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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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Date	05/31/2022
Attachments	91245800 - Applicants Response to Opposers Reply.pdf(103525 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 RESPONSE TO OPPOSER’S REPLY IN SUPPORT OF ITS MOTION TO STRIKE AND APPLICANT’S CONDITIONAL REQUEST FOR IN CAMERA HEARING

On March 21, 2022, the Board issued an order suspended the proceedings pending the disposition of the motion to amend the pleadings filed February 19, 2022 by Opposer and Applicant’s response thereto filed on March 10, 2022. The Board specifically stated that “[a]ny paper filed during the pendency of this motion which is not relevant thereto will be given no consideration” and also stated that “[t]his suspension order does not toll the time for either party to respond to any outstanding discovery or to serve expert disclosures.”

On April 1, 2022, due to extenuating circumstances, Applicant had no choice but to file a Motion to Suspend the proceedings to inform the Board of the unavailability of Applicant. Applicant specifically stated that there was good cause to grant the request and set forth as much information as it could stating that “[d]ue to Applicant’s right to medical privacy, Applicant’s counsel cannot further elaborate on the details of the situation.”

Notwithstanding the Board’s order issued March 21, 2022 whereby the Board suspended the proceedings and stated that motions that are not relevant not be filed, Opposer filed a Motion to Strike and Opposition to Applicant’s Motion to Suspend on April 21, 2022. Opposer states in its Motion that Applicant should not have filed its motion given the Board’s order issued March 21, 2022 and questioned the reasons for Applicant’s good cause, which Applicant specifically stated it could not openly provide due to Applicant’s right to medical privacy. Applicant was then left with no option but to file a Conditional Request for an In Camera Hearing on April 29, 2022 to address the issues surrounding the unavailability of Applicant to address any concerns raised directly with the Board.

Instead of waiting for the Board to review and rule on the outstanding Motions, Opposer has again filed additional extraneous and unnecessary documents to bog down the proceedings and waste the time of the Board. Applicant has no choice but to file this Reply. However, Applicant’s simple reply in response to “Opposer’s Combined Reply in Support of Its Motion to Strike and Response to applicant’s Conditional Request for In Camera Hearing,” is that Applicant can respond to these and any other additional papers filed by Opposer only in camera, should the Board seek further information.

Dated: May 31, 2022

The Vineyard House LLC

By: /fbhatti/
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that APPLICANT’S RESPONSE TO OPPOSER’S REPLY IN SUPPORT OF ITS MOTION TO STRIKE AND APPLICANT’S CONDITIONAL REQUEST FOR IN CAMERA HEARING was served on May 31, 2022 via email on Opposer as follows:

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