

ESTTA Tracking number: **ESTTA494178**

Filing date: **09/12/2012**

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 Taking Testimony
Filer's Name	John M. Rannells
Filer's e-mail	jmr@br-tmlaw.com, officeactions@br-tmlaw.com, k.hnasko@br-tmlaw.com
Signature	/John Rannells/
Date	09/12/2012
Attachments	Notice Taking Testimony Fonseca 9-12-12.pdf ( 2 pages )(13020 bytes )

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

-----X  
Fransican Vineyards, Inc.

Opposer

Mark: DOMAINE PINNACLE and  
design

v.

Opposition No. 91178682

Domaine Pinnacle, Inc.

Serial No.: 78783236

Applicant  
-----X

**NOTICE OF TAKING TESTIMONY**  
**PURSUANT TO 37 CFR SECTION 2.123**

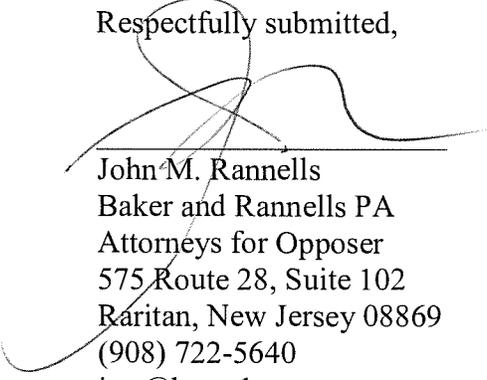
PLEASE TAKE NOTICE that on October 9, 2012, beginning at 10:00 a.m., at the offices of Constellation Brands U.S. Operations, Inc. at 1265 Battery St., San Francisco, CA 94111 (4<sup>th</sup> Floor), testimony will be taken on behalf of Opposer in the above-captioned opposition proceeding, pursuant to the Rules of Practice in Trademark Cases, before a Notary Public or some other person authorized by law to administer oaths, of the following witness:

Juan Fonseca, Director of Marketing, Franciscan Vineyards, Inc.

The oral examination will continue from day-to-day until completed. You are invited to attend and cross-examine.

Respectfully submitted,

Dated: September 12, 2012

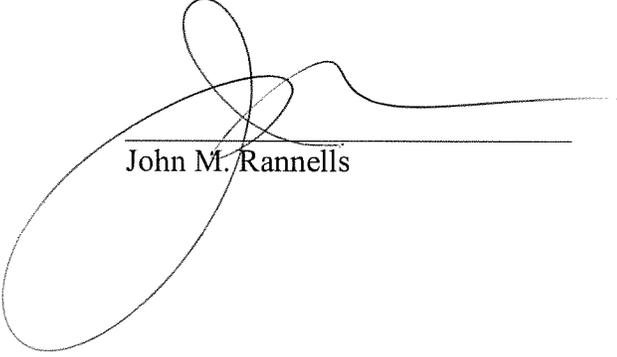
  
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John M. Rannells  
Baker and Rannells PA  
Attorneys for Opposer  
575 Route 28, Suite 102  
Raritan, New Jersey 08869  
(908) 722-5640  
jmr@br-tmlaw.com

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing Notice of Taking Testimony of Juan Fonseca was served via first class mail, postage prepaid, this 12<sup>th</sup> day of September, 2012 upon Applicant at the following address of record:

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

DATED: September 12, 2012



John M. Rannells