

ESTTA Tracking number: **ESTTA1125869**

Filing date: **04/08/2021**

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

Proceeding	91253786
Party	Defendant Constellation Brands U.S. Operations, Inc.
Correspondence Address	KENNETH L WILTON SEYFARTH SHAW LLP 2029 CENTURY PARK EAST SUITE 3500 LOS ANGELES, CA 90067 UNITED STATES Primary Email: cbidocket@seyfarth.com Secondary Email(s): kwilton@seyfarth.com, Emaluf@seyfarth.com, debrown@seyfarth.com, hkang@seyfarth.com, laxttabdoCKET@seyfarth.com 310-201-5271
Submission	Other Motions/Submissions
Filer's Name	Kenneth L. Wilton
Filer's email	kwilton@seyfarth.com
Signature	/Kenneth L. Wilton/
Date	04/08/2021
Attachments	2021-04-08 - Joint Status Report in Proceeding 91253786 - TO KALON 1868.pdf(11752 bytes )

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

In the Matter of Application Serial No.:  
88586993 (TO KALON 1868)  
Published in the Official Gazette of January 14, 2020

THE VINEYARD HOUSE LLC,

Petitioner,

v.

CONSTELLATION BRANDS U.S.  
OPERATIONS, INC.,

Respondent.

Opposition No. 91253786

**JOINT STATUS REPORT AND REQUEST FOR ENTRY OF JUDGMENT**

Constellation Brands U.S. Operations, Inc. (“CBUSO”) and The Vineyard House LLC (“TVH”) hereby provide this joint status report and request that judgment be entered in this proceeding.

The Parties hereby provide notice that there has been a final determination of the Civil Action -- *The Vineyard House, LLC v. Constellation Brands U.S. Operations, Inc.*, Case No. 4:19-cv-1424-YGR in the United States District Court for the Northern District of California -- which occasioned the suspension of these consolidated proceedings. Specifically, on January 26, 2021, the District Court entered a Rule 52 Order After Trial on the Merits and, based on that Order, entered a Judgment in favor of CBUSO and against TVH. Copies of both documents are attached hereto as Exhibits A and B, respectively. No appeal was filed. The Civil Action, therefore, has reached a “final determination” as contemplated by the Board, and this proceeding can be removed from suspension. See 37 CFR § 2.117(a); TBMP § 510.02(b).

In light of the decision in the Civil Action, after this proceeding is removed from suspension, judgment should be entered in favor of CBUSO, and Application Ser. No. 88586993 (TO KALON 1886), the subject of this opposition, can proceed to Notice of Allowance.

Respectfully submitted,

SEYFARTH SHAW LLP

Date: April 8, 2021

By: */Kenneth L. Wilton/*

Kenneth L. Wilton

kwilton@seyfarth.com

Attorneys for

CONSTELLATION BRANDS U.S.

OPERATIONS, INC.

BUCHALTER

Date: April 8, 2021

By: */Farah P. Bhatti/ (with written consent)*

Farah P. Bhatti

fbhatti@buchalter.com

Attorneys for

THE VINEYARD HOUSE LLC

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **JOINT STATUS REPORT AND REQUEST FOR ENTRY OF JUDGMENT** has been served on Farah Bhatti, counsel for Opposer, by forwarding said copy on April 8, 2021, via email, to the correspondence address of record for Opposer The Vineyard House LLC at ipdocket@buchalter.com, fbhatti@buchalter.com, tspeiss@buchalter.com.

*/Helen Kang/*\_\_\_\_\_

Helen Kang