To: Steven M. McHugh(trademarks@tcors.com)

Subject: U.S. Trademark Application Serial No. 97119625 - MINGO CREEK - KRA-

0001-TM

**Sent:** August 24, 2022 10:58:01 AM EDT

**Sent As:** tmng.notices@uspto.gov

#### **Attachments**

6465048 97115375

screencapture-www-cutwaterspirits-com-canned-cocktails-tequila-lime-margarita-

16613508261231

cutwatervodka.jpg

cutwaterwhiskey.jpg

screencapture-www-highwest-com-collections-all-products-16613514939521

screencapture-www-highwest-com-collections-barrel-finished-cocktails-products-old-

fashioned-barrel-finished-cocktail-375ml-16613515130491

screen capture-www-dog fish-com-distillery-canned-cocktails-blood-orange-mango-vod kanned-cocktails-blood-orange-mango-vod k

crush-16613515368741

screencapture-www-dogfish-com-distillery-spirits-straight-whiskey-16613515548271 screencapture-www-dogfish-com-distillery-spirits-compelling-gin-16613515768931

# United States Patent and Trademark Office (USPTO) Office Action (Official Letter) About Applicant's Trademark Application

U.S. Application Serial No. 97119625

Mark: MINGO CREEK

Correspondence Address:

STEVEN M. MCHUGH

TOBIN, CARBERRY, O'MALLEY, RILEY & SELINGER, P.C.

**43 BROAD STREET** 

NEW LONDON CT 06320 UNITED STATES

**Applicant:** KRA-ZE, LLC

Reference/Docket No. KRA-0001-TM

Correspondence Email Address: trademarks@tcors.com

## NONFINAL OFFICE ACTION

The USPTO must receive applicant's response to this letter within <u>six months</u> of the issue date below or the application will be <u>abandoned</u>. Respond using the Trademark Electronic Application System (TEAS). A link to the appropriate TEAS response form appears at the end of this Office action.

Issue date: August 24, 2022

## Introduction

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

## **Summary of Issues**

- Section 2(d) Likelihood of Confusion Refusal
- Advisory regarding Potential Section 2(d) Refusal Prior-Filed Application

## Section 2(d) - Likelihood of Confusion Refusal

Registration of the applied-for mark is refused because of a likelihood of confusion with the mark in U.S. Registration No. 6465048. Trademark Act Section 2(d), 15 U.S.C. §1052(d); see TMEP §\$1207.01 et seq. See the attached registration.

Trademark Act Section 2(d) bars registration of an applied-for mark that is so similar to a registered mark that it is likely consumers would be confused, mistaken, or deceived as to the commercial source of the goods and/or services of the parties. *See* 15 U.S.C. §1052(d). Likelihood of confusion is determined on a case-by-case basis by applying the factors set forth in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973) (called the "*du Pont* factors"). *In re i.am.symbolic, llc*, 866 F.3d 1315, 1322, 123 USPQ2d 1744, 1747 (Fed. Cir. 2017). Any evidence of record related to those factors need be considered; however, "not all of the *DuPont* factors are relevant or of similar weight in every case." *In re Guild Mortg. Co.*, 912 F.3d 1376, 1379, 129 USPQ2d 1160, 1162 (Fed. Cir. 2019) (quoting *In re Dixie Rests., Inc.*, 105 F.3d 1405, 1406, 41 USPQ2d 1531, 1533 (Fed. Cir. 1997)).

Although not all *du Pont* factors may be relevant, there are generally two key considerations in any likelihood of confusion analysis: (1) the similarities between the compared marks and (2) the relatedness of the compared goods and/or services. *See In re i.am.symbolic, llc*, 866 F.3d at 1322, 123 USPQ2d at 1747 (quoting *Herbko Int'l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1164-65, 64 USPQ2d 1375, 1380 (Fed. Cir. 2002)); *Federated Foods, Inc. v. Fort Howard Paper Co.*, 544 F.2d 1098, 1103, 192 USPQ 24, 29 (C.C.P.A. 1976) ("The fundamental inquiry mandated by [Section] 2(d) goes to the cumulative effect of differences in the essential characteristics of the goods [or services] and differences in the marks."); TMEP §1207.01.

Applicant has applied to register the mark MINGO CREEK in standard characters for "Bourbon; Whisky; Bourbon whisky; Whiskey" in International Class 33.

Registrant's mark is MINGO in standard characters for "Alcoholic beverages containing fruit;

Alcoholic beverages, except beer; Alcoholic fruit cocktail drinks; Prepared alcoholic cocktail." in International Class 33.

# Similarity of the Marks

Marks are compared in their entireties for similarities in appearance, sound, connotation, and commercial impression. *Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1321, 110 USPQ2d 1157, 1160 (Fed. Cir. 2014) (quoting *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondee En 1772*, 396 F.3d 1369, 1371, 73 USPQ2d 1689, 1691 (Fed. Cir. 2005)); TMEP §1207.01(b)-(b)(v). "Similarity in any one of these elements may be sufficient to find the marks confusingly similar." *In re Inn at St. John's, LLC*, 126 USPQ2d 1742, 1746 (TTAB 2018) (citing *In re Davia*, 110 USPQ2d 1810, 1812 (TTAB 2014)), *aff'd per curiam*, 777 F. App'x 516, 2019 BL 343921 (Fed. Cir. 2019); TMEP §1207.01(b).

Here, applicant's mark, MINGO CREEK, is confusingly similar to the registered mark, MINGO.

Both marks begin with the identical, dominant wording MINGO and thus create a confusingly similar commercial impression despite applicant's inclusion of the additional wording CREEK.

Adding a term to a registered mark generally does not obviate the similarity between the compared marks, as in the present case, nor does it overcome a likelihood of confusion under Section 2(d). See Coca-Cola Bottling Co. v. Jos. E. Seagram & Sons, Inc., 526 F.2d 556, 557, 188 USPQ 105, 106 (C.C.P.A. 1975) (holding BENGAL and BENGAL LANCER and design confusingly similar); In re Toshiba Med. Sys. Corp., 91 USPQ2d 1266, 1269 (TTAB 2009) (holding TITAN and VANTAGE TITAN confusingly similar); In re El Torito Rests., Inc., 9 USPQ2d 2002, 2004 (TTAB 1988) (holding MACHO and MACHO COMBOS confusingly similar); TMEP §1207.01(b)(iii).

In the present case, the marks are identical in part with respect to the dominant wording MINGO and thus are likely to create confusingly similar commercial impressions in the minds of consumers.

Moreover, consumers are generally more inclined to focus on the first word, prefix, or syllable in any trademark or service mark. See Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondee En 1772, 396 F.3d 1369, 1372, 73 USPQ2d 1689, 1692 (Fed. Cir. 2005) (finding similarity between VEUVE ROYALE and two VEUVE CLICQUOT marks in part because "VEUVE . . . remains a 'prominent feature' as the first word in the mark and the first word to appear on the label"); Century 21 Real Estate Corp. v. Century Life of Am., 970 F.2d 874, 876, 23 USPQ2d 1698, 1700 (Fed Cir. 1992) (finding similarity between CENTURY 21 and CENTURY LIFE OF AMERICA in part because "consumers must first notice th[e] identical lead word"); see also In re Detroit Athletic Co., 903 F.3d 1297, 1303, 128 USPQ2d 1047, 1049 (Fed. Cir. 2018) (finding "the identity of the marks' two initial words is particularly significant because consumers typically notice those words first").

Here, applicant's inclusion of the additional wording CREEK does not obviate the similarities between the marks because the overall commercial impression created by use of identical dominant wording in both applicant's and registrant's marks is likely to lead to confusion as to the source of the goods. In other words, consumers encountering these marks are likely to mistakenly believe that the common wording identifies a common source for the goods.

Accordingly, because the marks look and sound similar and create the same commercial impression, the marks are considered similar for likelihood of confusion purposes.

## Relatedness of the Goods

Determining likelihood of confusion is based on the description of the goods stated in the application and registration at issue, not on extrinsic evidence of actual use. *See In re Detroit Athletic Co.*, 903 F.3d 1297, 1307, 128 USPQ2d 1047, 1052 (Fed. Cir. 2018) (citing *In re i.am.symbolic, llc*, 866 F.3d 1315, 1325, 123 USPQ2d 1744, 1749 (Fed. Cir. 2017)).

In this case, the registration uses broad wording to describe "Alcoholic beverages, except beer", which presumably encompasses all goods of the type described, including applicant's more narrow "Bourbon; Whisky; Bourbon whisky; Whiskey". See, e.g., In re Solid State Design Inc., 125 USPQ2d 1409, 1412-15 (TTAB 2018); Sw. Mgmt., Inc. v. Ocinomled, Ltd., 115 USPQ2d 1007, 1025 (TTAB 2015). Thus, applicant's and registrant's goods are legally in this regard. See, e.g., In re i.am.symbolic, llc, 127 USPQ2d 1627, 1629 (TTAB 2018) (citing Tuxedo Monopoly, Inc. v. Gen. Mills Fun Grp., Inc., 648 F.2d 1335, 1336, 209 USPQ 986, 988 (C.C.P.A. 1981); Inter IKEA Sys. B.V. v. Akea, LLC, 110 USPQ2d 1734, 1745 (TTAB 2014); Baseball Am. Inc. v. Powerplay Sports Ltd., 71 USPQ2d 1844, 1847 n.9 (TTAB 2004)).

Additionally, the goods of the parties have no restrictions as to nature, type, channels of trade, or classes of purchasers and are "presumed to travel in the same channels of trade to the same class of purchasers." *In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (quoting *Hewlett-Packard Co. v. Packard Press, Inc.*, 281 F.3d 1261, 1268, 62 USPQ2d 1001, 1005 (Fed. Cir. 2002)). Thus, applicant's and registrant's goods and/or services are related.

Further, applicant's goods, "Bourbon; Whisky; Bourbon whisky; Whiskey," are closely related to registrant's remaining goods, "Alcoholic beverages containing fruit; Alcoholic fruit cocktail drinks; Prepared alcoholic cocktail."

Various alcoholic beverages have been shown to be related goods for purposes of a Trademark Act Section 2(d) analysis. *In re Chatam Int'l Inc.*, 380 F.3d 1340, 71 USPQ2d 1944 (Fed. Cir. 2004) (holding GASPAR'S ALE for beer and ale likely to be confused with JOSE GASPAR GOLD for tequila); *In re Majestic Distilling Co.*, 315 F.3d 1311, 65 USPQ2d 1201 (Fed. Cir. 2003) (holding RED BULL for tequila likely to be confused with RED BULL for malt liquor); *In re Kysela Pere et Fils Ltd.*, 98 USPQ2d 1261 (TTAB 2011) (holding HB for wine likely to be confused with HB and design for beer); *Somerset Distilling, Inc. v. Speymalt Whiskey Distribs. Ltd.*, 14 USPQ2d 1539 (TTAB 1989) (holding JAS. GORDON and design for scotch whiskey likely to be confused with GORDON'S for distilled gin and vodka); *Schieffelin & Co. v. Molson Cos.*, 9 USPQ2d 2069 (TTAB 1989) (holding BRAS D'OR for brandy likely to be confused with BRADOR for beer); *Bureau Nat'l Interprofessionnel Du Cognac v. Int'l Better Drinks Corp.*, 6 USPQ2d 1610 (TTAB 1988) (holding trademark COLAGNAC for cola flavored liqueur likely to be confused with certification mark COGNAC for brandy).

The attached Internet evidence, consisting of screenshots from *Cutwater*, *High West Distillery*, and *Dogfish Head* establishes that the same entity commonly manufactures, produces, or provides the relevant goods and markets the goods under the same mark. Additionally, this evidence demonstrates that the relevant goods travel in the same channels of trade and are purchased by the same class of consumers. Thus, applicant's and registrant's goods are considered related for likelihood of confusion purposes. *See, e.g., In re Davey Prods. Pty Ltd.*, 92 USPQ2d 1198, 1202-04 (TTAB 2009); *In re Toshiba Med. Sys. Corp.*, 91 USPQ2d 1266, 1268-69, 1271-72 (TTAB 2009).

Accordingly, the goods are considered related for purposes of the likelihood of confusion analysis.

## Conclusion

Because the marks are similar and the goods are related, there is a likelihood of confusion as to the source of applicant's goods and/or services, and registration is refused pursuant to Section 2(d) of the Trademark Act.

# Advisory regarding Potential Section 2(d) Refusal - Prior-Filed Application

The filing date of pending U.S. Application Serial No. 97115375 precedes applicant's filing date. See attached referenced application. If the mark in the referenced application registers, applicant's mark may be refused registration under Trademark Act Section 2(d) because of a likelihood of confusion between the two marks. See 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §\$1208 et seq. Therefore, upon receipt of applicant's response to this Office action, action on this application may be suspended pending final disposition of the earlier-filed referenced application.

In response to this Office action, applicant may present arguments in support of registration by addressing the issue of the potential conflict between applicant's mark and the mark in the referenced application. Applicant's election not to submit arguments at this time in no way limits applicant's right to address this issue later if a refusal under Section 2(d) issues.

While applicant is not required to respond to the issue of the pending application, applicant must respond to the Section 2(d) Refusal above within the six month deadline mentioned above to avoid abandonment.

# Response Options to Refusals

Although applicant's mark has been refused registration, applicant may respond to the refusal(s) by submitting evidence and arguments in support of registration.

# **Response Guidelines**

For this application to proceed, applicant must explicitly address each refusal and/or requirement in this Office action. For a refusal, applicant may provide written arguments and evidence against the refusal, and may have other response options if specified above. For a requirement, applicant should set forth the changes or statements. Please see "Responding to Office Actions" and the informational video "Response to Office Action" for more information and tips on responding.

Please call or email the assigned trademark examining attorney with questions about this Office action. Although an examining attorney cannot provide legal advice, the examining attorney can provide additional explanation about the refusal(s) and/or requirement(s) in this Office action. *See* TMEP §§705.02, 709.06.

The USPTO does not accept emails as responses to Office actions; however, emails can be used for informal communications and are included in the application record. *See* 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05.

How to respond. Click to file a response to this nonfinal Office action.

/Gabrielle M. Rennie/ Gabrielle M. Rennie Trademark Examining Attorney Law Office 302 (571) 272-0597 gabrielle.rennie@uspto.gov

# RESPONSE GUIDANCE

- Missing the response deadline to this letter will cause the application to <u>abandon</u>. The response must be received by the USPTO before midnight **Eastern Time** of the last day of the response period. TEAS maintenance or <u>unforeseen circumstances</u> could affect an applicant's ability to timely respond.
- Responses signed by an unauthorized party are not accepted and can cause the application to abandon. If applicant does not have an attorney, the response must be signed by the individual applicant, all joint applicants, or someone with legal authority to bind a juristic applicant. If applicant has an attorney, the response must be signed by the attorney.
- If needed, **find contact information for the supervisor** of the office or unit listed in the signature block.

Print: Wed Aug 24 2022 90054104

# (4) STANDARD CHARACTER MARK

# Mingo

## **Mark Punctuated**

**MINGO** 

**Translation** 

**Goods/Services** 

 IC 033. US 047 049.G & S: Alcoholic beverages containing fruit; Alcoholic beverages, except beer; Alcoholic fruit cocktail drinks; Prepared alcoholic cocktail. FIRST USE: 20200310. FIRST USE IN COMMERCE: 20210701

# **Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Design Code** 

**Serial Number** 

90054104

**Filing Date** 

20200715

**Current Filing Basis** 

1A

**Original Filing Basis** 

1B

**Publication for Opposition Date** 

20201201

**Registration Number** 

6465048

**Date Registered** 

20210824

Owner

(REGISTRANT) Mingo Beverages LLC DBA Mingo LIMITED LIABILITY COMPANY DELAWARE 651 N. Broad Street Suite 206 Middletown DELAWARE 19709

**Priority Date** 

**Disclaimer Statement** 

**Description of Mark** 

**Type of Mark** 

**TRADEMARK** 

Register

PRINCIPAL

**Live Dead Indicator** LIVE

**Attorney of Record** 

Print: Wed Aug 24 2022 97115375

# (4) STANDARD CHARACTER MARK

# Mingo Bliss

**Mark Punctuated** 

**MINGO BLISS** 

**Translation** 

**Goods/Services** 

• IC 033. US 047 049.G & S: Wine

**Mark Drawing Code** 

(4) STANDARD CHARACTER MARK

**Design Code** 

**Serial Number** 

97115375

**Filing Date** 

20211109

**Current Filing Basis** 

1B

**Original Filing Basis** 

1R

**Publication for Opposition Date** 

**Registration Number** 

**Date Registered** 

**Owner** 

(APPLICANT) Mingo Kenneth INDIVIDUAL UNITED STATES 2814 Spiceberry In Mesquite TEXAS 75149

**Priority Date** 

**Disclaimer Statement** 

**Description of Mark** 

Type of Mark

**TRADEMARK** 

**Register** 

**PRINCIPAL** 

**Live Dead Indicator** 

LIVE

**Attorney of Record** 

**CUTWATER**\*\*

# **LIME MARGARITA**

#### ORDER DELIVERY

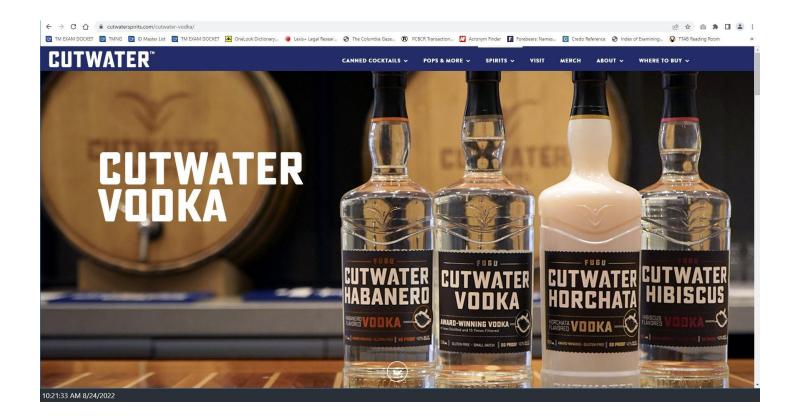
#### Find Near Me

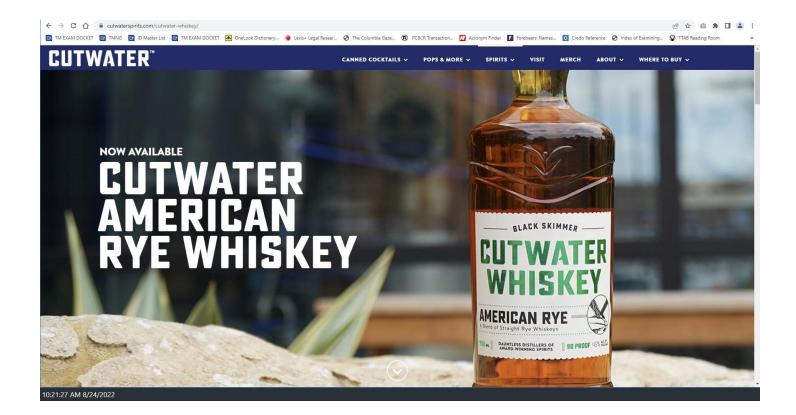
Gluten Free Alc. by Vol. Can Volume 12.5% 12<sub>0z</sub> GF

A San Diego Take on a Classic. Our Tequila Margarita puts a south of the border favorite in the palm of your hand. The tequila imparts a floral aroma with a smooth finish that complements our mix of tart lime, pure cane sugar, and a subtle hint of orange. The combination is a perfectly balanced margarita with a Cutwater twist.

AWARDS

SERVING FACTS



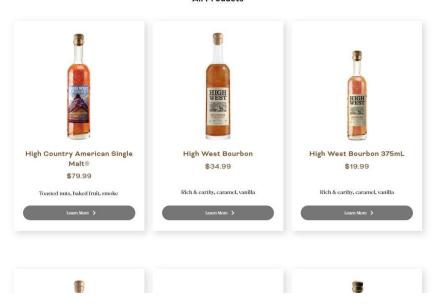


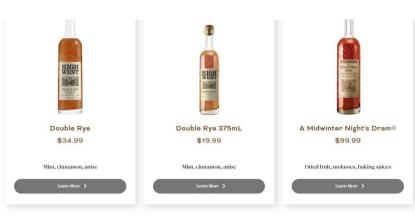
https://www.highwest.com/collections/all-products at 10.31:40, 08/24/2022

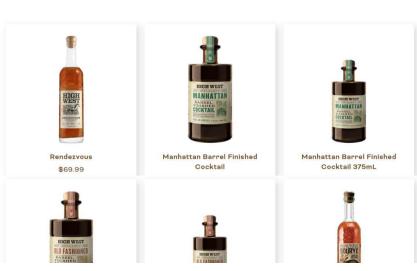
#### BROWSE BY:



#### All Products





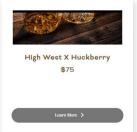








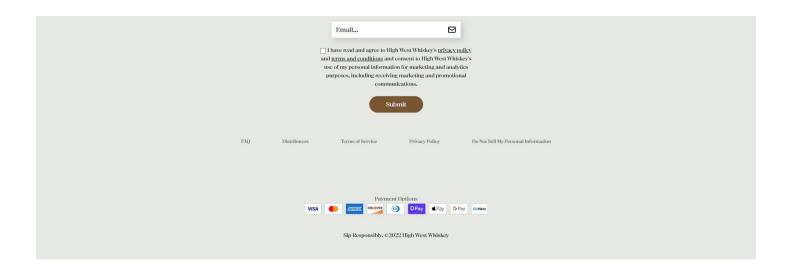


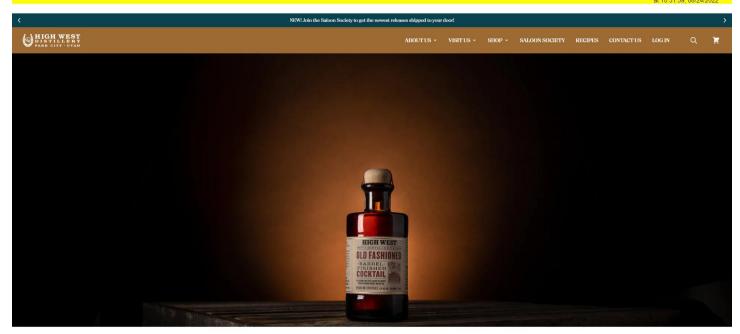




ABOUT US VISIT US SHOP SALOON SOCIETY RECIPES

Join the High West whiskey club to be the first to know about new releases, events and get the inside scoop about our products, distillery, and Saloon operations!





#### Old Fashioned Barrel Finished Cocktail 375mL

\$29.99

A premium pre-batched cocktail, matured in used rye barrels allowing the flavors to create a rich, smooth, and well-rounded product.

ABV: 43% Proof: 86

#### How to Enjoy

Pour it over ice and garnish with an orange and lemon twist.
Unopened bottles have a 3 Year shelf life, once opened refrigerate for 30 days.

#### None

Cassia bark, licorice root, eucalyptus, orange spice tea, sandalwood

#### Tast

Orange zest, dried cherry, sassafras, allspice, orange cinnamon buns

## Back Label Story

Few cocktails in history showcase a well made whiskey better than the Old Fashioned. Simple, elegant and spirit forward, it's a whiskey lovers cocktail. We drive complexity in our Old Fashioned by using both bourbon and rye whiskeys, which lends earthy sweet corn notes and dry yes spice, pulled together with an unrefined raw sugar simple syrup and bitters. We then rest the cocktail in second use rye whiskey barrels to marry the flavors and round out its character, ultimately lending an enhanced fullness to the drink. So as you raise your glass high to the mountain sunset, rest assured we've taken every step to craft a cocktail for discerning whiskey lovers like us.

#### Mashbill

Straight Bourbon Whiskey: 75% corn, 21% rye, 4% barley malt from MGP; Straight Rye Whiskey: 95% rye, 5% barley malt from MGP

#### You May Also Like



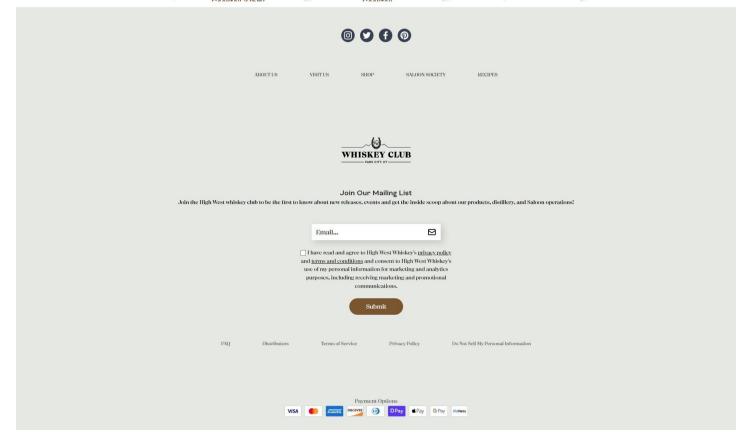












Sip Responsibly, ©2022 High West Whiskey	
CHECK HIGH WEST AVAILABILITY Enter your ZIP code	
Ex. 10001 Submit	

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BREWERY

### SPIRITS CANNED COCKTAILS RECIPES FISH FINDER ABOUT

DISTILLERY

#### Canned Cocktails

Blood Orange & Mango Vodka Crush Lemon & Lime Gin Crush Barcart Variety Pack Strawberry & Honeyberry Vodka Lemonade

Blueberry Shrub Vodka Soda

Cherry Bergamot Whiskey Sour







## Blood Orange & Mango Vodka Crush

Culinary-Crafted Cocktail Distilled From Blood Oranges & Mango

#### Find This Cocktail Near You

If you've ever visited the east coast, in particular our If you've ever visited the east coast, in particular our home in coastal Delaware, here's a good chance you've either heard of (or indulged in) the incredibly popular 'Crush' – a drink handmade in the bars where they quite literally (RUSH fresh citrus on top of vodka, gin, tequilar crum And with roots in the heart of Crush country, you guessed it ... we've crafted a new take on the crush cocktail that is both citrus-forward, crushable and super convenient because we've packaged it into cans!

Behold, Blood Orange & Mango Vodka Crushl At its heart, real blood oranges & mangos distilled with vodka, then blended with orange juice & mango juice, and a touch of lime citrus. This cocklail is bursting with juicy flagor, wat is fully & officerity. flavor, yet is light & refreshing.

A beautiful coral pink color with a slight haze. On the nose you get citrus aromas of grapefruit and orange intermingled with slight tropical notes. Nothing like a heavy, cloying Screwdriver ... this is juicy and refreshing, and well ... crush-able!

So ditch the fancy glassware, mixing equipment and



OFF-CENTERED GEAR



enjoy colu, sualynt nom nie cami

200 calories | 16 carbs | 0g protein | 0g fat per 12 oz. serving

Blood Orange & Mango Vodka Crush is certified gluten free.

# Find This Cocktail Near You

TASTING NOTES:

Sweet and tart play back and forth bringing balance to this cocktail. Juicy orange rind backed up with dried mango flavors. Light & Drinkable, with a lingering acidity and astringency.

#### Patagonia Powder Town Beanie



Treehouse Mus

Brewery

Distillery

Spirits

Brewings & Ea

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# **Spirits**

Barrel Honey Rum Compelling Gin Sonic Archeology

Analog Vodka Roasted Peanut Vodka

Straight Whiskey

Bending Time Mellowdious Gin

Whiskey Finished In Rum Casks

Whiskey Finished In Palo Santo Marron Barrels Booze for Breakfast

Orange Mango Citrus Vodka

Let's Get Lost Whiskey Palo Santo Whiskey

Punkin Liqueur Whiskey Finished in Apple Brandy & Apple Cider Barrels

Esprit Malade Lemon & Peppercorn Vodka



Delicately Aged & Reliably Smooth

## <u>Find This Spirit Near You</u>

STRENGTH: 40% ABV	Dogfish Head
INGREDIENTS: Malted Barley	STRAIGHT
AVAILABILITY: NJ, MD, DE, WA	WHISKEY
TASTING NOTES:	A STATE OF THE STA

This whiskey is aged more delicately than your typical American Whiskey: In wine making, the use of toasted and lighter char oak barrels is preferred to allow the liquid to mature and retain the delicate flavors of the grape. We apply the same

Golden amber, caramel apple & shortbread, butterscotch, cedar wood, walnut with a touch of raspberries. Medium body with a pleasant palate drying astringency.

philosophy in the barrels we select to age our whiskey. The result is a delicately aged whiskey, reliably smooth, capturing the nuances of the malted barley.

DOGFISH HEAD Straight Whiskey. 40% Alc/Vol. Dogfish Head Distilling Co., Milton, DE

## Find This Spirit Near You



#### Ingredients:

- 2 1/2 oz Lime, Lemon & Maple syrup Sour mix 1 1/2 oz Dogfish Head Straight Whiskey 4 oz Dogfish Head Dragons & YumYums

Add sour mix & Straight Whiskey to a shaker with ice and shake. Pour into a tall glass and top with Dragons & YumYums.



#### Ingredients:

2 oz Straight Whiskey 1/2 oz Fresh Lemon Juice 8 Fresh Blueberries 4 Mint Leaves

#### Directions:

Muddle mint leaves & blueberries in shaker. Add Straight Whiskey, lemon juice and ice to shaker. Shake & double strain over glass filled with ice. Garnish with mint sprig.



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# **Spirits**

Barrel Honey Rum Compelling Gin Sonic Archeology

Analog Vodka Roasted Peanut Vodka

Straight Whiskey Bending Time

Mellowdious Gin Whiskey Finished In Rum Casks

Whiskey Finished In Palo Santo Marron Barrels

Booze for Breakfast

Orange Mango Citrus Vodka

Let's Get Lost Whiskey Palo Santo Whiskey

Punkin Liqueur Whiskey Finished in Apple Brandy & Apple Cider Barrels

Esprit Malade Lemon & Peppercorn Vodka







Compelling Gin

A Bright & Citrusy Scratch-Made Gin!

#### Find This Spirit Near You

STRENGTH:

44% ABV / 88 proof

Analog Vodka redistilled with Juniper, Coriander Seed, Angelica Root, Black Peppercorn, Lemon Peel, Green Cardamom, Hibiscus, Orris Root, Orange Peel, Lime Peel, Lime Leaves and Cinnamon

AVAILABILITY:

DE, MD, VA, DC, PA, NJ

TASTING NOTES:

Peppery citrus zest followed by baking spices and a lemon-lime finish

Most of our beer recipes start as ideas born out of what can be found in the Brewpub kitchen. Compelling Gin is no different, made from scratch using a culinary-inspired botanical mix.



"Since the start, our off-centered ales have been inspired by what was found in the spice drawer or cooler of our brewpub's kitchen. The recipe for Compelling Gin came together the same way, by pulling a medley of compelling ingredients and whatnot from our brewpub." — Dogfish Head founder & president Sam Calagione

Gin is simply volka distilled with juniper berries and other botanicals. And what better base to start with than our very own scratch-made Analog Vodka. We pot distill using a gin baskel burting with a citrus-forward botanical mix, Bright orange, lemon and lime peel take the lead, with the juniper berries rounded out by flavors of cinnamon, green cardamom, contander seed and lime leaves. Enjoy peppery citrus zest flavors followed by baking spices and a lemon-lime finish. Bright & citrusy, this highly mixable gin transforms a few go-tos such as Gin & Tonics and Bloody Marys, or as a back bone to the classics.

Silver medal winner in the 2019 USA Spirits Ratings at 86 points.

DOGFISH HEAD Compelling Gin. Other Gin. 44% Alc/Vol. Dogfish Head Distilling Co., Milton, DE

Find This Spirit Near You



Ingredients:

Hand clan of 6-8 mint leaves



Ingredients:

2 cucumbor elicos

1 oz. fresh lime juice 3/4 oz. simple syrup 2 oz. Dogfish Head Compelling Gin

Directions:

Combine all ingredients in a mixing glass. Shake and dump into a Collins glass. Top with fresh ice and top off with soda. Garnish with a fresh mint sprig.

1 oz. fresh lime juice 3/4 oz. simple syrup 2 oz. Dogfish Head Compelling Gin

Directions

Muddle cucumbers; add wet ingredients, shake with LIGHT ICE and dump into rocks glass. Top with fresh ice and garnish with cucumber slices. Top with salt and fresh cracked pepper.

Brewery.

Distillery.

Restaurants:

In Company.

Beer Seits Brewing & Eatls About Passel Beer & Bee

# **United States Patent and Trademark Office (USPTO)**

# USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued on August 24, 2022 for U.S. Trademark Application Serial No. 97119625

A USPTO examining attorney has reviewed your trademark application and issued an Office action. You must respond to this Office action in order to avoid your application abandoning. Follow the steps below.

- (1) Read the Office action. This email is NOT the Office action.
- (2) **Respond to the Office action by the deadline** using the Trademark Electronic Application System (TEAS). Your response must be received by the USPTO on or before 11:59 p.m. **Eastern Time** of the last day of the response period. Otherwise, your application will be <u>abandoned</u>. See the Office action itself regarding how to respond.
- (3) **Direct general questions** about using USPTO electronic forms, the USPTO <u>website</u>, the application process, the status of your application, and whether there are outstanding deadlines to the <u>Trademark Assistance Center (TAC)</u>.

After reading the Office action, address any question(s) regarding the specific content to the USPTO examining attorney identified in the Office action.

# GENERAL GUIDANCE

- <u>Check the status</u> of your application periodically in the <u>Trademark Status & Document Retrieval (TSDR)</u> database to avoid missing critical deadlines.
- <u>Update your correspondence email address</u> to ensure you receive important USPTO notices about your application.
- Beware of trademark-related scams. Protect yourself from people and companies that may try to take financial advantage of you. Private companies may call you and pretend to be the USPTO or may send you communications that resemble official USPTO documents to trick you. We will never request your credit card number or social security number over the phone. And all official USPTO correspondence will only be emailed from the domain "@uspto.gov." Verify the correspondence originated from us by using your Serial Number in our database, TSDR, to confirm that it appears under the "Documents" tab, or contact the Trademark Assistance Center.

• Hiring a U.S.-licensed attorney. If you do not have an attorney and are not required to have one under the trademark rules, we encourage you to hire a U.S.-licensed attorney specializing in trademark law to help guide you through the registration process. The USPTO examining attorney is not your attorney and cannot give you legal advice, but rather works for and represents the USPTO in trademark matters.

# **Note To The File**

Serial Number: 97119625 MINGO CREEK

Date: 08/24/2022 10:34 am Created by: Gabrielle Rennie

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Statistics for Case 97119625								
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