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

Proceeding	91209617
Party	Plaintiff XIKAR, INC.
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Date	03/13/2014
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Bought this when my old cutter finally bit the dust. Rock solid construction, razor sharp, light weight. Cuts 60 ring cigars with no problem. Perfect even cut every time.

The best cutter I have ever owned.

I would say I would buy it again, but I do not think I will ever have to purchase another cutter...I will probably get leave this one to my Grand kids in my will...in about 30 years.

**\*\*UPDATE\*\*** Well after a one year long deployment to Afghanistan, and close to 900 cigars, the cutter is just as sharp as the day I took it out of the package. Nice clean, crisp cuts every time. Only problem, the finish has started to wear a little on the body, but what do you expect from something that has been covered in sand, and taken in and out of my pocket thousands of times. If you are a serious cigar smoker, then you must have one of these.

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5 of 5 people found the following review helpful

★★★★★ **Life changer**, October 26, 2010

By [Richard C. Lavin](#) (Lake Arrowhead, CA) - [See all my reviews](#)

REAL NAME

**Amazon Verified Purchase** ([What's this?](#))

**This review is from: Xikar Xi1 Cigar Cutter Titanium (Kitchen)**

Every cigar smoker should have one of these. Reminds me of how satisfying a precision engineered product can be. I could just sit and click it for hours, if I didn't have a life.

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6 of 7 people found the following review helpful

★★★★★ **XI Cigar Cutter**, March 8, 2007

By [Dr. David Wintergerst](#) (Southern Indiana) - [See all my reviews](#)

REAL NAME

This is the finest cigar cutter that I've come across. It seems that the most common phrase I hear from those who have tried mine is: "I've got to have one of those." They're available in several finishes that really look classy. A unique look wouldn't count for much if the function was average but this instrument makes the perfect cut, effortlessly, every time.

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8 of 10 people found the following review helpful

★★★★★ **LOVE MY Xikar!!!!**, July 18, 2008

By [J. Harris](#) (ATL, GA) - [See all my reviews](#)

REAL NAME

**This review is from: Xikar Xi1 Cigar Cutter Titanium (Kitchen)**

I love it so much that after losing my free one I went out and purchased one! And Xikar offers a LIFETIME warranty and free blade sharpening on their cutters!!!!

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3 of 3 people found the following review helpful

★★★★☆ **Nicotine**, June 2, 2008

By [A. Pascetti](#) (out there somewhere) - [See all my reviews](#)

REAL NAME

Not a bad cigar cutter, although it has stuck a few times. When it sticks it isn't fully opened, but it doesn't affect the cut. The cutter gives a clean cut if it is held steady through out the cutting process.

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7 of 9 people found the following review helpful

★★★★☆ **Great cutter, avg customer service**, August 16, 2011

By **B. Kitchens** (Atlanta, GA USA) - [See all my reviews](#)

REAL NAME

**This review is from: Xikar Xi1 Cigar Cutter Titanium (Kitchen)**

I bought my cutter few years ago. Worked flawlessly until it locked up and wouldn't open anymore. So I sent it back to Xikar. After a month, I wondered where my cutter was. Took me a week to get in touch with someone at the office, but finally determined that USPS sent it back to KC. They overnighted the cutter back to me after confirming my address. When I got my replacement cutter, it also had issues. I sent it back...after another month, and many posts on their FB page. I finally got it back. Except this time they sent me a silver and not a titanium. Don't really care actually, just glad I finally got a working cutter. While all this was going on, I got tired of using my punch so I bought a \$16 Cuban Crafters cutter. My only regret with that is, I wish I bought one sooner. Their policy also states that you will get your return within a week.

In short, if u don't mind that slow customer service at Xikar, then get their cutter. But IMO, their cutters are overpriced and the customer service has a lot of room for improvement. My score would have been higher if it weren't for the CS and having to return my replacement.

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Was this review helpful to you?

2 of 2 people found the following review helpful

★★★★☆ **Quality cutter**, April 1, 2012

By **MINOTAUR** - [See all my reviews](#)

**Amazon Verified Purchase** ([What's this?](#))

**This review is from: Xikar Xi1 Cigar Cutter Titanium (Kitchen)**

When I first took it out of the package you could just feel the quality of the build. It opens with a very satisfying sound, and cuts wonderfully. Would have given it 5 stars, but it sticks sometimes when opening.

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Was this review helpful to you?

3 of 4 people found the following review helpful

★★★★★ **Precise Instrument**, December 8, 2009

By **D. Simmons "The cigar savage"** (St. Charles, MO) - [See all my reviews](#)

REAL NAME

**This review is from: Xikar Xi1 Cigar Cutter Titanium (Kitchen)**

I own the Xikar Xi1 cutter and couldn't be happier with my purchase (although I didn't buy it on amazon, I consulted the reviews here). I must say that the fit and finish on this piece are fine. It is built well and the mechanism is tight. It locks the blade at the conclusion of the cut. Also, I find the blade to be very sharp and it cuts larger cigars without a hitch. You will have no more bits of tobacco in your mouth. It is very satisfying to have a clean cut the first time. Also, they offer a lifetime warranty with free blade sharpening. All you have to do is fill out a brief survey and they will register it and send you a free leather sheath. Stop thinking about it and buy it. You'll love it.

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Was this review helpful to you?

3 of 4 people found the following review helpful

★★★★★ **good chopper**, January 4, 2007

By **Strago Magus "bluetooth junkie"** (Sacramento, CA USA) - [See all my reviews](#)

i bought this as a christmas gift. the person loves it. or so they say. i bought one for myself and it works well.

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Top » Lighters » Xikar Cigar Lighters



## Xikar Cigar Lighters

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- |                |                 |               |                  |
|----------------|-----------------|---------------|------------------|
| •Black         | •Red            | •Silver       | •Gun Metal       |
| •Black         | •Silver         | •Gun Metal    | •Red             |
| •Blue          | •Trezo          | •Trezo        | •Trezo           |
| •Trezo         | •Black          | •Gun Metal    | •Silver          |
| •Silver w/Blue | •Silver w/Black | •Silver w/Red | •Silver w/Silver |



**Xikar lighters** are a must have in any cigar aficionado's collection. The Xikar brand is known for its high quality, affordable products, and their lighters don't disappoint. They have a state-of-the-art design, while being effortless to use and easy on the wallet. In addition, **Xikar lighters** come with an effortless lifetime warranty to guarantee their superior quality.

Choosing the right **cigar accessories** for you should take careful consideration as they all contribute to your smoking experience as a whole. When shopping for a lighter, whether at your local

**cigar shop** or via an online cigar retailer such as Serious Cigars, you'll find that there are many types and styles to choose from. There are the no-frills disposable single flame lighters that generally offer no additional features. They are extremely inexpensive but may not fit your immediate needs, depending on what your smoke of choice may be. On the other end of the spectrum are the more sophisticated styles with all the bells and whistles. Their prices vary along with their added features. The options available among lighters include multi-flame, flip top lids, built in punch cutters, adjustable flames, and the ability to be refilled. What you require in a lighter is dependent on what your own personal tastes and smoking needs are.

Xikar lighters are one brand that offers a wide range of lighters in its product line. Their lighters include the **Candle Flame**, **Dual Jet**, Enigma, Eris Windproof Jet, **Exodus Circular Flame**, Table Top, and Triple Torch just to name a few. They are stylish, high quality lighters set in a durable metal exterior. Each one is backed by a tremendous lifetime warranty through the Xikar brand itself.

In taking a closer look at the Xikar Axia, a dual jet model, you'll find that it doesn't fail to live up to the high level of superiority this company has to offer. The Axia has a natural, yet strong feel to it while offering a flawless performance every time. Its petite size is perfect for any pocket, yet does not take away from the even flame it ignites. The manual cover on top is a great addition as it keeps any unwanted debris from getting inside the lighter. This light offers an adjustable flame as well as an easily accessible ignition switch. In addition, fuel levels can be conveniently monitored through an exterior window on the backside. This is a perfect way to ensure that you will never find yourself with an empty lighter when you need it most.

In comparison, the Trezo triple torch is another excellent model offered in the line of Xikar lighters. It has an innovative design and provides the sole triple jet flame of its kind thus far. The two exterior flames ignite at an eight-degree angle towards the center, allowing for an accurate and even light time and time again. As with the Axia, this lighter includes a handy fuel adjustment knob making any flame changes effortless, as well as the highly useful fuel level window.

Whether it's the Axia, Trezo, or another model that is right up your alley, you'll find Xikar lighters to be an ideal addition to your collection. Their reliable yet

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inexpensive options are perfect for all types of smokers today. Serious Cigars offers a wide range of these Xikar products for you to choose from and will be sure to assist you in finding the one that best fits your personal smoking needs.

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## Absolute Quality With Xikar Xi1 Cigar Cutters

Posted on **July 14, 2013** by **Sylvia Fowles**

For smokers seeking a fine quality, and finely designed cigar cutter, the xikar xi1 will deliver on all fronts. Featuring a sharp stainless steel blade, a fully loaded spring, and encased in the black colored aluminum body, you'll be able to expect the sharpest cut. With an ergonomic design that lets you comfortably hold the cigar cutter in the hand, cutting the tip of the cigar has never been easier it doesn't matter what size or shape!

An unbeatable lifetime warranty

With the finely constructed body, and the most effective material quality, also comes a lifetime warranty on your new xikar xi1 cutter. So, even if something were to happen to the blade, or if ever the spring were to stop working for any reason, you can actually still have it replaced, or you'll receive a new cutter at no extra charge, when you decide to buy from the well known manufacturer, for the best cigar cutter on the market.

Cutting any cigar has never been easier

With the most efficient cutting blade, quality stainless-steel, and an ergonomic design, you'll easily cut through the thickest cigar. With a simple to utilise and easy to hold handle, you will cut through the biggest and thickest cigars. The black aluminum design is also going to make for a fine looking cigar cutter, plus a durable product which will withstand use for extended periods of time.

Long lasting edge

You will enjoy several years of use due to the sharpest blade, and an ergonomic design able to retain the blades quality for ages to come. It doesn't matter what sort of cigars you choose to smoke, or even how often you do, the xikar xi1 is going to provide you with the sharpest cut, and will cut your cigar right down to the ideal size every time you employ it.

Very easy to use

The xikar xi1 is ideal for both left and right handed users, because of its ergonomic design. Being that it'll fit into your hands easily, you're able to hold it in a way that is extremely comfortable for you personally, therefore making it quite easy to utilize in any situation. You can easily cut through the thickest cigars

with one swipe from the sharp blade because of the fact that it won't require a high degree of dexterity from the user.

If you might be on the market for an affordable product, the best quality aluminum, along with the sharpest stainless steel blade, you've found it with this group of cigar cutters. Those looking for a cigar cutter that is straightforward to utilize, easy to cut with, and is extremely affordable, will not have to look any further as it's a perfect choice. For the top brand, quality design, as well as the heavy duty blade, you'll quickly and easily cut through, and start to smoke your favorite cigar, when you decide to purchase from the xikar line of products.

If you are trying to find more information on this kind of cigar cutter, please visit Xikar Xi1 Cutters – [www.lighterusa.com/servlet/the-Xikar-cln-Xikar-Cutters-cln-Xi1-Cutters/Categories](http://www.lighterusa.com/servlet/the-Xikar-cln-Xikar-Cutters-cln-Xi1-Cutters/Categories).

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

In re Application Serial No. 85/652,496,  
filed June 14, 2012, CICAR

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	)	
Opposer,	)	
	)	
v.	)	Opposition No. 91209617
	)	
DEBRA WISEBERG D/B/A BRAM	)	
WARREN COMPANY,	)	
	)	
Applicant.	)	
_____	)	

**OPPOSER’S ANSWERS AND SUPPLEMENTAL ANSWERS TO  
APPLICANT’S FIRST SET OF INTERROGATORIES**

Pursuant to 37 C.F.R § 2.120 and Fed. R. Civ. P. 26 and 33, Opposer, Xikar, Inc., by and through its attorneys, hereby supplements its answers to Applicant’s First Set of Interrogatories. Opposer reserves the right to further supplement its answers to these interrogatories upon the discovery of additional information through discovery or otherwise.

**GENERAL OBJECTIONS**

1. Opposer objects to Applicant’s definitions and instructions to the extent they seek to require Opposer to do more than that which is required by the Federal Rules of Civil Procedure and the Trademark Rules.

2. Opposer objects to each and every interrogatory to the extent it calls for the disclosure of attorney-client privileged communications and/or attorney work product. Opposer will not undertake to locate and log communications between Opposer and Applicant regarding the subject matter of this proceeding dated after the institution of this action.

3. Opposer objects to each and every interrogatory, and Applicant's definitions of "relating to," "related to," and "relation to," and has not responded to the extent that the definitions of those terms and Applicant's interrogatories seek "each," "any," "every," "all," or "related" information as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence if, by these terms, Applicant purports to require Opposer to investigate for and produce all information and materials touching on the subject of the interrogatory. Opposer is interpreting such interrogatories as calling for the identification of information or materials, to the extent not objected to, which most fully or directly addresses the subjects of the interrogatories, or is representative of the subject information or materials of Opposer. If, by these terms in the interrogatories, Applicant expects Opposer to also produce information or material that is repetitive, duplicative, cumulative, or only incidentally related to the interrogatory subject, then Opposer objects to this purported scope on the basis that such interrogatories are vague, ambiguous, overbroad, unduly burdensome, oppressive, and not reasonably calculated to lead to the discovery of admissible evidence.

4. Opposer objects to each interrogatory to the extent that it calls for information not reasonably available to, or not within the possession, custody, or control of Opposer, or that has been previously produced by Opposer or Applicant. The responses below are based on information reasonably available to Opposer and documents within Opposer's possession, custody, or control. Opposer's objections and responses to these interrogatories are by, and on behalf of, Opposer alone.

5. Opposer objects to the extent that there are no time limitations set forth in some of Applicant's interrogatories rendering some of them overbroad, unduly burdensome, not relevant, and not reasonably calculated to lead to the discovery of admissible evidence.

6. Each of the foregoing objections shall be considered continuing and are hereby incorporated by reference into each specific response.

### **OBJECTIONS AND ANSWERS TO INTERROGATORIES**

#### Interrogatory No. 1:

Identify each officer of your corporation, including each officer's name, title, address, and job duties.

#### Answer:

Kurt Van Keppel, President and Chief Executive Officer

Scott Almsberger, Executive Vice-President and Chief Design Officer

Tim Webster, Executive Vice-President and Chief Strategy Officer

Gary Gates, Vice-President and Chief Financial Officer

All of the above can be contacted at:

Xikar, Inc., P.O. Box 025757, Kansas City, MO 64102, 816-994-7150.

Each gentleman's job duties are indicated by their respective titles.

#### Interrogatory No. 2:

Identify each predecessor, parent company, affiliated company, or subsidiary of Xikar, Inc.

#### Answer:

Defiance Cigar Group, LLC

P.O. Box 025757, Kansas City, Missouri 64102

Kansas Limited Liability Company

Interrogatory No. 3:

Identify each person who participated in the selection of the Opposer's mark "Xikar".

Answer:

Kurt Van Keppel. For his contact information, see Answer to Int. No. 1 above.

Interrogatory No. 4:

Describe in detail the exact pronunciation used by you for the Opposer's mark "Xikar" since its inception.

Answer:

ZI-car (long i, hard c, accent on the first syllable); Ze-CAR (soft e, hard c, accent on the second syllable); Ci-CAR (soft initial C, soft i, hard second c and accent on the second syllable).

Interrogatory No. 5:

Do you believe that you have a sole right of use to any of the characteristics that comprise the word "sika" by and through your mark "Xikar"?

Answer:

Opposer objects to this interrogatory on the ground that it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence, as neither Opposer's belief nor the use of "sika" is at issue in this proceeding. Furthermore, Opposer objects on the ground that this interrogatory is vague and ambiguous to the extent that "the characteristics that comprise the word 'sika'" has not been defined and is not

understood.

Subject to the foregoing general and specific objections, Opposer does not claim an exclusive right to use to the word “sikar”. Opposer owns the incontestable right to use the mark Xikar and the right to use Xikar For Life. As a result, Opposer has the right to exclude others from using any name, mark or designation confusingly similar thereto, including Cicar.

5a.) If the answer to Interrogatory No. 5 is yes, describe in detail the exact characteristics of the word "sikar" that you believe you have a sole right of use of, by and through your mark "Xikar".

Answer:

Not applicable.

Interrogatory No. 6:

Do you believe that you have a sole right of use to any of the characteristics that comprise the word "cigar" by and through your mark "Xikar"?

Answer:

Opposer objects to this interrogatory on the ground that it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence as neither Opposer’s belief, nor the use of “cigar” is at issue in this proceeding. Furthermore, Opposer objects on the ground that this interrogatory is vague and ambiguous to the extent that the meaning of “any of the characteristics that comprise the word ‘cigar’” has not been defined and is not understood.

Subject to the foregoing general and specific objections, Opposer does not claim an exclusive right to use the word “cigar”. Opposer owns the incontestable right to use the mark

Xikar and the right to use Xikar For Life. As a result, Opposer has the right to exclude others from using any name, mark or designation confusingly similar thereto, including Cicar.

6a.) If the answer to Interrogatory No.6 is yes, describe in detail the exact characteristics of the word "cigar" that you believe you have a sole right of use of, by and through your mark "Xikar".

Answer:

Not applicable.

Interrogatory No. 7:

Describe in detail the exact characteristics of the Applicant's mark "Cicar" in which you believe you have a sole right of use and control, by and through your mark "Xikar".

Answer:

Opposer objects to this interrogatory on the ground that it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence as Opposer's belief is not at issue in this proceeding. Furthermore, Opposer objects on the ground that this interrogatory is vague and ambiguous to the extent "the exact characteristics of the Applicant's mark 'Cicar'" has not been defined and is not understood.

Subject to the foregoing general and specific objections, Opposer does not claim an exclusive right to use the word "cicar". However, Opposer owns the incontestable right to use the mark Xikar and owns the right to use the mark Xikar For Life. As a result, Opposer has the right to exclude others from using any name, mark or designation confusingly similar thereto, including Cicar. *See* 15 U.S.C. § 1114(1)(a); *Beer Nuts, Inc. v. Clover Club Foods Co.*, 805 F.2d

920, 924 (10th Cir. 1986). Two of the most important factors used in determining likelihood of confusion are similarity of the marks and the relatedness of the goods on which the marks are used. *Mattel, Inc. v. Funline Merchandise Co., Inc.*, 81 U.S.P.Q.2d 1372 (TTAB 2006).

Another factor to consider is overlap in channels of trade. *Id.*

As is the case in this proceeding, when the marks are similar and the goods are closely related, a likelihood of confusion exists. *In Re White Swan Ltd.*, 8 U.S.P.Q.2d 1534 (TTAB 1988). This is even a stronger case than in *White Swan*. In addition to Opposer's registered cigar cutters and other cigar accessory products that are closely related to Applicant's ashtrays for smokers, Opposer has also used its Xikar mark on the identical product, ashtrays for smokers, since prior to Applicant. *Sengoku Works Ltd. v. RMC Intern., Ltd.*, 96 F.3d 1217, 1219 (9th Cir. 1996). Furthermore, the channels of trade through which Opposer and Applicant directly overlap. Because neither Applicant's product description in its application for registration nor Opposer's product descriptions in its registrations specify a channel of trade, it is presumed that the parties sell their respective goods in all of the usual trade channels for goods of this type. *Mattel, Inc. v. Funline Merchandise Co., Inc.*, 81 U.S.P.Q.2d 1372 (TTAB 2006).

Interrogatory No. 8:

Describe in detail your strong affiliation with the Mayan culture.

Answer:

Opposer objects to this interrogatory on the ground that it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence as an affiliation with the Mayan culture is not at issue and has no bearing on any issue in this proceeding. Opposer further objects on the ground the interrogatory is vague and

ambiguous as “affiliation” has not been defined and is not understood.

Subject to the foregoing general and specific objections, Opposer sells several lighters and cutters with art inspired by Mayan designs. Opposer has also stated in past marketing publications that its name was inspired by the Mayan word for cigar.

Interrogatory No. 9:

Describe in detail what connection, if any, the Opposer or its products have with Havana, Cuba.

Answer:

Opposer objects to this interrogatory on the ground that it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence as Havana, Cuba is not at issue and has no bearing on any issue in this proceeding.

Subject to the foregoing general and specific objections, Opposer does not have any connection with Havana, Cuba. Opposer sells several lighters and cutters with art inspired by Cuban designs.

Interrogatory No. 10:

Identify every product and service in connection with which you have used or are using the "Xikar" mark, U.S. Registration No. 2200215.

Answer:

Opposer objects to this interrogatory on the ground that it is unduly broad and burdensome to the extent that identification of “every product and service” is requested. Subject to the foregoing general and specific objections, pursuant to Fed. R. Civ. P. 33(d), documents are

produced herewith showing use of Opposer's incontestable right to use the Xikar mark on its products and in connection with its services.

Supplemental Answer:

Without waiving the foregoing objections made in the original answer, in addition to the documents previously produced, see the additional documents produced herewith. Among other things, these additional documents include the specimens filed in connection with the XIKAR trademark application and registration and the specimens filed in connection with the XIKAR FOR LIFE trademark application and registration as well as a sampling of invoices dating back to 2008 identifying a variety of products.

Interrogatory No. 11:

For each product requested to be identified in Interrogatory No. 10, identify the manufacturer of each product.

Answer:

In addition to the foregoing general objections, Opposer objects to this interrogatory on the ground that it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence. Opposer further objects to this interrogatory on the ground it seeks proprietary, confidential information.

Supplemental Answer:

Without waiving the objections made in the foregoing original Answer, Opposer clarifies its previous objection. This request seeks trade secret information, which pursuant to the Protective Order, is only disclosed to outside counsel. Because no outside counsel exists, this information will not be disclosed.

Interrogatory No. 12:

For each product requested to be identified in Interrogatory No. 10, identify the persons most knowledgeable about each product.

Answer:

Kurt Van Keppel. For contact information, see Answer to Int. No. 1.

Interrogatory No. 13:

For each product requested to be identified in Interrogatory No. 10, identify the price at which each of those products are offered.

Answer:

Opposer objects to this interrogatory on the ground that it is unduly broad and burdensome to the extent that the price of “each product” is requested. Subject to the foregoing general and specific objections, pursuant to Fed. R. Civ. P. 33(d), documents are produced herewith that provide suggested retail pricing information.

Interrogatory No. 14:

For each product requested to be identified in Interrogatory No.10, describe the channels of trade of the product.

Answer:

Opposer objects to this interrogatory on the ground it is unduly broad and burdensome to the extent that the channels of trade for “each product” is requested. Subject to the foregoing general and specific objections, the channels of trade through which Opposer sells

its products include but are not limited to retail cigar shops, convenience tobacco shops, men's lifestyle retail and or accessory shops, gift shops, golf shops, liquor stores, knife and/or gun shops, hotels & restaurants, internet sites selling any of the above, and distributors selling to any of the above.

Interrogatory No. 15:

For each product requested to be identified in Interrogatory No. 10, describe the target markets and characteristics of targeted consumers.

Answer:

Opposer objects to this interrogatory on the ground it is unduly broad and burdensome to the extent that the target market for "each product" is requested. Subject to the foregoing general and specific objections, Opposer's target markets and characteristics of targeted consumers include cigar smokers, gift givers, and men and women above eighteen (18) years of age.

Interrogatory No. 16:

Describe in detail each incident, known to you, of actual confusion between you and any of your products and services and Applicant or any of its products.

Answer:

None known of to date.

Interrogatory No. 17:

For each of the incidents described in response to Interrogatory No. 16, identify

the persons with knowledge thereof.

Answer:

Not applicable.

Interrogatory No. 18:

For each product requested to be identified in Interrogatory No. 10, explain in detail how the products are presented and sold to retail establishments for resale to final consumers.

Answer:

Opposer objects to this interrogatory on the ground it is vague, ambiguous and confusingly worded. Opposer objects to this interrogatory on the ground that it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence. Opposer further objects on the ground the interrogatory is overly broad and burdensome to the extent it applies to "each product."

Subject to the foregoing general and specific objections, Opposer sells its products through its sales team, distributors, trade shows, consumer events, festivals, catalogs and via the Internet. Opposer's products are presented and sold to retail shops for resale to consumers in whatever manner the store owner desires, including but not limited to, unique packaging and displays.

Interrogatory No. 19:

For each product requested to be identified in Interrogatory No. 10, do you supply display boxes to all of the retail establishments that offer your products for sale?

Answer:

Opposer objects to this interrogatory on the ground it is overly broad and burdensome to the extent it applies to “each product”. Opposer objects to this interrogatory on the ground it is vague, ambiguous and confusingly worded to the extent “display boxes” is not defined or understood. Opposer further objects to this interrogatory on the ground that it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence. To the extent it is understood and subject to the foregoing general and specific objections, each of Opposer’s products is generally sold packaged. This may include a box in which the product can be displayed. Opposer also utilizes various types of displays.

Supplemental Answer:

Without waiving the foregoing objections made in the original Answer, no.

19a.) If the answer to Interrogatory No. 19 is no, identify each retail establishment that offers each of your products identified in Interrogatory No. 10 for sale, that do not use display boxes for your products.

Answer:

Subject to the foregoing general and specific objections, Opposer lacks the information necessary to answer.

Interrogatory No. 20:

For each product requested to be identified in Interrogatory No. 10, identify the persons most knowledgeable about sales and distribution of the product.

Answer:

Kurt Van Keppel. For contact information, see Answer to Int. No. 1.

Interrogatory No. 21:

For each product requested to be identified in Interrogatory No. 10, identify the persons most knowledgeable about the advertising and promotion of the product.

Answer:

Kurt Van Keppel. For contact information, see Answer to Int. No. 1.

Interrogatory No. 22:

For each product requested to be identified in Interrogatory No. 10, list by calendar year the expenditures you have made on advertising and promotion of the product.

Answer:

In addition to the foregoing general objections, Opposer objects to this interrogatory on the ground it is overly broad and burdensome to the extent it seeks advertising expenses for each product which is unavailable. Opposer further objects to this interrogatory on the ground it requests confidential, proprietary information. To the extent a confidentiality agreement would usually be entered into allowing disclosure of this information to Applicant's counsel, Applicant is not represented by counsel but only by its Vice President rendering any such agreement ineffective. Upon entry of an agreeable confidentiality agreement, annual advertising and promotional expenditure information will be provided.

Supplemental Answer:

Without waiving the objections made in the foregoing original Answer, Opposer

clarifies its previous objection. This request seeks trade secret information, which pursuant to the Protective Order in place, is only disclosed to outside counsel. Because no outside counsel exists, this information will not be disclosed.

Interrogatory No. 23:

For each product requested to be identified in Interrogatory No.10, identify the nature and title (if applicable) of the media in which all advertisements of the product have appeared, including the date of, and geographic scope (by city and state) of such advertisements.

Answer:

Opposer objects to this interrogatory on the ground that it is overly broad and burdensome to the extent it applies to “each product” and “all advertisements.” Subject to the foregoing general and specific objections, pursuant to Fed. R. Civ. P. 33(d), representative advertisements are produced herewith, with dates noted thereon. A representative list of publications in which advertisements labeled Doc. Nos. 275-340 were published is as follows:

Cigar Aficionado

Smoke Magazine

Smokeshop Magazine

Tobacconist Magazine

Cigar Press Magazine

Cigar Snob Magazine

Cigar Journal Magazine

Various blogs and websites of the above magazines

Other representative advertisements produced identify the publication in which they each appeared.

Interrogatory No. 24:

For each product requested to be identified in Interrogatory No. 10, give a complete list by calendar year, separately, of each product that you have given away for promotional purposes and to whom given.

Answer:

Opposer objects to this interrogatory on the ground it is overly broad and burdensome to the extent it requests a “complete list . . . separately, of each product”. Subject to the foregoing general and specific objections, Opposer does not keep records of this information.

Interrogatory No. 25:

For each product requested to be identified in Interrogatory No. 10, list by calendar year, separately, all sales of such product.

Answer:

In addition to the foregoing general objections, Opposer objects to this interrogatory on the ground it is overly broad and burdensome to the extent it requests information by “calendar year . . . separately, all sales of [each] product”. Opposer further objects to this interrogatory on the ground it requests confidential, proprietary information. To the extent a confidentiality agreement would usually be entered into allowing disclosure to Applicant’s counsel, Applicant is not represented by counsel but only by its Vice President rendering any such agreement ineffective. Upon entry of an agreeable confidentiality agreement,

annual sales information for specified products or total sales, will be provided.

Supplemental Answer:

Without waiving the objections made in the foregoing original Answer, Opposer clarifies its previous objection. This request seeks trade secret information, which pursuant to the Protective Order in place, is only disclosed to outside counsel. Because no outside counsel exists, this information will not be disclosed.

Interrogatory No. 26:

For each product requested to be identified in Interrogatory No. 10, state the facts that support the exact date, upon which you intend to rely, of first use of the "Xikar" mark to identify the product.

Answer:

Opposer objects to this interrogatory on the ground it is overly broad and burdensome to the extent it relates to "each product" and "exact date". Subject to the foregoing general and specific objections, pursuant to Fed. R. Civ. P. 33(d), representative dated documents showing early use of Xikar are produced herewith. Xikar began selling cigar cutters in 1997 and began selling ashtrays in 2009. Additionally, see the application file of Reg. No. 2,200,215 which is available on the U. S. Patent & Trademark Office web-site.

Supplemental Answer:

Subject to the foregoing objections made in the original Answer, Applicant states the following:

Applicant's predecessor in interest, Kurt Van Keppel, filed the application for federal registration for XIKAR on August 19, 1996 based on an intent to use the mark in the

future. The filing date accords the Applicant its constructive nationwide first use date.

Mr. Van Keppel's first sale of a Xikar cigar cutter was to Alexander Kemper, President, UMB Bank. The first sale to a retailer was to Diebel's Sportsmen's Gallery. Both occurred in 1997, from custom units built in Mr. Van Keppel's garage.

An order form and packaging ribbons in connection with the Statement of Use for the application were submitted to the U. S. Trademark office December 8, 1997 proving actual use of the XIKAR mark on the cigar cutters. Doc. Nos. 586-590.

Product packaging for the XIKAR cigar cutter was submitted to the U.S. Trademark Office on April 15, 2004 proving continued use of the mark. Doc. No. 591.

The Fall 2009 catalog proves use of XIKAR for ashtrays. See Doc. Nos. 121-152. The other catalogs previously produced show use of the various cigar accessory products, from which the year of first use can be ascertained.

Additionally, see the documents, produced herewith.

Interrogatory No. 27:

Identify the persons with the most knowledge about the facts stated in response to Interrogatory No. 26.

Answer:

Kurt Van Keppel. For contact information, see Answer to Int. No. 1.

Interrogatory No. 28:

For each product requested to be identified in Interrogatory No.10, explain the extent to which there has been any interruption to continuous use of the "Xikar" mark to

identify the product.

Answer:

Opposer objects to this interrogatory on the ground it is overly broad and burdensome to the extent it relates to “each product”. Subject to the foregoing general and specific objections, no interruption of use has occurred. The Xikar mark has been in continuous use since at least as early as 1997. The Xikar mark has been continuously use on ashtrays since at least as early as 2009, prior to Applicant’s alleged first use of Cicar on ashtrays.

Supplemental Answer:

Subject to the foregoing objections above in the original Answer, no interruption in use of the XIKAR mark has occurred. To the contrary, use of the XIKAR mark has expanded. Use began in connection with cigar cutters in 1997, and now the variety and scope of products sold under the mark are shown in the catalogs previously produced. The sale of these various products is evidenced by the documents previously produced as well as the price sheets and sample invoices from 2008, produced herewith. Invoices prior to 2008 are no longer available.

Interrogatory No. 29:

Identify all documents supporting your allegation in Paragraph 5 and Paragraph 12 of the Notice of Opposition, that "Opposer", since at least as early as 1997 has been and is now using the mark "Xikar" in connection with the sale and promotion of smoking accessories.

Answer:

Opposer objects to this interrogatory on the ground it is overly broad and burdensome to the extent it seeks “all documents”. Subject to the foregoing general and specific

objections, pursuant to Fed. R. Civ. P. 33(d), representative documents showing use by Opposer of Xikar since 1997 are produced herewith.

Supplemental Answer:

Subject to the foregoing objections made in the original Answer, see the Answer and Supplemental Answer to Int. No. 26.

In addition to the documents already produced which included catalogs showing use of the mark from at least as early as 1999, see the documents produced herewith. These include print-outs from Xikar's web-site showing current use of the mark on various products and photos of products and their associated packaging. Furthermore, price sheets and sample invoices from 2008 are included, among other things.

Interrogatory No. 30:

Identify all documents supporting your allegation in Paragraph 9 of the Notice of Opposition that "Opposer", since at least as early as 2010 has been and is now using the mark "Xikar for Life", US Registration No.85751610, in conjunction with its smoking accessories.

Answer:

Opposer objects to this interrogatory on the ground it is overly broad and burdensome to the extent it seeks "all documents". Subject to the foregoing general and specific objections, pursuant to Fed. R. Civ. P. 33(d), representative documents showing use by Opposer of Xikar For Life since 2010 are produced herewith. Additionally, see the application file of Reg. No. 4,375,111 which is available on the U. S. Patent & Trademark Office web-site.

Supplemental Answer:

Subject to the foregoing objections made in the original Answer, Applicant filed its application for federal registration of XIKAR FOR LIFE on October 11, 2012 with product catalog pages proving use of the mark on the goods. Also see the Fall 2010 catalog which was previously produced showing use of the mark and which supports the October 31, 2010 first use date of the registration.

Interrogatory No. 31:

Identify every opinion, legal or otherwise, requested or received by you, regarding the right to use of the mark "Xikar" including the identity of persons requesting the opinion, the date and substance of the opinion, and the persons receiving the opinion.

Answer:

Opposer objects to this interrogatory on the ground it seeks the attorney-client privilege information to the extent the substance of any communication between Opposer and its counsel is sought. Subject to the foregoing general and specific objections, none are available.

Interrogatory No. 32:

Describe in detail all efforts you have made to enforce against third parties, other than Applicant, the rights you claim in the "Xikar" mark.

Answer:

None.

Interrogatory No. 33:

Describe in detail any instances in which a third party, other than Applicant, has challenged your right to use, or the rights you claim in the "Xikar" mark.

Answer:

None.

Interrogatory No. 34:

For each product requested to be identified in Interrogatory No. 10, list all legal proceedings in which Xikar, Inc. and its predecessors in interest have been a party since the inception of its mark "Xikar", related to such products.

Answer:

Opposer was a party to an opposition unrelated to XIKAR or XIKAR FOR LIFE, Opposition No. 91186534.

Supplemental Answer:

Opposer objects to this interrogatory to the extent it seeks information that does not relate to the trademarks at issues in this proceeding. Such information is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

Interrogatory No. 35:

For each product requested to be identified in Interrogatory No.10, identify your major competitors and their competing products.

Answer:

Opposer objects to this interrogatory on the ground it is overly broad and burdensome to the extent it seeks information for “each product”. Subject to the foregoing general and specific objections, Opposer’s competitors include any entity making or selling a lighter, cigar cutter, humidification device or supplies, cigar container, ashtray, or any other cigar related accessory.

Interrogatory No. 36:

For each product requested to be identified in Interrogatory No. 10, identify all geographic areas in which the product is offered.

Answer:

Opposer objects to this interrogatory on the ground it is overly broad and burdensome to the extent it seeks information for “each product”. Subject to the foregoing general and specific objections, Opposer’s products are offered world-wide.

Supplemental Answer:

Without waiving the foregoing general and specific objections, Opposer’s products are sold throughout the United States, through retail establishments in forty-nine (49) states and the District of Columbia, and are sold world-wide, through retailers in six (6) Canadian Provinces and fifty-eight (58) other foreign countries. Pursuant to Fed. R. Civ. P. 33(d), Doc. Nos. 735-756 are produced herewith that provide a listing of the states, provinces and foreign countries.

Interrogatory No. 37:

Describe in detail the investigation that was performed by you concerning this matter; include the findings of such investigation and date(s) of such investigation(s) performed.

Answer:

Opposer learned of the Cicar application upon its publication in the Official Gazette. Thereafter, the application file was examined and an internet investigation conducted. It was determined that a likelihood of confusion exists between the Cicar mark which is the subject of the application and Opposer's incontestable trademark rights and other federally registered and common law trademark rights. Mr. Van Keppel contacted Mr. Bram Warren prior to filing the opposition in an effort to settle the issues amicably between the parties.

Interrogatory No. 38:

Describe in detail the evidence you have to support your allegation in Paragraph 11 of the Notice of Opposition that the Opposer's mark "Xikar" has developed significant recognition and goodwill amongst consumers.

Answer:

Pursuant to Fed. R. Civ. P. 33(d), representative documents in support of this allegation are produced herewith.

Supplemental Answer:

In addition to the numerous testimonials, advertisements and articles previously produced, see the additional product reviews, testimonials and advertisements produced herewith.

AS TO OBJECTIONS,

Dated: 3-12-14

By Annie C. Deru

Ginnie C. Derousseau, Reg. #35,855

James J. Kernell, Reg. #42,720

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& KLEYPAS, LLC

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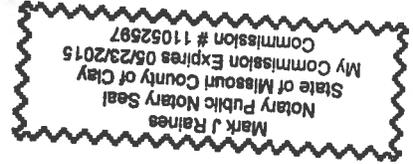
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E-mail: [ginnied@kcpatentlaw.com](mailto:ginnied@kcpatentlaw.com)

E-mail: [jjk@kcpatentlaw.com](mailto:jjk@kcpatentlaw.com)

Attorneys for Opposer

XIKAR, INC.



My Commission Expires: 5/23/2015

SEAL



Notary Public

*Mark J Raines*

March, 2014, by Kurt Van Keppel, as President of XIKAR, INC.

This instrument was acknowledged before me on this 11 day of

STATE OF MO  
COUNTY OF CLAY  
)  
) ss.  
)

Dated: March 11, 2014

Kurt Van Keppel

*Kurt Van Keppel*

the best of his knowledge and belief.

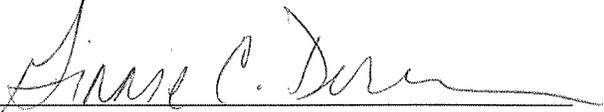
reasonable search, and that the answers given to the above and foregoing are true and correct to behalf of XIKAR, INC., the answers are based on information available to the corporation after a

Kurt Van Keppel hereby certifies that he is answering these interrogatories on

VERIFICATION

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing OPPOSER'S ANSWERS AND SUPPLEMENTAL ANSWERS TO APPLICANT'S FIRST SET OF INTERROGATORIES has been served upon Debra Wiseberg d/b/a Bram Warren Company, 18100 S.W. 50 Street, Southwest Ranches, Florida 33331 by deposit in the United States Mail with first class postage thereon fully prepaid, this 12<sup>th</sup> day of March 2014.

  
Ginnie C. Derousseau

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

In re Application Serial No. 85/652,496,  
filed June 14, 2012, CICAR

XIKAR, INC.,	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. 91209617
	)	
DEBRA WISEBERG D/B/A BRAM	)	
WARREN COMPANY,	)	
	)	
Applicant.	)	
_____	)	

**OPPOSER'S ANSWERS TO  
APPLICANT'S SECOND SET OF INTERROGATORIES**

Pursuant to 37 C.F.R § 2.120 and Fed. R. Civ. P. 26 and 33, Opposer, Xikar, Inc., by and through its attorneys, hereby objects and answers Applicant's Second Set of Interrogatories. Opposer reserves the right to supplement its answers to these interrogatories upon the discovery of additional information through discovery or otherwise.

**GENERAL OBJECTIONS**

1. Opposer objects to Applicant's definitions and instructions to the extent they seek to require Opposer to do more than that which is required by the Federal Rules of Civil Procedure and the Trademark Rules.

2. Opposer objects to each and every interrogatory to the extent it calls for the disclosure of attorney-client privileged communications and/or attorney work product.

Opposer will not undertake to locate and log communications between Opposer and Applicant regarding the subject matter of this proceeding dated after the institution of this action.

3. Opposer objects to each and every interrogatory, and Applicant's definitions of "relating to," "related to," and "relation to," and has not responded to the extent that the definitions of those terms and Applicant's interrogatories seek "each," "any," "every," "all," or "related" information as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence if, by these terms, Applicant purports to require Opposer to investigate for and produce all information and materials touching on the subject of the interrogatory. Opposer is interpreting such interrogatories as calling for the identification of information or materials, to the extent not objected to, which most fully or directly addresses the subjects of the interrogatories, or is representative of the subject information or materials of Opposer. If, by these terms in the interrogatories, Applicant expects Opposer to also produce information or material that is repetitive, duplicative, cumulative, or only incidentally related to the interrogatory subject, then Opposer objects to this purported scope on the basis that such interrogatories are vague, ambiguous, overbroad, unduly burdensome, oppressive, and not reasonably calculated to lead to the discovery of admissible evidence.

4. Opposer objects to each interrogatory to the extent that it calls for information not reasonably available to, or not within the possession, custody, or control of Opposer, or that has been previously produced by Opposer or Applicant. The responses below are based on information reasonably available to Opposer and documents within Opposer's possession, custody, or control. Opposer's objections and responses to these interrogatories are by, and on behalf of, Opposer alone.

5. Opposer objects to the extent that there are no time limitations set forth in some of Applicant's interrogatories rendering some of them overbroad, unduly burdensome, not relevant, and not reasonably calculated to lead to the discovery of admissible evidence.

6. Each of the foregoing objections shall be considered continuing and are hereby incorporated by reference into each specific response.

### **OBJECTIONS AND ANSWERS TO INTERROGATORIES**

#### Interrogatory No. 1:

Do you believe that the Applicant's logo as shown in the Applicant's Initial Disclosures "Document 4", is similar to and likely to be confused with the Opposer's logo.

#### Answer:

Opposer objects to this interrogatory on the ground that it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence to the extent it seeks Xikar's belief. Without waiving any of the foregoing general or specific objections, Opposer answers yes.

#### Interrogatory No. 2:

Do you believe that the Applicant's house mark "Bram Warren" is similar to and likely to be confused with the Opposer's mark "Xikar".

#### Answer:

Opposer objects to this interrogatory on the ground that it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence. The use of "Bram Warren" is not at issue in this proceeding and neither is Xikar's belief.

#### Interrogatory No. 3:

What similar characteristics (characteristics=as such word is defined in the dictionary: adj. typical, distinctive. n. distinguishing feature or quality) do you acknowledge are shared between the words "sika" and "ciga".

Answer:

Opposer objects to this interrogatory on the ground that it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence. Neither the use of "sika" nor "ciga" are at issue in this proceeding.

Interrogatory No. 4:

What exact characteristics (characteristics=as such word is defined in the dictionary: adj. typical, distinctive. n. distinguishing feature or quality) of the Applicants mark "Cica" do you believe are similar to and likely to be confused with the Opposer's mark "Xika".

Answer:

Opposer objects to this interrogatory on the ground that it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence to the extent it seeks Xika's belief. Without waiving any of the foregoing general or specific objections, to the extent this interrogatory is understood, at least the following characteristics: the Opposer's mark and Applicant's mark are capable of identical pronunciations, Ci-CAR (soft initial C, soft I, hard second C and accent on the second syllable); Opposer's mark and Applicant's mark both have five letters; both end in a strong "AR" sound; both begin with letters that indicate an initial sound of "zih," "sih," or "sai;" both contain a

middle letter that would indicate a “hard K” sound; both have the same number of letters in each syllable and the same number of syllables.

Interrogatory No. 5:

Do you believe the Applicant's goods are not distinguishable from the Opposer's goods.

Answer:

Opposer objects to this interrogatory on the ground that it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence. Again, it is irrelevant what Xikar believes. Without waiving any of the foregoing specific or general objections, it is a fact that the Applicant's good and the Opposer's goods are identical: they are not distinguishable. Both sell ashtrays for smokers.

Interrogatory No. 6:

How exactly in the Opposer's opinion would consumers and potential consumers be likely to believe the Applicant's goods originate from or are otherwise endorsed, sponsored, or approved by Opposer.

Answer:

Opposer objects to this interrogatory on the ground that it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence to the extent it seeks Xikar's belief. Without waiving any of the foregoing specific or general objections, see Opposer's Motion for Summary Judgment for a legal analysis applying the uncontroverted MATERIAL facts to the law, which results in the undeniable conclusion that a likelihood of confusion exists.

Interrogatory No. 7:

Do you believe the protective mantle of Trademark Law extends to goods other than "cigar cutters" sold by you and not included in the certificate of registration for the mark "Xikar".

Answer:

Opposer objects to this interrogatory on the ground that it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence to the extent it seeks Xikar's belief. Without waiving any of the foregoing specific or general objections, the law makes clear that it absolutely extends to goods other than cigar cutters.

Interrogatory No. 8:

Identify the first customer who purchased the first product sold under the mark "Xikar".

Answer:

See Supplemental Answer to Int. No. 26 of Applicant's First Set of Interrogatories.

Interrogatory No. 9:

Was the first customer who purchased the first product sold under the mark "Xikar" in any way personally or otherwise associated or affiliated with either Kurt Van Keppel or Scott Almsberger.

Answer:

Opposer objects to this interrogatory on the ground that it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence.

Interrogatory No. 10:

Identify the first customer who purchased the first product sold under the mark "Xikar", who was not, in any way, personally or otherwise associated or affiliated with either Kurt Van Keppel or Scott Almsberger, at the time of such purchase.

Answer:

Opposer objects to this interrogatory on the ground that it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence.

Interrogatory No. 11:

Was the first product sold under the mark "Xikar" by Opposer a prototype of a final product sold by the Opposer after April 1998.

Answer:

Opposer objects to this interrogatory on the ground that it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence.

Interrogatory No. 12:

Why did Kurt Van Keppel have 200 prototypes made of the first cutter sold under the mark

"Xikar".

Answer:

Opposer objects to this interrogatory on the ground that it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence.

Interrogatory No. 13:

Were all 200 prototypes made of the first cutter sold under the mark "Xikar" identical in nature and design.

Answer:

Opposer objects to this interrogatory on the ground that it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence.

Interrogatory No. 14:

Identify how many of the 200 prototypes made of the first cutter sold under the mark "Xikar" were sold, if any.

Answer:

Opposer objects to this interrogatory on the ground that it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence.

14a.) Identify the date that the last prototype of the first cutter sold under the mark "Xikar" was sold.

Answer:

Opposer objects to this interrogatory on the ground that it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence.

Interrogatory No. 15:

What is the date that the manufacturer(s) of the first product sold under the mark "Xikar" actually manufactured and completed production of such product, not including a prototype of such product.

Answer:

Opposer objects to this interrogatory on the ground that it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence.

Interrogatory No. 16:

What is the actual date that you received the first manufactured products from the manufacturer(s) of the first product sold under the mark "Xikar", not including a prototype of such product.

Answer:

Opposer objects to this interrogatory on the ground that it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence.

Interrogatory No. 17:

Identify what exact product was being sold in commerce by Kurt Van Keppel under the mark "Xikar" between February 6, 1997 and April 1998.

Answer:

Cigar cutters.

Interrogatory No. 18:

How was the mark "Xikar" continuously used in commerce by Kurt Van Keppel between February 6, 1997 and April 1998.

Answer:

On product packaging, order forms, and marketing materials. See Opposer's Answer and Supplemental Answer to Applicant's First Int. No. 26 as well as documents that have been produced.

Interrogatory No. 19:

Identify the manufacturer(s) of all product(s) sold under the Opposer's mark "Xikar" between the dates February 6, 1997 and April 1998.

Answer:

Opposer objects to this interrogatory on the ground that it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence.

Interrogatory No. 20:

What is the exact reason that the production of the first product sold under the mark "Xikar" was delayed by the manufacturer for a year.

Answer:

Opposer objects to this interrogatory on the ground that it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence.

Interrogatory No. 21:

Identify all products sold under the Opposer's mark "Xikar" that have been manufactured by Xikar, Inc., a Kansas corporation, or its predecessors in interest, and not by an outside manufacturing business not owned by the Opposer.

Answer:

Opposer objects to this interrogatory on the ground that it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence.

21a.) Describe in detail the aspects of such manufacturing performed by the Opposer.

Answer:

Opposer objects to this interrogatory on the ground that it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence.

Interrogatory No. 22:

On what date, if such date exists, did the Opposer begin selling products sold under their mark "Xikar" directly to the public. Directly to the public means: not through a re-sale merchant of any kind. A re-sale merchant is one who purchases merchandise from one party with the express purpose of re-selling it to another party.

Answer:

See Opposer's answers (original and supplemental) to Int. No. 26 of Applicant's First Set of Interrogatories.

22a.) By what medium (i.e., website, catalogs, etc.) does the Opposer sell its products directly to the public.

Answer:

Web-site, catalogs, internet, sales team. Pursuant to Fed. R. Civ. P. 33(d), see the documents that have been produced.

Interrogatory No. 23:

Identify how many person(s) to the Opposer's knowledge have requested a return or replacement of any and all products sold under the mark "Xikar" since the inception of use of such mark by the Opposer.

Answer:

Unknown. Xikar has an impeccable reputation for customer service. Xikar provides a real lifetime guarantee with its products. See the documents that have been produced.

Interrogatory No. 24:

Identify the documents you have to support the claim the Xi3 Mammoth cigar cutter is and has been made from 10,000 year old fossil mammoth tusk since the inception of sales of any such product, or similar products.

Answer:

Opposer objects to this interrogatory on the ground that it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence.

Interrogatory No. 25:

How do you authenticate and guarantee with a certainty that 10,000 year old fossil mammoth tusk is being used to make your products as you claim.

Answer:

Opposer objects to this interrogatory on the ground that it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence.

Interrogatory No. 26:

Identify the person(s) who have supplied the Opposer or the person(s) manufacturing the Opposer's product(s) with the 10,000 year old fossil mammoth tusk to be used in the Opposer's products.

Answer:

Opposer objects to this interrogatory on the ground that it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible

evidence.

Interrogatory No. 27:

Identify the dates in which Kurt Van Keppel worked for Xerox.

Answer:

Opposer objects to this interrogatory on the ground that it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence.

Interrogatory No. 28:

Did Kurt Van Keppel license the rights to the use of the mark "Xikar" to Xikar, Inc. before he transferred the rights to such mark to Xikar, Inc. in 2004.

Answer:

Yes.

Interrogatory No. 29:

Identify all of the various spellings of the word "Xikar" that you include in the Meta Tags (Meta Tags=provide search engines with information about websites) of your website [www.Xikar.com](http://www.Xikar.com).

Answer:

Unknown.

Interrogatory No. 30:

Describe in detail the claims involved in the following case, Xikar, Inc. v. Gurkha Cigar Group, Inc. et al, filed by the Opposer on February 14, 2013.

Answer:

Opposer objects to this interrogatory on the ground that it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence.

Interrogatory No. 31:

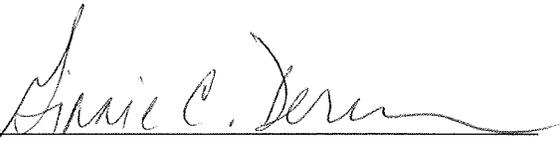
Describe in detail the claims involved in the following case, Calcutta Metalworks, LLC v. Xikar, Inc., filed on March 26, 2013.

Answer:

Opposer objects to this interrogatory on the ground that it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence.

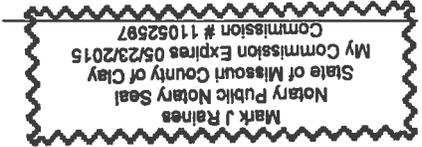
AS TO OBJECTIONS:

Dated: 3-12-14

By 

Ginnie C. Derusseau, P.O. Reg. No. 35,855  
James J. Kernell, P.O. Reg. No. 42,720  
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Email: [jjk@kcpatentlaw.com](mailto:jjk@kcpatentlaw.com)

Attorneys for Opposer  
XIKAR, INC.



My Commission Expires:

SEAL



Notary Public

*Mark J Raines*

\_\_\_\_\_, 2014, by Kurt Van Keppel, as President of XIKAR, INC.

This instrument was acknowledged before me on this 11 day of

STATE OF MO  
COUNTY OF CLAY  
)  
) ss.

Dated: 3-11-2014

Kurt Van Keppel

*Kurt Van Keppel*

the best of his knowledge and belief.

reasonable search, and that the answers given to the above and foregoing are true and correct to

behalf of XIKAR, INC., the answers are based on information available to the corporation after a

Kurt Van Keppel hereby certifies that he is answering these interrogatories on

VERIFICATION

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing OPPOSER'S ANSWERS TO APPLICANT'S SECOND SET OF INTERROGATORIES has been served upon Debra Wiseberg d/b/a Bram Warren Company, 18100 S.W. 50 Street, Southwest Ranches, Florida 33331 by deposit in the United States Mail with first class postage thereon fully prepaid, this 12<sup>th</sup> day of March 2014.



Ginnie C. Derousseau

Generated on: This page was generated by TSDR on 2014-03-12 13:08:28 EDT

Mark: CICAR

Cicar

**US Serial Number:** 85652496  
**Application Filing Date:** Jun. 14, 2012  
**Filed as TEAS Plus:** Yes  
**Currently TEAS Plus:** Yes  
**Register:** Principal  
**Mark Type:** Trademark  
**Status:** An opposition after publication is pending at the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.  
**Status Date:** Mar. 06, 2013  
**Publication Date:** Nov. 06, 2012

## Mark Information

**Mark Literal Elements:** CICAR  
**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or color.  
**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

## Goods and Services

**Note:** The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (...) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks \*.\* identify additional (new) wording in the goods/services.

**For:** Ashtrays for smokers  
**International Class(es):** 034 - Primary Class  
**U.S Class(es):** 002, 008, 009, 017  
**Class Status:** ACTIVE  
**Basis:** 1(a)  
**First Use:** Apr. 15, 2011  
**Use in Commerce:** Jun. 2011

## Basis Information (Case Level)

<b>Filed Use:</b> Yes	<b>Currently Use:</b> Yes	<b>Amended Use:</b> No
<b>Filed ITU:</b> No	<b>Currently ITU:</b> No	<b>Amended ITU:</b> No
<b>Filed 44D:</b> No	<b>Currently 44D:</b> No	<b>Amended 44D:</b> No
<b>Filed 44E:</b> No	<b>Currently 44E:</b> No	<b>Amended 44E:</b> No
<b>Filed 66A:</b> No	<b>Currently 66A:</b> No	
<b>Filed No Basis:</b> No	<b>Currently No Basis:</b> No	

## Current Owner(s) Information

**Owner Name:** Bram Warren, Company  
**Owner Address:** 18100 S.W. 50 Street  
Southwest Ranches, FLORIDA 33331  
UNITED STATES  
**Legal Entity Type:** CORPORATION  
**State or Country Where Organized:** FLORIDA

## Attorney/Correspondence Information

**Attorney of Record - None  
Correspondent**

**Correspondent Name/Address:** Debra Wiseberg  
d/b/a BRAM WARREN COMPANY  
18100 SW 50TH ST  
SOUTHWEST RANCHES, FLORIDA 33331-1012  
UNITED STATES  
**Phone:** (954)297-0329

Correspondent e-mail: [bramwarren@bramwarren.com](mailto:bramwarren@bramwarren.com)

Correspondent e-mail Yes  
Authorized:

Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Oct. 23, 2013	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Mar. 06, 2013	OPPOSITION INSTITUTED NO. 999999	209617
Nov. 14, 2012	EXTENSION OF TIME TO OPPOSE RECEIVED	
Nov. 06, 2012	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Nov. 06, 2012	PUBLISHED FOR OPPOSITION	
Oct. 17, 2012	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Sep. 28, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 27, 2012	ASSIGNED TO EXAMINER	76625
Jun. 22, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 18, 2012	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information

TM Attorney: SUAREZ, MARIA VICTORIA

Law Office Assigned: LAW OFFICE 102

### File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Sep. 29, 2012

## Assignment Abstract Of Title Information

### Summary

Total Assignments: 1

Applicant: Bram Warren, Company

### Assignment 1 of 1

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [5130/0262](#)

Pages: 2

Date Recorded: Oct. 14, 2013

Supporting Documents: [assignment-tm-5130-0262.pdf](#)

### Assignor

Name: [BRAM WARREN COMPANY, A FLORIDA CORPORATION](#)

Execution Date: Oct. 11, 2013

Legal Entity Type: CORPORATION

State or Country Where Organized: No Place Where Organized Found

### Assignee

Name: [WISEBERG, DEBRA](#)

Legal Entity Type: INDIVIDUAL

Citizenship: UNITED STATES

Address: 18100 S.W. 50 STREET  
SOUTHWEST RANCHES, FLORIDA 33331

DBA, AKA, TA, Formerly: DBA BRAM WARREN COMPANY

### Correspondent

Correspondent Name: DEBRA WISEBERG

Correspondent Address: 18100 S.W. 50 STREET  
SOUTHWEST RANCHES, FL 33331

Domestic Representative - Not Found

## Proceedings

### Summary

Number of Proceedings: 2

### Type of Proceeding: Opposition

Proceeding Number: [91209617](#)

Filing Date: Mar 06, 2013

Status: Pending

Status Date: Mar 06, 2013

Interlocutory Attorney: CHRISTEN M ENGLISH

**Defendant**

**Name:** Debra Wiseberg

**Correspondent Address:** Debra Wiseberg  
d/b/a BRAM WARREN COMPANY  
18100 SW 50TH ST  
SOUTHWEST RANCHES FL , 33331-1012  
UNITED STATES

**Correspondent e-mail:** [bramwarren@bramwarren.com](mailto:bramwarren@bramwarren.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
CICAR	Opposition Pending	<a href="#">85652496</a>	

**Plaintiff(s)**

**Name:** XIKAR, INC.

**Correspondent Address:** Ginnie C. Derusseau  
Erickson, Kernell, Derusseau & Kleypas, LLC  
8900 State Line Road, Suite 500  
Leawood KS , 66206  
UNITED STATES

**Correspondent e-mail:** [ekdkdocket@kcpatentlaw.com](mailto:ekdkdocket@kcpatentlaw.com) , [ginnied@kcpatentlaw.com](mailto:ginnied@kcpatentlaw.com) , [mjiles@kcpatentlaw.com](mailto:mjiles@kcpatentlaw.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
XIKAR	Renewed	<a href="#">75152549</a>	<a href="#">2200215</a>
XIKAR FOR LIFE	Registered	<a href="#">85751610</a>	<a href="#">4375111</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 06, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 06, 2013	Apr 15, 2013
3	PENDING, INSTITUTED	Mar 06, 2013	
4	ANSWER	Apr 15, 2013	
5	ANSWER TO COUNTERCLAIM	May 15, 2013	
6	TRIAL DATES RESET	May 16, 2013	
7	CHANGE OF CORRESP ADDRESS	Sep 16, 2013	
8	D MOT TO JOIN/SUBSTITUTE PARTY	Oct 21, 2013	
9	P OPP/RESP TO MOTION	Nov 08, 2013	
10	TRIAL DATES REMAIN AS SET	Jan 08, 2014	
11	P MOT FOR EXT W/O CONSENT	Feb 10, 2014	
12	D OPP/RESP TO MOTION	Feb 25, 2014	
13	CHANGE OF CORRESP ADDRESS	Feb 26, 2014	

**Type of Proceeding: Extension of Time**

**Proceeding Number:** [85652496](#)

**Filing Date:** Nov 14, 2012

**Status:** Terminated

**Status Date:** Mar 06, 2013

**Interlocutory Attorney:**

**Defendant**

**Name:** Bram Warren, Company

**Correspondent Address:** BRAM WARREN, COMPANY, A FLORIDA CORPORAT  
BRAM WARREN, COMPANY, A FLORIDA CORPORAT  
18100 SW 50TH ST  
SOUTHWEST RANCHES FL , 33331-1012  
UNITED STATES

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
CICAR	Opposition Pending	<a href="#">85652496</a>	

**Potential Opposer(s)**

**Name:** XIKAR, INC.

**Correspondent Address:** J. DAVID WHARTON  
STINSON MORRISON HECKER LLP  
1201 WALNUT STREET, SUITE 2900STINSON TRADEMARK ADMINISTRATOR  
KANSAS CITY MO , 64106-2150  
UNITED STATES

**Correspondent e-mail:** [TRADEMARK@STINSON.COM](mailto:TRADEMARK@STINSON.COM) , [DWHARTON@STINSON.COM](mailto:DWHARTON@STINSON.COM)

Associated marks			
Mark	Application Status	Serial Number	Registration Number

Prosecution History			
Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Nov 14, 2012	
2	EXTENSION OF TIME GRANTED	Nov 14, 2012	
3	INCOMING - EXT TIME TO OPPOSE FILED	Jan 07, 2013	
4	EXTENSION OF TIME GRANTED	Jan 07, 2013	



Wiseberg answer an interrogatory separately, they will so state the name of such party that is answering. The Opposer has agreed to the Applicant, Bram Warren Company, a Florida corporation's Motion for Substitution of Party from Bram Warren Company, a now dissolved Florida corporation to Debra Wiseberg the assigned owner of the mark "Cicar", Serial No. 85-652,496. This first request for production of documents has been addressed to and answered by both parties as the TTAB has not issued their ruling on such motion.

2. Applicants collective investigation and development of all facts and circumstances relating to this action are ongoing. These responses and objections are made without prejudice to, and are not a waiver of either Applicants right to rely on other facts or documents at trial.

3. By making the accompanying responses and objections to the Opposer's interrogatory requests, Applicants Bram Warren Company, a dissolved Florida corporation and Debra Wiseberg do not waive, and hereby expressly reserve, their right(s) to assert any and all objections as to the admissibility of such responses into evidence in this action, or in any other proceedings, on any and all grounds including, but not limited to, competency, relevancy, materiality and privilege. Further, Applicants Bram Warren Company, a dissolved Florida corporation and Debra Wiseberg make the responses and objections herein without in any way implying that they consider the interrogatory, and responses to the interrogatory, to be relevant or material to the subject matter of this action.

4. A response to an interrogatory whether stating that objections are made and/or indicating that the Applicants Bram Warren Company, a dissolved Florida corporation and/or Debra Wiseberg believe such information is protected from disclosure and/or considered work product or privileged, and/or beyond the scope of this proceeding, and/or not reasonably calculated to lead to the discovery of admissible evidence, shall not indicate that the

Applicants Bram Warren Company, a dissolved Florida corporation and/or Debra Wiseberg performed any of the acts described in the interrogatory or has any additional information to provide to such interrogatory request.

5. Applicants Bram Warren Company, a dissolved Florida corporation and Debra Wiseberg expressly reserve the right to supplement, clarify, revise, or correct any and all of the responses and objections herein, and to assert additional objections or privileges, in one or more subsequent supplemental response(s).

#### GENERAL OBJECTIONS

1. Applicants collectively object to each instruction, definition, and interrogatory to the extent that it purports to impose any requirement or discovery obligation greater than or different from those under the Federal Rules of Civil Procedure and Trademark Law.

2. Applicants collectively object to each instruction, definition, and interrogatory that is overly broad, over-inclusive, unduly burdensome, harassing, embarrassing, inherently vague, may be construed as improperly seeking information protected from disclosure and considered work product or privileged, proprietary and private business information, trade secret or other confidential research, development or commercial information, beyond the scope of this proceeding, and/or not reasonably calculated to lead to the discovery of admissible evidence.

3. Applicants collectively object to each instruction, definition, and interrogatory to the extent that it seeks or requires information protected from disclosure by privilege. Should any disclosure by Applicant occur, it is inadvertent and shall not constitute a waiver of any privilege.

4. Applicants collectively object to each instruction, definition, and interrogatory to the extent that it seeks or requires information prepared in anticipation of litigation or for trial.

5. Applicants collectively object to each instruction, definition, and interrogatory to the extent that it seeks to have the Applicants try their entire case, by and through these interrogatories.

6. Applicants collectively object to each instruction, definition, and interrogatory to the extent that it seeks information that is neither relevant to the subject matter of this proceeding or reasonably calculated to lead to the discovery of admissible evidence.

7. Applicants collectively object to each instruction, definition, and interrogatory to the extent that it seeks to have the Applicants answer multiple interrogatory questions within one (1) numbered interrogatory. The Applicants consider these interrogatories to be within the allowable 75 interrogatories allotted to the Opposer, and so has responded to such interrogatories. The numbering of these interrogatories and any dispute as to the numbering of these interrogatories will be determined by the Trademark Trial and Appeal Board.

8. Applicants collectively incorporate by reference every general objection set forth above into each specific response set forth below. A specific response may repeat a general objection for emphasis or some other reason. The failure to include any general objection in any specific interrogatory does not waive any general objection to that request. Moreover, Applicants do not waive their rights to amend their responses.

#### OBJECTIONS TO INSTRUCTIONS AND DEFINITIONS

1. The Applicants collectively object to instruction and definition numbered (A), in that Bram Warren Company, a Florida corporation and Debra Wiseberg dba Bram Warren Company are 2 separate business entities and that any interrogatory that does not specify which business entity such interrogatory is addressing is inherently vague and may be construed as misappropriating the numbering system of such interrogatory by asking multiple questions within the same interrogatory by not addressing a specific party. The Applicants, Bram Warren Company, a Florida corporation and Debra Wiseberg dba Bram Warren Company have answered such interrogatories collectively or separately depending on the nature of such interrogatory. When the words collective or collectively are used in the Applicants response it is meant to signify that Bram Warren Company, a dissolved Florida corporation and Debra

Wiseberg have both responded to such interrogatory.

2. The Applicants collectively object to instruction and definition numbered (C), to the extent that the Opposer is trying to incorporate multiple terms into one term.

3. The Applicants collectively object to instruction and definition numbered (G), to the extent that it purports to impose obligations greater than those set forth in Trademark Law in its request for a “date”.

4. The Applicants collectively object to instruction and definition numbered (H), to the extent that it purports to impose obligations greater than those set forth in the Federal Rules of Civil Procedure and under Trademark Law in its expanded definition of “documents”.

5. The Applicants collectively object to the definition numbered (I), to the extent that it purports to expand the definition of “person”.

6. The Applicants collectively object to the definition numbered (J), to the extent that it requires the Applicants to repeat information given multiple times throughout these interrogatories.

7. The Applicants collectively object to the definition numbered (L), to the extent that it requires the Applicants to repeat information given multiple times throughout these interrogatories.

8. The Applicants collectively object to instruction and definition numbered (M), to the extent that it purports to expand the definition and use of any word or term.

9. The Applicants collectively objects to instruction and definition numbered (N), to the extent that it purports to impose obligations greater than those set forth in the Federal Rules of Civil Procedure and under Trademark Law in its expanded definition of “relating”, “related”, or “which relates”.

10. The Applicants collectively object to instruction and definition numbered (O), to the extent that it purports to impose obligations greater than those set forth in the Federal Rules

of Civil Procedure and under Trademark Law.

11. The Applicants collectively object to instruction and definition numbered (Q), to the extent that it requires the relinquishment of information that the Applicant has deemed privileged and protected from discovery before the TTAB has ruled on such matters.

12. The Applicants collectively object to all instructions and definitions contained in these interrogatories, to the extent that they purport to impose obligations on the Applicants greater than those set forth in the Federal Rules of Civil Procedure and under Trademark Law.

### OBJECTIONS AND RESPONSES TO INTERROGATORIES

#### INTERROGATORY NO. 1

Identify all persons, including Applicant's officers and employees, both present and former, that were involved in the development, creation, conception, origination, clearance, selection or adoption of the mark, and describe with particularity the circumstances surrounding these events including, but not limited to, the date of origination, the derivation of the mark, and suggestive connotation of the mark, if any.

#### APPLICANT'S ANSWER TO INTERROGATORY NO. 1

Applicants collectively object to Interrogatory No. 1, to the extent that such request is over-inclusive, overbroad and may be construed as improperly seeking information protected and considered work product or privileged, proprietary and private business information, trade secret or other confidential research, development or commercial information, and beyond the scope of this proceeding. Applicants further object to the numbering system of the Opposer's

Interrogatory No. 1. Subject to and without waiving such previous and following objections, Applicants collectively respond as follows:

(1) Debra Wiseberg who may be contacted at 18100 S.W. 50, Southwest Ranches, FL 33331 is the person who developed the Applicant's mark. (2) Debra Wiseberg is the person who created the Applicant's mark. (3) Debra Wiseberg is the person who conceived the Applicant's mark. (4)

Debra Wiseberg is the person who originated the Applicant's mark. (5) Debra Wiseberg is the person who cleared the Applicant's mark. (6) Debra Wiseberg is the person who selected the Applicant's mark. (7) The adoption of Applicant's mark "Cicar" by Bram Warren Company, a Florida corporation occurred during the Applicant, Bram Warren Company, a Florida corporation's organizational meeting of the Incorporator and Directors of such corporation (8) The request by Opposer to have Applicants describe with particularity the circumstances surrounding the preceding 7 events is inherently vague, over-inclusive, overbroad and may be construed as improperly seeking information protected and considered work product, proprietary and private business information and/or privileged. (9) The date of origination of the Applicant's mark was in 2010. (10) The Applicant's mark was derived in the mind of Debra Wiseberg as the name for a product, specifically a "vehicle ashtray for tobacco products". (11) There is not a suggestive connotation of the Applicant's mark as the Applicant's mark is a name made up by the Applicant, Debra Wiseberg and is not a word in the English dictionary.

INTERROGATORY NO. 2

Identify any searches that were conducted for third party uses or registrations of trademarks similar to the mark in anticipation of using or applying to register the mark.

APPLICANT'S ANSWER TO INTERROGATORY NO. 2

Applicants collectively object to Interrogatory No. 2, to the extent that such request is inherently vague, over-inclusive, overbroad, and may be construed as improperly seeking information protected, considered work product or privileged and beyond the scope of this proceeding.

Subject to and without waiving such objections, Applicants collectively respond as follows:

Searches were performed by Debra Wiseberg through the Internet and the USPTO databases.

The USPTO search report performed prior to publication of the mark "Cicar".

INTERROGATORY NO. 3

Identify all persons, including but not limited to Applicant's officers and employees, both

present and former, which were involved in the application to register the mark and indicate the nature of such involvement.

APPLICANT'S ANSWER TO INTERROGATORY NO. 3

Applicants collectively object to Interrogatory No. 3, to the extent that such request may be construed as improperly seeking information protected and considered work product or privileged, beyond the scope of this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving such objections, Applicant(s) responds as follows:

Debra Wiseberg, as Vice President of Bram Warren Company, a Florida corporation is the only person who was involved in the application to register the mark and who prepared and filed the trademark application to register the mark.

INTERROGATORY NO. 4

Identify all agreements, including licenses and assignments, entered into by Applicant relating to the mark, including the identification of all persons participating in the negotiation and creation of each such agreement and the parties to each such agreement.

APPLICANT'S ANSWER TO INTERROGATORY NO. 4

Applicants collectively object to Interrogatory No. 4, to the extent that such request is inherently vague, over-inclusive, overbroad and may be construed as improperly seeking information protected and considered work product or privileged, proprietary and private business information, trade secret or other confidential research, development or commercial information, beyond the scope of this proceeding, and/or not reasonably calculated to lead to the discovery of admissible evidence. The Opposer's request in Interrogatory No. 4 to identify all persons participating in the negotiations of agreements, licenses, and assignments is improperly seeking information protected, privileged, beyond the scope of this proceeding, and/or not reasonably calculated to lead to the discovery of admissible evidence. The Opposer's request in

Interrogatory No. 4 to identify all persons participating in the creation of agreements, licenses, and assignments is improperly seeking information protected, privileged, beyond the scope of this proceeding, and/or not reasonably calculated to lead to the discovery of admissible evidence.

The Opposer's request in Interrogatory No. 4 to identify all parties to each agreement, license, and assignment is improperly seeking information protected, privileged, beyond the scope of this proceeding, and/or not reasonably calculated to lead to the discovery of admissible evidence.

Applicant also objects to the numbering system of the Opposer Interrogatory No. 4. Subject to and without waiving such previous objections and following objections, Applicants collectively respond as follows:

(1) The only assignment entered into by the original Applicant, Bram Warren Company, a Florida corporation is the Trademark Assignment dated October 11, 2013 that was filed with the USPTO on October 14, 2013 and previously sent to the Opposer on October 21, 2013 with the Applicant's Motion for Substitution of Party. (2) The parties to the Trademark Assignment dated October 11, 2013 that was filed with the USPTO on October 14, 2013 and previously sent to the Opposer on October 21, 2013 with the Applicant's Motion for Substitution of Party is as stated in such Trademark Assignment as being Bram Warren Company, a Florida corporation and Debra Wiseberg. (3) Any agreements or documents, if any, pertaining to the aforementioned Trademark Assignment other than those previously disclosed are considered by both Applicants to be protected from disclosure as proprietary and private business information, and beyond the scope of this proceeding.

INTERROGATORY NO. 5

State the date(s) Applicant first became aware of the trademark XIKAR and XIKAR FOR LIFE as used by the Opposer, and describe the circumstances surrounding this first awareness, including but not limited to, the identity of the person(s) associated with Applicant who first became aware of Opposer's use of XIKAR and XIKAR FOR LIFE.

APPLICANT'S ANSWER TO INTERROGATORY NO. 5

Applicants collectively object to the numbering system of the Opposer's Interrogatory No. 5.

The Applicants further object to this interrogatory and the Opposer's use of the terms "aware" and "awareness" and will interpret the terms to mean "having knowledge". Applicants object to the phrase "as used by" in this interrogatory as it may purport to an elevated level of knowledge. Applicants object to the Opposer's use of the term "associated" in this interrogatory as such term is inherently vague, overly broad, and over-inclusive. Subject to and without waiving such objections, Applicants respond as follows:

(1) The Applicant, Bram Warren Company, a Florida corporation's first knowledge of the Opposer's mark XIKAR was in November, 2012. (2) The Applicant, Bram Warren Company, a Florida corporation's first knowledge of the Opposer's mark "XIKAR FOR LIFE" including directly associated person(s) was in or after November, 2012 or in March, 2013. (3) The circumstances as to the Applicant, Bram Warren Company, a Florida corporation's first knowledge of the Opposer's trademark "XIKAR" was when Bram Warren Company, a Florida corporation was informed by the USPTO that the Opposer filed their 1<sup>st</sup> extension of time to oppose the Applicant's mark. In further declarative response "Bram Warren" Wiseberg informed Bram Warren Company, a Florida corporation, after the Opposer filed their 1<sup>st</sup> extension of time to oppose the Applicant's mark that he believed he may have heard of or seen the mark "XIKAR" previously, but that he had no direct knowledge as to the trademark "XIKAR". (4) The circumstances as to the Applicant, Bram Warren Company, a Florida corporation's first knowledge of the Opposer's mark "XIKAR FOR LIFE" was after the Opposer filed papers in this Opposition case. (5) Debra Wiseberg's first knowledge of the Opposer's mark "XIKAR" was in November, 2012. (6) Debra Wiseberg's first knowledge of the Opposer's mark "XIKAR FOR LIFE" was in or after November, 2012 or in March, 2013. (7) The circumstances as to the Applicant, Debra Wiseberg's first knowledge of the Opposer's trademark "XIKAR" was when

Bram Warren Company, a Florida corporation was informed by the USPTO that the Opposer filed their 1<sup>st</sup> extension of time to oppose the Applicant's mark. (8) The circumstances as to the Applicant, Debra Wiseberg's first knowledge of the Opposer's mark "XIKAR FOR LIFE" was after the Opposer filed papers in this opposition case.

INTERROGATORY NO. 6

Identify all instances of actual confusion known by Applicant when a person was confused as the source or affiliation of Applicant's goods which were being offered under the mark. Give the date, location, and factual circumstances surrounding each such instance, including the person(s) confused in each case and the person(s) witnessing each such instance. Such actual confusion would include instances when a person believed Applicant or goods sold by Applicant were in some way affiliated with Opposer.

APPLICANT'S ANSWER TO INTERROGATORY NO. 6

Applicants collectively object to the numbering system of the Opposer Interrogatory No. 6. Subject to and without waiving such previous objections, Applicants collectively respond as follows:

The Applicants know of no instances of actual confusion where a person was confused as the source or affiliation of the Applicant's goods.

INTERROGATORY NO. 7

Identify all products or services previously and currently sold under the mark.

APPLICANT'S ANSWER TO INTERROGATORY NO. 7

There were no services previously sold under the mark "Cicar" by Bram Warren Company, a Florida corporation or Debra Wiseberg. There are no services currently sold under the mark "Cicar" by either party. The only product previously sold by Bram Warren Company, a Florida corporation and Debra Wiseberg under the product mark "Cicar" is a "vehicle ashtray for tobacco products". The only product currently sold by Debra Wiseberg under the product mark

“Cicar” is a “vehicle ashtray for tobacco products”.

INTERROGATORY NO. 8

Identify the circumstances surrounding the first use of the mark, including but not limited to, the first product sold under the mark, the date and location of first use, and to whom the first use was made.

APPLICANT’S ANSWER TO INTERROGATORY NO. 8

Applicants collectively object to Interrogatory No. 8, to the extent that such request is over-inclusive, overbroad, and may be construed as improperly seeking information protected from disclosure, considered work product or privileged, proprietary and private business information, trade secret or other confidential research, development or commercial information, and beyond the scope of this proceeding. Applicants also object to the numbering system of the Opposer’s Interrogatory No. 8. Subject to and without waiving such previous and following objections, Applicants collectively respond as follows:

- (1) Applicants’ first use of the mark “Cicar” was in the catalog for the Applicant’s products. A copy of such catalog was previously produced in the Applicant’s Initial Disclosures as “Applicant’s Document 3”. The Applicants’ date of first use of their mark “Cicar” was April 15, 2011 when the Applicant’s catalog was sent to an outside, non-affiliated printing company.
- (2) The Applicants consider the outside printing company a vendor of Applicant and as such the identity of such outside printing company is privileged and protected because they are a vendor who supplies services to the Applicant, and irrelevant to this proceeding since the Opposer’s trademark “Xikar” was registered on October 27, 1998.
- 3) The first product sold under the Applicant’s mark “Cicar” is the only product currently sold under the mark “Cicar”, a “vehicle ashtray for tobacco products”.

INTERROGATORY NO. 9

Identify the geographic scope of sales made for product(s) sold under the mark.

APPLICANT'S ANSWER TO INTERROGATORY NO. 9

Applicants collectively object to Interrogatory No. 9, to the extent that such request is over-inclusive, overbroad, unduly burdensome, and may be construed as improperly seeking information protected from disclosure and considered privileged and beyond the scope of this proceeding. Subject to and without waiving such objections, Applicants collectively respond as follows:

The Applicant's product sold under the mark "Cicar" is currently sold to/in different states within the United States of America.

INTERROGATORY NO. 10

Identify the annual sales volume of each product(s) sold under the mark.

APPLICANT'S ANSWER TO INTERROGATORY NO. 10

Applicants object to Interrogatory No. 10, to the extent that such request is inherently vague and may be construed as improperly seeking information protected from disclosure, considered privileged, proprietary and private business information, development or commercial information, and beyond the scope of this proceeding. The Applicants are unsure as to what level of protection this information should be given and as such will wait until such designation is made by the Trademark Trial and Appeal Board or agreed to by the parties. In further clarified response, when the Opposer was asked a similar question by Applicant, in the Applicant's First Set of Interrogatories for Opposer and Counterclaim Defendant, the Opposer stated (as summarized by the Applicants) that they objected to such interrogatory on the grounds that it requests confidential and proprietary information and that the information would not be given at this time because the Applicant did not retain counsel in this Opposition proceeding and as such could not enter into a confidentiality agreement. The Opposer did not designate in such response the level of protection they believed this information afforded. The Applicants are unable to produce its answer or argument as to Interrogatory No. 10, until such time, that the level of

protection for such information is determined.

INTERROGATORY NO. 11

Identify the channels of trade and all sales outlets, including websites, through which the product(s) bearing the mark is sold.

APPLICANT'S ANSWER TO INTERROGATORY NO. 11

Applicants collectively object to Interrogatory No. 11, to the extent that such request is overly broad, over-inclusive, unduly burdensome, and may be construed as improperly seeking information protected from disclosure, privileged, proprietary and private business information, development or commercial information, beyond the scope of this proceeding, and/or not reasonably calculated to lead to the discovery of admissible evidence. Applicant(s) also objects to the numbering system of the Opposer's Interrogatory No. 11. Subject to and without waiving such objections, Applicants collectively respond as follows:

(1) The current channels of trade for the Applicant's products are a retail website owned by the Applicant, Debra Wiseberg dba Bram Warren Company; direct wholesale sales to non-affiliated retail cigar stores and other merchants for re-sale to consumers. (2) The Applicant, Debra Wiseberg dba Bram Warren Company currently sells its product bearing the "Cicar" mark directly to consumers on her retail website; and the Applicant, Debra Wiseberg dba Bram Warren Company currently sells its product bearing the "Cicar" mark directly to multiple cigar retail establishments and other merchants for re-sale to consumers. The Applicants are unaware at this time of any other website beside the Applicant's Debra Wiseberg's own retail website bramwarren.com that sells the Applicant's product(s) bearing the "Cicar" mark on the internet to consumers.

INTERROGATORY NO. 12

Identify the target consumers of product(s) sold bearing the mark.

APPLICANT'S ANSWER TO INTERROGATORY NO. 12

Applicants collectively object to Interrogatory No. 12, to the extent that such request is over-inclusive, overbroad and may be construed as improperly seeking information protected from disclosure, considered privileged, proprietary and private business information, development or commercial information, and beyond the scope of this proceeding. Subject to and without waiving such objections, Applicants collectively respond as follows:

The target consumers of the product sold under the mark “Cicar” are careful and sophisticated purchasers as the product’s retail price as sold by the Applicant(s) is \$105.00, which is one of the most expensive vehicle ashtrays available in today’s American marketplace.

INTERROGATORY NO. 13

State all intended or anticipated future uses of the mark by Applicant, including a list of products Applicant intends to market under the mark. Include any intended or anticipated assignments or licenses of rights to the mark. All intended or anticipated future uses of the mark should be stated even if the mark is currently being used in the same manner as the future use.

APPLICANT’S ANSWER TO INTERROGATORY NO. 13

Applicants collectively object to Interrogatory No. 13, to the extent that such request is over-inclusive, overbroad and may be construed as improperly seeking information protected from disclosure, considered privileged, proprietary and private business information, trade secret or other confidential research, development or commercial information, and beyond the scope of this proceeding. Applicants collectively object to the numbering system of the Opposer’s Interrogatory No. 13. Subject to and without waiving such previous and following objections, Applicants respond as follows:

(1)The Applicant, Debra Wiseberg currently uses the mark “Cicar” as a product mark for a “vehicle ashtray for tobacco products”. (2) The Applicant, Bram Warren Company, a Florida corporation has already disclosed to the Opposer during the Discovery Conference between the Opposer’s former counsel Penny R. Slicer of Stinson Morrison Hecker LLP and the

aforementioned, that the Applicant intends to make additional vehicle ashtray(s) for tobacco products under their mark “Cicar”. The Applicant, Debra Wiseberg objects to the Opposer’s request for the Applicant to state all anticipated future uses of their mark, if there are any additional future uses either anticipated at this time or conceived at some future date, the Applicant, Debra Wiseberg would consider this to be proprietary and private business information, trade secret or other confidential research, development or commercial information that should be protected from disclosure and is beyond the scope of this proceeding. (3) The Applicant objects to the Opposer’s request for any intended or anticipated assignments or licenses of rights to the mark, if any, the Applicant would consider this to be proprietary and private business information that should be protected from disclosure, and beyond the scope of this proceeding.

INTERROGATORY NO. 14

Identify all objections by third parties made to Applicant and all proceeding instituted by third parties against Applicant related in any way to Applicant’s use of the mark and the outcome of the controversy.

APPLICANT’S ANSWER TO INTERROGATORY NO. 14

Applicants collectively object to Interrogatory No. 14, to the extent that such request is not relevant to this proceeding, beyond the scope of this proceeding, or not reasonably calculated to lead to the discovery of admissible evidence. Applicants also object to the numbering system of the Opposer Interrogatory No. 14. Subject to and without waiving objections, Applicants respond as follows:

(1) There have been no objections made by any party, other than Opposer, in any way, to either Applicant’s use of the mark “Cicar”. (2) There have been no proceedings instituted against either Applicant, by any party, other than Opposer, in any way, that is related to either Applicant’s use of the mark “Cicar”. The outcome of this proceeding is, of course, not as of yet decided.

INTERROGATORY NO. 15

State the motives, reasons, and facts related to and resulting in the voluntary dissolution of Bram Warren Company as filed with the Florida Department of State.

APPLICANT'S ANSWER TO INTERROGATORY NO. 15

The Applicant, Bram Warren Company, a dissolved Florida corporation objects to Interrogatory No. 15, to the extent that such interrogatory is requesting confidential business information including requesting that the Applicant, Bram Warren Company, a Florida dissolved corporation, disclose their motives, reasons, and facts related to and resulting in the voluntary dissolution of said corporation. The Applicant would consider this to be confidential business information that should be protected from disclosure, and beyond the scope of this opposition proceeding. Subject to and without waiving such objections, Applicant responds as follows:

The voluntary dissolution of Bram Warren Company, a Florida corporation was just that "Voluntary".

INTERROGATORY NO. 16

State the motives, reasons, and facts related to and resulting in the registration of Bram Warren Company as a fictitious name by Debra Wiseberg with the Florida Department of State.

APPLICANT'S ANSWER TO INTERROGATORY NO. 16

The Applicant, Debra Wiseberg objects to Interrogatory No. 16, to the extent that such interrogatory is inherently vague and is requesting confidential business information that should be protected from disclosure, and beyond the scope of this opposition proceeding. Subject to and without waiving such objections, Applicant responds as follows:

The fictitious name Bram Warren Company was registered by Debra Wiseberg with the Florida Department of State, so that she could engage in business activities under such name.

INTERROGATORY NO. 17

State Debra Wiseberg's current job title and describe her responsibilities, if any, with respect to

the Applicant.

APPLICANT'S ANSWER TO INTERROGATORY NO. 17

The Applicants collectively object to Interrogatory No. 17, to the extent that such interrogatory is inherently vague and is requesting business information that the Applicants may consider to be confidential, protected from disclosure, beyond the scope of this opposition proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. The Applicants object to Interrogatory No. 17 in that Bram Warren Company, a Florida corporation and Debra Wiseberg dba Bram Warren Company are in actuality 2 separate business entities and that any interrogatory that does not specify which entity such interrogatory is addressing is inherently vague and may be construed as misappropriating the numbering system of such interrogatory by asking multiple questions within the same interrogatory by not addressing a specific party.

Subject to and without waiving such objections, Applicants respond as follows:

(1) Debra Wiseberg is the Vice President and Secretary of Bram Warren Company, a now dissolved Florida corporation, who was and is currently responsible for the winding up of said corporation's business affairs and activities. (2) Debra Wiseberg doing business under the fictitious name Bram Warren Company is the owner and sole proprietor of such business.

INTERROGATORY NO. 18

State Bram Warren's current job title and describe his responsibilities, if any, with respect to the Applicant.

APPLICANT'S ANSWER TO INTERROGATORY NO. 18

The Applicants collectively object to Interrogatory No. 18, to the extent that such interrogatory is inherently vague and is requesting business information that the Applicants may consider to be confidential, protected from disclosure, beyond the scope of this opposition proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. The Applicants object to Interrogatory No. 18 in that Bram Warren Company, a Florida corporation and Debra Wiseberg

dba Bram Warren Company are in actuality 2 separate business entities and that any interrogatory that does not specify which entity such interrogatory is addressing is inherently vague and may be construed as misappropriating the numbering system of such interrogatory by asking multiple questions within the same interrogatory by not addressing a specific party.

Subject to and without waiving such objections, Applicants respond as follows:

(1) "Bram Warren" Wiseberg was the artist for and President of Bram Warren Company, a now dissolved Florida corporation, who currently has no job responsibilities with respect to such corporation. (2) "Bram Warren" Wiseberg is not employed by Debra Wiseberg dba Bram Warren Company and so has no job title with respect to such Applicant.

INTERROGATORY NO. 19

Identify the type of legal entity Applicant currently considers itself and explain how, when and why the entity was formed.

APPLICANT'S ANSWER TO INTERROGATORY NO. 19

The Applicants collectively object to Interrogatory No. 19, to the extent that such interrogatory is inherently vague as to exactly whom they are requesting information from and is requesting business information that the Applicants may consider to be confidential, protected from disclosure, beyond the scope of this opposition proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. The Opposer is requesting how and why the Applicants have formed their businesses, which has no relevancy to this proceeding. The Opposer has no right to personal business information that does not pertain to this litigation. This litigation is based solely on the Applicant's right to register the mark "Cicar", which is being opposed by the Opposer, this case is not based on the Applicants business structures and the Applicants reasons they created such business structures. Applicants also object to the formation and numbering system of the Opposer's Interrogatory No. 19. The Applicants further object to Interrogatory No. 19 in that Bram Warren Company, a Florida corporation and Debra Wiseberg

dba Bram Warren Company are in actuality 2 separate business entities and that any interrogatory that does not specify which entity such interrogatory is addressing is inherently vague and may be construed as misappropriating the numbering system of such interrogatory by asking multiple questions within the same interrogatory by not addressing a specific party.

Subject to and without waiving such objections, Applicants respond as follows:

(1) Bram Warren Company, a Florida corporation is a dissolved entity. (2) Bram Warren Company, a Florida Corporation was formed on April 16, 2011. (3) The assigned Applicant Debra Wiseberg dba Bram Warren Company is a sole proprietor. (4) Debra Wiseberg dba Bram Warren Company was formed on October 10, 2013.

INTERROGATORY NO. 20

Identify all of the states where Applicant is or has at any time registered to do business and the dates when such registrations were filed.

APPLICANT'S ANSWER TO INTERROGATORY NO. 20

The Applicants collectively object to Interrogatory No. 20, to the extent that such interrogatory is inherently vague as to exactly whom they are requesting information from and is requesting business information that the Applicant may consider to be confidential and protected from disclosure, and beyond the scope of this opposition proceeding. The Applicants further object to Interrogatory No. 20 in that Bram Warren Company, a Florida corporation and Debra Wiseberg dba Bram Warren Company are in actuality 2 separate business entities and any interrogatory that does not specify which entity such interrogatory is addressing is inherently vague and may be construed as misappropriating the numbering system of such interrogatory by asking multiple questions within the same interrogatory by not addressing a specific party. Subject to and without waiving such objections, Applicants respond as follows:

(1) The Applicant, Bram Warren Company, a Florida corporation was registered with the State of Florida, Department of State to do business as a corporation on April 19, 2011. (2) The

assigned Applicant, Debra Wiseberg was registered with the State of Florida, Department of State to do business under the fictitious name of Bram Warren Company on October 10, 2013.

INTERROGATORY NO. 21

Identify any facts that support your claim made in Affirmative Defense No. 1.

APPLICANT'S ANSWER TO INTERROGATORY NO. 21

The Applicants collectively object to Interrogatory No. 21, to the extent that such interrogatory is improperly seeking the Applicants to try their case by and through this interrogatory and to prove facts that should be proven during the Applicant's testimony period and trial. Subject to and without waiving such objections, Applicants collectively respond as follows:

This interrogatory is requesting any facts. Any is defined in the Oxford Dictionary as meaning, one, no matter which of several, so the Applicants will be naming one fact. Applicant's answer to this interrogatory does not constitute all of the facts that may be proven in this case by the Applicants. A fact that supports the claims in the Applicant's Affirmative Defense No. 1 is as follows: The Applicant's mark "Cicar" and the Opposer's mark "Xikar" are not spelled the same.

INTERROGATORY NO. 22

Identify any facts that support your claim made in Affirmative Defense No. 2 that the mark is fanciful.

APPLICANT'S ANSWER TO INTERROGATORY NO. 22

The Applicants collectively object to Interrogatory No. 22, to the extent that such interrogatory is improperly seeking the Applicants to try their case by and through this interrogatory and to prove facts that should be proven during the Applicant's testimony period and trial. Subject to and without waiving such objections, Applicants collectively respond as follows:

This interrogatory is requesting any facts. Any is defined in the Oxford Dictionary as meaning, one, no matter which of several, so the Applicants will be naming one fact. Applicant's answer to this interrogatory does not constitute all of the facts that may be proven in this case by the

Applicants. A fact that supports the claims in the Applicant's Affirmative Defense No. 2 is as follows: The Applicant's mark "Cicar" is a neologism.

INTERROGATORY NO. 23

Identify any facts that support your claim made in Affirmative Defense No. 2 that the mark is suggestive.

APPLICANT'S ANSWER TO INTERROGATORY NO. 23

The Applicants collectively object to Interrogatory No. 23, to the extent that such interrogatory is improperly seeking the Applicants to try their case by and through this interrogatory and to prove facts that should be proven during the Applicant's testimony period and trial. Subject to and without waiving such objections, Applicants collectively respond as follows:

This interrogatory is requesting any facts. Any is defined in the Oxford Dictionary as meaning, one, no matter which of several, so the Applicants will be naming one fact. Applicant's answer to this interrogatory does not constitute all of the facts that may be proven in this case by the Applicants. A fact that supports the claims in the Applicant's Affirmative Defense No. 2 is as follows: The Applicant's mark contains the letters 'ci', which represents the first 2 letters of capsulated tobacco products.

INTERROGATORY NO. 24

Identify any facts that support your claim made in Affirmative Defense No. 3 that "[t]he Opposer's logo and house mark are completely different from the Applicant's logo and house mark and could never be confused."

APPLICANT'S ANSWER TO INTERROGATORY NO. 24

The Applicants collectively object to Interrogatory No. 24, to the extent that such interrogatory is improperly seeking the Applicants to try their case by and through this interrogatory and to prove facts that should be proven during the Applicant's testimony period and trial. Subject to and without waiving such objections, Applicants collectively respond as follows:

This interrogatory is requesting any facts. Any is defined in the Oxford Dictionary as meaning, one, no matter which of several, so the Applicants will be naming one fact. Applicant's answer to this interrogatory does not constitute all of the facts that may be proven in this case by the Applicants. A fact that supports the claims in the Applicant's Affirmative Defense No. 3 is as follows: The Applicant's logo and house mark are distinct and are completely different from the Opposer's logo and house mark. A copy of the Applicant's logo and house mark was previously produced in the Applicant's Initial Disclosures as "Applicant's Document 4".

INTERROGATORY NO. 25

Identify any facts that support your claims made in Affirmative Defense No. 5.

APPLICANT'S ANSWER TO INTERROGATORY NO. 25

The Applicants collectively object to Interrogatory No. 25, to the extent that such interrogatory is improperly seeking the Applicants to try their case by and through this interrogatory and to prove facts that should be proven during the Applicants testimony period and trial. Subject to and without waiving such objections, Applicants collectively respond as follows:

This interrogatory is requesting any facts. Any is defined in the Oxford Dictionary as meaning, one, no matter which of several, so the Applicant will be naming one fact. Applicant's answer to this interrogatory does not constitute all of the facts that may be proven in this case by the Applicants. A fact that supports the claims in the Applicant's Affirmative Defense No. 5 is as follows: The Applicant's products are relatively expensive as evidenced by the pages from the Applicant's website previously produced in the Applicant's Initial Disclosures as "Applicant's Document 2a-2k.

INTERROGATORY NO. 26

Identify any facts that support your claims made in Affirmative Defense No. 6.

APPLICANT'S ANSWER TO INTERROGATORY NO. 26

The Applicants collectively object to Interrogatory No. 26, to the extent that such interrogatory is

improperly seeking the Applicants to try their case by and through this interrogatory and to prove facts that should be proven during the Applicant's testimony period and trial. Subject to and without waiving such objections, Applicants collectively respond as follows:

This interrogatory is requesting any facts. Any is defined in the Oxford Dictionary as meaning, one, no matter which of several, so the Applicants will be naming one fact which supports the allegations made in the Applicant's, Affirmative Defense No. 6. Applicant's answer to this interrogatory does not constitute all of the facts that may be proven in this case by the Applicants. A fact that supports the claims in the Applicant's Affirmative Defense No. 6 is as follows: The Opposer by and through this opposition case is trying to bar the Applicant from registering a trademark that is not the same as their trademark, so the Opposer is in fact by the very nature of this litigation trying to incorporate rights to other spellings and pronunciations into their trademark.

INTERROGATORY NO. 27

Identify any facts that support your claims made in Affirmative Defense No. 7.

APPLICANT'S ANSWER TO INTERROGATORY NO. 27

The Applicants collectively object to Interrogatory No. 27, to the extent that such interrogatory is improperly seeking the Applicants to try their case by and through this interrogatory and to prove facts that should be proven during the Applicant's testimony period and trial. Subject to and without waiving such objections, Applicants collectively respond as follows:

This interrogatory is requesting any facts. Any is defined in the Oxford Dictionary as meaning, one, no matter which of several, so the Applicants will be naming one fact which supports the allegations made in the Applicant's, Affirmative Defense No. 7. Applicant's answer to this interrogatory does not constitute all of the facts that may be proven in this case by the Applicants. A fact that supports the claims in the Applicant's Affirmative Defense No. 7 is as follows: This is evidenced by the Opposer's own words on their website stating that they altered

the word “sikar” to procure their trademark “Xikar”, which was previously produced and attached to the Applicant’s Answer to the Notice of Opposition as “Exhibit A”.

INTERROGATORY NO. 28

Identify any facts that support your claims made in Affirmative Defense No. 8.

APPLICANT’S ANSWER TO INTERROGATORY NO. 28

The Applicants collectively object to Interrogatory No. 28, to the extent that such interrogatory is improperly seeking the Applicants to try their case by and through this interrogatory and to prove facts that should be proven during the Applicant’s testimony period and trial. Subject to and without waiving such objections, Applicants collectively respond as follows:

This interrogatory is requesting any facts. Any is defined in the Oxford Dictionary as meaning, one, no matter which of several, so the Applicants will be naming one fact which supports the allegations made in the Applicant’s, Affirmative Defense No. 8. Applicant’s answer to this interrogatory does not constitute all of the facts that may be proven in this case by the Applicants. A fact that supports the claims in the Applicant’s Affirmative Defense No. 8 is as follows: The Opposer by and through this opposition case is trying to bar the Applicant from registering a trademark that is not the same as their trademark(s) and only share characteristics in kind that are inherent to the words “sikar” and “cigar”, so the Opposer is in fact by the very nature of this litigation trying to bar another from registering a mark, by trying to enforce its alleged trademark rights beyond a reasonable interpretation of the scope of the rights legitimately granted to a trademark owner by and through their trademark “Xikar” and forcing the Applicant(s) to engage in this litigation to the detriment of the Applicant(s) and to prove at the very least the limitations of the Opposer’s mark.

INTERROGATORY NO. 29

Identify any facts that support your claims made in Affirmative Defense No. 9.

APPLICANT’S ANSWER TO INTERROGATORY NO. 29

The Applicants collectively object to Interrogatory No. 29, to the extent that such interrogatory is improperly seeking the Applicants to try their case by and through this interrogatory and to prove facts that should be proven during the Applicant's testimony period and trial. Subject to and without waiving such objections, Applicants collectively respond as follows:

This interrogatory is requesting any facts. Any is defined in the Oxford Dictionary as meaning, one, no matter which of several, so the Applicants will be naming one fact which supports the allegations made in the Applicant's, Affirmative Defense No. 9. Applicant's answer to this interrogatory does not constitute all of the facts that may be proven in this case by the Applicants. A fact that supports the claims in the Applicant's Affirmative Defense No. 9 is as follows: A disclaimer as to the words "sikar" and "cigar" were not cited in connection to the Opposer's mark "Xikar" and since such disclaimer was not cited the Opposer is now apparently using their trademark(s) to claim rights to inherent characteristics of such words by and through this litigation.

#### INTERROGATORY NO. 30

Identify any facts that support your claims made in Affirmative Defense No. 10.

#### APPLICANT'S ANSWER TO INTERROGATORY NO. 30

The Applicants collectively object to Interrogatory No. 30, to the extent that such interrogatory is improperly seeking the Applicants to try their case by and through this interrogatory and to prove facts that should be proven during the Applicant's testimony period and trial. Subject to and without waiving such objections, Applicants collectively respond as follows:

This interrogatory is requesting any facts. Any is defined in the Oxford Dictionary as meaning, one, no matter which of several, so the Applicants will be naming one fact which supports the allegations made in the Applicant's, Affirmative Defense No. 10. Applicant's answer to this interrogatory does not constitute all of the facts that may be proven in this case by the Applicants. A fact that supports the claims in the Applicant's Affirmative Defense No. 10 is as

follows: The Opposer procured their trademark “Xikar” by altering the word “sikar”, which was evidenced and previously produced and attached to the Applicant’s Answer to the Notice of Opposition as “Exhibit A”. Evidenced by Exhibit ‘B’ of Applicant’s Answer to the Notice of Opposition, the Opposer has claimed a strong affiliation with the Mayan culture on their website, the Mayan word “sikar” is a known and accepted origin of the word “cigar”.

INTERROGATORY NO. 31

Identify any facts that support your claims made in Affirmative Defense No. 11.

APPLICANT’S ANSWER TO INTERROGATORY NO. 31

The Applicants collectively object to Interrogatory No. 31, to the extent that such interrogatory is improperly seeking the Applicants to try their case by and through this interrogatory and to prove facts that should be proven during the Applicant’s testimony period and trial. Subject to and without waiving such previous objections, Applicants collectively respond as follows:

This interrogatory is requesting any facts. Any is defined in the Oxford Dictionary as meaning, one, no matter which of several, so the Applicants will be naming one fact which supports the allegations made in the Applicant’s, Affirmative Defense No. 11. Applicant’s answer to this interrogatory does not constitute all of the facts that may be proven in this case by the Applicants. A fact that supports the claims in the Applicant’s Affirmative Defense No. 11 is as follows: The Opposer has engaged in the sale and promotion of cigars as shown by Applicant’s Documents 15a and 15b attached to the Applicant’s Initial Disclosures.

INTERROGATORY NO. 32

Identify any facts that support your claims made in Affirmative Defense No. 12.

APPLICANT’S ANSWER TO INTERROGATORY NO. 32

The Applicants collectively object to Interrogatory No. 32, to the extent that such interrogatory is improperly seeking the Applicants to try their case by and through this interrogatory and to prove facts that should be proven during the Applicant’s testimony period and trial. Subject to and

without waiving such objections, Applicants collectively respond as follows:

This interrogatory is requesting any facts. Any is defined in the Oxford Dictionary as meaning, one, no matter which of several, so the Applicants will be naming one fact which supports the allegations made in the Applicant's, Affirmative Defense No. 12. Applicant's answer to this interrogatory does not constitute all of the facts that may be proven in this case by the Applicants. A fact that supports the claims in the Applicant's Affirmative Defense No. 12 is as follows: "Bram Warren" Wiseberg's personal telephone number was not connected with the Applicant's trademark application in any way nor was "Bram Warren" Wiseberg personally affiliated with such application and should not have been contacted on his personal telephone by Mr. Van Keppel.

INTERROGATORY NO. 33

Identify any facts or applicable authority under which contact between parties to a lawsuit, i.e., Mr. Van Keppel's contact with Mr. Bram Warren, would be classified as "bullying" or as not going through proper channels" as claimed in Affirmative Defense No. 12.

APPLICANT'S ANSWER TO INTERROGATORY NO. 33

The Applicants collectively object to Interrogatory No. 33, to the extent that such interrogatory is improperly seeking the Applicants to try their case by and through this interrogatory and to prove facts that should be proven during the Applicant's testimony period and trial. Subject to and without waiving such objections, Applicants collectively respond as follows:

This interrogatory is requesting any facts. Any is defined in the Oxford Dictionary as meaning, one, no matter which of several, so the Applicants will be naming one fact which supports the allegations made in the Applicant's, Affirmative Defense No. 12. Applicant's answer to this interrogatory does not constitute all of the facts that may be proven in this case by the Applicants. The identity of a fact that Mr. Van Keppel's act of directly contacting "Bram Warren" Wiseberg after Xikar, Inc., a Kansas corporation had filed multiple extensions of time

to oppose the Applicant's mark "Cicar" could be construed as bullying is that "Bram Warren" Wiseberg's personal telephone number was not connected with the Applicant's trademark application nor was "Bram Warren" Wiseberg personally affiliated with such application and should not have been contacted on his personal telephone by Mr. Van Keppel. The Applicant's contact telephone number is clearly shown in the Applicant's application to register their trademark "Cicar" on file with the USPTO.

INTERROGATORY NO. 34

Identify any facts or applicable authority which does not permit the filing of two (2) extensions of time to oppose applications for federal registration of trademarks.

APPLICANT'S ANSWER TO INTERROGATORY NO. 34

The Applicants collectively object to Interrogatory No. 34, to the extent that such interrogatory is improperly seeking the Applicants to try their case by and through this interrogatory and to prove facts that should be proven during the Applicants testimony period and trial. Subject to and without waiving such objections, Applicants collectively respond as follows:

This interrogatory is requesting any facts. Any is defined in the Oxford Dictionary as meaning, one, no matter which of several, so the Applicants will be naming one fact. Applicant's answer to this interrogatory does not constitute all of the facts that may be proven in this case by the Applicants. The final extension of time to oppose the Applicant's trademark application granted to the Opposer must be filed showing good cause to extend such time. The Opposer has not to date shown good cause in the Applicants opinion as to why the Opposer needed to file multiple extensions of time, the last extension being granted for investigational purposes.

INTERROGATORY NO. 35

Identify any facts or applicable authority that discourages settlements discussions between parties in an effort to reduce the time and expense of litigation.

APPLICANT'S ANSWER TO INTERROGATORY NO. 35

The Applicants collectively object to Interrogatory No. 35 to the extent that the question is beyond misleading and suggests that the Applicant, Bram Warren Company, a Florida corporation did not engage in settlement discussions or correspond with the Opposer regarding settlement of this case in an effort to reduce the time and expense of litigation, which it most definitely did. The Opposer began this litigation to the detriment of the Applicant and has forced the Applicant to defend its mark against them even though the Applicant believes the Opposer is trying to enforce their alleged trademark rights beyond a reasonable interpretation of the scope of the rights legitimately granted to the trademark owner.

INTERROGATORY NO. 36

Identify any facts that support your claims made in Affirmative Defense No. 13.

APPLICANT'S ANSWER TO INTERROGATORY NO. 36

The Applicants collectively object to Interrogatory No. 36, to the extent that such interrogatory is improperly seeking the Applicants to try their case by and through this interrogatory and to prove facts that should be proven during the Applicant's testimony period and trial. Subject to and without waiving such objections, Applicants collectively respond as follows:

This interrogatory is requesting any facts. Any is defined in the Oxford Dictionary as meaning, one, no matter which of several, so the Applicants will be naming one fact which supports the allegations made in the Applicant's, Affirmative Defense No. 13. Applicant's answer to this interrogatory does not constitute all of the facts that may be proven in this case by the Applicants. A fact that supports the claims in the Applicant's Affirmative Defense No. 13 is as follows: The Applicants Bram Warren Company, a Florida corporation and Debra Wiseberg dba Bram Warren Company were and are small businesses that have been seriously harmed by this litigation. The Applicants, have been forced to expend excessive time and money to defend the trademark application for the mark "Cicar" based on the fact that Opposer has a registered trademark without a cited disclaimer as to the limitations of such mark and is now by and

through this litigation trying to enforce its alleged trademark rights beyond a reasonable interpretation of the scope of the rights legitimately granted to a registered trademark owner.

INTERROGATORY NO. 37

Identify any facts that support your claims made in your Counterclaim.

APPLICANT'S ANSWER TO INTERROGATORY NO. 37

The Applicants collectively object to Interrogatory No. 37, to the extent that such interrogatory is improperly seeking the Applicants to try their case by and through this interrogatory and to prove facts that should be proven during the Applicant's testimony period and trial. The Applicants also object to Interrogatory No. 37, to the extent that such interrogatory does not specify which of the 3 counterclaims the Opposer is requesting factual information on, and could be construed as unfairly seeking the answer to 3 questions within 1 interrogatory. Subject to and without waiving such objections, Applicants collectively respond as follows:

This interrogatory is requesting any facts. Any is defined in the Oxford Dictionary as meaning, one, no matter which of several, so the Applicants will be naming previously disclosed information and facts which support the allegations made in the Applicant's Counterclaims. Applicant's answer to this interrogatory does not constitute all of the facts that may be proven in this case by the Applicants. Previously noted facts that support the claims in the Applicant's Counterclaims are as follows: See the response to interrogatories 27, 29, and 30. Previously produced documents that support the Applicant's Counterclaims are as follows: "Exhibits A and B" attached to the Applicant's Answer to the Notice of Opposition; and Applicant's Documents 9, 10a, 10b, 12a, 12b, 12c, 12d, 13a, 13b, 13c, 13d, 14, 15a, 15b attached to the Applicant's Initial Disclosures.

INTERROGATORY NO. 38

If documents and things identified in answering these interrogatories are known or believed to exist but are not in Applicant's possession, custody or control, identify each such document and

thing insofar as it is possible to do so, and identify who has possession, custody or control of such document or thing.

APPLICANT'S ANSWER TO INTERROGATORY NO. 38

The Applicants collectively object to Interrogatory No. 38, to the extent that such interrogatory is inherently vague in the wording of such request as to exactly what type of documents and things the Opposer is requesting and can be construed as requesting information that the Applicant may consider to be confidential and protected from disclosure and beyond the scope of this opposition proceeding. Subject to and without waiving such objections, Applicants collectively respond as follows:

The Applicants have answered these interrogatories based on documents and things which are publicly available on the Internet and other publicly available information from libraries, magazines and so forth.

INTERROGATORY NO. 39

Identify any expert witnesses Applicant intends to testify in this opposition proceeding and set forth the substance of each expert's testimony.

APPLICANT'S ANSWER TO INTERROGATORY NO. 39

The Applicants do not intend to have an expert witness testify in this opposition at this time.

INTERROGATORY NO. 40

Identify witnesses Applicant intends to call to testify in this opposition proceeding.

APPLICANT'S ANSWER TO INTERROGATORY NO. 40

The Applicants collectively object to Interrogatory No. 40, to the extent that such interrogatory is requesting the Applicants to identify witnesses they intend to call to testify in this opposition proceeding, this is not required of the Applicants at this time. Subject to and without waiving such objections, Applicants collectively respond as follows:

As already disclosed in the Applicant's Initial Disclosure, as of this date, the Applicant(s) may

call Debra Wiseberg and/or Bram Warren Wiseberg to testify as needed to prove the Applicant's case.

INTERROGATORY NO. 41

Identify documents upon which Applicant intends to rely in connection with this opposition proceeding.

APPLICANT'S ANSWER TO INTERROGATORY NO. 41

Applicants collectively object to Interrogatory No. 41, to the extent that such interrogatory is overly broad, over-inclusive, unduly burdensome, inherently vague, and may be construed as improperly seeking information protected, considered work product, privileged, beyond the scope of this proceeding, and/or not reasonably calculated to lead to the discovery of admissible evidence. The Applicants are not required at this time to identify all documents upon which the Applicant(s) intend to rely in connection with this opposition. The Applicants investigation and development of all facts and circumstances relating to this action is ongoing. These responses and objections are made without prejudice to, and are not a waiver of, Applicants' rights to rely on other facts or documents at trial. Subject to and without waiving such objections, Applicants collectively respond as follows:

The Applicant, Bram Warren Company, a Florida corporation has already produced numerous documents that the Applicant(s) will introduce at trial. Previously produced documents that the Applicant(s) intend to rely on in connection with this opposition proceeding are as follows:

"Exhibits A and B" attached to the Applicant's Answer to the Notice of Opposition; and Applicant's Documents 1; 2a; 2b; 2c; 2d; 2e; 2f; 2g; 2h; 2i; 2j; 2k; 3; 4; 5a; 5b; 6; 7; 8a; 8b; 9; 10a; 10b; 11; 12a; 12b; 12c; 12d; 13a; 13b; 13c; 13d; 14; 15a; 15b; 16a; and 16b attached to the Applicant's Initial Disclosures.

INTERROGATORY NO. 42

Identify each person who had more than clerical role in preparing the answers to interrogatories

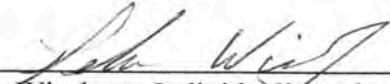
and the responses to requests for production of documents, including but not limited to persons offering legal advice even if not formally retained as counsel, and state specifically the interrogatory number for each interrogatory which such person supplied information or documents.

APPLICANT'S ANSWER TO INTERROGATORY NO. 42

Applicants collectively object to Interrogatory No. 42, to the extent that such interrogatory is overly broad, over-inclusive, and may be construed as improperly seeking information protected and considered work product or privileged, beyond the scope of this proceeding, and/or not reasonably calculated to lead to the discovery of admissible evidence. Applicant also objects to the formation and the numbering system of the Opposer Interrogatory No. 42. Subject to and without waiving such objections, Applicants collectively respond as follows:

(1) The identity of the person who prepared the answers to this set of interrogatories is Debra Wiseberg. (2) The identity of the person who prepared the Applicants responses to the Opposer's First Request for Production of Documents is Debra Wiseberg.

DATED: December 30, 2013

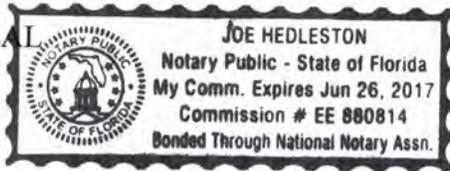
By:   
Debra Wiseberg, Individually and as Vice President  
of Bram Warren Company, a dissolved Florida  
corporation, on behalf of said corporation.  
18100 S.W. 50 Street  
Southwest Ranches, FL 33331  
Telephone No.: (954) 297-0329  
Email: [bramwarren@bramwarren.com](mailto:bramwarren@bramwarren.com)

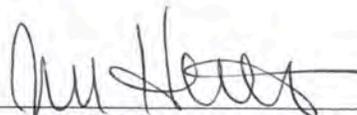
VERIFICATION

Debra Wiseberg, Individually, and as Vice President of Bram Warren Company, a dissolved Florida corporation, does hereby declare that the answers to the foregoing interrogatories are true and correct to the best of her knowledge and belief of the facts of this proceeding.

This instrument was acknowledged before me on this 30<sup>th</sup> day of December, 2013 by Debra Wiseberg who has produced a driver's license for identification.

NOTARY SEAL



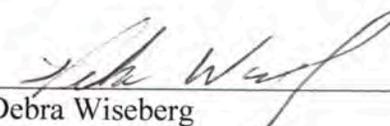
  
\_\_\_\_\_  
Notary Public  
My Commission Expires: 6/26/2017

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Applicant's Responses and Objections to Opposer's First Set of Interrogatories was sent to the council for the Opposer by the United States Postal Service, first class mail on December 30, 2013 to the following address:

Ginnie C. Derousseau  
Erickson, Kernell, Derousseau & Kleypas LLC  
8900 State Line Road, Suite 500  
Leawood, KS 66206

By:

  
\_\_\_\_\_  
Debra Wiseberg



to this action are ongoing. These supplemental responses and objections are made without prejudice to, and is not a waiver of the Applicant's right to rely on other facts or documents at trial.

3. By making the accompanying supplemental responses and objections to the Opposer's interrogatory requests, Applicant does not waive, and hereby expressly reserves, her right to assert any and all objections as to the admissibility of such responses into evidence in this action, or in any other proceedings, on any and all grounds including, but not limited to, competency, relevancy, materiality and privilege. Further, Applicant makes the supplemental responses and objections herein without in any way implying that she considers the interrogatory, answers, and supplemental answers to the interrogatory, to be relevant or material to the subject matter of this action.

4. Applicant expressly reserves the right to supplement, clarify, revise, or correct any and all of the answers and objections herein, and to assert additional objections or privileges, in one or more subsequent supplemental response(s).

#### GENERAL OBJECTIONS

1. Applicant objects to each instruction, definition, and interrogatory to the extent that it purports to impose any requirement or discovery obligation greater than or different from those under the Federal Rules of Civil Procedure and Trademark Law.

2. Applicant objects to each instruction, definition, and interrogatory that is overly broad, over-inclusive, unduly burdensome, oppressive, harassing, embarrassing, inherently vague, ambiguous, irrelevant, and may be construed as improperly seeking information protected from disclosure and considered work product or privileged, proprietary and private business information, trade secret or other confidential research, development or commercially sensitive information, beyond the scope of this proceeding, and/or not reasonably calculated to lead to the discovery of admissible evidence.

3. Applicant objects to each instruction, definition, and interrogatory to the extent that it seeks or requires information protected from disclosure by privilege. Should any disclosure by Applicant occur, it is inadvertent and shall not constitute a waiver of any privilege.

4. Applicant objects to each instruction, definition, and interrogatory to the extent that it seeks or requires information prepared in anticipation of litigation or for trial.

5. Applicant objects to each instruction, definition, and interrogatory to the extent that it seeks to have the Applicant try her entire case, by and through these interrogatories.

6. Applicant objects to each instruction, definition, and interrogatory to the extent that it seeks information that is neither relevant to the subject matter of this proceeding or reasonably calculated to lead to the discovery of admissible evidence.

7. Applicant incorporates by reference every general objection set forth above into each specific response set forth below. All previous responses and objections contained within the Applicant's Responses and Objections to Opposer's First Set of Interrogatories dated December 30, 2013 are incorporated herein. A specific response may repeat a general objection for emphasis or some other reason. The failure to include any general objection in any specific interrogatory does not waive any general objection to that request. Moreover, Applicant does not waive her right to amend her responses.

#### OBJECTIONS TO INSTRUCTIONS AND DEFINITIONS

1. The Applicant objects to instruction and definition numbered (C), to the extent that the Opposer is trying to incorporate multiple terms into one term.

2. The Applicant objects to instruction and definition numbered (G), to the extent that it purports to impose obligations greater than those set forth in Trademark Law in its request for a "date".

3. The Applicant objects to instruction and definition numbered (H), to the extent that it purports to impose obligations greater than those set forth in the Federal Rules of Civil

Procedure and under Trademark Law in its expanded definition of “documents”.

4. The Applicant objects to the definition numbered (I), to the extent that it purports to expand the definition of “person”.

5. The Applicant objects to the definition numbered (J), to the extent that it requires the Applicant to repeat information given multiple times throughout these interrogatories.

6. The Applicant objects to the definition numbered (L), to the extent that it requires the Applicants to repeat information given multiple times throughout these interrogatories.

7. The Applicant objects to instruction and definition numbered (M), to the extent that it purports to expand the definition and use of any word or term.

8. The Applicant objects to instruction and definition numbered (N), to the extent that it purports to impose obligations greater than those set forth in the Federal Rules of Civil Procedure and under Trademark Law in its expanded definition of “relating”, “related”, or “which relates”.

9. The Applicant objects to instruction and definition numbered (O), to the extent that it purports to impose obligations greater than those set forth in the Federal Rules of Civil Procedure and under Trademark Law.

10. The Applicant objects to instruction and definition numbered (Q), to the extent that it requires the relinquishment of information that the Applicant has deemed privileged and protected from discovery before the TTAB has ruled on such matters.

11. The Applicant objects to all instructions and definitions contained in these interrogatories, to the extent that they purport to impose obligations on the Applicant greater than those set forth in the Federal Rules of Civil Procedure and under Trademark Law.

SUPPLEMENTAL OBJECTIONS AND ANSWERS TO INTERROGATORIES

INTERROGATORY NO. 10

Identify the annual sales volume of each product(s) sold under the mark.

APPLICANT'S SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 10

The Applicant objects to Interrogatory No. 10 in that such interrogatory is requesting proprietary and private business information, developmental and commercially sensitive information. The Applicant designates the information requested to be commercially sensitive information and would request the TTAB protect such information from disclosure; not to be disclosed to either the Opposer or their attorney's.

INTERROGATORY NO. 21

Identify any facts that support your claim made in Affirmative Defense No. 1.

APPLICANT'S SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 21

The Applicant objects to Interrogatory No. 21, to the extent that such interrogatory is improperly seeking the Applicant to try her case by and through this interrogatory and to prove facts that should be proven during the Applicant's testimony period and trial. Subject to and without waiving such objections, Applicant's supplemental answer is as follows:

This interrogatory is requesting any facts. Any is defined in the Oxford Dictionary as meaning, one, no matter which of several, so the Applicant(s) named one or more fact(s) in the original answer to Interrogatory No. 21. The Opposer's counsel has requested supplementation of this interrogatory stating that the word "facts" is plural and as such the Applicant's answer to such interrogatory is incomplete. The Applicant does not agree that Interrogatory No. 21 use of the word "any" in such interrogatory even with the plural "facts" invokes a requirement for the identification of more than one fact in answer to such interrogatory. The Applicant has named more than one fact in answer to Interrogatory No. 21. The identification of additional facts by the Applicant does not constitute in any way that the Applicant believes this interrogatory elicits a requirement for the identification of more than one fact or has relinquished rights to object to such interrogatory. The answer to this interrogatory does not constitute all of the facts that may

be proven in this case by the Applicant. The following facts support the claims in the Applicant's Affirmative Defense No. 1: The Applicant's mark "Cicar" and the Opposer's mark "Xikar" are not spelled the same. The Applicant's mark "Cicar" has a different pronunciation than the Opposer's mark "Xikar".

INTERROGATORY NO. 22

Identify any facts that support your claim made in Affirmative Defense No. 2 that the mark is fanciful.

APPLICANT'S SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 22

The Applicant objects to Interrogatory No. 22, to the extent that such interrogatory is improperly seeking the Applicant to try her case by and through this interrogatory and to prove facts that should be proven during the Applicant's testimony period and trial. Subject to and without waiving such objections, Applicant's supplemental answer is as follows:

This interrogatory is requesting any facts. Any is defined in the Oxford Dictionary as meaning, one, no matter which of several, so the Applicant(s) named one or more fact(s) in the original answer to Interrogatory No. 22. The Opposer's counsel has requested supplementation of this interrogatory stating that the word "facts" is plural and as such the Applicant's answer to such interrogatory is incomplete. The Applicant does not agree that Interrogatory No. 22 use of the word "any" in such interrogatory even with the plural "facts" invokes a requirement for the identification of more than one fact in answer to such interrogatory. The Applicant has named more than one fact in answer to Interrogatory No. 22. The identification of additional facts by the Applicant does not constitute in any way that the Applicant believes this interrogatory elicits a requirement for the identification of more than one fact or has relinquished rights to object to such interrogatory. The answer to this interrogatory does not constitute all of the facts that may be proven in this case by the Applicant. The following facts support the claim in the Applicant's Affirmative Defense No. 2: The Applicant's mark "Cicar" is a neologism. The Applicant's mark

“Cicar” is a coined name.

INTERROGATORY NO. 23

Identify any facts that support your claim made in Affirmative Defense No. 2 that the mark is suggestive.

APPLICANT’S SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 23

The Applicant objects to Interrogatory No. 23, to the extent that such interrogatory is improperly seeking the Applicant to try her case by and through this interrogatory and to prove facts that should be proven during the Applicant’s testimony period and trial. Subject to and without waiving such objections, Applicant’s supplemental answer is as follows:

This interrogatory is requesting any facts. Any is defined in the Oxford Dictionary as meaning, one, no matter which of several, so the Applicant(s) named one or more fact(s) in the original answer to Interrogatory No. 23. The Opposer’s counsel has requested supplementation of this interrogatory stating that the word “facts” is plural and as such the Applicant’s answer to such interrogatory is incomplete. The Applicant does not agree that Interrogatory No. 23 use of the word “any” in such interrogatory even with the plural “facts” invokes a requirement for the identification of more than one fact in answer to such interrogatory. The Applicant has named more than one fact in answer to Interrogatory No. 23. The identification of additional facts by the Applicant does not constitute in any way that the Applicant believes this interrogatory elicits a requirement for the identification of more than one fact or has relinquished rights to object to such interrogatory. The answer to this interrogatory does not constitute all of the facts that may be proven in this case by the Applicant. The following facts support the claim in the Applicant’s Affirmative Defense No. 2: The Applicant’s mark contains the letters ‘ci’, which represents the first 2 letters of capsulated tobacco products and is meant to suggest that the product is for tobacco products. The Applicant’s mark contains the letters “car”, which is meant to suggest that the product is to be used in a motor vehicle.

INTERROGATORY NO. 24

Identify any facts that support your claim made in Affirmative Defense No. 3 that “[t]he Opposer’s logo and house mark are completely different from the Applicant’s logo and house mark and could never be confused.”

APPLICANT’S SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 24

The Applicant objects to Interrogatory No. 24, to the extent that such interrogatory is improperly seeking the Applicant to try her case by and through this interrogatory and to prove facts that should be proven during the Applicant’s testimony period and trial. Subject to and without waiving such objections, Applicant’s supplemental answer is as follows:

This interrogatory is requesting any facts. Any is defined in the Oxford Dictionary as meaning, one, no matter which of several, so the Applicant(s) named one or more fact(s) in the original answer to Interrogatory No. 24. The Opposer’s counsel has requested supplementation of this interrogatory stating that the word “facts” is plural and as such the Applicant’s answer to such interrogatory is incomplete. The Applicant does not agree that Interrogatory No. 24 use of the word “any” in such interrogatory even with the plural “facts” invokes a requirement for the identification of more than one fact in answer to such interrogatory. The Applicant has named more than one fact in answer to Interrogatory No. 24. The identification of additional facts by the Applicant does not constitute in any way that the Applicant believes this interrogatory elicits a requirement for the identification of more than one fact or has relinquished rights to object to such interrogatory. The answer to this interrogatory does not constitute all of the facts that may be proven in this case by the Applicant. The following facts support the claim in the Applicant’s Affirmative Defense No. 3: The Applicant’s logo and house mark are distinct. The Applicant’s logo and house mark are completely different from the Opposer’s logo and house mark. A copy of the Applicant’s logo and house mark was previously produced in the Applicant’s Initial Disclosures as “Applicant’s Document 4”.

INTERROGATORY NO. 25

Identify any facts that support your claims made in Affirmative Defense No. 5.

APPLICANT'S SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 25

The Applicant objects to Interrogatory No. 25, to the extent that such interrogatory is improperly seeking the Applicant to try her case by and through this interrogatory and to prove facts that should be proven during the Applicant's testimony period and trial. Subject to and without waiving such objections, Applicant's supplemental answer is as follows:

This interrogatory is requesting any facts. Any is defined in the Oxford Dictionary as meaning, one, no matter which of several, so the Applicant(s) named one or more fact(s) in the original answer to Interrogatory No. 25. The Opposer's counsel has requested supplementation of this interrogatory stating that the word "facts" is plural and as such the Applicant's answer to such interrogatory is incomplete. The Applicant does not agree that Interrogatory No. 25 use of the word "any" in such interrogatory even with the plural "facts" invokes a requirement for the identification of more than one fact in answer to such interrogatory. The Applicant has named more than one fact in answer to Interrogatory No. 25. The identification of additional facts by the Applicant does not constitute in any way that the Applicant believes this interrogatory elicits a requirement for the identification of more than one fact or has relinquished rights to object to such interrogatory. The answer to this interrogatory does not constitute all of the facts that may be proven in this case by the Applicant. The following facts support the claims in the Applicant's Affirmative Defense No. 5: The Applicant's products are relatively expensive as evidenced by the pages from the Applicant's website previously produced in the Applicant's Initial Disclosures as "Applicant's Document 2a-2k. The retail price of an average vehicle ashtray is around \$20.00 or less. See "Applicant's Document No. 20a-20c" and "Applicant's Document No. 21a-21b" attached to this document.

INTERROGATORY NO. 26

Identify any facts that support your claims made in Affirmative Defense No. 6.

APPLICANT'S SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 26

The Applicant objects to Interrogatory No. 26, to the extent that such interrogatory is improperly seeking the Applicant to try her case by and through this interrogatory and to prove facts that should be proven during the Applicant's testimony period and trial. Subject to and without waiving such objections, Applicant's supplemental answer is as follows:

This interrogatory is requesting any facts. Any is defined in the Oxford Dictionary as meaning, one, no matter which of several, so the Applicant(s) named one or more fact(s) in the original answer to Interrogatory No. 26. The Opposer's counsel has requested supplementation of this interrogatory stating that the word "facts" is plural and as such the Applicant's answer to such interrogatory is incomplete. The Applicant does not agree that Interrogatory No. 26 use of the word "any" in such interrogatory even with the plural "facts" invokes a requirement for the identification of more than one fact in answer to such interrogatory. The Applicant has named more than one fact in answer to Interrogatory No. 26. The identification of additional facts by the Applicant does not constitute in any way that the Applicant believes this interrogatory elicits a requirement for the identification of more than one fact or has relinquished rights to object to such interrogatory. The answer to this interrogatory does not constitute all of the facts that may be proven in this case by the Applicant. The following facts support the claims in the Applicant's Affirmative Defense No. 6: The Opposer by and through this opposition case is trying to bar the Applicant from registering a trademark that is not the same as their trademark(s) and only share characteristics in kind that are inherent to the words "sikar" and "cigar". The Opposer is in fact by the very nature of this litigation trying to incorporate rights to other spellings and pronunciations into their trademark. In addition, see the answer to Interrogatory No. 41.

INTERROGATORY NO. 27

Identify any facts that support your claims made in Affirmative Defense No. 7.

APPLICANT'S SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 27

The Applicant objects to Interrogatory No. 27, to the extent that such interrogatory is improperly seeking the Applicant to try her case by and through this interrogatory and to prove facts that should be proven during the Applicant's testimony period and trial. Subject to and without waiving such objections, Applicant's supplemental answer is as follows:

This interrogatory is requesting any facts. Any is defined in the Oxford Dictionary as meaning, one, no matter which of several, so the Applicant(s) named one or more fact(s) in the original answer to Interrogatory No. 27. The Opposer's counsel has requested supplementation of this interrogatory stating that the word "facts" is plural and as such the Applicant's answer to such interrogatory is incomplete. The Applicant does not agree that Interrogatory No. 27 use of the word "any" in such interrogatory even with the plural "facts" invokes a requirement for the identification of more than one fact in answer to such interrogatory. The Applicant has named more than one fact in answer to Interrogatory No. 27. The identification of additional facts by the Applicant does not constitute in any way that the Applicant believes this interrogatory elicits a requirement for the identification of more than one fact or has relinquished rights to object to such interrogatory. The answer to this interrogatory does not constitute all of the facts that may be proven in this case by the Applicant. The following facts support the claims in the Applicant's Affirmative Defense No. 7: This is evidenced by the Opposer's own words on their website stating that they altered the word "sikar" to procure their trademark "Xikar", which was previously produced and attached to the Applicant's Answer to the Notice of Opposition as "Exhibit A". The Opposer is in fact by the very nature of this litigation trying to incorporate rights to other spellings and pronunciations into their trademark. In addition, see the answers to Interrogatory No. 26 and 41.

INTERROGATORY NO. 28

Identify any facts that support your claims made in Affirmative Defense No. 8.

APPLICANT'S SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 28

The Applicant objects to Interrogatory No. 28, to the extent that such interrogatory is improperly seeking the Applicant to try her case by and through this interrogatory and to prove facts that should be proven during the Applicant's testimony period and trial. Subject to and without waiving such objections, Applicant's supplemental answer is as follows:

This interrogatory is requesting any facts. Any is defined in the Oxford Dictionary as meaning, one, no matter which of several, so the Applicant(s) named one or more fact(s) in the original answer to Interrogatory No. 28. The Opposer's counsel has requested supplementation of this interrogatory stating that the word "facts" is plural and as such the Applicant's answer to such interrogatory is incomplete. The Applicant does not agree that Interrogatory No. 28 use of the word "any" in such interrogatory even with the plural "facts" invokes a requirement for the identification of more than one fact in answer to such interrogatory. The Applicant has named more than one fact in answer to Interrogatory No. 28. The identification of additional facts by the Applicant does not constitute in any way that the Applicant believes this interrogatory elicits a requirement for the identification of more than one fact or has relinquished rights to object to such interrogatory. The answer to this interrogatory does not constitute all of the facts that may be proven in this case by the Applicant. The following facts support the claims in the Applicant's Affirmative Defense No. 8: The Opposer by and through this opposition case is trying to bar the Applicant from registering a trademark that is not the same as their trademark(s) and only share characteristics in kind that are inherent to the words "sikar" and "cigar". The Opposer is in fact by the very nature of this litigation trying to bar another from registering a mark, by trying to enforce its alleged trademark rights beyond a reasonable interpretation of the scope of the rights legitimately granted to a trademark owner by and through their trademark "Xikar"; and forcing the Applicant and her predecessors to engage in this litigation at their

detriment and to prove at the very least the limitations of the Opposer's mark. In addition, see the answers to Interrogatory No. 26, 27, and 41.

INTERROGATORY NO. 29

Identify any facts that support your claims made in Affirmative Defense No. 9.

APPLICANT'S SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 29

The Applicant objects to Interrogatory No. 29, to the extent that such interrogatory is improperly seeking the Applicant to try her case by and through this interrogatory and to prove facts that should be proven during the Applicant's testimony period and trial. Subject to and without waiving such objections, Applicant's supplemental answer is as follows:

This interrogatory is requesting any facts. Any is defined in the Oxford Dictionary as meaning, one, no matter which of several, so the Applicant(s) named one or more fact(s) in the original answer to Interrogatory No. 29. The Opposer's counsel has requested supplementation of this interrogatory stating that the word "facts" is plural and as such the Applicant's answer to such interrogatory is incomplete. The Applicant does not agree that Interrogatory No. 29 use of the word "any" in such interrogatory even with the plural "facts" invokes a requirement for the identification of more than one fact in answer to such interrogatory. The Applicant has named more than one fact in answer to Interrogatory No. 29. The identification of additional facts by the Applicant does not constitute in any way that the Applicant believes this interrogatory elicits a requirement for the identification of more than one fact or has relinquished rights to object to such interrogatory. The answer to this interrogatory does not constitute all of the facts that may be proven in this case by the Applicant. The following facts support the claims in the Applicant's Affirmative Defense No. 9: A disclaimer as to the words "sikaar" and "cigar" was not cited in connection to the Opposer's mark "Xikar" and since such disclaimer was not cited the Opposer is now apparently using their trademark(s) to claim rights to inherent characteristics of such words by and through this litigation. The city of Sikar in India. In addition, see the answers

to Interrogatory No. 26, 27, 41 and Applicant's Initial Disclosures.

INTERROGATORY NO. 30

Identify any facts that support your claims made in Affirmative Defense No. 10.

APPLICANT'S SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 30

The Applicant objects to Interrogatory No. 30, to the extent that such interrogatory is improperly seeking the Applicant to try her case by and through this interrogatory and to prove facts that should be proven during the Applicant's testimony period and trial. Subject to and without waiving such objections, Applicant's supplemental answer is as follows:

This interrogatory is requesting any facts. Any is defined in the Oxford Dictionary as meaning, one, no matter which of several, so the Applicant(s) named one or more fact(s) in the original answer to Interrogatory No. 30. The Opposer's counsel has requested supplementation of this interrogatory stating that the word "facts" is plural and as such the Applicant's answer to such interrogatory is incomplete. The Applicant does not agree that Interrogatory No. 30 use of the word "any" in such interrogatory even with the plural "facts" invokes a requirement for the identification of more than one fact in answer to such interrogatory. The Applicant has named more than one fact in answer to Interrogatory No. 30. The identification of additional facts by the Applicant does not constitute in any way that the Applicant believes this interrogatory elicits a requirement for the identification of more than one fact or has relinquished rights to object to such interrogatory. The answer to this interrogatory does not constitute all of the facts that may be proven in this case by the Applicant. The following facts support the claims in the Applicant's Affirmative Defense No. 10: The Opposer procured their trademark "Xikar" by altering the word "sikar", which was evidenced, previously produced and attached to the Applicant's Answer to the Notice of Opposition as "Exhibit A". Evidenced by Exhibit "B" of Applicant's Answer to the Notice of Opposition, the Opposer has claimed a strong affiliation with the Mayan culture on their website, the Mayan word "sikar" is a known and accepted origin

of the word “cigar”. In addition, see the answers to Interrogatory No. 27, 29, and 41.

INTERROGATORY NO. 31

Identify any facts that support your claims made in Affirmative Defense No. 11.

APPLICANT’S SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 31

The Applicant objects to Interrogatory No. 31, to the extent that such interrogatory is improperly seeking the Applicant to try her case by and through this interrogatory and to prove facts that should be proven during the Applicant’s testimony period and trial. Subject to and without waiving such objections, Applicant’s supplemental answer is as follows:

This interrogatory is requesting any facts. Any is defined in the Oxford Dictionary as meaning, one, no matter which of several, so the Applicant(s) named one or more fact(s) in the original answer to Interrogatory No. 31. The Opposer’s counsel has requested supplementation of this interrogatory stating that the word “facts” is plural and as such the Applicant’s answer to such interrogatory is incomplete. The Applicant does not agree that Interrogatory No. 31 use of the word “any” in such interrogatory even with the plural “facts” invokes a requirement for the identification of more than one fact in answer to such interrogatory. The Applicant has named more than one fact in answer to Interrogatory No. 31. The identification of additional facts by the Applicant does not constitute in any way that the Applicant believes this interrogatory elicits a requirement for the identification of more than one fact or has relinquished rights to object to such interrogatory. The answer to this interrogatory does not constitute all of the facts that may be proven in this case by the Applicant. The following facts support the claims in the Applicant’s Affirmative Defense No. 11: The Opposer has engaged in the sale and promotion of cigars as shown by “Applicant’s Documents 15a and 15b” attached to the Applicant’s Initial Disclosures. In addition, see the answers to Interrogatory No. 27, 30, 37, and 41.

INTERROGATORY NO. 32

Identify any facts that support your claims made in Affirmative Defense No. 12.

APPLICANT'S SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 32

The Applicant objects to Interrogatory No. 32, to the extent that such interrogatory is improperly seeking the Applicant to try her case by and through this interrogatory and to prove facts that should be proven during the Applicant's testimony period and trial. Subject to and without waiving such objections, Applicant's supplemental answer is as follows:

This interrogatory is requesting any facts. Any is defined in the Oxford Dictionary as meaning, one, no matter which of several, so the Applicant(s) named one or more fact(s) in the original answer to Interrogatory No. 32. The Opposer's counsel has requested supplementation of this interrogatory stating that the word "facts" is plural and as such the Applicant's answer to such interrogatory is incomplete. The Applicant does not agree that Interrogatory No. 32 use of the word "any" in such interrogatory even with the plural "facts" invokes a requirement for the identification of more than one fact in answer to such interrogatory. The Applicant has named more than one fact in answer to Interrogatory No. 32. The identification of additional facts by the Applicant does not constitute in any way that the Applicant believes this interrogatory elicits a requirement for the identification of more than one fact or has relinquished rights to object to such interrogatory. The answer to this interrogatory does not constitute all of the facts that may be proven in this case by the Applicant. The following facts support the claims in the Applicant's Affirmative Defense No. 12: Bram Warren Wiseberg's personal telephone number was not connected with the Applicant's trademark application nor was "Bram Warren" Wiseberg personally affiliated with such application and should not have been contacted on his personal telephone by Mr. Van Keppel, such action was inappropriate. Kurt Van Keppel's telephone call to Bram Warren, before Xikar, Inc. filed their Notice of Opposition, but after filing multiple extensions of time to oppose through their counsel, included Mr. Van Keppel stating that Xikar, Inc. did not mind if the mark "Cicar" was used in commerce by the Applicant but that they wanted the Applicant to withdraw the Trademark Application. In addition, see the answer to

Interrogatory No. 33.

INTERROGATORY NO. 33

Identify any facts or applicable authority under which contact between parties to a lawsuit, i.e., Mr. Van Keppel's contact with Mr. Bram Warren, would be classified as "bullying" or as not going through proper channels" as claimed in Affirmative Defense No. 12.

APPLICANT'S SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 33

The Applicant objects to Interrogatory No. 33, to the extent that such interrogatory is improperly seeking the Applicant to try her case by and through this interrogatory and to prove facts that should be proven during the Applicant's testimony period and trial. Subject to and without waiving such objections, Applicant's supplemental answer is as follows:

This interrogatory is requesting any facts. Any is defined in the Oxford Dictionary as meaning, one, no matter which of several, so the Applicant(s) named one or more fact(s) in the original answer to Interrogatory No. 33. The Opposer's counsel has requested supplementation of this interrogatory stating that the word "facts" is plural and as such the Applicant's answer to such interrogatory is incomplete. The Applicant does not agree that Interrogatory No. 33 use of the word "any" in such interrogatory even with the plural "facts" invokes a requirement for the identification of more than one fact in answer to such interrogatory. The Applicant has named more than one fact in answer to Interrogatory No. 33. The identification of additional facts by the Applicant does not constitute in any way that the Applicant believes this interrogatory elicits a requirement for the identification of more than one fact or has relinquished rights to object to such interrogatory. The answer to this interrogatory does not constitute all of the facts that may be proven in this case by the Applicant. The following facts support the claim in the Applicant's Affirmative Defense No. 12: "Bram Warren's" personal telephone number was not connected with the Applicant's trademark application nor was "Bram Warren" personally affiliated with such application and should not have been contacted on his personal telephone by Mr. Van

Keppel. Mr. Van Keppel informed “Bram Warren” that he obtained his telephone number from a former distributor of “Bram Warren’s” products. The Applicant’s contact telephone number is clearly shown in the application to register the trademark “Cicar” on file with the USPTO. In addition, see the answer to Interrogatory No. 32.

INTERROGATORY NO. 34

Identify any facts or applicable authority which does not permit the filing of two (2) extensions of time to oppose applications for federal registration of trademarks.

APPLICANT’S SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 34

The Applicant objects to Interrogatory No. 34, to the extent that such interrogatory is improperly seeking the Applicant to try her case by and through this interrogatory and to prove facts that should be proven during the Applicant’s testimony period and trial. Subject to and without waiving such objections, Applicant’s supplemental answer is as follows:

This interrogatory is requesting any facts. Any is defined in the Oxford Dictionary as meaning, one, no matter which of several, so the Applicant(s) named one or more fact(s) in the original answer to Interrogatory No. 34. The Opposer’s counsel has requested supplementation of this interrogatory stating that the word “facts” is plural and as such the Applicant’s answer to such interrogatory is incomplete. The Applicant does not agree that Interrogatory No. 34 use of the word “any” in such interrogatory even with the plural “facts” invokes a requirement for the identification of more than one fact in answer to such interrogatory. The Applicant has identified facts and applicable authority in answer to Interrogatory No. 34. The identification of additional facts and applicable authority by the Applicant does not constitute in any way that the Applicant believes this interrogatory elicits a requirement for the identification of more than one fact or has relinquished rights to object to such interrogatory. The answer to this interrogatory does not constitute all of the facts that may be proven in this case by the Applicant. The identity of any facts and applicable authority, are as follows: The final extension of time to oppose the

Applicant's trademark application granted to the Opposer must be filed showing good cause to extend such time. The Opposer has not to date shown good cause in the Applicant's opinion as to why the Opposer needed to file multiple extensions of time, the last extension being granted for investigational purposes. Pursuant to TBMP 202 and 37 CFR §2.102(c)(2) if a person was granted a thirty-day extension of time, that person may file a request for an additional sixty-day extension of time, which will be granted only for good cause shown.

INTERROGATORY NO. 35

Identify any facts or applicable authority that discourages settlement discussions between parties in an effort to reduce the time and expense of litigation.

APPLICANT'S SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 35

The Applicant's original answer to Interrogatory No. 35 in the Applicant's Responses and Objections to Opposer's First Set of Interrogatories dated December 30, 2013 is incorporated herein. The following additional answers and objections are incorporated into and added to such answer: The Applicant previously responded to Interrogatory No. 35 believing the interrogatory pertained to settlement discussions that occurred between the parties after the Opposer filed their Notice of Opposition which was my interpretation of such interrogatory at the time, but upon further consideration of such interrogatory you may be referencing Applicant's Affirmative Defense No. 12. The Applicant does not consider Mr. Van Keppel's telephone call to Bram Warren referenced in Affirmative Defense No. 12 as settlement discussions between parties. The Applicant objects to Interrogatory No. 35 to the extent that such interrogatory is misleading and illogical in that it infers that there would be any facts or applicable authority that discourages settlement discussions between parties to reduce the time and expense of litigation. Subject to and without waiving such objections, the Applicant responds as follows:

The Applicant has not identified any facts or applicable authority that discourages settlement discussions between parties in an effort to reduce the time and expense of litigation because the

Applicant knows of no such facts or applicable authority.

INTERROGATORY NO. 36

Identify any facts that support your claims made in Affirmative Defense No. 13.

APPLICANT'S SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 36

The Applicant objects to Interrogatory No. 36, to the extent that such interrogatory is improperly seeking the Applicant to try her case by and through this interrogatory and to prove facts that should be proven during the Applicant's testimony period and trial. Subject to and without waiving such objections, Applicant's supplemental answer is as follows:

This interrogatory is requesting any facts. Any is defined in the Oxford Dictionary as meaning, one, no matter which of several, so the Applicant(s) named one or more fact(s) in the original answer to Interrogatory No. 36. The Opposer's counsel has requested supplementation of this interrogatory stating that the word "facts" is plural and as such the Applicant's answer to such interrogatory is incomplete. The Applicant does not agree that Interrogatory No. 36 use of the word "any" in such interrogatory even with the plural "facts" invokes a requirement for the identification of more than one fact in answer to such interrogatory. The Applicant has named more than one fact in answer to Interrogatory No. 36. The identification of additional facts by the Applicant does not constitute in any way that the Applicant believes this interrogatory elicits a requirement for the identification of more than one fact or has relinquished rights to object to such interrogatory. The answer to this interrogatory does not constitute all of the facts that may be proven in this case by the Applicant. The following facts support the claims in the Applicant's Affirmative Defense No. 13: The Opposer by and through this opposition case is trying to bar the Applicant from registering a trademark that is not the same as their trademark(s) and only share characteristics in kind that are inherent to the words "sikar" and "cigar". The Applicant and her predecessors, have been forced to expend excessive time and money to defend the trademark application for the mark "Cicar" based on the fact that the Opposer has a

registered trademark without a cited disclaimer as to the limitations of such mark and is now by and through this litigation trying to enforce its alleged trademark rights beyond a reasonable interpretation of the scope of the rights legitimately granted to a registered trademark owner. In addition, see the answers to Interrogatory No. 21, 26, 27, 28, 30, and 41.

INTERROGATORY NO. 37

Identify any facts that support your claims made in your Counterclaim.

APPLICANT'S SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 37

The Applicant objects to Interrogatory No. 37, to the extent that such interrogatory is improperly seeking the Applicant to try her case by and through this interrogatory and to prove facts that should be proven during the Applicant's testimony period and trial. Subject to and without waiving such objections, Applicant's supplemental answer is as follows:

This interrogatory is requesting any facts. Any is defined in the Oxford Dictionary as meaning, one, no matter which of several, so the Applicant(s) named one or more fact(s) in the original answer to Interrogatory No. 37. The Opposer's counsel has requested supplementation of this interrogatory stating that the word "facts" is plural and as such the Applicant's answer to such interrogatory is incomplete. The Applicant does not agree that Interrogatory No. 37 use of the word "any" in such interrogatory even with the plural "facts" invokes a requirement for the identification of more than one fact in answer to such interrogatory. The Applicant has named more than one fact in answer to Interrogatory No. 37. The identification of additional facts by the Applicant does not constitute in any way that the Applicant believes this interrogatory elicits a requirement for the identification of more than one fact or has relinquished rights to object to such interrogatory. The answer to this interrogatory does not constitute all of the facts that may be proven in this case by the Applicant. The Applicant's investigation and development of all facts and circumstances relating to this action are ongoing. These answers and objections are made without prejudice to, and are not a waiver of, the Applicant's right to rely on other facts or

documents at trial. Subject to and without waiving such objections, Applicant's supplemental answer to Interrogatory No. 37 is as follows:

The Applicant identifies the following documents that contain facts in which support the allegations made in the Applicant's Counterclaims. "Exhibits A and B" attached to the Applicant's Answer to the Notice of Opposition; Applicant's Documents 9, 10a, 10b, 12a, 12b, 12c, 12d, 13a, 13b, 13c, 13d, 14, 15a, 15b attached to and documents named within the Applicant's Initial Disclosures. Various documents supplied by the Opposer in response to the Applicant's First Set of Interrogatories. In addition, see the answers to Interrogatory No. 21, 26-31, 36, and 41.

INTERROGATORY NO. 38

If documents and things identified in answering these interrogatories are known or believed to exist but are not in Applicant's possession, custody or control, identify each such document and thing insofar as it is possible to do so, and identify who has possession, custody or control of such document or thing.

APPLICANT'S SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 38

The Applicant's original answer to Interrogatory No. 38 in the Applicant's Responses and Objections to Opposer's First Set of Interrogatories dated December 30, 2013 is incorporated herein. The following additional answer is incorporated into and added to such answer: The location of documents not in the Applicant's possession, custody or control, identified in answering these interrogatories, have been disclosed either within such document or in various other documents supplied to the Opposer by the Applicant.

INTERROGATORY NO. 41

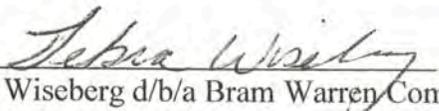
Identify documents upon which Applicant intends to rely in connection with this opposition proceeding.

APPLICANT'S SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 41

Applicant objects to Interrogatory No. 41, to the extent that such interrogatory is overly broad, over-inclusive, unduly burdensome, inherently vague, and may be construed as improperly seeking information protected, considered work product, privileged, beyond the scope of this proceeding, and/or not reasonably calculated to lead to the discovery of admissible evidence. The Applicant is not required at this time to identify documents upon which the Applicant intends to rely in connection with this opposition. The Applicant's investigation and development of all facts and circumstances relating to this action are ongoing. These answers and objections are made without prejudice to, and are not a waiver of, the Applicant's right to rely on other facts or documents at trial. Subject to and without waiving such objections, Applicant's supplemental answer to Interrogatory No. 41 is as follows:

"Exhibits A and B" attached to the Applicant's Answer to the Notice of Opposition; and Applicant's Documents 1; 2a; 2b; 2c; 2d; 2e; 2f; 2g; 2h; 2i; 2j; 2k; 3; 4; 5a; 5b; 6; 7; 8a; 8b; 9; 10a; 10b; 11; 12a; 12b; 12c; 12d; 13a; 13b; 13c; 13d; 14; 15a; 15b; 16a; and 16b attached to and documents named within the Applicant's Initial Disclosures; other documents produced or disclosed by the Applicant; and Applicant's Document 20a-20c and "Applicant's Document No. 21a-21b" attached to this document. Various documents produced by the Opposer in response to the Applicant's discovery requests. The Applicant may also rely on other documents and information publicly available on the internet, libraries, and other publicly available locations.

DATED: February 24, 2014

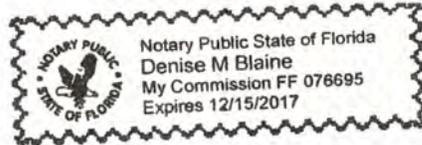
By:   
Debra Wiseberg d/b/a Bram Warren Company  
18100 S.W. 50 Street  
Southwest Ranches, FL 33331  
Telephone No.: (954) 297-0329  
Email: [bramwarren@bramwarren.com](mailto:bramwarren@bramwarren.com)

VERIFICATION

Debra Wiseberg, does hereby declare that the answers to the foregoing interrogatories are

true and correct to the best of her knowledge and belief of the facts of this proceeding.

This instrument was acknowledged before me on this 24<sup>th</sup> day of February, 2014 by  
Debra Wiseberg who has produced a driver's license for identification.



NOTARY SEAL

A handwritten signature in cursive script that reads "Denise M. Blaine".

Notary Public  
My Commission Expires:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Applicant's Supplemental Answers and Objections to Opposer's First Set of Interrogatories was sent to the council for the Opposer by the United States Postal Service, first class mail on February 24<sup>th</sup>, 2014 to the following address:

Ginnie C. Derusseau and James J. Kernell  
Erickson, Kernell, Derusseau & Kleypas LLC  
8900 State Line Road, Suite 500  
Leawood, KS 66206

By:

A handwritten signature in cursive script that reads "Debra Wiseberg".  
\_\_\_\_\_  
Debra Wiseberg

Applicant's Document No. 20a

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Shop by Department

Search vehicle ashtrays



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Cart

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Automotive Part Finder Deals & Rebates Best Sellers Tools & Equipment Interior Accessories Truck Jeep RV Motorcycle & Powersports Tires & Wheels

Departments

- Any Category
- Automotive
- Interior Accessories
- Ashtrays**

Eligible for Free Shipping Free Shipping by Amazon

Feature Keywords

- Smokeless (14)
- Cup Holder (62)
- Decorative (8)
- Vehicle (94)
- Cigarette (56)

Brand

- Toyota
- Amico
- Meco
- Mazda
- GM
- Mitsubishi
- Hyundai
- Type S
- Autosound 2000
- Bell
- Volkswagen
- BBQbuy
- Nissan
- Winplus
- Allison
- See more...

Avg. Customer Review

- ★★★★★ & Up (11)
- ★★★★ & Up (13)
- ★★★ & Up (15)
- ★★ & Up (16)

New Arrivals

Last 90 days (12)

International Shipping

AmazonGlobal Eligible

Price

- Under \$25 (109)
- \$25 to \$50 (15)
- \$50 to \$100 (4)
- \$100 to \$200 (1)

\$ to \$

Discount

- 10% Off or More (9)
- 25% Off or More (6)
- 50% Off or More (4)
- 70% Off or More (1)

Seller

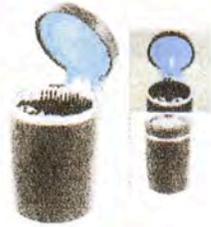
- Wuxcell (54)
- Mid Atlantic Toyota Parts (28)
- Toyota Warehouse (18)
- Premier Companies (13)
- West Covina Toyota (12)
- TRDToyolaparts (11)

Automotive > Interior Accessories > Ashtrays > "vehicle ashtrays"

Showing 1 - 24 of 128 Results

Detail Image

Sort by Relevance



Amico Auto Car Vehicle Cylinder Black Cigarette Holder Ashtray

\$7.87

Order in the next 22 hours and get it by Thursday, Feb 20. FREE Shipping on orders over \$35

(2)

Product Features

Package Content : 1 x Car Ashtray, 2 x Plastic Clip : 2 x Plastic Clip



Black Car Cup Holder Cigarette Ashtray

\$6.99

In Stock

More Buying Choices

\$6.99 new (3 offers)

(1)

Product Features

Fits into most vehicles cup holders



Vehicles Car Extinguishing Ashtray Cigarette Bin Holder Black

\$8.41

Order in the next 17 hours and get it by Thursday, Feb 20.

Only 1 left in stock - order soon. FREE Shipping on orders over \$35

More Buying Choices

\$7.23 new (2 offers)

Product Features

Package Content : 1 x Car Butt Bucket Ashtray



See Color Options

Portable Car Vehicle Air Vent Auto LED Light Cigarette Smokeless Ashtray Holder (Silver Car Ashtray)

\$6.98

In Stock

More Buying Choices

\$8.98 new (2 offers)

(1)

Product Features

What's in the Package: 1x Portable Ashtray



Bell Automotive 22-1-39264-8 Blue Aluminum Automotive Ash Tray

\$7.99 \$6.40

Order in the next 22 hours and get it by Thursday, Feb 20.

FREE Shipping on orders over \$35

(10)

Product Features

Converts extra cup holder into an ashtray



Amico Black Plastic Cigarette Holder Car Ashtray w Blue LED Light

\$8.65

Order in the next 17 hours and get it by Thursday, Feb 20.

Only 3 left in stock - order soon. FREE Shipping on orders over \$35

More Buying Choices

\$8.43 new (2 offers)

Product Features

Package Content : 1 x Car Ashtray



Amico Metal Lid Smokeless Adhesive Car Cigarette Ashtray Holder Black Silver Tone

\$7.26

Order in the next 18 hours and get it by Thursday, Feb 20.

Only 1 left in stock - order soon. FREE Shipping on orders over \$35



REMOVABLE ASHTRAY

\$4.99

Only 9 left in stock - order soon.

More Buying Choices

\$4.99 new (3 offers)

(1)

Product Features



Black Plastic Cylinder Blue LED Light Vehicle Ashtray

\$8.19

Only 6 left in stock - order soon.

Product Features

Material: Plastic; LED Light Color: Blue; Ashtray Color: Black

- Tom's Foreign Auto Parts (8)
- Amazon.com (7)
- BilletDepot (6)
- York Auto Group Parts (4)
- See more...

Availability

Include Out of Stock

More Buying Choices

**\$6.14** new (2 offers)  
**\$1.41** used (1 offer)

(2)

Product Features

Product Name : Car Ashtray,Fit for : All Vehicles

... Ashtray is removable Conveniently ... to install  
Great For Any Vehicle

### Applicant's Document No. 20b

**AMAZON PILOT SEASON**

**FREE**

amazon

See them all

Advertisement



#### Car Portable Silver Tone Plastic Dice Shape Smokeless Ashtray Case

**\$9.90**  
 Only 4 left in stock - order soon.

Product Features

Product Name : Car Ashtray,Fit for : All Vehicles



#### Car Vehicle Smoking Cigarette Ashtray Plastic Holder Gray

**\$5.20**  
 Only 6 left in stock - order soon.

Product Features

Package Content : 1 x Car Ashtray



#### 12 pc set Butt Bucket Personal & Auto Ashtray Black

**\$11.59**

In Stock

Product Features

12 pc set of Ashtrays, Washable plastic



#### Colorful Leopard Print Metal Vehicle Smoking Cigarette Ashtray Holder

**\$12.91**  
 Only 12 left in stock - order soon.

Product Features

Package Content: 1 x Car Ashtray



#### Blue LED Light Plastic Cigarette Holder Ashtray White for Vehicle Car

**\$6.73**  
 Only 5 left in stock - order soon.

Product Features

Package Content : 1 x Car Ashtray



#### Blue LED Lamp Wood Color Plastic Cigar Holder Ashtray for Vehicle Car

**\$6.71**  
 Only 1 left in stock - order soon.

Product Features

Package Content : 1 x Car Ashtray



#### Vehicle Car Cigarette Cigar Ashtray Holder Red Carbon Fiber Prints

**\$7.95**  
 Only 2 left in stock - order soon.

Product Features

Package Content: 1 x Car Ashtray



#### Black Plastic Vehicle Car Smoking Cigarette Ashtray Holder

**\$6.45**  
 Only 7 left in stock - order soon.

More Buying Choices

**\$6.45** new (2 offers)

Product Features

Package Content : 1 x Car Ashtray



#### Plastic Black Holder Cigarette Ashtray for Vehicle Car

**\$5.20**

In Stock

Product Features

Package Content : 1 x Car Ashtray



#### Silver Tone Plastic Blue LED Light Vehicle Smoking Ashtray

**\$8.52**  
 Only 3 left in stock - order soon.



#### BUTT BUCKET EXTINGUISHING ASHTRAY

**\$5.00**  
 Only 17 left in stock - order soon.



#### Black Plastic Car Mirror Decor Cigarette Smokeless Ashtray Holder

**\$8.64**

Order in the next 20 hours and get it by

Product Features

... Ashtray Color : Silver Tone, Clear Blue;Size(When Fold) : 9. ...

More Buying Choices

\$1.48 new (3 offers)

Applicant's Document No. 20c (3)

Thursday, Feb 20.

Only 3 left in stock - order soon. FREE Shipping on orders over \$35

More Buying Choices \$7.45 new (2 offers)

Product Features

Product Name : Car Ashtray;Fit for : All Vehicles



Vehicle Plastic Cylinder Cigarette Ash Holder Ashtray Gray

\$6.01

Only 6 left in stock - order soon.

Product Features

Package Content : 1 x Auto Car Ashtray



Black Plastic Shell Auto Car Smoking Cigarette Ashtray Holder

\$8.18

Only 9 left in stock - order soon.

Product Features

Package Content : 1 x Car Ashtray



Black Plastic Casing Auto Car Smoking Cigarette Ashtray Holder

\$7.63

Order in the next 17 hours and get it by Thursday, Feb 20.

Only 1 left in stock - order soon. FREE Shipping on orders over \$35

More Buying Choices \$6.82 new (2 offers)

Product Features

Package Content : 1 x Car Ashtray

Previous Page

1 2 3 ... 6

Next Page

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Smoke Trap ionic smokeless ashtray is designed for cars, cabs, trucks. www.smoke-outlet.com/

2. [Chevrolet Official Site](#)

Research, Compare, and Build a New Malibu on Official Chevrolet Site. www.chevrolet.com/Malibu

3. [Space Age Ashtrays](#)

Ashtrays Windproof Outdoor Smokeless Indoor Ashtrays www.noash.com/

4. [Ashtrays & Smoking Urns](#)

Large selection of floor, table top wall ashtrays & more! www.eshophere.com/

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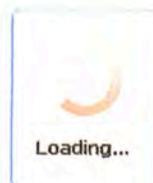
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Clearance Center

Community

Drop-shipping

Home » Car Accessories » Car Interior decoration » Car Ashtrays

Car Accessories

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- Car DVR
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- Car Alarms & Security
- Car Audio and Monitors
- Car Lights
- Car Parts
- Car Power Adapter
- GPS& Navigation

Car Interior decoration

- Anti Slip Mat
- Car Ashtrays**
- Car Seat Covers & Cushions
- Decorative Stickers
- GPS/Cellphone/Car/CDD/Device H.
- Other Interior
- Shoulder Pads/Backless
- Steering Wheel Cover
- Sun Shade
- Tease Car Interior
- Car Beauty & Care
- Car Exterior decoration
- Personalized

Car Ashtrays

Choose the car ashtray of perfect style and high quality for you. Use the in-car ashtrays remove odors and contain smoke. The portable car ashtrays ideal for car u your vehicle inside from smoking smell. It is a nice accessory. Buy it now!

All Items(14) Discount(1) View as 36 72

US\$ to US\$

Sort by: **Rec**



Mini and Practical LED Car Ashtray (Black)

**US\$ 7.39**  
In Stock - Ships in 24hrs  
Free Shipping  
(15 reviews)



High Glass In-Car Ashtray (Grey)

**US\$ 3.99**  
In Stock - Ships in 24hrs  
Free Shipping  
(4 reviews)



W677 Four Leather Car Ashtray with LED Light (Black)

**US\$ 13.39**  
In Stock - Ships in 24hrs  
Free Shipping  
(2 reviews)



Exquisite Car QAO Logo Design Ashtray (Black)

**US\$ 8.99** ~~US\$ 9.99~~  
In Stock - Ships in 24hrs  
Free Shipping  
(0 reviews)



High Class In-Car Ashtray (Black)

**US\$ 3.99**  
Ships in 3 days  
Free Shipping  
(2 reviews)



In-Car Ashtray with Blue LED Light (Black)

**US\$ 7.19**  
Ships in 3 days  
Free Shipping  
(2 reviews)



Aluminum Car Ashtray with Colorful LED Light

**US\$ 6.99**  
Ships in 3 days  
Free Shipping  
(0 reviews)



AUS Basic Car Ashtray (Black)

**US\$ 3.79**  
Ships in 3 days  
Free Shipping  
(1 reviews)



Car Ashtray with Blue LED (Silver)

**US\$ 7.39**  
Ships in 3 days  
Free Shipping  
(1 review)



Multi-functional Car Ashtray (Black)

**US\$ 8.99**  
Ships in 3 days  
Free Shipping  
(0 review)



B9581 Compact Car Cigarette Ashtray Holder Container (Black)

**US\$ 7.19**  
Ships in 3 days  
Free Shipping  
(4 reviews)



Car Ashtray with Light (Black)

**US\$ 12.39**  
Ships in 3 days  
Free Shipping  
(0 review)

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- In-Car Ashtray with Blue LED Light **US\$7.19**
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- Aluminum Car Ashtray with Colorful **US\$6.99**
- W677 Four Leather Car Ashtray with LED **US\$13.39**

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[Expedito Car Ashtray](#)

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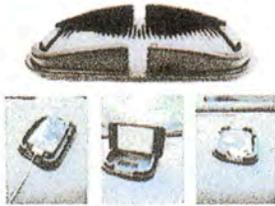
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**US\$4.99**

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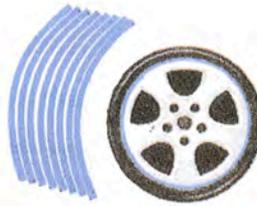


Functional Car Dashboard Anti-slip Sticky Mat Pad (Black)

**US\$2.79**

Free Shipping

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**US\$1.59**

Free Shipping

in [Decorative Stickers](#)



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**US\$1.89**

Free Shipping

in [Decorative Stickers](#)



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**US\$1.99**

Free Shipping

in [Decorative Stickers](#)

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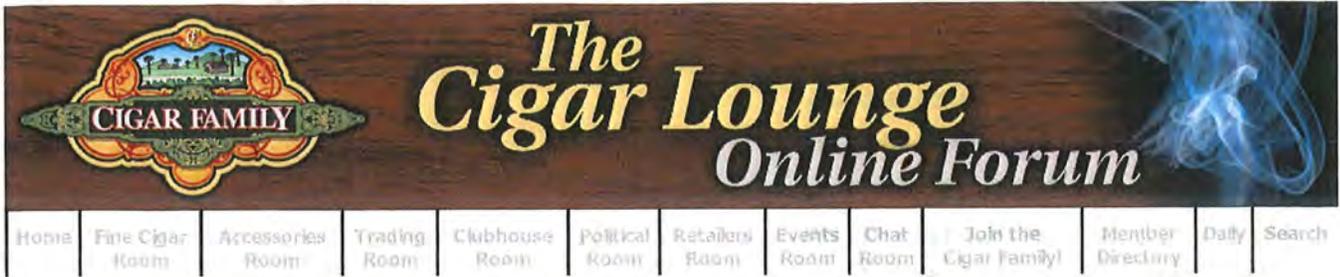
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CigarFamily.com -- Official Site of the Arturo Fuente and J.C. Newman Cigar Family > The Fine Cigar Room

Double Bladed Cutters

Member Name   Remember Me?

Password

<b>Quasinym</b>	<b>Sep. 30, 1998 12:17 am</b>
<b>Quasinym</b>	<b>Sep. 30, 1998 12:27 am</b>
<b>CT</b>	<b>Sep. 30, 1998 12:35 am</b>
<b>Francie</b>	<b>Sep. 30, 1998 01:10 am</b>
<b>K.I.</b>	<b>Sep. 30, 1998 01:11 am</b>
<b>Bill H</b>	<b>Sep. 30, 1998 02:17 am</b>
<b>Greg Mc</b>	<b>Sep. 30, 1998 05:24 am</b>
<b>Red</b>	<b>Sep. 30, 1998 07:46 am</b>
<b>Stogee</b>	<b>Sep. 30, 1998 08:41 am</b>
<b>PuffDaddy</b>	<b>Sep. 30, 1998 08:59 am</b>
<b>smoke'n</b>	<b>Sep. 30, 1998 10:33 am</b>
<b>BobALouie</b>	<b>Sep. 30, 1998 10:51 am</b>
<b>Craig</b>	<b>Sep. 30, 1998 11:11 am</b>
<b>Gary</b>	<b>Sep. 30, 1998 11:11 am</b>
<b>Rookie</b>	<b>Sep. 30, 1998 11:29 am</b>
<b>cphilip</b>	<b>Sep. 30, 1998 12:51 pm</b>
<b>bohthank</b>	<b>Sep. 30, 1998 12:52 pm</b>
<b>The Master</b>	<b>Sep. 30, 1998 12:59 pm</b>
<b>Cmad</b>	<b>Sep. 30, 1998 01:09 pm</b>
<b>tigger</b>	<b>Sep. 30, 1998 01:20 pm</b>
<b>Big Ed</b>	<b>Sep. 30, 1998 02:13 pm</b>
<b>Frank</b>	<b>Sep. 30, 1998 04:09 pm</b>
<b>BJ</b>	<b>Sep. 30, 1998 04:51 pm</b>
<b>toecutter</b>	<b>Sep. 30, 1998 05:13 pm</b>
<b>ExCamelSmoker</b>	<b>Sep. 30, 1998 06:16 pm</b>
<b>N</b>	<b>Sep. 30, 1998 06:25 pm</b>
<b>Jazzman</b>	<b>Sep. 30, 1998 06:49 pm</b>
<b>elwoodbob</b>	<b>Sep. 30, 1998 06:58 pm</b>
<b>Quasinym</b>	<b>Sep. 30, 1998 07:51 pm</b>
<b>Alan K.</b>	<b>Sep. 30, 1998 08:25 pm</b>

10/15/13

Double Bladed Cutters - CigarFamily.com -- Official Site of the Arturo Fuente and J.C. Newman Cigar Family

**DBCooper** Sep. 30, 1998 09:06 pm  
**Bill H** Sep. 30, 1998 11:21 pm  
**Ardy** Oct. 01, 1998 05:00 am  
**stickman** Oct. 01, 1998 05:15 pm  
**Rookie** Oct. 01, 1998 05:42 pm  
**BJ** Oct. 01, 1998 11:23 pm  
**Smokinsnake** Oct. 02, 1998 11:23 am  
**K.I.** Oct. 04, 1998 12:24 am  
**DBCooper** Oct. 05, 1998 07:35 pm  
**rollout** Oct. 05, 1998 08:40 pm  
**K.I.** Oct. 05, 1998 08:50 pm

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(#1)

Quasinym is Offline



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Posts: 115  
View Traders Comments  
Join Date: September 27, 1998

September 30, 1998, 12:17 AM

In cutting cigars with my \$2.50 ERDM plastic guillotine, I've found that the wrapper often gets mangled, and I am left with flecks of tobacco in my mouth which hamper my smoking experience (more with cheap, soft cigars than premiums, but occasionally with premiums as well). I think this could be helped by using a double bladed cutter, but all of the double bladed cutters I have seen are diamond encrusted solid gold and cost \$300 (an exaggeration, but not by too much). Is there a mail order company (on the net or off) from which I could order an effective, maybe even sharpenable, double-bladed cutter that is not designed to be jewelry?

Quasi



(#2)

Quasinym is Offline



VIEW PROFILE

SEND SMOKE SIGNAL

Posts: 115  
View Traders Comments  
Join Date: September 27, 1998

September 30, 1998, 12:27 AM

oops, thought I was in "Accessories" when I posted this...sorry about the miscategorization.



(#3)

CT is Offline



VIEW PROFILE

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Posts: 61  
View Traders Comments  
Join Date: September 23, 1998

September 30, 1998, 12:35 AM

I bought a double blade cutter (cheap one for \$12), and it did a worse job than my single blade. I've now abandoned both in favor of a home-made .44 magnum "punch" cutter. Works much better for me, just have to re-sharpen the edges occasionally.

QUOTE



(#4)



**Francie is Offline**

[VIEW PROFILE](#)

[SEND SMOKE SIGNAL](#)

Posts: 92

[View Traders Comments](#)

Join Date: May 30, 1998

September 30, 1998, 01:10 AM

I just bought a Zippo cutter. It's double bladed, heavy duty, stainless steel and is bigger than other cutters that I have seen so far. Like all their products, it has a lifetime guarantee. Works great! Cuts clean and works on cigars up to 50 ring size. It retails for \$50 but you'll never have to buy another cutter again. I don't work for them... but I only live a mile from them.

Francie

QUOTE



(#5)



**K.I. is Offline**

[VIEW PROFILE](#)

[SEND SMOKE SIGNAL](#)

Posts: 303

[View Traders Comments](#)

Join Date: December 31, 1998

September 30, 1998, 01:11 AM

yeah I'm kinda down on double bladed too. for my purposes the cheapie guillotine works great.

QUOTE



(#6)



**Bill H is Offline**

[VIEW PROFILE](#)

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Posts: 247

[View Traders Comments](#)

Join Date: May 5, 1998

September 30, 1998, 02:17 AM

I use the El-Cheapo brand cutters myself, I've found that when you start to mangle the cigar it's time to shell out another dollar and buy a new one. It works every time.

Bill H Cubbies69@aol.com

QUOTE



(#7)

**Greg Mc is Offline**

[VIEW PROFILE](#)

[SEND SMOKE SIGNAL](#)

Posts: 14,594

[View Traders Comments](#)

Join Date: May 10, 1998





September 30, 1998, 05:24 AM

use a single guily for torpedos and other figurados,and a new punch caplifter for all flatheads and it works for me. I always rub my finger over the cut tip lightly to remove loose tabac.

QUOTE



(#8)



**Red is Offline**

VIEW PROFILE

SEND SMOKE SIGNAL

Posts: 1,842

View Traders Comments

Join Date: October 8, 1998

September 30, 1998, 07:46 AM

I have not seen the Zippo cutter but I have been using the same Zino cutter, that you can get in any cigar store, for around 35-45 bucks for a few years with no problems. Make sure before you snip that both blades are firmly touching the cigar, otherwise you'll have the same problem with any cutter.....Red

QUOTE



(#9)



**Stogee is Offline**

VIEW PROFILE

SEND SMOKE SIGNAL

Posts: 2,274

View Traders Comments

Join Date: March 8, 1998

September 30, 1998, 08:41 AM

After using about every type of cutter on the market, and wasting a lot of cash, I went with the prometheus double blade, self sharpening. I also have a couple homade bullet cutters that work great if kept sharp. I use these for fishing, hunting, etc...

QUOTE



(#10)



**PuffDaddy is Offline**

VIEW PROFILE

SEND SMOKE SIGNAL

Posts: 3,180

View Traders Comments

Join Date: September 2, 2001

September 30, 1998, 08:59 AM

You can get Zino cutters on sale for \$35 and they work great. They have a lifetime guarantee which assures that you will lose it within six months....

QUOTE



(#11)



**smoke'n is Offline**

VIEW PROFILE

SEND SMOKE SIGNAL

Posts: 178

View Traders Comments

Join Date: October 6, 1998

September 30, 1998, 10:33 AM

I go with Bill-H,,,I just keep getting the dollar ones when they go dual....If you buy a box or get several nice cigars, have them throw one in,,,,,my store does.  
How about the V-cut type cutter? They look good.

QUOTE



(#12)

**BobALouie is Offline**

VIEW PROFILE

SEND SMOKE SIGNAL

Posts: 572

View Traders Comments

Join Date: September 28, 1998

September 30, 1998, 10:51 AM

My friends say that if you cut the cigar with the cello on it tends to keep the mangling to a minimum. Doesn't work for me because I have a hard time telling how much I'm cutting. Also, not gonna work for cigars without cello or in tubes!

I love my zino and it works great. I only use it at home because as everyone states, the more it costs the more likely you will lose it.....

AT the golf course, I use a cheap double blade from Lew, \$6 I think, and it might be better than a guillotine but just barely.

QUOTE



(#13)

Gary's Avatar

**Gary is Offline**

VIEW PROFILE

SEND SMOKE SIGNAL

Posts: 10,672

View Traders Comments

Join Date: August 2, 1998

September 30, 1998, 11:11 AM

The best cutter out on the market is the **Xikar** and they are featured on the Fujipub site. I have been using mine for approximately 5 months now and its still as sharp as the day I bought it. Their service is exceptional and they offer a lifetime warranty on the cutter.

QUOTE



(#14)

**Craig is Offline**

VIEW PROFILE

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Posts: 101

View Traders Comments

Join Date: June 27, 1999

September 30, 1998, 11:11 AM

I've got to agree with Puff on this one, The Zino cutters are excellent. You can find them for around \$35-\$40 on the web.<p>Keep the blades clean with a little rubbing alcohol on a paper towel, the alcohol removes any cigar resin's from the blades, so they always cut like new..!!

<p><a href="mailto:netband@erols.com">Craig L.</a>

QUOTE



(#15)

**Rookie is Offline**

VIEW PROFILE

SEND SMOKE SIGNAL

Posts: 11,395

View Traders Comments

Join Date: April 15, 1998

September 30, 1998, 11:29 AM

Would not trade my Nat Sherman double blade cutter for any other. For the really trendy, (like me! LOL) you can get a neet leather case for it too! I think it was BJ who saw my cutter in Tampa, and picked one up at one of the crawl stops... what do you say BJ? Any complaints about your new Nat Sherman cutter?

QUOTE



(#16)

**cphilip is Offline**



VIEW PROFILE

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Posts: 86  
View Traders Comments  
Join Date: July 4, 1998

September 30, 1998, 12:51 PM

Zinno No doubt! Self sharpening. In additon an "Avo" bullet cutter is the best it also has a lifetime blade garentee. My wife has one of these and it is nice. About \$70.00

Phil

QUOTE



(#17)

**bohdank is Offline**



VIEW PROFILE

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Posts: 1,014  
View Traders Comments  
Join Date: January 1, 1999

September 30, 1998, 12:52 PM

ya, the zino does a good job.

QUOTE



(#18)

**The Master is Offline**



VIEW PROFILE

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Posts: 9,727  
View Traders Comments  
Join Date: December 29, 1998

September 30, 1998, 12:59 PM

I agree with Puff and Craig, the Zino cutter is the best. I have been using one for a few years now and it is as sharp as it was when new. It never damages my cigars in any way. Even Lew Rothman described it as the best cutter on the planet. Now you know if Lew endorsed something from Davidoff, it must be good. He isn't very fond of those people.

The Master

<a href="mailto:cigrmaster@aol.com">Cigrmaster@aol.co m</a>

QUOTE



(#19)

**Cmad is Offline**



VIEW PROFILE

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Posts: 1,296  
View Traders Comments  
Join Date: September 4, 1998

September 30, 1998, 01:09 PM

Quasinym -- check your e-mail.

Cmad

QUOTE



(#20)

tigger is Offline



VIEW PROFILE

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Posts: 1,216

View Traders Comments

Join Date: March 13, 1998

September 30, 1998, 01:20 PM

Zino, hands down.

QUOTE



(#21)

Big Ed  
Guest



VIEW PROFILE

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Posts: n/a

View Traders Comments

September 30, 1998, 02:13 PM

Being a violinmaker I am use to extremely sharp tools and was disgusted with all the cigar cutters. Took a \$5 double, pulled it apart, sharpened and honed the blades and reassembled it. Perfect cut every time with no fuzzies. So sharp I can take the cap off a cigar and hardly touch the filler. A \$5 cutter and a little labor does wonders.

QUOTE



(#22)

FRANK is Offline



VIEW PROFILE

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Posts: 468

View Traders Comments

Join Date: June 21, 1998

September 30, 1998, 04:09 PM

Big ED...how does one sharpen a curved blade? I assume you used a file or diamond encrusted file?

QUOTE



(#23)

BJ is Offline



VIEW PROFILE

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Posts: 1,721

View Traders Comments

Join Date: April 3, 1998

September 30, 1998, 04:51 PM

Rookie is dead on with the Nat Sherman cutter. I got mine for \$36.00 in Tampa and it works like a charm. It is very easy to get the blades up against the cigar and then clip it quickly and cleanly.

cigar\_beege@hotmail.com

QUOTE

( #24 )

**toecutter is Offline** Posts: 486  
View Traders Comments  
Join Date: May 26, 1998

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September 30, 1998, 05:13 PM

One more vote for the Zino.

[QUOTE](#)

( #25 )

**ExCamelSmoker is Offline** Posts: 855  
View Traders Comments  
Join Date: March 7, 1998

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September 30, 1998, 06:16 PM

Big Ed---

I did the same thing. \$4.00 for Double Edged Cutter, \$10 for a diamond-impregnated rat-tail file. Extremely sharp and a clean cut.

<mailto:MIPS@bellsouth.net> **ECS**

[QUOTE](#)

( #26 )

**N is Offline** Posts: 8,546  
View Traders Comments  
Join Date: February 7, 1998

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September 30, 1998, 06:25 PM

Nat Sherman!

[QUOTE](#)

( #27 )

**Jazzman is Offline** Posts: 2,828  
View Traders Comments  
Join Date: March 7, 1998

 [VIEW PROFILE](#) [SEND SMOKE SIGNAL](#)

September 30, 1998, 06:49 PM

I recently was turned on to a new cutter called the PALIO. This double bladed cutter is made by a surgical instrument company and cuts very precisely. You can check out their website [www.amyx-christy.com](http://www.amyx-christy.com)

Jazzman

[QUOTE](#)

(#28)

 **elwoodbob**  
Guest

Posts: n/a  
[View Traders](#) [Comments](#)

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September 30, 1998, 06:58 PM

I gotta go along with Rookie, BJ and N.  
I like my Nat Sherman.

[QUOTE](#)

(#29)

 **Quasinym is Offline**

Posts: 115  
[View Traders](#) [Comments](#)  
Join Date: September 27, 1998

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September 30, 1998, 07:51 PM

Thanks for the input, everyone - I will be trying several kinds now; I really appreciate it.  
Quasinym

[QUOTE](#)

(#30)

 **Alan K.**  
Guest

Posts: n/a  
[View Traders](#) [Comments](#)

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September 30, 1998, 08:25 PM

I find that when using the dollar cutters if you cut with a fast action you tend to get less bits than when using a slower action.  
Anybody? Alan K.

[QUOTE](#)

(#31)

 **DBCooper is Offline**

Posts: 365  
[View Traders](#) [Comments](#)  
Join Date: January 1, 1999

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September 30, 1998, 09:06 PM

You guys should hone the cutter blades on the flat side of the blade. Maybe if you capped a cigar while it was in the tube, you might need a round file, to reshape the concave edge of the cutter. Otherwise a few passes on some type of sharpening stone will do. Look at a self sharpening cutter, you will notice that the flat sides are back to back.

[QUOTE](#)

(#32)

(#32)

**Bill H is Offline**



[VIEW PROFILE](#)

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Posts: 247  
View Traders Comments  
Join Date: May 5, 1998

September 30, 1998, 11:21 PM

My thoughts exactly Allen.

Bill H Cubbies69@aol.com

[QUOTE](#)

[+](#) [-](#)

(#33)

**Ardy is Offline**



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Posts: 324  
View Traders Comments  
Join Date: December 31, 1998

October 1, 1998, 05:00 AM

I'll go along with Rookie ,BJ,N,and EWB,the Nate Sherman cuts great,and it looks cool.

[QUOTE](#)

[+](#) [-](#)

(#34)

**stickman is Offline**



[VIEW PROFILE](#)

[SEND SMOKE SIGNAL](#)

Posts: 970  
View Traders Comments  
Join Date: June 21, 1998

October 1, 1998, 05:15 PM

Anyone know where I can find one of the Nat Sherman or **Xikar** cutters for less than the retail they list on their websites (I think they are around \$60 and \$70 respectively)?<p>stickman

[QUOTE](#)

[+](#) [-](#)

(#35)

**Rookie is Offline**



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[SEND SMOKE SIGNAL](#)

Posts: 11,395  
View Traders Comments  
Join Date: April 15, 1998

October 1, 1998, 05:42 PM

I think BJ got his at Edwards' in Tampa. Look them up and give them a call. Don't skimp... get the leather case too!

[QUOTE](#)

[+](#) [-](#)

(#36)

**BJ is Offline**



[VIEW PROFILE](#)

[SEND SMOKE SIGNAL](#)

Posts: 1,721  
View Traders Comments  
Join Date: April 3, 1998

October 1, 1998, 11:23 PM

I got mine at the Tobacco Depot in Tampa - 888-240-9454

BJ ~8^) cigar\_beege@hotmail.com

QUOTE



(#37)

**Smokinsnake is Offline**



VIEW PROFILE

SEND SMOKE SIGNAL

Posts: 209

View Traders Comments

Join Date: March 11, 1998

October 2, 1998, 11:23 AM

Recently purchased a **Xikar** and it get's my vote as best cutter I have seen or used. Even got a very nice leather sheath for no additional charge. It can take a larger ring than the Zino and has lifetime guarentee, like the Zino. In my book, it's worth the premium price it retails for.

QUOTE



(#38)

**K.I. is Offline**



VIEW PROFILE

SEND SMOKE SIGNAL

Posts: 303

View Traders Comments

Join Date: December 31, 1998

October 4, 1998, 12:24 AM

What, Nat Sherman cutter for \$35? Is this something we peasants can find, or was that a once in a lifetime deal?

QUOTE



(#39)

**DBCoper is Offline**



VIEW PROFILE

SEND SMOKE SIGNAL

Posts: 365

View Traders Comments

Join Date: January 1, 1999

October 5, 1998, 07:35 PM

K.I. Check the new Fuji.pub specials page, they have Nat Sherman and Zino cutters for \$35 [www.cgar.com/access.html](http://www.cgar.com/access.html)

QUOTE



(#40)

**rollout is Online**



VIEW PROFILE

SEND SMOKE SIGNAL

Posts: 14,739

View Traders Comments

Join Date: April 28, 1998

October 5, 1998, 08:40 PM

Actually the url is [www.c-gar.com](http://www.c-gar.com)

<p>

Fuji had is screwed up

QUOTE



(#41)

**K.I. is Offline**



[VIEW PROFILE](#)

[SEND SMOKE SIGNAL](#)

Posts: 303

[View Traders Comments](#)

Join Date: December 31, 1998

October 5, 1998, 08:50 PM

thanks

[QUOTE](#)

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EXHIBIT 23

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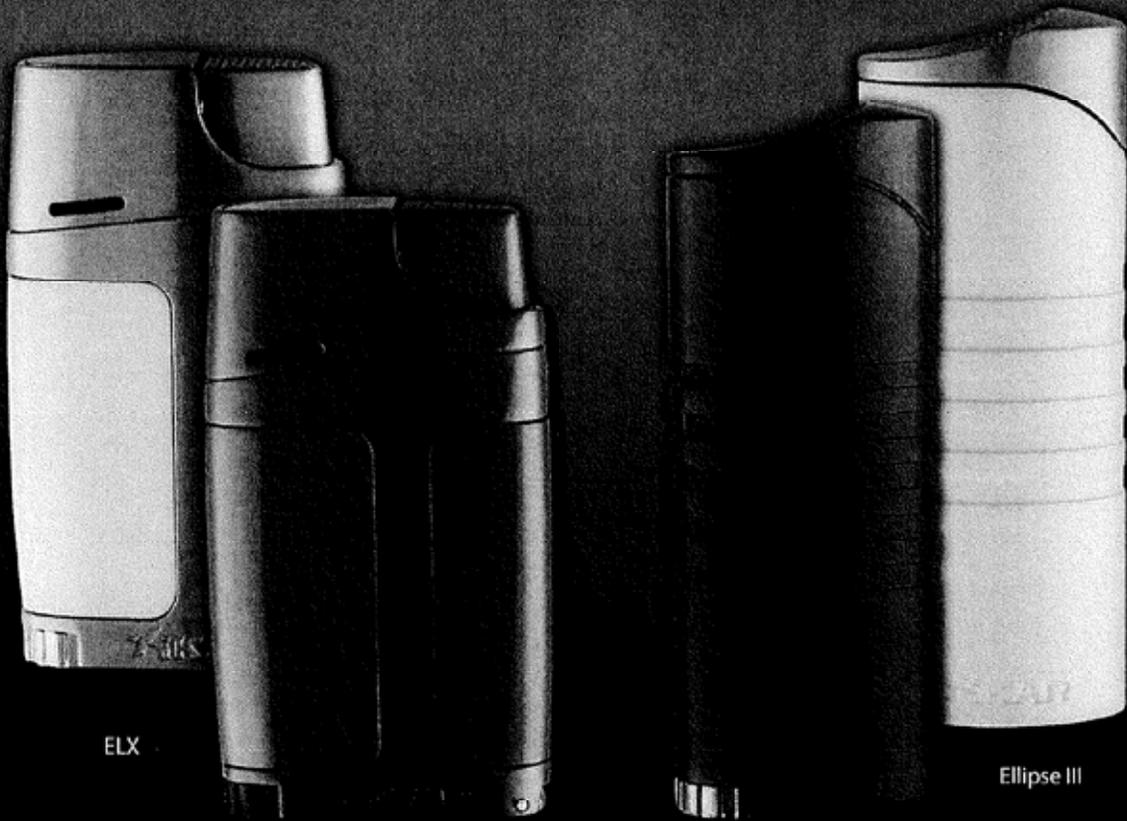
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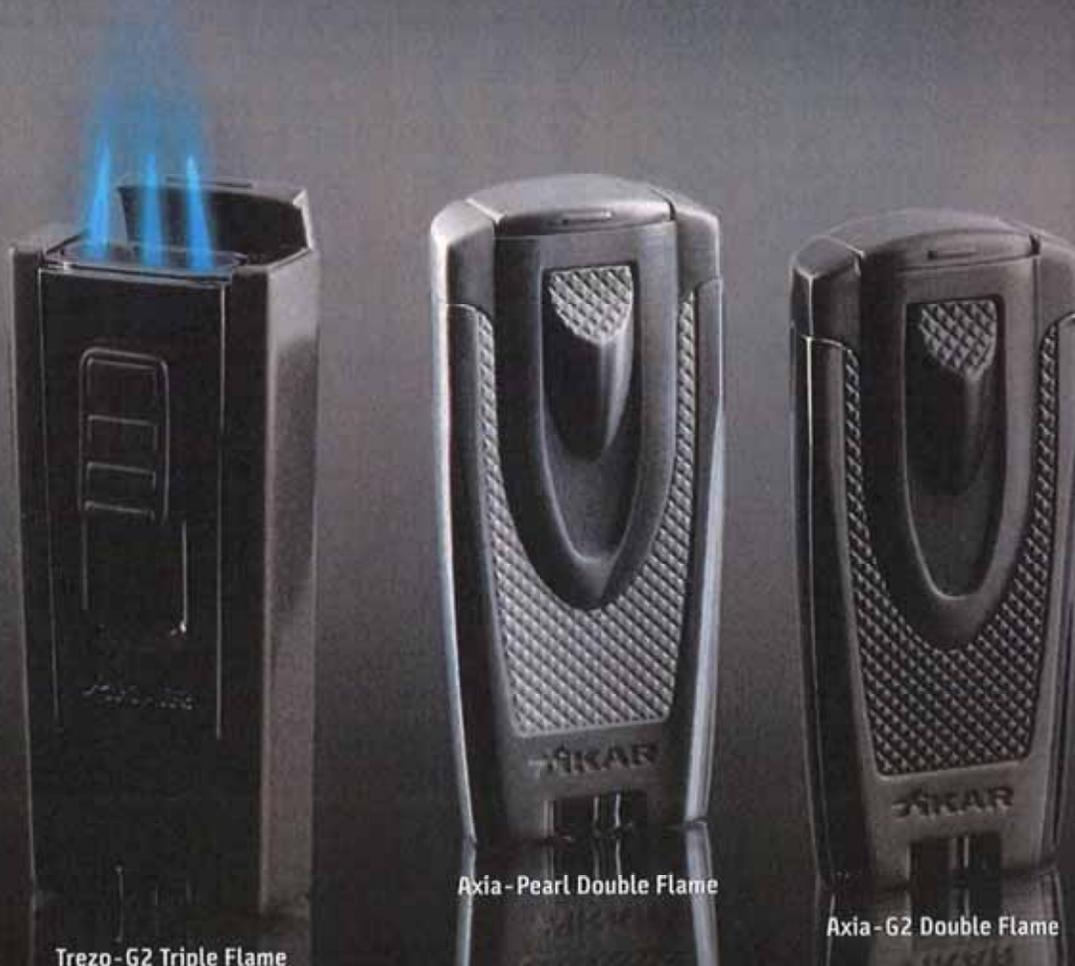
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Axia-G2 Double Flame

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Axia - G2 Double Flame

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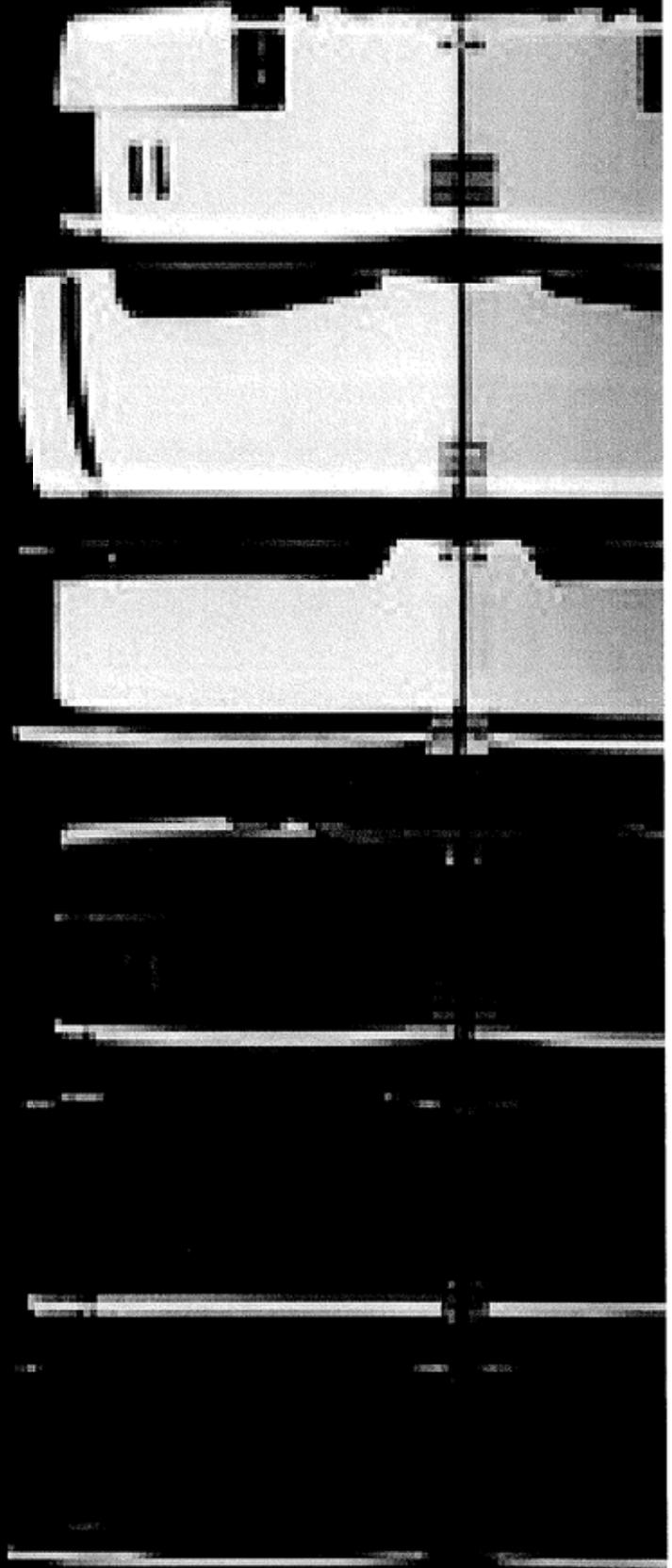
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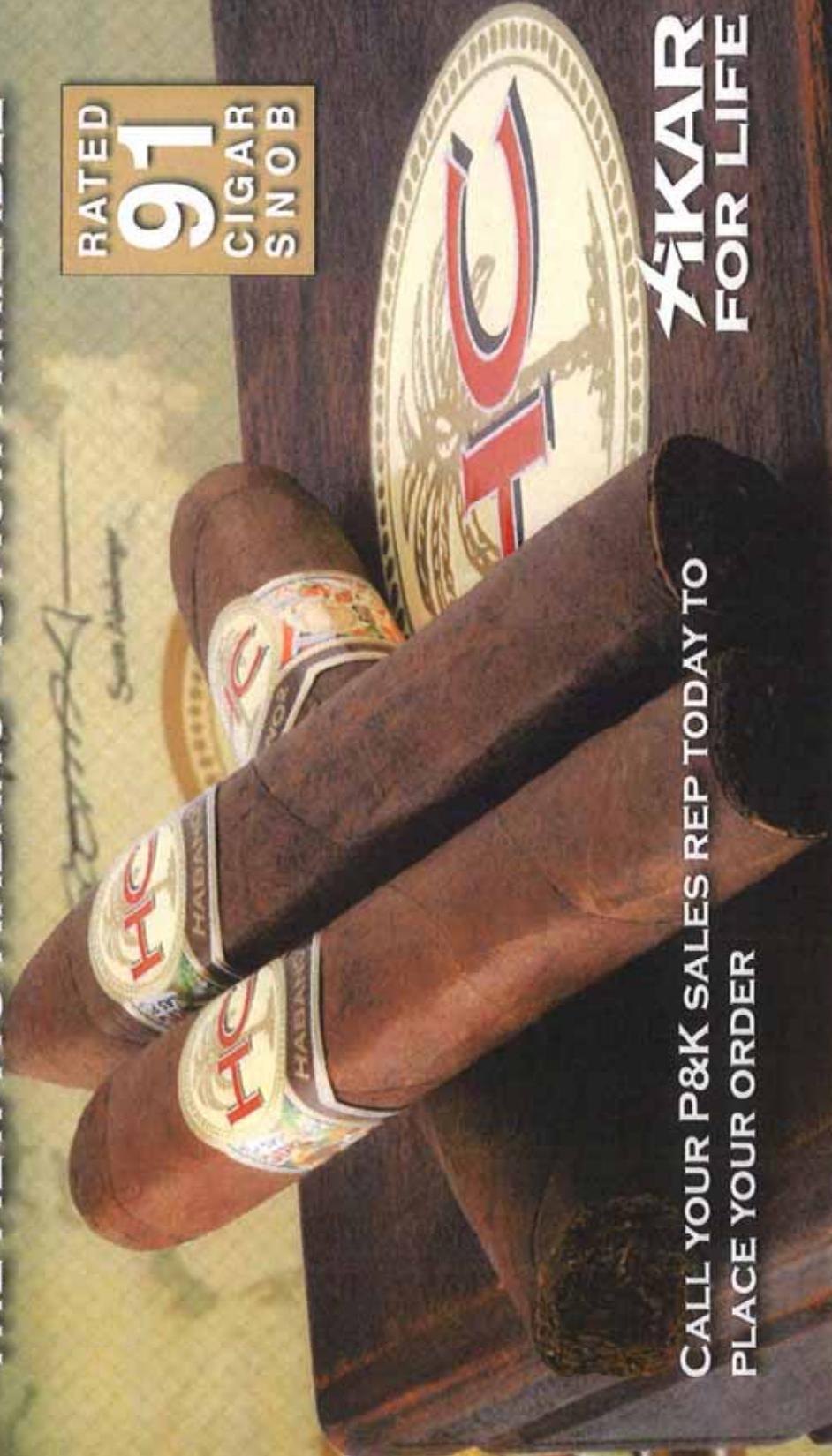


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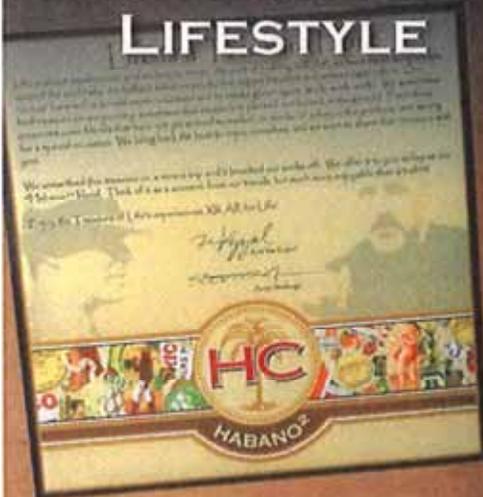
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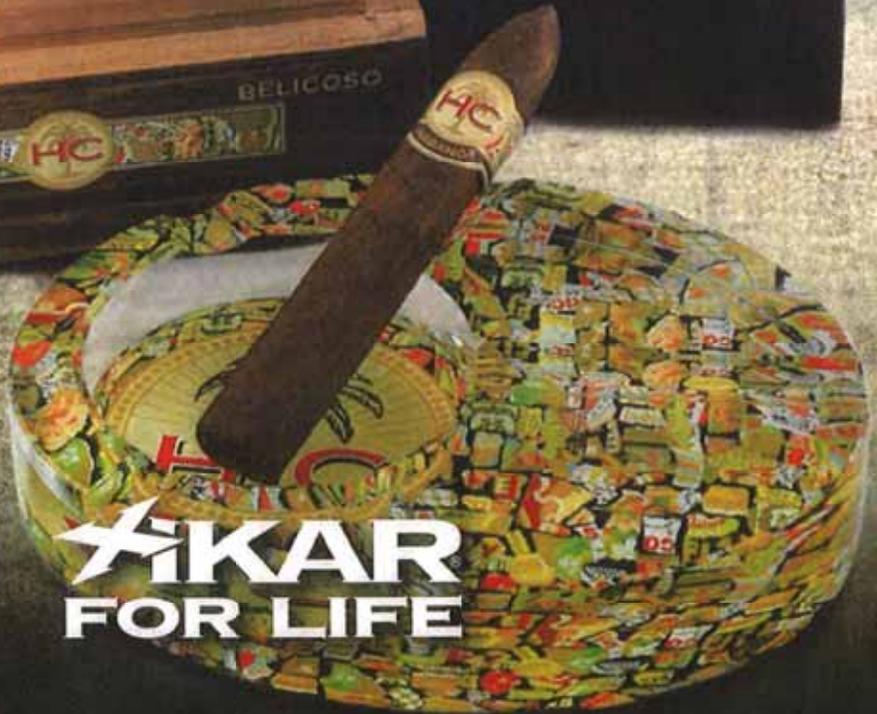


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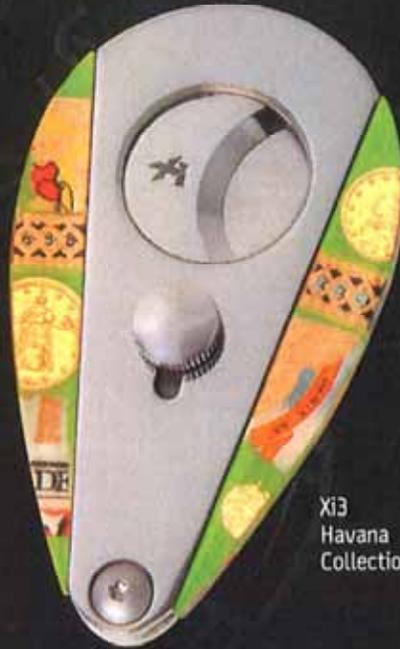
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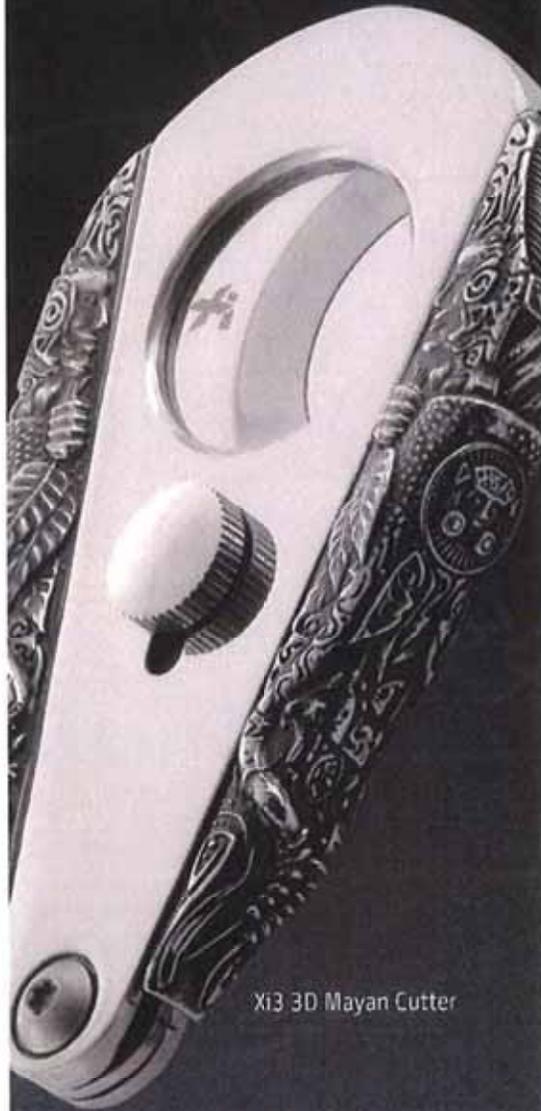
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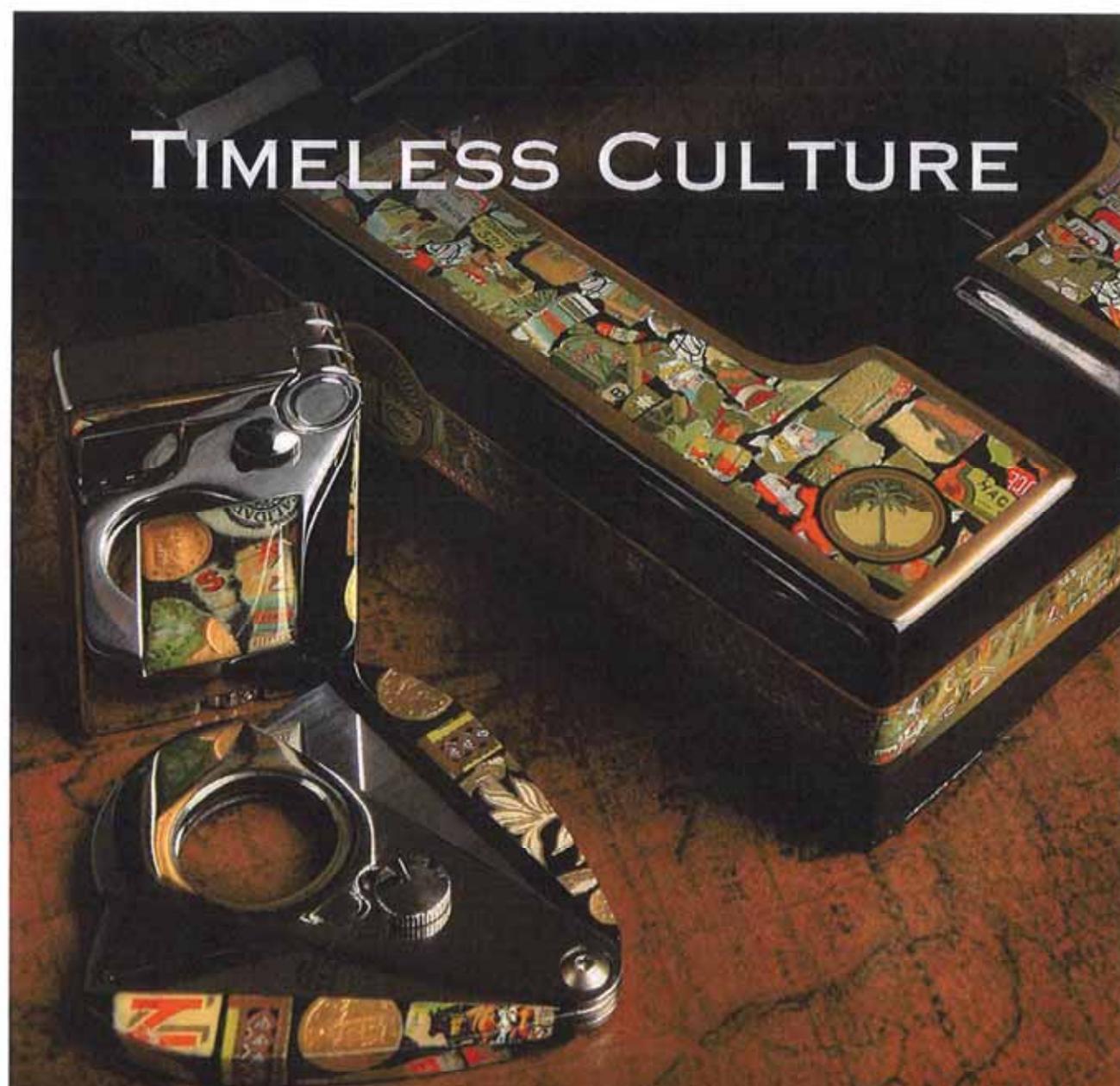
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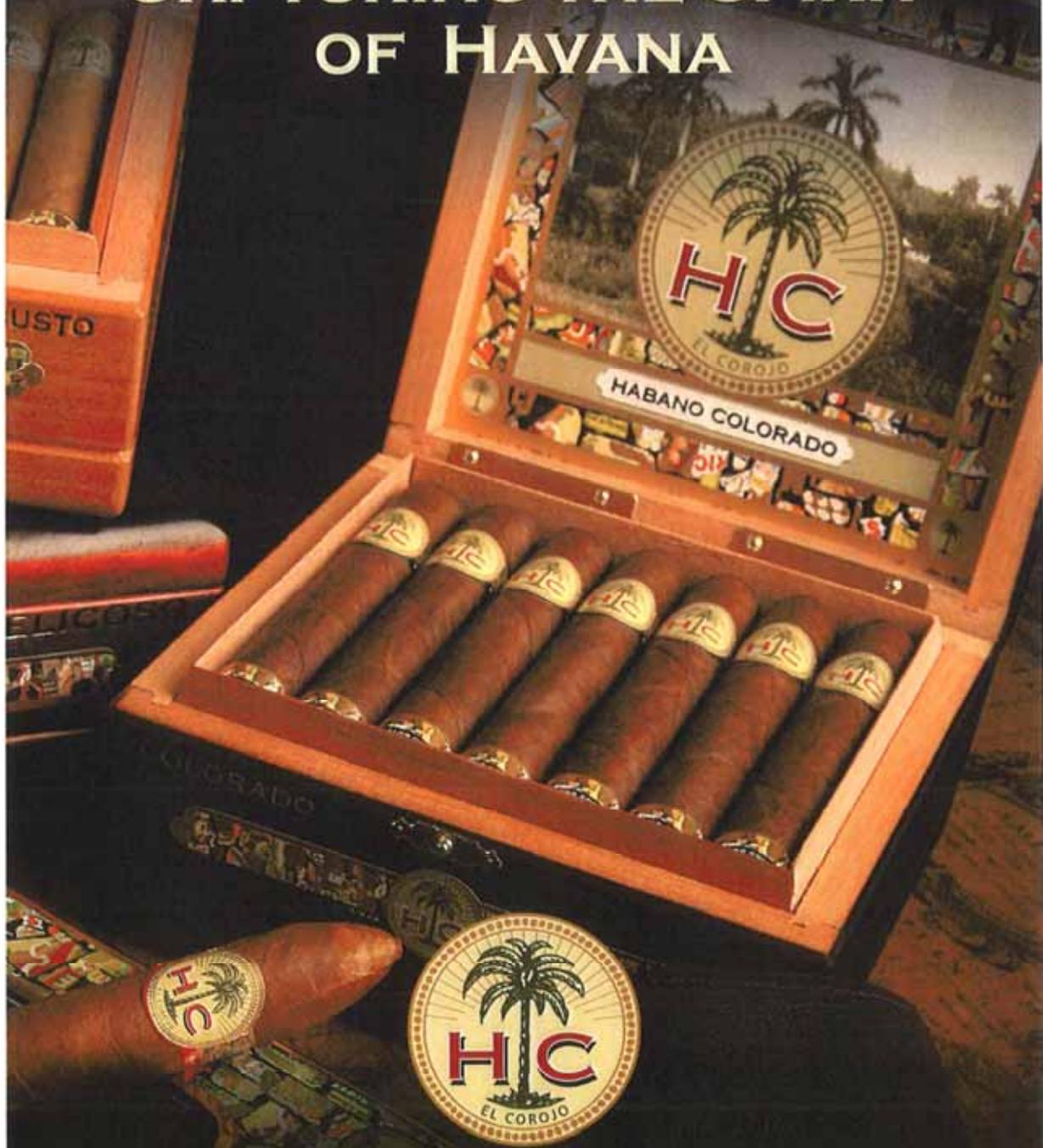
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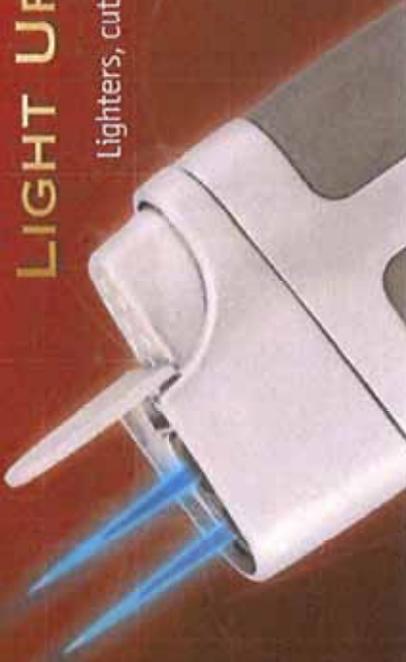
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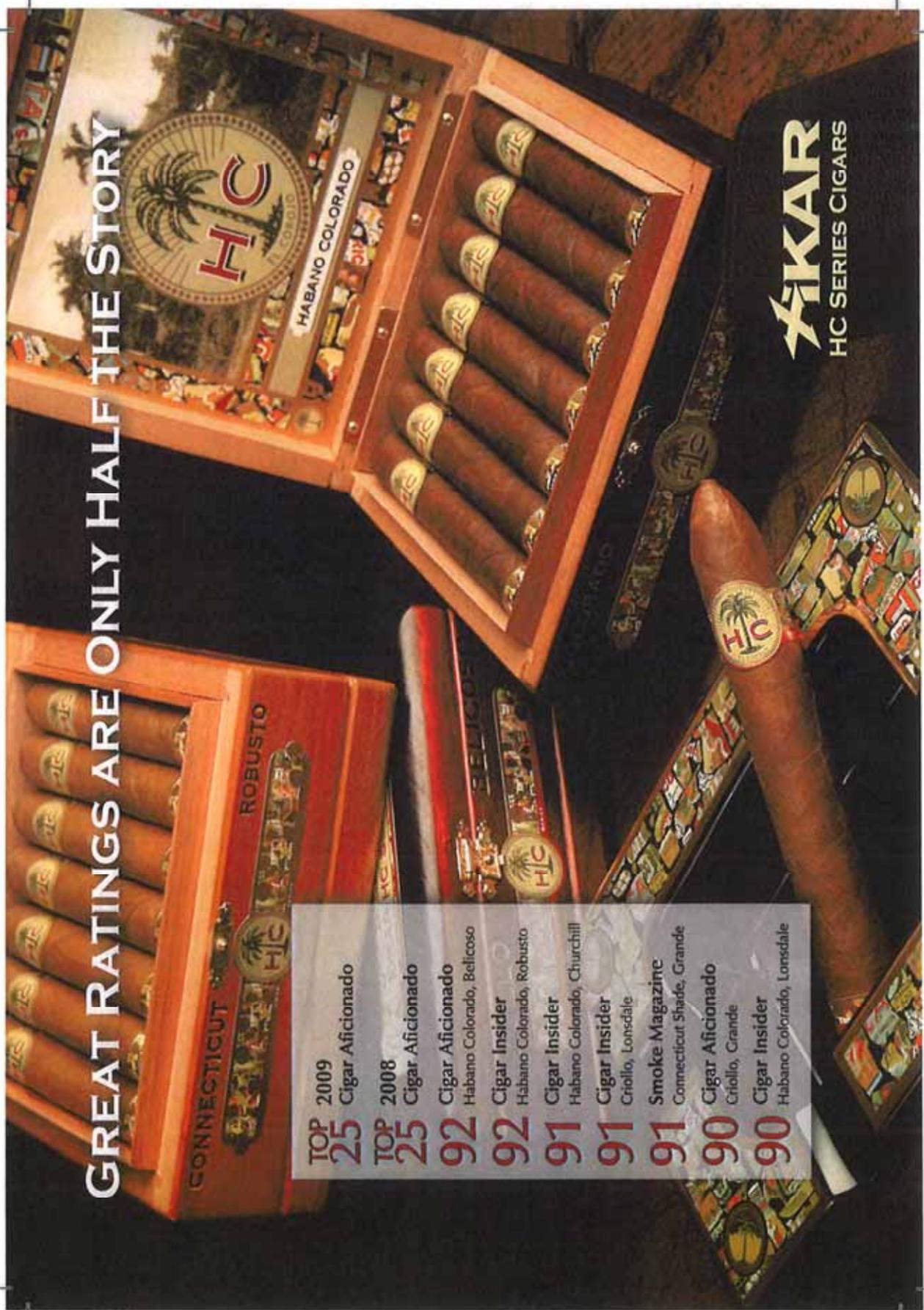
- 
- TOP 25** 2009 Cigar Aficionado
  - TOP 25** 2008 Cigar Aficionado
  - 92** Cigar Aficionado  
Habano Colorado, Belicoso
  - 92** Cigar Insider  
Habano Colorado, Robusto
  - 91** Cigar Insider  
Habano Colorado, Churchill
  - 91** Cigar Insider  
Criollo, Lonsdale
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Connecticut Shade, Grande
  - 90** Cigar Aficionado  
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TOP 2008	Cigar Aficionado
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92	Cigar Insider Habano Colorado, Robusto
91	Cigar Insider Habano Colorado, Churchill
91	Cigar Insider Criollo, Lonsdale
91	Smoke Magazine Connecticut Shade, Grande
90	Cigar Aficionado Criollo, Grande
90	Cigar Insider Habano Colorado, Lonsdale

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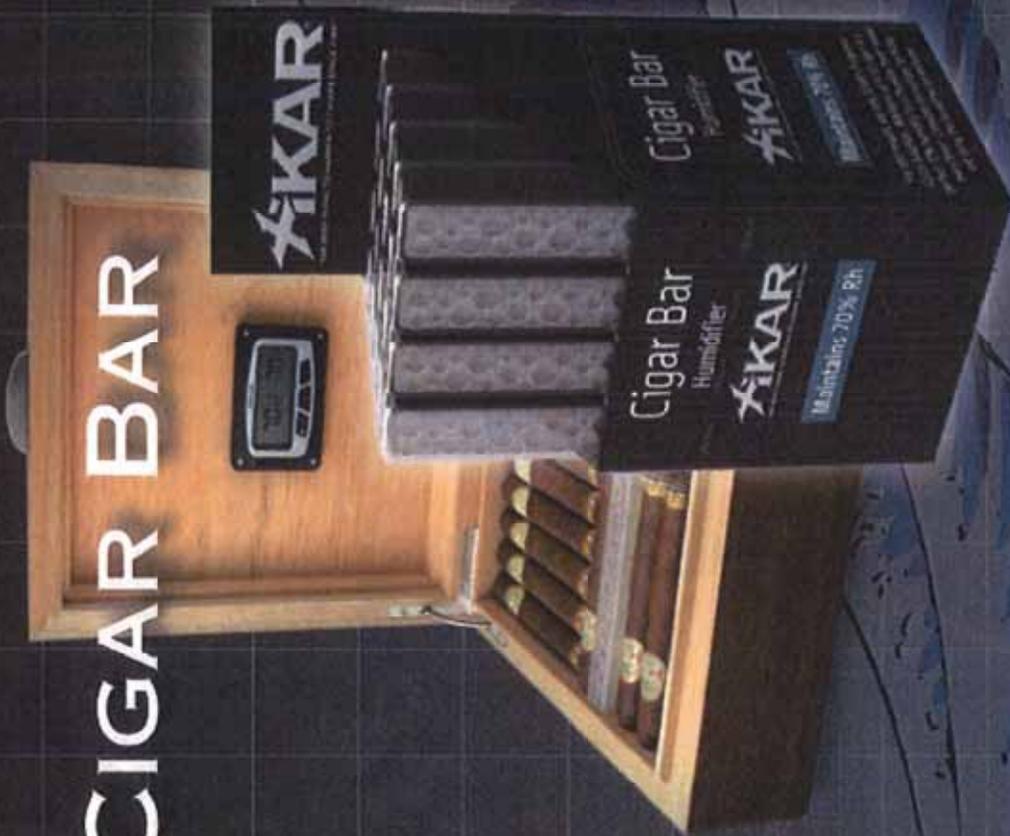
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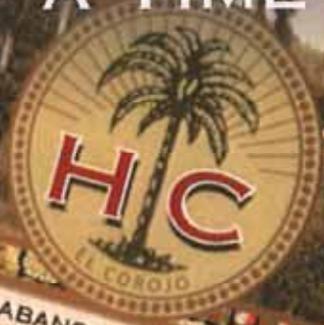
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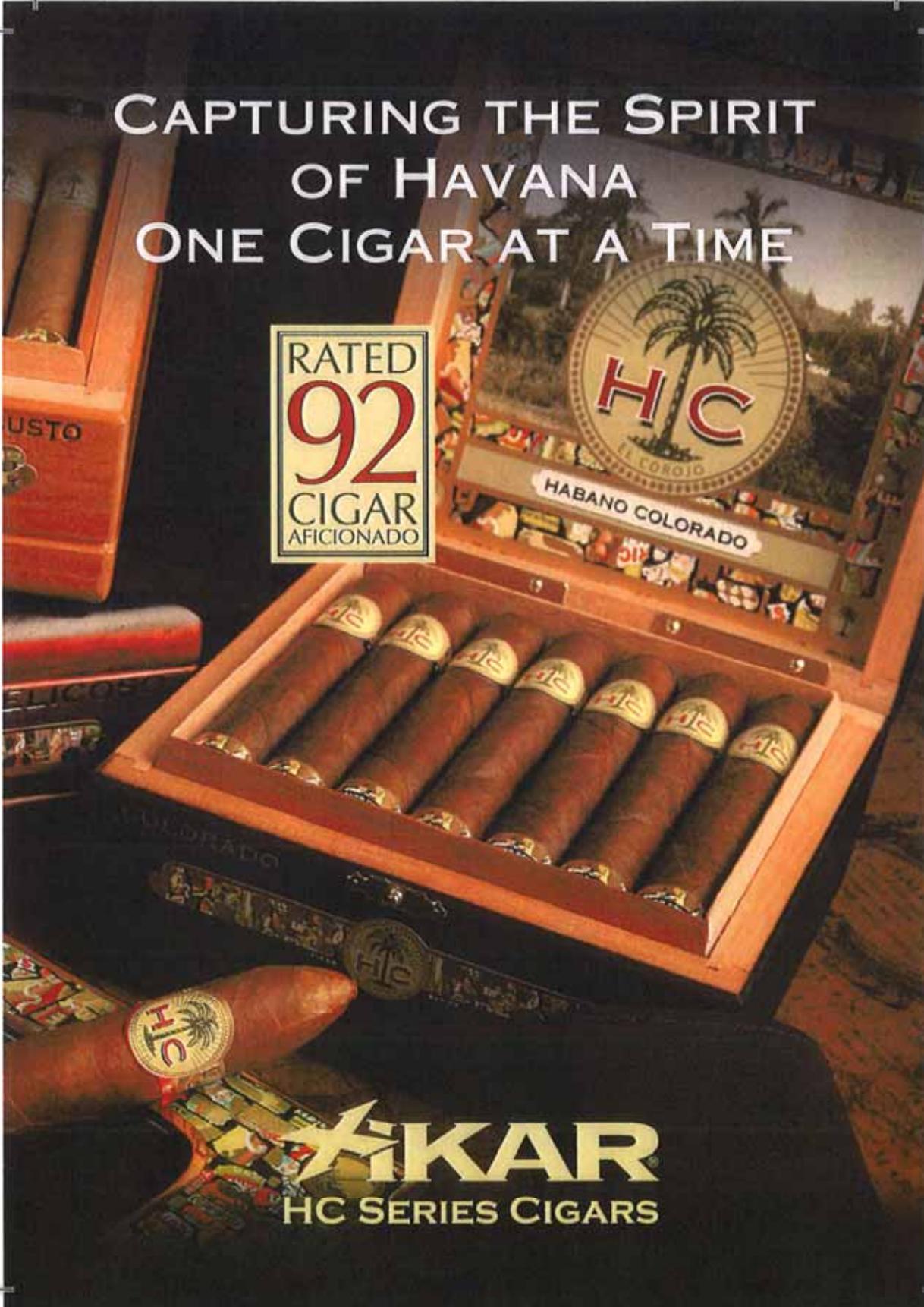
MAR 2011  
XIKAR-000284

CAPTURING THE SPIRIT  
OF HAVANA  
ONE CIGAR AT A TIME

RATED  
**92**  
CIGAR  
AFICIONADO



HABANO COLORADO



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HC SERIES CIGARS

CAPTURING THE SPIRIT  
OF HAVANA  
ONE CIGAR AT A TIME

RATED  
**92**  
CIGAR  
AFICIONADO

RANKED  
TOP 25  
BEST CIGAR  
2009

**XIKAR**  
HC SERIES CIGARS

# MODERN TECHNOLOGY MEETS MODERN DEMANDS



1/8" THICK



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[WWW.XIKAR.COM](http://WWW.XIKAR.COM)

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«Вкус Жизни», 1905 года ул., 10 стр. 1 • «Галерея Градусов»,  
Серпуховский Вал ул., 5 • «Азбука дыма», ТРЦ «РИО»,  
Дмитровское ш., 163, вл. 1 • Havana Room, Вернадского  
пр-т, 6, ТЦ «Капитолий», этаж 1

MAR 2011

XIKAR-000287

# THE BEST THING TO HAPPEN TO CIGARS SINCE FIRE

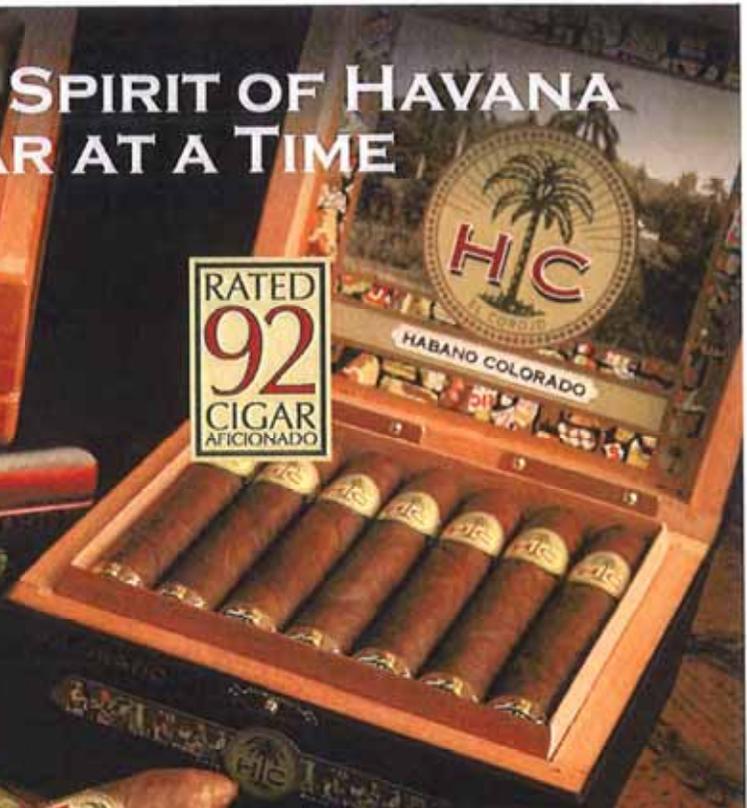
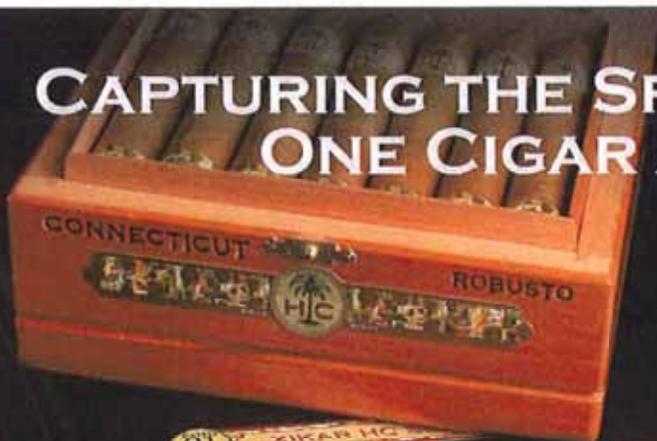


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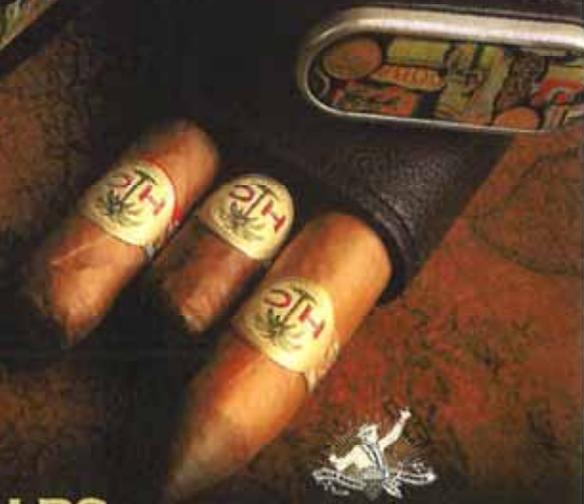
*FEB. 2011*

XIKAR-000288

CAPTURING THE SPIRIT OF HAVANA  
ONE CIGAR AT A TIME



RATED  
**92**  
CIGAR  
AFICIONADO



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[www.cigarrights.org](http://www.cigarrights.org)

JAN 2011  
XIKAR-000289

МИНЗДРАВСОЦРАЗВИТИЯ РОССИИ ПРЕДУПРЕЖДАЕТ:  
КУРЕНИЕ ВРЕДИТ ВАШЕМУ ЗДОРОВЬЮ

CAPTURING THE SPIRIT OF  
HAVANA ONE CIGAR AT A TIME

RANKED  
TOP 25  
BEST CIGARS  
2009  
CIGAR AFICIONADO

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SEPT 2010

XIKAR-000290

CAPTURE THE  
SPIRIT OF HAVANA  
ONE CIGAR  
AT A TIME

RANKED  
TOP 25  
BEST CIGARS  
2009  
CIGAR AFICIONADO

NEW  
GRANDE  
6X60

VISIT [HTTP://HC.XIKAR.COM](http://hc.xikar.com) AND  
GET A COUPON FOR A FREE CIGAR!

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SEPT. 2010

XIKAR-000291

# HAVANA CONNECTIONS

Short Pump • West End • Midlothian  
Swift Creek & Williamsburg  
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Buy a XIKAR HC lighter for \$99.99  
& get a XIKAR Xi2 cutter FREE (\$39.99 value)



Oct. 2009

XIKAR-000292

# HAVANA CONNECTIONS

HAND-ROLLED CIGARS & ACCESSORIES

Stop by and check out the all NEW XIKAR HC Series™ Cigars;  
Rated 92 in the October issue of Cigar Aficionado Magazine.  
Havana Connections is Richmond and Williamsburg's exclusive retailer of HC Series™ Cigars

**SPECIAL** Buy four get one free (singles) for a limited time only.



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With FIVE locations, we offer the area's largest assortment of premium cigars. Whether you are looking for an old favorite or the latest release, our knowledgeable staff will assist you in finding the ideal cigar.

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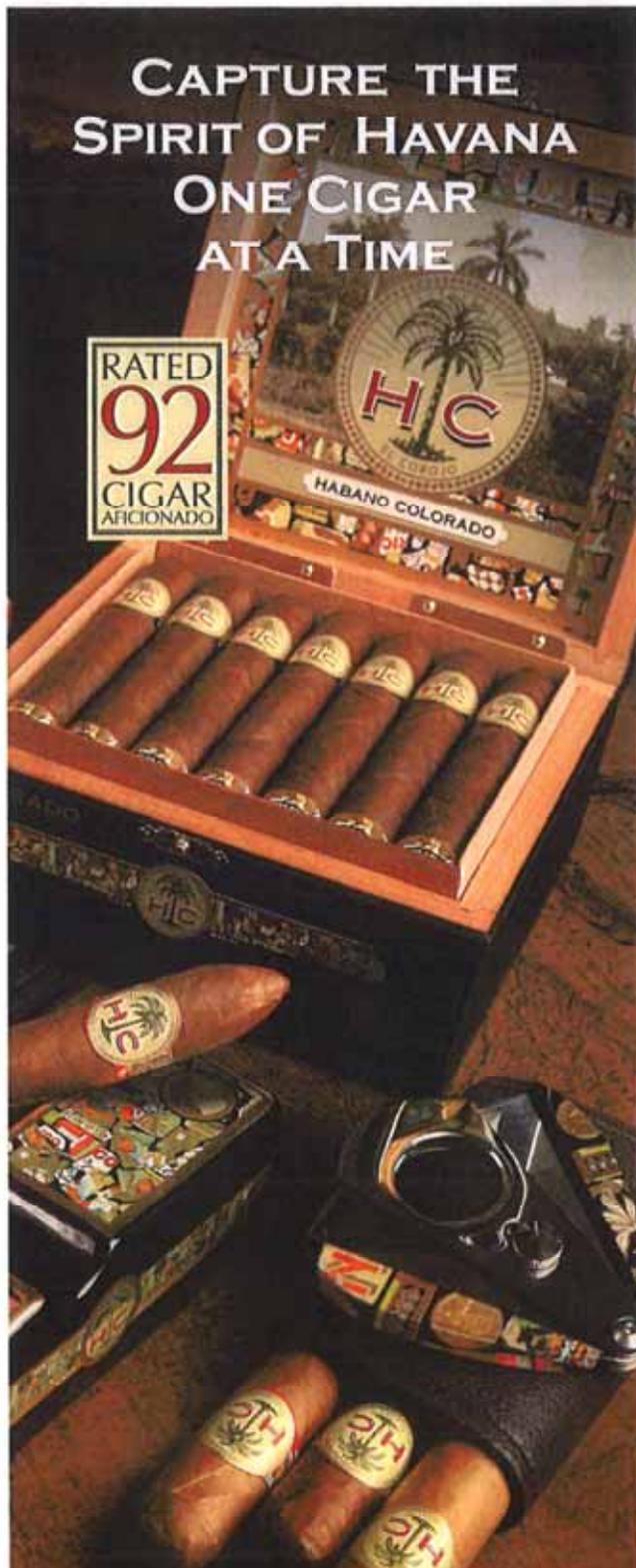
[www.havanaconnections.com](http://www.havanaconnections.com)

OCT. 2009

XIKAR-000293

CAPTURE THE  
SPIRIT OF HAVANA  
ONE CIGAR  
AT A TIME

RATED  
**92**  
CIGAR  
AFICIONADO



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GET A COUPON FOR A FREE CIGAR

**XIKAR**  
HC SERIES CIGARS

OCT. 2009

XIKAR-000294



**INTRODUCING  
THE HC SERIES**

**3 BLENDS,  
5 GENERATIONS  
IN THE MAKING**



**CAPTURE THE SPIRIT  
OF HAVANA  
ONE CIGAR AT A TIME**



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*JUL. 2009*

XIKAR-000295

# SMOKIN' HOT ESSENTIALS



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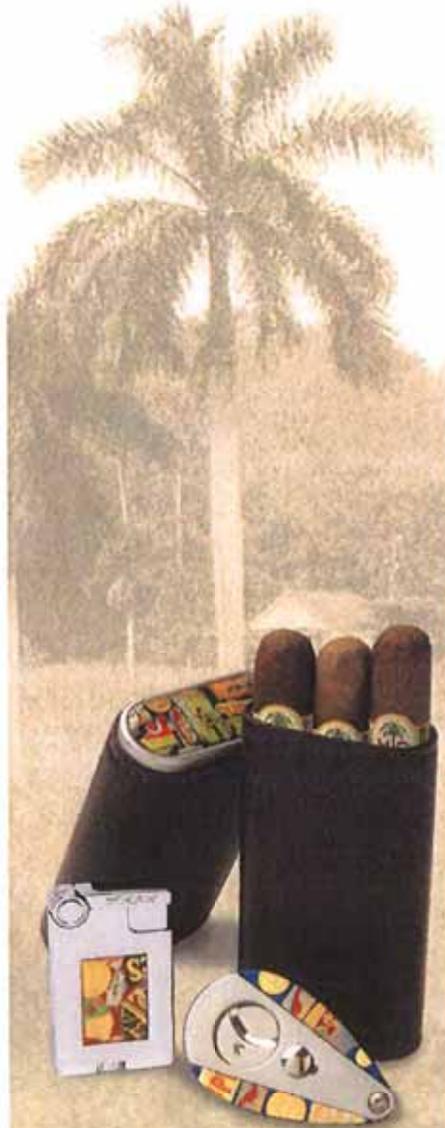
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APR. 2009

XIKAR-000296

❦

CAPTURING  
THE SPIRIT OF  
HAVANA ONE  
CIGAR AT A TIME



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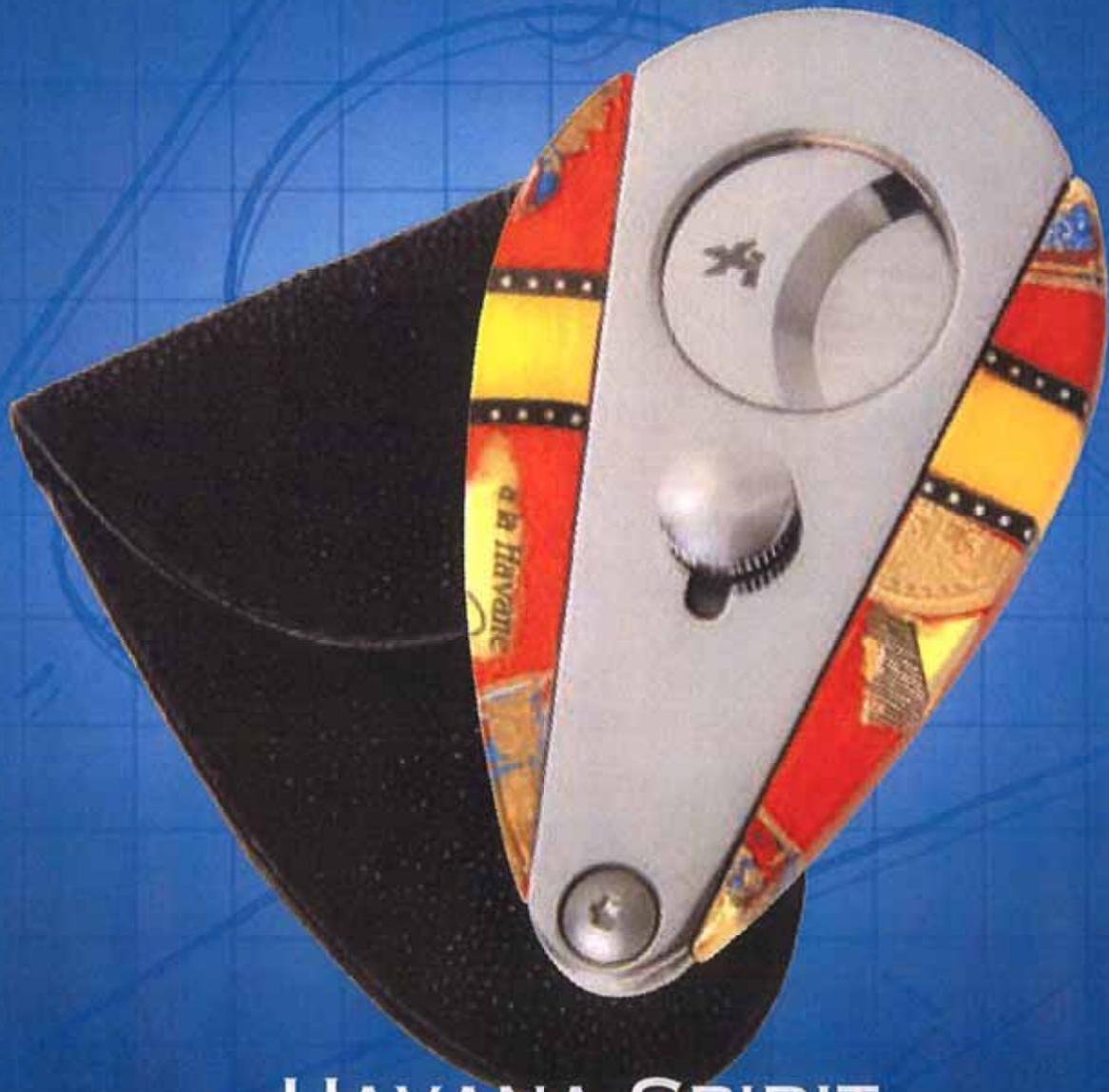


MAR. 2009

XIKAR-000297

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TIMELESS ART -

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FEB 2009

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*FEB. 2009*

XIKAR-000299

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## THE CARBON FIBER COLLECTION

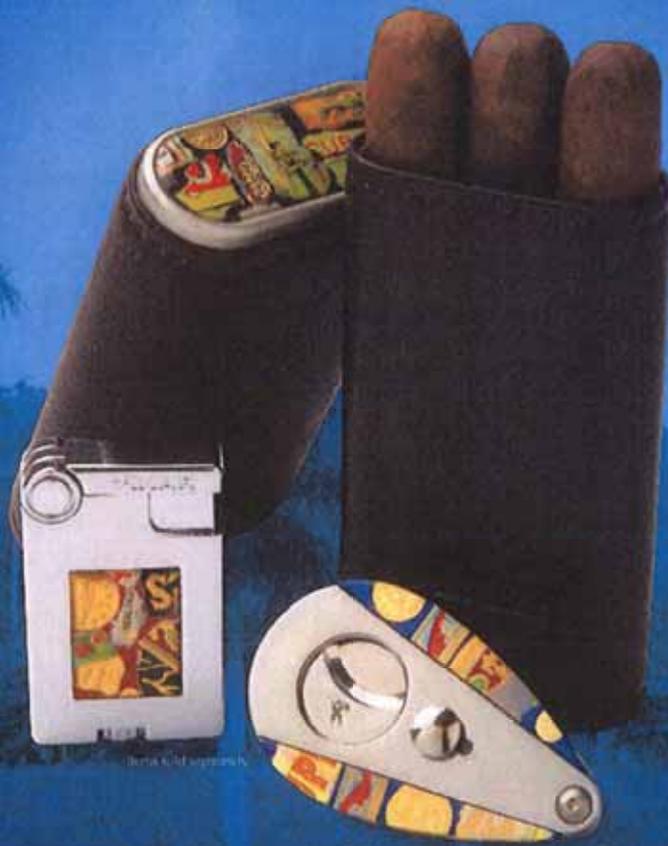
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Oct. 2008

XIKAR-000300

**CAPTURING  
THE SPIRIT OF HAVANA  
ONE CIGAR AT A TIME**



**THE HAVANA COLLECTION  
GUARANTEED FOR LIFE**

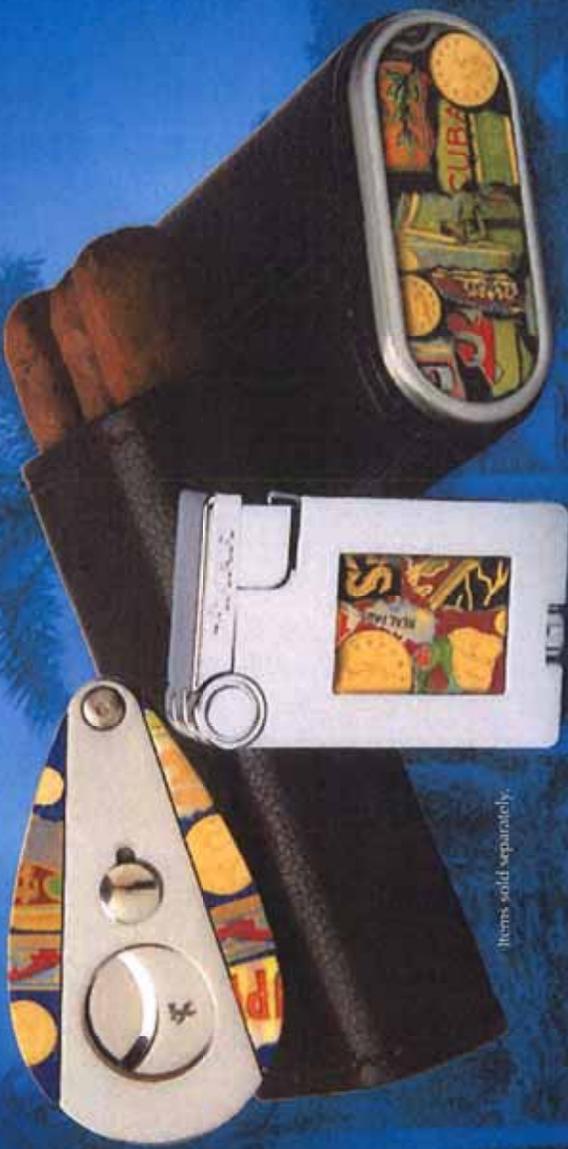
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OCT. 2008

XIKAR-000301

CAPTURING  
THE SPIRIT OF HAVANA  
ONE CIGAR AT A TIME



Items sold separately.

THE HAVANA COLLECTION  
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OCT 2008  
XIKAR-000302

# CAPTURING THE SPIRIT OF HAVANA ONE CIGAR AT A TIME

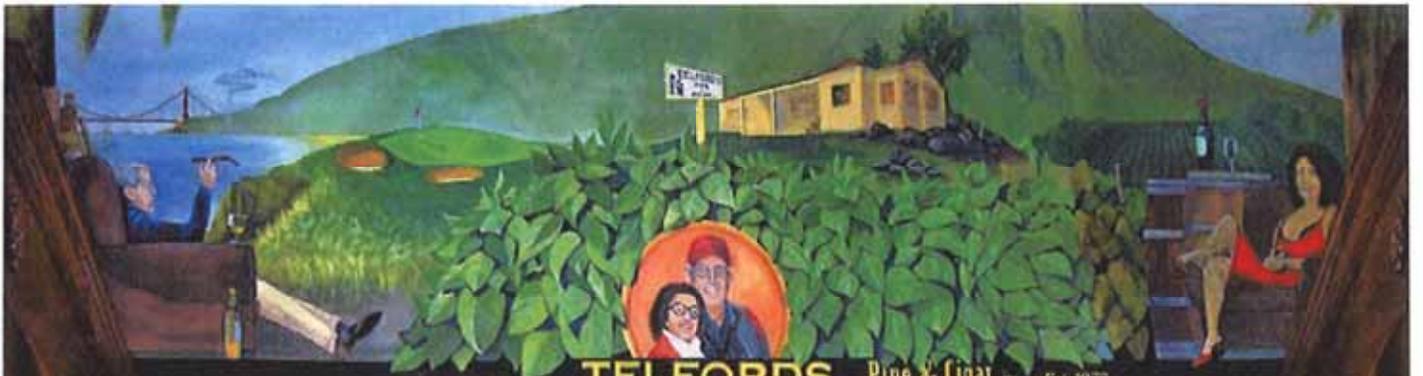


THE HAVANA COLLECTION  
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SEPT.  
2008

XIKAR-000303



**TELFORDS** Pipe & Cigar, Inc. Est. 1970

**RELAX AND ENJOY  
AT TELFORD'S PIPE & CIGAR,  
YOUR TOBACCO DESTINATION**



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BY XIKAR**



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Aug. 2008

XIKAR-000304

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OF HAVANA  
ONE CIGAR AT A TIME



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**XIKAR**

NOV. 2007

XIKAR-000305

CAPTURING  
THE SPIRIT OF HAVANA  
ONE CIGAR AT A TIME



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OCT. 2007

XIKAR-000306

CAPTURING  
THE SPIRIT OF  
HAVANA  
ONE CIGAR AT A TIME.



COME AND SEE US!  
RTDA BOOTH #0237

THE HAVANA COLLECTION  
GUARANTEED FOR LIFE



**XIKAR**

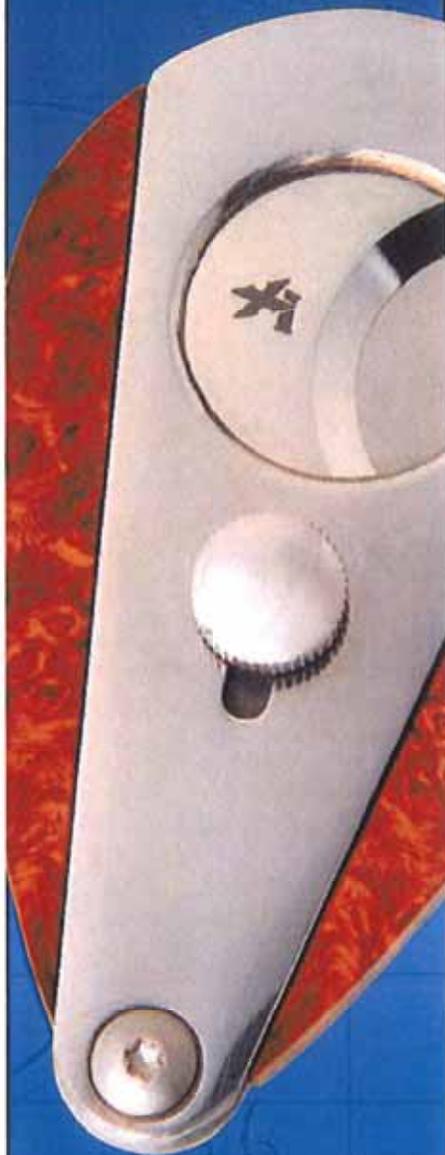


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AUG. 2007

XIKAR-000307

- THE BEST THING TO  
HAPPEN TO  
CIGARS SINCE FIRE -



X13 Amboina Wood

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JUNE 2007

XIKAR-000308

- THE BEST THING TO  
HAPPEN TO  
CIGARS SINCE FIRE -



| EX Windproof Lighter

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APRIL 2007

XIKAR-000309

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FEB. 2007

XIKAR-000310

FOR EXOTIC  
ADVENTURES...



PACK  
ACCORDINGLY

799 FIXED BLADE HUNTER

- 440C STEEL
- 4.3 OZ
- 7.75"
- SHEATH INCLUDED
- WALNUT, BAMBOO,  
MICARTA HANDLES

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DEC. 2006

XIKAR-000311

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SEPT. 2006

XIKAR-000312

- THE BEST THING TO  
HAPPEN TO  
CIGARS SINCE FIRE -



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COME AND SEE US!  
BOOTH #976



APRIL 2006

XIKAR-000313

---

# HANGING OUT



730 TS  
TITANIUM NITRIDE SPECTRA

CONVENIENT AT  
10 OR 10,000 FEET

730 EXPRESS  
WEIGHT: 1.5OZ  
BLADE LENGTH: 52MM(2.0")

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CUTLER TO THE TRADE  
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888-266-1100

AUG. 2005

XIKAR-000314

I'M READY



ARE YOU READY?

WEIGHT: 3.0OZ  
BLADE LENGTH: 75MM(2.9")

780 EXPLORER



WWW.XIKAR.COM  
888-266-1193

JAN 2005

XIKAR-000315

**730 EXPRESS**

# HANGING OUT



**CONVENIENT AT  
10 OR 10,000 FEET**

**WEIGHT: 1.5oz  
BLADE LENGTH: 52MM(2.0")**

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**888-266-1193**

**BLADE JANUARY 2005**

XIKAR-000316

**FOSSIL  
MAMMOTH  
IVORY**



**THE BEST  
THING TO  
HAPPEN TO  
CIGARS  
SINCE  
FIRE.**

**POLISHED  
STAINLESS STEEL  
FOSSIL MAMMOTH  
IVORY HANDLES**

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**WWW.XIKAR.COM**  
**888.266.1193**

SPORT. CLAS. MAR/APR 2005

**TACTICAL**



**THAT DAMN  
MARTINI OLIVE  
WILL NEVER  
KNOW WHAT  
HIT IT.**

**118TDM ELAN**

**TITANIUM  
FRAME-LOCK WITH  
MOTHER OF PEARL  
HANDLE & STAINLESS  
DAMASCUS BLADE.**

OPEN LENGTH: 118MM (4.6")

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**WWW.XIKAR.COM**  
**888-266-1193**

SPORT. CLAS. NOV/DEC 2004

XIKAR-000317

## HANGING OUT



CONVENIENT AT  
10 OR 10,000 FEET

730 EXPRESS

WEIGHT: 1.5oz  
BLADE LENGTH: 52MM(2.0")  
PATENT PENDING



BLADE OCT 2004

## I'M READY



## ARE YOU READY?

WEIGHT: 3.0oz  
BLADE LENGTH: 75MM(2.9")

780 EXPLORER



WWW.XIKAR.COM  
888-266-1193

BLADE DECEMBER 2004

## 730 EXPRESS

## HANGING OUT



CONVENIENT AT  
10 OR 10,000 FEET

WEIGHT: 1.5oz  
BLADE LENGTH: 52MM(2.0")



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888-266-1193

BLADE DECEMBER 2004

XIKAR-000318

## ASSIST



BLADE LENGTH: 75MM (2.9")  
OPEN LENGTH: 157MM (6.1")

**755 EXCITE**

PATENTED ASSIST  
TECHNOLOGY



[WWW.XIKAR.COM](http://WWW.XIKAR.COM)

KNIVES ILL AUG 2004

## HANGING OUT



INTEGRAL  
CARIBINER

CONVENIENT AT  
10 OR 10,000 FEET

**730 EXPRESS**

WEIGHT: 1.5OZ  
BLADE LENGTH: 52MM(2.0")  
PATENT PENDING



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KNIVES ILL OCT 2004

**FEROCIOUS BEAR  
SMELLS STEAKS  
GRILLING ON  
PATIO.**



**188 EXTREM**

**ARE YOU READY?**



**WWW.XIKAR.COM**

BLADE MARCH 2004

**FEROCIOUS BEAR  
SMELLS STEAKS  
GRILLING ON  
PATIO.**



**188 EXTREM**

**ARE YOU READY?**



**WWW.XIKAR.COM**

BLADE JULY 2004



**118 ELAN**

**THAT DAMN  
MARTINI OLIVE  
WILL NEVER  
KNOW WHAT  
HIT IT.**



**WWW.XIKAR.COM**

BLADE AUGUST 2004

XIKAR-000320

FEROCIOUS BEAR  
SMELLS STEAKS  
GRILLING ON  
PATIO.



188 EXTREME

ARE YOU READY?



WWW.XIKAR.COM

KNIVES ILL JUNE 2004

TACTICAL



118 ELAN

THAT DAMN  
MARTINI OLIVE  
WILL NEVER  
KNOW WHAT  
HIT IT.

TITANIUM  
FRAME-LOCK WITH  
MOTHER OF PEARL  
HANDLE  
& DAMASCUS BLADE.  
KNIFE SHOWN  
ACTUAL SIZE.



WWW.XIKAR.COM

KNIVES ILL JULY 2004

ASSIST



755 EXCITE

PATENTED ASSIST  
TECHNOLOGY



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KNIVES ILL ?

XIKAR-000321

TACTICAL



THAT MARTINI OLIVE  
WILL NEVER KNOW WHAT HIT IT!

THE 118 ELAN FEATURES A STAINLESS FRAME LOCK  
WITH CARBON FIBER AND A Z60 BLADE.  
TOTAL WEIGHT 1.0 OZ.

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1.866.78.SHARP(74277)

**XIKAR**  
CUTLER TO THE TRADE

OR DAILY 4.8.03

GENERATION TO GENERATION



THE 118 ELAN FEATURES A POLISHED  
STAINLESS FRAME WITH ELEGANT HANDLES  
IN AMBOINA BURL (SHOWN), CARBON FIBER,  
MOTHER OF PEARL OR ABALONE.

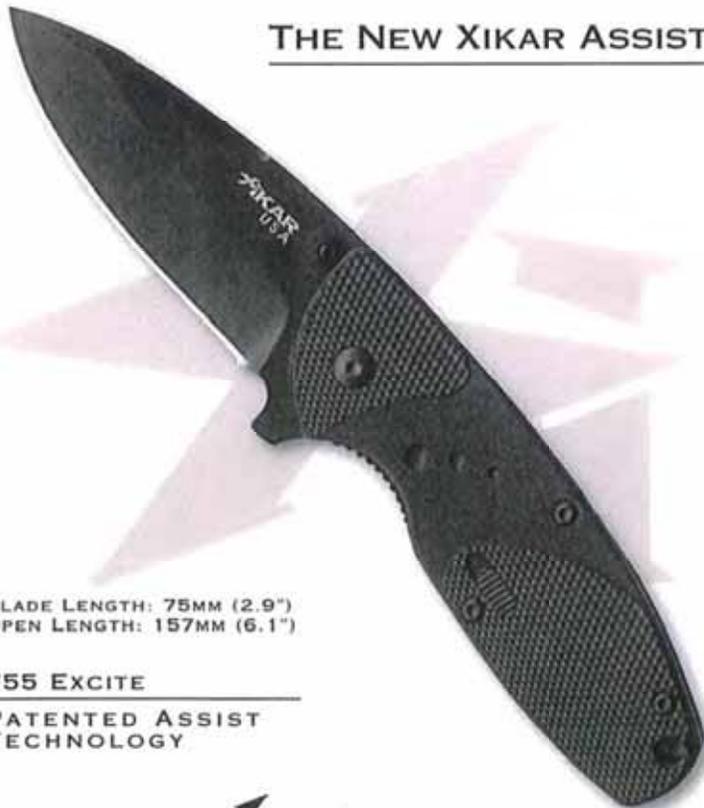
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ESQUIRE 09 03

THE NEW XIKAR ASSIST



BLADE LENGTH: 75MM (2.9")  
OPEN LENGTH: 157MM (6.1")

755 EXCITE

PATENTED ASSIST  
TECHNOLOGY

GUN LIST APRIL 2004

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XIKAR-000322

ENRAGED RHINO  
CHARGES CAR ON  
MORNING COMMUTE.



188 EXTREME

ARE YOU READY?



KNIVES ILL DEC 2003

FEROCIOUS BEAR  
SMELLS STEAKS  
GRILLING ON PATIO.



188 EXTREME

ARE YOU READY?



KNIVES ILL FEB 2004

FEROCIOUS BEAR  
SMELLS STEAKS  
GRILLING ON  
PATIO.



188 EXTREME

ARE YOU READY?



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KNIVES ILL APRIL 2004

## BEECHWOOD

XI3 CIGAR CUTTER



STAINLESS STEEL

BEECHWOOD  
HANDLES

ELEGANT  
APPEARANCE

SUPERIOR XIKAR  
PERFORMANCE

THE BEST  
THING TO  
HAPPEN  
TO CIGARS  
SINCE  
FIRE.

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SMOKESHOP NOV/DEC 2003

INNOVATIVE



XI3BW  
BEECHWOOD

THE BEST  
THING TO  
HAPPEN TO  
CIGARS  
SINCE FIRE.



XI3ZW  
ZEBRAWOOD

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TOBACCONIST OCT 2003

## ZEBRAWOOD

XI3 CIGAR CUTTER



STAINLESS STEEL

ZEBRAWOOD  
HANDLES

ELEGANT  
APPEARANCE

SUPERIOR XIKAR  
PERFORMANCE

THE BEST  
THING TO  
HAPPEN  
TO CIGARS  
SINCE  
FIRE.

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TOBACCONIST APRIL 2004

XIKAR-000324

**VICIOUS COUGAR  
CHASES JOGGER  
THROUGH PARK.**



**188 EXTREME**

**ARE YOU READY?**

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BLADE DECEMBER 2003

**AFRICAN ELEPHANT  
CHARGES PEANUT  
FACTORY.**

**188**

**EXTREME**



**ARE YOU READY?**

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CUTLER TO THE TRADE  
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BLADE FEB 2004

**ENRAGED RHINO  
CHARGES CAR  
ON MORNING  
COMMUTE.**



**ARE YOU READY?**

**188 EXTREME**

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BLADE MARCH 2004

XIKAR-000325

NOW YOU CAN BE  
"THE MAN WHO  
HAS EVERYTHING".



### MTX MULTI-TOOL

XIKAR BRINGS YOU  
"THE ULTIMATE GENTLEMAN'S  
SURVIVAL TOOL".

INCLUDES:  
CIGAR SCISSORS, CIGAR  
POKER, KNIFE BLADE, BOTTLE  
OPENER, SCREWDRIVER AND  
KEYRING ATTACHMENT FOR  
EASY ACCESS.

WHAT MORE COULD A GUY NEED?



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SMOKE SPRING 2003

## REVOLUTIONARY



### X11 CIGAR CUTTER

**THE BEST  
THING TO  
HAPPEN  
TO CIGARS  
SINCE FIRE.**

ANODIZED ALUMINUM FRAME  
HOUSES DOUBLE GUILLOTINE  
STAINLESS BLADES FOR A  
SUPERB CUT.  
AND IT LOOKS GREAT, TOO.

ALSO:  
X13 NOW AVAILABLE WITH 3  
HANDLE OPTIONS:  
REDWOOD, BEECHWOOD  
OR ZEBRAWOOD.

**XIKAR**  
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SMOKE FALL 2003

## BEECHWOOD

### X13 CIGAR CUTTER



STAINLESS STEEL

BEECHWOOD  
HANDLES

ELEGANT  
APPEARANCE

SUPERIOR XIKAR  
PERFORMANCE

**THE BEST  
THING TO  
HAPPEN  
TO CIGARS  
SINCE  
FIRE.**

**XIKAR**  
CUTLER TO THE TRADE  
WWW.XIKAR.COM

SMOKE WINTER 2003

XIKAR-000326

**TWIST, PUNCH,  
SMOKE, REPEAT.**



**007 TWIST**

ONE TWIST REVEALS THE PUNCH BLADE,  
A SECOND TWIST CLOSES THE CUTTER  
AND CLEARS THE TOBACCO.



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SMOKESHOP MARCH 2003



**007**  
UNIQUE LARGE BORE  
SCREW COMBINED  
WITH SOLID BRASS  
PLATED BODY ON  
CONVENIENT  
KEYRING. ONE  
TWIST OPENS THE  
PUNCH, A SECOND  
CLOSES THE PUNCH  
AND CLEARS THE  
TOBACCO.

**007 TWIST**

**TWIST AND, WELL,  
JUST ABOUT EVERYTHING ELSE.  
SHOUT AT YOUR OWN DISCRETION.**

**MTX MULTI-TOOL**

**MTX**  
INCLUDES:  
CIGAR SCISSORS,  
CIGAR POKER,  
KNIFE BLADE,  
SCREWDRIVER,  
BOTTLE  
OPENER  
AND  
KEYRING  
ATTACH-  
MENT.  
ALL  
STAIN-  
LESS STEEL,  
TOTAL WEIGHT  
JUST 1.0OZ!



SMOKESHOP 2003

**MAKING LIFE A LITTLE  
EASIER FOR ALL YOU  
MULTI-TASKERS OUT THERE.**



**MTX MULTI-TOOL**

INCLUDES CIGAR SCISSORS, CIGAR POKER,  
KNIFE BLADE, SCREWDRIVER, BOTTLE OPENER  
AND KEYRING ATTACHMENT FOR EASY ACCESS.



WWW.XIKAR.COM 888.266.1193

SMOKESHOP JULY/AUG 2003

**MTX MULTI-TOOL**

MAKING LIFE A LITTLE EASIER FOR ALL  
YOU MULTI-TASKERS OUT THERE.



INCLUDES CIGAR SCISSORS, CIGAR POKER,  
KNIFE BLADE, SCREWDRIVER, BOTTLE OPENER  
AND KEYRING ATTACHMENT FOR EASY ACCESS.



WWW.XIKAR.COM 888.266.1193

SMOKESHOP NOV/DEC 2003

XIKAR-000327

## TACTICAL



118 ELAN

THAT DAMN  
MARTINI OLIVE  
WILL NEVER  
KNOW WHAT  
HIT IT.

STAINLESS FRAME-  
LOCK, AUS8 BLADE.  
WITH ABALONE,  
MOTHER OF PEARL,  
CARBON FIBER OR  
CHINESE QUINCE.  
SHOWN ACTUAL SIZE.

**XIKAR**  
WWW.XIKAR.COM

KNIVES ILL JUNE 2003

## TAKE AN EXCURSION



XI 158  
EXCURSION

## POWERFUL SMOOTH FAST

These awesome gentlemen's frame-  
lock knives have Z60CDV14 stainless  
blades hardened to HRC 57. Handles of  
bead blasted carbon fiber compliment  
the titanium frame anodized in your  
choice of silver, blue or champagne.  
Made in Maniago, Italy.

Total weight: 51g (1.8 oz.)  
Blade Length: 66mm (2.625")  
Overall Length: 158mm (6.25")

See our knives at [www.xikar.com](http://www.xikar.com)

**XIKAR**  
CUTLER TO THE TRADE  
tel 888.266.1193 • fax 917.464.6398

KNIVES ILL AUGUST 2003

ENRAGED RHINO  
CHARGES CAR ON  
MORNING COMMUTE.



188 EXTREME

ARE YOU READY?

**XIKAR**  
WWW.XIKAR.COM

KNIVES ILL OCTOBER 2003

XIKAR-000328

## TAKE AN EXCURSION

LIFE IS AN ADVENTURE AND THE DISCERNING GENTLEMAN SHOULD BE READY FOR ANYTHING. WHEN HE CARRIES THE NEW XIKAR 188 EXCURSION, HE WILL BE. DURABLE CONSTRUCTION, HIGH-QUALITY MATERIALS AND ELEGANT STYLING COMBINE TO MAKE THE XI 188 THE TOOL OF CHOICE FOR TODAY'S ADVENTUROUS GENTLEMAN.



TOTAL LENGTH: 188MM (6.22")  
 BLADE LENGTH: 66MM (2.59")  
 TOTAL WEIGHT: 1.8 OZ  
 HANDLE: CARBON FIBER  
 FRAME: TITANIUM  
 COLORS: SILVER, BLUE, CHAMPAGNE (SHOWN)

**XIKAR**  
 CUTLERY TO THE TRADE

WWW.XIKAR.COM  
 888.266.1193

BLADE MARCH/MAY 2003

ENRAGED RHINO CHARGES CAR ON MORNING COMMUTE.



188 EXTREME

ARE YOU READY?

**XIKAR**  
 WWW.XIKAR.COM

BLADE AUGUST 2003

ENRAGED RHINO CHARGES CAR ON MORNING COMMUTE.



188 EXTREME

ARE YOU READY?

**XIKAR**  
 WWW.XIKAR.COM

BLADE OCTOBER 2003

---

**THOU  
SHALL  
NOT  
ENVY.**

---



**X13 REDWOOD**

---

**LEAVE THAT  
TO YOUR  
FRIENDS.**

---

**X13 REDWOOD**

**WITH REDWOOD  
HANDLES,  
A STAINLESS  
BODY AND  
SUPERIOR  
XIKAR  
PERFORMANCE,  
EVERYONE IS  
SURE TO  
WANT ONE.**



SMOKESHOP MARCH 2003

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**CIGAR  
CUTTER AND  
ICE BREAKER  
ALL IN ONE.**

---



**X100 TITANIUM**

**X11 CUTTER**

**STAINLESS STEEL  
BLADES AND A  
BODY OF  
ANODIZED  
ALUMINUM IN  
A STYLISH,  
ERGONOMIC  
DESIGN.**

**GUARANTEED TO  
BE THE CENTER  
OF ATTENTION.**

---

**XIKAR:  
NEVER A  
DULL MOMENT.**



SMOKESHOP JULY/AUG 2003

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**JUST IN CASE  
YOU THOUGHT  
WE DIDN'T MAKE  
THE COOLEST  
DAMN CUTTERS  
AROUND.**

---



**X13 TECH**

---

**YEAH, OKAY,  
LIKE ANYBODY  
THOUGHT THAT.**

---

**X13 TECH**

**A BODY OF  
BEAD-BLASTED  
STAINLESS STEEL  
AND RUBBERIZED  
HANDLES FOR AN  
ERGONOMIC GRIP  
PUT THE X13 TECH  
ON THE CUTTING  
EDGE OF DESIGN  
AND FUNCTION.**



SMOKESHOP JULY/AUG 2003

XIKAR-000330

## UNFORGETTABLE



**XI 118  
ELAN**

SO SLIM AND LIGHT  
YOU MAY NOT FEEL IT  
IN YOUR POCKET, BUT  
YOU WON'T FORGET  
IT'S THERE.

These gentlemen's frame-lock knives are constructed of polished stainless frames with AUS-8 stainless blades hardened to HRC 52. Handles of carbon fiber or Chinese quince wood adorn the knife. Made in Seki, Japan.

Total weight: 36.85 g (1.3 oz.)  
Blade Length: 1.93" (49mm)  
Overall Length: 5.64" (143mm)

See our knives at [www.xikar.com](http://www.xikar.com)

**XIKAR**  
CUTLERY OF THE YEAR

tel 888.266.1193 • fax 917.464.6398

BLADE JAN 2003

## TACTICAL



**118 ELAN**

THAT DAMN  
MARTINI OLIVE  
WILL NEVER  
KNOW WHAT  
HIT IT.

STAINLESS  
FRAME-LOCK  
WITH ABALONE,  
MOTHER OF PEARL,  
CARBON FIBER OR  
AMBOINA BURL.  
SHOWN ACTUAL SIZE.

SEE US AT THE BLADE SHOW #53

**XIKAR**  
WWW.XIKAR.COM

BLADE JULY 2003

## SPECIAL OPS



**138 EXCEL**

THAT LOOSE  
THREAD ON  
YOUR ITALIAN  
SUIT HAD IT  
COMING .

AIRCRAFT ALUMINUM  
FRAME, Z60 STAINLESS  
BLADE AND G10  
HANDLES.  
SHOWN ACTUAL SIZE.

BLADE SHOW #53

**XIKAR**  
WWW.XIKAR.COM

BLADE JULY 2003

XIKAR-000331

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**ENRAGED RHINO CHARGES CAR ON  
MORNING COMMUTE**



**ARE YOU READY?**

OR DAILY 1.8.03

THE 188 EXTREME FEATURES A TITANIUM LINER & CLIP  
WITH AN ANODIZED ALUMINUM FRAME 6082 T6.  
TOTAL WEIGHT 3.5 OZ.

---

WWW.XIKAR.COM  
1.866.78.SHARP(74277)



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**SPECIAL OPS**



**THAT LOOSE THREAD ON YOUR  
TUXEDO HAD IT COMING!**

OR DAILY 2.8.03

THE 158 EXCURSION FEATURES A TITANIUM FRAME LOCK  
WITH CARBON FIBER AND A Z60 BLADE.  
TOTAL WEIGHT 1.7 OZ.

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WWW.XIKAR.COM  
1.866.78.SHARP(74277)



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**FEROCIOUS BEAR SMELLS STEAKS  
GRILLING ON PATIO**



**ARE YOU READY?**

OR DAILY 3.8.03

THE 188 EXTREME FEATURES A TITANIUM LINER & CLIP  
WITH AN ANODIZED ALUMINUM FRAME 6082 T6.  
TOTAL WEIGHT 3.5 OZ.

---

WWW.XIKAR.COM  
1.866.78.SHARP(74277)



**EXCELLENCE DEFINED**

**Excel: v.** To do or be better than;  
To show superiority; Surpass.

Yeah, that about says it.



**XIKAR**  
XI 138 EXCEL [WWW.XIKAR.COM](http://WWW.XIKAR.COM)

WEB ADS OCT 2002

**THOU  
SHALT  
NOT  
ENVY.**



**LEAVE  
THAT**