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

Proceeding	91191056
Party	Defendant Franciscan Vineyards, Inc.
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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White Rock Distilleries, Inc.

Opposition No. 91191056

Opposer

Mark: PINNACLES RANCHES

v.

Serial No.: 77/598674

Franciscan Vineyards, Inc.

Applicant
-----X

**COMBINED NOTICE OF FILING OF TESTIMONY TRANSCRIPT AND EXHIBITS
PURSUANT TO 37 CFR 2.125(c) and NOTICE OF SERVICE OF TRANSCRIPTS AND
EXHIBITS PURSUANT TO 37 CFR 2.125(a)**

Applicant, Franciscan Vineyards, Inc., hereby files the trial testimony of Jon E. Guggino, taken on March 2, 2011 along with the corresponding exhibits 1-6 (all attached hereto).

A copy of the referenced testimony transcript and exhibits was served upon the Opposer's attorneys on March 17, 2011, via first class mail postage prepaid to the following address. Daniel I. Schloss, Esq., Greenberg Traurig, LLP, 200 Park Avenue, 34th Floor, New York, N.Y. 10166

Respectfully submitted,

BAKER and RANNELLS PA

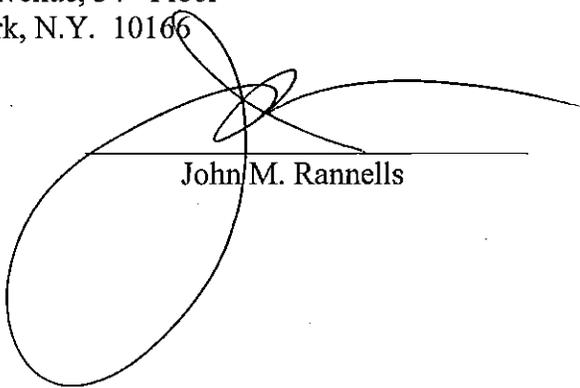


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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **COMBINED NOTICE OF FILING OF TESTIMONY TRANSCRIPT AND EXHIBITS PURSUANT TO 37 CFR 2.125(c) and NOTICE OF SERVICE OF TRANSCRIPTS AND EXHIBITS PURSUANT TO 37 CFR 2.125(a)** in re White Rock Distilleries, Inc. v. Franciscan Vineyards, Inc., Opposition No. 91191056 was forwarded by first class postage pre-paid mail this 17th day of March, 2011 to the Opposer's attorneys at the following address:

Daniel I. Schloss, Esq.
Greenberg Traurig, LLP
200 Park Avenue, 34th Floor
New York, N.Y. 10166



John M. Rannells

DATED: March 17, 2011

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

WHITE ROCK DISTILLERIES, INC.,

Opposer,

-vs-

FRANCISCAN VINEYARD, INC.,

Applicant.

ORIGINAL



Opposition No.: 91191056

Mark: PINNACLES RANCHES

Serial No.: 77/598674

Trial Testimony of JON E. GUGGINO,
held at the Constellations Wines U.S.,
Canandaigua, New York, on March 2, 2011,
before DEBORAH R. SALESKI, Court
Reporter and Notary Public in and for
the State of New York.

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EXHIBITS

No.	Description	Marked
1	Notice to Take Testimony	4
2	Bottle of Estancia Pinot Noir	16
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* * *

1 Direct - Guggino

2 J O N E. G U G G I N O, having been called as a
3 witness, being duly sworn by the notary public present,
4 testified as follows:

5
6 (Whereupon, Applicant's Exhibit 1 was
7 marked for identification, on this date.)

8 MR. RANNELLS: This is a proceeding
9 before the United States Patent and Trademark
10 Office, Trademark Trial and Appeal Board.
11 It's opposition number 91191056 and it's
12 titled or captioned White Rock Distilleries,
13 Inc., versus Franciscan Vineyard, Inc.

14 My name is John Rannells. I'm with the
15 law firm of Baker And Rannells. We are
16 attorneys for the Applicant, Franciscan
17 Vineyard, Inc. Also present with me is Neil
18 Friedman of Baker And Rannells. Also present
19 is an attorney for the Opposer, White Rock
20 Distilleries.

21 Mr. Schloss, would you please introduce
22 yourself.

23 MR. SCHLOSS: I'm Daniel Schloss from the
24 law firm of Greenberg Traurig and I represent
25 White Rock Distilleries in this proceeding.

1 Direct - Guggino

2 DIRECT EXAMINATION BY MR. RANNELLS:

3 Q. Mr. Guggino, I'm going to hand you what's been
4 marked as Applicant's Exhibit Number 1. Could you
5 identify that, please?

6 A. It's the United States Patent and Trademark
7 Office, Trademark Trial and Appeal Board document. Just
8 stating testimony.

9 Q. And have you seen this document before?

10 A. Yes, I have.

11 Q. Great. And is this the document noticing your
12 testimony for today?

13 A. Yes, it is.

14 Q. All right.

15 MR. RANNELLS: I will note for the record
16 that it says that Mr. Guggino will start at
17 2:00 in the afternoon, but I did talk to
18 Mr. Schloss and we have another witness, Deb
19 Price, who was going to be here this
20 morning to do this, but we had to switch,
21 so Mr. Guggino will be appearing now and
22 Ms. Price will be appearing later.

23 Q. Mr. Guggino, would you please describe for us
24 your educational background after high school?

25 A. Sure. I have an Associate's degree from

1 Direct - Guggino

2 Alfred State University in marketing and then a BA,
3 Bachelor's Association Degree at -- or Bachelor's
4 Administration Degree from Michigan State University in
5 business administration.

6 Q. And when did you graduate from Michigan State
-7 University?

8 A. In 1993.

9 Q. And after graduating from Michigan State
10 University how were you employed?

11 A. I started work at -- I started my career at
12 Young & Rubicam Advertising firm and worked there for
13 four years.

14 Q. While at Rubicam what were your duties and
15 responsibilities?

16 A. I was responsible for overseeing the Blue
17 Cross Blue Shield of Rochester, New York; United Way of
18 Rochester, New York, and Chase Manhattan Bank client
19 accounts and I was an associate account executive at the
20 time.

21 Q. Okay. And what did you do for their clients?

22 A. Basically managed the marketing communications
23 and promotional activity for these businesses.

24 Q. Okay. And after Young & Rubicam where did you
25 work next?

1 Direct - Guggino

2 A. I then went to another advertising agency
3 called Robert's Communications.

4 Q. And what did you do at Robert's
5 Communications?

6 A. There I was a senior account executive
7 managing the Xerox Corporation business.

8 Q. What were your duties and responsibilities
9 with regard to the Xerox client?

10 A. I managed the marketing communication and
11 promotional efforts of that business.

12 Q. And that would involve what type of activities
13 on your behalf?

14 A. Advertising, promotions, direct marketing,
15 public relations.

16 Q. All right. And after Robert's Communications
17 where did you work next?

18 A. Then I worked at Eric Mowers Associates,
19 another advertising firm.

20 Q. And what were your duties and responsibilities
21 at Eric Mowers?

22 A. I managed the Eastman Kodak business.

23 Q. And what did you do for the Eastman Kodak
24 clients?

25 A. I was an account supervisor and essentially

1 Direct - Guggino

2 managing, again advertising, promotions, public relations
3 and direct marketing activities.

4 Q. When you say "managing," what do you mean by
5 that?

6 A. Overseeing a team who was basically managing
7 the development and strategic framework of Kodak's
8 marketing communications activities.

9 Q. By marketing and communications activities,
10 what do you mean?

11 A. Advertising, public relations, promotions,
12 basically utilizing the advertising mix, if you will, the
13 marketing mix.

14 Q. When you use the phrase advertising
15 communications, with regard to your other employers was
16 that -- did that have the same meaning?

17 A. It did.

18 Q. Okay.

19 A. It does.

20 Q. And after Eric Mowers where were you next
21 employed?

22 A. Then I went to at the time Canandaigua Wine
23 Company which is now Constellation Brands.

24 Q. Okay. Do you recall when that was?

25 A. That was in November of 1999.

1 Direct - Guggino

2 Q. All right. What was your first job at
3 Canandaigua Wine Company?

4 A. National promotions manager.

5 Q. What does the national promotions manager do?

6 A. I worked closely with our marketing department
7 and organization to develop national promotions for our
8 portfolio of brands.

9 Q. Okay. And did you have any other -- do you
10 have any other titles or responsibilities after being or
11 subsequent to being national promotions manager?

12 A. Yes.

13 Q. Would you describe what those are?

14 A. Yes, I then went on to be a brands manager.

15 Q. Brands manager, could you describe that more,
16 please?

17 A. Sure. I was managing a specific set of brands
18 and worked basically to direct the P&L and the strategic
19 marketing efforts as well as the programming and
20 implementation for a specific set of brands.

21 Q. What do you mean by P&L?

22 A. Profit and loss.

23 Q. And that involved advertising and
24 communications?

25 A. Yes, it did.

1 Direct - Guggino

2 Q. And promotions?

3 A. Promotions.

4 Q. Working various media?

5 A. Yes.

6 Q. Okay. And have you had any other titles or
7 job responsibilities --

8 A. Yes.

9 Q. -- at Constellation?

10 A. Yes.

11 Q. What are those?

12 A. I then went on to a marketing director
13 position.

14 Q. What did you do as marketing director?

15 A. In that role in addition to overseeing some
16 specific brands and the same activities that I just
17 outlined as brand manager, I also took on responsibility
18 for three direct reports and their activity.

19 Q. Okay. And this was -- which of the
20 Constellation companies were you the marketing director?

21 A. Centerra was the operating company at that
22 time.

23 Q. Okay. What is Centerra?

24 A. Centerra was an operating company that managed
25 a specific portfolio of brands underneath the

1 Direct - Guggino

2 Constellation brand umbrella.

3 Q. Okay. And subsequent to being marketing
4 director at Centerra what was your next position?

5 A. That's the position I'm in now which is vice
6 president of marketing for Constellation Specialty Wines
7 and Spirits portfolio.

8 Q. Is that part of Constellation Wines U.S.?

9 A. It is.

10 Q. Okay. And in general terms would you describe
11 your responsibilities and duties as the vice president of
12 marketing at CWUS?

13 A. I lead the portfolio, brand portfolio
14 marketing activities for a large portfolio of brands,
15 oversee the activities of a team of eight direct reports
16 and essentially drive the long-term strategy, oversee
17 innovation as well as profit and loss management for
18 these brands.

19 Q. And this involves advertising, promotion and
20 marketing communications, correct?

21 A. Yes, it does.

22 Q. Okay. Just so the record is clear, when you
23 say reports, what do you mean by that?

24 A. A team of associate marketing managers,
25 marketing managers and marketing directors that report in

1 Direct - Guggino

2 to me.

3 Q. Okay. From your experience in marketing,
4 advertising and promotion would you describe for us how
5 one creates impact for consumers of wines at CWUS?

6 A. This industry is different than many other
7 consumer package industries in that the packaging itself
8 for the wine brands and spirits brands really serves as
9 almost, you know, 90 percent of the brand's marketing
10 communications and awareness driving vehicle.

11 Q. By packaging you mean?

12 A. Label, bottle shape, capsule, communication on
13 the labels, et cetera, shipper cartons, et cetera.

14 Q. And is the image that you're trying to portray
15 the same for all the of the wines in the Constellation
16 portfolio?

17 A. No, not at all.

18 Q. All right. How would you describe the
19 differences, if you could, in rather general terms of the
20 approach to marketing for different wines?

21 A. Essentially each -- within each wine it
22 depends on the target consumer that you're marketing
23 against and what that consumer is looking for and what
24 the, you know, the opportunity gap is. So some wines
25 will have what's called lifestyle imaginary, other wines

1 Direct - Guggino

2 will be very classic and traditional wine traits and
3 characteristics, which basically convey the notion of
4 premium more sophisticated wine. And some wines are more
5 casual and considered more value wines, every day wines
6 that are more approachable to consumers. So it's
7 really -- and then with those wines that I stated as
8 being more sophisticated or premium, you're typically
9 targeting a wine enthusiast or connoisseur or a consumer
10 who knows more about wines that wants greater quality
11 associated with their product.

12 Q. Is it usually tied to some extent to price
13 point?

14 A. Absolutely.

15 Q. All right. Can you describe that further?

16 A. Sure. In this industry basically we look at
17 or segment our products by price point. So, for
18 instance, starting from value wines, which have a
19 specific price point associated with those wines, moving
20 up to premium then to ultra premium and then all the way
21 up to ultra luxury. Those are essentially the price
22 points. So as you have wines that are compartmentalized
23 in those specific price points they need to convey and
24 reinforce to the consumer that they're living up to what
25 that price point and expectation is.

1 Direct - Guggino

2 Q. In promoting a brand or a trademark associated
3 with a wine, how do you go about it at CWUS? How is the
4 trademark promoted, advertised and somehow gotten to the
5 attention of the consumer?

6 A. As I mentioned before the package serves as
7 the cornerstone of that. In the expanse of wine in this
8 industry, it's a very fragmented industry, so the package
9 really does a lot of work. But in addition to that, we
10 also try to drive the equity of that trademark and that
11 brand through advertising, through promotions, through
12 public relations, to outreach to wine critics, sampling
13 programs, et cetera. Anything that we can do to
14 reinforce and leverage the positioning and trademark of
15 that brand.

16 Q. And you referenced a number of times the
17 packaging, how do you get -- draw the consumer's
18 attention to the marks and/or the brands on the packaging
19 itself?

20 A. We do that in working with design agency
21 professionals at creating these labels and essentially
22 what we do is pay greatest homage to the brand mark
23 itself, the brand name, any sub-brand associated with
24 that brand --

25 (Whereupon, there was an outside

1 Direct - Guggino

2 interruption.)

3 A. -- and then other unique points of
4 differentiation and key attributes that accentuate the
5 brand.

6 Q. And I've often heard a phrase myself of real
7 estate as it applies to packaging, are you familiar with
8 that phrase?

9 A. Yes, I am.

10 Q. And could you describe for us what that refers
11 to?

12 A. Sure. So virtually every aspect of the
13 package is considered real estate, so even the bottle
14 shape itself is conveying some kind of image. But in
15 addition to that, I think what people are primarily
16 alluding to with reference to real estate is the front
17 label, the back label, the capsule, the shipper carton,
18 anything that basically uses a vessel for the product or
19 wine in the bottle.

20 Q. Okay. And is there an effort, a special
21 effort to make to utilize all of the real estate and if
22 so, how?

23 A. Yes, there is. You want to take advantage of
24 real estate, but that means using it efficiently, using
25 it effectively, making sure that your points of

1 Direct - Guggino

2 difference are clear to the consumer and conveyed in a
3 manner that's commensurate with the level of quality that
4 you're trying to convey to the consumer.

5 MR. RANNELLS: I'm going to ask the
6 reporter to mark two bottles of full wine as
7 Exhibits 2 and 3. They're both Estancia
8 wines. One is a Pinot Noir and one is a
9 Chardonnay and we're going to take photographs
10 later. Unfortunately, the camera we had the
11 batteries were dead and it's being charged
12 right now. But if we could mark these for the
13 time being.

14 (Whereupon, Applicant's Exhibits 2 and 3
15 were marked for identification, on this date.)

16 BY MR. RANNELLS:

17 Q. Mr. Guggino, I'm going to show you what's been
18 marked as Applicant's Exhibits 2 and 3 and ask if you
19 have ever seen these before.

20 A. Yes, I have.

21 Q. And could you describe what they are?

22 A. They are two different varietal types of
23 Estancia Pinnacles Ranches varietals or products.

24 Q. All right. And in describing the consumer
25 impression -- excuse me, let me take that back. In your

1 Direct - Guggino

2 experience, in your marketing experience how would you
3 describe the impact of these packages, these bottles for
4 consumers?

5 A. Specific to Estancia in the package I'm
6 looking at?

7 Q. Specific to the bottles in front of you.

8 A. This is trying to convey a traditional,
9 upscale, sophisticated, high quality image.

10 Q. And how does it do that in your opinion?

11 A. In the simplicity of the label communication
12 and the capsule communication, basically what we term as
13 white space, but that white space is actually emphasizing
14 specific points more clearly than a label that would be
15 more cluttered or potentially a lower price point.

16 Q. Okay. And if you could just describe the
17 various labeling or to use another phrase, the real
18 estate on this bottle and what's going on?

19 A. Sure.

20 Q. And might as well use the Chardonnay, Exhibit
21 Number 3.

22 A. Okay. The front label is communicating
23 strongly the brand name as well as the varietal type,
24 geography and sub-brand, Pinnacles Ranches. It also has
25 a logo for a -- a brand mark logo for Estancia that's

1 Direct - Guggino

2 being utilized on the front label.

3 Q. Are you referring to the fanciful E?

4 A. I am, yes. The capsule itself underscores the
5 sub-brand of Pinnacles and then the top of the capsule
6 uses that fanciful E again as well in terms of fully
7 utilizing the real estate.

8 The back label essentially is communicating, again,
9 Estancia, the geography, as well as the sub-brand of
10 Pinnacles Ranches, an illustrative map and then a
11 description of the wine itself.

12 Q. Okay. Both of these bottles Exhibits 1 and 2
13 utilize -- or excuse me, 2 and 3 utilize color obviously
14 throughout. Could you describe for us the purpose in
15 your experience of the colors that are being used on
16 these bottles, what impact that's suppose to have on a
17 consumer?

18 A. The colors themselves serve two main purposes.
19 The muted nature of the color themes is conveying
20 quality, understated sophistication, but it's also
21 serving as a point of designation or difference between
22 the two different varietal types as well.

23 Q. In what way?

24 A. One is for a red varietal type; the other one
25 for the white varietal type, which is Chardonnay.

1 Direct - Guggino

2 Q. I'm showing you, again, Exhibit Number 3, the
3 Chardonnay, can you read what it says on the capsule
4 sleeve?

5 A. Yes, I can it says Pinnacles.

6 Q. Do you have any trouble seeing it?

7 A. No.

8 Q. How far away are you from it?

9 A. About three feet away.

10 Q. All right. I show you what's been marked as
11 Exhibit 2. Can you read what's on the capsule sleeve?

12 A. Yes, I can. It says Pinnacles.

13 Q. Do you have any trouble seeing it?

14 A. No.

15 Q. How far away are you?

16 A. About three feet.

17 Q. As part of your duties as vice president of
18 marketing do you go out into the market and keep yourself
19 apprised of the various other brands that are being sold?

20 A. Yes. Our brands as well as competing brands
21 in the market.

22 Q. And in going out into the market and reviewing
23 other brands by market are you referring to retail stores
24 or to what are you referring to?

25 A. There's a range. We call them channels

1 Direct - Guggino

2 essentially. And there's off premise and on premise
3 channels, so within the off premise channels I typically
4 have grocery stores, independent grocery stores,
5 convenience stores. We also have large club accounts
6 like Costco and BJ's. And then in the on-premise world
7 which we also visit, you have restaurants, bars, clubs,
8 hotels, et cetera. Those are the main channels that we
9 typically visit within a market.

10 Q. Have you recently visited any liquor stores as
11 part of what you do?

12 A. Yes, I have.

13 Q. And in your opinion based upon having gone to
14 these stores is the use of branding on capsules common or
15 uncommon?

16 A. It's very common.

17 Q. All right. Did you have an opportunity to
18 make some type of an estimation as to how many bottles in
19 the liquor stores that you've visited have some type of
20 branding or include something on the capsules?

21 A. I would say an estimation of 60 to 75 percent
22 of the wines and spirits that I've seen in stores use
23 some type of branding on the capsules.

24 Q. And by branding what are you referring to?

25 A. A logo mark, sub-brand mark, a design element

1 Direct - Guggino

2 that's being used on the front or back label or carton.
3 Again, just utilizing that -- maximizing that real estate
4 so to speak.

5 Q. And in your opinion Exhibits 2 and 3 before
6 you, is the use of the term Pinnacles on the capsule foil
7 a use consistent with what you've talked about as
8 utilizing the space available, the real estate on a
9 bottle of wine?

10 A. Yes, it is. It's obviously an important
11 attribute of the brand itself and it's being utilized in
12 other places to accentuate it.

13 Q. Where else is it being utilized?

14 A. It's being utilized on the front label and on
15 the capsule and I believe -- I just looked on the back
16 label and it's utilized once again.

17 Q. Okay. In your opinion does the term Pinnacles
18 on the capsule strengthen for consumers an identity of
19 these particular varietals put out by Estancia? Does
20 this strengthen the consumer -- an impact of the
21 sub-brand Pinnacles or Pinnacles Ranches?

22 A. Yes, it does. It does it I believe in two
23 ways; just the meaning of Pinnacles to people just being
24 of highest quality or reaching a top level state and also
25 gives consumers through the sub-brand of Pinnacles and

1 Direct - Guggino

2 Pinnacles Ranches a sense of place.

3 Q. What do you mean by "sense of place"?

4 A. Essentially deeper roots, a place where these
5 grapes are grown and harvested and that is essentially a
6 mainstay quality cue within the specific price segment.

7 Q. And I note on both Exhibits 2 and 3 that the
8 word Pinnacles on the capsule sleeve is repeated, do you
9 see that?

10 A. Yes, I do.

11 Q. Do you have an opinion as to in your
12 experience as a marketing vice president as to why it
13 would be repeated around the capsule?

14 A. It's essentially repeated so that in any way
15 that the bottle is put in front of someone, it's repeated
16 so that you can see all of or a portion of a brand mark,
17 a sub-brand mark, a design element, et cetera, we don't
18 have control within production to have that line up with
19 a specific label, front label, so we repeat it to ensure
20 that people see it from any angle.

21 Q. In your opinion is it fairly common in the
22 industry to do repeat surround capsules for that same
23 purpose?

24 A. Highly common.

25 Q. I forgot to ask you up front, do you know what

1 Direct - Guggino

2 the relationship or if there's a relationship between
3 Franciscan Vineyards, Inc., and CWUS?

4 A. Yes. Yes.

5 Q. Do you know -- could you describe what that
6 relationship is, please?

7 A. Constellation owns Franciscan, Inc.

8 Q. And I know we talked on this with regard to
9 consumer impact, maybe another way of asking the same
10 question, but I think it has a somewhat different
11 meaning. From a marketing perspective how does one
12 differentiate its wines from the wines of others?

13 A. They do that through the packaging, through
14 advertising, through promotions, public relations,
15 accolades and awards that ultimately serve the purpose of
16 ratings that help differentiate one wine product to
17 another are the primary vehicles that are used.

18 Q. And insofar as the packaging is concerned, how
19 does one differentiate its wines from those of others?

20 A. They do that through the brand mark which you
21 create equity for and you do that via the wine quality
22 which typically cues around wine quality are the
23 geography from where the wine is created from as well as
24 any winemaker personalities that are accentuated or
25 announced, any specific sub-brand associated with it that

1 Direct - Guggino

2 also provides reinforcement or differentiation for that
3 specific brand property.

4 Q. You said that you keep yourself apprised of
5 various wine brands in the market, in your experience is
6 the term ranches, R-A-N-C-H-E-S, commonly used as part of
7 a brand name or sub-brand name on wines?

8 A. No, it's not.

9 Q. Have you done anything to help you reach that
10 conclusion other than just your experiences in the field
11 looking at wines?

12 A. Yes, I have.

13 MR. RANNELLS: I'm going to ask the
14 reporter to mark the next document Exhibit 4.

15 (Whereupon, Applicant's Exhibit 4 was
16 marked for identification, on this date.)

17 BY MR. RANNELLS:

18 Q. Mr. Guggino, I'm going to show you what's been
19 marked as Applicant's Exhibit 4. Would you please look
20 it over.

21 A. (Witness complies.)

22 Q. And go through the various pages and make sure
23 you're familiar with it. Do you recognize this document?

24 A. Yes, I do.

25 Q. How do you recognize this?

1 Direct - Guggino

2 A. This is a search that I actually did in
3 preparation for this deposition.

4 Q. Okay. And what were you searching?

5 A. I just wanted to for myself just do a search
6 on ranches within the United States Patent and Trademark
7 Office.

8 Q. All right. And the search terms that are
9 shown under in the box entitled "Refine Search" show
10 ranches and class 33 and live; is that correct?

11 A. That's correct.

12 Q. All right. And in the search for the mark
13 ranches, class 33 or live marks how many marks are shown
14 in your search?

15 A. There are four marks.

16 Q. Okay. And are you familiar with those four
17 marks?

18 A. Two of them I have.

19 Q. Which ones are those?

20 A. The two that are Keyes Canyon Ranches and
21 Pinnacles Ranches.

22 MR. RANNELLS: Ask the reporter to mark
23 the next document Exhibit 5.

24 (Whereupon, Applicant's Exhibit 5 was
25 marked for identification, on this date.)

1 Direct - Guggino

2 BY MR. RANNELLS:

3 Q. Mr. Guggino, I'm handing you what's been
4 marked as Applicant's Exhibit 5. Take a moment to look
5 through that, please.

6 A. (Witness complies.)

7 Q. Okay. Have you seen this document before?

8 A. Yes, I have.

9 Q. And where did you see it?

10 A. This is a search result from a search that I
11 did through the TTAB for a Certificate of Label Approval.

12 Q. And what were you searching for?

13 A. Again ranches.

14 Q. All right. And what were the results of
15 your -- let me ask you, what are label approvals?

16 A. They -- basically it's a requirement before a
17 label can be -- or a label or wine brand can be
18 commercialized you have the TTAB, which is a government
19 body, approve the label.

20 Q. Okay. And what were the results of the search
21 that you conducted for the term ranches? Let me ask it
22 this way: Are these the results of the search that you
23 conducted for the term ranches at the TTAB online
24 website?

25 A. Yes.

1 Direct - Guggino

2 Q. Okay.

3 MR. SCHLOSS: Object. TTB.

4 Q. TTB. I'm sorry. Thank you. Let me ask you,
5 how many different instances of the term ranches did you
6 find in your search?

7 A. Four.

8 Q. Okay. And are they the same four as appear on
9 the -- on your trademark office search?

10 A. Yes, they are.

11 Q. Were there any others than this that you
12 recall?

13 A. Yes, there were others that were, but the
14 search came up with in addition to ranches franchises with
15 an R in front of it.

16 Q. Okay.

17 MR. RANNELLS: Ask the reporter to mark
18 the next document Exhibit 6.

19 (Whereupon, Applicant's Exhibit 6 was
20 marked for identification, on this date.)

21 BY MR. RANNELLS:

22 Q. Mr. Guggino, I'm doing to show you what's been
23 marked at Applicant's Exhibit 6. Please take a moment
24 and review it.

25 A. (Witness complies.)

1 Direct - Guggino

2 Q. Mr. Guggino, have you ever seen this document,
3 these documents before --

4 A. Yes, I have.

5 Q. -- that are marked as Exhibit Number 6?

6 A. Yes.

7 Q. Okay. And did they come into your possession
8 recently?

9 A. Yes.

10 Q. Where did you get them from?

11 A. From my legal department.

12 Q. Can you describe what they are?

13 A. They are trademark infringement letters and
14 settlements for the Pinnacles trademark.

15 Q. And are these from the records of the legal
16 department?

17 A. Yes, they are.

18 Q. And what marks of Franciscan's are referenced
19 in these documents?

20 A. The Pinnacles mark and the Pinnacle mark. Or
21 excuse me, Pinnacles Ranches and Pinnacles. Sorry about
22 that.

23 MR. FRIEDMAN: Can we take a two-minute
24 break?

25 (Whereupon, the proceedings have been

1 Cross - Guggino

2 recessed.)

3 BY MR. RANNELLS:

4 Q. That concludes our direct.

5 MR. SCHLOSS: Can I just have a minute?

6 MR. RANNELLS: Sure.

7 (Whereupon, there was a pause in the
8 proceeding.)

9
10 CROSS-EXAMINATION BY MR. SCHLOSS:

11 Q. Good morning, Mr. Guggino, I'm Daniel Schloss
12 and I just have a few questions for you. Do you know who
13 Paul Reidl is?

14 A. Yes.

15 Q. Who is he?

16 A. I don't know who exactly he is, but I know
17 that he was included in some of the documents in
18 preparation for this discussion.

19 Q. And do you recall reviewing documents that
20 Mr. Reidl prepared?

21 A. Vaguely, yes.

22 Q. Do you recall reviewing an expert report that
23 he prepared?

24 A. Yes.

25 Q. And did you read that report in its entirety?

1 Cross - Guggino

2 A. Not in its entirety.

3 Q. Okay. Did you review any transcript of
4 Mr. Reidl's testimony?

5 A. Yes.

6 Q. Did you read that transcript in its entirety?

7 A. No.

8 Q. Mr. Guggino, turning your attention for a
9 moment to the two Estancia bottles before you on the
10 table. I believe they're Exhibits 2 and 3.

11 MR. RANNELLS: Correct.

12 Q. Can you describe the specific messaging
13 intended to be conveyed by the term Pinnacles Ranches on
14 those two labels?

15 A. Pinnacles, as I stated before, having I think
16 a dual meaning here. Pinnacles meaning the height, the
17 highest levels of quality and also a sense of place in
18 terms of Pinnacles Ranches.

19 Q. So are consumers intended to understand that
20 the grapes used to make this wine came from Pinnacles
21 Ranches?

22 A. That looks like the intention.

23 Q. Okay.

24 A. In addition to it being the highest level of
25 quality.

1 Cross - Guggino

2 Q. Okay. Mr. Guggino, you spoke a few minutes
3 ago about the presence of branding on capsules, do you
4 recall that?

5 A. Yes.

6 Q. You also mentioned that in your view the
7 presence of branding on capsules is common, do you recall
8 that?

9 A. Yes.

10 Q. Would you say that it's common for branding on
11 capsules to be different than the primary branding on the
12 wine label on the same bottle?

13 A. Yes.

14 Q. You would?

15 A. Yes.

16 Q. In your opinion why would -- why would it be
17 advantageous from a marketing perspective to have a
18 different branding capsule than on the label?

19 A. In addition to the main brand mark there are
20 other sub-brand marks and other design treatments that
21 are all part of the brand's equity umbrella.

22 Q. I'm sorry, when you "equity umbrella," what do
23 you mean?

24 A. The brand equity, the main master brand, if
25 you will, is more than just the master brand, it has

1 Cross - Guggino

2 sub-brands and it has design elements that help
3 accentuate and prop up the equity of that brand.

4 Q. Just to be clear, I believe the term you used
5 earlier was brand mark, in the case of both of these
6 two bottles that are Exhibits 2 and 3 that brand marking
7 would be Estancia?

8 A. The brand mark would be Estancia in addition
9 to the fanciful E as well as Pinnacles Ranches which is
10 the sub-brand mark.

11 MR. RANNELLS: Just could you mark that
12 section of the transcript for me for later.
13 I'm sorry, go ahead.

14 Q. Mr. Guggino, a few moments ago you looked at
15 copies of some correspondence on the letterhead of Baker
16 And Rannells Law Firm, do you recall that?

17 A. Yes.

18 Q. Do you typically have as part of your job
19 responsibilities the -- well, communications with or
20 communications about third parties who use particular
21 trademarks?

22 A. Can you be more specific?

23 Q. Sure. These particular letters that you
24 testified about are, as you may have seen, they're in the
25 common parlance called demand letters, in which a law

1 Cross - Guggino

2 firm acting on behalf of a third party to stop use of a
3 particular mark. Have you had much involvement with that
4 sort of activity?

5 A. No.

6 Q. Can you ever recall having discussions with
7 non-lawyer colleagues about third party uses that
8 concerned you from a trademark perspective?

9 A. Not that I can recall.

10 Q. Mr. Guggino, are you familiar with a West
11 Pinnacles Vineyard?

12 A. No, I'm not.

13 Q. Are you aware that the West Pinnacles Vineyard
14 is, in fact, of subject matter of one of the letters you
15 just testified about?

16 A. I know they -- a document that I looked at,
17 but I don't know the specific contents of that
18 infringement letter settlement package.

19 Q. Do you know whether there is still a wine sold
20 that has the term West Pinnacles Vineyard on the label?

21 A. No, I'm not.

22 Q. You don't know?

23 A. No.

24 Q. Mr. Guggino, you testified earlier about
25 searches that you performed, trademark searches and COLA

1 Cross - Guggino

2 searches, do you recall that?

3 A. Yes.

4 Q. Do you commonly conduct trademark searches?

5 A. No.

6 Q. Can you recall the last time that you
7 conducted a trademark search before when you testified
8 about it?

9 A. I can't recall.

10 Q. Do you know in reference to trademarks what
11 international classes are?

12 A. No, I don't.

13 Q. So you don't know what International Class 33
14 is?

15 A. No, I don't.

16 Q. Then how did you know to conduct a search in
17 International Class 33?

18 MR. RANNELLS: To the extent that he's
19 going to be testifying as to communication
20 with attorneys, I'm instructing him not to
21 respond.

22 MR. SCHLOSS: Okay.

23 Q. Mr. Guggino, in addition to these searches
24 that you conducted for marks and labels that include the
25 term ranches, did you also search similarly for the term

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Cross - Guggino

Ranch?

A. No, I didn't.

Q. Do you know what the significance of the term Ranch is in the wine industry?

MR. RANNELLS: To the extent it calls for a legal conclusion or it's referring to a specific term of art.

Q. I'm not asking for any legal conclusion or -- I don't want to know about anything you discussed with lawyers.

MR. RANNELLS: It's not about what he discussed with lawyers. If the term ranches has a specific meaning within the industry.

Q. To the extent you know.

MR. RANNELLS: Not even to the extent he knows. My objection is to the fact that the term ranch may, in fact, have a specific meaning within the regulations pertaining to alcoholic beverages and if it does, that's different than his opinion. I just want to make that clear.

MR. SCHLOSS: That's part of what I'm going to ask. Okay.

BY MR. SCHLOSS:

1 Cross - Guggino

2 Q. Are you aware of any particular industry
3 significance to the term Ranch?

4 A. Vaguely.

5 Q. What is your vague awareness?

6 A. That it's a geographic designation.

7 Q. And what about the term ranches?

8 A. Vaguely.

9 Q. What is your vague understanding?

10 A. That it's a property or it's a place.

11 Q. Okay. Do you commonly conduct COLA searches?

12 A. Periodically, yes.

13 Q. What are some of the reasons why you might
14 conduct a COLA search?

15 A. To find out if essentially other trademark
16 names are being used that we're interested in for
17 innovation purposes.

18 Q. Are you aware of any significance in the
19 regulatory context to the term Ranch?

20 A. Can you restate that, please?

21 Q. Are you aware whether or not the term Ranch
22 has any significance for purposes of industry regulation?

23 A. No, I'm not.

24 Q. Okay. Nothing further. Thank you.

25 MR. RANNELLS: Can you read back to me

1 Redirect - Guggino

2 the question and answer at the point where I
3 asked?

4 MR. FRIEDMAN: Why don't we go off record
5 for a moment.

6 (Whereupon, a discussion was held off the
7 record.)

8
9 REDIRECT EXAMINATION BY MR. RANNELLS:

10 Q. I just have one question on redirect. In
11 looking at Exhibits 2 and 3 what branding is being used?
12 Go through it carefully.

13 A. Estancia is the master brand, Pinnacles and
14 Pinnacles Ranches are considered sub-brands as well as
15 the fanciful E as part of a logo mark for Estancia.

16 Q. Okay. In your opinion as marketing vice
17 president of CWUS what is the relationship on this bottle
18 between the term Pinnacles and the term Pinnacles
19 Ranches?

20 A. Physically?

21 Q. No, in concept.

22 A. Oh, again, twofold. Pinnacles meaning highest
23 quality, the top quality, top tiers of quality and
24 Pinnacles Ranches providing a sense of place that gives
25 consumers a sense that this is produced, grapes are

1 Redirect - Guggino

2 produced and harvested at a top quality, top tiered wine.

3 Q. In your opinion does the term Pinnacles
4 Ranches have more than one meaning or give more than one
5 impression to consumers?

6 A. Yes.

7 Q. What would those be?

8 A. Top levels of quality and top levels of
9 quality within a vineyard area where grapes are grown and
10 harvested.

11 Q. No further questions.

12 MR. SCHLOSS: Thank you.

13 MR. RANNELLS: We're done.

14 (Time: 10:30 a.m.)

15 (Whereupon, the Deposition of Ms. Price
16 was then commenced.)

17 MR. FRIEDMAN: Referring back to Jon
18 Guggino's deposition, we're providing for
19 purposes of the record photographs of -- which
20 are fair and accurate portrayals of Exhibits 2
21 and 3 which are the bottles that were
22 presented to Mr. Guggino for the purposes of
23 having a record for submission to the board.
24 Do you have any objection?

25 MR. SCHLOSS: No objection.

Redirect - Guggino

MR. FRIEDMAN: Thank you.

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REPORTER'S CERTIFICATE

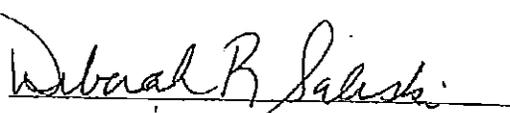
I, DEBORAH R. SALESKI, Court Reporter and Notary Public, certify:

That the foregoing proceedings were taken before me at the time and place therein set forth, at which time the witness was put under oath by me;

That the testimony of the witness and all objections made at the time of the examination were recorded stenographically by me and were thereafter transcribed;

That the foregoing is a true and correct transcript of my shorthand notes so taken;

I further certify that I am not a relative or employee of any attorney or of any of the parties nor financially interested in the action.



DEBORAH R. SALESKI

Notary Public

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

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

Opposition No. 91191056

Opposer

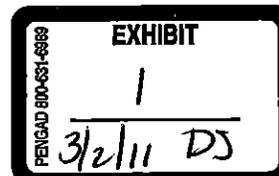
Mark: PINNACLES RANCHES

v.

Serial No.: 77/598674

Franciscan Vineyards, Inc.

Applicant
-----X



NOTICE OF TAKING TESTIMONY
PURSUANT TO 37 CFR SECTION 2.123

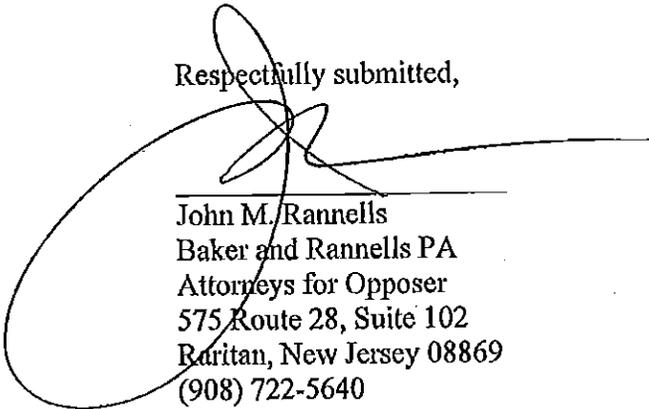
PLEASE TAKE NOTICE that on Wednesday, March 2, 2011, beginning at 2:00 p.m. at the offices of Constellation Wines U.S., 235 North Bloomfield Rd, Canandaigua, N.Y. 14424, testimony will be taken on behalf of Applicant, Franciscan Vineyards, Inc., in the above-captioned opposition proceeding, pursuant to the Rules of Practice in Trademark Cases, before a Notary Public or some other person authorized by law to administer oaths, of the following witness:

Jon Guggino
Vice President of Marketing, Constellation Wines U.S.

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

Respectfully submitted,

Dated: February 18, 2011



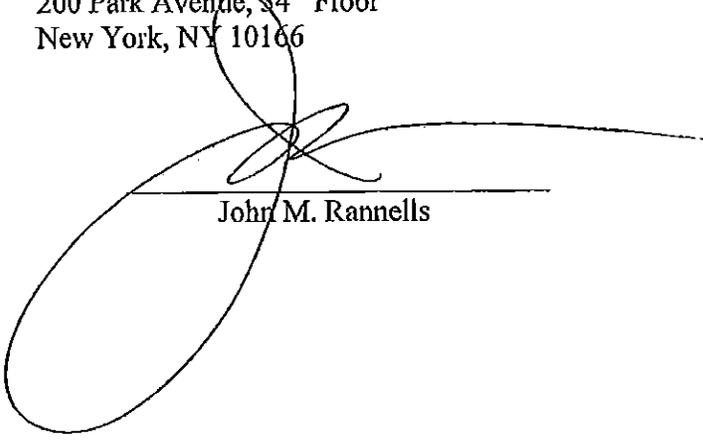
John M. Rannells
Baker and Rannells PA
Attorneys for Opposer
575 Route 28, Suite 102
Raritan, New Jersey 08869
(908) 722-5640
jmr@br-tmlaw.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Notice of Taking Testimony of Jon Guggino was served via first class mail, postage prepaid, this 18th day of February, 2011 upon Opposer at the following address of its counsel of record:

Daniel I. Schloss
Greenberg Traurig, LLP
200 Park Avenue, 34th Floor
New York, NY 10166

DATED: February 18, 2011



John M. Rannells

ESTTA Tracking number: **ESTTA394211**

Filing date: **02/18/2011**

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	Defendant's Notice of Taking Testimony
Filer's Name	John M. Rannells
Filer's e-mail	jmr@br-tmlaw.com, k.hnasko@br-tmlaw.com
Signature	/john rannells/
Date	02/18/2011
Attachments	91191056 notice test guggino.pdf (2 pages)(62897 bytes)



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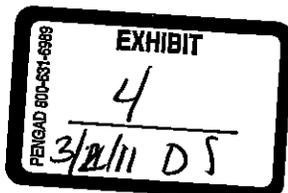
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Current Search: S2: (ranches)[BI] and (033)[IC] and live docs: 4 occ: 12

	Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
1	78713178	3148281	KEYES CANYON RANCHES	TARR	LIVE
2	77598674		PINNACLES RANCHES	TARR	LIVE
3	77232076	3398113	HEALDSBURG RANCHES	TARR	LIVE
4	73766274	1587070	RUSSIAN RIVER RANCHES	TARR	LIVE

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KEYES CANYON RANCHES

Word Mark	KEYES CANYON RANCHES
Goods and Services	IC 033. US 047 049. G & S: Wines. FIRST USE: 20050604. FIRST USE IN COMMERCE: 20050604
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78713178
Filing Date	September 14, 2005
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	July 4, 2006
Registration Number	3148281
Registration Date	September 26, 2006
Owner	(REGISTRANT) Franciscan Vineyards, Inc. CORPORATION DELAWARE 1178 Galleron Road St. Helena CALIFORNIA 94574
Attorney of Record	Stephen L. Baker
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "RANCHES" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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PINNACLES RANCHES

Word Mark	PINNACLES RANCHES
Goods and Services	IC 033. US 047 049. G & S: Wines. FIRST USE: 20040500. FIRST USE IN COMMERCE: 20040500
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77598674
Filing Date	October 23, 2008
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	March 17, 2009
Owner	(APPLICANT) Franciscan Vineyards, Inc. CORPORATION DELAWARE 1178 Galleron Road St. Helena CALIFORNIA 94574
Attorney of Record	Stephen L. Baker
Prior Registrations	0997378
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "RANCHES" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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HEALDSBURG RANCHES

Word Mark HEALDSBURG RANCHES
Goods and Services IC 033. US 047 049. G & S: Wine. FIRST USE: 20000000. FIRST USE IN COMMERCE: 20000000
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 77232076
Filing Date July 17, 2007
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition January 1, 2008
Registration Number 3398113
Registration Date March 18, 2008
Owner (REGISTRANT) Hambrecht Wine Group, LP Hambrecht Wine Management, Inc. (a California corporation) LIMITED PARTNERSHIP CALIFORNIA 4035 Westside Road Healdsburg CALIFORNIA 95448
Attorney of Record David E. Stoll
Type of Mark TRADEMARK

Register PRINCIPAL-2(F)
Live/Dead Indicator LIVE

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Word Mark RUSSIAN RIVER RANCHES
 Goods and Services IC 033. US 047. G & S: WINE. FIRST USE: 19810000. FIRST USE IN COMMERCE: 19830000
 Mark Drawing Code (1) TYPED DRAWING
 Serial Number 73766274
 Filing Date November 29, 1988
 Current Filing Basis 1A
 Original Filing Basis 1A
 Published for Opposition December 19, 1989
 Registration Number 1587070
 Registration Date March 13, 1990
 Owner (REGISTRANT) SONOMA-CUTRER VINEYARDS, INC. CORPORATION CALIFORNIA 4401 SLUSSER ROAD WINDSOR CALIFORNIA 95492
 Assignment Recorded ASSIGNMENT RECORDED
 Attorney of Record DAVID S GOODER
 Type of Mark TRADEMARK
 Register PRINCIPAL-2(F)
 Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20100211.
 Renewal 2ND RENEWAL 20100211
 Live/Dead Indicator LIVE

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TTB ID	Permit No.	Serial Number	Completed Date	Fanciful Name	Brand Name	Origin Class
00137000000125	BW- CA- 5051	00-9	05/23/2000	HEALDSBURG RANCHES	BELVEDERE	01
00178002000057	GA-P- 1704	00-470	06/30/2000	BEAUNE VIGNES FRANCHES	DOMIANE GERMAIN	51
00209000000030	NY-I- 400	00-118	08/01/2000	BEAUNE VIGNES FRANCHES VIEILLE	DOMAINE GERMAIN	51
00271003000068	NY-I- 1039	00-236	10/04/2000		BEAUNE VIGNES FRANCHES	51
00291000000254	BW- CA- 5051	00-21	11/03/2000	HEALDSBURG RANCHES	BELVEDERE	01
00312000000163	BW- CA- 4828	00-228	11/20/2000		HOSTETLER RANCHES	01
00312000000164	BW- CA- 4828	00-229	11/20/2000		HOSTETLER RANCHES	01
00339000000045	BW- CA- 5051	00-23	12/08/2000	HEALDSBURG RANCHES	BELVEDERE	01



<u>01064003000049</u>	NY-I-1188	01-EC966	03/07/2001	LES VIGNES FRANCHES	BARON DE LA CHARRIERE	51
<u>01080000000131</u>	BW-CA-5051	01-7	03/26/2001	HEALDSBURG RANCHES	BELVEDERE	01
<u>01080000000132</u>	BW-CA-5051	01-8	03/26/2001	HEALDSBURG RANCHES	BELVEDERE	01
<u>01100000000172</u>	CA-I-3319	01-67	04/17/2001	BEAUNE 1ER CRU FRANCHES	POTEL	51
<u>01158000000110</u>	WA-I-600	01-V28	06/22/2001	BEAUNE VIGNES FRANCHES	DOMAINE GERMAIN	51
<u>01169003000059</u>	GA-I-609	01-0197	06/25/2001	BEAUNE VIGNES FRANCHES	A SCOTT LEVY SELECTION	51
<u>01179000000192</u>	BW-CA-5051	01-14	07/24/2001	"HEALDSBURG RANCHES"	BELVEDERE	01
<u>01186000000054</u>	BW-CA-5872	00-01	07/16/2001	NAPA RANCHES	ROBERT BIALE VINEYARDS	01
<u>01212002000182</u>	OH-I-825	01-1019	08/08/2001	VIGNES FRANCHES	LOUIS LATOUR	51
<u>01257002000044</u>	GA-I-609	01-0243	09/20/2001	BEAUNE VIGNES-FRANCHES	A SCOTT LEVY SELECTION	51
<u>01341003000005</u>	IL-I-767	01-0103	12/10/2001		BEAUNE VIGNES FRANCHES	51
<u>01352000000002</u>	CA-W-1075	01-03	01/02/2002	RUSSIAN RIVER RANCHES	SONOMA-CUTRER	01

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02024000000055	BW- CA- 5051	02-2	02/05/2002	HEALDSBURG RANCHES	BELVEDERE	01
02024000000057	BW- CA- 5051	02-5	02/05/2002	HEALDSBURG RANCHES	BELVEDERE	01
02042003000186	MI-I- 566	01-0044	02/21/2002		BEAUNE VIGNES FRANCHES	51
02042003000212	MI-I- 566	01-0070	02/20/2002		BEAUNE VIGNES FRANCHES	51
02044000000052	DC-I- 388	02-647	02/23/2002		BEAUNE VIGNES FRANCHES	51
02092000000447	BW- CA- 5051	02-9	04/08/2002	HEALDSBURG RANCHES	BELVEDERE	01
02092000000448	BW- CA- 5051	02-10	04/08/2002	HEALDSBURG RANCHES	BELVEDERE	01
02092000000449	BW- CA- 5051	02-11	04/08/2002	HEALDSBURG RANCHES- SONOMA	BELVEDERE	01
				BEAUNE		

<u>02114003000032</u>	CT-I-141	02-126	04/29/2002	VIGNES FRANCHES	LOUIS LATOUR	51
<u>02177000000133</u>	BW- CA-5054	02-04	07/11/2002	RUSSIAN RIVER RANCHES	SONOMA- CUTRER	01
<u>02190003000099</u>	OR-I-952	02-036	07/19/2002	BEAUNE LES VIGNES FRANCHES 1	MICHEL BOUZEREAU ET FILS	51
<u>02200003000107</u>	NY-I-1747	02-0099	07/26/2002	LES VIGNES FRANCHES	MICHEL BOUZEREAU ET FILS BEAUNE 1ER CRU	51
<u>02347003000032</u>	BW- CA-5051	02-18	01/03/2003	HEALDSBURG RANCHES	BELVEDERE	01
<u>02347003000033</u>	BW- CA-5051	02-17	01/03/2003	HEALSBURG RANCHES	BELVEDERE	01
<u>03015000000032</u>	NY-I-400	03-05	01/16/2003	CLOS DES VIGNES FRANCHES	NICHOLAS POTEL	51
<u>03076000000085</u>	NY-I-400	03-58	04/17/2003	CLOS DES VIGNES FRANCHES	NICOLAS POTEL	51
<u>03104000000086</u>	NY-I-400	03-71	05/08/2003	CLOS DES VIGNES FRANCHES	NICOLAS POTEL	51
<u>03122000000089</u>	NY-I-400	030076	05/08/2003	BEAUNE LER CRU CLOS DES VIGNES FRANCHES	NICOLAS POTEL	51
<u>03190000000045</u>	VA-I-595	03V130	01/11/2004	BEAUNE VIGNES FRANCHES	DOMAINE GERMAIN	51
<u>03204001000043</u>	VA-I-595	03V157	08/07/2003	BEAUNE VIGNES FRANCHES	DOMAINE GERMAIN	51

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03302002000026	BW- CA- 5051	030007	05/17/2004	HEALDSBURG RANCHES	BELVEDERE	01
03302002000027	BW- CA- 5051	030008	05/17/2003	HEALDSBURG RANCHES	BELVEDERE	01
04091001000027	BW- CA- 5051	040009	04/20/2004	HEALDSBURG RANCHES	BELVEDERE	01
04113001000038	BW- CA- 5051	040011	06/03/2004	HEALDSBURG RANCHES	BELVEDERE	01
04131000000080	BW- CA- 4674	040052	05/13/2004	KEYES CANYON RANCHES	ESTANCIA	01
04131000000081	BW- CA- 4674	040053	05/13/2004	PINNACLES RANCHES	ESTANCIA	01
04132000000054	BW- CA- 5054	040003	05/25/2004	RUSSIAN RIVER RANCHES	SONOMA- CUTTER	01
04162002000163	CA-I- 4744	040001	06/24/2004		BEAUNE VIGNES FRANCHES	50
	BW-			RUSSIAN		

<u>04181000000189</u>	CA-5054	040005	07/02/2004	RIVER RANCHES	SONOMA CUTRER	01
<u>04212000000148</u>	BW-CA-5054	040011	08/03/2004	RUSSIAN RIVER RANCHES	SONOMA CUTRER	01
<u>04212000000149</u>	BW-CA-5054	040009	08/03/2004	RUSSIAN RIVER RANCHES	SONOMA CUTRER	01
<u>04232001000063</u>	NY-I-1188	041051	10/10/2004	LES MARANCHES	LES HERITIERS DU COMTE LAFON	51
<u>04257000000022</u>	BW-CA-5843	040008	09/17/2004	KEYES CANYON RANCHES, RESERVE	ESTANCIA	01
<u>04317000000111</u>	BW-CA-5054	040013	11/19/2004	RUSSIAN RIVER RANCHES	SONOMA CUTRER	01
<u>04317000000112</u>	BW-CA-5054	040014	11/19/2004	RUSSIAN RIVER RANCHES	SONOMA CUTRER	01
<u>04338003000018</u>	TX-I-895	040743	12/28/2004	LES MARANCHES	MACON VCHIZY	51
<u>04345000000018</u>	BW-CA-5054	040015	12/23/2004	RUSSIAN RIVER RANCHES	SONOMA CUTRER	01
<u>04349003000072</u>	CA-I-1492	040129	12/22/2004	MACON UCHIYZ LES MARANCHES	LES HERITIERS DU COMTE LAFON	51
<u>05018000000062</u>	BW-CA-5872	050012	01/27/2005	ROBERT BIALE VINEYARDS	APPELLATION SERIES-NAPA RANCHES	01
<u>05118003000058</u>	LA-I-369	051215	05/17/2005	LES VIGNES FRANCHES	BOURGOGNES YNVES DARVIOT	51

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05140003000054	CA-I-1492	050051	05/31/2005	MACON-UCHIZY-LES MARANCHES	LES HERITIERS DU COMTE LAFON	51
05156001000026	NY-I-15044	050210	06/28/2005	LES MARANCHES	LES HERITIERS DU COMTE LAFON	50
05187003000039	BW-CA-4674	050081	07/14/2005	PINNACLES RANCHES	ESTANCIA	01
05203003000102	BW-CA-5843	050015	07/29/2005	PINNACLES RANCHES	ESTANDA	81
05210000000051	BW-CA-5872	050016	08/02/2005	NAPA RANCHES	ROBERT BIALE VINEYARDS	01
05279003000053	NC-I-773	050610	10/11/2005	CLOS DES VIGNES FRANCHES	VINCENT GIRARDIN	51
05289001000002	AL-I-381	050119	10/25/2005	1ER CRU CLOS DES VIGNES FRANCHES	DOMAINE VINCENT GIRARDIN	51

LES

<u>05326000000209</u>	MA-I-137	050243	12/30/2005	LES MARANCHES	HERITIERS DU COMTE LAFON	51
<u>05347000000228</u>	BW-CA-5872	050031	12/21/2005	NAPA RANCHES	ROBERT BIALE VINEYARDS	01
<u>06104000000002</u>	BW-CA-5054	060001	04/24/2006	RUSSIAN RIVER RANCHES	SONOMA CUTRER	01
<u>06104000000003</u>	BW-CA-5054	060002	04/24/2006	RUSSIAN RIVER RANCHES	SONOMA CUTRER	01
<u>06114001000081</u>	NY-I-1262	060106	04/28/2006	LES MARANCHES	LES HERITIERS DU COMTE LAFON	51
<u>06243000000068</u>	NY-I-1335	060487	09/27/2006	VIGNES FRANCHES	DOMAINE GERMAN	51
<u>06269003000010</u>	BW-CA-6212	060080	10/17/2006	PINNACLE RANCHES	ESTANCIA	01
<u>06283000000140</u>	NY-I-1335	060587	10/20/2006	LES VIGNES FRANCHES	MICHEL BOUZEREAU FILS	51
<u>06300003000012</u>	BW-CA-6212	060081	11/09/2006	PINNACLES RANCHES	ESTANCIA	01
<u>06324001000163</u>	NY-I-1262	060467	12/13/2006	LES MARANCHES	LES HERITIERS DU COMTE LAFON	51
<u>07129001000329</u>	OR-I-15039	070161	05/18/2007	VIGNES FRANCHES	LOUIS LATOUR	51
<u>07131001000039</u>	CA-I-15236	07RMVF	05/18/2007	LES VIGNES FRANCHES	DOMAINE REBOURGEON -MURE	51
<u>07138001000158</u>	WA-I-1333	07RMVF	05/29/2007	LES VIGNES FRANCHES	DOMAINE REBOURGEON -MURE	51

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07145000000053	BW- CA-5054	071144	06/18/2007	RUSSIAN RIVER RANCHES	SONOMA CUTRER	01
07145000000054	BW- CA-5054	071145	06/18/2007	RUSSIAN RIVER RANCHES	SONOMA CUTRER	01
07145000000055	BW- CA-5054	071146	06/04/2007	RUSSIAN RIVER RANCHES	SONOMA CUTRER	01
07145000000056	BW- CA-5054	071147	06/04/2007	RUSSIAN RIVER RANCHES	SONOMA CUTRER	01
07163001000206	NY-I-1188	070269	06/20/2007	LES VIGNES FRANCHES	DOMAINE DU CHATEAU DE CHOREY	51
07201001000265	CA-I-3197	07F327	07/26/2007	VIGNES FRANCHES	DOMAINE MAZILLY PERE & FILS	51
07261000000054	BW- CA-29	070025	09/21/2007	RIVER RANCHES	GEYSER PEAK WINERY	01
07302001000242	CO-I-471	071002	10/31/2007	VIGNES-FRANCHES	GERMAIN	51

<u>07323003000004</u>	BW- CA- 6212	070151	11/21/2007	PINNACLES RANCHES	ESTANCIA	01
<u>07333000000019</u>	WA-I- 1094	070061	12/06/2007	UIGNES FRANCHES	CHATEAU DE LA CHARRIERE	51
<u>07341001000201</u>	BW- CA- 5051	074005	12/17/2007		HEALDSBURG RANCHES	01
<u>08011001000083</u>	CA-I- 4574	082508	01/14/2008	LES MARANCHES	LES HERITIERS DU COMTE LAFON	51
<u>08064003000008</u>	BW- CA- 6212	080174	03/18/2008	PINNACLES RANCHES	ESTANCIA	01
<u>08064003000009</u>	BW- CA- 6212	080173	03/18/2008	PINNACLES RANCHES	ESTANCIA	01
<u>08129001000178</u>	BWN- CA- 15486	080003	05/16/2008	BRANCHES	RAMOS	01
<u>08212000000009</u>	BW- CA-29	080015	08/01/2008	HOFFMAN AND TRIONE RANCHES	GEYSER PEAK WINERY	01
<u>08319001000192</u>	BW- CA- 6212	080238	11/25/2008	PINNACLES RANCHES	ESTANCIA	01
<u>08319001000202</u>	BW- CA- 6212	080239	11/25/2008	PINNACLES RANCHES	ESTANCIA	01
<u>08319001000203</u>	BW- CA- 4511	080166	11/17/2008	KEYES CANYON RANCHES	ESTANCIA	01
<u>09035001000182</u>	BW- CA- 5051	093001	02/13/2009		HEALDSBURG RANCHES	01

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TTB F 5100.31: Application For and Certification/
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TTB ID	Permit No.	Serial Number	Completed Date	Fanciful Name	Brand Name	Origin Clas
09035001000223	BW- CA- 5051	093002	02/13/2009	UNOAKED	HEALDSBURG RANCHES	01
09082001000307	BW- CA- 6212	090268	03/27/2009	PINNACLES RANCHES	ESTANCIA	01
09239003000026	NY-I- 15216	09PC2306	09/02/2009	RUSSIAN RIVER RANCHES	SONOMA CUTRER	01
09306001000280	BW- CA- 6212	090312	11/03/2009	KEYES CANYON RANCHES	ESTANCIA	01
09306001000293	BW- CA- 6212	090315	11/03/2009	PINNACLES RANCHES	ESTANCIA	01
09334001000112	BW- CA-29	090092	12/01/2009	RIVER RANCHES	GEYSER PEAK WINERY	01
10033001000330	BW- CA- 5051	103001	02/11/2010	APPELLATION SERIES	HEALDSBURG RANCHES	01
10033001000332	BW- CA- 5051	103002	02/11/2010	APPELLATION SERIES	HEALDSBURG RANCHES	01
	BW-					

<u>10077001000297</u>	CA-5024	100042	04/05/2010		VINES AND BRANCHES	01
<u>10077001000299</u>	BW-CA-5024	100044	04/05/2010		VINES AND BRANCHES	01
<u>10078001000140</u>	BW-CA-6212	100333	03/30/2010	PINNACLES RANCHES	ESTANCIA	01
<u>10117001000186</u>	BW-CA-5051	103003	05/05/2010		HEALDSBURG RANCHES	01
<u>10133001000317</u>	BW-CA-6212	100036	05/21/2010	KEYES CANYON RANCHES	ESTANCIA	01
<u>10134001000147</u>	BW-CA-29	100041	05/24/2010	BLOCK COLLECTION RIVER RANCHES	GEYSER PEAK WINERY	01
<u>10165001000423</u>	BWN-CA-16337	10MENV	07/08/2010		TRIPLE B RANCHES	01
<u>10165001000424</u>	BWN-CA-16337	10VITV	07/14/2010		TRIPLE B RANCHES	01
<u>10165001000426</u>	BWN-CA-16337	10CSPV	07/14/2010		TRIPLE B RANCHES	01
<u>10165001000429</u>	BWN-CA-16337	10SYPV	07/14/2010		TRIPLE B RANCHES	01
<u>10173001000376</u>	BW-CA-6212	100039	06/30/2010	PINNACLES RANCHES	ESTANCIA	01
<u>10189000000039</u>	BW-CA-4624	100001	07/27/2010	A TALE OF TWO RANCHES	SILVER OAK	01

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<u>TTB ID</u>	<u>Permit No.</u>	<u>Serial Number</u>	<u>Completed Date</u>	<u>Fanciful Name</u>	<u>Brand Name</u>	<u>Origin Class/</u>
10208001000463	BWN- CA- 16302	100033	08/11/2010	CARPENTER RANCHES	TERROIR	01
10272001000471	BWN- CA- 16302	100068	10/14/2010	CARPENTER RANCHES	TERROIR	01
10273001000407	BW- CA- 6212	100344	10/15/2010	KEYES CANYON RANCHES	ESTANCIA	01
10284001000175	BWN- CA- 15756	100157	10/25/2010		ROCK & VINE THREE RANCHES	01
10326001000416	BW- CA- 4828	100091	12/06/2010		BRANCHES WOOD FIRED CHOP HOUSE	01
10326001000421	BW- CA- 4828	100092	12/06/2010		BRANCHES WOOD FIRED CHOP HOUSE	01
10327002000018	IL-I- 1066	100164	12/16/2010	LES MARANCHES	HERITIERS DU COMTE	51

					LAFON	
<u>10340001000088</u>	BW- CA- 5593	100100	12/16/2010	PINNACLES RANCHES	ESTANCIA	01
<u>10354001000210</u>	BW- CA- 4802	100317	01/05/2011	KEYES CANYON RANCHES	ESTANCIA	01
<u>10354001000235</u>	BW- CA- 4802	100316	01/05/2011	KEYES CANYON RANCHES	ESTANCIA	01
<u>10354001000259</u>	BW- CA- 4802	100318	01/05/2011	PINNACLES RANCHES	ESTANCIA	01
<u>10354001000273</u>	BW- CA- 4802	100319	01/07/2011	PINNACLES RANCHES	ESTANCIA	01
<u>10354001000281</u>	BW- CA- 4802	100315	01/05/2011	KEYES CANYON RANCHES	ESTANCIA	01
<u>960113024</u>	BW- CA- 5415	96-6	01/17/1996	MURPHY RANCHES	MURPHY- GOODE	01
<u>961062234</u>	NY-I- 1188	96-074	04/16/1996	les maranches	macon uchizy	51
<u>963173024</u>	PA-I- 438	96-24	12/06/1996		BEAUNE VIGNES- FRANCHES	51
<u>97007003000030</u>	BW- CA- 5415	97-3	01/24/1997	MURPHY RANCHES	MURPHY- GOODE	01
<u>97070000000204</u>	BW- CA- 5427	97-9	03/27/1997	DOLLARHIDE RANCHES CAB. SAU	ST. SUPERY	01
<u>97311002000014</u>	CT-I- 141	97-239	11/10/1997	Beaune Vignes Franches	Louis Latour	51
<u>98089002000056</u>	NY-I- 1188	EC98- 351	04/08/1998	CLOS DES VIGNES FRANCHES	BARON DE LA CHARRIERE	51

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<u>TTB ID</u>	<u>Permit No.</u>	<u>Serial Number</u>	<u>Completed Date</u>	<u>Fanciful Name</u>	<u>Brand Name</u>	<u>Origin Class</u>
98097002000072	GA-I-398	98041	04/13/1998	beaune vignes franchises	domaine germain	51
98189003000031	AL-I-0379	98257	09/11/2008	BEAUNE VIGNES FRANCHES	DOMAINE GERMAIN	51
98191003000015	NY-I-340	98-45	07/13/1998	Beaune Vignes Franches	DOMAINE GERMAIN	51
98335000000051	BW-CA-5054	98-4	12/08/1998	RUSSIAN RIVER RANCHES	SONOMA CUTRER	01
99032000000078	AL-I-381	99-004	02/02/1999	CLOS DES VIGNES FRANCHES	DOMAINE VINCENT GIRARDIN	51
99082002000072	NY-I-1039	99-034	03/24/1999		BEAUNE VIGNES FRANCHES	51
99097000000017	DC-I-388	99-292	05/06/1999		BEANE VIGNES - FRANCHES	51
99132002000091	MN-I-389	99-0016	05/17/1999	LES MARANCHES	DOMAINE L'ARFENTIERE	51

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RYAN A. MCGONIGLE †
LINDA M. KURTH*
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NEW YORK, NY 10018
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†NEW YORK & NEW JERSEY
+NEW JERSEY
*NEW JERSEY & REG. PATENT
ATTORNEY

PLEASE RESPOND TO THE NEW JERSEY ADDRESS
EMAIL: N.FRIEDMAN@BR-TMLAW.COM

July 15, 2010

VIA FEDEX
Carolina Mist Winery
126 Mulberry St.
Lenoir, NC 28645

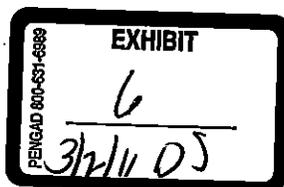
RE: Your Unlawful Use of the PINNACLES trademark

Dear Sir or Madam:

We are trademark and unfair competition counsel to Franciscan Vineyards, Inc. (FVI). FVI is the owner of the PINNACLES (U.S. Trademark Reg. No. 997378) and PINNACLES RANCHES (U.S. Serial No. 77598674) trademarks for wine. Our client's use of the PINNACLES trademark dates back to at least as early as 1974. Since that time PINNACLES wine has achieved remarkable success and an enviable reputation. The PINNACLES mark is well known throughout the United States and many countries abroad.

FVI is a prominent provider of wine. As a result of remarkable sales and extensive advertising its PINNACLES marks have come to be associated with FVI's high quality goods. Thus, FVI considers its PINNACLES marks to be among its most important assets. As a result, FVI is committed to taking all legal and appropriate steps to protect the same.

It has recently come to our client's attention that you are using the PINNACLE designation without authorization. Our client would prefer not to engage in litigation or to incur extensive cost. Accordingly, on behalf of FVI we ask that you immediately cease and desist using PINNACLE, or any marks confusingly similar thereto. If you sign a copy of this letter where provided, comply with and return the same to the undersigned, we will consider this matter closed.

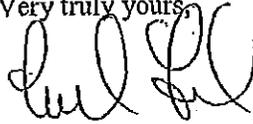


HIGHLY CONFIDENTIAL
Franciscan Vineyards v. White Rock

In the event we do not hear from you by July 23, 2010, our client may consider taking appropriate action.

This letter is not intended to be a complete statement of facts or law and is written without prejudice to our client's legal rights or remedies, all of which are expressly reserved.

Very truly yours,



Neil B. Friedman

I AGREE to immediately discontinue all use of PINNACLE(S), any mark or name with a PINNACLE(S) component as well as any mark or name confusingly similar to PINNACLE(S), and will not resume such use.

By: _____

Print Name: _____

Title: _____

Date: _____

NBF:aa



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U.S. Department of the Treasury

COLA Registry

ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

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COLA Detail

TTB ID: 09336001000105

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Status: APPROVED

Vendor Code: 18959

Serial #: 091225

Class/Type Code: TABLE WHITE WINE

Origin Code: NORTH CAROLINA

Brand Name: CAROLINA MIST WINERY

Fanciful Name: PINNACLE MIST WHITE

Type of Application: EXEMPTION

For Sale In: NC

Total Bottle Capacity:

Wine Vintage:

Formula/SOP No.:

Lab No./Lab Date:

Approval Date: 12/03/2009

<https://www.ttbonline.gov/colasonline/viewColaDetails.do?action=publicDisplaySearchBa...> 7/13/2010

Qualifications:
For sale only in the following state. (NORTH CAROLINA)

Plant Registry/Basic Permit/Brewers No (Principal Place of Business):
BWN-NC-15079
CAROLINA MIST WINERY, HOWARD E. & CAROLYN C. CAMPBELL
126 MULBERRY ST
LENOIR, NC 28645

Plant Registry/Basic Permit/Brewers No (Other):

Contact Information:
HOWARD CAMPBELL
Phone Number: (828) 758-1284
Fax Number: (828) 758-1284
CAMPBELL_HOWARD@MSN.COM

<http://www.ttb.gov>



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OMB No. 1513-0020 (01/31/2009)

FOR TTB USE ONLY		DEPARTMENT OF THE TREASURY ALCOHOL AND TOBACCO TAX AND TRADE BUREAU APPLICATION FOR AND CERTIFICATION/EXEMPTION OF LABEL/BOTTLE APPROVAL <small>(See Instructions and Paperwork Reduction Act Notice on Back)</small>	
TTB ID 09336001000105			
1. REP. ID. NO. (If any)	CT 81	OR 35	
PART I - APPLICATION			
2. PLANT REGISTRY/BASIC PERMIT/BREWER'S NO. (Required) BWN-NC-15079	3. SOURCE OF PRODUCT (Required) <input checked="" type="checkbox"/> Domestic <input type="checkbox"/> Imported	8. NAME AND ADDRESS OF APPLICANT AS SHOWN ON PLANT REGISTRY, BASIC PERMIT OR BREWER'S NOTICE. INCLUDE APPROVED DBA OR TRADENAME IF USED ON LABEL (Required) CAROLINA MIST WINERY, HOWARD E. & CAROLYN C. CAMPBELL 126 MULBERRY ST LENOIR NC 28645	
4. SERIAL NUMBER (Required) 091225	5. TYPE OF PRODUCT (Required) <input checked="" type="checkbox"/> WINE <input type="checkbox"/> DISTILLED SPIRITS <input type="checkbox"/> MALT BEVERAGE		
6. BRAND NAME (Required) CAROLINA MIST WINERY		8a. MAILING ADDRESS, IF DIFFERENT	
7. FANCIFUL NAME (If any) PINNACLE MIST WHITE.			
9. EMAIL ADDRESS CAMPBELL_HOWARD@MSN.COM	10. FORMULA/SOP NO. (If any)	11. LAB. NO. & DATE / PREIMPORT NO. & DATE (If any)	18. TYPE OF APPLICATION (Check applicable box(es)) a. <input type="checkbox"/> CERTIFICATE OF LABEL APPROVAL b. <input checked="" type="checkbox"/> CERTIFICATE OF EXEMPTION FROM LABEL APPROVAL "For sale in ___NC___ only" (Fill in State abbreviation.) c. <input type="checkbox"/> DISTINCTIVE LIQUOR BOTTLE APPROVAL. TOTAL BOTTLE CAPACITY BEFORE CLOSURE _____ (Fill in amount) d. <input type="checkbox"/> RESUBMISSION AFTER REJECTION TTB ID. NO. _____
12. NET CONTENTS 750 MILLILITERS	13. ALCOHOL CONTENT 12.5	14. WINE APPELLATION IF ON LABEL	
15. WINE VINTAGE DATE IF ON LABEL	16. PHONE NUMBER (828) 758-1284	17. FAX NUMBER (828) 758-1284	
19. SHOW ANY WORDING (a) APPEARING ON MATERIALS FIRMLY AFFIXED TO THE CONTAINER (e.g., caps, celloseals, corks, etc.) OTHER THAN THE LABELS AFFIXED BELOW, OR (b) BLOWN, BRANDED OR EMBOSSED ON THE CONTAINER (e.g., net contents etc.). THIS WORDING MUST BE NOTED HERE EVEN IF IT DUPLICATES PORTIONS OF THE LABELS AFFIXED BELOW. ALSO, PROVIDE TRANSLATIONS OF FOREIGN LANGUAGE TEXT APPEARING ON LABELS.			
PART II - APPLICANT'S CERTIFICATION			
Under the penalties of perjury, I declare; that all statements appearing on this application are true and correct to the best of my knowledge and belief; and, that the representations on the labels attached to this form, including supplemental documents, truly and correctly represent the content of the containers to which these labels will be applied, I also certify that I have read, understood and complied with the conditions and instructions which are attached to an original TTB F 5100.31, Certificate/Exemption of Label/Bottle Approval.			
20. DATE OF APPLICATION 12/02/2009	21. SIGNATURE OF APPLICANT OR AUTHORIZED AGENT (Application was e-filed)		22. PRINT NAME OF APPLICANT OR AUTHORIZED AGENT HOWARD CAMPBELL
PART III - TTB CERTIFICATE			

<https://www.ttonline.gov/colasonline/viewColaDetails.do?action=publicFormDisplay&tt...> 7/13/2010

This certificate is issued subject to applicable laws, regulations and conditions as set forth in the instructions portion of this form.

23. DATE ISSUED 12/03/2009	24. AUTHORIZED SIGNATURE, ALCOHOL AND TOBACCO TAX AND TRADE BUREAU 
--------------------------------------	--

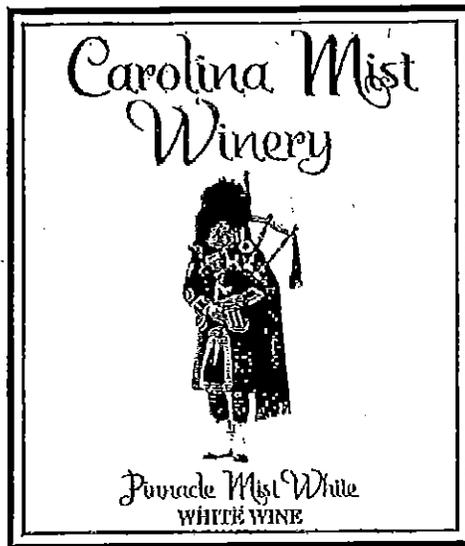
FOR TTB USE ONLY	
QUALIFICATIONS For sale only in the following state. (NORTH CAROLINA) STATUS THE STATUS IS APPROVED. CLASS/TYPE DESCRIPTION TABLE WHITE WINE	EXPIRATION DATE (if any)

AFFIX COMPLETE SET OF LABELS BELOW

Image Type: Brand (front)
 Actual Dimensions: 7 inches W X 3.5 inches H

Note: The image below has been reduced to fit the page. See actual dimensions above.

GOVERNMENT WARNING: (1) ACCORDING TO THE SURGEON GENERAL, WOMEN SHOULD NOT DRINK ALCOHOLIC BEVERAGES DURING PREGNANCY BECAUSE OF THE RISK OF BIRTH DEFECTS. (2) CONSUMPTION OF ALCOHOLIC BEVERAGES IMPAIRS YOUR ABILITY TO DRIVE A CAR OR OPERATE MACHINERY, AND MAY CAUSE HEALTH PROBLEMS.
 750 ML.
 CONTAINS SULFITES



Bottled by
 Carolina Mist Winery
 Lenoir, NC 28645

carolinamistwinery.com

Owned
 and
 operated by
 the
 Campbell Family
 Lenoir, NC 28645

For Sale in NC Only

ALCOHOL 12.5% BY VOLUME

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JOHN M. RANNELLS ♦
NEIL B. FRIEDMAN ♦

RYAN A. MCGONIGLE ♦
LINDA M. KURTH*
MOIRA J. SELINKA†

575 ROUTE 28 - SUITE 102
RARITAN, NEW JERSEY 08869
TELEPHONE (908) 722-5640
FACSIMILE (908) 725-7088
WWW.TMLAWWORLDWIDE.COM

NEW YORK OFFICE
1350 BROADWAY, 10TH FLOOR
NEW YORK, NY 10018
TELEPHONE (212) 481-7007
FACSIMILE (800) 688-8235

ADMITTED TO PRACTICE IN
♦NEW YORK & NEW JERSEY
†NEW JERSEY
*NEW JERSEY & REG. PATENT
ATTORNEY

PLEASE RESPOND TO THE NEW JERSEY ADDRESS
EMAIL: N.FRIEDMAN@BR-TMLAW.COM

July 21, 2010

FOR SETTLEMENT PURPOSES ONLY

VIA EMAIL

Carolina Mist Winery
Attn: Mr. Edward and Mrs. Carolyn Campbell
126 Mulberry St.
Lenoir, NC 28645

RE: The PINNACLES trademark

Dear Mr. Edward and Mrs. Carolyn Campbell:

I write to you once again on behalf of Franciscan Vineyards, Inc. ("FVI"). As you are now aware, FVI is the owner of the PINNACLES (U.S. Trademark Reg. No. 997378) and PINNACLES RANCHES (U.S. Serial No. 77598674) trademarks for wine. FVI is willing to release Carolina Mist Winery ("CMW") from liability in regards to its unauthorized use of the PINNACLES trademark. This release is conditioned upon CMW's agreement and compliance with the following terms:

1. CMW will execute, notarize and return this Settlement Agreement to Baker and Rannels, PA, 575 Route 28, Suite 102, Raritan, New Jersey 08869, as attorneys for the FVI.
2. CMW warrants and represents that:
 - a. It began using the PINNACLES MIST designation on wines (hereinafter the "Offending Designation") in approximately February 2010.
 - b. It has approximately 4 cases of wine bearing the Offending Designation remaining in its inventory (hereinafter the "Remaining Inventory").

- c. Except as detailed in Paragraphs 2(a) through 2(b) it has made no other unauthorized use of the PINNACLES trademark or any other mark confusingly similar thereto.
 - d. All of the information detailed in Paragraph 2(a) through 2(b) is true and accurate.
3. Except as provided in Section 4 below, CMW, its principals, directors, officers, employees, agents, affiliates, divisions and subsidiaries agree that they shall immediately cease and desist from any and all use of the PINNACLES trademark or any other mark confusingly similar thereto, either individually or in conjunction with other words, marks or designs.
4. As a condition of this Agreement, FVI will permit CMW to sell through the Remaining Inventory until October 31, 2010, time being of the essence. By no later than October 31, 2010, CMW shall take all necessary steps to remove, cause to be removed and destroy any and all uses of the Offending Designation including, but not limited to, labels, corks, neckers, capsules, signage, advertising and promotional materials.
5. (a) Based on the accuracy of the representations and warranties made by CMW in Paragraph 2 herein and in consideration of the full and faithful performance of all of the terms and conditions of this Settlement Agreement, FVI, for itself and its legal successors and assigns, will release and forever discharge CMW from any and all claims or any debts, obligations or other costs of any kind or nature related thereto for trademark infringement, false designation of origin, false advertising, dilution, unfair competition, injury to business reputation and false and deceptive business practices, and any other claim of any nature arising solely out of CMW's unauthorized use of the PINNACLES trademark referred to in the representations set forth in Paragraph 2 above. This release shall be applicable solely to CMW and shall in no way be construed as a waiver of any rights which FVI may have against any third party. This release shall not limit FVI in any respect in seeking redress for CMW's future breach of this Settlement Agreement.
 - (b) CMW, for itself, its legal successors and assigns, hereby releases and forever discharges FVI, its principals, directors, officers, employees, agents, affiliates, divisions, subsidiaries, attorneys, successors and assigns, from any and all claims of any kind or nature whatsoever, relating to the enforcement of their rights against CMW.
6. FVI's release of CMW is expressly contingent upon the truthfulness and accuracy of the representations made by CMW herein and CMW's full and complete compliance with the terms and conditions of this Settlement Agreement. Should any of the representations and warranties set forth in Paragraph 2 hereof be untruthful or inaccurate or should CMW otherwise fail to comply with the terms and conditions of this Settlement Agreement, then the release set forth in Paragraph 5(a) shall be void *ab initio* and of no force and effect, and FVI may assert and pursue any and all claims for relief and available remedies, either in equity or at law, which FVI has or previously could have asserted against CMW, including claims for trademark infringement, false designation of origin, false advertising, dilution, false and deceptive business practices or for breach of this Settlement Agreement.

7. The releases referred to in Paragraph 5 above shall not encompass any claim for breach of this Settlement Agreement. The prevailing party in any suit for breach of this Settlement Agreement shall recover its costs, expenses and reasonable attorneys' fees from the other party.

By executing and notarizing this agreement and returning it to the undersigned, CMW will have accepted and acknowledged the above detailed facts and conditions of settlement.

Thank you for your attention and cooperation in this matter.

Very truly yours,



Neil B. Friedman
Attorney on behalf of
Franciscan Vineyards, Inc.

AGREED TO & ACCEPTED BY:

CAROLINA MIST WINERY

By: _____ Date: _____
Edward Campbell

By: _____ Date: _____
Carolyn Campbell

NBF:aa

BAKER AND RANNELLS, P.A.
INTELLECTUAL PROPERTY ATTORNEYS

STEPHEN L. BAKER †
JOHN M. RANNELLS †
NHL B. FRIEDMAN †

RYAN A. MCGONIGLE †
LINDA M. KURTH*
MOIRA J. SOLINKA †

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ATTORNEY

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July 21, 2010

FOR SETTLEMENT PURPOSES ONLY

VIA EMAIL

Carolina Mist Winery
Attn: Mr. Edward and Mrs. Carolyn Campbell
126 Mulberry St.
Lenoir, NC 28645

RE: The PINNACLES trademark

Dear Mr. Edward and Mrs. Carolyn Campbell:

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1. CMW will execute, notarize and return this Settlement Agreement to Baker and Rannells, PA, 575 Route 28, Suite 102, Raritan, New Jersey 08869, as attorneys for the FVI.
2. CMW warrants and represents that:
 - a. It began using the PINNACLES MIST designation on wines (hereinafter the "Offending Designation") in approximately February 2010.
 - b. It has approximately 4 cases of wine bearing the Offending Designation remaining in its inventory (hereinafter the "Remaining Inventory").

c. Except as detailed in Paragraphs 2(a) through 2(b) it has made no other unauthorized use of the PINNACLES trademark or any other mark confusingly similar thereto.

d. All of the information detailed in Paragraph 2(a) through 2(b) is true and accurate.

3. Except as provided in Section 4 below, CMW, its principals, directors, officers, employees, agents, affiliates, divisions and subsidiaries agree that they shall immediately cease and desist from any and all use of the PINNACLES trademark or any other mark confusingly similar thereto, either individually or in conjunction with other words, marks or designs.

4. As a condition of this Agreement, FVI will permit CMW to sell through the Remaining Inventory until October 31, 2010, time being of the essence. By no later than October 31, 2010, CMW shall take all necessary steps to remove, cause to be removed and destroy any and all uses of the Offending Designation including, but not limited to, labels, corks, neckers, capsules, signage, advertising and promotional materials.

5. (a) Based on the accuracy of the representations and warranties made by CMW in Paragraph 2 herein and in consideration of the full and faithful performance of all of the terms and conditions of this Settlement Agreement, FVI, for itself and its legal successors and assigns, will release and forever discharge CMW from any and all claims or any debts, obligations or other costs of any kind or nature related thereto for trademark infringement, false designation of origin, false advertising, dilution, unfair competition, injury to business reputation and false and deceptive business practices, and any other claim of any nature arising solely out of CMW's unauthorized use of the PINNACLES trademark referred to in the representations set forth in Paragraph 2 above. This release shall be applicable solely to CMW and shall in no way be construed as a waiver of any rights which FVI may have against any third party. This release shall not limit FVI in any respect in seeking redress for CMW's future breach of this Settlement Agreement.

(b) CMW, for itself, its legal successors and assigns, hereby releases and forever discharges FVI, its principals, directors, officers, employees, agents, affiliates, divisions, subsidiaries, attorneys, successors and assigns, from any and all claims of any kind or nature whatsoever, relating to the enforcement of their rights against CMW.

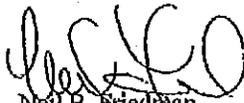
6. FVI's release of CMW is expressly contingent upon the truthfulness and accuracy of the representations made by CMW herein and CMW's full and complete compliance with the terms and conditions of this Settlement Agreement. Should any of the representations and warranties set forth in Paragraph 2 hereof be untruthful or inaccurate or should CMW otherwise fail to comply with the terms and conditions of this Settlement Agreement, then the release set forth in Paragraph 5(a) shall be void *ab initio* and of no force and effect, and FVI may assert and pursue any and all claims for relief and available remedies, either in equity or at law, which FVI has or previously could have asserted against CMW, including claims for trademark infringement, false designation of origin, false advertising, dilution, false and deceptive business practices or for breach of this Settlement Agreement.

7. The releases referred to in Paragraph 5 above shall not encompass any claim for breach of this Settlement Agreement. The prevailing party in any suit for breach of this Settlement Agreement shall recover its costs, expenses and reasonable attorneys' fees from the other party.

By executing and notarizing this agreement and returning it to the undersigned, CMW will have accepted and acknowledged the above detailed facts and conditions of settlement.

Thank you for your attention and cooperation in this matter.

Very truly yours,



Neil B. Friedman
Attorney on behalf of
Franciscan Vineyards, Inc.

AGREED TO & ACCEPTED BY:

CAROLINA MIST WINERY

By:  Date: July 27, 2010
Edward Campbell

By:  Date: July 22, 2010
Carolyn Campbell

NBF:aa

BAKER AND RANNELLS, P.A.
INTELLECTUAL PROPERTY ATTORNEYS

STEPHEN L. BAKER †
JOHN M. RANNELLS †
NEIL B. FRIEDMAN †

RYAN A. MCGONIGLE †
LINDA M. KURTH*
MOIRA J. SBLINKA†

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* NEW JERSEY & REG. PATENT
ATTORNEY

PLEASE RESPOND TO THE NEW JERSEY ADDRESS
EMAIL: N.FRIEDMAN@BR-TMLAW.COM

July 15, 2010

VIA FIRST CLASS MAIL

Cascadia Winery
10090 Main St., Suite F
PO Box 535
Peshastin, WA 98847

RE: Your Unlawful Use of the PINNACLES trademark

Dear Sir or Madam:

We are trademark and unfair competition counsel to Franciscan Vineyards, Inc. (FVI). FVI is the owner of the PINNACLES (U.S. Trademark Reg. No. 997378) and PINNACLES RANCHES (U.S. Serial No. 77598674) trademarks for wine. Our client's use of the PINNACLES trademark dates back to at least as early as 1974. Since that time PINNACLES wine has achieved remarkable success and an enviable reputation. The PINNACLES mark is well known throughout the United States and many countries abroad.

FVI is a prominent provider of wine. As a result of remarkable sales and extensive advertising its PINNACLES marks have come to be associated with FVI's high quality goods. Thus, FVI considers its PINNACLES marks to be among its most important assets. As a result, FVI is committed to taking all legal and appropriate steps to protect the same.

It has recently come to our client's attention that you are using the PINNACLE designation without authorization. Our client would prefer not to engage in litigation or to incur extensive cost. Accordingly, on behalf of FVI we ask that you immediately cease and desist using PINNACLE, or any marks confusingly similar thereto. If you sign a copy of this letter where provided, comply with and return the same to the undersigned, we will consider this matter closed.

In the event we do not hear from you by July 23, 2010, our client may consider taking appropriate action.

This letter is not intended to be a complete statement of facts or law and is written without prejudice to our client's legal rights or remedies, all of which are expressly reserved.

Very truly yours,



Neil B. Friedman

I AGREE to immediately discontinue all use of PINNACLE(S), any mark or name with a PINNACLE(S) component as well as any mark or name confusingly similar to PINNACLE(S), and will not resume such use.

By: _____

Print Name: _____

Title: _____

Date: _____

NBF:aa

Neil Friedman

From: Neil Friedman [n.friedman@br-tmlaw.com]
Sent: Tuesday, July 20, 2010 11:04 AM
To: 'alany@cascadiawinery.com'
Cc: Roxy Bianchi (r.bianchi@br-tmlaw.com)
Subject: RE: Pinnacles trademark & Cascadia Winery

Alan,

Thank you for the confirmation and your sense of humor. We consider this matter closed based upon your representations.

Neil B. Friedman, Esq.



Baker and Rannels, PA
575 Route 28, Suite 102
Raritan, NJ 08869
Telephone: (908) 722-5640
Facsimile: (908) 725-7088
E-mail: n.friedman@br-tmlaw.com
www.tmlawworldwide.com

This email is confidential and may be legally privileged. If you received it in error please notify us immediately. If you are not the intended recipient you should not copy it, disclose its contents to others, or use it for any purpose.

From: alany@cascadiawinery.com [mailto:alany@cascadiawinery.com]
Sent: Tuesday, July 20, 2010 11:00 AM
To: n.friedman@br-tmlaw.com
Subject: RE: Pinnacles trademark & Cascadia Winery

Hello Neil,

That product is a dead idea and will not be activated. About 4 miles from the winery is a state park called the Peshastin Pinnacles so it was thought that a wine that would be sold from the tasting room with that reference might be a good idea. Since then, we have chosen not to make a rose wine and, if we do, will come up with some other novel name. Hey, how about "Pin-knuckles"?

Alan Yanagimachi
Winemaker/Owner

Cascadia Winery
 PO Box 535
 10090 Main St., Ste F
 Peshastin, WA 98847

PH: 509.548.7900
 FX: 509.548.7915
 Cell 509.630.0373

-----Original Message-----

From: "Neil Friedman" [n.friedman@br-tmlaw.com]
 Date: 07/20/2010 06:57 AM
 To: alany@cascadiawinery.com
 CC: "Roxy Bianchi"
 Subject: RE: Pinnacles trademark & Cascadia Winery

Alan,

Thank you for your prompt reply. The concern however is that our client located your label approval with TTB for PINNACLE ROSÉ wines and located on the web the following tasting notes:

Cascadia Winery
 (509) 548-7900
 Fax : 509 548-7915

Peshastin, WA 98847

www.cascadiawinery.com

Red	2006 Merlot	\$23.00	Email
	• Appellation: Wahluke Slope	Regular as of 03/17	
White	2006 Chardonnay	\$15.00	Email
	• Appellation: Columbia Valley	Regular as of 03/17	
White	2006 Riesling	\$15.00	Email
	• Appellation: Columbia Valley	Regular as of 03/17	
Rosé	2006 Pinnacle (Dry) Rose 100% Merlot	\$18.00	Email
	• Appellation: Wahluke Slope	Regular as of 03/17	
	• Rosé of Merlot		

[http://winemakersdirect.us/1PbSearchWinery.tmpl?StOnly=OR&WGOnly=\[WGOnly\]&thisWinery=10621792171377&thisStateX=WA&X=X#Anc0626342176444](http://winemakersdirect.us/1PbSearchWinery.tmpl?StOnly=OR&WGOnly=[WGOnly]&thisWinery=10621792171377&thisStateX=WA&X=X#Anc0626342176444)

Please provide us with an explanation concerning these products so that we can discuss a final resolution to this matter.

Neil B. Friedman, Esq.



Baker and Rannells, PA

575 Route 28, Suite 102

Raritan, NJ 08869

Telephone: (908) 722-5640

Facsimile: (908) 725-7088

E-mail: n.friedman@br-tmlaw.com

www.tmlawworldwide.com

This email is confidential and may be legally privileged. If you received it in error please notify us immediately. If you are not the intended recipient you should not copy it, disclose its contents to others, or use it for any purpose.

From: alany@cascadiawinery.com [mailto:alany@cascadiawinery.com]

Sent: Tuesday, July 20, 2010 12:44 AM

To: n.friedman@br-tmlaw.com

Subject: Pinnacles trademark

Hello Neil,

We do not have any wine production or wine inventory using the Pinnacles designation. From our website, www.cascadiawinery.com, you will see that we sell apple wine, chardonnay, riesling, merlot, cabernet sauvignon, and a dessert wine. None refer to Pinnacles. There is no Cascadia Winery wine product with a Pinnacles designation to be found available for wholesale, in wine shops, or any on-premise accounts. We have no interest or intent in using such a designation for future wine products.

Thank you,

Alan Yanagimachi
Winemaker/Owner
Cascadia Winery
PO Box 535
10090 Main St., Ste F
Peshastin, WA 98847

PH: 509.548.7900
FX: 509.548.7915
Cell 509.630.0373

BAKER AND RANNELLS, P.A.
INTELLECTUAL PROPERTY ATTORNEYS

STEPHEN L. BAKER ♦
JOHN M. RANNELLS ♦
NEIL B. FRIEDMAN ♦

RYAN A. MCGONIGLE ♦
LINDA M. KURTH*
MOIRA J. SELINKA+

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ATTORNEY

PLEASE RESPOND TO THE NEW JERSEY ADDRESS
EMAIL: N.FRIEDMAN@BR-TMLAW.COM

July 15, 2010

VIA FIRST CLASS MAIL

Childress Vineyards
P.O. Box 847
Lexington, NC 27293-0847

RE: Your Unlawful Use of the PINNACLES trademark

Dear Sir or Madam:

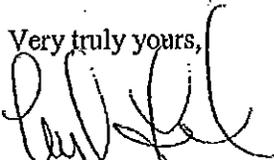
We are trademark and unfair competition counsel to Franciscan Vineyards, Inc. (FVI). FVI is the owner of the PINNACLES (U.S. Trademark Reg. No. 997378) and PINNACLES RANCHES (U.S. Serial No. 77598674) trademarks for wine. Our client's use of the PINNACLES trademark dates back to at least as early as 1974. Since that time PINNACLES wine has achieved remarkable success and an enviable reputation. The PINNACLES mark is well known throughout the United States and many countries abroad.

FVI is a prominent provider of wine. As a result of remarkable sales and extensive advertising its PINNACLES marks have come to be associated with FVI's high quality goods. Thus, FVI considers its PINNACLES marks to be among its most important assets. As a result, FVI is committed to taking all legal and appropriate steps to protect the same.

It has recently come to our client's attention that you are using the PINNACLE designation without authorization. Our client would prefer not to engage in litigation or to incur extensive cost. Accordingly, on behalf of FVI we ask that you immediately cease and desist using PINNACLE, or any marks confusingly similar thereto. If you sign a copy of this letter where provided, comply with and return the same to the undersigned, we will consider this matter closed.

In the event we do not hear from you by July 23, 2010, our client may consider taking appropriate action.

This letter is not intended to be a complete statement of facts or law and is written without prejudice to our client's legal rights or remedies, all of which are expressly reserved.

Very truly yours,

Neil B. Friedman

I AGREE to immediately discontinue all use of PINNACLE(S), any mark or name with a PINNACLE(S) component as well as any mark or name confusingly similar to PINNACLE(S), and will not resume such use.

By: _____

Print Name: _____

Title: _____

Date: _____

NBF:aa

LICENSE AGREEMENT

This Agreement is entered into as of the first day of August 2010 (the "Effective Date"), by and between the Franciscan Vineyards, Inc., a Delaware corporation ("Licensor"), and Childress Vineyards, LLC ("Licensee"), a North Carolina limited liability company, both of which are referred to jointly as the "Parties" and each of which individually is referred to as a "Party".

WHEREAS, Licensor is the owner U.S. Trademark Registration No. 0997378 for the PINNACLES trademark (the "Licensed Mark") for use in connection with wine and other merchandise;

WHEREAS, Licensee is desirous of using the Licensed Mark in connection with wine and its business;

NOW, THEREFORE, in consideration of the mutual promises hereinafter set forth, and other valuable consideration, the receipt of which is hereby acknowledged, the Parties agree as follows:

REDACTED

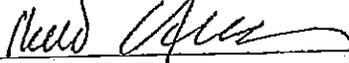
REDACTED

submit, solely in connection with any action between them and pursuant to this License, to personal jurisdiction and venue in state or federal courts located in Rochester, New York.

IN WITNESS WHEREOF, the parties have executed this Agreement, by their duly authorized representatives, as of the 1st day of August, 2010.

Dated: 5 August, 2010

Franciscan Vineyards, Inc.

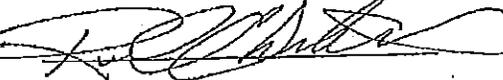
By: 

Name: BRUCE C. FOURNIER

Title: Senior Vice President - Secretary

Dated: 5 August, 2010

Childress Vineyards, LLC

By: 

Name: RICHARD CHILDRESS

Title: President

BAKER AND RANNELLS, P.A.
INTELLECTUAL PROPERTY ATTORNEYS

STEPHEN L. BAKER †
JOHN M. RANNELLS †
NEIL B. FRIEDMAN †

RYAN A. MCGONIGLE †
LINDA M. KURTH*
MOIRA J. SELINKA †

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FACSIMILE (800) 688-8235

PLEASE RESPOND TO THE NEW JERSEY ADDRESS
EMAIL: L.KURTH@BR-TMLAW.COM

October 31, 2008

VIA FIRST CLASS MAIL

Daniel Gehrs Wine
P. O. Box 438
Los Olivos, CA 93441

RE: Trademark Infringement, Dilution and Unfair Competition
Mark: PINNACLE
Goods: Wine

Dear Sir or Madam:

We are trademark and unfair competition counsel to Franciscan Vineyards Inc. (FVI). FVI is the owner of the trademark and tradename PINNACLES and PINNACLES RANCHES for wine (the "PINNACLE Marks"). Our client has used PINNACLES and variations since at least as early as 1974. Since that time PINNACLES wine has achieved remarkable success and an enviable reputation. The PINNACLES mark is well known throughout the United States and many countries abroad.

FVI is also the owner of the following incontestable U.S. trademark registration:

<u>MARK</u>	<u>REG. NO.</u>	<u>GOODS</u>	<u>FILING DATE</u>	<u>REG. DATE</u>
PINNACLES	0997378	Wine	Nov. 20, 1973	Nov. 5, 1974

This registration is incontestable.

FVI is a prominent provider of wine. As a result of remarkable sales and extensive advertising its PINNACLE Marks have come to be associated with FVI's high quality goods. Thus, FVI considers its PINNACLE Marks to be among its most important assets. As a result, FVI is committed to taking all legal and appropriate steps to protect the same.

It has recently come to our client's attention that you are using PINNACLE on the label of your Chenin Blanc wine. Our client would prefer not to engage in litigation or to incur extensive cost. Accordingly, on behalf of FVI we ask that you immediately cease and desist using PINNACLE in any form. In addition, we request that you give us your undertaking not to use PINNACLE, or any mark confusing similar to our client's mark, on any goods or services. If you sign a copy of this letter where provided, comply with and return the same to the undersigned, we will consider this matter closed.

Frankly, given your experience in the wine business, we are disappointed by your utter disregard of our client's rights. According to your website, Dan Gehrs worked at the Paul Masson Vineyards from 1974 to 1976. Paul Masson Vineyards was the original owner of the PINNACLE mark, and applicant of the trademark registration, which was later assigned to FVI. As such, Mr. Gehrs had to have been aware that there was a PINNACLE trademark for wines owned by Paul Masson. A simple search of the trademark database would have revealed that the Mark was assigned to FVI from Paul Masson. We would have expected that someone in your position would respect the trademark rights of others and not seek to build a business on the back of unfair competition.

Further, you are selling the Pinnacle Chenin Blanc wine on your website, with the following description:

We have been making Chenin Blanc from this exceptional vineyard near the Pinnacle/Chalone *appellation* since 1991.

While Chalone is a valid appellation, there is no appellation called Pinnacle. Your statement is a misrepresentation and qualifies as unfair competition.

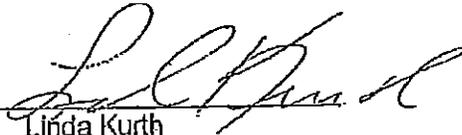
In the event we do not hear from you by December 1, 2008, our client may consider taking appropriate action.

This letter is not intended to be a complete statement of facts or law and is written without prejudice to our client's legal rights or remedies, all of which are expressly reserved.

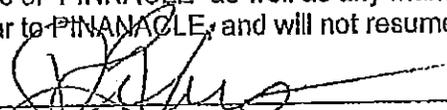
What further action may be taken will depend entirely upon the nature of your reply.

Yours very truly,

BAKER and RANNELLS PA

By: 
Linda Kurth

I AGREE to immediately discontinue all use of PINNACLE as well as any mark or name confusingly similar to PINNACLE, and will not resume such use.


Daniel Gehrs Wines

SLB/LK

BAKER AND RANNELLS, P.A.
INTELLECTUAL PROPERTY ATTORNEYS

STEPHEN L. BAKER †
JOHN M. RANNELLS †
NEIL B. FRIDMAN †

RYAN A. MCGONIGLE †
LINDA M. KURTH*
MOIRA J. SELINKA†

ADMITTED TO PRACTICE IN
†NEW YORK & NEW JERSEY
+NEW JERSEY
* NEW JERSEY & REG. PATENT
ATTORNEY

575 ROUTE 28 - SUITE 102
RARITAN, NEW JERSEY 08869
TELEPHONE (908) 722-5640
FACSIMILE (908) 725-7088
WWW.TMLAWWORLDWIDE.COM

NEW YORK OFFICE
1350 BROADWAY, 10TH FLOOR
NEW YORK, NY 10018
TELEPHONE (212) 481-7007
FACSIMILE (800) 688-8235

PLEASE RESPOND TO THE NEW JERSEY ADDRESS
EMAIL: N.FRIDMAN@BR-TMLAW.COM

July 15, 2010

VIA FEDEX

Standing Stone Vineyards
9934 Route 414
Hector, NY 14841

RE: Your Unlawful Use of the PINNACLES trademark

Dear Sir or Madam:

We are trademark and unfair competition counsel to Franciscan Vineyards, Inc. (FVI). FVI is the owner of the PINNACLES (U.S. Trademark Reg. No. 997378) and PINNACLES RANCHES (U.S. Serial No. 77598674) trademarks for wine. Our client's use of the PINNACLES trademark dates back to at least as early as 1974. Since that time PINNACLES wine has achieved remarkable success and an enviable reputation. The PINNACLES mark is well known throughout the United States and many countries abroad.

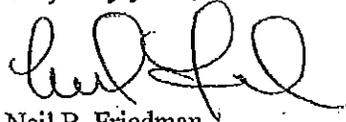
FVI is a prominent provider of wine. As a result of remarkable sales and extensive advertising its PINNACLES marks have come to be associated with FVI's high quality goods. Thus, FVI considers its PINNACLES marks to be among its most important assets. As a result, FVI is committed to taking all legal and appropriate steps to protect the same.

It has recently come to our client's attention that you are using the PINNACLE designation without authorization. Our client would prefer not to engage in litigation or to incur extensive cost. Accordingly, on behalf of FVI we ask that you immediately cease and desist using PINNACLE, or any marks confusingly similar thereto. If you sign a copy of this letter where provided, comply with and return the same to the undersigned, we will consider this matter closed.

In the event we do not hear from you by July 23, 2010, our client may consider taking appropriate action.

This letter is not intended to be a complete statement of facts or law and is written without prejudice to our client's legal rights or remedies, all of which are expressly reserved.

Very truly yours,



Neil B. Friedman

I AGREE to immediately discontinue all use of PINNACLE(S), any mark or name with a PINNACLE(S) component as well as any mark or name confusingly similar to PINNACLE(S), and will not resume such use.

By: _____

Print Name: _____

Title: _____

Date: _____

NBF:aa

BAKER AND RANNELLS, P.A.
INTELLECTUAL PROPERTY ATTORNEYS

STEPHEN L. BAKER ♦
JOHN M. RANNELLS ♦
NEIL B. FRIEDMAN ♦

RYAN A. MCGONIGLE ♦
LINDA M. KURTH*
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PLEASE RESPOND TO THE NEW JERSEY ADDRESS
EMAIL: N.FRIEDMAN@BR-TMLAW.COM

July 28, 2010

FOR SETTLEMENT PURPOSES ONLY

VIA EMAIL

Mr. Tom Macinski
Standing Stone Vineyards
9934 Route 414
Hector, NY 14841

RE: The PINNACLES trademark

Dear Mr. Macinski:

I write to you once again on behalf of Franciscan Vineyards, Inc. ("FVI"). As you are now aware, FVI is the owner of the PINNACLES (U.S. Trademark Reg. No. 997378) and PINNACLES RANCHES (U.S. Serial No. 77598674) trademarks for wine. FVI is willing to release Standing Stone Vineyards ("SSV") from liability in regards to its unauthorized use of the PINNACLES trademark. This release is conditioned upon SSV's agreement and compliance with the following terms:

1. SSV will execute, notarize and return this Settlement Agreement to Baker and Rannels, PA, 575 Route 28, Suite 102, Raritan, New Jersey 08869, as attorneys for the FVI.
2. SSV warrants and represents that:
 - a. It has been using the PINNACLE designation on wines (hereinafter the "Offending Designation") since 1994.
 - b. It has approximately 900 cases of wine bearing the Offending Designation remaining in its inventory (hereinafter the "Remaining Inventory").

c. Except as detailed in Paragraphs 2(a) through 2(b) it has made no other unauthorized use of the PINNACLES trademark or any other mark confusingly similar thereto.

d. All of the information detailed in Paragraph 2(a) through 2(b) is true and accurate.

3. Except as provided in Section 4 below, SSV, its principals, directors, officers, employees, agents, affiliates, divisions and subsidiaries agree that they shall immediately cease and desist from any and all use of the PINNACLES trademark or any other mark confusingly similar thereto, either individually or in conjunction with other words, marks or designs, including the Offending Designation.

4. As a condition of this Agreement, FVI will permit SSV to distribute and/or sell through the Remaining Inventory. SSV may not engage in any advertising or promotion which includes the Offending Designation, except for on premises advertising at the SSV tasting room and/or on SSV's website.

5. (a) Based on the accuracy of the representations and warranties made by SSV in Paragraph 2 herein and in consideration of the full and faithful performance of all of the terms and conditions of this Settlement Agreement, FVI, for itself and its legal successors and assigns, will release and forever discharge SSV from any and all claims or any debts, obligations or other costs of any kind or nature related thereto for trademark infringement, false designation of origin, false advertising, dilution, unfair competition, injury to business reputation and false and deceptive business practices, and any other claim of any nature arising solely out of SSV's unauthorized use of the PINNACLES trademark referred to in the representations set forth in Paragraph 2 above. This release shall be applicable solely to SSV and shall in no way be construed as a waiver of any rights which FVI may have against any third party. This release shall not limit FVI in any respect in seeking redress for SSV's future breach of this Settlement Agreement.

(b) SSV, for itself, its legal successors and assigns, hereby releases and forever discharges FVI, its principals, directors, officers, employees, agents, affiliates, divisions, subsidiaries, attorneys, successors and assigns, from any and all claims of any kind or nature whatsoever, relating to the enforcement of their rights against SSV.

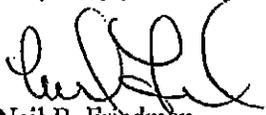
6. FVI's release of SSV is expressly contingent upon the truthfulness and accuracy of the representations made by SSV herein and SSV's full and complete compliance with the terms and conditions of this Settlement Agreement. Should any of the representations and warranties set forth in Paragraph 2 hereof be untruthful or inaccurate or should SSV otherwise fail to comply with the terms and conditions of this Settlement Agreement, then the release set forth in Paragraph 5(a) shall be void *ab initio* and of no force and effect, and FVI may assert and pursue any and all claims for relief and available remedies, either in equity or at law, which FVI has or previously could have asserted against SSV, including claims for trademark infringement, false designation of origin, false advertising, dilution, false and deceptive business practices or for breach of this Settlement Agreement.

7. The releases referred to in Paragraph 5 above shall not encompass any claim for breach of this Settlement Agreement. The prevailing party in any suit for breach of this Settlement Agreement shall recover its costs, expenses and reasonable attorneys' fees from the other party.

By executing and notarizing this agreement and returning it to the undersigned, SSV will have accepted and acknowledged the above detailed facts and conditions of settlement.

Thank you for your attention and cooperation in this matter.

Very truly yours,



Neil B. Friedman
Attorney on behalf of
Franciscan Vineyards, Inc.

AGREED TO & ACCEPTED BY:

STANDING STONE VINEYARDS

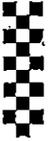
By: _____

Print Name: _____

Title: _____

Date: _____

NBF:aa



BAKER AND RANNELLS, P.A.
INTELLECTUAL PROPERTY ATTORNEYS

STEPHEN L. BAKER *
JOHN M. RANNELLS *
NATHAN B. FRIEDMAN *

RYAN A. MCGONIGLE *
LINDA M. KURTH *
MOJIB A. SHAIKH *
ATTORNEYS

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*NEW JERSEY & ILL. PATENT
ATTORNEY

PLEASE RESPOND TO THE NEW JERSEY ADDRESS
EMAIL: N.FRIEDMAN@BR-TMLAW.COM

July 28, 2010

FOR SETTLEMENT PURPOSES ONLY

VIA EMAIL

Mr. Tom MacInski
Standing Stone Vineyards
9934 Route 414
Hector, NY 14841

RE: The PINNACLES trademark

Dear Mr. MacInski:

I write to you once again on behalf of Franciscan Vineyards, Inc. ("FVI"). As you are now aware, FVI is the owner of the PINNACLES (U.S. Trademark Reg. No. 997378) and PINNACLES RANCHES (U.S. Serial No. 77598674) trademarks for which FVI is willing to release Standing Stone Vineyards ("SSV") from liability in regards to its unauthorized use of the PINNACLES trademark. This release is conditioned upon SSV's agreement and compliance with the following terms:

1. SSV will execute, notarize and return this Settlement Agreement to Baker and Rannels, PA, 575 Route 28, Suite 102, Raritan, New Jersey 08869, as attorneys for the FVI.
2. SSV warrants and represents that:
 - a. It has been using the PINNACLE designation on wines (hereinafter the "Offending Designation") since 1994.
 - b. It has approximately 900 cases of wine bearing the Offending Designation remaining in its inventory (hereinafter the "Retaining Inventory").

c. Except as detailed in Paragraphs 2(a) through 2(b) it has made no other unauthorized use of the PINNACLES trademark or any other mark confusingly similar thereto.

d. All of the information detailed in Paragraph 2(a) through 2(b) is true and accurate.

3. Except as provided in Section 4 below, SSV, its principals, directors, officers, employees, agents, affiliates, divisions and subsidiaries agree that they shall immediately cease and desist from any and all use of the PINNACLES trademark or any other mark confusingly similar thereto, either individually or in conjunction with other words, marks or designs, including the Offending Designation.

4. As a condition of this Agreement, FVI will permit SSV to distribute and/or sell through the Remaining Inventory. SSV may not engage in any advertising or promotion which includes the Offending Designation, except for on premises advertising at the SSV tasting room and/or on SSV's website.

5. (a) Based on the accuracy of the representations and warranties made by SSV in Paragraph 2 herein and in consideration of the full and faithful performance of all of the terms and conditions of this Settlement Agreement, FVI, for itself and its legal successors and assigns, will release and forever discharge SSV from any and all claims or any debts, obligations or other costs of any kind or nature related thereto for trademark infringement, false designation of origin, false advertising, dilution, unfair competition, injury to business reputation and false and deceptive business practices, and any other claim of any nature arising solely out of SSV's unauthorized use of the PINNACLES trademark referred to in the representations set forth in Paragraph 2 above. This release shall be applicable solely to SSV and shall in no way be construed as a waiver of any rights which FVI may have against any third party. This release shall not limit FVI in any respect in seeking redress for SSV's future breach of this Settlement Agreement.

(b) SSV, for itself, its legal successors and assigns, hereby releases and forever discharges FVI, its principals, directors, officers, employees, agents, affiliates, divisions, subsidiaries, attorneys, successors and assigns, from any and all claims of any kind or nature whatsoever, relating to the enforcement of their rights against SSV.

6. FVI's release of SSV is expressly contingent upon the truthfulness and accuracy of the representations made by SSV herein and SSV's full and complete compliance with the terms and conditions of this Settlement Agreement. Should any of the representations and warranties set forth in Paragraph 2 hereof be untruthful or inaccurate or should SSV otherwise fail to comply with the terms and conditions of this Settlement Agreement, then the release set forth in Paragraph 5(a) shall be void *ab initio* and of no force and effect, and FVI may assert and pursue any and all claims for relief and available remedies, either in equity or at law, which FVI has or previously could have asserted against SSV, including claims for trademark infringement, false designation of origin, false advertising, dilution, false and deceptive business practices or for breach of this Settlement Agreement.

7. The releases referred to in Paragraph 5 above shall not encompass any claim for breach of this Settlement Agreement. The prevailing party in any suit for breach of this Settlement Agreement shall recover its costs, expenses and reasonable attorneys' fees from the other party.

By executing and notarizing this agreement and returning it to the undersigned, SSV will have accepted and acknowledged the above detailed facts and conditions of settlement.

Thank you for your attention and cooperation in this matter.

Very truly yours,



Neil B. Friedman
Attorney on behalf of
Franciscan Vineyards, Inc.

AGREED TO & ACCEPTED BY:

STANDING STONE VINEYARDS

By: G. Thomas Macris

Print Name: G. Thomas Macris

Title: Owner

Date: 7/29/2010

NBF:aa

BAKER AND RANNELLS, P.A.
INTELLECTUAL PROPERTY ATTORNEYS

STEPHEN L. BAKER †
JOHN M. RANNELLS †
NEIL B. FRIEDMAN †

RYAN A. MCGONIGLE †
LINDA M. KURTH*
MOIRA J. SELINKA †

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+NEW JERSEY
* NEW JERSEY & REG. PATENT
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PLEASE RESPOND TO THE NEW JERSEY ADDRESS
- EMAIL: N.FRIEDMAN@BR-TMLAW.COM

July 15, 2010

VIA FEDEX

Windham Vineyard and Winery
County Route 10
Windham NY 12496

RE: Your Unlawful Use of the PINNACLES trademark

Dear Sir or Madam:

We are trademark and unfair competition counsel to Franciscan Vineyards, Inc. (FVI). FVI is the owner of the PINNACLES (U.S. Trademark Reg. No. 997378) and PINNACLES RANCHES (U.S. Serial No. 77598674) trademarks for wine. Our client's use of the PINNACLES trademark dates back to at least as early as 1974. Since that time PINNACLES wine has achieved remarkable success and an enviable reputation. The PINNACLES mark is well known throughout the United States and many countries abroad.

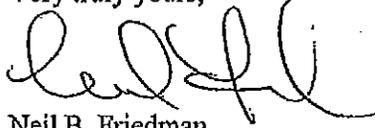
FVI is a prominent provider of wine. As a result of remarkable sales and extensive advertising its PINNACLES marks have come to be associated with FVI's high quality goods. Thus, FVI considers its PINNACLES marks to be among its most important assets. As a result, FVI is committed to taking all legal and appropriate steps to protect the same.

It has recently come to our client's attention that you are using the PINNACLE designation without authorization. Our client would prefer not to engage in litigation or to incur extensive cost. Accordingly, on behalf of FVI we ask that you immediately cease and desist using PINNACLE, or any marks confusingly similar thereto. If you sign a copy of this letter where provided, comply with and return the same to the undersigned, we will consider this matter closed.

In the event we do not hear from you by July 23, 2010, our client may consider taking appropriate action.

This letter is not intended to be a complete statement of facts or law and is written without prejudice to our client's legal rights or remedies, all of which are expressly reserved.

Very truly yours,



Neil B. Friedman

I AGREE to immediately discontinue all use of PINNACLE(S), any mark or name with a PINNACLE(S) component as well as any mark or name confusingly similar to PINNACLE(S), and will not resume such use.

By: _____

Print Name: _____

Title: _____

Date: _____

NBF:aa

Franciscan Vineyard
416 Rt 32E
Candham NY 12491

RECEIVED
JUL 22 2010



Baker + Randall's
575 Route 28-507a 102
Rearman, NJ 08869

RECEIVED
JUL 22 2010

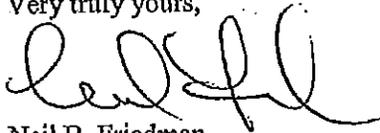
BY: _____

0242311324
Handwritten/Stamped text at the bottom of the envelope.

In the event we do not hear from you by July 23, 2010, our client may consider taking appropriate action.

This letter is not intended to be a complete statement of facts or law and is written without prejudice to our client's legal rights or remedies, all of which are expressly reserved.

Very truly yours,



Neil B. Friedman

I AGREE to immediately discontinue all use of PINNACLE(S); any mark or name with a PINNACLE(S) component as well as any mark or name confusingly similar to PINNACLE(S), and will not resume such use.

By:

Print Name:

Title:

Date:

Jade Baramon
JADE BARAMON
Owner
7/19/10

NBF:aa

BAKER AND RANNELLS, P.A.
INTELLECTUAL PROPERTY ATTORNEYS

STEPHEN L. BAKER †
JOHN M. RANNELLS †
NEIL B. FRIEDMAN †

RYAN A. MCGONIGLE †
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MOIRA J. SBLINKA†

ADMITTED TO PRACTICE IN
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+NEW JERSEY
*NEW JERSEY & REG. PATENT
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PLEASE RESPOND TO THE NEW JERSEY ADDRESS
EMAIL: N.FRIEDMAN@DR-TMLAW.COM

July 15, 2010

VIA FEDEX

Windsor Vineyards
205 Concourse Blvd.
Santa Rosa, CA 95403

RE: Your Unlawful Use of the PINNACLES trademark

Dear Sir or Madam:

We are trademark and unfair competition counsel to Franciscan Vineyards, Inc. (FVI). FVI is the owner of the PINNACLES (U.S. Trademark Reg. No. 997378) and PINNACLES RANCHES (U.S. Serial No. 77598674) trademarks for wine. Our client's use of the PINNACLES trademark dates back to at least as early as 1974. Since that time PINNACLES wine has achieved remarkable success and an enviable reputation. The PINNACLES mark is well known throughout the United States and many countries abroad.

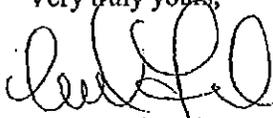
FVI is a prominent provider of wine. As a result of remarkable sales and extensive advertising its PINNACLES marks have come to be associated with FVI's high quality goods. Thus, FVI considers its PINNACLES marks to be among its most important assets. As a result, FVI is committed to taking all legal and appropriate steps to protect the same.

It has recently come to our client's attention that you are using the PINNACLE designation without authorization. Our client would prefer not to engage in litigation or to incur extensive cost. Accordingly, on behalf of FVI we ask that you immediately cease and desist using PINNACLE, or any marks confusingly similar thereto. If you sign a copy of this letter where provided, comply with and return the same to the undersigned, we will consider this matter closed.

In the event we do not hear from you by July 23, 2010, our client may consider taking appropriate action.

This letter is not intended to be a complete statement of facts or law and is written without prejudice to our client's legal rights or remedies, all of which are expressly reserved.

Very truly yours,



Neil B. Friedman

I AGREE to immediately discontinue all use of PINNACLE(S), any mark or name with a PINNACLE(S) component as well as any mark or name confusingly similar to PINNACLE(S), and will not resume such use.

By: _____

Print Name: _____

Title: _____

Date: _____

NBF:aa

BAKER AND RANNELLS, P.A.
INTELLECTUAL PROPERTY ATTORNEYS

STEPHEN L. BAKER ♦
JOHN M. RANNELLS ♦
NEIL B. FRIEDMAN ♦

RYAN A. MCGONIGLE ♦
LINDA M. KURTH*
MOIRA J. SELINKA+

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PLEASE RESPOND TO THE NEW JERSEY ADDRESS
EMAIL: N.FRIEDMAN@BR-TMLAW.COM

July 28, 2010

FOR SETTLEMENT PURPOSES ONLY

VIA EMAIL: pat@vintagewineestates.com

Mr. Pat Roney
Vintage Wine Estates, Inc.
Windsor Vineyards
205 Concourse Blvd.
Santa Rosa, CA 95403

RE: The PINNACLES trademark

Dear Mr. Roney:

I write to you once again on behalf of Franciscan Vineyards, Inc. ("FVI"). As you are now aware, FVI is the owner of the PINNACLES (U.S. Trademark Reg. No. 997378) and PINNACLES RANCHES (U.S. Serial No. 77598674) trademarks for wine. FVI is willing to release Vintage Wine Estates, Inc. and its related company Windsor Vineyards (hereinafter collectively "VWEI") from liability in regards to its unauthorized use of the PINNACLES trademark. This release is conditioned upon VWEI's agreement and compliance with the following terms:

1. VWEI will execute and return this Settlement Agreement to Baker and Rannells, PA, 575 Route 28, Suite 102, Raritan, New Jersey 08869, as attorneys for the FVI.
2. VWEI warrants and represents that:
 - a. From approximately 2009 through 2010, prior to the date of this agreement, it has been offering for sale and selling wines using a PINNACLE(S) designation without FVI's authorization (hereinafter the "Offending Products").

- b. As of the date of this letter, VWEI has no remaining inventory of the Offending Products in its possession, custody or control.
- c. Except as detailed in Paragraphs 2(a) through 2(b) it has made no other unauthorized use of the PINNACLES trademark or any other mark confusingly similar thereto.
- d. All of the information detailed in Paragraph 2(a) through 2(b) is true and accurate.

3. VWEI, its principals, directors, officers, employees, agents, affiliates, divisions and subsidiaries agree that they shall immediately cease and desist from any and all use of the PINNACLES trademark or any other mark confusingly similar thereto, either individually or in conjunction with other words, marks or designs, including the designation on the Offending Products. Notwithstanding the foregoing, FVI understands that quantities of the Offending Products may remain as of the date of this Agreement in the stream of commerce. For example, such Offending Products may be in the possession of VWEI's distributors.

4. (a) Based on the accuracy of the representations and warranties made by VWEI in Paragraph 2 herein and in consideration of the full and faithful performance of all of the terms and conditions of this Settlement Agreement, FVI, for itself and its legal successors and assigns, will release and forever discharge VWEI from any and all claims or any debts, obligations or other costs of any kind or nature related thereto for trademark infringement, false designation of origin, false advertising, dilution, unfair competition, injury to business reputation and false and deceptive business practices, and any other claim of any nature arising solely out of VWEI's unauthorized use of the PINNACLES trademark referred to in the representations set forth in Paragraph 2 above. This release shall be applicable solely to VWEI and shall in no way be construed as a waiver of any rights which FVI may have against any third party. This release shall not limit FVI in any respect in seeking redress for VWEI's future breach of this Settlement Agreement.

(b) VWEI, for itself, its legal successors and assigns, hereby releases and forever discharges FVI, its principals, directors, officers, employees, agents, affiliates, divisions, subsidiaries, attorneys, successors and assigns, from any and all claims of any kind or nature whatsoever, relating to the enforcement of their rights against VWEI.

5. FVI's release of VWEI is expressly contingent upon the truthfulness and accuracy of the representations made by VWEI herein and VWEI's full and complete compliance with the terms and conditions of this Settlement Agreement. Should any of the representations and warranties set forth in Paragraph 2 hereof be untruthful or inaccurate or should VWEI otherwise fail to comply with the terms and conditions of this Settlement Agreement, then the release set forth in Paragraph 4(a) shall be void *ab initio* and of no force and effect, and FVI may assert and pursue any and all claims for relief and available remedies, either in equity or at law, which FVI has or previously could have asserted against VWEI, including claims for trademark infringement, false designation of origin, false advertising, dilution, false and deceptive business practices or for breach of this Settlement Agreement.

6. The releases referred to in Paragraph 4 above shall not encompass any claim for breach of this Settlement Agreement. The prevailing party in any suit for breach of this Settlement Agreement shall recover its costs, expenses and reasonable attorneys' fees from the other party.

By executing this agreement and returning it to the undersigned, VWEL will have accepted and acknowledged the above detailed facts and conditions of settlement.

Thank you for your attention and cooperation in this matter.

Very truly yours,



Neil B. Friedman
Attorney on behalf of
Franciscan Vineyards, Inc.

AGREED TO & ACCEPTED BY:

VINTAGE WINE ESTATES, INC.
WINDSOR VINEYARDS

By: _____
Pat Roney, President

Date: _____

NBF:aa



ROBERT W. SACOFF

DIRECT (312) 554-7934
rws@pattishall.com

August 31, 2010

Via email to: n.friedman@br-tmlaw.com
and First Class Mail

Neil B. Friedman, Esq.
Baker & Rannels, P.A.
575 Route 28 - Suite 102
Raritan, NJ 08869

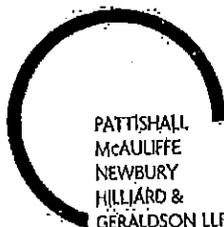
Settlement Communication
Under F.R.E. 408

Re: Alleged Unlawful Use of the PINNACLES Trademark

Dear Mr. Friedman:

This is in response to your letters of July 15 and 28 addressed to Mr. Pat Roney, alleging trademark infringement and unfair competition on the part of Vintage Wine Estates, Inc. and its related company Windsor Vineyards of Santa Rosa, California (collectively, "Windsor"), whom we represent.

Having carefully investigated your claims, we and our clients deny your allegations of trademark infringement and unfair competition. Windsor did not use your client's trademark PINNACLES (nor was it even aware of it). Rather, it used the name PINNACLE RIDGE for its wine in several label displays, usually combined with a design of a mountain top, or mountain climbers, or similar graphics evocative of mountains, e.g.:



PATTISHALL
McAULIFFE
NEWBURY
HILLIARD &
GERALDSON LLP

311 South Wacker Drive, Suite 5000 • Chicago IL 60606 • T (312) 554-8000 • F (312) 554-8015 • www.pattishall.com

August 31, 2010



Pinnacle Ridge is a place name used for several different geographical locations and terrain features, e.g., a hiking trail in Portland, Oregon. We do not believe Windsor's label created or would create any likelihood of confusion as to source with Franciscan, its PINNACLES mark or its products, and we are not aware of any instances of actual confusion.

Nevertheless, the PINNACLE RIDGE line was a small item for Windsor and our client prefers to settle this dispute in an amicable manner rather than engage in expensive and distracting litigation. Accordingly, I confirm that:

- Windsor has discontinued all use of its PINNACLE RIDGE labels and name, has no remaining inventory, and will not resume such use in the future.
- It is possible that some branded products still rest in the hands of distributors or ultimate customers, over which Windsor has no control.
- Windsor has not used any other wine trademarks that contain the words "pinnacle" or "pinnacles," and will not adopt any such marks in the future.

We trust this satisfies your client's concerns and we consider the matter closed.

Sincerely,

BAKER AND RANNELLS, P.A.
INTELLECTUAL PROPERTY ATTORNEYS

STEPHEN L. BAKER †
JOHN M. RANNELLS †
NEIL B. FRIEDMAN †

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ADMITTED TO PRACTICE IN
†NEW YORK & NEW JERSEY
‡NEW JERSEY
* NEW JERSEY & REG. PATENT
ATTORNEY

PLEASE RESPOND TO THE NEW JERSEY ADDRESS
EMAIL: N.FRIEDMAN@BR-TMLAW.COM

July 15, 2010

VIA FEDEX

The Wine Group, LLC
4596 S. Tracy Blvd.
Tracy, CA 95378

RE: Your Unlawful Use of the PINNACLES trademark

Dear Sir or Madam:

We are trademark and unfair competition counsel to Franciscan Vineyards, Inc. (FVI). FVI is the owner of the PINNACLES (U.S. Trademark Reg. No. 997378) and PINNACLES RANCHES (U.S. Serial No. 77598674) trademarks for wine. Our client's use of the PINNACLES trademark dates back to at least as early as 1974. Since that time PINNACLES wine has achieved remarkable success and an enviable reputation. The PINNACLES mark is well known throughout the United States and many countries abroad.

FVI is a prominent provider of wine. As a result of remarkable sales and extensive advertising its PINNACLES marks have come to be associated with FVI's high quality goods. Thus, FVI considers its PINNACLES marks to be among its most important assets. As a result, FVI is committed to taking all legal and appropriate steps to protect the same.

It has recently come to our client's attention that you are using the PINNACLES designation without authorization. Our client would prefer not to engage in litigation or to incur extensive cost. Accordingly, on behalf of FVI we ask that you immediately cease and desist using PINNACLES, or any marks confusingly similar thereto. If you sign a copy of this letter where provided, comply with and return the same to the undersigned, we will consider this matter closed.

In the event we do not hear from you by July 23, 2010, our client may consider taking appropriate action.

This letter is not intended to be a complete statement of facts or law and is written without prejudice to our client's legal rights or remedies, all of which are expressly reserved.

Very truly yours,



Neil B. Friedman

I AGREE to immediately discontinue all use of PINNACLE(S), any mark or name with a PINNACLE(S) component as well as any mark or name confusingly similar to PINNACLE(S), and will not resume such use.

By: _____

Print Name: _____

Title: _____

Date: _____

NBF:aa

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

EXHIBITS 2 AND 3

TO GUGGINO TESTIMONY TRANSCRIPT

PINNACLES

EXHIBIT
2
3/2/11 DS



Estancia

2009

PINOT NOIR

MONTEREY COUNTY

PINNACLES RANCHES

HANDCRAFTED

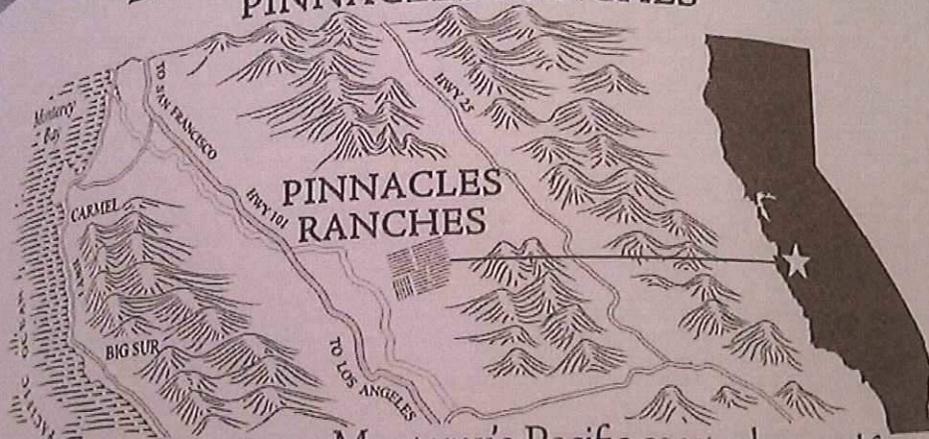


ARTISAN GROWN

Alc. 13.5% by vol.

S PINNACLES

ESTANCIA MONTEREY PINOT NOIR
PINNACLES RANCHES



Our Pinnacles Ranches are near Monterey's Pacific coast where cool fog sweeps in each evening, giving way to warm, sunny days perfect for ripening world-class Pinot Noir. We employ artisan winemaking practices such as gentle pressing and small barrel aging to craft wines of exceptional character. Estancia Pinot Noir displays luscious berry flavors, spice and a rich, supple finish.

www.estanciawinery.com

WINED & BOTTLED BY ESTANCIA WINERY
SONOMA, CALIFORNIA - CONTAINS SULFITES

GOVERNMENT WARNING: (1) ACCORDING TO THE SURGEON GENERAL, WOMEN SHOULD NOT DRINK ALCOHOLIC BEVERAGES DURING PREGNANCY BECAUSE OF THE RISK OF BIRTH DEFECTS. (2) CONSUMPTION OF ALCOHOLIC BEVERAGES IMPAIRS YOUR ABILITY TO DRIVE A CAR OR OPERATE MACHINERY, AND MAY CAUSE HEALTH PROBLEMS.



EXHIBIT
3
3/21/11 DS



Estancia

2008

CHARDONNAY
MONTEREY COUNTY

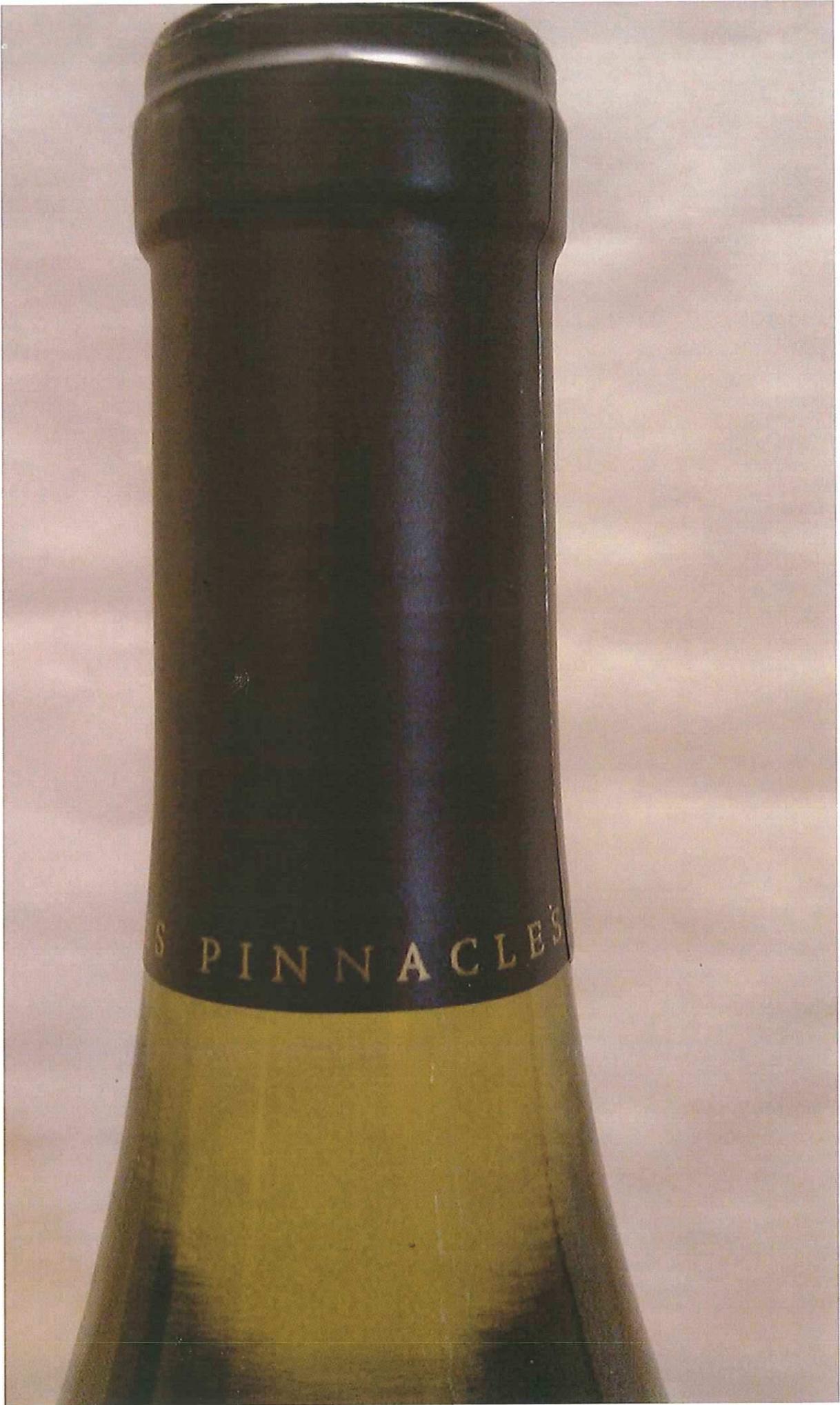
PINNACLES RANCHES

HANDCRAFTED



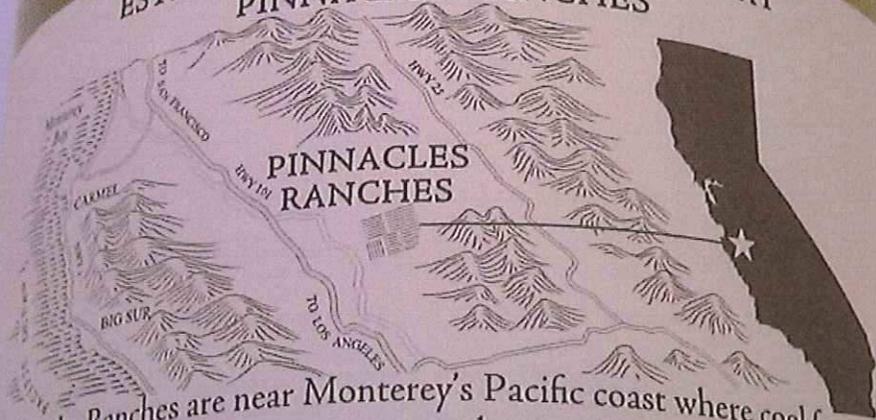
ARTISAN GROWN

ESTANCIA PINNACLES RANCHES



S PINNACLES

ESTANCIA MONTEREY CHARDONNAY
PINNACLES RANCHES



The Pinnacles Ranches are near Monterey's Pacific coast where cool fog sweeps in each evening, giving way to warm, sunny days perfect for ripening world-class Chardonnay. We employ artisan winemaking practices such as gentle pressing and small barrel aging to craft wines of exceptional character. Estancia Chardonnay displays lush, tropical fruit flavors and a soft, creamy finish.

www.estanciawinery.com

PRODUCED & BOTTLED BY ESTANCIA ESTATES
SONOMA, CALIFORNIA - CONTAINS SULFITES

GOVERNMENT WARNING: (1) ACCORDING TO THE
FEDERAL GOVERNMENT, WOMEN SHOULD NOT DRINK
ALCOHOLIC BEVERAGES DURING PREGNANCY BECAUSE
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