ACTION E-MAILED	6325
Jul. 16, 2014	NON-FINAL ACTION WRITTEN	77073
Jul. 16, 2014	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Jul. 02, 2014	WITHDRAWN FROM PUB - OG REVIEW QUERY	73714
Jun. 20, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	69712
Jun. 17, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 16, 2014	EXAMINER'S AMENDMENT ENTERED	69712
Jun. 16, 2014	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jun. 16, 2014	EXAMINERS AMENDMENT E-MAILED	6328
Jun. 16, 2014	EXAMINERS AMENDMENT -WRITTEN	77073
Jun. 11, 2014	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jun. 10, 2014	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jun. 10, 2014	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
Dec. 11, 2013	NOTIFICATION OF FINAL REFUSAL EMAILED	
Dec. 11, 2013	FINAL REFUSAL E-MAILED	
Dec. 11, 2013	FINAL REFUSAL WRITTEN	77073

Nov. 21, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Nov. 20, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Nov. 20, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
May 21, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
May 21, 2013	NON-FINAL ACTION E-MAILED	6325
May 21, 2013	NON-FINAL ACTION WRITTEN	77073
May 14, 2013	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
May 13, 2013	WITHDRAWN FROM PUB OTQR REQUEST	73714
May 02, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	69712
May 01, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 22, 2013	EXAMINER'S AMENDMENT ENTERED	69712
Mar. 21, 2013	ASSIGNED TO LIE	69712
Mar. 21, 2013	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Mar. 21, 2013	EXAMINERS AMENDMENT E-MAILED	6328
Mar. 21, 2013	EXAMINERS AMENDMENT -WRITTEN	77073
Mar. 21, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Mar. 21, 2013	NON-FINAL ACTION E-MAILED	6325
Mar. 21, 2013	NON-FINAL ACTION WRITTEN	77073
Mar. 21, 2013	ASSIGNED TO EXAMINER	77073
Dec. 11, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Dec. 06, 2012	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jan. 06, 2015

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: Cigar City Brewing LLC

Assignment 1 of 1

Conveyance: TRADEMARK SECURITY AGREEMENT

Reel/Frame: [5834/0707](#)

Pages: 13

Date Recorded: Jul. 14, 2016

Supporting Documents: [assignment-tm-5834-0707.pdf](#)

Assignor

Name: [CIGAR CITY BREWING LLC](#)

Execution Date: Jul. 08, 2016

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: FLORIDA

Assignee

Name: [HPS INVESTMENT PARTNERS, LLC, AS ADMINISTRATIVE AGENT](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Address: 40 WEST 57TH STREET, 33RD FLOOR
NEW YORK, NEW YORK 10019

Correspondent

Correspondent Name: LATHAM & WATKINS LLP

Correspondent Address: 650 TOWN CENTER DRIVE, SUITE 2000
COSTA MESA, CA 92626

Domestic Representative - Not Found

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he has caused the **Petition to Cancel** to be served upon Respondent in these proceedings by depositing a true copy of the same with the United States Postal Service as first class mail in a sealed envelope, postage prepaid, addressed to:

Cigar City Smoked Salsa, LLC
5106 North 30th Street
Tampa, Florida 33610

on this 26th day of August, 2016.

/s/Glenn A. Rice

Counsel for Petitioner
Cigar City Brewing LLC

EXHIBIT 10

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO Form 1478 (Rev 09/2006)

OMB No. 0651-0009 (Exp 02/28/2018)

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 87193661

Filing Date: 10/05/2016

*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	CIGAR CITY SALSA
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	CIGAR CITY SALSA
*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	CIGAR CITY SMOKED SALSA, LLC
*STREET	5106 North 30th Street
*CITY	Tampa
*STATE (Required for U.S. applicants)	Florida
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants)	33610
WEBSITE ADDRESS	http://cigarcitysalsa.com
LEGAL ENTITY INFORMATION	
*TYPE	LIMITED LIABILITY COMPANY
* STATE/COUNTRY WHERE LEGALLY ORGANIZED	Florida
GOODS AND/OR SERVICES AND BASIS INFORMATION	
*INTERNATIONAL CLASS	030
*IDENTIFICATION	Barbecue sauce; Hot sauce; Salsa; Seasonings
*FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 01/11/2012

FIRST USE IN COMMERCE DATE	At least as early as 01/11/2012
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT17\IMAGEOUT\17\871\936\87193661\xml1\FTK0003.JPG
SPECIMEN DESCRIPTION	product with label
ADDITIONAL STATEMENTS SECTION	
*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION (if applicable)	The applicant claims ownership of active prior U.S. Registration Number(s) 5014834.
*CONSENT (NAME/LIKENESS) (if applicable)	
*CONCURRENT USE CLAIM (if applicable)	
DISCLAIMER	No claim is made to the exclusive right to use SALSA apart from the mark as shown.
ATTORNEY INFORMATION	
NAME	David R. Ellis
FIRM NAME	David R. Ellis, Attorney
STREET	3233 East Bay Drive, Suite 101
CITY	Largo
STATE	Florida
COUNTRY	United States
ZIP/POSTAL CODE	33771
PHONE	7275311111
FAX	7275315088
EMAIL ADDRESS	ellislaw@alum.mit.edu
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
CORRESPONDENCE INFORMATION	
*NAME	David R. Ellis
FIRM NAME	David R. Ellis, Attorney
*STREET	3233 East Bay Drive, Suite 101
*CITY	Largo
*STATE (Required for U.S. addresses)	Florida
*COUNTRY	United States
*ZIP/POSTAL CODE	33771
PHONE	7275311111
FAX	7275315088
*EMAIL ADDRESS	ellislaw@alum.mit.edu
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes

FEE INFORMATION	
APPLICATION FILING OPTION	TEAS Plus
NUMBER OF CLASSES	1
FEE PER CLASS	225
*TOTAL FEE PAID	225
SIGNATURE INFORMATION	
* SIGNATURE	/David R. Ellis/
* SIGNATORY'S NAME	David R. Ellis
* SIGNATORY'S POSITION	Attorney
SIGNATORY'S PHONE NUMBER	727 531-1111
* DATE SIGNED	10/05/2016

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.
PTO Form 1478 (Rev 09/2006)
OMB No. 0651-0009 (Exp 02/28/2018)

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 87193661

Filing Date: 10/05/2016

To the Commissioner for Trademarks:

MARK: CIGAR CITY SALSA (Standard Characters, see [mark](#))

The literal element of the mark consists of CIGAR CITY SALSA.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, CIGAR CITY SMOKED SALSA, LLC, a limited liability company legally organized under the laws of Florida, having an address of

5106 North 30th Street
Tampa, Florida 33610
United States

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 030: Barbecue sauce; Hot sauce; Salsa; Seasonings

Use in Commerce: The applicant is using the mark in commerce on or in connection with the identified goods/services. The applicant attaches, or will later submit, one specimen as a JPG/PDF image file showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, regardless of whether the mark itself is in the standard character format or is a stylized or design mark. The specimen image file may be in color, and the image must be in color if color is being claimed as a feature of the mark.

In International Class 030, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 01/11/2012, and first used in commerce at least as early as 01/11/2012, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) product with label.

[Specimen File1](#)

Disclaimer

No claim is made to the exclusive right to use SALSA apart from the mark as shown.

Claim of Active Prior Registration(s)

The applicant claims ownership of active prior U.S. Registration Number(s) 5014834.

For informational purposes only, applicant's website address is: <http://cigarcitysalsa.com>

The applicant's current Attorney Information:

David R. Ellis of David R. Ellis, Attorney 3233 East Bay Drive, Suite 101
Largo, Florida 33771
United States
7275311111(phone)
7275315088(fax)
ellislaw@alum.mit.edu (authorized)

The applicant's current Correspondence Information:

David R. Ellis
David R. Ellis, Attorney

3233 East Bay Drive, Suite 101

Largo, Florida 33771

7275311111(phone)

7275315088(fax)

ellislaw@alum.mit.edu (authorized)

E-mail Authorization: I authorize the USPTO to send e-mail correspondence concerning the application to the applicant or applicant's attorney at the e-mail address provided above. I understand that a valid e-mail address must be maintained and that the applicant or the applicant's attorney must file the relevant subsequent application-related submissions via the Trademark Electronic Application System (TEAS). Failure to do so will result in an additional processing fee of \$50 per international class of goods/services.

A fee payment in the amount of \$225 has been submitted with the application, representing payment for 1 class(es).

Declaration

The signatory believes that: if the applicant is filing the application under 15 U.S.C. § 1051(a), the applicant is the owner of the trademark/service mark sought to be registered; the applicant is using the mark in commerce 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/or if the applicant filed an application under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e), the applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the goods/services in the application. The signatory believes that 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. 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 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.

Signature: /David R. Ellis/ Date Signed: 10/05/2016

Signatory's Name: David R. Ellis

Signatory's Position: Attorney

RAM Sale Number: 87193661

RAM Accounting Date: 10/06/2016

Serial Number: 87193661

Internet Transmission Date: Wed Oct 05 14:05:20 EDT 2016

TEAS Stamp: USPTO/FTK-XXX.XXX.XX.XX-2016100514052084

6595-87193661-570ba8b973708bcb45cd37d860

6b7716a9c8f294874d35543da539c211afdb9-CC

-235-20161005135726532520

CIGAR CITY SALSA



EXHIBIT 11

Trademark Trial and Appeal Board Electronic Filing System. <http://estta.uspto.gov>ESTTA Tracking number: **ESTTA827771**Filing date: **06/16/2017**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	Cigar City Brewing LLC
Granted to Date of previous extension	06/28/2017
Address	3924 W. Spruce Street Tampa, FL 33607 UNITED STATES

Attorney information	Glenn A. Rice Funkhouser Vegosen Liebman & Dunn Ltd. 55 W. Monroe St. Suite 2300 Chicago, IL 60603 UNITED STATES Email: grice@fvldlaw.com Phone: 312 701-6895
----------------------	---

Applicant Information

Application No	87193661	Publication date	02/28/2017
Opposition Filing Date	06/16/2017	Opposition Period Ends	06/28/2017
Applicant	CIGAR CITY SMOKED SALSA, LLC 5106 North 30th Street Tampa, FL 33610 UNITED STATES		

Goods/Services Affected by Opposition

Class 030. First Use: 2012/01/11 First Use In Commerce: 2012/01/11
All goods and services in the class are opposed, namely: Barbecue sauce; Hot sauce; Salsa; Seasonings

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
--------------------------------------	----------------------------

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	4665481	Application Date	12/01/2012
Registration Date	01/06/2015	Foreign Priority Date	NONE
Word Mark	CIGAR CITY BREWING		

Design Mark	CIGAR CITY BREWING		
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 2009/03/28 First Use In Commerce: 2009/08/12 Beer		

U.S. Registration No.	4528243	Application Date	05/16/2013
Registration Date	05/13/2014	Foreign Priority Date	NONE

Word Mark	CIGAR CITY BREWING TAMPA CCB
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Design Mark			
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Description of Mark	The mark consists of an oval with an outline within which the wording "CIGAR CITY" appears on top, a design of a cigar with a band and an oval containing the letters "CCB" superimposed on the band appears in the middle, and the wording "TAMPA" appears below the cigar design."
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Goods/Services	Class 032. First use: First Use: 2009/03/00 First Use In Commerce: 2009/08/12 Beer
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Attachments	85792400#TMSN.png(bytes) 85934190#TMSN.png(bytes) Notice of Opposition.pdf(454802 bytes)
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Signature	/Glenn Rice/
Name	Glenn A. Rice

Date	06/16/2017
------	------------

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

**In the Matter of Application Serial No. 87193661 for the mark CIGAR CITY SALSA
Published in the *Official Gazette* on February 28, 2017**

CIGAR CITY BREWING LLC,)
)
Opposer,)
)
v.) **Opposition No. _____**
)
CIGAR CITY SMOKED SALSA, LLC,)
)
Applicant.)

NOTICE OF OPPOSITION

Opposer Cigar City Brewing LLC, a Florida limited liability company with a place of business in Tampa, Florida (“Opposer”), believes it will be damaged by registration of the mark CIGAR CITY SALSA shown in Application Serial No. 87193661 filed by Applicant CIGAR CITY SMOKED SALSA, LLC (“Applicant”), and hereby opposes the same.

As grounds in support of its opposition, Opposer alleges:

1. Opposer is engaged in the business of producing and selling craft beer under the mark and trade name CIGAR CITY BREWING and is the owner of the CIGAR CITY BREWING mark and trade name.

2. Opposer is one of the leading craft breweries in the United States and has enjoyed tremendous success and public recognition for its craft beer products. Opposer is rated among the top ten craft brewers in the world on RateBeer.com out of more than twenty thousand brewers. <https://www.ratebeer.com/ratebeerbest/BestBrewers-World2017.asp>

3. In addition to its common law trademark rights, Opposer is the owner of U.S. Reg. No. 4,665,481 on the Principal Register for the mark CIGAR CITY BREWING for beer, and U.S. Reg. No. 4,528,243 on the Principal Register for the CIGAR CITY BREWING logo mark for beer shown below (hereinafter collectively, the “CIGAR CITY BREWING Marks”):



4. Opposer’s registrations for the CIGAR CITY BREWING Marks are valid and subsisting and printouts of the registrations from the electronic database of the U.S. Patent and Trademark Office showing the current status and title of the registrations are attached hereto as Exhibit A and submitted into evidence on behalf of Opposer in accordance with Rule 2.122 of the Trademark Rules of Practice.

5. Since at least as early as March 2009, and long prior to the application filing date for the opposed CIGAR CITY SALSA mark and any date of first use upon which Applicant can rely, Opposer has continuously used the CIGAR CITY BREWING Marks and trade name.

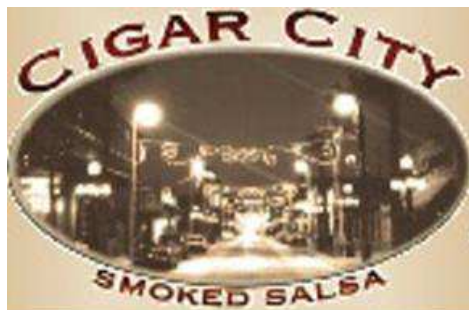
6. Opposer owns substantial goodwill and value in its CIGAR CITY BREWING Marks and trade name. In addition to being rated among the top ten craft brewers worldwide, Opposer has won numerous awards at prestigious beer festivals and competitions for beer produced and sold under its CIGAR CITY BREWING Marks and trade name. Opposer has

additionally received considerable public recognition and acclaim in numerous news media stories, blogs, interviews, and reviews.

7. On October 5, 2016, Applicant filed Application Ser. No. 87193661 to register the mark CIGAR CITY SALSA for “Barbecue sauce; Hot sauce; Salsa; Seasonings”. Application Serial No. 87193661 is unrestricted as to customers, channels of distribution or trade, or advertising media.

8. Applicant had actual knowledge of Opposer’s CIGAR CITY BREWING Marks and trade name prior to filing Application Serial No. 87193661.

9. Indeed, prior to filing Application Ser. No. 87193661, Applicant developed and adopted oval-shaped logos substantially and confusingly similar to Opposer’s oval-shaped CIGAR CITY BREWING logo mark, which are shown below:



10. Opposer’s CIGAR CITY BREWING Marks and trade name and the opposed CIGAR CITY SALSA mark are similar in sight, sound, connotation and overall commercial impression.

11. The goods identified in Application Serial No. 87193661 are closely related to the goods sold under Opposer's CIGAR CITY BREWING Marks and trade name and they travel through the same channels of trade, including grocery stores, liquor stores, and other retail outlets, to the same consumers. Brewers, in fact, commonly extend their brands to a wide range of food products, including salsa, barbeque and hot sauce, and many other food products. Examples of this include, without limitation:

<https://store.oskarblues.com/products-page/brands/new-oskar-blues-hot-sauces/>;

<https://www.dnainfo.com/chicago/20150417/university-village/new-dark-lord-hot-sauce-heat-up-annual-three-floyds-beer-fest>;

<http://www.shoppikebrewing.com/collections/food-beer-pike-beer-sauces>;

<http://www.southsidesalsaco.com/products/hot-blonde-craft-salsas/>;

http://www.yuengling.com/store/home__bar/home__bar/food/; <http://buy.rogue.com/>;

<http://shop.stonebrewing.com/en-us/bbq-sauce-sb/smoked-porter-bbq-sauce-1450>; and

<http://www.sierranevadagiftshop.com/food.html>.

12. Consumers are likely to be confused, mistaken or deceived into believing that Applicant's goods come from, are connected with, or are otherwise authorized, sponsored or licensed by Opposer, when in fact they are not.

13. The CIGAR CITY SALSA mark, when used for the goods in Application Ser. No. 87193661, so resembles the CIGAR CITY BREWING Marks and trade name as to be likely to cause confusion, mistake, and/or deception within the meaning of Section 2(d) of the Trademark Act, to the consequent damage of Opposer. There have, in fact, been instances of actual confusion as to the source of Applicant's goods.

14. Applicant is in no way authorized, sponsored, or licensed by, or in any other way legitimately connected with, Opposer.

15. Applicant's use and registration of the mark CIGAR CITY SALSA is without Opposer's permission or authorization.

16. By reason of the foregoing, Opposer would be damaged by Applicant's registration of the CIGAR CITY SALSA mark as sought in Application Serial No. 87193661.

WHEREFORE, Cigar City Brewing Company LLC respectfully requests that this opposition be sustained and the registration sought by Applicant in Application Serial No. 87193661 for the mark CIGAR CITY SALSA be denied.

Respectfully submitted,

Dated: June 16, 2017

Cigar City Brewing LLC, Opposer

By: /s/ Glenn A. Rice
Counsel for Opposer

Glenn A. Rice, Esq.
**FUNKHOUSER VEGOSEN LIEBMAN
& DUNN LTD.**
55 West Monroe Street Suite 2300
Chicago, Illinois 60603
Telephone (312) 701-6800
Facsimile (312) 701-6801
Counsel for Opposer

EXHIBIT A

TSDR now includes a Post Registration Maintenance Tab. When viewing a Registered mark, users will now find a new 3rd tab providing Post Registration information next to the "Status" and "Document" tabs, below the search text box. The tab will not appear if the mark is not registered.

[STATUS](#) [DOCUMENTS](#) [MAINTENANCE](#)


[Back to Search](#)

[Print](#)

Generated on: This page was generated by TSDR on 2017-06-16 16:33:54 EDT

Mark: CIGAR CITY BREWING TAMPA CCB



US Serial Number: 85934190	Application Filing Date: May 16, 2013
US Registration Number: 4528243	Registration Date: May 13, 2014
Filed as TEAS Plus: Yes	Currently TEAS Plus: Yes
Register: Principal	
Mark Type: Trademark	
TM5 Common Status Descriptor: 	LIVE/REGISTRATION/Issued and Active The trademark application has been registered with the Office.
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.	
Status Date: May 13, 2014	
Publication Date: Feb. 25, 2014	

Mark Information

Mark Literal Elements: CIGAR CITY BREWING TAMPA CCB
Standard Character Claim: No
Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)
Description of Mark: The mark consists of an oval with an outline within which the wording "CIGAR CITY" appears on top, a design of a cigar with a band and an oval containing the letters "CCB" superimposed on the band appears in the middle, and the wording "TAMPA" appears below the cigar design."
Color(s) Claimed: Color is not claimed as a feature of the mark.
Disclaimer: "CIGAR CITY," "BREWING," AND "TAMPA"
Design Search Code(s): 10.01.01 - Cigars 24.05.02 - Seals having some other shape 26.03.17 - Ovals, concentric; Concentric ovals and ovals within ovals; Concentric ovals; Ovals within ovals 26.03.21 - Ovals that are completely or partially shaded

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Beer	
International Class(es): 032 - Primary Class	U.S Class(es): 045, 046, 048
Class Status: ACTIVE	
Basis: 1(a)	
First Use: Mar. 2009	Use in Commerce: Aug. 12, 2009

Basis Information (Case Level)

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

Current Owner(s) Information

Owner Name: Cigar City Brewing LLC	
Owner Address: Suite A 3924 W. Spruce Street Tampa, FLORIDA UNITED STATES 33607	
Legal Entity Type: LIMITED LIABILITY COMPANY	State or Country Where Organized: FLORIDA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Glenn A. Rice	
Attorney Primary Email Address: grice@fvldlaw.com	Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: GLENN A. RICE FUNKHOUSER VEGOSEN LIEBMAN & DUNN LTD. 55 W MONROE ST STE 2300 CHICAGO, ILLINOIS UNITED STATES 60603-5117	
Phone: 312 701-6895	Fax: 312 701-6801
Correspondent e-mail: grice@fvldlaw.com	Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Aug. 03, 2016	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
May 13, 2014	REGISTERED-PRINCIPAL REGISTER	
Feb. 25, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Feb. 25, 2014	PUBLISHED FOR OPPOSITION	
Feb. 05, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jan. 18, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	66121
Jan. 18, 2014	ASSIGNED TO LIE	66121
Dec. 19, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 19, 2013	EXAMINER'S AMENDMENT ENTERED	88888
Dec. 19, 2013	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Dec. 19, 2013	EXAMINERS AMENDMENT E-MAILED	6328
Dec. 19, 2013	EXAMINERS AMENDMENT -WRITTEN	81848
Sep. 11, 2013	NOTIFICATION OF EXAMINER'S AMENDMENT/PRIORITY ACTION E-MAILED	6326
Sep. 11, 2013	EXAMINER'S AMENDMENT/PRIORITY ACTION E-MAILED	6326
Sep. 11, 2013	COMBINED EXAMINER'S AMENDMENT/PRIORITY ACTION AUTOMATIC ENTRY	81848

Sep. 11, 2013	EXAMINERS AMENDMENT AND/OR PRIORITY ACTION - COMPLETED	81848
Sep. 04, 2013	ASSIGNED TO EXAMINER	81848
Jul. 22, 2013	TEAS AMENDMENT ENTERED BEFORE ATTORNEY ASSIGNED	88889
Jul. 22, 2013	TEAS VOLUNTARY AMENDMENT RECEIVED	
May 29, 2013	NOTICE OF DESIGN SEARCH CODE E-MAILED	
May 28, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
May 20, 2013	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: May 13, 2014

Assignment Abstract Of Title Information

Summary

[Conveyance Filter](#)

Total Assignments: 1

Registrant: Cigar City Brewing LLC

Assignment 1 of 1

Conveyance: TRADEMARK SECURITY AGREEMENT

Reel/Frame: [5834/0707](#)

Pages: 13

Date Recorded: Jul. 14, 2016

Supporting Documents: [assignment-tm-5834-0707.pdf](#)

Assignor

Name: [CIGAR CITY BREWING LLC](#)

Execution Date: Jul. 08, 2016

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: FLORIDA

Organized:

Assignee

Name: [HPS INVESTMENT PARTNERS, LLC, AS ADMINISTRATIVE AGENT](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Organized:

Address: 40 WEST 57TH STREET, 33RD FLOOR
NEW YORK, NEW YORK 10019

Correspondent

Correspondent Name: LATHAM & WATKINS LLP

Correspondent Address: 650 TOWN CENTER DRIVE, SUITE 2000
COSTA MESA, CA 92626

Domestic Representative - Not Found

Proceedings

Summary

[Party type](#)

[Proceeding type](#)

Number of Proceedings: 1

Type of Proceeding: Cancellation

Proceeding Number: [92064315](#)

Filing Date: Aug 26, 2016

Status: Pending

Status Date: Aug 26, 2016

Interlocutory Attorney: ANDREW P BAXLEY

Defendant

Name: Cigar City Smoked Salsa, LLC

Correspondent Address: JAMES MATULIS
LAW OFFICE OF JAMES MATULIS
9806 GRETNA GREEN DRIVE, SUITE 100
TAMPA FL UNITED STATES , 33626

Correspondent e-mail: jim@matulis-law.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
CIGAR CITY SALSA	Cancellation Pending	86717924	5014834

Plaintiff(s)

Name: Cigar City Brewing LLC

Correspondent Address: GLENN A RICE
FUNKHOUSER VEGOSEN LIEBMAN & DUNN LTD
55 W MONROE ST STE 2300
CHICAGO IL UNITED STATES , 60603

Correspondent e-mail: grice@fvldlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
CIGAR CITY BREWING	Registered	85792400	4665481
CIGAR CITY BREWING TAMPA CCB	Registered	85934190	4528243

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 26, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 30, 2016	Oct 09, 2016
3	PENDING, INSTITUTED	Aug 30, 2016	
4	ANSWER	Oct 05, 2016	
5	D APPEARANCE / POWER OF ATTORNEY	Nov 08, 2016	
6	STIP TO SUSP PEND SETTL NEGOTIATIONS	Feb 02, 2017	
7	SUSPENDED	Feb 02, 2017	
8	STIP TO SUSP PEND SETTL NEGOTIATIONS	Mar 04, 2017	
9	SUSPENDED	Mar 04, 2017	
10	STIP TO SUSP PEND SETTL NEGOTIATIONS	Apr 20, 2017	
11	SUSPENDED	Apr 20, 2017	

TSDR now includes a Post Registration Maintenance Tab. When viewing a Registered mark, users will now find a new 3rd tab providing Post Registration information next to the "Status" and "Document" tabs, below the search text box. The tab will not appear if the mark is not registered.

STATUS **DOCUMENTS** **MAINTENANCE**

[Back to Search](#)

Print

Generated on: This page was generated by TSDR on 2017-06-16 16:40:41 EDT

Mark: CIGAR CITY BREWING

CIGAR CITY BREWING

US Serial Number: 85792400

Application Filing Date: Dec. 01, 2012

US Registration Number: 4665481

Registration Date: Jan. 06, 2015

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Trademark

**TM5 Common Status
Descriptor:**



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

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

Status Date: Jan. 06, 2015

Publication Date: Oct. 21, 2014

Mark Information

Related Properties Information

Goods and Services

Basis Information (Case Level)

Current Owner(s) Information

Owner Name: Cigar City Brewing LLC

Owner Address: 3924 W. Spruce Street
Suite A
Tampa, FLORIDA UNITED STATES 33607

Legal Entity Type: LIMITED LIABILITY COMPANY

**State or Country Where
Organized:** FLORIDA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Glenn A. Rice

Attorney Primary Email grice@fvldlaw.com

Address:

Attorney Email Authorized: Yes

Correspondent

Correspondent GLENN A. RICE

Name/Address: FUNKHOUSER VEGOSEN LIEBMAN & DUNN LTD.
55 W MONROE ST STE 2300
CHICAGO, ILLINOIS UNITED STATES 60603-5117

Phone: 312 701-6895

Fax: 312 701-6801

Correspondent e-mail: grice@fvldlaw.com

**Correspondent e-mail
Authorized:** Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Aug. 03, 2016	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jan. 06, 2015	REGISTERED-PRINCIPAL REGISTER	
Oct. 21, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Oct. 21, 2014	PUBLISHED FOR OPPOSITION	
Oct. 01, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Sep. 16, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	69712
Sep. 10, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 21, 2014	TEAS/EMAIL CORRESPONDENCE ENTERED	69712
Aug. 21, 2014	CORRESPONDENCE RECEIVED IN LAW OFFICE	69712
Aug. 14, 2014	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jul. 16, 2014	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jul. 16, 2014	NON-FINAL ACTION E-MAILED	6325
Jul. 16, 2014	NON-FINAL ACTION WRITTEN	77073
Jul. 16, 2014	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jul. 16, 2014	NON-FINAL ACTION E-MAILED	6325
Jul. 16, 2014	NON-FINAL ACTION WRITTEN	77073
Jul. 16, 2014	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Jul. 02, 2014	WITHDRAWN FROM PUB - OG REVIEW QUERY	73714
Jun. 20, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	69712
Jun. 17, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 16, 2014	EXAMINER'S AMENDMENT ENTERED	69712
Jun. 16, 2014	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jun. 16, 2014	EXAMINERS AMENDMENT E-MAILED	6328
Jun. 16, 2014	EXAMINERS AMENDMENT -WRITTEN	77073
Jun. 11, 2014	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jun. 10, 2014	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jun. 10, 2014	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
Dec. 11, 2013	NOTIFICATION OF FINAL REFUSAL EMAILED	
Dec. 11, 2013	FINAL REFUSAL E-MAILED	
Dec. 11, 2013	FINAL REFUSAL WRITTEN	77073
Nov. 21, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Nov. 20, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Nov. 20, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
May 21, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
May 21, 2013	NON-FINAL ACTION E-MAILED	6325
May 21, 2013	NON-FINAL ACTION WRITTEN	77073
May 14, 2013	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
May 13, 2013	WITHDRAWN FROM PUB OTQR REQUEST	73714
May 02, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	69712
May 01, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 22, 2013	EXAMINER'S AMENDMENT ENTERED	69712
Mar. 21, 2013	ASSIGNED TO LIE	69712
Mar. 21, 2013	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Mar. 21, 2013	EXAMINERS AMENDMENT E-MAILED	6328
Mar. 21, 2013	EXAMINERS AMENDMENT -WRITTEN	77073

Mar. 21, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Mar. 21, 2013	NON-FINAL ACTION E-MAILED	6325
Mar. 21, 2013	NON-FINAL ACTION WRITTEN	77073
Mar. 21, 2013	ASSIGNED TO EXAMINER	77073
Dec. 11, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Dec. 06, 2012	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jan. 06, 2015

Assignment Abstract Of Title Information

Summary

[Conveyance Filter](#)

Total Assignments: 1

Registrant: Cigar City Brewing LLC

Assignment 1 of 1

Conveyance: TRADEMARK SECURITY AGREEMENT

Reel/Frame: [5834/0707](#)

Pages: 13

Date Recorded: Jul. 14, 2016

Supporting Documents: [assignment-tm-5834-0707.pdf](#)

Assignor

Name: [CIGAR CITY BREWING LLC](#)

Execution Date: Jul. 08, 2016

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: FLORIDA

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Legal Entity Type: LIMITED LIABILITY COMPANY

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Address: 40 WEST 57TH STREET, 33RD FLOOR
NEW YORK, NEW YORK 10019

Correspondent

Correspondent Name: LATHAM & WATKINS LLP

Correspondent Address: 650 TOWN CENTER DRIVE, SUITE 2000
COSTA MESA, CA 92626

Domestic Representative - Not Found

Proceedings

Summary

[Party type](#)

[Proceeding type](#)

Number of Proceedings: 1

Type of Proceeding: Cancellation

Proceeding Number: [92064315](#)

Filing Date: Aug 26, 2016

Status: Pending

Status Date: Aug 26, 2016

Interlocutory Attorney: ANDREW P BAXLEY

Defendant

Name: Cigar City Smoked Salsa, LLC

Correspondent Address: JAMES MATULIS
LAW OFFICE OF JAMES MATULIS

9806 GRETNA GREEN DRIVE, SUITE 100
TAMPA FL UNITED STATES , 33626

Correspondent e-mail: jim@matulis-law.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
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Plaintiff(s)

Name: Cigar City Brewing LLC

Correspondent Address: GLENN A RICE
FUNKHOUSER VEGOSEN LIEBMAN & DUNN LTD
55 W MONROE ST STE 2300
CHICAGO IL UNITED STATES , 60603

Correspondent e-mail: grice@fvldlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
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CIGAR CITY BREWING TAMPA CCB	Registered	85934190	4528243

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7	SUSPENDED	Feb 02, 2017	
8	STIP TO SUSP PEND SETTL NEGOTIATIONS	Mar 04, 2017	
9	SUSPENDED	Mar 04, 2017	
10	STIP TO SUSP PEND SETTL NEGOTIATIONS	Apr 20, 2017	
11	SUSPENDED	Apr 20, 2017	

EXHIBIT 12



Branching out?

Where is that?

Sun, Dec 18, 19:12

Fresh Market

EXHIBIT 13

Publix



CIGAR CITY SMOKED SALSA now available at a Odessa Florida landmark! KEYSTONE KORNER. Stop in and pick up a jar.



CIGAR CITY SMOKED SALSA available at both locations of Natural Market: Land o'Lakes and Gunn Hwy.



WHOLE FOODS MARKET ORLANDO

8003 Turkey Lake Road Orlando Florida 32819

Phone: 407.355.7100

Hours: 8am - 10pm
Seven days a week

WESTERN
Market



Walmart

CIGAR CITY SMOKED SALSA is growing in many local WARMART locations in:

- Tampa
- Largo
- Clearwater
- Sarasota
- Bradenton
- Land o Lakes
- Lutz
- Odessa
- Oldsmar



CIGAR CITY SMOKED SALSA a local favorite in Land o'Lakes. A perfect compliment to one of the areas most recognized deli's.



VILLAGE HEALTH MARKET

3225 S MacDill Ave,
Tampa, FL 33629

Phone: 813-831-6065

Hours: 8:30 am - 9:30 pm



METRO MARKET YBOR CITY

900 W Kennedy Blvd
Tampa, FL 33606

Phone: 813-789-3644

Hours: Daily; 24 hrs



INTERBAY MEAT MARKET

6110 Interbay Blvd
Tampa, FL 33611

Phone: 813-839-7542

Hours: 6am-10pm
Monday to Saturday,
9am to 5pm



EXHIBIT 14

Beer

Search



1-2 of 2

Show: 24

Sort By: Best Sellers

All Products

BEER & WINE (7256)

Beer (2244)

Cocktail Mixes (149) >

Flavored Adult Beverages (328) >

Wine (4535) >

Refine Results

Brand - Cigar City Brewing (2)

Clear All

Brand

21ST AMMENDMENT BREWERY (1)

21st Amendment (2)

21st Amendment Brewery (3)

3 Daughters (2)

3 Daughters Brewing (5)

Abbot Ale (1)

Abita (24)

Beer Category

Ales (1)

Lagers (1)

Beer Icon

Light Lager (1)

Wheat Ale (1)

Beer Style

Belgian Witbier (1)

Munich Helles (1)



Cigar City Florida Cracker Belgian-Style White Ale
6 - 12 fl oz cans



Wheat Ale



Cigar City Lager
6 - 12 oz cans



Light Lager

Estimated prices effective at time of order only and may be subject to variation at time of pickup.
2000 calories a day is used for general nutrition advice, but calorie needs vary.
Additional nutrition information available upon request. (Go to product detail page for each product.)

EXHIBIT 15

Reorder your favorites

Showing 1-40 of 2,456 results

Refine Price Top brands Store availability Sort Best match

Departments

Food

Beer

See all Food

Sports & Outdoors

Outdoor Sports

See all Sports & Outdoors

See all Departments

Shipping & Pickup

Show all

2-Day Shipping

Ship to Home

Free Pickup + Discount

FREE Pickup

FREE Pickup Today

Category

Fan Shop Bottle Openers

Prints

Wine Refrigerators

Cuckoo Clocks

Beverage Coolers

Bike Parts

Fan Shop Golf Balls

See more categories

Brand

Hat Trick Openers

Poster Foundry

Maps of the Past

Renthal



In-store purchase only

Cigar City Jai Lai Beer, 6 pack, 12 fl oz



\$29.48 10.2¢ / fl oz

Sioux City Birch Beer Soda, 4 count, 12 fl oz, (Pack of 6)

★★★★★ (4)

2-Day Shipping

Rollback

EIGHT 22 oz. ACRYLIC PILSNER GLASSES



\$17.29 Was \$19.13 Save \$1.84

Creative Bath 22-Ounce BPA Free Acrylic Pilsner Beer Glasses, Set of 8

★★★★★ (6)

2-Day Shipping

Free store pickup



Image coming soon!

\$15.11

Albuquerque Beer: Duke City History on Tap

2-Day Shipping

EXHIBIT 16

ABCBeerCountry
@ABCBeerCountry

Tweets **6,482** Following **734** Followers **2,923** Likes **3,326** Lists **2**

Follow



Keep track of what's on tap @ABCBeerCountry Kennedy by using @untappd



ABC Fine Wine & Spirits - W. Kennedy
ABC Fine Wine & Spirits - W. Kennedy on Untappd
untappd.com

2 4



ABCBeerCountry @ABCBeerCountry · Apr 18
So many new brews, which to try first?! #newbeeralert #craftbeer



2 4

ABCBeerCountry
@ABCBeerCountry

Tweets **6,482** Following **734** Followers **2,923** Likes **3,326** Lists **2**

Follow

ABCBeerCountry Retweeted



Makenzie Ladd @abcbeerMakenzie · Mar 25
Need one of these to complete your ultimate Marshal Zhukov collection?
Stop by #UniversityABC today! @ABCBeerCountry @CigarCityBeer



Reply Retweet Like



ABCBeerCountry @ABCBeerCountry · Mar 24
Celebrate National Cocktail Day with a little history and a big cocktail

The History of the Cocktail

EXHIBIT 17

Food Products Sold by Craft Brewers

<https://store.oskarblues.com/eat-c55.aspx>

<https://www.dnainfo.com/chicago/20150417/university-village/new-dark-lord-hot-sauceheat-up-annual-three-floyds-beer-fest>

<http://www.shoppikebrewing.com/collections/foodbeer-pike-beer-sauces>

<http://www.southsidesalsaco.com/products/hot-blonde-craft-salsas/>

http://www.yuengling.com/store/home_bar/home_bar/food/

<http://buy.rogue.com/>

<http://shop.stonebrewing.com/en-us/food-sb/>

<http://www.sierranevadagiftshop.com/food.html>

search...

Storefront (<https://store.oskarblues.com/storefront.aspx>) > EDIBLES & DRINKABLES
(<https://store.oskarblues.com/edibles--drinkables-c54.aspx>)

SHOP:

NEW & FEATURED
(<https://store.oskarblues.com/new--featured-c38.aspx>)

HEADWARE
(<https://store.oskarblues.com/headware-c39.aspx>)

WEARWARE
(<https://store.oskarblues.com/wearware-c30.aspx>)

DRINKWARE
(<https://store.oskarblues.com/drinkware-c27.aspx>)

BARWARE + POS
(<https://store.oskarblues.com/barware--pos-c42.aspx>)

OUTDOORS
(<https://store.oskarblues.com/outdoors-c60.aspx>)

BIKE STUFF
(<https://store.oskarblues.com/bike-stuff-c61.aspx>)

ACCESSORIES
(<https://store.oskarblues.com/accessories-c49.aspx>)

EDIBLES & DRINKABLES
(<https://store.oskarblues.com/edibles--drinkables-c54.aspx>)

Eat (<https://store.oskarblues.com/eat-c55.aspx>)

Drink (<https://store.oskarblues.com/drink-c56.aspx>)

GIFTS (<https://store.oskarblues.com/gifts-c50.aspx>)

SALE (<https://store.oskarblues.com/sale-c57.aspx>)

Gift Certificates ([gift-certificate-p0.aspx](https://store.oskarblues.com/gift-certificate-p0.aspx))

EAT

Sort By:



(<https://store.oskarblues.com/dales-pale-ale-hot-sauce-p125.aspx>)

DALE'S PALE ALE HOT SAUCE
([HTTPS://STORE.OSKARBLUES.COM/DALES-PALE-ALE-HOT-SAUCE-P125.ASPX](https://store.oskarblues.com/dales-pale-ale-hot-sauce-p125.aspx))

\$8.00



(<https://store.oskarblues.com/deviant-dales-hot-sauce-p163.aspx>)

DEVIANT DALE'S HOT SAUCE
([HTTPS://STORE.OSKARBLUES.COM/DEVIANT-DALES-HOT-SAUCE-P163.ASPX](https://store.oskarblues.com/deviant-dales-hot-sauce-p163.aspx))

\$8.00



(<https://store.oskarblues.com/hops-and-heifers-hot-sauce-p214.aspx>)

HOPS AND HEIFERS HOT SAUCE
([HTTPS://STORE.OSKARBLUES.COM/HOPS-AND-HEIFERS-HOT-SAUCE-P214.ASPX](https://store.oskarblues.com/hops-and-heifers-hot-sauce-p214.aspx))
\$8.00



(<https://store.oskarblues.com/mamas-little-yella-pils-hot-sauce-p223.aspx>)

MAMA'S LITTLE YELLA PILS HOT SAUCE
([HTTPS://STORE.OSKARBLUES.COM/MAMAS-LITTLE-YELLA-PILS-HOT-SAUCE-P223.ASPX](https://store.oskarblues.com/mamas-little-yella-pils-hot-sauce-p223.aspx))
\$8.00



(<https://store.oskarblues.com/old-chub-hot-sauce-p263.aspx>)

OLD CHUB HOT SAUCE
([HTTPS://STORE.OSKARBLUES.COM/OLD-CHUB-HOT-SAUCE-P263.ASPX](https://store.oskarblues.com/old-chub-hot-sauce-p263.aspx))
\$8.00

OSKAR BLUES BREWERY COOKBOOK
([HTTPS://STORE.OSKARBLUES.COM/OSKAR-BLUES-BREWERY-COOKBOOK-P556.ASPX](https://store.oskarblues.com/oskar-blues-brewery-cookbook-p556.aspx))
\$12.00



(<https://store.oskarblues.com/oskar-blues-spices-chuburger-chubeesy-salt-p317.aspx>)

**OSKAR BLUES SPICES, CHUBURGER
CHUBEEZY SALT
([HTTPS://STORE.OSKARBLUES.COM/OSKAR-
BLUES-SPICES-CHUBURGER-
CHUBEEZY-SALT-P317.ASPX](https://store.oskarblues.com/oskar-blues-spices-chuburger-chubeesy-salt-p317.aspx))
\$9.00**



(<https://store.oskarblues.com/oskar-blues-spices-gknight-creole-mustard-p318.aspx>)

**OSKAR BLUES SPICES, G'KNIGHT
CREOLE MUSTARD
([HTTPS://STORE.OSKARBLUES.COM/OSKAR-
BLUES-SPICES-GKNIGHT-CREOLE-
MUSTARD-P318.ASPX](https://store.oskarblues.com/oskar-blues-spices-gknight-creole-mustard-p318.aspx))
\$8.00**



(<https://store.oskarblues.com/oskar-blues-spices-phuket-thai-habanero-chile-p319.aspx>)

**OSKAR BLUES SPICES, PHUKET THAI
HABANERO CHILE
([HTTPS://STORE.OSKARBLUES.COM/OSKAR-
BLUES-SPICES-PHUKET-THAI-
HABANERO-CHILE-P319.ASPX](https://store.oskarblues.com/oskar-blues-spices-phuket-thai-habanero-chile-p319.aspx))
\$12.00**



(<https://store.oskarblues.com/oskar-blues-spices-rev-rogs-bbq-rub-p320.aspx>)

OSKAR BLUES SPICES, REV. ROG'S BBQ RUB
([HTTPS://STORE.OSKARBLUES.COM/OSKAR-BLUES-SPICES-REV-ROGS-BBQ-RUB-P320.ASPX](https://store.oskarblues.com/oskar-blues-spices-rev-rogs-bbq-rub-p320.aspx))
\$8.00



(<https://store.oskarblues.com/b-stiff--sons-candy-root-beer-barrels-p71.aspx>)

B. STIFF & SONS CANDY, ROOT BEER BARRELS
([HTTPS://STORE.OSKARBLUES.COM/B-STIFF-SONS-CANDY-ROOT-BEER-BARRELS-P71.ASPX](https://store.oskarblues.com/b-stiff--sons-candy-root-beer-barrels-p71.aspx))
\$4.00 \$3.60

([HTTPS://TWITTER.COM/OSKARBLUES/](https://twitter.com/oskarblues/))
([HTTPS://INSTAGRAM.COM/OSKARBLUES/](https://instagram.com/oskarblues/))
NORTH CAROLINA
([HTTPS://WWW.FACEBOOK.COM/OSKARBLUESOUTHEAST/](https://www.facebook.com/oskarbluessoutheast/))
([HTTPS://TWITTER.COM/OSKARBLUESWNC/](https://twitter.com/oskarblueswnc/))
([HTTPS://INSTAGRAM.COM/OSKARBLUESWNC/](https://instagram.com/oskarblueswnc/))
TEXAS
([HTTPS://WWW.FACEBOOK.COM/OSKARBLUESAUSTIN/](https://www.facebook.com/oskarbluesaustrin/))

([HTTPS://WWW.YOUTUBE.COM/USER/OSKARBLUESCANS/](https://www.youtube.com/user/oskarbluescans/))

1800 PIKE ROAD,
UNIT B
LONGMONT, CO
80501
PHONE:
303.776.1914
(TEL.3037761914)

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CROWLER@OSKARBLUES.COM
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New Dark Lord Hot Sauce To Heat Up Annual Three Floyds Beer Fest

By Mark Konkol ([//www.dnainfo.com/chicago/about-us/our-team/editorial-team/mark-konkol](http://www.dnainfo.com/chicago/about-us/our-team/editorial-team/mark-konkol)) | April 17, 2015 5:25pm

| Updated on April 20, 2015 8:31am

@KonkolsKorner (<http://twitter.com/KonkolsKorner>)



Inspired by the brewery's "It's Not Normal" slogan, Three Floyds chef Pat Niebling took ancho and guajillo chili peppers left behind after aging for a year in cognac barrels to make Dark Lord.

Three Floyds Brewery

UNIVERSITY VILLAGE — Dark Lord Day (<http://darklordday.com/>) is near ... and this year things are about to heat up.

And that's got a lot to do with a very special Dark Lord-infused hot sauce stirred up by Three Floyds Brewery (<http://www.3floyds.com/>) executive chef Pat Niebling that's been bottled up, dipped in wax and set for sale at the annual beer festival celebrating the Russian imperial stout touted as the "most wanted beer in the world."

Inspired by the brewery's "It's Not Normal" slogan, Niebling took ancho and guajillo chili peppers left behind after aging for a year in cognac barrels to make Dark Lord de Merete, a highly sought-after barrel-aged version of what beer experts consider the world's best Russian imperial stout.

"I was into hot sauce at the time, and they weren't doing anything with those

peppers in the barrels, so I decided to make some hot sauce,” the chef said.

Niebling added red jalapenos, habanero and roasted poblano peppers, onions, garlic and carrots, mixed in vinegar and a bit of the unbottled stout left in the barrels, cooked the concoction for four hours to produce the deep red sauce that Three Floyd’s founder Nick Floyd named “Dark Lord Head Hunter Hot Sauce.”

It’s spicy — about 6 on a scale of 1 to 10 — with sweetness from the carrots and hints of the chocolate and coffee flavors found in Dark Lord.

“Our chef took the initiative, and I got them some kick-ass art,” Floyd said of the grenade-shaped hot sauce bottles adorned with an image of a female warrior from Middle-earth.

“The sauce is an evolution of [Niebling] growing as a chef.”

If you want to buy a bottle to try at home, you’re probably out of luck. There were only enough barrel-aged peppers for about 500 bottles. You can get one at Dark Lord Day on April 25, but the annual beer fest is already sold out.

But there was a chance to get a taste last Saturday at Bacon Fest at the UIC Forum. (<http://baconfestchicago.com/when-is-baconfest/>) That’s where Niebling cooked up his version of a “Texas hot wing” that was slathered in Dark Lord Head Hunter Hot Sauce.

“I think it’s really cool to have the hot sauce that comes from Dark Lord, a beer that has such a huge cult following, and really is another step to that,” Niebling said.

“Dark Lord comes every year, and we’re going to work on having a hot sauce every year. I’m pretty excited about how it all came together.”

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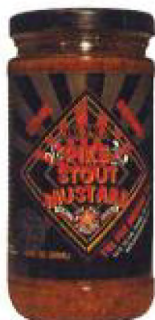
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OUR CRAFT SALSA LINE

Southside Salsa Co. Craft Salsa™ & Craft Beer Salsa™ > Our Craft Salsa Line

Launching at Central Market Fort Worth and Southlake, our first two Fort Worth inspired flavors, Panther City Mild and Hells Half Acre Hot, can be found in the cold dairy section with other fine, fresh foods.

The Rahr & Sons Brewing Co. co-branded products will be available wherever Rahr products are sold. This is a shelf stable salsa available in the salsa aisle. As of May, 2014 you can find the Rahr salsa line at Specs, Total Wine and Central Market – DFW locations only.



Back in the lean years of 1873, a writer said Fort Worth was so sleepy he'd seen a panther sleepin' on the street outside the courthouse. But if you look at Cowtown today, it's fresh, alive and kicking. Just like our Sleeping Panther Craft Salsa™. The fresh ingredients will bring any food to life and provide just enough kick to make you understand, it's no pussycat.

Panther City Mild craft salsa™ is available in special order only. Please email info@southsidesalsaco.com for more ordering details.



Fort Worth was once home to the most notorious spot in Texas. Hells Half Acre had almost as many saloons, brothels and gambling halls as it had cattle. Almost. Gunslingers and outlaws like Bat Masterson, Doc Holiday, Butch and Sundance were regulars. Now Southside Salsa Co pays tribute to Hells Half Acre with a craft salsa™ hot enough to show any taste buds one helluva a good time.

Hells Half Acre Hot craft salsa™ is available in special order only. Please email info@southsidesalsaco.com for more ordering details.



Southside Salsa Co. has a craft beer salsa™ called Ugly Chipugly! It is a bold flavor brewed up by Jason Harskjold, Founder and Head Chef at Southside Salsa. The craft beer inspired salsa notes a smoky chipotle flavor that compliments the coffee and chocolate undertones of Rahr & Son's Ugly Pug Black Lager, making for a salsa that not only has bark, but a bite. And, bite it does! If you've been looking for something with a kick, grab a jar this week and see how good it feels and tastes to get ugly!



Southside Salsa Co. latest craft beer salsa™ flavor "TEXAS ROJA" is here! Texas Roja (that's red for all you gringos) is a new flavor brewed up by Jason Harskjold, Founder and Head Chef at Southside Salsa. The second in our line of craft beer inspired salsas, Texas Roja is a medium red craft salsa™ that uses fresh ingredients and blends in just the right amount of Rahr & Son's Texas Red Amber Lager. The notes of caramel and slight hoppy bitterness of Texas Red are the perfect addition to a great medium salsa. So get in the Texas spirit with a true craft inspired salsa.



Rahr & Son's Blonde Lager has the honor of being Fort Worth's original craft beer. And we figured one first deserves another, so we blended Rahr's Blonde Lager with fire roasted yellow bell peppers to create a delicious craft beer salsa™ like no other. The beer's sweetness perfectly complements our unique blend of peppers and spices, creating a first in class flavor we're sure you're gonna love. Because here in Fort Worth, we're no strangers to salsa, beer and blondes.

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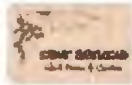
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