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

Proceeding	91196926
Party	Defendant Dorfman-Pacific Co.
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

GMA ACCESSORIES, INC.,	)	
	)	
Opposer,	)	Opposition No.: 91196926
	)	
v.	)	Application No.: 77/965,616
	)	
DORFMAN-PACIFIC CO.,	)	Mark: CAPPELLI STRAWORLD
	)	
<u>Applicant.</u>	)	

**DECLARATION OF BONNIE RUBEL IN OPPOSITION  
TO MOTION FOR SUMMARY JUDGMENT**

I, Bonnie Rubel, declare:

1. I am presently the Vice President and creative director for Cappelli Strawworld, an accessory company that creates a line of hats, tote bags, beach shoes, and handbags. These accessories are manufactured in China and India for Cappelli Strawworld. Cappelli Strawworld wholesales these styles to retail outlets.
2. My Grandmother, Betty Berman, started the company sometime during

the depression of the 1930's. The business started very small in my families kitchen. My grandmother, mother, and her sister made shell jewelry together and sold it to stores on Miami Beach. My Grandmother later focused on imported goods for this growing company from Bahamas, Cuba, Guatemala, and Mexico. She called the company Miami importing company.

3. My father joined the company sometime before 1953. Our company was named Straw World by that time. My father changed the nature of the business and became both a large Miami manufacturer and importer from Mexico, Cuba, and Europe.

4. To the best of my knowledge my father started using the name Cappelli Strawworld, Inc. in 1957. The name Cappelli came from one of his employees who became his partner. His name was Sal Tumolo, and he wanted the company name to reflect his Italian heritage, so that was when they changed the company name to Cappelli Strawworld, Inc.

5. I remember seeing the name Cappelli Strawworld, Inc. when I was in grade school on the front of the building my father worked out of. Our business, Cappelli Strawworld, had been in 4 different warehouses since I was a little girl and all four warehouses had the name Cappelli Strawworld, Inc. on the front of each building. My father used a brown hangtag on his hats and bags until I joined the

company. These hangtags had the name CAPPELLI STRAWORLD and/or CAPPELLI STRAWORLD, INC. printed on them. Exhibit A, attached, shows the type of bags my father manufactured in Miami when I was a little girl. This is a family photograph of mine showing me as a child with my family (I am the one on the right). The picture shows my grandmother (my father's mother) Gisela Rubel holding a Cappelli Strawworld, Inc. handbag in her hands.

6. I joined the family business after I completed my education. After about eight years I was promoted to Vice President of the company. I was later promoted to President of the company. I worked for Cappelli Strawworld for 30 years. Over the decades since 1957, our company has continuously used the CAPPELLI STRAWORLD, INC. mark or the CAPPELLI mark on our products and in our promotional materials. For example, I changed our company hangtags to a CAPPELLI mark and used them for at least fifteen years. I liked the shorter form of the name. I also made signs for my company with just the word CAPPELLI on them. We also had rainbow colored signs we used at National trade shows for over seven years with the word CAPPELLI on them.

7. Throughout this period, people in the trade, such as suppliers, customers, company representatives, as well as myself, my family, my friends, and company employees have identified the company's products using the name CAPPELLI

STRAWORLD, INC., CAPELLI STRAWORLD or CAPPELLI.

8. On February 25, 1999, my company filed Application Serial No. 75/648,464, and on March 7, 2000, United States Trademark Registration No. 2,326,188 (the “188 Registration”), on the Principal Register, issued for the mark CAPPELLI STRAWORLD, INC.®

9. On or about June 19, 2009, my company assigned it United States Trademark “Registration No. 2,326, 188”, including “all right, title, interest and goodwill in and to the registered trademark” CAPPELLI STRAWORLD, INC.® to Dorfman-Pacific Company. Attached hereto and incorporated herein as Exhibit B is a true and correct copy of the Assignment Of Registered Trademark assigning ownership of the mark and registration to Dorfman Pacific Company.

10. On or about June 19, 2009, my company also assigned its “registered ... domain name or URL, [www.cappellistraworld.com](http://www.cappellistraworld.com)” registered “with Network Solutions, LLC” to Dorfman-Pacific. Attached hereto and incorporated herein as Exhibit C is a true and correct copy of the Assignment Of Domain Name assigning ownership of this domain name and registration to Dorfman Pacific Company. Dorfman-Pacific now maintains the [www.cappellistraworld.com](http://www.cappellistraworld.com) domain name and registration, which is currently effective until March 14, 2018.

11. On March 23, 2010, after the CAPPELLI STRAWORLD, INC.® mark

and '188 Registration were assigned to it, Dorfman-Pacific filed United States Trademark Application No. 77/965,616 to register CAPPELLI STRAWORLD. This application specifically refers to its CAPPELLI STRAWORLD, INC.® registration as a "Prior Registration Number".

12. More than eight years ago, on April 23, 2002, Cappelli Strawworld, Inc. filed an application to register the mark CAPPELLI on the Principal Register. Registration on the Principal Register was refused, but, on December 31, 2002, the Trademark Office issued Registration No. 2,670,642 on the Supplemental Register.

13. Thereafter, GMA filed for cancellation of Supplemental Registration No. 2,670,642 for CAPPELLI. GMA's Petition for Cancellation was filed more than five years ago, on September 29, 2005.

14. Although my company filed an answer to GMA's Petition For Cancellation, I made a business determination that the legal expenses, executive time, and employee inconvenience associated with litigating that proceeding through to a judgment on the merits was not worth pursuing. No further action was taken to defend the registration and I understand that eventually it was cancelled.

I have personal knowledge of the foregoing and could and would testify

competently thereto if called upon as a witness.

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

Executed this 14<sup>th</sup> day of January, 2011, at Miami, Florida.

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Bonnie Rubel

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