

ESTTA Tracking number: **ESTTA775503**

Filing date: **10/07/2016**

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

**Petition for Cancellation**

Notice is hereby given that the following parties request to cancel indicated registration.

**Petitioner Information**

Name	Ca' Momi Winery, LLC		
Entity	Limited Liability Company	Citizenship	California
Address	2515 Napa Valley Corporate Drive Napa, CA 94558 UNITED STATES		

Name	Quaterna, LLC		
Entity	Limited Liability Company	Citizenship	California
Address	P.O. Box 6860 Napa, CA 94581 UNITED STATES		

Name	Ca' Momi Restaurants, LLC		
Entity	Limited Liability Company	Citizenship	California
Address	2515 Napa Valley Corporate Drive Napa, CA 94558 UNITED STATES		

Attorney information	Katherine M. Basile & Jason E. Garcia Reed Smith LLP 1510 Page Mill Rd. Ste 110 Palo Alto, CA 94304 UNITED STATES ptoipinbox@reedsmith.com, kbasile@reedsmith.com, jgarcia@reedsmith.com, jlee@reedsmith.com, mkliniewski@reedsmith.com, kkershner@reedsmith.com Phone:650.352.0514		
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**Registration Subject to Cancellation**

Registration No	4410350	Registration date	10/01/2013
Registrant	MOMI RAMEN, LLC 1425 Brickell Avenue, Unit PH-3C Miami, FL 33131 UNITED STATES		

**Goods/Services Subject to Cancellation**

Class 043. First Use: 2012/12/01 First Use In Commerce: 2012/12/01 All goods and services in the class are cancelled, namely: restaurant services
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**Grounds for Cancellation**

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)
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Related Proceedings	91227910
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### Marks Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	3829650	Application Date	04/16/2008
Registration Date	08/03/2010	Foreign Priority Date	NONE
Word Mark	CA' MOMI		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 033. First use: First Use: 2008/10/31 First Use In Commerce: 2008/10/31 Wines		

U.S. Registration No.	4281360	Application Date	03/22/2011
Registration Date	01/29/2013	Foreign Priority Date	NONE
Word Mark	CA' MOMI ENOTECA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2010/10/13 First Use In Commerce: 2010/10/13 Retail store services featuring prepackaged food and wine Class 043. First use: First Use: 2010/10/13 First Use In Commerce: 2010/10/13 Restaurant and bar services; restaurantcarryout services; Restaurant and cafe services; Wine bars		

U.S. Application No.	86746072	Application Date	09/02/2015
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Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	CA' MOMI		
Design Mark	<h1>Ca' Momi</h1>		
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 2015/01/30 First Use In Commerce: 2015/01/30 Flavored olive oil; Olive oil Class 030. First use: First Use: 2010/10/13 First Use In Commerce: 2010/10/13 Pizzas		

U.S. Application No.	86610930	Application Date	04/27/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	CA' MOMI		
Design Mark	<h1>Ca' Momi</h1>		
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2010/10/13 First Use In Commerce: 2010/10/13 Retail store services featuring prepackaged food and wine Class 043. First use: First Use: 2010/10/13 First Use In Commerce: 2010/10/13 Restaurant and bar services		

U.S. Application No.	86733441	Application Date	08/21/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	CA' MOMI		

Design Mark	<h1>Ca' Momi</h1>
Description of Mark	NONE
Goods/Services	Class 030. First use: First Use: 2010/10/13 First Use In Commerce: 2010/10/13 Pizza

Attachments	77979835#TMSN.png( bytes ) 85273508#TMSN.png( bytes ) 86746072#TMSN.png( bytes ) 86610930#TMSN.png( bytes ) 86733441#TMSN.png( bytes ) CA MOMI v MOMI RAMEN - Petition to Cancel.pdf(591889 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	/Jason E Garcia/
Name	Jason E Garcia
Date	10/07/2016



Trademark Act § 2(d), 15 U.S.C. § 1052(d). Registrant's MOMI RAMEN mark incorporates and shares the dominant MOMI term, and like Petitioners' CA' MOMI and CA' MOMI ENOTECA marks, is allegedly used in connection with "restaurant services" in Class 43. Such use is likely to cause confusion for the reasons described herein.

2. Further, Petitioners' CA' MOMI and CA' MOMI ENOTECA marks have established priority over Registrant's MOMI RAMEN mark.

### **Registrant's Registration**

3. Upon information and belief, the owner of the registration at issue is Momi Ramen, LLC ("Registrant"), a limited liability company with an address of 5 S.W. 11<sup>th</sup> Street, Miami, Florida 33130.

4. On January 23, 2013, Registrant filed an application to register the mark MOMI RAMEN, claiming a date of first use in commerce of December 1, 2012 on or in connection with "restaurant services" in International Class 43. Registrant's application matured to registration, U.S. Federal Registration No. 4,410,350, on October 1, 2013.

5. This Petition to Cancel is filed within five years of the registration date of the Respondent's U.S. Federal Registration No. 4,410,350 and complies with the requirements under 15 U.S.C. § 1064.

### **Petitioners' CA' MOMI Marks**

6. Ca' Momi Restaurants, LLC, is a California limited liability company, having a principal place of business at 2515 Napa Valley Corporate Drive, Napa, California.

7. Ca' Momi Restaurants, LLC, operates restaurant, bar, and retail establishments under the names CA' MOMI ENOTECA and CA' MOMI. The company also sells CA' MOMI branded food related goods, which are marketed at its establishment(s) and on the website.

8. Ca' Momi Winery, LLC, is a California limited liability company and related entity to Ca' Momi Restaurants, LLC, having a principal place of business at 2515 Napa Valley Corporate Drive, Napa, California 94558, that produces wine and spirits.

9. Quaterna, LLC is a California limited liability company and related to Ca' Momi Restaurants, LLC and Ca' Momi Winery LLC, having a principal place of business at 2515 Napa Valley Corporate Drive, Napa, California 94558. Quaterna, LLC is in the process of accepting all right, title and interest in the CA' MOMI and CA' MOMI ENOTECA marks alleged herein, and associated goodwill, and will act as licensor to Ca' Momi Restaurants, LLC, and Ca' Momi Winery, LLC, when the transaction is completed.

10. Napa Valley, California is a top U.S. and international tourist destination that, according to publications like the Napa Valley Register, generated over \$1.5 billion in total spent inside the county in 2014. See Exhibit A. ([http://napavalleyregister.com/news/local/as-napa-valley-s-prestige-increases-so-do-visitors/article\\_f93c6131-48a5-5adb-92d4-8d7b05185dbf.html](http://napavalleyregister.com/news/local/as-napa-valley-s-prestige-increases-so-do-visitors/article_f93c6131-48a5-5adb-92d4-8d7b05185dbf.html)).

11. Petitioners are the owners of multiple U.S. federal trademark registrations and applications for the CA' MOMI and CA' MOMI ENOTECA marks as listed in the table below and in the attached Exhibits B - H (collectively the "CA' MOMI Marks"). These registrations and applications include retail store services featuring prepackaged food and wine, restaurant and bar services, wines, distilled spirits, pizzas and beer.

<b>Mark</b>	<b>Application or Registration No.</b>	<b>Goods and/or Services</b>
CA' MOMI	Reg. No. 3,829,650 Filing Date: Apr. 16, 2008 Reg. Date: Aug. 3, 2010 First Use Date: Oct. 31, 2008	<u>Class 33</u> : Wines.

CA' MOMI ENOTECA	Reg. No. 4,281,360 Filing Date: Mar. 22, 2011 Reg. Date: Jan. 29, 2013 First Use Dates: Oct. 13, 2010	<u>Class 35</u> : Retail store services featuring prepackaged food and wine.  <u>Class 43</u> : Restaurant and bar services; restaurant carry out services; restaurant and café services; wine bars.
CA' MOMI	App. No. 86/746,072 Filing Date: Sep. 2, 2015 First Use Date (Class 29): Jan. 30, 2015 First Use Date (Class 30): Oct. 13, 2010	<u>Class 29</u> : Flavored olive oil; Olive oil.  <u>Class 30</u> : Pizzas.
CA' MOMI	App. No. 86/610,930 Filing Date: Apr. 27, 2015 First Use Dates: Oct. 13, 2010	<u>Class 35</u> : Retail store services featuring prepackaged food and wine.  <u>Class 43</u> : Restaurant and bar services.
CA' MOMI	App. No. 86/733,441 Filing Date: Aug. 21, 2015 First Use Date: Oct. 13, 2010	<u>Class 30</u> : Pizza.

12. U.S. Federal Registration Nos. 3,829,650 (CA' MOMI) and 4,281,360 (CA' MOMI ENOTECA) are in full force and effect. U.S. Federal Registration No. 3,829,650 (CA' MOMI) is incontestable and matured to registration well before the December 1, 2012 alleged first use date for the MOMI RAMEN registration alleged herein.

13. On July 1, 2013, Ca' Momi Winery, LLC acquired from Da Ve Winery Inc. all registered and common law trademark and trade name rights in the CA' MOMI and CA' MOMI ENOTECA marks, including all goodwill associated therewith, as well as all other intellectual property rights, including but not limited to all rights in the above-referenced U.S. Federal Registration Nos. 3,829,650 and 4,281,360.

14. Ca' Momi Winery, LLC, Ca' Momi Restaurants, LLC and Quaterna, LLC are related entities.

15. Petitioners have used and continue to use trademarks comprising or including the CA' MOMI mark, including CA' MOMI and CA' MOMI ENOTECA. In addition to the federal

trademark rights based upon its U.S. Federal Registrations, petitioners have continued to use and expanded their use of the CA' MOMI Marks and the types of goods and services offered. Petitioners have established common law trademark rights in the CA' MOMI mark and each of the CA' MOMI Marks.

16. Petitioners use the marks alleged here in their restaurants, products, respective websites, in a variety of social media and other marketing activities. For example, Ca' Momi Restaurants, LLC uses its mark on its website, in its restaurants and on its food products (see for example, <http://camomiosteria.com/> and <http://www.yelp.com/biz/ca-momi-napa-8>). CA' MOMI is also listed in the 2016 Michelin Guide ([http://www.viamichelin.com/web/Restaurant/Napa-94558-Ca\\_Momi-372868-41102](http://www.viamichelin.com/web/Restaurant/Napa-94558-Ca_Momi-372868-41102)). Ca' Momi Winery uses its mark on its website at <http://www.camomiwinery.com/> where customers can shop for wine, find recipes and see the local and national awards and recognition of Ca' Momi Winery and its wines. Petitioners have been engaged continuously in the marketing and offering of goods and services in connection with the CA' MOMI Marks with a focus in the food and beverage industry, including but not limited to retail store services, prepackaged food, restaurant and bar services, and wines (the "CA' MOMI Goods and Services"). Through this use, Petitioners have acquired common law trademark rights in the CA' MOMI mark and each of the CA' MOMI Marks related to the CA' MOMI Goods and Services, and have established valuable goodwill and reputation in the CA' MOMI Marks.

17. The CA' MOMI Marks, through Petitioners' extensive use in the United States, have come to identify their high quality goods and services and to distinguish them from products and services emanating from other food and beverage related providers. As a result of Petitioners' extensive advertising and marketing efforts and sale of the goods and services in

association with these trademarks, the CA' MOMI Marks have become well-known to the relevant trade and public as identifying and distinguishing the CA' MOMI Goods and Services.

18. Petitioners continue to use a number of CA' MOMI Marks, prior to Registrant's filing of its MOMI RAMEN mark, in a manner as to create public recognition and an association of common origin on the MOMI element. Each of the CA' MOMI Marks described above contain the distinctive element, MOMI. The CA' MOMI Marks are a group of marks having a recognizable common characteristic, the term MOMI, wherein the marks are composed and used in such a way that the public associates not only the individual marks, but the common characteristic of the family, the term MOMI, with Petitioners.

#### **Priority**

19. Petitioners' rights in the CA' MOMI Marks are prior and superior to any rights Registrant may legitimately claim in the MOMI RAMEN mark. The continued registration of the MOMI RAMEN mark by Registrant is inconsistent with Petitioners' prior rights of use. Registrant claims a first use date anywhere as early as December 1, 2012 for its MOMI RAMEN mark in Class 43. Petitioner's CA' MOMI Marks have been used continuously since a date prior to any date upon which Registrant may rely.

20. Petitioners' rights in the CA' MOMI Marks are prior and superior to any rights Registrant may legitimately claim in the MOMI RAMEN mark in Class 43. U.S. Federal Registration No. 4,281,360 (CA' MOMI ENOTECA) covers "restaurant and bar services; restaurant carry out services; restaurant and café services; wine bars" and claims a first use date of October 31, 2008. U.S. Federal Application No. 86/610,930 (CA' MOMI) covers "restaurant and bar services" and claims a first use date of October 13, 2010. Both marks claim a first use date well before the December 1, 2012 alleged first use date for the MOMI RAMEN registration.

21. U.S. Federal Registration Nos. 3,829,650 (CA' MOMI) and 4,281,360 (CA' MOMI ENOTECA) are in full force and effect. U.S. Federal Registration No. 3,829,650 (CA' MOMI) is incontestable and matured to registration well before the December 1, 2012 alleged first use date for the MOMI RAMEN registration alleged herein.

22. U.S. Federal Registration Nos. 3,829,650 (CA' MOMI) and 4,281,360 (CA' MOMI ENOTECA) have filing dates that predate the MOMI RAMEN mark's filing date, registration date, and first use date.

23. U.S. Federal Registration Nos. 3,829,650 (CA' MOMI), 4,281,360 (CA' MOMI ENOTECA) and three of the pending CA' MOMI applications claim a first use date well before the December 1, 2012 alleged first use date for the MOMI RAMEN registration at issue herein. The CA' MOMI mark has been in continuous use for wines and related goods since at least as early as October 31, 2008 (which mark is registered as U.S. Federal Registration No. 3,829,650); the CA' MOMI mark has been in continuous use for pizza and related goods since at least October 13, 2010 (U.S. Federal Application No. 86/746,072); the CA' MOMI mark has been in continuous use for restaurant and bar services, retail store services featuring prepackaged food and wine and related services since at least October 13, 2010 (U.S. Federal Application No. 86/610,930); the CA' MOMI mark has been in continuous use for pizza since at least October 13, 2010 (U.S. Federal Application No. 86/733,441); and the CA' MOMI ENOTECA mark has been in continuous use for retail store services featuring prepackaged food and wine and related services since at least as early as October 13, 2010 (which mark is registered as U.S. Federal Registration No. 4,281,360).

24. Thus Petitioners' CA' MOMI Marks have established priority over Registrant's MOMI RAMEN mark based on the first use date or filing date of its CA' MOMI Marks.

### **Likelihood of Confusion**

25. Petitioners believe Registrant's MOMI RAMEN mark is similar in sight, sound, and commercial impression to Petitioners' CA' MOMI Marks. MOMI RAMEN is similar in sight and sound to their CA' MOMI Marks, because both contain the distinctive and dominant element MOMI. The element RAMEN in the MOMI RAMEN mark is merely descriptive of the ramen restaurant services provided by the Registrant, and therefore essentially Registrant's mark is MOMI. Further, by Registrant's own admission it has established that RAMEN is merely descriptive or generic, as it has disclaimed "RAMEN" in its mark. Registrant's use of MOMI RAMEN on its website ([www.momiramamen.com](http://www.momiramamen.com)) emphasizes the MOMI element by including MOMI in large, black and red, stylized font while also including the additional element RAMEN in substantially smaller font below MOMI.

26. Registrant's services offered under the MOMI RAMEN mark are identical or related to the services and goods offered under Petitioners' CA' MOMI Marks. Registrant allegedly uses the MOMI RAMEN mark in connection with "restaurant services" in International Class 43. Petitioners' trademark rights in the CA' MOMI Marks include "restaurant services," which are identical to the services claimed in Registrant's U.S. Federal Registration No. 4,410,350. Petitioners also offer additional food and beverage related goods and services that are related to Registrant's registered for services.

27. Registrant's goods and services will be offered to at least some of the same classes of consumers and through at least some of the channels of trade as the CA' MOMI Goods and Services are offered under the CA' MOMI Marks. As applied to Registrant's services, the MOMI RAMEN mark so resembles Petitioners' CA' MOMI Marks as alleged herein as to create a likelihood that consumers will be confused by Registrant's use of its mark in connection to the Registrant's goods and services, resulting in irreparable harm and damage to the Petitioners as to

the source of the goods or services by suggesting that Registrant's products are associated with or approved, endorsed, affiliated, authorized, or otherwise sponsored by Petitioners.

28. The CA' MOMI Marks, and each of them, through Petitioners' extensive use in the United States, have come to identify their high quality goods and services and to distinguish them from products and services emanating from other food and beverage related providers. Thus, the CA' MOMI Marks have become well-known to the relevant trade and public as identifying and distinguishing the CA' MOMI Goods and Services.

29. The CA' MOMI Marks include the strong, distinctive element MOMI. According to a search on the Trademark Electronic Search System, the CA' MOMI Marks are the only marks on the register, other than MOMI RAMEN (U.S. Federal Registration No. 4,410,350) and MOMI & Design (U.S. Federal Application No. 86/608,884) owned by Registrant, that cover restaurant and bar services, and other goods and services relating to the restaurant, beverage, and food industries. This demonstrates that the element MOMI is strong. In fact, the United States Patent and Trademark Office issued an office action suspending Petitioners' U.S. Federal Application No. 86/610,930 for the mark CA' MOMI for use on retail store services featuring prepackaged foods and wine on the basis of the pending application for Registrant's mark MOMI & Design, U.S. Federal Application No. 86/608,884. This office action demonstrates that Registrant's marks including the element MOMI are interfering with Petitioners' prior and superior rights in marks including the element MOMI relating to restaurant and bar services, and other goods and services relating to the restaurant, beverage, and food industries. The continued existence of the MOMI RAMEN mark weakens the strength of Petitioners' CA' MOMI Marks and diminishes Petitioners' rights in the CA' MOMI Marks.

30. Petitioners will be damaged by the continued existence of Registrant's registration of the MOMI RAMEN mark for the services identified in U.S. Federal Registration No. 4,410,350 as a result of the likelihood of confusion, mistake or deception as alleged herein, pursuant to Trademark Act § 2(d), 15 U.S.C. § 1052(d).

WHEREFORE, Petitioners pray that this Petition to Cancel be sustained in favor of the Petitioner, and that U.S. Federal Registration No. 4,410,350 be cancelled pursuant to 15 U.S.C. §§ 1064(3).

Dated: October 7, 2016

Respectfully submitted,

/Jason E. Garcia/

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*Attorneys for Petitioners,*  
Ca' Momi Restaurants, LLC,  
Quaterna, LLC, and  
Ca' Momi Winery, LLC

**Certificate of Service**

This is to certify that on October 7, 2016, a copy of the foregoing Petition to Cancel and exhibits was mailed by First Class mail, postage prepaid, to the following attorney of record:

JENNIE S. MALLOY  
Malloy & Malloy P L  
2800 SW 3rd Ave  
Miami, FL 33129-2317  
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/Justine J. Lee/  
Justine J. Lee

**EXHIBIT A**

[http://napavalleyregister.com/news/local/as-napa-valley-s-prestige-increases-so-do-visitors/article\\_f93c6131-48a5-5adb-92d4-8d7b05185dbf.html](http://napavalleyregister.com/news/local/as-napa-valley-s-prestige-increases-so-do-visitors/article_f93c6131-48a5-5adb-92d4-8d7b05185dbf.html)

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economy

## As Napa Valley's prestige increases, so do visitors

JENNIFER HUFFMAN [jhuffman@napanews.com](mailto:jhuffman@napanews.com) Jun 10, 2015



J.L. Sousa/Register file photo

Visitors enjoy Cadet, a beer and wine bar, that opened last summer at 930 Franklin St. in downtown Napa.

Buy

If Napa's wineries, restaurants and roadways seemed busier these past two years, there's good reason for that. More international and U.S. tourists are being drawn to wine country.

According to two new reports from Visit Napa Valley, the number of people coming to Napa Valley has risen 12.2 percent since 2012, with the bulk of that increase coming from international visitors.

Visitors generated \$1.63 billion in total spending inside the county last year. In 2012, the number was \$1.4 billion. the reports said.

"The prestige of the Napa Valley has increased even more so in the past few years," said Liz Thach, professor of management and wine business at Sonoma State University.

She credited that in part to marketing efforts within the valley to both U.S. and international audiences. In addition, the economy has improved, yet the dollar remained low against other currencies for 2012 and 2013.

In 2014, the Napa Valley welcomed 3.3 million visitors compared to 2.94 million visitors in 2012. The last Napa Valley visitor profile was conducted in 2012.

A total of 86.4 percent of visitors were from the United States and 13.6 percent were from other countries.

In 2012, 8.1 percent of Napa Valley's visitors were from outside of the country. Factoring in the overall rise in all visitors, that's an 88 percent increase, the reports said.

"We're very pleased with the significant increase in international visitation in 2014, which is a very positive sign of the increasingly world-class status of the Napa Valley," said Clay Gregory, president and CEO of Visit Napa Valley.

Charles Kimball, owner of Undiscovered Napa Sonoma, said he's seen an increase in visitors from China, Korea, Japan, Italy, Germany and England. "Napa is just becoming internationally well known as a destination," he said.

He recalled a recent convention in San Francisco that bused large group of Chinese visitors to Charles Krug Winery for multiple tours.

"Every three hours, 120 people from China would arrive to learn about Napa wines and products," said Kimball. The tours continued for three days.

China's emerging middle class has "delved into France, and now they are discovering California," said Kimball, who offers tours both in English and with a Mandarin-speaking interpreter. About 25 percent of his business is international travelers, he said.

"They are people who are willing to spend a lot of money" on drivers, cars and an interpreter. Many will spend about \$185 an hour, or more, for those services.

Kimball said that popular movies and TV shows have also contributed to Napa's desirability. "The name recognition of Napa has just increased in the world." Visitors see film and TV characters talking about "going to Napa for the weekend" and "it sounds like the cool thing to do."

"I think Napa is replacing France as a destination," he said. "And also only 1 hour and 15 minutes from San Francisco. That's huge."

Additionally, "With the economy coming back, we're seeing many, many more people here that have high budgets and the ability to spend. They are more affluent."

Celebrities are also enjoying Napa, he said.

Chef Gordon Ramsay, David Beckham and Ryan Seacrest – "they've all been here in the past two months," he said. "It's become a celebrity location. It's so close to L.A., you can fly here in one and a half hours and they can treat their friends to a really wonderful weekend," he said.

"When the celebrities are here, they can dine in public and (stay) at hotels that are designed to be very discreet and non-assuming."

Tour guide Javier Calderon, owner of Napa Private Tours, said about 20 percent of his business is international travelers, mostly Spanish-speaking from countries such as Mexico, Brazil and Venezuela.

"I want to make sure they fall in love with us," he said. "People are willing to pay for a magical experience."

Calderon said he takes clients to wineries that are suited to their "desires, tastes and budget and make them feel special."

According to Visit Napa Valley, a total of \$1.2 billion of visitor spending was generated from local hotel guests.

They spent an average of \$389 per person, per day, with the majority of this spending attributed to wine purchases, followed by restaurants. This represents a 9.8 percent increase from 2012, with an average daily spending of \$354 per person, per day.

The average visitor spent 1.9 days in the area during their trip, and visitors staying in a lodging property spent an average of 2.9 days in the Napa Valley.

"We're encouraged to see that targeting 'need periods' with Visit Napa Valley's marketing and sales efforts is working," said Gregory.

"Weekday occupancy has grown one and a half times more than weekend occupancy, and group and meeting business (virtually all of which takes place on weekdays) grew two and a half times from 2012 to complement leisure travel. Additionally, 'Cabernet Season' (November through April) occupancy has grown nearly six times more than occupancy during peak season, which is May through October."

Tourism is one of the largest industries in the Napa Valley, and supports an estimated 11,776 jobs, with the majority of these jobs in either the hotel or restaurant industries, said Gregory.

In 2014, Napa Valley's visitor industry generated \$64.2 million in tax revenues for governmental entities in Napa County. Taxes directly generated by the visitor industry include revenues from the transient occupancy tax (hotel tax), sales taxes and property and transfer taxes paid on lodging facilities.

Other key findings noted that the average Napa Valley visitor in 2014 was 39.4 years of age. More than 60 percent of survey respondents were 35 years of age or older, with the single largest group being millennials.

Napa Valley visitors are an affluent group, with 50.5 percent of the survey respondents reporting an annual household income of \$100,000 or more, with an average annual income of \$165,070.

Napa Valley visitors are highly educated, with 73.2 percent having a bachelor's degree and 28 percent who completed graduate school.

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## Jennifer Huffman

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**EXHIBIT B**



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# Ca' Momi

<b>Word Mark</b>	CA' MOMI
<b>Translations</b>	The foreign wording in the mark translates into English as "MOMI"'s house.
<b>Goods and Services</b>	IC 033. US 047 049. G & S: Wines. FIRST USE: 20081031. FIRST USE IN COMMERCE: 20081031
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Trademark Search Facility Classification Code</b>	NOTATION-SYMBOLS Notation Symbols such as Non-Latin characters,punctuation and mathematical signs,zodiac signs,prescription marks
<b>Serial Number</b>	77979835
<b>Filing Date</b>	April 16, 2008
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	December 30, 2008
<b>Registration Number</b>	<b>3829650</b>
<b>Registration Date</b>	August 3, 2010
<b>Owner</b>	(REGISTRANT) Da Ve Winery Inc. CORPORATION CALIFORNIA 2515 Napa Valley Corporate Dr. Napa CALIFORNIA 94558  (LAST LISTED OWNER) CA' MOMI WINERY, LLC LIMITED LIABILITY COMPANY CALIFORNIA 388 Devlin Road NAPA CALIFORNIA 94558
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of</b>	

**Record** Katherine M. Basile  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Affidavit Text** SECT 15. SECT 8 (6-YR).  
**Live/Dead Indicator** LIVE

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**EXHIBIT C**



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# Ca' Momi Enoteca

**Word Mark** CA' MOMI ENOTECA

**Translations** The English translation of "Ca' Momi Enoteca" in the mark is "Momi's House Regional Wine Shop".

**Goods and Services** IC 035. US 100 101 102. G & S: Retail store services featuring prepackaged food and wine. FIRST USE: 20101013. FIRST USE IN COMMERCE: 20101013

IC 043. US 100 101. G & S: Restaurant and bar services; restaurant carryout services; Restaurant and cafe services; Wine bars. FIRST USE: 20101013. FIRST USE IN COMMERCE: 20101013

**Standard Characters Claimed**

**Mark Drawing Code** (4) STANDARD CHARACTER MARK

**Serial Number** 85273508

**Filing Date** March 22, 2011

**Current Basis** 1A

**Original Filing Basis** 1A

**Published for Opposition** November 13, 2012

**Registration Number** **4281360**

**Registration Date** January 29, 2013

**Owner** (REGISTRANT) Da Ve Winery, Inc. DBA Ca' Momi Enoteca CORPORATION CALIFORNIA 2515 Napa Valley Corporate Drive Napa CALIFORNIA 94558

(LAST LISTED OWNER) CA' MOMI RESTAURANTS, LLC LIMITED LIABILITY COMPANY CALIFORNIA 2515 NAPA VALLEY CORPORATE DRIVE NAPA CALIFORNIA 94558

**Assignment Recorded** ASSIGNMENT RECORDED

**Attorney of** Katherine M. Basile

**Record**

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

**Type of Mark** SERVICE MARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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**EXHIBIT D**



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# Ca' Momi

**Word Mark** CA' MOMI

**Translations** The English translation of "Ca' Momi" in the mark is "House of Momi".

**Goods and Services** IC 033. US 047 049. G & S: Distilled Spirits. FIRST USE: 20151204. FIRST USE IN COMMERCE: 20151204

**Standard Characters Claimed**

**Mark Drawing Code** (4) STANDARD CHARACTER MARK

**Serial Number** 86639261

**Filing Date** May 22, 2015

**Current Basis** 1A

**Original Filing Basis** 1B

**Published for Opposition** January 12, 2016

**Registration Number** **5004672**

**Registration Date** July 19, 2016

**Owner** (REGISTRANT) Ca' Momi Winery, LLC LIMITED LIABILITY COMPANY CALIFORNIA 2515 Napa Valley Corporate Drive Napa CALIFORNIA 94558

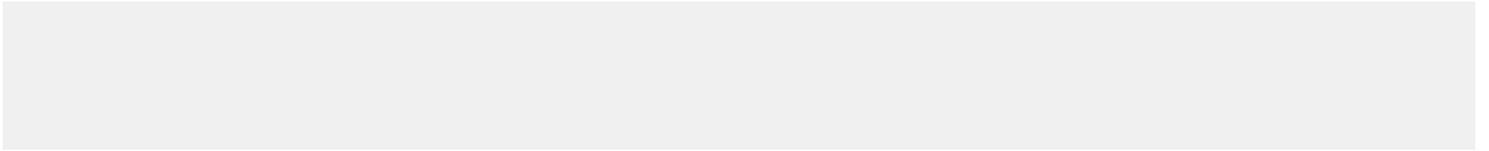
**Attorney of Record** Katherine M. Basile

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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# Ca' Momi

<b>Word Mark</b>	CA' MOMI
<b>Translations</b>	The English translation of Ca' Momi in the mark is House of Momi.
<b>Goods and Services</b>	IC 029. US 046. G & S: Flavored olive oil; Olive oil. FIRST USE: 20150130. FIRST USE IN COMMERCE: 20150130
	IC 030. US 046. G & S: Pizzas. FIRST USE: 20101013. FIRST USE IN COMMERCE: 20101013
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	86746072
<b>Filing Date</b>	September 2, 2015
<b>Current Basis</b>	1A;1B
<b>Original Filing Basis</b>	1A;1B
<b>Owner</b>	(APPLICANT) Ca' Momi Restaurants, LLC LIMITED LIABILITY COMPANY CALIFORNIA 388 Devlin Road Napa CALIFORNIA 94558
<b>Attorney of Record</b>	Katherine M. Basile
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

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# Ca' Momi

**Word Mark** CA' MOMI

**Goods and Services** IC 035. US 100 101 102. G & S: Retail store services featuring prepackaged food and wine. FIRST USE: 20101013. FIRST USE IN COMMERCE: 20101013

IC 043. US 100 101. G & S: Restaurant and bar services. FIRST USE: 20101013. FIRST USE IN COMMERCE: 20101013

**Standard Characters Claimed**

**Mark Drawing Code** (4) STANDARD CHARACTER MARK

**Serial Number** 86610930

**Filing Date** April 27, 2015

**Current Basis** 1A

**Original Filing Basis** 1A

**Owner** (APPLICANT) Ca' Momi Restaurants, LLC LIMITED LIABILITY COMPANY CALIFORNIA 2515 Napa Valley Corporate Drive Napa CALIFORNIA 94558

**Attorney of Record** Katherine M. Basile

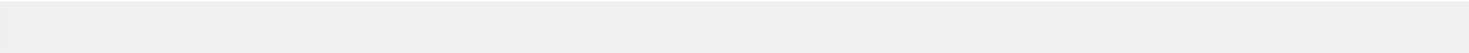
**Type of Mark** SERVICE MARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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# Ca' Momi

<b>Word Mark</b>	CA' MOMI
<b>Translations</b>	The English translation of Ca' Momi in the mark is House of Momi.
<b>Goods and Services</b>	IC 030. US 046. G & S: Pizza. FIRST USE: 20101013. FIRST USE IN COMMERCE: 20101013
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	86733441
<b>Filing Date</b>	August 21, 2015
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Owner</b>	(APPLICANT) Ca' Momi Restaurants, LLC LIMITED LIABILITY COMPANY CALIFORNIA 388 Devlin Road Napa CALIFORNIA 94558
<b>Attorney of Record</b>	Katherine M. Basile
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

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# Ca' Momi

**Word Mark** CA' MOMI

**Translations** The English translation of CA' MOMI in the mark is HOUSE OF MOMI.

**Goods and Services** IC 032. US 045 046 048. G & S: Beer. FIRST USE: 20151013. FIRST USE IN COMMERCE: 20151013

**Standard Characters Claimed**

**Mark Drawing Code** (4) STANDARD CHARACTER MARK

**Serial Number** 86726921

**Filing Date** August 17, 2015

**Current Basis** 1A

**Original Filing Basis** 1B

**Owner** (APPLICANT) Ca' Momi Restaurants, LLC LIMITED LIABILITY COMPANY CALIFORNIA 2515 Napa Valley Corporate Drive Napa CALIFORNIA 94558

**Attorney of Record** Katherine M. Basile

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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