

ESTTA Tracking number: **ESTTA508039**

Filing date: **11/29/2012**

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, k.hnasko@br-tmlaw.com, charles@domainepinnacle.com
Signature	/John Rannells/
Date	11/29/2012
Attachments	Notice Testimony Applebaum.pdf ( 2 pages )(15040 bytes ) Notice Testimony Fondiller.pdf ( 2 pages )(14334 bytes ) Notice Testimony Crawford.pdf ( 2 pages )(14534 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

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

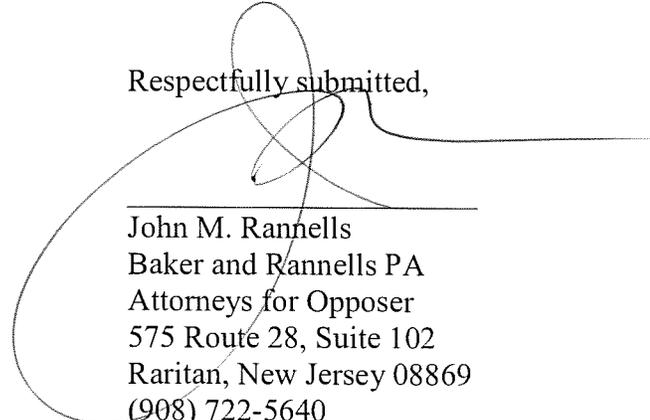
PLEASE TAKE NOTICE that on Thursday, December 13, 2012, beginning at 2:00 p.m. at the offices of Constellation Brands, Inc., 207 High Point Drive, Victor, N.Y. 14564, testimony will be taken on behalf of Opposer, Franciscan Vineyards, Inc., in the above-captioned opposition proceeding, pursuant to the Rules of Practice in Trademark Cases, before a Notary Public or some other person authorized by law to administer oaths, of the following witness:

Lou Applebaum  
Senior Vice President Strategy & Business Development, Constellation Brands, Inc.

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

Respectfully submitted,

Dated: November 29, 2012

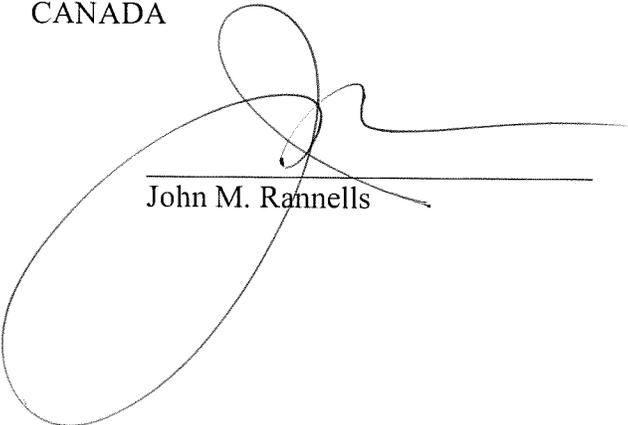
  
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John M. Rannells  
Baker and Rannells PA  
Attorneys for Opposer  
575 Route 28, Suite 102  
Raritan, New Jersey 08869  
(908) 722-5640  
jmr@br-tmlaw.com

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing Amended Notice of Taking Testimony of Lou Applebaum was served via first class mail, postage prepaid, this 29<sup>th</sup> day of November, 2012 and via email (i.e., Charles@domainepinnacle.com) upon Applicant at the following address of record:

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

DATED: November 29, 2012



John M. Rannells

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

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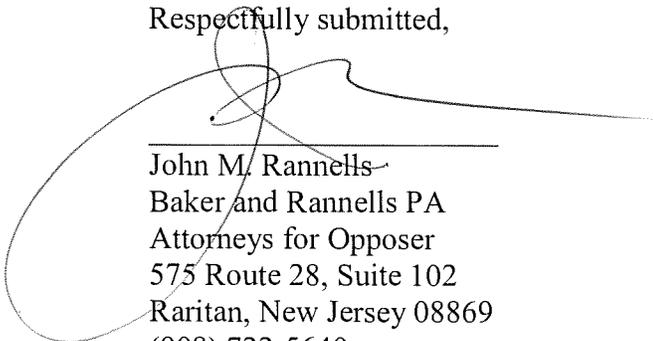
PLEASE TAKE NOTICE that on Thursday, December 13, 2012, beginning at 2:00 p.m. at the offices of Constellation Brands, Inc., 207 High Point Drive, Victor, N.Y. 14564, testimony will be taken on behalf of Opposer, Franciscan Vineyards, Inc., in the above-captioned opposition proceeding, pursuant to the Rules of Practice in Trademark Cases, before a Notary Public or some other person authorized by law to administer oaths, of the following witness:

Ronald Fondiller  
Senior Vice President, General Counsel and Secretary of Opposer

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

Respectfully submitted,

Dated: November 29, 2012

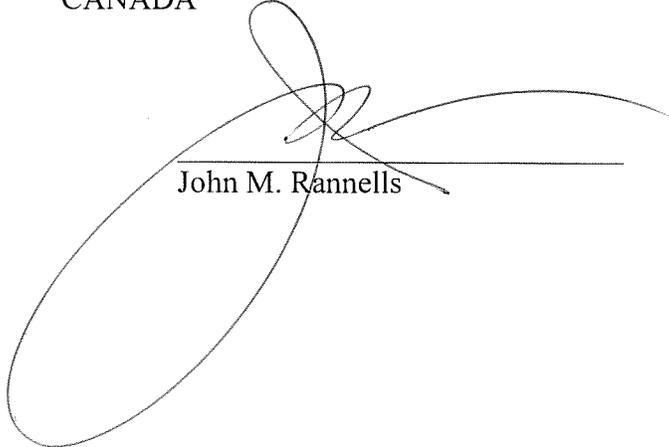
  
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John M. Rannells  
Baker and Rannells PA  
Attorneys for Opposer  
575 Route 28, Suite 102  
Raritan, New Jersey 08869  
(908) 722-5640  
jmr@br-tmlaw.com

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing Amended Notice of Taking Testimony of Ronald Fondiller was served via first class mail, postage prepaid, this 29<sup>th</sup> day of November, 2012 and via email (i.e., Charles@domainepinnacle.com) upon Applicant at the following address of record:

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

DATED: November 29, 2012



John M. Rannells

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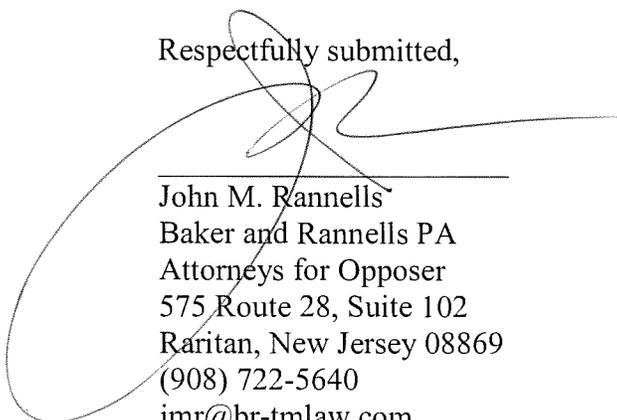
PLEASE TAKE NOTICE that on Thursday, December 13, 2012, beginning at 9:30 a.m. at the offices of Constellation Brands, Inc., 207 High Point Drive, Victor, N.Y. 14564, testimony will be taken on behalf of Opposer, Franciscan Vineyards, Inc., in the above-captioned opposition proceeding, pursuant to the Rules of Practice in Trademark Cases, before a Notary Public or some other person authorized by law to administer oaths, of the following witness:

Charles Crawford  
Of Domaine Pinnacle, Inc.

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

Respectfully submitted,

Dated: November 29, 2012

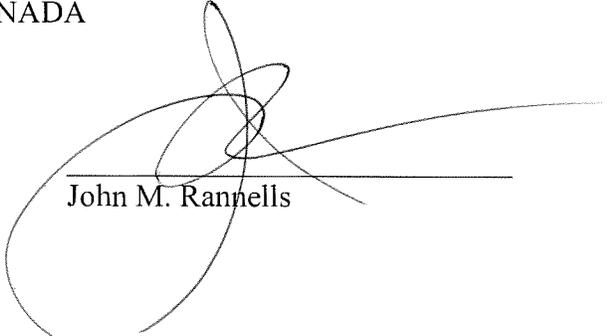
  
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John M. Rannells  
Baker and Rannells PA  
Attorneys for Opposer  
575 Route 28, Suite 102  
Raritan, New Jersey 08869  
(908) 722-5640  
jmr@br-tmlaw.com

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing Amended Notice of Taking Testimony of Charles Crawford was served via first class mail, postage prepaid, this 29<sup>th</sup> day of November, 2012 and via email (i.e., Charles@domainepinnacle.com) upon Applicant at the following address of record:

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

DATED: November 29, 2012



John M. Rannells