

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

ILLVA SARONNO S.P.A., DISARONNO  
INTERNATIONAL LLC,

Plaintiffs,

vs.

SAZERAC COMPANY, INC.

Defendant.

Civil Action No. \_\_\_\_\_

**COMPLAINT**

Plaintiffs, Illva Saronno S.p.A. and Disaronno International LLC (collectively referred to as “Plaintiffs”), by their undersigned attorneys, Anderson Kill P.C., for their Complaint against Defendant, Sazerac Company, Inc., (“Defendant”), allege as follows:

**NATURE OF THE ACTION AND RELIEF SOUGHT**

1. This is an action for trade dress infringement, unfair competition, and unjust enrichment arising out of Defendant’s infringement of Plaintiffs’ federally registered distinctive bottle cap trade dress (the “DISARONNO CAP”). Plaintiffs sell throughout the United States a premium Italian liqueur under the brand DISARONNO. Since 1975 Defendant and Defendant’s predecessors have sold a line of liqueur products evoking an Italian influence under the name and style of DI AMORE. Defendant has copied the trade dress of Plaintiffs’ best-selling liqueur. It has created the false and misleading impression that its liqueur is the same as or equivalent to Plaintiffs’ liqueur.

2. Defendant has sought to trade on the reputation and goodwill of DISARONNO, to confuse the liqueur-buying public, and to induce the public to buy the DI AMORE product.

3. Defendant utilizes a cap that infringes the DISARONNO CAP for its entire line of DI AMORE liqueur products including its Amaretto, Sambuca, Quattro Orange, Raspberry, Gran Orange, and Limoncello (referred to collectively as the “DI AMORE Products”).

4. Defendant’s deliberate copying of the unique elements of Plaintiffs’ trade dress (i.e. the DISARONNO CAP) is likely to cause consumers to believe that DI AMORE Products originate from or are otherwise associated with Plaintiffs and to harm Plaintiffs and the substantial good will Plaintiffs have developed in its proprietary and distinctive DISARONNO CAP trade dress. Such consumer confusion and harm to Plaintiffs will continue as long as Defendant continues to use the infringing trade dress. Moreover, upon information and belief, Defendant has engaged in said conduct in a bad faith attempt to improperly siphon away Plaintiffs’ customers and potential customers.

5. To prevent Defendant from causing further harm to Plaintiffs and their customers, Plaintiffs bring this action for trade dress infringement, unfair competition, and unjust enrichment under Section 43(a) of the Lanham Act and related claims under New Jersey State law. Plaintiffs seek an injunction, accounting, damages, attorneys’ fees, and such other relief as the Court deems just and proper.

### **PARTIES**

6. Plaintiff Ilva Saronno S.p.A. is an Italian joint stock company organized and existing under the laws of Italy with a principal place of business at 243 Via Archimede, Saronno, Italy. As set forth in greater detail below, Ilva Saronno S.p.A. owns all rights in and to the DISARONNO CAP.

7. Plaintiff Disaronno International LLC is a limited liability company organized and existing under the laws of New Jersey, with a principal place of business at 80 Cottontail Lane, Suite 450, Somerset, New Jersey 08873.

8. Plaintiff Illva Saronno S.p.A.'s subsidiary Disaronno International B.V. is the sole member of Disaronno International LLC and owns 100% of the membership interest in Disaronno International LLC. Disaronno International B.V. is a Dutch limited liability company organized and existing under the laws of the Netherlands with a principal place of business at Danzigerkade 223A, 1013 AP Amsterdam.

9. Upon information and belief, Defendant, Sazerac Company, Inc., is a corporation organized and existing under the laws of Louisiana, with a principal place of business at 3850 N. Causeway Blvd., Suite 1695, Metairie, Louisiana 70002.

#### **JURISDICTION AND VENUE**

10. This is an action for trade dress infringement and false designation of origin under 15 U.S.C. §§ 1114 and 1125.

11. This Court has original subject matter jurisdiction over the claims that relate to trade dress infringement and false designation of origin pursuant to 15 U.S.C. §§ 1116 and 1121(a), and 28 U.S.C. §§ 1331 and 1338(a)-(b) as these claims arise under the laws of the United States. The Court has supplemental jurisdiction over Plaintiffs' statutory and state law claims under 28 U.S.C. §§ 1338(b) and 1367(a) because the state law claims are so related to the federal claims that they form part of the same case or controversy and derive from a common nucleus of operative fact.

12. This Court has personal jurisdiction over Defendant because Defendant transacts business in the State of New Jersey and the infringing products at issue are sold within the State.

13. This Court has specific personal jurisdiction over Defendant for Plaintiffs' supplemental claims because Defendant has unfairly competed with Plaintiffs within the State of New Jersey, causing compensable injury to Plaintiffs within the State of New Jersey.

14. Venue is proper in this district pursuant to 28 U.S.C. § 1391 (b) and (c) because Defendant resides in this Judicial District by virtue of doing business within the Judicial District and a substantial portion of the events complained of herein took place in this Judicial District.

### **FACTS**

#### **Plaintiffs' DISARONNO Liqueur**

15. DISARONNO liqueur was first produced in Saronno, Italy by ancestors of the current owners, the Reina family, in the sixteenth century. Domenico Reina, the founder of Illva Saronno S.P.A., continued manufacturing the liqueur at the start of the twentieth century. The coveted secret formula yields a sweet and slightly bitter almond flavor. The family-owned business is still producing DISARONNO liqueur.

16. DISARONNO liqueur was first sold in the United States in 1958. Americans developed a keen taste for the Italian liqueur. In 2005, the United States was responsible for 31.1% of DISARONNO's total sales grossing nearly \$30 million.

17. Since 1998, Plaintiffs have spent over \$184 million marketing and advertising DISARONNO liqueur. Advertisements from at least as far back as 1973 and 1977 show the DISARONNO CAP. Attached hereto, collectively, as **Exhibit A** is a true and correct copy of Plaintiffs' 1973 and 1977 advertisements.

18. DISARONNO liqueur is now sold throughout the United States, through a wide variety of channels, including but not limited to, Wine and Spirits stores nation-wide, restaurants and bars, and online retailers.

19. DISARONNO liqueur is manufactured in Italy and shipped to Plaintiff Disaronno International LLC in New Jersey. Plaintiff Disaronno International LLC distributes DISARONNO liqueur nationally and receives all revenue from DISARONNO liqueur sales in the United States.

20. DISARONNO liqueur is among the market-leaders in the liqueur segment.

21. As detailed below, Defendant's DI AMORE Products are available through these same channels of trade.

22. DISARONNO liqueur has been and continues to be branded as a luxury high end Italian liqueur and its success led to partnerships with internationally reputed fashion labels including Moschino, Versace, Roberto Cavalli, Missoni, Etro, and Trussardi.

23. Among hundreds of Italian liqueur brands, Plaintiffs' is the top seller due in part because of its distinctive oversized, block-shaped bottle cap – the DISARONNO CAP – shown below:



24. DISARONNO liqueur has received ample unsolicited media coverage. *Chilled Magazine* explained “when you spin the iconic squared top to open the bottle of Disaronno, you enter the aspirational world of Disaronno, the original.” DISARONNO liqueur may be known

for its high quality, ancient recipe, and fine taste, but it is immediately recognizable because of its characteristic square cap.

25. *BevNET* states “DISARONNO is the world’s favorite Italian liqueur. Featuring an original taste and unmistakable aroma, it stands out on the world stage with distribution in more than 160 countries. The Disaronno bottle has a unique design and a cap, which lends elegance and modernity . . . that enhances its contemporary style.”

26. The DISARONNO CAP, as shown above, has been registered in several countries, including the United States. The U.S. registration bears the number 5,173,546, has a Filing Date of December 16, 2015, and a Registration Date of April 4, 2017. Attached hereto as **Exhibit B** is a true and correct copy of Plaintiff Illva Saronno S.p.A.’s Registration Certificate. The Registration includes the following drawing depicting the DISARONNO CAP:



27. The description of the trade dress states the following:

Color is not claimed as a feature of the mark. The mark consists of the three dimensional configuration of both a bottle cap and the neck portion of the bottle used with the bottle cap. Two dimensional designs of surface ornamentation appear on both the cap portion and the bottle portion. The cap includes a stylized shield and crest design and the neck includes a band. The conformation of the bottle cap is substantially squared and block-shaped and is distinctly oversized as compared to the scale of the size of the bottle neck to which it is attached. The configuration of the cap appears square from the top and substantially rectangular from each side. A two dimensional design appears on the top of the cap. The design features two knight’s helmets with plumage facing each other above a shield with four thick wavy lines and two leaf-

like design elements on either side of the shield. The conformation of the bottle neck extends below the bottle cap from the center of the bottom of the bottle cap. What is shown is the neck of a bottle, not a closure mechanism such as a cork or stopper.

28. Plaintiff Ilva Saronno S.p.A. also owns Federal Trademark Registration Number 1,218,541 (the “‘541 Mark”). The ‘541 Mark has a registration date of November 30, 1982 and was renewed on October 11, 2012. The ‘541 Mark Registration, filed in March of 1980 includes the following drawing depicting the DISARONNO CAP:



29. As shown above in pictures following paragraphs 20 and 25, the DISARONNO CAP has distinctive features: it is oversized and far larger than a standard screw-on bottle cap, it is essentially block-shape and when screwed onto the bottle the conformation of the bottle neck and cap create a “T” shape. The particular combination of these elements makes the DISARONNO CAP distinctive. The striking and distinctive nature of the DISARONNO CAP ensures that, even from far away, consumers will recognize and be drawn to Plaintiffs’ product.

30. Plaintiffs market and sell its liqueur throughout the United States and worldwide using the DISARONNO CAP.

31. Plaintiffs have expended large amounts of money and effort over a substantially long period of time and as a result, its product and packaging have become well known amongst consumers and restauranters who have come to associate its high-end look and quality taste with Plaintiffs. As a result, the distinctive, non-functional DISARONNO CAP trade dress is well-known in the United States, and globally.

32. The DISARONNO CAP represents enormous good will of Plaintiffs and is a tremendously valuable asset of Plaintiffs.

33. The DISARONNO CAP was being used by Plaintiffs and was distinctive long before Defendant first began their infringing activities, described below.

#### Defendant's Product "DI AMORE"

34. Upon information and belief, following Plaintiffs' success, DI AMORE was introduced in the United States in the mid-1970s. DI AMORE was initially produced by Foreign Vintages of Owensboro, Kentucky.

35. Upon information and belief, after various sales and acquisitions, Foreign Vintages was sold to Barton Brands in 1995. Sometime after, Barton Brands was sold to Constellation Brands. In 2009, the present owner of DI AMORE—Defendant—purchased the DI AMORE brand from Constellation.

36. Upon information and belief, as a result of the acquisition of the DI AMORE brand, Defendant is involved in and responsible for the manufacture, importation, distribution, and sale of DI AMORE which is sold using the infringing cap that is the subject of this complaint.

37. Upon information and belief, the DI AMORE packaging was entirely generic and bore no resemblance to Plaintiffs' distinctive trade dress prior to 1994: The DI AMORE bottle

was made of ordinary clear smooth glass shaped like a bottle of wine with a generic ordinarily sized screw-on cap. As DI AMORE's ownership changed, the DI AMORE trade dress varied: *inter alia*, the glass bottle became dimpled and cloudy, a scroll motif and coat of arms were added to the label, and a crown-shaped gold cap replaced the generic cap.

38. Seeking to emulate Plaintiffs, and to ride on Plaintiffs' coattails, Defendant adopted a cap that is confusingly similar to Plaintiffs' distinctive, registered trade dress. Defendant copied virtually every distinctive element of the iconic DISARONNO CAP for their DI AMORE bottle cap (the "Infringing Cap") as shown below:



39. Upon information and belief, well after Plaintiffs obtained exclusive rights in the DISARONNO CAP trade dress, Defendant began manufacturing and marketing the Infringing Cap that copied Plaintiffs' distinctive non-functional design.

40. Defendant's Infringing Cap is oversized, square and block shaped, and when attached to the bottle makes a distinct "T" shape in profile:



41. Upon information and belief, Defendant's use of the Infringing Cap is intended to mislead consumers into believing that Defendant's DI AMORE liqueur is made, approved, sponsored, or endorsed by Plaintiffs, or that the two companies are somehow connected.

42. The glass of the DI AMORE bottle employs a pattern that is similar to Plaintiffs' glass bottle. Defendant's use of a glass patterned similarly to the DISARONNO glass bottle further exacerbates confusion in the minds of consumers.

43. Upon information and belief, Defendant has advertised, offered for sale, and sold DI AMORE Products with the Infringing Cap in the United States, including in New Jersey and in this judicial district.

44. Upon information and belief, Defendant is intentionally targeting and seeking to sell DI AMORE Products with the Infringing Cap to the same customers and potential customers who purchase Plaintiffs' product with the DISARONNO CAP.

45. Defendant has never been associated or affiliated with or licensed by Plaintiffs in any way, and Defendant's products are not made by, affiliated with, sponsored by, or endorsed by Plaintiffs.

46. Upon information and belief, Defendant is capitalizing on the goodwill and cache associated with Plaintiffs' luxury liqueur brand and the well-known DISARONNO CAP trade dress to create and sell its own liqueur designed to give the appearance at the point of sale as well as post-sale of having the prestige and exclusivity associated with Plaintiffs and DISARONNO liqueur.

47. Upon information and belief, Defendant's adoption of the Infringing Cap is willful and is intended to create a false impression, confuse, and mislead consumers as to the source and sponsorship of Defendant's liqueur products, divert business from Plaintiffs, pass off

the DI AMORE Products as being authorized and endorsed by Plaintiffs, and otherwise falsely represent the nature and quality of Defendant's DI AMORE Products and misappropriate the goodwill associated with Plaintiffs and the DISARONNO CAP.

48. Upon information and belief, Defendant began using and is using the trade dress of the Infringing Cap with full knowledge of Plaintiffs' prior exclusive rights, with knowledge of the reputation and goodwill of the DISARONNO CAP, and with knowledge that these identifiers are associated exclusively with Plaintiffs.

49. The goodwill Plaintiffs have earned through the investment of so much effort, money, and time has been appropriated by Defendant's blatant use of the Infringing Cap in connection with their business. Defendant's continued use of trade dress nearly identical to that of the DISARONNO CAP in connection with a competing business is likely to continue to cause confusion in the marketplace, because purchasers and potential purchasers will assume that the goods sold by Defendant emanates from or is authorized by, licensed by, endorsed by, associated with, or otherwise connected with Plaintiffs or Plaintiffs' goods. By virtue of Defendant's use of essentially identical trade dress, potential purchasers will assume, incorrectly, that the Infringing Cap is Plaintiffs'.

50. Defendant's use of trade dress that so closely resembles the DISARONNO CAP unfairly and unlawfully wrests from Plaintiffs' control over its goodwill and reputation.

51. Defendant's unauthorized acts, as described herein, have caused and will continue to cause irreparable damage to Plaintiffs' businesses and goodwill unless restrained by this Court.

**COUNT I**  
**(Trade Dress Infringement, 15 U.S.C. § 1114)**

52. Plaintiffs repeat and reallege the allegations in Paragraphs 1 through 51 as though fully set forth herein.

53. Plaintiff Illva Saronno S.p.A. owns a valid and enforceable federally registered trademark for the DISARONNO CAP, set forth in Exhibit B.

54. The DISARONNO CAP registered trade dress is currently used in commerce, is non-functional, is inherently distinctive, and also has acquired substantial secondary meaning in the marketplace.

55. Defendant has adopted a bottle cap that is confusingly similar to the distinctive DISARONNO CAP. Defendant has used the Infringing Cap in commerce without permission from Plaintiffs in connection with the advertising, marketing, and/or promoting of Defendant's products. Such use is likely to cause confusion or mistake, or to deceive and constitutes infringement of Plaintiffs' trade dress in violation of 15 U.S.C. § 1114.

56. Upon information and belief, the activities of Defendant complained of herein constitute willful and intentional infringements of Plaintiff Illva Saronno S.p.A.'s registered Trade Dress and Defendant acted as such with the intent to trade upon Plaintiffs' reputation and goodwill by causing confusion and mistake among customers and the public and to deceive the public into believing that Defendant's products are associated with, sponsored by, originated from, or are approved by Plaintiffs, when they are not.

57. Upon information and belief, Defendant had actual knowledge of Plaintiff Illva Saronno S.p.A.'s ownership and prior use of the DISARONNO CAP trade dress and has willfully violated 15 U.S.C. § 1114.

58. Defendant, by its actions, has damaged Plaintiffs in an amount to be determined at trial.

59. Defendant, by its actions, has irreparably injured Plaintiffs. Such irreparable injury will continue unless Defendant is preliminarily and permanently enjoined by the Court from further violation of Plaintiffs' rights, for which Plaintiffs have no adequate remedy at law.

## **COUNT II**

### **(False Designation of Origin and Unfair Competition, 15 U.S.C. § 1125(a))**

60. Plaintiffs repeat and reallege the allegations in Paragraphs 1 through 59 as though fully set forth herein.

61. Defendant's use of the Infringing Cap constitutes a false designation of origin and a false representation as to the origin of Defendant's DI AMORE Products, and is likely to cause confusion, mistake, or deception as to the source of Defendant's Infringing Cap and DI AMORE Products, and is likely to create the false impression that Defendant's Infringing Cap is authorized, sponsored, endorsed, licensed by, or affiliated with Plaintiffs.

62. Upon information and belief, Defendant chose to use the Infringing Cap with actual knowledge of Plaintiffs' prior use of and rights in the DISARONNO CAP. Upon information and belief, Defendant used the Infringing Cap in commerce with the intent to cause confusion, to cause mistake, or to deceive.

63. Upon information and belief, Defendant has made and will continue to make substantial profits and gains to which they are not entitled in law or equity.

64. Defendant's actions constitute false designation of origin and unfair competition in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

**COUNT III**  
**(Trade Dress Infringement, N.J.S.A. § 56:3-13.16)**

65. Plaintiffs repeat and reallege the allegations in Paragraphs 1 through 64 as though fully set forth herein.

66. The DISARONNO CAP is used in commerce, is not functional, and has acquired secondary meaning in the marketplace.

67. Defendant's Infringing Cap is confusingly similar to the DISARONNO CAP and constitutes a colorable imitation used in a manner designed or likely to confuse consumers as to the source of origin of the DI AMORE Products.

68. Plaintiffs have not provided Defendant consent to use the Infringing Cap in connection with the sale, distribution, offering for sale, or advertising of the Defendant's goods.

**COUNT IV**  
**(Unfair Competition, N.J.S.A. § 56:4-1 *et seq.*)**

69. Plaintiffs repeat and reallege the allegations in Paragraphs 1 through 68 as though fully set forth herein.

70. The foregoing acts of Defendant constitute unfair competition in violation of N.J.S.A. § 56:4-1.

71. Upon information and belief, Defendant intends to continue their infringing acts unless restrained by this Court.

72. Defendant's acts have damaged and will continue to damage Plaintiffs, and Plaintiffs have no adequate remedy at law.

**COUNT V**  
**(Common Law Trade Dress Infringement)**

73. Plaintiffs repeat and reallege the allegations in Paragraphs 1 through 72 as though fully set forth herein.

74. Due to DISARONNO liqueurs's commercial success, worldwide publicity, and resulting widespread consumer recognition of its distinctive and non-functional design, Plaintiffs have common law trade dress rights in the configuration of the DISARONNO CAP.

75. Defendant's actions complained of herein are likely to cause confusion, mistake, or deception among consumers as to an affiliation, connections, or association between Defendant's DI AMORE Products and Plaintiffs' DISARONNO liqueur, and as to the origin, sponsorship, or approval of Defendant's product, in violation of New Jersey common law.

76. Defendant's unauthorized conduct also has deprived and will continue to deprive Plaintiffs of the ability to control the consumer perception of DISARONNO liqueur, placing the valuable reputation and goodwill of Plaintiffs in the hand of Defendant over whom Plaintiffs have no control.

77. Because Defendant had actual and constructive notice of Plaintiffs' prior use of and rights in its DISARONNO CAP trade dress before Defendant began using its infringing cap, Defendant's unlawful trade dress infringement is willful.

78. As a result of Defendant's conduct, Plaintiffs are likely to continue to suffer harm, and have already been injured.

**COUNT VI**  
**(Common Law Unfair Competition)**

79. Plaintiffs repeat and reallege the allegations in Paragraphs 1 through 78 as though fully set forth herein.

80. Based on Plaintiffs' extensive use, marketing, and promotion of Plaintiffs' product bearing the DISARONNO CAP, Plaintiffs own common law rights in the DISARONNO CAP trade dress in connection with the Plaintiffs' liqueur product.

81. The acts complained of above constitute Defendant's unfair competition at Plaintiffs' expense, in violation of the common law of the State of New Jersey.

**COUNT VII**  
**(Common Law Unjust Enrichment)**

82. Plaintiffs repeat and reallege the allegations in Paragraphs 1 through 81 as though fully set forth herein.

83. The acts complained of above constitute Defendants' unjust enrichment at Plaintiffs' expense, in violation of the common law of the State of New Jersey.

**WHEREFORE**, Plaintiffs respectfully requests that this Court enter judgment in its favor and against Defendant as follows:

- A. Finding that: (i) Defendant has violated Section 43(a) of the Lanham Act (15 U.S.C. § 1114); (ii) Defendant has violated Section 43(a) of the Lanham Act (15 U.S.C. § 1125(a)); (iii) Defendant has violated N.J.S.A. § 56:3-13.16; (iv) Defendant has engaged in unfair competition in violation of N.J.S.A. § 56:4-1 *et seq.*; (v) Defendant has committed trade dress infringement in violation of New Jersey Common Law; (vi) Defendant has engaged in unfair competition in violation of New Jersey Common Law; and, (v) Defendant has been unjustly enriched in violation of New Jersey Common Law;
- B. Granting an injunction, pursuant to Rule 65 of the Federal Rules of Civil Procedure, 15 U.S.C. § 1116, 17 U.S.C. § 502, N.J.S.A. § 56:4-1, preliminarily and permanently restraining and enjoining Defendant, their officers, agents, employees, and attorneys, and all those persons or entities in active concert or participation with them from:
- i. manufacturing, importing, advertising, marketing, promoting, supplying, distributing, offering for sale, or selling any products which bear the Infringing

Cap, or using in any manner Plaintiffs' DISARONNO Cap, or other trade dress that is confusingly or deceptively similar thereto;

- ii. Committing any other act calculated or likely to cause the public to believe that Defendant or its goods are in any way connected, affiliated, associated, or sponsored by/with Plaintiffs or its goods, or from otherwise competing unfairly with Plaintiffs.

C. Directing Defendant and those acting in concert or participation with them (including, but not limited to, their officers, directors, agents, servants, employees, representatives, attorneys, subsidiaries, related companies, successors, and assigns), to take affirmative steps to dispel such false impressions that heretofore have been created by their use of the Infringing Cap in connection with the Infringing Cap, including, but not limited to, delivering to Plaintiffs' attorneys for destruction all goods, packages, promotional materials and marketing materials, advertisements and other materials (a) currently in Defendant's possession, custody or control, or (b) recalled by Defendant pursuant to any order of the Court or otherwise, incorporating, featuring or bearing the Infringing Cap or any other simulation, reproduction, copy or colorable imitation of the DISARONNO CAP;

D. Directing Defendant to deliver to Plaintiffs' attorneys an accounting of all gains and profits earned on the DI AMORE Products that have been derived from Defendant's wrongful acts, and pay Plaintiffs all damages sustained as a result of Defendant's unlawful conduct;

- E. Awarding Plaintiffs three times such profits or damages (whichever is greater), pursuant to 15 U.S.C. § 1117 and NJSA § 56:3-13.6(d), together with interest on that amount and the costs of this action.
- F. Awarding Plaintiffs punitive damages to which it is entitled under applicable federal or state laws;
- G. Awarding Plaintiffs its costs, attorneys' fees, investigatory fees and expenses to the full extent provided by Section 35 of the Lanham Act (15 U.S.C. § 1117) and N.J.S.A. § 56:3-13.16(d).
- H. Awarding Plaintiffs pre-judgment interest on any monetary award made part of the judgment against Defendant; and,
- I. Awarding Plaintiffs such additional and further relief as the Court deems just, equitable, and proper.

**DEMAND FOR JURY TRIAL**

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiffs request a trial by jury.

Dated: March 20, 2019

By: /s/ Steven J. Pudell

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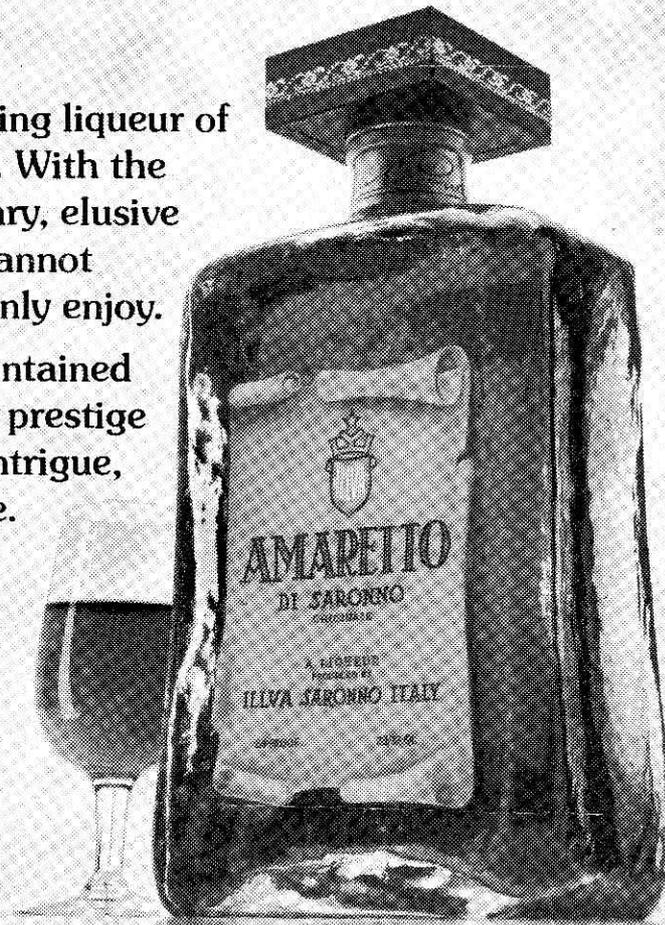
*Not Admitted in this District, On the Papers.  
Attorneys for Illva Saronno S.p.A and  
Disaronno International LLC.*

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**AMARETTO  
DI SARONNO®**

The intriguing liqueur of sunny Italy. With the extraordinary, elusive taste you cannot describe. Only enjoy.

Fittingly contained in a classic prestige decanter. Intrigue, Italian style.



Foreign Vintages, Inc., 98 Cutter Mill Road, Great Neck, N.Y. 11021 ©1973

OLD MR. BOSTON- AMARETTO  
465-30-N74-54  
300 Lines B/W (3 Cols. X 100 Lines)  
IOWA NEWSPAPERS- Sept. 21, 1973

# Tonight, invite a voluptuous Italian to dinner.

## Amaretto di Saronno.<sup>®</sup> The rare liqueur of love.

Her name: Amaretto di Saronno,  
Italy's most provocative, delicious  
liqueur.

Her charm: warm, unforgettable,  
magic under candlelight. That's the joy  
of Amaretto di Saronno. A guest you'll  
most definitely want to see more of.  
You'll experience a rare kind of love.

Discover all the charms of  
Amaretto di Saronno. For a free recipe  
booklet, write: Foreign Vintages, Inc.,  
98 Cutter Mill Road, Great Neck,  
New York 11021.



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Foreign Vintages- Amaretto  
466-13-M74-49  
2/3 Pg. 4/c  
CONSUMER MAGAZINES, 1973

**NEWSLINE**

...ey of drivers in four metro-  
...as showed that seat-belt use  
...se systems was down to 33 per-  
... And enough car buyers were irri-  
...ed by these built-in reminders to get  
... Congress to pass a federal law banning  
... interlock and continuous buzzer-light  
... systems.

Robertson believes media campaigns and reminder systems cannot succeed in getting the driver to change his habits by adding another inconvenience to his list of everyday hassles. He says safety measures have taken the wrong tack: "...consumers have been needlessly badgered by slogans, buzzers, lights, and interlocks while alternative passive approaches were left on the shelf." One approach he recommends is installing air cushions in cars. They inflate automatically and have been shown to prevent injury in severe crashes. He also recommends removing trees, poles, and other solid roadside structures, or modifying man-made structures to collapse when hit by a car. Changes such as these, says Robertson, may be a lot more effective in reducing injury than strategies aimed at

forcing changes in behavior.

—Sherida Bush

Robertson is in the Research Department of the Insurance Institute for Highway Safety.

**Health**

**Watching Weight Watchers around the World**

Weight Watchers is a highly organized program, founded in the United States in 1963 to help fat people lose weight through weekly group meetings, weigh-ins, lectures, and lists of forbidden and required foods. The program has helped many people, but although obesity cuts across class, sex, nationality and color, Weight Watchers doesn't.

When sociologist Joan Rockwell examined the Weight Watchers program in England, the United States and Denmark, she discovered that while members ranged in age from children to grandmothers, they were overwhelmingly middle class, white, and female. In a British class, Rockwell saw no Pakistanis or Africans; in a Danish class no Greenlanders, and in an American class, no

blacks. Fewer than five percent of the five million American Weight Watchers are men. Rockwell says that men's reluctance to join may have something to do with male body image, because "of 10 fat women, nine will admit that they are fat and see themselves as fat, whereas this is only true of three out of 10 fat men." She adds that men may hesitate to join Weight Watchers because "they often cannot control their diet, since buying and cooking food is done by their wives." The Weight Watchers group in Finland has 12 men out of 66 members—and 11 of the men do their own cooking.

Weight Watchers classes are most common in rich industrial countries such as Canada, Brazil, Britain, Scandinavia, the United States, Israel, Australia, and New Zealand. Weight Watchers around the world have small variations in their ways of doing things. Apparently Swedish and German members rarely speak out at meetings, while Danes chatter freely. British members can miss two meetings out of 26 without paying, but Americans and Danes may not, except in the case of illness.

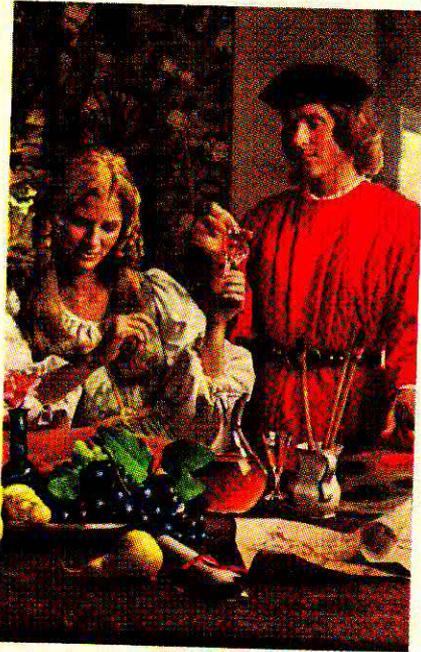
Rockwell was given three different weight goals in three different countries that varied as much as eight pounds. Another difference, Rockwell noted, was in that all-important procedure of reporting weight losses or gains. Part of the Weight Watchers ritual involves cards on which a person's weight each week is noted, with the gain or loss from the previous week. In England, cards showing a gain—plus cards—are not read out loud. In the United States they are, along with offers of help and questions about what went wrong during the week. In Denmark, loss and total loss from the beginning are announced each week. So if only a person's total loss is mentioned, everyone knows that person gained weight. One aspect of Weight Watchers is universal, however. Everyone at the meeting applauds when someone loses weight, no matter how minuscule the amount. —Jody Gaylin

The article appeared in *New Society*, Vol. 37, No. 720, 1976.

**The Potion of Love.**

It began in Saronno 450 years ago. Did the beautiful, young widow create the original Amaretto di Saronno as a thank-you for her portrait? Or as a gift to express affection for the artist, Bernardino Luini?

Something to ponder tonight, as you discover its intriguing flavor and provocative bouquet.



**Amaretto di Saronno.**  
The Original Amaretto.  
From the Village of Love.



56 Proof Imported by Foreign Vintages, Inc. Great Neck, N.Y. © 1975

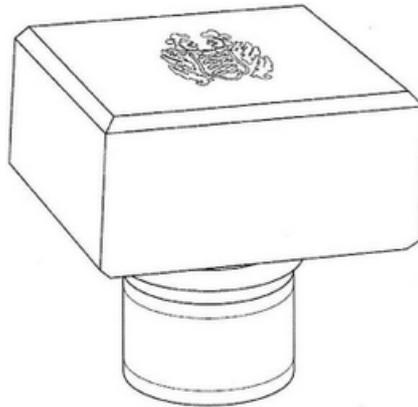
**The Brain  
The Way You Write Is  
All in Your Brain**

The first thing most of us noticed about left-handed children in school was that they wrote funny. Many held their pencil or crayon in a strange, hooked way that put their hand above the line as they

# EXHIBIT B

# United States of America

## United States Patent and Trademark Office



**Reg. No. 5,173,546**

**Registered Apr. 04, 2017**

**Int. Cl.: 33**

**Trademark**

**Principal Register**

ILLVA SARONNO S.p.A. (ITALY JOINT STOCK COMPANY)  
Via Archimede, 243  
I-21047 SARONNO (VA)  
ITALY

CLASS 33: liqueurs

The mark consists of the three dimensional configuration of both a bottle cap and the neck portion of a bottle used with the bottle cap. Two dimensional designs of surface ornamentation appear on both the cap portion and the bottle portion. The cap includes a stylized shield and crest design and the neck includes a band. The conformation of the bottle cap is substantially squared and block-shaped and is distinctly oversized as compared to the scale of size of the bottle neck to which it is attached. The configuration of the cap appears square from the top and substantially rectangular from each side. A two dimensional design appears on the top of the cap. The design features two knight's helmets with plumage facing each other above a shield with four thick wavy lines and two leaf-like design elements on either side of the shield. The conformation of a bottle neck extends below the bottle cap from the center of the bottom of the bottle cap. What is shown is the neck of a bottle, not a closure mechanism such as a cork or stopper.

OWNER OF U.S. REG. NO. 0121854, 0180468, 0145768

PRIORITY DATE OF 11-13-2015 IS CLAIMED

OWNER OF INTERNATIONAL REGISTRATION 1293456 DATED 12-16-2015,  
EXPIRES 12-16-2025

SEC. 2(F) AS TO THE OVERALL SHAPE OF THE BOTTLE CAP

SER. NO. 79-185,100, FILED 12-16-2015  
MICHAEL PATRI EISNACH, EXAMINING ATTORNEY



*Michelle K. Lee*

Director of the United States  
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***

**What and When to File:**

- **First Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.
- **Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.\* See 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

- You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

**NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.**

**NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.**