

ESTTA Tracking number: **ESTTA1151680**

Filing date: **08/06/2021**

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

Proceeding	88793569
Applicant	Flying Blue Imports, LLC
Applied for Mark	WOW WINES OF THE WEST
Correspondence Address	ALAIN VILLENEUVE DUANE MORRIS LLP 190 SOUTH LASALLE STREET SUITE 3700 CHICAGO, IL 60603 UNITED STATES Primary Email: AVilleneuve@duanemorris.com Secondary Email(s): NLHorwath@duanemorris.com, IP.Inbox.Chicago@duanemorris.com, RTFlorendo@duanemorris.com 312-499-6739
Submission	Request for remand/amendment
Attachments	request for remand.pdf(655727 bytes )
Filer's Name	Alain Villeneuve
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Signature	/alain villeneuve/
Date	08/06/2021

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of	)	
Michael-David, LLC	)	Trademark Examining Attorney:
	)	William H. Dawe
Serial No.: 88/793,569	)	
	)	Law Office: 108
Filed: February 11, 2020	)	
	)	
Mark: WOW WINES OF THE WEST	)	

**REQUEST FOR REMAND**

Applicant hereby requests that the appealed application noted be remanded to the Examining Attorney for consideration of the evidence attached hereto as Exhibit A. As shown in the attached, the appealed application has been assigned to Michael-David Winery LLC. As such the currently pending refusal of the appealed application is moot because the appealed application and the application that forms the basis for the Office’s likelihood of confusion refusal under Section 2(d) are now commonly owned.

Having shown good cause since such evidence is likely to resolve all issues on appeal, Applicant respectfully requests that the appealed application be returned to the Examining Attorney for consideration.

Respectfully submitted,

Dated: August 6, 2021

Duane Morris LLP

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/Alain Villeneuve /  
Alain Villeneuve

**TRADEMARK ASSIGNMENT (Exhibit A)**

**THIS ASSIGNMENT** is by FLYING BLUE IMPORTS, LLC, a Wisconsin Limited Liability Company with a principal place of business at 120 Bishops Way, Suite 124, Brookfield, Wisconsin ("Assignor"), to MICHAEL DAVID WINERY LLC ("MD"), a California Limited Liability Company with its principal place of business at 4580 W. Highway 12, Lodi, California ("Assignee").

**WHEREAS**, Assignor, individually or through her predecessors in interest and/or licensees, has obtained rights in and to various marks included in the trademark applications and registrations listed below (the "Trademarks").

**WHEREAS**, the parties desire that Assignor assign to Assignee all of her right, title and interest in and to the Trademarks, including without limitation the following U.S. trademark applications (the "Applications"):

<u>U.S. Reg./App.</u>	<u>Mark</u>	<u>Filing Date</u>
App. 88/793,569	WOW Wines of the West	Feb. 11, 2020
App. 87/902,353	WOW Wines of the World	Feb 11, 2020

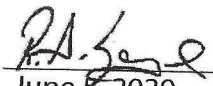
together with that portion of the goodwill of the business of Assignor symbolized by the Trademarks.

**NOW, THEREFORE**, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignor hereby transfers and assigns unto Assignee all of her right, title and interest in and to the Trademarks and the Applications, together with the goodwill of the business symbolized by the Trademarks, and the right to sue for past, present or future infringements thereof and to recover damages and other amounts related thereto.

**TO HAVE AND TO HOLD** the same unto said Assignee, its successors and assigns, forever.

**ASSIGNOR**

Flying Blue Imports, LLC  
Signature:

Title:   
Date: June 8, 2020

**ASSIGNEE**

Michael David Winery LLC  
Signature:

Title:   
Date: 060621