

UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF NEW YORK

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VAAD HAKASHRUS CROWN HEIGHTS INC.,

Civil Action No:

Plaintiff,

**COMPLAINT**

-against-

YOSEF BRAUN, KINGSTON BAKERY INC., CHOCOLATTE,  
INC., ALLIED WINE CORP., EBER'S LIQUORS & WINE INC.,  
WINE BY THE CASE, INC., RESPONSIBLE LIQUOR, INC.  
TZION YAKUBOV, MENACHEM REICH, NATHEN SCHWARTZ,  
MOSHE SCHWARTZ, HERMAN SCHWARTZ & YEHUDA EBER.

Defendants.

-----X

Plaintiff the Vaad Hakashrus Crown Heights Inc. (the "VHCH, Inc." or "Plaintiff"), by and through its attorneys, The Abramson Law Group, PLLC, for its Complaint against Yosef Braun, Kingston Bakery Inc., Chocolate, Inc., Allied Wine Corp., Eber's Liquors & Wine Inc., Wine By The Case, Inc., Responsible Liquor, Inc., Tzion Yakubov, Menachem Reich, Nathen Schwartz, Moshe Schwartz, Herman Schwartz & Yehuda Eber alleges as follows:

**NATURE OF THE CASE**

1. This action is brought for trademark infringement and false designation of origin under 15 U.S.C §§1114, and 15 U.S.C. § 1125(a), trademark dilution under 15 U.S.C. §1125(c)(1)(2)(B)&(C), trademark infringement under §§ 360 et seq. of the New York State trademark laws, and unfair competition under New York common law.

**THE PARTIES**

2. Plaintiff the VHCH, Inc. is a not for profit, religious corporation organized under the laws of the State of New York, with offices in Kings County, New York.

3. Upon information and belief, defendant Yosef Braun (“Braun”) is an individual residing in Kings County, New York.

4. Upon information and belief, defendant Kingston Bakery, Inc. (“Kingston Bakery”) is a corporation organized under the laws of the State of New York, which operates a bakery located at 380 Kingston Avenue, in Kings County, New York.

5. Upon information and belief, defendant Tzion Yakubov, is the sole owner of Kingston Bakery. As the owner of Kingston Bakery, he has investigated and supervised its infringing conduct and personally benefited from such infringement.

6. Upon information and belief, defendant Chocolate, Inc. (“Chocolate”) is a corporation organized under the laws of the State of New York, which operates several cafés located in Kings County, New York which sell kosher food and drink products (Kingston and Chocolate are sometimes collectively referred to herein as the “Bakery Defendants”).

7. Upon information and belief, defendant Allied Wine Corp. (“Allied Wine”) is a corporation organized under the laws of the State of New York, located at 70 Berme, Ellenville New York. Allied Wines, which among other things, distributes and sells wines.

8. Upon information and belief, defendants Nathen Schwartz, Herman Schwartz and Moshe Schwartz own and control Allied Wine, and are its senior officers. As the owners and senior officers of Allied Wine, they have instigated and supervised the infringement by Allied Wine, and have financially benefitted from it. (Nathen Schwartz, Herman Schwartz and Moshe Schwartz are sometimes collectively referred to herein as the “Allied Wine Owners”).

9. Upon information and belief defendant Wine By The Case, Inc. is a corporation organized under the laws of the State of New York which operates a liquor store located at 511 Empire Boulevard, Brooklyn, New York.

10. Upon information and belief, defendant Responsible Liquors, Inc. (“Responsible Liquors”) is a corporation organized under the laws of the State of New York, located at 1305 President Street, Brooklyn, New York, which owns and controls Wine By The Case.

11. Upon information and belief, Menachem Reich is an owner of defendant Responsible Liquors. As an owner of Responsible Liquors, he has instigated, and supervised its infringing conduct and has financially benefitted from it.

12. Upon information and belief, defendant Eber’s Liquors & Wines, Inc. (“Eber’s Liquors”) is a corporation organized under the laws of the State of New York, which operates a liquor store located at 314 Kingston Avenue, Brooklyn, New York (Allied Wine, Eber’s Liquors, Responsible Liquors, Wine By The Case, the Allied Wine Owners, Menachem Reich and Yehuda Eber are sometimes collectively referred to herein as the “Kosher Wine Defendants”). (All of the defendants in this action are sometimes collectively referred to herein as the “Defendants”).

13. Upon information and belief, defendant Yehuda Eber owns and controls Eber’s Liquors. As the sole owner of Eber’s Liquors, Yehuda Eber has instigated and supervised its infringing conduct, and has financially benefitted from it.

#### **JURISDICTION AND VENUE**

14. This Court has subject matter jurisdiction over this matter under 28 U.S.C. §1331 because a federal question is presented.

15. This Court has supplemental jurisdiction over the state law claims pursuant 28 U.S.C. § 1367.

16. Venue is proper under 28 U.S.C §1391(b) because some of the Defendants reside in this Judicial District and all of the Defendants reside in New York State, as well as that a substantial part of the events giving rise to this action occurred in this Judicial District.

### **FACTS**

#### **Plaintiff And Its “CHK” Certification Marks**

17. The VHCH, Inc. is primarily engaged in the business of certifying kosher restaurants and kosher food and/or drink products to ensure that the food they serve, or the food and/or drink products which they distribute and/or sell, are of the highest kosher standard. If upon inspection, the food establishment or food and/or drinks product meet the requirements to be of the highest kosher quality, the VHCH, Inc. issues a “CHK” certification to this effect.

18. In or about August, 2006, a company named the Vaad Hakashrus of Crown Heights obtained trademark registrations for the “CHK” certification marks. It obtained a mark for “CHK” as well as for “CHK” with a logo. (A copy of these registrations are annexed hereto as Exhibits A & B). These marks were published on the Principal Register of the Trademark Office, with registration numbers 3131894 & 3103051, respectively.

19. On or about February 11, 2015, the Vaad Hakashrus of Crown Heights assigned both of the “CHK” certification marks to the VHCH, Inc., which were duly recorded in the United States Trademark Office. (A copy of the Assignment is annexed hereto as Exhibit C).

20. After widely using the “CHK” certification marks for numerous years and five years after the “CHK” certification marks were initially registered and used, the VHCH, Inc. filed a Combined Declaration of Use and Incontestability under Sections 8 & 15 and §1065 of the Lanham Act. (A copy of same is annexed hereto as Exhibit D). Accordingly, the VHCH Inc.’s ownership and exclusive right to use the “CHK” certification marks have become incontestable.

21. Since February, 2011, the VHCH, Inc. has used and continues to use the “CHK” certification marks. It has used the “CHK” certification marks to certify over one thousand food establishments and food and/or drink products are of the highest kosher quality. The VHCH, Inc. has done so in the orthodox Jewish communities in New York City, elsewhere in New York State, other states, including California, Pennsylvania and Iowa, as well as in foreign nations, including France, Canada and Uruguay.

22. The “CHK” certification marks have become closely associated with the VHCH, Inc. and are widely recognized as having been issued by it. The “CHK” certification marks are well known and trusted in orthodox Jewish communities as a reliable source identifier that the food establishment or food and/or drink products certified meet the highest kosher standard. In fact, the Plaintiff’s “CHK” certification marks are one of the most famous and well recognized kosher certification marks in the United States.

23. As a result of the VHCH, Inc.’s. longstanding and widespread use of its “CHK” certification marks, and because of the integrity and reliability of its “CHK” certification marks, persons in the relevant communities have come to believe that the VHCH, Inc. is the sole source of the “CHK” certification. For these and other reasons, Plaintiff’s “CHK” certification marks have become distinctive and famous in the relevant communities.

#### **The Cease And Desist Letters**

24. In or about March, 2015, it came to the attention of the VHCH, Inc. that Braun (as well as Yaakov Schwei (“Schwei”), a non-party) had used and continues to wrongfully issue a “CHK” certification to certain restaurants, as well as distributors and/or sellers of food and/or drink products, in orthodox Jewish communities in Brooklyn and elsewhere in New York State, including the Bakery Defendants.

25. Consequently, on or about March 24, 2015, Plaintiff wrote to Braun (and Schwei) demanding that he cease and desist from using any unauthorized “CHK” certification in any fashion.

26. Notwithstanding this demand, Braun (as well as Schwei) continues his use of an unauthorized “CHK” certification.

27. In or about March, 2015, it came to the attention of the VHCH, Inc. that the Bakery Defendants were using, and continue to use, an unauthorized “CHK” certification by, inter alia, displaying it on the store fronts of their bakeries. Consequently, Plaintiff, on or about March 24, 2015, wrote to the Bakery Defendants, demanding that they cease and desist from using the unauthorized “CHK” marks in any fashion. Notwithstanding this demand, the Bakery Defendants continue to use and display the unauthorized “CHK” certification on their store fronts.

28. In or about mid-September, 2015, it came to the attention of the VHCH, Inc. that Allied Wine was using, and continues to use, an unauthorized “CHK” certification by affixing it to the labels placed on the bottles of wines that it distributes and/or sells. Consequently, Plaintiff, on or about September 24, 2015, sent a letter to Allied Wine demanding that it cease and desist from distributing and/or selling any wine with an unauthorized “CHK” certification affixed to the labels of the bottles of wines that it distributes and/or sells. Notwithstanding this demand, Allied Wine continues to distribute and/or sell wines with an unauthorized “CHK” certification affixed to their labels.

29. In or about mid-September, 2015, it came to the attention of the VHCH, Inc. that Eber’s Liquors was using and continues to use an unauthorized “CHK” certification by selling wine with such unlawful “CHK” certification affixed to their labels.

30. Consequently, on or about September 24, 2015, Plaintiff wrote to Eber's Liquors demanding that it cease and desist from using an unauthorized "CHK" certification. Notwithstanding this demand, Eber's Liquors continue to sell wines with an unauthorized "CHK" certification affixed to the labels of the bottles of wine that it sells.

31. In on about mid-September, 2015, it came to the attention of Plaintiff that Responsible Liquors and Wine By The Case were using and continue to use an unauthorized "CHK" certification by selling wines with such unlawful "CHK" certification affixed to the labels on the bottles of wine that they sell.

32. Consequently, on or about September 24, 2015, Plaintiff wrote to Responsible Liquors and Wine By The Case demanding that they cease and desist from using any unauthorized "CHK" certification. Notwithstanding this demand, Responsible Liquors and Wine By The Case continue to sell wine with an unauthorized "CHK" certification affixed to their labels.

33. Because Braun (as well as Schwei) continue to use his unauthorized "CHK" certification despite Plaintiff's demand that he cease and desist from doing so, Plaintiff sent a second letter to Braun (as well as Schwei), on or about September 24, 2015, again demanding that he (as well as Schwei) cease and desist from using their unauthorized and infringing "CHK" certification.

#### **FIRST CLAIM FOR RELIEF**

34. Plaintiff repeats and realleges paragraphs 1 through 33 of this Complaint with the same force and effect as if full set forth herein.

35. The wrongful use, issuance, distribution and/or sale by the Defendants of an unauthorized "CHK" certification, which is identical (or virtually identical) to Plaintiff's

federally registered “CHK” certification marks, is likely to cause confusion, deception and mistake among the relevant public that: (i) the “CHK” certification issued and/or used by them is authentic and authorized, (ii) that the food establishment and/or food or drink product involved meets the kosher standard needed for an authorized “CHK” certification to be issued, and (iii) the false and misleading impression that such certifications emanate from the VHCH, Inc.

36. The wrongful use by Defendants of an unauthorized “CHK” certification which is confusingly similar (and indeed identical or virtually identical) to Plaintiff’s registered “CHK” certification marks is in violation of 15 U.S.C. §1114, and their activities have caused, and unless enjoined by this Court, will continue to cause a likelihood of confusion and deception to the members of the relevant public as to the source of the “CHK” certification. In addition, such wrongful conduct has and will cause injury to Plaintiff’s good will and reputation as symbolized by its federally registered and incontestable “CHK” certification marks.

37. The actions of the Defendants demonstrate an intentional, willful and malicious intent to trade on the good will associated with Plaintiff’s federally registered and incontestable “CHK” certification marks.

38. The wrongful conduct by the Defendants of Plaintiff’s certification marks has caused and is likely to continue to cause irreparable and substantial injury to Plaintiff and the relevant public. Accordingly, Plaintiff is entitled to an injunction, preliminarily during the pendency of this action and permanently thereafter, enjoining each of the Defendants from issuing and/or using the “CHK” certification, and/or any confusing similar certification, in any fashion. Plaintiff is also entitled to recover three times its actual damages and the profits of the Defendants, as well as an award of its reasonable attorneys’ fees against each of the Defendants pursuant to 15 U.S.C. §§ 1114 & 1117.



39. In addition, an order should issue directing: (i) Allied Wine to recall all of the wine it has distributed and/or sold with the “CHK” certification and (ii) each of the Bakery Defendants to remove the “CHK” certification displayed on their store fronts.

40. Plaintiff is without an adequate remedy at law.

**SECOND CLAIM FOR RELIEF**

41. Plaintiff repeats and realleges paragraphs 1 through 33 and 35 through 40 of this Complaint with the same force and effect as if full set forth herein.

42. Defendants’ use of an identical or virtually identical unauthorized “CHK” certification has caused and is likely to continue to cause confusion and mistake among the relevant public by creating the false impression that the “CHK” certification issued and used by them is certified by Plaintiff, is connected or associated with Plaintiff, and/or has the endorsement or approval of Plaintiff.

43. Defendants’ have made false representations, false descriptions and false designations of origin of Plaintiff’s “CHK” certification marks. Defendants’ activities have caused and are continuing to cause a likelihood of confusion among the relevant public. It has also caused and continues to cause injury to Plaintiff’s good will associated with its “CHK” certification marks.

44. The Defendants’ conduct demonstrates a willful, intentional and malicious intent to trade on the goodwill associated with Plaintiff’s “CHK” certification marks, and has and is continuing to cause irreparable injury to Plaintiff.

45. Upon information and belief, Braun (as well as Schwei) have also issued and used the unauthorized “CHK” certification to certify food establishments and food and/or drink

products which do not meet the strict standard that Plaintiff requires before issuing its “CHK” certifications.

46. By virtue of Defendants’ wrongful conduct, Plaintiff is entitled to an injunction, during the pendency of this action and permanently thereafter, enjoining each of the Defendants from using any “CHK” certification, or any other confusingly similar certification.

47. In addition, an order should be issued directing: (i) Allied Wine to recall all of the wine it had distributed and/or sold with any “CHK” certification, and (ii) each of the Bakery Defendants to remove the “CHK” certification displayed on their store fronts.

48. Plaintiff is also entitled to recover three times its actual damages, Defendants’ profits as well as its reasonable attorneys’ fees from each of the Defendants pursuant to 15 U.S.C §§ 1125(a) & 1117.

### **THIRD CLAIM FOR RELIEF**

49. Plaintiff repeats and realleges paragraphs 1 through 33, 35 through 40, and 42 through 47 of this Complaint with the same force and effect as if fully set forth herein.

50. By virtue of Plaintiff’s long-term and extensive use of its “CHK” certification marks in New York, several other states, and certain foreign nations, the reliability of its “CHK” certification marks, and the favorable impression and degree of trust that the public has in them, Plaintiff’s “CHK” certification marks have become distinctive and famous.

51. The issuance and use by Braun (as well as Schwei) of his unauthorized “CHK” certification is for the very same purpose that Plaintiff uses its “CHK” certification marks. At all relevant times, Braun (and Schwei) intended to create a false association of his unauthorized “CHK” certification with Plaintiff’s “CHK” certification marks.

52. The issuance and use by Braun (as well as Schwei) of his unauthorized “CHK” certification has and will likely in the future diminish the distinctiveness of Plaintiff’s “CHK” certification marks.

53. The unauthorized use by the Bakery and Kosher Wine Defendants has and will likely in the future diminish the distinctiveness of Plaintiff’s “CHK” marks.

54. Upon information and belief, Braun (as well as Schwei) has issued his unauthorized “CHK” certification to food establishments and food and/or drink products that do not meet the high standards needed to obtain a “CHK” certification from Plaintiff.

55. The aforesaid conduct of Braun (and Schwei), as well as the Bakery and Kosher Wine Defendants, constitutes dilution by tarnishment and/or blurring in violation of 15 U.S.C. §1125(c).

56. By reason of the above, Plaintiff is entitled to: (i) an injunction, during the pendency of this action and permanently thereafter, enjoining: (a) Braun from issuing or otherwise using any “CHK” certification, or any confusingly similar certification; (b) the Bakery Defendants from using and/or displaying any “CHK” certification which has not been authorized by Plaintiff, and (c) the Kosher Wine Defendants from affixing any “CHK” certification, or any confusingly similar certification, affixed to the labels on the bottles of wine which they distribute and/or sell, and (ii) recover its reasonable attorneys’ fees.

**FOURTH CLAIM FOR RELIEF**

57. Plaintiff repeats and realleges paragraphs 1 through 33, 35 through 40, 42 through 47 and 50 through 55 of this Complaint with the same force and effect as is if fully set forth herein.

58. Braun (and Schwei), by his words and conduct, including making false representations, that he (and Schwei) are authorized to issue and use the “CHK” certification, has induced: (i) the Bakery Defendants to display the infringing “CHK” certification on their store fronts, and (ii) the Kosher Wine Defendants to distribute, and/or sell wine with the unauthorized “CHK” certification affixed to the labels of the bottles of wines which it distributes and/or sells.

59. The aforesaid conduct by Braun constitutes contributory infringement in violation of 15 U.S.C. §1114 and 15 U.S.C. §1125(a).

60. By virtue of Braun’s contributory infringement, Plaintiff is entitled to recover from him: (i) its actual damages; (ii) his profits, and (iii) Plaintiff’s reasonable attorneys’ fees, pursuant to U.S.C. §1117 and U.S.C. §1125(a).

**FIFTH CLAIM FOR RELIEF**

61. Plaintiff repeats and realleges paragraphs 1 through 33, 35 through 40, 42 through 47 and 58 through 59 of this Complaint with the same force and effect as if fully set forth herein.

62. Defendants’ conduct violates the New York State trademark laws, General Business Law (“GBL”) § 360, et. seq.

63. As a result of Defendants’ violations of the New York State trademark laws, each of them should be enjoined, during the pendency of this action and permanently thereafter, from using Plaintiff’s “CHK” certification marks in any fashion.

64. Because of the Defendants’ violations of the New York State trademark laws, Plaintiff should be awarded its actual damages and the Defendants’ profits under GBL§360-m.

65. Because the Defendants’ violations of the New York State trademark laws are knowing, intentional, willful and/or in bad faith, Plaintiff should be awarded: (i) three times its

actual damages as well as Defendants' profits, and (ii) its reasonable attorneys' fees under GBL §§ 360-m.

**SIXTH CLAIM FOR RELIEF**

66. Plaintiff repeats and realleges paragraphs 1 through 33, 35 through 40, 42 through 47, 58 through 59, 62 through 65 and 67 of this Complaint with the same force and effect as if fully set forth herein.

67. Defendants' unlawful conduct has been committed with an intent to cause confusion or mistake or to deceive.

68. By virtue of the above Plaintiff is entitled to: (i) an injunction, during the pendency of this action and permanently thereafter, enjoining the Defendants from using, issuing, and/or displaying any "CHK" certification, or any confusingly similar certification, and (ii) recover its damages as well as each of the Defendants' profits from their trademark infringement under GBL §368-k.

**SEVENTH CLAIM FOR RELIEF**

69. Plaintiff repeats and realleges paragraphs 1 through 33, 35 through 40, 42 through 47, 58 through 59, 62 through 65 and 67 of this Complaint with the same force and effect as if fully set forth herein.

70. Defendants' wrongful conduct is likely to dilute the distinctive quality of Plaintiff's "CHK" certification marks.

71. Accordingly, an injunction should be issued enjoining Defendants, during the pendency of this action and permanently thereafter, from using Plaintiff's "CHK" certification marks as provided for in GBL§368-l.

**EIGHTH CLAIM FOR RELIEF**

72. Plaintiff repeats and realleges paragraphs 1 through 35, 35 through 40, 42 through 47, 58 through 59, 62 through 65, 67 and 70 of this Complaint with the same force and effect as if fully set forth herein.

73. In order to assist Braun (and Schwei) in his attempt to use the unauthorized “CHK” certification and to coerce food establishments to use it, he (as well as Schwei) has caused third parties aligned in interest with him (and Schwei) to offer monies to food establishments and others on the condition that they use the unauthorized “CHK” certification of Braun (and Schwei) and do not use (or cease using) Plaintiff’s registered “CHK” certification marks.

74. The aforesaid conduct by Braun constitutes unfair competition under the laws of the State of New York.

75. As a result of the wrongful conduct of Braun (and Schwei), certain food establishments have ceased using Plaintiff’s “CHK” certification marks.

76. But for the wrongful conduct of Braun (and Schwei), the aforesaid food establishments would not have ceased using Plaintiff’s “CHK” certification marks.

77. Plaintiff has suffered and will likely continue to suffer damages as a result of Braun’s unfair competition.

78. By reason of the above, Plaintiff is entitled to recover its actual damages and Braun’s profits resulting from his unfair competition.

**WHEREFORE**, Plaintiff demands judgment as follows:

**A.** On its First Claim For Relief: (i) enjoining each of the Defendants, preliminarily during the pendency of this action and permanently thereafter, from using in any fashion, Plaintiff's "CHK" certification, or any confusingly similar certification, including: (a) issuing any "CHK" certification to any food establishment or food and/or drink products; (b) distributing and/or selling any food and/or drink products with a "CHK" affixed to their labels, and (c) displaying any "CHK" certification on the store fronts of their restaurants; (ii) awarding Plaintiff three times its damages as well as Defendants' profits for any use by them of any unauthorized "CHK" certification, and (iii) awarding Plaintiff its reasonable attorneys' fees;

**B.** On its Second Claim For Relief: (i) enjoining each of the Defendants, preliminarily during the pendency of this action and permanently thereafter, from using any "CHK" certification mark in an any fashion, or any confusingly similar certification, including: (a) issuing any "CHK" certification to any food establishment or food and/or drink product; (b) distributing and/or selling any food and/or drink product with a "CHK" certification affixed to its label, and (c) displaying any "CHK" certification on the store fronts of their restaurants; (ii) awarding Plaintiff three times its actual damages as well as Defendants' profits for any use by them of any unauthorized "CHK" certification, and (iii) awarding Plaintiff its reasonable attorneys' fees;

**C.** On its Third Claim For Relief: (i) enjoining the Defendants, preliminarily during the pendency of this action and permanently thereafter, from issuing or using any "CHK" certification, or any confusingly similar certification, and (ii) awarding Plaintiff its reasonable attorneys' fees;

**D.** On its Fourth Claim For Relief: (i) enjoining Braun, preliminarily during the pendency of this action and permanently thereafter, from engaging in any contributory

infringement of Plaintiff's "CHK" certification marks, or any confusingly similar certification, and (ii) awarding Plaintiff its reasonable attorneys' fees;

**E.** On its Fifth Claim For Relief, awarding Plaintiff: (i) its actual damages and Defendants' profits from their trademark infringement, and/or (ii) three times its damages and the Defendants' profits, as well as Plaintiff's reasonable attorneys' fees, pursuant to GBL § 360-m:

**F.** On its Sixth Claim For Relief: (i) enjoining each of the Defendants, preliminarily during the pendency of this action and permanently thereafter, from using any "CHK" certification, or any confusingly similar certification, and (ii) awarding Plaintiff its actual damages and Defendants' profits pursuant to GBL § 368-k;

**G.** On its Seventh Claim For Relief, enjoining each of the Defendants, preliminarily during the pendency of this action and permanently thereafter, from using any "CHK" certification, or any confusingly similar certification, or from engaging in any other conduct which dilutes the distinctive nature of Plaintiff's "CHK" certification marks or injures the Plaintiff's business reputation pursuant to GBL § 360-l;

**H.** On its Eighth Claim For Relief, awarding Plaintiff its actual damages and Braun's profits by virtue of his unfair competition;

**I.** On all claims for relief, awarding Plaintiff the costs and disbursements of this action; (ii) its reasonable attorneys fees, and (iii) all applicable interest; and

**J.** Awarding Plaintiff such other and further relief as the Court deems just and proper.



**PLAINTIFF DEMANDS TRIAL BY JURY**

Dated: New York, New York  
October 12, 2015

THE ABRAMSON LAW GROUP, PLLC

By:   
\_\_\_\_\_  
HOWARD WINTNER (6361)  
Attorneys for Plaintiff  
570 Lexington Avenue, 23<sup>rd</sup> Floor  
New York, New York 10022  
Tel: (212) 686-4401

# Exhibit A

Prior U.S. Cl.: A

United States Patent and Trademark Office

Reg. No. 3,103,051

Registered June 13, 2006

CERTIFICATION MARK  
PRINCIPAL REGISTER

**CHK**

VAAD HAKASHRUS OF CROWN HEIGHTS  
(NEW YORK CORPORATION)

388 KINGSTON AVENUE

BROOKLYN, NY 11213

FOR: FOOD, IN CLASS A (U.S. CL. A).

FIRST USE 0-0-1990; IN COMMERCE 0-0-1990.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

THE CERTIFICATION MARK, AS USED AUTHORIZED PERSONS, CERTIFIES THE KOSHER QUALITY OF FOOD.

SER. NO. 78-420,279, FILED 5-17-2004.

MICHAEL WEBSTER, EXAMINING ATTORNEY

# Exhibit B

Prior U.S. Cl.: A

United States Patent and Trademark Office

Reg. No. 3,131,894

Registered Aug. 22, 2006

CERTIFICATION MARK  
PRINCIPAL REGISTER



VAAD HAKASHRUS OF CROWN HEIGHTS  
(NEW YORK CORPORATION)  
388 KINGSTON AVENUE  
BROOKLYN, NY 11213

FOR: FOOD, IN CLASS A (U.S. CL. A).

FIRST USE 0-0-1990; IN COMMERCE 0-0-1990.

NO CLAIM IS MADE TO THE EXCLUSIVE  
RIGHT TO USE THE NON-LATIN CHARACTERS  
THAT MEAN "KOSHER" , APART FROM THE  
MARK AS SHOWN.

THE MARK CONSISTS OF A CROWN ABOVE  
THE LETTERS CHK WITH THE HEBREW LETTERS  
"KHAF", "SHIN", AND "RESH" IN THE CROWN.

THE NON-LATIN CHARACTERS IN THE MARK  
TRANSLITERATE TO "KOSHER"; THIS MEANS  
"KOSHER" IN ENGLISH.

THE CERTIFICATION MARK, AS USED AU-  
THORIZED PERSONS, CERTIFIES THE KOSHER  
QUALITY OF FOOD.

SER. NO. 78-420,299, FILED 5-17-2004.

MICHAEL WEBSTER, EXAMINING ATTORNEY

# Exhibit C

ASSIGNMENT OF TRADEMARKS

WHEREAS VAAD HAKASHRUS OF CROWN HEIGHTS, a New York corporation, having a mailing address of 388 Kingston Avenue,, Brooklyn, New York 11225 ("ASSIGNOR") has adopted, used, is using, and is the entire owner of the following trademarks which have been, and are currently, registered with the United States Patent and Trademark Office:

	<u>Reg. No.</u>	<u>Reg. Date</u>	<u>Trademark</u>
(1)	3,103,051	06/13/2006	CHK
(2)	3,131,893	08/22/2006	CHK (and design)
(3)	3,131,894	08/22/2006	CHK (and design)

and

WHEREAS VAAD HAKASHRUS OF CROWN HEIGHTS, INC., a New York corporation having a mailing address of 645 Lefferts Avenue, Apt. 1-E, Brooklyn, New York 11203, ("ASSIGNEE") is desirous of acquiring the entire right, title, and interest in the same;

NOW, THEREFORE, in consideration of the sum of one dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNOR hereby assigns to ASSIGNEE all right, title, and interest in the United States and worldwide in and to said trademarks, together with the goodwill of the business symbolized by said trademarks and the applications to register said trademarks.

The said ASSIGNOR hereby authorizes and requests the Commissioner of Patents and Trademarks to issue all trademark renewals to said ASSIGNEE, as the assignee of the entire right, title, and interest in and to the same, for its sole use and behoof; and for the use and behoof of its legal representatives, to the full end of the term for which said trademark renewals may be granted, as fully and entirely as the same would have been held by ASSIGNOR had this assignment and sale not been made.

Executed this 18 day of FEB, 2011 at KINGS COUNTY, NY  
(city, state).

CHAIM YAFFE  
VAAD HAKASHRUS OF CROWN HEIGHTS  
By: (name) Chaim Yaffe  
(title) Secretary

STATE OF NY )  
                  ) ss.:  
COUNTY OF KINGS )

Before me personally appeared said CHAIM YAFFE and acknowledged the foregoing instrument to be his/her free act and deed this 18 day of Feb, 2011.

Joseph Katzoff  
Notary Public State of New York  
Qualified in Kings County no. 24-6013359  
Commission Expires September 14, 2014

1414assi\_3.tmk 021711

RECORDED: 03/08/2011 TRADEMARK REEL: 004493-FRAME: 0104

# Exhibit D



PTO Form 1583 (Rev 5/2006)  
 OMB No. 0951-0055 (Exp 09/30/2014)

## Combined Declaration of Use and Incontestability under Sections 8 & 15

The table below presents the data as entered.

Input Field	Entered
<b>REGISTRATION NUMBER</b>	3131893
<b>REGISTRATION DATE</b>	08/22/2006
<b>SERIAL NUMBER</b>	78420291
<b>MARK SECTION</b>	
<b>MARK</b>	CHK (stylized and/or with design)
<b>ATTORNEY SECTION (current)</b>	
<b>NAME</b>	Mitchell P. Novick, Esq.
<b>FIRM NAME</b>	LAW OFFICES OF MITCHELL P. NOVICK
<b>STREET</b>	66 PARK ST
<b>CITY</b>	MONTCLAIR
<b>STATE</b>	New Jersey
<b>POSTAL CODE</b>	07042-5908
<b>COUNTRY</b>	United States
<b>PHONE</b>	973-744-5150
<b>FAX</b>	973-744-2227
<b>EMAIL</b>	mnovick@mitchellnovick.com
<b>AUTHORIZED TO COMMUNICATE VIA E-MAIL</b>	Yes
<b>ATTORNEY SECTION (proposed)</b>	
<b>NAME</b>	Mitchell P. Novick, Esq.
<b>FIRM NAME</b>	LAW OFFICES OF MITCHELL P. NOVICK
<b>INTERNAL ADDRESS</b>	Suite 407
<b>STREET</b>	623 Eagle Rock Avenue

<b>CITY</b>	West Orange
<b>STATE</b>	New Jersey
<b>POSTAL CODE</b>	07052
<b>COUNTRY</b>	United States
<b>PHONE</b>	973-744-5150
<b>FAX</b>	973-744-2227
<b>EMAIL</b>	mnovick@mitchellnovick.com
<b>AUTHORIZED TO COMMUNICATE VIA E-MAIL</b>	Yes
<b>CORRESPONDENCE SECTION (current)</b>	
<b>NAME</b>	MITCHELL P. NOVICK, ESQ.
<b>FIRM NAME</b>	LAW OFFICES OF MITCHELL P. NOVICK
<b>STREET</b>	66 PARK ST
<b>CITY</b>	MONTCLAIR
<b>STATE</b>	New Jersey
<b>POSTAL CODE</b>	07042-5908
<b>COUNTRY</b>	United States
<b>PHONE</b>	973-744-5150
<b>FAX</b>	973-744-2227
<b>EMAIL</b>	mnovick@mitchellnovick.com
<b>AUTHORIZED TO COMMUNICATE VIA E-MAIL</b>	Yes
<b>CORRESPONDENCE SECTION (proposed)</b>	
<b>NAME</b>	MITCHELL P. NOVICK, ESQ.
<b>FIRM NAME</b>	LAW OFFICES OF MITCHELL P. NOVICK
<b>INTERNAL ADDRESS</b>	Suite 407
<b>STREET</b>	623 Eagle Rock Avenue
<b>CITY</b>	West Orange
<b>STATE</b>	New Jersey
<b>POSTAL CODE</b>	07052
<b>COUNTRY</b>	United States
<b>PHONE</b>	973-744-5150

<b>FAX</b>	973-744-2227
<b>EMAIL</b>	mnovick@mitchellnovick.com;nhyman@mitchellnovick.com
<b>AUTHORIZED TO COMMUNICATE VIA E-MAIL</b>	Yes
<b>DOCKET/REFERENCE NUMBER</b>	1722-1292
<b>GOODS AND/OR SERVICES SECTION</b>	
<b>INTERNATIONAL CLASS</b>	A
<b>GOODS OR SERVICES</b>	food
<b>SPECIMEN FILE NAME(S)</b>	<u>\\TICRS\EXPORT16\IMAGEOUT</u> <u>16\784\202\78420291\xml1\ 8150002.JPG</u>
<b>SPECIMEN DESCRIPTION</b>	portion of product packaging containing the mark
<b>OWNER SECTION (current)</b>	
<b>NAME</b>	VAAD HAKASHRUS CROWN HEIGHTS, INC.
<b>STREET</b>	645 LEFFERTS AVENUE
<b>CITY</b>	BROOKLYN
<b>STATE</b>	New York
<b>ZIP/POSTAL CODE</b>	11203
<b>COUNTRY</b>	United States
<b>LEGAL ENTITY SECTION (current)</b>	
<b>TYPE</b>	corporation
<b>STATE/COUNTRY OF INCORPORATION</b>	New York
<b>PAYMENT SECTION</b>	
<b>NUMBER OF CLASSES</b>	1
<b>NUMBER OF CLASSES PAID</b>	1
<b>SUBTOTAL AMOUNT</b>	300
<b>GRACE PERIOD</b>	100
<b>TOTAL FEE PAID</b>	400
<b>SIGNATURE SECTION</b>	
<b>SIGNATURE</b>	/mitchell p. novick/
<b>SIGNATORY'S NAME</b>	Mitchell P. Novick, Esq.

<b>SIGNATORY'S POSITION</b>	Attorney of record, NJ bar member
<b>DATE SIGNED</b>	02/22/2013
<b>SIGNATORY'S PHONE NUMBER</b>	973-744-5150
<b>PAYMENT METHOD</b>	CC
<b>FILING INFORMATION</b>	
<b>SUBMIT DATE</b>	Fri Feb 22 15:21:57 EST 2013
<b>TEAS STAMP</b>	USPTO/S08N15-96.242.136.9 5-20130222152157380869-31 31893-500a4fb23bdf038cc10 8c1cbb6a75c527c1be81b3214 5dffa4c2781cb1671a41-CC-1 963-20130222145333403839

PTO Form 1-201 (Rev. 5-22-06)  
(Mandatory Filing of a Combined Declaration)

**Combined Declaration of Use and Incontestability under Sections 8 & 15  
To the Commissioner for Trademarks:**

**REGISTRATION NUMBER:** 3131893  
**REGISTRATION DATE:** 08/22/2006

**MARK:** (Stylized and/or with Design, CHK)

The owner, VAAD HAKASHRUS CROWN HEIGHTS, INC., a corporation of New York, having an address of

645 LEFFERTS AVENUE  
BROOKLYN, New York 11203  
United States

is filing a Combined Declaration of Use and Incontestability under Sections 8 & 15.

For International Class A, the mark is in use in commerce on or in connection with **all** of the goods or services listed in the existing registration for this specific class: food; **and** the mark has been continuously used in commerce for five (5) consecutive years after the date of registration, or the date of publication under Section 12(c), and is still in use in commerce on or in connection with **all** goods or services listed in the existing registration for this class. Also, no final decision adverse to the owner's claim of ownership of such mark for those goods or services exists, or to the owner's right to register the same or to keep the same on the register; and, no proceeding involving said rights pending and not disposed of in either the U.S. Patent and Trademark Office or the courts exists.

The owner is submitting one specimen for this class showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) portion of product packaging containing the mark.

Specimen File 1

The registrant's current Attorney Information: Mitchell P. Novick, Esq. of LAW OFFICES OF MITCHELL P. NOVICK

66 PARK ST  
MONTCLAIR, New Jersey (NJ) 07042-5908  
United States

The registrant's proposed Attorney Information: Mitchell P. Novick, Esq. of LAW OFFICES OF MITCHELL P. NOVICK

Suite 407  
623 Eagle Rock Avenue  
West Orange, New Jersey (NJ) 07052  
United States

The phone number is 973-744-5150.

The fax number is 973-744-2227.

The email address is mnovick@mitchellnovick.com.

The registrant's current Correspondence Information: MITCHELL P. NOVICK, ESQ. of LAW OFFICES OF MITCHELL P. NOVICK

66 PARK ST  
MONTCLAIR, New Jersey (NJ) 07042-5908  
United States

The registrant's proposed Correspondence Information: MITCHELL P. NOVICK, ESQ. of LAW OFFICES OF MITCHELL P. NOVICK

Suite 407  
623 Eagle Rock Avenue  
West Orange, New Jersey (NJ) 07052  
United States

The docket/reference number is 1722-1292.

The phone number is 973-744-5150.

The fax number is 973-744-2227.

The email address is mnovick@mitchellnovick.com;nhyman@mitchellnovick.com.

A fee payment in the amount of \$400 will be submitted with the form, representing payment for 1 class(es), plus any additional grace period fee, if necessary.

#### **Declaration**

*The mark is in use in commerce on or in connection with the goods and/or services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce. The mark has been in continuous use in commerce for five (5) consecutive years after the date of registration, or the date of publication under Section 12(c), and is still in use in commerce. There has been no final decision adverse to the owner's claim of ownership of such mark, or to the owner's right to register the same or to keep the same on the register; and there is no proceeding involving said rights pending and not disposed of either in the U.S. Patent and Trademark Office or in the courts.*

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature: /mitchell p. novick/ Date: 02/22/2013

Signatory's Name: Mitchell P. Novick, Esq.

Signatory's Position: Attorney of record, NJ bar member  
Signatory's Phone Number: 973-744-5150

**Mailing Address (current):**

LAW OFFICES OF MITCHELL P. NOVICK  
66 PARK ST  
MONTCLAIR, New Jersey 07042-5908

**Mailing Address (proposed):**

LAW OFFICES OF MITCHELL P. NOVICK  
623 Eagle Rock Avenue  
West Orange, New Jersey 07052

Serial Number: 78420291

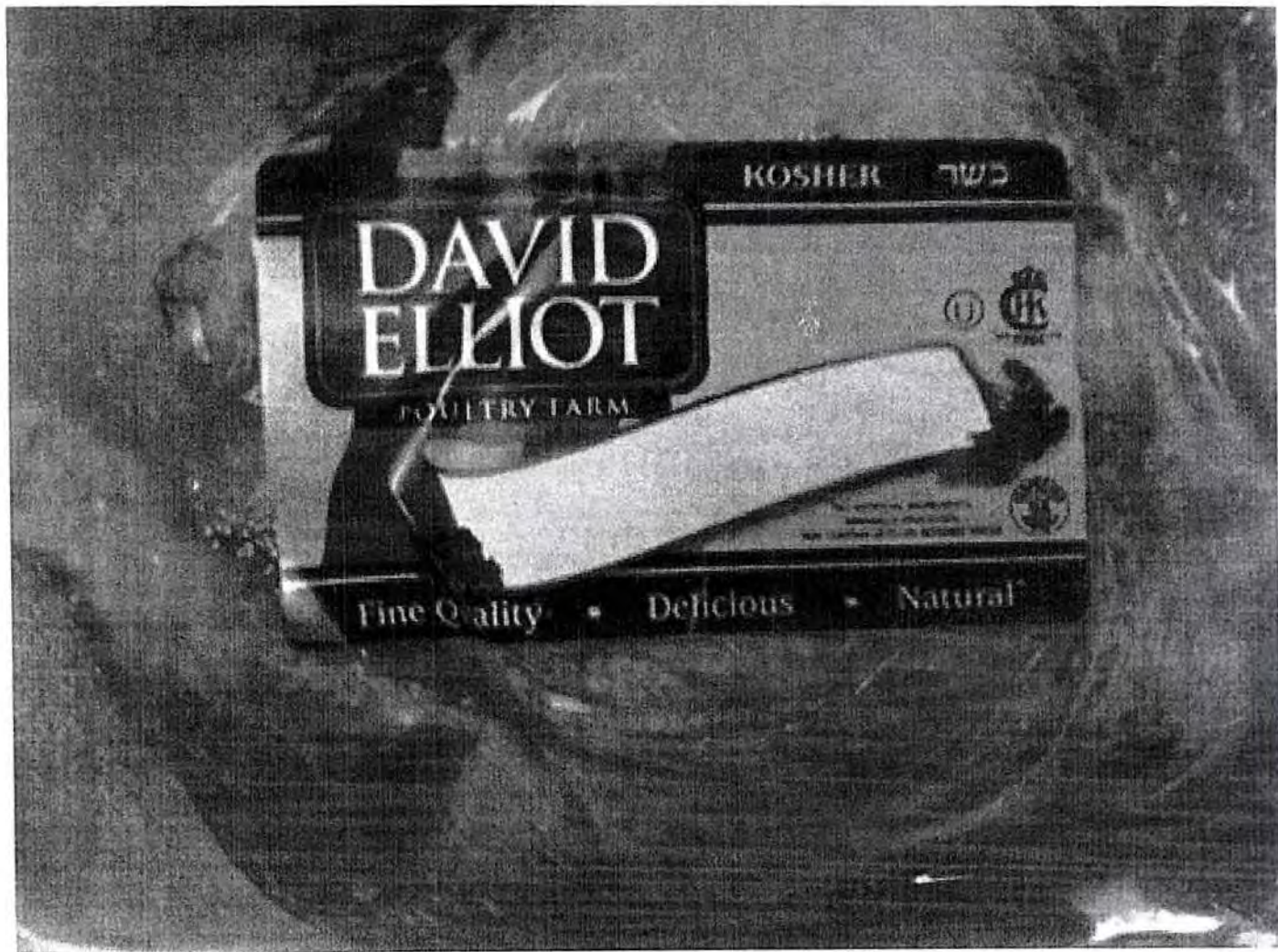
Internet Transmission Date: Fri Feb 22 15:21:57 EST 2013

TEAS Stamp: USPTO/S08N15-96.242.136.95-2013022215215

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b6a75c527c1be81b32145dffa4c2781cb1671a41

-CC-1963-20130222145333403839





**ROUTING SHEET TO POST REGISTRATION (PRU)**

**Registration Number:** 3131893



**Serial Number:** 78420291



**RAM Sale Number:** 3131893

**RAM Accounting Date:** 20130225

**Total Fees:** \$400

Note: Process in accordance with Post Registration Standard Operating Procedure (SOP)

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Number of Classes Paid</u>	<u>Total Fee</u>
§8 affidavit	7205	20130222	\$100	1	1	\$100
§15 affidavit	7208	20130222	\$200	1	1	\$200
Grace period combined §8 & 15	7206	20130222	\$100	1	1	\$100

Physical Location: 900 - FILE REPOSITORY (FRANCONIA)

Lost Case Flag: False

In TICRS (AM-FLG-IN-TICRS): True

**Transaction Date:** 20130222

