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

Proceeding	92048732
Party	Defendant Ronald Beckenfeld
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Submission	Motion for Summary Judgment
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Date	03/19/2013
Attachments	Pages 1-2 from Lovitz SJ Declaration Exhibit C.pdf (2 pages)(653743 bytes) Pages 3-4 from Lovitz SJ Declaration Exhibit C-2.pdf (2 pages)(1060746 bytes)) Pages 5-7 from Lovitz SJ Declaration Exhibit C-3.pdf (3 pages)(1502632 bytes))

EXHIBIT C

COPY

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

In re Registration Nos. 2,731,948

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ALTVATER GESSLER - J.A. BACZEWSKI
INTERNATIONAL (USA) INC. AND ALTVATER
GESSLER - J.A. BACZEWSKI GMBH,

Petitioners,

CANCELLATION NO. 92048732

v.

RONALD BECKENFELD,

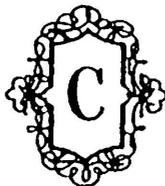
Registrant.

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May 8, 2008
10:12 A.M.

Deposition of MICKEY BECKENFELD,
taken by Petitioner, at the offices of Mutual
Wholesale Liquor, 4510 South Boyle Avenue, Los
Angeles, California 90058, before Sara U. Misa, a
Certified Shorthand Reporter and Notary Public
within and for the State of California.

ARTA PASCULLO, President



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1 M. Beckenfeld

2 (Discussion off the record)

3 MR. SLOANE: Back on the record.

4 We just had a sidebar with the
5 witness, who clarified that Mutual was
6 incorporated in 1962.

7 Q. Today are you an owner of Mutual?

8 A. Yes, I am.

9 Q. What percentage of the company do
10 you own?

11 A. All of it.

12 Q. Has that always been the case?

13 A. Yes.

14 Q. Are you actively involved in
15 running Mutual?

16 A. What is that?

17 Q. Are you actively involved in
18 running Mutual?

19 A. Yes.

20 Q. During the course of this
21 deposition, when I refer to Mutual, I mean it
22 to also refer to yourself, individually, and
23 to any DBAs that the company may operate
24 under, including International Import Export.

25 Is this okay with you?

1 M. Beckenfeld

2 A. Yes, I could give you the
3 information.

4 Q. Do you remember the original
5 financial arrangements between Mutual and
6 Baczewski?

7 A. We have no agreement, we talked
8 about Monopolowa. He was anxious to place it.
9 It was -- could not get nobody to start the
10 brand, what is unknown.

11 Q. Was this in the 1960s?

12 A. Around the '60s, around.

13 Q. And do you remember the
14 arrangements at the time that you took on
15 Monopolowa vodka as a product of Mutual, how
16 did it all work?

17 A. Well, Mr. Gessler came in.
18 Naturally, we got friendly, wanted to sell us
19 the product, but it didn't fit. He kept on
20 coming back to place his merchandise with some
21 distributors.

22 We were not interested, but he
23 keep coming back and assigned to place it with
24 us. So finally we said we're willing to do
25 something with it if he is going to assign the

1 M. Beckenfeld
2 label -- sell the label to us and we made a
3 deal.

4 Q. When did that deal take place?

5 A. I don't remember the date on it.

6 Q. Was it in the 1960s when you
7 originally started carrying the product?

8 A. Could be maybe after '62. Wilson
9 will tell you the figures, he's got the
10 records.

11 MR. SLOANE: We'll mark as
12 Exhibit 2, a one-page letter dated
13 August 27, 1992.

14 (One-page Letter dated August 27,
15 1992, marked Petitioners' Exhibit
16 2 for identification, as of this
17 date.)

18 Q. Mr. Beckenfeld, are you familiar
19 with this letter?

20 A. I read it.

21 Q. Have you read it before today?

22 A. I have seen this letter.

23 Q. "Yes"?

24 A. I have.

25 Q. Tell me, if you would, what this

1 M. Beckenfeld

2 trouble.

3 Q. What do you know about those
4 bankruptcy troubles?

5 A. Before I bought their label from
6 Gessler, he had some trouble and he wanted to
7 get the item placed very badly. So we
8 decided, as much as we are against it, not to
9 own a brand, but we produce or we import.

10 We decided we're going to put it
11 on and put some muscles behind it. We hired a
12 national sales manager to work with
13 wholesalers, worked with the state control
14 stores, worked for discount beers. See if we
15 can place it. The only condition I would buy
16 it if we sell it to me the label and the
17 brand.

18 Q. Had --

19 A. We agreed that he will sell me
20 the label if I give him an order. So we
21 prepared the order. When I say "we," John
22 Wilson is the one who handled it.

23 Q. Did you ever speak with Elek
24 Gessler about these issues?

25 A. Well, there was nothing to speak

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C E R T I F I C A T E

STATE OF CALIFORNIA)
) ss.:

I, Sara U. Misa, a Certified
Shorthand Reporter and Notary Public within
and for the State of New York, do hereby.
certify:

That I reported the proceedings in
the within-entitled matter, and that the
within transcript is a true record of
such proceedings.

I further certify that I am not
related, by blood or marriage, to any of
the parties in this matter and that I am
in no way interested in the outcome of
this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 21st day of May,
2008.

Sara U. Misa
SARA U. MISA, CSR