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Filing date: **02/23/2011**

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

Proceeding	91191056
Party	Defendant Franciscan Vineyards, Inc.
Correspondence Address	JOHN M RANNELLS BAKER & RANNELLS PA 575 ROUTE 28, SUITE 102 RARITAN, NJ 08869-1354 UNITED STATES jmr@br-tmlaw.com
Submission	Testimony For Defendant
Filer's Name	John M. Rannells
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Signature	/john rannells/
Date	02/23/2011
Attachments	91191056 br stip.pdf (81 pages)(8762116 bytes)

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

-----X
White Rock Distilleries, Inc.

Opposer

v.

Franciscan Vineyards, Inc.

Applicant
-----X

Opposition No. 91191056

Mark: PINNACLES RANCHES

Serial No.: 77/598674

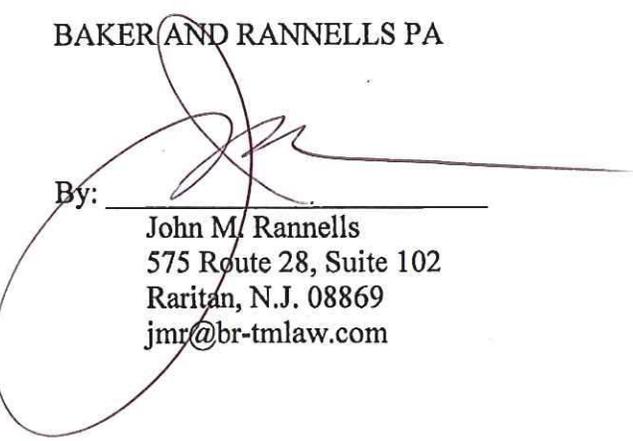
**STIPULATION ALLOWING TESTIMONY TO BE SUBMITTED
IN THE FORM OF A DECLARATION**

The parties, pursuant to Rule 2.123(b) of the Trademark Rules of Practice, hereby stipulate as follows:

Applicant, Franciscan Vineyards, Inc., may submit the annexed Declaration and exhibits (i.e., photographs taken by the declarant) of Robert A. Rannells, owner of Bob Rannells Photography LLC, as testimony during Applicant's testimony period.

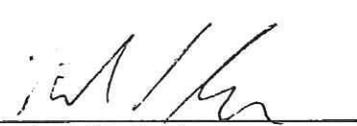
So Stipulated this 23rd day of February, 2011.

BAKER AND RANNELLS PA

By: 

John M. Rannells
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**DECLARATION OF ROBERT A. RANNELLS
SUBMITTED AS TESTIMONY FOR FRANCISCAN VINEYARDS, INC.
PURSUANT TO STIPULATION UNDER TRADEMARK RULE 2.123(b)**

I, Robert A. Rannells, declare and say:

1. I am the owner of Bob Rannells Photography LLC, a New Jersey Limited Liability Company, located at 14 Hamilton St, Somerville, New Jersey 08876.
2. I have been a professional photographer for the past 25 years.
3. This declaration is made on personal knowledge. If called to testify, I could and would testify competently to the statements made herein.
4. On January 24, 2011, I was engaged by the law firm of Baker and Rannells PA to photograph various bottles of wine as well as separate photographs of the capsule/foil area of each bottle.
5. On the above date, as instructed, I travelled to The Liquor Barn store located at 1007 Old York Road, Raritan, NJ 08869 and personally took the photographs (true copies of which are attached hereto as Exhibit "1") on location there.
6. Accompanying me at the store was attorney John M. Rannells of the Baker and Rannells PA law firm. The photography shoot took place as follows: Mr. John Rannells

selected the bottles of wine (and five bottles of vodka) from the store shelving and brought the same to me to photograph. I photographed each bottle and I photographed the capsule/foil area at the top of each bottle brought to me. The photographs depicted in Exhibit 1 are a fair and accurate portrayal of each of the bottles and of the capsule/foil area at the top of each bottle.

7. Based upon my own review of wines on display at the store I estimate that well in excess of 1/3 of all the wines on display at the store bare some marking on the capsule/foil sleeve.

8. I arranged for the printing of the photographs described above and delivered the printed photographs to Baker and Rannells PA the following afternoon. I maintain digital copies of each photograph.

9. I invoiced the law firm for my services at my ½ day rate plus my per-print rate (for untouched photographs).

10 The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, declares that the facts and statements set forth above are true and that each of the statements is made upon personal knowledge.


Robert A. Rannells

