

ESTTA Tracking number: **ESTTA702581**

Filing date: **10/15/2015**

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

Proceeding	91222903
Party	Defendant Davis Estates, LLC
Correspondence Address	DANIEL A REIDY REIDY LAW GROUP 1230 SPRING ST, STE B SAINT HELENA, CA 94574-2070 UNITED STATES dan@reidylawgroup.com, colleen@reidylawgroup.com, lu-isa@reidylawgroup.com
Submission	Answer and Counterclaim
Filer's Name	Daniel A. Reidy
Filer's e-mail	dan@reidylawgroup.com, colleen@reidylawgroup.com, lu-isa@reidylawgroup.com
Signature	/daniel reidy/
Date	10/15/2015
Attachments	Ravishing Raven Applicant's Amended Answer and Counterclaim to Opp filed by Franciscan.pdf(63596 bytes ) Amended Answer & Counterclaim Exhibits.pdf(4705978 bytes )

**Registrations Subject to the filing**

Registration No	2888963	Registration date	09/28/2004
Registrant	Franciscan Vineyards, Inc. 1178 Galleron Road St. Helena, CA 94574 UNITED STATES		
Grounds for filing	The registered mark has been abandoned. The registration was obtained fraudulently.		

**Goods/Services Subject to the filing**

Class 033. First Use: 1978/10/23 First Use In Commerce: 1978/10/23 All goods and services in the class are requested, namely: Wine
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Registration No	3134833	Registration date	08/29/2006
Registrant	Franciscan Vineyards, Inc. 1178 Galleron Road St. Helena, CA 94574 UNITED STATES		
Grounds for filing	The registered mark has been abandoned. The registration was obtained fraudulently.		

**Goods/Services Subject to the filing**

Class 033. First Use: 1978/10/23 First Use In Commerce: 1980/02/29 All goods and services in the class are requested, namely: WINES
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1 the remaining allegations set forth in the First Introductory Paragraph and therefore denies the  
2 allegations contained therein.

3 1. Applicant does not have sufficient knowledge or information to form a belief as to the  
4 allegations set forth in Paragraph 1 and therefore denies the allegations contained therein. On  
5 information and belief, Opposer does not use, never has used or had any bona fide intent to use the  
6 mark RAVENS for wine or any alcoholic beverage in International Class 33. On information and  
7 belief, statements made by Registrant, by and through counsel, to the United States Patent and  
8 Trademark Office on February 2, 2003, March 14, 2003, June 1, 2004, September 2, 2010, November  
9 30, 2011 and April 29, 2014 regarding use of the mark RAVENS for wine were false and intended to  
10 procure registration of the RAVENS mark in International Class 33.  
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13 2. Applicant does not have sufficient knowledge or information to form a belief as to the  
14 allegations set forth in Paragraph 2 and therefore denies the allegations contained therein.

15 3. Applicant does not have sufficient knowledge or information to form a belief as to the  
16 allegations set forth in Paragraph 3 and therefore denies the allegations contained therein.

17 4. Applicant denies the allegations set forth in paragraph 4 in their entirety.

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19 5. Applicant does not have sufficient knowledge or information to form a belief as to the  
20 allegations set forth in Paragraph 5 and therefore denies the allegations contained therein.

21 6. Applicant does not have sufficient knowledge or information to form a belief as to the  
22 allegations set forth in Paragraph 6 and therefore denies the allegations contained therein.

23 7. Applicant does not have sufficient knowledge or information to form a belief as to the  
24 allegations set forth in Paragraph 7 and therefore denies the allegations contained therein.

25 8. Applicant denies the allegations set forth in paragraph 8 in their entirety.

26  
27 9. Applicant does not have sufficient knowledge or information to form a belief as to the  
28 allegations set forth in Paragraph 9 and therefore denies the allegations contained therein.





1 RAVENS for the following goods and services, alleging a date of first use of October 23, 1978 and date of first  
2 use in commerce of February 29, 1980:

3 Utility knives; cellar temperature gauges, bottle thermometers not for medical use; bottle  
4 stoppers made primarily of rubber and substitutes therefore; wine glasses, cheese boards,  
5 coasters, not of paper and not being table linen, decanters, coolers for wine, wine racks, thermal  
6 insulated tote bags for food or beverages, wine bottle foil cutters, corkscrews, cork pullers,  
7 aprons, shirts, t-shirts, caps, jackets, entertainment and educational services, namely providing  
8 information pertaining to wine selection, evaluation and etiquette; training pertaining to  
9 promotion and marketing of wine, promotion responsible for consumption of alcoholic  
10 beverages; providing entertainment advice, recipes, a forum for asking questions and  
11 exchanging information in the fields of wine, wine consumption, entertaining and party ideas;  
12 and wine. (emph. added).

13 In support of its application, Opposer submitted the attached specimen of use. *See* Exh. C (U.S.  
14 Application Serial No. 78209897).

15 5. In responses to Office Actions submitted to the USPTO and dated June 1, 2004, May 10, 2005  
16 and November 16, 2005, Opposer deleted several goods and services, thereby amending its application for the  
17 following goods:

18 Class 25: Aprons, shirts, T-shirts, caps, jackets, alleging a date of first use of October 23, 1978  
19 and date of first use in commerce of December 31, 1980;  
20 Class 33: Wines, alleging a date of first use of October 23, 1978 and date of first use in  
21 commerce of February 29, 1980.

22 *See* Exh. D (Office Actions filed on June 1, 2004, May 10, 2005 and November 16, 2005).

23 6. Based on its application and declarations made to the USPTO, Opposer obtained registration on  
24 the Principle Register of the mark RAVENS in Class 25 for “aprons, shirts, T-shirts, caps, jackets” and in Class  
25 33 for “wines” on August 29, 2006. *See* Exh. E (Opposer’s RAVENS Registration No. 3134833).

26 7. On November 30, 2011, Opposer filed a Combined Declaration of Use and Incontestability  
27 under Sections 8 & 15 for Registration No. 3134833, alleging continued use of RAVENS for “shirts, t-shirts,  
28 caps, jackets” in Class 25 (thereby deleting aprons) and for “wines” in Class 33. In support of its Declaration,  
Opposer submitted the attached specimen of use. *See* Exh. F (Declaration filed on November 30, 2011  
regarding Registration No. 3134833).

8. On March 14, 2003, Opposer filed a separate application to register the mark RAVENS, U.S.  
Serial No. 78225748, for “wine” in International Class 33, alleging a date of first use of October 23, 1978 and

1 date of first use in commerce of October 23, 1978. In support of its application, Opposer filed the attached  
2 specimen of use. See Exh. G (Application Serial No. 78225748).

3 9. Based on its application and declarations made to the USPTO, Opposer obtained registration on  
4 the Principle Register of the mark RAVENS in Class 33 for “wine” on September 29, 2004. See Exh. H  
5 (Opposer’s RAVENS Registration No. 2888963).

6 10. On September 2, 2010, Opposer filed a Combined Declaration of Use and Incontestability under  
7 Sections 8 & 15 for Registration No. 2888963, alleging continued use of RAVENS for “wine” in Class 33. In  
8 support of its Declaration, Opposer submitted the attached specimen of use. See Exh. I (Declaration filed on  
9 September 2, 2010 regarding Registration No. 2888963).

10 11. On April 29, 2014, Opposer filed a Combined Declaration of Use and Application for Renewal  
11 of Registration of a Mark Under Sections 8 & 9 for Registration No. 2888963, alleging continued use of  
12 RAVENS for “wine” in Class 33. In support of its Declaration, Opposer submitted the attached specimen of  
13 use. See Exh. J (Declaration filed on April 29, 2014 regarding Registration No. 2888963).

14 12. On information and belief, Opposer has made no use of the mark RAVENS in connection with  
15 wine.

16 13. On information and belief, Opposer has never used and/or is no longer using the mark  
17 RAVENS in connection with wine.

18 14. On information and belief, Opposer never had and/or no longer has any bona fide intent to use  
19 the mark RAVENS in connection with wine.

20 15. On information and belief, Opposer’s declarations alleging use of the RAVENS mark as made  
21 to the USPTO on February 2, 2003, March 14, 2003, June 1, 2004, May 10, 2005, November 16, 2005,  
22 September 2, 2010, November 30, 2011 and April 29, 2014 were made in bad faith and in attempt to perpetrate  
23 fraud upon the USPTO to procure registration or renewal of the mark RAVENS.

24 16. Applicant will be damaged by Opposer’s continued registration of the mark RAVENS in  
25 International Class 33 because the RAVENS Registrations will create a cloud on the lawful right of the  
26 Applicant to adopt and use the RAVISHING RAVEN mark and serve as a basis for Opposer’s opposition to  
27  
28

1 Applicant's RAVISHING RAVEN mark. Therefore, U.S. Registration Nos. 2888963 and 3134833 in  
2 International Class 33 are a source of damage and injury to Applicant.

3 17. On information and belief, Opposer has always marketed and sold, and continued to market and  
4 sell, its wine under the mark RAVENSWOOD.

5 18. Cancellation of the RAVENS Registrations as to International Class 33 will avoid any  
6 likelihood of confusion between Applicant's RAVISHING RAVEN mark and Opposer's RAVENSWOOD  
7 marks.

### 8 **COUNT I**

#### 9 **FIRST BASIS FOR CANCELLATION: ABANDONMENT BY NON-USE**

10 19. Applicant repeats and alleges the allegations contained in the foregoing paragraphs as if set  
11 forth fully herein.

12 20. Pursuant to 15 U.S.C. § 1127,

13 *"A mark shall be deemed to be 'abandoned' . . . [if] its use has been discontinued with intent*  
14 *not to resume such use. Intent not to resume may be inferred from circumstances. Nonuse for 3*  
15 *consecutive years shall be prima facie evidence of abandonment. 'Use' of a mark means the*  
16 *bona fide use of such mark made in the ordinary course of trade, and not made merely to*  
17 *reserve a right in a mark."* 15 U.S.C. § 1127.

18 21. On information and belief, Opposer has not used in commerce the mark RAVENS for wine  
19 during the last three years.

20 22. On information and belief, Opposer is not currently selling any wine under the RAVENS mark,  
21 and never has.

22 23. On information and belief, Opposer has not had any bona fide intent to use the RAVENS mark  
23 for wine and does not intend to commence bona fide use of the RAVENS mark for wine.

24 24. Accordingly, Opposer has abandoned the RAVENS mark for wine, causing the mark to lose its  
25 significance as an indication of origin.  
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**COUNT II**

**SECOND BASIS FOR CANCELLATION: FRAUD**

25. Applicant repeats and alleges the allegations contained in the foregoing paragraphs as if set forth fully herein.

26. Pursuant to 15 U.S.C. § 1064, a petition to cancel a registration of a mark may be filed by any person who believes that he is or will be damaged by the registration of a mark on the principal register if the registration was obtained fraudulently.

27. Fraud in obtaining renewal of a registration amounts to fraud in obtaining a registration within the meaning of 15 U.S.C. § 1064(3). *See Torres v. Cantine Torresella S.r.l.*, 808 F.2d 46, 48 (Fed. Cir. 1986).

28. On February 2, 2003, Opposer filed U.S. Application Serial No. 78209897 for RAVENS for wine, among other goods, averring to the USPTO that it was using or had used the RAVENS mark in connection with all of the recited goods in commerce **since February 29, 1980** and that “all statements made of his/her own knowledge are true[.]” *See* Exh. C.

29. On June 1, 2004, Opposer submitted a response to an office action for U.S. Application Serial No. 78209897 stating that Opposer had first used the RAVENS mark in commerce for wines since February 29, 1980 and that “all statements made of his own knowledge are true[.]” *See* Exh. D.

30. On November 30, 2011, Opposer filed a Combined Declaration of Use and Incontestability under Sections 8 & 15 for Registration No. 3134833, averring to the USPTO that the RAVENS mark “is in use in commerce” and “has been continuously used in commerce for five (5) consecutive years” and that “all statements made of his/her knowledge are true[.]” *See* Exh. F.

31. On March 14, 2003, Opposer filed U.S. Application Serial No. 78225748 for RAVENS for wine, averring to the USPTO that it was using or had used the RAVENS mark in connection with wine in commerce **since October 23, 1978**, two years prior to the alleged date of first use in U.S. Application Serial No. 78209897 for the same mark for the same goods, and that “all statements made of his/her own knowledge are true[.]” *See* Exh. G.

32. On September 2, 2010, Opposer filed a Combined Declaration of Use and Incontestability under

1 Sections 8 & 15 for Registration No. 2888963, averring to the USPTO that RAVENS mark “is in use in  
2 commerce” and “has been continuously used in commerce for five (5) consecutive years” and that “all  
3 statements made of his/her knowledge are true[.]” *See* Exh. I.

4 33. On April 29, 2014, Opposer filed a Combined Declaration of Use and Application for Renewal  
5 of Registration of a Mark Under Sections 8 & 9 for Registration No. 2888963, averring to the USPTO that “the  
6 mark is in use in commerce” and that “all statements made of his/her knowledge are true[.]” *See* Exh. J.

7 34. On information and belief, Opposer was not using, had not used and had no bona fide intent to  
8 use the mark RAVENS in connection with the goods cited in the RAVENS Registrations, namely wine or  
9 wines, on February 2, 2003, March 14, 2003, June 1, 2004, September 2, 2010, November 30, 2011, or April 29,  
10 2014, the dates Opposer submitted to the USPTO that it had used or was using the mark RAVENS. Thus, on  
11 information and belief, when Opposer submitted its declarations to the USPTO, such information was false and  
12 Opposer misrepresented the nature of its use of the mark RAVENS.  
13

14 35. On information and belief, the alleged dates of first use and first use in commerce listed by  
15 Opposer in Application Serial Nos. 78225748 and 78209897 for the RAVENS marks were based on Opposer’s  
16 date of first use and first use in commerce for Opposer’s RAVENSWOOD mark.

17 36. On information and belief, Opposer knowingly made such false statements to the USPTO with  
18 the specific intent to deceive the USPTO into believing it was using a mark that it was not using, RAVENS, and  
19 with the intent to procure a registration or renewal to which Opposer was not entitled.  
20

21 37. The USPTO issued or renewed the RAVENS Registrations for the recited goods pursuant to the  
22 declarations that the facts in the applications were true. The recitations were material to the issuance or renewal  
23 of the registrations.

24 38. On information and belief, Opposer procured the registration and/or renewal of the RAVENS  
25 Registrations with deceptive intent to perpetrate fraud upon the USPTO when it made false, material  
26 representations to the USPTO regarding its use of the RAVENS marks.

27 39. Continued registration of the RAVENS marks shown in the RAVENS Registrations will result  
28 in damage to Applicant pursuant to the allegations stated above, and create a cloud on the lawful right of

1 Applicant to adopt and use the mark RAVISHING RAVEN and may prevent Applicant from obtaining federal  
2 registration of the mark RAVISHING RAVEN.

3 WHEREFORE, Applicant respectfully requests cancellation of U.S. Registration Nos. 2888963 and  
4 3134833, as to International Class 33, and for such other relief as may be deemed just and proper, on the  
5 grounds that the RAVENS trademark for wine(s) has been abandoned and/or fraudulently procured by Opposer.  
6

7 Respectfully Submitted,

8 October 15, 2015

By: /Daniel A. Reidy/  
Daniel A. Reidy  
*Attorney for Applicant*

10 REIDY LAW GROUP  
11 1230 Spring Street  
12 St. Helena, CA 94574  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing FIRST AMENDED ANSWER TO OPPOSITION AND COUNTER-CLAIM TO CANCEL OPPOSER'S REGISTRATION NOS. 2888963 AND 3134833 AS TO CLASS 33 has been served on Stephen L. Baker, counsel for Franciscan Vineyards, Inc., by mailing said copy on October 15, 2015, via First Class Mail, postage prepaid to 575 Route 28, Suite 102, Raritan, NJ 08869.

October 15, 2015

By: /Daniel A. Reidy/  
Daniel A. Reidy  
*Attorney for Applicant*

REIDY LAW GROUP  
1230 Spring Street  
St. Helena, CA 94574

# EXHIBIT A

RAVENS



WOOD

You must be 21 years of age or older to enter this site.

Please select your date of birth below:

October 15 2010 **SUBMIT**

Ravenswood Winery supports the efforts of the Century Council against drunk driving and underage drinking.  
For more information about the work of the Century Council, [click here](#).



Ravenswood's "No Wimpy Wines" credo says it all – embrace the bold, abhor the bland. From our flock of **Single Vineyard Designate** wines, as unique as the individual vineyards they're from and the people who farm them, to the **County Series** wines that capture the spirit of California's best growing regions and the popular **Vintners Blend** bottlings sourced from vineyards throughout California, we strive to put what we pick from the fields right into the bottle. Unadulterated, unapologetic, unfussy, unwimpy.

[Winery history](#)

Ravenswood wines are powerful personalities – down-to-earth, elegantly rustic and robust. From our flock of **Single Vineyard Designate** wines, as unique as the individual vineyards they're from and the people that farm them, to the **County Series** wines that capture the spirit of California's best growing regions and the popular **Vintners Blend** bottlings sourced from vineyards throughout California, we strive to put what we pick from the fields right into the bottle. Unadulterated, unapologetic, unfussy, unwimpy.

[Wine Finder](#)



**RAVENSWOOD SHOP**

Homepage > Wines

ABOUT US

JOEL

VISIT US

WINES

Wine Club Featured >

By Varietal >

By Family >

All Wines >

Salsa >

Winery Exclusives >

WINE CLUBS

NEWSLETTER

CUSTOMER SERVICE

STAR SHIPPING

PRODUCT LOCATOR

MEMBERS

Shipping to: CA ▾

Quantity	Ground to CA
1-3 Bottles	\$22.16
4-6 Bottles	\$26.17
7-9 Bottles	\$30.90
10-12 Bottles	\$33.54



### SALSA DE RAVENSWOOD

Ravenswood has partnered with **La Fundidora**, a Brooklyn-based producer of artisanal Mexican salsa, to create two unique salsas infused with our Old Vine Zinfandels from Sonoma and Lodi.

BY FAMILY

Icon

Single Vineyard Designates

County Series

Limited Releases

Club Featured Wines

All Wines

BY VARIETAL

Chardonnay

Merlot

Zinfandel

Petite Sirah

Cabernet Sauvignon

Other Red Wines



**RAVENSWOOD SHOP**

Homepage > Wines > All Wines

ABOUT US

JOEL

VISIT US

WINES

Wine Club Featured >

By Varietal >

By Family >

All Wines >

Salsa >

Winery Exclusives >

WINE CLUBS

NEWSLETTER

CUSTOMER SERVICE

STAR SHIPPING

PRODUCT LOCATOR

MEMBERS

Shipping to: CA ▾

Quantity	Ground to CA
1-3 Bottles	\$22.16
4-6 Bottles	\$26.17
7-9 Bottles	\$30.90
10-12 Bottles	\$33.54

Sort By: Product Title (A to Z)

1 | 2 | 3 | 4 Of 4 >



**2010 Ravenswood Icon Red Blend Sonoma County**  
View Product Details »

*In Stock*

\$75.00  Add To Cart

\$900.00 / Case of 12  
Buy Case



**2011 Ravenswood Moscato Leggero**  
View Product Details »

*In Stock*

\$22.00  Add To Cart

\$264.00 / Case of 12  
Buy Case



**2011 Ravenswood Rancho Salina Cabernet Franc Sonoma Valley**  
View Product Details »

*In Stock*

Wine Club Exclusive

\$37.00  Add To Cart

\$444.00 / Case of 12  
Buy Case



**2011 Ravenswood Rancho Salina Red Wine Blend Sonoma Valley**  
View Product Details »

*In Stock*

\$40.00  Add To Cart

\$480.00 / Case of 12  
Buy Case



**2012 Ravenswood Angeli Carignane Alexander Valley**  
View Product Details »

*In Stock*



**2012 Ravenswood Bedrock Barbera Sonoma Valley**  
View Product Details »

*In Stock*

# EXHIBIT B

**Int. Cl.: 33**

**Prior U.S. Cls.: 47 and 49**

**Reg. No. 2,132,719**

**United States Patent and Trademark Office**

**Registered Jan. 27, 1998**

**TRADEMARK  
PRINCIPAL REGISTER**

**RAVENSWOOD**

**RAVENSWOOD WINERY, INC. (CALIFORNIA  
CORPORATION)  
18701 GEHRICKE ROAD  
SONOMA, CA 95476**

**FIRST USE 10-23-1978; IN COMMERCE  
2-29-1980.**

**SER. NO. 75-253,709, FILED 3-7-1997.**

**FOR: WINE, IN CLASS 33 (U.S. CLS. 47 AND  
49).**

**SUSAN LESLIE, EXAMINING ATTORNEY**

**Int. Cl.: 30**

**Prior U.S. Cl.: 46**

**United States Patent and Trademark Office**

**Reg. No. 3,457,923**

Registered July 1, 2008

**TRADEMARK  
PRINCIPAL REGISTER**

**RAVENS WOOD**

FRANCISCAN VINEYARDS, INC. (DELAWARE  
CORPORATION)  
1178 GALLERON ROAD  
ST. HELENA, CA 94574

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

FOR: BARBEQUE SAUCE; PICANTE SAUCE;  
READY-MADE SAUCES; SAUCES; SAUCES FOR  
BARBECUED MEAT, IN CLASS 30 (U.S. CL. 46).

SER. NO. 77-356,861, FILED 12-20-2007.

FIRST USE 8-0-2004; IN COMMERCE 8-0-2004.

MICHAEL KAZAZIAN, EXAMINING ATTORNEY

# United States of America

United States Patent and Trademark Office

## RAVENSWOOD

**Reg. No. 3,954,905**

**Registered May 3, 2011**

**Int. Cl.: 35**

**SERVICE MARK**

**PRINCIPAL REGISTER**

FRANCISCAN VINEYARDS INC. (DELAWARE CORPORATION)  
1178 GALLERON ROAD  
ST. HELENA, CA 94574

FOR: BUYERS' CLUB SERVICES; CUSTOMER LOYALTY SERVICES AND CUSTOMER CLUB SERVICES, FOR COMMERCIAL, PROMOTIONAL AND/OR ADVERTISING PURPOSES; RETAIL GIFT SHOPS; RETAIL STORE AND ON-LINE RETAIL STORE SERVICES FEATURING WINES AND WINE ACCESSORIES, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 4-1-2010; IN COMMERCE 4-1-2010.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,118,152, 3,134,833 AND OTHERS.

SER. NO. 85-123,735, FILED 9-7-2010.

EUGENIA MARTIN, EXAMINING ATTORNEY



*David J. Kyfos*

Director of the United States Patent and Trademark Office

# EXHIBIT C

**Drawing Page**

**Serial Number:**

78209897

**Applicant:**

Franciscan Vineyards, Inc.  
1178 Galleron Road  
St. Helena CA USA 94574



**Date of First Use:**

10/23/1978

**Date of First Use in Commerce:**

02/29/1980

**Goods and Services:**

Utility knives; cellar temperature gauges, bottle thermometers not for medical use; bottle stoppers made primarily of rubber and substitutes therefore; wine glasses, cheese boards, coasters, not of paper and not being table linen, decanters, coolers for wine, wine racks, thermal insulated tote bags for food or beverages, wine bottle foil cutters, corkscrews, cork pullers; aprons, shirts, t-shirts, caps, jackets; entertainment and educational services, namely providing information pertaining to wine selection, evaluation, and etiquette; training pertaining to promotion and marketing of wine, promotion responsible for consumption of alcoholic beverages; providing entertainment advice, recipes, a forum for asking questions and exchanging information in the fields of wine, wine consumption, entertaining and party ideas; and wine

**Mark:**

RAVENS



NO OCR



02-02-2003

**Internet Transmission Date:**

2003/02/02

**Serial Number:**

78209897

**Filing Date:**

2003/02/02



TRADEMARK APPLICATION

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE  
FEE RECORD SHEET

TOTAL FEES PAID: \$335

RAM SALE NUMBER: 537  
RAM ACCOUNTING DATE: 02/03/2003



NO OCR



02-02-2003

<b>DOCUMENT INFORMATION</b>	
<b>TRADEMARK/SERVICEMARK APPLICATION</b>	
<b>VERSION 1.24</b>	
<b>APPLICANT INFORMATION</b>	
NAME	Franciscan Vineyards, Inc.
STREET	1178 Galleron Road
CITY	St. Helena
STATE	CA
COUNTRY	USA
ZIP/POSTAL CODE	94574
<b>APPLICANT ENTITY INFORMATION</b>	
CORPORATION: STATE/COUNTRY OF INCORPORATION	Delaware
<b>TRADEMARK/SERVICEMARK INFORMATION</b>	
MARK	RAVENS
TYPED FORM	Yes
<b>BASIS FOR FILING AND GOODS/SERVICES INFORMATION</b>	
USE IN COMMERCE: SECTION 1(a)	Yes
SPECIMEN	Yes
SPECIMEN DESCRIPTION	Digital photograph of labels applied to container for the goods
INTERNATIONAL CLASS NUMBER	033
LISTING OF GOODS AND/OR SERVICES	Utility knives; cellar temperature gauges, bottle thermometers not for medical use; bottle stoppers made primarily of rubber and substitutes therefore; wine glasses,

	cheese boards, coasters, not of paper and not being table linen, decanters, coolers for wine, wine racks, thermal insulated tote bags for food or beverages, wine bottle foil cutters, corkscrews, cork pullers; aprons, shirts, t-shirts, caps, jackets; entertainment and educational services, namely providing information pertaining to wine selection, evaluation, and etiquette; training pertaining to promotion and marketing of wine, promotion responsible for consumption of alcoholic beverages; providing entertainment advice, recipes, a forum for asking questions and exchanging information in the fields of wine, wine consumption, entertaining and party ideas; and wine
FIRST USE ANYWHERE DATE	10/23/1978
FIRST USE IN COMMERCE DATE	02/29/1980
<b>OPTIONAL INFORMATION</b>	
PRIOR REGISTRATION(S)	Applicant claims ownership of U.S. Registration Number(s) 2132719 and 2118152.
<b>ATTORNEY INFORMATION</b>	
NAME	Stephen L. Baker
STREET	626 North Thompson Street
CITY	Raritan
STATE	NJ
COUNTRY	USA
ZIP/POSTAL CODE	08869
FIRM NAME	Baker & Rannells
E-MAIL ADDRESS	Stephen.Baker4@verizon.net
AUTHORIZE E-MAIL COMMUNICATION	Yes
TELEPHONE NUMBER	908 722 5640
FAX NUMBER	908 725 7088
OTHER APPOINTED	John M. Rannells

ATTORNEY(S)	
<b>FEE INFORMATION</b>	
TOTAL FEES PAID	335
NUMBER OF CLASSES PAID	1
NUMBER OF CLASSES	1
<b>LAW OFFICE INFORMATION</b>	
E-MAIL ADDRESS FOR CORRESPONDENCE	Stephen.Baker4@verizon.net
<b>SIGNATURE AND OTHER INFORMATION</b>	
SIGNATURE	/Stephen L. Baker/
DATE	02/02/2003
NAME	Stephen L. Baker
TITLE	Lawyer
<b>MAILING ADDRESS</b>	
LINE	Stephen L. Baker
LINE	Baker & Rannells
LINE	626 North Thompson Street
LINE	Raritan NJ USA 08869
<b>SERIAL NUMBER INFORMATION</b>	
SERIAL NUMBER	78209897
<b>RAM INFORMATION</b>	
RAM SALE NUMBER	537
RAM ACCOUNTING DATE	02/03/2003

INTERNET TRANSMISSION DATE	Sun Feb 02 14:15:47 EST 2003
TEAS STAMP	USPTO/BAS-1388980189-20030202141547968015-78209897- 2004e65f3224860bdfc12726dc093fa5d-RAM-537-20030202141231218050
E-MAIL ADDRESS FOR ACKNOWLEDGMENT	Stephen.Baker4@verizon.net;l.johnson133@verizon.net

<SERIAL NUMBER> 78209897  
<FILING DATE> 02/02/2003

<DOCUMENT INFORMATION>  
<TRADEMARK/SERVICEMARK APPLICATION>  
<VERSION 1.24>

<APPLICANT INFORMATION>  
<NAME> Franciscan Vineyards, Inc.  
<STREET> 1178 Galleron Road  
<CITY> St. Helena  
<STATE> CA  
<COUNTRY> USA  
<ZIP/POSTAL CODE> 94574

<APPLICANT ENTITY INFORMATION>  
<CORPORATION: STATE/COUNTRY OF INCORPORATION> Delaware

<TRADEMARK/SERVICEMARK INFORMATION>  
<MARK> RAVENS  
<TYPED FORM> Yes

~Applicant requests registration of the above-identified trademark/service mark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq., as amended).~

<BASIS FOR FILING AND GOODS/SERVICES INFORMATION>

<USE IN COMMERCE: SECTION 1(a)> Yes

~The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, or the applicant's predecessor in interest used the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended.~

Applicant attaches one SPECIMEN for each class showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services.

<SPECIMEN> Yes

<SPECIMEN DESCRIPTION> Digital photograph of labels applied to container for the goods

<INTERNATIONAL CLASS NUMBER> 033

<LISTING OF GOODS AND/OR SERVICES> Utility knives; cellar temperature gauges, bottle thermometers not for medical use; bottle stoppers made primarily of rubber and substitutes therefore; wine glasses, cheese boards, coasters, not of paper and not being table linen, decanters, coolers for wine, wine racks, thermal insulated tote bags for food or beverages, wine bottle foil cutters, corkscrews, cork pullers; aprons, shirts, t-shirts, caps, jackets; entertainment and

educational services, namely providing information pertaining to wine selection, evaluation, and etiquette; training pertaining to promotion and marketing of wine, promotion responsible for consumption of alcoholic beverages; providing entertainment advice, recipes, a forum for asking questions and exchanging information in the fields of wine, wine consumption, entertaining and party ideas; and wine

<FIRST USE ANYWHERE DATE> 10/23/1978

<FIRST USE IN COMMERCE DATE> 02/29/1980

**<OPTIONAL INFORMATION>**

<PRIOR REGISTRATION(S)> Applicant claims ownership of U.S. Registration Number(s) 2132719 and 2118152.

**<ATTORNEY INFORMATION>**

<NAME> Stephen L. Baker  
<STREET> 626 North Thompson Street  
<CITY> Raritan  
<STATE> NJ  
<COUNTRY> USA  
<ZIP/POSTAL CODE> 08869  
<FIRM NAME> Baker & Rannells  
<E-MAIL ADDRESS> Stephen.Baker4@verizon.net  
<AUTHORIZE E-MAIL COMMUNICATION> Yes  
<TELEPHONE NUMBER> 908 722 5640  
<FAX NUMBER> 908 725 7088  
<OTHER APPOINTED ATTORNEY(S)> John M. Rannells

**<FEE INFORMATION>**

<TOTAL FEES PAID> 335  
<NUMBER OF CLASSES PAID> 1  
<NUMBER OF CLASSES> 1

**<LAW OFFICE INFORMATION>**

~The USPTO is authorized to communicate with the applicant's attorney at the below e-mail address~

<E-MAIL ADDRESS FOR CORRESPONDENCE> Stephen.Baker4@verizon.net

**<SIGNATURE AND OTHER INFORMATION>**

~The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the

applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.~

<SIGNATURE> /Stephen L. Baker/  
<DATE> 02/02/2003  
<NAME> Stephen L. Baker  
<TITLE> Lawyer

**<MAILING ADDRESS>**

<LINE> Stephen L. Baker  
<LINE> Baker & Rannells  
<LINE> 626 North Thompson Street  
<LINE> Raritan NJ USA 08869

**<SERIAL NUMBER INFORMATION>**

<SERIAL NUMBER> 78209897

**<RAM INFORMATION>**

<RAM SALE NUMBER> 537  
<RAM ACCOUNTING DATE> 02/03/2003  
<INTERNET TRANSMISSION DATE> Sun Feb 02 14:15:47 EST 2003  
<TEAS STAMP>

USPTO/BAS-1388980189-20030202141547968015-78209897-  
2004e65f3224860bdfc12726dc093fa5d-RAM-537-20030202141231218050  
E-MAIL ADDRESS FOR ACKNOWLEDGMENT>  
Stephen.Baker4@verizon.net;l.johnson133@verizon.net

**ORIGINAL SPECIMEN**

**Internet Transmission Date:**

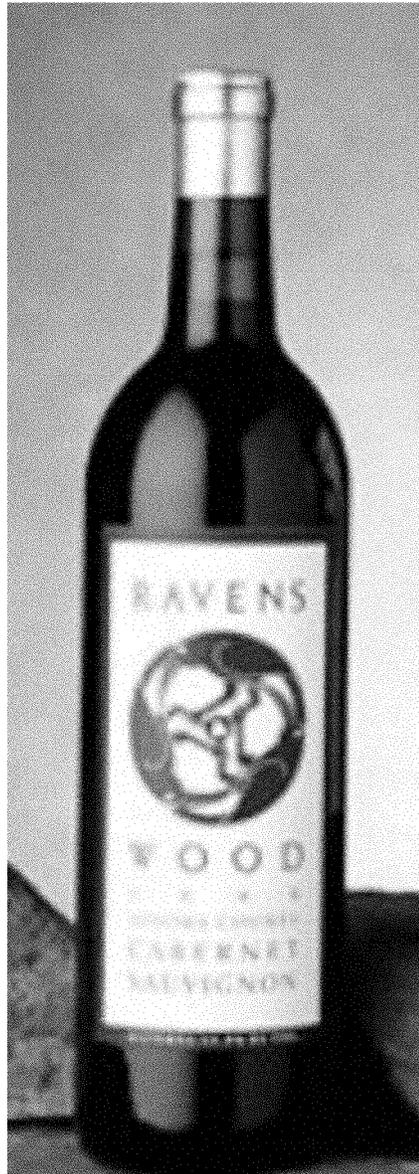
2003/02/02

**Serial Number:**

78209897

**Filing Date:**

2003/02/02



The applicant has submitted required color specimen. The USPTO has printed only one copy of the specimen, and extra copies can be produced in-house as needed.



# EXHIBIT D

# Incoming Correspondence Routing Sheet

To: TMO LAW OFFICE 116 (NEWINGTON)

Word Mark: RAVENS

Serial No: 78209897



Mail Date: 06042004



Doc. Type: Amendments to Response



ASST. COMM. FOR  
TRADEMARKS  
2004 JUN 14 P 3:18  
U.S. PATENT  
AND  
TRADEMARK OFFICE

---

## Fee

RAM Mail Date: 060404



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TRADEMARK LAW OFFICE 116  
SERIAL NUMBER: 78/209897  
MARK: RAVENS

APPLICANT: Franciscan Vineyards, Inc.  
FILED: February 2, 2003

Assistant Commissioner  
For Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Attn: Karen Bracey, Trademark Attorney, Law Office 116

Responsive to the Office Action of July 31, 2003:

**Identification Of Goods/Services:** The Examining Attorney has separated the goods recited in the application into eight different classes. The applicant is deleting various goods from the application and limiting its application to four classes.

Please delete the following from the recitation of goods and services:

1. Please delete all goods in Class 8, namely delete "utility knives".
2. Please delete all goods in Class 9, namely delete "cellar temperature gauges; bottle thermometers not for medical use".
3. Please delete "wine glasses", "cheese cutting boards", "coasters not of paper and not being table linen", "decanters", and "wine bottle foil cutters" from the Class 21 goods.
4. Please delete all goods in Class 38, namely delete "providing on-line chat rooms for transmission of messages among computer users concerning wine and wine consumption.

06/14/2004 JBR00K51 00000051 78209897

01 FC:6001

1005.00 OP



06-04-2004

U.S. Patent & TMO/TM Mail RptDt. #77

Accordingly, please now amend the recitation of goods and services to read as follows (the goods and services are recited in the manner and form suggested by the Examining Attorney):

Class 21: Coolers for wine, wine racks, thermal insulated tote bags for food or beverages, corkscrews, cork pullers.

Class 25: Aprons, shirts, T-shirts, caps, jackets.

Class 33: Wines.

Class 41: Entertainment and educational services, namely, providing information pertaining to wine selection, evaluation and etiquette; providing training to others in the field of wine promotion and marketing and how to promote responsible consumption of wine; providing entertainment advice in the nature of recipes, information about wine and wine consumption and party ideas.

**Dates of First Use:**

With regard to the Class 21 goods, the mark was first used at least as early as December 31, 1979. The date of first use of the mark in commerce which the U.S. Congress may regulate is at least as early as February 29, 1980.

Type of commerce: interstate

The mark is used on labels affixed to the goods and/or is imprinted directly upon the goods, and in other manners customary to the trade, and a color copy of a specimen showing the mark as used is enclosed. Applicant would be pleased to electronically forward a jpeg of the specimen at the Examining Attorney's request.

With regard to the Class 25 goods, the mark was first used at least as early as December 31, 1983. The date of first use of the mark in commerce which the U.S. Congress may regulate is at least as early as December 31, 1983.

Type of commerce: interstate

The mark is used on labels affixed to the goods and/or is imprinted directly upon the goods, and in other manners customary to the trade, and a color copy of a specimen showing the mark as used is enclosed. Applicant would be pleased to electronically forward a jpeg of the specimen at the Examining Attorney's request.

With regard to the Class 33 goods, the mark was first used at least as early as October 23, 1978. The date of first use of the mark in commerce which the U.S. Congress may regulate is at least as early as February 29, 1980.

Type of commerce: interstate

The mark is used on labels affixed to the goods, and in other manners customary to the trade. A specimen was sent with the original application.

With regard to the Class 41 services, the mark was first used at least as early as December 31, 1978. The date of first use of the mark in commerce which the U.S. Congress may regulate is at least as early as February 29, 1980.

Type of commerce: interstate

The mark is used on brochures, promotional materials, and in other manners customary to the trade, and a color copy of a specimen showing the mark as used is enclosed. Applicant would be pleased to electronically forward a jpeg of the specimen at the Examining Attorney's request.

**Classification / Additional Classes:** Following the limitations identified above, there are now four different classes. Accordingly, enclosed herewith (see enclosed PTO-2038 Credit Card Payment Form) is payment in the amount of \$1,005.00 in payment of the three additional classes. The dates of first use are set forth in the immediately preceding paragraphs.

**The 2(d) Initial Rejection:** The application has been initially rejected based upon (1) Reg. No. 1828057 for the mark RAVEN for cutlery; namely, pocket knives (the "057 Registration"), and (2) Reg. No. 2075310 for the mark RAVEN (stylized) and design of a raven for glassware and dinnerware, namely, glasses, decanters, plates, mugs, cups, saucers, platters (the "310 Registration"). The cited registrations are owned by different entities.

**Regarding the '057 Registration:** The Examining Attorney states that "[t]he applicant's board range of goods includes "utility knives, which are frequently pocketknives . . . . As such, some of applicant's goods are identical to the goods of the registrants." Applicant understands the Examining Attorney's concern to be with the "utility knives" set forth in the application. As indicated above, Applicant has deleted the following goods from its application: utility knives, cheese cutting boards, and wine bottle foil cutters, namely those goods that could be considered identical or closely related to the goods set forth in the '057 Registration. As such, the '057 Registration citation should now be withdrawn.

**Regarding the '310 Registration:** The Examining Attorney states that "[t]he applicant's board range of goods includes "wine glasses, which are a type of glassware

... As such, some of applicant's goods are identical to the goods of the registrants." Applicant understands the Examining Attorney's concern to be with the "wine glasses" set forth in the application. As indicated above, Applicant has deleted the following goods from its application: wine glasses, coasters not of paper and not being table linen, and decanters, namely those goods that could be considered of the same type or closely related to the goods set forth in the '310 Registration. As such, the '310 Registration citation should now be withdrawn.

**Claim of Ownership:** Applicant claims ownership of the following U.S. trademark registrations, all of which are in good order:

Reg. No. 2132719 for the mark RAVENSWOOD for wine.

Reg. No. 2118153 for a mark comprised of a design of ravens for clothing, namely, aprons, bandanas, caps, gym shorts, hats, jeans jackets, polo shirts, tank tops, T-shirts, and sweatshirts.

Reg. No. 2130653 for a mark comprised of a design of ravens for wine.

Please make the above claims of record in association with the application in issue.

The undersigned declares that the additional specimens submitted herewith were in use in commerce at least as early as February 2, 2003, the filing date of the application.

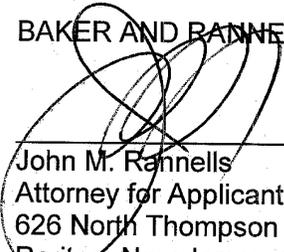
The undersigned further declares that he is authorized to sign this declaration on behalf of the Applicant (pursuant to Trademark Rule 2.33(3), all statements made of his own knowledge are true, and that all statements made on information and belief are

believed to be true; and further, that these statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or document or any registration resulting therefrom.

Allowance is thought to be in order.

Respectfully submitted,

BAKER AND RANNELLS PA



---

John M. Rannells  
Attorney for Applicant  
626 North Thompson Street  
Raritan, New Jersey 08869  
(908) 722-5640  
[jmr@br-tmlaw.com](mailto:jmr@br-tmlaw.com)

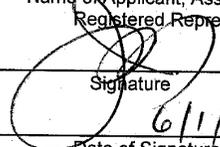
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202.

6/1/2004

Date of Deposit

JOHN M. RANNELLS

Name of Applicant, Assignee, or  
Registered Representative



Signature

6/1/2004

Date of Signature

## Response to Office Action

**The table below presents the data as entered.**

Input Field	Entered
<b>SERIAL NUMBER</b>	78209897
<b>MARK SECTION (no change)</b>	
<b>GOODS AND/OR SERVICES SECTION (1st class)(no change)</b>	
<b>GOODS AND/OR SERVICES SECTION (2nd class)(no change)</b>	
<b>GOODS AND/OR SERVICES SECTION (3rd class)(no change)</b>	
<b>GOODS AND/OR SERVICES SECTION (4th class)(class deleted)</b>	
INTERNATIONAL CLASS	041
DESCRIPTION	
ENTERTAINMENT AND EDUCATION SERVICES, NAMELY, PROVIDING INFORMATION PERTAINING TO WINE SELECTION, EVALUATION AND ETIQUETTE; PROVIDING TRAINING TO OTHERS IN THE FIELD OF WINE PROMOTION AND MARKETING AND HOW TO PROMOTE RESPONSIBLE CONSUMPTION OF WINE; PROVIDING ENTERTAINMENT ADVICE IN THE NATURE OF RECIPES, INFORMATION ABOUT WINE AND WINE CONSUMPTION AND PARTY IDEAS	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	12/31/1978
FIRST USE IN COMMERCE DATE	02/29/1980
<b>SIGNATURE SECTION</b>	
RESPONSE SIGNATURE	/stephen baker/
SIGNATORY NAME	Stephen L. Baker
SIGNATORY POSITION	attorney
SIGNATURE DATE	05/10/2005
<b>FILING INFORMATION SECTION</b>	
SUBMIT DATE	Tue May 10 18:37:00 EDT 2005
	USPTO/OA-6819216556-20050 510183700461306-78209897-

TEAS STAMP

20093287a8385f3602d8ce1d7  
db1b8b3a4-N-N-20050510183  
625923852

PTO Form 1957 (Rev 8/2005)  
OMB Control #0651-0050 (Exp. 04/30/2006)

## **Response to Office Action To the Commissioner for Trademarks:**

Application serial no. **78209897** is amended as follows:

### **Classification and Listing of Goods/Services**

**Applicant hereby deletes the following class of goods/services from the application.**

Class 041 for ENTERTAINMENT AND EDUCATION SERVICES, NAMELY, PROVIDING INFORMATION PERTAINING TO WINE SELECTION, EVALUATION AND ETIQUETTE; PROVIDING TRAINING TO OTHERS IN THE FIELD OF WINE PROMOTION AND MARKETING AND HOW TO PROMOTE RESPONSIBLE CONSUMPTION OF WINE; PROVIDING ENTERTAINMENT ADVICE IN THE NATURE OF RECIPES, INFORMATION ABOUT WINE AND WINE CONSUMPTION AND PARTY IDEAS

### **Response Signature**

Signature: /stephen baker/ Date: 05/10/2005

Signatory's Name: Stephen L. Baker

Signatory's Position: attorney

Serial Number: 78209897

Internet Transmission Date: Tue May 10 18:37:00 EDT 2005

TEAS Stamp: USPTO/OA-6819216556-20050510183700461306  
-78209897-20093287a8385f3602d8ce1d7db1b8  
b3a4-N-N-20050510183625923852

## Response to Office Action

**The table below presents the data as entered.**

Input Field	Entered
<b>SERIAL NUMBER</b>	78209897
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 116
<b>MARK SECTION (no change)</b>	
<b>GOODS AND/OR SERVICES SECTION (021)(class deleted)</b>	
INTERNATIONAL CLASS	021
DESCRIPTION	
COOLERS FOR WINE, WINE RACKS, THERMAL INSULATED TOTE BAGS FOR FOOD OR BEVERAGES, CORKSCREWS, CORK PULLERS	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 12/31/1979
FIRST USE IN COMMERCE DATE	At least as early as 02/29/1980
<b>GOODS AND/OR SERVICES SECTION (025)(no change)</b>	
<b>GOODS AND/OR SERVICES SECTION (033)(no change)</b>	
<b>SIGNATURE SECTION</b>	
DECLARATION SIGNATURE	The filing Attorney has elected not to submit the signed declaration, believing no supporting declaration is required under the <i>Trademark Rules of Practice</i> .
RESPONSE SIGNATURE	/john rannells/
SIGNATORY NAME	John M. Rannells
SIGNATORY POSITION	Attorney
SIGNATURE DATE	11/16/2005
<b>FILING INFORMATION SECTION</b>	
SUBMIT DATE	Wed Nov 16 19:10:27 EST 2005
TEAS STAMP	USPTO/ROA-68.192.148.138-20051116191027425915-78209897-32038275d18e7e77fff4

**Response to Office Action**  
**To the Commissioner for Trademarks:**

Application serial no. **78209897** has been amended as follows:

**Classification and Listing of Goods/Services**

**Applicant hereby deletes the following class of goods/services from the application.**

Class 021 for COOLERS FOR WINE, WINE RACKS, THERMAL INSULATED TOTE BAGS FOR FOOD OR BEVERAGES, CORKSCREWS, CORK PULLERS

**Declaration Signature**

I hereby elect to by-pass any declaration edit, because I do not believe a declaration is required by the rules of practice. I understand that the examining attorney could still, upon later review, require a declaration, however.

**Response Signature**

Signature: /john rannells/ Date: 11/16/2005

Signatory's Name: John M. Rannells

Signatory's Position: Attorney

Serial Number: 78209897

Internet Transmission Date: Wed Nov 16 19:10:27 EST 2005

TEAS Stamp: USPTO/ROA-68.192.148.138-200511161910274

25915-78209897-32038275d18e7e77fff4e4440

6f224e4dc-N/A-N/A-20051116190732988302

# EXHIBIT E

**Int. Cls.: 25 and 33**

**Prior U.S. Cls.: 22, 39, 47 and 49**

**United States Patent and Trademark Office**

**Reg. No. 3,134,833**

**Registered Aug. 29, 2006**

**TRADEMARK  
PRINCIPAL REGISTER**

**RAVENS**

FRANCISCAN VINEYARDS, INC. (DELAWARE  
CORPORATION)  
1178 GALLERON ROAD  
ST. HELENA, CA 94574

FOR: APRONS, SHIRTS, T-SHIRTS, CAPS, JACK-  
ETS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 12-31-1983; IN COMMERCE 12-31-1983.

FOR: WINES , IN CLASS 33 (U.S. CLS. 47 AND 49).

FIRST USE 10-23-1978; IN COMMERCE 2-29-1980.

OWNER OF U.S. REG. NOS. 2,118,153 AND  
2,132,719.

SER. NO. 78-209,897, FILED 2-2-2003.

KAREN BRACEY, EXAMINING ATTORNEY

# EXHIBIT F

## Combined Declaration of Use and Incontestability under Sections 8 & 15

The table below presents the data as entered.

Input Field	Entered
<b>REGISTRATION NUMBER</b>	3134833
<b>REGISTRATION DATE</b>	08/29/2006
<b>SERIAL NUMBER</b>	78209897
<b>MARK SECTION</b>	
<b>MARK</b>	RAVENS
<b>ATTORNEY SECTION (current)</b>	
<b>NAME</b>	Stephen L. Baker
<b>FIRM NAME</b>	BAKER AND RANNELLS PA
<b>INTERNAL ADDRESS</b>	575 ROUTE 28
<b>STREET</b>	SUITE 102
<b>CITY</b>	RARITAN
<b>STATE</b>	New Jersey
<b>POSTAL CODE</b>	08869
<b>COUNTRY</b>	United States
<b>PHONE</b>	908-722-5640
<b>FAX</b>	908-725-7088
<b>EMAIL</b>	OFFICEACTIONS@BR-TMLAW.COM
<b>AUTHORIZED TO COMMUNICATE VIA E-MAIL</b>	Yes
<b>ATTORNEY SECTION (proposed)</b>	
<b>NAME</b>	Stephen L. Baker
<b>FIRM NAME</b>	BAKER AND RANNELLS PA
<b>INTERNAL ADDRESS</b>	575 ROUTE 28
<b>STREET</b>	SUITE 102

<b>CITY</b>	RARITAN
<b>STATE</b>	New Jersey
<b>POSTAL CODE</b>	08869
<b>COUNTRY</b>	United States
<b>PHONE</b>	908-722-5640
<b>FAX</b>	908-725-7088
<b>EMAIL</b>	OFFICEACTIONS@BR-TMLAW.COM

**CORRESPONDENCE SECTION (current)**

<b>NAME</b>	STEPHEN L BAKER
<b>FIRM NAME</b>	BAKER AND RANNELLS PA
<b>INTERNAL ADDRESS</b>	575 ROUTE 28
<b>STREET</b>	SUITE 102
<b>CITY</b>	RARITAN
<b>STATE</b>	New Jersey
<b>POSTAL CODE</b>	08869
<b>COUNTRY</b>	United States
<b>PHONE</b>	908-722-5640
<b>FAX</b>	908-725-7088
<b>EMAIL</b>	OFFICEACTIONS@BR-TMLAW.COM
<b>AUTHORIZED TO COMMUNICATE VIA E-MAIL</b>	Yes

**CORRESPONDENCE SECTION (proposed)**

<b>NAME</b>	Stephen L. Baker
<b>FIRM NAME</b>	BAKER AND RANNELLS PA
<b>INTERNAL ADDRESS</b>	575 ROUTE 28
<b>STREET</b>	SUITE 102
<b>CITY</b>	RARITAN
<b>STATE</b>	New Jersey
<b>POSTAL CODE</b>	08869
<b>COUNTRY</b>	United States
<b>PHONE</b>	908-722-5640

<b>FAX</b>	908-725-7088
<b>EMAIL</b>	OFFICEACTIONS@BR-TMLAW.COM
<b>AUTHORIZED TO COMMUNICATE VIA E-MAIL</b>	Yes
<b>GOODS AND/OR SERVICES SECTION</b>	
<b>INTERNATIONAL CLASS</b>	025
<b>GOODS OR SERVICES TO BE DELETED</b>	aprons
<b>GOODS OR SERVICES IN USE IN COMMERCE</b>	SHIRTS, T-SHIRTS, CAPS, JACKETS
<b>SPECIMEN FILE NAME(S)</b>	<a href="\\TICRS\EXPORT11\IMAGEOUT11\782\098\78209897\xml4\ 8150002.JPG">\\TICRS\EXPORT11\IMAGEOUT11\782\098\78209897\xml4\ 8150002.JPG</a>
<b>SPECIMEN DESCRIPTION</b>	digital photograph of product bearing the mark
<b>INTERNATIONAL CLASS</b>	033
<b>GOODS OR SERVICES</b>	WINES
<b>SPECIMEN FILE NAME(S)</b>	<a href="\\TICRS\EXPORT11\IMAGEOUT11\782\098\78209897\xml4\ 8150003.JPG">\\TICRS\EXPORT11\IMAGEOUT11\782\098\78209897\xml4\ 8150003.JPG</a>
<b>SPECIMEN DESCRIPTION</b>	Digital photograph of products bearing the mark
<b>OWNER SECTION (current)</b>	
<b>NAME</b>	Franciscan Vineyards, Inc.
<b>STREET</b>	1178 Galleron Road
<b>CITY</b>	St. Helena
<b>STATE</b>	California
<b>ZIP/POSTAL CODE</b>	94574
<b>COUNTRY</b>	United States
<b>LEGAL ENTITY SECTION (current)</b>	
<b>TYPE</b>	corporation
<b>STATE/COUNTRY OF INCORPORATION</b>	Delaware
<b>PAYMENT SECTION</b>	
<b>NUMBER OF CLASSES</b>	2
<b>NUMBER OF CLASSES PAID</b>	2
<b>SUBTOTAL AMOUNT</b>	600

<b>TOTAL FEE PAID</b>	600
<b>SIGNATURE SECTION</b>	
<b>SIGNATURE</b>	/john rannells/
<b>SIGNATORY'S NAME</b>	John M. Rannells
<b>SIGNATORY'S POSITION</b>	Attorney of record, New Jersey bar member
<b>DATE SIGNED</b>	11/30/2011
<b>SIGNATORY'S PHONE NUMBER</b>	908-722-5640
<b>PAYMENT METHOD</b>	CC
<b>FILING INFORMATION</b>	
<b>SUBMIT DATE</b>	Wed Nov 30 15:53:13 EST 2011
<b>TEAS STAMP</b>	USPTO/S08N15-67.85.140.24 2-20111130155313228022-31 34833-490a2ecd586f389e64e ab3ee4607e877b44-CC-2545- 20111130153727083869

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## **Combined Declaration of Use and Incontestability under Sections 8 & 15 To the Commissioner for Trademarks:**

**REGISTRATION NUMBER:** 3134833

**REGISTRATION DATE:** 08/29/2006

**MARK:** RAVENS

The owner, Franciscan Vineyards, Inc., a corporation of Delaware, having an address of  
1178 Galleron Road  
St. Helena, California 94574  
United States

is filing a Combined Declaration of Use and Incontestability under Sections 8 & 15.

For International Class 025, this filing does **NOT** cover the following goods or services for this specific class listed in the registration, and these goods or services are to be permanently **deleted** from the registration: aprons

The mark is in use in commerce on or in connection with the following goods or services listed in the existing registration for this specific class: SHIRTS, T-SHIRTS, CAPS, JACKETS

For the remaining goods or services, the mark has been continuously used in commerce for five (5) consecutive years after the date of registration, or the date of publication under Section 12(c), and is still in use in commerce on or in connection with these goods or services. Also, no final decision adverse to the owner's claim of ownership of such mark for those goods or services exists, or to the owner's right to register the same or to keep the same on the register; and, no proceeding involving said rights pending and not disposed of in either the U.S. Patent and Trademark Office or the courts exists.

The owner is submitting one(or more) specimen(s) for this class showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) digital photograph of product bearing the mark.

[Specimen File 1](#)

For International Class 033, the mark is in use in commerce on or in connection with **all** of the goods/**all** of the services, or to indicate membership in the collective membership organization, listed in the existing registration for this specific class: WINES; **and** the mark has been continuously used in commerce for five (5) consecutive years after the date of registration, or the date of publication under Section 12(c), and is still in use in commerce on or in connection with **all** goods/**all** services, or to indicate membership in the collective membership organization, listed in the existing registration for this class. Also, no final decision adverse to the owner's claim of ownership of such mark for those goods/services, or to indicate membership in the collective membership organization, exists, or to the owner's right to register the same or to keep the same on the register; and, no proceeding involving said rights pending and not disposed of in either the U.S. Patent and Trademark Office or the courts exists.

The owner is submitting one(or more) specimen(s) for this class showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) Digital photograph of products bearing the mark.

[Specimen File 1](#)

The registrant's current Attorney Information: Stephen L. Baker of BAKER AND RANNELLS PA  
575 ROUTE 28  
SUITE 102  
RARITAN, New Jersey (NJ) 08869  
United States

The registrant's proposed Attorney Information: Stephen L. Baker of BAKER AND RANNELLS PA  
575 ROUTE 28  
SUITE 102  
RARITAN, New Jersey (NJ) 08869  
United States

The phone number is 908-722-5640.

The fax number is 908-725-7088.

The email address is OFFICEACTIONS@BR-TMLAW.COM.

The registrant's current Correspondence Information: STEPHEN L BAKER of BAKER AND RANNELLS PA  
575 ROUTE 28  
SUITE 102  
RARITAN, New Jersey (NJ) 08869  
United States

The registrant's proposed Correspondence Information: Stephen L. Baker of BAKER AND RANNELLS PA  
575 ROUTE 28  
SUITE 102  
RARITAN, New Jersey (NJ) 08869  
United States

The phone number is 908-722-5640.

The fax number is 908-725-7088.

The email address is OFFICEACTIONS@BR-TMLAW.COM.

A fee payment in the amount of \$600 will be submitted with the form, representing payment for 2 class(es), plus any additional grace period fee, if necessary.

## Declaration

*The mark is in use in commerce on or in connection with the goods and/or services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce. The mark has been in continuous use in commerce for five (5) consecutive years after the date of registration, or the date of publication under Section 12(c), and is still in use in commerce. There has been no final decision adverse to the owner's claim of ownership of such mark, or to the owner's right to register the same or to keep the same on the register; and there is no proceeding involving said rights pending and not disposed of either in the U.S. Patent and Trademark Office or in the courts.*

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature: /john rannells/    Date: 11/30/2011

Signatory's Name: John M. Rannells

Signatory's Position: Attorney of record, New Jersey bar member

Signatory's Phone Number: 908-722-5640

**Mailing Address (current):**

BAKER AND RANNELLS PA  
SUITE 102  
RARITAN, New Jersey 08869

**Mailing Address (proposed):**

BAKER AND RANNELLS PA  
SUITE 102  
RARITAN, New Jersey 08869

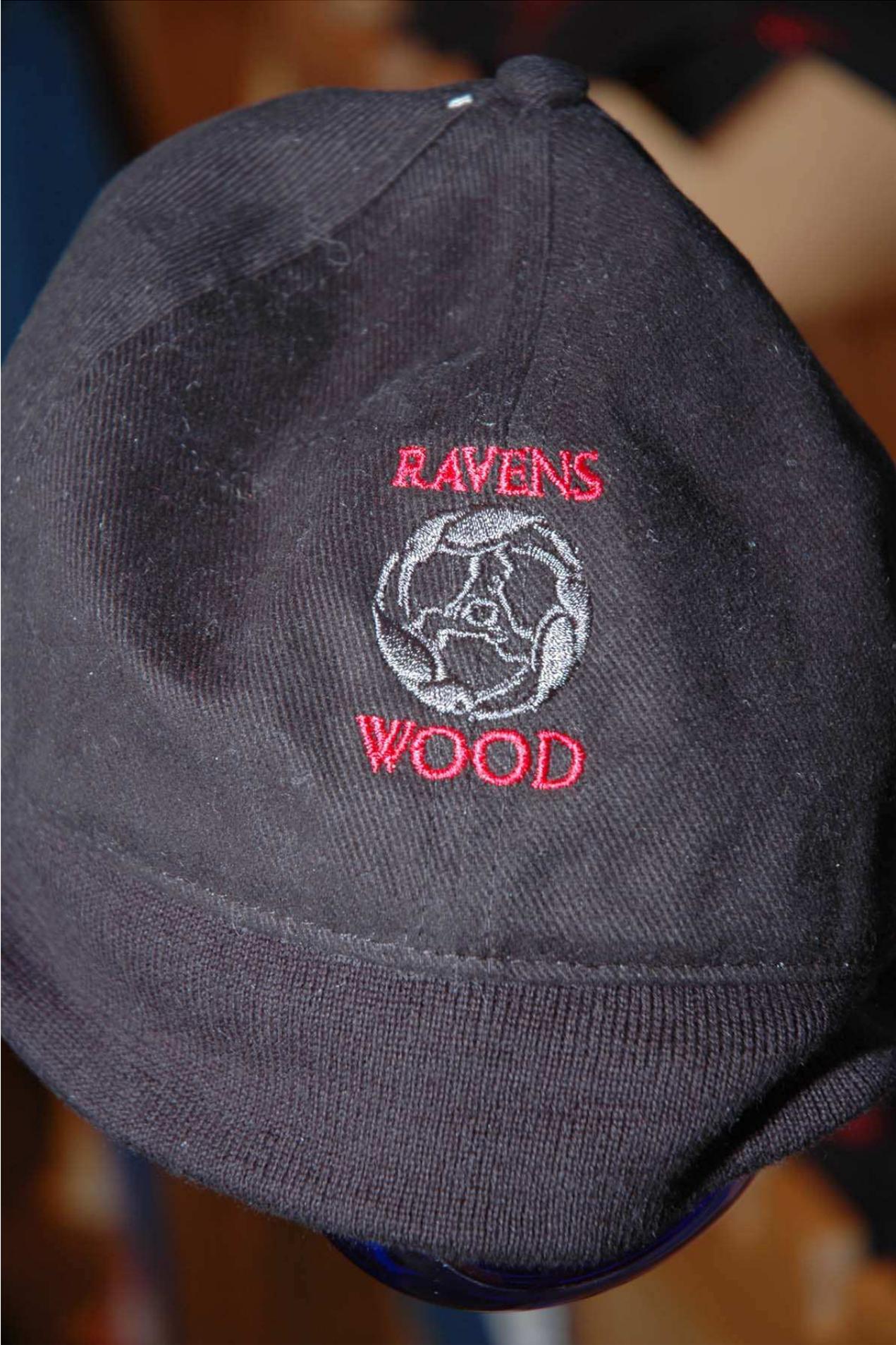
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Internet Transmission Date: Wed Nov 30 15:53:13 EST 2011

TEAS Stamp: USPTO/S08N15-67.85.140.242-2011113015531

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4607e877b44-CC-2545-20111130153727083869





**ROUTING SHEET TO POST REGISTRATION (PRU)**

**Registration Number:** 3134833



**Serial Number:** 78209897



**RAM Sale Number:** 2545

**RAM Accounting Date:** 20111201

**Total Fees:** \$600

Note: Process in accordance with Post Registration Standard Operating Procedure (SOP)

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Number of Classes Paid</u>	<u>Total Fee</u>
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§15 affidavit	7208	20111130	\$200	2	2	\$400

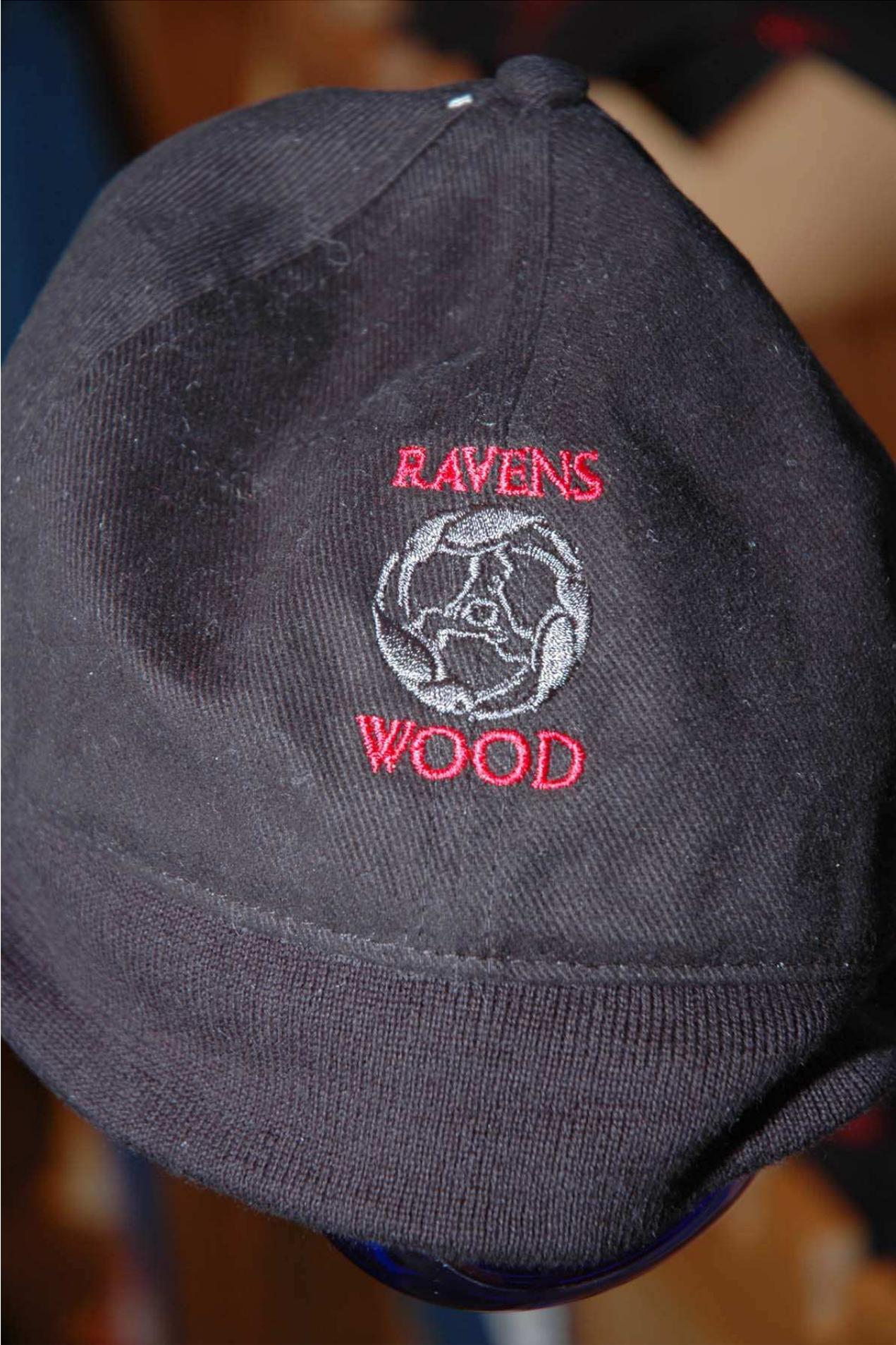
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Lost Case Flag: False

In TICRS (AM-FLG-IN-TICRS): True

**Transaction Date:** 20111130







# EXHIBIT G

**Drawing Page**

**Serial Number:**

78225748

**Applicant:**

Franciscan Vineyards, Inc.  
1178 Galleron Road  
St. Helena CA USA 94574



**Date of First Use:**

10/23/1978

**Date of First Use in Commerce:**

10/23/1978

**Goods and Services:**

Wine

**Mark:**

RAVENS



NO OCR



03-14-2003

**Internet Transmission Date:**

2003/03/14

**Serial Number:**

78225748

**Filing Date:**

2003/03/14



TRADEMARK APPLICATION

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE  
FEE RECORD SHEET

TOTAL FEES PAID: \$335

RAM SALE NUMBER: 58  
RAM ACCOUNTING DATE: 03/17/2003



NO OCR



03-14-2003

<b>DOCUMENT INFORMATION</b>	
<b>TRADEMARK/SERVICEMARK APPLICATION</b>	
<b>VERSION 1.24</b>	
<b>APPLICANT INFORMATION</b>	
NAME	Franciscan Vineyards, Inc.
STREET	1178 Galleron Road
CITY	St. Helena
STATE	CA
COUNTRY	USA
ZIP/POSTAL CODE	94574
<b>APPLICANT ENTITY INFORMATION</b>	
CORPORATION: STATE/COUNTRY OF INCORPORATION	Delaware
<b>TRADEMARK/SERVICEMARK INFORMATION</b>	
MARK	RAVENS
TYPED FORM	Yes
<b>BASIS FOR FILING AND GOODS/SERVICES INFORMATION</b>	
USE IN COMMERCE: SECTION 1(a)	Yes
SPECIMEN	Yes
SPECIMEN DESCRIPTION	Digital photograph of label showing mark as applied to containers for the goods
INTERNATIONAL CLASS NUMBER	033
LISTING OF GOODS AND/OR SERVICES	Wine

FIRST USE ANYWHERE DATE	10/23/1978
FIRST USE IN COMMERCE DATE	10/23/1978
<b>OPTIONAL INFORMATION</b>	
PRIOR REGISTRATION(S)	Applicant claims ownership of U.S. Registration Number(s) 2132719 2118152 .
<b>ATTORNEY INFORMATION</b>	
NAME	Stephen L. Baker
STREET	626 North Thompson Street
CITY	Raritan
STATE	NJ
COUNTRY	USA
ZIP/POSTAL CODE	08869
FIRM NAME	Baker & Rannells
E-MAIL ADDRESS	Stephen.Baker4@verizon.net
AUTHORIZE E-MAIL COMMUNICATION	Yes
TELEPHONE NUMBER	908 722 5640
FAX NUMBER	908 725 7088
OTHER APPOINTED ATTORNEY(S)	John M. Rannells
<b>FEE INFORMATION</b>	
TOTAL FEES PAID	335
NUMBER OF CLASSES PAID	1
NUMBER OF CLASSES	1

<b>LAW OFFICE INFORMATION</b>	
E-MAIL ADDRESS FOR CORRESPONDENCE	Stephen.Baker4@verizon.net
<b>SIGNATURE AND OTHER INFORMATION</b>	
SIGNATURE	/Stephen L. Baker/
DATE	03/14/2003
NAME	Stephen L. Baker
TITLE	Lawyer
<b>MAILING ADDRESS</b>	
LINE	Stephen L. Baker
LINE	Baker & Rannells
LINE	626 North Thompson Street
LINE	Raritan NJ USA 08869
<b>SERIAL NUMBER INFORMATION</b>	
SERIAL NUMBER	78225748
<b>RAM INFORMATION</b>	
RAM SALE NUMBER	58
RAM ACCOUNTING DATE	03/17/2003
INTERNET TRANSMISSION DATE	Fri Mar 14 15:28:14 EST 2003
TEAS STAMP	USPTO/BAS-138897627-20030314152814181250-78225748-2001614fe2e6f144ff8c442257f677d9dec-RAM-58-20030314152521012751
E-MAIL ADDRESS FOR ACKNOWLEDGMENT	Stephen.Baker4@verizon.net;l.johnson@verizon.net

<SERIAL NUMBER> 78225748  
<FILING DATE> 03/14/2003

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<TRADEMARK/SERVICEMARK APPLICATION>  
<VERSION 1.24>

<APPLICANT INFORMATION>  
<NAME> Franciscan Vineyards, Inc.  
<STREET> 1178 Galleron Road  
<CITY> St. Helena  
<STATE> CA  
<COUNTRY> USA  
<ZIP/POSTAL CODE> 94574

<APPLICANT ENTITY INFORMATION>  
<CORPORATION: STATE/COUNTRY OF INCORPORATION> Delaware

<TRADEMARK/SERVICEMARK INFORMATION>  
<MARK> RAVENS  
<TYPED FORM> Yes

~Applicant requests registration of the above-identified trademark/service mark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq., as amended).~

<BASIS FOR FILING AND GOODS/SERVICES INFORMATION>

<USE IN COMMERCE: SECTION 1(a)> Yes

~The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, or the applicant's predecessor in interest used the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended.~

Applicant attaches one SPECIMEN for each class showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services.

<SPECIMEN> Yes  
<SPECIMEN DESCRIPTION> Digital photograph of label showing mark as applied to containers for the goods

<INTERNATIONAL CLASS NUMBER> 033  
<LISTING OF GOODS AND/OR SERVICES> Wine  
<FIRST USE ANYWHERE DATE> 10/23/1978  
<FIRST USE IN COMMERCE DATE> 10/23/1978

**<OPTIONAL INFORMATION>**

**<PRIOR REGISTRATION(S)>** Applicant claims ownership of U.S. Registration Number(s) 2132719 2118152 .

**<ATTORNEY INFORMATION>**

**<NAME>** Stephen L. Baker  
**<STREET>** 626 North Thompson Street  
**<CITY>** Raritan  
**<STATE>** NJ  
**<COUNTRY>** USA  
**<ZIP/POSTAL CODE>** 08869  
**<FIRM NAME>** Baker & Rannells  
**<E-MAIL ADDRESS>** Stephen.Baker4@verizon.net  
**<AUTHORIZE E-MAIL COMMUNICATION>** Yes  
**<TELEPHONE NUMBER>** 908 722 5640  
**<FAX NUMBER>** 908 725 7088  
**<OTHER APPOINTED ATTORNEY(S)>** John M. Rannells

**<FEE INFORMATION>**

**<TOTAL FEES PAID>** 335  
**<NUMBER OF CLASSES PAID>** 1  
**<NUMBER OF CLASSES>** 1

**<LAW OFFICE INFORMATION>**

~The USPTO is authorized to communicate with the applicant's attorney at the below e-mail address~

**<E-MAIL ADDRESS FOR CORRESPONDENCE>** Stephen.Baker4@verizon.net

**<SIGNATURE AND OTHER INFORMATION>**

~The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.~

<SIGNATURE> /Stephen L. Baker/  
<DATE> 03/14/2003  
<NAME> Stephen L. Baker  
<TITLE> Lawyer

**<MAILING ADDRESS>**  
<LINE> Stephen L. Baker  
<LINE> Baker & Rannells  
<LINE> 626 North Thompson Street  
<LINE> Raritan NJ USA 08869

**<SERIAL NUMBER INFORMATION>**  
<SERIAL NUMBER> 78225748

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E-MAIL ADDRESS FOR ACKNOWLEDGMENT>  
Stephen.Baker4@verizon.net;l.johnson@verizon.net

**ORIGINAL SPECIMEN**

**Internet Transmission Date:**

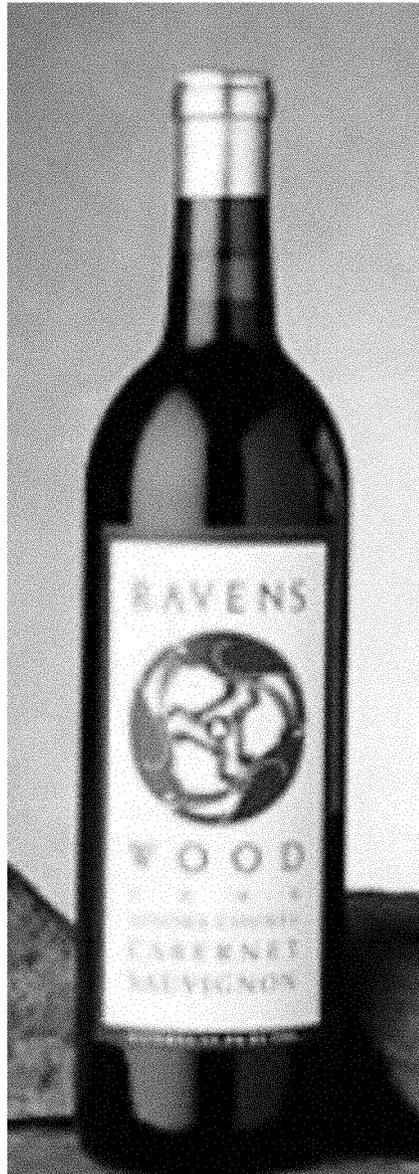
2003/03/14

**Serial Number:**

78225748

**Filing Date:**

2003/03/14



The applicant has submitted required color specimen.  
The USPTO has printed only one copy of the specimen,  
and extra copies can be produced in-house as needed.



# EXHIBIT H

**Int. Cl.: 33**

**Prior U.S. Cls.: 47 and 49**

**United States Patent and Trademark Office**

**Reg. No. 2,888,963**

**Registered Sep. 28, 2004**

**TRADEMARK  
PRINCIPAL REGISTER**

**RAVENS**

FRANCISCAN VINEYARDS, INC. (DELAWARE  
CORPORATION)  
1178 GALLERON ROAD  
ST. HELENA, CA 94574

OWNER OF U.S. REG. NOS. 2,118,152 AND  
2,132,719.

FOR: WINE, IN CLASS 33 (U.S. CLS. 47 AND 49).

SER. NO. 78-225,748, FILED 3-14-2003.

FIRST USE 10-23-1978; IN COMMERCE 10-23-1978.

DAVID H. STINE, EXAMINING ATTORNEY

# EXHIBIT I

## Combined Declaration of Use and Incontestability under Sections 8 & 15

**The table below presents the data as entered.**

Input Field	Entered
<b>REGISTRATION NUMBER</b>	2888963
<b>REGISTRATION DATE</b>	09/28/2004
<b>SERIAL NUMBER</b>	78225748
<b>MARK SECTION</b>	
<b>MARK</b>	RAVENS
<b>GOODS AND/OR SERVICES SECTION</b>	
<b>INTERNATIONAL CLASS</b>	033
<b>GOODS OR SERVICES</b>	Wine
<b>SPECIMEN FILE NAME(S)</b>	<a href="#">\\TICRS\EXPORT11\IMAGEOUT 11\782\257\78225748\xml1\ 8150002.JPG</a>
<b>SPECIMEN DESCRIPTION</b>	digital image of the goods bearing the subject mark
<b>MISCELLANEOUS STATEMENT</b>	Free text not entered by the applicant.
	<a href="#">\\TICRS\EXPORT11\IMAGEOUT 11\782\257\78225748\xml1\ 8150003.JPG</a>
<b>OWNER SECTION (current)</b>	
<b>NAME</b>	Franciscan Vineyards, Inc.
<b>STREET</b>	1178 Galleron Road
<b>CITY</b>	St. Helena
<b>STATE</b>	California
<b>ZIP/POSTAL CODE</b>	94574
<b>COUNTRY</b>	United States
<b>LEGAL ENTITY SECTION (current)</b>	
<b>TYPE</b>	corporation
<b>STATE/COUNTRY OF</b>	Delaware

<b>INCORPORATION</b>	
<b>PAYMENT SECTION</b>	
<b>NUMBER OF CLASSES</b>	1
<b>NUMBER OF CLASSES PAID</b>	1
<b>SUBTOTAL AMOUNT</b>	300
<b>TOTAL FEE PAID</b>	300
<b>SIGNATURE SECTION</b>	
<b>SIGNATURE</b>	/Linda Kurth/
<b>SIGNATORY'S NAME</b>	Linda Kurth
<b>SIGNATORY'S POSITION</b>	Attorney of record, New Jersey bar member
<b>DATE SIGNED</b>	09/02/2010
<b>PAYMENT METHOD</b>	CC
<b>FILING INFORMATION</b>	
<b>SUBMIT DATE</b>	Thu Sep 02 12:35:02 EDT 2010
<b>TEAS STAMP</b>	USPTO/S08N15-67.85.218.14 6-20100902123502127330-28 88963-4709e4eddba9f26e1ce c578d282ca86fda7-CC-21454 -20100902123143414581

---

## **Combined Declaration of Use and Incontestability under Sections 8 & 15 To the Commissioner for Trademarks:**

**REGISTRATION NUMBER:** 2888963

**REGISTRATION DATE:** 09/28/2004

**MARK:** RAVENS

The owner, Franciscan Vineyards, Inc., a corporation of Delaware, having an address of  
1178 Galleron Road  
St. Helena, California 94574  
United States

is filing a Combined Declaration of Use and Incontestability under Sections 8 & 15.

For International Class 033, the mark is in use in commerce on or in connection with **all** of the goods or services listed in the existing registration for this specific class: Wine; **and** the mark has been continuously used in commerce for five (5) consecutive years after the date of registration, or the date of publication under Section 12(c), and is still in use in commerce on or in connection with **all** goods or services listed in the existing registration for this class. Also, no final decision adverse to the owner's claim of ownership of such mark for those goods or services exists, or to the owner's right to register the same or to keep the same on the register; and, no proceeding involving said rights pending and not disposed of in either the U.S. Patent and Trademark Office or the courts exists.

The owner is submitting one specimen for this class showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) digital image of the goods bearing the subject mark.

[Specimen File1](#)

### **MISCELLANEOUS STATEMENTS**

Free text not entered by the applicant.

[Miscellaneous File1](#)

A fee payment in the amount of \$300 will be submitted with the form, representing payment for 1 class(es), plus any additional grace period fee, if necessary.

### **Declaration**

*The mark is in use in commerce on or in connection with the goods and/or services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce. The mark has been in continuous use in commerce for five (5) consecutive years after the date of registration, or the date of publication under Section 12(c), and is still in use in commerce. There has been no final decision adverse to the owner's claim of ownership of such mark, or to the owner's right to register the same or to keep the same on the register; and there is no proceeding involving said rights pending and not disposed of either*

*in the U.S. Patent and Trademark Office or in the courts.*

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature: /Linda Kurth/ Date: 09/02/2010

Signatory's Name: Linda Kurth

Signatory's Position: Attorney of record, New Jersey bar member

Serial Number: 78225748

Internet Transmission Date: Thu Sep 02 12:35:02 EDT 2010

TEAS Stamp: USPTO/S08N15-67.85.218.146-2010090212350

2127330-2888963-4709e4edbbba9f26e1cec578d

282ca86fda7-CC-21454-2010090212314341458

1



RAVENS



WOOD

SONOMA COUNTY

OLD VINE

ZINFANDEL

VINTAGE



RAVENS



WOOD

SONOMA COUNTY

OLD VINE

ZINFANDEL

VINTAGE

**ROUTING SHEET TO POST REGISTRATION (PRU)**

**Registration Number:** 2888963



**Serial Number:** 78225748



**RAM Sale Number:** 21454

**RAM Accounting Date:** 20100902

**Total Fees:** \$300

Note: Process in accordance with Post Registration Standard Operating Procedure (SOP)

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Number of Classes Paid</u>	<u>Total Fee</u>
§8 affidavit	7205	20100902	\$100	1	1	\$100
§15 affidavit	7208	20100902	\$200	1	1	\$200

Physical Location: 900 - FILE REPOSITORY (FRANCONIA)

Lost Case Flag: False

In TICRS (AM-FLG-IN-TICRS): True

**Transaction Date:** 20100902





RAVENS



WOOD

SONOMA COUNTY

OLD VINE

ZINFANDEL

VINTAGE



RAVENS



WOOD

SONOMA COUNTY

OLD VINE

ZINFANDEL

VINTAGE

# EXHIBIT J

## Combined Declaration of Use and/or Excusable Nonuse/Application for Renewal of Registration of a Mark under Sections 8 & 9

---

**The table below presents the data as entered.**

Input Field	Entered
<b>REGISTRATION NUMBER</b>	2888963
<b>REGISTRATION DATE</b>	09/28/2004
<b>SERIAL NUMBER</b>	78225748
<b>MARK SECTION</b>	
<b>MARK</b>	RAVENS
<b>ATTORNEY SECTION (new)</b>	
<b>NAME</b>	Stephen L. Baker
<b>FIRM NAME</b>	BAKER AND RANNELLS, PA
<b>STREET</b>	575 Route 28
<b>CITY</b>	Raritan
<b>STATE</b>	New Jersey
<b>POSTAL CODE</b>	08869
<b>COUNTRY</b>	United States
<b>PHONE</b>	(908) 722-5640
<b>FAX</b>	(908) 725-7088
<b>EMAIL</b>	officeactions@br-tmlaw.com
<b>AUTHORIZED TO COMMUNICATE VIA E-MAIL</b>	Yes
<b>OTHER APPOINTED ATTORNEY</b>	Neil B. Friedman, John M. Rannels, Ryan A. McGonigle
<b>CORRESPONDENCE SECTION (current)</b>	
<b>FIRM NAME</b>	FRANCISCAN VINEYARDS, INC.
<b>STREET</b>	1178 GALLERON ROAD

<b>CITY</b>	ST. HELENA
<b>STATE</b>	California
<b>POSTAL CODE</b>	94574
<b>COUNTRY</b>	United States
<b>CORRESPONDENCE SECTION (proposed)</b>	
<b>NAME</b>	Stephen L. Baker
<b>FIRM NAME</b>	BAKER AND RANNELLS, PA
<b>STREET</b>	575 Route 28
<b>CITY</b>	Raritan
<b>STATE</b>	New Jersey
<b>POSTAL CODE</b>	08869
<b>COUNTRY</b>	United States
<b>PHONE</b>	(908) 722-5640
<b>FAX</b>	(908) 725-7088
<b>EMAIL</b>	officeactions@br-tmlaw.com
<b>AUTHORIZED TO COMMUNICATE VIA E-MAIL</b>	Yes
<b>GOODS AND/OR SERVICES SECTION</b>	
<b>INTERNATIONAL CLASS</b>	033
<b>GOODS OR SERVICES</b>	Wine
<b>SPECIMEN FILE NAME(S)</b>	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\782\257\78225748\xml1\ S890002.JPG</a>
<b>SPECIMEN DESCRIPTION</b>	product photo reflecting use of the mark
<b>OWNER SECTION (current)</b>	
<b>NAME</b>	Franciscan Vineyards, Inc.
<b>STREET</b>	1178 Galleron Road
<b>CITY</b>	St. Helena
<b>STATE</b>	California
<b>ZIP/POSTAL CODE</b>	94574
<b>COUNTRY</b>	United States
<b>LEGAL ENTITY SECTION (current)</b>	
<b>TYPE</b>	corporation

<b>STATE/COUNTRY OF INCORPORATION</b>	Delaware
<b>PAYMENT SECTION</b>	
<b>NUMBER OF CLASSES</b>	1
<b>NUMBER OF CLASSES PAID</b>	1
<b>SUBTOTAL AMOUNT</b>	500
<b>TOTAL FEE PAID</b>	500
<b>SIGNATURE SECTION</b>	
<b>SIGNATURE</b>	/Stephen L. Baker/
<b>SIGNATORY'S NAME</b>	Stephen L. Baker
<b>SIGNATORY'S POSITION</b>	Attorney of record, New York and New Jersey bar member
<b>DATE SIGNED</b>	04/29/2014
<b>SIGNATORY'S PHONE NUMBER</b>	908-722-5640
<b>PAYMENT METHOD</b>	CC
<b>FILING INFORMATION</b>	
<b>SUBMIT DATE</b>	Tue Apr 29 11:32:57 EDT 2014
<b>TEAS STAMP</b>	USPTO/S08N09-24.186.78.25 1-20140429113257495780-28 88963-500b26e8c9eb27a64f3 d86de772a596e1d510b24cad9 e1f227ce340492dbb3-CC-111 19-20140429112925408411

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**Combined Declaration of Use and/or Excusable Nonuse/Application for Renewal of  
Registration of a Mark under Sections 8 & 9  
To the Commissioner for Trademarks:**

**REGISTRATION NUMBER:** 2888963

**REGISTRATION DATE:** 09/28/2004

**MARK:** RAVENS

The owner, Franciscan Vineyards, Inc., a corporation of Delaware, having an address of  
1178 Galleron Road  
St. Helena, California 94574  
United States

is filing a Combined Declaration of Use and/or Excusable Nonuse/Application for Renewal of  
Registration of a Mark under Sections 8 & 9.

For International Class 033, the mark is in use in commerce on or in connection with **all** goods/services, or  
to indicate membership in the collective membership organization, listed in the existing registration for  
this specific class: Wine ; or, the owner is making the listed excusable nonuse claim.

The owner is submitting one(or more) specimen(s) showing the mark as used in commerce on or in  
connection with any item in this class, consisting of a(n) product photo reflecting use of the mark.

[Specimen File](#)

The registrant's current Correspondence Information: of FRANCISCAN VINEYARDS, INC.  
1178 GALLERON ROAD  
ST. HELENA, California (CA) 94574  
United States

The registrant's proposed Correspondence Information: Stephen L. Baker of BAKER AND RANNELLS,  
PA  
575 Route 28  
Raritan, New Jersey (NJ) 08869  
United States

The phone number is (908) 722-5640.

The fax number is (908) 725-7088.

The email address is officeactions@br-tmlaw.com.

The registrant hereby appoints Stephen L. Baker and Neil B. Friedman, John M. Rannells, Ryan A.  
McGonigle of BAKER AND RANNELLS, PA

575 Route 28  
Raritan, New Jersey 08869  
United States

to submit this Combined Declaration of Use and/or Excusable Nonuse/Application for Renewal of Registration of a Mark under Sections 8 & 9 on behalf of the registrant.

The phone number is (908) 722-5640.

The fax number is (908) 725-7088.

The email address is officeactions@br-tmlaw.com.

A fee payment in the amount of \$500 will be submitted with the form, representing payment for 1 class(es), plus any additional grace period fee, if necessary.

### **Declaration**

#### **Section 8: Declaration of Use and/or Excusable Nonuse in Commerce**

*Unless the owner has specifically claimed excusable nonuse, the mark is in use in commerce on or in connection with the goods/services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.*

The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this submission, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

#### **Section 9: Application for Renewal**

*The registrant requests that the registration be renewed for the goods/services/collective organization identified above.*

Signature: /Stephen L. Baker/ Date: 04/29/2014

Signatory's Name: Stephen L. Baker

Signatory's Position: Attorney of record, New York and New Jersey bar member

Signatory's Phone Number: 908-722-5640

Mailing Address:

BAKER AND RANNELLS, PA  
575 Route 28  
Raritan, New Jersey 08869

Serial Number: 78225748

Internet Transmission Date: Tue Apr 29 11:32:57 EDT 2014

TEAS Stamp: USPTO/S08N09-24.186.78.251-2014042911325

7495780-2888963-500b26e8c9eb27a64f3d86de

772a596e1d510b24cad9e1f227ce340492dbb3-C

C-11119-20140429112925408411



RAVENS



WOOD

OLD VINE  
ZINFANDEL

VINTAGE / 2011

SONOMA COUNTY

**ROUTING SHEET TO POST REGISTRATION (PRU)**

**Registration Number:** 2888963



**Serial Number:** 78225748



**RAM Sale Number:** 2888963

**RAM Accounting Date:** 20140429

**Total Fees:** \$500

Note: Process in accordance with Post Registration Standard Operating Procedure (SOP)

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Number of Classes Paid</u>	<u>Total Fee</u>
§8 affidavit	7205	20140429	\$100	1	1	\$100
Application for Renewal (§9)	7201	20140429	\$400	1	1	\$400

Physical Location: 900 - FILE REPOSITORY (FRANCONIA)

Lost Case Flag: False

In TICRS (AM-FLG-IN-TICRS): True

**Transaction Date:** 20140429





RAVENS



WOOD

OLD VINE  
ZINFANDEL

VINTAGE / 2011

SONOMA COUNTY