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January 3, 2007

Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

**By U.S. EXPRESS MAIL**

Re: **MARK: TWENTY ROWS**  
**Ser. No.: 78/458716**  
**Opp. No. 91168224**  
**Applicant: Twenty Rows LLC**

Dear Sir/Madam:

Enclosed for filing are:

1. Applicant Twenty Row, LLC's Reply to Opposer's Opposition to Motion for Summary Judgment, in re Opposition No. 91168224, and related papers;
2. A Certificate of Mailing and Certificate of Service re same.
3. A self-addressed, stamped postcard to serve as notification of receipt.

Should you require anything further please call the undersigned. Thank you for your assistance.

Very truly yours,

COOPER, WHITE & COOPER LLP



Todd Evan Bolinger

Enclosure  
553332.1/14165-32501

cc: Marcy J. Bergman, Esq. (w/out encl)  
Vijay K. Toke, Esq. (w/out encl)  
Leila Knox (w/out encl)

01-03-2007

U.S. Patent & TMOft/TM Mail Rcpt Dt #34

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**Certificate of Mailing By United States Express Mail**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as U.S. Express Mail, Receipt No. EV533065864US, in an envelope addressed to Trademark Trial and Appeal Board, P.O. Box 1451, Alexandria VA 22313-1451, on January 3, 2007.



Todd Evan Bolinger  
Trademark Legal Assistant

Dated: January 3, 2007

**CERTIFICATE OF SERVICE ON COUNSEL FOR OPPOSER**

It is hereby certified that on January 3, 2007, a copy of the foregoing  
**TWENTY ROWS LLC'S REPLY TO OPPOSER'S OPPOSITION TO MOTION FOR SUMMARY  
JUDGMENT IN RE OPPOSITION NO. 91168224; TWENTY ROWS LLC'S OBJECTION TO  
EVIDENCE SUBMITTED WITH OPPOSER'S RESPONSE TO APPLICANT'S MOTION FOR  
SUMMARY JUDGMENT; DECLARATION OF TODD BOLINGER IN SUPPORT OF TWENTY  
ROWS LLC'S REPLY TO OPPOSER'S OPPOSITION TO MOTION FOR SUMMARY  
JUDGMENT IN RE OPPOSITION NO. 91168224;** has been served on the attorneys for  
Opposer by Express Mail Receipt No. EV203837425US, postage prepaid, to their  
last known address of record:

Jennifer H. Hamilton  
The Eclipse Group  
10605 Balboa Blvd., #300  
Granada Hills, CA 91344  
(818) 488-8141

Dated: January 3, 2007



Todd Evan Bolinger

SF:550656.1/14165-32501

**TWENTY ROWS LLC'S REPLY TO OPPOSER'S OPPOSITION TO MOTION FOR SUMMARY  
JUDGMENT IN RE OPPOSITION NO. 91168224**

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

In The Matter of Application Serial No. 78/458,716  
Filed on: July 29, 2004  
For the Mark: TWENTY ROWS  
Published in the *Official Gazette (Trademarks)* on October 25, 2005

TTAB

UNFILTERED NAPA LLC

Opposer,

v.

TWENTY ROWS LLC

Applicant.

Opposition No. 91168224

**TWENTY ROWS LLC'S REPLY  
TO OPPOSER'S OPPOSITION  
TO MOTION FOR SUMMARY  
JUDGMENT IN RE OPPOSITION  
NO. 91168224**

**I. INTRODUCTION**

Opposer, Unfiltered Napa LLC, fails to raise any triable issue of material fact in its opposition to Twenty Rows LLC's ("Twenty Rows" or "Applicant") motion for summary judgment. Contrary to Opposer's contention, Applicant's motion is not a resubmission of an already decided issue. The Board's decision on Opposer's unsuccessful motion held "at a minimum, opposer has failed to show the absence of a genuine issue as to the similarity of the marks at issue." In the present motion, Applicant has shown that no such issue exists and that this opposition should be concluded on summary judgment. In support of its motion, Applicant relies on new evidence previously unsubmitted to the board that is substantial and unrefuted, including evidence from a wine industry expert and national wine retailers and distributors. This evidence establishes that the marks TWENTY ROWS and TWENTY BENCH are not similar in

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TWENTY ROWS LLC'S REPLY TO OPPOSER'S OPPOSITION TO MOTION FOR SUMMARY JUDGMENT IN RE  
OPPOSITION NO. 91168224

appearance, meaning or commercial impression, have not been the subject of confusion during their two years of coexistence, and are not likely to be confused in the future.

In its attempt to create a material issue of fact that would justify denial of Applicant's motion, Opposer provides unsupported assertions and inadmissible, vague declarations, principally from interested parties. Such evidence fails to raise a triable issue of material fact on the essential issue here – likelihood of confusion. Therefore, summary judgment should be granted in favor of Applicant.

## **II. ARGUMENT**

### **A. Opposer has not and cannot produce any evidence of actual confusion.**

More than two years have passed since TWENTY ROWS wine was first sold to consumers, and yet Opposer cannot present a single admissible declaration showing any instance of actual consumer confusion. In fact, the two declarations submitted by Opposer are exactly the same conclusory and unsubstantiated statements that Opposer submitted in support of its denied summary judgment motion, and its only new evidence purporting to show actual confusion consists of unauthenticated pages from three online chat rooms, all of which are not only inherently unreliable and riddled with inadmissible hearsay, but fail to show any confusion.

The declaration of James Harder (a co-owner of Opposer), dated April 30, 2006, relates two conversations from December 2005 and one from April 2006 that fail to provide any evidence of actual confusion or raise a material issue of fact on the issue of likelihood of confusion. First, the declaration indicates that an accountant for a Santa Barbara wine store mistakenly called Unfiltered Napa about an invoice for Twenty Rows wine.<sup>1</sup> This evidence is

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<sup>1</sup> James Harder Decl. ¶3, attached as Exhibit L to Opposer's Response.

not only inadmissible hearsay, but it does not show any actual confusion. The accountant was neither a wine buyer nor a consumer, and the errant phone call resulted in immediate clarification without any indication that any consumer was confused or misled in connection with a wine purchase.<sup>2</sup>

Second, the Harder declaration states that a Napa Valley wine shop owner reported that he had accepted an order for TWENTY BENCH from a customer thinking he had this wine in stock, when in fact it was TWENTY ROWS that he had in stock.<sup>3</sup> When the store owner realized that he had not purchased any TWENTY BENCH wine, he was not confused, but rather understood that the marks referred to two different brands and called to order TWENTY BENCH wine. This is simply a failure of recollection, not evidence of confusion.

Third and finally, Mr. Harder's declaration states that an unnamed "floor sales person" at a Los Angeles wine store told him that unspecified customers "frequently mistake the TWENTY ROWS label with the TWENTY BENCH label." Such conclusory and vague hearsay evidence is unreliable, untrustworthy, and incapable of scrutiny or cross-examination, and therefore should be disregarded.<sup>4</sup>

The second declaration submitted by Opposer, that of wine shop general manager Denise Johnson, contains one substantive sentence: "Customers are frequently confused between the two brands." This conclusory and unreliable declaration, used by Opposer in support of its

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<sup>2</sup> See, e.g., *Windsor Inc. v. Intravco Travel Centers, Inc.*, 799 F.Supp. 1513, (S.D.N.Y. 1992) (no actual confusion where no testimony explaining the reason for the alleged confusion)

<sup>3</sup> Harder Decl. ¶4, attached as Ex. L to Opposer's Response.

<sup>4</sup> *Duluth News-Tribune v. Mesabi Publishing Co.*, 84 F.3d 1093, 1098 (8<sup>th</sup> Cir. 1996) (holding that evidence of misdirected phone calls and mail was inadmissible hearsay).

unsuccessful summary judgment motion, has no more weight now than it did before.<sup>5</sup> These two declarations provide no evidentiary support for Opposer's claim of actual confusion, and in fact support Applicant's position that no confusion has occurred, nor is any likely to occur.

Opposer also offers unsubstantiated portions of online chat room conversations between unidentified people as evidence of actual confusion among consumers.<sup>6</sup> These online chats are not properly authenticated and are inadmissible because they are inherently unreliable, vague, and susceptible to manipulation.<sup>7</sup> In fact, one of the websites cited by Opposer, winelibrary.com, has removed all user reviews due to excessive fraudulent postings on the site.<sup>8</sup>

Even if considered, the content of these websites actually indicate that consumers are not confused. For example, the exchange Opposer submits from wineaccess.com (Exh. M to Opposer's Response) shows that consumers can distinguish between the two marks ("I've heard of Twenty Bench, not Twenty Rows. Is that what you mean?" "no, it's not. you can purchase 'twenty rows' through the wine finder on this page ..." (sic)). Similarly, in the WineLibrary forum (Exh. N to Opposer's Response), one poster correctly states that TWENTY ROWS is Vinoce's second label, while another correctly states that TWENTY BENCH is Jim Regusci's side project. On the Wine Spectator Online forum (Exh. O to Opposer's Response), one poster asks another poster if he is talking about TWENTY ROWS or TWENTY BENCH, "the approx \$18 bottle produced by Regusci?" This statement, along with others on this forum, show that

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<sup>5</sup> Denise Johnson Decl. ¶3, served with Opposer's Response.

<sup>6</sup> See Exhs. M, N and O, filed and served with Opposer's Response to Applicant's motion for summary judgment.

<sup>7</sup> See Applicant's Objection To Evidence Submitted With Opposer's Response To Applicant's Motion For Summary Judgment, filed and served herewith.

<sup>8</sup> See Exhibit A to Bolinger declaration, filed and served herewith.

wine consumers can and do distinguish between the two marks.<sup>9</sup> There is nothing in these forums that indicates actual confusion, and thus Opposer fails to raise a triable issue as to actual confusion.

**B. Opposer raises no genuine issue of material fact on likelihood of confusion**

Applicant's motion and supporting declarations show that there is no likelihood of confusion between the TWENTY ROWS mark and Opposer's TWENTY BENCH mark. Opposer's brief attempts to raise factual issues by arguing that certain factors should weigh in favor of likelihood of confusion. Opposer addresses the role of labels in assessing consumer confusion; the sophistication of buyers; and strength of Opposer's mark, but in each case fails to provide competent, admissible evidence to back its position. Opposer is simply attempting to prolong this opposition through the evidentiary phase by suggesting that there are triable issues of fact to be decided on likelihood of confusion, but none of the issues allegedly in dispute are material to the resolution of the underlying question – are these marks likely to be confused. The Board can and should conclude on the undisputed record that these marks are dissimilar in sight, sound and commercial impression, and given the absence of any actual confusion for more than two years, the finding must be that there is no likelihood of confusion between the two marks.

1. The marks are not similar and do not convey the same sight, sound or commercial impression

Opposer argues that the marks are similar in sight, sound and commercial impression, and that adding ROWS and BENCH to TWENTY does not change the sight, sound or commercial impression of the parties' respective marks. This simply is not true. Initially, it is

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<sup>9</sup> See *Duluth News*, 84 F.3d at 1098 (a question that asks to distinguish between the senior and junior mark indicated a distinction in consumer's mind, not confusion)

worth noting that the trademark examiner viewed the marks differently: TWENTY BENCH was asked to disclaim "BENCH" in its trademark application,<sup>10</sup> but TWENTY ROWS was not asked to disclaim "ROWS," and was subsequently approved for publication. Thus, the marks cannot be compared by looking at the word TWENTY alone. Rather, the marks "must be considered in their entireties."<sup>11</sup> The marks at issue consist of two words of equal prominence, creating a single commercial impression. The words "ROWS" and "BENCH" look and sound completely different. And, as discussed in Applicant's opening brief, the two-word combinations give completely distinct impressions.

Moreover, contrary to Opposer's assertion, in order to compare the similarity of the marks "it is essential to consider the marks' visual characteristics" when considering the likelihood of confusion.<sup>12</sup> Wine retailers depend upon label design and icons to attract consumers.<sup>13</sup> Opposer points out that trademark examiners are primarily concerned with the "mark as shown and described in the application itself," and not the mark as it is actually used.<sup>14</sup> In fact, specimens of the labels for both Applicant's TWENTY ROWS mark and Opposer's TWENTY BENCH mark were submitted to the USPTO with their respective applications for registration.<sup>15</sup> Therefore, it

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<sup>10</sup> See Exhibit B to Declaration of Marcy J. Bergman, filed and served with Applicant's opening brief in support of this Motion for Summary Judgment.

<sup>11</sup> *Jack Poust v. John Gross*, 460 F.2d 1076, 1078, 59 CCPA 1068 (CCPA 1972)

<sup>12</sup> *In re National Data Corp.*, 224 U.S.P.Q. 749, 750 (TTAB 1078); *Barbecue Marx, Inc. v. 551 Ogden, Inc.*, 235 F.3d 1041, 1044 (7<sup>th</sup> Cir. 2000).

<sup>13</sup> Harry Parsley Decl. ¶10, filed with Applicant's motion for summary judgment.

<sup>14</sup> *Smith v. Tobacco By-Products and Chemical Corp.*, 243 F.2d 188, 190, 44 C.C.P.A. 880, 883 (C.C.P.A. 1957).

<sup>15</sup> See Exhs. B and C to Bolinger Decl. Of course, the use of trademarks on wine is also controlled by the label approvals issued by the Department of the Treasury. The TWENTY  
(footnote continued)

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is appropriate to consider the labels used on both Applicant's and Opposer's wines when considering the commercial impression created by the marks. As shown in Applicant's moving papers, the overall commercial impression of the marks as seen on their respective labels are entirely different. In light of the absence of actual confusion and the dissimilarities between the marks, the other factors discussed at length by Opposer, and claimed to weigh in favor of likelihood of confusion, are of little significance. Nonetheless, Applicant addresses those factors in turn.

2. The relevant consumer class is sophisticated and knowledgeable about wine

Opposer also alleges that wine consumers are not sophisticated, and that they typically make purchases impulsively. Opposer supplies no expert declaration or other evidence demonstrating that this is true, but substantiates its assertion with citations to cases involving unrelated wine brands.<sup>16</sup> Those cases, however, cannot be cited for the proposition that all wine consumers are unsophisticated, nor that consumers of TWENTY ROWS and TWENTY BENCH wine are unsophisticated. The *Taylor Wine Co.* court stated that the "average American who drinks wine on occasion can hardly pass for a connoisseur of wines."<sup>17</sup> The court went on to point out that because the fact patterns in these types of cases are so varied, trademark law is a field that "does not lend itself to strict application of the rule of stare decisis."<sup>18</sup>

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ROWS and TWENTY BENCH distinctive label designs are each the subject of Certification of Label Approvals requiring consistent use of the marks.

<sup>16</sup> See *Taylor Wine Co., Inc. v. Bully Hill Vineyards, Inc.*, 569 F.2d 731, 734 (2d Cir. 1978); see also *Russell v. Caesar*, 62 U.S.P.Q.2d 1125, 1130 (N.D. Cal. 2001).

<sup>17</sup> *Taylor Wine Co.*, 569 F.2d at 734.

<sup>18</sup> *Id.* at 735.

The undisputed facts here indicate that the relevant consumer base for these wines is sophisticated. As shown in the declaration of Harry Parsley, Applicant's and Opposer's wines are marketed primarily through wine specialty retailers, requiring a special trip or online visit to purchase the wine.<sup>19</sup> The wines at issue are also considered "premium wines" given their price points, and their relevant consumers are sophisticated and knowledgeable about the wines they drink.<sup>20</sup> Indeed, the evidence submitted by Opposer from the various wine chat rooms is consistent with Applicant's position that consumers of Opposer's and Applicant's wines exercise great care in their selections.<sup>21</sup> Thus, the uncontroverted evidence supports a finding that the consumers of these wines are sophisticated and readily able to distinguish between the brands.

3. TWENTY BENCH is not a strong mark

Opposer alleges that TWENTY BENCH is a strong mark, and that third-party registrations for wine that include number-word combinations are not relevant in these proceedings.<sup>22</sup> Third-party registrations are relevant because they show that number-word combinations are common in the marketplace and that consumers routinely encounter wine marks that share a common word. Moreover, as noted by the Court in the *Old Tyme Foods* case, the actual use of similar marks by third-parties is relevant to strength of the mark.<sup>23</sup> Many of the

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<sup>19</sup> Parsley Decl. ¶5.

<sup>20</sup> Parsley Decl. ¶¶5, 6.

<sup>21</sup> See Exhibits M, N, and O to Opposer's Response.

<sup>22</sup> Opposer cites *Old Tyme Foods, Inc. v. Roundy's Inc.*, 961 F.2d 200 (Fed. Cir. 1992) for this proposition.

<sup>23</sup> *Old Tyme Foods, Inc. v. Roundy's Inc.*, 961 F.2d 200, 203-04 (Fed. Cir. 1992).

cited marks are both registered and currently used for sale of wine in the United States.<sup>24</sup> This third-party evidence is therefore directly relevant to the issue of strength of the mark.

Opposer then argues that Applicant's third-party use evidence is irrelevant because the numerous marks Applicant cited in its opening papers do not contain the word "twenty." This argument misses the forest for the trees. Applicant refers to third-party usage to establish that many wine brands share common words and consumers are accustomed to distinguishing between them. While Applicant and Opposer may be the only two brands using "twenty" in a "number/word" combination mark at the moment, the numerous examples of shared word marks indicate that Opposer's mark is not strong. Opposer's own evidence establishes that consumers encounter many wine brands, all currently in use, sharing similar words. For example, wines beginning with the letter "T" on winefetch.com cited in Opposer's brief (Exh. G) include several wines with registered trademarks using number-word constructs, including TWO HANDS, TWO OCEANS, and TWO RIVERS; and THREE SISTERS, THREE SISTERS VINEYARDS, and THREE THIEVES.<sup>25</sup>

Opposer also argues that its mark is commercially distinctive under the generally accepted five factor test.<sup>26</sup> Opposer fails to submit any admissible evidence on three of the five factors, i.e. how widely the mark is promoted, how well-known the mark is in the relevant field of business, or how distinctive the mark is. Thus, Opposer's sole basis for asserting commercial

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<sup>24</sup> Bolinger Decl. ¶8.

<sup>25</sup> See Exh. D to Bolinger Decl.

<sup>26</sup> See *The Alta Vista Corp., Ltd. v. Digital Equipment Corp.*, 44 F.Supp.2d 72, 79 (D.Mass. 1998) (the five factors are (1) whether mark is registered, (2) length of use of the mark, (3) how widely the mark is promoted, (4) how well-known the mark is in the relevant field of business, and (5) how distinctive the mark is).

strength is the length of use of the mark (four years) and its registration of TWENTY BENCH on December 23, 2003. In fact, this evidence demonstrates that the mark is a relative newcomer, with little commercial distinctiveness or reputation. Opposer provides no expert evidence supporting any finding of commercial distinctiveness or strength. On the contrary, Applicant's expert provided unrefuted evidence that the production of 60,000 cases in four years constitutes a very small winery, suggesting that Opposer's mark is not commercially strong.<sup>27</sup>

Giving Opposer the benefit of all justifiable inferences, none of the factors allegedly in dispute would be sufficient to create a triable issue of material fact on the issue of likelihood of confusion between the TWENTY BENCH brand and Applicant's TWENTY ROWS wine. There has been no confusion for the past two years, and no credible reason to believe any confusion will occur in the future. These brands can and will peacefully coexist.

### **III. CONCLUSION**

Applicant has established in its motion and supporting declarations that no triable issue of material fact exists as to likelihood of confusion between Opposer's trademark and Applicant's mark. While Opposer has argued that such issues exist it has failed to provide any evidence showing as much. Applicant's motion for summary judgment should be granted.

DATED: January 3, 2007

Respectfully submitted,

COOPER, WHITE & COOPER LLP

By:



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Marcy J. Bergman  
Attorneys for Applicant Twenty Rows LLC

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<sup>27</sup> Parsley Decl. ¶12.

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

In The Matter of Application Serial No. 78/458,716  
Filed on: July 29, 2004  
For the Mark: TWENTY ROWS  
Published in the *Official Gazette (Trademarks)* on October 25, 2005

UNFILTERED NAPA LLC

Opposer,

v.

TWENTY ROWS LLC

Applicant.

Opposition No. 91168224

**TWENTY ROWS LLC'S  
OBJECTIONS TO EVIDENCE  
SUBMITTED WITH OPPOSER'S  
RESPONSE TO APPLICANT'S  
MOTION FOR SUMMARY  
JUDGMENT**

TWENTY ROWS LLC ("Twenty Rows" or "Applicant") objects to the following evidence provided in Unfiltered Napa LLC's ("Unfiltered" or "Opposer") Response in Opposition to Applicant's motion for summary judgment ("Response").<sup>1</sup>

1. **OBJECTIONS TO PRINTED COPIES OF WEBSITE**

**PAGES FEATURING WINES (EXHIBITS G AND J TO OPPOSER'S RESPONSE)**

Applicant objects to the printed copies of website pages submitted from WineStreet Inc., the Wine Merchant, WineFetch, Pearson's, and the Woodland Hills Wine Company (attached as Exhibit G to Opposer's response) and the excerpts from Wine News Magazine (Bates Nos. UN 42-47, attached as Exhibit J to Opposer's response), as follows:

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<sup>1</sup> Applicant also objects to the incorporation of Opposer's earlier filed briefs in support of its denied Motion for Summary Judgment. (Opposer's exhibits B and D) Opposer's attempt to incorporate these pleadings into this Response impermissibly exceeds the 25 page limit for oppositions. TBMP §502.02 and 37 CFR §2.127(e). These exhibits should not be considered.

**Basis for Objection:** The materials attached as Exhibit G and the portions of Exhibit J referenced above are internet postings. Internet postings are not self-authenticating, and must be properly authenticated under TBMP Section 528.05(e), which states that, "Internet postings are transitory in nature as they may be modified or deleted at any time without notice and thus are not 'subject to the safeguard that the party against whom the evidence is offered is readily able to corroborate or refute the authenticity of what is proffered.'"<sup>2</sup> To be admissible, such materials must be authenticated by a competent person by declaration or affidavit as to the nature, source, and date of the materials.<sup>3</sup> Opposer failed to authenticate these internet sites in any way and failed to introduce any declaration or affidavit attesting to the identity, nature, source, and date of these materials pursuant to the TBMP and Federal Rules of Civil Procedure.<sup>4</sup> Therefore, these exhibits should be excluded in their entirety.

2. **OBJECTIONS TO COPIES OF CATALOGS, NEWSPAPERS AND MAGAZINES**  
**(EXHIBITS G AND J TO OPPOSER'S RESPONSE)**

Applicant objects to the portions of Exhibits G and J to Opposer's Response described in the chart below:

**Bases for objection:** Applicant bases its objections on TBMP section 528.05(e), which applies to printed publications offered as exhibits in summary judgment proceedings. The following requirements for such publications are relevant to the objections listed below:

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<sup>2</sup> TBMP §528.05(e)(citations omitted).

<sup>3</sup> *Id.*

<sup>4</sup> TBMP §528.05(e); Fed. R. Civ. Proc. 56(e).

- Printed publications must be available to the general public in libraries or of general circulations among members of the public or the segment of the public that is relevant to the issue under the proceedings;
- materials are self-authenticating so long as the evidence is competent and relevant;
- there must be information identifying the source and date of the publication and the pages to be read ; and
- there must be some indication of the relevance of the materials being offered.<sup>5</sup>

Exhibit and Description	Rule	Basis for Objection
Exh. G – The Wines of America catalog	TBMP §528.05(e)	There is no information identifying the source of this publication. Also, it is unclear whether this publication is in general circulation among the segment of the public that is relevant to these proceedings. Thus, this listing was not properly authenticated and should not be considered. Further, this listing is irrelevant, as it does not address any <i>DuPont</i> factor and is therefore not probative of whether there is a likelihood of confusion between the marks.
Exh. G – K&L Wine Merchants catalog	TBMP §528.05(e)	There is no information identifying the source of this publication. Also, it is unclear whether this publication is in general circulation among the segment of the public that is relevant to these proceedings. Rather, this appears to be a newsletter for a San Francisco Bay Area based retailer sent to its subscribers, not to the general public. Thus, this listing was not properly authenticated and should not be considered. Further, this catalog is irrelevant, as it does not address any <i>DuPont</i> factor and is therefore not probative of whether there is a likelihood of confusion between the marks.
Exh. J – CalWine, Fall/Holiday Winter 2005 and page that follows titled "Great Values" (UN 4, 9)	TBMP §528.05(e)	There is no information identifying the source of this publication. Also, it is unclear whether this publication is in general circulation among the segment of the public that is relevant to these proceedings. Rather, this appears to be a newsletter for a wine retailer sent to its subscribers, not to the general public. It is also unclear that page UN 9 is related to page UN 4—specifically, there is no indication that the page with the title "Great Values" is related to the

<sup>5</sup> TBMP §528.05(e).

		cover page for the magazine—and Opposer has failed to provide a declaration or affidavit stating as much. Thus, this listing was not properly authenticated and should not be considered. Further, this catalog is irrelevant, as it does not address any <i>DuPont</i> factor and is therefore not probative of whether there is a likelihood of confusion between the marks.
Exh. J – Napa Valley Winery Exchange Headlines (UN 19-20)	TBMP §528.05(e)	This article was not properly authenticated. It is unclear whether this publication is readily available to the segment of the public that is relevant to these proceedings. The publication's name suggests that it is a newsletter produced by a Napa Valley wine retailer, and therefore probably is not widely available to the relevant segment of the public. Further, this material is irrelevant, as it does not address any <i>DuPont</i> factor and is therefore not probative of whether there is a likelihood of confusion between the marks.
Exh. J – Article from the San Francisco Chronicle (UN 28)	TBMP §528.05(e)	This article was not properly authenticated by declaration or affidavit.
Exh. J – Wine & Spirits Magazine (UN 29)	TBMP §528.05(e)	This magazine cover appears to be a manipulated reproduction that superimposes a review from inside the magazine on the cover. It is unclear where the review was located within the magazine (if indeed it came from this particular magazine). Thus, this material was not properly authenticated by affidavit or declaration.
Exh. J – Wines Under \$15 Recommended by the Staff (UN 31)	TBMP §528.05(e)	There is no date or publication title listed on this photocopied page, and therefore no indication of where it comes from and what type of publication it is. It also is unclear whether it is widely available to the relevant audience. Thus, it was not properly authenticated by declaration or affidavit. Further, this document is irrelevant, as it does not address any <i>DuPont</i> factor and is therefore not probative of whether there is a likelihood of confusion between the marks.
Exh. J – NapaLife (UN 33-34)	TBMP §528.05(e)	As with the Napa Valley Winery Exchange, it is unclear whether this publication is available through either the public library or is of general circulation among members of the public. Given the name of the publication, it likely is a regional publication that is not available to wine enthusiasts outside of the Napa Valley. Thus, it was not properly authenticated by declaration or affidavit.
Exh. J – Beverage Dynamics (UN 35-36)	TBMP §528.05(e)	As with the Napa Valley Winery Exchange, it is unclear whether this publication is available through either the public library or is of general circulation among members of the public. Given the name of the publication, it likely

		is a regional or trade publication that is not available to the general public. Thus, it was not properly authenticated by declaration or affidavit.
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For the reasons stated above, the above-discussed portions of these exhibits should not be considered.

3. **OBJECTIONS TO PRINTED COPIES OF INTERNET CHAT ROOM POSTINGS**

**(EXHIBITS M, N, AND O TO OPPOSER'S RESPONSE)**

Applicant objects to the following portions of Exhibits M (a bulletin board from wineaccess.com); Exhibit N (a user forum from winelibrary.com), and Exhibit O (a user forum from Wine Spectator Online, www.winespectator.com) to Opposer's Response as follows:

**Basis for objection:** Opposer's printed copies of internet chat room postings are not properly authenticated per the TBMP (see also Objection 1, above).<sup>6</sup> The TBMP states that internet postings are not "subject to the safeguard that the party against whom the evidence is offered is readily able to corroborate or refute the authenticity of what is proffered."<sup>7</sup> This warning is especially true with respect to postings to online chat rooms since the individuals who contribute to these discussion groups remain anonymous and unaccountable for their postings. This lack of accountability renders such testimony particularly unreliable, even where a poster lists a user name next to his or her contribution since there is no way of easily verifying who that poster is. In this instance, Opposer does not provide any authentication that these chat rooms are bona fide, unmanipulated postings from the Internet.

Even if these websites could be authenticated, the postings are inadmissible hearsay for which there is no applicable exception. For these reasons, this exhibit should be excluded.

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<sup>6</sup> TBMP §528.05(e).

<sup>7</sup> *Id.*

**4. OBJECTIONS TO THE FIRST DECLARATION OF JAMES HARDER DATED DECEMBER 14, 2006 (EXHIBIT F TO OPPOSER'S RESPONSE)**

Applicant objects to the following portions of the declaration of James Harder (Exhibit F to Opposer's Response):

(a) ¶3: "Ordinarily, consumers seeking a particular wine generally ask for the wine at restaurants and in wine stores verbally, by the brand name. Distributors of wine and other middlemen do the same by telephone, or they order the wine in writing by its brand name."<sup>8</sup>

**Basis for objection:** Declarations submitted in support of or in opposition to a motion for summary judgment must be made based on personal knowledge and show that the declarant is competent to testify to the matters stated therein.<sup>9</sup> Mr. Harder is neither a restaurateur nor a wine store owner. The declaration does not set forth the basis for his knowledge of wine consumers' buying habits and is therefore not competent evidence of how consumers typically purchase wines in restaurants and stores. This paragraph should be excluded.

(b) ¶4: "When consumers purchase wine at a restaurant, wine lists provided by restaurants typically list the wine by the brand or trademark and do not include an illustration of the wine's labels."

**Basis for objection:** Mr. Harder does not set forth whether or how he is competent to provide this information or any foundation for this assertion. Moreover, this

---

<sup>8</sup> This declaration states that it has been submitted in support of Applicant's motion for summary judgment. Applicant assumes that Mr. Harder submitted this declaration in opposition to, not in support of, this motion.

<sup>9</sup> TBMP §528.05(b).

statement is not necessarily one of common understanding that can be judicially noticed.

Further, Mr. Harder does not claim to have personal knowledge about the purchasing habits of consumers who choose wine at restaurants. Therefore, this paragraph should not be considered.

(c) ¶6: "Over the past 4 years, over 60,000 cases of wine under the TWENTY BENCH© brand have been sold to an estimated at least 3000 different distributors, restaurants, wine shops and markets, and the TWENTY BENCH© brand has become very well known and widely acclaimed in the wine industry."

**Basis for objection:** Mr. Harder's declaration fails to set forth any foundation for Mr. Harder's opinion. Mr. Harder does not claim to be an expert in wine marketing or retailing and he therefore, cannot provide an opinion on what is or is not a "very well known" or "widely acclaimed" winery.<sup>10</sup> This specified portion of this sentence should be excluded.

## 5. OBJECTION TO THE DECLARATION OF DENISE JOHNSON

### (EXHIBIT K TO OPPOSER'S RESPONSE)

Applicant objects to the following portions of the Declaration of Denise Johnson, attached as Exhibit K to Opposer's Response:

(a) ¶3: "Customers are frequently confused between the two brands."

**Basis for objection:** Ms. Johnson's conclusory statement is double hearsay and inadmissible for any purpose. It provides no evidentiary basis for the conclusion and identifies no actual confused consumer, nor the circumstances under which that consumer was confused. As noted by the Board, actual confusion "is too important to be established by means of an inference, unsupported by corroborating evidence."<sup>11</sup> Such vague, conclusory, and unintelligible

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<sup>10</sup> Applicant only objects to the underlined portion of this sentence.

<sup>11</sup> *Toys "R" Us, Inc. v. Lamps R Us*, 219 U.S.P.Q. 340, 346 (TTAB 1983).

evidence may not be considered.<sup>12</sup> Therefore, paragraph 3 of Ms. Johnson's declaration should be stricken from the record.

**6. OBJECTIONS TO DECLARATION OF JAMES HARDER DATED APRIL 30, 2006 (EXHIBIT L TO OPPOSER'S RESPONSE)**

Applicant objects to the following portions of the Declaration of James Harder dated April 30, 2006, attached as Exhibit L to Opposer's Response:

(a) ¶3: "On December 16, 2005, I received a call from Doris Vickery, an accountant for Wine Cask, located at 813 Anacapa Street in Santa Barbara, California. In this telephone call with Ms. Vickery, Ms. Vickery requested a copy of an invoice for an order of Twenty Bench wine. After Ms. Vickery gave me a copy of the invoice number, I realized that the invoice she was requesting was not an invoice from Unfiltered Napa. After further inquiring about the specific invoice, Ms. Vickery indicated that the invoice she needed was for an order of Twenty Rows wine, rather than Twenty Bench."

**Basis for objection:** This evidence is clearly inadmissible double hearsay since it is an out-of-court statement purporting to establish the state of mind of a third party other than the declarant.<sup>13</sup> Since this statement would be inadmissible in court, this paragraph should be excluded from evidence.

(b) ¶4: "On or about December 21, 2005, Stephen Goldberg, the owner of Cellar Collections, a wine shop located in Napa Valley, called me. Mr. Goldberg told me that he accepted an order from one of his customers for Twenty Bench Cabernet

---

<sup>12</sup> *Duluth News-Tribune v. Mesabi Publishing Co.*, 84 F.3d 1093, 1098 (8<sup>th</sup> Cir. 1996) (vague, conclusory, hearsay evidence alleging actual confusion not admissible).

<sup>13</sup> *Duluth News*, 84 F.3d at 1098 (excluding hearsay evidence purporting to establish actual confusion).

Sauvignon. Mr. Goldberg further explained to me that when he went to retrieve the wine from inventory, he discovered that the product eh carried was 'Twenty Rows' Cabernet. Cellar Collections had never purchased 'Twenty Bench' Cabernet. I then accepted an order from Mr. Goldberg for the purchase of Twenty Bench Cabernet for Cellar Collections."

**Basis for objection:** This is inadmissible double hearsay and supplies no evidence, with no applicable exception. Moreover, this paragraph fails to provide any details regarding the reasons for the alleged confusion. As such, it is particularly unreliable and should not be considered.<sup>14</sup>

(c) ¶4<sup>15</sup>: "On or about April 12, 2006, I spoke to the floor sales person at the Wine House in Los Angeles, CA. He indicated that customers frequently mistake the Twenty Rows label with the Twenty Bench label."

**Basis for objection:** This is a conclusory statement from an unnamed sales person constituting double hearsay, and therefore is inadmissible for any purpose. Moreover, such evidence does not provide any meaningful information about who was confused, when, about what, and under what circumstances, rendering this statement a particularly unreliable strain of hearsay.<sup>16</sup> This paragraph, therefore, should be excluded from evidence.

7. **OBJECTIONS TO OPPOSER'S SUPPLEMENTAL ANSWERS TO INTERROGATORIES (EXHIBIT I TO OPPOSER'S RESPONSE)**

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<sup>14</sup> *Id.* (vague, conclusory, hearsay evidence alleging actual confusion not admissible).

<sup>15</sup> Mr. Harder's declaration contains two paragraphs numbered "4." This objection refers to the second paragraph numbered "4."

<sup>16</sup> *Duluth News*, 84 F.3d at 1098 (vague, conclusory, hearsay evidence alleging actual confusion not admissible).

Applicant objects to the submission of Opposer's supplemental answers to interrogatories, attached as Exhibit I to Opposer's Response:

**Basis for objection:** Opposer attempts to submit as evidence its own answers to Applicant's interrogatories, which violates the U.S. Trademark Law Rules of Practice.<sup>17</sup> The Rules permit only the inquiring party to submit answers to interrogatories into the record.<sup>18</sup> Furthermore, the answers were signed by Opposer's attorney and are not evidence.<sup>19</sup> Further, these answers are inadmissible hearsay for which there is no applicable exception. This exhibit, therefore, should be excluded from evidence completely.

DATED: January 3, 2007

Respectfully submitted,

COOPER, WHITE & COOPER LLP

By:   
\_\_\_\_\_  
Marcy J. Bergman  
Attorneys for Applicant Twenty Rows LLC

---

<sup>17</sup> See U.S. Trademark Rules of Practice §2.120(j)(5).

<sup>18</sup> *Id.*

<sup>19</sup> Fed. R. Civ. Proc. 33(b)(2) (answers are to be signed by the person making them, and objections should be signed by the attorney making them).

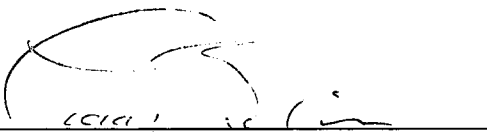


- 1           2.    I am a Senior Trademark Legal Assistant and my responsibilities include  
2            assisting CWC attorneys in the preparation of trademark prosecution and  
3            maintenance filings as well as assistance with other related litigation  
4            support activities and responsibilities.
  
- 5
- 6           3.    I was asked to review the records of the United States Patent and  
7            Trademark Office (“U.S.P.T.O.”) trademark databases for the purpose of  
8            reporting on U.S. trademark registrations and was also asked to conduct  
9            Internet research for the purpose of assisting my attorneys in preparation of  
10           Twenty Rows LLC's Reply to Opposer's Opposition to Motion for  
11           Summary Judgment in re Opposition No. 91168224.
  
- 12
- 13          4.    Attached as Exhibit A is a true and correct copy of a page from the website  
14            Winelibrary.com, obtained on January 2, 2006.
  
- 15
- 16          5.    Attached as Exhibit B are true and correct copies of the application with  
17            associated specimen for the word mark TWENTY ROWS, filed  
18            electronically with the U.S.P.T.O. on July 29, 2004 and assigned Serial  
19            Number 78458716.
  
- 20
- 21          6.    Attached as Exhibit C are true and correct copies of the application with  
22            associated specimen for the word mark TWENTY BENCH, filed  
23            electronically with the U.S.P.T.O. on November 20, 2002 and assigned  
24            Serial Number 78186974.
  
- 25
- 26          7.    Attached as Exhibit D are true and correct copies of the U.S.P.T.O.  
27            Trademark Electronic Search System (“TESS”) reports for the following  
28            trademark registrations: TWO HANDS, U.S. Reg. No. 2880389; TWO

1 OCEANS, U.S. Reg. No. 2236349; TWO RIVERS WINERY, U.S. Reg.  
2 No. 2402632; THREE SISTERS, U.S. Reg. No. 2495303; THREE  
3 SISTERS VINEYARDS, U.S. Reg. No. 2736921; THREE THIEVES, U.S.  
4 Reg. No. 2789854. Also included are true and correct copies of  
5 documentation obtained from my Internet research confirming current use  
6 in commerce of the aforementioned trademark registrations.  
7

- 8 8. The following registered trademarks for wine appear for sale on the online  
9 wine retailer, Wineaccess.com: THREE GARDENS WINE, THREE  
10 VINEYARD, THREE SISTERS, THREE THIEVES, TWO HANDS,  
11 TWO OCEANS, TWO RIVERS, TWO ROCK, TWO ACRES, TWO  
12 RIVERS, FIVE RIVERS, SEVEN SINNERS, SEVEN PEAKS, SEVEN  
13 HILLS, THE SEVEN DEADLY ZINS, SEVEN TERRACES.  
14

15 I declare under penalty of perjury under the laws of the United States of America  
16 that the foregoing is true and correct and if called as a witness in this matter I could and  
17 would competently testify thereto. I furthermore declare that this declaration was  
18 executed this 3rd day of January, 2007 at San Francisco, San Francisco County,  
19 California.  
20

21   
22 \_\_\_\_\_  
23 Todd E. Bolinger  
24

25 553434.1  
26  
27  
28

# **EXHIBIT A**

**Shopping Cart**  
No products in your cart

---

**Total\*: \$0.00**

---

**Features**

- ▶ Champagne
- ▶ Gary V's Picks
- ▶ This just in!
- ▶ "Terroir" Blog
- ▶ Great gift ideas
- ▶ Special Events
- ▶ Staff Selections
- ▶ Travel to Italy!

---

**Pre-Sales (Futures)**

- ▶ Australian Presales!
- ▶ Pesquis (90RP-\$10)

---

**Chat D'Yquem Presales**

- ▶ 2005 Bordeaux
- ▶ Italian Presales

---

**WineLibrary's Best**

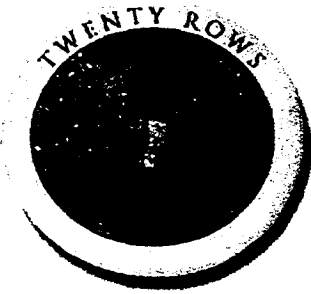
- ▶ Best Selling Reds
- ▶ Best Selling Whites
- ▶ Best Selling Under \$20
- ▶ Best Selling 90+ wines
- ▶ Best Selling Collector's

---

**Hot Spots**

- ▶ Pinot Noir
- ▶ Chardonnay
- ▶ Cabernet Sauvignon
- ▶ Bordeaux

## Twenty Rows Grappler 2004



**Product Price**

Bottle Price: ~~\$21.99~~  
**On SALE: \$14.99**  
Case Price: ~~\$179.88~~

---

Units

### Watch the video for this product!

Type: [Napa Red Meritage](#) | Size: 750ML | Library Code: 8892  
[Email this](#)

#### Press Releases

##### 91 Points - Gary Vaynerchuk

"The Grappler is one of the finest Red Meritage wines under \$20 I have tasted out of California since the 1994 Estancia Meritage when it was \$15. Huge ripe black currant and massive asian spice are both obvious on the long a complex mid-palate. the wonderful thing about the 20 Rows project is the overall stunning value these wines bring. Buy a case of this or the Cabernet and be happy for years to come." Blend: 58% Zinfandel, 30%, Syrah, 12%, Cabernet Sauvignon. The Zinfandel is sourced from a vineyard in an up and coming region, Lake County. The Syrah is grown at a highly regarded vineyard in Paso Robles, and the Cabernet Sauvignon is from Calistoga.

#### Customer Reviews

##### Please note:

Due to excessive fraudulent reviews, the customer review section has been temporarily disabled. Please look for our new enhanced customer review section in early 2007.

If you would like to, you can [review](#) a wine here.



#### If you like this, you'll also enjoy...

##### Vinoce Mt Veeder Red 2003

**92-94 GV**  
~~\$64.99~~  
**\$49.99**  
On Sale

##### Reverie Special Reserve 2001

**92 RP**  
~~\$62.99~~  
**\$65.99**  
On Sale

##### Vineyard 29 Aida Red 2002

**95 RP**  
~~\$109.99~~  
**\$104.99**  
On Sale

##### Kapcsandy State Lane Vineyard 2004

**95 RP**  
~~\$119.99~~  
**\$89.99**  
On Sale

[Shipping Info](#) | [Discount Policy](#) | [Store Policy](#) | [Directions & Store Hours](#) | [info@winelibrary.com](mailto:info@winelibrary.com)

586 Morris Avenue | Springfield, NJ 07081 | 888-980-WINE (9463)

[Privacy Statement](#) | [Terms of Service](#)

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**HACKER SAFE**  
TESTED DAILY 02-JAN

# **EXHIBIT B**

## Trademark/Service Mark Application, Principal Register

Serial Number: 78458716

Filing Date: 07/29/2004

The table below presents the data as entered.

<b>MARK SECTION</b>	
MARK	TWENTY ROWS LLC
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	TWENTY ROWS LLC
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
<b>OWNER SECTION</b>	
NAME	Twenty Rows LLC
STREET	1100 Wall Road
CITY	Napa
STATE	CA
ZIP/POSTAL CODE	94558
COUNTRY	United States
PHONE	707-944-8569
FAX	707-944-0145
EMAIL	brian@vinoce.com
AUTHORIZED EMAIL COMMUNICATION	Yes
<b>LEGAL ENTITY SECTION</b>	
TYPE	LIMITED LIABILITY COMPANY
STATE/COUNTRY UNDER WHICH ORGANIZED	California
<b>GOODS AND/OR SERVICES SECTION</b>	
DESCRIPTION	Wine
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 03/01/2004
FIRST USE IN COMMERCE DATE	At least as early as 06/01/2004
SPECIMEN FILE NAME(S)	\\tcrs\EXPORT10\IMAGEOUT 10\784\587\78458716.xml1\APP0003.JPG
SPECIMEN DESCRIPTION	A digital image of a label that is currently used in commerce.

<b>SIGNATURE SECTION</b>	
SIGNATURE	/Brian Nuss/
SIGNATORY NAME	Brian Nuss
SIGNATORY DATE	07/28/2004
SIGNATORY POSITION	Authorized Signatory
<b>PAYMENT SECTION</b>	
NUMBER OF CLASSES	1
NUMBER OF CLASSES PAID	1
SUBTOTAL AMOUNT	335
TOTAL AMOUNT	335
<b>CORRESPONDENCE SECTION</b>	
NAME	Twenty Rows LLC
STREET	1100 Wall Road
CITY	Napa
STATE	CA
ZIP/POSTAL CODE	94558
COUNTRY	United States
EMAIL	brian@vinoce.com
AUTHORIZED EMAIL COMMUNICATION	Yes
<b>FILING INFORMATION</b>	
SUBMIT DATE	Thu Jul 29 12:29:42 EDT 2004
TEAS STAMP	USPTO/BAS-6710019919-2004 0729122942229193-78458716 -200e1e3fd6e8a777c697049c 696f17b79-DA-958-20040728 192700871047

PTO Form 1478 (Rev. 6-2005)  
OMB No. 0651-0009 (Exp. 03-31-2008)

### Trademark/Service Mark Application, Principal Register

Serial Number: 78458716

Filing Date: 07/29/2004

#### To the Commissioner for Trademarks:

**MARK:** (Standard Characters, see mark)

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The literal element of the mark consists of TWENTY ROWS LLC.

The applicant, Twenty Rows LLC, a limited liability company organized under the laws of California, residing at 1100 Wall Road, Napa, CA, United States, 94558, requests registration of the trademark/service mark identified above 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.

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

International Class \_\_\_\_\_: Wine

In International Class \_\_\_\_\_, the mark was first used at least as early as 03/01/2004, and first used in commerce at least as early as 06/01/2004, and is now in use in such commerce. The applicant is submitting or will submit 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, consisting of a(n) A digital image of a label that is currently used in commerce..

Specimen - 1

The USPTO is authorized to communicate with the applicant or its representative at the following email address: brian@vinoce.com.  
A fee payment in the amount of \$335 will be submitted with the application, representing payment for 1 class(es).

#### Declaration

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: /Brian Nuss/ Date: 07/28/2004

Signatory's Name: Brian Nuss

Signatory's Position: Authorized Signatory

Mailing Address:

Twenty Rows LLC

1100 Wall Road

Napa, CA 94558

RAM Sale Number: 958

RAM Accounting Date: 07/29/2004

Serial Number: 78458716

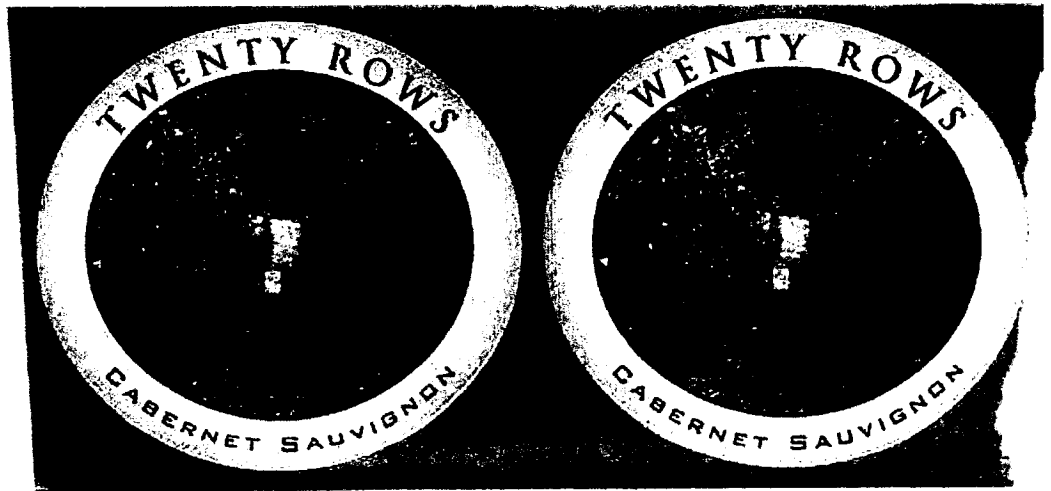
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TEAS Stamp: USPTO/BAS-6710019919-2004072912294222919

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7b79-DA-958-20040728192700871047

**TWENTY ROWS LLC**



# **EXHIBIT C**

Internet Transmission Date:

2002/11/20

Serial Number:

78186974

Filing Date:

2002/11/20



TRADEMARK APPLICATION

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

TOTAL FEES PAID: \$325

RAM SALE NUMBER: 785  
RAM ACCOUNTING DATE: 11/20/2002



NO OCR



11-20-2002

<SERIAL NUMBER> 78186974  
<FILING DATE> 11/20/2002

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

<APPLICANT INFORMATION>

<NAME> Unfiltered Napa LLC  
<STREET> 5012 Silverado Trail  
<CITY> Napa  
<STATE> CA  
<COUNTRY> USA  
<ZIP/POSTAL CODE> 94558  
<TELEPHONE NUMBER> 707-226-5511  
<FAX NUMBER> 707-226-5512  
<E-MAIL ADDRESS> james@unfilterednapa.com  
<AUTHORIZE E-MAIL COMMUNICATION> Yes

<APPLICANT ENTITY INFORMATION>

<OTHER ENTITY TYPE: SPECIFIC NATURE OF ENTITY> LIMITED LIABILITY JOINT  
STOCK COMPAY  
<STATE/COUNTRY UNDER WHICH ORGANIZED> California

<TRADEMARK/SERVICEMARK INFORMATION>

<MARK> TWENTY BENCH  
<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> Invoice for printing of the actual wine labels

<INTERNATIONAL CLASS NUMBER> 033  
<LISTING OF GOODS AND/OR SERVICES> Wine  
<FIRST USE ANYWHERE DATE> 09/19/2002  
<FIRST USE IN COMMERCE DATE> 11/15/2002

**<BASIS FOR FILING AND GOODS/SERVICES INFORMATION>**

<INTENT TO USE: SECTION 1(b)> Yes  
~ The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).~

<INTERNATIONAL CLASS NUMBER> 033  
<LISTING OF GOODS AND/OR SERVICES> Wine

**<FEE INFORMATION>**

<TOTAL FEES PAID> 325  
<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> james@unfilterednapa.com

**<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> /james harder/  
<DATE> 11/20/2002  
<NAME> James Harder  
<TITLE> Owner

**<MAILING ADDRESS>**

<LINE> Unfiltered Napa LLC  
<LINE> 5012 Silverado Trail  
<LINE> Napa CA USA 94558

**<SERIAL NUMBER INFORMATION>**

<SERIAL NUMBER> 78186974

**<RAM INFORMATION>**

<RAM SALE NUMBER> 785  
<RAM ACCOUNTING DATE> 11/20/2002  
<INTERNET TRANSMISSION DATE> Wed Nov 20 14:19:15 EST 2002  
<TEAS STAMP>  
USPTO/BAS-64156224213-20021120141915066167-78186974-  
20015e94673bfabea6e662fb7155fe447a-RAM-785-20021120140833664566  
E-MAIL ADDRESS FOR ACKNOWLEDGMENT> james@unfilterednapa.com

<b>DOCUMENT INFORMATION</b>	
<b>TRADEMARK/SERVICEMARK APPLICATION</b>	
VERSION 1.24	
<b>APPLICANT INFORMATION</b>	
NAME	Unfiltered Napa LLC
STREET	5012 Silverado Trail
CITY	Napa
STATE	CA
COUNTRY	USA
ZIP/POSTAL CODE	94558
TELEPHONE NUMBER	707-226-5511
FAX NUMBER	707-226-5512
E-MAIL ADDRESS	james@unfilterednapa.com
AUTHORIZE E-MAIL COMMUNICATION	Yes
<b>APPLICANT ENTITY INFORMATION</b>	
OTHER ENTITY TYPE: SPECIFIC NATURE OF ENTITY	LIMITED LIABILITY JOINT STOCK COMPAY
STATE/COUNTRY UNDER WHICH ORGANIZED	California
<b>TRADEMARK/SERVICEMARK INFORMATION</b>	
MARK	TWENTY BENCH
TYPED FORM	Yes
<b>BASIS FOR FILING AND GOODS/SERVICES INFORMATION</b>	

USE IN COMMERCE: SECTION 1(a)	Yes
SPECIMEN	Yes
SPECIMEN DESCRIPTION	Invoice for printing of the actual wine labels
INTERNATIONAL CLASS NUMBER	033
LISTING OF GOODS AND/OR SERVICES	Wine
FIRST USE ANYWHERE DATE	09/19/2002
FIRST USE IN COMMERCE DATE	11/15/2002
<b>BASIS FOR FILING AND GOODS/SERVICES INFORMATION</b>	
INTENT TO USE: SECTION 1(b)	Yes
INTERNATIONAL CLASS NUMBER	033
LISTING OF GOODS AND/OR SERVICES	Wine
<b>FEE INFORMATION</b>	
TOTAL FEES PAID	325
NUMBER OF CLASSES PAID	1
NUMBER OF CLASSES	1
<b>LAW OFFICE INFORMATION</b>	
E-MAIL ADDRESS FOR CORRESPONDENCE	james@unfilterednapa.com
<b>SIGNATURE AND OTHER INFORMATION</b>	

SIGNATURE	/james harder/
DATE	11/20/2002
NAME	James Harder
TITLE	Owner
<b>MAILING ADDRESS</b>	
LINE	Unfiltered Napa LLC
LINE	5012 Silverado Trail
LINE	Napa CA USA 94558
<b>SERIAL NUMBER INFORMATION</b>	
SERIAL NUMBER	78186974
<b>RAM INFORMATION</b>	
RAM SALE NUMBER	785
RAM ACCOUNTING DATE	11/20/2002
INTERNET TRANSMISSION DATE	Wed Nov 20 14:19:15 EST 2002
TEAS STAMP	USPTO/BAS-64156224213-20021120141915066167-78186974-20015e94673bfabea6e662fb7155fe447a-RAM-785-20021120140833664566
E-MAIL ADDRESS FOR ACKNOWLEDGMENT	james@unfilterednapa.com

**Drawing Page**

**Serial Number:**

78186974

**Applicant:**

Unfiltered Napa LLC  
5012 Silverado Trail  
Napa CA USA 94558



**Date of First Use:**

09/19/2002

**Date of First Use in Commerce:**

11/15/2002

**Goods and Services:**

Wine

**Goods and Services:**

Wine

**Mark:**

TWENTY BENCH

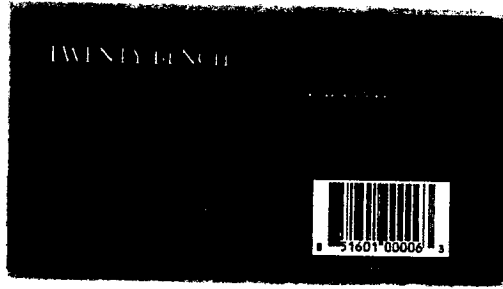


NO OCR



11-20-2002

tb.jpg (1400x2163x24b bmp)



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**1**



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#### Typed Drawing

**Word Mark** TWO HANDS  
**Goods and Services** IC 033. US 047 049. G & S: Wines, spirits, liqueurs. FIRST USE: 20001231. FIRST USE IN COMMERCE: 20020908  
**Mark Drawing Code** (1) TYPED DRAWING  
**Design Search Code**  
**Serial Number** 78209298  
**Filing Date** January 31, 2003  
**Current Filing Basis** 1A  
**Original Filing Basis** 1B  
**Published for Opposition** September 16, 2003  
**Registration Number** 2880389  
**Registration Date** August 31, 2004  
**Owner** (REGISTRANT) Two Hands Wines Pty. Ltd CORPORATION AUSTRALIA Seppeltsfield Road Greenock, South Australia AUSTRALIA 5360  
**Attorney of Record** William J. Sapone  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

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TWO HANDS WINES

TWO HANDS WINES CONTACT INFORMATION



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## History

[Philosophy](#)

[Core Values](#)

[Team Two Hands](#)

[Two Hands Story in Podcast](#)

## TWO HANDS HISTORY

The 'two hands' are Michael Twelftree and Richard Mintz who formed the company in 1999 with the clear objective of making the best possible Shiraz based wines from prized Shiraz producing regions within Australia.

Michael Twelftree, initially from a construction background, spent a number of years exporting Australian wine to USA and Asia. Richard Mintz, a chartered accountant, was formerly CEO of one of Australia's leading cooperages in the Barossa Valley, South Australia. With Twelftree's contacts and wine savvy approach and Mintz's management skills and business acumen, the two old friends decided to make some wine together.

In 2000 they started with just 17 tonnes of fruit from the McLaren Vale and Padthaway wine regions. From the beginning the wines were very well received at home and abroad with a healthy stream of reviews, culminating in 2004 with Robert M. Parker pronouncing Two Hands as "the finest negociant operation south of the equator".

The heart of the operation is Barossa Valley based; the cellar door and winery are located in the sub district of Marananga. Opened in December 2003 the cellar door has already come to be regarded as one of the highlights of the region with its contemporary interior design and commitment to providing guests with an educational and personal wine experience. The Marananga winery was officially opened in November 2004, designed specifically for small batch production of the very best parcels of fruit.

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TWO HANDS WINES



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## OUR WINES

[Click here to return to Wine List](#)

## 2003 Two Hands Bella's Garden Barossa Valley Shiraz (Cork) - Sold Out

### Tasting Notes

This is a stunning follow up to the 2002. Dense purple plum colour. Pronounced glossy dark red fruits on the nose with a hint of vanilla spice. On the palate thick swathes of rich blackberry fruit with subtle hints of cedary oak and dark chocolate with a dusting of fine chalky tannins, finishing with great persistency.

### Winemaking

The 2003 Bella's is a result of blending roughly equal proportions of wine from 4 different vineyards in the Barossa. The fruit was originally crushed into and fermented in open top fermenters, with regular pump overs twice daily and a third during the peak of fermentation, to extract colour and tannin. Once sugar dryness was attained the free run wine was drained off and the skins pressed with all the pressing wine being blended with the free run. Ferments in 2003 were generally extended, but not sluggish and the average time on skins was 12 days. After 24-36 hours of tank settling, the wines were racked to barrel, where malolactic fermentation occurred. The Barossa wines are seeing a higher level of French oak, both new and old, more so than what had been used in both the 2001 and 2002 wines. The wines were racked twice more and the final wine has deep colour and is rich and long with fine balanced tannins.

### Reviews

- Harvey Steiman - Wine Spectator (November 2004) **94**
- James Halliday Wine Companion 2006 **93**
- Harvey Steiman - Wine Spectator October 2005 **94**
- Harvey Steiman - Wine Spectator October 2005 **94**
- Robert M. Parker The Wine Advocate October 2005 **95**
- Wine Spectator Top 100 2005 **94**

### Vintage Comments

Winter started with heavy rains, which tapered off resulting in below average rainfalls and a successful budburst in early spring. Flowering and set occurred in November, promoting uniform berry development and bunch numbers were on average for the season. Veraison for Shiraz and Cabernet started in late January with the older vines producing lighter crops. The height of summer saw sixty five millimetres of rainfall in the last week of February requiring swift viticultural practices to prevent the onset of disease and fungus. Our 2003 Barossa Shiraz displayed great colour and depth of flavour. Yields overall were below the long-term average but the grapes were of good quality and the resultant wines

VINTAGE  
2003

OTHER VINTAGES  
[Click vintage to view](#)

- 2001
- 2002
- 2004
- 2005

WINEMAKER  
Matt Wenk

GRAPE VARIETY  
Shiraz 100%

GROWING AREA  
Barossa Valley

BOTTLED  
August 2004

ALCOHOL % / VOL  
15%

TITRATABLE ACIDITY  
7.14

pH  
3.54

CELLAR POTENTIAL  
12 - 15 years

MATURATION  
16 months in 25% new French oak hogsheads, 12% 1 year old French oak, balance 2 & 3 year old French & American oak hogsheads.

display terrific potential.

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**2**



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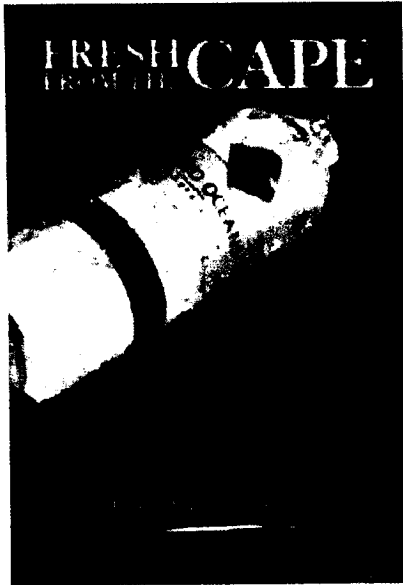
### Record 1 out of 1

[TARR Status](#) | [ASSIGN Status](#) | [TDR](#) | [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)

#### Typed Drawing

**Word Mark** TWO OCEANS  
**Goods and Services** IC 033. US 047. G & S: wines  
**Mark Drawing Code** (1) TYPED DRAWING  
**Design Search Code**  
**Serial Number** 74371886  
**Filing Date** March 25, 1993  
**Current Filing Basis** 44E  
**Original Filing Basis** 1B;44D  
**Published for Opposition** January 12, 1999  
**Registration Number** 2236349  
**Registration Date** April 6, 1999  
**Owner** (REGISTRANT) Drostdy Winery Limited LTD LIAB CO SOUTH AFRICA Aan-de-Wagenweg Stellenbosch SOUTH AFRICA  
  
(LAST LISTED OWNER) DROSTDY WINES LIMIETED SOUTH AFRICA LIMITED LIABILITY COMPANY AAN-DE-WAGENWEG STELLENBOSCH SOUTH AFRICA  
  
**Assignment Recorded** ASSIGNMENT RECORDED  
**Attorney of Record** Lawrence E. Apolzon  
**Priority Date** October 20, 1992  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Affidavit Text** SECT 8 (6-YR).  
**Live/Dead Indicator** LIVE

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## MENU

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## CONTACT US

### Two Oceans Wines

+27 21 809-7000

+27 21 883-9651

[clyons@distell.co.za](mailto:clyons@distell.co.za)

[www.twooceanswines.co.za](http://www.twooceanswines.co.za)

Bergkelder, P.O. Box 778  
Stellenbosch  
7599  
South Africa

Last Updated August 2006  
Global



## TWO OCEANS WINES

The Coastal Region offers a wide variety of slopes, meso-climates and soils. From these, the vineyards for Two Oceans wines were specially selected for their cool slopes and moisture-retentive soils which allow dryland cultivation.

**NEWS FLASH :** 2006/12/14 - Agreement sees Distell become exclusive su

### OUR TOP WINES

[more...](#)

Click on the wines below for information or use the menu on the left



#### Two Oceans Sauvignon Blanc 2006

Colour: Brilliant light green.

Bouquet: Ripe gooseberries with a hint of tropical fruit.

Taste: An elegant but crisp wine with ripe, gooseberry flavours on the fore palate backed by tropical fruits and a hint of grassiness that lingers long on the aftertaste.



Alc: 11.65 RS: 6.44 pH: 3.25 TA: 6.71



#### Two Oceans Chardonnay 2006

Colour: Light straw yellow with attractive green edges.

Bouquet: Pineapple with undertones of citrus supported by vanilla oak flavours.

Taste: A medium-bodied wine with an excellent balance between the fruit and oak flavours, resulting in a fresh finish.



Alc: 12.88 RS: 4.6 pH: 3.34 TA: 6.2



#### Two Oceans Chenin Blanc Chardonnay 2005

Colour: Light yellow straw colour with green tinges.

Bouquet: An abundance of rich tropical fruit with delicate citrus, lime and passion fruit.

Taste: A medium-bodied wine with distinctive lime and oak spices.



Alc: 12.89 RS: 4.71 pH: 3.40 TA: 6.14



#### Two Oceans Chenin Sauvignon Blanc 2006

Colour: Light yellow straw colour with green tinges.

Bouquet: Aromas of peach, guava, gooseberry and passion fruit.

Taste: An elegant wine expressing a good balance between the refreshing acidity of Sauvignon Blanc and the softness of the Chenin Blanc.



Alc: 11.90 RS: 4.95 pH: 3.37 TA: 6.13

#### Two Oceans Semillon Chardonnay 2005



Colour: Pale yellow with green tinges and a light rim.  
Bouquet: Aromas of citrus and lime with lemon and hints of melon in the background.  
Taste: Crisp and dry with a fresh acidity and a lingering aftertaste of citrus and vanilla.



Alc: 11.91 RS: 4.78 pH: 3.35 TA: 6.19



**more...**

**3**



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#### Typed Drawing

<b>Word Mark</b>	TWO RIVERS WINERY
<b>Goods and Services</b>	IC 033. US 047 049. G & S: Wine. FIRST USE: 19990727. FIRST USE IN COMMERCE: 19991115
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Design Search Code</b>	
<b>Serial Number</b>	75570426
<b>Filing Date</b>	October 14, 1998
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	July 13, 1999
<b>Registration Number</b>	2402632
<b>Registration Date</b>	November 7, 2000
<b>Owner</b>	(REGISTRANT) RGW Associates, Inc. CORPORATION TEXAS 2703 Midway Avenue Grand Junction COLORADO 81506
<b>Disclaimer</b>	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "WINERY" APART FROM THE MARK AS SHOWN
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

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# TWO RIVERS WINERY & Chateau

2087 Broadway  
Grand Junction, Colorado 81503  
866-312-WINE (9463) or 970-255-1471  
Fax: 970-255-0483  
E-mail: [info@tworiverswinery.com](mailto:info@tworiverswinery.com)  
Directions & Map to the Winery: [here](#)



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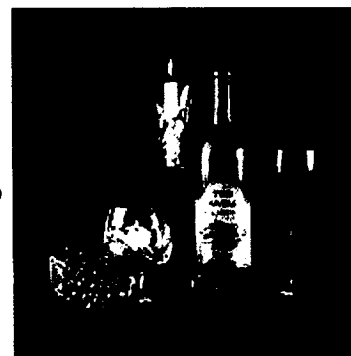
[Shelf Talkers](#)

Nestled between the gateways of the Colorado National Monument is our family operated winery. Although **Two Rivers Winery and the Chateau** are relatively new, they are both becoming **Grand Junction's Newest Tradition**. The entire project was built literally from the ground up on 15 acres of vacant land in 1999.

Located in the Redlands area of Grand Junction, we offer wines of the noble varieties, which can be tasted and purchased in the intimate setting of our tasting room. Come enjoy an enlightening tour of the facility or pause to take in the unimaginable views. You are invited to sample our award winning wines and to discover a truly unique and unpretentious tasting experience.

The owners, Bob and Billie Witham, natives to the Western Slope of Colorado, are often available to say hello and welcome you. Robert Hammelman, the Winemaker is usually on hand as well, and invites any inquiries regarding the winemaking process.

**Have you seen the light?**



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#### Typed Drawing

**Word Mark** THREE SISTERS  
**Goods and Services** IC 033. US 047 049. G & S: WINE. FIRST USE: 19970200. FIRST USE IN COMMERCE: 19980908  
**Mark Drawing Code** (1) TYPED DRAWING  
**Design Search Code**  
**Serial Number** 75596221  
**Filing Date** November 30, 1998  
**Current Filing Basis** 1A  
**Original Filing Basis** 1A  
**Published for Opposition** July 17, 2001  
**Registration Number** 2495303  
**Registration Date** October 9, 2001  
**Owner** (REGISTRANT) Cakebread Cellars, Inc. CORPORATION CALIFORNIA 8300 St. Helena Highway P.O. Box 216 Rutherford CALIFORNIA 945730216  
**Attorney of Record** MELVILLE OWEN  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

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Search > Red Wine > Napa > Cakebread Cellars > 2000 Cakebread Cellars Cabernet Sauvignon Three Sisters Napa Valley

**Cakebread Cellars**



**2000 Cakebread Cellars Cabernet Sauvignon Three Sisters Napa Valley**

Style: Red Wine  
Grape Type: Cabernet Sauvignon  
Region: Napa

Priced from: \$120.00

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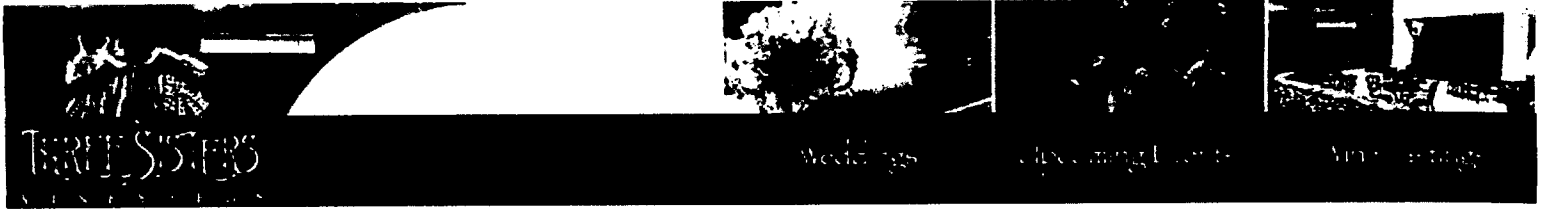
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<b>Word Mark</b>	THREE SISTERS VINEYARDS
<b>Goods and Services</b>	IC 029. US 046. G & S: fruit jellies, jams and preserves. FIRST USE: 19970805. FIRST USE IN COMMERCE: 20030108
<b>Mark Drawing Code</b>	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
<b>Design Search Code</b>	02.05.04 - Children, girl(s); Girls 02.07.05 - Groups, children 02.09.04 - Humans, including men, women and children, depicted sitting or kneeling 26.11.01 - Rectangles as carriers or rectangles as single or multiple line borders
<b>Serial Number</b>	75310827
<b>Filing Date</b>	June 18, 1997
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	March 24, 1998
<b>Registration Number</b>	2736921
<b>Registration Date</b>	July 15, 2003
<b>Owner</b>	(REGISTRANT) Three Sisters Vineyards, Inc. CORPORATION GEORGIA P. O. Box 849 Dahlonega GEORGIA 30533
<b>Attorney of Record</b>	CRAIG A. WAGNER
<b>Disclaimer</b>	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "VINEYARDS" APART FROM THE MARK AS SHOWN
<b>Description of Mark</b>	The stippling is a feature of the mark and not intended to indicate color.
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

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**10 DAY Forecast**  
Doppler Radar

**Three Sisters Vineyards**  
Vineyard/Winery/Tasting Room  
439 Vineyard Way  
P.O. Box 3  
Dahlonega, GA 30533  
706-865-9463  
706-865-1531 Fax



## Tasting Room Closed until February 3, 2006

*Please Visit The Retailers That Carry Our Wines*

Happy New Year! Three Sisters' tasting room is currently closed and will re-open the first weekend in February. During the first two weekends of February 2007, Three Sisters Vineyards will present the popular "Wine & Chocolate Lovers Celebration." In the meantime, please remember to visit the fine retailers that sell our wines.  
[CLICK HERE FOR LIST OF RETAILERS](#)



## GEORGIA WINE GIFT BASKETS

*Give Some Georgia Wine-This Time!*

Ho Ho Ho! How about a unique "Georgia Wine Country Basket" for the holidays. Three Sisters offers many different size baskets in several price ranges. CALL 706-865-9463 For Information.  
[GEORGIA WINE COUNTRY BASKET](#)



## 2007 WINE & CHOCOLATE LOVERS CELEBRATION

*The First 2 Weekends In February*

Three Sisters Vineyards presents our Annual "Wine & Chocolate LOVERS Celebration" ... held the first two weekends of February between 1-5PM. During this event, we'll combine chocolate and wines in a special tasting line-up. No Reservations Required. Complimentary tastings plus our Special Tastings will be offered. A new shipment of Sweet Grass Dairy Cheeses too!

Make plans now to visit Three Sisters Vineyards for the ultimate taste of fine wine and chocolate.



## Three Sisters' St. Patrick's Day Celebration

*March 10 & 11th and 17th & 18th*  
12:30-5:00PM

You'll be seeing GREEN Saturday and Sunday March 10th & 11th and 17th & 18th at Three Sisters Vineyards (12:30-5PM) during our annual St. Patty's Day Celebration. We'll have complimentary tastes of our wines and Sweet Grass Dairy "Green Hill" semi-ripened cow's milk cheese. We'll also extend our paid "Georgia Wine Country Tasting" for both days. Live Irish & Folk Music.

Wear something GREEN for good luck. This is another Three Sisters OPEN HOUSE event. No Admission.



## CHRIS PAUL JOINS

FEATURED SPECIALS

### Georgia Wine Country Basket



KEY Overalls



UP-COMING CALENDAR

[Show full Calendar](#)

12/18/2006 - 12:00:00 PM

**Closed For Tastings Until February 1, 2007**

2/1/2007 - 11:00:00 AM

**OPEN FOR TASTINGS 2007**

2/2/2007 - 11:30:00 AM

**Tasting Room Hours**

2/3/2007 - 1:00:00 PM

**5th Annual Wine & Chocolate LOVERS Celebration**

Three Sisters Vineyards & Winery

2/5/2007 - 1:00:00 PM

**Tasting Room Hours**

FEATURED TOPIC(s)

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## FAMILY FARM WINERY

### *Back From Iraq & Retired From The Military*

Look who blew in from Iraq! Chris Paul, Sharon and Doug's nephew just retired from the USMC and has joined Three Sisters to handle sales & distribution of our fine wines to wineshops and restaurants. Please help us welcome Chris home. Semper Fi Dude!

### Our History

A small family oriented farm established on July 19, 1996



---

### Our Wine In Stores LOOKING FOR OUR WINES?



---

### Where To Stay?

---

#### RECENT PUBLICATION

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#### **All American Wine Press Release 01**

8/22/2006

#### **Doc Lawrence Appears At Festival**

5/26/2006

#### **2006 Festival Mailer**

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#### **2006 Festival Charity**

5/1/2006

#### **2006 Sponsor**

#### **Opportunities**

5/1/2006

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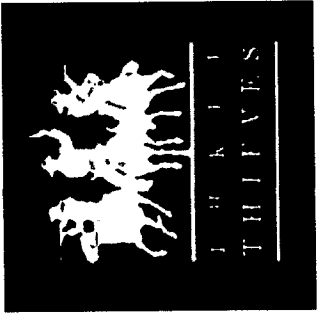
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#### Typed Drawing

Word Mark	THREE THIEVES
Goods and Services	IC 033. US 047 049. G & S: Wine. FIRST USE: 20030601. FIRST USE IN COMMERCE: 20030601
Mark Drawing Code	(1) TYPED DRAWING
Design Search Code	
Serial Number	78149008
Filing Date	July 30, 2002
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	March 25, 2003
Registration Number	2789854
Registration Date	December 2, 2003
Owner	(REGISTRANT) Liberators, LLC CORPORATION WISCONSIN 207 E. Michigan Street Suite 410 Milwaukee WISCONSIN 53202
Attorney of Record	George G. Grigel
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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THE CRIMINAL MIND

Jug Unoaked Chardonnay

Jug California Zinfandel

Jug California Cabernet Sauvignon

Jug California Syrah

Jug Napa Valley Cabernet Sauvignon

Jug Napa Valley Cabernet Sauvignon

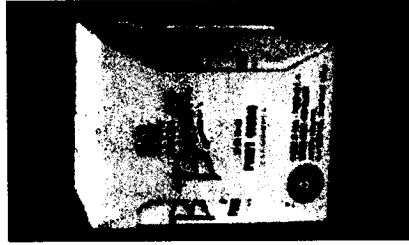
Bandit California Cabernet Sauvignon

Bandit California Pinot Grigio

Bandit California Merlot



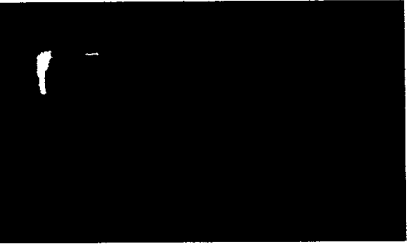
Bandit California  
Pinot Grigio



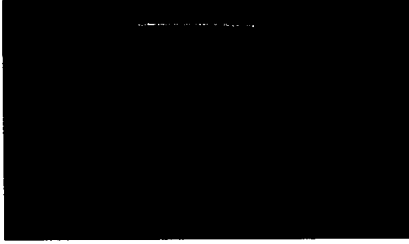
Bandit Bullet  
California Pinot Grigio



Jug California Zinfandel



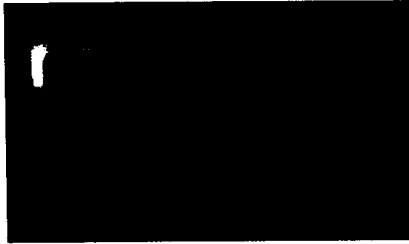
Bandit California  
Cabernet Sauvignon



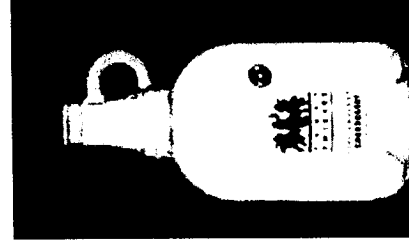
Bandit Bullet  
Cabernet Sauvignon



Jug California Cabernet Sauvignon



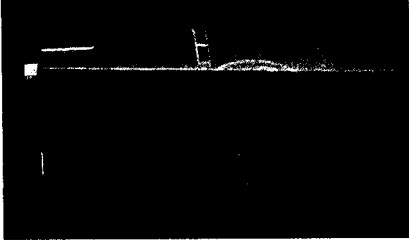
Bandit California Merlot



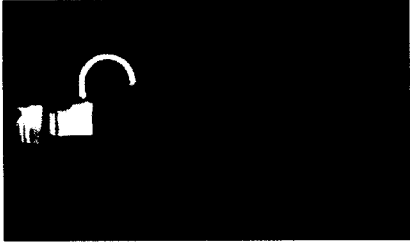
Jug Unoaked Chardonnay



Jug California Syrah



Bandit Bonnie  
White Zinfandel



Jug Napa Valley  
Cabernet Sauvignon



Jug Circle K Ranch  
Pinot Noir