

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

LOW TIDE BREWING, LLC, a South
Carolina Limited Liability Company,

Plaintiff,

vs.

TIDELAND MANAGEMENT LLC, a South
Carolina Limited Liability Company, and
HUNTER EISELE, an Individual,

Defendants.

C/A No.: 2:21-cv-00775-DCN

**VERIFIED COMPLAINT FOR FEDERAL TRADEMARK
INFRINGEMENT AND RELATED CLAIMS**

Plaintiff, LOW TIDE BREWING, LLC (“Low Tide” or “Plaintiff, by and through undersigned counsel, hereby brings this action against Defendants TIDELAND MANAGEMENT LLC (“Tideland”) and HUNTER EISELE (“Eisele;” collectively with Tideland, “Defendants”), and alleges as follows:

NATURE OF THE ACTION

1. This is an action for trademark infringement and unfair competition pursuant to the Lanham Act (15 U.S.C. § 1051, *et seq.*), for violation of the South Carolina Unfair Trade Practices Act, S.C. Code § 39-5-20(a), and for trademark infringement and unfair competition pursuant to the common law of the State of South Carolina, in connection with Defendants’ advertisement of, offering for sale and selling craft brewery services under the name TIDELAND BREWING and confusingly similar variations thereof, in violation of Plaintiff’s rights in and to its established LOW TIDE BREWING trademarks and other trademarks incorporating TIDE or variations thereof.

JURISDICTION AND VENUE

2. This Court has subject matter jurisdiction under 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331 and 1338 because this action involves substantial claims arising under the Lanham Act. This Court has jurisdiction over Plaintiff's related common-law claims pursuant to 28 U.S.C. §§ 1338 and 1367.

3. This Court has personal jurisdiction over Defendants because they reside within this State, have offered for sale and/or sold beer products and brewery-related services within this State, have engaged in acts or omissions within this State causing injury, have offered services to consumers within this State in the ordinary course of trade, or have otherwise made contacts with this State sufficient to permit the exercise of personal jurisdiction.

4. This District is a proper venue pursuant to 28 U.S.C. § 1391(b)(1) and (2) because Defendants reside in this District and a substantial part of the acts or omissions giving rise to Plaintiff's claims occurred in this District.

THE PARTIES

5. Plaintiff LOW TIDE BREWING, LLC is a limited liability company organized and existing under the laws of the State of South Carolina, having its principal place of business at 2863 Maybank Highway, Johns Island, SC 29455. Plaintiff is the record owner of the **LOW TIDE BREWING** trademarks at issue in the instant action.

6. On information and belief, Defendant TIDELAND MANAGEMENT LLC is a limited liability company organized under the laws of the State of South Carolina and having its principal place of business at 4155 Dorchester Road, North Charleston, SC 29405.

7. On information and belief, Defendant HUNTER EISELE is a South Carolina resident who is the owner and the registered agent of Tideland.

FACTUAL ALLEGATIONS

Low Tide's Business and Trademark Rights

8. Low Tide is a successful and respected business engaged in the brewing, sale, and distribution (through third parties) of craft beer ("Low Tide's Goods & Services"). Low Tide is based in Charleston County, South Carolina, on Johns Island, and, through authorized third parties, distributes its beers throughout the state of South Carolina. Plaintiff has used its "LOW TIDE" and "LOW TIDE BREWING" marks continuously in connection with Low Tide's Goods & Services since as early as 2013 and their use remains uninterrupted through today.



9. The founder of Low Tide, Michael Fielding, was inspired to select the LOW TIDE name for his brewery while kayaking on Johns Island following the passing of his mother. While reflecting on his life choices and deciding on a career path, Mr. Fielding decided to follow his dream of opening a brewery and selected LOW TIDE while on a kayak tour during, notably, a low tide. As a business school graduate, Mr. Fielding recognized the value of branding and immediately began the processes of registering domain names and trademarks for his new venture.

10. Suppliers, distributors, and customers have come to associate the LOW TIDE family of trademarks with Low Tide, as this family of marks has been in use in connection with Low Tide's Goods & Services continuously since as early as 2013. Low Tide's craft brewery and distributed beers are all identified by a variety of trademarks that include the term "TIDE" or derivations thereof, including LOW TIDE, LOW TIDE BREWING, TIDAL BRAU, WEIZEN TIDE, TIDE CHASER IPA, and REESE'DING TIDE.

11. Low Tide owns the domain name LOWTIDEBREWING.COM and uses this domain for its website to distinguish itself from its competitors. A true and correct copy of the home page of Low Tide's website is attached hereto as Exhibit A.

12. On April 29, 2014, Low Tide was established with the Secretary of State of South Carolina.

13. Low Tide is the owner of all right, title and interest in the following federally registered trademarks in connection with its craft beer and taproom services:

<u>Reg. No.</u>	<u>Reg. Date</u>	<u>Mark</u>	<u>Goods/Services</u>
4,681,418	February 3, 2015	LOW TIDE BREWING	Beers, in International Class 32
5,405,910	February 20, 2018		Beer, in International Class 32
5,484,124	June 5, 2018		Beer, in International Class 32 Taproom services featuring beer brewed on premises, in International Class 43
6,027,570	April 7, 2020	TIDE CHASER	Beer, in International Class 32

Copies of Low Tide’s federal trademark registrations are attached hereto as Exhibit B and are hereinafter referred to as “Plaintiff’s Registered Marks.” All of Plaintiff’s Registered Marks are valid and subsisting, and the first-issued of these registrations is incontestable pursuant to Section 15 of the Lanham Act, 15 U.S.C. § 1065.

14. Additionally, Low Tide has manufactured, distributed, and sold beers that incorporate derivations of the term “TIDE,” including TIDAL BRAU, WEIZEN TIDE, TIDE CHASER IPA, and

REESE'DING TIDE. Together with Plaintiff's Registered Marks, Low Tide has created a family of TIDE marks in a relatively brief timeframe (the "LOW TIDE Family of Marks").

15. Low Tide's beers and taproom have been widely advertised and expansively promoted and offered to the public using the LOW TIDE Family of Marks. As the result of such advertising and promotion, the public has come to recognize Low Tide's beers and taproom services under the LOW TIDE Family of Marks as emanating from Low Tide. True and correct copies of a representative sample of Low Tide's print and digital promotional materials are attached hereto as Exhibit C.

16. Low Tide has been using the LOW TIDE Family of Marks in connection with its beers and taproom services in South Carolina and interstate commerce since at least as early as 2013. The LOW TIDE Family of Marks has become, through widespread and favorable public acceptance and recognition, an asset of substantial value as a symbol of Low Tide, its high-quality goods and taproom services, and its goodwill.

17. Low Tide enjoys considerable success and an enviable reputation in its business activities due in large part to its use of and rights in the LOW TIDE Family of Marks.

18. Low Tide's use and marketing efforts have caused customers and potential customers to identify Low Tide as the sole source of exceptional beers and taproom services offered under the LOW TIDE Family of Marks. As such, the distinctiveness of the LOW TIDE Family of Marks and its connection to the goods and services offered under these marks has, in fact, been established in the minds of the consuming public.

19. Since opening its taproom on Johns Island, Low Tide has offered its brewery services. In addition, Low Tide's beers are distributed through authorized third parties at bars, restaurants, and other locations throughout the state of South Carolina.

20. Low Tide's beers and brewers have garnered significant positive attention and awards, not only for the quality of Low Tide's beers but also for Low Tide's contributions to the community.

21. Among the awards and recognitions that Low Tide has received since 2016 include the following: *Draft Magazine's* Best Beer Names, 2016; Battle of the Breweries Best Branded Brewery, 2017; Great American Beer Festival Bronze Medal, 2018; Salvation Army Winner of Battle of the Breweries, 2019; *Charleston City Paper's* Best of Awards for Johns Island Best Happy Hour and Runner Up for Best Brewery Taproom, 2019; *Post & Courier's* Charleston Choice Award for Best Craft Brewery, 2019; South Carolina Brewer's Guild Bronze/Silver Medals for three separate beers, 2019; *Post & Courier's* Charleston Choice Award for Best Beer, 2020; and *Charleston Living Magazine's* Best of the Best Award for Best Craft Brewery, 2020. Low Tide recently celebrated the proud accomplishment of the brewing of its one thousandth batch of beer.

Defendants and Their Unlawful Activities

22. On information and belief, Defendant TIDELAND was formed as a South Carolina Limited Liability Company on August 26, 2019.

23. On information and belief, Defendant TIDELAND is owned, operated, managed, and controlled by Defendant EISELE.

24. On information and belief, Defendant EISELE was formerly associated with a now-defunct Charleston-area brewery named Twisted Cypress Brewing Company ("Twisted Cypress").

25. On further information and belief, Defendant EISELE was an owner and the lead brewer at Twisted Cypress, which joined social media in 2015, opened in March 2017, and went out of business in approximately mid-2019. Given his participation in the Charleston brewing industry for at least 5 years leading up to the opening of the TIDELAND BREWING operation,

Defendant EISELE was, and remains, well aware of Low Tide's presence in the Charleston brewing community.

26. On further information and belief, Defendant EISELE and Low Tide's founder, Michael Fielding, have been acquainted through their respective experiences in the Charleston brewing industry since approximately 2013. During a discussion prior to the initiation of this action, Defendant EISELE expressed to Low Tide's owners that he had been interested in using LOW TIDE for a brewery before he participated in the opening of Twisted Cypress, but he discovered that Mr. Fielding had registered the lowtidebrewing.com domain name when he checked for available names. Defendant EISELE and representative of Low Tide have crossed paths professionally for numerous years, including while Defendant EISELE was associated with Twisted Cypress.

27. According to the Twisted Cypress Facebook page, which remains active as of the filing of this Complaint, Defendant EISELE announced his decision to open a new brewery in approximately October 2020:



28. Approximately 8 months prior to formally announcing his TIDELAND BREWING concept to the public, Defendant EISELE approached two Low Tide representatives, including a co-owner, about his proposed TIDELAND BREWING name. He specifically

conferred with them regarding the proposed brewery name during two separate visits to Low Tide in approximately February 2020. Mr. Eisele volunteered to both representatives that he was considering TIDELAND for his new brewery's name, going so far as to ask one Low Tide representative what Low Tide's ownership team would think about his proposed name. The Low Tide co-owner who discussed TIDELAND with Mr. Eisele suggested to him that he choose an alternative name if he was considering names other than TIDELAND.

29. Subsequent to the February 2020 discussion with Defendant EISELE, Low Tide did not hear anything further from Defendant EISELE, or anyone else, about the proposed TIDELAND BREWING name until it was announced via social media in October 2020.

30. Within a month after Defendant EISELE's October 2020 public announcement of his intention to open a Charleston brewery named TIDELAND BREWING, Low Tide's principals scheduled a meeting with Defendant EISELE to voice Low Tide's concerns about the TIDELAND BREWING name and the likelihood that, upon his opening of his new brewery, Defendant EISELE's brewery would mistakenly cause consumers to question whether LOW TIDE BREWING and TIDELAND BREWING were affiliated or associated with each other.

31. On the eve of the scheduled meeting between Low Tide's principals and Defendant EISELE, Defendant TIDELAND filed an application to register TIDELAND BREWING with the U.S. Patent & Trademark Office ("USPTO") in connection with "beer."

32. Following the meeting between Low Tide's principals and Defendant EISELE, Defendant EISELE notified Low Tide that he would not agree to change the name of his proposed new brewery. In response, Low Tide's principals informed Defendant EISELE that they disagreed

with his position and would have no choice but to take steps to enforce their rights in the LOW TIDE Family of Marks if he opened his brewery under the TIDELAND name.

33. As a result, and prior to initiating this action, Plaintiff, through counsel, conveyed to Defendants a letter formally informing them of Plaintiff's rights in and to the LOW TIDE Family of Marks, requesting that Defendants immediately cease and desist use of the name TIDELAND BREWING in their pre-opening promotional materials, including confusingly similar derivations thereof. Defendants have not complied with any request made in the correspondence. These letters placed Defendants on formal notice of Plaintiff's prior rights.

34. Subsequent to the November 2020 meeting and follow-up email communications, Defendants were featured in an article in the Charleston City Paper announcing the upcoming opening of Tideland Brewing. A true and correct copy of the article is attached hereto as Exhibit D.

35. On further information and belief, Defendant TIDELAND opened its brewery to the public the first weekend of March 2021:



36. Upon information and belief, at all times material to the issues presented herein, Defendants had actual, prior knowledge of Low Tide, the LOW TIDE Family of Marks, and the success of Plaintiff's business resulting from the LOW TIDE Family of Marks.

37. Upon information and belief, Defendants, with complete disregard for Plaintiff's rights, have been openly and actively engaged in the unlawful, unauthorized, infringing, unlicensed, and imitative use of identical and/or confusingly similar words, for the same goods and services, all offered to the public in the same geographic areas as Plaintiff and in direct competition with Plaintiff.

38. Defendants' offering to the public of goods and services under the TIDELAND BREWING mark was, and continues to be, without permission or authority of Plaintiff and without any legitimate license from Plaintiff to use any of the LOW TIDE Family of Marks.

39. Upon information and belief, Defendants undertook these activities with full knowledge of the notoriety and use of the LOW TIDE Family of Marks, and with full knowledge of Plaintiff's exclusive rights in the LOW TIDE Family of Marks and in willful and intentional disregard thereof. For example, Defendant EISELE, months before announcing his plan to use TIDELAND BREWING to the public, approached Low Tide representatives, solicited their opinion about the name, was informed of Low Tide's objection to the name, and moved forward with the name regardless of the response he solicited directly from Low Tide.

40. On information and belief, the activities of Defendants alleged herein were undertaken with the specific intent to deceive and mislead consumers as to the sponsorship, source and origin of the good and services offered by Defendants.

41. The likelihood of confusion, mistake, and deception engendered by Defendants' misappropriation of the LOW TIDE Family of Marks is causing irreparable harm to the goodwill symbolized by the LOW TIDE Family of Marks and the reputation for quality that these marks embody.

42. Defendants' use of the TIDELAND BREWING mark has caused actual confusion in the marketplace and does cause, and is likely to continue to cause, damage to Low Tide by confusing the public as to the source of Defendants' goods and services and the appearance of an association or affiliation between Low Tide and Defendants.

FIRST CLAIM FOR RELIEF
(Federal Trademark Infringement)

43. Plaintiff repeats and incorporates Paragraphs 1 through 42 inclusive as if set forth verbatim herein.

44. Defendants' use of confusingly similar imitations of the federally registered **LOW TIDE BREWING** and **TIDE CHASER** marks is likely to cause confusion, deception, and mistake by creating the false and misleading impression that Defendants' goods and services are offered in a manner that suggests they are offered or provided by Plaintiff, or associated or connected with Plaintiff, or have the sponsorship, endorsement, or approval of Plaintiff.

45. Defendants have used a mark confusingly similar to Low Tide's federally registered marks in violation of 15 U.S.C. § 1114, and Defendants' activities have caused and, unless enjoined by this Court, will continue to cause a likelihood of confusion and deception of members of the trade and public and, additionally, injury to Plaintiff's goodwill and reputation as symbolized by the federally registered **LOW TIDE BREWING** and **TIDE CHASER** marks, for which Plaintiff has no adequate remedy at law.

46. Defendants' actions demonstrate an intentional, willful, and malicious intent to trade on the goodwill associated with Plaintiff's federally registered **LOW TIDE BREWING** and **TIDE CHASER** marks to Plaintiff's great and irreparable injury.

47. Upon information and belief, by its acts, Defendants have made and will make substantial profits and gains to which they are not in law or in equity entitled.

48. Defendants have caused and are likely to continue causing substantial injury to the public and to Plaintiff, and Plaintiff is entitled to injunctive relief and to recover Defendants' profits, actual damages, enhanced profits and damages, costs, and reasonable attorneys' fees under 15 U.S.C. §§ 1114, 1116 and 1117.

SECOND CLAIM FOR RELIEF
(Federal Unfair Competition and False Designation of Origin)

49. Plaintiff repeats and incorporates paragraphs 1 through 42 inclusive as if set forth verbatim herein.

50. Defendants' unauthorized use of a confusingly similar derivation of the LOW TIDE Family of Marks constitutes a false designation of origin and false description and falsely represents to the public that the goods and services advertised, sold and offered for sale by Defendants emanate from the same source or origin as Plaintiff's goods and services, or are authorized, endorsed, sponsored, or otherwise approved by Plaintiff.

51. Defendants, with knowledge of such falsity, offered, or caused to be advertised, sold and offered their goods and services in connection with trademarks that are confusingly similar to those of the LOW TIDE Family of Marks.

52. Plaintiff has been, and will be, irreparably damaged by said false designations, false descriptions, and false representations in that consumers are likely to be induced into dealing with Defendants in the mistaken belief that Defendants' goods and services, which have been advertised,

promoted, solicited, sold or offered for sale in connection with an unauthorized derivation of the LOW TIDE Family of Marks, are authorized, endorsed, sponsored by or otherwise approved by Plaintiff.

53. Defendants are using their unauthorized derivation of the LOW TIDE Family of Marks with express knowledge that it is associated exclusively with Plaintiff and exclusively designates Plaintiff's goods and services. Defendants' acts of unfair competition are willful and deliberate and with an intent to reap the benefit of the goodwill and reputation associated with the LOW TIDE Family of Marks.

54. Defendants' acts therefore constitute violations of Section 43(a) of the Lanham Act, as amended, 15 U.S.C. § 1125(a).

55. The foregoing acts of Defendants are causing irreparable injury to Plaintiff and to its goodwill and reputation and will continue to both damage Plaintiff and deceive the public unless enjoined by this Court. Plaintiff has no adequate remedy at law, injunctive relief is warranted considering the hardships between Plaintiff and Defendants, and the public interest would be served by enjoining Defendants' unlawful activities.

THIRD CLAIM FOR RELIEF
(Violation of South Carolina Deceptive Trade Practices Act)

56. Plaintiff repeats and incorporates paragraphs 1 through 42 inclusive as if set forth verbatim herein.

57. The acts of Defendants complained of herein constitute intentional and willful unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce, which acts are unlawful pursuant to the South Carolina Deceptive Trade Practices Act, S.C. Code § 39-5-20(a).

58. Defendants' conduct as alleged herein constitutes intentional and willful unfair methods of competition which are likely to have an adverse impact upon the public.

59. Defendants' intentional and willful unfair methods of competition and unfair or deceptive acts or practices in commerce are capable of being repeated and are, in fact, being repeated and have caused Plaintiff to suffer damages entitling it to relief permitted by S.C. Code Ann. § 39-5-140.

60. As a direct and proximate result of the use or employment by Defendants of their unfair and deceptive acts and practices, Plaintiff has been injured and damaged. Unless the foregoing alleged actions of Defendants are enjoined, Plaintiff will continue to suffer injury and damage.

61. Plaintiff is entitled to damages, treble damages and its costs and attorneys' fees incurred in this lawsuit.

FOURTH CLAIM FOR RELIEF
(Common Law Unfair Competition)

62. Plaintiff repeats and incorporates paragraphs 1 through 42 inclusive as if set forth verbatim herein.

63. The acts of Defendants complained of herein result in confusion as to the source, sponsorship, or affiliation of Defendants' goods or services and therefore constitute unfair competition in violation of the common law of South Carolina.

64. As a result of the foregoing alleged actions of Defendants, Defendants have been unjustly enriched and Plaintiff has been injured and damaged. Unless the foregoing alleged actions of Defendants are enjoined, Plaintiff will continue to suffer injury and damage.

FIFTH CLAIM FOR RELIEF
(Common Law Trademark Infringement)

65. Plaintiff repeats and incorporates paragraphs 1 through 42 inclusive as if set forth verbatim herein.

66. The acts of Defendants complained of herein constitute trademark infringement in violation of the common law of South Carolina.

67. Defendants, with full knowledge of Plaintiff's rights in their LOW TIDE Family of Marks, and of the valuable goodwill associated therewith, have committed the acts alleged herein willfully and with the intent to trade off the goodwill associated with Plaintiff's trademark assets.

68. Defendants' use of the infringing marks as described above has caused, is causing and, unless enjoined by this Court, will continue to cause confusion and mistake in the marketplace and deception of the trade and public as to the relationship or affiliation of the parties and the source, origin, or sponsorship of their respective goods and services.

69. Defendants' use of the infringing marks as described above has impaired, is impairing and, unless enjoined by this Court, will continue to impair Plaintiff's reputation under their trademarks and has caused, is causing and, unless enjoined by this Court, will continue to cause injury and damage to Plaintiff for which Plaintiff is entitled to relief under the common law.

70. As a result of the foregoing alleged actions, Defendants have been unjustly enriched and Plaintiff has been injured and damaged. Unless the foregoing alleged actions of Defendants are enjoined, Plaintiff will continue to suffer injury and damage.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that the Court:

A. Preliminarily and permanently enjoin and restrain Defendants, their agents, servants, employees, representatives, and those in active concert or participation with any of them, from:

- (1) Advertising, promoting, offering for sale, selling, or distributing in any manner beer products or brewery/taproom services in connection with or

bearing the name TIDELAND BREWING, and making any use of such mark or name which is confusingly similar to Plaintiff's trademarks, including **LOW TIDE BREWING, TIDE CHASER, TIDAL BRAU, WEIZEN TIDE, TIDE CHASER IPA, and REESE'DING TIDE** trademarks;

- (2) Representing or suggesting in any fashion to any third party that Defendants' goods or services are affiliated with, sponsored by, or otherwise connected with Plaintiff;
- (3) Doing any other acts calculated or likely to cause confusion or mistake in the mind of the public or to lead consumers into the belief that Defendants' goods or services are authorized, sponsored, licensed, endorsed, promoted, or condoned by Plaintiff, or are otherwise affiliated with or connected to Plaintiff; and
- (4) Otherwise competing unfairly with Plaintiff;

B. Order Defendants to file with the Court and serve upon Plaintiff, within thirty (30) days of the entry of the injunction prayed for herein, a report in writing under oath setting forth in detail the form and manner in which they have complied with the permanent injunction, pursuant to 15 U.S.C. § 1116(a);

C. Order Defendants to pay to Plaintiff:

- (1) Defendants' profits and all damages sustained by Plaintiff as a result of Defendants' trademark infringement;

- (2) all gains, profits, and advantages derived by them as a result of Defendants' unfair competition; and
- (3) all damages for their willful engagement in deceptive acts and practices pursuant to the South Carolina Deceptive Trade Practices Act.

D. Order that Defendants, in accordance with 15 U.S.C. §§ 1116(d) and 1118, be required to deliver up to be impounded during the pendency of this action all infringing advertising, promotional, or other materials in their possession or under their control, and to deliver up for destruction all infringing copies and all patterns, dies, molds, and other paraphernalia used for making such infringing copies or for reproducing Defendants' infringing marks;

E. Order that Defendants be required to pay to Plaintiff treble damages pursuant to 15 U.S.C. § 1117(b) and S.C. Code Ann. § 39-5-140;

F. Order that Defendants be required to pay to Plaintiff the costs of this action and reasonable attorney's fees pursuant to 15 U.S.C. § 1117; and

G. Order that Plaintiff be awarded such other and further relief as the Court finds just.

s/Angelica M. Colwell

Angelica M. Colwell (Federal ID No. 09689)

NEXSEN PRUET, LLC

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Charleston, SC 29402

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David K. Friedland, Esquire

(Pro Hac Vice Application to be Filed)

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Phone: 305.777.1725

dkf@friedlandvining.com

ATTORNEYS FOR PLAINTIFF

March 18, 2021
Charleston, South Carolina

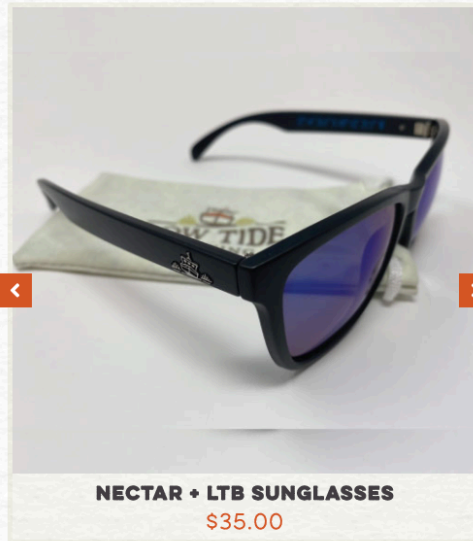
EXHIBIT A



BEER ▾ FOODTRUCKS & EVENTS ABOUT ▾ SHOP FAQs CONTACT

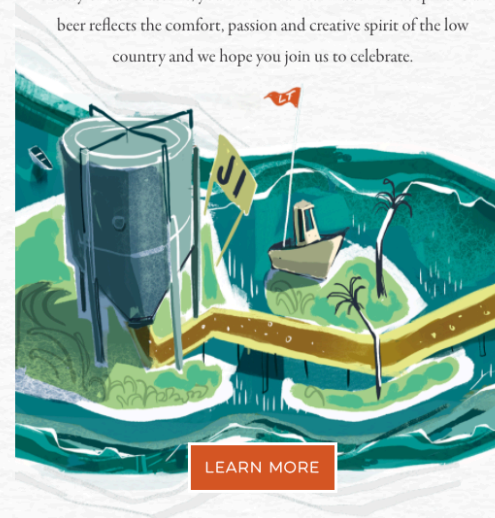


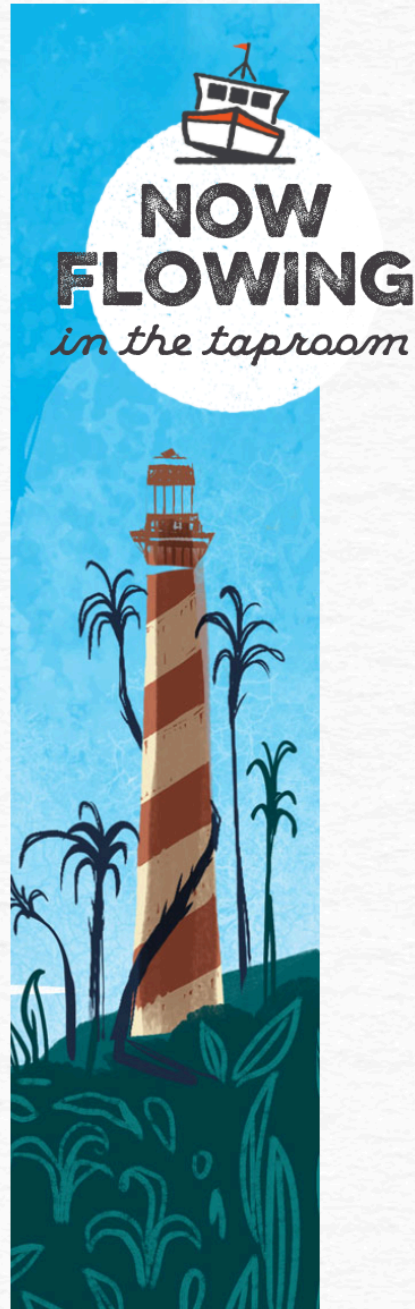
SHOP LOW TIDE



COMMITTED TO...

...promoting community involvement and a happy and healthy lifestyle. With passion reaching beyond the brewing process, we take our cues and inspiration from the natural world and commit to being good stewards of the land. Whether you feed off the energy of the tides, waves, wind, or find solitude and peace in the natural beauty of our coastline, you will find a beer made in that spirit. Our beer reflects the comfort, passion and creative spirit of the low country and we hope you join us to celebrate.





Updated on Mar 14, 11:31 AM EDT

On Tap

Can't decide on just one beer? Try a flight with 4 (4oz) beers of your choice for only \$10. Upgrade to our souvenir package and keep a flight glass for \$13.

The Right Fluff (Nitro) *Stout - Pastry*

7.5% ABV

You got the right fluff baby uh huh! A collaboration with the magical roasting hands of Charleston Coffee Exch... [More Info](#) ▶

Serving Sizes: 8oz, 16oz

Sweet Caroline Kolsch *Kölsch*

4.5% ABV

This traditional lagered German Ale hails from Cologne. A light easy drinking beer for warm days. Expect subtle... [More Info](#) ▶

Serving Sizes: 8oz, 16oz Draft, Crowler, Growler Fill

Cherish the Limelight *Fruit Beer*

6.6% ABV

Fruit takes center stage as we shine a light on this tart blonde ale. Guava, cherry and Tahitian Lime purees blend i... [More Info](#) ▶

Serving Sizes: 8oz, 16oz, Crowler, Growler Fill

Tie One Off (Strata Mosaic) *IPA - American*

6.7% ABV

Its back to business baby! The newest edition of Tie One Off is here with a plethora of Strata and Mosaic hops. ... [More Info](#) ▶

Serving Sizes: 8oz, 16oz, Crowler, Growler Fill

Tura'Lu *Red Ale - Irish*

5% ABV

Tura'Lu, an Irish lullaby that was made by Ireland's famous composer Shannon. This Irish Red Ale pays homage t... [More Info](#) ▶

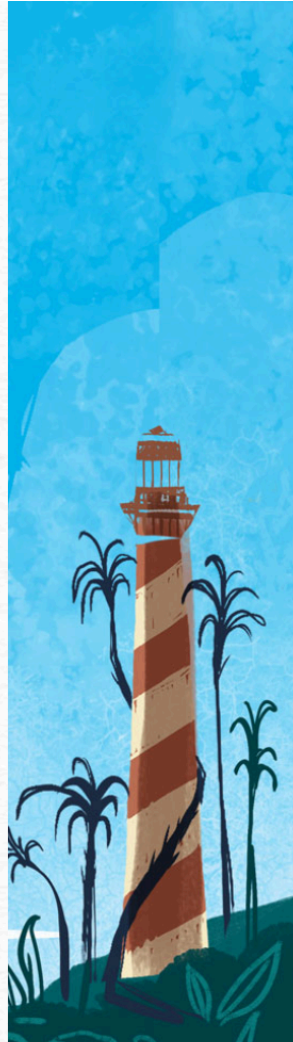
Serving Sizes: 8oz, 16oz, Crowler, Growler Fill

Devour Sour *Sour - Fruited*

8% ABV

It's time to devour a sour! Deliciously sweet apricot, strawberry, and lemon purees balance the bright acidity of t... [More Info](#) ▶

Serving Sizes: 8oz, 16oz, Crowler, Growler Fill



Pulp Pounder *IPA - New England*

7.1% ABV

Behold an intensely orange hazy IPA. Brewed with Idaho 7, Azacca, Amarillo and Citra hops as well as Cara Car... [More Info](#) ▶

Serving Sizes: 8oz, 16oz, Crowler, Growler Fill

Beach Foam *IPA - New England*

7.4% ABV

The draw of the sea beckons you as the weather warms. The gentle lap of waves on the shore create stiff ivory pea... [More Info](#) ▶

Serving Sizes: 8oz, 16oz, Crowler, Growler Fill

Cheesy Pick-up Limes *Sour - Fruited*

7.7% ABV

Are you a cobblestone street? 'Cause you got me trippin! Ok, maybe we aren't so good at cheesy pick up lines but... [More Info](#) ▶

Serving Sizes: 8oz, 16 oz, Crowler, Growler Fill

Stop Monking Around *Belgian Dubbel*

8.4% ABV

Enter the monastery and monks are juggling chainsaws and jumping on beds. "Stop Monking Around and make... [More Info](#) ▶

Serving Sizes: 8oz, 16oz, Crowler, Growler

Ocean Course Ale *Pale Ale - American*

5.2% ABV

Simple and well executed is the key to this beautifully crisp dry pale ale. Pale malt and centennial hops makes this... [More Info](#) ▶

Serving Sizes: 8oz, 16oz, Crowler, Growler Fill

Aloha Beaches *Pineapple Wheat Beer*

5.7% ABV

A pineapple in front of an Inn or home in Colonial Charleston represented hospitality. A perfect way to beat the ... [More Info](#) ▶

Serving Sizes: 8oz, 16oz, Crowler, Growler Fill

Displaying **all 12** items



2863 MAYBANK HIGHWAY JOHNS ISLAND, SC 29455

32° 44' 28.6" N 80° 02' 29.5" W

EXHIBIT B

United States of America

United States Patent and Trademark Office

Low Tide Brewing

Reg. No. 4,681,418

Registered Feb. 3, 2015

Int. Cl.: 32

TRADEMARK

PRINCIPAL REGISTER

LOW TIDE BREWING, LLC (SOUTH CAROLINA LIMITED LIABILITY COMPANY)
42 SURFSONG RD
KIAWAH ISLAND, SC 29455

FOR: BEERS, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 2-1-2013; IN COMMERCE 2-1-2013.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BREWING", APART FROM THE MARK AS SHOWN.

SER. NO. 86-313,214, FILED 6-18-2014.

JOSETTE BEVERLY, EXAMINING ATTORNEY



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

United States of America

United States Patent and Trademark Office

LOW TIDE



BREWING

Reg. No. 5,405,910

Registered Feb. 20, 2018

Int. Cl.: 32

Trademark

Principal Register

Low Tide Brewing, LLC (SOUTH CAROLINA LIMITED LIABILITY COMPANY)
2863 Maybank Highway
Johns Island, SOUTH CAROLINA 29455

CLASS 32: Beer

FIRST USE 3-1-2016; IN COMMERCE 3-1-2016

The color(s) black, white and orange is/are claimed as a feature of the mark.

The mark consists of the black words "LOW TIDE" with white speckles in it above an orange circle with white speckles in it encircling an image of boat that has run aground. The boat is black, white, and orange and also has white speckles on it. The word "BREWING" is below the circle in black with white speckles. The entire mark is on a white background.

OWNER OF U.S. REG. NO. 4681418

No claim is made to the exclusive right to use the following apart from the mark as shown:
"BREWING"

SER. NO. 87-510,996, FILED 06-29-2017



Andrei Iancu

Director of the United States
Patent and Trademark Office

United States of America

United States Patent and Trademark Office



Reg. No. 5,484,124

Registered Jun. 05, 2018

Int. Cl.: 32, 43

Service Mark

Trademark

Principal Register

Low Tide Brewing, LLC (SOUTH CAROLINA LIMITED LIABILITY COMPANY)
2863 Maybank Highway
Johns Island, SOUTH CAROLINA 29455

CLASS 32: Beer

FIRST USE 3-1-2016; IN COMMERCE 3-1-2016

CLASS 43: Taproom services featuring beer brewed on premises

FIRST USE 3-1-2016; IN COMMERCE 3-1-2016

The mark consists of the words "LOW TIDE", with the word "BREWING" centered below the words "LOW TIDE". The wording "BREWING" is in a smaller font than the wording "LOW TIDE" and is in between stylized designs of two underlined marsh reeds. There is a stylized image of a boat that is beached between a pair of stylized designs of marsh reeds. The boat and marsh reeds are above the words "LOW TIDE", and have a broken line above the words "LOW TIDE" and below the boat design and stylized reed designs. There is also a solid line below the word "BREWING".

OWNER OF U.S. REG. NO. 4681418

No claim is made to the exclusive right to use the following apart from the mark as shown:
"BREWING"

SER. NO. 87-510,982, FILED 06-29-2017



A handwritten signature in cursive script, reading "Andrei Iancu".

Director of the United States
Patent and Trademark Office

United States of America

United States Patent and Trademark Office

TIDE CHASER

Reg. No. 6,027,570

Registered Apr. 07, 2020

Int. Cl.: 32

Trademark

Principal Register

Low Tide Brewing, LLC (SOUTH CAROLINA LIMITED LIABILITY COMPANY)
2863 Maybank Highway
Johns Island, SOUTH CAROLINA 29455

CLASS 32: Beer

FIRST USE 5-30-2019; IN COMMERCE 5-30-2019

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

SER. NO. 88-596,159, FILED 08-28-2019



Andrei Iancu

Director of the United States
Patent and Trademark Office



EXHIBIT C



COME OUT & ENJOY WHAT WE HAVE TO OFFER

TOURS • TASTINGS • TO-GO BEER •
32oz. CROWLER • 64oz. GROWLER •
FOOD TRUCKS • LIVE MUSIC • SPECIAL EVENTS •
DOG FRIENDLY • PATIO SEATING • MERCHANDISE

The science behind brewing beer is no secret but the art of charming the flavors from ingredients is what sets a beer apart.

We work with chefs, bartenders, and restaurant owners to create flavors that are truly tailored to either complement or set off a dish or style.



The concept of beer + food pairing is widely known, but giving restaurants the opportunity to work with a brewery at any time to create a unique beer is not conventional. We are happy to show you our process of making beer from grain to glass.

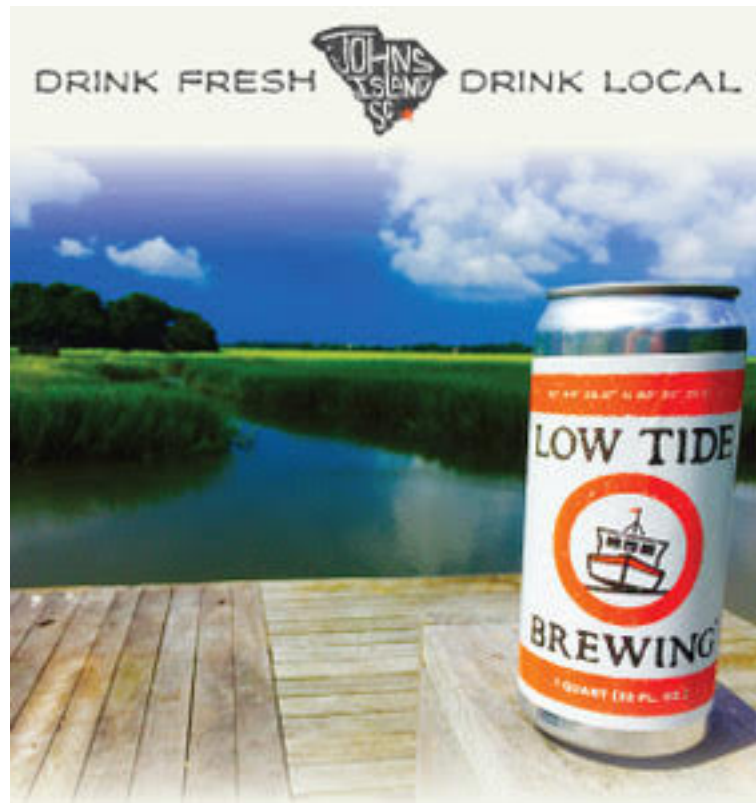


CONTACT US

BREWERY OPEN: MON-TUES CLOSED • WED-THURSDAY 3-10
FRIDAY 3-12 • SATURDAY 12-12 • SUNDAY 12-5

2863 MAYBANK HIGHWAY
JOHNS ISLAND, SC 29455
info@lowtidebrewing.com
(843) 501-7570

LOWTIDEBREWING.COM



LOW TIDE BREWING MAKES BEER TO
CONNECT PEOPLE, FOOD, AND THE
ENVIRONMENT WE ALL SHARE.



LOWTIDEBREWING.COM



43.718.1858
 WEDS. - SAT. 7 AM-2:30 PM
 SUN. 9-1 PM

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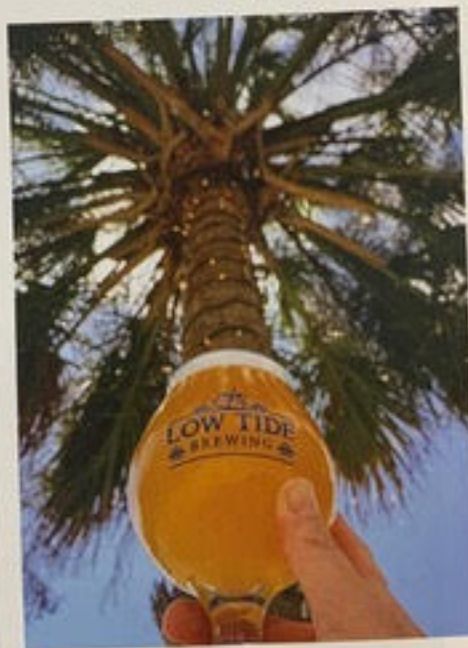
571-7942
 South Windermere Center
framesunlimitedcharleston.com

Low Tide Brewing

Brewing creative and classic
 styles that reflect lowcountry
 living. Stop by Johns Island's
 first brewery for tastings, food
 trucks, and to-go beer.

Low Tide Brewing's taproom
 offers 12 taps that continually
 rotate with styles that will
 please any serious beer drinker.

Dog friendly and outdoor
 seating.



For more info check out our website:
www.lowtidebrewing.com

12 CRAFT BEER TAPS FOOD TRUCKS DOG FRIENDLY PATIO & FIRE PIT

Follow us on social media @lowtidebrewing



12 craft beer taps • food trucks • dog friendly patio & fire pit
 Monday - Saturday 10am-6pm
 Sunday 10am-5pm
 Call us: 843.501.7570
 2841 Maybank Hwy Johns Island, SC 29551

EXHIBIT D

Tideland Brewing opening soon in North Charleston



**Parker Milner**

3:02 p.m. Jan. 18, 2021

A new brewery will open soon in North Charleston at 4155 Dorchester Road, the former home of Holy City Brewing, which [moved to a sprawling Park Circle location last year](#). **Tideland Brewing** is in the final stages of renovations and will open once all permits are in place, owner **Hunter Eisele** told the *City Paper* last week.

Eisele was the head brewer at Twisted Cypress Brewing Co., a West Ashley brewery and coffee roastery that announced it would not reopen in October.

"We shut that business down to expand and ended up rebranding to Tideland," said Eisele, who acquired the Dorchester Road property in January 2020. "I created a lot of recipes there that we'll bring with us."

Tideland was targeting a 2020 opening date, but the pandemic caused delays, Eisele said. "Absolutely everything has been delayed — some things by months."

Those who frequented Holy City Brewing prior to its move will notice significant changes to the space. Eisele and his team have upgraded the electrical and plumbing, adding indoor restrooms and a large outdoor seating area.

"As people pull up, they'll notice the biergarten first, and as they come inside they'll notice we renovated the entire property," Eisele said.



Tideland Brewing Instagram

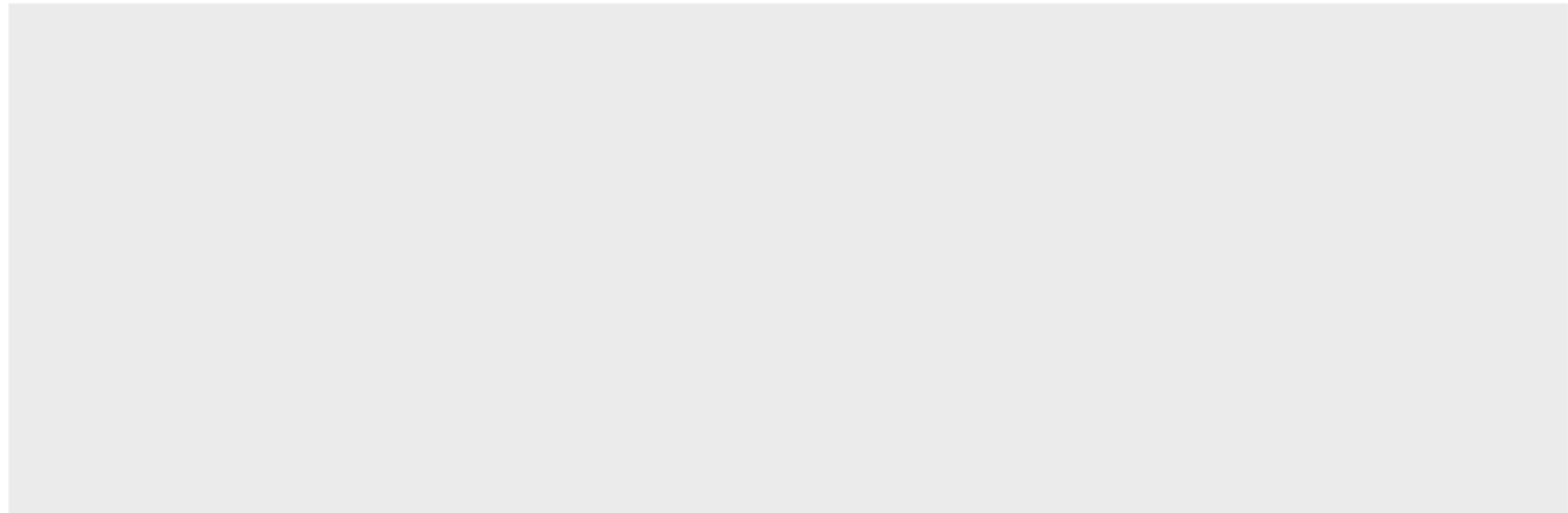
The brewery will fill its 25 taps with pilsners, IPAs, sours and more, and Tideland chef **Matt Canter**, who most recently served as executive chef at The Establishment, will pair his flavors with Tideland's beers.

"We'll do some sandwiches, barbecue, a signature burger — things of that nature," Canter said. "This is more of a blue collar area of town, and we want to cater to that and not the tourist dollar."

"One of our focuses for this area was to be able to provide lunch as well as dinner," Eisele added. "A lot of the businesses around here are itching to get a lunch spot back on their list."

Tideland Brewing will “open soon,” Eisele told the *City Paper*. Initial hours will be from 11 a.m.-11 p.m. Wednesday through Sunday, and the brewery plans to eventually stay open seven days a week.

For more information, visit tidelandbrewing.com.



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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

LOW TIDE BREWING, LLC,
a South Carolina limited liability company,

Plaintiff,

v.

TIDELAND MANAGEMENT LLC
a South Carolina limited liability company,
and **HUNTER EISELE**, an Individual,

Defendants.

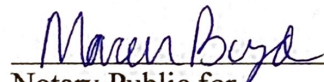
C/A No.: 2:21-cv- 00775-DCN

VERIFICATION

Personally appeared before me Michael Fielding, who, being duly sworn, says that he is the founder and majority shareholder of Low Tide Brewing, LLC, the Plaintiff in the forgoing action; that he has read the foregoing Verified Complaint; that the statements contained therein are true to the best of his knowledge except those stated to be based upon information and belief, as to which he believes such matters to be true.


Michael Fielding

SWORN TO AND SUBSCRIBED before
me this 17th of March, 2021


Notary Public for
My Commission Expires 8-10-2030

