

[REDACTED]

October 7, 2020

Via Electronic Mail

[REDACTED]

Mr. Waylon Krush
Krush Acquisitions, LLC

[REDACTED]

Re: Use and Attempted Registration of the Mark:
TIGER KONIG, Serial No. 9,014,567

[REDACTED]

Dear Mr. Krush:

Please be advised that we represent Heineken Asia Pacific Pte. Ltd., (“HAP”) in the United States in Intellectual Property matters. It has come to our attention that your company, Krush Acquisition LLC is selling beer products using the mark TIGER KONIG in the United States. As you may be aware, HAP has strong and longstanding rights to the term TIGER in the United States and globally in relation to beer products and we believe that your use of the term TIGER will be likely to cause confusion as to source in the marketplace. We are seeking your company’s cooperation to amicably resolve this matter. We ask that you immediately cease all use of the mark in commerce and expressly abandon the application currently pending before the United States Patent and Trademark Office (USPTO) bearing Serial No. 9,014,567.

As you may know, HAP is very well known and prominent producer of premium beer products. HAP has manufactured and sold beer, and beer-related products, under the mark TIGER, and marks incorporating the term TIGER, or a tiger design, for over 75 years. HAP has continuously sold beer under its TIGER Marks in the United States for many years and the products have wide channels of distribution, including, but not limited to, grocery stores, convenience stores, bars, and restaurants.

HAP advertises its TIGER Marks through television and print ads and third-party promotions, as well as at tigerbeerUS.com, the Facebook page TigerbeerUS, and the Twitter handle @tigerbeerUS. HAP’s TIGER-branded beer has appeared in widely-seen films, including “Transporter” and “Tropic Thunder.” HAP also maintains a YouTube channel where its commercials for TIGER-branded beer are viewed by consumers in the United States.

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In addition to its longstanding and extensive common law trademark rights, HAP is the owner of at least eight federal registrations in the United States for the mark TIGER or a tiger head design for beer-related products, namely:

1. TIGER, Reg. No. 3,294,199 for “Beer, ale, lager, stout, pilsner, porter, and non-alcoholic beer” in Class 32;
2. TIGER and Design, Reg. No. 5,258,354 for “Alcoholic beer, ale, lager, stout and porter; malt beverages; mineral and aerated waters and other non-alcoholic drinks, namely, nonalcoholic beer, ale, lager, stout and porter; fruit drinks and fruit juices; alcoholic and nonalcoholic beer, ale, lager, stout or porter based beverages; syrups for making nonalcoholic beverages”;
3. TIGER and Design, Reg. No. 5,253,306 for “Alcoholic beer, ale, lager, stout and porter; non-alcoholic malt beverages; mineral and aerated waters and other non-alcoholic drinks, namely, non-alcoholic beer, ale, lager, stout and porter; fruit drinks and fruit juices; alcoholic and non-alcoholic beer, ale, lager, stout or porter based beverages; syrups for making beverages”;
4. Design of Tiger, Reg. No. 3,294,197 for “Beer, ale, lager, stout, pilsner, porter, and nonalcoholic beer”;
5. TIGER EST 1932 WORLD ACCLAIMED LAGER BEER AWARDED CHAMPIONSHIP GOLD METALS: LONDON GENEVA PARIS and Design of Tiger, Reg. No. 3,318,461 for “Beer, ale, lager, stout, pilsner, porter, and non-alcoholic beer”;
6. TIGER SINCE 1932 WORLD ACCLAIMED ASIAN LAGER AWARD WINNING FULL-BODIED BEER BORN IN SINGAPORE and Design of Tiger, Reg. No. 5,288,312 for “Alcoholic beer, ale, lager, stout and porter; non-alcoholic beer, ale, lager, stout and porter; alcoholic and non-alcoholic beer, ale, lager, stout or porter based beverages; malt beverages consisting predominantly of alcoholic or non-alcoholic beer; fruit drinks and fruit juices consisting predominantly of alcoholic or non-alcoholic beer; syrups and other preparations for making beverages consisting predominantly of alcoholic or non-alcoholic beer” in Class 32;
7. TIGER WHITE, Reg. No. 5383476 for “Beer; ale; lager; stout; pilsner; porter; non alcoholic malt beverages” in Class 32;
8. TIGER BLACK, Reg. No. 5394105 for “Beer; ale; lager; stout; pilsner; porter; non alcoholic malt beverages” in Class 32.

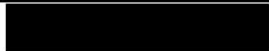
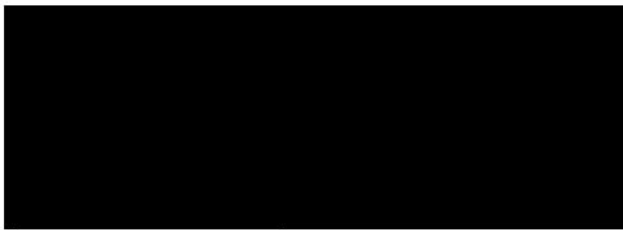
We noted that you filed a use-based application for the mark TIGER KONIG with the United States Patent and Trademark Office (USPTO) on August 31, 2020. The application bears Serial No. 9,014,567, and alleges a date of first use of August 1, 2020. We are writing to you at this time to demand that you cease all use of the mark and abandon the current application. We wanted to contact you as soon as possible so that you have an opportunity to adopt and use a different mark before you invest further monies.

As indicated above, my client is willing to resolve this matter amicably if a resolution is prompt. However, we will take any and all actions necessary to enforce the rights of HAP if an amicable resolution cannot be reached.

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Please be kind enough to contact me by October 17, 2020, after you have had an opportunity to review this information. Thank you for your attention.



Enclosures

cc: Krush Acquisitions, LLC

