



M. Jean-Luc Dairien
INAO
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France

Re: US Trademark "Brain Champagne" Class 41 (Entertainment)

Dear M. Dairien:

Thank you so much for your entertaining letter dated 18 March 2015. And may I say I admire what a grand job you must have, defending the honor of one of the greatest products the world has ever known.

I'm sure it's a challenging job, especially here in America where, as I'm sure you know, our Supreme Court has already ruled that Champagne is a descriptive term applying to all sparkling wines, not just the ones from Champagne. But let's put that aside, because I've tasted a lot of American sparkling wine and none of it lives up to my standards-actual Champagne from Champagne is unmatched by any other sparkling wine.

I myself love Champagne and drink a lot of it. As I write this I'm drinking a superb 1990 Bollinger. And the reason I still have Champagne that I bought 20 years ago is not because I don't drink it much, rather it's a testimony to the depth of my Champagne cellar.

I know that the region of Champagne has been around dating back before Clovis, but as a sparkling beverage only a few hundred years. Comedy, however, has been around at least as long as there have been Jews, and that's several thousand years.

Do you also have the honor of defending other great European beverage names? Because I have Burgundy carpeting in my dining room, must I get rid of that too? I deliberately chose that color because I drink a lot of Burgundy, enough that I considered spills when choosing a carpet color. Now when I spill wine in the dining room I don't have to worry about cleaning it up.

And worse, what about Port? All American boats have port sides (that's the left side, for you land-lubbers, or your right side if you're a rower and facing backwards). If we eliminate that, all our boats will sink. At the very least I'd just end up rowing in circles.

I dated a girl named Sherry once and she was nothing like the beverage. Despite her name she was not sweet at all. She didn't like French kissing but now I realize that maybe the whole thing was just a trademark dispute.

I understand your issue with American wineries selling bad wine with the word "Champagne" on the label. I doubt, however, that anyone will confuse my jokes, which are just words spoken into an electric stick, with carbonated, fermented fruit juice made

from grapes grown in chalky soil in the middle of France. I'm sure they also don't confuse it with a city in Illinois called Champaign, but if you studied English in England you already know that we here in America don't spell all that well.

Regardless, I have been working as a comedian, and using the brand name Brain Champagne, for more than a decade. Not once has anyone come up to me during or after a show to ask where their drink was. And given the low level of service in some comedy clubs you'd think that would happen on occasion, even if I'm the entertainment, not the wait staff. So clearly nobody's confusing jokes with wine.

Anyway many of my jokes are clever and require some level of thought and understanding to get the subtle nuances and double-entendres. Or to put it in wine terms, they undergo a secondary fermentation. Just like Champagne.

I invite you to come see one of my shows the next time you're in New York or anywhere else I happen to be performing. You can find my schedule on my website which you've probably already guessed is BrainChampagne.com. I'd be delighted to have a drink with you after the show. I'm sure we can agree on what to order.

By the way, your EU negotiators who put together the 2006 wine trade agreement made a serious oversight. The agreement applies to wine, which is defined as made from grapes. Thus there's very little, other than technical issues and the issue of taste, not to mention lack of desire, to prevent me from making and marketing Champagne in the U.S. as long as it's not made from grapes. So next time you're in NY feel free to enjoy some Cherry Champagne. Well, to taste it. I doubt you'd enjoy it.

Sincerely,

Shaun Eli Breidbart

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