

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK EXAMINING DIVISION**

In re Application of:

DAVIDsTEA Inc.

Serial No.: 88511545

Filed: July 12, 2019

Mark:



RESPONSE TO OFFICE ACTION

Applicant DAVIDsTEA Inc. (“DAVIDsTEA”) responds to the Office Action issued September 4, 2019.

AMENDMENTS

Drawing. DAVIDsTEA amends the drawing of the mark as requested by the Examiner. The new drawing of the mark is set forth in the caption above, is incorporated herein by reference, and the full .jpg image thereof is included with the electronic filing of this Response.

Description of Mark. DAVIDsTEA amends the description of the mark as requested by the Examiner. The old description is hereby deleted, and the new description of the mark is: “The mark consists of the color turquoise (Pantone 326) as used on the storefront of the retail establishment in the rendering of the retail store services; the color is applied to a three-

dimensional rectangle above the windows and entrance of the building; the dotted lines show placement of the mark on the storefront and are not claimed as a feature of the mark.”

Services. DAVIDsTEA amends the description of the services as requested by the Examiner. The old description of services is hereby deleted, and the new description of the services is: “Retail store services featuring teas and tea-related products.”

Acquired Distinctiveness Claim. DAVIDsTEA amends the application, under Section 2(f) of the Trademark Act (15 U.S.C. § 1052(1)),¹ as follows: “The mark has become distinctive of the identified services through the Applicant’s more than five years of substantially exclusive and continuous use and promotion of the mark in commerce as an indication of source.”

REMARKS

DAVIDsTEA further respectfully requests that the Examining Attorney withdraw the refusal to register for the reasons set forth below. DAVIDsTEA hereby refers to the mark depicted and described in App. Ser. No. 88511545, as amended herein, collectively, as the “Trade Dress”.

The Examiner has noted that color marks are never inherently distinctive and can only be registered on the Supplemental Register or on the Principal Register with sufficient proof of acquired distinctiveness. The Examiner cites *Qualitex Co. v. Jacobson Prods. Co.*, 514 U.S. 159, 162-63, 34 USPQ2d 1161, 1162-63 (1995); *In re Gen. Mills IP Holdings II, LLC*, 124 USPQ2d 1016, 1018 & n.4 (TTAB 2017) (citing *Wal-Mart Stores, Inc. v. Samara Bros., Inc.*, 529 U.S. 205, 211-12, 54 USPQ2d 1065, 1068 (2000)); TMEP §1202.05(a).

¹ This Section 2(f) claim does not constitute a concession that the matter sought to be registered is not inherently distinctive. See, e.g., in re *E.S. Robbins Corp.*, 30 U.S.P.Q. 2d 1540 (T.T.A.B. 1994), TMEP § 1212.02(c).

DAVIDsTEA notes the Examiner has not claimed that the Trade Dress is *incapable* of serving as a distinctive mark. See, e.g., *Yamaha Int'l Corp. v. Hoshino Gakki Co.*, 840 F.2d 1572, 1576, 6 U.S.P.Q.2d 1001, 1004 (Fed. Cir. 1988).

DAVIDsTEA submits that the supporting Declaration submitted with this response and the supporting exhibits thereto, which are incorporated herein by reference, further satisfy the Examiner's request for additional items of information about the Trade Dress.

A. DAVIDsTEA's Trade Dress Has Acquired Distinctiveness as an Indication of Source

Evidence relevant in demonstrating acquired distinctiveness may relate to the length of time that the mark has been used, the amount and type of advertising in which the applicant has engaged, or the applicant's other efforts to associate the mark with the goods listed in the application. See, e.g., *In re Chung, Jeanne & Kim Co.*, 226 USPQ 938, 942 (TTAB 1985). This evidence may include specific dollar sales under the mark, advertising figures, samples of advertising, consumer or dealer statements of recognition of the mark, and any other evidence that establishes the distinctiveness of the mark as an indicator of source. See, *In re Ideal Indus., Inc.*, 508 F.2d 1336, 184 USPQ 487 (C.C.P.A. 1975); *In re Instant Transactions Corp.*, 201 USPQ 957 (TTAB 1979). See also TMEP §§ 1212, 1212.01 and 1212.06 et seq.

a. Length of Use and Fame of the Trade Dress. As indicated by DAVIDsTEA in its application to register the Trade Dress, DAVIDsTEA has been using the Trade Dress since August 31, 2008 and in commerce since at least as early as November 23, 2011.

As further indicated in the attached Declaration of Frank Zitella, DAVIDsTEA's Corporate Secretary and Chief Operating Officer (hereinafter the "Zitella Declaration"), DAVIDsTEA was established in 2008, is a famous North American brand for specialty tea and tea accessory products

and services, and in fact DAVIDsTEA's stock trades on the NASDAQ Global Market under the ticker symbol DTEA since 2015. (Zitella Declaration, paragraph 3).

DAVIDsTEA has retail stores in over 230 locations in North America, including 45 in the United States. The first DAVIDsTEA retail store was opened in the United States in 2011 (in New York City) and DAVIDsTEA currently operates stores in more than 14 U.S. States. For at least since 2011, DAVIDsTEA stores in the United States have featured prominently one or more walls or other surfaces in its signature turquoise color (Pantone 326), including at least one surface on the exterior storefront and one surface within the store. (Zitella Declaration, paragraph 4).

DAVIDsTEA has sold its products through its e-commerce platform to US customers since 2008 and it has since then served customers located in more than 51 U.S. States. DAVIDsTEA's e-commerce platform was recognized in November 2019 by *Newsweek* as one of the best online shops in the "food category" on the basis of an independent survey of 8000 American online shoppers. (Zitella Declaration, paragraph 5).

When consumers order DAVIDsTEA products online, the packaging used to ship the products has prominently featured the signature turquoise color (Pantone 326) in the United States for at least the past 5 years. To date, DAVIDsTEA has shipped over 560,000 packages to consumers in the United States. (Zitella Declaration, paragraph 8).

For at least the past 5 years, the hang tags on individual tea bags sold by DAVIDsTEA in Canada and the United States have consistently featured the signature turquoise color (Pantone 326). (Zitella Declaration, paragraph 9).

The DAVIDsTEA gift cards sold in its stores, online and through other retail outlets have consistently featured the signature turquoise color (Pantone 326) prominently for at least the past

5 years in the United States. The same goes for the loyalty cards put out by DAVIDsTEA. (Zitella Declaration, paragraph 10).

The shopping bags used by DAVIDsTEA at all of its retail store locations in the United States have been consistently turquoise colored (Pantone 326) since at least as early as 2011. (Zitella Declaration, paragraph 11).

DAVIDsTEA is a popular and famous brand in American culture. For example, in 2013, Oprah Winfrey famously promoted the DAVIDsTEA brand and tea products in live television shows, in “O”, The Oprah Magazine, and via her Twitter, and Instagram accounts which respectively have over 40M, and 17M followers. (Zitella Declaration, paragraph 12).

DAVIDsTEA has over 700,000 social media followers in the aggregate on Instagram, YouTube, Facebook and Twitter. The image that has been used as a profile picture to identify DAVIDsTEA on social media for at least the past year is a representation of a turquoise colored (Pantone 326) cup. (Zitella Declaration, paragraph 13).

In addition to the third-party promotions already indicated, unsolicited third-party news articles identify the Trade Dress as a mark and source identifier in connection with the DAVIDsTEA applied-for services, and unsolicited third-party blog posts identify the Trade Dress as a mark and source identifier in connection with the DAVIDsTEA applied-for services. (Zitella Declaration, paragraph 22).

All of the DAVIDsTEA advertising and promotional efforts have been targeted specifically at tea consumers. Thus, the amount and focus of DAVIDsTEA promotional efforts support the conclusion that consumers have come to recognize the Trade Dress as an indication of source.

DAVIDsTEA obviously adopted its the Trade Dress, now famous and well-known, to serve as a way to distinguish its applied-for services from those of its competitors.

DAVIDsTEA is the current owner of the Trade Dress as used on the storefronts of its retail establishments in the rendering of the retail store services featuring teas and tea-related products; the color is applied to a three dimensional rectangle above the windows and entrance of the building; the dotted lines in the drawing on the drawing page show placement of the mark on the storefront and are not claimed as a feature of the mark. (Zitella Declaration, paragraph 15).

Such use and duration of the Trade Dress, namely, eleven (11) years since first use and eight (8) years since first use in U.S. commerce, has been substantially exclusive and continuous. The Trade Dress has not been used by any other person or entity to denote, identify, or describe any of the DAVIDsTEA applied-for services in connection with this application, and therefore the Trade Dress is distinctive of the DAVIDsTEA applied-for services provided and rendered by DAVIDsTEA. (Zitella Declaration, paragraph 20).

While the Examiner has indicated that the five years of use statement, which is sufficient to establish distinctiveness in certain circumstances, is insufficient in this case, the Applicant respectfully submits that more than eight (8) years of use in commerce is not an insignificant period of time for a finding of acquired distinctiveness for a color mark, particularly when combined with the Applicant's other evidence of substantial sales and advertising and promotion of its services and the Trade Dress as an indication of source.

b. Prior Registrations. DAVIDsTEA owns numerous U.S. trademarks. For example, it *already owns*:

- U.S. Reg. No. 5,156,327 for  in uppercase-lowercase-uppercased format **already in the company's federally protected turquoise color (Pantone 326)** first used in 2008, in connection with tea and tea-related products including:
Class 16: Plastic bags for packaging of tea; tea filters made of paper.

Class 21: Tea storage tins for domestic use sold empty; tea canisters; accessories for the preparation and serving of tea, namely, tea pots, tea scoops, bamboo whisks, tea bowls, tea strainers, tea balls, tea infusers, tea sets, cups, mugs, saucers, tea kettles, tea trivets.

Class 30: Tea, loose leaf teas, brewed teas, roasted teas, tea beverages, gourmet tea, organic tea, powdered tea and mixes in the nature of syrups or powders used in the preparation of tea based beverages; herbal infusions, namely, loose leaf teas and brewed teas infused with herbs, flowers and fruits; herbal tea; chocolates, tea truffles in the nature of candy, shortbreads, seasonable baked goods, namely, tea infused cookies, shortbread and tea truffle chocolates; gift sets and gift baskets comprised primarily of tea leaves and also including tea-related accessories such as tea cozies, tea infusers, tea mugs and teapots; tea bags; gift baskets containing tea and processed herbs.

Class 32: Non-alcoholic beverages, namely, carbonated beverages; juices, namely, fruit juices, herbal juices, fruit juices flavored with tea.

The prior registration obtained with the identical color is *prima facie* proof of secondary meaning of the Trade Dress with the identical for the newly applied-for services.

DAVIDsTEA in fact uses this same already registered turquoise color (Pantone 326) in connection with a variety of additional products and services, including tea bars, provision of tea-based-beverages and beverages made of tea, cups, mugs, presses, tins, shopping bags, packaging and numerous accessories. (Zitella Declaration, paragraph 7).

c. Sales Figures. Extensive sales of a service under a given mark can be the most probative evidence of secondary meaning. Between 2011 and 2019, the total revenue for DAVIDsTEA from the sale or rendering in the United States of the DAVIDsTEA applied-for services *under the Trade Dress* was approximately **\$131,300,000** U.S. dollars. (Zitella Declaration, paragraph 21). Moreover, DAVIDsTEA sells brewed teas in disposable cups featuring the signature turquoise color (Pantone 326). Approximately over **1,700,000** such cups have been used to sell brewed tea to customers in the United States, which represents approximately **\$6,600,000** U.S. dollars. DAVIDsTEA customers frequently show pictures or videos of such cups on social

media posts, which demonstrates the importance and clear association by consumers in Canada and the United States of the Trade Dress with DAVIDsTEA. (Zitella Declaration, paragraph 14).

Clearly, these substantial sales figures over merely the last eight (8) years demonstrate widespread consumer exposure to the DAVIDsTEA Trade Dress.

d. The Color Has No Functional Purpose.

There is a panoply of alternatives readily available to the DAVIDsTEA unique Trade Dress, and no competitors use the Trade Dress as a source identifier in connection with the same DAVIDsTEA narrow applied-for services. Nor is the Trade Dress an industry standard or is it common in connection with the DAVIDsTEA applied-for services. (Zitella Declaration, paragraph 17).

The DAVIDsTEA Trade Dress is prima facie more difficult to apply and use than a regular mark, as it requires special placement of the color turquoise (Pantone 326) on the storefront of the retail establishment, and the color is applied to a three-dimensional rectangle above the windows and entrance of the building. This special application and placement of the Trade Dress above the windows and entrance of the building underscore the inherently distinctive, fanciful and arbitrary nature of the Trade Dress in connection with the DAVIDsTEA applied-for services. (Zitella Declaration, paragraph 18). There are no functional or utilitarian benefits associated with the Trade Dress. (Zitella Declaration, paragraph 19). DAVIDsTEA does not advertise or tout any utilitarian or functional benefits of the Trade Dress, in association with the DAVIDsTEA services or otherwise. (Zitella Declaration, paragraph 23). The Trade Dress was never conceived by DAVIDsTEA as serving any purpose other than to function as a trademark, just as the color pink was approved by the USPTO for registration. See *In re Owens-Corning Fiberglass Corp.*, (Fed.

Cir. 1985), 774 F2d 1116, 227 USPQ 417 (color pink for fiberglass insulation registrable as a mark).

e. Acquired Distinctiveness Conclusion. The Trade Dress is a unique and distinctive brand, trademark and source identifier for and synonymous with the DAVIDsTEA applied-for services provided thereunder, and the Trade Dress has achieved and acquired extensive and widespread commercial and consumer awareness, distinctiveness, secondary meaning and public recognition in the United States in connection with the DAVIDsTEA applied-for services provided thereunder. The Trade Dress, in connection with the DAVIDsTEA applied-for services, identifies DAVIDsTEA alone, as the single and only source of such services, and functions as a mark for such services. DAVIDsTEA has significantly promoted and invested in the specific Trade Dress in association with the DAVIDsTEA applied-for services. The sales associated with the Trade Dress are astronomical. The Trade Dress is an important asset of DAVIDsTEA. The Trade Dress acts as a symbol of DAVIDsTEA's high-quality reputation and valuable goodwill, in connection with the DAVIDsTEA applied-for services provided thereunder.

DAVIDsTEA has shown through appropriate evidence the duration, extent, and nature of DAVIDsTEA's long and exclusive use of the Trade Dress in commerce that may lawfully be regulated by the U.S. Congress, in connection with the DAVIDsTEA applied-for services, all such evidence herein tending to show that the Trade Dress distinguishes the DAVIDsTEA applied-for services. As set forth and demonstrated herein, acquired distinctiveness of the Trade Dress in relation to the DAVIDsTEA applied-for services has in fact been established in the minds of the purchasing public. Through use, the primary significance of the Trade Dress as used with the DAVIDsTEA applied-for services, in the minds of consumers and the public, is the source of such services.

DAVIDsTEA has made substantially exclusive and continuous use of its Trade Dress in commerce for more than eight (8) years. During this time, it has consistently promoted its Trade Dress as an indication of source, and has allocated substantial resources to the promotion of its services and the distinctive Trade Dress. In its entirety, including the Zitella Declaration in support, the record supports a finding that the Trade Dress has become distinctive of DAVIDsTEA's services as an indication of source. Accordingly, registration of the Trade Dress should be permitted on the Principal Register.

CONCLUSION

As demonstrated, the Trade Dress serves to identify a particular source, and for an extremely long period of time (8 years) consumers have relied on it to differentiate the services from those of competing service providers. The Trade Dress is not common with respect to the applied-for services. The Trade Dress is unique and unusual in the field in which it is used, and it creates a commercial impression that is distinct.

For these reasons, this Application requires no further attention, and the Examining Attorney should respectfully withdraw the refusal. Applicant respectfully requests that the application proceed to publication in the Official Gazette. Any party that feels it would be damaged or harmed by the Application has a full and fair opportunity to file an opposition, or to seek cancellation after issuance.

Dated: March 4, 2020

RIEBLING IP, PLLC



By: _____

/Peter J. Riebling/

PETER J. RIEBLING

peter.riebling@rieblinglaw.com

RIEBLING IP, PLLC

1717 Pennsylvania Avenue, N.W.

Washington, D.C. 20006

Telephone: (202) 631-2021

Attorneys for DAVIDsTEA Inc.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of DAVIDsTEA Inc.

Color Mark - Serial No. 88511545

DECLARATION UNDER 37 C.F.R. § 2.20

I, Frank Zitella, 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. § 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declare that:

1. I am currently the Corporate Secretary and Chief Operating Officer for the Applicant, DAVIDsTEA Inc. ("DAVIDsTEA"). I have been employed by DAVIDsTEA in this position for over 14 months. I have duly reviewed the relevant records of DAVIDsTEA for purposes of preparing this Declaration.
2. I am properly authorized to execute this Declaration on behalf of DAVIDsTEA.
3. Established in 2008, DAVIDsTEA is a famous North American brand for specialty tea and tea accessory products and services. DAVIDsTEA's stock trades on the NASDAQ Global Market under the ticker symbol DTEA since 2015.
4. The company has retail stores in over 230 locations in North America, including 45 in the United States. The first DAVIDsTEA retail store was opened in the United States in 2011 (in New York City) and DAVIDsTEA currently operates stores in more than 14 U.S. States. For at least since 2011, DAVIDsTEA stores in Canada and the United States have featured prominently one or more walls or other surfaces in its signature turquoise color (Pantone 326), including at least one surface on the exterior storefront and one surface within the store. I attach as Exhibit A-1 representative pictures.
5. DAVIDsTEA has sold its products through its e-commerce platform to US customers since 2008 and it has since then served customers located in more than 51 U.S. States. DAVIDsTEA's e-commerce platform was recognized in November 2019 by Newsweek as one of the best online shops in the "food category" on the basis of an independent survey of 8000 American online shoppers.
6. DAVIDsTEA owns numerous U.S. trademarks. For example, it already owns:

- DAVIDsTEA**
- U.S. Reg. No. 5,156,327 for **DAVIDsTEA** in uppercase-lowercase-uppercase format in the company's federally protected turquoise color (Pantone 326) first used in 2008, in connection with tea and tea-related products.

7. DAVIDsTEA uses this same turquoise color (Pantone 326) in connection with a variety of additional products and services, including tea bars, provision of tea-based-beverages and beverages made of tea, cups, mugs, presses, tins, shopping bags, packaging and numerous accessories. See for example Exhibit A-2.

8. When consumers order DAVIDsTEA products online, the packaging used to ship the products has prominently featured the signature turquoise color (Pantone 326) in both Canada and the United States for at least the past 5 years. To date, DAVIDsTEA has shipped over 560,000 packages to consumers in the United States. I attach as Exhibit A-3 a representative picture.

9. For at least the past 5 years, the hang tags on individual tea bags sold by DAVIDsTEA in Canada and the United States have consistently featured the signature turquoise color (Pantone 326). I attach as Exhibit A-4 a representative picture.

10. The DAVIDsTEA gift cards sold in its stores, online and through other retail outlets have consistently featured the signature turquoise color (Pantone 326) prominently for at least the past 5 years in Canada and the United States. The same goes for the loyalty cards put out by DAVIDsTEA. I attach as Exhibit A-5 representative pictures.

11. The shopping bags used by DAVIDsTEA at all of its retail store locations in Canada and the United States have been consistently turquoise colored (Pantone 326) since at least as early as 2011. I attach as Exhibit A-6 a representative picture.

12. DAVIDsTEA is a popular and famous brand in American culture. For example, in 2013, Oprah Winfrey famously promoted the DAVIDsTEA brand and tea products in live television shows, in "O", The Oprah Magazine, and via her Twitter, and Instagram accounts which respectively have over 40M, and 17M followers. See for example Exhibit A-7.

13. DAVIDsTEA has over 700,000 social media followers in the aggregate on Instagram, YouTube, Facebook and Twitter. The image that has been used as a profile picture to identify DAVIDsTEA on social media for at least the past year is a representation of a turquoise colored (Pantone 326) cup. See representative images attached as Exhibit A-8.

14. DAVIDsTEA sells brewed teas in disposable cups featuring the signature turquoise color (Pantone 326). I estimate that over 1.7M such cups have been used to sell brewed tea to customers in the United States, which I estimate represents approximately 6.6M U.S. dollars. DAVIDsTEA customers frequently show pictures or videos of such cups on social media posts, which demonstrates the importance and clear association by consumers in Canada and the United States of the Trade Dress with DAVIDsTEA. Representative social media posts of this nature are attached as Exhibit A-9.

15. DAVIDsTEA is the current owner of the mark identified in Application Serial No. 88511545. The mark ("Trade Dress") in Application Serial No. 88511545 consists of the color turquoise (Pantone 326) as used on the storefront of the retail establishment in the rendering of the retail store services featuring teas and tea-related products; the color is applied to a

three-dimensional rectangle above the windows and entrance of the building; the dotted lines in the drawing on the drawing page show placement of the mark on the storefront and are not claimed as a feature of the mark.

16. In my capacity as Corporate Secretary and Chief Operating Officer for the Applicant, I have knowledge of DAVIDsTEA's "retail store services featuring teas and tea-related products" (the "DAVIDsTEA Services"), and the use of the Trade Dress.

17. I am aware of a number of alternatives to the DAVIDsTEA unique Trade Dress, and am unaware that any competitors use the Trade Dress in connection with the DAVIDsTEA Services. Nor is the Trade Dress an industry standard or is it common in connection with the DAVIDsTEA Services. Because I am aware of no competitors that use the Trade Dress with the DAVIDsTEA Services, I have no information about comparative cost and utility considerations as between the DAVIDsTEA Trade Dress and other feasible alternatives.

18. The DAVIDsTEA Trade Dress is prima facie more difficult to apply and use than a regular mark, as it requires special placement of the color turquoise (Pantone 326) on the storefront of the retail establishment, and the color is applied to a three-dimensional rectangle above the windows and entrance of the building. This special application and placement of the Trade Dress above the windows and entrance of the building underscore the inherently distinctive, fanciful and arbitrary nature of the Trade Dress in connection with the DAVIDsTEA Services.

19. I am unaware of any functional or utilitarian benefits associated with the Trade Dress.

20. In my capacity as Corporate Secretary and Chief Operating Officer for the Applicant, I also have knowledge of DAVIDsTEA's use of the Trade Dress in connection with the DAVIDsTEA Services, and DAVIDsTEA's promotional and sales efforts for such services under the Trade Dress. DAVIDsTEA uses the Trade Dress in connection with the DAVIDsTEA Services, with first use being at least as early as August 31, 2008, and first use in U.S. commerce being at least as early as November 23, 2011. On information and belief, such use of the Trade Dress since these dates, namely, eleven (11) years since first use and eight (8) years since first use in U.S. commerce, has been substantially exclusive and continuous. I am not aware that the Trade Dress has been used by any other person or entity to denote, identify, or describe any of the DAVIDsTEA Services, and therefore believe that the Trade Dress is distinctive of the DAVIDsTEA Services provided and rendered by DAVIDsTEA.

21. Between 2011 and 2019, the total revenue for DAVIDsTEA from the sale or rendering in the United States of the DAVIDsTEA Services under the Trade Dress was approximately **\$131,300,000** U.S. dollars.

22. I also attach to this Declaration the following:

- Unsolicited third-party news articles that identify the Trade Dress as a mark and source identifier in connection with the DAVIDsTEA Services. (Exhibit A-10)

- Unsolicited third-party blog posts that identify the Trade Dress as a mark and source identifier in connection with the DAVIDsTEA Services. (Exhibit A-11)


23. DAVIDsTEA does not advertise any utilitarian or functional benefits of the Trade Dress, in association with the DAVIDsTEA services or otherwise.

24. The Trade Dress is a unique and distinctive brand, trademark and source identifier for and synonymous with the DAVIDsTEA Services provided thereunder, and the Trade Dress has achieved and acquired extensive and widespread commercial and consumer awareness, distinctiveness, secondary meaning and public recognition in the United States in connection with the DAVIDsTEA Services provided thereunder. The Trade Dress, in connection with the DAVIDsTEA Services, identifies DAVIDsTEA alone, as the single and only source of such services, and functions as a mark for such services. DAVIDsTEA has significantly promoted and invested in the specific Trade Dress in association with the DAVIDsTEA Services. The Trade Dress is an important asset of DAVIDsTEA. The Trade Dress acts as a symbol of DAVIDsTEA's high-quality reputation and valuable goodwill, in connection with the DAVIDsTEA Services provided thereunder.

25. In this Declaration, DAVIDsTEA has shown through appropriate evidence the duration, extent, and nature of DAVIDsTEA's long and exclusive use of the Trade Dress in commerce that may lawfully be regulated by the U.S. Congress, in connection with the DAVIDsTEA Services, all such evidence herein tending to show that the Trade Dress distinguishes the DAVIDsTEA Services. As set forth and demonstrated herein, acquired distinctiveness of the Trade Dress in relation to the DAVIDsTEA Services has in fact been established in the minds of the purchasing public. Through use, the primary significance of the Trade Dress as used with the DAVIDsTEA Services, in the minds of consumers and the public, is the source of such services.

All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true.

DAVIDsTEA Inc.

By: 

Name: Frank Zitella

Title: Chief Financial Officer and Chief Operating Officer

Date: 03-03-2020

Exhibit A-1













DAVIDsTE





Exhibit A-2





5 faves
vel pouch
ETS TO STEEP
N THE GO
...
hette de
e 5 favoris
ACHETS
R INFUSER
LE POUCE

DAVIDsTEA

FRUITS



DAVIDsTEA





DAVID'S TEA





Exhibit A-3



Exhibit A-4



DAVID'S TEA

david's
tea filters
PACK OF 100
BOÎTE DE 100
les filtres à thé
de david

DAVID'S TEA

**David's
tea filters**
Cup shape





Exhibit A-5

NOW
REDEEMABLE
ONLINE



DAVIDsTEA

DAVIDsTEA



Exhibit A-6





Exhibit A-7



Search Twitter

Log in

Sign up



Oprah Winfrey 
@Oprah

@DAVIDsTEA O my just tried the Red Velvet Tea. So delightful. #newdiscovery

2:28 PM · Apr 14, 2013 · Twitter for iPhone

65 Retweets 76 Likes



Erika Santillana @LittleBirdErika · Apr 14, 2013

Replying to @Oprah
@Oprah are you still in Canada? Come visit one of our stores! Or, go visit @trishlackey at our San Fran locations! :) Clearly, you inspire.



Martine St-Victor 
@MartineMontreal · Apr 14, 2013

Replying to @Oprah
L'histoire d'amour continue! #Jadore. RT .@Oprah .@DAVIDsTEA O my just tried the Red Velvet Tea. So delightful.



Bradley Grill @BradleyGrill · Apr 14, 2013

"@MartineMontreal: L'histoire d'amour continue! RT .@Oprah .@DAVIDsTEA O my just tried the Red Velvet Tea. So delightful."oui!!! Incroyable



DAVIDsTEA 
@DAVIDsTEA · Apr 14, 2013

Replying to @Oprah
@Oprah Like dessert in a cup, right? Have you tried the Birthday Cake roibos yet?



New to Twitter?

Sign up now to get your own personalized timeline!

Sign up

Relevant people



Oprah Winfrey 
@Oprah

Follow



DAVIDsTEA 
@DAVIDsTEA
#davidstea


Follow

Trends



#GalaxyS20

Pre-order now.

 Promoted by Samsung Canada

1 · News · Trending

Christie Blatchford

Trending with: #RIPChristieBlatchford

In memoriam
Award-winning columnist
Christie Blatchford has died at...



2 · Sports · Trending


Weber

Trending with: Shea Weber



oprah



 Aimé par **David's Tea** et d'autres personnes

oprah Saigon chai from @Davidstea.com will definitely jump start the day! Wowza! Thanks Melanie.

Afficher les 851 commentaires

12 avril 2013

Exhibit A-8



davidstea

Follow

2,122 posts 291k followers 110 following

DAVIDsTEA

#davidstea

ISHOP OUR FEED / MAGASINEZ NOTRE FIL

like2buy.curalate.com/davidstea



The DAVIDs



DT KITCHEN



REVIEWS



24 DAYS



HOTP



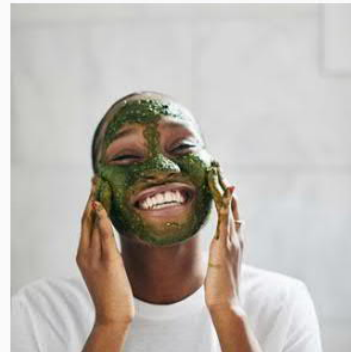
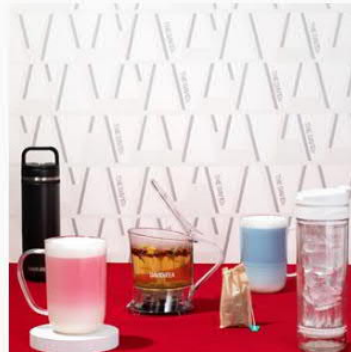
TOP 10 HO...



COCKTAILS

POSTS

TAGGED



- Home
- Trending
- Subscriptions
- Library
- History

in to like videos, comment, and subscribe.

SIGN IN

More from YouTube

- Music
- Sports
- Gaming
- Movies
- TV Shows
- News
- Live
- Fashion
- 360° Video
- Browse channels



DAVIDsTEA ✓
5.91K subscribers

SUBSCRIBE

- HOME
- VIDEOS
- PLAYLISTS
- COMMUNITY
- CHANNELS
- ABOUT
- Search icon

Latest ▶ PLAY ALL



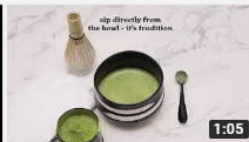
DAVIDsTEA | 24 Days of Tea Advent Calendar
DAVIDsTEA ✓
8.6K views • 3 months ago



DAVIDsTEA | 24 Days of Tea Advent Calendar is Coming
DAVIDsTEA ✓
2.4K views • 4 months ago



DAVIDsTEA | How to Use the Steeper 4 ways
DAVIDsTEA ✓
9.4K views • 10 months ago



DAVIDsTEA | How to Make Matcha Like a Pro
DAVIDsTEA ✓
14K views • 1 year ago



DAVIDsTEA | How to Make a Matcha Tea Latte
DAVIDsTEA ✓
6.6K views • 1 year ago

FEATURED CHANNELS

Les Thés DAVIDsTEA
SUBSCRIBE

DAVIDsTEA Drink Recipes ▶ PLAY ALL

Learn how to make our signature beverages at home! <http://www.davidstea.com>



Email or Phone

Password

Log In

[Forgot account?](#)



DAVIDsTEA

@DAVIDsTEA

Home

Posts

Reviews

Videos

Photos

Locations

About

Community

Iconosquare

Events

Jobs

Create a Page



Like Share Suggest Edits ...

Shop Now

Send Message

Posts

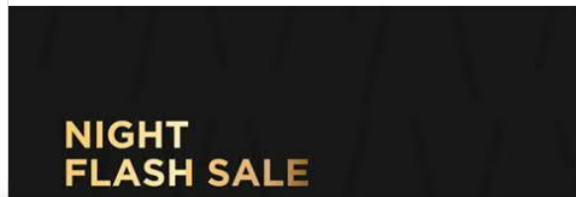


DAVIDsTEA

February 9 at 3:00 PM · 🌐

The DAVIDs may have been already been awarded, but tonight, everyone's a winner.

Shop our Night Flash Sale until midnight EST: <http://bit.ly/NightFlashSale>



DAVIDsTEA

Food & Beverage Company

3.5 ★★★★★

Community

[See All](#)

365,500 people like this

363,909 people follow this

About

[See All](#)

+1 855-702-3006

www.davidstea.com

Food & Beverage Company



Search Twitter

Log in

Sign up



Follow

DAVIDsTEA ✓

@DAVIDsTEA

#davidstea

Montreal, QC davidstea.com Joined February 2009

360 Following 82.8K Followers

Tweets

Tweets & replies

Media

Likes

Pinned Tweet



DAVIDsTEA ✓ @DAVIDsTEA · Apr 8, 2019

It's the most versatile tea steeping device around! Meet the Steeper: bit.ly/Steeper18oz

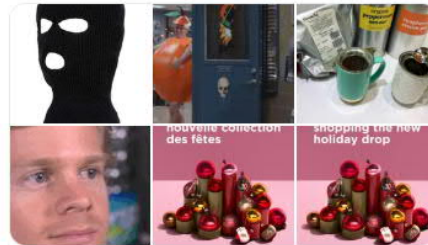


iced tea

New to Twitter?

Sign up now to get your own personalized timeline!

Sign up



You might like



Starbucks Canada ✓
@StarbucksCanada

Follow



Hudson's Bay ✓
@hudsonsbay

Follow



TEAVANA ✓
@TEAVANA

Follow

Show more

Trends



#GalaxyS20

Pre-order now.

Promoted by Samsung Canada

1 · News · Trending

Exhibit A-9

← Tagged



davidsharvey • Follow

Calgary, Alberta



Liked by **drjohn13** and **others**

davidsharvey Having given up caffeine this is my life now. Rooibos tea. Which fortunately I really like.

[View all 7 comments](#)

darrenbaird18 Given up completely? Why?



notaloneinthisworld 🤔



January 23

← Tagged



ashleyteanthings • Follow

DAVIDsTEA



Liked by **clieberman616** and **others**

ashleyteanthings Today's tea in the #24daysoftea is s'mores chai, but I'm pretty sure I'm allergic to ch... more

December 16, 2019

← Tagged



angieb923 • Follow

Montgomery Mall



Liked by **angieb923** and **others**

angieb923 My first time having @davidstea I will definitely be back.

December 12, 2019

← Tagged



shayylen • [Follow](#)

Union Square, San Francisco



Liked by [lefua_mahina](#) and **others**

shayylen Find me on a scavenger hunt for caffeine

iswytz Should check out Saint Franks 🙌



← Tagged



mistr.santana • Follow

Midtown East



Liked by **sinematic.studios** and **others**

mistr.santana If you're feeling a bit sick or just want something to warm yourself up be sure to check out [@davidstea](#) •

← Tagged



mistr.santana • Follow

DAVIDsTEA



Liked by **oddlycheyenne** and **others**

mistr.santana It cold, it's moist, it's gray, why not warm up with a nice cup of tea from [@davidstea](#) they h... more

← Tagged



formafew • Follow

The Slow Days



Liked by **kiyanskiy** and **others**

formafew afternoon lull lol lull lol lu...

[View all 3 comments](#)

← Tagged



favouritesbykimberly • Follow

Ottawa, Ontario



Liked by **joaniebayard** and **others**

favouritesbykimberly Staying warm on this Monday night with my favourite @davidstea 💙 what's... more

← Tagged



teaventuress • [Follow](#)



Liked by **nectarfromheaven** and **others**

teaventuress Got to stop by one of my fave tea shops today for some coffee pu erh! #teaADVENTure2019

Exhibit A-10

ADVERTISEMENT

07-31-15 | LESSONS LEARNED

How DAVIDsTEA Is Trying To Make Tea Cool

Can your grandma's favorite beverage be rebranded? The lessons on the journey to give tea a new image.



[PHOTO: COURTESY OF DAVIDSTEAT]



BY JANE PORTER
5 MINUTE READ

David Segal was 27 years old when he opened his first tea shop in Toronto in 2008. He didn't want the space to have the stuffy, pretentious look and feel so many other traditional tea shops he'd been to had—the kinds of places that seemed designed for tea connoisseurs. "You felt like you had to know something to go into these stores," says Segal.



David Segal PHOTO: OLIVIER ST-ONGE

From the start, he and his cofounder and cousin Herschel Segal knew they wanted DAVIDsTEA to be a very different experience for customers. What's more, they'd noticed tea was primarily the kind of thing bought off a grocery store shelf in a shrink-wrapped package. And they wanted to change that. "I was amazed there was no environment where tea could be accessible and fun," says Segal. "We wanted to create an environment where it was about engaging your senses."

Today DAVIDsTEA has 163 stores across Canada and the U.S. in addition to its online retail store and in June, the company went public, with the goal of raising \$75 million for its North American expansion. With 150 types of tea flavors from traditional teas like sencha ashikubo to funkier flavors like "Movie Night" and store shelves and tables lined in tea-making products, the company has found a way to take one of the oldest, least sexy products out there and build a modern lifestyle brand around it.

Related: [Giving Tea The Blue Bottle Treatment](#)

PARTNER WITH THE PROS

Herschel Segal, 50 years his cofounder's senior and the founder of the clothing chain [Le Château](#), brought a career's worth of experience in the world of retail to the company. He knew the ins and out of building a retail brand—an expertise that was key to starting and growing the business. David Segal, on the other hand, had his finger closer to the pulse of the startup world, having tried his hand at a number of startups and graduating not too long before from business school.



PHOTO: FLICKR USER MERRI

But starting and building a successful tea brand meant they needed expertise from the tea-blending world, which neither of them had. To create their many tea blends, the cofounders sought out vendors around the world and approached tea institutes, looking for people with blending know-how in the specific ingredients they were interested in—from chocolate teas to mint to fruit-based blends. “It’s really important to have different partners because everyone is going to be good at different things,” says Segal.

KNOW WHAT’S TRENDING—AND DON’T BE LEFT BEHIND

Each year, the company comes out with 40 to 50 new tea blends, often following flavor trends and coming out with seasonal offerings. This summer their roster of teas includes flavors with names like “luscious watermelon” and “caramel corn.” “I started to have my eyes open to how many flavors you could



We take our tea very seriously but we don't take ourselves too seriously.

He and his staff closely follow trends in the food, cocktail, and baking worlds with the task of figuring out how to translate those trends into new tea flavors. "We look for flavor profiles and different ingredients out in the world," says Segal. "We want there to be a lot of new flavors every time you come into stores."

DON'T REINVENT THE WHEEL—MAKE IT BETTER

While the brand offers funky flavors like grilled pineapple, lime gelato, and chocolate chili chai, Segal says they also wanted to make sure they have all the traditional and high-end teas customers might be looking for. One of the biggest undertakings of the brand since the beginning has been making teas that taste the way they smell, something Segal calls "nose-to-cup transfer."



Left to right: lime gelato, grilled pineapple, chocolate chili chai

Making tea actually taste the way it smells is a lot harder than it sounds. Most teas might have lots of undertones in their scent, but the strongest flavor overpowers all the other ingredients and it winds up being all you taste. Segal wanted to change that. The company scouted out and tested different tea blenders, looking for the right people to make their flavored teas taste more true to their ingredients. Flavor teas weren't new, but that sweet spot of "nose-to-cup transfer," was where Segal wanted the brand to distinguish itself.

BUILD A BRAND AND PRODUCT THAT'S ACCESSIBLE

Yes, Segal named the brand after himself, but you'll be hard-pressed to find his photo anywhere in a DAVIDsTEA store. "It's not necessarily me. It's the common David," he says. "It was meant to be a common name to say: 'Tea is for everybody.'"



We didn't want people to feel like they had to whisper in our stores.

The retail shops and company's color scheme were also designed with this accessibility in mind. The spaces are bright and airy with a teal and white color scheme meant to feel clean and inviting. "We knew we wanted tea to be fresh and modern," says Segal. "We didn't want people to feel like they had to whisper in our stores."

One of the biggest challenges of building an accessible brand was to demystify tea for people. Customers are almost immediately invited to sample teas when they walk into a retail store or often on the front steps before even stepping into a shop. The brand also uses playful flavor names like "The Spice Is Right" and "Pom Springs" to encourage customers to ask questions.

CREATE AN EXPERIENCE

But the founders also knew that if they wanted the company to transform tea making into something fun and easy to understand, they'd have to sell more than just boxes of tea blends. They'd have to sell an actual experience. While the company doesn't manufacture its own accessories and products, it works closely with manufacturers to design and make all of the items sold in-store and online.

The result: DAVIDsTEA stores are filled with colorful mugs, infusers, accessories and gift kits that often combine tea flavors and products like pots or pitchers into themed gift boxes like a cocktail collection and a lemonade stand kit. "We realized tea was something that was this secret thing. There were a lot of rules about how to make it," says Segal. "We take our tea very seriously but we don't take ourselves too seriously."

ABOUT THE AUTHOR

Jane Porter writes about creativity, business, technology, health, education and literature. She's a 2013 Emerging Writing Fellow with the Center For Fiction [More](#)

You Might Also Like:

[This is why you should have your own personal communication style](#)

[These are the questions all leaders should regularly ask themselves](#)

SPONSORED CONTENT

FROM OUR PARTNERS dianomi



THE MOTLEY FOOL CANADA
5G "sleeping giant" stock



CRESYA TORONTO
What are your company's space needs? Try our office space calculator.



WEALTHY RETIREMENT
Here are the top 6 dividend stocks you can buy and hold forever.



GODADDY
5 management skills to learn this year.

ADVERTISEMENT



THANKS FOR VISITING
CNNMONEY.

We're no longer maintaining this page.
For the latest business news and markets data,
PLEASE VISIT CNN BUSINESS

Stockswatch

Hot tea: DavidsTea stock soars 42%

by Heather Long @byHeatherLong

June 5, 2015: 5:41 PM ET

Recommend 0



Paid Content by t

Worth Waiting
2020 Compac
Yahoo Search



Keep These Fc
of Your Fridge
[Especially No
ALOT Health

U.S. Cardiolog
Like a Pressur
for Your Inside:
Gundry MD



Reward Yourse
L-O-N-G Marcl
Through Sprin
New Jersey Travel &

Another tea party is under way in North America.

Millennials love tea, and Wall Street is banking that even more people will join the beverage revolution.

Just how excited are investors? Canadian-company DavidsTea (DTEA) started trading on the Nasdaq stock exchange on Friday. The company's stock spiked over 40% to \$27 a share.

Founded in 2008, DavidsTea operates 136 stores in Canada and 25 in the U.S. Expect more stores to open soon.

Hot beverage: While America is often considered a coffee obsessed nation, it's also a huge -- and growing -- market for tea.

Americans consume over 200 million cups of tea a day, according to the Tea Association of America. Even more importantly, 87% of Millennials drink tea.

Newsletter

BEFORE THE BELL

Sponsored by E*TRADE

Key market news. In your in Every morning.

Start your day right with the latest driving global markets, from major movers and key economic headlin important events on the calendar. newsletter, Sunday through Frid

Sign up >

Priv

CNNMoney Sponsors

SmartAsset

P

These are your 3 financial advisors near you

This site finds and compares financial advisors in your area

Check this off your list before retirement: talk to an advisor

Answer these questions to find the right financial advisor for you

Find CFPs in your area in 5 minutes

NextAdvisor

P

An Insane Card Offering 0% Interest Until Nearly 2020

Transferring Your Balance to a Card with a Month 0% APR is Ingenious

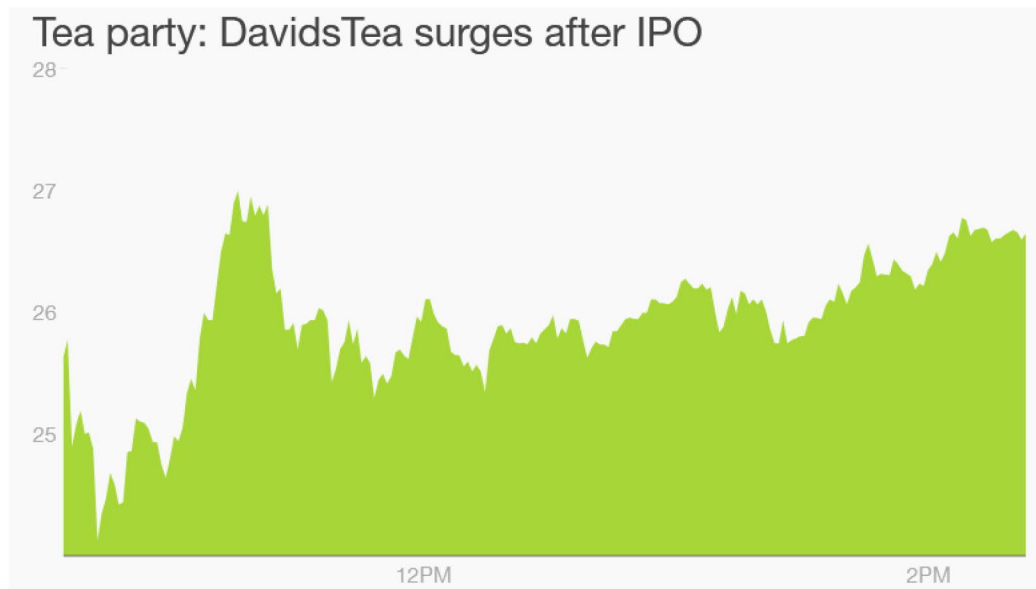
The Top 7 Balance Transfer Credit Cards On The Market Today

Get \$300 Back With This Outrageous New Credit Card

He tastes 600 cups of tea a day

Starbucks ([SBUX](#)) has also jumped on the potential of tea. It acquired tea store chain Teavana in 2012 and sees tea as a lynchpin of its growth for the future in the U.S. and abroad.

"It's a multi-occasion type of beverage," DavidsTea CEO Sylvain Toutant told CNNMoney. "We see people buying it for the evening because it's good to relax... On the other side, I take jumpy monkey every morning. It's a good kick start."



DavidsTea has over 150 varieties. Toutant says customer favorites include pom tango, a fruity black tea, for the summer, and matcha matsu, a green tea that's popular with the health-conscious crowd.

The CEO carried around a tea called "the skinny" when he was doing the IPO roadshow on Wall Street. It was a hit.

The company describes it as an "oolong tea made with pu'erh, ginger and ginseng that speeds up your metabolism and blocks fat absorption after a heavy meal."

CNNMoney (New York)
First published June 5, 2015: 3:49 PM ET

PAID CONTENT

Attracting Ambitious People with a Mission That Matters

FROM COVERMYMEDS

HEALTH

It's too late for the U.S. to fight the spread of coronavirus with domestic travel restrictions

FINANCE

With stocks down sharply are 'buy' territory? Not by a long way

RETAIL

David's Tea brews a successful IPO

BY JOHN KELL

June 5, 2015 12:38 PM EST



Shares of Canada-based David's Tea simmered on the first day of trading on Friday.

PHOTOGRAPH BY MELISSA RENWICK — TORONTO STAR VIA GETTY IMAGES



Shares of David's Tea, a Canada-based tea retailer that has only dipped its toes into the U.S. market, simmered on the first day of trading on Friday.

The Montreal-based beverage company priced its shares Thursday evening at \$19 apiece and posted a 35% gain on Friday. Investors leapt at a chance to invest in a tea retailer with 136 stores in Canada but

just 25 locations in the U.S. Shares jumped as much as 42%, but were recently trading at around \$34.80 under the ticker symbol DTEA on the Nasdaq Global Market.

Please register to view more Fortune content

[Sign in](#) or create an account to view more.

To access this Fortune content and more

Register Now



PAID CONTENT

FROM HILTON

[Blurred text block]

[Blurred text block]

BOSTON

EXPANSIONS BOSTON RESTAURANT OPENINGS

DavidsTea Floods Harvard Square With Dozens of Teas Today

There are more than 150 varieties

by [Dana Hatic](#) | [@DanaHatic](#) | Sep 30, 2016, 9:22am EDT



A DavidsTea location | Facebook

A new shop with a diverse selection of more than 150 loose leaf teas opens its doors in Harvard Square today, just in time for cooler weather. DavidsTea, a Canadian retailer, has a number of existing locations in the Boston area but debuts its first Cambridge location today at 10 a.m.

DavidsTea took over a storefront at 35 JFK St., [as previously reported](#), and filled it with a selection of teas, mugs, and other tea-related paraphernalia. The shop will offer teas that incorporate different ingredients like hot chilies, caramel, and dragon fruit, along with more traditional selections like English breakfast, Nepal black, and lemon teas. Teas will also be available for customers to take to-go.

The Harvard Square location of DavidsTea is open from 10 a.m. to 9 p.m. Monday through Saturday and 10 a.m. to 7 p.m. on Sundays.

- [DavidsTea Will Open a Shop in Harvard Square](#) [EBOS]

CONNECTED
consumer
SERIES

ONLINE EVENT
APRIL 6-10, 2020

Thought Leaders & Industry Pros
Reveal Retail's Most Impactful Trends

REGISTER NOW

ADVERTISEMENT



SUBSCRIBE

([HTTPS://RETAILTOUCHPOINTS.COM/SUBSCRIBE](https://retailtouchpoints.com/subscribe))

(<https://retailtouchpoints.com>)

SEARCH...

DAVIDsTEA Harnesses Mobile Communication To Strengthen Associate Expertise

May 7, 2019 at 12:24 PM EDT By Bryan Wassel





The massive selection of teas at **DAVIDsTEA** (https://www.davidstea.com/us_en/home/) can be paralyzing for new customers. That's where the company's associates, or Tea Guides, come into play. They serve the essential role of educating and delivering recommendations to tea novices, which has resulted in **97%** of DAVIDsTEA customers citing Tea Guides as a key factor in their satisfaction with the brand.

"Our Tea Guides have to be super knowledgeable, because there are **120+** kinds of tea, and it's very overwhelming for new customers," said Nathalie Binda, VP of Marketing and e-Commerce at DAVIDsTEA. "When you come in, you don't know where to start, so one-on-one interaction between a Tea Guide and the customer is critical to the customer journey and turning them into a long-term loyal customer."

ADVERTISEMENT

The retailer is harnessing mobile-based communications through Nudge Rewards (<https://www.nudgerewards.com/>) to ensure its frontline employees are delivering a personalized, expertly curated experience to every shopper. The solution gives Tea Guides instant access to product information and best practices, and saves managers time (an average of **1.5 hours** per shift) by keeping associates up-to-date on the latest seasonal offerings and promotions, as well as educating them about classic varieties.

Previously, DAVIDsTEA would email every store a form with the latest information, which managers would then print out and review with each Tea Guide. Under the new system these messages are sent directly to each associates' phone, letting them learn at their own pace.

"They get a few minutes of reading on their phone every day, and they can interact with it even when they're not at work because they're so passionate about the tea anyway," said April Sabral, former VP of Global Retail Sales and Operations at DAVIDsTEA in an interview with *Retail TouchPoints*. "It gives them more information and makes them feel prepared and they feel more knowledgeable, which gives them more confidence and helps the customer experience."

Knowledgeable Associates Can Narrow Down A Sea Of Selections

Employees have reacted positively to the new system: the fall 2018 launch was met with a **96%** adoption rate among the staff, and given a **90%** approval rating in an in-app survey. Managers have saved approximately **90 minutes** in coaching time for each shift.

The communication can flow both ways, according to Sabral. When corporate has a question, such as asking why a tea variety may not be selling or what a new product should be named, the software lets associates across the retailer's **238** stores offer their opinion. This method of communication has produced thousands of responses, letting the front line employees share what customers are saying about the business.

Additionally, the improvements in communication work in tandem with other developments at DAVIDsTEA. The retailer has started testing a new store format designed to improve the customer experience by streamlining discovery. Customers will be able to pick up teas, smell them and read about the ingredients they contain.

“That is something very experiential, that puts the loose leaf tea in the customer’s hands versus waiting at a counter and waiting for us to take the tea down,” said Sabral. “It’s very sensory, it’s very discovery-based and you can pick up pre-packed in a tin to go, which makes it a lot faster and easier for the customer.”

Both the new solution and store format help DAVIDsTEA optimize the in-store experience and maximize the potential for conversions. It’s impossible for Tea Guides to share every tea with any given customer, but keeping associates’ knowledge sharp can help them find the perfect selection.

“When a customer walks in, what you can really share with them depends on how long that customer stays,” said Sabral. “If that’s 20 minutes, you could probably share with them about 20 teas. You’re never going to show them [all] 120.”

Posted In: Customer Experience (<https://retailtouchpoints.com/topics/customer-experience>)

Tagged With: mobile (<https://retailtouchpoints.com/tag/mobile>), davidstea (<https://retailtouchpoints.com/tag/davidstea>), nudge rewards (<https://retailtouchpoints.com/tag/nudge-rewards>)

INFORMER

Openings, closings, events, and more in the south suburbs

By **Ella Torres** Globe Correspondent , August 6, 2015, 7:13 p.m.



DAVIDsTEA opened at the Derby Street Shoppes in Hingham late last month. VINCENT BRISELLI

The Derby Street Shoppes in **Hingham** now has a tea boutique in its collection of stores. DAVIDsTEA, selling 150 types of loose-leaf tea, opened July 25. “We are beyond excited,” Bill Hamilton, general manager of the Derby Street Shoppes, said in an e-mail. “The South Shore is really going to appreciate Derby Street’s newest arrival.”

TD Bank's Bring Change initiative, which aims to help individuals or nonprofits in need, recently helped raise more than \$2,500 for the Canavan family of **Braintree**, whose home was destroyed in a three-alarm fire in April. Julie Llave, manager of the TD Bank branch in Braintree, said community members continued to donate to the cause hours past the cut-off on July 17 for contributions.

[Show comments](#)

©2020 Boston Globe Media Partners, LLC

Exhibit A-11

https://www.timesherald.com/business/your-business-minute-things-are-brewing-at-davidstea/article_fd1fcf09-67eb-5fb8-b525-ec9cf5c288f6.html

Your Business Minute: Things are brewing at DavidsTea

For The Times Herald
Jul 15, 2015



DavidsTea is located on the second floor of the King of Prussia Plaza.

Submitted Photo

Want local news?

Sign up for our newsletter and stay informed

Enter your email to subscribe

SIGN UP

UPPER MERION >> As the summer temperatures rise, a hot spot in King of Prussia provides a delicious way to cool down. DavidsTea is a contemporary tea shop, with 23 stores in the United States. The King of Prussia store is the first location in the Philadelphia area.

Known for its design, friendly staff and signature blends, Canadian loose-leaf tea retailer DavidsTea offers over 150 loose-leaf teas, tea-making accessories, a selection of gifts and tea to go by the cup — hot, iced and latte. The teas are filled with exotic, nontraditional ingredients like mulberry leaves, hot chilies, dragon fruit and caramel pieces, and they boast cheeky names like Jumpy Monkey, Forever Nuts and Kiwi's Big Adventure.

DavidsTea also carries a wide selection of premium traditional estate teas, including wood-fired Sencha Ashikubo and Nepal Black, an exclusive black tea from a small, family-owned garden.

"We're all about making tea fun and accessible. Whether you're new to loose leaf tea or have been drinking it for years, there's always something new to discover," says co-founder David Segal.

In-store shelves display a wide assortment of gifts, tea samplers and tea-making accessories designed in house. With limited edition seasonal collections and a new tea introduced every month, DavidsTea keeps the experience fresh and exciting. Popular items include the Nordic Mug, a sleek tea-mug fitted with a fine, stainless steel infuser and lid, and the Carry Travel Mug, a modern, leakproof travel mug that keeps tea hot for hours.

DavidsTea King of Prussia is located on the second floor of the Plaza. DavidsTea has more than 145 stores across Canada and the US and offers a tea experience that is fun, fresh and unintimidating. To keep up with the latest tea selections, follow DavidsTea at [facebook.com/davidstea](https://www.facebook.com/davidstea) or [twitter.com/davidstea](https://www.twitter.com/davidstea).

- HOME
 - ABOUT US
 - SEE IT!
 - EAT IT!
 - DRINK IT!
 - DO IT!
 - LIVE IT!
 - NAB IT!
 - PROMOTE IT!
-
- CONTACT US
 - LEGAL

ARCHIVE FOR THE TAG "DAVIDSTEAM"

Search

21

MAY 2013

DAVIDsTEA

WHAT: [DAVIDsTEA](#)

WHERE: [924 W. Armitage Ave.](#), [1645 N. Damen Ave.](#), & [3530 N. Southport Ave.](#)

OUR RATING: Do It!

Tea is taking off, and has been for some time. The city itself is quite replete with teahouses, from the swanky Russian Tea Time to the more relaxed Argo. DAVIDsTEA emerges into an already well-populated market with three locations in Lincoln Park, Lakeview and Bucktown. With its Canadian credentials, bright wooden interior and literally hundreds of teas, DAVIDsTEA clearly wins all the style points. Add the alcoholic tea cocktail we tried and you're in for an even bigger treat.

Adam:

I'm



(davidstea.com)

always a little suspicious of those chains that start small and explode rapidly to encompass whole continents. Starbucks and Teavana are the quintessential examples (the latter now owned by Starbucks). I have nothing against large chains, I just always suspect that their craft has not been honed to its fullest potential yet. The best empires are built slowly, preferably once the home-stores are self-sufficient and producing a major surplus. The goal should never be to expand, but to consolidate and take advantage of profits to enter undervalued markets. Anyway, enough of my business strategy prattle, because DAVIDsTEA allays some of my initial worry.



(davidstea.com)

When you enter a DAVIDsTEA you'll immediately notice the difference. A combination between the clean lines of modernism and the classic healthfulness of a Scandinavian spa, this company taps right into a branding message that just speaks volumes to the new generation of minimalist, health-

conscious urbanites. With just over 150 different teas, and boasting the largest organic tea selection in North America, it can be confusing as to which tea to try. If you feel befuddled, just ask, as the lovely staff will be happy to make suggestions and guide you through the tea choosing process.

Whether you choose to imbibe in-store or take a few packets of leaves home, DAVIDsTEA has an astonishing variety (think traditionals like Assam, rarities like butterfly jasmine green and downright fun ones such as mint julep). I'll let Alicia clue you in on the more alcoholic options, but as you can see DAVIDsTEA brings something awesome-new to the equation.



Alicia: On our latest visit to DAVIDsTEA we were introduced to the ambitious concept of a tea cocktail. DAVIDsTEA hosted a lovely cocktail reception with specialty cocktails infused with their summer collection teas, created by Tyler Fry of Chicago's infamous Violet Hour. We were a little too late to sample the "One-Two Punch" with an all-fruit blend of mango, pineapple, and tangerine flavors (DAVIDsTEA's Mango Fruit Punch blend) combined with tequila, but we were able to sample their "Migratory Coconut," the low calorie answer to the Pina Colada with Appleton White Rum infused for two hours with



DAVIDsTEA's Coconut Grove blend and a bit of fresh pineapple juice, fresh lime juice, simple syrup, and St. Elizabeth Allspice Dram. Such a perfect spring drink!

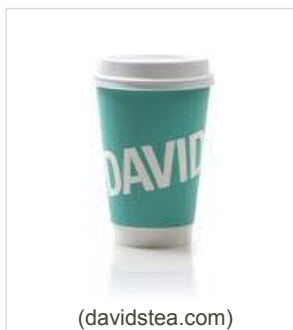


The Migratory Coconut Cocktail

But if you aren't lucky enough to stop by a shop during one of these special events, not to fret! Tea Cocktails are super easy to craft at home and with DAVIDsTEA's remarkable array of tea flavors, I can't really think of a cocktail you can't mimic with tea, and I'm sure brand new cocktail concoctions are relatively limitless. After purchasing your

tea and spirit of choice, all you need to do is combine your 750ml bottle of spirit with either 5 Tbsp of herbal or white tea for 2 hours, agitating periodically. If the aforementioned Mint Julep black tea is more your style, go for 4 Tbsp for 1.5 hours. After the proper amount of time, simply strain the infusion and decant in the original bottle. And if you're on a budget but want to make things even fancier, simply add a sprig of fresh herbs, such as mint, and you've got a rockin' tea cocktail.

Final Thoughts: Stylish with an extensive collection, DAVIDsTEA provides a unique experience that feels exclusive and yet welcoming to all in the neighborhood. Tea is the most communal drink in the world, and we think DAVIDsTEA is one of the best places to enjoy it.



(davidstea.com)

Posted in [Drink It!](#) and tagged [1645 N. Damen Ave.](#), [3530 N. Southport Ave.](#), [924 W Armitage Ave.](#), [alcoholic tea](#), [armitage ave](#), [chicago](#), [DAVIDsTEA](#), [food](#), [restaurants](#), [russian tea time](#), [scandinavian spa](#), [Storefront City](#), [tea](#), [tea cocktails](#), [tea selection](#)

Proudly powered by [WordPress](#) Theme: [Bold Life](#) by [Jay Hafling](#).

[FREE BC Insider Guide > \(/visitors/free-visitor-guide\)](#)

[FREE BC INSIDER GUIDE \(/VISITORS/FREE-VISITOR-GUIDE\)](#)

[Home \(/\)](#) [Blog \(/Blog\)](#) / [Food & Drink \(/Blog-Categories/Food-Drink\)](#) / [Tea Time At David's](#)



Tea Time at David's

Posted on Sep 28
(/)

Recently, I was out shopping for a birthday present for one of my best friends. I usually have trouble thinking of the perfect gift to get someone, but this time the right gift practically landed in my hands. I was wandering around [Liberty Center \(/listing/liberty-center/2217\)](#) in search of *the* perfect present.

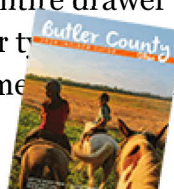
I walked past [DAVIDsTEA \(/listing/davids-tea/2332\)](#), and that was that.



Photo: Liberty Center

My friend is a tea fanatic. She's dedicated an entire drawer to teas, and proudly sips at least two cups per day. Her tea collection consists of Earl Greys, green teas, and sometimes specialty selections.

[Get your FREE INSIDER GUIDE \(/guide\)](#)



Recent Posts

[The Top March Events \(/blog/post/march-calendar-things-to-do\)](#)

[Where to Get the Best Gluten Free Goods \(/blog/post/gluten-free-beer-bakery-and-more\)](#)

[Just CHILIn' \(/blog/post/places-with-the-best-chili\)](#)

[The Perfect Pairings \(/blog/post/perfect-pairs-best-duos\)](#)

[Disconnect to Reconnect \(/blog/post/books-and-brews-oxford-ohio\)](#)

Categories

[Things to do \(/blog-categories/things-to-do\)](#)

Not knowing where to start, thankfully I was immediately greeted by an employee who took me down the right tea path. When I told him I was looking for a unique birthday present, his face lit up, and I knew I'd found my tea guide. He gathered an assortment of loose-leaf teas based on my friend's traditional tea profile, with a twist.



Get your FREE INSIDER GUIDE (/guide)

Shopping (/blog-categories/shoppin

Events & Festivals (/blog-categories/events-festivals)

Seasonal Selections (/blog-categories/holidays

History Buff (/blog-categories/history)

Food & Drink (/blog-categories/food-drink)

Arts & Theatre (/blog-categories/arts-theatre)

New & Noteworthy (/blog-categories/new)

Weekends (/blog-categories/weekend

You can take home anywhere between 50 grams to 500 grams of tea in a keepsake tin. I ended up picking three teas and an adorable on the go steeping mug. Honeycrisp Apple, Dream On, and Orange Glow were the winners.



Before heading out the door, I couldn't resist ordering a Carribean Crush Iced Tea Latte. The fun, flavor options are endless and enticing. Whether you're looking for a drink to sip while shopping at Liberty Center, or for the perfect tasty present, DAVIDsTEA is the place to go.

DAVIDsTEA (/listing/davids-tea/2332)

7117 Haskell St.

Liberty Township, OH 45069

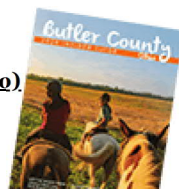
DAVIDsTEA <

https://www.davidstea.com/us_en/storepage/00206>

Categories: **Things to do (/blog-categories/things-to-do)**

Get your FREE

INSIDER GUIDE (/guide)



X

As of January 1, 2016, [Gapers Block has ceased publication](#). The site will remain up in archive form. Please visit [Third Coast Review](#), a new site by several GB alumni.

★ Thank you for your readership and contributions over the past 12-plus years. ★

TODAY

Tuesday, March 3

GAPERS **** BLOCK

A WEB PUBLICATION + ESTABLISHED IN 2003 + CHICAGO, ILLINOIS

Search



- [Home](#)
- [Arts](#)
- [Book Club](#)
- [Food](#)
- [Music](#)
- [Politics](#)
- [Sports](#)
- [Archives](#)
- [Newsletter](#)
- [About](#)



[« Nothing Compares to Pie: Photos From the Bucktown Apple Pie Contest](#) | [Avocado Takedown Comes to Chicago for Food Film Fest »](#)

[Openings](#) Thu Oct 18 2012

DAVIDsTEA Opens in Chicago

By Clarisa Ramirez

Tea lovers, beware! [DAVIDsTEA](#) opened its first Chicago store in Bucktown (1645 N. Damen Ave.) on Tuesday.

The Canadian loose-leaf tea company sells and brews over 150 kinds of tea, hot and cold, as well as tea-brewing accessories. One reviewer on Yelp described it the New York location being like [the Apple store for teas](#). In other words, this is the high quality tea you might normally find in a crunchy cooperative, but there's more variety, slick packaging, and the shops have a cool, modern design aesthetic.

When I visited the store, the friendly employees offered me a sample of their tea of the day, [Toasted Marshmallow](#), a black tea blend with real toasted marshmallows. The knowledgeable staff will help you pick the perfect tea for you by pulling an assortment for you to smell or sample. The woman helping me selected eight teas I might like, based on the fact that I like ginger. Two of those included Organic Splash! (a cleansing mix of green tea, ginger, sea lettuce, cardamom, burdock root, peppermint and red clover) and Buddha's Blend (a fragrant medley of white and green tea, jasmine pearls and white hibiscus blossoms).



DAVIDsTEA is a fun experience - and based on the rave reviews this chain has garnered at [other locations](#), I think they'll do well. Look for two more locations opening in the next few weeks at 924 W. Armitage Ave. in Lincoln Park and 3530 N. Southport Ave. in Lakeview.

0

