

# United States of America

## United States Patent and Trademark Office



**Reg. No. 5,664,169**

**Registered Jan. 29, 2019**

**Corrected Sep. 03, 2024**

**Int. Cl.: 33**

**Trademark**

**Principal Register**

Fifth Generation, Inc. (TEXAS CORPORATION)  
12101 Moore Road  
Austin, TEXAS 78719

CLASS 33: Distilled spirits

FIRST USE 4-00-1999; IN COMMERCE 4-00-1999

The color(s) pale yellow, black and copper is/are claimed as a feature of the mark.

The mark consists of "Tito's Handmade" in black with a copper outline with an oval design in black and copper between these words, and the wording "VODKA crafted in an Old Fashioned Pot Still by America's Original Microdistillery AUSTIN TEXAS DISTILLED & BOTTLED BY FIFTH GENERATION, INC. AUSTIN, TX. 40% ALC./VOL" in black. A copper colored band runs across the bottom of the label. The oval design consists of an image of a still in copper on a black background surrounded by the wording "AWARD WINNING DISTILLED 6 TIMES" in pale yellow, with bands and stars on each side and rays around its perimeter. The entire mark is on a pale yellow background.

No claim is made to the exclusive right to use the following apart from the mark as shown: "AWARD WINNING DISTILLED 6 TIMES VODKA CRAFTED IN AN OLD FASHIONED POT STILL BY AMERICA'S ORIGINAL MICRODISTILLERY AUSTIN TEXAS DISTILLED & BOTTLED BY, "INC.", "AUSTIN, TX." AND 40% ALC./VOL"

SEC. 2(F) "HANDMADE" has become distinctive of the goods/services as evidenced by the ownership on the Principal Register for the same mark for sufficiently similar goods/services of active U.S. Registration No(s). 3328375

SER. NO. 87-541,469, FILED 07-25-2017

*Katherine Kelly Vidal*

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>.**