

Henry C. Bunsow (SBN 60707)
hbunsow@bdiplaw.com
Brian A.E. Smith (SBN 188147)
bsmith@bdiplaw.com
Robin K. Curtis (SBN 271702)
rcurtis@bdiplaw.com
BUNSOW, DE MORY, SMITH & ALLISON LLP
351 California Street, Suite 200
San Francisco, CA 94104
Tel: (415) 426-4747
Fax: (415) 426-4744

Denise M. De Mory (SBN 168076)
ddemory@bdiplaw.com
Jeffrey D. Chen (SBN 267837)
jchen@bdiplaw.com
BUNSOW, DE MORY, SMITH & ALLISON LLP
600 Allerton Street, Suite 101
Redwood City, CA 94063
Tel: (650) 318-6772
Fax: (650) 684-1294

Attorneys for Plaintiff
DUCKHORN WINE COMPANY

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

DUCKHORN WINE COMPANY, a California Corporation,	)	Case No.
	)	
Plaintiff,	)	PLAINTIFF DUCKHORN WINE
	)	COMPANY'S COMPLAINT FOR: (1)
v.	)	FEDERAL TRADEMARK
	)	INFRINGEMENT; (2) FEDERAL
	)	TRADEMARK DILUTION; (3) STATE
SUTTER HOME WINERY, INC., d/b/a	)	TRADEMARK INFRINGEMENT; (4)
Trinchero Family Estates, DUCK	)	STATE TRADEMARK DILUTION; (5)
COMMANDER, INC., and WAL-MART	)	COMMON LAW TRADEMARK
STORES INC.,	)	INFRINGEMENT; AND (6) UNFAIR
	)	COMPETITION UNDER STATE LAW
	)	
Defendants.	)	DEMAND FOR JURY TRIAL

DUCKHORN WINE COMPANY'S COMPLAINT

1
2 Plaintiff DUCKHORN WINE COMPANY hereby alleges as follows:

3 **NATURE OF THE CASE**

4 1. Plaintiff DUCKHORN WINE COMPANY (“Plaintiff” or “Duckhorn”) seeks to
5 protect its trademarks from Defendants SUTTER HOME WINERY, INC.’s, d/b/a Trinchero
6 Family Estates (hereinafter “Trinchero”), DUCK COMMANDER, INC.’s (hereinafter “DCI”), and
7 WAL-MART STORES, INC.’s (hereinafter “Walmart”) (collectively, “Defendants”) illegal past
8 and future acts of trademark infringement and unfair competition through their continued use of the
9 term DUCK COMMANDER and duck motif labels and to prevent further confusion, dilution and
10 reputational and other harm to Duckhorn.

11 2. Duckhorn adopted and began using its distinctive Duck-style marks and duck motif
12 labels for wine products produced in the Napa Valley over thirty years ago and has consistently
13 used those marks throughout California, the United States, and the world since. As a result of
14 those distinctive marks, continuous marketing and advertising, and the production and sale of
15 award winning ultra-premium wines, the Duck-style marks have achieved “secondary meaning”
16 identifying DUCKHORN as the source of extraordinary wines. Duckhorn has registered with the
17 California Secretary of State – Registration No. 73319 (“CA DUCKHORN”). Duckhorn has never
18 abandoned the CA DUCKHORN trademark and its registration is incontestable.

19 3. In addition, Duckhorn has registered dozens of Duck-style marks with the United
20 States Patent and Trademark Office (“PTO”). At least three of those trademarks include
21 Registration Nos. 1,380,695; 2,309,011; and 2,689,807 (collectively, “DUCKHORN
22 TRADEMARKS”). Duckhorn has never abandoned the DUCKHORN TRADEMARKS and their
23 registrations are incontestable.

24 4. Upon information and belief, Defendants have and continue to use confusingly
25 similar marks and designations, including DUCK COMMANDER and a duck motif label, in
26 connection with their marketing and sale of wines. Defendants’ use of the terms DUCK
27 COMMANDER on websites and other advertisements has and/or is likely to create market
28

1 confusion, is likely to dilute the CA DUCKHORN trademark and DUCKHORN TRADEMARKS
2 and has caused and/or is likely to cause reputational and other harm to Duckhorn.

3 5. Upon learning of Defendants' intended and actual infringing use of the term DUCK
4 COMMANDER, Duckhorn – on October 1, 2013 – contacted Trinchero, in an effort to resolve any
5 future dispute arising out of Defendants' unlawful use of the DUCK COMMANDER term.
6 Duckhorn's effort to reach a business resolution, without the need for litigation, is the traditional
7 approach taken by Napa Valley wineries in similar circumstances.

8 6. In early November 2013, Duckhorn met with Trinchero at Trinchero's offices. At
9 that meeting, Duckhorn made several proposals to Trinchero – all of which would allow
10 Defendants to produce, sell, and make a substantial profit from selling their wines. Trinchero did
11 not respond with any ideas of its own but promised to speak to the Robertson Family (founders and
12 operators of DCI). To date, Duckhorn has received no further communication from Trinchero
13 related to Duckhorn's proposals. Since the meeting, Duckhorn has requested a response from
14 Trinchero and the Robertson Family, but Duckhorn's request has been ignored.

15 7. In addition, Duckhorn has requested a meeting with the Robertson Family (DCI)
16 through Trinchero several times in an effort to reach an amicable resolution, but the Robertson
17 Family has apparently refused those requests even though the members of the Robertson Family
18 were in the Napa Valley in close proximity to Duckhorn during the week of November 18, 2013.

19 8. Given Trinchero and DCI's outright refusal to meet, Duckhorn was left with no
20 other choice than to demand that Trinchero and DCI cease and desist from engaging in the
21 unlawful conduct. Again, Duckhorn reiterated its hope that the dispute be resolved amicably
22 through an agreed-upon modification of the current DUCK COMMANDER wine label. See
23 Exhibit "A" attached hereto.

24 9. Trinchero and DCI refused to cease use of the DUCK COMMANDER name and
25 duck label motif and threatened to file a declaratory relief action against Duckhorn in the United
26 States District Court for the Northern District of California. See Exhibit "B" attached hereto.
27 Trinchero's and DCI's only stated justifications for their continued infringing use of the DUCK
28

COMMANDER mark were (1) that third parties have used the term “Duck” as part of a label for wine and (2) that their wines purportedly appeal to a different consumer segment. But the third-party uses to which Trinchero/DCI cite are *de minimis*, and, to the extent any are significant, Duckhorn has and is actively enforcing its CA DUCKHORN and DUCKHORN TRADEMARKS. For example, Duckhorn recently concluded an infringement suit against use of the marks “Duck Call” and “Duck Blind” through a Consent Decree and Order of Permanent Injunction. See Exhibit “C” attached hereto. Additionally, contrary to Trinchero/DCI’s best efforts to claim otherwise, Duckhorn’s wines and the infringing DUCK COMMANDER wines are in similar channels of distribution and are presented to the same consumers and potential purchasers, which is evidenced by existing instances of actual confusion on the world-wide-web. See Exhibit “D” (Yahoo!™ Search Results); see also Exhibit “E” (Bing™ Search Results). Consequently, Duckhorn is forced to seek relief from this Court.

THE PARTIES

10. Duckhorn is a registered California corporation with its principal place of business located at 1000 Lodi Lane, St. Helena, California, 94574. Duckhorn has set the standard for American fine wine for over three decades. The Duckhorn family includes Duckhorn Vineyards, Paraduxx, Goldeneye, Migration and Decoy. Duckhorn wines are available throughout the United States, on 5 continents and in 40 countries. The Duckhorn brand and label is well known to Trinchero and was well known to Trinchero long before Trinchero decided to join forces with DCI and Walmart to infringe upon Duckhorn’s rights.

11. Upon information and belief, Defendant SUTTER HOME WINERY, INC. (“Trinchero”) is a California corporation with its principal place of business located at 100 St. Helena Highway South, St. Helena, California 94574. Trinchero is the largest producer of wine in the Napa Valley. In 2012, Trinchero shipped approximately 19.6 million cases of wine and planned to increase that number to 30 million cases over the next 10 years. Today, Trinchero represents over 34 brands in the United States. Trinchero has the capability to flood the domestic

1 market with wine bearing the infringing DUCK COMMANDER name and duck label motif
2 particularly through the massive distribution channel of Walmart stores.

3 12. Upon information and belief, Defendant DUCK COMMANDER, INC. (“DCI”) is a
4 Louisiana corporation with its principal place of business located at 117 Kings Lane, West Monroe,
5 Louisiana 71292. DCI was founded by Phil Robertson and is presently operated by the Robertson
6 Family. In 2012, the Robertson Family’s *Duck Dynasty* premiered on the A&E cable television
7 channel, which became a No. 1 cable show. In the *Duck Dynasty* program, the Robertson Family
8 and Duck Commander are portrayed as a manufacturer of duck calls and nothing else. Until
9 recently neither DCI nor the Robertson Family have been engaged in making, distributing or
10 selling any other products, including wine products. In fact, both Phil Robertson, the patriarch of
11 the Family and his brother Si Robertson do not use alcohol products at all, and they make that very
12 clear in episodes of *Duck Dynasty* and in the popular press. Only one episode of *Duck Dynasty* has
13 ever involved making wine. That episode portrayed Willie Robertson buying an abandoned winery
14 for his own use and enjoyment. When Willie actually made wine at the winery it was undrinkable.
15 The episode concluded with Willie and rest of the Robertson Family swearing off any interest in
16 making wine in the future.

17 13. However, capitalizing on their incredibly good fortune in becoming a very popular
18 television program, DCI has become a marketing juggernaut selling all manner of products using
19 the DUCK COMMANDER name – and most recently – DCI has embarked on a plan to sell large
20 quantities of wine at low prices to the public, primarily through Walmart stores across the country.
21 Additionally, the Robertson Family has published three books, *The Duck Commander Family*,
22 *Happy, Happy, Happy: My Life and Legacy as the Duck Commander and Si-cology*, which have
23 landed on top of the *New York Times’ Best Sellers* list.

24 14. Upon information and belief, Defendant WAL-MART STORES INC. (“Walmart”)
25 is a Delaware corporation with its principal place of business located at 702 Southwest 8th Street,
26 Bentonville, Arkansas 72716. Walmart was the world’s second largest public corporation in 2013,
27 the biggest private employer in the world with over two million employees, and is the largest
28

1 retailer in the world. Walmart has over 10,000 locations in 15 countries, under 55 different names
2 and is the largest grocery retailer in the United States. Walmart has recently been selling many
3 products, including clothing, bearing the DUCK COMMANDER name and mark. In order to
4 further exploit the good fortunes of the Robertson Family and their fame, Walmart has agreed to be
5 the primary distribution channel for wine made by Trinchero bearing the infringing DUCK
6 COMMANDER name and duck motif. Through its thousands of stores across the nation and using
7 Trinchero's virtually unlimited capacity to make wine, Walmart and Trinchero are capable of
8 flooding the country with DUCK COMMANDER wine bearing the infringing DUCK
9 COMMANDER name and duck motif very quickly, thereby destroying the significance of
10 Duckhorn's CA DUCKHORN trademark, DUCKHORN TRADEMARKS and name recognition as
11 alleged below.

12 15. Duckhorn is informed and believes, and, upon such basis alleges, that at all times
13 herein mentioned, each of the defendants herein was an agent, servant, employee and/or joint
14 venture of each of the other defendants, and was at all times acting within the course and scope of
15 said agency, service, employment, and/or joint venture.

16 **JURISDICTION AND VENUE**

17 16. Jurisdiction is proper in this Court because this litigation arises under the Lanham
18 Act, 15 U.S.C. §§ 1051, et seq., under which federal and state courts have concurrent jurisdiction,
19 California's unfair competition law, Bus. & Prof. Code §§ 17200, et seq., and California common
20 law.

21 17. The acts and transactions complained of in this Complaint occurred as a result of
22 Defendants' use of the confusingly similar term DUCK COMMANDER and duck motif in
23 connection with its marketing and selling of wine in the State of California and this judicial district,
24 including, but not limited to, prominently featuring such infringing names and marks on its website
25 (located at <http://www.tfewines.com>), hosting at a November 19, 2013, "Happy, Happy, Happy
26 Hour" party that included 75 staff and family members, local distributors and guests, which was
27 widely publicized, and sales of wines in Walmart stores.

18. All Defendants, either directly or through their agents, are believed to either reside in California and/or transacted business in the State of California and within this judicial district, as more specifically set forth below, and expected or should reasonably have expected their acts to have consequence in the State of California and within this judicial district.

19. Venue is proper because a substantial part of the events giving rise to the claims herein occurred in this judicial district, including the manufacture of the wine and wine bottles bearing the infringing labels. Defendants' improper use of the term DUCK COMMANDER has created and/or will create confusion amongst consumers, has diluted and/or will dilute the CA DUCKHORN trademark and DUCKHORN MARKS, and has caused and/or will cause reputational and other harms to Duckhorn in the State of California and this judicial district.

FACTUAL ALLEGATIONS

The History of Duckhorn

20. Duckhorn Vineyards was founded and incorporated in 1976 by Daniel and Margaret Duckhorn, and a group of personal friends and business associates. Since its inception, Duckhorn Vineyards set out to make and produce superior quality wine in adherence with traditional Bordeaux winemaking methods including aging in small French oak barrels and cross-blending to add complexity and balance to its wine. To obtain consistent access to the high quality of grapes required for its premium wines, Duckhorn began purchasing vineyards throughout the world famous wine growing regions of the Anderson and Napa Valleys. Today, Duckhorn is well known for producing award-winning "ultra-premium" and "super-ultra-premium" wines, which are sold throughout California, the United States and the world.

21. In 1978, Duckhorn crushed its first grapes and in 1980 released its first wine under the "DUCKHORN" label. This first release, the 1978 Three Palms Merlot and the 1978 Napa Valley Cabernet Sauvignon, were extremely well received by wine writers, restaurants, retailers, and wine consumers and established Duckhorn as a producer of premium quality wines. In 1982, Duckhorn bottled its first white wine, a Sauvignon Blanc, which also met with very positive reviews.

22. Since its first vintage, Duckhorn has sold and marketed its wines under the name and mark “DUCKHORN.” The wine is and has been sold in bottles with labels featuring the prominent use of the word “DUCK” above a duck design motif. An exemplary use of Duckhorn’s “DUCKHORN” mark is attached hereto as Exhibit “F” and incorporated herein by reference.

23. Since its first release in 1980, Duckhorn has expanded its “DUCKHORN” label product line to include a broad variety of red and white wines, including Merlot, Cabernet Sauvignon, and Sauvignon Blanc.

24. Duckhorn has been using duck-related words and duck motifs on its wines since 1980 and has achieved a significant level of consumer recognition of its duck-related names and trade dress. Today the Duckhorn family of wines includes not only Duckhorn Vineyards, but also Paraduxx, Goldeneye, Migration and Decoy – all of which include a duck motif. Each of these duck-themed wines contributes to the strength of the Duckhorn brand. Today, wines produced and sold under the “DUCKHORN” label enjoy widespread critical acclaim and sales success.

25. Duckhorn markets its wine throughout the United States, on 5 continents and in over 40 countries, to restaurants, retailers, hotels and private clubs that cater to wine buyers. The Duckhorn Cabernet Sauvignon was the wine served at President Obama’s first inaugural dinner at the White House.

The State Registered “Duckhorn Vineyards” Mark

26. On June 1, 1984, almost thirty (30) years ago, the State of California granted a state trademark registration to Duckhorn for the trademark “DUCKHORN VINEYARDS” (“CA DUCKHORN”) for wines as registration number 73319. A true and correct copy of that registration is attached hereto as Exhibit “G” and incorporated herein by this reference.

The Federally Registered Marks

27. Duckhorn has registered at least three relevant trademarks with the U.S. Patent and Trademark Office.

28. On January 28, 1986, the United States Patent and Trademark Office (“PTO”) granted a federal trademark registration to Duckhorn for the trademark “DUCKHORN

1 VINEYARDS” for wines as registration number 1,380,695. A true and correct copy of this
2 registration is attached hereto as Exhibit “H” and incorporated herein by reference. This
3 registration is in full force and effect, is owned by Duckhorn, and has become incontestable under
4 15 U.S.C. § 1065.

5 29. On January 18, 2000, the PTO granted a federal trademark registration to Duckhorn
6 for the trademark “DUCKHORN VINEYARDS” for corkscrews as registration number 2,309,011.
7 A true and correct copy of this registration is attached hereto as Exhibit “I” and incorporated herein
8 by reference. This registration is in full force and effect, is owned by Duckhorn and has become
9 incontestable under 15 U.S.C. § 1065.

10 30. On February 25, 2003, the PTO granted a federal trademark registration to
11 Duckhorn for the trademark “DUCKHORN” for wines as registration number 2,689,807. A true
12 and correct copy of this registration is attached hereto as Exhibit “J” and incorporated herein by
13 reference. This registration is in full force and effect, is owned by Duckhorn and has become
14 incontestable under 15 U.S.C. § 1065.

15 31. The federally registered trademarks identified in Paragraphs 27 through 30, above,
16 are hereinafter referred to as the “DUCKHORN TRADEMARKS.”

17 32. Duckhorn has sold its wines under the DUCKHORN TRADEMARKS throughout
18 the United States and the marks have become, through widespread and favorable public acceptance
19 and recognition, an asset of substantial value as a symbol of Duckhorn, its quality wines, and its
20 good will.

21 33. Because of its excellence and repeated accolades, Duckhorn wines sold under the
22 DUCKHORN TRADEMARKS have become known to the wine purchasing public throughout the
23 United States as representing wines of the highest quality. Through the DUCKHORN
24 TRADEMARKS, Duckhorn has become associated in the minds of the wine-buying public as one
25 of the most reputable producers and sellers of premium wines in the world. As a result, the
26 DUCKHORN TRADEMARKS, and the good will associated with it, are some of Duckhorn’s most
27 important business assets.

1 34. Duckhorn has never abandoned the DUCKHORN TRADEMARKS, and Duckhorn
2 is entitled to a conclusive presumption of ownership of the DUCKHORN TRADEMARKS.

3 35. Under no circumstances is any party entitled to use the DUCKHORN
4 TRADEMARKS in any manner without Duckhorn's consent.

5 36. Duckhorn has conscientiously and consistently protected and enforced its trademark
6 rights through negotiated business arrangements if possible and, if not, through enforcement
7 litigation such as that recently concluded with the Consent Decree and Order of Permanent
8 Injunction entered by this court and attached hereto as Exhibit "C".

9 **Defendants' Willfully Infringing Actions**

10 37. Duckhorn is informed and believes, and, on that basis, alleges that defendant
11 Trinchero, as a direct competitor and Napa Valley neighbor, has been familiar with Duckhorn and
12 its family of wines, including Duckhorn's "DUCKHORN" wine, for decades.

13 38. Duckhorn is informed and believes, and, on that basis, alleges that defendant DCI
14 has been in the business of selling duck calls, used for duck hunting, since 1972. From 1972 to
15 2012, DCI had never sold wine or engaged in any business activities related in any way to the wine
16 industry.

17 39. Duckhorn is informed and believes, and, on that basis, alleges that defendant
18 Walmart has been selling wine, beer, and spirits since its first supercenters opened in the late
19 1980's.

20 40. Duckhorn is informed and believes, and, on that basis, alleges that sometime in
21 2013, DCI desired to sell DUCK COMMANDER-labeled wine along with a myriad of other
22 DUCK COMMANDER branded products and approached Trinchero about the possibility of
23 producing DUCK COMMANDER-labeled wine in large quantities. Trinchero was "thrilled" to be
24 associated with the project.

25 41. Duckhorn is informed and believes, and, on that basis, alleges that sometime in
26 2013, Trinchero entered into an agreement with DCI, wherein Trinchero would produce DUCK
27 COMMANDER wines for DCI.

42. Duckhorn is informed and believes, and, on that basis, alleges that sometime in 2013, Trinchero and/or DCI, using their well-established distribution network, approached Walmart about the possibility of selling their DUCK COMMANDER wines at Walmart locations throughout the United States, including California, in order to have an outlet for Trinchero's anticipated large volume of DUCK COMMANDER-labeled wine. Walmart is uniquely situated to bring the Trinchero and DCI plan to fruition given its thousands of retail outlets across the country.

43. Duckhorn is informed and believes, and, on that basis, alleges that Trinchero, DCI, and Walmart have entered into an agreement whereby Walmart is to sell high volumes of the DUCK COMMANDER wines in Walmart locations throughout the United States, including California. Additionally, Duckhorn is informed and believes, and, on that basis alleges, that Trinchero and/or DCI have reached similar agreements with other retailers throughout the United States.

44. In at least early fall 2013, Duckhorn first became aware that Trinchero and DCI intended to market wine under the name DUCK COMMANDER.

45. On or about July 25, 2013, over 30 years after Duckhorn registered the DUCKHORN TRADEMARKS, DCI sought federal registration of the mark "DUCK COMMANDER" for wines (Serial No. 76/714,627). Attached hereto as Exhibit "K" is a copy of DCI's trademark application file.

46. On or about October 28, 2013, Duckhorn filed an opposition to DCI's application for registration of the "DUCK COMMANDER" mark.

47. Notwithstanding Duckhorn's well-known and prior common law and statutory rights in the CA DUCKHORN and DUCKHORN TRADEMARKS, Defendants, with at least constructive notice of Duckhorn's state and federal registrations, and long after Duckhorn had established rights in the CA DUCKHORN and DUCKHORN TRADEMARKS, began deliberately, willfully and maliciously producing, advertising and/or selling the DUCK COMMANDER brand of wines, which includes Triple Threat Red Blend, Wood Duck Chardonnay and Miss Priss Pink Moscato (all retailing at \$9.99 a bottle). Specifically, Defendants have and continue to advertise

1 extensively the DUCK COMMANDER wines on Trinchero's website, have hosted a November
 2 19, 2013, party (dubbed "Happy, Happy, Happy Hour") in Napa County, California celebrating the
 3 launch of DUCK COMMANDER wines (which included the attendance of local distributors as
 4 guests), and have sold, and continue to sell, DUCK COMMANDER wines in Walmart locations
 5 across the United States. Further, Trinchero and DCI intend to begin selling DUCK
 6 COMMANDER wines in other retail outlets beginning in January 2014. Attached hereto as
 7 Exhibits "L", "M" and "N" are the published wine labels of the Triple Threat Red Blend, Wood
 8 Duck Chardonnay and Miss Priss Pink Moscato DUCK COMMANDER wines, respectively.

9 48. Defendants' infringing use of the DUCK COMMANDER wine has already caused
 10 actual consumer confusion. In a November 22, 2013, search for "duck commander wine" on the
 11 Yahoo!™ search engine, Duckhorn appeared along with several DUCK COMMANDER
 12 advertisements. Duckhorn Wine Company was identified under the heading "Ads related to duck
 13 commander wine." Attached hereto as Exhibit "D" is the 11/22/2013 search for "duck commander
 14 wine" on the Yahoo!™ search engine.

15 49. Likewise, in a November 22, 2013, search for "duck commander wine" on the
 16 Bing™ search engine, Duckhorn appeared along with several DUCK COMMANDER
 17 advertisements. Duckhorn Wine Company was identified under the heading "Ads related to duck
 18 commander wine." Attached hereto as Exhibit "E" is the 11/22/2013 search for "duck commander
 19 wine" on the Bing™ search engine.

20 50. On November 20, 2013, counsel for Duckhorn sent a cease and desist letter to
 21 Trinchero setting forth Duckhorn's trademark rights, requesting a meeting with the Robertson
 22 Family, who were at that time in the Napa Valley to discuss the matter, and demanding that
 23 Trinchero and DCI discontinue the use of the confusingly similar DUCK COMMANDER name
 24 and mark. A copy of that letter is attached hereto as Exhibit "A" and is incorporated herein by this
 25 reference.

51. Without any regard for Duckhorn's cease and desist letter, Defendants continue to deliberately, willfully and maliciously use the DUCK COMMANDER mark to their own economic and reputational advantage and to the severe disadvantage of Duckhorn.

FIRST CAUSE OF ACTION

(Trademark Infringement in Violation of the Lanham Act, 15 U.S.C. § 1114)

52. Duckhorn hereby incorporates and re-alleges paragraphs 1 through 51 of the Complaint as though fully set forth herein.

53. Duckhorn possesses valid, federal registered trademarks entitled to protection under the Lanham Act.

54. The DUCKHORN TRADEMARKS are distinctive, unique and exceptionally strong.

55. Defendants have never been authorized to use any of the DUCKHORN TRADEMARKS.

56. Notwithstanding Duckhorn's well-known and prior common law and statutory rights in the DUCKHORN TRADEMARKS, Defendants, with at least constructive notice of Duckhorn's federal registrations, and long after Duckhorn had established rights in the DUCKHORN TRADEMARKS, began deliberately, willfully and maliciously producing, advertising and selling wines with labels prominently featuring the confusingly similar name and mark, DUCK COMMANDER, in interstate commerce.

57. Defendants' use of the confusingly similar name DUCK COMMANDER has caused confusion and mistake as to the source of the DUCK COMMANDER wine and as to the source of Duckhorn's wines. In particular, purchasers are likely to purchase DUCK COMMANDER wine, believing it to be Duckhorn wine, or, alternatively, purchasers of Duckhorn's wines are going to believe there is now some affiliation between Duckhorn and DUCK COMMANDER as evidenced by the two examples of actual confusion attached hereto. Given the widespread recognition of DCI's brand, through its *Duck Dynasty* cable show and books landing on the *New York Times*' *Best Sellers* list, Trinchero's mass-distribution of wines and the thousands

1 of Walmart locations across the United States, there is a substantial risk that purchasers are likely
 2 to believe that Duckhorn's "DUCKHORN" wines are made by Trinchero and DCI. In either event,
 3 Duckhorn faces potential economic and reputational loss because Defendants' DUCK
 4 COMMANDER wines are likely to be inferior to Duckhorn's exceptional wines.

5 58. Defendants' use in inter-state commerce, including in California, of the name
 6 DUCK COMMANDER to produce, advertise and sell their wine is an infringement of Duckhorn's
 7 DUCKHORN TRADEMARKS in violation of 15 U.S.C. § 1114.

8 59. Defendants' acts of trademark infringement are deliberate, willful, malicious and
 9 have been committed with a reckless disregard of their likelihood to cause confusion and mistake.

10 60. Duckhorn has repeatedly requested that Trinchero and DCI cease and desist from
 11 their infringing acts, but Trinchero and DCI have ignored these requests.

12 61. Duckhorn has no adequate remedy at law, is suffering and/or has suffered
 13 irreparable harm and damages as a result of the aforementioned acts of Defendants in an amount
 14 that is yet to be ascertained.

15 **SECOND CAUSE OF ACTION**

16 **(Trademark Dilution in Violation of 15 U.S.C. § 1125)**

17 62. Duckhorn hereby incorporates and re-alleges paragraphs 1 through 61 of the
 18 Complaint as though fully set forth herein.

19 63. The DUCKHORN TRADEMARKS are "famous" within the meaning of the
 20 Trademark Dilution Revision Act of 2006, and widely recognized by the consuming public in the
 21 United States.

22 64. Defendants' use of the confusingly similar name DUCK COMMANDER and duck
 23 motif in interstate commerce has diluted and will continue to dilute the distinctive and famous
 24 quality of the DUCKHORN TRADEMARKS in violation of 15 U.S.C. § 1125(c).

25 65. Defendants' use of the confusingly similar name DUCK COMMANDER and duck
 26 motif in connection with the production, advertisement and sale of wine came long after the
 27 DUCKHORN TRADEMARKS were first used and long after they became famous.

66. As a result of Defendants' production, advertisement and sale of wines using the confusingly similar DUCK COMMANDER name and duck motif, Duckhorn has and will continue to suffer damages to its business, reputation and goodwill, as well as the loss of sales and profits which Duckhorn would have made but for Defendants' acts and which has resulted in profits to Defendants.

67. Unless and until enjoined and restrained by order of this Court to cease use of the confusingly similar DUCK COMMANDER name and duck motif, Defendants will continue to cause great and irreparable injury to Duckhorn. Customers and potential customers will associate Defendants and their products with Duckhorn. The good will and reputation Duckhorn has established in its famous DUCKHORN TRADEMARKS will be cheapened and tarnished.

68. Duckhorn has no adequate remedy at law for Defendants' dilution of the DUCKHORN TRADEMARKS and thus is entitled to injunctive relief.

THIRD CAUSE OF ACTION

(Trademark Infringement in Violation of Bus. & Prof. Code § 14245)

69. Duckhorn hereby incorporates and re-alleges paragraphs 1 through 68 of the Complaint as though fully set forth herein.

70. Duckhorn possesses at least one valid, California registered trademark entitled to protection under California's Business & Professions Code.

71. The CA DUCKHORN trademark is distinctive, unique and exceptionally strong.

72. Defendants have never been authorized to use the CA DUCKHORN trademark.

73. Notwithstanding Duckhorn's well-known and prior common law and statutory rights in the CA DUCKHORN trademark, Defendants, with at least constructive notice of Duckhorn's California registration, and long after Duckhorn had established rights in the CA DUCKHORN trademark, began deliberately, willfully and maliciously producing, advertising and selling wines with labels prominently featuring the confusingly similar name and mark, DUCK COMMANDER, in interstate commerce.

74. Defendants' use of the confusingly similar name DUCK COMMANDER and duck motif has caused confusion and mistake as to the source of the DUCK COMMANDER wine and as to the source of Duckhorn's wines. In particular, purchasers are likely to purchase DUCK COMMANDER wine, believing it to be Duckhorn wine, or, alternatively, purchasers of Duckhorn's wines are going to believe there is now some affiliation between Duckhorn and DUCK COMMANDER as evidenced by the two examples of actual confusion attached hereto. Given the widespread recognition of DCI's brand, through its *Duck Dynasty* cable show and books landing on the *New York Times*' *Best Sellers* list, Trinchero's mass-distribution of wines and the thousands of Walmart locations across the United States, there is a substantial risk that purchasers are likely to believe that Duckhorn's "DUCKHORN" wines are made by Trinchero and DCI. In either event, Duckhorn faces potential economic and reputational loss because Defendants' DUCK COMMANDER wines are likely to be inferior to Duckhorn's exceptional wines.

75. Defendants' use in California of the name DUCK COMMANDER and duck motif to produce, advertise and sell their wine in California is an infringement of Duckhorn's CA DUCKHORN trademark in violation of Bus. & Prof. Code § 14245.

76. Defendants' acts of trademark infringement are deliberate, willful, malicious and have been committed with a reckless disregard of their likelihood to cause confusion and mistake.

77. Duckhorn has repeatedly requested that Trinchero and DCI cease and desist from their infringing acts, but Trinchero and DCI have ignored these requests.

78. Duckhorn has no adequate remedy at law, is suffering and/or has suffered irreparable harm and damages as a result of the aforementioned acts of Defendants in an amount that is yet to be ascertained.

FOURTH CAUSE OF ACTION

(Trademark Dilution in Violation of Bus. & Prof. Code § 14247)

79. Duckhorn hereby incorporates and re-alleges paragraphs 1 through 78 of the Complaint as though fully set forth herein.

1 80. The CA DUCKHORN trademark is “famous” and widely recognized by the general
2 wine consuming public of the State of California.

3 81. Defendants’ use of the confusingly similar name DUCK COMMANDER and duck
4 motif has and will continue to dilute the distinctive quality and character of the famous CA
5 DUCKHORN trademark in violation of Bus. & Prof. Code § 14247.

6 82. Defendants’ use of the confusingly similar name DUCK COMMANDER and duck
7 motif in connection with the production, advertisement and sale of wine came long after the CA
8 DUCKHORN trademark was first used and long after they became famous.

9 83. As a result of Defendants’ production, advertisement and sale of wines using the
10 confusingly similar name DUCK COMMANDER and duck motif, Duckhorn has and will continue
11 to suffer damages to its business, reputation and goodwill, as well as the loss of sales and profits
12 which Duckhorn would have made but for Defendants’ acts and which has resulted in profits to
13 Defendants.

14 84. Unless and until enjoined and restrained by order of this Court to cease use of the
15 confusingly similar DUCK COMMANDER name and mark, Defendants will continue to cause
16 great and irreparable injury to Duckhorn. Customers and potential customers will associate
17 Defendants and their products with Duckhorn. The good will and reputation Duckhorn has
18 established in its famous CA DUCKHORN trademark will be cheapened and tarnished.

19 85. Duckhorn has no adequate remedy at law for Defendants’ dilution of the CA
20 DUCKHORN trademark and thus is entitled to injunctive relief.

21 **FIFTH CAUSE OF ACTION**

22 **(Common Law Trademark Infringement)**

23 86. Duckhorn hereby incorporates and re-alleges paragraphs 1 through 85 of the
24 Complaint as though fully set forth herein.

25 87. The general wine-consuming public of California generally recognizes the CA
26 DUCKHORN trademark and DUCKHORN TRADEMARKS as designating Duckhorn as the
27
28

1 source of services and/or goods. Duckhorn has common law trademark rights in the CA
 2 DUCKHORN trademark and DUCKHORN TRADEMARKS under California law.

3 88. Defendants' use of the confusingly similar name DUCK COMMANDER and duck
 4 motif has caused confusion and mistake as to the source of the DUCK COMMANDER wine and as
 5 to the source of Duckhorn's wines. In particular, purchasers are likely to purchase DUCK
 6 COMMANDER wine, believing it to be Duckhorn wine, or, alternatively, purchasers of
 7 Duckhorn's wines are going to believe there is now some affiliation between Duckhorn and DUCK
 8 COMMANDER as evidenced by the two examples of actual confusion attached hereto. Given the
 9 widespread recognition of DCI's brand, through its *Duck Dynasty* cable show and books landing
 10 on the *New York Times*' *Best Sellers* list, Trincherro's mass-distribution of wines and the thousands
 11 of Walmart locations across the United States, there is a substantial risk that purchasers are likely
 12 to believe that Duckhorn's "DUCKHORN" wines are made by Trincherro and DCI. In either event,
 13 Duckhorn faces potential economic and reputational loss because Defendants' DUCK
 14 COMMANDER wines are likely to be inferior to Duckhorn's exceptional wines.

15 89. Defendants' use in California of the name DUCK COMMANDER to produce,
 16 advertise and sell their wine in California is an infringement of Duckhorn's common law trademark
 17 rights in the CA DUCKHORN trademark and DUCKHORN TRADEMARKS.

18 90. Defendants' acts of trademark infringement are deliberate, willful, malicious and
 19 have been committed with a reckless disregard of their likelihood to cause confusion and mistake.

20 91. Duckhorn has repeatedly requested that Trincherro and DCI cease and desist from
 21 their infringing acts, but Trincherro and DCI have ignored these requests.

22 92. Duckhorn has no adequate remedy at law, is suffering and/or has suffered
 23 irreparable harm and damages as a result of the aforementioned acts of Defendants in an amount
 24 that is yet to be ascertained.

25 **SIXTH CAUSE OF ACTION**

26 **(Violation of Cal. Unfair Competition Law, Bus. & Prof. Code § 17200)**

1 93. Duckhorn hereby incorporates and re-alleges paragraphs 1 through 92 of the
2 Complaint as though fully set forth herein.

3 94. As detailed in the preceding paragraphs, Defendants engaged in unfair and unlawful
4 acts that have impaired Duckhorn's goodwill, infringed its trademarks, created a likelihood of
5 confusion, and otherwise adversely affected Duckhorn's business and reputation.

6 95. Defendants' conduct is unfair because Defendants' actual and intended use of the
7 confusingly similar name DUCK COMMANDER and duck motif has caused confusion and
8 mistake as to the source of the DUCK COMMANDER wine and as to the source of Duckhorn's
9 wines. In particular, purchasers are likely to purchase DUCK COMMANDER wine, believing it to
10 be Duckhorn wine, or, alternatively, purchasers of Duckhorn's wines are going to believe there is
11 now some affiliation between Duckhorn and DUCK COMMANDER as evidenced by the two
12 examples of actual confusion attached hereto. Given the widespread recognition of DCI's brand,
13 through its *Duck Dynasty* cable show and books landing on the *New York Times' Best Sellers* list,
14 Trinchero's mass-distribution of wines and the thousands of Walmart locations across the United
15 States, there is a substantial risk that purchasers are likely to believe that Duckhorn's
16 "DUCKHORN" wines are made by Trinchero and DCI.

17 96. Defendant's conduct is also unfair because Defendants' actual and intended use of
18 the confusingly similar name DUCK COMMANDER and duck motif in California has and/or is
19 likely to dilute, tarnish or cheapen the distinctiveness, image, and/or reputation of Duckhorn's CA
20 DUCKHORN trademark and DUCKHORN TRADEMARKS.

21 97. Defendants' conduct is unlawful because Defendants' actual and intended use of the
22 name DUCK COMMANDER and duck motif in California constitutes infringement and dilution of
23 the CA DUCKHORN trademark and DUCKHORN TRADEMARKS as discussed throughout this
24 Complaint.

25 98. As a result of Defendants' conduct Duckhorn has suffered and will continue to
26 suffer damages, including dilution to the CA DUCKHORN trademark and DUCKHORN
27 TRADEMARKS.

PRAYER FOR RELIEF

WHEREFORE, Duckhorn prays for the following relief:

1. That Defendants, their officers, agents, servants, employees, and attorneys and all those persons in active concert or participation with Defendants be temporarily, preliminarily and permanently enjoined from:
 - a. Using the mark DUCK COMMANDER, or any confusingly similar designation alone or in combination with other words, images or motifs as a trademark or trade name component, to market, advertise or identify Defendants' wines or related products;
 - b. Otherwise infringing Duckhorn's CA DUCKHORN trademark and DUCKHORN TRADEMARKS;
 - c. Unfairly competing with Duckhorn in any manner whatsoever; and
 - d. Causing a likelihood of confusion, injury to business reputation, or the dilution of the distinctiveness of Duckhorn's symbols, labels, or forms of advertisement;
2. That Defendants account and pay over to Duckhorn all damages sustained by Duckhorn and profits realized by Defendants by reason of Defendants' unlawful acts herein alleged and that those damages be increased as provided by law under 15 U.S.C. § 1117(a);
3. That Duckhorn recover its attorneys' fees from Defendants;
4. That Duckhorn be awarded compensatory, punitive and exemplary damages in amounts to be determined according to proof at trial;
5. That Duckhorn be awarded its costs as provided by 15 U.S.C. § 1117;
6. That pursuant to 15 U.S.C. § 1119, this Court cancel any trademark registrations which issue based on applications bearing Serial No. 76/714,627;
7. An award of pre-judgment and post-judgment interest; and
8. Such other relief as the Court deems just and proper.

1 Dated: November 27, 2013

BUNSOW, DE MORY, SMITH & ALLISON LLP

2
3 /s/ Henry C. Bunsow

4 Henry C. Bunsow (SBN 060707)

5 hbunsow@bdiplaw.com

6 Brian A.E. Smith (SBN 188147)

7 bsmitih@bdiplaw.com

8 Robin Curtis (SBN 271702)

9 rcurtis@bdiplaw.com

10 BUNSOW, DE MORY, SMITH & ALLISON LLP

11 351 California Street, Suite 200

12 San Francisco, CA 94104

13 Tel: (415) 426-4747

14 Fax: (415) 426-4744

15 Denise M. De Mory (SBN 168076)

16 ddemory@bdiplaw.com

17 Jeffrey D. Chen (SBN 267837)

18 jchen@bdiplaw.com

19 BUNSOW, DE MORY, SMITH & ALLISON LLP

20 600 Allerton Street, Suite 101

21 Redwood City, CA 94063

22 Tel: 650-351-7248

23 Fax: 650-351-7253

24 *Attorneys for Plaintiff*

25 Duckhorn Wine Company

DEMAND FOR JURY TRIAL

Duckhorn hereby requests a trial by jury in this matter.

Dated: November 27, 2013

BUNSOW, DE MORY, SMITH & ALLISON LLP

/s/ Henry C. Bunsow

Henry C. Bunsow (SBN 060707)

hbunsow@bdiplaw.com

Brian A.E. Smith (SBN 188147)

bsmith@bdiplaw.com

Robin Curtis (SBN 271702)

rcurtis@bdiplaw.com

BUNSOW, DE MORY, SMITH & ALLISON LLP

351 California Street, Suite 200

San Francisco, CA 94104

Tel: (415) 426-4747

Fax: (415) 426-4744

Denise M. De Mory (SBN 168076)

ddemory@bdiplaw.com

Jeffrey D. Chen (SBN 267837)

jchen@bdiplaw.com

BUNSOW, DE MORY, SMITH & ALLISON LLP

600 Allerton Street, Suite 101

Redwood City, CA 94063

Tel: 650-351-7248

Fax: 650-351-7253

Attorneys for Plaintiff

Duckhorn Wine Company

Exhibit A



November 20, 2013

VIA EMAIL AND HAND DELIVERY

rtrinchero@tfewines.com, btorkelson@tfewines.com, btorres@tfewines.com)

Roger Trinchero, Vice-Chairman & CEO
Bob Torkelson, President
Bob Torres, Principal & Sr. VP of Operations
Trinchero Napa Valley
277 Saint Helena Hwy S
Saint Helena, CA 94574

Re: Duckhorn Wine Company

Dear Messrs. Trinchero, Torkelson and Torres:

We represent Duckhorn Wine Company (“Duckhorn”) in trademark litigation matters including the dispute that has arisen because of your intention to bottle and sell wine using the “Duck Commander” name and mark. As you know, Duckhorn is committed to protecting its family of duck related marks and labels. As an example, I enclosed a Consent Decree and Permanent Injunction which we secured for Duckhorn in another case recently.

We understand that Alex Ryan, CEO of Duckhorn, has met with you and discussed this situation with you for over a month but that you have not taken any steps to alleviate Duckhorn’s concerns. We also understand that the Robertson Family is in the Napa Valley this week and that you intend to host a “roll-out party” to celebrate the Family’s entry into the wine business. Duckhorn is very disappointed by your lack of response to this serious matter and that you seem unwilling to resolve it at a business level. As a result, Duckhorn has reluctantly asked us to become involved.

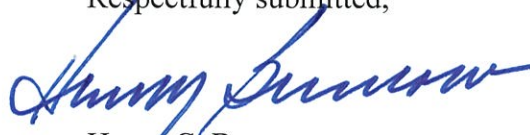
Duckhorn remains committed to resolving this dispute amicably if possible through an agreed-upon modification of the current Robertson Family wine label. It is my understanding that several label changes were proposed during your November 6 meeting with Duckhorn that you stated were reasonable and appropriate. To that end I suggest that you contact Alex Ryan immediately to arrange a meeting between Duckhorn, the Robertsons and yourself. However, if you continue to ignore Duckhorn’s concerns and overtures, we will take legal action in the

November 20, 2013

Page 2

United States District Court for the Northern District of California to enforce Duckhorn's longstanding federal trademark rights and to stop your infringing and unfair competitive activities. In addition to money damages and attorney fees, we will recommend that Duckhorn seek injunctive relief to stop and/or prevent your production and distribution of wine products that infringe upon Duckhorn's trademark rights including but not limited to those currently bearing labels prominently featuring the "Duck Commander" name. Please respond within 24 hours.

Respectfully submitted,



Henry C. Bunsow

cc: Alex Ryan, Duckhorn Wine Company
Maureen Callahan, Duckhorn Wine Company

HCB/jls: Enclosures

Henry C. Bunsow (SBN 60707)
 hbunsow@bdiplaw.com
 Brian A.E. Smith (State Bar No. 188147)
 bsmith@bdiplaw.com
 Robin Curtis (SBN 271702)
 rcurtis@bdiplaw.com
 BUNSOW, DE MORY, SMITH & ALLISON LLP
 55 Francisco Street, Suite 600
 San Francisco, CA 94133
 Tel: (415) 426-4747
 Fax: (415) 426-4744

Jeffrey D. Chen (SBN 267837)
 jchen@bdiplaw.com
 BUNSOW, DE MORY, SMITH & ALLISON LLP
 600 Allerton Street, Suite 101
 Redwood City, CA 94063
 Tel: (650) 318-6772
 Fax: (650) 684-1294

Attorneys for Plaintiff
 DUCKHORN WINE COMPANY

Keith R. Gillette
 kgillette@archernorris.com
 Chad D. Greeson
 cgreeson@archernorris.com
 ARCHER NORRIS
 2033 North Main Street, Suite 800
 Walnut Creek, CA 94596
 Tel: (925) 930-6600
 Fax: (925) 930-6620

Attorneys for Defendants
 Hill Wine Company, LLC; Jeff Hill and
 Rebecca Hill

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

DUCKHORN WINE COMPANY, a
 California Corporation,

Plaintiff,

v.

HILL WINE COMPANY, LLC; JEFF
 HILL, an individual; REBECCA HILL, an
 individual; and DOES 1-50,

Defendants.

Case No. 3:13-cv-00995-LB

**~~PROPOSED~~ CONSENT DECREE AND
 ORDER OF PERMANENT INJUNCTION**

**~~PROPOSED~~ CONSENT DECREE AND
 ORDER OF PERMANENT INJUNCTION**

CASE NO. 3:13-CV-00995-LB

1 The Court, having read and considered the Joint Stipulation for Entry of Consent Decree
2 that has been executed on behalf of Plaintiff Duckhorn Wine Company ("Plaintiff"), on the one
3 hand, and Defendants Hill Wine Company, Jeff Hill and Rebecca Hill (collectively
4 "Defendants"), on the other hand, and good cause appearing therefore hereby:

5 ORDERS that this Consent Decree shall be and is hereby entered as follows:

6 1) This Court has jurisdiction over the parties to this action and over the subject
7 matter hereof pursuant to 28 U.S.C. §§ 1331 and 1338, and 28 U.S.C. § 1367. Service of process
8 was properly made against Defendants.

9 2) Plaintiff Duckhorn Wine Company is the owner of the trademarks and related
10 intellectual property rights in the trademarks which are attached hereto as Exhibit A.

11 4) Defendants, including agents, servants, employees, representatives, successor and
12 assigns, and all persons, firms, corporations or other entities in active concert or participation with
13 Defendants who receive actual notice of the Injunction are hereby restrained and permanently
14 enjoined from importing, manufacturing, distributing, advertising, selling, or offering for sale,
15 wine or other wine related goods that:

16 a. use the marks "Duck Call", "Duck Blind" or any other mark prominently featuring
17 the word "Duck" or prominently featuring any duck image or caricature. This
18 includes an explicit prohibition against using the names and marks "Duckhorn",
19 "Decoy", "Goldeneye", "Paraduxx", "Migration", "King Eider" and "Canvasback."

20 b. Nothing herein is intended to preclude Defendants from using images of non-duck
21 waterfowl.

22 5) Each side shall bear its own fees and costs of suit.

23 6) Except as provided herein, all claims alleged in the Complaint are dismissed with
24 prejudice.

25 7) This Injunction shall be deemed to have been served upon Defendant at the time of
26 its execution by the Court.

27 8) The Court finds there is no just reason for delay in entering this Injunction and,
28 pursuant to Rule 54(a) of the Federal Rules of Civil Procedure, the Court directs immediate entry

1 of this Injunction against Defendant.

2 9) The Court shall retain jurisdiction of this action to entertain such further
3 proceedings and to enter such further orders as may be necessary or appropriate to implement and
4 enforce the provisions of this Injunction.

5 10) This Court shall retain jurisdiction over Defendant for the purpose of making
6 further orders necessary or proper for the construction or modification of this consent decree and
7 judgment; the enforcement hereof; the punishment of any violations hereof; and for the possible
8 entry of a further Judgment Pursuant to Stipulation in this action.

9 Dated: November ¹³, 2013



11 Laurel Beeler
12 United States Magistrate Judge

13 PRESENTED BY:

14 **BUNSOW, DE MORY, SMITH & ALLISON LLP**

15 /s/ Henry C. Bunsow
16 Henry C. Bunsow, Esq.

17 *Attorneys for Plaintiff*
18 Duckhorn Wine Company

19 **ARCHER NORRIS, APLC**

20 /s/ Keith R. Gillette
21 Keith R. Gillette, Esq.

22 *Attorneys for Defendants*
23 Hill Wine Company, LLC, Jeff Hill, and Rebecca Hill

24 **ATTESTATION PURSUANT TO GENERAL ORDER 45**

25 Pursuant to General Order No. 45, I hereby attest that I have obtained concurrence of the
26 above noted signatories as indicated by a "conformed" signature (/s/) within this e-filed
27 document.

28 /s/ Henry C. Bunsow
Henry C. Bunsow, Esq.

EXHIBIT A

**Exhibit A to Consent Decree
(Duckhorn Trademarks)**

Mark	Country	Serial No	Filing Date	Reg. No.	Reg. Date
CANVASBACK	United States of America	78153381	Aug 12, 2002	2972765	Jul 19, 2005
DECOY	United States of America	74069836	Jun 18, 1990	1647605	Jun 11, 1991
DECOY (and design) 	United States of America	75509012	Jun 25, 1998	2313395	Feb 1, 2000
DUCKHORN	United States of America	76124853	Sep 8, 2000	2689807	Feb 25, 2003
DUCKHORN VINEYARDS	United States of America	73494138	Aug 10, 1984	1380695	Jan 28, 1986
DUCKHORN VINEYARDS	United States of America	75575028	Oct 22, 1998	2309011	Jan 18, 2000
DUCKHORN VINEYARDS	US-California	73319	Jun 1, 1984	73319	Jun 1, 1984
GOLDENEYE	United States of America	75310088	Jun 16, 1997	2239619	Apr 13, 1999
GOLDENEYE 	United States of America	77622376	Nov 26, 2008	3643220	Jun 23, 2009
KING EIDER	United States of America	85927434	May 9, 2013		
MIGRATION	United States of America	75223724	Jan 10, 1997	2116362	Nov 25, 1997
PARADUX	United States of America	75147671	Aug 9, 1996	2137930	Feb 17, 1998
PARADUX (and design) 	United States of America	75576286	Oct 27, 1998	2344817	Apr 25, 2000

Exhibit B

J. SCOTT GERIEN
sgerien@dpf-law.com

November 22, 2013

VIA EMAIL: HBUNSOW@BDIPLAW.COM

Henry C. Bunsow
Partner
Bunsow De Mory Smith & Allison LLP
351 California Street, Second Floor
San Francisco, CA 94104

Re: DUCK COMMANDER

Dear Henry:

We write in response to your letter of November 20, 2013, concerning our clients Sutter Home Winery, Inc. ("SHW") and Duck Commander, Inc. ("DCI").

Let me begin by saying that our clients have great respect for intellectual property, both their own and that of others. Therefore, while our clients appreciate Duckhorn's interest in protecting its DUCKHORN trademark, they also believe that Duckhorn's demands in relation to the DUCK COMMANDER wine are overreaching and unsupported. Duckhorn's ownership of the DUCKHORN mark for wine does not provide Duckhorn with a monopoly on the word "DUCK" as to wine.

This is best demonstrated by the fact that there are numerous third parties which use the term "DUCK" as part of a trademark for wine. The following marks have been approved or registered for alcoholic beverages including wines: BLACK DUCK; DUCK DOWN; BANDED DUCK; ORTHODUCKS; MAD DUCK; LONG DUCK; SITTING DUCKS; CHICKEN DUCK; LUCKY DUCK; DUCK TAPE; DUCK DUCK GOOSE; GREEN DUCK; DUCKWORTH WINERY; DUCK SHACK; UGLY DUCKLING; WILD DUCK CREEK ESTATE; DUCK MUCK and DUCK POND. On top of this there are numerous other unregistered marks in use on wine including: DUCK WALK; ONE TOE DUCK; DUCKLEBERRY GRUNT; AVONDALE JONTY'S DUCKS; BUTTERDUCK WINERY; COLD DUCK; MOON DUCK; DUCK CREEK; and HALF DUCK. While I understand that your client has tried to distinguish these other uses from the current use by our clients, we believe a judge or jury will be much less likely to make such distinctions.

Henry C. Bunsow
November 22, 2013
Page 2

The fact of the matter is that the marks at issue simply are not confusingly similar. The word marks are distinguished by the use of distinctive terms following the term "DUCK" and the labels could not be more different (a fact acknowledged by your client when it indicated it had no issue with the label design). Furthermore, the wines appeal to completely different consumer segments. DUCK COMMANDER wine is currently being sold through Wal-Mart and is primarily targeted to consumers familiar with the reality television show "Duck Dynasty," which follows the Robertson family, owners of Duck Commander, Inc., a business famous for the sale of DUCK COMMANDER duck call devices used for hunting since 1978 (two years prior to Duckhorn's introduction of its DUCKHORN wine). Your client's wines are targeted to consumers in the premium wine market and it is unlikely that the parties' respective consumers will be confused as to any association between the two wines.

Our clients have the utmost respect for your client and its product. However, our clients will not cease from utilizing a mark which they have every right to use in association with wine. I am authorized to accept service on behalf of both of my clients should you wish to proceed with an infringement action. Furthermore, even if your client chooses not to proceed with an infringement action we will expect a written assurance within five days that your client will not initiate such an action against our clients or attack the DUCK COMMANDER mark going forward, or we will file an action for declaratory relief in the U.S. District Court for the Northern District of California. I am available should you wish to discuss this matter further.

Sincerely,

DICKENSON, PEATMAN & FOGARTY



J. Scott Gerien



JSG:jk

cc: Sutter Home Winery, Inc.
Duck Commander, Inc.

Exhibit C

Henry C. Bunsow (SBN 60707)
hbunsow@bdiplaw.com
Brian A.E. Smith (State Bar No. 188147)
bsmith@bdiplaw.com
Robin Curtis (SBN 271702)
rcurtis@bdiplaw.com
BUNSOW, DE MORY, SMITH & ALLISON LLP
55 Francisco Street, Suite 600
San Francisco, CA 94133
Tel: (415) 426-4747
Fax: (415) 426-4744

Jeffrey D. Chen (SBN 267837)
jchen@bdiplaw.com
BUNSOW, DE MORY, SMITH & ALLISON LLP
600 Allerton Street, Suite 101
Redwood City, CA 94063
Tel: (650) 318-6772
Fax: (650) 684-1294

Attorneys for Plaintiff
DUCKHORN WINE COMPANY

Keith R. Gillette
kgillette@archernorris.com
Chad D. Greeson
cgreeson@archernorris.com
ARCHER NORRIS
2033 North Main Street, Suite 800
Walnut Creek, CA 94596
Tel: (925) 930-6600
Fax: (925) 930-6620

Attorneys for Defendants
Hill Wine Company, LLC; Jeff Hill and
Rebecca Hill

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DUCKHORN WINE COMPANY, a
California Corporation,

Plaintiff,

v.

HILL WINE COMPANY, LLC; JEFF
HILL, an individual; REBECCA HILL, an
individual; and DOES 1-50,

Defendants.

Case No. 3:13-cv-00995-LB

**[PROPOSED] CONSENT DECREE AND
ORDER OF PERMANENT INJUNCTION**

1 The Court, having read and considered the Joint Stipulation for Entry of Consent Decree
2 that has been executed on behalf of Plaintiff Duckhorn Wine Company ("Plaintiff"), on the one
3 hand, and Defendants Hill Wine Company, Jeff Hill and Rebecca Hill (collectively
4 "Defendants"), on the other hand, and good cause appearing therefore hereby:

5 ORDERS that this Consent Decree shall be and is hereby entered as follows:

6 1) This Court has jurisdiction over the parties to this action and over the subject
7 matter hereof pursuant to 28 U.S.C. §§ 1331 and 1338, and 28 U.S.C. § 1367. Service of process
8 was properly made against Defendants.

9 2) Plaintiff Duckhorn Wine Company is the owner of the trademarks and related
10 intellectual property rights in the trademarks which are attached hereto as Exhibit A.

11 4) Defendants, including agents, servants, employees, representatives, successor and
12 assigns, and all persons, firms, corporations or other entities in active concert or participation with
13 Defendants who receive actual notice of the Injunction are hereby restrained and permanently
14 enjoined from importing, manufacturing, distributing, advertising, selling, or offering for sale,
15 wine or other wine related goods that:

16 a. use the marks "Duck Call", "Duck Blind" or any other mark prominently featuring
17 the word "Duck" or prominently featuring any duck image or caricature. This
18 includes an explicit prohibition against using the names and marks "Duckhorn",
19 "Decoy", "Goldeneye", "Paraduxx", "Migration", "King Eider" and "Canvasback."

20 b. Nothing herein is intended to preclude Defendants from using images of non-duck
21 waterfowl.

22 5) Each side shall bear its own fees and costs of suit.

23 6) Except as provided herein, all claims alleged in the Complaint are dismissed with
24 prejudice.

25 7) This Injunction shall be deemed to have been served upon Defendant at the time of
26 its execution by the Court.

27 8) The Court finds there is no just reason for delay in entering this Injunction and,
28 pursuant to Rule 54(a) of the Federal Rules of Civil Procedure, the Court directs immediate entry

of this Injunction against Defendant.

9) The Court shall retain jurisdiction of this action to entertain such further proceedings and to enter such further orders as may be necessary or appropriate to implement and enforce the provisions of this Injunction.

10) This Court shall retain jurisdiction over Defendant for the purpose of making further orders necessary or proper for the construction or modification of this consent decree and judgment; the enforcement hereof; the punishment of any violations hereof; and for the possible entry of a further Judgment Pursuant to Stipulation in this action.

Dated: November 13, 2013

Laurel Beeler
United States Magistrate Judge

PRESENTED BY:

BUNSOW, DE MORY, SMITH & ALLISON LLP

/s/ Henry C. Bunsow
Henry C. Bunsow, Esq.

Attorneys for Plaintiff
Duckhorn Wine Company

ARCHER NORRIS, APLC

/s/ Keith R. Gillette
Keith R. Gillette, Esq.

Attorneys for Defendants
Hill Wine Company, LLC, Jeff Hill, and Rebecca Hill

ATTESTATION PURSUANT TO GENERAL ORDER 45

Pursuant to General Order No. 45, I hereby attest that I have obtained concurrence of the above noted signatories as indicated by a "conformed" signature (/s/) within this e-filed document.

/s/ Henry C. Bunsow
Henry C. Bunsow, Esq.

EXHIBIT A

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DUCKHORN VINEYARDS	US-California	73319	Jun 1, 1984	73319	Jun 1, 1984
GOLDENEYE	United States of America	75310088	Jun 16, 1997	2239619	Apr 13, 1999
GOLDENEYE 	United States of America	77622376	Nov 26, 2008	3643220	Jun 23, 2009
KING EIDER	United States of America	85927434	May 9, 2013		
MIGRATION	United States of America	75223724	Jan 10, 1997	2116362	Nov 25, 1997
PARADUXX	United States of America	75147671	Aug 9, 1996	2137930	Feb 17, 1998
PARADUXX (and design) 	United States of America	75576286	Oct 27, 1998	2344817	Apr 25, 2000

Exhibit D

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duck commander wine

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Duck Commander wines may give **wine** a jolt in a new American demographic: **duck** hunters and those who watch hunting on TV.

[Duck Commander - Official Site](#)

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The official online home of **Duck Commander** (yeah, those guys on **Duck Dynasty**). Learn more about the **commanders**, gear and more here.

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Nov 04, 2013 · Red red **wine** may make you feel so fine—but what about redneck **wine**? You'll be able to find out when the first bottles of **Duck Commander Wines**...

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[News about Duck Commander Wine](#)

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['Duck Dynasty' wine: Will Bible Belt fans approve? - National ...](#)

www.examiner.com › [Arts & Entertainment](#) › [TV](#)

The Robertsons from "**Duck Dynasty**" have a new **wine** coming out this month. The "**Duck Commander**" line of **wine** will be made through a partnership with the Napa wi

[Duck Dynasty Turns Water Into Wine - Wine Business ...](#)

www.winebusiness.com/blog/?go=getBlogEntry&dataid=100111

If you haven't caught **Duck Dynasty** on A&E yet, the **wine** episode is worth a gander this ... If you're unfamiliar with **Duck Commander** the business is a sporting empire ...

[Sauvignon Beard & Mallard Merlot | Dirty Laundry: Musings of ...](#)

griffinscott.wordpress.com/2012/04/23/sauvignon-beard-mallard-merlot

Apr 23, 2012 · The **Duck Dynasty** family buys a winery and Uncle Si gets in touch with his feminine side. "Most of the rednecks I know think that **wine** only comes in a box ...

Related searches for duck commander wine

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[Mallard Merlot by Duck Commander](#)

[Duck Dynasty Wine](#)

[Mallard Merlot for Sale](#)

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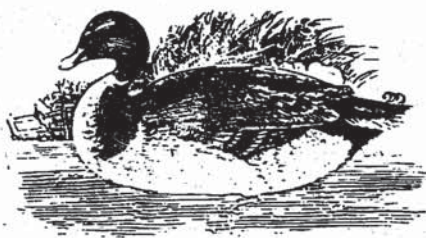
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Exhibit F

DUCKHORN VINEYARDS



1978
NAPA VALLEY MERLOT

Three Palms Vineyard

*Produced and bottled by Duckhorn Vineyards
3027 Silverado Trail, St. Helena, California. BWCA 4857.
Alcohol 12.9% by volume.*

Exhibit G



State of California

OFFICE OF THE SECRETARY OF STATE

 Trademark
 Reg. No. 73319

CERTIFICATE OF REGISTRATION OF TRADEMARK

I, MARCH FONG EU, Secretary of State of the State of California, hereby certify:

That in accordance with the application filed in this office the TRADEMARK described below has been duly registered in this office on behalf of:

Name of Applicant St. Helena Wine Company, Inc., a
California corporation dba Duckhorn Vineyards

Business Address 3027 Silverado Trail

St. Helena, California 94574

Date First Used in California At least October, 1980

Date First Used Anywhere At least October, 1980

Description of Trademark the words "DUCKHORN VINEYARDS"

Class No. 47

Description of Goods on Which the Trademark is Used wines

A copy, specimen, facsimile, counterpart or a reproduction of the mark is attached.

Date of Registration June 1, 1984

Term of Registration Extends to and Includes June 1, 1994

IN WITNESS WHEREOF, I execute
 this certificate and affix the Great
 Seal of the State of California this

day of

1st June, 1984



March Fong Eu

Secretary of State

Exhibit H

Int. Cl.: 33

Prior U.S. Cl.: 47

United States Patent and Trademark Office

Reg. No. 1,380,695

Registered Jan. 28, 1986

**TRADEMARK
PRINCIPAL REGISTER**

DUCKHORN VINEYARDS

ST. HELENA WINE COMPANY, INC. (CALI-
FORNIA CORPORATION), DBA DUCKHORN
VINEYARDS
3027 SILVERADO TRAIL
ST. HELENA, CA 94574

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "VINEYARDS", APART FROM
THE MARK AS SHOWN.

SER. NO. 494,138, FILED 8-10-1984.

FOR: WINES, IN CLASS 33 (U.S. CL. 47).
FIRST USE 9-0-1980; IN COMMERCE
11-0-1980.

AMANDA LAURA NYE, EXAMINING ATTOR-
NEY

Exhibit I

Int. Cl.: 21

Prior U.S. Cls.: 2, 13, 23, 29, 30, 33, 40 and 50

Reg. No. 2,309,011

United States Patent and Trademark Office

Registered Jan. 18, 2000

**TRADEMARK
PRINCIPAL REGISTER**

DUCKHORN VINEYARDS

ST. HELENA WINE COMPANY, INC. (CALI-
FORNIA CORPORATION), DBA DUCKHORN
VINEYARDS
1000 LODI LANE
ST. HELENA, CA 94576

OWNER OF U.S. REG. NO. 1,380,695.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "VINEYARDS", APART FROM
THE MARK AS SHOWN.

FOR: CORKSCREWS, IN CLASS 21 (U.S. CLS.
2, 13, 23, 29, 30, 33, 40 AND 50).

SER. NO. 75-575,028, FILED 10-22-1998.

FIRST USE 5-0-1994; IN COMMERCE
11-0-1997.

SCOTT OSLICK, EXAMINING ATTORNEY

Exhibit J

Int. Cl.: 33

Prior U.S. Cls.: 47 and 49

Reg. No. 2,689,807

United States Patent and Trademark Office

Registered Feb. 25, 2003

**TRADEMARK
PRINCIPAL REGISTER**

DUCKHORN

DUCKHORN WINE COMPANY (CALIFORNIA
CORPORATION)
1000 LODI LANE
ST. HELENA, CA 94574

OWNER OF U.S. REG. NOS. 1,380,695 AND
2,309,011.

SEC. 2(F).

FOR: WINES, IN CLASS 33 (U.S. CLS. 47 AND 49).

SER. NO. 76-124,853, FILED 9-8-2000.

FIRST USE 9-0-1980; IN COMMERCE 11-0-1980.

GEORGIA CARTY, EXAMINING ATTORNEY

Exhibit K

Side - 1

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MAILING DATE: Sep 11, 2013

PUBLICATION DATE: Oct 1, 2013

The mark identified below will be published in the Official Gazette on Oct 1, 2013. Any party who believes they will be damaged by registration of the mark may oppose its registration by filing an opposition to registration or a request to extend the time to oppose within thirty (30) days from the publication date on this notice. If no opposition is filed within the time specified by law, the USPTO may issue a Notice of Allowance.

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SERIAL NUMBER: 76714627

MARK: DUCK COMMANDER(STANDARD CHARACTER MARK)

OWNER: DUCK COMMANDER, INC.

Side - 2

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NASHVILLE, TN 37203-2774

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REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	HACK, ANDREA R	L.O. ASSIGNED	108

PUB INFORMATION

RUN DATE	08/22/2013		
PUB DATE	N/A		
STATUS	680-APPROVED FOR PUBLICATION		
STATUS DATE	08/21/2013		
LITERAL MARK ELEMENT	DUCK COMMANDER		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	DUCK COMMANDER

MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO
CURRENT OWNER INFORMATION	
PARTY TYPE	10-ORIGINAL APPLICANT
NAME	DUCK COMMANDER, INC.
ADDRESS	117 Kings lane West Monroe, LA 71292
ENTITY	03-CORPORATION
CITIZENSHIP	Louisiana
GOODS AND SERVICES	
INTERNATIONAL CLASS	033
DESCRIPTION TEXT	Wines

GOODS AND SERVICES CLASSIFICATION							
INTERNATIONAL CLASS	033	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE

MISCELLANEOUS INFORMATION/STATEMENTS	
CHANGE IN REGISTRATION	NO

PROSECUTION HISTORY				
DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
08/21/2013	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	004
08/21/2013	DOCK	D	ASSIGNED TO EXAMINER	003
07/30/2013	MAFR	O	APPLICATION FILING RECEIPT MAILED	002
07/26/2013	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION	
ATTORNEY	Edward D. Lanquist, Jr.
CORRESPONDENCE ADDRESS	EDWARD D. LANQUIST, JR. Waddey & Patterson, P.C. 1600 DIVISION ST STE 500 NASHVILLE, TN 37203-2774
DOMESTIC REPRESENTATIVE	NONE

DUCK COMMANDER

*** User:ahack ***

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	24	1	23	22	0:01	"duck commander"[on]
02	15834	N/A	30	30	0:01	*du{"ckqx"}*[bi,ti] and live[ld] not 1
03	1229	0	1229	1067	0:02	*{"ckq"}{v}{"m":2}{v}nd*[bi,ti] and live[ld] not 1
04	9	0	9	9	0:01	2 and 3
05	13570	N/A	36	36	0:01	2 not *production*[bi,ti]
06	8210	N/A	54	54	0:01	2 not *product*[bi,ti]
07	3816	N/A	119	119	0:01	6 not *educat*[bi,ti]
08	2717	N/A	173	173	0:01	7 not (*produce* *reduc*)[bi,ti]
09	2389	0	2389	2050	0:01	8 not (*deduct* *duke*)[bi,ti]
10	7	0	7	6	0:01	*duck*[bi,ti] and live[ld] not (1 9)

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FILING RECEIPT FOR TRADEMARK APPLICATION

Jul 30, 2013

EDWARD D. LANQUIST, JR.
Wadley & Patterson, P.C.
1600 DIVISION ST STE 500
NASHVILLE, TN 37203-2774

**Docket/Reference
Number:**
010121

1. **YOUR APPLICATION RECEIVED:** We have received your U.S. Trademark Application and assigned the serial number listed below to your submission. A summary of your application data is provided at the bottom and serves as your official filing receipt. Please keep a copy of this information for your records. All correspondence concerning the application should reference your assigned serial number.

Please read all of the important information below. Not every mark is registrable with the USPTO and we do not refund the application filing fee(s) if a registration does not ultimately issue.

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7. **FILING ERRORS:** If you discover an error in the application data, you must file a Voluntary Amendment at <http://www.uspto.gov/trademarks/teas/miscellaneous.jsp>. Please wait approximately 7 days after the filing date of your application to submit a Voluntary Amendment in order to allow for initial upload of your application data into the USPTO database. The assigned examining attorney will determine the acceptability of any Voluntary Amendment during examination. Not all errors may be corrected. For example, if you submitted the wrong mark or if the proposed correction would be considered a material alteration to your original filing, it will not be accepted. In this situation, your only recourse would be to file a new application, with a new fee and no refund of your original filing fee.

8. **REQUEST FOR REFUND AND/OR CANCELLATION:** Since your application has already been assigned a serial number, please do not request a refund or to cancel the filing. We will only cancel the filing and refund the filing fee if the application does not meet minimum filing requirements. The fee is a processing fee that the USPTO does not refund, even if your mark does not proceed to registration.

9. **SelectUSA:** The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation, and commercialization of new technologies. The U.S. offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to promote and facilitate business investment. SelectUSA provides information assistance to the international investor community; serves as an ombudsman for existing and potential investors; advocates on behalf of U.S. cities, states, and regions competing for global investment; and counsels U.S. economic development organizations on investment attraction best practices. To learn more about why the United States is the best country in the world to develop technology, manufacture products, deliver services, and grow your business, visit SelectUSA.gov or call +1-202-482-6800.

PLEASE REVIEW THE ACCURACY OF THE FILING RECEIPT DATA.

A request for correction to the filing receipt should be submitted within 30 days. Such requests may be submitted by mail to: COMMISSIONER FOR TRADEMARKS, P.O. BOX 1451, ALEXANDRIA, VIRGINIA 22313-1451; by fax to 571-273-9913; or by e-mail to tmfiling.receipt@uspto.gov. The USPTO will review the request and make corrections when appropriate.

SERIAL NUMBER: 76714627
 FILING DATE: Jul 25, 2013
 REGISTER: Principal
 MARK: DUCK COMMANDER
 MARK TYPE(S): Trademark
 DRAWING TYPE: Standard Character Mark
 FILING BASIS: Sect. 1(b) (Intent to Use)

ATTORNEY: Edward D. Lanquist, Jr.
 OWNER: DUCK COMMANDER, INC. (LOUISIANA, Corporation)
 117 Kings lane
 West Monroe , LOUISIANA 71292

FOR: Wines
 INT. CLASS: 033
 FIRST USE: NONE USE IN COMMERCE: NONE

ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED

ADDITIONAL INFORMATION MAY BE PRESENT IN THE USPTO RECORDS



07-25-2013

U.S. Patent & TMCfr/TM Mail Rcpt Dt. #22

DRAWING PAGE

Applicant: **DUCK COMMANDER, INC.**
117 Kings lane
West Monroe, LA 71292

Goods and/or services: Wines in International Class 33;

Presentation of Mark: The mark is presented in standard characters without claim to any particular font style, size or color.

DUCK COMMANDER

U.S. Patent & TM Offn



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TRADEMARK APPLICATION SERIAL NO: _____

U.S. DEPARTMENT OF COMMERCE

AND PATENT AND TRADEMARK

FEE SHEET

07/25/2013 SWILSON1 00000009 76714627

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375.00 OP



Waddey & Patterson[®]P.C.
Intellectual Property Law • Patents • Trademarks • Enforcement

Registered Patent Attorneys

Mark J. Patterson
I.C. Waddey, Jr.
Edward D. Lanquist, Jr.
Lucian Wayne Beavers
James R. Cartiglia
John F. Triggs
Emily A. Shouse
Phillip E. Walker
Ryan D. Levy
Paul C. Ney, Jr.
Gary L. Montle
Rebecca M. Barnett
Matthew C. Cox
Hilary Dorr Lang, Ph.D.
Mark A. Pitchford
Bethany J. Whelan
Nathan J. Bailey

July 24, 2013

EM641798073US

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

VIA EXPRESS MAIL
EM 641798073 US

**RE: INTENT TO USE APPLICATION FOR REGISTRATION
OF THE MARK "DUCK COMMANDER"
ATTORNEY DOCKET NO.: 010121**

Dear Sir:

Enclosed for filing is the original application by Duck Commander, Inc. for registration of the mark "DUCK COMMANDER." Accompanying the application is a check for the filing fee.

The Commissioner is authorized to credit any overpayment or withdraw any fees due in this Application from Deposit Account No. 23-0035.

Thank you for your cooperation.

Very truly yours,

WADDEY & PATTERSON

Edward D. Lanquist, Jr.
edl@iplawgroup.com

EDL/jb

Enclosures

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
APPLICATION FOR REGISTRATION OF TRADEMARK**

Mark: **DUCK COMMANDER**

Presentation of Mark: The mark is presented in standard characters without claim to any particular font style, size or color.

Class: 33;

Attorney Docket No.: 010121

Applicant: **DUCK COMMANDER, INC.**
a corporation organized under the laws of the state of Louisiana

Business Address: 117 Kings lane
West Monroe, LA 71292

TO THE COMMISSIONER FOR TRADEMARKS

Applicant requests registration of the trademark/service mark shown on the drawing page in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. 1051 et seq., as amended) for the following goods and/or services:

Wines in International Class 33;

Applicant has a bona fide intention to use (or use through Applicant's related company or licensee) the mark in commerce on or in connection with the identified goods and/or services (15 U.S.C. 1501(b), as amended).

POWER OF ATTORNEY

Mark: **DUCK COMMANDER**

Applicant: **DUCK COMMANDER, INC.**

Applicant hereby appoints:

Edward D. Lanquist, Jr.
I.C. Waddey, Jr.
Mark J. Patterson
Lucian Wayne Beavers
James R. Cartiglia
John F. Triggs

Emily A. Shouse
Phillip E. Walker
Paul C. Ney, Jr.
Ryan D. Levy
Gary L. Montle
Rebecca M. Barnett

Matthew C. Cox
Hilary D. Lang
Mark A. Pitchford
Bethany J. Whelan
Nathan J. Bailey

to prosecute this application to register, to transact all business in the Patent and Trademark Office in connection therewith, and to receive the certificate of registration. All correspondence should be directed to:

Edward D. Lanquist, Jr.
Waddey & Patterson, P.C.
1600 Division Street, Suite 500
Nashville, TN 37203
(615) 242-2400

DUCK COMMANDER, INC.



7/22/13

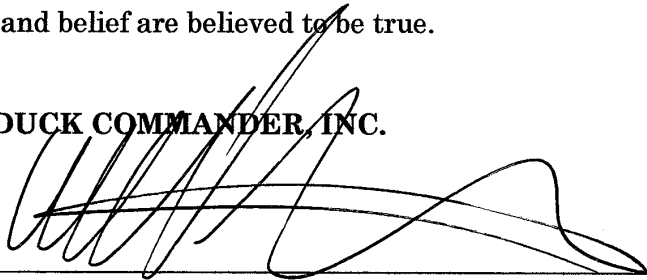
Date

Willie Robertson, Director

DECLARATION

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the Application or any resulting registration, declares that he is properly authorized to execute this Application on behalf of the Applicant; he believes the Applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he believes the Applicant to be entitled to use such mark in commerce; to the best of his knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his own knowledge are true; and that all statements made on information and belief are believed to be true.

DUCK COMMANDER, INC.

A large, stylized handwritten signature in black ink, appearing to read 'Willie Robertson', is written over a horizontal line.

Willie Robertson, Director

Date 7/22/2013

Commissioner for Trademarks
July 24, 2013
Page 2



CERTIFICATE OF EXPRESS MAILING

"EXPRESS MAIL" mailing label number: **EM 641798073 US**

Date of deposit: **July 24, 2013**

I hereby certify that this application for registration of the mark "DUCK COMMANDER" and a check in the amount of \$375 are being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" under 37 C.F.R. §1.10 on the date indicated above, addressed to:

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

A handwritten signature in dark ink, appearing to read 'Ed Lanquist, Jr.', located below the address block.

July 24, 2013
Date

Edward D. Lanquist, Jr.

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07-25-2013

U.S. Patent & TMCfr/TM Mail Rcpt Dt. #22

DRAWING PAGE

Applicant: **DUCK COMMANDER, INC.**
117 Kings lane
West Monroe, LA 71292

Goods and/or services: Wines in International Class 33;

Presentation of Mark: The mark is presented in standard characters without claim to any particular font style, size or color.

DUCK COMMANDER

U.S. Patent & TM Off.



76714627

Exhibit L

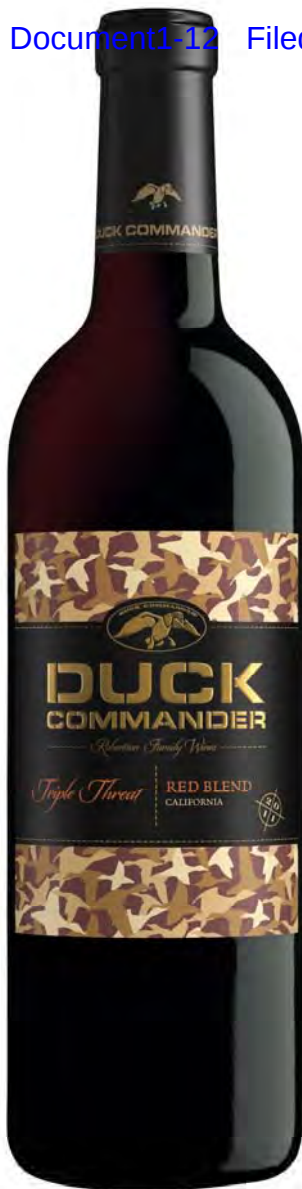


Exhibit M



Exhibit N

