



CORNELL CONCEPTS
CONSULTANTS TO
THE HOSPITALITY INDUSTRY

8 PARK PLAZA, SUITE 421, BOSTON, MASSACHUSETTS 02118
617-393-0315

August 3, 1992

Cambridge License Commission
831 Massachusetts Avenue, 1st Fl.
Cambridge, MA. 02139

Dear Commission Members:

As consultant and general manager for a group planning to do business in Harvard Square as The John Harvard TavernTM, I would like to take this opportunity to object to any licensing under this or a similar name contemplated by the restaurant currently doing business as 33 Dunster Street, Cambridge.

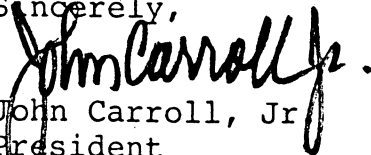
My group was negotiating on the property at 96 Winthrop Street prior to last October when it registered and trademarked my work product for intended use at this address. The site recently fell through, but, we are currently engaged in negotiations on another location in the neighborhood.

It now comes to our attention a restaurant group that had secured transfer of an all alcoholic beverage license last May 29th to its corporate name Dartmouth Breweries, Inc., doing business as 33 Dunster Street, seeks to appropriate the John Harvard name for a purpose congruent with our protected use. This would be an infringement.

Clearly, use of the John Harvard name in connection with a restaurant operation was proposed and trademarked by me and my group prior to any such proposed and unprotected use by Dartmouth Breweries, Inc.

I object to any contemplated use of my work product by the applicant business at 33 Dunster Street, and request that the Commission limit the applicant to the proposed DBA under which it secured prior licensing, or under another DBA which threatens no infringement regarding our protected use.

Sincerely,


John Carroll, Jr.
President

c: Cambridge City Council
Inspectional Services Dept.
Community Development Dept.

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CITY CLERK
AUG 3 1992
CAMBRIDGE, MA.



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CONSULTANTS TO
THE HOSPITALITY INDUSTRY

8 PARK PLAZA, SUITE 421, BOSTON, MASSACHUSETTS 02116

City Council
Cambridge City Hall



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8 PARK PLAZA, SUITE 421, BOSTON, MASSACHUSETTS 02116
617-393-0315

September 17, 1992

Cambridge City Council
City Hall
795 Massachusetts Avenue
Cambridge, MA. 02139

RE: Dartmouth Breweries, Inc. dba John Harvard's Brewhouse

Dear Council Members:

While reserving my legal rights, I write to notify you of my intention to withdraw my objections to various approvals sought by Dartmouth Breweries, Inc. for use of the John Harvard name in the license and permit process.

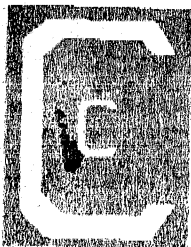
My thanks for your support, heretofore, and know of my continuing enthusiasm for Harvard Square and Cambridge, and my hope to do business there.

Sincerely,

John Carroll, Jr.
John Carroll, Jr.
President

c: Grenville Byford,
Dartmouth Breweries, Inc.

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1992 SEP 17 PM 4:21
CAMBRIDGE MA.



CORNELL CONCEPTS

September 15, 1992

Cambridge City Council
City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

RE: Dartmouth Breweries, Inc. dba John Harvard's Brewhouse

Dear Council Members:

While reserving my right to withdraw from this process, I am writing you of my intention to withdraw from the process of seeking approval for the John Harvard's Brewhouse.

My thanks to you for your continued support and my hope for a successful outcome.

Sincerely,

John Carroll
John Carroll, Jr.
President

cc: Grenville Byford,
Dartmouth Breweries, Inc.

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1992 SEP 17 PM 4:21
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CORNELL CONCEPTS

CONSULTANTS TO
THE HOSPITALITY INDUSTRY

8 PARK PLAZA, SUITE 421, BOSTON, MASSACHUSETTS 02116
617-393-0315

HAND DELIVERED

July 30, 1992

City Council
Cambridge City Hall
Cambridge, Massachusetts 02139

RE: PROPOSED SIGNAGE & D/B/A CHANGE OF LICENSEE FROM
"33 DUNSTER STREET" TO "JOHN HARVARD'S BREW HOUSE"

Dear Council Members:

Attached, please find my letter of July 29 to counsel for Dartmouth Breweries, Inc., currently licensed to do business as "33 Dunster Street," Cambridge.

This letter and attached trademark registration of October 29, 1991, are the basis of our strong objection to proposed signage and product name use by Dartmouth Breweries, Inc., issues now subject to approval by the council.

Sincerely,

John Carroll, Jr.
John Carroll, Jr.
President

enc: Correspondence to Deborah O'Malley, Esq.
Sullivan & Worcester
Trademark registration of 10/25/91

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1992 JUL 30 PM 4:18

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CORNELL CONCEPTS

CONSULTANTS TO
THE HOSPITALITY INDUSTRY

8 PARK PLAZA, SUITE 421, BOSTON, MASSACHUSETTS 02116
617-393-0315

RE: DARTMOUTH BREWERIES, INC./33 DUNSTER STREET

July 29, 1992

Deborah O'Malley, Esq. 338 2800
Sullivan & Worcester
One Post Office Square
Boston, MA. 02109

Dear Attorney O'Malley:

Allow me to introduce myself as consultant and general manager for a group intending to do business as "The John Harvard Tavern," in Harvard Square, Cambridge.

My group was negotiating on a Harvard Square site last October when it registered and trademarked my work product. Recently, this particular site unexpectedly fell through, but, we are currently near agreement on another location in the neighborhood.

It has now come to my attention my trademarked work product may have fallen wrongfully into your client's hands, and that your client intends to use it.

I am not an attorney versed in the legal niceties at issue, but it is incontrovertible that this concept was created by me and proposed for a Harvard Square site by my group as early as last summer.

This letter is intended to draw your attention to this prospective infringement on my work product in the hope you will communicate this fact to your client, in order that he or she may avoid unnecessary litigation, expense, and embarrassment.

I must ask your client to cease and desist in use of this product name, and request that you inform your client we will assert all remedies available to us in protection of this property.

Please advise.

Sincerely,

John Carroll Jr.

John Carroll, Jr.
President

CAMBRIDGE MA.

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The Commonwealth of Massachusetts

Office of the Secretary of State
Michael J. Connolly, Secretary

16224

APPLICATION FOR THE REGISTRATION OF A SERVICE MARK

1. Name of Applicant Hugh Kerr
- 2.(a) Principal business address 218 Boston Street, Unit 203
Topsfield MA Street 01983
City State Zip
- (b) Business address in Massachusetts, if any. (To be filled in only if principal business address is not in Massachusetts).
Street City State Zip
3. State whether applicant is an individual, partnership, corporation, union or association: individual
4. If a corporation, what is state of incorporation? _____
5. Describe mark: hanging rectangular sign with the words "The John Harvard Tavern"
6. Describe the specific services in connection with which mark is used: for use in the operation and functioning of a restaurant, including advertising in connection therewith, menus, and other related items
7. Class No. 35
8. Check how the mark is used. By displaying it:
☒ in advertisements of the service
☐ on documents, wrappers, or articles delivered in connection with the services rendered
☒ in other fashions (if so specify) storefront name, on menus, and other related items
9. Date of first use of mark by applicant or predecessor. If first use of mark was in Massachusetts use same date in both (a) and (b).
(a) Anywhere October 25, 1991
(b) In Massachusetts October 25, 1991

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State House, Boston, MA 02133

8735-

10. If either of the above first uses was by a predecessor of applicant, state which use or uses were by a predecessor and identify predecessor: N/A

Hugh Kerr
Name of Applicant

By [Signature]
Signature of Officer

Title

STATE OF Massachusetts

SS.

COUNTY OF Suffolk

Hugh Kerr, being duly sworn, deposes and says that he is the

of the above named applicant, that the statements
contained in the foregoing statement are true and that he verily believes that said
applicant is the owner of the mark sought to be registered and that no other person
has the right in the Commonwealth of Massachusetts to use such mark either in the
identical form thereof, or in such near resemblance thereto, as to be likely, when
applied to the goods or services of such person, to cause confusion or to cause
mistake or to deceive.

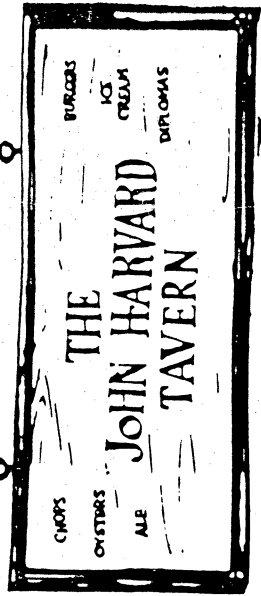
SUBSCRIBED and sworn to before me this 7th day of November, 1991.

My commission expires _____

Notary Public

FEE PAID
\$50.00
DEC 10 1991

CAMBRIDGE
SECRETARY'S OFFICE



CERTIFICATE OF REGISTRATION OF SERVICE MARK

[Signature]

General Laws, Chapter 110B, Section 4

Filed In The Office Of The
Secretary Of The Commonwealth, And Secretary's
Certificate of Registration Issued.

This 10th Day of December 19 91

CAMBRIDGE MA.
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1992 JUL 30 PM 1:18

Consent Comm. # 46

H-161

Comm. from John Carroll, Jr., President,
Cornell Concepts, in opposition to the
petition for a sign and/or awnings for
John Harvard's Brewhouse.

In City Council,

Aug. 3, 1992

*Charter Right
exercised by Councillor
Russell*

*9/14/92 Placed on file
Under Rule 19 of
the City Council Rules.
9/17/92 Petitioner
withdrew his objections*