

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bronco Wine Company)
Serial No.)
Filed: August 2019)
Mark: SHAW (green design))

DECLARATION UNDER SECTION 2(f)

Daniel J. Leonard declares as follows:

1. He is Vice President and Chief Financial Officer of Bronco Wine Company.
2. Applicant Bronco Wine Company is the owner of the famous CHARLES SHAW® trademark in United States Trademark Registration No. 2764056 (the “CHARLES SHAW® Trademark”), used in connection with a line of wine varietals.
3. Applicant Bronco Wine Company is also the owner of the SHAW (pink design) trademark in United States Trademark Application Serial No. 87756821, which application has been approved for publication on August 20, 2019.
4. CHARLES SHAW® wines, popularly known as “two-buck Chuck,” have been sold exclusively and continuously by Applicant through Trader Joe’s retail stores since at least as early as 2002.
5. Applicant has sold in excess of 945,61,440 bottles of CHARLES SHAW® wine in U.S. commerce.
6. In April 2018, Bronco Wine Company introduced a line of organic grape versions of its famous CHARLES SHAW® wines, all such organic wines being branded with the SHAW trademark and marketed to consumers together with the CHARLES SHAW® wines exclusively through Trader Joe’s retail stores.
7. Applicant Bronco Wine Company has continuously and exclusively sold SHAW wine, including pinot grigio and chardonnay wines sold under the SHAW (green design) mark in the present application, since April 2018.
8. SHAW-branded wines have been continuously advertised to consumers at point of sale in Trader Joe’s locations in eighteen (18) states across the United States since April 2018

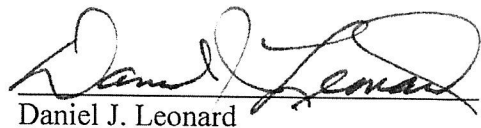
and have been continuously advertised on Applicant's website at www.shaworganicwine.com since that time.

9. The SHAW Trademark has appeared together with the CHARLES SHAW® mark on the front and back labels of every bottle of SHAW branded wine sold in U.S. commerce, in the manner depicted in Exhibit A hereto.
10. All sales of SHAW wine to consumers have been off shelves at Trader Joe's retail stores, with point of sale advertising showing both the SHAW and CHARLES SHAW® trademarks, in a manner similar to that depicted in Exhibit B hereto.
11. Applicant has sold in excess of 6,079,644 bottles of SHAW wine as to all varietals since April 2018.
12. Applicant has sold in excess of 1,309,128 bottles of pinot grigio and chardonnay wine branded with the SHAW (green design) mark in the present application since April 2018.

The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

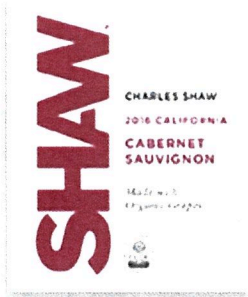
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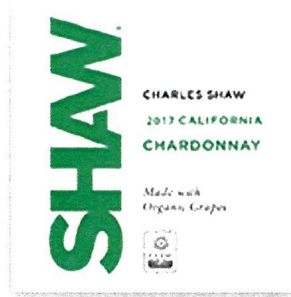

Daniel J. Leonard

[notarial attestation]

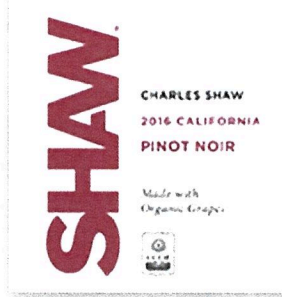
Exhibit A – Sample SHAW labels



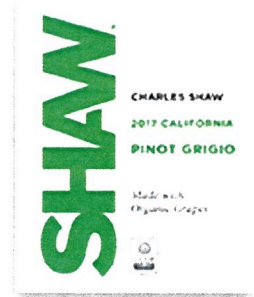
Cabernet Sauvignon



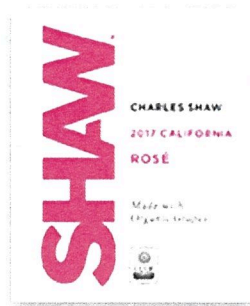
Chardonnay



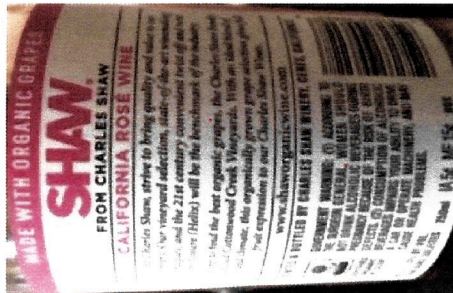
Pinot Noir



Pinot Grigio



Rosé



MADE WITH ORGANIC GRAPES

SHAW
FROM CHARLES SHAW
CALIFORNIA PINOT GRIGIO

We, at Charles Shaw, strive to bring quality and value to our customers. Our vineyard selection, state-of-the-art winemaking techniques, and the 21st century convenient twist off and twist on closure (Helix) will be the benchmark of the industry.

Striving to find the best organic grapes, the Charles Shaw Family selected Cottonwood Creek Vineyards. With an ideal blend of soil and climate, this organically grown grape selection gives full fruit expression to our Charles Shaw Wines.

www.shaworganicwine.com

VINTED & BOTTLED BY CHARLES SHAW WINERY, CERES, CALIFORNIA

CCOF
CERTIFIED ORGANIC BY CCOF

GOVERNMENT WARNING: (1) ACCORDING TO THE SURGEON GENERAL, MEN SHOULD NOT DRINK ALCOHOLIC BEVERAGES DURING PREGNANCY BECAUSE OF THE RISK OF BIRTH DEFECTS. (2) CONSUMPTION OF ALCOHOLIC BEVERAGES IMPAIRS YOUR ABILITY TO DRIVE A CAR OR OPERATE MACHINERY, AND MAY CAUSE HEALTH PROBLEMS.

ALC. 12.5% BY VOL
CONTAINS SULFITES 750ml 1A.5¢ ME 15¢ PNG

MADE WITH ORGANIC GRAPES

SHAW
FROM CHARLES SHAW
CALIFORNIA CHARDONNAY

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CCOF
CERTIFIED ORGANIC BY CCOF

GOVERNMENT WARNING: (1) ACCORDING TO THE SURGEON GENERAL, WOMEN SHOULD NOT DRINK ALCOHOLIC BEVERAGES DURING PREGNANCY BECAUSE OF THE RISK OF BIRTH DEFECTS. (2) CONSUMPTION OF ALCOHOLIC BEVERAGES IMPAIRS YOUR ABILITY TO DRIVE A CAR OR OPERATE MACHINERY, AND MAY CAUSE HEALTH PROBLEMS.

ALC. 12.5% BY VOL
CONTAINS SULFITES 750ml 1A.5¢ ME 15¢ CHD

Exhibit B – Examples of Trader Joe’s Point of Sale Advertising
Showing SHAW and CHARLES SHAW® Trademarks





