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

Proceeding	91218830
Party	Defendant Dieter Lieblein
Correspondence Address	DIETER LIEBLEIN DIEGO CAVIARI AVENIDA CERVANTES EL ARENAL 77 MARBELLA, 29604 SPAIN info@diegocaviari.com
Submission	Answer
Filer's Name	Dieter Lieblein
Filer's e-mail	info@diegocaviari.com
Signature	/Dieter Lieblein/
Date	03/01/2015
Attachments	Kaviari- DIC Caviari Opposition 27.2.2015.pdf(367107 bytes) Caviari Luxury Lifestyle ENGLISH.pdf(1547840 bytes) Caviari Summer Fashion Catalog.pdf(2101687 bytes) 2013 CAVIARI Brillen email44.pdf(4396154 bytes) 2014 Furniture 32Pages-Diego Caviari.pdf(4079777 bytes)



The United States Patent and Trademark office
 Att. Mrs. Victoria von Vistauxx,
 Paralegal Specialist
 PO Box 1451 Alexandria VA 22313-1451

DIEGO CAVIARI S.L.
 Calle Cervantes
 Urb. El Arenal 77
 ES- 29604 Marbella
 ESPANA
 Tel. ++34-608400305
 Mobil ++34-669025123
 Email info@diegocaviari.com
www.diegocaviari.com
www.caviari.us
www.facebook.com/DIEGOCAVIARI
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Opposition Kaviari- DIC Caviari – Application 86003675 Opposition no. 91218830

Att. To m Mrs. Vicoria von Vistauxx

27.2.2015

Answer to Opposition 91218830

Diego Caviari S.L. based in Calle Cervantes El Arenal 77 – E- 29604 Marbella- Spain believes that our registration will not damage the Brand Kaviari because we don't see any likelihood of confusion.

We have several trademarks successfully registered.

Europe:

Diego Caviari registered on 16.1.2009 in class 3, 9, 14, 20, 25 – No 006579213

DC Caviari registered on 5.11.2008 in class 3, 9, 14, 20, 25, 32, 33- No 007268139 and international in China, Russia, Turkey, Switzerland, Ukraine,

DC Diego Caviari registered on 1.3.2010 in class 3, 8, 9, 11, 12, 14, 16, 18, 19, 20, 21, 24, 25, 28 No. 008406472

Caviari (Word mark) registered on 13.11.2013 in class 3, 9, 12, 14, 16, 19, 20, 21, 24, 25, 28, 32, 33, 34, 43, 44 No. 010531036

We have successfully registered international our trademark in China, Russia, Turkey, Switzerland, Ukraine and USA

In The USA we have registered:

Caviari in Class 9 und 25 registered in June 17, 2014 No. 4552183

The Opposer is owner of Trademark Kaviari for caviar, fish and crustaceans in class 29.



We was in contact with the lawyer from Kaviari and try to find a compromise in order to settle that matter. We offered to Kaviari to sign a contract where we declare not to produce any products made from Caviar and never advertise with products made from Caviar. The contract was planned in all classes we have registered for a worldwide agreement.

On the end Kaviari wanted to limit our trademarks too much. So we send you that answer to the opposition and hope you will see it in the same way.

There will be no likelihood of confusion because

1. The Opposer Kaviari is working in Caviar Food product field. Our Brand Caviari is a Lifestyle Label in different fields mainly Fashion, Sunglasses, Outdoor Furniture, Perfume watches and other lifestyle products (no food products). As you can see in www.diegocaviari.com. We will send you a pdf Brand Portfolio attached.
2. The products the customers, Distribution and Marketing Network from the Opposer and Applicant are completely different.
 - a. The Sales- Distribution Channels
 - i. WE have completely different Sales and Distribution Network Channels. No buyer of Wholesaler or Distributor will be similar or get in conflict. Because the field is 100 % different.
 - ii. There is not one store we sale our products where the store offer food products or caviar food products.
3. Nice Classification: The Opposer Kaviari doesn't even have registration in class 3, 14, 20 in USA and also not in Europe or Russia or China

Kaviari believe they have rights in all classes what exist in *International_(Nice)_Classification_of_Goods* only because they have registered their trademark Kaviari in class 29.
If it would be like that there would be no need to have the *International_(Nice)_Classification_of_Goods*. If we search in the data base for Caviar in registered trademarks you will find many registered trademarks using Caviar also in class 29.
4. Famous Trademarks might have the right to say our Brand is worldwide known so they have rights in Classes what they have not registered. I doubt Kaviari has that reputation and awareness. Also for example I tried

already to register Caviari in USA under class 3 (2 years ago) than I had to make a compromise with the Opposer Essence of Caviar (La prairie) to place a new application with the Logo and Caviari together for Class no 3. At that time was no opposition from Kaviari (even the registration had no logo from us) that means if Kaviari try to register in class 3 they would have also oppositions like I had. They claim a right. But it is hard to get the registration in all that classes.

5. Picture mark. DIC Caviari. Our well known Logo DIC (which is a registered trademark in Europe) is very mark able in combination of our brand Caviari. That aspect makes a Hugh difference if you compare both brands. The consumer who don't know our brand will remember that logo.

6. Awareness

- a. We have a more than 52000 Fans under Caviari Fan page
<https://www.facebook.com/caviariconceptstore?ref=hl>
- b. We sponsor Porsche cup with CAVIARI Porsche and also famous People from Music and show Business, Miss Competition.
- c. We print many Catalogues every year for our Sales and Distribution Network
- d. We sponsoring Fashion Shows – and special events with our outdoor furniture
- e. Websites more than 500.000 visitors per year.
 - i. We have several websites worldwide
 1. www.caviari.us
 2. www.caviari.ru
 3. www.caviari.co.uk
 4. www.caviari.it
 5. www.caviari.at
 6. www.caviari.ch
 7. www.caviari.es
 8. www.caviari.pl
 9. www.caviari.de
 10. www.caviari.cn
 11. www.diegocaviari.com

- f. Google Search machine will bring 50.000 hits with CAVIARI
 - i. 1 Hit is www.diegocaviari.com

7. Conclusion:

There is no likelihood confusion between the Opposer and the applicant if we see all that points. Mainly our Logo, the products, the sales, Marketing a. Distriburtion Channels, Awareness and the customer are completely different. That avoid any confusion.

Feburary 27, 2015 Respectfully submitted

/Dieter Lieblein/
Dieter Lieblein
Applicant
Calle Cervantes
El Arenal 77
E- 29604 Marbella- Spain



DC

CAVIARI

LUXURY LIFESTYLE

CAVIARI - LUXURY LIFESTYLE

The portfolio of our lifestyle brand consists of fashion, sun glasses, Perfumes, cosmetics, accessories and luxurious outdoor furniture.

The primary aim to create something special, appears in every single detail.



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CAVIARI

LIFESTYLE

CAVIARI - EYEWEAR

- Cooperation with Swarovski- "Made with Swarovski Elements"
- High Tech Production guarantees a High End Product
- Glasses made from CR39
- Exclusive Design for Product and Packaging
- Store Image with Publicity Poster, Banner and exclusive Displays
- Distribution Network only to selected Optician Stores



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CAVIARI

EYEWEAR

CAVIARI - FASHION

- Extravagance combined with elegance
- Combination of perfect quality and finest ingredients
- Elaborate handwork create and exactly fitting
- Designs for special occasions
- Sales only to exquisite boutiques



CAVIARI

CAVIARI - ACCESSOIRES

- Watches
- Bags, Handbags
- Fashion Accessories
- Home Accessories
- Mobil Accessories
- Licence with Accessoires





CAVIARI - LIFESTYLE FURNITURE

- Relax Lounge with LED Lightning and Remote Control
- Outdoor Dining Sector- Dining Chairs and Table for the perfect Ambiance
- Sunloungers and Day Beds- pure Relax
- Projektbusiness for Hotels and Restaurants
- Distribution to exclusive selected Designer Stores



CAVIARI
LUXURY OUTDOOR LIFESTYLE

CAVIARI - PARFUM

- DARK DREAM- WOMEN
- DARK DREAM- MEN
- MYSTERIOUS WHITE- WOMEN
- MYSTERIOUS BLACK- MEN



CAVIARI - PUBLICITY

- CAVIARI Image Publicity Poster and Banner
- CAVIARI Shop Displays
- CAVIARI Product Cataloges and Flyers
- CAVIARI Publicity for Consumers



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CAVIARI

PUBLICITY

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IMAGE CAMPAIGN



CAVIARI

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CAVIARI

CONCEPT STORE

- INTERNATIONALE COSMETICS- AND BEAUTYBRANDS
- EXCLUSVE PERFUMES, COSMETICS- AND BEAUTY PRODUCTS
- CAVIARI ACCESSORIES
- CAVIARI CONCEPT STORE ONLINE www.CAVIARI.de



CAVIARI
CONCEPT STORE



LUXURY LIFESTYLE



CAVIARI INSPIRATION



CAVIARI - MARKETING

- CAVIARI ONLINE
 - www.CAVIARI.de
 - www.DIEGOCAVIARI.com
- CAVIARI SOCIAL NETWORKS
 - www.facebook.com/CAVIARIconceptstore
 - youtube
 - google
- CAVIARI SPONSORING
 - PORSCHE CUP
 - SHOWBUSINESS
 - MISS- COMPETITIONS
 - PHOTOSHOOTINGS





SOMTIMES YOU NEED SOMETHING SPECIAL

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there will be a day where you
need
something special

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www.CAVIARI.de

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DIEGO CAVIARI

L U X U R Y L I F E S T Y L E





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DIEGO CAVIARI
SUNGLASSES
MADE WITH SWAROVSKI ELEMENTS

DC-3336-2



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SPECTACLE FRAMES

DC-4270



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SPECTACLE FRAMES

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SPECTACLE FRAMES

DC-4271



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SPECTACLE FRAMES

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DC-4272



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DC-4268



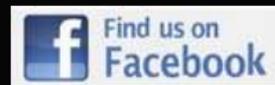




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Yaari Rom

unique Paintings on Glass

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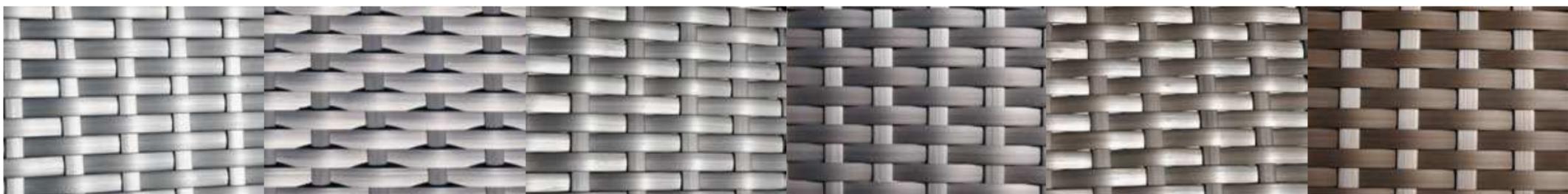


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whitegroove sand groove barcelona groove fushion honey groove fushion grey groove antique honey groove



silver silver groove platinum platinum groove antique bronze antique bronze groove



28 bronze bronze groove java groove terra incognita groove lava stone groove black groove



130 white 140 ivory 142 ivory 151 khaki light 181 light taupe 180 sand 182 hemp 081 bay brown



050 101 100 010 110 dark red 60 021 anis 070 dark anis



042 040 ocean 044 210 ocean 165 161 grey 163 anthracite 090 X-black 29



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