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Filing date: **02/02/2011**

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

Proceeding	91191056
Party	Plaintiff White Rock Distilleries, Inc.
Correspondence Address	DANIEL I SCHLOSS GREENBERG TRAUIG, LLP 200 PARK AVENUE, 34TH FLOOR NEW YORK, NY 10166 UNITED STATES schlossd@gtlaw.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	Daniel I. Schloss
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Date	02/02/2011
Attachments	NoticeRelianceRogsRFAs.pdf (4 pages)(171106 bytes)

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

IN THE MATTER OF APPLICATION

Mark: PINNACLES RANCHES
 Applicant: Franciscan Vineyards, Inc.
 Serial No.: 77/298,674
 Published in
 the **Official Gazette**: March 17, 2009

WHITE ROCK DISTILLERIES, INC.)	
)	
Opposer,)	
)	
v.)	Opposition No. 91191056
)	
FRANCISCAN VINEYARDS, INC.,)	
)	
Applicant.)	
)	

**OPPOSER’S NOTICE OF RELIANCE ON APPLICANT’S RESPONSES TO
INTERROGATORIES AND REQUESTS FOR ADMISSION**

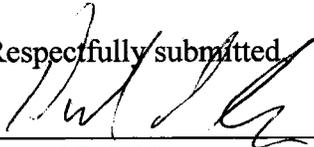
Pursuant to C.F.R. § 2.120(j)(3)(i), Opposer, White Rock Distilleries, Inc., hereby gives notice that it will rely on the following responses provided by Applicant, Franciscan Vineyards, Inc., in response to certain of Opposer’s interrogatories and requests for admission listed below. Copies of the referenced responses are attached hereto.

Document	Response Numbers
Applicant Franciscan Vineyards, Inc.’s Responses and Objections to Opposer’s First Set of Interrogatories, dated March 25, 2010.	5 and 7
Applicant Franciscan Vineyards, Inc.’s Responses and Objections to Opposer’s First Set of Requests for Admissions, dated March 25, 2010.	1 and 2

Dated: February 2, 2011

By:

Respectfully submitted,



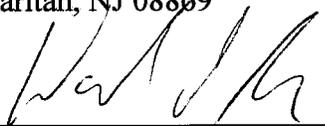
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CERTIFICATE OF SERVICE

Date: February 2, 2011

The undersigned hereby certifies that a true and correct copy of the foregoing Opposer's Notice of Reliance on Applicant's Responses to Interrogatories and Requests for Admission has been served by first class mail, postage prepaid, this 2nd day of February 2011 upon Franciscan Vineyards, Inc. at the following correspondence address of its counsel of record:

John M. Rannells, Esq.
Baker & Rannells, PA
575 Route 28, Suite 102
Raritan, NJ 08869



Daniel I. Schloss

Response: Applicant objects to the interrogatory insofar as it requests “all” advertising and promotional methods . . . specifying each publication, etc.” as being overly broad and unduly burdensome to comply with. Without waiver of and subject to the foregoing objection Applicant advertises and promotes its products under Applicant’s Mark in trade, wholesaler, distributor, retailer sell sheets; retail POS materials; Sweepstakes offers, magazine advertisements (e.g., Food & Wine), bottle neckers, Winery brochures, Winery tours and gift shop; Winery website. Representative examples of documents evidencing the above have been produced.

Interrogatory No. 5: Identify on an annual basis and broken down by specific product the amounts spent by Applicant in advertising and/or promoting Applicant’s Mark in the United States from 2004 to the present.

Response: Annual amounts spent by Applicant in advertising and/or promoting Applicant’s Mark for wine:

	<u>Approximate Figures</u>
FY 2004:	\$200,000
FY 2005:	\$275,000
FY 2006:	\$350,000
FY 2007:	\$400,000
FY 2008:	\$500,000
FY 2009:	\$600,000
FY 2010:	\$700,000

Interrogatory No. 6: Identify on an annual basis and broken down by specific product gross revenues received by Applicant from the sale of products bearing Applicant’s Mark in the United States since 2004.

Response: Opposer objects to the interrogatory as being duplicative of interrogatory no. 1.

Interrogatory No. 7: Describe the facts and circumstances pertaining to Applicant’s decision to apply for registration of the mark PINNACLES RANCHES, Serial No. 77/598,674, in the United States Patent and Trademark Office.

Response: The mark is considered a natural extension and/or expansion and/or variant of the PINNACLES mark. The term “ranches” in the mark is meant to highlight one of Opposer’s own estate vineyard areas. The term “ranches” is disclaimed in Opposer’s application.

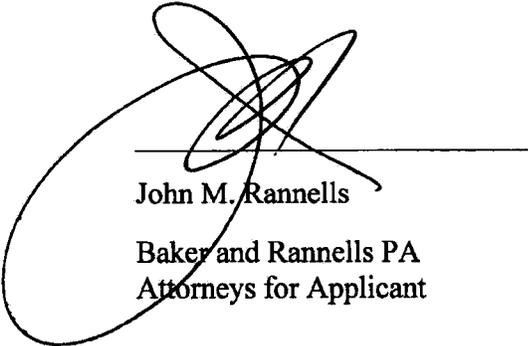
Instructions and Definitions shall be deemed incorporated into each Request.” Franciscan responds as follows: All objections, general or specific, set forth in Franciscan’s Response and Objections to Applicant’s First Set of Interrogatories and First Set of Request for Productions of Documents to Opposer are and shall be deemed incorporated herein in their entirety. The full text of Franciscan’s objections shall be deemed incorporated into the response to each Request below.

Request for Admission No.1: Admit that the location of origin of the wines sold under Applicant’s Mark is at or within a few miles of a geographic location called “Pinnacles Ranch”.

Response: The request is objected to as being vague, imprecise and ambiguous insofar as use of the term “few” is concerned. The request is also objected to as being vague, imprecise and ambiguous insofar as use of the term “Pinnacles Ranch” is concerned. In the event that Opposer is referring to the mention of “PINNACLES RANCHES” as shown on the back bottle label of Applicant’s “Pinnacles Ranches” wines, the same identifies the name of one of Applicant’s own vineyards. Insofar as Opposer is referring to some other alleged geographic location in existence, Applicant will respond upon Opposer identifying the actual alleged “geographic location.”

Request for Admission No. 2: Admit that the location of origin of the wines sold under Applicant’s Mark is within a few miles of the Pinnacles National Monument.

Response: The request is objected to as being vague, imprecise and ambiguous insofar as use of the term “few” is concerned. The request is also objected to as being vague, imprecise and ambiguous insofar as use of the phrase “origin of the wines sold under Applicant’s Mark” is concerned. The referenced wines are bottled and sold from Estancia Estates Winery which is located at 980 Bryant Canyon Road, Soledad, CA 93960. According to driving directions readily available from and obtained from *Mapquest.com*: the trip from Estancia Estates Winery to “Pinnacles National Monument”, results in an estimated trip of 1 hour and 5 minutes, at a distance of 52.38 miles. Based upon the foregoing and Applicant’s understanding of the term “few”, the Request is denied.



John M. Rannells

Baker and Rannells PA
Attorneys for Applicant