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Filing date: **11/06/2012**

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

Proceeding	91178682
Party	Plaintiff Franciscan Vineyards, Inc.
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Submission	Motion to Extend
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Signature	/john rannells/
Date	11/06/2012
Attachments	Motion extend 11-6-12.pdf (4 pages)(22866 bytes)

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

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Fransican Vineyards, Inc.

Opposer

Mark: DOMAINE PINNACLE
and design

v.

Opposition No. 91178682

Domaine Pinnacle, Inc.

Serial No.: 78783236

Applicant
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**OPPOSER'S MOTION TO EXTEND OPPOSER'S
TESTIMONY PERIOD AND ALL SUBSEQUENT DATES**

Our firm, Baker and Rannells PA, represents the Opposer Franciscan Vineyards, Inc. in the above captioned proceeding. The undersigned has primary responsibility for prosecution of the case on behalf of Opposer. Opposer hereby moves for a one month extension of Opposer's testimony period and all subsequent dates. The testimony period has been extended previously for purposes of settlement negotiations which have been unsuccessful. Most recently, on October 2, 2012, Opposer moved for a one month extension due to a grave illness of the undersigned's mother necessitating a prolonged stay with her during the testimony period by the undersigned¹. Opposer hereby moves for an additional month extension for the following reasons:

Opposer noticed testimony depositions scheduled for November 8th (for an officer of Opposer's parent company, Constellation Brands, Inc. in New York state) and for two

¹ The undersigned's mother since passed away on October 12, 2012.

testimony depositions on November 14th (morning and afternoon, at Opposer's offices in California).

As a result of Hurricane Sandy, the offices of Baker and Rannells PA were without electricity and without access to our computer servers and Internet from the date the storm hit until November 3, 2012, which resulted in our office closure from Monday October 29th through Friday November 3rd. In addition thereto, the undersigned's residence has been without heat or electricity since the storm hit. I am advised that service may be restored on Wednesday, November 7th. However, I also understand from the news that a Nor'easter is scheduled to come through the area beginning this Wednesday, with expected high winds and storm warnings of further service outages.

After an entire week of no access to our office computers the undersigned has been hampered in preparing for the upcoming testimony depositions and our office is hard pressed in catching up on a week without work. Given the immanent new storm, the undersigned has cancelled flight plans and has adjourned the deposition currently scheduled for this Thursday. A new date for taking a corporate officer's testimony deposition has not yet been rescheduled as availability is very limited for the next couple of weeks. The depositions currently scheduled for next week may also need to be adjourned.

Opposer needs additional time in order to schedule and/or reschedule depositions and to file further Notices of Reliance. Accordingly, Opposer requests a one month extension of its testimony period to accommodate the undersigned's current situation.

Applicant should not be prejudiced, as Applicant advised the undersigned that it would not be attending the California depositions in any event, and therefor has no travel plans to reschedule.

Opposer's testimony period is currently scheduled to close on November 15, 2012.

The new dates would be as follows:

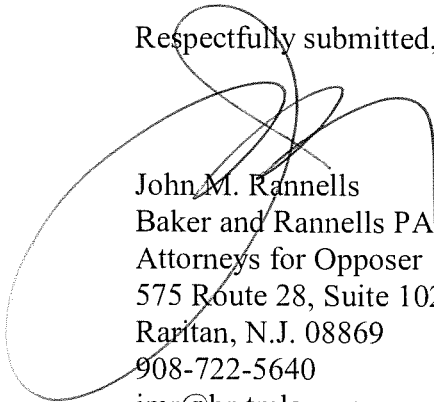
Opposer's testimony period to close: December 15, 2012

Thirty-day testimony period for Defendant to close: March 14, 2012

Fifteen-day rebuttal testimony period to close: April 28, 2013

This motion is being filed prior to the closing of Opposer's testimony period, and is therefore timely.

Respectfully submitted,



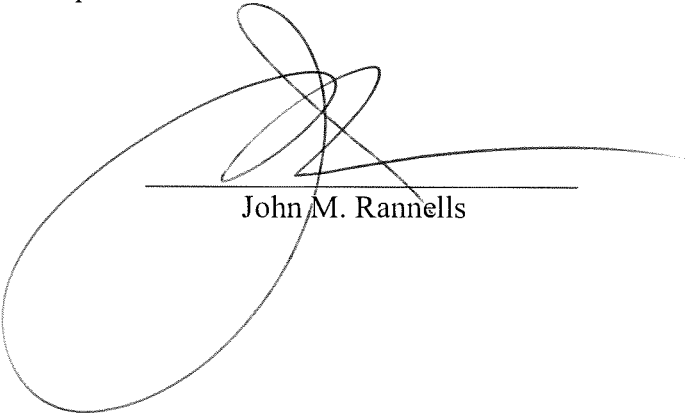
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CERTIFICATE OF SERVICE

I hereby certify a copy of the foregoing “Opposer’s Motion to Extend Opposer’s Testimony Period and all Subsequent Dates” in re: Franciscan Vineyards, Inc. v. Domaine Pinnacle, Inc., Opposition No. 91178682 was served on Applicant (appearing pro se), this 6th day of November, 2012 by sending same via Email and First Class Mail, postage prepaid, to:

Charles Crawford
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DATED: November 6, 2012



John M. Rannells