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

Proceeding	91224898
Party	Plaintiff Motor City Brewing Works, Inc.
Correspondence Address	JULIE A GREENBERG DINSMORE & SHOHL LLP 2701 TROY CENTER DR , SUITE 330 TROY, MI 48084 UNITED STATES doCKET@patlaw.com, debra.nichols@dinsmore.com
Submission	Motion to Amend Pleading/Amended Pleading
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Signature	/JULIE A. GREENBERG/
Date	03/18/2016
Attachments	Motion for Leave to Amend Notice of Opposition.pdf(40845 bytes ) Exhibit A Opposer's Proposed First Amended Notice of Oppositionpdf.pdf(46526 bytes ) Exhibit A1.pdf(140619 bytes ) Exhibit B.pdf(1119816 bytes ) Exhibit C.pdf(286902 bytes )

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

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In the Matter of Application Nos.  
86/492,947; 86/976,982  
Marks: MOTORWORKS BREWING MB,  
MOTORWORKS BREWING

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MOTOR CITY BREWING WORKS,  
INC.,

Opposer,

v.

MOTORWORKS BREWING, L.L.C.,

Applicant.

Opposition No. 91224898

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Opposer's Motion for Leave to Amend Notice of Opposition

# Table of Contents

- I. Introduction ..... 1
- II. ARGUMENT ..... 2
  - a. Rule 15(a) Provides that Leave to Amend Should be Freely Given..... 2
  - b. The Amendment Seeks to Add a Claim of Non-Use, Which Would Void the Applications Ab Initio..... 3
  - c. Justice Requires That the Non-Use Claim be Added to the Opposition..... 4
  - d. No Prejudice Will Result If the Amendment is Allowed ..... 4
- III. CONCLUSION..... 5

## TABLE OF AUTHORITIES

### Cases

<i>American Hygienic Laboratories, Inc. v. Tiffany &amp; Co.</i> , 12 USPQ 2d 1979, 1984 (TTAB 1989)	4
<i>Commodore Electronics Ltd. v. CBM Kabushiki Kaisha</i> , 26 USPQ2d 1503 (TTAB 1993); TBMP Section 507.02 (3d ed. Rev. 2012)	3
<i>Doctor's Assocs. v. Janco, LLC</i> , 2016 TTAB LEXIS 8, *7 (Opposition No. 91217243, TTAB 2016)	3
<i>Hurley Int'l LLC v. Paul &amp; Joanne Volta</i> , 82 U.S.P.Q.2D (BNA) 1339, 1341 (TTAB 2007)	4
<i>In re Bagel Factory, Inc.</i> 183 USPQ 553, 554 (TTAB 1974)	3
<i>Larry Harmon Pictures Corp. v. Williams Rest. Corp.</i> , 929 F.2d 662, 18 USPQ2d 1292, 1293 (Fed. Cir. 1991)	4

### Rules

Fed. R. Civ. P. 15(a); 37 C.F.R. 2.115 .....	2
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**OPPOSER'S MOTION AND BRIEF IN SUPPORT  
FOR LEAVE TO AMEND NOTICE OF OPPOSITION**

**I. Introduction**

NOW COMES OPPOSER, Motor City Brewing Works, Inc., (hereinafter "Opposer") and moves to amend its Notice of Opposition pursuant to Trademark Rule Federal Rule of Civil Procedure 15(a), in order to add additional claims based on recently discovered evidence of non-use of Applicant's use-based marks in interstate commerce (sales of goods across state lines) as of the filing date of same. As set forth below, the First Amended Notice of Opposition (attached to this Motion as Exhibit A) seeks invalidation of these use-based applications as void *ab initio*. Further, Opposer's First Amended Notice of Opposition claims that the first use date alleged in the Applications is incorrect.

Opposer's Notice of Opposition was filed on November 18, 2015. Initial disclosures were served by Applicant in the past few weeks only. Opposer's Initial Disclosures are not yet served in light of a pending Motion for Extension of Dates. Neither of the Parties has yet served discovery. In light of the early stage of the case, no prejudice will result to Applicant from the requested amendment.

The original Notice of Opposition alleges that Opposer, owner of the Mark MOTOR CITY BREWING WORKS, for beer, restaurant services and other goods and services, based on many years of common law use and registration, will be damaged by registration of the confusingly similar marks MOTORWORKS BREWING MB and MOTORWORKS BREWING, for beer and other goods, in Application Serial Nos. 86/492,947 ("947 Mark") and 86/976,982 ("982 Mark").

Since filing its Notice of Opposition, Opposer has become aware of information substantiating additional claims against the Applicant's Marks, namely, that Applicant appears to have made no use of its mark in *interstate commerce as of the filing date of the applications*. Instead it appears that Applicant's sales (at the time of filing at least) were all within the State of Florida only. In particular, evidence attached hereto at Exhibit B and C shows sales of Applicant's products in Florida only. In particular, one article notes that Applicant's bottles are "only sold at the brewery" (See highlighted page of Exhibit B). There is also mention of Applicant's product being promoted in other locations at festivals *in Florida*, such as in Venice, Florida and Bradenton, Florida. All sales activity appears to be limited to sales within the State of Florida. There is no evidence that the product was sold outside of Florida prior to the filing of Applicant's applications. As set forth below, failure to use the marks in interstate commerce prior to the filing of the use-based applications voids the applications *ab initio*.

Further, the evidence appears to show that the date of first use set forth in the Applications was not January 22, 2014 as alleged in the Applications. Rather, based on the article attached hereto as Exhibit C, the products were not made available until after the date of the article—accordingly the date of first use was at least after July, 2014.

## **II. ARGUMENT**

### **a. Rule 15(a) Provides that Leave to Amend Should be Freely Given**

Rule 15(a) of the Federal Rules of Civil Procedure permits amendment of a pleading upon the Board's leave, which the Board "should freely give... when justice so requires." Fed. R. Civ. P. 15(a); 37 C.F.R. 2.115 ("Pleadings... may be amended in the same manner and to the same extent as a civil action in a United States district court."). Consistent therewith, the Board liberally grants leave to amend pleadings at any stage of

the proceeding when justice requires, unless entry of the proposed amendment would violate settled law or be prejudicial to the rights of the adverse party or parties. *See, e.g., Commodore Electronics Ltd. v. CBM Kabushiki Kaisha*, 26 USPQ2d 1503 (TTAB 1993); TBMP Section 507.02 (3d ed. Rev. 2012).

**b. The Amendment Seeks to Add a Claim of Non-Use, Which Would Void the Applications Ab Initio**

Opposer seeks to amend its Notice of Opposition to include a claim that Applicant had not used its marks in interstate commerce as of the time of filing the use-based Applications. Under Section 1(a) of the Lanham Act, only the “owner of a trademark *used in commerce* may request registration of its trademark.” *Doctor's Assocs. v. Janco, LLC*, 2016 TTAB LEXIS 8, \*7 (Opposition No. 91217243, TTAB 2016) (copy attached). Rule 901.03 of the TMEP expressly provides “purely intrastate use does not provide a basis for registration.” *See, In re Bagel Factory, Inc.* 183 USPQ 553, 554 (TTAB 1974) (sales entirely within Michigan cannot support federal registration even when a customer transported the product to Ohio after sale). Applicant is well aware of this requirement that the use required for registration must be *interstate commerce as opposed to intrastate only, since it filed its separate Petition to Cancel Opposer's Registrations on allegations that (though false) Opposer only sold its products within the State of Michigan.*

As set forth above, a review of Applicant's business materials on its website (Exhibit B hereto) appear to show Applicant's commercial presence in one state only—namely sales within Florida only. Unless Opposer made sales of product across state lines, prior to the filing date of its applications, Applicant's applications are void *ab initio*.

This case is similar to that in *Doctor's Associates Inc., supra*, in which the TTAB sustained the opposition, finding that the opposed application was void *ab initio*, having

been based only on intrastate sales. See also, *American Hygienic Laboratories, Inc. v. Tiffany & Co.*, 12 USPQ 2d 1979, 1984 (TTAB 1989) (failure to use the marks as of the filing date as asserted by Applicant voids the applications *ab initio*; see also, *Larry Harmon Pictures Corp. v. Williams Rest. Corp.*, 929 F.2d 662, 18 USPQ2d 1292, 1293 (Fed. Cir. 1991).

Further, based on evidence describing Applicant's product launch, it appears that Applicant's claimed date of first use set forth in its Applications of January 22, 1014, is incorrect. The product does not appear to have been available until after June, 2014. The Applications cannot be permitted to register with incorrect first use dates.

**c. Justice Requires That the Non-Use Claim be Added to the Opposition**

The Lanham Act provides for trademark registrations, and the rights flowing therefrom, only if marks are used in commerce. No registration filed based on use may issue if no use in commerce has been made prior to filing. Such applications are void *ab initio*. It is incumbent on the TTAB to prevent the registration of applications if they are indeed void *ab initio*. Further, registrations should be refused if the date of first use in commerce is shown to be incorrect, as is the case here. Accordingly, the interests of justice support that the Board grant leave for this amendment.

**d. No Prejudice Will Result If the Amendment is Allowed**

There is no prejudice to the Applicant, much less undue prejudice, if Opposer is granted leave to amend. This is because the opposition is still at an early stage, neither party has engaged in any discovery, and trial has not yet begun. See *Hurley Int'l LLC v. Paul & Joanne Volta*, 82 U.S.P.Q.2D (BNA) 1339, 1341 (TTAB 2007).



### III. CONCLUSION

Under Fed .Rule Civ. Pro 15(a), which requires that leave to amend be freely given, the requested First Amended Notice of Opposition is appropriate and leave should be granted. The alleged non-use would void the applications *ab initio*, thus dictating that justice requires their inclusion. Additionally, the applications should be refused if their dates of first use as alleged are shown to be incorrect. Given the early stage of this case, before even any discovery has been taken by either party, there is no prejudice to Applicant based on the requested Amendment.

March 18, 2016

/Julie A. Greenberg  
Julie A. Greenberg  
DINSMORE & SHOHL LLP  
2701 Troy Center Dr., Suite 330  
Troy, MI 48084  
(248) 647-6000-General  
*Attorneys for Opposer,  
Motor City Brewing Works, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on March 18, 2016 a copy of the foregoing Motion to Amend the Petition for Cancellation was sent via first-class U.S. Mail on the following:

John J. Skinner  
Law Offices of John J. Skinner JR  
1745 Broadway, 17<sup>th</sup> Floor  
New York, NY 10019  
jskinner@jskinnerlaw.com

/Julie A. Greenberg  
\_\_\_\_\_  
Julie A. Greenberg  
Attorney for Opposer

# EXHIBIT A

Opposer's Proposed  
First Amended Notice of Opposition

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

In re Serial No. 86976982  
Filed: June 5, 2014

and

Serial No. 86492947  
Filed: December 31, 2014

MOTOR CITY BREWING WORKS, INC

Opposer,

Opposition No 91224898.

vs.

MOTORWORKS BREWING,

Applicant.

\_\_\_\_\_ /

**FIRST AMENDED NOTICE OF OPPOSITION**

MOTOR CITY BREWING WORKS, INC., Opposer herein, a Michigan corporation having a principal place of business at 470 Canfield, Detroit, MI 48201, believes that it will be damaged by registration of the marks shown in Serial No. 86976982 (for MOTORWORKS BREWING (Word Mark) in International Class 32 for beer), and Serial No. 86492947 (for MOTORWORKS BREWING MB and Design in International Class 32 for beer and International Class 25 for baseball caps and hats; wearable garments and clothing, namely, shirts), both owned by MOTORWORKS BREWING, (“Applicant”) a Florida Limited Liability Company, and hereby opposes both pending applications.

As grounds of opposition, it is alleged that:

1. The Applicant, MOTORWORKS BREWING seeks to register the following marks:

(a) Serial No. 86976982 (“the ‘982 Application”) for MOTORWORKS BREWING (Word), as a trademark for beer in Class 32, as evidenced by the publication of said mark in the Official Gazette of the United States Patent and Trademark Office on page TM 7429 of the October 20, 2015 issue. The ‘982 Application was filed on June 5, 2014 based on a date of first use in commerce of January 22, 2014; and

(b) Serial No. 86492947 (“the ‘947 Application”) for MOTORWORKS BREWING MB and Design as a trademark for beer in Class 32 and baseball caps and hats, wearable garments and clothing, namely shirts, in Class 25, as evidenced by the publication of said mark in the Official Gazette of the United States Patent and Trademark Office on page TM 3493 of the July 21, 2015 issue. The ‘947 Application was filed on December 31, 2014 based on a date of first use of January 22, 2014.

Both publication pages as well as the status and title pages from the TSDR System of the USPTO are attached hereto as Exhibit A.

2. The Opposer MOTOR CITY BREWING WORKS owns and has extensively used the trademark MOTOR CITY BREWING WORKS (“Opposer’s Mark”) for beer and for a variety of beverages, including but not limited to wine, liquor, hard cider and soft drinks, as well as for restaurant and tap room services since at least as early as 1995, and has invested extensively in the MOTOR CITY BREWING WORKS Mark since that time. As a result, Opposer has developed exceedingly valuable goodwill in the Mark, and the Mark represents an extremely valuable asset of Opposer.

3. Opposer owns several registrations for its MOTOR CITY BREWING WORKS Mark, including but not limited to *incontestable* Registration No. 3875505.

4. Opposer's first use of its Mark (1995) precedes Applicant's first use of its marks (2014) *by seventeen years*, giving Opposer undisputable priority. Indeed, Opposer's Mark was the subject of several issued registrations at the time Applicant filed applications for the Mark herein opposed.

### **COUNT I. LIKELIHOOD OF CONFUSION**

5. Opposer incorporates by reference the allegations of Paragraphs 1-4 hereof as if fully set forth herein.

6. Applicant's marks MOTORWORKS BREWING (and MOTORWORKS BREWING MB and Design), which are the subject to the Applications herein opposed, are so closely similar to Opposer's Mark MOTOR CITY BREWING WORKS in its various forms, as used by Opposer since 1995, and are used on such closely similar or identical goods to those of the Opposer, namely, beer, as well as a variety of alcoholic and other beverages, as to cause confusion and lead to deception as to the origin of Applicant's goods identified with the Applicant's pending MOTORWORKS BREWING mark. In particular, confusion in trade resulting in damage and injury to Opposer would be caused and would result by reason of use and registration of the confusingly similar mark on identical or closely related goods and services by both Opposer and Applicant. Persons familiar with Opposer's long prior use of its MOTOR CITY BREWING WORKS Mark would be likely to buy Applicant's goods as and for goods offered by the Opposer. Any such confusion in trade inevitably would result in loss of sales to the Opposer. Furthermore, any defect, objection or fault found with Applicant's goods marketed under its marks would necessarily reflect upon and seriously injure the reputation which the

Opposer has established for its goods/services sold under its MOTOR CITY BREWING WORKS Mark.

7. If the Applicant is granted the registrations herein opposed, it would thereby obtain at least a *prima facie* exclusive right to the use of the marks herein opposed, in direct conflict with Opposer's rights deriving from its own common law and statutory rights for its MOTOR CITY BREWING WORKS Mark, for identical or closely related goods/services. The pending registrations, if issued, may prevent Opposer from obtaining further registrations for its Mark, or may be used in an attempt to stop Opposer from expanding its use of its Mark. Such conflicting registrations would be a further source of damage and injury to the Opposer.

**COUNT II. APPLICANT'S USE-BASED APPLICATIONS ARE VOID AB INITIO AS BASED ON NO USE IN INTERSTATE COMMERCE**

8. Opposer incorporates by reference the allegations of Paragraphs 1-6 hereof as if fully set forth herein.

9. As to the '982 Application, filed on June 5, 2015, although Applicant claimed a date of first use in commerce of January 22, 2014 in that Application. On information and belief, however, Applicant did not use the subject mark on goods sold in interstate commerce prior to filing the Application. Specifically, on information and belief, Applicant was, at most, selling the goods associated with the mark of the '982 Application in intrastate sales solely within the State of Florida prior to the filing date of June 5, 2015, and made no sales across state lines to purchasers in other states prior to filing the '982 Application. As a use-based Application with no interstate use, the '982 Application is void *ab initio*.

10. As to the '947 Application filed on December 31, 2014, although Applicant claimed a date of first use in commerce of January 22, 2014. On information and belief,

however, Applicant did not use the subject mark on goods sold in interstate commerce prior to filing the '947 Application. Specifically, Applicant was at most selling the goods associated with the mark of the '947 Application in intrastate sales solely within the State of Florida prior to the filing date of December 31, 2014, and made no sales across state lines to purchasers in other states prior to filing the '947 Application. Exhibit B hereof includes, for example, an article noting that the bottle is "only sold at the brewery." As a use-based Application with no interstate use, the '947 Application is void *ab initio*.

11. Additionally, the date of first use in commerce claimed in the herein-opposed Applications is, on information and belief, incorrect. Both Applications claim a date of first use in commerce of January 22, 2014. However, on information and belief, this date is incorrect. In particular, even if the marks of the Applications were used in interstate commerce prior to the filing date of June 5, 2015, the actual first use date in interstate commerce was instead not until after July 25, 2014. See Exhibit C hereto (news article dated July 24, 2014 stating "On Friday, Motorworks Brewing Beer will finally be available in area restaurants and bars").

WHEREFORE, the Opposer prays that the Applications Serial Nos. 86976982 and 86492947 be rejected as confusingly similar to Opposer's prior used marks. Further, Opposer prays that the Applications be rejected as void *ab initio* as use-based applications filed with no interstate use. Finally, the Applications contain an incorrect date of first use. Although claimed in the Applications that the first use in commerce was January 22, 2014, the actual date of first use is not until after July 25, 2014. See Exhibit C. Opposer hereby gives notice that after hearing and in any appeal on this opposition proceeding, it will rely on its exhibits annexed to this notice of opposition as evidence in support of this notice of opposition.



Opposer hereby appoints the attorneys of Dinsmore & Shohl LLP, a law firm having a place of business at 2701 Troy Center Drive, Suite 330, Troy, Michigan 48084 to act as attorneys for Opposer herein, with full power to prosecute said opposition, to transact all relative business in the United States Patent and Trademark Office and in the United States courts, and to receive all official communications in connection with this opposition.

Respectfully submitted,

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Julie A. Greenberg  
DINSMORE & SHOHL LLP  
2701 Troy Center Drive, Suite 330  
Troy, Michigan 48084  
248-647-6000  
248-647-5210 (Fax)  
docket@patlaw.com

Attorneys for Opposer

Dated:

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing **FIRST AMENDED NOTICE OF OPPOSITION** was sent via First Class Mail to:

Motorworks Brewing  
1014 9th Street West  
Bradenton, FL 34205

Michael E. Long, Esq.  
620 North Wymore Road, Suite 270  
Maitland, FL 32751

on this \_\_\_\_<sup>th</sup> day of March, 2016.

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DINSMORE & SHOHL LLP  
2701 Troy Center Drive, Suite 330  
Troy, Michigan 48084  
248-647-6000  
248-647-5210 (Fax)  
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**CERTIFICATE OF ELECTRONIC FILING**

I hereby certify that the foregoing **NOTICE OF OPPOSITION** was electronically filed with the TTAB on this \_\_\_\_<sup>th</sup> day of March, 2016.

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DINSMORE & SHOHL LLP  
2701 Troy Center Drive, Suite 330  
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248-647-6000  
248-647-5210 (Fax)  
docket@patlaw.com

# EXHIBIT A

Generated on: This page was generated by TSDR on 2016-03-17 13:47:08 EDT

Mark: MOTORWORKS BREWING

MOTORWORKS BREWING

US Serial Number: 86976982

Application Filing Date: Jun. 05, 2014

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Trademark

Status: An opposition after publication is pending at the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

Status Date: Nov. 18, 2015

Publication Date: Oct. 20, 2015

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## Mark Information

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Mark Literal Elements: MOTORWORKS BREWING

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

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "BREWING"

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## Related Properties Information

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Child Of: 86301225

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## Goods and Services

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

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

For: Beer

International Class(es): 032 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 15, 2013

Use in Commerce: Jan. 22, 2014

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## Basis Information (Case Level)

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Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

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## Current Owner(s) Information

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**Owner Name:** Motorworks Brewing  
**Owner Address:** 1014 9th Street West  
Bradenton, FLORIDA UNITED STATES 34205  
**Legal Entity Type:** LIMITED LIABILITY COMPANY

**State or Country** FLORIDA  
**Where Organized:**

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Michael E. Long

**Attorney Primary** [mlong@brewerlong.com](mailto:mlong@brewerlong.com)  
**Email Address:**

**Attorney Email** Yes  
**Authorized:**

### Correspondent

**Correspondent** JOHN J SKINNER JR  
**Name/Address:** LAW OFFICES OF JOHN J SKINNER JR  
1745 BROADWAY  
17TH FLOOR  
NEW YORK, NEW YORK UNITED STATES 10019

**Phone:** 407-660-2964

**Fax:** 407-660-4439

**Correspondent e-** [mlong@brewerlong.com](mailto:mlong@brewerlong.com)  
**mail:**

**Correspondent e-** Yes  
**mail Authorized:**

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Nov. 18, 2015	OPPOSITION INSTITUTED NO. 999999	224898
Nov. 03, 2015	EXTENSION OF TIME TO OPPOSE RECEIVED	
Oct. 20, 2015	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Oct. 20, 2015	PUBLISHED FOR OPPOSITION	
Sep. 30, 2015	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Sep. 11, 2015	LAW OFFICE PUBLICATION REVIEW COMPLETED	70884
Sep. 08, 2015	ASSIGNED TO LIE	70884
Aug. 31, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 12, 2015	NOTICE OF PSEUDO MARK E-MAILED	
Aug. 11, 2015	DIVISIONAL PROCESSING COMPLETE	
Jul. 10, 2015	DIVISIONAL REQUEST RECEIVED	
Aug. 08, 2015	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76538
Jul. 10, 2015	TEAS REQUEST TO DIVIDE RECEIVED	
Jul. 01, 2015	ATTORNEY REVOKED AND/OR APPOINTED	
Jul. 01, 2015	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jun. 01, 2015	LETTER OF PROTEST EVIDENCE REVIEWED	90294
Jun. 01, 2015	LETTER OF PROTEST ACCEPTED	
May 26, 2015	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
May 26, 2015	LETTER OF SUSPENSION E-MAILED	6332
May 26, 2015	SUSPENSION LETTER WRITTEN	90294
May 18, 2015	TEAS/EMAIL CORRESPONDENCE ENTERED	77976
May 18, 2015	CORRESPONDENCE RECEIVED IN LAW OFFICE	77976
May 11, 2015	ASSIGNED TO LIE	77976
May 06, 2015	TEAS RESPONSE TO SUSPENSION INQUIRY RECEIVED	
Dec. 23, 2014	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Dec. 23, 2014	LETTER OF SUSPENSION E-MAILED	6332
Dec. 23, 2014	SUSPENSION LETTER WRITTEN	90294
Dec. 18, 2014	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Dec. 17, 2014	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Dec. 17, 2014	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Sep. 17, 2014	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325

Sep. 17, 2014	NON-FINAL ACTION E-MAILED	6325
Sep. 17, 2014	NON-FINAL ACTION WRITTEN	90294
Sep. 17, 2014	ASSIGNED TO EXAMINER	90294
Jun. 19, 2014	NOTICE OF PSEUDO MARK E-MAILED	
Jun. 18, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 09, 2014	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information

**TM Attorney:** POLLACK, ALISON FRIEDB

**Law Office Assigned:** LAW OFFICE 106

### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Sep. 11, 2015

## Proceedings

### Summary

**Number of Proceedings:** 2

### Type of Proceeding: Opposition

**Proceeding Number:** [91224898](#)

**Filing Date:** Nov 18, 2015

**Status:** Pending

**Status Date:** Nov 18, 2015

**Interlocutory Attorney:** WENDY COHEN

### Defendant

**Name:** Motorworks Brewing

**Correspondent Address:** JOHN J SKINNER JR  
LAW OFFICES OF JOHN J SKINNER JR  
1745 BROADWAY, 17TH FLOOR  
NEW YORK NY UNITED STATES , 10019

**Correspondent e-mail:** [jskinner@jkskinnerlaw.com](mailto:jskinner@jkskinnerlaw.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
MOTORWORKS BREWING	Opposition Pending	<a href="#">86976982</a>	
MOTORWORKS BREWING MB	Opposition Pending	<a href="#">86492947</a>	

### Plaintiff(s)

**Name:** Motor City Brewing Works, Inc.

**Correspondent Address:** JULIE A GREENBERG  
DINSMORE & SHOHL LLP  
2701 TROY CENTER DR , SUITE 330  
TROY MI UNITED STATES , 48084

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### Associated marks

Mark	Application Status	Serial Number	Registration Number
MOTOR CITY BREWING WORKS DETROIT	Cancellation Pending	<a href="#">77797842</a>	<a href="#">3875505</a>

### Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 18, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 18, 2015	Dec 28, 2015
3	PENDING, INSTITUTED	Nov 18, 2015	
4	ANSWER	Dec 27, 2015	
5	D APPEARANCE / POWER OF ATTORNEY	Dec 27, 2015	

6	CHANGE OF CORRESP ADDRESS	Dec 27, 2015
7	PAPER RECEIVED AT TTAB	Feb 11, 2016
8	P MOT FOR EXT W/O CONSENT	Feb 25, 2016
9	P MOT FOR EXT W/O CONSENT	Feb 25, 2016
10	PAPER RECEIVED AT TTAB	Feb 25, 2016
11	D OPP/RESP TO MOTION	Mar 01, 2016
12	P REPLY IN SUPPORT OF MOTION	Mar 07, 2016

**Type of Proceeding: Extension of Time**

**Proceeding Number:** [86976982](#)

**Filing Date:** Nov 03, 2015

**Status:** Terminated

**Status Date:** Dec 19, 2015

**Interlocutory Attorney:**

**Defendant**

**Name:** Motorworks Brewing

**Correspondent:** Michael E. Long

**Address:** 620 North Wymore Road, Suite 270  
Maitland FL , 32751

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
MOTORWORKS BREWING	Opposition Pending	<a href="#">86976982</a>	

**Potential Opposer(s)**

**Name:** Motor City Brewing Works, Inc.

**Correspondent:** Julie A. Greenberg

**Address:** Dinsmore & Shohl LLP  
2701 Troy Center Drive, Ste. 330  
Troy MI UNITED STATES , 48084

**Correspondent e-mail:** [docket@patlaw.com](mailto:docket@patlaw.com) , [debra.nichols@dinsmore.com](mailto:debra.nichols@dinsmore.com)

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Nov 03, 2015	
2	EXTENSION OF TIME GRANTED	Nov 03, 2015	



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451  
www.uspto.gov

Sep 30, 2015

## NOTICE OF PUBLICATION

1. Serial No.:  
86-976,982
2. Mark:  
MOTORWORKS BREWING  
(STANDARD CHARACTER MARK)
3. International Class(es):  
32
4. Publication Date:  
Oct 20, 2015
5. Applicant:  
Motorworks Brewing

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the *Official Gazette* on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a certificate of registration.

Copies of the trademark portion of the *Official Gazette* containing the publication of the mark may be obtained from:

The Superintendent of Documents  
U.S. Government Printing Office  
PO Box 371954  
Pittsburgh, PA 15250-7954  
Phone: 202-512-1800

By direction of the Commissioner.

---

**Email Address(es):**

mlong@brewerlong.com



Generated on: This page was generated by TSDR on 2016-03-17 13:46:35 EDT

Mark: MOTORWORKS BREWING MB



US Serial Number: 86492947

Application Filing Date: Dec. 31, 2014

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Trademark

Status: An opposition after publication is pending at the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

Status Date: Nov. 18, 2015

Publication Date: Jul. 21, 2015

## Mark Information

Mark Literal Elements: MOTORWORKS BREWING MB

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of the wording "MOTORWORKS" in stylized lettering above a circle design comprised of three concentric circles with a design of a winged vehicle hood ornament superimposed over the circle with the stylized letters "MB" appearing in the hood ornament design and the wording "BREWING" in stylized letters appearing within the circle and below the hood ornament design.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Disclaimer: "BREWING"

Design Search Code(s): 03.17.01 - Wings, birds'

18.11.25 - Horns (vehicular); Stick shifts (automobile); Seat belts, vehicle; Sails; Battery carrier trays for automobiles; Belts, safety, vehicle; Brakes (automobile); Car seats, baby; Clutches, vehicles; Gear shifts, vehicle; Grills (automobile); Head lights, vehicle; Hitches, (trailers); Windshields (vehicular); Jacks (vehicle); Kick stands (bicycle); License plates; Lights, auto; Lights, bicycle; Mirrors, vehicle; Pedals (vehicular); Porthole; Racks, (automobile); Radiators, vehicle  
26.01.17 - Two concentric circles; Concentric circles, two; Circles, two concentric  
26.01.21 - Circles that are totally or partially shaded.

## Goods and Services

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

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

For: Baseball caps and hats; Wearable garments and clothing, namely, shirts

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 15, 2013

Use in Commerce: Jan. 22, 2014

For: Beer

International Class(es): 032 - Primary Class

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

**Class(es):****Class Status:** ACTIVE**Basis:** 1(a)**First Use:** Feb. 15, 2013**Use in Commerce:** Jan. 22, 2014**Basis Information (Case Level)**

<b>Filed Use:</b> Yes	<b>Currently Use:</b> Yes	<b>Amended Use:</b> No
<b>Filed ITU:</b> No	<b>Currently ITU:</b> No	<b>Amended ITU:</b> No
<b>Filed 44D:</b> No	<b>Currently 44D:</b> No	<b>Amended 44D:</b> No
<b>Filed 44E:</b> No	<b>Currently 44E:</b> No	<b>Amended 44E:</b> No
<b>Filed 66A:</b> No	<b>Currently 66A:</b> No	
<b>Filed No Basis:</b> No	<b>Currently No Basis:</b> No	

**Current Owner(s) Information****Owner Name:** Motorworks Brewing**Owner Address:** 1014 9th Street West  
Bradenton, FLORIDA UNITED STATES 34205**Legal Entity Type:** LIMITED LIABILITY COMPANY**State or Country** FLORIDA  
**Where Organized:****Attorney/Correspondence Information****Attorney of Record****Attorney Name:** Michael E. Long**Attorney Primary** [mlong@brewerlong.com](mailto:mlong@brewerlong.com)  
**Email Address:****Attorney Email** Yes  
**Authorized:****Correspondent****Correspondent** JOHN J SKINNER JR  
**Name/Address:** LAW OFFICES OF JOHN J SKINNER JR  
1745 BROADWAY  
17TH FLOOR  
NEW YORK, NEW YORK UNITED STATES 10019**Phone:** 407-660-2964**Fax:** 407-660-4439**Correspondent e-** [mlong@brewerlong.com](mailto:mlong@brewerlong.com)  
**mail:****Correspondent e-** Yes  
**mail Authorized:****Domestic Representative - Not Found****Prosecution History**

Date	Description	Proceeding Number
Nov. 18, 2015	OPPOSITION INSTITUTED NO. 999999	224898
Jul. 21, 2015	EXTENSION OF TIME TO OPPOSE RECEIVED	
Jul. 21, 2015	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jul. 21, 2015	PUBLISHED FOR OPPOSITION	
Jul. 01, 2015	ATTORNEY REVOKED AND/OR APPOINTED	
Jul. 01, 2015	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jul. 01, 2015	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jun. 18, 2015	LAW OFFICE PUBLICATION REVIEW COMPLETED	69712
Jun. 18, 2015	LETTER OF PROTEST EVIDENCE REVIEWED	81876
Jun. 08, 2015	LETTER OF PROTEST ACCEPTED	
Jun. 08, 2015	ASSIGNED TO LIE	69712
May 18, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 07, 2015	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
May 06, 2015	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
May 06, 2015	TEAS RESPONSE TO OFFICE ACTION RECEIVED	

Apr. 10, 2015	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Apr. 10, 2015	NON-FINAL ACTION E-MAILED	6325
Apr. 10, 2015	NON-FINAL ACTION WRITTEN	81876
Apr. 09, 2015	ASSIGNED TO EXAMINER	81876
Jan. 13, 2015	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Jan. 12, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jan. 03, 2015	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information

**TM Attorney:** CROWLEY, PAUL C

**Law Office Assigned:** LAW OFFICE 112

### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Jun. 18, 2015

## Proceedings

### Summary

**Number of Proceedings:** 2

### Type of Proceeding: Opposition

**Proceeding Number:** [91224898](#)

**Filing Date:** Nov 18, 2015

**Status:** Pending

**Status Date:** Nov 18, 2015

**Interlocutory Attorney:** WENDY COHEN

### Defendant

**Name:** Motorworks Brewing

**Correspondent Address:** JOHN J SKINNER JR  
LAW OFFICES OF JOHN J SKINNER JR  
1745 BROADWAY, 17TH FLOOR  
NEW YORK NY UNITED STATES , 10019

**Correspondent e-mail:** [jskinner@jskinnerlaw.com](mailto:jskinner@jskinnerlaw.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
MOTORWORKS BREWING	Opposition Pending	<a href="#">86976982</a>	
MOTORWORKS BREWING MB	Opposition Pending	<a href="#">86492947</a>	

### Plaintiff(s)

**Name:** Motor City Brewing Works, Inc.

**Correspondent Address:** JULIE A GREENBERG  
DINSMORE & SHOHL LLP  
2701 TROY CENTER DR , SUITE 330  
TROY MI UNITED STATES , 48084

**Correspondent e-mail:** [docket@patlaw.com](mailto:docket@patlaw.com) , [debra.nichols@dinsmore.com](mailto:debra.nichols@dinsmore.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
MOTOR CITY BREWING WORKS DETROIT	Cancellation Pending	<a href="#">77797842</a>	<a href="#">3875505</a>

### Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 18, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 18, 2015	Dec 28, 2015
3	PENDING, INSTITUTED	Nov 18, 2015	
4	ANSWER	Dec 27, 2015	

5	D APPEARANCE / POWER OF ATTORNEY	Dec 27, 2015
6	CHANGE OF CORRESP ADDRESS	Dec 27, 2015
7	PAPER RECEIVED AT TTAB	Feb 11, 2016
8	P MOT FOR EXT W/O CONSENT	Feb 25, 2016
9	P MOT FOR EXT W/O CONSENT	Feb 25, 2016
10	PAPER RECEIVED AT TTAB	Feb 25, 2016
11	D OPP/RESP TO MOTION	Mar 01, 2016
12	P REPLY IN SUPPORT OF MOTION	Mar 07, 2016

**Type of Proceeding: Extension of Time**

**Proceeding Number:** [86492947](#)

**Filing Date:** Jul 21, 2015

**Status:** Terminated

**Status Date:** Nov 19, 2015

**Interlocutory Attorney:**

**Defendant**

**Name:** Motorworks Brewing

**Correspondent Address:** Michael E. Long  
620 North Wymore Road, Suite 270  
Maitland FL , 32751

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
MOTORWORKS BREWING MB	Opposition Pending	<a href="#">86492947</a>	

**Potential Opposer(s)**

**Name:** Motor City Brewing Works, Inc.

**Correspondent Address:** Julie A. Greenberg  
Gifford Krass Sprinkle Anderson & Citkowski, PC  
2701 Troy Center Dr. Ste. 330  
Troy MI UNITED STATES , 48084

**Correspondent e-mail:** [docket@patlaw.com](mailto:docket@patlaw.com) , [debra.nichols@dinsmore.com](mailto:debra.nichols@dinsmore.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
------	--------------------	---------------	---------------------

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Jul 21, 2015	
2	EXTENSION OF TIME GRANTED	Jul 21, 2015	
3	INCOMING - EXT TIME TO OPPOSE FILED	Sep 15, 2015	
4	EXTENSION OF TIME GRANTED	Sep 15, 2015	



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451  
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Jul 1, 2015

## NOTICE OF PUBLICATION

1. Serial No.:  
86-492,947
2. Mark:  
MOTORWORKS BREWING MB  
(STYLIZED/DESIGN)
3. International Class(es):  
25, 32
4. Publication Date:  
Jul 21, 2015
5. Applicant:  
Motorworks Brewing

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the *Official Gazette* on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a certificate of registration.

Copies of the trademark portion of the *Official Gazette* containing the publication of the mark may be obtained from:

The Superintendent of Documents  
U.S. Government Printing Office  
PO Box 371954  
Pittsburgh, PA 15250-7954  
Phone: 202-512-1800

By direction of the Commissioner.

---

**Email Address(es):**

david.jackson@rdj-law.com

# EXHIBIT B

[OUR STORY](#)[BEERS](#)[VISIT](#)[FAQS](#)[EVENTS](#)[SHOP](#)

With a passion for craft beer fine-tuned right here on Florida's west coast, MOTORWORKS BREWING co-founders Frank and Denise Tschida knew they had found the perfect location for their brewery the moment they saw the Bradenton property.

Located on 9th Street West, mid-way between the downtown Riverwalk Park and the recently renovated McKechnie Field (spring training stadium for the Pittsburgh Pirates and home of the Bradenton Marauders), the brewery is adjacent to Bradenton's unique Village of the Arts and at the heart of Bradenton's expanding downtown entertainment corridor.

Built in the mid 1920s as an automobile dealership – complete with a concrete ramp that was used to move cars from the ground floor to a 2nd floor service area – the 27,000+ sq. ft. building houses our full-production Brewery Taproom.

At over 13,000 sq. ft., our front patio and beer garden, complete with a deck built around a magnificent 100 year old oak tree, offers plenty of room for games, live music, and large outdoor events that feature the brewery's latest craft beer offerings.

[OUR STORY](#) [BEERS](#) [VISIT](#) [FAQS](#) [EVENTS](#) [SHOP](#)



The building's automotive history captured the interest of the brewery team and, ultimately inspired our name: MOTORWORKS BREWING. Reportedly home to a Hudson Motors dealership in the late 40s and early 50s, Hudson was renowned for outstanding performance and innovative styling. The Tschida's intend to bring their own imaginative and innovative approach to brewing craft beer to life in honor of their building's storied past.



STOP IN!

**Sunday - Thursday**

11am - Midnight

**Friday & Saturday**

11am - 2am





FAQS

EVENTS

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**Motorworks Brewing**

3 hrs

Take home your favorite Motorworks brew in one of our new 64 oz, stainless steel growlers and ride shiny and chrome into beer Valhalla. No glass at the beach? No problem. \$39 in the taproom.



1014 9th Street West  
 Bradenton, Florida 34205

[Get Directions](#)

☎ 941.567.6218

✉ [info@motorworksbrewing.com](mailto:info@motorworksbrewing.com)

Sunday - Thursday

11am - Midnight

Friday & Saturday

11am - 2am

OUR STORY © 2016 Motorworks Brewing.  
BEERS VISIT FAQs EVENTS SHOP





## Celebrate local beer at Venice Brew Bash

By Alan Shaw , Herald-Tribune / Monday, May 18, 2015 Follow



Motorworks Brewing from Bradenton at the 2014 Venice Brew Bash. (Photo by Matt Houston)

Memorial Day weekend is almost here, and with it the Venice Brew Bash.

The fourth annual beer festival set for Saturday is the biggest one yet. This year's festival has moved to Centennial Park, 200 W. Venice Ave., and runs from 4 to 8 p.m. In a news release, organizer Robin Parsons says the new venue offers more flexibility and eliminates the need to close streets.

Ticket holders can try unlimited samples of more than 60 beers, including brews from locals [Darwin Brewing](#), [Motorworks](#), [Big Top](#) and [Fat Point](#). Brewery reps will be on hand. (Distributor Gold Coast Eagle is the sponsor, so only beers from their portfolio will be included.) Food from local restaurants and food trucks will be on sale. Renegade will be playing rock from the '70s and '80s. A portion of the proceeds will benefit [EARS Animal Rescue](#), a nonprofit dedicated to helping dogs and cats find "forever homes."

### **PHOTOS: Venice Brew Bash 2014**

In a first, this year's festival will feature a homebrew competition. More than 40 beers are entered in the [American Homebrewers Association-sanctioned event](#). Judging will take place earlier in the day and the winners will be announced at the festival at 5 p.m.

A Mixology tent, where you can sample cocktails made with beer, is also new this year.

The festival is outdoors, so wear sunscreen. It's been hot in the past, so keep that in mind too.

Tickets are \$35 in advance and \$45 on the day of the fest. VIP tickets, which will be sold at the gate, will get you access to the Cool Today air-conditioned tent. You can buy tickets online at [venicebrewbash.com](http://venicebrewbash.com) or in person at City Vapor, 779 U.S. 41 Bypass, and Burgundy Square Cafe, 227 W. Miami Ave.



**ALAN SHAW**

Alan Shaw has been a fan of craft beer since the 1990s. He is partial to hops and has been an editor at the Herald-Tribune since 1997. He can be reached at (941) 361-4914, by email or mail at 1741 Main St., Sarasota, FL 34236. Follow him at [@alancshaw](#) on Twitter and on [Facebook](#).

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**Peggy Corral's 18th Anniversary Bash**

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[Sol's NYC Delicatessen opening Tuesday in downtown Sarasota \(Ticket Sarasota | Entertainment, Dining, Nightlife, Attractions, Events\)](#)



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## Beer review: Motorworks Thresher

By Alan Shaw , Herald-Tribune / Monday, December 15, 2014 Follow



Motorworks Brewing Thresher Barrel Aged Barleywine. (Staff photo / Alan Shaw)

**Beer:** Thresher Barrel Aged Barleywine

**Brewery:** Motorworks Brewing, Bradenton

**Notes:** This, along with the excellent Tami, is the first bottle release for the Bradenton brewery. It's sold only at the brewery. My 22-ounce bottle of Thresher is No. 101 out of 350, and the bottle cap was dipped in red wax. Aged in whiskey barrels.

Pours a deep ruby/amber in color with a short off-white head that vanishes quickly. It has a big whiskey aroma, with hints of hops and tobacco.

The flavor is whiskey first, with hop flavors and bitterness following. Some wood flavors too. While the whiskey flavors are big, they aren't overpowering.

Overall Thresher is a nice sipper and barrel-aging fans should head to the brewery for a draft glass or \$15 22-ounce bottle.

**Have you had Motorworks Thresher? What did you think? Use the comment field below to sound off.**

MORE BEER GEEK



[Beer review archive](#)



**ALAN SHAW**

Alan Shaw has been a fan of craft beer since the 1990s. He is partial to hops and has been an editor at the Herald-Tribune since 1997. He can be reached at (941) 361-4914, by [email](#) or mail at 1741 Main St., Sarasota, FL 34236. Follow him at [@alancshaw](#) on Twitter and on [Facebook](#).

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## Beer review: Motorworks Tami

By Alan Shaw , [Herald-Tribune](#) / Thursday, December 4, 2014 [Follow](#)



Motorworks Brewing Tami Tamarind Sour Brown Ale. (Staff photo / Alan Shaw)

**Beer:** Tami Tamarind Sour Brown Ale

**Brewery:** [Motorworks Brewing](#), Bradenton

**Notes:** This, along with Thresher, is the first bottle release for the Bradenton brewery. It's sold only at the brewery. My 22-ounce bottle of Tami is No. 244 out of 350, and the bottle cap was dipped in red wax. Motorworks says this is a sweet and sour homage to the tamarind.

It began, according to the label, as a brown ale soured with lactobacillus and brewed with 10 pounds of tamarind. It was then aged in whiskey barrels for about six months.

It pours a deep, deep brown in color, with just a bit of light getting through. The head is large and tan. I can smell the tamarind (sweet and sour) immediately, followed by the whiskey barrel. I was skeptical about barrel aging a beer like this, but it works splendidly.

The taste is lovely. Tart and sour with tamarind sweetness and a backing of whiskey. Motorworks hasn't overdone it with the barrels: some whiskey barrel-aged beers taste just like liquor.

Body is smooth and hefty.

This is a delight and a fantastic first bottle release for a brewery. A must-try for fans of sour beers. Pick one up at the brewery for \$15 if they still have them.

Have you had Motorworks Tami? What did you think? Use the comment field below to sound off.

MORE BEER GEEK



[Beer review archive](#)



**ALAN SHAW**

Alan Shaw has been a fan of craft beer since the 1990s. He is partial to hops and has been an editor at the Herald-Tribune since 1997. He can be reached at (941) 361-4914, by [email](#) or mail at 1741 Main St., Sarasota, FL 34236. Follow him at [@alancshaw](#) on Twitter and on [Facebook](#).

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**Anna Maria Island**  
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# You can now buy Motorworks Brewing beers in cans

By Alan Shaw , [Herald-Tribune](#) / Thursday, June 4, 2015 [Follow](#)



The first canned beers from Motorworks Brewing in Bradenton: Indy India Pale Ale and V Twin Vienna Style Lager. (Provided by Gold Coast Eagle Distributing)

After months of work, the first canned beers from [Motorworks Brewing](#) are hitting shelves. The Bradenton brewery's beers have only been available in draft (aside from one-off bottle releases of [Thresher](#) and [Tami](#)) up to this point.

Indy India Pale Ale and [GABF medal-winning V Twin Vienna Style Lager](#) cans are already available at the brewery (1014 9th St. W.) and in a few other restaurants, bars and stores, with more to be added soon, Motorworks social media and event coordinator Kristin Martin wrote in an email today.

The six-packs should cost about \$10 each, Martin writes.



## ALAN SHAW

Alan Shaw has been a fan of craft beer since the 1990s. He is partial to hops and has been an editor at the Herald-Tribune since 1997. He can be reached at (941) 361-4914, by [email](#) or mail at 1741 Main St., Sarasota, FL 34236. Follow him at [@alancshaw](#) on Twitter and on [Facebook](#).

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# EXHIBIT C



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## Motorworks Brewing celebrates new distribution deal

Right Now 71° Today 78°  
Cool Today Carrier

Story Comments Image (3)

Print Font Size:

Recommend 15 Tweet G+1 0

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Posted: Friday, July 25, 2014 5:17 pm

0 comments

Posted on Jul 25, 2014 by Todd Dunn

**BRADENTON, FLA.** -- When Motorworks Brewing open it's doors in January, it became the first full production microbrewery in Bradenton. Bob Haa is the head brewer. "We built this brewery from nothing so to get it to this point is, yeah it is a big day," he says.

On Friday, staff were celebrating a new distribution deal which means Motorworks Brewing beer **will finally be available in area restaurants and bars.**

"It is huge for us to get our beer out there to the public on a grand scale. It has been wonderful and we have a marvelous facility here that people love to come to and enjoy stuff fresh from the brewery," said Marketing Director Barry Elwonger. "It is great to get it out to the local market so they can start enjoying the beer in other locations."

Motorworks Brewing was built in a historic building on 9th Street in downtown Bradenton. Staff told ABC 7, getting to this point has been a lot of hard work but they would not have it any other way.

"It is kind of just dawning on all of us that we have finally gotten to a finish line, not the finish line but at least a point that we have been working for so long and so hard," said Haa.

The next big goal for Motorworks includes installing canning equipment so they will be able to expand their distribution by selling Motorworks Brewing beer in local grocery stores.

Friday afternoon, Motorworks celebrated it's distribution deal by holding pub crawl at the first seven establishments that agreed to sell Motorwork Brewing beer. They are:

Mr. Beery's, 2645 Mall Drive, Sarasota

Cock & Bull, 975 Cattlemen Road, Sarasota

World of Beer, 8217 Tourist Center Drive, University Park

Beef 'O' Brady's, 4286 53rd Ave. E., Bradenton

Evie's Tavern, 5955 Factory Shops Blvd., Ellenton

Paddywagon Irish Pub, 4402 E. State Road 64, Bradenton

The Lost Kangaroo Pub, 406 12th St. W., Bradenton

ABC 7 News at 6pm on March 16, 2016  
29:53

ABC 7 News at 5:30pm on March 16, 2016  
25:02

What do you think?

More about **Brewing**

- ARTICLE: Hot weather is now affecting Belgian beer too
- ARTICLE: WOB Bradenton will celebrate opening with exclusive tapping event
- ARTICLE: World of Beer announces opening date for Downtown Sarasota location
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