

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

MAGNOLIA INTELLECTUAL
PROPERTY, LLC

Plaintiff,

v.

BUBA TRAWALLY, and
APPLE CAFE BAKERY CORPORATION

Defendants.

Civil Action No.

September 20, 2012

Jury Trial Demanded

FILED
U.S. DISTRICT COURT
12 SEP 20 PM 4:08
S.D. OF N.Y.

COMPLAINT

Plaintiff Magnolia Intellectual Property, LLC, for its Complaint against Defendants Buba Trawally and Apple Cafe Bakery Corporation, hereby alleges:

NATURE OF THE ACTION

1. This is an action arising under the Trademark Laws of the United States, 15 U.S.C. §§ 1051 *et seq.* (the "Lanham Act"), and in particular for (a) trade dress infringement, in violation of 15 U.S.C. § 1125(a); and (b) trade dress dilution, in violation of 15 U.S.C. § 1125(c). This is also an action for breach of contract, trade secret misappropriation, unfair competition, and tortious interference under the statutory and common law of the State of New York, including under New York General Business Law §§ 360-k and 360-l.
2. This Court has jurisdiction over the subject matter of this action and of the parties pursuant to 28 U.S.C. § 1331 (federal question) and 15 U.S.C. § 1121 (Lanham Act). Subject matter jurisdiction exists over plaintiff's state law claims pursuant to 28 U.S.C. § 1367(a) (supplemental jurisdiction).

THE PARTIES

3. Plaintiff Magnolia Intellectual Property, LLC (“Magnolia”) is a limited liability company organized and existing under the laws of the State of Delaware, with its principal place of business at 1841 Broadway, Suite 1111, New York, New York 10023.

4. Defendant Buba Trawally (“Trawally”) is, upon information and belief, an individual residing at 230 East 167th Street, Apartment 6A, Bronx, New York 10456.

5. Defendant Apple Cafe Bakery Corporation is, upon information and belief, a corporation organized and existing under the laws of the State of New York, having a place of business at 28 West 8th Street, New York, New York 10011.

6. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391 because Defendants reside, do business in this judicial district, and commit tortious acts within this state.

FACTUAL BACKGROUND

7. Magnolia opened in the summer of 1996. Magnolia is a world renowned bakery shop offering unique and distinctive cupcakes, pies, cookies, cakes, and other baked goods.

8. The original Magnolia bake shop is located in the heart of New York City’s Greenwich Village. Since 2007, Magnolia has expanded from one location to eight, including five bake shops in New York City, one in Dubai, one in Chicago, and another in Los Angeles.

9. Since 1996, Magnolia has baked and sold cupcakes and cakes that incorporate a unique, distinctive, and immediately recognizable look—the “Magnolia Signature Swirl” icing topping. This swirled look (the “Magnolia Signature Swirl Trade Dress”) can be seen in Exhibit A attached.

10. Magnolia is the owner of the Magnolia Signature Swirl Trade Dress and all of Magnolia’s intellectual property.

11. Magnolia, directly and through certain predecessor entities, has used the Magnolia Signature Swirl Trade Dress continuously since 1996, and continuously in interstate commerce since at least as early as 1996.

12. Magnolia, directly and through certain predecessor entities, has spent substantial sums of money advertising, promoting and otherwise cultivating goodwill in the Magnolia Signature Swirl Trade Dress, such that the swirl has come to be associated with Magnolia's high quality bakery shops, cupcakes and cakes, and has attained secondary meaning in the minds of consumers as designating goods and services of particular origin, namely, Magnolia.

13. As a result of the long and extensive use and advertisement of the Magnolia Signature Swirl Trade Dress in connection with Magnolia's goods, the Magnolia Signature Swirl Trade Dress has become exceedingly well recognized and has acquired great value, and identifies Magnolia and its goods. Indeed, the Magnolia Signature Swirl Trade Dress is famous worldwide. Examples are attached as Exhibit B.

14. Magnolia has its bakers sign confidentiality agreements to protect its trade secrets, as well as other proprietary and confidential information, including its recipes.

15. Magnolia keeps trade secrets in a lot of its recipes, including its black & white, lemon, orange, caramel, banana and truffle cupcakes; white-out, coconut, lemon, caramel, banana, carrot, and flourless chocolate cakes; apple double crust, apple crumb, pumpkin, pecan, black bottom pecan, seasonal fruit, and fruit crisp pies; key lime and red velvet with a chocolate cookie crust cheesecakes; banana cream pie and blueberry jamboree ice box pies; strawberry and peppermint ice box cakes; cranberry chocolate chunk and whoopie cookies; whoopie pies; double fudge and pumpkin chocolate brownies; chocolate chunk blondie; and lemon and peanut butter bars.

Those trade secreted recipes are not published, and are kept in an area of each Magnolia store that is only accessed by Magnolia's bakers and no other employees.

Defendants' Acts of Infringement and Unfair Competition

16. Trawally was employed and trained as a baker by Magnolia from March 7, 2000 through September 3, 2011, during which period of time he became extremely familiar with Magnolia's trade secrets, as well as other proprietary and confidential information, including its recipes.

17. On November 7, 2008, Trawally entered into a Confidentiality Agreement with Magnolia. Pursuant to the terms of that agreement, and in consideration of his continued employment, Trawally agreed to "hold all [of Magnolia's] Confidential Information in trust and confidence" and not to "use [Magnolia's] Confidential Information in any manner for [Trawally's] own benefit," both during his employment and thereafter.

18. On May 5, 2011, while still an employee of Magnolia, Trawally incorporated Apple Cafe Bakery Corporation ("Apple") with, upon information and belief, the intent to open up a bakery shop and misappropriate proprietary and confidential material belonging to Magnolia.

19. On or about September 3, 2011, Trawally voluntarily terminated his employment with Magnolia.

20. Trawally opened Apple, a retail bakery shop, also in Greenwich Village, that offers goods and services, including the sale of cupcakes, pies, cookies, and cakes.

21. Despite his agreement to preserve all secret and confidential material belonging to Magnolia, Apple, upon information and belief, has baked, marketed and sold cupcakes with a swirled icing topping (the "Knock-Off Cupcakes"), in an attempt to capitalize upon Magnolia's

unique and distinctive Magnolia Signature Swirl Trade Dress, and has otherwise misappropriated the proprietary and confidential material belonging to Magnolia, including its recipes. Trawally and Apple's (collectively "Defendants") Knock-Off Cupcakes can be seen at www.applecafebakery.com and in Exhibit C attached.

22. Upon information and belief, the retail bakery shop services and goods offered by Defendants are of the same or similar type as offered and sold by Magnolia and are offered in the same channels of trade to the same general class of potential consumers as are the services and goods of Magnolia.

23. Upon information and belief, Defendants are willfully trading upon the tradition, distinctiveness, and reputation of Magnolia's genuine Magnolia Signature Swirl Trade Dress. Defendants well know that the Magnolia Signature Swirl Trade Dress is unique, distinctive, associated with, and owned by Magnolia.

24. Defendants are not a subsidiary, division, or licensee of, or otherwise related to Magnolia in any manner whatsoever, and are not authorized to use the Magnolia Signature Swirl Trade Dress or trade secrets.

25. As a result of Defendants' knock-off efforts, consumers are confused, and will likely continue to be confused, or be mistaken or deceived as to the affiliation, connection, and/or association of Apple with Magnolia, or as to the origin, sponsorship, or approval of, and/or as to the nature, characteristics or qualities of Apple's baked goods, including its Knock-Off Cupcakes.

26. The Defendants' actions have damaged, and will continue to damage, Magnolia irreparably unless the defendants are enjoined.

27. On April 12, 2012, Magnolia notified Trawally and Apple of their unauthorized use of Magnolia's intellectual property and that their activities as alleged above amounted to unfair competition with, and were detrimental to, Magnolia. A copy of the notice is attached to this complaint as Exhibit D. Defendants are fully aware of the intellectual property rights of Magnolia and have acted and continue to act in reckless and willful disregard of those rights.

COUNT I
FEDERAL TRADE DRESS INFRINGEMENT (15 U.S.C. § 1125(a))

28. Magnolia incorporates herein by reference all of the allegations in Paragraphs 1 through 27.

29. Defendants, without the consent of Magnolia, are using or have used in commerce a cupcake icing swirl, in connection with the sale, offering for sale, distribution and advertising of retail bakery shop goods, which, because of its confusing similarity to the Magnolia Signature Swirl Trade Dress, is likely to cause confusion or mistake among consumers, or to deceive consumers, as to the source of such goods and services, in violation of 15 U.S.C. § 1125(a).

30. Upon information and belief, Defendants' adoption and use of a cupcake icing swirl in connection with its goods, including as described above, was in bad faith and in willful disregard of Magnolia's rights, with intent to trade on and appropriate the reputation and goodwill that Magnolia has built in the Magnolia Signature Swirl Trade Dress, and to divert customers and revenues from Magnolia.

31. The aforementioned actions and activities of Defendants have caused and will continue to cause Magnolia irreparable harm unless and until such time as they are enjoined by this Court.

COUNT II
FEDERAL TRADE DRESS DILUTION (15 U.S.C. § 1125(c))

32. Magnolia incorporates herein by reference all of the allegations in Paragraphs 1 through 27.

33. The Magnolia Signature Swirl Trade Dress is distinctive and famous, having been used by Magnolia and its predecessors in connection with the advertisement, promotion and sale of its goods and services for over 15 years. Indeed, the Magnolia Signature Swirl Trade Dress is internationally famous, having been featured in *Lazy Sunday*, a *Saturday Night Live* feature, the television series *Sex and the City* and *Spin City*, and in the films *Prime* and *The Devil Wears Prada*.

34. Defendants began using the Magnolia Signature Swirl Trade Dress after the trade dress became famous, and thereby caused, and are causing, the dilution of the distinctive quality of the Magnolia Signature Swirl Trade Dress in violation of 15 U.S.C. §1125(c).

35. Upon information and belief, Defendants' adoption and use of the Magnolia Signature Swirl Trade Dress in connection with its goods, including as described above, was in bad faith and in willful disregard of Magnolia's rights, with intent to trade on and appropriate the reputation and goodwill that Magnolia has built in the Magnolia Signature Swirl Trade Dress, and to divert customers and revenues from Magnolia.

36. The aforementioned actions and activities of Defendants have caused and will continue to cause Magnolia irreparable harm unless and until such time as they are enjoined by this Court.

COUNT III
COMMON LAW BREACH OF CONTRACT

37. Magnolia incorporates herein by reference all of the allegations in Paragraphs 1 through 27.

38. By conducting business through Apple, Trawally has breached his obligations under the Confidentiality Agreement by disclosing and continuing to disclose and use confidential information of Magnolia, including its recipes.

39. Upon information and belief, Defendants' unlawful conduct, including as described above, was in bad faith and in willful disregard of Magnolia's rights, with intent to trade on and appropriate the reputation and goodwill that Magnolia has built, and to divert customers and revenues from Magnolia.

40. The aforementioned actions and activities of Defendants have caused and will continue to cause Magnolia irreparable harm unless and until such time as they are enjoined by this Court.

COUNT IV
COMMON LAW TRADE SECRET MISAPPROPRIATION

41. Magnolia incorporates herein by reference all of the allegations in Paragraphs 1 through 27.

42. In the conduct of competitive business, the Defendants have used, and are continuing to use, the confidential information, and trade secrets of Magnolia, including its recipes.

43. Defendants have misappropriated and used Magnolia's trade secrets and other confidential information and will continue to do so unless permanently enjoined from doing so.

44. Upon information and belief, Defendants' unlawful conduct, including as described above, was in bad faith and in willful disregard of Magnolia's rights, with intent to trade on and appropriate the reputation and goodwill that Magnolia has built, and to divert customers and revenues from Magnolia.

45. The aforementioned actions and activities of Defendants have caused and will continue to cause Magnolia irreparable harm unless and until such time as they are enjoined by this Court.

COUNT V COMMON LAW UNFAIR COMPETITION

46. Magnolia incorporates herein by reference all of the allegations in Paragraphs 1 through 27.

47. Defendants' unlawful conduct, including as described above, is likely to cause confusion or deceive purchasers as to the origin of Apple's products.

48. The aforementioned activities of Defendants constitute unfair competition, including but not limited to the unlawful passing off of its goods and services as those of Magnolia, in violation of the common law of the State of New York.

49. Upon information and belief, Defendants' foregoing unlawful conduct, including the adoption and use of the Magnolia Signature Swirl Trade Dress and its recipes, in connection with its goods, services and commercial activities, was in bad faith and in willful disregard of Magnolia's rights, with intent to trade on and appropriate the reputation and goodwill that Magnolia has built, and to divert customers and revenues from Magnolia.

50. The aforementioned actions and activities of Defendants have caused and will continue to cause Magnolia irreparable harm unless and until such time as they are enjoined by this Court.

COUNT VI
NEW YORK TRADE DRESS INFRINGEMENT
(N.Y. GEN. BUS. LAW § 360-k)

51. Magnolia incorporates herein by reference all of the allegations in Paragraphs 1 through 27.

52. Defendants, without the consent of Magnolia, are using or have used in commerce a cupcake icing swirl, in connection with the sale, offering for sale, distribution and advertising of retail bakery shop goods, which, because of its confusing similarity to the Magnolia Signature Swirl Trade Dress, is likely to cause confusion or mistake among consumers, or to deceive consumers, as to the source of such goods, services, in violation of N.Y. Gen. Bus. Law § 360-k.

53. Upon information and belief, Defendants' unlawful conduct, including as described above, was in bad faith and in willful disregard of Magnolia's rights, with intent to trade on and appropriate the reputation and goodwill that Magnolia has built, and to divert customers and revenues from Magnolia.

54. The aforementioned actions and activities of Defendants have caused and will continue to cause Magnolia irreparable harm unless and until such time as they are enjoined by this Court.

COUNT VII
NEW YORK TRADE DRESS DILUTION (N.Y. GEN. BUS. LAW § 360-l)

55. Magnolia incorporates herein by reference all of the allegations in Paragraphs 1 through 27.

56. The Magnolia Signature Swirl Trade Dress is distinctive and famous, having been used by Magnolia and its predecessors in connection with the advertisement, promotion and sale of its goods and services for almost 15 years. Indeed, the Magnolia Signature Swirl Trade Dress is internationally famous, having been featured in *Lazy Sunday*, a *Saturday Night Live* feature,

the television series *Sex and the City* and *Spin City*, and in the films *Prime* and *The Devil Wears Prada*.

57. Defendants began using the Magnolia Signature Swirl Trade Dress after the trade dress became famous, and thereby caused, and are causing, the dilution of the distinctive quality of the Magnolia Signature Swirl Trade Dress in violation of N.Y. Gen. Bus. Law § 360-l.

58. Upon information and belief, Defendants' adoption and use of the Magnolia Signature Swirl Trade Dress in connection with its goods, including as described above, was in bad faith and in willful disregard of Magnolia's rights, with intent to trade on and appropriate the reputation and goodwill that Magnolia has built in the Magnolia Signature Swirl Trade Dress, and to divert customers and revenues from Magnolia.

59. The aforementioned actions and activities of Defendants have caused and will continue to cause Magnolia irreparable harm unless and until such time as they are enjoined by this Court.

COUNT VIII TORTIOUS INTERFERENCE

60. Magnolia incorporates by reference all of the allegations in Paragraphs 1 through 27.

61. Valid business expectancies existed between Magnolia and the consumers marketed by Defendants' retail bake shop goods and services.

62. Defendants had knowledge of these business relationships and the likelihood of contracts between Magnolia and the consumers marketed by Defendants' retail bake shop business goods and services.

63. Defendants intentionally interfered with these contracts and business expectancies by misrepresenting Defendants' affiliation with Magnolia.

64. Defendants' interference has caused and will continue to cause Magnolia irreparable harm unless and until such time as they are enjoined by this Court.

REQUEST FOR RELIEF

WHEREFORE, Magnolia prays for relief as follows:

1. A preliminary and permanent injunction barring Defendants and their officers, agents, servants, employees, and attorneys, and those persons in active concert or participation with them, from infringing, inducing infringement of, or diluting the Magnolia Signature Swirl Trade Dress, or from using any other mark, brand, or designation that is a colorable imitation of the Magnolia Signature Swirl Trade Dress, or is likely to be confused with the Magnolia Signature Swirl Trade Dress, from using any mark in any manner so as to cause the dilution of the distinctive quality of Magnolia's Signature Swirl Trade Dress, and from engaging in further unfair competition, including using Magnolia's recipes;
2. Award Magnolia its actual damages in an amount to be determined at trial;
3. Award Magnolia as damages Apple's profits from its sale of the Knock-Off Cupcakes;
4. Award Magnolia treble its actual damages under 15 U.S.C. § 1117 as a result of Defendants' knowing and willful misconduct;
5. Award Magnolia punitive damages because of Defendants' knowing, willful and bad faith acts of common law unfair competition in an amount to be determined at trial;
6. Award Magnolia all of its actual costs and reasonable attorneys' fees in this action, as authorized by 15 U.S.C. § 1117 and N.Y. Gen. Bus. Law § 349;
7. Enter judgment in favor of Magnolia on each of its claims; and
8. Award such further and additional relief as it may deem just and proper.

DEMAND FOR JURY TRIAL

Magnolia requests trial by jury of all issues so triable.

PLAINTIFF
MAGNOLIA INTELLECTUAL PROPERTY, LLC

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EXHIBIT A

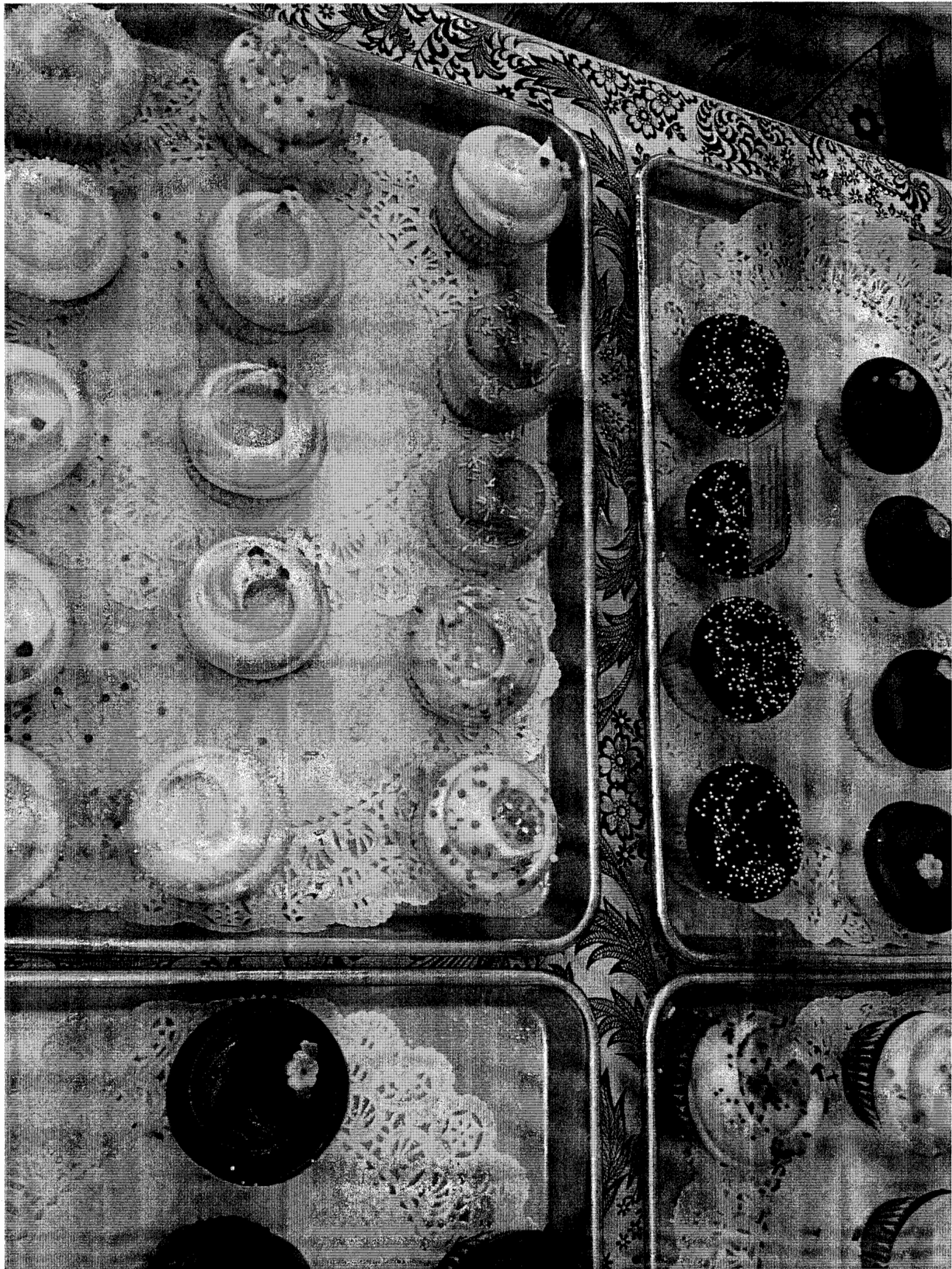




EXHIBIT B



MAGNOLIA BAKERY

— NEW YORK CITY —

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Cupcake Club

General Event Info

No event is too large or too small for Magnolia Bakery. Our team will bake, deliver, set up and serve on-site events, off-site events, and even off-off-site events. Yes, we'll come to you! We just need a kitchen to work in. We specialize in custom dessert tables and cupcake trees adding drama and charm to any celebration.

We also offer cupcake decorating and icing demonstration tables to delight and entertain your guests. **We bring the cupcakes, icing and sprinkles, and our expert icers demonstrate our signature cupcake swirl technique.** Cupcakes are priced by the piece, additional set-up and staffing fees are based on location.

Contact one of our event coordinators for details and quotes.

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Cupcakes with Mile-High Frosting

At New York's Magnolia Bakery, which has six shops and just opened in Chicago, **icers spend anywhere from eight to 40 hours learning the perfect way to slather and swipe buttercream into submission,** says chief baking officer Bobbie Lloyd. Here are the basics: Start with a flat-topped cupcake; they're easier to frost. (If you are using a boxed mix, which almost always mounds while baking, you'll want to slice off the top.) Using an icing wand (like this Duff spatula), stir the buttercream vigorously in a plastic bowl to remove air bubbles. Scoop up a teardrop-shaped 1/4 cup (which is a lot, but Lloyd says it's necessary for a deep swirl). Pat it onto the

cupcake and then swipe down the edges on all sides so the frosting is shaped almost like a pyramid. Pat down the top with your wand and then spin the cupcake itself so the tip of the wand flattens the icing a bit while giving it a swirl. Finally, pull up, imparting a tiny curled edge.



Photo: Magnolia Bakery

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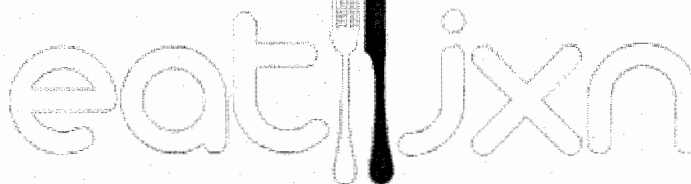
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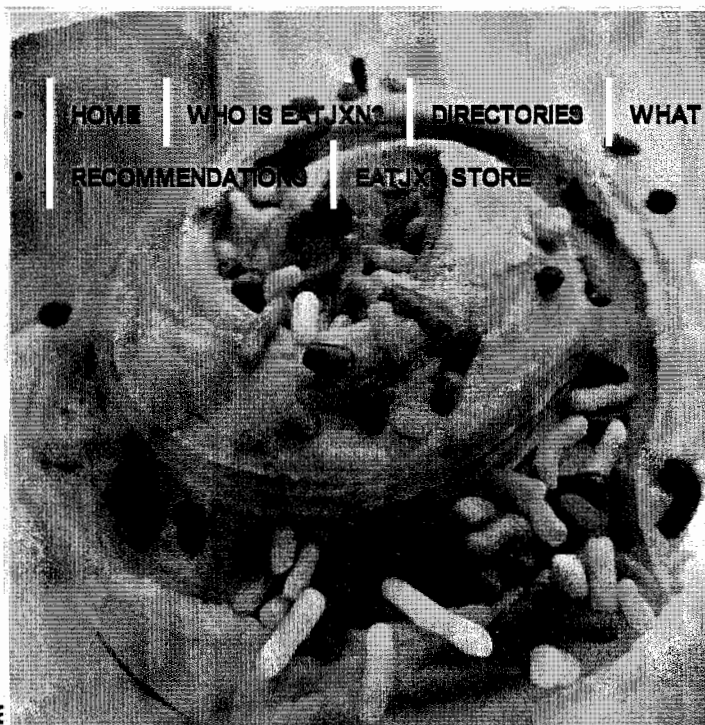
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Ma

Address: 401 Bleecker St New York, NY 10014

Phone: (212) 462-2572

Website: www.magnoliacupcakes.com

Latitude: 40.735942

Longitude: -74.0051

Tagged: bakery, buttercream icing, cakes, cupcake, cupcakes, greenwich village, icing, magnolia, magnolia bakery, new york city, swirl, vanilla cupcake

Starting Location...

Get Directions

This Magnolia Bakery cupcake has a perfect swirl....

I was in New York City not too long ago for a wedding. During a little down time, I intentionally wandered over to Greenwich Village and into Magnolia Bakery. I've been to this bakery before, but it has been several years. The name, which contains our state flower, is what initially drew me into this New York City favorite, and I remembered it standing out. Being the sweet-loving eatie that I am, I had to "re-test" their famous cupcakes to make sure they were still fit to eat. Boy, were they. I got the standard Magnolia Bakery vanilla cupcake with buttercream icing, which is their most popular cupcake. There was a whole smorgasbord of baked goodies to choose from, but the beauty of the standard with colorful icing and bright sprinkles hooked me quickly.

Magnolia has been in New York City since 1996 and has really made a name for itself. People from all over flock there so they can try the perfect cupcake for themselves. (You may even remember the SNL Chronicles of Narnia song talking about these treats!) After a little research, I found that the signature Magnolia Bakery icing swirl takes over 40 hours to perfect! Imagine spending an entire workweek, 9:00 to 5:00 Monday through Friday, swirling icing. That is a LOT of time! It actually sounds pretty awesome to me, though!

Next time you're in The Big Apple, may I recommend checking out this bakery. They now have four locations within the city so they're not too hard to get to once you're there! And their signature cupcake is definitely worth the trip.... Since we don't have a "Worth the Flight" category, I've filed it under "Worth the Drive!" If you get a wild hair and actually do drive to New York City to try these babies, be sure to let us know!



Magnolia Bakery
Greenwich Village
401 Bleecker St
New York, NY 10014
(212) 462-2572
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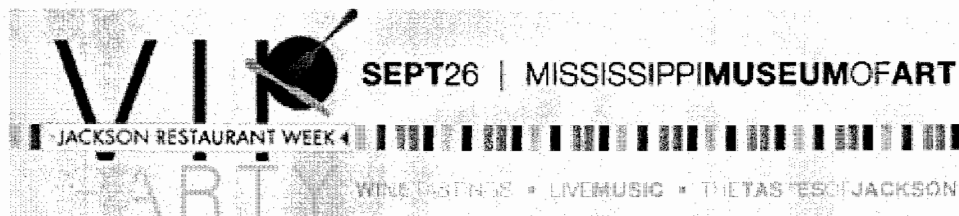
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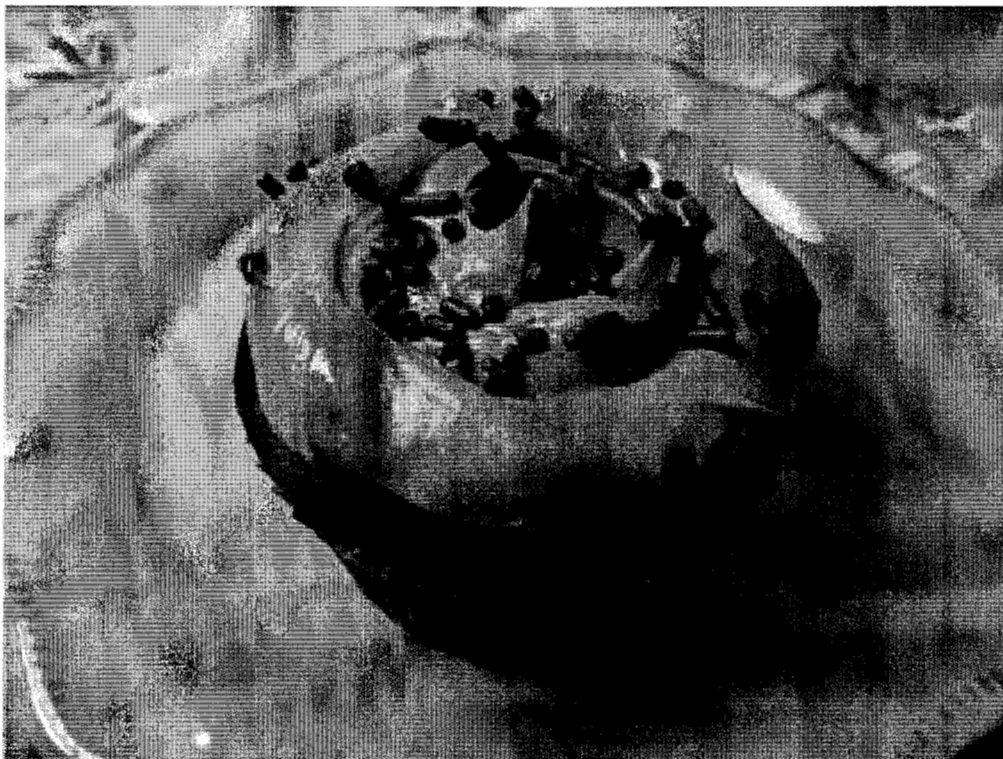
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The Girl in the Blue Apron

A Veritable Miscellany of Food Writing

Why Magnolia Bakery Frosting Changed My Life

Posted on [November 2, 2010](#) | [2 Comments](#)



I love cake—chocolate, white, carrot, red velvet, you name it. I love it so much that even one of my favorite bands is named [Cake](#). As you may imagine, I have very stringent criteria for judging good cake: a certain level of denseness, moisture, flavor—and these factors often change based on the variety of cake. It's all very scientific and detailed, of course. (Ha!)

But what I don't love is frosting. Never really did. Every birthday I'd scrape the frosting off my cake and leave it in a big pile on the side of my plate. I never want the corner pieces, or the giant balloons or rosettes—someone who loves frosting can take those, please! I thought the artificial taste of store-bought frosting and the gritty, sugary texture of homemade buttercream turned me off to frosting forever.

That is, until I started making Magnolia Bakery frosting.

Never in your life will you taste such light, creamy, buttery, delicious goodness as Magnolia Bakery

frosting. The silky texture, the dense-yet-lighter-than-air mouth feel, the fudgy flavor (if you make the chocolate variety as I do)—can you tell I'm swooning right now?

Although the Magnolia Bakery has been open only since 1996, you'd think it was a New York City landmark. Made famous by an appearance in *Sex and the City*, and further propelled to notoriety by a fortunate debut during America's cupcake craze, the bakery actually makes a large assortment of vintage and classic desserts. I own two Magnolia cookbooks: the original Magnolia Bakery Cookbook and now the new Complete Magnolia Bakery Cookbook. (Here's a hint: If you want to purchase just one, go with the *Complete* version—it contains all of the recipes from the original plus many extras.) I was delighted by a chapter on "icebox desserts" in both cookbooks, as my grandmother used to make icebox cake when I was younger and I never heard the term used before or since, until now. Every recipe I've tried from either book has been a winner; these are well-designed and well-tested concoctions, and I don't think you could go wrong making any of them.

Anyway, back to that frosting: Aside from making me swoon, there's a reason it has that velvety texture. It's Magnolia's signature swirl. While most bakeries pipe their frosting on using giant icing bags with giant tips, Magnolia's is applied by hand and stylized with the flick of a wrist and an artfully wielded frosting spatula. Want to try it? I don't blame you. Here's a great demonstration video.

You can't get this look from store-bought frosting or even homemade Domino powdered sugar buttercream, folks.

The following recipe is from the *Complete Magnolia Bakery Cookbook*. Although I said that it has all the recipes from the original, they actually changed the recipe for chocolate buttercream slightly between the two books. This one is awesome. (How could it not be, with all that butter?)

CHOCOLATE BUTTERCREAM

From the *Complete Magnolia Bakery Cookbook*

1½ cups (3 sticks) unsalted butter, softened
2 tablespoons milk
9 ounces semisweet chocolate, melted and cooled to lukewarm (I just melt it slowly in the microwave)
1 teaspoon vanilla extract
2¼ cups sifted confectioners' sugar

Using an electric mixer, beat the butter on medium speed for about 3 minutes or until creamy. Add the milk and beat until smooth. Add the melted chocolate and beat for about 2 minutes. Add the vanilla and beat for 3 minutes. Add half of the sugar and beat on low speed until incorporated. Add the remaining sugar and beat until creamy and of a desired consistency.

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This entry was posted in Recipes and tagged baking, buttercream, chocolate, dessert, food, frosting, Magnolia Bakery. Bookmark the permalink.

2 RESPONSES TO WHY MAGNOLIA BAKERY FROSTING CHANGED MY LIFE

Carin | [October 14, 2011 at 1:55 pm](#) | [Reply](#)

Your cupcake is beautiful!



Elisa | [October 15, 2011 at 8:38 am](#) | [Reply](#)

Thanks, Carin!



Theme: Coraline by Automattic. Blog at WordPress.com.

Let Them Eat Cake and Frosting

Friday, July 13, 2012

Magnolia Bakery: Swirly Cupcake Goodness and more...

One of **MY FAVORITE BAKERY'S** (drumroll) Magnolia Bakery. There is nothing not to like about Magnolia. The bakery is decorated with light pastel colors, cute drapes, tables, and vintage sign's. The floors are black and white with marble counter tops. What I love most about this bakery is that you can see the baker's making the cake, cupcakes, cookies, and other yummy stuff.



interior of Magnolia Bakery in Los Angeles. Photo courtesy Magnolia Bakery.

My favorite part, The **DESSERT MENU**, which consists of cakes, cookies, cupcakes, pies, ice box cakes, and brownies.

There are so many flavors of cupcakes and cakes like chocolate, vanilla, hummingbird, lemon, caramel, german chocolate, devils food, pumpkin spice, and sno-cap that it is overwhelming.

Blog Archive

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[Magnolia Bakery: Swirly Cupcake Goodness and more....](#)

[Cinnamon Chocolate Cake](#)

About Me

Abigail

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Magnolia Bakery signature cupcakes.

The consistency of the cakes and cupcakes are moist, the cookies are chewy and soft, and the signature swirl on the cupcakes is how you know you are eating an authentic Magnolia Bakery cupcake.

Here is a video of them making their signature swirl:

How to Frost a Magnolia Bakery cupcake.

The bakery's cake slices are huge, have you seen an apple core cutter? They have a HUGE one to slice their cakes.



from cookingwithraykai.com

I hope you visit the Magnolia Bakery soon, and enjoy every, single bite!
Leave some comments, I would love to hear your feedback :) !!!!!!!!!!!

Posted by Abigail at 11:59 AM

[Recommend this on Google](#)

4 comments:



Grace July 13, 2012 12:11 PM

I love that bakery! I really like watching them frost the cakes on the side of the shop. Their deserts are absolutely delicious.

[Reply](#)



Nico Fuchs-Lynch July 13, 2012 12:13 PM

maybe you should bring in a dessert for us to eat

[Reply](#)



Riley July 13, 2012 12:15 PM

I haven't been yet, but I will tell my family about this, the food looks great! Nice pictures by the way.

[Reply](#)



Alejandro Argueta July 18, 2012 11:09 AM

Finding good cupcakes that aren't home made is so hard... most are too dry. I think I'll check this place out if, the picture of them looks really good... hopefully they taste good too.

[Reply](#)

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Iron Chef Shellie

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Magnolia Bakery Red Velvet Cupcakes

Posted by [Iron Chef Shellie](#) on July 30, 2012 · [21 Comments](#)



New York.

*One day, I aim to get there. My list of places to eat is already way too long, let alone all the sights, sounds and smells.... *slips off into dream land**

But until then, I'll just have to try and recreate the classics at home, like the famous Magnolia Bakery's cakes. Made famous by a few TV shows, but one of my all time favourites, Sex & The City.

I tried to do the signature Magnolia swirl on my cupcakes as it looked so easy on the youtube video, but I couldn't master it. I guess the woman was right when she says it takes 40 hours to master the swirl. So instead I whipped out the piping bag and did my best piping effort. Not perfect but not awful.



Magnolia Bakery Red Velvet Cupcakes

3 ¼ cups of plain flour
 ¾ cup unsalted butter, softened
 2 ½ cups sugar
 3 large eggs, at room temperature
 6 tbsp red food coloring
 3 tbsp unsweetened cocoa
 1 ½ tsp vanilla extract
 1 ½ tsp salt
 1 ½ cups buttermilk
 1 ½ tsp cider vinegar
 1 ½ tsp baking soda

Preheat oven to 175°C. Grease and lightly flour 2 cupcake pans.

In a small bowl, sift the cake flour and set aside. In a large bowl, on the medium speed of an electric mixer, cream the butter and sugar until very light and fluffy, about 5 minutes. Add the eggs, one at a time, beating well after each addition. In a small bowl, whisk together the red food colouring, cocoa, and vanilla. Add to the batter and beat well.

In a measuring cup, stir the salt into the milk. Add to the batter in three parts alternating with the flour. With each addition, beat until the ingredients are incorporated, but do not overbeat. In a small bowl, stir together the cider vinegar and baking soda. Add to the batter and mix well. Using a rubber spatula, scrape down the batter in the bowl, making sure the ingredients are well blended and the batter is smooth.

Divide the batter among the prepared pans. Arrange the oven racks in the upper and lower thirds of the oven and bake the cupcakes, switching positions of the pans halfway through baking, until a tester comes out clean, about 20 minutes. Cool the cupcakes in the pan 10 minutes, then remove from the pan and cool completely on a rack before icing.

Cream Cheese Frosting

500g cream cheese
 ¾ cup of butter, softened
 2 teaspoon vanilla extract
 2 cups icing sugar, sifted

1. Beat cream cheese and butter until smooth
2. Add sugar and vanilla extract and beat on high until light, fluffy and consistent
3. Fill a piping bag and generously spread over the cupcakes.

Makes 24 cupcakes.



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Comments

21 Responses to "Magnolia Bakery Red Velvet Cupcakes"



1. Hannah says:

July 30, 2012 at 8:53 pm

60 hours, and I will be boarding the plane in Sydney for New York, for my fifth visit since 2007.

You have to get there. That place is like starlight in your veins.

Hannah recently posted..[Trader Joe's Dark Chocolate Caramel with Black Sea Salt](#)

Reply



2. Martyna @ Wholesome Cook says:

July 30, 2012 at 9:06 pm

I love New York... you have to go! Sooner rather than later... ah the memories, So many sleepless nights, sore feet, ice skating in Central Park, Madonna at MSG, broken down aircon on the subway, hours stuck in traffic. Oddly enough I had not tried these cupcakes. Perhaps in October, that's if we make it to the East side. Yours look perfect though!

Martyna @ Wholesome Cook recently posted..[{Free e-cookbook + iPad 3 Giveaway} Introducing... My Whole Food Philosophy](#)

Reply



3. Michelle says:

July 30, 2012 at 11:27 pm

i like their red velvet cheesecake

Michelle recently posted..[Review: Dinner @ Nanyang Authentic Pavilion KL](#)

Reply



4. Daisy@Nevertosweet says:

July 31, 2012 at 8:57 am

These look amazing Shellie and YAY you posted 3 sweet/dessert recipes in a ROW hehe so happy 😊

Thanks for posting this recipe! Because unfortunately, I didn't like Magonolia when I went to NY, I don't know if it was my store or what was wrong...but i found the cake batter really dry. But then I've heard so many people swear by the recipe hehe so i'm super happy that you've posted it because now I can try for myself YAY!

LOL piping is SO difficult! i can never get it right ~ thank gosh i'm going to a cupcake decorating class soon yay!

Daisy@Nevertosweet recently posted..[Hot Pot Feast – Gold Leaf BBQ Docklands](#)

Reply



5. [Tina @ bitemeshowme](#) says:
July 31, 2012 at 9:28 am

Red Velvet is my ultimate favourite, and with that cream cheese frosting it is pure bliss! New York City is everything everyone makes it out to be. I'm sad it's not in my schedule this time around, but it sure will be next time.

Tina @ bitemeshowme recently posted..[La Bodeguita del Medio, Sydney CBD](#)

[Reply](#)



6. [CheezyK](#) says:
July 31, 2012 at 9:42 am

So, do you feel like sticking your tongue out and blowing raspberries at the previous commenters as much as I do right now ☺

I want an apartment with a roof top overlooking Central Park ... that's not asking too much is it? In the meantime, these cupcakes look delicious and will have to suffice! ☺

CheezyK recently posted..[there's a word for it ...](#)

[Reply](#)



7. [Julie](#) says:
July 31, 2012 at 10:04 am

oh baby those cupcakes look heavenly! Will give this recipe a go ☺

Julie recently posted..[Madam Kwong's Kitchen](#)

[Reply](#)



8. [Nic@diningwithastud](#) says:
July 31, 2012 at 10:55 am

Such a great job! I'd buy these in a second!

Nic@diningwithastud recently posted..[Chocolate Crackle Swiss Roll – for a special occasion!!](#)

[Reply](#)



9. [Jennifer \(Delicieux\)](#) says:
July 31, 2012 at 11:26 am

Those cupcakes look so good Shellie. We didn't get to visit the Magnolia Bakery on our visit to New York last year, but it's definitely on the list for our honeymoon in New York in 5 weeks time. I can't wait. Let me know if there is anything

you would like while I'm in New York....apart from packing you into my suitcase ☺

Jennifer (Delicieux) recently posted..[Strawberry Meringue Cupcakes](#)

[Reply](#)



10. [Maureen @ Orgasmic Chef](#) says:

[July 31, 2012 at 3:42 pm](#)

When I saw this I had a quiet chuckle to myself and said, "what do yankees know about red velvet?" I grew up in the Northeast of the US and didn't have red velvet until I moved to the South for uni. ☺ Southerners know their red velvet.. and that's how a mouthful feels.. velvety.

I think your cupcakes look smashing!

Maureen @ Orgasmic Chef recently posted..[Stove Top Pizza](#)

[Reply](#)



11. [Amy @ Food Crush](#) says:

[August 1, 2012 at 6:41 am](#)

Guess what? I'm going to NYC with my best friend in September! I am planning to go to Magnolia when I'm there and eat as many cupcakes as possible! Love your photos.... so pretty.

Amy @ Food Crush recently posted..[Spelt zucchini and chocolate loaf](#)

[Reply](#)



12. [Thanh](#) says:

[August 1, 2012 at 7:56 am](#)

One day we will both get to New York. Until then, let's just eat Magnolia Bakery cupcakes. Great job with the piping. Looks great.

Thanh recently posted..[Heirloom – Modern Izakaya and Sake Bar](#)

[Reply](#)



13. [Kristy @ Southern In-Law](#) says:

[August 1, 2012 at 7:24 pm](#)

These look so good, Shellie! I remember in year seven, I made red velvet cupcakes because I'd had them in the US and no one knew what they were – My teacher even said it was a horrible idea. Now everyone knows what they are!!

Kristy @ Southern In-Law recently posted..[Wedding Wednesday: Travel Inspired](#)

[Reply](#)



14. Jenny @ Ichigo Shortcake says:

August 1, 2012 at 8:43 pm

I've been to the westcoast of USA but never made it to NY...so unfortunate! I would love to go one day too...

Love the looks of those cupcakes...I don't think I'd ever be able to master the swirl either...neither am I a good piper. ☺

Jenny @ Ichigo Shortcake recently posted..How to make matcha (green tea), a bit of history and travel in Tokyo

Reply



15. Lianne says:

August 1, 2012 at 9:13 pm

those cupcakes look so good babe! (: Red velvet is one of the flavours that top my list of favourites! Love how you piped your icing too! Too pretty! xx

Lianne recently posted..Hare & Grace

Reply



16. Carole says:

August 2, 2012 at 8:06 am

I've been to New York, but never Magnolia Bakery. I wouldn't worry about the swirl—these look great.

Carole recently posted..Oh Those Skies

Reply



17. April says:

August 2, 2012 at 9:05 pm

I love red velvet cupcakes... actually I love anything with cream cheese frosting! I can't believe I missed the chance to try a Magnolia cupcake when I was in New York! Do you think it was too sweet? American recipes are really sweet normally!

April recently posted..Robuchon au Dome (formerly Robuchon a Galera), Macau

Reply



18. Sara (Belly Rumbles) says:

August 3, 2012 at 2:24 pm

Signature swirl or not, they look stunning!

Sara (Belly Rumbles) recently posted..Weekly Rumbles

[Reply](#)



19. [Agnes](#) says:
[August 5, 2012 at 10:05 pm](#)

I haven't been able to master the swirl either – it's SO HARD. Your piping looks fine though 😊
Agnes recently posted..[The week in brief: 30 July – 5 August](#)

[Reply](#)



20. [Vien](#) says:
[August 10, 2012 at 10:11 pm](#)

Magnolia Bakery is definitely one of my to go list too!
ps. I love your tea cup!! Where did you get it from??
Vien recently posted..[Mini Apple Pies](#)

[Reply](#)



o [Iron Chef Shellie](#) says:
[August 12, 2012 at 3:54 pm](#)

I got it from Sussan of all places!!

[Reply](#)

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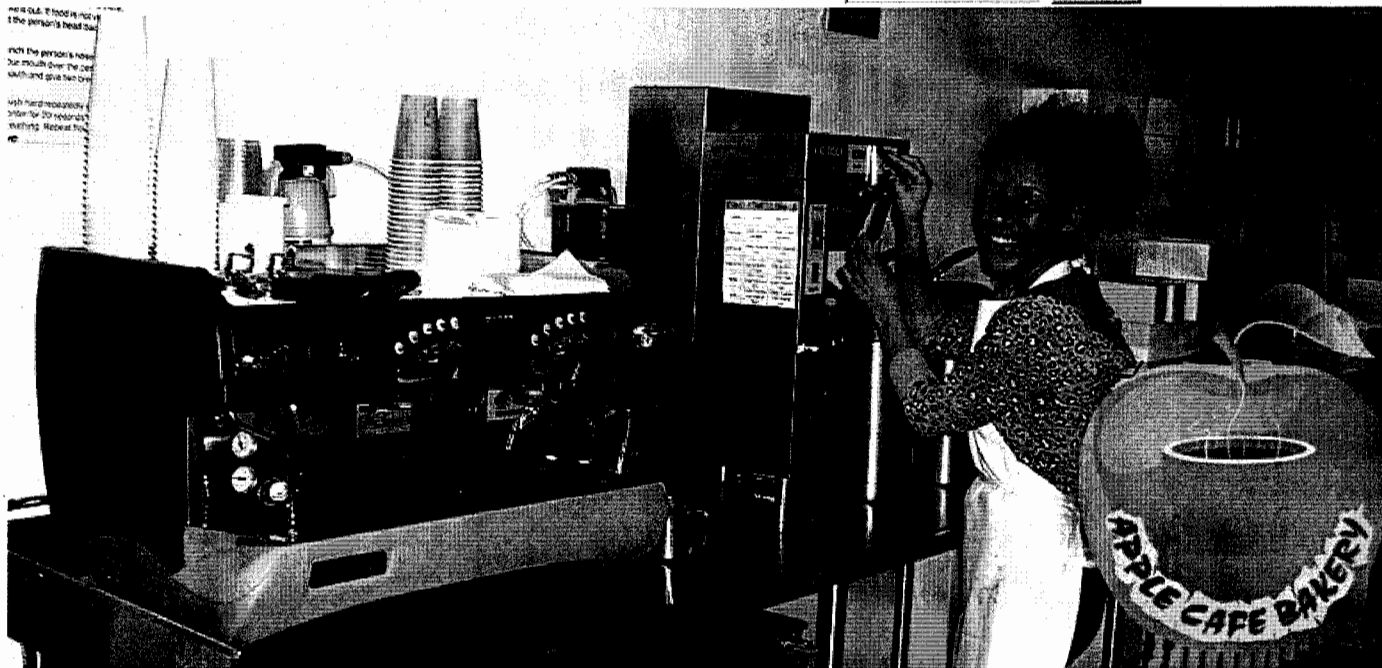


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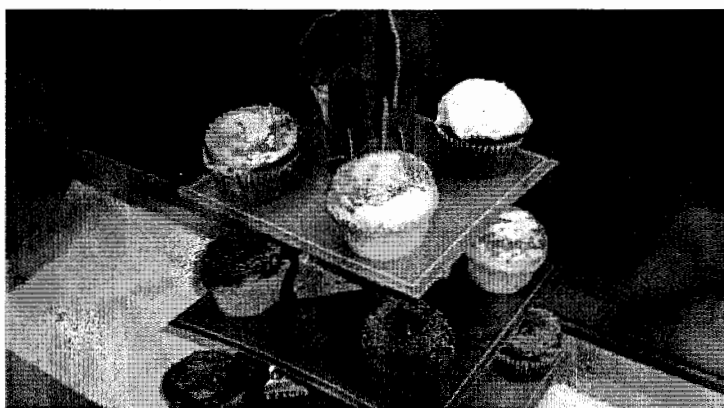
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Submitted by admin on Wed, 05/11/2011 - 15:50



This place is filled with baked goods galore.

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Apple Cafe and Bakery; 2012

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EXHIBIT D

WIGGIN AND DANA

Counsellors at Law

Wiggin and Dana LLP
One Century Tower
P.O. Box 1832
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06508-1832
www.wiggin.com

Francis J. Duffin
203.782.2889 fax

April 12, 2012

Mr. Buba Trawally
APPLE CAFÉ BAKERY CORPORATION
24 W. 8th Street
New York, New York 10011

Re: MAGNOLIA BAKERY
Our File No.: 401678/GEN001

Dear Mr. Trawally,

This firm represents Magnolia Intellectual Property, LLC, doing business as Magnolia Bakery ("Magnolia Bakery") of New York, New York, in intellectual property matters. As you are well aware, Magnolia Bakery is the owner of the MAGNOLIA BAKERY mark, as well as all intellectual property associated with the operation of the MAGNOLIA BAKERY business.

It has come to Magnolia Bakery's attention that you have opened a bakery business by the name of Apple Café Bakery. Magnolia Bakery congratulates you on this venture. We understand, however, that you have essentially usurped Magnolia Bakery's entire menu and are using Magnolia Bakery's proprietary intellectual property including, but not limited to ideas, concepts, formulas, recipes, know-how, and other proprietary business intelligence used in, and learned by you at, the Magnolia Bakery operation. Such actions constitute tortious interference with Magnolia Bakery's business, and are in contravention to various federal and state intellectual property laws. Moreover, such actions are believed to be actionable violations of the terms of your Confidentiality Agreement with Magnolia Bakery, a copy of which is attached for ready reference. Specifically, as you will note in paragraph 2(b) "Employee expressly covenants and agrees that he or she shall hold all Confidential Information (as defined in 2(a), which includes recipes, methods and all other information relating to Magnolia Bakery's business activities), in trust and confidence for the Company and agrees not to disclose such Confidential Information in any manner to any person, firm or enterprise, *or use such Confidential Information in any manner for his or her own benefit or the benefit of any other party either during or after termination of Employee's employment with the Company* without obtaining the Company's prior written consent" (emphasis added).

While Magnolia Bakery welcomes earnest competition from a bakery using its own ideas, concepts, recipes, menu, know how, etc., it cannot tolerate acts of infringement, unfair competition, unfair trade practices and tortious interference with its business that result from the unauthorized and improper use of intellectual property obtained from, and belonging to, Magnolia Bakery. Magnolia Bakery therefore demands that you immediately and permanently cease and desist from using Magnolia Bakery's recipes, know how, methods, and any other intellectual property belonging to Magnolia Bakery obtained by you as a result of your employment with Magnolia Bakery, and asks that you comply with the terms of the Confidentiality Agreement you signed at the outset of your employment with Magnolia Bakery.

New Haven Stamford New York Hartford Philadelphia

WIGGIN AND DANA

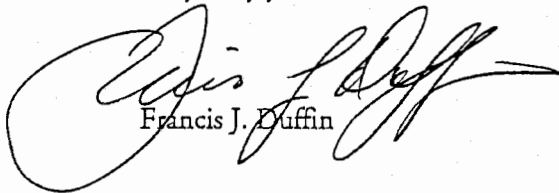
Counsellors at Law

Mr. Buba Trawally
APPLE CAFÉ BAKERY CORPORATION
April 12, 2012
Page 2

By no later than April 20, 2012, please confirm your intention to comply with the requests made in this letter. If we do not hear from you by this date, we will assume you have no interest in avoiding legal action and shall advise Magnolia Bakery accordingly. We note that nothing in this letter may be viewed as a waiver of Magnolia Bakery's legal rights, all of which are expressly reserved.

We look forward to your immediate action and response.

Very truly yours,



Francis J. Duffin

Attachment

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

Magnolia Intellectual Property, LLC

DEFENDANTS

Buba Trawally and Apple Cafe Bakery Corporation

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Wiggin and Dana LLP

450 Lexington Avenue, Suite 3800

New York, NY 10017

ATTORNEYS (IF KNOWN)

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

15 U.S.C. secs. 1051 et. seq.; action for trade dress infringement, trade dress dilution,
and unfair competition

Has this or a similar case been previously filed in SDNY at any time? No ☒ Yes ☐ Judge Previously Assigned

If yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date _____ & Case No. _____

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CIVIL RIGHTS

- [] 441 VOTING
[] 442 EMPLOYMENT
[] 443 HOUSING/ACCOMMODATIONS
[] 444 WELFARE
[] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT
[] 446 AMERICANS WITH DISABILITIES - OTHER
[] 440 OTHER CIVIL RIGHTS (Non-Prisoner)

PERSONAL INJURY

- [] 362 PERSONAL INJURY - MED MALPRACTICE
[] 365 PERSONAL INJURY PRODUCT LIABILITY
[] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY

PERSONAL PROPERTY

- [] 370 OTHER FRAUD
[] 371 TRUTH IN LENDING
[] 380 OTHER PERSONAL PROPERTY DAMAGE
[] 385 PROPERTY DAMAGE PRODUCT LIABILITY

PRISONER PETITIONS

- [] 510 MOTIONS TO VACATE SENTENCE 20 USC 2255
[] 530 HABEAS CORPUS
[] 535 DEATH PENALTY
[] 540 MANDAMUS & OTHER

PRISONER CIVIL RIGHTS

- [] 550 CIVIL RIGHTS
[] 555 PRISON CONDITION

FORFEITURE/PENALTY

- [] 610 AGRICULTURE
[] 620 OTHER FOOD & DRUG
[] 625 DRUG RELATED SEIZURE OF PROPERTY
[] 630 LIQUOR LAWS
[] 640 RR & TRUCK
[] 650 AIRLINE REGS.
[] 660 OCCUPATIONAL SAFETY/HEALTH
[] 690 OTHER

LABOR

- [] 710 FAIR LABOR STANDARDS ACT
[] 720 LABOR/MGMT RELATIONS
[] 730 LABOR/MGMT REPORTING & DISCLOSURE ACT
[] 740 RAILWAY LABOR ACT
[] 790 OTHER LABOR LITIGATION
[] 791 EMPL RET INC SECURITY ACT

IMMIGRATION

- [] 462 NATURALIZATION APPLICATION
[] 463 HABEAS CORPUS-ALIEN DETAINEE
[] 465 OTHER IMMIGRATION ACTIONS

BANKRUPTCY

- [] 422 APPEAL 28 USC 158
[] 423 WITHDRAWAL 28 USC 157

PROPERTY RIGHTS

- [] 820 COPYRIGHTS
[] 830 PATENT
[X] 840 TRADEMARK

SOCIAL SECURITY

- [] 861 HIA (1395ff)
[] 862 BLACK LUNG (923)
[] 863 DIWC/DIWW (405(g))
[] 864 SSID TITLE XVI
[] 865 RSI (405(g))

FEDERAL TAX SUITS

- [] 870 TAXES (U.S. Plaintiff or Defendant)
[] 871 IRS-THIRD PARTY 26 USC 7609

OTHER STATUTES

- [] 400 STATE REAPPORTIONMENT
[] 410 ANTITRUST
[] 430 BANKS & BANKING
[] 450 COMMERCE
[] 460 DEPORTATION
[] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)
[] 480 CONSUMER CREDIT
[] 490 CABLE/SATELLITE TV
[] 810 SELECTIVE SERVICE
[] 850 SECURITIES/COMMODITIES/EXCHANGE
[] 875 CUSTOMER CHALLENGE 12 USC 3410
[] 890 OTHER STATUTORY ACTIONS
[] 891 AGRICULTURAL ACTS
[] 892 ECONOMIC STABILIZATION ACT
[] 893 ENVIRONMENTAL MATTERS
[] 894 ENERGY ALLOCATION ACT
[] 895 FREEDOM OF INFORMATION ACT
[] 900 APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE
[] 950 CONSTITUTIONALITY OF STATE STATUTES

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.? IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint

JURY DEMAND: ☒ YES ☐ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from (Specify District) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judge Judgment
- ☐ a. all parties represented ☐ b. At least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

**IF DIVERSITY, INDICATE
CITIZENSHIP BELOW.
(28 USC 1332, 1441)**

- ☐ 1 U.S. PLAINTIFF ☐ 2 U.S. DEFENDANT ☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY) ☐ 4 DIVERSITY

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF DEF [] 1 [] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [] 3 [] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF DEF [] 5 [] 5
CITIZEN OF ANOTHER STATE	[] 2 [] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[] 4 [] 4	FOREIGN NATION	[] 6 [] 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

1841 Broadway, Suite 1111
New York, NY 10023
New York county

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Buba Trawally
230 East 167th St., Apt. 6A
Bronx, NY 10456
Bronx county

Apple Cafe Bakery Corporation
28 West 8th St.
New York, NY 10011
New York county

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN
(DO NOT check either box if this a PRISONER PETITION/PRISONER CIVIL RIGHTS COMPLAINT.)

DATE 9/20/12 SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO

☒ YES (DATE ADMITTED Mo. 3 Yr. 2001)

Attorney Bar Code # JS3680

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge MAG. JUDGE MAAS is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)