



types of Prosecco wine are also discussed; the overview is found at the Prosecco producers website at [www.prosecco.it](http://www.prosecco.it).

3. Document #3 is an excerpt (p. 132) from the book entitled "The Wine Atlas of Italy..." by Burton Anderson; the excerpt describes the wines produced in the area around Venice, and notes that still Prosecco wine is made in limited quantities. The document is relevant for pointing out that Prosecco wine can be produced in different varieties, including still wine, without violating the Disciplinary Rules governing production of Prosecco.

4. Document #4 is an article from the New York Times of July 11, 2001; the article describes the process for making Prosecco wines, the different levels of sparkle or bubbles (known as spumanti and frizzanti), the location of the vineyards, and makes specific mention of RUSTICO wine. The article is relevant for pointing out that sparkling wine is a term of art that refers to different degrees of intensity of bubbles, or beads, in the Prosecco wine.

5. Document #5 is an article that appeared on page 7B of the Chicago Tribune of July 30, 2003; the article, written by Michael Franz (the resident wine critic at the Washington Post), discusses the Prosecco wine making process, and the degree of fizziness (level of effervescence) found in such wine. The article is relevant for noting that sparkling wine is a term embracing different methods of fermentation and different levels of sparkle or fizziness. Thus, the characteristics of RUSTICO's Prosecco sparkling wine are different from other Prosecco producers, and do not conform to a unitary standard.

6. Document #6 is a 1997 Certificate of Label Approval for RUSTICO Prosecco sparkling wine; the distributor is Vin Divino

Ltd. of Chicago, Illinois. The document is relevant for identifying the prime distributor of RUSTICO Prosecco sparkling wine, for several years.

7. Document #7 is a 2002 Certificate of Label Approval for RUSTICO Prosecco sparkling wine; the distributor is Millennium Wine Selections of San Juan, Puerto Rico. The document is relevant for identifying another major distributor of RUSTICO Prosecco sparkling wine, and is suggestive of the increase in the level of importation of such product.

8. Document #8 is an announcement for an annual wine tasting event in New York in May 2004, hosted by Lauber Imports; RUSTICO Prosecco wine was featured at one of the tables at the event.

9. Document #9 is a Declaration (in Italian) submitted by Primo Franco, the director of Nino Franco Spumanti S.R.L., the registrant. The Declaration provides a history of the Franco family and its involvement in producing wine. The characteristics of Prosecco wine, and the Disciplinary Rules that govern the Prosecco wine making process are also discussed. Allegato (Exhibits 1-5) are appended to the Declaration.

10. Document #10 is the English language version of Document #9.

11. Document #11 is a certificate awarded to Primo A. Franco by the Italian government in 1998; the certificate confers the status of oenologist on Mr. Franco. An English translation is noted as document 11A. Documents 11 and 11A are mentioned in the introduction to Mr. Franco's Declaration (as Exhibits 1 and 1A).

12. Document #12 is a statement, in Italian, of the Disciplinary Rules of the governing production in the area of Valelobbiadene and Conegliano (where the registrant conducts its business). An English translation of selected portions of the Disciplinary Rules is included as Document 12a. Documents 12 and 12a are mentioned in the Declaration of Primo Franco.

Respectfully submitted,

by 

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June 12, 2006

Attorney's Docket: TC-5804.ANOR/bh

CERTIFICATE OF SERVICE

I hereby certify that on this 12<sup>th</sup> day of June 2006, a true and correct copy of the foregoing **AMENDED NOTICE OF RELIANCE UNDER 37 CFR 2.122** was served upon Counsel for Petitioner, by U.S. first-class mail, postage prepaid, to:

J. Scott Gerien, Esq.  
Dickenson, Peatman & Fogarty  
809 Coombs Street  
Napa, CA 94559-2799

By Martin P. Hoffman  
Martin P. Hoffman