

ESTTA Tracking number: **ESTTA907042**

Filing date: **07/02/2018**

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 Email: s.natter@natterip.com, us.docket@natterip.com
Submission	Motion to Compel Discovery or Disclosure
Filer's Name	Seth Natter
Filer's email	snatter@natterip.com
Signature	/Seth Natter/
Date	07/02/2018
Attachments	Motion to Compel_07-02-18.pdf(20855 bytes) EXHIBITS.pdf(501583 bytes)

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

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

MOTION TO COMPEL DISCOVERY

Applicant by its attorneys, hereby moves, pursuant to 37 C.F.R. 2.120(e) for an Order compelling the Opposer to furnish full and complete answers and documents responsive to Applicant's First Set of Interrogatories and Requests for Production of Documents.

Attached as Exhibit A is a copy of Applicant's First Set of Interrogatories and Request for Production of Documents which were served upon Opposer's counsel on

February 1, 2018. Applicant's production request included:

1. All documents identified in answer to the foregoing interrogatories.
2. All documents referred to or relied upon in answering any of the foregoing interrogatories and
3. All documents referred to in Opposer's Initial Disclosures.

A copy of Opposer's Initial Disclosures is attached as Exhibit B.

On February 27, 2018, Opposer's counsel requested a 30 day extension to respond and simultaneously served Opposer's Interrogatories and Requests for Production. (Exhibit C attached).

One month later, on March 27, 2018, Opposer's counsel requested additional time. (Exhibit D, attached).

Opposer's interrogatory answers (unverified), interrogatory objections and production responses were received on April 6, 2018. A copy is attached as Exhibit E. No documents were produced.

Opposer's counsel indicated that the interrogatory answers relating to Opposer's sales would be updated "in the immediate future" (Exhibit F, attached). As of the present date, July 2, 2018, there has been no update.

Applicant's counsel telephoned Opposer's counsel on April 27, 2017 to discuss

inadequacies in Opposer's interrogatory answers and the exchange of responsive documents. (Exhibit G, attached).

As part of Applicant's good faith effort to resolve the discovery issues, on April 30, Applicant's counsel forwarded to Opposer's counsel details of the inadequacies in Opposer's responses to Applicant's discovery requests. (Exhibit H, attached).

On May 10, 2018 Applicant's counsel forwarded a further email regarding document production and referencing two telephone calls to Opposer's counsel made as part of its good faith effort to resolve the discovery issues. (Exhibit I, attached).

Opposer's counsel responded on May 11, 2018 and indicated that he was consulting with his client with respect to the objections noted in our *sic* letter, i.e., the Exhibit G email of April 30, 2018. (Exhibit J, attached).

Continuing efforts to resolve the discovery issues included a telephone discussion between counsel on May 14, 2018, however no issues were resolved and Opposer's counsel indicated in a follow up email that further delays would be encountered. (Exhibit K, attached).

On May 22, 2018, Applicant's counsel received Opposer's document production comprising 1032 numbered images, without any indication as to which document request each image pertained to. Many images were duplicate copies of photographs of unknown

and unidentified people as well as duplicate images of wine bottles and documents in a foreign language which apparently were intended for use in foreign countries.

On May 30, 2018, Applicant's counsel forwarded an email to Opposer's counsel noting the defective and inadequate document production and the failure of Opposer to address the deficiencies in Opposer's interrogatory responses. (Exhibit L, attached).

Opposer's response was to specify, for the first time, that Opposer perceived deficiencies in Applicant's discovery responses. (Exhibit M, attached).

Having exhausted its efforts to resolve the discovery dispute, Applicant makes the present motion requesting the Board to issue an Order compelling Opposer to:

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.

Applicant further requests that upon determination of the present motion, the trial dates be extended to permit Applicant to proceed with further discovery as may be deemed necessary.

Dated: New York NY
July 2, 2018

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 July 2, 2018 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**

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

**APPLICANT’S FIRST SET OF INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS**

Pursuant to Rules 26, 33 and 34 of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules of Practice, Applicant, Citadel Trading Corp., hereby serves Applicant’s First Set of Interrogatories and Requests for Production of Documents to be answered by Opposer, under oath, said answers to be served upon Applicant and Documents to be produced for inspection and copying within the time provided by the Federal Rules of Civil Procedure and the Trademark Rules of Practice.

DEFINITIONS AND INSTRUCTIONS

For purposes of these requests, the following Definitions and Instructions shall apply:

1. “Opposer “ means Viña Concha y Toro SA its predecessors in interest, its successors in interest, and its directors, employees, agents, representatives, franchisees, licensees, and all other Persons acting or purporting to act on its behalf, as the context hereof may require.

2. “Applicant” means Citadel Trading Corp. its predecessors in interest, its successors in interest, and its directors, employees, agents, representatives, franchisees, licensees, licensors and any other entity through which Applicant derives or asserts an interest in Applicant’s mark.

3. “Document” means any item in the possession, custody, or control of Opposer upon which intelligence or information is recorded or from which intelligence or information can be obtained, including by way of illustration, but not by way of limitation, the following items: letters, reports, communications, including internal company communications; preliminary notes and drafts; emails; telexes; faxes; memoranda; summaries of records of telephone conversations; routing (or buck) slips; magnetic media from which audible or visual information can be obtained, such as tapes, discs, or the like; diaries; graphs; notebooks; charts; plans; artists’ drawings; positive or negative prints of photographic pictures, motion or still, including excised frames of motion pictures; minutes of records of conferences and meetings, including meetings of directors, executive committees and financial committees; lists of persons attending meetings or conferences; expressions or statements of policy; reports or summaries of investigations, opinions, or reports of consultants; non-privileged communications with attorneys; records of summaries of negotiations; contracts and agreements; brochures; pamphlets; advertisements; circulars; trade letters; press releases; drafts of any documents; and revisions of drafts of any documents. For purposes of these Interrogatories, any such Document bearing on any sheet or side thereof any marks of any kind, such as initials, stamped indicia, comments or notations, which was not part of the originally created Document, is to be considered and identified as a separate Document.

4. “Trademark” or “Mark” means trademark, service mark, or design mark.
5. “Applicant’s Mark” means the mark of Application Serial No. 87/254,798.
6. “Applicant’s Goods” means sangria and wine.
7. “Opposer’s Marks” means the marks referred to in Paragraph 11 of the Notice of Opposition.
8. “Opposer’s Goods” means wine.
9. Where identification of any Document is required by use of the word “Identify,” such identification should be sufficient to support a request for the production of the Document under Rule 34 of the Federal Rules of Civil Procedure and the Trademark Rules of Practice, and should include by way of illustration but without limitation the following information, even if Applicant intends to object to the production of said Document:
 - (a) The type of the Document, i.e., whether it is a letter, memorandum, report, drawing, chart, etc.;
 - (b) The general subject matter of the Document;
 - (c) The name of the creator of the Document;
 - (d) Any numerical designation appearing on the Document, such as a drawing number, sample number or file references; and
 - (e) If the Document is not in Applicant’s possession, custody, or control, the identity, as defined herein below, of the Person having possession, custody or control of said Document.

Opposer may, in lieu of identification, at the time Opposer serves its answers to these

Interrogatories, mail to Applicant the original of such Document, or a legible copy or photograph of such Document, suitably labeled and marked to show to which Interrogatory each Document is being produced in lieu of identification.

10. Where the identification of any person is required by use of the word “Identify”, such identification should be sufficient to identify the person in a notice of taking the deposition of such person, and should include without limitation the following information:

- a) full name;
- b) business address;
- c) job title;
- d) employer or professional affiliations; and
- e) home address.

11. Where the identification of an entity is required by use of the word “Identify”, such identification should be sufficient to identify the entity, and should include without limitation the following information:

- (a) The full name or title;
- (b) Principal place of business;
- (c) Nature or type of entity;
- (d) The state of incorporation or registration; and
- (e) The principal business conducted by such Person.

12. If Opposer is aware that a Document (or a group of Documents) once existed but has been destroyed, Opposer is requested to state when the Document (or group of Documents)

was destroyed, who destroyed it, why it was destroyed, and the circumstances under which it was destroyed.

13. These Interrogatories shall be deemed continuous and Opposer shall be obligated to change, supplement and amend its answers hereto as prescribed by Rule 26(e) of the Federal Rules of Civil Procedure.

14. The words “and” and “or” shall be construed conjunctively or disjunctively as necessary to bring within the Interrogatories all information which might otherwise be construed as outside their scope.

15. If Opposer objects to any interrogatory or request for production of documents based on a claim of privilege or a claim that disclosure invades attorney work product, state the nature of the privilege claimed and for each communication, document, or tangible thing over which a privilege is claimed provide as much of the following information as is not encompassed by the privilege: its type; its general subject matter and purpose; its date; the names of persons making and receiving the communication, document, or tangible thing or a copy thereof, or if the communication was oral, of those present when it was made; their relationship to the author or speaker; and any other information upon which you may rely to support your claim of privilege or other immunity from discovery.

INTERROGATORIES

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.

INTERROGATORY NO. 2:

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

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.

INTERROGATORY NO. 4:

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

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.

INTERROGATORY NO. 6:

Set forth 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.

INTERROGATORY NO. 7:

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

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. 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.

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.

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.

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.

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.

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.

INTERROGATORY NO. 15

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

DOCUMENTS AND THINGS TO BE PRODUCED

1. All Documents identified in answer to the foregoing Interrogatories.
2. All Documents referred to or relied upon in answering any of the foregoing Interrogatories.

EXHIBIT B

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

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

INITIAL DISCLOSURES

Pursuant to Trademark Rules 2.116 and 2.120, and Rule 26(a)(1) of the Federal Rules of Civil Procedure, Viña Concha y Toro SA ("Opposer"), through its attorneys of record hereby makes its initial disclosures to Citadel Trading Corp. ("Applicant").

GENERAL MATTERS

By identifying certain individuals or categories of documents, Petitioner does not waive or intend to waive, but on the contrary, preserves and intends to preserve all information and documents that are subject to the attorney-client privilege, the attorney work product doctrine, and any other privilege available under federal or state statute, constitutional, or common law.

INITIAL DISCLOSURES

I. Individuals Believed Likely to Have Discoverable Information to Support Petitioner's Claims and Defenses.

The following list identifies those individuals likely to have discoverable information that Petitioner may use to support the grounds stated in its Opposition.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing OPPOSER'S INITIAL DISCLOSURES was served upon counsel of record for Applicant via email transmission on this 29th day of November, 2017 at the following address: Seth Natter snatter@natterip.com.

/George Lewis/
George W. Lewis

EXHIBIT C

Seth Natter

From: Lewis, George
Sent: Tuesday, February 27, 2018 4:33 PM
To: Seth Natter
Cc: Jeffery, Tracey
Subject: Vina Concha y Toro S.A. vs. Citadel Trading - OT170010US00
Attachments: Opposer's First Request for Production of Documents and Things 02-26-2018.pdf; OT170010US00 Opposer's First Set of Interrogatories 02-26-2018.pdf

Dear Seth,

Please see the attached.

I would appreciate a courtesy consent to a 30 day Extension of Time to Answer your Discovery. While I never responded to your request for an extension, we also did not do anything during the time period to take advantage.

George

From: Seth Natter [<mailto:snatter@natterip.com>]
Sent: February 01, 2018 04:59 PM
To: Lewis, George
Subject: Vina Concha y Toro S.A. vs. Citadel Trading

George:

Attached are Applicant's Interrogatories and Production Requests.
The Board's standard protective order is in effect.

Regards,
Seth

Seth Natter
Natter & Natter
501 Fifth Avenue
New York, NY 10017
212 840 8300
(f) 212 302 0295
www.natterip.com
@natterip



This e-mail transmission is from the law firm of Natter & Natter and may contain privileged and/or confidential information. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication including any attachments is strictly prohibited. Please contact the sender by reply e-mail and delete this e-mail and any attachments.

EXHIBIT D

Seth Natter

From: Lewis, George
Sent: Tuesday, March 27, 2018 9:25 AM
To: Seth Natter
Subject: RE: Vina Concha v. Citadel

Thanks.

From: Seth Natter [<mailto:snatter@natterip.com>]
Sent: March 27, 2018 09:24 AM
To: Lewis, George
Subject: RE: Vina Concha v. Citadel

George:

Of course.

Regards,
Seth

Seth Natter
Natter & Natter
501 Fifth Avenue
New York, NY 10017
212 840 8300
(f) 212 302 0295
www.natterip.com
@natterip



This e-mail transmission is from the law firm of Natter & Natter and may contain privileged and/or confidential information. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication including any attachments is strictly prohibited. Please contact the sender by reply e-mail and delete this e-mail and any attachments.

From: Lewis, George [<mailto:GLewis@WHDA.COM>]
Sent: Tuesday, March 27, 2018 8:09 AM
To: Seth Natter
Subject: RE: Vina Concha v. Citadel

Seth – I need a few extra days to respond to Discovery. I understand that responses are due on April 2, 2018. My client has been cooperative and I have information and they didn't seem that complicated, but I cannot focus on it this week. My former partner's husband and my friend for 30 years passed away on Sunday. He was battling cancer and his passing came earlier than expected. I would prefer not to have to deal with the Discovery responses this week. The funeral is today and I have personal responsibilities this week. I would appreciate it if you could give me until the end of next week.

George

From: Seth Natter [<mailto:snatter@natterip.com>]
Sent: March 06, 2018 12:38 PM
To: Lewis, George
Subject: Vina Concha v. Citadel

Seth Natter
Natter & Natter
501 Fifth Avenue
New York, NY 10017
212 840 8300
(f) 212 302 0295
www.natterip.com
@natterip



This e-mail transmission is from the law firm of Natter & Natter and may contain privileged and/or confidential information. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication including any attachments is strictly prohibited. Please contact the sender by reply e-mail and delete this e-mail and any attachments.

EXHIBIT E

**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 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.

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.

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.

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: Opposer objects to this Interrogatory on the grounds that it is overbroad, ambiguous, unduly burdensome and seeks to information for an unreasonable period of time and for the monthly sales and for an unreasonable period of time. Notwithstanding the foregoing, and while preserving its objection, Opposer is seeking to obtain this information from its U.S.

importer/distributor and expects to follow up in the immediate future with information pertaining to a reasonable period and will provide the information in accordance with the standard Protective Order. Upon receipt of this information, Opposer will be able to identify any corresponding documents, if any.

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.

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

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;

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.

DOCUMENTS AND THINGS TO BE PRODUCED

1. All Documents identified in answer to the foregoing Interrogatories.
2. All Documents referred to or relied upon in answering any of the foregoing Interrogatories.
3. All documents referred to in Opposer's Initial Disclosures.

Response: Opposer objects to these Requests on the grounds that they are overbroad, ambiguous, unduly burdensome in that they seeks "all" documents, are not restricted to the U.S. or a reasonable time period and seeks Document outside the possession and control of the Opposer. Without waiver of its Objection, Opposer will produce at a mutually agreeable date and time responsive documents for inspection and copying at the place where the documents are kept.

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

Atty. Dkt. No.: OT170010US00

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing **OPPOSER'S ANSWERS AND OBJECTIONS TO APPLICANT'S FIRST SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS** was served on Applicant via e-mail on this 6th day of April, 2018, at their address of record with the TTAB as follows:

Seth Natter
Natter & Natter
501 Fifth Avenue
New York, NY 10017

s.natter@natterip.com, us.docket@natterip.com
Phone: 212-840-8300

/george lewis/
George W. Lewis

EXHIBIT F

Seth Natter

From: Lewis, George
Sent: Friday, April 6, 2018 3:54 PM
To: Seth Natter
Cc: Jeffery, Tracey
Subject: Vina Concha v. Citadel - OT170010 - opposition against Application No. 87254798 MYLIA, word - Op. No. 91236165
Attachments: OT170010US00 04-06-2018 Opposer's Responses and Objections to Applicant'....pdf

Seth,

Please see the attached.

I am happy to agree to exchange documents by PDF. Let me know.

I will do my best to supplement the answers on sales in the immediate future. This apparently involves getting information from the Importer and Distributors.

George

From: Seth Natter [<mailto:snatter@natterip.com>]
Sent: March 27, 2018 09:24 AM
To: Lewis, George
Subject: RE: Vina Concha v. Citadel

George:

Of course.

Regards,
Seth

Seth Natter
Natter & Natter
501 Fifth Avenue
New York, NY 10017
212 840 8300
(f) 212 302 0295
www.natterip.com
@natterip



This e-mail transmission is from the law firm of Natter & Natter and may contain privileged and/or confidential information. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication including any attachments is strictly prohibited. Please contact the sender by reply e-mail and delete this e-mail and any attachments.

From: Lewis, George [mailto:GLewis@WHDA.COM]
Sent: Tuesday, March 27, 2018 8:09 AM
To: Seth Natter
Subject: RE: Vina Concha v. Citadel

Seth – I need a few extra days to respond to Discovery. I understand that responses are due on April 2, 2018. My client has been cooperative and I have information and they didn't seem that complicated, but I cannot focus on it this week. My former partner's husband and my friend for 30 years passed away on Sunday. He was battling cancer and his passing came earlier than expected. I would prefer not to have to deal with the Discovery responses this week. The funeral is today and I have personal responsibilities this week. I would appreciate it if you could give me until the end of next week.

George

From: Seth Natter [mailto:snatter@natterip.com]
Sent: March 06, 2018 12:38 PM
To: Lewis, George
Subject: Vina Concha v. Citadel

Seth Natter
Natter & Natter
501 Fifth Avenue
New York, NY 10017
212 840 8300
(f) 212 302 0295
www.natterip.com
@natterip



This e-mail transmission is from the law firm of Natter & Natter and may contain privileged and/or confidential information. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication including any attachments is strictly prohibited. Please contact the sender by reply e-mail and delete this e-mail and any attachments.

EXHIBIT G

Seth Natter

From: Seth Natter
Sent: Friday, April 27, 2018 4:52 PM
To: 'Lewis, George'
Subject: Vina Concha v. Citadel
Attachments: Applicant Responses to Interrogatories_04-27-2018.pdf; Documnet Production Response_04-27-18.pdf; Applicant's Requests for Admissions_04-27-18.pdf

Dear George:

It was nice speaking with you this afternoon.
It was agreed that we will exchange pdf copies of responsive documents next week.
Attached are Applicant's interrogatory responses and Applicant's responses to the document requests.
You should expect to receive a signed copy of the interrogatory response verification next week.
We have not received verified answers to Applicant's interrogatories.
When can we expect to receive verified answers?
Also attached are Applicant's first requests for admissions.
We briefly discussed what I consider to be inadequacies in Opposer's interrogatory answers.
I will forward written comments in this regard next week.

Regards,
Seth

Seth Natter
Natter & Natter
501 Fifth Avenue
New York, NY 10017
212 840 8300
(f) 212 302 0295
www.natterip.com
@natterip



This e-mail transmission is from the law firm of Natter & Natter and may contain privileged and/or confidential information. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication including any attachments is strictly prohibited. Please contact the sender by reply e-mail and delete this e-mail and any attachments.

EXHIBIT H

Seth Natter

From: Seth Natter
Sent: Monday, April 30, 2018 5:16 PM
To: 'Lewis, George'
Subject: Concha v Citadel

Dear George:

This is our follow up on our telephone discussion of last Friday, when we brought up the issue of the inadequacies in Opposer's responses to Applicant's discovery requests.

With respect to Interrogatory No.1, you indicated that Opposer was unable to identify any documents but will identify documents when discovered. Has any search been instituted?

With respect to Interrogatory No. 6, Opposer indicated that it would be obtaining the responsive information from its distributor "and expects to follow up in the immediate future with information..." Three months have passed since the discovery requests were served without a substantive response.

With respect to Interrogatory No. 8, which requested a summary of the substance of Italo Jofré's knowledge relating to the promotion and distribution of wines under Opposer's mark in the United States, the response was that he had such knowledge. The request was for a summary of the substance of such knowledge.

In Opposer's Initial Disclosures, Italo Jofré was identified as "the Company executive who has responsibilities for matters involving the sale, advertising. Promotion and distribution of AMELIA brand wine in the U.S." You indicated that you wished to introduce his trial testimony by way of affidavit. At this point, we certainly would not consent to any testimony, by way of affidavit or otherwise, which included more than the specific wording of your interrogatory response.

Interrogatory No.13, requested 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 an identification of all documents related thereto.

This Interrogatory was objected to on the grounds that it seeks to discover facts or information outside the possession or control of Opposer. It would appear that such information would be in the hands of Opposer's distributor as well as being recorded in the export and production records of Italo Jofré.

Interrogatory No. 14 requested gross wholesale and retail sales of Opposer's wines in the United States, other than those under the Mark since 2010.

This Interrogatory was objected to on the grounds that it seeks to discover facts or information outside the possession or control of the Opposer and on the further grounds that it was not reasonably calculated to disclose relevant information.

With respect to such information not being in Opposer's possession or control, such information would be in the hands of Opposer's distributor as well as being contained the export and production records of Italo Jofré. With respect to the relevancy of the information, your attention is directed to Paragraph No. 1 of the Notice of Opposition states "Opposer is America's largest exporter of wine from Chile." Applicant is clearly entitled to discovery which could refute such allegation.

With respect to Interrogatory No. 15, which stated: Identify all negative comments relating to Opposer's wines from wine rating entities, publications, consumers, retailers and distributors.

This information is relevant to the allegations of paragraphs 3, 4, 7, 8, 9 and Opposer's reputation referred to in paragraph 14.

The Requests for Production included all documents referred to in Opposer's Initial Disclosures which include:

- A. Evidence of sales of Viña Concha y Toro wine sold under the AMELIA mark;
- B. Evidence of Market, advertising and Promotion of Vina Concha y Toro wine sold under the AMELIA mark: and
- C. Downloaded printouts of Articles appearing on the World Wide Web.

No documents have been produced.

Our client wishes to proceed expeditiously and we await your early response.

Regards,
Seth

Seth Natter
Natter & Natter
501 Fifth Avenue
New York, NY 10017
212 840 8300
(f) 212 302 0295
www.natterip.com
@natterip



This e-mail transmission is from the law firm of Natter & Natter and may contain privileged and/or confidential information. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication including any attachments is strictly prohibited. Please contact the sender by reply e-mail and delete this e-mail and any attachments.

EXHIBIT I

Seth Natter

From: Seth Natter
Sent: Thursday, May 10, 2018 10:46 AM
To: 'GLewis@WHDA.COM'
Subject: Vina Concha v Citadel
Attachments: Protective Order.pdf

Dear George:

We have Applicant's document production ready to email to you today. During our telephone discussion of April 27th you indicated that Opposer's document production would be Bates stamped the following week.

Attached is the Board's standard protective order which I have signed. Please countersign and return.

I trust that we will mutually exchange documents today.

Additionally, I called your office twice in an effort to resolve the discovery issues set forth in my email of April 30th. You were not available and voice mail messages were left.

Regards,
Seth

Seth Natter
Natter & Natter
501 Fifth Avenue
New York, NY 10017
212 840 8300
(f) 212 302 0295
www.natterip.com
@natterip



This e-mail transmission is from the law firm of Natter & Natter and may contain privileged and/or confidential information. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication including any attachments is strictly prohibited. Please contact the sender by reply e-mail and delete this e-mail and any attachments.

EXHIBIT J

Seth Natter

From: Seth Natter
Sent: Thursday, May 10, 2018 10:46 AM
To: 'GLewis@WHDA.COM'
Subject: Vina Concha v Citadel
Attachments: Protective Order.pdf

Dear George:

We have Applicant's document production ready to email to you today. During our telephone discussion of April 27th you indicated that Opposer's document production would be Bates stamped the following week.

Attached is the Board's standard protective order which I have signed. Please countersign and return.

I trust that we will mutually exchange documents today.

Additionally, I called your office twice in an effort to resolve the discovery issues set forth in my email of April 30th. You were not available and voice mail messages were left.

Regards,
Seth

Seth Natter
Natter & Natter
501 Fifth Avenue
New York, NY 10017
212 840 8300
(f) 212 302 0295
www.natterip.com
@natterip



This e-mail transmission is from the law firm of Natter & Natter and may contain privileged and/or confidential information. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication including any attachments is strictly prohibited. Please contact the sender by reply e-mail and delete this e-mail and any attachments.

EXHIBIT K

Seth Natter

From: Lewis, George
Sent: Monday, May 14, 2018 5:03 PM
To: Seth Natter
Cc: Jeffery, Tracey
Subject: RE: Vina Concha Y Toro v. Citadel - Opposition 91236165 against Application No. 87254798 MYLIA, word, class 33, in the name of CITADEL TRADING CORP. - OT170010US00

Seth,

This is to follow up on our today's telephone conversation.

As discussed, I am going over the reviewed issues with my client. However, as I am leaving town today for the west coast, and as it also seems unlikely that we can wrap up all Discovery issues within the current time frame, I am agreeable to a 30 day extension of all dates.

I have the Bate stamped documents and I am going over them to make sure that the are no confidential documents.

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

GWL/

From: Lewis, George
Sent: May 14, 2018 11:04 AM
To: 'Seth Natter'
Cc: Jeffery, Tracey
Subject: RE: Vina Concha Y Toro v. Citadel - Opposition 91236165 against Application No. 87254798 MYLIA, word, class 33, in the name of CITADEL TRADING CORP. - OT170010US00

OK

From: Seth Natter [<mailto:snatter@natterip.com>]
Sent: May 14, 2018 10:12 AM
To: Lewis, George
Subject: RE: Vina Concha Y Toro v. Citadel - Opposition 91236165 against Application No. 87254798 MYLIA, word, class 33, in the name of CITADEL TRADING CORP. - OT170010US00

How about 2:00?

Seth Natter
Natter & Natter
501 Fifth Avenue
New York, NY 10017

212 840 8300
(f) 212 302 0295
www.natterip.com
@natterip



This e-mail transmission is from the law firm of Natter & Natter and may contain privileged and/or confidential information. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication including any attachments is strictly prohibited. Please contact the sender by reply e-mail and delete this e-mail and any attachments.

From: Lewis, George [mailto:GLewis@WHDA.COM]
Sent: Monday, May 14, 2018 10:10 AM
To: Seth Natter
Subject: Re: Vina Concha Y Toro v. Citadel - Opposition 91236165 against Application No. 87254798 MYLIA, word, class 33, in the name of CITADEL TRADING CORP. - OT170010US00

Seth,

I usually am at home until around 11:30 and get to the office a little after 12pm. I suggest around 1pm.

From: Seth Natter <snatter@natterip.com>
Sent: Monday, May 14, 2018 10:08:33 AM
To: Lewis, George
Subject: RE: Vina Concha Y Toro v. Citadel - Opposition 91236165 against Application No. 87254798 MYLIA, word, class 33, in the name of CITADEL TRADING CORP. - OT170010US00

George:

I will be available today for your phone call.
The best time would be before noon.

Regards,
Seth

Seth Natter
Natter & Natter
501 Fifth Avenue
New York, NY 10017
212 840 8300
(f) 212 302 0295
www.natterip.com
@natterip



This e-mail transmission is from the law firm of Natter & Natter and may contain privileged and/or confidential information. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication including any attachments is strictly prohibited. Please contact the sender by reply e-mail and delete this e-mail and any attachments.

From: Lewis, George [mailto:GLewis@WHDA.COM]

Sent: Friday, May 11, 2018 3:56 PM

To: Seth Natter

Cc: Jeffery, Tracey

Subject: Vina Concha Y Toro v. Citadel - Opposition 91236165 against Application No. 87254798 MYLIA, word, class 33, in the name of CITADEL TRADING CORP. - OT170010US00

Seth,

I was in Japan for almost two weeks in April and while I usually work while on these trips, I had a minor health episode and did not keep up with work so I am a little behind. In any event, I am now doing my best to catch up on this matter.

Regarding the Protective Order, the Trademark Trial and Appeal Board's standard protective order is automatically imposed in all inter partes proceedings unless the parties, by stipulation approved by the Board, agree to an alternative order, or a motion by a party to use an alternative order is granted by the Board. TBMP 412. My understanding is that we have agreed to the standard protective order so we do not need to signed and submit anything to the Board.

I am advised that stamping the documents has been a little more complicated than anticipated, but that they should be ready on Monday.

I have your letter outlining the objections and I am consulting with the client. But as you probably understand, I work through local Chilean counsel who consults with in-house counsel who consults with management and responses and instruction come back through the same channels. Plus, as you know, U.S. Litigation practice is very different from such practice outside the U.S. and this can necessitate extra discussion.

I am willing to discuss the case on Monday, but I still need some additional feedback. Typically, local Chilean counsel meets with in-house counsel on Wednesdays and I get instructions or questions after those meetings.

I also have objections to your responses.

Yours truly,

/george/

George W. Lewis

Westerman, Hattori, Daniels & Adrian

GWL

From: Seth Natter [mailto:snatter@natterip.com]

Sent: May 10, 2018 02:38 PM

To: Lewis, George
Subject: Vina Concha v. Citadel

George:

Attached you will find Applicant's document Nos. 1 through 107 responsive to Opposer's production requests. Note that Document Nos. 24 through 107 have been marked CONFIDENTIAL-ATTORNEY'S EYES ONLY pursuant to the Protective Order.

We await Opposer's document production as well as the countersigned Protective Order.

Regards,
Seth

Seth Natter
Natter & Natter
501 Fifth Avenue
New York, NY 10017
212 840 8300
(f) 212 302 0295
www.natterip.com
@natterip



This e-mail transmission is from the law firm of Natter & Natter and may contain privileged and/or confidential information. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication including any attachments is strictly prohibited. Please contact the sender by reply e-mail and delete this e-mail and any attachments.

EXHIBIT L

Seth Natter

From: Seth Natter
Sent: Wednesday, May 30, 2018 12:20 PM
To: 'Lewis, George'
Subject: Vina Concha v Citadel

Dear George:

One month has passed since our email outlining specific deficiencies in Opposer's interrogatory answers. There has been no substantive response.

While we understand that you, as well as your client and counsel in Chile might be involved in other matters, registration of our client's mark is being delayed by this proceeding and our client insists upon moving forward.

We additionally note that your client's production on May 22nd of 1032 documents did not include any correlation with respect to corresponding request numbers.

Let us know if these issues can be resolved without motion practice.

Regards,
Seth

Seth Natter
Natter & Natter
501 Fifth Avenue
New York, NY 10017
212 840 8300
(f) 212 302 0295
www.natterip.com
@natterip



This e-mail transmission is from the law firm of Natter & Natter and may contain privileged and/or confidential information. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication including any attachments is strictly prohibited. Please contact the sender by reply e-mail and delete this e-mail and any attachments.

EXHIBIT M

Seth Natter

From: Lewis, George
Sent: Wednesday, May 30, 2018 3:42 PM
To: Seth Natter
Cc: Jeffery, Tracey
Subject: Vina Concha Y Toro v. Citadel - Opposition 91236165 against Application No. 87254798 MYLIA, word, class 33, in the name of CITADEL TRADING CORP. - OT170010US00

Seth,

I will follow up with the client. As I explained, the client and their local counsel meet on Wednesdays so I expect to have some information by the end of the week.

As for the delay, we understand that these proceedings may be delaying the issuance of a Notice of Allowance, but it is also our understanding that the mark is not yet in use so that it is not in a position to file a Statement of Use. It seems that there would be no delay and hence prejudice, if at all until and if you client commences use.

It is not the client's intention to pursue a strategy of delay, but the decisional process for them is not always rapid or as prompt as you will experience representing a U.S. based client with which you are in direct communication. We initiated the proceedings so it is on our client to comply with the rules and requirements and it has made an effort to do so. We have agreed to extensions so that "no one's back is up against the wall." I am endeavoring to obtain additional information and it seems premature to discuss motion practice.

Your email objection to the Document production on the ground that documents did not include any correlation with respect to corresponding request numbers is not well founded given that you did not provide the same information. Moreover, in many instances the response to the Interrogatories merely stated that exemplary relevant documents will be produced pursuant to a document request. This is not adequate since without context or explanation we cannot determine the response. Nothing that was produced seems to be an agreement for distribution or production of the wine. There appear to be no document that memorialized an arrangement between the producer and your client.

Please provide the requested information.

Finally, I have conveyed to my client that while the application identifies "sangria; wine", it appears that the proposed use is limited to sangria.

I look forward you your timely response and I am endeavoring to provide additional information in the immediate future.

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

GWL/

From: Seth Natter [<mailto:snatter@natterip.com>]
Sent: May 30, 2018 12:20 PM
To: Lewis, George
Subject: Vina Concha v Citadel

Dear George:

One month has passed since our email outlining specific deficiencies in Opposer's interrogatory answers. There has been no substantive response.

While we understand that you, as well as your client and counsel in Chile might be involved in other matters, registration of our client's mark is being delayed by this proceeding and our client insists upon moving forward. We additionally note that your client's production on May 22nd of 1032 documents did not include any correlation with respect to corresponding request numbers. Let us know if these issues can be resolved without motion practice.

Regards,
Seth

Seth Natter
Natter & Natter
501 Fifth Avenue
New York, NY 10017
212 840 8300
(f) 212 302 0295
www.natterip.com
@natterip



This e-mail transmission is from the law firm of Natter & Natter and may contain privileged and/or confidential information. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication including any attachments is strictly prohibited. Please contact the sender by reply e-mail and delete this e-mail and any attachments.