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December 17, 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

TTAB

Dear Sir/Madam:

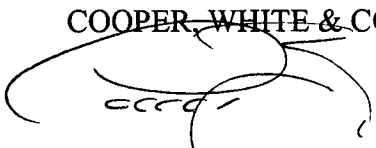
Enclosed for filing are:

1. Applicant Twenty Row, Status Report, in re Opposition No. 91168224, and related papers;
2. A Certificate of Mailing and Certificate of Service re same.

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

59237.1/14165-32501

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



12-17-2007

U.S. Patent & TMO/PTM Mail Rcpt DL #72

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

ORIGINAL

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

STATUS REPORT

Pursuant to the Board's order suspending the above-captioned proceeding pending disposition of the civil action *Unfiltered Napa, et al. v. Twenty Rows LLC, et al.*, U.S. District Court, Northern District of California Case No. C-06-7605, Applicant Twenty Rows LLC submits this status report providing notice of the final determination of the referenced civil action. The U.S. District Court held a bench trial of the matter on October 26, 2007 and ruled that Plaintiffs, which included Opposer Unfiltered Napa LLC, failed to establish trademark infringement. Accordingly, the District Court entered judgment in favor of Defendant Twenty Rows LLC. A copy of the civil minutes for the bench trial is attached as Exhibit A; a copy of the judgment is attached as Exhibit B; and attached as Exhibit C is the U.S. District Court's Report on the Termination of an Action Regarding Trademark Infringement. In addition, attached as

590323.1

STATUS REPORT
OPPOSITION NO. 91168224

Exhibit D is a copy of the portion of the reporter's transcript from the bench trial that provides the Court's oral findings of fact and conclusions of law.

Plaintiffs' last day to appeal was November 25, 2007. To date, Plaintiffs have not filed a notice of appeal. Therefore, there has been a final disposition of the above-referenced civil action in Applicant's favor. That disposition was based specifically on a finding of no likelihood of confusion between the TWENTY ROWS and TWENTY BENCH marks.

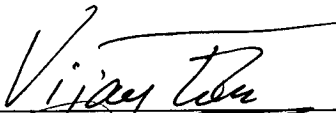
Given the final disposition of the above-referenced civil action, Applicant respectfully requests that the Board lift the stay on the above-captioned proceeding and proceed with ruling on Applicant's pending summary judgment, which has been fully briefed since January 2007. Given the District Court's determination that Opposer Unfiltered Napa had failed to prove a likelihood of confusion, and thereby failed to establish trademark infringement, Applicant respectfully urges the Board to rule in Applicant's favor on its pending motion for summary judgment.

DATED: December 17, 2007

Respectfully submitted,

COOPER, WHITE & COOPER LLP

By:



Marey J. Bergman
Vijay K. Toke
Attorneys for Applicant Twenty Rows LLC

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. EV052142980US, in an envelope addressed to Trademark Trial and Appeal Board, P.O. Box 1451, Alexandria VA 22313-1451, on December 17, 2007.



Todd Evan Bolinger
Trademark Legal Assistant

Dated: December 17, 2007

CERTIFICATE OF SERVICE ON COUNSEL FOR OPPOSER

It is hereby certified that on December 17, 2007, a copy of the foregoing **Status Report**; has been served on the attorneys for Opposer by U.S. First Class Mail, 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

Alison Pollock Schwartz
The Eclipse Group
100 Tri-State International, Suite 128
Lincolnshire, IL 60069

Dated: December 17, 2007



Todd Evan Bolinger

SF:592341.1/14165-32501

CIVIL MINUTES

Judge CHARLES R. BREYER

Date: October 26, 2007

C-06-07605 CRB

UNFILTERED NAPA LLC v. TWENTY ROWS LLC

Attorneys: Becky Christensen

Marcy Bergman, Vijay Toke

Pete Harvey

Deputy Clerk: BARBARA ESPINOZA

Reporter: Joan Columbini

PROCEEDINGS:

RULING:

1. Bench Trial

- 2:10p. Plaintiff begins opening statements
- 2:58p. Plaintiff concludes opening; defendant begins opening statements
- 3:06p. Defendant concludes opening; plaintiff redirects
- 3:12p. Plaintiff concludes redirect; the Court recesses
- 3:29p. Court reconvenes
- 3:41p. Court adjourns

ORDERED AFTER HEARING:

The Court enters judgment in favor of defendant

() ORDER TO BE PREPARED BY: Plntf ____ Deft ____ Court ____

() Referred to Magistrate Judge For: _____

() CASE CONTINUED TO _____ for _____

Discovery Cut-Off _____ Expert Discovery Cut-Off _____

Plntf to Name Experts by _____ Deft to Name Experts by _____

P/T Conference Date _____ Trial Date _____ Set for _____ days

Notes: _____

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United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNFILTERED NAPA LLC,

No. C 06-07605 CRB

Plaintiff,

JUDGMENT

v.

TWENTY ROWS LLC, et al.,

Defendants.

Plaintiff Unfiltered Napa LLC alleges that defendants' "Twenty Rows" wine brand infringes plaintiff's trademark in its "Twenty Bench" wine brand. After filing cross motions for summary judgment, the parties agreed to waive a right to a jury trial and have the Court decide plaintiff's claims based on the evidence submitted in connection with the summary judgment motions. On October 26, 2007, the Court orally presented its findings of fact and conclusions of law, finding that plaintiff had not proved trademark infringement.

Accordingly, judgment is entered in favor of defendants and against plaintiff.

IT IS SO ORDERED.

Dated: October 26, 2007


CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE

**United States District Court
For the Northern District of California**

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AO 120 (Rev. 2/99)

TO: Mail Stop 8 Director of the U.S. Patent & Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court, Northern District of California on the following Patents or Trademarks:

DOCKET NO. CV 06-07605 CRB	DATE FILED 12/12/06	U.S. DISTRICT COURT 450 Golden Gate Ave., 16 th Floor, San Francisco, CA 94102
PLAINTIFF UNFILTERED NAPA LLC ET AL		DEFENDANT TWENTY ROWS LLC ET AL
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		See attached copy of complaint
2		
3		
4		
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In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT <p style="text-align: center;">See attached copy of Judgment by Judge Charles R. Breyer.</p>
--

CLERK Richard W. Wieking	(BY) DEPUTY CLERK Maria Loo	DATE October 31, 2007
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Copy 1—Upon initiation of action, mail this copy to Commissioner Copy 3—Upon termination of action, mail this copy to Commissioner
 Copy 2—Upon filing document adding patent(s), mail this copy to Commissioner Copy 4—Case file copy

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

INVOICE NO: 20070148

MAKE CHECKS PAYABLE TO:

Vikay K. Toke, Esquire
Cooper, White & Cooper
201 California Street, 17th Floor
San Francisco, CA 94111

JOAN MARIE COLUMBINI, CSR, RPR
Official Court Reporter
450 Golden Gate Ave, 16-6798
P.O. Box 36052
San Francisco, CA 94102

Phone:
FAX:

Phone: (415) 255-6842
FAX: (415) 522-3149

Joan_Columbini@cand.uscourts.gov

CRIMINAL CIVIL

DATE ORDERED: 12-06-2007

DATE DELIVERED: 12-14-2007

Case Style: 06-7605 CRB, Unfiltered Napa v Twenty Rows
Transcript of proceedings before the Honorable Charles R. Breyer
October 26, 2007

CATEGORY	ORIGINAL			1ST COPY			2ND COPY			TOTAL CHARGES
	PAGES	PRICE	SUBTOTAL	PAGES	PRICE	SUBTOTAL	PAGES	PRICE	SUBTOTAL	
Ordinary										
Expedited	51	4.25	216.75							216.75
Daily										
Hourly										
Realtime										
Misc. Desc.	MISC. CHARGES:									
TOTAL:									216.75	
LESS DISCOUNT FOR LATE DELIVERY:										
TAX (If Applicable):										
LESS AMOUNT OF DEPOSIT:									250.00	
TOTAL REFUND:									33.25	
TOTAL DUE:										

ADDITIONAL INFORMATION

Full price may be charged only if the transcript is delivered within the required time frame. For example, if an order for expedited transcript is not completed and delivered within seven (7) calendar days, payment would be at the ordinary delivery rate.

CERTIFICATION

I certify that the transcript fees charged and page format used comply with the requirements of this court and the Judicial Conference of the United States.

SIGNATURE

DATE

12-14-2007

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BEFORE THE HONORABLE CHARLES R. BREYER

UNFILTERED NAPA, LLC, A)
CALIFORNIA LIMITED LIABILITY)
COMPANY AND J3 WINE PARTNERS LLC)
DBA NINE NORTH WINES, A CALIFORNIA)
LIMITED LIABILITY COMPANY,)

PLAINTIFFS,)

VS.)

TWENTY ROWS LLC, A CALIFORNIA)
LIMITED LIABILITY COMPANY, CHRIS)
SWEETANOS AND BRIAN NUSS,)

DEFENDANTS.)

COPY

NO. C 06-7605 CRB

SAN FRANCISCO, CALIFORNIA
FRIDAY, OCTOBER 26, 2007

TRANSCRIPT OF PROCEEDINGS

APPEARANCES:

FOR PLAINTIFFS

O'CONNOR, CHRISTENSEN & MCLAUGHLIN
1920 MAIN STREET, SUITE 150
IRVINE, CALIFORNIA 92614

BY: BECKY VANDERHOOF CHRISTENSEN, ESQUIRE

FOR DEFENDANTS

COOPER, WHITE & COOPER
201 CALIFORNIA STREET, 17TH FLOOR
SAN FRANCISCO, CALIFORNIA 94111

**BY: MARCY J. BERGMAN, ESQUIRE
VIJAY K. TOKE, ESQUIRE**

REPORTED BY: JOAN MARIE COLUMBINI, CSR 5435, RPR
OFFICIAL COURT REPORTER, U.S. DISTRICT COURT

1 TO THE DECLARATION OF JAMES HARDER.

2 ANOTHER POINT THAT I WANTED TO MAKE IS THAT IN THE
3 NINTH CIRCUIT SURVEY EVIDENCE IS NOT REQUIRED.

4 **THE COURT:** NO. IT'S USEFUL, ISN'T IT?

5 **MS. CHRISTENSEN:** IT'S USEFUL WHERE YOU HAVE MASS
6 DISTRIBUTED PRODUCTS. FOR EXAMPLE, ONE OF MY VERY INTERESTING
7 CASES IS THE LEVI STRAUSS BLUEBELL JEANS CASE WHERE THE NINTH
8 CIRCUIT SAID THAT POST PURCHASE CONFUSION, THE LADY WALKING
9 DOWN THE STREET WITH THE LITTLE RED LEVI TAG ON THAT WAS COPIED
10 BY BLUEBELL JEANS, THAT WAS UNFAIR COMPETITION, NOT BECAUSE WE
11 KNEW FOR SURE WHETHER THE POST PURCHASE VIEWER EVER WENT OUT
12 AND BOUGHT JEANS, WE COULDN'T BE SURE OF THAT, BUT BECAUSE THEY
13 WERE TRADING OFF THE GOODWILL AND THE LIKELIHOOD THAT THEY
14 WOULD THINK THAT THEY WERE BUYING BLUEBELL JEANS WAS HIGHLY
15 PROBABLE.

16 SO IN THIS PARTICULAR CASE, BACK ON OUR CASE, WHAT
17 YOU HAVE IS A SITUATION WHERE A SURVEY WOULD BE VERY DIFFICULT
18 TO DO BECAUSE, WHILE BOTH PARTIES HAVE GONE NATIONWIDE, VERY
19 CLEARLY, IT WOULD BE HARD -- IT'S NOT SOMETHING THAT IS
20 EVERYWHERE.

21 **THE COURT:** OKAY. THANK YOU VERY MUCH. I'M GOING
22 TO TAKE A RECESS, AND I'LL COME BACK. SO WE'LL BE IN RECESS
23 FOR 15 MINUTES OR SO.

24 (RECESS TAKEN.)

25 **THE COURT:** THE COURT PURSUANT TO RULE 52-A SHALL

1 GIVE ITS FINDINGS OF FACT AND CONCLUSIONS OF LAW ORALLY SINCE
2 EVIDENCE HAS BEEN CONCLUDED, AND ARGUMENT HAS BEEN CONCLUDED,
3 AND THE COURT HAS HAD THE OPPORTUNITY TO REVIEW THE EVIDENCE.

4 THERE IS NO QUARREL BETWEEN THE PARTIES AS TO THE
5 LAW. BOTH SIDES STATE, AND THE COURT FINDS THAT, IT IS THE
6 RESPONSIBILITY OF THE COURT IN REVIEWING THE EVIDENCE AND
7 COMING TO FACTUAL FINDINGS, TO APPLY THE SEVEN -- PARDON ME --
8 EIGHT FACTORS THAT ARE SET FORTH IN SLEEKCRAFT BOATS, 559 F.2D
9 341, AS RESTATED IN ENTREPRENEUR MEDIA, 279 F.3D AT 1140.

10 AND AGAIN, AS WE SAID AT THE OUTSET, TWO OF THE
11 SLEEKCRAFT FACTORS ARE NOT IN DISPUTE, THE PROXIMITY OR
12 RELATEDNESS OF THE GOODS OR SERVICES AND THE MARKETING CHANNELS
13 USED. AND SINCE BOTH PARTIES MARKET THE SIMILAR WINE AT THE
14 SAME PRICE POINT THROUGH THE SAME DISTRIBUTION CHANNELS TO THE
15 SAME MARKET, THESE FACTORS ACTUALLY FAVOR A FINDING OF
16 INFRINGEMENT.

17 IN TERMS OF THE STRENGTH OF THE MARK, THE COURT
18 FINDS THAT THE MARK IS PARTICULARLY WEAK. THE EVIDENCE --
19 WHILE THERE IS EVIDENCE THAT THE WINE HAS BEEN PROMOTED, THIS
20 PROMOTION HASN'T -- IN TERMS OF THE EVIDENCE THAT'S BEEN
21 PRESENTED, DEMONSTRATED THAT THE MARK HAS ACQUIRED A STRENGTH
22 THAT WOULD TEND TO FAVOR THE PLAINTIFF. TO THE CONTRARY, THE
23 LACK OF STRENGTH OF THE MARK TENDS TO FAVOR THE DEFENDANT ON
24 THE ISSUE OF INFRINGEMENT.

25 THE EVIDENCE OF CONFUSION AND THE LIKELIHOOD OF

1 CONFUSION, AS THE COURT REVIEWED WITH COUNSEL DURING THE COURSE
2 OF ARGUMENT, EACH OF THE INDIVIDUALS IN DECLARATIONS THAT WERE
3 CITED HERE DEMONSTRATE SEVERAL THINGS.

4 FIRST, THERE IS AN ABSENCE OF ACTUAL CONFUSION.

5 SECONDLY, IN SOME CASES WHERE THERE IS EVIDENCE THAT
6 ONE MAY BE -- ONE WAS INITIALLY SUBSTITUTED FOR THE OTHER, IT
7 APPEARS TO THE COURT THAT THESE WERE MISTAKES THAT WERE
8 SUBSEQUENTLY OR ALMOST IMMEDIATELY CLARIFIED BY VIRTUE OF THE
9 DISTINCTIVE NATURE OF THE LABELS AND THE RECORDS THAT WERE
10 MAINTAINED BY DISTRIBUTORS OR RETAILERS AND THAT THERE -- AND
11 THAT THAT ARGUMENT, WHILE IT SHOWS NOT ONLY THE ABSENCE OF THE
12 CONFUSION, THAT IS A FACTOR THAT CAN BE CONSIDERED WHETHER OR
13 NOT THERE IS A LIKELIHOOD OF CONFUSION IN THE FUTURE.

14 WITH RESPECT TO THE INTENT OF THE PARTIES, CERTAINLY
15 THERE IS EVIDENCE THAT THE DEFENDANT, ONE OF THEM, WAS AWARE OF
16 THE EXISTENCE OF THIS OTHER WINE, HOWEVER -- PLAINTIFFS' WINE.
17 HOWEVER, THE PARTNER, I GUESS MR. NUSS -- IS THAT HIS NAME?

18 **MS. BERGMAN:** MR. NUSS AND MR. SWEETANOS.

19 **THE COURT:** -- PROVIDED A PLAUSIBLE EXPLANATION OF
20 HOW HE CHOSE THE DESIGNATION "TWENTY" FOR HIS WINE. AND THAT
21 HASN'T BEEN REBUTTED.

22 THE FACT OF THE MATTER IS IT'S A WINE THAT'S PRICED,
23 AS THE COURT UNDERSTANDS IT, AROUND TWENTY DOLLARS. IT
24 ADDRESSES A NICHE MARKET FOR WINES OF A NAPA VARIETY AROUND THE
25 TWENTY-DOLLAR RANGE OR UNDER TWENTY DOLLARS, AND IT'S PERFECTLY

1 LOGICAL AND -- TO ASSUME THAT THAT'S A CORRECT -- OR THAT IS A
2 REASON WHY HE CHOSE THAT APPELLATION FOR HIS WINE.

3 AND THERE'S NO QUESTION, NOR HAS IT BEEN SUGGESTED
4 BY PLAINTIFF, THAT THERE IS A CONFUSION BETWEEN THE TERM
5 "BENCH" AND "ROWS." BOTH OF THEM ARE SEPARATE WORDS. THEY
6 MEAN DIFFERENT THINGS, AND BOTH OF THEM HAVE AN INDEPENDENT
7 LINEAGE OR AFFILIATION WITH THE TERM WINE, WINE PRODUCTION,
8 WINE GROWTH, AND SO THEY STAND INDEPENDENT ON THAT BASIS.

9 THE FACT -- THE ARGUMENT OVER PROMOTION, THE COURT
10 BELIEVES THAT WHILE PROMOTION MAY HAVE BEEN RESTRICTED BY -- IN
11 TERMS OF THE DEFENDANTS TO THE DISTRIBUTION CHANNELS OR THE
12 DISTRIBUTOR, THERE IS INSUFFICIENT EVIDENCE IN THE RECORD TO
13 ESTABLISH THAT THERE'S A LIKELIHOOD THAT THE DEFENDANTS WERE
14 RELYING ON THE PROMOTION THAT WAS PRESENTED IN AN ATTEMPT TO
15 ADVANCE THE PLAINTIFFS' PRODUCT, THAT, THEREFORE, THE
16 DEFENDANTS WERE TAKING ADVANTAGE OF THAT PROMOTIONAL
17 ACTIVITIES.

18 ACCORDINGLY, WHILE THE COURT HAS NOW CONSIDERED THE
19 VARIOUS FACTORS, HAS WEIGHED THE CONFLICTING EVIDENCE, AND
20 WHILE THE COURT IS IN THE CONTEXT OF BEING MINDFUL THAT IT IS
21 THE PLAINTIFF THAT BEARS THE BURDEN OF PROOF ON CERTAIN ISSUES
22 AND TO ESTABLISH A LIKELIHOOD OF CONFUSION, THE COURT FINDS THE
23 PLAINTIFF HAS NOT DONE SO, AND, THEREFORE, JUDGMENT SHALL BE
24 ENTERED IN FAVOR OF THE DEFENDANTS IN THIS CASE.

25 IN DOING SO, I WANT TO THANK THE PARTIES ON BOTH

1 SIDES FOR PRESENTING THEIR CASES. THEY WERE FORTHCOMING. THEY
2 WERE -- IT WAS VERY WELL PRESENTED. AS IN MOST CASES THAT GO
3 TO TRIAL, SOMEBODY WINS, SOMEBODY LOSES. BUT I WANTED TO THANK
4 IN PARTICULAR THE COOPERATION THAT WAS DEMONSTRATED BY THE
5 PARTIES IN PRESENTING THIS CASE.

6 OF COURSE, I'M SURE THE PLAINTIFF THINKS, WELL,
7 MAYBE IF THERE WERE A JURY, IT WOULD HAVE COME OUT DIFFERENTLY.
8 I CAN'T SAY. I'M NOT A JURY. I AM AN ADJUDICATOR OF ONE. AND
9 SO WHILE I -- IT CAN BE ARGUED THAT I HAVE SORT OF A
10 SCHIZOPHRENIC VIEW OF THINGS, I HAD TO COME TO A PARTICULAR
11 DECISION IN THE CASE. I CAN'T SAY THAT SOME OTHER JURY OR SOME
12 OTHER TRIER OF FACT WOULD NECESSARILY HAVE COME TO A DIFFERENT
13 CONCLUSION. I CAME TO THE CONCLUSION I CAME TO BASED UPON MY
14 VIEW OF THE EVIDENCE, MY VIEW OF THE LAW AND WHAT WAS PRESENTED
15 TO ME AS THE TRIER OF FACT.

16 SO, I SIMPLY WANT TO SAY THAT I APPRECIATE THE
17 EFFORTS MADE BY THE PARTIES IN THIS, IN PARTICULAR, THE
18 PLAINTIFF IN PRESENTING HER CASE, CLIENTS' CASE, AND I WANT YOU
19 TO KNOW THAT I DID SPEND A FAIR AMOUNT OF TIME REVIEWING THESE
20 DECLARATIONS AND THE EVIDENCE BEFORE COMING TO COURT THIS
21 AFTERNOON. SO I THOUGHT I HAD A SENSE -- AT LEAST I HAD A
22 SENSE OF WHAT I THOUGHT THESE DECLARATIONS ESTABLISHED AND WHAT
23 THEY DIDN'T ESTABLISH. AND I THOUGHT, YOU KNOW, YOU COULD BE
24 AT THE END OF THE ROAD MAYBE WITH A DIFFERENT RESULT, I SAY
25 THIS TO THE PLAINTIFF. I DOUBT IT. I DOUBT IT.

1 AND I THINK AT LEAST IT HAS THE ADVANTAGE, FROM THE
2 PLAINTIFF'S POINT OF VIEW, IN ADJUDICATION ON THE MERITS WHICH
3 IS A MORE ECONOMICAL WAY IN THE PLAINTIFF'S POINT OF VIEW THAN
4 ACTUALLY GOING THROUGH A LENGTHY TRIAL ON THESE ISSUES.
5 NEVERTHELESS, THIS IS A PROCESS THAT THE COURTS CAN USE WITH
6 THE CONSENT OF THE PARTIES, AND I WANT TO JUST EXPRESS MY
7 APPRECIATION TO BOTH SIDES FOR DOING THAT.

8 **MR. HARVEY:** THANK YOU.

9 **THE COURT:** THANK YOU VERY MUCH.

10 (PROCEEDINGS ADJOURNED.)

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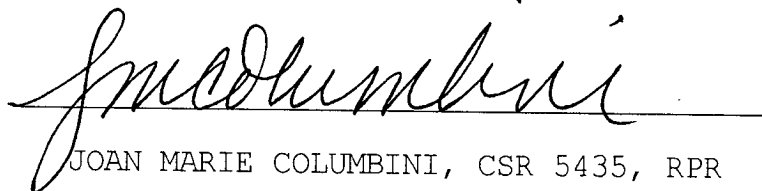
24

25

CERTIFICATE OF REPORTER

I, JOAN MARIE COLUMBINI, OFFICIAL REPORTER FOR THE UNITED STATES COURT, NORTHERN DISTRICT OF CALIFORNIA, HEREBY CERTIFY THAT THE FOREGOING PROCEEDINGS IN C 06-7605 CRB, UNFILTERED NAPA LLC, ET AL. V. TWENTY ROWS LLC, ET AL., WERE REPORTED BY ME, A CERTIFIED SHORTHAND REPORTER, AND WERE THEREAFTER TRANSCRIBED UNDER MY DIRECTION INTO TYPEWRITING; THAT THE FOREGOING IS A FULL, COMPLETE AND TRUE RECORD OF SAID PROCEEDINGS AS BOUND BY ME AT THE TIME OF FILING.

THE VALIDITY OF THE REPORTER'S CERTIFICATION OF SAID TRANSCRIPT MAY BE VOID UPON DISASSEMBLY AND/OR REMOVAL FROM THE COURT FILE.


JOAN MARIE COLUMBINI, CSR 5435, RPR

FRIDAY, DECEMBER 14, 2007