

**To:** William McComas([mccomas@bowie-jensen.com](mailto:mccomas@bowie-jensen.com))  
**Subject:** U.S. Trademark Application Serial No. 97120337 - HOOK'D  
**Sent:** August 25, 2022 09:04:52 AM EDT  
**Sent As:** [tmng.notices@uspto.gov](mailto:tmng.notices@uspto.gov)

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**Attachments**

[3674103](#)  
[90872600](#)  
[6754306](#)  
[6804643](#)  
[6728058](#)  
[6695400](#)  
[6272112](#)  
[6761943](#)  
[6761944](#)  
[6775694](#)  
[6755380](#)  
[6761970](#)  
[6741058](#)  
[6762012](#)  
[6761968](#)  
[6769490](#)  
[6735109](#)  
[screenshot-www-totalwine-com-store-info-virginia-fairfax-214-16614313363941](#)  
[screenshot-www-wine-com-16614313745191](#)  
[screenshot-storebrands-com-wine-report-retailers-uncork-big-profits-private-label-wine-16614315024221](#)  
[screenshot-www-winebusiness-com-news-article-261173-16614316006691](#)  
[screenshot-www-wine-business-international-com-wine-analysis-rise-private-label-16614316423771](#)

**United States Patent and Trademark Office (USPTO)  
Office Action (Official Letter) About Applicant's Trademark Application**

**U.S. Application Serial No.** 97120337

**Mark:** HOOK'D

**Correspondence Address:**

William McComas  
BOWIE & JENSEN, LLC  
210 W. PENNSYLVANIA AVENUE, SUITE 400  
TOWSON MD 21204 UNITED STATES

**Applicant:** Blue Monkey Vapes, Inc.

**Reference/Docket No.** N/A

**Correspondence Email Address:** mcomas@bowie-jensen.com

## NONFINAL OFFICE ACTION

**The USPTO must receive applicant's response to this letter within six months of the issue date below or the application will be abandoned.** Respond using the Trademark Electronic Application System (TEAS). A link to the appropriate TEAS response form appears at the end of this Office action.

**Issue date:** August 25, 2022

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

### SUMMARY OF ISSUES:

- Likelihood of confusion refusal--partial
- Prior pending application--partial

**THE FOLLOWING PARTIAL REFUSAL APPLIES ONLY TO THE SERVICES SPECIFIED THEREIN: "retail store services featuring . . . alcohol, namely, beer, wine, and liquor"**

### SECTION 2(d) REFUSAL – LIKELIHOOD OF CONFUSION

Registration of the applied-for mark is refused because of a likelihood of confusion with the marks in U.S. Registration No. 3674103. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the attached registration.

Trademark Act Section 2(d) bars registration of an applied-for mark that is so similar to a registered mark that it is likely consumers would be confused, mistaken, or deceived as to the commercial source of the goods and/or services of the parties. *See* 15 U.S.C. §1052(d). Likelihood of confusion is determined on a case-by-case basis by applying the factors set forth in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973) (called the “du Pont factors”). *In re i.am.symbolic, llc*, 866 F.3d 1315, 1322, 123 USPQ2d 1744, 1747 (Fed. Cir. 2017). Any evidence of record related to those factors need be considered; however, “not all of the DuPont factors are relevant or of similar weight in every case.” *In re Guild Mortg. Co.*, 912 F.3d 1376, 1379, 129 USPQ2d 1160, 1162 (Fed. Cir. 2019) (quoting *In re Dixie Rests., Inc.*, 105 F.3d 1405, 1406, 41 USPQ2d 1531, 1533 (Fed. Cir. 1997)).

Although not all du Pont factors may be relevant, there are generally two key considerations in any

likelihood of confusion analysis: (1) the similarities between the compared marks and (2) the relatedness of the compared goods and/or services. *See In re i.am.symbolic, llc*, 866 F.3d at 1322, 123 USPQ2d at 1747 (quoting *Herbko Int'l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1164-65, 64 USPQ2d 1375, 1380 (Fed. Cir. 2002)); *Federated Foods, Inc. v. Fort Howard Paper Co.*, 544 F.2d 1098, 1103, 192 USPQ 24, 29 (C.C.P.A. 1976) ("The fundamental inquiry mandated by [Section] 2(d) goes to the cumulative effect of differences in the essential characteristics of the goods [or services] and differences in the marks."); TMEP §1207.01.

The overriding concern is not only to prevent buyer confusion as to the source of the goods and/or services, but to protect the registrant from adverse commercial impact due to use of a similar mark by a newcomer. *See In re Shell Oil Co.*, 992 F.2d 1204, 1208, 26 USPQ2d 1687, 1690 (Fed. Cir. 1993). Therefore, any doubt regarding a likelihood of confusion determination is resolved in favor of the registrant. TMEP §1207.01(d)(i); *see Hewlett-Packard Co. v. Packard Press, Inc.*, 281 F.3d 1261, 1265, 62 USPQ2d 1001, 1003 (Fed. Cir. 2002); *In re Hyper Shoppes (Ohio), Inc.*, 837 F.2d 463, 464-65, 6 USPQ2d 1025, 1026 (Fed. Cir. 1988).

The applicant's mark is HOOK'D and design for "retail store services featuring . . . alcohol, namely, beer, wine, and liquor." The registrant's mark is HOOKED for wine.

The marks are highly similar in this case. First, when evaluating a composite mark consisting of words and a design, the word portion is normally accorded greater weight because it is likely to make a greater impression upon purchasers, be remembered by them, and be used by them to refer to or request the goods and/or services. *In re Aquitaine Wine USA, LLC*, 126 USPQ2d 1181, 1184 (TTAB 2018) (citing *In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012)); TMEP §1207.01(c)(ii). Thus, although marks must be compared in their entireties, the word portion is often considered the dominant feature and is accorded greater weight in determining whether marks are confusingly similar, even where the word portion has been disclaimed. *In re Viterra Inc.*, 671 F.3d at 1366-67, 101 USPQ2d at 1911 (citing *Giant Food, Inc. v. Nation's Foodservice, Inc.*, 710 F.2d 1565, 1570-71, 218 USPQ2d 390, 395 (Fed. Cir. 1983)).

HOOK'D and HOOKED are essentially phonetic equivalents and thus sound similar. Similarity in sound alone may be sufficient to support a finding that the compared marks are confusingly similar. *In re 1st USA Realty Prof'ls, Inc.*, 84 USPQ2d 1581, 1586 (TTAB 2007) (citing *Krim-Ko Corp. v. Coca-Cola Bottling Co.*, 390 F.2d 728, 732, 156 USPQ 523, 526 (C.C.P.A. 1968)); TMEP §1207.01(b)(iv).

The goods and/or services are compared to determine whether they are similar, commercially related, or travel in the same trade channels. *See Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1369-71, 101 USPQ2d 1713, 1722-23 (Fed. Cir. 2012); *Herbko Int'l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1165, 64 USPQ2d 1375, 1381 (Fed. Cir. 2002); TMEP §§1207.01, 1207.01(a)(vi).

The compared goods and/or services need not be identical or even competitive to find a likelihood of confusion. *See On-line Careline Inc. v. Am. Online Inc.*, 229 F.3d 1080, 1086, 56 USPQ2d 1471, 1475 (Fed. Cir. 2000); *Recot, Inc. v. Becton*, 214 F.3d 1322, 1329, 54 USPQ2d 1894, 1898 (Fed. Cir. 2000); TMEP §1207.01(a)(i). They need only be "related in some manner and/or if the circumstances surrounding their marketing are such that they could give rise to the mistaken belief that [the goods and/or services] emanate from the same source." *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1369, 101 USPQ2d 1713, 1722 (Fed. Cir. 2012) (quoting *7-Eleven Inc. v. Wechsler*, 83 USPQ2d 1715, 1724 (TTAB 2007)); TMEP §1207.01(a)(i).

The goods/services are related in this case. The applicant provides retail store services featuring alcohol including wine and the registrant provides wine. The use of similar marks on or in connection with both products and retail-store services has been held likely to cause confusion where the evidence showed that the retail-store services featured the same type of products. *See In re Detroit Athletic Co.*, 903 F.3d 1297, 1307, 128 USPQ2d 1047, 1051 (Fed. Cir. 2018) (holding the use of similar marks for various clothing items, including athletic uniforms, and for retail shops featuring sports team related clothing and apparel likely to cause confusion); *In re Country Oven, Inc.*, 2019 USPQ2d 443903, at \*12 (TTAB 2019) (holding the use of identical marks for bread buns and retail bakery stores and shops likely to cause confusion); *In re House Beer, LLC*, 114 USPQ2d 1073, 1078 (TTAB 2015) (holding the use of identical marks for beer and for retail store services featuring beer likely to cause confusion); TMEP §1207.01(a)(ii). The applicant's retail stores may feature the registrant's wine. Consumers are likely to be confused as to the source of the goods/services when they encounter the goods/services bearing the marks because they are likely to believe that the goods/services emanate from the same source.

The trademark examining attorney has attached evidence from the USPTO's X-Search database consisting of a number of third-party marks registered for use in connection with the same or similar goods and/or services as those of both applicant and registrant in this case. This evidence shows that the goods and/or services listed therein are of a kind that may emanate from a single source under a single mark. *See In re I-Coat Co.*, 126 USPQ2d 1730, 1737 (TTAB 2018) (citing *In re Infinity Broad. Corp.*, 60 USPQ2d 1214, 1217-18 (TTAB 2001); *In re Albert Trostel & Sons Co.*, 29 USPQ2d 1783, 1785-86 (TTAB 1993); *In re Mucky Duck Mustard Co.*, 6 USPQ2d 1467, 1470 n.6 (TTAB 1988)); TMEP §1207.01(d)(iii).

In addition, the attached Internet evidence, consisting of excerpted representative articles from the internet, establishes that the same entity commonly manufactures, produces, or provides the relevant goods and/or services, markets the goods and/or services under the same mark, and the relevant goods and/or services are sold or provided through the same trade channels and used by the same classes of consumers in the same fields of use. Thus, applicant's and registrant's goods and/or services are considered related for likelihood of confusion purposes. *See, e.g., In re Davey Prods. Pty Ltd.*, 92 USPQ2d 1198, 1202-04 (TTAB 2009); *In re Toshiba Med. Sys. Corp.*, 91 USPQ2d 1266, 1268-69, 1271-72 (TTAB 2009). Retailers provide their private label wines and alcohol, and consumers are likely to be confused as to the source of the goods/services.

Please note any differences in the goods and/or services of the parties is not controlling in determining likelihood of confusion. The issue is not likelihood of confusion between particular goods and/or services, but **likelihood of confusion as to the source or sponsorship** of those goods and/or services. *In re Majestic Distilling Co.*, 315 F.3d 1311, 1316, 65 USPQ2d 1201, 1205 (Fed. Cir. 2003); *In re Shell Oil Co.*, 992 F.2d 1204, 1208, 26 USPQ2d 1687, 1689 (Fed. Cir. 1993); TMEP §1207.01.

The goods/services travel in the same channels of trade. Or, the conditions surrounding their marketing may be such, that they could be encountered by the same purchasers under circumstances that could give rise to the mistaken belief that the goods/services come from a common source.

The similarities among the mark and the goods/services of the parties are so great as to create a likelihood of confusion.

Although applicant's mark has been refused registration, applicant may respond to the refusal(s) by submitting evidence and arguments in support of registration.

**THE FOLLOWING POTENTIAL PARTIAL REFUSAL APPLIES ONLY TO THE SERVICES SPECIFIED THEREIN: "retail store services featuring smoking products and smoking supplies, cigarettes, vaping products and vaping supplies"**

**Application Not Entitled to Registration—One Earlier-filed Application**

In addition, the filing date of pending Application Serial No. 90872600 precedes applicant's filing date. See attached referenced application. If the mark in the referenced application registers, applicant's mark may be refused registration under Trademark Act Section 2(d) because of a likelihood of confusion between the two marks. *See* 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, upon receipt of applicant's response to this Office action, action on this application may be suspended pending final disposition of the earlier-filed referenced application.

In response to this Office action, applicant may present arguments in support of registration by addressing the issue of the potential conflict between applicant's mark and the mark in the referenced application. Applicant's election not to submit arguments at this time in no way limits applicant's right to address this issue later if a refusal under Section 2(d) issues.

**How to respond.** [Click to file a response to this nonfinal Office action.](#)

/Alex Seong Keam/  
Attorney-Advisor  
U.S. Patent and Trademark Office  
Law Office 114  
(571) 272-9176  
alex.keam@uspto.gov

**RESPONSE GUIDANCE**

- **Missing the response deadline to this letter will cause the application to [abandon](#).** The response must be received by the USPTO before midnight **Eastern Time** of the last day of the response period. TEAS maintenance or [unforeseen circumstances](#) could affect an applicant's ability to timely respond.
- **[Responses signed by an unauthorized party](#)** are not accepted and can **cause the application to [abandon](#)**. If applicant does not have an attorney, the response must be signed by the individual applicant, all joint applicants, or someone with [legal authority to bind a juristic applicant](#). If applicant has an attorney, the response must be signed by the attorney.
- If needed, **find [contact information for the supervisor](#)** of the office or unit listed in the signature block.

(4) STANDARD CHARACTER MARK

HOOKED

**Mark Punctuated**

HOOKED

**Translation**

**Goods/Services**

- IC 033. US 047 049.G & S: Wine. FIRST USE: 20090708. FIRST USE IN COMMERCE: 20090708

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Design Code**

**Serial Number**

77478421

**Filing Date**

20080519

**Current Filing Basis**

1A

**Original Filing Basis**

1B

**Publication for Opposition Date**

20080812

**Registration Number**

3674103

**Date Registered**

20090825

**Owner**

(REGISTRANT) Cellars International, Inc. CORPORATION CALIFORNIA 2231 Faraday Avenue Suite 110  
Carlsbad CALIFORNIA 920087228

**Priority Date**

**Disclaimer Statement**

**Description of Mark**

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Live Dead Indicator**

**LIVE**

**Attorney of Record**

Mark I. Reichenthal

(4) STANDARD CHARACTER MARK

Hooked Vapes

**Mark Punctuated**

HOOKED VAPES

**Translation**

**Goods/Services**

- IC 034. US 002 008 009 017.G & S: Cannabinoid cartridges for use in electric cigarettes

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Design Code**

**Serial Number**

90872600

**Filing Date**

20210809

**Current Filing Basis**

1B

**Original Filing Basis**

1B

**Publication for Opposition Date**

**Registration Number**

**Date Registered**

**Owner**

(APPLICANT) True Pointe Consulting, LLC LIMITED LIABILITY COMPANY GEORGIA 1805 Meredith Park Drive McDonough GEORGIA 30253

**Priority Date**

**Disclaimer Statement**

**Description of Mark**

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Live Dead Indicator**

LIVE

**Attorney of Record**



/Ann I Dennen/

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM



**Mark Punctuated**

W

**Translation**

**Goods/Services**

- IC 033. US 047 049.G & S: **Wine**, sake. FIRST USE: 20160100. FIRST USE IN COMMERCE: 20160100
- IC 035. US 100 101 102.G & S: Online retail store services featuring **wine**; retail store services featuring **wine**; administering a **wine** club by means of providing select wines for members to purchase and arranging periodic shipments of wines to club members. FIRST USE: 20160100. FIRST USE IN COMMERCE: 20160100

**Mark Drawing Code**

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

**Design Code**

**Serial Number**

97029717

**Filing Date**

20210915

**Current Filing Basis**

1A

**Original Filing Basis**

1A

**Publication for Opposition Date**

20220322

**Registration Number**

6754306

**Date Registered**

20220607

**Owner**

(**REGISTRANT**) Winc, Inc. CORPORATION DELAWARE 5340 Alla Road, Suite 105 Los Angeles CALIFORNIA 90066

**Priority Date**

**Disclaimer Statement**

**Description of Mark**

The mark consists of a stylized letter W.

**Type of Mark**

TRADEMARK. SERVICE MARK

**Register**

PRINCIPAL

**Live Dead Indicator**

LIVE

**Attorney of Record**

Ester Martín

(4) STANDARD CHARACTER MARK

THAT GIRL WINE CO

**Mark Punctuated**

THAT GIRL WINE CO

**Translation**

**Goods/Services**

- IC 033. US 047 049.G & S: Wine. FIRST USE: 20210113. FIRST USE IN COMMERCE: 20210113
- IC 035. US 100 101 102.G & S: Retail store services featuring wine; Wholesale store services featuring wine; On-line retail store services featuring wine; On-line wholesale store services featuring wine. FIRST USE: 20210113. FIRST USE IN COMMERCE: 20210113

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Design Code**

**Serial Number**

90016870

**Filing Date**

20200623

**Current Filing Basis**

1A

**Original Filing Basis**

1B

**Publication for Opposition Date**

20201006

**Registration Number**

6804643

**Date Registered**

20220726

**Owner**

(REGISTRANT) HIGH 5 WINES, LLC LIMITED LIABILITY COMPANY MASSACHUSETTS 21254 W Hillcrest Blvd Buckeye ARIZONA 85396

**Priority Date**

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "WINE CO" APART FROM THE MARK AS SHOWN

**Description of Mark**

**Type of Mark**

TRADEMARK. SERVICE MARK

**Register**  
PRINCIPAL

**Live Dead Indicator**  
LIVE

**Attorney of Record**  
Antoinette G Giugliano

(4) STANDARD CHARACTER MARK

Wine & Melanin

**Mark Punctuated**

WINE & MELANIN

**Translation**

**Goods/Services**

- IC 033. US 047 049.G & S: Wine. FIRST USE: 20180700. FIRST USE IN COMMERCE: 20180700
- IC 035. US 100 101 102.G & S: On-line retail store services featuring wine and accessories. FIRST USE: 20180700. FIRST USE IN COMMERCE: 20180700

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Design Code**

**Serial Number**

90630094

**Filing Date**

20210407

**Current Filing Basis**

1A

**Original Filing Basis**

1A

**Publication for Opposition Date**

20220301

**Registration Number**

6728058

**Date Registered**

20220524

**Owner**

(REGISTRANT) Wine & Melanin LLC LIMITED LIABILITY COMPANY WASHINGTON 1614 118th Ave. SE #200, Unit 497 Bellevue WASHINGTON 98005

**Priority Date**

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "WINE" APART FROM THE MARK AS SHOWN

**Description of Mark**

**Type of Mark**

TRADEMARK. SERVICE MARK

**Register**

PRINCIPAL

**Live Dead Indicator**

LIVE

**Attorney of Record**

Hannah G. Weger

(4) STANDARD CHARACTER MARK

JOYFUL HEART

**Mark Punctuated**

JOYFUL HEART

**Translation**

**Goods/Services**

- IC 033. US 047 049.G & S: Wine. FIRST USE: 20210915. FIRST USE IN COMMERCE: 20210915
- IC 035. US 100 101 102.G & S: Online retail store services and retail store services featuring wine; administering a wine club by means of providing select wines for members to purchase and arranging periodic shipments of wines to club members. FIRST USE: 20210915. FIRST USE IN COMMERCE: 20210915

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Design Code**

**Serial Number**

90323839

**Filing Date**

20201117

**Current Filing Basis**

1A

**Original Filing Basis**

1B

**Publication for Opposition Date**

20210608

**Registration Number**

6695400

**Date Registered**

20220405

**Owner**

(REGISTRANT) Suess, Gregory H. INDIVIDUAL UNITED STATES 19th Fl. 10250 Constellation Blvd. Los Angeles CALIFORNIA 90067

**Priority Date**

**Disclaimer Statement**

**Description of Mark**

**Type of Mark**



TRADEMARK. SERVICE MARK

**Register**

PRINCIPAL

**Live Dead Indicator**

LIVE

**Attorney of Record**

Thomas P. Burke Jr.

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS



**Mark Punctuated**

MANOR HOUSE PORCH SOCIETY

**Translation**

**Goods/Services**

- IC 033. US 047 049.G & S: **Wine**; Alcoholic beverages, except beer. FIRST USE: 20200608. FIRST USE IN COMMERCE: 20200608
- IC 035. US 100 101 102.G & S: Administering a **wine** club by means of selecting wines based on consumer expectations and arranging periodic shipment to club members. FIRST USE: 20200608. FIRST USE IN COMMERCE: 20200608

**Mark Drawing Code**

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

**Design Code**

031303 260525 260528

**Serial Number**

90054386

**Filing Date**

20200715

**Current Filing Basis**

1A

**Original Filing Basis**

1A

**Publication for Opposition Date**

20201201

**Registration Number**

6272112

**Date Registered**

20210216

**Owner**

(**REGISTRANT**) TREASURY WINE ESTATES AMERICAS COMPANY CORPORATION DELAWARE  
555 Gateway Drive Napa CALIFORNIA 94558

**Priority Date**

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SOCIETY" APART FROM THE MARK AS SHOWN

**Description of Mark**

The mark consists of the words "MANOR HOUSE" arched upwards on the first line, the word "PORCH" appearing horizontally on the second line, and the word "SOCIETY" arched downwards on the third line, all appearing between two stag horns.

**Type of Mark**

TRADEMARK. SERVICE MARK

**Register**

PRINCIPAL

**Live Dead Indicator**

LIVE

**Attorney of Record**

Jane L. Froyd

(4) STANDARD CHARACTER MARK

WINE DER FULL

**Mark Punctuated**

WINE DER FULL

**Translation**

**Goods/Services**

- IC 021. US 002 013 023 029 030 033 040 050.G & S: Plates; Stemware; Picnic baskets sold empty; Fitted picnic baskets; **Wine** glasses. FIRST USE: 20211107. FIRST USE IN COMMERCE: 20211107
- IC 024. US 042 050.G & S: Picnic blankets. FIRST USE: 20211107. FIRST USE IN COMMERCE: 20211107
- IC 025. US 022 039.G & S: Pants; Shirts; Shorts; Jackets; Sweat pants; Sweat shirts; T-shirts. FIRST USE: 20211107. FIRST USE IN COMMERCE: 20211107
- IC 033. US 047 049.G & S: **Wine**; Kits for making **wine**. FIRST USE: 20211107. FIRST USE IN COMMERCE: 20211107
- IC 035. US 100 101 102.G & S: Retail store services featuring **wine, wine** related products, and clothing; On-line retail store services featuring **wine, wine** related products, and clothing. FIRST USE: 20211107. FIRST USE IN COMMERCE: 20211107
- IC 040. US 100 103 106.G & S: **Wine** making for others; Consultancy in the field of **wine** making; Providing information about **wine**-making. FIRST USE: 20211107. FIRST USE IN COMMERCE: 20211107

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Design Code**

**Serial Number**

90482456

**Filing Date**

20210122

**Current Filing Basis**

1A

**Original Filing Basis**

1B

**Publication for Opposition Date**

20210914

**Registration Number**

6761943

**Date Registered**

20220614

**Owner**

(REGISTRANT) Ann Mahan INDIVIDUAL UNITED STATES 121 North Windham Lane Bloomingdale  
ILLINOIS 60108 (REGISTRANT) Philip Mahan INDIVIDUAL UNITED STATES 121 North Windham Lane  
Bloomington ILLINOIS 60108

**Priority Date****Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "WINE" APART FROM THE MARK AS  
SHOWN

**Description of Mark****Type of Mark**

TRADEMARK. SERVICE MARK

**Register**

PRINCIPAL

**Live Dead Indicator**

LIVE

**Attorney of Record**

Ronald A DiCerbo

(4) STANDARD CHARACTER MARK

GRANITE RIDGE

**Mark Punctuated**

GRANITE RIDGE

**Translation**

**Goods/Services**

- IC 021. US 002 013 023 029 030 033 040 050.G & S: Plates; Stemware; Picnic baskets sold empty; Fitted picnic baskets; **Wine** glasses. FIRST USE: 20211107. FIRST USE IN COMMERCE: 20211107
- IC 024. US 042 050.G & S: Picnic blankets. FIRST USE: 20211107. FIRST USE IN COMMERCE: 20211107
- IC 025. US 022 039.G & S: Pants; Shirts; Shorts; Jackets; Sweat pants; Sweat shirts; T-shirts. FIRST USE: 20211107. FIRST USE IN COMMERCE: 20211107
- IC 033. US 047 049.G & S: **Wine**; Kits for making **wine**. FIRST USE: 20211107. FIRST USE IN COMMERCE: 20211107
- IC 035. US 100 101 102.G & S: Retail store services featuring **wine, wine** related products, and clothing; On-line retail store services featuring **wine, wine** related products, and clothing. FIRST USE: 20211107. FIRST USE IN COMMERCE: 20211107
- IC 040. US 100 103 106.G & S: **Wine** making for others; Consultancy in the field of **wine** making; Providing information about **wine**-making. FIRST USE: 20211107. FIRST USE IN COMMERCE: 20211107

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Design Code**

**Serial Number**

90482482

**Filing Date**

20210122

**Current Filing Basis**

1A

**Original Filing Basis**

1B

**Publication for Opposition Date**

20210914

**Registration Number**

6761944

**Date Registered**

20220614

**Owner**

(REGISTRANT) Ann Mahan INDIVIDUAL UNITED STATES 121 North Windham Lane Bloomingdale  
ILLINOIS 60108 (REGISTRANT) Philip Mahan INDIVIDUAL UNITED STATES 121 North Windham Lane  
Bloomington ILLINOIS 60108

**Priority Date****Disclaimer Statement****Description of Mark****Type of Mark**

TRADEMARK. SERVICE MARK

**Register**

PRINCIPAL

**Live Dead Indicator**

LIVE

**Attorney of Record**

Ronald A DiCerbo

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

TEXAS WINE  
EST ★ 2010  
COLLECTIVE

**Mark Punctuated**

TEXAS WINE COLLECTIVE EST 2010

**Translation**

**Goods/Services**

- IC 033. US 047 049.G & S: **Wine**. FIRST USE: 20210601. FIRST USE IN COMMERCE: 20210601
- IC 035. US 100 101 102.G & S: Retail and wholesale distributorship services in the field of **wine**. FIRST USE: 20210601. FIRST USE IN COMMERCE: 20210601
- IC 041. US 100 101 107.G & S: Entertainment services, namely, **wine** tastings; arranging, conducting and organizing community festivals in the field of **wine** tasting. FIRST USE: 20210601. FIRST USE IN COMMERCE: 20210601

**Mark Drawing Code**

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

**Design Code**

010103

**Serial Number**

90172401

**Filing Date**

20200910

**Current Filing Basis**

1A

**Original Filing Basis**

1B

**Publication for Opposition Date**

20210907

**Registration Number**

6775694

**Date Registered**

20220628

**Owner**

(**REGISTRANT**) McEsbren, LLC DBA 4.0 Cellars LIMITED LIABILITY COMPANY TEXAS 10354 E. US Hwy 290 Fredericksburg TEXAS 78624

**Priority Date**



**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "TEXAS WINE COLLECTIVE" AND "EST 2010" APART FROM THE MARK AS SHOWN

**Description of Mark**

The mark consists of the words "TEXAS WINE COLLECTIVE EST 2010" presented in stylized letters with a star displayed in between the terms "EST" and "2010".

**Type of Mark**

TRADEMARK. SERVICE MARK

**Register**

PRINCIPAL

**Live Dead Indicator**

LIVE

**Attorney of Record**

Cathryn A. Berryman

(4) STANDARD CHARACTER MARK

BOUTZ

**Mark Punctuated**

BOUTZ

**Translation**

**Goods/Services**

- IC 033. US 047 049.G & S: **Wine**. FIRST USE: 20211213. FIRST USE IN COMMERCE: 20211213
- IC 035. US 100 101 102.G & S: On-line retail store services featuring **wine**; Retail store services featuring **wine**. FIRST USE: 20211213. FIRST USE IN COMMERCE: 20211213
- IC 040. US 100 103 106.G & S: Vineyard services in the nature of **wine** making for others; **Wine** making for others; Winery services. FIRST USE: 20211213. FIRST USE IN COMMERCE: 20211213

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Design Code**

**Serial Number**

90360054

**Filing Date**

20201204

**Current Filing Basis**

1A

**Original Filing Basis**

1B

**Publication for Opposition Date**

20210706

**Registration Number**

6755380

**Date Registered**

20220607

**Owner**

(**REGISTRANT**) Boutzoukas Family Cellars, LLC LIMITED LIABILITY COMPANY CALIFORNIA 7055  
Adelaida Road Paso Robles CALIFORNIA 93446

**Priority Date**

**Disclaimer Statement**

**Description of Mark**

**Type of Mark**

TRADEMARK. SERVICE MARK

**Register**

PRINCIPAL

**Live Dead Indicator**

LIVE

**Attorney of Record**

Anton J. Hopen

(4) STANDARD CHARACTER MARK

BEACH BREEZE

**Mark Punctuated**

BEACH BREEZE

**Translation**

**Goods/Services**

- IC 021. US 002 013 023 029 030 033 040 050.G & S: Plates; Stemware; Picnic baskets sold empty; Fitted picnic baskets; **Wine** glasses. FIRST USE: 20211107. FIRST USE IN COMMERCE: 20211107
- IC 024. US 042 050.G & S: Picnic blankets. FIRST USE: 20211107. FIRST USE IN COMMERCE: 20211107
- IC 033. US 047 049.G & S: **Wine**; Kits for making **wine**. FIRST USE: 20211107. FIRST USE IN COMMERCE: 20211107
- IC 035. US 100 101 102.G & S: Retail store services featuring **wine** and **wine** related products; On-line retail store services featuring **wine** and **wine** related products. FIRST USE: 20211107. FIRST USE IN COMMERCE: 20211107
- IC 040. US 100 103 106.G & S: **Wine** making for others; Consultancy in the field of **wine** making; Providing information about **wine**-making. FIRST USE: 20211107. FIRST USE IN COMMERCE: 20211107

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Design Code**

**Serial Number**

90489896

**Filing Date**

20210126

**Current Filing Basis**

1A

**Original Filing Basis**

1B

**Publication for Opposition Date**

20211005

**Registration Number**

6761970

**Date Registered**

20220614

**Owner**

(**REGISTRANT**) Ann Mahan INDIVIDUAL UNITED STATES 121 North Windham Lane Bloomingdale

ILLINOIS 60108 (**REGISTRANT**) Philip Mahan INDIVIDUAL UNITED STATES 121 North Windham Lane  
Bloomington ILLINOIS 60108

**Priority Date**

**Disclaimer Statement**

**Description of Mark**

**Type of Mark**

TRADEMARK. SERVICE MARK

**Register**

PRINCIPAL

**Live Dead Indicator**

LIVE

**Attorney of Record**

Ronald A DiCerbo

(4) STANDARD CHARACTER MARK

ALTISIMA WINERY

**Mark Punctuated**

ALTISIMA WINERY

**Translation**

The English translation of "ALTISIMA" in the mark is "extremely high".

**Goods/Services**

- IC 033. US 047 049.G & S: **Wine**. FIRST USE: 20210203. FIRST USE IN COMMERCE: 20210203
- IC 035. US 100 101 102.G & S: Administering a **wine** club by means of selecting said goods based on consumer expectations and arranging periodic shipment to club members. FIRST USE: 20210203. FIRST USE IN COMMERCE: 20210203
- IC 041. US 100 101 107.G & S: Entertainment services, namely, **wine** and food tastings. FIRST USE: 20210203. FIRST USE IN COMMERCE: 20210203

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Design Code**

**Serial Number**

90537354

**Filing Date**

20210220

**Current Filing Basis**

1A

**Original Filing Basis**

1B

**Publication for Opposition Date**

20211026

**Registration Number**

6741058

**Date Registered**

20220524

**Owner**

(**REGISTRANT**) DPW I, LLC LIMITED LIABILITY COMPANY CALIFORNIA 37440 De Portola Road Temecula CALIFORNIA 92582

**Priority Date**

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "WINERY" APART FROM THE MARK AS

SHOWN

**Description of Mark**

**Type of Mark**

TRADEMARK. SERVICE MARK

**Register**

PRINCIPAL

**Live Dead Indicator**

LIVE

**Attorney of Record**

Colin Rasmussen

(4) STANDARD CHARACTER MARK

VINEMAKER WINES

**Mark Punctuated**

VINEMAKER WINES

**Translation**

**Goods/Services**

- IC 021. US 002 013 023 029 030 033 040 050.G & S: Plates; Stemware; Picnic baskets sold empty; Fitted picnic baskets; Wine glasses. FIRST USE: 20210428. FIRST USE IN COMMERCE: 20210428
- IC 024. US 042 050.G & S: Picnic blankets. FIRST USE: 20210428. FIRST USE IN COMMERCE: 20210428
- IC 025. US 022 039.G & S: Pants; Shirts; Shorts; Jackets; Sweat pants; Sweat shirts; T-shirts. FIRST USE: 20210428. FIRST USE IN COMMERCE: 20210428
- IC 033. US 047 049.G & S: Wine; Kits for making wine. FIRST USE: 20210428. FIRST USE IN COMMERCE: 20210428
- IC 035. US 100 101 102.G & S: Retail store services featuring wine, wine related products, and clothing; On-line retail store services featuring wine, wine related products, and clothing. FIRST USE: 20210428. FIRST USE IN COMMERCE: 20210428
- IC 040. US 100 103 106.G & S: Wine making for others; Consultancy in the field of wine making; Providing information about wine-making. FIRST USE: 20210428. FIRST USE IN COMMERCE: 20210428

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Design Code**

**Serial Number**

90509087

**Filing Date**

20210204

**Current Filing Basis**

1A

**Original Filing Basis**

1B

**Publication for Opposition Date**

20210914

**Registration Number**

6762012

**Date Registered**

20220614



**Owner**

(REGISTRANT) Ann Mahan INDIVIDUAL UNITED STATES 121 North Windham Lane Bloomingdale  
ILLINOIS 60108 (REGISTRANT) Philip Mahan INDIVIDUAL UNITED STATES 121 North Windham Lane  
Bloomington ILLINOIS 60108

**Priority Date****Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "WINES" APART FROM THE MARK AS  
SHOWN

**Description of Mark****Type of Mark**

TRADEMARK. SERVICE MARK

**Register**

PRINCIPAL

**Live Dead Indicator**

LIVE

**Attorney of Record**

Ronald A DiCerbo

(4) STANDARD CHARACTER MARK

PHILANTICS

**Mark Punctuated**

PHILANTICS

**Translation**

**Goods/Services**

- IC 021. US 002 013 023 029 030 033 040 050.G & S: Plates; Stemware; Picnic baskets sold empty; Fitted picnic baskets; Wine glasses. FIRST USE: 20211107. FIRST USE IN COMMERCE: 20211107
- IC 024. US 042 050.G & S: Picnic blankets. FIRST USE: 20211107. FIRST USE IN COMMERCE: 20211107
- IC 025. US 022 039.G & S: Pants; Shirts; Shorts; Jackets; Sweat pants; Sweat shirts; T-shirts. FIRST USE: 20211107. FIRST USE IN COMMERCE: 20211107
- IC 033. US 047 049.G & S: Wine; Kits for making wine. FIRST USE: 20211107. FIRST USE IN COMMERCE: 20211107
- IC 035. US 100 101 102.G & S: Retail store services featuring wine, wine related products, and clothing; On-line retail store services featuring wine, wine related products, and clothing. FIRST USE: 20211107. FIRST USE IN COMMERCE: 20211107
- IC 040. US 100 103 106.G & S: Wine making for others; Consultancy in the field of wine making; Providing information about wine-making. FIRST USE: 20211107. FIRST USE IN COMMERCE: 20211107

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Design Code**

**Serial Number**

90489863

**Filing Date**

20210126

**Current Filing Basis**

1A

**Original Filing Basis**

1B

**Publication for Opposition Date**

20210914

**Registration Number**

6761968

**Date Registered**

20220614

**Owner**

(REGISTRANT) Ann Mahan INDIVIDUAL UNITED STATES 121 North Windham Lane Bloomingdale  
ILLINOIS 60108 (REGISTRANT) Philip Mahan INDIVIDUAL UNITED STATES 121 North Windham Lane  
Bloomington ILLINOIS 60108

**Priority Date****Disclaimer Statement****Description of Mark****Type of Mark**

TRADEMARK. SERVICE MARK

**Register**

PRINCIPAL

**Live Dead Indicator**

LIVE

**Attorney of Record**

Ronald A DiCerbo

(4) STANDARD CHARACTER MARK

CHEERS TO THE WOMEN OF  
GRAPES AND GRAINS

**Mark Punctuated**

CHEERS TO THE WOMEN OF GRAPES AND GRAINS

**Translation**

**Goods/Services**

- IC 033. US 047 049.G & S: Alcoholic beverages, except beer. FIRST USE: 20210331. FIRST USE IN COMMERCE: 20210331
- IC 035. US 100 101 102.G & S: Promoting women involved in the wine and spirits industry; Promoting public awareness of leadership development and business opportunities for women; promoting public awareness of women's leadership in the wine and spirits industry; Promoting awareness of increased opportunities for women in the wine and spirits industry. FIRST USE: 20220301. FIRST USE IN COMMERCE: 20220301
- IC 041. US 100 101 107.G & S: Provision of entertainment information relating to wine and spirits; Providing entertainment information via a website; Providing entertainment information in the fields of wine and spirits via a website; Providing online interviews featuring women in the wine and spirits industry for entertainment purposes; Photo sharing and video sharing services being entertainment, namely, providing an online interactive database of photos and videos promoting women in the wine and spirits industry; Providing information about increased educational opportunities for women in the wine and spirits industry via a website. FIRST USE: 20220301. FIRST USE IN COMMERCE: 20220301

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Design Code**

**Serial Number**

90560713

**Filing Date**

20210304

**Current Filing Basis**

1A

**Original Filing Basis**

1B

**Publication for Opposition Date**

20210810

**Registration Number**

6769490

**Date Registered**

20220621

**Owner**

(REGISTRANT) Brown-Forman Corporation CORPORATION DELAWARE 850 Dixie Highway Louisville KENTUCKY 40210

**Priority Date****Disclaimer Statement****Description of Mark****Type of Mark**

TRADEMARK. SERVICE MARK

**Register**

PRINCIPAL

**Live Dead Indicator**

LIVE

**Attorney of Record**

Justin P. Welch

(4) STANDARD CHARACTER MARK

MISC.

**Mark Punctuated**

MISC.

**Translation**

**Goods/Services**

- IC 033. US 047 049.G & S: **Wine**. FIRST USE: 20160215. FIRST USE IN COMMERCE: 20161013
- IC 035. US 100 101 102.G & S: On-line retail store services featuring **wine** and alcoholic beverages; Computerized on-line retail store services in the field of **wine** and alcoholic beverages; Operating an on-line shopping site in the field of **wine** and alcoholic beverages. FIRST USE: 20160215. FIRST USE IN COMMERCE: 20161013

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Design Code**

**Serial Number**

90564058

**Filing Date**

20210306

**Current Filing Basis**

1A

**Original Filing Basis**

1A

**Publication for Opposition Date**

20220308

**Registration Number**

6735109

**Date Registered**

20220524

**Owner**

(**REGISTRANT**) GLJR WINE LLC DBA MISC. WINES LIMITED LIABILITY COMPANY CALIFORNIA  
P.O. Box 6048 Napa CALIFORNIA 94581

**Priority Date**

**Disclaimer Statement**

**Description of Mark**

**Type of Mark**

TRADEMARK. SERVICE MARK

**Register**

PRINCIPAL

**Live Dead Indicator**

LIVE

**Attorney of Record**

Gerald L. Robertson

Charity at Total Wine & More  
[View Our Philanthropy](#)

Two Brothers, One Vision  
[View Our Leadership](#)

☆ Highlights

👉 Savings

📅 Events

## What's Going On

Upcoming Events, Sampling hours & more!

[See All Events](#)



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Total Wine & More

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Potomac Yard, VA



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Face covering requirements in our stores vary by state. [Learn more about our COVID-19 response](#)

Total Wine & More  
**Fairfax, VA**

☆ Highlights   👉 Savings   📅 Events

### Total Convenience

Get your items brought to you or pick them up at the store!

Beer cannot be shipped. Spirits cannot be delivered, picked up, or shipped. Cigars cannot be delivered or shipped.  
[See All Purchase Options](#)

**Delivery**  
[Check My Address Availability](#)

**Pickup**  
[See Pickup Options](#)

**Shipping**  
[Check My Shipping Options](#)

**Store Address**  
[Pickett Shopping Center](#)  
9484 Main Street  
Fairfax, VA 22031  
[Directions](#)

**Hours**

Monday	9:00 a.m. - 10:00 p.m.
Tuesday	9:00 a.m. - 10:00 p.m.
Wednesday	9:00 a.m. - 10:00 p.m.
Thursday	9:00 a.m. - 10:00 p.m.
Friday	9:00 a.m. - 10:00 p.m.
Saturday	9:00 a.m. - 10:00 p.m.
Sunday	9:00 a.m. - 8:00 p.m.

[See Sampling Hours](#)

**Call us**   [\(703\) 250-0606](#)



Earn Rewards



#### Store Images



#### Store Address

Pickett Shopping Center  
9484 Main Street  
Fairfax, VA 22031

[Directions](#)

#### Hours

Monday	9:00 a.m. - 10:00 p.m.
Tuesday	9:00 a.m. - 10:00 p.m.
Wednesday	9:00 a.m. - 10:00 p.m.
Thursday	9:00 a.m. - 10:00 p.m.
Friday	9:00 a.m. - 10:00 p.m.
Saturday	9:00 a.m. - 10:00 p.m.
Sunday	9:00 a.m. - 8:00 p.m.

[See Sampling Hours](#)

Call us

(703) 250-0604

#### Store Images



#### Store Features

 Sampling Station  
[See Sampling Hours](#)

 Cigar Humidor  
[Shop Cigars](#)

 Wi-Fi



Click. Save. Enjoy.

Discover and save with hand-picked

## What's In Store

Wine, beer, cigars and accessories are available for purchase.

Looking for Spirits? Due to Virginia State Laws, Spirits are not allowed to be sold in stores or online.



Total Wine & More

# Fairfax, VA

[Set As My Store](#)

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☆ Highlights

🛒 Savings

📅 Events

## Total Convenience

Get your items brought to you or pick them up at the store!

Beer cannot be shipped. Spirits cannot be delivered, picked up, or shipped. Cigars cannot be delivered or shipped.

[See All Purchase Options](#)



**Delivery**

[Check My Address Availability](#)



**Pickup**

[See Pickup Options](#)



**Shipping**

[Check My Shipping Options](#)

## What's In Store

Wine, beer, cigars and accessories are available for purchase.

Looking for Spirits? Due to Virginia State Laws, Spirits are not allowed to be sold in stores or online.



Wine



Beer



Accessories



Pinot Noir VinTner's Reserve  
750ml

★★★★★ 923  
**\$14.99** ~~\$17.99~~



750ml

★★★★★ 568  
**\$9.99** ~~\$12.99~~



Reserve Sonoma County, 2020  
750ml

★★★★★ 103  
**\$19.99**



Series by LVL Chardonnay, 2020  
750ml

★★★★★ 87  
**\$14.99**

● ○ ○ ○ ○

## Deals & Loyalty

wine collections.

[Shop Collections](#)



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Fairfax**

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**Charity at Total Wine &  
More**

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**Two Brothers, One Vision**

[View Our Leadership](#)

Check out these savings...




**Shop Limited-Time  
Specials**



**View All Promotions**



**View the Weekly In-  
Store Ad**



**Earn Points Online and In Store!**

- Collect 10 points for every \$1 you spend
- Collect 2x, 3x or even 5x bonus points on specific purchases
- 5,000 points = \$5 Reward

[Create An Account](#)

Or [Sign In](#) to earn points on your online purchases!

## What's Going On

Upcoming Events, Sampling hours & more!

[See All Events](#)





VARIETAL | REGION | DISCOVER | GIFTS

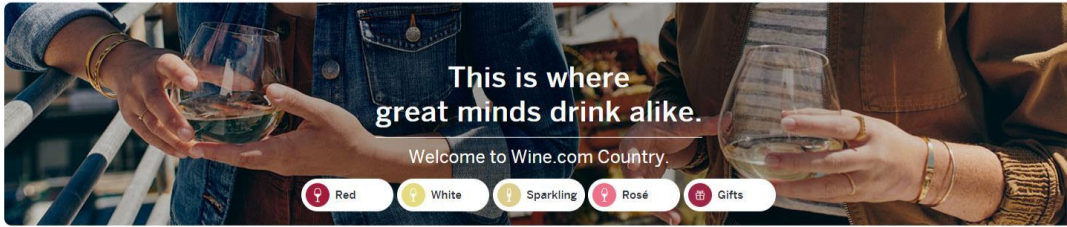


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Ship to  
VA



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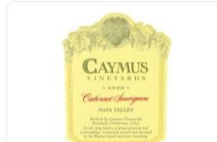


**Last chance for summer rosé.**  
Get your fill before they're gone.

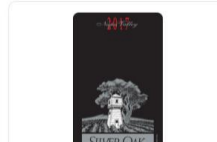
### Our Most Popular Wines



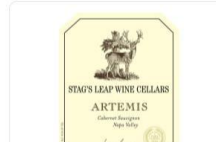
Veuve Clicquot Yellow Label Brut  
Non-Vintage | Champagne, France



Caymus Napa Valley Cabernet  
Sauvignon 2020



Silver Oak Napa Valley Cabernet  
Sauvignon 2017



Stag's Leap Wine Cellars Artemis  
Cabernet Sauvignon 2019



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JS

92

D

91

WS

90

\$69<sup>97</sup>

Add to Cart

WW

92

\$84<sup>99</sup>

Add to Cart

JS

96

WW

93

\$139<sup>99</sup>

Add to Cart

JS

93

D

91

JD

91

\$73<sup>99</sup>

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Get access to Bordeaux futures.

Join StewardShip to access Bordeaux's best.

Great wine for summertime.

This is floral notes in concrete jungles.

Great wine for summertime.

This is floral notes in concrete jungles.

This is wine tasting with the stars.

Watch virtual tasting videos.

Sip along with celebrities, winemakers & more.

## Great Bottles to Give

BADIA A PASSIGNANO

CHianti CLASSICO

GRAN SELEZIONE 2018

ANTINORI

Antinori Badia a Passignano Chianti Classico Gran Selezione 2018

Sangiovese | Chianti Classico, Italy

JS

95

WS

94

WS

92

\$59<sup>99</sup>

Add to Cart

TP

92

WS

90

WS

90

\$69<sup>97</sup>

Add to Cart

WW

90

\$94<sup>99</sup>

Add to Cart

JS

94

RP

94

V

93

~~\$66~~

\$49<sup>99</sup>

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This is getting wine on your own time.


Find a local pickup location.

Get wine delivered to 20,000+ convenient locations.

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Give \$30. Get \$30


Top Sellers in Your Area



**Belle Glos Dairymen Vineyard Pinot Noir 2020**  
Pinot Noir | Russian River, California

~~\$55~~ **\$49.99**

Add to Cart




**San Salvatore Pian di Stio Paestum Fiano 2018**  
Fiano | Campania, Italy

WAS 93 JS 93 RP 92

\$47.99

Add to Cart




**Sena 2018**  
Bordeaux Red Blends | Aconcagua Valley, Chile

JS 100 JD 98 RP 98

\$134.99

Add to Cart



**Bodegas y Vinedos Pintia 2017**  
Tempranillo | Toro, Spain

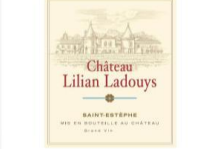
JS 95 RP 94

\$78.99

Add to Cart

Connect with us

Experts Agree these Wines are Quality

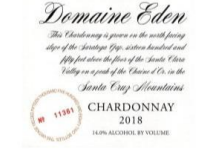


**Chateau Lilian Ladouys (375ML half-bottle) 2019**  
Bordeaux Red Blends | St. Estephe, France

WE 95 JS 92 JD 91

\$14.99

Add to Cart

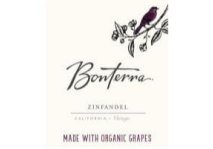


**Domaine Eden Chardonnay 2018**  
Chardonnay | Santa Cruz Mountains, California

WE 93 WAS 93 JD 90

\$37.99

Add to Cart

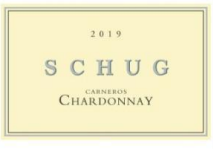


**Bonterra Organically Grown Zinfandel 2019**  
Zinfandel | Mendocino, California

WW 91 WE 90 TP 90

\$16.99

Add to Cart



**Schug Carneros Chardonnay 2019**  
Chardonnay | Carneros, California

TP 92 JS 91 WW 90


~~\$25~~ **\$32.99**

Add to Cart

Connect with us

Most Popular Wine Gifts






Duckhorn Vineyards Wine Gift Set

~~\$187~~ **\$164.99**


[Add to Cart](#)



Napa Valley Wine Gift Set

~~\$100~~ **\$89.99**


[Add to Cart](#)



90 Point Red Wine Gift Set

~~\$69~~ **\$59.99**

[Add to Cart](#)



90 Point Cabernet Wine Gift Set

**\$54.99**

[Add to Cart](#)



SUBSCRIBE



02/10/2021

## Wine report: Retailers uncork big profits with private label wine

Michael Applebaum

For private label wine, it's more grape expectations.

In 2020, some 40,000 consumers voted for their top picks in packaged goods for Product of the Year USA. The winner in the wine category was not a recognized-name varietal from a storied vintner, but rather a \$10 Quarter Cut Bourbon Barrel-Aged Cabernet Sauvignon sold exclusively at Aldi.

Quarter Cut Bourbon Barrel-Aged Cabernet Sauvignon sold exclusively at Aldi.

Welcome to the new world of private label wine.  
True, shoppers have long embraced the private



### Related Topics



vinos collections of such chains as Aldi, Kroger, Target and Trader Joe's as a viable alternative to branded wine. But lately, the category has reached a new level of acceptance. Based on recent blog entries, Aldi customers awaited the arrival of the retailer's Advent calendar wine selections as anxiously as they did for the same promotion featuring dogs, cats, Hot Wheels and Mattel Barbie.



Beer advent calendars are also popular items but that category is in a slow down that's looking to bounce back, perhaps through private label. Wine, however, keeps flourishing.

"Many of our award-winning wines are less than \$10, which proves quality doesn't always mean expensive," said Joan Kavanaugh, vice president of national buying services at Aldi U.S. All 24 bottles in the 2020 Advent calendar were from Aldi wine brands that are available year-round, she noted. "We heard from shoppers that when they have a wine they love in their Advent calendar, they want to be able to buy more, which is why we have several of the wines available in full-size bottles."

Similarly, Albertsons' Own Brands team also hand-selected wines for its wine Advent calendar and Costco has had success with its calendars for wine and beer.

Sales of private label wines have been on an upward trajectory for several years. According to IWSR Drinks Market Analysis data, consumption of private label wines rose 9% in the United States from 2014 to 2018, and another 6.2% in 2019 (the latest available data period), while branded wine consumption remained essentially flat during the period. Per Nielsen, private label brands accounted for 3.12% of all wine sales at mass merchants, convenience and liquor stores for the 52 weeks ended Jan. 2.

"We've experienced double-digit volume growth in each of the last nine years and forecast similar growth again in 2021."  
**Kate Helms**, senior manager, private brands, E. & J. Gallo

"More retailers are citing private brands as a pillar of their overall corporate growth strategy plans, and the demand is carrying over to the wine category," said Kate Helm, senior manager of private brands at E. & J. Gallo Winery. She noted that E. & J. Gallo doubled its private brand volume sales between 2014 and 2018 and is on track to repeat that performance through 2022. "We've experienced double-digit volume growth in each of the last nine years and forecast similar growth again in 2021."

**Action at the High End**

While much of the volume in the private label wine category continues to be driven by the value segment, retailers are increasingly responding to consumer demand for higher-quality products, including premium and super-premium wines. Private wine brands are experiencing a similar shift toward premiumization as that of national brands, although Helm said the price thresholds and levels of success can vary significantly in each segment.

"For those specialty retailers with well-trained staff with the ability to hand sell or interact directly with

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consumers, the price threshold for a private brand wine increases significantly and can, at times, be on par with national brands,” said Helm. “In other retailers, many consumers have shown a preference to stick with familiar national brands at a super-premium price point versus trying new private brand wine offerings.”



Albertsons, for example, offers wine under its premium Signature Reserve line at a price point more in line with a premium wine. Its Exponential Cabernet Sauvignon and Brick & Vine Cabernet Sauvignon, however, are sold for less than \$10. Winners in the 2020 Editors' Picks awards, the wines are top sellers, per IRI. Brick & Vine is a store brand that generates more than \$2 million annually, and the cabernet sauvignon version representing 35% of that.

Retailers and manufacturers have been forced to work more creatively throughout the COVID-19 pandemic to promote consumer awareness on private brand wines online, and Helm said those digital efforts have paid off. “Many retailers focused on building a strong omnichannel presence within their private brand wine category by highlighting their private label brands on their websites, landing pages and social media accounts,” she said.

Giant Food debuted its Artie wines – which run for less than \$10 a bottle – in its 163 stores in the Washington, D.C., region, promoting them with exciting in-store displays.

“We’ve also seen an increase in the visibility and awareness of private label wine through retailer advertising on various online shopping platforms that offer direct-to-consumer delivery by third-party delivery companies.”

As with all alcoholic beverage categories, COVID-19 shifted many on-premise sales to retailers – but that did not appear to slow the premiumization trend, Nielsen data showed that the \$20- to \$25-per-bottle price tier fueled much of the sales growth at mass retailers last spring, and that same tier led all other price segments with a 30.8% increase in year-over-year dollar sales for the 52 weeks ended Dec. 26, 2020.

**Hot Segments: Sparkling Shines**

Despite some initial concern that pandemic restrictions would tamp down consumer sentiment, it appears that many consumers still felt like celebrating at home with some bubbly. Data from Nielsen off-premises outlets showed a 12% year-over-year increase in sparkling wine sales through early September of 2020. Retailers have been riding the wave by offering more private label options in the traditionally sparse category.



“We’ve made a big push in the last few years to show retailers they have the ability on the sparkling side, which is the fastest-growing segment of the wine industry, to have a traditional method for producing sparkling wine. We’ve seen a lot activity [at retailers] across the country,” said Mark Garaventa, general manager at Rack & Riddle



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Custom Wine Services in Healdsburg, Calif.

Setting the right price threshold is particularly important in sparkling wines, where consumers tend to recognize a handful of names like Chandon, according to Garaventa. "Most retailers would like to be priced in the \$12.99 to \$15.99 range, and we're able to provide those price points because we're not a branded house." Sparkling wine in general costs more to produce, he said but the quality in private label today is "just as good, if not better," that in comparable price points for still wine.

The growing popularity of sparkling wine also is spilling over into the fruit-flavored wine segment. "Consumers are seeking out wines that are lighter, more refreshing and effervescent, and offer great fruit-forward notes," Helm said.

IRI data through last November showed volume sales in fruit varietal wines were up nearly 50% and dollar sales were up over 80%.

"This tells us that not only is there an increase in physical demand, but that consumers are willing to spend more per bottle than they have in years past," Helm said. "We're seeing these wines drive new users to the wine category while giving more seasoned wine drinkers exciting and fun flavors."



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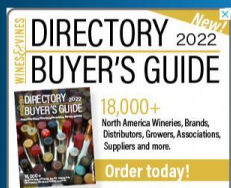
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## Top Retailers Outline Buying Programs for Private Label and Branded Wines

by Pam Strayer

Jul 27, 2022

Wine buyers from BevMo and Target outlined strategies and how they work with suppliers during the International Bulk Wine and Spirits Show in South San Francisco Tuesday.

"They really have such different approaches to how they work with partners," said Allison Crowe, MW, and Vice President Winemaking, Partner at Plata Wine Partners, who makes Kirkland's Cabernets as well as other wines.

One difference concerns the branding and packaging. At Target, Ryan Pandl, Senior Buyer, Adult Beverages and Beverages, said its in-house creative team takes the lead in making the private label product packaging and branding look great, while Jeff Feist, the former Category Lead for Spirits & More at BevMo! said the liquor retailing giant's approach is more about letting the supplier do the branding work, and then putting the goods on the shelf at its 160 stores where it promotes them to customers.

Target will take the lead in creating brands with partners, bringing its creative team's talents into creating wine names, labels and packaging, as well as telling the brand story.

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as well as the pack on the national brand and but mainly our own brand portfolio.

Packaging design is a task Target takes on, Pandl said. "I would say first and foremost, cost is important, right? We can help with the packaging. We have a fantastic creative team at Target that works as a consultant on our business. If I can find the right juice, and the right supplier relationship, at the right cost, that fits a lot of the other things we're looking for – like sustainability requirements or certain aspects of a project we're going after – we can make the creative and the packaging come to life together."

In comparison, BevMo, with 5,000 wine SKUs, relies on its partners to take on those tasks.

Said Feist, "A chain like Bevmo has 161 locations. We don't have a huge creative team and we don't have a huge marketing team. So what we need is these vineyard partners to come to us and say, 'Hey, we're turnkey for you guys. We'll create the brand. We'll create the brands that you want. We'll put it in a pretty bottle. We'll get you a price point. That's great. And then let's get it on the shelf. Those are the partnerships that we look forward to.

"Going forward, it's how can we do the least amount of work on our side, and have you do the most amount of work on your side to get a finished product. And then the most important thing for us is really timing."

Since BevMo is focused on private label product in market niches, that's a place suppliers can start to make inroads, Feist said. "If you come to me, and say hey, you have a need for a category that you're not fulfilling currently, and here's how I can fulfill that – that's a partnership made in heaven for us."

Both buyers said failing to deliver on time or not communicating schedule changes in advance was a nightmare for their companies. Supply chain issues have made this more frequent.

"I cannot stand being blindsided by change because as you can imagine just the amount of internal swirl that causes within minutes," said Pandl. At BevMo, Feist said, failure to deliver on time is, "the death march for us...when there's a halt in the process that really kills the momentum and strategy we want to get behind a private label."

Willingness and the humility to be a good partner matters, Feist said, sharing that he regularly receives pitches with outlandish brand aspirations and marketing plans that read like fiction. "I would much rather have someone walk in my door and say you have 160 stores. We have a great brand. Can you test me in 20 stores and then let's be successful together ...I say okay, let's partner together and 20 stores. The expectation of being the next Patron or being the next Don Julio...those are dreams. I'm here for instant gratification."

But, he says, success can come. "I can tell you there's multiple brands that I've tested in 20 stores that went to 40 stores that went to 160 stores." On the other hand, he said, smaller can be beautiful. "Maybe you're not right for 160 stores. But maybe you're right for our top 40 stores in a certain area and there can still be a lot of business there."

Pandl said Target is moving away from a one size fits all approach to its national

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program and expects to take a more regional approach in the near future. "Back when I started on our team about six years ago, I think eight to 10% of our skews were regional. As of next March it will be closer to 40 to 50%."

Timelines for getting product on the shelf vary dramatically at the two companies. "It generally takes around 18 months from the time we first meet or kick off the project to when the juice is on shelf," Pandl said. At Bevmo, Feist said, "It's how fast can you move." Vendors get setup in the computer system, financial data is collected and then it's a pretty short time frame, he said.

Over time, each company handles the ongoing business terms differently, too. Once big volume success happens, the expectations may change.

At BevMo, Feist says, "We understand cost of goods can fluctuate. But we also understand that volume fluctuates, so if all of a sudden we're buying 1,000 cases a year from you, and then we take that to 20,000 cases a year, the cost of goods should be able to go down slightly, because we're buying more... But then how does that pricing work as we help grow your brands...that's very important."

At Target, Pandl said a team of planners and analysts work collaboratively to forecast volume. "If we commit for a six month commitment, after the initial business award, we commit to the inventory," he said.

Both retailer buyers said sales inquiry emails to them should be short and sweet and come with bullet points. Said Feist, "I don't have time to read a novel in an email, so stick to the bullet points. And there should be a call of action."

The size of a winery's distributor is not a make or break issue, both company reps said, though each weights it differently.

Said Pandl, "We'll want to know, who is your current major distributor network throughout the country or a national retailer. If it's more consolidated, it is a little bit easier for us to execute. But we also want to know if you're flexible and can switch over to one of our preferred distributors. So those are all parts of the conversation."

At BevMo, Feist said, "I hear from people all the time that Southern is too big for us, so we branched off and now we're with a really small supplier, but they don't know how to get a hold of you."

"And I say, 'Listen, pick up the phone, call me, email me. I'm on LinkedIn, my emails on my LinkedIn, my phone numbers on LinkedIn. I'm willing to meet with you once if only to taste your product and see your label...Finding 15 minutes for us to meet is easy."

Feist said his attitude of "the more the merrier" helps keep pace with the market and consumer demand. New suppliers, he says, "are our life blood. We need to meet new people and we need to have new brands, because you never know what's going to hit."





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## The rise of private label

As retailers discover they earn better margins by filling bottles under their own brand names, private label is set to rise. Hans Kraak reports.



Brian Sharoff, Jacqueline Snoeker

Brian Sharoff is convinced private label wines – where retailers create their own range – will become even more important for retail. “We have seen some important changes in the last years,” the president of the Private Label Manufacturers Association says: “the percentage of wine being sold in supermarkets is on the rise.” He points to

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data from Germany, the UK and France as proof. "More than half of the wine sales [there] take place in supermarkets. As retailers become as skilful with private label wines as they are with food, sales of these wines can only rise."

Sharoff adds that wine is still a cluttered category. "For most people who go to the shelves, wine choice is not that easy. If you have a favourite brand like Mondavi, you can find it. After that it becomes more difficult," he says. "But when consumers trust home brands from retailers like Aldi, Lidl, Tesco, Costco or Casino, as we know consumers do from other private label products, than choosing wine suddenly becomes simpler." Not only that, but "as the retailers acquire big volumes, they can offer good value for money. It's for the consumer to decide whether a Barolo of €10.00 to €15.00 (\$11.60 to \$17.40) is as worthwhile as a Barolo of €40.00."

For retailers, the benefits of private label wines are obvious: they can offer a range of wines, under their own names, while completely controlling pricing and margins. "If a retailer can provide good Barolos or Merlots under the same family of names, it is a powerful thing in marketing," says Sharoff, because if customers find everything they need on the shelf, they won't go elsewhere. And one of the most attractive things about private label is that its image is changing. "Private label is no longer a two euro a bottle wine market for the consumer. It gives retailers the opportunity to appeal to different customers. The market has changed."

Dutch wine consultant Jacqueline Snoeker agrees that "consumer trust in private label is a strong asset. If the olive oil is of a good price and quality, why shouldn't the wine be?" She says private label makes it easier for consumers to choose, especially as the quality has risen. "I think in general private label wines won't be perceived as the best and most expensive wines. These are accessible products for a big audience, not extremely special. Moreover, you have to take into account that there is not one type of customer. Some are experienced and have a huge interest in wines, while others are glad to be unburdened while purchasing."

However, Snoeker says that the demand for private label is not the same everywhere. "Where the market share of private label is still low there can be further growth, like in the United States, but in the Netherlands for instance the market share is already quite big, so I do not expect the growth will be immense here," she says. "It depends on the situation in different countries. In southern Europe, domestic wine producers are easy to find in local stores, like in Italy where there are still a lot of small grocery shops. Many producers don't need or want to sell their wines under a private label."

More traditional markets aside, the share of private label is growing. According to the International Bulk Wine and Spirits Show, private label has risen to between 8% and 10% of all domestic wine sales over the past decade, including 17% of total wine sales for the big retail chains. In Britain, private label wines account for almost 30% of all domestic wine sales, while in other parts of Europe, the market share is closer to 50%.

Who produces for private label?

What's the benefit in private label for a producer? Henrico van Lammeren is CEO of Vinites in Haarlem, a top 10 Dutch importer, says larger producers will benefit most. "As importers we see chances on the market for wine from producers from branded houses," he says. "We sometimes try to convince them to go into private label as well. The opportunity to sell bigger quantities via supermarkets without the cost of all the marketing or bottling might be very attractive." Whether they ultimately do private labels or not depends on the mission of the company, price policy, stock and distribution. "If you want to go into it, you will need the means and structure in

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the company to deliver big volumes, otherwise you can't cope with the demand from retailers."

How retailers source their private label wines depends on the retailer. Aldi and Lidl almost exclusively write tenders for a certain type and amount of wine, while others more often write tenders in combination with purchases based on the advice of importers or agents. Says van Lammeren: "It happens we see a wine on the shelf of supermarkets with a high price for consumers on it. If we count the price back to the purchase price, we sometimes can offer the supermarket a wine of the same quality for a better price. If you are a renowned importer, supermarkets might be willing to negotiate with you."

Snoeker says that suppliers need to approach the market professionally. "A professional buyer won't often meet with producers who just want to sell their (last) wine out of stock for private label. If they want to go into the private label market they have to be very consistent: retailers and customers demand stability." Anyone with a one-off oversupply is better off going to the bulk market, she says. Van Lammeren agrees that's also best for smaller quantities: "Producers can sell it on the bulk market place if they want to get rid of it."

However, would-be suppliers need to be aware that private label is becoming a tough market to enter, particularly in Europe. "In the Netherlands there is no growth in the market for private label now, it's flat," says van Lammeren.

Private label in action

Filippo D'Alleva is the general director of one of the biggest cooperatives in Abruzzo, Citra Vini S.C. His company processes the grapes of about 3,000 farmers, working more than 6,000ha in the province of Chieti. Citra produces about 220,000hl of wine yearly, 67% of which is for export, and 35% of which goes to private label. Citra has had its own private label since it was founded in 1973; today, however, buyers can also put their own labels on wine produced by Citra. Buyers can choose the wine style, the varietal and the category. "For us, private label is important for the future market, because it means we can get a big distribution," says D'Alleva, adding that the company also sells to small shops in Italy. "How a private label relationship works out depends on the country, the agents, the importers or the distributors we dealt with." D'Alleva realises, of course, that Citra has more marketing power when it has his own brand name on the bottle, but it can also get recognition by being mentioned on the label of a private label wine. "When you have a good relationship with your partners, you will also get a good visibility on the market."

For D'Alleva, the quality of his wines is fundamental in every relationship and he says that the days when private label wines were of lesser quality are past. "Private label wines are now even more controlled than wines sold from an individual producer. We, and teams of the buyers themselves, execute separate quality controls. Of course private label buyers still search value for money, but in the end the market decides the price."

More private label, less shelf space

Nielsen data released by the PLMA shows that private label across all categories, not just wine, has reached an all-time high. In Germany, it increased by more than 45%, while other mature markets like the Netherlands and Belgium also saw growth. In the UK, where "supermarkets are innovation in their private label programmes to

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Belgium also saw growth in the OVS, where supermarkets are investing in their private label programmes to meet competition from the discounters", market share climbed to more than 46%.

"In Scandinavia, there were gains in Sweden, Norway and Finland, with market share in all three countries above 30%," said the statement. "Private label share also was at 30% or above in four central and eastern European countries – Poland, Hungary, Czech Republic and Slovakia – led by Hungary climbing to 34%."

While this is good news for producers with excess wine to offload, it also suggests that competition for shelf space is going to become even more difficult. As retailers and HoReCa turn further towards own brands, the wine industry will have to think more about direct-to-consumer and wine tourism as paths to market. **FC**

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