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Filing date: **12/14/2012**

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
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Signature	/John Rannells/
Date	12/14/2012
Attachments	91178682 4th Notice Reliance 12-14-12.pdf ( 9 pages )(709294 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

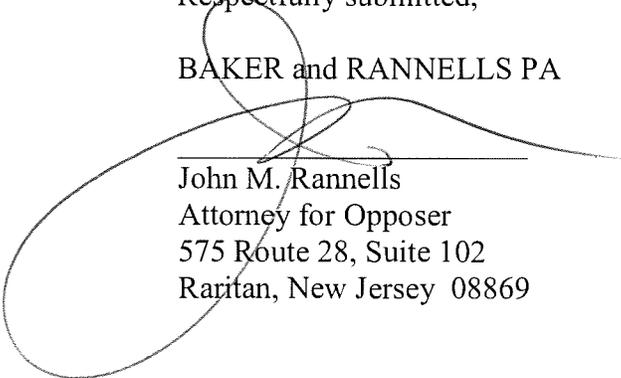
**OPPOSER'S 4<sup>th</sup> NOTICE OF RELIANCE  
PURSUANT TO 37 CFR §2.122(e)**

Please take notice that Opposer, Franciscan Vineyards, Inc. ("Opposer"), pursuant to 37 CFR § 2.122(e) is hereby noticing its reliance on the annexed printed publication, namely copies of pages from the Applicant's website found at "www.domainpinnacle.com."

The annexed documents are relevant to the issue of the relatedness of the parties' goods and services and the manner of use of the Applicant's mark and thereby to the issue of the similarity of the parties respective marks in look, sound, meaning and commercial impression; and also to the actual products offered for sale by the Applicant under the Applicant's mark in issue.

Respectfully submitted,

BAKER and RANNELLS PA

  
\_\_\_\_\_  
John M. Rannells  
Attorney for Opposer  
575 Route 28, Suite 102  
Raritan, New Jersey 08869

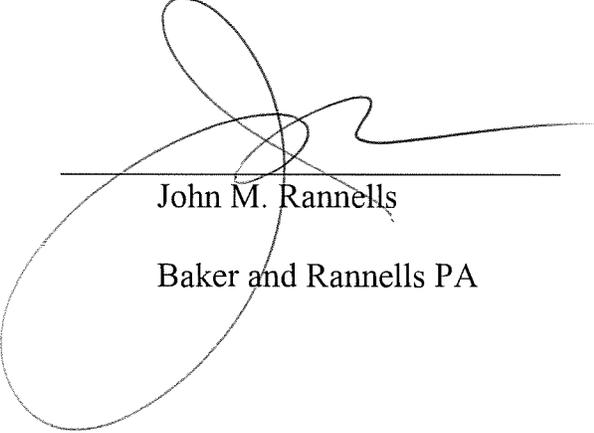
(908) 722-5640  
jmr@br-tmlaw.com

**CERTIFICATE OF SERVICE**

I hereby certify a true and accurate copy of the foregoing OPPOSER'S 4<sup>th</sup> NOTICE OF RELIANCE and annexed documents in re: Franciscan Vineyards, Inc. v. Domaine Pinnacle, Inc., Opposition No. 91178682 was served on Applicant, this 14<sup>th</sup> day of December, 2012 by sending same via First Class Mail, postage prepaid, to:

Charles Crawford  
Domaine Pinnacle, Inc.  
150 Richford Rd.  
Frelighsburg, Quebec J0J 1C0

DATED: December 14, 2012



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John M. Rannells

Baker and Rannells PA



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**CAMUS**



Domaine Pinnacle is a family-owned orchard and cidery, dedicated to creating the world's best Ice Apple Wine.

Acclaimed by wine critics, chefs and sommeliers, Domaine Pinnacle Ice Apple Wine is truly an outstanding taste experience! We invite you to discover our estate-produced, one-of-a-kind, premium product line and to visit our orchard and cidery located on the southern slopes of Pinnacle Mountain in the Eastern Townships of Quebec, Canada.

If you would like to receive occasional information on Domaine Pinnacle products and events, please click here to subscribe to our newsletter.

**Latest News**

- June 12, 2012 - Domaine Pinnacle's Ungava Canadian Premium Gin Receives 'Excellent' Scores at Ultimate Cocktail Challenge
- June 12, 2012 - Beverage Tasting Institute Awards Domaine Pinnacle Ice Apple Wine a 93-Point Ranking
- March 27, 2012 - Domaine Pinnacle Wins Double Gold Medal at Finger Lakes International Wine Competition
- January 31, 2012 - Domaine Pinnacle Wins Four Medals at the Wine Access 2011 Canadian Wine Annual

**"...the best cider in Canada..."**  
Gord Stimell  
Toronto Star



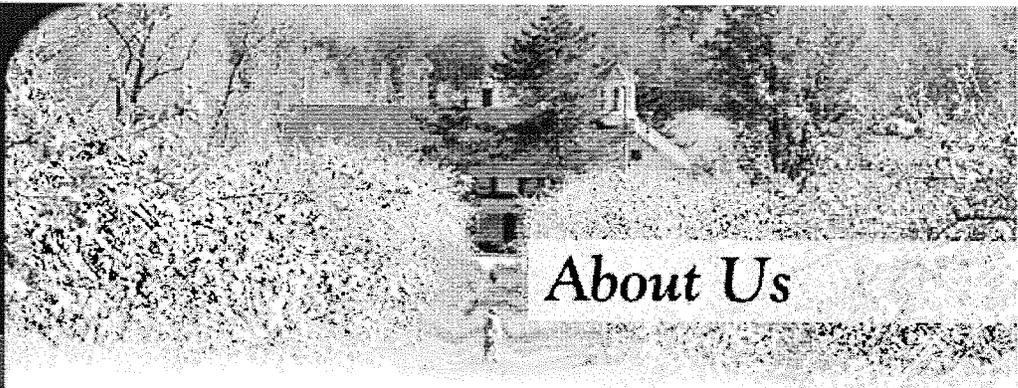
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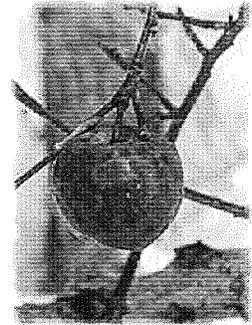
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**CAMUS**



## About Us

Domaine Pinnacle is a family-owned orchard and cidery located on a beautiful heritage property near the historic village of Frelighsburg in the Eastern Townships of Quebec, Canada.

Our bountiful 430-acre apple orchard, perched on the southern slopes of Pinnacle Mountain, provides the essential ingredient for our unique offering of fine regional products. Located on the 45th parallel - the same latitude as the world's renowned winegrowing regions - the south-facing orchards benefit from a microclimate that is particularly well suited for apple production. Ideal summer growing conditions coupled with our intensely cold Quebec winters make the creation of ice apple wine possible. All Pinnacle products are made with care and fine attention to detail by our dedicated, multidisciplinary team.



Domaine Pinnacle is owned by Susan and Charles Crawford, *urban refugees*, who make the estate the full-time home for their family.



### History

In 1859, the charming farmhouse that stands on the Domaine Pinnacle property was built. Its distinguishing feature is an octagonal rooftop lookout turret that was apparently used to keep a watch on the nearby Vermont border. Local residents claim that, in its first years, the house served as a stop on the famous "Underground Railroad" providing a safe haven for slaves seeking freedom. Many years later, it became a convenient meeting place for bootleggers during the Prohibition era.



The estate's apple orchards, some of the first in Frelighsburg, were planted nearly a century ago, but it wasn't until 2000 that Domaine Pinnacle created its very first ice apple wine. In the short time since, Pinnacle has taken its place among the finest producers, winning dozens of gold medals at prestigious international wine competitions.

### Pinnacle Mountain

Originally occupied by the Abenaki tribe, Pinnacle Mountain is the only truly undeveloped mountain in Quebec within a 90-minute radius of Montreal. Known by generations of locals simply as "The



Pinnacle" (elevation 712 m / 2,336 ft.), it is a refuge for a wide variety of wildlife, including many rare species. The Pinnacle, an isolated peak in the Sutton Mountains, overlooks the picturesque village of Frelighsburg as well as the spectacular ranges of the Green Mountains of Vermont and the Adirondacks of New York State. This incredible setting and its breathtaking views can be enjoyed from the Domaine Pinnacle property, located on the southern slopes of this pristine mountain paradise.



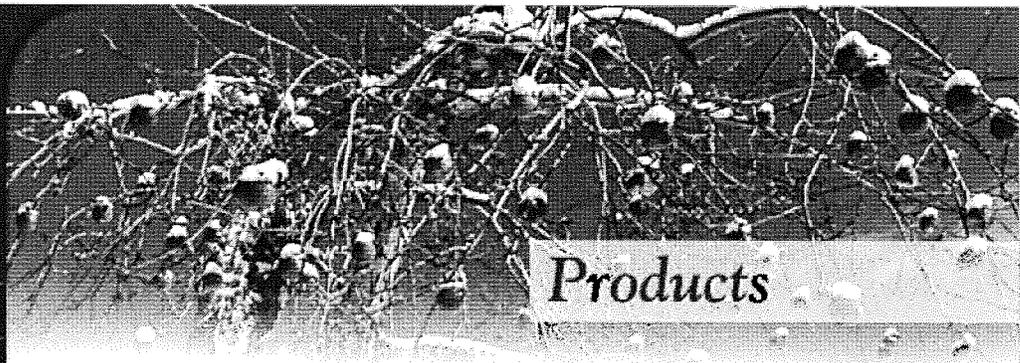
### Village of Frelighsburg

Domaine Pinnacle is located just 5 km from the quaint village of Frelighsburg, a classic Loyalist settlement that blends historic charm with a vibrant and active community. Named one of "The Most Beautiful Villages in Quebec," Frelighsburg is nestled in a verdant valley on the Pike River and is home to a rich heritage that preserves many historic buildings and traditions.

The village was settled in the 1790s by American Loyalists, including Abram Freligh, a physician of Dutch origin, who moved from New York State and gave his name to the village upon acquiring the sawmill. The mill built by his son, Richard, in 1839 at the river's edge is a registered historic monument, along with several other buildings. The Anglican (1880) and Catholic (1883) churches whose spires crown this jewel of a village, attest to the cultural diversity that remains an important part of its fabric to this day.

With a population of just over 1,100 residents, Frelighsburg attracts many artists and visitors for its natural beauty and charm. Nestled amongst apple orchards that cover its rolling hills in all directions, and in the shadow of Pinnacle Mountain, Frelighsburg remains as charming and seductive today as it was over 200 years ago.

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### Domaine Pinnacle Ice Apple Wine

Award-winning and critically-acclaimed, Pinnacle Ice Apple Wine is produced from a select blend of hand-picked apples, harvested after frost and extracted naturally over the winter months. The unique combination of ideal summer growing conditions and cold Canadian winters create a product like nothing else you have ever tasted!

Rich, golden and full-bodied in the glass, our Ice Apple Wine has an appealing mellow flavor and clean, distinct taste of apples that builds from its smooth, velvety start to its well-balanced, long-lasting finish.

#### Characteristics

- Stunning richness... over 80 apples used to produce each bottle!
- Incredible complexity... made from a blend of 6 varieties of apples
- Exceptionally balanced... fresh apple taste with sweet, smooth finish
- All natural... no additives whatsoever

#### Service

Due to product complexity, can be served on its own or as an exceptional complement to a variety of foods...

- as an apéritif
- with pâtés, game or poultry
- with spicy dishes
- with fine cheeses, particularly blue, goat, aged cheddar and brie
- with desserts, including of course, many apple-based classics
- on its own, as a digestif, to end a perfect meal!

For more service ideas, refer to our [Recipes](#) section.

**375 ml. 12.5% Alc./Vol.**

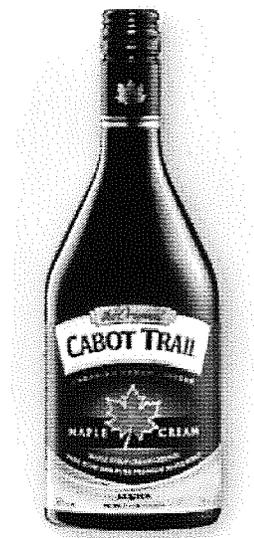
**SERVE WELL CHILLED (40-45°F)**

[Click here for printable Product Spec Sheet \(PDF file\).](#)



### Cabot Trail Maple Cream

John Cabot was the first European to discover Canada. During his trip, he came across a world full of richness, cultures and flavors. In honor of his adventurous spirit and discoveries, we are offering this cream liquor reflecting the best of Canada through the authentic taste of pure premium Canadian maple syrup blended with fresh cream.



**Characteristics**

- Made from pure premium Canadian maple syrup
- Using the freshest cream and a special mix of grain alcohol and rum
- Distinctive, natural maple syrup taste and aroma
- Authentic Canadian product
- Serve on ice, in cocktails, or to flavour coffee

**750 ml 15% alc./vol.**

[Click here for printable Product Spec Sheet \(PDF file\).](#)

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# Ice Apple Wine

Domaine Pinnacle is a family-owned orchard and cidery located on the southern slopes of Pinnacle Mountain (elevation 712 m. / 2,336 ft.) in the Eastern Townships of Québec, Canada.

We are dedicated to producing the world's finest ice apple wine. Made from an exclusive blend of 6 different varieties of apples, Pinnacle Ice Apple Wine can be enjoyed equally well as an aperitif, a dessert wine, or with a variety of foods. Ideal summer growing conditions and frigid Canadian winters join forces to create this opulent and delightful nectar unlike anything else you've tasted before.



## TASTING NOTES

**EYE**  
Rich golden color with orange highlights.

**NOSE**  
Fresh apples, cinnamon and spice, with a hint of honey.

**PALATE**  
Opulent, intense and complex flavor; evocative of fine icewines or Sauternes. Its sweetness is exquisitely balanced by acidity that keeps it from being cloying and makes for a clean finish.

**SERVING SUGGESTIONS**  
Enjoy as an aperitif, with fine cheeses and desserts, after dinner, or to add a fresh apple twist to your cocktail creations. Serve well chilled (42°F).

## KEY FACTS

- ◆ *Domaine Pinnacle is the world's leading producer of ice apple wine, now available in over 40 countries.*
- ◆ *Pinnacle Ice Apple Wine has been specially selected by Camus, the largest independent, family-owned cognac house, renowned for its commitment to quality.*
- ◆ *Only the finest apples, hand-picked after the first frosts, go into the making of every 375 ml bottle and contribute to incredible product richness, concentration and complexity.*
- ◆ *Slow, low-temperature fermentation followed by aging on the lees for over 6 months yields an exceptionally well balanced ice apple wine.*
- ◆ *Before or after dinner and anything in between... it offers great service flexibility.*
- ◆ *A premium quality product presented in upscale packaging and offering a very high yield to conversion ratio.*
- ◆ *Rapid growth in demand, buoyed by the international success of icewines, and offering superior value for money.*

BOTTLE CAPACITY  
375 mL (37.5 CL)

BOTTLE PER CASE  
12

UPC  
6 54745 00018 0

PRESENTATION  
GIFT TUBE

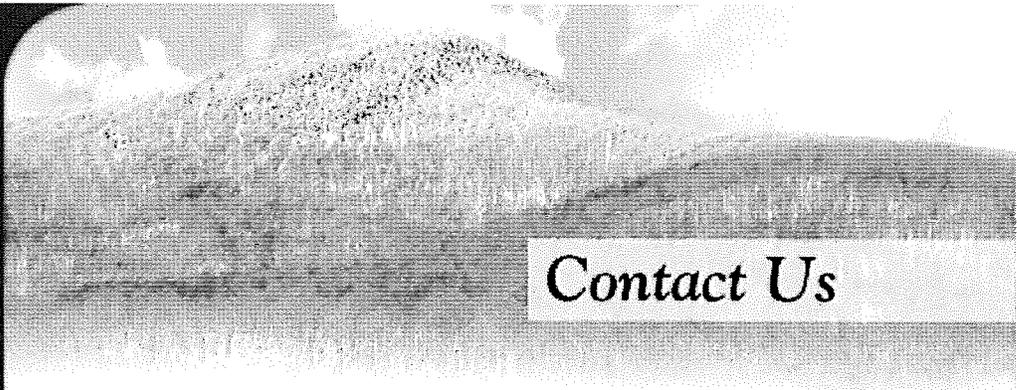
ALCOHOL CONTENT  
12% ALC/VOL

RESIDUAL SUGAR  
180 G/L



Produced and bottled by Domaine Pinnacle, Frelighsburg (Québec), Canada / [www.domainepinnacle.com](http://www.domainepinnacle.com)

Represented in the USA by **Winesellers, Ltd.** 9933 N. Lawler Avenue, Suite 230, Skokie, Illinois 60077 / TEL: 847.679.0121 / [www.winesellersltd.com](http://www.winesellersltd.com)



Our office is open Monday to Friday from 9 a.m. - 5 p.m. ET, with the exception of statutory holidays. For general inquiries please contact us at:

**Email:** [questions@domainepinnacle.com](mailto:questions@domainepinnacle.com)

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