

Form PTO-1594 (Rev. 12-11)  
OMB Collection 0651-0027 (exp. 04/30/2015)

U.S. DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office

### RECORDATION FORM COVER SHEET TRADEMARKS ONLY

To the Director of the U. S. Patent and Trademark Office: Please record the attached documents or the new address(es) below.

#### 1. Name of conveying party(ies):

R. & A. Bailey & Co.  
Nangor Road, Nangor House, Western Estate  
Dublin 12 IRELAND

- Individual(s)
- Partnership
- Corporation- State: \_\_\_\_\_
- Other Limited Company
- Association
- Limited Partnership

Citizenship (see guidelines) Irish

Additional names of conveying parties attached?  Yes  No

#### 3. Nature of conveyance/Execution Date(s) :

Execution Date(s) August 20, 1997

- Assignment
- Security Agreement
- Other \_\_\_\_\_
- Merger
- Change of Name

#### 2. Name and address of receiving party(ies)

Additional names, addresses, or citizenship attached?  Yes  No

Name: R & A Bailey & Co

Street Address: Nangor Road, Nangor House, Western Estate

City: Dublin

State: \_\_\_\_\_

Country: Ireland Zip: 12

- Individual(s) Citizenship \_\_\_\_\_
- Association Citizenship \_\_\_\_\_
- Partnership Citizenship \_\_\_\_\_
- Limited Partnership Citizenship \_\_\_\_\_
- Corporation Citizenship \_\_\_\_\_
- Other Limited Company Citizenship Irish

If assignee is not domiciled in the United States, a domestic representative designation is attached:  Yes  No  
(Designations must be a separate document from assignment)

#### 4. Application number(s) or registration number(s) and identification or description of the Trademark.

A. Trademark Application No. (s) \_\_\_\_\_ Text \_\_\_\_\_

B. Trademark Registration No. (s)  
1185090

Additional sheet(s) attached?  Yes  No

#### C. Identification or Description of Trademark(s) (and Filing Date if Application or Registration Number is unknown):

BAILEYS ORIGINAL IRISH CREAM

#### 5. Name & address of party to whom correspondence concerning document should be mailed:

Name: Theodore H. Davis Jr.

Internal Address: Suite 2600

Street Address: 1100 Peachtree Street N.E.

City: Atlanta

State: Georgia Zip: 30309

Phone Number: 404-815-6634

Docket Number: 52935-352198

Email Address: tdavis@kilpatricktownsend.com

6. Total number of applications and registrations involved:

7. Total fee (37 CFR 2.6(b)(6) & 3.41) \$ 40.00

- Authorized to be charged to deposit account
- Enclosed

#### 8. Payment Information:

Deposit Account Number 20-1430

Authorized User Name Kilpatrick Townsend LLP

9. Signature:   
Signature

July 6, 2012  
Date

Theodore H. Davis Jr.  
Name of Person Signing

Total number of pages including cover sheet, attachments, and document:

CH \$40.00 201430 118509

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE ASSIGNMENT DIVISION

Registrant: R & A Bailey & Co  
Nangor Road  
Nangor House  
Western Estate Dublin 12 IRELAND

Reg. No: 1185090

**DECLARATION OF NICOLE D. D'AMATO**

1. I am Director and Senior Counsel, Intellectual Property of Diageo North America, Inc. I make this declaration in support of R & A Bailey & Co's request for the recordation of transactions documenting R & A Bailey & Co's ownership of Reg. No. 1185090 and the mark underlying that registration. The information set forth in this declaration is based on my personal knowledge and on records maintained by employees of R & A Bailey & Co in the ordinary course of business.

2. Diageo North America is a subsidiary of Diageo plc.

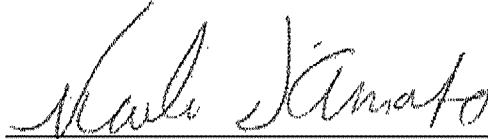
3. R & A Bailey & Co also is a subsidiary of Diageo plc.

4. The application that matured into Reg. No. 1185090 was filed in the name of R & A Bailey & Co., Limited. As of the filing date of that application, however, the actual name of the applicant was R. & A. Bailey & Co. Limited. As documented in Exhibit A, R & A Bailey & Co has therefore requested an amendment under Section 7 to Reg. No. 1185090 to reflect R. & A. Bailey & Co. Limited as the proper original registrant.

5. On June 12, 1990, R. & A. Bailey & Co. Limited changed its name to R. & A. Bailey & Co. with the Ireland Registrar of Companies. Documentation of that change of name is attached as Exhibit B.

6. On August 20, 1997 R. & A. Bailey & Co. changed its name to R & A Bailey & Co with the Ireland Registrar of Companies. Documentation of that change of name is attached as Exhibit C. As a consequence, R & A Bailey & Co is the current owner of Reg. No. 1185090.

The undersigned, 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 registration, declares that the facts set forth in this declaration are true; all statements made of her own knowledge are true; and that all statements made on information and belief are believed to be true.



Nicole D. D'Amato  
Diageo North America, Inc.  
801 Main Avenue  
Norwalk, CT 06851

Date: 7/5/12

# Exhibit A

We have received your Section 7 Request Form below.

To the Commissioner for Trademarks:

The registrant requests the following amendment(s) to registration no. **1185090**

#### EXPLANATION OF FILING

The registrant respectfully requests amendment of the registrant identified in Reg. No. 1185090 from "R & A Bailey & Co., Limited" to R. & A. Bailey & Co. Limited." The requested amendment is to correct a nonmaterial scrivener's error by the applicant that occurred in good faith during the prosecution of the application that matured into Reg. No. 1185090.

#### OWNER AND/OR ENTITY INFORMATION

Registrant proposes to amend the following:

**Current:** R & A Bailey & Co., Limited, a company legally organized under the laws of IRELAND (IEX), having an address of  
Nangor Road  
Dublin 12,  
Ireland  
203.229.7172  
203.229.8925

**Proposed:** R. & A. Bailey & Co. Limited, limited company (ltd.) legally organized under the laws of Ireland, having an address of

Nangor Road  
Dublin 12,  
Ireland  
trademarks@diageo.com  
203.229.7172  
203.229.8925

#### ATTORNEY INFORMATION

Registrant proposes to amend the following:

**Current:** NICOLE D'AMATO DIAGEO NORTH AMERICA, INC. 801 MAIN AVENUE NORWALK Connecticut (CT) United States (USX) 06851

**Proposed:** Nicole D'Amato, having an address of 801 MAIN AVENUE NORWALK, Connecticut United States 06851, whose e-mail address is trademarks@diageo.com, whose phone number is (203) 229-4047 and whose fax number is (203) 845-5925.

#### CORRESPONDENCE ADDRESS CHANGE

Registrant proposes to amend the following:

**Current:** NICOLE D'AMATO DIAGEO NORTH AMERICA, INC. 801 MAIN AVENUE NORWALK Connecticut (CT) United States (USX) 06851

**Proposed:** Nicole D'Amato, having an address of 801 MAIN AVENUE NORWALK, Connecticut United States 06851, whose e-mail address is trademarks@diageo.com;nicole.damato@diageo.com,Mara.McCooney@diageo.com,tdavis@ktslaw.com,trademarks@diageo.com, whose phone number is (203) 229-4047 and whose fax number is (203) 845-5925.

#### FEE(S)

Fee(s) in the amount of \$100 is being submitted.

Signature: /Nicole D'Amato/ Date: 07/02/2012

Signatory's Name: Nicole D'Amato

Signatory's Position: Attorney of Record, NY State Bar

#### Request Signature

Signature: /Theodore H. Davis Jr./ Date: 07/02/2012

Signatory's Name: Theodore H. Davis Jr.

Signatory's Position: Attorney of record, Georgia and New York bar member

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the registrant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the registrant in this matter; (1) the registrant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the registrant has filed a power of attorney appointing him/her in this matter; or (4) the registrant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is NOT filing a Declaration of Use of Mark under Section 8; a Combined Declaration of Use of Mark under Sections 8 & 15; or a Combined Declaration of Use of Mark/Application for Renewal of Registration of Mark under Sections 8 & 9 in conjunction with this Section 7 Request.

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Thank you,

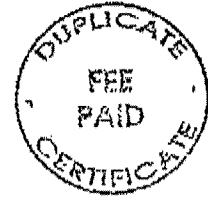
The TEAS support team

Mon Jul 02 17:21:23 EDT 2012

STAMP: USPTO/S7R-12.1.41.226-20120702172123601556-1185090-490d6d7c67ac457ca3c1fe9bd76febeed7-CC-4519-20120702115910721756

# Exhibit B

49185



CERTIFICATE OF THE INCORPORATION OF A COMPANY

I hereby certify, that

R. & A. BAILEY & CO.

(originally called R. & A. BAILEY & CO. LIMITED

which name was changed to

THE CURRENT NAME 12/06/90

each change having been made by Special Resolution and with the authority of the Minister)

was INCORPORATED under the COMPANIES ACT 1963

as a LIMITED Company, on Tuesday, the 24th day of September, 1974

Given under my hand at DUBLIN this

Friday, the 26th day of November, 1993

*Marian O'Connell*  
for Registrar of Companies

*26/11/93.*

Companies Act, 1963, Sec. 370.



# Exhibit C

NUMBER

049185

# Certificate of Incorporation

ON CHANGE OF NAME

I hereby certify that


R. & A. BAILEY & CO.

having, by a Special Resolution of the Company,  
and with the approval of the Minister for  
Enterprise Trade and Employment, changed its name, is now  
incorporated under the name

R & A BAILEY & CO

and I have entered such name on the Register accordingly.

Given under my hand at Dublin, this  
Wednesday, the 20th day of August, 1997

  
for Registrar of Companies