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

Proceeding	91181380
Party	Defendant MIMULANI AG
Correspondence Address	M ARK LEBOW YOUNG & THOMPSON 745 SOUTH 23RD STREET, SUITE 200 ARLINGTON, VA 22202-2400 UNITED STATES embon@young-thompson.com
Submission	Motion to Compel Discovery
Filer's Name	Mark Lebow
Filer's e-mail	mlebow@young-thompson.com, embon@young-thompson.com
Signature	/Mark Lebow/
Date	12/30/2008
Attachments	2008-12-30 Motion to Compel.pdf ( 8 pages )(23390 bytes ) Ex. A.pdf ( 5 pages )(59254 bytes ) 2008-12-30 scanned Exhibit B-C.pdf ( 122 pages )(3053380 bytes ) 2008-12-30 scanned Exhibit D - first part.pdf ( 85 pages )(1976059 bytes ) 2008-12-30 scanned Exhibit D - last part.pdf ( 96 pages )(2987409 bytes ) 2008-12-30 scanned Exhibits E-L.pdf ( 84 pages )(2637393 bytes )

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

E. & J. GALLO WINERY,

Opposer,

v.

MIMULANI AG,

Applicant.

Cancellation No. 91181380 et al.  
(Consolidated)

**APPLICANT MIMULANI AG'S MOTION TO COMPEL**

Applicant Mimulani AG ("Mimulani") hereby moves the Board for an Order compelling Opposer E. & J. Gallo Winery ("E. & J.") to respond to certain of Mimulani's discovery requests as detailed below.

Counsel for Mimulani sent an email to counsel for E. & J. on December 13, 2008 specifying the manner in which E. & J.'s discovery responses were deficient and requesting amended and supplemental responses and production. E. & J.'s counsel made an immediate, preliminarily reply indicating that he believed the responses were not deficient and that more substantive response to the mail would be forthcoming the following week. These correspondence are attached hereto as Exhibit A.

Counsel for Mimulani has not received any substantive response to its email at this time, now more than two weeks after counsel for E. & J. indicated it would respond. Opposer has made no indication that it will be amending or supplementing its responses and has not otherwise contacted Applicant to narrow the issues. It is clear from Opposer's initial response, and its subsequent failure to respond more fully, that the parties have an entrenched discovery dispute

regarding each of the issues in Applicant's December 13 email and each such issue therefore appropriate for resolution by the Board.

Applicant believes that the parties' correspondence, and Opposer's failure to continue the correspondence, satisfies Applicant's obligation to meet and confer in an attempt to resolve any discovery dispute prior to filing a motion to compel.

Attached hereto are the following exhibits:

Exhibit B	Applicant's First Request for Admissions to Opposer
Exhibit C	Applicant's First Request for Production
Exhibit D	Applicant's Second Request for Admissions to Opposer
Exhibit E	Applicant's Second Request for Production
Exhibit F	Applicant's First Set of Interrogatories
Exhibit G	Opposer's Objections and Responses to Applicant's First Request for Admissions to Opposer
Exhibit H	Opposer's Objections and Responses to Applicant's First Request for Production
Exhibit I	Opposer's Objections and Responses to Applicant's First Interrogatories
Exhibit J	Opposer's Objections and Responses to Applicant's Second Request For Admissions to Opposer
Exhibit K	Opposer's Objections and Responses to Applicant's Second Request for Production
Exhibit L	Opposer's Objections and Responses to Applicant's First Set of Interrogatories

**I. An order compelling sufficient responses to Requests for Admissions Nos. 5, 23, and 26 and Request for Production No. 1 is appropriate.**

Applicant's Requests for Admissions Nos. 5, 23, and 26 were partially denied, but no documents were produced in support of the denials pursuant to Applicant's production request No. 1. More specifically, Opposer admits that each respective trademark cited in the admission requests was not the subject of a TTAB opposition or cancellation challenge by Opposer, but denies that the cited trademark was not "otherwise challenged" by Opposer. Accordingly, it is apparent that the trademarks that are the subject of Requests for Admissions Nos. 5, 23, and 26

were challenged by Opposer in some manner other than TTAB proceedings, such as perhaps a cease and desist letter followed by an out-of-court settlement or a state or federal court case.

Applicant believes that it is entitled, pursuant to its request for production No. 1, to any documents supporting the partial denial of these admission requests. Such documents would include any cease and desist letter, correspondence, settlement agreement, coexistence agreements, court pleadings and filings, etc. that may have related to any non-TTAB challenge to the identified trademarks.

Applicant notes specifically that Opposer indicated in its response to request for production No. 1 that documents supporting the denial of admission No. 23 would be produced. Despite a follow up request made to counsel for Opposer regarding these documents, no such documents have been produced. Accordingly, Applicant requests that the Board's Order specifically require production of documents relating to Admission No. 23.

**II. An order compelling sufficient responses to Applicant's Interrogatory Nos. 3 and 4, and Requests for Production Nos. 4 and 5 is appropriate.**

Applicant's Interrogatory Nos. 3 and 4 and Requests for Production Nos. 4 and 5 pertain to the identification and production of agreements between Opposer and any third party that resolve trademark disputes relating to the GALLO mark, including particularly, but not limited to, coexistence agreements. The requests encompass agreements relating to any jurisdiction, foreign and domestic.

Applicant does not believe that the search for and production of such agreements would constitute an undue burden and does not object to the production of such agreements under Fed. R. Civ. P. 33(d) in response to the interrogatories.

Such agreements are relevant at least because any such agreement is relevant to the scope of protection properly afforded to Opposer's marks and Opposer's views regarding channels of trade and its area of commerce.

**III. An order compelling sufficient responses to Applicant's Second Set of Requests for Admissions and Second Set of Request for Production, as detailed below, is appropriate.**

**a. Admission Nos. 59, 61, 62, 65, 68, 71, 75, 78, 79, 80, 84, 88, 92, 95, 99, 103, 106, 109, 112**

Each of these requests for admissions is identical in form and substance in that each asks Opposer to admit the authenticity of specific printouts from the USPTO online database that were attached to the admissions as exhibits. Each of Opposer's replies to these requests is also identical in form and substance: a blanket denial apparently based solely on the objection that the request is argumentative.

These requests are intended to lay the foundation for the subsequent requests and each merely asks Opposer to admit the authenticity of the cited documents, i.e. that the cited documents originate from the USPTO database. Similar requests were made with respect to registration printouts in Applicant's admission request Nos. 1 – 55 and, for each of these, Opposer responded by essentially admitting the authenticity of the cited exhibit. Opposer believes that a simple admission of authenticity is likewise warranted in response to requests 59 etc.

**b. Admission Nos. 63, 66, 69, 72, 76, 81, 85, 89, 93, 96, 100, 104, 107, 110, 113**

Each of these requests for admissions is substantially identical in that each requests the admission that the trademark identified in the immediately preceding requests was not known to

Opposer because of either (1) a lack of interest or (2) a lack of inquiry, and not due to an investigation by Opposer that determined the mark was not in use.

Each of these requests is categorically denied based on the objections that each was misleading, vague, and argumentative. Applicant believes these denials are without merit and do not satisfy Opposer's various duties in responding to admission requests. In particular, the denials appear to be based on Opposer's objections that the meaning of the request is unclear. In this case, Opposer has a duty to respond to the unobjectionable portions of the request and a duty to clarify its view of the objectionable portions of the request and to craft a response according to that understanding. See U.S. ex rel. Englund v. Los Angeles County, 235 F.R.D. 675, 684 (E.D. Cal. 2006) ("[I]t is not ground for objection that the request is "ambiguous" unless so ambiguous that the responding party cannot, in good faith, frame an intelligent reply."]

In general, denials to requests for admission cannot be based on an overly-technical reading of the request and Opposer cannot simply avoid responding based on alleged technicalities. Id. If Opposer is unable to agree with the exact wording of the request, or objects to the meaning of the request, it should try to frame an alternate wording or suggest a stipulation. Id.

**c. Nos. 64, 67, 70, 73, 82, 86, 94, 97, 101, 105, 108, 111, 114**

For each of these requests, Applicant is requesting the admission of two specific things with regard to specific USPTO registration printouts identified in the request and supplied to Opposer in the form of exhibits. The two things are: (1) that the USPTO record shows an allegation of use, and (2) that USPTO record shows that specimens of use were provided to the USPTO. The requested admissions do not relate to or request an admission of the accuracy or

truth of any allegation of use or specimen of use and it is improper for Opposer to interject this into the request or into Opposer's response to the request.

Applicant believes that these requests are clear and not "misleading, vague and argumentative" as objected to by Opposer. These requests are no more than a request to admit the authenticity of the content of the USPTO records, not the underlying truth of the content. If Opposer would like to make this distinction clear in its response, it not only may do so, but it is under an obligation to do so. As noted above, blanket denials based on technicalities or vagueness are not appropriate when the responder can clarify in its response what is being admitted and what is not being admitted. Id.; see also Herrera v. Scully, 143 F.R.D. 545, 548-49 (S.D.N.Y 1992); Bouchard v. U.S., 241 F.R.D. 72, 76 (D.Me. 2007)

**d. Admission Nos. 74, 83, 87, 90, 98, 102**

These requests ask for the admission that the products branded with the identified mark are used in commerce. Each request is denied in the exact same manner: "Subject to the General Objections, Request for Admission No. XX is denied." None of the denials are based on an asserted lack of sufficient information to admit or deny and none include the statement that a reasonable inquiry has been made and that the information known or readily obtainable by Opposer is insufficient to enable it to admit or deny (which statement would have been required to accompany any denial based on an asserted lack of information).

Applicant notes that Opposer is under an obligation to make a reasonable, good faith inquiry into the truth or falsity of any request for admission and that the inquiry must include sources reasonably available to Opposer. U.S. ex rel. Englund at 680; Bouchard at 76; Herrera at

548-49. In each of its requests, Applicant specifically identifies particular sources available to Opposer that Applicant believes provides information that requires an admission.

If Opposer's denials of these requests are based on based on an asserted lack of information after a reasonable good faith inquiry, Opposer is under an obligation to have stated this in its response so as not to give the impression that the denial is based on specific knowledge known to Opposer. Since the responses are not based on a purported lack of information, the assumption is that Oppose has or has acquired particular knowledge which forms the basis of its denial. Any such information or knowledge is of course itself properly the subject of discovery. To the extent the denials are supported by documents, these must be produced pursuant to Applicant's requests for production Nos. 1.

Applicant requests and order from the Board compelling responses from Opposer to each of Applicant's discovery requests as noted above.

Dated: December 30, 2008

Respectfully submitted,

/Mark Lebow/

Mark Lebow

Attorney for Applicant  
Young & Thompson  
209 Madison Street, # 500  
Alexandria, Virginia 22314  
Tel: (703) 521-2297

**CERTIFICATE OF SERVICE**

I hereby certify the foregoing **APPLICANT MIMULANI AG'S MOTION TO COMPEL** was deposited as first class U.S. Mail to Paul W. Reidl, Attorney for Opposer, E. & J. Gallo Winery, 600 Yosemite Boulevard, Modesto, CA 95354

/Jeff Goehring/\_\_\_\_\_

## **Exhibit A**

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**From:** Reidl, Paul [mailto:Paul.Reidl@ejgallo.com]  
**Sent:** Tuesday, December 16, 2008 5:10 PM  
**To:** Mark Lebow  
**Subject:** RE: Galliss Oppositions - TTAB Consolidated Opposition No. 91181380 - Our Ref. 0540-1048-1

Dear Mr. Lebow:

I am in New York this week so will be unable to respond substantively to your e-mail until next week. I note, however, that I disagree with the assertions in your e-mail, especially about the alleged relevance of Gallos' enforcement efforts outside the United States and for brands not at issue in the case. As part of the meet and confer process, I believe you are obliged to provide me with some authority supporting that proposition. As you know, the law is quite to the contrary.

Also, the reason why I did not produce documents in response to certain of your requests is that there are none.

Finally, to the extent you are complaining that Gallo did not admit to certain "facts" that are based on undefined excerpts from a web site that would not be admissible in any event, I would be interested in any authority that says these are proper requests for admission. I also disagree with your assertion that I am obligated to explain why certain admission were denied. Again, I would be interested in any case law supporting such a proposition.

Also in light of your refusal to produce your witness, I will obtain a Federal court subpoena in the 4<sup>th</sup> Circuit where, as you know, the law is very clear that the witness must appear. I was hoping that you would do that voluntarily but if you want to put my client through the cost of doing what you should be doing voluntarily, then so be it.

Yours sincerely,

Paul Reidl

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**From:** Mark Lebow [mailto:mlebow@young-thompson.com]  
**Sent:** Tuesday, December 16, 2008 9:08 AM  
**To:** Reidl, Paul  
**Subject:** RE: Galliss Oppositions - TTAB Consolidated Opposition No. 91181380 - Our Ref. 0540-1048-1

Dear Paul:

Thank you for your letter of November 11, 2008 and the accompanying discovery responses. As you note, we inadvertently served two sets of second-round discovery with overlapping numbering. In referencing this discovery going forward, we will attempt to be clear as to which requests are being identified.

Regarding your request that we provide a date for deposition of our client in the U.S., we are not aware of you having previously asked for a date. We note that Applicant and its representatives are located abroad and that there is no certain procedure for obtaining an in-person deposition of foreign parties. We do not anticipate Applicant submitting to an in-person deposition and believe the deposition upon written questions procedure is sufficient.

We have not yet received any document production from Opposer. In particular and as previously noted

in my letter of October 15, 2008, we have not received any documents in response to our Request for Production No. 1, which asked for all documents supporting Opposer's denials of any of Applicant's first set of Requests for Admissions. Opposer's response to this request expressly agrees to produce documents relating to the denial of Admission No. 23 and Applicant believes that documents relating to other denials should also be forthcoming, particularly admission requests Nos. 5 and 26. These and other discovery issues are detailed below.

Applicant requests a meet and confer regarding each of these issues so that they may be resolved or narrowed prior to any motion to compel that may be necessary.

**Requests for Admissions Nos. 5, 23, and 26 and Request for Production No. 1**

These requests for admissions were partially denied, but no documents were produced in support of the denials pursuant to production request No. 1. More specifically, Opposer admits that each respective trademark cited in the admission requests was not the subject of a TTAB opposition or cancellation challenge by Opposer, but denies that the cited trademark was not "otherwise challenged" by Opposer. Applicant believes that it is entitled to any documents supporting the denial of these admission requests, i.e. any cease and desist letter, correspondence, settlement agreement, coexistence agreements, etc. that may have related to any non-TTAB challenge to the identified trademarks.

**Interrogatory Nos. 3 and 4, and Requests for Production Nos. 4 and 5 (relating to third party agreements)**

These interrogatories and requests pertain to the identification and production of agreements between Opposer and any third party that resolve trademark disputes, including particularly, but not limited to, coexistence agreements relating to the GALLO mark. The requests encompass agreements relating to any jurisdiction, foreign and domestic.

Applicant does not believe that the search for and production of such agreements would constitute an undue burden and does not object to the production of such agreements under Fed. R. Civ. P. 33(d) in response to the interrogatories.

Such agreements are relevant at least because any such agreement is relevant to the scope of protection properly afforded to Opposer's marks and Opposer's views regarding channels of trade and its area of commerce.

**Second Set of Requests for Admissions (Based on Exhibits A – X and relating to third party marks) and Second Set of Request for Production (with Nos. 3-5)**

**Nos. 59, 61, 62, 65, 68, 71, 75, 78, 79, 80, 84, 88, 92, 95, 99, 103, 106, 109, 112**

Each of these requests is identical in form and substance in that each asks Opposer to admit the authenticity of printouts from the USPTO online database. Each of Opposer's replies to these requests is also identical in form and substance: a blanket denial apparently based solely on the objection that the request is argumentative.

These requests are intended to lay the foundation for the subsequent requests and each merely asks Opposer to admit the authenticity of the cited documents, i.e. that the cited documents came from the USPTO database. Similar requests were made with respect to each of these same cited trademarks in Applicant's admission request Nos. 1 – 55 and, for each of these, Opposer responded by essentially admitting the authenticity of the cited exhibit. Opposer believes that a simple admission of authenticity is likewise warranted in response to requests 59 etc.

**Nos. 63, 66, 69, 72, 76, 81, 85, 89, 93, 96, 100, 104, 107, 110, 113**

Each of these requests is substantially identical in that each requests the admission that the trademark identified in the immediately preceding requests was not known to Opposer because of either (1) a lack of interest or (2) a lack of inquiry, and not due to an investigation by Opposer that determined the mark was not in use.

Each of these requests is categorically denied based on the objections that each was misleading, vague, and argumentative. Applicant believes these denials are without merit and do not satisfy Opposer's various duties in responding to admission requests. In particular, the denials appear to be based on Opposer's objections that the meaning of the request is unclear. In this case, Opposer has a duty to respond to the unobjectionable portions of the request and a duty to clarify its view of the objectionable portions of the request and craft a response according to that understanding.

In general, denials to requests for admission cannot be based on an overly-technical reading of the request and Opposer cannot simply avoid responding based on alleged technicalities. If Opposer is unable to agree with the exact wording of the request, or objects to the meaning of the request, it should try to frame an alternate wording or suggest a stipulation.

**Nos. 64, 67, 70, 73, 82, 86, 94, 97, 101, 105, 108, 111, 114**

For each of these requests, Applicant is requesting the admission of two specific things with regard to specific USPTO registration records identified in the request and supplied to Opposer in the form of exhibits: (1) that the USPTO record shows an allegation of use, and (2) that USPTO record shows that specimens of use were provided to the USPTO. The requested admissions do not relate to or request an admission of the accuracy or truth of any allegation or specimen of use and it is improper for Opposer to interject this into the request or into Opposer's response to the request.

Applicant believes that these requests are clear and not "misleading, vague and argumentative" as objected to by Opposer. These requests are no more than a request to admit the authenticity of the content of the USPTO records, not the underlying truth of the content. If Opposer would like to make this distinction clear in its response, it not only may do so, but it is under an obligation to do so. As noted above, blanket denials based on technicalities or vagueness are not appropriate when the responder can clarify in its response what is being admitted and what is not being admitted.

**Nos. 74, 83, 87, 90, 98, 102**

These requests ask for the admission that the products branded with the identified mark are used in commerce. Each request is denied in the exact same manner: "Subject to the General Objections, Request for Admission No. XX is denied." None of the denials are based on an asserted lack of sufficient information to admit or deny and none include the statement that a reasonable inquiry has been made and that the information known or readily obtainable by Opposer is insufficient to enable it to admit or deny (which statement would have been required to accompany any denial based on an asserted lack of information).

Applicant notes that Opposer is under an obligation to make a reasonable, good faith inquiry into the truth or falsity of any request for admission and that the inquiry must include sources reasonably available to Opposer. In each of these requests, Applicant specifically identifies particular sources available to Opposer that Applicant believes require an admission.

If Opposer's denial is nonetheless based on an asserted lack of information after a reasonable good faith inquiry, this must be stated in the response. Since this is not stated in the response, Opposer must have acquired information supporting each denial and such information would be the appropriate subject of further discovery. Also, to the extent these denials are supported by documents, these must be produced pursuant to already served document requests.

Please let me know when we may get in touch regarding these issues.

Very truly yours,

**Mark Lebow | Young & Thompson**

209 Madison St. | Suite 500

Alexandria, VA 22314

Tel: (703) 521-2297 | Fax: (703) 685-0573

mlebow@young-thompson.com | [www.young-thompson.com](http://www.young-thompson.com)

Skype: gaucho000

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# EXHIBIT B

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

E. & J. GALLO WINERY,

Opposer,

v.

MIMULANI AG,

Applicant.

**Opposition No. 91181380**

Opposition No. 91181381

Opposition No. 91181383

Opposition No. 91181384

Opposition No. 91181385

Opposition No. 91181386

Opposition No. 91181388

APPLICANT'S FIRST REQUEST FOR ADMISSIONS TO OPPOSER

Pursuant to the provisions of Federal Rule of Civil Procedure 36 and Rule 2.120 of the Trademark Rules, 37 C.F.R. § 2.120, Applicant MIMULANI AG requests that Opposer E. & J. GALLO WINERY timely respond to each of the below Requests for Admissions.

INSTRUCTIONS AND DEFINITIONS

1. "You," "your," and "Opposer," means E. & J. GALLO WINERY and any affiliate company of E. & J. GALLO WINERY, and any employee or agent of E. & J. GALLO WINERY.
2. "Opposer's Gallo Marks" means the marks owned by and relied upon by Opposer in this proceeding that include or are otherwise comprised of the wording GALLO or portion thereof.
3. If an Admission cannot be admitted or denied without qualification, specify which portion of the Admission is admitted or denied and state the reasons why the remainder of the Admission cannot be admitted or denied.

ADMISSIONS

1. Admit that the U. S. Patent and Trademark Office's TESS and TARR database excerpts attached hereto as Exhibit A fairly and accurately depict the mark PALAIS GALLIEN for "wine" as covered by U.S. Registration No. 2992639.
2. Admit that Opposer did not oppose the third party registration of the mark referenced in Request No. 1 above, has not petitioned for cancellation of it, and has not otherwise challenged the use of said mark in U.S. commerce.
3. Admit that the mark referenced in Request Nos. 1 and 2 above coexists with Opposer's GALLO marks.
4. Admit that the U. S. Patent and Trademark Office's TESS and TARR database excerpts attached hereto as Exhibit B fairly and accurately depict the mark GALLIANO for "alcoholic beverages, namely liquors" as covered by U.S. Registration No. 2679551.
5. Admit that Opposer did not oppose the third party registration of the mark referenced in Request No. 4 above, has not petitioned for cancellation of it, and has not otherwise challenged the use of said mark in U.S. commerce.
6. Admit that the mark referenced in Request Nos. 4 and 5 above coexists with Opposer's GALLO marks.
7. Admit that the U. S. Patent and Trademark Office's TESS and TARR database excerpts attached hereto as Exhibit C fairly and accurately depict the mark LIQUORE GALLIANO for "alcoholic liquor" as covered by U.S. Registration No. 1036955.

8. Admit that Opposer did not oppose the third party registration of the mark referenced in Request No. 7 above, has not petitioned for cancellation of it, and has not otherwise challenged the use of said mark in U.S. commerce.
9. Admit that the mark referenced in Request Nos. 7 and 8 above coexists with Opposer's GALLO marks.
10. Admit that the U. S. Patent and Trademark Office's TESS and TARR database excerpts attached hereto as Exhibit D fairly and accurately depict the mark GALLERIA ITALIANA for "distilled spirits, liqueurs and creamy liqueurs" as covered by U.S. Registration No. 2896365.
11. Admit that Opposer did not oppose the third party registration of the mark referenced in Request No. 10 above, has not petitioned for cancellation of it, and has not otherwise challenged the use of said mark in U.S. commerce.
12. Admit that the mark referenced in Request Nos. 10 and 11 above coexists with Opposer's GALLO marks.
13. Admit that the U. S. Patent and Trademark Office's TESS and TARR database excerpts attached hereto as Exhibit E fairly and accurately depict the mark GALLANT KNIGHT for "wine" as covered by U.S. Registration No. 3328960.
14. Admit that Opposer did not oppose the third party registration of the mark referenced in Request No. 13 above, has not petitioned for cancellation of it, and has not otherwise challenged the use of said mark in U.S. commerce.
15. Admit that the mark referenced in Request Nos. 13 and 14 above coexists with Opposer's GALLO marks.

16. Admit that the U. S. Patent and Trademark Office's TESS and TARR database excerpts attached hereto as Exhibit F fairly and accurately depict the mark T'GALLANT for "wine" as covered by U.S. Registration No. 2932427.
17. Admit that Opposer did not oppose the third party registration of the mark referenced in Request No. 16 above, has not petitioned for cancellation of it, and has not otherwise challenged the use of said mark in U.S. commerce.
18. Admit that the mark referenced in Request Nos. 16 and 17 above coexists with Opposer's GALLO marks.
19. Admit that the U. S. Patent and Trademark Office's TESS and TARR database excerpts attached hereto as Exhibit G fairly and accurately depict the mark TOP GALLANT for "wines" as covered by U.S. Registration No. 2934354.
20. Admit that Opposer did not oppose the third party registration of the mark referenced in Request No. 19 above, has not petitioned for cancellation of it, and has not otherwise challenged the use of said mark in U.S. commerce.
21. Admit that the mark referenced in Request Nos. 19 and 20 above coexists with Opposer's GALLO marks.
22. Admit that the U. S. Patent and Trademark Office's TESS and TARR database excerpts attached hereto as Exhibit H fairly and accurately depict the mark L. GALLARDO for "tequila" as covered by U.S. Registration No. 2691812.
23. Admit that Opposer did not oppose the third party registration of the mark referenced in Request No. 22 above, has not petitioned for cancellation of it, and has not otherwise challenged the use of said mark in U.S. commerce.

24. Admit that the mark referenced in Request Nos. 22 and 23 above coexists with Opposer's GALLO marks.
25. Admit that the U. S. Patent and Trademark Office's TESS and TARR database excerpts attached hereto as Exhibit I fairly and accurately depict the mark GALLERON for "wine" as covered by U.S. Registration No. 2735738.
26. Admit that Opposer did not oppose the third party registration of the mark referenced in Request No. 25 above, has not petitioned for cancellation of it, and has not otherwise challenged the use of said mark in U.S. commerce.
27. Admit that the mark referenced in Request Nos. 25 and 26 above coexists with Opposer's GALLO marks.
28. Admit that the U. S. Patent and Trademark Office's TESS and TARR database excerpts attached hereto as Exhibit J fairly and accurately depict the mark GALANTE VINEYARDS and Design for "wines" as covered by U.S. Registration No. 2099244.
29. Admit that Opposer did not oppose the third party registration of the mark referenced in Request No. 28 above, has not petitioned for cancellation of it, and has not otherwise challenged the use of said mark in U.S. commerce.
30. Admit that the mark referenced in Request Nos. 28 and 29 above coexists with Opposer's GALLO marks.
31. Admit that the U. S. Patent and Trademark Office's TESS and TARR database excerpts attached hereto as Exhibit K fairly and accurately depict the mark GALESTRO for "wines" as covered by U.S. Registration No. 1689225.

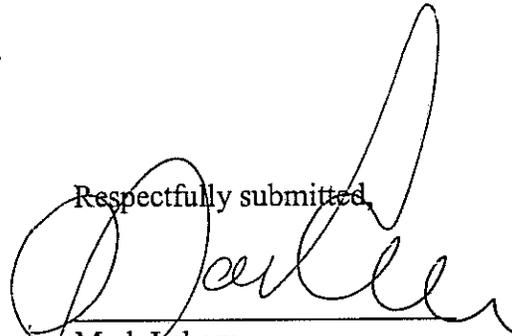
32. Admit that Opposer did not oppose the third party registration of the mark referenced in Request No. 31 above, has not petitioned for cancellation of it, and has not otherwise challenged the use of said mark in U.S. commerce.
33. Admit that the mark referenced in Request Nos. 31 and 32 above coexists with Opposer's GALLO marks.
34. Admit that the U. S. Patent and Trademark Office's TESS and TARR database excerpts attached hereto as Exhibit L fairly and accurately depict the mark LUIGI GALVANI for "wine" as covered by U.S. Registration No. 1626216.
35. Admit that Opposer did not oppose the third party registration of the mark referenced in Request No. 34 above, has not petitioned for cancellation of it, and has not otherwise challenged the use of said mark in U.S. commerce.
36. Admit that the mark referenced in Request Nos. 34 and 35 above coexists with Opposer's GALLO marks.
37. Admit that the U. S. Patent and Trademark Office's TESS and TARR database excerpts attached hereto as Exhibit M fairly and accurately depict the mark GALARDON for "tequila" as covered by U.S. Registration No. 2327060.
38. Admit that Opposer did not oppose the third party registration of the mark referenced in Request No. 37 above, has not petitioned for cancellation of it, and has not otherwise challenged the use of said mark in U.S. commerce.
39. Admit that the mark referenced in Request Nos. 37 and 38 above coexists with Opposer's GALLO marks.

40. Admit that the U. S. Patent and Trademark Office's TESS and TARR database excerpts attached hereto as Exhibit N fairly and accurately depict the mark GALCIBAR for "potable spirits and wines" as covered by U.S. Registration No. 3032659.
41. Admit that Opposer did not oppose the third party registration of the mark referenced in Request No. 40 above, has not petitioned for cancellation of it, and has not otherwise challenged the use of said mark in U.S. commerce.
42. Admit that the mark referenced in Request Nos. 40 and 41 above coexists with Opposer's GALLO marks.
43. Admit that the U. S. Patent and Trademark Office's TESS and TARR database excerpts attached hereto as Exhibit O fairly and accurately depict the mark GALENA CELLARS for "wines" as covered by U.S. Registration No. 2720698.
44. Admit that Opposer did not oppose the third party registration of the mark referenced in Request No. 43 above, has not petitioned for cancellation of it, and has not otherwise challenged the use of said mark in U.S. commerce.
45. Admit that the mark referenced in Request Nos. 43 and 44 above coexists with Opposer's GALLO marks.
46. Admit that the U. S. Patent and Trademark Office's TESS and TARR database excerpts attached hereto as Exhibit P fairly and accurately depict the mark GALINDO for "tequila" as covered by U.S. Registration No. 3407520.
47. Admit that Opposer did not oppose the third party registration of the mark referenced in Request No. 46 above, has not petitioned for cancellation of it, and has not otherwise challenged the use of said mark in U.S. commerce.

48. Admit that the mark referenced in Request Nos. 46 and 47 above coexists with Opposer's GALLO marks.
49. Admit that the U. S. Patent and Trademark Office's TESS and TARR database excerpts attached hereto as Exhibit Q fairly and accurately depict the mark WHISKY GALORE for "alcoholic beverages, namely whisky, distilled spirits and liqueurs" as covered by U.S. Registration No. 3133819.
50. Admit that Opposer did not oppose the third party registration of the mark referenced in Request No. 49 above, has not petitioned for cancellation of it, and has not otherwise challenged the use of said mark in U.S. commerce.
51. Admit that the mark referenced in Request Nos. 48 and 49 above coexists with Opposer's GALLO marks.
52. Admit that the U. S. Patent and Trademark Office's TESS and TARR database excerpts attached hereto as Exhibit R fairly and accurately depict the mark GALERA VIEJA for "tequila" as covered by U.S. Registration No. 3056462.
53. Admit that Opposer did not oppose the third party registration of the mark referenced in Request No. 52 above, has not petitioned for cancellation of it, and has not otherwise challenged the use of said mark in U.S. commerce.
54. Admit that the mark referenced in Request Nos. 52 and 53 above coexists with Opposer's GALLO marks.
55. Admit that the U. S. Patent and Trademark Office's TESS and TARR database excerpts attached hereto as Exhibit S fairly and accurately depict the mark GALA ROUGE for "alcoholic beverages, namely, wines" as covered by U.S. Registration No. 3232488.

56. Admit that Opposer did not oppose the third party registration of the mark referenced in Request No. 55 above, has not petitioned for cancellation of it, and has not otherwise challenged the use of said mark in U.S. commerce.
57. Admit that the mark referenced in Request Nos. 54 and 55 above coexists with Opposer's GALLO marks.
58. Admit that there have been no instances of actual confusion between the mark GALLISS for wine and Opposer's GALLO marks.

Respectfully submitted,



Mark Lebow  
Attorney for Applicant  
Young & Thompson  
209 Madison Street, Suite 500  
Alexandria, VA 22314  
Tel: (703) 521-2297

August 6, 2008

CERTIFICATE OF SERVICE

I hereby certify that the foregoing APPLICANT'S FIRST REQUEST FOR ADMISSIONS TO OPPOSER was deposited as first class mail, postage prepaid, in an envelope addressed to Paul W. Reidl, Esq., E. & J. Gallo Winery, 600 Yosemite Boulevard, Modesto, CA 95354 this 6th day of August 2008.



Julie L. Goldenberg

# Exhibit A



United States Patent and Trademark Office

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Trademarks > Trademark Electronic Search System (TESS)

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# PALAIS GALLIEN

<p><b>Word Mark</b></p> <p><b>Translations</b></p> <p><b>Goods and Services</b></p> <p><b>Mark Drawing Code</b></p> <p><b>Serial Number</b></p> <p><b>Filing Date</b></p> <p><b>Current Filing Basis</b></p> <p><b>Original Filing Basis</b></p> <p><b>Published for Opposition</b></p> <p><b>Registration Number</b></p> <p><b>International Registration Number</b></p> <p><b>Registration Date</b></p> <p><b>Owner</b></p> <p><b>Type of Mark</b></p> <p><b>Register</b></p> <p><b>Live/Dead Indicator</b></p>	<p>PALAIS GALLIEN</p> <p>The English translation of the mark is GALLIEN PALACE.</p> <p>IC 033. US 047 049. G &amp; S: Wines</p> <p>(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM</p> <p>79000837</p> <p>January 8, 2004</p> <p>66A</p> <p>66A</p> <p>June 14, 2005</p> <p>2992639</p> <p>0446701</p> <p>September 6, 2005</p> <p>(REGISTRANT) G.V.G. - GRANDS VINS DE GIRONDE Société anonyme société anonyme FRANCE Domaine du Ribet F-33450 SAINT-LOUBES FRANCE</p> <p>(LAST LISTED OWNER) G.V.G. - GRANDS VINS DE GIRONDE Société par actions simplifiée UNKNOWN Domaine du Ribet F-33450 SAINT-LOUBES FRANCE</p> <p>TRADEMARK</p> <p>PRINCIPAL</p> <p>LIVE</p>
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This page was generated by the TARR system on 2008-08-06 14:04:27 ET

Serial Number: 79000837 Assignment Information      Trademark Document Retrieval

Registration Number: 2992639

Mark

**PALAIS GALLIEN**

(words only): PALAIS GALLIEN

Standard Character claim: No

Current Status: Registered.

Date of Status: 2005-09-06

Filing Date: 2004-01-08

Transformed into a National Application: No

Registration Date: 2005-09-06

Register: Principal

Law Office Assigned: LAW OFFICE 110

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)

Current Location: 650 -Publication And Issue Section

Date In Location: 2005-09-06

---

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. G.V.G. - GRANDS VINS DE GIRONDE Société par actions simplifiée

Address:

G.V.G. - GRANDS VINS DE GIRONDE Société par actions simplifiée  
Domaine du Ribet F-33450 SAINT-LOUBES  
France

Legal Entity Type: Unknown

State or Country Where Organized: (NOT AVAILABLE)

<http://tarr.uspto.gov/servlet/tarr?regser=serial&entry=79000837>

8/6/2008

---

**GOODS AND/OR SERVICES**

---

**International Class:** 033**Class Status:** Active

Wines

**Basis:** 66(a)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)

---

**ADDITIONAL INFORMATION**

---

**Translation:** The English translation of the mark is GALLIEN PALACE.

---

**MADRID PROTOCOL INFORMATION**

---

**International Registration Number:** 0446701**International Registration Date:** 1979-08-06**Priority Claimed:** No**Date of Section 67 Priority Claim:** (DATE NOT AVAILABLE)**International Registration Status:** Request For Extension Of Protection Processed**Date of International Registration Status:** 2004-02-26**International Registration Renewal Date:** 2009-08-06**Notification of Designation Date:** 2004-02-26**Date of Automatic Protection:** 2005-08-26**Date International Registration Cancelled:** (DATE NOT AVAILABLE)**First Refusal:** Yes

---

**PROSECUTION HISTORY**

---

**NOTE:** To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-06-19 - Change Of Owner Received From IB

2006-08-10 - Final Decision Transaction Processed By IB

2006-07-10 - Final Disposition Notice Sent To IB

2006-07-07 - Final Disposition Processed

2006-05-16 - Final Disposition Notice Created, To Be Sent To IB

2005-11-07 - TEAS Change Of Correspondence Received

2005-09-06 - Registered - Principal Register

2005-06-14 - Published for opposition

2005-05-25 - Notice of publication

<http://tarr.uspto.gov/servlet/tarr?regser=serial&entry=79000837>

8/6/2008

2005-05-16 - PAPER RECEIVED  
2005-03-01 - Law Office Publication Review Completed  
2005-02-25 - Assigned To LIE  
2005-02-22 - Approved for Pub - Principal Register (Initial exam)  
2005-02-19 - Amendment From Applicant Entered  
2005-01-28 - Communication received from applicant  
2005-01-28 - PAPER RECEIVED  
2004-10-07 - Refusal Processed By IB  
2004-09-03 - Non-final action mailed  
2004-07-29 - Assigned To Examiner  
2004-03-02 - New Application Entered In Tram  
2004-02-26 - Sn Assigned For Sect 66a Subseq Desig From IB

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Correspondent**

SODEMA CONSEILS S.A.  
67 boulevard Haussmann  
F-75008 PARIS, France

---

## Exhibit B



United States Patent and Trademark Office

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### Typed Drawing

**Word Mark** GALLIANO  
**Goods and Services** IC 033. US 047 049. G & S: Alcoholic beverages, namely liqueurs. FIRST USE: 19000000. FIRST USE IN COMMERCE: 19340000  
**Mark Drawing Code** (1) TYPED DRAWING  
**Serial Number** 76072002  
**Filing Date** June 16, 2000  
**Current Filing Basis** 1A  
**Original Filing Basis** 1A  
**Published for Opposition** April 23, 2002  
**Registration Number** 2679551  
**Registration Date** January 28, 2003  
**Owner** (REGISTRANT) Remy Finance B.V. CORPORATION NETHERLANDS Kneuterdijk 15 2514 EM'S-GRAVENHAGE, PAYS BAS NETHERLANDS  
  
 (LAST LISTED OWNER) GALLIANO B.V. CORPORATION NETHERLANDS PAULUS POTTERSTRAAT 14 1071 CZ AMSTERDAM NETHERLANDS  
**Assignment Recorded** ASSIGNMENT RECORDED  
**Attorney of Record** Lawrence E. Abelman  
**Prior Registrations** 0682296;1124999;2149943;AND OTHERS  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Affidavit Text** SECT 15. SECT 8 (6-YR).  
**Live/Dead Indicator** LIVE

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[STRUCTURED](#)
[FREE FORM](#)
[BROWSE DICT](#)
[SEARCH OG](#)
[TOP](#)
[HELP](#)
[PREV LIST](#)
[CURR LIST](#)
[NEXT LIST](#)  
[FIRST DOC](#)
[PREV DOC](#)
[NEXT DOC](#)
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Serial Number: 76072002 Assignment Information      Trademark Document Retrieval

Registration Number: 2679551

Mark (words only): GALLIANO

Standard Character claim: No

Current Status: Section 8 and 15 affidavits have been accepted and acknowledged.

Date of Status: 2008-02-07

Filing Date: 2000-06-16

Transformed into a National Application: No

Registration Date: 2003-01-28

Register: Principal

Law Office Assigned: LAW OFFICE 101

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 830 -Post Registration

Date In Location: 2008-02-07

---

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. GALLIANO B.V.

**Address:**

GALLIANO B.V.  
PAULUS POTTERSTRAAT 14  
1071 CZ AMSTERDAM  
Netherlands

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Netherlands

---

**GOODS AND/OR SERVICES**

---

**International Class:** 033

**Class Status:** Active

Alcoholic beverages, namely liqueurs

**Basis:** 1(a)

**First Use Date:** 1900-00-00

First Use in Commerce Date: 1934-00-00

---

### ADDITIONAL INFORMATION

---

**Prior Registration Number(s):**

682296  
1124999  
2149943

---

### MADRID PROTOCOL INFORMATION

---

(NOT AVAILABLE)

---

### PROSECUTION HISTORY

---

**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2008-02-07 - Section 8 (6-year) accepted & Section 15 acknowledged

2008-01-31 - Assigned To Paralegal

2008-01-30 - Automatic Update Of Assignment Of Ownership

2008-01-28 - TEAS Section 8 & 15 Received

2008-01-07 - Case File In TICRS

2007-12-11 - TEAS Change Of Correspondence Received

2006-08-30 - Review Of Correspondence Complete

2006-08-21 - PAPER RECEIVED

2003-01-28 - Registered - Principal Register

2002-05-22 - Extension Of Time To Oppose Received

2002-04-23 - Published for opposition

2002-04-03 - Notice of publication

2001-12-03 - Approved for Pub - Principal Register (Initial exam)

2001-11-29 - Examiner's amendment mailed

2001-11-15 - Previous allowance count withdrawn

2001-06-30 - Approved for Pub - Principal Register (Initial exam)

2001-02-01 - Communication received from applicant

<http://tarr.uspto.gov/servlet/tarr?regser=serial&entry=76072002>

8/6/2008

2001-01-11 - Non-final action mailed

2000-11-28 - Assigned To Examiner

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

Lawrence E. Abelman

**Correspondent**

Lawrence E. Abelman

Abelman Frayne and Schwab

666 THIRD AVENUE

New York NY 10017

Phone Number: 212-949-9022

Fax Number: 212-949-9190

**Domestic Representative**

LAWRENCE E. ABELMAN

Phone Number: 212-9499022

Fax Number: 212-9499190

---

## Exhibit C



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[ASSIGN Status](#)
[TDR](#)
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### Typed Drawing

<b>Word Mark</b>	LIQUORE GALLIANO
<b>Goods and Services</b>	IC 033. US 049. G & S: ALCOHOLIC LIQUEUR. FIRST USE: 19340000. FIRST USE IN COMMERCE: 19340000
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	73053069
<b>Filing Date</b>	May 22, 1975
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Registration Number</b>	1036955
<b>Registration Date</b>	March 30, 1976
<b>Owner</b>	(REGISTRANT) FOREMOST-MCKESSON, INC. DBA MCKESSON LIQUOR COMPANY CORPORATION MARYLAND CROCKER PLAZA 1 POST ST. SAN FRANCISCO CALIFORNIA 94104  (LAST LISTED OWNER) REMY FINANCE B.V. CORPORATION ASSIGNEE OF DELAWARE KNEUTERDYK 15 2514 EM DEN HAAG NETHERLANDS
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	BRIAN B. DARVILLE
<b>Prior Registrations</b>	0325782;0856677;AND OTHERS
<b>Disclaimer</b>	APPLICANT CLAIMS NO EXCLUSIVE RIGHTS IN "LIQUORE" AS THE NAME OF THE GOODS IDENTIFIED HEREIN.
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20060416.

Renewal 2ND RENEWAL 20060416  
Live/Dead Indicator LIVE

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Serial Number: 73053069 Assignment Information      Trademark Document Retrieval

Registration Number: 1036955

Mark (words only): LIQUORE GALLIANO

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2006-04-16

Filing Date: 1975-05-22

Transformed into a National Application: No

Registration Date: 1976-03-30

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2007-10-10

---

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. REMY FINANCE B.V.

**Address:**

REMY FINANCE B.V.  
KNEUTERDYK 15  
2514 EM DEN HAAG  
Netherlands

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Delaware

---

**GOODS AND/OR SERVICES**

---

**International Class:** 033

**Class Status:** Active

ALCOHOLIC LIQUEUR

**Basis:** 1(a)

**First Use Date:** 1934-00-00

**First Use in Commerce Date:** 1934-00-00

---

**ADDITIONAL INFORMATION**

---

**Disclaimer:** APPLICANT CLAIMS NO EXCLUSIVE RIGHTS IN "LIQUORE" AS THE NAME OF THE GOODS IDENTIFIED HEREIN.

**Prior Registration Number(s):**

325782

856677

---

**MADRID PROTOCOL INFORMATION**

---

(NOT AVAILABLE)

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**PROSECUTION HISTORY**

---

**NOTE:** To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2007-12-11 - TEAS Change Of Correspondence Received

2007-10-10 - Case File In TICRS

2006-08-30 - Review Of Correspondence Complete

2006-08-21 - PAPER RECEIVED

2006-04-16 - Second renewal 10 year

2006-04-16 - Section 8 (10-year) accepted/ Section 9 granted

2006-04-11 - Assigned To Paralegal

2006-02-22 - Combined Section 8 (10-year)/Section 9 filed

2006-02-22 - PAPER RECEIVED

1996-06-13 - First renewal 10 year

1996-03-08 - Section 9 filed/check record for Section 8

1981-06-29 - Section 8 (6-year) accepted & Section 15 acknowledged

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

BRIAN B. DARVILLE

**Correspondent**

<http://tarr.uspto.gov/servlet/tarr?regser=serial&entry=73053069>

8/6/2008

NINA STEINMAN, TRADEMARK ADMINISTRATOR

Abelman Frayne and Schwab

666 Third Avenue 10th Floor

New York NY 10017

Phone Number: 212-949-9022

Fax Number: 212-949-9190

**Domestic Representative**

ABELMAN, FRAYNE & SCHWAB

---

## Exhibit D



United States Patent and Trademark Office

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TARR Status ASSIGN Status TDR TTAB Status ( Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark GALLERIA ITALIANA  
 Translations The mark translates into English to mean "Italian gallery" or "Italian tunnel".  
 Goods and Services IC 033. US 047 049. G & S: DISTILLED SPIRITS, LIQUEURS AND CREAMY LIQUEURS. FIRST USE: 20030314. FIRST USE IN COMMERCE: 20030314  
 Mark Drawing Code (1) TYPED DRAWING  
 Serial Number 78181008  
 Filing Date November 1, 2002  
 Current Filing Basis 1A  
 Original Filing Basis 1B  
 Published for Opposition December 2, 2003  
 Registration Number 2896365  
 Registration Date October 19, 2004  
 Owner (REGISTRANT) Distillerie Franciacorta S.P.A. Italian Joint-Stock Company ITALY Via Mandolossa 80 25064 Gussago (BS) ITALY  
 Attorney of Record James B. Conte  
 Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ITALIANA" APART FROM THE MARK AS SHOWN  
 Type of Mark TRADEMARK  
 Register PRINCIPAL  
 Live/Dead Indicator LIVE

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Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2008-08-06 14:16:55 ET

Serial Number: 78181008 Assignment Information      Trademark Document Retrieval

Registration Number: 2896365

Mark (words only): GALLERIA ITALIANA

Standard Character claim: No

Current Status: Registered.

Date of Status: 2004-10-19

Filing Date: 2002-11-01

Transformed into a National Application: No

Registration Date: 2004-10-19

Register: Principal

Law Office Assigned: LAW OFFICE 116

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2004-09-09

---

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. Distillerie Franciacorta S.P.A.

**Address:**

Distillerie Franciacorta S.P.A.

Via Mandolossa 80

25064 Gussago (BS)

Italy

**Legal Entity Type:** Italian Joint-Stock Company

**State or Country Where Organized:** Italy

**Phone Number:** (312) 368-1300

**Fax Number:** (312) 368-0034

---

**GOODS AND/OR SERVICES**

---

**International Class:** 033

**Class Status:** Active

DISTILLED SPIRITS, LIQUEURS AND CREAMY LIQUEURS

<http://tarr.uspto.gov/servlet/tarr?regser=serial&entry=78181008>

8/6/2008

**Basis:** 1(a)

**First Use Date:** 2003-03-14

**First Use in Commerce Date:** 2003-03-14

---

### ADDITIONAL INFORMATION

---

**Disclaimer:** "ITALIANA"

**Translation:** The mark translates into English to mean "Italian gallery" or "Italian tunnel".

---

### MADRID PROTOCOL INFORMATION

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(NOT AVAILABLE)

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### PROSECUTION HISTORY

---

**NOTE:** To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2004-10-19 - Registered - Principal Register

2004-08-19 - Law Office Registration Review Completed

2004-08-16 - Assigned To LIE

2004-08-10 - Allowed for Registration - Principal Register (SOU accepted)

2004-07-22 - Assigned To Examiner

2004-07-01 - Statement of use processing complete

2004-07-01 - Amendment to Use filed

2004-07-01 - PAPER RECEIVED

2004-02-24 - Notice of allowance - mailed

2003-12-02 - Published for opposition

2003-11-12 - Notice of publication

2003-09-29 - Approved for Pub - Principal Register (Initial exam)

2003-08-12 - Communication received from applicant

2003-08-12 - TEAS Response to Office Action Received

2003-08-12 - TEAS Change Of Correspondence Received

2003-03-28 - Non-final action e-mailed

2003-03-25 - Assigned To Examiner

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

James B. Conte

**Correspondent**

James B. Conte

BARNES & THORNBURG

P.O. Box 2786

Chicago IL 60690-2786

Phone Number: (312) 214-4805

Fax Number: 312-759-5646

**Domestic Representative**

James B. Conte

Phone Number: (312) 368-1300

Fax Number: (312) 368-0034

---

## Exhibit E



United States Patent and Trademark Office

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Trademarks > Trademark Electronic Search System (TESS)

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Start List At: OR Jump to record: **Record 20 out of 43**

TARR Status ASSIGN Status TDR TTAB Status ( Use the "Back" button of the Internet Browser to return to TESS)

# GALLANT KNIGHT

Word Mark GALLANT KNIGHT  
 Goods and Services IC 033. US 047 049. G & S: Wine. FIRST USE: 20030611. FIRST USE IN COMMERCE: 20030611  
 Standard Characters Claimed  
 Mark Drawing Code (4) STANDARD CHARACTER MARK  
 Serial Number 77148106  
 Filing Date April 4, 2007  
 Current Filing Basis 1A  
 Original Filing Basis 1A  
 Published for Opposition August 21, 2007  
 Registration Number 3328960  
 Registration Date November 6, 2007  
 Owner (REGISTRANT) Weigle, Charles Vicki INDIVIDUAL UNITED STATES 11050 Highway 90 Little River SOUTH CAROLINA 28566  
 Attorney of Record Jeremy C. Whitley  
 Type of Mark TRADEMARK  
 Register PRINCIPAL  
 Live/Dead Indicator LIVE

TESS HOME NEW USER STRUCTURED FREE FORM BROWSE DICT SEARCH OG TOP HELP PREV LIST CURR LIST NEXT LIST  
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Latest Status Info

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2008-08-06 14:19:57 ET

Serial Number: 77148106 Assignment Information      Trademark Document Retrieval

Registration Number: 3328960

Mark

**GALLANT KNIGHT**

(words only): GALLANT KNIGHT

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2007-11-06

Filing Date: 2007-04-04

Filed as TEAS Plus Application: Yes

Currently TEAS Plus Application: Yes

Transformed into a National Application: No

Registration Date: 2007-11-06

Register: Principal

Law Office Assigned: LAW OFFICE 103

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2007-11-06

---

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. Weigle, Charles Vicki

Address:

Weigle, Charles Vicki

<http://tarr.uspto.gov/servlet/tarr?regser=serial&entry=77148106>

8/6/2008

## Latest Status Info

11050 Highway 90  
Little River, SC 28566  
United States

**Legal Entity Type:** Individual  
**Country of Citizenship:** United States  
**Phone Number:** (843) 399-9463

---

**GOODS AND/OR SERVICES**

---

**International Class:** 033  
**Class Status:** Active  
Wine  
**Basis:** 1(a)  
**First Use Date:** 2003-06-11  
**First Use in Commerce Date:** 2003-06-11

---

**ADDITIONAL INFORMATION**

---

(NOT AVAILABLE)

---

**MADRID PROTOCOL INFORMATION**

---

(NOT AVAILABLE)

---

**PROSECUTION HISTORY**

---

**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2007-11-06 - Registered - Principal Register  
2007-08-21 - Published for opposition  
2007-08-01 - Notice of publication  
2007-07-13 - Law Office Publication Review Completed  
2007-07-13 - Assigned To LIE  
2007-06-08 - Approved for Pub - Principal Register (Initial exam)  
2007-06-01 - Assigned To Examiner  
2007-04-09 - New Application Entered In Tram

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**  
Jeremy C. Whitley

**Correspondent**

JEREMY C. WHITLEY

NELSON MULLINS RILEY & SCARBOROUGH LLP

1320 MAIN ST FL 17

COLUMBIA, SC 29201-3204

Phone Number: (803) 799-2000

Fax Number: (803) 255-9831

---

## Exhibit F



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**Typed Drawing**

**Word Mark** T'GALLANT  
**Goods and Services** IC 033. US 047 049. G & S: WINES  
**Mark Drawing Code** (1) TYPED DRAWING  
**Serial Number** 76536017  
**Filing Date** August 11, 2003  
**Current Filing Basis** 44E  
**Original Filing Basis** 1B;44D  
**Published for Opposition** December 21, 2004  
**Registration Number** 2932427  
**Registration Date** March 15, 2005  
**Owner** (REGISTRANT) T'Gallant Winemakers Pty Ltd CORPORATION AUSTRALIA 54 Railway Road Blackburn, Victoria 3130 AUSTRALIA  
**Attorney of Record** Gary D. Krugman  
**Priority Date** February 10, 2003  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

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[HELP](#)
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[CURR LIST](#)
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[NEXT DOC](#)
[LAST DOC](#)

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Latest Status Info

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**This page was generated by the TARR system on 2008-08-06 14:22:41 ET**

**Serial Number:** 76536017 Assignment Information      Trademark Document Retrieval

**Registration Number:** 2932427

**Mark (words only):** T'GALLANT

**Standard Character claim:** No

**Current Status:** Registered.

**Date of Status:** 2005-03-15

**Filing Date:** 2003-08-11

**Transformed into a National Application:** No

**Registration Date:** 2005-03-15

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 113

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov**

**Current Location:** L8D -TMEG Law Office 108 - Docket Clerk

**Date In Location:** 2005-03-04

---

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. T'Gallant Winemakers Pty Ltd

**Address:**

T'Gallant Winemakers Pty Ltd

54 Railway Road

Blackburn, Victoria 3130

Australia

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Australia

---

**GOODS AND/OR SERVICES**

---

**International Class:** 033

**Class Status:** Active

WINES

**Basis:** 44(e)

**First Use Date:** (DATE NOT AVAILABLE)

<http://tarr.uspto.gov/servlet/tarr?regser=serial&entry=76536017>

8/6/2008

**First Use in Commerce Date:** (DATE NOT AVAILABLE)

---

### ADDITIONAL INFORMATION

---

**Foreign Application Number:** 942950  
**Foreign Registration Number:** 942950  
**Foreign Registration Date:** 2003-02-10  
**Country:** Australia  
**Foreign Filing Date:** 2003-02-10  
**Foreign Expiration Date:** 2013-02-10

---

### MADRID PROTOCOL INFORMATION

---

(NOT AVAILABLE)

---

### PROSECUTION HISTORY

---

**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2007-10-11 - Attorney Revoked And/Or Appointed  
2007-10-11 - TEAS Revoke/Appoint Attorney Received  
2005-03-15 - Registered - Principal Register  
2004-12-21 - Published for opposition  
2004-12-01 - Notice of publication  
2004-10-19 - Law Office Publication Review Completed  
2004-10-13 - Assigned To LIE  
2004-10-13 - Assigned To LIE  
2004-09-27 - Approved for Pub - Principal Register (Initial exam)  
2004-09-02 - ITU claim deleted  
2004-09-23 - Amendment From Applicant Entered  
2004-09-02 - Communication received from applicant  
2004-09-02 - PAPER RECEIVED  
2004-03-02 - Non-final action mailed  
2004-03-01 - Assigned To Examiner

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

Gary D. Krugman

**Correspondent**

Gary D. Krugman

Sughrue Mion, PLLC

2100 Pennsylvania Avenue, N.W.

Washington DC 20037-3213

Phone Number: 202-293-7060

Fax Number: 202-293-7860

**Domestic Representative**

Gary D. Krugman

Phone Number: 202-293-7060

Fax Number: 202-293-7860

---

## Exhibit G



United States Patent and Trademark Office

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[TARR Status](#)
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Typed Drawing

Word Mark	TOP GALLANT
Goods and Services	IC 033. US 047 049. G & S: WINES
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	76536016
Filing Date	August 11, 2003
Current Filing Basis	44E
Original Filing Basis	1B;44D
Published for Opposition	December 28, 2004
Registration Number	2934354
Registration Date	March 22, 2005
Owner	(REGISTRANT) T'Gallant Winemakers Pty Ltd CORPORATION AUSTRALIA 54 Railway Road Blackburn, Victoria 3130 AUSTRALIA
Attorney of Record	Gary D. Krugman
Priority Date	February 10, 2003
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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[PREV LIST](#)
[CURR LIST](#)
[NEXT LIST](#)
[FIRST DOC](#)  
[PREV DOC](#)
[NEXT DOC](#)
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Latest Status Info

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This page was generated by the TARR system on 2008-08-06 14:23:09 ET

Serial Number: 76536016 Assignment Information      Trademark Document Retrieval

Registration Number: 2934354

Mark (words only): TOP GALLANT

Standard Character claim: No

Current Status: Registered.

Date of Status: 2005-03-22

Filing Date: 2003-08-11

Transformed into a National Application: No

Registration Date: 2005-03-22

Register: Principal

Law Office Assigned: LAW OFFICE 113

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2005-03-22

---

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. T'Gallant Winemakers Pty Ltd

**Address:**

T'Gallant Winemakers Pty Ltd  
54 Railway Road  
Blackburn, Victoria 3130  
Australia

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Australia

---

**GOODS AND/OR SERVICES**

---

**International Class:** 033

**Class Status:** Active

WINES

**Basis:** 44(e)

**First Use Date:** (DATE NOT AVAILABLE)

<http://tarr.uspto.gov/servlet/tarr?regser=serial&entry=76536016>

8/6/2008

**First Use in Commerce Date:** (DATE NOT AVAILABLE)

---

**ADDITIONAL INFORMATION**

---

**Foreign Application Number:** 942946  
**Foreign Registration Number:** 942946  
**Foreign Registration Date:** 2003-02-10  
**Country:** Australia  
**Foreign Filing Date:** 2003-02-10  
**Foreign Expiration Date:** 2013-02-10

---

**MADRID PROTOCOL INFORMATION**

---

(NOT AVAILABLE)

---

**PROSECUTION HISTORY**

---

**NOTE:** To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2007-10-11 - Attorney Revoked And/Or Appointed  
2007-10-11 - TEAS Revoke/Appoint Attorney Received  
2005-03-22 - Registered - Principal Register  
2004-12-28 - Published for opposition  
2004-12-08 - Notice of publication  
2004-10-20 - Law Office Publication Review Completed  
2004-10-14 - Assigned To LIE  
2004-09-29 - Approved for Pub - Principal Register (Initial exam)  
2004-09-02 - ITU claim deleted  
2004-09-23 - Amendment From Applicant Entered  
2004-09-02 - Communication received from applicant  
2004-09-02 - PAPER RECEIVED  
2004-03-30 - Non-final action mailed  
2003-10-03 - Communication received from applicant  
2004-03-02 - Non-final action mailed  
2004-03-01 - Assigned To Examiner

<http://tarr.uspto.gov/servlet/tarr?regser=serial&entry=76536016>

8/6/2008

2003-10-03 - PAPER RECEIVED

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

Gary D. Krugman

**Correspondent**

Gary D. Krugman

Sughrue Mion, PLLC

2100 Pennsylvania Avenue, N.W.

Washington DC 20037-3213

Phone Number: 202-293-7060

Fax Number: 202-293-7860

**Domestic Representative**

Gary D. Krugman

Phone Number: 202-293-7060

Fax Number: 202-293-7860

---

## Exhibit H



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[ASSIGN Status](#)
[TDR](#)
[TTAB Status](#)
 ( Use the "Back" button of the Internet Browser to return to TESS)

### Typed Drawing

**Word Mark** L. GALLARDO  
**Translations** The word "GALLARDO" may be translated into English as "gallant", or "bold".  
**Goods and Services** IC 033. US 047 049. G & S: Tequila. FIRST USE: 19960400. FIRST USE IN COMMERCE: 19960400  
**Mark Drawing Code** (1) TYPED DRAWING  
**Serial Number** 75711455  
**Filing Date** May 21, 1999  
**Current Filing Basis** 1A  
**Original Filing Basis** 1A  
**Published for Opposition** December 10, 2002  
**Registration Number** 2691812  
**Registration Date** March 4, 2003  
**Owner** (REGISTRANT) Tequila Cuervo La Rojena, S.A. De C.V. CORPORATION MEXICO Circunvalacion Sur #44 A Fraccionamiento Las Fuentes Zapopan Jalisco Codigo 45070 MEXICO  
**Attorney of Record** LAWRENCE E ABELMAN  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL-2(F)  
**Other Data** The name "L. GALLARDO" does not identify a particular living individual.  
**Live/Dead Indicator** LIVE

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[SEARCH OG](#)
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Latest Status Info

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2008-08-06 14:26:20 ET

Serial Number: 75711455 Assignment Information      Trademark Document Retrieval

Registration Number: 2691812

Mark (words only): L. GALLARDO

Standard Character claim: No

Current Status: Registered.

Date of Status: 2003-03-04

Filing Date: 1999-05-21

Transformed into a National Application: No

Registration Date: 2003-03-04

Register: Principal

Law Office Assigned: LAW OFFICE 101

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2008-04-16

---

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. Tequila Cuervo La Rojena, S.A. De C.V.

**Address:**

Tequila Cuervo La Rojena, S.A. De C.V.

Circunvalacion Sur #44 A Fraccionamiento Las Fuentes Zapopan Jalisco

Codigo 45070

Mexico

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Mexico

---

**GOODS AND/OR SERVICES**

---

**International Class:** 033

**Class Status:** Active

Tequila

**Basis:** 1(a)

**First Use Date:** 1996-04-00

<http://tarr.uspto.gov/servlet/tarr?regser=serial&entry=75711455>

8/6/2008

**First Use in Commerce Date:** 1996-04-00

---

### ADDITIONAL INFORMATION

---

**Name Portrait Consent:** The name "L. GALLARDO" does not identify a particular living individual.

**Translation:** The word "GALLARDO" may be translated into English as "gallant", or "bold".

**Section 2(f)**

---

### MADRID PROTOCOL INFORMATION

---

(NOT AVAILABLE)

---

### PROSECUTION HISTORY

---

**NOTE:** To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-04-16 - Case File In TICRS  
2006-09-23 - Review Of Correspondence Complete  
2006-08-21 - PAPER RECEIVED  
2003-03-04 - Registered - Principal Register  
2002-12-10 - Published for opposition  
2002-11-20 - Notice of publication  
2002-09-17 - Approved for Pub - Principal Register (Initial exam)  
2002-08-09 - Communication received from applicant  
2002-08-09 - PAPER RECEIVED  
2002-04-01 - Continuation of final refusal mailed  
2001-12-10 - Communication received from applicant  
2001-06-08 - Continuation of final refusal mailed  
2000-12-06 - Communication received from applicant  
2000-06-06 - Final refusal mailed  
2000-03-07 - Communication received from applicant  
1999-09-07 - Non-final action mailed

1999-08-31 - Assigned To Examiner

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

LAWRENCE E ABELMAN

**Correspondent**

LAWRENCE E ABELMAN  
ABELMAN FRAYNE & SCHWAB  
150 E 42ND ST  
NEW YORK NY 10017-5612

**Domestic Representative**

Abelman, Frayne & Schwab

---

## Exhibit I



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[TARR Status](#)
[ASSIGN Status](#)
[TDR](#)
[TTAB Status](#)
 ( Use the "Back" button of the Internet Browser to return to TESS)

### Typed Drawing

**Word Mark** GALLERON  
**Goods and Services** IC 033. US 047 049. G & S: wine. FIRST USE: 19961031. FIRST USE IN COMMERCE: 19961031  
**Mark Drawing Code** (1) TYPED DRAWING  
**Serial Number** 75617766  
**Filing Date** January 7, 1999  
**Current Filing Basis** 1A  
**Original Filing Basis** 1A  
**Published for Opposition** April 22, 2003  
**Registration Number** 2735738  
**Registration Date** July 15, 2003  
**Owner** (REGISTRANT) Galleron, Gary A. INDIVIDUAL UNITED STATES 1177 Galleron Road St. Helena CALIFORNIA 94574  
**Attorney of Record** R. Corbin Houchins  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL-2(F)  
**Live/Dead Indicator** LIVE

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[HELP](#)
[PREV LIST](#)
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[NEXT LIST](#)
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[NEXT DOC](#)
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Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2008-08-06 14:29:43 ET

Serial Number: 75617766 Assignment Information      Trademark Document Retrieval

Registration Number: 2735738

Mark (words only): GALLERON

Standard Character claim: No

Current Status: Registered.

Date of Status: 2003-07-15

Filing Date: 1999-01-07

Transformed into a National Application: No

Registration Date: 2003-07-15

Register: Principal

Law Office Assigned: LAW OFFICE 111

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2008-07-01

---

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. Galleron, Gary A.

**Address:**

Galleron, Gary A.  
1177 Galleron Road  
St. Helena, CA 94574  
United States

**Legal Entity Type:** Individual

**Country of Citizenship:** United States

---

**GOODS AND/OR SERVICES**

---

**International Class:** 033

**Class Status:** Active

wine

**Basis:** 1(a)

**First Use Date:** 1996-10-31

<http://tarr.uspto.gov/servlet/tarr?regser=serial&entry=75617766>

8/6/2008

First Use in Commerce Date: 1996-10-31

---

**ADDITIONAL INFORMATION**

---

**Section 2(f)**

---

**MADRID PROTOCOL INFORMATION**

---

(NOT AVAILABLE)

---

**PROSECUTION HISTORY**

---

**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2008-07-01 - Case File In TICRS

2003-07-15 - Registered - Principal Register

2003-04-22 - Published for opposition

2003-04-02 - Notice of publication

2003-02-19 - Approved for Pub - Principal Register (Initial exam)

2003-02-04 - Communication received from applicant

2002-04-24 - Assigned To Examiner

2002-02-22 - Communication received from applicant

2000-03-21 - Letter of suspension mailed

2000-02-18 - Communication received from applicant

2000-01-06 - Letter of suspension mailed

1999-10-27 - Communication received from applicant

1999-10-22 - Communication received from applicant

1999-04-28 - Non-final action mailed

1999-04-14 - Assigned To Examiner

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**  
R. Corbin Houchins

**Correspondent**

R CORBIN HOUCHINS  
GRAHAM & DUNN PC  
1420 FIFTH AVE 33RD FLOOR  
SEATTLE WA 98101-2390

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## Exhibit J



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[TARR Status](#)
[ASSIGN Status](#)
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<b>Word Mark</b>	GALANTE VINEYARDS
<b>Translations</b>	The English translation of "GALANTE" is "gallant".
<b>Goods and Services</b>	IC 033. US 047 049. G & S: wines. FIRST USE: 19960701. FIRST USE IN COMMERCE: 19960701
<b>Mark Drawing Code</b>	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
<b>Design Search Code</b>	05.05.25 - Daffodils; Iris (flower); Other flowers 20.03.10 - Bottle labels; Labels for bottles
<b>Serial Number</b>	75161180
<b>Filing Date</b>	September 5, 1996
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	July 1, 1997
<b>Registration Number</b>	2099244
<b>Registration Date</b>	September 23, 1997
<b>Owner</b>	(REGISTRANT) Galante Family Winery, Inc. CORPORATION CALIFORNIA 18181 CACHAGUA ROAD CARMEL VALLEY CALIFORNIA 93924
<b>Attorney of Record</b>	Barbara L. Friedman
<b>Disclaimer</b>	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "VINEYARDS" APART FROM THE MARK AS SHOWN
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR).
<b>Live/Dead Indicator</b>	LIVE

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This page was generated by the TARR system on 2008-08-06 14:31:47 ET

Serial Number: 75161180 Assignment Information      Trademark Document Retrieval

Registration Number: 2099244

Mark



(words only): GALANTE VINEYARDS

Standard Character claim: No

Current Status: Section 8 and 15 affidavits have been accepted and acknowledged.

Date of Status: 2003-08-05

Filing Date: 1996-09-05

Transformed into a National Application: No

Registration Date: 1997-09-23

Register: Principal

Law Office Assigned: LAW OFFICE 101

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)

Current Location: 830 -Post Registration

Date In Location: 2007-09-28

---

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. Galante Family Winery, Inc.

**Address:**

Galante Family Winery, Inc.  
18181 CACHAGUA ROAD  
CARMEL VALLEY, CA 93924  
United States

**Legal Entity Type:** Corporation

<http://tarr.uspto.gov/servlet/tarr?regser=serial&entry=75161180>

8/6/2008

State or Country of Incorporation: California

---

**GOODS AND/OR SERVICES**

---

**International Class:** 033

**Class Status:** Active

wines

**Basis:** 1(a)

**First Use Date:** 1996-07-01

**First Use in Commerce Date:** 1996-07-01

---

**ADDITIONAL INFORMATION**

---

**Disclaimer:** "VINEYARDS"

**Translation:** The English translation of "GALANTE" is "gallant".

**Design Search Code(s):**

**05.05.25** - Daffodils; Iris (flower); Other flowers

**20.03.10** - Alcohol bottle labels; Bottles, labels for alcohol bottles; Labels, alcohol bottles

---

**MADRID PROTOCOL INFORMATION**

---

(NOT AVAILABLE)

---

**PROSECUTION HISTORY**

---

**NOTE:** To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2007-09-28 - Assigned To Paralegal

2007-09-20 - TEAS Section 8 & 9 Received

2007-02-27 - Case File In TICRS

2003-08-05 - Section 8 (6-year) accepted & Section 15 acknowledged

2003-05-22 - Section 8 (6-year) and Section 15 Filed

2003-05-22 - Section 8 (6-year) and Section 15 Filed

2003-05-22 - PAPER RECEIVED

1997-09-23 - Registered - Principal Register

1997-07-01 - Published for opposition

1997-05-30 - Notice of publication

1997-04-11 - Approved for Pub - Principal Register (Initial exam)

1997-04-07 - Examiner's amendment mailed

1997-03-14 - Assigned To Examiner

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

Barbara L. Friedman

**Correspondent**

Barbara L. Friedman

Hanson Bridgett Marcus Vlahos & Rudy

26th Floor

425 Market Street

San Francisco CA 94105

Phone Number: 415.995.5891

Fax Number: 415.995.3452

---

## Exhibit K



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( Use the "Back" button of the Internet Browser to return to TESS)

# GALESTRO

**Word Mark** GALESTRO  
**Translations** THE ENGLISH TRANSLATION OF THE WORD "GALESTRO" IN THE MARK IS "A ROCKY AND CLAY-LIKE SOIL WHICH EASILY FLAKES IN STRATA".  
**Goods and Services** IC 033. US 047. G & S: WINES. FIRST USE: 19800600. FIRST USE IN COMMERCE: 19800600  
**Mark Drawing Code** (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM  
**Serial Number** 73804528  
**Filing Date** June 5, 1989  
**Current Filing Basis** 1A  
**Original Filing Basis** 1A  
**Published for Opposition** September 3, 1991  
**Registration Number** 1689225  
**Registration Date** May 26, 1992  
**Owner** (REGISTRANT) SOCIETA' PER LA VALORIZZAZIONE DEI VINI BIANCHI TOSCANI S.R.L. CORPORATION ITALY PIAZZA S. FIRENZE N.3 50122 FIRENZE (VIA DE' SERRAGLI) ITALY  
**Attorney of Record** VINCENT A. SIRECI  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Affidavit Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20020809.  
**Renewal** 1ST RENEWAL 20020809

Live/Dead Indicator LIVE

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Serial Number: 73804528 Assignment Information Trademark Document Retrieval

Registration Number: 1689225

Mark

# GALESTRO

(words only): GALESTRO

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2002-08-09

Filing Date: 1989-06-05

Transformed into a National Application: No

Registration Date: 1992-05-26

Register: Principal

Law Office Assigned: LAW OFFICE 14

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2007-10-15

---

### LAST APPLICANT(S)/OWNER(S) OF RECORD

---

1. SOCIETA' PER LA VALORIZZAZIONE DEI VINI BIANCHI TOSCANI S.R.L.

**Address:**

SOCIETA' PER LA VALORIZZAZIONE DEI VINI BIANCHI TOSCANI S.R.L.  
PIAZZA S. FIRENZE N.3  
50122 FIRENZE (VIA DE' SERRAGLI)

Italy

Legal Entity Type: Corporation

<http://tarr.uspto.gov/servlet/tarr?regser=serial&entry=73804528>

8/6/2008

**State or Country of Incorporation:** Italy

---

**GOODS AND/OR SERVICES**

---

**International Class:** 033

**Class Status:** Active

WINES

**Basis:** 1(a)

**First Use Date:** 1980-06-00

**First Use in Commerce Date:** 1980-06-00

---

**ADDITIONAL INFORMATION**

---

**Translation:** THE ENGLISH TRANSLATION OF THE WORD "GALESTRO" IN THE MARK IS "A ROCKY AND CLAY-LIKE SOIL WHICH EASILY FLAKES IN STRATA".

---

**MADRID PROTOCOL INFORMATION**

---

(NOT AVAILABLE)

---

**PROSECUTION HISTORY**

---

**NOTE:** To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2007-10-15 - Case File In TICRS

2002-08-09 - First renewal 10 year

2002-08-09 - Section 8 (10-year) accepted/ Section 9 granted

2002-05-28 - Combined Section 8 (10-year)/Section 9 filed

1997-11-05 - Section 8 (6-year) accepted & Section 15 acknowledged

1997-10-20 - Section 8 (6-year) and Section 15 Filed

1992-05-26 - Registered - Principal Register

1991-09-03 - Published for opposition

1991-08-02 - Notice of publication

1991-02-28 - Approved for Pub - Principal Register (Initial exam)

1990-12-03 - Communication received from applicant

1990-07-09 - Unresponsive/Duplicate Paper Received

1990-06-18 - Non-final action mailed

<http://tarr.uspto.gov/servlet/tarr?regser=serial&entry=73804528>

8/6/2008

1990-06-04 - Non-final action mailed

1990-03-20 - Communication received from applicant

1989-09-20 - Non-final action mailed

1989-08-10 - Assigned To Examiner

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

VINCENT A. SIRECI

**Correspondent**

VINCENT A. SIRECI  
MORGAN LEWIS & BOCKIUS LLP  
101 PARK AVENUE  
NEW YORK, NY 10178

**Domestic Representative**

MORGAN LEWIS & BOCKIUS LLP

---

## Exhibit L



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[TESS HOME](#)
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[BROWSE DICT](#)
[SEARCH OG](#)
[BOTTOM](#)
[HELP](#)
[PREV LIST](#)
[CURR LIST](#)
[NEXT LIST](#)

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[PREV DOC](#)
[NEXT DOC](#)
[LAST DOC](#)

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[ASSIGN Status](#)
[TDR](#)
[TTAB Status](#)
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**Typed Drawing**

<b>Word Mark</b>	LUIGI GALVANI
<b>Goods and Services</b>	IC 033. US 047. G & S: wine. FIRST USE: 19891014. FIRST USE IN COMMERCE: 19891014
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	74034344
<b>Filing Date</b>	March 5, 1990
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	September 11, 1990
<b>Registration Number</b>	1626216
<b>Registration Date</b>	December 4, 1990
<b>Owner</b>	(REGISTRANT) Barcamerica International Corporation U.S.A. CORPORATION CALIFORNIA P.O. Box 1150 Roseville CALIFORNIA 95661
	(LAST LISTED OWNER) GINO BARCA A U.S. CITIZEN AS TRUSTEE OF THE BARCAMERICA INTERNATIONAL U.S.A. TRUST TRUST ASSIGNEE OF CALIFORNIA P.O. BOX 1150 ROSEVILLE CALIFORNIA 95678
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	John P. Sutton
<b>Type of Mark Register</b>	TRADEMARK PRINCIPAL
<b>Affidavit Text</b>	SECT 8 (6-YR). SECTION 8(10-YR) 20010328.
<b>Renewal</b>	1ST RENEWAL 20010328

Other Data THE NAME "LUIGI GALVANI" DOES NOT IDENTIFY A LIVING INDIVIDUAL.  
Live/Dead Indicator LIVE

---

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Serial Number: 74034344 Assignment Information      Trademark Document Retrieval

Registration Number: 1626216

Mark (words only): LUIGI GALVANI

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2001-03-28

Filing Date: 1990-03-05

Transformed into a National Application: No

Registration Date: 1990-12-04

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2007-10-05

---

#### LAST APPLICANT(S)/OWNER(S) OF RECORD

---

1. GINO BARCA A U.S. CITIZEN AS TRUSTEE OF THE BARCAMERICA INTERNATIONAL U.S.A. TRUST

**Address:**

GINO BARCA A U.S. CITIZEN AS TRUSTEE OF THE BARCAMERICA INTERNATIONAL U.S.A. TRUST  
P.O. BOX 1150  
ROSEVILLE, CA 95678  
United States

**Legal Entity Type:** Trust

**State or Country Where Organized:** California

---

#### GOODS AND/OR SERVICES

---

**International Class:** 033

**Class Status:** Active

wine

**Basis:** 1(a)

**First Use Date:** 1989-10-14

<http://tarr.uspto.gov/servlet/tarr?regser=serial&entry=74034344>

8/6/2008

First Use in Commerce Date: 1989-10-14

---

**ADDITIONAL INFORMATION**

---

**Name Portrait Consent:** THE NAME "LUIGI GALVANI" DOES NOT IDENTIFY A LIVING INDIVIDUAL.

---

**MADRID PROTOCOL INFORMATION**

---

(NOT AVAILABLE)

---

**PROSECUTION HISTORY**

---

**NOTE:** To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

- 2007-10-05 - Case File In TICRS
- 2006-08-16 - Review Of Correspondence Complete
- 2003-01-06 - PAPER RECEIVED
- 2001-03-28 - First renewal 10 year
- 2001-03-28 - Section 8 (10-year) accepted/ Section 9 granted
- 2000-11-21 - Combined Section 8 (10-year)/Section 9 filed
- 1997-01-30 - Section 8 (6-year) accepted
- 1996-11-27 - Section 8 (6-year) filed
- 1996-11-27 - Section 8 (6-year) filed
- 1990-12-04 - Registered - Principal Register
- 1990-09-11 - Published for opposition
- 1990-08-11 - Notice of publication
- 1990-06-27 - Approved for Pub - Principal Register (Initial exam)
- 1990-06-26 - Examiner's amendment mailed
- 1990-06-23 - Assigned To Examiner

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**  
John P. Sutton

**Correspondent**

JOHN P. SUTTON  
JOHN P. SUTTON  
2421 PIERCE STREET  
SAN FRANCISCO, CA 94115

---

## Exhibit M



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[HELP](#)
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[NEXT DOC](#)
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[ASSIGN Status](#)
[TDR](#)
[TTAB Status](#)
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### Typed Drawing

**Word Mark** GALARDON  
**Translations** The English translation of "GALARDON" is "prize" or "reward".  
**Goods and Services** IC 033. US 047 049. G & S: tequila. FIRST USE: 19970600. FIRST USE IN COMMERCE: 19970600  
**Mark Drawing Code** (1) TYPED DRAWING  
**Serial Number** 75263330  
**Filing Date** March 6, 1997  
**Current Filing Basis** 1A  
**Original Filing Basis** 1B  
**Published for Opposition** December 9, 1997  
**Registration Number** 2327060  
**Registration Date** March 7, 2000  
**Owner** (REGISTRANT) Tequila Sauza S.A. De C.V. CORPORATION MEXICO Avenida Vallarta No. 3273 Fracc. Vallarta Poniente Guadalajara, Jal., 44100 MEXICO  
**Attorney of Record** Lynn A. Sullivan  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Affidavit Text** SECT 15. SECT 8 (6-YR).  
**Live/Dead Indicator** LIVE

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[FREE FORM](#)
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[SEARCH OG](#)
[TOP](#)
[HELP](#)
[PREV LIST](#)
[CURR LIST](#)
[NEXT LIST](#)
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Serial Number: 75263330 Assignment Information      Trademark Document Retrieval

Registration Number: 2327060

Mark (words only): GALARDON

Standard Character claim: No

Current Status: Section 8 and 15 affidavits have been accepted and acknowledged.

Date of Status: 2006-05-23

Filing Date: 1997-03-06

Transformed into a National Application: No

Registration Date: 2000-03-07

Register: Principal

Law Office Assigned: LAW OFFICE 111

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 830 -Post Registration

Date In Location: 2006-05-23

---

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. Tequila Sauza S.A. De C.V.

**Address:**

Tequila Sauza S.A. De C.V.  
Avenida Vallarta No. 3273 Fracc. Vallarta Poniente  
Guadalajara, Jal., 44100  
Mexico

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Mexico

---

**GOODS AND/OR SERVICES**

---

**International Class:** 033

**Class Status:** Active

tequila

**Basis:** 1(a)

**First Use Date:** 1997-06-00

<http://tarr.uspto.gov/servlet/tarr?regser=serial&entry=75263330>

8/6/2008

**First Use in Commerce Date:** 1997-06-00

---

### ADDITIONAL INFORMATION

---

**Translation:** The English translation of "GALARDON" is "prize" or "reward".

---

### MADRID PROTOCOL INFORMATION

---

(NOT AVAILABLE)

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### PROSECUTION HISTORY

---

**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2006-05-23 - Section 8 (6-year) accepted & Section 15 acknowledged

2006-05-19 - Assigned To Paralegal

2006-05-05 - Case File In TICRS

2006-03-01 - Section 8 (6-year) and Section 15 Filed

2006-03-01 - TEAS Section 8 & 15 Received

2006-01-06 - Attorney Revoked And/Or Appointed

2006-01-06 - TEAS Revoke/Appoint Attorney Received

2004-11-26 - TEAS Change Of Correspondence Received

2000-03-07 - Registered - Principal Register

2000-01-12 - Allowed for Registration - Principal Register (SOU accepted)

1999-04-15 - Communication received from applicant

1998-10-19 - Non-final action mailed

1998-09-29 - Statement of use processing complete

1998-08-24 - Amendment to Use filed

1998-03-03 - Notice of allowance - mailed

1997-12-09 - Published for opposition

1997-11-07 - Notice of publication

1997-09-17 - Approved for Pub - Principal Register (Initial exam)

1997-09-15 - Examiner's amendment mailed

1997-09-08 - Assigned To Examiner

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

Lynn A. Sullivan

**Correspondent**

LYNN A. SULLIVAN

LEYDIG, VOIT & MAYER, LTD.

SUITE 4900

TWO PRUDENTIAL PLAZA, 180 N. STETSON

CHICAGO IL 60601

Phone Number: 312-616-5600

Fax Number: 312-616-5700

**Domestic Representative**

Leydig, Voit & Mayer, Ltd.

---

## Exhibit N



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Home | Site Index | Search | FAQ | Glossary | Guides | Contacts | eBusiness | eBiz alerts | News | Help

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[BROWSE DICT](#)
[SEARCH OG](#)
[BOTTOM](#)
[HELP](#)
[PREV LIST](#)
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[NEXT DOC](#)
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[TARR Status](#)
[ASSIGN Status](#)
[TDR](#)
[TTAB Status](#)
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**Typed Drawing**

<b>Word Mark</b>	GALCIBAR
<b>Goods and Services</b>	IC 033. US 047 049. G & S: Potable spirits and wines. FIRST USE: 20030901. FIRST USE IN COMMERCE: 20030901
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	76524974
<b>Filing Date</b>	June 23, 2003
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	July 27, 2004
<b>Registration Number</b>	3032659
<b>Registration Date</b>	December 20, 2005
<b>Owner</b>	(REGISTRANT) Bodega Cooperativa San Salvador COOPERATIVE SPAIN Ctra, Allo, 80 31243 Arroniz (Navarra) SPAIN
<b>Attorney of Record</b>	Thomas W. Brooke
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

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[SEARCH OG](#)
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[HELP](#)
[PREV LIST](#)
[CURR LIST](#)
[NEXT LIST](#)
[FIRST DOC](#)  
[PREV DOC](#)
[NEXT DOC](#)
[LAST DOC](#)

[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



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This page was generated by the TARR system on 2008-08-06 14:41:50 ET

Serial Number: 76524974 Assignment Information      Trademark Document Retrieval

Registration Number: 3032659

Mark (words only): GALCIBAR

Standard Character claim: No

Current Status: Registered.

Date of Status: 2005-12-20

Filing Date: 2003-06-23

Transformed into a National Application: No

Registration Date: 2005-12-20

Register: Principal

Law Office Assigned: LAW OFFICE 103

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2005-11-08

---

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. Bodega Cooperativa San Salvador

**Address:**

Bodega Cooperativa San Salvador  
Ctra, Allo, 80 31243 Arroniz  
(Navarra)  
Spain

**Legal Entity Type:** COOPERATIVE

**State or Country Where Organized:** Spain

---

**GOODS AND/OR SERVICES**

---

**International Class:** 033

**Class Status:** Active

Potable spirits and wines

**Basis:** 1(a)

**First Use Date:** 2003-09-01

<http://tarr.uspto.gov/servlet/tarr?regser=serial&entry=76524974>

8/6/2008

**First Use in Commerce Date:** 2003-09-01

---

**ADDITIONAL INFORMATION**

---

(NOT AVAILABLE)

---

**MADRID PROTOCOL INFORMATION**

---

(NOT AVAILABLE)

---

**PROSECUTION HISTORY**

---

**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2005-12-20 - Registered - Principal Register

2005-11-07 - Law Office Registration Review Completed

2005-11-04 - Assigned To LIE

2005-10-30 - Allowed for Registration - Principal Register (SOU accepted)

2005-10-30 - SU-Examiner's Amendment Written

2005-10-29 - Statement of use processing complete

2005-10-29 - Extension 2 granted

2005-10-12 - Amendment to Use filed

2005-10-12 - Extension 2 filed

2005-10-12 - PAPER RECEIVED

2005-05-09 - Extension 1 granted

2005-04-18 - Extension 1 filed

2005-04-18 - PAPER RECEIVED

2004-10-19 - Notice of allowance - mailed

2004-07-27 - Published for opposition

2004-07-07 - Notice of publication

2004-05-30 - Approved for Pub - Principal Register (Initial exam)

2004-05-25 - Examiner's amendment mailed

Latest Status Info

2003-12-08 - Non-final action mailed

2003-12-04 - Assigned To Examiner

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

Thomas W. Brooke

**Correspondent**

THOMAS W. BROOKE  
HOLLAND & KNIGHT LLP  
2099 PENNSYLVANIA AVENUE, N.W.  
SUITE 100  
WASHINGTON, D.C. 20006  
Phone Number: 202-663-7271  
Fax Number: 202-419-2851

**Domestic Representative**

HOLLAND & KNIGHT LLP  
Phone Number: 202-955-3000  
Fax Number: 202-955-5564

---

## Exhibit O



United States Patent and Trademark Office

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## Trademarks > Trademark Electronic Search System (TESS)

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Please logout when you are done to release system resources allocated for you.

List At: ..... OR  to record: ..... **Record 40 out of 72**

[TARR Status](#)
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 ( Use the "Back" button of the Internet Browser to return to TESS)

### Typed Drawing

Word Mark	GALENA CELLARS
Goods and Services	IC 033. US 047 049. G & S: Wines. FIRST USE: 19830000. FIRST USE IN COMMERCE: 19830000
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	76344819
Filing Date	December 3, 2001
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	March 11, 2003
Registration Number	2720698
Registration Date	June 3, 2003
Owner	(REGISTRANT) GALENA CELLARS INCORPORATED CORPORATION ILLINOIS 515 South Main Street Galena ILLINOIS 61036
Attorney of Record	SANA HAKIM
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CELLARS" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR).
Live/Dead Indicator	LIVE

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[Top](#)
[HELP](#)
[PREV LIST](#)
[CURR LIST](#)
[NEXT LIST](#)
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[NEXT DOC](#)
[LAST DOC](#)

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Latest Status Info

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This page was generated by the TARR system on 2008-08-06 14:43:16 ET

Serial Number: 76344819 Assignment Information      Trademark Document Retrieval

Registration Number: 2720698

Mark (words only): GALENA CELLARS

Standard Character claim: No

Current Status: Section 8 and 15 affidavits have been accepted and acknowledged.

Date of Status: 2008-07-07

Filing Date: 2001-12-03

Transformed into a National Application: No

Registration Date: 2003-06-03

Register: Principal

Law Office Assigned: LAW OFFICE 111

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 830 -Post Registration

Date In Location: 2008-07-07

---

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. GALENA CELLARS INCORPORATED

**Address:**

GALENA CELLARS INCORPORATED

515 South Main Street

Galena, IL 61036

United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Illinois

---

**GOODS AND/OR SERVICES**

---

**International Class:** 033

**Class Status:** Active

Wines

**Basis:** 1(a)

**First Use Date:** 1983-00-00

<http://tarr.uspto.gov/servlet/tarr?regser=serial&entry=76344819>

8/6/2008

**First Use in Commerce Date:** 1983-00-00

---

**ADDITIONAL INFORMATION**

---

**Disclaimer:** "CELLARS"

---

**MADRID PROTOCOL INFORMATION**

---

(NOT AVAILABLE)

---

**PROSECUTION HISTORY**

---

**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2008-07-07 - Section 8 (6-year) accepted & Section 15 acknowledged

2008-07-01 - Assigned To Paralegal

2008-06-24 - TEAS Section 8 & 15 Received

2008-06-17 - Case File In TICRS

2003-06-03 - Registered - Principal Register

2003-03-11 - Published for opposition

2003-02-19 - Notice of publication

2002-12-17 - Approved for Pub - Principal Register (Initial exam)

2002-12-16 - Examiner's amendment mailed

2002-12-02 - Non-final action mailed

2002-08-05 - Communication received from applicant

2002-08-05 - PAPER RECEIVED

2002-02-26 - Non-final action mailed

2002-02-22 - Assigned To Examiner

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

SANA HAKIM

**Correspondent**

SANA HAKIM

BELL, BOYD & LLOYD LLP  
PO BOX 1135  
CHICAGO IL 60690-1135

---

## Exhibit P



United States Patent and Trademark Office

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Trademarks > Trademark Electronic Search System (TESS)

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Start List At: OR Jump to record: **Record 33 out of 72**

TARR Status ASSIGN Status TDR TTAB Status ( Use the "Back" button of the Internet Browser to return to TESS)

# GALINDO

Word Mark GALINDO  
 Goods and Services IC 033. US 047 049. G & S: Tequila. FIRST USE: 20051207. FIRST USE IN COMMERCE: 20051207  
 Standard Characters Claimed  
 Mark Drawing Code (4) STANDARD CHARACTER MARK  
 Serial Number 77214325  
 Filing Date June 25, 2007  
 Current Filing Basis 1A  
 Original Filing Basis 1A  
 Supplemental Register Date January 15, 2008  
 Registration Number 3407520  
 Registration Date April 1, 2008  
 Owner (REGISTRANT) TEQUILA GALINDO SA DE CV CORPORATION MEXICO PRESA DE BARAJAS 4 D ARANDAS MEXICO 47180  
 Attorney of Record ALEJANDRO R. MALACARA  
 Type of Mark TRADEMARK  
 Register SUPPLEMENTAL  
 Other Data The name(s), portrait(s), and/or signature(s) shown in the mark does not identify a particular living individual.  
 Live/Dead Indicator LIVE

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Serial Number: 77214325 Assignment Information      Trademark Document Retrieval

Registration Number: 3407520

Mark

**GALINDO**

(words only): GALINDO

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2008-04-01

Filing Date: 2007-06-25

Filed as TEAS Plus Application: Yes

Currently TEAS Plus Application: Yes

Transformed into a National Application: No

Registration Date: 2008-04-01

Register: Supplemental

Law Office Assigned: LAW OFFICE 114

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)

Current Location: 650 -Publication And Issue Section

Date In Location: 2008-04-01

---

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. TEQUILA GALINDO SA DE CV

Address:

TEQUILA GALINDO SA DE CV

<http://tarr.uspto.gov/servlet/tarr?regser=serial&entry=77214325>

8/6/2008

PRESA DE BARAJAS 4 D

ARANDAS 47180

Mexico

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Mexico

**Phone Number:** 011 52 33 36 15 32 35

---

### GOODS AND/OR SERVICES

---

**International Class:** 033

**Class Status:** Active

Tequila

**Basis:** 1(a)

**First Use Date:** 2005-12-07

**First Use in Commerce Date:** 2005-12-07

---

### ADDITIONAL INFORMATION

---

**Name Portrait Consent:** The name(s), portrait(s), and/or signature(s) shown in the mark does not identify a particular living individual.

---

### MADRID PROTOCOL INFORMATION

---

(NOT AVAILABLE)

---

### PROSECUTION HISTORY

---

**NOTE:** To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-04-01 - Registered - Supplemental Register

2008-02-26 - Law Office Publication Review Completed

2008-02-25 - Assigned To LIE

2008-01-28 - APPROVED FOR REGISTRATION SUPPLEMENTAL REGISTER

2008-01-15 - Teas/Email Correspondence Entered

2008-01-15 - Communication received from applicant

2008-01-15 - TEAS Response to Office Action Received

2007-10-01 - Notification Of Non-Final Action E-Mailed

2007-10-01 - Non-final action e-mailed

2007-10-01 - Non-Final Action Written

2007-09-26 - Assigned To Examiner

2007-06-28 - New Application Entered In Tram

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

ALEJANDRO R. MALACARA

**Correspondent**

ALEJANDRO R. MALACARA

82 CHAPEL HILL CIR

SAN ANTONIO, TX 78240-3903

Phone Number: 210 607 1664

---

## Exhibit Q



United States Patent and Trademark Office

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[TARR Status](#)
[ASSIGN Status](#)
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[TTAB Status](#)
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**WHISKY GALORE**

<b>Word Mark</b>	WHISKY GALORE
<b>Goods and Services</b>	IC 033. US 047 049. G & S: Alcoholic beverages, namely whisky, distilled spirits and liqueurs. FIRST USE: 20030831. FIRST USE IN COMMERCE: 20030831
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	78373100
<b>Filing Date</b>	February 24, 2004
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	March 15, 2005
<b>Registration Number</b>	3133819
<b>Registration Date</b>	August 22, 2006
<b>Owner</b>	(REGISTRANT) Duncan Taylor & Co Ltd. CORPORATION UNITED KINGDOM 4 Uppperkirkgate Huntly, Aberdeenshire, AB54 8JU UNITED KINGDOM
<b>Attorney of Record</b>	Joseph T. Nabor
<b>Disclaimer</b>	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "WHISKEY" APART FROM THE MARK AS SHOWN
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

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[PREV LIST](#)
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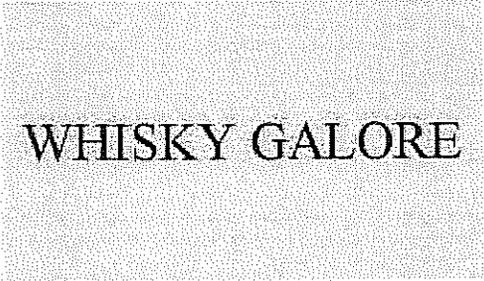
Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2008-08-06 14:47:57 ET

Serial Number: 78373100 Assignment Information      Trademark Document Retrieval

Registration Number: 3133819

**Mark**



WHISKY GALORE

(words only): WHISKY GALORE

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2006-08-22

Filing Date: 2004-02-24

Transformed into a National Application: No

Registration Date: 2006-08-22

Register: Principal

Law Office Assigned: LAW OFFICE 117

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-07-11

---

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. Duncan Taylor & Co Ltd.

**Address:**

Duncan Taylor & Co Ltd.  
4 Uppperkirkgate  
Huntly, Aberdeenshire, AB54 8JU  
United Kingdom

Legal Entity Type: Corporation

<http://tarr.uspto.gov/servlet/tarr?regser=serial&entry=78373100>

8/6/2008

**State or Country of Incorporation:** United Kingdom

---

**GOODS AND/OR SERVICES**

---

**International Class:** 033

**Class Status:** Active

Alcoholic beverages, namely whisky, distilled spirits and liqueurs

**Basis:** 1(a)

**First Use Date:** 2003-08-31

**First Use in Commerce Date:** 2003-08-31

---

**ADDITIONAL INFORMATION**

---

**Disclaimer:** "WHISKEY"

---

**MADRID PROTOCOL INFORMATION**

---

(NOT AVAILABLE)

---

**PROSECUTION HISTORY**

---

**NOTE:** To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2006-08-22 - Registered - Principal Register

2006-07-01 - Law Office Registration Review Completed

2006-06-30 - Assigned To LIE

2006-06-11 - Allowed for Registration - Principal Register (SOU accepted)

2006-05-26 - Statement of use processing complete

2006-05-16 - Amendment to Use filed

2006-05-16 - TEAS Statement of Use Received

2006-01-09 - Extension 1 granted

2005-12-07 - Extension 1 filed

2005-12-07 - TEAS Extension Received

2005-06-07 - Notice of allowance - mailed

2005-03-15 - Published for opposition

2005-02-23 - Notice of publication

## Latest Status Info

2004-12-07 - Law Office Publication Review Completed

2004-12-06 - Assigned To LIE

2004-11-30 - Approved for Pub - Principal Register (Initial exam)

2004-11-23 - Amendment From Applicant Entered

2004-11-12 - Communication received from applicant

2004-11-12 - PAPER RECEIVED

2004-09-14 - Examiner's Amendment And/Or Priority Action E-Mailed

2004-09-14 - Examiners Amendment And/Or Priority Action - Completed

2004-09-14 - Assigned To Examiner

2004-03-10 - New Application Entered In Tram

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

Joseph T. Nabor

**Correspondent**

Joseph T. Nabor

FITCH, EVEN, TABIN &amp; FLANNERY

120 S LASALLE ST STE 1600

CHICAGO IL 60603-3590

Phone Number: 312-577-7000

Fax Number: 312-577-7007

**Domestic Representative**

Joseph T. Nabor

Phone Number: 312-577-7000

Fax Number: 312-577-7007

## Exhibit R



United States Patent and Trademark Office

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**GALERA VIEJA**

Word Mark GALERA VIEJA  
 Translations The foreign wording in the mark translates into English as OLD SHED or OLD WAR SHIP.  
 Goods and Services IC 033. US 047 049. G & S: tequila. FIRST USE: 20050912. FIRST USE IN COMMERCE: 20050912  
 Standard Characters Claimed  
 Mark Drawing Code (4) STANDARD CHARACTER MARK  
 Serial Number 78408171  
 Filing Date April 26, 2004  
 Current Filing Basis 1A  
 Original Filing Basis 1B  
 Published for Opposition February 8, 2005  
 Registration Number 3056462  
 Registration Date January 31, 2006  
 Owner (REGISTRANT) Garnica, Juan Leon INDIVIDUAL MEXICO Leona Vicario #11 Arandas MEXICO 47180  
 Attorney of Record Michael L. Lovitz, Esq.  
 Type of Mark TRADEMARK  
 Register PRINCIPAL  
 Live/Dead Indicator LIVE

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Serial Number: 78408171 Assignment Information      Trademark Document Retrieval

Registration Number: 3056462

Mark

**GALERA VIEJA**

(words only): GALERA VIEJA

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2006-01-31

Filing Date: 2004-04-26

Transformed into a National Application: No

Registration Date: 2006-01-31

Register: Principal

Law Office Assigned: LAW OFFICE 112

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2005-12-20

---

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. Garnica, Juan Leon

**Address:**

Garnica, Juan Leon  
Leona Vicario #11  
Arandas 47180  
Mexico

**Legal Entity Type:** Individual

<http://tarr.uspto.gov/servlet/tarr?regser=serial&entry=78408171>

8/6/2008

**Country of Citizenship:** Mexico

**Phone Number:** 302-658-9141

**Fax Number:** 302-658-5614

---

**GOODS AND/OR SERVICES**

---

**International Class:** 033

**Class Status:** Active

tequila

**Basis:** 1(a)

**First Use Date:** 2005-09-12

**First Use in Commerce Date:** 2005-09-12

---

**ADDITIONAL INFORMATION**

---

**Translation:** The foreign wording in the mark translates into English as OLD SHED or OLD WAR SHIP.

---

**MADRID PROTOCOL INFORMATION**

---

(NOT AVAILABLE)

---

**PROSECUTION HISTORY**

---

**NOTE:** To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2006-01-31 - Registered - Principal Register

2005-12-15 - Law Office Registration Review Completed

2005-12-15 - Assigned To LIE

2005-12-07 - Allowed for Registration - Principal Register (SOU accepted)

2005-11-15 - Statement of use processing complete

2005-10-28 - Amendment to Use filed

2005-10-28 - TEAS Statement of Use Received

2005-05-03 - Notice of allowance - mailed

2005-02-08 - Published for opposition

2005-01-19 - Notice of publication

2004-12-02 - Law Office Publication Review Completed

2004-12-02 - Assigned To LIE

## Latest Status Info

2004-11-22 - Approved for Pub - Principal Register (Initial exam)

2004-11-19 - Assigned To Examiner

2004-05-03 - New Application Entered In Tram

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

Michael L. Lovitz, Esq.

**Correspondent**

Michael L. Lovitz, Esq.

Connolly Bove Lodge & Hutz LLP

P. O. Box 2207

Wilmington, DE 19899

Phone Number: 302-658-9141

Fax Number: 302-658-5614

**Domestic Representative**

Michael L. Lovitz, Esq.

Phone Number: 302-658-9141

Fax Number: 302-658-5614

---

## Exhibit S



United States Patent and Trademark Office

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[TARR Status](#)
[ASSIGN Status](#)
[TDR](#)
[TTAB Status](#)
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# GALA ROUGE

**Word Mark** GALA ROUGE  
**Translations** The word "rouge" means "red" in French. The word "gala" means "a festive celebration, especially a public entertainment marking a special occasion," and has its etymology in Italian, from Middle French.  
**Goods and Services** IC 033. US 047 049. G & S: Alcoholic beverages, namely, wines. FIRST USE: 20050906. FIRST USE IN COMMERCE: 20050906  
**Standard Characters Claimed**  
**Mark Drawing Code** (4) STANDARD CHARACTER MARK  
**Serial Number** 78638129  
**Filing Date** May 26, 2005  
**Current Filing Basis** 1A  
**Original Filing Basis** 1B  
**Published for Opposition** February 6, 2007  
**Registration Number** 3232488  
**Registration Date** April 24, 2007  
**Owner** (REGISTRANT) Brown-Forman Corporation CORPORATION DELAWARE 850 Dixie Highway Louisville KENTUCKY 40210  
**Attorney of Record** David S. Gooder  
**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ROUGE" APART FROM THE MARK AS SHOWN  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

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Serial Number: 78638129 Assignment Information      Trademark Document Retrieval

Registration Number: 3232488

Mark

**GALA ROUGE**

(words only): GALA ROUGE

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2007-04-24

Filing Date: 2005-05-26

Transformed into a National Application: No

Registration Date: 2007-04-24

Register: Principal

Law Office Assigned: LAW OFFICE 111

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)

Current Location: 650 -Publication And Issue Section

Date In Location: 2007-04-24

---

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. Brown-Forman Corporation

**Address:**

Brown-Forman Corporation  
850 Dixie Highway  
Louisville, KY 40210  
United States

**Legal Entity Type:** Corporation

<http://tarr.uspto.gov/servlet/tarr?regser=serial&entry=78638129>

8/6/2008

**State or Country of Incorporation:** Delaware

**Phone Number:** 415 446 5225

**Fax Number:** 415 446 5230

---

### GOODS AND/OR SERVICES

---

**International Class:** 033

**Class Status:** Active

Alcoholic beverages, namely, wines

**Basis:** 1(a)

**First Use Date:** 2005-09-06

**First Use in Commerce Date:** 2005-09-06

---

### ADDITIONAL INFORMATION

---

**Disclaimer:** "ROUGE"

**Translation:** The word "rouge" means "red" in French. The word "gala" means "a festive celebration, especially a public entertainment marking a special occasion," and has its etymology in Italian, from Middle French.

---

### MADRID PROTOCOL INFORMATION

---

(NOT AVAILABLE)

---

### PROSECUTION HISTORY

---

**NOTE:** To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2007-04-24 - Registered - Principal Register

2007-02-06 - Published for opposition

2007-01-17 - Notice of publication

2006-12-21 - Law Office Publication Review Completed

2006-12-21 - Assigned To LIE

2006-12-07 - Approved for Pub - Principal Register (Initial exam)

2006-12-07 - Ex parte appeal terminated

2006-11-14 - Ex parte appeal - Refusal affirmed

2006-08-02 - EXAMINERS STATEMENT E-MAILED

2006-08-02 - Examiners Statement - Completed

2006-07-12 - Jurisdiction Restored To Examining Attorney

<http://tarr.uspto.gov/servlet/tarr?regser=serial&entry=78638129>

8/6/2008

2006-06-08 - Ex parte appeal - Instituted  
2006-06-08 - EXPARTE APPEAL RECEIVED AT TTAB  
2006-06-03 - Final refusal e-mailed  
2006-06-03 - Final Refusal Written  
2006-05-16 - Amendment From Applicant Entered  
2006-04-25 - Communication received from applicant  
2006-04-25 - PAPER RECEIVED  
2005-12-21 - Non-final action e-mailed  
2005-12-21 - Amendment to Use approved  
2005-12-21 - Non-Final Action Written  
2005-12-19 - Assigned To Examiner  
2005-10-04 - Applicant amendment prior to exam entered  
2005-10-19 - Amendment to use processing complete  
2005-10-04 - Amendment to Use filed  
2005-10-04 - TEAS Amendment of Use Received  
2005-06-06 - New Application Entered In Tram

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**  
David S. Gooder

**Correspondent**  
DAVID S. GOODER  
BROWN-FORMAN BRANDS  
4040 CIVIC CENTER DRIVE, SUITE 528  
SAN RAFAEL, CA 94903  
Phone Number: 415 446 5225  
Fax Number: 415 446 5230

---

# EXHIBIT C

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

E. & J. GALLO WINERY,

Opposer,

v.

MIMULANI AG,

Applicant.

**Opposition No. 91181380**

Opposition No. 91181381

Opposition No. 91181383

Opposition No. 91181384

Opposition No. 91181385

Opposition No. 91181386

Opposition No. 91181388

**APPLICANT'S FIRST REQUEST FOR PRODUCTION**

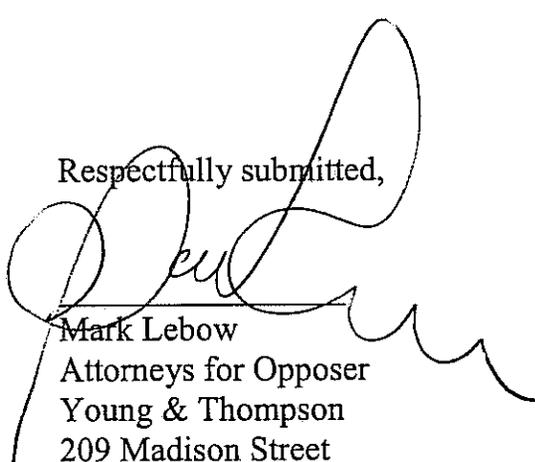
Please take notice that, pursuant to 37 C.F.R. §§ 2.116, 2.120 and Rules 26 and 34 of the Federal Rules of Civil Procedure, Applicant MIMULANI AG hereby requests that, within thirty (30) days of service of these requests, Opposer E. & J. GALLO WINERY produce for Applicant at the offices of Young & Thompson, 209 Madison Street, Suite 500, Alexandria, Virginia 22314, or at such other location as may be mutually agreed to by the parties, and there permit Applicant to inspect and copy the following documents and things as may be in the possession, custody or control of Applicant.

**REQUESTS**

1. All documents supporting the denial of any request for admission of Applicant's First Request for Admissions to Opposer.

2. All documents demonstrating any actual confusion between Applicant's GALLISS marks opposed in these proceedings and Opposer's GALLO marks upon which it relies in these proceedings.

Respectfully submitted,



Mark Lebow  
Attorneys for Opposer  
Young & Thompson  
209 Madison Street  
Suite 500  
Alexandria, VA 22314  
Tel: (703) 521-2297

August 6, 2008

CERTIFICATE OF SERVICE

I hereby certify that the foregoing APPLICANT'S FIRST REQUEST FOR PRODUCTION of documents and things was deposited as first class mail, postage prepaid, in an envelope addressed to Paul W. Reidl, Esq., E. & J. Gallo Winery, 600 Yosemite Boulevard, Modesto, CA 95354 this 6th day of August 2008.



Julie L. Goldenberg

# EXHIBIT D

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

E. & J. GALLO WINERY,

Opposer,

v.

MIMULANI AG,

Applicant.

**Opposition No. 91181380**

Opposition No. 91181381

Opposition No. 91181383

Opposition No. 91181384

Opposition No. 91181385

Opposition No. 91181386

Opposition No. 91181388

APPLICANT'S SECOND REQUEST FOR ADMISSIONS TO OPPOSER

Pursuant to the provisions of Federal Rule of Civil Procedure 36 and Rule 2.120 of the Trademark Rules, 37 C.F.R. § 2.120, Applicant MIMULANI AG requests that Opposer E. & J. GALLO WINERY timely respond to each of the below Requests for Admissions.

INSTRUCTIONS AND DEFINITIONS

1. "You," "your," and "Opposer," means E. & J. GALLO WINERY and any affiliate company of E. & J. GALLO WINERY, and any employee or agent of E. & J. GALLO WINERY.
2. "Opposer's Gallo Marks" means the marks owned by and relied upon by Opposer in this proceeding that include or are otherwise comprised of the wording GALLO or portion thereof.
3. If an Admission cannot be admitted or denied without qualification, specify which portion of the Admission is admitted or denied and state the reasons why the remainder of the Admission cannot be admitted or denied.

ADMISSIONS

59. Admit that the documents attached hereto as Exhibit A fairly and accurately represent web excerpts from the U. S. Patent and Trademark Office's (USPTO) TESS and TARR databases regarding U.S. Registration No. 2992639 for the mark PALAIS GALLIEN.

Response

60. Regarding the mark referenced in Request No. 59 above, admit that Opposer has not to date challenged the owner's declared intent to use said mark in commerce.

Response

61. Admit that the documents attached hereto as Exhibit B fairly and accurately represent web excerpts from the USPTO's TESS and TARR databases regarding U.S. Registration No. 2679551 for the mark GALLIANO.

Response

62. Admit that the documents attached hereto as Exhibit C fairly and accurately represent web excerpts from the USPTO's TESS and TARR databases regarding U.S. Registration No. 1036955 for the mark LIQUORE GALLIANO.

Response

63. Regarding the mark referenced in Request No. 62 above, admit that Opposer's lack of knowledge of use of said mark in commerce is based on a lack of interest or inquiry, and not due to an investigation by Opposer that determined said mark is not in use.

Response

64. Regarding the mark referenced in Request No. 62 above, admit that the USPTO's records reveal that the owner of the mark has alleged use in commerce and has provided specimens of use in support of said allegation.

Response

65. Admit that the documents attached hereto as Exhibit D fairly and accurately represent web excerpts from the U. S. Patent and Trademark Office's (USPTO) TESS and TARR databases regarding U.S. Registration No. 2896365 for the mark GALLERIA ITALIANA.

Response

66. Regarding the mark referenced in Request No. 65 above, admit that Opposer's lack of knowledge of use of said mark in commerce is based on a lack of interest or inquiry, and not due to an investigation by Opposer that determined said mark is not in use.

Response

67. Regarding the mark referenced in Request No. 65 above, admit that the USPTO's records reveal that the owner of the mark has alleged use in commerce and has provided specimens of use in support of said allegation.

Response

68. Admit that the documents attached hereto as Exhibit E fairly and accurately represent web excerpts from the U. S. Patent and Trademark Office's (USPTO) TESS and TARR databases regarding U.S. Registration No. 3328960 for the mark GALLANT KNIGHT.

Response

69. Regarding the mark referenced in Request No. 68 above, admit that Opposer's lack of knowledge of use of said mark in commerce is based on a lack of interest or inquiry, and not due to an investigation by Opposer that determined said mark is not in use.

Response

70. Regarding the mark referenced in Request No. 68 above, admit that the USPTO's records reveal that the owner of the mark has alleged use in commerce and has provided specimens of use in support of said allegation.

Response

71. Admit that the documents attached hereto as Exhibit F fairly and accurately represent web excerpts from the U. S. Patent and Trademark Office's (USPTO) TESS and TARR databases regarding U.S. Registration No. 2932427 for the mark T'GALLANT.

Response

72. Regarding the mark referenced in Request No. 71 above, admit that Opposer's lack of knowledge of use of said mark in commerce is based on a lack of interest or inquiry, and not due to an investigation by Opposer that determined said mark is not in use.

Response

73. Regarding the mark referenced in Request No. 71 above, admit that the USPTO's records reveal that the owner of the mark has alleged use in commerce and has provided specimens of use in support of said allegation.

Response

74. Admit that T'GALLANT wines are available in for sale in commerce, as demonstrated by a review of the website snooth.com and, in particular, the web pages located at <https://www.snooth.com/wines/t%27gallant/> (printouts attached as Exhibit G)

Response

75. Admit that the documents attached hereto as Exhibit H fairly and accurately represent web excerpts from the U. S. Patent and Trademark Office's (USPTO) TESS and TARR databases regarding U.S. Registration No. 2934354 for the mark TOP GALLANT.

Response

76. Regarding the mark referenced in Request No. 75 above, admit that Opposer's lack of knowledge of use of said mark in commerce is based on a lack of interest or inquiry, and not due to an investigation by Opposer that determined said mark is not in use.

Response

77. Regarding the mark referenced in Request No. 75 above, admit that Opposer has not to date challenged the owner's declared intent to use said mark in commerce.

Response

78. Admit that the documents attached hereto as Exhibit I fairly and accurately represent web excerpts from the U. S. Patent and Trademark Office's (USPTO) TESS and TARR databases regarding U.S. Registration No. 2691812 for the mark L. GALLARDO.

Response

79. Admit that the documents attached hereto as Exhibit J fairly and accurately represent web excerpts from the U. S. Patent and Trademark Office's (USPTO) TESS and TARR databases regarding U.S. Registration No. 2735738 for the mark GALLERON.

Response

80. Admit that the documents attached hereto as Exhibit K fairly and accurately represent web excerpts from the U. S. Patent and Trademark Office's (USPTO) TESS and TARR databases regarding U.S. Registration No. 2099244 for the mark GALANTE VINEYARDS.

Response

81. Regarding the mark referenced in Request No. 80 above, admit that Opposer's lack of knowledge of use of said mark in commerce is based on a lack of interest or inquiry, and not due to an investigation by Opposer that determined said mark is not in use.

Response

82. Regarding the mark referenced in Request No. 80 above, admit that the USPTO's records reveal that the owner of the mark has alleged use in commerce and has provided specimens of use in support of said allegation.

Response

83. Regarding the mark referenced in Request No. 80 above, admit that GALANTE VINEYARDS wines are available in for sale in commerce, as demonstrated by a review of the website snooth.com and, in particular, the web pages located at <https://www.snooth.com/wines/GALANTE/> (printouts attached as Exhibit L).

Response

84. Admit that the documents attached hereto as Exhibit M fairly and accurately represent web excerpts from the U. S. Patent and Trademark Office's (USPTO) TESS and TARR databases regarding U.S. Registration No. 1689225 for the mark GALESTRO.

Response

85. Regarding the mark referenced in Request No. 84 above, admit that Opposer's lack of knowledge of use of said mark in commerce is based on a lack of interest or inquiry, and not due to an investigation by Opposer that determined said mark is not in use.

Response

86. Regarding the mark referenced in Request No. 84 above, admit that the USPTO's records reveal that the owner of the mark has alleged use in commerce and has provided specimens of use in support of said allegation.

Response

87. Regarding the mark referenced in Request No. 84 above, admit that GALESTRO wines are available in for sale in commerce, as demonstrated by a review of the website [snooth.com](http://www.snooth.com) and, in particular, the web pages located at <https://www.snooth.com/wines/galestro/> (printouts attached as Exhibit N).

Response

88. Admit that the documents attached hereto as Exhibit O fairly and accurately represent web excerpts from the U. S. Patent and Trademark Office's (USPTO) TESS and TARR databases regarding U.S. Registration No. 1626216 for the mark LUIGI GALVANI.

Response

89. Regarding the mark referenced in Request No. 88 above, admit that Opposer's lack of knowledge of use of said mark in commerce is based on a lack of interest or inquiry, and not due to an investigation by Opposer that determined said mark is not in use.

Response

90. Regarding the mark referenced in Request No. 88 above, admit that the USPTO's records reveal that the owner of the mark has alleged use in commerce and has provided specimens of use in support of said allegation.

Response

91. Regarding the mark referenced in Request No. 88 above, admit that Opposer has not to date challenged the owner's declared intent to use said mark in commerce.

Response

92. Admit that the documents attached hereto as Exhibit P fairly and accurately represent web excerpts from the U. S. Patent and Trademark Office's (USPTO) TESS and TARR databases regarding U.S. Registration No. 2327060 for the mark GALARDON.

Response

93. Regarding the mark referenced in Request No. 92 above, admit that Opposer's lack of knowledge of use of said mark in commerce is based on a lack of interest or inquiry, and not due to an investigation by Opposer that determined said mark is not in use.

Response

94. Regarding the mark referenced in Request No. 92 above, admit that the USPTO's records reveal that the owner of the mark has alleged use in commerce and has provided specimens of use in support of said allegation.

Response

95. Admit that the documents attached hereto as Exhibit Q fairly and accurately represent web excerpts from the U. S. Patent and Trademark Office's (USPTO) TESS and TARR databases regarding U.S. Registration No. 3032659 for the mark GALCIBAR.

Response

96. Regarding the mark referenced in Request No. 95 above, admit that Opposer's lack of knowledge of use of said mark in commerce is based on a lack of interest or inquiry, and not due to an investigation by Opposer that determined said mark is not in use.

Response

97. Regarding the mark referenced in Request No. 95 above, admit that the USPTO's records reveal that the owner of the mark has alleged use in commerce and has provided specimens of use in support of said allegation.

Response

98. Admit that GALCIBAR wines are available in for sale in commerce, as demonstrated by a review of the website donpeperestaurants.com and, in particular, the web pages located at <http://www.donpeperestaurants.com/sh/PrintRedWine.htm> (printouts attached as Exhibit R).

Response

99. Admit that the documents attached hereto as Exhibit S fairly and accurately represent web excerpts from the U. S. Patent and Trademark Office's (USPTO) TESS and TARR databases regarding U.S. Registration No. 2720698 for the mark GALENA CELLARS.

Response

100. Regarding the mark referenced in Request No. 99 above, admit that Opposer's lack of knowledge of use of said mark in commerce is based on a lack of interest or inquiry, and not due to an investigation by Opposer that determined said mark is not in use.

Response

101. Regarding the mark referenced in Request No. 99 above, admit that the USPTO's records reveal that the owner of the mark has alleged use in commerce and has provided specimens of use in support of said allegation.

Response

102. Regarding the mark referenced in Request No. 99 above, admit that GALENA CELLARS wines are available in for sale in commerce, as demonstrated by a review of the website donpeperestaurants.com and, in particular, the web pages located at <https://www.snooth.com/wines/galena/> (printouts attached as Exhibit T).

Response

103. Admit that the documents attached hereto as Exhibit U fairly and accurately represent web excerpts from the U. S. Patent and Trademark Office's (USPTO) TESS and TARR databases regarding U.S. Registration No. 3407520 for the mark GALINDO.

Response

104. Regarding the mark referenced in Request No. 103 above, admit that Opposer's lack of knowledge of use of said mark in commerce is based on a lack of interest or inquiry, and not due to an investigation by Opposer that determined said mark is not in use.

Response

105. Regarding the mark referenced in Request No. 103 above, admit that the USPTO's records reveal that the owner of the mark has alleged use in commerce and has provided specimens of use in support of said allegation.

Response

106. Admit that the documents attached hereto as Exhibit V fairly and accurately represent web excerpts from the U. S. Patent and Trademark Office's (USPTO) TESS and TARR databases regarding U.S. Registration No. 3133819 for the mark WHISKY GALORE.

Response

107. Regarding the mark referenced in Request No. 106 above, admit that Opposer's lack of knowledge of use of said mark in commerce is based on a lack of interest or inquiry, and not due to an investigation by Opposer that determined said mark is not in use.

Response

108. Regarding the mark referenced in Request No. 106 above, admit that the USPTO's records reveal that the owner of the mark has alleged use in commerce and has provided specimens of use in support of said allegation.

Response

109. Admit that the documents attached hereto as Exhibit W fairly and accurately represent web excerpts from the U. S. Patent and Trademark Office's (USPTO) TESS and TARR databases regarding U.S. Registration No. 3056462 for the mark GALERIA VIEJA.

Response

110. Regarding the mark referenced in Request No. 109 above, admit that Opposer's lack of knowledge of use of said mark in commerce is based on a lack of interest or inquiry, and not due to an investigation by Opposer that determined said mark is not in use.

Response

111. Regarding the mark referenced in Request No. 109 above, admit that the USPTO's records reveal that the owner of the mark has alleged use in commerce and has provided specimens of use in support of said allegation.

Response

112. Admit that the documents attached hereto as Exhibit X fairly and accurately represent web excerpts from the U. S. Patent and Trademark Office's (USPTO) TESS and TARR databases regarding U.S. Registration No. 3232488 for the mark GALA ROUGE.

Response

113. Regarding the mark referenced in Request No. 112 above, admit that Opposer's lack of knowledge of use of said mark in commerce is based on a lack of interest or inquiry, and not due to an investigation by Opposer that determined said mark is not in use.

Response

114. Regarding the mark referenced in Request No. 112 above, admit that the USPTO's records reveal that the owner of the mark has alleged use in commerce and has provided specimens of use in support of said allegation.

Response

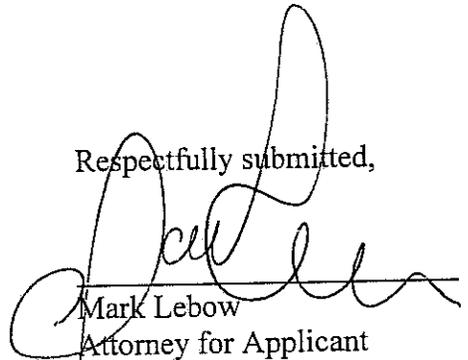
115. Admit that Opposer monitors applications published in the USPTO in order to challenge any published marks it believes could cause a likelihood of confusion with its GALLO marks.

Response

116. Admit that Opposer monitors applications published in the USPTO and does not oppose marks it does not believe are likely to cause confusion.

Response

Respectfully submitted,

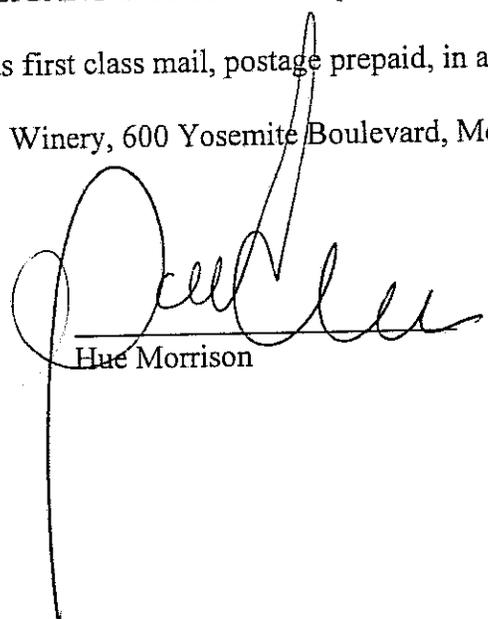


Mark Lebow  
Attorney for Applicant  
Young & Thompson  
209 Madison Street, Suite 500  
Alexandria, VA 22314  
Tel: (703) 521-2297

October 15, 2008

CERTIFICATE OF SERVICE

I hereby certify that the foregoing APPLICANT'S SECOND REQUEST FOR ADMISSIONS TO OPPOSER was deposited as first class mail, postage prepaid, in an envelope addressed to Paul W. Reidl, Esq., E. & J. Gallo Winery, 600 Yosemite Boulevard, Modesto, CA 95354 this 15th day of October 2008.



Hue Morrison

# EXHIBIT A

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2008-10-14 16:18:55 ET

Serial Number: 79000837 Assignment Information      Trademark Document Retrieval

Registration Number: 2992639

Mark

# PALAIS GALLIEN

(words only): PALAIS GALLIEN

Standard Character claim: No

Current Status: Registered.

Date of Status: 2005-09-06

Filing Date: 2004-01-08

Transformed into a National Application: No

Registration Date: 2005-09-06

Register: Principal

Law Office Assigned: LAW OFFICE 110

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)

Current Location: 650 -Publication And Issue Section

Date In Location: 2005-09-06

---

## LAST APPLICANT(S)/OWNER(S) OF RECORD

1. G.V.G. - GRANDS VINS DE GIRONDE Société par actions simplifiée

**Address:**

G.V.G. - GRANDS VINS DE GIRONDE Société par actions simplifiée  
Domaine du Ribet F-33450 SAINT-LOUBES  
France

**Legal Entity Type:** Unknown

**State or Country Where Organized:** (NOT AVAILABLE)

---

## GOODS AND/OR SERVICES

**International Class:** 033

**Class Status:** Active

Wines

**Basis:** 66(a)

**First Use Date:** (DATE NOT AVAILABLE)

**First Use in Commerce Date:** (DATE NOT AVAILABLE)

---

#### ADDITIONAL INFORMATION

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**Translation:** The English translation of the mark is GALLIEN PALACE.

---

#### MADRID PROTOCOL INFORMATION

---

**International Registration Number:** 0446701

**International Registration Date:** 1979-08-06

**Priority Claimed:** No

**Date of Section 67 Priority Claim:** (DATE NOT AVAILABLE)

**International Registration Status:** Request For Extension Of Protection Processed

**Date of International Registration Status:** 2004-02-26

**International Registration Renewal Date:** 2009-08-06

**Notification of Designation Date:** 2004-02-26

**Date of Automatic Protection:** 2005-08-26

**Date International Registration Cancelled:** (DATE NOT AVAILABLE)

**First Refusal:** Yes

---

#### PROSECUTION HISTORY

---

**NOTE:** To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-06-19 - Change Of Owner Received From IB

2006-08-10 - Final Decision Transaction Processed By IB

2006-07-10 - Final Disposition Notice Sent To IB

2006-07-07 - Final Disposition Processed

2006-05-16 - Final Disposition Notice Created, To Be Sent To IB

2005-11-07 - TEAS Change Of Correspondence Received

2005-09-06 - Registered - Principal Register

2005-06-14 - Published for opposition

2005-05-25 - Notice of publication

2005-05-16 - PAPER RECEIVED

2005-03-01 - Law Office Publication Review Completed

2005-02-25 - Assigned To LIE

2005-02-22 - Approved for Pub - Principal Register (Initial exam)

2005-02-19 - Amendment From Applicant Entered  
2005-01-28 - Communication received from applicant  
2005-01-28 - PAPER RECEIVED  
2004-10-07 - Refusal Processed By IB  
2004-09-03 - Non-final action mailed  
2004-07-29 - Assigned To Examiner  
2004-03-02 - New Application Entered In Tram  
2004-02-26 - Sn Assigned For Sect 66a Subseq Desig From IB

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Correspondent**  
SODEMA CONSEILS S.A.  
67 boulevard Haussmann  
F-75008 PARIS, France

---



United States Patent and Trademark Office

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## Trademarks > Trademark Electronic Search System (TESS)

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### Record 1 out of 1

[TARR Status](#) [ASSIGN Status](#) [TDR](#) [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)

# PALAIS GALLIE

<b>Word Mark</b>	PALAIS GALLIEN
<b>Translations</b>	The English translation of the mark is GALLIEN PALACE.
<b>Goods and Services</b>	IC 033. US 047 049. G & S: Wines
<b>Mark Drawing Code</b>	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
<b>Serial Number</b>	79000837
<b>Filing Date</b>	January 8, 2004
<b>Current Filing Basis</b>	66A
<b>Original Filing Basis</b>	66A
<b>Published for Opposition</b>	June 14, 2005
<b>Registration Number</b>	2992639
<b>International Registration Number</b>	0446701
<b>Registration Date</b>	September 6, 2005
<b>Owner</b>	(REGISTRANT) G.V.G. - GRANDS VINS DE GIRONDE Société anonyme société anonyme FRANCE Domaine du Ribet F-33450 SAINT-LOUBES FRANCE  (LAST LISTED OWNER) G.V.G. - GRANDS VINS DE GIRONDE Société par actions simplifiée UNKNOWN Domaine du Ribet F-33450 SAINT-LOUBES FRANCE
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

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## **EXHIBIT B**

**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 2008-10-14 16:20:11 ET**

**Serial Number:** 76072002 Assignment Information      Trademark Document Retrieval

**Registration Number:** 2679551

**Mark (words only):** GALLIANO

**Standard Character claim:** No

**Current Status:** Section 8 and 15 affidavits have been accepted and acknowledged.

**Date of Status:** 2008-02-07

**Filing Date:** 2000-06-16

**Transformed into a National Application:** No

**Registration Date:** 2003-01-28

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 101

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov**

**Current Location:** 830 -Post Registration

**Date In Location:** 2008-02-07

---

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. GALLIANO B.V.

**Address:**

GALLIANO B.V.  
PAULUS POTTERSTRAAT 14  
1071 CZ AMSTERDAM  
Netherlands

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Netherlands

---

**GOODS AND/OR SERVICES**

---

**International Class:** 033

**Class Status:** Active

Alcoholic beverages, namely liqueurs

**Basis:** 1(a)

**First Use Date:** 1900-00-00

**First Use in Commerce Date:** 1934-00-00

---

### ADDITIONAL INFORMATION

---

**Prior Registration Number(s):**

682296

1124999

2149943

---

### MADRID PROTOCOL INFORMATION

---

(NOT AVAILABLE)

---

### PROSECUTION HISTORY

---

**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2008-09-17 - Assignment Of Ownership Not Updated Automatically

2008-02-07 - Section 8 (6-year) accepted & Section 15 acknowledged

2008-01-31 - Assigned To Paralegal

2008-01-30 - Automatic Update Of Assignment Of Ownership

2008-01-28 - TEAS Section 8 & 15 Received

2008-01-07 - Case File In TICRS

2007-12-11 - TEAS Change Of Correspondence Received

2006-08-30 - Review Of Correspondence Complete

2006-08-21 - PAPER RECEIVED

2003-01-28 - Registered - Principal Register

2002-05-22 - Extension Of Time To Oppose Received

2002-04-23 - Published for opposition

2002-04-03 - Notice of publication

2001-12-03 - Approved for Pub - Principal Register (Initial exam)

2001-11-29 - Examiner's amendment mailed  
2001-11-15 - Previous allowance count withdrawn  
2001-06-30 - Approved for Pub - Principal Register (Initial exam)  
2001-02-01 - Communication received from applicant  
2001-01-11 - Non-final action mailed  
2000-11-28 - Assigned To Examiner

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

Lawrence E. Abelman

**Correspondent**

Lawrence E. Abelman  
Abelman Frayne and Schwab  
666 THIRD AVENUE  
New York NY 10017  
Phone Number: 212-949-9022  
Fax Number: 212-949-9190

**Domestic Representative**

LAWRENCE E. ABELMAN  
Phone Number: 212-9499022  
Fax Number: 212-9499190

---



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**Word Mark** GALLIANO  
**Goods and Services** IC 033. US 047 049. G & S: Alcoholic beverages, namely liqueurs. FIRST USE: 19000000. FIRST USE IN COMMERCE: 19340000  
**Mark Drawing Code** (1) TYPED DRAWING  
**Serial Number** 76072002  
**Filing Date** June 16, 2000  
**Current Filing Basis** 1A  
**Original Filing Basis** 1A  
**Published for Opposition** April 23, 2002  
**Registration Number** 2679551  
**Registration Date** January 28, 2003  
**Owner** (REGISTRANT) Remy Finance B.V. CORPORATION NETHERLANDS Kneuterdijk 15 2514 EM'S-GRAVENHAGE, PAYS BAS NETHERLANDS  
  
(LAST LISTED OWNER) GALLIANO B.V. CORPORATION NETHERLANDS PAULUS POTTERSTRAAT 14 1071 CZ AMSTERDAM NETHERLANDS  
  
**Assignment Recorded** ASSIGNMENT RECORDED  
**Attorney of Record** Lawrence E. Abelman  
**Prior Registrations** 0682296;1124999;2149943;AND OTHERS  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Affidavit Text** SECT 15. SECT 8 (6-YR).  
**Live/Dead Indicator** LIVE

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# **EXHIBIT C**

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2008-10-14 16:20:33 ET

Serial Number: 73053069 Assignment Information      Trademark Document Retrieval

Registration Number: 1036955

Mark (words only): LIQUORE GALLIANO

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2006-04-16

Filing Date: 1975-05-22

Transformed into a National Application: No

Registration Date: 1976-03-30

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2007-10-10

---

#### LAST APPLICANT(S)/OWNER(S) OF RECORD

---

1. REMY FINANCE B.V.

**Address:**

REMY FINANCE B.V.  
KNEUTERDYK 15  
2514 EM DEN HAAG  
Netherlands

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Delaware

---

#### GOODS AND/OR SERVICES

---

**International Class:** 033

**Class Status:** Active

ALCOHOLIC LIQUEUR

**Basis:** 1(a)

**First Use Date:** 1934-00-00

**First Use in Commerce Date:** 1934-00-00

---

### ADDITIONAL INFORMATION

---

**Disclaimer:** APPLICANT CLAIMS NO EXCLUSIVE RIGHTS IN "LIQUORE" AS THE NAME OF THE GOODS IDENTIFIED HEREIN.

**Prior Registration Number(s):**

325782

856677

---

### MADRID PROTOCOL INFORMATION

---

(NOT AVAILABLE)

---

### PROSECUTION HISTORY

---

**NOTE:** To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-09-17 - Assignment Of Ownership Not Updated Automatically

2007-12-11 - TEAS Change Of Correspondence Received

2007-10-10 - Case File In TICRS

2006-08-30 - Review Of Correspondence Complete

2006-08-21 - PAPER RECEIVED

2006-04-16 - Second renewal 10 year

2006-04-16 - Section 8 (10-year) accepted/ Section 9 granted

2006-04-11 - Assigned To Paralegal

2006-02-22 - Combined Section 8 (10-year)/Section 9 filed

2006-02-22 - PAPER RECEIVED

1996-06-13 - First renewal 10 year

1996-03-08 - Section 9 filed/check record for Section 8

1981-06-29 - Section 8 (6-year) accepted & Section 15 acknowledged

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

BRIAN B. DARVILLE

**Correspondent**

NINA STEINMAN, TRADEMARK ADMINISTRATOR

Abelman Frayne and Schwab

666 Third Avenue 10th Floor

New York NY 10017

Phone Number: 212-949-9022

Fax Number: 212-949-9190

**Domestic Representative**

ABELMAN, FRAYNE & SCHWAB

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#### Typed Drawing

<b>Word Mark</b>	LIQUORE GALLIANO
<b>Goods and Services</b>	IC 033. US 049. G & S: ALCOHOLIC LIQUEUR. FIRST USE: 19340000. FIRST USE IN COMMERCE: 19340000
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	73053069
<b>Filing Date</b>	May 22, 1975
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Registration Number</b>	1036955
<b>Registration Date</b>	March 30, 1976
<b>Owner</b>	(REGISTRANT) FOREMOST-MCKESSON, INC. DBA MCKESSON LIQUOR COMPANY CORPORATION MARYLAND CROCKER PLAZA 1 POST ST. SAN FRANCISCO CALIFORNIA 94104  (LAST LISTED OWNER) REMY FINANCE B.V. CORPORATION ASSIGNEE OF DELAWARE KNEUTERDYK 15 2514 EM DEN HAAG NETHERLANDS
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	BRIAN B. DARVILLE
<b>Prior Registrations</b>	0325782;0856677;AND OTHERS
<b>Disclaimer</b>	APPLICANT CLAIMS NO EXCLUSIVE RIGHTS IN "LIQUORE" AS THE NAME OF THE GOODS IDENTIFIED HEREIN.
<b>Type of Mark Register</b>	TRADEMARK PRINCIPAL

**Affidavit Text**    SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20060416.  
**Renewal**            2ND RENEWAL 20060416  
**Live/Dead  
Indicator**          LIVE

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# EXHIBIT D

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2008-10-14 16:21:46 ET

Serial Number: 78181008 Assignment Information Trademark Document Retrieval

Registration Number: 2896365

Mark (words only): GALLERIA ITALIANA

Standard Character claim: No

Current Status: Registered.

Date of Status: 2004-10-19

Filing Date: 2002-11-01

Transformed into a National Application: No

Registration Date: 2004-10-19

Register: Principal

Law Office Assigned: LAW OFFICE 116

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2004-09-09

---

#### LAST APPLICANT(S)/OWNER(S) OF RECORD

---

1. Distillerie Franciacorta S.P.A.

**Address:**

Distillerie Franciacorta S.P.A.

Via Mandolossa 80

25064 Gussago (BS)

Italy

**Legal Entity Type:** Italian Joint-Stock Company

**State or Country Where Organized:** Italy

**Phone Number:** (312) 368-1300

**Fax Number:** (312) 368-0034

---

#### GOODS AND/OR SERVICES

---

**International Class:** 033

**Class Status:** Active

DISTILLED SPIRITS, LIQUEURS AND CREAMY LIQUEURS

**Basis:** 1(a)

**First Use Date:** 2003-03-14

**First Use in Commerce Date:** 2003-03-14

---

### ADDITIONAL INFORMATION

---

**Disclaimer:** "ITALIANA"

**Translation:** The mark translates into English to mean "Italian gallery" or "Italian tunnel".

---

### MADRID PROTOCOL INFORMATION

---

(NOT AVAILABLE)

---

### PROSECUTION HISTORY

---

**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2004-10-19 - Registered - Principal Register

2004-08-19 - Law Office Registration Review Completed

2004-08-16 - Assigned To LIE

2004-08-10 - Allowed for Registration - Principal Register (SOU accepted)

2004-07-22 - Assigned To Examiner

2004-07-01 - Statement of use processing complete

2004-07-01 - Amendment to Use filed

2004-07-01 - PAPER RECEIVED

2004-02-24 - Notice of allowance - mailed

2003-12-02 - Published for opposition

2003-11-12 - Notice of publication

2003-09-29 - Approved for Pub - Principal Register (Initial exam)

2003-08-12 - Communication received from applicant

2003-08-12 - TEAS Response to Office Action Received

2003-08-12 - TEAS Change Of Correspondence Received

2003-03-28 - Non-final action e-mailed

2003-03-25 - Assigned To Examiner

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

James B. Conte

**Correspondent**

James B. Conte

BARNES & THORNBURG

P.O. Box 2786

Chicago IL 60690-2786

Phone Number: (312) 214-4805

Fax Number: 312-759-5646

**Domestic Representative**

James B. Conte

Phone Number: (312) 368-1300

Fax Number: (312) 368-0034

---



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<b>Word Mark</b>	GALLERIA ITALIANA
<b>Translations</b>	The mark translates into English to mean "Italian gallery" or "Italian tunnel".
<b>Goods and Services</b>	IC 033. US 047 049. G & S: DISTILLED SPIRITS, LIQUEURS AND CREAMY LIQUEURS. FIRST USE: 20030314. FIRST USE IN COMMERCE: 20030314
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	78181008
<b>Filing Date</b>	November 1, 2002
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	December 2, 2003
<b>Registration Number</b>	2896365
<b>Registration Date</b>	October 19, 2004
<b>Owner</b>	(REGISTRANT) Distillerie Franciacorta S.P.A. Italian Joint-Stock Company ITALY Via Mandolossa 80 25064 Gussago (BS) ITALY
<b>Attorney of Record</b>	James B. Conte
<b>Disclaimer</b>	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ITALIANA" APART FROM THE MARK AS SHOWN
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

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# EXHIBIT E

**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 2008-10-14 16:22:15 ET**

**Serial Number: 77148106 Assignment Information      Trademark Document Retrieval**

**Registration Number: 3328960**

**Mark**

**GALLANT KNIGHT**

**(words only): GALLANT KNIGHT**

**Standard Character claim: Yes**

**Current Status: Registered.**

**Date of Status: 2007-11-06**

**Filing Date: 2007-04-04**

**Filed as TEAS Plus Application: Yes**

**Currently TEAS Plus Application: Yes**

**Transformed into a National Application: No**

**Registration Date: 2007-11-06**

**Register: Principal**

**Law Office Assigned: LAW OFFICE 103**

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov**

**Current Location: 650 -Publication And Issue Section**

**Date In Location: 2007-11-06**

---

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. Weigle, Charles Vicki

**Address:**

Weigle, Charles Vicki  
11050 Highway 90  
Little River, SC 28566  
United States

**Legal Entity Type:** Individual**Country of Citizenship:** United States**Phone Number:** (843) 399-9463

---

**GOODS AND/OR SERVICES**

---

**International Class:** 033**Class Status:** Active

Wine

**Basis:** 1(a)**First Use Date:** 2003-06-11**First Use in Commerce Date:** 2003-06-11

---

**ADDITIONAL INFORMATION**

---

(NOT AVAILABLE)

---

**MADRID PROTOCOL INFORMATION**

---

(NOT AVAILABLE)

---

**PROSECUTION HISTORY**

---

**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2007-11-06 - Registered - Principal Register

2007-08-21 - Published for opposition

2007-08-01 - Notice of publication

2007-07-13 - Law Office Publication Review Completed

2007-07-13 - Assigned To LIE

2007-06-08 - Approved for Pub - Principal Register (Initial exam)

2007-06-01 - Assigned To Examiner

2007-04-09 - New Application Entered In Tram

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

Jeremy C. Whitley

**Correspondent**

JEREMY C. WHITLEY  
NELSON MULLINS RILEY & SCARBOROUGH LLP  
1320 MAIN ST FL 17  
COLUMBIA, SC 29201-3204  
Phone Number: (803) 799-2000  
Fax Number: (803) 255-9831

---



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# GALLANT KNIGHT

<b>Word Mark</b>	GALLANT KNIGHT
<b>Goods and Services</b>	IC 033. US 047 049. G & S: Wine. FIRST USE: 20030611. FIRST USE IN COMMERCE: 20030611
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	77148106
<b>Filing Date</b>	April 4, 2007
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	August 21, 2007
<b>Registration Number</b>	3328960
<b>Registration Date</b>	November 6, 2007
<b>Owner</b>	(REGISTRANT) Weigle, Charles Vicki INDIVIDUAL UNITED STATES 11050 Highway 90 Little River SOUTH CAROLINA 28566
<b>Attorney of Record</b>	Jeremy C. Whitley
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

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**EXHIBIT F**

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2008-10-14 16:23:31 ET

Serial Number: 76536017 Assignment Information      Trademark Document Retrieval

Registration Number: 2932427

Mark (words only): T'GALLANT

Standard Character claim: No

Current Status: Registered.

Date of Status: 2005-03-15

Filing Date: 2003-08-11

Transformed into a National Application: No

Registration Date: 2005-03-15

Register: Principal

Law Office Assigned: LAW OFFICE 113

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: L8D -TMEG Law Office 108 - Docket Clerk

Date In Location: 2005-03-04

---

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. T'Gallant Winemakers Pty Ltd

**Address:**

T'Gallant Winemakers Pty Ltd  
54 Railway Road  
Blackburn, Victoria 3130  
Australia

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Australia

---

**GOODS AND/OR SERVICES**

---

**International Class:** 033

**Class Status:** Active

WINES

**Basis:** 44(e)

**First Use Date:** (DATE NOT AVAILABLE)

**First Use in Commerce Date:** (DATE NOT AVAILABLE)

---

### ADDITIONAL INFORMATION

---

**Foreign Application Number:** 942950

**Foreign Registration Number:** 942950

**Foreign Registration Date:** 2003-02-10

**Country:** Australia

**Foreign Filing Date:** 2003-02-10

**Foreign Expiration Date:** 2013-02-10

---

### MADRID PROTOCOL INFORMATION

---

(NOT AVAILABLE)

---

### PROSECUTION HISTORY

---

**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2007-10-11 - Attorney Revoked And/Or Appointed

2007-10-11 - TEAS Revoke/Appoint Attorney Received

2005-03-15 - Registered - Principal Register

2004-12-21 - Published for opposition

2004-12-01 - Notice of publication

2004-10-19 - Law Office Publication Review Completed

2004-10-13 - Assigned To LIE

2004-10-13 - Assigned To LIE

2004-09-27 - Approved for Pub - Principal Register (Initial exam)

2004-09-02 - ITU claim deleted

2004-09-23 - Amendment From Applicant Entered

2004-09-02 - Communication received from applicant

2004-09-02 - PAPER RECEIVED

2004-03-02 - Non-final action mailed

2004-03-01 - Assigned To Examiner

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

Gary D. Krugman

**Correspondent**

Gary D. Krugman

Sughrue Mion, PLLC

2100 Pennsylvania Avenue, N.W.

Washington DC 20037-3213

Phone Number: 202-293-7060

Fax Number: 202-293-7860

**Domestic Representative**

Gary D. Krugman

Phone Number: 202-293-7060

Fax Number: 202-293-7860

---



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**Word Mark** T'GALLANT  
**Goods and Services** IC 033. US 047 049. G & S: WINES  
**Mark Drawing Code** (1) TYPED DRAWING  
**Serial Number** 76536017  
**Filing Date** August 11, 2003  
**Current Filing Basis** 44E  
**Original Filing Basis** 1B;44D  
**Published for Opposition** December 21, 2004  
**Registration Number** 2932427  
**Registration Date** March 15, 2005  
**Owner** (REGISTRANT) T'Gallant Winemakers Pty Ltd CORPORATION AUSTRALIA 54 Railway Road Blackburn, Victoria 3130 AUSTRALIA  
**Attorney of Record** Gary D. Krugman  
**Priority Date** February 10, 2003  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

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**Body**

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**Mailing Address:**

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419 Lafayette St, Floor 2  
New York, NY 10003

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<http://www.snooth.com/contact/>

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For this week's Wine and Music pairing, I have included two Chilean products that go fantastically together and truly demonstrate the potency of regional pairing. Chile is also the home of Aurelio Montes, owner of Vina Montes who plays monastic chants to his wines, and who commissioned the recently published Heriot Watt study which proves [...]

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t'gallant

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## Results 1-9 for T'gallant *(remove)*

Filter By:

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Sort By:

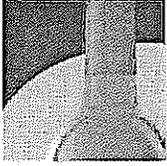
Refine Your Search:

Price

from US\$0 to US\$250+

Vintage

wines from any vintage



US \$16<sup>82</sup>

**T'Gallant Pinot Grigio NV**

Winery:

T'Gallant

Varietal:

Pinot Grigio

Region:

South East Australia > Victoria

Type:

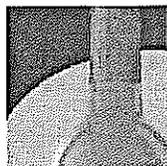
Dessert/Fortified

Color:

White

User Tags:

- 0.5
- 1
- 1.5
- 2
- 2.5
- 3
- 3.5
- 4
- 4.5
- 5



US \$14<sup>88</sup>

**T'gallant Moscato NV**

Winery:

T'Gallant

Varietal:

Muscat Blanc

Region:

South East Australia > Victoria

Type:

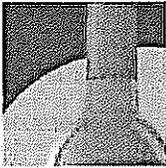
Dessert/Fortified

Color:

White

User Tags:

- 0.5
- 1
- 1.5
- 2
- 2.5
- 3
- 3.5
- 4
- 4.5
- 5



US \$14<sup>.96</sup>

**T'Gallant Chardonnay 2002**

Winery:

T'Gallant

Varietal:

Chardonnay

Region:

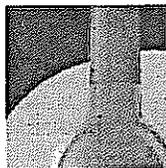
South East Australia > Victoria

Type:

White Wine

User Tags:

- 0.5
- 1
- 1.5
- 2
- 2.5
- 3
- 3.5
- 4
- 4.5
- 5



US \$14.<sup>55</sup>

**T'Gallant Imogen Pinot Gris 2005**

Winery:

T'Gallant

Varietal:

Pinot Grigio

Region:

South East Australia > Victoria

Type:

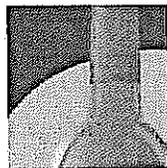
Dessert/Fortified

Color:

White

User Tags:

- 0.5
- 1
- 1.5
- 2
- 2.5
- 3
- 3.5
- 4
- 4.5
- 5



US \$20.<sup>21</sup>

**T'Gallant Tribute Pinot Gris 2005**

Winery:

T'Gallant

Varietal:

Pinot Grigio

Region:

South East Australia > Victoria

Type:

Dessert/Fortified

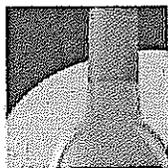
Color:

White

User Tags:

- 0.5
- 1
- 1.5
- 2
- 2.5
- 3

- 3.5
- 4
- 4.5
- 5



US \$14.<sup>96</sup>

**T'gallant Celia's White Pinot 2001**

Winery:

T'Gallant

Varietal:

Pinot Noir

Region:

South East Australia > Victoria

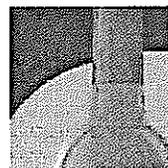
Type:

Color:

White

User Tags:

- 0.5
- 1
- 1.5
- 2
- 2.5
- 3
- 3.5
- 4
- 4.5
- 5



US \$13.<sup>46</sup>

**T'Gallant Imogen Pinot Gris 2003**

Winery:

T'Gallant

Varietal:

Pinot Grigio

Region:

South East Australia > Victoria

Type:

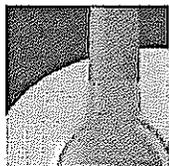
Dessert/Fortified

Color:

White

User Tags:

- 0.5
- 1
- 1.5
- 2
- 2.5
- 3
- 3.5
- 4
- 4.5
- 5



US \$13<sup>46</sup>

**T'Gallant Pinot Grigio 2003**

Winery:

T'Gallant

Varietal:

Pinot Grigio

Region:

South East Australia > Victoria

Type:

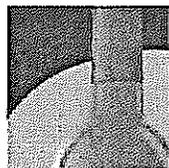
Dessert/Fortified

Color:

White

User Tags:

- 0.5
- 1
- 1.5
- 2
- 2.5
- 3
- 3.5
- 4
- 4.5
- 5



US \$20<sup>21</sup>

**T'Gallant Tribute Pinot Gris 2002**

Winery:

T'Gallant

Varietal:

Pinot Grigio

Region:

South East Australia > Victoria

Type:

Dessert/Fortified

Color:

White

User Tags:

- 0.5
- 1
- 1.5
- 2
- 2.5
- 3
- 3.5
- 4
- 4.5
- 5

1

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For this week's Wine and Music pairing, I have included two Chilean products that go fantastically together and truly demonstrate the potency of regional pairing. Chile is also the home of Aurelio Montes, owner of Vina Montes who plays monastic chants to his wines, and who commissioned the recently published Heriot Watt study which proves [...]

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# EXHIBIT H

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2008-10-14 16:25:23 ET

Serial Number: 76536016 Assignment Information      Trademark Document Retrieval

Registration Number: 2934354

Mark (words only): TOP GALLANT

Standard Character claim: No

Current Status: Registered.

Date of Status: 2005-03-22

Filing Date: 2003-08-11

Transformed into a National Application: No

Registration Date: 2005-03-22

Register: Principal

Law Office Assigned: LAW OFFICE 113

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2005-03-22

---

#### LAST APPLICANT(S)/OWNER(S) OF RECORD

---

1. T'Gallant Winemakers Pty Ltd

**Address:**

T'Gallant Winemakers Pty Ltd  
54 Railway Road  
Blackburn, Victoria 3130  
Australia

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Australia

---

#### GOODS AND/OR SERVICES

---

**International Class:** 033

**Class Status:** Active

WINES

**Basis:** 44(e)

**First Use Date:** (DATE NOT AVAILABLE)

**First Use in Commerce Date:** (DATE NOT AVAILABLE)

---

### ADDITIONAL INFORMATION

---

**Foreign Application Number:** 942946

**Foreign Registration Number:** 942946

**Foreign Registration Date:** 2003-02-10

**Country:** Australia

**Foreign Filing Date:** 2003-02-10

**Foreign Expiration Date:** 2013-02-10

---

### MADRID PROTOCOL INFORMATION

---

(NOT AVAILABLE)

---

### PROSECUTION HISTORY

---

**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2007-10-11 - Attorney Revoked And/Or Appointed

2007-10-11 - TEAS Revoke/Appoint Attorney Received

2005-03-22 - Registered - Principal Register

2004-12-28 - Published for opposition

2004-12-08 - Notice of publication

2004-10-20 - Law Office Publication Review Completed

2004-10-14 - Assigned To LIE

2004-09-29 - Approved for Pub - Principal Register (Initial exam)

2004-09-02 - ITU claim deleted

2004-09-23 - Amendment From Applicant Entered

2004-09-02 - Communication received from applicant

2004-09-02 - PAPER RECEIVED

2004-03-30 - Non-final action mailed

2003-10-03 - Communication received from applicant

2004-03-02 - Non-final action mailed

2004-03-01 - Assigned To Examiner

2003-10-03 - PAPER RECEIVED

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

Gary D. Krugman

**Correspondent**

Gary D. Krugman

Sughrue Mion, PLLC

2100 Pennsylvania Avenue, N.W.

Washington DC 20037-3213

Phone Number: 202-293-7060

Fax Number: 202-293-7860

**Domestic Representative**

Gary D. Krugman

Phone Number: 202-293-7060

Fax Number: 202-293-7860

---



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Word Mark	TOP GALLANT
Goods and Services	IC 033. US 047 049. G & S: WINES
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	76536016
Filing Date	August 11, 2003
Current Filing Basis	44E
Original Filing Basis	1B;44D
Published for Opposition	December 28, 2004
Registration Number	<b>2934354</b>
Registration Date	March 22, 2005
Owner	(REGISTRANT) T'Gallant Winemakers Pty Ltd CORPORATION AUSTRALIA 54 Railway Road Blackburn, Victoria 3130 AUSTRALIA
Attorney of Record	Gary D. Krugman
Priority Date	February 10, 2003
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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# EXHIBIT I

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2008-10-14 16:26:22 ET

Serial Number: 75711455 Assignment Information Trademark Document Retrieval

Registration Number: 2691812

Mark (words only): L. GALLARDO

Standard Character claim: No

Current Status: Registered.

Date of Status: 2003-03-04

Filing Date: 1999-05-21

Transformed into a National Application: No

Registration Date: 2003-03-04

Register: Principal

Law Office Assigned: LAW OFFICE 101

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2008-04-16

---

#### LAST APPLICANT(S)/OWNER(S) OF RECORD

---

1. Tequila Cuervo La Rojena, S.A. De C.V.

**Address:**

Tequila Cuervo La Rojena, S.A. De C.V.  
Circunvalacion Sur #44 A Fraccionamiento Las Fuentes Zapopan Jalisco  
Codigo 45070  
Mexico

**Legal Entity Type:** Corporation  
**State or Country of Incorporation:** Mexico

---

#### GOODS AND/OR SERVICES

---

**International Class:** 033

**Class Status:** Active

Tequila

**Basis:** 1(a)

**First Use Date:** 1996-04-00

**First Use in Commerce Date:** 1996-04-00

---

### ADDITIONAL INFORMATION

---

**Name Portrait Consent:** The name "L. GALLARDO" does not identify a particular living individual.

**Translation:** The word "GALLARDO" may be translated into English as "gallant", or "bold".

**Section 2(f)**

---

### MADRID PROTOCOL INFORMATION

---

(NOT AVAILABLE)

---

### PROSECUTION HISTORY

---

**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2008-04-16 - Case File In TICRS

2006-09-23 - Review Of Correspondence Complete

2006-08-21 - PAPER RECEIVED

2003-03-04 - Registered - Principal Register

2002-12-10 - Published for opposition

2002-11-20 - Notice of publication

2002-09-17 - Approved for Pub - Principal Register (Initial exam)

2002-08-09 - Communication received from applicant

2002-08-09 - PAPER RECEIVED

2002-04-01 - Continuation of final refusal mailed

2001-12-10 - Communication received from applicant

2001-06-08 - Continuation of final refusal mailed

2000-12-06 - Communication received from applicant

2000-06-06 - Final refusal mailed

2000-03-07 - Communication received from applicant

1999-09-07 - Non-final action mailed

1999-08-31 - Assigned To Examiner

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

LAWRENCE E ABELMAN

**Correspondent**

LAWRENCE E ABELMAN  
ABELMAN FRAYNE & SCHWAB  
150 E 42ND ST  
NEW YORK NY 10017-5612

**Domestic Representative**

Abelman, Frayne & Schwab

---



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Word Mark	L. GALLARDO
Translations	The word "GALLARDO" may be translated into English as "gallant", or "bold".
Goods and Services	IC 033. US 047 049. G & S: Tequila. FIRST USE: 19960400. FIRST USE IN COMMERCE: 19960400
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75711455
Filing Date	May 21, 1999
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	December 10, 2002
Registration Number	2691812
Registration Date	March 4, 2003
Owner	(REGISTRANT) Tequila Cuervo La Rojena, S.A. De C.V. CORPORATION MEXICO Circunvalacion Sur #44 A Fraccionamiento Las Fuentes Zapopan Jalisco Codigo 45070 MEXICO
Attorney of Record	LAWRENCE E ABELMAN
Type of Mark	TRADEMARK
Register	PRINCIPAL-2(F)
Other Data	The name "L. GALLARDO" does not identify a particular living individual.
Live/Dead Indicator	LIVE

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**EXHIBIT J**

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2008-10-14 16:27:18 ET

Serial Number: 75617766 Assignment Information      Trademark Document Retrieval

Registration Number: 2735738

Mark (words only): GALLERON

Standard Character claim: No

Current Status: Registered.

Date of Status: 2003-07-15

Filing Date: 1999-01-07

Transformed into a National Application: No

Registration Date: 2003-07-15

Register: Principal

Law Office Assigned: LAW OFFICE 111

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2008-07-01

---

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

I. Galleron, Gary A.

**Address:**

Galleron, Gary A.  
1177 Galleron Road  
St. Helena, CA 94574  
United States

**Legal Entity Type:** Individual

**Country of Citizenship:** United States

---

**GOODS AND/OR SERVICES**

---

**International Class:** 033

**Class Status:** Active

wine

**Basis:** 1(a)

**First Use Date:** 1996-10-31

**First Use in Commerce Date:** 1996-10-31

---

### ADDITIONAL INFORMATION

---

#### Section 2(f)

---

### MADRID PROTOCOL INFORMATION

---

(NOT AVAILABLE)

---

### PROSECUTION HISTORY

---

**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2008-07-01 - Case File In TICRS

2003-07-15 - Registered - Principal Register

2003-04-22 - Published for opposition

2003-04-02 - Notice of publication

2003-02-19 - Approved for Pub - Principal Register (Initial exam)

2003-02-04 - Communication received from applicant

2002-04-24 - Assigned To Examiner

2002-02-22 - Communication received from applicant

2000-03-21 - Letter of suspension mailed

2000-02-18 - Communication received from applicant

2000-01-06 - Letter of suspension mailed

1999-10-27 - Communication received from applicant

1999-10-22 - Communication received from applicant

1999-04-28 - Non-final action mailed

1999-04-14 - Assigned To Examiner

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

R. Corbin Houchins

**Correspondent**

R CORBIN HOUCHINS  
GRAHAM & DUNN PC  
1420 FIFTH AVE 33RD FLOOR  
SEATTLE WA 98101-2390

---



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Word Mark	GALLERON
Goods and Services	IC 033. US 047 049. G & S: wine. FIRST USE: 19961031. FIRST USE IN COMMERCE: 19961031
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75617766
Filing Date	January 7, 1999
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	April 22, 2003
Registration Number	2735738
Registration Date	July 15, 2003
Owner	(REGISTRANT) Galleron, Gary A. INDIVIDUAL UNITED STATES 1177 Galleron Road St. Helena CALIFORNIA 94574
Attorney of Record	R. Corbin Houchins
Type of Mark	TRADEMARK
Register	PRINCIPAL-2(F)
Live/Dead Indicator	LIVE

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# **EXHIBIT K**

**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 2008-10-14 16:28:09 ET**

**Serial Number:** 75161180 Assignment Information      Trademark Document Retrieval

**Registration Number:** 2099244

**Mark**



**(words only):** GALANTE VINEYARDS

**Standard Character claim:** No

**Current Status:** Section 8 and 15 affidavits have been accepted and acknowledged.

**Date of Status:** 2003-08-05

**Filing Date:** 1996-09-05

**Transformed into a National Application:** No

**Registration Date:** 1997-09-23

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 101

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov**

**Current Location:** 830 -Post Registration

**Date In Location:** 2007-09-28

---

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. Galante Family Winery, Inc.

**Address:**

Galante Family Winery, Inc.  
18181 CACHAGUA ROAD

CARMEL VALLEY, CA 93924  
United States  
**Legal Entity Type:** Corporation  
**State or Country of Incorporation:** California

---

### GOODS AND/OR SERVICES

---

**International Class:** 033  
**Class Status:** Active  
wines  
**Basis:** 1(a)  
**First Use Date:** 1996-07-01  
**First Use in Commerce Date:** 1996-07-01

---

### ADDITIONAL INFORMATION

---

**Disclaimer:** "VINEYARDS"

**Translation:** The English translation of "GALANTE" is "gallant".

**Design Search Code(s):**

05.05.25 - Daffodils; Iris (flower); Other flowers

20.03.10 - Alcohol bottle labels; Bottles, labels for alcohol bottles; Labels, alcohol bottles

---

### MADRID PROTOCOL INFORMATION

---

(NOT AVAILABLE)

---

### PROSECUTION HISTORY

---

**NOTE:** To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2007-09-28 - Assigned To Paralegal

2007-09-20 - TEAS Section 8 & 9 Received

2007-02-27 - Case File In TICRS

2003-08-05 - Section 8 (6-year) accepted & Section 15 acknowledged

2003-05-22 - Section 8 (6-year) and Section 15 Filed

2003-05-22 - Section 8 (6-year) and Section 15 Filed

2003-05-22 - PAPER RECEIVED

1997-09-23 - Registered - Principal Register

1997-07-01 - Published for opposition  
1997-05-30 - Notice of publication  
1997-04-11 - Approved for Pub - Principal Register (Initial exam)  
1997-04-07 - Examiner's amendment mailed  
1997-03-14 - Assigned To Examiner

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**  
Barbara L. Friedman

**Correspondent**  
Barbara L. Friedman  
Hanson Bridgett Marcus Vlahos & Rudy  
26th Floor  
425 Market Street  
San Francisco CA 94105  
Phone Number: 415.995.5891  
Fax Number: 415.995.3452

---



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### Record 1 out of 1

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[ASSIGN Status](#)
[TDR](#)
[TTAB Status](#)
 ( Use the "Back" button of the Internet Browser to return to TESS)



<b>Word Mark</b>	GALANTE VINEYARDS
<b>Translations</b>	The English translation of "GALANTE" is "gallant".
<b>Goods and Services</b>	IC 033. US 047 049. G & S: wines. FIRST USE: 19960701. FIRST USE IN COMMERCE: 19960701
<b>Mark Drawing Code</b>	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
<b>Design Search Code</b>	05.05.25 - Daffodils; Iris (flower); Other flowers 20.03.10 - Bottle labels; Labels for bottles
<b>Serial Number</b>	75161180
<b>Filing Date</b>	September 5, 1996
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	July 1, 1997
<b>Registration Number</b>	2099244
<b>Registration Date</b>	September 23, 1997
<b>Owner</b>	(REGISTRANT) Galante Family Winery, Inc. CORPORATION CALIFORNIA 18181 CACHAGUA ROAD CARMEL VALLEY CALIFORNIA 93924
<b>Attorney of Record</b>	Barbara L. Friedman
<b>Disclaimer</b>	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "VINEYARDS" APART FROM THE MARK AS SHOWN
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR).

Live/Dead Indicator LIVE

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- **You**
  - [Hi, Gaucho \(Logout\)](#)
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Search

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**Subject**

**Body**

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**Mailing Address:**

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10/14/2008

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Search

GALANTE

Search

*All Countries*

[Reset Location](#) ›

All Countries

Postal/Zip

Set Location

*Link This*

Copy

This:

Okay, I'm Done

AAA

## Results 1-10 of 27 for Galante *(remove)*

Filter By:

All  In Stock

Sort By:

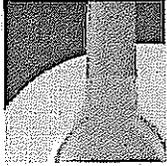
Refine Your Search:

Price

from US\$0 to US\$250+

Vintage

wines from any vintage



US \$23<sup>00</sup>

**Galante Vineyards Rancho Galente Cabernet Sauvignon 2005**

Winery:

Heineman Winery

Varietal:

Cabernet Sauvignon

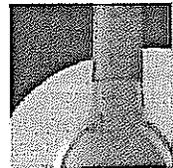
Region:

USA > West Virginia

Type:

User Tags:

- 0.5
- 1
- 1.5
- 2
- 2.5
- 3
- 3.5
- 4
- 4.5
- 5



US \$40<sup>00</sup>

**Galante Vineyards Blackjack Pasture Cabernet Sauvignon 2007**

Winery:

Heineman Winery

Varietal:

Cabernet Sauvignon

Region:

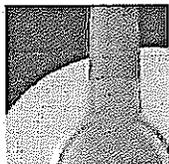
USA > West Virginia

Type:

Red Wine

User Tags:

- 0.5
- 1
- 1.5
- 2
- 2.5
- 3
- 3.5
- 4
- 4.5
- 5



US \$32<sup>00</sup>

**Galante Vineyards Olive Hill Petite Sirah Future 2007**

Winery:

Heineman Winery

Varietal:

Petite Sirah

Region:

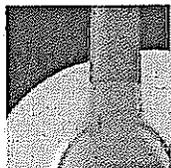
USA > West Virginia

Type:

Red Wine

User Tags:

- 0.5
- 1
- 1.5
- 2
- 2.5
- 3
- 3.5
- 4
- 4.5
- 5



US \$20<sup>00</sup>

**Galante Vineyards Almond Flat Pinot Noir 2007**

Winery:

Heineman Winery

Varietal:

Pinot Noir

Region:

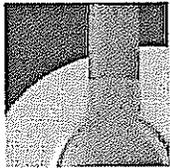
USA > West Virginia

Type:

Red Wine

User Tags:

- 0.5
- 1
- 1.5
- 2
- 2.5
- 3
- 3.5
- 4
- 4.5
- 5



US \$650<sup>00</sup>

**Galante Vineyards Ed Sandoval Series Red 2004**

Winery:

Heineman Winery

Varietal:

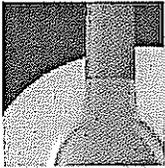
Region:

USA > West Virginia

Type:

User Tags:

- 0.5
- 1
- 1.5
- 2
- 2.5
- 3
- 3.5
- 4
- 4.5
- 5



• US \$32<sup>00</sup>

**Galante Vineyards Petite Verdot Future 2007**

Winery:

Heineman Winery

Varietal:

Petit Verdot

Region:

USA > West Virginia

Type:

User Tags:

- 0.5
- 1
- 1.5
- 2
- 2.5
- 3
- 3.5
- 4
- 4.5
- 5



• US \$30<sup>00</sup>

**Galante Vineyards Pinot Noir 2004**

Winery:

Heineman Winery

Varietal:

Pinot Noir

Region:

USA > West Virginia

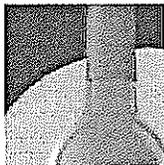
Type:

Red Wine

User Tags:

- 0.5
- 1
- 1.5
- 2

- 2.5
- 3
- 3.5
- 4
- 4.5
- 5



US \$28<sup>00</sup>

**Galante Vineyards Estate Merlot 2007**

Winery:

Heineman Winery

Varietal:

Merlot

Region:

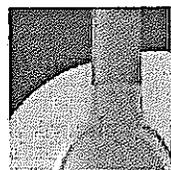
USA > West Virginia

Type:

Red Wine

User Tags:

- 0.5
- 1
- 1.5
- 2
- 2.5
- 3
- 3.5
- 4
- 4.5
- 5



US \$550<sup>00</sup>

**Galante Vineyards Will Bullas Series Red 2003**

Winery:

Heineman Winery

Varietal:

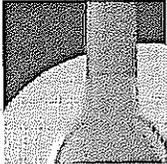
Region:

USA > West Virginia

Type:

User Tags:

- 0.5
- 1
- 1.5
- 2
- 2.5
- 3
- 3.5
- 4
- 4.5
- 5



US \$650.<sup>00</sup>

**Galante Vineyards Will Bullas Series Blackjack Pasture Cabernet Sauvignon 2004**

Winery:

Heineman Winery

Varietal:

Cabernet Sauvignon

Region:

USA > West Virginia

Type:

User Tags:

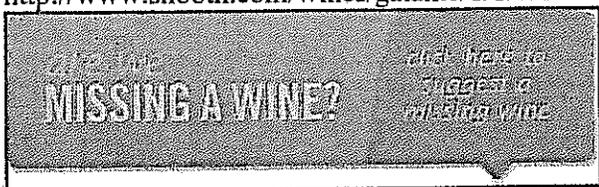
- 0.5
- 1
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- 2
- 2.5
- 3
- 3.5
- 4
- 4.5
- 5

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27

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This page was generated by the TARR system on 2008-10-14 16:29:10 ET

Serial Number: 73804528 Assignment Information      Trademark Document Retrieval

Registration Number: 1689225

Mark

# GALESTRO

(words only): GALESTRO

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2002-08-09

Filing Date: 1989-06-05

Transformed into a National Application: No

Registration Date: 1992-05-26

Register: Principal

Law Office Assigned: LAW OFFICE 14

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#### LAST APPLICANT(S)/OWNER(S) OF RECORD

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1. SOCIETA' PER LA VALORIZZAZIONE DEI VINI BIANCHI TOSCANI S.R.L.

**Address:**

SOCIETA' PER LA VALORIZZAZIONE DEI VINI BIANCHI TOSCANI S.R.L.  
PIAZZA S. FIRENZE N.3

50122 FIRENZE (VIA DE' SERRAGLI)  
Italy  
**Legal Entity Type:** Corporation  
**State or Country of Incorporation:** Italy

---

### GOODS AND/OR SERVICES

---

**International Class:** 033  
**Class Status:** Active  
WINES  
**Basis:** 1(a)  
**First Use Date:** 1980-06-00  
**First Use in Commerce Date:** 1980-06-00

---

### ADDITIONAL INFORMATION

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**Translation:** THE ENGLISH TRANSLATION OF THE WORD "GALESTRO" IN THE MARK IS "A ROCKY AND CLAY-LIKE SOIL WHICH EASILY FLAKES IN STRATA".

---

### MADRID PROTOCOL INFORMATION

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(NOT AVAILABLE)

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### PROSECUTION HISTORY

---

**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2007-10-15 - Case File In TICRS

2002-08-09 - First renewal 10 year

2002-08-09 - Section 8 (10-year) accepted/ Section 9 granted

2002-05-28 - Combined Section 8 (10-year)/Section 9 filed

1997-11-05 - Section 8 (6-year) accepted & Section 15 acknowledged

1997-10-20 - Section 8 (6-year) and Section 15 Filed

1992-05-26 - Registered - Principal Register

1991-09-03 - Published for opposition

1991-08-02 - Notice of publication

1991-02-28 - Approved for Pub - Principal Register (Initial exam)

1990-12-03 - Communication received from applicant

1990-07-09 - Unresponsive/Duplicate Paper Received

1990-06-18 - Non-final action mailed

1990-06-04 - Non-final action mailed

1990-03-20 - Communication received from applicant

1989-09-20 - Non-final action mailed

1989-08-10 - Assigned To Examiner

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

VINCENT A. SIRECI

**Correspondent**

VINCENT A. SIRECI

MORGAN LEWIS & BOCKIUS LLP

101 PARK AVENUE

NEW YORK, NY 10178

**Domestic Representative**

MORGAN LEWIS & BOCKIUS LLP

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# GALESTRO

Word Mark	GALESTRO
Translations	THE ENGLISH TRANSLATION OF THE WORD "GALESTRO" IN THE MARK IS "A ROCKY AND CLAY-LIKE SOIL WHICH EASILY FLAKES IN STRATA".
Goods and Services	IC 033. US 047. G & S: WINES. FIRST USE: 19800600. FIRST USE IN COMMERCE: 19800600
Mark Drawing Code	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
Serial Number	73804528
Filing Date	June 5, 1989
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	September 3, 1991
Registration Number	1689225
Registration Date	May 26, 1992
Owner	(REGISTRANT) SOCIETA' PER LA VALORIZZAZIONE DEI VINI BIANCHI TOSCANI S.R.L. CORPORATION ITALY PIAZZA S. FIRENZE N.3 50122 FIRENZE (VIA DE' SERRAGLI) ITALY
Attorney of Record	VINCENT A. SIRECI
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20020809.

Renewal 1ST RENEWAL 20020809  
Live/Dead Indicator LIVE

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- Wines
  - [Search](#)
  - [Recommendations](#)
- Social
  - [Snooth Talk](#)
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**Mailing Address:**

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*[Link This](#)*

Copy

This:

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## Results 1-10 of 14

Filter By:

All  In Stock

Sort By:

Refine Your Search:

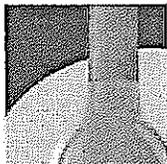
Price

from **US\$0** to **US\$250+**

Vintage

wines from **any vintage**

No wines matching "galestro" are in stock. Showing all results.



**US \$9.00**

**Antinori Toscana White Galestro 1997**

Winery:

Villa Antinori

Varietal:

Region:

Italy > Tuscany

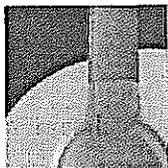
Type:

White Wine

User Tags:

herbaceous, fresh, simple, lemon, citrus, lime, mineral, clean finish

- 0.5
- 1
- 1.5
- 2
- 2.5
- 3
- 3.5
- 4
- 4.5
- 5



**US \$8.00**

**Castello Di Gabbiano Toscana White Galestro 1996**

Winery:

Castello Di Gabbiano

Varietal:

Region:

Italy > Tuscany

Type:

White Wine

User Tags:

fruit, refreshing, herbaceous, acidic, romanian cheese, fresh, white, citrus

- 0.5
- 1
- 1.5
- 2
- 2.5
- 3
- 3.5
- 4
- 4.5
- 5



US \$4<sup>00</sup>

Antinori Galestro White 1985

Winery:

Villa Antinori

Varietal:

Region:

Italy > Tuscany

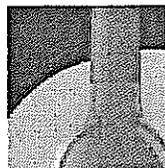
Type:

White Wine

User Tags:

citrus, crisp, lean, grapefruit, (tree) fruit, chalk, soil, apple

- 0.5
- 1
- 1.5
- 2
- 2.5
- 3
- 3.5
- 4
- 4.5
- 5



US \$7<sup>00</sup>

**Antinori Galestro White 1989**

Winery:

Villa Antinori

Varietal:

Region:

Italy > Tuscany

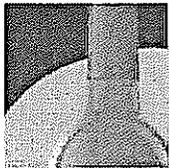
Type:

White Wine

User Tags:

simple, delicate, texture, floral, fresh, color descriptors, herbaceous, (tropical) fruit

- 0.5
- 1
- 1.5
- 2
- 2.5
- 3
- 3.5
- 4
- 4.5
- 5



US \$8<sup>00</sup>

**Antinori Galestro White 1995**

Winery:

Villa Antinori

Varietal:

Region:

Italy > Tuscany

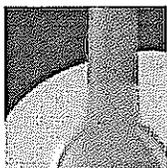
Type:

White Wine

User Tags:

citrus, grapefruit, lemon

- 0.5
- 1
- 1.5
- 2
- 2.5
- 3
- 3.5
- 4
- 4.5
- 5



US \$7<sup>00</sup>

**Antinori Galestro White 1990**

Winery:

Villa Antinori

Varietal:

Region:

Italy > Tuscany

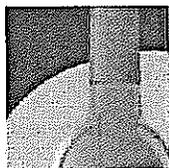
Type:

White Wine

User Tags:

(tree) fruit, color descriptors, simple, pome, apple, almond, nutty, nuts

- 0.5
- 1
- 1.5
- 2
- 2.5
- 3
- 3.5
- 4
- 4.5
- 5



US \$6<sup>00</sup>

**Antinori Galestro White 1987**

Winery:

Villa Antinori

Varietal:

Region:

Italy > Tuscany

Type:

White Wine

User Tags:

herbaceous, clean, lightweight, fresh, melons, (tropical) fruit, lime, melon

- 0.5
- 1
- 1.5
- 2

- 2.5
- 3
- 3.5
- 4
- 4.5
- 5



**Galestro Salteano 2002**

Winery:

Varietal:

Region:

Type:

White Wine

User Tags:

- 0.5
- 1
- 1.5
- 2
- 2.5
- 3
- 3.5
- 4
- 4.5
- 5



**Galestro 2007**

Winery:

Varietal:

Region:

Type:

White Wine

User Tags:

- 0.5
- 1

- 1.5
- 2
- 2.5
- 3
- 3.5
- 4
- 4.5
- 5



US \$12.<sup>99</sup>

**Antinori Galestro 1998**

Winery:

Villa Antinori

Varietal:

Region:

Italy > Tuscany

Type:

White Wine

User Tags:

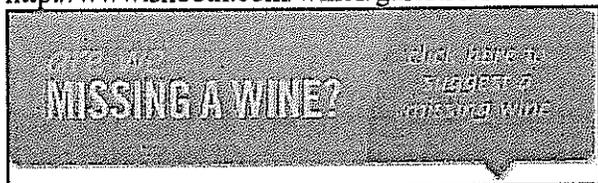
color descriptors, white grape, ugni blanc, chardonnay, food wine, tint, pinot blanc, fruit

- 0.5
- 1
- 1.5
- 2
- 2.5
- 3
- 3.5
- 4
- 4.5
- 5

1 2 next

14

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### Chilean Charm

For this week's Wine and Music pairing, I have included two Chilean products that go fantastically together and truly demonstrate the potency of regional pairing. Chile is also the home of Aurelio Montes, owner of Vina Montes who plays monastic chants to his wines, and who commissioned the recently published Heriot Watt study which proves [...]

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# EXHIBIT O

**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 2008-10-14 16:34:34 ET**

**Serial Number:** 74034344 Assignment Information      Trademark Document Retrieval

**Registration Number:** 1626216

**Mark (words only):** LUIGI GALVANI

**Standard Character claim:** No

**Current Status:** This registration has been renewed.

**Date of Status:** 2001-03-28

**Filing Date:** 1990-03-05

**Transformed into a National Application:** No

**Registration Date:** 1990-12-04

**Register:** Principal

**Law Office Assigned:** (NOT AVAILABLE)

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov**

**Current Location:** 40S -Scanning On Demand

**Date In Location:** 2007-10-05

---

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. GINO BARCA A U.S. CITIZEN AS TRUSTEE OF THE BARCAMERICA INTERNATIONAL U.S.A. TRUST

**Address:**

GINO BARCA A U.S. CITIZEN AS TRUSTEE OF THE BARCAMERICA INTERNATIONAL  
U.S.A. TRUST  
P.O. BOX 1150  
ROSEVILLE, CA 95678  
United States

**Legal Entity Type:** Trust

**State or Country Where Organized:** California

---

**GOODS AND/OR SERVICES**

---

**International Class:** 033

**Class Status:** Active

wine

**Basis:** 1(a)

**First Use Date:** 1989-10-14

**First Use in Commerce Date:** 1989-10-14

---

### ADDITIONAL INFORMATION

---

**Name Portrait Consent:** THE NAME "LUIGI GALVANI" DOES NOT IDENTIFY A LIVING INDIVIDUAL.

---

### MADRID PROTOCOL INFORMATION

---

(NOT AVAILABLE)

---

### PROSECUTION HISTORY

---

**NOTE:** To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2007-10-05 - Case File In TICRS

2006-08-16 - Review Of Correspondence Complete

2003-01-06 - PAPER RECEIVED

2001-03-28 - First renewal 10 year

2001-03-28 - Section 8 (10-year) accepted/ Section 9 granted

2000-11-21 - Combined Section 8 (10-year)/Section 9 filed

1997-01-30 - Section 8 (6-year) accepted

1996-11-27 - Section 8 (6-year) filed

1996-11-27 - Section 8 (6-year) filed

1990-12-04 - Registered - Principal Register

1990-09-11 - Published for opposition

1990-08-11 - Notice of publication

1990-06-27 - Approved for Pub - Principal Register (Initial exam)

1990-06-26 - Examiner's amendment mailed

1990-06-23 - Assigned To Examiner

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

John P. Sutton

**Correspondent**

JOHN P. SUTTON

JOHN P. SUTTON

2421 PIERCE STREET

SAN FRANCISCO, CA 94115

---



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**Record 1 out of 1**

**TARR Status** | **ASSIGN Status** | **TDR** | **TTAB Status** ( Use the "Back" button of the Internet Browser to return to TESS)

**Typed Drawing**

<b>Word Mark</b>	LUIGI GALVANI
<b>Goods and Services</b>	IC 033. US 047. G & S: wine. FIRST USE: 19891014. FIRST USE IN COMMERCE: 19891014
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	74034344
<b>Filing Date</b>	March 5, 1990
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	September 11, 1990
<b>Registration Number</b>	1626216
<b>Registration Date</b>	December 4, 1990
<b>Owner</b>	(REGISTRANT) Barcamerica International Corporation U.S.A. CORPORATION CALIFORNIA P.O. Box 1150 Roseville CALIFORNIA 95661
	(LAST LISTED OWNER) GINO BARCA A U.S. CITIZEN AS TRUSTEE OF THE BARCAMERICA INTERNATIONAL U.S.A. TRUST TRUST ASSIGNEE OF CALIFORNIA P.O. BOX 1150 ROSEVILLE CALIFORNIA 95678
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	John P. Sutton
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 8 (6-YR). SECTION 8(10-YR) 20010328.
<b>Renewal</b>	1ST RENEWAL 20010328

Other Data THE NAME "LUIGI GALVANI" DOES NOT IDENTIFY A LIVING INDIVIDUAL.  
Live/Dead Indicator LIVE

---

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# EXHIBIT P

**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 2008-10-14 16:35:26 ET**

**Serial Number: 75263330 Assignment Information      Trademark Document Retrieval**

**Registration Number: 2327060**

**Mark (words only): GALARDON**

**Standard Character claim: No**

**Current Status: Section 8 and 15 affidavits have been accepted and acknowledged.**

**Date of Status: 2006-05-23**

**Filing Date: 1997-03-06**

**Transformed into a National Application: No**

**Registration Date: 2000-03-07**

**Register: Principal**

**Law Office Assigned: LAW OFFICE 111**

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov**

**Current Location: 830 -Post Registration**

**Date In Location: 2006-05-23**

---

#### **LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. Tequila Sauza S.A. De C.V.

**Address:**

Tequila Sauza S.A. De C.V.  
Avenida Vallarta No. 3273 Fracc. Vallarta Poniente  
Guadalajara, Jal., 44100  
Mexico

**Legal Entity Type: Corporation**

**State or Country of Incorporation: Mexico**

---

#### **GOODS AND/OR SERVICES**

---

**International Class: 033**

**Class Status: Active**

tequila

**Basis:** 1(a)

**First Use Date:** 1997-06-00

**First Use in Commerce Date:** 1997-06-00

---

### ADDITIONAL INFORMATION

---

**Translation:** The English translation of "GALARDON" is "prize" or "reward".

---

### MADRID PROTOCOL INFORMATION

---

(NOT AVAILABLE)

---

### PROSECUTION HISTORY

---

**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2006-05-23 - Section 8 (6-year) accepted & Section 15 acknowledged

2006-05-19 - Assigned To Paralegal

2006-05-05 - Case File In TICRS

2006-03-01 - Section 8 (6-year) and Section 15 Filed

2006-03-01 - TEAS Section 8 & 15 Received

2006-01-06 - Attorney Revoked And/Or Appointed

2006-01-06 - TEAS Revoke/Appoint Attorney Received

2004-11-26 - TEAS Change Of Correspondence Received

2000-03-07 - Registered - Principal Register

2000-01-12 - Allowed for Registration - Principal Register (SOU accepted)

1999-04-15 - Communication received from applicant

1998-10-19 - Non-final action mailed

1998-09-29 - Statement of use processing complete

1998-08-24 - Amendment to Use filed

1998-03-03 - Notice of allowance - mailed

1997-12-09 - Published for opposition

1997-11-07 - Notice of publication

1997-09-17 - Approved for Pub - Principal Register (Initial exam)

1997-09-15 - Examiner's amendment mailed

1997-09-08 - Assigned To Examiner

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

Lynn A. Sullivan

**Correspondent**

LYNN A. SULLIVAN

LEYDIG, VOIT & MAYER, LTD.

SUITE 4900

TWO PRUDENTIAL PLAZA, 180 N. STETSON

CHICAGO IL 60601

Phone Number: 312-616-5600

Fax Number: 312-616-5700

**Domestic Representative**

Leydig, Voit & Mayer, Ltd.

---



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Word Mark	GALARDON
Translations	The English translation of "GALARDON" is "prize" or "reward".
Goods and Services	IC 033. US 047 049. G & S: tequila. FIRST USE: 19970600. FIRST USE IN COMMERCE: 19970600
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75263330
Filing Date	March 6, 1997
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	December 9, 1997
Registration Number	2327060
Registration Date	March 7, 2000
Owner	(REGISTRANT) Tequila Sauza S.A. De C.V. CORPORATION MEXICO Avenida Vallarta No. 3273 Fracc. Vallarta Poniente Guadalajara, Jal., 44100 MEXICO
Attorney of Record	Lynn A. Sullivan
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR).
Live/Dead Indicator	LIVE

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## **EXHIBIT Q**

**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 2008-10-14 16:36:26 ET**

**Serial Number: 76524974 Assignment Information      Trademark Document Retrieval**

**Registration Number: 3032659**

**Mark (words only): GALCIBAR**

**Standard Character claim: No**

**Current Status: Registered.**

**Date of Status: 2005-12-20**

**Filing Date: 2003-06-23**

**Transformed into a National Application: No**

**Registration Date: 2005-12-20**

**Register: Principal**

**Law Office Assigned: LAW OFFICE 103**

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov**

**Current Location: 650 -Publication And Issue Section**

**Date In Location: 2005-11-08**

---

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. Bodega Cooperativa San Salvador

**Address:**

Bodega Cooperativa San Salvador  
Ctra, Allo, 80 31243 Arroniz  
(Navarra)  
Spain

**Legal Entity Type: COOPERATIVE**

**State or Country Where Organized: Spain**

---

**GOODS AND/OR SERVICES**

---

**International Class: 033**

**Class Status: Active**

Potable spirits and wines

**Basis:** 1(a)

**First Use Date:** 2003-09-01

**First Use in Commerce Date:** 2003-09-01

---

### ADDITIONAL INFORMATION

---

(NOT AVAILABLE)

---

### MADRID PROTOCOL INFORMATION

---

(NOT AVAILABLE)

---

### PROSECUTION HISTORY

---

**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2005-12-20 - Registered - Principal Register

2005-11-07 - Law Office Registration Review Completed

2005-11-04 - Assigned To LIE

2005-10-30 - Allowed for Registration - Principal Register (SOU accepted)

2005-10-30 - SU-Examiner's Amendment Written

2005-10-29 - Statement of use processing complete

2005-10-29 - Extension 2 granted

2005-10-12 - Amendment to Use filed

2005-10-12 - Extension 2 filed

2005-10-12 - PAPER RECEIVED

2005-05-09 - Extension 1 granted

2005-04-18 - Extension 1 filed

2005-04-18 - PAPER RECEIVED

2004-10-19 - Notice of allowance - mailed

2004-07-27 - Published for opposition

2004-07-07 - Notice of publication

2004-05-30 - Approved for Pub - Principal Register (Initial exam)

2004-05-25 - Examiner's amendment mailed

2003-12-08 - Non-final action mailed

2003-12-04 - Assigned To Examiner

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

Thomas W. Brooke

**Correspondent**

THOMAS W. BROOKE  
HOLLAND & KNIGHT LLP  
2099 PENNSYLVANIA AVENUE, N.W.  
SUITE 100  
WASHINGTON, D.C. 20006  
Phone Number: 202-663-7271  
Fax Number: 202-419-2851

**Domestic Representative**

HOLLAND & KNIGHT LLP  
Phone Number: 202-955-3000  
Fax Number: 202-955-5564

---



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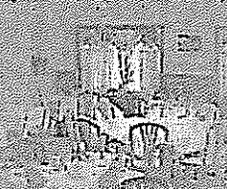
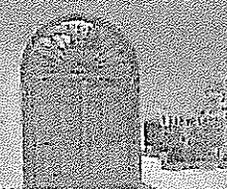
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Word Mark	GALCIBAR
Goods and Services	IC 033. US 047 049. G & S: Potable spirits and wines. FIRST USE: 20030901. FIRST USE IN COMMERCE: 20030901
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	76524974
Filing Date	June 23, 2003
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	July 27, 2004
Registration Number	3032659
Registration Date	December 20, 2005
Owner	(REGISTRANT) Bodega Cooperativa San Salvador COOPERATIVE SPAIN Ctra, Allo, 80 31243 Arroniz (Navarra) SPAIN
Attorney of Record	Thomas W. Brooke
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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# **EXHIBIT R**

# Bienvenido

 <p><i>Don Pepe Restaurants</i></p> <p><i>Don Pepe Steak House</i></p> <p><i>18 Old Bloomfield Ave Pine Brook, NJ 07058</i></p> <p><i>tel. (973) 832-6757 fax (973) 832-1630</i></p>	 <p><i>Don Pepe Restaurants</i></p> <p><i>Don Pepe II</i></p> <p><i>18 Old Bloomfield Ave Pine Brook, NJ 07058</i></p> <p><i>tel. (973) 832-6757 fax (973) 832-1630</i></p>	 <p><i>Don Pepe Restaurants</i></p> <p><i>Don Pepe Restaurant</i></p> <p><i>18 Old Bloomfield Ave Pine Brook, NJ 07058</i></p> <p><i>tel. (973) 832-6757 fax (973) 832-1630</i></p>
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Designed and Hosted by [Alonso Consulting, Inc.](http://www.alonsoconsulting.com)

## Don Pepe Steak House

We are pleased to announce our selection of White, Red and Blush Wines, as well as Sparkling Wines and Champagne.

## Red Wine

*Spain**-Rioja-*

Marques de Riscal Reserva 1988 (1/2 Bottle) .....	\$19.00
Puerta Vieja-Rioja Alta 1992.....	\$20.00
Marques de Caceres 1998.....	\$26.00
Vina Bosconia-Lopez de Heredia 1992 .....	\$30.00
Marques de Riscal Reserva 1998 .....	\$35.00
Monte Real Reserva 1989 .....	\$35.00
Vina de Gain "Artadi" 1995 .....	\$35.00
Marques de Vargas, Reserva 1995 - Logrono .....	\$42.00
Remelluri 1997 .....	\$48.00
Cune Vina Real, Gran Reserva 1988 .....	\$46.00
Conde de Valdemar, Gran Reserva 1990 - Gold Label .....	\$46.00
Finca Valpiedra Reserva 1995 - Martinez Bujanda .....	\$50.00
San Vicente 1994 .....	\$65.00

*-Ribera del Duero-*

Condado de Haza 1996 .....	\$36.00
Condado de Haza 1997 .....	\$35.00
Val Sotillo, Bodegas Ismael Arroyo 1995 .....	\$55.00
Bodegas Reyes, Teofilo Reyes 1997 .....	\$55.00
Hacienda Monasterio 1995 .....	\$55.00
Bodegas Arzuaga 1994 .....	\$55.00
Flor de Pingus 1996 .....	\$60.00
Casa Pesquera, Alejandro Fernandez 1995 .....	\$60.00
Casa Pesquera, Alejandro Fernandez 1996 .....	\$46.00
Casa Pesquera, Alejandro Fernandez 1997 .....	\$45.00
Val Sotillo, Bodegas Ismael Arroyo 1994 .....	\$70.00
Briego Crianza 1997 .....	\$28.00

*-Penedes-*

Sangre de Toro, Torres 2000 .....	\$18.00
Sangre de Toro, Torres, 1/2 Bottle .....	\$10.00
Jean Leon Cabernet Sauvignon Reserva 1989 .....	\$55.00

*-Toro-*

Muruve Bodegas Villar 1998 .....	\$17.00
Vina Bajos Crianza 1996 .....	\$23.00
Gran Muruve Reserva 1994 .....	\$27.00

*-Navarra-*

Galcibar, Tempranillo 1998 .....	\$16.00
----------------------------------	---------

*-Carinena-*

Abrazo Garnacha .....	\$17.00
-----------------------	---------

*-Priorat-*

El Cipres Scafa del 1995 .....	\$24.00
Alvaro Palacios Les Terrasses 1997 .....	\$42.00
Alvaro Palacios Les Terrasses 1996 .....	\$47.00
Miserere Costers Del Siurana 1995 .....	\$70.00
Clos Mogador, Rene Barbier 1992 .....	\$75.00
Clos de Erasmus 1997 .....	\$85.00
Clos de Erasmus 1998 .....	\$85.00
Clos Martinet 1995 .....	\$90.00
Clos Martinet 1996 .....	\$90.00
Alvaro Palacios Dofi 1996 .....	\$90.00
Clos De L'Obac 1996 .....	\$95.00

<i>-Castilla Leon-</i>	
Vega de La Reina 1987 .....	\$35.00
<i>-Valencia-</i>	
Gandia Merlot .....	\$16.00
<i>-Sardon Del Duero-</i>	
Abadia Retuerta 1996 .....	\$45.00
Abadia Retuerta Cuvee El Campanario 1996 .....	\$85.00

### *Italy*

Luna di Luna (Red Bottle), Merlot/Cabernet .....	\$18.00
Santa Cristina, Tavola di Toscana Antinori .....	\$20.00
Rosso di Altesino 1996 .....	\$29.00
Villa Antinori Chianti Classico Riserva 1999 .....	\$37.00
Amarone, La Colombia 1997 .....	\$40.00
Cabernet Sauvignon, Farnito, Carpineto 1997 .....	\$40.00
Nebbiolo, Prunotto 1995 .....	\$45.00
Sassoaloro, Biondi - Santi 1994 .....	\$50.00
Terrabianca Campaccio 1991 .....	\$48.00
Barolo, Michele Chiarlo 1995 .....	\$65.00
Barolo, Marchese Di Barolo 1997 .....	\$55.00
Ruffino Riserva Ducale "Gold" Chianti Classico DOCG, 1997 .....	\$70.00
Villa Dante Amarone 1990 .....	\$65.00
Brunello Di Montalcino, Col D'Orcia (Toscana) 1996 .....	\$70.00
Amarone, Tommasi 1993 .....	\$70.00
Barolo, Massolino 1993 .....	\$95.00
Amarone, Bertani 1994 .....	\$130.00
Ruffino Riserva Ducale "Gold" Chianti Classico DOCG 1993 .....	\$70.00

### *Australia*

Penfolds Shiraz / Mourvedre 2001 .....	\$21.00
Wolf Blass Cabernet Sauvignon 2000 .....	\$28.00

### *South Africa*

Warwick Cabernet Sauvignon 1996 .....	\$35.00
---------------------------------------	---------

### *Portugal*

Conventual Portalegre, Alentejo 1997 .....	\$26.00
Romeira Garrafeira, Caves Velhas "Palmela" 1996 .....	\$28.00
Luis Pato Bairrada Vinha Velha - Vinha Barrosa 1997 .....	\$60.00
Bairrada Duas Quintas Riserva 1997 .....	\$45.00

### *France*

Paul Jaboulet, Cotes Du Rhone, "Parallele 45" .....	\$18.00
Georges Duboeuf Morgon "Jean Descombes" 2000 .....	\$22.00
Chateau Greysac, Medoc 1997/98 .....	\$29.00
Domaine Marcoux Chateauneuf-du-Pape 2000 .....	\$58.00
Pommard Les Vignots, Domaine Coste-Caumartin 1992 .....	\$85.00
Chateau Cantenac-Brown, Margaux 1994 .....	\$90.00

### *Argentina*

Bodegas Weinert, Merlot 1997 .....	\$27.00
------------------------------------	---------

*Chile*

Los Vascos Cabernet Sauvignon 2000 .....	\$21.00
Los Vascos Cabernet Sauvignon Reserve 2000 .....	\$28.00
Stone Lake, Pinot Noir 1996 .....	\$30.00
Casa Lapostolle, "Cuvee Alexandre" Merlot 2000 .....	\$34.00

*California*

CK Mondavi Cabernet Sauvignon .....	\$18.00
Forest Glen Merlot .....	\$20.00
Bogle Merlot .....	\$20.00
Rodney Strong "Knotty Vines" Zinfandel .....	\$28.00
Belvedere Dry Creek Zinfandel .....	\$28.00
Kendall-Jackson Cabernet Sauvignon .....	\$30.00
Chateau Souverain, Alexander Valley, Cabernet Sauvignon .....	\$32.00
Robert Mondavi Pinot Noir .....	\$35.00
Renwood "Old Vines" Zinfandel .....	\$34.00
Markham Merlot .....	\$33.00
Saintsbury "Carneros" Pinot Noir .....	\$40.00
Conn Creek Cabernet Sauvignon, Napa Valley .....	\$40.00
Robert Mondavi Cabernet Sauvignon, Napa Valley .....	\$45.00
Honig Cabernet Sauvignon, Sonoma .....	\$45.00
Raymond Napa Reserve Cabernet Sauvignon .....	\$55.00
Newton Merlot, Special Cuvee .....	\$40.00
Wetzel Family Estate, Alexander Valley, Cabernet Sauvignon.....	\$41.00
Beringer, Knights Valley, Cabernet Sauvignon .....	\$42.00
Venecia, 79% Sangiovese/21% Shiraz 1995 .....	\$50.00
M. Trincherro Cabernet Sauvignon .....	\$55.00
Silverado Merlot .....	\$45.00
Pine Ridge Cabernet Sauvignon .....	\$55.00
Frogs Leap Cabernet Sauvignon .....	\$65.00
Guenoc, Bella Vista Vineyard, Napa, Cabernet Sauvignon 1995.....	\$52.00
Chalk Hill Cabernet Sauvignon 1994 .....	\$95.00
St. Clement Cabernet Sauvignon, Napa Valley .....	\$55.00
Silverado Cabernet Sauvignon, Napa Valley 1998-99 .....	\$55.00
Rodney Strong Cabernet Sauvignon Reserve, Sonoma County 1995.....	\$60.00
Sequoia Grove Cabernet Sauvignon, Napa Valley 1994 .....	\$75.00
Cakebread Cellars Cabernet Sauvignon, Napa Valley 1999 .....	\$85.00
Buehler Cabernet Sauvignon .....	\$68.00
"Estate Bottled", Napa Valley 1998	
Jordan Cabernet Sauvignon, Alexander Valley 1997 .....	\$70.00
Stags Leap Cabernet Sauvignon 1998-99 .....	\$75.00
Silver Oak, Cabernet Sauvignon, Alexander Valley .....	\$95.00
Caymus Vineyards, Cabernet Sauvignon, Napa Valley 1998-99.....	\$120.00
Clos Duval Cabernet Sauvignon, Napa Valley 1997 .....	\$85.00
Jordan Cabernet Sauvignon, Alexander Valley 1994 .....	\$85.00

**Special Reserve Red Wine***Spain*

Marques de Caceres, Gran Reserva 1978 - Rioja .....	\$95.00
Faustino I Gran Reserva 1982 - Rioja .....	\$100.00
Torres Gran Coronas Black Label, Reserva 1990 - Penedes.....	\$75.00
Monte Real Gran Reserva 1973 - Rioja .....	\$85.00
Vina Albina Gran Reserva, Rioja Alta 1975 .....	\$90.00
Baron de Chirel "Herederos de Marques de Riscal" .....	\$120.00
Reserva 1986 - Rioja	
Muga Prado de Enea Reserva 1987 - Rioja .....	\$80.00
Vina Tondonia Gran Reserva, Haro Rioja 1978 - Lopez de Heredia.....	\$85.00
Casa Pesquera Reserva Especial, .....	\$90.00
Ribera del Duero 1994, Alejandro Fernandez	

Remirez de Ganuza Rioja Alavesa Reserva 1994 .....	\$100.00
Torre Muga Reserva Especial 1991 - Rioja .....	\$105.00
Faustino I Gran Reserva, Rioja 1970 .....	\$180.00
Marques de Riscal Reserva 1976 .....	\$110.00
Priorat, Clos De L'Obac 1994 .....	\$100.00
Bodegas Reyes Teofilo Reyes 1994 Ribera Del Duero.....	\$100.00
Muga Prado "Enea Rioja" Gran Reserva 1976 .....	\$120.00
Alenza-Condado De Haza 1995 - Ribera Del Duero .....	\$140.00
Pagos Viejos Reserva 1994 - Rioja Artadi .....	\$140.00
Muga Rioja, Gran Reserva 1982 (1.5l) .....	\$230.00
Marques de Murrieta Gran Reserva 1959 .....	\$240.00
Pesquera Reserva 1996 (1.5l) Ribera del Duero Millennium .....	\$590.00
Luce Tuscany, Mondavi & Frescobaldi, Italy 1996 .....	\$120.00
Merryvale Profile 1991, Napa Valley .....	\$170.00
Chateau Grand-Puy-Lacoste, France 1993 .....	\$130.00
Schidione Toscana 1995 .....	\$140.00
Merryvale Profile, Napa Valley 1994 .....	\$180.00
Quintessa Red, Napa Valley 1994 .....	\$180.00
Dominus Estate, Napa Valley 1992 .....	\$160.00
Marchese Nicolo Incisa della Rocchetta, Sassicaia (Italy) 1994 .....	\$190.00
Bruno Giacosa Barolo - Falletto, Italy 1993 .....	\$220.00
Dominus Estate, Napa Valley 1996 .....	\$170.00
Dominus Estate, Napa Valley 1995 .....	\$170.00
Far Niente, Cabernet Sauvignon 1994 .....	\$210.00
Pine Ridge "Andrus Reserve" Napa Valley 1994 .....	\$220.00
Dominus Estate, Napa Valley 1994 .....	\$220.00
Dominus Estate, Napa Valley 1989 .....	\$190.00
Caymus "Special Select" Cabernet Sauvignon 1997 .....	\$220.00
Chateau Gruaud-Larose 1989, St. Julien, France .....	\$200.00
Soldera, Brunello di Montalcino Cru, Italy 1993 .....	\$290.00
Robert Mondavi "Opus" 1997 .....	\$210.00
Robert Mondavi "Opus" 1998 .....	\$200.00
Robert Mondavi "Opus" 1999 .....	\$190.00
Caymus "Special Select", Cabernet Sauvignon 1994 .....	\$230.00
Saintsbury Pinot Noir Reserve, Carneros 1995 .....	\$65.00
Robert Mondavi Oakville Cabernet Sauvignon 1998 .....	\$65.00
Silver Oak Cabernet Sauvignon, Napa Valley 1997/98 .....	\$170.00
Col Solare Columbia Valley 1996 .....	\$100.00
Beaulieu Vineyards Private Reserve, Cabernet Sauvignon 1992/95....	\$120.00
Peju H.B. Vineyards, Cabernet Sauvignon .....	\$190.00
1994 Limited Reserve Estate Bottle	
Matanzas Creek, Merlot 1994 .....	\$110.00
Silverado Cabernet Sauvignon Limited Reserve, .....	\$190.00
Napa Valley 1994	
Marchese Lodovico Antinori Ornellaia, Italy 1993 .....	\$180.00
Beringer Private Reserva Cabernet Sauvignon .....	\$135.00
Napa Valley 199	
Robert Mondavi Reserve Cabernet Sauvignon 1993/99 .....	\$155.00
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Far Niente Cabernet Sauvignon Napa Valley 1995 .....	\$200.00



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**Mailing Address:**

Snooth, Inc.  
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New York, NY 10003

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# EXHIBIT S

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**This page was generated by the TARR system on 2008-10-14 16:37:22 ET**

**Serial Number: 76344819 Assignment Information      Trademark Document Retrieval**

**Registration Number: 2720698**

**Mark (words only): GALENA CELLARS**

**Standard Character claim: No**

**Current Status: Section 8 and 15 affidavits have been accepted and acknowledged.**

**Date of Status: 2008-07-07**

**Filing Date: 2001-12-03**

**Transformed into a National Application: No**

**Registration Date: 2003-06-03**

**Register: Principal**

**Law Office Assigned: LAW OFFICE 111**

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov**

**Current Location: 830 -Post Registration**

**Date In Location: 2008-07-07**

---

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

**1. GALENA CELLARS INCORPORATED**

**Address:**

GALENA CELLARS INCORPORATED

515 South Main Street

Galena, IL 61036

United States

**Legal Entity Type: Corporation**

**State or Country of Incorporation: Illinois**

---

**GOODS AND/OR SERVICES**

---

**International Class: 033**

**Class Status: Active**

Wines

**Basis:** 1(a)

**First Use Date:** 1983-00-00

**First Use in Commerce Date:** 1983-00-00

---

### ADDITIONAL INFORMATION

---

**Disclaimer:** "CELLARS"

---

### MADRID PROTOCOL INFORMATION

---

(NOT AVAILABLE)

---

### PROSECUTION HISTORY

---

**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2008-07-07 - Section 8 (6-year) accepted & Section 15 acknowledged

2008-07-01 - Assigned To Paralegal

2008-06-24 - TEAS Section 8 & 15 Received

2008-06-17 - Case File In TICRS

2003-06-03 - Registered - Principal Register

2003-03-11 - Published for opposition

2003-02-19 - Notice of publication

2002-12-17 - Approved for Pub - Principal Register (Initial exam)

2002-12-16 - Examiner's amendment mailed

2002-12-02 - Non-final action mailed

2002-08-05 - Communication received from applicant

2002-08-05 - PAPER RECEIVED

2002-02-26 - Non-final action mailed

2002-02-22 - Assigned To Examiner

---

### ATTORNEY/CORRESPONDENT INFORMATION

---

**Attorney of Record**

SANA HAKIM

**Correspondent**

SANA HAKIM

BELL, BOYD & LLOYD LLP

PO BOX 1135

CHICAGO IL 60690-1135

---



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#### Typed Drawing

Word Mark	GALENA CELLARS
Goods and Services	IC 033. US 047 049. G & S: Wines. FIRST USE: 19830000. FIRST USE IN COMMERCE: 19830000
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	76344819
Filing Date	December 3, 2001
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	March 11, 2003
Registration Number	2720698
Registration Date	June 3, 2003
Owner	(REGISTRANT) GALENA CELLARS INCORPORATED CORPORATION ILLINOIS 515 South Main Street Galena ILLINOIS 61036
Attorney of Record	SANA HAKIM
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CELLARS" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR).
Live/Dead Indicator	LIVE

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galena

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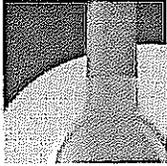
Refine Your Search:

Price

from US\$0 to US\$250+

Vintage

wines from **any vintage**



US \$14<sup>.99</sup>

**Galena Cellars Winery Eric The Red 2006**

Winery:

Galena Cellars Vineyard & Winery

Varietal:

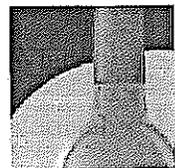
Region:

USA > Illinois

Type:

User Tags:

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- o 1
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- o 3
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- o 4
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- o 5



US \$12<sup>.99</sup>

**Galena Cellars Winery Red Raspberry NV**

Winery:

Galena Cellars Vineyard & Winery

Varietal:

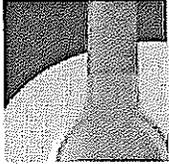
Region:

USA > Illinois

Type:

User Tags:

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- 5



US \$9<sup>.99</sup>

**Galena Cellars Winery County NV**

Winery:

Galena Cellars Vineyard & Winery

Varietal:

Region:

USA > Illinois

Type:

Color:

Rosé

User Tags:

- 0.5
- 1
- 1.5
- 2
- 2.5
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- 4
- 4.5
- 5



US \$19<sup>.99</sup>

**Galena Cellars Winery Late Harvest Johannisberg Riesling NV**

Winery:

Galena Cellars Vineyard & Winery

Varietal:

Riesling

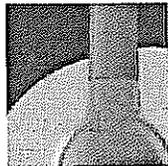
Region:

USA

Type:

User Tags:

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- 1.5
- 2
- 2.5
- 3
- 3.5
- 4
- 4.5
- 5



US \$9.<sup>99</sup>

**Galena Cellars Winery Concord Grape NV**

Winery:

Galena Cellars Vineyard & Winery

Varietal:

Concord

Region:

USA > Illinois

Type:

User Tags:

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- 1
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- 4
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- 5



US \$19.<sup>99</sup>

**Galena Cellars Winery Proprietor's Reserve Merlot NV**

Winery:

Galena Cellars Vineyard & Winery

Varietal:

Merlot

Region:

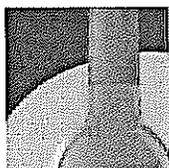
USA > Illinois

Type:

Red Wine

User Tags:

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- 5



US \$17.<sup>99</sup>

**Galena Cellars Winery Vintage Red NV**

Winery:

Galena Cellars Vineyard & Winery

Varietal:

Region:

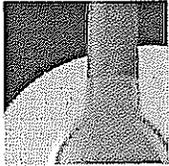
USA > Illinois

Type:

User Tags:

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US \$12.<sup>99</sup>

**Galena Cellars Winery Merry Merry Cranberry NV**

Winery:

[Galena Cellars Vineyard & Winery](#)

Varietal:

Region:

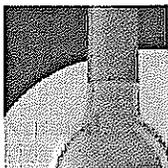
[USA > Illinois](#)

Type:

[Sparkling Wine](#)

User Tags:

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- [2.5](#)
- [3](#)
- [3.5](#)
- [4](#)
- [4.5](#)
- [5](#)



US \$9.<sup>99</sup>

**Galena Cellars Winery Cherry NV**

Winery:

[Galena Cellars Vineyard & Winery](#)

Varietal:

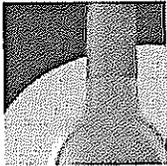
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[USA > Illinois](#)

Type:

User Tags:

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- 4
- 4.5
- 5



US \$12.<sup>99</sup>

**Galena Cellars Winery Blackberry NV**

Winery:

Galena Cellars Vineyard & Winery

Varietal:

Region:

USA

Type:

User Tags:

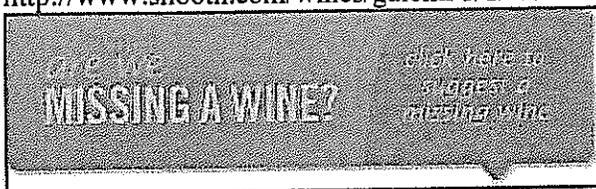
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This page was generated by the TARR system on 2008-10-14 16:38:12 ET

Serial Number: 77214325 Assignment Information      Trademark Document Retrieval

Registration Number: 3407520

Mark

# GALINDO

(words only): GALINDO

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2008-04-01

Filing Date: 2007-06-25

Filed as TEAS Plus Application: Yes

Currently TEAS Plus Application: Yes

Transformed into a National Application: No

Registration Date: 2008-04-01

Register: Supplemental

Law Office Assigned: LAW OFFICE 114

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Current Location: 650 -Publication And Issue Section

Date In Location: 2008-04-01

---

### LAST APPLICANT(S)/OWNER(S) OF RECORD

---

1. TEQUILA GALINDO SA DE CV

**Address:**

TEQUILA GALINDO SA DE CV  
PRESA DE BARAJAS 4 D  
ARANDAS 47180  
Mexico

**Legal Entity Type:** Corporation**State or Country of Incorporation:** Mexico**Phone Number:** 011 52 33 36 15 32 35

---

**GOODS AND/OR SERVICES**

---

**International Class:** 033**Class Status:** Active

Tequila

**Basis:** 1(a)**First Use Date:** 2005-12-07**First Use in Commerce Date:** 2005-12-07

---

**ADDITIONAL INFORMATION**

---

**Name Portrait Consent:** The name(s), portrait(s), and/or signature(s) shown in the mark does not identify a particular living individual.

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**MADRID PROTOCOL INFORMATION**

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**PROSECUTION HISTORY**

---

**NOTE:** To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-04-01 - Registered - Supplemental Register

2008-02-26 - Law Office Publication Review Completed

2008-02-25 - Assigned To LIE

2008-01-28 - APPROVED FOR REGISTRATION SUPPLEMENTAL REGISTER

2008-01-15 - Teas/Email Correspondence Entered

2008-01-15 - Communication received from applicant

2008-01-15 - TEAS Response to Office Action Received

2007-10-01 - Notification Of Non-Final Action E-Mailed

2007-10-01 - Non-final action e-mailed

2007-10-01 - Non-Final Action Written

2007-09-26 - Assigned To Examiner

2007-06-28 - New Application Entered In Tram

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

ALEJANDRO R. MALACARA

**Correspondent**

ALEJANDRO R. MALACARA  
82 CHAPEL HILL CIR  
SAN ANTONIO, TX 78240-3903  
Phone Number: 210 607 1664

---



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# GALINDO

<b>Word Mark</b>	GALINDO
<b>Goods and Services</b>	IC 033. US 047 049. G & S: Tequila. FIRST USE: 20051207. FIRST USE IN COMMERCE: 20051207
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	77214325
<b>Filing Date</b>	June 25, 2007
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Supplemental Register Date</b>	January 15, 2008
<b>Registration Number</b>	3407520
<b>Registration Date</b>	April 1, 2008
<b>Owner</b>	(REGISTRANT) TEQUILA GALINDO SA DE CV CORPORATION MEXICO PRESA DE BARAJAS 4 D ARANDAS MEXICO 47180
<b>Attorney of Record</b>	ALEJANDRO R. MALACARA
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	SUPPLEMENTAL
<b>Other Data</b>	The name(s), portrait(s), and/or signature(s) shown in the mark does not identify a particular living individual.
<b>Live/Dead Indicator</b>	LIVE

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Serial Number: 78373100 Assignment Information      Trademark Document Retrieval

Registration Number: 3133819

Mark

WHISKY GALORE

(words only): WHISKY GALORE

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2006-08-22

Filing Date: 2004-02-24

Transformed into a National Application: No

Registration Date: 2006-08-22

Register: Principal

Law Office Assigned: LAW OFFICE 117

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-07-11

---

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. Duncan Taylor & Co Ltd.

**Address:**

Duncan Taylor & Co Ltd.  
4 Uppperkirkgate

Huntly, Aberdeenshire, AB54 8JU  
United Kingdom  
**Legal Entity Type:** Corporation  
**State or Country of Incorporation:** United Kingdom

---

### GOODS AND/OR SERVICES

---

**International Class:** 033  
**Class Status:** Active  
Alcoholic beverages, namely whisky, distilled spirits and liqueurs  
**Basis:** 1(a)  
**First Use Date:** 2003-08-31  
**First Use in Commerce Date:** 2003-08-31

---

### ADDITIONAL INFORMATION

---

**Disclaimer:** "WHISKEY"

---

### MADRID PROTOCOL INFORMATION

---

(NOT AVAILABLE)

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### PROSECUTION HISTORY

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**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2006-08-22 - Registered - Principal Register  
2006-07-01 - Law Office Registration Review Completed  
2006-06-30 - Assigned To LIE  
2006-06-11 - Allowed for Registration - Principal Register (SOU accepted)  
2006-05-26 - Statement of use processing complete  
2006-05-16 - Amendment to Use filed  
2006-05-16 - TEAS Statement of Use Received  
2006-01-09 - Extension 1 granted  
2005-12-07 - Extension 1 filed  
2005-12-07 - TEAS Extension Received  
2005-06-07 - Notice of allowance - mailed

2005-03-15 - Published for opposition  
2005-02-23 - Notice of publication  
2004-12-07 - Law Office Publication Review Completed  
2004-12-06 - Assigned To LIE  
2004-11-30 - Approved for Pub - Principal Register (Initial exam)  
2004-11-23 - Amendment From Applicant Entered  
2004-11-12 - Communication received from applicant  
2004-11-12 - PAPER RECEIVED  
2004-09-14 - Examiner's Amendment And/Or Priority Action E-Mailed  
2004-09-14 - Examiners Amendment And/Or Priority Action - Completed  
2004-09-14 - Assigned To Examiner  
2004-03-10 - New Application Entered In Tram

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

Joseph T. Nabor

**Correspondent**

Joseph T. Nabor  
FITCH, EVEN, TABIN & FLANNERY  
120 S LASALLE ST STE 1600  
CHICAGO IL 60603-3590  
Phone Number: 312-577-7000  
Fax Number: 312-577-7007

**Domestic Representative**

Joseph T. Nabor  
Phone Number: 312-577-7000  
Fax Number: 312-577-7007

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### Record 1 out of 1

[TARR Status](#) | [ASSIGN Status](#) | [TDR](#) | [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)

# WHISKY GALORE

**Word Mark** WHISKY GALORE

**Goods and Services** IC 033. US 047 049. G & S: Alcoholic beverages, namely whisky, distilled spirits and liqueurs. FIRST USE: 20030831. FIRST USE IN COMMERCE: 20030831

**Standard Characters Claimed**

**Mark Drawing Code** (4) STANDARD CHARACTER MARK

**Serial Number** 78373100

**Filing Date** February 24, 2004

**Current Filing Basis** 1A

**Original Filing Basis** 1B

**Published for Opposition** March 15, 2005

**Registration Number** 3133819

**Registration Date** August 22, 2006

**Owner** (REGISTRANT) Duncan Taylor & Co Ltd. CORPORATION UNITED KINGDOM 4 Upperkirkgate Huntly, Aberdeenshire, AB54 8JU UNITED KINGDOM

**Attorney of Record** Joseph T. Nabor

**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "WHISKEY" APART FROM THE MARK AS SHOWN

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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**EXHIBIT W**

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2008-10-14 16:39:57 ET

Serial Number: 78408171 Assignment Information      Trademark Document Retrieval

Registration Number: 3056462

Mark

GALERA VIEJA

(words only): GALERA VIEJA

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2006-01-31

Filing Date: 2004-04-26

Transformed into a National Application: No

Registration Date: 2006-01-31

Register: Principal

Law Office Assigned: LAW OFFICE 112

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2005-12-20

---

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. Garnica, Juan Leon

**Address:**

Garnica, Juan Leon  
Leona Vicario #11

Arandas 47180

Mexico

**Legal Entity Type:** Individual

**Country of Citizenship:** Mexico

**Phone Number:** 302-658-9141

**Fax Number:** 302-658-5614

---

### GOODS AND/OR SERVICES

---

**International Class:** 033

**Class Status:** Active

tequila

**Basis:** 1(a)

**First Use Date:** 2005-09-12

**First Use in Commerce Date:** 2005-09-12

---

### ADDITIONAL INFORMATION

---

**Translation:** The foreign wording in the mark translates into English as OLD SHED or OLD WAR SHIP.

---

### MADRID PROTOCOL INFORMATION

---

(NOT AVAILABLE)

---

### PROSECUTION HISTORY

---

**NOTE:** To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2006-01-31 - Registered - Principal Register

2005-12-15 - Law Office Registration Review Completed

2005-12-15 - Assigned To LIE

2005-12-07 - Allowed for Registration - Principal Register (SOU accepted)

2005-11-15 - Statement of use processing complete

2005-10-28 - Amendment to Use filed

2005-10-28 - TEAS Statement of Use Received

2005-05-03 - Notice of allowance - mailed

2005-02-08 - Published for opposition

2005-01-19 - Notice of publication

2004-12-02 - Law Office Publication Review Completed

2004-12-02 - Assigned To LIE

2004-11-22 - Approved for Pub - Principal Register (Initial exam)

2004-11-19 - Assigned To Examiner

2004-05-03 - New Application Entered In Tram

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

Michael L. Lovitz, Esq.

**Correspondent**

Michael L. Lovitz, Esq.

Connolly Bove Lodge & Hutz LLP

P. O. Box 2207

Wilmington, DE 19899

Phone Number: 302-658-9141

Fax Number: 302-658-5614

**Domestic Representative**

Michael L. Lovitz, Esq.

Phone Number: 302-658-9141

Fax Number: 302-658-5614

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### Record 1 out of 1

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# GALERA VIEJA

<b>Word Mark</b>	GALERA VIEJA
<b>Translations</b>	The foreign wording in the mark translates into English as OLD SHED or OLD WAR SHIP.
<b>Goods and Services</b>	IC 033. US 047 049. G & S: tequila. FIRST USE: 20050912. FIRST USE IN COMMERCE: 20050912
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	78408171
<b>Filing Date</b>	April 26, 2004
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	February 8, 2005
<b>Registration Number</b>	3056462
<b>Registration Date</b>	January 31, 2006
<b>Owner</b>	(REGISTRANT) Garnica, Juan Leon INDIVIDUAL MEXICO Leona Vicario #11 Arandas MEXICO 47180
<b>Attorney of Record</b>	Michael L. Lovitz, Esq.
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

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[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)

# EXHIBIT X

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2008-10-14 16:40:44 ET

Serial Number: 78638129 Assignment Information      Trademark Document Retrieval

Registration Number: 3232488

Mark

# GALA ROUGE

(words only): GALA ROUGE

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2007-04-24

Filing Date: 2005-05-26

Transformed into a National Application: No

Registration Date: 2007-04-24

Register: Principal

Law Office Assigned: LAW OFFICE 111

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)

Current Location: 650 -Publication And Issue Section

Date In Location: 2007-04-24

---

## LAST APPLICANT(S)/OWNER(S) OF RECORD

---

1. Brown-Forman Corporation

**Address:**

Brown-Forman Corporation  
850 Dixie Highway

Louisville, KY 40210  
United States  
**Legal Entity Type:** Corporation  
**State or Country of Incorporation:** Delaware  
**Phone Number:** 415 446 5225  
**Fax Number:** 415 446 5230

---

**GOODS AND/OR SERVICES**

---

**International Class:** 033  
**Class Status:** Active  
Alcoholic beverages, namely, wines  
**Basis:** 1(a)  
**First Use Date:** 2005-09-06  
**First Use in Commerce Date:** 2005-09-06

---

**ADDITIONAL INFORMATION**

---

**Disclaimer:** "ROUGE"

**Translation:** The word "rouge" means "red" in French. The word "gala" means "a festive celebration, especially a public entertainment marking a special occasion," and has its etymology in Italian, from Middle French.

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**MADRID PROTOCOL INFORMATION**

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(NOT AVAILABLE)

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**PROSECUTION HISTORY**

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**NOTE:** To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2007-04-24 - Registered - Principal Register  
2007-02-06 - Published for opposition  
2007-01-17 - Notice of publication  
2006-12-21 - Law Office Publication Review Completed  
2006-12-21 - Assigned To LIE  
2006-12-07 - Approved for Pub - Principal Register (Initial exam)  
2006-12-07 - Ex parte appeal terminated  
2006-11-14 - Ex parte appeal - Refusal affirmed

2006-08-02 - EXAMINERS STATEMENT E-MAILED  
2006-08-02 - Examiners Statement - Completed  
2006-07-12 - Jurisdiction Restored To Examining Attorney  
2006-06-08 - Ex parte appeal - Instituted  
2006-06-08 - EXPARTE APPEAL RECEIVED AT TTAB  
2006-06-03 - Final refusal e-mailed  
2006-06-03 - Final Refusal Written  
2006-05-16 - Amendment From Applicant Entered  
2006-04-25 - Communication received from applicant  
2006-04-25 - PAPER RECEIVED  
2005-12-21 - Non-final action e-mailed  
2005-12-21 - Amendment to Use approved  
2005-12-21 - Non-Final Action Written  
2005-12-19 - Assigned To Examiner  
2005-10-04 - Applicant amendment prior to exam entered  
2005-10-19 - Amendment to use processing complete  
2005-10-04 - Amendment to Use filed  
2005-10-04 - TEAS Amendment of Use Received  
2005-06-06 - New Application Entered In Tram

---

#### ATTORNEY/CORRESPONDENT INFORMATION

---

**Attorney of Record**

David S. Gooder

**Correspondent**

DAVID S. GOODER  
BROWN-FORMAN BRANDS  
4040 CIVIC CENTER DRIVE, SUITE 528  
SAN RAFAEL, CA 94903  
Phone Number: 415 446 5225

Fax Number: 415 446 5230

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# GALA ROUGE

<b>Word Mark</b>	GALA ROUGE
<b>Translations</b>	The word "rouge" means "red" in French. The word "gala" means "a festive celebration, especially a public entertainment marking a special occasion," and has its etymology in Italian, from Middle French.
<b>Goods and Services</b>	IC 033. US 047 049. G & S: Alcoholic beverages, namely, wines. FIRST USE: 20050906. FIRST USE IN COMMERCE: 20050906
<b>Standard Characters Claimed</b>	.
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	78638129
<b>Filing Date</b>	May 26, 2005
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	February 6, 2007
<b>Registration Number</b>	3232488
<b>Registration Date</b>	April 24, 2007
<b>Owner</b>	(REGISTRANT) Brown-Forman Corporation CORPORATION DELAWARE 850 Dixie Highway Louisville KENTUCKY 40210
<b>Attorney of Record</b>	David S. Gooder
<b>Disclaimer</b>	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ROUGE" APART FROM THE MARK AS SHOWN

Type of Mark TRADEMARK  
Register PRINCIPAL  
Live/Dead Indicator LIVE

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---

[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)

# EXHIBIT E

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

E. & J. GALLO WINERY,

Opposer,

v.

MIMULANI AG,

Applicant.

**Opposition No. 91181380**

Opposition No. 91181381

Opposition No. 91181383

Opposition No. 91181384

Opposition No. 91181385

Opposition No. 91181386

Opposition No. 91181388

**APPLICANT'S SECOND REQUEST FOR PRODUCTION**

Please take notice that, pursuant to 37 C.F.R. §§ 2.116, 2.120 and Rules 26 and 34 of the Federal Rules of Civil Procedure, Applicant MIMULANI AG hereby requests that, within thirty (30) days of service of these requests, Opposer E. & J. GALLO WINERY produce for Applicant at the offices of Young & Thompson, 209 Madison Street, Suite 500, Alexandria, Virginia 22314, or at such other location as may be mutually agreed to by the parties, and there permit Applicant to inspect and copy the following documents and things as may be in the possession, custody or control of Applicant.

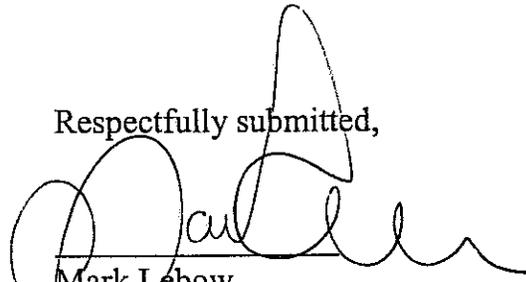
**REQUESTS**

3. All documents and things supporting the denial of any request for admission of Applicant's Second Request for Admissions to Opposer.
4. All agreements reached between Opposer, including any subsidiaries, agents or other entities within its control, and any third parties whose use or registration of a

mark, or whose intended use or registration of a mark, Opposer has challenged in any manner as being likely to be confused with Opposer's GALLO marks.

5. All coexistence agreements reached between Opposer, including any subsidiaries, agents or other entities within its control, and third parties pertaining to Opposer's GALLO marks.

Respectfully submitted,

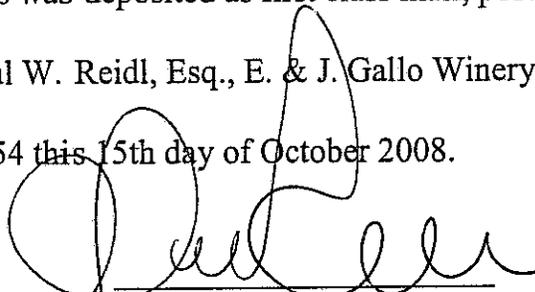


Mark Lebow  
Attorneys for Opposer  
Young & Thompson  
209 Madison Street  
Suite 500  
Alexandria, VA 22314  
Tel: (703) 521-2297

October 15, 2008

CERTIFICATE OF SERVICE

I hereby certify that the foregoing APPLICANT'S SECOND REQUEST FOR PRODUCTION of documents and things was deposited as first class mail, postage prepaid, in an envelope addressed to Paul W. Reidl, Esq., E. & J. Gallo Winery, 600 Yosemite Boulevard, Modesto, CA 95354 this 15th day of October 2008.



Hue Morrison

# EXHIBIT F

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

E. & J. GALLO WINERY,

Opposer,

v.

MIMULANI AG,

Applicant.

**Opposition No. 91181380**

Opposition No. 91181381

Opposition No. 91181383

Opposition No. 91181384

Opposition No. 91181385

Opposition No. 91181386

Opposition No. 91181388

**APPLICANT'S FIRST SET OF INTERROGATORIES**

Please take notice that, pursuant to 37 C.F.R. §§ 2.116, 2.120 and Rules 26 and 33 of the Federal Rules of Civil Procedure, Applicant, MIMULANI AG, hereby propounds and requests that Opposer, E. & J. GALLO WINERY, answer the following interrogatories, under oath, within thirty (30) days after service of these interrogatories.

**INSTRUCTIONS**

A. As used herein, the term "Opposer" refers to E. & J. GALLO WINERY, and includes all other partnerships, corporations or other business entities (whether or not separate legal entities) subsidiary to, parent to, or affiliated with Opposer, including all of its or their partners, principals, officers, directors, trustees, employees, staff members, agents and representatives, including counsel for Opposer.

B. The term "Applicant" refers to MIMULANI AG and includes all other partnerships, corporations or other business entities (whether or not separate legal entities) subsidiary to, parent to, or affiliated with Applicant, including all of its or their partners,

principals, officers, directors, trustees, employees, staff members, agents and representatives, including counsel for Applicant.

C. Wherever in the following interrogatories Opposer is asked to identify documents, it is requested that the documents be identified by stating:

- a. General type of document, i.e., letter, memorandum, report, miscellaneous, notes, etc.;
- b. Date;
- c. Author;
- d. Organization, if any, with which author was connected;
- e. Addressee or recipient;
- f. Other distributees;
- g. Organization, if any, with which addressee or recipient, or distributees were connected;
- h. General nature of the subject matter to extent that Opposer can do so without divulging matter considered by it to be privileged;
- i. Present location of such document and each copy thereof known to Opposer, including the title, index number and location, if any, of the file in which the document is kept or the file from which such document was removed, if removed for the purposes of this case, and the identity of all persons responsible for the filing or other disposition of the document.

D. Wherever in the following interrogatories Opposer is asked to identify persons, it is requested that the persons be identified by stating:

- a. Their full name, home and business addresses, if known;
- b. Their employment, job title or description; and
- c. If employed by Opposer, their dates and regular places of employment and general duties.

E. Wherever in the following interrogatories Opposer is asked to identify companies or the response to an interrogatory would require the identification of a company, it is requested that the company be identified by stating:

- a. Its full corporate name;
- b. A brief description of the general nature of its business;
- c. Its state of incorporation;
- d. The address and principal place of business; and
- e. The identity of the officers or other person having knowledge of the matter with respect to which the company has been identified.

F. Wherever in the following interrogatories Opposer is asked to identify goods, products or services, or the marking used in combination with the goods or services, it is requested that the same be identified by stating the catalog, stock, model or the like number or designation, the trademark, name, type, grade, design element, or stylized appearance of the mark, and any other designation customarily used by the party concerned to designate such

goods, products or services, or the like, and to distinguish it from others made by the same or a different producer.

G. Should Opposer deem to be privileged any document concerning information which is requested by any of the following interrogatories, Opposer shall list such documents and supply information as requested in Paragraph F above concerning such documents, and additionally shall indicate that they claim privilege therefor, briefly state the nature of the document, the sender, the author, the recipient of each copy, the date, the name of each person to whom the original or any copy was circulated, the names appearing on any circulation list of Opposer associated with such document, a summary statement of the subject matter(s) of such document in sufficient detail to permit the Trademark Trial and Appeal Board to conduct an analysis to reach a determination of any claim of privilege or exclusion and separate indication of the basis for assertion of privilege or the like for each such document.

H. Whenever the terms "documents" or "all documents" are used herein, these terms are meant to include all documents available to Opposer and further to include, without limitation, any written, recorded, graphic, or printed matter, in whatever form, whether printed and/or produced by hand or any other process, specifically including (1) all originals, copies or drafts, and (2) originals, copies or drafts on which appear any notes or writings placed thereon after the document was first printed, typed, recorded, or made into graphic matter, however produced or reproduced, in the actual or constructive possession of Opposer, including, without limitation, any letters, telegrams, memoranda, writings, circulars, monographs, bulletins, manuals, speeches, audio and video tapes, drawings, blueprints, recordings, computer disks or tapes, computer

electronic or optical memory devices in readable form, computer printouts, computer electronic messages, notes, correspondence, communications of any nature, summaries of records of conversations or conferences, information which can be retrieved by any process, test and/or analysis, reports and data sheets, specifications, sketches, minutes or reports and/or summaries or interviews, reports and/or summaries of investigations, opinions or reports of consultants, agreements and contracts, brochures, pamphlets, advertisements, letters to the trade, and including any tangible things within the scope of Rule 34(a)(1), Federal Rules of Civil Procedure.

Any document bearing on any sheet or side thereof any marks not a part of the original text or any reproduction thereof is to be considered a separate document for purposes of responding to the following specific document requests.

I. Each of the separate interrogatories herein is deemed to seek separate answers and responses as of the date hereof and these interrogatories shall be deemed to be continuing and any additional information relating in any way to these interrogatories and to events occurring or documents existing prior to the filing of the Opposition herein which Opposer acquires or which becomes known to Opposer up to and including the close of the rebuttal testimony period shall be furnished to Opposer within a reasonable time after such information is acquired or becomes known.

## INTERROGATORIES

### Interrogatory No. 1

Identify every instance, of which Applicant is aware, of confusion relating to the marks or products in issue in this proceeding, and identify all persons having knowledge thereof.

### Response

### Interrogatory No. 2

Identify each person who supplied information or documents included or identified in the responses to these Interrogatories or to Applicant's First Request for Production of Documents and Things, specifying for each person the numbers of the Interrogatories and/or Requests for which such information or documents were supplied.

### Response

### Interrogatory No. 3

Identify all agreements reached between Opposer and any third party whose use or registration of a mark, or whose intended use or registration of a mark, Opposer has challenged in any manner.

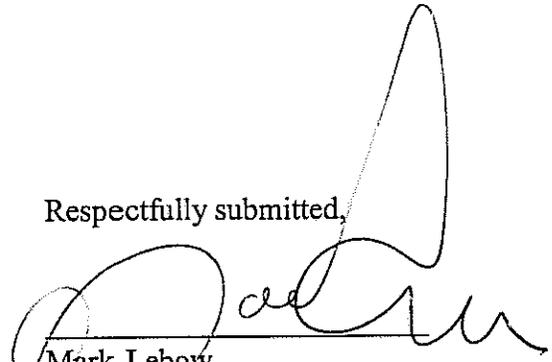
### Response

Interrogatory No. 4

Identify all coexistence agreement reached between Opposer and their parties pertaining to Opposer's GALLO marks.

Response

Respectfully submitted,



Mark Lebow  
Attorney for Applicant  
Young & Thompson  
209 Madison St., Suite 500  
Alexandria, VA 22314  
Phone: (703) 521-2297

CERTIFICATE OF SERVICE

I hereby certify that the foregoing APPLICANT'S FIRST SET OF INTEROGATORIES of documents and things was deposited as first class mail, postage prepaid, in an envelope addressed to Paul W. Reidl, Esq., E. & J. Gallo Winery, 600 Yosemite Boulevard, Modesto, CA 95354 this 15th day of October 2008.

  
\_\_\_\_\_  
Hue Morrison

# EXHIBIT G

1                   **BEFORE THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
2                   **TRADEMARK TRIAL AND APPEAL BOARD**

3                   **E. & J. GALLO WINERY,**

4                   )  
5                   )  
6                   )  
7                   )  
8                   )  
9                   )  
10                  )  
11                  )  
12                  )  
13                  )  
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15                  )  
16                  )  
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19                  )  
20                  )  
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22                  )  
23                  )  
24                  )  
25                  )  
26                  )  
27                  )  
28                  )  
                    Opposer,

Opposition No. 91181380 et al  
(Consolidated)

v.

**MIMULANI AG,**

Applicant.

11                                   **OPPOSER’S OBJECTIONS AND RESPONSES TO**  
12                                   **APPLICANT’S FIRST REQUEST FOR ADMISSIONS TO OPPOSER**

13                   Opposer, E. & J. Gallo Winery (“Gallo”) hereby submits the following objections and  
14 responses to Applicant’s First Request for Admissions to Opposer.

15   **GENERAL OBJECTIONS**

16                   The following General Objections (“General Objections”) are hereby incorporated into each of  
17 the specific responses and objections below.

- 18                   1.       Gallo objects to the Requests for Admission to the extent they purport to impose any duty  
19 or obligation other than those imposed by the Federal Rules of Civil Procedure and the TTAB Rules.  
20  
21                   2.       Gallo objects to the Requests for Admission to the extent they seek information protected  
22 by the attorney-client privilege, work product immunity, or any other applicable privilege, particularly  
23 to the extent they seek attorney files for ongoing litigation such as this case as unduly burdensome and  
24 as an impermissible intrusion on the attorney-client privilege and work product immunity.  
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1           3.       Gallo objects to the Requests for Admission to the extent they seek the disclosure of  
2 proprietary or confidential business information, trade secrets, or other sensitive information without the  
3 entry of a Protective Order.

4           4.       Gallo objects to the Requests for Admission to the extent they purport to require the  
5 disclosure of information that is not within Gallo's possession, custody, or control.

6           5.       Gallo objects to the Requests for Admission to the extent they seek information that is  
7 publicly available, is as readily available to Opposer as it is to Gallo, or is already in Opposer's  
8 possession, custody, or control.

9           6.       Gallo objects to the Requests for Admission to the extent they are unreasonably  
10 cumulative or duplicative, and to the extent that the information sought is more conveniently obtainable  
11 from some other source.

12           7.       Gallo objects to the Requests for Admission to the extent they seek information  
13 regarding the activities of Gallo or third parties outside the United States as unduly burdensome and  
14 not reasonably calculated to lead to the discovery of admissible evidence.

15           8.       Gallo objects to the Requests for Admission, specifically the definition of "You,  
16 "Your," and "Opposer" to the extent they purport to impose a requirement on Gallo to determine  
17 whether employees of Gallo's distributors, retailers, former employees, advertising agencies, or  
18 others outside of the immediate Gallo organization may have responsive information as unreasonable  
19 and unduly burdensome because this would require Gallo to canvass over 200,000 separate business  
20 entities in the United States with which Gallo transacts business on a daily basis.

21           9.       Gallo objects to Requests for Admission Nos. 1-57 on relevance grounds and reserves  
22 its right to object to the admission of these responses, the accompanying documents, or the general  
23 subject matter.

24           10.      Each Request for Admission is answered to the best of Gallo's information and belief  
25  
26  
27  
28

1 as of the date of the response and without prejudice, and is confined solely and exclusively to the  
2 United States of America.

3 **SPECIFIC RESPONSES AND OBJECTIONS**

4 Gallo hereby submits the following responses and specific objections to the Requests for  
5 Admission.  
6

7  
8 **REQUEST FOR ADMISSION NO. 1**

9 1. *Admit that the U.S. Patent and Trademark Office's TESS and TARR database excerpts*  
10 *attached hereto as Exhibit A fairly and accurately depict the mark PALAIS GALLIEN for "wine" as*  
11 *covered by U.S. Registration No. 2992639.*

12 **RESPONSE**

13 Subject to the General Objections, Opposer admits that Exhibit A purports to be excerpts from  
14 TESS and TARR but denies the remainder of Request for Admission No. 1.  
15

16  
17 **REQUEST FOR ADMISSION NO. 2**

18 2. *Admit that the Opposer did not oppose the third party registration of the mark referenced in*  
19 *Request No. 1 above, has not petitioned for cancellation of it, and has not otherwise challenged the*  
20 *use of said mark in the U.S. commerce.*

21 **RESPONSE**

22 Subject to the General Objections, Opposer admits that it neither opposed nor petitioned to  
23 cancel the registration depicted in Exhibit A. Gallo objects to that portion of Request for Admission  
24 No. 2 concerning the use of the mark in U.S. commerce because Gallo has no knowledge of use of  
25 the mark in U.S. commerce and, therefore, Gallo denies the remainder of Request for Admission No.  
26  
27

28 2.

1 **REQUEST FOR ADMISSION NO. 3**

2 3. *Admit that the mark referenced in Request Nos. 1 and 2 above coexists with Opposer's*  
3 *GALLO marks.*

4 **RESPONSE**

5 Subject to the General Objections, Gallo states that it has no knowledge of the use of the mark  
6 referenced in Request Nos. 1 and 2 above and, therefore, Request for Admission No. 3 is denied.  
7

8  
9 **REQUEST FOR ADMISSION NO. 4**

10 4. *Admit that the U.S. Patent and Trademark Office's TESS and TARR database excerpts*  
11 *attached hereto as Exhibit B fairly and accurately depict the mark GALLIANO for "alcoholic*  
12 *beverages, namely liquors" as covered by U.S. Registration No. 2679551.*

13 **RESPONSE**

14 Subject to the General Objections, Opposer admits that Exhibit B purports to be excerpts from  
15 TESS and TARR but denies the remainder of Request for Admission No. 4.  
16

17  
18 **REQUEST FOR ADMISSION NO. 5**

19 5. *Admit that Opposer did not oppose the third party registration of the mark referenced in*  
20 *Request No. 4 above, has not petitioned for cancellation of it, and has not otherwise challenged the*  
21 *use of said mark in the U.S. commerce.*

22 **RESPONSE**

23 Subject to the General Objections, Opposer admits that it neither opposed nor petitioned to  
24 cancel the registration depicted in Exhibit B, but denies the remainder of Request for Admission No.  
25

26 5.  
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1 **REQUEST FOR ADMISSION NO. 6**

2 6. *Admit that the mark referenced in Request Nos. 4 and 5 above coexists with Opposer's*  
3 *GALLO marks.*

4 **RESPONSE**

5 Subject the General Objections, Request for Admission No. 6 is admitted.  
6

7  
8 **REQUEST FOR ADMISSION NO. 7**

9 7. *Admit that the U.S. Patent and Trademark Office's TESS and TARR database excerpts*  
10 *attached hereto as Exhibit C fairly and accurately depict the mark LIQUORE GALLIANO for*  
11 *"alcoholic liquor" as covered by U.S. Registration No. 1036955.*

12 **RESPONSE**

13 Subject to the General Objections, Opposer admits that Exhibit C purports to be excerpts from  
14 TESS and TARR but denies the remainder of Request for Admission No. 7.  
15

16  
17 **REQUEST FOR ADMISSION NO. 8**

18 8. *Admit that the Opposer did not oppose the third party registration of the mark referenced in*  
19 *Request No. 7 above, has not petitioned for cancellation of it, and has not otherwise challenged the*  
20 *use of said mark in U.S. commerce.*

21 **RESPONSE**

22 Subject to the General Objections, Opposer admits that it neither opposed nor petitioned to  
23 cancel the registration depicted in Exhibit C. Gallo objects to that portion of Request for Admission  
24 No. 8 concerning the use of the mark in U.S. commerce because Gallo has no knowledge of use of  
25 the mark in U.S. commerce and, therefore, Gallo denies the remainder of Request for Admission No.  
26  
27 8.  
28

1  
2 **REQUEST FOR ADMISSION NO. 9**

3 9. *Admit that the mark referenced in Request Nos. 7 and 8 above coexists with Opposer's*  
4 *GALLO marks.*

5  
6 **RESPONSE**

7 Subject to the General Objections, Gallo states that it has no knowledge of the use of the mark  
8 referenced in Request Nos. 7 and 8 above and, therefore, Request for Admission No. 9 is denied.

9  
10 **REQUEST FOR ADMISSION NO. 10**

11 10. *Admit that the U.S. Patent and Trademark Office's TESS and TARR database excerpts*  
12 *attached hereto as Exhibit D fairly and accurately depict the mark GALLERIA ITALIANA for*  
13 *"distilled spirits, liqueurs and creamy liqueurs" as covered by U.S. Registration No. 2896365.*

14 **RESPONSE**

15 Subject to the General Objections, Opposer admits that Exhibit D purports to be excerpts from  
16 TESS and TARR but denies the remainder of Request for Admission No. 10.

17  
18 **REQUEST FOR ADMISSION NO. 11**

19  
20 11. *Admit that Opposer did not oppose the third party registration of the mark referenced in*  
21 *Request No. 10 above, has not petitioned for cancellation of it, and has not otherwise challenged the*  
22 *use of the said mark in U.S. commerce.*

23 **RESPONSE**

24 Subject to the General Objections, Opposer admits that it neither opposed nor petitioned to  
25 cancel the registration depicted in Exhibit D. Gallo objects to that portion of Request for Admission  
26 No. 11 concerning the use of the mark in U.S. commerce because Gallo has no knowledge of use of  
27

1 the mark in U.S. commerce and, therefore, Gallo denies the remainder of Request for Admission No.  
2 11.

3  
4 **REQUEST FOR ADMISSION NO. 12**

5 *12. Admit that the mark referenced in Request Nos. 10 and 11 above coexists with Opposer's*  
6 *GALLO marks.*

7  
8 **RESPONSE**

9 Subject to the General Objections, Gallo states that it has no knowledge of the use of the mark  
10 referenced in Request Nos. 10 and 11 above and, therefore, Request for Admission No. 12 is denied.

11  
12 **REQUEST FOR ADMISSION NO. 13**

13 *13. Admit that the U.S. Patent and Trademark Office's TESS and TARR database excerpts*  
14 *attached hereto as Exhibit E fairly and accurately depict the mark GALLANT KNIGHT for "wine" as*  
15 *covered by U.S. Registration No. 3328960.*

16  
17 **RESPONSE**

18 Subject to the General Objections, Opposer admits that Exhibit E purports to be excerpts from  
19 TESS and TARR but denies the remainder of Request for Admission No. 13.

20  
21 **REQUEST FOR ADMISSION NO. 14**

22 *14. Admit that the Opposer did not oppose the third party registration of the mark referenced in*  
23 *Request No. 13 above, has not petitioned for cancellation of it, and has not otherwise challenged the*  
24 *use of the said mark in the U.S. commerce.*

25  
26 **RESPONSE**

27 Subject to the General Objections, Opposer admits that it neither opposed nor petitioned to  
28

1 cancel the registration depicted in Exhibit E. Gallo objects to that portion of Request for Admission  
2 No. 14 concerning the use of the mark in U.S. commerce because Gallo has no knowledge of use of  
3 the mark in U.S. commerce and, therefore, Gallo denies the remainder of Request for Admission No.  
4 14.  
5

6  
7 **REQUEST FOR ADMISSION NO. 15**

8 *15. Admit that the mark referenced in Request Nos. 13 and 14 above coexists with Opposer's*  
9 *GALLO marks.*

10 **RESPONSE**

11 Subject to the General Objections, Gallo states that it has no knowledge of the use of the mark  
12 referenced in Request Nos. 13 and 14 above and, therefore, Request for Admission No. 15 is denied.  
13  
14

15 **REQUEST FOR ADMISSION NO. 16**

16 *16. Admit that the U.S. Patent and Trademark Office's TESS and TARR database excerpts*  
17 *attached hereto as Exhibit F fairly and accurately depict the mark T'GALLANT for "wine" as*  
18 *covered by U.S. Registration No. 2932427.*

19 **RESPONSE**

20 Subject to the General Objections, Opposer admits that Exhibit F purports to be excerpts from  
21 TESS and TARR but denies the remainder of Request for Admission No. 16.  
22  
23

24 **REQUEST FOR ADMISSION NO. 17**

25 *17. Admit that the Opposer did not oppose the third party registration of the mark referenced in*  
26 *Request No. 16 above, has not petitioned for cancellation of it, and has not otherwise challenged the*  
27 *use of the said mark in the U.S. commerce.*  
28

1 **RESPONSE**

2 Subject to the General Objections, Opposer admits that it neither opposed nor petitioned to  
3 cancel the registration depicted in Exhibit F. Gallo objects to that portion of Request for Admission  
4 No. 17 concerning the use of the mark in U.S. commerce because Gallo has no knowledge of use of  
5 the mark in U.S. commerce and, therefore, Gallo denies the remainder of Request for Admission No.  
6  
7 17.

8  
9 **REQUEST FOR ADMISSION NO. 18**

10 18. *Admit that the mark referenced in Request Nos.16 and 17 above coexists with Opposer's*  
11 *GALLO marks.*

12 **RESPONSE**

13 Gallo objects to Request for Admission No. 18 because it assumes a fact about which Gallo has  
14 no knowledge. Subject to this objection and the General Objections, Request for Admission No. 18  
15 is denied.  
16

17  
18 **REQUEST FOR ADMISSION NO. 19**

19 19. *Admit that the U.S. Patent and Trademark Office's TESS and TARR database excerpts*  
20 *attached hereto as Exhibit G fairly and accurately depict the mark TOP GALLANT for "wines" as*  
21 *covered by U.S. Registration No. 2934354.*

22 **RESPONSE**

23 Subject to the General Objections, Opposer admits that Exhibit G purports to be excerpts from  
24 TESS and TARR but denies the remainder of Request for Admission No. 19.  
25  
26  
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1 **REQUEST FOR ADMISSION NO. 20**

2 20. *Admit that the Opposer did not oppose the third party registration of the mark referenced in*  
3 *Request No. 19 above, has not petitioned for cancellation of it, and has not otherwise challenged the*  
4 *use of the said mark in the U.S. commerce.*

5  
6 **RESPONSE**

7 Subject to the General Objections, Opposer admits that it neither opposed nor petitioned to  
8 cancel the registration depicted in Exhibit G. Gallo objects to that portion of Request for Admission  
9 No. 20 concerning the use of the mark in U.S. commerce because Gallo has no knowledge of use of  
10 the mark in U.S. commerce and, therefore, Gallo denies the remainder of Request for Admission No.  
11 20.

12  
13  
14 **REQUEST FOR ADMISSION NO. 21**

15 21. *Admit that the mark referenced in Request Nos. 19 and 20 above coexists with Opposer's*  
16 *GALLO marks.*

17 **RESPONSE**

18 Gallo objects to Request for Admission No. 18 because it assumes a fact about which Gallo has  
19 no knowledge. Subject to this objection and the General Objections, Request for Admission No. 18  
20 is denied.

21  
22  
23 **REQUEST FOR ADMISSION NO. 22**

24 22. *Admit that the U.S. Patent and Trademark Office's TESS and TARR database excerpt attached*  
25 *hereto as Exhibit H fairly and accurately depict the mark L. GALLARDO for "tequila" as covered by*  
26 *U.S. Registration No. 2691812.*

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**RESPONSE**

Subject to the General Objections, Opposer admits that Exhibit H purports to be excerpts from TESS and TARR but denies the remainder of Request for Admission No. 22.

**REQUEST FOR ADMISSION NO. 23**

23. *Admit that the Opposer did not oppose the third party registration of the mark referenced in Request No. 22 above, has not petitioned for cancellation of it, and has not otherwise challenged the use of the said mark in the U.S. commerce.*

**RESPONSE**

Subject to the General Objections, Gallo admits that it has not petitioned to cancel the mark references in Request No. 22 but denies the remainder of Request for Admission No. 23.

**REQUEST FOR ADMISSION NO. 24**

24. *Admit that mark referenced in Request Nos. 22 and 23 above coexists with Opposer's GALLO marks.*

**RESPONSE**

Subject to the General Objections, Gallo Admits Request for Admission No. 24.

**REQUEST FOR ADMISSION NO. 25**

25. *Admit that the U.S. Patent and Trademark Office's TESS and TARR database excerpts attached hereto as Exhibit I fairly and accurately depict the mark GALLERON for "wine" as covered by U.S. Registration No. 2735738.*

**RESPONSE**

Subject to the General Objections, Opposer admits that Exhibit I purports to be excerpts from

1 TESS and TARR but denies the remainder of Request for Admission No. 25.

2  
3 **REQUEST FOR ADMISSION NO. 26**

4 26. *Admit that the Opposer did not oppose the third party registration of the mark referenced in*  
5 *Request No. 25 above, has not petitioned for cancellation of it, and has not otherwise challenged the*  
6 *use of the said mark in the U.S. commerce.*  
7

8 **RESPONSE**

9 Subject to the General Objections, Gallo admits that it neither opposed nor petitioned to cancel  
10 the registration depicted in Exhibit I. The remainder of Request for Admission No. 26 s denied.  
11

12 **REQUEST FOR ADMISSION NO. 27**

13 27. *Admit that the mark referenced in Request Nos. 25 and 26 above coexists with Opposer's*  
14 *GALLO marks.*  
15

16 **RESPONSE**

17 Subject to the General Objections, Gallo admits Request for Admission No. 27.  
18

19 **REQUEST FOR ADMISSION NO. 28**

20 28. *Admit that the U.S. Patent and Trademark Office's TESS and TARR database excerpts*  
21 *attached hereto as Exhibit J fairly and accurately depict the mark GALANTE VINEYARDS and*  
22 *Design for "wines" as covered by U.S. Registration No. 2099244.*  
23

24 **RESPONSE**

25 Subject to the General Objections, Opposer admits that Exhibit J purports to be excerpts from  
26 TESS and TARR but denies the remainder of Request for Admission No. 28.  
27

1 **REQUEST FOR ADMISSION NO. 29**

2 29. *Admit that the Opposer did not oppose the third party registration of the mark referenced in*  
3 *Request No. 28 above, has not petitioned for cancellation of it, and has not otherwise challenged the*  
4 *use of the said mark in the U.S. commerce.*

5  
6 **RESPONSE**

7 Subject to the General Objections, Opposer admits that it neither opposed nor petitioned to  
8 cancel the registration depicted in Exhibit J. Gallo objects to that portion of Request for Admission  
9 No. 28 concerning the use of the mark in U.S. commerce because Gallo has no knowledge of use of  
10 the mark in U.S. commerce and, therefore, Gallo denies the remainder of Request for Admission No.  
11 28.

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13  
14 **REQUEST FOR ADMISSION NO. 30**

15 30. *Admit that the mark referenced in Request Nos. 28 and 29 above coexists with Opposer's*  
16 *GALLO marks.*

17 **RESPONSE**

18 Subject to the General Objections, Gallo states that it has no knowledge of the use of the mark  
19 referenced in Request Nos. 28 and 29 above and, therefore, Request for Admission No. 30 is denied.  
20

21  
22 **REQUEST FOR ADMISSION NO. 31**

23 31. *Admit that the U.S. Patent and Trademark Office's TESS and TARR database excerpts*  
24 *attached hereto as Exhibit K fairly and accurately depict the mark GALESTRO for "wines" as*  
25 *covered by U.S. Registration No. 1689225.*

26 **RESPONSE**

27 Subject to the General Objections, Opposer admits that Exhibit K purports to be excerpts from  
28

1 TESS and TARR but denies the remainder of Request for Admission No. 31.  
2

3 **REQUEST FOR ADMISSION NO. 32**

4 32. *Admit that the Opposer did not oppose the third party registration of the mark referenced in*  
5 *Request No. 31 above, has not petitioned for cancellation of it, and has not otherwise challenged the*  
6 *use of the said mark in the U.S. commerce.*  
7

8 **RESPONSE**

9 Subject to the General Objections, Opposer admits that it neither opposed nor petitioned to  
10 cancel the registration depicted in Exhibit K. Gallo objects to that portion of Request for Admission  
11 No. 32 concerning the use of the mark in U.S. commerce because Gallo has no knowledge of use of  
12 the mark in U.S. commerce and, therefore, Gallo denies the remainder of Request for Admission No.  
13 32.  
14

15  
16 **REQUEST FOR ADMISSION NO. 33**

17 33. *Admit that the mark referenced in Request Nos. 31 and 32 above coexists with Opposer's*  
18 *GALLO marks.*  
19

20 **RESPONSE**

21 Subject to the General Objections, Gallo states that it has no knowledge of the use of the mark  
22 referenced in Request Nos. 31 and 32 above and, therefore, Request for Admission No. 33 is denied.  
23

24 **REQUEST FOR ADMISSION NO. 34**

25 34. *Admit that the U.S. Patent and Trademark Office's TESS and TARR database excerpts*  
26 *attached hereto as Exhibit L fairly and accurately depict the mark LUIGI GALVANI for "wine" as*  
27 *covered by U.S. Registration No. 1626216.*  
28





1 **RESPONSE**

2 Subject to the General Objections, Opposer admits that Exhibit N purports to be excerpts from  
3 TESS and TARR but denies the remainder of Request for Admission No. 40.  
4

5 **REQUEST FOR ADMISSION NO. 41**

6  
7 *41. Admit that the Opposer did not oppose the third party registration of the mark referenced in*  
8 *Request No. 40 above, has not petitioned for cancellation of it, and has not otherwise challenged the*  
9 *use of the said mark in the U.S. commerce.*

10 **RESPONSE**

11 Subject to the General Objections, Opposer admits that it neither opposed nor petitioned to  
12 cancel the registration depicted in Exhibit N. Gallo objects to that portion of Request for Admission  
13 No. 41 concerning the use of the mark in U.S. commerce because Gallo has no knowledge of use of  
14 the mark in U.S. commerce and, therefore, Gallo denies the remainder of Request for Admission No.  
15 41.  
16

17 **REQUEST FOR ADMISSION NO. 42**

18  
19 *42. Admit that the mark referenced in Request Nos. 40 and 41 above coexists with Opposer's*  
20 *GALLO marks.*  
21

22 **RESPONSE**

23 Subject to the General Objections, Gallo states that it has no knowledge of the use of the mark  
24 referenced in Request Nos. 40 and 41 above and, therefore, Request for Admission No. 42 is denied.  
25

26 **REQUEST FOR ADMISSION NO. 43**

27 *43. Admit that the U.S. Patent and Trademark Office's TESS and TARR database excerpts*  
28

1 attached hereto as Exhibit O fairly and accurately depict the mark GALENA CELLARS for "wines"  
2 as covered by U.S. Registration No. 2720698.

3 **RESPONSE**

4 Subject to the General Objections, Opposer admits that Exhibit O purports to be excerpts from  
5 TESS and TARR but denies the remainder of Request for Admission No. 43.  
6

7  
8 **REQUEST FOR ADMISSION NO. 44**

9 44. Admit that the Opposer did not oppose the third party registration of the mark referenced in  
10 Request No. 43 above, has not petitioned for cancellation of it, and has not otherwise challenged the  
11 use of the said mark in the U.S. commerce.  
12

13 **RESPONSE**

14 Subject to the General Objections, Opposer admits that it neither opposed nor petitioned to  
15 cancel the registration depicted in Exhibit O. Gallo objects to that portion of Request for Admission  
16 No. 44 concerning the use of the mark in U.S. commerce because Gallo has no knowledge of use of  
17 the mark in U.S. commerce and, therefore, Gallo denies the remainder of Request for Admission No.  
18 44.  
19

20 **REQUEST FOR ADMISSION NO. 45**

21 45. Admit that the mark referenced in Request Nos. 43 and 44 above coexists with Opposer's  
22 GALLO marks.  
23

24 **RESPONSE**

25 Subject to the General Objections, Gallo states that it has no knowledge of the use of the mark  
26 referenced in Request Nos. 43 and 44 above and, therefore, Request for Admission No. 45 is denied.  
27

1 **REQUEST FOR ADMISSION NO. 46**

2 46. *Admit that the U.S. Patent and Trademark Office's TESS and TARR database excerpts*  
3 *attached hereto as Exhibit P fairly and accurately depict the mark GALINDO for "tequila" as*  
4 *covered by U.S. Registration No. 3407520.*

5  
6 **RESPONSE**

7 Subject to the General Objections, Opposer admits that Exhibit P purports to be excerpts from  
8 TESS and TARR but denies the remainder of Request for Admission No. 46.

9  
10 **REQUEST FOR ADMISSION NO. 47**

11 47. *Admit that the Opposer did not oppose the third party registration of the mark referenced in*  
12 *Request No. 46 above, has not petitioned for cancellation of it, and has not otherwise challenged the*  
13 *use of the said mark in the U.S. commerce.*

14  
15 **RESPONSE**

16 Subject to the General Objections, Opposer admits that it neither opposed nor petitioned to  
17 cancel the registration depicted in Exhibit P. Gallo objects to that portion of Request for Admission  
18 No. 47 concerning the use of the mark in U.S. commerce because Gallo has no knowledge of use of  
19 the mark in U.S. commerce and, therefore, Gallo denies the remainder of Request for Admission No.  
20 47.

21  
22  
23 **REQUEST FOR ADMISSION NO. 48**

24 48. *Admit that the mark referenced in Request Nos. 46 and 47 above coexists with Opposer's*  
25 *GALLO marks.*

26  
27 **RESPONSE**

28 Subject to the General Objections, Gallo states that it has no knowledge of the use of the mark

1 referenced in Request Nos. 46 and 47 above and, therefore, Request for Admission No. 48 is denied.

2  
3 **REQUEST FOR ADMISSION NO. 49**

4 *49. Admit that the U.S. Patent and Trademark Office's TESS and TARR database excerpts*  
5 *attached hereto as Exhibit Q fairly and accurately depict the mark WHISKY GALORE for "alcoholic*  
6 *beverages, namely whisky, distilled spirits and liqueurs" as covered by U.S. Registration No.*  
7 *3133819.*

8  
9 **RESPONSE**

10 Subject to the General Objections, Opposer admits that Exhibit Q purports to be excerpts from  
11 TESS and TARR but denies the remainder of Request for Admission No. 49.

12  
13 **REQUEST FOR ADMISSION NO. 50**

14 *50. Admit that the Opposer did not oppose the third party registration of the mark referenced in*  
15 *Request No. 49 above, has not petitioned for cancellation of it, and has not otherwise challenged the*  
16 *use of the said mark in the U.S. commerce.*

17  
18 **RESPONSE**

19 Subject to the General Objections, Opposer admits that it neither opposed nor petitioned to  
20 cancel the registration depicted in Exhibit Q. Gallo objects to that portion of Request for Admission  
21 No. 50 concerning the use of the mark in U.S. commerce because Gallo has no knowledge of use of  
22 the mark in U.S. commerce and, therefore, Gallo denies the remainder of Request for Admission No.

23  
24 50.

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26 //

27 **REQUEST FOR ADMISSION NO. 51**

1 51. Admit that the mark referenced in Request Nos. 48 and 49 above coexists with Opposer's  
2 GALLO marks.

3 **RESPONSE**

4 Subject to the General Objections, Gallo states that it has no knowledge of the use of the mark  
5 referenced in Request Nos. 48 and 49 above and, therefore, Request for Admission No.51 is denied.  
6

7  
8 **REQUEST FOR ADMISSION NO. 52**

9 52. Admit that the U.S. Patent and Trademark Office's TESS and TARR database excerpts  
10 attached hereto as Exhibit R fairly and accurately depict the mark GALERIA VIEJA for "tequila" as  
11 covered by U.S. Registration No. 3056462.

12 **RESPONSE**

13 Subject to the General Objections, Opposer admits that Exhibit R purports to be excerpts from  
14 TESS and TARR but denies the remainder of Request for Admission No. 52.  
15

16  
17 **REQUEST FOR ADMISSION NO. 53**

18 53. Admit that the Opposer did not oppose the third party registration of the mark referenced in  
19 Request No. 52 above, has not petitioned for cancellation of it, and has not otherwise challenged the  
20 use of the said mark in the U.S. commerce.  
21

22 **RESPONSE**

23 Subject to the General Objections, Opposer admits that it neither opposed nor petitioned to  
24 cancel the registration depicted in Exhibit R. Gallo objects to that portion of Request for Admission  
25 No. 53 concerning the use of the mark in U.S. commerce because Gallo has no knowledge of use of  
26 the mark in U.S. commerce and, therefore, Gallo denies the remainder of Request for Admission No.  
27 53.  
28

1 \

2 **REQUEST FOR ADMISSION NO. 54**

3 54. *Admit that the mark referenced in Request Nos. 52 and 53 above coexists with Opposer's*  
4 *GALLO marks.*

5

6 **RESPONSE**

7 Subject to the General Objections, Gallo states that it has no knowledge of the use of the mark  
8 referenced in Request Nos. 52 and 53 above and, therefore, Request for Admission No. 54 is denied.

9

10 **REQUEST FOR ADMISSION NO. 55**

11 55. *Admit that the U.S. Patent and Trademark Office's TESS and TARR database excerpts*  
12 *attached hereto as Exhibit S fairly and accurately depict the mark GALA ROUGE for "alcoholic*  
13 *beverages, namely, wines" as covered by U.S. Registration No. 3232488.*

14

15 **RESPONSE**

16 Subject to the General Objections, Opposer admits that Exhibit S purports to be excerpts from  
17 TESS and TARR but denies the remainder of Request for Admission No. 55.

18

19 **REQUEST FOR ADMISSION NO. 56**

20 56. *Admit that the Opposer did not oppose the third party registration of the mark referenced in*  
21 *Request No. 55 above, has not petitioned for cancellation of it, and has not otherwise challenged the*  
22 *use of the said mark in the U.S. commerce.*

23

24 **RESPONSE**

25 Subject to the General Objections, Opposer admits that it neither opposed nor petitioned to  
26 cancel the registration depicted in Exhibit S. Gallo objects to that portion of Request for Admission  
27 No. 56 concerning the use of the mark in U.S. commerce because Gallo has no knowledge of use of  
28

1 the mark in U.S. commerce and, therefore, Gallo denies the remainder of Request for Admission No.  
2 56.

3  
4 **REQUEST FOR ADMISSION NO. 57**

5 57. *Admit that the mark referenced in Request Nos. 54 and 55 above coexists with Opposer's*  
6 *GALLO marks.*

7  
8 **RESPONSE**

9 Subject to the General Objections, Gallo states that it has no knowledge of the use of the mark  
10 referenced in Request Nos. 54 and 55 above and, therefore, Request for Admission No. 57 is denied.

11  
12 **REQUEST FOR ADMISSION NO. 58**

13 58. *Admit that there have been no instances of actual confusion between the mark GALLISS for*  
14 *wine and Opposer's GALLO marks.*

15  
16 **RESPONSE**

17 Gallo objects to Request for Admission No. 58 because it assumes that there have been  
18 opportunities for actual confusion due to coexistence of the two marks in the United States which is a  
19 false premise since Applicant has not lawfully used the GALLISS mark in the United States. Subject  
20 to this objection and the General Objection, Request for Admission No. 58 is denied.

21  
22 Respectfully submitted,

23 

24 Paul W. Reidl

25 Dated: September 8, 2008

26 P. O. Box 1130  
27 Modesto, CA 95353  
28 Attorney for Opposer,  
E. & J. Gallo Winery

# EXHIBIT H

1                                   **BEFORE THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
2                                   **TRADEMARK TRIAL AND APPEAL BOARD**

3                                   **E. & J. GALLO WINERY,**

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28                                   )

Opposition No. 91181380 et al  
(Consolidated)

v.

**MIMULANI AG,**

Applicant.

11                                   **OPPOSER’S OBJECTIONS AND RESPONSES TO**  
12                                   **APPLICANT’S FIRST REQUEST FOR PRODUCTION**

13                                   Opposer, E. & J. Gallo Winery (“Gallo”) hereby submits the following objections and  
14 responses to Applicant’s First Request for Production.

15                                   **GENERAL OBJECTIONS**

16                                   The following General Objections (“General Objections”) are hereby incorporated into each of  
17 the specific responses and objections below.

- 18                                   1.       Gallo objects to the Requests for Production of Documents to the extent they purport to  
19 impose any duty or obligation other than those imposed by the Federal Rules of Civil Procedure and the  
20 TTAB Rules.  
21  
22                                   2.       Gallo objects to the Requests for Production of Documents to the extent they seek  
23 documents or information protected by the attorney-client privilege, work product immunity, or any  
24 other applicable privilege, particularly to the extent they seek attorney files for ongoing litigation such  
25 as this case as unduly burdensome and as an impermissible intrusion on the attorney-client privilege and  
26 work product immunity.  
27  
28

1           3.       Gallo objects to the Requests for Production of Documents to the extent they seek the  
2 disclosure of proprietary or confidential business information, trade secrets, or other sensitive  
3 information without the entry of a Protective Order.

4           4.       Gallo objects to the Requests for Production of Documents to the extent they purport to  
5 require the disclosure of information that is not within Gallo's possession, custody, or control.  
6

7           5.       Gallo objects to the Requests for Production of Documents to the extent they seek  
8 information that is publicly available, is as readily available to Opposer as it is to Gallo, or is already in  
9 Opposer's possession, custody, or control.

10          6.       Gallo objects to the Requests for Production of Documents to the extent they are  
11 unreasonably cumulative or duplicative, and to the extent that the information sought is more  
12 conveniently obtainable from some other source.  
13

14          7.       Gallo objects to the Requests for Production of Documents to the extent they seek  
15 information regarding the activities of Gallo or third parties outside the United States as unduly  
16 burdensome and not reasonably calculated to lead to the discovery of admissible evidence.

17          8.       Gallo objects to the Requests for Production of Documents to the extent they purport  
18 to impose a requirement on Gallo to determine whether employees of Gallo's distributors, retailers,  
19 former employees, advertising agencies, or others outside of the immediate Gallo organization may  
20 have responsive information as unreasonable and unduly burdensome because this would require  
21 Gallo to canvass over 200,000 separate business entities in the United States with which Gallo  
22 transacts business on a daily basis. Gallo's reasonable search will be confined to its corporate offices  
23 in Modesto, California, where the mark at issue was developed and where the sales and marketing  
24 plans for such products are developed and implemented.  
25

26          9.       Each Request for Production of Documents is answered to the best of Gallo's  
27 information and belief as of the date of the response and without prejudice. Gallo reserves the right to  
28

1 supplement these responses pursuant to the Federal Rules of Civil Procedure and the TTAB's rules.

2 10. To the extent that a specific Request for Production of Documents is cross-referenced  
3 to a specific response to Request for Admission, the objections stated in that response are  
4 incorporated by reference into the written response to the Request for Production of Documents. The  
5 General Objections to the Requests for Admission are incorporated by reference.

6  
7 11. Gallo objects as unduly burdensome the requirement that it produce its documents at  
8 the office of Applicant's counsel, which is located in Virginia. All Documents will be produced as an  
9 attachment to this response.

10 **SPECIFIC RESPONSES AND OBJECTIONS**

11 Gallo hereby submits the following responses and specific objections to the Requests for  
12 Admission.

13  
14  
15 **REQUEST FOR PRODUCTION NO. 1**

16 1. *All documents supporting the denial of any request for admission of Applicant's First Request*  
17 *for Admissions to Opposer.*

18 **RESPONSE**

19 Gallo objects to this Request because it references denials to the First Requests for Admission  
20 that were based on Gallo's absence of knowledge and, therefore, there are no documents supporting  
21 the denial and it is unreasonable, unduly burdensome, and beyond the scope of Gallo's discovery  
22 obligations to require Gallo to generate them. Subject to this objection and the General Objections, a  
23 document responsive to Request for Admission No. 23 will be produced.

24  
25 //

26 //  
27

1 **REQUEST FOR ADMISSION NO. 2**

2 2. *All documents demonstrating any actual confusion between Applicant's GALLISS marks*  
3 *opposed in these proceedings and Opposer's GALLO marks upon which it relies in these*  
4 *proceedings.*

5  
6 **RESPONSE**

7 Gallo objects to this request for the same reason it objected to the corresponding Request for  
8 Admission No. 58, namely, that it is based on the false premise that Applicant has lawfully used the  
9 mark in commerce in the United States – a premise that Applicant knows to be untrue. Subject to this  
10 objection and the General Objections, Gallo states that it has no responsive documents because  
11 Applicant has not lawfully used the GALLISS mark in commerce in the United States.

12  
13 Respectfully submitted,

14  
15 

16  
17 Dated: September 8, 2008

18 Paul W. Reidl  
19 Associate General Counsel  
20 E. & J. Gallo Winery  
21 P. O. Box 1130  
22 Modesto, CA 95353  
23 Tel: (209) 341-4733  
24 Fax: (209) 341-5030  
25 [Paul.reidl@ejgallo.com](mailto:Paul.reidl@ejgallo.com)

26 Attorney for Petitioner,  
27 E. & J. Gallo Winery  
28

**PROOF OF SERVICE**

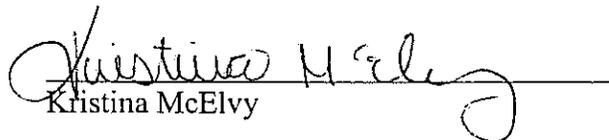
I am employed in the County of Stanislaus, State of California. I am over the age of 18 and not a party to the within action. My business address is 600 Yosemite Boulevard, Modesto, California, 95354.

On September 8, 2008, I caused to be served the foregoing document described as follows: **Opposer's Objections and Responses to Applicant's First Request for Admissions to Opposer and Opposer's Objections and Responses to Applicant's First Request for Production** on the Applicant in this action by placing a true copy thereof enclosed in an envelope, by certified mail, addressed as follows:

Mark Lebow  
Young & Thompson  
209 Madison Street, Suite 500  
Alexandria, VA 22314

I am "readily familiar" with the company's practice of collection and processing correspondence for mailing. Under that practice, it is deposited with the U. S. postal service on that same day in the ordinary course of business.

Executed on September 8, 2008, at Modesto, California.

  
Kristina McElvy

# EXHIBIT I

1 UNITED STATES PATENT AND TRADEMARK OFFICE  
2 BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

3 \_\_\_\_\_ )  
4 E. & J. GALLO WINERY, )

5 Opposer, )

6 v. )

7 MIMULANI AG, )

8 Applicant. )  
9 \_\_\_\_\_ )

Cancellation No. 91181380 et al.

10  
11 **OPPOSER'S OBJECTIONS AND RESPONSES TO**  
12 **APPLICANT'S FIRST INTERROGATORIES**

13  
14 Opposer, E. & J. Gallo Winery ("Gallo") hereby submits the following objections and  
15 responses to Applicant's First Interrogatories.

16 **GENERAL OBJECTIONS**

17 The following General Objections ("General Objections") are hereby incorporated into each of  
18 the specific responses and objections below.

19 **GENERAL OBJECTIONS**

20  
21 1. Gallo objects to the Interrogatories to the extent they purport to impose any duty or  
22 obligation other than those imposed by the TTAB Rules and the Federal Rules of Civil Procedure.

23 2. Gallo objects to the Interrogatories to the extent they seek documents or information  
24 protected by the attorney-client privilege, work product immunity, or any other applicable privilege,  
25 particularly to the extent they seek attorney files for ongoing litigation such as this proceeding.  
26  
27

1           3.       Gallo objects to the Interrogatories to the extent they purport to require the disclosure  
2 of information that is not within Gallo's possession, custody or control.

3           4.       Gallo objects to the Interrogatories to the extent they seek information that is publicly  
4 available, is as readily available to Applicants as it is to Gallo, or is already in the Applicant's  
5 possession, custody or control.

6           5.       Gallo objects to the Interrogatories to the extent they are unreasonably cumulative or  
7 duplicative, and to the extent that the information sought is more conveniently obtainable from some  
8 other source.

9           6.       Gallo objects to the Interrogatories to the extent they seek information regarding the  
10 activities of Gallo or third parties outside the United States as unduly burdensome and not reasonably  
11 calculated to lead to the discovery of admissible evidence.

12           7.       Gallo objects to the Interrogatories to the extent they purport to impose a requirement  
13 on Gallo to determine whether employees of Gallo's distributors, retailers, former employees,  
14 advertising agencies, or others outside of the immediate Gallo organization may have responsive  
15 information as unreasonable and unduly burdensome because this would require Gallo to canvass  
16 over 200,000 separate business entities in the United States with which Gallo transacts business on a  
17 daily basis.

18           8.       Gallo objects to the Interrogatories to the extent they purport to impose a requirement  
19 on Gallo to disclose information about Gallo's over 200 active United States trademarks other than  
20 those at issue in this case as unreasonable, unduly burdensome, and not reasonably calculated to lead  
21 to the discovery of admissible information.

22           9.       Gallo objects to Definition No. 1 as unreasonable and unduly burdensome because it  
23 would require Gallo to canvass over 1,200 professional employees located throughout the country  
24  
25  
26  
27

1 and, by requesting information from Gallo's attorneys, would require the production of information  
2 protected by the attorney client privilege and work product immunity.

3 10. Gallo objects to providing any personal information about any of its employees or  
4 officers because of concerns about protecting employee privacy and because providing such  
5 information is prohibited by California law.

6 11. Each Interrogatory is answered to the best of Gallo's information and belief as of the  
7 date of the response and without prejudice. Gallo reserves the right to supplement these  
8 interrogatories pursuant to the TTAB Rules and the Federal Rules of Civil Procedure.  
9

### 10 **SPECIFIC RESPONSES AND OBJECTIONS**

11 Gallo hereby submits the following responses and specific objections to the Interrogatories.

#### 12 **INTERROGATORY NO. 1**

13 1. *Identify all third party uses of the term GALLO known to you.*

#### 14 **RESPONSE**

15 Gallo objects to producing any information about ongoing enforcement actions as protected  
16 by the attorney work product and the attorney client privilege and not reasonably calculated to lead to  
17 the discovery of admissible evidence. Gallo will not be preparing a privilege log for these cases  
18 because to do so would be unreasonable and unduly burdensome in light of the objections. Gallo  
19 further objects to Interrogatory No. 1 as overly broad because it is not limited to trademark uses in the  
20 United States. Subject to these objections and the General Objections, and other than uses that are  
21 currently the subject of ongoing enforcement actions, the answer to Interrogatory No. 1 is "none."  
22  
23  
24

#### 25 **INTERROGATORY NO. 2**

26 2. *Identify all third party uses of the term GALLISS known to you.*  
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**RESPONSE**

Gallo objects to Interrogatory No. 2 as overly broad because it is not limited to trademark uses in the United States. Subject to this objection and the General Objections, the answer to Interrogatory No. 2 is "none."

**INTERROGATORY NO. 3**

3. *State when and the circumstances through which you first became aware of Applicant and the marks Opposer opposes.*

**RESPONSE**

Subject to the General Objections, Gallo first became aware of Applicant's predecessor Internationalnaya Grouppa Pomexim Moskva and the GALLISS trademark in February 2004 as a result of a notification from its global trademark application monitoring service of an international application for GALLISS that covered 21 countries. Gallo learned of the United States applications in May 2006, shortly after they were filed, when it received a notification from its global trademark application monitoring service.

**INTERROGATORY NO. 4**

4. *Identify each person whom Opposer expects to call on to give evidence as an expert witness in this proceeding and, for each such person, state the subject matter on which the expert is expected to testify, the substance of the facts and opinions to which the expert is expected to testify, and the grounds for each such opinion of each expert.*

**RESPONSE**

In addition to the General Objections, Gallo objects Interrogatory No. 4 as premature and contrary to the Board's Scheduling Order.

1 **INTERROGATORY NO. 5**

2 5. *Identify all persons, other than Opposer's counsel, who participated in answering these*  
3 *Interrogatories.*

4 **RESPONSE**

5 Subject to the General Objections, other than Opposer's counsel and his staff, the response to  
6 Interrogatory No. 5 is "none."  
7

8 Respectfully submitted,

9 

10  
11 Dated: November 11, 2008

12 Paul W. Reidl  
13 Associate General Counsel  
14 P. O. Box 1130  
15 Modesto, CA 95353  
16 Tel: (209) 341-4733  
17 Fax: (209) 341-6270  
18 [Paul.reidl@ejgallo.com](mailto:Paul.reidl@ejgallo.com)

19 Attorney for Opposer,  
20 E. & J. Gallo Winery  
21  
22  
23  
24  
25  
26  
27

# EXHIBIT J

1 UNITED STATES PATENT AND TRADEMARK OFFICE  
2 BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

3 \_\_\_\_\_ )  
4 E. & J. GALLO WINERY, )

5 Opposer, )

6 v. )

7 MIMULANI AG, )

8 Applicant. )  
9 \_\_\_\_\_ )

Cancellation No. 91181380 et al.

10  
11 **OPPOSER'S OBJECTIONS AND RESPONSES TO**  
12 **APPLICANT'S SECOND REQUEST FOR ADMISSIONS TO OPPOSER**

13 Opposer, E. & J. Gallo Winery ("Gallo") hereby submits the following objections and  
14 responses to Applicant's Second Request for Admissions to Opposer.

15 **GENERAL OBJECTIONS**

16 The following General Objections ("General Objections") are hereby incorporated into each of  
17 the specific responses and objections below.

18 1. Gallo objects to the Request for Admissions to the extent they purport to impose any duty  
19 or obligation other than those imposed by the Federal Rules of Civil Procedure and the TTAB Rules.

20 2. Gallo objects to the Request for Admissions to the extent they seek information protected  
21 by the attorney-client privilege, work product immunity, or any other applicable privilege, particularly  
22 to the extent they seek attorney files for ongoing litigation such as this case as unduly burdensome and  
23 as an impermissible intrusion on the attorney-client privilege and work product immunity.  
24  
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26  
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1           3.       Gallo objects to the Request for Admissions to the extent they seek the disclosure of  
2 proprietary or confidential business information, trade secrets, or other sensitive information without the  
3 entry of a Protective Order.

4           4.       Gallo objects to the Request for Admissions to the extent they purport to require the  
5 disclosure of information that is not within Gallo's possession, custody, or control.

6           5.       Gallo objects to the Request for Admissions to the extent they seek information that is  
7 publicly available, is as readily available to Applicant as it is to Gallo, or is already in Applicant's  
8 possession, custody, or control.

9           6.       Gallo objects to the Request for Admissions to the extent they are unreasonably  
10 cumulative or duplicative, and to the extent that the information sought is more conveniently obtainable  
11 from some other source.

12           7.       Gallo objects to the Request for Admissions to the extent they seek information  
13 regarding the activities of Gallo or third parties outside the United States as unduly burdensome and  
14 not reasonably calculated to lead to the discovery of admissible evidence.

15           8.       Gallo objects to the Request for Admissions, specifically the definition of "You,"  
16 "Your," and "Opposer" to the extent they purport to impose a requirement on Gallo to determine  
17 whether employees of Gallo's distributors, retailers, former employees, advertising agencies, or  
18 others outside of the immediate Gallo organization may have responsive information as unreasonable  
19 and unduly burdensome because this would require Gallo to canvass over 200,000 separate business  
20 entities in the United States with which Gallo transacts business on a daily basis.

21           9.       Gallo objects to the Request for Admissions on relevance grounds and reserves its  
22 right to object to the admission of these responses, the accompanying documents, or the general  
23 subject matter.  
24  
25  
26  
27



1 **REQUEST FOR ADMISSION NO. 61**

2 61. *Admit that the documents attached hereto as Exhibit B fairly and accurately represent web*  
3 *excerpts from the USPTO's TESS and TARR database regarding U.S. Registration No. 2679551 for*  
4 *the mark Galliano.*

5 **RESPONSE**

6 Gallo objects to Request for Admission No. 61 as argumentative. Subject to this objection and  
7 the General Objections, Request for Admission No. 61 is denied.  
8

9  
10 **REQUEST FOR ADMISSION NO. 62**

11 62. *Admit that the documents attached hereto as Exhibit C fairly and accurately represent web*  
12 *excerpts from the USPTO's TESS and TARR database regarding U.S. Registration No. 1036955 for*  
13 *the mark LIQUORE GALLIANO.*

14 **RESPONSE**

15 Gallo objects to Request for Admission No. 62 as argumentative. Subject to this objection and  
16 the General Objections, Request for Admission No. 62 is denied.  
17

18  
19 **REQUEST FOR ADMISSION NO. 63**

20 63. *Regarding the mark referenced in Request No. 62 above, admit that Opposer's lack of*  
21 *knowledge of use of said mark in commerce is based on a lack of interest or inquiry, and not due to*  
22 *an investigation by Opposer that determined said mark is not in use.*  
23

24 **RESPONSE**

25 Gallo objects to Request for Admission No. 63 as misleading, vague and argumentative.  
26 Subject to this objection and the General Objections, Request for Admission No. 63 is denied.  
27

1 **REQUEST FOR ADMISSION NO. 64**

2 64. *Regarding the mark referenced in Request No. 62 above, admit that the USPTO's records*  
3 *reveal that the owner of the mark has alleged use in commerce and has provided specimens of use in*  
4 *support of said allegation.*

5 **RESPONSE**

6 Gallo objects to Request for Admission No. 64 as misleading, vague and argumentative.  
7 Subject to this objection and the General Objections, Gallo admits that the registrant has made certain  
8 representations regarding use of the mark to the USPTO but denies the accuracy of such  
9 representations.  
10 representations.

11  
12 **REQUEST FOR ADMISSION NO. 65**

13 65. *Admit that the documents attached hereto as Exhibit D fairly and accurately represent web*  
14 *excerpts from the U.S. Patent and Trademark Office's (USPTO) TESS and TARR databases*  
15 *regarding U.S. Registration No. 2896365 for the mark GALLERIA ITALIANA.*

16  
17 **RESPONSE**

18 Gallo objects to Request for Admission No. 65 as argumentative. Subject to this objection and  
19 the General Objections, Request for Admission No. 65 is denied.  
20

21 **REQUEST FOR ADMISSION NO. 66**

22 66. *Regarding the mark referenced in Request No. 65 above, admit that Opposer's lack of*  
23 *knowledge of use of said mark in commerce is based on a lack of interest or inquiry, and not due to*  
24 *an investigation by Opposer that determined said mark is not in use.*  
25  
26  
27  
--



1 **REQUEST FOR ADMISSION NO. 69**

2 69. *Regarding the mark referenced in Request No. 68 above, admit that Opposer's lack of*  
3 *knowledge of use of said mark in commerce is based on a lack of interest or inquiry, and not due to*  
4 *an investigation by Opposer that determined said mark is not in use.*

5 **RESPONSE**

6 Gallo objects to Request for Admission No. 69 as misleading, vague and argumentative.  
7 Subject to this objection and the General Objections, Request for Admission No. 69 is denied.  
8

9  
10 **REQUEST FOR ADMISSION NO. 70**

11 70. *Regarding the mark referenced in Request No. 68 above, admit that the USPTO's records*  
12 *reveal that the owner of the mark has alleged use in commerce and has provided specimens of use in*  
13 *support of said allegation.*

14 **RESPONSE**

15 Gallo objects to Request for Admission No. 70 as misleading, vague and argumentative.  
16 Subject to this objection and the General Objections, Gallo admits that the registrant has made certain  
17 representations regarding use of the mark to the USPTO but denies the accuracy of such  
18 representations regarding use of the mark to the USPTO but denies the accuracy of such  
19 representations.  
20

21 **REQUEST FOR ADMISSION NO. 71**

22 71. *Admit that the documents attached hereto as Exhibit F fairly and accurately represent web*  
23 *excerpts from the U.S. Patent and Trademark Office's (USPTO) TESS and TARR databases*  
24 *regarding U.S. Registration No. 2932427 for the mark T' GALLANT.*  
25  
26  
27



1 **REQUEST FOR ADMISSION NO. 74**

2 74. Admit that T' GALLANT wines are available in for sale in commerce, as demonstrated by a  
3 review of the website *snooth.com* and, in particular, the web page located at  
4 <https://www.snooth.com/wines/t%27gallant/> (printouts attached as Exhibit G)

5  
6 **RESPONSE**

7 Subject to the General Objections, Request for Admission No. 74 is denied.  
8

9  
10 **REQUEST FOR ADMISSION NO. 75**

11 75. Admit that the documents attached hereto as Exhibit H fairly and accurately represent web  
12 excerpts from the U.S. Patent and Trademark Office's (USPTO) TESS and TARR databases  
13 regarding U.S. Registration No. 2934354 for the mark TOP GALLANT.

14 **RESPONSE**

15 Gallo objects to Request for Admission No. 75 as argumentative. Subject to this objection and  
16 the General Objections, Request for Admission No. 75 is denied.  
17

18  
19 **REQUEST FOR ADMISSION NO. 76**

20 76. Regarding the mark referenced in Request No. 75 above, admit that Opposer's lack of  
21 knowledge of use of said mark in commerce is based on a lack of interest or inquiry, and not due to  
22 an investigation by Opposer that determined said mark is not in use.  
23

24 **RESPONSE**

25 Gallo objects to Request for Admission No. 76 as misleading, vague and argumentative.  
26 Subject to this objection and the General Objections, Request for Admission No. 76 is denied.  
27

1 **REQUEST FOR ADMISSION NO. 77**

2 77. *Regarding the mark referenced in Request No. 75 above, admit that Opposer has not to date*  
3 *challenged the owner's declared intent to use said mark in commerce.*

4 **RESPONSE**

5 Gallo objects to Request for Admission No. 77 as misleading and argumentative. Subject to  
6 this objection and the General Objections, Gallo admits that it did not oppose the application to  
7 register the referenced mark nor has it filed a petition to cancel it, otherwise, Request for Admission  
8 No. 77 is denied.  
9

10  
11 **REQUEST FOR ADMISSION NO. 78**

12 78. *Admit that the documents attached hereto as Exhibit I fairly and accurately represent web*  
13 *excerpts from the U.S. Patent and Trademark Office's (USPTO) TESS and TARR databases*  
14 *regarding U.S. Registration No. 2691812 for the mark L. GALLARDO.*

15  
16 **RESPONSE**

17 Gallo objects to Request for Admission No. 78 as argumentative. Subject to this objection and  
18 the General Objections, Request for Admission No. 78 is denied.  
19

20 **REQUEST FOR ADMISSION NO. 79**

21 79. *Admit that the documents attached hereto as Exhibit J fairly and accurately represent web*  
22 *excerpts from the U.S. Patent and Trademark Office's (USPTO) TESS and TARR databases*  
23 *regarding U.S. Registration No. 2735738 for the mark GALLERON.*  
24

25 **RESPONSE**

26 Gallo objects to Request for Admission No. 79 as argumentative. Subject to this objection and  
27 the General Objections, Request for Admission No. 79 is denied.  
--

1 **REQUEST FOR ADMISSION NO. 80**

2 80. *Admit that the documents attached hereto as Exhibit K fairly and accurately represent web*  
3 *excerpts from the U.S. Patent and Trademark Office's (USPTO) TESS and TARR databases*  
4 *regarding U.S. Registration No. 2099244 for the mark GALANTE VINEYARDS.*

5 **RESPONSE**

6 Gallo objects to Request for Admission No. 80 as argumentative. Subject to this objection and  
7 the General Objections, Request for Admission No. 80 is denied.  
8

9  
10 **REQUEST FOR ADMISSION NO. 81**

11 81. *Regarding the mark referenced in Request No. 80 above, admit that Opposer's lack of*  
12 *knowledge of use of said mark in commerce is based on a lack of interest or inquiry, and not due to*  
13 *an investigation by Opposer that determined said mark is not in use.*

14 **RESPONSE**

15 Gallo objects to Request for Admission No. 81 as misleading, vague and argumentative.  
16 Subject to this objection and the General Objections, Gallo admits that the registrant has made certain  
17 representations regarding use of the mark to the USPTO but denies the accuracy of such  
18 representations.  
19

20  
21 **REQUEST FOR ADMISSION NO. 82**

22 82. *Regarding the mark referenced in Request No. 80 above, admit that the USPTO's records*  
23 *reveal that the owner of the mark has alleged use in commerce and has provided specimens of use in*  
24 *support of said allegation.*  
25

26 **RESPONSE**

27 Gallo objects to Request for Admission No. 82 as misleading, vague and argumentative.

1 Subject to this objection and the General Objections, Gallo admits that the registrant has made certain  
2 representations regarding use of the mark to the USPTO but denies the accuracy of such  
3 representations.

4  
5 **REQUEST FOR ADMISSION NO. 83**

6 83. *Regarding the mark referenced in Request No. 80 above, admit that GALANTE VINEYARDS*  
7 *wines are available in for sale in commerce, as demonstrated by a review of the website snooth.com*  
8 *and, in particular, the web pages located at <http://www.snooth.com/wines/GALANTE/> (printouts*  
9 *attached as Exhibit L).*

10  
11 **RESPONSE**

12 Subject to the General Objections, Request for Admission No. 83 is denied.

13  
14 **REQUEST FOR ADMISSION NO. 84**

15 84. *Admit that the documents attached hereto as Exhibit M fairly and accurately represent web*  
16 *excerpts from the U.S. Patent and Trademark Office's (USPTO) TESS and TARR databases*  
17 *regarding U.S. Registration No. 1689225 for the mark GALESTRO.*

18  
19 **RESPONSE**

20 Gallo objects to Request for Admission No. 84 as argumentative. Subject to this objection and  
21 the General Objections, Request for Admission No. 84 is denied.

22  
23 **REQUEST FOR ADMISSION NO. 85**

24 85. *Regarding the mark referenced in Request No. 84 above, admit that Opposer's lack of*  
25 *knowledge of use of said mark in commerce is based on a lack of interest or inquiry, and not due to*  
26 *an investigation by Opposer that determined said mark is not in use.*

1 **RESPONSE**

2 Gallo objects to Request for Admission No. 85 as misleading, vague and argumentative.

3 Subject to this objection and the General Objections, Request for Admission No. 85 is denied.

4  
5 **REQUEST FOR ADMISSION NO. 86**

6 86. *Regarding the mark referenced in Request No. 84 above, admit that the USPTO's records*  
7 *reveal that the owner of the mark has alleged use in commerce and has provided specimens of use in*  
8 *support of said allegation.*

9  
10 **RESPONSE**

11 Gallo objects to Request for Admission No. 86 as misleading, vague and argumentative.

12 Subject to this objection and the General Objections, Gallo admits that the registrant has made certain  
13 representations regarding use of the mark to the USPTO but denies the accuracy of such  
14 representations.

15  
16  
17 **REQUEST FOR ADMISSION NO. 87**

18 87. *Regarding the mark referenced in Request No. 84 above, admit that GALESTRO wines are*  
19 *available in for sale in commerce, as demonstrated by a review of the website snooth.com and, in*  
20 *particular, the web pages located at <http://www.snooth.com/wines/galestro/> (printouts attached as*  
21 *Exhibit N).*

22 **RESPONSE**

23 Subject to the General Objections, Requests for Admission No. 87 is denied.

1 **REQUEST FOR ADMISSION NO. 88**

2 88. *Admit that the documents attached hereto as Exhibit M fairly and accurately represent web*  
3 *excerpts from the U.S. Patent and Trademark Office's (USPTO) TESS and TARR databases*  
4 *regarding U.S. Registration No. 1626216 for the mark LUIGI GALVANI.*

5 **RESPONSE**

6 Gallo objects to Request for Admission No. 88 as argumentative. Subject to this objection and  
7 the General Objections, Request for Admission No. 88 is denied.  
8

9  
10 **REQUEST FOR ADMISSION NO. 89**

11 89. *Regarding the mark referenced in Request No. 88 above, admit that Opposer's lack of*  
12 *knowledge of use of said mark in commerce is based on a lack of interest or inquiry, and not due to*  
13 *an investigation by Opposer that determined said mark is not in use.*

14 **RESPONSE**

15 Gallo objects to Request for Admission No. 89 as misleading, vague and argumentative.  
16 Subject to this objection and the General Objections, Request for Admission No. 89 is denied.  
17

18  
19 **REQUEST FOR ADMISSION NO. 90**

20 90. *Regarding the mark referenced in Request No. 88 above, admit that the USPTO's records*  
21 *reveal that the owner of the mark has alleged use in commerce and has provided specimens of use in*  
22 *support of said allegation.*

23 **RESPONSE**

24 Gallo objects to Request for Admission No. 90 as misleading, vague and argumentative.  
25 Subject to this objection and the General Objections, Gallo admits that the registrant has made certain  
26 representations regarding use of the mark to the USPTO but denies their accuracy.  
27

1 **REQUEST FOR ADMISSION NO. 91**

2 91. *Regarding the mark referenced in Request No. 88 above, admit that Opposer has not to date*  
3 *challenged the owner's declared intent to use said mark in commerce.*

4 **RESPONSE**

5 Gallo objects to Request for Admission No. 91 as misleading and argumentative. Subject to  
6 this objection and the General Objections, Gallo admits that it did not oppose the application to  
7 register the referenced mark nor has it filed a petition to cancel it, otherwise, Request for Admission  
8 No. 91 is denied.  
9

10  
11 **REQUEST FOR ADMISSION NO. 92**

12 92. *Admit that the documents attached hereto as Exhibit P fairly and accurately represent web*  
13 *excerpts from the U.S. Patent and Trademark Office's (USPTO) TESS and TARR databases*  
14 *regarding U.S. Registration No. 2327060 for the mark GALARDON.*

15 **RESPONSE**

16  
17 Gallo objects to Request for Admission No. 92 as argumentative. Subject to this objection  
18 and the General Objections, Request for Admission No. 92 is denied.  
19

20 **REQUEST FOR ADMISSION NO. 93**

21 93. *Regarding the mark referenced in Request No. 92 above, admit that Opposer's lack of*  
22 *knowledge of use of said mark in commerce is based on a lack of interest or inquiry, and not due to*  
23 *an investigation by Opposer that determined said mark is not in use.*  
24

25 **RESPONSE**

26 Gallo objects to Request for Admission No. 93 as misleading, vague and argumentative.  
27 Subject to this objection and the General Objections, Request for Admission No. 93 is denied.  
--

1 **REQUEST FOR ADMISSION NO. 94**

2 94. *Regarding the mark referenced in Request No. 92 above, admit that the USPTO's records*  
3 *reveal that the owner of the mark has alleged use in commerce and has provided specimens of use in*  
4 *support of said allegation.*

5 **RESPONSE**

6 Gallo objects to Request for Admission No. 94 as misleading, vague and argumentative.  
7 Subject to this objection and the General Objections, Gallo admits that the registrant has made certain  
8 representations regarding use of the mark to the USPTO but denies the accuracy of such  
9 representations.  
10 representations.

11  
12 **REQUEST FOR ADMISSION NO. 95**

13 95. *Admit that the documents attached hereto as Exhibit Q fairly and accurately represent web*  
14 *excerpts from the U.S. Patent and Trademark Office's (USPTO) TESS and TARR databases*  
15 *regarding U.S. Registration No. 3032659 for the mark GALCIBAR.*

16  
17 **RESPONSE**

18 Gallo objects to Request for Admission No. 95 as argumentative. Subject to this objection  
19 and the General Objections, Request for Admission No. 95 is denied.  
20

21 **REQUEST FOR ADMISSION NO. 96**

22 96. *Regarding the mark referenced in Request No. 95 above, admit that Opposer's lack of*  
23 *knowledge of use of said mark in commerce is based on a lack of interest or inquiry, and not due to*  
24 *an investigation by Opposer that determined said mark is not in use.*  
25  
26  
27

1 **RESPONSE**

2 Gallo objects to Request for Admission No. 96 as misleading, vague and argumentative.  
3 Subject to this objection and the General Objections, Request for Admission No. 96 is denied.  
4

5 **REQUEST FOR ADMISSION NO. 97**

6 *97. Regarding the mark referenced in Request No. 95 above, admit that the USPTO's records*  
7 *reveal that the owner of the mark has alleged use in commerce and has provided specimens of use in*  
8 *support of said allegation.*  
9

10 **RESPONSE**

11 Gallo objects to Request for Admission No. 97 as misleading, vague and argumentative.  
12 Subject to this objection and the General Objections, Gallo admits that the registrant has made certain  
13 representations regarding use of the mark to the USPTO but denies the accuracy of such  
14 representations.  
15

16 **REQUEST FOR ADMISSION NO. 98**

17 *98. Admit that GALCIBAR wines are available in for sale in commerce, as demonstrated by a*  
18 *review of the website donpeperestaurants.com and, in particular, the web pages located at*  
19 *<http://www.donpeperestaurants.com/sh/PrintRedWine.htm> (printouts attached as Exhibit R).*  
20

21 **RESPONSE**

22 Subject to the General Objections, Request for Admission No. 98 is denied.  
23  
24

25 **REQUEST FOR ADMISSION NO. 99**

26 *99. Admit that the documents attached hereto as Exhibit S fairly and accurately represent web*  
27  
--

1 *excerpts from the U.S. Patent and Trademark Office's (USPTO) TESS and TARR databases*  
2 *regarding U.S. Registration No. 2720698 for the mark GALENA CELLARS.*

3 **RESPONSE**

4 Gallo objects to Request for Admission No. 99 as argumentative. Subject to this objection  
5 and the General Objections, Request for Admission No. 99 is denied.

6  
7 **REQUEST FOR ADMISSION NO. 100**

8  
9 *100. Regarding the mark referenced in Request No. 99 above, admit that Opposer's lack of*  
10 *knowledge of use of said mark in commerce is based on a lack of interest or inquiry, and not due to*  
11 *an investigation by Opposer that determined said mark is not in use.*

12 **RESPONSE**

13 Gallo objects to Request for Admission No.100 as misleading, vague and argumentative.  
14 Subject to this objection and the General Objections, Request for Admission No. 100 is denied.

15  
16 **REQUEST FOR ADMISSION NO. 101**

17  
18 *101. Regarding the mark referenced in Request No. 99 above, admit that the USPTO's records*  
19 *reveal that the owner of the mark has alleged use in commerce and has provided specimens of use in*  
20 *support of said allegation.*

21 **RESPONSE**

22 Gallo objects to Request for Admission No. 101 as misleading, vague and argumentative.  
23 Subject to this objection and the General Objections, Gallo admits that the registrant has made certain  
24 representations regarding use of the mark to the USPTO but denies the accuracy of such  
25 representations.  
26  
27

1 **REQUEST FOR ADMISSION NO. 102**

2 102. *Regarding the mark referenced in Request No. 99 above, admit that GALENA CELLARS*  
3 *wines are available in for sale in commerce, as demonstrated by a review of the website*  
4 *donpeperestaurants.com and, in particular, the web pages located at*  
5 *<http://www.snooth.com/wines/galena/> (printouts attached as Exhibit T).*

6 **RESPONSE**

7  
8 Subject to the General Objections, Gallo admits that the trademark GALENA CELLARS is in  
9 use on wine but denies that Exhibit T or donpepperestaurants.com are probative of that fact.

10  
11 **REQUEST FOR ADMISSION NO. 103**

12 103. *Admit that the documents attached hereto as Exhibit U fairly and accurately represent web*  
13 *excerpts from the U.S. Patent and Trademark Office's (USPTO) TESS and TARR databases*  
14 *regarding U.S. Registration No. 3407520 for the mark GALINDO.*

15  
16 **RESPONSE**

17 Gallo objects to Request for Admission No. 103 as argumentative. Subject to this objection  
18 and the General Objections, Request for Admission No. 103 is denied.

19  
20 **REQUEST FOR ADMISSION NO. 104**

21 104. *Regarding the mark referenced in Request No. 103 above, admit that Opposer's lack of*  
22 *knowledge of use of said mark in commerce is based on a lack of interest or inquiry, and not due to*  
23 *an investigation by Opposer that determined said mark is not in use.*

24  
25 **RESPONSE**

26 Gallo objects to Request for Admission No.104 as misleading, vague and argumentative.  
27 Subject to this objection and the General Objections, Request for Admission No. 104 is denied.

1 **REQUEST FOR ADMISSION NO. 105**

2 *105. Regarding the mark referenced in Request No. 103 above, admit that the USPTO's records*  
3 *reveal that the owner of the mark has alleged use in commerce and has provided specimens of use in*  
4 *support of said allegation.*

5 **RESPONSE**

6 Gallo objects to Request for Admission No. 105 as misleading, vague and argumentative.  
7 Subject to this objection and the General Objections, Gallo admits that the registrant has made certain  
8 representations regarding use of the mark to the USPTO but denies the accuracy of such  
9 representations.  
10 representations.

11  
12 **REQUEST FOR ADMISSION NO. 106**

13 *106. Admit that the documents attached hereto as Exhibit V fairly and accurately represent web*  
14 *excerpts from the U.S. Patent and Trademark Office's (USPTO) TESS and TARR databases*  
15 *regarding U.S. Registration No. 3133819 for the mark WHISKY GALORE.*

16  
17 **RESPONSE**

18 Gallo objects to Request for Admission No. 106 as argumentative. Subject to this objection  
19 and the General Objections, Request for Admission No. 106 is denied.  
20

21 **REQUEST FOR ADMISSION NO. 107**

22 *107. Regarding the mark referenced in Request No. 106 above, admit that Opposer's lack of*  
23 *knowledge of use of said mark in commerce is based on a lack of interest or inquiry, and not due to*  
24 *an investigation by Opposer that determined said mark is not in use.*  
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**RESPONSE**

Gallo objects to Request for Admission No.107 as misleading, vague and argumentative. Subject to this objection and the General Objections, Request for Admission No. 107 is denied.

**REQUEST FOR ADMISSION NO. 108**

*108. Regarding the mark referenced in Request No. 106 above, admit that the USPTO's records reveal that the owner of the mark has alleged use in commerce and has provided specimens of use in support of said allegation.*

**RESPONSE**

Gallo objects to Request for Admission No. 108 as misleading, vague and argumentative. Subject to this objection and the General Objections, Gallo admits that the registrant has made certain representations regarding use of the mark to the USPTO but denies the accuracy of such representations.

**REQUEST FOR ADMISSION NO. 109**

*109. Admit that the documents attached hereto as Exhibit W fairly and accurately represent web excerpts from the U.S. Patent and Trademark Office's (USPTO) TESS and TARR databases regarding U.S. Registration No. 3056462 for the mark GALERIA VIEJA.*

**RESPONSE**

Gallo objects to Request for Admission No. 109 as argumentative. Subject to this objection and the General Objections, Request for Admission No. 109 is denied.

**REQUEST FOR ADMISSION NO. 110**

*110. Regarding the mark referenced in Request No. 109 above, admit that Opposer's lack of*

1 *knowledge of use of said mark in commerce is based on a lack of interest or inquiry, and not due to*  
2 *an investigation by Opposer that determined said mark is not in use.*

3 **RESPONSE**

4 Gallo objects to Request for Admission No.110 as misleading, vague and argumentative.  
5 Subject to this objection and the General Objections, Request for Admission No. 110 is denied.  
6

7 **REQUEST FOR ADMISSION NO. 111**

8  
9 *111. Regarding the mark referenced in Request No. 109 above, admit that the USPTO's records*  
10 *reveal that the owner of the mark has alleged use in commerce and has provided specimens of use in*  
11 *support of said allegation.*

12 **RESPONSE**

13 Gallo objects to Request for Admission No. 111 as misleading, vague and argumentative.  
14 Subject to this objection and the General Objections, Gallo admits that the registrant has made certain  
15 representations regarding use of the mark to the USPTO but denies the accuracy of such  
16 representations.  
17

18  
19 **REQUEST FOR ADMISSION NO. 112**

20 *112. Admit that the documents attached hereto as Exhibit X fairly and accurately represent web*  
21 *excerpts from the U.S. Patent and Trademark Office's (USPTO) TESS and TARR databases*  
22 *regarding U.S. Registration No. 3232488 for the mark GALA ROUGE.*  
23

24 **RESPONSE**

25 Gallo objects to Request for Admission No. 112 as argumentative. Subject to this objection  
26 and the General Objections, Request for Admission No. 112 is denied.  
27

1 **REQUEST FOR ADMISSION NO. 113**

2 *113. Regarding the mark referenced in Request No. 112 above, admit that Opposer's lack of*  
3 *knowledge of use of said mark in commerce is based on a lack of interest or inquiry, and not due to*  
4 *an investigation by Opposer that determined said mark is not in use.*

5 **RESPONSE**

6 Gallo objects to Request for Admission No.113 as misleading, vague and argumentative.  
7 Subject to this objection and the General Objections, Request for Admission No. 113 is denied.  
8

9  
10 **REQUEST FOR ADMISSION NO. 114**

11 *114. Regarding the mark referenced in Request No. 112 above, admit that the USPTO's records*  
12 *reveal that the owner of the mark has alleged use in commerce and has provided specimens of use in*  
13 *support of said allegation.*

14 **RESPONSE**

15 Gallo objects to Request for Admission No. 114 as misleading, vague and argumentative.  
16 Subject to this objection and the General Objections, Gallo admits that the registrant has made certain  
17 representations regarding use of the mark to the USPTO but denies the accuracy of such  
18 representations.  
19

20  
21 **REQUEST FOR ADMISSION NO. 115**

22 *115. Admit that Opposer monitors applications published in the USPTO in order to challenge any*  
23 *published marks it believes could cause a likelihood of confusion with its GALLO marks.*  
24

25 **RESPONSE**

26 Gallo objects to Request for Admission No. 115 as vague, ambiguous and unintelligible.  
27 Subject to this objection and the General Objections, Gallo admits that it subscribes to a service that  
--

1 reviews the Official Gazette of the United States Patent and Trademark Office for published marks  
2 that are identical or similar to Gallo's marks, otherwise Request for Admission No. 115 is denied.

3  
4 **REQUEST FOR ADMISSION NO. 116**

5 *116. Admit that Opposer monitors applications published by the USPTO and does not oppose*  
6 *marks it does not believe are likely to cause confusion.*

7  
8 **RESPONSE**

9 Gallo objects to Request for Admission No. 116 as vague, ambiguous and unintelligible.  
10 Subject to this objection and the General Objections, Gallo admits that it subscribes to a service that  
11 reviews the Official Gazette of the United States Patent and Trademark Office for published marks  
12 that are identical or similar to Gallo's marks and that there are many reasons why Gallo might oppose  
13 or not oppose a published application, otherwise Request for Admission No. 116 is denied.

14  
15  
16  
17  
18 Dated: November 11, 2008

Respectfully submitted,



Paul W. Reidl  
Associate General Counsel  
P. O. Box 1130  
Modesto, CA 95353  
Tel: (209) 341-4733  
Fax: (209) 341-6270  
[Paul.reidl@ejgallo.com](mailto:Paul.reidl@ejgallo.com)

Attorney for Opposer,  
E. & J. Gallo Winery

# EXHIBIT K

1 UNITED STATES PATENT AND TRADEMARK OFFICE  
2 BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

3 \_\_\_\_\_ )  
4 E. & J. GALLO WINERY, )

5 Opposer, )

6 v. )

7 MIMULANI AG, )

8 Applicant. )  
9 \_\_\_\_\_ )

Cancellation No. 91181380 et al.

10 **OPPOSER'S OBJECTIONS AND RESPONSES TO**  
11 **APPLICANT'S SECOND REQUEST FOR PRODUCTION**

12 Opposer, E. & J. Gallo Winery ("Gallo") hereby submits the following objections and  
13 responses to Applicant's Second Request for Production.

14 **GENERAL OBJECTIONS**

15  
16 The following General Objections ("General Objections") are hereby incorporated into each of  
17 the specific responses and objections below.

18  
19 1. Gallo objects to the Request for Production of Documents to the extent they purport to  
20 impose any duty or obligation other than those imposed by the Federal Rules of Civil Procedure and the  
21 TTAB Rules.

22 2. Gallo objects to the Request for Production of Documents to the extent they seek  
23 documents or information protected by the attorney-client privilege, work product immunity, or any  
24 other applicable privilege, particularly to the extent they seek attorney files for ongoing litigation such  
25 as this case as unduly burdensome and as an impermissible intrusion on the attorney-client privilege and  
26 work product immunity.  
27

1           3.       Gallo objects to the Request for Production of Documents to the extent they seek the  
2 disclosure of proprietary or confidential business information, trade secrets, or other sensitive  
3 information without the entry of a Protective Order.

4           4.       Gallo objects to the Request for Production of Documents to the extent they purport to  
5 require the disclosure of information that is not within Gallo's possession, custody, or control.

6           5.       Gallo objects to the Request for Production of Documents to the extent they seek  
7 information that is publicly available, is as readily available to Opposer as it is to Gallo, or is already in  
8 Opposer's possession, custody, or control.

9           6.       Gallo objects to the Request for Production of Documents to the extent they are  
10 unreasonably cumulative or duplicative, and to the extent that the information sought is more  
11 conveniently obtainable from some other source.

12           7.       Gallo objects to the Request for Production of Documents to the extent they seek  
13 information regarding the activities of Gallo or third parties outside the United States as unduly  
14 burdensome and not reasonably calculated to lead to the discovery of admissible evidence.

15           8.       Gallo objects to the Request for Production of Documents to the extent they purport to  
16 impose a requirement on Gallo to determine whether employees of Gallo's distributors, retailers,  
17 former employees, advertising agencies, or others outside of the immediate Gallo organization may  
18 have responsive information as unreasonable and unduly burdensome because this would require  
19 Gallo to canvass over 200,000 separate business entities in the United States with which Gallo  
20 transacts business on a daily basis. Gallo's reasonable search will be confined to its corporate offices  
21 in Modesto, California, where the mark at issue was developed and where the sales and marketing  
22 plans for such products are developed and implemented.

23           9.       Each Request for Production of Documents is answered to the best of Gallo's  
24 information and belief as of the date of the response and without prejudice. Gallo reserves the right to  
25

1 supplement these responses pursuant to the Federal Rules of Civil Procedure and the TTAB's rules.

2 10. To the extent that a specific Request for Production of Documents is cross-referenced  
3 to a specific response to Request for Admission, the objections stated in that response are  
4 incorporated by reference into the written response to the Request for Production of Documents. The  
5 General Objections to the Request for Admission are incorporated by reference.

6 11. Gallo objects as unduly burdensome the requirement that it produce its documents at  
7 the office of Applicant's counsel, which is located in Virginia. All Documents will be produced for  
8 inspection at Gallo's corporate office in Modesto, California.

9  
10 **SPECIFIC RESPONSES AND OBJECTIONS**

11 Gallo hereby submits the following responses and specific objections to the Request for  
12 Production.

13  
14 **REQUEST FOR PRODUCTION NO. 3**

15 3. *All documents and things supporting the denial of any request for admission of*  
16 *Applicant's Second Request for Admission to Opposer.*

17 **RESPONSE**

18 Subject to the General Objections, Gallo there are no responsive documents.

19  
20 **REQUEST FOR PRODUCTION NO. 4**

21 4. *All agreements reached between Opposer, including subsidiaries, agents or other*  
22 *entities within its control, and any third parties whose use or registration of a mark, or whose*  
23 *intended use or registration of a mark, Opposer had challenged in any manner as being likely to be*  
24 *confused with Opposer's GALLO marks.*

25 **RESPONSE**

26 In addition to the General Objections, Gallo objects to Request for Production No. 4 as overly  
27 broad and unduly burdensome because it requires Gallo to search and provide information concerning

1 marks and jurisdictions that are not at issue in this case. Gallo further objects on the grounds that the  
2 production of such information is irrelevant and unlikely to lead to the discovery of admissible  
3 evidence because how Gallo has elected to compromise prior disputes involving different marks,  
4 different goods, and different parties is neither probative of any issue in this case nor admissible.  
5

6 **REQUEST FOR PRODUCTION NO. 5**

7 5. *All coexistence agreements reached between Opposer, including any subsidiaries,*  
8 *agents or other entities within its control, and third parties pertaining to Opposer's GALLO marks.*

9 **RESPONSE**

10 In addition to the General Objections, Gallo objects to Request for Production No. 5 as  
11 overly broad and unduly burdensome because it requires Gallo to search and provide information  
12 concerning marks and jurisdictions that are not at issue in this case. Gallo further objects on the  
13 grounds that the production of such information is irrelevant and unlikely to lead to the discovery of  
14 admissible evidence because how Gallo has elected to compromise prior disputes involving different  
15 marks, different goods, and different parties is neither probative of any issue in this case nor  
16 admissible.

17 Respectfully submitted,

18 

19 Paul W. Reidl  
20 Associate General Counsel  
21 P. O. Box 1130  
22 Modesto, CA 95353  
23 Tel: (209) 341-4733  
24 Fax: (209) 341-6270  
25 [Paul.reidl@ejgallo.com](mailto:Paul.reidl@ejgallo.com)

26 Dated: November 11, 2008

27 Attorney for Opposer,  
E. & J. Gallo Winery

**PROOF OF SERVICE**

I am employed in the County of Stanislaus, State of California. I am over the age of 18 and not a party to the within action. My business address is 600 Yosemite Boulevard, Modesto, California, 95354.

On November 11, 2008, I caused to be served the foregoing document described as follows:

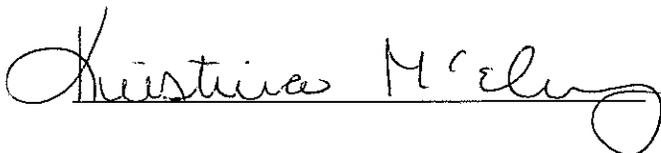
1. **Opposer's Objections and Responses to Applicant's Second Request for Admissions to Opposer,**
2. **Opposer's Objections and Responses to Applicant's Second Request for Production,**
3. **Opposer's Objections and Responses to Applicant's Second Request for Admissions,**
4. **Opposer's Objections and Responses to Applicant's First Interrogatories,**
5. **Opposer's Objections and Responses to Applicant's First Set of Interrogatories;**
6. **Opposer's Objections and Responses to Applicant's Second Request for Production**

on the Defendant in this action by placing a true copy thereof enclosed in an envelope, by certified mail, addressed as follows:

Mark Lebow  
Young & Thompson  
209 Madison Street, Suite 500  
Alexandria, VA 22314

I am "readily familiar" with the company's practice of collection and processing correspondence for mailing. Under that practice, it is deposited with the U. S. postal service on that same day in the ordinary course of business.

Executed on November 11, 2008, at Modesto, California.



# EXHIBIT L

1 UNITED STATES PATENT AND TRADEMARK OFFICE  
2 BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

3 \_\_\_\_\_ )  
4 E. & J. GALLO WINERY, )

5 Opposer, )

6 v. )

7 MIMULANI AG, )

8 Applicant. )  
9 \_\_\_\_\_ )

Cancellation No. 91181380 et al.

10  
11 **OPPOSER'S OBJECTIONS AND RESPONSES TO**  
12 **APPLICANT'S FIRST SET OF INTERROGATORIES**

13  
14 Opposer, E. & J. Gallo Winery ("Gallo") hereby submits the following objections and  
15 responses to Applicant's First Set of Interrogatories.

16 **GENERAL OBJECTIONS**

17 The following General Objections ("General Objections") are hereby incorporated into each of  
18 the specific responses and objections below.

19 **GENERAL OBJECTIONS**

- 20
- 21 1. Gallo objects to the Interrogatories to the extent they purport to impose any duty or  
22 obligation other than those imposed by the TTAB Rules and the Federal Rules of Civil Procedure.
  - 23 2. Gallo objects to the Interrogatories to the extent they seek documents or information  
24 protected by the attorney-client privilege, work product immunity, or any other applicable privilege,  
25 particularly to the extent they seek attorney files for ongoing litigation such as this proceeding.  
26  
27

1           3.       Gallo objects to the Interrogatories to the extent they purport to require the disclosure  
2 of information that is not within Gallo's possession, custody or control.

3           4.       Gallo objects to the Interrogatories to the extent they seek information that is publicly  
4 available, is as readily available to Applicants as it is to Gallo, or is already in the Applicant's  
5 possession, custody or control.

6           5.       Gallo objects to the Interrogatories to the extent they are unreasonably cumulative or  
7 duplicative, and to the extent that the information sought is more conveniently obtainable from some  
8 other source.

9           6.       Gallo objects to the Interrogatories to the extent they seek information regarding the  
10 activities of Gallo or third parties outside the United States as unduly burdensome and not reasonably  
11 calculated to lead to the discovery of admissible evidence.

12           7.       Gallo objects to the Interrogatories to the extent they purport to impose a requirement  
13 on Gallo to determine whether employees of Gallo's distributors, retailers, former employees,  
14 advertising agencies, or others outside of the immediate Gallo organization may have responsive  
15 information as unreasonable and unduly burdensome because this would require Gallo to canvass  
16 over 200,000 separate business entities in the United States with which Gallo transacts business on a  
17 daily basis.

18           8.       Gallo objects to the Interrogatories to the extent they purport to impose a requirement  
19 on Gallo to disclose information about Gallo's over 200 active United States trademarks other than  
20 those at issue in this case as unreasonable, unduly burdensome, and not reasonably calculated to lead  
21 to the discovery of admissible information.

22           9.       Gallo objects to the definition of "Opposer" as unreasonable and unduly burdensome  
23 because it would require Gallo to canvass over 1,200 professional employees located throughout the  
24 country and, by requesting information from Gallo's attorneys, would require the production of  
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1 information protected by the attorney client privilege and work product immunity.

2 10. Gallo objects to providing any personal information about any of its employees or  
3 officers because of concerns about protecting employee privacy and because providing such  
4 information is prohibited by California law.

5 11. Each Interrogatory is answered to the best of Gallo's information and belief as of the  
6 date of the response and without prejudice. Gallo reserves the right to supplement these  
7 interrogatories pursuant to the TTAB Rules and the Federal Rules of Civil Procedure.

8 12. Gallo objects to Definitions "C," "D," "E," "F," and "H" as overly broad and unduly  
9 burdensome  
10

11 **SPECIFIC RESPONSES AND OBJECTIONS**

12 Gallo hereby submits the following responses and specific objections to the Interrogatories.

13  
14 **INTERROGATORY NO. 1**

15 1. *Identify every instance, or which Applicant is aware, of confusion relating to the*  
16 *marks or products in issue in this proceeding, and identify all persons having knowledge thereof.*

17 **RESPONSE**

18 Subject to the General Objections, Gallo further objects to this Interrogatory as misleading  
19 because, as Applicant knows, its marks have not been used lawfully in the United States and,  
20 therefore, there have been no opportunities for confusion in the United States.

21  
22 **INTERROGATORY NO. 2**

23 2. *Identify each person who supplied information or documents included or identified in*  
24 *the responses to these Interrogatories or to Applicant's First Request for Production of Documents*  
25 *and Things, specifying for each person the numbers of the Interrogatories and/or Requests for which*  
26 *such information or documents were supplied.*

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**RESPONSE**

Subject to the General Objections, other than obtained by counsel of record and his staff, the response to this Interrogatory No. 2 is “none.”

**INTERROGATORY NO. 3**

3. *Identify all agreements reached between Opposer and any third parties whose use or registration of a mark, or whose intended use or registration of a mark, Opposer has challenged in any manner.*

**RESPONSE**

In addition to the General Objections, Gallo objects to this Interrogatory as overly broad and unduly burdensome because it requires Gallo to search and provide information concerning marks and jurisdictions that are not at issue in this case. Gallo further objects on the grounds that the production of such information is irrelevant and unlikely to lead to the discovery of admissible evidence because how Gallo has elected to compromise prior disputes involving different marks, different goods, and different parties is neither probative of any issue in this case nor admissible. If Gallo were required to respond to this Interrogatory it would respond as permitted by Federal Rule of Civil Procedure 33 (d) because the answer may be determined by examining, auditing, compiling, abstracting, or summarizing Gallo’s business records and the burden of deriving or ascertaining the answer is substantially the same for both parties in this case.

**INTERROGATORY NO. 4**

4. *Identify all coexistence agreement [sic] reached between Opposer and their parties pertaining to Opposer’s GALLO marks.*

**RESPONSE**

In addition to the General Objections, Gallo objects to this Interrogatory as unintelligible and as overly broad and unduly burdensome because it requires Gallo to search and provide information concerning jurisdictions that are not at issue in this case. Gallo further objects on the grounds that the

1 production of such information is irrelevant and unlikely to lead to the discovery of admissible  
2 evidence because how Gallo has elected to compromise prior disputes involving different marks,  
3 different goods, and different parties is neither probative of any issue in this case nor admissible. If  
4 Gallo were required to respond to this Interrogatory it would respond as permitted by Federal Rule of  
5 Civil Procedure 33 (d) because the answer may be determined by examining, auditing, compiling,  
6 abstracting, or summarizing Gallo's business records and the burden of deriving or ascertaining the  
7 answer is substantially the same for both parties in this case.

8  
9 Respectfully submitted,

10 

11  
12 Dated: November 11, 2008

13 Paul W. Reidl  
14 Associate General Counsel  
15 P. O. Box 1130  
16 Modesto, CA 95353  
17 Tel: (209) 341-4733  
18 Fax: (209) 341-6270  
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