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

Proceeding	91207443
Party	Plaintiff Hanzell Vineyards, Ltd.
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Date	05/22/2013
Attachments	Motion to Compel.pdf(2820557 bytes)

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

Hanzell Vineyards, Ltd.,

Opposer,

v.

**Red Mountain Viticulture, LLC DBA La Coye
Vineyards,**

Applicant.

Opposition No. 91207443

**OPPOSER'S MOTION TO
COMPEL**

OPPOSER'S MOTION TO COMPEL

Pursuant to Rules 26 and 37 of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules of Practice, Opposer Hanzell Vineyards, Ltd. ("Opposer") respectfully moves the Board for an order compelling Applicant Red Mountain Viticulture, LLC DBA La Coye Vineyards ("Applicant") to respond to Opposer's First Set of Interrogatories and Opposer's First Requests for the Production of Documents and to exclude any evidence at trial regarding certain witnesses disclosed in Applicant's 26(a) disclosures.

Such an order is appropriate because Applicant has failed to provide complete responses to Opposer's Interrogatories and Document Requests, without which Opposer cannot adequately prepare and present its case. Counsel for Opposer has made a good faith attempt to resolve the issues with Applicant but, to date, such efforts have been unsuccessful.

I. BACKGROUND

On October 11, 2012, Opposer filed a Notice of Opposition against Application No. 85/460,699 for the AMBASSADOR VINEYARD mark for "wine; wines." Opposer is the

owner of the distinctive AMBASSADOR'S 1953 VINEYARD mark, covered by Application No. 85/730,979 (the "AMBASSADOR'S 1953 VINEYARD Mark") for wine. Opposer has extensively used and promoted the AMBASSADOR'S 1953 VINEYARD Mark in the United States since at least as early June 2006, well prior to the filing date of Applicant's application. (Not. of Opp. ¶¶ 3, 6). As grounds for opposition, Opposer alleges priority of use and likelihood of confusion under Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d). (Not. of Opp. ¶¶ 1–13).

On October 11, 2012, the Board instituted this proceeding and set discovery to open on December 20, 2012. On November 20, 2012, Applicant filed an answer denying the essential allegations in the Notice of Opposition. On December 11, 2012, the parties filed a stipulated Motion for an Extension of Answer or Discovery or Trial Periods, which the Board granted on January 15, 2013. Discovery is set to close July 18, 2013.

On February 19, 2013, Applicant served its Initial Disclosures pursuant to Fed. R. Civ. P. 26(a). A copy of these disclosures is attached as Exhibit A. As set forth therein, Applicant disclosed the identities of six individuals from various wineries and winery tour companies that purportedly used "Ambassador" (or some variant thereof) to market and sell wine. Exhibit A, ¶¶ 5–10.

On March 25, 2013, Opposer timely served the Applicant with Opposer's First Set of Requests for the Production of Documents, Opposer's First Set of Interrogatories, and Opposer's First Set of Requests for Admission. Copies of Opposer's Discovery Requests are attached as Exhibit B.

On April 29, 2013, Applicant served responses to these discovery requests, which contained boilerplate objections and were largely incomplete and/or inadequate. Copies of

Applicant's Discovery Responses are attached as Exhibit C. Specifically, Applicant asserted nearly five pages of identical, boilerplate general objections, including on grounds that the information sought is irrelevant, privileged or protected by the work-product doctrine, and that the requests are overbroad, unduly burdensome and designed to cause undue annoyance, harassment, or oppression. *See* Exhibit C, Applicant's Response to Opposer's First Set of Interrogatories ("Response to Interrogatories"), pp. 2-5, Applicant's Response to Opposer's First Set of Requests for Production of Documents ("Response to RPDs"), pp. 2-5, Applicant's Response to Opposer's First Set of Requests for Admission ("Response to RFAs"), pp. 2-5. Applicant further asserted improper objections and provided inadequate and/or incomplete responses to each individual Request. For example, Applicant objected to nearly each and every Request for Production of Documents and Interrogatory as "vague" and "ambiguous," and as "overly broad" and/or "unduly burdensome." *Id.*, Response to RPDs Nos. 1-38, Response to Interrogatories Nos. 1-12, 15-23, 25-32, 34-39. Applicant similarly objected to nearly all Requests for Admission as "vague" and "ambiguous," *Id.*, Response to RFAs Nos. 5, 7-29, 31.

Finally, Opposer attempted to elicit information regarding Applicant's Fed. R. Civ. P. 26(a) witnesses who allegedly used "Ambassador" for marketing wine. Applicant objected and denied these requests for admission, claiming that they were "neither relevant nor reasonably calculated to lead to the discovery of admissible evidence," and/or that Applicant was "without sufficient knowledge" regarding these witnesses' use of "Ambassador" on wine products. *See* Exhibit C, Response to RFAs Nos. 12-31.

Opposer has made a good faith effort to resolve with Applicant the issues presented in this motion. On May 13, 2013, pursuant to Trademark Rule 2.120(e) and TBMP Sections 523 and 524, Opposer sent a letter to Applicant's attorney describing the deficiencies in the discovery

responses in detail and requesting complete responses. Opposer requested amended and substantive responses by no later than May 17, 2013. A copy of the letter is attached as Exhibit

D. To date, Opposer has received no response from Applicant.

II. ARGUMENT

The Trademark Trial and Appeal Board Manual of Procedure (“TBMP”) provides that the Board may order Applicant to provide complete responses to the interrogatories and requests for production of documents. TBMP § 411.02 and 523; 37 CFR § 1.120(e). Accordingly, Opposer respectfully requests that the Board order Applicant to fully respond to Opposer’s First Set of Interrogatories and First Requests for the Production of Documents within twenty days from the mailing date of the Board’s order on this motion.

A. Applicant Should Be Compelled to Provide Complete Responses to Opposer’s First Set of Interrogatories

1. Improper Boilerplate Objections: Interrogatory Nos. 1–12, 15–23, 25–32, 34–39

Applicant asserted a series of improper boilerplate objections in response to nearly each and every Interrogatory. Without providing detailed explanations for each objection, Applicant objected to Interrogatory Nos. 1–12, 15–23, 25–29, and 34–39 as “vague” and “ambiguous,” and to Interrogatory Nos. 1–12, 15–23, 25–32, and 34–35 as “overly broad” and/or “unduly burdensome.” *See, e.g., Louis Vuitton Malletier, S.A. v. Akanoc Solutions, Inc.*, 2008 WL 2783206 (N.D. Cal. 2008) (court condemned practice of “boilerplate objections”). A party objecting to discovery responses must “particularize” its basis for each objection. *See Burns v. Imagine Films Entmnt, Inc.*, 164 F.R.D. 589, 592 (W.D.N.Y. 1996) (“[O]bjections to interrogatories must be specific and supported by detailed explanation of why the interrogatories are objectionable.”). In this regard, objections to an interrogatory as “overbroad and unduly burdensome” must be explained specifically. *See Momah v. Albert Einsten Med. Cir.*, 164

F.R.D. 412, 417 (E.D. Pa. 1996) (mere recitation of familiar litany that interrogatory is “overly broad, burdensome, oppressive, and irrelevant” will not suffice); *Pulsecard, inc. v. Discover Card Servs.*, 168 F.R.D. 295, 303 (D. Kan. 1996) (general objections do not satisfy specificity requirement of Fed. R. Civ. P. 33). Applicant did not explain why any part of the above-listed Interrogatories is vague, ambiguous, overbroad or unduly burdensome. As such, these objections are improper and must be withdrawn.

2. Improper Use of Rule 33(d)

Although Rule 33(d) of the Federal Rules of Civil Procedure permits a party to answer an interrogatory by specifying records to be reviewed, a party may only rely on Rule 33(d) where answering the Interrogatory would require the responding party to engage in burdensome or expensive research. Fed. R. Civ. P. 33(d) (responding party may produce business records in response to an Interrogatory where “the burden of deriving or ascertaining the answer will be substantially the same for either party. . . .”). A party that responds to an interrogatory by directing the requesting party to a mass of business records or by offering to make all of their records available is “abusing the option provided by Rule 33(d).” *D.K. Jain dba Luxor Pen Co. v. Ramparts, Inc.*, 49 U.S.P.Q.2d 1429, 1433 (TTAB 1998).

Here, Applicant responded to Interrogatory Nos. 6, 9, 16, 30–32, and 34 by referencing documents to be produced. First, no responsive documents have been produced. Second, Applicant was asked to provide simple factual responses to Interrogatories. For example, Interrogatory No. 6 requests the earliest date that Applicant used Applicant’s Mark; Interrogatory No. 16 requests a description of all versions and variations of Applicant’s Mark, including the time period during which the mark was used and the reason for any change. Applicant should not be permitted to avoid its duty to cooperate and respond to discovery requests by pointing to a

variety of documents, leaving Opposer to speculate about the answers to simple, straightforward factual questions.

Accordingly, Opposer requests that the Board order Applicant to provide narrative responses as required by Rule 33.

3. Improper Objections Based on Claim of Confidentiality and Trade Secret

Applicant objected to Interrogatory Nos. 31–32 on the ground that the requested information “seeks discovery of confidential or trade secret information.” The parties entered into a Protective Order in this case, dated January 4, 2013, which provides the appropriate mechanisms by which a party can designate certain classes of protected information as confidential. Accordingly, Opposer requests that the Board order Applicant to withdraw these objections and provide the requested information pursuant to the Protective Order.

4. Deficiencies in Individual Interrogatory Responses

After asserting improper objections discussed above, Applicant failed to respond or provided incomplete responses to many Interrogatories. Opposer requests that the Board order Applicant to supplement or amend the responses as follows:

Interrogatory No. 3, 12: Applicant improperly objected that these requests seek irrelevant information, and refused to respond on that basis. These Interrogatories relate to the ninth *Du Pont* factor, related to the variety of goods on which a mark is used and likelihood of expansion. Such discovery is proper and within the scope of permissible discovery. *See Johnson Pump/General Valve Inc. v. Chromalloy Am. Corp.*, 10 U.S.P.Q.2d 1671, 1675 (TTAB 1989). Accordingly, Opposer requests that the Board order Applicant to provide supplemental responses.

Interrogatory No. 4: Applicant responded that its goods and/or services bearing Applicant’s Mark are sold principally in Washington, Oregon, and Idaho. However, Opposer’s

Interrogatory requests a description of every state in which the Applicant has sold its goods and/or services. Opposer requests that the Board order Applicant to confirm that Applicant's goods and/or services have not been sold outside of Washington, Oregon, and Idaho or, alternatively, provide a comprehensive list of states where such goods and/or services have been sold.

Interrogatory Nos. 5, 8, 10–11: Applicant improperly objected that these requests seek irrelevant information, and refused to respond on that basis. These Interrogatories relate to the third *Du Pont* factor regarding the channels of trade of Applicant's goods and/or services. For example, Interrogatory No. 11 asks Applicant to "Identify each and every employee, sales representative, reseller, and/or agent of Applicant who resides in the United States." The Board has held that "Discovery pertaining to the number of a party's salesmen, the location of its sales representatives, and the location of its dealers is relevant insofar as it concerns the mark and the goods in dispute." Jeffrey A. Handelman, Guide to TTAB Practice § 12.08 (2013) (citing *Johnson Pump/General Valve*, 10 U.S.P.Q.2d at 1675). Accordingly, Opposer requests that the Board order Applicant to provide supplemental responses.

Interrogatory No. 26: Applicant responded that its goods and/or services bearing Applicant's Mark are primarily advertised and promoted through word-of-mouth, the Internet and social media. However, Opposer's Interrogatory requests a description of every form of advertising used to advertise Applicant's goods and/or services, including the dates and media on and through which each advertisement occurred. With respect to Internet and social media advertisements, Opposer requests that the Board order Applicant to provide the dates of such advertisements. Opposer further requests that the Board order Applicant to confirm that

Applicant's goods and/or services have not been advertised elsewhere or, alternatively, provide a supplemental response that fully responds to this Interrogatory.

Interrogatory No. 28: Opposer requests that the Board order Applicant to provide a supplemental response that includes the date on which the website located at <<http://www.ambassadorvineyard.com>> was created.

Interrogatory No. 29: Applicant appears to have provided the average price of all wines sold in the United States. However, this Interrogatory requests the typical price for each of Applicant's goods and/or services sold in the United States. Opposer requests that the Board order Applicant to amend this response to provide the requested information.

B. Applicant Should Be Compelled to Produce Responsive Documents

As with its responses to Interrogatories and Requests for Production, Applicant asserted virtually identical boilerplate objections in response to nearly each and every Request for Production. Applicant objected to Request for Production Nos. 2–38 as vague and ambiguous, and Request for Production Nos. 1–33 and 35–38 as overly broad and/or unduly burdensome. Such objections are meaningless and fail to comply with the Rules of Civil Procedure, which require that objections contain a statement of reasons for objection. Fed. R. Civ. P. 34(b)(2). Accordingly, these objections are ineffective and must be withdrawn.

1. Requests for Production Nos. 1, 24–27, 29–38: Privilege

Applicant objected to Requests for Production Nos. 1, 24–27, and 29–38 on the ground that the Requests seek information protected from disclosure by the attorney client privilege or attorney work product doctrine. A party withholding documents as privileged must provide a privilege log that identifies and describes the documents in sufficient detail to allow the demanding party to assess the claim of privilege. Fed. R. Civ. P. 26(b)(5). Accordingly, Opposer requests that the Board order Applicant to produce a privilege log detailing the

documents being withheld as privileged or, alternatively, withdraw its objections on the grounds of privilege.

2. Improper Objections Based on Relevance

As with many of its other discovery responses, Applicant objected to Requests for Production Nos. 7–20, 23–25, 33, and 36–38 as neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Apparently on that basis, Applicant has refused to produce responsive documents for many of these Requests. “Relevance” is broadly defined for purposes of discovery as “any nonprivileged matter that is relevant to any party’s claim or defense.” Fed. R. Civ. P. 26(b)(1). Further, Rule 26(b)(1) provides that “[r]elevant information need not be admissible at the trial if the discovery appears reasonably calculated to lead to the discovery of admissible evidence.” *Id.* The Board has affirmed “that the requirement of relevancy must be construed liberally and that discovery should, therefore, be generally allowed unless it is clear, beyond any doubt, that the information sought can have no possible bearing upon the issues involved in the particular proceeding.” *Varion Assocs. V. Fairfield-Noble Corp.*, 188 U.S.P.Q. 581, 582 (TTAB 1975).

Here, the documents sought are directly related to the claims and defenses in this matter. For example, Request for Production No. 8 requests documents sufficient to identify the retailers and distributors through which goods and/or services bearing Applicant’s AMBASSADOR mark are sold. The requested documents are directly related to the third *Du Pont* factor regarding likelihood of confusion, namely, the similarity or dissimilarity of channels of trade. Request for Production No. 9 similarly requests documents relating to Applicant’s channels of trade and conditions under which buyers to whom sales are made; Request for Production No. 14 requests documents relating to the ninth *Du Pont* factor, namely, the variety of goods on which a mark is used; and Request for Production No. 20 requests documents related to the fourth *Du Pont*

factor, namely, the sophistication of the parties' customers. Each of the above-noted Requests is relevant to one or more of the *Du Pont* factors which will ultimately be weighed by the Board to determine whether a likelihood of confusion exists. Accordingly, Opposer requests that the Board order Applicant to withdraw these objections and produce all responsive, non-privileged documents.

3. Failure to Produce Responsive Documents

Finally, Applicant agreed to provide responsive documents with respect to Requests for Production Nos. 1–6, 9, 16–22, 26–27, 30–36, and 39. However, such documents have not been produced. Accordingly, Opposer requests that the Board order Applicant to provide supplemental responses to these requests, together with all other non-privileged documents which were withheld based on the improperly asserted objections noted above.

C. **Based Upon Applicant's Responses to the Requests for Admission, Applicant Should Be Precluded From Offering Any Testimony From Certain Witnesses Disclosed in Applicant's Rule 26(a) Disclosures**

Apparently in an attempt to show that Opposer had previously "acquiesced" to third party uses of "Ambassador", Applicant disclosed six (6) witnesses who would allegedly offer testimony regarding their prior use of "Ambassador" (or some variation thereof) for wine. Opposer served detailed requests for admission regarding these witnesses and requested certain admissions regarding these supposed third-party uses of Ambassador. Instead of simply answering the requests for admissions, Applicant asserted numerous objections claiming that the requests were "neither relevant nor reasonably calculated to lead to admissible evidence," and that Applicant was without sufficient knowledge regarding these purported third-party uses of Ambassador. Many of Applicant's objections provided the basis for Applicant's denials or the answers were "subject to" these ill-conceived objections. For example, Applicant responded to several of Opposer's Requests as follows:

REQUEST NO. 23: Admit that Blue Rock Vineyards does not use “Ambassador” on the label of any of its wines.

RESPONSE: Object as vague and ambiguous and on the ground that the request is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objection, Applicant, after a reasonable inquiry, is without sufficient knowledge or information to admit or deny the request and, on that basis denies the same.

REQUEST NO. 26: Admit that U.S. Vintner’s “Ambassador’s Royal Reserve” has not been offered for sale to the general public.

RESPONSE: Object as vague and ambiguous and on the ground that the request is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objection, Applicant, after a reasonable inquiry, is without sufficient knowledge or information to admit or deny the request and, on that basis denies the same.

REQUEST NO. 29: Admit that Napa Valley Wine Train does not produce wines.

RESPONSE: Object as vague and ambiguous and on the ground that the request is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objection, Applicant, after a reasonable inquiry, is without sufficient knowledge or information to admit or deny the request and, on that basis denies the same.

REQUEST NO. 28: Admit that Vin Ambassador does not produce wines.

RESPONSE: Object as vague and ambiguous and on the ground that the request is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objection, Applicant, after a reasonable inquiry, is without sufficient knowledge or information to admit or deny the request and, on that basis denies the same.

Applicant cannot disclose witnesses who allegedly have knowledge regarding certain subjects, and then refuse to answer discovery based on the “irrelevance” of the disclosed subject matter. Further, Applicant cannot disclose witnesses who allegedly have knowledge regarding certain subjects, and then answer discovery claiming that Applicant is “without sufficient

knowledge” regarding the subject matter disclosed. Applicant’s gamesmanship should not be rewarded.

Accordingly, it is requested that based on Response to RFAs Nos. 12–31, and specifically, Response to RFAs Nos. 20, 22–23, 25–26, 28–29, and 31, Applicant be precluded from offering any testimony from the following witnesses disclosed in its 26(a) disclosures: Orfilia Vineyards & Winery, Blue Rock Vineyard, U.S. Vintner, Napa Valley Wine Train, and Vin Ambassador.

III. CONCLUSION

For the reasons stated above, Opposer respectfully requests that the Board grant Opposer’s motion to compel and order Applicant to respond to Opposer’s First Set of Interrogatories and Opposer’s First Requests for the Production of Documents within twenty days from the mailing date of the Board’s ruling on the motion.

Respectfully submitted,

Dated: May 22, 2013



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EXHIBIT A

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

In the Matter of Trademark Application Ser. No. 85/460,699
For the mark AMBASSADOR VINEYARD
Published on April 17, 2012

Hanzell Vineyards, Ltd.,

Opposer

v.

Red Mountain Viticulture, LLC,

Applicant.

Opposition No. 91207443

APPLICANT’S RULE 26(a)(1) INITIAL DISCLOSURES

Pursuant to FRCP 26(a)(1) and TBMP 401.02, Applicant Red Mountain Viticulture, LLC, by and through its undersigned counsel, makes the following initial disclosures:

I. Individuals Likely to Have Discoverable Information - FRCP 26(a)(1)(A)(i).

The following persons are likely to have information that Applicant may use to support its claims or defenses in this matter, unless solely for impeachment:

1. Dick Boushey, Vineyard Manager, Red Mountain Viticulture, LLC. Mr.

Boushey should only be contacted through Applicant’s counsel. Mr. Boushey has knowledge concerning the adoption and continuous use of Applicant’s AMBASSADOR VINEYARD mark, as well as the goods and services for which registration of the AMBASSADOR VINEYARD mark is sought; and the reaction of the average purchaser to the AMBASSADOR VINEYARD mark as the purchaser encounters the goods and services in the marketplace. Mr. Boushey also has knowledge of the third-party use of marks or phrases incorporating the word “ambassador;”

the lack of similarity between Applicant's mark and Opposer's alleged mark; the absence of any actual confusion between Applicant or Applicant's mark and Opposer and Opposer's alleged mark; and Opposer's descriptive use of the phrase "Ambassdor's 1953 Vineyard".

2. Allison Engman, Chief Operating Officer, Red Mountain Viticulture, LLC. Ms. Engman should only be contacted through Applicant's counsel. Ms. Engman has knowledge concerning the adoption and continuous use of Applicant's AMBASSADOR VINEYARD mark, as well as the goods and services for which registration of the AMBASSADOR VINEYARD mark is sought; and the reaction of the average purchaser to the AMBASSADOR VINEYARD mark as the purchaser encounters the goods and services in the marketplace. Ms. Engman also has knowledge of the third-party use of marks or phrases incorporating the word "ambassador;" the lack of similarity between Applicant's mark and Opposer's alleged mark; the absence of any actual confusion between Applicant or Applicant's mark and Opposer and Opposer's alleged mark; and Opposer's descriptive use of the phrase "Ambassdor's 1953 Vineyard".

3. Alexander de Brye, Proprietor, Hanzell Vineyards, Ltd. The most current contact information for Mr. de Brye known to Applicant is care of Hanzell Vineyards, Ltd., 18596 Lomita Avenue, Sonoma, CA 95476, 707-996-3860. Mr. de Brye is believed to have knowledge concerning Opposer's descriptive use of the phrase "Ambassdor's 1953 Vineyard," the absence of secondary meaning in that phrase, the lack of consumer recognition of phrase "Ambassdor's 1953 Vineyard" as a trademark; the absence of any actual confusion between Applicant or Applicant's mark and Opposer and Opposer's alleged mark; and the extensive third-party use of marks or phrases incorporating the word "ambassador."

4. Jean Arnold Sessions, President, Hanzell Vineyards, Ltd. The most current contact information for Mrs. Sessions known to Applicant is care of Hanzell Vineyards, Inc.,

18596 Lomita Avenue, Sonoma, CA 95476, 707-996-3860. Mrs. Sessions is believed to have knowledge concerning Opposer's descriptive use of the phrase "Ambassdor's 1953 Vineyard," the absence of secondary meaning in that phrase, the lack of consumer recognition of phrase "Ambassdor's 1953 Vineyard" as a trademark; the absence of any actual confusion between Applicant or Applicant's mark and Opposer and Opposer's alleged mark; and the extensive third-party use of marks or phrases incorporating the word "ambassador."

5. A representative of Curtis Winery. The most current contact information for Curtis Winery known to Applicant is care of Curtis Winery, 5249 Foxen Canyon Road, Los Olivos, CA 93441. Curtis Winery is believed to have knowledge concerning Curtis Winery's use of "Ambassador's Vineyard" in connection with California wines without objection from Opposer or the occurrence of actual confusion.

6. A representative of Orfilia Vineyards & Winery. The current contact information for Orfilia Vineyards & Winery known to Applicant is care of Orfilia Vineyards & Winery, 13455 San Pasqual Road, Escondido, CA 92025. Orfilia Vineyards & Winery is believed to have knowledge concerning Orfilia Vineyards & Winery use of "Ambassador's Reserve" in connection with California wines without objection from Opposer or the occurrence of actual confusion.

7. A representative of Blue Rock Vineyard. The current contact information for Blue Rock Vineyard is care of Blue Rock Vineyard, 75 Spring Lane, Tiburon, CA 94920. Blue Rock Vineyard is believed to have knowledge concerning Blue Rock Vineyard use of "Ambassadors Wine Club" in connection with California wines without objection from Opposer or the occurrence of actual confusion

8. A representative of US Vintner. The current contact information for US Vintner known to Applicant is care of Strategic National Consulting, 2331 Byron Shores, Byron Center, Michigan 49315. US Vintner is believed to have knowledge concerning US Vintner's use of "Ambassador's Reserve" and "Ambassador's Royal Reserve" in connection with California wines without objection from Opposer or the occurrence of actual confusion.

9. A representative of Napa Valley Wine Train. The current contact information for Napa Valley Wine Train known to Applicant is care of Napa Valley Wine Train, 1275 McKinstry Street, Napa, CA 94559. Napa Valley Wine Train is believed to have knowledge concerning Napa Valley Wine Train's use of "Ambassador Winery Tour" in connection with a tour of two Napa Valley wineries, ZD Wines and Raymond Vineyards, that includes wine tasting, without objection from Opposer or the occurrence of actual confusion.

10. A representative of Vin Ambassador. The current contact information for Napa Vin Ambassador known to Applicant is care of Vin Ambassador, 19 Clementina Street, Loft 301, San Francisco, CA 94105. Vin Ambassador is believed to have knowledge concerning Vin Ambassador's use of "Vin Ambassador" in connection with guided wine tours and tastings in the Northern California region, without objection from Opposer or the occurrence of actual confusion.

11. One or More Representatives of Additional Third-Party Users of Marks or Phrases Incorporating the Word "Ambassador". Applicant currently anticipate that it may call representative of one or more third-party users of marks or phrases incorporating the word "ambassador" to testify with respect to their knowledge concerning use of words or phrases incorporating the word for "Ambassador" for wine-related goods and services without objection from Opposer of the occurrence of actual confusion.

Applicant anticipates that the identity of additional witnesses may become known through discovery or as the case develops and reserves the right to supplement or amend these disclosures at any time prior to trial.

II. Documents and Electronically Stored Information - FRCP 26(a)(1)(A)(ii).

Applicant may use the following categories of documents, electronically stored information, or tangible things in its possession, custody or control to support its claims in this matter, unless solely for impeachment:

1. Documents relating to the adoption and continuous use of the AMBASSADOR VINEYARD Mark;
2. Documents evidencing the goods and services for which registration of the AMBASSADOR VINEYARD mark is sought;
3. Documents evidencing the context in which the AMBASSADOR VINEYARD mark is used and perceived by the average purchaser in connection with Applicant's goods and services;
4. The file wrapper for Applicant's application to register the AMBASSADOR VINEYARD mark.
5. Applicant's U.S. Registration No. 3669985 for the AMBASSADOR VINEYARD mark in connection with viticulture services, and the file wrapper for the application to register the same.
6. Documents evidencing the lack of similarity between Applicant's mark and Opposer's alleged mark.
7. Documents evidencing Opposer's descriptive use of the phrase "Ambassdor's 1953 Vineyard."

8. Documents evidencing the volume and characteristics of the market for California wine varietals, including California chardonnay and pinot noir.

9. Documents evidencing third-party uses of marks or phrases incorporating the word “ambassador” for wine-related goods and services.

10. Documents evidencing third-party registration of marks or phrases incorporating the word “ambassador”.

Responsive documents, to the extent within Applicant’s possession, custody or control, are located either at Applicant’s offices, facilities, or the offices of Applicant’s counsel of record.

Applicant anticipates that the identity of additional documents or categories of documents may become known through discovery or as the case develops and reserves the right to supplement or amend these disclosures at any time prior to trial.

III. Computation of Damages - FRCP 26(a)(1)(A)(iii).

Not applicable.

IV. Insurance Agreements (FRCP 26(a)(1)(A)(iv).

Not applicable.

These Rule 26(a)(1) initial disclosures are based upon the information currently available to Applicant, which reserves the right to supplement, amend, or otherwise modify these initial disclosures as additional information is discovered.

Dated: February 19, 2013

STOEL RIVES LLP


by: Steven E. Klein, OSB #051165

900 SW Fifth Avenue, Suite 2600
Portland, Oregon 97204-1268

Attorneys for Applicant

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **APPLICANT'S RULE 26(a)(1)**

INITIAL DISCLOSURES on the following named persons on the date indicated below by:

mailing with postage prepaid

hand delivery

facsimile transmission

overnight delivery

X e-mail attachment in PDF format

to said persons a true copy thereof, contained in a sealed envelope, addressed to said persons at their last-known address indicated below.

Susan E. Hollander
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jocelyn.belloni@klgates.com

DATED: February 19, 2013.



Steven E. Klein

EXHIBIT B

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

**In the matter of Application Serial No. 85/460,699
Published in the *Official Gazette* on April 17, 2012
Mark: AMBASSADOR VINEYARD**

Hanzell Vineyards, Ltd.,

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v.

**Red Mountain Viticulture, LLC DBA La Coyo
Vineyards,**

Applicant.

OPPOSITION NO. 91207443

**OPPOSER'S FIRST SET OF
INTERROGATORIES**

Pursuant to 37 C.F.R. § 2.120 and Rule 33 of the Federal Rules of Civil Procedure, Opposer Hanzell Vineyards, Ltd. ("Hanzell") hereby requests that applicant Red Mountain Viticulture, LLC DBA La Coyo Vineyards ("Applicant"), provide answers to the following interrogatories fully, in writing, and under oath to the undersigned counsel within thirty (30) days of service hereof.

DEFINITIONS AND INSTRUCTIONS

1. "Applicant," "you," or "your" means Applicant herein, Red Mountain Viticulture, LLC DBA La Coyo Vineyards, and each of Applicant's predecessors and successors, parent organizations, related groups and divisions, as well as all directors, officers, employees, agents, distributors, jobbers, salespersons, sales representatives, licensees, attorneys and all other persons acting or purporting to act on Applicant's behalf or under Applicant's control.

2. "Applicant's Mark" means the AMBASSADOR VINEYARD mark covered by Application No. 85/460,699.

3. "Hanzell" means opposer herein, Hanzell Vineyards, Ltd., and each of Hanzell's predecessors and successors, parent organizations, related groups and divisions, as well as all directors, officers, employees, agents, distributors, jobbers, salespersons, sales representatives, licensees, attorneys and all other persons acting or purporting to act on Hanzell's behalf or under Hanzell's control.

4. The "AMBASSADOR'S Mark" means Hanzell's AMBASSADOR'S 1953 VINEYARD trademark, including the trademark covered by Application No. 85/730,979 for "Wine" in Class 33.

5. "Opposition" means Opposition No. 91207443 entitled Hanzell Vineyards, Ltd. v. Red Mountain Viticulture, LLC DBA La Coye Vineyards.

6. "Person," as well as pronouns referring thereto, includes juristic persons as well as natural persons.

7. "Identify," when used herein with respect to a person, means to supply the following information separately as to each person:

If a natural person:

- (a) the person's full name;
- (b) the business position/title of such person at the relevant time;
- (c) the employer of such person at the relevant time;
- (d) the business address of such person at the relevant time;
- (e) the present or last known business position/title of such person;
- (f) the last known or present employer of such person;

- (g) the last known or present business address, telephone number and email address of such person; and
- (h) the last known or present home address and telephone number of such person

If a juristic person:

- (i) the person's full name;
- (j) the state, territory, or country in which the person was organized and/or under whose laws it was formed or exists;
- (k) the nature of the business entity (*i.e.*, form);
- (l) the business address at the relevant time; and
- (m) the last known or present business address and telephone number.

8. "List" or "identify," with respect to documents, means to supply the following information separately as to each document:

- (a) the type of document (*e.g.*, letter, notebook, etc.) and the number of pages of which it consists;
- (b) the date of the document, if any; if no date appears, the answer shall so state and you shall supply the date or approximate date that such document was prepared;
- (c) the date on which the document came into Applicant's possession or control;
- (d) the name(s) and title(s) of the person(s) who signed the document; if not signed, the answer shall so state and supply the name(s) and title(s) of the

person(s) who prepared the document, if known, or, if not known, the answer shall so state;

- (e) the name(s) and title(s) of the person(s) to whom the document is addressed and to whom copies were furnished (whether specifically named therein or not);
- (f) the business entity or entities with which each person was associated and the date the document was prepared;
- (g) the present whereabouts of the document and the name and address of the custodian thereof; and
- (h) a brief summary of the subject matter of the document.

9. "Document" or "documents" shall have the full meaning ascribed to it in Rule 34 of the Federal Rules of Civil Procedure, and refers to all handwritten, typed, printed, or otherwise visually, mechanically, or electronically reproduced materials, whether copies or originals, in the possession, custody, or control of Applicant or its officers, agents, employees, consultants or attorneys, including but not limited to labels, letters, cables, memoranda, intracorporate communications, reports, notes, minutes, bulletins, circulars, instructions, work assignments, invoices, recordings, sketches, drawings, charts, photographs, prints, artwork, designs, drafts, work sheets, printouts, information stored in computers or other information retrieval systems, other non-paper information storage means such as tape or film, agreements, published material of any kind, annual reports, and advertising or promotional literature. Where a copy of a document contains any marking not appearing on the original or is altered from the original, then such item shall be considered to be a separate original document.

10. "Communication" includes documents and any and all vocal communications between persons including, but not limited to, face-to-face conversations, discussions, and telephone conversations.

11. If a claim of privilege is made as to any information or document responsive to a request herein, identify such information or document in your response to such request, and for each such item, identify, as applicable, (i) the type of document; (ii) its date; (iii) its author(s), addressee(s) and recipient(s); (iv) person(s) now in possession of the item; (v) basis as to the claim of privilege as to each item; and (vi) state the subject matter and provide a summary of the information or document for which a privilege is claimed, and produce those portions of the information or document not subject to the claimed privilege.

12. If any information responsive to an interrogatory herein was a document, which at one time was in existence, but has been lost, destroyed, discarded or otherwise disposed of, identify such document as completely as possible, providing as much of the following information as possible: (i) the type of document; (ii) the date it was created or, if you did not create it, the date you received it; (iii) its author(s), addressee(s) and recipient(s); (iv) the subject matter of the document; (v) the approximate date of disposal; (vi) the reasons for disposing of or discarding the document; (vii) the person authorizing the disposal; (viii) the person disposing of the document or other physical evidence; and (ix) the identity of any person with knowledge of the contents thereof.

13. If you cannot answer an interrogatory in full after exercising due diligence to secure the information, so state and answer to the extent possible, specifying your inability to answer the remainder and stating whatever information or knowledge Applicant has concerning the unanswered portions. The fact that a full answer cannot be given is not a basis for you to fail

to provide such information as is available to you at the time of your response to these interrogatories.

14. These interrogatories are continuing and impose upon Applicant the obligations stated in Rule 26(e) of the Federal Rules of Civil Procedure.

INTERROGATORIES

INTERROGATORY NO. 1.

Describe Applicant's business and identify the corporate structure of Applicant, including the identity of any of its shareholders, officers, or board members, and any former names used by Applicant.

INTERROGATORY NO. 2.

Identify all goods and/or services that have been advertised, distributed, offered, or licensed for sale by Applicant under Applicant's Mark, and state the dates during which each such item was advertised, distributed, offered, or licensed for sale.

INTERROGATORY NO. 3.

Identify all goods and/or services that you intend to advertise, distribute, offer, or license for sale under Applicant's Mark.

INTERROGATORY NO. 4.

Describe the geographic scope of the actual or intended distribution for all the goods and/or services identified in response to Interrogatory No. 2, including each and every state in the United States in which Applicant has made sales of goods and/or services bearing Applicant's Mark.

INTERROGATORY NO. 5.

Identify and describe the geographic location of all past, current and intended future users of Applicant's Mark authorized by Applicant, including all agents, licensees, or other persons or entities that have used or may in the future be using Applicant's Mark with Applicant's authorization, permission, or knowledge.

INTERROGATORY NO. 6.

Identify the earliest date that Applicant used Applicant's Mark on any goods and/or services, including the date of first use by any person anywhere, and the date of first use in a commercial transaction in the United States, and identify the person most knowledgeable of such use.

INTERROGATORY NO. 7.

Describe the intended classes of consumers and geographic location of consumers of each good and/or service identified in response to Interrogatory No. 2.

INTERROGATORY NO. 8.

Identify and describe the geographic location of all persons with whom Applicant has had contracts for goods and/or services offered under Applicant's Mark.

INTERROGATORY NO. 9.

Identify each and every use of Applicant's Mark on any goods and/or services by Applicant inside the United States.

INTERROGATORY NO. 10.

Identify each and every office of Applicant that is located in the United States.

INTERROGATORY NO. 11.

Identify each and every employee, sales representative, reseller, and/or agent of Applicant who resides in the United States.

INTERROGATORY NO. 12.

State whether Applicant has any intention to expand its use of Applicant's Mark to include the sale of goods and/or services beyond those goods and/or services identified in answer to Interrogatory No. 2, and if so, identify all such goods and/or services.

INTERROGATORY NO. 13.

Describe the process by which Applicant chose Applicant's Mark.

INTERROGATORY NO. 14.

Identify all persons involved in selection of Applicant's Mark, including the person who first conceived of and authorized Applicant's use of Applicant's Mark as a trademark, and the person most knowledgeable of this process.

INTERROGATORY NO. 15.

Describe fully any and all known or intended meanings or significance of Applicant's Mark at any time.

INTERROGATORY NO. 16.

Describe all versions and variations of Applicant's Mark ever used by Applicant or intended to be used by Applicant, including without limitation any other marks that incorporate the dominant portion of Applicant's Mark, AMBASSADOR, and for each such version of variation, set forth the time period for which it was used or is intended to be used, and the reasons for any change made to Applicant's Mark.

INTERROGATORY NO. 17.

Identify any search or investigation of any records such as, but not limited to, the United States Patent and Trademark Office ("USPTO") records, state trademark records, trademark or trade publications, business directories, or the records of any trademark service organization conducted by Applicant or on Applicant's behalf prior to its use of and application for

Applicant's Mark in order to ascertain whether Applicant's use of Applicant's Mark might infringe the trademark or service mark or trade name rights of others.

INTERROGATORY NO. 18.

Describe how and when Applicant first learned of Hanzell and of Hanzell's rights in and to the AMBASSADOR'S Mark, and identify the person most knowledgeable thereof.

INTERROGATORY NO. 19.

Identify and describe all communications which refer or relate to Applicant's first knowledge of Hanzell's rights in and to the AMBASSADOR'S Mark.

INTERROGATORY NO. 20.

Identify and describe all communications between Applicant and Hanzell.

INTERROGATORY NO. 21.

Identify and describe all communications which refer or relate to third party uses of trademarks that incorporate "AMBASSADOR," including, without limitation, all communications between Applicant and any representative, employee, agent, officer, director, distributor or other person affiliated with Curtis Winery, Orfila Vineyards & Winery, Blue Rock Vineyards, U.S. Vintner, Napa Valley Wine Train, and/or Vin Ambassador.

INTERROGATORY NO. 22.

Describe the reaction of the average purchaser of Applicant's goods and/or services to Applicant's Mark as the purchaser encounters the goods and services in the marketplace.

INTERROGATORY NO. 23.

Identify any survey, study, or public opinion poll of which Applicant is aware concerning the use of either Applicant's Mark by Applicant or the AMBASSADOR'S Mark by Hanzell or both, including those comparing goods and/or services offered by Applicant under or in connection with Applicant's Mark to those of any of Applicant's competitors and/or Hanzell.

INTERROGATORY NO. 24.

Describe all instances in which a person has been confused, mistaken, or deceived as to source or origin between goods and/or services sold by Applicant under Applicant's Mark and goods and/or services sold by Hanzell under the AMBASSADOR'S Mark. For each such instance, identify the person and good and/or service involved, the date, and how Applicant became aware of each instance.

INTERROGATORY NO. 25.

Identify any application ever made by Applicant or on Applicant's behalf to register Applicant's Mark or any variation thereon in any jurisdiction.

INTERROGATORY NO. 26.

Identify each of the forms of advertising (e.g., radio, television, print, internet, etc.) used to advertise the goods and/or services identified in response to Interrogatory No. 2, including the dates and media on and through which each such advertising occurred, and including the geographic scope of each.

INTERROGATORY NO. 27.

Identify all websites operated by Applicant or on Applicant's behalf which advertise or promote Applicant's Mark.

INTERROGATORY NO. 28.

For each website identified in Interrogatory No. 27, state the URL of that website, the date the website was created, and the person in charge of managing the website.

INTERROGATORY NO. 29.

State the typical price for each good and/or service identified in response to Interrogatory No. 2.

INTERROGATORY NO. 30.

State, to the nearest hundred of dollars, the sales revenue for each of the goods and/or services identified in response to Interrogatory No. 2 for each year since the introduction of each such good and/or service.

INTERROGATORY NO. 31.

State the number of units sold for each of the goods and/or services identified in response to Interrogatory No. 2 for each year since the introduction of each such goods and/or services.

INTERROGATORY NO. 32.

State, to the nearest hundred of dollars, the amount of money spent by or on behalf of Applicant for advertising, promotional and marketing of each good and/or service identified in response to Interrogatory No. 2 for each year since the introduction of each such good and/or service.

INTERROGATORY NO. 33.

Identify the person most knowledgeable with respect to the marketing, promoting, and advertising of Applicant's Mark or the goods and/or services sold under Applicant's Mark.

INTERROGATORY NO. 34.

Identify all instances of unsolicited publicity (not arranged for by Applicant or on Applicant's behalf), positive or negative, for any good and/or service identified in response to Interrogatory No. 2, and identify the date of each such instance, the form of such publicity, the person or entity providing the publicity, and the geographic location of the person or entity providing the publicity.

INTERROGATORY NO. 35.

Describe with particularity the channels of trade through which the goods and/or services identified in response to Interrogatory No. 2 were, are or are intended to be distributed or offered for sale.

INTERROGATORY NO. 36.

Identify all facts and bases upon which Applicant denies, in Paragraph 7 of Applicant's Answer, that Applicant's Mark and Hanzell's AMBASSADOR'S Marks "are nearly identical in appearance, meaning, and overall impression."

INTERROGATORY NO. 37.

Identify all facts and bases upon which you deny, in Paragraph 8 of Applicant's Answer, that Applicant's Mark "creates a similar commercial impression as [the AMBASSADOR'S Mark] or that consumers are likely to assume that Applicant's mark is associated with [the AMBASSADOR'S Mark] and wines."

INTERROGATORY NO. 38.

Identify all facts and bases upon which you deny, in Paragraph 10 of Applicant's Answer, that "consumers are likely to believe that [Hanzell] has licensed, approved, or otherwise authorized Applicant's use of the AMBASSADOR VINEYARD mark."

INTERROGATORY NO. 39.

Identify all facts and bases upon which you deny, in Paragraph 11 of Applicant's Answer, that the "maturation of Applicant's application into registration will cause a likelihood of confusion, mistake or deception with respect to the source or origin of Applicant's goods" and that "[c]onsumers will erroneously believe that Applicant's goods are produced by or associated with [Hanzell]."

INTERROGATORY NO. 40.

Identify any expert Applicant expects to engage on its behalf on any matter pertaining to this Opposition proceeding, including the expert's name and address, field of specialization, and the substance of all facts and opinions as to which the expert is expected to testify and a summary of the grounds for each opinion.

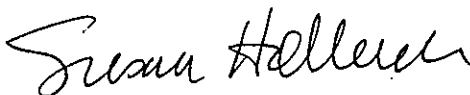
INTERROGATORY NO. 41.

Identify each witness Applicant expects to testify on its behalf and the nature of the testimony to be given by the witness during Applicant's testimony period.

INTERROGATORY NO. 42.

Identify all persons who provided information in response to these Interrogatories.

Respectfully submitted,



Susan E. Hollander
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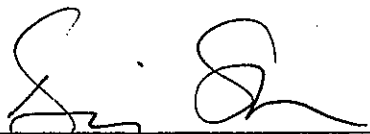
Attorneys for Opposer
Hanzell Vineyards, Ltd.

Dated: March 25, 2013

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **OPPOSER HANZELL VINEYARDS, LTD.'S FIRST SET OF INTERROGATORIES** has been properly served, via first class mail, postage prepaid, on the following counsel of record for Applicant on this 25th day of March, 2013:

STEVEN E. KLEIN
STOEL RIVES LLP
900 SW 5TH AVE, SUITE 2600
PORTLAND, OR 97204



Daisy N. Saechao

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

**In the matter of Application Serial No. 85/460,699
Published in the *Official Gazette* on April 17, 2012
Mark: AMBASSADOR VINEYARD**

Hanzell Vineyards, Ltd.,

Opposer,

v.

**Red Mountain Viticulture, LLC DBA La Coyo
Vineyards,**

Applicant.

OPPOSITION NO. 91207443

**OPPOSER'S FIRST SET OF
REQUESTS FOR PRODUCTION
OF DOCUMENTS**

Pursuant to 37 C.F.R. § 2.120 and Rule 34 of the Federal Rules of Civil Procedure, Opposer Hanzell Vineyards, Ltd. ("Hanzell") hereby requests that applicant Red Mountain Viticulture, LLC DBA La Coyo Vineyards ("Applicant"), produce the requested documents and things to the undersigned counsel within thirty (30) days of service hereof.

DEFINITIONS AND INSTRUCTIONS

1. "Applicant," "you," or "your" means Applicant herein, Red Mountain Viticulture, LLC DBA La Coyo Vineyards, and each of Applicant's predecessors and successors, parent organizations, related groups and divisions, as well as all directors, officers, employees, agents, distributors, jobbers, salespersons, sales representatives, licensees, attorneys and all other persons acting or purporting to act on Applicant's behalf or under Applicant's control.
2. "Applicant's Mark" means the AMBASSADOR VINEYARD mark covered by Application No. 85/460,699.

3. "Hanzell" means opposer herein, Hanzell Vineyards, Ltd., and each of Hanzell's predecessors and successors, parent organizations, related groups and divisions, as well as all directors, officers, employees, agents, distributors, jobbers, salespersons, sales representatives, licensees, attorneys and all other persons acting or purporting to act on Hanzell's behalf or under Hanzell's control.

4. The "AMBASSADOR'S Mark" means Hanzell's AMBASSADOR'S 1953 VINEYARD trademark, including the trademark covered by Application No. 85/730,979 for "Wine" in Class 33.

5. "Opposition" means Opposition No. 91207443 entitled Hanzell Vineyards, Ltd. v. Red Mountain Viticulture, LLC DBA La Coye Vineyards.

6. "Person," as well as pronouns referring thereto, includes juristic persons as well as natural persons.

7. "Identify," when used herein with respect to a person, means to supply the following information separately as to each person:

If a natural person:

- (a) the person's full name;
- (b) the business position/title of such person at the relevant time;
- (c) the employer of such person at the relevant time;
- (d) the business address of such person at the relevant time;
- (e) the present or last known business position/title of such person;
- (f) the last known or present employer of such person;
- (g) the last known or present business address, telephone number and email address

of such person; and

(h) the last known or present home address and telephone number of such person

If a juristic person:

(i) the person's full name;

(j) the state, territory, or country in which the person was organized and/or under whose laws it was formed or exists;

(k) the nature of the business entity (*i.e.*, form);

(l) the business address at the relevant time; and

(m) the last known or present business address and telephone number.

8. "Document" or "documents" shall have the full meaning ascribed to it in Rule 34 of the Federal Rules of Civil Procedure, and refers to all handwritten, typed, printed, or otherwise visually, mechanically, or electronically reproduced materials, whether copies or originals, in the possession, custody, or control of Applicant or its officers, agents, employees, consultants or attorneys, including but not limited to labels, letters, cables, memoranda, intracorporate communications, reports, notes, minutes, bulletins, circulars, instructions, work assignments, invoices, recordings, sketches, drawings, charts, photographs, prints, artwork, designs, drafts, work sheets, printouts, information stored in computers or other information retrieval systems, other non-paper information storage means such as tape or film, agreements, published material of any kind, annual reports, and advertising or promotional literature. Where a copy of a document contains any marking not appearing on the original or is altered from the original, then such item shall be considered to be a separate original document.

9. "Communication" includes documents and any and all vocal communications between persons including, but not limited to, face-to-face conversations, discussions, and telephone conversations.

10. If a claim of privilege is made as to any information or document responsive to a request herein, identify such information or document in your response to such request, and for each such item, identify, as applicable, (i) the type of document; (ii) its date; (iii) its author(s), addressee(s) and recipient(s); (iv) person(s) now in possession of the item; (v) basis as to the claim of privilege as to each item; and (vi) state the subject matter and provide a summary of the information or document for which a privilege is claimed, and produce those portions of the information or document not subject to the claimed privilege.

11. If any document responsive to a document request herein, which at one time was in existence, but has been lost, destroyed, discarded or otherwise disposed of, identify such document as completely as possible, providing as much of the following information as possible: (i) the type of document; (ii) the date it was created or, if you did not create it, the date you received it; (iii) its author(s), addressee(s) and recipient(s); (iv) the subject matter of the document; (v) the approximate date of disposal; (vi) the reasons for disposing of or discarding the document; (vii) the person authorizing the disposal; (viii) the person disposing of the document or other physical evidence; and (ix) the identity of any person with knowledge of the contents thereof.

12. In responding to these document requests, please furnish all responsive documents known or available to you, regardless of whether the document is possessed directly by you or by your agents, employees, representatives, or investigators or by your attorneys or their agents, employees, representatives or investigators.

13. These document requests are continuing and impose upon Applicant the obligations stated in Rule 26(e) of the Federal Rules of Civil Procedure.

REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS

REQUEST NO. 1.

All documents identified in response to or relied on in responding to Hanzell's First Set of Interrogatories to Applicant.

REQUEST NO. 2.

Documents sufficient to identify the address, including website domains, of each location operated by Applicant at or through which goods and/or services bearing Applicant's Mark were, are or are intended to be sold.

REQUEST NO. 3.

Documents, including literature and online literature, describing each good or service identified in response to Interrogatory No. 2 in Hanzell's First Set of Interrogatories to Applicant.

REQUEST NO. 4.

One sample of each good identified in response to Interrogatory No. 2 in Hanzell's First Set of Interrogatories to Applicant, including any and all labeling, packaging, product information, or other material bearing Applicant's Mark.

REQUEST NO. 5.

Documents sufficient to identify the date of Applicant's first use of Applicant's Mark in connection with the sale or offering of any goods and/or services anywhere.

REQUEST NO. 6.

Documents sufficient to identify the date of Applicant's first use of Applicant's Mark in connection with the sale or offering of any goods and/or services in the United States.

REQUEST NO. 7.

Documents sufficient to identify all offices, employees, sales representatives, resellers, and/or agents of Applicant within the United States.

REQUEST NO. 8.

For each good offered under the Applicant's Mark, documents sufficient to identify each distributor and retailer through which Applicant has sold, currently sells, or intends to sell such goods.

REQUEST NO. 9.

Documents sufficient to identify all ways in which Applicant has used, currently uses, or intends to use Applicant's Mark in connection with the sale or offering of any goods and/or services.

REQUEST NO. 10.

Documents sufficient to identify every sale of goods and/or services by Applicant under Applicant's Mark, including but not limited to invoices, purchase orders, receipts, bills of sale, and sales summaries.

REQUEST NO. 11.

Documents sufficient to identify the geographic location of all persons with whom Applicant has had contracts and/or negotiation for contracts for goods and/or services offered under Applicant's Mark.

REQUEST NO. 12.

All contracts executed by Applicant's customers inside the United States in the case of sales of goods and/or services under Applicant's Mark.

REQUEST NO. 13.

Documents sufficient to identify the intended classes and geographic location of all customers who have purchased goods and/or services from Applicant under Applicant's Mark.

REQUEST NO. 14.

All documents referring or relating to any current intention or plans by Applicant to use Applicant's Mark on goods and/or services other than those goods and/or services identified in response to Interrogatory No. 2 in Hanzell's First Set of Interrogatories to Applicant.

REQUEST NO. 15.

Documents sufficient to identify each person or outside agency that has assisted Applicant in the advertising, promotion, distribution or sale of any goods and/or services bearing Applicant's Mark, including any such person or outside agency in the United States.

REQUEST NO. 16.

One copy of each advertisement and/or commercial created by Applicant or on Applicant's behalf to promote Applicant's Mark, or goods and/or services bearing Applicant's Mark, whether in print, video, audio or electronic format, including but not limited to fliers, brochures, customer newsletters, direct marketing emails, coupons, websites, electronic pop-up advertisements, written copy or storyboards relating to advertising, posters, and point of sale displays.

REQUEST NO. 17.

All documents, including but not limited to press releases, public statements, announcements, letters, newswires, radio spots, video releases, fliers, brochures or webpages prepared by Applicant or on Applicant's behalf relating to Applicant's use of Applicant's Mark for goods and/or services offered under Applicant's Mark.

REQUEST NO. 18.

All press, including but not limited to articles from newspapers, magazines, websites, or any other publication, whether distributed in print, broadcast or electronic form, not prepared or solicited by Applicant or on Applicant's behalf, which refer or relate to, discuss, mention or concern Applicant's use of Applicant's Mark or goods and/or services offered under Applicant's Mark.

REQUEST NO. 19.

Documents sufficient to show the geographic scope of Applicant's promotional activities using Applicant's Mark.

REQUEST NO. 20.

A sample of each catalog, price list, merchandising offer, webpage or other publication where the availability and/or price of any good and/or service identified in response to Interrogatory No. 2 in Hanzell's First Set of Interrogatories to Applicant was advertised or made known.

REQUEST NO. 21.

A complete printout of each website operated by Applicant or on Applicant's behalf which advertises or promotes Applicant's Mark.

REQUEST NO. 22.

All documents which refer or relate to Applicant's conception, selection process, and/or adoption of Applicant's Mark as a trademark.

REQUEST NO. 23.

All documents which refer or relate to any version or variation of Applicant's Mark, including without limitation any other marks that incorporate the dominant portion of Applicant's Mark, AMBASSADOR, that Applicant has or is contemplating for use in connection

with the goods and/or services identified in response to Interrogatory No. 2 in Hanzell's First Set of Interrogatories to Applicant.

REQUEST NO. 24.

All documents that refer or relate to any records related to Applicant's Mark and/or the AMBASSADOR'S Mark—including without limitation United States Patent and Trademark Office ("USPTO") records, state trademark records, trademark or trade publications, business directories, or the records of any trademark service organization—that were obtained by Applicant or on Applicant's behalf as a result of a search or investigation conducted by Applicant or on Applicant's behalf.

REQUEST NO. 25.

All documents that refer or relate to any opinions as to the availability for use and registration of Applicant's Mark as a trade name or trademark.

REQUEST NO. 26.

All documents which refer or relate to Applicant's first knowledge of Hanzell's rights in and to the AMBASSADOR'S Mark.

REQUEST NO. 27.

All documents which refer or relate to Applicant's knowledge of Hanzell's rights in and to the AMBASSADOR'S Mark prior to Applicant's filing of any trademark applications for Applicant's Mark.

REQUEST NO. 28.

All communications between Applicant and Hanzell.

REQUEST NO. 29.

All communications between Applicant and any third party relating to Applicant's Mark.

REQUEST NO. 30.

All communications between Applicant and any third party relating to third party uses of trademarks that incorporate "AMBASSADOR," including, without limitation, all communications between Applicant and any representative, employee, agent, officer, director, distributor or other person affiliated with Curtis Winery, Orfila Vineyards & Winery, Blue Rock Vineyards, U.S. Vintner, Napa Valley Wine Train, and/or Vin Ambassador.

REQUEST NO. 31.

All documents that refer or relate to any survey, study, or public opinion poll conducted by Applicant or on Applicant's behalf concerning Applicant's mark as used by Applicant, or the AMBASSADOR'S Mark as used by Hanzell or both.

REQUEST NO. 32.

All documents that refer or relate to any instance of confusion, mistake or deception as to source or origin of goods and/or services sold by Applicant under Applicant's Mark and goods and/or services sold by Hanzell under the AMBASSADOR'S Mark, or as to association or affiliation of goods and/or services sold by Applicant under Applicant's Mark with those sold by Hanzell under the AMBASSADOR'S Mark.

REQUEST NO. 33.

All documents which refer or relate to any attempts by Applicant or on Applicant's behalf to register Applicant's Mark or any variations thereof in any jurisdiction, including without limitation any other marks that incorporate the dominant portion of Applicant's Mark, AMBASSADOR.

REQUEST NO. 34.

All documents relating to U.S. Application No. 85/460,699, including, but not limited to, the USPTO file history for this application.

REQUEST NO. 35.

All documents which refer or relate to any negotiations by Applicant to license Applicant's Mark.

REQUEST NO. 36.

All documents which refer or relate to any agreement in which Applicant grants a third party the right to use or to continue to use Applicant's Mark.

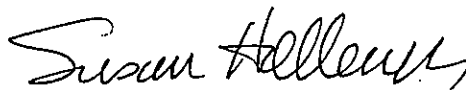
REQUEST NO. 37.

All documents which refer or relate to the qualifications, field of specialization and expected testimony of any expert Applicant intends to call as a testifying witness in connection with this Opposition.

REQUEST NO. 38.

All documents and things Applicant intends to rely on at trial in this proceeding.

Respectfully submitted,



Dated: March 25, 2013

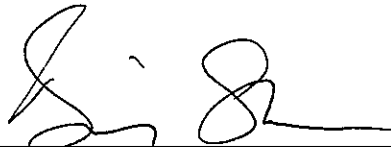
Susan E. Hollander
Jocelyn M. Belloni
K&L Gates LLP
Four Embarcadero Center
Suite 1200
San Francisco, CA 94111
Phone: 415.882.8200
Fax: 415.882.8220

Attorneys for Opposer
Hanzell Vineyards, Ltd.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **OPPOSER HANZELL VINEYARDS, LTD.'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS** has been properly served, via first class mail, postage prepaid, on the following counsel of record for Applicant on this 25th day of March, 2013:

STEVEN E. KLEIN
STOEL RIVES LLP
900 SW 5TH AVE, SUITE 2600
PORTLAND, OR 97204



Daisy N. Saechao

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

**In the matter of Application Serial No. 85/460,699
Published in the *Official Gazette* on April 17, 2012
Mark: AMBASSADOR VINEYARD**

Hanzell Vineyards, Ltd.,

Opposer,

v.

**Red Mountain Viticulture, LLC DBA La Coyo
Vineyards,**

Applicant.

OPPOSITION NO. 91207443

**OPPOSER'S FIRST SET OF
REQUESTS FOR ADMISSION**

Pursuant to 37 C.F.R. § 2.120 and Rule 36 of the Federal Rules of Civil Procedure, Opposer Hanzell Vineyards, Ltd. ("Hanzell") hereby requests that applicant Red Mountain Viticulture, LLC DBA La Coyo Vineyards ("Applicant"), provide answers to the following Requests for Admission fully, in writing, and under oath to the undersigned counsel within thirty (30) days of service hereof.

DEFINITIONS AND INSTRUCTIONS

1. "Applicant," "you," or "your" means Applicant herein, Red Mountain Viticulture, LLC DBA La Coyo Vineyards, and each of Applicant's predecessors and successors, parent organizations, related groups and divisions, as well as all directors, officers, employees, agents, distributors, jobbers, salespersons, sales representatives, licensees, attorneys and all other persons acting or purporting to act on Applicant's behalf or under Applicant's control.

2. "Applicant's Mark" means the AMBASSADOR VINEYARD mark covered by Application No. 85/460,699.

3. "Hanzell" means opposer herein, Hanzell Vineyards, Ltd., and each of Hanzell's predecessors and successors, parent organizations, related groups and divisions, as well as all directors, officers, employees, agents, distributors, jobbers, salespersons, sales representatives, licensees, attorneys and all other persons acting or purporting to act on Hanzell's behalf or under Hanzell's control.

4. The "AMBASSADOR'S Mark" means Hanzell's AMBASSADOR'S 1953 VINEYARD trademark, including the trademark covered by Application No. 85/730,979 for "Wine" in Class 33.

5. "Opposition" means Opposition No. 91207443 entitled Hanzell Vineyards, Ltd. v. Red Mountain Viticulture, LLC DBA La Coye Vineyards.

6. "Person," as well as pronouns referring thereto, includes juristic persons as well as natural persons.

7. If you cannot truthfully admit or deny a request, you must set forth in detail the reason why. If you claim "lack of information or knowledge" as the reason for failure to admit or deny, you must also state that you have made reasonable inquiry and that the information known or readily obtainable is insufficient to enable you to admit or deny the request.

8. These requests for admission are continuing and impose upon Applicant the obligations stated in Rule 26(e) of the Federal Rules of Civil Procedure.

REQUESTS FOR ADMISSION

REQUEST NO. 1.

Admit that the description of goods under Application No. 85/460,699 is "wine; wines."

REQUEST NO. 2.

Admit that you did not use Applicant's Mark in commerce in the United States in connection with wine prior to June 2006.

REQUEST NO. 3.

Admit that you did not use Applicant's Mark in commerce in the United States in connection with wine prior to October 31, 2011.

REQUEST NO. 4.

Admit that you were aware of Opposer prior to your first use of Applicant's Mark in connection with wine.

REQUEST NO. 5.

Admit that, prior to your first use of Applicant's Mark in connection with wine, you were aware that Opposer sold wine under the AMBASSADOR'S Mark.

REQUEST NO. 6.

Admit that you have no evidence to dispute Opposer's claim that, since June 2006, Opposer has made continuous use since June 2006 of the distinctive AMBASSADOR'S Mark in commerce in the United States in connection with wine.

REQUEST NO. 7.

Admit that Opposer used the AMBASSADOR'S Mark prior to your first use of the Applicant's Mark for wine.

REQUEST NO. 8.

Admit that the goods and/or services identified in response to Interrogatory No. 2 in Opposer's First Set of Interrogatories to Applicant may be sold at retail.

REQUEST NO. 9.

Admit that the goods and/or services identified in response to Interrogatory No. 2 in Opposer's First Set of Interrogatories to Applicant may be sold in grocery stores, supermarkets, and/or liquor stores.

REQUEST NO. 10.

Admit that the goods and/or services identified in response to Interrogatory No. 2 in Opposer's First Set of Interrogatories to Applicant may be sold in through a website.

REQUEST NO. 11.

Admit that the goods and/or services identified in response to Interrogatory No. 2 in Opposer's First Set of Interrogatories to Applicant may be sold through the same channels of trade as the goods and/or services offered under Opposer's AMBASSADOR'S Mark.

REQUEST NO. 12.

Admit that the page reflected at Exhibit B to these RFAs is a webpage related to Orfila Vineyards & Winery at <http://www.orfila.com/wines/red-wines/2010-estate-ambassadors-syrah>.

REQUEST NO. 13.

Admit that Exhibit B to these RFAs displays, among other things, a photograph of Orfila Vineyards & Winery's 2010 Estate Ambassador's Syrah.

REQUEST NO. 14.

Admit that the page reflected at Exhibit C to these RFAs is a webpage related to Orfila Vineyards & Winery at <http://www.orfila.com/wines/red-wines/2010-estate-ambassadors-merlot>.

REQUEST NO. 15.

Admit that Exhibit C to these RFAs displays, among other things, a photograph of Orfila Vineyards & Winery's 2010 Estate Ambassador's Merlot.

REQUEST NO. 16.

Admit that the page reflected at Exhibit D to these RFAs is a webpage related to Orfila Vineyards & Winery at <http://www.orfila.com/wines/red-wines/leon-santoro-2006-estate-ambassadors-merlot>.

REQUEST NO. 17.

Admit that Exhibit D to these RFAs displays, among other things, a photograph of Orfila Vineyards & Winery's Leon Santoro 2006 Estate Ambassador's Merlot.

REQUEST NO. 18.

Admit that the page reflected at Exhibit E to these RFAs is a webpage related to Orfila Vineyards & Winery at <http://www.orfila.com/ambassador-orfila.html>.

REQUEST NO. 19.

Admit that the page reflected at Exhibit E to these RFAs explains that Ambassador Alejandro Orfila purchased Orfila Vineyards & Winery in April 1994.

REQUEST NO. 20.

Admit that "AMBASSADOR'S," as used in connection with Orfila Vineyards & Winery as shown at Exhibits B-D, refers to Ambassador Alejandro Orfila.

REQUEST NO. 21.

Admit that the page reflected at Exhibit F to these RFAs is a webpage related to Blue Rock Vineyards located at <http://store.bluerockvineyard.com/wine-clubs-c3>.

REQUEST NO. 22.

Admit that "Ambassador," as used in connection with Blue Rock Vineyards as shown at Exhibit F, refers to one of three levels of wine club membership.

REQUEST NO. 23.

Admit that Blue Rock Vineyards does not use “Ambassador” on the label of any of its wines.

REQUEST NO. 24.

Admit that the page reflected at Exhibit G to these RFAs is a webpage related to U.S. Vintner’s “Ambassador’s Royal Reserve” wine located at <http://www.wineweb.com/scripts/winepg.cfm/45865/6/ /Ambassadors-Royal-Reserve/>.

REQUEST NO. 25.

Admit that only twenty five cases of U.S. Vintner’s “Ambassador’s Royal Reserve” were produced.

REQUEST NO. 26.

Admit that U.S. Vintner’s “Ambassador’s Royal Reserve” has not been offered for sale to the general public.

REQUEST NO. 27.

Admit that the page reflected at Exhibit H to these RFAs is a webpage related to Napa Valley Wine Train’s “Ambassador Winery Tour” located at <http://winetrain.com/winery-tours/ambassador-winery-tour>.

REQUEST NO. 28.

Admit that “Ambassador,” as used in connection with Napa Valley Wine Train as shown at Exhibit H, refers to a winery tour.

REQUEST NO. 29.

Admit that Napa Valley Wine Train does not produce wines.

REQUEST NO. 30.

Admit that the page reflected at Exhibit I to these RFAs is a webpage related to Vin Ambassador located at <http://www.vinambassador.com/about/logistics>.

REQUEST NO. 31.

Admit that Vin Ambassador does not produce wines.

REQUEST NO. 32.

Admit that "Ambassador," as used in connection with Vin Ambassador as shown at Exhibit I, refers to themed wine tours.

Respectfully submitted,



Susan E. Hollander
Jocelyn M. Belloni
K&L Gates LLP
Four Embarcadero Center
Suite 1200
San Francisco, CA 94111
Phone: 415.882.8200
Fax: 415.882.8220

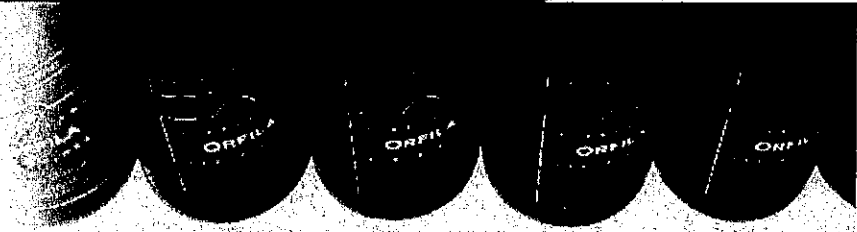
Attorneys for Opposer
Hanzell Vineyards, Ltd.

Dated: March 25, 2013

EXHIBIT A

SHOP WINES, GIFTS & EVENTS

VINEYARDS
ORFILA
AND WINERY



HOME

OUR STORY

THE WINE CLUB

THE STORE

ORFILA WINES

GOURMET PRODUCTS

WINE CLUB

PRIVATE LABELS

TASTING ROOMS

WINERY EVENTS

PRIVATE EVENTS

PRESS

VIRTUAL TOUR

OFF-SITE RETAILERS

CONTACT US

[Logout](#) | [View Cart](#) | [Order History](#)

[Home](#) » [Products](#) » [Wines](#) » [Red Wines](#) » 2010 Estate Ambassador's Syrah

2010 Estate Ambassador's Syrah



2010 Estate Ambassador's Syrah

This caliber of Syrah is only in its third vintage from the Orfila estate. It is a bright, deeply textured and precisely balanced wine reflecting all the qualities of this classic Rhône varietal. Notes of boysenberry preserves, sandalwood, and hints of rosemary fill the bouquet. Layered flavors of black currant and deep red berry are followed by a supple tannin structure. Enjoy now or cellar five to seven years.

Our 2010 Estate Ambassador's Syrah recently awarded the PLATINUM medal at the 2013 Winemaker Challenge International Wine Competition!

750 mL

APPELLATION: San Pasqual Valley

HARVEST DATE: September 10-17, 2010

RELEASE DATE: September 2012

ALCOHOL: 14.9%

pH: 3.52

TA: .655 g/100mL

CASES PRODUCED: 429

Note: All orders placed online are processed and charged to your credit card the next working day. Available discounts will also be applied at that time.

40.00

6-11 bottles 35.00 (10% discount)

12-23 bottles 34.00 (15% discount)

24+ bottles 32.00 (20% discount)

Orl Club Price 32.00 (20% discount)

Not a Wine Club Member? [Join here!](#)

Sold Out

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1440 San Pasqual Road, Escondido, California 92025 • Local: 760.749.6500 • Toll Free: 1.800.863.9463 • Open daily 10 am to 6 pm

Web Design and Development by [Cometium](#)

EXHIBIT B

SHOP WINES, GIFTS & EVENTS

VINEYARDS
ORFILA
AND WINERY

HOME
OUR STORY
THE WINE CLUB
THE STORE
ORFILA WINES
GOURMET PRODUCTS
WINE CLUB
PRIVATE LABELS
TASTING ROOMS
WINERY EVENTS
PRIVATE EVENTS
PRESS
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OFF-SITE RETAILERS
CONTACT US

Logout | View Cart | Order History

[Home](#) » [Products](#) » [Wines](#) » [Red Wines](#) » 2010 Estate Ambassador's Merlot

2010 Estate Ambassador's Merlot

2010 Estate Ambassador's Merlot

Grown on the west end of our hillside estate vineyard in the San Pasqual Valley, Orfila's flagship Merlot is a powerfully rich and fruit forward example of this classic Bordeaux varietal. This full bodied Merlot offers ripe black cherry and black pepper on the nose. Rich red fruit and Dutch oaks coat the palate, followed by warm toasted notes of oak and a long, lingering finish. Enjoy now or cellar five to seven years.

750 mL

APPELLATION: San Pasqual Valley

HARVEST DATE: September 10, 2010

RELEASE DATE: September 2012

ALCOHOL: 14.8%

pH: 3.32

TA: 712 g/100mL

CASES PRODUCED: 318

Note: All orders placed online are processed and charged to your credit card the next working day. Available discounts will also be applied at that time.

32.00
6-11 bottles 28.89 (10% discount)
12-23 bottles 27.29 (15% discount)
24+ bottles 25.60 (20% discount)
Owl Club Price 25.60 (20% discount)
Not a Wine Club Member? [Join here!](#)

Qty

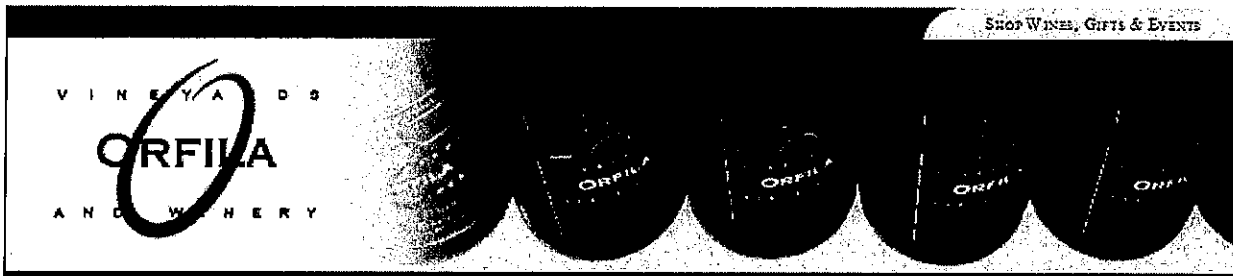
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EXHIBIT C



[HOME](#)

[OUR STORY](#)

[THE WINE CLUB](#)

[THE STORE](#)

[ORFILA WINES](#)
[GOURMET PRODUCTS](#)
[WINE CLUB](#)

[PRIVATE LABELS](#)

[TASTING ROOMS](#)

[WINERY EVENTS](#)

[PRIVATE EVENTS](#)

[PRESS](#)

[VIRTUAL TOUR](#)

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[Logout](#) | [View Cart](#) | [Order History](#)

[Home](#) > [Products](#) > [Wines](#) > [Red Wines](#) > [Leon Santoro 2006 Estate Ambassador's Merlot](#)

Leon Santoro 2006 Estate Ambassador's Merlot



Leon Santoro 2006 Estate Ambassador's Merlot

Our 2006 Estate Ambassador's tier Merlot is the last wine our founding winemaker, Leon Santoro made before his untimely death in 2009. In honor of Leon Santoro, we commemorate his last 50 cases with this extremely limited bottling. Every bottle is individually numbered 1-500, and retains the high caliber of quality and style Santoro was known for.

This Merlot is rich and refined with flavors of cherry, mocha and blueberry with hints of violet. Selected from blocks of our Estate Vineyards on gently sloping hillsides, this wine exemplifies the terroir of the San Pasqual Valley and Leon's dedication to winemaking. Enjoy now or cellar three to five years.

\$50 / 750 mL bottle. No discounts. Limit 5 bottles per customer per day.

APPELLATION: San Pasqual Valley

RELEASE DATE: October 2011

ALCOHOL: 13.8%

pH: 3.45

TA: .69 g/100mL

CASES PRODUCED: 50

Note: All orders placed online are processed and charged to your credit card the next working day. Available discounts will also be applied at that time.

50.00

6-11 bottles 45.00 (10% discount)

12-23 bottles 42.50 (15% discount)

24+ bottles 40.00 (20% discount)

Owl Club Price 50.00 (0 discount)

Not a Wine Club Member? [Join here!](#)

Qty:

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17415 San Pasqual Road, Escondido, California 92021 • Local: 760 768 6100 x 27 • Toll Free: 1 800 968 9463 • Open Daily 10 am to 6 pm

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EXHIBIT D

SHOP WINES, GIFTS & EVENTS



HOME

OUR STORY

HISTORY

AMBASSADOR ORFILA

JUSTIN MUND

STORY BEHIND THE OWL

THE WINE CLUB

THE STORE

PRIVATE LABELS

TASTING ROOM

WINERY EVENTS

PRIVATE EVENTS

PRESS

VIRTUAL TOUR

OFF-SITE RETAILERS

CONTACT US

Ambassador Orfila

Proprietor, Orfila Vineyards & Winery

Alejandro Orfila was born in Mendoza, Argentina, in 1925 to a family that has been involved in winemaking for four generations. In 1905, his grandfather established Jose Orfila Limited, a winery that still exists today in Argentina. Although he chose a career in diplomacy (his father was governor of the Argentine state of Mendoza), he never lost his interest in viticulture. Orfila studied Law at the University of Buenos Aires. Later, he studied political science at Stanford University in California and foreign trade at Tulane University in Louisiana.

In 1946, he was nominated Embassy Secretary in the Argentine Foreign Service and served in many different embassies and consulates of Argentina. He was appointed Argentine Minister Plenipotentiary to the United States and served in that post until 1960. That year he was appointed Argentine Ambassador to Japan where he remained until he retired to private life in 1963. For the following ten years, Ambassador Orfila acted as a consultant in the field of international finances and economic affairs, based in Washington, D.C.

In November 1973, Ambassador Orfila was appointed Ambassador Extraordinary and Plenipotentiary of Argentina to the United States and served in this capacity until July 1975. At that time, he was elected to his first term as Secretary General of the Organization of American States by its General Assembly and re-elected to a second five-year term in October 1979.

After his retirement from the Organization of American States, Ambassador Orfila re-entered the business world as a consultant and investor in the field of international finances and real estate. In August 1989, Ambassador Orfila and his wife, Helga Leifeld, moved to Rancho Santa Fe, California, where he engaged in real estate and community activities and purchased Orfila Vineyards & Winery in April 1994.

Ambassador Orfila has been decorated by a number of European, Latin American, and Asian governments and has received honorary degrees from universities in the United States and Latin America.



Ambassador Alejandro Orfila
Proprietor, Orfila Vineyards & Winery

Ambassador Alejandro Orfila says that his native Mendoza region of Argentina and California share many of the same blessings (weather, topography, agriculture) and the same challenges (earthquakes and lack of water).



Alejandro Orfila & Leon N. Santoro

During Ambassador Orfila's diplomatic career, he met every American president from Truman to Clinton - and some he has known very well. He met his wife during a gala celebrating the 10th anniversary of the John F. Kennedy Center for the Performing Arts - an event during which he was the escort for Jacqueline Kennedy.

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Web Design and Development by C. J. J. J.

EXHIBIT E

Current Category:

[Advanced Search](#)

Navigate: [StoreFront](#)

Our Blue Rock Vineyards collector program offers customers guaranteed allocation of either three, six or twelve bottles of highly acclaimed Estate wines.

For our Ambassadors and Collector levels, we provide access to our Best Barrel releases, library wine offerings, and our holiday magnum offering. Each collector level is intended to meet your preference to add to your cellar of age-worthy wines. In addition to our exclusive wine offerings, members will have access to other programs and events around the country.

	Ambassador	Collector	Friend
	4 Best Barrel Cabernet 4 Estate Cabernet 3 Baby Blue 1 Olive Oil	2 Best Barrel Cabernet 2 Estate Cabernet 2 Baby Blue	1 Estate Cabernet 1 Baby Blue 1 Olive Oil
Savings on initial purchases and re-orders	20%	15%	10%
Shipping Savings	Included for all Purchases	Included for 6 or more bottles	No
Allocation of Best Barrels	6 Bottle Allocation	2 Bottle Allocation	1 Bottle Allocation
Library Wine Offerings	Yes	Yes	No
Magnum Offer in a Branded Wooden Box	Yes	Yes	No
Complimentary Private Visit to Winery	Up to 6 Guests	Up to 4 Guests	Up to 2 Guests
Priority Opportunity to Attend Blue Rock Events	Yes	Yes	Yes

* We release our wine club shipments only once a year in September. Your credit card will not be charged until your wines are shipped. You will receive entitled discounts for purchases and shipping for orders made prior to September.

You agree to the annual automatic shipment program of three, six or twelve bottles and may cancel at any time after receipt of at least one shipment.

Upon enrollment in our Collectors Club at the winery, the tour and tasting fees will be waived for you and your guest.

* Benefits and Collectors savings subject to change.

Sort By:

Wine Clubs

Ambassadors Club

Join now and receive 20% discount on your order.
\$0.00

[Select Options](#)

Collector Club

Join now and receive 15% discount on your order.
\$0.00

[Select Options](#)

Friends Club

Join now and receive 10% discount on your order.
\$0.00

[Select Options](#)

Consider joining our Wine Club prior to checking out in order to receive additional discounts for both wine and shipping. Already a Club Member? Receive your discounted shipping rates by entering coupon code shipclub.

707-481-0867

janet@bluerockvineyard.com

Returning Customer?

[Log In](#) | [My Account/Reorder](#)

[Privacy Policy](#) | [Shipping Policy](#) | [Return Policy](#)

Shopping Cart

The Shopping Cart is currently empty

Coupon noshipping is active [View](#) [Remove](#)

[Order Gift Certificate](#)

[Redeem Gift Certificate](#)

eCommerce Platform by Maxterral

As a club member, receive your discounted shipping rates by entering coupon code shipclub

TESTED DAILY 11-MAR

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EXHIBIT F

[PURCHASE](#) | [PHILOSOPHY](#) | [WINES](#) | [WINE CLUB](#) | [EVENTS](#) | [MEMBERS ONLY](#) | [CONTACT](#)

2007 AMBASSADOR'S ROYAL RESERVE

Cart is empty [Buy Wine](#)

The Ambassador's Reserve is a limited 'members-only' release of high quality Pinot Noir from the Santa Lucia Highlands, California. It is only available to approved members of the U.S. Vintner to commemorate those who serve our country as Ambassadors and diplomats. Twenty-five total cases were produced and twenty are for sale as part of this release. Please visit our Members Only section for information about becoming a member of U.S. Vintner and how to gain access to this wine.

Cost: \$ 89.00

SOLD OUT

[Back](#)



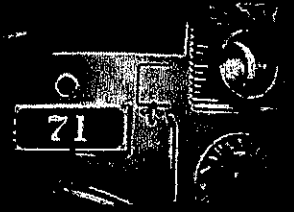
For U.S. Leaders Who Set the Course of History

Policies U.S. Vintner

EXHIBIT G



NAPA VALLEY WINE TRAIN



HOME ABOUT LUNCH DINNER MENUS WINERY TOURS SPECIALS ENGINE RIDES

GETTING HERE CALENDAR EVENTS VACATIONS GIFT CERTIFICATES WINE SHOP GROUPS

RESERVE NOW

Reserve online

Date

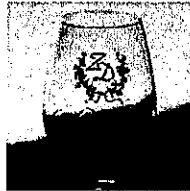
Number in Party



Or call: 800.427.4124

Ambassador Winery Tour

The Ambassador Winery Tour is more than simply a tour of two of the Napa Valley's most famous wineries, it is a tour of almost the whole Napa Valley. Begin your experience in the Wine Train Station, where our Wine Educator speaks about wine tasting and the Napa Valley while you participate by tasting some of our favorites and asking questions. Board the train as soon as it arrives at the station, where you will be served a freshly prepared lunch from our on board kitchen. Marvel at the beautiful western side of the Napa Valley through the expansive picture windows in our dining car. Then move to one of our restored 1915 Pullman lounge cars for dessert, coffee and cocktails. Then transfer to a luxury motorcoach and head for Raymond Vineyards winery.



ZD Wines



Raymond Vineyards

Located in the very heart of the Napa Valley's wine growing region, but still off the beaten path, Raymond Vineyards has been a family operated winery for 35 years. Explore Raymond's wine making facilities and taste wine directly from the barrel. The Raymond Vineyards visit will conclude with a tasting of select Raymond Reserve and Small Lot series red and white wines.



Guests enjoy a barrel tasting, and observe ZD Wines' head winemaker as he makes a flawless red wine. Winery tours change significantly depending on the season, and every season is special.

Boarding the motorcoach once more, the tour travels along the Silverado Trail, on the east side of the Napa Valley, to ZD Wines. ZD is an organic, solar powered, family operated winery. Stop in the cellar and view what's fermenting, or take a look at the next step in the wine making process. Finally sit down, overlook the valley and finish with a spectacular tasting of current releases paired with nuts, fruits, and cheeses.

This is a SEATED WITH OTHERS event. Wine on board the Train is not included.

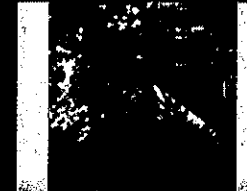
A leisurely half hour ride southbound on the rest of the scenic Silverado Trail takes

guests back to the Wine Train Station.

All of our winery tours require moderate stair climbing and standing for extended periods. We encourage guests who may have difficulty performing these two activities to consider our regular Lunch Packages.

Available March- November; Monday- Thursday

PRICE PER PERSON,
\$204.00



Collectible Tour Pin



See a great video of the Ambassador Tour made by one of our riders!

Reserve Online

EXHIBIT H

VIN AMBASSADOR

Luxury. Wine. Travel. Immersion Tours.
Northern California - Abroad

HOME ABOUT UNDERSTANDING WINE FOOD & WINE SITES & WINE BESPOKE WINE TRAVEL CONTACT VIN INTERLUDES

How it works

Begin with a Vision

Explore immersion wine tours by theme:

Understanding Wine | Food & Wine | Sites & Wine

About

TEAM

OUR ROOTS

HOW IT WORKS

INDUSTRY

An Important Conversation

Each experience we offer is tailored to unique expectations and preferences.

Connect with us!



Hospitality + Education

Our hospitality team consists of wine industry professionals; sommeliers, apprenticing winemakers and viticulturalists.

Rendezvous

Dressed for the days events, a member of our team will rendezvous with your party and guide you through wine country in a Mercedes-Benz.

Share this page,



Receive information about International Wine Travel.

Name:

Email:

Submit

HOME

ABOUT

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OUR ROOTS

HOW IT WORKS

INDUSTRY

CONTACT

FOOD & WINE

UNDERSTANDING WINE

SITES & WINE

BESPOKE WINE TRAVEL

WINE LIST

INDUSTRY

CONTACT

INDUSTRY

CONTACT

CONTACT

AGENDA

MUSIC

MUSIC

TRAVEL JOURNALS

TRAVEL JOURNALS

TRAVEL JOURNALS

TRAVEL JOURNALS

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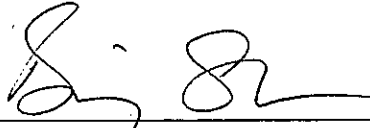
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **OPPOSER HANZELL VINEAYRDS, LTD'S FIRST SET OF REQUESTS FOR ADMISSION** has been properly served, via first class mail, postage prepaid, on the following counsel of record for Applicant on this 25th day of March, 2013:

STEVEN E. KLEIN
STOEL RIVES LLP
900 SW 5TH AVE, SUITE 2600
PORTLAND, OR 97204



Daisy N. Saechao

EXHIBIT C

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

In the Matter of Application Serial No. 85/460,699
Published in the *Official Gazette* on April 17, 2012
Mark: AMBASSADOR VINEYARD

HANZELL VINEYARDS, LTD.,

Opposer,

v.

RED MOUNTAIN VITICULTURE, LLC
DBA LA COYE VINEYARDS,

Applicant.

OPPOSITION NO. 91207443

APPLICANT'S RESPONSE TO
OPPOSER'S FIRST SET OF
INTERROGATORIES

Pursuant to 37 C.F.R. § 2.120 and Federal Rule of Civil Procedure 33, Applicant Red Mountain Viticulture ("Applicant") responds to Opposer Hanzell Vineyards, Ltd.'s ("Opposer") First Set of Interrogatories.

GENERAL OBJECTIONS

Applicant objects to each interrogatory to the extent the interrogatory requires a response or imposes an obligation that goes beyond the requirements of any Board rule or the Federal Rules of Civil Procedure. Applicant will respond in conformity with the requirements of the Board's rules and the Federal Rules of Civil Procedure. Applicant incorporates by reference the following continuing objections and limitations into each of the following responses, which responses are expressly made subject to these objections and limitations.

1 - APPLICANT'S RESPONSE TO OPPOSER'S FIRST SET OF INTERROGATORIES

A. Privileged or Protected Material.

Applicant objects to each and every interrogatory to the extent it calls for information:

(a) that is protected from discovery pursuant to the attorney-client privilege, common interest privilege, and/or other privilege; (b) that is work product prepared in anticipation of litigation; or (c) that is otherwise protected from disclosure under the Federal Rules of Civil Procedure, other applicable procedural rules, or applicable legal authority.

B. Relevance or Discoverability.

Applicant objects to each and every interrogatory to the extent it calls for information that neither is relevant to the subject matter of the pending proceedings, nor appears reasonably calculated to lead to the discovery of admissible evidence related to a claim or defense.

C. Unduly Burdensome.

Applicant objects to each and every interrogatory to the extent it is unduly burdensome and the time and effort required to attempt to compile all responsive information or documents outweighs the potential discoverability or probative value thereof.

D. Annoyance, Harassment, or Oppression.

Applicant objects to each and every interrogatory to the extent it is designed to cause undue annoyance, harassment, or oppression.

E. Overbreadth.

Applicant objects to each and every interrogatory to the extent it is overly broad with respect to scope, context, and/or time period.

F. Vagueness, Indefiniteness, or Ambiguity.

Applicant objects to each and every interrogatory to the extent it is vague, indefinite, or ambiguous and as such would require Applicant to speculate as to the meaning or scope of the interrogatory and potentially responsive information.

G. Information Otherwise or More Readily Available.

Applicant objects to each and every interrogatory to the extent it calls for information readily accessible to Opposer or is in publicly available material, the public record, or Opposer's own files and would be less burdensome for Opposer to obtain in producible form there from rather than from Applicant.

H. Information Exclusively Within Knowledge of Opposer or Third Parties.

Applicant objects to each and every interrogatory to the extent it seeks information exclusively within the knowledge of Opposer or third parties, and not yet obtained through discovery.

I. Redundant, Cumulative, Duplicative, or Unreasonable Demands.

Applicant objects to each and every interrogatory to the extent it is unreasonably cumulative, duplicative, repetitive, or redundant with respect to any other discovery demands propounded to Applicant in this action, or is obtainable from some other source that is more convenient, less expensive, less burdensome, or that Opposer has an opportunity to seek from a more likely source, or where the burden or expense to Applicant of the proposed discovery outweighs its likely (or unlikely) discoverability or probative value.

J. Documents Not in Applicant's Possession.

Applicant objects to each and every interrogatory to the extent it seeks documents not within the possession, custody, or control of Applicant.

K. Improper Analyses, Calculations, or Compilations.

Applicant objects to each and every interrogatory to the extent that responding would improperly require Applicant or its witnesses, or both, to perform legal, expert, or lay studies, analyses, or calculations, or otherwise create documents that do not currently exist.

L. Definitions and Instructions.

Applicant objects to the Definitions and Instructions in Opposer's interrogatories to the extent they differ in scope or application from the Federal Rules of Civil Procedure or purport to impose any requirements or obligations other than those set forth in the Federal Rules of Civil Procedure or the Board's rules and orders. Applicant responds in good faith to Opposer's interrogatories, in accordance with the Federal Rules of Civil Procedure, as Applicant interprets and understands them. If Opposer subsequently asserts an interpretation of any of the interrogatories that differs from Applicant's present understanding, Applicant reserves the right to supplement or modify its responses herein.

Applicant further objects to the Definitions of "Applicant," "you," "your," and "Hanzell" as vague, ambiguous, and overly broad to the extent such definitions purport to include all "parent organizations, related groups and divisions, as well as all directors, officers, employees, agents, distributors, jobbers, salespersons, sale representatives, licensees, attorneys and all other person acting or purporting to act on Applicant's behalf of under Applicant's control."

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Applicant will interpret the terms “Applicant, “you” or “your” to mean Applicant and the term “Hanzell” to mean Opposer.

Applicant further objects to the Definition of “AMBASSADOR’S Mark” as vague, ambiguous, overly broad and misleading.

Applicant further objects to the Definitions of “Identify” and “List” and overly broad and unduly burdensome.

M. Proprietary or Confidential Information.

Applicant generally objects to each and every interrogatory to the extent that it calls for the information that is subject to trade secret, patent, copyright, and/or other intellectual property protections and privileges, and/or proprietary or confidential information, the disclosure of which would be prejudicial to Applicant, its customers, suppliers, any witness testifying in this matter, or any person or entity who provided the information or documents to Applicant. Such disclosure of information without prior authorization may also subject Applicant to claims that it has violated a confidentiality or secrecy obligation. Any such information that Applicant does produce will only be produced subject to the terms of an appropriate Protective Order entered by the Board.

SPECIFIC RESPONSES

INTERROGATORY NO. 1: Describe Applicant’s business and identify the corporate structure of Applicant, including the identity of any of its shareholders, officers, or board members, and any former names used by Applicant.

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RESPONSE: Object as vague, ambiguous, overly broad, unduly burdensome, and neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 2: Identify all goods and/or services that have been advertised, distributed, offered, or licensed for sale by Applicant under Applicant's Mark, and state the dates during which each such item was advertised, distributed, offered, or licensed for sale.

RESPONSE: Object as vague, ambiguous, overly broad and unduly burdensome. Subject to and without waiving the foregoing objections, Applicant responds as follows: Applicant has advertised, distributed, offered, or licensed for sale the following potentially relevant goods and/or services under Applicant's Mark: wine, grapes, and viticulture services.

INTERROGATORY NO. 3: Identify all goods and/or services that you intend to advertise, distribute, offer, or license for sale under Applicant's Mark.

RESPONSE: Object as vague, ambiguous, overly broad and neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 4: Describe the geographic scope of the actual or intended distribution for all the goods and/or services identified in response to Interrogatory No. 2, including each and every state in the United States in which Applicant has made sales of goods and/or services bearing Applicant's Mark.

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RESPONSE: Object as vague, ambiguous, overly broad and neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the forgoing objections, Applicant responds: Applicant distributes its wine products principally in Washington, Oregon, and Idaho.

INTERROGATORY NO. 5: Identify and describe the geographic location of all past, current and intended future users of Applicant's Mark authorized by Applicant, including all agents, licensees, or other persons or entities that have used or may in the future be using Applicant's Mark with Applicant's authorization, permission, or knowledge.

RESPONSE: Object as vague, ambiguous, overly broad, unduly burdensome and neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 6: Identify the earliest date that Applicant used Applicant's Mark on any goods and/or services, including the date of first use by any person anywhere, and the date of first use in a commercial transaction in the United States, and identify the person most knowledgeable of such use.

RESPONSE: Object as vague, ambiguous, overly broad and neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the forgoing objections, Applicant responds: Pursuant to Fed. R. Civ. P. 33(d), Applicant will produce documents sufficient to determine Applicant's earliest use of Applicant's Mark on

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relevant goods and/or services inside the United States.

INTERROGATORY NO. 7: Describe the intended classes of consumers and geographic location of consumers of each good and/or service identified in response to Interrogatory No. 2.

RESPONSE: Object as vague, ambiguous, overly broad and neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the forgoing objections, Applicant responds: The classes of consumers for the potentially relevant goods and/or services identified in response to Interrogatory No. 2 are as follows:

Goods/Services	Consumers
Wine	Sophisticated purchasers of wine
Grapes	Sophisticated purchasers of grapes for manufacturing wine
Viticulture services	Sophisticated purchasers of viticulture services

INTERROGATORY NO. 8: Identify and describe the geographic location of all persons with whom Applicant has had contracts for goods and/or services offered under Applicant's Mark.

RESPONSE: Object as vague, ambiguous, overly broad and neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 9: Identify each and every use of Applicant's Mark on any goods

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and/or services by Applicant inside the United States.

RESPONSE: Object as vague, ambiguous, overly broad, unduly burdensome and neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the forgoing objections, Applicant responds: Pursuant to Fed. R. Civ. P. 33(d), Applicant will produce documents that provide a representative sampling of Applicant's use of Applicant's Mark on relevant goods and/or services inside the United States.

INTERROGATORY NO. 10: Identify each and every office of Applicant that is located in the United States.

RESPONSE: Object as vague, ambiguous, overly broad and neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the forgoing objections, Applicant responds: Applicant maintains its principal place of business at 701 Fifth Avenue, Suite 7100, Seattle, Washington.

INTERROGATORY NO. 11: Identify each and every employee, sales representative, reseller, and/or agent of Applicant who resides in the United States.

RESPONSE: Object as vague, ambiguous, overly broad, unduly burdensome and neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 12: State whether Applicant has any intention to expand its use of

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Applicant's Mark to include the sale of goods and/or services beyond those goods and/or services identified in answer to Interrogatory No. 2, and if so, identify all such goods and/or services.

RESPONSE: Object as vague, ambiguous, overly broad and neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 13: Describe the process by which Applicant chose Applicant's Mark.

RESPONSE: Applicant selected Applicant's Mark because Applicant grows grapes in a vineyard located off of Ambassador Road in Benton City, Washington.

INTERROGATORY NO. 14: Identify all persons involved in selection of Applicant's Mark, including the person who first conceived of and authorized Applicant's use of Applicant's Mark as a trademark, and the person most knowledgeable of this process.

RESPONSE: Jeff Smyth, Michael Towers, Michael Amato. Messrs. Smyth, Towers and Amato can be contacted care of Applicant's counsel.

INTERROGATORY NO. 15: Describe fully any and all known or intended meanings or significance of Applicant's Mark at any time.

RESPONSE: Object as vague, ambiguous, and overly broad. Subject to and without waiving the forgoing objections, Applicant responds: Applicant's Mark has no known or intended meaning other than as an indicator of a single source of Applicant's goods and/or services. *See also* Response to Interrogatory No. 13.

INTERROGATORY NO. 16: Describe all versions and variations of Applicant's Mark ever used by Applicant or intended to be used by Applicant, including without limitation any other marks that incorporate the dominant portion of Applicant's Mark, AMBASSADOR, and for each such version of variation, set forth the time period for which it was used or is intended to be used, and the reasons for any change made to Applicant's Mark.

RESPONSE: Object as vague, ambiguous, overly broad and neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Further object to the extent the interrogatory lacks foundation or assumes facts or legal conclusions. Subject to and without waiving the forgoing objections, Applicant responds: Pursuant to Fed. R. Civ. P. 33(d), Applicant will produce a representative sampling of Applicant's use of Applicant's Mark on relevant goods and/or services.

INTERROGATORY NO. 17: Identify any search or investigation of any records such as, but not limited to, the United States Patent and Trademark Office ("USPTO") records, state trademark records, trademark or trade publications, business directories, or the records of any trademark service organization conducted by Applicant or on Applicant's behalf prior to its use

of and application for Applicant's Mark in order to ascertain whether Applicant's use of Applicant's Mark might infringe the trademark or service mark or trade name rights of others.

RESPONSE: Object as vague, ambiguous, overly broad and neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Further object to the extent the interrogatory calls for information protected from disclosure by the attorney-client privilege or attorney work product doctrine. Subject to and without waiving the forgoing objections, Applicant responds: Applicant's counsel conducted a search of USPTO trademark registration records prior to the filing of Applicant's Application Serial No. 85/460,699. The comments and opinions of Applicant's attorneys relating thereto are privileged.

INTERROGATORY NO. 18: Describe how and when Applicant first learned of Hanzell and of Hanzell's rights in and to the AMBASSADOR'S Mark, and identify the person most knowledgeable thereof.

RESPONSE: Object as vague, ambiguous, overly broad and to the extent the interrogatory assumes fact or legal conclusions. Further object to the extent the interrogatory calls for information protected from disclosure by the attorney-client privilege or attorney work product doctrine. Subject to and without waiving the forgoing objections, Applicant responds: Applicant does not recall when Applicant first learned of Opposer. Applicant denies that Opposer has rights in or to any AMBASSADOR'S 1953 VINEYARD mark. Applicant first learned of Opposer's claim to own rights in an AMBASSADOR'S 1953 VINEYARD mark on

or about April 9, 2012, when Opposer's counsel wrote to Applicant's counsel and asserted such rights.

INTERROGATORY NO. 19: Identify and describe all communications which refer or relate to Applicant's first knowledge of Hanzell's rights in and to the AMBASSADOR'S Mark.

RESPONSE: Object as vague, ambiguous, overly broad and to the extent the interrogatory assumes fact or legal conclusions. Further object to the extent the interrogatory calls for information protected from disclosure by the attorney-client privilege or attorney work product doctrine. Subject to and without waiving the forgoing objections, Applicant responds:

Applicant denies that Hanzell has rights in or to any AMBASSADOR'S 1953 VINEYARD mark. Applicant first learned of Opposer's claim to own rights in an AMBASSADOR'S 1953 VINEYARD mark on or about April 9, 2012, when Opposer's counsel wrote to Applicant's counsel and asserted such rights.

INTERROGATORY NO. 20: Identify and describe all communications between Applicant and Hanzell.

RESPONSE: Object as vague, ambiguous, overly broad, unduly burdensome, and equally known to and discoverable by Opposer.

INTERROGATORY NO. 21: Identify and describe all communications which refer or relate

to third party uses of trademarks that incorporate “AMBASSADOR,” including, without limitation, all communications between Applicant and any representative, employee, agent, officer, director, distributor or other person affiliated with Curtis Winery, Orfila Vineyards & Winery, Blue Rock Vineyards, U.S. Vintner, Napa Valley Wine Train, and/or Vin Ambassador.

RESPONSE: Object as vague, ambiguous, overly broad and unduly burdensome. Further object to the extent the interrogatory calls for information protected from disclosure by the attorney-client privilege or attorney work product doctrine. Subject to and without waiving the forgoing objections, Applicant responds: Applicant is currently not aware of any communications between Applicant and Curtis Winery, Orfila Vineyards & Winery, Blue Rock Vineyards, U.S. Vintner, Napa Valley Wine Train and/or in Ambassador concerning their use of trademarks that incorporate “AMBASSADOR.”

INTERROGATORY NO. 22: Describe the reaction of the average purchaser of Applicant’s goods and/or services to Applicant’s Mark as the purchaser encounters the goods and services in the marketplace.

RESPONSE: Object as vague, ambiguous and overly broad. Subject to and without waiving the forgoing objections, Applicant responds: On information and belief, the average purchaser of Applicant’s wine encountering the goods in the marketplace would view Applicant’s Mark as an inherently distinctive indicator of a single source of high quality goods. On information and belief, such purchaser would not be confused, deceived, or mistaken as to the affiliation,

connection, or association of Applicant with Opposer, or as to the origin, sponsorship, or approval of Applicant's goods, services or commercial activities by Opposer.

INTERROGATORY NO. 23: Identify any survey, study, or public opinion poll of which Applicant is aware concerning the use of either Applicant's Mark by Applicant or the AMBASSADOR'S Mark by Hanzell or both, including those comparing goods and/or services offered by Applicant under or in connection with Applicant's Mark to those of any of Applicant's competitors and/or Hanzell.

RESPONSE: Object as vague, ambiguous, and overly broad. Further object to the extent the interrogatory calls for information protected from disclosure by the attorney-client privilege or attorney work product doctrine. Subject to and without waiving the forgoing objections, Applicant responds: Applicant is currently not aware of any non-privileged survey, study, or public opinion poll concerning the use of either Applicant's Mark by Applicant or the AMBASSADOR'S Mark by Hanzell or both, including those comparing goods and/or services offered by Applicant under or in connection with Applicant's Mark to those of any of Applicant's competitors and/or Hanzell.

INTERROGATORY NO. 24: Describe all instances in which a person has been confused, mistaken, or deceived as to source or origin between goods and/or services sold by Applicant under Applicant's Mark and goods and/or services sold by Hanzell under the AMBASSADOR'S Mark. For each such instance, identify the person and good and/or service involved, the date,

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and how Applicant became aware of each instance.

RESPONSE: None.

INTERROGATORY NO. 25: Identify any application ever made by Applicant or on Applicant's behalf to register Applicant's Mark or any variation thereon in any jurisdiction.

RESPONSE: Object as vague, ambiguous, and overly broad. Subject to and without waiving the forgoing objections, Applicant responds: Applicant is the owner of Applications Ser. Nos. 77/273,261 and 85/460,699 filed with the U.S. Patent and Trademark Office.

INTERROGATORY NO. 26: Identify each of the forms of advertising (e.g., radio, television, print, internet, etc.) used to advertise the goods and/or services identified in response to Interrogatory No. 2, including the dates and media on and through which each such advertising occurred, and including the geographic scope of each.

RESPONSE: Object as vague, ambiguous, and overly broad. Subject to and without waiving the forgoing objections, Applicant responds: Applicant primarily advertises its wine through word of mouth, the Internet and social media.

INTERROGATORY NO. 27: Identify all websites operated by Applicant or on Applicant's behalf which advertise or promote Applicant's Mark.

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RESPONSE: Object as vague, ambiguous, and overly broad. Subject to and without waiving the forgoing objections, Applicant responds: The only website currently operated by Applicant that advertises or promotes Applicant's wine under Applicant's Mark is located at <http://www.ambassadorvineyard.com>.

INTERROGATORY NO. 28: For each website identified in Interrogatory No. 27, state the URL of that website, the date the website was created, and the person in charge of managing the website.

RESPONSE: Object as vague, ambiguous, and overly broad. Subject to and without waiving the forgoing objections, Applicant responds: The URL of Applicant's website is <http://www.ambassadorvineyard.com> The person in charge of managing the website is Allison Engman.

INTERROGATORY NO. 29: State the typical price for each good and/or service identified in response to Interrogatory No. 2.

RESPONSE: Object as vague, ambiguous, overly broad and neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the forgoing objections, Applicant responds: Applicant is currently unaware of any "typical price" for wine. On information and belief, the average price of a bottle of wine sold in the U.S. is approximately \$6.30, according to research conducted on behalf of the Wine Market Council.

INTERROGATORY NO. 30: State, to the nearest hundred of dollars, the sales revenue for each of the goods and/or services identified in response to Interrogatory No. 2 for each year since the introduction of each such good and/or service.

RESPONSE: Object as overly broad and neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Further object to the extent the interrogatory seeks discovery of confidential or trade secret information. Subject to and without waiving the forgoing objections, Applicant responds: Applicants approximate annual sales revenue for the sale of wine is as follows: Applicant will produce a summary of its annual sales revenue, stated in round numbers, for each of the relevant goods and/or services inside the United States.

INTERROGATORY NO. 31: State the number of units sold for each of the goods and/or services identified in response to Interrogatory No. 2 for each year since the introduction of each such goods and/or services.

RESPONSE: Object as overly broad and neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Further object to the extent the interrogatory seeks discovery of confidential or trade secret information. Subject to and without waiving the forgoing objections, Applicant responds: Applicants approximate annual units of wine sold is as follows: Applicant will produce a summary of its annual unit sales, stated in round numbers, for each of the relevant goods and/or services inside the United States.

INTERROGATORY NO. 32: State, to the nearest hundred of dollars, the amount of money spent by or on behalf of Applicant for advertising, promotional and marketing of each good and/or service identified in response to Interrogatory No. 2 for each year since the introduction of each such good and/or service.

RESPONSE: Object as overly broad and neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Further object to the extent the interrogatory seeks discovery of confidential or trade secret information. Subject to and without waiving the forgoing objections, Applicant responds: Applicants approximate annual approximate expenditures for advertising, promotion and marketing of wine is as follows: Applicant will produce a summary of its annual advertising figures, stated in round numbers, for each of the relevant goods and/or services inside the United States.

INTERROGATORY NO. 33: Identify the person most knowledgeable with respect to the marketing, promoting, and advertising of Applicant's Mark or the goods and/or services sold under Applicant's Mark.

RESPONSE: Michael Amato.

INTERROGATORY NO. 34: Identify all instances of unsolicited publicity (not arranged for by Applicant or on Applicant's behalf), positive or negative, for any good and/or service identified in response to Interrogatory No. 2, and identify the date of each such instance, the

form of such publicity, the person or entity providing the publicity, and the geographic location of the person or entity providing the publicity.

RESPONSE: Object as vague, ambiguous, overly broad, unduly burdensome and neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the forgoing objections, Applicant responds: Pursuant to Fed. R. Civ. P. 33(d), Applicant will produce documents that provide a representative sampling of unsolicited publicity for Applicant's Mark wine.

INTERROGATORY NO. 35: Describe with particularity the channels of trade through which the goods and/or services identified in response to Interrogatory No. 2 were, are or are intended to be distributed or offered for sale.

RESPONSE: Object as vague, ambiguous, overly broad, unduly burdensome and neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the forgoing objections, Applicant responds: Applicant's wine is offered for sale through direct sale; restaurants; and retail groceries and wine shops.

INTERROGATORY NO. 36: Identify all facts and bases upon which Applicant denies, in Paragraph 7 of Applicant's Answer, that Applicant's Mark and Hanzell's AMBASSADOR'S Marks "are nearly identical in appearance, meaning, and overall impression."

RESPONSE: Object as vague and ambiguous. Further object to the extent the interrogatory

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calls for information protected from disclosure by the attorney-client privilege or attorney work product doctrine. Subject to and without waiving the forgoing objections, Applicant responds: Among other things, Applicant's Mark and Opposer's claimed AMBASSADOR'S 1953 VINEYARD mark are distinct in visual appearance, sound, meaning, and overall impression. Applicant's Mark uses the word AMBASSADOR, but does not include the possessive AMBASSADOR'S, and does not include 1953. Consumers perceive Applicant's mark as inherently distinctive for wine. In contrast, the phrase AMBASSADOR'S 1953 VINEYARD is merely descriptive of Opposer's goods.

INTERROGATORY NO. 37: Identify all facts and bases upon which you deny, in Paragraph 8 of Applicant's Answer, that Applicant's Mark "creates a similar commercial impression as [the AMBASSADOR'S Mark] or that consumers are likely to assume that Applicant's mark is associated with [the AMBASSADOR'S Mark] and wines."

RESPONSE: Object as vague and ambiguous. Further object to the extent the interrogatory calls for information protected from disclosure by the attorney-client privilege or attorney work product doctrine. Subject to and without waiving the forgoing objections, Applicant responds: Even if, hypothetically, Opposer were able to establish rights in or to the phrase AMBASSADOR'S 1953 VINEYARD as a trademark, Opposer's mark would be weak and only entitled to the narrowest scope of protection against use of the identical mark. Moreover, Applicant's Mark and Opposer's claimed AMBASSADOR'S 1953 VINEYARD mark are distinct in visual appearance, sound, meaning, and overall impression. Applicant's Mark uses

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the word AMBASSADOR, but does not include the possessive AMBASSADOR'S, and does not include 1953. Consumers are further conditioned by extensive third-party use of marks incorporating AMBASSADOR in connection with wine to distinguish between such marks when used connection with wine, such that the addition of various terms and/or possessives to AMBASSADOR is sufficient to view the marks as being sufficiently different from one another such as not to cause confusion. As further evidence of this fact, Applicant is unaware of any actual confusion between Opposer's alleged mark and Applicant's Mark or any other third-party mark. *See also* Response to Interrogatory No. 36.

INTERROGATORY NO. 38: Identify all facts and bases upon which you deny, in Paragraph 10 of Applicant's Answer, that "consumers are likely to believe that [Hanzell] has licensed, approved, or otherwise authorized Applicant's use of the AMBASSADOR VINEYARD mark."

RESPONSE: Object as vague and ambiguous. Further object to the extent the interrogatory calls for information protected from disclosure by the attorney-client privilege or attorney work product doctrine. Subject to and without waiving the forgoing objections, Applicant responds: *See* Response to Interrogatory No. 37.

INTERROGATORY NO. 39: Identify all facts and bases upon which you deny, in Paragraph 11 of Applicant's Answer, that the "maturation of Applicant's application into registration will cause a likelihood of confusion, mistake or deception with respect to the source or origin of Applicant's goods" and that "[c]onsumers will erroneously believe that Applicant's goods are

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produced by or associated with [Hanzell].”

RESPONSE: Object as vague and ambiguous. Further object to the extent the interrogatory calls for information protected from disclosure by the attorney-client privilege or attorney work product doctrine. Subject to and without waiving the forgoing objections, Applicant responds: *See Response to Interrogatory No. 37.*

DATED: April 29, 2013.

Respectfully submitted,

STOEL RIVES LLP

/s Steven E. Klein/

Steven E. Klein
900 SW Fifth Avenue, Suite 2600
Portland, OR 97204, (503) 224-3380
Attorneys for Applicant

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **APPLICANT'S RESPONSE TO OPPOSER'S FIRST SET OF INTERROGATORIES** on the following named persons on the date indicated below by:

- mailing with postage prepaid
- hand delivery
- facsimile transmission
- overnight delivery
- e-mail attachment in PDF format

to said persons a true copy thereof, contained in a sealed envelope, addressed to said persons at their last-known address indicated below.

Susan E. Hollander
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DATED: April 29, 2013.

STOEL RIVES LLP

/s Steven E. Klein/
Steven E. Klein
Attorneys for Applicant

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

In the Matter of Application Serial No. 85/460,699
Published in the *Official Gazette* on April 17, 2012
Mark: AMBASSADOR VINEYARD

HANZELL VINEYARDS, LTD.,

Opposer,

v.

RED MOUNTAIN VITICULTURE, LLC
DBA LA COYE VINEYARDS,

Applicant.

OPPOSITION NO. 91207443

APPLICANT'S RESPONSE TO
OPPOSER'S FIRST SET OF
REQUESTS FOR PRODUCTION OF
DOCUMENTS

Pursuant to 37 C.F.R. § 2.120 and Federal Rule of Civil Procedure 34, Applicant Red Mountain Viticulture ("Applicant") responds to Opposer Hanzell Vineyards, Ltd.'s ("Opposer") First Set of Requests for Production of Documents.

GENERAL OBJECTIONS

Applicant objects to each request to the extent the request requires a response or imposes an obligation that goes beyond the requirements of the Board's rules or the Federal Rules of Civil Procedure. Applicant will respond in conformity with the requirements of the Board's rules and the Federal Rules of Civil Procedure. Applicant incorporates by reference the following continuing objections and limitations into each of the following responses, which responses are expressly made subject to these objections and limitations.

1 - APPLICANT'S RESPONSE TO OPPOSER'S FIRST SET OF REQUESTS FOR
PRODUCTION OF DOCUMENTS

A. Privileged or Protected Material.

Applicant objects to each and every request to the extent it calls for information: (a) that is protected from discovery pursuant to the attorney-client privilege, common interest privilege, and/or other privilege; (b) that is work product prepared in anticipation of litigation; or (c) that is otherwise protected from disclosure under the Federal Rules of Civil Procedure, other applicable procedural rules, or applicable legal authority.

B. Relevance or Discoverability.

Applicant objects to each and every request to the extent it calls for information that neither is relevant to the subject matter of the pending proceedings, nor appears reasonably calculated to lead to the discovery of admissible evidence related to a claim or defense.

C. Unduly Burdensome.

Applicant objects to each and every request to the extent it is unduly burdensome and the time and effort required to attempt to compile all responsive information or documents outweighs the potential discoverability or probative value thereof.

D. Annoyance, Harassment, or Oppression.

Applicant objects to each and every request to the extent it is designed to cause undue annoyance, harassment, or oppression.

E. Overbreadth.

Applicant objects to each and every request to the extent it is overly broad with respect to scope, context, and/or time period.

F. Vagueness, Indefiniteness, or Ambiguity.

Applicant objects to each and every request to the extent it is vague, indefinite, or ambiguous and as such would require Applicant to speculate as to the meaning or scope of the request and potentially responsive information.

G. Information Otherwise or More Readily Available.

Applicant objects to each and every request to the extent it calls for information readily accessible to Opposer or is in publicly available material, the public record, or Opposer's own files and would be less burdensome for Opposer to obtain in producible form there from rather than from Applicant.

H. Information Exclusively Within Knowledge of Opposer or Third Parties.

Applicant objects to each and every request to the extent it seeks information exclusively within the knowledge of Opposer or third parties, and not yet obtained through discovery.

I. Redundant, Cumulative, Duplicative, or Unreasonable Demands.

Applicant objects to each and every request to the extent it is unreasonably cumulative, duplicative, repetitive, or redundant with respect to any other discovery demands propounded to Applicant in this action, or is obtainable from some other source that is more convenient, less expensive, less burdensome, or that Opposer has an opportunity to seek from a more likely source, or where the burden or expense to Applicant of the proposed discovery outweighs its likely (or unlikely) discoverability or probative value.

J. Documents Not in Applicant's Possession.

Applicant objects to each and every request to the extent it seeks documents not within the possession, custody, or control of Applicant.

K. Improper Analyses, Calculations, or Compilations.

Applicant objects to each and every request to the extent that responding would improperly require Applicant or its witnesses, or both, to perform legal, expert, or lay studies, analyses, or calculations, or otherwise create documents that do not currently exist.

L. Definitions and Instructions.

Applicant objects to the Definitions and Instructions in Opposer's requests to the extent they differ in scope or application from the Federal Rules of Civil Procedure or purport to impose any requirements or obligations other than those set forth in the Federal Rules of Civil Procedure or the Board's rules and orders. Applicant responds in good faith to Opposer's requests, in accordance with the Federal Rules of Civil Procedure, as Applicant interprets and understands them. If Opposer subsequently asserts an interpretation of any of the requests that differs from Applicant's present understanding, Applicant reserves the right to supplement or modify its responses herein.

Applicant further objects to the Definitions of "Applicant," "you," "your," and "Hanzell" as vague, ambiguous, and overly broad to the extent such definitions purport to include all "parent organizations, related groups and divisions, as well as all directors, officers, employees, agents, distributors, jobbers, salespersons, sale representatives, licensees, attorneys and all other person acting or purporting to act on Applicant's behalf of under Applicant's control."

Applicant will interpret the terms "Applicant," "you" or "your" to mean Applicant and the term "Hanzell" to mean Opposer.

Applicant further objects to the Definition of "AMBASSADOR'S Mark" as vague,

ambiguous, overly broad and misleading.

M. Proprietary or Confidential Information.

Applicant generally objects to each and every request to the extent that it calls for the information that is subject to trade secret, patent, copyright, and/or other intellectual property protections and privileges, and/or proprietary or confidential information, the disclosure of which would be prejudicial to Applicant, its customers, suppliers, any witness testifying in this matter, or any person or entity who provided the information or documents to Applicant. Such disclosure of information without prior authorization may also subject Applicant to claims that it has violated a confidentiality or secrecy obligation. Any such information that Applicant does produce will only be produced subject to the terms of an appropriate Protective Order entered by the Board.

SPECIFIC RESPONSES

REQUEST NO. 1: All documents identified in response to or relied on in responding to Hanzell's First Set of Interrogatories to Applicant.

RESPONSE: Object as overly broad and to the extent the request seeks information protected from disclosure by the attorney client privilege or attorney work product doctrine. Subject to and without waiving the forgoing objections, Applicant responds: Applicant will produce all non-privileged documents, if any, identified in Applicant's Responses to Opposer's First Set of Interrogatories to Applicant.

REQUEST NO. 2: Documents sufficient to identify the address, including website domains, of each location operated by Applicant at or through which goods and/or services bearing Applicant's Mark were, are or are intended to be sold.

RESPONSE: Object as vague, ambiguous, overly broad and to the extent the request constitutes an interrogatory. Subject to and without waiving the forgoing objections, Applicant responds: Applicant will produce non-privileged documents, if any, sufficient to identify the address, including website domains, of each location operated by Applicant at or through which relevant goods and/or services bearing Applicant's Mark were or are sold.

REQUEST NO. 3: Documents, including literature and online literature, describing each good or service identified in response to Interrogatory No. 2 in Hanzell's First Set of Interrogatories to Applicant.

RESPONSE: Object as vague, ambiguous, overly broad and unduly burdensome. Subject to and without waiving the forgoing objections, Applicant responds: Applicant will produce a reasonable sampling of non-privileged documents, if any, describing its wine products.

REQUEST NO. 4: One sample of each good identified in response to Interrogatory No. 2 in Hanzell's First Set of Interrogatories to Applicant, including any and all labeling, packaging, product information, or other material bearing Applicant's Mark

RESPONSE: Object as vague, ambiguous, overly broad and unduly burdensome. Subject to

and without waiving the forgoing objections, Applicant responds: Applicant will produce representative samples of its wine products for inspection at a place, date and time mutually agreeable to the parties.

REQUEST NO. 5: Documents sufficient to identify the date of Applicant's first use of Applicant's Mark in connection with the sale or offering of any goods and/or services anywhere.

RESPONSE: Object as vague, ambiguous, overly broad and unduly burdensome. Subject to and without waiving the forgoing objections, Applicant responds: Applicant will produce non-privileged documents, if any, sufficient to identify the date of Applicant's first use of Applicant's Mark in connection with the sale or offering of relevant goods and/or services in the United States.

REQUEST NO. 6: Documents sufficient to identify the date of Applicant's first use of Applicant's Mark in connection with the sale or offering of any goods and/or services in the United States.

RESPONSE: Object as vague, ambiguous, overly broad and unduly burdensome. Subject to and without waiving the forgoing objections, Applicant responds: Applicant will produce non-privileged documents, if any, sufficient to identify the date of Applicant's first use of Applicant's Mark in connection with the sale or offering of relevant goods and/or services in the United States.

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REQUEST NO. 7: Documents sufficient to identify all offices, employees, sales representatives, resellers, and/or agents of Applicant within the United States.

RESPONSE: Object as vague, ambiguous, overly broad, unduly burdensome, and neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 8: For each good offered under the Applicant's Mark, documents sufficient to identify each distributor and retailer through which Applicant has sold, currently sells, or intends to sell such goods.

RESPONSE: Object as vague, ambiguous, overly broad, unduly burdensome, and neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 9: Documents sufficient to identify all ways in which Applicant has used, currently uses, or intends to use Applicant's Mark in connection with the sale or offering of any goods and/or services.

RESPONSE: Object as vague, ambiguous, overly broad, unduly burdensome, and neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the forgoing objections, Applicant responds: Applicant will produce non-privileged documents, if any, sufficient to provide a representative sampling of the ways Applicant has used or currently uses Applicant's Mark in connection with the sale of offering of relevant goods and/or services.

8 - APPLICANT'S RESPONSE TO OPPOSER'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS

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REQUEST NO. 10: Documents sufficient to identify every sale of goods and/or services by Applicant under Applicant's Mark, including but not limited to invoices, purchase orders, receipts, bills of sale, and sales summaries.

RESPONSE: Object as vague, ambiguous, overly broad, unduly burdensome, and neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 11: Documents sufficient to identify the geographic location of all persons with whom Applicant has had contracts and/or negotiation for contracts for goods and/or services offered under Applicant's Mark.

RESPONSE: Object as vague, ambiguous, overly broad, unduly burdensome, and neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 12: All contracts executed by Applicant's customers inside the United States in the case of sales of goods and/or services under Applicant's Mark.

RESPONSE: Object as vague, ambiguous, overly broad, unduly burdensome, and neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 13: Documents sufficient to identify the intended classes and geographic location of all customers who have purchased goods and/or services from Applicant under Applicant's Mark.

RESPONSE: Object as vague, ambiguous, overly broad, unduly burdensome, and neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 14: All documents referring or relating to any current intention or plans by Applicant to use Applicant's Mark on goods and/or services other than those goods and/or services identified in response to Interrogatory No. 2 in Hanzell's First Set of Interrogatories to Applicant.

RESPONSE: Object as vague, ambiguous, overly broad, unduly burdensome, and neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 15: Documents sufficient to identify each person or outside agency that has assisted Applicant in the advertising, promotion, distribution or sale of any goods and/or services bearing Applicant's Mark, including any such person or outside agency in the United States

RESPONSE: Object as vague, ambiguous, overly broad, unduly burdensome, unduly burdensome, and neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 16: One copy of each advertisement and/or commercial created by Applicant or on Applicant's behalf to promote Applicant's Mark, or goods and/or services bearing Applicant's Mark, whether in print, video, audio or electronic format, including but not limited

to fliers, brochures, customer newsletters, direct marketing emails, coupons, websites, electronic pop-up advertisements, written copy or storyboards relating to advertising, posters, and point of sale displays.

RESPONSE: Object as vague, ambiguous, overly broad, unduly burdensome, and neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the forgoing objections, Applicant responds: Applicant will produce non-privileged documents, if any, sufficient to provide a representative sampling of the advertisements and/or commercials created by Applicant or on Applicant's behalf to promote Applicant's Mark or relevant goods and/or services bearing Applicant's Mark.

REQUEST NO. 17: All documents, including but not limited to press releases, public statements, announcements, letters, newswires, radio spots, video releases, fliers, brochures or webpages prepared by Applicant or on Applicant's behalf relating to Applicant's use of Applicant's Mark for goods and/or services offered under Applicant's Mark.

RESPONSE: Object as vague, ambiguous, overly broad, unduly burdensome, and neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the forgoing objections, Applicant responds: Applicant will produce non-privileged documents, if any, sufficient to provide a representative sampling of the advertisements and/or commercials created by Applicant or on Applicant's behalf to promote Applicant's Mark or relevant goods and/or services bearing Applicant's Mark.

REQUEST NO. 18: All press, including but not limited to articles from newspapers, magazines, websites, or any other publication, whether distributed in print, broadcast or electronic form, not prepared or solicited by Applicant or on Applicant's behalf, which refer or relate to, discuss, mention or concern Applicant's use of Applicant's Mark or goods and/or services offered under Applicant's Mark.

RESPONSE: Object as vague, ambiguous, overly broad, unduly burdensome, and neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the forgoing objections, Applicant responds: Applicant will produce non-privileged documents, if any, responsive to this request.

REQUEST NO. 19: Documents sufficient to show the geographic scope of Applicant's promotional activities using Applicant's Mark.

RESPONSE: Object as vague, ambiguous, overly broad, unduly burdensome, and neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objection, Applicant responds: Applicant will produce non-privileged documents, if any, responsive to this request.

REQUEST NO. 20: A sample of each catalog, price list, merchandising offer, webpage or other publication where the availability and/or price of any good and/or service identified in response to Interrogatory No. 2 in Hanzell's First Set of Interrogatories to Applicant was advertised or

made known.

RESPONSE: Object as vague, ambiguous, overly broad, unduly burdensome, and neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the forgoing objections, Applicant responds: Applicant will produce non-privileged documents, if any, sufficient to provide a representative sampling of documents used by Applicant to advertise the availability and/or price of Applicant's relevant goods and/or services bearing Applicant's Mark.

REQUEST NO. 21: A complete printout of each website operated by Applicant or on Applicant's behalf which advertises or promotes Applicant's Mark.

RESPONSE: Object as vague, ambiguous, and unduly burdensome. Subject to and without waiving the forgoing objections, Applicant responds: Applicant will produce documents, if any, responsive to this request.

REQUEST NO. 22: All documents which refer or relate to Applicant's conception, selection process, and/or adoption of Applicant's Mark as a trademark.

RESPONSE: Object as vague, ambiguous, and overly broad. Further object to the extent the request seeks discovery of information protected from disclosure under the attorney client privilege or the attorney work product doctrine. Subject to and without waiving the forgoing objections, Applicant responds: Applicant will produce non-privileged documents, if any,

responsive to this request.

REQUEST NO. 23: All documents which refer or relate to any version or variation of Applicant's Mark, including without limitation any other marks that incorporate the dominant portion of Applicant's Mark, AMBASSADOR, that Applicant has or is contemplating for use in connection with the goods and/or services identified in response to Interrogatory No. 2 in Hanzell's First Set of Interrogatories to Applicant.

RESPONSE: Object as vague, ambiguous, overly broad, and neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Further object to the extent the request lacks foundation or assumes facts or legal conclusions.

REQUEST NO. 24: All documents that refer or relate to any records related to Applicant's Mark and/or the AMBASSADOR'S Mark-including without limitation United States Patent and Trademark Office ("USPTO") records, state trademark records, trademark or trade publications, business directories, or the records of any trademark service organization-that were obtained by Applicant or on Applicant's behalf as a result of a search or investigation conducted by Applicant or on Applicant's behalf.

RESPONSE: Object as vague, ambiguous, overly broad, and neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Further object to the extent the request seeks discovery of information protected from disclosure under the attorney client

privilege or the attorney work product doctrine. Further object to the extent to which the request seeks documents readily accessible to Opposer and equally obtainable by Opposer from publicly available material or the public record.

REQUEST NO. 25: All documents that refer or relate to any opinions as to the availability for use and registration of Applicant's Mark as a trade name or trademark.

RESPONSE: Object as vague, ambiguous, overly broad, and neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Further object to the extent the request seeks discovery of information protected from disclosure under the attorney client privilege or the attorney work product doctrine.

REQUEST NO. 26: All documents which refer or relate to Applicant's first knowledge of Hanzell's rights in and to the AMBASSADOR'S Mark.

RESPONSE: Object as vague, ambiguous, overly broad, and the extent the request lacks foundation or assumes facts or legal conclusions. Further object to the extent the request seeks discovery of information protected from disclosure under the attorney client privilege or the attorney work product doctrine. Subject to and without waiving the forgoing objections, Applicant responds: Applicant will produce non-privileged documents, if any, responsive to this request.

REQUEST NO. 27: All documents which refer or relate to Applicant's knowledge of Hanzell's rights in and to the AMBASSADOR'S Mark prior to Applicant's filing of any trademark applications for Applicant's Mark.

RESPONSE: Object as vague, ambiguous, overly broad, and to the extent the request lacks foundation or assumes facts or legal conclusions. Further object to the extent the request seeks discovery of information protected from disclosure under the attorney client privilege or the attorney work product doctrine. Subject to and without waiving the forgoing objections, Applicant responds: Applicant will produce non-privileged documents, if any, responsive to this request.

REQUEST NO. 28: All communications between Applicant and Hanzell.

RESPONSE: Object as vague, ambiguous, overly broad and unduly burdensome. Further object to the extent to which the request seeks documents readily accessible to Opposer and equally available from Opposer's own files.

REQUEST NO. 29: All communications between Applicant and any third party relating to Applicant's Mark.

RESPONSE: Object as vague, ambiguous, overly broad and unduly burdensome. Further object to the extent the request seeks discovery of information protected from disclosure under the attorney client privilege or the attorney work product doctrine. Further object to the extent to

which the request seeks documents readily accessible to Opposer and equally available from Opposer's own files, from publicly available material or the public record.

REQUEST NO. 30: All communications between Applicant and any third party relating to third party uses of trademarks that incorporate "AMBASSADOR," including, without limitation, all communications between Applicant and any representative, employee, agent, officer, director, distributor or other person affiliated with Curtis Winery, Orfila Vineyards & Winery, Blue Rock Vineyards, U.S. Vintner, Napa Valley Wine Train, and/or Vin Ambassador.

RESPONSE: Object as vague, ambiguous, overly broad and unduly burdensome. Further object to the extent the request seeks discovery of information protected from disclosure under the attorney client privilege or the attorney work product doctrine. Further object to the extent to which the request seeks documents readily accessible to Opposer and equally available from Opposer's own files, from publicly available material or the public record. Subject to and without waiving the forgoing objections, Applicant responds: Applicant will produce non-privileged communications, if any, between Applicant and Curtis Winery, Orfila Vineyards & Winery, Blue Rock Vineyards, U.S. Vintner, Napa Valley Wine Train, and/or Vin Ambassador.

REQUEST NO. 31: All documents that refer or relate to any survey, study, or public opinion poll conducted by Applicant or on Applicant's behalf concerning Applicant's mark as used by Applicant, or the AMBASSADOR'S Mark as used by Hanzell or both.

RESPONSE: Object as vague, ambiguous, overly broad and to the extent the request lacks foundation or assumes facts or legal conclusions. Further object to the extent the request calls for information protected from disclosure by the attorney-client privilege or attorney work product doctrine. Subject to and without waiving the forgoing objections, Applicant responds: Applicant will produce non-privileged documents, if any, that refer or relate to any survey, study, or public opinion poll conducted by Applicant or on Applicant's behalf or the AMBASSADOR'S Mark as used by Hanzell or both.

REQUEST NO. 32: All documents that refer or relate to any instance of confusion, mistake or deception as to source or origin of goods and/or services sold by Applicant under Applicant's Mark and goods and/or services sold by Hanzell under the AMBASSADOR'S Mark, or as to association or affiliation of goods and/or services sold by Applicant under Applicant's Mark with those sold by Hanzell under the AMBASSADOR'S Mark.

RESPONSE: Object as vague, ambiguous, and overly broad. Further object to the extent the request calls for information protected from disclosure by the attorney-client privilege or attorney work product doctrine. Subject to and without waiving the forgoing objections, Applicant responds: Applicant will produce non-privileged documents, if any, responsive to the request.

REQUEST NO. 33: All documents which refer or relate to any attempts by Applicant or on Applicant's behalf to register Applicant's Mark or any variations thereof in any jurisdiction,

including without limitation any other marks that incorporate the dominant portion of Applicant's Mark, AMBASSADOR.

RESPONSE: Object as vague, ambiguous, overly broad and neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Further object to the extent the request lacks foundation or assumes facts or legal conclusions. Further object to the extent the request calls for information protected from disclosure by the attorney-client privilege or attorney work product doctrine. Subject to and without waiving the forgoing objections, Applicant responds: Applicant will produce copies of the prosecution file history for Applicant's Applications Ser. Nos. 77/273,261 and 85/460,699 filed with the U.S. Patent and Trademark Office.

REQUEST NO. 34: All documents relating to U.S. Application No. 85/460,699, including, but not limited to, the USPTO file history for this application.

RESPONSE: Object as vague and ambiguous. Further object to the extent the request calls for information protected from disclosure by the attorney-client privilege or attorney work product doctrine. Subject to and without waiving the forgoing objections, Applicant responds: Applicant will produce copies of the prosecution file history for Applicant's Application Ser. No. 85/460,699.

REQUEST NO. 35: All documents which refer or relate to any negotiations by Applicant to

license Applicant's Mark.

RESPONSE: Object as vague, ambiguous, overly broad and neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Further object to the extent the request calls for information protected from disclosure by the attorney-client privilege or attorney work product doctrine. Subject to and without waiving the forgoing objections, Applicant responds: Applicant will produce non-privileged documents, if any, evidencing any agreement to license Applicant's Mark in connection with relevant goods and/or services.

REQUEST NO. 36: All documents which refer or relate to any agreement in which Applicant grants a third party the right to use or to continue to use Applicant's Mark.

RESPONSE: Object as vague, ambiguous, overly broad and neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Further object to the extent the request calls for information protected from disclosure by the attorney-client privilege or attorney work product doctrine. Subject to and without waiving the forgoing objections, Applicant responds: Applicant will produce non-privileged documents, if any, evidencing any agreement to license Applicant's Mark in connection with relevant goods and/or services.

REQUEST NO. 37: All documents which refer or relate to the qualifications, field of specialization and expected testimony of any expert Applicant intends to call as a testifying witness in connection with this Opposition.

RESPONSE: Object as vague, ambiguous, overly broad and neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Further object to the extent the request calls for information protected from disclosure by the attorney-client privilege or attorney work product doctrine. Subject to and without waiving the forgoing objections, Applicant responds: Applicant will make any expert disclosures required under Fed. R. Civ. P. 26(a)(2) at the times and in the manner prescribed under that rule.

REQUEST NO. 38: All documents and things Applicant intends to rely on at trial in this proceeding.

RESPONSE: Object as vague, ambiguous, overly broad and neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Further object to the extent the request calls for information protected from disclosure by the attorney-client privilege or attorney work product doctrine. Subject to and without waiving the forgoing objections, Applicant responds: Applicant will make any pretrial disclosures required under Fed. R. Civ. P. 26(a)(3) at the times and in the manner prescribed under that rule.

DATED: April 29, 2013.

Respectfully submitted,

STOEL RIVES LLP

/s Steven E. Klein/

Steven E. Klein

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(503) 224-3380

Attorneys for Applicant

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CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **APPLICANT'S RESPONSE TO OPPOSER'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS** on the following named persons on the date indicated below by:

- mailing with postage prepaid
- hand delivery
- facsimile transmission
- overnight delivery
- e-mail attachment in PDF format

to said persons a true copy thereof, contained in a sealed envelope, addressed to said persons at their last-known address indicated below.

Susan E. Hollander
K&L GATES LLP
630 Hansen Way
Palo Alto, CA 94304
Susan.Hollander@klgates.com

Jocelyn M. Belloni
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DATED: April 29, 2013.

STOEL RIVES LLP

/s Steven E. Klein/
Steven E. Klein
Attorneys for Applicant

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

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DBA LA COYE VINEYARDS,**

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OPPOSITION NO. 91207443

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OPPOSER'S FIRST SET OF
REQUESTS FOR ADMISSION**

Pursuant to 37 C.F.R. § 2.120 and Federal Rule of Civil Procedure 36, Applicant Red Mountain Viticulture (“Applicant”) responds to Opposer Hanzell Vineyards, Ltd.’s (“Opposer”) First Set of Requests for Admission.

GENERAL OBJECTIONS

Applicant objects to each request to the extent the request requires a response or imposes an obligation that goes beyond the requirements of the Board’s rules or the Federal Rules of Civil Procedure. Applicant will respond in conformity with the requirements of the Board’s rules and the Federal Rules of Civil Procedure. Applicant incorporates by reference the following continuing objections and limitations into each of the following responses, which responses are expressly made subject to these objections and limitations.

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L. Definitions and Instructions.

Applicant objects to the Definitions and Instructions in Opposer's requests to the extent they differ in scope or application from the Federal Rules of Civil Procedure or purport to impose any requirements or obligations other than those set forth in the Federal Rules of Civil Procedure or the Board's rules and orders. Applicant responds in good faith to Opposer's discovery requests, in accordance with the Federal Rules of Civil Procedure, as Applicant interprets and understands them. If Opposer subsequently asserts an interpretation of any of the discovery requests that differs from Applicant's present understanding, Applicant reserves the right to supplement or modify its responses herein.

Applicant further objects to the Definitions of "Applicant," "you," "your," and "Hanzell" as vague, ambiguous, and overly broad to the extent such definitions purport to include all "parent organizations, related groups and divisions, as well as all directors, officers, employees, agents, distributors, jobbers, salespersons, sale representatives, licensees, attorneys and all other person acting or purporting to act on Applicant's behalf of under Applicant's control."

Applicant will interpret the terms "Applicant," "you" or "your" to mean Applicant and the term "Hanzell" to mean Opposer.

Applicant further objects to the Definition of “AMBASSADOR’S Mark” as vague, ambiguous, overly broad and misleading.

M. Proprietary or Confidential Information.

Applicant generally objects to each and every request to the extent that it calls for the information that is subject to trade secret, patent, copyright, and/or other intellectual property protections and privileges, and/or proprietary or confidential information, the disclosure of which would be prejudicial to Applicant, its customers, suppliers, any witness testifying in this matter, or any person or entity who provided the information or documents to Applicant. Such disclosure of information without prior authorization may also subject Applicant to claims that it has violated a confidentiality or secrecy obligation. Any such information that Applicant does produce will only be produced subject to the terms of an appropriate Protective Order entered by the Board.

SPECIFIC RESPONSES

REQUEST NO. 1: Admit that the description of goods under Application No. 85/460,699 is “wine; wines.”

RESPONSE: Deny.

REQUEST NO. 2: Admit that you did not use Applicant’s Mark in commerce in the United States in connection with wine prior to June 2006.

RESPONSE: Admit.

REQUEST NO. 3: Admit that you did not use Applicant's Mark in commerce in the United States in connection with wine prior to October 31, 2011.

RESPONSE: Deny.

REQUEST NO. 4: Admit that you were aware of Opposer prior to your first use of Applicant's Mark in connection with wine.

RESPONSE: Deny.

REQUEST NO. 5: Admit that, prior to your first use of Applicant's Mark in connection with wine, you were aware that Opposer sold wine under the AMBASSADOR'S Mark.

RESPONSE: Object as vague, ambiguous and to the extent the request lacks foundation or assumes facts or legal conclusions. Subject to and without waiving the foregoing objection, Applicant responds as follows: Deny.

REQUEST NO. 6: Admit that you have no evidence to dispute Opposer's claim that, since June 2006, Opposer has made continuous use since June 2006 of the distinctive AMBASSADOR'S Mark in commerce in the United States in connection with wine.

RESPONSE: Deny.

REQUEST NO. 7: Admit that Opposer used the AMBASSADOR'S Mark prior to your first

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ADMISSION

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use of the Applicant's Mark for wine.

RESPONSE: Object as vague and ambiguous. Subject to and without waiving the foregoing objection, Applicant, after a reasonable inquiry, is without sufficient knowledge or information to admit or deny the request and, on that basis denies the same.

REQUEST NO. 8: Admit that the goods and/or services identified in response to Interrogatory No. 2 in Opposer's First Set of Interrogatories to Applicant may be sold at retail.

RESPONSE: Object as vague, ambiguous, non-sensical and overly broad and to the extent the request constitutes multiple requests in violation of Fed. R. Civ. P. 36(a)(2)'s requirement that each matter be separately stated.

REQUEST NO. 9: Admit that the goods and/or services identified in response to Interrogatory No. 2 in Opposer's First Set of Interrogatories to Applicant may be sold in grocery stores, supermarkets, and/or liquor stores.

RESPONSE: Object as vague, ambiguous, non-sensical and overly broad and to the extent the request constitutes multiple requests in violation of Fed. R. Civ. P. 36(a)(2)'s requirement that each matter be separately stated.

REQUEST NO. 10: Admit that the goods and/or services identified in response to Interrogatory No. 2 in Opposer's First Set of Interrogatories to Applicant may be sold in through a website.

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ADMISSION

73598566.1 0029383-00003

RESPONSE: Object as vague, ambiguous, non-sensical and overly broad and to the extent the request constitutes multiple requests in violation of Fed. R. Civ. P. 36(a)(2)'s requirement that each matter be separately stated.

REQUEST NO. 11: Admit that the goods and/or services identified in response to Interrogatory No. 2 in Opposer's First Set of Interrogatories to Applicant may be sold through the same channels of trade as the goods and/or services offered under Opposer's AMBASSADOR'S Mark.

RESPONSE: Object as vague, ambiguous, non-sensical and overly broad and to the extent the request lacks foundation or assumes facts or legal conclusions. Further object to extent the request constitutes multiple requests in violation of Fed. R. Civ. P. 36(a)(2)'s requirement that each matter be separately stated.

REQUEST NO. 12: Admit that the page reflected at Exhibit B to these RFAs is a webpage related to Orfila Vineyards & Winery at <http://www.orfilia.com/wines/red-wines/2010-estate-ambassadors-syrah>.

RESPONSE: Object as vague and ambiguous and on the ground that the request is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Further object on the ground that Exhibit B to the RFAs is partially illegible. Subject to and without waiving the foregoing objection, Applicant responds as follows: Deny.

REQUEST NO. 13: Admit that Exhibit B to these RFAs displays, among other things, a photograph of Orfila Vineyards & Winery's 2010 Estate Ambassador's Syrah.

RESPONSE: Object as vague and ambiguous and on the ground that the request is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Further object on the ground that Exhibit B to the RFAs is partially illegible. Subject to and without waiving the foregoing objection, Applicant responds as follows: Deny.

REQUEST NO. 14: Admit that the page reflected at Exhibit C to these RFAs is a webpage related to Orfila Vineyards & Winery at <http://www.orfila.com/wines/red-wines/2010-estate-ambassadors-merlot>.

RESPONSE: Object as vague and ambiguous and on the ground that the request is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Further object on the ground that Exhibit C to the RFAs is partially illegible. Subject to and without waiving the foregoing objection, Applicant responds as follows: Deny.

REQUEST NO. 15: Admit that Exhibit C to these RFAs displays, among other things, a photograph of Orfila Vineyards & Winery's 2010 Estate Ambassador's Merlot.

RESPONSE: Object as vague and ambiguous and on the ground that the request is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Further object on the ground that Exhibit C to the RFAs is partially illegible. Subject to and without

waiving the foregoing objection, Applicant responds as follows: Deny.

REQUEST NO. 16: Admit that the page reflected at Exhibit D to these RFAs is a webpage related to Orfila Vineyards & Winery at <http://www.orfila.com/wines/red-wines/leon-santoro-2006-estate-ambassadors-merlot>.

RESPONSE: Object as vague and ambiguous and on the ground that the request is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objection, Applicant responds as follows: Deny.

REQUEST NO. 17: Admit that Exhibit D to these RFAs displays, among other things, a photograph of Orfila Vineyards & Winery's Leon Santoro 2006 Estate Ambassador's Merlot.

RESPONSE: Object as vague and ambiguous and on the ground that the request is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objection, Applicant responds as follows: Deny.

REQUEST NO. 18: Admit that the page reflected at Exhibit E to these RFAs is a webpage related to Orfila Vineyards & Winery at <http://www.orfila.com/ambassador-orfila.html>.

RESPONSE: Object as vague and ambiguous and on the ground that the request is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objection, Applicant responds as follows: Deny.

REQUEST NO. 19: Admit that the page reflected at Exhibit E to these RFAs explains that Ambassador Alejandro Orfila purchased Orfila Vineyards & Winery in April 1994.

RESPONSE: Object as vague and ambiguous and on the ground that the request is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objection, Applicant responds as follows: Deny.

REQUEST NO. 20: Admit that “AMBASSADOR’S,” as used in connection with Orfila Vineyards & Winery as shown at Exhibits B-D, refers to Ambassador Alejandro Orfila.

RESPONSE: Object as vague and ambiguous and on the ground that the request is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Further object on the ground that Exhibit B and C to the RFAs are partially illegible. Subject to and without waiving the foregoing objection, Applicant, after a reasonable inquiry, is without sufficient knowledge or information to admit or deny the request and, on that basis denies the same.

REQUEST NO. 21: Admit that the page reflected at Exhibit F to these RFAs is a webpage related to Blue Rock Vineyards located at <http://store.bluerockvineyard.com/wine-clubs-c3>.

RESPONSE: Object as vague and ambiguous and on the ground that the request is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objection, Applicant responds as follows: Deny.

REQUEST NO. 22: Admit that “Ambassador,” as used in connection with Blue Rock Vineyards as shown at Exhibit F, refers to one of three levels of wine club membership.

RESPONSE: Object as vague and ambiguous and on the ground that the request is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Further object to the extent the request lacks foundation or assumes facts or legal conclusions. Subject to and without waiving the foregoing objection, Applicant responds as follows: Deny.

REQUEST NO. 23: Admit that Blue Rock Vineyards does not use “Ambassador” on the label of any of its wines.

RESPONSE: Object as vague and ambiguous and on the ground that the request is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objection, Applicant, after a reasonable inquiry, is without sufficient knowledge or information to admit or deny the request and, on that basis denies the same.

REQUEST NO. 24: Admit that the page reflected at Exhibit G to these RFAs is a webpage related to U.S. Vintner’s “Ambassador’s Royal Reserve” wine located at <http://www.wineweb.com/scripts/winepg.cfm/45865/6/ / Ambassadors-Royal-Reserve/>.

RESPONSE: Object as vague and ambiguous and on the ground that the request is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to

and without waiving the foregoing objection, Applicant responds as follows: Deny.

REQUEST NO. 25: Admit that only twenty five cases of U.S. Vintner’s “Ambassador’s Royal Reserve” were produced.

RESPONSE: Object as vague and ambiguous and on the ground that the request is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objection, Applicant, after a reasonable inquiry, is without sufficient knowledge or information to admit or deny the request and, on that basis denies the same.

REQUEST NO. 26: Admit that U.S. Vintner’s “Ambassador’s Royal Reserve” has not been offered for sale to the general public.

RESPONSE: Object as vague and ambiguous and on the ground that the request is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objection, Applicant, after a reasonable inquiry, is without sufficient knowledge or information to admit or deny the request and, on that basis denies the same.

REQUEST NO. 27: Admit that the page reflected at Exhibit H to these RFAs is a webpage related to Napa Valley Wine Train’s “Ambassador Winery Tour” located at

<http://winetrain.com/winery-tours/ambassador-winery-tour>.

RESPONSE: Object as vague and ambiguous and on the ground that the request is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objection, Applicant responds as follows: Deny.

REQUEST NO. 28: Admit that “Ambassador,” as used in connection with Napa Valley Wine Train as shown at Exhibit H, refers to a winery tour.

RESPONSE: Object as vague and ambiguous and on the ground that the request is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Further object to the extent the request lacks foundation or assumes facts or legal conclusions. Subject to and without waiving the foregoing objections, Applicant responds as follows: Deny.

REQUEST NO. 29: Admit that Napa Valley Wine Train does not produce wines.

RESPONSE: Object as vague and ambiguous and on the ground that the request is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, Applicant, after a reasonable inquiry, is without sufficient knowledge or information to admit or deny the request and, on that basis denies the same.

REQUEST NO. 30: Admit that the page reflected at Exhibit I to these RFAs is a webpage

related to Vin Ambassador located at <http://www.vinambassador.com/about/logistics>.

RESPONSE: Object as there is no Exhibit I attached to the RFAs.

REQUEST NO. 31: Admit that Vin Ambassador does not produce wines.

RESPONSE: Object as vague and ambiguous and on the ground that the request is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, Applicant, after a reasonable inquiry, is without sufficient knowledge or information to admit or deny the request and, on that basis denies the same.

REQUEST NO. 32: Admit that “Ambassador,” as used in connection with Vin Ambassador as shown at Exhibit I, refers to themed wine tours.

RESPONSE: Object as there is no Exhibit I attached to the RFAs.

DATED: April 29, 2013.

Respectfully submitted,

STOEL RIVES LLP

/s Steven E. Klein/

Steven E. Klein

900 SW Fifth Avenue, Suite 2600

Portland, OR 97204, (503) 224-3380

Attorneys for Applicant

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **APPLICANT'S RESPONSE TO OPPOSER'S FIRST SET OF REQUESTS FOR ADMISSION** on the following named persons on the date indicated below by:

- mailing with postage prepaid
- hand delivery
- facsimile transmission
- overnight delivery
- e-mail attachment in PDF format

to said persons a true copy thereof, contained in a sealed envelope, addressed to said persons at their last-known address indicated below.

Susan E. Hollander
K&L GATES LLP
630 Hansen Way
Palo Alto, CA 94304
Susan.Hollander@klgates.com

Jocelyn M. Belloni
K&L GATES LLP
4 Embarcadero Center, Suite 1200
San Francisco, CA 94111
jocelyn.belloni@klgates.com

DATED: April 29, 2013.

STOEL RIVES LLP

/s Steven E. Klein/
Steven E. Klein
Attorneys for Applicant

EXHIBIT D

May 13, 2013

Susan E. Hollander
D 415.882.8058
F 415.882.8220
susan.hollander@klgates.com

VIA CERTIFIED MAIL/RETURN RECEIPT REQUESTED AND
E-MAIL (SEKLEIN@STOEL.COM)

Steven E. Klein
Stoel Rives LLP
900 SW Fifth Avenue, Suite 2600
Portland, OR 97204

**Re: Hanzell Vineyards, Ltd. v. La Coyo Vineyards (Opposition No. 91207443)
Discovery Responses**

Dear Mr. Klein:

We are in receipt of Red Mountain Viticulture, LLC DBA La Coyo Vineyards' ("Applicant") responses to Hanzell Vineyards, Ltd.'s ("Hanzell") First Set of Interrogatories, Requests for Admission, and Requests for Production of Documents. Unfortunately, most of these responses are lacking in substance and are rife with boilerplate objections; the responses that do provide some information are clearly incomplete answers. Please consider this letter to be our meet and confer effort concerning the deficiencies in your client's responses, as noted below.

I. GENERAL MATTERS – BOILERPLATE OBJECTIONS

In response to Hanzells' First Set of Requests for Admission, Interrogatories, and Requests for Production of Documents, Applicant asserted nearly five pages of identical, boilerplate general objections, including on grounds that the information sought is privileged or protected by the work-product doctrine and irrelevant, and that the requests are overbroad, unduly burdensome and are designed to cause undue annoyance, harassment, or oppression. Such boilerplate general objections are improper and not enforceable as to any particular discovery request. *See Burlington Northern & Santa Fe Ry. Co. v. U.S. Dist. Ct. for Dist. of Mont.*, 408 F.3d 1142, 1149 (9th Cir. 2005) (holding that boilerplate objections to discovery requests are insufficient to assert a privilege); *M2 Software, Inc. v. M2 Commc'ns, L.L.C.*, 217 F.R.D. 499, 500–01 (C.D. Cal. 2003); *Louis Vuitton Malletier, S.A. v. Akanoc Solutions, Inc.*, 2008 WL 27883206, at *1 (N.D. Cal. 2008) (condemning practice of "boilerplate objections"); *DL v. District of Columbia*, 251 F.R.D. 38, 43 (D.D.C. 2008) (overruling all general objections as they were "not applied with sufficient specificity to enable [the] court

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to evaluate their merits.”). We therefore request that Applicant withdraw these improper general objections.

II. RESPONSES TO REQUESTS FOR ADMISSION

In addition to its general objections, Applicant asserted nearly identical boilerplate objections in response to most of its responses to Hanzell’s Requests for Admission. For example, Applicant objected that Request for Admission Nos. 5, 7–29 and 31 were vague and ambiguous. “[I]t is not ground for objection that the request is ‘ambiguous’ unless so ambiguous that the responding party cannot, in good faith, frame an intelligent reply.” *U.S. ex re. Englund v. Los Angeles County*, 235 F.R.D. 675, 685 (E.D. Cal. 2006). Accordingly, these objections must be withdrawn.

Next, Request for Admission No. 1 asks Applicant to “Admit that the description of goods under Application No. 85/460,699 is “wine; wines.” Applicant denied this request. Attached hereto as Exhibit A is a printout from the USPTO database showing the description of goods under Application No. 85/460,699 to be “wine; wines.” Applicant’s denial of the same appears, at best, to have been made in error. Accordingly, we request that Applicant amend its response.

A. Requests for Admission Nos. 8–11: Channels of Trade

Each of Hanzell’s Requests for Admission Nos. 8–11 seek information regarding the channels of trade through which Applicant’s goods and/or services are or may be sold. In response, Applicant objected on various grounds, including that each Request constitutes “multiple requests in violation of Fed. R. Civ. P. 36(a)(2)’s requirement that each matter be separately stated” and, on that basis, refused to respond. Such an objection and refusal to respond is improper. Fed. R. Civ. P. 36(a)(4) (“[W]hen good faith requires that a party qualify an answer or deny only part of a matter, the answer must specify the part admitted and qualify or deny the rest.”); *see Holmgren v. State Farm Mut. Auto Ins. Co.*, 976 F.2d 573, 579–80 (9th Cir. 1992). Each of the noted Requests is sufficiently clear and succinct such that Applicant must, in good faith, admit or deny the same.

B. Requests for Admission Request Nos. 12–31: Third Parties

Applicant objected to Requests for Admission Nos. 12–31 on the ground that the Requests are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. “Relevance” is broadly defined for purposes of discovery as “any nonprivileged matter that is relevant to any party’s claim or defense.” Fed. R. Civ. P. 26(b)(1). In its Initial Disclosures, Applicant identified representatives of Curtis Winery, Orfila Vineyards & Winery, Blue Rock Vineyard, US Vintner, Napa Valley Wine Train, and Vin Ambassador

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(the “Third Parties”) as individuals likely to have discoverable information that Applicant may use to support its claims or defenses. Accordingly, Applicant has already admitted the relevance of the requested information pursuant to Rule 26(b)(1), and its contrary objection is misplaced. If Applicant maintains that information related to these Third Parties is “neither relevant nor reasonably calculated to lead to the discovery of admissible evidence,” then it must amend its Initial Disclosures to omit reference to the Third Parties. Alternatively, it must expressly withdraw its objections.

Similarly, in response to Requests for Admission Nos. 20, 23, 25–26, 29, and 31, Applicant responds that “Applicant, after a reasonable inquiry, is without sufficient knowledge or information to admit or deny the request and, on that basis denies the same.” Again, by identifying the Third Parties as having information relevant to Applicant’s claims or defenses, Applicant has made the use by the Third Parties of AMBASSADOR an issue in this matter. It is therefore disingenuous to deny knowledge of the manner in which the Third Parties use AMBASSADOR while, at the same time, claiming that such use is relevant to this proceeding. If Applicant maintains that it does not have sufficient knowledge or information regarding the Third Parties’ use of AMBASSADOR, then it must amend its Initial Disclosures to omit reference to the Third Parties. Alternatively, it must admit the Requests for Admission noted above.

III. RESPONSES TO INTERROGATORIES

Applicant once again asserted a series of improper boilerplate objections in response to nearly each and every Interrogatory. Without providing detailed explanations for each objection, Applicant objected to Interrogatory Nos. 1–12, 15–23, 25–29, and 34–39 as vague and ambiguous, and to Interrogatory Nos. 1–12, 15–23, 25–32, and 34–35 as overly broad and unduly burdensome. *See, e.g., Louis Vuitton Malletier, S.A. v. Akanoc Solutions, Inc.*, 2008 WL 2783206 (N.D. Cal. 2008) (court condemned practice of “boilerplate objections”). A party objecting to discovery responses must “particularize” its basis for each objection. *See Burns v. Imagine Films Entmnt, Inc.*, 164 F.R.D. 589, 592 (W.D.N.Y. 1996) (“[O]bjections to interrogatories must be specific and supported by detailed explanation of why the interrogatories are objectionable.”). In this regard, objections to an interrogatory as “overbroad and unduly burdensome” must be explained specifically. *See Momah v. Albert Einstein Med. Cir.*, 164 F.R.D. 412, 417 (E.D. Pa. 1996) (mere recitation of familiar litany that interrogatory is “overly broad, burdensome, oppressive, and irrelevant” will not suffice); *Pulsecard, inc. v. Discover Card Servs.*, 168 F.R.D. 295, 303 (D. Kan. 1996) (general objections do not satisfy specificity requirement of Fed. R. Civ. P. 33). Applicant did not explain why any part of the above-listed Interrogatories is vague, ambiguous, overbroad or unduly burdensome. As such, these objections are improper and must be withdrawn.

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Furthermore, Applicant provided improper responses to Interrogatory Nos. 6, 9, 16, 30–32, and 34 by referencing documents to be produced. First, no responsive documents have been produced. Second, an answer to an interrogatory should not refer to documents, unless answering the Interrogatory would require the responding party to engage in burdensome or expensive research. Fed. R. Civ. P. 33(d) (responding party may produce business records in response to an Interrogatory where “the burden of deriving or ascertaining the answer will be substantially the same for either party. . .”). Here, Applicant responded to the above-noted Interrogatories by stating that Applicant “will produce documents” even though the Interrogatories ask for specific information (for example, Interrogatory No. 6 requests the earliest date that Applicant use Applicant’s Mark; Interrogatory No. 16 requests a description of all versions and variations of Applicant’s Mark, including the time period during which the mark was used and the reason for any change). Accordingly, please provide narrative responses as required by Rule 33.

We further note that Applicant objected to Interrogatory Nos. 31–32 on the ground that the requested information “seeks discovery of confidential or trade secret information.” The Protective Order in this case, dated January 4, 2013, provides the appropriate mechanisms by which a party can designate certain classes of protected information as confidential. Accordingly, please withdraw these objections and provide the requested information pursuant to the Protective Order.

A. Insufficient Interrogatory Responses

After asserting improper objections discussed above, Applicant failed to respond or provided incomplete responses to many Interrogatories. Please supplement or amend the responses as follows:

Interrogatory No. 3, 12: Applicant improperly objected that these requests seeks irrelevant information, and refused to respond on that basis. These Interrogatories relate to the ninth *Du Pont* factor, related to the variety of goods on which a mark is used. Please provide supplemental responses.

Interrogatory No. 4: Applicant responded that its goods and/or services bearing Applicant’s Mark are sold principally in Washington, Oregon, and Idaho. However, Hanzell’s Interrogatory requests a description of every state in which the Applicant has sold its goods and/or services. Please confirm that Applicant’s goods and/or services have not been sold outside of Washington, Oregon, and Idaho or, alternatively, provide a comprehensive list of states where such goods and/or services have been sold.

Interrogatory Nos. 5, 8, 10–11: Applicant improperly objected that these requests seek irrelevant information, and refused to respond on that basis. These Interrogatories relate

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to the third *Du Pont* factor, related to the channels of trade of Applicant's goods and/or services. Please provide supplemental responses.

Interrogatory No. 11: Applicant improperly objected that this request is irrelevant, and refused to respond on that basis. Interrogatory No. 8 relates to the third *Du Pont* factor, related to the channels of trade of Applicant's goods and/or services. Please provide a supplemental response.

Interrogatory No. 26: Applicant responded that its goods and/or services bearing Applicant's Mark are primarily advertised and promoted through word-of-mouth, the Internet and social media. However, Hanzell's Interrogatory requests a description of every form of advertising used to advertise Applicant's goods and/or services, including the dates and media on and through which each advertisement occurred. With respect to Internet and social media advertisements, please provide the dates of such advertisements. Please also confirm that Applicant's goods and/or services have not been advertised elsewhere or, alternatively, provide a supplemental response that fully responds to this Interrogatory.

Interrogatory No. 28: Please provide a supplemental response that includes the date on which the website located at <<http://www.ambassadorvineyard.com>> was created.

Interrogatory No. 29: Applicant appears to have provided the average price of all wines sold in the United States. However, this Interrogatory requests the typical price for each of Applicant's goods and/or services sold in the United States. Please amend this response to provide the requested information.

IV. RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS

As with its responses to Interrogatories and Requests for Production, Applicant asserted nearly identical boilerplate objections in response to nearly each and every Request for Production. Applicant objected to Request for Production Nos. 2–38 as vague and ambiguous, and Request for Production Nos. 1–33 and 35–38 as overly broad and/or unduly burdensome. Such objections are meaningless and fail to comply with the Rules of Civil Procedure, which require that objections contain a statement of reasons for objection. Fed. R. Civ. P. 34(b)(2). Accordingly, these objections are ineffective and must be withdrawn.

A. Requests for Production Nos. 1, 24–27, 29–38: Privilege

Applicant objected to Requests for Production Nos. 1, 24–27, and 29–38 on the ground that the Requests seek information protected from disclosure by the attorney client privilege or attorney work product doctrine. As you should be aware, a party withholding documents as privileged must provide a privilege log that identifies and describes the

documents in sufficient detail to allow the demanding party to assess the claim of privilege. Fed. R. Civ. P. 26(b)(5). Accordingly, Applicant must produce a privilege log detailing the documents being withheld as privileged or, alternatively, withdraw its objections on the grounds of privilege.

B. Requests for Production Nos. 7–20, 23–25, 33, 36–38: Relevance

As with many of its other discovery responses, Applicant objected to Requests for Production Nos. 7–20, 23–25, 33, and 36–38 as neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Apparently on that basis, Applicant has refused to produce responsive documents for many of these Requests. As discussed above, “relevance” is broadly defined for purposes of discovery as “any nonprivileged matter that is relevant to any party’s claim or defense.” Fed. R. Civ. P. 26(b)(1). Here, the documents sought are directly related to the claims and defenses in this matter. For example, Request for Production No. 8 requests documents sufficient to identify the retailers and distributors through which goods and/or services bearing Applicant’s AMBASSADOR mark are sold. The requested documents are directly related to the third *Du Pont* factor regarding likelihood of confusion, namely, the similarity or dissimilarity of channels of trade. Request for Production No. 9 similarly requests documents relating to Applicant’s channels of trade and conditions under which buyers to whom sales are made; Request for Production No. 14 requests documents relating to the ninth *Du Pont* factor, namely, the variety of goods on which a mark is used; and Request for Production No. 20 requests documents related to the fourth *Du Pont* factor, namely, the sophistication of the parties’ customers. Each of the above-noted Requests is relevant to one or more of the *Du Pont* factors which will ultimately be weighed by the Board to determine whether a likelihood of confusion exists. Accordingly, please withdraw these objections and produce all responsive, non-privileged documents.

C. Requests for Production Nos. 1–6, 9, 16–22, 26–27, 30–36, 39: Production of Documents

Finally, Applicant agreed to provide responsive documents with respect to Requests for Production Nos. 1–6, 9, 16–22, 26–27, 30–36, and 39. However, such documents have not been produced. Accordingly, please provide supplemental responses to these requests, together with all other non-privileged documents which were withheld based on the improperly asserted objections noted above.

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V. CONCLUSION

In light of the foregoing, please provide amended and supplemental responses as described above, including all non-privileged responsive documents, by no later than **May 17, 2013**. If you will not supplement or amend your responses, please advise us of the same so that we may move without delay for relief from the Board.

We look forward to your response. This letter is without prejudice to any rights Hanzell may have, each of which is reserved.

Very truly yours,

A handwritten signature in cursive script that reads "Susan E. Hollander".

Susan E. Hollander

cc: Jean Arnold, Hanzell Vineyards Ltd.

EXHIBIT A

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AMBASSADOR VINEYARD

Word Mark	AMBASSADOR VINEYARD
Goods and Services	IC 033, US 047 049, G & S: Wine; Wines
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85460699
Filing Date	October 31, 2011
Current Basis	1B
Original Filing Basis	1B
Published for Opposition	April 17, 2012
Owner	(APPLICANT) Red Mountain Viticulture, LLC DBA La Coyo Vineyards LIMITED LIABILITY COMPANY WASHINGTON Suite 7100 701 5th Avenue Seattle WASHINGTON 98104
Attorney of Record	Anne W. Glazer
Prior Registrations	3669985
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "VINEYARD" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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CERTIFICATE OF SERVICE

I, Jocelyn M. Belloni, hereby certify that on May 22, 2013, I sent via electronic mail (with consent), a true and complete copy of OPPOSER'S MOTION TO COMPEL to the following counsel of record:

STEVEN E. KLEIN
SEKLEIN@stoel.com
STOEL RIVES LLP



Jocelyn M. Belloni