

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77129912
LAW OFFICE ASSIGNED	LAW OFFICE 111
MARK SECTION (no change)	
OWNER SECTION (current)	
NAME	SANTA CRUZ TOACCO CO., INC.
STREET	8553 NW 68TH STREET
CITY	MIAMI
STATE	Florida
ZIP/POSTAL CODE	33166
COUNTRY	United States
OWNER SECTION (proposed)	
NAME	SANTA CRUZ TOBACCO CO., INC.
STREET	8553 NW 68TH STREET
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ZIP/POSTAL CODE	33166
COUNTRY	United States
ARGUMENT(S)	
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE TRADEMARK EXAMINING OPERATION	
In re U.S. Trademark Application	
Applicant: Santa Cruz Tobacco Co., Inc.	Examining Attorney: David C. Reihner
Serial No.: 77/129,912	Law Office: 111

Mark: **GRAN HABANO**

RESPONSE TO FINAL OFFICE ACTION AND REQUEST FOR RECONSIDERATION

This is in response to the final Office Action mailed on February 12, 2014.

I. Registration Should Not be Refused Under § 2(a) or § 2(e)(3)

The Examining Attorney has refused registration of Applicant's GRAN HABANO mark because the Examiner asserts that the mark is primarily geographically deceptively misdescriptive of cigars made from Cuban seed tobacco. Applicant respectfully disagrees for the reasons set forth below.

A. Purchasers of GRAN HABANO Cigars Are Not Likely to Believe that Applicant's Cigars Originate in Havana, Cuba

One of the factors in determining whether a mark is geographically deceptively misdescriptive is if purchasers would be likely to be make a goods-place association; that is, purchasers would be likely to believe that the goods originate in the geographic place identified in the mark. *See In re California Innovations, Inc.*, 329 F.3d 1334, 1441 (Fed. Cir. 2003).

The Examining Attorney assumes, without any supporting evidence, that purchasers of Applicant's cigars will automatically believe the cigars originate from Cuba and therefore make their purchase on that basis based on the premise that Cuba is a place where cigars and tobacco products are produced and because Cuba is a place well renowned for cigar and tobacco products. Applicant is not denying that Cuba is renowned for its tobacco and cigars, however, the Examining Attorney misunderstands the sophistication of cigar purchasers and customers and that both cigar purchasers and customers are very well versed on cigar blends and where cigars originate. *See* attached Declarations of Distributors and Customers Exhibits D at ¶¶ 9, 13 and E at ¶¶ 7, 10, 11. Additionally, cigar retailers and costumers know that in the United States the sale of goods originating in Cuba has been banned since 1962 due to the United States trade embargo against Cuba and therefore, Cuban cigars are impossible to find and buy in the United States. *See* attached Declarations of Distributors and Customers Exhibits D at ¶ 11 and E at ¶ 9.

Moreover, GRAN HABANO customers and retailers are aware there many brands of cigars in the marketplace with Cuba-related names that are made from Cuban-seed tobacco that is grown, cultivated and made in countries around the world, that these cigars have been in the marketplace for many

decades since the Cuban Revolution and cigar manufacturers fled Cuba, and that due to the widespread sale in the marketplace of cigars made from Cuban-seed tobacco, they have grown accustomed over the many decades to recognizing that cigars sold under Cuba-related names or brands that “evoke” the Cuban heritage and Cuban history of cigar making, but may not presently originate in Cuba. *See* attached Declarations of Distributors and Customers Exhibits D at ¶ 6 and E at ¶ 5.

Applicant’s cigars are also considered premium cigars and luxury items that are scrutinized by discriminating cigar purchasers. *See* attached Declarations of Distributors and Customers Exhibits D at ¶ 7 and E at ¶ 13. Applicant’s GRAN HABANO cigars are typically sold at retail for approximately \$100 for a cigar box of 20 cigars. *See* attached Declarations of Distributors and Customers Exhibits D at ¶ 8 and E at ¶ 6.

These scrutinizing purchasers of Applicant’s cigars are thus going to contemplate the origin of the cigar’s tobacco and seek the advice of the cigar store clerks or read about new and/or recommended cigar brands reviewed in cigar magazines such as *Cigar Aficionado* and *Smoke*. *See* attached Declarations of Distributors and Customers Exhibits D at ¶¶ 9, 12 and E at ¶¶ 7, 10. These purchasers and retailers will not gloss over and purchase a cigar brand without knowing the history of the cigar, where it was grown, and the tobacco blend it contains. *See* attached Declarations of Distributors and Customers Exhibits D at ¶¶ 9, 12 and E at ¶¶ 10, 11.

Accordingly, that Applicant’s cigars are not made in Cuba is a fact well known among cigar purchasers over the past 13 years that Applicant has been selling its GRAN HABANO cigar. *See* attached Declarations of Distributors and Customers Exhibits D at ¶ 14 and E at ¶ 10. Applicant’s customers are not interested in Cuban cigars because Cuban cigars are one dimensional, in comparison, the American market has evolved in to a variety of brands and blends that make the cigars sold in the United States more interesting and complex. *See* Declaration of George A. Rico Exhibit C at ¶ 9.

B. The Goods-Place Association, If Any, Is Not a Material Factor in a Significant Portion of the Relevant Consumers’ Decision to Purchase Applicant’s GRAN HABANO Cigars.

Another factor in determining whether a mark is geographically deceptively misdescriptive is if the misrepresentation (goods-place association) would be material factor in the consumer’s decision to purchase the goods. *See In re California Innovations, Inc.*, 329 F.3d at 1856-57.

“[I]n order to establish a prima facie case of materiality there must be some indication that a substantial

portion of the relevant consumers would be materially influenced in the decision to purchase the product or service by the geographic meaning of the mark.” *In re Spirits International N.V.*, 563 F.3d 1347, 1357 (Fed. Cir. 2009). The Federal Circuit has also noted that “for goods, evidence that a place is famous as a source of those goods is sufficient to raise an inference of materiality.” *In re Miracle Tuesday, LLC.*, 695 F.3d 1339, 1347 (Fed. Cir. 2012).

“[T]he ordinary consumer must care about the location where the goods come from or are processed or associated with. The misrepresentation must be one that would be likely to influence the decision to buy.” *McCarthy on Trademarks* § 14:34, p. 14-117 (2014).

The Examining Attorney concludes that the materiality factor is satisfied in this case because of the Board’s decision in the *Guantanamera* case. See *Corporacion Habanos S.A. v. Guantanamera Cigars Co.*, 102 USPQ2d 1085 (TTAB 2012). The Examining Attorney contends there is evidence of materiality in this case because the Board in *Guantanamera* found compelling that “from the advertisements, webpages, testimony, magazines and cigar publications and encyclopedias, we find that opposer has established that sellers of cigars in the United States market non-Cuban cigars through branding and marketing associations with Cuba because they believe that consumers value associations with Cuba in making purchasing decisions. Because, as we have already found, a substantial portion of the relevant consumers speak or understand Spanish, we find that such consumers would be materially influenced in the decision to purchase applicant’s cigars due to the geographic meaning of the mark in the Spanish language.” *Id.* at *19. Therefore, the Examining Attorney’s position is that since Applicant’s mark is in Spanish and the goods covered by the GRAN HABANO mark are the same as in *Guantanamera*, then Spanish-speaking cigar purchasers would be influenced by the reference to Cuba in the word “habano” to purchase GRAN HABANO cigars.

The conclusions reached by the Board in *Guantanamera*, however, were based on a vastly different factual record than the one before the Examiner in the present case. In *Guantanamera*, “all of applicant’s advertisements prior to 2008 were in Spanish; and at least as of December 2006, applicant’s website was almost exclusively in Spanish and many of applicant’s customers are from Cuba (and presumably know Spanish since, that is the primary language of Cuba).” *Id.* at *11.

The Board in *Guantanamera* also found that persons who speak Spanish comprise a substantial portion of the intended audience because 12.3% of the United States population speaks Spanish at home, in Florida 19.3% of Florida’s population speaks Spanish at home, and tens of millions of people in the

United States have received Spanish language instruction in school. *Id.*

Here, Applicant's website is in English, not in Spanish, and it does not even have the option to be read in Spanish. *See* Exhibit A, a screenshot of Applicant's website www.ghcigars.com. Applicant's advertisements and marketing have always been in English. *See* Declaration of George A. Rico Exhibit C at ¶ 11. Applicant's customers and retailers are not from Cuba or Spanish-speaking. *See* attached Declaration of George A. Rico Exhibit C at ¶ 9, and Declarations of Distributors and Customers Exhibits D at ¶ 10 and E at ¶ 8.

Additionally, there is no evidence of advertisements, webpages, testimony, magazines and cigar publications and encyclopedias that establish that sellers of cigars in the United States market non-Cuban cigars through branding and marketing associations with Cuba because they believe that consumers value associations with Cuba in making purchasing decisions. In *Guantanamera*, the applicant included in its product packaging the false claim "Genuine Cuban Tobacco" evidencing that the use of Cuban tobacco on its product packaging would influence the consumers in their decision. *Guantanamera* 102 USPQ2d at n3.

In this case, Applicant's product packaging does not include a misleading Cuba reference. To the contrary, Applicant's packaging prominently displays the word HONDURAS in capital letters on the side of the box. *See* Exhibit B, Pictures of Applicant's GRAN HABANO box of cigars. Further, Applicant's customer base generally does not view branding and marketing associations with Cuba as a material factor in making purchasing decisions because American cigars are much more complex and unique, and Cuban cigars are one dimensional. *See* attached Declaration of George A. Rico Exhibit C at ¶ 9.

Moreover, the evidence shows that purchasers of GRAN HABANO cigars are highly sophisticated and are not influenced in their decision to purchase GRAN HABANO cigars because of the word "habano." Rather, Applicant's customers purchase GRAN HABANO cigars because of their quality and tobacco blend, something that the Board in *Guantanamera* noted was lacking. *See* attached Declarations of Distributors and Customers Exhibits D at ¶ 17 and E at ¶ 14. *See also Guantanamera* 102 USPQ2d at *20.

The Federal Circuit has mandated that the Board must apply the correct test when determining materiality, especially when the Board uses broad statements regarding a language being spoken by an

appreciable number of U.S. consumers but failing to connect those consumers to the actual goods at issue. *In re Spirits International N.V.*, 563 F.3d at 1357. See also *Guantanamera Cigar Co. v. Corporacion Habanos S.A.*, 729 F. Supp. 2d 246, 254 (Fed.Cir. 2010) (holding that Cuba's renown reputation for cigars and applicant's false packaging is not enough evidence to determine that a substantial proportion of the target audience would be deceived into purchasing cigars because of the false goods-place association).

In *Guantanamera*, the Board based its finding of materiality on the percentage of the general population of the United States that speaks Spanish and that the applicant's advertisements and website were in Spanish. *Guantanamera* 102 USPQ2d at *11. However, what amounts to a "substantial portion" of the targeted community for a specific trademark must be determined on a case-by-case basis. Here, there is no link between the 12.3% Spanish speakers noted in *Guantanamera* and the target market for Applicant's GRAN HABANO cigars. To the contrary, the evidence shows that the cigar purchasers constituting Applicant's customer base (1) are not Spanish speakers; (2) are not materially influenced in their purchasing decisions by the presence of the term "habano" in Applicant's mark, and (3) base their decision to purchase Applicant's cigars on the characteristics and quality of the cigar. See attached Declaration of George A. Rico Exhibit C at ¶¶ 9, 10, 14, 16, and Declarations of Distributors and Customers Exhibits D at ¶¶ 10, 12, 16, 17 and E at ¶¶ 8, 11, 13, 14.

"We note that only 0.25% of the U.S. population speaks Russian. If only one quarter of one percent of the relevant consumers was deceived, this would not be, by any measure, a substantial portion." *In re Spirits International N.V.*, 563 F.3d at 1357. Here, it makes little difference if the total of all native Spanish speakers in the United States comprises 12.3% of the total U.S. population, as that percentage provides no insight into the percentage of native Spanish speakers constituting the target market for Applicant's cigars.

In conclusion, the various points needed to prove GRAN HABANO primarily geographically deceptively misdescriptive of cigars made from Cuban seed tobacco have not been met. Applicant has shown that GRAN HABANO purchasers and retailers are sophisticated and knowledgeable regarding the cigar industry and base their cigar purchasing decisions on taste, quality, and blend instead of a goods-place association. Also, the fact that GRAN HABANO contains the word "habano" does not materially affect customer's decisions to buy a GRAN HABANO cigar. Purchasers and retailers of the GRAN HABANO cigars are aware of the Cuban embargo and know the origin and what kind of

tobacco is contained in a particular cigar.

II. Conclusion

Based on the foregoing, Applicant respectfully requests that the mark GRAN HABANO be approved for publication.

Respectfully submitted,

GREENBERG TRAURIG, LLP

August 12, 2014

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Fax: (202) 261-0135

By Steven J. Wadyka, Jr./

Attorney for Applicant
SANTA CRUZ TOBACCO CO., INC.

EVIDENCE SECTION

EVIDENCE FILE NAME(S)

ORIGINAL PDF FILE [evi_1982101521-115458316 . 2014_08_12_Exhs_A_thru_E.pdf](#)

**CONVERTED PDF
FILE(S)
(107 pages)**

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DESCRIPTION OF EVIDENCE FILE	Exhibit A is a screenshot of Applicant's website , Exhibit B are pictures of Applicant's GRAN HABANO box of cigars, Exhibit C is the Declaration of George A. Rico, Exhibit D contains the Declarations from Distributors, and Exhibit E contains the Declarations from Customers.
SIGNATURE SECTION	
RESPONSE SIGNATURE	/Steven J. Wadyka, Jr./
SIGNATORY'S NAME	Steven J. Wadyka, Jr.
SIGNATORY'S POSITION	Attorney of record, Greenberg Traurig, District of Columbia Bar Member
SIGNATORY'S PHONE NUMBER	12023313105
DATE SIGNED	08/12/2014
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Tue Aug 12 12:25:26 EDT 2014
TEAS STAMP	USPTO/RFR-198.210.15.21-2 0140812122526123414-77129 912-500a733da27d36fe19869 46a9adf52defe91daef3b4f3d b5c488939c1c11786d8-N/A-N /A-20140812115458316890

**Request for Reconsideration after Final Action
To the Commissioner for Trademarks:**

Application serial no. **77129912** has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

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TRADEMARK EXAMINING OPERATION

In re U.S. Trademark Application

Applicant: Santa Cruz Tobacco Co., Inc. Examining Attorney: David C. Reihner

Serial No.: 77/129,912 Law Office: 111

Filed: March 16, 2007 Our Ref. No.: 130171.010100

Mark: **GRAN HABANO**

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One of the factors in determining whether a mark is geographically deceptively misdescriptive is if purchasers would be likely to be make a goods-place association; that is, purchasers would be likely to believe that the goods originate in the geographic place identified in the mark. *See In re California Innovations, Inc.*, 329 F.3d 1334, 1441 (Fed. Cir. 2003).

The Examining Attorney assumes, without any supporting evidence, that purchasers of Applicant's cigars will automatically believe the cigars originate from Cuba and therefore make their purchase on that basis based on the premise that Cuba is a place where cigars and tobacco products are produced and because Cuba is a place well renowned for cigar and tobacco products. Applicant is not denying that Cuba is

renowned for its tobacco and cigars, however, the Examining Attorney misunderstands the sophistication of cigar purchasers and customers and that both cigar purchasers and customers are very well versed on cigar blends and where cigars originate. *See* attached Declarations of Distributors and Customers Exhibits D at ¶¶ 9, 13 and E at ¶¶ 7, 10, 11. Additionally, cigar retailers and costumers know that in the United States the sale of goods originating in Cuba has been banned since 1962 due to the United States trade embargo against Cuba and therefore, Cuban cigars are impossible to find and buy in the United States. *See* attached Declarations of Distributors and Customers Exhibits D at ¶ 11 and E at ¶ 9.

Moreover, GRAN HABANO customers and retailers are aware there many brands of cigars in the marketplace with Cuba-related names that are made from Cuban-seed tobacco that is grown, cultivated and made in countries around the world, that these cigars have been in the marketplace for many decades since the Cuban Revolution and cigar manufacturers fled Cuba, and that due to the widespread sale in the marketplace of cigars made from Cuban-seed tobacco, they have grown accustomed over the many decades to recognizing that cigars sold under Cuba-related names or brands that “evoke” the Cuban heritage and Cuban history of cigar making, but may not presently originate in Cuba. *See* attached Declarations of Distributors and Customers Exhibits D at ¶ 6 and E at ¶ 5.

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These scrutinizing purchasers of Applicant’s cigars are thus going to contemplate the origin of the cigar’s tobacco and seek the advice of the cigar store clerks or read about new and/or recommended cigar brands reviewed in cigar magazines such as *Cigar Aficionado* and *Smoke*. *See* attached Declarations of Distributors and Customers Exhibits D at ¶¶ 9, 12 and E at ¶¶ 7, 10. These purchasers and retailers will not gloss over and purchase a cigar brand without knowing the history of the cigar, where it was grown, and the tobacco blend it contains. *See* attached Declarations of Distributors and Customers Exhibits D at ¶¶ 9, 12 and E at ¶¶ 10, 11.

Accordingly, that Applicant’s cigars are not made in Cuba is a fact well known among cigar purchasers over the past 13 years that Applicant has been selling its GRAN HABANO cigar. *See* attached

Declarations of Distributors and Customers Exhibits D at ¶ 14 and E at ¶ 10. Applicant's customers are not interested in Cuban cigars because Cuban cigars are one dimensional, in comparison, the American market has evolved in to a variety of brands and blends that make the cigars sold in the United States more interesting and complex. *See* Declaration of George A. Rico Exhibit C at ¶ 9.

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cigars are one dimensional. *See* attached Declaration of George A. Rico Exhibit C at ¶ 9.

Moreover, the evidence shows that purchasers of GRAN HABANO cigars are highly sophisticated and are not influenced in their decision to purchase GRAN HABANO cigars because of the word “habano.” Rather, Applicant’s customers purchase GRAN HABANO cigars because of their quality and tobacco blend, something that the Board in *Guantanamera* noted was lacking. *See* attached Declarations of Distributors and Customers Exhibits D at ¶ 17 and E at ¶ 14. *See also Guantanamera* 102 USPQ2d at *20.

The Federal Circuit has mandated that the Board must apply the correct test when determining materiality, especially when the Board uses broad statements regarding a language being spoken by an appreciable number of U.S. consumers but failing to connect those consumers to the actual goods at issue. *In re Spirits International N.V.*, 563 F.3d at 1357. *See also Guantanamera Cigar Co. v. Corporacion Habanos S.A.*, 729 F. Supp. 2d 246, 254 (Fed.Cir. 2010) (holding that Cuba’s renown reputation for cigars and applicant’s false packaging is not enough evidence to determine that a substantial proportion of the target audience would be deceived into purchasing cigars because of the false goods-place association).

In *Guantanamera*, the Board based its finding of materiality on the percentage of the general population of the United States that speaks Spanish and that the applicant’s advertisements and website were in Spanish. *Guantanamera* 102 USPQ2d at *11. However, what amounts to a “substantial portion” of the targeted community for a specific trademark must be determined on a case-by-case basis. Here, there is no link between the 12.3% Spanish speakers noted in *Guantanamera* and the target market for Applicant’s GRAN HABANO cigars. To the contrary, the evidence shows that the cigar purchasers constituting Applicant’s customer base (1) are not Spanish speakers; (2) are not materially influenced in their purchasing decisions by the presence of the term “habano” in Applicant’s mark, and (3) base their decision to purchase Applicant’s cigars on the characteristics and quality of the cigar. *See* attached Declaration of George A. Rico Exhibit C at ¶¶ 9, 10, 14, 16, and Declarations of Distributors and Customers Exhibits D at ¶¶ 10, 12, 16, 17 and E at ¶¶ 8, 11, 13, 14.

“We note that only 0.25% of the U.S. population speaks Russian. If only one quarter of one percent of the relevant consumers was deceived, this would not be, by any measure, a substantial portion.” *In re Spirits International N.V.*, 563 F.3d at 1357. Here, it makes little difference if the total of all native Spanish speakers in the United States comprises 12.3% of the total U.S. population, as that percentage provides no

insight into the percentage of native Spanish speakers constituting the target market for Applicant's cigars.

In conclusion, the various points needed to prove GRAN HABANO primarily geographically deceptively misdescriptive of cigars made from Cuban seed tobacco have not been met. Applicant has shown that GRAN HABANO purchasers and retailers are sophisticated and knowledgeable regarding the cigar industry and base their cigar purchasing decisions on taste, quality, and blend instead of a goods-place association. Also, the fact that GRAN HABANO contains the word "habano" does not materially affect customer's decisions to buy a GRAN HABANO cigar. Purchasers and retailers of the GRAN HABANO cigars are aware of the Cuban embargo and know the origin and what kind of tobacco is contained in a particular cigar.

II. Conclusion

Based on the foregoing, Applicant respectfully requests that the mark GRAN HABANO be approved for publication.

Respectfully submitted,

GREENBERG TRAURIG, LLP

August 12, 2014

Steven J. Wadyka, Jr.

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Suite 1000

Washington, D.C. 20037

Tel: (202) 331-3105

Fax: (202) 261-0135

By ___/Steven J. Wadyka, Jr./

Attorney for Applicant

SANTA CRUZ TOBACCO CO., INC.

EVIDENCE

Evidence in the nature of Exhibit A is a screenshot of Applicant's website, Exhibit B are pictures of Applicant's GRAN HABANO box of cigars, Exhibit C is the Declaration of George A. Rico, Exhibit D contains the Declarations from Distributors, and Exhibit E contains the Declarations from Customers. has been attached.

Original PDF file:

[evi_1982101521-115458316_. 2014_08_12_Exhs_A_thru_E.pdf](#)

Converted PDF file(s) (107 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

[Evidence-5](#)

[Evidence-6](#)

[Evidence-7](#)

[Evidence-8](#)

[Evidence-9](#)

[Evidence-10](#)

[Evidence-11](#)

[Evidence-12](#)

[Evidence-13](#)

[Evidence-14](#)

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[Evidence-105](#)
[Evidence-106](#)
[Evidence-107](#)

APPLICANT AND/OR ENTITY INFORMATION

Applicant proposes to amend the following:

Current: SANTA CRUZ TOACCO CO., INC., a corporation of Florida, having an address of
8553 NW 68TH STREET
MIAMI, Florida 33166
United States

Proposed: SANTA CRUZ TOBACCO CO., INC., a corporation of Florida, having an address of
8553 NW 68TH STREET
MIAMI, Florida 33166
United States

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /Steven J. Wadyka, Jr./ Date: 08/12/2014

Signatory's Name: Steven J. Wadyka, Jr.

Signatory's Position: Attorney of record, Greenberg Traurig, District of Columbia Bar Member

Signatory's Phone Number: 12023313105

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 77129912

Internet Transmission Date: Tue Aug 12 12:25:26 EDT 2014

TEAS Stamp: USPTO/RFR-198.210.15.21-2014081212252612

3414-77129912-500a733da27d36fe1986946a9a

df52defe91daef3b4f3db5c488939c1c11786d8-

N/A-N/A-20140812115458316890

Exhibit A



HOME | OUR HISTORY | CIGARS

NEWS | STORES | CONTACT

Search the news room

Gar

by George Rijo

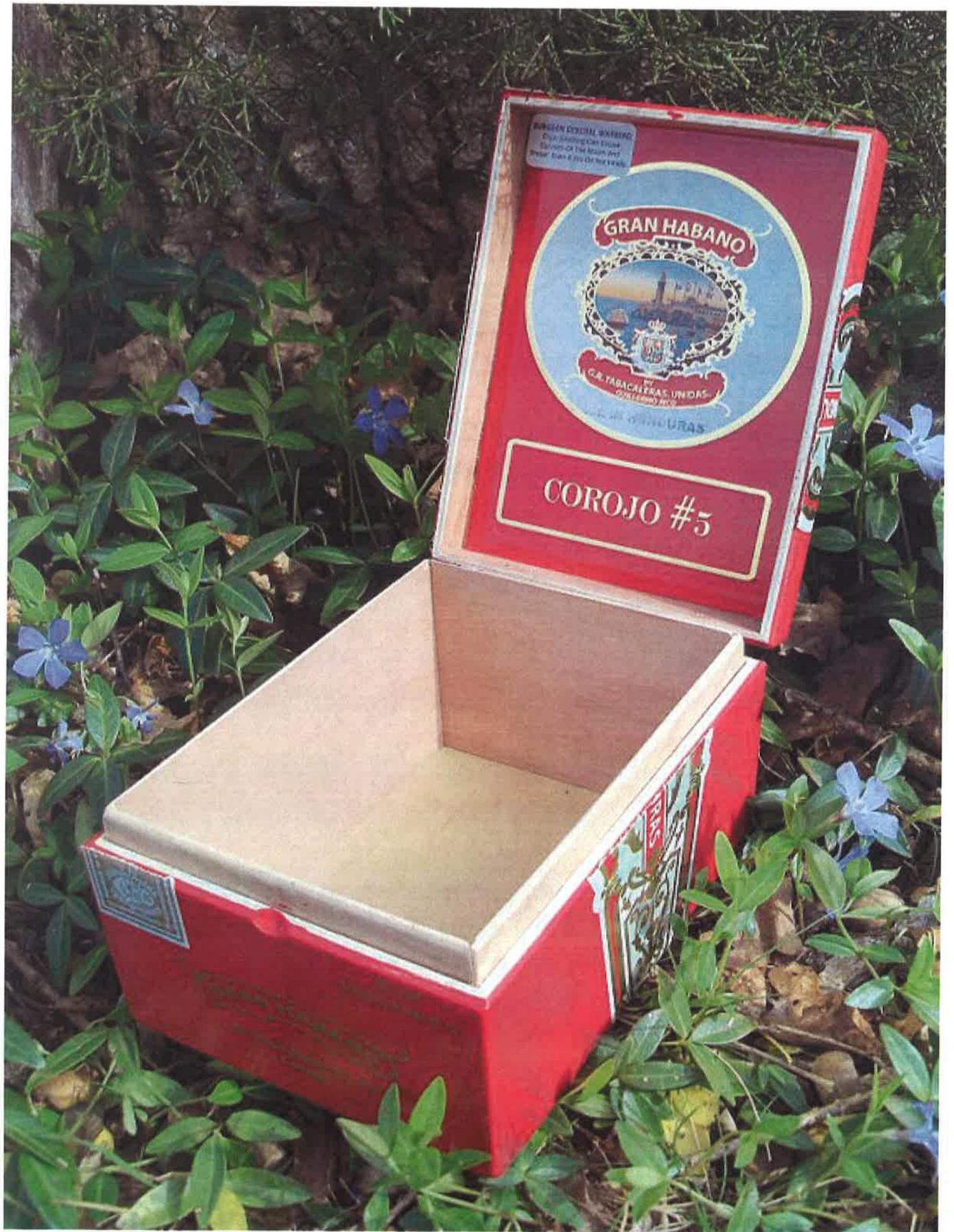
NOW AVAILABLE
IN 3 DIFFERENT SIZES 6X60 • 6X66 • 7X70



ASK FOR IT AT A TOBACCONIST NEAR YOU

Exhibit B







MADE BY *Guillermo Riso*
MONDURAS

DISTRIBUTED BY



MIA, FL.
www.ghcigars.com

20 SEP 2012

Exhibit C

**THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK EXAMINING OPERATION**

In re U.S. Trademark Application Serial No.: 77/129,912
Applicant: Santa Cruz Tobacco Co., Inc.
Examining Atty: David C. Reihner
Law Office: 111
Our Ref. No.: 130171.010100

Mark: GRAN HABANO

DECLARATION

The undersigned declares that he is an employee of Applicant; that he is over the age of twenty-one (21); that the facts set forth in this declaration are true; that all statements made of his own knowledge are true; and that all statements made on information and belief are believed to be true.

Having been warned that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the U.S. Code, and that such willful false statements may jeopardize the validity of this application or any registration resulting therefrom, the undersigned hereby affirms that:

1. My name is George A. Rico. I am an Owner/Manager of Santa Cruz Tobacco Co, Inc., the Applicant of Application Serial No. 77/129,912 for the trademark GRAN HABANO. I have worked in the cigar industry for over 18 years and am intimately familiar and have extensive experience with the production, marketing, distribution and sale of cigars as well as consumer preferences and perceptions of cigars and cigar brands.

2. Applicant is a cigar manufacturer located in Miami, Florida with cigar leaf production and cigar manufacturing facilities located in Honduras, Nicaragua, Colombia and other Central and South American countries.

3. Since 1997, Applicant has been selling its GRAN HABANO brand cigar made of Cuban seed tobacco which is cultivated, grown and rolled in Applicant's farming operations in Honduras and includes parts, such as the wrapper from Applicant's other farming operations in Nicaragua, Mexico, Costa Rica, Colombia, Panama and elsewhere. Applicant's tobacco seed is descended from the original tobacco seed grown in Cuba prior to the Cuban Revolution in 1962. Applicant also acquired additional tobacco seed from Cuba in 1999 to be used in GRAN HABANO cigars.

4. Applicant has always prominently advertised its GRAN HABANO brand cigar as originating in Honduras. Its cigar labels prominently include the term "Honduras" adjacent to the GRAN HABANO trademark.

5. There are scores of brands of cigars in the marketplace with Cuba-related names that are made from Cuban-seed tobacco that is grown, cultivated and made in countries around the world. These cigars have been in the marketplace for many decades since the Cuban Revolution and cigar manufacturers fled Cuba. Due to the widespread sale in the marketplace of cigars made from Cuban-seed tobacco, consumers have grown accustomed over the many decades to recognizing that cigars sold under Cuba-related names or brands that "evoke" the Cuban heritage and Cuban history of cigar making, but may not presently originate in Cuba.

6. Applicant's cigar is considered a premium cigar and a luxury item that is scrutinized by cigar purchasers and cigar enthusiasts.

7. Applicant's GRAN HABANO cigars are typically sold at retail for approximately \$100 for a cigar box of 20 cigars and are sold among other premium cigars in cigar shops and boutiques across the United States.

8. Applicant's customers are typically male, highly educated purchasers who look for specific brands, seek the advice of the cigar store clerks or read about new and/or recommended cigar brands reviewed in cigar magazines such as *Cigar Aficionado* and *Smoke* and blog sites such as www.halfwheel.com. Cigars are typically purchased with great care and effort since they are considered a luxury item by consumers.

9. Applicant's customers come from a variety of backgrounds. Cigars are not only for Spanish speaking customers. Most of the customers in the United States are not originally Latin or native Spanish speakers. The same is true for those customers who have purchased GRAN HABANO cigars. Applicant's customers in their majority are American. The customers that I meet at trade shows are not Latin or of Latin descent. Customers are very in tune with the cigar industry, always following new product releases and how the industry is changing and evolving. Applicant's customers are looking for unique products and blends, and have become experts on cigars and masters on cigar blends. Applicant's customers are not interested in Cuban cigars because Cuban cigars are one dimensional, in comparison, the American market has evolved in to a variety of brands and blends that make the cigars sold in the United States a lot more interesting and complex.

10. The substantial portion of GRAN HABANO customers and purchasers are male from their 30-35 to their late 50s, early 60s and are mostly American not of Latin descent from the Northeast, Midwest, and West Coast.

11. Applicant's advertising and marketing has always been in English. Our advertising and marketing is in English and has always has been in English because only a very small percentage of our customers is of Latin descent or speak Spanish. The customers I meet on trade shows are always American and speak only English.

12. Applicant sells the GRAN HABANO cigars all over the United States to cigar shops and to regional distributors Applicant also has a big online presence. Applicant's California distributor, Marathon Trading Co., is one of the biggest since California is one of Applicant's biggest markets.

13. Applicant gets feedback from customers and retailers through social media, specifically, Applicant's Facebook and Twitter accounts. Applicant's customers comment on their experiences with the GRAN HABANO cigars, the GRAN HABANO blend, and their likes and dislikes.

14. What is most important to cigar customers are first quality of construction of the cigar, the blend of the cigar, and how the cigar smokes, and tastes. Second, packaging and flavor are also important to consumers. GRAN HABANO cigars have a unique flavor, blend and construction.

15. People in our industry are very aware of the Cuban embargo and know the difference between a Cuban cigar and a cigar that originates elsewhere.

16. Applicant has never received any customer feedback or questions regarding the Cuban origin of GRAN HABANO. From the feedback I have received from the customer base regarding GRAN HABANO I have never heard that the term "habano" is what materially influences our customers to buy the cigar GRAN HABANO. Applicant's customers know which brands are from Cuba, those are brands that are very old and never change. The American market, however, is always changing with new products and brands. Most of our customers do not even pronounce the "habano" word correctly because they do not speak Spanish.

17. The term "habano" is a descriptive term that is used in the cigar industry to identify a specific type of wrapper for cigars. It can be grown in several countries, though a

popular a choice is Nicaragua, as the soil content there is conducive to producing some very strong leaves.

18. Applicant's cigars are sold in cigar boutique stores and by distributors who are typically well-read and familiar with the plethora of cigar brands in the marketplace and can readily explain to potential purchasers the features and origins of Applicant's GRAN HABANO cigar.

19. In my experience, American cigar consumers generally do not view branding or marketing associations with Cuba as a material factor in making purchasing decisions. The American market cigars are very different from Cuban cigars, American cigars are more unique and complex. For American cigar consumers Cuban cigars are one dimensional, American consumers want different blends and flavors. Cigar consumers are very educated and Cuban associations are not what convince customers to buy cigars in the United States.

20. In preparing its response to the Examiner's final refusal, Applicant reached out to its customer base through social media, blogs, and website to request sworn declarations. Applicant received the signed declarations by fax, email and mail and forwarded them directly to counsel. I personally was involved in and supervised this process. Through this process, we obtained a total of thirteen (13) declarations from distributors and retailers and twelve (12) declarations from individual customers. The views expressed in these declarations are representative of how Applicant's customer base views these issues, specifically that the term "habano" is not a material factor in a customer's decision to buy GRAN HABANO cigars. Our biggest distributor, Marathon Trading Co. Inc., whose declaration is submitted herewith, distributes GRAN HABANO cigars in the states of Washington, California, and Arizona,

manages a high percentage of our consumer base and understands the buying preferences of the GRAN HABANO customer.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

By: 

Name: George A. Rico

Of: Santa Cruz Tobacco Co. Inc.

Its: Owner and Manager

Date: 8-11-2014

Exhibit D

Declarations of Retailers and Distributors

**THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK EXAMINING OPERATION**

In re U.S. Trademark Application Serial No.: 77/129,912
Applicant: Santa Cruz Tobacco Co., Inc.
Examining Atty: David C. Reihner
Law Office: 111
Our Ref. No.: 130171.010100

Mark: GRAN HABANO

DECLARATION

(John McAuley), pursuant to 28 U.S.C. § 1746, declares and says:

1. I am cigar store owner. I have been smoking cigars for 25+ years and owned this business for 1 year.
2. I manage or own The Smoke Shop located at 173 South Main Street, Middleton, MA 01949 which has been in business for one year.
3. Since 2013, I have been selling the GRAN HABANO brand cigar in my store.
4. As a result of my 25+ years of experience in the cigar industry, I am very familiar with consumer preferences when it comes to selecting and purchasing a brand of cigar. Specifically, I have extensive knowledge of consumer likes and dislikes, as well as the specific characteristics of a cigar that influence consumer purchasing decisions.
5. I decided to sell/distribute the GRAN HABANO brand cigar because of its quality and success in the marketplace.
6. There are scores of brands of cigars in the marketplace with Cuba-related names that are made from Cuban-seed tobacco that is grown, cultivated and made in countries around the world. These cigars have been in the marketplace for many decades since the Cuban Revolution and cigar manufacturers fled Cuba. Due to the widespread sale in the marketplace of

cigars made from Cuban-seed tobacco, consumers have grown accustomed over the many decades to recognizing that cigars sold under Cuba-related names or brands that “evoke” the Cuban heritage and Cuban history of cigar making, but may not presently originate in Cuba.

7. GRAN HABANO is considered a premium cigar and a luxury item that is scrutinized by cigar purchasers and cigar enthusiasts.

8. GRAN HABANO cigars are typically sold at retail for around \$160.00 for a cigar box of 20 cigars and are sold among other premium cigars in cigar shops and boutiques across the United States.

9. My customers are typically male, highly educated purchasers who look for specific brands, seek the advice of the cigar store clerks or read about new and/or recommended cigar brands reviewed in cigar magazines such as *Cigar Aficionado* and *Smoke*. Cigars are typically purchased with great care and effort since they are considered a luxury item by consumers.

10. My customers come from a variety of backgrounds. Cigars are not only for Spanish speaking customers. Most of the customers in the United States are not originally Latin or native Spanish speakers. The same is true for those customers who have purchased GRAN HABANO cigars. My store is in relatively affluent location and most of my clients are Caucasian English speaking men of middle to upper class income.

11. My customers are aware of the Cuban embargo by the United States and that it is impossible to get Cuban cigars in the United States.

12. Last year I sold a large number 1000+ GRAN HABANO Cigars. The customers that bought GRAN HABANO Cigars were highly sophisticated, and knew what they were buying. Usually a cigar customer know a lot about the tobacco contained in the cigar, the

difference between types and varieties of tobacco, and where it has been grown and with what methods it has been created.

13. Most of my customers in the cigar industry are highly sophisticated since cigars are considered a luxury item, about (90%). Only (10 %) of my customers are not sophisticated, new aficionados that are learning about cigars.

14. I have never had a complaint or a question from a customer believing GRAN HABANO cigars are from Cuba.

15. I am very familiar with the plethora of cigar brands in the marketplace and can readily explain to potential purchasers the features and origins of the GRAN HABANO cigar.

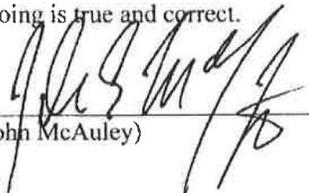
16. My customers buy GRAN HABANO because of its quality, high rating, and great reputation. Other reasons that cigar customers take into account when buying cigars of the quality and price of GRAN HABANO are:

- a) Value
- b) Quality
- c) Craftsmanship

17. Based on my experience in the industry, the term "habano" in the GRAN HABANO brand has not been a material factor in my customers' decision to purchase GRAN HABANO cigars. Rather, they have told me that they purchased GRAN HABANO cigars because of their value, quality and craftsmanship

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: August 04, 2014



(John McAuley)

Exhibit D-1

**THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK EXAMINING OPERATION**

In re U.S. Trademark Application Serial No.: 77/129,912
Applicant: Santa Cruz Tobacco Co., Inc.
Examining Atty: David C. Reihner
Law Office: 111
Our Ref. No.: 130171.010100

Mark: GRAN HABANO

DECLARATION

ATLANTIC CIGAR CO, pursuant to 28 U.S.C. § 1746, declares and says:

1. I am in the retail business .
ATLANTIC CIGAR CO
2. I have three locations and have been in the business for twenty years
3. Since 2000, I have been selling the GRAN HABANO brand cigar in my store or have distributed the GRAN HABANO CIGAR to NY,CT
4. As a result of my 20 years of experience in the cigar industry, I am very familiar with consumer preferences when it comes to selecting and purchasing a brand of cigar. Specifically, I have extensive knowledge of consumer likes and dislikes, as well as the specific characteristics of a cigar that influence consumer purchasing decisions.
6. There are scores of brands of cigars in the marketplace with Cuba-related names that are made from Cuban-seed tobacco that is grown, cultivated and made in countries around the world. These cigars have been in the marketplace for many decades since the Cuban Revolution and cigar manufacturers fled Cuba. Due to the widespread sale in the marketplace of cigars made from Cuban-seed tobacco, consumers have grown accustomed over the many decades to recognizing that cigars sold under Cuba-related names or brands that "evoke" the Cuban heritage and Cuban history of cigar making, but may not presently originate in Cuba.
7. GRAN HABANO is considered a premium cigar and a luxury item that is scrutinized by cigar purchasers and cigar enthusiasts.
8. GRAN HABANO cigars are typically sold at retail for \$ 100.00 for a cigar box of 20 cigars and are sold among other premium cigars in cigar shops and boutiques across the United States.
9. My customers are typically male, highly educated purchasers who look for specific brands, seek the advice of the cigar store clerks or read about new and/or recommended cigar brands reviewed in cigar magazines such as *Cigar Aficionado* and *Smoke*. Cigars are typically purchased with great care and effort since they are considered a luxury item by consumers.
10. My customers come from a variety of backgrounds. Cigars are not only for Spanish speaking customers. Most of the customers in the United States are not originally Latin or native Spanish speakers. The same is true for those customers who have purchased GRAN HABANO cigars. 90% are not Latin or native Spanish speakers
11. My customers are aware of the Cuban embargo by the United States and that it is impossible to get Cuban cigars in the United States.
12. Last year I sold 1000 GRAN HABANO Cigars. The customers that bought GRAN HABANO Cigars were highly sophisticated, and knew what they were buying. Usually a cigar customer know a lot about the tobacco contained in the cigar, the difference between types and varieties of tobacco, and where it has been grown and with what methods it has been created.
13. Most of my customers in the cigar industry are highly sophisticated since cigars are considered a luxury item, about 85% of my customers are not sophisticated, new aficionados that are learning about cigars. Only 15%
14. I have never had a complaint or a question from a customer believing GRAN HABANO cigars are from Cuba.
15. I am very familiar with the plethora of cigar brands in the marketplace and can readily explain to potential purchasers the features and origins of the GRAN HABANO cigar.
16. My customers buy GRAN HABANO because of its quality, high rating, and great reputation. Other reasons that cigar customers take into account when buying cigars of the quality and price of GRAN HABANO are: they like Nicaraguan tobac.
17. Based on my experience in the industry, the term "habano" in the GRAN HABANO brand has not been a material factor in my customers' decision to purchase GRAN HABANO cigars. Rather, they have told me that they purchased GRAN HABANO cigars because of their taste and price point

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: August 7, 2014

Americo Scipioni

A handwritten signature in black ink, appearing to read "Americo Scipioni", written over a horizontal line.

Exhibit D-2

THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK EXAMINING OPERATION

In re U.S. Trademark Application Serial No.: 77/129,912
Applicant: Santa Cruz Tobacco Co., Inc.
Examining Atty: David C. Reihner
Law Office: 111
Our Ref. No.: 130171.010100

Mark: GRAN HABANO

DECLARATION

Marathon Trading Co. Inc. pursuant to 28 U.S.C. § 1746, declares and says:

1. I am CEO of Marathon Trading Co Inc. I have been a cigar distributor since 1996.
2. We are located at 14245 Monterey Rd, PO Box 552, San Martin, CA 95046, and have been so for the last 18 years.
3. Since 2008, I have distributed the GRAN HABANO CIGAR in Calif, AZ, and WA.
4. As a result of my 18 years of experience in the cigar industry, I am very familiar with consumer preferences when it comes to selecting and purchasing a brand of cigar. Specifically, I have extensive knowledge of consumer likes and dislikes, as well as the specific characteristics of a cigar that influence consumer purchasing decisions.
5. I decided to sell/distribute the GRAN HABANO brand cigar because of its quality and success in the marketplace.
6. There are scores of brands of cigars in the marketplace with Cuba-related names that are made from Cuban-seed tobacco that is grown, cultivated and made in countries around the world. These cigars have been in the marketplace for many decades since the Cuban Revolution and cigar manufacturers fled Cuba. Due to the widespread sale in the marketplace of

cigars made from Cuban-seed tobacco, consumers have grown accustomed over the many decades to recognizing that cigars sold under Cuba-related names or brands that “evoke” the Cuban heritage and Cuban history of cigar making, but may not presently originate in Cuba.

7. GRAN HABANO is considered a premium cigar and a luxury item that is scrutinized by cigar purchasers and cigar enthusiasts.

8. GRAN HABANO cigars are typically sold at retail for \$7.00 to \$10.00 for a cigar box of 20 cigars and are sold among other premium cigars in cigar shops and boutiques across the United States.

9. My customers are typically male, highly educated purchasers who look for specific brands, seek the advice of the cigar store clerks or read about new and/or recommended cigar brands reviewed in cigar magazines such as *Cigar Aficionado* and *Smoke*. Cigars are typically purchased with great care and effort since they are considered a luxury item by consumers.

10. My customers come from a variety of backgrounds. Cigars are not only for Spanish speaking customers. Most of the customers in the United States are not originally Latin or native Spanish speakers. The same is true for those customers who have purchased GRAN HABANO cigars.

11. My customers are aware of the Cuban embargo by the United States and that it is impossible to get legal Cuban cigars in the United States.

12. Last year I sold \$75,000.00 of GRAN HABANO Cigars. The customers that bought GRAN HABANO Cigars were highly sophisticated, and knew what they were buying. Usually a cigar customer know a lot about the tobacco contained in the cigar, the difference

between types and varieties of tobacco, and where it has been grown and with what methods it has been created.

13. Most of my customers in the cigar industry are highly sophisticated since cigars are considered a luxury item.

14. I have never had a complaint or a question from a customer believing GRAN HABANO cigars are from Cuba.

15. I am very familiar with the plethora of cigar brands in the marketplace and can readily explain to potential purchasers the features and origins of the GRAN HABANO cigar.

16. My customers buy GRAN HABANO because of its quality, high rating, and great reputation. Other reasons that cigar customers take into account when buying cigars of the quality and price of GRAN HABANO are: They like a Honduran cigar and the tobaccos from the Jalapa Valley in Honduras and Nicaragua.

17. Based on my experience in the industry, the term "habano" in the GRAN HABANO brand has not been a material factor in my customers' decision to purchase GRAN HABANO cigars.

18. I have not ever heard of one customer, either directly, or from any other distributor, retailer, or consumer who thought that GRAN HABANO was either made in Cuba or made from Cuban tobacco.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: August 06, 2014

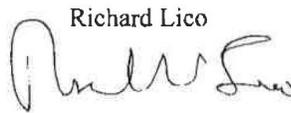
Richard Lico


Exhibit D-3

**THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK EXAMINING OPERATION**

In re U.S. Trademark Application Serial No.: 77/129,912
Applicant: Santa Cruz Tobacco Co., Inc.
Examining Atty: David C. Reihner
Law Office: 111
Our Ref. No.: 130171.010100

Mark: GRAN HABANO

DECLARATION

Theodore Leonard Meeker, pursuant to 28 U.S.C. § 1746, declares and says:

1. I am a Premium Cigar Retail store manager with 5 years' experience behind the counter and a consumer of premium cigars for 14 years.
2. I manage the store W. Curtis Draper Tobacconist, Inc. Located at 699 15th St. NW, Washington, DC, 20005; which has been in business for 127 years.
3. Since 2009, I have been selling the GRAN HABANO brand cigar in my store.
4. As a result of my 14 years of experience in the cigar industry, I am very familiar with consumer preferences when it comes to selecting and purchasing a brand of cigar. Specifically, I have extensive knowledge of consumer likes and dislikes, as well as the specific characteristics of a cigar that influence consumer purchasing decisions.
5. I decided to sell/distribute the GRAN HABANO brand cigar because of its quality and success in the marketplace.
6. There are scores of brands of cigars in the marketplace with Cuba-related names that are made from Cuban-seed tobacco that is grown, cultivated and made in countries around the world. These cigars have been in the marketplace for many decades since the Cuban Revolution and cigar manufacturers fled Cuba. Due to the widespread sale in the marketplace of

cigars made from Cuban-seed tobacco, consumers have grown accustomed over the many decades to recognizing that cigars sold under Cuba-related names or brands that "evoke" the Cuban heritage and Cuban history of cigar making, but may not presently originate in Cuba.

7. GRAN HABANO is considered a premium cigar and a luxury item that is scrutinized by cigar purchasers and cigar enthusiasts.

8. GRAN HABANO cigars are typically sold at retail for \$100-\$190 for a cigar box of 20 cigars and are sold among other premium cigars in cigar shops and boutiques across the United States.

9. My customers are typically highly educated purchasers who look for specific brands, seek the advice of the cigar store clerks or read about new and/or recommended cigar brands reviewed in cigar magazines such as *Cigar Aficionado* and *Smoke*. Cigars are typically purchased with great care and effort since they are considered a luxury item by consumers.

10. My customers come from a variety of backgrounds. Cigars are not only for Spanish speaking customers. Most of the customers in the United States are not originally Latin or native Spanish speakers. The same is true for those customers who have purchased GRAN HABANO cigars. I count among my customers college students, bike messengers, local small business men and women, chefs, paralegals, attorneys, IT specialists, local Police and Fire & Rescue, Federal Agents, lobbyists, actors, local media, authors, construction workers, as well as Federal and Local politicians.

11. My customers are aware of the Cuban embargo by the United States and that it is impossible to get Cuban cigars in the United States.

12. Last year I sold over 2000 GRAN HABANO Cigars. The customers that bought GRAN HABANO Cigars were highly sophisticated, and knew what they were buying. Usually a

cigar customer knows a lot about the tobacco contained in the cigar, the difference between types and varieties of tobacco, and where it has been grown and with what methods it has been created.

13. Most of my customers in the cigar industry are highly sophisticated since cigars are considered a luxury item, about 90%. Only 10% of my customers are not sophisticated, new aficionados that are learning about cigars.

14. I have never had a complaint or a question from a customer believing GRAN HABANO cigars are from Cuba.

15. I am very familiar with the plethora of cigar brands in the marketplace and can readily explain to potential purchasers the features and origins of the GRAN HABANO cigar.

16. My customers buy GRAN HABANO because of its quality, high rating, and great reputation. Other reasons that cigar customers take into account when buying cigars of the quality and price of GRAN HABANO are: consistency, and brand familiarity.

17. Based on my experience in the industry, the term "habano" in the GRAN HABANO brand has not been a material factor in my customers' decision to purchase GRAN HABANO cigars. Rather, they have told me that they purchased GRAN HABANO cigars because of their consistent quality, and brand recognition. It is a name that they know and trust.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: August 06, 2014

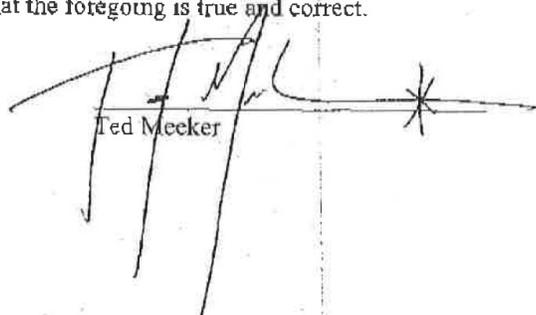

Ted Meeker

Exhibit D-4

**THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK EXAMINING OPERATION**

In re U.S. Trademark Application Serial No.: 77/129,912
Applicant: Santa Cruz Tobacco Co., Inc.
Examining Atty: David C. Reihner
Law Office: 111
Our Ref. No.: 130171.010100

Mark: GRAN HABANO

DECLARATION

Humicon LLC, pursuant to 28 U.S.C. § 1746, declares and says:

1. I am wholesale cigar distributor. We have been in this business for approximately 15 years
2. We are located at 400 Oser Ave. Hauppauge, N.Y. 11788
3. Since 2008, I have been selling the GRAN HABANO brand.
4. As a result of my 35 years of experience in the cigar industry, I am very familiar with consumer preferences when it comes to selecting and purchasing a brand of cigar. Specifically, I have extensive knowledge of consumer likes and dislikes, as well as the specific characteristics of a cigar that influence consumer purchasing decisions.
5. I decided to sell/distribute the GRAN HABANO brand cigar because of its quality and success in the marketplace.
6. There are scores of brands of cigars in the marketplace with Cuba-related names that are made from Cuban-seed tobacco that is grown, cultivated and made in countries around the world. These cigars have been in the marketplace for many decades since the Cuban Revolution and cigar manufacturers fled Cuba. Due to the widespread sale in the marketplace of cigars made from Cuban-seed tobacco, consumers have grown accustomed over the many

decades to recognizing that cigars sold under Cuba-related names or brands that “evoke” the Cuban heritage and Cuban history of cigar making, but may not presently originate in Cuba.

7. GRAN HABANO is considered a premium cigar and a luxury item that is scrutinized by cigar purchasers and cigar enthusiasts.

8. GRAN HABANO cigars are typically sold at retail for \$120 to \$180 for a cigar box of 20 cigars and are sold among other premium cigars in cigar shops and boutiques across the United States.

9. My customers are typically male, highly educated purchasers who look for specific brands, seek the advice of the cigar store clerks or read about new and/or recommended cigar brands reviewed in cigar magazines such as *Cigar Aficionado* and *Smoke*. Cigars are typically purchased with great care and effort since they are considered a luxury item by consumers.

10. My customers come from a variety of backgrounds. Cigars are not only for Spanish speaking customers. Most of the customers in the United States are not originally Latin or native Spanish speakers. The same is true for those customers who have purchased GRAN HABANO cigars.

11. The vast majority of our customers are aware of the Cuban embargo by the United States and that it is impossible to get Cuban cigars in the United States.

12. Last year I sold approximately 4000 GRAN HABANO Cigars. The customers that bought GRAN HABANO Cigars were highly sophisticated when it comes to premium cigars, and knew what they were buying. Usually a cigar customer will know a lot about the tobacco contained in the cigar, the difference between types and varieties of tobacco, and where it has been grown and with what methods it has been created.

13. I have never had a complaint or a question from a customer believing GRAN HABANO cigars are from Cuba.

14. I am very familiar with the plethora of cigar brands in the marketplace and can readily explain to potential purchasers the features and origins of the GRAN HABANO cigar.

15. My customers buy GRAN HABANO because of its quality, high rating, excellent value and quality reputation.

16. Based on my experience in the industry, the term "habano" in the GRAN HABANO brand has not been a material factor in my customers' decision to purchase GRAN HABANO cigars. Rather, they have told me that they purchased GRAN HABANO cigars because of their quality, flavor and price.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: August 5, 2014


Thomas Sullivan
(Name)

Exhibit D-5

**THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK EXAMINING OPERATION**

In re U.S. Trademark Application Serial No.: 77/129,912
Applicant: Santa Cruz Tobacco Co., Inc.
Examining Atty: David C. Reihner
Law Office: 111
Our Ref. No.: 130171.010100

Mark: GRAN HABANO

DECLARATION

Ronald R. Andrews , pursuant to 28 U.S.C. § 1746, declares and says:

1. I am currently the Executive Operations Manager of Havana Tranquility, LLC. I am the former owner of Olde Punta Gorda Cigar, Punta Gorda , FL which began operations June 1999.

2. Havana Tranquility Fine Cigars and VIP Club, located at 25139 E. Marion Ave. Punta Gorda, FL began operations in April 2014.

3. Since 2010, I have been selling the GRAN HABANO brand cigar in my stores.

4. As a result of my 15 years of experience in the cigar industry, I am very familiar with consumer preferences when it comes to selecting and purchasing a brand of cigar. Specifically, I have extensive knowledge of consumer likes and dislikes, as well as the specific characteristics of a cigar that influence consumer purchasing decisions.

5. I decided to sell/distribute the GRAN HABANO brand cigar because of its quality and success in the marketplace.

6. There are scores of brands of cigars in the marketplace with Cuba-related names that are made from Cuban-seed tobacco that is grown, cultivated and made in countries around the world. These cigars have been in the marketplace for many decades since the Cuban

Revolution and cigar manufacturers fled Cuba. Due to the widespread sale in the marketplace of cigars made from Cuban-seed tobacco, consumers have grown accustomed over the many decades to recognizing that cigars sold under Cuba-related names or brands that "evoke" the Cuban heritage and Cuban history of cigar making, but may not presently originate in Cuba.

7. GRAN HABANO is considered a premium cigar and a luxury item that is scrutinized by cigar purchasers and cigar enthusiasts.

8. GRAN HABANO cigars are typically sold at retail for \$120.00 for a cigar box of 20 cigars and are sold among other premium cigars in cigar shops and boutiques across the United States.

9. My customers are typically male, highly educated purchasers who look for specific brands, seek the advice of the cigar store clerks or read about new and/or recommended cigar brands reviewed in cigar magazines such as *Cigar Aficionado* and *Smoke*. Cigars are typically purchased with great care and effort since they are considered a luxury item by consumers.

10. My customers come from a variety of backgrounds. Cigars are not only for Spanish speaking customers. Most of the customers in the United States are not originally Latin or native Spanish speakers. The same is true for those customers who have purchased GRAN HABANO cigars. My customer base consists largely of Mid Western and Eastern Seaboard U.S. "blue and white color" Caucasian retirees.

11. My customers are aware of the Cuban embargo by the United States and that it is impossible to get Cuban cigars in the United States.

12. Last year I sold several GRAN HABANO Cigars. The customers that bought GRAN HABANO Cigars were highly sophisticated, and knew what they were buying. Usually a

cigar customer know a lot about the tobacco contained in the cigar, the difference between types and varieties of tobacco, and where it has been grown and with what methods it has been created.

13. Most of my customers in the cigar industry are highly sophisticated since cigars are considered a luxury item, about 95%. Only 5% or less of my customers are not sophisticated, new aficionados that are learning about cigars.

14. I have never had a complaint or a question from a customer believing GRAN HABANO cigars are from Cuba.

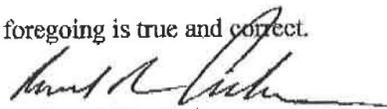
15. I am very familiar with the plethora of cigar brands in the marketplace and can readily explain to potential purchasers the features and origins of the GRAN HABANO cigar.

16. My customers buy GRAN HABANO because of its quality, high rating, and great reputation. Other reasons that cigar customers take into account when buying cigars of the quality and price of GRAN HABANO are: personal introduction, eye appeal and manufacturer familiarity.

17. Based on my experience in the industry, the term "habano" in the GRAN HABANO brand has not been a material factor in my customers' decision to purchase GRAN HABANO cigars. Rather, they have told me that they purchased GRAN HABANO cigars because of their satisfying flavor profile and appealing price point.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: August 7, 2014



Ronald R. Andrews
Executive Operations Mgr.
Havana Tranquility
Punta Gorda, FL 33950

Exhibit D-6

**THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK EXAMINING OPERATION**

In re U.S. Trademark Application Serial No.: 77/129,912
Applicant: Santa Cruz Tobacco Co., Inc.
Examining Atty: David C. Reihner
Law Office: 111
Our Ref. No.: 130171.010100

Mark: GRAN HABANO

DECLARATION

KEL Enterprises Inc dba Taboo Cigar Bar & Lounge, pursuant to 28 U.S.C. § 1746, declares and says:

1. I am a Distributor and Retailer in the Cigar Industry. I have been in this business for 15 years.
2. I am located at 8214 Bedford Eules Rd, North Richland Hills, TX and have been here for four years.
3. Since prior to 2010 I have been selling the GRAN HABANO brand cigar in my Taboo Cigar Bar & Lounge location.
4. As a result of my 15 years of experience in the cigar industry, I am very familiar with consumer preferences when it comes to selecting and purchasing a brand of cigar. Specifically, I have extensive knowledge of consumer likes and dislikes, as well as the specific characteristics of a cigar that influence consumer purchasing decisions.
5. I decided to sell/distribute the GRAN HABANO brand cigar because of its quality and success in the marketplace.
6. There are scores of brands of cigars in the marketplace with Cuba-related names that are made from Cuban-seed tobacco that is grown, cultivated and made in countries around

the world. These cigars have been in the marketplace for many decades since the Cuban Revolution and cigar manufacturers fled Cuba. Due to the widespread sale in the marketplace of cigars made from Cuban-seed tobacco, consumers have grown accustomed over the many decades to recognizing that cigars sold under Cuba-related names or brands that “evoke” the Cuban heritage and Cuban history of cigar making, but may not presently originate in Cuba.

7. GRAN HABANO is considered a premium cigar and a luxury item that is scrutinized by cigar purchasers and cigar enthusiasts.

8. GRAN HABANO cigars are typically sold at retail for \$110 for a cigar box of 20 cigars and are sold among other premium cigars in cigar shops and boutiques across the United States.

9. My customers are typically male, highly educated purchasers who look for specific brands, seek the advice of the cigar store clerks or read about new and/or recommended cigar brands reviewed in cigar magazines such as *Cigar Aficionado* and *Smoke*. Cigars are typically purchased with great care and effort since they are considered a luxury item by consumers.

10. My customers come from a variety of backgrounds. Cigars are not only for Spanish speaking customers. Most of the customers in the United States are not originally Latin or native Spanish speakers. The same is true for those customers who have purchased GRAN HABANO cigars. Most of our customers are white over 40 professionals.

11. My customers are aware of the Cuban embargo by the United States and that it is impossible to get Cuban cigars in the United States.

12. Last year I sold 900 GRAN HABANO Cigars. The customers that bought GRAN HABANO Cigars were highly sophisticated, and knew what they were buying. Usually a cigar

customer know a lot about the tobacco contained in the cigar, the difference between types and varieties of tobacco, and where it has been grown and with what methods it has been created.

13. Most of my customers in the cigar industry are highly sophisticated since cigars are considered a luxury item, about 80%. Only 20% of my customers are not sophisticated, new aficionados that are learning about cigars.

14. **I have never had a complaint or a question from a customer believing GRAN HABANO cigars are from Cuba.**

15. I am very familiar with the plethora of cigar brands in the marketplace and can readily explain to potential purchasers the features and origins of the GRAN HABANO cigar.

16. My customers buy GRAN HABANO because of its quality, high rating, and great reputation. Other reasons that cigar customers take into account when buying cigars of the quality and price of GRAN HABANO are friends, family and recommendations from us as we know what type of cigars our customers like.

17. Based on my experience in the industry, the term "habano" in the GRAN HABANO brand has not been a material factor in my customers' decision to purchase GRAN HABANO cigars. Rather, they have told me that they purchased GRAN HABANO cigars because of their preference for Nicaraguan tobacco and they love this blend. Nicaraguan Cigars are superior blends to those of any country, including Cuba, in our honest opinion.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: August 7, 2014

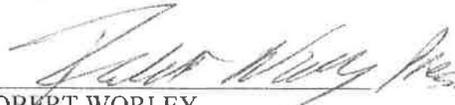

ROBERT WORLEY
PRESIDENT, KEL ENTERPRISES INC.

Exhibit D-7

**THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK EXAMINING OPERATION**

In re U.S. Trademark Application Serial No.: 77/129,912
Applicant: Santa Cruz Tobacco Co., Inc.
Examining Atty: David C. Reihner
Law Office: 111
Our Ref. No.: 130171.010100

Mark: GRAN HABANO

DECLARATION

Tobacco Haus, pursuant to 28 U.S.C. § 1746, declares and says:

1. I am VP/Buyer/Seller of Tabak Inc, dba Tobacco Haus. Tobacco Haus.
2. I own the above business, which has been open since 1996. We are located at 651 N Business I-35, Ste 525, New Braunfels, TX,.
3. Since 1998, I have been selling the GRAN HABANO brand cigar in my brick and mortar store or have distributed the GRAN HABANO CIGAR in New Braunfels..
4. As a result of my 16 years of experience in the cigar industry, I am very familiar with consumer preferences when it comes to selecting and purchasing a brand of cigar. Specifically, I have extensive knowledge of consumer likes and dislikes, as well as the specific characteristics of a cigar that influence consumer purchasing decisions.
5. I decided to sell/distribute the GRAN HABANO brand cigar because of its quality and success in the marketplace.
6. There are scores of brands of cigars in the marketplace with Cuba-related names that are made from Cuban-seed tobacco that is grown, cultivated and made in countries around the world. These cigars have been in the marketplace for many decades since the Cuban Revolution and cigar manufacturers fled Cuba. Due to the widespread sale in the marketplace of cigars made from Cuban-seed tobacco, consumers have grown accustomed over the many decades to recognizing that cigars sold under Cuba-related names or brands that "evoke" the Cuban heritage and Cuban history of cigar making, but may not presently originate in Cuba.
7. GRAN HABANO is considered a premium cigar and a luxury item that is scrutinized by cigar purchasers and cigar enthusiasts.
8. GRAN HABANO cigars are typically sold at retail for \$120 for a cigar box of 20 cigars and are sold among other premium cigars in cigar shops and boutiques across the United States.
9. My customers are typically male, highly educated purchasers who look for specific brands, seek the advice of the cigar store clerks or read about new and/or recommended cigar brands reviewed in cigar magazines such as Cigar Aficionado and Smoke. Cigars are typically purchased with great care and effort since they are considered a luxury item by consumers.
10. My customers come from a variety of backgrounds. Cigars are not only for Spanish speaking customers. Most of the customers in the United States are not originally Latin or native Spanish speakers. The same is true for those customers who have purchased GRAN HABANO cigars. My customers are VERY aware that one can not obtain Cuban cigars in the US..

11. My customers are aware of the Cuban embargo by the United States and that it is impossible to get Cuban cigars in the United States.

12. Last year I sold 1000 GRAN HABANO Cigars. The customers that bought GRAN HABANO Cigars were highly sophisticated, and knew what they were buying. Usually a cigar customer know a lot about the tobacco contained in the cigar, the difference between types and varieties of tobacco, and where it has been grown and with what methods it has been created.

13. Most of my customers in the cigar industry are highly sophisticated since cigars are considered a luxury item, about 90%. Only 10% of my customers are not sophisticated, new aficionados that are learning about cigars.

14. I have never had a complaint or a question from a customer believing GRAN HABANO cigars are from Cuba.

15. I am very familiar with the plethora of cigar brands in the marketplace and can readily explain to potential purchasers the features and origins of the GRAN HABANO cigar.

16. My customers buy GRAN HABANO because of its quality, high rating, and great reputation. Other reasons that cigar customers take into account when buying cigars of the quality and price of GRAN HABANO are: Flavor..

17. Based on my experience in the industry, the term "habano" in the GRAN HABANO brand has not been a material factor in my customers's decision to purchase GRAN HABANO cigars. Rather, they have told me that they purchased GRAN HABANO cigars because of their flavor.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: August 7, 2014

Mark Sewell

A handwritten signature in cursive script, appearing to read "Mark Sewell".

Exhibit D-8

**THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK EXAMINING OPERATION**

In re U.S. Trademark Application Serial No.: 77/129,912
Applicant: Santa Cruz Tobacco Co., Inc.
Examining Atty: David C. Reihner
Law Office: 111
Our Ref. No.: 130171.010100

Mark: GRAN HABANO

DECLARATION

The Squire Tobacconist, pursuant to 28 U.S.C. § 1746, declares and says:

1. The Squire Tobacconist is a brick and mortar retail tobacconist.
2. We are located at 104 Hills Plaza, Charleston, WV, and have been in business since 1993.
3. Since 2008, we have been selling the GRAN HABANO brand cigar .
4. As a result of my experience in the cigar industry, I am very familiar with consumer preferences when it comes to selecting and purchasing a brand of cigar. Specifically, I have extensive knowledge of consumer likes and dislikes, as well as the specific characteristics of a cigar that influence consumer purchasing decisions.
5. I decided to sell/distribute the GRAN HABANO brand cigar because of its quality and success in the marketplace and customer demand.
6. There are scores of brands of cigars in the marketplace with Cuba-related names that are made from Cuban-seed tobacco that is grown, cultivated and made in countries around the world. These cigars have been in the marketplace for many decades since the Cuban Revolution and cigar manufacturers fled Cuba. Due to the widespread sale in the marketplace of cigars made from Cuban-seed tobacco, consumers have grown accustomed over the many

WDC 372965550v1

decades to recognizing that cigars sold under Cuba-related names or brands that “evoke” the Cuban heritage and Cuban history of cigar making, but may not presently originate in Cuba.

7. GRAN HABANO is considered a premium cigar and a luxury item that is scrutinized by cigar purchasers and cigar enthusiasts.

8. GRAN HABANO cigars are typically sold at retail for \$160-\$200 for a box of 20 cigars and are sold among other premium cigars in cigar shops and boutiques across the United States.

9. My customers are typically male, educated purchasers who look for specific brands, seek the advice of the cigar store clerks or read about new and/or recommended cigar brands reviewed in cigar magazines such as *Cigar Aficionado* and *Smoke*. Cigars are typically purchased with great care and effort since they are considered a luxury item by consumers.

10. Our customers come from a variety of backgrounds, although in our geographical location, very few are Latin or Hispanic. It's safe to say that 90% or more of our customers have no understanding whatsoever of the term "habano" or it's connotation with the country of Cuba. It's merely a brand name, and in no manner misleads or suggests that the product was manufactured in Cuba.

11. Nearly all of our customers are aware of the Cuban embargo by the United States and that it is impossible to get Cuban cigars in the United States.

12. Our sales of GRAN HABANO Cigars have increased consistently due to popular demand. The customers that bought GRAN HABANO Cigars are sophisticated, and know what they were buying. Premium cigar customers generally familiar with the tobacco contained in the cigar, the difference between types and varieties of tobacco, and where it has been grown and with what methods it has been created.

13. The largest percentage of our cigar customers in the cigar industry are educated and informed buyers, since these products are considered luxury items. The majority of our customers have college educations, and a large portion are professionals. For these people, premium cigars are a life style choice, no different than fine dining, or wine enthusiasts.

14. We have never had a complaint or a question from a customer believing GRAN HABANO cigars are from Cuba.

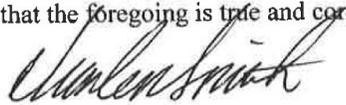
15. I am very familiar with the plethora of cigar brands in the marketplace and can readily explain to potential purchasers the features and origins of the GRAN HABANO cigar.

16. My customers buy GRAN HABANO because of its quality, high rating, and great reputation. Other reasons that cigar customers take into account when buying cigars of the quality and price of GRAN HABANO are taste, construction, and overall price point value.

17. Based on my experience in the industry, the term "habano" in the GRAN HABANO brand has no influence whatsoever in the decision to purchase GRAN HABANO cigars. Rather, they have told me that they purchased GRAN HABANO cigars because of their taste and perceived value relative to similar, competing products.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: August 7, 2014



Charles R. Smith

Exhibit D-9



**THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK EXAMINING OPERATION**

In re U.S. Trademark Application Serial No.: 77/129,912
Applicant: Santa Cruz Tobacco Co., Inc.
Examining Atty: David C. Reihner
Law Office: 111
Our Ref. No.: 130171.010100

Mark: GRAN HABANO

DECLARATION

(Tobacco Cove), pursuant to 28 U.S.C. § 1746, declares and says:

1. I am a retailer with 50 years of experience.
2. Tobacco Cove has been located at 3849 Baymeadows RD, Jacksonville FL for 40 years and I have owned it for 35.
3. Since approximately 2004, I have been selling the GRAN HABANO brand cigar in Tobacco Cove.
4. As a result of my 50 years of experience in the cigar industry, I am very familiar with consumer preferences when it comes to selecting and purchasing a brand of cigar. Specifically, I have extensive knowledge of consumer likes and dislikes, as well as the specific characteristics of a cigar that influence consumer purchasing decisions.
5. I decided to sell/distribute the GRAN HABANO brand cigar because of its quality and success in the marketplace.
6. There are scores of brands of cigars in the marketplace with Cuba-related names that are made from Cuban-seed tobacco that is grown, cultivated and made in countries around the world. These cigars have been in the marketplace for many decades since the Cuban Revolution and cigar manufacturers fled Cuba. Due to the widespread sale in the marketplace of

cigars made from Cuban-seed tobacco, consumers have grown accustomed over the many decades to recognizing that cigars sold under Cuba-related names or brands that "evoke" the Cuban heritage and Cuban history of cigar making, but may not presently originate in Cuba.

7. GRAN HABANO is considered a premium cigar and a luxury item that is scrutinized by cigar purchasers and cigar enthusiasts.

8. GRAN HABANO cigars are typically sold at retail for approximately \$130 for a cigar box of 20 cigars and are sold among other premium cigars in cigar shops and boutiques across the United States.

9. My customers are typically male, highly educated purchasers who look for specific brands, seek the advice of the cigar store clerks or read about new and/or recommended cigar brands reviewed in cigar magazines such as *Cigar Aficionado* and *Smoke*. Cigars are typically purchased with great care and effort since they are considered a luxury item by consumers.

10. My customers come from a variety of backgrounds. Cigars are not only for Spanish speaking customers. Most of the customers in the United States are not originally Latin or native Spanish speakers. The same is true for those customers who have purchased GRAN HABANO cigars.

11. My customers are aware of the Cuban embargo by the United States and that it is impossible to get Cuban cigars in the United States.

12. Last year I sold approximately 2000 GRAN HABANO Cigars. The customers that bought GRAN HABANO Cigars were highly sophisticated, and knew what they were buying. Usually a cigar customer know a lot about the tobacco contained in the cigar, the

difference between types and varieties of tobacco, and where it has been grown and with what methods it has been created.

13. Most of my customers in the cigar industry are highly sophisticated since cigars are considered a luxury item, about 85%. Only 15 % of my customers are not sophisticated, new aficionados that are learning about cigars.

14. I have never had a complaint or a question from a customer believing GRAN HABANO cigars are from Cuba.

15. I am very familiar with the plethora of cigar brands in the marketplace and can readily explain to potential purchasers the features and origins of the GRAN HABANO cigar.

16. My customers buy GRAN HABANO because of its quality, high rating, and great reputation. Other reasons that cigar customers take into account when buying cigars of the quality and price of GRAN HABANO are: My recommendation.

17. Based on my experience in the industry, the term "habano" in the GRAN HABANO brand has not been a material factor in my customers' decision to purchase GRAN HABANO cigars. Rather, they have told me that they purchased GRAN HABANO cigars because of their flavor and quality

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: August 6, 2014

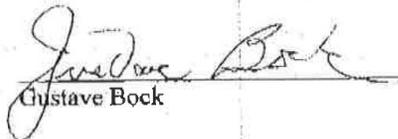

Gustave Bock

Exhibit D-10

**THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK EXAMINING OPERATION**

In re U.S. Trademark Application Serial No.: 77/129,912
Applicant: Santa Cruz Tobacco Co., Inc.
Examining Atty: David C. Reihner
Law Office: 111
Our Ref. No.: 130171.010100

Mark: GRAN HABANO

DECLARATION

Two Guys Smoke Shop of NH Inc, pursuant to 28 U.S.C. § 1746, declares and says:

1. I am David Garofalo and I have been a cigar retailer for 29 years.
2. I operate Two Guys Smoke Shop with 3 location in NH including Salem, Seabrook and Nashua NH.
3. Since 2005 I have been selling the GRAN HABANO brand cigar in my stores.
4. As a result of my 29 years of experience in the cigar industry, I am very familiar with consumer preferences when it comes to selecting and purchasing a brand of cigar. Specifically, I have extensive knowledge of consumer likes and dislikes, as well as the specific characteristics of a cigar that influence consumer purchasing decisions.
5. I decided to sell/distribute the GRAN HABANO brand cigar because of its quality and success in the marketplace.
6. There are scores of brands of cigars in the marketplace with Cuba-related names that are made from Cuban-seed tobacco that is grown, cultivated and made in countries around the world. These cigars have been in the marketplace for many decades since the Cuban Revolution and cigar manufacturers fled Cuba. Due to the widespread sale in the marketplace of cigars made from Cuban-seed tobacco, consumers have grown accustomed over the many



decades to recognizing that cigars sold under Cuba-related names or brands that "evoke" the Cuban heritage and Cuban history of cigar making, but may not presently originate in Cuba.

7. GRAN HABANO is considered a premium cigar and a luxury item that is scrutinized by cigar purchasers and cigar enthusiasts.

8. GRAN HABANO cigars are typically sold at retail for \$100 for a cigar box of 20 cigars and are sold among other premium cigars in cigar shops and boutiques across the United States.

9. My customers are typically male, highly educated purchasers who look for specific brands, seek the advice of the cigar store clerks or read about new and/or recommended cigar brands reviewed in cigar magazines such as *Cigar Aficionado* and *Smoke*. Cigars are typically purchased with great care and effort since they are considered a luxury item by consumers.

10. My customers come from a variety of backgrounds. Cigars are not only for Spanish speaking customers. Most of the customers in the United States are not originally Latin or native Spanish speakers. The same is true for those customers who have purchased GRAN HABANO cigars.

11. My customers are aware of the Cuban embargo by the United States and that it is impossible to get Cuban cigars in the United States.

12. Last year I sold thousands of GRAN HABANO Cigars. The customers that bought GRAN HABANO Cigars were highly sophisticated, and knew what they were buying. Usually a cigar customer know a lot about the tobacco contained in the cigar, the difference between types and varieties of tobacco, and where it has been grown and with what methods it has been created.

13. Most of my customers in the cigar industry are highly sophisticated since cigars are considered a luxury item, about 80% and only 20% of my customers are not sophisticated, new aficionados that are learning about cigars or buying for gifts.

14. I have never had a complaint or a question from a customer believing GRAN HABANO cigars are from Cuba.

15. I am very familiar with the plethora of cigar brands in the marketplace and can readily explain to potential purchasers the features and origins of the GRAN HABANO cigar.

16. My customers buy GRAN HABANO because of its quality, high rating, and great reputation. Other reasons that cigar customers take into account when buying cigars of the quality and price of GRAN HABANO are its colorful packaging, beautiful appearance and taste.

17. Based on my experience in the industry, the term "habano" in the GRAN HABANO brand has not been a material factor in my customers' decision to purchase GRAN HABANO cigars. Rather, they have told me that they purchased GRAN HABANO cigars because of their taste and value.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: August 4, 2014

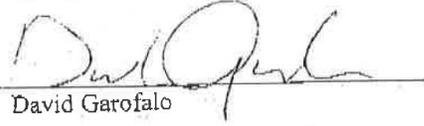

David Garofalo

Exhibit D-11

**THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK EXAMINING OPERATION**

In re U.S. Trademark Application Serial No.: 77/129,912
Applicant: Santa Cruz Tobacco Co., Inc.
Examining Atty: David C. Reihner
Law Office: 111
Our Ref. No.: 130171.010100

Mark: GRAN HABANO

DECLARATION

Cheryl Greenwald, pursuant to 28 U.S.C. § 1746, declares and says:

1. I am an owner and operator of a cigar shop and in Houston, Texas. I have been running cigar shops for over fifteen years.
2. I am the currently the owner/operator of Cigar Towne, located at 1127 Eldridge Parkway, Houston, Texas 77077, which has been in business at this location for 5 years.
3. Since the early 2002, I have been selling the GRAN HABANO brand cigar in my shop.
4. As a result of my 15 years of experience in the cigar industry, I am very familiar with consumer preferences when it comes to selecting and purchasing a brand of cigar. Specifically, I have extensive knowledge of consumer likes and dislikes, as well as the specific characteristics of a cigar that influence consumer purchasing decisions.
5. I decided to sell/distribute the GRAN HABANO brand cigar because of its quality and success in the marketplace.
6. There are scores of brands of cigars in the marketplace with Cuba-related names that are made from Cuban-seed tobacco that is grown, cultivated and made in countries around the world. These cigars have been in the marketplace for many decades since the Cuban

Revolution and cigar manufacturers fled Cuba. Due to the widespread sale in the marketplace of cigars made from Cuban-seed tobacco, consumers have grown accustomed over the many decades to recognizing that cigars sold under Cuba-related names or brands that “evoke” the Cuban heritage and Cuban history of cigar making, but may not presently originate in Cuba.

7. GRAN HABANO is considered a premium cigar and a luxury item that is scrutinized by cigar purchasers and cigar enthusiasts.

8. GRAN HABANO cigars are typically sold at retail for \$120.00+ for a cigar box of 20 cigars and are sold among other premium cigars in cigar shops and boutiques across the United States.

9. My customers are typically male, highly educated purchasers who look for specific brands, seek the advice of the cigar store clerks or read about new and/or recommended cigar brands reviewed in cigar magazines such as *Cigar Aficionado* and *Smoke*. Cigars are typically purchased with great care and effort since they are considered a luxury item by consumers.

10. My customers come from a variety of backgrounds. Cigars are not only for Spanish speaking customers. Most of the customers in the United States are not originally Latin or native Spanish speakers. The same is true for those customers who have purchased GRAN HABANO cigars.

11. My customers are aware of the Cuban embargo by the United States and that it is impossible to get Cuban cigars in the United States.

12. Last year I sold 27 boxes (over \$3600.00), of GRAN HABANO Cigars. The customers that bought GRAN HABANO Cigars were highly sophisticated, and knew what they were buying. Usually a cigar customer know a lot about the tobacco contained in the cigar, the

difference between types and varieties of tobacco, and where it has been grown and with what methods it has been created.

13. I have never had a complaint or a question from a customer believing GRAN HABANO cigars are from Cuba.

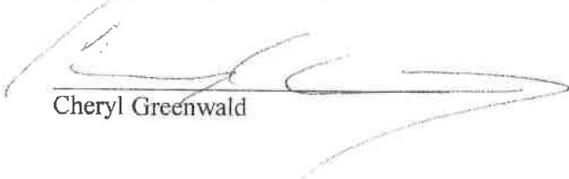
14. I am very familiar with the plethora of cigar brands in the marketplace and can readily explain to potential purchasers the features and origins of the GRAN HABANO cigar.

15. My customers buy GRAN HABANO because of its quality, high rating, and great reputation.

16. Based on my experience in the industry, the term "habano" in the GRAN HABANO brand has not been a material factor in my customers' decision to purchase GRAN HABANO cigars. Rather, they have told me that they purchased GRAN HABANO cigars because of their quality and taste.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: August 06, 2014



Cheryl Greenwald

Exhibit D-12

**THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK EXAMINING OPERATION**

In re U.S. Trademark Application Serial No.: 77/129,912
Applicant: Santa Cruz Tobacco Co., Inc.
Examining Atty: David C. Reihner
Law Office: 111
Our Ref. No.: 130171.010100

Mark: GRAN HABANO

DECLARATION

I, Prabhakar Ramaiah, pursuant to 28 U.S.C. § 1746, declares and says:

1. I am a cigar and tobacco retailer. I have been involved in the tobacco retail industry for almost 30 years.
2. I am the Owner/Operator of CB Perkins Tobacconist located at the Village Shoppes Mall, 95 Washington Street, Canton, Massachusetts. I have owned this business for 20 years.
3. Since 2003, I have been selling the GRAN HABANO brand cigar in my shop.
4. As a result of my 30 years of experience in the cigar industry, I am very familiar with consumer preferences when it comes to selecting and purchasing a brand of cigar. Specifically, I have extensive knowledge of consumer likes and dislikes, as well as the specific characteristics of a cigar that influence consumer purchasing decisions.
5. I decided to sell/distribute the GRAN HABANO brand cigar because of its quality and success in the marketplace.
6. There are scores of brands of cigars in the marketplace with Cuba-related names that are made from Cuban-seed tobacco that is grown, cultivated and made in countries around the world. These cigars have been in the marketplace for many decades since the Cuban

Revolution and cigar manufacturers fled Cuba. Due to the widespread sale in the marketplace of cigars made from Cuban-seed tobacco, consumers have grown accustomed over the many decades to recognizing that cigars sold under Cuba-related names or brands that “evoke” the Cuban heritage and Cuban history of cigar making, but may not presently originate in Cuba.

7. GRAN HABANO is considered a premium cigar and a luxury item that is scrutinized by cigar purchasers and cigar enthusiasts.

8. GRAN HABANO cigars are typically sold at retail for between \$150 & \$200 for a cigar box of 20 cigars and are sold among other premium cigars in cigar shops and boutiques across the United States.

9. My customers are typically male, highly educated purchasers who look for specific brands, seek the advice of the cigar store clerks or read about new and/or recommended cigar brands reviewed in cigar magazines such as *Cigar Aficionado* and *Smoke*. Cigars are typically purchased with great care and effort since they are considered a luxury item by consumers.

10. My customers come from a variety of backgrounds. Cigars are not only for Spanish speaking customers. Most of the customers in the United States are not originally Latin or native Spanish speakers. The same is true for those customers who have purchased GRAN HABANO cigars. They come from every walk of life.

11. My customers are aware of the Cuban embargo by the United States and that it is impossible to get Cuban cigars in the United States.

12. Last year I sold between 18-22 Boxes of GRAN HABANO Cigars. The customers that bought GRAN HABANO Cigars were highly sophisticated, and knew what they were buying. Usually a cigar customer know a lot about the tobacco contained in the cigar, the

difference between types and varieties of tobacco, and where it has been grown and with what methods it has been created.

13. Most of my customers that enjoy premium cigars are highly sophisticated since cigars are considered a luxury item, about 95%. Only 5% of my customers are not sophisticated, new aficionados that are learning about cigars.

14. I have never had a complaint or a question from a customer believing GRAN HABANO cigars are from Cuba.

15. I am very familiar with the plethora of cigar brands in the marketplace and can readily explain to potential purchasers the features and origins of the GRAN HABANO cigar.

16. My customers buy GRAN HABANO because of its quality, high rating, and great reputation. Other reasons that cigar customers take into account when buying cigars of the quality and price of GRAN HABANO are they are well distributed, most always available and their consistency of flavor profile..

17. Based on my experience in the industry, the term "habano" in the GRAN HABANO brand has not been a material factor in my customers' decision to purchase GRAN HABANO cigars. Rather, they have told me that they purchased GRAN HABANO cigars because of their reliable flavor profile.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: August 4, 2014


Prabhakar Ramaiah

Exhibit E

Declarations of Customers

**THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK EXAMINING OPERATION**

In re U.S. Trademark Application Serial No.: 77/129,912
Applicant: Santa Cruz Tobacco Co., Inc.
Examining Atty: David C. Reihner
Law Office: 111
Our Ref. No.: 130171.010100

Mark: GRAN HABANO

DECLARATION

I, Karl R. Pease, of 195 Eastern Avenue, Fall River, Massachusetts, pursuant to 28 U.S.C. § 1746, declares and says:

1. I have been smoking premium hand rolled cigars since 1999. Cigars come in many shapes and sizes and are of many flavor profiles. I like to smoke cigars with a flavor profile between medium and full.

2. Since 2005, I have been buying the GRAN HABANO cigar at CB Perkins Tobacconist and other fine cigar retailers.

3. The first time I tried the GRAN HABANO cigar was in 2005. The reasons I continue to buy it is because their value and consistent quality.

4. The first time I heard or read of the GRAN HABANO cigar was in 2005 when it was recommended to me by a close friend.

5. I am aware there are a lot of brands of cigars in the marketplace with Cuba-related names that are made from Cuban-seed tobacco that is grown, cultivated and made in countries around the world. These cigars have been in the marketplace for many decades. After the Cuban Revolution and cigar manufacturers fled Cuba. Due to the widespread sale in the marketplace of cigars made from Cuban-seed tobacco, I have grown accustomed over the many years to

recognizing that cigars sold under Cuba-related names or brands that “evoke” the Cuban heritage and Cuban history of cigar making, but do not presently originate in Cuba.

6. GRAN HABANO cigars cost between \$5 to \$9 per stick.

7. I am male and am highly educated about cigars. I am always looking for specific cigar brands. I usually seek the advice of my friends, the cigar store clerks or read about new and/or recommended cigar brands reviewed in cigar magazines such as *Cigar Aficionado* and *Smoke*. I am very careful and particular in the buying of my cigars.

8. My background is second generation Italian American. I am not a native Spanish speaker.

9. I am aware of the Cuban embargo by the United States and know that it is impossible to buy Cuban cigars in the United States.

10. Last year I bought approximately 90 GRAN HABANO Cigars. I knew the history of the cigar, where it was grown, and the tobacco blend it contained before I bought it. I know that GRAN HABANO cigars do not come from Cuba.

11. I consider myself fairly sophisticated in regards to buying cigars. I have been buying cigars for some time and read a lot about the different ones that are coming to market and their ratings. I have also taken some courses and been to the tobacco growing regions of Connecticut and the tobacco growing and manufacturing regions of Honduras

12. I am very familiar with the plethora of cigar brands in the marketplace.

13. I buy GRAN HABANO because of its quality, high rating, and great reputation and overall value. Their flavor profile matches that of cigars costing much more.

14. The term “habano” in the GRAN HABANO brand has not been a material factor in my decision to purchase GRAN HABANO cigars. Rather, I have purchased GRAN

HABANO cigars because of a recommendation of a good friend in the beginning and continue because of their great value.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: August 4, 2014


**Karl R. Pease
195 Eastern Avenue
Fall River, MA 02723**

Exhibit E-1

**THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK EXAMINING OPERATION**

In re U.S. Trademark Application Serial No.: 77/129,912
Applicant: Santa Cruz Tobacco Co., Inc.
Examining Atty: David C. Reihner
Law Office: 111
Our Ref. No.: 130171.010100

Mark: GRAN HABANO

DECLARATION

John McAuley, pursuant to 28 U.S.C. § 1746, declares and says:

1. I am a long time cigar smoker, 25+ years. I choose my cigar by brand based on my opinion of their value and quality.
2. Since 2010, I have been buying the GRAN HABANO cigar at various cigar stores and events
3. The first time I tried the GRAN HABANO cigar was around 2010. The reasons I continue to buy it is because it is a solid cigar for a good value.
4. The first time I heard or read of the GRAN HABANO cigar was in 2010 in a cigar store.
5. I am aware there are a lot of brands of cigars in the marketplace with Cuba-related names that are made from Cuban-seed tobacco that is grown, cultivated and made in countries around the world. These cigars have been in the marketplace for many decades since the Cuban Revolution and cigar manufacturers fled Cuba. Due to the widespread sale in the marketplace of cigars made from Cuban-seed tobacco, I have grown accustomed over the many decades to recognizing that cigars sold under Cuba-related names or brands that "evoke" the Cuban heritage and Cuban history of cigar making, but may not presently originate in Cuba.

6. GRAN HABANO cigars cost \$7.00- \$9.00

7. I am male and highly educated and I am always looking for specific cigar brands. I usually seek the advice of the cigar store clerks or read about new and/or recommended cigar brands reviewed in cigar magazines such as *Cigar Aficionado* and *Smoke*. I am very careful and particular in the buying of my cigars.

8. My background is American. I am not a native Spanish speaker.

9. I am aware of the Cuban embargo by the United States and know that it is impossible to get Cuban cigars in the United States.

10. Last year I bought 25-50 GRAN HABANO Cigars. I knew the history of the cigar, where it was grown, and the tobacco blend it contained before I bought it. I know that GRAN HABANO cigars do not come from Cuba.

11. I consider myself fairly sophisticated in regards to buying cigars. I have been buying cigars for some time and read a lot about the different ones that are coming out and their ratings. I have also taken some courses.

12. I am very familiar with the plethora of cigar brands in the marketplace.

13. I buy GRAN HABANO because of its quality, high rating, and great reputation

14. The term "habano" in the GRAN HABANO brand has not been a material factor in my decision to purchase GRAN HABANO cigars. Rather, I have purchased GRAN HABANO cigars because of their quality and value.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: August 4th, 2014

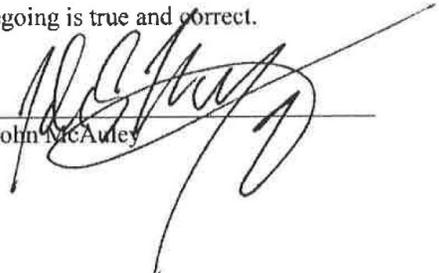

John McAuley

Exhibit E-2

**THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK EXAMINING OPERATION**

In re U.S. Trademark Application Serial No.: 77/129,912
Applicant: Santa Cruz Tobacco Co., Inc.
Examining Atty: David C. Reihner
Law Office: 111
Our Ref. No.: 130171.010100

Mark: GRAN HABANO

DECLARATION

Gary M. Stous, pursuant to 28 U.S.C. § 1746, declares and says:

1. I am a ten year cigar smoker. I look for well made cigars that are readily available to me.
2. Since 2007, I have been buying the GRAN HABANO cigar from local cigar shops in Topeka, KS and the Kansas City Metro area.
3. The first time I tried the GRAN HABANO cigar was in 2007. The reasons I continue to buy it is because of great tasting cigar for the money. Also respect what Mr. Rico has done with the brand
4. The first time I heard or read of the GRAN HABANO cigar was in 2007 in Churchill's in Topeka, KS that was featuring one of their cigars as a cigar of the month.
5. I am aware there are a lot of brands of cigars in the marketplace with Cuba-related names that are made from Cuban-seed tobacco that is grown, cultivated and made in countries around the world. These cigars have been in the marketplace for many decades since the Cuban Revolution and cigar manufacturers fled Cuba. Due to the widespread sale in the marketplace of cigars made from Cuban-seed tobacco, I have grown accustomed over the many decades to

recognizing that cigars sold under Cuba-related names or brands that “evoke” the Cuban heritage and Cuban history of cigar making, but may not presently originate in Cuba.

6. GRAN HABANO cigars cost \$6-\$10.

7. I am a male and highly educated and I am always looking for specific cigar brands. I usually seek the advice of the cigar store clerks or read about new and/or recommended cigar brands reviewed in cigar magazines such as *Cigar Aficionado* and *Smoke*. I am very careful and particular in the buying of my cigars.

8. My background is Caucasian American. I am not a native Spanish speaker.

9. I am aware of the Cuban embargo by the United States and know that it is impossible to get Cuban cigars in the United States.

10. Last year I bought approx 30 GRAN HABANO Cigars. I knew the history of the cigar, where it was grown, and the tobacco blend it contained before I bought it. I know that GRAN HABANO cigars do not come from Cuba.

11. I consider myself fairly sophisticated in regards to buying cigars. I have been buying cigars for some time and read a lot about the different ones that are coming out and their ratings. I have also taken some courses.

12. I am very familiar with the plethora of cigar brands in the marketplace.

13. I buy GRAN HABANO because of its quality, high rating, and great reputation and quite simply, they appeal to my pallet.

14. The term “habano” in the GRAN HABANO brand has not been a material factor in my decision to purchase GRAN HABANO cigars. Rather, I have purchased GRAN HABANO cigars because of their specific taste and well made construction. I have never had a bad cigar from Gran Habano and recommend them to those that ask for my opinion.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: August 4, 2014


Gary M Stouts

Exhibit E-3

**THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK EXAMINING OPERATION**

In re U.S. Trademark Application Serial No.: 77/129,912
Applicant: Santa Cruz Tobacco Co., Inc.
Examining Atty: David C. Reihner
Law Office: 111
Our Ref. No.: 130171.010100

Mark: GRAN HABANO

DECLARATION

Gregory B. Roche, pursuant to 28 U.S.C. § 1746, declares and says:

1. I am a cigar smoker for over 15 years. I have a broad spectrum of the types of cigars I smoke. I consider myself collector of fine cigars and certainly enjoy the choices that are out there.

2. I would estimate I have been smoking GRAN HABANO cigars for over 5 years, I have been buying the GRAN HABANO cigar at local cigar stores and on-line.

3. The first time I tried the GRAN HABANO cigar was perhaps in 2009. The reasons I continue to buy it is because it is a quality manufactured cigar for a great price break and they continue to upgrade their lines and offer a wide variety.

4. The first time I heard or read of the GRAN HABANO cigar was in 2009 from a friend who thought I should try one, have been hooked ever since.

5. I am aware there are a lot of brands of cigars in the marketplace with Cuba-related names that are made from Cuban-seed tobacco that is grown, cultivated and made in countries around the world. These cigars have been in the marketplace for many decades since the Cuban Revolution and cigar manufacturers fled Cuba. Due to the widespread sale in the marketplace of cigars made from Cuban-seed tobacco, I have grown accustomed over the many decades to

recognizing that cigars sold under Cuba-related names or brands that “evoke” the Cuban heritage and Cuban history of cigar making, but may not presently originate in Cuba.

6. GRAN HABANO cigars cost (\$5-\$8/stick).

7. I am a male and highly educated and I am always looking for specific cigar brands. I usually seek the advice of the cigar store clerks or read about new and/or recommended cigar brands reviewed in cigar magazines such as *Cigar Aficionado* and *Smoke*. I am very careful and particular in the buying of my cigars.

8. My background is American. I am not a native Spanish speaker.

9. I am aware of the Cuban embargo by the United States and know that it is impossible to get Cuban cigars in the United States.

10. Last year I bought (100+) GRAN HABANO Cigars. I knew the history of the cigar, where it was grown, and the tobacco blend it contained before I bought it. I know that GRAN HABANO cigars do not come from Cuba.

11. I consider myself fairly sophisticated in regards to buying cigars. I have been buying cigars for some time and read a lot about the different ones that are coming out and their ratings. I have also taken some courses.

12. I am very familiar with the plethora of cigar brands in the marketplace.

13. I buy GRAN HABANO because of its quality, high rating, great reputation, and all around consistent and great tasting cigar.

14. The term “habano” in the GRAN HABANO brand has not been a material factor in my decision to purchase GRAN HABANO cigars. Rather, I have purchased GRAN HABANO cigars because of their quality & consistency.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: August 5, 2014

A handwritten signature in black ink, appearing to read "B. Paul", is written over a horizontal line. The signature is cursive and includes a large, stylized initial letter.

Exhibit E-4

**THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK EXAMINING OPERATION**

In re U.S. Trademark Application Serial No.: 77/129,912
Applicant: Santa Cruz Tobacco Co., Inc.
Examining Atty: David C. Reihner
Law Office: 111
Our Ref. No.: 130171.010100

Mark: GRAN HABANO

DECLARATION

(Charles R. Lax), pursuant to 28 U.S.C. § 1746, declares and says:

1. I am 55 years old and have been smoking cigars since my college days so for about 35 years. I enjoy cigars that are well blended and get to know the manufacturers and usually have the honor of meeting the blenders or owners at various cigar events I attend that are usually hosted by Cigar retailers. I enjoy cigars that are bold and spicy. I purchase mild cigars for my friends and colleagues who look to me for recommendations for the few cigars that they smoke every year.

2. Since 2002, I have been buying the GRAN HABANO cigar from local retailers and sometimes from mail order retailers.

3. The first time I tried the GRAN HABANO cigar was in 2002 as I was introduced to them by one of their manufacturer representatives at a local Cigar retailer. The reasons I continue to buy it is because the cigars are extremely value priced and their Connecticut wrapped cigar is preferred by my casual smoking friends.

4. The first time I heard or read of the GRAN HABANO cigar was in 2002 in CB Perkins Cigar retailer in Canton, MA through the manufacturer representative, Edgar Dakermanji.

5. I am aware there are a lot of brands of cigars in the marketplace with Cuba-related names that are made from Cuban-seed tobacco that is grown, cultivated and made in countries around the world. These cigars have been in the marketplace for many decades since the Cuban Revolution and cigar manufacturers fled Cuba. Due to the widespread sale in the marketplace of cigars made from Cuban-seed tobacco, I have grown accustomed over the many decades to recognizing that cigars sold under Cuba-related names or brands that “evoke” the Cuban heritage and Cuban history of cigar making, but may not presently originate in Cuba.

6. GRAN HABANO cigars cost usually less than \$8 per stick.

7. I am male and am a college graduate and lecture college level classes at top business schools and I am always looking for specific cigar brands. I usually seek the advice of the cigar store clerks or read about new and/or recommended cigar brands reviewed in cigar magazines such as *Cigar Aficionad* which I subscribe to and purchase subscriptions annually for friends. I am very careful and particular in the buying of my cigars.

8. My background is American (5th and 3rd generation). I am not a native Spanish speaker.

9. I am aware of the Cuban embargo by the United States and know that it is impossible to get Cuban cigars in the United States.

10. Last year I bought 50 GRAN HABANO Cigars. I knew the history of the cigar, where it was grown, and the tobacco blend it contained before I bought it. I know that GRAN HABANO cigars do not come from Cuba.

11. Another personal story might be interesting in that it should shed light on the reality of the general use of the word Habano or Cubano. Upon the return to the USA from a Canadian hunting trip in May of 2013, I was stopped by USA Customs in Vermont with 7 other

hunters who were travelling with me. The USA Customs wanted to review the paper work associated with the transport of our shot guns used on our Canadian Snow Geese hunting trip and our transport of one champion Golden Retriever "Jackson". They also inspected my "traveldor" which contained cigars that I brought with me to Canada and subsequently returned to the USA with cigars yet to be smoked. The Customs officer in full view of her colleagues and my 7 hunting companions which included three practicing lawyers (members of the court) wished to confiscate one of my cigars with the brand "La Gloria Cubano" (Series R) which she stipulated was a "Cuban" manufactured Cigar. "Cubano meaning Cuban of course" she stated. Her USA Customs colleague immediately retrieved my "La Gloria Cubano" Cigar from her hand and returned it to me, laughingly stating that "it was made in the Dominican Republic by General Cigar" which is in fact true. The three lawyers travelling with me will support this story if needed. The use of a city name or country name in conjunction with a cigar name or brand does not signify to an educated cigar connoisseur the country of origin as illustrated in this true story.

12. I consider myself fairly sophisticated in regards to buying cigars. I have been buying cigars for over thirty years and read a lot about the different ones that are coming out and their ratings. I have attended Cigar events including the Big Smoke and Cigar Fest. I have also visited cigar factories in Honduras and the Dominican Republic.

13. I am very familiar with the plethora of cigar brands in the marketplace.

14. I buy GRAN HABANO brand cigars because of its quality, high rating, and great reputation and the excellent Connecticut shade wrapper on these cigars that my friends prefer..

15. The term "habano" in the GRAN HABANO brand has not been a material factor in my decision to purchase GRAN HABANO cigars. Rather, I have purchased GRAN HABANO cigars because of their excellent blend and low price.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: August 5, 2014

Charles R. Lax
65 William Street, #330
Wellesley, MA 02481

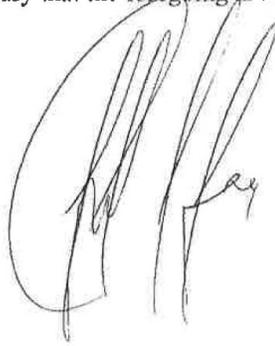
A handwritten signature in black ink, appearing to read 'C. R. Lax', is written over the typed name and address. The signature is fluid and cursive, with the first name 'Charles' being particularly prominent.

Exhibit E-5

**THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK EXAMINING OPERATION**

In re U.S. Trademark Application Serial No.: 77/129,912
Applicant: Santa Cruz Tobacco Co., Inc.
Examining Atty: David C. Reihner
Law Office: 111
Our Ref. No.: 130171.010100

Mark: GRAN HABANO

DECLARATION

Louis Holzknecht pursuant to 28 U.S.C. § 1746, declares and says:

1. I am a cigar smoker for 10 years. **Flavor** is the only reason I choose to buy a particular cigar.
2. Since 2011, I have been buying the GRAN HABANO cigar in shops and online.
3. The first time I tried the GRAN HABANO cigar was in 2011. The reasons I continue to buy it is because I like the flavor of the blend.
4. The first time I heard or read of the GRAN HABANO cigar was in 2006 in a store.).
5. I am aware there are a lot of brands of cigars in the marketplace with Cuba-related names that are made from Cuban-seed tobacco that is grown, cultivated and made in countries around the world. These cigars have been in the marketplace for many decades since the Cuban Revolution and cigar manufacturers fled Cuba. Due to the widespread sale in the marketplace of cigars made from Cuban-seed tobacco, I have grown accustomed over the many decades to recognizing that cigars sold under Cuba-related names or brands that “evoke” the Cuban heritage and Cuban history of cigar making, but may not presently originate in Cuba.
6. GRAN HABANO cigars cost \$5-10.

7. I am male and highly educated and I am always looking for specific cigar brands. I usually seek the advice of the cigar store clerks or read about new and/or recommended cigar brands reviewed in cigar magazines such as *Cigar Aficionado* and *Smoke*. I am very careful and particular in the buying of my cigars.

8. My background is American. I am not a native Spanish speaker.

9. I am aware of the Cuban embargo by the United States and know that it is impossible to get Cuban cigars in the United States.

10. Last year I bought about 65 GRAN HABANO Cigars. I knew the history of the cigar, where it was grown, and the tobacco blend it contained before I bought it. I know that GRAN HABANO cigars **do not** come from Cuba.

11. I consider myself fairly sophisticated in regards to buying cigars. I have been buying cigars for some time and read a lot about the different ones that are coming out and their ratings. I have also taken some courses.

12. I am very familiar with the plethora of cigar brands in the marketplace.

13. I buy GRAN HABANO because of its quality, high rating, and great reputation and **flavor**.

14. The term "habano" in the GRAN HABANO brand **has not** been a material factor in my decision to purchase GRAN HABANO cigars. Rather, I have purchased GRAN HABANO cigars because of their **flavor**.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: August 6, 2014

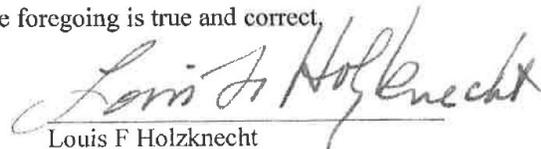

Louis F Holzknacht

Exhibit E-6

**THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK EXAMINING OPERATION**

In re U.S. Trademark Application Serial No.: 77/129,912
Applicant: Santa Cruz Tobacco Co., Inc.
Examining Atty: David C. Reihner
Law Office: 111
Our Ref. No.: 130171.010100

Mark: GRAN HABANO

DECLARATION

Michael Preston, pursuant to 28 U.S.C. § 1746, declares and says:

1. I am a cigar smoke of roughly 15 years. I smoke cigars simply based on taste and quality, and do not smoke out of addiction or the thought a cigar is Cuban.
2. Since 2005, I have been buying the GRAN HABANO cigar online and in Brick and Mortar shops.
3. The first time I tried the GRAN HABANO cigar was in 2005. The reasons I continue to buy it is because they are well made, and very tasty cigars.
4. The first time I heard or read of the GRAN HABANO cigar was in 2000 in Cigar Aficianado magazine.
5. I am aware there are a lot of brands of cigars in the marketplace with Cuba-related names that are made from Cuban-seed tobacco that is grown, cultivated and made in countries around the world. These cigars have been in the marketplace for many decades since the Cuban Revolution and cigar manufacturers fled Cuba. Due to the widespread sale in the marketplace of cigars made from Cuban-seed tobacco, I have grown accustomed over the many decades to recognizing that cigars sold under Cuba-related names or brands that "evoke" the Cuban heritage and Cuban history of cigar making, but may not presently originate in Cuba.

6. GRAN HABANO cigars cost \$2 - \$15 per single cigar.
7. I am male and highly educated and I am always looking for specific cigar brands. I usually seek the advice of the cigar store clerks or read about new and/or recommended cigar brands reviewed in cigar magazines such as *Cigar Aficionado* and *Smoke*. I am very careful and particular in the buying of my cigars.
8. My background is American. I am not a native Spanish speaker.
9. I am aware of the Cuban embargo by the United States and know that it is impossible to get Cuban cigars in the United States.
10. Last year I bought 20 GRAN HABANO Cigars. I knew the history of the cigar, where it was grown, and the tobacco blend it contained before I bought it. I know that GRAN HABANO cigars do not come from Cuba.
11. I consider myself fairly sophisticated in regards to buying cigars. I have been buying cigars for some time and read a lot about the different ones that are coming out and their ratings. I have also taken some courses.
12. I am very familiar with the plethora of cigar brands in the marketplace.
13. I buy GRAN HABANO because of its quality, high rating, and great reputation.
14. The term "habano" in the GRAN HABANO brand has not been a material factor in my decision to purchase GRAN HABANO cigars. Rather, I have purchased GRAN HABANO cigars because of their quality, reputation, and taste.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: August 8, 2014

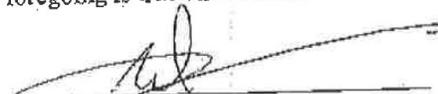

(Michael Preston)

Exhibit E-7

**THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK EXAMINING OPERATION**

In re U.S. Trademark Application Serial No.: 77/129,912
Applicant: Santa Cruz Tobacco Co., Inc.
Examining Atty: David C. Reihner
Law Office: 111
Our Ref. No.: 130171.010100

Mark: GRAN HABANO

DECLARATION

Scott Almsberger pursuant to 28 U.S.C. § 1746, declares and says:

1. I have been a cigar smoker for over 20 years. I look for a good value when choosing a cigar. I also look at ratings and recommendations
2. Since 2000, I have been buying the GRAN HABANO cigar from retailers in the United States.
3. The first time I tried the GRAN HABANO cigar was in 2000. The reasons I continue to buy it is because it is a great cigar at a great price.
4. The first time I heard or read of the GRAN HABANO cigar was in 2000 in one of the cigar publications.
5. I am aware there are a lot of brands of cigars in the marketplace with Cuba-related names that are made from Cuban-seed tobacco that is grown, cultivated and made in countries around the world. These cigars have been in the marketplace for many decades since the Cuban Revolution and cigar manufacturers fled Cuba. Due to the widespread sale in the marketplace of cigars made from Cuban-seed tobacco, I have grown accustomed over the many decades to recognizing that cigars sold under Cuba-related names or brands that "evoke" the Cuban heritage and Cuban history of cigar making, but may not presently originate in Cuba.

6. GRAN HABANO cigars cost from \$5.00-\$10.00.

7. I am male and highly educated and I am always looking for specific cigar brands. I usually seek the advice of the cigar store clerks or read about new and/or recommended cigar brands reviewed in cigar magazines such as *Cigar Aficionado* and *Smoke*. I am very careful and particular in the buying of my cigars.

8. My background is American I am not a native Spanish speaker.

9. I am aware of the Cuban embargo by the United States and know that it is impossible to get Cuban cigars in the United States.

10. Last year I bought 40 GRAN HABANO Cigars. I knew the history of the cigar, where it was grown, and the tobacco blend it contained before I bought it. I know that GRAN HABANO cigars do not come from Cuba.

11. I consider myself fairly sophisticated in regards to buying cigars. I have been buying cigars for some time and read a lot about the different ones that are coming out and their ratings. I have also taken some courses.

12. I am very familiar with the plethora of cigar brands in the marketplace.

13. I buy GRAN HABANO because of its quality, high rating, and great reputation and the great price.

14. The term "habano" in the GRAN HABANO brand has not been a material factor in my decision to purchase GRAN HABANO cigars. Rather, I have purchased GRAN HABANO cigars because of their value.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: August 4, 2014

Scott D. Almsberger



Exhibit E-8

**THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK EXAMINING OPERATION**

In re U.S. Trademark Application Serial No.: 77/129,912
Applicant: Santa Cruz Tobacco Co., Inc.
Examining Atty: David C. Reihner
Law Office: 111
Our Ref. No.: 130171.010100

Mark: GRAN HABANO

DECLARATION

Thomas Sullivan, pursuant to 28 U.S.C. § 1746, declares and says:

1. I have been enjoying premium cigars for 35 years. I prefer premium hand rolled cigars from the Countries of Honduras and Nicaragua.

2. Since 2008, I have been buying the GRAN HABANO cigars from my local Tobacconists .

3. The first time I tried the GRAN HABANO cigar was in 2004. The reasons I continue to buy it is because its an excellent product especially for the price.

4. The first time I heard or read of the GRAN HABANO cigar was in 2004 from a Tobacconists friend.

5. I am aware there are a lot of brands of cigars in the marketplace with Cuba-related names that are made from Cuban-seed tobacco that is grown, cultivated and made in countries around the world. These cigars have been in the marketplace for many decades since the Cuban Revolution and cigar manufacturers fled Cuba. Due to the widespread sale in the marketplace of cigars made from Cuban-seed tobacco, I have grown accustomed over the many decades to recognizing that cigars sold under Cuba-related names or brands that "evoke" the Cuban heritage and Cuban history of cigar making, but may not presently originate in Cuba.

6. GRAN HABANO cigars generally cost me \$5 to \$6 a piece.

7. I am male and highly educated and I am always looking for specific cigar brands. I usually seek the advice of the cigar store clerks or read about new and/or recommended cigar brands reviewed in cigar magazines such as *Cigar Aficionado* and *Smoke*. I am very careful and particular in the buying of my cigars.

8. I am not a native Spanish speaker.

9. I am aware of the Cuban embargo by the United States and know that it is impossible to get Cuban cigars in the United States.

10. Last year I bought 50 to 100 GRAN HABANO Cigars. I knew the history of the cigar, where it was grown, and the tobacco blend it contained before I bought it. I know that GRAN HABANO cigars do not come from Cuba.

11. I consider myself fairly sophisticated in regards to buying cigars. I have been buying cigars for some time and read a lot about the different ones that are coming out and their ratings. I have also taken some courses.

12. I am very familiar with the plethora of cigar brands in the marketplace.

13. I buy GRAN HABANO because of its quality, high rating, and great reputation and reasonable pricing.

14. The term "habano" in the GRAN HABANO brand has not been a material factor in my decision to purchase GRAN HABANO cigars. Rather, I have purchased GRAN HABANO cigars because of their quality, price and availability.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: August 5, 2014

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Exhibit E-9

**THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK EXAMINING OPERATION**

In re U.S. Trademark Application Serial No.: 77/129,912
Applicant: Santa Cruz Tobacco Co., Inc.
Examining Atty: David C. Reihner
Law Office: 111
Our Ref. No.: 130171.010100

Mark: GRAN HABANO

DECLARATION

Johnathon G. Myers, pursuant to 28 U.S.C. § 1746, declares and says:

1. I am a cigar aficionado, having smoked cigars for eighteen years. I prefer Dominican, Nicaraguan, American, and Honduran cigars.

2. Since 2011, I have been buying the GRAN HABANO cigar from USA-based Brick and Mortar tobacconists and USA-based online tobacconists.

3. The first time I tried the GRAN HABANO cigar was in 2011. The reasons I continue to buy it is because of great price, superior quality, high rating, great reputation, refined taste, amazing construction, and the fact that it is made in one of my preferred cigar manufacturing locations (mentioned in Paragraph 1).

4. The first time I heard or read of the GRAN HABANO cigar was in 2011 in an online cigar catalog for a USA-based online tobacconist.

5. I am aware there are a lot of brands of cigars in the marketplace with Cuba-related names that are made from Cuban-seed tobacco that is grown, cultivated and made in countries around the world. These cigars have been in the marketplace for many decades since the Cuban Revolution and cigar manufacturers fled Cuba. Due to the widespread sale in the marketplace of cigars made from Cuban-seed tobacco, I have grown accustomed over the many decades to

recognizing that cigars sold under Cuba-related names or brands that “evoke” the Cuban heritage and Cuban history of cigar making, but may not presently originate in Cuba.

6. GRAN HABANO cigars cost from \$3.00 to \$12.00 per cigar.

7. I am male and highly educated and I am always looking for specific cigar brands. I usually seek the advice of the cigar store clerks or read about new and/or recommended cigar brands reviewed in cigar magazines such as *Cigar Aficionado*, *Cigar Journal*, *Cigar Press*, *Cigars & Spirits*, and *Smoke*. I am very careful and particular in the buying of my cigars.

8. My background is American. I am not a native Spanish speaker.

9. I am aware of the Cuban embargo by the United States and know that it is impossible to get Cuban cigars in the United States.

10. Last year I bought 163 GRAN HABANO Cigars. I knew the history of the cigar, where it was grown, and the tobacco blend it contained before I bought it. I know that GRAN HABANO cigars do not come from Cuba.

11. I consider myself fairly sophisticated in regards to buying cigars. I have been buying cigars for some time and read a lot about the different ones that are coming out and their ratings. I have also taken some courses.

12. I am very familiar with the plethora of cigar brands in the marketplace.

13. I purchase GRAN HABANO because of its superior quality, high rating, great reputation, refined taste, amazing construction, and the fact that it is made in one of my preferred cigar manufacturing locations (mentioned in Paragraph 1).

14. The term “habano” in the GRAN HABANO brand has not been a material factor in my decision to purchase GRAN HABANO cigars. Rather, I have purchased GRAN HABANO cigars because of their superior quality, high rating, great reputation, refined taste,

amazing construction, and the fact that it is made in one of my preferred cigar manufacturing locations (mentioned in Paragraph 1).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: August 6, 2014



Johnathon G. Myers

Exhibit E-10

**THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK EXAMINING OPERATION**

In re U.S. Trademark Application Serial No.: 77/129,912
Applicant: Santa Cruz Tobacco Co., Inc.
Examining Atty: David C. Reihner
Law Office: 111
Our Ref. No.: 130171.010100

Mark: GRAN HABANO

DECLARATION

Steven K. Webb, pursuant to 28 U.S.C. § 1746, declares and says:

1. I am a six year smoker of fine cigars. I enjoy a good cigar about once a week, and rely on recommendations of friends and various online and printed sources.
2. Since 2013, I have been buying the GRAN HABANO cigar both online and at traditional brick-and-mortar stores.
3. The first time I tried the GRAN HABANO cigar was in 2013. The reasons I continue to buy it is because I enjoy the flavor and aroma.
4. The first time I heard or read of the GRAN HABANO cigar was in 2013 from a friend.
5. I am aware there are a lot of brands of cigars in the marketplace with Cuba-related names that are made from Cuban-seed tobacco that is grown, cultivated and made in countries around the world. These cigars have been in the marketplace for many decades since the Cuban Revolution and cigar manufacturers fled Cuba. Due to the widespread sale in the marketplace of cigars made from Cuban-seed tobacco, I have grown accustomed over the years to recognizing that cigars sold under Cuba-related names or

brands that “evoke” the Cuban heritage and Cuban history of cigar making, but may not presently originate in Cuba.

6. GRAN HABANO cigars range in price from about \$2.50 to about \$7.00 when I buy them online.
7. I am male and highly educated and I am always looking for specific cigar brands. I usually seek the advice of the cigar store clerks or read about new and/or recommended cigar brands reviewed in cigar magazines such as *Cigar Aficionado* and *Smoke*. I am very careful and particular in the buying of my cigars.
8. My background is American. I am not a native Spanish speaker.
9. I am aware of the Cuban embargo by the United States and know that it is impossible to get Cuban cigars in the United States.
10. Last year I bought roughly six GRAN HABANO Cigars. I knew the history of the cigar, where it was grown, and the tobacco blend it contained before I bought it. I know that GRAN HABANO cigars do not come from Cuba.
11. I consider myself fairly sophisticated in regards to buying cigars. I have been buying cigars for some time and read a lot about the different ones that are coming out and their ratings. I have also taken some courses.
12. I am very familiar with the plethora of cigar brands in the marketplace.
13. I buy GRAN HABANO because of its quality, high rating, and great reputation.
14. The term “habano” in the GRAN HABANO brand has not been a material factor in my decision to purchase GRAN HABANO cigars. Rather, I have purchased GRAN HABANO cigars because of their flavor and aroma.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: August 6, 2014



Steven K. Webb

Exhibit E-11

**THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK EXAMINING OPERATION**

In re U.S. Trademark Application Serial No.: 77/129,912
Applicant: Santa Cruz Tobacco Co., Inc.
Examining Atty: David C. Reihner
Law Office: 111
Our Ref. No.: 130171.010100

Mark: GRAN HABANO

DECLARATION

David Diaz, pursuant to 28 U.S.C. § 1746, declares and says:

1. I am a long-time smoker of premium cigars. I have smoked cigars from Nicaragua, Peru, Costa Rica, Honduras, and the Dominican Republic. I enjoy the complexity that is provided by the blending of tobaccos from these different countries.

2. Since 2005, I have been buying GRAN HABANO cigars through my local retailers and from online retailers. I have even visited the small GRAN HABANO factory in Miami. I have always enjoyed this brand of cigars because the company is family-owned and George Rico has always impressed me as a very down to earth person who is running a boutique brand with great products and great customer service.

3. I am aware there are a lot of brands of cigars in the marketplace with Cuba-related names that are made from Cuban-seed tobacco that is grown, cultivated and made in countries around the world. These cigars have been in the marketplace for many decades since the Cuban Revolution and cigar manufacturers fled Cuba. Due to the widespread sale in the marketplace of cigars made from Cuban-seed tobacco, I have grown accustomed over the many decades to recognizing that cigars sold under Cuba-related names or brands that “evoke” the Cuban heritage and Cuban history of cigar making, but may not presently originate in Cuba.

4. I usually seek the advice of the cigar store clerks or read about new and/or recommended cigar brands reviewed in cigar blogs and magazines. Last year I bought approximately 70 GRAN HABANO Cigars. I understand the history of the cigar, where the tobacco was grown, and the tobacco blend it contained before I bought it. I know that GRAN HABANO cigars do not come from Cuba nor do they contain Cuban tobacco.

5. I am aware of the Cuban embargo by the United States and know that it is illegal to get Cuban cigars in the United States.

6. I consider myself fairly sophisticated in regards to buying cigars. I have been buying cigars for some time and read a lot about the different ones that are coming out and their reviews and ratings. I have also taken some courses.

7. I am very familiar with the plethora of cigar brands in the marketplace.

8. The term "habano" in the GRAN HABANO brand has not been a material factor in my decision to purchase GRAN HABANO cigars.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: August 6, 2014

A handwritten signature in black ink, appearing to read "David P. Diaz", written in a cursive style.

David P. Diaz