

THE SPIRIT OF HISTORY

TEMPUS FUGIT SPIRITS

Sent by Overnight Delivery

Darcy O'Neil
1673 Richmond Street, Suite 513
London, Ontario N6G 2N3
Canada

May 1, 2013

Re: Abbotts Bitters®

Dear Mr. O'Neil:

Greetings from Tempus Fugit Spirits! We have visited your Art of Drink website and have read with great interest your recent postings regarding your efforts to replicate the historic brand, Abbott's Bitters®. It is apparent that we share a mutual interest in offering the cocktail community high-quality products, including Abbott's Bitters® in particular. We sincerely commend you on your dedication in attempting to replicate a classic bitters recipe and suspect that you try to be as diligent in your efforts with your products as we are with ours. There is always room for well-crafted products for the cocktail community and high quality and sincere efforts will always be well received, regardless of specific brand name or historic connection.

As you are undoubtedly aware, our company, Tempus Fugit Spirits, has for a number of years undertaken a similar effort to produce a formulation to resurrect the original flavor profile of Abbott's Bitters®. Based on the informative slide presentation on your website, it seems we each have arrived at different conclusions and directions toward realizing the ultimate expression of the Abbott's Bitters® formulation.

While we are both aware of the efforts of a number of individuals within the cocktail community to replicate the flavor of Abbott's Bitters®, the commercial application of these efforts, especially from the brand name and the marketing of your product in the U.S. is a point that we are compelled to raise with you at this time. In an effort to protect the considerable time and investment required in our undertaking to replicate Abbott's Bitters®, we have from the beginning, undergone the long and extensive legal process to register ABBOTT'S BITTERS as a trademark in the U.S. Having been successful in that effort, in order to maintain that registration and to protect the exclusivity that TM registration provides the registrant, we are required to police our TM and to prevent other parties from using confusingly similar marks. If we fail to do so, we will lose the value of our trademark and our considerable investment in it. If you sell your product in the U.S. under the name "Abbott's Bitters®" there is certain to be confusion between our products. For that reason, I must respectfully request that you not use the name Abbott's Bitters® in connection with your products. We have no desire to prevent you from selling your finished product however and to whomever you wish, and we know the cocktail community would welcome another quality bitters product such as yours, but we request that you respect our trademark rights in not referring to your product as Abbott's Bitters®.



As we are a small company, we would prefer to use our resources in developing and producing fine artisanal products, and handle this matter informally. However, if your preference is to direct this matter through your legal counsel, we will certainly respect that business decision and will provide you with the contact information for our legal counsel upon request. We hope, however, that we can resolve this in a more amicable and cost effective manner. I would appreciate hearing back from you on this in the next week or two, so we can understand your position and intentions. I can be reached at info@tfspirits.com.

We look forward to resolving this matter to our mutual satisfaction and hope we are able to meet in person one day to compare research notes on the history of Abbott's Bitters® and discuss our shared interest in cocktail culture.

Sincerely,



John Troia
Tempus Fugit Spirits