

ESTTA Tracking number: **ESTTA1210356**

Filing date: **05/19/2022**

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

Proceeding no.	91245800
Party	Plaintiff Constellation Brands U.S. Operations Inc.
Correspondence address	KENNETH L WILTON SEYFARTH SHAW LLP 2029 CENTURY PARK EAST STE 3500 LOS ANGELES, CA 90266 UNITED STATES Primary email: Kwilton@seyfarth.com Secondary email(s): Emaluf@seyfarth.com, TTABDocket@seyfarth.com, hkang@seyfarth.com, jheinbockel@seyfarth.com 310-277-7200
Submission	Other Motions/Submissions
Filer's name	Kenneth L. Wilton
Filer's email	kwilton@seyfarth.com
Signature	/Kenneth L. Wilton/
Date	05/19/2022
Attachments	FINAL 2022-05-19 91245800 Opposers Reply Brief Wilton Reply Dec ISO M tS and Resp to Req for In Camera Hearing.pdf(113953 bytes)

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

In the Matter of Application Serial Nos.:

87945310 (HENRY WALKER CRABB)
87944993 (HENRY WALKER (H.W.) CRABB)
87944990 (HENRY WALKER (H.W.))
87944988 (HENRY WALKER)
87945312 (H.W. CRABB)
87945302 (HENRY W. CRABB)
87944923 (CRABB'S HALTER VALLEY OAKVILLE)
87944916 (CRABB'S HALTER VALLEY)

Published in the Official Gazette of November 13, 2018 & January 29, 2019

CONSTELLATION BRANDS U.S.
OPERATIONS, INC.,

Opposer,

v.

THE VINEYARD HOUSE LLC,

Applicant.

Opposition No. 91245800 (Parent)
Opposition No. 91246515

OPPOSER'S COMBINED REPLY IN SUPPORT OF ITS MOTION TO STRIKE AND
RESPONSE TO APPLICANT'S CONDITIONAL REQUEST FOR IN CAMERA
HEARING

I. INTRODUCTION

Opposer filed a Motion to Amend the operative Notice of Opposition in parent Opposition No. 91245800 on Feb. 19, 2022. [22 TTABVUE.] The Board suspended these proceedings pending its decision on the motion, explaining that “Any paper filed during the pendency of this motion which is not relevant thereto will be given no consideration.” [24 TTABVUE.] Despite the clear admonition in the Board’s order, Applicant filed a motion to suspend these already suspended proceedings. [26 TTABVUE.] In response, Opposer moved to strike Applicant’s unnecessary motion and opposed the same. [27 TTABVUE.]

Now Applicant seeks what essentially is an irrelevant request for an *in camera, ex parte* hearing with the Board to discuss the reasons why its principal, Mr. Jeremy Nickel, is unavailable to participate in these proceedings. Applicant has taken the position that, by filing its Motion to Suspend these proceedings for a period of at least six months, and perhaps indefinitely, [24 TTABVUE], it is excused from any further participation in these proceedings until *its* motion is decided. “Absent relief,” Applicant argues, “Applicant cannot respond to Opposer’s Motion to Strike, except as to legal objections.” [28 TTABVUE 4.]

The Board’s March 21, 2022, Order made it clear that the “Any paper filed during the pendency of this motion which is not relevant thereto will be given no consideration.” [24 TTABVUE.] Applicant’s motion was therefore unnecessary and improper, and Applicant’s request for an *in camera* hearing does not address the substance of Applicant’s Motion to Strike. Instead, Applicant argues that it cannot oppose the Motion to Strike for the reasons set forth in its Motion to Suspend. [28 TTABVUE 4.] Having failed to oppose the Motion to Strike, the Motion should be deemed conceded, granted in full, and Applicant’s request for further suspension or an *in camera* hearing should be denied.

If its suspension motion is not stricken, with regard to its request for an *in camera* hearing, it is likely Mr. Nickel’s status will have changed at the time the Motion to Amend is decided. Opposer therefore suggests that, concurrent with its order on the Motion to Amend, the Board require Applicant to report within 20 days of the order whether its Motion to Suspend still needs to be addressed and, if so, to provide evidence regarding the purported continued unavailability of Mr. Nickel.

If the Board considers the Motion to Suspend and the Request on their merits, they both should be denied. Applicant believes that the only way to prove Mr. Nickel’s unavailability is by

providing the Board evidence and argument of the same outside of Opposer's view. Such a hearing would prejudice Opposer, is unwarranted, and ultimately would not resolve the insufficiency at the heart of this latest dispute: that Applicant cannot show good cause for its failure to participate in discovery and its request to suspend these proceedings for an indefinite period of time.

II. ARGUMENT

A. Opposer's Motion To Strike Should Be Granted

In its Motion, Opposer asked the Board to strike Applicant's motion to suspend as clearly contrary to the Board's earlier suspension order. Applicant made no effort to oppose the Motion. While acknowledging that a "Motion to Strike" was pending, and that it at least could have raised "legal objections" to the Motion, it did not. As a result, the Motion should be granted in its entirety. 37 CFR § 2.127(a) ("When a party fails to file a brief in response to a motion, the Board may treat the motion as conceded.").

B. Applicant's Request To Present New Evidence On Its Motion To Suspend Should Be Denied

In its Request, Applicant admits that the justification for both its failure to comply with discovery and its request to suspend these proceedings is both "vague" and "insufficient." [28 TTABVUE 3.] Applicant now seeks to remedy those deficiencies by appearing "before the Board in camera, outside the presence of Opposer" to provide information about Mr. Nickel's health and "respond to the Board's concerns." [Id. at 4.] In short, Applicant is asking to present both evidence and argument that it concedes should have been presented in its moving papers.

Even if the Board allows Applicant to present such evidence now, an *ex parte* hearing where it can "respond to the Board's concerns" is unwarranted, improper, and prejudicial.

First, Opposer once again notes that “Applicant” is a limited liability company, not an individual. Applicant, a juristic entity, and its managing member, Mr. Nickel, are not one and the same. Applicant’s Request does not address the fact its Motion to Suspend did not include any evidence that it lacks personnel that could participate in this proceeding. Thus, regardless of Mr. Nickel’s availability, good cause does not exist because Applicant has not proven that it cannot proceed without him.

Second, because there are alternative means for Applicant to have submitted evidence in a confidential manner that would protect the privacy of Mr. Nickel, there is no compelling reason to keep Opposer or its counsel completely in the dark.

Third, granting Applicant an *ex parte* audience to argue the merits of its Request runs counter to basic tenets of jurisprudence, particularly in light of certain misstatements of fact that appear in its Request.

If the Board deems it useful to address the issues raised by both parties’ submissions, Opposer will readily participate in a hearing that includes counsel for both parties.

i. **Proof of Mr. Nickel’s Absence Alone Would Not Show Good Cause To Suspend**

Applicant insists that it cannot participate in these proceedings without Mr. Nickel’s participation. But because Applicant is The Vineyard House LLC, and not Jeremy Nickel, proof of Mr. Nickel’s absence, without more, is neither sufficient to establish good cause for granting Applicant’s Motion to Suspend nor a justification for Applicant’s failure to participate in discovery.

Applicant is a limited liability company. It publicizes key employees on its website. In the district court litigation between the parties, Applicant even offered testimony from current

and former employees at trial. Those employees should be able to assist Applicant in this proceeding.

Additionally, the parties have litigated a federal trademark infringement lawsuit and several other Board proceedings involving the same core set of facts: namely, the identity of H.W. Crabb and whether Applicant's wines have any connection to his historic vineyard. Given the common facts in each of these proceedings, Applicant and its counsel should have no difficulty providing facts and documents responsive to Opposer's discovery requests.

Finally, Applicant's insistence that it can only participate in these proceedings with Mr. Nickel's involvement is also inconsistent with that, after filing its Motion to Suspend on April 1, 2022, Applicant:

- On April 7, 2022, Mr. Nickel signed corporate documents on behalf of To Kalon Stock Farm, LLC. [Wilton Decl. Ex. A];
- On April 8, 2022, Mr. Nickel signed, on behalf of Applicant, Requests for Extension of Time to File a Statement of Use in connection with App. Serial Nos. 87944980, 87944977 and 87944987 (all of which were previously subject to the opposition in the child proceeding to this proceeding) [Wilton Decl. Ex. B];
- On April 25, 2022, Applicant filed an Answer in *Constellation Brands U.S. Operations, Inc. v. The Vineyard House, LLC*, TTAB Opp. No. 91275093, 4 TTABVUE; and
- On April 25, 2022, Applicant filed an Answer in *Foxen Vineyard House v. The Vineyard House, LLC*, TTAB Opp. No. 91275094, 4 TTABVUE.

Because Applicant seems to be capable of participating in other proceedings, Applicant's proposed hearing is not warranted.

ii. **An Ex Parte Hearing is Not Necessary for Applicant to Demonstrate Mr. Nickel's Incapacity**

Applicant seeks to show that "Applicant's medical condition prevents Applicant from currently participating in this proceeding." [28 TTABVUE 4.] To the extent the Board believes such proof is useful for it to decide the Motion to Suspend, an *in camera* hearing is not

necessary. The Board's rules provide alternative, and more efficient, mechanisms for Applicant to make confidential submissions.

Specifically, the Board's Standard Protective Order provides protections to submit evidence confidentially. If a heightened degree of confidentiality is needed, Applicant could designate such supporting materials as "Confidential - Attorneys' Eyes Only"—which restricts review to outside counsel and, under certain circumstances not readily apparent here, independent experts.

Opposer has not requested, and does not need, a detailed or intrusive explanation of Mr. Nickel's medical condition. A doctor's note, submitted with a supporting declaration from counsel, simply advising of his unavailability and its anticipated duration (or, ideally, proposing reasonable accommodations) would suffice.

The proposed hearing is not necessary to accomplish Applicant's desired outcome. Should the Board need additional information from Applicant, Applicant should be able to provide such information through ESTTA as it would any other submission.

iii. Allowing Applicant To Make *Ex Parte* Representations To The Board Would Prejudice Opposer

Contrary to Applicant's Request, there is no justifiable reason for Applicant to hide its alleged good cause from Opposer or, at least, Opposer's counsel. The various disputes between Opposer and Applicant have proceeded for more than three years in numerous venues and jurisdiction, during which Applicant has continuously sold goods bearing the objectionable trademarks. Allowing Applicant to communicate, *ex parte*, with the Board would be prejudicial to Opposer.

In its Request, for example, Applicant asserts that it wants to "respond to the Board's concerns." [28 TTABVue 4.] To maintain the impartiality and decorum of the Board, the

Trademark Rules of Practice specifically provide that “A practitioner shall not (b) Communicate ex parte with [a judge, hearing officer, administrative law judge, administrative patent judge, administrative trademark judge, juror, prospective juror, employee or officer of the Office, or other official] during the proceeding unless authorized to do so by law, rule or court order.” 37 C.F.R. § 11.305. There is no justification to allow such a communication here.

III. CONCLUSION

As discussed above, because Applicant failed to oppose the Motion to Strike, it should be granted. Further, if it is not stricken, because Applicant’s Motion to Suspend may have become moot by the time the Board considers Opposer’s Motion to Amend, Opposer requests that the order on the Motion to Amend require Applicant to report within 20 days of the order whether its Motion to Suspend still needs to be addressed and, if so, to provide evidence regarding the purported continued unavailability of Mr. Nickel.

If the Board considers the Motion to Suspend and the Request for a hearing, because the request for an in camera hearing is unwarranted and will ultimately not satisfy the deficiencies with Applicant’s Motion to Suspend, it should be denied and the Motion to Suspend decided on the briefing. Should the Board deem it appropriate to provide Applicant an additional opportunity to provide support for its allegation of good cause, the Board should do so in a manner that allows for Opposer’s participation, such as a confidential ESTTA submission.

Date: May 19, 2022

By: *Kenneth L. Wilton*

Kenneth L. Wilton
kwilton@seyfarth.com

John C. Heinbockel
jheinbockel@seyfarth.com

Attorneys for Opposer
CONSTELLATION BRANDS U.S.
OPERATIONS, INC.

REPLY DECLARATION OF KENNETH L. WILTON

I, Kenneth L. Wilton, hereby declare under penalty of perjury:

1. I am a partner in the firm Seyfarth Shaw LLP, attorneys for Opposer Constellation Brands U.S. Operations, Inc. (“Opposer”) in these opposition proceedings. I submit this reply declaration in support of Opposer’s Combined Reply In Support Of Its Motion To Strike And Response To Applicant’s Conditional Request For In Camera Hearing in Proceeding No. 91245800. I make this declaration based on personal knowledge of the facts and circumstances set forth herein and on my review of the documents attached hereto.

2. On April 1, 2022, Applicant filed a motion to suspend these proceedings on the basis that its principal, Mr. Jeremy Nickel was unavailable to participate in litigating the dispute.

3. Applicant has not provided any explanation for Mr. Nickel’s unavailability other than “medical exigencies.” [20 TTABVUE 2.]

4. Nevertheless, on April 7, 2022, To Kalon Stock Farm, LLC, filed its 2022 “Florida Limited Liability Company Annual Report”. The report was electronically signed by “Jeremy J. Nickel” on April 7, 2022. A true and correct copy of the 2022 “Florida Limited Liability Company Annual Report” bearing Mr. Nickel’s electronic signature is attached as Exhibit A.

5. On April 8, 2022, Applicant submitted to the USPTO three Requests For Extensions of Time To Submit Statements Of Use in connection with Application Nos. 87944987, 87944980, and 87944977. Each request was electronically signed by “Jeremy Justin Nickel.” True and correct copies of the Requests For Extensions of Time To Submit Statements Of Use in connection with Application Nos. 87944987, 87944980, and 87944977 are attached as Exhibit B.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 19th day of May, 2022 at Los Angeles, California.

/Kenneth L. Wilton/
Kenneth L. Wilton

EXHIBIT A

2022 FLORIDA LIMITED LIABILITY COMPANY ANNUAL REPORT

DOCUMENT# L18000093648

Entity Name: TO KALON STOCK FARM, LLC

Current Principal Place of Business:

C/O ALVAREZ AND MARSAL PCS GROUP
600 BRICKELL AVENUE SUITE 2950
MIAMI, FL 33131

Current Mailing Address:

C/O ALVAREZ AND MARSAL PCS GROUP
600 BRICKELL AVENUE SUITE 2950
MIAMI, FL 33131 US

FEI Number: NOT APPLICABLE

Certificate of Status Desired: No

Name and Address of Current Registered Agent:

CORPORATION COMPANY OF MIAMI
200 S. BISCAYNE BOULEVARD
SUITE 4100 (BPR)
MIAMI, FL 33131 US

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE:

Electronic Signature of Registered Agent

Date

Authorized Person(s) Detail :

Title MGR
Name NICKEL, JEREMY J
Address C/O ALVAREZ AND MARSAL PCS
GROUP
600 BRICKELL AVENUE SUITE 2950
City-State-Zip: MIAMI FL 33131

I hereby certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am a managing member or manager of the limited liability company or the receiver or trustee empowered to execute this report as required by Chapter 605, Florida Statutes; and that my name appears above, or on an attachment with all other like empowered.

SIGNATURE: JEREMY J. NICKEL

MANAGER

04/07/2022

Electronic Signature of Signing Authorized Person(s) Detail

Date

EXHIBIT B

Request for Extension of Time to File a Statement of Use (15 U.S.C. Section 1051(d))

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	87944977
LAW OFFICE ASSIGNED	LAW OFFICE 123
MARK SECTION	
MARK	HALTER VALLEY VINEYARD OAKVILLE (see, https://tmng-al.uspto.gov/resting2/api/img/87944977/large)
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	HALTER VALLEY VINEYARD OAKVILLE
OWNER SECTION (current)	
NAME	The Vineyard House LLC
MAILING ADDRESS	1581 Oakville Grade
CITY	Oakville
STATE	California
ZIP/POSTAL CODE	94562
STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
OWNER SECTION (proposed)	
NAME	The Vineyard House LLC
MAILING ADDRESS	1581 Oakville Grade
CITY	Oakville
STATE	California
ZIP/POSTAL CODE	94562
STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
EMAIL	XXXX
ATTORNEY INFORMATION (current)	
NAME	FARAH P BHATTI
ATTORNEY BAR MEMBERSHIP NUMBER	XXX
YEAR OF ADMISSION	XXXX
U.S. STATE/ COMMONWEALTH/ TERRITORY	XX
FIRM NAME	BUCHALTER A PROFESSIONAL CORPORATION

STREET	18400 VON KARMAN AVE STE 800
CITY	IRVINE
STATE	California
POSTAL CODE	92612
COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
PHONE	949-224-6272
EMAIL	ipdocket@buchalter.com
ATTORNEY INFORMATION (proposed)	
NAME	FARAH P BHATTI
ATTORNEY BAR MEMBERSHIP NUMBER	XXX
YEAR OF ADMISSION	XXXX
U.S. STATE/ COMMONWEALTH/ TERRITORY	XX
FIRM NAME	BUCHALTER A PROFESSIONAL CORPORATION
STREET	18400 VON KARMAN AVE STE 800
CITY	IRVINE
STATE	California
POSTAL CODE	92612
COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
PHONE	949-224-6272
EMAIL	fbhatti@buchalter.com
CORRESPONDENCE INFORMATION (current)	
NAME	FARAH P BHATTI
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	ipdocket@buchalter.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	fbhatti@buchalter.com; mseror@buchalter.com; hblan@buchalter.com
CORRESPONDENCE INFORMATION (proposed)	
NAME	FARAH P BHATTI
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	fbhatti@buchalter.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	ipdocket@buchalter.com; hblan@buchalter.com
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	033
CURRENT IDENTIFICATION	Wines
GOODS OR SERVICES	KEEP ALL LISTED
EXTENSION SECTION	
EXTENSION NUMBER	1
ALLOWANCE MAIL DATE	12/07/2021

STATEMENT OF USE	NO
PAYMENT SECTION	
NUMBER OF CLASSES	1
SUBTOTAL AMOUNT [EXTENSION FEE]	125
TOTAL AMOUNT	125
SIGNATURE SECTION	
SIGNATURE	/Jeremy Nickel/
SIGNATORY'S NAME	Jeremy Justin Nickel
SIGNATORY'S POSITION	Manager
DATE SIGNED	04/08/2022
SIGNATURE METHOD	Sent to third party for signature
FILING INFORMATION	
SUBMIT DATE	Fri Apr 08 14:55:52 ET 2022
TEAS STAMP	USPTO/ESU-XX.XXX.XX.XXX-2 0220408145552574299-87944 977-8006010958d68aafacf99 271c4cd71185c76d2d7b7b4b6 f07552362c2403637-DA-5550 0951-20220406162102376580

**SOU Extension Request
(15 U.S.C. Section 1051(d))**

To the Commissioner for Trademarks:

MARK: HALTER VALLEY VINEYARD OAKVILLE (see, <https://tmng-al.uspto.gov/resting2/api/img/87944977/large>)

SERIAL NUMBER: 87944977

OWNER AND/OR ENTITY INFORMATION

The owner proposes to amend the following:

Current: The Vineyard House LLC, having an address of

1581 Oakville Grade

Oakville, California 94562

United States

Proposed: The Vineyard House LLC, having an address of

1581 Oakville Grade

Oakville, California 94562

United States

Phone:

Fax:

Email: XXXX

The owner requests a six-month extension of time to file the Statement of Use under 37 C.F.R. Section 2.89 in this application. The Notice of Allowance mailing date was 12/07/2021.

For International Class 033:

Current identification: Wines

For a trademark/service mark: The applicant has a continued bona fide intention, and is entitled, to use the mark in commerce on or in connection with all of the goods/services listed in the Notice of Allowance or as subsequently modified for this specific class; for a collective/certification mark: the applicant has a continued bona fide intention, and is entitled, to exercise legitimate control over the use of the mark in commerce on or in connection with the goods/services/collective membership organization listed in the Notice of Allowance, or as subsequently modified for this specific class.

This is the first extension request.

The applicant's current Attorney Information:

FARAH P BHATTI BUCHALTER A PROFESSIONAL CORPORATION

18400 VON KARMAN AVE STE 800

IRVINE, California 92612

United States

Phone: 949-224-6272

Email: ipdocket@buchalter.com

The applicant's proposed Attorney Information:

FARAH P BHATTI BUCHALTER A PROFESSIONAL CORPORATION

18400 VON KARMAN AVE STE 800

IRVINE, California 92612

United States

Phone: 949-224-6272

Email: fbhatti@buchalter.com

Correspondence Information (current):

FARAH P BHATTI
PRIMARY EMAIL FOR CORRESPONDENCE: ipdocket@buchalter.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): fbhatti@buchalter.com; mseror@buchalter.com; hblan@buchalter.com

Correspondence Information (proposed):

FARAH P BHATTI
PRIMARY EMAIL FOR CORRESPONDENCE: fbhatti@buchalter.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): ipdocket@buchalter.com; hblan@buchalter.com

Requirement for Email and Electronic Filing: I understand that a valid email address must be maintained by the owner/holder and the owner's/holder's attorney, if appointed, and that all official trademark correspondence must be submitted via the Trademark Electronic Application System (TEAS).

A fee payment in the amount of \$125 will be submitted with the form, representing payment for 1 class.

Declaration

STATEMENTS: The signatory believes that: the applicant has a continued bona fide intention, and is entitled, to use the mark in commerce on or in connection with all the goods/services under Section 1(b) in the notice of allowance or as subsequently modified, or, if applicable, the applicant has a continued bona fide intention, and is entitled, to exercise legitimate control over the use of the mark in commerce on or in connection with all the goods/services/collective membership organization under Section 1(b) in the notice of allowance or as subsequently modified; and that to the best of the signatory's knowledge and belief, no other persons, except, if applicable, members and concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services/collective membership organization of such other persons, to cause confusion or mistake, or to deceive.

DECLARATION: The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any resulting registration, declares that all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature: /Jeremy Nickel/ Date Signed: 04/08/2022
Signatory's Name: Jeremy Justin Nickel
Signatory's Position: Manager
Signature method: Sent to third party for signature

Mailing Address:

BUCHALTER A PROFESSIONAL CORPORATION

18400 VON KARMAN AVE STE 800
IRVINE, California 92612

PAYMENT: 87944977
PAYMENT DATE: 04/08/2022

Serial Number: 87944977
Internet Transmission Date: Fri Apr 08 14:55:52 ET 2022
TEAS Stamp: USPTO/ESU-XX.XXX.XX.XXX-2022040814555257
4299-87944977-8006010958d68aafacf99271c4
cd71185c76d2d7b7b4b6f07552362c2403637-DA
-55500951-20220406162102376580

Request for Extension of Time to File a Statement of Use (15 U.S.C. Section 1051(d))

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SERIAL NUMBER	87944980
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MARK	HALTER VALLEY VINEYARD (see, https://tmng-al.uspto.gov/resting2/api/img/87944980/large)
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	HALTER VALLEY VINEYARD
OWNER SECTION (current)	
NAME	The Vineyard House LLC
MAILING ADDRESS	1581 Oakville Grade
CITY	Oakville
STATE	California
ZIP/POSTAL CODE	94562
STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
OWNER SECTION (proposed)	
NAME	The Vineyard House LLC
MAILING ADDRESS	1581 Oakville Grade
CITY	Oakville
STATE	California
ZIP/POSTAL CODE	94562
STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
EMAIL	XXXX
ATTORNEY INFORMATION (current)	
NAME	FARAH P BHATTI
ATTORNEY BAR MEMBERSHIP NUMBER	XXX
YEAR OF ADMISSION	XXXX
U.S. STATE/ COMMONWEALTH/ TERRITORY	XX
FIRM NAME	BUCHALTER A PROFESSIONAL CORPORATION

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SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	ipdocket@buchalter.com; hblan@buchalter.com
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	033
CURRENT IDENTIFICATION	Wines
GOODS OR SERVICES	KEEP ALL LISTED
EXTENSION SECTION	
EXTENSION NUMBER	1
ALLOWANCE MAIL DATE	12/14/2021

STATEMENT OF USE	NO
PAYMENT SECTION	
NUMBER OF CLASSES	1
SUBTOTAL AMOUNT [EXTENSION FEE]	125
TOTAL AMOUNT	125
SIGNATURE SECTION	
SIGNATURE	/Jeremy Nickel/
SIGNATORY'S NAME	Jeremy Justin Nickel
SIGNATORY'S POSITION	Manager
DATE SIGNED	04/08/2022
SIGNATORY'S PHONE NUMBER	4159992499
SIGNATURE METHOD	Sent to third party for signature
FILING INFORMATION	
SUBMIT DATE	Fri Apr 08 14:56:59 ET 2022
TEAS STAMP	USPTO/ESU-XX.XXX.XX.XXX-2 0220408145659585573-87944 980-8003e72bfd1e448f45657 efb863311718592ccc4c5bdd3 2c982a92d1a3a34b5c-DA-565 70980-2022040616223704993 4

**SOU Extension Request
(15 U.S.C. Section 1051(d))**

To the Commissioner for Trademarks:

MARK: HALTER VALLEY VINEYARD (see, <https://tmng-al.uspto.gov/resting2/api/img/87944980/large>)

SERIAL NUMBER: 87944980

OWNER AND/OR ENTITY INFORMATION

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Oakville, California 94562

United States

Proposed: The Vineyard House LLC, having an address of

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Oakville, California 94562

United States

Phone:

Fax:

Email: XXXX

The owner requests a six-month extension of time to file the Statement of Use under 37 C.F.R. Section 2.89 in this application. The Notice of Allowance mailing date was 12/14/2021.

For International Class 033:

Current identification: Wines

For a trademark/service mark: The applicant has a continued bona fide intention, and is entitled, to use the mark in commerce on or in connection with all of the goods/services listed in the Notice of Allowance or as subsequently modified for this specific class; for a collective/certification mark: the applicant has a continued bona fide intention, and is entitled, to exercise legitimate control over the use of the mark in commerce on or in connection with the goods/services/collective membership organization listed in the Notice of Allowance, or as subsequently modified for this specific class.

This is the first extension request.

The applicant's current Attorney Information:

FARAH P BHATTI BUCHALTER A PROFESSIONAL CORPORATION

18400 VON KARMAN AVE STE 800

IRVINE, California 92612

United States

Phone: 949-224-6272

Email: ipdocket@buchalter.com

The applicant's proposed Attorney Information:

FARAH P BHATTI BUCHALTER A PROFESSIONAL CORPORATION

18400 VON KARMAN AVE STE 800

IRVINE, California 92612

United States

Phone: 949-224-6272

Email: fbhatti@buchalter.com

Correspondence Information (current):

FARAH P BHATTI
PRIMARY EMAIL FOR CORRESPONDENCE: ipdocket@buchalter.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): fbhatti@buchalter.com; mseror@buchalter.com; hblan@buchalter.com

Correspondence Information (proposed):

FARAH P BHATTI
PRIMARY EMAIL FOR CORRESPONDENCE: fbhatti@buchalter.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): ipdocket@buchalter.com; hblan@buchalter.com

Requirement for Email and Electronic Filing: I understand that a valid email address must be maintained by the owner/holder and the owner's/holder's attorney, if appointed, and that all official trademark correspondence must be submitted via the Trademark Electronic Application System (TEAS).

A fee payment in the amount of \$125 will be submitted with the form, representing payment for 1 class.

Declaration

STATEMENTS: The signatory believes that: the applicant has a continued bona fide intention, and is entitled, to use the mark in commerce on or in connection with all the goods/services under Section 1(b) in the notice of allowance or as subsequently modified, or, if applicable, the applicant has a continued bona fide intention, and is entitled, to exercise legitimate control over the use of the mark in commerce on or in connection with all the goods/services/collective membership organization under Section 1(b) in the notice of allowance or as subsequently modified; and that to the best of the signatory's knowledge and belief, no other persons, except, if applicable, members and concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services/collective membership organization of such other persons, to cause confusion or mistake, or to deceive.

DECLARATION: The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any resulting registration, declares that all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature: /Jeremy Nickel/ Date Signed: 04/08/2022
Signatory's Name: Jeremy Justin Nickel
Signatory's Position: Manager
Signatory's Phone: 4159992499
Signature method: Sent to third party for signature

Mailing Address:

BUCHALTER A PROFESSIONAL CORPORATION

18400 VON KARMAN AVE STE 800
IRVINE, California 92612

PAYMENT: 87944980
PAYMENT DATE: 04/08/2022

Serial Number: 87944980
Internet Transmission Date: Fri Apr 08 14:56:59 ET 2022
TEAS Stamp: USPTO/ESU-XX.XXX.XX.XXX-2022040814565958
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3311718592ccc4c5bdd32c982a92d1a3a34b5c-D
A-56570980-20220406162237049934

Request for Extension of Time to File a Statement of Use (15 U.S.C. Section 1051(d))

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	87944987
LAW OFFICE ASSIGNED	LAW OFFICE 123
MARK SECTION	
MARK	HALTER VALLEY OAKVILLE (see, https://tmng-al.uspto.gov/resting2/api/img/87944987/large)
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	HALTER VALLEY OAKVILLE
OWNER SECTION (current)	
NAME	The Vineyard House LLC
MAILING ADDRESS	1581 Oakville Grade
CITY	Oakville
STATE	California
ZIP/POSTAL CODE	94562
STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
OWNER SECTION (proposed)	
NAME	The Vineyard House LLC
MAILING ADDRESS	1581 Oakville Grade
CITY	Oakville
STATE	California
ZIP/POSTAL CODE	94562
STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
EMAIL	XXXX
ATTORNEY INFORMATION (current)	
NAME	FARAH P BHATTI
ATTORNEY BAR MEMBERSHIP NUMBER	XXX
YEAR OF ADMISSION	XXXX
U.S. STATE/ COMMONWEALTH/ TERRITORY	XX
FIRM NAME	BUCHALTER A PROFESSIONAL CORPORATION

STREET	18400 VON KARMAN AVE STE 800
CITY	IRVINE
STATE	California
POSTAL CODE	92612
COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
PHONE	949-224-6272
EMAIL	ipdocket@buchalter.com
ATTORNEY INFORMATION (proposed)	
NAME	FARAH P BHATTI
ATTORNEY BAR MEMBERSHIP NUMBER	XXX
YEAR OF ADMISSION	XXXX
U.S. STATE/ COMMONWEALTH/ TERRITORY	XX
FIRM NAME	BUCHALTER A PROFESSIONAL CORPORATION
STREET	18400 VON KARMAN AVE STE 800
CITY	IRVINE
STATE	California
POSTAL CODE	92612
COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
PHONE	949-224-6272
EMAIL	fbhatti@buchalter.com
CORRESPONDENCE INFORMATION (current)	
NAME	FARAH P BHATTI
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	ipdocket@buchalter.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	fbhatti@buchalter.com; mserror@buchalter.com; hblan@buchalter.com
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SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	ipdocket@buchalter.com; hblan@buchalter.com
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	033
CURRENT IDENTIFICATION	Wines
GOODS OR SERVICES	KEEP ALL LISTED
EXTENSION SECTION	
EXTENSION NUMBER	1
ALLOWANCE MAIL DATE	12/07/2021

STATEMENT OF USE	NO
PAYMENT SECTION	
NUMBER OF CLASSES	1
SUBTOTAL AMOUNT [EXTENSION FEE]	125
TOTAL AMOUNT	125
SIGNATURE SECTION	
SIGNATURE	/Jeremy J. Nickel/
SIGNATORY'S NAME	Jeremy Justin Nickel
SIGNATORY'S POSITION	Manager
DATE SIGNED	04/08/2022
SIGNATORY'S PHONE NUMBER	4159992499
SIGNATURE METHOD	Sent to third party for signature
FILING INFORMATION	
SUBMIT DATE	Fri Apr 08 14:54:02 ET 2022
TEAS STAMP	USPTO/ESU-XX.XXX.XX.XXX-2 0220408145402010408-87944 987-800d61feb11313b3d467a c6cd15c2cc23ef6cd0d7c3ef7 e1e8eb6b619fcdab-DA-53590 907-20220406161742094905

**SOU Extension Request
(15 U.S.C. Section 1051(d))**

To the Commissioner for Trademarks:

MARK: HALTER VALLEY OAKVILLE (see, <https://tmng-al.uspto.gov/resting2/api/img/87944987/large>)

SERIAL NUMBER: 87944987

OWNER AND/OR ENTITY INFORMATION

The owner proposes to amend the following:

Current: The Vineyard House LLC, having an address of

1581 Oakville Grade
Oakville, California 94562
United States

Proposed: The Vineyard House LLC, having an address of

1581 Oakville Grade
Oakville, California 94562
United States

Phone:

Fax:

Email: XXXX

The owner requests a six-month extension of time to file the Statement of Use under 37 C.F.R. Section 2.89 in this application. The Notice of Allowance mailing date was 12/07/2021.

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This is the first extension request.

The applicant's current Attorney Information:

FARAH P BHATTI BUCHALTER A PROFESSIONAL CORPORATION

18400 VON KARMAN AVE STE 800

IRVINE, California 92612

United States

Phone: 949-224-6272

Email: ipdocket@buchalter.com

The applicant's proposed Attorney Information:

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IRVINE, California 92612

United States

Phone: 949-224-6272

Email: fbhatti@buchalter.com

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Signature: /Jeremy J. Nickel/ Date Signed: 04/08/2022
Signatory's Name: Jeremy Justin Nickel
Signatory's Position: Manager
Signatory's Phone: 4159992499
Signature method: Sent to third party for signature

Mailing Address:

BUCHALTER A PROFESSIONAL CORPORATION

18400 VON KARMAN AVE STE 800
IRVINE, California 92612

PAYMENT: 87944987
PAYMENT DATE: 04/08/2022

Serial Number: 87944987
Internet Transmission Date: Fri Apr 08 14:54:02 ET 2022
TEAS Stamp: USPTO/ESU-XX.XXX.XX.XXX-2022040814540201
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5c2cc23ef6cd0d7c3ef7e1e8eb6b619fcdab-DA-
53590907-20220406161742094905

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **OPPOSER’S COMBINED REPLY IN SUPPORT OF ITS MOTION TO STRIKE AND RESPONSE TO APPLICANT’S CONDITIONAL REQUEST FOR IN CAMERA HEARING; REPLY DECLARATION OF KENNETH L. WILTON** have been served on Applicant The Vineyard House LLC, by forwarding said copy on May 19, 2022, via email, to the correspondence address of record for Applicant The Vineyard House LLC at ipdocket@buchalter.com, fbhatti@buchalter.com, mseror@buchalter.com, hblan@buchalter.com.

/Helen Kang/

Helen Kang