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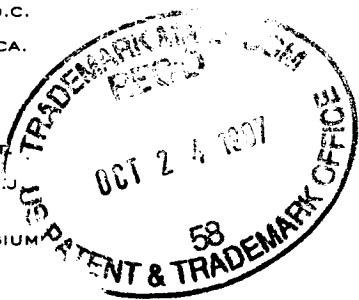
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October 24, 1997

VIA EXPRESS MAIL

BOX TTAB NO FEE

Assistant Commissioner

for Trademarks

2900 Crystal Drive

Arlington, VA 22202-3513

Re: Galleon S.A., BACARDI-MARTINI U.S.A., Inc., and Bacardi & Company Limited, Petitioners
- against -
Havana Club Holdings, S.A. and Havana Rum & Liquors, S.A. d/b/a H.R.L., S.A., Respondents
Cancellation No. 24,108

Dear Sir:

We enclose on behalf of Galleon S.A., BACARDI-MARTINI U.S.A., Inc., and Bacardi & Company Limited, a certified copy and two photocopies of the Partial Judgment by the United States District Court Southern District of New York.

Please acknowledge receipt of the foregoing on the enclosed postcard.

Very truly yours,

Jan Tamulewicz

Enclosures

cc: Margaret Ferguson, Esq. (w/encl.)

TAB

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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U.S. DISTRICT COURT
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S. D. OF N. Y.

HAVANA CLUB HOLDING, S.A. and
HAVANA CLUB INTERNATIONAL, S.A.,

Plaintiffs,

- against -

GALLEON S.A., BACARDI-MARTINI USA,
INC., GALLO WINE DISTRIBUTORS,
INC., G.W.D. HOLDINGS, INC.
and PREMIER WINE AND SPIRITS,

Defendants.

96 Civ. 9655 (SAS)

PARTIAL JUDGMENT

CERTIFIED
JAMES L. PATTERSON

x

WHEREAS, the Plaintiffs initiated this action alleging, inter alia, infringement of the registered mark HAVANA CLUB for rum; and

WHEREAS, this Court issued its opinion dated August 8, 1997, in connection with certain motions therein;

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:

1. The Cuban Asset Control Regulations ("CACR") implemented in 1963 under Section 5(b) of the Trading With The Enemy Act of 1917, as amended, 50 U.S.C. App. 1-44, prohibit transfers of property, including trademarks, in which a Cuban entity has an interest except when authorized by the Office of Foreign Assets Control ("OFAC") acting on behalf of the Secretary of the Treasury.

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2. In 1976, the trademark HAVANA CLUB for "rum" was registered in the United States Patent and Trademark Office ("related U.S. Registration") by Empresa Exportadora de Alimentos y Productos Varios ("Cubaexport"), a Cuban state enterprise.

3. On October 29, 1993, Cubaexport entered into an agreement transferring the U.S. rights to the HAVANA CLUB trademark and the related U.S. Registration to Havana Rum & Liquors, S.A. On or about November 22, 1993, Havana Rum & Liquors, S.A. entered into an agreement transferring the aforesaid mark and the related U.S. Registration to Havana Club Holding, S.A.

4. Those provisions of the original transfer agreement relating to transfers of the U.S. rights to the HAVANA CLUB mark and the related U.S. Registration were rendered null and void by the CACR, § 515.201(b)(1), and the attempted assignment of said HAVANA CLUB mark and the related U.S. Registration were invalid and of no force and effect and void ab initio.

5. As a result, the status quo ante as of the October 29, 1993 date of said abortive original transfer agreement is restored, and Cubaexport retained whatever rights it had in said mark and the related U.S. Registration as of said date, notwithstanding the invalid transfers.

6. Neither Havana Rum & Liquors, S.A., Havana Club Holding, S.A. nor its licensee, Havana Club International, S.A. ever obtained any rights to the HAVANA CLUB mark in the United States by transfer.

7. ✓ Plaintiffs Havana Club Holding, S.A. and Havana Club International, S.A. have no rights to the registered trademark HAVANA CLUB for "rum" in the United States.

8. / Any rights that Havana Club Holding, S.A. may have had, may have or claims to have had in the Registration of the HAVANA CLUB trademark (U.S. Reg. No. 1,031,651) from

forever until today are hereby canceled.

9. Count I for infringement of a federally registered trademark under Section 32 of the Lanham Act is dismissed with prejudice.

10. Nothing herein shall prevent Cubaexport, if it so chooses, from asserting or seeking to enforce rights in the trademark HAVANA CLUB rum in the United States and nothing herein shall prevent the defendants or others from contesting those rights or contending that said rights were lost as a result of acts or omissions by Cubaexport.

11. The Court certifies the instant Order and its Opinion and Order dated August 8, 1997 to the Commissioner of Patents and Trademarks pursuant to Section 37 of the Lanham Act, 15 U.S.C. § 1119.

12. The operation and enforcement of this Judgment, including modification of or entry upon the records of the United States Patent and Trademark Office pursuant to Section 37 of the Lanham Act, 15 U.S.C. § 1119, are stayed pending appeal from the final judgment in this action.

Dated at New York, New York, this 20 day of ~~an~~ October, 1997.


U.S.D.J.

CERTIFICATE OF MAILING

Express Mail, Mailing No. EG129045607US

Date of Deposit October 24, 1997

The undersigned hereby certifies that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513.

Barbara C. Vitolo

Barbara C. Vitolo