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Filing date: **05/31/2022**

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

Proceeding no.	91264970
Party	Defendant The Vineyard House LLC
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Date	05/31/2022
Attachments	91264970 - Applicants Response to Opposers Reply.pdf(138564 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.: 91264970</p> <p>Marks:</p> <p>Serial No.: 88/009725 (H.W. CRABB'S HERMOSA VINEYARD)</p> <p style="text-align: center;"> </p> <p>Serial No.: 88/699893 ()</p> <p>Serial No.: 88/732323 (H.W. CRABB'S HERMOSA 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 May 2, 2022, the Board issued an order suspended the proceedings pending the disposition of the Opposer's Motion to Compel discovery filed April 21, 2022 by Opposer and Applicant's Motion to Suspend filed on April 1, 2022.

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." Applicant also filed 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.

Notwithstanding the Board's order issued May 2, 2022 whereby the Board suspended the proceedings, Opposer filed a Combined Reply in Support of its Motion to Compel and a Response to Applicant's Conditional Request for an In Camera Hearing on May 19, 2022.

Opposer states in its Motion that Applicant should have raised “legal objections” to the Motion to Compel but “chose not to do so” and that “[h]aving failed to oppose the Motion, the Motion should be deemed conceded, granted in full, and Applicant required to provide supplemental response and documents as requested.”

Applicant’s Motion for Suspension and Conditional Request for In Camera Hearing clearly sets forth that Applicant is unavailable. Due to this unavailability, Applicant could not raise any objections, legal or otherwise. Applicant’s simple reply in response to “Opposer’s Combined Reply in Support of Its Motion to Compel 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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