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

Proceeding no.	91245800
Party	Defendant The Vineyard House LLC
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Attachments	Request for In Camera Hearing 91245800.pdf(128630 bytes )

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

<p>Constellation Brands U.S. Operations, Inc.</p> <p style="text-align: center;">Opposer,</p> <p style="text-align: center;">v.</p> <p>The Vineyard House LLC,</p> <p style="text-align: center;">Applicant</p>	<p>Opposition No.: 91245800 (Parent of 91246515)</p> <p>Marks:</p> <p>Serial No. 87945310 (HENRY WALKER CRABB)</p> <p>Serial No. 87/944993 (HENRY WALKER (H.W. CRABB))</p> <p>Serial No. 87/944990 (HENRY WALKER (H.W.))</p> <p>Serial No. 87/944988 (HENRY WALKER)</p> <p>Serial No. 87/945312 (H.W. CRABB)</p> <p>Serial No. 87/945302 (HENRY W. CRABB)</p> <p>Serial No. 87/944923 (CRABB’S HALTER VALLEY OAKVILLE)</p> <p>Serial No. 87/944916 (CRABB’S HALTER VALLEY)</p>
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**APPLICANT’S CONDITIONAL REQUEST FOR IN CAMERA HEARING  
REGARDING APPLICANT’S MOTION TO SUSPEND AND OPPOSER’S  
OPPOSITION THERETO**

Applicant has requested that the Trademark Trial and Appeal Board suspend proceedings temporarily based on counsel’s representations about Applicant’s unavailability due to medical exigencies. Opposer has failed to explain how Opposer would be prejudiced, and instead bases its opposition on smearing Applicant and the professionalism of its counsel. Despite the lack of prejudice, should the Board require further information, Applicant’s counsel proposes to appear *in camera* to provide information in a confidential setting to preserve Applicant’s medical

privacy. However, should the Board accept Applicant's representations as set forth herein and in the Motion to Suspend, no *in camera* review would be required.

### **Discussion**

Aside from smearing Applicant and its counsel, Opposer's only objection is that Applicant has provided only "vague, insufficient and incoherent" reasons for requesting a suspension. [TTABVUE 27 p. 3]. Vague, yes. The circumstances of Applicant's unavailability involves confidential medical information the disclosure of which would violate Applicant's medical privacy rights. (TTABVUE 26, p. 3] Incoherent, no. There is nothing "incoherent" about counsel protecting its client's privacy rights. If that is "incoherent" to Opposer, then perhaps a course in legal ethics would be advisable. "Insufficient" is what this application is directed to remedy should the Board require further information.

More important than what Opposer argues is what Opposer does not argue. Opposer does not and cannot enunciate any prejudice to Opposer from the Board's granting the suspension. That is because neither party has used the marks at issue in these proceedings

Under 37 C.F.R. §2.120(j)(1) and (2), the Trademark Trial and Appeal Board can schedule a telephone conference or an in-person meeting of the attorneys as well as the Administrative Trademark Judge or Interlocutory Attorney where it would appear that "a stipulation or motion filed in an inter partes proceeding is of such nature that a telephone conference would be beneficial" or "the proceeding [has] become so complex that their resolution by correspondence or telephone conference is not practice and that resolution would likely be facilitated by a conference in person of the parties or their attorneys with an Administrative Trademark Judge or an Interlocutory Attorney of the Board." A telephone conference may also be sought by a party under any circumstances where it would be beneficial. TBMP §413.01.

Applicant's counsel, who regularly practices before this Board, has represented that Applicant's medical condition prevents Applicant from currently participating in this proceeding. If the Board requires more information, Applicant's counsel proposes to appear before the Board *in camera*, outside the presence of Opposer, to provide such information and respond to the



**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that APPLICANT’S REQUEST FOR IN CAMERA HEARING REGARDING APPLICANT’S MOTION TO SUSPEND AND OPPOSER’S OPPOSITION THERETO was served on April 29, 2022 via email on Opposer as follows:

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/fbhatti  
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