

ESTTA Tracking number: **ESTTA1206197**

Filing date: **04/29/2022**

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

Proceeding no.	91264972
Party	Defendant The Vineyard House LLC
Correspondence address	FARAH P. BHATTI BUCHALTER, A PROFESSIONAL CORPORATION 18400 VON KARMAN AVE., SUITE 800 IRVINE, CA 92612 UNITED STATES Primary email: fbhatti@buchalter.com Secondary email(s): ipdocket@buchalter.com 949-224-6272
Submission	Other Motions/Submissions
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Date	04/29/2022
Attachments	Request for In Camera Hearing Crabbs Black Burgundy 91264972.pdf(126488 bytes)

medical privacy rights. (TTABVUE 26, p. 3] Incoherent, no. There is nothing “incoherent” about counsel protecting its client’s privacy rights. If that is “incoherent” to Opposer, then perhaps a course in legal ethics would be advisable. “Insufficient” is what this application is directed to remedy should the Board require further information.

More important than what Opposer argues is what Opposer does not argue. Opposer does not and cannot enunciate any prejudice to Opposer from the Board’s granting the suspension. That is because neither party has used the marks at issue in these proceedings

Under 37 C.F.R. §2.120(j)(1) and (2), the Trademark Trial and Appeal Board can schedule a telephone conference or an in-person meeting of the attorneys as well as the Administrative Trademark Judge or Interlocutory Attorney where it would appear that “a stipulation or motion filed in an inter partes proceeding is of such nature that a telephone conference would be beneficial” or “the proceeding [has] become so complex that their resolution by correspondence or telephone conference is not practice and that resolution would likely be facilitated by a conference in person of the parties or their attorneys with an Administrative Trademark Judge or an Interlocutory Attorney of the Board.” A telephone conference may also be sought by a party under any circumstances where it would be beneficial. TBMP §413.01.

Applicant’s counsel, who regularly practices before this Board, has represented that Applicant’s medical condition prevents Applicant from currently participating in this proceeding. If the Board requires more information, Applicant’s counsel proposes to appear before the Board *in camera*, outside the presence of Opposer, to provide such information and respond to the Board’s concerns. Absent relief, Applicant cannot respond to Opposer’s Motion to Strike, except as to legal objections.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that APPLICANT’S REQUEST FOR IN CAMERA HEARING REGARDING APPLICANT’S MOTION TO SUSPEND AND OPPOSER’S OPPOSITION THERETO AND OPPOSER’S MOTION TO COMPEL was served on April 29, 2022 via email on Opposer as follows:

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