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Filing date: **05/14/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91178682
Party	Plaintiff Franciscan Vineyards, Inc.
Correspondence Address	STEPHEN L BAKER BAKER AND RANNELLS PA 575 ROUTE 28, SUITE 102 RARITAN, NJ 08869 UNITED STATES jmr@br-tmlaw.com, officeactions@br-tmlaw.com, k.hnasko@br-tmlaw.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	John M. Rannells
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Signature	/john rannells/
Date	05/14/2012
Attachments	1st Notice Reliance cert regs.pdf (9 pages)(484138 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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Fransican Vineyards, Inc.

Opposer

Mark: DOMAINE PINNACLE and
design

v.

Opposition No. 91178682

Serial No.: 78783236

Domaine Pinnacle, Inc.

Applicant

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**OPPOSER'S 1st NOTICE OF RELIANCE
(PURSUANT TO 37 CFR §2.122(d(2)))**

Please take notice that Opposer, Franciscan Vineyards, Inc. ("Opposer"), pursuant to 37 CFR §2.122(d)(2) is hereby noticing its reliance on the following:

Official Records of the U.S. Patent and Trademark Office, namely certified copies of the following U.S. trademark registrations:

1. Reg. No. 997,378 for the mark PINNACLES for "wine" owned by Opposer which was prepared and issued by the United States Patent and Trademark Office showing both the current status of (i.e., "Live" and "renewed") and current title (i.e., Opposer) to the registration.

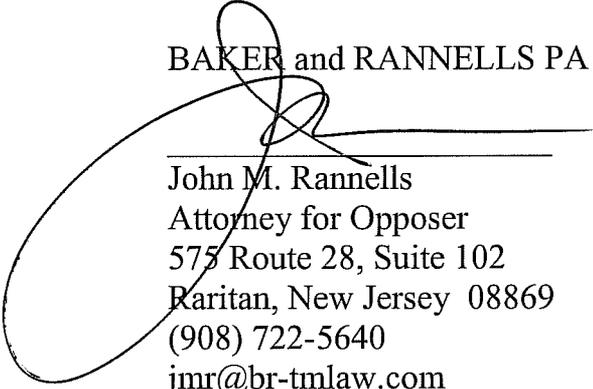
2. Reg. No. 4,072,330 for the mark PINNACLES RANCHES for "wines" owned by Opposer which was prepared and issued by the United States Patent and Trademark Office showing both the current status of (i.e., "Live") and current title (i.e., Opposer) to the registration.

Copies of the above referenced certified copies of registrations are annexed hereto.

The registrations are relevant to the issue of likelihood of confusion, including but not limited to the following factors: Opposer's priority and standing, the similarity of look, sound, meaning and commercial impression of the respective marks of the parties, the similarity of and/or the relatedness of the goods sold by the parties under their respective marks, the similarity of channels of trade through which goods of the same nature are generally and customarily marketed, advertised, offered for sale and sold, the similarity of buyers to whom sales are made, and the strength of Opposer's pleaded mark.

Respectfully submitted,

BAKER and RANNELLS PA



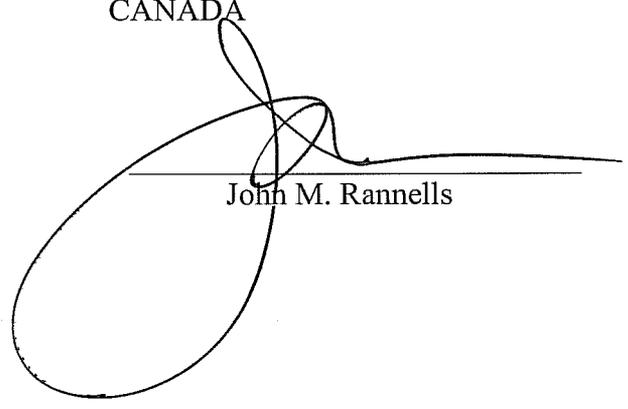
John M. Rannells
Attorney for Opposer
575 Route 28, Suite 102
Raritan, New Jersey 08869
(908) 722-5640
jmr@br-tmlaw.com

CERTIFICATE OF SERVICE

I hereby certify a copy of the foregoing OPPOSER'S 1st NOTICE OF RELIANCE PURSUANT TO 37 CFR §2.122(d)(2) in re: *Franciscan Vineyards, Inc. v. Domaine Pinnacle, Inc.*, Opposition No. 91178682 was served on Applicant, this 14th day of May, 2012 by sending same via First Class Mail, postage prepaid, to:

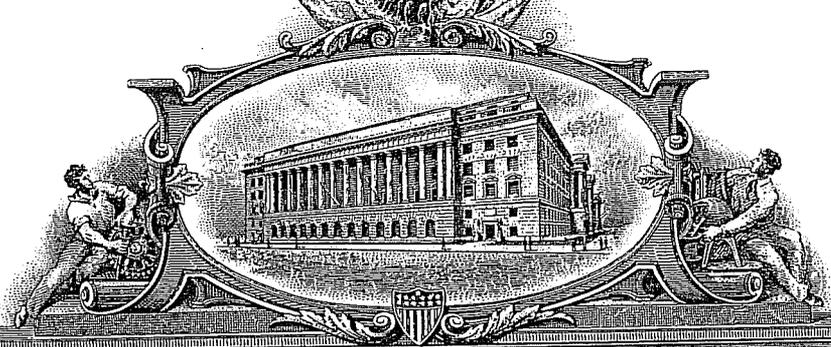
Charles Crawford
DOMAINE PINNACLE INC.
150 RICHFORD ROAD
FRELIGHSBURG, QC J0L 1C0
CANADA

DATED: May 14, 2012



John M. Rannells

7355770



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

May 08, 2012

THE ATTACHED U.S. TRADEMARK REGISTRATION 997,378 IS
CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND
EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN
THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES
PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 20 YEARS FROM *November 05, 1974*
2nd RENEWAL FOR A TERM OF 10 YEARS FROM *November 05, 2004*
SECTION 8

AMENDMENT/CORRECTION/NEW CERT(SEC7) ISSUED
SAID RECORDS SHOW TITLE TO BE IN:

FRANCISCAN VINEYARDS, INC.
A DELAWARE CORPORATION

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office

P. SWAIN
Certifying Officer



Int. Cl.: 33

Prior U.S. Cl.: 47

Reg. No. 997,378

United States Patent and Trademark Office

Registered Nov. 5, 1974

Amended

OG Date Apr. 10, 2001

**TRADEMARK
PRINCIPAL REGISTER**

PINNACLES

FRANCISCAN VINEYARDS, INC. (DELA-
WARE CORPORATION)
P.O. BOX 407
RUTHERFORD NAPA VALLEY, CA
94573, ASSIGNEE OF PAUL MASSON,
INC. (CALIFORNIA CORPORATION),
DBA PAUL MASSON VINEYARDS,
SARATOGA, CA

FOR: WINE, IN CLASS 33 (U.S. CL.
47).

FIRST USE 5-12-1971; IN COMMERCE
5-12-1971.

SER. NO. 73-006,890, FILED 11-20-1973.

*In testimony whereof I have hereunto set my hand
and caused the seal of The Patent and Trademark
Office to be affixed on Apr. 10, 2001.*

DIRECTOR OF THE U.S. PATENT AND TRADEMARK OFFICE

Int. Cl.: 33

Prior U.S. Cl.: 47

United States Patent and Trademark Office

10 Year Renewal

Reg. No. 997,378

Registered Nov. 5, 1974

Renewal Term Begins Nov. 5, 1994

**TRADEMARK
PRINCIPAL REGISTER**

PINNACLE

FRANCISCAN VINEYARDS, INC.
(DELAWARE CORPORATION)

P.O. BOX 407

RUTHERFORD NAPA VALLEY, CA
94573, BY MERGER AND ASSIGN-
MENT FROM PAUL MASSON, INC.
(CALIFORNIA CORPORATION), DBA
PAUL MASSON VINEYARDS, SARA-
TOGA, CA

FOR: WINE, IN CLASS 33 (U.S. CL. 47).

FIRST USE 5-12-1971; IN COMMERCE
5-12-1971.

SER. NO. 73-006,890, FILED 11-20-1973.

*In testimony whereof I have hereunto set my hand
and caused the seal of The Patent and Trademark
Office to be affixed on Nov. 22, 1994.*

COMMISSIONER OF PATENTS AND TRADEMARKS

Int. Cl.: 33

Prior U.S. Cl.: 47

United States Patent Office

Reg. No. 997,378

Registered Nov. 5, 1974

TRADEMARK

Principal Register

PINNACLE

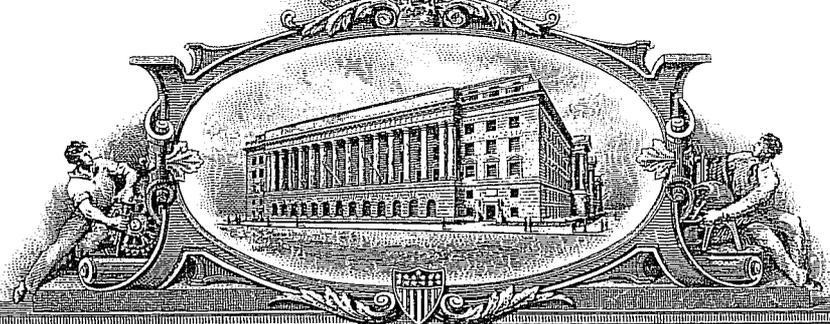
Paul Masson, Inc. (California corporation), doing business as Paul Masson Vineyards
13150 Saratoga Ave.
Saratoga, Calif. 95070

For: WINE, in CLASS 33 (U.S. CL. 47).
First use May 12, 1971; in commerce May 12, 1971.

Ser. No. 6,890, filed Nov. 20, 1973,

L. STRICKMAN, Examiner

7355770



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

May 08, 2012

THE ATTACHED U.S. TRADEMARK REGISTRATION 4,072,330 IS
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH
REGISTRATION IS IN FULL FORCE AND EFFECT.

REGISTERED FOR A TERM OF 10 YEARS FROM *December 20, 2011*
SAID RECORDS SHOW TITLE TO BE IN: *Registrant*

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office


M. TARVER
Certifying Officer



United States of America

United States Patent and Trademark Office

PINNACLES RANCHES

Reg. No. 4,072,330

FRANCISCAN VINEYARDS, INC. (DELAWARE CORPORATION)
1178 GALLERON ROAD
ST. HELENA, CA 94574

Registered Dec. 20, 2011

Int. Cl.: 33

FOR: WINES, IN CLASS 33 (U.S. CLS. 47 AND 49).

TRADEMARK

FIRST USE 5-0-2004; IN COMMERCE 5-0-2004.

PRINCIPAL REGISTER

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

OWNER OF U.S. REG. NO. 997,378.

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

SER. NO. 77-598,674, FILED 10-23-2008.

JENNY PARK, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office