

ESTTA Tracking number: **ESTTA1083994**

Filing date: **09/23/2020**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Constellation Brands U.S. Operations Inc.
Granted to Date of previous extension	09/30/2020
Address	235 NORTH BLOOMFIELD ROAD CANANDAIGUA, NY 14424 UNITED STATES
Attorney information	KENNETH L WILTON SEYFARTH SHAW LLP 2029 CENTURY PARK EAST SUITE 3500 LOS ANGELES, CA 90067 UNITED STATES Primary Email: kwilton@seyfarth.com Secondary Email(s): debrown@seyfarth.com, emaluf@seyfarth.com, laxttabocket@seyfarth.com, hkang@seyfarth.com 310-277-7200
Docket Number	

Applicant Information

Application No.	88008025	Publication date	06/02/2020
Opposition Filing Date	09/23/2020	Opposition Period Ends	09/30/2020
Applicant	The Vineyard House LLC 1581 OAKVILLE GRADE OAKVILLE, CA 94562 UNITED STATES		

Goods/Services Affected by Opposition

Class 033. First Use: 2019/12/19 First Use In Commerce: 2019/12/19
All goods and services in the class are opposed, namely: Wines

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
The mark is deceptively misdescriptive	Trademark Act Section 2(e)(1)
False suggestion of a connection with persons, living or dead, institutions, beliefs, or national symbols, or brings them into contempt, or disrepute	Trademark Act Section 2(a)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1489619	Application Date	06/09/1987
Registration Date	05/24/1988	Foreign Priority Date	NONE
Word Mark	TO KALON		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 033. First use: First Use: 1987/05/07 First Use In Commerce: 1987/05/07 WINE		

U.S. Registration No.	1857851	Application Date	11/03/1993
Registration Date	10/11/1994	Foreign Priority Date	NONE
Word Mark	TO KALON VINEYARD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 033. First use: First Use: 1988/08/00 First Use In Commerce: 1989/12/00 wine		

Related Proceedings	91245800, 91246515, 91264970
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Attachments	2020-09-23 - Opposer_s Notice of Opposition and Exhibit A.pdf(2308185 bytes)
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Signature	/Destiny J. Brown/
Name	Destiny J. Brown
Date	09/23/2020

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

In the Matter of Application Serial No.:
88008025 (CRABB’S BLACK BURGUNDY)
Published in the Official Gazette of June 2, 2020

CONSTELLATION BRANDS U.S.
OPERATIONS, INC.,

Opposer,

v.

THE VINEYARD HOUSE LLC,

Applicant.

Opposition No.

OPPOSER’S NOTICE OF OPPOSITION

Opposer Constellation Brands U.S. Operations, Inc. (“Opposer”) believes that it will be damaged by registration of the mark shown in Application Serial No. 88008025, and hereby opposes the same. As grounds for opposition, Opposer alleges as follows:

1. Opposer is a New York corporation with a place of business at 235 North Bloomfield Road, Canandaigua, New York 14424.
2. Opposer is a wholly-owned subsidiary of Constellation Brands, Inc. (“CBI”) a corporation existing under the laws of Delaware and located and doing business at Building 100, 207 High Point Drive, Victor, New York 14564.
3. On information and belief, Applicant The Vineyard House LLC (“Applicant”) is a California limited liability company with a place of business at 1581 Oakville Grade, Oakville, California 94562.
4. CBI is the world’s largest source of premium wines and Opposer is one of CBI’s largest operating companies.

5. Opposer is the operator of, *inter alia*, the Robert Mondavi Winery located at 7801 Saint Helena Highway, Oakville, CA 94562 (“Mondavi”).

6. In the mid-1800’s, Hamilton W. Crabb, also known as Henry Walker Crabb and H.W. Crabb, purchased farmland in the Napa County area of California and founded “Hermosa Vineyards.”

7. In or about 1886, after adding additional acreage to his holdings, Mr. Crabb began calling his company the “To-Kalon Wine Company.”

8. By virtue of his pioneering efforts, Mr. Crabb had in the 19th Century become closely associated with the brand “To Kalon.”

9. By the time of his death in 1899, Mr. Crabb had acquired approximately 368 acres of vineyard land in the area. None of that land is included within any portion of Applicant’s current landholdings.

10. Mr. Crabb died in 1899 and his land holdings were sold off among several buyers.

11. Mondavi was founded in 1966, and over the following decade or so Mondavi acquired, *inter alia*, the majority of the original Crabb vineyard properties.

12. In the mid-1980’s, Mondavi adopted the mark “TO KALON” to use on and in connection with wine from grapes grown on portions of the Mondavi estate.

13. By assignment from Mondavi, Opposer owns all right, title and interest in the following TO KALON-formative marks:

a. Registration No. 1489619, granted May 24, 1988, for the mark TO KALON for “wine” in Class 33; and

b. Registration No. 1857851, granted October 11, 1994, for the mark TO KALON VINEYARD for “wine” in Class 33.

Both of these registrations are valid and subsisting and have become incontestable. Copies of current printouts of information from the electronic database records of the USPTO showing the

current status and title of these registrations are attached hereto as Exhibit A and are incorporated by reference herein as if set forth in full. They are referred to herein as the “TO KALON Marks.”

14. In light of the historical association between Mr. Crabb and the “TO KALON” brand made popular by the promotional activity of Opposer and its predecessor, Mondavi, in or about 2012, Opposer commenced use of Mr. Crabb’s initials, H.W.C and HWC as trademarks on and in connection with wine (“H.W.C Marks”). As a result, Mr. Crabb has been and continues to be associated in the minds of the relevant consuming public with Opposer’s TO KALON Marks, and H.W.C Marks, and thus to Opposer.

15. On information and belief, Applicant has adopted and intends to use “CRABB’S BLACK BURGUNDY” on or in connection with wine, the origin of which has no historic association with Mr. Crabb.

16. On June 20, 2018, Applicant filed Application Serial No. 88008025 seeking registration of CRABB’S BLACK BURGUNDY (“Applicant’s Mark”), based on its alleged intent to use the mark on or in connection with “wines” in Class 33, the origin of which has no historic association with Mr. Crabb (the “Opposed Application”).

17. On December 13, 2018, in response to an Office Action issued by the Examining Attorney assigned to examine the Opposed Application, Applicant admitted that it adopted Applicant’s Mark with the specific intent to cause consumers to associate the “wines” sold under Applicant’s Mark with Mr. Crabb and wine historically sold by Mr. Crabb.

18. On January 13, 2020, in response to an Office Action issued by the Examining Attorney assigned to examine the Opposed Application, Applicant admitted that the goods intended to be sold under Applicant’s Mark “are not intended to be made with grapes originate in or near Cahors, France” and instead be made from grapes that originate “from Applicant’s vineyard in Oakville, California.”

FIRST CLAIM FOR RELIEF

(False Suggestion Of Connection Between Applicant and Opposer)

19. Opposer repeats and realleges the allegations in paragraphs 1 through 18 as if fully set forth herein.

20. Applicant's Mark as shown in the Opposed Application includes an express reference to Mr. Crabb, who Applicant admits is a deceased person of historical importance in the Napa Valley and its wine-making region, and wine that Mr. Crabb produced.

21. Opposer and Opposer's predecessor-in-interest have promoted the connection between Mr. Crabb and the TO KALON brand for over thirty years, creating an association in the mind of the public.

22. In light of Mr. Crabb's well-known historical association with the "To Kalon" brand, and Opposer's ownership of exclusive rights to use the TO KALON Marks and the H.W.C Marks, the appearance of Mr. Crabb's name in Applicant's Mark is intended to associate the goods intended to be sold under Applicant's Mark with Opposer.

23. Because of Mr. Crabb's well-known reputation in connection with the TO KALON marks and H.W.C Marks as a result of the marketing efforts of Opposer and its predecessor, Mondavi, the relevant consuming public will recognize that the reference to "CRABB" in Applicant's Mark points uniquely and unmistakably to Mr. Crabb, as specifically admitted and intended by Applicant, and by extension to Opposer.

24. Opposer has no connection with the goods intended to be sold or sold by Applicant under Applicant's Mark.

25. The connection between Mr. Crabb and Opposer's TO KALON Marks and H.W.C Marks is of sufficient fame or reputation that when Applicant's Mark is used on or in connection with Applicant's identified goods, a connection with Opposer would be presumed.

26. As a result of the foregoing, Applicant's Mark is unregistrable under Section 2(a) of the United States Trademark Act, 15 U.S.C. § 1052(a).

27. Opposer will be damaged by registration of Applicant's Mark as shown in the Opposed Application because registration will give Applicant *prima facie* evidence of its ownership of, and its exclusive nationwide right to use, a mark that would suggest an association with Opposer where none exists.

SECOND CLAIM FOR RELIEF
(Likelihood of Confusion With Previously Used Trademarks)

28. Opposer repeats and realleges the allegations in paragraphs 1 through 27 as if fully set forth herein.

29. Applicant's Mark as shown in the Opposed Application so resembles Opposer's previously used and not abandoned H.W.C Marks as to be likely, when used on or in connection with the goods identified in the Opposed Application, to cause confusion, to cause mistake, or to deceive, and Applicant's Mark is thus unregistrable under Section 2(d) of the United States Trademark Act, 15 U.S.C. § 1052(d).

30. Opposer will be damaged by registration of Applicant's Mark as shown in the Opposed Application because registration will give Applicant *prima facie* evidence of its ownership of, and its exclusive nationwide right to use, a mark that is confusingly similar to Opposer's previously used and not abandoned H.W.C Marks.

THIRD CLAIM FOR RELIEF
(Deceptive Misdescriptiveness)

31. Opposer repeats and realleges the allegations in paragraphs 1 through 30 as if fully set forth herein.

32. Pursuant to French law and international treaties, "BURGUNDY" may only be used as a mark in the context of wine to describe a type of wine that originates from the

Burgundy region in France and which features unique qualities that are attributed to the grapes grown in the particular region.

33. On information and belief, Applicant does not intend to use Applicant's Mark on or in connection with wine originating from the Burgundy region of France which features the unique qualities required to apply the appellation "Burgundy."

34. Notwithstanding the lack of relationship between the wines Applicant intends to sell under Applicant's Mark and the Burgundy region of France, the relevant consuming public, when faced with Applicant's Mark, is likely to believe that there is an association where none exists.

35. On information and belief, because there is no association between the Burgundy region of France and the goods on or in connection with which Applicant intends to use "BURGUNDY," Applicant's Mark is deceptively misdescriptive.

36. Opposer will be damaged by registration of Applicant's Mark as shown in the Opposed Application because registration will give Applicant *prima facie* evidence of its ownership of, and its exclusive nationwide right to use, a mark that is likely to deceive the public into believing that there is an association between the Burgundy appellation of origin and the goods on or in connection with which Applicant will have used Applicant's Mark.

WHEREFORE, Opposer prays for judgment sustaining this opposition and refusing registration to Applicant of Applicant's Mark as shown in the Opposed Application.

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Respectfully submitted,

SEYFARTH SHAW LLP

Date: September 23, 2020

By: */Destiny J. Brown/*

Kenneth L. Wilton

kwilton@seyfarth.com

Destiny J. Brown

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Los Angeles, CA 90067-3021

Telephone: (310) 277-7200

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Attorneys for Opposer

CONSTELLATION BRANDS U.S.

OPERATIONS, INC.

EXHIBIT A

Generated on: This page was generated by TSDR on 2020-09-23 18:10:56 EDT

Mark: TO KALON

TO KALON

US Serial Number: 73665622

Application Filing Date: Jun. 09, 1987

US Registration Number: 1489619

Registration Date: May 24, 1988

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Cancellation/Invalidation Pending

This trademark application has been registered with the Office, but it is currently undergoing a challenge which may result in its removal from the registry.

Status: A cancellation proceeding is pending at the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

Status Date: Jun. 25, 2019

Publication Date: Mar. 01, 1988

Mark Information

Mark Literal Elements: TO KALON

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

International Registration Number: 1417089

International Application(s)/Registration(s) Based on this Property: A0077353/1417089

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: WINE

International Class(es): 033 - Primary Class

U.S Class(es): 047

Class Status: ACTIVE

Basis: 1(a)

First Use: May 07, 1987

Use in Commerce: May 07, 1987

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No
Filed 44D: No
Filed 44E: No
Filed 66A: No
Filed No Basis: No

Currently ITU: No
Currently 44E: No
Currently 66A: No
Currently No Basis: No

Current Owner(s) Information

Owner Name: CONSTELLATION BRANDS U.S. OPERATIONS, INC.
Owner Address: 235 NORTH BLOOMFIELD ROAD
CANANDAIGUA, NEW YORK UNITED STATES 14424
Legal Entity Type: CORPORATION
State or Country Where Organized: NEW YORK

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Julia K. Sutherland
Attorney Primary Email Address: CBIDocket@seyfarth.com
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: KENNETH L WILTON
SEYFARTH SHAW LLP
2029 CENTURY PARK EAST
SUITE 3500
LOS ANGELES, CALIFORNIA UNITED STATES 90067
Phone: 312-460-5577
Fax: 312-460-7577
Correspondent e-mail: CBIDocket@seyfarth.com
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 25, 2019	CANCELLATION INSTITUTED NO. 999999	71585
May 07, 2019	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
May 07, 2019	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
May 01, 2019	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
May 01, 2019	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Feb. 13, 2018	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Feb. 13, 2018	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	66607
Feb. 13, 2018	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	66607
Feb. 09, 2018	TEAS SECTION 8 & 9 RECEIVED	
Jun. 20, 2017	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jun. 20, 2017	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
May 24, 2017	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Mar. 16, 2016	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 01, 2012	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
May 18, 2011	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jun. 01, 2009	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Dec. 29, 2008	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jun. 27, 2008	AMENDMENT UNDER SECTION 7 Â- PROCESSED	
Jun. 24, 2008	CASE FILE IN TICRS	
Jun. 06, 2008	ON HOLD - ELECTRONIC RECORD REVIEW REQUIRED	
May 30, 2008	AMENDMENT UNDER SECTION 7 Â- PROCESSED	
May 23, 2008	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	66607
May 23, 2008	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	

May 22, 2008 ASSIGNED TO PARALEGAL
May 19, 2008 TEAS SECTION 8 & 9 RECEIVED
May 19, 2008 TEAS SECTION 7 REQUEST RECEIVED
Dec. 12, 2006 TEAS CHANGE OF CORRESPONDENCE RECEIVED
Nov. 15, 1994 REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.
May 23, 1994 REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED
May 24, 1988 REGISTERED-PRINCIPAL REGISTER
Mar. 01, 1988 PUBLISHED FOR OPPOSITION
Feb. 01, 1988 NOTICE OF PUBLICATION
Jan. 04, 1988 APPROVED FOR PUB - PRINCIPAL REGISTER
Oct. 28, 1987 NON-FINAL ACTION MAILED
Aug. 25, 1987 ASSIGNED TO EXAMINER

66607

65176

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Feb. 13, 2018

Assignment Abstract Of Title Information

Summary

Total Assignments: 2

Registrant: ROBERT MONDAVI WINERY

Assignment 1 of 2

Conveyance: MERGER EFFECTIVE 03/01/2011

Reel/Frame: [4540/0058](#)

Pages: 8

Date Recorded: May 12, 2011

Supporting Documents: [assignment-tm-4540-0058.pdf](#)

Assignor

Name: [ROBERT MONDAVI WINERY](#)

Execution Date: Feb. 25, 2011

Legal Entity Type: CORPORATION

State or Country: CALIFORNIA
Where Organized:

Assignee

Name: [CONSTELLATION WINES U.S., INC.](#)

Legal Entity Type: CORPORATION

State or Country: NEW YORK
Where Organized:

Address: 235 NORTH BLOOMFIELD ROAD
CANANDAIGUA, NEW YORK 14424

Correspondent

Correspondent Name: JOHN K. UILKEMA

Correspondent Address: THREE EMBARCADERO CENTER, SUITE 410
DERGOSITS & NOAH LLP
SAN FRANCISCO, CA 94111

Domestic Representative - Not Found

Assignment 2 of 2

Conveyance: CHANGE OF NAME

Reel/Frame: [4827/0954](#)

Pages: 6

Date Recorded: Jul. 24, 2012

Supporting Documents: [assignment-tm-4827-0954.pdf](#)

Assignor

Name: [CONSTELLATION WINES U.S., INC.](#)

Execution Date: May 31, 2012

Legal Entity Type: CORPORATION

State or Country: NEW YORK

Where Organized:**Assignee****Name:** [CONSTELLATION BRANDS U.S. OPERATIONS, INC.](#)**Legal Entity Type:** CORPORATION**State or Country:** NEW YORK**Where Organized:****Address:** 235 NORTH BLOOMFIELD ROAD
CANANDAIGUA, NEW YORK 14424**Correspondent****Correspondent Name:** JOHN K. UILKEMA**Correspondent Address:** THREE EMBARCADERO CENTER, SUITE 410
DERGOSITS & NOAH LLP
SAN FRANCISCO, CA 94111**Domestic Representative - Not Found**

Proceedings

Summary**Number of Proceedings:** 5**Type of Proceeding: Opposition****Proceeding Number:** [91250374](#)**Filing Date:** Aug 21, 2019**Status:** Pending**Status Date:** Aug 06, 2020**Interlocutory Attorney:** MARY CATHERINE FAINT**Defendant****Name:** To Kalon Stock Farm, LLC**Correspondent Address:** FARAH P BHATTI
BUCHALTER A PROFESSIONAL CORPORATION
18400 VON KARMAN AVE SUITE 800
IRVINE CA UNITED STATES , 92612**Correspondent e-mail:** fbhatti@buchalter.com , tspeiss@buchalter.com , ipdocket@buchalter.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
TO KALON STOCK FARM	Opposition Pending	87920664	
TO KALON'S HALTER	Opposition Pending	87939232	

Plaintiff(s)**Name:** Constellation Brands U.S. Operations, Inc.**Correspondent Address:** KENNETH L WILTON
SEYFARTH SHAW LLP
2029 CENTURY PARK EAST SUITE 3500
LOS ANGELES CA UNITED STATES , 90067**Correspondent e-mail:** kwilton@seyfarth.com , debrown@seyfarth.com , emaluf@seyfarth.com , ttabdocket@seyfarth.com , awilkins@seyfarth.com , hkang@seyfarth.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
TO KALON	Cancellation Pending	73665622	1489619
TO KALON VINEYARD	Cancellation Pending	74456021	1857851

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 21, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 22, 2019	Oct 01, 2019
3	INSTITUTED	Aug 22, 2019	
4	D MOT TO DISMISS: FRCP 12(B)	Sep 05, 2019	

5	P CHANGE OF CORRESP ADDRESS	Sep 12, 2019
6	P MOT TO SUSP PEND DISP CIV ACTION	Sep 16, 2019
7	P OPP/RESP TO MOTION	Sep 25, 2019
8	D OPP/RESP TO MOTION	Oct 04, 2019
9	SUSP PEND DISP OF OUTSTNDNG MOT	Oct 18, 2019
10	P REPLY IN SUPPORT OF MOTION	Oct 24, 2019
11	CONSOLIDATED (PARENT); ANSWER DUE	Jan 07, 2020
12	D APPEARANCE / POWER OF ATTORNEY	Jan 23, 2020
13	ANSWER	Jan 30, 2020
14	D MOT FOR SUMMARY JUDGMENT	Apr 21, 2020
15	P CHANGE OF CORRESP ADDRESS	Apr 21, 2020
16	SUSP PEND DISP OF OUTSTNDNG MOT	Apr 28, 2020
17	P OPP/RESP TO MOTION	May 21, 2020
18	D REPLY IN SUPPORT OF MOTION	Jun 10, 2020
19	PROCEEDINGS RESUMED	Aug 06, 2020
20	CONSOLIDATED W/91253656; TRIAL DATES RESET	Sep 15, 2020
21	P CHANGE OF CORRESP ADDRESS	Sep 15, 2020
22	D CHANGE OF CORRESP ADDRESS	Sep 15, 2020

Type of Proceeding: Opposition

Proceeding Number: [91250592](#)

Filing Date: Aug 28, 2019

Status: Consolidated/Child Case

Status Date: Jan 07, 2020

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: To Kalon Stock Farm, LLC

Correspondent Address: FARAH P BHATTI
BUCHALTER A PROFESSIONAL CORPORATION
18400 VON KARMAN AVE SUITE 800
IRVINE CA UNITED STATES , 92612

Correspondent e-mail: fbhatti@buchalter.com , tspeiss@buchalter.com , ipdocket@buchalter.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
TO KALON BREEDING FARM	Opposition Pending	87939235	
TO KALON HORSE FARM	Opposition Pending	87939239	
TO KALON HORSE	Opposition Pending	87939241	
TO KALON FARM	Opposition Pending	87939243	
TO KALON RANCH	Opposition Pending	87939246	
TO-KALON FARMS	Opposition Pending	88130957	

Plaintiff(s)

Name: Constellation Brands U.S. Operations, Inc.

Correspondent Address: KENNETH L WILTON
SEYFARTH SHAW LLP
2029 CENTURY PARK EAST SUITE 3500
LOS ANGELES CA UNITED STATES , 90067-3021

Correspondent e-mail: kwilton@seyfarth.com , debrown@seyfarth.com , emaluf@seyfarth.com , ttabdocket@seyfarth.com , hkang@seyfarth.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
TO KALON	Cancellation Pending	73665622	1489619
TO KALON VINEYARD	Cancellation Pending	74456021	1857851

Prosecution History

Entry Number	History Text	Date	Due Date
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1	FILED AND FEE	Aug 28, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 03, 2019	Oct 13, 2019
3	INSTITUTED	Sep 03, 2019	
4	P MOT TO SUSP PEND DISP CIV ACTION	Sep 16, 2019	
5	D OPP TO P'S MOT TO SUSPEND AND D'S MOT TO DISMISS	Oct 07, 2019	
6	P REPLY IN SUPP OF MOT TO SUSPEND	Oct 28, 2019	
7	P OPP TO D'S MOT TO DISMISS	Oct 28, 2019	
8	D REPLY IN SUPPORT OF MOTION	Nov 14, 2019	
9	CONSOLIDATED (CHILD OF 91250374); ANSWER DUE	Jan 07, 2020	
10	D APPEARANCE / POWER OF ATTORNEY	Jan 23, 2020	
11	ANSWER	Jan 30, 2020	
12	CONSOLIDATED W/91250374; TRIAL DATES RESET	Sep 15, 2020	
13	P CHANGE OF CORRESP ADDRESS	Sep 15, 2020	
14	D CHANGE OF CORRESP ADDRESS	Sep 15, 2020	

Type of Proceeding: Opposition

Proceeding Number: [91253656](#)

Filing Date: Jan 24, 2020

Status: Consolidated/Child Case

Status Date: Sep 15, 2020

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: To Kalon Stock Farm, LLC

Correspondent Address: FARAH P BHATTI
BUCHALTER A PROFESSIONAL CORPORATION
18400 VON KARMAN AVE, SUITE 800
IRVINE CA UNITED STATES , 92612

Correspondent e-mail: trademark@buchalter.com , fbhatti@buchalter.com , ipdocket@buchalter.com , tspeiss@buchalter.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
TO-KALON FARM	Opposition Pending	88361193	

Plaintiff(s)

Name: Constellation Brands U.S. Operations, Inc.

Correspondent Address: KENNETH L WILTON
SEYFARTH SHAW LLP
2029 CENTURY PARK EAST, SUITE 3500
LOS ANGELES CA UNITED STATES , 90067

Correspondent e-mail: kwilton@seyfarth.com , debrown@seyfarth.com , emaluf@seyfarth.com , ttabdocket@seyfarth.com , hkang@seyfarth.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
TO KALON	Cancellation Pending	73665622	1489619
TO KALON VINEYARD	Cancellation Pending	74456021	1857851

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 24, 2020	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 24, 2020	Mar 04, 2020
3	INSTITUTED	Jan 24, 2020	
4	ANSWER	Jan 30, 2020	
5	D MOT FOR SUMMARY JUDGMENT	Apr 21, 2020	
6	SUSP PEND DISP OF OUTSTNDNG MOT	Apr 24, 2020	
7	P OPP/RESP TO MOTION	May 21, 2020	
8	D REPLY IN SUPPORT OF MOTION	Jun 10, 2020	
9	CONSOLIDATED W/91250374; TRIAL DATES RESET	Sep 15, 2020	

Type of Proceeding: Cancellation**Proceeding Number:** [92071585](#)**Filing Date:** Jun 18, 2019**Status:** Consolidated/Child Case**Status Date:** Jan 10, 2020**Interlocutory Attorney:** MARY CATHERINE FAINT**Defendant****Name:** Constellation Brands U.S. Operations, Inc.**Correspondent Address:** KENNETH L WILTON
SEYFARTH SHAW LLP
2029 CENTURY PARK EAST, SUITE 3500
LOS ANGELES CA UNITED STATES , 90067**Correspondent e-mail:** kwilton@seyfarth.com , debrown@seyfarth.com , ttabdoCKET@seyfarth.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
TO KALON	Cancellation Pending	73665622	1489619
TO KALON VINEYARD	Cancellation Pending	74456021	1857851

Plaintiff(s)**Name:** The Vineyard House LLC**Correspondent Address:** FARAH P BHATTI
BUCHALTER A PROFESSIONAL CORPORATION
18400 VON KARMAN AVE, SUITE 800
IRVINE CA UNITED STATES , 92612**Correspondent e-mail:** trademark@buchalter.com , fbhatti@buchalter.com , mmeeks@buchalter.com , ipdoCKET@buchalter.com**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jun 18, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 25, 2019	Aug 04, 2019
3	INSTITUTED	Jun 25, 2019	
4	D APPEARANCE / POWER OF ATTORNEY	Jul 17, 2019	
5	D MOT TO SUSP PEND DISP CIV ACT W/ CONSENT	Jul 22, 2019	
6	SUSP PEND DISP OF CIVIL ACTION	Jul 22, 2019	
7	CONSOLIDATED - CHILD OF 91244817 (PARENT)	Jan 10, 2020	
8	P APPEARANCE / POWER OF ATTORNEY	Jan 16, 2020	
9	CHANGE OF CORRESP ADDRESS	Jun 10, 2020	

Type of Proceeding: Opposition**Proceeding Number:** [91245800](#)**Filing Date:** Jan 12, 2019**Status:** Consolidated/Child Case**Status Date:** Jan 10, 2020**Interlocutory Attorney:** MARY CATHERINE FAINT**Defendant****Name:** The Vineyard House LLC**Correspondent Address:** FARAH P BHATTI
BUCHALTER A PROFESSIONAL CORPORATION
18400 VON KARMAN AVE STE 800
IRVINE CA UNITED STATES , 92612**Correspondent e-mail:** ipdoCKET@buchalter.com , fbhatti@buchalter.com , tspeiss@buchalter.com , aahern@buchalter.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
HENRY WALKER CRABB	Opposition Pending	87945310	

HENRY WALKER (H.W.) CRABB	Opposition Pending	87944993
HENRY WALKER (H.W.)	Opposition Pending	87944990
HENRY WALKER	Opposition Pending	87944988
H.W. CRABB	Opposition Pending	87945312
HENRY W. CRABB	Opposition Pending	87945302

Plaintiff(s)

Name: Constellation Brands U.S. Operations Inc.

Correspondent Address: KENNETH L WILTON
SEYFARTH SHAW LLP
2029 CENTURY PARK EAST STE 3500
LOS ANGELES CA UNITED STATES , 90067

Correspondent e-mail: Kwilton@seyfarth.com , Emaluf@seyfarth.com , Debrown@seyfarth.com , JSchachter@seyfarth.com , TTABDocket@seyfarth.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
TO KALON	Cancellation Pending	73665622	1489619
TO KALON VINEYARD	Cancellation Pending	74456021	1857851
TO KALON 1886	Opposition Pending	87818643	
THE MIRACLE OF TO KALON	Opposition Pending	88010746	

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 12, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 12, 2019	Feb 21, 2019
3	PENDING, INSTITUTED	Jan 12, 2019	
4	D MOT TO DISMISS: FRCP 12(B)	Feb 13, 2019	
5	SUSP PEND DISP OF OUTSTNDNG MOT	Feb 15, 2019	
6	P OPP/RESP TO MOTION	Mar 05, 2019	
7	D REPLY IN SUPPORT OF MOTION	Mar 25, 2019	
8	P APPEARANCE / POWER OF ATTORNEY	Mar 27, 2019	
9	P CHANGE OF CORRESP ADDRESS	Mar 27, 2019	
10	P MOT TO SUSP PEND DISP CIV ACT W/ CONSENT	May 10, 2019	
11	D OPP/RESP TO MOTION	May 13, 2019	
12	P WITHDRAWAL OF DOCKET ENTRY #10	May 13, 2019	
13	P MOT TO SUSP PEND DISP CIV ACTION	May 13, 2019	
14	D OPP/RESP TO MOTION	May 17, 2019	
15	SUSP PEND DISP OF CIVIL ACTION	Jun 24, 2019	
16	CHILD CONSOLIDATED WITH 91244817 (PARENT)	Jan 10, 2020	
17	D APPEARANCE / POWER OF ATTORNEY	Jan 23, 2020	

Int. Cl.: 33

Prior U.S. Cl.: 47

United States Patent and Trademark Office **Reg. No. 1,489,619**
Registered May 24, 1988

**TRADEMARK
PRINCIPAL REGISTER**

TO-KALON

ROBERT MONDAVI WINERY (CALIFORNIA
CORPORATION)
7801 ST. HELENA HIGHWAY
OAKVILLE, CA 94562

FIRST USE 5-7-1987; IN COMMERCE
5-7-1987.

SER. NO. 665,622, FILED 6-9-1987.

FOR: WINE, IN CLASS 33 (U.S. CL. 47).

SUSAN E. KADILAK, EXAMINING ATTOR-
NEY

5

Generated on: This page was generated by TSDR on 2020-09-23 18:13:16 EDT

Mark: TO KALON VINEYARD

US Serial Number: 74456021

Application Filing Date: Nov. 03, 1993

US Registration Number: 1857851

Registration Date: Oct. 11, 1994

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Cancellation/Invalidation Pending

This trademark application has been registered with the Office, but it is currently undergoing a challenge which may result in its removal from the registry.

Status: A cancellation proceeding is pending at the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

Status Date: Jun. 25, 2019

Publication Date: Jul. 19, 1994

Mark Information

Mark Literal Elements: TO KALON VINEYARD

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Disclaimer: "VINEYARD"

Related Properties Information

Claimed Ownership of US Registrations: 1489619

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: wine

International Class(es): 033 - Primary Class

U.S Class(es): 047

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 1988

Use in Commerce: Dec. 1989

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: CONSTELLATION BRANDS U.S. OPERATIONS, INC.

Owner Address: 235 NORTH BLOOMFIELD ROAD
CANANDAIGUA, NEW YORK UNITED STATES 14424

Legal Entity Type: CORPORATION

State or Country NEW YORK
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Julia K. Sutherland

Attorney Primary CBIDocket@seyfarth.com
Email Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent KENNETH L WILTON
Name/Address: SEYFARTH SHAW LLP
2029 CENTURY PARK EAST
SUITE 3500
LOS ANGELES, CALIFORNIA UNITED STATES 90067

Phone: 312-460-5577

Fax: 312-460-7577

Correspondent e- CBIDocket@seyfarth.com
mail:

Correspondent e- Yes
mail Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 25, 2019	CANCELLATION INSTITUTED NO. 999999	71585
May 07, 2019	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
May 07, 2019	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Jun. 20, 2017	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jun. 20, 2017	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Mar. 16, 2016	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Oct. 16, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Oct. 16, 2013	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	69471
Oct. 16, 2013	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	69471
Oct. 11, 2013	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	69471
Oct. 16, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	69471
Oct. 11, 2013	TEAS SECTION 8 & 9 RECEIVED	
Aug. 01, 2012	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
May 18, 2011	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jun. 01, 2009	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Dec. 29, 2008	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 17, 2007	CASE FILE IN TICRS	
Dec. 12, 2006	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 05, 2005	AMENDMENT UNDER SECTION 7 Â- PROCESSED	
Nov. 12, 2004	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Nov. 12, 2004	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	

Sep. 13, 2004 SEC 7 REQUEST FILED
 Sep. 15, 2004 REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED
 Sep. 13, 2004 PAPER RECEIVED
 Sep. 15, 2004 TEAS SECTION 8 & 9 RECEIVED
 Mar. 18, 2000 REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.
 Nov. 22, 1999 REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED
 Oct. 11, 1994 REGISTERED-PRINCIPAL REGISTER
 Jul. 19, 1994 PUBLISHED FOR OPPOSITION
 Jun. 17, 1994 NOTICE OF PUBLICATION
 Apr. 09, 1994 APPROVED FOR PUB - PRINCIPAL REGISTER
 Apr. 01, 1994 EXAMINER'S AMENDMENT MAILED
 Mar. 24, 1994 ASSIGNED TO EXAMINER

67443

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Oct. 16, 2013

Assignment Abstract Of Title Information

Summary

Total Assignments: 2

Registrant: Robert Mondavi Winery

Assignment 1 of 2

Conveyance: MERGER EFFECTIVE 03/01/2011

Reel/Frame: [4540/0058](#)

Pages: 8

Date Recorded: May 12, 2011

Supporting Documents: [assignment-tm-4540-0058.pdf](#)

Assignor

Name: [ROBERT MONDAVI WINERY](#)

Execution Date: Feb. 25, 2011

Legal Entity Type: CORPORATION

State or Country: CALIFORNIA

Where Organized:

Assignee

Name: [CONSTELLATION WINES U.S., INC.](#)

Legal Entity Type: CORPORATION

State or Country: NEW YORK

Where Organized:

Address: 235 NORTH BLOOMFIELD ROAD
CANANDAIGUA, NEW YORK 14424

Correspondent

Correspondent Name: JOHN K. UILKEMA

Correspondent Address: THREE EMBARCADERO CENTER, SUITE 410
DERGOSITS & NOAH LLP
SAN FRANCISCO, CA 94111

Domestic Representative - Not Found

Assignment 2 of 2

Conveyance: CHANGE OF NAME

Reel/Frame: [4827/0954](#)

Pages: 6

Date Recorded: Jul. 24, 2012

Supporting Documents: [assignment-tm-4827-0954.pdf](#)

Assignor

Name: [CONSTELLATION WINES U.S., INC.](#)

Execution Date: May 31, 2012

Legal Entity Type: CORPORATION

State or Country: NEW YORK

Where Organized:**Assignee****Name:** [CONSTELLATION BRANDS U.S. OPERATIONS, INC.](#)**Legal Entity Type:** CORPORATION**State or Country:** NEW YORK**Where Organized:****Address:** 235 NORTH BLOOMFIELD ROAD
CANANDAIGUA, NEW YORK 14424**Correspondent****Correspondent Name:** JOHN K. UILKEMA**Correspondent Address:** THREE EMBARCADERO CENTER, SUITE 410
DERGOSITS & NOAH LLP
SAN FRANCISCO, CA 94111**Domestic Representative - Not Found**

Proceedings

Summary**Number of Proceedings:** 5**Type of Proceeding: Opposition****Proceeding Number:** [91250374](#)**Filing Date:** Aug 21, 2019**Status:** Pending**Status Date:** Aug 06, 2020**Interlocutory Attorney:** MARY CATHERINE FAINT**Defendant****Name:** To Kalon Stock Farm, LLC**Correspondent Address:** FARAH P BHATTI
BUCHALTER A PROFESSIONAL CORPORATION
18400 VON KARMAN AVE SUITE 800
IRVINE CA UNITED STATES , 92612**Correspondent e-mail:** fbhatti@buchalter.com , tspeiss@buchalter.com , ipdocket@buchalter.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
TO KALON STOCK FARM	Opposition Pending	87920664	
TO KALON'S HALTER	Opposition Pending	87939232	

Plaintiff(s)**Name:** Constellation Brands U.S. Operations, Inc.**Correspondent Address:** KENNETH L WILTON
SEYFARTH SHAW LLP
2029 CENTURY PARK EAST SUITE 3500
LOS ANGELES CA UNITED STATES , 90067**Correspondent e-mail:** kwilton@seyfarth.com , debrown@seyfarth.com , emaluf@seyfarth.com , ttabdocket@seyfarth.com , awilkins@seyfarth.com , hkang@seyfarth.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
TO KALON	Cancellation Pending	73665622	1489619
TO KALON VINEYARD	Cancellation Pending	74456021	1857851

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 21, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 22, 2019	Oct 01, 2019
3	INSTITUTED	Aug 22, 2019	
4	D MOT TO DISMISS: FRCP 12(B)	Sep 05, 2019	

5	P CHANGE OF CORRESP ADDRESS	Sep 12, 2019
6	P MOT TO SUSP PEND DISP CIV ACTION	Sep 16, 2019
7	P OPP/RESP TO MOTION	Sep 25, 2019
8	D OPP/RESP TO MOTION	Oct 04, 2019
9	SUSP PEND DISP OF OUTSTNDNG MOT	Oct 18, 2019
10	P REPLY IN SUPPORT OF MOTION	Oct 24, 2019
11	CONSOLIDATED (PARENT); ANSWER DUE	Jan 07, 2020
12	D APPEARANCE / POWER OF ATTORNEY	Jan 23, 2020
13	ANSWER	Jan 30, 2020
14	D MOT FOR SUMMARY JUDGMENT	Apr 21, 2020
15	P CHANGE OF CORRESP ADDRESS	Apr 21, 2020
16	SUSP PEND DISP OF OUTSTNDNG MOT	Apr 28, 2020
17	P OPP/RESP TO MOTION	May 21, 2020
18	D REPLY IN SUPPORT OF MOTION	Jun 10, 2020
19	PROCEEDINGS RESUMED	Aug 06, 2020
20	CONSOLIDATED W/91253656; TRIAL DATES RESET	Sep 15, 2020
21	P CHANGE OF CORRESP ADDRESS	Sep 15, 2020
22	D CHANGE OF CORRESP ADDRESS	Sep 15, 2020

Type of Proceeding: Opposition

Proceeding Number: [91250592](#)

Filing Date: Aug 28, 2019

Status: Consolidated/Child Case

Status Date: Jan 07, 2020

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: To Kalon Stock Farm, LLC

Correspondent Address: FARAH P BHATTI
BUCHALTER A PROFESSIONAL CORPORATION
18400 VON KARMAN AVE SUITE 800
IRVINE CA UNITED STATES , 92612

Correspondent e-mail: fbhatti@buchalter.com , tspeiss@buchalter.com , ipdocket@buchalter.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
TO KALON BREEDING FARM	Opposition Pending	87939235	
TO KALON HORSE FARM	Opposition Pending	87939239	
TO KALON HORSE	Opposition Pending	87939241	
TO KALON FARM	Opposition Pending	87939243	
TO KALON RANCH	Opposition Pending	87939246	
TO-KALON FARMS	Opposition Pending	88130957	

Plaintiff(s)

Name: Constellation Brands U.S. Operations, Inc.

Correspondent Address: KENNETH L WILTON
SEYFARTH SHAW LLP
2029 CENTURY PARK EAST SUITE 3500
LOS ANGELES CA UNITED STATES , 90067-3021

Correspondent e-mail: kwilton@seyfarth.com , debrown@seyfarth.com , emaluf@seyfarth.com , tabdocket@seyfarth.com , hkang@seyfarth.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
TO KALON	Cancellation Pending	73665622	1489619
TO KALON VINEYARD	Cancellation Pending	74456021	1857851

Prosecution History

Entry Number	History Text	Date	Due Date
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1	FILED AND FEE	Aug 28, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 03, 2019	Oct 13, 2019
3	INSTITUTED	Sep 03, 2019	
4	P MOT TO SUSP PEND DISP CIV ACTION	Sep 16, 2019	
5	D OPP TO P'S MOT TO SUSPEND AND D'S MOT TO DISMISS	Oct 07, 2019	
6	P REPLY IN SUPP OF MOT TO SUSPEND	Oct 28, 2019	
7	P OPP TO D'S MOT TO DISMISS	Oct 28, 2019	
8	D REPLY IN SUPPORT OF MOTION	Nov 14, 2019	
9	CONSOLIDATED (CHILD OF 91250374); ANSWER DUE	Jan 07, 2020	
10	D APPEARANCE / POWER OF ATTORNEY	Jan 23, 2020	
11	ANSWER	Jan 30, 2020	
12	CONSOLIDATED W/91250374; TRIAL DATES RESET	Sep 15, 2020	
13	P CHANGE OF CORRESP ADDRESS	Sep 15, 2020	
14	D CHANGE OF CORRESP ADDRESS	Sep 15, 2020	

Type of Proceeding: Opposition

Proceeding Number: [91253656](#)

Filing Date: Jan 24, 2020

Status: Consolidated/Child Case

Status Date: Sep 15, 2020

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: To Kalon Stock Farm, LLC

Correspondent Address: FARAH P BHATTI
BUCHALTER A PROFESSIONAL CORPORATION
18400 VON KARMAN AVE, SUITE 800
IRVINE CA UNITED STATES , 92612

Correspondent e-mail: trademark@buchalter.com , fbhatti@buchalter.com , ipdocket@buchalter.com , tspeiss@buchalter.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
TO-KALON FARM	Opposition Pending	88361193	

Plaintiff(s)

Name: Constellation Brands U.S. Operations, Inc.

Correspondent Address: KENNETH L WILTON
SEYFARTH SHAW LLP
2029 CENTURY PARK EAST, SUITE 3500
LOS ANGELES CA UNITED STATES , 90067

Correspondent e-mail: kwilton@seyfarth.com , debrown@seyfarth.com , emaluf@seyfarth.com , ttabdocket@seyfarth.com , hkang@seyfarth.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
TO KALON	Cancellation Pending	73665622	1489619
TO KALON VINEYARD	Cancellation Pending	74456021	1857851

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 24, 2020	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 24, 2020	Mar 04, 2020
3	INSTITUTED	Jan 24, 2020	
4	ANSWER	Jan 30, 2020	
5	D MOT FOR SUMMARY JUDGMENT	Apr 21, 2020	
6	SUSP PEND DISP OF OUTSTNDNG MOT	Apr 24, 2020	
7	P OPP/RESP TO MOTION	May 21, 2020	
8	D REPLY IN SUPPORT OF MOTION	Jun 10, 2020	
9	CONSOLIDATED W/91250374; TRIAL DATES RESET	Sep 15, 2020	

Type of Proceeding: Cancellation**Proceeding Number:** [92071585](#)**Filing Date:** Jun 18, 2019**Status:** Consolidated/Child Case**Status Date:** Jan 10, 2020**Interlocutory Attorney:** MARY CATHERINE FAINT**Defendant****Name:** Constellation Brands U.S. Operations, Inc.**Correspondent Address:** KENNETH L WILTON
SEYFARTH SHAW LLP
2029 CENTURY PARK EAST, SUITE 3500
LOS ANGELES CA UNITED STATES , 90067**Correspondent e-mail:** kwilton@seyfarth.com , debrown@seyfarth.com , ttabdocket@seyfarth.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
TO KALON	Cancellation Pending	73665622	1489619
TO KALON VINEYARD	Cancellation Pending	74456021	1857851

Plaintiff(s)**Name:** The Vineyard House LLC**Correspondent Address:** FARAH P BHATTI
BUCHALTER A PROFESSIONAL CORPORATION
18400 VON KARMAN AVE, SUITE 800
IRVINE CA UNITED STATES , 92612**Correspondent e-mail:** trademark@buchalter.com , fbhatti@buchalter.com , mmeeks@buchalter.com , ipdocket@buchalter.com**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jun 18, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 25, 2019	Aug 04, 2019
3	INSTITUTED	Jun 25, 2019	
4	D APPEARANCE / POWER OF ATTORNEY	Jul 17, 2019	
5	D MOT TO SUSP PEND DISP CIV ACT W/ CONSENT	Jul 22, 2019	
6	SUSP PEND DISP OF CIVIL ACTION	Jul 22, 2019	
7	CONSOLIDATED - CHILD OF 91244817 (PARENT)	Jan 10, 2020	
8	P APPEARANCE / POWER OF ATTORNEY	Jan 16, 2020	
9	CHANGE OF CORRESP ADDRESS	Jun 10, 2020	

Type of Proceeding: Opposition**Proceeding Number:** [91245800](#)**Filing Date:** Jan 12, 2019**Status:** Consolidated/Child Case**Status Date:** Jan 10, 2020**Interlocutory Attorney:** MARY CATHERINE FAINT**Defendant****Name:** The Vineyard House LLC**Correspondent Address:** FARAH P BHATTI
BUCHALTER A PROFESSIONAL CORPORATION
18400 VON KARMAN AVE STE 800
IRVINE CA UNITED STATES , 92612**Correspondent e-mail:** ipdocket@buchalter.com , fbhatti@buchalter.com , tspeiss@buchalter.com , aahern@buchalter.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
HENRY WALKER CRABB	Opposition Pending	87945310	

HENRY WALKER (H.W.) CRABB	Opposition Pending	87944993
HENRY WALKER (H.W.)	Opposition Pending	87944990
HENRY WALKER	Opposition Pending	87944988
H.W. CRABB	Opposition Pending	87945312
HENRY W. CRABB	Opposition Pending	87945302

Plaintiff(s)

Name: Constellation Brands U.S. Operations Inc.

Correspondent Address: KENNETH L WILTON
SEYFARTH SHAW LLP
2029 CENTURY PARK EAST STE 3500
LOS ANGELES CA UNITED STATES , 90067

Correspondent e-mail: Kwilton@seyfarth.com , Emaluf@seyfarth.com , Debrown@seyfarth.com , JSchachter@seyfarth.com , TTABDocket@seyfarth.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
TO KALON	Cancellation Pending	73665622	1489619
TO KALON VINEYARD	Cancellation Pending	74456021	1857851
TO KALON 1886	Opposition Pending	87818643	
THE MIRACLE OF TO KALON	Opposition Pending	88010746	

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 12, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 12, 2019	Feb 21, 2019
3	PENDING, INSTITUTED	Jan 12, 2019	
4	D MOT TO DISMISS: FRCP 12(B)	Feb 13, 2019	
5	SUSP PEND DISP OF OUTSTNDNG MOT	Feb 15, 2019	
6	P OPP/RESP TO MOTION	Mar 05, 2019	
7	D REPLY IN SUPPORT OF MOTION	Mar 25, 2019	
8	P APPEARANCE / POWER OF ATTORNEY	Mar 27, 2019	
9	P CHANGE OF CORRESP ADDRESS	Mar 27, 2019	
10	P MOT TO SUSP PEND DISP CIV ACT W/ CONSENT	May 10, 2019	
11	D OPP/RESP TO MOTION	May 13, 2019	
12	P WITHDRAWAL OF DOCKET ENTRY #10	May 13, 2019	
13	P MOT TO SUSP PEND DISP CIV ACTION	May 13, 2019	
14	D OPP/RESP TO MOTION	May 17, 2019	
15	SUSP PEND DISP OF CIVIL ACTION	Jun 24, 2019	
16	CHILD CONSOLIDATED WITH 91244817 (PARENT)	Jan 10, 2020	
17	D APPEARANCE / POWER OF ATTORNEY	Jan 23, 2020	

Int. Cl.: 33

Prior U.S. Cl.: 47

United States Patent and Trademark Office

Reg. No. 1,857,851

Registered Oct. 11, 1994

**TRADEMARK
PRINCIPAL REGISTER**

TO-KALON VINEYARD

ROBERT MONDAVI WINERY (CALIFORNIA
CORPORATION)
841 LATOUR COURT, SUITE M
NAPA, CA 94558

FOR: WINE, IN CLASS 33 (U.S. CL. 47).
FIRST USE 8-0-1988; IN COMMERCE
12-0-1989.

OWNER OF U.S. REG. NO. 1,489,619.
NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "VINEYARD", APART FROM
THE MARK AS SHOWN.

SER. NO. 74-456,021, FILED 11-3-1993.

JOHN MICHOS, EXAMINING ATTORNEY

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