

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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WINTER/nmt

July 21, 2021

Opposition No. 91253786

The Vineyard House LLC

v.

Constellation Brands U.S. Operations, Inc.

By the Trademark Trial and Appeal Board:

On March 8, 2021, the Board allowed the parties thirty days to inform the Board on the status of the civil action that occasioned the suspension of this proceeding. 7 TTABVUE.

On April 8, 2021, Applicant filed the parties' Joint Status Report and Request for Entry of Judgment, 8 TTABVUE¹ and 9 TTABVUE, stating that the civil action between the parties was finally determined on January 26, 2021, the U.S. District Court entered a Rule 52 Order After Trial on the Merits, and no appeal was filed. The submission included a copy of both the Court's order and the Judgment Under Rule 58, both in favor of Applicant in this proceeding. 9 TTABVUE 6, 31.

Inasmuch as no appeal has been filed and the parties stipulate that a final determination has been made, this proceeding can be removed from suspension and

¹ Applicant's submission at 8 TTABVUE comprised only the parties' Joint Status Report; the submission at 9 TTABVUE includes said report and both exhibits.

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judgment may be entered in favor of Applicant, allowing application Serial No. 88586993 to proceed to Notice of Allowance. 9 TTABVUE 3.

In view of the foregoing, the parties' joint motion for entry of judgment is granted and judgment is hereby entered against Opposer. *See* Trademark Rule 2.127(a). The opposition is dismissed with prejudice and application Serial No. 88586993 will proceed to issuance of a Notice of Allowance.

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