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Filing date: **04/05/2019**

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

Proceeding	91236165
Party	Defendant Citadel Trading Corp.
Correspondence Address	SETH NATTER NATTER & NATTER 501 FIFTH AVENUE NEW YORK, NY 10017 UNITED STATES s.natter@natterip.com, us.docket@natterip.com 212-840-8300, ext. 3
Submission	Motion for Discovery Sanctions
Filer's Name	Seth Natter
Filer's email	snatter@natterip.com, docket@natterip.com, us.docket@natterip.com, law-clerk1@natterip.com
Signature	/Seth Natter/
Date	04/05/2019
Attachments	Renewed Motion for Sanctions.pdf(131102 bytes ) Exhibit A.pdf(140539 bytes ) Exhibit B.pdf(113320 bytes ) Exhibit C.pdf(145983 bytes ) Exhibit D.pdf(584224 bytes ) Exhibit E.pdf(552050 bytes ) Exhibit F.pdf(102516 bytes ) Exhibit G.pdf(936732 bytes )

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

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Viña Concha y Toro SA	:	
Opposer	:	
	:	
v.	:	Opposition No.: 91236165
	:	
Citadel Trading Corp.	:	
	:	
Applicant.	:	

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**APPLICANT’S RENEWED MOTION FOR DISCOVERY SANCTIONS**

This Board, having denied Applicant’s Motion for Discovery Sanctions without prejudice for failure to submit Opposer’s supplemental discovery responses, Applicant hereby renews its Motion for Discovery Sanctions.

Pursuant to a Decision and Order dated November 5, 2018, Opposer was allotted 20 days from November 5, 2018 to serve:

- 1) verified supplemental responses to Interrogatory Nos. 8, 14 and 15;

- 2) verified responses or supplemental responses as appropriate, to all other interrogatories in response to which the previously-served interrogatories were not verified; and
- 3) a document production in response to the document requests served on Opposer on February 1, 2018 (9 TTABVUE 15-16), said document production being in compliance with Fed. R. Civ. P. 34(b) in all respects. 13 TTABVUE 8 (emphasis added).

**Applicant hereby moves for sanctions pursuant to Trademark Rule 2.120(h)(1) for Opposer's failure to fully comply with said order.**

Applicant additionally requests that this proceeding be stayed pending a determination of this motion and that the trial dates be reset.

***The Interrogatories At Issue***

INTERROGATORY NO. 8:

Summarize the substance of Italo Jofré's knowledge relating to the promotion and distribution of wines under Opposer's Marks in the United States.

INTERROGATORY NO. 14

Set forth the actual gross wholesale and retail sales, by month and year, of Opposer's wines other than those sold under Opposer's Marks in the United States for each year since 2010 and identify all documents related thereto.

INTERROGATORY NO. 15

Identify all negative comments relating to Opposer's wines from wine rating entities, publications, consumers, retailers and distributors.

***Opposer's Responses Lacked Proper Verification***

On November 19, 2018 Opposer's counsel forwarded Opposer's Supplemental Answers and Objections, (Exhibit A) attached, along with a transmittal email (Exhibit B).

Significantly, the purported "verification" of Opposer's Supplemental Answers and Objections is undated and was not in accordance with the requirements of 28 USC §1746 (1) for verifications executed in Chile.

***Opposer Failed to Provide a Substantive Response to Interrogatory No. 8***

Opposer's response to Interrogatory No.8 (Exhibit A) was unchanged from Opposer's initial response (9 TTABVue 32). In Opposer's transmittal email, (Exhibit B) Opposer's counsel stated that he did not understand what information was requested in Interrogatory No. 8. No objection to Interrogatory No. 8 was raised in Opposer's initial

response, nor in Opposer's Response to Applicant's Motion to Compel. 10 TTABVue 2. The objection has been waived and cannot be asserted. Fed. R. Civ. P. 33(b)(4), TBMP § 405.04(b).

***Opposer Failed to Provide a Substantive Response to Interrogatory No. 14***

With respect to providing a verified supplemental answer to Interrogatory No. 14, Opposer's supplemental response mirrored Opposer's initial defective response, i.e., that Opposer did not have possession or control of the information.

In an email of November 26, 2018 (Exhibit C) Opposer's counsel stated that "...Opposer will produce Documents that refer to International Sales in Dollar amounts for 2017. Also included is the Opposer's Annual Report for 2017. International Sales in information 2017 can be found on VINA000285."

While the option to produce business records is available pursuant to Fed. R. Civ. P. 33(d) the document referenced, VINA000285 (Exhibit D) did not disclose the information requested in Interrogatory No. 14, (i.e., gross wholesale and retail sales, by month and year), of Opposer's wines other than those sold under Opposer's Marks in the United States for each year since 2010.

Significantly, Opposer's counsel failed to mention that Opposer maintains a 50% ownership interest in its US importer/distributor, Excelsior Wine Company, LLC, (Exhibit E) who ostensibly possesses the information and documents for responding to Interrogatory No. 14. Opposer certainly could have obtained the requested information from Excelsior. See *U.S. Int'l Trade Comm'n v. ASAT, Inc.*, 411 F.3d 245, 254 (D.C. Cir. 2005) (*citing* 8A WRIGHT, MILLER & COOPER, FEDERAL PRACTICE & PROCEDURE § 2210) ("control" under Fed. R. Civ. P. 34(a) is defined as the "legal right, authority or ability to obtain documents upon demand".)

***Opposer failed to Provide a Substantive Supplemental Response to Interrogatory  
No.15***

Opposer's supplemental response that it does not maintain records of negative comments relating to Opposer's wines is inadequate in the absence of a verified response indicating that it is unaware of negative comments.

***Opposer's Supplemental Document Submissions***

Attached as Exhibit F is Opposer's index of documents produced; Opposer's supplemental document submission is attached as Exhibit G.

***Relief Requested***

**In view of Opposer's failure to comply with the November 5, 2018 decision and Order (13 TTABVue 8), Applicant requests the following relief:**

- 1) Opposer be precluded from offering testimony of Italo Joffré, by way of affidavit or otherwise;
- 2) Opposer be precluded from offering any evidence relating to the promotion and distribution of wines under Opposer's Marks in the United States;
- 3) Opposer be precluded for offering any evidence to substantiate the allegations in Paragraph 1 of the Notice of Opposition that Opposer is Latin America's largest producer of wine and accounts for nearly a quarter of Chile's total wine production and that Opposer is America's largest exporter of wine from Chile.

Dated: New York NY  
April 5, 2109

Respectfully submitted,  
Natter & Natter  
Attorneys for Applicant  
501 Fifth Avenue  
New York NY 10017  
212-840-8300 Ext 3  
/Seth Natter/

By: Seth Natter  
snatter@natterip.com

**CERTIFICATE OF SERVICE**

This will certify that on April 5 2019 a copy of the foregoing Motion is being e-mailed to the attorney for Opposer, George W. Lewis as follows: glewis@whda.com.

/Seth Natter/  
Seth Natter

# EXHIBIT A



**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 SUPPLEMENTAL ANSWERS AND OBJECTIONS  
TO APPLICANT'S FIRST SET OF INTERROGATORIES  
AND REQUESTS FOR PRODUCTION OF DOCUMENTS**

Opposer, Viña Concha y Toro S.A. ("Opposer") hereby responds to the First Set of Interrogatories propounded by Applicant, Citadel Trading Corp.

These responses are made in accordance with Fed. R. Civ. P. 33 and Rule 2.120 of the Trademark Rules of Practice, and are based upon information presently available to Opposer, but are made without prejudice to the right of Opposer to make additional or modified answers should better or further information or belief become available to Opposer, and without prejudice to any right of Opposer to offer evidence on its behalf, or to object to the relevance, competence or admissibility of any evidence offered by Opposer at the trial, or other proceedings, on any ground.

**GENERAL OBJECTIONS**

1. Opposer objects to any instruction or definition that seeks to impose obligations

that are not found in the applicable Federal Rules of Civil Procedure or Rules of Practice in Trademark Cases of the U.S. Patent and Trademark Office.

2. Opposer objects to the definition of the terms “you” and “Opposer” insofar as it purports to require Opposer to obtain or to make investigation for information that is not within its possession, custody or control.

3. Opposer objects to all of the Interrogatories insofar as they call for (a) the disclosure of work product or of materials prepared in anticipation of litigation or for trial; or (b) disclosure of privileged communications between attorney and client.

4. Opposer objects to each Interrogatories insofar as it seeks disclosure of confidential business and commercial information, trade secrets or other proprietary information absent the parties’ agreement to protecting the same from public disclosure and other misuse.

5. Opposer objects to all of the Interrogatories insofar as they seek to require Opposer to do more than use reasonable diligence to locate responsive information and/or documents based upon inquiry of those persons who reasonably would be expected to possess responsive information and upon examination of files that reasonably would be expected to yield responsive information, on the grounds that they are overly broad, unduly burdensome, oppressive and vexatious.

The foregoing objections are incorporated by reference in the following responses.

### **ANSWERS AND SPECIFIC OBJECTIONS**

#### **Interrogatory No. 1:**

Specify when Opposer first used Opposer's Mark in U.S. commerce, the goods and/or services the mark was used on, and identify all Documents referring or relating to said first use.

**Response:** Opposer objects to this Interrogatory on the grounds that it is ambiguous, irrelevant, overbroad, unduly burdensome to the in that it seeks "all" including, but not limited documents that are neither in the control or possession of the Opposer. Notwithstanding the foregoing, and while preserving its objection, Opposer states that it has used the AMELIA mark for wine in foreign commerce with the U.S. since at least as early as January 22, 1996. Opposer is unable to identify any documents at this time, but will identify same if and when they discovered.

**Interrogatory No. 2:**

Identify all documents comprising, illustrating or evidencing the "design features" referred to in paragraph 11 of the Notice of Opposition.

**Response:** Opposer objects to this Interrogatory on the grounds that it is ambiguous, irrelevant, overbroad, unduly burdensome to the in that it seeks "all" including, but not limited documents that are neither in the control or possession of the Opposer. Notwithstanding the foregoing, and while preserving its objection, Opposer states the labeling of the bottles used for the sale of AMELIA wines.

**Interrogatory No. 3:**

State whether wines under Opposer's Marks were included in the rankings referred to in paragraphs 3 and 4 of the Notice of Opposition and identify all documents relating thereto.

**Response:** With regard to Paragraph 3 of the Notice of Opposition Opposer mark was not included in the rankings. Opposer's AMELIA wine was included in the Rankings referred to

in Paragraph 4 of the Notice of Opposition. There is an organization study that relates to Opposer's Answer.

**Interrogatory No. 4:**

Identify all wine ratings received by wines under Opposer's Marks since 2012 and all documents related thereto.

**Response:** Opposer objects to this Interrogatory on the grounds that overbroad, unduly burdensome and seeks to discover all ratings or information including information that is neither in Opposer's possession nor control. Notwithstanding the foregoing, and while preserving its objection, Opposer is aware the following sampling of its wine ratings: 2011 Vintage eRobertParker.com -90 points; 2010 Vintage Wine Spectator - 90 points; 2009 Vintage - Wine Enthusiast - 90 points; 2009 Vintage - eRobertParker.com - 90 points. There are various results included in marketing literature.

**Interrogatory No. 5:**

Set forth Opposer's yearly advertising expenditures in the United States for wines under Opposer's Marks since 2010 and identify all documents related thereto.

**Response:** Opposer objects to this Interrogatory on the grounds that overbroad, unduly burdensome and seeks to discover information over an unreasonable period of time and seeks information that is neither in Opposer's possession nor control. Notwithstanding the foregoing, and while preserving its objection, Opposer has no *per se* annual advertising budget for wines under Opposer's mark in the U.S. There are no documents.

**Interrogatory No. 6:**

Set forth the actual gross whole sale 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.

**Response:** There are no documents in Opposer's possession or control that relate to this Interrogatory.

**Interrogatory No. 7:**

Set forth the retail price range of Opposer's wines under Opposer's Marks and identify all documents relating thereto.

**Response:** Opposer objects to this Interrogatory on the grounds that it is ambiguous, irrelevant, overbroad, unduly burdensome in that it seeks "all" documents including but not limited to documents that are neither in the control or possession of the Opposer.

Notwithstanding the foregoing, and while preserving its objection, Opposer's wine sold under Opposer's mark currently ranges in price from \$30 to \$50 in the U.S. market. Documents of this nature are not generally maintained by Opposer's. Opposer identifies document by retail outlets listing the price of Opposer's wine sold under Opposer's mark.

**Interrogatory No. 8:**

Summarize the substance of Italo Jofré's knowledge relating to the promotion and distribution of wines under Opposer's Marks in the United States.

**Response:** Mr. Italo Jofré has been the Fine Wine Export Manager of Viña Concha y Toro S.A. since at least 2008 and has knowledge of the promotion and distribution of wines under Opposer's Marks in the United States during the relevant reasonable period.

**Interrogatory No. 9:**

Identify the three persons most knowledgeable about market studies, surveys, focus groups, or other studies that relate to the use of Opposer's Goods under Opposer's Marks, or Applicant's goods under Applicant's Mark and summarize the substance of each person's knowledge.

**Response:** There are no market studies, surveys, focus groups, or other studies that relate to

the use of Opposer's Goods under Opposer's Marks, or Applicant's goods under Applicant's Mark.

**Interrogatory No. 10:**

Identify and state the duties of each person or agency who has participated in the distribution, advertising or promotion of wines under Opposer's Marks.

**Response:** Opposer objects to this Interrogatory on the grounds that it is overbroad, ambiguous, unduly burdensome and seeks information not restricted to the U.S, or any time period or lacks sufficient clarity for a determination of "who participated." Notwithstanding the foregoing, and while preserving its objection, Opposer identifies the following: Edward Barden Director of Marketing and Communication for the Excelsior Wine Company, the U.S. distributor of Opposer's wines sold under Opposer's mark.

**Interrogatory No. 11:**

Identify all advertisements, brochures, catalogs, websites and promotional materials using Opposer's Marks and state the respective dates and publications or media in which this material appeared or was intended to appear.

**Response:** Opposer objects to this Interrogatory on the grounds that it is ambiguous, irrelevant, overbroad, unduly burdensome in that it seeks "all" including, but not limited documents that are neither in the control or possession of the Opposer and is not restricted to the U.S. and a reasonable period of time. Notwithstanding the foregoing, and while preserving its objection, Opposer does not employ advertisements, brochures, catalogs, websites and promotional materials using Opposer's Marks for the U.S. market.

**Interrogatory No. 12:**

Identify:

(1) The types or classes of consumers who were or will be exposed to wine under Opposer's Marks, including but not limited to retailers, agents, wholesalers and retail customers;

(2) The dealers, distributors, affiliates, agents, licensees, manufacturers' representatives, wholesalers and retailers authorized or to be authorized to sell, resell, or distribute wine under Opposer's Marks in the United States; and for each, state its address and the geographic trade area for which it is responsible;

(3) The normal and proposed channels of trade for distribution and marketing of wine under Opposer's Mark;

(4) The estimated future gross wholesale and retail sales, by year, of wine under Opposer's Mark in the United States for the next two years;

(5) The geographic territory where wine under Opposer's Mark has been sold, will be sold or offered to be sold; and

(6) Identify those persons with knowledge of the facts described.

**Response:** Opposer objects to this Interrogatory on the grounds that it is irrelevant, overbroad, ambiguous, unduly burdensome, not restricted to the U.S. and seeks to discover facts or information that are neither in its possession nor control. Notwithstanding the foregoing, and while preserving its objection, Opposer provides the following responses:

(1) People who purchase wine;

(2) Excelsior Wine Company is Opposer's importer. Distributors who have sold the brand are: RNDC, Southern Wine & Spirits and Glazers;

(3) Stores and retailers that sell wine, restaurants, festivals;

(4) Unknown;

(5) Throughout the U.S.;

(6) Ítalo Jofré, Fine Wine Export Manager for Viña Concha y Toro S.A.; Edward Barden, Marketing Director at Excelsior Wines; Carla Errázuriz, Fine Wines Marketing Sub-Manager at Viña Concha y Toro S.A.

**Interrogatory No. 13:**

Set forth the number of nine liter cases of wine under Opposer's Marks exported to the United States for each year by vintage since such exporting began and identify all documents related thereto.

**Response:** Opposer objects to this Interrogatory on the grounds that it is irrelevant, overbroad, ambiguous, unduly burdensome in that it seeks "all" documents, is not restricted to the U.S. or a reasonable time period and seeks to discover facts or information outside the possession and control of the Opposer. Opposer identifies an excel spread sheet detailing exported wines bearing Opposer's mark to the U.S.

**Interrogatory No. 14:**

Set forth the actual gross wholesale and retail sales, by month and year, of of Opposer's wines other than those sold under Opposer's Marks in the United States for each year since 2010 and identify all documents related thereto.

**Response:** Opposer objects to this Interrogatory on the grounds that it is irrelevant, overbroad, ambiguous, unduly burdensome in that it seeks "all" documents and is not restricted to the U.S., seeks to discover facts or information outside the possession and control of the Opposer and not reasonably calculated to disclose relevant information. Further, Opposer produces and exports wines to the U.S. It is neither a wholesaler nor retailer of the wines it produces and does not have possession or control of the information sought by this Interrogatory. There are no documents with this information in the requested format.

**Interrogatory No. 15:**



Identify all negative comments relating to Opposer's wines from wine rating entities, publications, consumers, retailers and distributors.

**Response:** Opposer objects to this Interrogatory on the grounds that it is irrelevant, overbroad, ambiguous and unduly burdensome, not restricted to the U.S. and seeks to discover facts or information outside the possession and control of the Opposer and not reasonably calculated to disclose relevant information. Opposer does not maintain or retain records of negative comments relating to Opposer's wines from wine rating entities, publications, consumers, retailers and distributors.

Respectfully submitted,

**VIÑA CONCHA Y TORO S.A.**

Date: April 6, 2018

By: /george lewis/  
George W. Lewis, Esq.  
Westerman, Hattori, Daniels & Adrian, LLP  
1250 Connecticut Ave., NW, Suite 850  
Washington, D.C. 20036  
(202) 822-1111 (telephone)  
(202) 822-1100 (facsimile)

Attorneys for Opposer

**VERIFICATION:**

I declare under penalty of perjury that the foregoing Interrogatory Responses are true except as to matters alleged on information and belief, and as to those matters I believe them to be true.  
August , 2018

Atty. Dkt. No.: OT170010US00

Carla Errázuriz  
(name)  
pp. Carla Errázuriz

# EXHIBIT B

## Seth Natter

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**From:** Lewis, George  
**Sent:** Monday, November 19, 2018 3:29 PM  
**To:** Seth Natter  
**Cc:** Jeffery, Tracey  
**Subject:** RE: Viña Concha v Citadel SETTLEMENT COMMUNICATION FRE 408  
**Attachments:** Dcto compl oposición contra MYLIA.PDF

Dear Seth:

Attached is a verified copy of Opposer's Responses. These were prepared before the Order of the Board. We are reviewing our obligation to further Supplement these responses in light of the Board's Order.

Regarding Interrogatory No. 8, I am just not clear on what you are requesting. This interrogatory seeks 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. According to the Board's Order:

The record shows that this is an individual whom Opposer identified in its initial disclosures as likely to have discoverable information to support Opposer's claims, though no actual information is provided in response to the interrogatory. Opposer's response is obfuscating at best. Applicant is entitled to probe the specifics of the disclosed individual's knowledge.

I really do not understand the wording "the substance of Italo Jofré's knowledge." This is not a request for the subject of his testimony. We have specified his position and that he is the company's point person with respect to the promotion and distribution of wines under Opposer's Marks in the United States.

We are not trying to hold back anything. Let us know what you want.

As regards Interrogatory 14, as I have explained in prior correspondence and in the attached response, my client is neither a wholesaler nor a retailer of wine in the U.S. and does not possess such information. It exports wine to the U.S. There are third party wholesalers, retailers and distributors of the client's wine in the U.S. Nonetheless, I am endeavoring to provide annual figures for its exportation.

As regards Interrogatory 15, as stated in the attached my client does not have a practice of retaining negative reviews and comments. I have asked them to conduct a further review.

I should be providing a chart related to the documents to the various Interrogatories and Requests.

Yours truly,  
/george/  
George W. Lewis  
Westerman, Hattori, Daniels & Adrian

GWL/

# EXHIBIT C

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**From:** Lewis, George  
**Sent:** November 26, 2018 04:32 PM  
**To:** 'Seth Natter'  
**Cc:** Jeffery, Tracey  
**Subject:** RE: Opposition No. 91236165 - Vina Concha y Toro S.A. vs. Citadel Trading Corp. - Mark: MYLIA - Our Ref.: OT170010US0

Dear Seth,

I am following up on our below email and our obligations pursuant to the Board's last Order.

We have nothing further to add with respect to Interrogatory 8 absent any further written direction from you.

The Answer to Interrogatory 15 of the Supplemental Response is unchanged.

As regards Interrogatory 14, Opposer reiterates its Response that it is neither a wholesaler nor a retailer of its wine so it does not have such sales information. However, as part as a Supplemental Response to the Document Request Opposer will produce Documents that refer to International Sales in Dollar amounts for 2017. Also included is the Opposer's Annual Report for 2017. International Sales in information 2017 can be found on VINA000285. I will send the Supplemental Documents latter today or tomorrow.

George


## **EXHIBIT D**

# POSITION IN EXPORTS TO MAIN MARKETS

COUNTRY	POSITION	% OVER EXPORTED VOLUME OF BOTTLED WINE
China	#1	10.6%
United States	#1	29.8%
Japan	#1	30.1%
Brazil	#1	16.5%
United Kingdom	#1	42.3%
Holand	#1	23.9%
Canada	#1	33.2%
Ireland	#2	26.4%
South Korea	#1	22.5%
Mexico	#1	50.2%
Germany	#1	23.7%

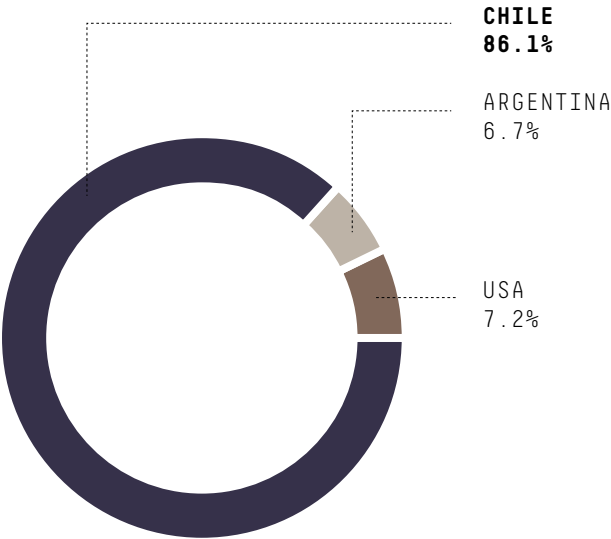
# OUR SUBSIDIARIES

SALES OF BOTTLED WINE  
IN THOUSANDS OF CASES

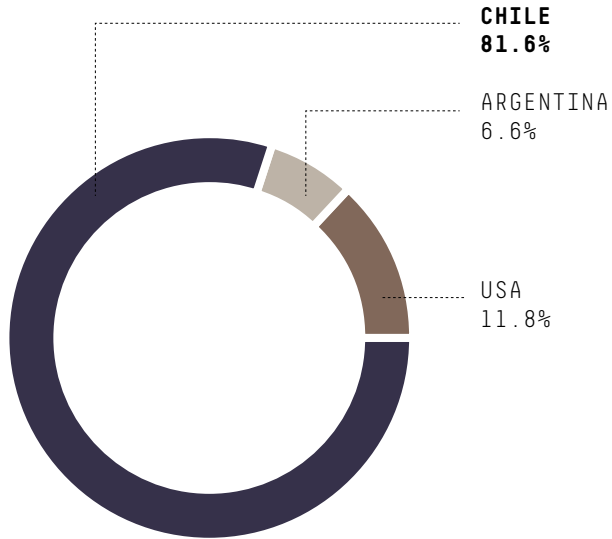
	15,833
	5,178
	2,110
	540
	216
	80
	2,160
	2,496

Source: Vinos de Chile.

# SALES BY ORIGIN VOLUME



# SALES BY ORIGIN VALUE



## **EXHIBIT E**



AFFILIATED COMPANIES

BEER GARDEN BELLAVISTA SpA.

**Tax ID No. (RUT):** 99.527.300-4  
**Address:** Américo Vespucio 2.500 of. 701, Las Condes. Santiago  
**% ownership (direct and indirect):** 38,5%  
**Subscribed and paid-up capital:** ThCh\$70,000,000  
**Corporate purpose**  
Implementation, development and operation of all types of restaurants, bars and other establishments in the culinary and entertainment sector, in particular those associated with the sale of craft beer under the “Kross”® brand.  
**Directors**  
Carlos Brito Claissac  
José Tomás Infante Güell  
Jerome Georges Marcel Reynes  
**Contratos con personas relacionadas**  
It maintains a supply contract and license with Southern Brewing Company S.A. [Kross].

EXCELSIOR WINE COMPANY, LLC.

**EIN Nº:** 45-2968791  
**Address:** 1209 Orange Street, Wilmington, DE 19801, United States.  
**% ownership (direct and indirect):** 50%  
**Subscribed and paid-up capital:** ThCh\$614,750  
**Corporate purpose**  
The distribution of products of Viña Concha y Toro S.A., Trivento Bodegas y Viñedos S.A. and some of Fetzer Vineyards’s brands in the United States market.  
**Relationship with the parent company**  
Markets and distributes products of Viña Concha y Toro and its subsidiaries in the United States.  
**Directors**  
Giancarlo Bianchetti González (MS) (Chairman)  
Cristina Mariani-May  
Eduardo Guilisasti Gana (M)  
Rafael Guilisasti Gana (D)  
Juan Pérez Vega  
James Mariani  
**Chairman**  
Marc Goodrich  
**Main contracts with the parent company**  
Purchase and sale of products of the parent company, its subsidiaries and affiliated companies; promotion and advertising of these products.

ESCALADE WINES & SPIRITS INC.

**Número Tributario:** 821482783RT0001  
**Address:** 5006 Timberlea Suite 1, Mississauga, Ontario, Canada.  
**% ownership (direct and indirect):** 50%  
**Subscribed and paid-up capital:** ThCh\$785,686  
**Corporate purpose**  
Import, export, sale, production and distribution of alcoholic beverages.  
**Relationship with the parent company**  
This company acts as an export agent and distributor of the wines of Viña Concha y Toro and other subsidiaries in the Canadian market.  
**Directors**  
Duncan Hobbs (Chairman)  
Thomas Domeyko Cassel (M)  
Osvaldo Solar Venegas (M)  
Carlos Longhi Leinenweber  
Houng Vu  
Brigitte Lachance  
**CEO**  
Felipe del Solar Leefhelm

VCT JAPAN COMPANY LTD.

**Número Social:** 01112-01-017295  
**Address:** 4-10-2 Nakano, Nakano-ward, Tokyo, Japan.  
**% ownership (direct and indirect):** 41%  
**Subscribed and paid-up capital:** ThCh\$,47.347  
**Corporate purpose**  
The import, export, sale and distribution of alcoholic beverages.  
**Relationship with the parent company**  
Joint venture with a local distributor, whose aim is to strengthen the sale of products of Concha y Toro and some of its subsidiaries in the Japanese market.  
**Directors**  
Kazuyuki Sugiyama  
Osamu Wada  
Satoshi Mikami  
Cristián López Pascual  
Guy Andrew Nussey

## **EXHIBIT F**

<b>Bates Number</b>	<b>Document Description</b>	<b>Request responsive to</b>
VINA000001; VINA000069	Picture of 2 people enjoying wine	
VINA000002; VINA000070	Amelia 1993 Chardonnay label	Rog 2, RFP 1, 2
VINA000003; VINA000071	Amelia 1997 Chardonnay label	Rog 2 RFP 1, 2
VINA000004 – 5; VINA000072 - 73	Amelia 2007 Chardonnay label	Rog 2 RFP 1, 2
VINA000006 – 8; VINA000074 - 76	Amelia 2008 Chardonnay label	Rog 2 RFP 1, 2
VINA000009 – 10; VINA000077 - 78	November 2011 Press Releases re Amelia 2009 Chardonnay (English and Spanish versions)	Rog 3, 4 RFP 1, 2
VINA000011 – 13; VINA000079 - 81	Amelia 2010 Chardonnay label	Rog 2, RFP 1, 2
VINA000014 – 15; VINA000082 - 83	Amelia 2011 Chardonnay label	Rog 2, RFP 1, 2
VINA000016– 17; VINA000084 - 85	Amelia 2012 Chardonnay label	Rog 2, RFP 1, 2
VINA000018 – 21; VINA000086 - 89	Internal use only press release re Amelia 2013 Chardonnay named AWOCA's best premium white wine	Rog 3, 4 RFP 1, 2
VINA000022 – 23; VINA000090 - 91	Amelia 2013 Chardonnay label	Rog 2, RFP 2
VINA000024 – 26; VINA000092 - 94	Amelia 2015 Chardonnay label	Rog 2, RFP 1, 2
VINA000027; VINA000095	Information sheet re 2015 Amelia Chardonnay (Spanish)	
VINA000028 – 29; VINA000096 - 97	Amelia 2016 Chardonnay label	Rog 2, RFP 1, 2
VINA000030; VINA000098	Letter dated March 2017 regarding the release date of the latest vintage of Amelia	
VINA000031; VINA000099	Amelia 2013 promotional materials	Rog 3, 4 RFP 1, 2
VINA000032; VINA000100	Picture of seal on top of bottle	Rog 2, RFP 1, 2
VINA000033 – 38; VINA000101 – 106; VINA000215 217	December 2011 press release (English and Spanish versions)	Rog 3,4 RFP 1, 2

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## VIÑA CONCHA Y TORO EN CIFRAS

**994**

US\$ MILLONES EN VENTAS CONSOLIDADAS  
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GLOBAL.

**35**

MILLONES DE CAJAS VENDIDAS EN 2017.  
PROMEDIO DE CRECIMIENTO ANUAL DE 3%

**11319**

HECTÁREAS DE VIÑEDOS PLAN  
A NIVEL MUNDIAL. 3 ORÍGENE:  
MUNDO

## RESUMEN FINANCIERO

### ESTADO DE RESULTADO

Ingresos	643.785	658.448	636.194	583.313	475.622
Ganancia Bruta	231.705	246.066	244.689	9 223.182	164.235

**VINA000382**

## VIÑA CONCHA Y TORO



Resultado Operacional (1)	61.212	70.103	71.022	63.010	56.213
EBITDA (2)	86.267	92.701	93.432	83.425	54.973
Ganancia Neta de la Controladora	49.575	47.931	49.797	43.051	33.174
<b>COMO PORCENTAJE DE LOS INGRESOS</b>					
Margen Bruto	36,0%	37,4%	38,5%	38,3%	34,5%
Margen Operacional	9,6%	10,7%	11,2%	10,8%	7,6%
Margen EBIDTA	13,4%	14,1%	14,7%	14,3%	11,6%
Margen Neto	7,7%	7,3%	7,8%	7,4%	7,0%
<b>BALANCE</b>					
Total Activos	1.056.827	1.015.839	982.687	918.011	849.863
Total Pasivos	505.593	498.132	528.352	475.030	419.769
Total Patrimonio	551.233	517.707	454.336	442.981	430.095
Deuda Financiera Neta (3)	230.657	191.858	205.582	216.629	225.298
Rentabilidad Activos (4)	4,8%	4,9%	5,2%	4,7%	3,9%
Rentabilidad Patrimonio (5)	9,3%	9,6%	11,1%	10,0%	7,7%
ROIC (6)	7,2%	7,3%	8,1%	7,3%	6,1%
Deuda Financiera / Patrimonio	41,8%	37,1%	45,2%	48,9%	52,4%
Ganancia por acción (\$)	66,36	64,16	66,66	57,63	44,41
Dividendos por Acción (7) (\$)	24,00	27,30	27,50	24,00	18,90
Precio Acción al 31 de diciembre (\$)	1.164,6	1.074,9	1.061,5	1.186,7	986,5

(1) Resultado operacional = Ganancia bruta – costos de distribución – gastos de administración + otros ingresos – otros gastos.

(2) EBITDA = Ganancia bruta – costos de distribución – gastos de administración + otros ingresos – otros gastos + depreciación + amortización.

(3) Deuda Financiera = Otros pasivos financieros – derivados – efectivos y equivalentes al efectivo.

(4) Rentabilidad Activos = Ganancia / activos promedio.

(5) Rentabilidad Patrimonio = Ganancia / patrimonio promedio.

(6) ROIC = (Resultado operacional + diferencia de cambio) \* (1 – tasa impuestos) / (patrimonio promedio + deuda financiera)

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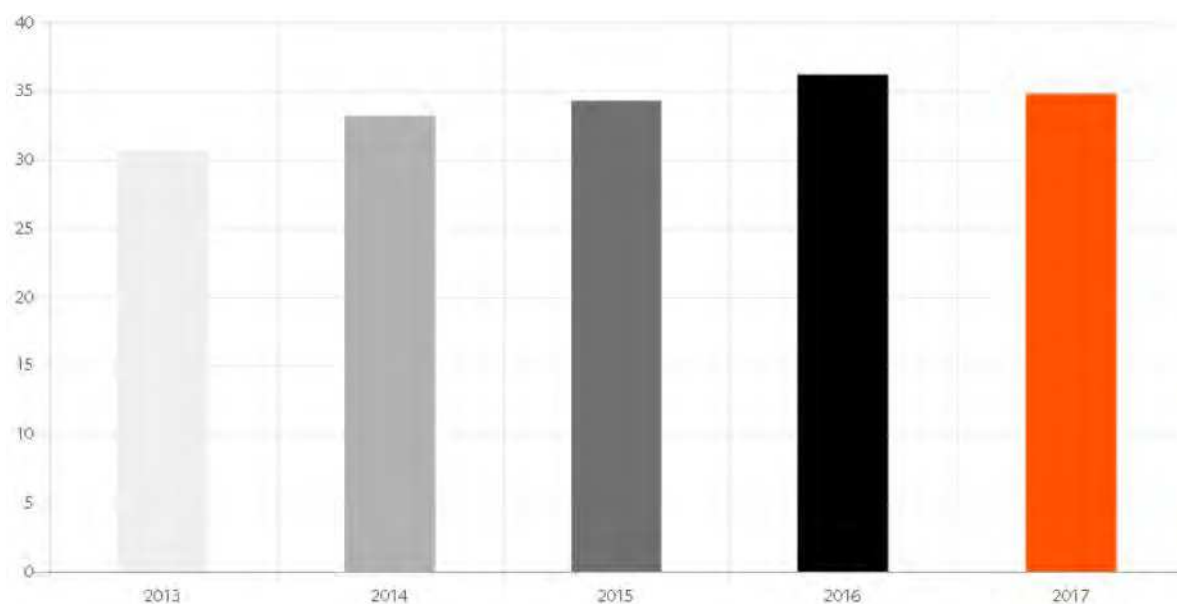
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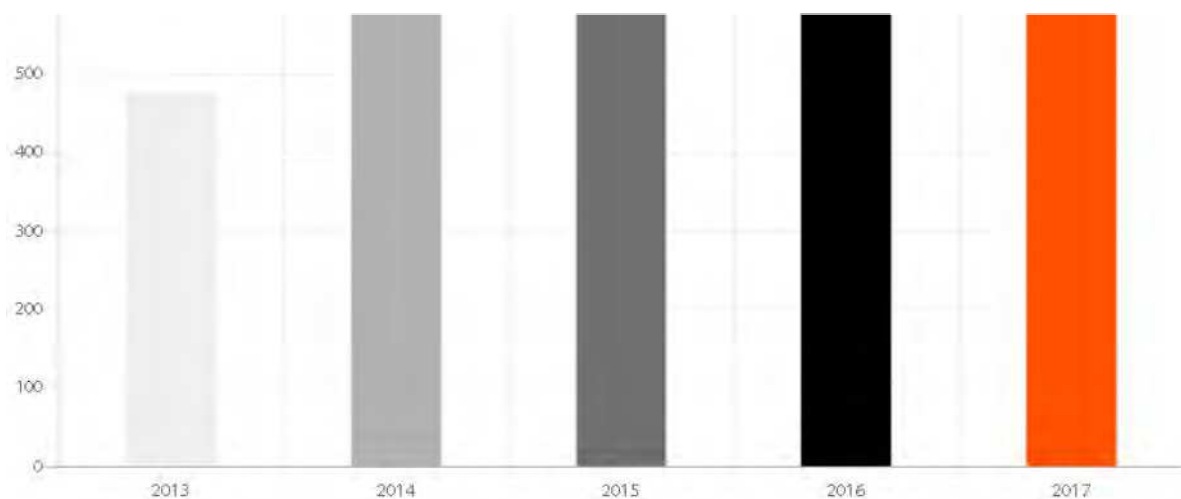
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### VOLUMEN CONSOLIDADO (MILLONES DE CAJAS)

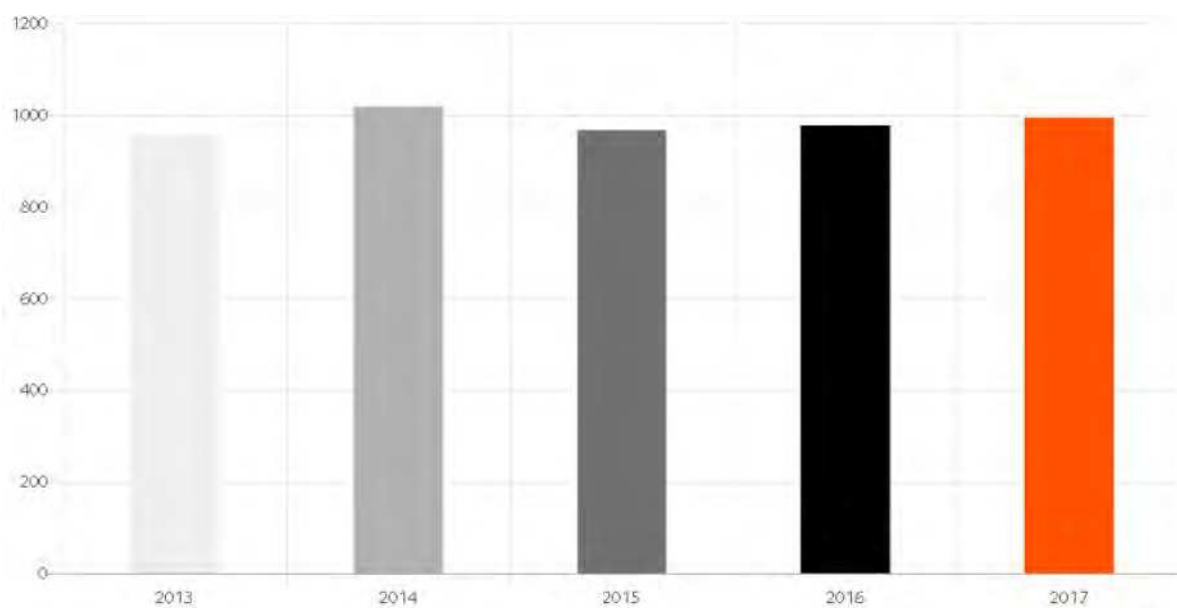


### VENTAS CONSOLIDADAS (MILLONES DE PESOS)

## VIÑA CONCHA Y TORO



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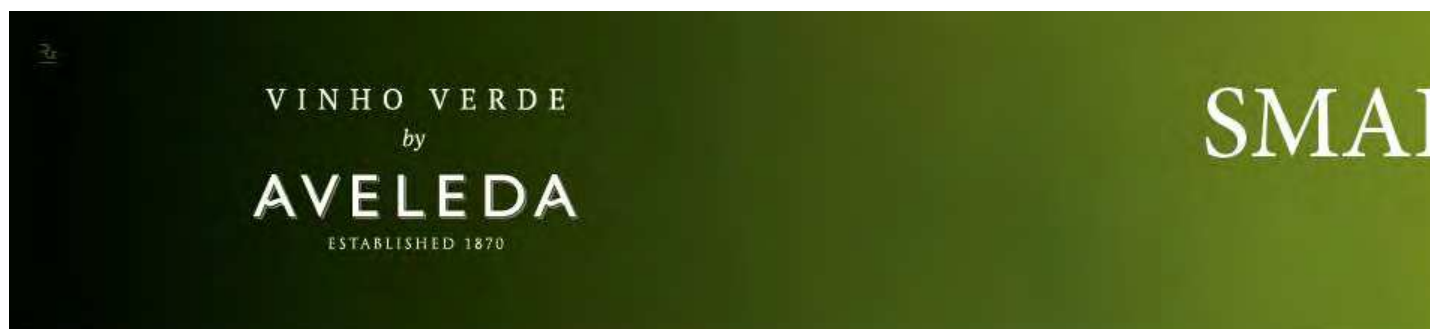


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### Wine & Spirits Top 100 Wineries of 2017

by [W&S Staff](#) • [@](#) [T](#)

September 20, 2017



The Top 100:

Achaval Ferrer  
Adelsheim  
Fratelli Alessandria  
àMaurice Cellars  
Andrew Will  
Marchesi Antinori  
Bernard Baudry  
Domaine des Baumard  
Bergström  
Blandy's  
Henri Boillot  
Bryn Mawr  
Comm. G.B. Burlotto  
Chambers Rosewood Vineyards  
Champalou  
Domaine Chanson  
Cobb  
Domaine Coffinet-Duvernay  
Elvio Cogno  
Col Solare

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Concha y Toro  
Corison  
Craggy Range  
Cristom  
Domaine Marcel Deiss  
DeLille Cellars  
De Martino  
DeMorgenzon  
Diamond Creek  
Dosnon  
Duckhorn  
Dutton-Goldfield  
Evening Land Vineyards  
Domaine Faury  
Forjas del Salnés  
Frog's Leap  
Fuligni  
Gaia  
Genium Celler  
Ktima Gerovassiliou  
Giant Steps  
González Byass  
Gramercy Cellars  
Green & Red  
Grosset  
Henriques & Henriques  
Hidalgo-La Gitana  
Hirsch  
Inglenook  
Iron Horse  
J. Christopher  
Louis Jadot  
Jurtschitsch  
King Estate  
Kir-Yianni  
Krug  
Lioco  
Pierre Luneau-Papin  
Le Macchiole  
El Maestro Sierra  
Anselmo Mendes  
Château du Moulin-à-Vent  
Moutard Père et Fils  
Movia  
Occhipinti  
Penfolds  
Prinz Salm  
Produttori del Barbaresco  
Radio Coteau  
Le Ragnaie  
Ravenswood  
Ravines  
Red Car  
Reynvaan  
Ridge  
Louis Roederer  
Salomon-Undhof  
Paolo Scavino  
Silverado  
Skerlj  
Skinner  
Soalheiro  
Stag's Leap Wine Cellars  
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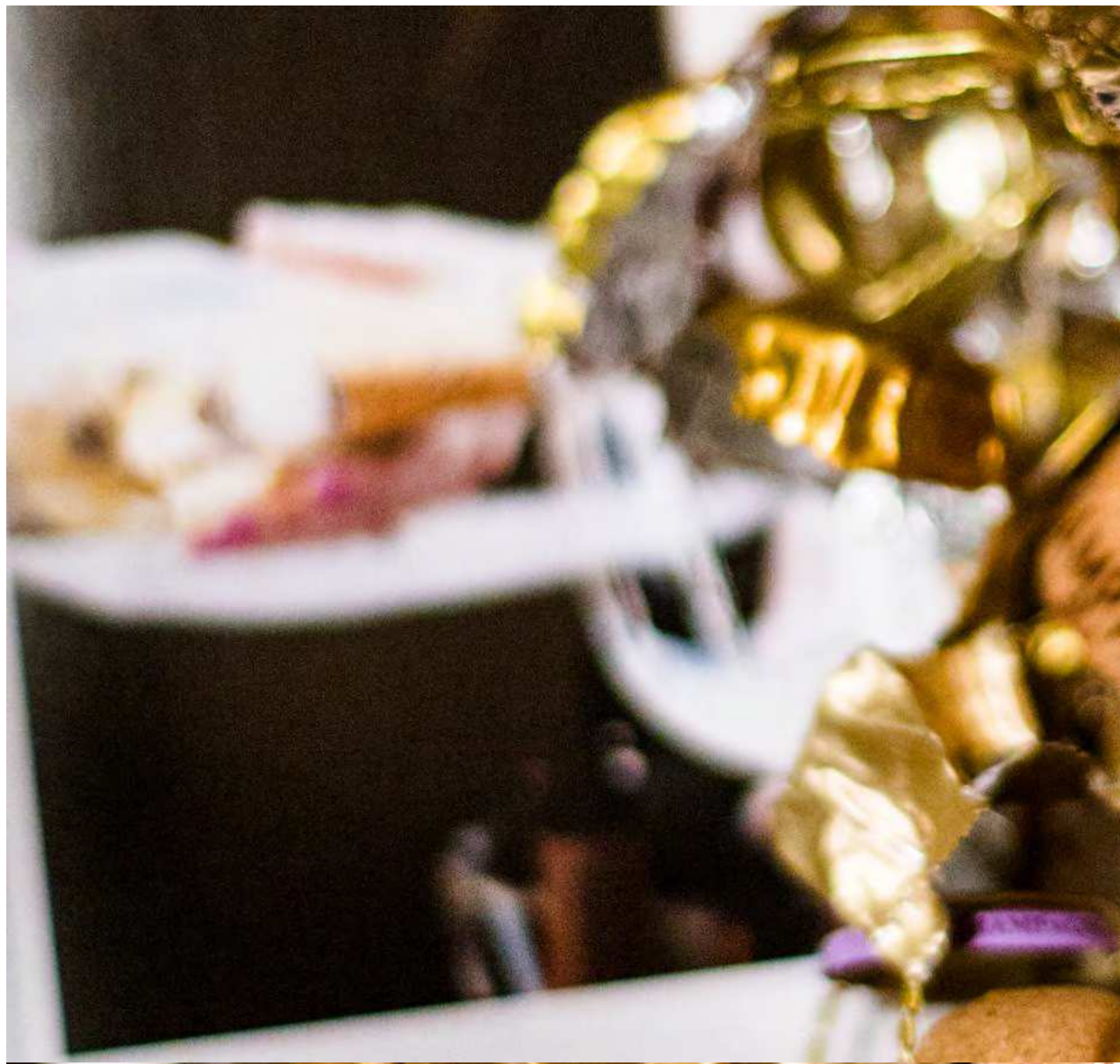


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Catena Zapata

Zuccardi

### **AUSTRALIA**

D'Arenberg

Giant Steps

Grosset

Voyager Estate

Yalumba

### **AUSTRIA**

Stift Göttweig

### **CANADA**

Cave Spring Cellars

### **CHILE**

Concha y Toro

Errazuriz

### **FRANCE**

Bouchard Père & Fils

Domaine Vincent Carême

Domaine Marcel Deiss

Delas Frères

Larmandier-Bernier

J. Lassalle

Philippe Livera

Domaine Marc Morey et Fils

Domaines Ott

Bruno Paillard

Domaine du Pégu

Domaine de la Pousse d'Or

Eric Rodez

Louis Roederer

Rotem & Mounir Saouma

Domaine Vacheron

Trimbach

Domaine de la Vougeraie

Domaine Zind-Humbrecht

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**GERMANY**

Dreissigacker  
Fritz Haag  
Robert Weil

**GREECE**

Estate Argyros  
Boutari  
Domaine Sigalas

**ITALY**

Marchesi Antinori  
Tenuta di Biserno  
Conterno Fantino  
Elvio Cagno  
Gulfi  
Mastroberardino  
Oddero  
Poggio di Sotto  
Le Ragnaie  
Rocca di Montegrossi  
Le Salette  
Sandrone

**NEW ZEALAND**

Felton Road

**PORTUGAL**

Aphros  
Blandy's  
Kopke  
Casa da Passarella  
Soalheiro  
Wine & Soul

**SLOVENIA**

Kabaj

**SPAIN**

Comando G  
Forjas del Salnés  
Luis A. Rodríguez Vázquez  
R. López de Heredia  
Palacio de Fefiñanes  
Raúl Pérez  
Terroir al Limit  
Scala Dei

**VINA000394**

Vega-Sicilia

## UNITED STATES

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Bergström

Big Basin Vineyards

Buena Vista

Col Solare

Corison

Cristom

DeLille

Diamond Creek

Donkey & Goat

Drew

Evening Land Vineyards

Gramercy Cellars

Heitz Cellar

Hermann J. Wiemer

Hirsch

Iron Horse

Keenan

King Estate

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Ravenswood

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