

## Request for Reconsideration after Final Action

**The table below presents the data as entered.**

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<b>EVIDENCE SECTION</b>	
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<b>DESCRIPTION OF EVIDENCE FILE</b>	Request for Reconsideration and Exhibits 1-6 in support thereof
<b>ADDITIONAL STATEMENTS SECTION</b>	
<b>DESCRIPTION OF THE MARK (and Color Location, if applicable)</b>	The mark consists of a three dimensional configuration of product packaging for the goods consisting of a cylindrical bottle and cap and the wording "VOGA ITALIA" printed vertically on the bottle.
<b>TRANSLATION</b>	The English translation of "Voga" in the mark is fashion or rowing and the English translation of "Italia" in the mark is "ITALY".
<b>SECTION 2(f)</b>	The mark has become distinctive of the goods/services through the applicant's substantially exclusive and continuous use in commerce that the U.S. Congress may lawfully regulate for at least the five years immediately before the date of this statement.
<b>SIGNATURE SECTION</b>	
<b>DECLARATION SIGNATURE</b>	/Andrew C. Aitken/
<b>SIGNATORY'S NAME</b>	/Andrew C. Aitken/
<b>SIGNATORY'S POSITION</b>	Attorney of record, Maryland bar member
<b>SIGNATORY'S PHONE NUMBER</b>	(301) 537-3299
<b>DATE SIGNED</b>	01/23/2013
<b>RESPONSE SIGNATURE</b>	/Andrew C. Aitken/
<b>SIGNATORY'S NAME</b>	Andrew C. Aitken
<b>SIGNATORY'S POSITION</b>	Attorney of record, Maryland bar member
<b>SIGNATORY'S PHONE NUMBER</b>	(301) 537-3299
<b>DATE SIGNED</b>	01/23/2013
<b>AUTHORIZED SIGNATORY</b>	YES
<b>CONCURRENT APPEAL NOTICE FILED</b>	NO



## FILING INFORMATION SECTION

<b>SUBMIT DATE</b>	Wed Jan 23 18:53:46 EST 2013
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PTO Form 1930 (Rev 9/2007)

OMB No. 0651-0050 (Exp. 4/30/2009)

### **Request for Reconsideration after Final Action To the Commissioner for Trademarks:**

Application serial no. **85414375** has been amended as follows:

#### **EVIDENCE**

Evidence in the nature of Request for Reconsideration and Exhibits 1-6 in support thereof has been attached.

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[evi\\_17479185247-183815444\\_.Platinum.Request.For.Reconsideration.After.Final.375.pdf](#)

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[Evidence-2](#)

[Evidence-3](#)

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[Evidence-5](#)

[Evidence-6](#)

[Evidence-7](#)

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[Evidence-6](#)

## **ADDITIONAL STATEMENTS**

### **Description of mark**

The mark consists of a three dimensional coniguration of product packaging for the goods consisteing of a cylindrical bottle and cap and the wording "VOGA ITALIA" printed vertically on the bottle.

### **Translation**

The English translation of "Voga" in the mark is fashion or rowing and the English translation of "Italia" in the mark is "ITALY".

### **Section 2(f), based on Use**

The mark has become distinctive of the goods/services through the applicant's substantially exclusive and continuous use in commerce that the U.S. Congress may lawfully regulate for at least the five years immediately before the date of this statement.

## **SIGNATURE(S)**

### **Declaration Signature**

If the applicant is seeking registration under Section 1(b) and/or Section 44 of the Trademark Act, the applicant has had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. 37 C.F.R. Secs. 2.34(a)(2)(i); 2.34 (a)(3)(i); and 2.34(a)(4)(ii); and/or the applicant has had a bona fide intention to exercise legitimate control over the use of the mark in commerce by its members. 37 C.F. R. Sec. 2.44. If the applicant is seeking registration under Section 1(a) of the Trademark Act, the mark was in use in commerce on or in connection with the goods and/or services listed in the application as of the application filing date or as of the date of any submitted allegation of use. 37 C.F.R. Secs. 2.34(a)(1)(i); and/or the applicant has exercised legitimate control over the use of the mark in commerce by its members. 37 C.F.R. Sec. 2.44. The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be

registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; that if the original application was submitted unsigned, that all statements in the original application and this submission made of the declaration signer's knowledge are true; and all statements in the original application and this submission made on information and belief are believed to be true.

Signature: /Andrew C. Aitken/ Date: 01/23/2013  
Signatory's Name: /Andrew C. Aitken/  
Signatory's Position: Attorney of record, Maryland bar member  
Signatory's Phone Number: (301) 537-3299

**Request for Reconsideration Signature**

Signature: /Andrew C. Aitken/ Date: 01/23/2013  
Signatory's Name: Andrew C. Aitken  
Signatory's Position: Attorney of record, Maryland bar member

Signatory's Phone Number: (301) 537-3299

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 applicant'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 applicant in this matter: (1) the applicant 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 applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant'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.

The applicant is not filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 85414375  
Internet Transmission Date: Wed Jan 23 18:53:46 EST 2013  
TEAS Stamp: USPTO/RFR-174.79.185.247-201301231853464  
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**IN THE U.S. PATENT AND TRADEMARK OFFICE**

Application Serial No. 85414375

Mark: Voga Italia and design

Applicant: Platinum Brands, Inc.

Commissioner of Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

**Sir:**

**Request For Reconsideration After Final Rejection**

In its Final Rejection, the Examiner continues to rely upon a registered design for plum wines and liquors, U.S Registration No. 78901104 (the ‘104 Container) and U.S Registration No. 78,901,110 (the ‘110 Container) (collectively the “cited marks” attached hereto as Exhibit 1 ) and contends that the cited registration is confusingly similar to the Applicant’s. Reconsideration of the rejection is respectfully requested.

**I. As Previously Argued, the Applicant’s Containers and Cited Containers Are Materially Different**

As previously discussed when the Applicant’s container is compared to the cited marks (Exhibit 1) it is readily apparent that the respective containers are different in a number of material respects. As discussed previously, the differences between the respective marks are material and self-evident.

A first significant difference relates to the cap and its relationship to the bottle. The ‘104 Container and ‘110 Containers have a cap with a diameter that is substantially the same

diameter as the bottle portion or element. In contrast, the diameter of the applicants cap is distinctively smaller than the diameter of the bottle. This difference further contributes to a different overall impression with respect to the containers.

A second difference is that both the '104 Container and '110 Container have an annular concave region between the cap and shoulder of the bottle that slants from the shoulder inward and then extends back out in a radial direction at an angle of about 90 degrees with respect to the orientation of the bottle. This feature is completely absent in the Applicant's Container. In the Applicant's Container, the shoulder of the bottle extends to the central axis of the bottle in a horizontal direction and then the cap extends perpendicular from the flat surface.

A third difference relates to the location of the label. The '104 Container and '110 Container, depicts the location of a label that is adhered around the circumference of the bottle. This label location and orientation is a feature of the registered mark. The Applicant's mark lacks this feature and therefore is further distinct from the cited mark.

The overall shape of the '104 Container is more broad and squat than the Applicant's bottle which is significantly more elongate. Specifically, the width to height to width ratio of '104 container is approximately 2.5 to 5.5. In contrast, the Applicant's container has a width to height ration of 1.5 to 7.5. This difference alone results in a distinct commercial impression with respect to the two containers. While the '110 Container is slightly more elongate than the '104 Container, the Applicant's mark nevertheless is distinctive for the same reasons discussed above.

## II. The Cited mark should not be afforded broad Protection

Moreover, the strength of the cited mark and its scope of protection is not particularly wide in view of other similar bottles that have been registered for similar goods. For example, Voss USA has been issued registrations for cylindrical bottles having cylindrical caps and with horizontal labels which are similar to both the '104 Container and '110 Container for water. See U.S. Registrations Nos. 3440225; 3259981, 75753149, 78621197, 78621263, 78714997 (horizontal label), and 78714999 (horizontal label) (The "Voss marks" attached hereto as Exh. 2)

Whether water and wine can be regarded as "related goods" may be unresolved issue but for present purposes should be considered as related. The two products are both beverages and are generally sold through the same channels of trade- namely through retail food and beverage outlets. The owners of the Voss marks certainly considered that the goods were related when they initiated a lawsuit in the Southern District of New York with respect to the applicant's goods which were limited to wine. See *Voss of Norway v. Enoitalia S.p.a., Platinum Brands, LLC and A.V. Imports, Inc.* (S.D.N.Y. 2006). A search of the records of the trademark office for the term "drinking water" and wine revealed more than 275 live registrations or applications. Exh. 3. While the applicant has not reviewed each of these results, a number of the applications and registrations list both wine and drinking water. These include Smatts, U.S. No. 3841596; Fit for Fun; U.S. No. 3409270; Dr Red, U.S. No. 3781269; Moods of Norway, U.S. No. 3418587; Budgy Smuggler, U.S. No. 4155063; and Terre Da Vino, U.S. No. 4200548. (collectively attached hereto as Exh. 4) In addition, wine and water are routinely consumed together during meals as most place settings include both water and wine glasses. Thus, for the purpose of this response, it is submitted that the goods water and wine can be considered related.



In view of the foregoing the Applicant respectfully traverses the Examiner's contention that the average purchaser would retain a general impression of the marks as being the same or similar or would believe that the goods come from the same source.

### **III. The Rejection Based Upon Alleged Non-Distinctive Packaging**

The Examiner has also rejected the Application on the grounds that the Applicant's Container is not distinctive. It is not clear if this ground for rejection was continued in the Final Rejection. To the extent that the rejection remains, reconsideration of the rejection is respectfully requested.

In order to determine whether Applicant's applied-for mark for the wine bottle is distinctive and can be registered, the mark must be examined according to the factors set out by *Seabrook Foods, Inc. v. Bar-Well Foods Ltd.*, 568 F.2d 1342, 1344 (C.C.P.A. 1978)(J. Rich). In determining whether the design is arbitrary or distinctive courts have looked to the following factors:

- whether the design is a "common" basic shape or design. Id. See also, *In re Hillerich & Bradsby Co.*, 204 F.2d 287, 40 CCPA 990, 97 USPQ 451 (1953); *In re David Crystal, Inc.*, 49 CCPA 775, 296 F.2d 771, 132 USPQ 1 (1961).
- whether the design was unique or unusual in a particular field. *Seabrook Foods at 1344*. See also *In re Data Packaging Corp.*, 453 F.2d 1300, 59 CCPA 776, 172 USPQ 396 (1972); see also, *In re Hillerich & Bradsby Co.*, *supra* note 4, and *Radio Corp. of America v. Decca Records, Inc.*, 51 F.Supp. 493, 58 USPQ 531 (D.C.N.Y.1943).
- whether the design was a mere refinement of a commonly-adopted and well-known form of ornamentation for a particular class of goods viewed by the public as a dress or ornamentation for the goods. *Seabrook Foods at 1344*. See also *In re General Tire & Rubber Co.*, 404 F.2d 1396, 56 CCPA 867, 160 USPQ 415 (1969); *Plastilite Corp. v. Kassnar Imports*, 508 F.2d 824, 184 USPQ 348 (Cust. & Pat.App.1975), and

- whether the design is capable of creating a commercial impression distinct from the accompanying words. *Seabrook Foods at 1344*. See also *In re E. J. Brach & Sons*, 256 F.2d 325, 45 CCPA 998, 118 USPQ 308 (1958); *In re Swift & Co.*, 223 F.2d 950, 42 CCPA 1048, 106 USPQ 286 (1955).

Here, while the design can be regarded as a basic shape, the design is nevertheless both unique and unusual in the conventional *wine industry*. As discussed in the Applicant's response submitted on June 28, 2012 (and which is incorporated herein by reference), the fact that the bottle is unique is supported by ample evidence from numerous separate and independent sources. Moreover, to the extent that the applicant's is not inherently distinctive for wine, the applicant has been exclusively using the mark for more than five years and, as such the has acquired distinctiveness under Section 2(f). It is submitted that the existence of container for plum wine that was cited by the Examiner (the cited marks) that includes the cylinder bottle feature does not undermine the conclusion. Plum wine is not conventional wine and the packaging of the plum wine that is presented in cited marks is different than applicants.

### **III. Response to the Issues raised by the Examiner in the Final Rejection Regarding the Examiner's Additional Exhibits.**

In the Final Rejection, the Examiner cites to alleged suppliers of cylindrical wine bottles, apparently available from manufacturers (See generally Attachments 2- 10 to final Office Action). However the existence of trade listings offering for sale cylindrical wine bottles does not establish that the design has actually ever been used in connection with wines, in the US or anywhere in the world. As previously represented, the applicant is not aware of the sales of any wines in the container shape that is the subject of the application in the U.S. To the extent that

attachments 2-10 are relevant, they may suggest that the cited marks are not afforded broad scope of protection because of the existence of offers for sales of other cylindrical bottles for use with wine.

In addition, attachments 2-10 to the Final rejection do not disclose structures that are similar or the same as the mark that the applicant seeks to register. For example, it submitted that the existence of cylindrical wooden or tin boxes that are intended to hold conventional wine bottles (Attachment Final Rejection) is inapposite to the relevant inquiry here. The applicant's mark includes the combination of a cylindrical bottle and an extended cylindrical cap that has a smaller diameter than the diameter of the bottle. This structure is not disclosed in the attached internet search pages and, more importantly is not disclosed in connection with the sale of wines.

#### **IV The Applicant Respectfully Disagrees with the Examiner's Contention In the Final Rejection That the Goods are Identical.**

In the Final Rejection, the Examiner presumed that the goods were identical. The applicant respectfully disagrees with the Examiner. The cited marks identify the goods as "wine and spirits, namely plum wines and liqueurs." It is submitted that the applicant's goods, namely wine, while sold through similar channels of trade because they are both alcoholic beverages, are nevertheless different. It is submitted that the public and understand that fruit wines, and especially plum wines and liquor are different than wines made from grapes. Even the dictionary that the term "wine" conventionally refers to wines made from grapes. Exh. 5. Plum wine is also defined differently than wine made from grapes by the regulatory authority with jurisdiction over alcoholic beverages. Compare 27 CFR § 4.21(e) with 27 CFR § 4.21(a). It is submitted that plum wine is a specialty product, not widely available, and is primarily imported from Asia.

Exh. 6. It is submitted that Plum Wine does not directly compete with conventional wine made from grapes and occupies a separate and distinct market segment – like that of Sake or dessert wines.

#### **IV. Section 2(f) Statement**

The mark has become distinctive of the goods through the applicant's substantially exclusive and continuous use in commerce for at least the five years immediately before the date of this statement. In particular, the applicant has sold wine using since at least as early as January 1, 1997 using the subject mark.

Wherefore, it is respectfully submitted that each of the grounds of rejection has been traversed.

## **Exhibit 1**



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



**Goods and Services** IC 033. US 047 049. G & S: wine and spirits, namely plum wine and liqueurs. FIRST USE: 19860106. FIRST USE IN COMMERCE: 19910900

**Mark Drawing Code** (2) DESIGN ONLY

**Design Search Code** 19.09.03 - Bottles, jars or flasks with straight, vertical sides; Flasks with straight or vertical sides; Jars with straight or vertical sides

**Trademark Search Facility Classification Code** ART-19.09 Bottles; jars; flasks

**Serial Number** 78901110

**Filing Date** June 5, 2006

**Current Basis** 1A

**Original Filing Basis** 1A

**Published for Opposition** August 14, 2007

**Change In Registration** CHANGE IN REGISTRATION HAS OCCURRED

**Registration Number** 3324319

**Registration Date** October 30, 2007

**Owner** (REGISTRANT) CHOYA UMESHU CO., LTD. CORPORATION JAPAN 160-1 KOMAGATANI HABIKINO CITY, OSAKA JAPAN

**Attorney of** Philip R. Zender,

**Record**

**Description of Mark** Color is not claimed as a feature of the mark. The mark consists of a distinctive, cylindrical bottle and cap. The dotted or broken lines in the drawing are intended to show the position of a label on the bottle and are not claimed as part of the mark.

**Type of Mark** TRADEMARK

**Register** PRINCIPAL-2(F)

**Live/Dead Indicator** LIVE

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



**Goods and Services** IC 033. US 047 049. G & S: wine and spirits, namely plum wine and liqueurs. FIRST USE: 19940530. FIRST USE IN COMMERCE: 19980500

**Mark Drawing Code** (2) DESIGN ONLY

**Design Search Code** 19.09.03 - Bottles, jars or flasks with straight, vertical sides; Flasks with straight or vertical sides; Jars with straight or vertical sides

**Trademark Search Facility Classification Code** ART-19.09 Bottles; jars; flasks

**Serial Number** 78901104

**Filing Date** June 5, 2006

**Current Basis** 1A

**Original Filing Basis** 1A

**Published for Opposition** August 14, 2007

**Change In Registration** CHANGE IN REGISTRATION HAS OCCURRED

**Registration Number** 3324318

**Registration Date** October 30, 2007

**Owner** (REGISTRANT) CHOYA UMESHU CO., LTD. CORPORATION JAPAN 160-1 KOMAGATANI HABIKINO CITY, OSAKA JAPAN

**Attorney of** Philip R. Zender, Esq.

**Record**

**Description of Mark** Color is not claimed as a feature of the mark. The mark consists of a distinctive, cylindrical bottle and cap. The dotted or broken lines in the drawing are intended to show the position of a label on the bottle and are not claimed as part of the mark

**Type of Mark** TRADEMARK

**Register** PRINCIPAL-2(F)

**Live/Dead Indicator** LIVE

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## **Exhibit 2**



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**Goods and Services** IC 032. US 045 046 048. G & S: drinking water. FIRST USE: 20001118. FIRST USE IN COMMERCE: 20001118

**Mark Drawing Code** (2) DESIGN ONLY

**Design Search Code** 19.09.03 - Bottles, jars or flasks with straight, vertical sides; Flasks with straight or vertical sides; Jars with straight or vertical sides  
26.19.02 - Cylinders (geometric)

**Serial Number** 78507373

**Filing Date** October 28, 2004

**Current Basis** 1A

**Original Filing Basis** 1A

**Published for Opposition** February 28, 2006

**Registration Number** **3259981**

**Registration Date** July 10, 2007

**Owner** (REGISTRANT) Voss of Norway ASA CORPORATION NORWAY Drammensveien 123 N-0277 Oslo NORWAY

**Attorney of Record** John A. Clifford

**Prior Registrations** 2696925

**Description of Mark** Color is not claimed as a feature of the mark. The mark consists of a cylindrical beverage container with a cylindrical lid.

**Type of Mark** TRADEMARK

**Register** PRINCIPAL-2(F)

**Live/Dead Indicator** LIVE

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**Goods and Services** IC 032. US 045 046 048. G & S: drinking water. FIRST USE: 20001118. FIRST USE IN COMMERCE: 20001118  
**Mark Drawing Code** (2) DESIGN ONLY  
**Design Search Code** 19.05.04 - Other large cylindrical containers or drums, including trash cans  
**Trademark Search Facility Classification Code** ART-11.03 Containers for beverages; plates and dishes; cooking and serving ware (Non-electric) ART-19.05 Large containers  
**Serial Number** 77294174  
**Filing Date** October 2, 2007  
**Current Basis** 1A  
**Original Filing Basis** 1A  
**Published for Opposition** March 18, 2008  
**Registration Number** 3440225  
**Registration Date** June 3, 2008  
**Owner** (REGISTRANT) Voss of Norway ASA CORPORATION NORWAY Drammensveien 123 N-0277 Oslo NORWAY

**Attorney of Record** Andrew S. Ehard  
**Prior Registrations** 2696925;3259981  
**Description of Mark** Color is not claimed as a feature of the mark. The mark consists of a cylindrical beverage container.  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL-2(F)  
**Live/Dead Indicator** LIVE

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<b>Goods and Services</b>	IC 032. US 045 046 048. G & S: drinking water. FIRST USE: 20051100. FIRST USE IN COMMERCE: 20051100
<b>Mark Drawing Code</b>	(2) DESIGN ONLY
<b>Design Search Code</b>	11.03.01 - Glasses without stems 26.17.09 - Bands, curved; Bars, curved; Curved line(s), band(s) or bar(s); Lines, curved 26.19.02 - Cylinders (geometric)
<b>Serial Number</b>	<b>78714999</b>
<b>Filing Date</b>	September 16, 2005
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Date Amended to Current Register</b>	November 1, 2006
<b>Registration Number</b>	3197762
<b>Registration Date</b>	January 9, 2007
<b>Owner</b>	(REGISTRANT) Voss of Norway ASA CORPORATION NORWAY Drammensveien 123 N-0277 Oslo NORWAY
<b>Attorney of Record</b>	John A. Clifford
<b>Prior Registrations</b>	2696925
<b>Description of Mark</b>	The color(s) red is/are claimed as a feature of the mark. The mark consists of a red band encircling the perimeter of the container. The dotted lines depict the container and is not a feature of the mark, no claim is made to it, and it serves only to show the position of the mark on the goods.
<b>Type of Mark</b>	TRADEMARK

Register SUPPLEMENTAL  
Live/Dead Indicator LIVE

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**Goods and Services** IC 032. US 045 046 048. G & S: drinking water. FIRST USE: 20051100. FIRST USE IN COMMERCE: 20051100

**Mark Drawing Code** (2) DESIGN ONLY

**Design Search Code** 19.07.18 - Tooth paste tubes; Tubes, containers (including toothpaste)  
 19.07.25 - Cases, eyeglass; Clothes hampers; Coolers (ice chests); Hampers; Shadow boxes; Soap dispenser  
 26.17.09 - Bands, curved; Bars, curved; Curved line(s), band(s) or bar(s); Lines, curved  
 26.19.02 - Cylinders (geometric)

**Serial Number** 78714997

**Filing Date** September 16, 2005

**Current Basis** 1A

**Original Filing Basis** 1B

**Date Amended to Current Register** November 1, 2006

**Registration Number** 3197761

**Registration Date** January 9, 2007

**Owner** (REGISTRANT) Voss of Norway ASA CORPORATION NORWAY Drammensveien 123 N-0277 Oslo NORWAY

**Attorney of Record** John A. Clifford

**Prior Registrations** 2696925

**Description of Mark** The mark consists of a band encircling the perimeter of the container. The dotted lines depict the container and are not a feature of the mark, no claim is made to it, and it serves only to show the position of the mark on the goods.

**Type of Mark** TRADEMARK

**Register** SUPPLEMENTAL

Live/Dead Indicator LIVE

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**Goods and Services** IC 032. US 045 046 048. G & S: drinking water. FIRST USE: 20001118. FIRST USE IN COMMERCE: 20001118

**Mark Drawing Code** (2) DESIGN ONLY

**Design Search Code** 19.09.03 - Bottles, jars or flasks with straight, vertical sides; Flasks with straight or vertical sides; Jars with straight or vertical sides  
 19.09.25 - Other bottles, jars or flasks  
 26.19.02 - Cylinders (geometric)

**Trademark Search Facility Classification Code** ART-19.09 Bottles; jars; flasks  
 SHAPES-BAR-BANDS Designs with bar, bands or lines  
 SHAPES-MISC Miscellaneous shaped designs

**Serial Number** 78621263

**Filing Date** May 2, 2005

**Current Basis** 1A

**Original Filing Basis** 1B

**Published for Opposition** January 31, 2006

**Date Amended to Current Register** May 15, 2008

**Registration Number** 3474308

**Registration Date** July 22, 2008

**Owner** (REGISTRANT) Voss of Norway ASA CORPORATION NORWAY Drammensveien 123 N-0277

Oslo NORWAY

**Attorney of Record** Andrew S. Ehard

**Prior Registrations** 2696925;3259981;3379806;AND OTHERS

**Description of Mark** Color is not claimed as a feature of the mark. The mark consists of a 800 milliliter cylindrical container with vertical sides of the same radius from the neck of the bottle to its base. The dotted lines on the neck of the bottle depict the container's cap fastener that is not a feature of the mark, no claim is made to it, and it serves only to show the position of the mark on the goods. The lines on the bottle itself are intended to indicate the three-dimensional, cylindrical shape of the bottle and do not indicate color.

**Type of Mark** TRADEMARK

**Register** SUPPLEMENTAL

**Live/Dead Indicator** LIVE

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<b>Goods and Services</b>	IC 032. US 045 046 048. G & S: drinking water. FIRST USE: 20020500. FIRST USE IN COMMERCE: 20020500
<b>Mark Drawing Code</b>	(2) DESIGN ONLY
<b>Design Search Code</b>	19.09.03 - Bottles, jars or flasks with straight, vertical sides; Flasks with straight or vertical sides; Jars with straight or vertical sides 19.09.25 - Other bottles, jars or flasks 26.19.02 - Cylinders (geometric)
<b>Trademark Search Facility Classification Code</b>	ART-19.09 Bottles; jars; flasks SHAPES-BAR-BANDS Designs with bar, bands or lines SHAPES-GEOMETRIC Geometric figures and solids including squares, rectangles, quadrilaterals and polygons
<b>Serial Number</b>	<b>78621197</b>
<b>Filing Date</b>	May 2, 2005
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	January 31, 2006
<b>Date Amended to Current Register</b>	October 8, 2007
<b>Registration Number</b>	3379806
<b>Registration Date</b>	February 5, 2008
<b>Owner</b>	(REGISTRANT) Voss of Norway ASA CORPORATION NORWAY Drammensveien 123 N-0277



Oslo NORWAY

**Attorney of Record** Andrew S. Ehard

**Prior Registrations** 2696925;3259981

**Description of Mark** Color is not claimed as a feature of the mark. The mark consists of a 330 milliliter cylindrical container with vertical sides of the same radius from the neck of the bottle to its base. The dotted lines on the neck of the bottle depict the container's cap fastener that is not a feature of the mark, no claim is made to it, and it serves only to show the position of the mark on the goods. The lines on the bottle itself are intended to indicate the three-dimensional, cylindrical shape of the bottle and do not indicate color.

**Type of Mark** TRADEMARK

**Register** SUPPLEMENTAL

**Live/Dead Indicator** LIVE

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



**Goods and Services** IC 032. US 045 046 048. G & S: drinking water. FIRST USE: 20020500. FIRST USE IN COMMERCE: 20020500

**Mark Drawing Code** (2) DESIGN ONLY

**Design Search Code** 19.09.03 - Bottles, jars or flasks with straight, vertical sides; Flasks with straight or vertical sides; Jars with straight or vertical sides  
19.09.25 - Other bottles, jars or flasks  
26.19.02 - Cylinders (geometric)

**Trademark Search Facility Classification Code** ART-19.09 Bottles; jars; flasks  
SHAPES-BAR-BANDS Designs with bar, bands or lines  
SHAPES-GEOMETRIC Geometric figures and solids including squares, rectangles, quadrilaterals and polygons

**Serial Number** 78621197

**Filing Date** May 2, 2005

**Current Basis** 1A

**Original Filing Basis** 1B

**Published for Opposition** January 31, 2006

**Date Amended to Current Register** October 8, 2007

**Registration Number** 3379806

**Registration Date** February 5, 2008

**Owner** (REGISTRANT) Voss of Norway ASA CORPORATION NORWAY Drammensveien 123 N-0277

Oslo NORWAY

**Attorney of Record** Andrew S. Ehard

**Prior Registrations** 2696925;3259981

**Description of Mark** Color is not claimed as a feature of the mark. The mark consists of a 330 milliliter cylindrical container with vertical sides of the same radius from the neck of the bottle to its base. The dotted lines on the neck of the bottle depict the container's cap fastener that is not a feature of the mark, no claim is made to it, and it serves only to show the position of the mark on the goods. The lines on the bottle itself are intended to indicate the three-dimensional, cylindrical shape of the bottle and do not indicate color.

**Type of Mark** TRADEMARK

**Register** SUPPLEMENTAL

**Live/Dead Indicator** LIVE

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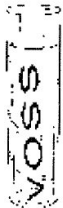
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**Word Mark** VOSS  
**Goods and Services** IC 032. US 045 046 048. G & S: Non-alcoholic beverages, namely mineral water  
**Mark Drawing Code** (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS  
**Design Search Code** 26.19.02 - Cylinders (geometric)  
**Serial Number** 75753149  
**Filing Date** July 16, 1999  
**Current Basis** 44E  
**Original Filing Basis** 1B;44D  
**Published for Opposition** July 9, 2002  
**Registration Number** 2696925  
**Registration Date** March 18, 2003  
**Owner** (REGISTRANT) Voss of Norway AS CORPORATION NORWAY Drammensveien 123 N-0277 Oslo NORWAY  
**Attorney of Record** Andrew S. Ehard  
**Priority Date** January 19, 1999  
**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "representation of the cylindrical beverage bottle" APART FROM THE MARK AS SHOWN  
**Description of Mark** The mark consists of the figure portion of the mark depicts a cylindrical beverage container, with a cylindrical lid.  
**Type of Mark** TRADEMARK

Register PRINCIPAL  
Affidavit Text SECT 15. SECT 8 (6-YR).  
Live/Dead Indicator LIVE

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**Exhibit 3**



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OR  **275 Records(s) found (This page: 1 ~ 100)**

Refine Search ("drinking water")[GS] and (wine wines)[G:

Current Search: S2: ("drinking water" ) [GS] and (wine wines)[GS] and live[LD] docs: 275 occ: 1386

	Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
1	85822729		VULCANO ENERGY DRINK	TSDR	LIVE
2	85745104		FRÜZEN	TSDR	LIVE
3	85733559		FRÜZEN ICE ICE NEVER LOOKED SO GÜD	TSDR	LIVE
4	85550528		RICORDI ITALIANI	TSDR	LIVE
5	85413212			TSDR	LIVE
6	85413158		THE KUNLUN MOUNTAINS	TSDR	LIVE
7	85413088			TSDR	LIVE
8	85413008		KUNLUN MOUNTAINS	TSDR	LIVE
9	85615440		WATER WENT POP	TSDR	LIVE
10	85358605		COCOFINA	TSDR	LIVE
11	85813839		A B	TSDR	LIVE
12	85812345		TÜV RHEINLAND	TSDR	LIVE
13	85810094		NIPPER'S	TSDR	LIVE
14	85059704		GAME BITES	TSDR	LIVE
15	85678932		MASTERS	TSDR	LIVE
16	85802962		PIPESTRIP	TSDR	LIVE
17	85680816			TSDR	LIVE
18	85677061		STOCK MARKET	TSDR	LIVE
19	85679576		AU	TSDR	LIVE
20	85233352		FC	TSDR	LIVE
21	85410591		MALIBU BLONDE	TSDR	LIVE
22	85678171		STOCKMARKET	TSDR	LIVE

23	85512071		HIERARCHY	TSDR	LIVE
24	85509787		DONDA	TSDR	LIVE
25	85059736		PLAYPEN	TSDR	LIVE
26	85697178		805 RESTAURANT	TSDR	LIVE
27	85376477	4254797	360 BUY.COM	TSDR	LIVE
28	85783306		VANDERPUMP	TSDR	LIVE
29	85781666		CRAZY EYES	TSDR	LIVE
30	85369123	4247603	KITCHIN	TSDR	LIVE
31	85018692		VILLA BLANCA	TSDR	LIVE
32	85657911		GAY I DO.	TSDR	LIVE
33	85117884		IPL	TSDR	LIVE
34	85062195		KEEPING AMERICA STRONG ONE PRODUCT AT A TIME	TSDR	LIVE
35	85276728		UP MARKET	TSDR	LIVE
36	85767609		KINGLY VELVET ANTLER	TSDR	LIVE
37	85433246	4232582	HAIRY BIKERS	TSDR	LIVE
38	85752929		CANADA SNOW JUICE	TSDR	LIVE
39	85307275		BLANC KARA	TSDR	LIVE
40	85617955			TSDR	LIVE
41	85593774		VELVET ANTLER	TSDR	LIVE
42	85439521		MOPOIIIA	TSDR	LIVE
43	85196886		SIBERIA	TSDR	LIVE
44	85537521		CLEARLY KOSHER	TSDR	LIVE
45	85656620			TSDR	LIVE
46	85067470		BENU LIFE	TSDR	LIVE
47	85331834		GARANTIA	TSDR	LIVE
48	85308745	4218806	LU LIQUIDS UNLEASHED	TSDR	LIVE
49	85649352		NO SACRIFICE	TSDR	LIVE
50	85439481		MOROSHA	TSDR	LIVE
51	85527509		CV	TSDR	LIVE
52	85262711		BY ROBERT REDFORD	TSDR	LIVE
53	85262704		ROBERT REDFORD	TSDR	LIVE
54	85331857		GRAF	TSDR	LIVE
55	85242524		VIA GUARANA	TSDR	LIVE
56	85347867		SO PURE IT'S EVEN KOSHER	TSDR	LIVE
57	85094000		TIKIWHO	TSDR	LIVE
58	85495951	4186120	DEAN & DELUCA	TSDR	LIVE
59	85544103		FIRE BLADE	TSDR	LIVE
60	85387235		DOROTHY OF OZ	TSDR	LIVE
61	85976240		INDIAN PREMIER LEAGUE	TSDR	LIVE
62	85527501		VAN CHARLES	TSDR	LIVE
63	85534441		TEMPUS	TSDR	LIVE
64	85061064	4168458	WHOLESOME GOODNESS	TSDR	LIVE
65	85061052	4168457		TSDR	LIVE
66	85579969		SUR	TSDR	LIVE



67	85103796	4163079	BESUNYEN	TSDR	LIVE
68	85053139	4165084	SIMPLE NATURALLY DELICIOUS	TSDR	LIVE
69	85650128		1800 EXPRESS	TSDR	LIVE
70	85010695		VGÈ CAFÉ	TSDR	LIVE
71	85640846		NATURALLY SMART	TSDR	LIVE
72	85241048	4155063	BUDGY SMUGGLER	TSDR	LIVE
73	85064348	4152463	AMPLEFORTH	TSDR	LIVE
74	85424593		BODY	TSDR	LIVE
75	85180331	3985425	MORONGO CASINO RESORT SPA	TSDR	LIVE
76	85180316	3985424	MORONGO CASINO RESORT SPA	TSDR	LIVE
77	85127155	3965302	LIVE LAUGH LOVE	TSDR	LIVE
78	85099476		BEMORE	TSDR	LIVE
79	85033729	3937037	GASTRONOMY NETWORKS	TSDR	LIVE
80	79108697	4277755	WEINGUT LANGWERTH VON SIMMERN ELTVILLE	TSDR	LIVE
81	79107608	4277731	FREIHERR LANGWERTH VON SIMMERN RHEINGAU 1464	TSDR	LIVE
82	79099879		ORLA KIELY HOUSE	TSDR	LIVE
83	79123408		CLVB LIFE	TSDR	LIVE
84	79115387		BRAZY BORN DIFFERENT	TSDR	LIVE
85	79099354		DSM BRIGHT SCIENCE. BRIGHTER LIVING.	TSDR	LIVE
86	79108889	4266284		TSDR	LIVE
87	79122523		AMAZING ALEX	TSDR	LIVE
88	79121982		VITAPECT	TSDR	LIVE
89	79102768		MIGHTY EAGLE	TSDR	LIVE
90	79064678	3964386	DSM	TSDR	LIVE
91	79120050		BISTRO	TSDR	LIVE
92	79121469		BAD PIGGIES	TSDR	LIVE
93	79115678		OUT OF THE ORDINARY HARPER JONES A SUPER PRODUCT AUSTRALIA - UNITED STATES	TSDR	LIVE
94	79106740	4255779	MYSMOOTHIE	TSDR	LIVE
95	79104117			TSDR	LIVE
96	79100728	4255717	FERRARI WORLD	TSDR	LIVE
97	79100724	4255716	FERRARI WORLD	TSDR	LIVE
98	79101478		DSM	TSDR	LIVE
99	79101085	4252003		TSDR	LIVE
100	79078281	4251962	SACRED	TSDR	LIVE

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Refine Search ("drinking water")[GS] and (wine wines)[G:

Current Search: S2: ("drinking water" ) [GS] and (wine wines)[GS] and live[LD] docs: 275 occ: 1386

	Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
101	79108810		FULGOR	TSDR	LIVE
102	79018514	3409270	FIT FOR FUN	TSDR	LIVE
103	79119147			TSDR	LIVE
104	79119126		GROUPE AUCHAN	TSDR	LIVE
105	79008160	3362605	KAPA-KYM	TSDR	LIVE
106	79102052	4223718	TOTAL FLAME LIFE'S SHORT, DO IT HARD	TSDR	LIVE
107	79102051	4223717	TOTAL FLAME LIFE'S SHORT, DO IT HARD	TSDR	LIVE
108	79102050	4223716	TOTAL FLAME LIFE'S SHORT, DO IT HARD	TSDR	LIVE
109	79118086		AUCHAN	TSDR	LIVE
110	79108468	4200603	TF	TSDR	LIVE
111	79103495		PRESSO	TSDR	LIVE
112	79102780	4215974	TOTAL FLAME LIFE'S SHORT, DO IT HARD	TSDR	LIVE
113	79117362		A	TSDR	LIVE
114	79109395		STEREOSONIC	TSDR	LIVE
115	79100715	4204071	SOULNESS	TSDR	LIVE
116	79018513	3554241	FIT FOR FUN	TSDR	LIVE
117	79102868	4200548	TERRE DA VINO	TSDR	LIVE
118	79102769	4200545	ANGRY BIRDS	TSDR	LIVE
119	79108936		ESPRADO	TSDR	LIVE
120	79095541	4140725	TOSOT	TSDR	LIVE
121	79104389	4188618	CHAMBORD	TSDR	LIVE
122	79080325	4047481	SERVAIR	TSDR	LIVE

123	79089587	4081772	BOTSWANA OUR PRIDE, YOUR DESTINATION	TSDR	LIVE
124	79087429	4021251	APU	TSDR	LIVE
125	79084116	4058075		TSDR	LIVE
126	79058305	3722499	FRANKE	TSDR	LIVE
127	79013321	3414697	ROLLTON	TSDR	LIVE
128	79093756	4021330	FYRKAT	TSDR	LIVE
129	79004476	3233520	FIFA CLUB WORLD CHAMPIONSHIP	TSDR	LIVE
130	79071286	3818576	V-BITES	TSDR	LIVE
131	79071002	3991713		TSDR	LIVE
132	79076945	3892708	INCAP	TSDR	LIVE
133	79071001	3950005	DUCATI	TSDR	LIVE
134	79082055	3943128	IGIENOIL	TSDR	LIVE
135	79078622	3885627	GTIG	TSDR	LIVE
136	79025635	3557635	C CAPUA 1880	TSDR	LIVE
137	79025360	3449603	LA MACCHINA	TSDR	LIVE
138	79975079	3705642	WORLD CUP 2010	TSDR	LIVE
139	79975043	3496281	MUNDIAL 2010	TSDR	LIVE
140	79076919	3853885	MAKE TASTE, NOT WASTE	TSDR	LIVE
141	79074703	3876409		TSDR	LIVE
142	79072485	3841596	SMATT'S	TSDR	LIVE
143	79071331	3825280	ABBINA	TSDR	LIVE
144	79070860	3832053	COFFERRO	TSDR	LIVE
145	79070779	3790427		TSDR	LIVE
146	79059203	3781269	DR RED	TSDR	LIVE
147	79058574	3606295		TSDR	LIVE
148	79054695	3639744	HILDON	TSDR	LIVE
149	79048031	3580683	RICK STEIN	TSDR	LIVE
150	79046139	3492977	CHACHA	TSDR	LIVE
151	79042385	3485205	I ROSCILLI, DAL BOSCO A VOI, SOLO NOI!, NOVITA & QUALITA, COTTURA A FUOCO MEDIO 15 MIN, PRODOTTO A VISTA = QUALITA GARANTITA	TSDR	LIVE
152	79042374	3501974	LIFE IS DRIVE	TSDR	LIVE
153	79042297	3462646	I ROSCILLI	TSDR	LIVE
154	79040509	3398807	GLAMOUR	TSDR	LIVE
155	79039064	3627059	BODUM	TSDR	LIVE
156	79038589	3480823	VECCHIA MALGA	TSDR	LIVE
157	79038491	3616136	ASPEX	TSDR	LIVE
158	79036719	3673089	REHAU QUALITY	TSDR	LIVE
159	79036533	3606147		TSDR	LIVE
160	79036332	3676542	REHAU	TSDR	LIVE
161	79036331	3591327	EXPO 2010	TSDR	LIVE
162	79036113	3418587	MOODS OF NORWAY	TSDR	LIVE
163	79035928	3676540	REHAU	TSDR	LIVE
164	79035488	3392150		TSDR	LIVE
165	79033497	3344535		TSDR	LIVE

166	79032693	3557646	BODUM	TSDR	LIVE
167	79031513	3382112	S	TSDR	LIVE
168	79025493	3458169	SPINNRAD	TSDR	LIVE
169	79022973	3265316	LEDOVA	TSDR	LIVE
170	79021847	3261257	SKI ALPIN FIS CHAMPIONNATS DU MONDE VAL D'ISÈRE 2009 SAVOIE-FRANCE	TSDR	LIVE
171	79020847	3340115	SOUTH AFRICA 2010	TSDR	LIVE
172	79018892	3298181	TCL	TSDR	LIVE
173	79017661	3431348	PÈRE MAGLOIRE	TSDR	LIVE
174	79015219	3133315		TSDR	LIVE
175	79010239	3256531		TSDR	LIVE
176	79007353	3114426	A	TSDR	LIVE
177	79003074	3063813	KNEIPP CLASSIC	TSDR	LIVE
178	79002571	3106999	KNEIPP ACTIVE	TSDR	LIVE
179	79001015	3194265	RHINO'S	TSDR	LIVE
180	78947356		FRESH & EASY	TSDR	LIVE
181	78925863		FRESH & EASY NEIGHBORHOOD MARKET	TSDR	LIVE
182	78566779	3119588	MADE IN JAPAN TERIYAKI EXPERIENCE	TSDR	LIVE
183	78780371		VALLE PERDIDO	TSDR	LIVE
184	78750317	3478051	TORQ	TSDR	LIVE
185	78598860	3596564	ICE2O	TSDR	LIVE
186	78981209	3690732	BILTMORE	TSDR	LIVE
187	78920256	3324430	CALIFORNIA STATE UNIVERSITY STANISLAUS VOX VERITAS VITA MCMLX	TSDR	LIVE
188	78894549	3247029	PECHANGA	TSDR	LIVE
189	78894443	3247028	RESORT & CASINO PECHANGA	TSDR	LIVE
190	78890735	3831957	PRINCE CASPIAN	TSDR	LIVE
191	78863313	3420462	HOPE FOR YOU!	TSDR	LIVE
192	78673665	3885444	ISLAND GRAB 'N' GO	TSDR	LIVE
193	78673647	3188985	ISLAND DELI	TSDR	LIVE
194	78668303	3684488	SCIENT	TSDR	LIVE
195	78615141	3221431	ADERLASS	TSDR	LIVE
196	78049749	2625032	BATEY	TSDR	LIVE
197	78154616	3070033	FLAVORITE	TSDR	LIVE
198	78201414	3084372	KAUFFMAN PRIVATE COLLECTION	TSDR	LIVE
199	78201415	3094857	KAUFFMAN COLLECTION	TSDR	LIVE
200	78334426	3057118		TSDR	LIVE

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201	78218408	3007193	DEBBIE MUMM	TSDR	LIVE
202	78263134	2911802	OCHAKOVO	TSDR	LIVE
203	78156905	3317064	BOO!	TSDR	LIVE
204	77530030	4225891	CABRON	TSDR	LIVE
205	77811903		JIMMY BUFFETT'S	TSDR	LIVE
206	77532212		MR. ORGANIC	TSDR	LIVE
207	77530039		PINCH A CABRON	TSDR	LIVE
208	77530038		UNLEASH THE CABRON WITHIN	TSDR	LIVE
209	77941574		PLAYPEN	TSDR	LIVE
210	77886421	4164950	WHOLESOME GOODNESS	TSDR	LIVE
211	77877034	4072385	PARIS BAGUETTE	TSDR	LIVE
212	77877032	4072384	P B	TSDR	LIVE
213	77935326	4049946	TEA CHANSII THE FRUIT GRANULES TEA	TSDR	LIVE
214	77844989	3979998	JEJU WATER · JEJU OFFICIAL CERTIFICATION WATER·	TSDR	LIVE
215	77605328	3870998	VEGAMIN	TSDR	LIVE
216	77504488	3786626	CALABRESE	TSDR	LIVE
217	77858940	3817129	ICE COOL	TSDR	LIVE
218	77838286	3888635	F GUARA	TSDR	LIVE
219	77838280	3898599	M GUARA	TSDR	LIVE
220	77798432	3862654	NEVER SURRENDER	TSDR	LIVE
221	77765720	3857890	COCO	TSDR	LIVE
222	77733185	3811966	E LEISURE STATION	TSDR	LIVE



223	77731499	3826963	RIVAREY	TSDR	LIVE
224	77725045	3714990	SUPER SUPAU	TSDR	LIVE
225	77711209	3708272	PEPPER JOE'S	TSDR	LIVE
226	77617498	3888473	O ORITAIN	TSDR	LIVE
227	77214712		FRESH & EASY NEIGHBORHOOD MARKET	TSDR	LIVE
228	77212875		FRESH & EASY NEIGHBORHOOD MARKET	TSDR	LIVE
229	77079913		FRESH & EASY	TSDR	LIVE
230	77044437		FRESH & EASY	TSDR	LIVE
231	77040172		FRESH & EASY	TSDR	LIVE
232	77143954		PENTHOUSE	TSDR	LIVE
233	77174774		FIG & OLIVE	TSDR	LIVE
234	77144410	3662348	S SANSUI	TSDR	LIVE
235	77242166	3629333	HIMMEL ARSCH & ZWIRN	TSDR	LIVE
236	77239063	3677049	FASHION HOTELS	TSDR	LIVE
237	77219331	3713734	THE VOYAGE OF THE DAWN TREADER	TSDR	LIVE
238	77064259	3523073	GENERAL BILIMORIA	TSDR	LIVE
239	77056779	3387602	GENOVA DELICATESSEN	TSDR	LIVE
240	77011203	3337920	DWARF8 ON A SECRET MISSION	TSDR	LIVE
241	77006419	3545707	MÖPURE	TSDR	LIVE
242	77000617	3447121		TSDR	LIVE
243	76197112	3064674		TSDR	LIVE
244	76512807	3006891	UBS	TSDR	LIVE
245	76054616	3137450		TSDR	LIVE
246	76977931	3098712	365 EVERYDAY VALUE	TSDR	LIVE
247	76977929	3098711	365 EVERYDAY VALUE	TSDR	LIVE
248	76477510	3037076	GERMANY 2006	TSDR	LIVE
249	76513126	3025058		TSDR	LIVE
250	76399360	3037050	FIFA WOMEN'S WORLD CUP	TSDR	LIVE
251	76038884	2560070	EASY LIFE	TSDR	LIVE
252	76038883	2560069		TSDR	LIVE
253	76580340	3025304	V	TSDR	LIVE
254	76193397	3209865	BP	TSDR	LIVE
255	76604936	3167105	PATISSERIE COCO	TSDR	LIVE
256	76574275	3389342	YOUBEST	TSDR	LIVE
257	76517079	3346538	PSX	TSDR	LIVE
258	76492145	2842516		TSDR	LIVE
259	76492144	2842515	TEJON RANCH	TSDR	LIVE
260	76491744	2944500	ANGEL OF THE WINDS	TSDR	LIVE
261	76458696	3497472	GUIDO ANGELINA	TSDR	LIVE
262	76420134	2721021	DENIM	TSDR	LIVE
263	76366967	2976847	LLL LIFAN	TSDR	LIVE
264	76324144	2708666	SWEET GARDEN	TSDR	LIVE
265	76282538	2678918	MERCADO DEL MUNDO	TSDR	LIVE
266	76282533	2712774	MARCHE DU MONDE	TSDR	LIVE



267	76271329	3105436	THE VOYAGE OF THE ARCTIC TERN	TSDR	LIVE
268	76121097	2856230	KICK'S H2O	TSDR	LIVE
269	76063898	2661401	FIFA	TSDR	LIVE
270	76009746	2665107		TSDR	LIVE
271	76009738	2645052	FIFA WORLD CUP	TSDR	LIVE
272	75872965	2556914	WORLD MARKET	TSDR	LIVE
273	75756375	2347302	WORLD MARKET	TSDR	LIVE
274	75620673	2361694	ARBOR HILL	TSDR	LIVE
275	75157137	2163261	TIMEBOMB	TSDR	LIVE

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## **Exhibit 4**



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# SMATT'S

**Word Mark** SMATT'S

**Translations** The wording "SMATT'S" has no meaning in a foreign language.

**Goods and Services**

IC 025. US 022 039. G & S: Clothing, namely, t-shirts; footwear; headgear, namely, hats, caps

IC 032. US 045 046 048. G & S: Beers; **drinking water**, mineral water, aerated water, non-alcoholic beverages, namely, soft drinks, vegetable juices; fruit juices; syrups for making non-alcoholic beverages and fruit juice concentrates

IC 033. US 047 049. G & S: Alcoholic beverages except beers; **wines**; spirits; liqueurs

IC 034. US 002 008 009 017. G & S: Tobacco, smokers articles, namely, cigar and cigarette holders; matches, ashtrays, lighters for smokers

IC 035. US 100 101 102. G & S: Retail store services featuring clothing, footwear, headgear, beers, water, mineral water, aerated water, non-alcoholic beverages, fruit juices, syrups and fruit concentrates, alcoholic beverages, **wines**, spirits, liqueurs, tobacco, smokers articles, matches, ashtrays and lighters for smokers; franchising, namely, offering technical assistance in the establishment and operation of retail stores featuring clothing, footwear, headgear, beers, water, mineral water, aerated water, non-alcoholic beverages, fruit juices, syrups and fruit concentrates, alcoholic beverages, **wines**, spirits, liqueurs, tobacco, smokers articles, matches, ashtrays and lighters for smokers; the bringing together for the benefit of others of clothing, footwear, headgear, beers, water, mineral water, aerated water, non-alcoholic beverages, fruit juices, syrups and fruit concentrates, alcoholic beverages, **wines**, spirits, liqueurs, tobacco, smokers articles, matches, ashtrays, lighters for smokers, enabling customers conveniently to view and purchase those goods in a retail store, from an Internet web site or by means of telecommunications

**Standard Characters Claimed**

**Mark Drawing Code** (4) STANDARD CHARACTER MARK

**Trademark Search Facility Classification Code** NOTATION-SYMBOLS Notation Symbols such as Non-Latin characters,punctuation and mathematical signs,zodiac signs,prescription marks  
 SHAPES-MISC Miscellaneous shaped designs

**Serial Number** 79072485

**Filing Date** June 12, 2009

**Current Basis** 66A

**Original Filing Basis** 66A

**Published for Opposition** June 15, 2010

**Registration Number** 3841596

**International Registration Number** 1012053

**Registration Date** August 31, 2010

**Owner** (REGISTRANT) Charriere Limited; c/o Myers & Alberga Private Limited Company CAYMAN ISLANDS 103 South Church Street; PO Box 472 Harbour Place, 2nd Floor, North Wing Grand Cayman Islands UNITED KINGDOM

**Priority Date** March 26, 2009

**Type of Mark** TRADEMARK. SERVICE MARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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Word Mark  
Goods and Services

FIT FOR FUN

IC 005. US 006 018 044 046 051 052. G & S: Dietetic foods adapted for medical use; medicinal herbs in dried or preserved form, medicinal herb extracts; vitamin preparations; food supplements on an amino acid, mineral and/or trace element basis; food supplements for medical purposes \* all the aforesaid goods with the exception of those for dentistry, maxillary-orthopaedic and dental-laboratory use, except for the treatment of teeth, mouth and throat by dentists and/or orthodontists \*

IC 029. US 046. G & S: Meat, fish, poultry and game, also in preserved, prepared or frozen form; preserved, dried, cooked or frozen fruit and vegetables; meat extracts; meat and fish jellies; fruit and vegetable jellies for use as bread spreads; sausage, and sausage products, namely, blood sausage; jams and marmalades; [ processed nuts; snack mix consisting primarily of processed fruits, processed nuts and/or raisins; ] eggs, milk; milk products excluding ice cream, ice milk and frozen yogurt; edible oils and fats; prepared and frozen meals consisting primarily of meat, fish, shellfish, poultry, game, or vegetables; potato chips, potato sticks; processed fruit chips, bars, slices and blocks also containing cereal; fruit and vegetable salads

IC 030. US 046. G & S: Salad dressings, mayonnaises; coffee, tea, cocoa, sugar, rice, tapioca, sago, coffee and tea substitutes; flours; processed wheat, oats, husked barley and corn flour alone or in mixed form; pasta, in particular noodles; chocolate; chocolate products, namely, chocolate powder and paste; chocolate candies, also with liquid fillings made of wines and/or spirits; sweet products, namely, candies; bread, fine pastry; and confectionery chips for baking; edible fruit ices; honey, treacle; yeast, baking powder; bakery goods mixes for bread, bread rolls and fine pastry; table salt; mustard, vinegar; sauces; spices and spice mixtures; ketchup; cocoa-based beverage powder; cocoa spreads; spread containing chocolate and nuts; processed cereals; popcorn; instant muesli; cereal mixtures in the nature of cereal-based snack foods; pizzas; puddings; prepared and

frozen meals consisting primarily of pasta or rice

IC 031. US 001 046. G & S: Agricultural and horticultural seeds; fresh fruit and vegetables; seeds for fruit and vegetables; natural rice for use as animal fodder; live fish, namely, mollusks and shellfish for food purposes

IC 032. US 045 046 048. G & S: Beers; mineral **waters**, carbonated drinking **waters** and other non-alcoholic beverages, namely, fruit drinks, fruit juices and vegetable juices; syrups and other preparations for making fruit drinks; whey beverages; non-alcoholic malt beverage in liquid and powder form; shakes and drinks in the nature of isotonic drinks, in liquid and powder form

IC 033. US 047 049. G & S: Alcoholic beverages except beers, namely, wines, distilled spirits, brandy spirits and potable spirits

IC 043. US 100 101. G & S: Catering for and providing temporary housing accommodations for guests

**Mark Drawing Code** (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

**Design Search Code** 26.17.09 - Bands, curved; Bars, curved; Curved line(s), band(s) or bar(s); Lines, curved  
27.03.01 - Geometric figures forming letters, numerals or punctuation

**Trademark Search Facility Classification Code** SHAPES-BAR-BANDS Designs with bar, bands or lines  
SHAPES-MISC Miscellaneous shaped designs

**Serial Number** 79018514

**Filing Date** August 24, 2005

**Current Basis** 66A

**Original Filing Basis** 66A

**Published for Opposition** December 18, 2007

**Change In Registration** CHANGE IN REGISTRATION HAS OCCURRED

**Registration Number** 3409270

**International Registration Number** 0870411

**Registration Date** April 8, 2008

**Owner** (REGISTRANT) Dirk Manthey INDIVIDUAL FED REP GERMANY Heimhuder Strasse 29 20148 Hamburg FED REP GERMANY  
  
(LAST LISTED OWNER) Fit for Fun Verlag GmbH GMBH LIMITED LIABILITY COMPANY FED REP GERMANY Christoph-Probst-Weg 1 20251 Hamburg FED REP GERMANY

**Priority Date** February 24, 2005

**Description of Mark** Color is not claimed as a feature of the mark.

**Type of Mark** TRADEMARK. SERVICE MARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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**DR RED**

Word Mark DR RED

Goods and Services

IC 003. US 001 004 006 050 051 052. G & S: Cake flavourings being essential oils; distilled oils for beauty care; edible essences for foodstuffs being etheric substances in the nature of ethanolic extracts of food pulps and essential oils; emulsified essential oils; essential oils for skin care; essential oils; essential oils for cosmetic purposes; essential oils for personal use; essential oils for the manufacture of flavourings; essential oils for the manufacture of perfumes; essential oils for use in foods; essential oils for use in cosmetics; essential oils of citron; essential oils of lemon; cosmetic facial care preparations; flavour enhancers for food being essential oils; flavourings being essential oils for cakes; flavourings being essential oils for beverages; flavourings for beverages being essential oils; flavourings for cakes being essential oils; flavourings for foodstuffs being essential oils; food flavourings being essential oils; non-medicated creams for protection of the skin; non-medicated hair care preparations; non-medicated cosmetic oils; non-medicated cosmetic preparations for the care of the body; non-medicated preparations for the care of the hair; oils for the hair; non-medicated preparations for enriching the hair; non-medicated preparations for the hair; non-medicated preparations for the maintenance of the scalp; cosmetics for beauty care; cosmetic skin creams

IC 005. US 006 018 044 046 051 052. G & S: Adjuvants for medical purposes; pharmaceuticals, namely, agents for activating the metabolism; pharmaceuticals, namely, agents for reducing levels of cholesterol in the blood; pharmaceuticals, namely, agents for reducing lipid levels; analgesics; anti-cancer pharmaceutical preparations; anti-coagulants; anti-depressants; anti-diabetic preparations; antihypertensive pharmaceutical preparations; anti-inflammatory preparations; anti-microbial preparations for dermatological use; food supplements, namely, antioxidants; anti-rheumatic preparations; antiseptic preparations; anti-viral agents; aromatic teas for medicinal use; artificial tea for medicinal use; asthmatic tea for medicinal use; barks for pharmaceutical purposes for the treatment of cancer and cardiovascular disease; beverages adapted for medical and medicinal purposes for the treatment of cancer and cardiovascular disease; beverages for infants for immune stimulation; biochemical preparations for medical use; biochemical preparations for medical or veterinary purposes, namely, biochemicals for pharmaceutical use; medicated body



creams; body lotions for medical purposes; bottled **water** for medical purposes; candy for medical purposes; chewing gum for medical purposes; pharmaceutical preparations for treating cancer; pharmaceutical preparations for treating respiratory diseases; pharmaceutical preparations being anti-inflammatories; pharmaceutical preparations being analgesics; pharmaceutical preparations being anti-rheumatics; medical dietary preparations for slimming purposes, namely, dietary supplements; drinking **water** for medical purposes; elixirs being pharmaceutical preparations for preventing colds; elixirs being pharmaceutical preparations for preventing throat infections; elixirs being pharmaceutical preparations for relieving asthma; elixirs being pharmaceutical preparations for relieving colds; elixirs being pharmaceutical preparations for relieving throat infections; extracts of medicinal herbs; extracts of medicinal plants; extracts of plants in capsule form for pharmaceutical use; ferments for pharmaceutical purposes. flavonoid substances, namely, extracts of berries for the treatment of cancer and cardiovascular disease; food substances adapted for medical use, namely, fruit juices and teas; food supplements for medical purposes; food supplements for the dietary management of illness in humans; foods adapted for medical use, namely, fruit juices and teas; foods for medical purposes for the treatment of complex metabolic disorders; specially made foods for persons with illness, namely, food for diabetics; foodstuffs for use in the dietary management of obesity, namely, medicinal fruit juices and teas; fruit gums for medical use; fruit tea for medicinal purposes; health food supplements for persons with special dietary requirements; medicinal healthcare products, namely, anti-inflammatories; herbal beverages in the nature of teas for medicinal use; herbal extracts for medicinal purposes; herbal infusions for medicinal use, namely, herbal tea for medicinal purposes; herbal medicine, namely, medicinal herbs; herbal preparations for medicinal purposes, namely, medicinal herbs; herbal remedies, namely, medicinal herbs; herbs for medicinal purposes; herb teas for medicinal purposes; hypertensive medicaments; immunological products, namely, pharmaceutical preparations that support and boost the immune system; immunotherapeutic agents for bacterial infections; immunotherapeutic agents for cancer; infusions for medicinal purposes made from herbs, namely, herbal tea for medicinal purposes; skin lotions for pharmaceutical purposes; medical drinks, namely, nutritionally fortified beverages; nutritional additives for medical purposes for use in foods and dietary supplements for human consumption; pharmaceutical preparations for slimming purposes; medicated additives for foods, namely, dietary fibres as an additive for food products; medicated beverages, namely, nutritionally fortified beverages. medicated creams for skin care; medicated food additives, namely, nutritional additives for medical purposes for use in foods for human consumption; medicated lotions for skin, hair; medicinal beverages, namely, medicinal teas and fruit juices; medicinal drinks, namely, medicinal teas; medicinal herbal preparations for medicinal purposes, namely, herbal teas and fruit juices for medicinal purposes; medicinal herbs; medicinal oils for the treatment of cancer and heart disease; medicinal preparations for the treatment of cancer and heart disease; medicinal roots for the treatment of cancer and heart disease; medicinal teas; medicine tonics for the treatment of cancer and heart disease; medicines for counteracting ailments for the treatment of cancer and heart disease; medicated skin care preparations, namely, moisturisers being pharmaceuticals; medicated natural body care products for the skin; medicinal natural oils for the treatment of cancer and heart disease; natural pharmaceutical products for the treatment of cancer and heart disease; natural **water** for medical purposes; nutritional preparations for medical use, namely, plant extracts for nutritional purpose; oils for pharmaceutical purposes for the treatment of cancer and heart disease; oils for use in medicine for the treatment of cancer and heart disease; packaged tea for medicinal use; plant extracts for medical use; plant extracts for pharmaceutical use; medicated preparations for care of the skin; preparations for consumption by humans to assist in sleeping, namely, medicinal herbal teas and fruit juices; pharmaceutical preparations for medical purposes for the treatment of cancer and heart disease. preparations for medicinal purposes derived from flowers for the treatment of cancer and heart disease; preparations for medicinal purposes derived from herbs, namely, medicinal herb extracts; medicated preparations for the scalp, other than shampoo; medicated preparations for the skin; preparations for the treatment of cardiovascular diseases; preparations for the treatment of disorders of lipid metabolism; preparations for the treatment of disorders of the central nervous system; preparations for the treatment of disorders of the respiratory tract; preparations for the treatment of eczema; preparations for the treatment of fertility diseases; preparations for the treatment of fevers; preparations for use in naturopathy, namely, medicinal herbal teas and fruit juices; preparations for use in weight reduction as part of medical treatment, namely, therapeutic agents for weight control and appetite suppression; preparations of herbs for medicinal use, namely, medicinal herbs; preparations of plants for pharmaceutical use, namely, medicinal herbs; preparations for the treatment of rheumatic pain; prophylactic agents against travel sickness, namely, motion sickness treatment preparations; reducing tea for medical purposes for weight loss; root extracts for medical purposes for the treatment of cancer and heart disease; skin care creams for medical use; medicated skin care lotions; slimming preparations for medical use, namely,

therapeutic agents for weight control and appetite suppression; syrups for pharmaceutical purposes, namely, fruit juice syrups for the treatment of cancer and cardiovascular disease; tea for medicinal purposes; medicinal tonics based on plant extracts for the treatment of cancer and heart disease; tumour suppressing agents; vitamin fortified drinks; vitamin supplements. yeast extracts for pharmaceutical purposes

IC 029. US 046. G & S: Processed broccoli; processed carrots; crystallized fruits; crystallized ginger; dairy products excluding ice cream, ice milk and frozen yogurt; dietary supplements, other than for medical use, namely, antioxidant enriched foods in the nature of fruit pulp; dried berries being whole, or in crushed or powder form; dried foodstuffs, namely, dried blueberries; dried fruit; dried fruit products, namely, dried mixed berries; dry mixes for soups; extracts for vegetables being juices for cooking; extra-virgin olive oil; flowers and leaves, being dried, cooked or preserved foodstuffs; food products containing fruit, namely, processed fruit-based food bars based on berries; frosted fruits; fruit based snack food; fruit concentrates used as ingredients for foods; fruit conserves; canned and bottled fruit contained in syrup; canned and bottled fruit in syrup; fruit jams; fruit juice for cooking; fruit marmalade; fruit peel; fruit preserves; fruit pulp; fruit spread; fruit-based snack foods; ginger jam; grapeseed oil; preparations for making soups; jams; jellies; jellies for food; lemon butter; lemon curd; lemon spread; margarine; marmalade; marmalade jellies; processed vegetables containing herbs; olive oil; olive oil for food; olive paste; olives, preserved; pastes made from fruit; prepared fruits; prepared olives; preserved fruits; preserved ginger; processed food products, namely, antioxidant enriched foods in the nature of fruit pulp; processed olives; products consisting principally of fruit, namely, fruit juices and concentrates for cooking; raspberry jam; spreadable fruit; sweet spreads being jams; vegetable concentrates used as ingredients of foods; vegetable extracts for food; vegetable food products, namely, vegetable based snack foods. vegetable fruit concentrates for cooking; vegetable juice concentrates for food; vegetable pulps being puree for food; processed zucchini

IC 030. US 046. G & S: Additives for coffee, namely, flavoring syrup; appetite suppressing preparations in the form of confectionery not for medical use, namely, gum; apple flavored tea; aromatic preparations for food, namely, extracts used as flavoring; aromatic teas not for medicinal use; auxiliaries other than essential oils for the improvement of the flavor of food, namely, extracts used as flavoring; beverages consisting principally of coffee; beverages made from coffee; beverages made of tea; beverages with coffee base; beverages with tea base; candy bars; candy, other than for medical purposes; chai tea; coffee; coffee based beverages; coffee concentrates; coffee based drinks; coffee essences; coffee extracts; coffee flavorings; coffee mixtures, namely, mixtures of coffee and green tea; coffee products, namely, coffee beans and ground coffee beans; coffee-based beverages; condiments, namely, sauces based on carrot; cooking essences, namely, herbal extracts; dietary supplements, other than for medical use, namely, sauces used to flavor foods; essences for food other than essential oils, namely, herbal extracts; essences for use in cooking other than essential oils, namely, herbal extracts; essences for use in food preparation other than essential oils, namely, herbal extracts; flavor enhancers for food other than essential oils; flavorings made from vegetables other than essential oils; flavorings, other than essential oils, for beverages; food essences not being etheric essences and essential oils, namely, sauces used to flavor foods; food flavorings other than essential oils; fruit drops being candy; fruit flavored tea not being medicinal; fruit tea not being for medical purposes; ginger being a spice. ground coffee; herb tea not for medical purposes; herb tea-based beverages not for medical purposes; herbal food beverages not being for medicinal use; herbal extracts used as flavoring, other than for medicinal purposes; herbal infusions other than for medicinal use; herbal tea other than for medicinal use; honey; iced tea; non-medicated tea based beverages; non-medicated tea based beverages; non-medicated tea extracts; non-medicated tea products, namely, tea extracts and loose leaf teas; orange based confectionery, namely, candy; orange flavored tea other than for medicinal use; packaged tea other than for medicinal use; smoke food flavorings; spice extracts; spices; tea; tea essence, namely, tea for infusions; tea-based beverages; tisanes made of tea; turmeric for food; turmeric for use as a condiment

IC 032. US 045 046 048. G & S: Aerated fruit juices; aerated juices; aromatic extracts of fruits, namely, non-alcoholic fruit extracts used in the preparation of beverages; beverages consisting of a blend of fruit and vegetable juices; beverages made from fruit concentrates; bottled fruit drinks; bottled fruit juices; concentrates for use in the preparation of fruit juice drinks; concentrates for use in the preparation of soft drinks; cordials; crushes, namely, fruit and vegetable juices; edible essences for making beverages, namely, essences for the preparation of punch mixes; extracts of vegetables being vegetable juices; fresh fruit juices; fresh vegetable juices; fruit based drinks; fruit

beverages; fruit concentrates for making beverages; fruit drinks; fruit juice beverages; fruit juice concentrates; fruit juice extracts being beverages and for making beverages; fruit juice extracts for use as a beverage; fruit juices; fruit syrup being beverages and for making beverages; ginger ale; ginger beer; grape juice; mixtures of fruit flavoured drinks; multi-vitamin fruit juice beverages not for medical use; multi-vitamin fruit nectar other than for medical use; non-alcoholic fruit extracts used in the preparation of beverages; non-alcoholic fruit juice beverages; syrups for beverages; vegetable juices; vegetable extracts used in the preparation of beverages; vegetable extracts for use in the preparation of non-alcoholic drinks; vegetable juice concentrates for beverages; vegetable juices being beverages

IC 033. US 047 049. G & S: Dessert wine; wine based drinks containing predominately wine; dry red wine; dry sparkling wines; dry white wine; dry wine; non-sparkling wines; red wine; sparkling wines; still wines; sweet red wine; sweet sparkling wine; sweet white wine; sweet wine; vintage wines; white wines; wine

**Standard Characters Claimed**

**Mark Drawing Code** (4) STANDARD CHARACTER MARK

**Trademark Search Facility Classification Code** LETS-2 DR Two letters or combinations of multiples of two letters

**Serial Number** 79059203

**Filing Date** March 10, 2008

**Current Basis** 66A

**Original Filing Basis** 66A

**Published for Opposition** August 4, 2009

**Registration Number** 3781269

**International Registration Number** 0978176

**Registration Date** April 27, 2010

**Owner** (REGISTRANT) Greg Jardine INDIVIDUAL AUSTRALIA 1076 Mt Nebo Road MT NEBO QLD 4520 AUSTRALIA

**Attorney of Record** LAWRENCE E. ABELMAN

**Priority Date** September 10, 2007

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Other Data** The name(s), portrait(s), and/or signature(s) shown in the mark does not identify a particular living individual.

**Live/Dead Indicator** LIVE

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# MOODS OF NORWAY

Word Mark **MOODS OF NORWAY**

Goods and Services

IC 009. US 021 023 026 036 038. G & S: Spectacles and sunglasses and accessories for same, namely, straps, neck cords and head straps which restrain eyewear from movement on a wearer, eyeglass cases, cases for sunglasses

IC 025. US 022 039. G & S: Albs; Anglers' shoes; Ankle boots; Ankle garters; Ankle socks; Anklets; Anoraks; Apres-ski shoes; Ascots; Athletic footwear; Athletic shoes; Athletic uniforms; Babushkas; Balaclavas; Bandanas; Bandeaux; Baseball caps; Baseball shoes; Basketball sneakers; Bath slippers; Bathing costumes; Bathing costumes for women; Bathing suits; Bathing suits for men; Bathing trunks; Bathrobes; Beach coverups; Beach footwear; Beach shoes; Beachwear; Beanies; Bed jackets; Belts; Belts made of leather; Belts of textile; Berets; Bermuda shorts; Bikinis; Blazers; Bloomers; Blouses; Blousons; Board shorts; Boas; Body suits; Boleros; Bolo ties; Bonnets; Booties; Boots; Bottoms; Bow ties; Boxer briefs; Boxer shorts; Bras; Brassieres; Breeches; Briefs; Bustiers; Caftans; Camisoles; Camp shirts; Canvas shoes; Cap visors; Capes; Capri pants; Capris; Caps; Caps with visors; Cardigans; Cassocks; Chaps; Chasubles; Chemises; Chemisettes; Children's headwear; Climbing boots; Clogs; Clothing, namely, folk costumes, wrap-arounds; Coats; Coats for men and women; Coats made of cotton; Coats of denim; Collars; Combinations; Competitors' numbers of textile; Corselets; Corsets; Coveralls; Coverups; Cravats; Creepers; Crop tops; Cuffs; Culottes; Cumberbunds; Deck-shoes; Denim jackets; Denims; Dickies; Do rags; Down jackets; Dress shields; Dress shirts; Dress suits; Dresses; Dresses made from skins; Dressing gowns; Dry suits; Dungarees; Dusters; Ear muffs; Earbands; Embossed soles and heels of rubber or of plastic materials; Espadrilles; Evening dresses; Evening gowns; Fabric belts; Fishermen's jackets; Fishing vests; Fishing waders; Fleece pullovers; Fleece shorts; Flip flops; Foam pedicure slippers; Football shoes; Footwear; Footwear for men; Footwear for track and field athletics; Footwear for women; Footwear made of wood; Footwear not for sports; Footwear, namely, pumps, rubbers. Foul weather gear; Foulards; Foundation garments; Frocks; Fur cloaks; Fur coats; Fur hats; Fur jackets; Fur muffs; Fur stoles; Gaberdines; Gaiters; Galoshes; Garter belts; Gauchos; Girdles; Gloves; Gloves including those made of skin, hide or fur; Golf caps; Golf cleats; Golf shirts; Golf shoes; Golf spikes; Golf trousers; Gowns; Greatcoats; Gym shorts; Gym suits; Gymnastic shoes; Halter tops; Handball shoes; Hat bands; Hats; Head bands; Head scarves; Head sweatbands; Head wear; Headwear; Heavy jackets; Heel inserts; Heel pieces for shoes; Heels; High rain clogs (ashida); Hiking boots; Hockey



shoes; Hoods; Horse-riding boots; Hosiery; Housecoats; Hunting boot bags; Hunting vests; Infant and toddler one piece clothing; Infants' shoes and boots; Infants' trousers; Infantwear; Inner soles; Insoles; Jackets; Japanese style sandals (zori); Japanese sleeping robes (nemaki); Japanese style clogs and sandals; Japanese style sandals (zori); Japanese style sandals of leather; Japanese style socks (tabi covers); Japanese style socks (tabi); Japanese toe-strap sandals (asaura-zori); Jeans; Jerkins; Jerseys; Jodhpurs; Jogging outfits; Jogging pants; Jogging suits; Jumpers; Jumpsuits; Kerchiefs; Kilts; Kimonos; Knee highs; Knee-high stockings; Knickers; Knit shirts; Knitted caps; Knitted underwear; Lace boots; Ladies' boots; Ladies' suits; Ladies' underwear; Layettes; Leather coats; Leather headwear; Leather jackets; Leather pants; Leather shoes; Leather slippers; Leg shapers; Leg warmers; Leggings; Leotards; Leotards and tights for women, men and children of nylon, cotton or other textile fibers; Light-reflecting coats; Light-reflecting jackets; Lingerie; Liveries; Long jackets; Long sleeved vests; Loungewear; Low wooden clogs hiyori-geta; Low wooden clogs koma-geta; Maillots; Mantillas; Mantles; Masquerade costumes. Masquerade costumes and masks sold in connection therewith; Men and women jackets, coats, trousers, vests; Men's socks; Men's suits; Miniskirts; Mittens; Moccasins; Mock turtle-neck sweaters; Money belts; Morning coats; Motorcycle gloves; Motorcyclist boots; Mountaineering boots; Mufflers; Muffs; Mukluks; Mules; Muu muus; Neck bands; Neckerchiefs; Neckerchieves; Neckties; Neckwear; Negligees; Night gowns; Night shirts; Nightcaps; Nightdresses; Nightwear; Nurse dresses; Nurse overalls; Nurse pants; Open-necked shirts; Over coats; Overalls; Overcoats; Overshoes; Over-trousers; Pajamas; Pantaloon; Panties; Pantsuits; Pantyhose; Paraments; Pareos; Parkas; Parts of clothing, namely, gussets for tights, gussets for stockings, gussets for bathing suits, gussets for underwear, gussets for leotards and gussets for footlets; Peignoirs; Pelerines; Pelisses; Perspiration absorbent underwear clothing; Petticoats; Pinafores; Piquet shirts; Play suits; Plus fours; Pocket kerchiefs; Pocket squares; Polo shirts; Ponchos; Protective metal members for shoes and boots; Pullovers; Puttees and gaiters; Pyjamas from tricot only; Quilted vests; Rain boots; Rain coats; Rain suits; Rain trousers; Rainproof jackets; Rainwear; Rash guards; Removable collars; Riding boots; Riding coats; Riding gloves; Robes; Rompers; Rubber shoes; Rubber soles for jikatabi; Rubbers; Rugby shorts; Rugby tops; Sabots; Sandal-clogs; Sandals; Saris; Sarongs; Sash bands for kimono obi; Sashes; Scarves; School uniforms; Sedge hats suge-gasa; Serapes; Shampoo capes; Shawls; Shawls from tricot only; Shawls and headscarves; Shawls and stoles; Shifts; Shirt fronts; Shirts; Shirts for suits; Shoe dowels; Shoe pegs; Shoe soles; Shoes; Shoes soles for repair; Short overcoat for kimono haori; Short petticoats; Short sets; Short trousers; Shortalls; Shorts; Short-sleeved or long-sleeved t-shirts; Short-sleeved shirts; Shoulder pads for clothing; Shoulder scarves; Shoulder wraps. Shower caps; Shrugs; Silk scarves; Singlets; Skiing outfits; Ski and snowboard shoes and parts thereof; Ski bibs; Ski boot bags; Ski boots; Ski gloves; Ski jackets; Ski masks; Ski pants; Ski suits; Ski suits for competition; Ski wear; Skiing shoes; Skirt suits; Skirts; Skorts; Slacks; Sleep masks; Sleep shirts; Sleeping garments; Sleepwear; Sleeved or sleeveless jackets; Sleeveless jerseys; Slipper soles; Slippers; Slips; Small hats; Smocks; Smoking jackets; Sneakers; Snow boarding suits; Snow pants; Snow suits; Snowboard boots; Snowboard gloves; Snowboard pants; Sock suspenders; Socks; Sport coats; Sport shirts; Sports jackets; Sports jerseys and breeches for sports; Sports overuniforms; Sports shirts; Sports shirts with short sleeves; Stockings; Sweat-absorbent Stockings; Stoles; Strapless bras; String fasteners for haori haori-himo; Suede jackets; Suit coats; Suits; Suits of leather; Sun sleeves; Sun visors; Sun suits; Surf wear; Suspender belts for men; Suspender belts for women; Suspenders; Suspenders in the nature of braces; Swaddling clothes; Sweat pants; Sweat shirts; Sweat shorts; Sweat suits; Sweatbands; Sweaters; Sweatsocks; Swim trunks; Swim wear; Swim wear for gentlemen and ladies; Swimming caps; Swimming costumes; Swimming trunks; Swimsuits; Tailleurs; Tangas; Tank tops; Tankinis; Tap pants; Teddies; Tennis shoes; Tennis wear; Textile diapers; Textile nappies; Thermal socks; Thermal underwear; Thongs footwear; Thongs underwear; Ties; Tights; Tips for footwear; Toboggan hats, pants and caps; Toe boxes; Togas; Tongue or pullstrap for shoes and boots; Topcoats; Tops; Toques; Track and field shoes; Track pants; Track suits; Training shoes; Training suits; Trench coats; Trousers; Trousers for sweating; Trousers of leather; Trunks; T-shirts; Tunics; Tuques; Turbans. Turtleneck sweaters; Turtlenecks; Tuxedo belts; Tuxedos; Twin sets; Underarm clothing shields; Underclothes; Undergarments; Underpants; Undershirts; Underskirts; Underwear; Uniforms; Unitards; Uppers for Japanese style sandals; Veils; Vested suits; Vests; Visors; V-neck sweaters; Volleyball shoes; Waist belts; Waist strings for kimonos koshihimo; Waistbands; Waistcoats; Walking shorts; Warm up suits; **Water** socks; Waterproof jackets and pants; Wedding dresses; Wedding gowns; Wet suits; Wet suits for **water**-skiing and sub-aqua; Wind coats; Wind resistant jackets; Wind shirts; Wind vests; Windcheaters; Winter boots; Women's ceremonial dresses; Women's shoes; Women's underwear; Woollen socks; Woolly hats; Work shoes and boots; Working overalls; Woven or knitted underwear; Wraps; Wristbands; Yashmaghs; Zoot suits

IC 032. US 045 046 048. G & S: Beers; mineral and aerated **waters** and other non-alcoholic drinks, namely, drinking **water** and mineral **water**, soft drinks; fruit drinks and fruit juices; syrups for making

beverages preparations for making fruit drinks and fruit juices

IC 033. US 047 049. G & S: Alcoholic beverages, namely, vodka, wine, aquavit

IC 035. US 100 101 102. G & S: Advertising services; business management, providing office functions; the bringing together, for the benefits of others, of a variety of goods, excluding transport thereof, enabling customers to conveniently view and purchase those goods

**Standard Characters Claimed**

**Mark Drawing Code** (4) STANDARD CHARACTER MARK

**Serial Number** 79036113

**Filing Date** December 11, 2006

**Current Basis** 66A

**Original Filing Basis** 66A

**Published for Opposition** February 12, 2008

**Registration Number** 3418587

**International Registration Number** 0917729

**Registration Date** April 29, 2008

**Owner** (REGISTRANT) **MOODS OF NORWAY** DA Apportioned liability, partnership **NORWAY** Postboks 344 N-6781 Stryn **NORWAY**

(LAST LISTED OWNER) **MOODS OF NORWAY** AS Norwegian limited company Tinggata 22 N-6783 STRYN **NORWAY**

**Priority Date** November 23, 2006

**Prior Registrations** 3174269

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

**Type of Mark** TRADEMARK. SERVICE MARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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**Word Mark** BUDGY SMUGGLER

**Goods and Services** IC 032. US 045 046 048. G & S: Alcohol free beer; alcoholic beers; beer; beer wort; bitter beer; black beer; dark beer; de-alcoholised beer; extracts of hops for making beer; fruit beers; ginger beer; malt beer; malt containing beverages in the nature of beers; malt-containing beverages in the nature of non-alcoholic malt coolers, and not being beers; non-alcoholic beers; pilsner beer; soft drinks in the nature of root beer; aerated beverages in the nature of non-alcoholic soft drinks and cider; low alcohol beverages containing not more than 1.15% by volume of alcohol, namely, low-alcohol beers, **wine** and cider; spring water, other than for medical purposes; **drinking water** other than for medical use; **drinking waters**; fresh fruit juices; fruit juices; aerated drinks in the nature of fruit juices and cider; carbonated non-alcoholic drinks in the nature of soft drinks; fruit drinks; non-alcoholic drinks other than for medical use in the nature of soft drinks and cider; soft drinks; non-medicated sports drinks; mineral water; alcohol free drinks, in the nature of soft drinks and cider; bottled fruit drinks; isotonic drinks not for medical purposes; aerated mineral waters; aerated water; bottled water not for medical purposes; carbonated water; **drinking water**; soda water; **drinking water**, namely, tonic water being nonmedicated beverages; orange juice; lager; stout. FIRST USE: 20081027. FIRST USE IN COMMERCE: 20120109

**Mark Drawing Code** (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

**Design Search Code** 03.15.14 - Macaws; Parrots; Toucans

**Serial Number** 85241048

**Filing Date** February 13, 2011

**Current Basis** 1A

**Original Filing Basis** 1B  
**Published for Opposition** July 12, 2011  
**Registration Number** 4155063  
**Registration Date** June 5, 2012  
**Owner** (REGISTRANT) LEOKADIA PTY LTD. proprietary limited company (p/l or pty. ltd.) AUSTRALIA 31 Crescent Manly AUSTRALIA NSW2095  
**Attorney of Record** Steven Laut, Esq.  
**Prior Registrations** 3705588  
**Description of Mark** Color is not claimed as a feature of the mark. The mark consists of a stylized design of a bird to the left of the stacked stylized wording "BUDGY SMUGGLER".  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

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# TERRE DA VINO

**Word Mark**

TERRE DA VINO

**Translations**

The English translation of "TERRE DA VINO" in the mark is "lands for wine".

**Goods and Services**

IC 032. US 045 046 048. G & S: Beers; mineral and aerated waters and other non-alcoholic drinks, namely, energy drinks, drinking water with vitamins, cola drinks; fruit drinks and fruit juices; syrups and other preparations being syrups and powders for making beverages in the nature of sports drinks, soft drinks, tea-flavored beverages

IC 035. US 100 101 102. G & S: Wine sales agency services for the goods of others; advertising for the promotion of wines; sales promotion services, retail store services, marketing, promotional and advertising services, all of the aforesaid in connection with wines; export and import agencies of wines

**Standard Characters Claimed**

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Serial Number**

79102868

**Filing Date**

July 28, 2011

**Current Basis**

66A

**Original Filing Basis**

66A

**Published for Opposition**

June 19, 2012

**Registration Number**

4200548

**International Registration Number**

1091515

**Registration Date**

September 4, 2012

**Owner**

(REGISTRANT) TERRE DA VINO S.P.A. CORPORATION ITALY Via Bergesia, 6 I-12060

Attorney of Record      BAROLO (CN) ITALY  
Mark A. Steiner  
Priority Date      July 19, 2011  
Prior Registrations      3311957  
Disclaimer      NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "VINO" APART FROM THE MARK AS SHOWN  
Type of Mark      TRADEMARK. SERVICE MARK  
Register      PRINCIPAL  
Live/Dead Indicator      LIVE

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**Exhibit 5**

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define wine 

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- wine gallon
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- wineglass
- wine cellar
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DICTIONARY

wine

Definition

wine [ win ]

NOUN

- alcohol fermented from grapes:** an alcoholic drink made by fermenting the juice of grapes
- alcohol fermented from other fruit:** an alcoholic drink made by fermenting the juice or an infusion of another fruit, a flower, or a vegetable  
"dandelion wine"
- something stimulating or intoxicating:** something that has a stimulating or intoxicating effect resembling that of wine ( literary )
- dark purplish red color:** a dark purplish red color, like that of red wine

[ Old English *win* < Latin *vinum* < Indo-European ]


wine ADJECTIVE

**wine and dine** to enjoy, be treated, or treat somebody to an expensive meal out

Spelling Note

See whine.

Translations

Select a language 

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## Exhibit 6

# Fruit wine

From Wikipedia, the free encyclopedia  
(Redirected from Plum wine)

**Fruit wines** are fermented alcoholic beverages made from a variety of base ingredients (other than grapes); they may also have additional flavours taken from fruits, flowers, and herbs. This definition is sometimes broadened to include any fermented alcoholic beverage except beer. For historical reasons, mead, cider, and perry are also excluded from the definition of fruit wine.<sup>[1][2]</sup>

Fruit wines are usually referred to by their main ingredient (e.g., *plum wine* or *elderberry wine*) because the usual definition of wine states that it is made from fermented grape juice.

In the European Union, wine is legally defined as the fermented juice of grapes.<sup>[3]</sup>

Fruit wine is commonly called *country wine* in Great Britain. But the term should not be conflated with the French term *vin de pays*. In British legislation, the term *made-wine* is used.<sup>[4]</sup>

Fruit wine can be made from virtually any plant matter that can be fermented.<sup>[3]</sup> However, some of these products do require the addition of sugar or honey to make them palatable and to increase the alcoholic content (sugar is converted to alcohol in the fermentation). Two commonly produced varieties are elderberry wine and dandelion wine. (A wine made from elderberry flowers is called *elder blow wine*.<sup>[5]</sup>)

Fruit wines have traditionally been popular with home winemakers and in areas with cool climates such as North America and Scandinavia; in Africa, India, and the Philippines, wine is made from bananas. Most fruits and berries have the potential to produce wine. Few foods other than grapes have the balanced quantities of sugar, acid, tannin, nutritive salts for yeast feeding and water to naturally produce a stable, drinkable wine, so most country wines are adjusted in one or more respects at fermentation.

The amount of fermentable sugars is often low and need to be supplemented by a process called chaptalization in order to have sufficient alcohol levels in the finished wine. Sucrose is often added so that there is sufficient sugar to ferment to completion while keeping the level of acidity acceptable. If the specific gravity of the initial solution is too high, indicating an excess of sugar, water or acidulated water may be added to adjust the specific gravity down to the winemaker's target range.



Elderberries, a common fruit wine ingredient.

## Contents

- 1 List of fruits and plants used to make fruit wine
- 2 Plum wine
- 3 Pineapple wine
- 4 Dandelion wine
- 5 Rose hip wine
- 6 Redcurrant/Whitecurrant wine
- 7 Cherry wine
- 8 See also
- 9 References



Many kinds of fruit have a natural acid content which would be too high to produce a savory and pleasant fruit wine in undiluted form; this can be particularly true, among others, for strawberries, cherries, pineapples, and raspberries. Therefore, much as to regulate sugar content, the fruit mash is generally topped up with water prior to fermentation to reduce the acidity to pleasant levels. Unfortunately, this also dilutes and reduces overall fruit flavour; on the other hand, a loss of flavour can be compensated by adding sugar again after fermentation which then acts as a flavour enhancer, while too much acid in the finished wine will always give it undesired harshness and poignancy.

Many fruit wines suffer from a lack of natural yeast nutrients needed to promote or maintain fermentation. Winemakers can counter this with the addition of nitrogen, phosphorus and potassium available commercially as yeast nutrient. In the opinion of one wine writer fruit wines often do not improve with bottle age and are usually meant to be consumed within a year of bottling.<sup>[6]</sup>

The fermentation of fruit wines at home was particularly fashionable in the UK in the 1970s and was popularized in the BBC TV series *The Good Life*.

## List of fruits and plants used to make fruit wine



Bottles of passionfruit wine in Israel.

- |   |  |   |
|---|--|---|
| <p>Fruits</p> <ul style="list-style-type: none"> <li>■ apple</li> <li>■ apricot</li> <li>■ banana</li> <li>■ blackberry</li> <li>■ blackcurrant</li> <li>■ blueberry</li> <li>■ cashew</li> <li>■ cherry</li> <li>■ cloudberry</li> <li>■ cranberry</li> <li>■ crowberry</li> <li>■ durian</li> <li>■ elderberry</li> </ul> | <ul style="list-style-type: none"> <li>■ mango</li> <li>■ purple mangosteen</li> <li>■ peach</li> <li>■ pear</li> <li>■ plum</li> <li>■ raspberry</li> <li>■ redcurrant</li> <li>■ rowan</li> <li>■ persimmon</li> <li>■ pineapple</li> <li>■ pomegranate</li> <li>■ quince</li> <li>■ red pepper (sweet)</li> </ul> | <p>Vegetables and roots</p> <ul style="list-style-type: none"> <li>■ carrot</li> <li>■ chives</li> <li>■ lemongrass</li> <li>■ parsnip</li> <li>■ potato</li> <li>■ rhubarb</li> </ul> <p>Flowers</p> <ul style="list-style-type: none"> <li>■ dandelion</li> <li>■ hibiscus</li> <li>■ fig tree</li> </ul> <p>Tree sap</p> |
|---|--|---|

- feijoa
- (pineapple guava)
- goji (wolfberry)
- gooseberry
- huckleberry
- kiwifruit
- loquat
- lychee
- mahonia
- rose hip
- saskatoon berry
- sea-buckthorn
- strawberry
- sweetsop
- sweet onion
- tomato
- watermelon
- birch wine (<http://scorpius.spaceports.com/~goodwine/birchwine.htm>)
- maple wine (<http://scorpius.spaceports.com/~goodwine/maplewine.htm>)
- palm wine (toddy)

## Plum wine

Plum liquor, also known as "plum wine", is popular in both Japan and Korea, and is also produced in China. In China, plum wine is called *mejiu* (白酒).

*Umeshu* (梅酒) is a Japanese alcoholic drink made by steeping green plums in *shōchū* (焼酎; clear liquor). It is sweet and smooth.

A similar liquor in Korea, called *maesil ju* (매실주), is marketed under various brand names, including Mae Hwa Su, Mae Chui Soon, and Seol Joong Mae. Both the Japanese and Korean varieties of plum liquor are available with whole *Prunus mume* fruits contained in the bottle.

In Taiwan, a popular post-World War II innovation based on Japanese-style plum liquor is *wumeijiu* (烏梅酒; smoked plum liquor), which is made by mixing *Prunus mume* liquor (烏梅酒 *méijǔ*), *Prunus salicina* liquor (荔枝酒 *lǐjǔ*), and oolong tea liquor.

Another similar drink is plum jerkum, made from fermented plums in a manner similar to the use of apples for cider. It was often associated with the north Cotswolds<sup>[7]</sup> and was once a product of the town of Worcester.<sup>[8]</sup>

## Pineapple wine

Pineapple wine is made from the juice of pineapples. Fermentation of the pineapple juice takes place in temperature-controlled vats and is stopped at near-dryness. The result is a soft, dry, fruit wine with a strong pineapple bouquet. It is made in Hawaii by Tedeschi Vineyards. It is also made in Nigeria by Jacobs Wines, the first pineapple winery in Africa.

Several varieties of pineapple wine are made in Okinawa, Japan, from local produce. Its alcohol content is 11.5% ABV.

## Dandelion wine

Dandelion wine is a fruit wine of moderate alcohol content that is made from dandelion petals and sugar, usually combined with an acid (such as lemon juice) and with wine-making chemicals such as sodium metabisulfite.

## Rose hip wine

Rose hip wine is a fruit wine.<sup>[9]</sup> It can be made from fresh or dried rose hips. To produce this beverage, the rose hips are fermented in syrup with yeast and citric acid, creating an extract. This technique is used with only a few other types of fruit wine, including blackthorn (sloe), hawthorn, and rowan.

One of the factors that affect the taste of this wine is the necessity of removing seeds from the rose hips before fermentation. This prevents a bitter flavor in the wine but is quite time-consuming.

The best kind of wine produced from rose hips is strong and sweet, with at least two years of storage.<sup>[10]</sup>

## Redcurrant/Whitecurrant wine

Redcurrant/Whitecurrant fruit wine is a beverage that is usually produced in northerly cool areas, where it is hard to grow high-quality grapes. It is simple to produce. Its natural chemical balance is such that it can be self-clarified without any additional substances. Redcurrants and whitecurrants contain only a small amount of carbohydrates; this necessitates the addition of sugar or honey.<sup>[10]</sup>

## Cherry wine

Cherry fruit wine is produced from cherries, usually tart cherries that provide sufficient acid.<sup>[11]</sup> Michigan winemakers, located in the leading tart-cherry-producing region of the United States, produce several varieties of cherry wine, including spiced versions and cherry-grape blends.

"Cherry Kijafa" is a fortified fruit wine that is made in Denmark from cherries with added natural flavors. It usually contains 16% ABV.<sup>[12]</sup> It is exported to many countries in Europe and North America.

## See also

- Banana wine
- Cider
- Eau de vie
- Fruit brandy
- Lychee wine
- Non-grape-based wine

## References

### Notes

- <sup>^</sup> J. Robinson (ed) *The Oxford Companion to Wine* Third Edition pg 768 Oxford University Press 2006 ISBN 0-19-860990-6
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