

ESTTA Tracking number: **ESTTA515228**

Filing date: **01/09/2013**

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

## Notice of Opposition

Notice is hereby given that the following parties oppose registration of the indicated application.

### Opposers Information

Name	The Trustees of The Coppola Family Trust
Granted to Date of previous extension	01/09/2013
Address	620 Airpark Road Napa, CA 94558 UNITED STATES

Name	Niebaum-Coppola Estate Winery, L.P.		
Entity	Limited Partnership	Citizenship	California
Address	620 Airpark Road Napa, CA 94558 UNITED STATES		

Attorney information	Susan E. Hollander & Jocelyn M. Belloni K&L Gates LLP 4 Embarcadero Center, Suite 1200 San Francisco, CA 94111 UNITED STATES pltrademarks@klgates.com,anthony.garcia@klgates.com,jocelyn.belloni@klgates.com,susan.hollander@klgates.com,ttablitigationdocketing@klgates.com Phone:415-882-8200
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### Applicant Information

Application No	85565560	Publication date	09/11/2012
Opposition Filing Date	01/09/2013	Opposition Period Ends	01/09/2013
International Registration No.	NONE	International Registration Date	NONE
Applicant	Green Griffin International 12 Rue des Cerisiers Urschenheim, FRANCE		

### Goods/Services Affected by Opposition

Class 033. First Use: 2011/08/31 First Use In Commerce: 2011/09/23  
All goods and services in the class are opposed, namely: Champagne and sparkling wines

### Grounds for Opposition

Deceptiveness	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)

Dilution	Trademark Act section 43(c)
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### Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2974151	Application Date	11/13/2003
Registration Date	07/19/2005	Foreign Priority Date	NONE
Word Mark	DIAMOND COLLECTION		
Design Mark	<b>DIAMOND COLLECTION</b>		
Description of Mark	NONE		
Goods/Services	Class 033. First use: First Use: 2004/03/01 First Use In Commerce: 2004/03/01 WINE		

U.S. Registration No.	2383399	Application Date	11/08/1999
Registration Date	09/05/2000	Foreign Priority Date	NONE
Word Mark	DIAMOND SERIES		
Design Mark	<b>DIAMOND SERIES</b>		
Description of Mark	NONE		
Goods/Services	Class 033. First use: First Use: 1998/12/15 First Use In Commerce: 1998/12/15 WINE		

U.S. Registration No.	3588229	Application Date	10/16/2007
Registration Date	03/10/2009	Foreign Priority Date	NONE
Word Mark	SIP A DIAMOND		

Design Mark	<b>SIP A DIAMOND</b>
Description of Mark	NONE
Goods/Services	Class 033. First use: First Use: 2008/12/09 First Use In Commerce: 2008/12/09 Wine

U.S. Registration No.	3484676	Application Date	01/15/2008
Registration Date	08/12/2008	Foreign Priority Date	NONE
Word Mark	NC Å· CALIFORNIA VINEYARDS Å·		
Design Mark			
Description of Mark	The mark consists of a double-lined diamond design displaying grape leaves and vines. In the center of the diamond is a circle within a circle. The outside circle show the words "CALIFORNIA VINEYARDS" and the inner circle has the lettering "NC" in stylized form.		
Goods/Services	Class 033. First use: First Use: 2007/08/01 First Use In Commerce: 2007/08/01 Wine		

U.S. Registration No.	2156846	Application Date	05/19/1997
Registration Date	05/12/1998	Foreign Priority Date	NONE
Word Mark	NIEBAUM-COPPOLA NC RUTHERFORD CALIFORNIA		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 033. First use: First Use: 1995/04/30 First Use In Commerce: 1995/04/30 wines

U.S. Registration No.	2156693	Application Date	04/14/1997
Registration Date	05/12/1998	Foreign Priority Date	NONE
Word Mark	EDIZIONE PENNINO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 033. First use: First Use: 1995/09/15 First Use In Commerce: 1995/09/15 wines		

U.S. Registration No.	2731938	Application Date	09/13/2002
Registration Date	07/01/2003	Foreign Priority Date	NONE
Word Mark	NC		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 033. First use: First Use: 1998/08/31 First Use In Commerce: 1998/08/31 WINE

U.S. Registration No.	2827105	Application Date	09/13/2002
Registration Date	03/30/2004	Foreign Priority Date	NONE
Word Mark	NC NIEBAUM-COPPOLA RUTHERFORD CALIFORNIA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 033. First use: First Use: 2001/10/31 First Use In Commerce: 2001/10/31 WINE		

Attachments	78327462#TMSN.jpeg ( 1 page )( bytes ) 75842861#TMSN.gif ( 1 page )( bytes ) 77305579#TMSN.jpeg ( 1 page )( bytes ) 77372497#TMSN.jpeg ( 1 page )( bytes ) 75294314#TMSN.gif ( 1 page )( bytes ) 75274085#TMSN.gif ( 1 page )( bytes ) 76449163#TMSN.gif ( 1 page )( bytes ) 76449168#TMSN.gif ( 1 page )( bytes ) ETERNAL DIAMONDS - NTC OF OPP - executed.PDF ( 9 pages )(356933 bytes ) ETERNAL DIAMONDS - NTC OF OPP - Exhibits A B C.PDF ( 23 pages )(354920 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Jocelyn M. Belloni/
Name	Susan E. Hollander & Jocelyn M. Belloni
Date	01/09/2013

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

In the matter of Application Serial No. 85/565,560  
Published in the *Official Gazette* on September 11, 2012  
Mark: ETERNAL DIAMONDS

*Eternal Diamonds*

The Trustees of the Coppola Family Trust and  
Niebaum-Coppola Estate Winery, L.P.,

Opposers,

v.

Green Griffin International,

Applicant.

OPPOSITION NO. \_\_\_\_\_

**NOTICE OF OPPOSITION**

The Trustees of the Coppola Family Trust, a trust organized and existing under the laws of California, with a business address of 620 Airpark Road, Napa, California 94558 and Niebaum-Coppola Estate Winery, L.P., a California limited partnership with a business address of 620 Airpark Road, Napa, CA 94558 (collectively, “Opposers”) believe that they will be damaged by registration of the ETERNAL DIAMONDS mark shown in Application Serial No. 85/565,560, and hereby oppose its registration pursuant to 15 U.S.C. §§ 1051 *et seq.*, including specifically 15 U.S.C. § 1063.

This Notice of Opposition has been timely filed. As grounds for their opposition, Opposers allege as follows:

1. Upon information and belief, applicant is Green Griffin International, a French corporation with an address of 12 Rue des Cerisiers Urschenheim, FRANCE (“Applicant”).

2. As illustrated in Application Serial No. 85/565,560, Applicant seeks to register the mark ETERNAL DIAMONDS for “Champagne and sparkling wines” in International Class 33.

3. Since at least as early as 1998, Opposers and their predecessors in interest have been using in commerce in the United States trademarks incorporating the word element “DIAMOND” in connection with wines.

4. Since at least as early as 1995, Opposers and their predecessors in interest have been using in commerce in the United States trademarks incorporating a design feature consisting of a Diamond shape in connection with wines.

5. Opposers own numerous federal trademark registrations incorporating their famous and distinctive “Diamond” design and word components. Today, Opposers use their “DIAMOND” family of design and word marks in connection with their wine products.

6. Opposer The Trustees of the Coppola Family Trust own the following representative registrations issued on the Principal Register, each of which are presently in full force and effect as shown by the records of the United States Patent and Trademark Office (“USPTO”).

Mark	Goods	App. Date	Reg. No.	Reg. Date
DIAMOND COLLECTION	33 - Wine.	11/13/2003	2,974,151	7/19/2005
DIAMOND SERIES	33 - Wine.	11/8/1999	2,383,399	9/5/2000
SIP A DIAMOND	33 - Wine.	10/16/2007	3,588,229	3/10/2009
NC California Vineyards & Diamond Design 	33 - Wine.	1/15/2008	3,484,676	8/12/2008

True and correct copies of these registrations or pages printed from the USPTO's online database reflecting the registered status of the marks are attached hereto as Exhibit A. Each of the DIAMOND word and design marks represented in these registrations is distinctive and famous. Notably, Registration Nos. 2,156,846 and 2,731,938 are incontestable.

7. Opposer Niebaum-Coppola Estate Winery, L.P. owns the following representative registrations issued on the Principal Register, each of which are presently in full force and effect as shown by the records of the USPTO.

Mark	Goods	File Date	Reg. No.	Reg. Date
NIEBAUM-COPPOLA NC RUTHERFORD CALIFORNIA & Diamond Design	33 - Wines.	5/19/1997	2,156,846	5/12/1998

Mark	Goods	File Date	Reg. No.	Reg. Date
				
EDIZIONE PENNINO & Diamond Design 	33 - Wines.	4/14/1997	2,156,693	5/12/1998
NC & Diamond Design 	33 - Wine.	9/13/2002	2,731,938	7/1/2003
NC NIEBAUM-COPPOLA RUTHERFORD CALIFORNIA & Diamond Design 	33 - Wine.	9/13/2002	2,827,105	3/30/2004

True and correct copies of these registrations or pages printed from the USPTO's online database reflecting the registered status of the marks in this paragraph are attached hereto as Exhibit B. Each of the DIAMOND word and design marks represented in these registrations is distinctive and famous. Notably, Registration Nos. 2,156,846, 2,156,693, and 2,731,938 are incontestable. Each of the registrations listed in this paragraph was assigned to Niebaum-

Coppola Estate Winery, L.P. by The Trustees of the Coppola Family Trust effective January 1, 2012. A true and correct copy of the assignment is attached hereto as Exhibit C. Accordingly, Niebaum-Coppola Estate Winery, L.P. is in privity with The Trustees of the Coppola Family Trust, which entity was granted an extension of time to oppose the Application. (The DIAMOND family of trademarks described in paragraphs 3-7 are hereinafter collectively referred to as the “DIAMOND Trademarks”).

8. Today, Opposers’ DIAMOND Trademarks are highly recognizable and valuable marks in the wine industry. Moreover, due to the national, and indeed, worldwide consumer recognition and goodwill of Opposers’ DIAMOND Trademarks, consumers have come to recognize the DIAMOND word mark and design elements as also symbolizing the goodwill inherent in the DIAMOND Trademarks, and further, associate the DIAMOND Trademarks solely with Opposers and their high quality wines.

9. No issue of priority exists with respect to Opposers’ first use date of its DIAMOND Trademarks as set forth above and Applicant’s ETERNAL DIAMONDS application. Opposers and their predecessors in interest have been using in commerce in the United States the DIAMOND SERIES trademark in connection with wine since 1998, and their other DIAMOND Trademarks for many years. Conversely, Applicant filed Serial No. 85/565,560 for CHAMPAGNE ETERNAL DIAMONDS<sup>1</sup> as an application on March 9, 2012 based on Section 1(a) of the Lanham Act, claiming first use on Aug. 31, 2011 and first

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<sup>1</sup> On October 8, 2012, a Post Publication Amendment was entered to remove the word CHAMPAGNE from the mark.

use in commerce on Sep. 23, 2011, and (ii) Section 44(d) of the Lanham Act on November 6, 2011, based on a France application that was filed on January 1, 2012.<sup>2</sup>

10. Applicant's proposed ETERNAL DIAMONDS mark is confusingly similar to Opposers' DIAMOND Trademarks because it is similar in appearance, meaning, and overall impression pursuant to 15 U.S.C. § 1052(d). Among other things, the dominant aspect of Applicant's ETERNAL DIAMONDS mark is the word "DIAMONDS" which makes it confusingly similar to Opposers' DIAMOND Trademarks.

11. In addition, Applicant's ETERNAL DIAMONDS mark creates a similar commercial impression as Opposers' DIAMOND Trademarks. Opposers use their DIAMOND Trademarks in connection with each other and with the "Diamond Collection" line of eleven single varietals and two distinctive blends of wines. Opposers' federally registered DIAMOND COLLECTION and DIAMOND SERIES word marks each imply that there is a number or collection of "DIAMOND" wines and marks. Consumers are accustomed to seeing a variety of Diamond design and word marks used by Opposers in connection with their DIAMOND COLLECTION wines and are likely to assume that Applicant's diamond design mark is associated with Opposers' DIAMOND Trademarks and wines.

12. Moreover, the goods offered by Applicant and Opposers are virtually identical. Opposers use their DIAMOND Trademarks in connection with wine in Class 33. Applicant proposes to use the ETERNAL DIAMONDS mark in connection with

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<sup>2</sup> On July 24, 2013 an Examiner's Amendment was entered that Applicant did not intend to perfect the Section 44 basis.

“Champagne and sparkling wines” in International Class 33. Applicant’s goods are a type of “wine” and, accordingly, are virtually identical to Opposers’ goods.

13. Given the goodwill and public recognition arising from the association of the distinctive and famous DIAMOND Trademarks with Opposers, consumers are likely to believe that Opposers have licensed, approved or otherwise authorized Applicant’s use of the ETERNAL DIAMONDS mark, when it has not.

14. The maturation of Applicant’s application into registration will cause a likelihood of confusion, mistake or deception with respect to the source or origin of Applicant’s goods. Consumers will erroneously believe that Applicant’s goods are licensed by or associated with Opposers.

15. Applicant’s use and registration of the proposed mark also constitutes dilution by tarnishment and dilution by blurring of Opposers’ famous DIAMOND Trademarks, whose fame was established well before Applicant’s constructive date of first use of its proposed mark, as well as prohibited by 15 U.S.C. § 1125(c).

14. Pursuant to 15 U.S.C. § 1063(a), Opposers will be damaged by registration of Applicant’s proposed mark, which would grant Applicant a *prima facie* exclusive right to use the proposed mark despite Opposers’ priority over Applicant and the likelihood of confusion, and the actual dilution and injury to Opposers’ goodwill that will be caused by Applicant’s mark.

16. In summary, registration of the proposed mark would be incorrect and improper in view of the requirements of the Trademark Act of 1946, as amended, including specifically but not limited to the provisions of 15 U.S.C. §§ 1051, et seq.

WHEREFORE, Opposers pray that this Opposition be sustained, and that registration to Applicant for ETERNAL DIAMONDS in Application Serial No. 85/565,560 for the goods identified in International Classes 33 be denied.

Opposers submit this Notice of Opposition via the e-filing procedure of the Trademark Trial and Appeal Board, and hereby authorize the Board to debit Deposit Account No. 503229 of K&L Gates LLP for the appropriate filing fee of \$600.00. Please direct all notices, pleading and correspondence in this matter to the undersigned counsel for Opposers.

Respectfully submitted,

Dated: January 9, 2013



Susan E. Hollander  
Jocelyn M. Belloni  
K&L Gates LLP  
4 Embarcadero Center, Suite 1200  
San Francisco, CA 94111  
Tel: (415) 882-8200  
Fax: (415) 882-8220

Attorneys for Opposers  
The Trustees of the Coppola Family Trust and  
Niebaum-Coppola Estate Winery, L.P.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **NOTICE OF OPPOSITION** has been properly served, via U.S. Mail, on the following correspondent for Applicant on this 9th day of January 2013.

Tamara Sager and Millie Orrico

Harrington Law Associates

100 S Olive Ave.

West Palm Beach, Florida 33401-5505



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Felicia Ellis

# EXHIBIT A



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**DIAMOND COLLECTION**

**Word Mark** DIAMOND COLLECTION  
**Goods and Services** IC 033. US 047 049. G & S: WINE. FIRST USE: 20040301. FIRST USE IN COMMERCE: 20040301  
**Standard Characters Claimed**  
**Mark Drawing Code** (4) STANDARD CHARACTER MARK  
**Serial Number** 78327462  
**Filing Date** November 13, 2003  
**Current Basis** 1A  
**Original Filing Basis** 1B  
**Published for Opposition** September 14, 2004  
**Registration Number** 2974151  
**Registration Date** July 19, 2005  
**Owner** (REGISTRANT) The Trustees of The Coppola Family Trust Francis Ford Coppola and Eleanor Coppola, both U.S. citizens TRUST CALIFORNIA 620 Airpark Road Napa CALIFORNIA 94558  
**Attorney of Record** Susan E. Hollander, Esq.  
**Prior Registrations** 2383399  
**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "COLLECTION" APART FROM THE MARK AS SHOWN  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Affidavit Text** SECT 15. SECT 8 (6-YR).

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**Typed Drawing**

**Word Mark** DIAMOND SERIES  
**Goods and Services** IC 033. US 047 049. G & S: WINE. FIRST USE: 19981215. FIRST USE IN COMMERCE: 19981215  
**Mark Drawing Code** (1) TYPED DRAWING  
**Serial Number** 75842861  
**Filing Date** November 8, 1999  
**Current Basis** 1A  
**Original Filing Basis** 1A  
**Published for Opposition** June 13, 2000  
**Registration Number** 2383399  
**Registration Date** September 5, 2000  
**Owner** (REGISTRANT) The Trustees of The Coppola Family Trust Francis Ford Coppola, a U.S. citizen, and Eleanor Coppo, a U.S. citizen. TRUST CALIFORNIA 620 Airpark Road Napa CALIFORNIA 94558  
**Attorney of Record** Susan E. Hollander, Esq.  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Affidavit Text** SECT 8 (6-YR), SECTION 8(10-YR) 20100524.  
**Renewal** 1ST RENEWAL 20100524  
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# SIP A DIAMOND

**Word Mark** SIP A DIAMOND  
**Goods and Services** IC 033, US 047 049. G & S: Wine. FIRST USE: 20081209. FIRST USE IN COMMERCE: 20081209  
**Standard Characters Claimed**  
**Mark Drawing Code** (4) STANDARD CHARACTER MARK  
**Serial Number** 77305579  
**Filing Date** October 16, 2007  
**Current Basis** 1A  
**Original Filing Basis** 1B  
**Published for Opposition** April 1, 2008  
**Registration Number** 3588229  
**Registration Date** March 10, 2009  
**Owner** (REGISTRANT) The Trustees of The Coppola Family Trust Francis Ford Coppola, U.S. citizen and Eleanor Coppola, U.S. citizen TRUST CALIFORNIA 620 Alpark Road Napa CALIFORNIA 94558  
**Attorney of Record** Susan E. Hollander, Esq.  
**Prior Registrations** 2383399;2974151  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

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**Word Mark** NC - CALIFORNIA VINEYARDS  
**Goods and Services** IC 033. US 047 049. G & S: Wine. FIRST USE: 20070801. FIRST USE IN COMMERCE: 20070801  
**Mark Drawing Code** (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS  
**Design Search Code** 05.01.04 - Vines  
 05.09.02 - Grapes  
 26.01.18 - Circles, three or more concentric; Concentric circles, three or more; Three or more concentric circles  
 26.01.21 - Circles that are totally or partially shaded.  
 26.07.01 - Diamonds with plain multiple line border; Diamonds with plain single line border  
**Trademark Search Facility Classification Code** LETS-2 CN Two letters or combinations of multiples of two letters  
 NOTATION-SYMBOLS Notation Symbols such as Non-Latin characters,punctuation and mathematical signs,zodiac signs,prescription marks  
 SHAPES-CIRCLE Circle figures or designs including semi-circles and incomplete circles  
 SHAPES-DIAMONDS Diamond shaped designs including shaded or more than one diamond  
 VEG Plant life such as trees,flowers,fruits,grains,nuts,wreaths,and leaves  
**Serial Number** 77372497  
**Filing Date** January 15, 2008  
**Current Basis** 1A  
**Original Filing Basis** 1A  
**Published for Opposition** May 27, 2008  
**Registration Number** 3484676

**Registration Date** August 12, 2008

**Owner** (REGISTRANT) The Trustees of The Coppola Family Trust Francis Ford Coppola, a U.S. citizen and Eleanor Coppola, a U.S. citizen TRUST CALIFORNIA 620 Airpark Road Napa CALIFORNIA 94558

**Attorney of Record** Susan E. Hollander, Esq.

**Prior Registrations** 2156846;2731938;2827105

**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CALIFORNIA VINEYARDS" APART FROM THE MARK AS SHOWN

**Description of Mark** Color is not claimed as a feature of the mark. The mark consists of a double-lined diamond design displaying grape leaves and vines. In the center of the diamond is a circle within a circle. The outside circle show the words "CALIFORNIA VINEYARDS" and the inner circle has the lettering "NC" in stylized form.

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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<b>Word Mark</b>	NIEBAUM-COPPOLA NC RUTHERFORD CALIFORNIA
<b>Goods and Services</b>	IC 033. US 047 049. G & S: wines. FIRST USE: 19950430. FIRST USE IN COMMERCE: 19950430
<b>Mark Drawing Code</b>	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
<b>Design Search Code</b>	05.01.04 - Vines 05.09.02 - Grapes 26.01.08 - Circles having letters or numerals as a border; Circles having punctuation as a border; Letters, numerals or punctuation forming or bordering the perimeter of a circle 26.01.18 - Circles, three or more concentric; Concentric circles, three or more; Three or more concentric circles 26.01.21 - Circles that are totally or partially shaded. 26.07.13 - Diamonds, exactly two diamonds; Two diamonds 26.07.21 - Diamonds that are completely or partially shaded
<b>Serial Number</b>	75294314
<b>Filing Date</b>	May 19, 1997
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	February 17, 1998
<b>Registration Number</b>	2156846
<b>Registration Date</b>	May 12, 1998
<b>Owner</b>	(REGISTRANT) Coppola, Francis Ford INDIVIDUAL UNITED STATES P.O. Box 208 Rutherford CALIFORNIA 94573

(LAST LISTED OWNER) NIEBAUM-COPPOLA ESTATE WINERY, L.P. LIMITED  
PARTNERSHIP CALIFORNIA 620 AIRPART ROAD NAPA CALIFORNIA 94588

**Assignment Recorded** ASSIGNMENT RECORDED

**Attorney of Record** Susan E. Hollander, Esq.

**Prior Registrations** 1561263;1932929

**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "RUTHERFORD CALIFORNIA" APART FROM THE MARK AS SHOWN

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Affidavit Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20080131.

**Renewal** 1ST RENEWAL 20080131

**Live/Dead Indicator** LIVE

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<b>Word Mark</b>	EDIZIONE PENNINO
<b>Translations</b>	The English translation of "EDIZIONE" is "edition". "PENNINO" is the maiden name of Applicant's mother. It has no translational meaning.
<b>Goods and Services</b>	IC 033. US 047 049. G & S: wines. FIRST USE: 19950915. FIRST USE IN COMMERCE: 19950915
<b>Mark Drawing Code</b>	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
<b>Design Search Code</b>	02.01.01 - Busts of men facing forward; Heads of men facing forward; Men - heads, portraiture, or busts facing forward; Portraiture of men facing forward 06.03.01 - Beaches; Coastlines; Shores 06.07.01 - Skylines 07.09.08 - Statue of Liberty 18.07.06 - Other stylized sail boats 26.07.13 - Diamonds, exactly two diamonds; Two diamonds 26.07.21 - Diamonds that are completely or partially shaded 26.11.13 - Rectangles (exactly two rectangles); Two rectangles 26.11.21 - Rectangles that are completely or partially shaded
<b>Serial Number</b>	75274085
<b>Filing Date</b>	April 14, 1997
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	February 17, 1998
<b>Registration Number</b>	2156693
<b>Registration Date</b>	May 12, 1998
<b>Owner</b>	(REGISTRANT) Coppola, Francis Ford INDIVIDUAL UNITED STATES P.O. Box 208 Rutherford CALIFORNIA 94573

(LAST LISTED OWNER) NIEBAUM-COPPOLA ESTATE WINERY, L.P. LIMITED PARTNERSHIP CALIFORNIA 620 AIRPART ROAD NAPA CALIFORNIA 94588

**Assignment Recorded** ASSIGNMENT RECORDED  
**Attorney of Record** Susan E. Hollander, Esq.  
**Description of Mark** The stippling and/or shading in the drawing is a feature of the mark and is not a claim to color.  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Affidavit Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20080119.  
**Renewal** 1ST RENEWAL 20080119  
**Live/Dead Indicator** LIVE

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**Word Mark** NC  
**Goods and Services** IC 033. US 047 049. G & S: WINE. FIRST USE: 19980831. FIRST USE IN COMMERCE: 19980831  
**Mark Drawing Code** (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS  
**Design Search Code** 05.09.02 - Grapes  
 05.15.25 - Other decorations made of plants  
 20.03.10 - Bottle labels; Labels for bottles  
 26.01.17 - Circles, two concentric; Concentric circles, two; Two concentric circles  
 26.01.21 - Circles that are totally or partially shaded.  
 26.07.13 - Diamonds, exactly two diamonds; Two diamonds  
**Serial Number** 76449163  
**Filing Date** September 13, 2002  
**Current Basis** 1A  
**Original Filing Basis** 1A  
**Published for Opposition** April 8, 2003  
**Registration Number** 2731938  
**Registration Date** July 1, 2003  
**Owner** (REGISTRANT) Trustees of the Coppola Family Trust, The Francis Ford Coppola, a U.S. citizen, and Eleanor Coppola, a U.S. citizen TRUST CALIFORNIA 620 Airpark Road Napa CALIFORNIA 94558

(LAST LISTED OWNER) NIEBAUM-COPPOLA ESTATE WINERY, L.P. LIMITED

**Assignment Recorded** PARTNERSHIP CALIFORNIA 620 AIRPART ROAD NAPA CALIFORNIA 94588  
**ASSIGNMENT RECORDED**

**Attorney of Record** Susan E. Hollander, Esq.

**Prior Registrations** 2156846

**Description of Mark** Color is not claimed as a feature of the mark.

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Affidavit Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20120730.

**Renewal** 1ST RENEWAL 20120730

**Live/Dead Indicator** LIVE

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**Word Mark** NC NIEBAUM-COPPOLA RUTHERFORD CALIFORNIA  
**Goods and Services** IC 033. US 047 049. G & S: WINE. FIRST USE: 20011031. FIRST USE IN COMMERCE: 20011031  
**Mark Drawing Code** (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS  
**Design Search Code** 05.09.02 - Grapes  
 20.03.10 - Bottle labels; Labels for bottles  
 26.01.08 - Circles having letters or numerals as a border; Circles having punctuation as a border; Letters, numerals or punctuation forming or bordering the perimeter of a circle  
 26.01.18 - Circles, three or more concentric; Concentric circles, three or more; Three or more concentric circles  
 26.01.21 - Circles that are totally or partially shaded.  
 26.07.21 - Diamonds that are completely or partially shaded  
**Serial Number** 76449168  
**Filing Date** September 13, 2002  
**Current Basis** 1A  
**Original Filing Basis** 1A  
**Published for Opposition** April 22, 2003  
**Registration Number** 2827105  
**Registration Date** March 30, 2004  
**Owner** (REGISTRANT) The Trustees of the Coppola Family Trust Francis Ford Coppola, a.U.S. citizen, and Eleanor Coppola, a U.S. citizen TRUST CALIFORNIA 620 Airpark Road Napa CALIFORNIA

94558

(LAST LISTED OWNER) NIEBAUM-COPPOLA ESTATE WINERY, L.P. LIMITED PARTNERSHIP  
 CALIFORNIA 620 AIRPART ROAD NAPA CALIFORNIA 94588

**Assignment Recorded** ASSIGNMENT RECORDED

**Attorney of Record** Susan E. Hollander, Esq.

**Prior Registrations** 1561263;2150945;2150948;2156846;2383398;2389952;2403959;2484445;AND OTHERS

**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "RUTHERFORD CALIFORNIA" APART FROM THE MARK AS SHOWN

**Description of Mark** The lining and stippling are a feature of the mark and do not indicate color.

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Affidavit Text** SECT 8 (6-YR).

**Live/Dead Indicator** LIVE

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# EXHIBIT C

## TRADEMARK ASSIGNMENT AGREEMENT

This Trademark Assignment Agreement ("**Trademark Agreement**") is entered into as of January 1, 2012, (the "**Effective Date**") by and between Francis Ford Coppola, as a Trustee of The Coppola Family Trust, at 916 Kearny Street, San Francisco, California 94133 ("**Assignor**") and Niebaum-Coppola Estate Winery, L.P., a California limited partnership, with its principal business offices at 620 Airpark Road, Napa, California 94558 ("**Assignee**").

WHEREAS, effective January 1, 2012, Assignor transferred all of its right, title and interest in Assignee to a third party (the "**Transfer**");

WHEREAS, Assignor is the owner of all right, title and interest in and to the trademarks listed in the attached Exhibit A, all applications and registrations pertaining thereto and all common law rights associated therewith, together with all goodwill arising from the use of and symbolization by said trademarks (the "**Trademarks**");

WHEREAS, the negotiated value of the Transfer included the value of the Trademarks;

WHEREAS, Assignor has licensed the Trademarks to Assignee for a zero royalty pursuant to the First Amended and Restated Trademark License Agreement (the "**License**") and

NOW, THEREFORE, in consideration of their mutual interests and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Assignor and Assignee agree as follows:

1. Assignor hereby assigns, transfers, sells, conveys, and delivers to Assignee, its successors and assigns, all right, title and interest in and to the Trademarks throughout the world, including without limitation the goodwill of the business appurtenant thereto and which is symbolized thereby, that portion of the business to which the Trademarks pertain, including the right to license others under the Trademark and the right to renew any trademark registrations which shall issue from the applications included in the Trademarks, to be held and enjoyed by Assignee for its own use and benefit and for the use and benefit of its successors, assigns and legal representatives, to be used as fully and entirely as said rights would have been held and enjoyed by Assignor had this assignment and sale not been made.
2. Assignor authorizes Assignee to record this agreement in the United States Patent & Trademark Office and in similar government offices throughout the world.
3. This Trademark Agreement shall be construed, performed and enforced in accordance with, and governed by, the laws of the State of California, without giving effect to the principles of conflicts of law.
4. The License shall immediately be terminated.

IN WITNESS WHEREOF, the Trademark Agreement is effective as of the day and year first above written.

**ASSIGNOR:**

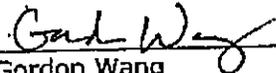
THE COPPOLA FAMILY TRUST

By:   
Name: Francis Ford Coppola  
Title: Trustee

**ASSIGNEE:**

Niebaum-Coppola Estate Winery, L.P.

By: Niebaum-Coppola Estate Winery, Inc.  
Its: General Partner

By:   
Name: Gordon Wang  
Its: Vice President

**EXHIBIT A**

<b>MARK</b>		<b>Mark Owned By:</b>	<b>country</b>	<b>licensed to:</b>	<b>Class</b>	<b>Goods &amp; Services in use (as of 11/2/09)</b>
America's Grand Wine Estate	®	Coppola Family Trust	US	NCEW	33	wines
Blancaneaux	®	Coppola Family Trust	US	NCEW	33	wines
Captain's Reserve	®	Coppola Family Trust	US	NCEW	33	wines
CASK	®	Coppola Family Trust	US	NCEW	33	wines
Edizione Pennino (design)	®	Coppola Family Trust	US	NCEW	33	wines
Gustave Niebaum	®	Coppola Family Trust	US	NCEW	33	
NC Horizontal Diamond (design)	®	Coppola Family Trust	US	NCEW	33	wines (used in CASK label design)
NC Niebaum-Coppola Rutherford California Horizontal Diamond (design)	®	Coppola Family Trust	US	NCEW	33	wines - in use on CASK case box as of May 2010
Niebaum	®	Coppola Family Trust	US	NCEW	33	
Niebaum-Coppola	®	Coppola Family Trust	US	NCEW	35	retail store services & online retail stores services
Niebaum-Coppola	®	Coppola Family Trust	US	NCEW	42	Restaurant, bar and catering services; providing banquet and social function facilities for special occasions; online information services, namely, providing a web site via global computer networks featuring information in the fields of wines, wineries and wine-making and historical and biographical information related thereto
Niebaum-Coppola	®	Coppola Family Trust	US	NCEW	33	
Niebaum-Coppola NC (& diamond design)	®	Coppola Family Trust	US	NCEW	33	

RC Reserve	®	Coppola Family Trust	US	NCEW	33	wines
Rubicon	®	Coppola Family Trust	Belize	NCEW	33	wines
Rubicon	®	Coppola Family Trust	Mexico	NCEW	33	
Rubicon	®	Coppola Family Trust	Guatemala	NCEW	33	wines
Rubicon (CO-EXIST WITH MEERLUST)	TM	Coppola Family Trust	US	NCEW	33	wines
Talia Rose	®	Coppola Family Trust	US	NCEW	33	wines