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

Proceeding	91236165
Party	Plaintiff Vina Concha y Toro S.A.
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Date	07/17/2018
Attachments	Opposers Response to Applicants Motion to Compel Discovery.pdf(78939 bytes)

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

Viña Concha y Toro SA)	
)	
Opposer,)	
)	
v.)	Opposition No. 91236165
)	Application Serial No. 87254798
Citadel Trading Corp.)	Mark: MYLIA
)	
Applicant.)	
)	

OPPOSER’S RESPONSE TO APPLICANT’S MOTION TO COMPEL DISCOVERY

Opposer, Viña Concha y Toro S.A. (“Opposer”) hereby responds to Applicant Citadel Trading Corp.’s Motion to Compel Discovery filed and served on July 2, 2018.

Applicant’s Motion seeks the following:

- A) Provide verified answers to Applicant’s Interrogatories including full and complete answers to Interrogatory No. 1, Interrogatory No. 6, Interrogatory No. 8, Interrogatory No. 13, Interrogatory No. 14 and Interrogatory No. 15;
- B) Produce all documents referred to in Applicant’s production requests including:
 - 1. All documents identified in answer to Applicant’s interrogatories.
 - 2. All documents referred to or relied upon in answering Applicant’s interrogatories.
 - 3. All documents referred to in Opposer’s Initial Disclosures, including:
 - i. Evidence of sales of Viña Concha y Toro wine sold under the AMELIA mark;

- ii) Evidence of Market, advertising and Promotion of Vina Concha y Toro wine sold under the AMELIA mark:
- iii) Downloaded printouts of Articles appearing on the World Wide Web.

Opposer has produced all responsive Documents in its possession and control.

This resolves the demand for an Answer to Interrogatory No. 1 asking Applicant to identify documents related to the first sale. Applicant has not been able to find any contemporaneous documents relating to the first sale of wine bearing the AMELIA mark. This also responds in full to the above paragraphs B and subparagraphs.

Interrogatory No. 6 seeks the actual gross wholesale and retail sales, by month and year, of wine under Opposer's Marks in the United States for each year since such sales began and identify all documents related thereto. Opposer produces the wine and exports it to the U.S. to an importer that then uses a Distributor to sell the wine to a retailer. The gross wholesale and retail sales in the U.S. are not recorded by Opposer. Document No. VINA000141 entitled Venta Corporative shows the annual exportation of wine bearing the AMELIA mark to the U.S. from 2007 to 2017.

Interrogatory No. 8 requests a Summary of the substance of Italo Jofré's knowledge relating to the promotion and distribution of wines under Opposer's Marks in the United States. Applicant has been advised that Mr. Italo Jofré is the sales representative in the U.S. market for AMELIA branded wines and has knowledge of the promotion and distribution of wines under Opposer's Marks in the United States.

Interrogatory No. 13 seeks the number of nine liter cases of wine under Opposer's Marks exported to the United States for each year by vintage since such

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing **OPPOSER'S RESPONSE TO APPLICANT'S MOTION TO COMPEL DISCOVERY** was served on Applicant via e-mail on this 17th day of July, 2018, at their address of record with the TTAB as follows:

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/george lewis/

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