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

Proceeding	91215114
Party	Plaintiff Upper Shirley Vineyards, LLC and Shirley Plantation LLC
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

SHIRLEY PLANTATION, LLC,  
UPPER SHIRLEY VINEYARDS, LLC,

and

CHARLES H. CARTER,

*Opposers,*

v.

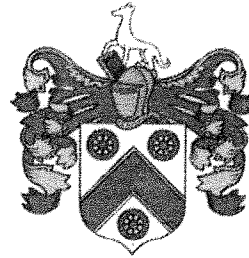
STILLHOUSE VINEYARDS, LLC

*Applicant.*

Opposition No.: 91215114 (parent)  
91216395  
91218094

Application Nos.: 85/947562  
85/121979  
86/129686

Marks: SHIRLEY PLANTATION  
SHIRLEY



AMENDED STIPULATED MOTION AND AGREEMENT TO RESOLVE MATTER  
WITH  
ACCELERATED CASE RESOLUTION (ACR) PROCEDURE

Pursuant to the Order of the Board on September 30, 2016, the parties in the above-captioned opposition proceeding hereby stipulate and agree, subject to the approval of the Trademark Trial and Appeal Board, to the terms of the Agreement herein, including the amended schedule that the Board requested. Previously the parties agreed and the Board Ordered that this case would employ the Accelerated Case Resolution (ACR) Procedure of the TTAB. The parties previously agreed and reiterate their agreement that, in lieu of trial, the parties agree to a “one-brief model” summary judgment proceeding akin to that set forth in Rule 56 of the Federal Rules

of Civil Procedure, with the TTAB given the parties full permission to resolve any and all issues of material fact in making its final determination on the merits.

The parties agree to proceed on the following claims with respect to the opposition to the SHIRLEY PLANTATION application:

1. Suggestion of false connection with Shirley and/or Upper Shirley (Paragraph 34 of the Amended Opposition); and,
2. Likelihood of confusion with Shirley and/or Upper Shirley (Paragraph 37 of the Amended Opposition).

The parties agree that Opposers waive their rights to pursue the following claims with respect to the opposition to the SHIRLEY PLANTATION application:

1. Geographically deceptively misdescriptive (Paragraph 35 of the Amended Opposition); and,
2. Geographical indication which, when used on or in connection with wines or spirits, identifies a place other than the origin of the goods (Paragraph 36 of the Amended Opposition).

The parties agree to proceed on the following claims with respect to the opposition to the SHIRLEY application:

1. Suggestion of false connection with Shirley and/or Upper Shirley (Paragraph 34 of the Amended Opposition);
2. Likelihood of confusion with Shirley and/or Upper Shirley (Paragraphs 37 and 38 of the Amended Opposition); and,
3. Not registrable because no use as a trademark has occurred (Paragraph 40 of the Amended Opposition).

The parties agree that Opposers waive their rights to pursue the following claims with respect to the opposition to the SHIRLEY application:

1. Geographically deceptively misdescriptive (Paragraph 35 of the Amended Opposition); and,
2. Geographical indication which, when used on or in connection with wines or spirits, identifies a place other than the origin of the goods (Paragraph 36 of the Amended Opposition); and,
3. Dilution of the distinctive quality of Shirley's SHIRLEY PLANTATION mark (Paragraph 39 of the Amended Opposition).

The parties agree that Opposers will proceed on all claims with respect to the opposition to the Coat of Arms application.

The parties agree to the following limitations on discovery going forward:

1. Each party will take no more than two discovery depositions, each of which shall not exceed seven (7) hours.

2. Further discovery by document requests, interrogatories and requests to admit are expected by all parties.

The parties propose the following schedule going forward:

1. Discovery will close sixty (60) days from the date of Board approval.

2. Opposers will file their brief and supporting evidence no later than forty five (45) days from the close of discovery.

3. Applicant will file its brief and supporting evidence no later than seventy-five (75) days from the close of discovery.

4. Opposer will file its reply brief, if any, no later than ninety (90) days from the close of discovery.

The parties agree that the briefing may include documents, declarations, or affidavits, and discovery testimony. The parties agree not to use testimony depositions in the briefing.

The parties respectfully request that the TTAB approve and adopt the ACR procedure and proposed schedule set forth above.

Date: October 31, 2016

Respectfully submitted,

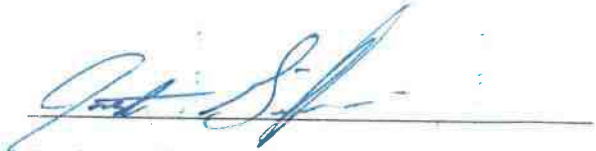
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