

BULKY DOCUMENTS

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S.A Motion for Summary

Part 3 **of** 4

THE CONNOISSEUR'S GUIDE
to

HAVANA CIGARS



165 HAVANA CIGARS
from 25 brands
selected and presented by

Gerard Père et Fils

SOLAR



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FOREWORD

I started smoking cigars when I was 19 years old. They were not Cuban in those days but cheap Americans. They cost five cents apiece. But having become the Commanding Officer of a US Naval Submarine Chaser in the war against Japan at such a young age, I had to convince my crew and other officers, all older than I was, that I was an important and serious person. I used the cigar to make that point.

It was not until I was 30 that I finally found Cuban cigars. My fellow workers at a San Francisco newspaper hated the smell of the cigars I was smoking at that time and gave me a present of \$ 50 to buy better cigars. I found the Cubans and since then, I have never abandoned them.

A lot of people ask me why I am so committed to Cuban cigars. Why don't I smoke cigars coming from the Dominican Republic, or Honduras, or Nicaragua, or the Canary Islands. I do not deny that some of those cigars are very good. But the Cuban cigar, particularly the top level of Cuban cigars, are in another world. There is something special about Cuban tobacco and the way their cigars are made. I compare it to wine. The vineyards of some of the Bordeaux and Burgundy wines in France cannot be matched anywhere in the world. They age beautifully. So do Cuban cigars. That is not to say that there are lower-class Cuban cigars as well as lower-class wines. But, at the high levels, the Cuban cigars and the Bordeaux and Burgundy wines reach a rich quality that cannot be duplicated.

There is a controversy in the world about smoking. Many countries are making it very difficult. Restaurants, airports, hotel lobbies, work areas are banned from smoking. In some places, the areas are divided between smoking and non-smoking zones. What stuns me occasionally in the smoking zones is that cigarette smoking is allowed, but not cigar smoking. People simply do not understand that cigarettes are filled with chemical products while Cuban cigars are fresh and pure. So those who stand up for the Cuban cigar, as I have most of my life, have to continually stand up for our rights. How life has changed. I remember when the Concorde was first launched in France and Great Britain to fly to New York, passengers were given excellent Cuban cigars after dinner to smoke on the plane. Now no cigars, and cigar smoking forbidden.

But that will not stop me! Particularly since I have established warm relations with a company which I consider the best world advisers in Cuban cigars today. I am referring to Gérard Père et Fils in Geneva. They are not only selling cigars, but they have revolutionized the world of Havana cigars. I start my day with a Lusitania or a Punch Double Corona. What a dream. I live with my wife who I love dearly. But second on my list of love is my Cuban cigars. That will always be my life!

Pierre Satin

the *chaveta* (a small two ends are used for the tobacco once the

d and only rolls one se length, girth and gory corresponds to easiest to the most

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d which is used to urn is composed of

length and flavour; h and thicker and *seco*, lighter with a its subtlety.

ter wrapper — half the two half leaves



veta, a mould for

for the binder. The filler is then made with the three kinds of tobacco placed flat on top of one another — and not twisted which would lead to poor burning of the cigar. The consistency of the production relies on his unerring movement — a little too much *seco* or *ligero* and the cigar's character will be altered. Not enough *volado* and the smoker's pleasure will be spoiled by poor burning.

Once the blend has been made, the *torcedor* rolls the filler in the binder, then in the outer wrapper which is secured by one single spot of resin — odourless and tasteless vegetal glue which in time dissolves naturally — by rolling up the leaf from the base of the cigar upwards so that the outer wrapper does not come undone. The rounded head of the cigar is also made from a small piece of the outer wrapper leaf.

The *torcedor* uses a large guillotine to trim off any pieces of outer wrapper and filler that stick out. Then using a scale that shows the ideal length and format of his product, he checks the cigar he has just made.

In fact *torcedores* rely more on confidence and know-how than checking against the scale, which is not really necessary for them. An experienced *torcedor* will produce up to one hundred Havanas a day without there being any detectable variations in weight or girth on the whole production line.

Without doubt this rapidity and precision ensures that the Havana cigar remains a product of craftsmanship. Certain brands have these days yielded to the temptation of mechanisation and it is undeniably detrimental to their quality. Machines can be designed to strip the leaves, prepare the filler and measure it correctly but a machine has never succeeded in rolling a cigar in an outer wrapper as thin as the ones used in the *Vuelta Abajo* by the *torcedores* of Pinar del Rio and Havana. Machine-made Havanas thus have thicker, rougher outer wrappers which inevitably alter their quality but which can withstand the mechanical processing.



Havana

CIGARS

Gerard Père et Fils



Gerard Père et Fils

Havana

CIGARS

*Photographs
Matthieu Prier*



To Sévan and his Grandfather

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Foreword

The Havana is more than a cigar, it is a world unto itself. A world of such richness that, as with all products catering to good taste and refined living, it requires some attention and culture to be fully appreciated.

This is why we decided to expand upon our previously published volume, *The Connoisseur's Guide to Havana Cigars*. Since this original guide dealt principally with the technical aspects of cigars, it seemed to us that the Havana deserved further homage – this time paid in particular to its incomparable aesthetic traits.

Our primary goal, therefore, was to give full attention to this aesthetic aspect of the Havana. As such, the chapters presenting the range of each brand of Havana offer the cigar enthusiast life-sized photographs of the cigars to study and admire.

Our second goal was to avoid technical jargon, making this volume as relevant and accessible to the neophyte as to the confirmed connoisseur. However, in our attempt to describe the evolution of a cigar's taste as it burns, we have had to resort to expressions such as "hay" for the first third of the cigar, "divine" for the second, and "slurry" for the last, as these are the metaphors currently used by Havanophiles.

Finally, let us emphasize that our evaluations concern only those cigars conserved with the utmost care, and especially those that have benefitted from optimal conditions of growth, maturation, and settling of quality.

And now, let us succumb to the inviting fragrances of our topic...



In Praise of Taste

One no longer says “smoke a cigar,” but rather “savor a Havana.” This expression represents more than a mere language nuance: it reflects the remarkable evolution of cigar connoisseurs in the last few years. Just as we have learned to pair food and wine by carefully matching the perfect vintage with a complementary meal, or perhaps with the mood of our guests – so should we treat the Havana. A Havana should be chosen as if in preparation for an honored ritual: it should be selected well in advance, with great consideration given to details such as the smoker’s mood, the timeframe permitted, and the environment in which it will be enjoyed... In short, cigar smoking has become a true gourmet experience – that is, an experience of curiosity, education, and contentment.

8

Like all oral experiences, smoking a Havana appeals to all the senses. Sight, firstly, allows us to appreciate the cigar’s amber hue as well as its quality and craftsmanship. Touch then evaluates the degrees of softness and smoothness that indicate the life of the cigar. Of course, the sense of smell comes into play by detecting woody, fruity, or spicy notes even before lighting, and fully savors these aromas during burning. Hearing also “savours” the cigar: the rustling of the embers that precedes the sound of the lighting. Finally, and most importantly, is taste – which when combined with a Havana produces a supremely pleasureable sensual encounter.

It seems that, in fact, the same gastronome who endeavored to better understand wines will inevitably venture into Havana territory, eventually discovering the innumerable riches of this world as well. Progressively, his tastes become more refined and diversified and he increasingly opts for aromas with more depth than before. Just as he once abandoned heavy wines, and those which were too tannic, he now expects from a Havana something more than power and warmth – more significantly, he makes selections based such subtleties as the time of day, the seasons, his own disposition... His palate has become a formidable instrument of appreciation that now allows him to taste the most delicate of nuances. He is simply no longer content with ordinary sensations lacking in complexity.

This is simply the story of the evolution of taste... Our grandmothers’ cuisine has been forever replaced by a lighter, more refined gastronomy; similarly, today’s Havana enthusiast appreciates other perfumes and other tastes than did yesterday’s aficionado. Where he used to prefer powerful, sharp flavors that left a weighty imprint, he now tends to favor robustness, smoothness, comfort, and opts for blossoming, woody perfumes. The appeal of the experience resides within its very capriciousness and fragility, traits which are, in fact, reflections of the Havana itself. As with master winemakers, a great cigar is the product of joint efforts, of

Cigar smoking has become a true gourmet experience – that is, an experience of curiosity, education and contentment.

THE HAVANA CIGAR

C U B A ' S F I N E S T



BY CHARLES DEL TODESCO
PHOTOGRAPHY BY PATRICK JANTET

BY CHARLES DEL TODESCO

PHOTOGRAPHY BY PATRICK JANTET

TRANSLATED BY JOHN O'TOOLE

THE HAVANA CIGAR

CUBAN BUSINESS

ABBEVILLE PRESS PUBLISHERS
NEW YORK LONDON PARIS

HAB00514

Sublime tobacco. . . .
Divine in hookas, glorious in a pipe,
When tipp'd with amber, mellow, rich and ripe:
Like other charmers, wooing the caress
More dazzlingly when daring in full dress:
Yet thy true lovers more admire by far
Thy naked beauties—Give me a cigar!

—Byron, *The Island II*, 19.

FRONT COVER: A WOODEN CIGAR MOLD HOLDING TEN "BONCHES,"
EACH ONE THE EVENTUAL CORE OF A HAVANA CIGAR
BACK COVER: THE HISTORIC PARTAGÁS BUILDING IN HAVANA
ENDPAPERS: ASSORTED HAVANA CIGAR BANDS

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I. CIGARS. II. CIGAR INDUSTRY—CUBA—HISTORY. I. TITLE.

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OVER THE CENTURIES, THE ISLAND OF CUBA HAS BEEN divided into five agricultural areas. At the far eastern end of the island lies the aptly named Oriente. It is here that Rodrigo de Xerez and Luis de Torres first caught sight of Taino Indians smoking cigars. In the center Remedios, or Vuelta Arriba, stretches over the provinces of Las Villas and Camagüey. Partidos is situated in the province of La Habana, while Semi Vuelta covers the central part of Pinar del Río, a province made up of pine lands in western Cuba.

The area of Vuelta Abajo, Cuba's fifth agricultural zone, is where Havana cigars are born, on the outskirts of the town of Pinar del Río. The unique fragrance of the leaves grown in this zone makes Vuelta Abajo the sole supplier of the capital's cigar manufacturers. Vuelta Abajo is subdivided into seven districts, El Llano (between San Luis and San Juan y Martínez), Lomas, Remates, Guánc, Mantua, Costa Sur, and Costa Norte. The best plantations, which are called

CULTIVATING A SINGULAR TOBACCO

vegas finas, lie between the communes of San Luis and San Juan y Martínez.

Over the reddish soil of the plains numerous streams have patiently deposited a layer of fertile silt. This sandy earth has been blended underground in a way that is unique to Cuba, perhaps the world. The soil's influence is such that each *vega* produces a different "vintage" tobacco, just as individual vineyards in France's Bordeaux region claim that each of their wines is absolutely unique. The Havana's excellence depends above all on the particular selection of *vegas* and the care taken by the *veguero*, or grower.

The quality of the seed used for planting tobacco is of capital importance in Cuba since its production and distribution are centralized and controlled by the state. Tobacco-growing enterprises hand over the whole of their output to seed banks that redistribute the seed free to the *vegueros* in order to preserve the uniqueness of each variety of tobacco. Seed is divided into four categories according to developmental phases of the different generations.

OPPOSITE

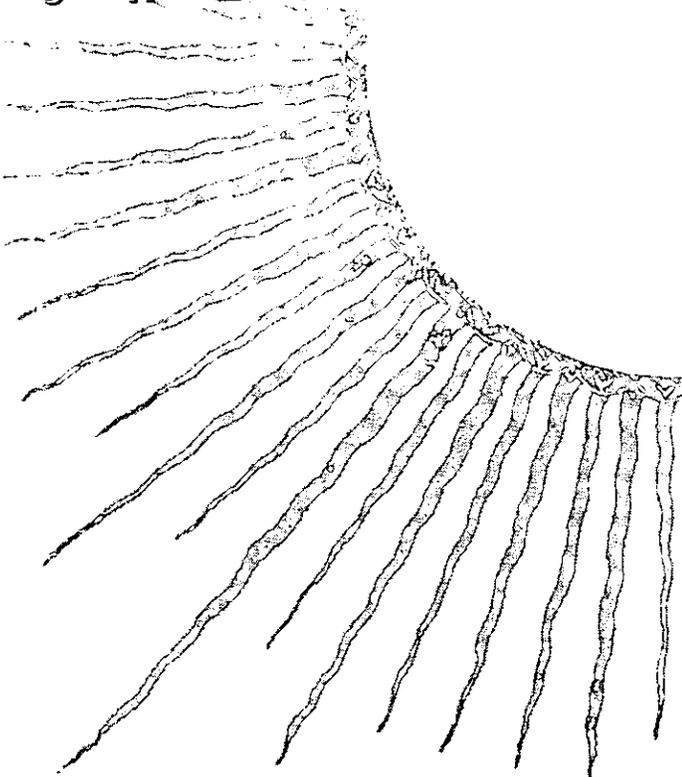
Accepting the hard task at hand, the veguero plants the seedlings one after another in the nourishing earth.

THE OLD HOUSES OF HAVANA TELL PASSERSBY OF ITS former splendor. The city's maze of streets and alleys offers a glimpse of a time of now-faded glory. Yet the Cuban capital is starting to spring back to life. Havana's historic neighborhoods have been declared part of the world's cultural heritage and are gradually recovering the grandeur of bygone days.

Of the forty magnificent prewar residences whose facades once proudly displayed prestigious names like Romeo y Julieta, Fonseca, Cabaña, Por Larrañaga, La Legimidad, and Calixto López, only nine cigar manufacturers remain, perpetuating the names of brands like Montecristo, Romeo y Julieta, Punch, Bolívar, Hoyo de Monterrey, and Partagas. These nine *fábricas de tabacos* hold out to us a way of traveling back in time.

One hundred and fifty years of tradition are sheltered behind the walls of the Partagas building. Here, as in the other *fábricas de tabacos*, the tobacco leaves begin the last

C R E A T I N G A C I G A R



leg of their journey, their final metamorphosis into the Havana cigar. Wrapper, binder, and filler—once again each type of leaf will be put through a distinct set of steps on the way to becoming a cigar. The first step is down in the building's storerooms, perfumed cellars that are the refuge of the world's greatest tobacco.

At 7 A.M. the *zafador*, seated on a wooden chair, a basket by his side, selects a hand of wrapper leaves and deftly unties the sheaves. Cautiously he separates the clusters, holding the tobacco leaves with their tips pointing down to avoid breaking or tearing those at the center. Next, to undo the individual sheaves, he places a hand on either side of a cluster and squeezes it lightly, then gently shakes it, and, with the base of the leaves held between his legs, peels them apart without opening the individual leaves. Finally he arranges the now unbound sheaves in a circle around his

OPPOSITE

A wooden board, a blade, and brown leaves: no smoke and mirrors here. It is only the torcedor's prestidigitation that lies behind the Havana's magic.

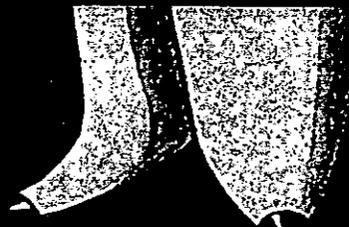
PAGES 80-81

The rezagadoras diligently classify the tobacco leaves by size and texture.

THE STORY OF THE HAVANA CIGAR



HABANOS



TEXT AND PHOTOGRAPHS BY NANCY STEIN



HABANOS

THE STORY OF THE HAVANA CIGAR

TEXT AND PHOTOGRAPHS BY
NANCY STOUT

RIZZOLI
NEW YORK

HAB00525



TO MARIA ELENA MARTÍN AND NURIA OQUENDO

I would like to warmly thank my friends, Cubaphiles Ron McGee, Jane Rubin, Mary Arda, Ned Sublette, and Ernesto Pujol for fanning spiritual fires; Dr. Alberto Bustamante, Luis Mejia, and Steve Ashley for their help in the early days of the project; my editor, David Morton; and all the people noted in the chapters.

N. S.

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CIP

Designed by Ingrid Castro

Printed and bound in Great Britain

Endpapers: Comandante Che Guevara knew the pleasure
of a good cigar. Photographed in 1961 during the early
years of the revolution. (Photograph by Raul Corrales)

Previous pages: This box of La Prueba cremas, manufactured
by B. Menendez y Hno. at Habana Street No. 906, in Old
Havana dates from the 1940s. (Collection: Tobacco
Museum, Havana)

HAB00526

FAMOUS FACTORIES TODAY

Partagás

Established 1843

Formerly known as Ramón Cifuentes, 1900

currently Francisco Pérez German

Industria No. 520 (between Dragones and Barcelona)

Habana Vieja

At the edge of the Parque de la Fraternidad near Monte, at the foot of the Capitol Building, is the Partagás factory. The main building is four stories capped by a *remate superior*, a roofline of baroque curves topped by the urns that grace many urban Spanish buildings, especially churches. The *remate superior* is a finishing touch and a sort of billboard for the name of the establishment. "1845" is carved in the facade, designating the founding of Partagás, although the accepted date is 1843. (The building was constructed at the end of the nineteenth century.) Inside the palace is an interior patio surrounded by colored glass windows, imitating important urban residences in the city. The exterior is painted in old-fashioned Victorian colors: cream walls and chocolate brown detailing.

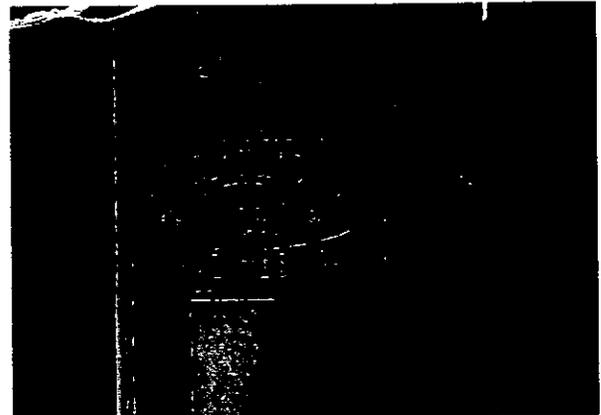
Partagás was later sold to a Spaniard, Ramón Cifuentes, as the plaque by the door states, and the factory's latest renovation appears to have been in the 1940s. The huge interior rooms have been divided into smaller spaces by trellis walls, a kind of garden scheme that recalls department stores of that period. The postrevolutionary name of the factory is Francisco P. German.

Outside the building, I looked at the balconies along the front of the building. All the *vanos*—full-length sets of windows, shutters, and doors—were open, and cigar rollers were taking a break in the fresh air and bright sunshine. The building gives the impression that something fun and social is happening within. There are four hundred employees of whom more than half are rollers.

Jaime Partagás was a great salesman, making the brand of his cigars famous in London from the very beginning. William Gill wrote that Partagás was "a past grand-master in the art of tobacco confection." Although no one knows who was the first to use the decorated box, Jaime Partagás is one of the contenders. The image of his cigars has always been one of elegance, and the Partagás label featured the eternal woman to portray this elegance. A crowned female is in the center, sitting on a throne. Two goddesses stand on either side of her: Industry, with a wheel at her feet and hammer in hand, and Art, who holds a palette

The Partagás factory is located behind the Capitol building, now the Academy of Sciences Library, in Old Havana (*facing page*).

The plaque at the entrance of the Partagás factory commemorates Ramón Cifuentes's ownership of the factory at the turn of the century. The factory is now state owned and named Francisco Pérez German.



THE MODERN HAVANA CIGAR

Firing cannonballs through the walls of the Morro Castle, the English captured and occupied Havana in 1762; then after ten months they traded Havana back to the Spanish in exchange for the Floridas. The break in the Spanish tobacco monopoly can be traced to 1763, when "Havana" cigars traveled to England and America. To paraphrase Fernando Ortiz, they traveled in the pockets of the red coats of the British officials returning to England, and to Boston and Baltimore in the blue coats of the Yankee officers in charge of the colonial American regiments that assisted in the Havana occupation. During the brief occupation, Spanish officials were sent home to Spain. Civil servants, Spanish priests, and soldiers, as Ortiz put it, "clung to the expensive and aristocratic vice of smoking Havana cigars, which they had sent them from Cuba."

The Florida holdings (now lower portions of Alabama, Mississippi, all of Florida, and parts of Louisiana) were a tremendous territorial loss for Spain. On one hand, Spain was able to reclaim Havana in 1764, and the royal monopoly could resume its exclusive hold on tobacco. On the other hand, after those ten months under the British, the Spanish lost their iron grip on the port of Havana. In the following years of the century, port entries increased from just six ships per year, recorded just prior to the capture, to two hundred. Within a decade thousands of ships had sailed in and out of the port. For the first time, Havana cigars—made of Cuban tobacco and rolled in the special way of the Cubans—were smoked throughout the world.

According to Oscar Zanetti, director of Cuba's Institute of History, Cuban tobacco growers and the Canary Islands, which lay off the coast of Africa and belong to Spain, have a long history of association. Nearly all the farmers in Cuba were from the Canary Islands. Spain was always attempting to colonize New Spain, and Canary Islanders were invited to participate in one immigration scheme offering relocation to Pensacola, in the Floridas, with a stopover in Havana for provisions. The success of this venture was doubtful since there was no commercial economy in Florida, so many Canarians simply stayed in Havana or left the Florida settlement and returned to Cuba. In 1763, when Havana was returned to Spain, the Spanish made no provisions for transporting the settlers from the former colonies back to Spain. At the outset of the English occupation of Florida, most Spanish families had no desire to live under English rule. Unable to return to Spain, they made their way to nearby Cuba. The country was nearly empty outside Havana, but favorable terms for populating the interior were offered. Tobacco was a crop that a skillful farmer from the Canaries could produce.

Cuba's elite was composed of a few Spaniards at the top followed by Cubans of European decent. The latter consisted of small farmers around Havana who raised tobacco or foodstuffs, workers for the tobacco monopoly,

*Perelman's
Pocket Cyclopedia of
Havana Cigars
Third Edition*



ISBN 1-893273-06-7
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9 781893 273061

Havana Cigars at a Glance

<i>Mild-bodied (5):</i>	
Made by hand:	Fonseca • Hoyo de Monterrey • Qual d'Orsay • Rafael Gonzalez
Machine-made:	Guantanamera
<i>Mild-to-medium (6):</i>	
Made by hand:	El Rey del Mundo • H. Upmann • Por Larranaga • San Cristobal
Machine-made:	Gispert • H. Upmann • Por Larranaga • Troya
<i>Medium-bodied (8):</i>	
Made by hand:	Flor de Cano • La Gloria Cubana • Punch • Quintero • Romeo y Julieta • Sancho Panza • Trinidad
Machine-made:	Belinda • Flor de Cano • Punch • Quintero
<i>Medium-to-full-bodied (8):</i>	
Made by hand:	Cohiba • Cuaba • Diplomaticos • Jose L. Piedra • Juan Lopez • Montecristo • Vegas Robaina
Machine-made:	Los Siatos de Luxe
<i>Full-bodied (6):</i>	
Made by hand:	Bolivar • Partagas • Ramon Allones • Saint Luis Rey • Vegueros
Machine-made:	Bolivar • Cabañas • Partagas • Ramon Allones
<i>Special Production:</i>	
Edicion Limitadas:	Cohiba (2001-03-04) • H. Upmann (2005) • Hoyo de Monterrey (00-01-03-04) • Montecristo (00-01-03-05) • Partagas (00-01-03-04) • Romeo y Julieta (00-01-03-04-05)
Habanos Collection:	Cuaba (2001) • Hoyo de Monterrey (2003) • Partagas (2002) • Romeo y Julieta (2004)
Selección Reserva:	Cohiba (2003) • Partagas (2005)

For more information, please visit

≡ CIGARCYCLOPEDIA.COM ≡

Authoritative, daily coverage of cigars, accessories, issues and people.

*Perelman's
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Cyclopedia of
Havana Cigars
Third Edition*

Compiled by
Richard B. Perelman

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On the cover:

A Partagas "Sevilla Humijar" made prior to and after nationalization. Originally holding 25 cigars and highly collectible today. Photography by Long Photography (Los Angeles, California).

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Perelman's Pocket Cyclopedia of Havana Cigars

Third Edition

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www.CigarCyclopedia.com

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INTRODUCTION

It's been seven years since we completed the second edition of our *Perelman's Pocket Cyclopedia of Havana Cigars* and we were more than due for an update. The world of Havana cigars has become much more dynamic since the turn of the century and especially with the new energies brought by Altadis since its acquisition of a half-interest in Habanos S.A. in 2000.

Now, we see the same rush of new products and ideas as we see in the U.S. market as covered by our *Perelman's Pocket Cyclopedia of Cigars*.

So we have completely revised our third edition to resemble, more closely, our compendium for the American market:

- ▶ Brand listings identify individual cigars by their shape group rather than by factory codes or sizes. We have grouped the 96 current-production sizes into the familiar 18 size groups we use in our *Pocket Cyclopedia of Cigars*, adapted from Paul Garmirian's list in *The Gourmet Guide to Cigars*.
- ▶ We have added extensive notes for each brand, describing in detail the myriad of limited-edition, special-production and other kinds of cigars produced under each brand during the explosion of special products since 2000.
- ▶ We added a short almanac of the biggest-smallest-thickest-fattest cigars in section 2.

In addition, readers will find brands and factory sizes completely cross-referenced in our reformatted coverage of

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INTRODUCTION

factory production, also in section 2. We also include lengthy recaps of collectible packaging – especially jars – and special production models.

However, we're not perfect. Sharp-eyed readers will zero in on seeming inconsistencies between historical lists of brands and sizes what we present here. Fortunately, our information is taken directly from Cuban trade catalogs. Unfortunately, some of this information is contradictory, unreconciled and is possibly wrong. But it is official and therefore given credence unless we know for certain that it is incorrect.

We did have the advantage, in compiling this edition, of three fabulous publications which helped us enormously. The most interesting was an actual price list of Cuban cigars with an effective date of January 1, 1959, the day that Revolutionary forces overthrew the existing government of Cuba. The roster of 140 brands actually for sale in that last pre-nationalization price list are included in section 4.

Equally fascinating is the impressive snapshot of the Cuban production roster in 2003 as chronicled in *The Complete Guide For Habanos - Enthusiasts*, produced by Habanos S.A. in coordination with Hunters & Frankau of London. This four-ring binder has leaflets illustrating every Havana brand and was an invaluable resource.

Then, of course, there is the massive *An Illustrated Encyclopedia of Post-Revolution Havana Cigars* by Hong Kong collector Min Ron Nee, working in coordination with former Habanos executive Adriano Martinez. The latter's access to Cuban factory files makes this book a repository of information simply not available anywhere else.

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INTRODUCTION

I am often asked, "Are Havana cigars better than all others?" My answer is simple: "They are different." Just as it is hard to compare a Rolls-Royce automobile with a Lamborghini or a Lexus, it is difficult to make a direct comparison between Havana cigars and those of other nations. Both can be excellent and satisfying, but this is one instance where the advertising slogan is correct:

"Unicos desde 1492 - Unique since 1492"

Havana cigars are truly unique . . . but the proof is in the smoking. Enjoy!

In the preparation of this third edition, I want to acknowledge the essential assistance of our marketing director Pat Harris, the always-helpful Simon Chase of Hunters & Frankau in London and friends Kent Chung from Cigar Time (Hong Kong), J.J. Kaplan and Bruce Tenen for providing photographs.

We enjoyed putting this edition together and we are looking for even more information with which to entertain you in a fourth edition. If you have suggestions on how we can make this book better, we would be pleased to hear from you; visit us at www.CigarCyclopedia.com and use the "Contact Us" feature to let us know what you think!



RICHARD B. PERELMAN
Los Angeles, California
January 2005

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FROM FARM TO FACTORY

its warranty – in four languages – of the quality of cigars exported from Havana and applied to all cigars manufactured for export after July 16, 1912. The current seal design dates from 1931.

Please note the different inscriptions applied to the bottom of each box, depending on the style of manufacture:

- ▶ Hand-made cigars inscribed "*Totalmente a mano*" meaning "totally by hand."
- ▶ Machine-bunched and hand-finished cigars, which were inscribed "*Hecho a mano*" meaning "made by hand."
- ▶ All-machine-made cigars are inscribed "*Hecho in Cuba*" meaning only "made in Cuba."

While there are small variations in the overall manufacturing process from brand to brand – a third fermentation of leaves for Cohiba, the use of aluminum tubes or cellophane for other brands, for example – the basic process remains the same. This ensures not only quality, but the tradition which is taken so seriously by the Cuban cigar industry and which links it to the centuries of cigar-making which have transpired on the island since the time of Columbus.

2.06 MYTHS, HISTORY AND FACTORY CODES

The history and romance of Havana cigars are very much tied up in the factories which produce them. For this reason, we offer here some basic information about these facilities, but with some caveats noted below.

FROM FARM TO FACTORY

Contrary to some reports, factories do not produce the same brands year after year. Although some factories have "home" brands which they will always produce — Cohiba at the El Laguito factory, Paragas at the Paragas factory and so on — the actual determination of which brands and sizes will be produced each year is made only after annual meetings of Habanos, S.A. and its distributors around the world. Once the production promises have been made, the factories are then assigned their quotas for brands and sizes.

The history of each factory is quite interesting, although details are often sketchy. One odd item is the relationship between the "Romeo y Julieta" factory (now called "Briones Montoto") and the "El Rey del Mundo" factory (now called "Carlos Baliño"). After some research, it became clear that the old headquarters of the El Rey del Mundo Cigar Co. at 852 Padre Varela is now, in fact, the "Romeo y Julieta/Briones Montoto" factory. The actual former headquarters of the Romeo y Julieta brand at 152 Padre Varela burned many years ago. Now, the two plants are located only one block apart from each other, with the El Rey del Mundo factory denoted by not so much as a sign for many years. The only word on the front of the building was "Polak," undoubtedly after the name of the previous owner.

Visitors to Cuba can strike out on their own "historic factory tour" if desired by consulting the addresses of manufacturers from the official list of Cuban makers in 1940 in section 4.

An enormous interest in which cigars were produced in which factories sprang up when Cubatabaco began applying coded stamps to the bottom of boxes produced in 1985. Two stamps were used: one designating the factory of origin and

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FROM FARM TO FACTORY



The one and only: the famed, elegant, landmark Paragas factory, at Calle Industria 520 opposite the Capitolio in the heart of La Vieja Habana. (Photographs courtesy Kent Chung/Cigar Time (top) and J.J. Kaplan (bottom).)

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FROM FARM TO FACTORY

a situation which has not pleased either Habanos S.A. or the national distributors. Thus, a considerable effort has been made to keep factory codes secret, albeit with mixed results, as shown below. This table presents all 60 cigar factories known to have recent production, with pre-nationalization names and historic codes *where available*, compiled from a variety of sources. The 2003 codes are, at best, a guess.

Factory	Codes	1985-98	1998-99	2000-03	2003-
<i>City of Havana:</i>					
Briones Montoto ("Romeo y Julieta")		BM	EDC	PEL	KMM
Carlos Baliño ("El Rey del Mundo")		CB	EGD	LOC	
El Laguito		EL	EUN	CLE	MKO
Francisco Perez German ("Partagas")		FPG	EAT	OSU	GKI
Heroes del Moncada		HM	ENI	RPO	
Jose Marti ("H. Upmann")		JM	ECA	ECA	LLN
Nueva Jose Marti ("Nueva H. Upmann")		—	—	—	LLN
Miguel Fernandez Roig ("La Corona")		FR	EOG	EAR	FRH
Juan Caño Sainz ("Por Larrañaga")		FL	EEO	ARA	
<i>Cienfuegos Province:</i>					
Cienfuegos I ("Quintero y Hno.")		CFGS	OTC	Group Codes: EOP LAC SEL PUV	
Cienfuegos II		—	OAI		

FROM FARM TO FACTORY

<i>Factory</i>	<i>Codes -</i>	<i>1985-98</i>	<i>1998-99</i>	<i>2000-03</i>	<i>2003-</i>
Cruces		---	OOG		
Cumanayagua		---	OET		
Lajas		---	OIN		
<i>Granma Province:</i>					
Bayamo		TTB	NAT	ACS	
Jiguani		---	NOC	PLO	
<i>Holguin Province:</i>					
Antillas		---	UNG	Group codes: IESC PUL UPA URE	
Gibara		---	UDI		
Holguin I		TTH	UAN		
Holguin II		---	UCE		
San Andres		---	UET		
<i>La Habana Province:</i>					
Artemisa I	Group of factories using the code TLP		TEN	Group codes: ALV CAV LPE PAR SCO SOL SSU VEL	
Artemisa II			TEC		
Bejuoal			TND		
Guines			TOU		
Guira I			TAE		
Guira II			TDC		
Quivicán			TIO		
San Antonio I			TCI		
San Antonio II			TNG		
San Antonio de las Vegas			TGT		
San Nicolás de Bari			TUD		
Santa Cruz del Norte			TTA		

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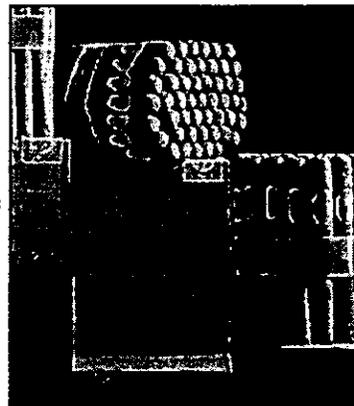
Discontinued and Well-Aged Havanas Shine at London Auction

For a look back at the pre-auction party, [click here](#).

Posted May 21, 1999, 3 p.m. EST

By James Suckling

Cuban Davidoff and Dunhill cigars stole the show at a record-breaking auction in London yesterday afternoon, when Christie's sold more than \$500,000 worth of rare and old smokes in its King Street sales room. Bidding in the room, on the telephone and with written bids, buyers shelled out small fortunes for such rarities as a box of Churchill-sized Davidoff Dom Perignons (\$9,020) to several cabinets of 25 Dunhill Cabinetta robustos (about \$4,500, on average)--and those prices don't include the 15 percent buyer's premium that goes to the auction house. In all, more than 250 lots were sold.



Cuban Davidoffs, which haven't been made since 1990, attracted enormous interest.

The mood during the auction, which took close to three and a half hours, was a mixture of shock and elation. "I had no idea that people were prepared to pay such high prices for such cigars as Cuban Dunhills, which were made until the early 1990s in Havana," said Christoph Wolters, a cigar merchant who runs a La Casa del Habano shop in Dusseldorf, Germany. "A few years ago, I was selling some of these cigars for \$200 or \$300 a box of 25, and now they are selling for 10 times the price. But these cigars are excellent smokes and they are very



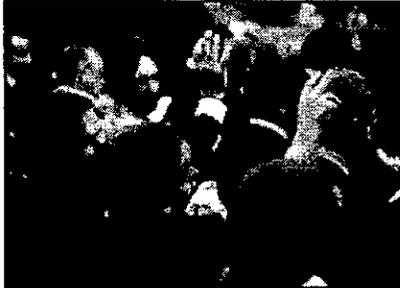
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difficult to find."

One of the most active buyers was Thomas Bohrer, who flew in from Hong Kong to stock up for his company, Habanos Holdings, which is probably the world's largest trader of fine old cigars. He placed winning bids in just about every category of cigars, from a cabinet of 50 Davidoff Chateau Mouton-Rothschilds for \$7,380 to a box of 25 corona-sized La



Cigar dealer Thomas Bohrer (at left) was a key buyer.

Corona Prince of Wales from the 1930s for \$1,805. "Many of the cigars I bought are incredibly rare," he said after the sale. "They are cigars that people will never see again. So, they are worth the high prices."

Another key buyer remained anonymous by placing all of his bids over the phone.

The only thing I can report about the man is that he was probably Italian, since one of the Christie's employees manning the phone spoke Italian to him as he told her his bids. Among the lots he bought were the box of Davidoff Dom Perignons mentioned above, plus a box of 20 Davidoff 80th Aniversarios for \$8,850. He also showed an affinity for Montecristo No. 2 torpedos, snatching up a few boxes from 1973 for about \$2,600 apiece, as well as a box from 1949 for \$8,200.

Americans Jack Kellman and Frank Nisenboim were also serious buyers, focusing mostly on large cigars with eight to 12 years of age. They bought some Cohiba Esplendidos for an average of about \$1,200 a box and Hoyo de Monterrey Double Coronas in the \$1,500 range. "I am really pleased," said Kellman. He plans to keep and smoke his cigars in Europe, since he travels there often on business. "These are all great smokes and I don't think we paid that much of a premium considering the quality."

Overall, the most attention-getting lots were cigars from the 1980s and 1970s. Cigars from the 1950s sold for the low end of their pre-sale estimates, suggesting that pre-embargo smokes are losing some of their appeal. "You are now seeing that people are seriously interested in cigars that are at their peak for smoking--those with 10 to 20 years of age," said Edward Sahakian, the owner of the Davidoff cigar shop in London. "The auction also shows that the pre-embargo cigars are slightly less interesting since they really don't smoke that well, except in rare instances."

Next: [Ancient smokes fetch top dollar](#)

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Published Autumn 1994

The Rolling Rooms

Six Factories That Manufacture Most of Cuba's Export-Quality Cigars Each Specialize in Certain Brands and Sizes

by James Suckling

The small hill of thick, green lawn has the feel of a finely manicured golf-course fairway as you slowly make your way up to its crest on a hot, humid morning in Havana. Your destination, a palacelike neoclassical villa, seems almost out of place in the utilitarian world of today's Cuba. Its regal facade beckons you to learn more of what's actually inside.

Reaching the white-stoned terrace of the building, you hear mesmerizing salsa music rolling out of the large, wide-open first-floor windows. Peeking through one of them, you can see dozens of women of assorted ages and colors sitting in rows of closely spaced, wooden benches, methodically rolling thin, exquisitely fine cigars. These are the same cigars that you and other aficionados around the world revere with great passion; there are few better cigars made.

One of the rollers, a beautiful, trim black woman in her 20s wearing a loosely fitted, bright red dress, sees you in the window and gives you a warm smile. You enter the workroom from a nearby door, and the entire workforce of women seems to be welcoming you. You're slightly heady, so you steady yourself. The air seems thick with a bewitching odor of tobacco, cedar and musk. Nothing could possibly heighten your euphoria, except, perhaps, smoking a freshly rolled cigar straight from the hands of one of the rollers.

You are not dreaming. The villa on the hill is El Laguito, one of six key export-cigar factories in Havana and home to Cohiba, Cuba's most coveted cigar brand. The experience could be similar in any of the export



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factories in Havana. Each working day, hundreds of skilled craftspeople, women and men, work in the cigar galleries of Havana producing more than half of the nearly 60 million cigars Cuba exports around the world each year.

Cigar factories in Havana such as El Laguito, H. Upmann or La Corona are to cigars what Moët & Chandon, Roederer and Mumm are to Champagne. They represent the best brands and craftsmanship in their respective fields. Whether perfecting Champagne or cigars, firms such as these carry on traditions of working with the finest ingredients and turning out some of the most sought-after products in the world.

"No one makes better cigars than Havana factories," says Francisco Padron, the head of Cubatabaco, the world marketing and distribution company for Cuban cigars. "They have the tradition and the quality to make the very best cigars in the world."

Some cigar manufacturers, especially those in the Dominican Republic, may be able to match or even better the craftsmanship of the best factories of Havana; however, few cigar aficionados will disagree that the most exciting cigars today continue to come out of a handful of factories in Havana. The *fabricas* include H. Upmann, Partagas, Romeo y Julieta, La Corona, El Laguito and El Rey del Mundo. With the exception of El Laguito, which is located in the Havana suburb of Miramar, all these factories can be found in the city itself. Upmann, Partagas and La Corona are just a stone's throw away from the capital building (an exact duplicate of the United States Capitol) while Partagas and El Rey del Mundo are about five minutes by car from the city center.

Savvy cigar smokers buy their cigars according to the factory. Since the mid-'80s, the Cubans have marked their cigar boxes with codes indicating the origins. Each box, whether in 25s or 50s, has a series of capital letters printed in ink on the bottom. The first set of capital letters, usually two in sequence, designates the factory where the cigars were produced. The following set of letters denotes the month and year in which the cigars were made. For instance, a box of Cohiba Exquisitos in my humidor has the code el nnso. el stands for the Laguito factory, nnso, the month and year of creation.

The factory code has been passed around Havana-cigar cognoscenti for some time, although the date-of-production code remains unbroken. The letter designations for the six key export factories in Havana are jm for H. Upmann, fr for La Corona, bm for Romeo y Julieta, el for Cohiba (El Laguito), fpg for Partagas and hm for El Rey del Mundo. Most of these codes are based on the factories' second names, which usually are after well-known Cuban patriots such as Upmann's Jose Martí or La Corona's Fernando Roig.

With the exception of El Laguito, all the factories currently produce

about the same number of hand-rolled cigars each year--4 million to 5 million. La Corona, Partagas and El Rey del Mundo each make a few million machine-made cigars, whereby the processes of bunching and rolling are mechanized. Only El Laguito is working at full capacity because it is much smaller in size than the others. Export-factory managers and technicians interviewed all said that they could increase their production 50 percent to 100 percent--all they need is quality tobacco, especially wrapper leaves. Although this year's harvest is said to be of good quality and bountiful, the crops in the past few years have suffered from poor weather and economic difficulties that have reduced agricultural resources such as fertilizer and petrol.

Havana factories get the pick of the tobacco crop each year. Many plantations, regardless of whether they are privately owned or government-run, have long-term contracts with factories for the best of their crop each year. Otherwise, factory technicians compete for the best tobacco after growers have sent their crops to nearby centrally located warehouses for processing and aging. Finally, processing, whether it is additional aging or fermentation, is done in-house at the factories.

Most of the factories specialize in certain brands and sizes, although the production of large-selling brands such as Montecristo may be shared. In addition, some factories are better geared to making special sizes of cigars. "There is no reason to think that one size of cigar from one brand cannot be made by four or five factories all at one time," says Julio Oliveria, chief for tobacco classification at La Corona factory. "The tobacco and blends are kept consistent and the production closely monitored."

Even the making of Cuba's prized brand of Cohiba is shared among factories. El Laguito makes about 2 million cigars, mostly Cohiba, the remaining 1 million to 2 million are made at Upmann and Partagas. The latter is in charge of making Cohiba's new line of cigars, the Siglo series (*see Cigar Aficionado* Spring 1993). "We made 1 million of the Siglo cigars last year but we couldn't ship them all because there was a shortage in boxes," says Ernesto Lopez, manager of the Partagas factory. "We receive the tobacco from El Laguito and instructions for their production. We do the third fermentation here."

According to Avelino Lara, head of Cohiba's production, the arrangement makes good sense. "Not only do we not have the space, we don't make Robusto, Esplendido and Siglos at El Laguito because we have a tradition of making the thin, elegant-sized cigars," he says. "We have to be specialized. Our rollers are trained for this style of cigar."

Montecristo, however, is the most ubiquitous of all Cuban cigar brands. It is Cuba's largest-selling brand and accounts for half of all export sales. In a good year, more than 30 million cigars with the distinctive brown-and-white Montecristo band may be sold. Benito Molina, manager of the

Upmann factory, oversees all of the Montecristo production and says there just isn't any other way to produce the cigar. "No factory has the capacity to make such a large amount of Montecristo; so it makes sense to share the responsibility," he says. "We oversee the production at the other factories."

The most important cigar factories in Cuba, both in and outside of Havana, make some Montecristos. All the export factories in Havana do. Nonetheless, as much as people such as Molina like to say that there isn't a difference in cigars coming from different factories, Montecristo connoisseurs know that the best come from the Upmann factory--which makes sense because the original owners of the factory, the Menendez family, started Montecristo in the early 1930s. Part of the affinity for H. Upmann Montecristos must be because the factory focuses on the best of the Montecristo spectrum: the elegant Especial range as well as the pyramid-shaped No. 2 and nightstick-sized A. In addition, it makes great Cohiba Esplendidos and Robustos as well as the best of the Upmann range such as the Sir Winston Churchill and No. 2.

The apparent reason for Upmann's consistently superior quality, regardless of the brand, is that its factory, according to our research, has the largest number of top-graded, quality rollers of any Cuban cigar factory. Take, for example, the Montecristo Especial, a long, thin 7 1/2 inch by 38 ring gauge cigar. You would expect El Laguito to make the best of this style of cigar since its Lancero and Corona Especial are the same ring gauge and different lengths. Laguito even produces some Montecristo Especiales.

However, we have consistently found that Upmann's Especiales are superior to El Laguito's Especiales and Lanceros. In fact, the Cubans have received a large number of complaints about El Laguito's cigars being too tightly rolled--a sure sign of less-than-great rolling technique.

The number of top-rated rollers working for Upmann also illustrates the factory's prowess for rolling superb cigars. Rollers are given a grading from 4 to 7 for their ability. While most factories have only a few super 7 rollers working at one time, Molina says that he has more than 40, and all of them can make the extremely difficult No. 2. "You almost have to have mirrors to make the No. 2," he says, half joking about the difficulty in rolling such a cigar. He added that it may take six years before a roller can qualify to learn to make a No. 2, and even then, some may never be able to master the art of tapering the tobacco into the right shape. About 1.2 million No. 2's are produced annually at Upmann, although production was down slightly last year.

In addition, Upmann is the only factory that makes the 9 1/4 inch by 47 ring gauge Montecristo A. While a roller needs to have the fingers of a surgeon to make the No. 2, his hands must have the strength of a trapeze artist to roll the unwieldy Montecristo A. Only three men in the factory

are capable of making the A, which is why production is a minuscule 15,000 a year.

This is why any keen Montecristo smoker always looks for the jm on the bottom of his "Montes." Factory manager Molina wouldn't do anything less himself if he had to buy his own Montecristos. "We have the best rollers here for Montecristo; so we make the best cigars," he says with a smug smile and a torpedo hanging from his mouth. "Montecristos from other factories are also very good since we supervise their production, but the best come from here." Production at Martí was about 4.5 million cigars last year; about 3.8 million of it was in Montecristo.

Besides El Laguito and Upmann, La Corona is another of Havana's factories of distinction. It is the home of the legendary Hoyo de Monterrey and Punch Double Corona, two of the best, full-flavored, long-burning smokes from Havana. No other cigar has even come close to receiving our near-perfect rating of 99 points that the Hoyo Double Corona received (*see Cigar Aficionado* Winter 1992/93). In addition, La Corona makes the superb Epicure No. 1 and No. 2 as well as the Punch Punch. It also produced all the Davidoff Chateaux series cigars until the late '80s, when the Swiss tobacco merchant began curtailing its Cuban business. La Corona currently makes about 6 million cigars in a year, half of these are machine-made cigars; it could make up to 18 million.

Partagas is the oldest of the original export factories; all the others have moved every few decades to different locations in Havana. The building remains unchanged--except for the occasional coat of new paint--as does the long tradition in its spacious rolling galleries of making the best cigars possible. Producing between 4 million to 5 million cigars, the factory specializes in its namesake as well as Ramon Allones, Bolivar, La Gloria Cubana, Cifuentes and Flor de Cano. In addition, it produces Cohiba Robustos and Esplendidos as well as the entire Siglo range. "All handmade Partagas cigars are made here," says Lopez. "For me, the most famous cigar of the factory is the 8-9-8 [6 11/16 inch by 43 ring gauge cigar in a special cedar box], but my favorite cigar is the Lusitania or Churchill cigar from Partagas. Our Cohibas are not bad either."

The workers at the Romeo y Julieta factory would probably agree with Lopez's preference, although they would say that he has the wrong brand. According to them, Romeo y Julieta Churchill (7 inches by 47 ring gauge) is the best in the business. According to José Fabelo, director of the factory, the average roller can make about 130 cigars a day, but the larger-sized Churchills cut daily production to about 95 per roller. "We specialize in figurado cigars," he says. "But we can do anything you want." Of course, he is especially proud of his Romeo y Julieta Churchill, although he is equally happy with the same size cigar in the Saint Luis Rey blend as well as the pyramid-shaped or Belicosos from Romeo y Julieta and Sancho Panza.

"Here in Havana we make our cigars not only with great skill but also with a lot of love," says Fabelo. "Other places may be able to make very good cigars, but nowhere has the tradition of Havana. Plus, we have the quality tobacco from the Vuelta Abajo, which as a growing area can't be duplicated."

Pride runs just as high at the El Rey del Mundo factory next door, although few, if any, Cuban cigar aficionados ever speak about the factory. This may be mostly because the factory devotes its time to "mop-up work" for the other producers, including Romeo y Julieta, Montecristo, Quintero, Gispert, Sancho Panza, El Rey del Mundo, Flor de Cano and Rafael Gonzales. Total production equals about 5.4 million to 4.5 million for export. "We have traditionally supplied cigars for the domestic market," says Enrique Rodrigues, director of production, whose favorite cigars are El Rey del Mundo Taíno and Flor de Cano Diadema, both Churchill-sized cigars. "We send the cigars to the national distributor. Some names are not up to export standards. But we also roll explicitly for the domestic market."

The vast majority of the yearly output in Cuba, about 220 million to 260 million, is still made for the domestic market. A large part of this standard-issue, home-market smoke is made in smaller factories well outside the boundaries of Havana, mostly in the provinces of Pinar del Rio and Remedios. They are closer to the tobacco plantations there, and the additional aging and processing of the tobacco are less necessary. In addition, substandard cigars from the export factories may also go into domestic distribution. Domestic cigars have very little to do with export types, coming unmarked and primarily in the popular corona size. Cubans usually receive a handful of cigars every month along with their usual rations such as rice, beans and eggs.

The top tobacco grown each year, which generally comes from the fields of Pinar del Rio, about 100 miles west of Havana, is reserved for the production and sale of export cigars, which remain a major source of currency for the floundering Cuban economy as well as the main prestige product from the island. "Cigars are one of the four or five most important items of export that we have," says President Fidel Castro (*see Cigar Aficionado* Summer 1994). "The cigar has made our country famous. It has given prestige to our country. Cuba is known among other things for the quality of its cigars."

It shouldn't come as a surprise that the cigars for Castro's personal use--for gifts only since he stopped smoking cigars eight years ago--come from one of the six export factories in Havana. Since Cohiba was invented in 1968, all of Castro's cigars have come from El Laguito. Even the extremely rare Trinidad is produced there.

"We have the best rollers and the best tobacco," says Lara. "So of course Fidel would get his cigars from here. We are not only the flagship

factory of Cuba, but the flagship factory of the world."

Such bravado is shared by all the export factories' managers. All of them think they make the best cigars in world--which is perhaps why Havana remains a dream for getting great cigars.

The King of Cigars

The king-sized Hoyo de Monterrey Double Corona is not only one of the hottest cigars on the market, it is also one of the rarest. Its production continues to diminish due to a drop in Cuba's harvest of large wrappers and quality *seco* leaves in recent years, according to Philip Jimenez Pares, manager of the La Corona factory in Havana, which specializes in the famous big smoke.

Jimenez expected this year's production of the Hoyo D.C. to reach a meager 27,000 after already declining to 46,000 in 1993. His factory's total production of double corona cigars--all 7 inches by 49 ring gauge--is only 150,000 cigars. Most of this is in the Punch Double Corona.

"We have big fights all the time in the factory over which cigar is best," he admits. "But we make much less of Hoyo Double Coronas than Punch because it is hard to get the right *seco* leaves that we use for the cigar."

Jimenez wouldn't go any further in explaining the characteristics or origins of this special *seco* leaf for the Hoyo D.C. As in any Cuban cigar, the *seco* is a one of three component tobaccos available for blending and traditionally is less powerful than the *ligero* but richer than the *volado*. "We use much more *seco* in the Hoyo Double Corona than the Punch," says Jimenez. "Generally, we find the Punch Double Corona much softer than the Hoyo, which has a stronger character."

Regardless of which you prefer, both are labels that are extremely difficult to find on the market at the moment. "If the production of the Hoyo Double Corona has dropped to about 30,000 cigars now, then it is a difficult moment indeed," laments Simon Chase, director of marketing for Hunters & Frankau, the key agent for Cuban cigars in the United Kingdom. "I could sell 30,000 of those cigars into the London trade with three phone calls." /--J.S.

The Mystery Cigar

Some people were surprised that even Cuban President Fidel Castro didn't know about the mysterious Trinidad cigar (*see* Cigar Aficionado Summer 1994). However, Avelino Lara, who heads the El Laguito factory where the exclusive cigar is made, wasn't surprised at Castro's revelation.

"President Castro just orders special cigars for presents and he never looks into the box," says Lara, who used to sleep with boxes of Castro's Cohibas to assure that they were not tampered with. "Maybe he doesn't remember exactly what it is, but we just sent the king of Spain a box of 100 Trinidads."

It is easy to mistake a Trinidad for the Cohiba Lancero, because it is exactly the same size: 7 1/2 inches by 38 ring gauge. The only apparent difference is its slightly darker wrapper and simple gold band with trinidad printed in black with two black lines above it. Lara also said that the blend is slightly different. "People say that the Trinidad is slightly more aromatic," he says.

Unfortunately most people will never get the chance to smoke one. Trinidads remain reserved for diplomatic gifts and personal presents from Castro. A few years ago government officials reportedly looked into commercializing the brand, but found that it couldn't be trademarked because it remains the name of a country as well as various cities-- including one of the more historic towns in Cuba.

Last year, Lara said that his factory produced only about 80 boxes of Trinidads, a fourfold drop from 1992 production levels. "I don't know why the orders are less now," Lara says. "People certainly still like them. We recently sent King Juan Carlos [of Spain] a different cigar, and he sent them back. It was not Trinidad, and he didn't want anything else."/--
J.S.

1993 Production of Some of the Best Cigars from the Top Factories

C.A. Rating

El Laguito (EL)

- Cohiba Corona Especial: 500,000/CA Rating: 87
- Cohiba Exquisito: 400,000/CA Rating: 90
- Cohiba Lanceros: 600,000/CA Rating: 83

Romeo y Julieta (BM)

- Romeo y Julieta Churchill: 70,000/CA Rating: 94
- Saint Luis Rey Churchill: 15,000/CA Rating: 93
- Sancho Panza Belicoso: 50,000/CA Rating: n/a

Partagas (FPG)

- Partagas 8-9-8: 500,000/CA Rating: n/a
- Partagas Lusitania: 178,000/CA Rating: 88
- Cohiba Robusto: 200,000/CA Rating: 96
- Cohiba Esplendido: 125,000/CA Rating: 90
- Cohiba Siglo Range: 1,000,000/CA Rating: n/a

La Corona (FR)

- Hoyo de Monterrey Double Corona: 46,000/CA Rating: 99
- Punch Double Corona: 104,000/CA Rating: 93
- Hoyo Epicure No. 1: 94,000/CA Rating: 92

H. Upmann (JM)

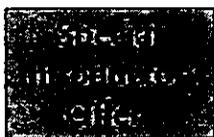
- Montecristo No. 2: 850,000/CA Rating: 90
 - Montecristo A: 15,000/CA Rating: 95
 - H. Upmann Winston Churchill: 30,000/CA Rating: n/a
 - Cohiba Robusto: 300,000/CA Rating: 96
 - Cohiba Esplendido: 55,000/CA Rating: 90
-

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Cracking the Customs Crackdown

Posted: Monday, August 10, 1998



Cracking the Customs Crackdown
by Marvin Shanken
Editor and Publisher

The federal government's recent assault on Cuban-cigar smokers in New York was a headline-grabber and a waste of time. The Treasury Department, which oversees the U.S. Customs agents who seized hundreds of boxes of Havanas and arrested nine men, should be embarrassed.

How many illegal drugs entered the country while agents chased cigar smokers? It boggles the mind that the government would direct able investigators to harass successful, taxpaying businessmen while organized drug-dealing syndicates continue to plague our society. The so-called crimes of these unfortunate cigar lovers are truly victimless. Trading With the Enemy? Please. These guys allegedly bought their cigars from a woman from Connecticut who, after getting busted in April for attempting to smuggle thousands of boxes into the United States, became a Customs informant, wearing a wiretap while selling Havanas to her wealthy customers. We don't know her name, because Customs hasn't charged her with a crime!

And therein lies the most telling indication that this operation has more to do with Customs seeking publicity than with any real concern about enforcing the embargo. Customs had the big fish in April: the woman from Connecticut and her partner, an unnamed man who *has* been charged. These people allegedly traveled to Spain, Morocco, France and Cuba to purchase vast quantities of Cuban cigars with the intent to resell them in the United States. If the government's intent is to enforce the embargo--to deprive the Cuban government of economic support from the United States--it had its perpetrators when it busted these two. Much as I love Cuban cigars, I can't fault the government for going after a for-profit smuggling operation. That's a substantial crime, worthy of investigation and prosecution.



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CIGARS & LIFE'S BURNING DESIRES

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on his Life's Work,
The Lost City

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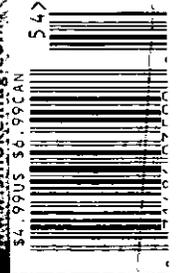
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A LOOK BACK

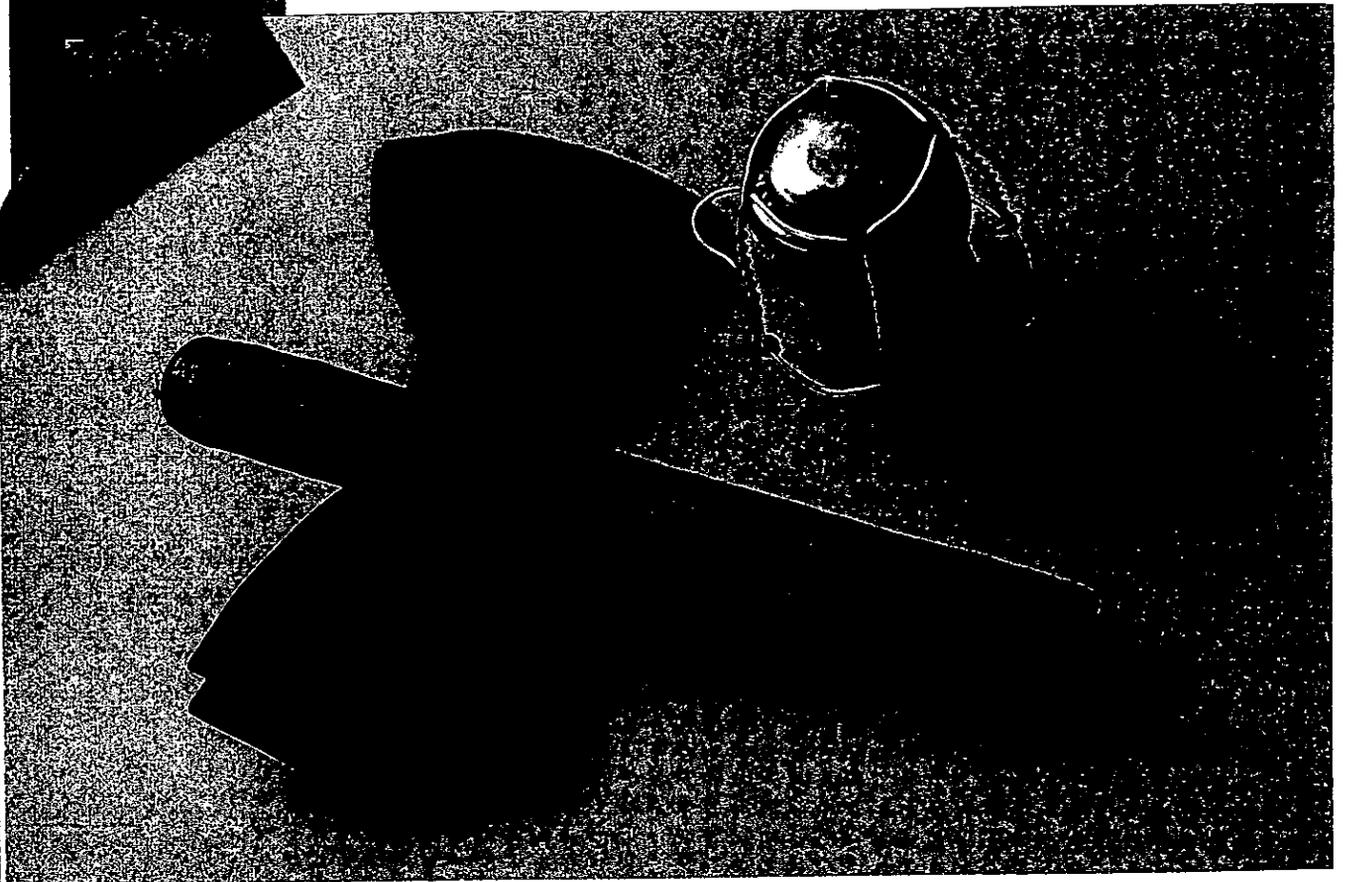
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An Anniversary Toast

Celebrating ten years of the cigar lifestyle magazine for all of us

by E. Edward Hoyt III & Mark P. Bernardo

There, according to the famous old film noir quote, eight million stories in the Naked City, and there are surely at least that many among cigar smokers regarding How They Got Started. If you've read this magazine for the past 10 years, or even if you're picking it up for the first time, you probably have one. Maybe you snuck a stogie out of your dad's humidor when you were younger, or perhaps lit up your first at a wedding or after the birth of a child. Maybe you're a newcomer to the pleasures of a fine smoke, lured by the resurgence of cigar culture that occasioned this periodical's birth a decade ago. Even the entertainment business seemed to rediscover cigars at the time. Maybe you figured you'd give them a try after seeing Will Smith and Jeff Goldblum walk triumphantly out of the burning alien spaceship, cigars clenched in their teeth, at the end of *Independence Day*, or after cracking up at Cosmo Kramer's outlandish, ongoing quest for Cubans on "Seinfeld."

Everyone has a story of their first cigar, and everyone has a particular cigar associated with the story. Perhaps your first was a machine-made

drugstore brand like Swisher Sweets, Phillies, or White Owls, which you later abandon when you found yourself to be thicker of wallet and more sophisticated of taste. Or maybe you grew up outside the U.S., where you could initiate your cigar hobby with a fine Havana instead. Maybe today you're a person of means who keeps a walk-in humidor stocked full of favorites at home; or maybe you hold down a blue-collar job or toil away as a student, and scrape together funds to purchase a few of your favorites for the weekend at your local tobacconist.

Cigar smokers come in all shapes and sizes, from all backgrounds and all strata of society. And for the last 10 years, we have tried our best to make all of them feel welcome. Whether you're a six-figure potentate who sees cigars as only one element of a five-star lifestyle, a hardcore hobbyist who laps up news and gossip from the cigar industry like stock quotes and sports scores, or one of the many who fall somewhere in between, we hope you enjoy our anniversary issue — and feel free to stick around for the next 10 years. — E.H., M.B.

CIGARS & LIFE'S BURNING DESIRES

SMOKE

32
CIGARS
REVIEWED!

Havana's
Hottest
EXPORT

HAVE ULTRA-
STRONG CIGARS
FINALLY HIT
THE WALL?

PUTTING FROM
PENNSYLVANIA
TO PORTUGAL

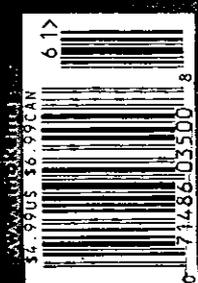
•••MAYRA VERONICA

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CIGAR HAVENS

• TOASTING GREAT
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• THE JOYS OF
AGED CIGARS



Have STRONG CIGARS

Seen the Light?

By Richard Carleton Hacker

While their biggest, boldest, most butt-kicking smokes continue to find fans, cigar makers are striving for more nuance in their blends in an effort to reach the more mild-mannered cigar smoker.

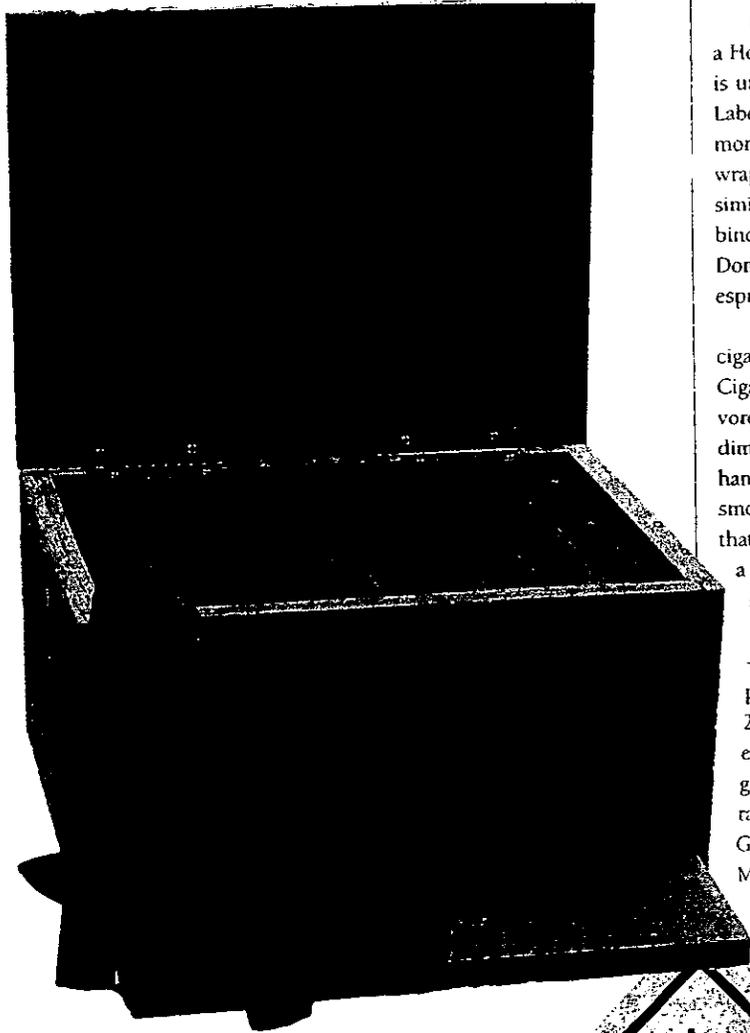
Cigar smokers like to establish their own trends, without waiting for others to tell them what to smoke. Back in the 1950s, it was a mass migration to the mildness of *candela* wrappers. In the 1960s, there was the emergence of Canary Island tobaccos in the wake of the Cuban embargo. Then came Honduran cigars, some even rolled with the remnants of pre-embargo leaf, marking a dramatic shift towards heavier flavors. During the cigar boom of the 1990s there was an almost overnight renaissance of *figurado* shapes from the past. And more recently there has been the proliferation of what I refer to as "power smokes," cigars that have gradually been getting stronger and stronger.

Up until recently, this last trend showed absolutely no sign of abating. It used to be that the Honduran *Hoyo de Monterrey* was the ultimate after-dinner stogie of choice. Then came even fuller-flavored smokes, progressively escalating from the *Fuente Don Carlos* to the *Ashton VSG* to the *Partagas Black Label*. But all of these were relatively tame by comparison with more recent Mach-5 screamers like the *Graycliff Grand Cru*, with its espresso-hued Costa Rican wrapper and thundering Ecuadorian, Nicaraguan, Zimbabwean,

and Costa Rican filler. Or the *Camacho Coyolar Puro*, a dark-tinted Honduran thunderbolt that many smokers can't even finish. And who can ignore the *Gurkha Beast*, a 6 1/2 x 58 behemoth that has extra *ligero* packed into the middle of its massive body so that midway through the smoke, one encounters the equivalent of a land mine in the filler?

And now we have the emergence of *The Edge* from Rocky Patel Cigar Company. Boxed in a plain, unadorned, rough wooden container — somewhat like sticks of dynamite — are 100 Honduran *Corojo*-wrapped cigars with Nicaraguan, Honduran, and Dominican filler. The "For Professional Smokers Only" warning on the box — although somewhat pretentious — nonetheless tells the uninitiated that these cigars are not for them.

But now, suddenly, right on the heels of *The Edge*, comes *The Edge Lite*, with the same combination of filler tobaccos but in a decidedly milder, creamier version with an Ecuadorian-grown Connecticut wrapper. Is *The Edge Lite* an admission that *The Edge* — as well as all those other newly released hand-rolled powerhouses — are a little *too* over-the-top, and have hit the wall in terms of tobacco strength?



One might think so, in light of other recently introduced milder cigars, such as the sophisticated yet delicate Jose Seijas Signature Series 2000, the Flor de Jardin Claro, and the Los Blancos Connecticut Shade. Even the elegant new Zino Platinum Chubby Especial is light and smooth enough to smoke with a martini. So are we now seeing a new trend towards milder cigars and a backing away from the Dark Side? Or is this just a precautionary throttling-down of an industry that is finding itself too close to redlining the taste buds?

"I like a full-bodied, complex cigar like The Edge," says the cigar's originator, Rocky Patel, "especially in the evening. But in the daytime, I prefer a milder cigar. That's the reason we came out with The Edge Lite."

From that, one could construe that Patel is merely hedging his bets by having both a strong and a lighter version of the same cigar in order to reach a wider spectrum of the cigar smoking audience. But some might view it as an indication that the muscle market may be cooling off.

If so, how do you explain the overwhelming success of the new Bolivar, a Honduran blockbuster introduced last year that, in the strength category, is unseating General Cigar's previous thundering giant, the Partagas Black Label, which I once wrote was "the most powerful cigar in the word." No more. Smoking the Bolivar — with its thick, dark, Honduran-grown ligero wrapper from the San Agustin Valley (which has a mineral-rich soil very similar to Cuba's Vuelta Abajo), Connecticut-grown Havano Medio Tiempo binder (the same binder used in the Partagas Black Label), and meaty Dominican and Nicaraguan filler — is like smoking a chocolate-flavored espresso soaked in velvet.

"I have very definite, personal opinions about what constitutes a strong cigar," says Daniel Nuñez, President and Chief Operating Officer of General Cigar. "There is a difference between 'strong,' 'full-bodied,' and 'full-flavored.' An overly strong cigar is going to be very linear in flavor, very one-dimensional, and [will have] a tendency to dry the mouth. On the other hand, full-bodied and full-flavored cigars translate into a more complex smoke. People often confuse harshness with strength. It doesn't have to be that way. I liken it to riding a strong, powerful show horse that still provides a pleasant ride. After all, what we are selling in the cigar business is pleasure, and that covers a wide spectrum among smokers."

As proof of this, even though General Cigar has created the Bolivar — arguably one of the most full-bodied cigars on the market — their portfolio also includes the ultra-mellow Helix, which was introduced in 2002 by U.S. Cigar Sales, Inc. (now owned by General) — right when every other cigar maker was trying to pump up the octane on their stogies. The Helix, with its modernistic blue band and almost ethereal taste, ran counter to the strong cigar trend. And it has thrived. Likewise, General's Macanudo Gold is an even milder version of their flagship Macanudo, which remains the best selling cigar in America. The Mac Gold's distinct flavor profile has given it a unique niche, especially among newer smokers, which accounts for some of its success.

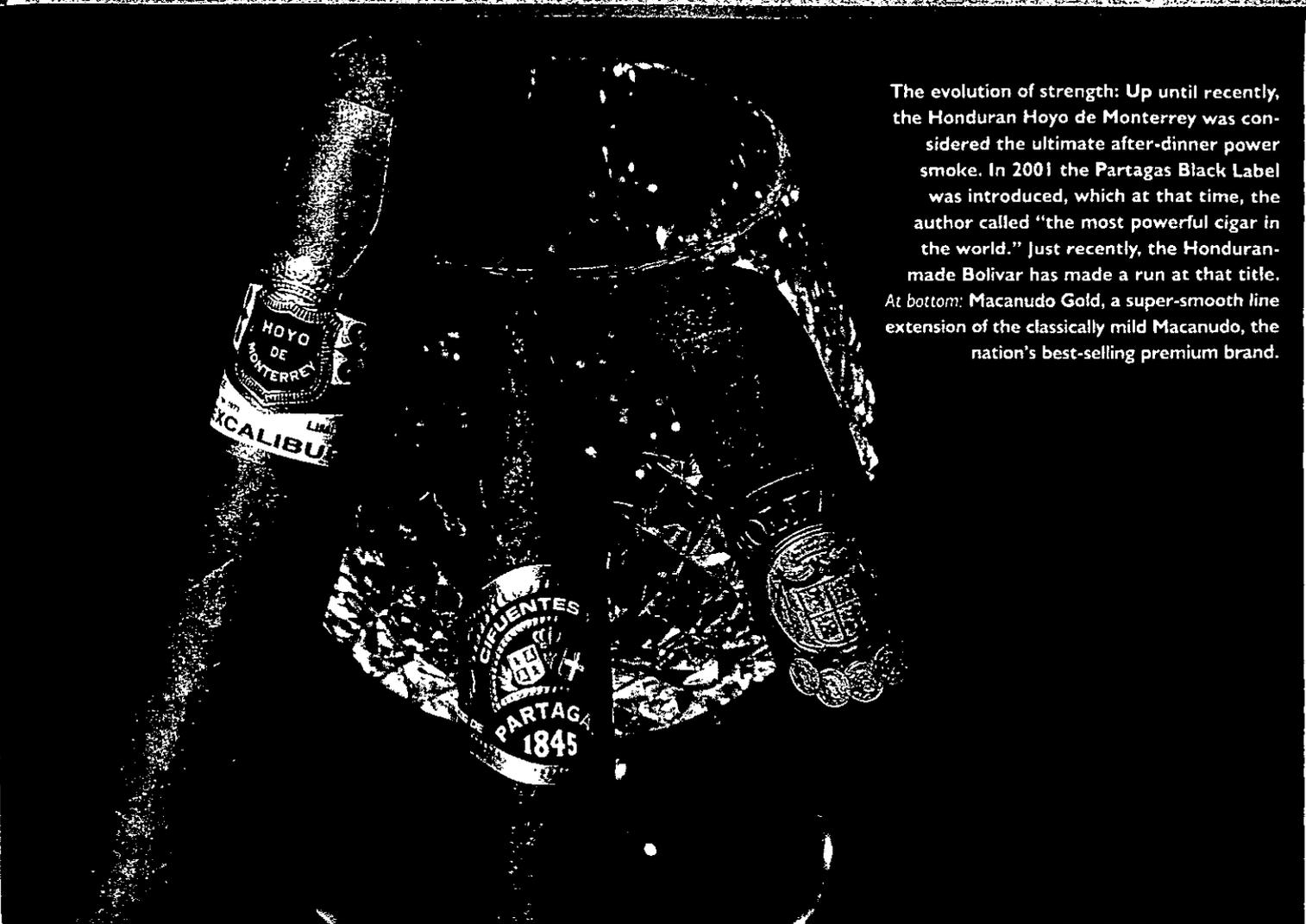
Indeed, whenever I ask an occasional smoker if he would like a cigar, invariably the answer is, "What do you have that's mild?" They never say, "Give me the strongest stogie you've got." But does that indicate a trend towards milder cigars, or is it merely a pattern that follows the natural evolution of cigar smoking? When starting out, caution seems to be the byword among newly ordained novices who — in the absence of peer pressure — seem to prefer the mellowest cigars they can put a match to.

But as smokers become more experienced, they tend to start inching towards fuller-flavored cigars, in quest for the optimum balance between flavor and strength. That's where many start to focus on strength alone. As a result, they eventually reach a pinnacle, and after a while, start backing off of those rumbling robustos in favor of less intimidating fare. In my case, I reserve stronger cigars, such as the Fuente Don Carlos, Ashton VSG, and Graycliff Grand Cru, for weekend evenings, usually in the wee small hours, when I need an accompaniment to my sherried Macallan 18 Year Old single malt or a snifter of thick, woody Hennessy Paradis Extra Cognac. But for everyday fare, I settle for a Fuente Hemingway or even a slightly milder Butera Vintage Select.

Of course, I realize that many consider these last two cigars to lean

In
the day-
time, I prefer a
milder cigar. That's
the reason we came out
with The Edge Lite.
— Rocky Patel

The evolution of strength: Up until recently, the Honduran Hoyo de Monterrey was considered the ultimate after-dinner power smoke. In 2001 the Partagas Black Label was introduced, which at that time, the author called "the most powerful cigar in the world." Just recently, the Honduran-made Bolivar has made a run at that title. At bottom: Macanudo Gold, a super-smooth line extension of the classically mild Macanudo, the nation's best-selling premium brand.



slightly toward the strong side. After all, strength is a matter of perception. Paul McIlhenny, whose family has been making Tabasco since 1868, once told me that he thought the Cuban Partagas No. 4 Serie D was a mild cigar! But then, he is a fourth generation Louisiana native who was weaned on pepper sauce.

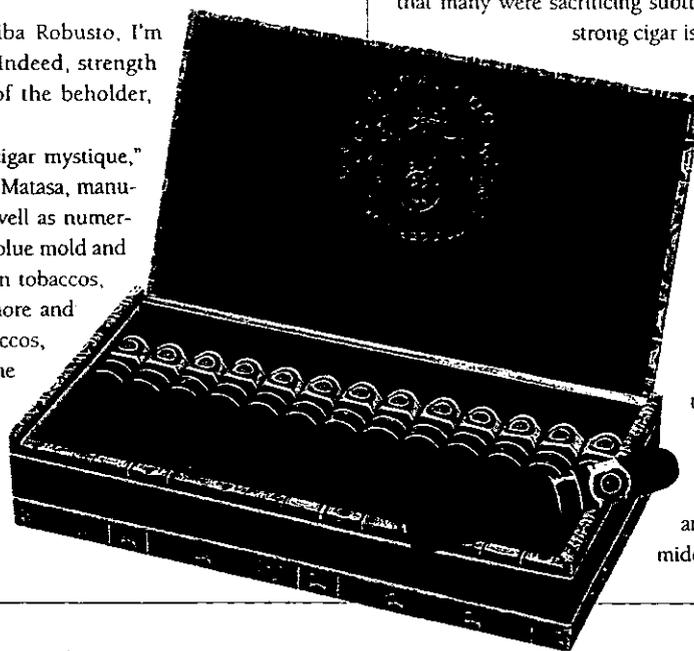
"And yet, if I switch to a Cohiba Robusto, I'm bobbing and weaving," he admits. Indeed, strength is not necessarily in the eyes of the beholder, but on the palate of the smoker.

"Cuba started the whole strong cigar mystique," says Manuel Quesada, who heads up Matasa, manufacturers of Fonseca and Cubita, as well as numerous other Dominican brands. "But as blue mold and other diseases began damaging Cuban tobaccos, [growers there] started developing more and more disease-resistant hybrid tobaccos, which had the effect of weakening the strength of the cigars. At the same time, in the 1990s, non-Cuban cigar makers started developing stronger cigars to try and replace the Havanas. So you started having Dominican cigars being rolled with

more *ligero*, and then came the Criollo 98 and Corojo [wrapper leaves] to strengthen the taste. This was also about the same time that single malts and single-barrel whiskeys were coming into vogue. So strength became a goal for cigar makers, to go along with the trend. The problem with that is that many were sacrificing subtlety and nobility of flavor. Just to have a strong cigar is boring, and sometimes takes the fun out

of smoking. There is more latitude and range of possibilities on the palate with a milder cigar."

The Connecticut-wrapped Fonseca, with its Mexican binder and Dominican fillers, bears this out. Although not mild in the purest sense of the word, it is rich and spicy and definitely middle-of-the-spectrum in its strength, or lack of it. The Fonseca Sun Grown Cedar and Serie F also fall into that mid-strength range. But the Fonseca Vintage starts to tip into the full-flavored area. And the Matasa 30th Anniversary by Fonseca — with its top-most primings and 10-year-old binder and filler tobaccos — lands firmly in the middle of the muscle cigar category. So while



"That was because for a while, many cigar makers wanted to be 'muscle men.' But I think now, more people realize that a strong cigar doesn't have to be harsh. For example, a Spanish Rosado wrapper has flavor without necessarily being overly strong. So much has been said about the importance of the wrapper, but even by changing just one leaf in the filler — say, by adding Nicaraguan Ometepe, for example — you can change the entire character of the cigar."

"It's harder to make a strong cigar," adds Quesada, pointing out another reason many manufacturers are turning towards the mild side. "The tobacco crop doesn't yield as much ligero (the strongest leaf) which is only 40 to 50 per cent of a single plant's output. So if you need more ligero than that, you must get it from somewhere else. And it must be of the same high quality, for not all primings are suitable for the making of a strong cigar."

An additional factor that influences a cigar's strength is that many cigar companies have developed a style, or flavor profile, based upon their tobaccos. For example, Altadis U.S.A. is known for such classic brands as Romeo y Julieta, Don Diego, H. Upmann, and Montecristo, none of which are perceived as truly strong cigars. However, the Montecristo Classic features an aged wrapper that gives this cigar more depth, which is different than strength, and the H. Upmann Vintage Cameroon is noticeably spicier than others in that line. But overall, these cigars are medium-powered cruising machines, perfect for the golf course, after-hours cocktails, or walking the dog. There doesn't seem to be any rush at Altadis to start pumping iron in their La Romana factory.

Even their Santa Damiana — which, when first introduced, was touted as ready to give Cuba some full-flavored competition — was really more on the hefty side of medium, an elegant cigar to be sure, but not a knock-you-on-your-butt kind of smoke.

Same with the spicy Trinidad, in spite of its advertising claims to the contrary. However, without any braggadocio, the company's Henry Clay and Onyx Reserve nonetheless start to approach the muscle cigar category. On the opposite end of the spectrum, the Mexican puro, Te-Amo, is one of the mildest cigars you can smoke.

I think now,
more people realize
that a strong cigar
doesn't have to
be harsh.

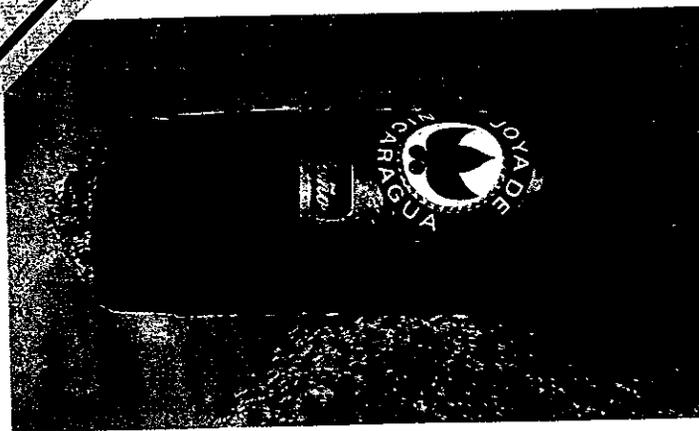
— Daniel Nuñez

Above: These three classic power smokes each have a different degree of strength, yet they all come from the Fuente factory: (l. to r.): Fuente Fuente OpusX, Fuente Forbidden X, and Ashton VSG.

there are no truly "mild" cigars in the Fonseca lineup, all of their cigars exhibit that subtlety of taste that Quesada refers to in milder cigars. Even the Matasa 30th Anniversary, while most assuredly full-flavored, is spicy and almost fruity in taste — qualities honed in the curing and the aging. If there is a trend towards milder cigars, the Fonseca lineup seems to be going in the opposite direction.

Nor does the theory hold up for the Joya de Nicaragua brand, which Quesada's Miami-based S.A.G. company imports. This Nicaraguan puro has always been a full-flavored smoke that falls on the heavier side of medium. The big-ringed Antaño Gran Reserva carries this concept two giant steps forward; with its five-year-old filler tobaccos and a dark, oily wrapper taken from the top five percent primings of the plant, it is a thundering giant of a smoke. And yet, two years ago, the Joya de Nicaragua Celebración was brought out as "the Antaño's little brother." Indeed, the same tobaccos had been toned down slightly, in order to give this cigar a broader appeal.

"Some consumers have been backing away from stronger cigars because there has been an abuse of strength to the detriment of flavor," says Nuñez.



Above: Strong doesn't have to mean harsh, nor lacking finesse. The Joya de Nicaragua Antaño Gran Reserva is one of the most powerful cigars made today, but it can be smoked right down to the band.



Above: Three muscle cigars that also exhibit refined taste (l. to r.): Matasa 30th Anniversary Fonseca, Joya de Nicaragua Antaño Gran Reserva, and CAO's double-wrapped CX2, the mildest of the three, and an indication that some manufacturers are toning down their blends. **Below:** Gurkha's 58-ring Beast and 53-ring Titan use girth to produce fuller flavor.

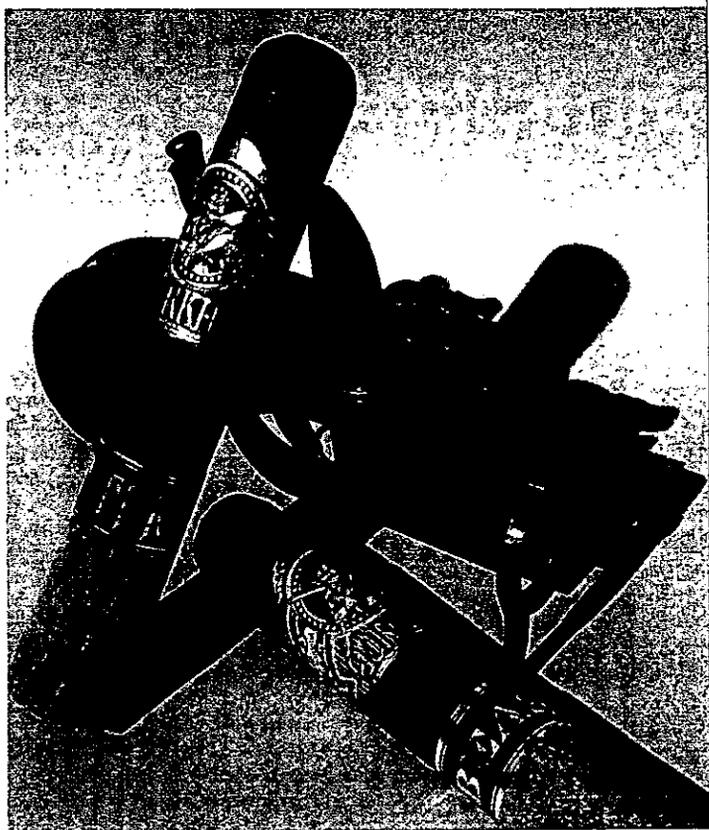
But all of these cigars have been around for years, and hardly indicate a trend. They are notable, however, in the fact that they dramatically span a wide variety of the taste spectrum.

If there is a trend in all of this, it is that more cigar makers are realizing that they must diversify in the types of cigars they produce, in order to attract not just new cigar smokers, but new generations of cigar smokers.

And if there is a common theme, it is best summed up as a definitive leaning towards more complexity. By the time you read this, Rocky Patel will be introducing his Olde World Reserve, a full, rich, Corojo-wrapped robusto, toro, and torpedo. Likewise, Altadis recently brought out their new Quintero, which is slightly more robust than their Montecristo, and boasts a Honduran wrapper, Nicaraguan binder, and Honduran filler.

"The Bolivar is the strongest cigar we make right now," says Daniel Nuñez, "but it's not over. I'm too demanding on myself, so the sky's the limit. I will always be looking for more for those who want more. But with balance."

Indeed, it looks like the cigar industry is finally getting off of steroids, and is now content to simply keep in shape. **S**



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Book Description

Throughout the history of the cigar, the *habano* has been unequivocally considered the pinnacle smoking pleasure. This unparalleled quality of the Havana cigar has bound the idea of Cuba with a coveted export, and has held the imaginations of *aficionados* around the world for 500 years.

By way of explaining the enduring phenomenon known as the *habano*, author and photographer Nancy Stout journeys deep into the history and culture of a nation, beginning in the beautiful and often

enigmatic capital of Havana, then striking out to one of the great plantations of the *Vuelta Abaj* the tobacco's delicate leaves grow under protective canopies, and to an agricultural collective in *Vuelta Arriba*, where *tobaco del sol* thrives under Cuba's brilliant sun. Along the way she introduces the doctrinaire *jefe* of the Antonio Briones Montoto collective farm; a master grower whose family has been cultivating tobacco for more than 150 years; and a legendary cigar roller who gives a tran lesson in the art of rolling the perfect cigar.

The pursuit of the story of the Havana cigar extends into time as well as space. Included is a history of Cuban tobacco cultivation, beginning with Columbus's first voyage to the West Indies chronicling Cuba's legacy of exploration, conquest, and struggle for economic and political inde

Habanos: The Story of the Havana Cigar is the ideal guide to that most potent symbol of luxury disciplined craft, and, indeed, of Cuba itself.

About the Author

Nancy Stout is the author and photographer of *Great American Thoroughbred Racetracks* and photographer of *Havana/La Habana*, both published by Rizzoli.

Product Details

Hardcover: 208 pages

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Shipping Weight: 3.2 pounds.

Average Customer Review:  based on 3 reviews. ([Write a review.](#))

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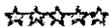
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 **Outstanding**, February 6, 2004

Reviewer: **A reader**

For a habanophile such as myself this has to be the best book that I have read to date on Cuba Cuban Cigars. This book not only describes the habano from seed to cigar but explores the history of the cigar and its relationship with Cuba from Columbus to the old factories. If you want more than

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Revenue soars at Netcigar.com

SYOSSET, NY - Internet retailer Netcigar.com reported \$239,000 in revenue for its fourth quarter ending December 31, 2000, a 185% increase over \$84,000 for the same period in 1999. A subsidiary of Synergy Brands, Inc., Netcigar.com offers a comprehensive variety of premium hand-made cigars, cigar accessories, and upscale gift items and also markets humidors, golf-themed gifts, and accessories. Synergy Brands, which reported net sales of \$20.6 million in 2000, was granted an extension by Nasdaq in March to meet the minimum bid price requirements. In February, Synergy Brands received majority shareholder consent to implement a reverse stock split, a move company officials believe will not be necessary.

Sales Dip at North Atlantic Trading

For the year ended December 31, 2000, net sales at North Atlantic Trading Co. were \$93.1 million, a decrease of \$1.3 million or 1.4% from the prior year. Sales of the smokeless tobacco segment (National Tobacco Co. L.P.) decreased \$6.1 million, or 13.3%. Sales of the MYO segment (North Atlantic Trading Co., Inc.) increased \$4.8 million, or 9.8%, attributed to an expanded product line and increased Canadian sales. Gross profit decreased 4.6% to \$59.5 million from \$62.3 million from the prior year.

Changes on Tap following AWMA 2000 Expo

WASHINGTON, DC - AWMA Expo 2001 was held February 15-17 in New Orleans to mixed reviews. The business sessions were exceptionally powerful and well received, as was the association's new Leadership Excellence in Organization awards program presented at the Salute to Leadership Dinner.

But, as a reflection of continued consolidation within the industry, overall attendance at the Expo was less than previous years. Many exhibitors were pleased with the quality of the attendees, however, even if they were disappointed with the overall EXPO traffic.

"We had the best AWMA Expo we've ever had. The lookers stayed home, and the buyers came out. We were thrilled with the results," says Sam Popowcer, president, S. P. Enterprises, Las Vegas, NV.

"Those exhibiting companies that worked the show realized positive results, as did the Goetze's Candy Company," adds the well-known candy manufacturer's vice president of sales, Mitchell Goetze, Baltimore, MD.

Although 50 of the top 100 distributors in the United States were present at AWMA Expo 2001, traffic was not consistently heavy enough for the three-day event. Also, participants came for a variety of business purposes. While some attendees were planning programs for the latter part of 2001 or to have business conversations with their suppliers, others came expressly for show deals and to place orders.

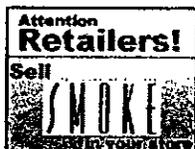
"Obviously, the Expo needs to accommodate everyone's business objectives. We're listening closely to our exhibitors - and to other long-time supporters, and we know we need to make changes," says AWMA Board Chairman Bob W. Douglas, the Douglas Companies, Texarkana, AR.

"AWMA is at a crossroads as an association," says Douglas. "The needs of the membership are changing, as are their relationships with suppliers and customers. The AWMA Expo needs to reflect these changing roles within the channel, and we need to involve channel partners in the associations' decision making processes."

American Wholesale Marketers Association, Inc., 1128 16th Street, NW, Washington, DC 20036 Tel: (202) 463-2124, Fax: (202) 467-0559, E-mail: info@awmanet.org, Web: www.awmanet.org

No Movement Seen in Cuban Policy Under Bush Administration; Havanas Will Wait

WASHINGTON, DC - Growing anticipation that Cuban cigars might soon be able to enter the



U.S. has once again proven premature.

Congressional efforts to dismantle the 40-year-old U.S. trade embargo against Cuba will hit an immovable impasse this year: President George W. Bush's unyielding support of the measure, according to Washington state representative George Nethercutt, a Republican and embargo opponent. Nethercutt told Bloomberg News that the Bush administration has "an unyielding position on Cuba," and says he will instead concentrate his efforts on changing the rigidity of the Castro regime, which has so far shunned the limited easing of sanctions on grain and medicine.

U.S. economic sanctions on Cuba have had little impact on the economy of either nation, the International Trade Commission said in a report requested by the House of Representatives Ways and Means Committee. Among the ITC's conclusions was that U.S. imports of Cuban cigars could total \$15 million to \$30 million a year if there were no sanctions, or about 5-10% of all U.S. cigar imports.

Over the longer term, tobacco industry officials believe U.S. imports of premium hand-rolled Cuban cigars could rival imports from the Dominican Republic, now the world leader. Cuba exported an estimated 150 million cigars in 1999. Cigars are the second-leading agricultural product, after sugar.

Re-Formed Indianhead Builds Management Team of Industry Veterans

MIAMI, FL - Indianhead has announced the appointment of key sales and marketing personnel. The company focuses on providing premium quality cigars and accessories at affordable prices. "We cater to tobacconists who want to satisfy today's price-sensitive but quality-conscious smokers," reports president Bill Bock.

"Indianhead's appointment of Bob Dennis as vice president of sales has proven significant to our monthly growth rate of 20% over the past year," adds Bock. "With 41 years in the business, Bob is known and respected throughout the industry." Dennis spent many years as central sales manager for American Cigar Company and has served as sales manager for Nat Sherman, Inc., the former Indianhead Sales, and Inter-Continental Cigar. Dennis handles all sales activity east of the Mississippi.

"We were likewise fortunate to have Terry Vincent join us this February as Western regional sales manager," says Bock. Vincent, a 15-year specialty tobacco sales veteran, was president of TSV Limited, which represented several major lines in the western states.

Bock's career in tobacco spans 35 years. He was worldwide military and duty-free sales manager at American Cigar before launching the original Indianhead in 1986. In 1996, he sold Indianhead to the Burger-sohn Group of Switzerland, producers of Dannemann cigarillos. Indianhead became Inter-Continental Cigar Company; Bock remained president. The company's several lines of long-filler handmade premium cigars were manufactured at Nestor Plasencia's factories in Danlí, Honduras and Estelí, Nicaragua. When Burger-sohn abandoned long-filler activities in February 2000 to focus on cigarillos, Bock reestablished Indianhead with a fresh line-up of premium cigars, including Cibao, Cuban Twist, and Joya del Rey.

The company also distributes Al Capone and Dannemann cigarillos and the remainder of Inter-Continental's inventory, including Al Capone, Beverly Hills, and Casa de Nicaragua cigars.

Indianhead, 16112 NW 13th Ave., Miami, FL 33160, Tel: (800) 292-4858, Fax: (305) 623-5494, Web: www.indianhead.com

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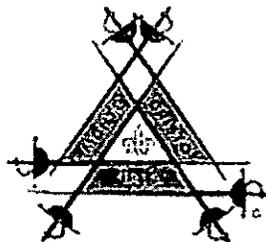


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IT'S GOOD TO BE THE KING

Plus: our Register & Win winner of the week!

San Juan, Puerto Rico, February 22 - The King has spoken.

The King of cigars, that is, Altadis S.A., the tobacco giant headquartered in Madrid, Spain and Paris, France, reported stupendous cigar sales and excellent full-year earnings for 2005 yesterday, passing \$1 billion in total cigar sales.

The highlights:

- Altadis's sales reached 4.1 billion Euro (about \$4.9 billion U.S.), a sensational increase 15.6% over the 2004 total of 3.6 billion Euro (\$4.3 billion) in 2004, despite a cigarette price increase in Spain. And was it profitable! Earnings before income tax, depreciation and amortization reached 1.23 billion Euro (\$1.47 billion) for a gross operating margin of 30%!

- Cigar sales zoomed to 885 million Euro (\$1.06 billion U.S.), of which 53% came from Europe and 121 million Euro (\$144.3 million) from Havana cigars, representing half of all Cuban cigar sales since Altadis owns 50% of the distribution firm Corporacion Habanos, S.A. Sales of cigars were up by 12.7% in revenue over 2004.

Sales of cigars of non-Havana cigars in Europe totaled 165 million Euro (\$196.8 million) in the largest markets in Spain (96 million Euro or \$114.4 million) and France (57 million Euro or \$68.4 million) while sales of Havanas were strong in Germany and Belgium with emerging markets in the Middle East, Russia and China.

Cigars were highly profitable, too, yielding 254 million Euro (\$302.9 million) to the bottom line with a profit margin of just under 29%!

Altadis's dominance in the worldwide cigar market is especially clear when comparing its 2005 results to that of second-place Swedish Match, which last week announced its year-end results, in gross cigar sales of \$416 million. That's a bit less than half of the Altadis worldwide total.

- Revenue for Altadis U.S.A., which includes major machine-made brands such as Backwoods, Dutch Masters and Antonio y Cleopatra and premium brands such as Montecristo and Romeo y Julieta, were up 9.1% in U.S. dollars and hit 471 million Euro or \$561.6 million. Wow!

The overwhelming position of the U.S. as the world's largest cigar market was underlined by 2005 results. Altadis's sales of almost \$562 million in the U.S. is almost double the world sales of Havana cigars and more than Altadis's sales in the rest of the world combined. The Swedish Match results and the many smaller companies and the U.S. is far and away

world leader in cigar consumption.

It is worth remembering, however, that some 90% of the cigars bought in the U.S. are made, with the premium market at perhaps 300 million units.

- The audited figures for Altadis's Cuban cigar sales – 50% of the worldwide total – call question recent comments from Habanos S.A. commercial vice-president Manuel Garcia pegged Habanos sales at \$350 million for 2005. Altadis reported \$144.3 million in sales which would mean the grand total would be \$288.6 million, quite a bit short of that figure. However, Altadis was mighty pleased with the results, noting in their end statement, "The strategy for Cuban cigars based on a combination of ultimate luxury products, this year's example being Partagás Serie P, limited editions such as H. Upman Magnum 50, special reserves) and affordable luxury (Mini Cubanos), for a selected number of brands, is very efficient." Translation: they are selling almost everything they make.

- Cigarettes are, of course, the big earner for Altadis and the results are staggering. In 2005, cigarette sales totaled 1.98 billion Euro (\$2.4 billion U.S.) and 135 billion individual units, which was up only 1.3% over 2004. Their big brand is the French-made Gauloises, which brought in 468 million Euro (\$558 million) by itself. The other winners for Altadis are Fortuna, one of the top two brands in Spain and Balkan Star, one of the leading sellers in Russia.

It was a big year for a big company. The 2006 strategy will see at least one new cigarette and the continuing cooperation with Britain's Imperial Tobacco Group – which has a continuing marketing effort with Altadis for sales in Russia – will continue to fuel rumors of a takeover of Imperial (whose 2005 sales were \$19.6 billion, four times that of Altadis). Cigars are expected to be seen as a growth sector, but at some point, more will be expected out of Havana.

And the winner is:

Congratulations to Richard Rankin of Lake Oswego, Oregon, winner of our "Register & Win" drawing for an *boite nature* box of Astral Besos from our Perelman, Pioneer & Company humidors.

Up for your consideration (and entry) this time is a combination pack from our Keith Parson and our friends at *Prometheus International*. It includes a brilliant combination guillotine and cutter and the two-documentary set "The Fuente Family: An American Dream" and "Fuente Opus X: The Making of a Legend." It will be awarded in our drawing to be held on Sunday, February 26.

To enter, just click on the "Register & Win" tab above and fill out the required information. You must be 21 or older to win and all of our **CigarWire** subscribers are automatically entered in every drawing. Good luck!

~ Rich Perelman

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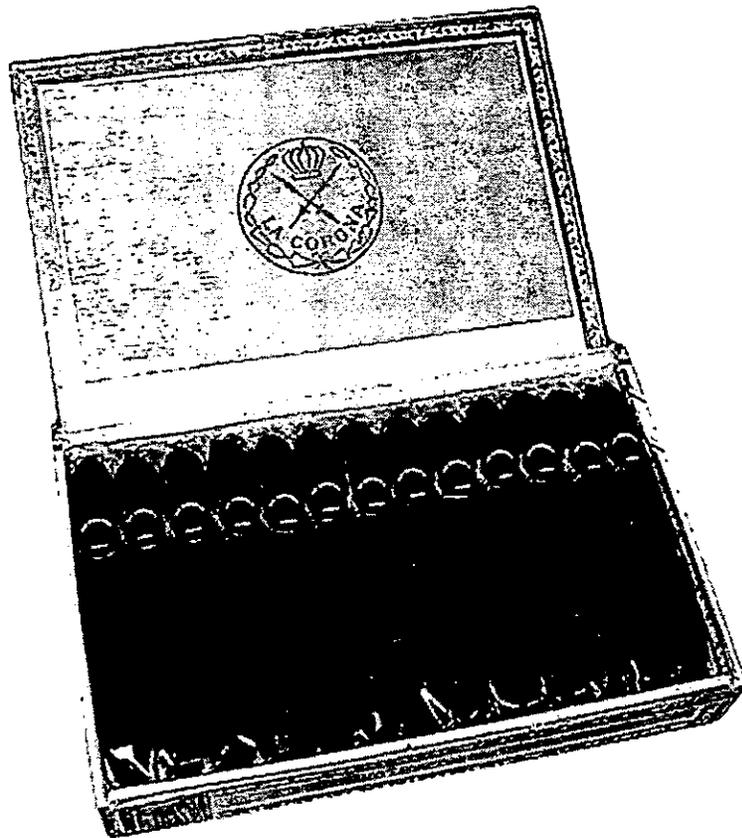
CIGARNEXUS CIGAR COUNSEL

Machine-Made Havanas: Luxury on a Budget?

by John Chunko & Steve Saka
CNX Cigar Counsel
November 1999

Handmade Cuban cigars have long been regarded as the finest in the world. Known for their rich flavor, silky wrappers, and exemplary construction they have become one of the most highly prized luxury commodities. As such, they are priced accordingly which makes them obscenely expensive for the average wallet. For nearly two centuries, regularly smoking fine handmade Cuban cigars has remained an indulgence for those "swells" who could afford the steep tariff.

However, the Industrial Revolution nearly changed all that with its numerous man-replacing machines. The Por Larranaga factory introduced the "cigar making machine" to its gallery of rollers in 1925 and began to make the first-ever totally machine-made Havana. By cutting the human roller from the equation, the factory was not only able to make far more cigars, but at a far lesser cost. Factory by factory cigar making machines began to replace rollers until the torcedors took their plight to the people of Cuba by organizing a nationwide boycott of all machine-made cigars in 1937. It wasn't until the early 1950's when the rollers were unable to meet the worldwide demand for Cuban cigars that the machines were reintroduced into the factories, and this time it was without incident. Today over twenty-exported Havana brands include machine-made cigars as part of their line and these lesser cigars coexist with the traditional handmades.

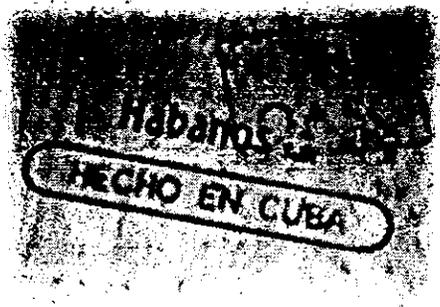


There are two primary types of machine-made cigars available from Cuba:

Machine-Made - these are cigars that are entirely machine made from

start to finish. They are comprised of short fill and utilize homogenized binders and wrappers, which are made from leaf and stem particles. Boxes are typically stamped with only "Hecho en Cuba" meaning "Made in Cuba."

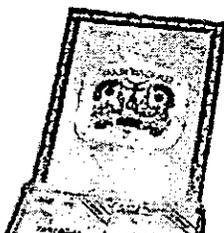
Machine-Made Hand Finished - these cigars are bunched by machine with short filler, however a genuine wrapper leaf is applied by hand afterwards. Boxes of these in addition to the origin stamp also feature the "Hecho a Mano" hallmark. Although this means "Made by Hand" it should not be confused with the "Totalmente a Mano" hallmark stamp that means "Totally by Hand" and is featured on boxes of handmade premium Habanas only.



While on the topic of hallmark stamps, you will sometimes see "Envuelto a Mano" also burnt into the bottom of machine-made cigar boxes. Literally this translates to mean "Wrapped by Hand", yet note that this claim is solely referring to the cigars being handed sorted, cello sleeved, and box packed and not to the cigar's manufacture. Both machine-made and hand finished cigars sometime are packaged in this manner and bear this unique and often confusing hallmark.

Typically it is easy to tell hand finished from entirely machine made cigars by their wrapper. Hand finished ones possess an oily veiny wrapper that differs from cigar to cigar while the entirely machine-made cigar's wrapper is typically flat and somewhat dull. However, the machine-made cigar is typically far more consistent in appearance than its higher-grade counterpart.

A few important distinctions between Cuban machine-mades and those made by many American companies should be noted. First, Cuban machine-cigars are made with 100% tobacco unlike many American brands that introduce non-tobacco cellulose in the blend. In addition to these "non-tobacco additives", many American machine-made cigar manufacturers add chemicals to their cigars to improve their shelf life, burn, and color. Another critical difference is in the blending - American varieties are typically blended to be smooth, mild, and many times sweet while Cuban machine-mades are just the opposite. They are commonly very strong blends that deliver a tremendous rush of biting earthy tobacco flavor to the palate and also a pretty heady dose of nicotine. You have to remember that the Cuban people themselves consume most of the machine-made Havanas and they tend to prefer their cigars unadulterated.



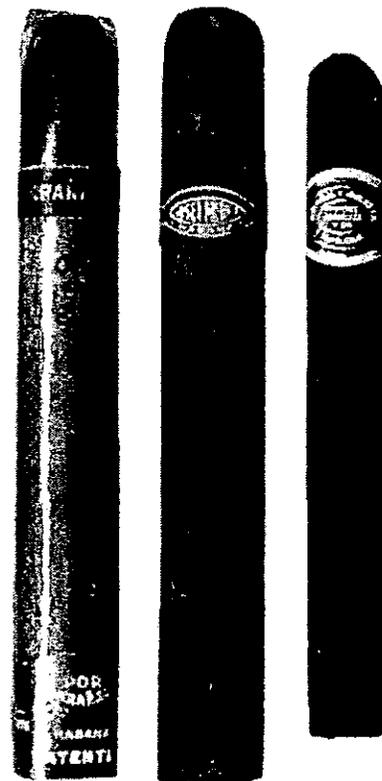
The primary benefit to smoking machine-made Cuban cigars is their being significantly less expensive than the premium handmades. Some of them can cost as little as a single US dollar, and even the pricier hand finished vitolas seldom cost more than \$4.00 each anywhere in the world. Of course, for your savings you are going to make some rather serious concessions.

The first being consistency; there is infrequently any meaningful consistency in the flavor of most of Cuba's machine-made cigars. Secondly, the burn, draw, and overall construction will commonly be suspect amongst machine-made cigars. Without the benefits of first world engineering and chemical additives, Cuban machine-mades although pure, lack the construction and content needed to create a well-made cigar by machine alone. And finally, you will need to have a palate that can endure a much hotter stronger cigar than you are use to smoking. Many times machine-made Havanas can be quite harsh and off-putting to even the seasoned smoker.

In spite of these trade-offs, there are some rather enjoyable machine-made Havanas available to the consumer. The trouble is identifying those which best suit your tastes. Typically the better ones are in the 38 - 44 ring gauge range and are at the higher price end of the budget spectrum. One of the best ways to select the better machine-mades is to ask your tobacconists which are his most popular selling cigars. You can not judge them by their brands alone, because many some vitolas in a particular brand can be quite good while others can be very unpleasant.

To help you begin your search here are a few of the most consistent and better Cuban machine-mades we have experienced over the years:

Fonseca Delicias
 Gispert Habaneras No. 2
 H. Upmann Coronas Majors
 H. Upmann Royal Coronas
 H. Upmann Excepcionales Rothschild
 Jose L. Piedra Nacionales
 La Corona Perfectos
 Partagas Toppers
 Partagas Coronas Seniors
 Partagas Deluxe
 Partagas Perfectos
 Por Larranaga Lolos en Cedro
 Punch Royal Coronations
 Punch Souvenir Deluxe
 Quintero Nacionales
 Rafael Gonzalez Panatelas Extra
 Ramon Allones Toppers
 Ramon Allones Bits of Havana
 Romeo y Julieta No. 2
 Romeo y Julieta Regalies de Londres
 Romeo y Julieta Perfectos



Most of the above recommendations are for 100% machine-made smokes, however, almost all of them are offered in the hand finished format, and even a few can be found as totally handmade vitolas. If afforded the choice, we suggest you always select the hand finished version over the entirely machine-made cigar. The more human hand operations a cigar goes through the better chance you'll have for

enjoying your selected cigar.

There are dozens and dozens of different machine-mades that are produced under a wide variety of third tier brand names such as: Belinda, Cabanas, La Corona, Quintero, Statos de Luxe and Troya. All of these brands do indeed have their moments and make for satisfying cigars, but as a general rule these lesser brands reflect the stereotypical poor smoking image that machine-mades have "earned" over the years.



When the opportunity presents itself, we suggest you try everything at least once. We think you'll, more often than not, enjoy the economical and tasty machine-made smokes we've listed above and, from time to time you'll also discover a good La Corona or Statos de Luxe.

Machine-mades will never be as good a "smoke" as the totally hand-made Havana vitolas, but remember that the premiums enjoy the benefits of prime leaf selection, the experience and expertise of the rollers, and the consistency and complexity of their blends. However, the construction, depth and lushness of these world class cigars comes at a serious cost. We encourage you to not overlook machine-mades Cuban cigars in your quest to develop your smoking palate. Not only will they help to expand your palate, but we are certain you are likely to find some machine-made Havanas that allow you to enjoy some luxury on a budget. ♪

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October 18, 2004

Section: B

Pierre Salinger, Press Secretary to Kennedy, Dies at 79

TODD S. PURDUM; Thomas J. Lueck contributed reporting for this article.

Pierre Salinger, debonair investigative reporter who became famous as John F Kennedy's White House press secretary and went on to work as prize-winning television correspondent for ABC News, dies at age 79; photo (M)

Pierre Salinger, the debonair, half-French investigative reporter who became famous as John F. Kennedy's White House press secretary at the height of the cold war and went on to work as a prize-winning television correspondent for ABC News in Europe, died Saturday at a hospital near his home in Le Thor, France. He was 79.

Mr. Salinger had been in declining health, suffering from aphasia and unable to speak more than a few words, said his fourth wife, Nicole, who runs a bed-and-breakfast at their home in Provence. He had collapsed about a week ago and underwent surgery to implant a heart pacemaker.

Kennedy was the first president to allow live television broadcasts of his news conferences, and Mr. Salinger managed that still-new medium and the White House press corps with "wit, enthusiasm and considerable disdain for detail," as The New York Times put it in 1962. With his bushy eyebrows, big Cuban (later Brazilian) cigars and vivid vests, he became the first presidential spokesman to become a celebrity in his own right.

But later in life, Mr. Salinger proved far less adroit in dealing with the new medium of the Internet, publicizing what turned out to be a bogus document that Trans World Airlines Flight 800 had been shot down off Long Island in 1996 by a Navy missile gone awry. The episode badly damaged his credibility and bewildered some of his oldest friends.

As White House press secretary, Mr. Salinger once said he saw his job as "a reporter for the rest of the press," operating in a "kind of no man's land" between the president and reporters, and Kennedy called him "plucky Pierre." He once conducted a press briefing in a party hat at a seafood restaurant in Hyannis

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Port, Mass., and he swapped jokes on a skeet-shooting visit to Nikita S. Khrushchev's dacha.

But the bluff exterior belied his cultured tastes. A child prodigy who played a grand piano before he learned to read, Mr. Salinger retained a lifelong zest for music, art, poetry, wine, women and fine food, and was instrumental in inviting musicians like Pablo Casals and Igor Stravinsky to the White House. He spoke fluent, if fractured, French.

"If Jackie Kennedy was the one who thought maybe America was ready for a higher culture, her ally in it or her agent was Pierre," said Richard Reeves, author of "President Kennedy: Profile of Power."

Pierre Emile George Salinger was born June 14, 1925, in San Francisco, and his life was a mix of cosmopolitan influences and raffish experiences. His father was an American Jewish mining engineer, his mother a French-born Catholic whose father was a member of the French Chamber of Deputies. He spent two years at San Francisco State College, then served as a skipper of a Navy submarine chaser off Okinawa in World War II before graduating from the University of San Francisco.

He began his career at The San Francisco Chronicle, where he established a reputation as a scrappy reporter and was night city editor by 25. Posing as a drunken bum named Emil Flick, Mr. Salinger several times contrived to be thrown in jail so he could write about conditions for inmates, and his exposes won praise from Earl Warren, the governor of California.

It was Mr. Salinger's investigations into corruption among the Teamsters on the docks of San Francisco that led to his work for the Kennedy family. As a regional reporter for Collier's magazine, Mr. Salinger had written a long article on labor corruption, but the magazine folded before it could be published.

"I sent it to Bobby, who was counsel to the Senate rackets committee," recalled Edwin Guthman, who was then a reporter for The Seattle Times and went on to become Attorney General Robert F. Kennedy's press secretary at the Justice Department. "Bob read this piece and hired Pierre, and Pierre became an investigator for them."

He later joined John Kennedy's Senate staff, and then the 1960 presidential campaign, and "See Pierre" became a favorite directive in Kennedy headquarters. As White House press secretary, he announced, explained and defended many of Kennedy's most important actions and policies. In the Cuban missile crisis of 1962, he covered up the president's sudden return from Chicago to Washington by claiming, on his boss's orders, that Kennedy had a cold.

But, Mr. Reeves noted, Mr. Salinger "had a journalist's instincts -- his instinct wasn't to cover it up, it was to find out."

After being kept in the dark about the planned Bay of Pigs invasion, Mr. Salinger confronted the president "to say that I couldn't continue as press secretary if I wasn't notified about big events like this," he recalled in a 1993 interview with Washingtonian magazine. By the time of the missile crisis, he said, "I knew everything that was happening, though I couldn't tell the press at the time."

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He later acknowledged having sidestepped questions about Kennedy's affairs, and said the public "should know if a president is corrupt or drunk much of the time, but if a president has a mistress occasionally and it doesn't affect his presidency, I don't see what harm that does."

Mr. Salinger stayed on as Lyndon B. Johnson's press secretary until March 1964, but left in disagreement over the new president's approach to the press. That same year, Gov. Edmund G. Brown of California appointed him to fill a vacant Senate seat, but he lost to the Republican George Murphy in the general election that fall.

He later joined Continental Airlines, then returned to politics for Robert Kennedy's 1968 presidential campaign. After Kennedy's assassination he moved to Europe, where he wrote for the Paris-based newsmagazine L'Express. In 1976, he went to Austria to cover the Winter Olympics for ABC News, and he was named Paris correspondent in 1978. For the next 15 years, he used his extensive contacts to cover major stories from the Iranian hostage crisis to Rock Hudson's death from AIDS.

"It was simply amazing what he could find out because he knew so many people," said Elizabeth Bagley, who worked under him as an ABC producer.

In 1981, he won a George Polk Award for a documentary about the secret negotiations that led to the release of American hostages in Iran. He retired from ABC in 1993, and became a consultant.

Mr. Salinger's first three marriages ended in divorce. His eldest son, Marc, who had been John Kennedy's occasional golf caddy and never got over the trauma of his assassination, committed suicide in 1977. A daughter, Suzanne, died of cancer in 1995. Besides his wife, the former Nicole Beauvillain de Menthon, he is survived by two sons, Stephen, of Los Angeles, and Gregory, of Paris.

Kennedy shared Mr. Salinger's love of good cigars, and one day in 1962 ordered him to obtain 1,000 prime Havanas. When Mr. Salinger appeared the next day with 2,000, Kennedy greeted him with delight, he recalled years later, then pulled a paper from his desk and signed it. It was the order for the trade embargo with Cuba that endures to this day.

Photo: Pierre Salinger, cigar in hand, with President John F. Kennedy in 1961. Kennedy called his affable press secretary "plucky Pierre." (Photo by Agence France-Presse/Getty Images)

October 30, 2004, Saturday - An obituary on Oct. 18 about Pierre Salinger, the Kennedy White House spokesman who became a television correspondent, misspelled one of his given names. He was Pierre Emil George Salinger, not Emile.

---- INDEX REFERENCES ----

COMPANY: CONTINENTAL AIRLINES INC; TRANS WORLD AIRLINES INC

NEWS SUBJECT: (Social Issues (1SO05); Government (1GO80))

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April 17, 1996

INTERNATIONAL BUSINESS;The High Cost of a Fine Smoke

DAVID J. MORROW

The fall of the Soviet Union and rising American animus toward one of Marxism's last bulwarks are taking a sharp toll on an illicit pleasure: the consumption of Cuban cigars.

Though illegal to import, buy or sell here since President John F. Kennedy imposed a trade embargo on the Castro regime in July 1963, Cuban cigars had always remained relatively plentiful -- until late February. Now, smokers say, a box of Cubans is extremely difficult to find. And with prices doubling and tripling, only an elite few can afford those that are available.

The roots of the shortage are in the confluence of ideology and economics, experts and connoisseurs say. Since the Soviet Union's collapse in 1991, Cuba's increasingly isolated tobacco farmers have suffered shortages of raw materials, from fuel and fertilizer to twine and boxes. Production fell to 50 million cigars last year from 90 million in 1990.

This winter, the industry appeared to be on the mend. Several European importers -- notably Tabacalera, Spain's state-owned tobacco company -- had written checks to needy Cuban tobacco farmers, but the money apparently arrived too late to avert another disaster. Despite a strong tobacco crop in January, farmers failed to produce enough quality capas, the leaves that provide the outer wrappers for cigars.

Meanwhile, the Clinton Administration, outraged after the Cuban military shot down two American civilian planes in February, has tightened enforcement of the trade embargo, through which cigars habitually had slipped. Recent seizures of illegal Cuban cigars in Florida and en route from Mexico to Texas appear to have stymied many smugglers, United States Customs Service officials believe, further diminishing the thin supply of Havanas.

The results of all this are prices that catch in the throats of the most devoted smokers.

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Those who want a box of Cuban large brands -- Cohiba Robustos, Romeo and Julieta Churchills, or Double Coronas, cherished for their 8-inch lengths -- may have to shell out \$400 to \$700 for a box of 25 on the black market, up from \$250 last year, according to cigar industry officials and suppliers in the Caribbean. A price list of black market Cuban cigars, seized by United States Customs last fall, had a box of 50 Coronas going for \$650. Two Cuban cigar suppliers said that same box of 50 Coronas would fetch at least \$850 today.

"The prices of all cigars have gone up within the past year," said Marc Tassy, the manager of Havana House, the exclusive distributor of Cuban cigars in Canada. "On the black market in the U.S., these smugglers have discovered a product they can get a ransom for."

Smokers say normal supply channels have been disrupted. Some of the business executives recently savoring Cubans at Beekman Bar and Books, a plush smoking room on the Upper East Side of Manhattan, said the only Havana cigars they could come by lately were those they sneaked home from European business trips.

"I can't tell you how much I enjoy the taste of a Cuban cigar," said Michael, a Manhattan investment banker who declined to be identified by his last name. "The trouble is that it's really tough to get a Cuban cigar in the States these days. The ones you can find all cost too much. When I go to Europe on business, I'll buy a couple and stick them in my luggage. I don't have another way of getting them."

The shortages are not limited to the United States. "The worldwide demand for these cigars is still around 100 million," said Simon Chase, marketing director for Hunters & Frankau, the distributor of Cuban cigars in Britain. "Cuban cigars are hard to come by even in countries where they're legal. In Havana some of the tobacco shops can't get them."

The acute shortage of Havanas has transformed the American cigar market. Smokers could once be confident that a Cuban cigar purchased from a tobacco store or smuggler was authentic, but no more. Of the seven million cigars posing as Cubans that are expected to be smuggled into the United States this year, cigar industry officials believe that two million will be fakes.

"Counterfeiting Cuban cigars is now a big business," said Norman Sharp, president of the Cigar Association of America, an industry group. "All the counterfeiters have to do is say a box of cigars is Cuban and then try to rake in all these exorbitant prices. A lot of inexperienced smokers won't be able to tell the difference."

The best of the counterfeit Havanas are made in Honduras or the Dominican Republic, where the tobacco quality closely resembles Cuba's, then sent to the United States or Mexico to be boxed. Some get new cigar bands before being sold to unsuspecting tobacco stores.

All this infuriates American cigar makers, who estimate that they lose \$50 million to \$75 million each year to Cuban smugglers and counterfeiters. "A fellow can't smoke two cigars at once," said Richard DiMeola, executive vice president of Consolidated Cigar Corporation of Fort Lauderdale, Fla., America's largest premium cigar maker, and a unit of MacAndrews & Forbes Holdings. "For every Cuban cigar

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sold, that's one that we didn't sell."

Part of the increased interest in Cubans can be traced to the recent boom in cigar smoking. Americans bought 163 million premium cigars last year, according to the Cigar Association of America, up from 97 million in 1991. But American cigar makers point fingers at another source: Marvin Shanken and his Cigar Aficionado magazine.

Mr. Shanken, the son of a New Haven jewelry retailer, rolled out Cigar Aficionado in September 1992, just as the United States premium cigar boom was beginning. The magazine soon became a sort of Town & Country for cigar smokers, featuring photos and profiles of cigar-chomping celebrities like Lauren Hutton and Matt Dillon.

But critics in the industry say the magazine has a bent for Cuban cigars. The spring issue, currently on newsstands, includes an article arguing for an end to the Cuban trade embargo and another by Leslie H. Gelb, a former New York Times columnist who is now president of the Council on Foreign Relations, in which he describes his "mooching" of Cuban cigars.

What is especially galling to American cigar makers is Mr. Shanken's rankings of the best smokes, in which Cubans always come out on top. In the spring issue, Mr. Shanken rates Coronas, and indeed, Cuban brands receive the top two scores. The top American Corona -- a La Gloria Cubana -- finished 16th.

"To say that Cigar Aficionado promotes a black market product is silly," Mr. Shanken said. "How can I put out a serious cigar magazine that's an international publication and not include Cuban cigars? A lot of the people in the business frown on it because they can't participate in that market. But when our readers travel to Europe they can buy a box of Cubans and smoke them there."

For those who have yet to try a Cuban cigar, finding one in the United States will not be easy. Federal regulators have been cracking down on most of the popular smuggling routes. "This isn't a very sophisticated network of smugglers," Mr. Sharp said. "It's not like the smugglers who bring in cocaine."

The Office of Foreign Assets Control at the Treasury Department, which enforces economic embargoes and sanctions, believes most of the Havanas come by boat through the Caribbean. Others come across the Canadian and Mexican borders in cars and trucks. Smugglers commonly change the labels on the cigars from Cubans to Hondurans and then repackage them in boxes from South America. Once the cigars are in the United States, they are reboxed and relabeled to reflect their Cuban origins.

American cigar makers are especially riled by cigars sold through the mail -- mainly by well-known European retailers. "I bet more than half of the Cuban cigars that make it into this country are delivered by the U.S. Post Office," said Lewis Rothman, president of JR Tobacco of Statesville, N.C., whose mail-order, wholesale and retail businesses provide 40 percent of the premium cigars sold in the United States. "The Customs people can't look at every box, and if the cigars have had a make-over -- new label, for instance -- they might not be spotted."

There is only one legal way to bring Cuban cigars into the United States People

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who travel to Cuba legally -- to visit family members, conduct academic research or on a journalist's visa -- are allowed to carry home up to \$100 worth of Cuban goods as gifts, according to the Customs Service.

At today's prices, however, \$100 may buy only enough cigars to whet a smoker's yearning for more.

Photos: Workers pack cigars at the Partagas factory in Havana. Authentic Cuban cigars like Montecristo, above, and La Casita Criolla, below are hard to find. (Naum Kazhdan/The New York Times [top]; Stephen Ferry/Gamma-Liason)

Graph: "A High Price For a Premium Cigar"

Although Cuban cigars are illegal to import to the United States, they can still be bought here, at a price. Graph provides an estimate of how many were imported in 1995, compared with the number of imported premium cigars from other countries. (Source: Cigar Association of America, based on U.S. Customs Service data)

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NEWS SUBJECT: (Social Issues (1SO05); Crime (1CR87); Cigars (1CI03))

INDUSTRY: (Fertilizers (1FE31); Agrochemicals (1AG08); Smuggling & Illegal Trade (1SM35); Tobacco (1TO65); Consumer Products & Services (1CO62); Agriculture (1AG63); Agriculture, Food & Beverage (1AG53))

REGION: (Americas (1AM92); North America (1NO39); Central America (1CE62); Honduras (1HO08); Asia (1AS61); Latin America (1LA15); Cuba (1CU43); Mexico (1ME48); Europe (1EU83); USA (1US73); Florida (1FL79); New York (1NE72); Canada (1CA33); Caribbean (1CA06))

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Volume 160

Bogus stogies. (fake Cuban cigars; includes related articles) (Forbes FYI: The Good Life)
Passmore, Nick

Importing Cuban cigars into the US is a violation of the Trading with the Enemy Act, but many travelers try to bring them into the country anyway. Often they find that what they bought were fakes. Penalties and tips on spotting fakes are discussed.

The insult: those Havanas you just bought are fakes. The injury: Customs may decide to bust you anyway

"Did you acquire any cigars while you were in the Bahamas, sir?"

Little did he know--or perhaps he did--but with these few words the U.S. Customs agent in the Bahamas ruined my day.

Of course I had bought cigars. Quite a few, in fact. Quite a few Cuban cigars that are still illegal to bring into the United States. It was one of my primary motives for taking the trip, now that the ravenous hordes of nouveau cigar aficionados have stripped Europe's duty-free shops of what are still the best smokes in the world.

Now what was going to happen? I was looking at the loss of several hundred dollars worth of cigars. A big fine? Quite possibly. Jail? Unlikely, but attempting to import Cuban products contravenes the frightening-sounding Trading With The Enemy Act, so presumably the sky's the limit if the Feds really wanted to get nasty.

But when I displayed my carefully procured cigars for his inspection, instead of hauling me off to the interrogation room, the customs agent just laughed. He took one look at them, and with an expert's all too evident disdain for a patsy, derisively informed me that I had been had. They weren't genuine Havanas at all, but counterfeits. Fakes. And with a contemptuous wave of his hand, he dismissed me and my cigars, freeing us to board the plane.

I felt humiliated. I was relieved, of course, not to have tangled with the United

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States Customs Service, but the relief was subsumed by that gnawing sense of abject foolishness that sweeps over you when you realize you've been conned.

This sort of thing was not supposed to happen to me, the experienced and sophisticated traveler. I didn't change my money in dark alleys behind the Metropol in Moscow, or give my bags to helpful boys at Ramses Station in Cairo. How come I had managed to get ripped off in the Bahamas?

In the answer to that question there lies a very interesting phenomenon.

On getting home I began to ask around, and quickly became aware that far from being the victim of an isolated scam--as I had at first supposed--I had inadvertently stumbled into the widespread and growing trade in counterfeit Havana cigars. It seems that a vast majority of the cigars sold in North America and the Caribbean as "Havanas" are, in one way or another, fake.

It isn't surprising when you think about the circumstances. In the last few years, cigar smoking in the U.S. has become the trend du jour for movie stars, sports celebrities and their vast hordes of well-heeled imitators.

When you combine this rapid increase in demand with the devastation inflicted on Cuban production by 37 years of a command economy and a few bad harvests, you have all the ingredients for a prosperous black market.

The U.S. embargo against Cuba further stokes the demand for its cigars by making them a scarce, and therefore much desired, commodity.

And there are plenty of people willing to supply this demand. You can't spend very long in Havana without being approached by someone offering to sell you cigars, and in many restaurants there is a man sitting at a back table, often a retired professional roller, ready to make any cigar you want. They're even rolling them in the streets. The motivation is easy to discern: the Cuban economy is in such tatters, and the people so desperate for the prized U.S. dollar, that the opportunity to earn a week's wages by selling one box of counterfeits is all the incentive many need. So dire is the economic situation that, despite this being a police state, the making and selling of counterfeit cigars has become a thriving, albeit illicit, cottage industry in Havana.

Some of the best black-market cigars are very good indeed--so good that even experts have trouble detecting them. At the other end of the spectrum are cigars made from sweepings off the factory floor. Crudely rolled, fitted out with fake bands and packaged in stolen boxes, they are sold all over the Caribbean and the U.S. at vast markups to unsuspecting novices who are thrilled to have their first taste of a real "Havana."

"David" is a recently retired New York "broker" of illegal Havanas. Initially, he smuggled in the genuine product via Mexico, Canada or the Bahamas, but after he was stopped and lost several thousand dollars worth of cigars, he changed his modus operandi. First he removed the cigars from the boxes and took off the bands. Then he shipped the bands and boxes to the U.S. in one package, and the cigars--as legal Dominicans or Hondurans--in another. Once in the U.S., the parts were reassembled and sold to individuals, clubs and restaurants.

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While this was obviously illegal, his customers were at least getting the product they paid for. But as official prices in Havana rose over the last couple of years, David, like many others in the business, switched to the black market in order to maintain his margins without having to raise prices. None of his customers seemed to notice the difference.

According to him, American smokers, especially the legions of recent converts, are more interested in the name on the cigar than the product itself. For these nouveau smokers, cigars are about appearing trendy and in the know--and they are easy marks for the dealers. For the poseur in a cigar bar, it is infinitely more desirable to smoke, and be seen smoking, a fake Montecristo with a band than a genuine one without.

David even had U.S. customers, managers of stores and cigar bars, tell him not to bother with the cigars but just to supply them with the bands. They would then put the genuine bands on \$3 Macanudos, turning around and selling them as Montecristos for \$30 each to their very grateful "special" customers.

As Lew Rothman, president of JR Cigar, observes, "Given the number of Montecristos I see being smoked, there has either been an increase in counterfeit cigars or Cuba is producing more than ever before." Which of course it isn't.

David estimates that at least 80% of the supposed Havanas sold in the Caribbean--even in the duty-free shops--are counterfeit. You can get a box of good-quality fake Montecristos for about \$40 in Cuba, while the genuine article costs \$300. Either box will sell for a minimum of \$500 in stores all over the Caribbean, with not one customer in a hundred being any the wiser.

Some of these are genuine cigars stolen from the factory before they are aged properly. Some are made at home by factory employees with stolen or reject tobacco. Some are made in garages by small, illegal two- and three-man operations using inferior tobacco, and some are made in other cigar-producing countries from substandard leaf left over from legitimate production. All are packaged with stolen bands in stolen boxes for sale at less than a quarter of the price of the genuine article.

There are plenty of hustlers making money buying up bogus cigars in Cuba and elsewhere and taking them to Caribbean resorts where they're sold to unsuspecting tourists. Cancun is a major transshipment point, but the problem is pervasive throughout the Caribbean, with fakes showing up in Main Street tourist shops and on duty-free counters alike. The money is just too good.

This thriving black market will continue as long as the U.S. trade embargo persists and the Cuban economy remains incapable of expanding production to meet the ever increasing worldwide demand. Until then, anyone considering buying a Havana cigar should proceed with caution, and be aware that what they are getting almost certainly isn't the real thing.

RELATED ARTICLE: HOW TO SPOT A FAKE

Toby Brocklehurst is managing director of Special Places, an English tour operator that runs cigar tours to Cuba. He offers the following advice on how to

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spot counterfeit cigars:

"First, look at the bottom of the box; there should be the factory stamp, a series of blue letters and numbers indicating when and where they were made. Then there should be a paper seal across the top right-hand corner of the top of the box with "Habanos" on it, and a green paper seal across the front of the lid that looks somewhat like a currency note.

"When you open the box there should be a thin sheet of cedar-wood on top and a sheet of semitransparent paper between that and the cigars. Below that there should be exactly 13 cigars.

"Look at the cigars. They should be of uniform color and appear well-made. There should be no blemishes or holes in the wrapper and no prominent veins or bulges. The ends should be cut at an exact right angle.

"Then turn the box over with the lid open at 45 degrees, so the top layer of cigars is resting on the lid, and check the bottom layer to see if they look the same as the ones on top. Counterfeiters often put stolen genuine cigars or good-quality fakes on the top and hide the rubbish underneath.

"Even if the cigars pass all these tests, it doesn't mean the cigars are genuine; the racket is getting more sophisticated all the time. And if they fail even one test, they certainly aren't real Cuban cigars."

RELATED ARTICLE: THE LEGAL GAMBLE

Of course, importing Cuban cigars into the U.S., whether genuine or fake, is illegal embargo introduced in 1963 and still vigorously enforced by the U.S. Customs Service. Seizures of contraband cigars have risen in recent years, from 221 incidents in fiscal year 1994 to 1,372 in 1996, with the estimated value of the seized cigars correspondingly increasing from \$142,000 to \$1,142,000.

Anyone caught smuggling Cuban cigars can be charged under the Trading With The Enemy Act and faces a possible \$100,000 fine and up to ten years in jail.

On a practical level, the Customs Service divides cigar smuggling into two categories: personal use quantities and commercial quantities. Anyone caught with what is regarded as commercial quantities (and there is no hard definition if this) could receive anything from probation to jail time--and a Federal felony record.

On the other hand, if you're stopped with one or two boxes, you'll most likely see your cigars destroyed in front of you, crumpled into a trash can--a pretty traumatic experience, as one can imagine.

Commercial smuggling is the major focus of the USCS anti-cigar effort, but they're very aware of the "cigar craze," and anecdotal evidence suggests that the business-suited yuppie is more likely to be questioned about cigars now than he would have been a few years ago.

Just one more thing to worry about.

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Section: VW-View-LS-Life & Style

Up in Smoke

Events: For more than 100 black-tie guys (and a few women), the Ritz-Carlton's third annual gentlemen's cigar smoker offered a taste--and a puff--of the really good life.

RICK MOTTSPECIAL TO THE TIMES
SPECIAL TO THE TIMES

Hey, it's a guy thing.

Actually, it's the ultimate guy thing.

Slightly more than 100 gents in tuxedos, all sitting at one 40-yard-long table, turning the air blue not with rowdy stories (although there were a few), but with smoke from some of the best cigars you can clamp your teeth around. And Milton Berle, waving a stogie the size of a Scud missile, bending off gags that were dusty when Havanas were still legal. And enough prime, A-1 chow to put a healthy crimp in your cummerbund.

Why can't life be like the annual smokers at the Ritz-Carlton?

Ah, well, one can only take so much startingly tender filet de boeuf ; ingest just so much Ossetra caviar with corn and buckwheat blinis; lovingly swallow just so much delicate consommé, New Zealand gooseberry sorbet, Reine de Saba in pistachio sauce and Spanish red prawns with Atlantic scallops in aquavit-and-cream sauce; sip just so much 10-year-old Quinta do Noval tawny port, Krug Grand Cuvee champagne, Louis XIII cognac and Macallan single malt Scotch; luxuriate in just so much fragrant haze from smokes that make most cigars smell like burning brake linings.

Yes, it would be hell.

But the black-tie boys at the third annual gentlemen's cigar smoker at the Ritz-Carlton in Dana Point on Thursday were a game bunch and managed to muddle through. Many of them, like Joe De Franco of Corona del Mar, president and chief executive officer of a hazardous waste treatment business, had the advantage of attending the first two smokers and knew what they were in for.

De Franco, who has an abiding passion for cigars and sartorial quirks, arrived with stogies jutting from his coat pocket and a proper bowler on his head--which may have been the only way to make a true fashion statement at an all-black-tie dinner. He bought the hat, he said, on a shopping trip in London with John Wayne while Wayne was shooting on location for "Brannigan."

Pilar Wayne, the Duke's widow, was at the smoker too, sans bowler. She was one of five women who managed to wheedle their way into the male enclave; the others included a journalist, the wife of a tobacconist and two women who got on the guest list by providing male names.

Wayne attended the bash as the guest of Ritz-Carlton General Manager Henry Schielein--as she did last year--and appeared to be in serious danger of enjoying herself, even though she professes to hate cigar smoke.

Most of the guests, however, think cigar smoke is at least on a par with anything the Chanel people put out. Take Rick Hacker, for instance. A Beverly Hills author who writes extensively about pipes and cigars, Hacker just laughed when someone reflexively apologized for blowing a cloud of Macanudo smoke in his direction.

The smell was in the air from the very beginning of the evening: a reception in and around one of the hotel's smaller meeting rooms overlooking the ocean, where the first champagne was sipped, the first steak tartare and caviar was served and the first stubby before-dinner Davidoffs--provided by the company's representative, Gerald Edelman--were fired up.

At the end of the one-hour reception, the guests sat down in an adjacent--and much larger--room, at a long, long table set with geometric precision with gleaming glasses, plates and flatware; vases of red and yellow tulips; candelabra and garlands made of red roses, apples, oranges and grapes.

The food was decidedly French, the result, said Schielein, of chef Christian Rassinoux reproducing original recipes by the renowned chef Auguste Escoffier.

Schielein said the inflated guest list this year--he had promised last year to limit it to 80--was the result of "an awful lot of arm-twisting" among rabid cigar fans. But no more, he said.

He ended his welcoming speech with the unnecessary admonition: "Don't take yourselves too seriously."

Berle made sure of it. Unable to wrap his tongue around Schielein's name, he adopted the handle "Mr. Shoeshine" instead. It stuck. During the obligatory group photograph, it wasn't cheese, it was shoeshine!

After hearing himself referred to as the second most famous cigar smoker in Hollywood, Berle twitted No. 1, George Burns.

"I asked George Burns to come tonight, and he couldn't make it because of the distance," deadpanned Berle. "He's in the lobby."

It was past midnight when the assembly finally folded the napkins and trooped upstairs to the Library, a richly paneled and furnished room where a large oval table was laid on with more than 1,000 cigars, which the guests were invited to take home. Pockets bulged with booty.

"God," said one delighted smoker, "this is like a candy store. It's Cigars R Us."

Finally, most smokers chose cigars, paired them with the liberally flowing cognac, Armagnac, port and Scotch, and sank blissfully into chairs.

And thought that maybe they could do this every day if they absolutely had to.

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----- INDEX REFERENCES -----

NEWS SUBJECT: (Smoking (1SM71))

INDUSTRY: (Hazardous Waste (1HA81); Consumer Products & Services (1CO62); Cigars (1CI03); Tobacco (1TO65))

Language: EN

OTHER INDEXING: (BEVERLY HILLS; DE FRANCO; JOE DE FRANCO OF CORONA; QUINTA; RITZ CARLTON; WAYNE; XIII) (1; Ah; Armagnac; Auguste Escoffier; Berle; Christian Rassinoux; George Burns; Gerald Edelman; God; Hacker; Hey; John Wayne; Krug Grand Cuvee; Manager Henry Schielein; Mar; Milton Berle; Pilar Wayne; Reine; Rick Hacker; Schielein; Shoeshine; Slightly; Wayne)

KEYWORDS: CIGARS; SMOKING; MEN; PARTIES

EDITION: MO-Home Edition

Word Count: 972
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2002 WLNR 12466408

Los Angeles Times
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March 14, 2002

Section: Calendar Weekend

On the Town
Clearing the Air
JESSICA HUNDLEY
SPECIAL TO THE TIMES

James Dean, lean and long, a cigarette slipped almost as an afterthought to the side of a lazy smile; Bogie coolly lighting one up for Bacall; Marlene's platinum curls swathed in a halo of blue smoke--Hollywood glamour and a slow-burning cigarette have gone hand in hand since the early days of cinema, when audiences lighted up Havanas in the orchestra pit and stars on the screen used cigarettes as the ultimate prop.

The movie and tobacco industries and their long-standing and invariably uneasy relationship is the subject of the Hollywood Entertainment Museum's newest exhibition, "Smoke, Lies & Videotape."

Moving chronologically through film, radio and television history, the exhibition attempts to deconstruct the complicated give and take involving cigarette manufacturers, Hollywood studios and an impressionable public.

"We want the visitor to move through the exhibit and to discover, in the way that we discovered when researching the project, how prevalent smoking is in the media and how that affects our own choices," says Chris Horak, the museum's curator.

The exhibition represents a directional change for the museum, which usually houses revolving art exhibitions and a host of Hollywood memorabilia (an extensive collection of costumes, photographs and vintage TVs and radios). But in the past two years, efforts have been concentrated on preparation for the "Smoke, Lies & Videotape" exhibition, which was funded by a grant from Prop. 99 and the Tobacco Control Section of the California Department of Health Services, Horak said.

Geared, according to museum President Phyllis Caskey, toward "a primary target of 16- to 24-year-olds," the exhibition aims to educate teens about the tobacco industry's long involvement in mass media. To do so, the organization plans to involve local schools through free tours and surveys.

Using clips from early film classics and modern television programs, as well as interactive touch screens (which offer trivia games and smoking facts) and personal MP3 players (which provide a running narration), the exhibition attempts to steer visitors through a revealing history of on-screen smoking.

Despite the state's involvement and the obvious desire to dissuade young people

from taking up a bad habit, the curators were hesitant to force-feed teens anti-smoking propaganda.

"We didn't want to push people's buttons in an obvious way," says one of the show's main designers, Barry Howard. "We want kids to go through the exhibit and come out having made their own decisions about smoking."

Caskey agrees: "We wanted to let the images speak for themselves and allow you to draw your own conclusions."

The exhibition does do a good job of keeping off the soapbox, at times perhaps too good. Watching Audrey Hepburn's Holly Golightly taking a slow, elegant drag in "Breakfast at Tiffany's," or Jack Nicholson and Faye Dunaway sharing the quintessential postcoital smoke in "Chinatown," one can't help but feel that what Tobacco Control might hope to demonize looks, well ... kinda cool (particularly with the help of clever camera work, the right lighting and a beautiful and glamorous star).

The museum's negative stance on smoking, however, is more than clear in the characterization of the exhibition's animated "host": RJ "Lucky" Morris, a shady PR man who pops up throughout the tour with a mischievous grin and an ever-present cigarette. The point is clear that "Lucky" (whose not-so-subtle name is an amalgamation of the country's largest tobacco companies) will do just about everything he can--be it clever product placement or celebrity endorsements--to give smoking a good name.

While the exhibit provides some fascinating cultural relics--Johnny Carson chain-smoking on "The Tonight Show," a cigarette commercial featuring "The Flintstones"--the real issues, such as the ways in which media directly influence society and the moral complexities of corporate involvement with the arts, are left, unfortunately, on the sidelines. The exhibition tends to shy away from direct critique in favor of playful scrutiny, and, while it remains entertaining, it's questionable how much of an effect this kind of ambiguity will have on the show's prospective audience.

There are, however, a few moments in "Smoke, Lies & Videotape" that may give teens pause, particularly the footage of a young Steve McQueen happily hawking the very cigarettes that will eventually kill him, and the exhibition's last stop, two tall plexiglass monuments inscribed with the names of celebrities who have died from tobacco-related illnesses. The list records the loss of talents such as Gary Cooper, Lucille Ball and Walt Disney.

It stands as a reminder of untimely death that illustrates, more powerfully than any film clip or vintage movie poster, that Hollywood's promise of glamour through the seductions of a lighted cigarette is, in the end, all smoke and mirrors.

"Smoke, Lies & Videotape," Hollywood Entertainment Museum, 7021 Hollywood Blvd., L.A. Open daily except Wednesdays from 11 a.m. to 6 p.m. Information: (323) 465-7900.

---- INDEX REFERENCES ----

COMPANY: HEALTH DEVELOPMENT SERVICES; DISNEY (WALT) CO

NEWS SUBJECT: (Parents & Parenting (1PA25); Drug Addiction (1DR84); Smoking (1SM71); Health & Family (1HE30); Teenagers (1TE59))

INDUSTRY: (Consumer Products & Services (1CO62); Cigarettes (1CI04); Tobacco

Westlaw.

NewsRoom

3/3/02 BOSTONG D4

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3/3/02 Boston Globe D4
2002 WLNR 2562987

Boston Globe (MA)
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March 3, 2002

Section: Books

WORLD WAR II COMES TO THE N.E. COAST

BY MICHAEL KENNEY

Avigilant reader of New England fiction this past year might have noticed the number of novels set on the coast in the period around World War II, or with a strong plot element connecting them to the war. There are too few, yet, to suggest a trend, but too many for mere coincidence.

There were several in particular that caught this reader's eye. In "Something in the Water" (Down East Books), Peter Scott used the accounts of German submarines prowling the New England coast to craft a thoroughly engaging novel about an Isle au Haut lobsterman who encounters and tracks one. The discovery of the wreckage of a World War II fighter plane off Martha's Vineyard sets off Susan Wilson's "Hawke's Cove" (Pocket Books), a fine tale of memory and loss. And in "Dark Harbor House" (Down East Books), Tom DeMarco re-creates an idyllic Maine summer on Isleboro just after the war.

If there is to be a trend, there needs to be a new installment, and it is at hand in Katherine Towler's "Snow Island" (MacAdam/Cage; \$25), an elegiac coming-of-age novel set on an island in Narragansett Bay during the early 1940s.

Alice is a resourceful 16-year-old who digs quahogs for supper and runs the island's general store for her ineffectual mother - her father drowned while clamming, years before.

She spent her days at the store, waiting on customers and reviewing inventory. The delivery business was an instant success, especially when Alice explained that she was not ordering her produce from Morton's but direct from the farmers around Boston and suppliers in Providence. "Morton's produce wasn't much good last year," Mrs. Lamprey told her. "He sent us his cast-offs."

An important element in these coastal novels - along with the inevitably colorful island characters - is a strong sense of time and place. Here is Towler - who lives in Portsmouth, N.H., on Alice's Snow Island:

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"The summer people never saw the island in the winter light, when the setting sun turned the brittle fronds of beach grass into golden fields. They never felt the stiff force of the wind on the west side, so steady off the water that the icicles hung sideways from the eaves of the houses. . . . Now that the summer people were beginning to arrive . . . Alice tried to remember the other Snow Island, that windswept place it seemed only she knew."

And when war comes, "the reality of it broke over the islanders in waves" - the men leaving for military training, the orders to darken the lighthouse, volunteer duty on the lookout tower, barracks going up where, months before, there had been thickets of blueberry bushes. And the boy whom Alice promises to marry when he returns from the war.

With "Snow Island" as a luminous and moving entrant, wartime along the coast becomes a welcome addition to the sourcebook of the region's fiction.

As State Representative Jarrett Barrios, a Cambridge Democrat, has put it, his fellow Latinos - the largest and fastest growing ethnic minority in Massachusetts - have "reached a point of demographic inevitability." What is less certain - at least as to timing - is whether they have also reached a point of political inevitability.

That question is explored in a timely and important series of essays and case studies in "Latino Politics in Massachusetts" (Routledge; \$75), edited by Carol Hardy-Fanta of the McCormack Institute at the University of Massachusetts at Boston and Jeffrey N. Gerson, a political scientist at the University of Massachusetts at Lowell.

While the Latino population is growing - 6.8 percent of the state's population in the 2000 census, up from 4.8 percent in 1990 and 2.5 percent in 1980 - it is scattered, with large concentrations in the seven cities (Lawrence, Chelsea, Holyoke, Lowell, Springfield, Boston, and Worcester - in that order), suggesting that initial political gains will be seen at the local level.

And as Hardy-Fanta suggests, success at that level "will breed further success." And rather than increased participation leading to greater political power, she suggests, "success at gaining representation or political effectiveness (i.e. power) will create a momentum for greater participation."

No lines could be more local than those written about a town's history. But often, they are of wider regional interest, as is the case with "Divided We Stand" (University of Massachusetts Press; \$39.95), Roger Thompson's account of Watertown in the 50 years after its settlement in 1630.

Thompson has taught and summered in New England and now teaches American studies at the University of East Anglia, the region from which Watertown's first settlers came. Despite early expectations, by 1680 it was already in decline, lacking sufficient meadowland for grazing cattle and access to the ocean blocked by the oyster banks downstream. Then, "the loss of its founding magistrate and the low-key parochialism of its ministers" deprived it of the opportunity to become the county seat or home of a college and its press - honors "scooped" by neighboring Newetowne (now Cambridge).

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Of particular interest are the 10 case studies Thompson has culled from unpublished Middlesex County court records - a paternity case, a child abuse case, and the affairs of the "dysfunctional" Page family whose rivalry over inheritances, Thompson finds, was like "the stuff of Jacobean drama."

A sense of the region's time and place is especially strong in two recent mystery novels.

Nancy Zaroulis, writing as Cynthia Peale, is back with "The White Crow" (Doubleday; \$24.95), her third Beacon Hill mystery featuring the sleuthery of Addington Ames and his sister Caroline and their friend, Dr. John McKenzie.

This time, the action revolves around the craze for trying to contact the dead through seances. Making an appearance as a friend of the Ameses is the philosopher William James who was an investigator of paranormal phenomena - and who provides the title by commenting "if you seek to prove that not all crows are black" (or not all mediums are frauds), then "you need only one white crow."

Ames has gone to visit James in his house on Irving Street, just beyond Harvard Yard, and they head for the study:

"This was a large room that seemed small because of all that was in it: glass-fronted shelves crammed with books and journals and stacks of manuscript; more books and journals on tabletops and on the surface of the vast partners desk; upholstered chairs before the tiled fireplace; a fainting couch by the window, a standing globe; a glass display case filled with - Ames saw as he stepped close to look - the preserved corpses of several tiny monkeys, stuffed birds, a human skull, a tray of dead insects, each neatly pinned and labeled, a scattering of rocks, several fossils, a birds nest with three speckled eggs."

"`Smoke?' said James, offering a box of what looked like excellent Havanas."

"First Light" (Scribner; \$24) is being billed by the publisher as "the first-ever Brady Coyle and J.W. Jackson novel," which will please fans of Philip R. Craig and William G. Tapply, two writers collaborating on a tale involving their respective sleuths.

It all takes place on Martha's Vineyard where the two are planning some late summer fishing. That plan is abruptly interrupted by mysterious disappearances, fights with developers, and a murder. The authors are as laid-back as their sleuths and finish things off with recipes for scallops, sea ducks, and steamed pudding.

LOCAL LINES / MICHAEL KENNEY\Michael Kenney writes every other month about new books of regional and local interest. BOOK REVIEW\ TYPE: SUN

---- INDEX REFERENCES ----

COMPANY: UNIVERSITY OF MASSACHUSETTS

NEWS SUBJECT: (Social Issues (1SO05); Minority & Ethnic Groups (1MI43))

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1/18/94 USATD 01D

Page 1

1/18/94 USA TODAY 01D
1994 WLNR 2332827USA Today (USA)
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January 18, 1994

Section: LIFE

PAY AS YOU GO-SKI

Arlene Vigoda

Moscow will charge foreign tourists a daily tariff of one U.S. dollar, payable in hard currency, Itar-Tass news agency said on Monday. But they didn't say when or how the tariff would be collected or why it was imposed. Tass said only tourists from Commonwealth countries would be exempt from paying.

GRAND TRADITION: On Jan. 22, country singer Hal Ketchum will be the 10th person to join the Grand Ole Opry in the 1990s. Ketchum, 40, has performed at the Opry six times since 1991. His hits include Small Town Saturday Night, Sure Love and Hearts Are Gonna Roll.

SWEET: Everything you ever wanted to know about chocolate but were too stuffed to ask is just a phone call away. In honor of Chocolatier's 10th anniversary, the dessert magazine is offering a toll-free number on Feb. 1 from 9 a.m.-4 p.m. ET to field chocoholics' burning queries. Like, is white chocolate really chocolate? Why is bittersweet chocolate bitter? And of course, just how fattening is this stuff? Chocolatier food editors will also solve recipe dilemmas. Call 800-294-4811.

BARING IT: R&B vocal trio Tony Toni Tone get naked naked naked in their video, Lay Your Head on My Pillow, the follow-up to hit singles If I Had No Loot and the Grammy-nominated Anniversary. Their label, Mercury, is concerned the clip won't pass MTV censors. Named best R&B band in Rolling Stone's critics poll, Tony Toni Tone is clothed and on tour with Janet Jackson.

WHATTA JERK: We've all had them. Blind dates from hell. Like the one who droned on about the pressures of being a Friendly's manager or showed up awash in dime-store cologne. Welcome to pay-back time, courtesy of Together dating service. Regale them with your worst experience. Folks with the 10 best (or worst, depending on how you look at it) responses will receive 10 free compatible matches each from Together. Deadline: Feb. 7. Send to: Together "Blind Dates from Hell," c/o Jericho Promotions, 924 Broadway, New York, N.Y. 10010.

SMOKE GETS IN YOUR EYES: Stogie survey time. President Clinton is the most desirable person to smoke a cigar with, said 36% of 534 cigar-loving respondents in the Famous Grouse Scotch Cigar Smokers survey. Other cigar-loving vote-getters (in descending order): George Burns (23%), Arnold Schwarzenegger (19%), Michael Jordan (14%), their spouse (12%) and first lady Hillary Rodham Clinton (9%). Speaking of cigars, Zino Davidoff, 87, the Jewish emigre who made Havana cigars world famous and later founded one of the world's premium cigar companies, died Friday in

Geneva.

LOOK WHO'S TALKING: You, dear reader. CNBC's America's Talking, a 24-hour all-talk network set to launch later this year, is looking for an unknown to host his/her own talk show for one year. Wanna yakkety yak and talk back? For an application and contest guidelines, write to: America's Talking, c/o Talk Show Talent Search, 2200 Fletcher Avenue, Fort Lee, N.J. 07024.

CHILLED TO THE GILL: Tina Wolfe of Asheville, N.C., wants to be first in line for Vince Gill tickets so she's already camping outside the Asheville Civic Center box office - even though reserved seats don't go on sale until Feb. 12. The concert's March 24. Wolfe's been camped in a van outside the arena since Tuesday. Said Wolfe: "I promised Mama front-row seats. If I have to sit here a month, then I'll sit here a month."

PHOTO,color,Eileen Blass,USA TODAY

NOTES: A QUICK READ ON WHAT PEOPLE ARE TALKING ABOUT
CATEGORY: Lifeline

----- INDEX REFERENCES -----

NEWS SUBJECT: (Cigars (1CI03))

INDUSTRY: (Consumer Products & Services (1CO62); Tobacco (1TO65))

REGION: (USA (1US73); Americas (1AM92); North America (1NO39))

Language: EN

OTHER INDEXING: (ARNOLD SCHWARZENEGGER; ASHEVILLE CIVIC CENTER; CHILLED; CHOCOLATIER; CNBC; FAMOUS GROUSE SCOTCH CIGAR SMOKERS; GRAND OLE OPRY; JEWISH; MTV; NOTES; PHOTO; SMOKE; USA; VINCE GILL) (Blind; Blind Dates; Clinton; Eileen Blass; George Burns; Hal Ketchum; Hillary Rodham Clinton; Janet Jackson; Jericho Promotions; Loot; Mercury; Michael Jordan; PAY; Regale; Speaking; Talent Search; Tass; Tone; Tony; Tony Toni Tone; Wanna; Wolfe; Zino Davidoff) (MOSCOW; HAL KETCHUM; CHOCOLATE; CHOCOLATIER; TELEPHONE NUMBER; TONY TONI TONE; BLIND DATE; CIGAR; AMERICA'S TALKING; HOST; TINA WOLFE; VINCE GILL: CLINTON POPULARITY; SUBJECT TERMS: RUSSIA; COUNTRY MUSIC; CANDY; R&B; DATING; SMOKING; TALK SHOW; TICKET; TOURISM)

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February 5, 1998

Section: NEWS

Arafat reportedly has picked his successor

Yasser Arafat has chosen as his successor Mahmoud Abbas, a founder of the PLO's main guerrilla faction but one of the first Palestinian leaders to call for a dialogue with Israel, according to a report in a London magazine. The article in the latest edition of the

Foreign Report was made available to The Associated Press. The report could not be immediately confirmed with Palestinian or U.S. officials.

The succession issue has been a delicate one among Palestinians, whose national movement has been led by the 68-year-old Arafat for three decades. Abbas, a 63-year-old lawyer, was a key figure in negotiating the initial 1993 Israel-PLO accord. In the 1960s, Abbas became a founder of Fatah, the PLO's main guerrilla faction headed by Arafat.

SOMALIA PEACE BID: Thousands of residents of the divided Somali capital of Mogadishu packed a soccer stadium to demonstrate their support for an agreement that could finally bring peace to the east African nation. Somalia disintegrated after the fall of dictator Siad Barre in 1991. Somalia split into fiefdoms under rival warlords.

BALLOON TRIP DEFLATES: Three European balloonists, refused entry into Chinese airspace, gave up their attempt to be first to fly around the world nonstop.

VIOLENT ANNIVERSARY: Sri Lanka celebrated its 50th independence anniversary from Britain, amid fresh attacks by separatist Tamil Tiger guerrillas in the eastern part of the island country, military officials said.

SOUTH AFRICA PROTEST: An illegal march by disgruntled South African students turned into a looting spree in downtown Johannesburg and 50 arrests were reported, police said. Witnesses said about 10,000 students marched to protest against the late issuing of school textbooks.

CHURCHILL'S CIGAR: A Havana cigar owned by Winston Churchill during World War II was auctioned in London for \$3,360 to help cancer patients. The cigar was first auctioned in 1944 to raise funds for Russian war victims. It was anonymously donated to Wednesday's auction.

NOTES: WASHINGTON AND THE WORLD; WORLD ROUNDUP

----- INDEX REFERENCES -----

Westlaw.

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4/15/99 CHICAGOTR 8

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4/15/99 Chi. Trib. 8
1999 WLNR 6883020

CHICAGO TRIBUNE
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April 15, 1999

Section: NEWS

POLITICS ASIDE, SMOKERS LOVE CUBAN CIGARS
AMERICANS FROM MANY WALKS OF LIFE INDULGE IN WORLD-FAMOUS HAVANAS
Anita Snow, Associated Press.

The passion for Cuba's high-quality cigars has fired up in recent years. American politicians, actors, businessmen--and a growing number of women--are indulging in what, for many people, remains a politically incorrect habit.

The current trend may be new, but the story of Cuba's world famous cigars is an old one, stretching back to the conquest of the New World, when Christopher Columbus arrived on the island to find the native shaman smoking strange brown leaves out of a wood pipe.

Later, the Spaniards picked up the habit. Then they began rolling the leaves into long sticks that could be smoked without a pipe, and the cigar was born. By the late 1500s, tobacco was grown commercially in Cuba for export to the Old World.

The process for making Cuban cigars today remains much the same as it was more than four centuries ago.

Now, as then, the best tobacco is grown in broad fields in the island's west, where farmers lovingly tend the tobacco plants' thick green leaves.

Rather than use damaging pesticides, nets are sometimes placed over the plants to keep out insects. In some cases, cheesecloth is draped over the leaves to keep out the burning rays of the sun.

Once the plants reach maturity, a process that takes two to four months, leaves of up to a foot long and almost as wide are picked by hand in the primary growing region of western Pinar del Rio province.

Workers sort through the leaves, selecting the best ones. They will later be used to make the Cohibas, the Partagas, the Romeo y Julieta cigars favored by tobacco connoisseurs the world over.

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Finally, the leaves are hung to dry in special curing warehouses.

Once dried to a brown, crinkly texture, the leaves are packed in bales and trucked to the numerous cigar factories of Havana. There, workers sort them again, flatten them and deliver them to the rollers.

Cigars are rolled by hand by workers sitting along rows of tables. The roller saves a higher quality leaf for the outer, final layer of the cigar or wrapper.

Cuban authorities project that Cuba's 25,000 tobacco workers, involved in everything from cultivation to final packaging, will produce 200 million cigars for export this year. That's 25 percent more than last year.

Spain remains Cuba's biggest export market for cigars, receiving about 42 million annually. France is second, followed by the tourists who buy boxes of cigars when they visit Cuba.

Switzerland, Britain and the countries of Asia are also big markets for Cuba's cigars.

The most important potential market is only 90 miles away, but out of bounds. Officials of Cuba's state-run tobacco companies estimate they could sell 50 million to 60 million cigars to the United States annually if the three-decade-old U.S. trade embargo against the Communist island were lifted.

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---- INDEX REFERENCES ----

NEWS SUBJECT: (Drug Addiction (1DR84); Smoking (1SM71); Health & Family (1HE30); Women's Businesses (1WO64))

INDUSTRY: (Consumer Products & Services (1CO62); Cigars (1CI03); Tobacco (1TO65))

REGION: (Cuba (1CU43); USA (1US73); Americas (1AM92); North America (1NO39); Caribbean (1CA06); Latin America (1LA15))

Language: EN

OTHER INDEXING: (COHIBAS; LOVE; PARTAGAS; POLITICS; ROMEO; SMOKERS; SPANIARDS)

KEYWORDS: CUBA; PRODUCT; PROFILE

EDITION: EVENING UPDATE

Word Count: 561
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2004 WLNR 11697153

Chicago Sun Times (IL)
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September 28, 2004

108-year-old back to cigar habit

GREAT FALLS, Mont. -- A 108-year-old man has taken up smoking again, encouraged by gifts of cigars from as far away as London.

Retired railroad worker Walter Breuning spoke at his birthday party Tuesday of how he reluctantly quit smoking cigars at 99 because he couldn't afford them.

After his story was widely distributed, the Great Falls man heard from people like the English cigar fan who sent two Havanas.

"They were \$12 cigars and they were good," Breuning said. "You can't get good Havana cigars like that out here."

He also got a birthday note and a few cigars from a former Great Falls resident living in Oregon.

AP

Credit: Associated Press

---- INDEX REFERENCES ----

NEWS SUBJECT: (Smoking (1SM71))

INDUSTRY: (Consumer Products & Services (1CO62); Cigars (1CI03); Tobacco (1TO65))

Language: EN

OTHER INDEXING: (AP) (Breuning; Retired; Walter Breuning)

Word Count: 132
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9/27/99 S.F. Chron. C6
1999 WLNR 4033110

San Francisco Chronicle (CA)
Copyright 1999 The San Francisco Chronicle

September 27, 1999

Section: SPORTS

TOP OF THE SIXTH

Tom FitzGerald

NO MORE CALLS -- WE HAVE A WINNER

Because of a warning for Tropical Storm Gert, there were only about 100 people in the stands at Miami's Pro Player Park when Tuesday's Marlins- Expos doubleheader started. Florida's Dennis Springer, the winning pitcher in the first game, was about to go into his windup at one point when he actually heard a cell phone ring.

"It was kind of crazy," he told the Philadelphia Inquirer. "I should have just stepped off and yelled, 'Hey, turn it off!' "

HE DIDN'T MAKE THE CUT BUT HE DID THE TRIMMING: Long snapper Mike Morris was one of the Minnesota Vikings' last cuts this fall, and he thought his career was over. Then Vikings coach Dennis Green left a message on his answering machine last week. Once on the line, Green asked what Morris had been up to since the Vikings cut him.

"Trimming my neighbor's hedges," Morris said. "Tell me," Green said. "Anybody in the neighborhood make \$400,000 doing that?" Morris re-signed

-- The Dodgers this year sold 33 luxury boxes at an average of \$287,000. Says comedy writer Alex Kaseberg: "Many people offered to pay a lot more if the Dodgers would promise to wall off those big windows so they don't have to actually watch the team."

-- Davey Johnson might never live down this quote, when he took over the Dodgers: "A village idiot could manage this team." Says Dave Ranney of Guerneville: "So are Davey Johnson's memoirs about this season going to be titled, 'It Takes a Village Idiot'?"

-- Kevin Costner told the Boston Globe he threw an 88 mph pitch when he was warming up to shoot "For Love of the Game." And you thought he was unbelievable as Eliot Ness

-- Hall of Famer Bob Feller on Costner's 88-mph claim: "There's just one word for that: horsemuffins."

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TRY THE CARROT, NOT THE STICK: Fidel Castro asked the International Olympic Committee to investigate drug scandals at the Pan American Games and demanded that four Cubans who tested positive for cocaine and anabolic steroids be given back their medals. Says Bernie Lincicome of the Chicago Tribune: "Fidel, take the advice of a capitalist dog. If you want the IOC to do something, send them a box of Havanas and the Nieman-Marcus Christmas catalog."

-- Steve Hummer of the Atlanta Journal-Constitution, on Mike DuBose's admitted affair with an executive secretary: "It's one thing for the president of the United States to be caught lying about an 'inappropriate relationship' with one of the help. But we expect a little more from the head football coach at the University of Alabama."

-- From Tom Hoffarth of the Los Angeles Daily News: "What do John Elway, Tiger Woods, Nolan Ryan, Florence Griffith Joyner, Karch Kiraly, Ken Griffey Jr., Mark McGwire, John McEnroe, Gail Devers, Sugar Ray Leonard and Evander Holyfield have in common? All were left off the ESPN SportsCentury Top 100 list. But remember, three horses made it."

TOP OF THE SIXTH

E-mail: topsixth@sfgate.com (include hometown)

---- INDEX REFERENCES ----

COMPANY: UNIVERSITY OF ALABAMA IN HUNTSVILLE

INDUSTRY: (Sports (1SP75))

REGION: (USA (1US73); Americas (1AM92); Florida (1FL79); North America (1NO39))

Language: EN

OTHER INDEXING: (ATLANTA JOURNAL; CARROT; FAMER BOB FELLER; HAVANAS; INTERNATIONAL OLYMPIC COMMITTEE; IOC; MINNESOTA VIKINGS; NIEMAN MARCUS CHRISTMAS; PAN AMERICAN GAMES; TOP; TROPICAL STORM GERT; UNIVERSITY OF ALABAMA; VIKINGS; WINNER) (Alex Kaseberg; Bernie Lincicome; Costner; Dave Ranney; Davey Johnson; Dennis Green; Dennis Springer; Eliot Ness; Evander Holyfield; Florence Griffith Joyner; Florida; Gail Devers; Green; John Elway; John McEnroe; Karch Kiraly; Ken Griffey; Kevin Costner; Mark McGwire; Mike DuBose; Mike Morris; Morris; Nolan Ryan; Steve Hummer; Sugar Ray Leonard; Tiger Woods; Tom Hoffarth; Trimming)
(SPORTS)

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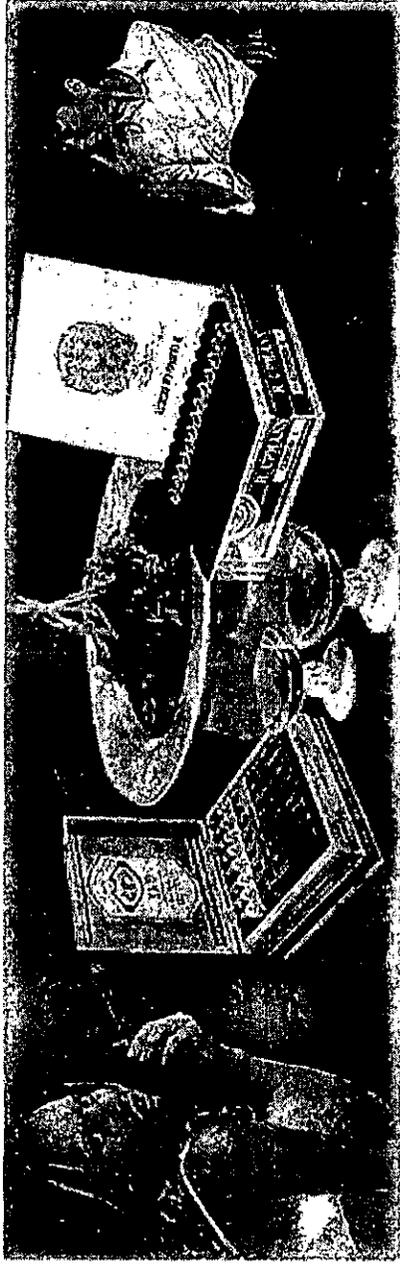
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Cigar Fact:

On Cuban cigars, the terms 'Made in Cuba' and 'Made in Havana' are considered interchangeable because virtually all Cuban cigars for export are made in factories in or around Havana. For more than a century, a Cuban cigar and a Havana cigar have been synonymous.

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Value-Priced Premium Cigar from Indianhead

Cigar News
Written by Administrator
Wednesday, 04 January 2006
Indianhead
16112 NW 13th Ave.
Miami, FL 33160
Phone: 800-292-4858
Fax: 305-623-5494
Web: www.indianhead.cc

Contact: Bill Bock FOR RELEASE: September 24, 2005

Newest Value-Priced Premium Cigar from Indianhead Explodes on Market

"When we introduced Dynamite, our latest premium cigar line, at this summer's national trade show, we weren't prepared for the retailers' response," admits Bill Bock, president of Indianhead. "They bought out our entire first shipment at the show, and were calling back the following week to order more." When asked to explain Dynamite's popularity, Bock attributes it to "the runaway success of our American Stogies, the value-priced line that has been outselling premium cigars that command much higher prices. Like American Stogies, we know we have an incredible cigar in Dynamite, especially for the price."

Dynamite has a 5-nation blend of tobaccos that give it a deep complexity, according to Bock. It is available in two wrappers, a maduro and a Cuban Corojo. It is full-flavored, with an unexpected

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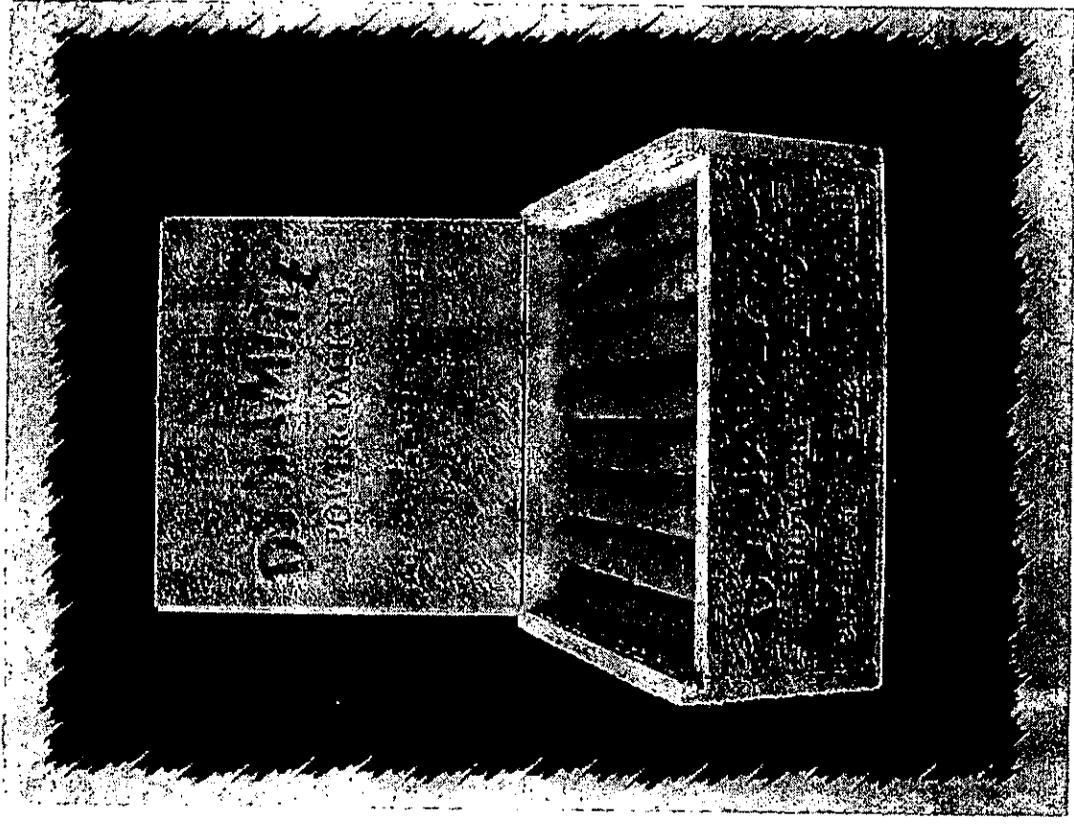
Davidoff Celebrates Cigar Centenary

Cuban Cigars on a Roll as they keep high price

Bock EX 17
DEPO
DATE 3-24-06 RW

smoothness for a cigar with its power. Three shapes are offered: #560 (5" x 60), #652 (6" x 52), and #754 (7" x 54). The first two are straight parejos, the third is a Belicoso.

The novel packaging plays on the dynamite theme. It consists of rough-hewn boxes of 24 unbanded "sticks," rather than "cigars," with the words "Dynamite Power Packed," burned into the wood. Suggested retail for Dynamite is \$3.20 to \$3.50, and the cigars are now appearing on retailers' shelves.



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[Cuba Unveils Super-Expensive Cigar](#)

[Cigar Bar Exemption Before City Council Tuesday \(WISC Channel3000.com via Yahoo! News\)](#)

[Cigar Bar Exemption Before City Council Tuesday \(Channel 3000\)](#)

[House sends smoking ban to governor \(The Pueblo Chieftain Online\)](#)

[Cigar exemption advancing to vote \(Wisconsin State Journal\)](#)

[Lounge blows smoke in face of Chicago's ban \(Pioneer Press\)](#)

[No ifs, only butts \(Express India\)](#)

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BET on the MADNESS
The Madness is About to Begin. Get in the Action and Start Betting!

Indianhead's full-bodied Dynamite, follows on the heels of their top-rated, top-selling value-priced American Stogies line.

Statewide smoking ban likely to become law (9 News Denver)

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

OPPOSITION NO. 91165519

CORPORACION HABANOS S.A.,
Opposer,

v.

ANNCAS, INC.,
Applicant

----- x

235 S.W. Le Jeune Road
Miami, Florida
March 24, 2006
9:40 a.m. - 2:24 p.m.

DEPOSITION OF WILLIAM BOCK

Taken Before ROBERT WOLINSKY, RMR, Registered
Professional Reporter and Notary Public for the
State of Florida at Large, pursuant to Notice of
Taking Deposition filed in the above cause.

CHOICE REPORTING SERVICE, INC.

Dade * Broward * Palm Beach
(305) 374-2222 (954) 792-4446

APPEARANCES

Rabinowitz, Boudin, Standard,
Krinsky & Lieberman, P.C.
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New York, N.Y. 10006-1901
BY: DAVID B. GOLDSTEIN, ESQ.
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Tele: 212.254.1111 X103 Fax: 674.4614
Sanchelima & Associates, P.A.
235 S.W. Le Jeune Road
Coral Gables, Florida 33125
BY: HENRY RODRIGUEZ, ESQ.
on behalf of the Applicant
Tele: 305.447.1617

CHOICE REPORTING SERVICE, INC.
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(305) 374-2222 (954) 792-4446

1 Thereupon--

2 WILLIAM BOCK

3 was called as a witness by the opposer and, having
4 been first duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MR. GOLDSTEIN:

7 Q. Would you please state your full name and
8 your address for the record?9 A. William Clarence Bock. Address is 16425
10 Collins Avenue, number 2416, Miami, Florida 33169.11 Q. And your current employment, including
12 your title and the address of your employment?

13 A. I'm president of Anncas Incorporated.

14 Q. Where is that located?

15 A. 16112 Northwest 13th Avenue, Suite E,
16 Miami, Florida 33169.17 (Thereupon a document was marked
18 Bock Exhibit 1 for Identification to the
19 deposition.)

20 BY MR. GOLDSTEIN:

21 Q. We marked the notice of deposition. Let
22 me show you what we have marked as Bock Exhibit 1.
23 We're going to be marking the exhibits by your name
24 and then the number. This is the notice of
25 deposition.

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1 You understand that you are here to
2 testify pursuant to a notice of deposition? You've
3 been requested by my law firm to come testify in
4 this matter?5 A. Yeah. Yeah. I'm just trying to absorb
6 this, what I'm reading here.7 Q. You've not previously seen the notice, I
8 take it?9 A. No. I may have been faxed, but I don't
10 recall that I did.11 Q. You understand that this is a trademark
12 dispute between Corporacion Habanos S.A. and
13 Anncas, Inc.?

14 A. Yes, I do.

15 Q. And you're the president of Anncas, Inc.;
16 is that correct?

17 A. Yes, I am.

18 Q. Have you ever been deposed before?

19 A. No.

20 Q. And have you ever testified in a trial
21 before?

22 A. No.

23 Q. Have you ever been asked to provide expert
24 testimony in any tobacco case?

25 A. I have been consulted as, but no, not in a

Page 6

1 trial.
2 Q. You've been consulted in connection with
3 litigation?
4 A. (Nods head up and down).
5 Q. But you did not provide testimony?
6 A. That's correct. No court trial. I guess
7 the case didn't go to trial. I was paid as an
8 adviser.
9 Q. That was on one occasion?
10 A. Yes.
11 Q. And about how long ago was that?
12 A. Five -- four, five years ago.
13 Q. And did you submit any sworn testimony, an
14 affidavit or a declaration?
15 A. No, it didn't get that far.
16 Q. Now your attorneys probably gave you a
17 little drill on how the deposition process works,
18 but just for the record, you understand that you
19 are under oath, correct?
20 A. Correct.
21 Q. And that my questions and your answers are
22 being recorded verbatim by the court reporter?
23 A. (Nods head up and down).
24 Q. You can't nod because he can't pick up the
25 nods.

Page 7

1 A. I understand.
2 Q. And if you don't understand a question,
3 you can either ask me to repeat it or rephrase it,
4 and I'll try to do that. Do you understand that?
5 A. Yes.
6 Q. And if you need a break, you'll indicate
7 that. We'll try to finish the question or the
8 sequence of questions, correct?
9 A. Uh-huh. Yes.
10 Q. And you understand that if you answer a
11 question, the record will reflect that you've
12 understood the question, and you've answered it to
13 the best of your ability?
14 A. Yes.
15 Q. Is there any reason that you cannot
16 testify fully and completely today; medical reason,
17 you're on any kind of medication, or --
18 A. Well, I can't sit at long lengths of time.
19 I just had a circulation test in my legs, I'm
20 having a problem with my legs, so I'm going to have
21 to get up occasionally and walk to get circulation.
22 Q. Then you should just tell me when you need
23 to do that, we'll either take a break, or if you
24 feel comfortable answering questions walking
25 around, we'll do it that way, but certainly if you

Page 8

1 need to stand up --
2 A. Yeah, that's the only thing.
3 Q. You just let me know, you'll let your
4 attorneys know.
5 A. Right.
6 Q. In addition to being president of Anncas,
7 do you have any other employment?
8 A. No. I'm retired. I mean, I have a small
9 pension coming in from retirement, but no,
10 nothing -- no other employment.
11 Q. Is Anncas an ongoing concern? In other
12 words, you said you're president, but you said
13 you're retired?
14 A. Can I confer with Henry, because there may
15 be something that I'm not sure if it qualifies what
16 you're saying as employment.
17 Q. Yes. I mean, it's just background. It's
18 not a big deal.
19 (Discussion held off the record).
20 THE WITNESS: No, I'm not an employee of
21 anybody else.
22 BY MR. GOLDSTEIN:
23 Q. Do you own any other businesses or operate
24 any other businesses?
25 A. I'm partners in other businesses.

Page 9

1 Q. Tobacco-related?
2 A. No.
3 Q. Nothing to do with the tobacco or cigar
4 industry?
5 A. We sell -- again, it's ambiguous -- it's
6 lighters that are used to light cigars, that's the
7 only connection.
8 Q. What's the name of that?
9 A. Pioneer Manufacturing.
10 Q. And the Anncas company, does it do
11 business as IndianHead?
12 A. As a d/b/a in the State of Florida as
13 IndianHead.
14 Q. Does Anncas, itself, do anything other
15 than operate as the IndianHead d/b/a?
16 A. No.
17 Q. What is IndianHead? Is it a retailer,
18 wholesaler?
19 A. It's a wholesale distributor.
20 Q. Does it also sell retail?
21 A. No.
22 Q. Are there any other locations for
23 IndianHead other than the address you gave for
24 Anncas?
25 A. We have a warehouse, that's separate.

1 Q. Where is that located?
 2 A. In Miramar.
 3 Q. In --
 4 A. Florida.
 5 Q. In the Miami area?
 6 A. Correct.
 7 Q. Do you speak Spanish?
 8 A. No.
 9 Q. And approximately how many employees does
 10 Annkas or/Indian Head have?
 11 A. Three.
 12 Q. You and?
 13 A. My wife and one person.
 14 Q. What does the one person, do?
 15 A. He works in the office, processes orders,
 16 things like that.
 17 Q. And your wife is the other officer of the
 18 company?
 19 A. That's correct.
 20 (Thereupon a document was marked
 21 Bock Exhibit 2 for Identification to the
 22 deposition.)
 23 MR. GOLDSTEIN: Mark this as well.
 24 (Thereupon a document was marked
 25 Bock Exhibit 3 for Identification in the

1 Q. Did you check your computer files for
 2 documents?
 3 A. Yes.
 4 Q. Did you check your e-mails for documents?
 5 A. No.
 6 Q. A total of 30 pages of documents were
 7 produced by Annkas in this litigation, numbered 001
 8 to 0030. Did you review the documents that were
 9 provided to my law firm before they were sent?
 10 A. I do not remember.
 11 Q. Do you know if you provided any documents
 12 to your attorneys, that were not provided to us?
 13 A. I don't know.
 14 Q. Do you know approximately how many
 15 documents or pages of documents --
 16 A. I do not know.
 17 Q. -- you provided?
 18 Do you recall when you did this?
 19 A. No.
 20 Q. Are you aware that the document request
 21 calls for documents that are both in your
 22 possession and also in the possession of your
 23 attorneys?
 24 A. I don't know. I do not know. I just
 25 don't have any knowledge of that.

1 proceeding.)
 2 BY MR. GOLDSTEIN:
 3 Q. Let me show you what we marked as
 4 Bock Exhibit 2, which is the opposer's first
 5 request for production of documents and things.
 6 This was a request from the Habanos side to Annkas
 7 for production of documents concerning this case.
 8 Did you see that document?
 9 A. I'm not sure.
 10 Q. Were you asked to gather documents for
 11 this case?
 12 A. Yes. I had...
 13 Q. You were asked to gather documents?
 14 A. Yes.
 15 Q. What did you do to locate documents?
 16 A. I don't recall.
 17 Q. Were you told what category of documents
 18 to look for, what types of documents to look for?
 19 A. I don't recall.
 20 Q. Did anybody else look for documents other
 21 than you?
 22 A. No.
 23 Q. Did you know, were your attorneys at your
 24 offices looking for documents?
 25 A. No.

1 Q. Without going into the contents, after you
 2 had gathered documents, did you have communications
 3 with your attorneys about the documents that you
 4 were providing them?
 5 A. Again, I don't remember.
 6 Q. Did your attorneys provide you with any
 7 written instructions on what to look for and what
 8 documents to provide --
 9 MR. RODRIGUEZ: Objection, privilege.
 10 MR. GOLDSTEIN: -- to whether you were
 11 provided a written communication? The
 12 contents might be privileged, but...
 13 THE WITNESS: What was the question?
 14 BY MR. GOLDSTEIN:
 15 Q. The question was; were you provided with
 16 anything in writing from your attorneys --
 17 A. I do not recall.
 18 Q. Let me finish the question.
 19 -- concerning what documents to look for,
 20 how to go about gathering them?
 21 A. I don't remember.
 22 Q. Let me show you what we've marked as
 23 Bock Exhibit 3. This is the applicant's responses
 24 to opposer's first set of requests for production.
 25 Do you see that there in the title?

Page 14

1 A. So this was what you sent asking for the
 2 documents?
 3 Q. Right.
 4 A. This is what, the response?
 5 Q. Yes. When we say this, number 2 was the
 6 request we sent, and Exhibit 3 was the response
 7 provided by your counsel. I'm going to ask you if
 8 you reviewed that document before it was provided
 9 to us.
 10 A. What is TTAB or TT --
 11 Q. Trademark Trial and Appeal Board. That's
 12 basically where this action is pending.
 13 A. It says, "See document, Bates 1."
 14 Q. I'll show that to you as we go along.
 15 A. Okay.
 16 MR. RODRIGUEZ: It isn't necessary for you
 17 to be reading.
 18 THE WITNESS: If I have to answer, I'm not
 19 going to answer something that I don't know.
 20 MR. RODRIGUEZ: Of course. But at the
 21 moment, the only question he's asked you is
 22 whether you've seen this before.
 23 THE WITNESS: I do not recall.
 24 MR. RODRIGUEZ: You will have the
 25 opportunity to review these as he asks you

Page 15

1 questions about them, if necessary.
 2 THE WITNESS: Okay. I do not remember
 3 seeing it.
 4 MR. RODRIGUEZ: That's fine.
 5 BY MR. GOLDSTEIN:
 6 Q. The record should reflect that Mr. Bock
 7 took a few minutes to read through, I think,
 8 basically to the second or the third to the last
 9 page of the document.
 10 Having just looked through the document,
 11 almost to the end, did you see anything in there in
 12 the requests and the answers that you would
 13 consider inaccurate?
 14 A. I have one that I have a question on.
 15 MR. RODRIGUEZ: Mr. Bock, I'll remind you
 16 just to answer the question asked of you.
 17 THE WITNESS: I guess I don't have the
 18 documents at this time, according to this.
 19 BY MR. GOLDSTEIN:
 20 Q. Now, many of -- as you would have noticed,
 21 many of the answers say, "Applicant does not have
 22 these documents at this time," correct?
 23 A. Yes.
 24 Q. Do you recall seeing that?
 25 Do you have any of those documents now?

Page 16

1 A. No.
 2 Q. Did you have any of those documents
 3 previously?
 4 A. No.
 5 Q. Would it be fair to say that where it
 6 says, "Applicant does not have these documents at
 7 this time," it means you don't have any documents
 8 that are responsive to those requests?
 9 A. Probably so.
 10 Q. Did you see any requests where it said,
 11 "Applicant does not have these documents at this
 12 time," where, in fact, you do have such documents?
 13 MR. RODRIGUEZ: Objection. Asked and
 14 answered.
 15 THE WITNESS: No, because again, I didn't
 16 review the whole thing.
 17 BY MR. GOLDSTEIN:
 18 Q. Just to the ones you got, as far as you
 19 got?
 20 A. I do not recall, but again, I would look
 21 it over closer before I answered that.
 22 Q. Maybe we should do this during a lunch
 23 break or something, go -- if you could go over
 24 that, and if you see anything that is either
 25 incomplete or inaccurate, I could ask you about

Page 17

1 that after a lunch break.
 2 Are you at this time undertaking to look
 3 for any additional documents responsive to these
 4 requests?
 5 A. I -- what documents are available, I will
 6 get. But I don't -- there's very little documents
 7 that you're asking for, that are available.
 8 Q. Are you aware of any documents that I'm
 9 asking for that are available that have not been
 10 provided to me?
 11 A. No.
 12 Q. Are you in the process of looking for, or
 13 gathering from outside of your own set of
 14 documents, any documents that you intend to rely on
 15 in this litigation?
 16 A. Yes.
 17 Q. What types of documents are those?
 18 A. Relating to the tobacco, the seed of the
 19 tobacco.
 20 Q. What do you mean by that, "relating to the
 21 seed of the tobacco"?
 22 A. I believe they asked for where the seed
 23 came from.
 24 Q. Are you looking for documents about that
 25 seed, generally, within the industry or just --

1 A. No, from the people that I plan to grow
2 the tobacco.
3 Q. And who is that?
4 A. Nestor Placencia.
5 Q. Where is he located?
6 A. Both Honduras and Nicaragua.
7 Q. Does he provide you with tobacco products
8 now?
9 A. Yes, he does.
10 MR. GOLDSTEIN: I am going to mark this as
11 4.
12 (Thereupon a document was marked
13 Bock Exhibit 4 for Identification in the
14 proceeding.)
15 BY MR. GOLDSTEIN:
16 Q. I'm showing you what we marked as Bock
17 Exhibit 4.
18 I would ask you if you look in the bottom
19 right-hand corner, you'll see this, like code,
20 00017, and the date, January 25, 2000, it's kind of
21 blurred out there. Do you see that?
22 A. Yes.
23 Q. That's the stamp that your attorneys put
24 on the document before they sent it to us. And
25 you'll see that the range runs from 17 to 24, if

1 ask you to take a look at that document, and the
2 first thing I would like you to do is, if you would
3 turn to the very last page, which says
4 verification; do you see that?
5 A. Yes.
6 Q. Is that your signature where it says Bock,
7 William Bock?
8 A. Yes.
9 Q. You signed this document?
10 A. I don't recall signing it, but it's my
11 signature.
12 Q. And if you look at what you're swearing to
13 and it's on that page, it says, "Before me, the
14 undersigned authority, duly authorized to
15 administer oaths and take the acknowledgment,
16 personally appeared William Bock." Then it says
17 that he has read the foregoing interrogatories and
18 his answers thereto; that the same therein are true
19 and correct, to the best of his or her knowledge.
20 Do you see that?
21 A. Yes.
22 Q. Is that an accurate and truthful
23 statement; that the answers in the interrogatories
24 are true and correct, to the best of your
25 knowledge?

1 you look on the last page. Do you see that, at the
2 bottom?
3 A. I see Page 2 of 2.
4 Q. Yes. At the very bottom there. I don't
5 know if it got cut off or not.
6 A. No, I don't see it, but Page 2 of 2.
7 Here is 23 on this one.
8 Q. Yeah, I guess the 24 got cut off.
9 These are laws, and my question to you is;
10 did you provide those to your attorneys or did your
11 attorneys select those, to your knowledge?
12 A. I don't recall.
13 Q. And if I asked you what applicant is
14 relying on in these documents, would it be fair to
15 say you would refer me to your attorneys?
16 A. Yes. This is a legal thing. I know
17 nothing...I would have you talk to the attorneys.
18 MR. GOLDSTEIN: I'll mark this as 5.
19 (Thereupon a document was marked
20 Bock Exhibit 5 for Identification in the
21 proceeding.)
22 BY MR. GOLDSTEIN:
23 Q. Let me show you what we've marked as
24 Bock Exhibit 5. That's the applicant's responses
25 to opposer's first set of interrogatories. I would

1 A. I don't know, because I don't remember
2 what the document is. I would have to read it. I
3 mean, it's something I signed. I don't know what's
4 in here. I'm assuming when I read it at the time,
5 it was correct.
6 Q. That's really -- that's all I'm asking.
7 In other words, at the time that you signed the
8 document saying that the answers were true and
9 correct to the best of your knowledge, had you
10 reviewed the document?
11 A. I must have reviewed the document, yes.
12 Q. When you signed that they were true and
13 accurate to the best of your knowledge, was that
14 your understanding and belief at the time?
15 A. Yes.
16 Q. Do you have any reason today, sitting
17 here, to believe that any of the answers in the
18 interrogatories are not true and accurate?
19 A. I could not answer that question because I
20 don't know what's in here.
21 Q. Have you come upon any information or
22 learned any information since you signed that
23 document, that would lead you to believe that
24 something you said in this document or something
25 you said was true and accurate in the document is

Page 22

1 no longer true and accurate?
2 A. I do not know what's in this document
3 without reviewing it, so I cannot answer that
4 question.
5 Q. Well, we're going to come back to this,
6 anyway.
7 Do you know when the last time you
8 reviewed that document, was?
9 A. No, I do not.
10 Q. Did you review it in preparation for the
11 deposition here today?
12 A. No, I did not.
13 Q. Did you review any documents --
14 A. No, I did not.
15 Q. -- in preparation for the deposition?
16 MR. GOLDSTEIN: All right. Why don't we
17 mark this.
18 (Thereupon a document was marked
19 Bock Exhibit 6 for Identification in the
20 proceeding.)
21 BY MR. GOLDSTEIN:
22 Q. Mr. Bock, I'm showing you what we've
23 marked as Bock Exhibit 6. While you were reviewing
24 your responses to the document request, you had
25 asked me what the Document 01 was referring to, and

Page 23

1 this is the document marked 01. Do you see that?
2 A. All right.
3 Q. This is a document provided to me by your
4 counsel. Okay.
5 Have you seen this document before?
6 A. Yes.
7 Q. It says, "Havana Club," and then on the
8 bottom, "longfiller on the side, longfiller on the
9 side, handmade." Do you see that?
10 A. Yes.
11 Q. Do you know what it is that we're looking
12 at?
13 A. Yes.
14 Q. What is that?
15 A. It's a first edition of the mark that we
16 were going to use -- going to use.
17 Q. And is it a photocopy of a box or is it
18 just, this is --
19 A. No. It was designed on a computer.
20 Q. And who designed it?
21 A. I think my nephew, if I recall right.
22 Q. Was it done at your offices?
23 A. Yes.
24 Q. This is basically a printout of what was
25 designed on the computer?

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1 A. That's correct.
2 Q. When was that done?
3 A. I do not recall. Years, probably, but...
4 Q. Do you know if it was done before or after
5 you filed your trademark application, which was --
6 A. I don't know.
7 Q. -- February 5, 2004?
8 A. I am assuming it was done before.
9 Q. But you don't know?
10 A. I'm not sure. It had to be done before,
11 because I'm sure it was done before.
12 Q. You provided this document to your
13 counsel?
14 A. Yes.
15 Q. When you provided it to your counsel, did
16 you print it off the computer, or was a hard copy
17 in existence that you gave counsel?
18 A. I do not remember.
19 Q. You know that if you create a computer
20 document and the last time you edited it, that it
21 will show in the computer file as to when the
22 document was created?
23 A. (Nods head up and down). I did not know
24 that, but (Nods head up and down).
25 Q. I'm going to ask that you provide the

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1 information. If you could mark that a request for
2 information as to when this document was created,
3 or at least what the computer indicates the last
4 time it was edited or created.
5 What was the purpose of creating this?
6 A. The purpose was to come up with some type
7 of mark that we wanted to use in commerce, and it
8 was just one, the first one that was presented to
9 me.
10 Q. Have there been any other iterations of
11 this?
12 A. No.
13 Q. And the mark that you actually applied for
14 with the PTO, you did not use the stylized logo; is
15 that correct?
16 A. I do not remember.
17 Q. Did you tell your nephew what to put, what
18 to put on the --
19 A. No.
20 Q. -- the creation?
21 A. No. He pretty much designs all -- at the
22 time he was living with me, he designed all of our
23 labels. And this was his first rendition.
24 Q. But according to your -- what you said
25 before, there's no second or third or fourth

1 iteration of this?
 2 A. No.
 3 Q. How did he know to put longfiller?
 4 A. Because all -- 90 percent of our cigars
 5 are longfiller. I may have said that it would be
 6 longfiller. I don't really recall, but I think
 7 just knowledge that most of our cigars are.
 8 Q. Your nephew was an employee?
 9 A. He was an employee.
 10 Q. When did he work for you?
 11 A. He worked for me through, I think it would
 12 be about May of this year.
 13 Q. Do you know when he started?
 14 A. No, I don't recall.
 15 Q. Regardless of whether your nephew created
 16 it, are there any other Havana Club designs, boxes,
 17 labels, artwork?
 18 A. There may be. I don't -- I do not recall.
 19 I would have to -- I do not know.
 20 Q. Did you look to see if there was anything
 21 else?
 22 A. No.
 23 MR. GOLDSTEIN: We're going to request
 24 that you look to make sure there's nothing
 25 else.

1 If you could mark again for that.
 2 Why don't you mark these as 7, 8 and 9.
 3 (Thereupon a document was marked
 4 Bock Exhibit 7, 8 & 9 for identification in the
 5 proceeding.)
 6 BY MR. GOLDSTEIN:
 7 Q. Mr. Bock, let me show you what's been
 8 marked as Bock Exhibit 7. This is the notice of
 9 opposition that Corporacion Habanos filed, I
 10 believe, back in June of 2005, that initiated this
 11 proceeding with the TTAB. And my only question at
 12 this time about that document is whether you
 13 reviewed it at or about the time it was filed.
 14 A. I do not recall.
 15 Q. Let me show you what's been marked as
 16 Bock Exhibit 8, and this is the answer to the
 17 notice of opposition, the counterclaim that your
 18 attorneys filed with the TTAB, I believe it was
 19 about August 3, 2005, and ask you if you reviewed
 20 this answer and counterclaim prior to it being
 21 filed with the TTAB.
 22 A. What was the question? Sorry?
 23 Q. Whether you reviewed the answer to the
 24 notice of opposition and your counterclaim prior to
 25 it being filed.

1 A. I don't remember.
 2 Q. Do you know what your counterclaim is?
 3 A. Vaguely.
 4 Q. What do you know about it, without looking
 5 at the document?
 6 A. That there are cigars with the name Havana
 7 Club, and that it has no association with Cuba, the
 8 cigar.
 9 Q. Are you aware that you have brought a
 10 counterclaim against Habanos, Corporacion Habanos,
 11 making a claim against them? Are you aware of
 12 that?
 13 A. To use the mark?
 14 Q. Not related to the Havana Club mark.
 15 A. I do not recall.
 16 Q. Is that something that your attorneys
 17 created?
 18 A. I do not know.
 19 Q. Do you have any knowledge of a claim
 20 brought by Anncas, Inc. against --
 21 A. Again --
 22 Q. -- Corporacion Habanos?
 23 A. -- I do not recall.
 24 Q. You don't know what it's about?
 25 MR. RODRIGUEZ: Objection, calling for a

1 legal opinion.
 2 MR. GOLDSTEIN: Whether he knows what it's
 3 about is not calling for a legal opinion.
 4 THE WITNESS: I haven't read this. I
 5 don't recall reading it. I mean, I probably
 6 read it, they send me things, but I've got up
 7 to my head in work, and I don't know.
 8 BY MR. GOLDSTEIN:
 9 Q. Was it your idea to bring a counterclaim
 10 against Corporacion Habanos for a mark that's not
 11 Havana Club?
 12 A. It was my instructions that we are going
 13 to use the name Havana Club, and anything that
 14 pertains to the name Havana Club, because it's not
 15 a registered name, we were going to use it.
 16 Q. Anything else about the counterclaim that
 17 you can remember?
 18 A. I do not recall.
 19 Q. Let me show you what we've marked as
 20 Bock Exhibit 9, which is the reply to counterclaim
 21 of Corporacion Habanos, which was served, filed on
 22 October 31, 2005, and ask you if you reviewed
 23 Habanos' reply to the counterclaim.
 24 A. I do not recall.
 25

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1 MR. GOLDSTEIN: I want to mark this.
2 (Thereupon a document was marked
3 Bock Exhibit 10 for Identification in the
4 proceeding.)
5 BY MR. GOLDSTEIN:
6 Q. Do you want to take a break?
7 A. No. I'm just standing here, I just want
8 to get the circulation a little bit.
9 Q. Do you need to walk?
10 A. No, I think I can move my -- I'm fine.
11 Q. Let me show you what we have marked as
12 Bock Exhibit 10, and this is a document produced by
13 your lawyers. If you look at the bottom there,
14 there's that 25, at the bottom, and the first page
15 of 26 is cut off, I think, at least on my copy.
16 And it's corporations online for Annccas, Inc.; do
17 you see that?
18 A. Yes.
19 Q. It says here that the effective date, or
20 the date filed was 1996. Do you see that?
21 A. That's correct.
22 Q. That's when Annccas, Inc. was created?
23 A. That's when Annccas was created.
24 Q. It refers to W C Bock; that's you, I take
25 it?

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1 A. That's correct.
2 Q. And William Bock, that's you on the first
3 page there as the officer and director?
4 A. Yes.
5 Q. It also has Donna Bock as the other
6 officer?
7 A. That's correct.
8 Q. That's your wife that you referred to
9 previously?
10 A. That's correct.
11 Q. Under "last event," like in the middle of
12 the page, you'll see that it says "corporate
13 merger" on the first page. Like right over here
14 (indicating). Do you know what that refers to?
15 A. Well, I had another corporation, I moved
16 from Minnesota down here and renamed it, so that
17 could possibly be what it is.
18 Q. What corporation was that?
19 A. North Star Imports Incorporated.
20 Q. Was that also --
21 A. A Minnesota corporation, yes, it was.
22 Q. A cigar --
23 A. Yes.
24 Q. -- wholesaler?
25 A. Yes, sir.

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1 Q. It's hard for the reporter when you kind
2 of figure out what the question is going to be and
3 you jump in.
4 A. What's the question?
5 Q. The question was, was the Minnesota
6 business also a cigar wholesaler business?
7 A. Yes.
8 MR. GOLDSTEIN: Why don't we mark this,
9 which will be 11.
10 (Thereupon a document was marked
11 Bock Exhibit 11 for Identification in the
12 proceeding.)
13 BY MR. GOLDSTEIN:
14 Q. Let me show you what we've marked as
15 Bock Exhibit 11. It's a little hard to read, but I
16 think it's 27 at the bottom, a document produced by
17 your attorneys. If you could tell me what this
18 document is?
19 A. It looks like a copy of our cover page, of
20 our price list.
21 Q. And when you say "the price list," is that
22 a catalog you send out?
23 A. It goes to licensed tobacconists that we
24 service.
25 Q. Do you know what the date of this is, or

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1 approximately when this would have been created?
2 A. It says January 15, 2005.
3 Q. It does, indeed. Thank you.
4 And the logo, that's your logo?
5 A. That is our logo, registered logo.
6 Q. In the top right-hand side, there's
7 another set of these little stamped numbers, 0351
8 with the date of June 22, 2005.
9 A. Yes.
10 Q. Do you know what that's for? Was this
11 used in another litigation?
12 A. Oh, it -- it could possibly be, Henry. We
13 had litigation --
14 MR. RODRIGUEZ: I just remind you to
15 answer the question as far as you know.
16 THE WITNESS: I don't know. I don't know.
17 BY MR. GOLDSTEIN:
18 Q. Are you involved in any other --
19 A. No.
20 Q. -- litigation --
21 A. No.
22 Q. -- over any other trademarks?
23 A. No.
24 Q. Were you recently involved, that maybe it
25 got resolved or something?

1 A. We were involved in a trademark, yes.
 2 Q. Which mark was that, do you recall?
 3 A. The logo.
 4 Q. Over the IndianHead logo?
 5 A. Correct.
 6 Q. Who was the opposer in that?
 7 A. Brown and Williamson Tobacco.
 8 Q. It's no longer ongoing?
 9 A. Nope.
 10 Q. Was that resolved between the parties or
 11 was that resolved by a decision?
 12 A. It was resolved. I'm not sure. You would
 13 have to refer to my attorneys.
 14 Q. As to whether it was settled or a
 15 decision?
 16 A. I think it was settled. I don't recall.
 17 I know it was settled. I don't recall.
 18 Q. But you were not deposed in that matter?
 19 A. No.
 20 Q. But do you recall gathering documents for
 21 that litigation or that proceeding?
 22 A. A few.
 23 Q. So, behind this page would be a price
 24 list?
 25 A. That's correct.

1 A. I do not own the front mark.
 2 Q. What is that?
 3 A. I said I do not own the front mark.
 4 Q. You do not own --
 5 A. I do not own the front mark on all of
 6 these brands.
 7 Q. On the 10 or 12 that are not listed, are
 8 those ones that are not exclusive to you?
 9 A. Some are, some are not.
 10 Q. Can you identify any that are exclusive to
 11 you that are not here?
 12 A. You know, I just thought of something.
 13 MR. GOLDSTEIN: If you want to, you can
 14 confer.
 15 I'm not a big fan of conferring.
 16 (Discussion held off the record).
 17 THE WITNESS: Mr. Goldstein, we have to go
 18 back. When I said there was no other
 19 litigation, when you asked me about the
 20 brands, I realized I have a label that's in
 21 litigation.
 22 BY MR. GOLDSTEIN:
 23 Q. Which one is that?
 24 A. Selecta Reserva VIII.
 25 Q. That's a proceeding at the TTAB or in the

1 Q. And it would show the prices for your
 2 different cigars and your front marks and those
 3 kind of things?
 4 A. Yes. Yes.
 5 Q. So if I wanted to buy Al Capone, you may
 6 have that in different sizes.
 7 A. I couldn't sell to you, or I wouldn't sell
 8 it to you.
 9 Q. Well, if I was --
 10 A. If you were licensed, yes. It would
 11 have -- showing the different sizes and the prices.
 12 Q. Are these the brands that you currently
 13 sell?
 14 A. Some of the brands.
 15 Q. There are additional ones that you sell?
 16 A. Yes.
 17 Q. How many others?
 18 A. 10, 12.
 19 Q. 10 to 12 in addition to these?
 20 A. Yes.
 21 Q. Now, are these ones that you are exclusive
 22 on?
 23 A. The majority.
 24 Q. Are the other ones that are not listed
 25 here on the front page --

1 courts?
 2 A. I don't -- I don't know where it is.
 3 Again, the lawyers are taking care of that, but I
 4 didn't think of it until I started looking at this,
 5 and I said, my God, I missed it.
 6 Q. So there's a dispute over -- is that one
 7 of the ones on here?
 8 A. No.
 9 Q. But there's a dispute over that?
 10 A. There's a dispute.
 11 Q. You've applied for that mark and somebody
 12 has challenged you?
 13 A. That's correct.
 14 Q. Something similar to this case in the
 15 sense that you sought a registration and somebody
 16 is challenging?
 17 A. Except that one, I am selling and
 18 manufacturing and marketing.
 19 Q. And you've not been deposed in that
 20 matter?
 21 A. Not yet.
 22 Q. I guess I had said whether there were any
 23 others you could identify that you have an
 24 exclusive on, you own either the application or the
 25 registration?

1 A. Yes, I can give you down this list here.
 2 Q. No, in addition to the list, I was just
 3 saying.
 4 A. Oh. Well, all these are not my labels.
 5 MR. GOLDSTEIN: All right. Let's move on.
 6 Why don't we mark this as 12.
 7 (Thereupon a document was marked
 8 Bock Exhibit 12 for Identification in the
 9 proceeding.)
 10 BY MR. GOLDSTEIN:
 11 Q. We marked this as Bock 12. Could you tell
 12 me what that is?
 13 A. This is a copy of our website.
 14 Q. It's a printout of the different pages,
 15 the first one is your home page?
 16 A. Yes.
 17 Q. Then on the bottom, the third page in, it
 18 says "cigars." That's a similar list of what I
 19 just showed you, not identical, but similar?
 20 A. Yes. This has some of our older brands
 21 and things like this.
 22 Q. Can people order over the Internet?
 23 A. No, there's no prices. This is only an
 24 informational site. There's no prices listed.
 25 There's an order form for retailers to order, but

1 they have to -- we have to have their license on
 2 hand. There's no pricing or anything on this.
 3 It's an informational site.
 4 Q. Is this by Florida State law or national
 5 law?
 6 A. What?
 7 Q. That you only can sell to retailers?
 8 A. No, it just makes any life easier.
 9 Instead of becoming involved with --
 10 Q. People like me.
 11 A. No; but taxes. I don't -- I only sell to
 12 people that are resellers, and...
 13 MR. RODRIGUEZ: Mr. Bock, I remind you,
 14 just answer the question. Don't give
 15 speeches.
 16 BY MR. GOLDSTEIN:
 17 Q. Are you also a manufacturer?
 18 A. I subcontract to manufacture these. I do
 19 not manufacture, myself.
 20 Q. So Mr. Placencia, for example, you order
 21 your cigars from him?
 22 A. Correct.
 23 Q. Did you order them from anybody else?
 24 A. Yes, I do.
 25 Q. Who else do you order cigars from?

1 A. Jose Blanco.
 2 Q. Where is he?
 3 A. Dominican Republic.
 4 Q. Anywhere else?
 5 A. That's my two main suppliers.
 6 Q. So you get cigars from Honduras, Nicaragua
 7 and Dominican Republic?
 8 A. Correct.
 9 Q. Any other countries?
 10 A. Yes. I also -- Germany.
 11 Q. Manufactured in Germany?
 12 A. Dannemann.
 13 Q. Where does that tobacco come from, do you
 14 know?
 15 A. No.
 16 Q. And you travel to those -- Honduras,
 17 Dominican Republic, Nicaragua?
 18 A. Yes, I do.
 19 Q. What do you do when you travel? What's
 20 the purpose of that?
 21 A. I work on the quality control, the blends,
 22 packaging, anything related.
 23 Q. Do you go out into the fields where the
 24 tobacco is farmed?
 25 A. Yes, I do.

1 Q. Do you inspect the fields?
 2 A. Yes, I do.
 3 Q. Do your cigars, the brands that you own,
 4 that you have the registrations, do they get
 5 reviewed in Cigar Aficionado?
 6 A. No.
 7 Q. What about in Smoke?
 8 A. Yes, they do.
 9 Q. And is that a choice of yours or is that
 10 basically what Cigar Aficionado chooses to do?
 11 A. Cigar Aficionado, I would defame myself if
 12 I said it. We choose not to advertise in their
 13 magazine, let's put it that way.
 14 Q. And you advertise in Smoke?
 15 A. We occasionally do.
 16 Q. Do you advertise in Smoke Shop?
 17 A. Yes.
 18 Q. Any other --
 19 A. Tobacconist.
 20 Q. I don't know if it's still around,
 21 Tobacconist.
 22 A. Let me back up. I have advertised in
 23 Cigar Aficionado.
 24 Q. But not recently?
 25 A. Not recently.

1 Q. Do you know when the last time you had
2 cigars reviewed in Smoke?
3 A. Six months -- maybe four months.
4 Q. Approximately how many cigars, either
5 sticks or boxes, do you sell in a year?
6 A. Top of my head, I only would be guessing.
7 Q. A million, a half million, a quarter of a
8 million?
9 A. A pure guess, I would say a million.
10 Q. What's that?
11 A. A million.
12 Q. About a million?
13 A. (Nods head up and down).
14 Q. That's cigars?
15 A. Pardon me?
16 Q. That's cigars, not boxes.
17 A. Cigars.
18 Q. And you're a member of the RTDA?
19 A. Yes, I am.
20 Q. That's the Retail Tobacco Dealer's
21 Association?
22 A. Right.
23 Q. And you're also a member of --
24 A. No longer CAA or TAA.
25 Q. You're no longer members of those?

1 A. All my handmades are not premium. I have
2 some handmades that are not premium.
3 Q. In your plans, is Havana Club to be a
4 machine or a handmade cigar?
5 A. Top line handmade.
6 Q. So you would consider it --
7 A. I do not have any machine-made cigars.
8 Q. You do not sell any machine-made cigars?
9 A. I rep the Al Capones that are
10 machine-made, so I guess I do.
11 Q. But mostly handmade?
12 A. Yes.
13 Q. Mostly premiums?
14 A. Yes.
15 Q. Your vision of your Havana Club is
16 handmade premiums?
17 A. That's correct.
18 Q. In all of your current trademark
19 application and registration work, is Sanchelima
20 and Associates your attorneys?
21 A. Yes.
22 Q. How long have they been your counsel?
23 A. I'm not sure.
24 Q. They are the ones who are handling the
25 Reserva Selecta dispute?

1 A. No.
2 Q. CAA was the Cigar Association --
3 A. Uh-huh.
4 Q. -- of America?
5 A. Right.
6 Q. And the TAA, what does that stand for?
7 A. It was Tobacco Association. I'm not even
8 sure it still exists.
9 Q. Does the CAA still exist?
10 A. I don't know. I do not know.
11 Q. Are all of your cigars, what are called
12 premiums in the industry?
13 A. No.
14 Q. Mostly premium, mostly manufactured,
15 machine manufactured?
16 MR. RODRIGUEZ: Objection, compound.
17 BY MR. GOLDSTEIN:
18 Q. Let me break it up. Are most of your
19 cigar brands, handmade?
20 A. Yes.
21 Q. Do you consider all of your handmades to
22 be premiums?
23 A. Yes.
24 Q. You sell one or two or three brands that
25 are machine?

1 A. Yes.
2 Q. And they handled the dispute with Brown
3 and Williamson?
4 A. Yes.
5 Q. Did they take over your trademark work
6 from someone else or have they always -- since
7 you've been applying for trademarks, have they
8 handled that?
9 A. No, Christian -- a law firm in Minnesota
10 when I was in Minnesota.
11 Q. Who was that?
12 A. Christianson -- Snelling, Christianson &
13 Laury, in Minneapolis.
14 Q. Does Sanchelima and Associates do other
15 legal work for you or just your --
16 A. Trademarks.
17 Q. Just trademark work?
18 Do you know approximately how long they
19 had been representing you before you applied for
20 the Havana Club mark?
21 A. No.
22 Q. Do you, yourself, ever go to the PTO
23 website and do searches for the status of marks?
24 A. Yes.
25 Q. So you know how to do that?

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1 A. Yes.
2 Q. You know that you can, if you were -- for
3 example, if you wanted to look up Havana Club, you
4 could, you know how to search for that?
5 A. I did.
6 Q. When did you do that?
7 A. Before I applied for the mark.
8 Q. Did you make a printout of what you
9 searched?
10 A. I don't remember.
11 Q. When you searched, do you recall seeing
12 that there were other -- you got hits?
13 A. No. It was available.
14 Q. What did you search for?
15 A. Class 34.
16 Q. You only searched in class 34?
17 A. Correct.
18 Q. You did not do a general search to see
19 where else Havana Club might be registered?
20 A. No.
21 Q. Prior to applying for the mark Havana
22 Club, did you learn that there was a registration
23 for Havana Club in class 33, the alcohol and
24 spirits class?
25 A. No.

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1 Q. When did you become aware of that?
2 A. I think when the opposition started.
3 Q. Have you ever been to Havana?
4 A. No.
5 Q. Any other part of Cuba?
6 A. Yes.
7 Q. Where in Cuba were you?
8 A. Guantanamo Bay.
9 Q. In the military?
10 A. Correct.
11 Q. I don't know your age. Was that --
12 A. 1959, 1960.
13 Q. So you were there at about the time of the
14 revolution?
15 A. Correct.
16 Q. You were in the Navy or the Marines?
17 A. Navy.
18 Q. You arrived in '59? Do you recall when?
19 The reason I ask, the Castro government took power
20 in '59.
21 A. It could have been. I think it was late
22 '59 that the turmoil was going on, but I don't --
23 you know, that was so many years ago.
24 Q. Had you left prior to the Bay of Pigs
25 Invasion?

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1 MR. RODRIGUEZ: Objection. Irrelevant.
2 MR. GOLDSTEIN: I'm just trying to get the
3 timing of when he was there.
4 THE WITNESS: I believe we had left by the
5 time.
6 BY MR. GOLDSTEIN:
7 Q. Did you travel in Cuba while you were at
8 Guantanamo?
9 A. No, we were not allowed off the base,
10 because of the problems.
11 Q. So in relation to your tobacco business,
12 you've never been to Cuba?
13 A. No.
14 Q. Do you sell any cigar magazines or books
15 as part of your business?
16 A. No.
17 Q. Do you get Cigar Aficionado? Are you a
18 subscriber to it?
19 A. No.
20 Q. Are you a subscriber to Smoke?
21 A. No.
22 Q. To Smoke Shop?
23 A. No.
24 Q. To any other of the -- American cigar
25 magazines?

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1 A. No.
2 Q. You're not a subscriber to any of those?
3 A. No.
4 Q. Do you read them even if you're not a
5 subscriber?
6 A. Yes.
7 Q. Where do you read them?
8 A. They send them to me.
9 Q. I'm sorry, it's the way I asked the
10 question. So you receive all those magazines?
11 A. Yes.
12 Q. And you read them regularly as part of
13 your business?
14 A. Yes.
15 Q. And you look at the advertisements as part
16 of your business?
17 A. Yes.
18 Q. Cigar Aficionado, as you're aware, often
19 has articles about what's going on in Cuba. Are
20 you aware of that?
21 A. Yeah. I don't read Cigar Aficionado as
22 much. I don't follow it as much.
23 Q. You're familiar with James Suckling?
24 A. Yes.
25 Q. And he often writes about Havana and Cuban

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1 cigars, and do you read his articles?
 2 A. (Shakes head side to side).
 3 Q. Do you look at the ratings in Cigar
 4 Aficionado?
 5 A. No.
 6 Q. Do you look at them in Smoke?
 7 A. Pardon me?
 8 Q. In Smoke, do you look at the ratings?
 9 A. Occasionally. Not too often.
 10 Q. Smoke also often has articles about Cuba
 11 and the Cuban cigar industry?
 12 A. I'm not really interested in Cuba.
 13 Q. So when the articles are about the Cuban
 14 cigar industry, you don't show any particular --
 15 A. I read them, but I don't -- I may or may
 16 not if it's interesting to me.
 17 Q. Do you own any cigar books?
 18 A. Yes.
 19 Q. I mean, I know there's a lot out there.
 20 A. I don't know.
 21 Q. Do you have any idea what you own?
 22 A. No.
 23 Q. Do you own -- you know Perelman has one?
 24 A. I have all of his.
 25 Q. -- called Encyclopedia?

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1 A. I have all of his encyclopedia, I'm sorry.
 2 Q. He has one called "Encyclopedia of
 3 Cigars"?
 4 A. I'm sure he sent me one someplace in my
 5 office.
 6 Q. Do you also have his "Encyclopedia of
 7 Havana Cigars"?
 8 A. No.
 9 Q. Do you have Shankin's book on cigars?
 10 A. No.
 11 Q. Paul Garmiriam, do you have his book?
 12 A. Who?
 13 Q. Garmiriam or Garmiriam, do you have his
 14 book?
 15 A. No, I know him, but I don't have his book.
 16 He's a very nice gentleman.
 17 Q. It's a good book.
 18 Can you think of any other cigar books
 19 that you have in your collection?
 20 A. Not offhand.
 21 Q. You said you formed Anncas in about 1996?
 22 A. That is correct.
 23 Q. You formed it down here in Florida?
 24 A. That is correct.
 25 Q. Prior to that, were you involved in the

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1 cigar business?
 2 A. Yes.
 3 Q. Without spending a huge amount of time,
 4 can you kind of walk me backward through your
 5 tobacco/cigar employment or work experience?
 6 A. Well, the easiest thing to say was, I
 7 believe I started in 1967 or '69, I'm not sure,
 8 either one of those two years, I can't remember
 9 offhand. I started with American Cigar
 10 Corporation, 245 Park Avenue.
 11 Q. What did you do for them?
 12 A. I started at entry level sales
 13 representative.
 14 Q. Were you like a regional salesperson?
 15 A. When I left -- when they went out of
 16 business in 1986, I was military and -- military
 17 and duty-free sales manager world-wide.
 18 Q. And you sold all of their brands?
 19 A. That's correct.
 20 Q. So you were there from '67 or '69 in that
 21 period through '86?
 22 A. That's correct.
 23 Q. And that was always the full-time
 24 employment?
 25 A. Yes.

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1 Q. And after you left, or they felt -- they
 2 went out of business?
 3 A. They went out of business. They
 4 diversified to sell tobacco, yes.
 5 Q. What did you start to do then?
 6 A. I started my own company.
 7 Q. What was the company?
 8 A. North Star Imports.
 9 Q. Were you in Minnesota?
 10 A. That's correct.
 11 Q. Was that a wholesaler?
 12 A. Yes.
 13 Q. Any of these marks that you have now, did
 14 you create them then or take them then?
 15 A. I sold all those marks. I sold the
 16 company.
 17 Q. Did you start North Star?
 18 A. Yes, I started it.
 19 Q. And that you had until '96?
 20 A. That's correct.
 21 Q. Then you moved to Florida and created
 22 Anncas?
 23 A. And sold it. Yes.
 24 Q. Yes?
 25 A. I moved to Florida in 1996.

1 Q. And you sold --
 2 A. North Star Imports.
 3 Q. And created Anncas?
 4 A. That's correct.
 5 Q. And at that time, was Sanchelima and
 6 Associates your attorneys --
 7 A. No.
 8 Q. -- or did that come later?
 9 A. No. In order to explain to you, from 1996
 10 until -- for five -- I sold the company and I
 11 became president of this company, and I had a
 12 five-year obligation to run this company.
 13 Q. North Star?
 14 A. No.
 15 Q. Oh, this one, Anncas?
 16 A. Intercontinental Cigar Corporation.
 17 I was there for five, four or five years,
 18 five years, five-year, whatever. I then started
 19 IndianHead, under a d/b/a in, I think 2002, when I
 20 was free, worked out an agreement that I could go
 21 back into the handmade business, because they're
 22 not in the handmade business.
 23 Q. And Intercontinental, were they here in
 24 Florida?
 25 A. Intercontinental is -- they're in Florida,

1 but they're a Swedish -- a Swiss corporation.
 2 Q. And they're all machine-made cigars?
 3 A. What they do, yes. And I'm not into that.
 4 Q. So you worked for them --
 5 A. As president --
 6 Q. -- in two thousand and --
 7 A. -- and CEO of that company, yes.
 8 Q. We understand, but it's almost impossible
 9 for the court reporter.
 10 Did you have a connection with a
 11 California company, John T's?
 12 A. You know, I think, now that you mention
 13 it, I think I was part-owner in that one time.
 14 Q. Do you know about when that was?
 15 A. This was -- this is amazing. I forgot all
 16 about John T's. Do you want to hear about John
 17 T's? It's nothing, Henry.
 18 Q. If you just were a part-owner for a period
 19 of time --
 20 A. No; I think I did such a good job for them
 21 they made me a part-owner of that company.
 22 Q. But you're not anymore?
 23 A. No. When I sold, I said, "This is really
 24 your company. I appreciate being part-owner," and
 25 I relinquished my ownership in the company.

1 Q. That was in the '90s?
 2 A. In the '90s, yes, unless I'm still on it.
 3 I don't know. Am I?
 4 Q. Talk to your attorneys.
 5 Who came up with the idea of using Havana
 6 Club as a cigar mark?
 7 A. I did.
 8 Q. Do you recall when that was?
 9 A. Several years ago.
 10 Q. How did you come up with that idea? Can
 11 you describe the circumstances?
 12 A. I was looking at another name, with
 13 "club," in it, and it didn't sound right. And
 14 Havana Club sounded right.
 15 Q. You understood that Havana was the capital
 16 of, City of Cuba when you chose the name Havana?
 17 A. Yes.
 18 Q. Why did you choose the Havana part of
 19 Havana Club?
 20 A. No particular reason. It sounded good.
 21 Q. When you came up with the idea and decided
 22 it sounded good, did you then decide you wanted to
 23 apply for that mark?
 24 A. First I saw if it was available.
 25 Q. And you did a search in IC 34?

1 A. Correct. Then I hired the attorneys to
 2 file the -- I think they did a trademark.
 3 Q. You think they did a trademark search?
 4 A. (Nods head up and down).
 5 I don't know.
 6 Q. You don't know --
 7 A. I do not know.
 8 Q. -- if they did a search?
 9 A. I'm assuming.
 10 Q. And you're assuming because that's the
 11 practice you have with them, that they do a
 12 trademark search for you?
 13 A. Usually, because I'm not an expert at it.
 14 Q. Were any trademark search documents shown
 15 to you that was done by the law firm?
 16 A. I do not recall.
 17 MR. GOLDSTEIN: This should be on the
 18 record. I don't know if you did a trademark
 19 search. Your answers -- this is directed to
 20 the attorney -- your answers in the document
 21 request indicate that you did. Our position
 22 is that the results of the trademark search
 23 are not privileged, and I think the hundred
 24 year history of the TTAB or whatever it is
 25 will bear that out.

1 I would ask that you go back, make a
2 determination whether you're going to
3 maintain -- if you did do a search, whether
4 you're going to maintain a privilege for the
5 actual search results, as opposed to any notes
6 or memos you may have done, based on that, and
7 advise me. And if you're not going to produce
8 them, we're going to make a motion to get
9 those search results.

10 MR. RODRIGUEZ: Understood.

11 BY MR. GOLDSTEIN:

12 Q. So the sequence is, you did your IC 34
13 search, and then you asked your attorneys to apply
14 for the mark?

15 A. I don't know the legal -- I went to the
16 government site, did a search under 34, and it was
17 clear, so I'm happy and I called, and start the
18 works. I got the name.

19 Q. Do you know how long after that, when you
20 decided on the name, to the February 5 application?

21 A. Gee, I don't remember. I don't think -- I
22 don't remember.

23 Q. Do you think it was a couple of weeks, a
24 day or two? I don't know how you --

25 MR. RODRIGUEZ: Objection. Asked and

1 with that?

2 A. Yes, I did.

3 Q. Did you ever go to duty-free shops there?

4 A. I called on the duty-free shops. That's
5 part of my business.

6 Q. And you don't recall ever seeing a Cuban
7 Havana Club?

8 A. No. I don't look at liquor. I'm not a
9 drinker.

10 Q. And you were not aware of a Bacardi
11 product called Havana Club at the time?

12 A. No.

13 MR. RODRIGUEZ: Objection, relevance.

14 BY MR. GOLDSTEIN:

15 Q. So basically your testimony is, it's just
16 a coincidence that you came up with Havana Club for
17 cigars and somebody else --

18 MR. RODRIGUEZ: Objection.

19 BY MR. GOLDSTEIN:

20 Q. Let me ask the question, and then you can
21 make your objection.

22 Is it your testimony that it was a
23 coincidence that you chose Havana Club for cigars,
24 and previously Havana Club had been chosen for a
25 rum product?

1 answered.

2 BY MR. GOLDSTEIN:

3 Q. I can press to narrow it down.

4 A. I'm assuming it was a reasonable amount of
5 time.

6 Q. But you can't come any closer than that?

7 A. I -- (shakes head side-to-side).

8 Q. When you chose the name -- and when I say
9 "chose the name," when you decided and you did the
10 search and went to your attorneys, at that time,
11 were you aware that there was a rum product called
12 Havana Club?

13 A. No.

14 Q. So you were not aware, either, of the
15 Cuban rum product called the Havana Club?

16 MR. RODRIGUEZ: Objection.

17 THE WITNESS: No. I had never seen the
18 name Havana Club on a rum.

19 BY MR. GOLDSTEIN:

20 Q. When you traveled to Honduras and
21 Nicaragua, you went to duty-free shops?

22 A. Not there.

23 Q. What's that?

24 A. It's not there.

25 Q. Did you travel to Germany in connection

1 A. It is my contention that I do not know
2 there was a rum called Havana Club, which I prior
3 stated.

4 Q. You were not aware of any other products
5 out there for any other --

6 A. No.

7 Q. -- area called Havana Club?

8 A. No.

9 Q. At some point, did you become aware of a
10 trademark dispute between Bacardi and Cuban
11 entities over the Havana Club rum mark?

12 MR. RODRIGUEZ: Objection, relevancy.

13 BY MR. GOLDSTEIN:

14 Q. You can answer. Answer, except for the
15 grounds on grounds of privilege.

16 A. What was the question?

17 Q. Did you at some point become aware that
18 there was a trademark litigation dispute between
19 Bacardi and a Cuban entity over the Havana Club rum
20 mark?

21 A. Yes.

22 Q. When did you become aware of that?

23 A. I don't recall.

24 Q. Was it before or after these oppositions
25 to this mark were filed to your Havana Club mark?

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1 A. It was after we filed for registration.
2 That's all I can pinpoint it.
3 Q. Without disclosing content, did you have
4 communications with your attorneys about what the
5 consequences of that might be for you?
6 A. I imagine. I do not recall the
7 conversations.
8 Q. Do you recall any communications with your
9 attorneys concerning the possibility of selling
10 your rights in Havana Club for cigars to somebody
11 who was interested in the rum market, or who had
12 claims --
13 A. Selling my?
14 Q. Selling your claims or rights to Havana
15 Club in the cigar class, to one of the parties
16 contending over Havana Club in the rum class.
17 A. Not that I'm aware of.
18 Q. When I use the word "selling," maybe more
19 broadly, assigning, licensing, receiving something
20 of value, based on your claim to the Havana Club
21 cigar mark.
22 A. We talked about a licensing agreement, or
23 some kind of an agreement, but that's all. There
24 was never any monetary thing or anything like this
25 ever exchanged.

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1 Q. When you say "we," you're referring to
2 who?
3 A. The attorney.
4 Q. Your attorneys?
5 A. Yes.
6 Q. Do you get the Miami Herald?
7 A. Occasionally.
8 Q. As opposed to if you're a subscriber, do
9 you receive it?
10 A. When my mother-in-law comes to town, I get
11 the paper for her, it's about one, two months a
12 year.
13 Q. So you do not receive it on a regular
14 basis?
15 A. No.
16 Q. Do you live in Miami; you gave me your
17 address.
18 A. I live in Miami half the year.
19 Q. And the other half?
20 A. I'm a resident of Florida. This is my
21 legal address. The other half, I live in my home
22 in Minnesota.
23 MR. GOLDSTEIN: I hope it's the summer
24 here and winter there.
25 (Discussion held off the record)

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1 BY MR. GOLDSTEIN:
2 Q. So you basically summer there --
3 A. That's correct.
4 Q. -- and you -- half the year?
5 A. That's correct.
6 Q. Do you receive any of the local papers?
7 When I say "local," any of the Florida papers?
8 A. Oh, no.
9 Yeah, I get the ones they throw in the
10 mailbox, free. Sunny Isles Beach paper.
11 Q. But you don't get the Fort Lauderdale
12 paper or the Miami paper?
13 A. No; I think right now, I think I'm getting
14 it, but, I mean, it's -- my wife does it when her
15 mother-in-law comes down. Like I said, I don't --
16 I get my information off the Internet.
17 MR. RODRIGUEZ: Mr. Bock, I will advise
18 you to answer the question, only.
19 BY MR. GOLDSTEIN:
20 Q. At some point in time, did you become
21 aware of the TTAB rulings concerning Bacardi's
22 applications in the alcohol class for Havana Plus;
23 in other words, Havana Select, Havana Clasico, Old
24 Havana, Havana Primo, Havana Clipper and Havana
25 Style?

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1 MR. RODRIGUEZ: Objection, relevancy.
2 BY MR. GOLDSTEIN:
3 Q. Are you aware of the TTAB rulings in terms
4 of Bacardi's attempts to register those marks in
5 the 33 class, and -- yeah, in the 33 class.
6 A. No.
7 Q. It's your testimony at the time you
8 applied for your Havana Club mark, you were not
9 aware that a Cuban entity owned the Havana Club
10 registration in IC 33?
11 A. No.
12 MR. GOLDSTEIN: Why don't we take a short
13 bathroom break.
14 (Thereupon a brief recess was taken, after
15 which the following proceedings were had:)
16 MR. GOLDSTEIN: I'll mark this.
17 (Thereupon a document was marked
18 Bock Exhibit 13 for Identification in the
19 proceeding.)
20 BY MR. GOLDSTEIN:
21 Q. Mr. Bock, I'm showing you what we marked
22 as Bock Exhibit 13, and it's the trademark
23 application for Havana Club. This is a document
24 produced by your attorneys with the Bates numbers
25 2, 3 and 4. Do you see that?

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1 A. Uh-huh.
 2 Q. If you turn to the last page, 4, is that
 3 your signature?
 4 A. Yes, it is.
 5 Q. Did you review that declaration that's
 6 above, before you signed it?
 7 A. I don't recall.
 8 Q. Did you review the mark before you signed
 9 the application?
 10 A. Is this the mark?
 11 Q. The application for the mark. Your
 12 signature is swearing that all the statements in
 13 the application are true.
 14 A. I don't know if I reviewed it or not. I
 15 may have just signed it. I do not recall.
 16 This is my signature.
 17 Q. And it's what's called an intent to use
 18 application, correct?
 19 A. That's what I asked them to file, because
 20 I hadn't been using it. It was an intent to use.
 21 Q. You understand what an intent to use
 22 application is?
 23 A. It's an attorney thing. Maybe I don't. I
 24 think intent means that you use something, intend
 25 to use something, but I'm not sure. Is that

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1 correct?
 2 Q. When you asked your attorneys to apply on
 3 an intent to use basis, I'm not asking for what the
 4 lawyers would say, but what was your understanding
 5 as to what that meant?
 6 A. That I was going to use the mark.
 7 Q. In the future?
 8 A. In the future.
 9 Q. But that you were not currently using the
 10 mark?
 11 A. Correct.
 12 Q. Did you understand at the time that you
 13 signed this, that you had to have what's called a
 14 bona fide intent to use the mark?
 15 A. I have a bona fide intent to use the mark.
 16 Q. The application is an international class
 17 34. Do you see that on the first page?
 18 A. Yes.
 19 Q. It says, "for cigars," correct?
 20 A. That's correct.
 21 Q. In the application, you say, "Havana is
 22 the capital and largest city of Cuba." Do you see
 23 that?
 24 A. I see that.
 25 Q. And it was what's called a standard

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1 character for mark; in other words, you weren't
 2 claiming any design elements in Havana Club,
 3 correct?
 4 A. No, sir.
 5 Q. After filing the mark, are you aware that
 6 the PTO issued what's called an office action, in
 7 which it made an initial refusal to register?
 8 A. Not that I recall.
 9 Q. Do you have any knowledge of the PTO
 10 originally stating that it was not going to
 11 register the mark because it was geographically
 12 deceptively mis-descriptive because of the word
 13 "Havana"?
 14 A. Not that I recall.
 15 Q. Sorry.
 16 A. Go ahead.
 17 Q. Not for consultation.
 18 Do you have any recollection of any
 19 response made by either you or your attorneys to
 20 the PTO in response to their initial office action?
 21 A. Not that I recall.
 22 Q. Do you recall authorizing your attorneys
 23 to make any changes to the application in order to
 24 address any of the concerns raised by the PTO?
 25 A. Again, I did not recall any of those

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1 conversations, but I'm not saying I didn't.
 2 MR. GOLDSTEIN: Let me mark this.
 3 (Thereupon a document was marked
 4 Bock Exhibit 14 for Identification in the
 5 proceeding.)
 6 BY MR. GOLDSTEIN:
 7 Q. Let me show you what's been marked as Bock
 8 14. It was produced by your counsel with the
 9 numbers 05, 06, 07. Do you see that?
 10 A. Uh-huh.
 11 Q. This is a document that came from the U.S.
 12 Patent and Trademark Office dated September 1, 2004
 13 to Jesus Sanchelima, Sanchelima and Associates. Do
 14 you see that?
 15 A. Uh-huh.
 16 Q. It's for the mark Havana Club?
 17 A. Uh-huh.
 18 Q. It says, "office action," and then on the
 19 first paragraph it says, "Registration is refused
 20 because the proposed mark consists of or comprises
 21 geographically deceptively mis-descriptive matter
 22 in relation to the identified goods." Do you see
 23 that?
 24 A. Yes.
 25 Q. Seeing it now, do you recall seeing this

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1 document at any time?
2 A. I don't understand what they're saying
3 here, and I don't recall seeing it. But I have
4 had -- Beverly Hills is a city. I have had that
5 registered. I don't understand.
6 MR. RODRIGUEZ: Mr. Bock, let me remind
7 you to answer the questions.
8 THE WITNESS: No, I don't recall.
9 BY MR. GOLDSTEIN:
10 Q. Even if you do not recall seeing the
11 document, itself, do you have any recollection, or
12 does this refresh in any way any recollection of an
13 initial refusal, based on geographically
14 deceptively mis-descriptive?
15 A. No.
16 Q. If you look at what the PTO wrote, it
17 wrote here that, "The primary significance of the
18 term, Havana, is geographic." Do you see that in
19 the second paragraph?
20 A. Yes.
21 Q. Then it says, "The public is likely to
22 believe that applicant's goods comes from this
23 place because Havana, Cuba is a place where cigars
24 are produced." Do you see that?
25 A. Yeah.

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1 Q. Do you understand that Havana, Cuba is a
2 place where cigars are produced?
3 A. Yes.
4 Q. Then it says, "Furthermore, this belief
5 would materially influence consumers to purchase
6 the goods, and purchasers would base the purchase
7 of those goods upon the misconception that
8 applicant's goods originate from Havana, Cuba." Do
9 you see that?
10 A. Yes.
11 Q. Then, in the middle sentence -- I'm sorry,
12 I think I misread it -- it says -- in the middle
13 sentence, it says, "Furthermore, this belief would
14 materially influence consumers to purchase the
15 goods because Havana, Cuba, a location where cigars
16 are produced, is renown for the production of
17 cigars." Do you see that?
18 A. No.
19 Q. In the second sentence of that paragraph.
20 A. It should say "was renown."
21 Q. The PTO wrote -- wrote what it wrote. I'm
22 going to ask you a question.
23 A. Okay.
24 Q. It says, "Because Havana, Cuba, location
25 where cigars are produced; is renown for the

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1 production of cigars." Do you see that?
2 A. Yes.
3 Q. Do you agree or disagree with the
4 statement that Havana is renown for the production
5 of cigars?
6 A. I completely disagree.
7 Q. You disagree based on what?
8 A. The quality of the cigars they produce.
9 Q. When is the last time you had a Cuban
10 cigar?
11 A. It hasn't been -- maybe a year.
12 Q. How frequently do you smoke Cuban cigars?
13 A. Not very often; by choice.
14 Q. Are you aware of either -- any of the
15 current literature on the quality of Cuban cigars?
16 A. Yes.
17 Q. From Cigar Aficionado?
18 A. Yes.
19 Q. From Smoke Magazine?
20 A. Yes.
21 Q. From the books?
22 A. What book?
23 Q. Books on -- books within the cigar
24 industry.
25 A. There have been past books written. I

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1 haven't seen anything lately.
2 Q. Putting side your personal opinion of
3 Havana cigars, is it your testimony here under oath
4 that Havana is no longer a place renown for the
5 production of cigars?
6 A. In my opinion, Havana is no longer a place
7 for renown cigars.
8 Q. What is the basis of that opinion?
9 A. The tobacco is inferior. The
10 production -- I'm not saying there's not some good
11 cigars. It's not like it used to be. The rest of
12 the world is catching up.
13 Q. I guess if you focus on my question; my
14 question is, what is your basis, not for whether
15 you think the cigars are good or not, but your
16 basis for saying that Havana is no longer renown
17 throughout the world as a place for production of
18 cigars?
19 A. Because of the products that they're
20 producing.
21 Q. Can you point to any -- do you have any
22 documents that --
23 A. No documents.
24 Q. Do you have documents that you're going to
25 present --

1 A. I stated, in my opinion.
 2 Q. The PTO says that Havana is a place renown
 3 for the production of goods. You disagree?
 4 A. I disagree.
 5 Q. I'm asking you; do you have documents that
 6 you plan on presenting to the PTO on the discovery
 7 process to obtain the evidence that you intend to
 8 produce to the TTAB? And I'm asking you if you
 9 intend to produce any evidence, other than your
 10 opinion, as to whether Havana is a place of renown
 11 for the production of cigars?
 12 A. At this time, I do not know.
 13 MR. GOLDSTEIN: Can we mark that?
 14 BY MR. GOLDSTEIN:
 15 Q. You're aware that at some point, the PTO
 16 agreed to have your mark published for opposition?
 17 A. Yes.
 18 Q. And you understand that if no oppositions
 19 are filed, that the mark then passes to
 20 registration?
 21 A. That is my understanding.
 22 Q. Once you established use of the mark for
 23 an intent to use application, you're aware of that?
 24 A. Could you rephrase, repeat the question
 25 here?

1 A. Not that I recall.
 2 Q. You don't recall participating in any
 3 discussions about changing the application from
 4 cigars to --
 5 A. I do not. I don't remember.
 6 Q. You have no recollection of participating
 7 in any conversation or communication concerning
 8 changing the goods from cigars to cigars made from
 9 Cuban seed tobacco?
 10 A. I do not recall.
 11 Q. At the time you filed the application, did
 12 you have a plan in mind of what that cigar was
 13 going to be, that Havana Club cigar?
 14 A. Yes.
 15 Q. And what was that?
 16 A. Out of Cuban seed sun grown tobacco,
 17 longfiller, premium handmade.
 18 Q. Where was it going to be grown?
 19 A. I have not decided where it's going to be
 20 made, manufactured.
 21 Q. You hadn't decided then and you still have
 22 not decided?
 23 A. I have not decided.
 24 Q. Have you decided who your manufacturer is
 25 going to be?

1 Q. You're aware that the PTO at some point
 2 passed your mark to -- it published your mark for
 3 opposition, correct?
 4 A. Yes.
 5 Q. And you're aware that for an intent to use
 6 mark, if nobody opposes it and you file a statement
 7 of use in commerce, that the mark will be
 8 registered, correct?
 9 A. That is my assumption.
 10 Q. Do you know how it was that the mark went
 11 from a refusal in this document, to being published
 12 for opposition?
 13 A. No, I do not.
 14 Q. Do you have any knowledge of anything your
 15 attorneys told the PTO in response to this office
 16 action refusal, that led the PTO to change its
 17 position?
 18 A. No, I do not.
 19 Q. Do you have any knowledge of any
 20 communications between your counsel and the PTO
 21 following this office action refusal?
 22 A. No, I do not.
 23 Q. Are you aware that at some point, the
 24 goods was amended from cigars to cigars made from
 25 Cuban seed tobacco?

1 A. That's what I'm saying, I have not decided
 2 who is going to manufacture the cigar.
 3 Q. So you don't know what country it's going
 4 to come from?
 5 A. No. In all likelihood, it will be
 6 Honduras or Nicaragua, but I'm not positive.
 7 Q. And what kind of -- have you decided on
 8 the sizes?
 9 A. No.
 10 Q. Or the front marks?
 11 A. No. It's going to be only four sizes.
 12 Very limited production. Possibly five --
 13 Q. Have you --
 14 A. -- standard sizes. I mean, it's nothing,
 15 rocket science.
 16 Q. Do you have an idea of what type of cigars
 17 in terms of whether they're going to be mild,
 18 medium, full-bodied, strong?
 19 A. Yes.
 20 Q. What's that?
 21 A. I don't feel that I'm going to divulge
 22 that.
 23 Q. I'm sorry, this is a deposition under oath
 24 for a TTAB proceeding. If you want to have this
 25 part of the deposition made confidential for

1 purposes of the TTAB proceeding only and have this
2 part -- anything filed under seal, I'm sure Henry
3 and I can work something out, but I don't think you
4 can refuse to answer.

5 MR. RODRIGUEZ: Let's make this
6 confidential.

7 MR. GOLDSTEIN: What's that?

8 MR. RODRIGUEZ: Let's work something out
9 to make this answer, confidential.

10 MR. GOLDSTEIN: That's fine with me.

11 THE WITNESS: (The answer is contained in
12 the confidential excerpt booklet).

13 BY MR. GOLDSTEIN:

14 Q. Do you know what kind of wrapper or
15 tobacco you're going to use?

16 A. Sun grown, but I don't know, other than
17 Cuban seed, the exact construction of the cigar.
18 I'm going to be there next week.

19 Q. You don't know if the wrapper is going to
20 be Cuban seed or not?

21 A. I don't know --

22 Q. What about the --

23 A. -- but normally they are.

24 Q. What about the binder tobacco?

25 A. It should be Cuban seed, but I have not,

1 like I said, finalized this.

2 Q. What about the filler?

3 A. Same response.

4 Q. Other than the trademark office-related
5 documents, your attorneys have produced one
6 document that has the words, "Havana Club," which
7 is the 01 that we showed, that was the design from
8 2003. Do you have any other documents concerning
9 this intended Havana Club cigar?

10 A. No.

11 Q. In addition to full-bodied, are there any
12 other quality or characteristics you would describe
13 that you have in mind for this cigar?

14 A. Sun grown.

15 Q. Is that considered a characteristic?

16 A. Yes.

17 Q. What is that characteristic?

18 A. It's sun grown tobacco.

19 Q. Does that impart some kind of color,
20 taste, quality?

21 A. A little. It's how the tobacco is grown.
22 It produces a different taste.

23 Q. Different than shade tobacco?

24 A. Correct.

25 Q. How is that different?

1 A. It's different. It's just viewed as a
2 different seed for why. It produces a different
3 flavor, a different taste.

4 Q. Is the taste change based on whether it's
5 sun grown or shade grown?

6 A. Almost any wrapper changes the taste of a
7 cigar. Are you asking me is there a difference
8 between a sun grown and a Connecticut, a shade
9 grown wrapper, and taste?

10 Q. Yes.

11 A. Yes, there is.

12 Q. And I'm asking you, is the taste
13 difference between sun and shade grown based on
14 whether it's sun grown or shade grown? In other
15 words, are they two different types of plants or is
16 it just the same plant, one grown in the sun, one
17 grown in the shade --

18 A. You could use -- normally.

19 Q. -- like Connecticut shade wrapper -- I'm
20 sorry.

21 A. A Connecticut shade wrapper is grown from
22 Connecticut seed. A sun grown is usually grown
23 from the Nicaragua -- the Cuban seed.

24 Q. And is it grown from any other kind of
25 seed?

1 A. Pardon me?

2 Q. And is it grown from any other kind of
3 seed?

4 A. Not that --

5 Q. Sun grown.

6 A. I don't know. I couldn't answer that.
7 Anything is possible.

8 Q. Is Connecticut grown also a sun grown
9 shade?

10 A. I don't know.

11 Q. After your mark was published for
12 opposition, you became aware that several parties
13 had filed oppositions?

14 A. That is correct.

15 Q. You're aware that one of the companies was
16 an affiliate of Swedish match? It filed a request
17 for an extension of time to file an opposition?

18 A. No.

19 Q. You're not aware of that?

20 A. No.

21 Q. Intermatch Swedish AB?

22 A. I know they are -- who they are. I
23 didn't -- you asked me if I was aware --

24 Q. That they had filed a request for an
25 extension of time to file an opposition?

1 A. No.
 2 Q. But, in fact, they did not file an
 3 opposition. I was going to ask you if you had any
 4 communications with them as to -- after they filed
 5 their extension request?
 6 A. I personally know of no communications
 7 with them.
 8 Q. If you could pull out of your little stake
 9 there, Bock Exhibit 5, which is your responses to
 10 the interrogatories.
 11 A. Copy five?
 12 Q. Yes.
 13 A. Okay.
 14 Q. Unfortunately the pages aren't numbered,
 15 but if you turn to interrogatory number 16; do you
 16 have that?
 17 A. Yes.
 18 Q. That's the one that asks about this
 19 proposed Havana Club cigar. And it says -- it
 20 starts out and I'm -- look at letter F first, but
 21 it starts out, "For each variety, front mark or
 22 type of cigar bearing the Havana Club mark
 23 produced, promoted, distributed or sold, or
 24 intended to be produced, promoted, distributed or
 25 sold by or on behalf of applicant," then if you

1 Q. Is that your answer, F, is that a true and
 2 accurate statement?
 3 A. At this point in time, it is. But I don't
 4 know, because I have to, again, clarify this.
 5 Q. What do you need to clarify?
 6 A. I'm going to Central America next week to
 7 work on this.
 8 Q. What would you be clarifying?
 9 A. I'm assuming, or assumed, and was told,
 10 that these seeds were brought when they left, these
 11 Cubans left Cuba. I don't know. I have to find
 12 out.
 13 Q. And who told you that these were seeds
 14 brought when Cubans left Cuba in the late '50s?
 15 A. They told me that that's what they have
 16 brought with them --
 17 Q. Who is "they" --
 18 A. -- or had gotten.
 19 Q. -- when you say "they"?
 20 A. Nestor Placencia.
 21 Q. And he left Cuba in that time period; is
 22 that right?
 23 A. I don't know when he left. He was a young
 24 man. Him and his father left. They were huge
 25 tobacco growers.

1 jump down to F?
 2 A. To what?
 3 Q. To F, the letter F.
 4 A. "F" like in Frank?
 5 Q. Yes.
 6 A. Uh-huh.
 7 Q. "Identify the country of origin of the
 8 actual seeds that are used to grow the tobacco used
 9 in the blend, and state whether the actual seeds
 10 that are used to grow the tobacco in applicant
 11 Havana Club marked cigars are themselves exported
 12 from Cuba, including how and where applicant or its
 13 suppliers or manufacturers obtained such seeds, and
 14 from whom; and if not exported from Cuba, state
 15 with particularity the history and pedigree of such
 16 seeds, including the basis for applicant's claim
 17 that the seeds are Cuban seed."
 18 Do you see that?
 19 A. Yes.
 20 Q. Then if you look at your answer F, it
 21 says, "Applicant intends to use tobacco grown from
 22 Cuban seed, descended from seeds that were taken
 23 from Cuba in the late 1950s and early 1960s." Do
 24 you see that?
 25 A. Uh-huh.

1 Q. He told you that he or his family brought
 2 seeds with them?
 3 A. Or they -- somebody brought seeds. I
 4 don't know.
 5 Q. You don't know --
 6 A. I don't recollect the story.
 7 Q. You don't know who brought the seeds?
 8 A. No.
 9 Q. But whatever it is, these are descendants
 10 from seeds brought from Cuba some 40, 50 years ago?
 11 A. There's lots and lots of manufacturers
 12 that use -- yes, Cuba seed. I don't know the
 13 basics of it.
 14 Q. The Cuban seed that Mr. Placencia grows
 15 and produces, is Cuban seed that is descended from
 16 seeds that were taken from Cuba 40 to 50 years ago,
 17 45 to 50 years ago?
 18 A. That's my understanding.
 19 Q. And you had mentioned one or two other
 20 possible growers for your Havana Club --
 21 A. No, the tobacco. He would grow the
 22 tobacco.
 23 Q. Nestor Placencia would grow the tobacco?
 24 A. He would grow the tobacco.
 25 Q. So your understanding of what is meant by

1 Cuban seed is what Mr. Placencia has told you?
 2 A. That they use Cuban seed, yes. How they
 3 got the Cuban seed, I'm not a hundred percent sure.
 4 They probably buy it. There's no embargo between
 5 Honduras, Nicaragua and Cuba.
 6 MR. RODRIGUEZ: Remember, I instruct you
 7 to answer the question.
 8 BY MR. GOLDSTEIN:
 9 Q. When you say "probably buy it," are you
 10 saying that the tobacco -- when you say "they
 11 probably buy it," are you --
 12 A. Seeds. Seeds. I don't know. I'm just
 13 speculating.
 14 Q. You're just speculating?
 15 A. Yes. I mean, seeds, Cuba, they can't use
 16 Cuban tobacco, but they can use seeds. So, I don't
 17 know. Maybe they buy them. I don't know where
 18 they get them.
 19 Q. Do you have any understanding of U.S. law
 20 concerning tobacco grown from seeds that,
 21 themselves, come from Cuba?
 22 A. No.
 23 Q. Do you have any understanding whether you
 24 would need a license from the United States
 25 Government to import tobacco grown from seeds that

1 themselves came from Cuba?
 2 A. I do not -- in my opinion -- I do not
 3 think there is a restriction on that.
 4 Q. But your understanding from Mr. Placencia
 5 is that his Cuban seed tobacco comes from seeds
 6 from 45 to 50 years ago; is that correct?
 7 A. Uh-huh.
 8 Q. And in the PTO, when they approved your
 9 application for cigars made from Cuban seed
 10 tobacco, you're referring to -- by "Cuban seed,"
 11 you're referring to the same thing that you're
 12 referring to in your interrogatory answer, 16-F; is
 13 that correct?
 14 A. I don't understand the question.
 15 Q. The PTO refused your registration for
 16 Havana Club, okay. You're aware of that?
 17 A. You told me this, yes.
 18 Q. But you didn't know that before?
 19 A. I do not recall that before.
 20 Q. Subsequent to that time, the PTO changed
 21 your application from cigars, to cigars made from
 22 Cuban seed tobacco, and now has approved your
 23 application for registration, which is now being
 24 interfered with by the oppositions filed by Bacardi
 25 and by my clients. You understand that?

1 A. Uh-huh.
 2 Q. My question to you is; what you told the
 3 PTO, whatever led the PTO to change the application
 4 from cigars to cigars made from Cuban seed tobacco,
 5 is it your understanding that the Cuban seed that
 6 is being referred to in the trademark office is the
 7 same Cuban seed you're referring to here in 16-F?
 8 A. No, I don't -- I don't necessarily think
 9 that. I know that we're going to use a Cuban seed
 10 tobacco.
 11 Q. Are you planning on using a different
 12 Cuban seed tobacco than what the PTO thinks you're
 13 planning on using by your reference to Cuban seed
 14 tobacco?
 15 A. I don't know what they think I'm using.
 16 Q. Why do you not know what they think you're
 17 using?
 18 A. Because I think you just told me, or said
 19 something about it right here, but I don't remember
 20 exactly what you said about it, on one of these
 21 forms that you just presented me.
 22 Q. I wasn't there. All I know is that it
 23 said "cigars," and then it said "cigars made from
 24 Cuban seed tobacco." I wasn't privy --
 25 A. Cuban seed tobacco, that's our intention,

1 to use Cuban seed tobacco. It's been our intention
 2 all along.
 3 Q. When the PTO says that, assuming either we
 4 lost the opposition, that Bacardi lost its
 5 opposition or we withdraw our oppositions and your
 6 product went to registration, the mark, the goods
 7 that you're authorized, that you would have the
 8 rights to, would be cigars made from Cuban seed
 9 tobacco. My question to you is; by Cuban seed
 10 tobacco that the PTO thinks or is using, do you
 11 mean tobacco grown from Cuban seed, descended from
 12 seeds that were taken from Cuba in the late 1950s
 13 and early 1960s, as stated in interrogatory 16-F?
 14 A. That is my understanding as, now.
 15 Q. If you look at your interrogatory response
 16 number 19? It's like the next page or maybe two
 17 pages?
 18 A. Okay. I'm sorry. Okay.
 19 Q. Do you have 19?
 20 A. Uh-huh.
 21 Q. The question is, or the interrogatory is,
 22 19, "Describe in detail any connection or
 23 relationship between applicant's cigars bearing the
 24 mark Havana Club and Cuba or Havana, Cuba," and the
 25 answer is, "Applicant's cigars bearing the mark of

1 Havana Club will have the connection of being
2 produced from tobacco grown from seeds derived from
3 tobacco plants grown in Cuba."

4 Do you see that?

5 A. Uh-huh.

6 Q. Is that answer true and accurate?

7 A. Yes. Yes. Exactly.

8 Q. Is there any other connection or
9 relationship between your cigars that will bear the
10 mark Havana Club and Cuba or Havana, Cuba, other
11 than what's stated in your answer to interrogatory
12 number 19?

13 A. Could you repeat the question?

14 Q. Is there any other connection or
15 relationship between applicant's cigars that will
16 bear the mark Havana Club, and Cuba or Havana,
17 Cuba, other than what's stated in the answer to
18 interrogatory 19?

19 A. Could you repeat the question?

20 MR. GOLDSTEIN: Can you read it back?

21 (The question referred to was read by the
22 reporter as above recorded.)

23 THE WITNESS: You're asking me in the
24 Havana Club if there's any relationship to
25 Cuba, other than what we're stating here?

1 16-F.

2 A. Yes.

3 Q. And then also sworn to you by you under
4 oath, you gave us the answers in 19. And is it
5 your testimony that the tobacco seeds being
6 referred to in 19, are different than the tobacco
7 seeds being referred to in 16-F?

8 A. I do not know. I do not know. When this
9 was sworn to, we were going to use seeds from this,
10 what we said here.

11 Q. At the time that you swore to the
12 statements in 16-F and 19, were you talking about
13 the same seeds in 19 and 16-F?

14 A. 19 and 16-F. Now you're getting me really
15 confused here.

16 This is 16, and you're asking me if the
17 same thing is in 19?

18 Q. I'm asking you when it refers to seeds, if
19 we're talking about the same seeds we're talking
20 about in 16-F, at the time you swore to this.

21 A. Well, I would assume so, if it was done at
22 the same time.

23 Q. Well, you swore to it at the same time.

24 A. Then it probably was right. I mean --

25 Q. Did your lawyers prepare this without any

1 BY MR. GOLDSTEIN:

2 Q. Yes.

3 A. No, there is not.

4 Q. In the statement in your answer where it
5 says we'll have the connection of being produced
6 from tobacco grown from seeds derived from tobacco
7 plants grown in Cuba, the seeds that you refer to
8 here in 19, am I correct that those are the same
9 seeds that are being referred to in 16-F, Cuba seed
10 descended from seeds that were taken from Cuba in
11 the late 1950s and early 1960s?

12 A. No. No.

13 Q. The tobacco grown from seeds derived from
14 tobacco plants grown in Cuba in 19, is different
15 than the seeds that you're talking about in F?

16 A. I do not know. I do not know. I do not
17 know.

18 Q. In 16, we asked you to provide the
19 description of the seeds that you intend to use
20 with your Havana Club mark.

21 A. I understand.

22 Q. And you gave us under oath, sworn to and
23 submitted for purposes of a legal proceeding in the
24 United States Patent and Trademark Office,
25 Trademark and Trial Appeal Board, your answer in

1 input from you?

2 A. No, I was here, but I don't recall what
3 was going on.

4 Q. It was January 25, 2006, and we're talking
5 about two months ago, we're not talking about --

6 A. I wasn't here, then. It had to be faxed
7 to me.

8 Q. Did your attorneys prepare this without
9 input from you, send it to you, and you signed it
10 and sent it back to them?

11 A. That's probably what happened.

12 Wait. No. Wait. No. I came back. I
13 came back. What date was this signed? 25th. I
14 came back. I remember. I came back from Minnesota
15 on the 15th of January, my Christmas holiday.

16 Q. And did you participate in the preparation
17 of this document?

18 A. I must have.

19 Q. But you don't have any recollection of
20 doing that?

21 A. No.

22 Q. If you look at interrogatory number 21, it
23 says, "State with particularity what applicant
24 means by the terms, Cuban seed or Cuban seed
25 tobacco as used in its application with the U.S.

1 PTO, including whether applicant means that the
2 tobacco is from a seed that itself comes from Cuba,
3 or from seeds that are or are claimed to be
4 descendents of seeds that previously came from
5 Cuba, and if so, when these seeds came from Cuba."

6 Do you see that question?

7 A. Yes.

8 Q. Then your answer, if you would just read
9 the answer to yourself and tell me if that answer
10 is true and accurate.

11 A. You're talking 21, right?

12 Q. Yeah.

13 A. And then my answer was, where?

14 Q. Right under where it says, "I," double I,
15 in black, in bold.

16 A. "I, applicant"?

17 Q. Yes.

18 A. That's accurate.

19 Q. What's that?

20 A. That's accurate.

21 Q. Assume you wind up selling a Havana Club
22 cigar made from what you call Cuban seed tobacco --

23 A. Correct.

24 Q. -- from Mr. Placencia, from the --

25 descended from plants from the 1950s or 1960s,

1 that the tobacco be grown from the seeds taken from
2 seeds that were taken from Cuba in the '50s or
3 '60s?

4 A. I don't understand the question.

5 Q. The question is; was the fact, the answer
6 provided in number 19, was that fact ever given to
7 the PTO in connection with the change from --

8 A. I don't know.

9 Q. -- from cigars to cigars from Cuban seed
10 tobacco?

11 A. I don't know.

12 Q. Does Cuban seed tobacco grown in Honduras
13 or Nicaragua share any qualities with tobacco grown
14 today in Cuba?

15 A. I don't know.

16 Q. What about grown elsewhere in the world?

17 A. I don't know.

18 Q. Does tobacco grown from Cuban seed, as
19 defined by you in this interrogatory, share any
20 characteristics in common with tobacco grown from
21 Cuba today?

22 A. I --

23 Q. Grown in Cuba today?

24 A. I couldn't tell you.

25 Q. The characteristics and qualities that you

1 where the seeds were taken from Cuba in those
2 years, you're not going to label your cigars, Cuban
3 cigars, are you?

4 A. Of course not.

5 Q. You're not going to label them Cuban
6 origin cigars, correct?

7 A. No. I am going to label -- well, no.

8 Q. Do you have any knowledge of either you or
9 your attorneys informing the PTO that by the
10 phrase, "Cuban seed tobacco," what was meant was
11 tobacco grown from seed descended from seeds that
12 were taken from Cuba in the late 1950s and early
13 1960's?

14 A. Yeah, we were talking about that's what we
15 would use for this, this cigar.

16 Q. Do you have any knowledge of you or your
17 attorneys, or anybody on your behalf, communicating
18 that fact to the United States Patent and Trademark
19 Office?

20 A. No.

21 Q. Do you know if either you or your
22 attorneys ever communicated to the Patent and
23 Trademark Office the statement in response to
24 interrogatory number 19 that the connection between
25 the mark, Havana Club and Cuba or Havana, Cuba, is

1 described, that you were looking for in this Havana
2 Club product, does that only come from cigars that
3 are grown from what's called -- what you call Cuban
4 seed?

5 A. No, not necessarily.

6 Q. So if you wanted those characteristics and
7 qualities, you could get them without using what
8 you called Cuban seed tobacco; is that correct?

9 A. I -- I'm assuming, but it wouldn't be the
10 same product.

11 Q. But the kinds of characteristics and
12 qualities you're looking for, you could obtain from
13 different seeds?

14 A. I don't know. I don't know. I've never
15 come across it in my time in the business.

16 Q. Of the other cigars that you sell, how
17 many do you claim come from what you call Cuban
18 seed tobacco?

19 A. There's probably, maybe two.

20 Q. What are the characteristics and qualities
21 that you say come from the tobacco?

22 A. It's normally the taste.

23 Q. Normally the taste?

24 A. Uh-huh.

25 Q. What is that taste?

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1 A. It varies.
 2 Q. Based on where it's grown?
 3 A. Where it's grown, what tobacco.
 4 Q. How it's produced?
 5 A. To each individual's pallet.
 6 Q. If I grew what you call Cuban seed
 7 tobacco, in the Dominican Republic, in Honduras and
 8 Nicaragua and Panama --
 9 A. I don't know.
 10 Q. -- would the tobacco be all the same?
 11 A. I don't know.
 12 Q. So, is it Nestor Placencia's tobacco that
 13 you're referring to as having a particular quality
 14 and characteristic, or is it a characteristic of
 15 the fact that the seeds 50 generations ago came
 16 from Cuba?
 17 A. Pardon me?
 18 Q. You had said that there's a particular
 19 taste to this tobacco, and the question is; is the
 20 taste that you're referring to, the taste that
 21 comes from the tobacco grown by Nestor Placencia,
 22 or is it a taste that's in common with plants grown
 23 today from seeds taken from Cuba years ago?
 24 A. I don't know.
 25 Q. Where in Cuba did the plants grow --

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1 A. I don't know.
 2 Q. -- that the seeds came from?
 3 A. I don't know.
 4 MR. RODRIGUEZ: Mr. Bock, wait for the
 5 question to be asked of you before answering,
 6 please.
 7 BY MR. GOLDSTEIN:
 8 Q. Are there different types of seeds that
 9 different people call Cuban seed, being grown
 10 outside of Cuba today?
 11 A. I don't know.
 12 Q. Do you know what countries grow tobacco
 13 that people call Cuban seed tobacco?
 14 A. I don't know.
 15 Q. Mr. Placencia grows tobacco?
 16 A. Yes.
 17 Q. Does he process tobacco?
 18 A. Yes.
 19 Q. Does he manufacture cigars?
 20 A. Yes.
 21 Q. And he basically boxes them? So he would
 22 be like field to box for you?
 23 A. That is correct.
 24 Q. And then the boxes are imported into the
 25 United States?

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1 A. That's correct.
 2 Q. And you sell them to the various retailers
 3 who sell them to consumers? Yes?
 4 A. Yes.
 5 Q. Does the processing that Mr. Placencia use
 6 have anything to do with the taste, quality
 7 characteristics of the cigars that you purchase
 8 from him?
 9 A. I don't know.
 10 Q. I mean, one of the things you're
 11 interested in when you go to visit him, is quality
 12 control?
 13 A. Yes.
 14 Q. So you look at the processing facilities
 15 he uses?
 16 A. Yes.
 17 Q. And you're familiar with what he does to
 18 get the tobacco from leaf to cigar?
 19 A. Which most manufacturers use the same
 20 process.
 21 Q. And do they all use the same process for
 22 Cuban seed and non-Cuban seed tobacco?
 23 A. I don't know.
 24 Q. Do they all use the same process for Cuban
 25 seed tobacco?

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1 A. I don't know.
 2 Q. If you look at a tobacco plant -- you've
 3 seen tobacco plants growing in the field?
 4 A. Correct.
 5 Q. Can you tell that it's grown from what you
 6 call Cuban seed?
 7 A. No.
 8 Q. Can you look at leaves that have been
 9 picked off the plant that are hanging in a barn
 10 and say oh, those come from a --
 11 A. I am a businessman, I am not a tobacco
 12 expert.
 13 Q. I'm just --
 14 A. I don't know.
 15 Q. Do you know if somebody else can tell them
 16 apart?
 17 A. Yes, I believe so.
 18 Q. What's the basis for saying that?
 19 A. Because they're knowledgeable and they're
 20 out in the fields. They know the product. They
 21 plant the product.
 22 Q. And I'm simply asking if somebody who knew
 23 his tobacco walked into somebody else's field,
 24 could they look at that plant and say, "Oh, that
 25 plant grew from seeds that were taken from Cuba 50

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1 years ago"?

2 A. I do not know that.

3 Q. What about by looking at the tobacco, the

4 processed tobacco?

5 A. I do not know that.

6 Q. Is there a different smell?

7 A. I do not know that.

8 Q. Is there a different taste?

9 A. I don't know.

10 Q. Is there a genetic taste or a DNA-type

11 test that would let you know whether the seeds that

12 you claim are Cuban seed really came from Cuba 50

13 generations ago?

14 A. I don't know.

15 Q. Is there any way for you to know that what

16 you call Cuban seed tobacco, is, in fact, plants

17 that are 50 generations descended from plants grown

18 in Cuba, other than Mr. Placencia or some other

19 grower telling you that?

20 A. I don't know.

21 Q. You don't know if there's any other way

22 for you to know?

23 A. I don't know.

24 Q. You basically have to rely on your grower

25 as to what the seeds are; is that correct?

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1 A. As long as the finished product is what I

2 want, that is correct.

3 Q. And there's no way for the consumer to

4 know whether, in fact, the tobacco in the cigar

5 that they're smoking, came from tobacco that came

6 from seeds that are 50 generations descended from

7 seeds that come from Cuba, other than relying on

8 you or the manufacturer?

9 A. I don't know.

10 Q. What about the PTO, is there any way for

11 the PTO to know whether the cigars you sell, are

12 actually from seeds that 50 generations ago came

13 from Cuba?

14 A. I don't know.

15 Q. Look at interrogatory number 22.

16 A. On which page?

17 Q. That's right after 21. I guess

18 it's the --

19 A. Was that on 5, back on 5?

20 Q. Yes. The document, Bock Exhibit 5. It

21 just flows from where we were, I think. 16, 19,

22 21 --

23 A. 22.

24 Q. It's a long question and a short answer.

25 The short answer, the first sentence, says, "Cuban

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1 seed tobacco is a term generally used in the cigar

2 industry." Do you see that?

3 A. Yes.

4 Q. How is that term generally used in the

5 cigar industry?

6 A. Read any of the magazines that you just

7 told me about.

8 Q. Anything else?

9 A. Yeah. There are statements, people say,

10 "made with Cuban seed."

11 Q. Do you know what they mean by that?

12 A. That is seed that was originated from Cuba

13 at one time.

14 Q. Do you understand that they're using it in

15 the same sense you are, that seeds that were taken

16 at or about the time of the revolution in Cuba,

17 taken out?

18 A. I don't know when the seeds that they're

19 referring to, came from.

20 Q. So when it's used in the industry, other

21 than Nestor Placencia, you don't know how it's

22 being used?

23 A. I don't know how Nestor -- I explained to

24 you before, I don't know where his seeds.

25 Q. Well, you told me --

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1 A. I said if you go back and look, I said

2 that they came at the time, but I'm not absolutely

3 positive of that. Maybe those seeds are gone. How

4 do I know?

5 MR. RODRIGUEZ: Mr. Bock, answer the

6 question as asked.

7 BY MR. GOLDSTEIN:

8 Q. In interrogatory number 24, we asked that

9 each person with information concerning the seeds

10 used to grow the tobacco for the Havana Club mark

11 be identified, and you're the only one who's

12 identified.

13 This is number 24.

14 A. Yes.

15 Q. But now you're telling me that there's --

16 Mr. Placencia may also have information; is that

17 correct?

18 A. Yes, that's correct.

19 Q. If you look at 25, is it now necessary to

20 amend interrogatory number 25? Is that answer no

21 longer truthful?

22 A. Why is it not truthful?

23 Q. So you have not consulted with

24 Mr. Placencia for knowledge of the term Cuban seed

25 or Cuban seed tobacco?

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1 A. No. We talked about where the Cuban seed
 2 came from.
 3 Q. I'll leave to it your attorneys to make a
 4 determination about their obligations under the
 5 law.
 6 Am I correct that no design work,
 7 development work, lettering or trade dress has been
 8 done with respect to this mark, other than that one
 9 page we've seen?
 10 A. Not the final, no.
 11 Q. No work has been done other than the one
 12 page we've seen; is that correct?
 13 A. That is correct.
 14 Q. I take it there has been no advertising,
 15 promotion, marketing strategy, sales solicitation
 16 work done in connection with this mark?
 17 A. We had some -- talked about how we're
 18 going to market it, but that's as far as it goes.
 19 Q. What have you talked about in terms of
 20 marketing?
 21 A. That it would be our high-end premium
 22 value, premium cigar. And where we would place it.
 23 Q. And anything else?
 24 A. No.
 25 Q. If you take a look at 16, again. If we

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1 just look at the answers part there, it says, "You
 2 have not finalized what varieties or types of
 3 cigars bearing Havana Club will be produced,"
 4 that's still correct?
 5 A. That's correct.
 6 Q. And it's still correct that the cigar will
 7 be manufactured in Nicaragua, Honduras, Dominican
 8 Republic or any other country?
 9 A. It's more likely those three countries.
 10 Q. More likely Nicaragua, Honduras or the
 11 Dominican Republic?
 12 A. Right.
 13 Q. It says that, "Tobacco grown from the
 14 cigar will come from any country that is available
 15 and meets applicant's specifications." Do you see
 16 that?
 17 A. Which paragraph?
 18 Q. That's 2, A 2.
 19 A. Oh, okay.
 20 Q. What is meant by "country that is
 21 available"?
 22 A. Where they had the right tobacco. It
 23 could be from Honduras, it could be from Nicaragua,
 24 it could be a blend of the two.
 25 Q. Where it says "meets applicant's

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1 specifications," what is that?
 2 A. The burning characteristics, the quality,
 3 the smoking quality characteristics that we're
 4 looking for.
 5 Q. What are those, besides the full body?
 6 Anything else?
 7 A. The burning characteristics, I think I
 8 said, and the taste.
 9 Q. Is that the type of tobacco or the quality
 10 of the tobacco?
 11 A. It comes in the quality of the tobacco.
 12 Q. Only Cuban seed produces the burning
 13 qualities you want?
 14 A. No.
 15 Q. Other tobacco --
 16 A. I imagine. I don't know. I'm assuming
 17 that that would do the same. I don't know.
 18 Q. Who is Palmer tobacco, is that one of the
 19 people you mentioned before?
 20 A. It should have been --
 21 Q. What's that?
 22 A. It should have been Palma, like the palm
 23 tree. That's the Dominican manufacturer, Palma
 24 tobacco.
 25 Q. And when you say, "no blend to identify at

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1 this time," that's still true?
 2 A. That's still true.
 3 Q. And at this time, Nestor Placencia, is he
 4 still the only one you actually consulted,
 5 negotiated with?
 6 A. That's true.
 7 Q. But you have not contracted with him yet?
 8 A. Pardon me?
 9 Q. But you've not contracted with him yet?
 10 A. No, we've still working on samples, on the
 11 right product.
 12 Q. So he has worked on samples for your
 13 Havana Club, already?
 14 A. I have smoked some, yes.
 15 Q. Do you know what filler, bind or wrapper
 16 he used for those samples you smoked?
 17 A. No, because I rejected them all, it was
 18 not what I was looking for. I didn't get into it.
 19 MR. RODRIGUEZ: What time is it?
 20 MR. GOLDSTEIN: It's 12:15.
 21 (Discussion held off the record).
 22 BY MR. GOLDSTEIN:
 23 Q. You're aware that two Bacardi-affiliated
 24 companies brought -- requested an extension of time
 25 to file an opposition against your Havana Club

1 mark?

2 A. I'm aware that Bacardi's has, I didn't
3 know two Bacardi companies.

4 Q. Well, originally two Bacardi companies
5 filed for extensions of time, and then I believe
6 it's one of the Bacardi companies has actually
7 filed an opposition. You're aware of that?

8 A. I understand that we had an opposition
9 from Bacardi's.

10 Q. You're aware that that's suspended, that
11 that opposition is currently suspended?

12 A. I'm aware that we're in negotiations with
13 Bacardi.

14 Q. Have you met with Bacardi representatives?

15 A. No.

16 Q. Do you know who has on your behalf?

17 A. No.

18 Q. Do you know if any of your attorneys have
19 met with them?

20 A. I couldn't answer that.

21 Q. You couldn't because you don't know the
22 answer?

23 A. I don't know the answer. I'm assuming,
24 but I don't know the answer.

25 Q. Have any of, your wife or any other

1 you offering to pay them something for Havana Club
2 or them offering to pay you something for Havana
3 Club?

4 A. I understand that there's nothing other
5 than negotiations. Nobody's talked about any kind
6 of money.

7 Q. Well, in terms of negotiations, of do you
8 understand what's being negotiated?

9 A. My use of the mark.

10 Q. Are they arguing that you need to get, be
11 licensed by them, or are they asking for an
12 assignment from you, or are you asking for an
13 assignment from them?

14 A. I would have to refer to my attorney on
15 that. I don't know.

16 Q. You don't know the substance of what is
17 being negotiated?

18 A. No, I don't.

19 Q. Are you prepared to sell your claim to the
20 mark to Bacardi?

21 A. We have never discussed it.

22 Q. You said you haven't discussed anything.

23 A. No. We've never discussed it.

24 Q. You've never discussed it?

25 A. I have never discussed it.

1 employee or representative of your company, met
2 with any of the representatives of Bacardi?

3 A. No. No.

4 Q. Have you received any documents from
5 Bacardi?

6 A. I believe -- I think that document was
7 from Bacardi, yes.

8 Q. What document?

9 A. I received a document, but I don't recall
10 what it was.

11 Q. And have you produced that to us?

12 A. I don't know. I have no notion.

13 MR. GOLDSTEIN: Well, I don't have any
14 documents from Bacardi. I mean, there's no
15 privilege in what Bacardi sent you and you
16 sent Bacardi, and I requested -- we have asked
17 for those documents and we expect Bacardi
18 communications to be produced, and if not,
19 state what your reasons are, and we'll figure
20 out how to proceed from there. At least make
21 me a list of what you've got for a privilege
22 log of whatever you're claiming.

23 MR. RODRIGUEZ: Okay.

24 BY MR. GOLDSTEIN:

25 Q. Do you understand the negotiations to be

1 Q. I'm asking you a separate question. Are
2 you prepared to sell your mark to Bacardi?

3 A. No.

4 Q. So, sitting here today, you have no
5 knowledge of the scope of negotiations, meetings,
6 terms, documents exchanged --

7 A. I know that --

8 Q. -- offers made?

9 A. Only what I have told you.

10 Q. In the first instance, without disclosing
11 anything your attorneys have said to you, do you
12 know more than what you've told me, but what you
13 know is what you've gotten from your attorneys?

14 A. The only thing I know is what I've gotten
15 from the attorney, yes.

16 Q. Okay.

17 A. Is that what you're asking me?

18 Q. No. No. You've told me certain things,
19 and you've told me this is all you know. Okay.
20 What I'm asking you is; do you know more than what
21 you've told me, but you're not telling me because
22 you got that information from your attorneys?

23 A. What information from the attorneys?

24 Q. Are you withholding any information from
25 me now because you think that you're not supposed

1 to give it to me because you got it from the
2 attorneys, about discussions or negotiations with
3 Bacardi?

4 A. Other than that I know that we're in
5 negotiations with Bacardi?

6 Q. Yes.

7 A. That's what I know. We're in negotiations
8 with Bacardi.

9 Q. And you don't know anything more about it
10 that you're simply not telling me because you
11 believe it's within your privilege. That's all I'm
12 trying to get at.

13 A. I mean, that's why I have an attorney.

14 MR. GOLDSTEIN: Would you mind just,
15 outside, clarifying this so we can move on?
16 (Discussion held off the record).

17 MR. GOLDSTEIN: Because I'm not trying to
18 get privileged information. I'm trying to
19 figure out if there is privileged information.

20 BY MR. GOLDSTEIN:

21 Q. I felt like I was starting to berate you.
22 I didn't want to do that.

23 A. As you know, I'm not a paperwork man.

24 Now, what was the question here?

25 Q. The question was simply whether you knew

1 MR. GOLDSTEIN: Can we put it into some
2 kind of confidentiality agreement or not? I
3 mean, is he going to answer the question or
4 not?

5 MR. RODRIGUEZ: At the moment, he's not
6 going to answer the question.

7 BY MR. GOLDSTEIN:

8 Q. Let me ask this. The terms of what you're
9 moving to that you're not going to tell me what
10 they are, can you tell me whether or not it
11 involves you retaining the rights to use Havana
12 Club in class 34?

13 A. Yes.

14 Q. Does it involve Bacardi getting the rights
15 to the mark?

16 A. Not that I am aware of.

17 Q. So as far as you know, you're not going to
18 be assigning or transferring the rights of the mark
19 to Bacardi?

20 A. That is correct.

21 Q. Did you have any communications with
22 Bacardi concerning the mark, prior to them filing
23 their notice of opposition?

24 A. No, not that I'm aware of, anyhow.

25 Q. Do you know if your attorneys had --

1 more than you were telling me about what's going on
2 with Bacardi, but you weren't telling me, either?

3 A. No. I told you everything I know, that we
4 are in negotiations with Bacardi's.

5 Q. And you don't know how close those are to
6 completion?

7 A. No.

8 Q. As far as you know, no agreements have
9 been entered into?

10 A. Nothing that I've seen.

11 Q. No memorandums of understanding, which is
12 like an agreement in principle, it just needs to be
13 turned into paper?

14 A. We have not seen any signed documents from
15 Bacardi's.

16 Q. Is there an agreement in principle with
17 Bacardi, to do something?

18 A. I don't want to answer that.

19 Q. On what grounds?

20 A. Pardon me?

21 Q. On what grounds?

22 A. I just don't think we have to.

23 Q. Are you asserting?

24 MR. RODRIGUEZ: A confidentiality.
25 Objection.

1 A. That's what I mean. I have had no
2 knowledge, conversations with Bacardi. Whether my
3 attorneys had, I have no knowledge.

4 Q. And you don't know if they had
5 communications prior to either the extension of
6 time being filed or the notice of opposition being
7 filed?

8 A. I don't know. I don't know that answer.

9 Q. Do you know if Bacardi is paying for your
10 legal services in this action?

11 A. I don't know that.

12 Q. You don't know if they are or they aren't?

13 A. I do not honestly know that.

14 Q. Have you paid for your legal services to
15 date?

16 A. Yes, I have.

17 MR. GOLDSTEIN: Why don't we take a break
18 now, because I'll be coming back to things
19 that I want to start on when I come back.

20 (Thereupon a luncheon recess was taken,
21 after which the following proceedings were
22 had.)

23 BY MR. GOLDSTEIN:

24 Q. This morning, you were looking at the
25 applicant's responses to opposer's first set of

1 documents, request for documents which was Bock
2 Exhibit 3, and you had, but we were looking through
3 it, then you stopped before you got to the end.

4 Did you have a chance to review that during the
5 break, the lunch break we just took?

6 MR. RODRIGUEZ: Not the actual document.

7 THE WITNESS: To which were we referring
8 to?

9 BY MR. GOLDSTEIN:

10 Q. You took a bit of time during the morning
11 to read through the applicant's responses to
12 opposer's first set of request for production, and
13 I think we interrupted you before you got to the
14 last couple pages.

15 A. Yeah. I didn't -- we didn't -- I didn't
16 go over this at lunch, if that's what you're asking
17 me.

18 Q. I guess the question I have is, are you
19 aware --

20 A. Number 3. I'm sorry.

21 Q. That was the document you had spent some
22 time reading through this morning. Do you recall
23 that?

24 A. Pardon me?

25 Q. That's the document you had spent some

1 seed, so my question is; did you do anything to
2 determine whether you had any documents, magazines,
3 articles, books, that discussed, described, talked
4 about Cuban seed tobacco?

5 A. I may have some, but I don't know. I
6 mean, I've seen the term "Cuban seed" every day in
7 catalogs or things that I see, but as far as a
8 document, I don't --

9 Q. Well, a document is any piece of paper or
10 computer file --

11 A. Okay. I was not aware of that.

12 Q. -- or article?

13 A. I'm thinking document if you're talking
14 about something like this is a document in my
15 terminology, so I was wrong on that.

16 I have articles, if that's what you're
17 asking me, that refer to Cuban seed tobacco.

18 MR. GOLDSTEIN: After this deposition,
19 next week, I guess Henry and I will have to
20 talk about some of these responses, and
21 whether there's a way to --

22 MR. RODRIGUEZ: Supplement.

23 MR. GOLDSTEIN: -- we can deal with --
24 deal with some of the things that seem to be
25 missing.

1 time reading through this morning.

2 A. Yes. Yes. Yes, and I was -- yes.

3 Q. My question is, whatever you've done with
4 it; are you sitting here today, aware of documents
5 that we have requested, that have not been provided
6 to us?

7 A. Am I aware of documents that you have
8 requested? I don't know what you've requested.

9 Q. Okay. That's what I was hoping you would
10 do during lunch, but if you didn't, I can't do
11 anything about it.

12 Let me just go, then, to a couple of
13 things that I have some questions about.

14 If you look at request number 18 -- again,
15 the pages aren't numbered -- and it asks for all
16 documents concerning Cuban seed tobacco, including
17 the use of that term in relation to any of
18 applicant's products or intended products, or in
19 the cigar industry, whether inside or outside the
20 United States, and you say, "Applicant does not
21 have these documents at this time." And in
22 connection with questions I had asked you earlier
23 today, you had said, "Well, look at those magazines
24 that I was referring to," you know, Cigar
25 Aficionado and others when I asked you about Cuban

1 BY MR. GOLDSTEIN:

2 Q. Then if you look at number 27, which says,
3 "All documents concerning the Cuban cigar and
4 tobacco industries, including all documents
5 concerning the places of manufacture of Cuban
6 cigars," you say you have no documents. Again, to
7 the extent you have Old Smokes and Smoke Shops and
8 Cigar Aficionado.

9 A. Yes, but again, I was -- my terminology
10 was not that as a document, a magazine wasn't a
11 document. A document to me was always something
12 official. I'm sorry.

13 Q. So you were not instructed on what to look
14 for in regard to this document request. I mean --
15 did you receive an instruction as to what document,
16 what is meant by the term, "document"?

17 A. No. By "documents," I thought that you
18 wanted a documentation -- maybe -- a trail or
19 something of, but I -- I just misunderstood the
20 whole thing.

21 Q. I take it you were not advised by your
22 attorneys as to what was meant by the term,
23 "document"?

24 A. Not that I recall.

25 Q. All right. I'm going to get the same

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1 answers for a couple of the others.
2 If you go to what we marked as
3 Bock Exhibit 5, which was your answers, your
4 applicant's responses to opposer's first set of
5 interrogatories, that's the one we were looking at
6 is 16-F and 19 and 21.
7 If you look at number 7, interrogatory
8 number 7, which is about the third page in, and the
9 question or the interrogatory is, "Identify each
10 person with information concerning applicant's
11 knowledge or awareness of the use or meaning of the
12 term Havana or Havanas as used in the cigar
13 industry within and outside the United States."
14 Do you see that?
15 A. Yes.
16 Q. You're the one -- the only person who is
17 identified as -- as to that, correct?
18 A. Yes, I see that.
19 Q. Have you ever seen the term Havana cigars
20 used in reference to cigars?
21 A. Yes.
22 Q. What is your understanding of what is
23 meant by Havana cigars when you've seen that term
24 used?
25 A. Havanas; by Havanas, normally I would

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1 assume that it was -- not Havana, but Havanas, a
2 Cuban cigar.
3 Q. And a Havana cigar, also a Cuban cigar?
4 A. Not necessarily, no.
5 Q. You've seen the term Havana cigar used to
6 be something other than a Cuban cigar?
7 A. There's hundreds marketed in the United
8 States today with this name.
9 Q. I'm not talking about what people use for
10 Havanas, because we may have a disagreement about
11 why they're using it, but I'm not talking about
12 what people call their cigars. But when cigars are
13 called Havana cigars, like you're reading an
14 article and there's a reference to Havana cigars,
15 have you ever seen that used other than to refer to
16 a Cuban cigar?
17 A. Not that I recall.
18 Q. You said you're aware that people market
19 cigars and they call them Havana X, right?
20 A. Yes. Yes.
21 Q. And have you ever discussed with them --
22 with any of those people why they do that?
23 A. No.
24 Q. Do you have an understanding that they do
25 that to draw a consumer association between their

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1 product and Cuba because of its renown for cigars?
2 A. I don't know why, the name they use.
3 Whether they like -- I mean, Havana Sweets, Havana
4 Nights, they both sound very good to me. Havana
5 Moon. It's a very good sounding name. They all
6 market them.
7 Q. But you don't know why they chose Havana
8 in connection with their product?
9 A. No.
10 Q. Prior to my filing my notice of
11 opposition -- our notice of opposition, which
12 quotes from several dictionaries about the meaning
13 of the term, "Havana," had you ever seen dictionary
14 definitions of Havana?
15 A. Have I actually looked in the dictionary
16 and seen?
17 Q. Yes.
18 A. No, I just... Havana, like you said, is a
19 city. That's my...
20 Q. After we submitted our notice of
21 opposition, did you look for dictionary definitions
22 and find anything that was contrary to what we had
23 put into our notice of opposition?
24 A. No.
25 Q. Did you even look?

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1 A. I didn't look.
2 Q. Okay. Are you aware that Havana is used
3 in cigar book titles to refer solely to Cuban
4 cigars?
5 A. Generally to Cuban cigars.
6 Q. Have you ever seen a book that has the
7 word, "Havana cigars," in the title, and referred,
8 and is about --
9 A. Not that --
10 Q. -- referring to cigars that are not Havana
11 cigars?
12 A. Not that I recall.
13 Q. Are you aware of a book called, "An
14 Illustrated Encyclopedia of Post-Revolution Havana
15 Cigars," by Nee and Rius? It's a big, white color,
16 illustrated, big heavy thing, like a coffee table
17 book?
18 A. I don't know. I've seen so many old
19 books, but this does not come to mind.
20 Q. You're familiar with Richard Perelman's
21 "Pocket Encyclopedia of Havana Cigars"?
22 A. No, I've never seen that. I'm very
23 surprised.
24 Q. Do you know he does pocket encyclopedias?
25 A. Yes, I just used it last night.

1 Q. Well, you've never seen his companion?
 2 A. No.
 3 Q. Do you know who Gerard Pere et Fils are?
 4 A. No.
 5 Q. The French, or European distributors and
 6 wholesalers?
 7 A. In what? Sorry?
 8 Q. The European distributors, wholesalers,
 9 Gerard Pere?
 10 A. No, I don't know them.
 11 Q. You're not familiar with their book, "The
 12 Connoisseur's Guide to Havana Cigars"?
 13 A. No. No. No.
 14 Q. And you said you've read -- even if you
 15 don't focus on them, you've read articles in Cigar
 16 Aficionado and Smoke concerning the Cuban cigar
 17 market, correct?
 18 A. Yeah. I mean, in general. You know, I
 19 glanced over it. And more interested in the
 20 tobacco problems that were featured that they're
 21 having in Cuba.
 22 Q. And you're aware, then, from your reading
 23 the magazines that these writers of these articles
 24 generally refer to cigars from Cuba as either
 25 Havanas or Havana cigars?

1 A. I wouldn't necessarily say that, in my
 2 opinion.
 3 Q. I mean, is it your opinion, what they say?
 4 A. I mean, whether they say -- refer to
 5 Havanas or not, I don't, you know --
 6 Q. You just don't know?
 7 A. I don't know. They write about cigars
 8 from Cuba.
 9 Q. In the interrogatory, it says that you're
 10 the person with knowledge of the meaning of the
 11 word, "Havana" or "Havanas" in the cigar industry
 12 within and outside the U.S., so in addition to what
 13 we've just talked about, what is your -- what
 14 information do you have about the knowledge, or are
 15 aware about the use of the meaning of the word
 16 "Havana" or "Havanas" as used in the cigar
 17 industry?
 18 A. Like we discussed, you said that you
 19 thought that Havana was synonymous with Havana
 20 cigars, and I'm not sure that it is.
 21 Q. What other knowledge or awareness do you
 22 have?
 23 A. My own assumption.
 24 Q. Do you have any information other than
 25 your own assumptions?

1 A. No.
 2 Q. And the basis for those assumptions?
 3 A. Maybe it's just because -- I don't know.
 4 The -- that the Havana cigar isn't what it
 5 used to be. Maybe that's -- maybe that's where I'm
 6 biased on it. I don't know.
 7 Q. But when you say "the Havana cigar is not
 8 what it used to be," you mean the cigars from Cuba
 9 are not what they used to be?
 10 A. That's correct.
 11 Q. This is what we call a discovery
 12 deposition where I try to discover the information
 13 you have. Do you have any other information about
 14 the meaning of "Havana" or "Havanas" as used in the
 15 cigar industry, within and outside the United
 16 States, other than what you have told me?
 17 A. Do I have any awareness?
 18 Q. Any other information about the use of the
 19 term, "Havana" or "Havanas," as used in the cigar
 20 industry, within and outside the United States,
 21 other than what you told me?
 22 A. No.
 23 Q. If you would look at what we marked as
 24 Bock Exhibit 8, which is the answer to notice of
 25 opposition and counterclaim. Do you have that in

1 your hand?
 2 A. Yes.
 3 Q. This is what the lawyers do is, they admit
 4 or deny or say they lack information concerning the
 5 paragraphs of my opposition, so this kind of
 6 meets -- this document meets my opposition one to
 7 one. Then after you get to the end of the
 8 paragraphs, towards the back there's a page that
 9 leads off with "affirmative defenses." It's about,
 10 I don't know, five or six pages in. It's after
 11 Paragraph 57.
 12 A. Uh-huh.
 13 Q. Do you see that? There's three -- there's
 14 1, 2 and 3 under affirmative defenses?
 15 A. Yes.
 16 Q. Do you recall participating in the
 17 affirmative defenses that were going to be raised
 18 in your answer to Habanos' opposition?
 19 A. I don't recall.
 20 Q. If you look at the first one, it says
 21 "abandonment."
 22 A. Yes.
 23 Q. It says, "If opposer or its predecessor in
 24 interest ever legally used the mark in commerce, it
 25 subsequently abandoned the mark." Do you see that?

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1 A. Yes.

2 Q. Do you know what mark is being referred
3 to, by "the mark"?

4 A. I am assuming it's because we're here
5 about the mark that we're discussing, but I don't
6 know.

7 Q. When you say "the mark we're discussing,"
8 Havana Club?

9 A. Uh-huh. I'm assuming that's what it
10 means.

11 Q. It is not based on any knowledge of your
12 own?

13 A. No, I have no knowledge of this.

14 Q. The lack of standing, it's somewhat of a
15 technical legal defense. My only question would
16 be; do you know any facts or have any knowledge of
17 any of the facts related to the lack of standing
18 defense?

19 A. The lack of damages?

20 Q. You see number 2, it says "lack of
21 standing." I know my tongue is getting a little
22 dry.

23 A. "Opposer shall not" --

24 Q. The only question I have is basically a
25 legal question, but my question is; are you aware

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1 of any facts, or have knowledge of any facts in
2 support of that lack of standing defense?

3 A. I would have to say I really don't
4 understand the question.

5 Q. Okay.

6 A. I would like to answer, but I don't
7 understand it.

8 Q. You don't understand what the lack of
9 standing is?

10 A. No.

11 Q. Like I said, it's basically a legal
12 question. You can look at it if you want, but...

13 A. I absolutely -- I've read this, and I have
14 absolutely no knowledge of what this means.

15 Q. Okay. That's fine. That's why I said
16 it's mostly a legal -- technical, legal issue.

17 If you look at the last one, "lack of
18 place, goods association" --

19 A. Yes.

20 Q. -- "applicant contends," and that's you or
21 that's Annas -- let me ask you a question; does
22 A-N-N-C-A-S, does that mean something?

23 A. Yes.

24 Q. What does it mean?

25 A. The first two symbols of my dogs, Annie

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1 and Cassidy.

2 Q. I thought you were going to tell me it was
3 some ancient Gaelic language.

4 "Applicant contends that the mark is not
5 geographically deceptively mis-descriptive," under
6 section 2E3, that the law section, 2E3 -- because,
7 and then it says, "One, there are no cigar
8 manufacturers within the City of Havana, Cuba."

9 Now just focusing on that part, "there are
10 no cigar manufacturers within the City of Havana,
11 Cuba," do you contend here that that's a true
12 statement?

13 A. I do not know.

14 Q. Do you know what the basis for it saying,
15 "Applicant contends there are no cigar
16 manufacturers within the City of Havana, Cuba"?

17 A. I don't know.

18 Q. Is it your understanding from 35, 40-plus
19 years in the cigar business, that there really are
20 no cigar manufacturers in the City of Havana, Cuba?

21 A. In my -- there's probably in every third
22 house. I mean, if you ever go to these places,
23 they make cigars every place.

24 Q. You never heard of the El Laguito factory
25 or the Partagas factory?

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1 A. I know Partagas factory, yes.

2 Q. You're aware that's in Havana?

3 A. I imagine. I mean, I can't believe that
4 there wouldn't be factories in Havana.

5 Q. Do you know why that's in this document
6 that's filed with the PTO?

7 A. No.

8 Q. If you look at the second statement right
9 after that, "Nor, are there, basically applicant
10 contends," and then it continues, "no cigar
11 manufacturers are within the City of Havana, Cuba,
12 nor are there any cigar manufacturers of
13 significance within the province of Havana"? Is it
14 your contention here under oath that that's a true
15 statement?

16 A. No, I don't believe that's a true
17 statement.

18 Q. You don't believe it's a true statement
19 because you believe that there are cigar
20 manufacturers of significance within the province
21 of Havana?

22 A. I would certainly think so. I don't know,
23 but I would certainly think so.

24 Q. You don't know how this got into the
25 answer that you filed with the TTAB?

1 A. I -- I don't know, but I -- how it got
 2 there.
 3 Q. And if you look at number 3, "The City of
 4 Havana does not have a reputation as a source of
 5 cigars," do you contend that that is a true
 6 statement? I shouldn't say number 3. There's no
 7 "3" there. "Nor there are any cigar manufacturers
 8 of significance within the province of Havana,
 9 Cuba, and the City of Havana does not have a
 10 reputation as a source of cigars."

11 Do you contend that statement --
 12 A. That is sort of misleading.

13 Q. The City of Havana does have a reputation
 14 as a source of cigars; isn't that correct?

15 A. I mean, they manufacture cigars there, I'm
 16 not denying that. No one would deny that. I know
 17 that.

18 Q. Your lawyers are denying it, and I'm kind
 19 of puzzled by that.

20 A. I don't know. I... I mean, I don't know
 21 how big Cuba -- Havana covers in Cuba, but I'm sure
 22 there's cigars manufactured there, and I'm sure
 23 there's cigars in the outlying areas, manufactured.

24 Q. And then it says here that cigars are
 25 produced in other provinces of Cuba, for example,

1 Again, I --
 2 Q. Do you understand what the basis of the
 3 counterclaim is, what the counterclaim is seeking
 4 to do?

5 A. I guess so we can use the trademark.

6 Q. What is your understanding of what your
 7 rights to Havana Club and Corporacion Habanos'
 8 rights to Habanos Unicos Desde 1492 is to each
 9 other?

10 A. That the brand is not registered by them.

11 Q. What's that?

12 A. That the -- there's no documentation that
 13 they had a trademark on this.

14 Q. Okay.

15 A. I'm looking for a trademark on cigars.
 16 That's all I'm looking for.

17 Q. And what I'm asking you is what is your
 18 understanding of what your claim to Havana Club has
 19 to do with Habanos' claim to the Habanos --

20 A. I have no notion.

21 Q. What's that?

22 A. I have no notion.

23 Q. It says here, "The counterrespondent" --
 24 A. I was very surprised to even hear from
 25 these people. It came out of the -- I don't

1 Pinar Del Rio. Do you have any knowledge of that?

2 A. I know that that's a very popular area for
 3 tobacco.

4 Q. You know the high-quality tobacco is grown
 5 there?

6 A. That comes -- they're noted for their
 7 tobacco, yes.

8 Q. And you have no knowledge how these
 9 statements got into this document filed on your
 10 behalf?

11 A. I -- I don't know if it's a typographical
 12 error or what. I don't -- "no cigar manufacturers
 13 in the City of Cuba," I don't see how that got in
 14 there. No.

15 Q. Then if you turn to the next page, that's
 16 where -- it says "counterclaim for cancellation."
 17 Earlier today, I was asking you about your
 18 counterclaim, and you did not have any knowledge of
 19 that. Why don't you take a minute to look at this
 20 counterclaim for cancellation, and I'll ask you a
 21 couple of questions about it.

22 A. Yes. What did you want to know?

23 Q. Did you have any knowledge of this
 24 counterclaim prior to just reading it here today?

25 A. I don't recall, but I possibly could have.

1 understand.

2 Q. I guess -- all right.
 3 "Counterrespondent" -- Paragraph 5 --

4 "Counterrespondent has abandoned any mark rights
 5 for Habanos Unicos Desde 1492." Do you see that?

6 A. Yes.

7 Q. You're aware, I take it, prior to filing
 8 this counterclaim, were you aware that Habanos, the
 9 client --

10 A. I think you --

11 Q. -- has a registration for this mark?

12 A. Aware of it?

13 Q. Yes.

14 A. I was aware that they had sometime in the
 15 proceedings, I don't know when, that they had
 16 abandoned their mark. That's all I know.

17 Q. What is your understanding of how they
 18 supposedly abandoned their mark?

19 A. I do not know.

20 Q. Is this something that you were told by
 21 the lawyers or something you figured out on your
 22 own?

23 A. No, I wouldn't -- I would not know. How
 24 would I have access to this?

25 Q. I don't know. It's in your counterclaim.

1 A. No.
 2 Q. I'm entitled to find out what facts you're
 3 relying on.
 4 A. The lawyers --
 5 Q. I know that the lawyers -- the lawyers
 6 will make whatever legal arguments they want to
 7 make. I'm entitled to either find out what facts
 8 you know or what facts you don't know.
 9 A. I don't know that -- the only thing I know
 10 is that I was told someplace in the conversation
 11 that they abandoned the mark.
 12 Q. Do you have any understanding of how they
 13 supposedly abandoned the mark?
 14 A. No.
 15 Q. Do you know what a section 8, declaration
 16 or affidavit is --
 17 A. No.
 18 Q. -- in the PTO? Have you ever filed a
 19 document or have lawyers file a document on your
 20 behalf after -- five years after the registration,
 21 showing that you have the mark in use in commerce?
 22 A. Yes.
 23 Q. That's a section 8 --
 24 A. You have to in order to keep it
 25 registered, correct?

1 THE WITNESS: I don't know. I mean, I
 2 wouldn't know.
 3 MR. GOLDSTEIN: It's only attorney/client
 4 privilege if there's a communication.
 5 MR. RODRIGUEZ: For him to know, it would
 6 be a communication.
 7 BY MR. GOLDSTEIN:
 8 Q. You have no knowledge?
 9 A. Not -- I don't even understand what you're
 10 getting at --
 11 Q. What I'm getting at --
 12 A. -- except that their mark is not
 13 registered. Now you're giving all this legal crap
 14 that I don't understand.
 15 MR. GOLDSTEIN: Let's mark this.
 16 (Thereupon a document was marked
 17 Bock Exhibit 15 for Identification to the
 18 deposition.)
 19 BY MR. GOLDSTEIN:
 20 Q. I'm going to show you what we've marked as
 21 Bock Exhibit 15. It's documents produced by your
 22 attorneys. It has the Bates numbers 28 through 30
 23 at the bottom. And it shows that this was a run
 24 done on the PTO's tarus system. This is the system
 25 that shows the status of the marks, on August 2,

1 Q. That's a section 8 declaration. Okay.
 2 Section 15 declaration, you file and you say you've
 3 had five years of continuous use of the mark. Do
 4 you know if you have ever filed one of those?
 5 A. Well, I have had marks over five years, so
 6 I must have.
 7 Q. Are you aware that -- of the PTO's position
 8 with respect to Cuban marks that are registered
 9 with the PTO concerning the Doctrine of Excusable
 10 Non-Use, do you have any knowledge about that?
 11 A. No, I don't.
 12 Q. Prior to filing this counterclaim at the
 13 PTO claiming that Habanos has abandoned the mark
 14 Habanos Unicos, did you undertake any efforts to
 15 investigate the position of the PTO with respect to
 16 excusable non-use under the embargo for Cuban marks
 17 that had been registered in the United States?
 18 A. Me, personally?
 19 Q. You, personally.
 20 A. No.
 21 Q. Do you know if your attorneys undertook
 22 any investigation with respect to that, prior to
 23 filing this counterclaim?
 24 MR. RODRIGUEZ: Objection, attorney/client
 25 privilege.

1 2005. Do you see that at the top? Do you see the
 2 date?
 3 A. Yes.
 4 Q. It's for the mark Habanos Unicos Desde
 5 1492?
 6 A. I see the mark.
 7 Q. You see it's been registered, there's a
 8 registration number --
 9 A. On the second line? Oh, yes.
 10 Q. You go down a few more lines, "Current
 11 status as of August 2, 2005, a section 8 affidavit
 12 has been accepted"?
 13 A. Yes.
 14 Q. You see that the owner is Corporacion
 15 Habanos S.A. That is -- the next page has the
 16 address, Cuba?
 17 A. Yeah, I see all that, but...
 18 Q. So at the time that you filed this
 19 counterclaim, were you aware that there was a
 20 registered mark for Corporacion Habanos, and a
 21 section 8 had been accepted by the PTO?
 22 A. I don't -- I never saw this. I don't
 23 understand -- it's not the same name. It's not
 24 what I'm -- I'm not trying to call it whatever this
 25 says here.

1 Q. You're the one who is seeking to cancel
 2 it. I'm trying to find out what's going on, that's
 3 all, and if you don't have any information --
 4 A. I don't have any information.
 5 Q. -- I'll have to deal with it through your
 6 attorneys.
 7 A. All right. I don't have any information.
 8 Q. I'm just trying to find out --
 9 A. I don't have any information.
 10 Q. Did they ask for your permission to file
 11 the counterclaim?
 12 A. I'm assuming.
 13 Q. But you don't recall?
 14 A. No.
 15 (Thereupon a document was marked
 16 Bock Exhibit 16 for Identification in the
 17 proceeding.)
 18 BY MR. GOLDSTEIN:
 19 Q. Let me show you what we've marked as
 20 Bock Exhibit 16. It was produced by your
 21 attorneys. It has that little Bates number on the
 22 side there. 016. What is this document?
 23 A. This is the people that I buy the cigars
 24 from in Honduras and Nicaragua, Caribbean Cigar
 25 Company. They have a holding company that we send

1 BY MR. GOLDSTEIN:
 2 Q. Did you launch a new cigar product last
 3 fall called Dynamite?
 4 A. I did.
 5 MR. RODRIGUEZ: Objection, relevance.
 6 BY MR. GOLDSTEIN:
 7 Q. Did you issue a press release in
 8 connection with that?
 9 A. Yes.
 10 Q. How did you distribute your press release?
 11 A. I have a press agent that sends them out
 12 to all the trade publications.
 13 Q. Do you know of a website called Cigar
 14 Review?
 15 A. No.
 16 Q. Or Cigar Review.Com?
 17 A. No.
 18 Q. Are you aware that your Dynamite press
 19 release was on Cigar Review.Com?
 20 A. No.
 21 Q. You don't know what that website is?
 22 A. No, I have never -- I don't believe I have
 23 ever been there or know about it.
 24 Q. Do you check out web information about the
 25 cigar business?

1 the invoice to, and you send the checks to Panama.
 2 Q. This is the Caribbean Cigar Company, this
 3 is Nestor Placencia?
 4 A. Caribbean Cigar Company. I believe it's
 5 Nestor and several investors, European investors, I
 6 don't know.
 7 Q. I'm happy to have the document, but do you
 8 know what it's referring to in terms of this
 9 litigation, or is it just providing him with the
 10 information of where this person is located?
 11 A. I'm assuming that's what it is. That's
 12 the name of the company that we were probably going
 13 to have -- is definitely going to grow the tobacco
 14 and probably manufacture the cigars.
 15 Q. And their corporate offices are in Panama,
 16 or their back office or something?
 17 A. I don't know.
 18 Q. Does Mr. Placencia come to America?
 19 A. Not very often.
 20 Q. He's a former Cuban?
 21 A. He's a Cuban.
 22 Q. Is he a U.S. citizen, to your knowledge?
 23 A. I don't know. I would only be
 24 speculating.
 25 (Discussion held off the record).

1 A. No.
 2 Q. You don't use the computer for that?
 3 A. I do, but I don't -- not in the cigar.
 4 I'm only worried about one business, my business.
 5 MR. GOLDSTEIN: Why don't we mark this.
 6 (Thereupon a document was marked
 7 Bock Exhibit 17 for Identification in the
 8 proceeding.)
 9 BY MR. GOLDSTEIN:
 10 Q. Let me show you what we've marked as
 11 Bock Exhibit 17, and it's the Cigar Review.Com
 12 website. Do you see that? You don't recall using
 13 this website for anything?
 14 A. No. My press -- I have a man that does
 15 all the --
 16 Q. Okay.
 17 A. He sends everything out to all the trade.
 18 I don't know where -- where they go or anything.
 19 Q. It says "Cigar News," and then there's a
 20 date, and that is IndianHead. That's your address,
 21 right?
 22 A. Yes.
 23 Q. That's your website, IndianHead cc:
 24 A. Right.
 25 Q. And "contact Bill Bock for release,

1 September 24, 2005," correct?
 2 A. Yeah.
 3 Q. I mean --
 4 A. I haven't seen this one.
 5 Q. But that's your Dynamite press release; if
 6 you turn the page, that's your Dynamite box?
 7 A. I'm trying to read the thing. It looks
 8 like my Dynamite box. I haven't seen it. Like I
 9 said, I'm trying to see what it says here.
 10 All right.
 11 Q. Is that it, that's your press release?
 12 A. I'm assuming that's what they have there.
 13 I don't know if it's the whole thing.
 14 Q. It starts off with a quote from you,
 15 admits Bill Bock, president of IndianHead?
 16 A. Yes, I don't know how he wrote it, or, you
 17 know. I would have to go back.
 18 Q. If you look in the press releases there at
 19 the center of the page, your letterhead,
 20 IndianHead, is there on the left; right, your
 21 IndianHead is there?
 22 A. The center of the page?
 23 Q. It says IndianHead, your address, your
 24 name.
 25 A. Oh, appear, yes.

1 BY MR. RODRIGUEZ:
 2 Q. Mr. Bock, have you ever encountered in the
 3 cigar industry for sale here in the U.S., cigars
 4 under the brand Habanos Unicos Desde 1492?
 5 A. I have never any -- no.
 6 Q. Mr. Bock, is it your understanding within
 7 the cigar industry, that use of the term "Havana"
 8 in association with cigars, creates a -- an
 9 association on the part of the viewer, reader, that
 10 that cigar is from Cuba?
 11 A. Not necessarily -- excuse me.
 12 MR. GOLDSTEIN: Objection, leading.
 13 THE WITNESS: Not -- now I can answer?
 14 MR. GOLDSTEIN: You can answer.
 15 THE WITNESS: Not necessarily from Cuba.
 16 The way -- I mean...
 17 BY MR. RODRIGUEZ:
 18 Q. That's fine. Based on your experience and
 19 knowledge, if a product, a cigar product is
 20 marketed bearing the name "Havana" or "Cuban" or
 21 some version thereof, does that mean that that
 22 cigar was made or produced in Cuba?
 23 A. Absolutely not.
 24 MR. GOLDSTEIN: I'm sorry, I'm going to
 25 object, Henry, leading and compound.

1 Q. If you go into the upper right-hand corner
 2 of the page, it says "cigar fact."
 3 A. Okay. Up here?
 4 Q. Yes. Would you read that cigar fact out
 5 loud?
 6 A. No, I did not. I've never seen it before.
 7 Q. Can you read it out loud?
 8 A. "On -- on Cuban cigars, the term 'made in
 9 Cuba' and 'made in Havana' are considered
 10 interchangeable, because virtually all Cuban cigars
 11 for export are made in these factories in or around
 12 Havana. For more than a century, Cuban cigar and
 13 Havana cigars have been synonymous."
 14 MR. GOLDSTEIN: All right. I have no more
 15 questions of the witness.
 16 THE WITNESS: Are we done?
 17 MR. GOLDSTEIN: I'm done.
 18 THE WITNESS: Now what do we do?
 19 MR. GOLDSTEIN: We either go home or he
 20 has to do questions.
 21 (Discussion held off the record).
 22 MR. RODRIGUEZ: I have a few questions for
 23 Mr. Bock.
 24 CROSS EXAMINATION
 25

1 THE WITNESS: Can I answer now?
 2 Absolutely not.
 3 BY MR. RODRIGUEZ:
 4 Q. Let me ask the question in a different
 5 way. Does a product, a cigar product sold in the
 6 U.S. bearing the name "Havana" or "Cuba," mean that
 7 that cigar product comes from Havana or Cuba?
 8 A. No. The word "Havana" or "Cuba" can be on
 9 there as long as you have the country of origin. I
 10 just went through this with U.S. Customs. As long
 11 as you have country of origin in a legible place
 12 where you have the word like Cuban Corojo, which is
 13 a wrapper. Havana 2000 is a wrapper, and the boxes
 14 have to be marked where there's no confusion to the
 15 consumer, and we mark our boxes, "handmade in
 16 Nicaragua" right next to this on the top, bottom
 17 and inside the box.
 18 MR. RODRIGUEZ: That's enough.
 19 REDIRECT EXAMINATION
 20 BY MR. GOLDSTEIN:
 21 Q. What studies have you conducted of
 22 American cigar consumers concerning their
 23 association of Havana Club with Havana?
 24 A. What?
 25 Q. What marketing consumer studies have you

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1 conducted?
 2 A. None.
 3 Q. What marketing consumer studies have you
 4 conducted concerning consumers' associations with
 5 the use of Havana, something, as a mark, study of
 6 consumer association with Cuba concerning Havana,
 7 something, as a mark?
 8 A. None.
 9 Q. Are you aware of any other studies
 10 conducted as to consumer association?
 11 A. No.
 12 Q. Do you use Cuban Corojo as a brand?
 13 A. No.
 14 Q. It's like a -- sort of like Cuban Corojo
 15 is a type of tobacco?
 16 A. It's the type -- like you would call
 17 Maduro or Connecticut. Yes, but you can...
 18 Well...
 19 Q. And Havana 2000 is a type of wrapper?
 20 A. That's correct.
 21 Q. You're not talking about a brand when you
 22 said Havana 2000, you're talking about a mark?
 23 A. I'm talking about a brand. But there are
 24 brands --
 25 Q. You're not talking about a brand?

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1 A. I'm talking about --
 2 Q. When you say?
 3 A. -- a type of tobacco.
 4 Q. A type of tobacco?
 5 A. Just like Cuban seed.
 6 MR. GOLDSTEIN: I have no other questions.
 7 RECROSS EXAMINATION
 8 BY MR. RODRIGUEZ:
 9 Q. Mr. Bock, are you aware of the use in the
 10 cigar industry of the terms, "Havana" or "Cuba" or
 11 any variation thereof as a mark for a cigar
 12 product?
 13 A. I know that going just through the RTDA
 14 book, I found 87 references, front names of cigars
 15 made with either Havana or Cuban in it, that are
 16 marketed in this country, and they're obviously not
 17 produced in Cuba.
 18 MR. RODRIGUEZ: No more questions.
 19 REDIRECT EXAMINATION
 20 BY MR. GOLDSTEIN:
 21 Q. How many were Havana?
 22 A. I don't know what the combination of them
 23 was. I believe 87.
 24 Q. Were Havana or Cuba?
 25 A. Or Cuba.

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1 Q. Or some other variation?
 2 A. With a variation in it, yes.
 3 MR. GOLDSTEIN: I have no more questions.
 4 (Thereupon the taking of the deposition was
 5 concluded.)
 6
 7
 8
 9 WILLIAM BOCK
 10
 11
 12 Sworn to and subscribed before me this
 13
 14 day of 2006.
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

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CERTIFICATE OF OATH

STATE OF FLORIDA
 COUNTY OF MIAMI-DADE

I, the undersigned authority, certify that
 WILLIAM BOCK, personally appeared before me and was
 duly sworn.

WITNESS my hand and official seal this day
 of 03-27-2006.

ROBERT WOLINSKY
 Notary Public - State of Florida
 My Commission expires: 11-14-2009
 Commission No. DD 459879

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

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CORPORACION HABANOS, S.A.,)
)
) **Opposer,**)
) **Opposition No. 91165519**
) **v.**)
)
) ANNCAS, INC.,)
)
) **Applicant.**)
-----)

APPLICANT'S RESPONSES TO OPPOSERS' SECOND SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION

Anncas, Inc. (hereinafter Applicant), by and through its attorneys Sanchelima & Associates, P.A., hereby submits its responses to Opposer's Second Set of Interrogatories and Requests for Production to Applicant. Applicant has answered the following interrogatories separately and fully in writing under oath.

Now follows Applicant's responses to Opposers' second set of interrogatories.

INTERROGATORIES

INTERROGATORY NO. 1

If Applicant, or any person acting for or on behalf of Applicant, has consulted with or retained the services of any expert or consultant with respect to any matter concerning this proceeding, identify each such expert or consultant and describe the subject matter on which he or she has been or is being consulted or retained; provide the financial terms of such consultation or retention; state in detail the substance of the expert's or consultant's information or opinions upon which Applicant intends to or may rely, and the reasons and evidentiary support therefore; and identify all documents provided to such expert or consultant, and all documents upon which such expert or consultant intends to or may rely.

No such expert or consultant to identify.

INTERROGATORY NO. 2

State the date of creation of the document previously produced by Applicant in the above-captioned matter and identified by Applicant as 000001, and the information supporting such statement.

The date of creation of the document identified as Bates No. 000001 was at some time prior to the filing date of February 5, 2004 for the application Serial No. 78/363,024

Now follows Applicant's responses to Opposer's second set of requests for production.

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST NO. 1

All documents concerning Applicant's assertion in its First Set of Admissions, Request No. 12, "that the U.S. cigar-consuming public is exposed to scores of cigar brands bearing the terms 'Havana,' 'Cuba,' or variations thereof, for cigars not directly originating in Cuba."

See document Bates Nos. 45 through 47, 52, 62, 69, 83, 85, 87 through 90, 92 through 97, 100 through 102, 104 through 105, 107 through 112, 115 through 120, 123, 129, 160, through 161, 165, 167 through 170, 174, 176, 178 through 181, 184, 192 through 195, 199, 204 through 206, 213, 215,

REQUEST NO. 2

For each cigar brand identified in any documents produced in response to Request No. 1, supra, all documents concerning whether the brand is currently in use in commerce, the years the brand has been in use in commerce, and the quantity of cigars, by volume and dollar amount, sold in the United States under such brand or mark.

Applicant does not have these documents at this time.

REQUEST NO. 3

For each cigar brand identified in any documents produced in response to Request No. 1, supra, all documents concerning advertising, marketing or promotion of such brands.

Applicant objects to this Request to the extent it calls for publicly available documents.

Subject to and without waiving Applicant's general and specific objections, see documents Bates Nos. 85, 87-90, 92, 97, 100, 102, 104 through 105, 107, 110 through 111, 115 through 123, 129, 146, 158, 160 through 161, 165, 169, 174 through 176, 178 through 180, 184, 192 through 193, 199, 203 through 205, 213.

REQUEST NO. 4

All documents concerning the sworn testimony of Applicant's President, William Bock, that there are "hundreds" of cigar brands "marketed in the United States today" that use the term "Havana" as the name or part of the name of the cigar brand or mark, as stated in Mr. Bock's deposition, p. 123, ll. 5-8, of March 24, 2006.

Applicant understands this request to seek the same documents described in Request No. 1 and accordingly, as its response, incorporates its response thereto.

REQUEST NO. 5

All documents using the term "Havana" or "Havanas" to refer to a cigar or cigars that are not from Cuba, other than as used as a cigar brand or cigar mark, upon which Applicant intends to rely in this proceeding.

See document Bates No. 197, 198, 202

REQUEST NO. 6

All documents, including computer files, or other electronic information, concerning the date of creation of the document previously produced by Applicant in the above captioned matter and identified by Applicant as 000001.

See document Bates No. 222

REQUEST NO. 7

All documents concerning Applicant's assertion in its First Set of Admissions, Request No. 13, that "U.S. regulations ... require all cigar products sold in the U.S. to clearly identify the country of origin upon the product packaging."

Applicant objects to this Request to the extent it calls for publicly available documents, including documents on file with the U.S. Customs and Border Protection and the Bureau of Alcohol, Tobacco, and Firearms.

Subject to and without waiving Applicant's general and specific objections, Applicant will produce documents, if any, responsive to this request.

REQUEST NO. 8

All documents concerning Applicant's sworn statement of January 28, 2004, to the United States Patent and Trademark Office ("USPTO"), that Applicant "has a bona fide intention to use or use through the applicant's related company or licensee the mark [HAVANA CLUB] in commerce on or in connection with the identified goods and/or services," as stated in the document previously produced by Applicant in the above-captioned matter and identified by Applicant as 000002.

See document Bates Nos. 1 and 222.

REQUEST NO. 9

All documents upon which Applicant intends to rely in this proceeding concerning the sworn testimony of Applicant's President, William Bock, that Havana, Cuba is not renown for production of cigars, as stated in Mr. Bock's deposition, p. 71 l.11-p.74 l.12, of March 24, 2006.

See document Bates Nos. 187 through 191, 196.

REQUEST NO. 10

All documents, including in magazines, trade publications, or internet printouts, showing Opposer's registered mark, HABANOS UNICOS DESDE 1492, USPTO Reg. No. 2,177,837, including in its English translation (HABANOS Unique Since 1492), or in translation in any other language.

See documents Bates Nos. 177, 183, 209

REQUEST NO. 11

All documents provided to any expert or consultant identified in response to Interrogatory No. 1, supra, by Applicant, Applicant's attorneys, or any one acting on behalf of Applicant, all documents upon which such expert or consultant intends to or may rely in this proceeding, all documents concerning the retention of such expert or consultant, and all documents provided by such expert or consultant to Applicant, Applicant's attorneys, or any one acting on behalf of Applicant.

Applicant does not have these documents at this time.

Dated: Miami, Florida
May 16, 2006

Respectfully submitted,

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By: 
Henry Rodriguez, Esq.



Cuba at the Crossroads

For a generation of Americans brought up since the Cuban embargo went into effect in 1962, the island conjures up a cornucopia of disparate images: Prohibition-era gangsters in pinstriped suits and bowler hats, supplanted by khaki-clad, bearded revolutionaries; lush beaches and luxury hotels alongside poverty-wracked barrios and smoke-filled cantinas. Names and faces of those long gone — John F. Kennedy, Che Guevara, Al Capone, Ernest Hemingway — take their place with those still making history: Pedro Almodovar, Orlando Hernandez, Arturo Sandoval, and the man who is a living

By **Mark P. Bernardo**

bridge from the old to the new, *El Presidente*, Fidel Castro. Dark and mysterious, yet exotic and alluring, Cuba has always seemed something between the Land of Oz and the Isle of Dr. Moreau. All the while, the nation has been defined by one symbol — even more consistent and long-lived than Castro's bearded visage — and that is the Cuban cigar.

Cuba is to tobacco what France is to wine, Switzerland is to watchmaking, and Scotland is to malt whisky — the standard by which all others are measured. And while many of Cuba's finest have fled to ply their ancient art elsewhere, to pass their skills and expertise on to new generations in places like Nicaragua.

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Cuba at the Crossroads

always regarded here as the greatest cigars one could buy; once they were declared illegal, they took on an almost mythic grandeur.

That status was shaken a bit in the waning days and aftermath of the 1990s cigar boom, when quality control — not just in Cuba — seemed to take a back seat to moving as much product as possible, to as many customers as possible, at as high a price as possible. Overall, sanity now reigns in the market, and Habanos S.A., the state-owned corporation that produces the world's most sought-after cigars, wants to ensure that their 500-year legacy of cigar craftsmanship continues well into the next millennium.

While in Havana, I sat down with Manuel Garcia Morejon, VP of Habanos's commercial division, to discuss cigars and the future. I began with a question about nature's latest attempt to throw a wrench into the cigar business: Last September's Hurricane Isidore and its devastating effects on some of Cuba's prime tobacco-producing regions. Garcia, however, downplayed the event's significance. "It wasn't really much of a problem," he said. "The fields were very affected, but much of the leaf was already harvested and in the warehouses. Many of the warehouses — more than 12,000 — were ruined, but we've already rebuilt about 50 percent of them. We won't have problems with production or cigar quality. Smokers need not worry."

Garcia could not rule out a price increase related to the rebuilding expenses, though he seems committed to avoiding a significant one. ("I think Cuban cigars are expensive enough," he told me, in candor.) He was much more enthusiastic about several of the new products launching from Habanos. In what some would consider an ironic twist, the Cubans are taking cues from some of their upstart Dominican and Nicaraguan competitors in an effort to jazz up their image and maintain hold of their main markets in Europe and



elsewhere. Much attention has been focused on the Guantanamera — a new machine-made Cuban cigar, containing short-filler leaf from the central eastern region of Oriente, that is both lighter in body and lower in price than the typical Habanos. According to Garcia, products like the Guantanamera fill a growing niche that Cuba has too long ignored.

"The world cigar market is very big," he explained, "but we have only been [serving] the premium market. I thought that Habanos should be in other segments, too. [The Guantanamera is] 100% Cuban, not too expensive, not too strong; perfect for people who have only a few dollars to spend on a Cuban cigar. The ratio of price to quality is very good. We launched this product in Germany first, then Canada and Mexico. Everyone I've spoken to has held the cigar in high regard, and we see very much potential for the brand."

On the other end of the spectrum from the Guantanamera are the various Edicion Limitadas, special limited-run versions of Habanos's popular global brands — Cohiba, Partagas, Romeo y Julieta, Hoyo de Monterey — constructed with specially aged leaf and priced for serious connoisseurs. One aspect contributing to the popularity of the Limitadas is their two-year-



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aged maduro wrappers — up until recently, a rarity in Cuba.

"We don't have maduros in our standard production," Garcia confirmed, "but we could if we wanted. The Edicion Limitadas started two years ago, and the problem was we didn't have enough aged leaf: the quantity was very limited, even for a limited edition. Today this isn't a problem. We intend to bring out at least three or four sizes every year of the Edicion Limitadas. We may in the future even have a maduro line, but for now we will continue using the same high-quality aged leaf."

This year's long-awaited Limitadas include the Cohiba Double Corona (7 5/8 x 49); Montecristo C (5 5/8 x 46); Romeo y Julieta Hermoso No. 1 (6 1/2 x 48); Partagas Serie D. No. 2 (6 1/8 x 50); and Hoyo de Monterey Piramide (6 1/8 x 52).

Cuba's prestige brands are emphatically not resting on their laurels; this year also saw the release of the Siglo VI, the latest in the Siglo line of Cohibas, instituted in 1992 to commemorate the 500th anniversary of Columbus's discovery of tobacco (siglo means "century"). Another highly-anticipated launch is the Salomones de Cuaba, a 7 1/4" x 57 addition

**Cuba is to tobacco what
France is to wine,
Switzerland is to watch-
making, and Scotland
is to malt whisky — the
standard by which all
others are measured.**

to the all-figurado Cuaba brand released in 1996.

Maduros, limited editions, figurados, high-end machine-made cigars — all have been popular here in the States, and this begged the inevitable question: have these products, or any future products, been designed with an open U.S. market in mind? Garcia was coy, but confident with his response: "The U.S. market is the biggest market for premium cigars," he stated. "Habanos being at the top of that market, we see huge potential when the embargo is

lifted and a U.S. citizen can legally smoke a Cuban cigar. But I can't say we've planned for it, and I don't see it as a problem. We now have enough tobacco and enough production capability to produce for the U.S. as well as the rest of the world."

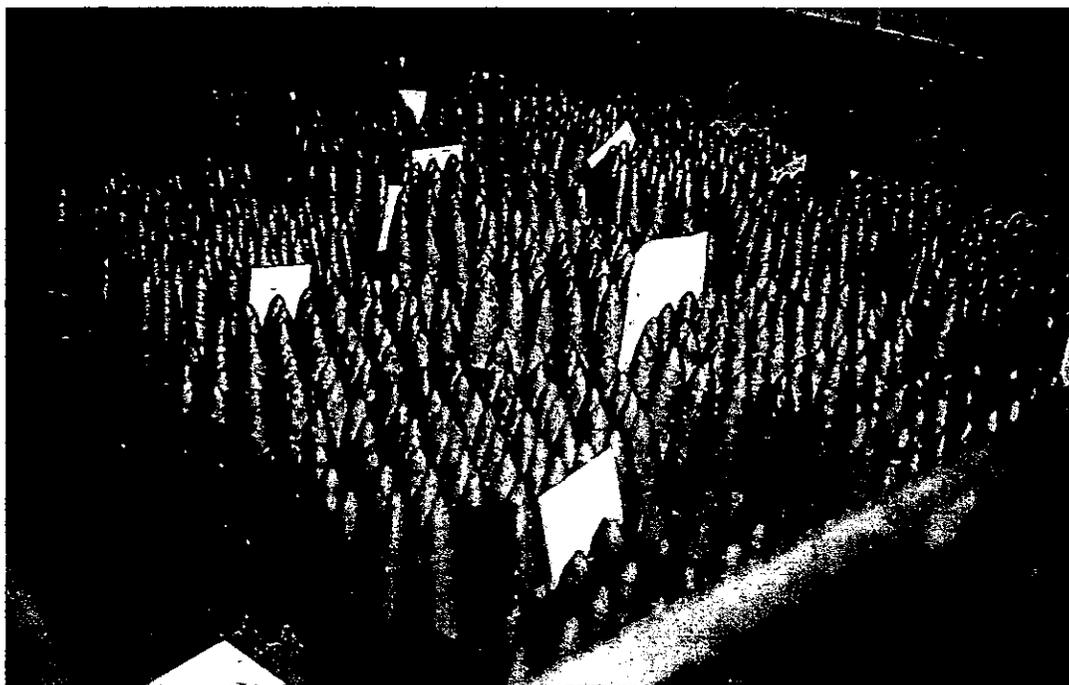
The sense among the Havana cigarmaking community seems to be that the lifting of the embargo is a matter of "when" rather than "if." Riding back through the city, however, it is difficult to see this as a nation ripe for political change: the Palacio de la Revolucion still stands proudly, bathed in the tropical sunshine; the equestrian statue of Antonio Maceo looms over the Malecón, celebrating the revolution; and the bill-



Cuba at the Crossroads

boards displaying triumphant images of Che and Fidel are ubiquitous. One depicted a heroic Castro facing off in a boxing match with a sinister-looking Uncle Sam — despite the fact that the most anti-American sentiment I heard espoused was a friendly English-speaking cabdriver laughingly ask, “Is Bush crazy?”

The Cuban people seem genuinely welcoming to Americans. The Hotel Nacional, a neo-Renaissance architectural triumph built in 1930, has hosted everyone from Hollywood film stars to mob bosses to Prohibition-era expatriates. The Hotel, like Havana’s famous cigar factories, has a palpable sense of history and tradition that no amount of modernization can take away — right down to the



“The world cigar market is very big,” Everyone I’ve spoken to has held the cigar in high regard, and we see very much potential for the brand.”

outstanding mojito that was mixed for me in the courtyard bar, the old-fashioned way, where the bartender patiently crushes the sugar mint leaves in the glass. There is a noticeable lack of rushing urgency in just about every aspect of Cuban life... quite different from New York, or most other large U.S. cities.

Also in sharp contrast to our country’s increasingly smoke-unfriendly urban centers is a preva-



lence of cigar smoking just about anywhere you would care to venture, both indoors and out. It makes sense; just as one wouldn’t expect to go to Paris without finding Bordeaux flowing freely at meals, cigars are the Cubans’ cultural and economic lifeblood. La Floridita, the legendary Hemingway hangout in Old Havana, proved an ideal snapshot of laid-back Cuban nightlife: a local singer performed Latin jazz and samba while the distinguished-looking white-haired gentleman behind the bar poured me a daiquiri — the real one favored by Hemingway, not the sweet, alcoholic Slush Puppie it’s evolved into in much of America. All the while, aromatic cigar smoke curled around the room, as if framing a scene from a faraway time; if you squinted you could almost see Papa’s ghost in the smoke, sitting in his private barstool, the one long ago famously roped off by the bar’s owners.

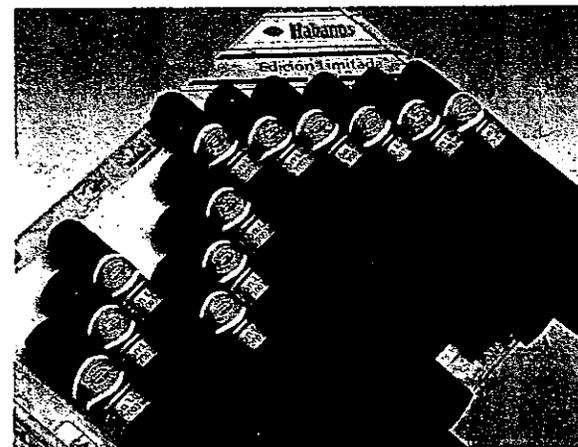
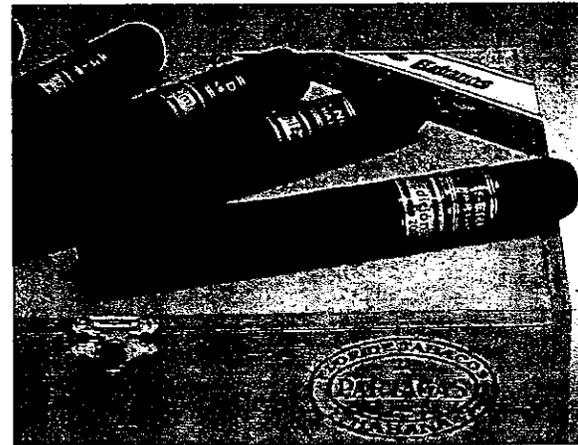
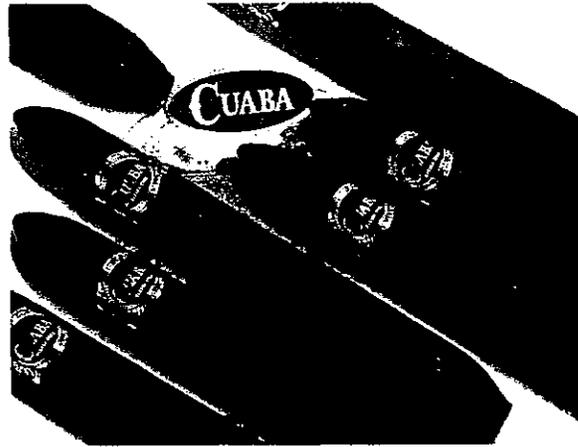
Preserving the past is very much a part of Cubans’ lives, but the country’s cigarmakers seem to have accepted that too slavish a devotion to tradition can lead to stagnation, and in a marketplace as competitive as today’s, that could lead to obsolescence. I still had to answer the question of what the Cubans are doing to silence the

doubts about quantity over quality that had arisen during the boom. After attending a seminar hosted by Habanos's quality division and the country's Institute for Research Studies on Tobacco, I am convinced that the industry is in capable hands.

Eumelio Espinosa Marrero, director of the Institute, began by ticking off the various natural enemies of the tobacco plant, a rogues gallery as numerous and bizarre as Dick Tracy's. There's *orobanche ramosa*, or "branched broomrape," a parasite native to the soil of the central region that drains plants of chlorophyll and renders them incapable of photosynthesis. The result can be a 50 percent drop in crop yield. There's the tobacco mosaic virus, transmitted not naturally but mechanically by field workers, which can stunt the growth of leaves at a cellular level. There's weather fleck, which renders wrapper leaf stained and spotty from high concentrations of ozone in the lower atmosphere. There are fungi and insects and, of course, universal enemy no. 1, spoken of with the same gravity as al Qaeda at a White House war room briefing: the dreaded blue mold.

"Blue mold appeared in Cuba for the first time in 1957," Marrero pointed out, "but since the strain was not then adaptable to our environmental conditions, it disappeared by itself the following year, and it was not seen again until February of 1979. From 1979 to 1980, it resulted in a loss of almost 95 percent of the national tobacco production."

Marrero went on to describe how organic interbreeding and genetic selection have been successful in developing leaf varieties that are more resistant to this scourge and others; as always, the challenge for farmers has been preserving the quality of the world's most vaunted tobacco in the process. "Sometimes this work is ungrateful," he said with a hint of resignation. "After eight years of developing a new variety, you can subject it to the field, and find that it



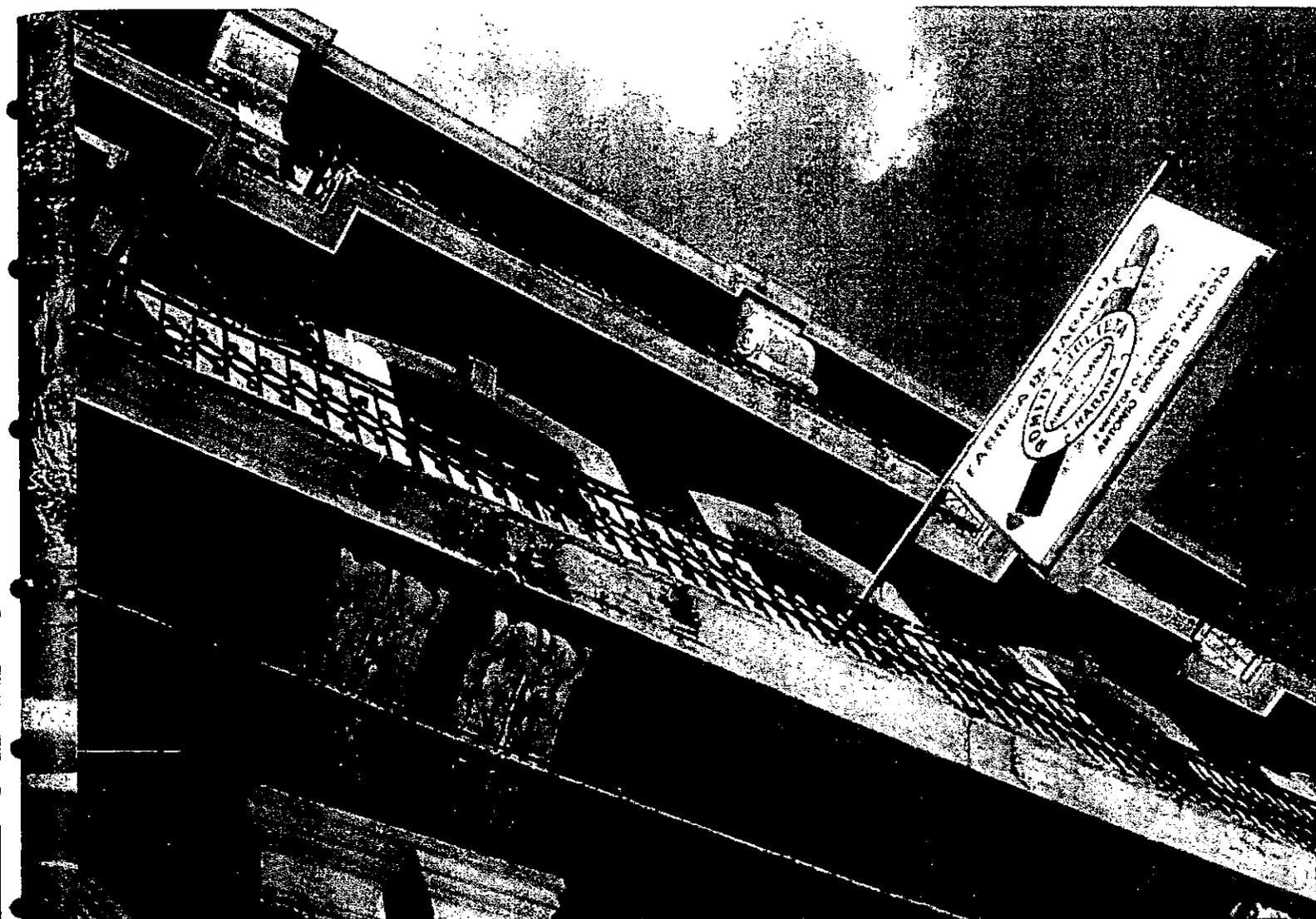
does not meet the standards of the market. To give you an idea, our first program for the improvement of the species had 24,000 possible varieties. However, only two actually achieved the status of commercial varieties." This sobering fact was my first indication that Habanos was serious about superior standards, and the facts cited by Marrero's colleague, Luis Felipe Milanes, drove the point home. Some have been well-publicized, at least among industry insiders: the older factories being refurbished and set up for better efficiency, the Cubans' recent adoption of the draw-testing machine. Others are less well-known.

"Quality control technicians ensure the proper size, length, and weight of all cigars. They take apart some samples to ensure everything was put together properly. Cigars are packaged together based on uniformity of color. After packaging, each box is inspected for its presentation, and given a special certificate. There are records kept by the technicians in charge so we can detect any problems in the process. Overall, the Institute guarantees compliance with over 9,000 standards." Milanes wrapped up by naming the formula for Habanos's success: "It is a combination of wisdom, sunshine, and soil. There is no haste, no abandonment of tradition — but an increase in human ability."

The statement called to mind Garcia's bold pronouncement of the previous day, when I posited that the spread of Cuban seed, as well as the gradual exodus of skilled Cuban-born rollers to other nations, may have leveled the playing field somewhat. "A lot of Cuban growers have left the country with Cuban seed," he said, "and they have grown tobacco in other countries. It is not bad quality, but it will never be the same as the tobacco grown in Pinar del Rio. It is not the same soil."

The proof, to coin a phrase, is in the puffing: every cigar I smoked on the island displayed exquisite construction, and the layers of complex flavor that have made them world-renowned. Boarding my plane home — a Cold War-era U.S.S.R. jet, complete with red star emblem — brought home the maddening reality: there is something mystical here, in the soil, in the factories, in the people's devotion, and we in the States may be deprived of it for some time to come. Cuba's cigarmakers are embracing the future; it remains to be seen if politicians and policymakers will one day do the same.

000191 MAY 16 2005



Facing challenges as never before, the embattled Cuban cigar industry launches quality initiatives to ensure its position in the world market. But will the U.S. ever get to experience them firsthand?

Honduras, and the Dominican Republic, few would deny that the still-beating heart of the worldwide cigar industry is indeed firmly situated here in this island nation of both legend and infamy.

I had come to Havana to discover for myself the cradle of premium cigarmaking, and to get a glimpse of Cuba's future.

The culture shock for American travelers is immediate upon disembarking at Havana's Jose Martí International Airport. Despite post-9/11 security measures, airport attendants in the U.S. still look like civilians, with short-sleeved dress shirts, ties, name tags. In Cuba, they are military: khakis, dark glasses, corporal's bars.

Once away from the airport and on the road, the island's uniqueness becomes even more pronounced. On the *Malecón*, the winding boulevard that runs along the seafront from Havana to Miramar, 1950s-era American-made cars, astonishingly well-preserved, zoom by my cab. It is a reminder that no United States import has touched these shores since 1962, when President Kennedy signed the papers implementing the U.S. embargo of Cuba — as legend has it, the very day after procuring for himself some of his favorite Havana cigars. That historic turning point accorded Cuban cigars the enduring mystique they enjoy in America to this day, even among seasoned cigar connoisseurs. Cuban cigars were

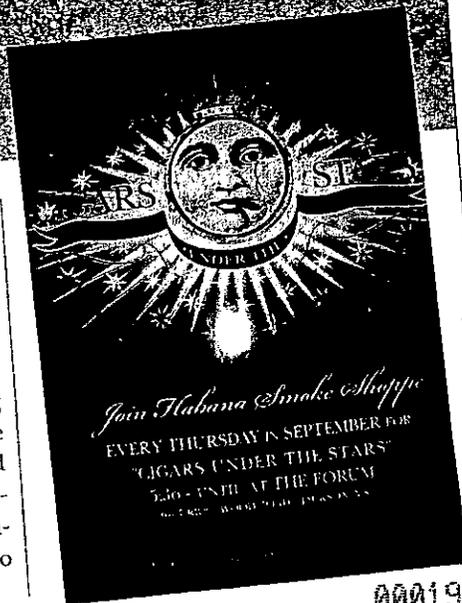
000196 MAY16 2006

Habana Smoke Shoppe Hot Habana Nights

Among the towering pine and magnolia trees where Faulkner walked in the Deep South of Mississippi, cigar retailing is being reinvented yet again. **By Jeff Bolton**



Habana Smoke Shoppe traces its beginnings to 1998 in Jackson in the post cigar boom era. The shop, or "shoe box" as it was and is remembered, was a humble enterprise that in 2006 has developed into a powerful retail tobacco business by utilizing both old-fashioned techniques like building real and lasting personal and business relationships — and 21st century techniques like an edgy, sophisticated marketing machine more likely to be found in New York or Vegas.



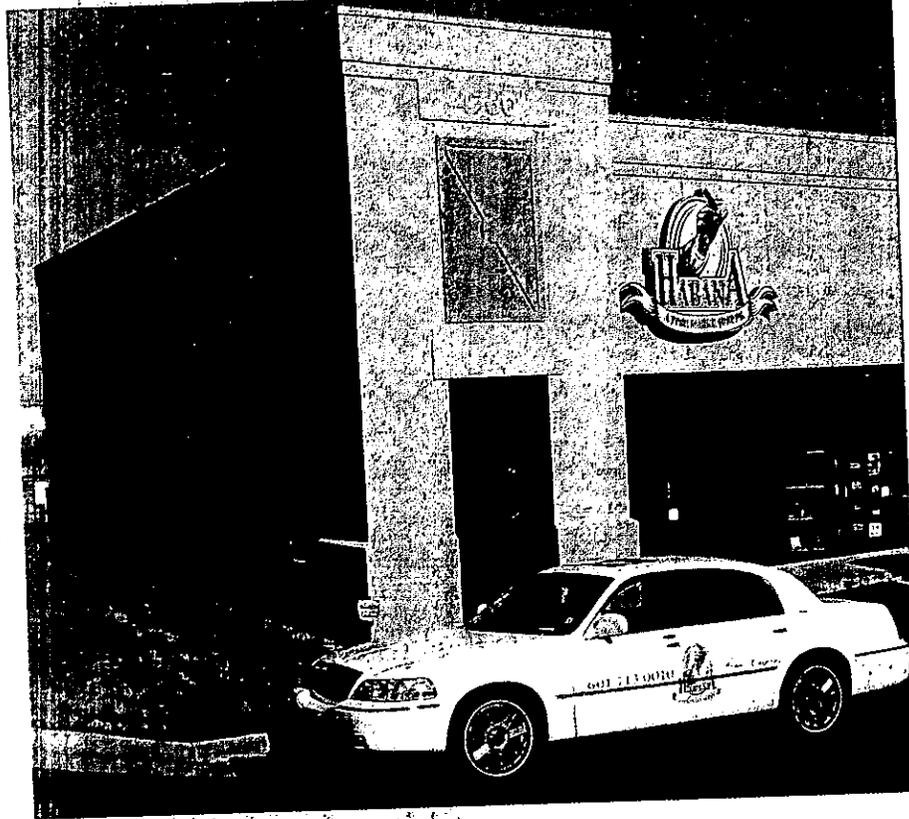
The company, which utilizes email, direct mail, event marketing, "lifestyle" facilities, and retail partners to proliferate cigar sales and drive traffic into their shops, operates three retail stores that could not be more different, with each serving a different segment of the cigar market in a different way.

At the "traditional" retail tobacco store in Jackson the entire shop is humidified and features a smoking and conversation pit with big screen televisions, Internet access, a wireless network, and cigar-heavy inventory. The second store in Oxford — home of Ole' Miss — has a traditional walk-in cigar humidor and a generous pipe inventory; behind the humidor is a spacious private club catered to men which includes private lockers, plush leather chairs, plasma flat screen poker and pool tables, and 24-hour access for members. The third cigar shop in the casinos at Pearl River Resort, Choctaw, caters to high rollers with a high-end cigar brand offering experience by casino clientele. A new facility Habana is considering for Jackson is in the mold of the Chattanooga Billiard and Burns Tobacconist in Tennessee — a 10,000-plus square foot behemoth of billiards, poker, restaurants, mannequins, and cigars.

Four smoke shops with footcraze approaches to reach customers is in the pipeline and is the vision of Habana's president Ralph Foster, the 72-year-old

The outdoor pool at the Hilton Hotel in Jackson, Miss., is a prime location for Habana Smoke Shoppe's "Cigars Under the Stars" events.

000197 MAY 16 2006



At top: The private club in Habana Smoke Shoppe's Oxford location where the "ghost of Faulkner" lives.

Above: Habana's Jackson retail location on I-55 offers terrific visibility and easy access.

dle of energy that is the driving force behind the company. "We want to own the cigar business from New Orleans to Memphis and have some fun," he states flatly. And make no mistake, with operations manager Jimmy Dean, sales manager L.A. Brown, and an assortment of characters not unlike those seen on the set of the television show Cheers, they are doing exactly that — both gobbling up the cigar market and having fun.

It's All About the Cigars...

While the expression "Have Fun!" is a trite, overused corporate and sports bromide, it does actually drive the phenomenal growth of Habana. That, and of course, the cigars. With the din of a lively debate about Homeland Security emanating from the conversation pit in the background and a cast of customers flowing in and out of the Jackson store, Jimmy Dean says, "Look, it all starts with the cigars. Everyone here: staff, customers, and friends of the stores are dead serious about cigars and from that grows the relationships, friendships, and attitude that defines who we are. We absolutely love cigars and because of that we focus intently on our product mix and product development...but cigars are the only thing we take seriously!"

Dean's comments are echoed by sales manager L.A. Brown, "This is the one place where economics, employment, race, and everything else doesn't matter and Habana is a great environment to debate and disagree...but in the end the only thing that matters is what you're smoking and why. We always come back to the sticks and we have a hell of a lot of fun along the way." Brown, who oversees Habana's aggressive pursuit and evaluation of new cigar products, has seen a marked change in the average cigar smoker. "Cigar smokers are much more educated in their tastes than they were during the boom when people were smoking anything with a label...even new cigar smokers recognize there are many choices in cigars and it's our job to guide and help them make choices they will enjoy...and that process is not about the big sale. Not coincidentally, Habana's retail business boasts a tremendous percentage of return customers.

Michael Bounds, a long-time Habana customer, said that Habana regularly asks customers like him to actively participate in evaluating new products. Bounds, a Senior Criminal Investigator who kicks in doors and chases bad guys for a living as a U.S. Marshal, also notes the uniqueness of the customer melting pot in Habana. "I enjoy tasting new sticks in particular and the preacher, painters, cops, politicians, criminals, authors, insurance salesmen, and trans-

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sients that are all here makes for fascinating conversation," he explains. One of the original owners, Larry Nesbit, goes one step further, noting, "When you see the likes of Haley Barbour, Governor of Mississippi, holding court in the conversation pit, you see Habana a lot more as a club than a retail shop." Sounds like a great place to smoke cigars and debate, not unlike other great tobacco shops around the country, but Habana goes a giant leap further to drive their business.

The company keeps an up-to-date website at www.habanasmokes.com that lists upcoming events and provides other information, but does not sell cigars online, or even list inventory: all business is conducted face-to-face in the stores.

...And Stars

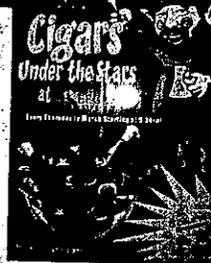
In the early evening around the outdoor pool at the Hilton Hotel in Jackson the genteel South clings to life and the high art of hospitality and conversation are still *de rigueur*. Beautiful women stroll about smoking cigars with the men in tow, bartenders work feverishly and live music sets the mood — the weekly Thursday night "Cigars Under The Stars" is in full swing. This soiree is one example of the real genius at Habana: event marketing.

Every week except Christmas — a whopping 51 weeks out of the year — they have elaborate events that move



to new venues each week or month and feature entertainment, cocktails, and a specific cigar line. Each Friday they hold customer appreciation events in the stores featuring hor d'oeuvres and a specific cigar line, and with other cigar rolling events and dinners Habana holds a total of more than 100 customer events a year. The result? Habana is enjoying annual growth of more than 25% and, according to Jeff Lee, national sales manager for David-off U.S.A., "Habana is one of David-off's better partners and among the largest retail Zino Platinum Crown Series dealers in the United States."

At top:
The Habana
Smoke Shoppe
brain trust:
L.A. Brown,
Ralph Foster,
and Jimmy
Dean.



Above right: Cigars Under the Stars changes themes and venues throughout the year.

Below: Every inch of Habana Smoke Shoppe's retail store in Jackson is covered with cigars.



The massive number of annual cigar events like Cigars Under The Stars is rooted in yet another bad corporate motivation slogan Habana has made succeed: "Relationships are everything!" Cigars Under The Stars was originally created for three reasons: to publicize Habana and drive customers to their stores, to demonstrate to non-tobacco retail businesses the value of the high end customer base of cigar smokers, and to provide an elegant example of the value of cigar friendly events in what is often a ferocious anti-smoking environment. Today Cigars Under The Stars is a cooperative effort between Habana and more than 30 retail partners like Hilton Hotels and Miller Beer.

Skipper Westbrook, director of food and beverage for the Hilton Jackson, is thrilled with Cigars Under The Stars and

Mr. William Bock – Responsible for all aspects of Applicant's business.

INTERROGATORY NO. 3

Identify each document upon which any response to these Interrogatories is based. State the Interrogatories to which each document pertains.

Applicant objects on the grounds that this interrogatory is too vague and cumbersome. Some answers may not be based on any documents or may be based upon multiple documents.

INTERROGATORY NO. 4

State whether at the time Anncas decided to apply for the mark HAVANA CLUB, Anncas, including any of its officers or directors, were aware of a HAVANA CLUB-labeled rum product from Cuba or of a non-Cuban HAVANA CLUB-labeled rum product produced or distributed by Bacardi.

Applicant, at the time of applying for the mark HAVANA CLUB, was aware of Bacardi's rum product labeled HAVANA CLUB

INTERROGATORY NO. 5

Identify each person with information concerning Applicant's adoption or selection of, or any application to the United States Patent and Trademark Office ("USPTO) for, the mark HAVANA CLUB used in connection with any of its products, including cigars; state the reasons for adopting or selecting the mark; and state whether there were any discussions concerning either the Cuban or the Bacardi HAVANA CLUB rum products, in connection with the decision to adopt or select the mark, and if so, the content of those discussions and the participants.

- i. **Mr. William Bock**
- ii. **Applicant adopted the mark HAVANA CLUB in an attempt to capture the essence of a new cigar line derived from Cuban-seed tobacco. The client had looked into the availability of other possible designations that included the term HAVANA. HAVANA CLUB was chosen due to availability.**
- iii. **Applicant had discussions regarding Bacardi's rum product labeled HAVANA CLUB with counsel, Sanchelima & Associates, P.A., in late January/ early February of 2004. The content of that discussion is protected by attorney-client privilege and/or work product doctrine.**

INTERROGATORY NO. 6

Identify each person at Anncas with knowledge of the legal disputes between Bacardi and any Cuban entities, Havana Club Holdings or Pemod Ricard concerning HAVANA CLUB as used for rum products at the time Applicant filed its application for the HAVANA CLUB mark, and at the time it authorized the USPTO to amend its identification of goods, and state with particularity the scope of that knowledge, including claims that Bacardi's use of HAVANA CLUB is geographically deceptively misdescriptive.

No such persons to identify.

INTERROGATORY NO. 7

Identify each person with information concerning Applicant's knowledge or awareness of the use or meaning of the word "Havana" or "Havanas" as used in the cigar industry within and outside the United States.

Mr. William Bock

INTERROGATORY NO. 8

Identify each person with information concerning any design, development, or creation of the design, lettering and trade dress used by Applicant in connection with the mark HAVANA CLUB.

Mr. William Bock

INTERROGATORY NO. 9

Identify all officers and directors of Applicant, and the locations of Applicant's offices and other facilities.

In addition to the person and location identified in Applicant's answer to Interrogatory No.1, the Vice-President of Annkas, Inc. is Mrs. Donna Bock

INTERROGATORY NO. 10

Identify all tobacco products or tobacco-related products that Applicant produces, manufactures, distributes or sells within the United States.

Applicant objects to the request as irrelevant and not likely to lead to admissible evidence in this litigation, but notwithstanding this objection, and without waiving it, Applicant responds as follows:

Applicant's cigar products sold in the United States are as follows:

AL CAPONE
AMERICAN STOGIES BOX PRESSED
AMERICAN STOGIES CLASSIC
CIBAO
CUBAN TWIST
DANNEMANN
DYNAMITE POWER PACKED
JOYA DEL REY
PALMA REAL
PLASENCIA RESERVA ORGANICA
PREMIUM VALUE HONDURAN
ROUGH RIDER SWEETS

**STAG
TROPICAL DELIGHTS JUBILEE**

INTERROGATORY NO. 11

Identify each person with knowledge of any discussions, agreements, understandings, or negotiations between Applicant and any non-party concerning: the assignment, sale, licensing, or ownership of the HAVANA CLUB mark, including of the application, any resulting registration, or rights in the common law mark; sales of products using the mark, prosecution of Applicant's HAVANA CLUB USPTO application, or defense against Opposition proceedings or third party uses of the mark; and state in detail the contents of, and participants in, any such discussions, agreements, understandings, or negotiations, including the dates thereof.

Mr. William Bock

INTERROGATORY NO. 12

Identify each person with knowledge of any objections or inquiries by non-parties concerning Applicant's HAVANA CLUB application, other than documents filed with the TTAB; and state in detail the contents of any such objections or inquiries, the identities of the participants and the dates thereof.

- i. No such persons to identify**
- ii. No such participants to identify**

INTERROGATORY NO. 13

State with particularity whether Applicant, including through its attorney, had any communications with any non-party concerning claims, use, rights to, or applications for, the HAVANA CLUB mark in International Class 34 in the United States or elsewhere, prior to Applicant's filing of its application in the USPTO for HAVANA CLUB.

Applicant objects to this Interrogatory as calling for information protected by the work product doctrine and/or attorney client privilege, but notwithstanding this objection, and without waiving it, Applicant responds as follows:

Applicant had no such communications

INTERROGATORY NO. 14

Identify each person with information concerning Applicant's use of the mark HAVANA CLUB, including information concerning the advertising, promotion, marketing strategy, consumer preferences, and sales solicitation by Applicant of the mark HAVANA CLUB.

Mr. William Bock

INTERROGATORY NO. 15

Identify each person with information concerning the place, or intended place, of manufacture of Applicant's cigars bearing the HAVANA CLUB mark and the blend used therein, including the binder, filler, wrapper, and the seeds used to grow that tobacco.

Mr. William Bock

INTERROGATORY NO. 16

For each variety, frontmark, or type of cigar bearing the HAVANA CLUB mark produced, promoted, distributed or sold, or intended to be produced, promoted, distributed or sold, by or on behalf of Applicant:

- a. Identify the place of manufacture and the place where the tobacco is grown.
- b. Identify the manufacturer and the supplier of the tobacco;
- c. Describe in detail the blend used, including the binder, filler, and wrapper, including in what country and what region of that country the binder, filler, and wrapper are grown;
- d. Describe in detail the manufacturing process;
- e. State whether the cigars are hand or machine rolled;
- f. Identify the country of origin of the actual seeds that are used to grow the tobacco used in the blend, and state whether the actual seeds that are used to grow the tobacco in Applicant's HAVANA CLUB-marked cigars are themselves exported from Cuba, including how and where Applicant or its suppliers or manufacturers obtains such seeds, and from whom, and if not exported from Cuba, state with particularity the history and pedigree of such seeds, including the basis for Applicant's claim that the seeds are "Cuban seed"; and
- g. Identify all persons with whom Applicant has consulted, negotiated or contracted to supply tobacco or tobacco seeds or to manufacture HAVANA CLUB cigars.

Jay - complex

Applicant has not finalized what varieties or types of cigars bearing HAVANA CLUB will be produced.

- a.
 - i. **The cigar will be manufactured in Nicaragua, Honduras, the Dominican Republic, or any other country;**
 - ii. **The tobacco grown for the cigar will come from any country that is available and meets Applicant's specifications.**
- b.
 - i. **Applicant has considered several manufacturers including: Caribbean Cigar Company or Palmer Tobacco**
 - ii. **The supplier of the tobacco may be the same as the manufacturer**
- c. **No blend to identify at this time**
- d. **Manufacture to be done by hand**
- e. **Hand-rolled cigars**
- f. **Applicant intends to use tobacco grown from Cuban-seed descended from seeds that were taken from Cuba in the late 1950's and early 1960's.**
- g. **Nestor Placencia, Owner of Caribbean Cigar Company.**

INTERROGATORY NO. 17

Identify each person with knowledge of any actual or planned survey, study, test, market research, or analysis concerning the perceived country of origin of Applicant's cigars bearing the mark HAVANA CLUB, any perceived geographic association with Applicant's cigars bearing the mark HAVANA CLUB, or any association by potential consumers between Applicant's cigars bearing the mark HAVANA CLUB and Cuba or Havana, Cuba, and state with particularity the findings of any such survey, study, test, market research or analysis.

- i. No such persons to identify
- ii. No such findings to identify

INTERROGATORY NO. 18

State with particularity any information of which Applicant is aware concerning the perceived country of origin of Applicant's cigars bearing the mark HAVANA CLUB among U.S. consumers, any perceived geographic association with Applicant's cigars bearing the mark HAVANA CLUB, or any association by potential consumers between Applicant's cigars bearing the mark HAVANA CLUB and Cuba or Havana, Cuba,

Applicant does not have such information.

INTERROGATORY NO. 19

Describe in detail any connection or relationship between Applicant's cigars bearing the mark HAVANA CLUB and Cuba or Havana, Cuba.

Applicant's cigars bearing the mark HAVANA CLUB will have the connection of being produced from tobacco grown from seeds derived from tobacco plants grown in Cuba.

INTERROGATORY NO. 20

Identify each person with information concerning any communications between Applicant and the USPTO, including Applicant's request to the USPTO that its identification of goods for the mark HAVANA CLUB be amended from "cigars" to "cigars made from Cuban seed tobacco," and state with particularity the contents of such communications.

Applicant objects to this Interrogatory as calling for information protected by the work product doctrine and/or attorney client privilege, but notwithstanding this objection, and without waiving it, Applicant responds as follows:

Mr. William Bock

INTERROGATORY NO. 21

State with particularity what Applicant means by the terms "Cuban seed" or "Cuban seed tobacco" as used in its application with the USPTO, including whether Applicant means that the tobacco is from a seed that itself comes from Cuba, or from seeds that are, or are

claimed to be, descendants of seeds that previously came from Cuba, and if so, when those seeds came from Cuba.

- i. Applicant, by using the term "Cuban seed tobacco," means that the tobacco to be used in Applicant's product is grown from seed descended from seeds that previously came from tobacco plants grown in Cuba.
- ii. Identified in Applicant's answer to Interrogatory No. 16(f)

INTERROGATORY NO. 22

State with particularity whether "Cuban seed tobacco," as identified in Applicant's application to the USPTO, when planted outside Cuba, has the same or similar qualities or characteristics to tobacco grown in Cuba, or different quality or characteristics than other tobacco grown outside Cuba, identify those same or different characteristics or qualities with particularity, describe the bases for these statements or opinions, and identify all supporting authority, including all investigations or research done at the time Applicant asked the USPTO to amend its application to identify its goods as "cigars made from Cuban seed tobacco."

Cuban seed tobacco is a term generally used in the cigar industry. In fact it is accepted terminology for identifying these goods in the Patent and Trademark Office.

INTERROGATORY NO. 23

Identify the persons who obtain the "Cuban seeds" on behalf of Applicant, how and where the seeds are obtained, and whether Applicant has sought or obtained a license from the United States Treasury Department's Office of Foreign Assets Control in connection with obtaining such "Cuban seeds."

No such persons to identify. There is no need to obtain a license nor has one been sought.

INTERROGATORY NO. 24

Identify each person with information concerning the seeds used to grow the tobacco used in Applicant's cigars, and the connection, if any, between such seeds and Cuba or Havana, Cuba, including whether Applicant claims that cigars bearing the mark HAVANA CLUB contain tobacco grown from actual seeds that themselves came from Cuba.

Mr. William Bock

INTERROGATORY NO. 25

Identify each person at Anncas, or with whom Anncas has consulted, with knowledge of the term "Cuban seed" or "Cuban seed tobacco," including as that term is used or understood in the cigar industry, including within and outside the United States.

Mr. William Bock

INTERROGATORY NO. 26

Describe in detail all licenses Applicant has sought or received from the United States government to sell, trade, and otherwise deal in products of "Cuban origin," or that "is made or derived in whole or in part of any article which is the growth, produce or manufacture of Cuba," as defined in United States Treasury Department regulations, including 31 CFR § 5 15.204, including tobacco products and tobacco seeds.

No such licenses to identify

INTERROGATORY NO. 27

Identify each person with knowledge concerning any communications with Bacardi concerning the mark HAVANA CLUB, and describe in detail the nature of such communications, including the dates on which they occurred and the participants in same.

Applicant objects to this Interrogatory as calling for information protected by the work product doctrine and/or attorney client privilege, but notwithstanding this objection and/or constituting confidential information, and without waiving it, Applicant responds as follows:

Mr. William Bock and Applicant's attorneys.

INTERROGATORY NO. 28

Identify each person with knowledge concerning Applicant's Counterclaim that Habanos "has abandoned any mark rights for HABANOS UNICOS DESDE 1492 it ever had, if any," including each person with knowledge of Applicant's efforts prior to filing the Counterclaim to determine the USPTO's position as to whether the Cuban embargo constitutes excusable non-use under 15 U.S.C. 1058(b)(2), and state with particularity the grounds for the claim of abandonment, including whether Applicant is relying on any contention other than the effect of the United States embargo on trade with Cuba.

Applicant objects to this Interrogatory as calling for information protected by the work product doctrine and/or attorney client privilege, but notwithstanding this objection, and without waiving it, Applicant responds as follows:

- i. Mr. William Bock and Applicant's attorneys.**
- ii. Opposer has not used the mark in commerce in the United States. Applicant believes that Opposer is not justified for its lack of use or its alleged intent to use is insufficient to maintain any enforceable common law rights in the United States.**

INTERROGATORY NO. 29

Identify each person with knowledge concerning Applicant's Affirmative Defenses to Opposer's Notice of Opposition.

Jay – does this refer to us as the attorneys? Mr. Bock certainly has no knowledge, as we are the ones who determined to put in the defense. If it is us, is that objectionable?

Applicant objects to this Interrogatory as calling for information protected by the work product doctrine and/or attorney client privilege, but notwithstanding this objection, and without waiving it, Applicant responds as follows:

Mr. William Bock and Applicant's attorneys.

Dated: Miami, Florida
January 25, 2006

Respectfully submitted,

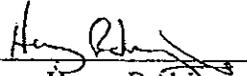
SANCHELIMA & ASSOCIATES, P.A.
Attorneys for Applicant
235 S.W. Le Jeune Road
Miami, FL 33134-1762
Telephone: (305) 447-1617
Telecopier: (305) 445-8484

By: _____
Henry Rodriguez, Esq.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true correct copy of the foregoing was served via U.S. First Class Mail, this 25th of January, 2006, to David B. Goldstein and Michael Krinsky, Rabinowitz, Boudin, Standard, Krinsky & Lieberman, P.C., Attorney for Opposer, 740 Broadway, Fifth Floor, New York, New York 10003-9518.

BY: _____


Henry Rodriguez

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mark: CUABA
Registration No.: 2,237,940
Registered: April 13, 1999
Int'l Class: 34
Affidavit Examiner: Sharon Roberts

**RESPONSE TO OFFICE ACTION AND SUBMISSION OF SECTION 8
DECLARATION OF EXCUSABLE NONUSE**

Habanos, S.A. responds to the Office Action dated August 12, 2004, as follows:

On July 6, 2004 Habanos S.A. submitted a declaration of excusable non-use under Section 8 for the above referenced mark. By its August 12, 2004 office action, the USPTO refused the Section 8 affidavit because "[o]ffice records indicate the registration is owned by HABANOS, S.A., not CORPORACION HABANOS, S.A."

Habanos, S.A. and Corporacion Habanos, S.A. are the same entity. In Spanish, "Corporacion" indicates Habanos S.A. is a corporate entity. The July 6, 2004 Section 8 affidavit was submitted by Habanos, S.A., the owner of the mark.

To avoid any confusion, Habanos, S.A. herewith submits a substitute Section 8 affidavit identifying itself only as Habanos, S.A., instead of as Corporacion Habanos, S.A.

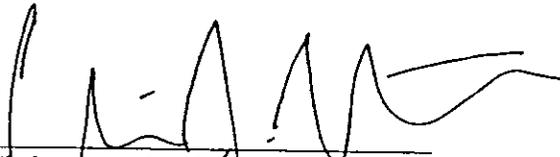
Enclosed is a SASE postcard. Please stamp and return upon receipt.

Dated: September 24, 2004
New York, New York



Christopher J. Klatell
RABINOWITZ, BOUDIN, STANDARD,
KRINSKY & LIEBERMAN, P.C.
740 Broadway, Fifth Floor
New York, New York 10003-9158

The undersigned certifies that the foregoing documents are being transmitted to the United States Patent and Trademark Office on September 24, 2004, by ~~facsimile~~ United States mail.



Christopher J. Klafell
Rabinowitz, Boudin, Standard, Krinsky &
Lieberman, PC
740 Broadway, 5th Floor
New York, New York 10003
(212) 254-1111

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mark: CUABA
Registration No.: 2,237,940
Int'l Class: 34

DECLARATION OF EXCUSABLE NONUSE UNDER SECTION 8

The undersigned declares that:

1. I am a representative of HABANOS, S.A., a corporation organized under the laws of the Republic of Cuba, and am authorized to execute this declaration on behalf of said corporation.
2. Said corporation is the owner of the above-identified registration issued on April 13, 1999.
3. The mark, CUABA, is currently in use in commerce in Cuba and in numerous other countries, but is not currently in use in the United States.
4. This mark is not in use in commerce in the United States solely because any such use is prohibited by the United States Treasury Department's Cuban Assets Control Regulations, 31 C.F.R. 515.201(b). These regulations implement the United States' trade and financial embargo against Cuba and Cuban nationals. They prohibit, *inter alia*, the importation of any goods in which Cuba or any Cuban national has any interest of any nature whatsoever, direct or indirect; prohibit the transfer of any property or property interest, including the licensing of trademarks, from any Cuban national to any person subject to the jurisdiction of the United States; and prohibit any payment to Cuba or a Cuban national. Thus, the Cuban Assets Control Regulations prohibit HABANOS, S.A., a Cuban national, 31 C.F.R. 515.302(a)(2), from using the mark CUABA in commerce in the United States, and therefore the mark CUABA has not been used in commerce in the United States.
5. The Regulations explicitly provide that Cuban entities can register trademarks in the United States, 31 CFR § 515.527(a)(1), despite the fact that the Regulations also prohibit these entities from using the marks in commerce in the United States. Thus, this indicates that the intent of the United States is to provide protection to the trademarks of Cuban businesses during the period of time that trade between Cuba and the United States is prohibited, and that the United States does not intend for the embargo to be permanent.
6. HABANOS, S.A. intends to sell and transport goods using this mark in the United

States as soon as the above-cited prohibition is lifted. That HABANOS, S.A. is currently using the mark in trade in other countries, where there are no prohibitions on trade, demonstrates that it has the requisite intent to use the mark in commerce, has not abandoned the mark and is not merely seeking to reserve a right in the mark.

7. The special circumstance of the trade embargo with Cuba excuse as a matter of law HABANOS, S.A.'s nonuse of the mark, as the nonuse is not due to any intention to abandon the mark.

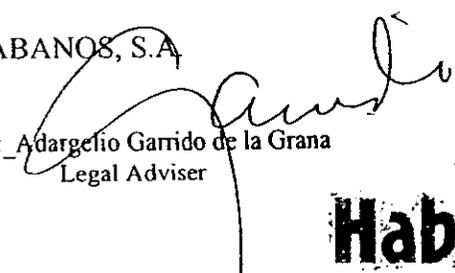
APPOINTMENT OF DOMESTIC REPRESENTATIVE

Michael Krinsky, of Rabinowitz, Boudin, Standard, Krinsky and Lieberman, P.C., 740 Broadway, Fifth Floor, New York, New York 10003-9518, is hereby designated registrant's representative upon whom notice of process in proceedings regarding the mark may be served.

DECLARATION

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of this document, declares that he is properly authorized to execute this document on behalf of the registrant; the registrant is the owner of the above identified registration; the trademark is not in use in the United States for the reasons stated above; and all statements made of his own knowledge are true and all statements made on information and belief are believed to be true.

HABANOS, S.A.

By: 
Legal Adviser

Dated: September 10, 2004 _____

Habanos s.a.



REGISTRATION NO: 2237940 SERIAL NO: 75/132819 MAILING DATE: 09/01/2005
REGISTRATION DATE: 04/13/1999
MARK: CUABA
REGISTRATION OWNER: HABANOS, S.A.

CORRESPONDENCE ADDRESS:
MICHAEL KRINSKY
RABINOWITZ, BOUDIN, STANDARD, ET AL.
5TH FLOOR
740 BROADWAY AT ASTOR
NEW YORK NY 10003-9518

NOTICE OF ACCEPTANCE

15 U.S.C. Sec. 1058(a)(1)

THE AFFIDAVIT FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 8 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1058.

ACCORDINGLY, THE SECTION 8 AFFIDAVIT IS ACCEPTED.

THE REGISTRATION WILL REMAIN IN FORCE FOR CLASS(ES):
034.

ROBERTS, SHARON YVONNE
PARALEGAL SPECIALIST
POST-REGISTRATION DIVISION
571-272-9500

PLEASE SEE THE REVERSE SIDE OF THIS NOTICE FOR INFORMATION CONCERNING REQUIREMENTS FOR MAINTAINING THIS REGISTRATION

ORIGINAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mark: HABANA HABANA CUBA AND DESIGN
Registration No.: 2,202,488
Int'l Class: 34

DECLARATION OF EXCUSABLE NONUSE UNDER SECTION 8

The undersigned declares that:

1. I am a representative of CORPORACION HABANOS, S.A., a corporation organized under the laws of the Republic of Cuba, and am authorized to execute this declaration on behalf of said corporation.

2. Said corporation is the owner of the above-identified registration issued on November 10, 1998.

3. The mark, HABANA HABANA CUBA AND DESIGN, is currently in use in commerce in Cuba and in numerous other countries, but is not currently in use in the United States.

4. This mark is not in use in commerce in the United States solely because any such use is prohibited by the United States Treasury Department's Cuban Assets Control Regulations, 31 C.F.R. 515.201(b). These regulations implement the United States' trade and financial embargo against Cuba and Cuban nationals. They prohibit, *inter alia*, the importation of any goods in which Cuba or any Cuban national has any interest of any nature whatsoever, direct or indirect; prohibit the transfer of any property or property interest, including the licensing of trademarks, from any Cuban national to any person subject to the jurisdiction of the United States; and prohibit any payment to Cuba or a Cuban national. Thus, the Cuban Assets Control Regulations prohibit CORPORACION HABANOS, S.A., a Cuban national, 31 C.F.R. 515.302(a)(2), from using the mark HABANA HABANA CUBA AND DESIGN in commerce in the United States, and therefore the mark HABANA HABANA CUBA AND DESIGN has not been used in commerce in the United States.

5. The Regulations explicitly provide that Cuban entities can register trademarks in the United States, 31 CFR § 515.527(a)(1), despite the fact that the Regulations also prohibit these entities from using the marks in commerce in the United States. Thus, this indicates that the intent of the United States is to provide protection to the trademarks of Cuban businesses during the period of time that trade between Cuba and the United States is prohibited, and that the United States does not intend

for the embargo to be permanent.

6. CORPORACION HABANOS, S.A. intends to sell and transport goods using this mark in the United States as soon as the above-cited prohibition is lifted. That CORPORACION HABANOS, S.A. is currently using the mark in trade in other countries, where there are no prohibitions on trade, demonstrates that it has the requisite intent to use the mark in commerce, has not abandoned the mark and is not merely seeking to reserve a right in the mark.

7. The special circumstance of the trade embargo with Cuba excuse as a matter of law CORPORACION HABANOS, S.A.'s nonuse of the mark, as the nonuse is not due any intention to abandon the mark.

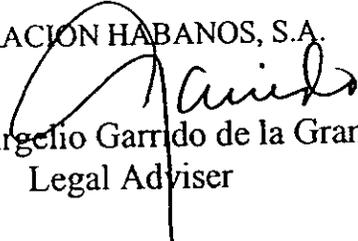
APPOINTMENT OF DOMESTIC REPRESENTATIVE

Michael Krinsky, of Rabinowitz, Boudin, Standard, Krinsky and Lieberman, P.C., 740 Broadway, Fifth Floor, New York, New York 10003-9518, is hereby designated registrant's representative upon whom notice of process in proceedings regarding the mark may be served.

DECLARATION

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of this document, declares that he is properly authorized to execute this document on behalf of the registrant; the registrant is the owner of the above identified registration; the trademark is not in use in the United States for the reasons stated above; and all statements made of his own knowledge are true and all statements made on information and belief are believed to be true.

CORPORACION HABANOS, S.A.

By: 
Adargelio Garrido de la Grana
Legal Adviser

Dated: January 7, 2004

Habanos s.a.



**NOTICE OF ACCEPTANCE
OF §8 DECLARATION
MAILING DATE: Mar 22, 2005**

The declaration filed in connection with the registration identified below meets the requirements of Section 8 of the Trademark Act, 15 U.S.C. §1058. The declaration is accepted and the registration remains in force.

For further information about this notice, visit our website at: <http://www.uspto.gov>.
To review information regarding the referenced registration, go to <http://tarr.uspto.gov/>.

REG NUMBER: 2202488
MARK: HABANA HABANA CUBA AND DESIGN
CLASS(ES): 034.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mark: LA VIGIA
Registration No.: 2,110,538
Int'l Class: 34

DECLARATION OF EXCUSABLE NONUSE UNDER SECTION 8

The undersigned declares that:

1. I am a representative of HABANOS, S.A., a corporation organized under the laws of the Republic of Cuba, and am authorized to execute this declaration on behalf of said corporation.

2. Said corporation is the owner of the above-identified registration issued on November 4, 1997.

3. The mark, LA VIGIA is currently in use in commerce in Cuba and in numerous other countries, but is not currently in use in the United States.

4. This mark is not in use in commerce in the United States solely because any such use is prohibited by the United States Treasury Department's Cuban Assets Control Regulations, 31 C.F.R. 515.201(b). These regulations implement the United States' trade and financial embargo against Cuba and Cuban nationals. They prohibit, *inter alia*, the importation of any goods in which Cuba or any Cuban national has any interest of any nature whatsoever, direct or indirect; prohibit the transfer of any property or property interest, including the licensing of trademarks, from any Cuban national to any person subject to the jurisdiction of the United States; and prohibit any payment to Cuba or a Cuban national. Thus, the Cuban Assets Control Regulations prohibit HABANOS, S.A., a Cuban national, 31 C.F.R. 515.302(a)(2), from using the mark LA VIGIA in commerce in the United States, and therefore the mark LA VIGIA has not been used in commerce in the United States.

5. The Regulations explicitly provide that Cuban entities can register trademarks in the United States, 31 CFR § 515.527(a)(1), despite the fact that the Regulations also prohibit these entities from using the marks in commerce in the United States. Thus, this indicates that the intent of the United States is to provide protection to the trademarks of Cuban businesses

during the period of time that trade between Cuba and the United States is prohibited, and that the United States does not intend for the embargo to be permanent.

6. HABANOS, S.A. intends to sell and transport goods using this mark in the United States as soon as the above-cited prohibition is lifted. That HABANOS, S.A. is currently using the mark in trade in other countries, where there are no prohibitions on trade, demonstrates that it has the requisite intent to use the mark in commerce, has not abandoned the mark and is not merely seeking to reserve a right in the mark.

7. The special circumstance of the trade embargo with Cuba excuse as a matter of law HABANOS, S.A.'s nonuse of the mark, as the nonuse is not due any intention to abandon the mark.

APPOINTMENT OF DOMESTIC REPRESENTATIVE

Michael Krinsky, of Rabinowitz, Boudin, Standard, Krinsky and Lieberman, P.C., 740 Broadway, Fifth Floor, New York, New York 10003-9518, is hereby designated registrant's representative upon whom notice of process in proceedings the mark may be served.

DECLARATION

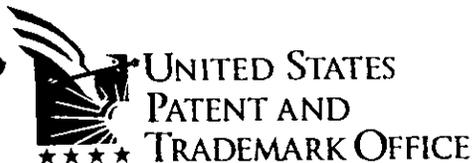
The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of this document, declares that he is properly authorized to execute this document on behalf of the registrant; the registrant is the owner of the above identified registration; the trademark is not in use in the United States for the reasons stated above; and all statements made of his own knowledge are true and all statements made on information and belief are believed to be true.

HABANOS, S.A.

By: 
A. GARRIDO
Director

Dated: DECEMBER 17th, 2002

Habanos s.a.



Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514
www.uspto.gov

REGISTRATION NO: 2110538 SERIAL NO: 75/136144 MAILING DATE: 09/13/2003
REGISTRATION DATE: 11/04/1997
MARK: LA VIGIA
REGISTRATION OWNER: HABANOS, S.A.

CORRESPONDENCE ADDRESS:
MICHAEL KRINSKY
RABINOWITZ BOUDIN STANDARD ET AL
740 BROADWAY, 5TH FL
NEW YORK NY 10003-9518

NOTICE OF ACCEPTANCE

15 U.S.C. Sec. 1058(a)(1)

THE AFFIDAVIT FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 8 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1058.

ACCORDINGLY, THE SECTION 8 AFFIDAVIT IS ACCEPTED.

THE REGISTRATION WILL REMAIN IN FORCE FOR CLASS(ES):
034.

HILL, CATHERINE R
PARALEGAL SPECIALIST
POST-REGISTRATION DIVISION
(703)308-9500

PLEASE SEE THE REVERSE SIDE OF THIS NOTICE FOR INFORMATION
CONCERNING REQUIREMENTS FOR MAINTAINING THIS REGISTRATION

ORIGINAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mark: VEGAS ROBAINA

Registration No.: 2,197,155

Int'l Class: 34

DECLARATION OF EXCUSABLE NONUSE UNDER SECTION 8

The undersigned declares that:

1. I am a representative of CORPORACION HABANOS, S.A., a corporation organized under the laws of the Republic of Cuba, and am authorized to execute this declaration on behalf of said corporation.
2. Said corporation is the owner of the above-identified registration issued on October 20, 1998.
3. The mark, VEGAS ROBAINA, is currently in use in commerce in Cuba and in numerous other countries, but is not currently in use in the United States.
4. This mark is not in use in commerce in the United States solely because any such use is prohibited by the United States Treasury Department's Cuban Assets Control Regulations, 31 C.F.R. 515.201(b). These regulations implement the United States' trade and financial embargo against Cuba and Cuban nationals. They prohibit, *inter alia*, the importation of any goods in which Cuba or any Cuban national has any interest of any nature whatsoever, direct or indirect; prohibit the transfer of any property or property interest, including the licensing of trademarks, from any Cuban national to any person subject to the jurisdiction of the United States; and prohibit any payment to Cuba or a Cuban national. Thus, the Cuban Assets Control Regulations prohibit CORPORACION HABANOS, S.A., a Cuban national, 31 C.F.R. 515.302(a)(2), from using the mark VEGAS ROBAINA in commerce in the United States, and therefore the mark VEGAS ROBAINA has not been used in commerce in the United States.
5. The Regulations explicitly provide that Cuban entities can register trademarks in the United States, 31 CFR § 515.527(a)(1), despite the fact that the Regulations also prohibit these entities from using the marks in commerce in the United States. Thus, this indicates that the intent of the United States is to provide protection to the trademarks of Cuban businesses during the period of time that trade between Cuba and the United States is prohibited, and that the United States does not intend for the embargo to be permanent.

6. CORPORACION HABANOS, S.A. intends to sell and transport goods using this mark in the United States as soon as the above-cited prohibition is lifted. That CORPORACION HABANOS, S.A. is currently using the mark in trade in other countries, where there are no prohibitions on trade, demonstrates that it has the requisite intent to use the mark in commerce, has not abandoned the mark and is not merely seeking to reserve a right in the mark.

7. The special circumstance of the trade embargo with Cuba excuse as a matter of law CORPORACION HABANOS, S.A.'s nonuse of the mark, as the nonuse is not due any intention to abandon the mark.

APPOINTMENT OF DOMESTIC REPRESENTATIVE

Michael Krinsky, of Rabinowitz, Boudin, Standard, Krinsky and Lieberman, P.C., 740 Broadway, Fifth Floor, New York, New York 10003-9518, is hereby designated registrant's representative upon whom notice of process in proceedings the mark may be served.

DECLARATION

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of this document, declares that he is properly authorized to execute this document on behalf of the registrant; the registrant is the owner of the above identified registration; the trademark is not in use in the United States for the reasons stated above; and all statements made of his own knowledge are true and all statements made on information and belief are believed to be true.

CORPORACION HABANOS, S.A.

By: 
Adargelio Garrido de la Grana
Legal Director

Dated: October 24, 2003



Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514
www.uspto.gov

REGISTRATION NO: 2197155 SERIAL NO: 75/240789 MAILING DATE: 02/25/2004
REGISTRATION DATE: 10/20/1998
MARK: VEGAS ROBAINA
REGISTRATION OWNER: CORPORACION HABANOS, S.A.

CORRESPONDENCE ADDRESS:
DAVID B. GOLDSTEIN
RABINOWITZ BOUDIN STANDARD KRINSKY ET AL
740 BROADWAY AT ASTOR PLACE 5TH FL
NEW YORK NY 10003-9518

NOTICE OF ACCEPTANCE

15 U.S.C. Sec. 1058(a)(1)

THE AFFIDAVIT FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 8 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1058.

ACCORDINGLY, THE SECTION 8 AFFIDAVIT IS ACCEPTED.

THE REGISTRATION WILL REMAIN IN FORCE FOR CLASS(ES):
034.

MAKEL, RODNEY W
PARALEGAL SPECIALIST
POST-REGISTRATION DIVISION
(703)308-9500

PLEASE SEE THE REVERSE SIDE OF THIS NOTICE FOR INFORMATION CONCERNING REQUIREMENTS FOR MAINTAINING THIS REGISTRATION

ORIGINAL

Cklatell

From: <TEAS@uspto.gov>
To: <dgoldstein@rbskl.com>; <cklatell@rbskl.com>
Sent: Friday, October 21, 2005 4:12 PM
Subject: Received Your Trademark Declaration of Use of Mark Under Section 8 for registration number 2380359

<MARK> VEGAS ROBAINA R HABANA CUBA (stylized or with design)

We have received your Declaration of Use of Mark Under Section 8 for registration number '2380359'. A summary of your submission is listed below. If you determine that you made an error in the information you entered, DO NOT request via e-mail that we correct your filing. The TEAS staff cannot make any changes. You may file an amendment IMMEDIATELY (if still within the statutory period), via a hard paper copy, not electronically, listing your mark and registration number, and stating your proposed correction, to the following address:

Commissioner for Trademarks
 PO Box 1451
 Alexandria, VA 22313-1451

To avoid lateness due to mail delay, it is recommended that you include the following CERTIFICATE OF MAILING language as part of your submission:

I certify that the foregoing is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Commissioner for Trademarks, PO Box, Alexandria, VA 22313-1451, on:

Date of Deposit _____
 Signature _____
 Name _____

REGISTRATION NUMBER: 2380359

REGISTRATION DATE: 08/29/2000

*** Registrant Information**

The owner, Corporacion Habanos, S.A., residing at Mercaderes No. 21 Entre O'Reilly y Empedrado Havana CU, is using the mark in commerce on or in connection with the goods and/or services as follows:

*** Classification and Listing of Goods/Services:**

For International Class 034, the owner is using or is using through a related company or licensee the mark in commerce on or in connection with all goods and/or services listed in the existing registration, except the following: See Declaration of Excusable Non-Use, below.

The owner is submitting one specimen for each class showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) See Declaration

of Excusable Non-Use.

1. The mark, VEGAS ROBAINA AND DESIGN, is currently in use in commerce in Cuba and in numerous other countries, but is not currently in use in the United States. ' 2. This mark is not in use in commerce in the United States solely because any such use is prohibited by the United States Treasury Department's Cuban Assets Control Regulations, 31 C.F.R. 515.201(b). These regulations implement the United States' trade and financial embargo against Cuba and Cuban nationals. They prohibit, inter alia, the importation of any goods in which Cuba or any Cuban national has any interest of any nature whatsoever, direct or indirect; prohibit the transfer of any property or property interest, including the licensing of trademarks, from any Cuban national to any person subject to the jurisdiction of the United States; and prohibit any payment to Cuba or a Cuban national. Thus, the Cuban Assets Control Regulations prohibit CORPORACION HABANOS, S.A., a Cuban national, 31 C.F.R. 515.302!

(a)(2), from using the mark VEGAS ROBAINA AND DESIGN in commerce in the United States, and therefore the mark VEGAS ROBAINA AND DESIGN has not been used in commerce in the United States.' 3. The Regulations explicitly provide that Cuban entities can register trademarks in the United States, 31 CFR § 515.527(a)(1), despite the fact that the Regulations also prohibit these entities from using the marks in commerce in the United States. Thus, this indicates that the intent of the United States is to provide protection to the trademarks of Cuban businesses during the period of time that trade between Cuba and the United States is prohibited, and that the United States does not intend for the embargo to be permanent.' 4. CORPORACION HABANOS, S.A. intends to sell and transport goods using this mark in the United States as soon as the above-cited prohibition is lifted. That CORPORACION HABANOS, S.A. is currently using the mark in trade in other countries, where there are no pr!

ohibitions on trade, demonstrates that it has the requisite in!
tent to

use the mark in commerce, has not abandoned the mark and is not merely seeking to reserve a right in the mark.' 5. The special circumstance of the trade embargo with Cuba excuse as a matter of law CORPORACION HABNAOS, S.A.'s nonuse of the mark, as the nonuse is not due to any intention to abandon the mark.' 6. The foregoing factors consistently have been deemed by the USPTO to excuse non-use, including for the acceptance of Section 8 declarations for marks registered by CORPORACION HABANOS, S.A. on April 7, 2005 for the mark Habana Habana Cuba, Reg. No. 2,202,488; on February 25, 2004 for the word mark Vegas Robaina, Reg. No. 2,197,155; on September 13, 2003 for the mark La Vigia, Reg. No. 2,110,538; and on March 23, 2004 for the mark Habanos Unicos desde 1492 and design, Reg. No. 2,177,837. The USPTO has accepted similar declarations of excusable non-use for another Cuban cigar company, including for La Casa del Habano, Reg. No. 1970911, on September 7, 2005; Quai d'Orsa!

y, Reg. No. 1653845, on August 19, 2001; La Perla, Reg. No. 2,128,050, on February 25, 2004; Cohiba design, Reg. No. 2,145,804, on October 17, 2003; Edmundo Dantes, Reg. No. 1,957,322, on August 30, 2001, and August 18, 2005; and La Casa del Habano, Reg. No. 1,970,911, on April 11, 2003. '

*Correspondence Information

The registrant hereby appoints David B. Goldstein and Michael Krinsky
Christopher J. Klatell of Rabinowitz, Boudin, Standard, Krinsky & Lieberman, PC, 111 Broadway
Suite 1102
, New York, NY USA 10006 to submit this application on behalf of the registrant.

*Representative Information

The registrant hereby appoints Michael Krinsky of Rabinowitz, Boudin, Standard, Krinsky & Lieberman, PC, 111 Broadway

Suite 1102, New York, NY USA 10006 as registrant's representative upon whom notice or process in the proceedings affecting the mark may be served.

* Fees

A fee payment in the amount of \$100 will be submitted with the form, representing payment for 1 class (es), plus any additional grace period fee, if necessary.

* Declaration Signature

Signature:/Juan Díaz Tenorio/ Date: 10/21/2005

Signatory's Name: Juan Diaz Tenorio

Signatory's Position: Director

=====TEAS XML SUBMISSION=====

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States Treasury Department's Cuban Assets Control Regulations, 31 C.F.R. 515.201(b). These
regulations implement the United States' trade and financial embargo against Cuba and Cuban
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nationals. They prohibit, inter alia, the importation of any goods in which Cuba or any Cuban national has any interest of any nature whatsoever, direct or indirect; prohibit the transfer of any property or property interest, including the licensing of trademarks, from any Cuban national to any person subject to the jurisdiction of the United States; and prohibit any payment to Cuba or a Cuban national. Thus, the Cuban Assets Control Regulations prohibit CORPORACION HABANOS, S.A., a Cuban national,!

31 C.F.R. 515.302(a)(2), from using the mark VEGAS ROBAINA AND DESIGN in commerce in the United States, and therefore the mark VEGAS ROBAINA AND DESIGN has not been used in commerce in the United States.' 3. The Regulations explicitly provide that Cuban entities can register trademarks in the United States, 31 CFR § 515.527(a)(1), despite the fact that the Regulations also prohibit these entities from using the marks in commerce in the United States. Thus, this indicates that the intent of the United States is to provide protection to the trademarks of Cuban businesses during the period of time that trade between Cuba and the United States is prohibited, and that the United States does not intend for the embargo to be permanent.' 4. CORPORACION HABANOS, S.A. intends to sell and transport goods using this mark in the United States as soon as the above-cited prohibition is lifted. That CORPORACION HABANOS, S.A. is currently using the mark in trade in other countries, where there are no prohibitions on trade, demonstrates that it has

the requisite intent to use the mark in commerce, has not abandoned the mark and is not merely seeking to reserve a right in the mark.' 5. The special circumstance of the trade embargo with Cuba excuse as a matter of law CORPORACION HABANOS, S.A.'s nonuse of the mark, as the nonuse is not due to any intention to abandon the mark.' 6. The foregoing factors consistently have been deemed by the USPTO to excuse non-use, including for the acceptance of Section 8 declarations for marks registered by CORPORACION HABANOS, S.A. on April 7, 2005 for the mark Habana Habana Cuba, Reg. No. 2,202,488; on February 25, 2004 for the word mark Vegas Robaina, Reg. No. 2,197,155; on September 13, 2003 for the mark La Vigia, Reg. No. 2,110,538; and on March 23, 2004 for the mark Habanos Unicos desde 1492 and design, Reg. No. 2,177,837. The USPTO has accepted similar declarations of excusable non-use for another Cuban cigar company, including for La Casa del Habano, Reg. No. 1970911, on September 7,!

2005; Quai d'Orsay, Reg. No. 1653845, on August 19, 2001; La Perla, Reg. No. 2,128,050, on February 25, 2004; Cohiba design, Reg. No. 2,145,804, on October 17, 2003; Edmundo Dantes, Reg. No. 1,957,322, on August 30, 2001, and August 18, 2005; and La Casa del Habano, Reg. No. 1,970,911, on April 11, 2003. ' </explanation-text>

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TEAS support team
Fri Oct 21 16:12:24 EDT 2005

STAMP: USPTO/SECT08-71249234210-20051021161224495031-2380359-
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**NOTICE OF ACCEPTANCE
OF §8 DECLARATION
MAILING DATE: Jul 26, 2006**

The declaration filed in connection with the registration identified below meets the requirements of Section 8 of the Trademark Act, 15 U.S.C. §1058. The declaration is accepted and the registration remains in force.

For further information about this notice, visit our website at: <http://www.uspto.gov>.
To review information regarding the referenced registration, go to <http://tarr.uspto.gov/>.

REG NUMBER: 2380359
MARK: VEGAS ROBAINA R HABANA CUBA AND DESIGN
OWNER: Corporacion Habanos, S.A.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mark: VEGUEROS
Registration No.: 2254638
Int'l Class: 34

DECLARATION OF EXCUSABLE NONUSE UNDER SECTION 8

The undersigned declares that:

1. I am a representative of HABANOS, S.A., a corporation organized under the laws of the Republic of Cuba, and am authorized to execute this declaration on behalf of said corporation.
2. Said corporation is the owner of the above-identified registration issued on June 22, 1999.
3. The mark, VEGUEROS, is currently in use in commerce in Cuba and in numerous other countries, but is not currently in use in the United States.
4. This mark is not in use in commerce in the United States solely because any such use is prohibited by the United States Treasury Department's Cuban Assets Control Regulations, 31 C.F.R. 515.201(b). These regulations implement the United States' trade and financial embargo against Cuba and Cuban nationals. They prohibit, *inter alia*, the importation of any goods in which Cuba or any Cuban national has any interest of any nature whatsoever, direct or indirect; prohibit the transfer of any property or property interest, including the licensing of trademarks, from any Cuban national to any person subject to the jurisdiction of the United States; and prohibit any payment to Cuba or a Cuban national. Thus, the Cuban Assets Control Regulations prohibit HABANOS, S.A., a Cuban national, 31 C.F.R. 515.302(a)(2), from using the mark VEGUEROS in commerce in the United States, and therefore the mark VEGUEROS has not been used in commerce in the United States.
5. The Regulations explicitly provide that Cuban entities can register trademarks in the United States, 31 CFR § 515.527(a)(1), despite the fact that the Regulations also prohibit these entities from using the marks in commerce in the United States. Thus, this indicates that the intent of the United States is to provide protection to the trademarks of Cuban businesses

during the period of time that trade between Cuba and the United States is prohibited, and that the United States does not intend for the embargo to be permanent.

6. HABANOS, S.A. intends to sell and transport goods using this mark in the United States as soon as the above-cited prohibition is lifted. That HABANOS, S.A. is currently using the mark in trade in other countries, where there are no prohibitions on trade, demonstrates that it has the requisite intent to use the mark in commerce, has not abandoned the mark and is not merely seeking to reserve a right in the mark.

7. The special circumstance of the trade embargo with Cuba excuse as a matter of law HABANOS, S.A.'s nonuse of the mark, as the nonuse is not due any intention to abandon the mark.

APPOINTMENT OF DOMESTIC REPRESENTATIVE

Michael Krinsky, of Rabinowitz, Boudin, Standard, Krinsky and Lieberman, P.C., 740 Broadway, Fifth Floor, New York, New York 10003-9518, is hereby designated registrant's representative upon whom notice of process may be served in proceedings involving the mark.

DECLARATION

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of this document, declares that he is properly authorized to execute this document on behalf of the registrant; the registrant is the owner of the above identified registration; the trademark is not in use in the United States for the reasons stated above; and all statements made of his own knowledge are true and all statements made on information and belief are believed to be true.

HABANOS, S.A.

By:  Adargelio Garrido de la Grana

Legal Adviser

Dated: September 10, 2004

Habanos s.a.

REGISTRATION NO: 2254638 SERIAL NO: 75/011205 MAILING DATE: 11/16/2004
REGISTRATION DATE: 06/22/1999
MARK: VEGUEROS
REGISTRATION OWNER: HABANOS, S.A.

CORRESPONDENCE ADDRESS:
MICHAEL KRINSKY
RABINOWITZ BOUDIN STANDARD ET AL
740 BROADWAY FL 5
NEW YORK, NY 10003-9518

NOTICE OF ACCEPTANCE

15 U.S.C. Sec. 1058(a)(1)

THE AFFIDAVIT FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 8 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1058.

ACCORDINGLY, THE SECTION 8 AFFIDAVIT IS ACCEPTED.

THE REGISTRATION WILL REMAIN IN FORCE FOR CLASS(ES):
034.

CLINKSCALES, ARLENE L
PARALEGAL SPECIALIST
POST-REGISTRATION DIVISION
(703)308-9500

PLEASE SEE THE REVERSE SIDE OF THIS NOTICE FOR INFORMATION
CONCERNING REQUIREMENTS FOR MAINTAINING THIS REGISTRATION

ORIGINAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mark: BEHIKE and Design
Registration No.: 1,557,163
Date of Registration: September 19, 1989

TO THE ASSISTANT SECRETARY AND COMMISSIONER OF PATENTS AND TRADEMARKS

Registrant's Name: Empresa Cubana del Tabaco
(d/b/a Cubatabaco)

Registrant's Address: O'Reilly No. 105
Havana, Cuba

1. The mark, BEHIKE and Design, is not in use in commerce in the United States solely because any such use is prohibited by the United States Treasury Department's Cuban Assets Control Regulations, 31 C.F.R. 515.201(b). These regulations implement the United States' total trade and financial embargo against Cuba and Cuban nationals. They prohibit, inter alia, the importation of any goods in which Cuba or any Cuban national has any interest of any nature whatsoever, direct or indirect; prohibit the transfer of any property or property interest, including the licensing of trademarks, from any Cuban national to any person subject to the jurisdiction of the United States, and prohibit any payment to Cuba or a Cuban national. Thus, the Cuban Assets Control Regulations prohibit registrant, a Cuban national, 31 C.F.R. 515.302(a)(2), from using the mark BEHIKE and design in commerce in the United States.

2. The Regulations explicitly provide that Cuban entities can register trademarks in the United States, 31 CFR § 515.527(a)(1), despite the fact that the Regulations also prohibit these entities from using the marks in commerce in the United States. Thus, this indicates that the intent of the United States is to provide protection to the trademarks of Cuban businesses during the period of time that trade between Cuba and the United States is prohibited, and that the United States does not intend for the embargo to be permanent.

3. The registrant intends to sell and transport goods using this mark in the United States as soon as the above-cited prohibition is lifted. The special circumstance of the trade embargo with Cuba excuse as a matter of law the registrant's nonuse of the mark, as the nonuse is not due any intention to abandon the mark.

DECLARATION

The undersigned being hereby warned that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such wilful false statements may jeopardize the validity of this document, declares that he is properly authorized to execute this document on behalf of the registrant; the registrant is the owner of the ~~above identified registration;~~ the trademark is not in use in

08/04/95 FRI 15:44 FAX 212 674 4614

RABINOWITZ ET.AL

005

United States for the reasons stated above; and all statements made of his own knowledge are true and all statements made on information and belief are believed to be true.

EMPRESA CUBANA DEL. TABACO

By 
Juan Eduardo Gonzalez-Perez
Vice Director

Date JULY 21, 1995



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

REGISTRATION NO. 1557163

SERIAL NO. 73/742915

PAPER NO.

MAILING DATE: 02/12/96

MARK: BEHIKE (AND DESIGN)

REGISTRANT: EMPRESA CUBANA DEL TABACO

CORRESPONDENCE ADDRESS:

HOWARD N. ARONSON
RABINOWITZ, BOUDIN, STANDARD, ET AL.
740 BROADWAY
FIFTH FLOOR
NEW YORK, NY 10003-9518

Please furnish the following
in all correspondence:

1. Your phone number and zip code.
2. Mailing date of this action.
3. Affidavit-Renewal Examiner's name.
4. The address of all correspondence not containing fees should include the words "Box 5".
5. Registration No.

RECEIPT IS ACKNOWLEDGED OF THE SUBMITTED REQUEST UNDER:

SECTION 8 OF THE TRADEMARK STATUTE AND 37 CFR SECS. 2.161-2.166.

YOUR REQUEST FULFILLS THE STATUTORY REQUIREMENTS AND HAS BEEN ACCEPTED.

F. A. Pfohl

FRANCES A. PFOHL
AFFIDAVIT-RENEWAL EXAMINER
TRADEMARK EXAMINING OPERATION
(703) 308-9500 EXT. 37

804-200283a498bc434874032
ee49262cd972CC64-20030805
150117726017

Declaration of Use of Mark in Commerce Under Section 8

To the Commissioner for Trademarks:

REGISTRATION NUMBER: 2145804

REGISTRATION DATE: 03/24/1998

MARK: Design only

The owner, EMPRESA CUBANA DEL TABACO, residing at O'Reilly No. 104, Ciudad La Habana, CU, is using the mark in commerce on or in connection with the goods and/or services as follows:

For International Class 034, the owner is using or is using through a related company the mark in commerce on or in connection with all goods and/or services listed in the existing registration, except the goods and/or service listed above. **except** the following:

See section on excusable non-use below.

The owner is submitting one specimen for each class showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) Label from cigar box used in international commerce outside United States.

Specimen-1

Empresa Cubana del Tabaco ("Cubatabaco") is a corporation organized under the laws of the Republic of Cuba.' 2. Said corporation is the owner of Registration No. 2,145,804 issued on March 24, 1998.' 3. The design mark, Registration No. 2,145,804 (the "Design Mark") is currently in use in commerce in Cuba, Canada and numerous other countries, but is not currently in use in the United States, in that goods bearing the mark are not sold in the United States.' 4. This mark is not in use in commerce in the United States solely because any such use is prohibited by the United States Treasury Department's Cuban Assets Control Regulations, 31 C.F.R. 515.201(b). These regulations implement the United States' trade and financial embargo against Cuba and Cuban nationals. They prohibit, inter alia, the importation of any goods in which Cuba or any Cuban national has any interest of any nature whatsoever, direct or indirect; prohibit the transfer of any property or property interest, including the licensing of trademarks, from any Cuban national to any person subject to the jurisdiction of the United States; and prohibit any payment to Cuba or a Cuban national. Thus, the Cuban Assets Control Regulations prohibit Cubatabaco, a Cuban national, 31 C.F.R. 515.302(a)(2), from using the Design Mark in commerce in the United States, and therefore the Design Mark has not been used in commerce in the United States.' 5. The Regulations explicitly provide that Cuban entities can register trademarks in the United States, 31 CFR § 515.527(a)(1), despite the fact that the Regulations also prohibit these entities from using the marks in commerce in the United States. Thus, this indicates that the intent of the United States is to provide protection to the trademarks of Cuban businesses during the period of time that trade between Cuba and the United States is prohibited, and that the United States does not intend for the embargo to be permanent.' 6. Cubatabaco intends to sell and transport goods using this mark in the United States as soon as the above-cited prohibition is lifted. That Cubatabaco is currently using the mark in trade in other countries, where there are no prohibitions on trade, demonstrates that it has the requisite intent to use the mark in commerce, has not abandoned the mark and is not merely seeking to reserve a right in the mark.' 7. The special circumstance of the trade embargo with Cuba excuse as a matter of law Cubatabaco nonuse of the mark, as the nonuse is not due to any intention to abandon the mark.' 8. On July 10, 2003, Corporacion Habanos, S.A., inadvertently submitted a Declaration of Excusable Non-Use for the Design Mark to the USPTO. Corporacion Habanos, S.A., is the assignee of Cubatabaco's rights to the design mark in some countries in the world, but not in the United States, Canada, or Cuba. Cubatabaco is the entity with rights to the mark in the United States and the entity that intends to use the mark in the United States as soon as such use becomes possible.'

The registrant hereby appoints David B. Goldstein and Michael Krinsky of Rabinowitz, Boudin, Standard, Krinsky & Lieberman, P.C., 740 Broadway, 5th Floor, New York, NY USA 10002 to submit this Declaration of Use of Mark in Commerce Under Section 8 on behalf of the registrant.

The registrant hereby appoints Michael Krinsky of Rabinowitz, Boudin, Standard, Krinsky & Lieberman, P.C., 740 Broadway, 5th Floor, New York, NY USA 10002 as registrant's representative upon whom notice or process in the proceedings affecting the mark may be served.

A fee payment in the amount of \$100 will be submitted with the form, representing payment for 1 class(es), plus any additional grace period fee, if necessary.

Declaration

The owner is using the mark in commerce on or in connection with the goods/services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.

he undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. section 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made in information and belief are believed to be true.

Signature: /David B. Goldstein/ Date: 08/05/2003

Signatory's Name: David B. Goldstein

Signatory's Position: Attorney for Registrant Empresa Cubana del Tabaco

Mailing Address:

Rabinowitz, Boudin, Standard, Krinsky & Lieberman, P.C.

740 Broadway, 5th Floor

New York, NY 10002

AM Sale Number: 64

AM Accounting Date: 08/06/2003

Serial Number: 75151226

Internet Transmission Date: Tue Aug 05 15:07:24 EDT 2003

EAS Stamp: USPTO/SECT08-20640161210-200308051507241

5002-2145804-200283a498bc434874032ee492

2cd972CC64-20030805150117726017



REGISTRATION NO: 2145804 SERIAL NO: 75/151226 MAILING DATE: 10/17/2003
REGISTRATION DATE: 03/24/1998
MARK: MISCELLANEOUS DESIGN
REGISTRATION OWNER: EMPRESA CUBANA DEL TABACO

CORRESPONDENCE ADDRESS:

DAVID B GOLDSTEIN
RABINOWITZ BOUDIN STANDARD ET AL
740 BROADWAY AT ASTOR PLACE, 5TH FLOOR
NEW YORK NY 10002

NOTICE OF ACCEPTANCE

15 U.S.C. Sec. 1058(a)(1)

THE AFFIDAVIT FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 8 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1058.

ACCORDINGLY, THE SECTION 8 AFFIDAVIT IS ACCEPTED.

THE REGISTRATION WILL REMAIN IN FORCE FOR CLASS(ES):
034.

WEST, JOYCE M
PARALEGAL SPECIALIST
POST-REGISTRATION DIVISION
(703)308-9500

PLEASE SEE THE REVERSE SIDE OF THIS NOTICE FOR INFORMATION CONCERNING REQUIREMENTS FOR MAINTAINING THIS REGISTRATION

ORIGINAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mark: EDMUNDO DANTES
Registration No.: 1,957,322
Int'l Class: 34

DECLARATION OF EXCUSABLE NONUSE UNDER SECTION 8

The undersigned declares that:

1. I am a representative of Empresa Cubana del Tabaco ("CUBATABACO"), a corporation organized under the laws of the Republic of Cuba, and am authorized to execute this declaration on behalf of said corporation.

2. Said corporation is the owner of the above-identified registration issued on February 20, 1996.

3. The mark, EDMUNDO DANTES is currently in use in commerce in Cuba and in numerous other countries, but is not currently in use in the United States.

4. This mark is not in use in commerce in the United States solely because any such use is prohibited by the United States Treasury Department's Cuban Assets Control Regulations, 31 C.F.R. 515.201(b). These regulations implement the United States' total trade and financial embargo against Cuba and Cuban nationals. They prohibit, *inter alia*, the importation of any goods in which Cuba or any Cuban national has any interest of any nature whatsoever, direct or indirect; prohibit the transfer of any property or property interest, including the licensing of trademarks, from any Cuban national to any person subject to the jurisdiction of the United States; and prohibit any payment to Cuba or a Cuban national. Thus, the Cuban Assets Control Regulations prohibit CUBATABACO, a Cuban national, 31 C.F.R. 515.302(a)(2), from using the mark EDMUNDO DANTES in commerce in the United States.

5. The Regulations explicitly provide that Cuban entities can register

trademarks in the United States, 31 CFR § 515.527(a)(1), despite the fact that the Regulations also prohibit these entities from using the marks in commerce in the United States. Thus, this indicates that the intent of the United States is to provide protection to the trademarks of Cuban businesses during the period of time that trade between Cuba and the United States is prohibited, and that the United States does not intend for the embargo to be permanent.

6. CUBATABACO intends to sell and transport goods using this mark in the United States as soon as the above-cited prohibition is lifted. That CUBATABACO is currently using the mark in trade in other countries, where there are no prohibitions on trade, demonstrates that it has the requisite intent to use the mark in commerce, has not abandoned the mark and is not merely seeking to reserve a right in the mark.

7. The special circumstance of the trade embargo with Cuba excuse as a matter of law CUBATABACO's nonuse of the mark, as the nonuse is not due any intention to abandon the mark.

APPOINTMENT OF DOMESTIC REPRESENTATIVE

Rabinowitz, Boudin, Standard, Krinsky and Lieberman, P.C., 740 Broadway, Fifth Floor, New York, New York 10003-9518, is hereby designated registrant's representative upon whom notice of process in proceedings the mark may be served.

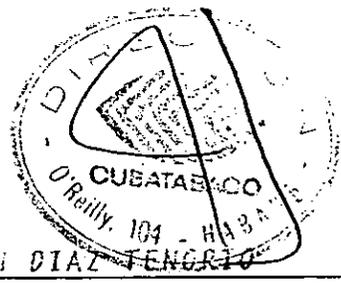
DECLARATION

The undersigned being hereby warned that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such wilful false statements may jeopardize the validity of this document, declares that he is properly authorized to execute this document on behalf of the registrant; the registrant is the owner of the

above identified registration; the trademark is not in use in the United States for the reasons stated above; and all statements made of his own knowledge are true and all statements made on information and belief are believed to be true.

EMPRESA CUBANA DEL TABACO

Date: MAY 8, 2001



By: JUAN DIAZ FENGRIO
Director



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
OFFICE OF ASSISTANT COMMISSIONER FOR TRADEMARKS
2900 Crystal Drive
Arlington, Virginia 22202-3513

REGISTRATION NO: 1957322 SERIAL NO: 74/576941 MAILING DATE: 08/30/2001
REGISTRATION DATE: 02/20/1996
MARK: EDMUNDO DANTES
REGISTRATION OWNER: EMPRESA CUBANA DEL TABACO
CORRESPONDENCE ADDRESS:

CHRISTINE S. KIM☉
RABINOWITZ, BOUDIN, STANDARD, ET AL.
740 BROADWAY, FIFTH FLOOR
NEW YORK, NY 10003-9518

NOTICE OF ACCEPTANCE

15 U.S.C. Sec. 1058(a)(1)

THE AFFIDAVIT FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 8 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1058.

ACCORDINGLY, THE SECTION 8 AFFIDAVIT IS ACCEPTED.

THE REGISTRATION WILL REMAIN IN FORCE FOR CLASS(ES):
034.

HARPER, BARBARA A
PARALEGAL SPECIALIST
POST-REGISTRATION DIVISION
(703)308-9500

PLEASE SEE THE REVERSE SIDE OF THIS NOTICE FOR INFORMATION
CONCERNING REQUIREMENTS FOR MAINTAINING THIS REGISTRATION

David Goldstein

From: <TEAS@uspto.gov>
To: <dgoldstein@rbskl.com>; <cklatell@rbskl.com>; <cobrien@rbskl.com>
Sent: Tuesday, May 03, 2005 4:53 PM
Subject: Received Your Trademark Combined Sections 8 & 9 Declaration/Application for registration number 1957322

<MARK> EDMUNDO DANTES

We have received your Combined Sections 8 and 9 Declaration/Application for registration number '1957322'. A summary of your submission is listed below. If you determine that you made an error in the information you entered, DO NOT request via e-mail that we correct your filing. The TEAS staff cannot make any changes. You may file an amendment IMMEDIATELY (if still within the statutory period), via a hard paper copy, not electronically, listing your mark and registration number, and stating your proposed correction, to the following address:

Commissioner for Trademarks
PO Box 1451
Alexandria, VA 22313-1451

To avoid lateness due to mail delay, it is recommended that you include the following CERTIFICATE OF MAILING language as part of your submission:

I certify that the foregoing is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Commissioner for Trademarks, PO Box 1451, Alexandria, VA 22313-1451, on:

Date of Deposit _____
Signature _____
Name _____

REGISTRATION NUMBER: 1957322

REGISTRATION DATE: 02/20/1996

* Registrant Information

The owner, EMPRESA CUBANA DEL TABACO, residing at Calle O'Reilly No. 104 Ciudad Habana CU, is using the mark in commerce on or in connection with the goods and/or services as follows:

* Classification and Listing of Goods/Services:

For International Class 034, the owner is using or is using through a related company or licensee the mark in commerce on or in connection with all goods and/or services listed in the existing registration except the following: The owner is using the mark in commerce, but not in the United States. Its non-use is excused; see declaration of excusable non-use below.

The owner is submitting one specimen for each class showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) See Declaration of Excusable Nonuse, below..

1. The mark, EDMUNDO DANTE, is currently in use in commerce in Cuba and in numerous other countries, but is not currently in use in the United States. ' 2. This mark is not in use in commerce in the United States solely because any such use is prohibited by the United States Treasury Department's Cuban Assets Control Regulations, 31 C.F.R. 515.201(b). These regulations implement the United States' trade and financial embargo against Cuba and Cuban nationals. They prohibit, inter alia, the importation of any goods in which Cuba or any Cuban national has any interest of any nature whatsoever, direct or indirect; prohibit the transfer of any property or property interest, including the licensing of trademarks, from any Cuban national to any person subject to the jurisdiction of the United States; and prohibit any payment to Cuba or a Cuban national. Thus, the Cuban Assets Control Regulations prohibit EMPRESA CUBANA DEL TABACO, a Cuban national, 31 C.F.R. 515.302(a)(2), fr!

om using the mark EDMUNDO DANTE in commerce in the United States, and therefore the mark EDMUNDO DANTE has not been used in commerce in the United States.' 3. The Regulations explicitly provide that Cuban entities can register trademarks in the United States, 31 CFR § 515.527(a)(1), despite the fact that the Regulations also prohibit these entities from using the marks in commerce in the United States. Thus, this indicates that the intent of the United States is to provide protection to the trademarks of Cuban businesses during the period of time that trade between Cuba and the United States is prohibited, and that the United States does not intend for the embargo to be permanent.' 4. EMPRESA CUBANA DEL TABACO intends to sell and transport goods using this mark in the United States as soon as the above-cited prohibition is lifted. That EMPRESA CUBANA DEL TABACO is currently using the mark in trade in other countries, where there are no prohibitions on trade, demonstra!

tes that it has the requisite intent to use the mark in commer!
ce, has
not abandoned the mark and is not merely seeking to reserve a right in the mark.' 5. The special circumstance of the trade embargo with Cuba excuse as a matter of law EMPRESA CUBANA DEL TABACO'S nonuse of the mark, as the nonuse is not due any intention to abandon the mark.' 6. The foregoing factors consistently have been deemed by the USPTO to excuse non-use, including for the acceptance of the Section 8 declaration for this mark, as well as a Section 8 & 9 declaration for Quai d'Orsay, Reg. No. 1653845, on August 19, 2001, and Section 8 declarations for other marks owned by EMPRESA CUBANA DEL TABACO, including La Perla, Reg. No. 2,128,050, on February 25, 2004; Cohiba design, Reg. No. 2,145,804, on October 17, 2003; and La Casa del Habano, Reg. No. 1,970,911, on April 11, 2003. Similar declarations of excusable non-use have been accepted for marks owned by another Cuban cigar company, including on April 7, 2005 for the mark Habana Habana Cuba, Reg. No. 2,202,488; on February 25, 2004 for the mark Vegas Robaina, Reg. No. 2,197,155; on September 13, 2003 for the mark La Vigia, Reg. No. 2,110,538; and on March 23, 2004 for the mark Habanos Unicos desde 1492 and design, Reg. No. 2,177,837. '

*Correspondence Information

The registrant hereby appoints David B. Goldstein of Rabinowitz, Boudin, Standard, Krinsky & Lieberman, PC, Fifth Floor, 740 Broadway
, New York, NY USA 10003 to submit this application on behalf of the registrant.

*Representative Information

The registrant hereby appoints Michael Krinsky of Rabinowitz, Boudin, Standard, Krinsky & Lieberman, PC, Fifth Floor, 740 Broadway, New York, NY USA 10003 as registrant's representative upon whom notice or process in the proceedings affecting the mark may be served.

* Fees

A fee payment in the amount of \$500 will be submitted with the form, representing payment for 1 class(es), plus any additional grace period fee, if necessary.

* Declaration Signature

Signature:/Juan M. Díaz Tenorio/ Date: 05/03/2005
Signatory's Name: Juan M. Diaz Tenorio
Signatory's Position: Director

=====

=====TEAS XML SUBMISSION=====

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and in numerous other countries, but is not currently in use in the United States. ' 2. This mark
```

is not in use in commerce in the United States solely because any such use is prohibited by the United States Treasury Department's Cuban Assets Control Regulations, 31 C.F.R. 515.201(b). These regulations implement the United States' trade and financial embargo against Cuba and Cuban nationals. They prohibit, inter alia, the importation of any goods in which Cuba or any Cuban national has any interest of any nature whatsoever, direct or indirect; prohibit the transfer of any property or property interest, including the licensing of trademarks, from any Cuban national to any person subject to the jurisdiction of the United States; and prohibit any payment to Cuba or a Cuban national. Thus, the Cuban Assets Control Regulations prohibit EMPRESA CUBANA DEL TABACO, a Cuban national, 31 C.F.R.!

515.302(a)(2), from using the mark EDMUNDO DANTES in commerce in the United States, and therefore the mark EDMUNDO DANTES has not been used in commerce in the United States.' 3. The Regulations explicitly provide that Cuban entities can register trademarks in the United States, 31 CFR § 515.527(a)(1), despite the fact that the Regulations also prohibit these entities from using the marks in commerce in the United States. Thus, this indicates that the intent of the United States is to provide protection to the trademarks of Cuban businesses during the period of time that trade between Cuba and the United States is prohibited, and that the United States does not intend for the embargo to be permanent.' 4. EMPRESA CUBANA DEL TABACO intends to sell and transport goods using this mark in the United States as soon as the above-cited prohibition is lifted. That EMPRESA CUBANA DEL TABACO is currently using the mark in trade in other countries, where there are no prohibitions o!

n trade, demonstrates that it has the requisite intent to use !
the mark

in commerce, has not abandoned the mark and is not merely seeking to reserve a right in the mark.' 5. The special circumstance of the trade embargo with Cuba excuse as a matter of law EMPRESA CUBANA DEL TABACO'S nonuse of the mark, as the nonuse is not due any intention to abandon the mark.' 6. The foregoing factors consistently have been deemed by the USPTO to excuse non-use, including for the acceptance of the Section 8 declaration for this mark, as well as a Section 8 & 9 declaration for Quai d'Orsay, Reg. No. 1653845, on August 19, 2001, and Section 8 declarations for other marks owned by EMPRESA CUBANA DEL TABACO, including La Perla, Reg. No. 2,128,050, on February 25, 2004; Cohiba design, Reg. No. 2,145,804, on October 17, 2003; and La Casa del Habano, Reg. No. 1,970,911, on April 11, 2003. Similar declarations of excusable non-use have been accepted for marks owned by another Cuban cigar company, including on April 7, 2005 for the mark Habana Habana Cuba, Reg.!

No. 2,202,488; on February 25, 2004 for the mark Vegas Robaina, Reg. No. 2,197,155; on September 13, 2003 for the mark La Vigia, Reg. No. 2,110,538; and on March 23, 2004 for the mark Habanos Unicos desde 1492 and design, Reg. No. 2,177,837. ' </explanation-text>

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REGISTRATION NO: 1957322 SERIAL NO: 74/576941 MAILING DATE: 08/18/2005
REGISTRATION DATE: 02/20/1996
MARK: EDMUNDO DANTES
REGISTRATION OWNER: EMPRESA CUBANA DEL TABACO

CORRESPONDENCE ADDRESS:
DAVID B. GOLDSTEIN
RABINOWITZ, BOUDIN, STANDARD, ET AL.
FIFTH FLOOR
740 BROADWAY
NEW YORK NY 10003

NOTICE OF ACCEPTANCE

15 U.S.C. Sec. 1058(a)(3)

THE COMBINED AFFIDAVIT AND RENEWAL APPLICATION FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 8 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1058.

ACCORDINGLY, THE SECTION 8 AFFIDAVIT IS ACCEPTED.

NOTICE OF RENEWAL

15 U.S.C. Sec. 1059(a)

THE COMBINED AFFIDAVIT AND RENEWAL APPLICATION FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 9 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1059.

ACCORDINGLY, THE REGISTRATION IS RENEWED.

THE REGISTRATION WILL REMAIN IN FORCE FOR CLASS(ES):
034.

HORN, ARLENE JOYCE
PARALEGAL SPECIALIST
POST-REGISTRATION DIVISION
571-272-9500

PLEASE SEE THE REVERSE SIDE OF THIS NOTICE FOR INFORMATION CONCERNING REQUIREMENTS FOR MAINTAINING THIS REGISTRATION

ORIGINAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mark: EDMUNDO DANTEs and design
Registration No.: 1,948,393
Int'l Class: 34

DECLARATION OF EXCUSABLE NONUSE UNDER SECTION 8

The undersigned declares that:

1. I am a representative of Empresa Cubana del Tabaco ("CUBATABACO"), a corporation organized under the laws of the Republic of Cuba, and am authorized to execute this declaration on behalf of said corporation.

2. Said corporation is the owner of the above-identified registration issued on January 16, 1996.

3. The mark, EDMUNDO DANTEs and design is currently in use in commerce in Cuba and in numerous other countries, but is not currently in use in the United States.

4. This mark is not in use in commerce in the United States solely because any such use is prohibited by the United States Treasury Department's Cuban Assets Control Regulations, 31 C.F.R. 515.201(b). These regulations implement the United States' total trade and financial embargo against Cuba and Cuban nationals. They prohibit, *inter alia*, the importation of any goods in which Cuba or any Cuban national has any interest of any nature whatsoever, direct or indirect; prohibit the transfer of any property or property interest, including the licensing of trademarks, from any Cuban national to any person subject to the jurisdiction of the United States; and prohibit any payment to Cuba or a Cuban national. Thus, the Cuban Assets Control Regulations prohibit CUBATABACO, a Cuban national, 31 C.F.R. 515.302(a)(2), from using the mark EDMUNDO DANTEs and design in commerce in the

United States.

5. The Regulations explicitly provide that Cuban entities can register trademarks in the United States, 31 CFR § 515.527(a)(1), despite the fact that the Regulations also prohibit these entities from using the marks in commerce in the United States. Thus, this indicates that the intent of the United States is to provide protection to the trademarks of Cuban businesses during the period of time that trade between Cuba and the United States is prohibited, and that the United States does not intend for the embargo to be permanent.

6. CUBATABACO intends to sell and transport goods using this mark in the United States as soon as the above-cited prohibition is lifted. That CUBATABACO is currently using the mark in trade in other countries, where there are no prohibitions on trade, demonstrates that it has the requisite intent to use the mark in commerce, has not abandoned the mark and is not merely seeking to reserve a right in the mark.

7. The special circumstance of the trade embargo with Cuba excuse as a matter of law CUBATABACO's nonuse of the mark, as the nonuse is not due any intention to abandon the mark.

APPOINTMENT OF DOMESTIC REPRESENTATIVE

Rabinowitz, Boudin, Standard, Krinsky and Lieberman, P.C., 740 Broadway, Fifth Floor, New York, New York 10003-9518, is hereby designated registrant's representative upon whom notice of process in proceedings the mark may be served.

DECLARATION

The undersigned being hereby warned that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such

wilful false statements may jeopardize the validity of this document, declares that he is properly authorized to execute this document on behalf of the registrant; the registrant is the owner of the above identified registration; the trademark is not in use in the United States for the reasons stated above; and all statements made of his own knowledge are true and all statements made on information and belief are believed to be true.

EMPRESA CUBANA DEL TABACO

Date: MAY 4, 2001

By: 
JUAN DIAZ TENORIO

Director



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
OFFICE OF ASSISTANT COMMISSIONER FOR TRADEMARKS
2900 Crystal Drive
Arlington, Virginia 22202-3513

REGISTRATION NO: 1948393 SERIAL NO: 74/576942 MAILING DATE: 08/30/2001
REGISTRATION DATE: 01/16/1996
MARK: EDMUNDO DANTES LA HABANA CUBA AND DESIGN
REGISTRATION OWNER: EMPRESA CUBANA DEL TABACO
CORRESPONDENCE ADDRESS:

CHRISTINE KIM
RABINOWITZ, BOUDIN, STANDARD, ET AL.
740 BROADWAY, FIFTH FLOOR
NEW YORK, NY 10003-9518

NOTICE OF ACCEPTANCE

15 U.S.C. Sec. 1058(a)(1)

THE AFFIDAVIT FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 8 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1058.

ACCORDINGLY, THE SECTION 8 AFFIDAVIT IS ACCEPTED.

THE REGISTRATION WILL REMAIN IN FORCE FOR CLASS(ES):
034.

HARPER, BARBARA A
PARALEGAL SPECIALIST
POST-REGISTRATION DIVISION
(703)308-9500

PLEASE SEE THE REVERSE SIDE OF THIS NOTICE FOR INFORMATION CONCERNING REQUIREMENTS FOR MAINTAINING THIS REGISTRATION

Cynthia O'Brien

From: David Goldstein [Dgoldstein@rbskl.com]
Sent: Monday, April 11, 2005 9:51 AM
To: cklatell@rbskl.com; Cynthia O'Brien
Subject: Fw: Received Your Trademark Combined Sections 8 & 9 Declaration/Application for registration number 1948393

----- Original Message -----

From: TEAS@uspto.gov
To: dgoldstein@rbskl.com
Sent: Monday, April 11, 2005 9:46 AM
Subject: Received Your Trademark Combined Sections 8 & 9 Declaration/Application for registration number 1948393

<MARK> EDMUNDO DANTES LA HABANA CUBA (stylized or with design)

We have received your Combined Sections 8 and 9 Declaration/Application for registration number '1948393'. A summary of your submission is listed below. If you determine that you made an error in the information you entered, DO NOT request via e-mail that we correct your filing. The TEAS staff cannot make any changes. You may file an amendment IMMEDIATELY (if still within the statutory period), via a hard paper copy, not electronically, listing your mark and registration number, and stating your proposed correction, to the following address:

Commissioner for Trademarks
PO Box 1451
Alexandria, VA 22313-1451

To avoid lateness due to mail delay, it is recommended that you include the following CERTIFICATE OF MAILING language as part of your submission:

I certify that the foregoing is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Commissioner for Trademarks, PO Box 1451, Alexandria, VA 22313-1451, on:

Date of Deposit _____
Signature _____
Name _____

REGISTRATION NUMBER: 1948393

REGISTRATION DATE: 01/16/1996

*** Registrant Information**

The owner, EMPRESA CUBANA DEL TABACO, residing at Calle O'Reilly No. 104 Ciudad Habana CU, is using the mark in commerce on or in connection with the goods and/or services as follows:

* Classification and Listing of Goods/Services:

For International Class 034, the owner is using or is using through a related company or licensee the mark in commerce on or in connection with all goods and/or services listed in the existing registration.

The owner is submitting one specimen for each class showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) See excusable nonuse explanation, below..

1. The mark, EDMUNDO DANTES AND DESIGN, is currently in use in commerce in Cuba and in numerous other countries, but is not currently in use in the United States. ' 2. This mark is not in use in commerce in the United States solely because any such use is prohibited by the United States Treasury Department's Cuban Assets Control Regulations, 31 C.F.R. 515.201(b). These regulations implement the United States' trade and financial embargo against Cuba and Cuban nationals. They prohibit, inter alia, the importation of any goods in which Cuba or any Cuban national has any interest of any nature whatsoever, direct or indirect; prohibit the transfer of any property or property interest, including the licensing of trademarks, from any Cuban national to any person subject to the jurisdiction of the United States; and prohibit any payment to Cuba or a Cuban national. Thus, the Cuban Assets Control Regulations prohibit EMPRESA CUBANA DEL TABACO, a Cuban national, 31 C.F.R. 515.30!

2(a)(2), from using the mark EDMUNDO DANTES AND DESIGN in commerce in the United States, and therefore the mark EDMUNDO DANTES AND DESIGN has not been used in commerce in the United States.' 3. The Regulations explicitly provide that Cuban entities can register trademarks in the United States, 31 CFR § 515.527(a)(1), despite the fact that the Regulations also prohibit these entities from using the marks in commerce in the United States. Thus, this indicates that the intent of the United States is to provide protection to the trademarks of Cuban businesses during the period of time that trade between Cuba and the United States is prohibited, and that the United States does not intend for the embargo to be permanent.' 4. EMPRESA CUBANA DEL TABACO intends to sell and transport goods using this mark in the United States as soon as the above-cited prohibition is lifted. That EMPRESA CUBANA DEL TABACO is currently using the mark in trade in other countries, where there are no! prohibitions on trade, demonstrates that it has the requisite!

intent

to use the mark in commerce, has not abandoned the mark and is not merely seeking to reserve a right in the mark.' 5. The special circumstance of the trade embargo with Cuba excuse as a matter of law EMPRESA CUBANA DEL TABACO'S nonuse of the mark, as the nonuse is not due any intention to abandon the mark.' 6. The foregoing factors consistently have been deemed by the USPTO to excuse non-use, including for the acceptance of the Section 8 declaration for this mark, as well as a Section 8 & 9 declaration for Quai d'Orsay, Reg. No. 1653845, on August 19, 2001, and Section 8 declarations for other marks owned by EMPRESA CUBANA DEL TABACO, including La Perla, Reg. No. 2,128,050, on February 25, 2004; Cohiba design, Reg. No. 2,145,804, on October 17, 2003; Edmundo Dantes, Reg. No. 1,957,322, on August 30, 2001; and La Casa del Habano, Reg. No. 1,970,911, on April 11, 2003. Similar declarations of excusable non-use have been accepted for marks owned by another Cuban cigar compan!

y, including on April 7, 2005 for the mark Habana Habana Cuba, Reg. No. 2,202,488; on February 25, 2004 for the mark Vegas Robaina, Reg. No. 2,197,155; on September 13, 2003 for the mark La Vigia, Reg. No. 2,110,538; and on March 23, 2004 for the mark Habanos Unicos desde 1492 and design, Reg. No. 2,177,837. '

*Correspondence Information

The registrant hereby appoints David B. Goldstein of Rabinowitz, Boudin, Standard, Krinsky & Lieberman, Fifth Floor, 740 Broadway, New York, NY USA 10003 to submit this application on behalf of the registrant.

4/11/2005

*Representative Information

The registrant hereby appoints Michael Krinsky of Rabinowitz, Boudin, Standard, Krinsky & Lieberman, Fifth Floor, 740 Broadway, New York, NY USA 10003 as registrant's representative upon whom notice or process in the proceedings affecting the mark may be served.

* Fees

A fee payment in the amount of \$500 will be submitted with the form, representing payment for 1 class (es), plus any additional grace period fee, if necessary.

* Declaration Signature

Signature:/Juan Díaz Tenorio/ Date: 04/11/2005

Signatory's Name: Juan M. Diaz Tenorio

Signatory's Position: Director

=====TEAS XML SUBMISSION=====

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where there are no prohibitions on trade, demonstrates that it!

has the

requisite intent to use the mark in commerce, has not abandoned the mark and is not merely seeking to reserve a right in the mark.' 5. The special circumstance of the trade embargo with Cuba excuse as a matter of law EMPRESA CUBANA DEL TABACO'S nonuse of the mark, as the nonuse is not due any intention to abandon the mark.' 6. The foregoing factors consistently have been deemed by the USPTO to excuse non-use, including for the acceptance of the Section 8 declaration for this mark, as well as a Section 8 & 9 declaration for Quai d'Orsay, Reg. No. 1653845, on August 19, 2001, and Section 8 declarations for other marks owned by EMPRESA CUBANA DEL TABACO, including La Perla, Reg. No. 2,128,050, on February 25, 2004; Cohiba design, Reg. No. 2,145,804, on October 17, 2003; Edmundo Dantes, Reg. No. 1,957,322, on August 30, 2001; and La Casa del Habano, Reg. No. 1,970,911, on April 11, 2003. Similar declarations of excusable non-use have been accepted for marks owned by anot!

her Cuban cigar company, including on April 7, 2005 for the mark Habana Habana Cuba, Reg. No. 2,202,488; on February 25, 2004 for the mark Vegas Robaina, Reg. No. 2,197,155; on September 13, 2003 for the mark La Vigia, Reg. No. 2,110,538; and on March 23, 2004 for the mark Habanos Unicos desde 1492 and design, Reg. No. 2,177,837. ' </explanation-text>

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TEAS support team
Mon Apr 11 09:46:41 EDT 2005

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REGISTRATION NO: 1948393 SERIAL NO: 74/576942 MAILING DATE: 06/10/2005
REGISTRATION DATE: 01/16/1996
MARK: EDMUNDO DANTES LA HABANA CUBA AND DESIGN
REGISTRATION OWNER: EMPRESA CUBANA DEL TABACO

CORRESPONDENCE ADDRESS:
DAVID B. GOLDSTEIN
RABINOWITZ, BOUDIN, STANDARD, ET AL.
5TH FLOOR
740 BROADWAY
NEW YORK NY 10003

NOTICE OF ACCEPTANCE

15 U.S.C. Sec. 1058(a)(3)

THE COMBINED AFFIDAVIT AND RENEWAL APPLICATION FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 8 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1058.

ACCORDINGLY, THE SECTION 8 AFFIDAVIT IS ACCEPTED.

NOTICE OF RENEWAL

15 U.S.C. Sec. 1059(a)

THE COMBINED AFFIDAVIT AND RENEWAL APPLICATION FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 9 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1059.

ACCORDINGLY, THE REGISTRATION IS RENEWED.

THE REGISTRATION WILL REMAIN IN FORCE FOR CLASS(ES):
034.

CONLEY, JOYCE MARIE
PARALEGAL SPECIALIST
POST-REGISTRATION DIVISION
571-272-9500

PLEASE SEE THE REVERSE SIDE OF THIS NOTICE FOR INFORMATION CONCERNING REQUIREMENTS FOR MAINTAINING THIS REGISTRATION

ORIGINAL

Empresa Cubana del Tabaco
CUBATABACO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mark: LA CASA DEL HABANO (& Design)

Registration No.: 1,970,911

Int'l Class: 34

DECLARATION OF EXCUSABLE NONUSE UNDER SECTION 8

The undersigned declares that:

1. I am a representative of Empresa Cubana del Tabaco ("CUBATABACO"), a corporation organized under the laws of the Republic of Cuba, and am authorized to execute this declaration on behalf of said corporation.

2. Said corporation is the owner of the above-identified registration issued on April 30, 1996.

3. The mark, LA CASA DEL HABANO (& Design) is currently in use in commerce in Cuba and in numerous other countries, but is not currently in use in the United States, in that goods bearing the mark are not sold in the United States.

4. This mark is not in use in commerce in the United States solely because any such use is prohibited by the United States Treasury Department's Cuban Assets Control Regulations, 31 C.F.R. 515.201(b). These regulations implement the United States' trade and financial embargo against Cuba and Cuban nationals. They prohibit, *inter alia*, the importation of any goods in which Cuba or any Cuban national has any interest of any nature whatsoever, direct or indirect; prohibit the transfer of any property or property interest, including the licensing of trademarks, from any Cuban national to any person subject to the jurisdiction of the United States; and prohibit any payment to Cuba or a Cuban national. Thus, the Cuban Assets Control Regulations prohibit CUBATABACO, a Cuban national, 31 C.F.R. 515.302(a)(2), from using the mark LA CASA DEL HABANO (& Design) in commerce in the United States, and therefore the mark LA CASA DEL HABANO (& Design) has not been used in commerce in the United States. The mark is used in advertisements in United States-based publications, however, an

stated above; and all statements made of his own knowledge are true and all statements made on information and belief are believed to be true.

EMPRESA CUBANA DEL TABACO

By: Juan M. Diaz Tenorio
Director

Dated: April 7, 2003



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
OFFICE OF ASSISTANT COMMISSIONER FOR TRADEMARKS
2900 Crystal Drive
Arlington, Virginia 22202-3513

REGISTRATION NO: 1970911 SERIAL NO: 74/576950 MAILING DATE: 04/11/2003
REGISTRATION DATE: 04/30/1996
MARK: LA CASA DEL HABANO AND DESIGN
REGISTRATION OWNER: Empresa Cubana Del Tabaco
CORRESPONDENCE ADDRESS:

CHRISTOPHER J. KLATELL
RABINOWITZ BOUDIN STANDARD ET AL.
740 BROADWAY 5TH FL
NEW YORK NY 10003-9518

NOTICE OF ACCEPTANCE

15 U.S.C. Sec. 1058(a)(1)

THE AFFIDAVIT FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 8 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1058.

ACCORDINGLY, THE SECTION 8 AFFIDAVIT IS ACCEPTED.

THE REGISTRATION WILL REMAIN IN FORCE FOR CLASS(ES):
034.

MAKEL, RODNEY W
PARALEGAL SPECIALIST
POST-REGISTRATION DIVISION
(703)308-9500

PLEASE SEE THE REVERSE SIDE OF THIS NOTICE FOR INFORMATION
CONCERNING REQUIREMENTS FOR MAINTAINING THIS REGISTRATION

ORIGINAL

David Goldstein

From: <TEAS@uspto.gov>
To: <dgoldstein@rbskl.com>; <cklatell@rbskl.com>; <cobrien@rbskl.com>
Sent: Friday, June 24, 2005 12:41 PM
Subject: Received Your Trademark Combined Sections 8 & 9 Declaration/Application for registration number 1970911

<MARK> LA CASA DEL HABANO (stylized or with design)

We have received your Combined Sections 8 and 9 Declaration/Application for registration number '1970911'. A summary of your submission is listed below. If you determine that you made an error in the information you entered, DO NOT request via e-mail that we correct your filing. The TEAS staff cannot make any changes. You may file an amendment IMMEDIATELY (if still within the statutory period), via a hard paper copy, not electronically, listing your mark and registration number, and stating your proposed correction, to the following address:

Commissioner for Trademarks
PO Box 1451
Alexandria, VA 22313-1451

To avoid lateness due to mail delay, it is recommended that you include the following CERTIFICATE OF MAILING language as part of your submission:

I certify that the foregoing is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Commissioner for Trademarks, PO Box 1451, Alexandria, VA 22313-1451, on:

Date of Deposit _____
Signature _____
Name _____

REGISTRATION NUMBER: 1970911

REGISTRATION DATE: 04/30/1996

*** Registrant Information**

The owner, Empresa Cubana Del Tabaco, residing at Calle O'Reilly No. 104 Ciudad Habana CU, is using the mark in commerce on or in connection with the goods and/or services as follows:

*** Classification and Listing of Goods/Services:**

For International Class 034, the owner is using or is using through a related company or licensee the mark in commerce on or in connection with all goods and/or services listed in the existing registration except the following: See Declaration of Excusable Non-Use, below.

The owner is submitting one specimen for each class showing the mark as used in commerce

on or in connection with any item in the class of listed goods and/or services, consisting of a(n) See Declaration of Excusable Non-Use, below..

1. The mark, LA CASA DEL HABANO AND DESIGN, is currently in use in commerce in Cuba and in numerous other countries, but is not currently in use in the United States. (It is advertised in publications that appear in the United States.)' 2. This mark is not in use in commerce in the United States solely because any such use is prohibited by the United States Treasury Department's Cuban Assets Control Regulations, 31 C.F.R. 515.201(b). These regulations implement the United States' trade and financial embargo against Cuba and Cuban nationals. They prohibit, inter alia, the importation of any goods in which Cuba or any Cuban national has any interest of any nature whatsoever, direct or indirect; prohibit the transfer of any property or property interest, including the licensing of trademarks, from any Cuban national to any person subject to the jurisdiction of the United States; and prohibit any payment to Cuba or a Cuban national. Thus, the Cuban Assets Control Regulation!

ns prohibit EMPRESA CUBANA DEL TABACO, a Cuban national, 31 C.F.R. 515.302(a)(2), from using the mark LA CASA DEL HABANO AND DESIGN in commerce in the United States, and therefore the mark LA CASA DEL HABANO AND DESIGN has not been used in commerce in the United States.' 3. The Regulations explicitly provide that Cuban entities can register trademarks in the United States, 31 CFR § 515.527(a)(1), despite the fact that the Regulations also prohibit these entities from using the marks in commerce in the United States. Thus, this indicates that the intent of the United States is to provide protection to the trademarks of Cuban businesses during the period of time that trade between Cuba and the United States is prohibited, and that the United States does not intend for the embargo to be permanent.' 4. EMPRESA CUBANA DEL TABACO intends to sell and transport goods using this mark in the United States as soon as the above-cited prohibition is lifted. That EMPRESA CUBANA DEL T!

ABACO is currently using the mark in trade in other countries, where t

here are no prohibitions on trade, demonstrates that it has the requisite intent to use the mark in commerce, has not abandoned the mark and is not merely seeking to reserve a right in the mark.' 5. The special circumstance of the trade embargo with Cuba excuse as a matter of law EMPRESA CUBANA DEL TABACO'S nonuse of the mark, as the nonuse is not due any intention to abandon the mark.' 6. The foregoing factors consistently have been deemed by the USPTO to excuse non-use, including for the acceptance of the Section 8 declaration for this mark on April 11, 2003, as well as a Section 8 & 9 declaration for Quai d'Orsay, Reg. No. 1653845, on August 19, 2001, and Section 8 declarations for other marks owned by EMPRESA CUBANA DEL TABACO, including La Perla, Reg. No. 2,128,050, on February 25, 2004; and Cohiba design, Reg. No. 2,145,804. Similar declarations of excusable non-use have been accepted for marks owned by another Cuban cigar company, including on April 7, 2005 for the!

mark Habana Habana Cuba, Reg. No. 2,202,488; on February 25, 2004 for the mark Vegas Robaina, Reg. No. 2,197,155; on September 13, 2003 for the mark La Vigia, Reg. No. 2,110,538; and on March 23, 2004 for the mark Habanos Unicos desde 1492 and design, Reg. No. 2,177,837. '

*Correspondence Information

The registrant hereby appoints David B. Goldstein and Christopher J. Klatell, Michael Krinsky of Rabinowitz, Boudin, Standard, Krinsky & Lieberman, PC, Fifth Floor, 740 Broadway, New York, NY USA 10003 to submit this application on behalf of the registrant.

*Representative Information

The registrant hereby appoints Michael Krinsky of Rabinowitz, Boudin, Standard, Krinsky & Lieberman, PC, Fifth Floor, 740 Broadway, New York, NY USA 10003 as registrant's representative upon whom notice or process in the proceedings affecting the mark may be served.

* Fees

A fee payment in the amount of \$500 will be submitted with the form, representing payment for 1 class(es), plus any additional grace period fee, if necessary.

* Declaration Signature

Signature:/Juan M. Diaz Tenorio/ Date: 06/24/2005
 Signatory's Name: Juan M. Diaz Tenorio
 Signatory's Position: Director

=====TEAS XML SUBMISSION=====

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1. The mark, LA CASA DEL HABANO AND DESIGN, is currently in use in commerce in Cuba and in numerous other countries, but is not currently in use in the United States. (It is advertised in publications that appear in the United States.)' 2. This mark is not in use in commerce in the United States solely because any such use is prohibited by the United States Treasury Department's Cuban Assets Control Regulations, 31 C.F.R. 515.201 (b). These regulations implement the United States' trade and financial embargo against Cuba and Cuban nationals. They prohibit, inter alia, the importation of any goods in which Cuba or any Cuban national has any interest of any nature whatsoever, direct or indirect; prohibit the transfer of any property or property interest, including the licensing of trademarks, from any Cuban national to any person subject to the jurisdiction of the United States; and prohibit any payment to Cuba or a Cuban national. Thus, the Cuban Assets!

Control Regulations prohibit EMPRESA CUBANA DEL TABACO, a Cuban national, 31 C.F.R. 515.302(a)(2), from using the mark LA CASA DEL HABANO AND DESIGN in commerce in the United States, and therefore the mark LA CASA DEL HABANO AND DESIGN has not been used in commerce in the United States.' 3. The Regulations explicitly provide that Cuban entities can register trademarks in the United States, 31 CFR § 515.527(a) (1), despite the fact that the Regulations also prohibit these entities from using the marks in commerce in the United States. Thus, this indicates that the intent of the United States is to provide protection to the trademarks of Cuban businesses during the period of time that trade between Cuba and the United States is prohibited, and that the United States does not intend for the embargo to be permanent.' 4. EMPRESA CUBANA DEL TABACO intends to sell and transport goods using this mark in the United States as soon as the above-cited prohibition is lifted. That EM!

EMPRESA CUBANA DEL TABACO is currently using the mark in trade in other

countries, where there are no prohibitions on trade, demonstrates that it has the requisite intent to use the mark in commerce, has not abandoned the mark and is not merely seeking to reserve a right in the mark.' 5. The special circumstance of the trade embargo with Cuba excuse as a matter of law EMPRESA CUBANA DEL TABACO'S nonuse of the mark, as the nonuse is not due any intention to abandon the mark.' 6. The foregoing factors consistently have been deemed by the USPTO to excuse non-use, including for the acceptance of the Section 8 declaration for this mark on April 11, 2003, as well as a Section 8 & 9 declaration for Quai d'Orsay, Reg. No. 1653845, on August 19, 2001, and Section 8 declarations for other marks owned by EMPRESA CUBANA DEL TABACO, including La Perla, Reg. No. 2,128,050, on February 25, 2004; and Cohiba design, Reg. No. 2,145,804. Similar declarations of excusable non-use have been accepted for marks owned by another Cuban cigar company, including on!

April 7, 2005 for the mark Habana Habana Cuba, Reg. No. 2,202,488; on February 25, 2004 for the mark Vegas Robaina, Reg. No. 2,197,155; on September 13, 2003 for the mark La Vigia, Reg. No. 2,110,538; and on March 23, 2004 for the mark Habanos Unicos desde 1492 and design, Reg. No. 2,177,837. '

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TEAS support team
Fri Jun 24 12:41:08 EDT 2005

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REGISTRATION NO: 1970911 SERIAL NO: 74/576950 MAILING DATE: 09/07/2005
REGISTRATION DATE: 04/30/1996
MARK: LA CASA DEL HABANO AND DESIGN
REGISTRATION OWNER: Empresa Cubana Del Tabaco

CORRESPONDENCE ADDRESS:

David B. Goldstein
RABINOWITZ, BOUDIN, STANDARD, ET AL.
5th Floor
740 Broadway at Astor
New York NY 10003-9518

NOTICE OF ACCEPTANCE

15 U.S.C. Sec. 1058(a)(3)

THE COMBINED AFFIDAVIT AND RENEWAL APPLICATION FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 8 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1058.

ACCORDINGLY, THE SECTION 8 AFFIDAVIT IS ACCEPTED.

NOTICE OF RENEWAL

15 U.S.C. Sec. 1059(a)

THE COMBINED AFFIDAVIT AND RENEWAL APPLICATION FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 9 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1059.

ACCORDINGLY, THE REGISTRATION IS RENEWED.

THE REGISTRATION WILL REMAIN IN FORCE FOR CLASS(ES):
034.

GRAY, TERRITA E
PARALEGAL SPECIALIST
POST-REGISTRATION DIVISION
571-272-9500

PLEASE SEE THE REVERSE SIDE OF THIS NOTICE FOR INFORMATION CONCERNING REQUIREMENTS FOR MAINTAINING THIS REGISTRATION

ORIGINAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mark: LA CASA DEL HABANO AND DESIGN
Registration No.: 2,212,119
Int'l Class: 42, 35

DECLARATION OF EXCUSABLE NONUSE UNDER SECTION 8

The undersigned declares that:

1. I am a representative of EMPRESA CUBANA DEL TABACO, dba CUBATABACO ("CUBATABACO"), a corporation organized under the laws of the Republic of Cuba, and am authorized to execute this declaration on behalf of said corporation.
2. Said corporation is the owner of the above-identified registration issued on December 22, 1998.
3. The mark, LA CASA DEL HABANO AND DESIGN, is currently in use in commerce in Cuba and in numerous other countries, but is not currently in use in the United States.
4. This mark is not in use in commerce in the United States solely because any such use is prohibited by the United States Treasury Department's Cuban Assets Control Regulations, 31 C.F.R. 515.201(b). These regulations implement the United States' trade and financial embargo against Cuba and Cuban nationals. They prohibit, *inter alia*, the importation of any goods in which Cuba or any Cuban national has any interest of any nature whatsoever, direct or indirect; prohibit the transfer of any property or property interest, including the licensing of trademarks, from any Cuban national to any person subject to the jurisdiction of the United States; and prohibit any payment to Cuba or a Cuban national. Thus, the Cuban Assets Control Regulations prohibit CUBATABACO, a Cuban national, 31 C.F.R. 515.302(a)(2), from using the mark LA CASA DEL HABANO AND DESIGN in commerce in the United States, and therefore the mark LA CASA DEL HABANO AND DESIGN has not been used in commerce in the United States.
5. The Regulations explicitly provide that Cuban entities can register trademarks in the United States, 31 CFR § 515.527(a)(1), despite the fact that the Regulations also prohibit these entities from using the marks in commerce in the United States. Thus, this indicates that the intent of the United States is to provide protection to the trademarks of Cuban businesses during the period of time that trade between Cuba and the United States is prohibited, and that the United States does not intend

for the embargo to be permanent.

6. CUBATABACO intends to sell and transport goods using this mark in the United States as soon as the above-cited prohibition is lifted. That CUBATABACO is currently using the mark in trade in other countries, where there are no prohibitions on trade, demonstrates that it has the requisite intent to use the mark in commerce, has not abandoned the mark and is not merely seeking to reserve a right in the mark.

7. The special circumstance of the trade embargo with Cuba excuse as a matter of law CUBATABACO's nonuse of the mark, as the nonuse is not due any intention to abandon the mark.

APPOINTMENT OF DOMESTIC REPRESENTATIVE

Michael Krinsky, of Rabinowitz, Boudin, Standard, Krinsky and Lieberman, P.C., 740 Broadway, Fifth Floor, New York, New York 10003-9518, is hereby designated registrant's representative upon whom notice of process in proceedings regarding the mark may be served.

DECLARATION

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of this document, declares that he is properly authorized to execute this document on behalf of the registrant; the registrant is the owner of the above identified registration; the trademark is not in use in the United States for the reasons stated above; and all statements made of his own knowledge are true and all statements made on information and belief are believed to be true.

EMPRESA CUBANA DEL TABACO

By: Juan M. Diaz Tenorio
Director

Dated: January 7, 2004

Document Description: Notice Of Acceptance
Mail / Create Date: 07-Apr-2005



Side - 1



**NOTICE OF ACCEPTANCE OF §8
DECLARATION
MAILING DATE: Apr 7, 2005**

The declaration filed in connection with the registration identified below meets the requirements of Section 8 of the Trademark Act, 15 U.S.C. §1058. The declaration is accepted and the registration remains in force.

For further information about this notice, visit our website at: <http://www.uspto.gov>. To review information regarding the referenced registration, go to <http://tarr.uspto.gov>.

REG NUMBER: 2212119
MARK: LA CASA DEL HABANO AND DESIGN
CLASS(ES): 042, 035.

Side - 2

UNITED STATES PATENT AND TRADEMARK OFFICE
COMMISSIONER FOR TRADEMARKS
P.O. BOX 1451
ALEXANDRIA, VA 22313-1451

FIRST-CLASS
MAIL
U.S POSTAGE
PAID

MICHAEL KRINSKY
RABINOWITZ BOUDIN STANDARD, ET AL
740 BROADWAY AT ASTOR PL
NEW YORK, NY 10003-9518

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mark: LA PERLA
Registration No.: 2,128,050
Int'l Class: 34

DECLARATION OF EXCUSABLE NONUSE UNDER SECTION 8

The undersigned declares that:

1. I am a representative of EMPRESA CUBANA DEL TABACO d/h/a CUBATABACO ("CUBATABACO"), a corporation organized under the laws of the Republic of Cuba, and am authorized to execute this declaration on behalf of said corporation.
2. Said corporation is the owner of the above-identified registration issued on January 13, 1998.
3. The mark, LA PERLA is currently in use in commerce in Cuba and in numerous other countries, but is not currently in use in the United States.
4. This mark is not in use in commerce in the United States solely because any such use is prohibited by the United States Treasury Department's Cuban Assets Control Regulations, 31 C.F.R. 515.201(b). These regulations implement the United States' trade and financial embargo against Cuba and Cuban nationals. They prohibit, *inter alia*, the importation of any goods in which Cuba or any Cuban national has any interest of any nature whatsoever, direct or indirect; prohibit the transfer of any property or property interest, including the licensing of trademarks, from any Cuban national to any person subject to the jurisdiction of the United States; and prohibit any payment to Cuba or a Cuban national. Thus, the Cuban Assets Control Regulations prohibit CUBATABACO, a Cuban national, 31 C.F.R. 515.302(a)(2), from using the mark LA PERLA in commerce in the United States, and therefore the mark LA PERLA has not been used in commerce in the United States.
5. The Regulations explicitly provide that Cuban entities can register trademarks in the United States, 31 CFR § 515.527(a)(1), despite the fact that the Regulations also prohibit these entities from using the marks in commerce in the United States. Thus, this indicates that the intent of the United States is to provide protection to the trademarks of Cuban businesses

during the period of time that trade between Cuba and the United States is prohibited, and that the United States does not intend for the embargo to be permanent.

6. CUBATABACO intends to sell and transport goods using this mark in the United States as soon as the above-cited prohibition is lifted. That CUBATABACO and its assignees are currently using the mark in trade in other countries, where there are no prohibitions on trade, demonstrates that CUBATABACO has the requisite intent to use the mark in commerce, has not abandoned the mark and is not merely seeking to reserve a right in the mark.

7. The special circumstance of the trade embargo with Cuba excuse as a matter of law CUBATABACO's nonuse of the mark, as the nonuse is not due any intention to abandon the mark.

APPOINTMENT OF DOMESTIC REPRESENTATIVE

Michael Krinsky, of Rabinowitz, Boudin, Standard, Krinsky and Lieberman, P.C., 740 Broadway, Fifth Floor, New York, New York 10003-9518, is hereby designated registrant's representative upon whom notice of process in proceedings the mark may be served.

DECLARATION

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of this document, declares that he is properly authorized to execute this document on behalf of the registrant; the registrant is the owner of the above identified registration; the trademark is not in use in the United States for the reasons stated above; and all statements made of his own knowledge are true and all statements made on information and belief are believed to be true.

EMPRESA CUBANA DEL TABACO

By:  J. G. N. Diaz Teodoro
Director

Dated: October 24, 2003

REGISTRATION NO: 2128050 SERIAL NO: 75/011206 MAILING DATE: 02/25/2004
REGISTRATION DATE: 01/13/1998
MARK: LA PERLA
REGISTRATION OWNER: EMPRESA CUBANA DEL TABACO

CORRESPONDENCE ADDRESS:

DAVID B. GOLDSTEIN
RABINOWITZ BOUDIN STANDARD ET AL.
740 BROADWAY AT ASTOR PLACE 5TH FL
NEW YORK NY 10003-9518

NOTICE OF ACCEPTANCE

15 U.S.C. Sec. 1058(a)(1)

THE AFFIDAVIT FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE
REQUIREMENTS OF SECTION 8 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1058.

ACCORDINGLY, THE SECTION 8 AFFIDAVIT IS ACCEPTED.

THE REGISTRATION WILL REMAIN IN FORCE FOR CLASS(ES):
034.

MAKEL, RODNEY W
PARALEGAL SPECIALIST
POST-REGISTRATION DIVISION
(703)308-9500

**PLEASE SEE THE REVERSE SIDE OF THIS NOTICE FOR INFORMATION
CONCERNING REQUIREMENTS FOR MAINTAINING THIS REGISTRATION**

ORIGINAL

Thank you for your request. Here are the latest results from the TARR web server.

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Serial Number: 73729557 Assignment Information

Registration Number: 1653845

Mark (words only): QUAI D'ORSAY

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2001-08-19

Filing Date: 1988-05-20

Transformed into a National Application: No

Registration Date: 1991-08-13

Register: Principal

Law Office Assigned: LAW OFFICE 14

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 2001-08-21

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. EMPRESA CUBANA DEL TABACO

Address:

EMPRESA CUBANA DEL TABACO
104 O'REILLY STREET
VEDADO, HAVANA CITY
Cuba

Legal Entity Type: Corporation

State or Country of Incorporation: Cuba

GOODS AND/OR SERVICES

International Class: 034

Class Status: Active

RAW TOBACCO; CIGARS; CIGARETTES; CUT TOBACCO; RAPEE; MATCHES; TOBACCO PIPES; PIPE RACKS; ASHTRAYS; MATCH-BOXES NOT OF PRECIOUS METAL; CIGAR CASES NOT OF PRECIOUS METAL; HUMIDORS NOT OF PRECIOUS METAL

Basis: 44(e)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

Foreign Application Number: 370/87

Foreign Registration Number: 370/87

Foreign Registration Date: 1987-12-24

Country: Cuba

Foreign Filing Date: 1987-12-24

Foreign Expiration Date: 1997-12-24

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2005-10-05 - TEAS Change Of Correspondence Received

2005-09-15 - TEAS Change Of Correspondence Received

2004-12-21 - TEAS Change Of Correspondence Received

2001-08-19 - First renewal 10 year

2001-08-19 - Section 8 (10-year) accepted/ Section 9 granted

2001-05-23 - Combined Section 8 (10-year)/Section 9 filed

1997-09-04 - Section 8 (6-year) accepted

1997-08-13 - Section 8 (6-year) filed

1991-08-13 - Registered - Principal Register

1991-05-21 - Published for opposition

1991-04-19 - Notice of publication

1991-01-28 - Approved for Pub - Principal Register (Initial exam)

1990-09-26 - Examiner's amendment mailed

1990-09-26 - Allowance/count withdrawn

- 1990-09-14 - Assigned To Examiner
- 1990-09-14 - Assigned To Examiner
- 1990-08-09 - Communication received from applicant
- 1990-04-17 - Assigned To Examiner
- 1990-02-07 - Inquiry as to suspension mailed
- 1989-06-16 - Letter of suspension mailed
- 1989-05-05 - Communication received from applicant
- 1988-11-04 - Non-final action mailed
- 1988-08-17 - Assigned To Examiner

CORRESPONDENCE INFORMATION

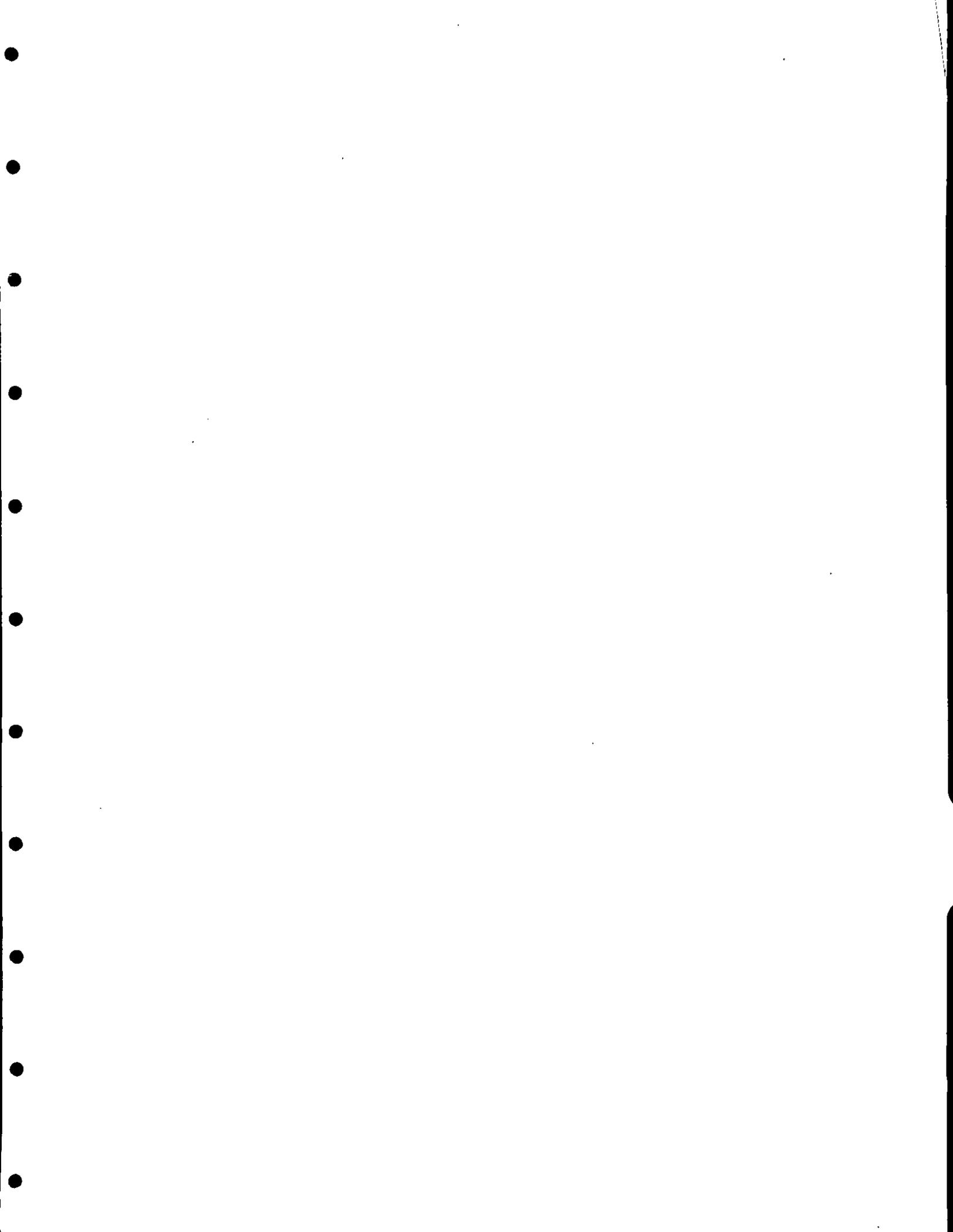
Correspondent

CHRISTINE HAIGHT FARLEY (Attorney of record)

Michael Krinsky
Rabinowitz, Boudin, Standard, Krinsky &
Rabinowitz, Boudin, Standard, Krinsky &
111 Broadway, 11th Floor
New York NY 10006-1901
Phone Number: (212) 254-1111
Fax Number: (212) 674-4614

Domestic Representative

RABINOWITZ BOUDIN STANDARD KRINSKY ET AL



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mark: Laboratorios Biologicos Farmaceuticos DBA Labiofam Corporation
Registration No.: 2,225,596
Int'l Class: 5

DECLARATION OF EXCUSABLE NONUSE UNDER SECTION 8

The undersigned declares that:

1. I am a representative of LABORATORIOS BIOLOGICOS FARMACEUTICOS DBA LABIOFAM CORPORATION ("LABIOFAM"), a corporation organized under the laws of the Republic of Cuba, and am authorized to execute this declaration on behalf of said corporation.
2. Said corporation is the owner of the above-identified registration issued on February 23, 1999.
3. The mark, BIORAT, is currently in use in commerce in Cuba and in numerous other countries, but is not currently in use in the United States.
4. This mark is not in use in commerce in the United States solely because any such use is prohibited by the United States Treasury Department's Cuban Assets Control Regulations, 31 C.F.R. 515.201(b). These regulations implement the United States' trade and financial embargo against Cuba and Cuban nationals. They prohibit, *inter alia*, the importation of any goods in which Cuba or any Cuban national has any interest of any nature whatsoever, direct or indirect; the transfer of any property or property interest, including the licensing of trademarks, from any Cuban national to any person subject to the jurisdiction of the United States; and the making of any payment to Cuba or a Cuban national. Thus, the Cuban Assets Control Regulations prohibit LABIOFAM, a Cuban national, 31 C.F.R. 515.302(a)(2), from using the mark BIORAT in commerce in the United States, and therefore the mark BIORAT has not been used in commerce in the United States.
5. The Regulations explicitly provide that Cuban entities can register trademarks in the United States, 31 CFR § 515.527(a)(1), despite the fact that the Regulations also prohibit these entities from using the marks in commerce in the United States. Thus, this indicates that the intent of the United States is to provide protection to the trademarks of Cuban businesses during the period of time that trade between Cuba and the United States is prohibited, and that the United States does not intend for the embargo to be permanent.

6. LABIOFAM intends to sell and transport goods using this mark in the United States as soon as the above-cited prohibition is lifted. That LABIOFAM is currently using the mark in trade in other countries, where there are no prohibitions on trade, demonstrates that it has the requisite intent to use the mark in commerce, has not abandoned the mark and is not merely seeking to reserve a right in the mark.

7. The special circumstance of the trade embargo with Cuba excuse as a matter of law LABIOFAM's nonuse of the mark, as the nonuse is not due to any intention to abandon the mark.

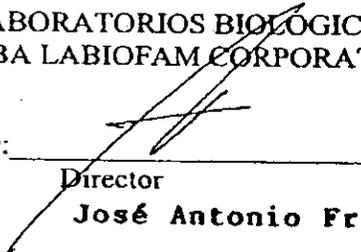
APPOINTMENT OF DOMESTIC REPRESENTATIVE

Michael Krinsky, of Rabinowitz, Boudin, Standard, Krinsky and Lieberman, P.C., 740 Broadway, Fifth Floor, New York, New York 10003-9518, is hereby designated registrant's representative upon whom notice of process in proceedings regarding the mark may be served.

DECLARATION

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of this document, declares that he is properly authorized to execute this document on behalf of the registrant; the registrant is the owner of the above identified registration; the trademark is not in use in the United States for the reasons stated above; and all statements made of his own knowledge are true and all statements made on information and belief are believed to be true.

LABORATORIOS BIOLÓGICOS FARMACEUTICOS
DBA LABIOFAM CORPORATION

By: 

Director

José Antonio Fraga Castro.

Dated: February 23, 2005.



REGISTRATION NO: 2225596 SERIAL NO: 75/398992 MAILING DATE: 11/16/2005
REGISTRATION DATE: 02/23/1999
MARK: BIORAT
REGISTRATION OWNER: Laboratorios Biologicos Farmaceuticos

CORRESPONDENCE ADDRESS:

Michael Krinsky
Rabinowitz, Boudin, Standard, Krinsky &
Rabinowitz, Boudin, Standard, Krinsky &
111 Broadway, 11th Floor
New York NY 10006-1901

NOTICE OF ACCEPTANCE

15 U.S.C. Sec. 1058(a)(1)

THE AFFIDAVIT FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 8 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1058.

ACCORDINGLY, THE SECTION 8 AFFIDAVIT IS ACCEPTED.

THE REGISTRATION WILL REMAIN IN FORCE FOR CLASS(ES):
005.

AUSTIN, DANA DIONNE
PARALEGAL SPECIALIST
POST-REGISTRATION DIVISION
571-272-9500

PLEASE SEE THE REVERSE SIDE OF THIS NOTICE FOR INFORMATION CONCERNING REQUIREMENTS FOR MAINTAINING THIS REGISTRATION

ORIGINAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mark, FRESKITO and Design
Registration No. 2,091,185
Int'l Class 29

DECLARATION OF EXCUSABLE NONUSE UNDER SECTION 8

The undersigned declares that:

1. I am a representative of Exportadora del Caribe, d/la Caribex, S.A., (Exportadora del Caribe) a corporation organized under the laws of the Republic of Cuba, and am authorized to execute this declaration on behalf of said corporation.
2. Said corporation is the owner of the above-identified registration issued on August 26, 1997.
3. The mark, FRESKITO and design is currently in use in commerce in Cuba and in numerous other countries, but is not currently in use in the United States, in that goods bearing the mark are not sold in the United States.
4. This mark is not in use in commerce in the United States solely because any such use is prohibited by the United States Treasury Department's Cuban Assets Control Regulations, 31 C.F.R. 515.201(b). These regulations implement the United States' trade and financial embargo against Cuba and Cuban nationals. They prohibit, *inter alia*, the importation of any goods in which Cuba or any Cuban national has any interest of any nature whatsoever, direct or indirect; prohibit the transfer of any property or property interest, including the licensing of trademarks, from any Cuban national to any person subject to the jurisdiction of the United States; and prohibit any payment to Cuba or a Cuban national. Thus, the Cuban Assets Control Regulations prohibit Exportadora del

Caribe, a Cuban national, 31 C.F.R. § 515.502(a)(2), from using the mark FRESKITO (& Design) in commerce in the United States, and therefore the mark FRESKITO (& Design) has not been used in commerce in the United States.

5. The Regulations explicitly provide that Cuban entities can register trademarks in the United States, 31 C.F.R. § 515.527(a)(1), despite the fact that the Regulations also prohibit these entities from using the marks in commerce in the United States. Thus, this indicates that the intent of the United States is to provide protection to the trademarks of Cuban businesses during the period of time that trade between Cuba and the United States is prohibited, and that the United States does not intend for the embargo to be permanent.

6. Exportadora del Caribe intends to sell and transport goods using this mark in the United States as soon as the above-cited prohibition is lifted. That Exportadora del Caribe is currently using the mark in trade in other countries, where there are no prohibitions on trade, demonstrates that it has the requisite intent to use the mark in commerce, has not abandoned the mark and is not merely seeking to reserve a right in the mark.

7. The special circumstance of the trade embargo with Cuba excuse as a matter of law Exportadora del Caribe's nonuse of the mark, as the nonuse is not due to any intention to abandon the mark.

APPOINTMENT OF DOMESTIC REPRESENTATIVE

Michael Krinsky, of Rabinowitz, Boudin, Standard, Krinsky and Lieberman, P.C., 740 Broadway, Fifth Floor, New York, New York 10003-9518, is hereby designated registrant's representative upon whom notice of process in proceedings involving the mark may be served.

DECLARATION

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of this document, declares that he is properly authorized to execute this document on behalf of the registrant; the registrant is the owner of the above identified registration, the trademark is not in use in the United States for the reasons stated above; and all statements made of his own knowledge are true and all statements made on information and belief are believed to be true

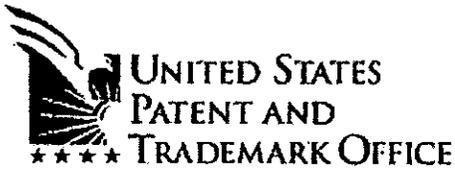
EXPORTADORA DEL CARIBE
d/b/a CARIBEX, S.A

Date 10/05/04

By: 
Director

GETRADE.MARKS\Freskafel\Declarator under section 87.1.doc

Document Description: **Notice Of Acceptance**
Mail / Create Date: **30-Mar-2004**



Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514
www.uspto.gov

REGISTRATION NO: 2091185 SERIAL NO: 75/158408 MAILING DATE: 03/30/2004
REGISTRATION DATE: 08/26/1997
MARK: FRESKITO
REGISTRATION OWNER: EMPRESA CUBANA EXPORTADORA DEL CARIBE

CORRESPONDENCE ADDRESS:

DAVID B GOLDSTEIN
RABINOWITZ BOUDIN STANDARD KRINSKY ET AL
740 BROADWAY 5TH FL
NEW YORK NY 10003-9518

NOTICE OF ACCEPTANCE

15 U.S.C. Sec. 1058(a)(1)

THE AFFIDAVIT FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 8 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1058.

ACCORDINGLY, THE SECTION 8 AFFIDAVIT IS ACCEPTED.

THE REGISTRATION WILL REMAIN IN FORCE FOR CLASS(ES):
029.

CLINKSCALES, ARLENE L
PARALEGAL SPECIALIST
POST-REGISTRATION DIVISION
(703)308-9500

PLEASE SEE THE REVERSE SIDE OF THIS NOTICE FOR INFORMATION
CONCERNING REQUIREMENTS FOR MAINTAINING THIS REGISTRATION

ORIGINAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mark: MELAGENINA
Registration No.: 1,414,696
Int'l Class: 5

DECLARATION OF EXCUSABLE NONUSE UNDER SECTION 8

The undersigned declares that:

1. I am an officer of Empresa Exportadora e Importadora de Productos Medicos (the "Empresa"), a corporation organized under the laws of the Republic of Cuba, and am authorized to execute this declaration on behalf of said corporation.
2. Said corporation is the owner of the above-identified registration issued on October 28, 1986.
3. The mark, MELAGENINA, is currently in use in commerce in Cuba and in numerous other countries, but is not currently in use in the United States.
4. This mark is not in use in commerce in the United States solely because any such use is prohibited by the United States Treasury Department's Cuban Assets Control Regulations, 31 C.F.R. 515.201(b). These regulations implement the United States' total trade and financial embargo against Cuba and Cuban nationals. They prohibit, inter alia, the importation of any goods in which Cuba or any Cuban national has any interest of any nature whatsoever, direct or indirect; prohibit the transfer of any property or property interest, including the licensing of trademarks, from any Cuban national to any person subject to the jurisdiction of the United States, and prohibit any payment to

Cuba or a Cuban national. Thus, the Cuban Assets Control Regulations prohibit Empresa, a Cuban national, 31 C.F.R. 515.302(a)(2), from using the mark MELAGENINA in commerce in the United States.

5. The Regulations explicitly provide that Cuban entities can register trademarks in the United States, 31 CFR § 515.527(a)(1), despite the fact that the Regulations also prohibit these entities from using the marks in commerce in the United States. Thus, this indicates that the intent of the United States is to provide protection to the trademarks of Cuban businesses during the period of time that trade between Cuba and the United States is prohibited, and that the United States does not intend for the embargo to be permanent.

6. The Empresa intends to sell and transport goods using this mark in the United States as soon as the above-cited prohibition is lifted. That the Empresa is currently using the mark in trade in other countries, where there are no prohibitions on trade, demonstrates that it has the requisite intent to use the mark in commerce, has not abandoned the mark and is not merely seeking to reserve a right in the mark.

7. The special circumstance of the trade embargo with Cuba excuse as a matter of law the Empresa's nonuse of the mark, as the nonuse is not due any intention to abandon the mark.

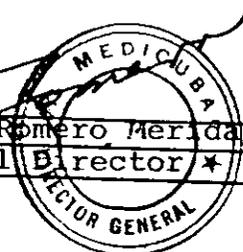
POWER OF ATTORNEY

Registrant hereby appoints as its attorneys, Michael Krinsky, Esq., and Terry Gross, Esq., members of the Bar of the State of New York, jointly and severally, with offices at Rabinowitz, Boudin, Standard, Krinsky & Lieberman, P.C., 740 Broadway, Fifth Floor, New York, New York 10003-9518, with full powers of substitution, association and revocation, including the appointment of associate counsel, to file this Declaration and to transact all business in the Patent and Trademark Office in connection therewith, all correspondence to be sent to them at their foregoing address.

APPOINTMENT OF DOMESTIC REPRESENTATIVE

Rabinowitz, Boudin, Standard, Krinsky & Lieberman, P.C., 740 Broadway, Fifth Floor, New York, New York 10003-9518, is hereby designated registrant's representative upon whom notice of process in proceedings affecting the mark may be served.

EMPRESA EXPORTADORA E IMPORTADORA DE
PRODUCTOS MEDICOS

By:  
Orlando Romero Merida (Typed Name)
General Director * (Title)

Dated: October 15, 1992



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

REGISTRATION NO. 1414696

SERIAL NO. 73/573505

PAPER NO.

MAILING DATE: 03/01/93

MARK: MELAGENINA

REGISTRANT: EMPRESA EXPORTADORA E IMPORTADORA DE
PRODUCTOS MEDICOS

CORRESPONDENCE ADDRESS:

TERRY GROSS
RABINOWITZ, BOUDIN, STANDARD, ET AL.
740 BRADWAY, FIFTH FLOOR
NEW YORK, NEW YORK 10003-9518

Please furnish the following
in all correspondence:

1. Your phone number and zip code.
2. Mailing date of this action.
3. Affidavit-Renewal Examiner's name.
4. The address of all correspondence not containing fees should include the words "Box 5".
5. Registration No.

RECEIPT IS ACKNOWLEDGED OF THE SUBMITTED REQUEST UNDER:

SECTION 8 OF THE TRADEMARK STATUTE AND 37 CFR SECS. 2.161-2.166.

YOUR REQUEST FULFILLS THE STATUTORY REQUIREMENTS AND HAS BEEN ACCEPTED.

BARBARA HARPER
AFFIDAVIT-RENEWAL EXAMINER
TRADEMARK EXAMINING OPERATION
(703) 308-9500 EXT. 41

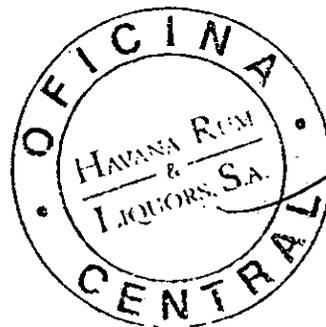
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mark: CANEY and design
Registration No.: 1,956,024
Int'l Class: 33

DECLARATION OF EXCUSABLE NONUSE UNDER SECTION 8

The undersigned declares that:

1. I am a representative of the HAVANA RUM & LIQUORS, S.A., a corporation organized under the laws of the republic of Cuba, and am authorized to execute this declaration on behalf of said corporation.
2. Said corporation is the owner of the above-identified registration issued on February 13, 1996.
3. The mark, CANEY and design is currently in use in commerce in Cuba and in numerous other countries, but is not currently in use in the United States.
4. This mark is not in use in commerce in the United States solely because any such use is prohibited by the United States Treasury Department's Cuban Assets Control Regulations, 31 C.F.R. 515.201(b). These regulations implement the United States' total trade and financial embargo against Cuba and Cuban nationals. They prohibit, *inter alia*, the importation of any goods in which Cuba or any Cuban national has any interest of any nature whatsoever, direct or indirect; prohibit the transfer of any property or property interest, including the licensing of trademarks, from any Cuban national to any person subject to the jurisdiction of the United States; and prohibit any payment to Cuba or a Cuban national. Thus, the Cuban Assets Control Regulations prohibit HAVANA RUM &



LIQUORS, S.A., a Cuba national, 31 C.F.R. 515.302(a)(2), from using the mark CANEY and design in commerce in the United States.

5. The Regulations explicitly provide that Cuban entities can register trademarks in the United States, 31 C.F.R. Sec. 515.527(a)(1), despite the fact that the Regulations also prohibit these entities from using the marks in commerce in the United States. Thus, this indicates that the intent of the United States is to provide protection to the trademarks of Cuban businesses during the period of time that trade between Cuban and the United States is prohibited, and that the United States does not intend for the embargo to be permanent.

6. HAVANA RUM & LIQUORS, S.A. intends to sell and transport goods using this mark in the United States as soon as the above-cited prohibition is lifted. That HAVANA RUM & LIQUORS, S.A. is currently using the mark in trade in other countries, where there are no prohibitions on trade, demonstrates that it has the requisite intent to use the mark in commerce, has not abandoned the mark and is not merely seeking to reserve a right in the mark.

7. The special circumstance of the trade embargo with Cuba excuses as a matter of law HAVANA RUM & LIQUORS, S.A.'s nonuse of the mark, as the nonuse is not due to any intention to abandon the mark.

APPOINTMENT OF DOMESTIC REPRESENTATIVE

Rabinowitz, Boudin, Standard, Krinsky and Lieberman, P.S., 740 Broadway, Fifth Floor, New York, New York 10003-9518, is hereby designated registrant's representative upon whom notice of process in proceedings concerning the mark may be served.



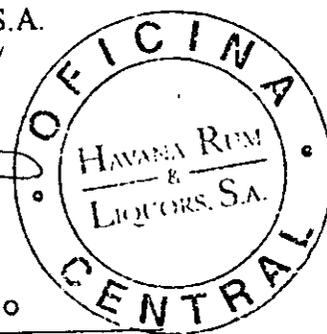
DECLARATION

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Sec. 1001, and that such willful false statements may jeopardize the validity of this document, declares that he is properly authorized to execute this document on behalf of the registrant; the registrant is the owner of the above identified registration; the trademark is not in use in the United States for the reasons stated above; and all statements made of his own knowledge are true and all statements made on information and belief are believed to be true.

HAVANA RUM & LIQUORS S.A.

Date: City of Havana, January 31, 2002

By: Manuel Arias Orozco
(name)
DIRECTOR





UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
OFFICE OF ASSISTANT COMMISSIONER FOR TRADEMARKS
2900 Crystal Drive
Arlington, Virginia 22202-3513

REGISTRATION NO: 1956024 SERIAL NO: 74/613472 MAILING DATE: 04/30/2002
REGISTRATION DATE: 02/13/1996
MARK: RON CANEY ORO LIGHT LEGITIMO RON CUBANO
REGISTRATION OWNER: HAVANA RUM & LIQUORS, S.A.
CORRESPONDENCE ADDRESS:

A. YASMINE RASSAM
RABINOWITZ, BOUDIN, STANDARD, ET AL.
740 BROADWAY AT ASTOR PLACE
NEW YORK, NY 10003-9518

NOTICE OF ACCEPTANCE

15 U.S.C. Sec. 1058(a)(1)

THE AFFIDAVIT FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 8 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1058.

ACCORDINGLY, THE SECTION 8 AFFIDAVIT IS ACCEPTED.

THE REGISTRATION WILL REMAIN IN FORCE FOR CLASS(ES):
033.

STEVENS, VALERETA
PARALEGAL SPECIALIST
POST-REGISTRATION DIVISION
(703)308-9500

PLEASE SEE THE REVERSE SIDE OF THIS NOTICE FOR INFORMATION
CONCERNING REQUIREMENTS FOR MAINTAINING THIS REGISTRATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mark: RON CANEY ORO LIGHT LEGITIMO RON CUBANO
Registration No.: 1956024
Int'l Class: 33

**DECLARATION OF EXCUSABLE NONUSE UNDER SECTION 8 & SECTION 9
RENEWAL APPLICATION**

The undersigned declares that:

1. I am a representative of HAVANA RUM & LIQUORS, S.A., a corporation organized under the laws of the Republic of Cuba, and am authorized to execute this declaration on behalf of said corporation.

2. Said corporation is the owner of the above-identified registration issued on February 13, 1996. A declaration under Section 8 for this registration was accepted on April 30, 2002.

3. The mark, RON CANEY ORO LIGHT LEGITIMO RON CUBANO, is currently in use in commerce in Cuba and in numerous other countries, but is not currently in use in the United States.

4. This mark is not in use in commerce in the United States solely because any such use is prohibited by the United States Treasury Department's Cuban Assets Control Regulations, 31 C.F.R. 515.201(b). These regulations implement the United States' trade and financial embargo against Cuba and Cuban nationals. They prohibit, *inter alia*, the importation of any goods in which Cuba or any Cuban national has any interest of any nature whatsoever, direct or indirect; prohibit the transfer of any property or property interest, including the licensing of trademarks, from any Cuban national to any person subject to the jurisdiction of the United States; and prohibit any payment to Cuba or a Cuban national. Thus, the Cuban Assets Control Regulations prohibit HAVANA RUM & LIQUORS, S.A., a Cuban national, 31 C.F.R. 515.302(a)(2), from using the mark RON CANEY ORO LIGHT LEGITIMO RON CUBANO in commerce in the United States, and therefore the mark RON CANEY ORO LIGHT LEGITIMO RON CUBANO has not been used in commerce in the United States.

5. The Regulations explicitly provide that Cuban entities can register trademarks in the United States, 31 CFR § 515.527(a)(1), despite the fact that the Regulations also prohibit these entities from using the marks in commerce in the United States. Thus, this indicates that the intent of the United States is to provide protection to the trademarks of Cuban businesses during the period of time that trade between Cuba and the United States is prohibited, and that the United States does not intend

for the embargo to be permanent.

6. HAVANA RUM & LIQUORS, S.A. intends to sell and transport goods using this mark in the United States as soon as the above-cited prohibition is lifted. That HAVANA RUM & LIQUORS, S.A. is currently using the mark in trade in other countries, where there are no prohibitions on trade, demonstrates that it has the requisite intent to use the mark in commerce, has not abandoned the mark and is not merely seeking to reserve a right in the mark.

7. The special circumstance of the trade embargo with Cuba excuse as a matter of law HAVANA RUM & LIQUORS, S.A.'s nonuse of the mark, as the nonuse is not due to any intention to abandon the mark.

8. The foregoing factors consistently have been deemed by the USPTO to excuse non-use of Cuban-owned marks, including for the acceptance of a Section 8 declaration for this mark on April 30, 2002, and for Section 8 and Section 8 & 9 declarations for the following marks on the following dates: On April 7, 2005 for the mark Habana Habana Cuba, Reg. No. 2,202,488; on February 25, 2004 for the word mark Vegas Robaina, Reg. No. 2,197,155; on September 13, 2003 for the mark La Vigia, Reg. No. 2,110,538; on March 23, 2004 for the mark Habanos Unicos desde 1492 and design, Reg. No. 2,177,837; for La Casa del Habano, Reg. No. 1970911, on September 7, 2005; Quai d'Orsay, Reg. No. 1653845, on August 19, 2001; La Perla, Reg. No. 2,128,050, on February 25, 2004; Cohiba design, Reg. No. 2,145,804, on October 17, 2003; Edmundo Dantes, Reg. No. 1,957,322, on August 30, 2001 (Section 8), and August 18, 2005 (Section 8 & 9); and La Casa del Habano, Reg. No. 1,970,911, on April 11, 2003.

9. The registrant requests that the registration be renewed for the goods identified in the existing registration.

APPOINTMENT OF DOMESTIC REPRESENTATIVE

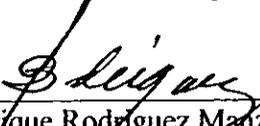
Michael Krinsky, of Rabinowitz, Boudin, Standard, Krinsky and Lieberman, P.C., 111 Broadway, Eleventh Floor, New York, New York 10006, is hereby designated registrant's representative upon whom notice of process in proceedings regarding the mark may be served.

DECLARATION

The undersigned being hereby warned that willful false statements and the like so made

are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of this document, declares that he is properly authorized to execute this document on behalf of the registrant; the registrant is the owner of the above identified registration; the trademark is not in use in the United States for the reasons stated above; and all statements made of his own knowledge are true and all statements made on information and belief are believed to be true.

HAVANA RUM & LIQUORS, S.A.

By: 
Enrique Rodriguez Manzano
General Director

Havana City,
Dated: December 15, 2005



REGISTRATION NO: 1956024 SERIAL NO: 74/613472 MAILING DATE: 03/27/2006
REGISTRATION DATE: 02/13/1996
MARK: RON CANEY ORO LIGHT LEGITIMO RON CUBANO
REGISTRATION OWNER: HAVANA RUM & LIQUORS, S.A.

CORRESPONDENCE ADDRESS:

Michael Krinsky
Rabinowitz, Boudin, Standard, Krinsky &
Rabinowitz, Boudin, Standard, Krinsky &
111 Broadway, 11th Floor
New York NY 10006-1901

NOTICE OF ACCEPTANCE

15 U.S.C. Sec. 1058(a)(3)

THE COMBINED AFFIDAVIT AND RENEWAL APPLICATION FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 8 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1058.

ACCORDINGLY, THE SECTION 8 AFFIDAVIT IS ACCEPTED.

NOTICE OF RENEWAL

15 U.S.C. Sec. 1059(a)

THE COMBINED AFFIDAVIT AND RENEWAL APPLICATION FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 9 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1059.

ACCORDINGLY, THE REGISTRATION IS RENEWED.

THE REGISTRATION WILL REMAIN IN FORCE FOR CLASS(ES):
033.

AUSTIN, DANA DIONNE
PARALEGAL SPECIALIST
POST-REGISTRATION DIVISION
571-272-9500

PLEASE SEE THE REVERSE SIDE OF THIS NOTICE FOR INFORMATION CONCERNING REQUIREMENTS FOR MAINTAINING THIS REGISTRATION

ORIGINAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mark: SUCHEL and design
Registration No.: 2,124,635
Int'l Class: 1, 4, 6, 50, 51 and 52

DECLARATION OF EXCUSABLE NONUSE UNDER SECTION 8

The undersigned declares that:

1. I am a representative of Empresa de Jaboneria y Perfumeria, d/b/a/ Suchel, a corporation organized under the laws of the Republic of Cuba, and am authorized to execute this declaration on behalf of said corporation.

2. Said corporation is the owner of the above-identified registration issued on December 30, 1997.

3. The mark, SUCHEL and design is currently in use in commerce in Cuba and in numerous other countries, but is not currently in use in the United States.

4. This mark is not in use in commerce in the United States solely because any such use is prohibited by the United States Treasury Department's Cuban Assets Control Regulations, 31 C.F.R. 515.201(b). These regulations implement the United States' trade and financial embargo against Cuba and Cuban nationals. They prohibit, *inter alia*, the importation of any goods in which Cuba or any Cuban national has any interest of any nature whatsoever, direct or indirect; prohibit the transfer of any property or property interest, including the licensing of trademarks, from any Cuban national to any person subject to the jurisdiction of the United States; and prohibit any payment to Cuba or a Cuban national. Thus, the Cuban Assets Control Regulations prohibit Empresa de Jaboneria y Perfumaria, a Cuban national, 31 C.F.R.

515.302(a)(2), from using the mark SUCHEL and design in commerce in the United States, and therefore the mark SUCHEL and design has not been used in commerce in the United States.

5. The Regulations explicitly provide that Cuban entities can register trademarks in the United States, 31 CFR § 515.527(a)(1), despite the fact that the Regulations also prohibit these entities from using the marks in commerce in the United States. Thus, this indicates that the intent of the United States is to provide protection to the trademarks of Cuban businesses

during the period of time that trade between Cuba and the United States is prohibited, and that the United States does not intend for the embargo to be permanent.

6. Empresa de Jaboneria y Perfumaria intends to sell and transport goods using this mark in the United States as soon as the above-cited prohibition is lifted. That Empresa de Jaboneria y Perfumaria is currently using the mark in trade in other countries, where there are no prohibitions on trade, demonstrates that it has the requisite intent to use the mark in commerce, has not abandoned the mark and is not merely seeking to reserve a right in the mark.

7. The special circumstance of the trade embargo with Cuba excuse as a matter of law Empresa de Jaboneria y Perfumeria's nonuse of the mark, as the nonuse is not due any intention to abandon the mark.

APPOINTMENT OF DOMESTIC REPRESENTATIVE

Michael Krinsky, of Rabinowitz, Boudin, Standard, Krinsky and Lieberman, P.C., 740 Broadway, Fifth Floor, New York, New York 10003-9518, is hereby designated registrant's representative upon whom notice of process in proceedings the mark may be served.

DECLARATION

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of this document, declares that he is properly authorized to execute this document on behalf of the registrant; the registrant is the owner of the above identified registration; the trademark is not in use in the United States for the reasons stated above; and all statements made of his own knowledge are true and all statements made on information and belief are believed to be true.

EMPRESA DE JABONERIA Y PERFUMARIA.

By:  JOSE DE JESUS GARCIA DIAZ

Director

Dated: March 23, 2003

Document Description: Notice Of Acceptance

Mail / Create Date: 23-Oct-2003



Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514
www.uspto.gov

REGISTRATION NO: 2124635 SERIAL NO: 74/620860 MAILING DATE: 10/23/2003
REGISTRATION DATE: 12/30/1997
MARK: SUCHEL AND DESIGN
REGISTRATION OWNER: EMPRESA de JABONERIA Y PERFUMERIA

CORRESPONDENCE ADDRESS:

DAVID B. GOLDSTEIN
RABINOWITZ, BOUDIN, STANDARD ET AL.
740 BROADWAY AT ASTOR PLACE, 5TH FLOOR
NEW YORK, NY 10003-9518

NOTICE OF ACCEPTANCE

15 U.S.C. Sec. 1058(a)(1)

THE AFFIDAVIT FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 8 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1058.

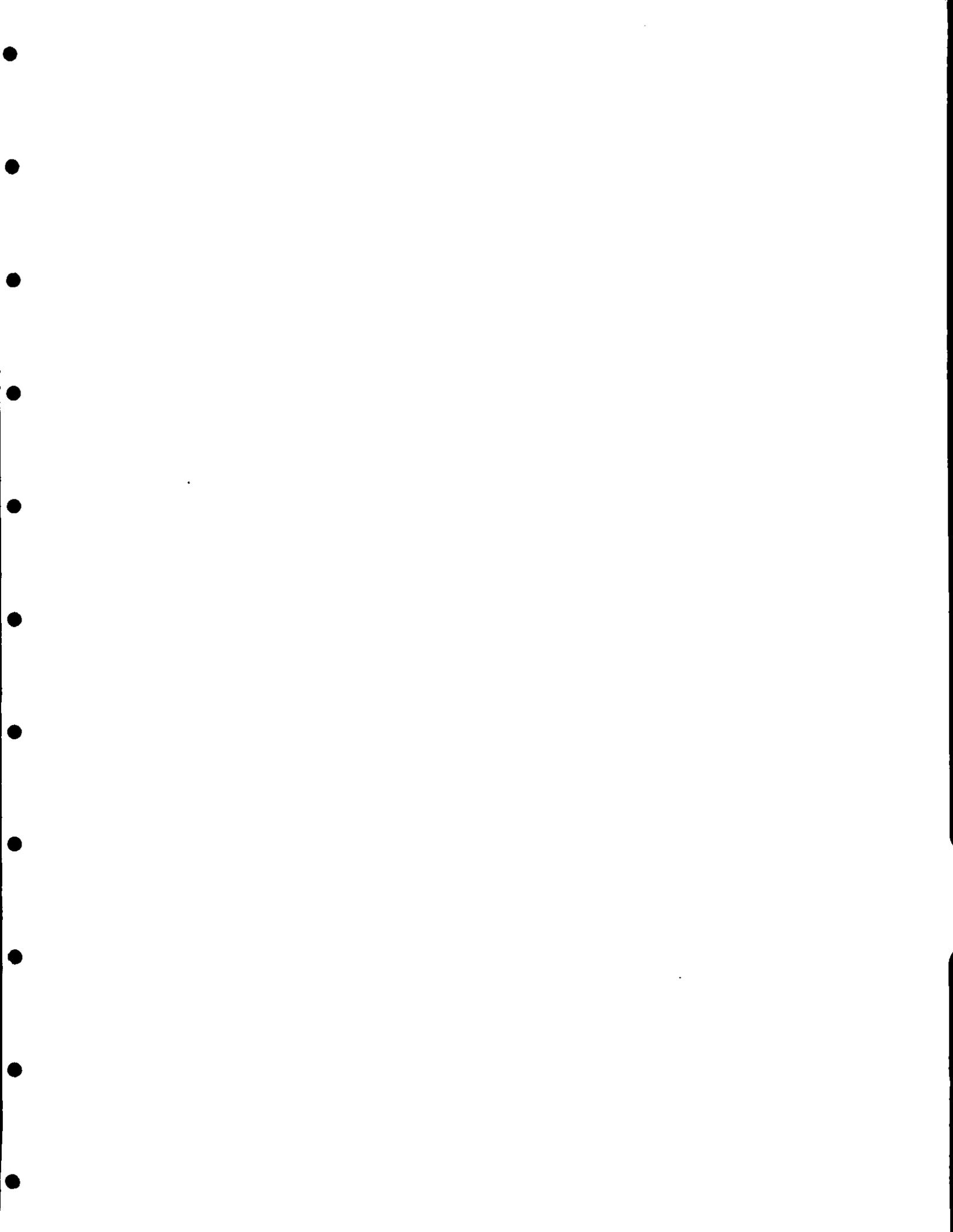
ACCORDINGLY, THE SECTION 8 AFFIDAVIT IS ACCEPTED.

THE REGISTRATION WILL REMAIN IN FORCE FOR CLASS(ES):
003.

ROBERSON, FAITH
PARALEGAL SPECIALIST
POST-REGISTRATION DIVISION
(703)308-9500

PLEASE SEE THE REVERSE SIDE OF THIS NOTICE FOR INFORMATION
CONCERNING REQUIREMENTS FOR MAINTAINING THIS REGISTRATION

ORIGINAL



UNITED STATES PATENT AND TRADEMARK OFFICE

REGISTRATION NO: 2,212,119

March 10, 2004

REGISTRANT: EMPRESA CUBANA DEL TABACO

CORRESPONDENT ADDRESS:

MICHAEL KRINSKY
RABINOWITZ BOUDIN STANDARD, et al.
740 BROADWAY, FIFTH FLOOR
NEW YORK NY 10003-9518

RETURN ADDRESS:

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514

ecom107@uspto.gov

MARK: LA CASA DEL HABANO

CORRESPONDENT'S REFERENCE/DOCKET NO: N/A

Please provide in all correspondence:

CORRESPONDENT EMAIL ADDRESS:

1. Registration date, registration number, mark and registrant's name.
2. Date of this Office Action.
3. Examiner's name and Post Registration Division.
4. Your telephone number and e-mail address.

POST REGISTRATION OFFICE ACTION

RE: Registration Number 2,212,119

The Section 8 Affidavit submitted on January 26, 2004 is refused for the following reason(s):

The owner is claiming excusable nonuse under Section 8 of the Trademark Act, 15 U.S.C. §1058. A claim of excusable nonuse under Section 8 must include (1) the date of last use of the mark; (2) details explaining the special circumstances excusing nonuse; (3) the steps being taken to resume use; and (4) the approximate date when use is expected to resume. 37 C.F.R. §2.161(f)(2). The owner must submit the following information, the date of last use of the mark. Also, need to know when the embargo against Cuba was implemented.

A COMPLETE RESPONSE MUST BE RECEIVED WITHIN 6 MONTHS FROM THE MAILING DATE OF THIS OFFICE ACTION OR BEFORE DECEMBER 22, 2004, THE 6TH YEAR ANNIVERSARY DATE, WHICHEVER IS LATER. THE OWNER MUST RESPOND TO ALL INQUIRIES SET FORTH IN THIS LETTER TO AVOID CANCELLATION OF THE REGISTRATION.

PLEASE BE ADVISED THAT IF THE WRONG PARTY FILED THE SECTION 8 AFFIDAVIT, THE CURRENT OWNER MUST FILE A NEW AFFIDAVIT BEFORE THE GRACE PERIOD EXPIRES AND PAY THE FEE FOR FILING THE NEW AFFIDAVIT. THE OWNER MUST ALSO PAY THE GRACE PERIOD FEE, IF THE NEW AFFIDAVIT IS FILED DURING THE GRACE PERIOD.



Vicky Copeland
Paralegal Specialist
Post Registration Division
Office Of Trademark Services
(703) 308-9500 X226
Direct Fax (703) 746-6512

How to respond to this Office Action:

To respond formally via E-mail, visit <http://www.uspto.gov/web/trademarks/tmelecresp.htm> and follow the instructions.

To respond formally via regular mail, your response should be sent to the mailing Return Address listed above and include the registration number, the words 'Post Registration' and the examiner's name on the upper right corner of each page of your response.

To check the status of your application at any time, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at <http://tarr.uspto.gov/>

FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINER.

Response to Office Action

The table below presents the data as entered.

SERIAL NUMBER

75151529

MARK SECTION (no change)

ARGUMENT(S)

Empresa Cubana del Tabaco d/b/a Cubatabaco ("Cubatabaco") responds to the Office Action dated March 10, 2004 as follows:

Cubatabaco is the owner of the above-referenced design mark, registered December 22, 1998, in International Classes 42 and 35. On January 26, 2004, Cubatabaco timely submitted to the USPTO a Section 8 Declaration of Excusable Nonuse, a copy of which is enclosed. In the Office Action dated March 10, 2004, the Affidavit Renewal Examiner refused the Declaration on the ground that the Declaration failed to establish excusable nonuse. In refusing the declaration, the Affidavit Renewal Examiner stated Cubatabaco needed to submit: "(1) the date of last use of the mark; (2) details explaining the special circumstances excusing nonuse; (3) the steps being taken to resume use; and (4) the approximate date when use is expected to resume."

As set forth below, Cubatabaco respectfully contends that the refusal of the January 26, 2004 Section 8 Declaration was in error, and that the Declaration properly established excusable nonuse.

Cubatabaco is the owner of the virtually identical mark in IC 34, Reg. No. 1,970,911. The declaration of excusable non-use filed with respect to Reg. No. 1,970,911 was initially rejected, but after a response to office action by Cubatabaco a Section 8 Declaration substantively identical to the one submitted here was accepted by the USPTO. There is no reason why a Section 8 declaration sufficient for purposes of Reg. No. 1,970,911 in IC 34 should be deemed insufficient for purposes of this mark, Reg. No. 2,212,119 in IC 42 and 25.

Substantively identical declarations of excusable non-use submitted in the past by Cubatabaco also have been accepted for the marks La Perla, Reg. No. 2,128,050, on February 25, 2004; Cohiba design, Reg. No. 2,145,804, on October 17, 2003; and Edmundo Dantes, Reg. No. 1,957,322, and Edmundo Dantes and design, Reg. No. 1,948,393, both on August 30, 2001.

Substantively identical declarations of excusable non-use submitted by another Cuban cigar company have been accepted for the marks Vegas Robaina, Reg. No. 2,197,155; La Vigia, Reg. No. 2,110,538; and Habanos Unicos desde 1492 and design, Reg. No. 2,177,837 (accepted March 23, 2004, *subsequent* to the office action here).

Refusal of the Section 8 Declaration for the identically situated mark at issue here would thus be arbitrary and capricious and without lawful authority.

The reasons set forth in the response to office action in the La Casa del Habano case in IC 34 are dispositive, and are set forth below:

If a mark is not in use in commerce, but the owner of the registration believes the registration should not be canceled, the owner may file an affidavit or declaration showing that nonuse is due to special circumstances that excuse the nonuse, and is not due to any intention to abandon the mark. 15 U.S.C. § 1058(b)(2); 37 C.F.R. § 2.161(f)(2).

Nonuse is considered excusable where the owner of the registration is willing and able to continue use of the mark in commerce, but some special circumstance beyond the owner's control prevents such use. For example, nonuse due to a trade embargo might be considered excusable." T.M.E.P. §1604.11. Indeed, the TTAB specifically held in *Arechabala v. Havana Rum & Liquors, S.A.*, Canc. No. 22,881 (TTAB Oct. 19, 1995) (copy enclosed), that nonuse for purposes of a Section 8 affidavit is excused when use is temporarily prohibited by the Cuban Trade Embargo, Cuban Assets Control Regulations ("CACR"), 31 C.F.R. 515.302(a)(2), exactly the circumstances present here. *Arechabala* relied on numerous cases that establish that when "a party has not used a mark in the United States because such use is prohibited by U.S. law, that party has not abandoned the mark." *Arechabala* at 17 (citing cases, including cases involving the Cuban embargo).

Here, the owner of the above-referenced mark is temporarily prohibited by the CACR from importing its goods from Cuba into the United States. Therefore, as the January 26, 2004 Section 8 Declaration states, in ¶ 4, "the Cuban Assets Control Regulations

prohibit CUBATABACO, a Cuban national, 31 C.F.R. 515.302(a)(2), from using the mark LA CASA DEL HABANO AND DESIGN in commerce in the United States, and therefore the mark LA CASA DEL HABANO AND DESIGN has not been used in commerce in the United States." The Declaration therefore specifically states that Cubatabaco has never made use of the mark in the United States because, as a Cuban person, it is prohibited from doing so under United States law.

Thus, the January 26, 2004 Section 8 Declaration explicitly states that the mark has *not* been used in the United States, and thereby satisfies the requirement that a claim of excusable nonuse under Section 8 must include the date of last use of the mark in commerce. See 37 C.F.R. § 2.161(f)(2). It also describes in detail the United States embargo against Cuba, which creates the special circumstances excusing non-use as a matter of law.

With respect to the "approximate date when use is expected to resume," and "steps being taken to resume use," the January 26 Section 8 Declaration states that "CUBATABACO intends to sell and transport goods using this mark in the United States as soon as the above-cited prohibition is lifted. That CUBATABACO is currently using the mark in trade in other countries, where there are no prohibitions on trade, demonstrates that it has the requisite intent to use the mark in commerce, has not abandoned the mark and is not merely seeking to reserve a right in the mark." ¶ 6. Accordingly, and particularly in light of *Arechabala*, this information necessarily satisfies the requirement that a Section 8 Declaration include the "approximate date when use is expected to resume," 37 C.F.R. § 2.161(f)(2), and shows the steps being taken by Cubatabaco to resume use, that is, operating retail store services and social club services using the mark around the world in preparation for providing such services in the United States as soon as legally possible.

Cubatabaco calls to the Examiner's attention two additional facts. *First*, substantially identical Declarations of Excusable Nonuse under Section 8 submitted by Cuban entities consistently have been accepted by the USPTO. In addition to the marks set forth above, examples include Reg. No. 1956024 (Ron Caney Oro Light Legitimo Ron Cubano); Reg. No. 2,124,635 (Suchel and design); and Reg. No. 1653845 (Quai d'Orsay). Failure to continue to accept such Section 8 declarations would mark a major and uncalled for shift in U.S. trademark law and policy.

Second, although United States persons currently are prevented by United States law from doing business in Cuba pursuant to the U.S. imposed trade and financial embargo, the Cuban courts have rejected the proposition that marks owned by United States persons in Cuba may be cancelled on grounds of non-use, holding instead that the embargo excuses noncompliance with the use requirement imposed by Cuban law. See Decision No. 428, ADMT No. 582-97 (Kraft Foods, Inc./KOOL AID) (copy and translation attached). There are more than 5,000 registered marks in Cuba that are owned by United States persons. Cancellation by the USPTO of Cuban-owned marks based on non-use as a result of the Cuban trade embargo would, therefore, fundamentally alter the balance of reciprocity currently in place between the intellectual property regimes of the two nations.

For the foregoing reasons, Cubatabaco respectfully requests that the Section 8 Declaration of Excusable Nonuse submitted January 26, 2004 be accepted.

EVIDENCE SECTION

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DESCRIPTION OF EVIDENCE FILE	Submitted Section 8 Declaration Page 2.

GOODS AND/OR SERVICES SECTION (1st class)(no change)

GOODS AND/OR SERVICES SECTION (2nd class)(no change)

SIGNATURE SECTION

SIGNATURE	/David B. Goldstein/
SIGNATORY NAME	David B. Goldstein
SIGNATORY POSITION	Attorney
SIGNATORY DATE	11/08/2004

FILING INFORMATION SECTION

SUBMIT DATE	Mon Nov 08 12:48:00 EST 2004
TEAS STAMP	USPTO/OA-20640161210-2004 1108124800275092-75151529 -20039ecd03f834a8faade765 fa96862ab2-N-N-2004110812 4248909442

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. 75151529 is amended as follows:

UNITED STATES PATENT AND TRADEMARK OFFICE

REGISTRATION NO: 2,202,488

Wednesday, March 10, 2004

REGISTRANT: CORPORACION HABANOS, S.A.

CORRESPONDENT ADDRESS:

MICHAEL KRINSKY
RABINOWITZ BOUDIN STANDARD KRINSKY ET AL
740 BROADWAY FIFTH FLOOR
NEW YORK NY 10003-9518

RETURN ADDRESS:

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514

ecom107@uspto.gov

MARK: HABANA HABANA CUBA

CORRESPONDENT'S REFERENCE/DOCKET NO: N/A

CORRESPONDENT EMAIL ADDRESS:

Please provide in all correspondence:

1. Registration date, registration number, mark and registrant's name.
2. Date of this Office Action.
3. Examiner's name and Post Registration Division.
4. Your telephone number and e-mail address.

POST REGISTRATION OFFICE ACTION

RE: Registration Number 2,202,488

The Section 8 Affidavit submitted on January 26, 2004 is refused for the following reason(s):

The owner is claiming excusable nonuse under Section 8 of the Trademark Act, 15 U.S.C. §1058. A claim of excusable nonuse under Section 8 must include (1) the date of last use of the mark; (2) details explaining the special circumstances excusing nonuse; (3) the steps being taken to resume use; and (4) the approximate date when use is expected to resume. 37 C.F.R. §2.161(f)(2). The owner must submit the following information, the date of last use of the mark. Also, need to know when the embargo against Cuba was implemented.

A COMPLETE RESPONSE MUST BE RECEIVED WITHIN 6 MONTHS FROM THE MAILING DATE OF THIS OFFICE ACTION OR BEFORE NOVEMBER 10, 2004, THE 6TH YEAR ANNIVERSARY DATE, WHICHEVER IS LATER. THE OWNER MUST RESPOND TO ALL INQUIRIES SET FORTH IN THIS LETTER TO AVOID CANCELLATION OF THE REGISTRATION.

PLEASE BE ADVISED THAT IF THE WRONG PARTY FILED THE SECTION 8 AFFIDAVIT, THE CURRENT OWNER MUST FILE A NEW AFFIDAVIT BEFORE THE GRACE PERIOD EXPIRES AND PAY THE FEE FOR FILING THE NEW AFFIDAVIT. THE OWNER MUST ALSO PAY THE GRACE PERIOD FEE, IF THE NEW AFFIDAVIT IS FILED DURING THE GRACE PERIOD.


Vicky Copeland
Paralegal Specialist
Post Registration Division
Office Of Trademark Services
(703) 308-9500 X226
Direct Fax (703) 746-6512

How to respond to this Office Action:

To respond formally via E-mail, visit <http://www.uspto.gov/web/trademarks/tmelecresp.htm> and follow the instructions.

To respond formally via regular mail, your response should be sent to the mailing Return Address listed above and include the registration number, the words 'Post Registration' and the examiner's name on the upper right corner of each page of your response.

To check the status of your application at any time, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at <http://tarr.uspto.gov/>

FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINER.

Chris Klatell

From: <TEAS@uspto.gov>
To: <cklatell@rbskl.com>; <serlinder@rbskl.com>
Sent: Monday, November 08, 2004 11:33 AM
Subject: Received your Response to Office Action Form for 75188521

We have received your Response to Office Action Form below.

Please amend application serial no. **75188521** as follows:

Argument(s)

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

Corporacion Habanos, S.A., ("Habanos") responds to the Office Action dated March 10, 2004 as follows:

Habanos is the owner of the above-referenced design mark, registered November 10, 1998, in International Class 34. On January 26, 2004, Habanos timely submitted to the USPTO a Section 8 Declaration of Excusable Nonuse, dated January 7, 2004, a copy of which is enclosed. In the Office Action dated March 10, 2004, the Affidavit Renewal Examiner refused the Declaration on the ground that the Declaration failed to establish excusable nonuse. In refusing the declaration, the Affidavit Renewal Examiner stated Cubatabaco needed to submit: "(1) the date of last use of the mark; (2) details explaining the special circumstances excusing nonuse; (3) the steps being taken to resume use; and (4) the approximate date when use is expected to resume."

As set forth below, Habanos respectfully contends that the refusal of the January 7, 2004 Section 8 Declaration was in error, and that the Declaration properly established excusable nonuse. Substantively identical declarations of excusable non-use submitted in the past by Habanos have been accepted, including on February 25, 2004 for the mark Vegas Robaina, Reg. No. 2,197,155; on September 13, 2003 for the mark La Vigia, Reg. No. 2,110,538; and on March 23, 2004 for the mark Habanos Unicos desde 1492 and design, Reg. No. 2,177,837. Moreover, substantively identical declarations of excusable non-use submitted by another Cuban cigar company also have been accepted, including for the marks La Perla, Reg. No. 2,128,050, on February 25, 2004; Cohiba design, Reg. No. 2,145,804, on October 17, 2003; Edmundo Dantes, Reg. No. 1,957,322, and Edmundo Dante and design, Reg. No. 1,948,393, both on August 30, 2001; and La Casa del Habano, Reg. No. 1,970,911, on April 11, 2003. In fact, the declaration of excusable non-use for the last-mentioned mark, Reg. No. 1,970,911, was initially rejected by the affidavit examiner and then subsequently deemed acceptable after a response to office action was filed. Refusal of the Section 8 Declaration for this identically situated mark would be arbitrary and capricious and without lawful authority.

The reasons set forth in the response to office action in the La Casa del Habano case are dispositive, and are set forth below:

If a mark is not in use in commerce, but the owner of the registration believes the registration should not be canceled, the owner may file an affidavit or declaration showing that nonuse is due to special circumstances that excuse the nonuse, and is not due to any intention to abandon the mark. 15 U.S.C. § 1058(b)(2); 37 C.F.R. § 2.161(f)(2).

"Nonuse is considered excusable where the owner of the registration is willing and able to continue use of the mark in commerce, but some special circumstance beyond the owner's control prevents such use. For example, nonuse due to a trade embargo might be considered excusable." T.M.E.P. §1604.11. Indeed, the TTAB specifically held in *Arechabala v. Havana Rum & Liquors, S.A.*, Canc. No. 22,881 (TTAB Oct. 19, 1995) (copy enclosed), that nonuse for purposes of a Section 8 affidavit is excused when use is temporarily prohibited by the Cuban Trade Embargo, Cuban Assets Control Regulations ("CACR"), 31 C.F.R. 515.302(a)(2), exactly the circumstances present here. *Arechabala* relied on numerous cases that establish that when "a party has not used a mark in the United States because such use is prohibited by U.S. law, that party has not abandoned the mark." *Arechabala* at 17 (citing cases, including cases involving the Cuban embargo).

Here, the owner of the above-referenced mark is temporarily prohibited by the CACR from importing its goods from Cuba into the United States. Therefore, as the January 7, 2004 Section 8 Declaration states, in ¶ 4, "the Cuban Assets Control Regulations prohibit CORPORACION HABANOS, S.A., a Cuban national, 31 C.F.R. 515.302(a)(2), from using the mark HABANA HABANA CUBA AND DESIGN in commerce in the United States, and therefore the mark HABANA HABANA CUBA AND DESIGN has not been used in commerce in the United States." The Declaration therefore specifically states that Habatabaco has never made use of the mark in the United States because, as a Cuban person, it is prohibited from doing so under United States law.

Thus, the January 7 Section 8 Declaration explicitly states that the mark has *not* been used in the United States, and thereby satisfies the requirement that a claim of excusable nonuse under Section 8 must include the date of last use of the mark in commerce. *See* 37 C.F.R. § 2.161(f)(2). It also describes in detail the United States embargo against Cuba, which creates the special circumstances excusing non-use as a matter of law.

With respect to the "approximate date when use is expected to resume," and "steps being taken to resume use," the January 7 Section 8 Declaration states that "CORPORACION HABANOS, S.A. intends to sell and transport goods using this mark in the United States as soon as the above-cited prohibition [the embargo] is lifted. That CORPORACION HABANOS, S.A. is currently using the mark in trade in other countries, where there are no prohibitions on trade, demonstrates that it has the requisite intent to use the mark in commerce, has not abandoned the mark and is not merely seeking to reserve a right in the mark." ¶ 6. Accordingly, and particularly in light of *Arechabala*, this information necessarily satisfies the requirement that a Section 8 Declaration include the "approximate date when use is expected to resume," 37 C.F.R. § 2.161(f)(2), and shows the steps being taken by Habanos to resume use, that is, selling cigars bearing the mark around the world in preparation for selling them in the United States as soon as legally possible.

Cubatabaco calls to the Examiner's attention two additional facts. *First*, substantially identical Declarations of Excusable Nonuse under Section 8 submitted by Cuban entities consistently have been accepted by the USPTO. In addition to the marks set forth above, examples include Reg. No. 1956024 (Ron Caney Oro Light Legitimo Ron Cubano); Reg. No. 2,124,635 (Suchel and design); and Reg. No. 1653845 (Quai d'Orsay). Failure to continue to accept such Section 8 declarations would mark a major and uncalled for shift in U.S. trademark law and policy.

Second, although United States persons currently are prevented by United States law from doing business in Cuba pursuant to the U.S. imposed trade and financial embargo, the Cuban courts have rejected the proposition that marks owned by United States persons in Cuba may be cancelled on grounds of non-use, holding instead that the embargo excuses noncompliance with the use requirement imposed by Cuban law. *See* Decision No. 428, ADMT No. 582-97 (Kraft Foods, Inc./KOOL AID) (copy and translation attached). There are more than 5,000 registered marks in Cuba that are owned by United States persons. Cancellation by the USPTO of Cuban-owned marks based on non-use as a result of the Cuban trade embargo would, therefore, fundamentally alter the balance of reciprocity currently in place between the intellectual property regimes of the two nations.

For the foregoing reasons, Habanos respectfully requests that the January 7, 2004 Section 8 Declaration of Excusable Nonuse be accepted.

Evidence

Evidence in the nature of First page of Arechabala decision. has been attached.
Evidence in the nature of Arechabala page 2. has been attached.
Evidence in the nature of Arechabala page 3 has been attached.
Evidence in the nature of Arechabala page 4 has been attached.
Evidence in the nature of Arechabala page 5 has been attached.
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Evidence in the nature of Arechabala page 16 has been attached.

- Evidence in the nature of Arechabala page 17 has been attached.
- Evidence in the nature of Arechabala page 18 has been attached.
- Evidence in the nature of Arechabala page 19 has been attached.
- Evidence in the nature of Kool Aid decision page 1 has been attached.
- Evidence in the nature of Kool Aid page 2 has been attached.
- Evidence in the nature of Kool Aid page 3 has been attached.
- Evidence in the nature of Kool Aid page 4 has been attached.
- Evidence in the nature of Kool Aid page 5 has been attached.
- Evidence in the nature of Kool Aid page 6 has been attached.
- Evidence in the nature of Kool Aid page 7 has been attached.
- Evidence in the nature of Kool Aid page 8 has been attached.
- Evidence in the nature of Submitted Section 8 Declaration page 1 has been attached.
- Evidence in the nature of Submitted Section 8 Declaration page 2 has been attached.

Response Signature

Signature: /David B. Goldstein/ Date: 11/08/2004
Signatory's Name: David B. Goldstein
Signatory's Position: Attorney

=====TEAS XML RESPONSE=====

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First page of Arechabala decision.

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Submitted Section 8 Declaration page 2

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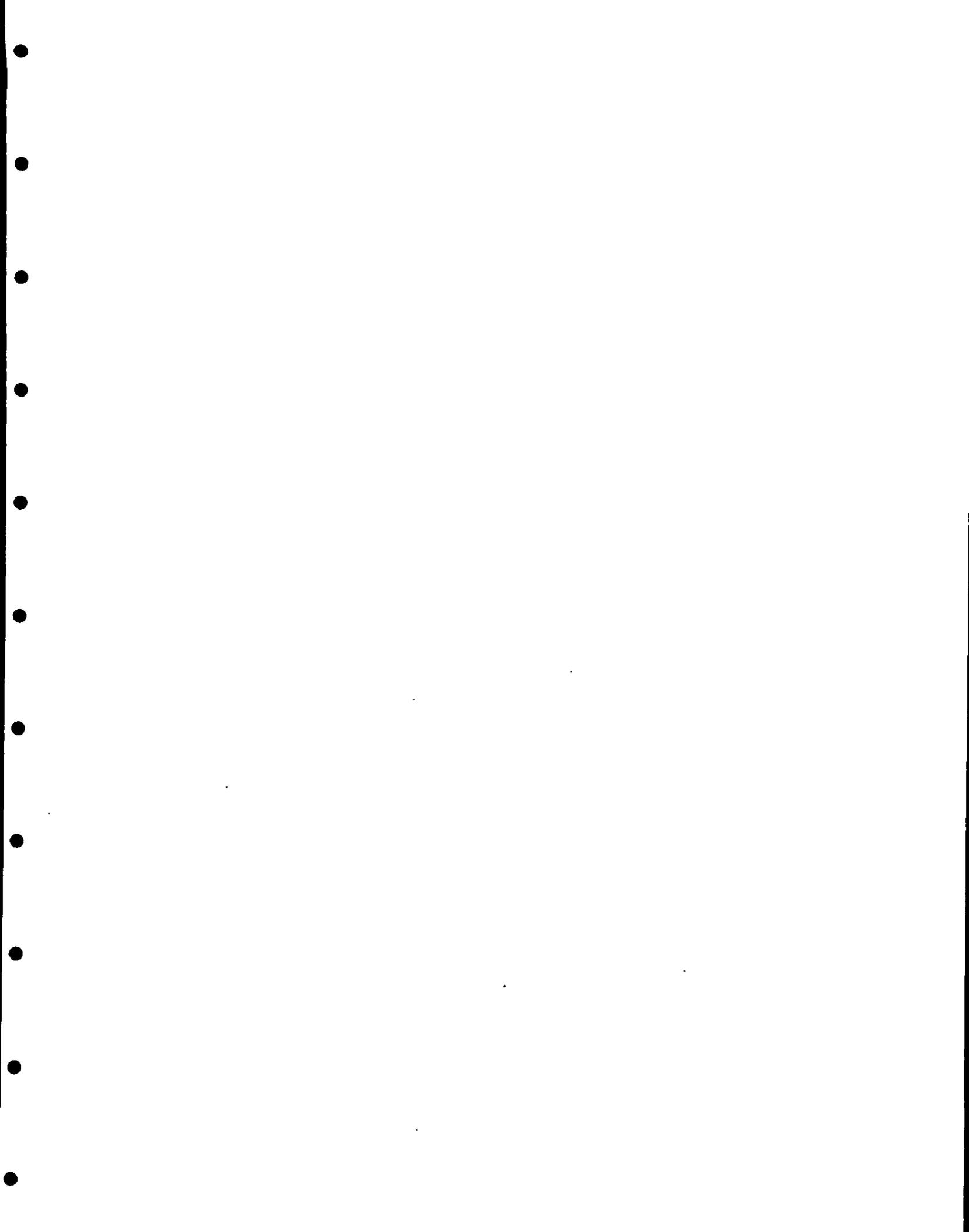
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/David B. Goldstein/
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David B. Goldstein
Attorney

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USPTO/OA-20640161210-20041108113345153045-75188521-200411ee6866629babdd22
Response to Office Action Form Filing
cklatell@rbskl.com, serlinder@rbskl.com

TEAS support team
Mon Nov 08 11:33:45 EST 2004

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and the time for answering or otherwise responding to the Complaint having expired, and a Certificate of Default having been issued by the Clerk of Court on June 12, 2003, it is

ORDERED, ADJUDGED AND DECREED THAT:

1. Defendants are in default in this action.
2. Defendants' use of an almost identical design of the word "HABANOS" as used in plaintiff's HABANOS Trademark, including an almost identical type face and colors (hereinafter, "Defendants' 'Habanos' Logo") for cigar products and/or related accessories, or for merchandise, packaging, package inserts, labels, signs, prints, wrappers, receptacles, advertising, plates or other mechanical means of reproduction or other materials (collectively, hereinafter "Defendants' Goods") infringes the HABANOS Trade Name and HABANOS Trademark.
3. Defendants have no right to use Defendants' "Habanos" Logo, the HABANOS Trademark or the HABANOS Trade Name for Defendants' Goods because such use will infringe and dilute the trademark and trade name rights of plaintiff, and will constitute unfair competition with plaintiff.
4. Pursuant to Fed. R. Civ. P. 65(d), defendants, their officers, agents, servants, employees, including Joseph David DeGregory, and attorneys, as well as those in active concert or participation with them who receive actual notice of this Judgment are permanently enjoined from:
 - a. using on or in connection with any product or service or the manufacture, exportation, sale, offering for sale, distribution, advertising, promotion, labeling or packaging of any product or service, or from using for any commercial purpose whatsoever: (i) plaintiff's HABANOS Trademark; (ii)

plaintiff's HABANOS Trade Name; (iii) any other trademark, trade dress, or trade name which colorably imitates or is confusingly similar to the HABANOS Trademark or HABANOS Trade Name, including, but not limited to, Defendants' "Habanos" Logo, "Habanos"-labeled cigars, Habanos, Inc., mrhabanos, Mr. Habanos, Mr. Habanos Fine Cigars, or Habanos Cigars, Inc.; and (iv) any other false description or representation or any other thing calculated or likely to cause confusion or mistake in the mind of the public or to deceive the public into the belief that defendants' products are the same as or associated with plaintiff's products;

b. representing by any means whatsoever, directly or indirectly, that any products sold by defendants are sponsored, approved, or endorsed by plaintiff or are in any way affiliated, connected or associated with plaintiff's products or that plaintiff's and defendants' products derive from a common source, history or heritage, or geographic origin; and

c. using, operating, selling, or transferring the Internet domain name www.mrhabanos.com or any other domain name that is confusingly similar to plaintiff's HABANOS Trade Name.

5. Because of the deliberate, intentional, willful, and bad faith nature of these violations, Defendants shall pay the reasonable attorneys' fees incurred by plaintiff in this action, pursuant to 15 U.S.C. § 1117, and ~~N.Y. G.B.L. § 349(h)~~^{- KMEW} in an amount to be determined by the Court, and Defendants shall be jointly and severally liable for such award of attorneys' fees.

which are found to be \$21,472.50,

KMEW

6. Defendants are ordered to deliver up to plaintiff for destruction or other disposition, within thirty (30) days of entry of this Judgment, any and all existing merchandise, packaging, package inserts, labels, signs, prints, wrappers, receptacles, advertising, plates and other mechanical means of reproduction or other materials now or hereafter in their possession, custody or control, which bear the infringing HABANOS trademark, HABANOS trade name, and/or Defendants' "Habanos" Logo, and any reproduction, copy or colorable imitation thereof.

7. Defendants shall not attempt to reinstate their abandoned applications in the United States Patent and Trademark Office for the mark HABANOS, Application No. 76378726 in International Class 9, the mark HABANOS, Application No. 78028763, in International Class 34, or the mark HABANOS S.A., Application No. 78002732, in International Class 14, and shall not file new applications for the mark HABANOS or any other word or design mark that is confusingly similar to plaintiff's HABANOS Trade Name or HABANOS Trademark.

8. Service of this Default Judgment by mail upon Stephen DeGregory shall constitute actual notice upon Joseph David DeGregory, the brother of Stephen DeGregory, pursuant to Fed. R. Civ. P. 65(d).

*in the amount of \$300.00
Kaw*

9. Defendants shall pay plaintiff's costs pursuant to 28 U.S.C. § 1920, Fed. R. Civ. P. 54(d)(1), and 15 U.S.C. § 1117, and shall be jointly and severally liable for such costs.

SO ORDERED:

The Clerk of Court is directed to close this case. Any pending motions are moot.

Kimba M. Wood

Hon. Kimba M. Wood
United States District Judge
July 1, 2003

This document was entered on the docket on _____, 2003.

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

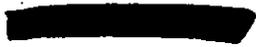
EMPRESA CUBANA DEL TABACO d/b/a :
CUBATABACO and CORPORACION :
HABANOS, S.A. d/b/a HABANOS, S.A. , :

Opposers, :

- against - :

DON RIVERA, INC., :

Applicant. :



05-26-2004

U.S. Patent & TMO/TM Mail Rpt 01 #22

**WITHDRAWAL OF
OPPOSITION**

**Opposition No. 91152898
Serial No. 76168197**

WHEREAS Applicant DON RIVERA, Inc. ("Applicant") and Empresa Cubana del Tabaco d/b/a Cubatabaco and Corporacion Habanos, S.A. d/b/a Habanos, S.A. ("Opposers") have resolved their dispute that is the subject of the above-captioned Opposition;

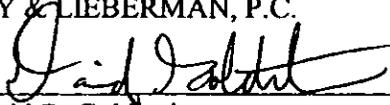
WHEREAS Applicant has filed an Express Abandonment of Application No. 76168197 under 37 C.F.R. § 2.68 (copy enclosed);

THEREFORE, OPPOSERS, THROUGH THEIR UNDERSIGNED COUNSEL:

1. Hereby withdraw the above-captioned Opposition, No. 91152898; and
2. Hereby certify that a copy of the foregoing has been sent via U.S. Mail to Mark Perlman, P.A., 1820 Hallandale Beach Blvd., Hallandale Beach, FL 33009 and to the United States Department of Commerce, Patent and Trademark Office, Trademark Trial and Appeal Board, 2900 Crystal Drive, Arlington, Virginia 22202-3513.

RABINOWITZ, BOUDIN, STANDARD,
KRINSKY & LIEBERMAN, P.C.

By: _____


David B. Goldstein
740 Broadway, 5th Floor
New York, New York 10003
(212) 254-1111

Dated: May 20, 2004

*Attorneys for Opposers Empresa
Cubana del Tabaco d/b/a Cubatabaco and
Corporacion Habanos, S.A. d/b/a Habanos, S.A.*

THE UNITED STATES DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

EMPRESA CUBANA DEL TABACO
d.b.a CUBATABACO and CORPORACION
HABANOS, S.A. d/b/a HABANOS, S.A.

Opposition No. 91152898
Serial No. 76168197

Opposer,

v.

DON RIVERA, INC.,

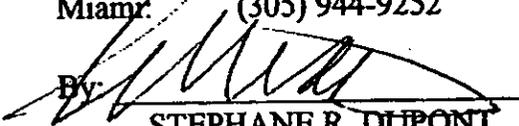
Applicant.

EXPRESS ABANDONMENT UNDER
37 C.F.R. §2.68

COMES NOW the Applicant, DON RIVERA, INC., by and through its undersigned attorney and hereby expressly abandons its application for the mark 'Habanos Rey' and design in the above styled cause, bearing Serial Number 76/168197.

I HEREBY CERTIFY that a copy of the foregoing has been sent via U.S. mail and facsimile this 17th day of May, 2004 to: David B. Goldstein, Michael Krinsky, Rabinowitz, Boudin, Standard, Krinsky & Lieberman, P.C., 740 Broadway, Fifth Floor, New York, New York 10003-9518 and via U.S. mail to United States Department of Commerce, Patent and Trademark Office, Trademark Trial and Appeal Board, 2900 Crystal Drive, Arlington, Virginia 22202-3513.

MARK PERLMAN, P.A.
Attorney for Applicant
1820 E. Hallandale Beach Blvd.
Hallandale, FL 33009
Broward: (954) 456-1333
Miami: (305) 944-9252

By: 

STEPHANE R. DUPONT
FBN: 0176321

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MARK PERLMAN, P.A.

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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

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Mailed: June 1, 2004

Opposition No. 91152898

EMPRESA CUBANA DEL TABACO
D.B.A CUBATABA

v.

DON RIVERA, INC.

On May 20, 2004, applicant filed abandonment under Trademark Rule 2.68 of its application Serial No. 76/168,197, with opposer's written consent. On May 26, 2004, opposer filed a withdrawal of the opposition.

In view thereof, application Serial No. 76/168,197 stands abandoned, and the opposition is dismissed without prejudice, in accordance with the parties' settlement agreement. See Trademark Rule 2.135.

*By the Trademark Trial
and Appeal Board*



United States Patent and Trademark Office

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TTABVUE. Trademark Trial and Appeal Board Inquiry System

Opposition**Number:** 91104731**Filing Date:****Status:** Terminated**Status Date:** 11/12/1998**Interlocutory Attorney:** JYLL S TAYLOR**Defendant****Name:** CONSOLIDATED CIGAR CORPORATION**Correspondence:** CHARLES W. GRIMES
GRIMES & BATTERSBY
THREE LANDMARK SQUARE
STAMFORD, CT 06904**Serial #:** 74490089**Application Status:** Abandoned - After Inter-Partes Decision**Mark:** HABANOS FABRICA DE TABACOS HAND MADE INTHE DOMINIC**Plaintiff****Name:** EMPRESA CUBANA DEL TABACO CUBATABACO & CORPORACION
HABANOS, S.A. DBA HABANOS, S.A.**Correspondence:** MICHAEL KRINSKY
RABINOWITZ BOUDIN STANDARD KRINSKY
& LIEBERMAN, P.C. 740 BROADWAY - FIFTH FLOOR
NEW YORK, NY 10003**Serial #:** 74576950**Registration #:** 1970911**Application Status:** Renewed**Mark:** LA CASA DEL HABANO**Prosecution History**

#	Date	History Text	Due Date
12	11/12/1998	TERMINATED	
11	11/12/1998	BD'S DECISION: DISMISSED W/O PREJUDICE	
10	11/12/1998	CC DSMD W/O PREJ	
9	09/21/1998	STIPULATED ABN OF SN 74/490,089 & W/DRAW AL OF OPPOSITION W/OUT PREJUDICE	
8	03/12/1998	TRIAL DATES SET	
7	02/06/1998	PL'S ANSWER TO CC	
6	01/08/1998	PL'S ANSWER TO CC DUE 30 DAYS	
5	09/17/1997	ANSWER AND CC	
4	08/22/1997	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	
3	07/18/1997	PENDING, INSTITUTED	
2	07/18/1997	NOTICE SENT; ANSWER DUE (DUE DATE)	08/27/1997
1	01/14/1997	AMENDED ANSWER TO COUNTERCLAIM	

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