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

Proceeding	92060353
Party	Defendant Aucera SA
Correspondence Address	JENNIFER A GOLINVEAUX WINSTON & STRAWN LLP 101 CALIFORNIA STREET SAN FRANCISCO, CA 94111 UNITED STATES jgolinveaux@winston.com, dhleiden@winston.com, mabutler@winston.com, docketsf@winston.com
Submission	Opposition/Response to Motion
Filer's Name	Jennifer A. Golinveaux
Filer's e-mail	jgolinveaux@winston.com, dhleiden@winston.com, mabutler@winston.com, docketsf@winston.com
Signature	/Jennifer A. Golinveaux/
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of trademark Registration No.: 2007286, 2096184, 2096186
For the mark: BENTLEY

BENTLEY MOTORS LIMITED,

Petitioner,

v.

AUCERA SA,

Registrant.

Cancellation No.: 92060353

**REGISTRANT’S OPPOSITION TO PETITIONER’S
MOTION FOR SUMMARY JUDGMENT
AND REGISTRANT’S CROSS-MOTION FOR SUMMARY JUDGMENT**

Registrant Aucera SA (“Aucera” or “Registrant”) submits this Brief in opposition to the Motion for Summary Judgment filed by Petitioner Bentley Motors Limited (“Petitioner”) and in support of its Cross-Motion for Summary Judgment.

Registrant’s Opposition to Petitioner’s Motion for Summary Judgment

I. Introduction

Petitioner seeks summary judgment that Registrant’s U.S. rights in the mark BENTLEY for watches, jewelry, pens, and related products should be cancelled on the grounds that Registrant has either never used the marks at issue or has abandoned its rights in the marks due to non-use. Because the undisputed facts, however, establish that Registrant has used the mark in the United States in a manner sufficient to maintain its registrations, Petitioner’s motion should be denied and Registrant’s cross-motion for summary judgment should be granted.

Registrant acquired the worldwide rights to the BENTLEY mark for watches and related products in the mid-1990s from a Swiss watch company that had used the mark for high-end

watches dating back to the 1940s. As Registrant was acquiring the rights, it also filed applications to register the BENTLEY mark for watches, jewelry, pens, and related products in the U.S. in 1995 and 1996, resulting in the registrations at issue in this proceeding. While Petitioner asserts that the undisputed evidence shows that Registrant has *never* used the BENTLEY mark in the U.S. in a manner sufficient to maintain the registrations, that is not the case. As detailed in this brief and the supporting declaration of Aucera's President, Registrant used the mark on the goods at issue both during the relevant periods before the registrations issued, and during the intervening period, and such use is more than sufficient to maintain the registrations.

II. Legal Standard

Summary judgment is warranted when “the pleadings, depositions, answers to interrogatories, and admissions on file, together with affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.” Fed. R. Civ. P. 56(c); *see also Bongrain Int'l (Am.) Corp. v. Moquet Ltd.*, 230 U.S.P.Q. 626 (TTAB 1986). The moving party bears the burden of showing the basis for its motion and demonstrating the absence of a genuine issue of material fact. *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986). If plaintiff fails to carry this burden, the opposing party need not produce any evidence and summary judgment is improper. *Nissan Fire & Marine Ins. Co. v. Gritz Cos.*, 210 F.3d 1099, 1102-03 (9th Cir. 2000). In resolving a summary judgment motion, the opposing party's evidence should be credited, and all reasonable inferences must be drawn in its favor. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 255 (1986). “If alternative inferences can be drawn from the available evidence, summary judgment is inappropriate.” *Hines v. British*

Steel Corp., 907 F.2d 726, 728 (7th Cir. 1990); *Capital Speakers Inc. v. Capital Speakers Club of Washington D.C. Inc.*, 41 U.S.P.Q. 2d 1030, 1034 (TTAB 1996).

III. Statement of Facts

A. Aucera’s Acquisition of the BENTLEY Mark for the Registered Goods

Registrant Aucera SA is a public limited Swiss company based in La Chaux-de-Fonds, Switzerland.¹ It has been in the business of manufacturing and selling high-end watches, jewelry, pens and related goods since the 1990s.² In 1995, the President of Aucera, Chia-Hsiang Cheng, was looking for a new brand for his companies’ products. On behalf of Aucera, Mr. Cheng negotiated for and acquired the worldwide rights to the BENTLEY mark for watches and related goods from DDL S.A. Horlogerie.³ The rights had originated with a Swiss company based in La Chaux-de-Fonds, Switzerland, which had been in the watchmaking business since 1948.⁴ This included International Registration No. 137390 and Swiss Registration No. 360572, as well as rights to the BENTLEY mark for watches and related products in many countries internationally (“Aucera’s BENTLEY Mark”).⁵ Aucera’s predecessor in interest to the BENTLEY Mark for watches and related products had a long and illustrious history of selling high-end watches under the BENTLEY mark dating back to 1948.⁶

Aucera has enjoyed commercial success in selling watches, jewelry, and pens bearing Aucera’s BENTLEY Mark abroad.⁷ Aucera sells these products in BENTLEY-branded boutiques and department stores in China, as well as in independent jewelry stores in the Middle

¹ Declaration of Chia-Hsiang Cheng (hereinafter, “Cheng Decl.”) ¶¶ 1.

² *Id.* ¶¶ 3-4.

³ *Id.*

⁴ Cheng Decl. ¶ 2.

⁵ *Id.* ¶¶ 4-5.

⁶ *Id.* ¶ 2.

⁷ *Id.* ¶ 6.

East, Taiwan, Hong Kong, France, Germany, Switzerland, and Singapore, among other countries—accounting for hundreds of thousands of dollars in revenue each year.⁸

B. Aucera’s U.S. Registrations For the BENTLEY Mark

While Aucera was pursuing the worldwide rights to the BENTLEY mark, it also filed new applications to register the BENTLEY mark on watches and related products in countries where it was developing a market, including the U.S. On April 14, 1995, Registrant’s affiliated entity, Aucera Technology Corporation, filed an intent-to-use (“ITU”) application with the U.S. PTO to register the BENTLEY mark on watches, watch bands, watch chains, and watchcases, which it subsequently assigned to Registrant.⁹ On February 28, 1996 Aucera filed an Amendment to Allege Use stating that the BENTLEY mark had first been used in U.S. commerce on watches and related products as least as early as May 15, 1995.¹⁰ On October 18, 1996, Registrant had use-based applications filed on behalf of Aucera to register the BENTLEY mark on jewelry and pens.¹¹ The jewelry and pen applications set forth a first use in commerce date of March 1, 1996.¹² U.S. Trademark Registration No. 2,007,286 for the BENTLEY mark on watches and related products issued on the Supplemental Register on October 8, 1996 (“Aucera Watch Registration”), and U.S. Trademark Registration Nos. 2,096,184 and 2,096,186

⁸ *Id.*

⁹ *Id.* ¶ 8; Declaration of Jennifer A. Golinveaux (hereinafter, “Golinveaux Decl.”) ¶ 9 & Ex. 8 (information on Registration No. 2,007,286 from TSDR website).

¹⁰ *Id.*

¹¹ Cheng Decl. ¶ 9; Golinveaux Decl. ¶ 9 & Ex. 8 (information on Registration Nos. 2,096,184 and 2,096,186 from TSDR website).

¹² *Id.*

for the BENTLEY mark on jewelry and pens issued on September 9, 1997 on the Supplemental Register (“Aucera Jewelry Registration” and “Aucera Pen Registration,” respectively).¹³

C. Registrant’s Use of the BENTLEY Mark in the United States

While Petitioner asserts that Registrant had not used the BENTLEY Mark for the goods at issue prior to obtaining the registrations, Mot. at 3-4, that is not the case. Aucera made several shipments of BENTLEY-branded products into the U.S. prior to obtaining the registrations.¹⁴ First, in May 1995, Aucera shipped watches and jewelry bearing Aucera’s BENTLEY Mark to an individual in New York named Paul Huang, who was working with Aucera to identify potential purchasers and U.S. distributors for Aucera’s products.¹⁵ Aucera made additional shipments of pens to Mr. Huang in March 1996.¹⁶

Subsequently, Aucera shipped watches to companies in Illinois called Little Bug, Inc. and World of Wonder, Inc. that were working with Aucera to promote BENTLEY-branded products in the U.S., identify potential purchasers, and explore potential distribution relationships.¹⁷ From 1996 to 2001, Aucera shipped watches bearing Aucera’s BENTLEY Mark to the principals of Little Bug and World of Wonder, Jack Tsai and Helen Wu, in Illinois and Georgia, and sold additional watches and pens bearing Aucera’s BENTLEY Mark to Mr. Tsai on August 27, 1996.¹⁸ Mr. Tsai then successfully made sales of watches and other goods bearing Aucera’s

¹³ Cheng Decl. ¶ 10; Golinveaux Decl. ¶ 9 & Ex. 8; Sparkman Decl. Ex. 8 (TESS printouts). All references to the “Sparkman Decl.” correspond to the Declaration of Jessica Bromall Sparkman in Support of Petitioner’s Motion for Summary Judgment and the exhibits attached thereto.

¹⁴ Cheng Decl. ¶ 12; Golinveaux Decl. ¶ 2 & Ex. 1 at Interrogatory Nos. 2, 5, 8, 9 (including supplemental responses); *id.* ¶ 3 & Ex. 2 at Interrogatory Nos. 23-26, 48-49, 52-53, 56-57; *id.* ¶ 4 & Ex. 3 at Interrogatory No. 63.

¹⁵ *Id.* ¶ 13.

¹⁶ *Id.*; Golinveaux Decl. ¶ 3 & Ex. 2 at Interrogatory Nos. 23-26.

¹⁷ Cheng Decl. ¶ 14; Golinveaux Decl. ¶ 3 & Ex. 2 at Interrogatory Nos. 23-26.

¹⁸ Cheng Decl. ¶ 13 & Ex. 1 (AUCERA00027 and AUCERA00125-29, documentation of shipments to Mr. Tsai and Ms. Wu and sales to Mr. Tsai).

BENTLEY Mark to U.S. consumers in late 1996 and early 1997.¹⁹ Mr. Tsai and Ms. Wu continued to explore potential U.S. purchasers and distributors for Aucera's BENTLEY-branded products.²⁰

In approximately 2006, Aucera provided additional inventory of watches bearing Aucera's BENTLEY Mark to an individual named Yenchi Chen with connections to several jewelry stores in the U.S., where the watches were displayed for sale.²¹

In January and April 2008, Aucera shipped watches bearing the BENTLEY mark to another individual, Mag Ma, in New Jersey.²² During this period, Aucera was licensed to manufacture and sell watches in Taiwan bearing the trademarks of the New York Yankees.²³ Ms. Ma became acquainted with Aucera's business in Taiwan and was involved in sports management.²⁴ After being impressed with Aucera's business activities in Taiwan, she worked with Aucera to identify opportunities to sell BENTLEY-branded watches at baseball stadiums in New York.²⁵

In addition to shipping products to these individuals and entities in the U.S. for purposes of establishing channels of distribution for products bearing Aucera's BENTLEY Mark, Registrant has also engaged in substantial marketing and promotional efforts aimed at U.S. consumers for the purpose of developing additional sales of products bearing Aucera's BENTLEY Mark and channels of trade in the U.S.²⁶ Through its licensee hired to promote products bearing Aucera's BENTLEY Mark, Aucera has marketed and promoted these products

¹⁹ Cheng Decl. ¶ 15 & Ex. 2 (AUCERA00130, documentation of certain of Mr. Tsai's sales).

²⁰ Cheng Decl. ¶ 15.

²¹ *Id.* ¶ 16.

²² Cheng Decl. ¶ 17 & Ex. 3 (AUCERA00028-29, documentation of shipments to Ms. Ma).

²³ Cheng Decl. ¶ 17.

²⁴ *Id.*

²⁵ *Id.*

²⁶ Cheng Decl. ¶¶ 20-25; Golinveaux Decl. ¶ 5 & Ex. 4 at Interrogatory No. 68.

in several ways. First, products bearing Aucera’s BENTLEY Mark are promoted online, including on a website operated on behalf of Aucera and dedicated to products bearing Aucera’s BENTLEY Mark, www.bentleyluxury.com (the “Bentley Luxury Website”).²⁷ The Bentley Luxury Website features promotional articles, images, and videos of watches, jewelry, and pens bearing Aucera’s BENTLEY Mark that are currently for sale, details of the history of the BENTLEY brand, and lists North American retailers where products bearing Aucera’s BENTLEY Mark are available, including Blount Jewels, Inc. in Silver Spring, Maryland and Resultco in West Bloomfield, Michigan.²⁸ Aucera’s BENTLEY-branded watches were also promoted online by Blount Jewels, where U.S. customers can purchase BENTLEY-branded watches.²⁹ Aucera’s BENTLEY-branded watches are offered for between \$1,150 and \$4,300 on the Blount Jewels website.³⁰ In addition, Aucera’s marketing company and licensee, Pyxis Enterprise Co. Ltd. (“Pyxis”) maintains a prominent Facebook page for Aucera’s BENTLEY brand (“Aucera’s Bentley Facebook Page”).³¹ Aucera’s Bentley Facebook Page, which currently has more than 575,000 fans, features advertisements for watches, jewelry, and pens bearing Aucera’s BENTLEY Mark and directs potential customers to the BENTLEY Luxury Website and provides an email address for U.S. consumers to contact Aucera.³²

²⁷ Cheng Decl. ¶ 20; Golinveaux Decl. ¶ 6 & Ex. 5 (current screenshots of the Bentley Luxury Website).

²⁸ *Id.*

²⁹ Cheng Decl. ¶ 21 & Ex. 5 (AUCERA00017-18, screenshots of Blount Jewels website); Golinveaux Decl. ¶ 7 & Ex. 6 (current screenshot of Blount Jewels website); *id.* ¶ 3 & Ex. 2 at Interrogatory No. 61.

³⁰ Cheng Decl. ¶ 21 & Ex. 5; Golinveaux Decl. ¶ 7 & Ex. 6.

³¹ Cheng Decl. ¶ 22 & Ex. 6 (AUCERA00061, screenshot of Aucera’s Bentley Facebook Page); Golinveaux Decl. ¶ 8 & Ex. 7 (current screenshot of Aucera’s Bentley Facebook Page).

³² *Id.*

Aucera has also placed print advertisements for watches, sunglasses, and pens bearing Aucera's BENTLEY Mark in U.S. publications.³³ U.S. distributors for Aucera, including Little Bug, Inc., have also distributed promotional brochures for watches, jewelry, and pens bearing Aucera's BENTLEY Mark to consumers.³⁴

In addition, Pyxis regularly attends prominent international watch and jewelry trade shows on Aucera's behalf, both in the U.S. and in Switzerland, for the purpose of promoting Aucera's BENTLEY-branded watches, jewelry, and pens to potential distributors, sellers, and customers.³⁵ Pyxis has attended the BaselWorld international watch and jewelry trade show every year since 2010 and attended the JCK watch and jewelry trade fair in Las Vegas in 2010, promoting Aucera's BENTLEY-branded watches at each of these trade shows.³⁶ These shows are attended by some of the most well-known international watch and jewelry brands, distributors, and retailers.³⁷

Most recently, in 2014, Aucera has been working with a veteran from the jewelry industry, Robert Bonnem. Mr. Bonnem, who resides in Florida, is a sales and marketing consultant for Aucera, with a strong background in luxury watches and jewelry.³⁸ Mr. Bonnem has been working to further establish customers, marketing and sales channels for products bearing Aucera's BENTLEY Mark in the U.S., including both online and brick-and-mortar retail

³³ Cheng Decl. ¶¶ 23, 25 & Ex. 7 (AUCERA00021, newspaper advertisement for BENTLEY-branded watch, sunglasses, and pen).

³⁴ Cheng Decl. ¶¶ 23-24.

³⁵ Cheng Decl. ¶ 27 & Ex. 8 (AUCERA00040-55, 67-69, 98-104, catalogs, floor maps, and invoices showing Aucera's participation at BaselWorld watch and jewelry trade show in Switzerland; AUCERA00051-55, photographs of Aucera's participation at JCK watch and jewelry trade show in Las Vegas).

³⁶ Cheng. Decl. ¶ 27.

³⁷ *Id.*

³⁸ Cheng. Decl. ¶ 28.

stores.³⁹ Mr. Bonnem also advises Aucera on product design and marketing.⁴⁰ Starting in June 2014, Aucera made a number of shipments of products bearing Aucera's BENTLEY Mark to Mr. Bonnem.⁴¹ Certain of this product was for Mr. Bonnem to use to promote the product lines and develop distributors, and certain of this product was to compensate Mr. Bonnem for the time he was investing in Aucera's U.S. marketing and distribution efforts.⁴² Mr. Bonnem has contacted a number of potential distributors,⁴³ and he continues to meet with companies and individuals in the U.S. in order to establish relationships with potential retailers and distributors of products bearing Aucera's BENTLEY Mark.⁴⁴

Aucera has never intended to abandon use of Aucera's BENTLEY Marks on watches, jewelry, and pens.⁴⁵ Over the past three years, Aucera has spent significant time and resources designing and developing new and unique watches and related products that he believes will attract U.S. distributors and retailers.⁴⁶ Mr. Cheng intends to continue efforts to establish distributors of Aucera's BENTLEY-branded products in the U.S., including by increasing Aucera's web presence, sending Pyxis to attend additional U.S. watch and jewelry trade shows, and continuing Aucera's relationship with Mr. Bonnem.⁴⁷

³⁹ *Id.*

⁴⁰ *Id.*; Golinveaux Decl. ¶ 4 & Ex. 3 at Interrogatory No. 64.

⁴¹ Cheng Decl. ¶¶ 18, 29 & Ex. 4 (AUCERA000002-3, 8-10, 13, 26, and BON000122, documentation of shipments to Mr. Bonnem).

⁴² Cheng Decl. ¶¶ 18, 29.

⁴³ Cheng Decl. ¶ 30 & Ex. 9 (AUCERA00065-66, emails between R. Bonnem and N. Kushner regarding the presentation of BENTLEY watches to Amazon); Golinveaux Decl. ¶ 4 & Ex. 3 at Interrogatory No. 65.

⁴⁴ Cheng Decl. ¶ 30; Golinveaux Decl. ¶ 3 & Ex. 2 at Interrogatory Nos. 41-43, describing Aucera's marketing and business plans for the use of Aucera's BENTLEY Mark for watches, pens, and jewelry in the U.S.

⁴⁵ Cheng Decl. ¶ 31.

⁴⁶ *Id.*

⁴⁷ *Id.*; see also Golinveaux Decl. ¶ 3 & Ex. 2 at Interrogatory Nos. 41-43.

Notably, Petitioner chose never to depose Registrant during the course of this proceeding.⁴⁸ If it had, it would have had the opportunity to question Registrant in detail about the scope and nature of its use of the BENTLEY mark in commerce, as described in narrative in Registrant’s interrogatory responses provided in this proceeding.⁴⁹

IV. Petitioner is Not Entitled to Summary Judgment on the Issue of Aucera’s Use Prior to Registration

A. Aucera’s Registrations Are Not Void *Ab Initio*

1. Aucera Had a Bona Fide Intent to Use Aucera’s BENTLEY Mark on Watches and Used the Mark in Commerce Prior to Registration

As Petitioner acknowledges, the Aucera Watch Registration “issued on October 8, 1996, as a result of an intent to use (“ITU”) application filed on April 14, 1995.” Mot. at 4; Sparkman Decl., Ex. 8 (TESS printout); Golinveaux Decl. ¶ 9 & Ex. 8. In the context of an ITU registration, “a person who has a bona fide intention, under circumstances showing the good faith of such person, to use a trademark in commerce” may apply for registration of a mark. 15 U.S.C. § 1051(b). Thus, a federal trademark resulting from an ITU registration is void *ab initio* if the applicant had no bona fide intention to use the mark in commerce at the time of the application. *Id.* “A determination of whether an applicant has a bona fide intention to use the mark in commerce is an objective determination based on all the circumstances.” *Nike, Inc. v. U.S. Naval Academy Foundation*, Opp’n No. 91208950, 2015 WL 1570251, at *3 (TTAB Mar. 9, 2015) (nonprecedential) (copy attached). Thus, “[a]s a general rule, the factual question of intent is unsuited to disposition on summary judgment.” *Id.*; *see also Commodore Electronics Ltd. v. CMB Kabushiki Kaisha*, 26 U.S.P.Q. 2d 1503 (TTAB 1993) (summary judgment on bona fide intent to use denied despite lack of documentary evidence evidencing the applicant’s intent).

⁴⁸ Golinveaux Decl. ¶ 11.

⁴⁹ *See id.* ¶¶ 2-5 & Exs. 1-4.

Petitioner does not even argue, much less come forward with any evidence, that Aucera lacked a bona fide intent to use Aucera's BENTLEY Mark on watches when it filed the application for the Aucera Watch Registration on April 14, 1995, instead stating only that "there is no evidence of any use of the BENTLEY mark, for any goods, prior to September 8, 2001." *See Mot.* at 3-4. On the other hand, Aucera *has* come forward with evidence demonstrating a good faith intent to use Aucera's BENTLEY Mark on watches in commerce as of the application date, and of use of the mark in connection with watches prior to issuance of the Aucera Watch Registration. Specifically, Aucera's President has been in the watch business since the late 1980s and started Aucera in 1995 with the intent and goal of selling watches and related products in a number of countries worldwide, including the U.S.⁵⁰ Consistent with the Amendment to Allege Use filed prior to issuance of the Aucera Watch Registration setting forth that the BENTLEY mark was first used in commerce on watches and related products in May 1995, when Aucera shipped watches bearing the BENTLEY mark to an individual in New York who was working with Aucera to identify potential U.S. distributors for Aucera's products.⁵¹

Such use is sufficient use in commerce to support a U.S. registration. A trademark is used in commerce on goods when "(A) it is placed in any manner on the goods or their containers or the displays associated therewith . . . , and (B) the goods are sold *or* transported in commerce." 15 U.S.C. § 1127 (emphasis added). It is well-established that "use in commerce" to support a federal trademark registration is a lower bar than that to prove priority of use. *Signature Guardian Sys., Inc. v. Lee*, 209 U.S.P.Q. 81 (TTAB 1980); *Zazu Designs v. L'Oreal, S.A.*, 979 F.2d 499, 505 (7th Cir. 1992) ("The district court erred in equating a use sufficient to support registration with a use sufficient to generate nationwide rights in the absence of

⁵⁰ Cheng Decl. ¶ 3.

⁵¹ Cheng Decl. ¶ 13.

registration.”); *see also* McCarthy on Trademarks and Unfair Competition (4th ed.) § 19:116 (“The evidence of whether there was sufficient ‘use’ will be more carefully examined when the issue is priority than when the issue is whether a registration is invalid for failure to ‘use’ the mark in a technical sense ...”). Indeed, “[a]doption and single use of the mark may be sufficient to entitle the user to register the mark.” *La Societe Anonyme des Parfums le Galion v. Jean Patou, Inc.*, 495 F.2d 1265, 1271 (2d Cir. 1974); *see also Allard Enterprises, Inc. v. Advanced Programming Resources*, 146 F.3d 350, 358 (6th Cir. 1998) (“As long as there is a genuine use of the mark in commerce, however, ownership may be established even if the first uses are not extensive and do not result in deep market penetration or widespread recognition.”).

The shipment of products bearing Aucera’s BENTLEY Mark into the U.S. for the purpose of pursuing distribution channels in the U.S. is sufficient to establish a “use in commerce” for purposes of supporting the Aucera Watch Registration. 15 U.S.C. § 1127; *Rearden LLC v. Rearden Commerce, Inc.*, 683 F.3d 1190, 1205 (9th Cir. 2012) (“evidence of actual sales, or lack thereof, is not dispositive in determining whether a party has established ‘use in commerce’ within the meaning of the Lanham Act”). For example, in *Int’l Mobile Machines Corp. v. Int’l Telephone & Telegraph Corp.*, the registrant shipped a telephone bearing the ULTRAPHONE mark to a director and investor in the registrant’s company who was interested in becoming a franchiser for the telephone systems and promoted the product to third parties. 800 F.2d 1118, 1120-21 (Fed. Cir. 1986). The court held that this shipment qualified as a use in commerce, specifically declining to hold that “a commercial transaction between the corporate-owner of a mark and a member of its board of directors and investor, is per se a non-commercial transaction for registration purposes.” *Id.* at 1120. According to the Federal Circuit, such a holding “would not be in accordance with the law as to what constitutes a commercial

transaction for registration purposes.” *Id.*; see also *Standard Pressed Steel Co. v. Midwest Chrome Process Co.*, 183 U.S.P.Q. 758 (TTAB 1974) (“intra-company transaction” to sales representative was a bona fide shipment sufficient to lay a foundation for registration); accord *Zazu Designs*, 979 F.2d at 503 (“Courts have read ‘used’ in a way that allows firms to seek protection for a mark before investing substantial sums in promotion.”). Here, Registrant’s evidence of use is even stronger than in the cited cases because Registrant’s shipments of product into the U.S. were not intra-company shipments, as detailed in the accompanying Cheng Declaration.⁵²

In arguing that Aucera never made bona fide use of Aucera’s BENTLEY Mark, Petitioner incorrectly conflates the standards for “use in commerce” to establish trademark rights and “use in commerce” to establish priority of use. Mot. at 5-6; *Smith Int’l, Inc. v. Olin Corp.*, 209 U.S.P.Q. 1033 (TTAB 1981) (noting that there is a “[h]igher commercial use standard in priority disputes” than to lay the foundation for a federal registration). The authority cited by Petitioner involving priority disputes is thus irrelevant to the question of the adequacy Aucera’s use to establish trademark rights. Mot. at 6; *Planetary Motion, Inc. v. Techsplosion, Inc.*, 261 F.3d 1188, 1196 (11th Cir. 2001) (in determining priority of use in an infringement case, finding that the plaintiff’s online distribution of software bearing the mark, even without any sales, was “sufficiently public to create ownership rights in the mark”); *Blue Bell, Inc. v. Farah Mfg., Co.*, 508 F.2d 1260, 1266 (5th Cir. 1975) (in determining priority of use in an infringement case, finding no use in commerce where the only sales of the trademarked product were to the applicant’s own employees); *Sterling Drug Inc. v. Knoll A.-G. Chemische-Fabriken*, 159

⁵² Cheng Decl. ¶¶ 12-19.

U.S.P.Q. 628, 631 (TTAB 1968) (determining priority of use in an opposition proceeding).⁵³ In any event, here, Registrant's evidence of use is sufficient to establish both trademarks rights and priority of use. Using the correct standard, the evidence indisputably demonstrates that Aucera used the BENTLEY mark in commerce prior to registration, and as of the first use in commerce date of May 15, 1995 by shipping watches bearing Aucera's BENTLEY Mark to various individuals in the U.S. for purposes of exploring potential distribution channels for the products.⁵⁴ Thus, Petitioner has not, and cannot, fulfill its burden to demonstrate that there is no genuine issue of material fact on the sufficiency of Aucera's use of the marks to establish trademark rights.

Petitioner's only argument here is to point to a lack of documentary evidence of Aucera's uses from more than two decades ago. Mot. at 6-9. But Aucera has provided testimonial evidence of such use both through its interrogatory responses and the (undisputed) accompanying Cheng Declaration, as well as having produced documentary evidence of more recent shipments.⁵⁵ Courts routinely deny summary judgment in these circumstances, particularly where a significant amount of time has passed since registration and documentary evidence may have been lost. *See Tracie Martyn, Inc. v. Baby Butter Originals*, Cancellation No. 92053374, 2015 WL 9907033, at *3-5 (TTAB Dec. 17, 2015) (respondent's lost sales and distribution documentation did not require summary judgment for petitioner on issue of nonuse) (nonprecedential) (copy attached); *Automedx, Inc. v. Artivent Corp.*, 95 U.S.P.Q. 2d 1976

⁵³ The cases cited by Petitioner regarding commercial use sufficient to rebut a *prima facie* case of abandonment, Mot. at 5 n.4, are also irrelevant to the analysis of commercial use necessary to establish trademark rights. Aucera addresses these cases in Section V.B.

⁵⁴ Cheng Decl. ¶¶ 12-13.

⁵⁵ Cheng Decl. ¶¶ 12-19 & Exs. 1-4; Golinveaux Decl. ¶¶ 2-5 & Exs. 1-4.

(TTAB 2010). Furthermore, Petitioner did not even attempt to depose Aucera prior to filing its summary judgment motion and prior to the close of the discovery period.⁵⁶

Aucera's bona fide use of the BENTLEY mark on watches and related products in May 1995 also corroborates Aucera's good faith intention to use the BENTLEY mark in commerce as of the application date. *See Lane Ltd. v. Jackson Int'l Trading Co.*, 33 U.S.P.Q. 2d 1351, 1355 (TTAB 1994) (evidence of later commercial activity can corroborate the applicant's bona fide intention); 37 C.F.R. § 2.89(d) (listing "manufacturing activities" and "steps to acquire distributors" as objective evidence of good faith). Moreover, Aucera's evidence also rebuts the classic hallmarks of a lack of bona fide intent to use, such as the filing of numerous ITU applications for the same mark, filing numerous ITU applications for a variety of marks to be used on one new product, and filing numerous ITU applications to replace those that lapsed after no timely statement of use is filed. *See Salacuse v. Ginger Spirits Inc.*, 44 U.S.P.Q. 2d 1415 (TTAB 1997) (listing several examples of objective circumstances which "may cast doubt on the bona fide nature of the intent," nearly all of which involve the filing of multiple and repeated ITU applications); *see also* McCarthy on Trademarks and Unfair Competition, (4th ed.) § 19:14 (summarizing cases in which a "bad faith applicant" has a "pattern of registering marks for which he has no legitimate use" or "files many intent-to-use applications similar or identical to famous marks but in a disparate range of products to which the applicant has no relevant experience or actual plans"). Here, Aucera has not filed numerous ITU applications for the BENTLEY mark for watches and related products.⁵⁷

The undisputed evidence presented by Aucera—and the lack of evidence provided by Petitioner—demonstrates that there is no dispute that Aucera had the requisite intent to use the

⁵⁶ Golinveaux Decl. ¶ 11.

⁵⁷ Cheng Decl. ¶ 11.

BENTLEY mark on watches as of the application date and used the mark at the time of registration. At the very least, there is a disputed issue of material fact regarding Aucera's intent to use Aucera's BENTLEY Mark on watches and related products, and use in commerce prior to issuance of the Aucera Watch Registration, and summary judgment for Petitioner on this ground is inappropriate. See *CKE Restaurant Holdings, Inc. v. Thompson*, Opp'n No. 91205202, 2013 WL 11247292, at *3-4 (TTAB Sept. 30, 2013) (registrant's affidavit created issue of fact with respect to bona fide intent to use, precluding summary judgment) (nonprecedential) (copy attached); accord *Automedx*, 95 U.S.P.Q. 2d 1976 (testimony regarding sales was satisfactory to establish priority of use, even though "not corroborated by any documentary evidence").

2. Aucera Used Aucera's BENTLEY Mark in Commerce Prior to Filing Applications for the BENTLEY Mark For Jewelry and Pens

Aucera filed use-based applications for the BENTLEY word mark for jewelry and pens on October 18, 1996, claiming a first use in commerce date of March 1, 1996.⁵⁸ In the context of a use-based application, a federal trademark is void *ab initio* only if the registration results from an application that was filed before the mark was used in commerce on at least some of the products at issue. *American Hygienic Labs., Inc. v. Tiffany & Co.*, 12 U.S.P.Q. 2d 1979, 1984 (TTAB 1989); *Grand Canyon West Ranch LLC v. Hualapai Tribe*, 78 U.S.P.Q. 2d 1696 (TTAB 2006) ("as long as the mark was used on some of the identified goods or services as of the filing of the application, the application is not void in its entirety."). Again, Petitioner's only argument here is that "there is no evidence of any use of the BENTLEY mark, for any goods, prior to September 8, 2001." Mot. at 4. That is not the case. Aucera's evidence demonstrates that it first shipped jewelry bearing Aucera's BENTLEY Mark into the U.S. in 1995 and first shipped pens bearing Aucera's BENTLEY Mark into the U.S. in 1996, both for the purpose of establishing

⁵⁸ Cheng Decl. ¶ 9; Golinveaux Decl. ¶ 9 & Ex. 8 (TSDR documents); Sparkman Decl., Ex. 8 (TESS printouts).

U.S. purchasers and distributors for Aucera's products in the U.S.⁵⁹ And as established *infra*, Section V.A, transportation of goods into the U.S. qualifies as a "use in commerce" to establish trademark rights, even in the absence of sales. *Int'l Mobile Machines Corp.*, 800 F.2d at 1120-21; *Standard Pressed Steel Co.*, 183 U.S.P.Q. 758. Because Aucera's evidence demonstrates that it used Aucera's BENTLEY Mark on pens and jewelry in commerce consistently with the "first use in commerce" date of March 1, 1996 stated in the applications, Petitioner's motion for summary judgment on this ground should be denied, and Registrant's cross-motion should be granted.

V. Petitioner Is Not Entitled to Summary Judgment on the Issue of Cancellation

A. Aucera Made Bona Fide Use of the Marks to Support Registration

For the reasons set forth above in Section IV, Aucera has established that it used the BENTLEY mark in commerce on watches, pens, and jewelry consistently with the stated "first use in commerce" dates of May 15, 1995 for watches and March 1, 1996 for pens and jewelry by shipping the relevant products bearing Aucera's BENTLEY Mark to individuals in the U.S. for the purpose of establishing U.S. customers and distribution channels.⁶⁰ Therefore, Petitioner has not met its burden to demonstrate that there is no genuine issue of material fact regarding Aucera's use of the BENTLEY Mark prior to their registration.

B. Petitioner Has Not Established Non-Use to Create a Presumption of Abandonment

A claim for cancellation based on abandonment of a federal trademark registration requires proof of "(1) discontinuance of trademark use *and* (2) intent not to resume such use." *Electro Source, LLC v. Brandess-Kalt-Aetna Grp., Inc.*, 458 F.3d 931, 935 (9th Cir. 2006) (emphasis in original); 15 U.S.C. § 1127. "[A]bandonment requires *complete* cessation or

⁵⁹ Cheng Decl. ¶¶ 12-13, 19.

⁶⁰ Cheng Decl. ¶¶ 12-19 & Exs. 1-4.

discontinuance of trademark use” and “[e]ven a single instance of use is sufficient against a claim of abandonment of a mark if such use is made in good faith.” *Electro Source*, 458 F.3d at 938 (emphasis in original) (quoting *Carter-Wallace, Inc. v. Procter & Gamble Co.*, 434 F.2d 794, 803-04 (9th Cir. 1970)); *see also Grocery Outlet Inc. v. Albertsons, Inc.*, No. C 06-02173 JSW, 2008 WL 5245962, at *7 (N.D. Cal. 2008); *Am. Ass’n for Justice v. The Am. Trial Lawyers Ass’n*, 698 F. Supp. 2d 1129, 1138 (D. Minn. 2010).

Even if *prima facie* abandonment is established by the petitioner by proving three consecutive years of nonuse, the registrant can rebut this presumption by “showing valid reasons for nonuse or by proving lack of intent to abandon.” *Star-Kist Foods, Inc. v. P.J. Rhodes & Co.*, 769 F.2d 1393, 1396 (9th Cir. 1985). “[A] registrant may rebut a *prima facie* case either by disproving the underlying facts from which the presumption arises ... or the presumed fact itself, i.e., no intent to resume use.” *Cerveceria Centroamericana, S.A. v. Cerveceria India, Inc.*, 892 F.2d 1021, 1026 (Fed. Cir. 1989).

1. Transportation of Goods and Other Non-Sales Activities Can Constitute a “Use in Commerce”

As in the analysis of “use in commerce” necessary to support federal registration of a mark, “use in commerce” for purposes of an abandonment analysis does not require evidence of actual sales, and the transportation of goods bearing the mark into the U.S. constitutes a sufficient use in commerce. *Electro Source*, 458 F.3d at 936 (“the meaning of ‘use’ for the purpose of abandonment ... includes the placement of a mark on goods sold *or* transported”) (emphasis added). Generally, “[u]se in commerce should be interpreted with flexibility to account for different industry practices” and “even sales made in a test marketing program will probably suffice as a bona fide use of the mark in the ordinary course of trade because test market sales are a common harbinger of a proposed new product launch.” *Automedx*, 95

U.S.P.Q. 2d 1976. “[T]he definition should be interpreted with flexibility so as to encompass various genuine, but less traditional, trademark uses, such as those made in test markets, infrequent sales of large or expensive items, or ongoing shipments of a new drug to clinical investigators by a company awaiting FDA approval, and to preserve ownership rights in a mark if, absent an intent to abandon, use of a mark is interrupted due to special circumstances.” *Id.* at *6 (quoting Senate Judiciary Committee Report No. 100-515, P. 44-45 (September 15, 1988)). *See also supra*, Section V.A; *Int’l Mobile Machines Corp.*, 800 F.2d at 1120-21; *Standard Pressed Steel Co.*, 183 U.S.P.Q. 758.

Furthermore, advertising and promotions that allow the public to identify and distinguish the trademarked goods can constitute a “use in commerce.” *See New West Corp. v. NYM Co. of Cal.*, 595 F.2d 1194, 1200 (9th Cir. 1979) (promotional mailing along with solicitation of potential distributors constituted “public identification” of the mark and therefore constituted a use in commerce); *Rearden*, 683 F.3d at 1205; *Grey Matter Medical Prods., LLC v. Schreiner Grp. Ltd. P’ship*, No. C13-5861 BHS, 2015 WL 106199, at *3 (W.D. Wash. Jan. 7, 2015) (the plaintiff’s evidence of “market research in 2004-2005, one sales pitch in 2005, disclosures to manufacturers of prototypes, and FDA approval activities” was sufficient to “create questions of fact” regarding its alleged abandonment of the mark).

2. Aucera Did Not Discontinue Trademark Use

Here, Petitioner claims that there are periods of Aucera’s non-use of the marks based on a lack of documentary evidence. Mot. at 11-13. However, Aucera has presented evidence of shipments and sales of watches, jewelry, and pens bearing Aucera’s BENTLEY Mark to various individuals and entities in the U.S. for purposes of establishing customers and channels of distribution for products bearing Aucera’s BENTLEY Mark, as well as sales made as a result of

these efforts.⁶¹ In addition to the initial shipments to Mr. Huang, Little Bug, World of Wonder, Mr. Tsai, and Ms. Ma from 1995 to 2008, sales made to Mr. Tsai in 1996, and shipments of watches to for display in U.S. jewelry stores in 2006, Aucera has shipped its watches, jewelry, and pens bearing Aucera's BENTLEY Mark to its sales and marketing consultant, Robert Bonnem, starting in June 2014.⁶² Some of these products were for Mr. Bonnem to use to promote the product lines and develop distributors, while others were intended to compensate Mr. Bonnem for the time he was investing in Aucera's U.S. marketing and distribution efforts.⁶³ In addition, Aucera has continuously advertised and promoted products bearing Aucera's BENTLEY Mark to U.S. retailers and consumers.⁶⁴

Aucera's evidence demonstrates that Aucera has been making good faith efforts to establish purchasers and distribution channels for products bearing Aucera's BENTLEY Mark in the U.S. since the 1990s, has made a number of shipments and sales of product into the U.S., including as recently as 2015 for purposes of compensating its partners and of exploring potential distribution channels in the U.S., and that sales were made to U.S. consumers as a result of Aucera's efforts.⁶⁵ The fact that Aucera has not yet had widespread success in making additional sales does not prove that it has abandoned Aucera's BENTLEY Mark in light of its sales and shipments of products bearing the mark into the U.S. and prominent advertising and

⁶¹ Cheng Decl. ¶¶ 12-19 & Exs. 1-4; *see also* Golinveaux Decl. ¶ 3 & Ex. 2 at Interrogatory Nos. 48-49, 52-53, and 56-57, contending that Aucera has continuously used Aucera's BENTLEY Mark for watches in the U.S. from 1995 through the present, and Aucera's BENTLEY Mark for pens and jewelry in the U.S. from 1997 through the present, by transporting these products to the U.S. and promoting them to potential U.S. customers and distributors.

⁶² *Id.*

⁶³ Cheng Decl. ¶ 18.

⁶⁴ Cheng Decl. ¶¶ 20-25, 27 & Exs. 5-7.

⁶⁵ *Id.* ¶¶ 12-19 & Exs. 1-4.

promotion of the products in the U.S.⁶⁶ Furthermore, Aucera's BENTLEY-branded watches are luxury items currently offered for sale for between \$1,150 and \$4,300.⁶⁷ In this competitive market for expensive luxury products, smaller and more infrequent uses in commerce are sufficient to sustain a mark against a claim of abandonment. *See, e.g., Automedx*, 95 U.S.P.Q. 2d 1976. All of the uses summarized here and set forth in detail in the unrebutted Cheng Declaration are sufficient to constitute "uses in commerce" and avoid abandonment. *Electro Source*, 458 F.3d at 936.

The cases cited by Petitioner from thirty and forty years ago, Mot. at 5 n.4 & 8-9, are distinguishable here. In *Jean Patou*, the court found that the low number of sales evidenced the defendant's desire to merely reserve the mark for potential use on perfume in the future and prevent the plaintiff (a more successor seller of perfume abroad) from importing its perfume into the U.S. 495 F.2d at 1274 ("[t]he twenty year period of inaction by defendant persuades us that any use it made of the SNOB mark was purely defensive ..."); *see also Exxon Corp. v. Humble Exploration Co., Inc.*, 695 F.2d 96, 100-01 (5th Cir. 1983) (finding that Exxon's failure to sell any products that used the HUMBLE mark to identify its source evidenced its desire to merely prevent others from using the mark). Here, Aucera has set forth unrebutted evidence demonstrating that the sales, shipments, and advertisements of watches, jewelry, and pens bearing Aucera's BENTLEY Mark were good faith attempts to establish sales and distribution channels in the U.S. and not defensive attempts to reserve the mark for later use or keep a competitor at bay.⁶⁸ *See Allard*, 146 F.3d at 359 (finding that the defendants' use of the mark "on at least one fax, on at least one resume, and in numerous other solicitations" was sufficient to

⁶⁶ *Id.*; *see also* Cheng Decl. ¶¶ 20-25, 27 & Exs. 5-7.

⁶⁷ Cheng Decl. ¶ 21 & Ex. 5.

⁶⁸ Cheng Decl. ¶¶ 12-19 & Exs. 1-4.

constitute use in commerce establishing priority because the defendants were not engaged in “disingenuous uses of a trademark, or mere attempt to reserve the APR mark for later utilization.”).

C. Aucera Has Rebutted Any Presumption of Non-Use

Even if Petitioner had come forward with sufficient evidence to establish a *prima facie* case of non-use, Aucera has rebutted the presumption by showing continued uses in commerce and by showing lack of intent to abandon the marks.⁶⁹ Furthermore, Aucera has presented evidence of its continued substantial efforts to break into the U.S. market, evidencing its lack of intent to abandon the marks.⁷⁰ The discovery responses, documentary evidence, and unrebutted declaration from Aucera’s President is more than sufficient to rebut this presumption for purposes of defeating a summary judgment motion. *See Bizar v. Dee*, 618 Fed. App’x 913, 917 (9th Cir. 2015) (“[b]ecause Bizar stated in his affidavits that he continuously used the trademark and never intended to abandon it, summary judgment on these claims was inappropriate”); *accord Becker v. Williams*, 777 F.3d 1035, 1041 (9th Cir. 2015) (“Summary judgment is notoriously inappropriate for determination of claims in which issues of intent, good faith and other subjective feelings play dominant roles.”); *Nature’s Path Foods Inc. v. Mary’s Gone Crackers, Inc.*, Cancellation No. 92059388, 2015 WL 9702638, at *3 (TTAB Dec. 29, 2015) (“Even where a three-year statutory period of nonuse of a mark is established, the Board may consider evidence and testimony regarding a defendant’s practices that occurred before or after the three-year statutory period to infer the defendant’s intent to resume use during the nonuse period.”) (nonprecedential) (copy attached).

⁶⁹ *See supra*, Section V.B; *see also* Cheng Decl. ¶ 31.

⁷⁰ *Id.*

D. Petitioner’s Claim That Aucera Attempted to Create a “Paper Trail” of Sales Is False, Based on Inadmissible Evidence, and Does Not Create A Genuine Issue of Material Fact

Petitioner spends a few pages at the end of its Motion arguing that certain documents produced by Aucera should not be given weight. Mot. at 14-16. Petitioner focuses on an email from a former low-level employee of a company that Aucera hired to promote its products asking a third party distributor to help it provide evidence of trademark use. Mot. at 14.⁷¹ As a preliminary matter, the declaration submitted by Petitioner purportedly setting out this third party individual’s “scheme” constitutes inadmissible evidence that must be disregarded. Sparkman Decl., Ex. 25 (declaration of CFO of ResultCo) at ¶ 3. Specifically, the declaration states that a *different* ResultCo employee was contacted by an individual named Lucius Russell Chen and purports to set forth the conversation between the employee and Mr. Chen and attaches an unauthenticated email in which the declarant was neither the sender or receiver. *Id.* at Ex. B. Aucera objects to this “evidence” as inadmissible hearsay and unauthenticated evidence pursuant to California Evidence Code §§ 1200, 1400, and 1401, which should be disregarded. Furthermore, Aucera has provided evidence that Lucius Russell Chen was not associated with Aucera, nor did Aucera ever instruct him to create any fake paper trail of evidence of use in the U.S.⁷² In any event, in opposing this Motion, Aucera does not rely on any of the evidence identified by Petitioner as “distrustful,” nor does Petitioner even attempt to connect any of these documents to the issues relevant to this Motion. Thus, none of these documents creates a disputed issue of material fact sufficient to satisfy the summary judgment standard.

⁷¹ See also Cheng Decl. ¶ 26; Golinveaux Decl. ¶ 5 & Ex. 4 at Interrogatory No. 67.

⁷² Cheng Decl. ¶ 26; Golinveaux Decl. ¶ 5 & Ex. 4 at Interrogatory No. 67, stating that “Lucius Russell Chen is not employed by Aucera. It is Aucera’s understanding that Lucius Russell Chen is a former employee of Pyxis Enterprise Co., Ltd.”

VI. Conclusion

For all of these reasons, Registrant has come forward with more than sufficient evidence to establish its use in commerce sufficient to support the three registrations at issue. Petitioner's Motion for Summary Judgment should be denied.

Registrant's Cross-Motion for Summary Judgment

Registrant Aucera SA hereby moves this Board for summary judgment pursuant to T.B.M.P. § 528 and Federal Rule of Civil Procedure 56 and requests that the Board enter an order denying Petitioner's petition to cancel the Aucera Watch Registration, the Aucera Jewelry Registration, and the Aucera Pen Registration. Aucera respectfully submits that the records of the U.S. Patent & Trademark Office and the pleadings, along with the discovery responses, documents produced, the unrebutted Cheng Declaration, the Golinveaux Declaration, and the exhibits attached thereto, establish that:

(1) Aucera had a bona fide intent to use the BENTLEY mark on watches and related products as of April 14, 1995, the date of the ITU application, and first used the BENTLEY mark on watches in commerce in May 1995, consistent with the Amendment to Allege Use subsequently filed, and therefore the Aucera Watch Registration is not void *ab initio*;

(2) Aucera first used the BENTLEY mark on jewelry and pens on or prior to the "first use in commerce" date of March 1, 1996 set forth in the applications, and therefore the Aucera Jewelry and Pen Registrations are not void *ab initio*;

(3) Aucera's shipments and sales of watches, jewelry, and pens bearing Aucera's BENTLEY Mark from 1995 to the present, sales of products bearing Aucera's BENTLEY Mark to U.S. consumers, advertisements and promotions of BENTLEY-branded products, and Aucera's continued efforts to establish purchasers and distribution channels in the U.S. for

watches, jewelry, and pens bearing Aucera's BENTLEY Mark constitute uses in commerce establishing that Aucera has not abandoned the rights it established in Aucera's BENTLEY Mark; and

(4) Even if Petitioner were able to make a *prima facie* showing of abandonment, the evidence is sufficient to rebut that presumption.

Dated: May 24, 2016

By: /s/ Jennifer A. Golinveaux

Jennifer A. Golinveaux
WINSTON & STRAWN LLP
101 California Street, 35th Floor
San Francisco, CA 94111-5894
Telephone: 415-591-1000
Facsimile: 415-591-1400
Email: jgolinveaux@winston.com

Diana Hughes Leiden
WINSTON & STRAWN LLP
333 South Grand Avenue
Los Angeles, CA 90071
Telephone: 213-615-1700
Facsimile: 213-615-1750
Email: dhleiden@winston.com

Attorneys for Registrant Aucera SA

CERTIFICATE OF SERVICE

In re: Bentley Motors Limited v. Aucera SA
Cancellation No.: 92060353

I hereby certify that a true and complete copies of:

REGISTRANT'S OPPOSITION TO PETITIONER'S MOTION FOR SUMMARY JUDGMENT AND REGISTRANT'S CROSS-MOTION FOR SUMMARY JUDGMENT

DECLARATION OF CHIA-HSIANG CHENG IN SUPPORT OF REGISTRANT'S OPPOSITION TO PETITIONER'S MOTION FOR SUMMARY JUDGMENT AND REGISTRANT'S CROSS-MOTION FOR SUMMARY JUDGMENT AND EXHIBITS 1-9

DECLARATION OF JENNIFER A. GOLINVEAUX IN SUPPORT OF REGISTRANT'S OPPOSITION TO PETITIONER'S MOTION FOR SUMMARY JUDGMENT AND REGISTRANT'S CROSS-MOTION FOR SUMMARY JUDGMENT AND EXHIBITS 1-9

has been served on:

- (1) Petitioner's counsel of record, Jessica Bromall Sparkman, by mailing said copy on May 24, 2016 via Federal Express to:

JEFFER MANGELS BUTLER & MITCHELL LLP
1900 AVENUE OF THE STARS, SEVENTH FLOOR
LOS ANGELES, CA 90067

Executed: May 24, 2016

By: /s/ Diana Hughes Leiden
Diana Hughes Leiden

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

In the matter of trademark Registration No.: 2007286, 2096184, 2096186
For the mark: BENTLEY

BENTLEY MOTORS LIMITED,

Petitioner,

v.

AUCERA SA,

Registrant.

Cancellation No.: 92060353

**DECLARATION OF CHIA-HSIANG CHENG IN SUPPORT OF REGISTRANT'S
OPPOSITION TO PETITIONER'S MOTION FOR SUMMARY JUDGMENT AND
REGISTRANT'S CROSS-MOTION FOR SUMMARY JUDGMENT**

I, Chia-Hsiang Cheng, declare as follows:

1. I am the President of Aucera SA ("Aucera"), a public limited Swiss company based in La Chaux-de-Fonds, Switzerland. I make this declaration in support of Aucera's Opposition to Petitioner's Motion for Summary Judgment and Aucera's Cross-Motion for Summary Judgment. I have personal knowledge of the matters set forth herein, and if called upon as a witness I could competently testify thereto.

I. Longstanding Use of Registrant's BENTLEY Mark for Watches and Related Products by Registrant and Its Predecessor

2. Aucera's BENTLEY mark has a longstanding international history of use in connection with watches and related products. The predecessor in interest to Aucera's BENTLEY mark for watches and related products was a company based in La Chaux-de-Fonds, Switzerland. La Chaux-de-Fonds is known as the birthplace of modern watchmaking. From

1948 until the mid-1990s, Aucera's predecessor in interest manufactured and sold watches and related products under the BENTLEY mark.

3. I first became involved in the watch business in the late 1980s. I started in 1989 as a product manager of Aucera Technology Corporation. My business plan was to manufacture and sell high-tech ceramic watches and related products in a number of countries, including the U.S. In 1995, I started a related entity, Aucera SA.

4. In 1995, I was looking for a new brand for a high-end line of watches and related products to be offered by Aucera. At BaselWorld, an international trade show in Switzerland attended by international watch and jewelry brands, distributors, and retailers, I was introduced to an individual with connections in the watch business in Switzerland. His company, DDL S.A. Horlogerie, had acquired the worldwide rights to the BENTLEY mark for watches and related products. In January 1996, DDL S.A. Horlogerie assigned to Aucera the worldwide rights in and to the BENTLEY mark for watches and related products, including International Registration No. 137390 and Swiss Registration No. 360572.

5. Currently, I own the registrations for the mark BENTLEY for watches and related goods in more than 75 countries around the world, including the United States, China, Taiwan, Singapore, Hong Kong, Philippines, Malaysia, Indonesia, Vietnam, Brunei, Laos, Kuwait, Saudi Arabia, India, South Africa, Finland, Russia, Cuba, Poland, and Macau ("Aucera's BENTLEY Mark").

6. Aucera sells watches, jewelry, and pens bearing Aucera's BENTLEY Mark in BENTLEY-branded boutiques and department stores in China. Aucera's BENTLEY-branded products are also sold in jewelry stores in the Middle East, Taiwan, Germany, France,

Switzerland, Russia, Mongolia, Hong Kong, Macau, Singapore, Malaysia, and Indonesia.

Aucera receives hundreds of thousands of dollars in revenue from these sales each year.

7. At the time that I acquired international rights for the BENTLEY mark for watches and related products, I also planned to begin selling watches, jewelry, and pens bearing Aucera's BENTLEY Mark to U.S. customers online and in retail stores.

II. Registration of Aucera's BENTLEY Trademarks in the United States

8. As part of my plan to sell BENTLEY-branded watches and related products in the U.S., on April 14, 1995, I had an intent-to-use U.S. application for the BENTLEY Mark filed on behalf of Aucera for watches, watch bands, watch chains, and watchcases, Application Serial No. 74661347. On February 28, 1996, Aucera filed an Amendment to Allege Use, stating that the mark had been used in U.S. commerce on watches and related products at least as early as May 15, 1995.

9. On October 18, 1996, I had use-based U.S. applications filed on behalf of Aucera for the BENTLEY mark on jewelry and pens, Application Serial Nos. 75183918 and 75183921, respectively, claiming first use in U.S. commerce on jewelry and pens on March 1, 1996.

10. Application Serial No. 74661347 for watches and related products registered on the Supplemental Register on October 8, 1996 (Registration No. 2,007,286) and Application Serial Nos. 75183918 and 75183921 for jewelry and pens registered on the Supplemental Register on September 9, 1997 (Registration Nos. 2,096,184 and 2,096,186, respectively).

11. Aucera has not filed numerous "intent-to-use" applications for the BENTLEY mark for watches and related products.

III. Sales and Shipments of Products Bearing Aucera's BENTLEY Mark

12. Since the mid-1990s, I have shipped watches, jewelry, and pens bearing Aucera's BENTLEY Mark to a number of recipients in the U.S., as further described below. These products were manufactured in Taiwan by Aucera's affiliated company, Aucera Technology Corporation.

13. In May 1995, I shipped five watches and five pieces of jewelry bearing Aucera's BENTLEY Mark to Paul Huang in Queens, New York. Mr. Huang was working with Aucera to identify potential purchasers and U.S. distributors for Aucera's products. In March 1996, I shipped five pens bearing Aucera's BENTLEY Mark to Mr. Huang. While I had the documentation for these shipments in my files in the 1990s, they have not been retained in the intervening decades.

14. Beginning in 1996, I also shipped watches bearing Aucera's BENTLEY Mark to two companies in Illinois, World of Wonder, Inc. ("World of Wonder") and Little Bug, Inc. ("Little Bug"), that were working with Aucera to promote Aucera's BENTLEY-branded products in the U.S. and to identify purchasers and distributors. From 1996 to 2001, I shipped approximately 12 watches bearing Aucera's BENTLEY Mark to the principals of World of Wonder and Little Bug, Jack Tsai and Helen Wu, in Illinois and Georgia, including shipments on the following dates: November 5, 1996, November 27, 1996, and September 8, 2001. Aucera sold Mr. Tsai an additional at least two watches and four pens bearing Aucera's BENTLEY Mark on August 27, 1996. Attached hereto as **Exhibit 1** are true and correct copies of documents associated with the shipments and sales to Mr. Tsai and Ms. Wu. I discovered certain of these documents recently while reviewing the historical files of Aucera Technology Corporation, the affiliated company of Aucera SA.

15. Mr. Tsai then made sales of approximately eight watches and seven pairs of sunglasses to U.S. consumers in late 1996 and early 1997. Attached hereto as **Exhibit 2** are true and correct copies of documents evidencing certain of these sales that I have been able to locate. I discovered these documents recently while reviewing the historical files of Aucera Technology Corporation. Mr. Tsai and Ms. Wu continued to explore potential U.S. purchasers and distributors for Aucera's BENTLEY-branded products.

16. In approximately 2006, I provided additional inventory of watches bearing Aucera's BENTLEY Mark to an individual named Yenchi Chen with connections to several jewelry stores in the U.S., where the watches were displayed for sale.

17. In early 2008, I shipped approximately 10 watches bearing Aucera's BENTLEY Mark to another individual, Mag Ma, in New Jersey. I shipped Ms. Ma approximately five watches on January 30, 2008, and approximately another five watches on April 19, 2008. During this period, Aucera was licensed to manufacture and sell watches in Taiwan bearing the trademarks of the New York Yankees. Ms. Ma became acquainted with Aucera's business in Taiwan and was involved in sports management. After being impressed with Aucera's business activities in Taiwan, she worked with Aucera to identify opportunities to sell BENTLEY-branded watches at baseball stadiums in New York. Attached hereto as **Exhibit 3** are true and correct copies of shipping documents associated with these shipments.

18. Beginning in June 2014, I shipped a number of watches, jewelry, and pens bearing Aucera's BENTLEY Mark to an individual, Robert Bonnem. Mr. Bonnem has been working to establish marketing and sales channels for products bearing Aucera's BENTLEY Mark in the U.S. I shipped Mr. Bonnem five watches on June 17, 2014; one watch on June 25,

2014; five watches, 10 pieces of jewelry, and five pens on October 15, 2014; and one watch on February 14, 2015. Some of these products were for Mr. Bonnem to use to promote the product lines and develop distributors, and some of these products were intended to compensate Mr. Bonnem for the time he was investing in Aucera's U.S. marketing and distribution efforts. Attached hereto as **Exhibit 4** are true and correct copies of the FedEx documents associated with these shipments.

19. The shipments detailed above were made for the purpose of identifying and establishing U.S. purchasers and distributors for products bearing Aucera's BENTLEY Mark. I also wanted to determine whether the products would sell in the United States before I invested substantial sums in Aucera's U.S. operations.

IV. Aucera's Marketing Efforts in the United States

20. Aucera has marketed and promoted products bearing Aucera's BENTLEY Mark in the U.S. in several different ways. First, Aucera has promoted BENTLEY-branded products online, including on a website dedicated to these products located at www.bentleyluxury.com (the "Bentley Luxury Website"). The Bentley Luxury Website, which has been operated since at least as early as 2011 by Pyxis Enterprise Co., Ltd. ("Pyxis"), Aucera's licensee for marketing and promotional efforts in the U.S., features promotional articles, images, and videos of watches, jewelry, and pens bearing Aucera's BENTLEY Mark that are currently for sale, details the history of the BENTLEY brand, and lists North American retailers where products bearing Aucera's BENTLEY Mark are available: ResultCo ("ResultCo") in West Bloomfield, Michigan and Blount Jewels, Inc. ("Blount Jewels") in Silver Spring, Maryland.

21. Aucera's BENTLEY-branded products are also offered for sale on Blount Jewels' website (www.blountjewels.com), which has offered for sale watches bearing Aucera's BENTLEY Mark in addition to other luxury watch brands. True and correct copies of screenshots from the Blount Jewels website showing watches bearing Aucera's BENTLEY Mark for sale are attached as **Exhibit 5**. Watches bearing Aucera's BENTLEY Mark are offered for between \$1,150 and \$4,300 on this website, and U.S. consumers are able to purchase watches on this site.

22. Aucera also has a Facebook page for its Bentley-branded products, which currently has more than 575,000 fans (www.facebook.com/BENTLEYLUXURY or "Aucera's Bentley Facebook Page"). Aucera's Bentley Facebook Page features stylized advertisements for watches, jewelry, and pens bearing Aucera's BENTLEY Mark and directs potential customers to the Bentley Luxury Website. On this page, which has been operated by Pyxis on Aucera's behalf since 2012, Pyxis communicates directly with potential customers by responding to price inquiries and questions about where the products are available, as well as directing all visitors to the Bentley Luxury Website and the email address info@bentleyluxury.com. True and correct copies of screenshots from this Facebook page are attached as **Exhibit 6**.

23. Aucera has also promoted BENTLEY-branded products in print advertisements and promotional brochures distributed to potential sellers of products bearing Aucera's BENTLEY Mark in the U.S.

24. Starting in 2006, at my direction, Aucera created promotional brochures advertising watches, pens, and jewelry bearing Aucera's BENTLEY Mark. I sent these advertisements along with the products to associates and potential distributors in the U.S.,

including Little Bug, so that they could display them in stores and distribute them to potential purchasers.

25. In 2014, Aucera placed print advertisements in newspapers for watches, sunglasses, and pens bearing Aucera's BENTLEY Mark, including in the Birmingham Eccentric. True and correct copies of this advertisement are attached as **Exhibit 7**.

26. It is my understanding that Lucius Chen is a former employee of Pyxis. Aucera has never had a contract with Lucius Chen. Aucera did not authorize Mr. Chen to contact ResultCo or anyone else for the purpose of creating a false paper trail of sales of products bearing the Aucera Mark in the United States.

V. Aucera's Continuing Efforts to Develop Distribution Channels in the United States

27. In my continuing efforts to develop marketing channels and expand sales of products bearing Aucera's BENTLEY Mark in the U.S., Pyxis attends prominent industry trade shows on behalf of Aucera, where it displays Aucera's BENTLEY-branded watches, and networks with potential distributors, sellers, and customers. Pyxis has attended the BaselWorld international watch and jewelry trade show every year since 2010 and attended the JCK watch and jewelry trade fair in Las Vegas in 2010, and promoted Aucera's BENTLEY-branded watches at each of these trade shows. BaselWorld is an international trade show for watches and jewelry that attracts nearly 100,000 visitors each year, and JCK is the leading jewelry trade show in the U.S. These trade shows are attended by some of the most well-known international watch and jewelry brands, as well as distributors and retailers. True and correct copies of floor maps and catalogs from BaselWorld, featuring Aucera's products, and photographs of Aucera's presence at the JCK fair in 2010 are attached as **Exhibit 8**.

28. In June 2014, I began working with Robert Bonnem, who resides in Florida and has a strong background in luxury watches and jewelry. Mr. Bonnem is a sales and marketing consultant who has been working to further establish customers, marketing, and sales channels for products bearing Aucera's BENTLEY Mark in the U.S., including both online and brick-and-mortar retail stores. Mr. Bonnem also advises Aucera on product design and marketing.

29. I have shipped products bearing Aucera's BENTLEY Mark to Mr. Bonnem, as detailed in Paragraph 16 above. Some of these products were for Mr. Bonnem to use to promote the product lines and develop distributors, and some of these products were intended to compensate Mr. Bonnem for the time he was investing in Aucera's U.S. marketing and distribution efforts.

30. Mr. Bonnem has contacted a number of potential distributors, and he continues to meet with companies and individuals in order to establish relationships with potential retailers and distributors of products bearing Aucera's BENTLEY Mark. True and correct copies of emails between Mr. Bonnem and Norm Kushner, copying me, discussing the possibility of selling BENTLEY-branded products on Amazon, are attached as **Exhibit 9**.

31. I have never intended to abandon use of Aucera's BENTLEY Mark on watches, jewelry, or pens in the U.S. To the contrary, over the past three years I have spent considerable time designing and developing new and unique watches and related products that I believe will attract U.S. purchasers, distributors, and retailers. I intend to continue my efforts to establish both online and brick-and-mortar distributors of watches, pens, and jewelry bearing Aucera's BENTLEY Mark in the U.S., including by increasing Aucera's web presence in the U.S., sending Pyxis to attend additional U.S. watch and jewelry trade shows, and continuing Aucera's relationship with Mr. Bonnem.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 24th day of May, 2016 in Taipei, TAIWAN.


Chia-Hsiang Cheng

EXHIBIT 1

1 From (please print and press hard)

Date 09/08/01 Sender's FedEx Account Number _____ VERY IMPORTANT

Sender's Name Chia-hsiang, CHENG Phone 02-2827-3585

Company AUCERA S.A.

Address No. 8. Lane 2 4th Fl.

Address Rong-hwa 1st Rd Dept/Floor

City Taipei State/Province TAIWAN

Country R.O.C. ZIP/Postal Code 112

2 Your Internal Billing Reference Information (Optional) (First 24 characters will appear on invoice)

3 To (please print and press hard)

Recipient's Name Helen, WU Phone 770-751-0011 VERY IMPORTANT

Company Worldwide Freight System, Inc.

Address Suite 403 Dept/Floor

Address 4080 MCGINNIS FERRY RD

City ALPHARETTA State/Province GA

Country U.S.A. ZIP/Postal Code 30005

Recipient's I.D. number for Customs purposes (e.g. IN/VAT/EIN or as locally required)

For HOLD at FedEx Location tick here For Saturday Delivery tick here (Extra charge may apply. Not available at all locations.)

4 Shipment Information

ALL shipments can be subject to Customs charges.*

Total Packages (Shipper's Load and Count/SLAC) 1 Total Weight 0.1 lbs. kgs. DIM Weight lbs. kgs.

Commodity Description	Harmonised Code	Country of Manufacture	Value for Customs
<u>BENTLEY Watches</u>		<u>Swiss</u>	<u>60</u>

Total Declared Value For Carriage _____ Specify Currency _____ Total Value For Customs _____

*For Harmonised Code #'s over U.S. \$2,500 or those which require U.S. Dept. of Commerce validated Export Licenses, attach a validated Shipper's Export Declaration form and tick here. If filing by SEC 30.39 FTSR, no SED required, however, fill in CAS or SAS.

For U.S. Export Use Only

FedEx Tracking Number **8295 6711 4140** Form I.D. No. **0402**

5 Broker Selection FedEx International Broker Select (Not available to all destinations)

Broker's Name _____

City/Country _____

ZIP/Postal Code _____ Phone _____ VERY IMPORTANT

6 Service Not all services available to all destinations

FedEx Intl. First (Postal code required) (Higher rates apply) FedEx Intl. Priority DESCRIPTION _____

FedEx Intl. Economy (FedEx Letter/Envelope/Pak rate not available) FedEx Intl. Priority Freight FedEx Intl. Economy Freight

7 Packaging FedEx Letter/Envelope FedEx Pak Other Packaging

8 Special Handling Not all options available to all destinations

Does this shipment contain dangerous goods? (One box must be ticked) No Yes (As per attached Shipper's Declaration) Yes (Shipper's Declaration not required)

Tick here if goods are not in free circulation and provide C.I. (For EU only)

DESCRIPTION _____

Cargo Aircraft Only Dry Ice (Dry Ice, 9, UN 1845) _____ kg

9a Payment - TRANSPORTATION CHARGES PAID BY: (Enter FedEx Account No. or Credit Card No. below) Sender must complete both 9a and 9b

Sender Recipient Third Party Credit Card Cash/Cheque

FedEx Account No. _____ Exp. Date _____

Credit Card No. _____

9b Payment - DUTIES AND TAXES PAID BY: *FedEx cannot estimate Customs charges

Sender Recipient Third Party

FedEx Account No. _____

Total Transportation (Excluding Customs charges) 76.2

10 Required Signature

By giving us your shipment, you agree to the conditions on the back of this Non-Negotiable Air Waybill. Certain international treaties, including the Warsaw Convention, may apply to this shipment and limit our liability for damage, loss or delay, as described in the Conditions of Contract.

WARNING: These commodities, technology or software were exported from the United States in accordance with the Export Administration Regulations. Diversion contrary to U.S. Law prohibited.

Sender's Signature: Chia-hsiang Cheng Date: 09/08/01

This is not authorization to deliver this shipment without a recipient signature. Use of this Air Waybill constitutes your agreement to the Conditions of Contract on the back of this Air Waybill. The terms and conditions of service may vary from country to country. Consult our local office for specific information.

FedEx Courier Receipt: 202LTP Date: 9/8

(For Letter of Credit shipments only)

FedEx Tracking Number **8295 6711 4140** Form I.D. No. **0402**

FedEx International Air Waybill
Queen's English

Refer to the back of the Destination Station copy of this Air Waybill for completion instructions and a detailed description of above services.

Non-Negotiable International Air Waybill • ©1994-98 Federal Express Corporation

SENDER'S COPY

RETAIN THIS COPY FOR YOUR RECORDS

International Air Waybill

FedEx Federal Express

327

PART 152345 • Rev. Date 3/98
©1994-98 FedEx
PRINTED IN U.S.A.

SFC 01



Wonder Baby, Inc.
萬濠實業有限公司

9/7/01

Tu =

.WORLDWIDE FREICHT SYSTEM, INC.
4080 MCGINNIS FERRY ROAD
SUITE 403
ALPHARETTA, GA 30005
ATTN : HELEN WU
(TEL) 770-751-0011 ; (FAX) 770-751-8788

From Jack Tsu

台北市民生東路5段165號5樓之6(海華廣場) E-mail : w7688@23.hinet.net
5F1-6, NO.165 Sec 5, Min Sheng E. Rd., Taipei Taiwan

Tel: 886-2-27567676
Fax: 886-2-27617341

243



A.L. FASE & CO. Custom Brokers

(847) 671-0821 FAX (847) 671-0822

4849 No. Scott Street Suite 116 Schiller Park, IL 60176

CHB License #50

WORLD OF WONDER, INC.
1785 W. CORTLAND CT.
STE H
ADDISON IL 60101

53976 11/05/96
WORWO -00475150 04751
CUSTOMER NO ENTRY NO OUR RECEIPT NO
US MAIL
CARRIED POST
WATCHES
MERCHANDISE YOUR REFERENCE NO

We act as your agents for Customs purposes only, pursuant to the Rules & Regulations of the U. S. Treasury Department Bureau of Customs. In all other respects, we act as independent contractors in accordance with all the Terms & Conditions set forth on the reverse side of this invoice.

HAWB:

U.S. CUSTOMS DUTY DEPOSIT	108.0
PREPARATION & FILING OF CUSTOMS ENTRY	85.0

IMPORTANT

Do not dispose of any part of a shipment until you have received ALL packages held for Customs examination. If you are unable to redeliver to Customs on demand, severe penalties may result.

You must furnish missing documents within six months or in such time as prescribed by Customs regulations to avoid penalties.

Duty is accepted as a deposit subject to the change upon liquidation based on the report of appraisers. In case of change, either a refund or an increase, you will be notified. You are the importer of record, payment to the broker will not relieve you of liability for Customs charges (duties, taxes, or other duties owned Customs) in the event the charges are not paid by the broker. Therefore, if you pay by check, Customs charges may be paid with a separate check payable to the "U.S. Customs Service" which shall be delivered to Customs by the broker. You may also choose to pay electronically under (ACH) Automated Clearing House. Ask us for details.

A.L. FASE & CO. has a policy against payment solicitation or receipt of any rebate, directly or indirectly, which would be unlawful under the United States Shipping Act, 1916 as amended.

PLEASE REMIT PAYMENT TO:
A.L. Fase & Co.
P.O. BOX-479
Elmhurst, IL 60126

If paid within 30 days pay. 193.0

DUTY, FREIGHT, AND STORAGE ARE STRICTLY NET CASH ITEMS.

THANK YOU FOR USING OUR SERVICE PAYABLE UPON PRESENTATION

TOTAL 195.0

ALL PAST DUE ACCOUNTS ARE SUBJECT TO 1 1/2 % FINANCE CHARGE PER MONTH.

CUSTOMER COPY

AUCERA000126

7/3



INVOICE DETAIL

WORLD OF WONDER INC
1785 CORTLAND COURT
ADDISON, IL 60101

ACCOUNT NO: NDNK PAGE: 3 OF 4
DATE: 07/06/96
INVOICE NUMBER: 1-923-37213

SHIPMENT NUMBERS	SENDER NAME AND ADDRESS	RECIPIENT	SERVICES	ITEMS WEIGHT	CHARGES	USD ACCOUNT
49003149316 TPE-PWK 14432 00013	JERRY S. YEH WORLD OF WONDER TECHNOLOGY CO., LTD 1-3 HOU CHUANG, DA PA LI PA TEN CITY TN ENTRY DATE: 15 OCT 96 SENT: 15 OCT 96	MR. JACK TSAI WORLD OF WONDER INC 1785 CORTLAND COURT ADDISON IL US 60101 DELIVERED: 16 OCT 96, 10:13 SIGNED: J. TSAI AS: 16 OCT 96, 17:51 DESCRIPTION ON LAST PAGE	INT. PRIORITY DUTIES/TAXES ADV D/T FEE		95.00 USD 1.00 USD NET DUE:	96.00 5.00 39.00
					NET DUE:	
INVOICE TOTAL						99.00

FedEx 10-1280 4-95

12/6/96 / 11/30/96 寄票日

PPP000856P

961100060P

BENTLEY

1948
La Chaux-de-Fonds

00316

Invoice Nr. : 96-00102

World of Wonder Inc.
Attn. Mr. Jack Tsai
1785 Cortland Court
Addison, IL 60101
USA

Customer Nr. 10000
Customer ref.
Date 27.08.96
Packing Nr ASP9600102
Page 1

Item	Description	Quantity	Unit	Total
1	"BENTLEY" Gents Watch (980GSH)	3	\$850.00	\$2550.00
2	"BENTLEY" Ladies Watch (980LSH)	3	\$850.00	\$2550.00
3	Chery Box	1	\$450	\$450.00

GENERAL TOTAL US \$ 5550.00

SAY : U.S. Dollar five thousand five hundred fifty only

Payment terms : Net 30 days
Packing : standard
Ship via : by postal service

Aucera SA
Rue de la Gare 20
CH-2525 Le Landeron
Tél. : ++ 41 32 51 53 48
Fax : ++ 41 32 51 60 41
Banque Cantonale Neuchâtelaise
Account # : C 125444.04

Aucera SA

Authorized signature

L'EXPORTATEUR DES PRODUITS COUVERTS PAR LE PRESENT DOCUMENT
(AUTORISATION DOUANIERE N° 2151/1994) DECLARE QUE SAUF INDICATION
CLAIRE DU CONTRAIRE, CES PRODUITS ONT L'ORIGINE PREFERENTIELLE SUISSE.

LE LANDERON, LE 27.08.96

C. Strahm

AUCERA000128

BENTLEY

1948

La Chaux-de-Fonds

Invoice Nr. : 96-00103

World of Wonder Inc.
Attn. Mr. Jack Tsai
1788 Cortland Court
Addison, IL 60101
USA

Customer Nr. 10009
Customer ref.
Date 27.08.96
Packing Nr ASP9000103
Page 1

Item	Description	Quantity	Unit	Total
1	"BENTLEY" Pens (DS001)	4	\$25.00	\$100.00
2	"BENTLEY" Sunglasses (DS002)	4	\$55.00	\$220.00
3	"BENTLEY" Perfums (DS003)	4	\$65.00	\$260.00

GENERAL TOTAL US \$ 580.00

SAY : U.S. Dollar five hundred eighty only.

Payment terms : Net 30 days
Packing : standard
Ship via : by postal service

aucera sa
Rue de la Gare 20
CH-2825 Le Landeron
Tél. : ++ 41 38 51 55 48
Fax : ++ 41 38 51 66 41
Banque Cantonale Neuchâtelaise
Account # : C 185444.04

aucera sa

Authorized signature

L'EXPORTATEUR DES PRODUITS COUVERTS PAR LE PRESENT DOCUMENT
(AUTORISATION DOUANIERE N° 2161/1994) DECLARE QUE SAUF INDICATION
CLAIRE DU CONTRAIRE, CES PRODUITS ONT L'ORIGINE PREFERENTIELLE SUISSE.

LE LANDERON, LE 27.08.96

C. Strahm

AUCERA000129

EXHIBIT 2

證明

World of Wonder, Inc.

INVOICE

1785 H Cortland Court
Addison, IL 60101
Tel: (708) 261-9618 • Fax: (708) 261-1861

Date: 01/12 '96 Inv. No: 547
Due Date: 04/11 '96 Page No: 1

BILL TO:

TOP WU COMPUTERS
827 S. Rt.53
ADDISON, ILL. 60101

SHIP TO: SAME

SHIP VIA	FOB	TERMS	YOUR#	OUR#	SALES REP
PICK-UP	ADDISON, ILL.	NET 90 DAYS		1011	J.T.

Description	Ordered	Shipped	Unit Price	Extended Price
Item Number	Unit Measure	Backordered	Item Discount	
BENTLEY WATCH MODEL: Dia Leopard SWISS MADE	2 PC	2 PC	1,000.00	2,000.00

*paid 12/18 '96
CHK# 5398
amount \$ 2000.⁰⁰*

SUB TOTAL	2,000.00
TAX	
TOTAL	2,000.00
NET TO PAY	2,000.00

EXHIBIT 3

FedEx International Air Waybill

Express

1 From
Date Jan 30, 2008 Sender's FedEx Account Number 22727363-1

Sender's Name Aucera SA Phone +41-32-813-1183

Company Aucera SA

Address Avenue Leopold Robert 76

Address 17 rue de la Chapelle, Chaux-de-Fonds

City La Chaux-de-Fonds State/Province Case

Country Switzerland Postal Code 2600

2 To Recipient's Name MAG NIA Phone (428) 905-7869

Company JAS-SHORTS INC

Address APT # 1212

Address 35 River South

City Jersey State/Province N.J.

Country USA ZIP Postal Code 07310

Recipient's Tax ID number for Customs purposes (e.g. INAVTRN) as locally required CAGE

3 Shipment Information
Total Packages 1 Total Weight 0.012 FW3 1 W / H CRD

Community Description	Harmonized Code	Country of Manufacture	Value for Customs
<u>Bentley Watches</u>		<u>71WN</u>	<u>US 300</u> <u>750</u>
Total Declared Value for Carriage	Specify Currency	Total Value for Customs	
		<u>US 300</u> <u>750</u>	

FedEx Tracking Number 8569 9086 0612 Form ID No 0403 **Origin Copy**

4 Service
 FedEx Intl Priority
 FedEx Intl First
 FedEx Intl Economy
 Packages up to 68 kg
 For packages over 68 kg use the FedEx Quantified Service Intl Air Waybill
 Not all services and options are available to all destinations. Dangerous Goods cannot be shipped using this Air Waybill

5 Packaging
 FedEx Envelope
 FedEx Pak
 FedEx 10kg Box
 FedEx 25kg Box
 Other
 These require brown boxes with strength markings as provided by FedEx for FedEx Intl Priority only

6 Special Handling
 HOLD at FedEx Location
 SATURDAY Delivery
 Available in select locations. Available for FedEx Intl Priority only

7a Payment Bill transportation charges to:
 Sender Acct No in Section 1 will be billed
 Recipient
 Third Party
 Credit Card
 Cash Cheque
 Enter FedEx Acct. No or Credit Card No below
 FedEx Acct No _____
 Credit Card No _____
 Specify Currency _____

7b Payment Bill duties and taxes to:
 Sender Acct No in Section 1 will be billed
 Recipient
 Third Party
 Cash Cheque
 Enter FedEx Acct. No below
 FedEx Acct No _____
 All shipments can be subject to Customs charges which FedEx does not estimate prior to clearance

8 Your Internal Billing Reference

9 Required Signature
 Use of this Air Waybill constitutes your agreement to the Conditions of Contract on the back of this Air Waybill and you represent that this shipment does not contain Dangerous Goods. Certain international treaties, including the Warsaw Convention, may apply to this shipment and limit our liability for damage, loss, or delay, as described in the Conditions of Contract.

Sender's Signature [Signature] Date Executed _____
 This is not authoritative to deliver this shipment without a recipient signature
 Recipient's Signature _____
 Received above shipment in good order and condition. We agree to pay all charges, including Customs duties and taxes, as applicable, and we agree to the Conditions of Contract as stated on the reverse side of the Recipient's Copy

FedEx Tracking Number 8569 9086 0612 0403

Origin Station I D <u>SM70</u>	Destination Station I D <u>US ZC</u>	URSA Routing <u>AI YK</u>	Handling Units Total Volume (cm)
Received At: <input type="checkbox"/> Reg Stop <input type="checkbox"/> De-Coll Stop <input type="checkbox"/> Stop Box <input type="checkbox"/> World Service Center <input type="checkbox"/> Station	Forms Attached <input type="checkbox"/> CI <input type="checkbox"/> SED <input type="checkbox"/> CD	Declared Val. Chrg. <input type="checkbox"/> DDA <input type="checkbox"/> OPA <input type="checkbox"/> Credit Card Auth.	
Ship Charge <input type="checkbox"/> Insur <input type="checkbox"/> Fuel <input type="checkbox"/> Other <input type="checkbox"/> Date _____ Time _____	Date _____ Time _____		

1 From / 寄自 Please print in English. / 請用英文正楷填寫。

Date 日期 04/19/2008 Sender's FedEx Account Number 寄件人之FedEx帳號 234867075

Sender's Name 寄件人姓名 TED CHENG Phone 電話 +1886-2-2873-9120

Company 公司名稱 Cermigel Business Co., Ltd.

Address 地址 3/F, #1-1, Lane 427, SEC. 6.

Address 地址 Chung-shan N. Rd.

City 城市 Taipei State/Province 州/省 TAIWAN

Country 國家 R.O.C. Postal Code 郵遞區號 111

2 To / 寄往

Recipient's Name 收件人姓名 MAG MA Phone 電話 (908) 938-9869

Company 公司名稱 JAS-SPORTS INC.

Address 地址 APT #1212, Dept./Floor 部門/樓層

Address 地址 35 River Drive South

City 城市 Jersey City State/Province 州/省 NJ

Country 國家 U.S.A. ZIP/Postal Code 郵遞區號 07310

Recipient's Tax ID Number for Customs Purposes 收件人之稅籍編號
e.g., GST/RFC/VAT/IN/EIN/ABN, or as locally required. / 例如 GST/RFC/VAT/IN/EIN/ABN 或按當地規定之資料。

3 Shipment Information / 託運物品資料

Total Packages 總件數 1 Total Weight 總重量 0.5 kg DIM 長 / 寬 / 高 cm

Commodity Description - DETAIL REQUIRED 交寄物品之詳細說明	Harmonised Code 海關稅則編碼	Country of Manufacture 原產國	Value for Customs 海關申報值
Example: 1-man's knitted sweater, 100 percent cotton. Bentley Watches COMPLETE IN ENGLISH. 用英文填寫全部文件。		TWN	250
Total Declared Value for Carriage 託運總申報值	Specify Currency 標明貨幣名稱	Total Value for Customs 海關總申報值	

4 Service / 服務

FedEx Intl. Priority FedEx Intl. First Available to select locations. Higher rates apply.

FedEx Intl. Economy FedEx Envelope/Pak rate not available.

5 Packaging / 包裝方式

FedEx Envelope FedEx Pak FedEx Box FedEx Tube

Other FedEx 10kg Box* FedEx 25kg Box*

*These unique brown boxes with special pricing are provided by FedEx for FedEx Intl. Priority only.

6 Special Handling / 特別處理

HOLD at FedEx Location 到站自取, 在此打✓號

SATURDAY Delivery 要求星期六遞送者, 在此打✓號 Available to select locations for FedEx Intl. Priority only.

7a Payment / 付款方式 Bill transportation charges to: / 運費由下列支付:

Enter FedEx Acct. No. or Credit Card No. below.

Sender / 寄件人 Acct. No. in Section 1 will be billed. Recipient 收件人 Third Party 第三者 Credit Card 信用卡 Cash Cheque 現金/支票

FedEx Acct. No. Credit Card No. Credit Card Exp. Date

7b Payment / 付款方式 Bill duties and taxes to: / 關稅和稅金由下列支付:

Enter FedEx Acct. No. below.

Sender / 寄件人 Acct. No. in Section 1 will be billed. Recipient 收件人 Third Party 第三者

FedEx Acct. No.

All shipments may be subject to Customs charges, which FedEx does not estimate prior to clearance.

8 Your Internal Billing Reference First 24 characters will appear on invoice.

OPTIONAL

9 Required Signature / 要求簽名

Use of this Air Waybill constitutes your agreement to the Conditions of Contract on the back of this Air Waybill, and you represent that this shipment does not contain dangerous goods. Certain international treaties, including the Warsaw Convention, may apply to this shipment and limit our liability for damage, loss, or delay, as described in the Conditions of Contract. 使用本空運提單構成貴方同意接受本空運提單背面印之合約條款, 及代表此託運並不危險物品。如合同條款所述, 包括華沙公約在內的某些國際條約適用本貨件及我方對損壞、遺失或延誤所應承擔的責任。

Sender's Signature: *Chia Hsiang*

This is not authorisation to deliver this shipment without a recipient signature. 並未授權無收件人簽收可遞送本貨件。

FedEx Tracking Number 貨件之追蹤號碼 8636 6407 6215

Form ID No. 529 0403

Ship and track packages at fedex.com 於 fedex.com 託運及追蹤貨件

Not all services and options are available to all destinations. Dangerous goods cannot be shipped using this Air Waybill. 並非每項服務和選項都適用各地的。此空運提單不可運送危險物品。

REMAIN THIS COPY FOR YOUR RECORDS / 請保留此頁作備查

ITC 08/07

EXHIBIT 4

FedEx International Air Waybill

Express

Manifest Billing Copy

1 From
 Date 06/17/2014 Sender's FedEx Account Number 234867075
 Sender's Name TED CHENG Phone +886-2-28939120
 Company AUCERA SA CO., LTD.
 Address 3/F, #1-1, Lane 427.
SEC. 6, Chung-Shan N. Rd.
 City Taipei State/Province TAIWAN
 Country TAIWAN Postal Code 111

2 To
 Recipient's Name Robert C. Bonnem Phone +1(727)939-3024
 Company _____
 Address 3921 Drayton Way
 City Palm Harbor State/Province Florida
 Country USA ZIP Postal Code 34685
 Recipient's Tax ID Number for Customs Purposes
 e.g. GST/RFC/VAT/EN/IBAN, as so locally required.

3 Shipment Information
 Total Packages 1 Total Weight 1.7 kg DIM L / W / H cm
 Commodity Description - **DETAILS REQUIRED** Harmonized Code Country of Manufacture Value for Customs
Bentley Watches TWN USD 75
 Total Declared Value for Carriage Specify Currency USD Total Value for Customs 75

4 Service
 FedEx Intl. Priority FedEx Intl. First
 FedEx Intl. Economy
 Packages up to 68 kg
 For packages over 68 kg, use the FedEx Expanded Service Intl. Air Waybill.
 Not all services and options are available to all destinations. Dangerous goods cannot be shipped using this Air Waybill.

5 Packaging
 FedEx Envelope FedEx Pak FedEx Box FedEx Tube
 Other FedEx 10kg Box* FedEx 25kg Box*
 *These options from below with special pricing are provided by FedEx for FedEx Intl. Priority only.

6 Special Handling
 HOLD at FedEx Location SATURDAY Delivery
 Available to select locations for FedEx Intl. Priority only.

7a Payment Bill transportation charges to:
 Sender Acct. No. in Section 1 will be billed. Recipient Third Party Credit Card Cash Cheque
 Enter FedEx Acct. No. or Credit Card No. below.
 FedEx Acct. No. _____ Total Transportation _____
 Credit Card No. _____
 Credit Card Exp. Date _____ Specify Currency _____

7b Payment Bill duties and taxes to: ALL shipments may be subject to Customs charges, which FedEx does not estimate prior to clearance.
 Sender Acct. No. in Section 1 will be billed. Recipient Third Party
 Enter FedEx Acct. No. below.
 FedEx Acct. No. _____

8 Your Internal Billing Reference _____
 First 24 characters will appear on invoice.

9 Required Signature
 Use of this Air Waybill constitutes your agreement to the Conditions of Contract on the back of this Air Waybill, and you represent that this shipment does not contain dangerous goods. Certain international treaties, including the Warsaw Convention, may apply to this shipment and limit our liability for damage, loss, or delay as described in the Conditions of Contract.
 Sender's Signature: Chin...
 This is not authorization to deliver this shipment without a recipient signature. The terms and conditions of service may vary from country to country. Consult our local office for specific information.

FedEx Tracking Number: **8733 5853 5775 0403**

Origin Station ID <u>MROB</u>	Destination Station ID <u>US/KJ/TPTB</u>	URR/Routing	Handling Units
Received At: <input type="checkbox"/> Reg. Stop <input type="checkbox"/> On-Call Stop <input type="checkbox"/> Drop Box <input type="checkbox"/> World Service Center <input type="checkbox"/> Station	Total Volume (cm)		
Rate Charge	Declared Val. Chrg	Other	GSA/GPA Credit Card Asslt.
FedEx Emp. #	Audit Emp. #	Date	Time



529

PART 15718 Rev. Date 1/06 ©1994-2006 FedEx PRINTED IN JAPAN

Form ID No.

FM: AUCERA SA CO., LTD
TED CHENG
3/F, #1-1, Lane 427, SEC. 6, Chung-shan N. Rd.
Taipei, TAIWAN 111
886-2-2873-9120

Date: June 17, 2014
page: 1 of 1

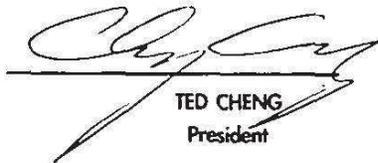
invoice

TO: Robert C. Bonnem
3921, Drayton Way
Palm Harbor,
Florida, USA, 34685
1-(727) 939-3024

Currency: USD

Item	Materials	Q'ty	Unit Price	Subtotal
BENTLEY WATCHES	Stainless Steel	5	15	75

簽名:



TED CHENG
President

Shipment Information Report

Track Number and Date Range

Tracking Number: 873358535775

Package Details								
Ship Date	Form Code	Service Base	Service Area	Special Handling Codes	Pickup Courier	Pickup Status	Pickup Location	Destination Location
06/18/2014	0403	01	A1	02,28,34	0000269839	23	TSAA	TPFA

Shipper				
Name	Company	Address	Customer Number	Reference Number
TED CHENG	AUCERA SA CO LTD	3/F #1-1 LANE 427 SEC 6 CHUNG SHAN N RD TAIPEI TAIWAN, , 111 TW	234867075	

Recipient				
Name	Company	Address	Customer Number	Bill-to Number
ROBERT C BONNEM		3921 DRAYTON WAY PALM HARBOR, FL, 34685 US		234867075

Delivery					
Timestamp	Location	Address	Status Code	Courier	Route
06/20/2014 10:15:00	04	3921 DRAYTON WAY		0000199770	189

Signature				
Signature release on file?	PowerPad	Seconds	Signed For By	Signature Image
No	PPNF1130274E	53	R.BONNEM	



美商聯邦快遞股份有限公司台灣分公司
FEDERAL EXPRESS CORPORATION TAIWAN BRANCH
電子計算機統一發票

發票號碼: BM71856975
買受人:
統一編號: 16773092
地址:

中華民國 103年 07 月 08 日

檢查號碼: 9
請款單號碼: 9-858-93279
結算日期: 07/04/103

買受人註記欄		
區分	進貨及費用	固定資產
得扣抵		
不得扣抵		

品名	數量	單價	金額	備註
運費	1		4,627	
銷售額合計			4,627	
營業稅	應稅	零稅率	免稅	
	√			
總計			4,858	
總計新台幣 零 千 零 百 零 拾 零 萬 肆 仟 捌 佰 伍 拾 捌 元 正 (中文大寫)				



※應稅、零稅率、免稅之銷售額應分別開立統一發票，並應於各欄打「√」。更正發票請於次月5日前退回。
說明: 1. 本發票經塗改，即屬無效。2. 本發票依台北市稅捐稽徵處 82 年 11 月 4 日 北市稽工甲字第 113123 號函核准使用。

買受人註記欄之註記方法:
買受人購進貨物或勞務應先按其用途區分為「進貨及費用」與「固定資產」, 其進項稅額, 除營業稅法第十九條第一項為不可扣抵外, 其餘...

第二聯: 扣抵聯



美商聯邦快遞股份有限公司台灣分公司
FEDERAL EXPRESS CORPORATION TAIWAN BRANCH
電子計算機統一發票

發票號碼: BM71856975
買受人:
統一編號: 16773092
地址:

中華民國 103年 07 月 08 日

檢查號碼: 9
請款單號碼: 9-858-93279
結算日期: 07/04/103

買受人註記欄		
區分	進貨及費用	固定資產
得扣抵		
不得扣抵		

品名	數量	單價	金額	備註
運費	1		4,627	
銷售額合計			4,627	
營業稅	應稅	零稅率	免稅	
	√			
總計			4,858	
總計新台幣 零 千 零 百 零 拾 零 萬 肆 仟 捌 佰 伍 拾 捌 元 正 (中文大寫)				



※應稅、零稅率、免稅之銷售額應分別開立統一發票，並應於各欄打「√」。更正發票請於次月5日前退回。

買受人註記欄之註記方法:
買受人購進貨物或勞務應先按其用途區分為「進貨及費用」與「固定資產」, 其進項稅額, 除營業稅法第十九條第一項為不可扣抵外, 其餘...

第三聯: 收執聯

RETAIN THIS COPY FOR YOUR RECORDS / 請保留此頁作為存根。

請 款 單 INVOICE
運費 FREIGHT

ACCOUNT NUMBER: 2348-6707-5
顧客帳號
CID NUMBER: 16773092
統一編號

INVOICE NUMBER: 9-858-93279
請款單號碼

PAGE 2 OF 2
頁 2 共 2

Detail By Country

件數 Ship Date
運費項目 Air Waybill No.
件數 Pieces
重量 Weight
費用及符號 Bill To
Shipper Reference
寄件人及日期
Delivery Information

06/25/2014
+979358535753
IP PAK
1
0.2 kg
SHIPPER
06/29/2014 11:39
R. BONNEM

收件人 Recipient:
TED CHENG
AUCERA SA CO. LTD
3/F, #1-1, LANE 427, SEC 6
CHUNG SHAN RD
TAIPEI TW 111

運費 Freight Charges 1,029
折扣 Deductions (70)
住宅遞送 Residential Delivery 90
燃油附加費 Fuel Surcharge 189
合計 Total 1,238
營業稅 Est. VAT 62

此筆貨件收取 1% 0.03% 燃油附加費
FedEx has applied a fuel surcharge of 18.00 % to this shipment.

件數 Ship Date
運費項目 Air Waybill No.
件數 Pieces
重量 Weight
費用及符號 Bill To
Shipper Reference
寄件人及日期
Delivery Information

06/17/2014
+873558535753
IP BOX
1
1.7 kg
SHIPPER
06/20/2014 10:15
R. BONNEM
13X11X4inch

運費 Freight Charges 2,960
折扣 Deductions (178)
住宅遞送 Residential Delivery 90
燃油附加費 Fuel Surcharge 517
合計 Total 3,389
營業稅 Est. VAT 169

此筆貨件收取 1% 0.03% 燃油附加費
FedEx has applied a fuel surcharge of 18.00 % to this shipment.

EXPORT TO US Subtotal:

(TWD) 4,827

+ 稽查的結果指出重量、件數、或服務項目須加以修正。請款單所載為正確的資料。
Results of audit indicate changes were required to one or more of the following fields: weight, pieces, service type. Invoice reflects corrected information.

寄件人 Sender: TED CHENG, AUCERA SA CO. LTD, 3/F, #1-1, LANE 427, SEC 6, CHUNG SHAN RD, TAIPEI, TAIWAN, TW 111
收件人 Recipient: ROBERT C BONNEM, 3921 DRAVTON WAY, PALM HARBOR, FL, US 34685
基本折扣 Base Discount
營業稅 Est. VAT

請款單 INVOICE
運費 FREIGHT

ACCOUNT NUMBER: 2348-6707-5
顧客編號
CID NUMBER: 16773092
統一編號

PAGE 1 OF 2
頁

111
台北市
中山北路六段427巷1-1號3F
瑞國時事業有限公司
賴嘉祥
9-858-93279



INVOICE DATE 請款單日期	07/08/2014
INVOICE NUMBER 請款單號碼	9-858-93279
GUI NUMBER 統一發票號碼	BM71856975
SHIP CLOSE DATE 最後寄件日	07/04/2014
PAYMENT DUE DATE 付款到期日	08/07/2014
GRAND TOTAL 總計	TWD 4,858

Summary By Country

出口 EXPORT TO US

提單數 (No. of Air Waybills)	2
運費 (Freight Charges)	3,989
基本折扣 (Base Discount)	(178)
Drop Off Discount (Residential Delivery)	(70)
燃油附加費 (Fuel Surcharge)	180
合計 (Total)	706
合計 (Total)	4,627

提單總數 (Total Air Waybills)	2
應付款項小計 (Invoice Total)	4,627
營業稅 (VAT)	231
總計 (Grand Total)	4,858

COMMERCIAL SENSITIVE

付款方式重要訊息

使用支票繳款，請掛號郵寄至：台北郵局第 128-85 號信箱。
使用電匯繳款，請匯款至：
銀行戶名：美商聯邦快遞股份有限公司台灣分公司
銀行名稱：美國銀行台北分行 (0220019)，
帳號：66-聯邦快遞顧客帳號-000
如有任何問題請洽

美商聯邦快遞股份有限公司台灣分公司
客戶服務部
104 台北市中山北路二段61號9樓
Tel: 0800-075-075 按 123 與業務人員通話
Fax: (02) 21626570

FedEx eNews Center

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訊息。詳情請瀏覽 fedex.com/tw。

申辦「長期委任報關」，節省時間並加速貨件運關

您是否有因為忘記報關委任書，貨件無法及時運關的經驗呢
申辦「長期委任報關」，毋須提供書面委任書，貨件即可運
流程。申辦網址：<http://portal.sw.dhl.gov.tw/FFL/>，或
<http://www.fedex.com/tw/news/local.html> 了解詳情或下
任運關作業說明圖解版。

FedEx Express International Air Waybill

For FedEx services worldwide.

Sender's Copy

1 From / 寄自 Please print in English / 請用英文正確填寫

Date / 日期: 06/25/2014 Sender's FedEx Account Number / 寄件人之 FedEx 帳號: 234867075

Sender's Name / 寄件人姓名: TED CHENG Phone / 電話: +886-2-287989120

Company / 公司名稱: AUCERA SA CO., Ltd.

Address / 地址: 3/E, #1-1, Lane 427, SEC.6.

Address / 地址: Chung-Shan N. Rd.

City / 城市: Taipei State / Province / 州/省: TAIWAN

Country / 國家: TAIWAN Postal Code / 郵遞區號: 111

2 To / 寄往

Recipient's Name / 收件人姓名: Robert Bonnem Phone / 電話: +1-215-802-2053

Company / 公司名稱: Robert Bonnem

Address / 地址: 100 Heron Court

Address / 地址:

City / 城市: North Wales State / Province / 州/省: PA

Country / 國家: U.S.A. ZIP / Postal Code / 郵遞區號: 19454

3 Shipment Information / 託運物品資料

Total Packages / 總件數: 1 Total Weight / 總重量: 0.5 kg DIM: 11 x 11 x 11 cm

Commodity Description - DETAIL REQUIRED / 貨物之詳細說明	Harmonized Code / 海關稅則編碼	Country of Manufacture / 原產地	Value for Customs / 海關申報價值
Bentley Watch BENTLEY IN ENGLISH 用英文填寫全部文件		Swiss	98
Total Declared Value for Carriage / 託運總申報價值	Specify Currency / 標明貨幣名稱		USD 98

4 Service / 服務

FedEx Intl. Priority FedEx Intl. First (Available to select locations. Highest rates apply.)

FedEx Intl. Economy (FedEx SmartPost/FedEx International Mail is not available.)

5 Packaging / 包裝方式

FedEx Envelope FedEx Pak FedEx Box FedEx Tube

Other FedEx 10kg Box* FedEx 25kg Box*

6 Special Handling / 特別處理

HOLD at FedEx Location SATURDAY Delivery (Available to select locations for FedEx Int. Priority only.)

7a Payment / 付款方式 Bill transportation charges to / 運費由下列支付:

Sender / 寄件人 (Acct. No. in Section 1 will be billed.) Recipient / 收件人 Third Party / 第三者 Cash / 現金 Cheque / 支票 Credit Card / 信用卡

FedEx Acct. No. _____ Credit Card No. _____

7b Payment / 付款方式 Bill duties and taxes to / 關稅和稅金由下列支付:

Sender / 寄件人 (Acct. No. in Section 1 will be billed.) Recipient / 收件人 Third Party / 第三者

FedEx Acct. No. _____

8 Your Internal Billing Reference (Print 24 characters will appear on invoice.)

OPTIONAL

9 Required Signature / 要求簽名

Use of this Air Waybill constitutes your agreement to the Conditions of Contract on the back of this Air Waybill, and you represent that this shipment does not contain dangerous goods. Certain international treaties, including the Warsaw Convention, may apply to this shipment and limit our liability for damage, loss, or delay as described in the Conditions of Contract. 此運送並不包含危險物品。如合約條款所述，包括華沙公約在內的某些國際條約適用於本貨件並可能限制我們之責任或延誤所應承擔之責任。

Sender's Signature: *Robert Bonnem*

This is not authorization to deliver this shipment without proper signature. 並未授權無收件人簽收可運送本貨件。

529

8733 5853 5753

From / 寄自 No. 0403

Slip and track packages at fedex.com

The terms and conditions of service may vary from country to country. Consult our local office for specific information. 服務的條款和條件可能因不同之具體情況而有所變異。請向當地辦事處查詢。

Non-Negotiable International Air Waybill • ©1994-2000 FedEx

<0026>

100

FM: AUCERA SA CO., LTD

TED CHENG

3/F, #1-1, Lane 427, SEC. 6, Chung-shan N. Rd.

Taipei, TAIWAN 111

886-2-2873-9120

Date: June 25, 2014

page: 1 of 1

invoice

TO: Robert C. Bonnem

100 Heron Court

North Wales

Pennsylvania, USA, 19454

1-(215) 802-2053

Currency: USD

Item	Materials	Q'ty	Unit Price	Subtotal
BENTLEY WATCH	Stainless Steel	1	98	98

簽名:


TED CHENG
President

<<00008>>

Form Approved OMB No. 1561-0022
EXP 09/15/2012

DEPARTMENT OF HOMELAND SECURITY
U.S. Customs and Border Protection

ENTRY SUMMARY

8. Importing Carrier	9. Mode of Transport	10. Country of Origin	11. Entry Type	12. Summary Date
EX	40	MULTI	11	10/30/2014
12. Bill of Lading No.	13. Manufacturer ID	14. Exporting Country	15. Entry Code	16. Entry Date
02350222535	TWALC427721	TW	799	10/16/2014
17. I.T. No.	18. Missing Docs	19. Foreign Port of Lading	20. U.S. Port of Unloading	21. Export Date
		TW	3195	10/15/2014
22. Ullimate Consignee Name and Address	23. Importer No.	24. Reference No.	25. Location of Goods	26. Country of Record
	16-080722344		ETL	NY

27. Line No.	28. Description of Merchandise	29. Net Quantity in HRSUS Units	30. A. HTSUS No. B. Adv. Code No.	31. A. Entered Value B. Gross Weight C. Relationship	32. A. HTSUS Rate B. Rate C. Rate	33. Duty and I.R. Tax	34. Dollars	35. Cents	
001-001	BENTLEY WATCHES BENTLEY PENS BEN MATCH MOVEMENT N/O JWL, OT	5 NO	9102.11.4510	\$.40 EA	8.5%	US	2.00	4.25	
002-001	MATCH CASE, BAT PR, N/O 1JWL	5 NO	9102.11.4520	2.8%	5.4%	US	0.14	0.14	
003-001	MATCH STRAP, BAND OR BRACE	5 NO	9102.11.4530	5.3%	5.4%	US	0.27	0.27	
004-001	MATCH BATTERY N/O 1 JWL, OT	5 NO	9102.11.4540	\$.008 EA	5.4%	US	0.04	1.35	
005-002	BALL POINT PENS	5 NO	9608.10.0000	11%		US	12.10	12.10	
003-003	IMITATION JEWELRY, OTHER	1	7117.19.9000			US			
Other Free Summary for Block 39		35. Total Entered Value	36. Total Other Fees	37. Duty	38. Tax	39. Other	40. Total		
		\$ 245	\$		20.15		20.15		

DECLARATION OF IMPORTER OF RECORD (OWNER OR PURCHASER) OR AUTHORIZED AGENT

I declare that I am the importer of record and that the actual owner, purchaser, or consignee for CBP purposes is as stated above, OR owner, purchaser, or agent thereof. I warrant that the merchandise was obtained pursuant to a purchase agreement to purchase and the statements in the invoices as to value or price are true to the best of my knowledge and belief. I also declare that the statements in the documents herein filed truly describe the goods and that all to value or price are true to the best of my knowledge and belief. I also declare that the statements in the documents herein filed truly describe the goods and that all grades or services provided to the seller of the merchandise either free or at reduced cost, are fully disclosed. I will immediately furnish to the appropriate CBP officer any information showing a different statement of facts.

41. DECLARANT NAME: J L TRULLIK
 42. Broker/Importer File No.: I E 64-5927187
 43. Broker/Importer File No.: 000230259
 44. Signature: J L TRULLIK
 45. Date: 10/30/2014
 46. Broker/Importer Name: ASST. SBC
 47. Broker/Importer Address: FEDEX TRADE NETWORKS TRANSPORT & BROKERAGE, INC.
 2000 W INTERNATIONAL AIRPORT RD 907-249-3187
 ANCHORAGE AK 99502

23486

<<00026>>

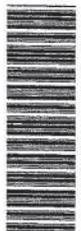
1295-05-0

請款單 INVOICE
關稅 DUTIES & TAXES

ACCOUNT NUMBER: 2348-6707-5
顧客編號
CID NUMBER: 16773092
統一編號

PAGE 1 OF 2
頁

111
台北市
台北北段六段427巷1-1號3F
瑞陽時事業有限公司
鄭基祥
9-859-94709



INVOICE DATE 開單日期	10/21/2014
INVOICE NUMBER 請款單號碼	9-859-94709
GUI NUMBER 統一發票號碼	CG71923974
SHIP CLOSE DATE 最後寄件日	10/20/2014
PAYMENT DUE DATE 付款到期日	收到後，請立即付款 Due Upon Receipt
GRAND TOTAL 總計	TWD 839

Summary By Country

出口 EXPORT TO US

提單數 (No. of Air Waybills)	1
代表關稅 (Duty)	627
手續費 (Advancement Fee)	202
合計 (Total)	829

提單總數 (Total Air Waybills)	1
應付款項小計 (Invoice Total)	829
營業稅 (VAT)	10
總計 (Grand Total)	839

COMMERCIAL SENSITIVE

支票或電匯付款

支票付款: 請掛號郵寄支票至台北郵局第 128-85 號信箱。
電匯付款:
戶名: 美國聯邦快遞股份有限公司台灣分公司
銀行名稱: 美國銀行 (022) 台北分行 (0019)
帳號: 86-聯邦快遞顧客帳號-000
ATM (自動櫃員機) 付款
銀行代號: 022 (美國銀行)
帳號: 86-聯邦快遞顧客帳號-000
如有疑問請聯絡: 美國聯邦快遞股份有限公司客戶服務部
Tel: 0800075075 按 1-2-3, Fax: 02-21826570
104 台北市中山北路二段 61 號 9 樓

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申辦「長期委任報關」，節省時間並加速貨件通關

您是否因為忘記報關委任書，貨件無法及時通關的經驗呢？
申辦「長期委任報關」，毋須提供書面委任書，貨件即可進行通
流程。申辦網址：<http://portal.sw.nat.gov.tw/PP/> 或至
<http://www.fedex.com/tw/news/local.html> 了解詳情或下載填
在通關_操作說明圖解版。

開稅請款單
收據

買受人： 瑞岡時業有限公司
統一編號： 16770092
收據號碼： 1031001892

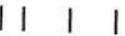
請款單號碼： 9-899-94709

中華民國 103 年 10 月 21 日

品名	總價	備註
代收代付關稅 (支票付款)	627	依據 86 北市精工(甲)字第 110578 號函，無償代收轉付之國外關稅，非屬營業稅法第一條規定之課稅範圍，得免開立統一發票。 收據專用章
合計新台幣	零 百 零 拾 零 萬 零 仟 陸 百 貳 拾 柒 元 整	

美商聯邦快遞股份有限公司台灣分公司
 錢 收據專用章 錢
 電話：(02) 25369090
 台北市中山北路二段 81 號 9 樓

COMMERCIALLY SENSITIVE



FM: AUCERA SA CO., LTD
TED CHENG
3/F, #1-1, Lane 427, SEC. 6, Chung-shan N. Rd.
Taipei, TAIWAN 111
886-2-2873-9120

Date: October 15th, 2014
page: 1 of 1

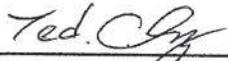
invoice

TO: Robert C. Bonnem
3921, Drayton Way
Palm Harbor,
Florida, USA, 34685
1-(727) 939-3024

Currency: USD

Item	Materials	Q'ty	Unit Price	Subtotal
BENTLEY WATCHES	Stainless Steel	5	22	110
BENTLEY Pens	Stainless Steel	5	5	25
BENTLEY Jewelry	Stainless Steel	10	5	110
Total:				245

簽名:


TED CHENG
President

PLEASE RETURN THIS FORM WITH YOUR PAYMENT TO RECEIVE PROPER CREDIT

<<00026>>

Shipment Information Report

Track Number and Date Range

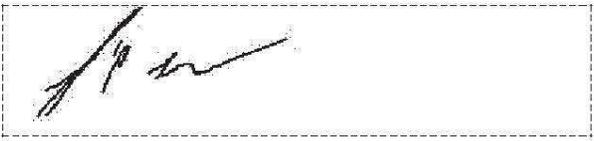
Tracking Number: 899733334531

Package Details								
Ship Date	Form Code	Service Base	Service Area	Special Handling Codes	Pickup Courier	Pickup Status	Pickup Location	Destination Location
10/15/2014	0403	01	A1	02,28,34	0000203026		SMTA	TPFA

Shipper				
Name	Company	Address	Customer Number	Reference Number
TED CHENG	AUCERA SA CO., LTD	3/F, #1-1, LANE 427 SEC 6 CHUNG SHAN N RD TAIPEI, , 111 TW	234867075	

Recipient				
Name	Company	Address	Customer Number	Bill-to Number
ROBERT C. BONNEM		3921, DRAYTON WAY PALM HARBOR, FL, 34685 US		234867075

Delivery					
Timestamp	Location	Address	Status Code	Courier	Route
10/17/2014 10:17:00	04	3921 DRAYTON WAY		0000342485	189

Signature				
Signature release on file?	PowerPad	Seconds	Signed For By	Signature Image
No	PPNF1121744G	11	R.BONNAM	

100-201304-000000000

TRD CHENG

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INVOICE

Date: February 12th, 2015
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TRD CHENG

100-201304-000000000

TRD CHENG

100-201304-000000000

Currency: USD

Item	Material	Qty	Unit Price	Amount
BOND MAT (08)	Concrete Seal	1	420	420
				420

TRD CHENG
[Signature]

Trade Secret/Commercially
Sensitive - Outside Counsel's Eyes
Only

BON000122

EXHIBIT 5

- My Baby
- Pearls
- Pineider
- Pumas
- Scorpion
- Sky
- Tender
- Thistle & Bee
- Van Der Bauwede
- Versailles
- Zoccai
- Zodiac

WATCHES

- A. Lange and Sohne
- Audemars Piguet
- Baume & Mercier
- Bentley
- Blancpain
- Breguet
- Breitling
- Bulgari
- Cartier
- Chopard
- CT Scuderia
- Cyril Rateil
- Girard-Perregaux
- Graham
- Hamilton
- IWC
- Jaeger LeCoultre
- Montblanc
- Rolex
- Serket
- Tag Heuer
- Tissot
- Yonger & Bresson
- Zanetti
- Watch Winders
- Underwood

DESIGNERS TITLE

- Bentley

QUICK VIEW



SALE

BENTLEY
BENTLEY BOURBON AUTOMATIC WATCH
86-15533

\$ 2,400.00 ~~\$ 4,800.00~~

QUICK VIEW

QUICK VIEW



SALE

BENTLEY
BENTLEY BOURBON AUTOMATIC WATCH
86-15593

\$ 2,400.00 ~~\$ 4,800.00~~

QUICK VIEW

QUICK VIEW



SALE

BENTLEY
BENTLEY BOURBON BIG DATE WATCH 84-50001

\$ 1,150.00 ~~\$ 4,800.00~~

QUICK VIEW

SALE



SALE



SALE



BLOUNT JEWELS

Bentley Luxury Watches

ROLEX

- President
- Submariner
- Yacht-master
- Daytona

FINE JEWELRY

- Bracelets
- Earrings
- Gentlemen
- Necklaces
- Pendants
- Rings
- Brooches & Pins

COLLECTIONS

- Atelier
- Atlantis Collection
- Babylon
- Dreams
- Gayubo
- Gothic
- Gucci
- Herco
- Mastoloni
- My Baby
- Pearls
- Pineider
- Pumas
- Scorpion
- Sky
- Tender



SALE

BENTLEY
BENTLEY BOURBON AUTOMATIC WATCH
86-15001

\$ 4,300.00 ~~\$ 4,800.00~~

QUICK VIEW



BENTLEY
BENTLEY BOURBON AUTOMATIC WATCH
86-15011

\$ 2,400.00 ~~\$ 4,800.00~~

QUICK VIEW



SALE

BENTLEY
BENTLEY BOURBON AUTOMATIC WATCH
86-15481

\$ 4,300.00 ~~\$ 4,800.00~~

QUICK VIEW

- A. LANGE AND SOHNE
- AUDEMARS PIGUET
- BAUME & MERCIER
- BENTLEY**
- BLANCPAIN
- BREGUET
- BREITLING
- BULGARI
- CARTIER
- CHOPARD
- CT SCUDERIA
- CYRIL RATEL
- GIRARD-PERREGAUX
- GRAHAM
- HAMILTON
- IWC
- JAEGER LECOULTRE
- MONTBLANC

SALE

SALE

EXHIBIT 6



Bentley 珠寶/手錶

立刻購買 讚 分享

動態時報 關於 Bentley Email Signup 相片 更多

建立粉絲專頁

- 最新
- 2015年
- 2014年
- 2013年
- 2012年
- 1948年

搜尋此粉絲專頁內的貼文

549,904 人說這讚 邀請朋友對這個粉絲專頁按讚

關於

Bentley is endowed with heritage and inspired by the future.
Swiss Precision Craft Since 1948

www.bentleyluxury.com/
info@bentleyluxury.com

<http://www.bentleyluxury.com/>

應用程式



Bentley
14 小時前 · 台北市 ·

Bentley Bourbon Classical Watch
翻譯年糕



讚 留言 分享

EXHIBIT 7



BENTLEY



BENTLEY Watches, Eyewear, Writing Instrument

ResultCo

3160 Haggerty Rd, Suite J West Bloomfield, Michigan 48323

Tel:(888) 782-2080 www.bentleyluxury.com

LO-0000184278

At the benefit, as the actors sang *Seasons of Love* from the musical *Rent*, photos of well-known people who died from melanoma were shown on the stage. As a tribute to Westman, a foundation called Stand

Up To Melanoma was created to raise community awareness and support for research in cure for metastatic melanoma. Donations can be made at <http://su2melanoma.com/donate/>. For some people,

An Invitation Worship

Livonia

Fellowship Presbyterian

Adult Sunday: 9:30 - 10:15 a.m. •

Childrens Sunday School

Services held at: **Saint Andrews**

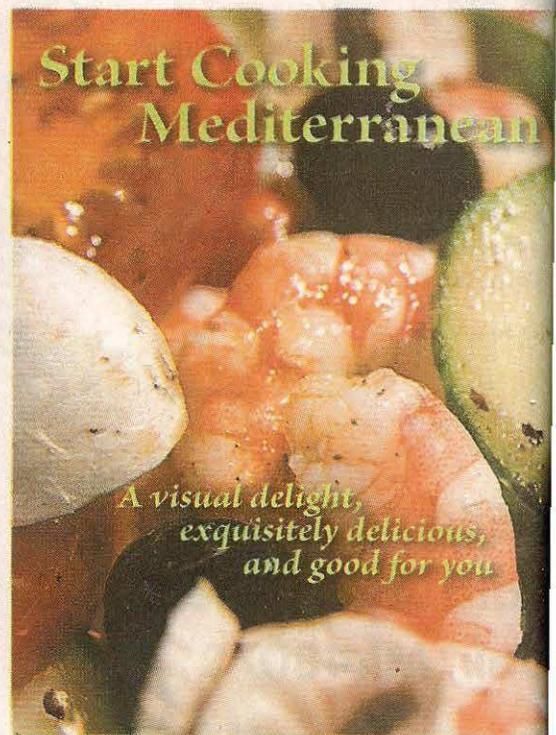
16360 Hubbard Road in Livonia •

Nursery provided • www.fellowship.org

For Information regarding
please call Sue Sare at 248-
or e-mail: ssare@home.com

LO-0000179196

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<<00021>>

EXHIBIT 8

BENTLEY

The Bentley brand has been a leading Swiss watch maker since 1948. It was originally launched by Avia-Degoumois & Cie, one of the most prestigious names in the development of the modern wristwatch, in La Chaux-de-Fonds, Switzerland. Since then, Bentley has also sold military-style watches to the civilian population.

Bentley Luxury Group formed in 1996. It continued the Bentley tradition of producing high-end timepieces, as well as selling writing implements, leather products and a wide range of lifestyle goods.

Today, Bentley's family of watches includes a range of core collections, including the quintessential Bourbon, the classic tonneau-shaped Louvetier, the Denarium with its coin-edge casing detail and the Veneur, featuring a distinctive spiral case design.

With standard retail prices ranging between \$1,000 and \$5,000, Bentley aims to produce exceptional luxury products, and the brand sells all around the globe.

At the top end of the range, available only through Bentley boutique shops in selected regions, is the Boutique Collection, comprising models with high-end movements (including tourbillons) that are the product of years of painstaking development. These limited-edition items carry a price tag of between \$15,000 and \$200,000. Then there is the Vintage Road Captain BL82 collection, launched in the 1930s and inspired by classic cars of the 1930s and 1940s.

Bentley sees BASELWORLD as one of the most important events in the calendar. The brand considers it the best platform to introduce new products – and this year it went to town. There's the BL Tourbillon model, with a range of complications. Also new is the BL91 Diver's Collection, which combines contemporary design stylish enough for

everyday use, with a range of superb features, such as high-tech ceramic in part of its bezel. The Boutique Collection, meanwhile, sees new models equipped with automatic movements and encased in 18-carat yellow or rose gold.

Also taking its bow at BASELWORLD is an entirely new collection dedicated to female clients. Unnamed at the time of going to press, it features quartz movements and the signature Bentley form in its intricate case design, plus diamond setting. *kn*



DETAILS

1. Bourbon Collection
2. Louvetier Collection
3. Denarium Collection

PIECES



CONTACTS

www.bentleyluxury.com
Tel: +39 0331 235 899
info@bentleyluxury.com



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AUCERA000044

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2014

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BASELWORLD

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BENTLEY

PIECES



1.



2.



3.

SWISS MADE since 1948, Bentley comes from La Chaux-de-Fonds – the heart of watchmaking. Launched by Avia, Degoumois & Cie, it became the Bentley Luxury Group in 1996, selling high-end timepieces alongside a range of branded lifestyle products.

Tradition plays a big part in Bentley's thinking, alongside continuous innovation. Take the Solstice, originally a model in the 1950s. The name was revived in 2008 for a new collection and then relaunched in 2013 in an entirely new cushioned case design. The Solstice GMT features an ETA 2892 movement with a big-date module and skeletonised dial face. The entire case is constructed from titanium. There is also a Solstice model with a tri-compax dial design that features a chronograph movement.

It was also in the 1950s that Bentley first set out to produce a watch for driving enthusiasts. The concept was revived with the launch, last year, of the Road Captain. The watch's case design, as seen in the Club Sport quartz chronograph, imitates the asymmetrical shape of the original with the dial angled 15 degrees for ease of viewing (while keeping your hand safely on the wheel). The crown has been moved to the 12 o'clock position so as not to press into the back of the hand, and large hour markers on the bezel as well as an ergonomic strap all help to ensure ultimate comfort.

While long-established collections such as Bourbon, launched in 1996, and the coin-edged Denarium ensure that four out of every five Bentley watches are bought by men, there are also captivating collections for women, such as the new Astral or the Lady Bentley.

The past year has also seen Bentley begin a new tradition, with its first watch for diving and water-sports fans. The Sea Captain, like its Road cousin, has a quartz chronograph and stainless-steel case capped by a unidirectional ceramic bezel. There's also a limited edition with a tungsten bezel. The meticulous wave-patterned dial is available in a choice of five colours and is domed by a sapphire anti-reflective crystal. Being a dive watch, it's seaworthy to a depth of 100m, too. *kn*



IMAGES

Main: Road Captain
1. Sea Captain
2. Boutique collection
3. Solstice GMT

CONTACT

www.bentleyluxury.com





Pico Total Brand Activation:

Pico International (HK) Ltd.
Pico House, 4 Dai Fu Street
Tai Po Industrial Estate
New Territories, Hong Kong SAR

Tel: 852 2665 0990

www.pico.com

華英(香港)有限公司
香港新界大埔工業邨
大富街4號華英大樓

hkinfo@hk.pico.com

Invoice

To: PYXIS ENTERPRISE., CO LTD BI, NO 221 CHUNG YANG RD NANG KANG TAIWAN		Invoice No: LDBASE140004		
Attn: Ms Janice Hsu		Invoice Date: 17/03/2014		
Tel: 886 22786 7706		Due Date: 04/04/2014		
		Project Code: LDJEW14004-002		
S/No.	Description	Unit Price	Quantity	Amount
	RE : Basel World 2014 Being cost of the above mentioned show as per our quotation reference no. HKCDY-Q14017070-2 dated 12 Mar 2014 Show Period : 27/03/2014 - 03/04/2014 Venue : Messe Basel ; Hall: Hall 1.1 Booth No. : A70			USD 55,000.00
		2nd Payment 20% Balance		11,000.00
SAY TOTAL USD ELEVEN THOUSAND ONLY				
The Sum of Dollars:			Total	11,000.00

Cheques should be crossed and made payable to Pico International (HK) Ltd.

Pico International (HK) Ltd.

(HKCTL)

Please quote invoice number on payment or return copy of invoice with remittance ad.

To effect payment through telegraphic transfer, please remit to our banker:

The Hongkong and Shanghai Banking Corporation Limited

Account No. 110-067295-282 (HKD) 110-067295-278 (USD)

110-067295-275 (EUR) 110-067295-276 (GBP)

110-067295-280 (SGD)

Bank code: 004 Swift code: HSBCHKHHHKH

Any queries on this invoice should be made to our Accounts Department or the invoice is to be returned to us within seven days; otherwise it will be deemed as accepted by you.

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AND NO SIGNATURE IS REQUIRED

Approve by HKRH on 17/03/2014

Authorised Signature

ISO 9001



F. & G. I.

AUCERA000050

上海商業儲蓄銀行

THE SHANGHAI COMMERCIAL & SAVINGS BANK, LTD.

匯出匯款證明書

CONFIRMATION FOR OUTWARD REMITTANCE

匯出編號

Reference

日期 Date 2014/10/29

申請人 Applicant	統一編號 ID / Passport/ Residence No.			
	帳號A/C NO 2710930025693-6			
	中文名稱 Name in Chinese			
	英文名稱 PYXIS ENTERPRISE CO LTD Name in English			
地址 Address	BI NO221 CHUNG-YANG ROAD NAN-KANG DISTRICT TAIPEI R.O.C TEL:27667706	電話 Tel.		
收款人 Beneficiary	收款人 Beneficiary	MCH SWISS EXHIBITION (BASEL) LTD	匯款幣別 Currency	CHF
	帳號 A/C NO.	IBAN: CH91 0077 0016 0454 2454 5	匯款金額 Amount	23,936.00
	地址 Address	CH-4005 BASEL, SWITZERLAND	匯率 Exchange Rate @	0
	電話 Tel.		繳款方式 Settlement Method	<input checked="" type="radio"/> 新台幣 NTS 0 <input type="radio"/> 外匯 Foreign Currency
註: 代理銀行費用將在匯款內扣除 * CORRESPONDENT BANK CHARGE WILL BE DEDUCTED FROM THE REMITTED AMOUNT				
收款銀行 "A/C with" Bank	收款銀行 "A/C with" Bank	Postkonto: 40-2810-1, Basler Kantonalbank Basel, konto: 16454.245.45 Clearing Nr: 770	匯款方式 Remittance Method	<input checked="" type="radio"/> 電匯 Swift Telex <input type="radio"/> 票匯 Demand Draft
	銀行代號 Bank Code	#REF!	匯款性質 Nature of Remittance	(1) 進口貨款 Import Proceeds <input type="radio"/> 已進口 Imported <input checked="" type="radio"/> 未進口 Not yet Imported (2) 其他 Others
	地址 Address			
	備註 Remarks	SWIFT: BKBBCHBB		

(2) 請保留此單 (Customer's Copy)

匯票: 01-0000-501-3-001

列印時間: 2014/10/29 10:07

匯出匯款單

上海商業儲蓄銀行

THE SHANGHAI COMMERCIAL & SAVINGS BANK, LTD.

匯出匯款證明書

CONFIRMATION FOR OUTWARD REMITTANCE

匯出編號
Reference
日期 Date 2015/1/14

申請人 Applicant	統一編號 I.D./Passport/ Residence No.	
	帳號A/C NO 2710800026693-6	
	中文名稱 Name in Chinese	
	英文名稱 PYXIS ENTERPRISE CO LTD Name in English	
	地址 B1 NO221 CHUNG-YANG ROAD NAN-KANG DISTRICT Address TAIPEI R.O.C TEL:27867705 電話 Tel	
收款人 Beneficiary	收款人 MCH SWISS EXHIBITION (BASEL) LTD Beneficiary	匯款幣別 CHF Currency
	帳號 IBAN: CH91 0077 0016 0454 2454 5 A/C NO.	匯款金額 55,850.40 Amount
	地址 CH-4005 BASEL, SWITZERLAND Address	匯率 Exchange Rate @ 0 繳款方式 <input checked="" type="radio"/> 新台幣 NTS 0 Settlement Method <input type="radio"/> 外匯 Foreign Currency
	電話 Tel	註: 代理銀行費用將在匯款內扣除 * CORRESPONDENT BANK CHARGE WILL BE DEDUCTED FROM THE REMITTED AMOUNT
收款銀行 "A/C with" Bank	收款銀行 Postkonto: 40-2910-1 Basler Kantonalbank "A/C with" Bank Basel, konto: 16454.245.45 Clearing Nr: 770	匯款方式 Remittance Method <input checked="" type="radio"/> 電匯 Swift Telex <input type="radio"/> 票匯 Demand Draft
	銀行代號 *REFI Bank Code	匯款性質 Name of Remittance (1) 進口貨款 Import Proceeds <input type="radio"/> 已進口 Imported <input type="radio"/> 未進口 Not yet Imported (2) 其他 Orders <input checked="" type="radio"/> 備付貿易支出(T/T)
	地址 Address	
	備註 SWIFT : BKBBCHBB Remarks	THE SHANGHAI COMMERCIAL & SAVINGS BANK, LTD.

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受匯單位代號: 6123

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 匯出匯款交易憑證
 逾期外匯交割
 原契約書號碼: _____

幣別: CHF 版次: 01

日期: 2024年11月17日

匯出匯款編號 REF NO.: ALLH5W59408	受款地區區別 NATIONALITY OF BENEFICIARY: 瑞士	匯款總額 AMOUNT: CHF 62,086.40
匯款人名稱: 魏世寶有限公司 APPLICANT NAME: PYXIS ENTERPRISE CO., LTD 統一編號: 05633594 中華民國 ID. NO.	外匯出匯及匯款方式	<input checked="" type="checkbox"/> 匯往國外 金額: CHF 62,086.40 <input type="checkbox"/> 匯往國內他行 金額: _____ <input type="checkbox"/> 銀行支票 金額: _____ <input type="checkbox"/> 外幣現鈔 金額: _____ <input type="checkbox"/> 存入外匯存款 金額: _____ <input type="checkbox"/> 其他 金額: _____ (請詳細說明)
匯款分類名稱及編號 NATURE OF REMITTANCE 131 商務支出		繳款方式 <input checked="" type="checkbox"/> 以新台幣掛號 金額: CHF 62,086.40 <input type="checkbox"/> 由外匯存款匯出 金額: _____ <input type="checkbox"/> 外幣現鈔 金額: _____ <input type="checkbox"/> 銀行支票 金額: _____ <input type="checkbox"/> 出口 金額: _____ <input type="checkbox"/> 匯入款轉匯 金額: _____ <input type="checkbox"/> 其他 金額: _____ (請詳細說明)
受款人身份別: 國外 (<input type="checkbox"/> 政府 <input type="checkbox"/> 公營事業 <input type="checkbox"/> 民間) 國內 (<input type="checkbox"/> 他人帳戶 <input type="checkbox"/> 本人帳戶) 受款人名稱: MCE SWISS EXHIBITION (BASEL) LTD BENEFICIARY NAME 地址: _____ ADDRESS 電話 TEL: _____ 帳號 A/R NO: CH9100770016045424545	匯率 EXCHANGE RATE 折合新台幣金額 32.53000 NTS 2,019,671	
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 負責人 協理 林衍茂

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2016

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EMILIE BIDERMANN

Aurèle Bidermann
217 rue Saint-Henry
75001 Paris
France
Tel. +33 1 40 41 67 19
+33 1 40 41 67 11
www.aurelebidermann.com
emilie.division@aurelebidermann.com

BASELWORLD

**BARAKÀ - COMETE GIOIELLI -
MURARO LORENZO SPA**

1^o D07
Tel.
+41616994304

Barakà - Comete Gioielli -
Muraro Lorenzo Spa
Via Pasubio 51/53
36051 Olmo di Creazzo (VI)
Italy
Tel. +39 0444 341 341
Fax +39 0444 523 031
www.comete.it
www.baraka.it
comete@comete.it
baraka@baraka.it

COMETE
GIOIELLI

BARAKÀ

COMETE
GIOIELLI

BARAKÀ

The Muraro Lorenzo group can boast 35 years of tradition: founded in 1975, it soon established itself as a renowned and innovative jewellery company. The company has undergone a constant development: first, in 1996 it launched the Comete brand that soon conquered the middle range of the market; in 2006 it created the Ambrosia brand, a unique experiment of multisensorial marketing, while the year 2007 saw the launch the Come Te line, a brand that makes of research in style and materials its strong point.

In 2009, the acquisition of the Barakà brand has consolidated the prestigious positioning of the group, preparing the ground for the development of a new market segment.

The Muraro Lorenzo Group currently counts about 2500 points of sales in Italy and around the world.

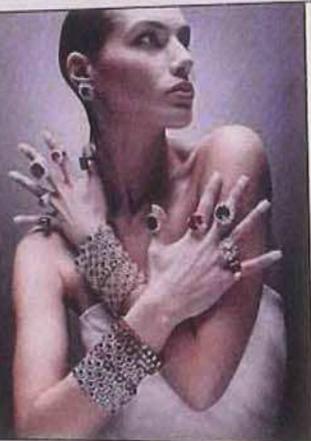
Brands: BARAKÀ, COMETE GIOIELLI

BAYCO

1^o E09
Tel.
+41616996223
mobile
+41792005721

Bayco
580 Fifth Avenue, Suite 1221
10036 New York, N.Y.
United States
Tel. +1 212 382 33 90
Fax +1 212 764 44 90
www.bayco.com
bayco@bayco.com

BAYCO
THE MOST PRECIOUS STONES IN THE WORLD



Since its foundation, Bayco has prided itself on finding the most precious stones in the world. Through various channels, the Hadjibays are able to source the best there is in precious stones and then re-cut each stone to amplify its maximum beauty. Every piece is then designed around the stones and hand made in the Bayco Atelier in New York by expert jewelers. From the smallest piece, to the most important, each piece of Bayco jewelry must be a symbol of perfection.

Brand: BAYCO

BENTLEY

1^o A70
Tel.
+41616994266

BENTLEY
35 Rue Rothschild
1202 Genève
Switzerland
Tel. +41225483583
www.bentleyluxury.com
www.facebook.com/bentleyluxury
eiton@bentleyluxury.com



BENTLEY



Bentley, the watch brand was established in La Chaux-de-Fonds, Switzerland in 1948. Bentley watches are the flagship products managed by the group, with rich heritage in Swiss horology and innovation in design. Bentley timepieces are recognized by watch enthusiasts as contemporary illustration of precision craftsmanship, each luxurious timepiece achieves fine balance between tradition and modernity.

Brand: BENTLEY

BENTLEY

BE IN CONTROL

BENTLEY WATCHES BALANCE IN TRADITION AND MODERNITY IN TIMELESS DESIGNS.

As in control – the ideal brand motto for luxury timepieces that help the well-dressed man and woman stay. Enthusiasts recognise the brand watches as contemporary illustrations of precision craft with each luxurious timepiece achieving a fine balance between tradition and modernity.

Founded in 1948 in the city of watches, La Chaux-de-Fonds, Switzerland, the Bentley brand was acquired by the Bentley Luxury Group in 1996. It consists of tactical chronographs, deep-sea divers and ladies' jewellery and lifestyle collections – with new models evoking exploration, elegance and emotion.

Explore the all-new Bentley EXP Veneur series, offers the perfect blend of adventure and style for the modern man. Named for the French word for hunter, Veneur is a standout collection. It features refined stainless steel cases, carbon fibre dials and chronograph functions; EXP spiral-styled pusher and double colour crowns; polarised colour rims and sporty twin-colour design at the 3 and 9 o'clock positions. This is all complemented by leather winged belt design with high-contrast stitching.

Distant galaxies expressed in a fluent, rhythmic vortex design inspire the new Bentley Astral Ladies' model – concave and convex, light and shadow, time and space. Diamonds are embedded on the hour index, symbolising the starry nights, while the centre is emblematic of the unending flow of time. With classic three-hand design and date display at the 3 o'clock position, the bezel is set with 30 diamonds. Interlocked to emulate the nebula, while the dynamic swirl dial is embedded with 11 diamonds. The watch comes in matte gold, silver and twin-colour options.

Legends are made of this: the new Lady Bentley captures timeless elegance with a stroke of good fortune in a stylistic clover design. Symbol of faith, love, hope and good gift from Eve of Eden to the world, the clover pattern is embossed on a mother-of-pearl dial adorned with 16 diamonds, surrounded by a further 60 dazzling diamonds in the bezel. This model showcases multiple surfaces. Materials and colours – with gloss, matte and iridescent layers, rounded casing and classic twin design. Confident and graceful!

In addition to its watch division, Bentley's portfolio includes fashion and lifestyle accessories, as well as leather goods –

WWW.BENTLEYLUXURY.COM



New Bentley watch with a swirling flow of time

BRAND BOOK

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Jaguar 282
Jaquet Droz 40
Jeanrichard 74
Jochen Pohl 438

Jörg Hen
Jovissa 4
Jusy Cou
Just Cav

K

Kern Wa
Kimberl
Korloff

L

L. Kend
Lacoste
Leo Piz
Leroy 4
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Lia Jo I
Locma
Longin
Lotus
Louis I
Lumin

M

M-Wa
Maha
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OFFICIAL STANDARD



2010/6/5 18:23

AUCERA000051



2010/6/5 10:24

AUCERA00052







EXHIBIT 9

寄件人: Robert Bonnem <rbsb@aol.com>
日期: 2015年11月13日上午01時32分00秒
收件人: nkushner@swisswatchconsultants.com
副本: ted <ted.bentley@msa.hinet.net>
標題: **Consulting/Amazon**

Dear Norm,

We just wanted to keep you in the loop on our timeframe with the presentation of Bentley watches to Amazon. We are tirelessly working as we want to be sure that the presentation we make to Amazon after your set up of the meeting with the buyer covers all bases. We want to be positive that the assortment we present is right on the money and the packaging of the Bentley product is up to Amazons expectations.

We will contact you shortly to start the consultation process within the next month, looking to make a presentation to Amazon early in the first quarter of 2016. We want to thank you in advance for being able to set up the introduction and meeting with the decision makers at Amazon.

Thank you for your patience, and both Ted and I look forward to using your consulting services to make dealing with Amazon happen.

Best regards,

Rob

Robert C. Bonnem
President Bentley Luxury Products
North America

Ted

Ted Cheng
Owner Bentley Luxury Products/ Chairman of the Board
Worldwide

Sent from my iPad

Sent from my iPad

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

In the matter of trademark Registration No.: 2007286, 2096184, 2096186
For the mark: BENTLEY

BENTLEY MOTORS LIMITED,

Petitioner,

v.

AUCERA SA,

Registrant.

Cancellation No.: 92060353

**DECLARATION OF JENNIFER A. GOLINVEAUX IN SUPPORT OF REGISTRANT'S
OPPOSITION TO PETITIONER'S MOTION FOR SUMMARY JUDGMENT AND
REGISTRANT'S CROSS-MOTION FOR SUMMARY JUDGMENT**

I, Jennifer A. Golinveaux, declare as follows:

1. I am an attorney licensed to practice in the State of California and a partner at the law firm of Winston & Strawn, LLP, counsel for Registrant Aucera SA ("Aucera") in this matter. I have personal knowledge of the facts set forth herein, and, if called as a witness, could and would testify competently thereto. I submit this Declaration in support of Aucera's Opposition to Petitioner's Motion for Summary Judgment and Cross-Motion for Summary Judgment.

2. Attached hereto as **Exhibit 1** are true and correct copies of Registrant's First Supplemental Responses to Petitioner's First Set of Interrogatories, served on March 11, 2016.

3. Attached hereto as **Exhibit 2** are true and correct copies of Registrant's First Supplemental Responses to Petitioner's Second Set of Interrogatories, served on March 11, 2016 and Registrant's Second Supplemental Responses to Petitioner's Second Set of Interrogatories, served on May 24, 2016.

4. Attached hereto as **Exhibit 3** are true and correct copies of Registrant's Responses to Petitioner's Third Set of Interrogatories, served on January 27, 2016.
5. Attached hereto as **Exhibit 4** are true and correct copies of Registrant's Responses to Petitioner's Fourth Set of Interrogatories, served on February 12, 2016.¹
6. Attached hereto as **Exhibit 5** are true and correct copies of screenshots of the website www.bentleluxury.com that were captured under my direction on May 23, 2016. The URL and date on which each screenshot was printed is reflected in the footer of each screenshot.
7. Attached hereto as **Exhibit 6** are true and correct copies of screenshots of the website www.blountjewels.com/bentley that were captured under my direction on May 23, 2016. The URL and date on which each screenshot was printed is reflected in the footer of each screenshot.
8. Attached hereto as **Exhibit 7** are true and correct copies of excerpts of screenshots of the website www.facebook.com/BENTLEYLUXURY that were captured under my direction on May 23, 2016. The URL and date on which each screenshot was printed is reflected in the footer of each screenshot.
9. Attached hereto as **Exhibit 8** are true and correct copies of information on U.S. Trademark Registration Nos. 2,007,286, 2,096,184 and 2,096,186, which were retrieved from the U.S. PTO's TSDR website (www.tsdr.uspto.gov).
10. Attached hereto as **Exhibit 9** are true and correct copies of nonprecedential TTAB decisions cited in Registrant's brief.
11. Petitioner did not depose or serve a deposition notice on Registrant in this action.

¹ Registrant attaches full copies of these discovery responses because Petitioner's Motion for Summary Judgment included only excerpts. *See* Sparkman Decl. ¶¶ 6-7, 10-12 & Exs. 11-12, 15, 17.

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

Executed this 24th day of May, 2016 in San Francisco, California.

/s/ Jennifer A. Golinveaux
Jennifer A. Golinveaux

EXHIBIT 1

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

In the matter of trademark Registration No.: 2007286, 2096184, 2096186
For the mark: BENTLEY

BENTLEY MOTORS LIMITED,

Petitioner,

v.

AUCERA SA,

Registrant.

Cancellation No.: 92060353

**REGISTRANT’S FIRST SUPPLEMENTAL RESPONSES AND OBJECTIONS TO
PETITIONER’S FIRST SET OF INTERROGATORIES**

Pursuant to Rule 2.120 of the Trademark Rules of Practice, Trademark Trial and Appeal Board Manual of Procedure § 405, and Rule 33 of the Federal Rules of Civil Procedure, Registrant Aucera SA (“Aucera” or “Registrant”) hereby provides these first supplemental responses and objections to the First Set of Interrogatories served by Petitioner Bentley Motors Limited (“Petitioner”).

The following responses and objections are based upon Registrant’s knowledge, information, and belief at this time. Registrant has made a reasonable and good faith effort to respond. However, Registrant has not yet completed its investigation related to this action, nor has it completed discovery or preparation for trial. The responses contained herein are based solely upon the information presently available and specifically known to Registrant. It is anticipated that further discovery, independent investigation, legal research, and analysis may supply additional facts and establish entirely new factual conclusions and legal contentions, all of which may lead to the discovery of additional information, thereby resulting in additions to,

changes in, and variations from these responses. Registrant specifically reserves the right to amend these responses should additional information become available and to use such information.

GENERAL OBJECTIONS

Registrant makes the following general objections, whether or not separately set forth in response to each and every instruction, definition and interrogatories:

1. Registrant objects to the Interrogatories as overbroad and seeking information that is not relevant to the parties' claims or defenses.

2. Registrant objects to the Interrogatories to the extent that they purport to impose obligations on Registrant that exceed its obligations under the Federal Rules of Civil Procedure and/or the Trademark Trial and Appeal Board Manual of Procedure.

3. Registrant objects to the definition of "Aucera" as overly broad, and calling for information outside the possession, custody, and control of Aucera SA, as it includes "Aucera SA, its predecessors or successors in interest, any parent, subsidiary, affiliate and division, and any present or former officers, directors, agents, consultants, representatives, employees or other persons acting or purporting to act on any of those entities' behalf."

4. Registrant objects to the definition of "Aucera Mark" as overbroad and seeking documents that are not relevant to the parties' claims or defenses to the extent that it includes the language "as well as any other goods or services." Registrant will respond to the requests as if the definition of "Aucera Mark" did not include the wording "as well as any other goods or services."

5. Registrant objects to the Interrogatories to the extent that they are vague, ambiguous, and unclear, including Petitioner's use of terms that are not defined and/or are otherwise susceptible to more than one meaning.

FIRST SUPPLEMENTAL RESPONSES AND OBJECTIONS

1. Identify every Person who may have knowledge or information regarding your Answer.

Response: Registrant objects to the extent that this interrogatory is overly broad and unduly burdensome. Notwithstanding and subject to the objection, Registrant responds: Chia-Hsiang, Cheng.

2. Identify all uses in US commerce of the Aucera Mark by you or on Your behalf from November 10, 2011 – present.

Response: Registrant objects to the extent that this interrogatory is overly broad and unduly burdensome. Registrant further objects to the extent that the term “Aucera Mark” is not defined in the definitions. Notwithstanding and subject to the objections, Registrant responds: Please see the attached documents and the following websites:

<http://blountjewels.com/brands/Bentley.html?page=1&sort=featured> and

<http://www.bentleyluxury.com/distribution.php?type=retailers>.

First Supplemental Response: Pursuant to Federal Rule of Civil Procedure 33(d), Registrant additionally refers to documents produced with Bates numbers AUCERA00001-14, 26, and 60.

3. Identify all licensees of the Aucera Mark and uses of the Aucera Mark by any licensee or on its behalf from November 10, 2011 – present.

Response: Registrant objects to the extent that this interrogatory is overly broad and unduly burdensome. Registrant further objects to the extent that the term “Aucera Mark” is not defined in the definitions. Notwithstanding and subject to the objections, Registrant responds: Registrant is unaware of any licensees of Aucera’s BENTLEY mark or uses of Aucera’s BENTLEY mark by any licensee or on its behalf from November 10, 2011 – present.

4. Identify your or your licensees' efforts to police unauthorized third party uses in US commerce of the Aucera Mark or any colorable imitation thereof.

Response: Registrant objects to the extent that this interrogatory is overly broad and unduly burdensome. Registrant further objects to the extent that the term "Aucera Mark" is not defined in the definitions. Notwithstanding and subject to the objections, Registrant responds: Registrant is unaware of any efforts to police unauthorized third-party uses in U.S. commerce of Aucera's BENTLEY mark or any colorable imitation thereof.

5. Identify all goods and services sold, offered or otherwise used or promoted by you or on your behalf in US commerce in connection with the Aucera Mark from November 10, 2011 – present.

Response: Registrant objects to the extent that this interrogatory is overly broad and unduly burdensome. Registrant further objects to the extent that the term "Aucera Mark" is not defined in the definitions. Notwithstanding and subject to the objections, Registrant responds: Please see the attached documents and the following websites:

<http://blountjewels.com/brands/Bentley.html?page=1&sort=featured>

[http://www.bentleyluxury.com/distribution.php?type=retailers.](http://www.bentleyluxury.com/distribution.php?type=retailers)

First Supplemental Response: Pursuant to Federal Rule of Civil Procedure 33(d), Registrant additionally refers to documents produced with Bates numbers AUCERA00001-14, 26, and 60.

6. If you have transferred any rights in the Aucera Mark, or received any rights regarding the Aucera Mark from any person, identify the rights granted; and to whom, or from whom you received such rights.

Response: Registrant objects to the extent that this interrogatory is overly broad and unduly burdensome. Registrant further objects to the extent that the term "Aucera Mark" is not defined

in the definitions. Notwithstanding and subject to the objections, Registrant responds: Registrant is unaware of any transfer of rights to or from it in the BENTLEY mark.

First Supplemental Response: Pursuant to Federal Rule of Civil Procedure 33(d), Registrant additionally refers to documents produced with Bates numbers AUCERA000062-64.

7. Identify all documents evidencing the transfers identified in response to Interrogatory 6.

Response: Registrant responds: Registrant is unaware of any transfer of rights to or from it in the BENTLEY mark.

First Supplemental Response: Pursuant to Federal Rule of Civil Procedure 33(d), Registrant additionally refers to documents produced with Bates numbers AUCERA000062-64.

8. Identify all marketing and promotional materials created by or on behalf of you or any authorized licensee or utilized by or on behalf of you or any licensee behalf from November 10, 2011 – present that bear or relate to the Aucera Mark.

Response: Registrant objects to the extent that this interrogatory is overly broad and unduly burdensome. Registrant further objects to the extent that the term “Aucera Mark” is not defined in the definitions. Notwithstanding and subject to the objections, Registrant responds: Please see the attached documents.

First Supplemental Response: Pursuant to Federal Rule of Civil Procedure 33(d), Registrant additionally refers to documents produced with Bates numbers AUCERA000017-18, 21, 24, 40-49, and 61.

9. Identify all documents relating to plans to use the Aucera Mark in US commerce in the next three years.

Response: Registrant objects to the extent that this interrogatory is overly broad and unduly burdensome. Registrant further objects to the extent that the term “Aucera Mark” is not defined in the definitions. Notwithstanding and subject to the objections, Registrant responds: Please see the attached documents and the following websites:

<http://blountjewels.com/brands/Bentley.html?page=1&sort=featured>

<http://www.bentleyluxury.com/distribution.php?type=retailers>.

First Supplemental Response: Pursuant to Federal Rule of Civil Procedure 33(d), Registrant additionally refers to documents produced with Bates numbers AUCERA000030, 65-66.

10. Identify all documents relating to your plans for ceasing of the use of the Aucera Mark in United States commerce.

Response: Information responsive to this interrogatory does not exist.

11. Identify all channels of trade in United States commerce for goods or services promoted under the Aucera mark.

Response: Registrant’s goods are sold by Internet and mail order. Please see the attached documents and the following websites:

<http://blountjewels.com/brands/Bentley.html?page=1&sort=featured> and

<http://www.bentleyluxury.com/distribution.php?type=retailers>.

12. Describe in detail any instance of actual confusion between you or your goods or services and Bentley’s goods and services.

Response: Information responsive to this interrogatory does not exist.

13. Identify each person who provided information for the preparation of any answer to these Interrogatories.

Response: Chia-Hsiang, Cheng.

14. Identify all officers, managers, directors and/or shareholders of Aucera.

Response: Registrant objects to the extent that this interrogatory is overly broad and unduly burdensome. Notwithstanding and subject to the objection, Registrant responds: Chia-Hsiang, Cheng.

15. Identify all locations of any Aucera office.

Response: Av. Léopold-Robert 76, CH-2300 La Chaux-de-Fonds, Switzerland.

16. Identify all sales by or on behalf of you or any authorized licensee in United States commerce of goods or services bearing the Aucera Mark from November 10, 2011 – present.

Response: Registrant objects to the extent that this interrogatory is overly broad and unduly burdensome. Notwithstanding and subject to the objection, Registrant responds: Please see the attached documents.

First Supplemental Response: Pursuant to Federal Rule of Civil Procedure 33(d), Registrant additionally refers to documents produced with Bates numbers AUCERA00001-14, 26, and 60, which reflect additional shipments of goods bearing the Aucera Mark in the U.S.

Dated: March 11, 2016

By: /s/ Jennifer A. Golinveaux
Jennifer A. Golinveaux
WINSTON & STRAWN LLP
101 California Street, 35th Floor
San Francisco, CA 94111-5894
Telephone: 415-591-1000
Facsimile: 415-591-1400
Email: jgolinveaux@winston.com

Diana Hughes Leiden
WINSTON & STRAWN LLP
333 South Grand Avenue
Los Angeles, CA 90071
Telephone: 213-615-1700
Facsimile: 213-615-1750
Email: dhleiden@winston.com

Attorneys for Registrant Aucera SA

CERTIFICATE OF SERVICE

re: BENTLEY MOTORS LIMITED v. AUCERA SA

I hereby certify that a true and complete copy of the foregoing:

**REGISTRANT AUCERA SA'S FIRST SUPPLEMENTAL RESPONSES TO
PETITIONER'S FIRST SET OF INTERROGATORIES**

has been served on

- (1) Petitioner's counsel of record by mailing said copy on
March 11, 2016 via First Class Mail, postage prepaid, to:

ROD S. BERMAN
JESSICA BROMALL SPARKMAN
JEFFER MANGELS BUTLER & MITCHELL LLP
1900 AVENUE OF THE STARS, SEVENTH FLOOR
LOS ANGELES, CA 90067

/s/ Ann Newman
Ann Newman

EXHIBIT 2

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

In the matter of trademark Registration No.: 2007286, 2096184, 2096186
For the mark: BENTLEY

BENTLEY MOTORS LIMITED,

Petitioner,

v.

AUCERA SA,

Registrant.

Cancellation No.: 92060353

**REGISTRANT AUCERA SA'S FIRST SUPPLEMENTAL RESPONSES TO
PETITIONER'S SECOND SET OF INTERROGATORIES**

Pursuant to Rule 2.120 of the Trademark Rules of Practice, Trademark Trial and Appeal Board Manual of Procedure § 405, and Rule 33 of the Federal Rules of Civil Procedure, Registrant Aucera SA (“Aucera” or “Registrant”) hereby provides these first supplemental responses to the Second Set of Interrogatories served by Petitioner Bentley Motors Limited (“Petitioner”).

The following responses and objections are based upon Registrant’s knowledge, information, and belief at this time. Registrant has made a reasonable and good faith effort to respond. However, Registrant has not yet completed its investigation related to this action, nor has it completed discovery or preparation for trial. The responses contained herein are based solely upon the information presently available and specifically known to Registrant. It is anticipated that further discovery, independent investigation, legal research, and analysis may supply additional facts and establish entirely new factual conclusions and legal contentions, all of which may lead to the discovery of additional information, thereby resulting in additions to, changes in, and variations from these responses. Registrant specifically reserves the right to

amend these responses should additional information become available and to use such information.

GENERAL OBJECTIONS

Registrant makes the following general objections, whether or not separately set forth in response to each and every instruction, definition and interrogatories:

1. Registrant objects to the Interrogatories as overbroad and seeking information that is not relevant to the parties' claims or defenses.

2. Registrant objects to the Interrogatories to the extent that they purport to impose obligations on Registrant that exceed its obligations under the Federal Rules of Civil Procedure and/or the Trademark Trial and Appeal Board Manual of Procedure.

3. Registrant objects to the definition of "Aucera" as overly broad, and calling for information outside the possession, custody, and control of Aucera SA, as it includes "Aucera SA, its predecessors or successors in interest, any parent, subsidiary, affiliate and division, and any present or former officers, directors, agents, consultants, representatives, employees or other persons acting or purporting to act on any of those entities' behalf."

4. Registrant objects to the definition of "Aucera Mark" as overbroad and seeking documents that are not relevant to the parties' claims or defenses to the extent that it includes the language "as well as any other goods or services." Registrant will respond to the requests as if the definition of "Aucera Mark" did not include the wording "as well as any other goods or services."

5. Registrant objects to the Interrogatories to the extent that they are vague, ambiguous, and unclear, including Petitioner's use of terms that are not defined and/or are otherwise susceptible to more than one meaning.

FIRST SUPPLEMENTAL RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 21

Describe in detail how and when you created, selected, acquired, or otherwise came to own the Aucera Mark.

RESPONSE TO INTERROGATORY NO. 21

In addition to its General Objections, Registrant objects to this interrogatory as overly broad and seeking information irrelevant to the parties' claims and defenses. Subject to its General and Specific Objections, Registrant responds as follows: Registrant acquired the Aucera Mark in the mid- 1990's from DDL S.A. Horlogerie, a company based in La Chaux-de Fonds, Switzerland that had been engaged in the watchmaking business since 1948.

FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 21

Pursuant to Federal Rule of Civil Procedure 33(d), Registrant additionally refers to documents produced with Bates numbers AUCERA000062-64.

INTERROGATORY NO. 22

Identify all persons who now have, or have ever had, any ownership interest in the Aucera Mark.

RESPONSE TO INTERROGATORY NO. 22

In addition to its General Objections, Registrant objects to this interrogatory on the grounds that it is overly broad and seeks irrelevant information, specifically the request to identify all persons who "have ever had" an ownership interest in the Aucera Mark. Subject to its General and Specific Objections, Registrant responds as follows: Pursuant to U.S. Trademark Registration Nos. 2,007,286, 2,096,184, and 2,096,186, Registrant Aucera SA owns the Aucera Mark. U.S. Trademark Registration No. 2,007,286 was applied for by Aucera Technology, Corp. which assigned its entire interest to Aucera SA on May 20, 1996, prior to the registration date of October 8, 1996. Registrant acquired the Aucera Mark in the mid- 1990's from DDL S.A. Horlogerie, a company based in in La Chaux-de Fonds, Switzerland that had been engaged in the watchmaking business since 1948.

INTERROGATORY NO. 23

State the date on which you first sold any good bearing the Aucera Mark in the United States.

RESPONSE TO INTERROGATORY NO. 23

In addition to its General Objections Registrant objects to the request as vague and ambiguous. Subject to its General and Specific Objections, Registrant responds as follows: The date on which Aucera SA first transported goods bearing the Aucera Mark into the United States was in or about 1995.

INTERROGATORY NO. 24

State the date on which you first sold a watch bearing the Aucera Mark in the United States.

RESPONSE TO INTERROGATORY NO. 24

In addition to its General Objections Registrant objects to the request as vague and ambiguous. Subject to its General and Specific Objections, Registrant responds as follows: The date on which Aucera SA first transported watches bearing the Aucera Mark into the United States was in or about 1995.

INTERROGATORY NO. 25

State the date on which you first sold a piece of jewelry bearing the Aucera Mark in the United States.

RESPONSE TO INTERROGATORY NO. 25

In addition to its General Objections Registrant objects to the request as vague and ambiguous. Subject to its General and Specific Objections, Registrant responds as follows: The date on which Aucera SA first transported jewelry bearing the Aucera Mark into the United States was in or about 1995.

INTERROGATORY NO. 26

State the date on which you first sold a pen bearing the Aucera Mark in the United States.

RESPONSE TO INTERROGATORY NO. 26

In addition to its General Objections Registrant objects to the request as vague and ambiguous. Subject to its General and Specific Objections, Registrant responds as follows: The

date on which Aucera SA first transported pens bearing the Aucera Mark into the United States was in or about 1996.

INTERROGATORY NO. 27

For each year from 1995 through the present, state the annual dollar value of your sales of goods bearing the Aucera Mark in or to the United States.

RESPONSE TO INTERROGATORY NO. 27

In addition to its General Objections, Registrant objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. Pursuant to Federal Rule of Civil Procedure 33(d), Registrant has produced documents and business records relevant to this Interrogatory and will produce any additional responsive documents.

INTERROGATORY NO. 28

For each year from 1995 through the present, state the total number of goods bearing the Aucera Mark sold in the United States.

RESPONSE TO INTERROGATORY NO. 28

In addition to its General Objections, Registrant objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. Pursuant to Federal Rule of Civil Procedure 33(d), Registrant has produced documents and business records relevant to this Interrogatory and will produce any additional responsive documents.

INTERROGATORY NO. 29

For each year from 1995 through the present, state the annual dollar value of your expenditures for advertising or promoting goods bearing the Aucera Mark in or to the United States.

RESPONSE TO INTERROGATORY NO. 29

In addition to its General Objections, Registrant objects to this interrogatory on the grounds that it is overly broad and unduly burdensome and seeking information irrelevant to the parties' claims and defenses. Pursuant to Federal Rule of Civil Procedure 33(d), Registrant will produce documents and business records relevant to this Interrogatory, if any exist.

INTERROGATORY NO. 30

For each year from 1995 through the present, state the annual dollar value of your sales of watches bearing the Aucera Mark in or to the United States.

RESPONSE TO INTERROGATORY NO. 30

In addition to its General Objections, Registrant objects to this interrogatory on the grounds that it is overly broad. Pursuant to Federal Rule of Civil Procedure 33(d), Registrant has produced documents and business records relevant to this Interrogatory and will produce any additional responsive documents.

INTERROGATORY NO. 31

For each year from 1995 through the present, state the total number of watches bearing the Aucera Mark sold in or to the United States.

RESPONSE TO INTERROGATORY NO. 31

In addition to its General Objections, Registrant objects to this interrogatory on the grounds that it is overly broad. Pursuant to Federal Rule of Civil Procedure 33(d), Registrant has produced documents and business records relevant to this Interrogatory and will produce any additional responsive documents.

INTERROGATORY NO. 32

For each year from 1995 through the present, state the annual dollar value of your expenditures for advertising or promoting watches bearing the Aucera Mark in or to the United States.

RESPONSE TO INTERROGATORY NO. 32

In addition to its General Objections, Registrant objects to this interrogatory on the grounds that it is overly broad and seeking information irrelevant to the parties' claims and defenses. Pursuant to Federal Rule of Civil Procedure 33(d), Registrant will produce documents and business records relevant to this Interrogatory, if any exist.

INTERROGATORY NO. 33

For each year from 1995 through the present, state the annual dollar value of your sales of jewelry bearing the Aucera Mark in or to the United States.

RESPONSE TO INTERROGATORY NO. 33

In addition to its General Objections, Registrant objects to this interrogatory on the grounds that it is overly broad. Pursuant to Federal Rule of Civil Procedure 33(d), Registrant has produced documents and business records relevant to this Interrogatory and will produce any additional responsive documents.

INTERROGATORY NO. 34

For each year from 1995 through the present, state the total number of pieces of jewelry Bearing the Aucera Mark sold in or to the United States.

RESPONSE TO INTERROGATORY NO. 34

In addition to its General Objections, Registrant objects to this interrogatory on the grounds that it is overly broad. Pursuant to Federal Rule of Civil Procedure 33(d), Registrant has produced documents and business records relevant to this Interrogatory and will produce any additional responsive documents.

INTERROGATORY NO. 35

For each year from 1995 through the present, state the annual dollar value of your expenditures for advertising or promoting jewelry bearing the Aucera Mark in or to the United States.

RESPONSE TO INTERROGATORY NO. 35

In addition to its General Objections, Registrant objects to this interrogatory on the grounds that it is overly broad and seeking information irrelevant to the parties' claims and defenses. Pursuant to Federal Rule of Civil Procedure 33(d), Registrant will produce documents and business records relevant to this Interrogatory, if any exist.

INTERROGATORY NO. 36

For each year from 1995 through the present, state the annual dollar value of your sales of pens bearing the Aucera Mark in or to the United States.

RESPONSE TO INTERROGATORY NO. 36

In addition to its General Objections, Registrant objects to this interrogatory on the grounds that it is overly broad. Pursuant to Federal Rule of Civil Procedure 33(d), Registrant has produced documents and business records relevant to this Interrogatory and will produce any additional responsive documents.

INTERROGATORY NO. 37

For each year from 1995 through the present, state the total number of pens bearing the Aucera Mark sold in or to the United States.

RESPONSE TO INTERROGATORY NO. 37

In addition to its General Objections, Registrant objects to this interrogatory on the grounds that it is overly broad. Pursuant to Federal Rule of Civil Procedure 33(d), Registrant has produced documents and business records relevant to this Interrogatory and will produce any additional responsive documents.

INTERROGATORY NO. 38

For each year from 1995 through the present, state the annual dollar value of your expenditures for advertising or promoting pens bearing the Aucera Mark in or to the United States.

RESPONSE TO INTERROGATORY NO. 38

In addition to its General Objections, Registrant objects to this interrogatory on the grounds that it is overly broad and seeking information irrelevant to the parties' claims and defenses. Pursuant to Federal Rule of Civil Procedure 33(d), Registrant will produce documents and business records relevant to this Interrogatory, if any exist.

INTERROGATORY NO. 39

For each year from 1995 through the present, state the name, location, and address of all retailers where any product bearing the Aucera Mark is (or was) sold.

RESPONSE TO INTERROGATORY NO. 39

In addition to its General Objections, Registrant objects to this interrogatory on the grounds that it is overly broad. Pursuant to Federal Rule of Civil Procedure 33(d), Registrant has produced documents and business records relevant to this Interrogatory and will produce any additional responsive documents. Registrant further objects that this interrogatory is repetitive and duplicative of interrogatories previously served on Registrant. Registrant further objects to this Request on the grounds that it previously provided this information in response to Petitioner's Interrogatory No. 2.

INTERROGATORY NO. 40

For each year from 1995 through the present, state the name and web address of all websites on or through which any product bearing the Aucera Mark is (or was) sold.

RESPONSE TO INTERROGATORY NO. 40

In addition to its General Objections, Registrant objects to this interrogatory on the grounds that it is overly broad. Pursuant to Federal Rule of Civil Procedure 33(d), Registrant has produced documents and business records relevant to this Interrogatory and will produce any additional responsive documents. Registrant further objects that this interrogatory is repetitive and duplicative of interrogatories previously served on Registrant. Registrant further objects to this Request on the grounds that it previously provided this information in response to Petitioner's Interrogatory No. 2.

INTERROGATORY NO. 41

Describe your formal or informal marketing and business plans for the next five years for the use of the Aucera Mark for watches in the United States.

RESPONSE TO INTERROGATORY NO. 41

In addition to its General Objections, Registrant objects to this interrogatory as overly broad and seeking information irrelevant to the parties' claims and defenses. Pursuant to Federal Rule of Civil Procedure 33(d), Registrant will produce documents and business records relevant to this Interrogatory, if any exist. Subject to Registrant's General and Specific Objections, Registrant responds as follows: Aucera has engaged in ongoing efforts to develop additional sales of products bearing the Aucera Mark and channels of trade in the U.S., including without limitation: Promoting products bearing the Aucera Mark and developing relationships with potential U.S. distributors at trade shows (including the June 2010 JCK trade show in Las Vegas), taking out advertisements for products bearing the Aucera Mark in U.S. publications as reflected in documents produced by Registrant, creating and maintaining a Facebook page for Bentley Watches, and working with individuals and companies in the U.S. to develop relationships with potential distributors of products bearing the Aucera Mark in the U.S. via both online retailers and brick-and-mortar retail stores.

INTERROGATORY NO. 42

Describe your formal or informal marketing and business plans for the next five years for the use of the Aucera Mark for jewelry in the United States.

RESPONSE TO INTERROGATORY NO. 42

In addition to its General Objections, Registrant objects to this interrogatory as overly broad and seeking information irrelevant to the parties' claims and defenses. Pursuant to Federal Rule of Civil Procedure 33(d), Registrant will produce documents and business records relevant to this Interrogatory, if any exist. Subject to Registrant's General and Specific Objections, Registrant responds as follows: Aucera has engaged in ongoing efforts to develop additional sales of products bearing the Aucera Mark and channels of trade in the U.S., including without limitation: Promoting products bearing the Aucera Mark and developing relationships with potential U.S. distributors at trade shows (including the June 2010 JCK trade show in Las Vegas), taking out advertisements for products bearing the Aucera Mark in U.S. publications as

reflected in documents produced by Registrant, creating and maintaining a Facebook page for Bentley Watches, and working with individuals and companies in the U.S. to develop relationships with potential distributors of products bearing the Aucera Mark in the U.S. via both online retailers and brick-and-mortar retail stores.

INTERROGATORY NO. 43

Describe your formal or informal marketing and business plans for the next five years for the use of the Aucera Mark for pens in the United States.

RESPONSE TO INTERROGATORY NO. 43

In addition to its General Objections, Registrant objects to this interrogatory as overly broad and seeking information irrelevant to the parties' claims and defenses. Pursuant to Federal Rule of Civil Procedure 33(d), Registrant will produce documents and business records relevant to this Interrogatory, if any exist. Subject to Registrant's General and Specific Objections, Registrant responds as follows: Aucera has engaged in ongoing efforts to develop additional sales of products bearing the Aucera Mark and channels of trade in the U.S., including without limitation: Promoting products bearing the Aucera Mark and developing relationships with potential U.S. distributors at trade shows (including the June 2010 JCK trade show in Las Vegas), taking out advertisements for products bearing the Aucera Mark in U.S. publications as reflected in documents produced by Registrant, creating and maintaining a Facebook page for Bentley Watches, and working with individuals and companies in the U.S. to develop relationships with potential distributors of products bearing the Aucera Mark in the U.S. via both online retailers and brick-and-mortar retail stores.

INTERROGATORY NO. 44

State the retail price of each good for which you use the Aucera Mark.

RESPONSE TO INTERROGATORY NO. 44

In addition to its General Objections, Registrant objects to this interrogatory on the grounds that it is overly broad and seeks information irrelevant to the parties' claims and defenses. Pursuant to Federal Rule of Civil Procedure 33(d), Registrant has produced documents

and business records relevant to this Interrogatory and will produce any additional responsive documents.

INTERROGATORY NO. 45

State the wholesale price of each good for which you use the Aucera Mark.

RESPONSE TO INTERROGATORY NO. 45

In addition to its General Objections, Registrant objects to this interrogatory as overly broad and seeking information irrelevant to the parties' claims and defenses. Pursuant to Federal Rule of Civil Procedure 33(d), Registrant has produced documents and business records relevant to this Interrogatory and will produce any additional responsive documents.

INTERROGATORY NO. 46

State the facts that support the First Affirmative Defense set forth in the Answer.

RESPONSE TO INTERROGATORY NO. 46

In addition to its General Objections, Registrant objects to this interrogatory as premature given that discovery is ongoing. Registrant further objects to the interrogatory on the grounds that some of this information is in Petitioner's possession, custody, or control, and Petitioner has not yet begun producing documents. Pursuant to Federal Rule of Civil Procedure 33(d), Registrant has produced documents and business records relevant to this Interrogatory and will produce any additional responsive documents. Subject to its General and Specific Objections, Registrant responds as follows: Because Registrant has used the Aucera Mark in commerce in the United States and intends to continue to use the Aucera Mark in the United States, Petitioner has failed to state a cause of action upon which relief can be granted.

INTERROGATORY NO. 47

State the facts that support the Second Affirmative Defense set forth in the Answer.

RESPONSE TO INTERROGATORY NO. 47

In addition to its General Objections, Registrant objects to this interrogatory as premature given that discovery is ongoing. Registrant further objects to the interrogatory on the grounds

that much of this information is in Petitioner's possession, custody, or control, and Petitioner has not yet begun producing documents.

INTERROGATORY NO. 48

State whether you contend that you have continuously used the Aucera Mark for watches in the United States from 1995 through the present.

RESPONSE TO INTERROGATORY NO. 48

In addition to its General Objections, Registrant objects to this interrogatory as overly broad and seeking information irrelevant to the parties' claims and defenses. Registrant further objects to this interrogatory on the grounds that it seeks a legal conclusion and is vague and ambiguous. Subject to its General and Specific Objections, Registrant responds as follows: Registrant contends that it has continuously used the Aucera Mark for watches in the United States from 1995 through the present.

INTERROGATORY NO. 49

If your answer to the previous Interrogatory is yes, state any facts that support that contention.

RESPONSE TO INTERROGATORY NO. 49

In addition to its General Objections, Registrant objects to this interrogatory as overly broad and seeking information irrelevant to the parties' claims and defenses and as vague and ambiguous. Subject to its General and Specific Objections, Registrant responds as follows: Registrant contends that it has continuously used the Aucera Mark for watches in the United States from 1995 through the present by transporting watches into the United States, by promoting watches in the United States, and also as reflected in documents produced to Petitioner showing shipments into the United States of watches bearing the Aucera Mark. Registrant will continue to supplement its response to the extent additional responsive information is located.

INTERROGATORY NO. 50

State whether you contend that you have continuously used the Aucera Mark for watches in the United States from November 10, 2011 through the present.

RESPONSE TO INTERROGATORY NO. 50

In addition to its General Objections, Registrant objects to this interrogatory as overly broad and seeking information irrelevant to the parties' claims and defenses. Registrant further objects to this interrogatory on the grounds that it seeks a legal conclusion and is vague and ambiguous. Subject to its General and Specific Objections, Registrant responds as follows: Registrant contends that it has continuously used the Aucera Mark for watches in the United States from November 10, 2011 through the present.

INTERROGATORY NO. 51

If your answer to the previous Interrogatory is yes, state any facts that support that contention.

RESPONSE TO INTERROGATORY NO. 51

In addition to its General Objections, Registrant objects to this interrogatory as overly broad and seeking information irrelevant to the parties' claims and defenses. Subject to its General and Specific Objections, Registrant responds as follows: Registrant contends that it has continuously used the Aucera Mark for watches in the United States from November 10, 2011 through the present by transporting watches into the United States, by promoting watches in the United States, and also as reflected in documents produced to Petitioner showing shipments into the United States of watches bearing the Aucera Mark. Registrant will continue to supplement its responses to the extent additional information is located.

INTERROGATORY NO. 52

State whether you contend that you have continuously used the Aucera Mark for pens in the United States from 1997 through the present.

RESPONSE TO INTERROGATORY NO. 52

In addition to its General Objections, Registrant objects to this interrogatory as overly broad and seeking information irrelevant to the parties' claims and defenses. Registrant further objects to this interrogatory on the grounds that it seeks a legal conclusion and is vague and ambiguous. Subject to its General and Specific Objections, Registrant responds as follows: Registrant contends that it has continuously used the Aucera Mark for pens in the United States from 1997 through the present.

INTERROGATORY NO. 53

If your answer to the previous Interrogatory is yes, state any facts that support that contention.

RESPONSE TO INTERROGATORY NO. 53

In addition to its General Objections, Registrant objects to this interrogatory as overly broad and seeking information irrelevant to the parties' claims and defenses. Subject to its General and Specific Objections, Registrant responds as follows: Registrant contends that it has continuously used the Aucera Mark for pens in the United States from 1997 through the present by transporting pens into the United States, by promoting pens in the United States, and also as reflected in documents produced to Petitioner showing shipments into the United States of pens bearing the Aucera Mark. Registrant will continue to supplement its responses to the extent additional information is located.

INTERROGATORY NO. 54

State whether you contend that you have continuously used the Aucera Mark for pens in the United States from November 10, 2011 through the present.

RESPONSE TO INTERROGATORY NO. 54

In addition to its General Objections, Registrant objects to this interrogatory as overly broad and seeking information irrelevant to the parties' claims and defenses. Registrant further objects to this interrogatory on the grounds that it seeks a legal conclusion and is vague and ambiguous. Subject to its General and Specific Objections, Registrant responds as follows:

Registrant contends that it has continuously used the Aucera Mark for pens in the United States from November 10, 2011 through the present.

INTERROGATORY NO. 55

If your answer to the previous Interrogatory is yes, state any facts that support that contention.

RESPONSE TO INTERROGATORY NO. 55

In addition to its General Objections, Registrant objects to this interrogatory as overly broad and seeking information irrelevant to the parties' claims and defenses. Subject to its General and Specific Objections, Registrant responds as follows: Registrant contends that it has continuously used the Aucera Mark for pens in the United States from November 10, 2011 through the present, by transporting pens into the United States, by promoting pens in the United States, and also as reflected in documents produced to Petitioner showing shipments into the United States of pens bearing the Aucera Mark. Registrant will continue to supplement its responses to the extent additional information is located.

INTERROGATORY NO. 56

State whether you contend that you have continuously used the Aucera Mark for jewelry in the United States from 1997 through the present.

RESPONSE TO INTERROGATORY NO. 56

In addition to its General Objections, Registrant objects to this interrogatory as overly broad and seeking information irrelevant to the parties' claims and defenses. Registrant further objects to this interrogatory on the grounds that it seeks a legal conclusion and is vague and ambiguous. Subject to its General and Specific Objections, Registrant responds as follows: Registrant contends that it has continuously used the Aucera Mark for jewelry in the United States from 1997 through the present.

INTERROGATORY NO. 57

If your answer to the previous Interrogatory is yes, state any facts that support that contention.

RESPONSE TO INTERROGATORY NO. 57

In addition to its General Objections, Registrant objects to this interrogatory as overly broad and seeking information irrelevant to the parties' claims and defenses. Subject to its General and Specific Objections, Registrant responds as follows: Registrant contends that it has continuously used the Aucera Mark for jewelry in the United States from 1997 through the present by transporting jewelry into the United States, by promoting jewelry in the United States, and also as reflected in documents produced to Petitioner showing shipments into the United States of jewelry bearing the Aucera Mark. Registrant will continue to supplement its responses to the extent additional information is located.

INTERROGATORY NO. 58

State whether you contend that you have continuously used the Aucera Mark for jewelry in the United States from November 10, 2011 through the present.

RESPONSE TO INTERROGATORY NO. 58

In addition to its General Objections, Registrant objects to this interrogatory as overly broad and seeking information irrelevant to the parties' claims and defenses. Registrant further objects to this interrogatory on the grounds that it seeks a legal conclusion and is vague and ambiguous. Subject to its General and Specific Objections, Registrant responds as follows: Registrant contends that it has continuously used the Aucera Mark for jewelry in the United States from November 10, 2011 through the present.

INTERROGATORY NO. 59

If your answer to the previous Interrogatory is yes, state any facts that support that contention.

RESPONSE TO INTERROGATORY NO. 59

In addition to its General Objections, Registrant objects to this interrogatory as overly broad and seeking information irrelevant to the parties' claims and defenses. Subject to its General and Specific Objections, Registrant responds as follows: Registrant contends that it has continuously used the Aucera Mark for jewelry in the United States from November 10, 2011

through the present by transporting jewelry into the United States, by promoting jewelry in the United States, and also as reflected in documents produced to Petitioner showing shipments into the United States of jewelry bearing the Aucera Mark. Registrant will continue to supplement its responses to the extent additional information is located.

INTERROGATORY NO. 60

Describe in detail the relationship between Aucera and Resultco, including, without limitation, any role that Resultco plays in selling products bearing the Aucera Mark in the United States.

RESPONSE TO INTERROGATORY NO. 60

Subject to its General Objections, Registrant responds as follows: ResultCo was identified to be a U.S. distributor for products bearing the Aucera Mark.

INTERROGATORY NO. 61

Describe in detail the relationship between Aucera and Blount Jewelry, including, without limitation, any role that Blount Jewelry plays in selling products bearing the Aucera Mark in the United States.

RESPONSE TO INTERROGATORY NO. 61

Subject to its General Objections, Registrant responds as follows: Blount Jewelry has offered for sale products bearing the Aucera Mark in the United States, including on the website <http://blountjewels.com>.

INTERROGATORY NO. 62

Identify all Persons who participated in any way in the preparation of your answers or responses to these interrogatories, Bentley's First Interrogatories, Bentley's First or Second Requests for Production of Documents, and Bentley's First or Second Requests for Admissions.

RESPONSE TO INTERROGATORY NO. 62

Subject to its General Objections, Registrant responds as follows: Chia-Hsiang Cheng.

Dated: March 11, 2016

By: /s/ Jennifer A. Golinveaux
Jennifer A. Golinveaux
WINSTON & STRAWN LLP
101 California Street, 35th Floor
San Francisco, CA 94111-5894
Telephone: 415-591-1000
Facsimile: 415-591-1400
Email: jgolinveaux@winston.com

Diana Hughes Leiden
WINSTON & STRAWN LLP
333 South Grand Avenue
Los Angeles, CA 90071
Telephone: 213-615-1700
Facsimile: 213-615-1750
Email: dhleiden@winston.com

Attorneys for Registrant Aucera SA

CERTIFICATE OF SERVICE

re: BENTLEY MOTORS LIMITED v. AUCERA SA

I hereby certify that a true and complete copy of the foregoing:

**REGISTRANT AUCERA SA'S FIRST SUPPLEMENTAL RESPONSES TO
PETITIONER'S SECOND SET OF INTERROGATORIES**

has been served on

- (1) Petitioner's counsel of record by mailing said copy on
March 11, 2016 via First Class Mail, postage prepaid, to:

ROD S. BERMAN
JESSICA BROMALL SPARKMAN
JEFFER MANGELS BUTLER & MITCHELL LLP
1900 AVENUE OF THE STARS, SEVENTH FLOOR
LOS ANGELES, CA 90067

/s/ Ann Newman
Ann Newman

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

In the matter of trademark Registration No.: 2007286, 2096184, 2096186
For the mark: BENTLEY

BENTLEY MOTORS LIMITED,

Petitioner,

v.

AUCERA SA,

Registrant.

Cancellation No.: 92060353

**REGISTRANT AUCERA SA'S SECOND SUPPLEMENTAL RESPONSES TO
PETITIONER'S SECOND SET OF INTERROGATORIES**

Pursuant to Rule 2.120 of the Trademark Rules of Practice, Trademark Trial and Appeal Board Manual of Procedure § 405, and Rule 33 of the Federal Rules of Civil Procedure, Registrant Aucera SA ("Aucera" or "Registrant") hereby provides these second supplemental responses to the Second Set of Interrogatories served by Petitioner Bentley Motors Limited ("Petitioner").

The following responses and objections are based upon Registrant's knowledge, information, and belief at this time. Registrant has made a reasonable and good faith effort to respond. However, Registrant has not yet completed its investigation related to this action, nor has it completed discovery or preparation for trial. The responses contained herein are based solely upon the information presently available and specifically known to Registrant. It is anticipated that further discovery, independent investigation, legal research, and analysis may supply additional facts and establish entirely new factual conclusions and legal contentions, all of which may lead to the discovery of additional information, thereby resulting in additions to, changes in, and variations from these responses. Registrant specifically reserves the right to

amend these responses should additional information become available and to use such information.

GENERAL OBJECTIONS

Registrant makes the following general objections, whether or not separately set forth in response to each and every instruction, definition and interrogatories:

1. Registrant objects to the Interrogatories as overbroad and seeking information that is not relevant to the parties' claims or defenses.

2. Registrant objects to the Interrogatories to the extent that they purport to impose obligations on Registrant that exceed its obligations under the Federal Rules of Civil Procedure and/or the Trademark Trial and Appeal Board Manual of Procedure.

3. Registrant objects to the definition of "Aucera" as overly broad, and calling for information outside the possession, custody, and control of Aucera SA, as it includes "Aucera SA, its predecessors or successors in interest, any parent, subsidiary, affiliate and division, and any present or former officers, directors, agents, consultants, representatives, employees or other persons acting or purporting to act on any of those entities' behalf."

4. Registrant objects to the definition of "Aucera Mark" as overbroad and seeking documents that are not relevant to the parties' claims or defenses to the extent that it includes the language "as well as any other goods or services." Registrant will respond to the requests as if the definition of "Aucera Mark" did not include the wording "as well as any other goods or services."

5. Registrant objects to the Interrogatories to the extent that they are vague, ambiguous, and unclear, including Petitioner's use of terms that are not defined and/or are otherwise susceptible to more than one meaning.

SECOND SUPPLEMENTAL RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 21

Describe in detail how and when you created, selected, acquired, or otherwise came to own the Aucera Mark.

RESPONSE TO INTERROGATORY NO. 21

In addition to its General Objections, Registrant objects to this interrogatory as overly broad and seeking information irrelevant to the parties' claims and defenses. Subject to its General and Specific Objections, Registrant responds as follows: Registrant acquired the Aucera Mark in the mid- 1990's from DDL S.A. Horlogerie, a company based in La Chaux-de Fonds, Switzerland that had been engaged in the watchmaking business since 1948.

FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 21

Pursuant to Federal Rule of Civil Procedure 33(d), Registrant additionally refers to documents produced with Bates numbers AUCERA000062-64.

SECOND SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 21

In addition to its General Objections, Registrant objects to this interrogatory as overly broad and seeking information irrelevant to the parties' claims and defenses. Subject to its General and Specific Objections, Registrant responds as follows: Registrant acquired the Aucera Mark in the mid- 1990's from DDL S.A. Horlogerie, a company that had acquired the worldwide rights to the BENTLEY mark for watches and related products from another company based in La Chaux-de Fonds, Switzerland that had been engaged in the watchmaking business since 1948. Pursuant to Federal Rule of Civil Procedure 33(d), Registrant additionally refers to documents produced with Bates numbers AUCERA000062-64.

INTERROGATORY NO. 22

Identify all persons who now have, or have ever had, any ownership interest in the Aucera Mark.

RESPONSE TO INTERROGATORY NO. 22

In addition to its General Objections, Registrant objects to this interrogatory on the grounds that it is overly broad and seeks irrelevant information, specifically the request to identify all persons who "have ever had" an ownership interest in the Aucera Mark. Subject to its General and Specific Objections, Registrant responds as follows: Pursuant to U.S. Trademark Registration Nos. 2,007,286, 2,096,184, and 2,096,186, Registrant Aucera SA owns the Aucera

Mark. U.S. Trademark Registration No. 2,007,286 was applied for by Aucera Technology, Corp. which assigned its entire interest to Aucera SA on May 20, 1996, prior to the registration date of October 8, 1996. Registrant acquired the Aucera Mark in the mid- 1990's from DDL S.A. Horlogerie, a company based in in La Chaux-de Fonds, Switzerland that had been engaged in the watchmaking business since 1948.

INTERROGATORY NO. 23

State the date on which you first sold any good bearing the Aucera Mark in the United States.

RESPONSE TO INTERROGATORY NO. 23

In addition to its General Objections Registrant objects to the request as vague and ambiguous. Subject to its General and Specific Objections, Registrant responds as follows: The date on which Aucera SA first transported goods bearing the Aucera Mark into the United States was in or about 1995.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 23

In addition to its General Objections Registrant objects to the request as vague and ambiguous. Subject to its General and Specific Objections, Registrant responds as follows: The date on which Aucera SA first transported goods bearing the Aucera Mark into the United States was in or about 1995. Aucera sold watches and pens bearing the Aucera Mark to Jack Tsai, a principal of Little Bug, Inc. and World of Wonder, Inc., on August 27, 1996. Mr. Tsai made sales of approximately eight watches and seven pairs of sunglasses to U.S. consumers in late 1996 and early 1997.

INTERROGATORY NO. 24

State the date on which you first sold a watch bearing the Aucera Mark in the United States.

RESPONSE TO INTERROGATORY NO. 24

In addition to its General Objections Registrant objects to the request as vague and ambiguous. Subject to its General and Specific Objections, Registrant responds as follows: The

date on which Aucera SA first transported watches bearing the Aucera Mark into the United States was in or about 1995.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 24

In addition to its General Objections Registrant objects to the request as vague and ambiguous. Subject to its General and Specific Objections, Registrant responds as follows: The date on which Aucera SA first transported watches bearing the Aucera Mark into the United States was in or about 1995. Aucera sold watches bearing the Aucera Mark to Jack Tsai, a principal of Little Bug, Inc. and World of Wonder, Inc., on August 27, 1996. Mr. Tsai made sales of approximately eight watches to U.S. consumers in late 1996 and early 1997.

INTERROGATORY NO. 25

State the date on which you first sold a piece of jewelry bearing the Aucera Mark in the United States.

RESPONSE TO INTERROGATORY NO. 25

In addition to its General Objections Registrant objects to the request as vague and ambiguous. Subject to its General and Specific Objections, Registrant responds as follows: The date on which Aucera SA first transported jewelry bearing the Aucera Mark into the United States was in or about 1995.

INTERROGATORY NO. 26

State the date on which you first sold a pen bearing the Aucera Mark in the United States.

RESPONSE TO INTERROGATORY NO. 26

In addition to its General Objections Registrant objects to the request as vague and ambiguous. Subject to its General and Specific Objections, Registrant responds as follows: The date on which Aucera SA first transported pens bearing the Aucera Mark into the United States was in or about 1996.

INTERROGATORY NO. 27

For each year from 1995 through the present, state the annual dollar value of your sales of goods bearing the Aucera Mark in or to the United States.

RESPONSE TO INTERROGATORY NO. 27

In addition to its General Objections, Registrant objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. Pursuant to Federal Rule of Civil Procedure 33(d), Registrant has produced documents and business records relevant to this Interrogatory and will produce any additional responsive documents.

INTERROGATORY NO. 28

For each year from 1995 through the present, state the total number of goods bearing the Aucera Mark sold in the United States.

RESPONSE TO INTERROGATORY NO. 28

In addition to its General Objections, Registrant objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. Pursuant to Federal Rule of Civil Procedure 33(d), Registrant has produced documents and business records relevant to this Interrogatory and will produce any additional responsive documents.

INTERROGATORY NO. 29

For each year from 1995 through the present, state the annual dollar value of your expenditures for advertising or promoting goods bearing the Aucera Mark in or to the United States.

RESPONSE TO INTERROGATORY NO. 29

In addition to its General Objections, Registrant objects to this interrogatory on the grounds that it is overly broad and unduly burdensome and seeking information irrelevant to the parties' claims and defenses. Pursuant to Federal Rule of Civil Procedure 33(d), Registrant will produce documents and business records relevant to this Interrogatory, if any exist.

INTERROGATORY NO. 30

For each year from 1995 through the present, state the annual dollar value of your sales of watches bearing the Aucera Mark in or to the United States.

RESPONSE TO INTERROGATORY NO. 30

In addition to its General Objections, Registrant objects to this interrogatory on the grounds that it is overly broad. Pursuant to Federal Rule of Civil Procedure 33(d), Registrant has produced documents and business records relevant to this Interrogatory and will produce any additional responsive documents.

INTERROGATORY NO. 31

For each year from 1995 through the present, state the total number of watches bearing the Aucera Mark sold in or to the United States.

RESPONSE TO INTERROGATORY NO. 31

In addition to its General Objections, Registrant objects to this interrogatory on the grounds that it is overly broad. Pursuant to Federal Rule of Civil Procedure 33(d), Registrant has produced documents and business records relevant to this Interrogatory and will produce any additional responsive documents.

INTERROGATORY NO. 32

For each year from 1995 through the present, state the annual dollar value of your expenditures for advertising or promoting watches bearing the Aucera Mark in or to the United States.

RESPONSE TO INTERROGATORY NO. 32

In addition to its General Objections, Registrant objects to this interrogatory on the grounds that it is overly broad and seeking information irrelevant to the parties' claims and defenses. Pursuant to Federal Rule of Civil Procedure 33(d), Registrant will produce documents and business records relevant to this Interrogatory, if any exist.

INTERROGATORY NO. 33

For each year from 1995 through the present, state the annual dollar value of your sales of jewelry bearing the Aucera Mark in or to the United States.

RESPONSE TO INTERROGATORY NO. 33

In addition to its General Objections, Registrant objects to this interrogatory on the grounds that it is overly broad. Pursuant to Federal Rule of Civil Procedure 33(d), Registrant has produced documents and business records relevant to this Interrogatory and will produce any additional responsive documents.

INTERROGATORY NO. 34

For each year from 1995 through the present, state the total number of pieces of jewelry Bearing the Aucera Mark sold in or to the United States.

RESPONSE TO INTERROGATORY NO. 34

In addition to its General Objections, Registrant objects to this interrogatory on the grounds that it is overly broad. Pursuant to Federal Rule of Civil Procedure 33(d), Registrant has produced documents and business records relevant to this Interrogatory and will produce any additional responsive documents.

INTERROGATORY NO. 35

For each year from 1995 through the present, state the annual dollar value of your expenditures for advertising or promoting jewelry bearing the Aucera Mark in or to the United States.

RESPONSE TO INTERROGATORY NO. 35

In addition to its General Objections, Registrant objects to this interrogatory on the grounds that it is overly broad and seeking information irrelevant to the parties' claims and defenses. Pursuant to Federal Rule of Civil Procedure 33(d), Registrant will produce documents and business records relevant to this Interrogatory, if any exist.

INTERROGATORY NO. 36

For each year from 1995 through the present, state the annual dollar value of your sales of pens bearing the Aucera Mark in or to the United States.

RESPONSE TO INTERROGATORY NO. 36

In addition to its General Objections, Registrant objects to this interrogatory on the grounds that it is overly broad. Pursuant to Federal Rule of Civil Procedure 33(d), Registrant has produced documents and business records relevant to this Interrogatory and will produce any additional responsive documents.

INTERROGATORY NO. 37

For each year from 1995 through the present, state the total number of pens bearing the Aucera Mark sold in or to the United States.

RESPONSE TO INTERROGATORY NO. 37

In addition to its General Objections, Registrant objects to this interrogatory on the grounds that it is overly broad. Pursuant to Federal Rule of Civil Procedure 33(d), Registrant has produced documents and business records relevant to this Interrogatory and will produce any additional responsive documents.

INTERROGATORY NO. 38

For each year from 1995 through the present, state the annual dollar value of your expenditures for advertising or promoting pens bearing the Aucera Mark in or to the United States.

RESPONSE TO INTERROGATORY NO. 38

In addition to its General Objections, Registrant objects to this interrogatory on the grounds that it is overly broad and seeking information irrelevant to the parties' claims and defenses. Pursuant to Federal Rule of Civil Procedure 33(d), Registrant will produce documents and business records relevant to this Interrogatory, if any exist.

INTERROGATORY NO. 39

For each year from 1995 through the present, state the name, location, and address of all retailers where any product bearing the Aucera Mark is (or was) sold.

RESPONSE TO INTERROGATORY NO. 39

In addition to its General Objections, Registrant objects to this interrogatory on the grounds that it is overly broad. Pursuant to Federal Rule of Civil Procedure 33(d), Registrant has produced documents and business records relevant to this Interrogatory and will produce any additional responsive documents. Registrant further objects that this interrogatory is repetitive and duplicative of interrogatories previously served on Registrant. Registrant further objects to this Request on the grounds that it previously provided this information in response to Petitioner's Interrogatory No. 2.

INTERROGATORY NO. 40

For each year from 1995 through the present, state the name and web address of all websites on or through which any product bearing the Aucera Mark is (or was) sold.

RESPONSE TO INTERROGATORY NO. 40

In addition to its General Objections, Registrant objects to this interrogatory on the grounds that it is overly broad. Pursuant to Federal Rule of Civil Procedure 33(d), Registrant has produced documents and business records relevant to this Interrogatory and will produce any additional responsive documents. Registrant further objects that this interrogatory is repetitive and duplicative of interrogatories previously served on Registrant. Registrant further objects to this Request on the grounds that it previously provided this information in response to Petitioner's Interrogatory No. 2.

INTERROGATORY NO. 41

Describe your formal or informal marketing and business plans for the next five years for the use of the Aucera Mark for watches in the United States.

RESPONSE TO INTERROGATORY NO. 41

In addition to its General Objections, Registrant objects to this interrogatory as overly broad and seeking information irrelevant to the parties' claims and defenses. Pursuant to Federal Rule of Civil Procedure 33(d), Registrant will produce documents and business records relevant to this Interrogatory, if any exist. Subject to Registrant's General and Specific Objections,

Registrant responds as follows: Aucera has engaged in ongoing efforts to develop additional sales of products bearing the Aucera Mark and channels of trade in the U.S., including without limitation: Promoting products bearing the Aucera Mark and developing relationships with potential U.S. distributors at trade shows (including the June 2010 JCK trade show in Las Vegas), taking out advertisements for products bearing the Aucera Mark in U.S. publications as reflected in documents produced by Registrant, creating and maintaining a Facebook page for Bentley Watches, and working with individuals and companies in the U.S. to develop relationships with potential distributors of products bearing the Aucera Mark in the U.S. via both online retailers and brick-and-mortar retail stores.

INTERROGATORY NO. 42

Describe your formal or informal marketing and business plans for the next five years for the use of the Aucera Mark for jewelry in the United States.

RESPONSE TO INTERROGATORY NO. 42

In addition to its General Objections, Registrant objects to this interrogatory as overly broad and seeking information irrelevant to the parties' claims and defenses. Pursuant to Federal Rule of Civil Procedure 33(d), Registrant will produce documents and business records relevant to this Interrogatory, if any exist. Subject to Registrant's General and Specific Objections, Registrant responds as follows: Aucera has engaged in ongoing efforts to develop additional sales of products bearing the Aucera Mark and channels of trade in the U.S., including without limitation: Promoting products bearing the Aucera Mark and developing relationships with potential U.S. distributors at trade shows (including the June 2010 JCK trade show in Las Vegas), taking out advertisements for products bearing the Aucera Mark in U.S. publications as reflected in documents produced by Registrant, creating and maintaining a Facebook page for Bentley Watches, and working with individuals and companies in the U.S. to develop relationships with potential distributors of products bearing the Aucera Mark in the U.S. via both online retailers and brick-and-mortar retail stores.

INTERROGATORY NO. 43

Describe your formal or informal marketing and business plans for the next five years for the use of the Aucera Mark for pens in the United States.

RESPONSE TO INTERROGATORY NO. 43

In addition to its General Objections, Registrant objects to this interrogatory as overly broad and seeking information irrelevant to the parties' claims and defenses. Pursuant to Federal Rule of Civil Procedure 33(d), Registrant will produce documents and business records relevant to this Interrogatory, if any exist. Subject to Registrant's General and Specific Objections, Registrant responds as follows: Aucera has engaged in ongoing efforts to develop additional sales of products bearing the Aucera Mark and channels of trade in the U.S., including without limitation: Promoting products bearing the Aucera Mark and developing relationships with potential U.S. distributors at trade shows (including the June 2010 JCK trade show in Las Vegas), taking out advertisements for products bearing the Aucera Mark in U.S. publications as reflected in documents produced by Registrant, creating and maintaining a Facebook page for Bentley Watches, and working with individuals and companies in the U.S. to develop relationships with potential distributors of products bearing the Aucera Mark in the U.S. via both online retailers and brick-and-mortar retail stores.

INTERROGATORY NO. 44

State the retail price of each good for which you use the Aucera Mark.

RESPONSE TO INTERROGATORY NO. 44

In addition to its General Objections, Registrant objects to this interrogatory on the grounds that it is overly broad and seeks information irrelevant to the parties' claims and defenses. Pursuant to Federal Rule of Civil Procedure 33(d), Registrant has produced documents and business records relevant to this Interrogatory and will produce any additional responsive documents.

INTERROGATORY NO. 45

State the wholesale price of each good for which you use the Aucera Mark.

RESPONSE TO INTERROGATORY NO. 45

In addition to its General Objections, Registrant objects to this interrogatory as overly broad and seeking information irrelevant to the parties' claims and defenses. Pursuant to Federal Rule of Civil Procedure 33(d), Registrant has produced documents and business records relevant to this Interrogatory and will produce any additional responsive documents.

INTERROGATORY NO. 46

State the facts that support the First Affirmative Defense set forth in the Answer.

RESPONSE TO INTERROGATORY NO. 46

In addition to its General Objections, Registrant objects to this interrogatory as premature given that discovery is ongoing. Registrant further objects to the interrogatory on the grounds that some of this information is in Petitioner's possession, custody, or control, and Petitioner has not yet begun producing documents. Pursuant to Federal Rule of Civil Procedure 33(d), Registrant has produced documents and business records relevant to this Interrogatory and will produce any additional responsive documents. Subject to its General and Specific Objections, Registrant responds as follows: Because Registrant has used the Aucera Mark in commerce in the United States and intends to continue to use the Aucera Mark in the United States, Petitioner has failed to state a cause of action upon which relief can be granted.

INTERROGATORY NO. 47

State the facts that support the Second Affirmative Defense set forth in the Answer.

RESPONSE TO INTERROGATORY NO. 47

In addition to its General Objections, Registrant objects to this interrogatory as premature given that discovery is ongoing. Registrant further objects to the interrogatory on the grounds that much of this information is in Petitioner's possession, custody, or control, and Petitioner has not yet begun producing documents.

INTERROGATORY NO. 48

State whether you contend that you have continuously used the Aucera Mark for watches in the United States from 1995 through the present.

RESPONSE TO INTERROGATORY NO. 48

In addition to its General Objections, Registrant objects to this interrogatory as overly broad and seeking information irrelevant to the parties' claims and defenses. Registrant further objects to this interrogatory on the grounds that it seeks a legal conclusion and is vague and ambiguous. Subject to its General and Specific Objections, Registrant responds as follows: Registrant contends that it has continuously used the Aucera Mark for watches in the United States from 1995 through the present.

INTERROGATORY NO. 49

If your answer to the previous Interrogatory is yes, state any facts that support that contention.

RESPONSE TO INTERROGATORY NO. 49

In addition to its General Objections, Registrant objects to this interrogatory as overly broad and seeking information irrelevant to the parties' claims and defenses and as vague and ambiguous. Subject to its General and Specific Objections, Registrant responds as follows: Registrant contends that it has continuously used the Aucera Mark for watches in the United States from 1995 through the present by transporting watches into the United States, by promoting watches in the United States, and also as reflected in documents produced to Petitioner showing shipments into the United States of watches bearing the Aucera Mark. Registrant will continue to supplement its response to the extent additional responsive information is located.

INTERROGATORY NO. 50

State whether you contend that you have continuously used the Aucera Mark for watches in the United States from November 10, 2011 through the present.

RESPONSE TO INTERROGATORY NO. 50

In addition to its General Objections, Registrant objects to this interrogatory as overly broad and seeking information irrelevant to the parties' claims and defenses. Registrant further objects to this interrogatory on the grounds that it seeks a legal conclusion and is vague and

ambiguous. Subject to its General and Specific Objections, Registrant responds as follows: Registrant contends that it has continuously used the Aucera Mark for watches in the United States from November 10, 2011 through the present.

INTERROGATORY NO. 51

If your answer to the previous Interrogatory is yes, state any facts that support that contention.

RESPONSE TO INTERROGATORY NO. 51

In addition to its General Objections, Registrant objects to this interrogatory as overly broad and seeking information irrelevant to the parties' claims and defenses. Subject to its General and Specific Objections, Registrant responds as follows: Registrant contends that it has continuously used the Aucera Mark for watches in the United States from November 10, 2011 through the present by transporting watches into the United States, by promoting watches in the United States, and also as reflected in documents produced to Petitioner showing shipments into the United States of watches bearing the Aucera Mark. Registrant will continue to supplement its responses to the extent additional information is located.

INTERROGATORY NO. 52

State whether you contend that you have continuously used the Aucera Mark for pens in the United States from 1997 through the present.

RESPONSE TO INTERROGATORY NO. 52

In addition to its General Objections, Registrant objects to this interrogatory as overly broad and seeking information irrelevant to the parties' claims and defenses. Registrant further objects to this interrogatory on the grounds that it seeks a legal conclusion and is vague and ambiguous. Subject to its General and Specific Objections, Registrant responds as follows: Registrant contends that it has continuously used the Aucera Mark for pens in the United States from 1997 through the present.

INTERROGATORY NO. 53

If your answer to the previous Interrogatory is yes, state any facts that support that contention.

RESPONSE TO INTERROGATORY NO. 53

In addition to its General Objections, Registrant objects to this interrogatory as overly broad and seeking information irrelevant to the parties' claims and defenses. Subject to its General and Specific Objections, Registrant responds as follows: Registrant contends that it has continuously used the Aucera Mark for pens in the United States from 1997 through the present by transporting pens into the United States, by promoting pens in the United States, and also as reflected in documents produced to Petitioner showing shipments into the United States of pens bearing the Aucera Mark. Registrant will continue to supplement its responses to the extent additional information is located.

INTERROGATORY NO. 54

State whether you contend that you have continuously used the Aucera Mark for pens in the United States from November 10, 2011 through the present.

RESPONSE TO INTERROGATORY NO. 54

In addition to its General Objections, Registrant objects to this interrogatory as overly broad and seeking information irrelevant to the parties' claims and defenses. Registrant further objects to this interrogatory on the grounds that it seeks a legal conclusion and is vague and ambiguous. Subject to its General and Specific Objections, Registrant responds as follows: Registrant contends that it has continuously used the Aucera Mark for pens in the United States from November 10, 2011 through the present.

INTERROGATORY NO. 55

If your answer to the previous Interrogatory is yes, state any facts that support that contention.

RESPONSE TO INTERROGATORY NO. 55

In addition to its General Objections, Registrant objects to this interrogatory as overly broad and seeking information irrelevant to the parties' claims and defenses. Subject to its General and Specific Objections, Registrant responds as follows: Registrant contends that it has continuously used the Aucera Mark for pens in the United States from November 10, 2011 through the present, by transporting pens into the United States, by promoting pens in the United States, and also as reflected in documents produced to Petitioner showing shipments into the United States of pens bearing the Aucera Mark. Registrant will continue to supplement its responses to the extent additional information is located.

INTERROGATORY NO. 56

State whether you contend that you have continuously used the Aucera Mark for jewelry in the United States from 1997 through the present.

RESPONSE TO INTERROGATORY NO. 56

In addition to its General Objections, Registrant objects to this interrogatory as overly broad and seeking information irrelevant to the parties' claims and defenses. Registrant further objects to this interrogatory on the grounds that it seeks a legal conclusion and is vague and ambiguous. Subject to its General and Specific Objections, Registrant responds as follows: Registrant contends that it has continuously used the Aucera Mark for jewelry in the United States from 1997 through the present.

INTERROGATORY NO. 57

If your answer to the previous Interrogatory is yes, state any facts that support that contention.

RESPONSE TO INTERROGATORY NO. 57

In addition to its General Objections, Registrant objects to this interrogatory as overly broad and seeking information irrelevant to the parties' claims and defenses. Subject to its General and Specific Objections, Registrant responds as follows: Registrant contends that it has continuously used the Aucera Mark for jewelry in the United States from 1997 through the

present by transporting jewelry into the United States, by promoting jewelry in the United States, and also as reflected in documents produced to Petitioner showing shipments into the United States of jewelry bearing the Aucera Mark. Registrant will continue to supplement its responses to the extent additional information is located.

INTERROGATORY NO. 58

State whether you contend that you have continuously used the Aucera Mark for jewelry in the United States from November 10, 2011 through the present.

RESPONSE TO INTERROGATORY NO. 58

In addition to its General Objections, Registrant objects to this interrogatory as overly broad and seeking information irrelevant to the parties' claims and defenses. Registrant further objects to this interrogatory on the grounds that it seeks a legal conclusion and is vague and ambiguous. Subject to its General and Specific Objections, Registrant responds as follows: Registrant contends that it has continuously used the Aucera Mark for jewelry in the United States from November 10, 2011 through the present.

INTERROGATORY NO. 59

If your answer to the previous Interrogatory is yes, state any facts that support that contention.

RESPONSE TO INTERROGATORY NO. 59

In addition to its General Objections, Registrant objects to this interrogatory as overly broad and seeking information irrelevant to the parties' claims and defenses. Subject to its General and Specific Objections, Registrant responds as follows: Registrant contends that it has continuously used the Aucera Mark for jewelry in the United States from November 10, 2011 through the present by transporting jewelry into the United States, by promoting jewelry in the United States, and also as reflected in documents produced to Petitioner showing shipments into the United States of jewelry bearing the Aucera Mark. Registrant will continue to supplement its responses to the extent additional information is located.

INTERROGATORY NO. 60

Describe in detail the relationship between Aucera and Resultco, including, without limitation, any role that Resultco plays in selling products bearing the Aucera Mark in the United States.

RESPONSE TO INTERROGATORY NO. 60

Subject to its General Objections, Registrant responds as follows: ResultCo was identified to be a U.S. distributor for products bearing the Aucera Mark.

INTERROGATORY NO. 61

Describe in detail the relationship between Aucera and Blount Jewelry, including, without limitation, any role that Blount Jewelry plays in selling products bearing the Aucera Mark in the United States.

RESPONSE TO INTERROGATORY NO. 61

Subject to its General Objections, Registrant responds as follows: Blount Jewelry has offered for sale products bearing the Aucera Mark in the United States, including on the website <http://blountjewels.com>.

INTERROGATORY NO. 62

Identify all Persons who participated in any way in the preparation of your answers or responses to these interrogatories, Bentley's First Interrogatories, Bentley's First or Second Requests for Production of Documents, and Bentley's First or Second Requests for Admissions.

RESPONSE TO INTERROGATORY NO. 62

Subject to its General Objections, Registrant responds as follows: Chia-Hsiang Cheng.

Dated: May 24, 2016

By: /s/ Jennifer A. Golinveaux
Jennifer A. Golinveaux
WINSTON & STRAWN LLP
101 California Street, 35th Floor
San Francisco, CA 94111-5894
Telephone: 415-591-1000
Facsimile: 415-591-1400
Email: jgolinveaux@winston.com

Diana Hughes Leiden
WINSTON & STRAWN LLP
333 South Grand Avenue
Los Angeles, CA 90071
Telephone: 213-615-1700
Facsimile: 213-615-1750
Email: dhleiden@winston.com

Attorneys for Registrant Aucera SA

CERTIFICATE OF SERVICE

re: BENTLEY MOTORS LIMITED v. AUCERA SA

I hereby certify that a true and complete copy of the foregoing:

**REGISTRANT AUCERA SA'S SECOND SUPPLEMENTAL RESPONSES TO
PETITIONER'S SECOND SET OF INTERROGATORIES**

has been served on

- (1) Petitioner's counsel of record by mailing said copy on
May 24, 2016 via Federal Express, to:

JESSICA BROMALL SPARKMAN
JEFFER MANGELS BUTLER & MITCHELL LLP
1900 AVENUE OF THE STARS, SEVENTH FLOOR
LOS ANGELES, CA 90067

/s/ Diana Hughes Leiden
Diana Hughes Leiden

EXHIBIT 3

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

In the matter of trademark Registration No.: 2007286, 2096184, 2096186
For the mark: BENTLEY

BENTLEY MOTORS LIMITED,

Petitioner,

v.

AUCERA SA,

Registrant.

Cancellation No.: 92060353

**REGISTRANT AUCERA SA'S RESPONSES TO
PETITIONER'S THIRD SET OF INTERROGATORIES**

Pursuant to Rule 2.120 of the Trademark Rules of Practice, Trademark Trial and Appeal Board Manual of Procedure § 405, and Rule 33 of the Federal Rules of Civil Procedure, Registrant Aucera SA (“Aucera” or “Registrant”) hereby responds to the Third Set of Interrogatories served by Petitioner Bentley Motors Limited (“Petitioner”).

The following responses and objections are based upon Registrant’s knowledge, information, and belief at this time. Registrant has made a reasonable and good faith effort to respond. However, Registrant has not yet completed its investigation related to this action, nor has it completed discovery or preparation for trial. The responses contained herein are based solely upon the information presently available and specifically known to Registrant. It is anticipated that further discovery, independent investigation, legal research, and analysis may supply additional facts and establish entirely new factual conclusions and legal contentions, all of which may lead to the discovery of additional information, thereby resulting in additions to, changes in, and variations from these responses. Registrant specifically reserves the right to

amend these responses should additional information become available and to use such information.

GENERAL OBJECTIONS

Registrant makes the following general objections, whether or not separately set forth in response to each and every instruction, definition and interrogatories:

1. Registrant objects to the Interrogatories as overbroad and seeking information that is not relevant to the parties' claims or defenses.

2. Registrant objects to the Interrogatories to the extent that they purport to impose obligations on Registrant that exceed its obligations under the Federal Rules of Civil Procedure and/or the Trademark Trial and Appeal Board Manual of Procedure.

3. Registrant objects to the definition of "Aucera" as overly broad, and calling for information outside the possession, custody, and control of Aucera SA, as it includes "Aucera SA, its predecessors or successors in interest, any parent, subsidiary, affiliate and division, and any present or former officers, directors, agents, consultants, representatives, employees or other persons acting or purporting to act on any of those entities' behalf."

4. Registrant objects to the definition of "Aucera Mark" as overbroad and seeking documents that are not relevant to the parties' claims or defenses to the extent that it includes the language "as well as any other goods or services." Registrant will respond to the requests as if the definition of "Aucera Mark" did not include the wording "as well as any other goods or services."

5. Registrant objects to the Interrogatories to the extent that they are vague, ambiguous, and unclear, including Petitioner's use of terms that are not defined and/or are otherwise susceptible to more than one meaning.

RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 63

Describe in detail each attempt you made to import, sell, or distribute products bearing the Aucera Mark in the United States between the date of first use and the present.

RESPONSE TO INTERROGATORY NO. 63

Registrant objects to this interrogatory as overly broad and unduly burdensome. Pursuant to Federal Rule of Civil Procedure 33(d), Registrant has produced documents and business records relevant to this Interrogatory and will produce any additional responsive documents, as set forth in its responses to Petitioner's Requests for Production of Documents. Subject to its General and Specific Objections, Registrant further responds as follows: Aucera has sold products in the U.S. bearing the Aucera Mark as reflected in documents produced and to be produced by Registrant. Aucera has also engaged in ongoing efforts to develop additional sales of products bearing the Aucera Mark and channels of trade in the U.S., including without limitation: Promoting products bearing the Aucera Mark and developing relationships with potential U.S. distributors at trade shows (including the June 2010 JCK trade show in Las Vegas), taking out advertisements for products bearing the Aucera Mark in U.S. publications as reflected in documents produced by Registrant, creating and maintaining a Facebook page for Bentley Watches, and working with individuals and companies in the U.S. to develop relationships with potential distributors of products bearing the Aucera Mark in the U.S. via both online retailers and brick-and-mortar retail stores.

INTERROGATORY NO. 64

Describe in detail the relationship between Aucera and Robert Bonnem, including, without limitation, any role that Robert Bonnem plays or is intended to play in importing, distributing, or selling products bearing the Aucera Mark in the United States.

RESPONSE TO INTERROGATORY NO. 64

Subject to its General Objections, Registrant responds as follows: Mr. Bonnem has worked with Registrant to further develop marketing and sales channels for products bearing the Aucera Mark in the U.S., including both online retailers and brick-and-mortar retail stores, and advised on product design and marketing.

INTERROGATORY NO. 65

Describe in detail the relationship between Aucera and Norm Kushner, including, without limitation, any role that Norm Kushner plays or is intended to play in importing, distributing, or selling products bearing the Aucera Mark in the United States.

RESPONSE TO INTERROGATORY NO. 65

Subject to its General Objections, Registrant responds as follows: Mr. Kushner does not have a formal relationship with Aucera. Mr. Kushner has advised Registrant regarding developing marketing and sales channels for products bearing the Aucera Mark in the U.S.

INTERROGATORY NO. 66

Explain why Medicine Man, Inc. provided check numbers 7181 and 7162 (Bates Nos. 00015 and 00016) to Robert Bonnem, including without limitation, a description of the goods or services in exchange for which the money was given.

RESPONSE TO INTERROGATORY NO. 66

In addition to its General Objections, Registrant objects to this Interrogatory on the grounds that it seeks information in the possession, custody or control of third parties.

Dated: January 27, 2016

By: /s/ Jennifer A. Golinveaux
Jennifer A. Golinveaux
WINSTON & STRAWN LLP
101 California Street, 35th Floor
San Francisco, CA 94111-5894
Telephone: 415-591-1000
Facsimile: 415-591-1400
Email: jgolinveaux@winston.com

Diana Hughes Leiden
WINSTON & STRAWN LLP
333 South Grand Avenue
Los Angeles, CA 90071
Telephone: 213-615-1000
Facsimile: 213-615-1400
Email: dhleiden@winston.com

Attorneys for Registrant Aucera SA

VERIFICATION

I, Chia-Hsiang Cheng, declare:

I am the President of Aucera SA and am authorized to make this verification for and on its behalf. I have read the foregoing **REGISTRANT AUCERA SA'S RESPONSES TO PETITIONER'S THIRD SET OF INTERROGATORIES** and know the contents thereof.

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

Executed on the 27 day of January, 2016.



Chia-Hsiang Cheng
President of Aucera SA

CERTIFICATE OF SERVICE

re: BENTLEY MOTORS LIMITED v. AUCERA SA

I hereby certify that a true and complete copy of the foregoing:

**REGISTRANT AUCERA SA'S RESPONSES TO
PETITIONER'S THIRD SET OF INTERROGATORIES**

has been served on

- (1) Petitioner's counsel of record, by mailing said copy on
January 27, 2016 via First Class Mail, postage prepaid, to:

ROD S. BERMAN
JESSICA BROMALL SPARKMAN
JEFFER MANGELS BUTLER & MITCHELL LLP
1900 AVENUE OF THE STARS, SEVENTH FLOOR
LOS ANGELES, CA 90067

/s/ Melodie Butler
Melodie Butler

EXHIBIT 4

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

In the matter of trademark Registration No.: 2007286, 2096184, 2096186
For the mark: BENTLEY

BENTLEY MOTORS LIMITED,

Petitioner,

v.

AUCERA SA,

Registrant.

Cancellation No.: 92060353

**REGISTRANT AUCERA SA'S RESPONSES TO
PETITIONER'S FOURTH SET OF INTERROGATORIES**

Pursuant to Rule 2.120 of the Trademark Rules of Practice, Trademark Trial and Appeal Board Manual of Procedure § 405, and Rule 33 of the Federal Rules of Civil Procedure, Registrant Aucera SA ("Aucera" or "Registrant") hereby responds to the Fourth Set of Interrogatories served by Petitioner Bentley Motors Limited ("Petitioner").

The following responses and objections are based upon Registrant's knowledge, information, and belief at this time. Registrant has made a reasonable and good faith effort to respond. However, Registrant has not yet completed its investigation related to this action, nor has it completed discovery or preparation for trial. The responses contained herein are based solely upon the information presently available and specifically known to Registrant. It is anticipated that further discovery, independent investigation, legal research, and analysis may supply additional facts and establish entirely new factual conclusions and legal contentions, all of which may lead to the discovery of additional information, thereby resulting in additions to, changes in, and variations from these responses. Registrant specifically reserves the right to

amend these responses should additional information become available and to use such information.

GENERAL OBJECTIONS

Registrant makes the following general objections, whether or not separately set forth in response to each and every instruction, definition and interrogatories:

1. Registrant objects to the Interrogatories as overbroad and seeking information that is not relevant to the parties' claims or defenses.

2. Registrant objects to the Interrogatories to the extent that they purport to impose obligations on Registrant that exceed its obligations under the Federal Rules of Civil Procedure and/or the Trademark Trial and Appeal Board Manual of Procedure.

3. Registrant objects to the definition of "Aucera" as overly broad, and calling for information outside the possession, custody, and control of Aucera SA, as it includes "Aucera SA, its predecessors or successors in interest, any parent, subsidiary, affiliate and division, and any present or former officers, directors, agents, consultants, representatives, employees or other persons acting or purporting to act on any of those entities' behalf."

4. Registrant objects to the definition of "Aucera Mark" as overbroad and seeking documents that are not relevant to the parties' claims or defenses to the extent that it includes the language "as well as any other goods or services." Registrant will respond to the requests as if the definition of "Aucera Mark" did not include the wording "as well as any other goods or services."

5. Registrant objects to the Interrogatories to the extent that they are vague, ambiguous, and unclear, including Petitioner's use of terms that are not defined and/or are otherwise susceptible to more than one meaning.

RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 67

Describe in detail the relationship between Aucera and Lucius Russell Chen, including, without limitation, his employment status, position, job title, and job responsibilities at Aucera.

RESPONSE TO INTERROGATORY NO. 67

In addition to its General Objections, Registrant objects to this interrogatory as overly broad and seeking information irrelevant to the parties' claims and defenses. Subject to its General and Specific Objections, Registrant responds as follows: Lucius Russell Chen is not employed by Aucera. It is Aucera's understanding that Lucius Russell Chen is a former employee of Pyxis Enterprise Co., Ltd.

INTERROGATORY NO. 68

Describe in detail the relationship between Aucera and Pyxis Enterprise Co., Ltd., including, without limitation, the nature of any contracts or agreements between Aucera and Pyxis Enterprise Co., Ltd.

RESPONSE TO INTERROGATORY NO. 68

In addition to its General Objections, Registrant objects to this interrogatory as overly broad and seeking information irrelevant to the parties' claims and defenses. Subject to its General and Specific Objections, Registrant responds as follows: Pyxis Enterprise Co., Ltd. provides marketing services for Aucera.

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///

///

Dated: February 12, 2016

By: /s/ Jennifer A. Golinveaux
Jennifer A. Golinveaux
WINSTON & STRAWN LLP
101 California Street, 35th Floor
San Francisco, CA 94111-5894
Telephone: 415-591-1000
Facsimile: 415-591-1400
Email: jgolinveaux@winston.com

Diana Hughes Leiden
WINSTON & STRAWN LLP
333 South Grand Avenue
Los Angeles, CA 90071
Telephone: 213-615-1700
Facsimile: 213-615-1750
Email: dhleiden@winston.com

Attorneys for Registrant Aucera SA

VERIFICATION

I, Chia-Hsiang Cheng, declare:

I am the President of Aucera SA and am authorized to make this verification for and on its behalf. I have read the foregoing **REGISTRANT AUCERA SA'S RESPONSES TO PETITIONER'S FOURTH SET OF INTERROGATORIES** and know the contents thereof.

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

Executed on the 12th day of February, 2016.


Chia-Hsiang Cheng
President of Aucera SA

CERTIFICATE OF SERVICE

re: BENTLEY MOTORS LIMITED v. AUCERA SA

I hereby certify that a true and complete copy of the foregoing:

**REGISTRANT AUCERA SA'S RESPONSES TO
PETITIONER'S FOURTH SET OF INTERROGATORIES**

has been served on

- (1) Petitioner's counsel of record by mailing said copy on February 12, 2016 via First Class Mail, postage prepaid, to:

ROD S. BERMAN
JESSICA BROMALL SPARKMAN
JEFFER MANGELS BUTLER & MITCHELL LLP
1900 AVENUE OF THE STARS, SEVENTH FLOOR
LOS ANGELES, CA 90067

/s/ Ann Newman
Ann Newman

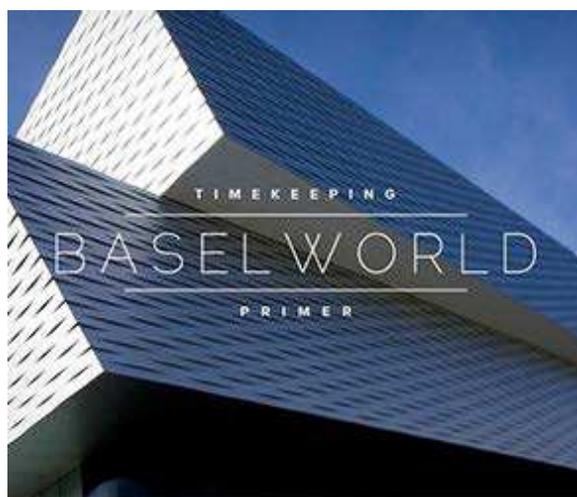
EXHIBIT 5



BENTLEY



Bentley is endowed with heritage and inspired by the future.



BASELWORLD 2015 PREMIUM WATCH EXHIBITION
Bentley to participate in 2015 BASELWORLD Watch Fair

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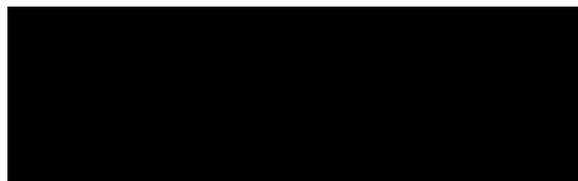


Bourbon Power Reserve 120 Hours

Bourbon Power Reserve model exhibits a guilloche dial and detailed with classically styled Roman numeral hour indices on the outer edge, an aperture window at 9 o'clock position is adorn with beveled gold ring showcasing the perlage of the mechanical movement

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BENTLEY





About Bentley

Bentley the watch brand was established in 1948 in La Chaux-de-Fonds, Switzerland. The town is steeped in the history of Swiss horology, and known to the world as the cradle of modern watchmaking. In the early 90s, Bentley evolved to be the Bentley Luxury Group, and expanded its product portfolio to include fashion and lifestyle accessories as well as leather goods while embracing its new brand motto, "BE IN CONTROL".

The Bentley watch division is principally engaged in the design and making of wristwatches and lifestyle accessories with its collection of fine timepieces being the flagship products that are managed by the group. Following traditional watchmaking techniques and innovations in design, Bentley watches are recognized by enthusiasts as a contemporary illustrations of precision craft with each luxurious timepiece achieving a fine balance between tradition and modernity.



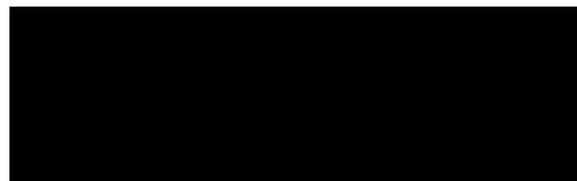
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The Bourbon Collection

DUAL TIME AM/PM



86-35000



86-35001



86-35777



86-35999

AUTOMATIC



86-15001



86-15011



86-15481



86-15533



86-15593

DIAMOND



86-252001



86-252293



86-252473

CHRONOGRAPH



86-20001



86-20011



86-20473



86-20593



86-30001



86-30011



86-30473



86-30481

RETROGRADE DAY



86-10001

86-10011

86-10473

86-10481

86-10593

BIG DATE



84-50001



84-50011



84-50471



84-50593

CLASSIC



86-25001



86-25011



86-25473



86-25481



86-25593

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The Lady Bentley Collection

BRILLIANCE



95-202000



95-202010



95-202474



95-202777



95-202999

ELEGANCE



96-102000



96-102011



96-102444



96-102533

DIAMOND



89-102000



89-102010



89-102474



89-102777



89-202000



89-202010



89-202474



89-202777



89-302000



89-302010



89-302474



89-302777



89-402000



89-402474



89-502000



89-502474

CLASSIC



95-102000



95-102010



95-102434



95-102777



95-102999

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South America

Africa

Asia

Europe

Middle East

Kuwait

USA

Blount Jewels, Inc.

8710 Cameron St. Suite 906

Silver Spring, MD 20910

TEL: anthony.c.blount@blountjewels.com

USA

Resultco

3160 Haggerty Rd, Suite J

West Bloomfield, Michigan 48323

TEL: (888) 782-2080

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Bentley Bourbon Automatic Watch 86-15001

\$4,300.00



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Bentley Bourbon Automatic Watch 86-15011

\$2,400.00



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Bentley Bourbon Automatic
Watch 86-15481

\$2,400.00



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Bentley Bourbon Automatic
Watch 86-15533

\$2,400.00



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Bentley Bourbon Automatic
Watch 86-15593

\$2,400.00



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Bentley Bourbon Big Date
Watch 84-50001

\$1,150.00



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Bentley Bourbon Big Date
Watch 84-50011

\$1,150.00



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Bentley Bourbon Big Date
Watch 84-50471

\$1,350.00



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Bentley Bourbon Big Date
Watch 84-50593

\$1,400.00



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Bentley Bourbon Chronograph
Watch 86-20001

\$1,250.00



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Bentley Bourbon Chronograph
Watch 86-20011

\$1,250.00



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Bentley Bourbon Chronograph
Watch 86-20473

\$1,520.00



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Bentley Bourbon Chronograph
Watch 86-20593

\$1,600.00



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Bentley Bourbon Chronograph
Watch 86-30001

\$1,250.00



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Bentley Bourbon Chronograph
Watch 86-30011

\$1,250.00



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Bentley Bourbon Chronograph
Watch 86-30473

\$1,500.00



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Bentley Bourbon Chronograph
Watch 86-30481

\$1,500.00



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Bentley Bourbon Classic Watch
86-25001

\$2,400.00



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Bentley Bourbon Classic Watch
86-25011

\$2,400.00
★★★★★

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Bentley Bourbon Classic Watch
86-25473

\$2,400.00
★★★★★

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Bentley Bourbon Classic Watch
86-25481

\$2,400.00
★★★★★

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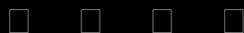
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Bentley Bourbon Classic Watch
86-25593

\$2,400.00
★★★★★

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Bentley Bourbon Diamond
Watch 86-252001

\$2,400.00
★★★★★

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Bentley Bourbon Diamond
Watch 86-252293

\$2,400.00



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Bentley Bourbon Diamond
Watch 86-252473

\$2,400.00



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Bentley Bourbon Dual Time
Automatic Watch 86-35000

\$3,800.00



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Bentley Bourbon Dual Time
Automatic Watch 86-35001

\$3,800.00



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Bentley Bourbon Dual Time Automatic Watch 86-35777

\$4,100.00



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Bentley Bourbon Dual Time Automatic Watch 86-35999

\$4,300.00



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Bentley Bourbon Retrograde Day Watch 86-10001

\$1,265.00



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Bentley Bourbon Retrograde Day Watch 86-10011

\$1,265.00



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Bentley Bourbon Retrograde Day Watch 86-10473

\$1,520.00



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Bentley Bourbon Retrograde Day Watch 86-10481

\$1,520.00



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Bentley Bourbon Retrograde Day Watch 86-10593

\$1,670.00



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Bentley Denarium Automatic Watch 90-15001

\$2,400.00



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Bentley Denarium Automatic
Watch 90-15011

\$2,400.00



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Bentley Denarium Automatic
Watch 90-15473

\$2,400.00



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Bentley Denarium Automatic
Watch 90-15533

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Bentley Denarium Automatic
Watch 90-15593

\$2,400.00



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Bentley Denarium Big Date
Watch 90-30001

\$1,100.00
★★★★★

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Bentley Denarium Big Date
Watch 90-30011

\$1,100.00
★★★★★

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Bentley Denarium Big Date
Watch 90-30473

\$1,400.00
★★★★★

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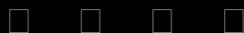
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\$1,550.00



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Bentley Denarium Big Date Watch 90-30593

\$1,550.00



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Bentley Denarium Moonphase
Watch 90-20001

\$2,400.00



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Bentley Denarium Moonphase
Watch 90-20011

\$2,400.00



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Bentley Denarium Moonphase
Watch 90-20473

\$2,400.00



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Bentley Denarium Moonphase
Watch 90-20593

\$2,400.00



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Bentley Denarium Power Reserve Watch K90-25471

\$12,400.00



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Bentley Denarium Tourbillion Watch K90-28471

\$24,000.00



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Bentley Louvetier Automatic Watch 88-15001

\$2,150.00



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Bentley Louvetier Automatic Watch 88-15011

\$2,150.00



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[Add to Wishlist](#) [Add to Compare](#)



Bentley Louvetier Automatic
Watch 88-15411

\$2,370.00



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[Add to Wishlist](#) [Add to Compare](#)



Bentley Louvetier Automatic
Watch 88-15473

\$2,370.00



ADD TO CART

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Bentley Louvetier Automatic
Watch 88-15533

\$2,370.00



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Bentley Louvetier Automatic
Watch 88-15593

\$2,370.00



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Bentley Louvetier Classic
Watch 88-25001

\$2,150.00



ADD TO CART

[Add to Wishlist](#) [Add to Compare](#)



Bentley Louvetier Classic
Watch 88-25011

\$2,150.00



ADD TO CART

[Add to Wishlist](#) [Add to Compare](#)



Bentley Louvetier Classic
Watch 88-25411

\$2,360.00



ADD TO CART

[Add to Wishlist](#) [Add to Compare](#)



Bentley Louvetier Classic
Watch 88-25473

\$2,360.00



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[Add to Wishlist](#) [Add to Compare](#)



Bentley Louvetier Classic
Watch 88-25593

\$2,360.00



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Bentley Louvetier Small
Second Watch 88-10001

\$2,400.00



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Bentley Louvetier Small
Second Watch 88-10011

\$2,400.00



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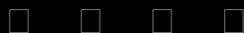
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\$2,400.00



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Bentley Louvetier Small Second Watch 88-10593

\$2,400.00



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Bentley Louvetier Small
Second Watch 88-20001

\$2,400.00



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Bentley Louvetier Small
Second Watch 88-20011

\$2,400.00



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Bentley Louvetier Small
Second Watch 88-20411

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Bentley Louvetier Small
Second Watch 88-20473

\$2,400.00



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Bentley Louvetier Small
Second Watch 88-20533

\$2,400.00



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Bentley Louvetier Small
Second Watch 88-20593

\$2,400.00



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Bentley Solstice Automatic
Watch 81-35000

\$2,140.00



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Bentley Solstice Automatic
Watch 81-35060

\$2,140.00



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Bentley Solstice Automatic
Watch 81-35777

\$2,350.00



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Bentley Solstice Automatic
Watch 81-35999

\$2,350.00



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Bentley Solstice Chronograph
Watch 81-20000

\$1,200.00



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Bentley Solstice Chronograph
Watch 81-20010

\$1,200.00



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Bentley Solstice Chronograph
Watch 81-20111

\$1,300.00



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Bentley Solstice Chronograph
Watch 81-20777

\$1,500.00



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Bentley Solstice Chronograph
Watch 81-20787

\$1,500.00



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Bentley Solstice Chronograph
Watch 81-20999

\$1,650.00



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Bentley Solstice Dual Time BD
Titanium Watch 81-45010

\$4,800.00



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Bentley Solstice Dual Time BD
Titanium Watch 81-45011

\$4,801.00



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Bentley Solstice Dual Time BD
Titanium Watch 81-45591

\$4,300.00



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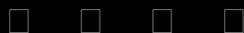
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- [> Astral](#)
- [> Bourbon](#)
- [> Denarium](#)

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Bentley Solstice Dual Time BD Titanium Watch 81-45596

\$4,800.00



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Bentley Solstice Dual Time BD Titanium Watch 81-45770

\$4,800.00



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Bentley Solstice Dual Time BD
Titanium Watch 81-45771

\$4,801.00



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Bentley Solstice Dual Time BD
Titanium Watch 81-45999

\$4,800.00



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Bentley Solstice Small Second
Watch 81-40000

\$1,200.00



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[Add to Wishlist](#) [Add to Compare](#)



Bentley Solstice Small Second
Watch 81-40010

\$1,200.00



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[Add to Wishlist](#) [Add to Compare](#)



Bentley Solstice Small Second Watch 81-40777

\$1,500.00



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[Add to Wishlist](#) [Add to Compare](#)



Bentley Solstice Small Second Watch 81-40999

\$1,600.00



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Bentley The Road Captain Club Sport Titanium Watch 82-70001

\$1,300.00



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Bentley The Road Captain Club Sport Titanium Watch 82-70111

\$1,450.00



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Bentley The Road Captain Club Sport Titanium Watch 82-70471

\$1,450.00



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Bentley The Road Captain Club Sport Titanium Watch 82-70781

\$1,450.00



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Bentley The Road Captain Club Sport Titanium Watch 82-70881

\$1,400.00



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Bentley The Road Captain Club Sport Titanium Watch 82-70881-1

~~\$1,400.00~~

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Bentley The Road Captain Club
Sport Watch 82-20001

\$1,175.00



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Bentley The Road Captain Club
Sport Watch 82-20011

\$1,175.00



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Bentley The Road Captain Club
Sport Watch 82-20033

\$1,175.00



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Bentley The Road Captain Club
Sport Watch 82-20473

\$1,290.00



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Bentley The Road Captain Club
Sport Watch 82-20481

\$1,290.00



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Bentley The Sea Captain
Chronograph Watch 91-10808

\$1,600.00



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Bentley The Sea Captain
Chronograph Watch 91-10818

\$1,600.00



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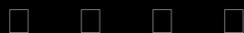
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- > Astral
- > Bourbon
- > Denarium

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Bentley The Sea Captain Chronograph Watch 91-10999

\$1,750.00



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Bentley The Sea Captain Chronograph Watch 91-20600

\$1,400.00



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Bentley The Sea Captain
Chronograph Watch 91-20877

\$1,500.00



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Bentley The Sea Captain
Classic Watch 91-30118

\$1,400.00



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Bentley The Sea Captain
Classic Watch 91-30393

\$1,500.00



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Bentley The Sea Captain
Classic Watch 91-30660

\$1,250.00



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Bentley The Sea Captain
Classic Watch 91-30817

\$1,400.00



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Bentley The Sea Captain
Tungsten Special Edition Watch
91-20800

\$1,400.00



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Bentley The Sea Captain
Tungsten Special Edition Watch
91-30000

\$1,350.00



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Lady Bentley Brilliance Watch
89-402000

\$1,780.00



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Lady Bentley Brilliance Watch
89-402474

\$2,000.00



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Lady Bentley Brilliance Watch
89-502000

\$1,950.00



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Lady Bentley Brilliance Watch
89-502474

\$2,150.00



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Lady Bentley Diamond Watch
89-102000

\$1,580.00



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Lady Bentley Diamond Watch
89-102010

\$1,580.00



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[Add to Wishlist](#) [Add to Compare](#)



Lady Bentley Diamond Watch
89-102474

\$1,820.00



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Lady Bentley Diamond Watch
89-102777

\$1,820.00



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Lady Bentley Diamond Watch
89-202000

\$1,100.00



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Lady Bentley Diamond Watch
89-202010

\$1,100.00



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Lady Bentley Diamond Watch
89-202474

\$1,450.00



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Lady Bentley Diamond Watch
89-202777

\$1,450.00



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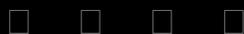
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- > Astral
- > Bourbon
- > Denarium

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Lady Bentley Diamond Watch
89-302000

\$1,800.00
★★★★★

ADD TO CART

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Lady Bentley Diamond Watch
89-302010

\$1,801.00
★★★★★

ADD TO CART

Add to Wishlist Add to Compare



Lady Bentley Diamond Watch
89-302474

\$2,100.00
★★★★★

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[Add to Wishlist](#) [Add to Compare](#)



Lady Bentley Diamond Watch
89-302777

\$2,100.00
★★★★★

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[Add to Wishlist](#) [Add to Compare](#)



Lady Bentley Elegance Watch
89-602000-2

\$2,150.00
★★★★★

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Lady Bentley Elegance Watch
89-602002-2

\$2,400.00
★★★★★

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Lady Bentley Elegance Watch
89-602473-2

\$2,400.00
★★★★★

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Lady Bentley Elegance Watch
89-602474-1

\$2,400.00
★★★★★

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Lady Bentley Elegance Watch
89-702474

\$2,400.00
★★★★★

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Lady Bentley Elegance Watch
89-702474-1

\$2,400.00
★★★★★

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Lady Bentley Elegance Watch
89-802001-2

\$2,400.00



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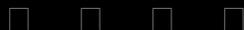
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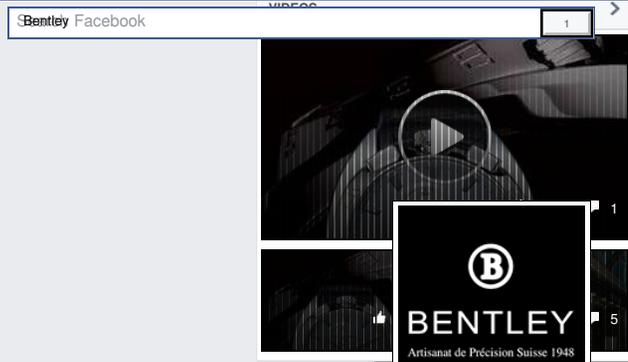
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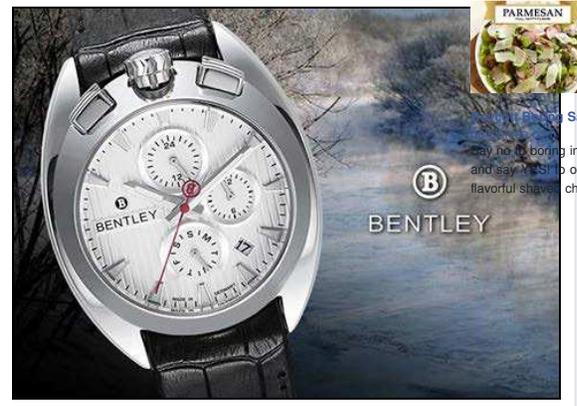
Facebook navigation and utility elements including 'Create Page', a year selector (Recent, 2016, 2015, 2014, 2013, 2012, 1948), and a 'Sponsored' label.

Left sidebar menu with sections: NOTES, 'Life at a leisurely pace' (August 12, 2013), LIKED BY THIS PAGE (with a 'Like' button), and language options (English, Spanish, Portuguese, Français, Deutsch).

Navigation tabs: Timeline, About, Bentley Email Signup, Photos, More additional tabs...

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Bentley post: 8 hrs · Bentley Road Captain Club Sport #bentley#watches#swissmade#basel#luxury#luxurywatch#watch



Like Show more reactions Comment Share

102 reactions (Like, Love, Wow, Sad) Top Comments

2 shares

Comments section with a 'Write a comment...' input field and 'View all 2 comments' link.

Bentley post: May 19 at 12:14am · The Solstice Chronograph featured#bentley#watches#swissmade



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PARMESAN Salads Say no to boring ingredients and say YES to our family of flavorful shaved cheeses.

Chat (Off) button with a 'New Message' notification bubble.



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118 Top Comments

3 shares

Comments

Write a comment...

Peshraw Aziz Instagram link?
Like · Reply · 19 hrs

Rajesh Raj How much will it cost?
Like · Reply · May 19 at 2:38am

View 2 more comments

Bentley
May 12 at 9:24pm ·

Bentley Bourbon Sport watch



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146 Top Comments

5 shares

Comments

Write a comment...

Jahan Zaib How much????



Like · Reply · May 13 at 11:14am



Touch Meradey How much

Like · Reply · May 13 at 4:34am

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Bentley

May 10 at 8:44pm · 🌐

Bentley Bourbon Automatic watch



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Comments



Write a comment...



Umair Elahi Price ??

Like · Reply · May 13 at 1:47am

News Feed



Bentley

May 9 at 2:59am · 🌐

Bentley Denarium watch



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Comments

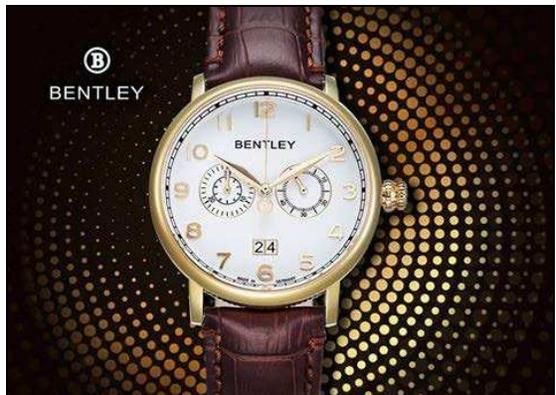
 Write a comment... 🗨️

 **Ibrahim Alsheack** But fuel
Like · Reply · May 9 at 3:51am

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 **Bentley**
May 5 at 8:18pm · 🌐

Bentley Denarium watch



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301 Top Comments ▾

3 shares

Comments

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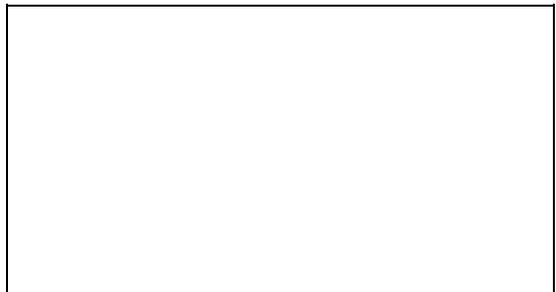
 **Qadir Tunio Ghulam** WHAT IS PRICE THIS MODEL PLZ
Like · Reply · May 5 at 8:38pm

↩️ 1 Reply

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 **Bentley**
May 2 at 11:44pm · 🌐

Bentley Denarium watch





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368 Top Comments

13 shares

Comments

Write a comment...

Tóuch Meradey Sonice Like · Reply · May 3 at 5:06am

Like · Reply · May 3 at 2:51am

View 6 more comments

Bentley April 27 at 9:26pm ·

Bentley Denarium watch



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339 Top Comments

14 shares

Comments

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Bentley Retail price USD680~USD710/pc

 Like · Reply · April 27 at 10:46pm

 **Tóuch Meradey Sonice**
Like · Reply · April 28 at 12:31am

[View 2 more replies](#)

 **Bentley For both**
Like · Reply · April 28 at 2:52am

[View 3 more comments](#)

News Feed

 **Bentley**
April 24 at 7:35pm · 🌐

Bentley Veneur Club Sport



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👍 🥰 🤔 259 [Top Comments](#)

12 shares

Comments

 Write a comment... 

 **Salman Raza price**
Like · Reply · May 10 at 3:57am

 **Ali H. Hameed** 😊
Like · Reply · April 25 at 11:26am

[View 3 more comments](#)

 **Bentley**
April 20 · 🌐

Bentley Solstice Watch





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152 Top Comments

1 share

Comments

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Bentley
April 18 · 🌐

Bentley Bourbon Classical Watch



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171 Top Comments

2 shares

Comments

Write a comment...

Fern Nichada Siamwalla Holger Wagner How about this one ? wink emoticon 😊

Like · Reply · April 18 at 10:08pm

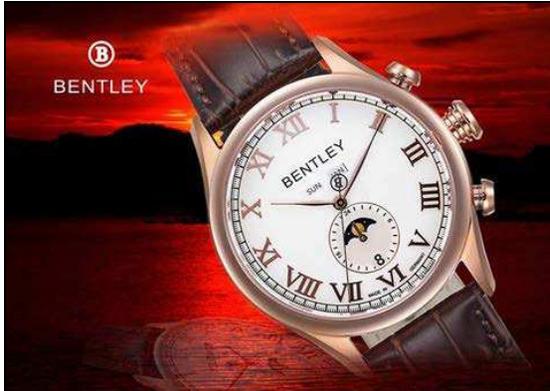
Rajesh Raj How much will it cost?

Like · Reply · May 13 at 7:49am

[View 2 more comments](#)

Bentley
April 15 · 🌐

Bentley Bourbon Sport watch


 An advertisement for the Bentley Bourbon Sport watch. The watch is shown in a close-up, angled view. It has a white dial with Roman numerals, a moon phase sub-dial at the 6 o'clock position, and a date window at 3 o'clock. The watch is on a dark leather strap. The background is a dramatic, reddish-orange sunset over a body of water with a compass rose visible in the foreground. The Bentley logo and name are in the top left corner of the image.

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👍 🥰 🤔 277 [Top Comments](#) ▾

11 shares

Comments

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Bentley Global Retail Price USD1,020/pc
Like · Reply · 👍 1 · April 17 at 7:43pm

Bentley Automatic model.
German Made
Like · Reply · 👍 1 · April 15 at 1:47am

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News Feed

Bentley
April 13 · 🌐

Bentley Denarium watch


 An advertisement for the Bentley Denarium watch. The watch is shown in a close-up, angled view. It has a white dial with a date window at 3 o'clock and a moon phase sub-dial at 6 o'clock. The watch is on a dark leather strap. The background is a dark, starry space scene. The Bentley logo and name are in the top left corner of the image.

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462

Top Comments

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Bentley German made Automatic collection
RRP USD680-710/pc

Like · Reply · 1 · April 13 at 2:43am

2 Replies



Bushi Bushi B

Like · Reply · April 13 at 3:33am

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Bentley

April 10 ·

The Solstice Chronograph featured



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Top Comments

4 shares

Comments

Write a comment...



Plz more information for how to bay or the shop arias

Like · Reply · April 15 at 1:59am



Ramy Badr Plz more information about stores

Like · Reply · April 12 at 2:25am

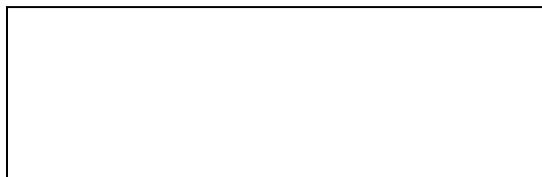
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Bentley

April 7 ·

New Arrival-Bentley Veneur Club Sport





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102

3 shares

Comments

Write a comment...

Bentley April 5 · 🌐

Bentley Veneur Club Sport



Like Show more reactions Comment Share

563

Top Comments

18 shares

Comments

Write a comment...

Cezar El Bgdade Hello i want buy watch from you what is the way i can speak with u About watch i like?please answer me in a comment Like · Reply · April 6 at 2:51am

Bentley Would you pls let us know where are you from?then we can info you how to contact with our distributor in your country Like · Reply · April 11 at 2:55am

 **Fawad Darbar** Prize ya price ??????
Like · Reply ·  1 · April 6 at 11:54am
[View 1 more reply](#)

 **Bentley** RRP USD600/pc
Like · Reply · April 11 at 2:52am

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 **Bentley**
March 30 · 

New Arrival - Bentley Road Captain Club Sport



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  92 [Top Comments](#) ▾

1 share

Comments

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 **Bentley**
March 28 · 

BENTLEY Solstice- New Arrival-Mysterious Moon Phase Visual arts feast



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Top Comments

2 shares

Comments



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Bentley

March 23 · 🌐

BENTLEY WATCHES COLLECTION



1.7K Views

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Top Comments

6 shares

Comments



Write a comment...



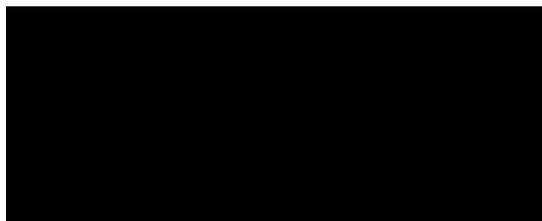
View 1 comment

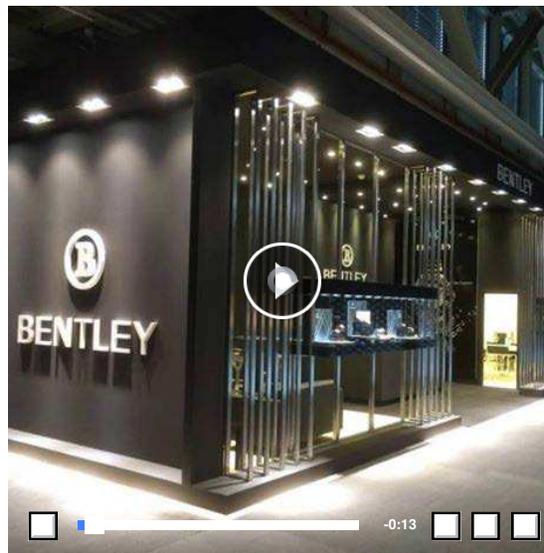


Bentley

March 20 · 🌐

Baselworld 2016





2K Views

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Comments

Write a comment...

Qadir Tunio Ghulam RESPECT ABLE DEAREST PLZ YOUR SHOW ROOM AVAIL AN PAKISTAN OR IN FETURE?

Like · Reply · March 20 at 8:00pm

Maung Maungyaw

Like · Reply · March 20 at 7:48pm

View 3 more comments

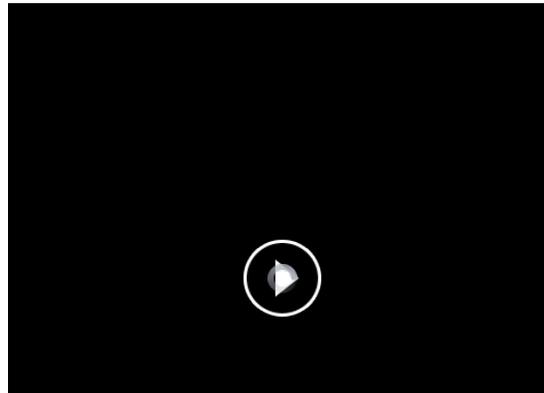
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Bentley
March 20 · 🌐

Bentley watches





4.9K Views

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Top Comments

51 shares

Comments

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Syed Gohar Saleem How much 2nd one price
Like · Reply · March 21 at 2:45am

Bentley RRP USD 3278/pc
Like · Reply · March 22 at 2:01am

Khubaib Qureshi How much 1st one price and how to purchase
Like · Reply · May 16 at 8:38pm

[View 17 more comments](#)

Bentley
March 16 · 🌐

Bentley Veneur Club Sport
Chronograph watches with 1/10 second accuracy.





Like Show more reactions Comment Share

154 Top Comments

3 shares

Comments

Write a comment...

Ahmed Einems Price please
Like · Reply · March 24 at 7:07pm

Reenam Khan Price plzzz
Like · Reply · April 7 at 9:38am

View 9 more comments

Bentley
March 13 ·

Have a look at this rose gold model from Bentley Veneur Collection, featuring a self-winding movement on the inside and knurled bezel on the exterior.



Like Show more reactions Comment Share

170 Top Comments

5 shares

Comments

Write a comment...

 **Tindi Saturnino**



Like · Reply · March 13 at 8:50pm

[View 1 more reply](#)

 **Bentley** RRP USD2500/pc

Like · Reply · March 14 at 12:12am



how much price pless

Like · Reply · March 19 at 1:25am

[View 7 more comments](#)

 **Bentley**

March 9 · 🌐

Bourbon Classic Collection



 Like [Show more reactions](#)  Comment  Share

   165

[Top Comments](#) ▾

1 share

Comments



Write a comment...



Qadir Tunio Ghulam YOUR SHOW ROOM IN PAKISTAN AVAIL ABLE

Like · Reply · March 9 at 6:12pm

 **Bentley** sorry we don't have show room in Pakistan, only in Taiwan and gulf countries

Like · Reply ·  2 · March 10 at 1:08am

[View more replies](#)



Parvaiz Gujjar My dream

Like · Reply ·  1 · March 9 at 6:06pm

[View 6 more comments](#)

News Feed

 **Bentley**

March 6 · Taipei, Taiwan · 🌐

BENTLEY - Solstice Dual Time Big Date Titanium





Like Show more reactions Comment Share

186 Top Comments

1 share

Comments

Write a comment...

Kareem Bux Bhutto Eobzvf
Like · Reply · March 6 at 7:41pm

View 3 more comments

Bentley
March 3 · Taipei, Taiwan

Louvetier automatic collection



Like Show more reactions Comment Share

122 Top Comments

2 shares

Comments

Write a comment...

Leang Ch Rathana How much ? And where is ur shop?
Like · Reply · April 13 at 5:53am

View 1 more comment

Bentley
February 29 · Taipei, Taiwan · 🌐

Bourbon Automatic collection



👍 Like Show more reactions 💬 Comment ➦ Share

👍 🥰 🤔 268 Top Comments ▾

14 shares

Comments

 Write a comment... 😊

 **Tóuch Meradey** Beautiful .how much?
Like · Reply · 👍 1 · February 29 at 5:45pm

 **Bentley** USD 2,280
Like · Reply · 👍 1 · March 1 at 12:46am

 **Parvaiz Gujjar** Beauty
Like · Reply · February 29 at 5:57pm

[View 6 more comments](#)

Bentley
February 24 · Taipei, Taiwan · 🌐

Bentley Bourbon watch with retrograde day and big date.



👍 Like Show more reactions 💬 Comment ➦ Share

270

Top Comments

13 shares

Comments

Write a comment...

Liaquat Baloch Where from buy itland how much? Like · Reply · 1 · February 25 at 4:15am

Bentley could you please let us know where are you from? USD 1,250

Like · Reply · 2 · February 25 at 8:06pm

View more replies

Umer Khokhar I can get this watch. Like · Reply · March 12 at 6:08am

Bentley where are you from?

Like · Reply · March 14 at 12:15am

View more replies

View 16 more comments

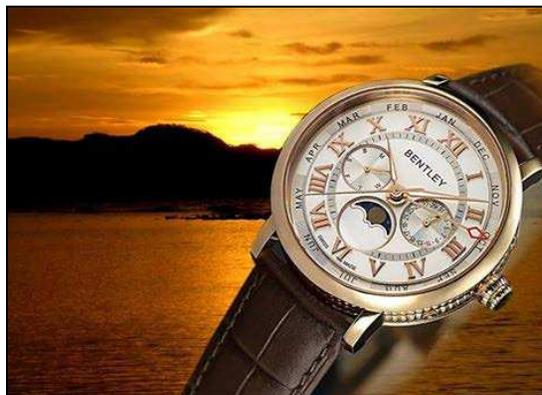
News Feed



Bentley

February 21 · Taipei, Taiwan ·

BENTLEY Denarium Moon Phase watch



Like Show more reactions Comment Share

499

Top Comments

19 shares

Comments

Write a comment...

Qadir Tunio Ghulam BENTLEY SHOP AVAILABLE IN PAKISTAN THIS TIME Like · Reply · February 21 at 6:47pm

Master Ricky pls can i know the price of this

Like · Reply · April 18 at 10:42pm

View 16 more comments



Bentley

February 17 · Taipei, Taiwan ·

Bentley Bourbon Sport watch



Like Show more reactions Comment Share

331

Top Comments

15 shares

Comments

Write a comment...

Asif Ghulam Qadri Price ?
Like · Reply · February 18 at 7:22am

Bentley USD 1,250
Like · Reply · February 21 at 5:22pm

how many prise
Like · Reply · March 19 at 12:58am

View 5 more comments

Bentley

February 14 · Taipei, Taiwan ·

Bentley Bourbon Classic watch



Like Show more reactions Comment Share

255

Top Comments

14 shares

Comments

Write a comment...

 **Shaheena Javed** price plzzzz
Like · Reply ·  1 · February 18 at 12:08am

 **Bentley** RRP USD2,083/pc
Like · Reply · February 18 at 12:16am

[View more replies](#)

[View 2 more comments](#)

 **Bentley**
February 4 · 

Bentley Denarium Moonphase watch



 Like [Show more reactions](#)  Comment  Share

  532 [Top Comments](#) ▾

24 shares

Comments

 Write a comment... 

 **Tarikuz Zaman Khan** Solid time piece
Like · Reply · February 5 at 5:53pm

 **Ali Alkhafajy** How much is this time it's amazing
Like · Reply ·  1 · February 5 at 9:15am

[View 8 more comments](#)

News Feed

 **Bentley**
February 1 · Taipei, Taiwan · 

Bentley Bourbon Classical Watch





Like Show more reactions Comment Share

326 Top Comments

30 shares

Comments

Write a comment...

Asif Ghulam Qadri How much price ?
Like · Reply · February 1 at 10:53pm

Bentley USD 3,179 /pc
Like · Reply · February 2 at 1:33am

View more replies

Gohar Nazeer Price
Like · Reply · March 16 at 1:15pm

View 12 more comments

Bentley
January 28 · 🌐

Bentley Mongolia



Like Show more reactions Comment Share

361 Top Comments

2 shares

Comments

[Empty comment box]

- Write a comment...
- Asif Ghulam Qadri** How much?
Like · Reply · 1 · January 28 at 6:34pm
- Bentley** RRP USD950/pc
Like · Reply · 2 · January 28 at 7:38pm
- Esam Emad** Anto Lecco power of attorney in Egypt
Like · Reply · 1 · February 1 at 12:31am · Edited
- [View 6 more comments](#)

Bentley
January 26 · Taipei, Taiwan ·

BENTLEY - Solstice Chronograph with retrograde 30 second counter.



Like Show more reactions Comment Share

195 Top Comments

18 shares

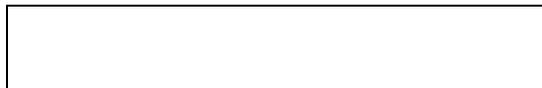
Comments

- Write a comment...
- Jahangir Khan** how to buy? and price plz
Like · Reply · January 27 at 8:43am
- Bentley** could you please let us know where are you from? USD 1,200
Like · Reply · January 27 at 11:54pm
- [View more replies](#)
- Zainab Aslam** Price please
Like · Reply · January 27 at 4:16am
- Bentley** USD 1,200
Like · Reply · January 27 at 11:51pm

[View 5 more comments](#)

Bentley
January 24 · Taipei, Taiwan ·

BENTLEY - Solstice Dual Time Big Date Titanium





Like Show more reactions Comment Share

356 Top Comments

11 shares

Comments

Write a comment...

Gohar Nazeer Price
Like · Reply · March 16 at 1:15pm

Like · Reply · January 25 at 3:39am · Edited

View 3 more comments

News Feed

Bentley
January 20 ·

The Solstice Chronograph featured in a tri-compax dial add crescent date display window.



Like Show more reactions Comment Share

94 Top Comments

1 share

Comments

Write a comment...



Like Show more reactions Comment Share

1.1K Top Comments

16 shares

Comments

Write a comment...

View all 6 comments

Bentley
March 25, 2015

Tomorrow is the last day of Baselworld. Hope you all enjoyed it. See you next year



Like Show more reactions Comment Share

638 Top Comments

 Write a comment... 

[View all 8 comments](#)

 **Bentley**
December 3, 2014 · 

Bentley is a purveyor of fine Swiss watches and premium lifestyle accessories.

Learn more about Bentley @ www.bentleyluxury.com

#bentley #bentleyvenerur #bentleywatches



 Like [Show more reactions](#)  Comment  Share

 1.3K [Top Comments](#) ▾

45 shares

Comments

 Write a comment... 

 **Mohamed Ibrahim Don Biko**
Like · Reply ·  1 · December 3, 2014 at 3:17am

[1 Reply](#)

[View 25 more comments](#)

 **Bentley**
December 2, 2014 · 

Bentley Venerur Chronograph collection

Now available at selected BENTLEY retailers

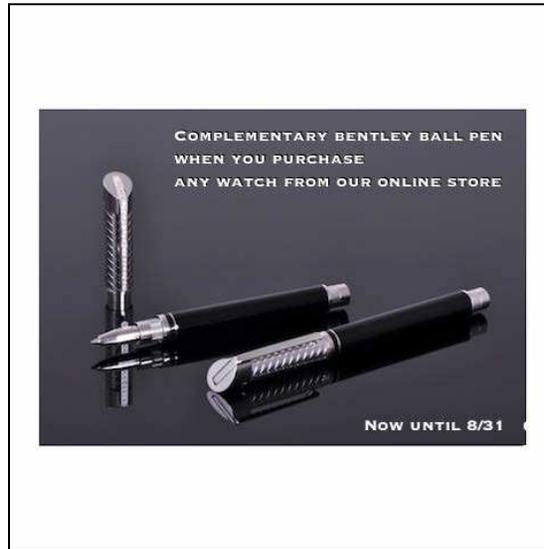
<http://www.bentleyluxury.com/distribution.php?type=retailers>

... [See More](#)



Complementary BENTLEY ball pen when you purchase any watch from our online store. Now until 8/31

Online Store : <http://goo.gl/eaYxXh>



Like Show more reactions Comment Share

153 Top Comments

5 shares

Comments

Write a comment...

View 1 comment

Bentley in New York, New York. August 15, 2013 ·

Another good day in NYC



Like Comment Share

Like Show more reactions Comment Share

328

1 share

Comments

View 3 more comments



Оксана Франк Take me with you!

August 15, 2013 at 10:29am · Like · 2



Write a comment...



Bentley

August 14, 2013 ·

Veneur 830-60010

Buy online at Bentley official online shop

<http://goo.gl/eaYxXh> (for desktop)

<http://goo.gl/UPzbxi> (for mobile)...

See More



Like Show more reactions Comment Share

522

42 shares

Comments

View 10 more comments



Geneve Novelties

22215825 Bentley

See Translation

November 14, 2013 at 2:07am · Like



Write a comment...



Bentley shared a link.

August 14, 2013 ·



Like Show more reactions Comment Share

89

14 shares

Comments

Write a comment..

Bentley added 16 new photos to the album: **Baselworld 2013 day 5-7** — at **Baselworld 2013**.
May 7, 2013 · 🌐

Best of Baselworld 2013 day5-7



Like Show more reactions Comment Share



164

HighlightsAll Stories

24 shares

Comments



Write a comment...



News Feed



Bentley added 4 new photos from May 6, 2013 to the album: [Baselworld 2013 day 5-7](#).

May 6, 2013 · 🌐 · 📍

Best of Baselworld 2013 day5-7



👍 Like Show more reactions 💬 Comment ➦ Share

164

24 shares

Comments



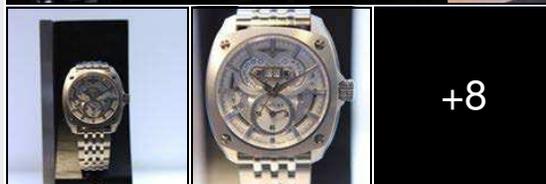
Write a comment...



Bentley added 11 new photos to the album: [Best of Baselworld 2013 Day1-2](#) — at [Baselworld 2013](#).

May 6, 2013 · 🌐

Baselworld 2013 Day1-2



Like Show more reactions Comment Share

157

14 shares

Comments



Ahmed Hegaze woow

May 6, 2013 at 5:13am · Like · 1



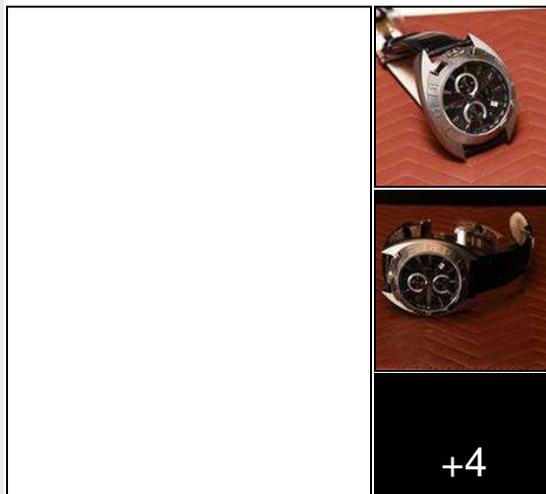
Write a comment...

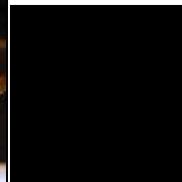


Bentley added 7 new photos from May 5, 2013 to the album: Best of Baselworld 2013 Day3-4 — at Baselworld 2013.

May 5, 2013 · 0 · 0

Baselworld 2013 Bentley day3-4





Like Show more reactions Comment Share

143

3 shares

Comments

View 4 more comments



Hein Min Aung that design how much

May 9, 2013 at 1:12am · Like · 1



Bentley Dear Hein Min Aung This is the exclusive preview for Baselworld, the retail price will be released later this year. Please follow our facebook for latest update, cheers,

May 9, 2013 at 4:18am · Like



Write a comment..



Bentley added 5 new photos from May 5, 2013 to the album: Best of Baselworld 2013 Day1-2 — at Baselworld 2013.

May 5, 2013 · 0 · 0

Baselworld 2013 Day1-2





Like Show more reactions Comment Share

157

14 shares

Comments



Ahmed Hegaze woow

May 6, 2013 at 5:13am · Like · 1



Write a comment...



News Feed



Bentley updated their cover photo.

May 2, 2013 ·

The angled design provides Road Captain an unique advantage for wearer in driving positions to glance at the time with ease.

Learn more about Road Captain collection at

<http://goo.gl/jAvl8>



Like Show more reactions Comment Share

26

1 share

Comments

View 1 more comment



Geneve Novelties

22215825 Bentley

See Translation

November 14, 2013 at 2:53am · Like



Write a comment...



Bentley at Baselworld 2013.



May 2, 2013 · 🌐

We want to say thank you to all of the people have supported us in this year's Baselworld.

See you next year !!!!!



👍 Like Show more reactions 💬 Comment ➦ Share

👍 35

Top Comments ▾

1 share

Comments



Write a comment...



[View 1 comment](#)



Bentley shared their photo — at 📍 Baselworld 2013.

April 26, 2013 · Basel, Switzerland · 🌐

We are now showcasing our latest collection @ Baselworld 2013 Hall 1.1 A70

Come visit us !!



Like Show more reactions Comment Share

68

1 share

Comments



Write a comment...



Bentley

April 21, 2013 · 🌐

Bentley is happy to announce the completion of Bentley 2013 Brand Book.

For more information please visit:

<http://www.bentleyluxury.com/downlo.../Bentley%20Catalog.pdf>



Like Show more reactions Comment Share

31

Comments



Write a comment...



News Feed



Bentley

April 20, 2013 · 🌐

Baselworld 2013 -Preview

We are pleased to present the Bentley Boutique Collection.

A collection of finest watches enclosed in 18 carat gold cases, purposefully built to celebrate the grand launch of Bentley Boutique in Shanghai, CN.





Like Show more reactions Comment Share

104

17 shares

Comments

View 9 more comments



Phanon Phanon How much

April 25, 2013 at 6:38pm · Like · 1



Bentley Dear Boy Kawasaki this is the limited boutique collection exclusive for our Shanghai flagship boutique. The retail price is 100,000 RMB, equal to 16,000 USD

May 9, 2013 at 4:22am · Like



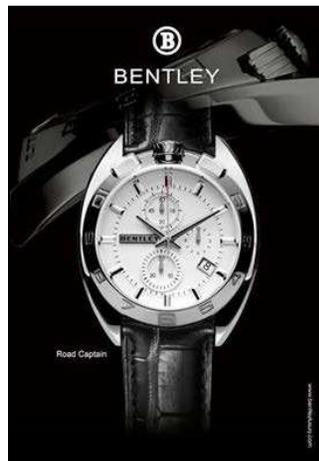
Write a comment...



Bentley

April 18, 2013 ·

Bentley Road Captain global advertising campaign image.



Like Show more reactions Comment Share

557

81 shares

Comments

View 18 more comments



Osama Elashraf how much price?

August 22, 2013 at 2:42am · Like



Bobos Bobos Bobos

[See Translation](#)

September 10, 2013 at 7:53am · Like



Write a comment...



Bentley added 2 new photos from April 18, 2013.

April 18, 2013 ·



Bentley added a new photo to the album: **Road Captain Club Sport Pre-Basel.**

April 17, 2013 ·

Road Captain Club Sport
Redefine the pure joy of driving.



Like Show more reactions Comment Share

38

13 shares

Comments

[View 1 more comment](#)

 **Maximina C. Alvarez** Really nice!
April 21, 2013 at 1:10am · Like ·  1

 Write a comment... 

News Feed

 **Bentley** added 2 new photos to the album: [Road Captain Club Sport Pre-Basel.](#) 

April 17, 2013 · 

We are pleased to share with you some image photos of the all new Road Captain club sport.



 Like Show more reactions  Comment  Share

 25

Comments

 Write a comment... 

 **Bentley** 

April 15, 2013 · 

Astral Diamond Collection in three stunning colors.



 Like Show more reactions  Comment  Share

 72

25 shares

Comments

 **Ming JiBie** How much??
May 29, 2013 at 1:35am · Like

 Write a comment... 

 **Bentley** 

April 15, 2013 · 



Baselworld preview - Bentley Astral Diamond Collection
For more information please visit
<http://goo.gl/C59Ox>



Like Show more reactions Comment Share

49

17 shares

Comments



Maximina C. Alvarez Unique design
April 21, 2013 at 1:11am · Like · 1



Write a comment...



Bentley

April 14, 2013 · 🌐

Introducing a new addition to the Lady Bentley collection.
For more information please visit
<http://goo.gl/NRvxA>





Like Show more reactions Comment Share

120

26 shares

Comments

View 4 more comments



Nashwa Mohammed how can i get this brand in egypt?

April 20, 2013 at 10:13am · Like · 2



Bentley Dear Nashwa Mohammed we are not in Egypt yet. Please go to our website for the current distribution

<http://www.bentleyluxury.com/en/global.php?cid=31>

May 9, 2013 at 7:15pm · Like



Write a comment...



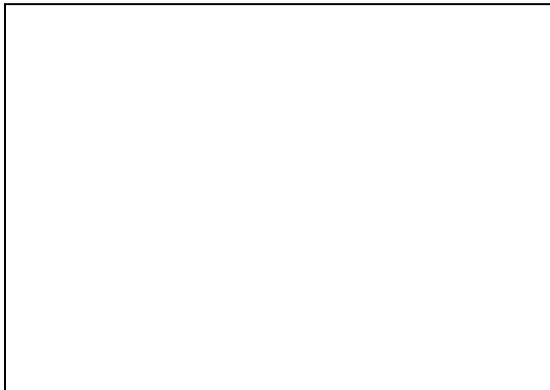
News Feed



Bentley

April 11, 2013 ·

A sneak peek at the all new Bentley Road Captain Chronograph. The collection will officially launch at Baselworld 2013, stay tuned for more updates.





Like Show more reactions Comment Share

33

2 shares

Comments

Write a comment...



Bentley shared a link.

March 24, 2013 ·



BASELWORLD 2013 tv spot

The BASELWORLD 2013 tv spot is broadcasted worldwide on BBC World News 3 times a day for the next two months.

YOUTUBE.COM

Like Show more reactions Comment Share

10

1 share

Comments

Write a comment...



Bentley

March 17, 2013 ·

Happy Saint Patrick's Day

See Translation





Like Show more reactions Comment Share

11

1 share

Comments

Write a comment...

Bentley
March 13, 2013 · 🌐

Veneur Collection from Bentley



Like Show more reactions Comment Share

54

15 shares

Comments

View 1 more comment

Phablo Maloya Road Captain Club
September 30, 2014 at 1:33am · Like

Amir El Shazly
See Translation
January 9, 2015 at 4:44pm · Like

Write a comment...

News Feed

Bentley
March 13, 2013 · 🌐

Bentley to participate in 2013 BASELWORLD Watch Fair

At Baselworld 2013 from April 25th to May 2nd, BENTLEY will introduce new and updated models from the already impeccable family of timepieces, and awe the watch world with two entirely new collections inspired by active life styles.

Also new for 2013 is the Bentley concept booth, the redesigned booth is stated to deliver an immersive and genuine Bentley experience, and will house the most complete Bentley timepiece collecti...

[See More](#)



Like Show more reactions Comment Share

16

2 shares

Comments

Write a comment...

Bentley shared [Baselworld - The Watch and Jewellery Show's](#) photo.

March 5, 2013 ·



Baselworld - The Watch and Jewellery Show

March 5, 2013 ·

Premiere in 2013: The BASELWORLD Brand Book! This illustrated volume gives unique insight into the world of watches and jewellery and also constitutes a "Who's ...

[See More](#)

Like Comment Share

Like Show more reactions Comment Share

6

1 share

Comments

Write a comment...

Bentley

February 25, 2013 ·

We will be exhibiting @ Baselworld - The Watch and Jewellery Show this year. Please come visit us @ Hall 1.1 Booth A70



BASELWORLD 2013 - Weltmesse für Uhren und Schmuck

BASELWORLD – Die Weltmesse für Uhren und Schmuck. Die BASELWORLD ist der wichtigste Treffpunkt der Uhren- und Schmuckindustrie.

BASELWORLD.COM

Like Show more reactions Comment Share

6

Comments

Write a comment...

2012

ALL STORIES HIGHLIGHTS

News Feed

FOUNDED

ALL STORIES HIGHLIGHTS

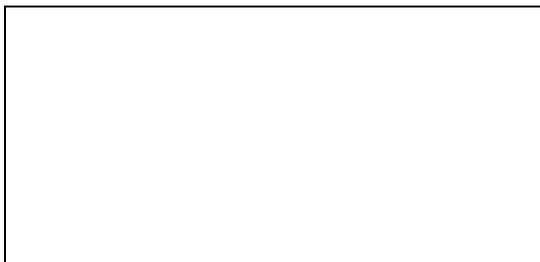
News Feed

Bentley

October 8, 1948 ·

BENTLEY
Artisanat de Précision Suisse 1948

See Translation





Like Show more reactions Comment Share

37 Top Comments

2 shares

Comments

Write a comment...

SMILEPRINCE's Concierge smile emoticon
Like · Reply · 1 · October 17, 2013 at 6:29am

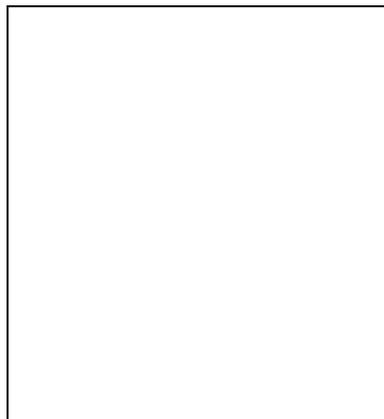
Tariq Sial Best
Like · Reply · March 9 at 9:58pm

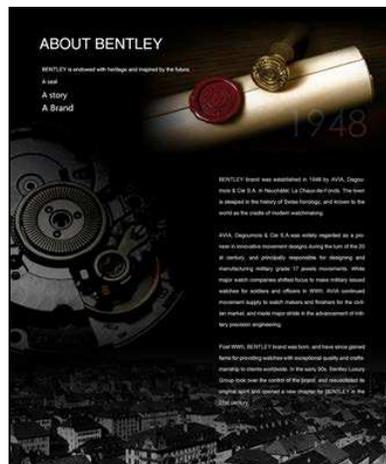
Bentley
January 1, 1948 ·



Founded on January 1, 1948

In La Chaux-de-Fonds, Switzerland.





Like Show more reactions Comment Share

30

1 share

Comments



Write a comment...





About Bentley

Page Info

Milestones

PAGE INFO

Start Date	Founded on January 1, 1948
Short Description	Bentley is endowed with heritage and inspired by the future. Swiss Precision Craft Since 1948 www.bentleyluxury.com info@bentleyluxury.com
Long Description	Bentley the watch brand was established in 1948 in La Chaux-de-Fonds, Switzerland. The town is steeped in the history of Swi... See More
Products	Swiss Made Fine Timepieces and Accessories
Website	www.bentleyluxury.com

MILESTONES

2013	Bentley introduces the Sea Captain Collection Road Captain Collection is introduced in 2013
2008	Denarium collection is introduced in 2008 Solstice collection is introduced in 2008
2004	Veneur collection is introduced in 2004
1997	Louvetier collection is introduced in 1997
1996	Bourbon collection is introduced in 1996
1950	The original Lady Bentley Collection introduced
1948	Founded on January 1, 1948

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Chat (Off) button with notification icon and settings gear.

EXHIBIT 8

Generated on: This page was generated by TSDR on 2016-05-22 12:29:36 EDT

Mark: BENTLEY

US Serial Number: 74661347

Application Filing Date: Apr. 14, 1995

US Registration Number: 2007286

Registration Date: Oct. 08, 1996

Register: Supplemental

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Cancellation/Invalidation Pending

This trademark application has been registered with the Office, but it is currently undergoing a challenge which may result in its removal from the registry.

Amended to Principal Register: No

Date Amended to Current Register: Jul. 16, 1996

Status: A cancellation proceeding 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: Nov. 12, 2014

Mark Information

Mark Literal Elements: BENTLEY

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

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 incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: watches, watch bands, watch chains and watchcases

International Class(es): 014 - Primary Class

U.S Class(es): 002, 027, 028, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 12, 1948

Use in Commerce: May 15, 1995

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No
Filed No Basis: No

Currently 66A: No
Currently No Basis: No

Current Owner(s) Information

Owner Name: AUCREA, SA
Owner Address: RUE DE LA GARE 20
LE LANDERSON SWITZERLAND CH-2525
Legal Entity Type: CORPORATION
State or Country Where Organized: SWITZERLAND

Attorney/Correspondence Information

Attorney of Record

Attorney Name: James M. Slattery
Attorney Primary Email Address: mailroom@BSKB.com
Docket Number: 2410-0101T
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: JENNIFER A GOLINVEAUX
WINSTON & STRAWN LLP
101 CALIFORNIA STREET
SAN FRANCISCO, CALIFORNIA UNITED STATES 94111
Phone: 703-205-8000
Fax: 703-205-8050
Correspondent e-mail: mailroom@BSKB.com
Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: BIRCH, STEWART, KOLASCH & BIRCH, LLP
Phone: 703-205-8000
Fax: 703-205-8050
Domestic Representative e-mail: mailroom@BSKB.com
Domestic Representative e-mail Authorized: Yes

Prosecution History

Date	Description	Proceeding Number
Oct. 08, 2015	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Nov. 12, 2014	CANCELLATION INSTITUTED NO. 999999	60353
Dec. 18, 2006	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	61619
Dec. 18, 2006	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Dec. 18, 2006	ASSIGNED TO PARALEGAL	61619
Oct. 05, 2006	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Oct. 05, 2006	TEAS SECTION 8 & 9 RECEIVED	
Oct. 05, 2006	ATTORNEY REVOKED AND/OR APPOINTED	
Oct. 05, 2006	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jun. 22, 2006	CASE FILE IN TICRS	
Dec. 02, 2002	REGISTERED - SEC. 8 (6-YR) ACCEPTED	
Sep. 30, 2002	REGISTERED - SEC. 8 (6-YR) FILED	
Sep. 30, 2002	REGISTERED - SEC. 8 (6-YR) FILED	
Sep. 30, 2002	PAPER RECEIVED	
Sep. 25, 2002	PAPER RECEIVED	
Oct. 08, 1996	REGISTERED-SUPPLEMENTAL REGISTER	
Aug. 09, 1996	APPROVED FOR REGISTRATION SUPPLEMENTAL REGISTER	
Aug. 09, 1996	USE AMENDMENT ACCEPTED	
Jul. 16, 1996	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jun. 12, 1996	FINAL REFUSAL MAILED	
Jun. 03, 1996	AMENDMENT TO USE PROCESSING COMPLETE	

Feb. 28, 1996 USE AMENDMENT FILED
Sep. 07, 1995 NON-FINAL ACTION MAILED
Sep. 01, 1995 ASSIGNED TO EXAMINER

68113

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Renewal Date: Oct. 08, 2006

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: POST REGISTRATION

Date in Location: Dec. 18, 2006

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: AUCERA TECHNOLOGY, CORP.

Assignment 1 of 1

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [1462/0124](#)

Pages: 7

Date Recorded: May 20, 1996

Supporting Documents: No Supporting Documents Available

Assignor

Name: [AUCERA TECHNOLOGY, CORP.](#)

Execution Date: May 13, 1996

Legal Entity Type: CORPORATION

State or Country Where Organized: TAIWAN

Assignee

Name: [AUCERA, S.A.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: SWITZERLAND

Address: RUE DE LA GARE 20
CH-2525 LE LANDERSON, SWITZERLAND

Correspondent

Correspondent Name: BIRCH, STEWART, KOLASCH & BIRCH, LLP

Correspondent Address: JAMES M. SLATTERY
P.O. BOX 747
FALLS CHURCH, VA 22040-0747

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 2

Type of Proceeding: Cancellation

Proceeding Number: [92060353](#)

Filing Date: Nov 11, 2014

Status: Pending

Status Date: Nov 11, 2014

Interlocutory Attorney: ANDREW P BAXLEY

Defendant

Name: Aucera SA

Correspondent: JENNIFER A GOLINVEAUX

Address: WINSTON & STRAWN LLP
101 CALIFORNIA STREET
SAN FRANCISCO CA UNITED STATES , 94111

Correspondent e-mail: igolinveaux@winston.com , dhleiden@winston.com , mabutler@winston.com , docketsf@winston.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
BENTLEY	Cancellation Pending	74661347	2007286
BENTLEY	Cancellation Pending	75183918	2096184
BENTLEY	Cancellation Pending	75183921	2096186

Plaintiff(s)

Name: Bentley Motors Limited

Correspondent Address: ROD S BERMAN
JEFFER MANGELS BUTLER & MITCHELL LLP
1900 AVENUE OF THE STARS, SEVENTH FLOOR
LOS ANGELES CA UNITED STATES , 90067

Correspondent e-mail: trademarkdocket@jmbm.com , JZB@JMBM.COM , DOCKETING@JMBM.COM , RBERMAN@JMBM.COM , KP2@JMBM.COM

Associated marks			
Mark	Application Status	Serial Number	Registration Number
BENTLEY	Registered	76979138	3998345
B BENTLEY	Second Extension - Granted	86092070	

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 11, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 12, 2014	Dec 22, 2014
3	PENDING, INSTITUTED	Nov 12, 2014	
4	D REQ TO W/DRAW AS ATTORNEY	Dec 11, 2014	
5	D CHANGE OF CORRESP ADDRESS	Dec 16, 2014	
6	D APPEARANCE / POWER OF ATTORNEY	Dec 16, 2014	
7	ANSWER	Dec 16, 2014	
8	D CHANGE OF CORRESP ADDRESS	Dec 16, 2014	
9	D APPEARANCE / POWER OF ATTORNEY	Dec 16, 2014	
10	TRIAL DATES REMAIN AS SET	Dec 23, 2014	
11	D UNDELIVERABLE MAIL	Jan 21, 2015	
12	P MOT FOR EXT W/ CONSENT	Feb 19, 2015	
13	EXTENSION OF TIME GRANTED	Feb 19, 2015	
14	P MOT FOR EXT W/ CONSENT	Mar 27, 2015	
15	EXTENSION OF TIME GRANTED	Mar 27, 2015	
16	D MOT FOR EXT W/O CONSENT	Aug 20, 2015	
17	P OPP/RESP TO MOTION	Aug 20, 2015	
18	EXTENSION OF TIME GRANTED	Aug 21, 2015	
19	D MOT FOR EXT W/ CONSENT	Oct 23, 2015	
20	EXTENSION OF TIME GRANTED	Oct 23, 2015	
21	P MOT TO COMPEL DISCOVERY	Nov 06, 2015	
22	PROCEEDINGS RESUMED	Nov 16, 2015	
23	D MOT FOR EXT W/ CONSENT	Nov 21, 2015	
24	EXTENSION OF TIME GRANTED	Nov 27, 2015	
25	P MOT FOR EXT W/ CONSENT	Jan 26, 2016	
26	EXTENSION OF TIME GRANTED	Jan 26, 2016	
27	D CHANGE OF CORRESP ADDRESS	Jan 27, 2016	
28	D APPEARANCE / POWER OF ATTORNEY	Jan 27, 2016	
29	P MOT TO AMEND PLEADING/AMENDED PLEADING	Apr 19, 2016	
30	P MOT FOR SUMMARY JUDGMENT	Apr 19, 2016	
31	P MOT FOR SUMMARY JUDGMENT	Apr 19, 2016	

Type of Proceeding: Opposition**Proceeding Number:** [91102168](#)**Filing Date:** May 28, 1996**Status:** Terminated**Status Date:** Dec 19, 1997**Interlocutory Attorney:****Defendant****Name:** BENTE STANGENES**Correspondent Address:** GIDEON GIMLAN
FLIESLER, DUBB, MEYER & LOVEJOY
FOUR EMBARCADERO CENTER, SUITE 400
SAN FRANCISCO CA UNITED STATES , 94111-4156**Associated marks**

Mark	Application Status	Serial Number	Registration Number
BENTE	Abandoned - After Inter-Partes Decision	74544732	

Plaintiff(s)**Name:** AUCERA, S.A.**Correspondent Address:** JAMES M. SLATTERY
BIRCH, STEWART, KOLASCH & BIRCH, LLP
P.O. BOX 747
FALLS CHURCH VA UNITED STATES , 22040-0747**Associated marks**

Mark	Application Status	Serial Number	Registration Number
BENTLEY	Cancellation Pending	74661347	2007286

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	May 28, 1996	
2	NOTICE SENT; ANSWER DUE (DUE DATE)	Jun 27, 1996	Aug 06, 1996
3	PENDING, INSTITUTED	Jun 27, 1996	
4	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Aug 05, 1996	
5	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Aug 30, 1996	
6	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Oct 16, 1996	
7	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Dec 16, 1996	
8	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Jan 05, 1997	
9	NOTICE OF DEFAULT	Aug 21, 1997	
10	BOARD'S DECISION: SUSTAINED	Dec 19, 1997	
11	TERMINATED	Dec 19, 1997	

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Mark: BENTLEY

US Serial Number: 75183918

Application Filing Date: Oct. 18, 1996

US Registration Number: 2096184

Registration Date: Sep. 09, 1997

Register: Supplemental

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Cancellation/Invalidation Pending

This trademark application has been registered with the Office, but it is currently undergoing a challenge which may result in its removal from the registry.

Amended to Principal Register: No

Date Amended to Current Register: Jul. 01, 1997

Status: A cancellation proceeding 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: Nov. 12, 2014

Mark Information

Mark Literal Elements: BENTLEY

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

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 incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: jewelry bracelets, bracelets of precious metal, diamonds, earrings, jewelry, jewelry pins, pearls, jewelry boxes of precious metal, and jewelry cases of precious metal

International Class(es): 014 - Primary Class

U.S Class(es): 002, 027, 028, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 01, 1996

Use in Commerce: Mar. 01, 1996

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No
Filed 66A: No
Filed No Basis: No

Currently 44E: No
Currently 66A: No
Currently No Basis: No

Amended 44E: No

Current Owner(s) Information

Owner Name: AUCERA SA
Owner Address: Rue de la Gare 20
CH-2525 Le Landerson SWITZERLAND
Legal Entity Type: CORPORATION
State or Country Where Organized: SWITZERLAND

Attorney/Correspondence Information

Attorney of Record

Attorney Name: JAMES M SLATTERY
Docket Number: 2410.120T

Correspondent

Correspondent Name/Address: JENNIFER A GOLINVEAUX
WINSTON & STRAWN LLP
101 CALIFORNIA STREET
SAN FRANCISCO, CALIFORNIA UNITED STATES 94111

Domestic Representative

Domestic Representative Name: BIRCH STEWART KOLASCH AND BIRCH

Prosecution History

Date	Description	Proceeding Number
Nov. 12, 2014	CANCELLATION INSTITUTED NO. 999999	60353
Sep. 19, 2007	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	64591
Sep. 19, 2007	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Sep. 17, 2007	ASSIGNED TO PARALEGAL	64591
Aug. 31, 2007	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Aug. 31, 2007	TEAS SECTION 8 & 9 RECEIVED	
Mar. 09, 2007	CASE FILE IN TICRS	
Oct. 28, 2003	REGISTERED - SEC. 8 (6-YR) ACCEPTED	
Sep. 08, 2003	REGISTERED - SEC. 8 (6-YR) FILED	
Sep. 08, 2003	PAPER RECEIVED	
Sep. 09, 1997	REGISTERED-SUPPLEMENTAL REGISTER	
Jul. 17, 1997	APPROVED FOR REGISTRATION SUPPLEMENTAL REGISTER	
Jul. 01, 1997	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Apr. 10, 1997	NON-FINAL ACTION MAILED	
Mar. 26, 1997	ASSIGNED TO EXAMINER	67971

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted
Renewal Date: Sep. 09, 2007

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: POST REGISTRATION
Date in Location: Sep. 19, 2007

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Cancellation

Proceeding Number: [92060353](#)

Filing Date: Nov 11, 2014

Status: Pending

Status Date: Nov 11, 2014

Interlocutory Attorney: ANDREW P BAXLEY

Defendant

Name: Aucera SA

Correspondent Address: JENNIFER A GOLINVEAUX
WINSTON & STRAWN LLP
101 CALIFORNIA STREET
SAN FRANCISCO CA UNITED STATES , 94111

Correspondent e-mail: jgolinveaux@winston.com , dhleiden@winston.com , mabutler@winston.com , docketsf@winston.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BENTLEY	Cancellation Pending	74661347	2007286
BENTLEY	Cancellation Pending	75183918	2096184
BENTLEY	Cancellation Pending	75183921	2096186

Plaintiff(s)

Name: Bentley Motors Limited

Correspondent Address: ROD S BERMAN
JEFFER MANGELS BUTLER & MITCHELL LLP
1900 AVENUE OF THE STARS, SEVENTH FLOOR
LOS ANGELES CA UNITED STATES , 90067

Correspondent e-mail: trademarkdocket@jmbm.com , JZB@JMBM.COM , DOCKETING@JMBM.COM , RBERMAN@JMBM.COM , KP2@JMBM.COM

Associated marks

Mark	Application Status	Serial Number	Registration Number
BENTLEY	Registered	76979138	3998345
B BENTLEY	Second Extension - Granted	86092070	

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 11, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 12, 2014	Dec 22, 2014
3	PENDING, INSTITUTED	Nov 12, 2014	
4	D REQ TO W/DRAW AS ATTORNEY	Dec 11, 2014	
5	D CHANGE OF CORRESP ADDRESS	Dec 16, 2014	
6	D APPEARANCE / POWER OF ATTORNEY	Dec 16, 2014	
7	ANSWER	Dec 16, 2014	
8	D CHANGE OF CORRESP ADDRESS	Dec 16, 2014	
9	D APPEARANCE / POWER OF ATTORNEY	Dec 16, 2014	
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14	P MOT FOR EXT W/ CONSENT	Mar 27, 2015	
15	EXTENSION OF TIME GRANTED	Mar 27, 2015	
16	D MOT FOR EXT W/O CONSENT	Aug 20, 2015	
17	P OPP/RESP TO MOTION	Aug 20, 2015	
18	EXTENSION OF TIME GRANTED	Aug 21, 2015	
19	D MOT FOR EXT W/ CONSENT	Oct 23, 2015	

20	EXTENSION OF TIME GRANTED	Oct 23, 2015
21	P MOT TO COMPEL DISCOVERY	Nov 06, 2015
22	PROCEEDINGS RESUMED	Nov 16, 2015
23	D MOT FOR EXT W/ CONSENT	Nov 21, 2015
24	EXTENSION OF TIME GRANTED	Nov 27, 2015
25	P MOT FOR EXT W/ CONSENT	Jan 26, 2016
26	EXTENSION OF TIME GRANTED	Jan 26, 2016
27	D CHANGE OF CORRESP ADDRESS	Jan 27, 2016
28	D APPEARANCE / POWER OF ATTORNEY	Jan 27, 2016
29	P MOT TO AMEND PLEADING/AMENDED PLEADING	Apr 19, 2016
30	P MOT FOR SUMMARY JUDGMENT	Apr 19, 2016
31	P MOT FOR SUMMARY JUDGMENT	Apr 19, 2016
32	SUSP PEND DISP OF OUTSTNDNG MOT	Apr 25, 2016

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Mark: BENTLEY

US Serial Number: 75183921

Application Filing Date: Oct. 18, 1996

US Registration Number: 2096186

Registration Date: Sep. 09, 1997

Register: Supplemental

Mark Type: Trademark

Amended to Principal Register: No

Date Amended to Current Register: Jul. 01, 1997

Status: A cancellation proceeding 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: Nov. 12, 2014

Mark Information

Mark Literal Elements: BENTLEY

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

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 incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: ball-point pens, fountain pens, pen clips, pens, pen cases and writing ink

International Class(es): 016 - Primary Class

U.S Class(es): 002, 005, 022, 023, 029, 037, 038, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 01, 1996

Use in Commerce: Mar. 01, 1996

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: AUCERA SA
Owner Address: Rue de la Gare 20
CH-2525
SWITZERLAND
Legal Entity Type: CORPORATION

State or Country SWITZERLAND
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: JAMES M SLATTERY

Docket Number: 2410.118T

Correspondent

Correspondent Name/Address: JENNIFER A GOLINVEAUX
WINSTON & STRAWN LLP
101 CALIFORNIA STREET
SAN FRANCISCO, CALIFORNIA 94111
UNITED STATES

Correspondent e-mail: mailroom@bskb.com

Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: BIRCH STEWART KOLASCH AND BIRCH

Prosecution History

Date	Description	Proceeding Number
Nov. 12, 2014	CANCELLATION INSTITUTED NO. 999999	60353
Sep. 17, 2007	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	60234
Sep. 17, 2007	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Sep. 11, 2007	ASSIGNED TO PARALEGAL	60234
Aug. 24, 2007	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Aug. 24, 2007	TEAS SECTION 8 & 9 RECEIVED	
Mar. 01, 2007	CASE FILE IN TICRS	
Nov. 10, 2003	REGISTERED - SEC. 8 (6-YR) ACCEPTED	
Sep. 08, 2003	REGISTERED - SEC. 8 (6-YR) FILED	
Sep. 08, 2003	PAPER RECEIVED	
Sep. 09, 1997	REGISTERED-SUPPLEMENTAL REGISTER	
Jul. 17, 1997	APPROVED FOR REGISTRATION SUPPLEMENTAL REGISTER	
Jul. 01, 1997	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Apr. 10, 1997	NON-FINAL ACTION MAILED	
Apr. 10, 1997	ASSIGNED TO EXAMINER	67971

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted
Renewal Date: Sep. 09, 2007

TM Staff and Location Information

TM Staff Information - None File Location

Current Location: POST REGISTRATION

Date in Location: Sep. 17, 2007

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: CancellationProceeding Number: [92060353](#)

Filing Date: Nov 11, 2014

Status: Pending

Status Date: Nov 11, 2014

Interlocutory Attorney: ANDREW P BAXLEY

Defendant

Name: Aucera SA

Correspondent Address: JENNIFER A GOLINVEAUX
WINSTON & STRAWN LLP
101 CALIFORNIA STREET
SAN FRANCISCO CA , 94111
UNITED STATESCorrespondent e-mail: jgolinveaux@winston.com , dhleiden@winston.com , mabutler@winston.com , docketsf@winston.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
BENTLEY	Cancellation Pending	74661347	2007286
BENTLEY	Cancellation Pending	75183918	2096184
BENTLEY	Cancellation Pending	75183921	2096186

Plaintiff(s)

Name: Bentley Motors Limited

Correspondent Address: ROD S BERMAN
JEFFER MANGELS BUTLER & MITCHELL LLP
1900 AVENUE OF THE STARS, SEVENTH FLOOR
LOS ANGELES CA , 90067
UNITED STATESCorrespondent e-mail: trademarkdocket@jmbm.com , JZB@JMBM.COM , DOCKETING@JMBM.COM , RBERMAN@JMBM.COM , KP2@JMBM.COM**Associated marks**

Mark	Application Status	Serial Number	Registration Number
BENTLEY	Registered	76979138	3998345
B BENTLEY	Second Extension - Granted	86092070	

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 11, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 12, 2014	Dec 22, 2014
3	PENDING, INSTITUTED	Nov 12, 2014	
4	D REQ TO W/DRAW AS ATTORNEY	Dec 11, 2014	
5	D CHANGE OF CORRESP ADDRESS	Dec 16, 2014	
6	D APPEARANCE / POWER OF ATTORNEY	Dec 16, 2014	
7	ANSWER	Dec 16, 2014	
8	D CHANGE OF CORRESP ADDRESS	Dec 16, 2014	
9	D APPEARANCE / POWER OF ATTORNEY	Dec 16, 2014	
10	TRIAL DATES REMAIN AS SET	Dec 23, 2014	
11	D UNDELIVERABLE MAIL	Jan 21, 2015	
12	P MOT FOR EXT W/ CONSENT	Feb 19, 2015	
13	EXTENSION OF TIME GRANTED	Feb 19, 2015	
14	P MOT FOR EXT W/ CONSENT	Mar 27, 2015	
15	EXTENSION OF TIME GRANTED	Mar 27, 2015	
16	D MOT FOR EXT W/O CONSENT	Aug 20, 2015	
17	P OPP/RESP TO MOTION	Aug 20, 2015	
18	EXTENSION OF TIME GRANTED	Aug 21, 2015	
19	D MOT FOR EXT W/ CONSENT	Oct 23, 2015	
20	EXTENSION OF TIME GRANTED	Oct 23, 2015	

21	P MOT TO COMPEL DISCOVERY	Nov 06, 2015
22	PROCEEDINGS RESUMED	Nov 16, 2015
23	D MOT FOR EXT W/ CONSENT	Nov 21, 2015
24	EXTENSION OF TIME GRANTED	Nov 27, 2015
25	P MOT FOR EXT W/ CONSENT	Jan 26, 2016
26	EXTENSION OF TIME GRANTED	Jan 26, 2016
27	D CHANGE OF CORRESP ADDRESS	Jan 27, 2016
28	D APPEARANCE / POWER OF ATTORNEY	Jan 27, 2016
29	P MOT TO AMEND PLEADING/AMENDED PLEADING	Apr 19, 2016
30	P MOT FOR SUMMARY JUDGMENT	Apr 19, 2016
31	P MOT FOR SUMMARY JUDGMENT	Apr 19, 2016
32	SUSP PEND DISP OF OUTSTNDNG MOT	Apr 25, 2016

EXHIBIT 9

2013 WL 11247292 (Trademark Tr. & App. Bd.)

THIS OPINION IS NOT A PRECEDENT OF THE TTAB

Trademark Trial and Appeal Board

Patent and Trademark Office (P.T.O.)

CKE RESTAURANTS HOLDINGS, INC., CARL'S JR. SPV GUARANTOR, LLC, CARL'S JR. FUNDING LLC AND CARL'S JR. RESTAURANTS LLC (JOINED AS PARTY PLAINTIFFS)¹

v.

JOHN THOMPSON

Opposition No. 91205202

September 30, 2013

*1 Before [Seeherman, Taylor](#) and Greenbaum
Administrative Trademark Judges

By the Board:

John Thompson (“applicant”) seeks to register the marks CHANNEL ISLANDS BREWING COMPANY² and CHANNEL ISLANDS BEER COMPANY,³ both in standard characters, for “beer” in International Class 32 (collectively “applicant's marks”).

CKE Restaurants Holdings, Inc.⁴ (“opposer”) filed its notice of opposition to the registration of applicant's marks on the grounds of likelihood of confusion and dilution. Applicant denied the salient allegations of the notice of opposition.

This case now comes up on the following motions:

1. Opposer's motion to substitute the parties (filed May 10, 2013);
2. Opposer's motion to amend its notice of opposition to add a claim that applicant's marks are *void ab initio* based on a lack of bona fide intent to use (filed May 13, 2013); and
3. Opposer's motion for summary judgment based on its claim of no bona fide intent to use (filed May 13, 2013).

The Board considers each motion as discussed below. *Motion to Substitute*

On May 10, 2013, opposer submitted a motion to substitute Carl's Jr. Restaurants LLC in place of CKE Restaurants Holdings, Inc. Based on the record, assignments of opposer's pleaded Registration Nos. 3026862 and 3026879 were recorded with the Office as follows:

1. CKE Restaurants Holdings, Inc. to Carl's Jr. SPV Guarantor, LLC;⁵
2. Carls' Jr. SPV Guarantor, LLC to Carl's Jr. Funding LLC;⁶ and
3. Carl's Jr. Funding LLC to Carl's Jr. Restaurants LLC.⁷

When an assignment is recorded in the Assignment Branch of the PTO, the assignee *may* be substituted as a party if the assignment occurred prior the commencement of the proceeding; otherwise, the assignee will be joined, rather than substituted, to facilitate the taking of discovery and the introduction of evidence. *See* TBMP § 512.

In view thereof and in order to facilitate testimony, Carl's Jr. SPV Guarantor, LLC, Carl's Jr. Funding LLC and Carl's Jr. Restaurants LLC. are joined as party plaintiffs in Opposition No. 91205202.

*2 Board records have been updated accordingly.

Motion to amend

Opposer seeks to amend the notice of opposition to add a claim that when the applications were filed, applicant lacked a bona fide intent to use the marks in commerce as Trademark Act Section 1(b) requires, thereby rendering the applications *void ab initio*. Applicant has not opposed the motion and, in fact, has filed an answer to the amended notice of opposition.

Amendments to pleadings in *inter partes* proceedings before the Board are governed by [Fed. R. Civ. P. 15](#), which is made applicable to Board proceedings by [Trademark Rule 2.116\(a\)](#). *See also* TBMP § 507.01. [Fed. R. Civ. P. 15\(a\)](#) governs amendments before trial. Pursuant to [Fed. R. Civ. P. 15\(a\)\(2\)](#), where, as here, a party may not amend its pleading as a matter of course,

...a party may amend its pleading only with the opposing party's written consent or the court's leave. The court should freely give leave when justice so requires.

The Board liberally grants leave to amend pleadings at any stage of a proceeding when justice so requires, unless entry of the proposed amendment would violate settled law or be prejudicial to the rights of the adverse party or parties. *See* TBMP § 507.02.

Inasmuch as applicant has not objected, and indeed has filed an answer to the amended notice of opposition,⁸ opposer's motion to amend is **GRANTED** as conceded. The amended notice of opposition is now opposer's operative pleading in this proceeding. Applicant has denied the salient allegations in this pleading.

Motion for Summary Judgment

Summary judgment is an appropriate method of disposing of cases in which there are no genuine disputes as to material facts, thus leaving the case to be resolved as a matter of law. *See* [Fed. R. Civ. P. 56\(c\)](#). In deciding motions for summary judgment, the Board must follow the well-established principles that, in considering the propriety of summary judgment, all evidence must be viewed in a light favorable to the non-movant, and all justifiable inferences are to be drawn in the non-movant's favor. The Board may not resolve disputes of material fact; it may only ascertain whether such disputes are present. *See* [Lloyd's Food Products Inc. v. Eli's Inc.](#), 987 F.2d 766, 25 USPQ2d 2027 (Fed. Cir. 1993); [Opryland USA Inc. v. Great American Music Show Inc.](#), 970 F.2d 847, 23 USPQ2d 1471 (Fed. Cir. 1992); [Olde Tyme Foods Inc. v. Roundy's Inc.](#), 961 F.2d 200, 22 USPQ2d 1542 (Fed. Cir. 1992).

As a general rule, the factual question of intent is particularly unsuited to disposition on summary judgment. *See* [Copelands' Enterprises, Inc. v. CNV, Inc.](#), 945 F.2d 1563, 20 USPQ2d 1295 (Fed. Cir. 1991). A determination of whether an applicant has a bona fide intention to use the mark in commerce is an objective determination based on all the circumstances. [Boston Red Sox Baseball Club LP v. Sherman](#), 88 USPQ2d 1581, 1587(TTAB 2008)(citing [Lane Ltd. v. Jackson International Trading Co.](#), 33 USPQ2d at 1355).

*3 In its motion for summary judgment, opposer alleges, *inter alia*, that based on applicant's discovery responses, applicant had no intent to use his marks outside of San Diego, California. Opposer refers to applicant's responses to interrogatories nos. 12, 14 and 16. In response to interrogatory no. 12, which asks about applicant's current and intended trade channels, applicant responded that he "intends to provide beer as a wholesaler in [b]ars and restaurants in Southern California." In interrogatory no. 14, which asks about the geographic area in which applicant has or plans to provide goods and services under applicant's marks, applicant responded that he "intends to provide its [sic] beer in bars and restaurants in Southern California, namely, San Diego." Lastly, in interrogatory no. 16, which asks applicant about the geographic area in which he advertises or plans to advertise his goods and services under applicant's marks, applicant responded that he intends to advertise in "bars and restaurants in Southern California, namely, San Diego." Opposer argues that these responses are evidence that applicant's intended use of his marks "constitutes [use in] pure intrastate commerce"; that applicant has not produced in discovery any evidence or documents, except for webpage printouts, regarding his intent to use his marks in interstate commerce; that applicant's website does not show applicant's intent to use the marks at the time of filing applicant's applications because the website was created over a year after the filing of the applications; and that, therefore, applicant's applications are *void ab initio* because applicant lacked the requisite bona fide intent to use the marks in commerce at the time the applications were filed.

In response to the motion for summary judgment, applicant alleges, *inter alia*, that "opposer is attempting to skew an answer concerning trade channels to a more broad denial" that applicant does not have a bona fide intent to use applicant's marks in interstate commerce; that applicant is already advertising his prospective goods in interstate commerce via his website; and that because his website advertising is national and began before the opposition was filed, a genuine dispute of material fact regarding applicant's intent at the time of filing applicant's applications exists.

In further support of his claim that the requisite bona fide intent to use existed at the time of filing his applications, applicant submitted an affidavit. In the affidavit, applicant explains that he intends "to create a national brand with [applicant's marks] in Southern California, namely San Diego as this location brings in many customers from out-of-state and is also close to the border of Mexico, thus attracting many tourists," that his website was made available July 7, 2012 to the public and is part of the development and plan for applicant's marks and "demonstrates [applicant's] bona fide intent to use [applicant's marks] in interstate commerce by advertising in a medium through which tourists or others outside the state of California, . . . will, when they visit the San Diego area, know of and seek out our beer."

*4 Upon careful consideration of the parties' arguments and the evidence submitted,⁹ drawing all inferences with respect to opposer's motion in favor of applicant as the nonmoving party, we find that there is a genuine dispute as to whether or not applicant had a bona fide intent to use applicant's marks in interstate commerce when he filed the intent-to-use applications. In particular, there is a genuine issue as to whether applicant's intended use, even if limited to the area of San Diego, California, could be considered to have an effect on interstate commerce, such that his intent to use the marks in the manner he indicates would constitute an intention to use the marks in commerce. *See Larry Harmon Pictures Corp. v. The Williams Restaurant*, 929 F2d 662, 18 USPQ2d 1292 (Fed. Cir. 1991); *In re Silenus Wines, Inc.*, 194 USPQ 261 (C.C.P.A. 1977). Accordingly, disposition of this proceeding by summary judgment is inappropriate, and opposer's motion for summary judgment is **DENIED**.¹⁰

Proceedings are resumed. Dates are reset as follows:

Plaintiff's Pretrial Disclosures	11/4/2013
Plaintiff's 30-day Trial Period Ends	12/19/2013
Defendant's Pretrial Disclosures	1/3/2014
Defendant's 30-day Trial Period Ends	2/17/2014
Plaintiff's Rebuttal Disclosures	3/4/2014

Plaintiff's 15-day Rebuttal Period Ends

4/3/2014

In each instance, a copy of the transcript of testimony, together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. [Trademark Rule 2.125](#). An oral hearing will be set only upon request filed as provided by [Trademark Rule 2.129](#).

Footnotes

- 1 As discussed *infra*, opposer's motion to substitute parties is granted to the extent that they are joined as party plaintiffs.
- 2 Application Serial No. 85195272 was filed December 10, 2010 under Trademark Act Section 1(b), [15 U.S.C. § 1051\(b\)](#), based on an assertion of a bona fide intent to use the mark in commerce.
- 3 Application Serial No. 85259041 was filed March 5, 2011 under Trademark Act Section 1(b), [15 U.S.C. § 1051\(b\)](#), based on an assertion of a bona fide intent to use the mark in commerce.
- 4 In the Board's April 12, 2013 order, the Board noted the merger of Channel Islands Roasting Compay into CKE Restaurants, Inc. (Reel/Frame 4972/0760) recorded with the Assignment Branch on February 26, 2013 and subsequent merger of CKE Restaurants, Inc. into CKE Restaurants Holdings, Inc. (Reel/Frame 4991/0274) recorded with the Assignment Branch on March 25, 2013.
- 5 The assignment was recorded with the Assignment Branch at Reel 4995/Frame 0945.
- 6 The assignment was recorded with the Assignment Branch at Reel 4995/Frame 0770.
- 7 The assignment was recorded with the Assignment Branch at Reel 4995/Frame 0825.
- 8 The Board treats the answer at TTABVUE docket entry no. 16, styled as "Answer and Grounds of Defense to Amended Notice of Opposition," as applicant's operative answer.
- 9 On July 29, 2013, opposer filed a "notice of recent authority" in support of its motion for summary judgment. A movant is allowed to file one reply brief. *See* [Trademark Rule 2.127\(a\)](#). Inasmuch as this paper contains arguments in support of opposer's motion for summary judgment, it is an impermissible surreply. Accordingly, this paper has been given no consideration. Notwithstanding the foregoing, had the Board considered opposer's paper, it would not have affected our decision herein.
- 10 Evidence submitted in connection with a motion for summary judgment is of record only for consideration of that motion. To be considered at final hearing, any such evidence must be properly introduced in evidence during the appropriate trial period. *See* [Levi Strauss & Co. v. R. Josephs Sportswear Inc.](#), 28 USPQ2d 1464 (TTAB 1993); [Pet Inc. v. Bassetti](#), 219 USPQ 911 (TTAB 1983); [American Meat Institute v. Horace W. Longacre, Inc.](#), 211 USPQ 712 (TTAB 1981).

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2015 WL 9702638 (Trademark Tr. & App. Bd.)

Trademark Trial and Appeal Board

Patent and Trademark Office (P.T.O.)

NATURE'S PATH FOODS INC.

v.

MARY'S GONE CRACKERS, INC.

Cancellation No. 92059388

December 29, 2015

*1 Before [Quinn, Lykos](#) and Hightower
Administrative Trademark Judges
Opinion by Hightower
Administrative Trademark Judge:

Nature's Path Foods Inc. ("Petitioner") has petitioned to cancel two registrations owned by Mary's Gone Crackers, Inc. ("Registrant") for the marks PEACE, LOVE & CRUNCH (in standard characters)¹ and



² Both registrations are for "crackers" in International Class 30.

Now before us are Petitioner's motion for leave to file an amended petition for cancellation, filed July 9, 2015; Registrant's motion for summary judgment, filed November 17, 2014 on the two claims in Petitioner's petition for cancellation, i.e., that Registrant's marks have been abandoned and that its registrations are void *ab initio* due to non-use before the applications were filed; and Petitioner's cross-motion to strike, filed as part of its response to Registrant's motion for summary judgment on July 9, 2015. The motions are fully briefed.

Petitioner's Motion to Amend

We first address Petitioner's motion for leave to amend its petition. By the proposed amendment to the petition for cancellation, Petitioner seeks to add a claim that Registrant committed fraud in obtaining and maintaining the subject registrations.

Pursuant to [Trademark Rule 2.127\(d\)](#), [37 C.F.R. § 2.127\(d\)](#), when any party has filed a potentially dispositive motion, including a motion for summary judgment, “the case will be suspended by the Trademark Trial and Appeal Board with respect to all matters not germane to the motion and no party should file any paper which is not germane to the motion except as otherwise specified in the Board's suspension order.” Proceedings in this matter have been suspended since November 23, 2014, after Registrant filed its motion for summary judgment midway through the discovery period.

Petitioner's motion to amend is not germane to the summary judgment motion and should not have been filed while the case was suspended pending disposition of the summary judgment motion. Petitioner's motion to amend therefore will be given no consideration.

Registrant's Motion for Summary Judgment

In support of its motion for summary judgment, Registrant submitted the Declaration of Dale Rodrigues, then Registrant's CEO and president, with exhibits. Petitioner moved for, and on March 26, 2015, was granted, a discovery deposition of Mr. Rodrigues pursuant to [Fed. R. Civ. P. 56\(d\)](#). However, because Mr. Rodrigues had resigned his position,³ Registrant withdrew his declaration and exhibits. Registrant attempted to resubmit the Rodrigues Declaration with its reply brief.⁴ Pursuant to ¶ 5 of the Board's Order of April 6, 2015,⁵ however, the declaration “will be given no consideration by the Board when determining the outstanding motion for summary judgment.” We therefore have given the Rodrigues Declaration and exhibits no consideration.

*2 In place of the Rodrigues declaration, Registrant submitted the substitute declaration of Mary Waldner, Registrant's chairman and founder, with exhibits.⁶ Registrant also made the following evidence of record in support of its motion:

- A declaration of Registrant's counsel Anna E. Raimer in support of Registrant's motion for summary judgment, except for the sentence stricken from that declaration by the Board's order of March 26, 2015,⁷ with Exhibits A-K;⁸ and
- Ms. Raimer's declaration in support of Registrant's reply brief, with exhibits 1-2, 4, and 6-7.⁹

Petitioner submitted the following evidence:

- The transcript of the [Rule 56\(d\)](#) deposition of Mary Waldner;¹⁰ and
- A declaration of Petitioner's counsel Jessica G. Bower, with exhibits 1-2 and 7-14.¹¹

Both parties are reminded that the files of the subject registrations are automatically of record in this proceeding and need not be resubmitted. [Trademark Rule 2.122\(b\)\(1\)](#), [37 C.F.R. § 2.122\(b\)\(1\)](#); *see also Cold War Museum Inc. v. Cold War Air Museum Inc.*, 586 F.3d 1352, 92 USPQ2d 1626, 1628 (Fed. Cir. 2009).¹²

Petitioner moves to strike the Waldner Declaration on the basis that it is improperly signed, that many of the facts it contains are not based on Ms. Waldner's personal knowledge, and that “[t]he alleged evidence set forth in her declaration was often contradicted by her deposition testimony.”¹³

We decline to strike the Waldner Declaration on the basis that it was electronically signed by Registrant's counsel, with the authorization of Ms. Waldner, who was traveling and could not provide her own physical signature by the deadline for submission of the substitute declaration.¹⁴ The declaration was made under penalty of perjury and affirmed by Ms. Waldner at deposition.¹⁵ The remainder of Petitioner's arguments go to the weight due to the declaration, not its admissibility. The motion to strike therefore is DENIED.

We turn now to the merits of Petitioner's motion. Summary judgment is appropriate where there is no genuine dispute as to any material fact, thus allowing the case to be resolved as a matter of law. *Fed. R. Civ. P. 56(a)*. The party seeking summary judgment bears the burden of demonstrating the absence of any genuine dispute of material fact, and that it is entitled to a judgment as a matter of law. *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986); *Sweats Fashions Inc. v. Pannill Knitting Co.*, 833 F.2d 1560, 4 USPQ2d 1793, 1796 (Fed. Cir. 1987). A factual dispute is genuine if, on the evidence of record, a reasonable fact finder could resolve the matter in favor of the non-moving party. *Opryland USA Inc. v. Great Am. Music Show Inc.*, 970 F.2d 847, 23 USPQ2d 1471, 1472 (Fed. Cir. 1992); *Olde Tyme Foods Inc. v. Roundy's Inc.*, 961 F.2d 200, 22 USPQ2d 1542, 1544 (Fed. Cir. 1992). Evidence on summary judgment must be viewed in a light most favorable to the non-movant, and all justifiable inferences are to be drawn in the non-movant's favor. *Lloyd's Food Prods. Inc. v. Eli's Inc.*, 987 F.2d 766, 25 USPQ2d 2027, 2029 (Fed. Cir. 1993); *Opryland USA*, 23 USPQ2d at 1472. The Board may not resolve genuine disputes as to material facts; it may only ascertain whether genuine disputes as to material facts exist. *Lloyd's Food Prods.*, 25 USPQ2d at 2029.

*3 We consider Registrant's motion as to the abandonment and non-use claims in turn.

Count I -- Abandonment

Paragraph 6 of the Petition for Cancellation alleges that:

Upon information and belief, Registrant has discontinued all use of its marks PEACE, LOVE & CRUNCH and PEACE, LOVE & CRUNCH (& design) in conjunction with Registrant's goods, as set forth in Registrant's Registrations, for at least the last three years, with an intent not to resume such use. As a result, Registrant has abandoned these marks and Registrant's Registrations should be cancelled.

Section 45 of the Trademark Act states, in pertinent part, that a mark shall be deemed to be abandoned when its use has been discontinued with intent not to resume such use. Intent not to resume may be inferred from circumstances. Nonuse for 3 consecutive years shall be prima facie evidence of abandonment. "Use" of a mark means the bona fide use of such mark made in the ordinary course of trade, and not made merely to reserve a right in a mark.

Even where a three-year statutory period of nonuse of a mark is established, the Board may consider evidence and testimony regarding a defendant's practices that occurred before or after the three-year statutory period to infer the defendant's intent to resume use during the nonuse period. *Crash Dummy Movie LLC v. Mattel Inc.*, 601 F.3d 1387, 94 USPQ2d 1315, 1317 (Fed. Cir. 2010).

On December 9, 2014, Registrant submitted with its combined declaration of use and incontestability for Registration No. 3542995 (the standard character mark) an image of a box of Registrant's crackers in a grocery store displaying the trademark PEACE, LOVE & CRUNCH on the top panel, as shown below: ¹⁶



The date shown on the box is June 1, 2015.

Consistent with this specimen of use, in ¶ 8 of her declaration executed April 21, 2015, Mary Waldner stated: “Additionally, Mary's Gone Crackers now uses the PEACE, LOVE & CRUNCH trademark on boxes of its crackers and cookies. A copy of packaging for Mary's Gone Crackers' Original crackers, which is currently on store shelves, is attached as Exhibit J.”¹⁷ The exhibit shows the wording PEACE, LOVE & CRUNCH on the top panel of the package. During her discovery deposition, Ms. Waldner testified that Exhibit J to her declaration was “a photograph of our original cracker box,” and that Registrant's “actual packaging for the crackers appear[ed] in the same manner.”¹⁸ Ms. Waldner testified that she was uncertain when Registrant first used the word mark on its packaging, but indicated that it likely was in 2013 or 2014.¹⁹

Based on the record evidence, we find there is no genuine dispute that Registrant has used the PEACE, LOVE & CRUNCH word mark in conjunction with its crackers on its packaging within the past three years. Even if Petitioner could establish a period of nonuse of the word mark in conjunction with Registrant's goods, it cannot establish the required element of intent not to resume such use because Registrant in fact resumed use within the past three years. Registrant therefore is entitled to judgment as a matter of law on Petitioner's abandonment claim regarding its standard character mark. With respect to Registration No. 3542995, Registrant's motion for summary judgment is GRANTED as to Petitioner's abandonment claim, which is dismissed with prejudice.

*4 We reach a different conclusion with respect to Registration No. 3546281, Registrant's composite mark. The specimen of use submitted December 9, 2014 does not show the URLs of the web pages. Registrant also submitted printouts from the “Internet Archive Wayback Machine” (available at archive.org) displaying pages from Registrant's website marysgonecrackers.com from the years 2012 through 2014. All of these pages were submitted in black-and-white, but Registrant's composite mark is lined for color. *Cf.* Trademark Manual of Examining Procedure (TMEP) § 904.02(c)(ii) (October 2015) (requiring that specimens of use must show use of the color(s) claimed as a feature of a mark). Moreover, on some printouts the mark is too small to be legible. Finally, Ms. Waldner was unable to testify as to specifically when the composite mark was in use on the website.

Viewing the evidence in a light most favorable to Petitioner, we find that Registrant has not carried its burden to demonstrate the absence of any genuine dispute of material fact as to when and how it has used its registered mark



in association with its goods within the past three years. Registrant's motion for summary judgment is therefore DENIED with respect to Petitioner's abandonment claim for Registration No. 3546281.

Count II -- Non-Use

Petitioner alleges that the subject registrations are void *ab initio* because Registrant had not made actual use of its marks as trademarks prior to March 24, 2008, the filing date of its applications.

The record evidence pertaining to use of the marks before the application dates concerns Registrant's presence at a 2008 trade show.²⁰ In ¶ 3 of her declaration, Ms. Waldner states:

Mary's Gone Crackers attended the Expo West Natural Products Show on March 14, 2008. As part of the trade show booth, a banner prominently displayed the Registered Marks. A true and correct copy of a photograph from this trade show, which shows the banner, is attached as Exhibit A. Mary's Gone Crackers sold many cases of its crackers at this trade show. True and correct copies of some of the order forms evidencing these sales are attached as Exhibit B.

Exhibit A appears as follows:



Similarly, in identical July 30, 2008 responses to Office actions during examination of its two applications, Registrant made the following argument:

The specimen of use provided by Applicant consists of a banner, which is being used by Applicant as point-of-sale material for Applicant's crackers. The banner was first used by Applicant at the Expo West Natural Products Show in March 2008, where it was displayed alongside the goods in question.

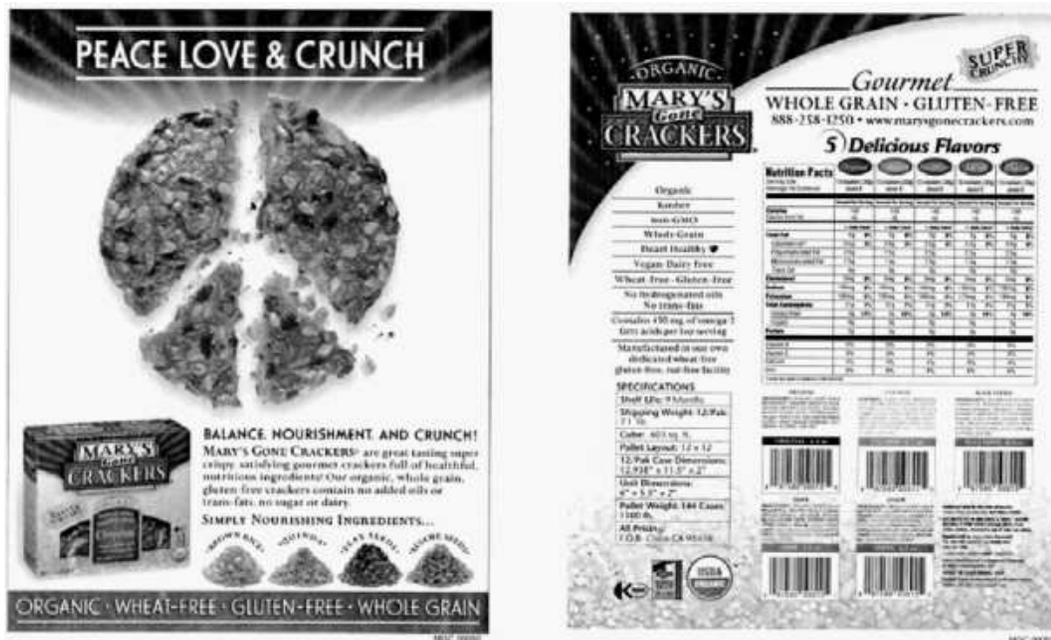
The specimen submitted appears below:



It is apparent that the banner submitted as a specimen is not the same banner displayed in Exhibit A to the Waldner Declaration. In the banner in Exhibit A, the broken cracker in the composite mark is tilted slightly to the left, rays descend to touch the overline, and the box below sits parallel to the top of the banner. In the specimen, the broken cracker is tilted slightly to the right, there are no rays immediately above the overline, and the box sits at an angle. Moreover, Ms. Waldner testified that she did not know for certain whether Exhibit A is from the same trade show at which Registrant apparently first used the marks.²¹

*5 The issue before us is whether Registrant has established the absence of any genuine dispute as to its use of the subject marks before March 24, 2008. We find that the conflict between the file histories and summary judgment evidence in Registrant's depiction of the banner bearing its marks at the March 2008 trade show raises a dispute of material fact as to first use of the marks that precludes summary judgment in Registrant's favor.²²

There is another piece of evidence concerning Registrant's first use of its marks that Petitioner did not address in its brief. Ms. Waldner testified that Registrant distributed "sell sheets" displaying the subject marks at the March 2008 trade show. Although they were not order forms, the sell sheets appear to contain sufficient information to serve as displays associated with Registrant's crackers, including a toll-free telephone number for Registrant and specifications of its goods such as shelf life, shipping weight, and pallet layout. The sell sheet, incorporating a third rendering of Registrant's mark (with the breaks in the cracker presented straight up-and-down, rays extending completely through the wording, and a smaller box of crackers moved to the side) appeared as follows:



Because the composite mark displayed in the sell sheet is different from the registered mark



, this evidence also does not establish that there are no genuine disputes of material fact concerning the timing of Registrant's first use of the composite mark.

Turning to Registrant's standard character mark, that the sell sheet omits the comma from the registered mark PEACE, LOVE & CRUNCH is immaterial to the mark's commercial impression. See *In re Promo Ink*, 78 USPQ2d 1301, 1305 (TTAB 2006); TMEP § 807.14(c) ("Punctuation, such as quotation marks, hyphens, periods, commas, and exclamation marks, generally does not significantly alter the commercial impression of the mark."). There is nonetheless another problem with respect to this evidence. This use of the sell sheets (as opposed to their use as catalog inserts beginning at an unspecified time in 2008 after the trade show) is not mentioned in Ms. Waldner's declaration, but she testified that they were displayed on Registrant's table at the March 2008 trade show.²³ However, she was unable to confirm the dates when the trade show was held.²⁴ Although Registrant submitted Internet printouts stating on their face that the trade show was held March 13-16, 2008,²⁵ such evidence constitutes hearsay and does not establish the truth of the matter printed. *Safer Inc. v. OMS Investments Inc.*, 94 USPQ2d 1031, 1040 (TTAB 2010).

In order to defeat Petitioner's non-use claim on summary judgment, Registrant must establish that there is no genuine dispute of material fact that it used its marks before its March 24, 2008 application filing date, its constructive use date. On careful consideration of all of the parties' evidence and arguments, even if not specifically discussed in this decision, and drawing all inferences with respect to the motion in favor of Petitioner as the non-moving party, we find that Registrant has not established

that there is no dispute of material fact concerning its use before the filing date. Therefore, its motion for summary judgment on this claim is DENIED as to both registrations.

Dates Reset

*6 Proceedings are resumed. Discovery is open. Trial and other dates are reset as follows:²⁶

Expert Disclosures Due	3/11/2016
Discovery Closes	4/10/2016
Plaintiff's Pretrial Disclosures	5/25/2016
Plaintiff's 30-day Trial Period Ends	7/9/2016
Defendant's Pretrial Disclosures	7/24/2016
Defendant's 30-day Trial Period Ends	9/7/2016
Plaintiff's Rebuttal Disclosures	9/22/2016
Plaintiff's 15-day Rebuttal Period Ends	10/22/2016

In each instance, a copy of the transcript of testimony, together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. [Trademark Rule 2.125](#).

Briefs shall be filed in accordance with [Trademark Rule 2.128](#). An oral hearing will be set only on request as provided by [Trademark Rule 2.129](#).

Footnotes

- 1 Registration No. 3542995, issued December 9, 2008; Section 8 affidavit accepted.
- 2 Registration No. 3546281, issued December 16, 2008; Section 8 affidavit accepted. The registration includes the following description: "The mark consists of the overlined and underlined wording 'PEACE, LOVE & CRUNCH' all in the color burgundy above a broken cracker in the shape of a peace symbol in various shades of brown. The white in the drawing represents background and is not claimed as a feature of the mark."
- 3 Raimer Decl. at 1 ¶ 4, 24 TTABVUE 13. His last day with the company was March 31, 2015. Waldner Tr. at 11:23-24, 17 TTABVUE 38.
- 4 Exhibit 3 to Raimer Decl., 24 TTABVUE 89-93.
- 5 12 TTABVUE 2.
- 6 13-14 TTABVUE. Exhibits B, D, and F to the declaration have been designated as confidential and filed under seal at 14 TTABVUE.
- 7 See 11 TTABVUE 1-3.
- 8 5 TTABVUE 11-128.
- 9 24 TTABVUE 13-88, 94-126, and 134-50.
- 10 17 TTABVUE 26-127 and 18 TTABVUE. The portions of Ms. Waldner's deposition transcript at 18 TTABVUE are designated confidential and filed under seal.
- 11 17 TTABVUE 128-44 and 169-85.
- 12 The parties also are encouraged to review [Trademark Rule 2.120\(j\)\(7\)](#), 37 C.F.R. § 2.120(j)(7), and avoid the submission of duplicative evidence at trial. Also, evidence and argument relating to use of Registrant's marks on goods outside the United States is irrelevant to the claims in this proceeding. See, e.g., *Rivard v. Linville*, 41 USPQ2d 1731, 1736 (TTAB 1996), *aff'd*, 133 F.3d 1446, 45 USPQ2d 1374 (Fed. Cir. 1998).

- 13 Petitioner's Response in Opposition to Registrant's Motion for Summary Judgment and Motion to Strike the Declaration of Mary Waldner at 2, 17 TTABVUE 2. Petitioner improperly embedded the motion to strike within its response to Registrant's motion for summary judgment. See *Melwani v. Allegiance Corp.*, 97 USPQ2d 1537, 1541 (TTAB 2010); TBMP 502.02(b).
- 14 Declaration of Anna E. Raimer in Support of Registrant's Opposition to Petitioner's Motion to Strike the Declaration of Mary Waldner at 2 ¶ 6, 22 TTABVUE 15.
- 15 See Waldner Tr. at 8:15-10:3, 17 TTABVUE 35-37.
- 16 See also 19 TTABVUE 62, 146. The Section 15 incontestability affidavit was rescinded in a post-registration Office action issued July 15, 2015, stating that the affidavit had been acknowledged in error because this proceeding is pending.
- 17 13 TTABVUE 6. Ms. Waldner also stated at ¶ 8 of her declaration that Registrant "has never intended to abandon" its marks, testifying that is so "[b]ecause we love this trademark and we use it frequently and never wanted to give it up." *Id.*; Waldner Tr. at 88:24-89:7, 17 TTABVUE 115-16. The intent that is relevant to an abandonment claim, however, is not the intent to abandon a mark, but the intent *vel non* to resume its use. See *Imperial Tobacco Ltd. v. Philip Morris Inc.*, 899 F.2d 1575, 14 USPQ2d 1390, 1394 (Fed. Cir. 1990) ("In every contested abandonment case, the respondent denies an intention to abandon its mark; otherwise there would be no contest.").
- 18 Waldner Tr. at 89:16-90:9, 17 TTABVUE 116-17.
- 19 See *id.* at 37:8-17, 90:10-13, 17 TTABVUE 64, 117.
- 20 Ms. Waldner testified that Registrant first used the subject marks "in March of 2008," but she did not remember whether they were used before the trade show. Waldner Tr. at 13:20-21, 28:1-12, 17 TTABVUE 40, 55.
- 21 Waldner Tr. at 24:8-10, 17 TTABVUE 51.
- 22 Registrant argues, concerning its specimen of use, that "Applicant did not claim that the *identical* banner was first used at the Expo West Natural Products Show." Reply Brief at 4, 24 TTABVUE 5. In view of the file history, this argument is unpersuasive.
- 23 Waldner Tr. at 35:17-37:4, 58:15-59:2, 17 TTABVUE 62-64, 85-86. See also Waldner Decl. ¶ 4 & Exhibit C, 13 TTABVUE 5, 13-14.
- 24 See *id.* at 29:10-14, 17 TTABVUE 56:
- Q. So the Expo West Trade Show, is it correct that one of the dates it was held on was March 14th, 2008?
- A. I would assume so.
- Q. Do you know for certain? A. No.
- 25 See Exhibit 4 to Defendant's Reply in Support of Motion for Summary Judgment, 24 TTABVUE 94-126.
- 26 The fact that we have identified genuine disputes of material fact as a sufficient basis for denying Registrant's motion for summary judgment in part should not be construed as a finding that these are necessarily the only issues which remain for trial. In addition, the parties should note that all evidence submitted in support of and opposition to the motion for summary judgment is of record only for consideration of that motion. Any evidence to be considered at final hearing must be properly introduced into evidence during the appropriate trial periods. See *Levi Strauss & Co. v. Josephs Sportswear Inc.*, 28 USPQ2d 1464, 1465 n.2 (TTAB 1993).

2015 WL 9702638 (Trademark Tr. & App. Bd.)

2015 WL 1570251 (Trademark Tr. & App. Bd.)

This opinion is not a precedent of the TTAB

Trademark Trial and Appeal Board

Patent and Trademark Office (P.T.O.)

NIKE, INC.

v.

UNITED STATES NAVAL ACADEMY FOUNDATION

Opposition No. 91208950

March 9, 2015

*1 Before [Kuhlke](#), [Taylor](#), and Hightower
Administrative Trademark Judges

By the Board:

The United States Naval Academy Foundation (“Applicant”) seeks to register the mark DON'T JUST DO IT DO IT RIGHT in standard characters for “educational services, namely, conducting training in the form of lectures in the field of leadership and ethics; interactive on-line training services in the field of leadership and ethics; film and video production,” in International Class 41. ¹

Nike, Inc. (“Opposer”) originally filed its notice of opposition to the registration of Applicant's mark on the grounds of likelihood of confusion and dilution. ² Applicant submitted its answer, denying the allegations of the notice of opposition.

This case now comes up on the following motions:

1. Opposer's motion to amend its notice of opposition (filed November 4, 2014) to add a claim that Applicant did not have a bona fide intent to use the mark in commerce and the wrong Applicant was named in the application, and as such, the application is void *ab initio*;
2. Opposer's motion for summary judgment based on its new claim (filed November 4, 2014).

The motion for summary judgment has been fully briefed. The Board will consider each motion in turn.

Motion to amend

Amendments to pleadings in *inter partes* proceedings before the Board are governed by [Fed. R. Civ. P. 15](#), which is made applicable to Board proceedings by [Trademark Rule 2.116\(a\)](#). *See also* TBMP § 507.01. [Fed. R. Civ. P. 15\(a\)](#) governs amendments before trial. Pursuant to [Fed. R. Civ. P. 15\(a\)\(2\)](#):

a party may amend its pleading only with the opposing party's written consent or the court's leave. The court should freely give leave when justice so requires.

The Board liberally grants leave to amend pleadings at any stage of a proceeding when justice so requires, unless entry of the proposed amendment would violate settled law or be prejudicial to the rights of the adverse party or parties. *See* TBMP § 507.02.

The timing of the motion for leave to amend plays a large role in the Board's determination of whether the adverse party would be prejudiced by allowance of the proposed amendment. *See, e.g., United States Olympic Committee v. O-M Bread Inc.*, 26 USPQ2d 1221, 1222 (TTAB 1993) (applicant not prejudiced because proceeding still in pre-trial phase); *Focus 21 International Inc. v. Pola Kasei Kogyo Kabushiki Kaisha*, 22 USPQ2d 1316, 1318 (TTAB 1992) (motion to amend filed prior to opening of petitioner's testimony period permitted); *Caron Corp. v. Helena Rubenstein, Inc.*, 193 USPQ 113 (TTAB 1976) (neither party had yet taken testimony); *Mack Trucks, Inc. v. Monroe Auto Equip. Co.*, 182 USPQ 511, 512 (TTAB 1974) (applicant would not be unduly prejudiced since no testimony had yet been taken); TBMP § 507.02(a). For example, the Board generally will grant such motions when the proceedings are still in the pre-trial stage. *See, e.g., Cool-Ray, Inc. v. Eye Care, Inc.*, 183 USPQ 618, 621 (TTAB 1974).

*2 The Board finds no evidence of undue delay by Opposer in filing its motion to amend its pleading. Opposer alleges its motion is predicated on information learned during discovery, and there are no allegations that Opposer unduly delayed filing its motion after learning such information. Additionally, trial has not yet begun and additional discovery does not appear to be necessary since neither party has requested additional discovery.

On December 18, 2014, Applicant concurrently filed a response to the motion to amend and a proposed answer to the amended notice of opposition. In its response to the motion to amend, Applicant “denies that there was not a bona fide intent to use the mark in commerce” but then asserts that “the ultimate user of the mark would be the United States Naval Academy.... Accordingly, Opposer's request to add Count III [the claim of no bona fide intent to use] appears appropriate.” In view thereof, we find no prejudice to Applicant by allowance of the amendment.

Accordingly, Opposer's motion to amend is hereby **granted**. The amended notice of opposition included in Opposer's motion shall be treated as Opposer's operative pleading in this case.

As noted above, Applicant submitted an answer to the amended notice of opposition on December 18, 2014, which the Board treats as Applicant's operative pleading.

Motion for Summary Judgment

Summary judgment is an appropriate method of disposing of cases in which there are no genuine disputes as to material facts, leaving the case to be resolved as a matter of law. *See Fed. R. Civ. P. 56(c)*. In deciding motions for summary judgment, the Board must follow the well-established principles that, in considering the propriety of summary judgment, all evidence must be viewed in a light favorable to the non-movant, and all justifiable inferences are to be drawn in the non-movant's favor. The Board may not resolve disputes of material fact; it may only ascertain whether such disputes are present. *See Lloyd's Food Products Inc. v. Eli's Inc.*, 987 F.2d 766, 25 USPQ2d 2027 (Fed. Cir. 1993); *Opryland USA Inc. v. Great American Music Show Inc.*, 970 F.2d 847, 23 USPQ2d 1471 (Fed. Cir. 1992); *Olde Tyme Foods Inc. v. Roundy's Inc.*, 961 F.2d 200, 22 USPQ2d 1542 (Fed. Cir. 1992).

When the moving party has supported its motion with sufficient evidence which, if unopposed, indicates there is no genuine dispute of material fact, the burden shifts to the non-moving party to demonstrate the existence of a genuine dispute of material fact to be resolved at trial. *See Enbridge, Inc. v. Excelerate Energy LP*, 92 USPQ2d 1537, 1540 (TTAB 2009). The non-moving party may not rest on the mere allegations of its pleadings and assertions, but must designate specific portions of the record or produce additional evidence showing the existence of a genuine dispute as to a material fact for trial. Consequently, factual assertions without evidentiary support are insufficient to defend against a motion for summary judgment. *See Hornblower & Weeks Inc. v. Hornblower & Weeks Inc.*, 60 USPQ2d 1733, 1739 (TTAB 2001); *S & L Acquisition Co. v. Helene Arpels Inc.*, 9 USPQ2d 1221, 1225 (TTAB 1987).

*3 We turn first to the issue of standing, a threshold issue that must be proven by a plaintiff in every *inter partes* case. See *Ritchie v. Simpson*, 170 F.3d 1092, 50 USPQ2d 1023 (Fed. Cir. 1999); *Jewelers Vigilance Committee, Inc. v. Ullenberg Corp.*, 823 F.2d 490, 2 USPQ2d 2021 (Fed. Cir. 1987). The Board finds that there is no genuine dispute of material fact concerning Opposer's standing. Opposer submitted a status and title copy for each of its pleaded registrations with its amended notice of opposition, which sufficiently establishes its standing to bring this proceeding. See *Vital Pharmaceuticals Inc. v. Kronholm*, 99 USPQ2d 1708, 1709 (TTAB 2011); *Edwards Lifesciences Corp. v. VigiLanz Corp.*, 94 USPQ2d 1399, 1408 (TTAB 2010). Moreover, Applicant has not disputed Opposer's standing.

Trademark Act Section 1(b), 15 U.S.C. Section 1051(b), states that “a person who has a bona fide intention, under circumstances showing the good faith of such person, to use a trademark in commerce” may apply for registration of the mark. A determination of whether an applicant has a bona fide intention to use the mark in commerce is an objective determination based on all the circumstances. *Boston Red Sox Baseball Club LP v. Sherman*, 88 USPQ2d 1581, 1587 (TTAB 2008); see also *Aktieselskabet AF 12. November 2001 v. Fame Jeans Inc.*, 86 USPQ2d 1527, 1537-38 (D.C. Cir. 2008) (“[A]n opposer may defeat a trademark application for lack of bona fide intent by proving the applicant did not actually intend to use the mark in commerce or by proving the circumstances at the time of filing did not demonstrate that intent.”). If the intent to use application is not filed in the name of the party that has the bona fide intent to use a particular mark, the application will be deemed void *ab initio*. See *American Forests v. Sanders*, 54 USPQ2d 1860, 1862 (TTAB 1999).

As a general rule, the factual question of intent is unsuited to disposition on summary judgment. *Copelands' Enterprises, Inc. v. CNV, Inc.*, 945 F.2d 1563, 20 USPQ2d 1295, 1299 (Fed. Cir. 1991). Nonetheless, one way an opposer can establish its prima facie case of no bona fide intent is by proving that applicant has no documentary evidence to support its allegation of a bona fide intent to use the mark in commerce as of the application filing date. *Saul Zaentz Co. v. Bumb*, 95 USPQ2d 1723, 1727 (TTAB 2010). Where there is no evidence of an applicant's bona fide intent to use the mark at issue on the claimed goods or services, entry of summary judgment on a claim that the applicant had no bona fide intent to use the mark in commerce when he filed his involved application may be warranted. See *Honda Motor Co. v. Winkelmann*, 90 USPQ2d 1660 (TTAB 2009).

*4 The issue before the Board is whether Applicant, as the named applicant in the application at issue, had a bona fide intent to use the mark when it filed the application.

In support of its motion for summary judgment, Opposer has submitted copies of certain discovery requests, Applicant's discovery responses and certain deposition transcripts. Specifically, Opposer refers to Applicant's response to document request no. 7³ and the discovery depositions of Captain Richard Goldsby,⁴ Colonel Arthur Athens,⁵ and Mr. Patrick Finnegan.⁶

In its answer to document request no. 7, which asks for documents related to Applicant's bona fide intention to use, Applicant answered that it “is not aware of any documents within its possession, custody, or control that are responsive to this request.” See *Motion for Summary Judgment, Exh. E* at p.3.

In the depositions of Captain Goldsby, Colonel Athens and Mr. Finnegan, the record reveals that Applicant did not have a bona fide intent to use the mark but rather, the mark was intended to be used by an unrelated entity, the United States Naval Academy. The depositions show that at all times, it was the intention of Applicant that the mark was to be used by the United States Naval Academy. The following series of questions and answers in Captain Goldsby's deposition make clear Applicant's intention:

Q: I'd like to take you -- let's look at this description of goods and services. So the first part of it says “educational services, namely: Conducting training in the form of lectures in the field of leadership and ethics.” Is the Foundation presently using the mark Don't Just Do It Do It Right” for those services that I've just mentioned to you?

A: No.

Q: Does the Foundation intend to use the mark for those services?

A: No.

Q. Let's go to the second part of that description. The second part is interactive online training services in the field of leadership and ethics. Does the Foundation presently use the mark "Don't Just Do It Do It Right" for those services?

A. The Foundation does not.

Q. Does someone else use the mark for those services?

A. The mark is contained in the videos, as we described, as I described earlier in some of the videos that have been gifted to the Navy and are being used by the Naval Academy.

Q. Is it used in any other way?

A. Not to my knowledge.

Q. Aside from the videos, when this description was included in the application, what was the - what types of things did you contemplate, meaning the Naval Academy Foundation, what types of things did the Foundation contemplate using the mark for with respect to these services?

A. Really all the contemplate -- all the Foundation contemplated was obtaining the mark and giving it to the Naval Academy for their use.

*5 Q. And so not for the -- you were not planning on offering interactive online training services?

A. No. That's not within the mission of the Foundation.

See Motion for Summary Judgment, Exh. A at 114:6-116:9.

Furthermore, Applicant admitted the allegations set forth in paragraphs 22-23 in the amended notice of opposition, which read: 22. Additionally, at the time Applicant filed the Application, Applicant intended to obtain the trademark registration for Applicant's Mark for the use and benefit of an unrelated entity, the United States Naval Academy.

23. The United States Naval Academy, the unrelated entity for whom Applicant sought to obtain the trademark registration for Applicant's Mark, should have been named as the applicant in the Application, instead of Applicant.

Lastly, in its response to the motion for summary judgment, Applicant concedes that "the United States Naval Academy, not the United States Naval Academy Foundation was to be the user of the mark." *Response* at p. 2.

Upon careful consideration of the parties' arguments and the evidence submitted, the record clearly demonstrates that Applicant did not have the bona fide intent to use the mark but rather filed the application for the benefit of an unrelated entity, the United States Naval Academy.

In view thereof, Opposer has established that there is no genuine dispute of material fact that Applicant lacked the requisite bona fide intention to use the mark as of the filing date of the application and the application was void *ab initio*. Accordingly, Opposer's motion for summary judgment is **granted** on its claim that Applicant lacked a bona fide intent to use the mark in

commerce. The opposition is sustained under Trademark Act Section 1(b) only and application Serial No. 85561428 is refused registration.

Having found the application was void *ab initio* because the application was improperly filed in the name of Applicant who did not have a bona fide intent to use the mark, the Board need not reach a decision on the remaining issues of likelihood of confusion and dilution. *See American Paging Inc. v. American Mobilphone Inc.*, 13 USPQ2d 2036, 2039 (TTAB 1989), *aff'd*, 923 F.2d 869, 17 USPQ2d 1726 (Fed.Cir. 1990) (unpublished table decision), and cases cited therein.

Footnotes

- 1 Application Serial No. 85561428 was filed March 6, 2012 under Trademark Act Section 1(b), 15 U.S.C. § 1051(b), based on an assertion of a bona fide intent to use the mark in commerce.
- 2 In support of these grounds Opposer has claimed ownership of Registration No. 1875307 for the mark JUST DO IT. for “clothing, namely t-shirts, sweatshirts and caps” in International Class 25 claiming a date of first use anywhere and in commerce of January 26, 1989; Registration No. 1817919 for the mark JUST DO IT. for “paper goods and printed matter; namely, bumper stickers, note pads, posters and banners” in International Class 16 claiming a date of first use anywhere and in commerce of January 1989, “nonmetallic key chains and ornamental novelty buttons” in International Class 20 claiming a date of first use anywhere and in commerce of February 8, 1989, and “mugs” in International Class 21 claiming a date of first use anywhere and in commerce of July 7, 1989; and Registration No. 1931937 for the mark JUST DO IT for “binders, student planners, notebooks, portfolio covers” in International Class 16 claiming a date of first use anywhere and in commerce of April 10, 1995.
- 3 Document Request No. 7 seeks “all documents and things concerning or in any way related to the bona fide intention to use [Applicant's Mark].”
- 4 Applicant's Associate Director.
- 5 Colonel Athens came up with the idea of using video spots to inspire midshipmen to make ethical decisions, which was called the Integritas Project. *See Motion for Summary Judgment, Exh. B* at 18:4-19:18.
- 6 Mr. Finnegan is an independent filmmaker who directed, wrote scripts for and handled a variety of other matters related to making the video spots for the Integritas Project.

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THIS OPINION IS NOT A PRECEDENT OF THE T.T.A.B.

Trademark Trial and Appeal Board

Patent and Trademark Office (P.T.O.)

TRACIE MARTYN, INC.

v.

BABY BUTTER ORIGINALS

Cancellation No. 92053374

December 17, 2015

*1 Before [Cataldo](#), [Ritchie](#), and Masiello
Administrative Trademark Judges

By the Board:

On December 8, 2010, Petitioner filed a petition to cancel Respondent's registration for the mark BABY BUTTER ORIGINALS BY TRACEY MARTIN, in standard character format, for "cloth diapers, hats, jackets, pants, rain boots, rain coats, rain jackets, rain slickers, rain suits, rain trousers, robes, scarves, shirts, shoes, skirts, socks, tank tops, underpants," in International Class 25.¹ As grounds for cancellation, in the amended petition, Petitioner alleges (1) that Respondent's registered mark so resembles Petitioner's registered marks that it is likely to cause confusion, mistake, or to deceive prospective consumers under Section 2(d) of the Lanham Act; (2) that Respondent's use and continued registration "dilutes the distinctive quality of Petitioner's TRACIE MARTYN trade name and family of TRACIE MARTYN duly registered marks" and (3) that Respondent did not use the mark on all of the identified goods as of the filing date of the application. Petitioner pleaded ownership of the following five registrations:

Registration No. 2569005 for the mark TRACIE MARTYN for "skin care treatment salon services and cosmetic and color analysis, namely, analysis of the color, tone, texture and appearance of the skin and underlying tissues and the care and treatment of the skin and tissue through electrical stimulation of nerves, tissues, and muscle as well as traditional methods of skin care treatment and makeup application" in International Class 42;²

Registration No. 2845161 for the mark TRACIE MARTYN for "skin care products namely, facial cleansers, facial creams, facial emulsions, facial masks, facial scrubs, body lotions, astringents for cosmetic purposes, eye makeup remover, skin cleansing lotion, skin conditioners, skin cleansing cream, skin cream, skin and face lotions, skin moisturizer, skin clarifiers, skin cleansers, skin emollients, skin lighteners, skin masks, skin moisturizer masks, skin soap, skin toners, skin whitening cream, wrinkle removing skin care preparations" in International Class 3;³

Registration No. 3090559 for the mark RESCULPTING BODY SERUM BY TRACIE MARTYN for "cosmetic and skin care products, namely, body lotions, cellulite lotion, skin moisturizer, skin emollients, skin lighteners, skin moisturizer, skin whitening cream, and wrinkle removing skin care preparations" in International Class 3.⁴

*2 Registration No. 2763314 for the mark RESCULPTING BODY TREATMENT BY TRACIE MARTYN for "skin care services, namely, providing skin and body care treatment and massage" in International Class 42;⁵ and

Registration No. 2840732 for the mark RESCULPTING SERUM BY TRACIE MARTYN for “cosmetic and skin care products namely, wrinkle removing skin care preparations” in International Class 3.⁶

Respondent denied all of the salient allegations in the petition and set forth several affirmative defenses, including that Respondent “has an earlier first use in commerce date for the goods in question and that Petitioner is the junior user”; laches, estoppel and/or acquiescence; and that the petition “fails to state a claim upon which relief may be based.”

This case now comes before the Board for consideration of Petitioner's motion for summary judgment on its claim of nonuse. The motion is contested.

In support of its motion, Petitioner argues that it propounded interrogatory requests and requests for production of documents and things on Respondent. Petitioner alleges that the responses to interrogatories and document requests show that Respondent had not used its mark on all of the applied-for goods as of the application date.

In support of its motion, Petitioner submitted copies of the discovery requests and responses, including the documents produced by Respondent.

In response to Petitioner's motion for summary judgment, Respondent “admits that the mark was not used for rain gear at the time of registration, and agrees to remove those items (rain boots, rain jackets, rain slickers, rain suits, rain trousers) from the mark's description.” 56 TTABVUE 5 (citing Martin decl. at para. 6). The response otherwise denies that the mark was not in use on the other listed goods as of the time of registration.

Summary judgment is an appropriate method of disposing of cases in which there are no genuine disputes of material fact and the moving party is entitled to judgment as a matter of law. See *Fed. R. Civ. P. 56(c)*. The party moving for summary judgment has the burden of demonstrating the absence of any genuine issue of material fact and that it is entitled to judgment as a matter of law. See *Celotex Corp. v. Catrett*, 477 U.S. 317 (1986). The evidence must be viewed in the light most favorable to the non-moving party, and all reasonable inferences are to be drawn in the non-movant's favor.

In situations such as this, where a defendant admits to nonuse on some of the goods, we have held that “as long as the mark was used on some of the identified goods or services as of the filing of the application, the application is not void in its entirety.” *Grand Canyon West Ranch LLC v. Hualapai Tribe*, 78 USPQ2d 1696 (TTAB 2006) (“The case law is clear that holding an application to be void is an appropriate remedy when the pleaded ground either is fraud, or that the applicant has not used the applied-for mark on any of the goods or services identified in the application prior to the filing of the application.”); see also 6 *McCarthy* § 31:73 (4th ed., updated Dec. 2015) (citing “The Grand Canyon Rule”). We note that the cases cited by Petitioner are inapposite because they deal with situations where we found nonuse on *all* of the goods at the time of filing. See *Gay Toys, Inc. v. McDonalds Corp.*, 585 F.2d 1067, 199 USPQ 722, 723 (CCPA 1978) (“Toys did not use the mark in commerce in association with its goods. Its application is therefore void.”); *Clorox Co. v. Salazar*, 108 USPQ2d 1083, 1086 (TTAB 2013) (“[A]pplicant's responses to opposer's interrogatory requests and his declaration submitted in response to opposer's earlier-filed motion for summary judgment on the ground of priority and likelihood of confusion establish that applicant did not sell or transport his identified goods bearing the CLOROTEC and design mark in commerce as of the filing date of his use-based application”); *ShutEm Down Sports Inc. v. Lacey*, 102 USPQ2d 1036, 1045 (TTAB 2012) (nonuse found as to all 113 items in identification).

*3 As discussed below, based on the submissions of the parties, we find that Petitioner has failed to meet its burden of demonstrating that there is no genuine dispute of material fact, except as to the goods for which Respondent admits nonuse. Accordingly, Petitioner is not entitled to judgment as a matter of law on its entire claim of nonuse, but is entitled to a partial grant of summary judgment.

I. Standing

As a threshold matter, with regard to whether Petitioner has standing to maintain this proceeding, Petitioner has provided status and title copies of its five pleaded registrations attached to its amended petition for cancellation. Also, with its motion for summary judgment, Petitioner included a declaration from counsel Kathryn Jennison Shultz that attested to a refusal to register a mark of Petitioner based upon a likelihood of confusion with Respondent's registration. The office action is attached to the declaration. In view of Petitioner's pleaded registrations which have been properly made of record and the refusal to register, we find that there is no genuine dispute that Petitioner has a direct commercial interest in this proceeding, and that Petitioner has demonstrated its standing. See *Cunningham v. Laser Golf Corp.*, 222 F.3d 943, 55 USPQ2d 1842 (Fed. Cir.(2000)); see also *Lipton Industries, Inc. v. Ralston Purina Co.*, 670 F.2d 1024, 213 USPQ 185 (CCPA).

II. Nonuse

A claim of nonuse is a claim that defendant did not use the mark on all of the identified goods as of the filing date of the application. See *Grand Canyon West Ranch LLC v. Hualapai Tribe*, 78 USPQ2d at 1696. As noted above, in support of its claim of nonuse, Petitioner relies primarily on Respondent's discovery responses and document production.

Petitioner submitted with its summary judgment motion some of Respondent's responses to Petitioner's First Set of Interrogatories. In particular, Petitioner's Interrogatory No. 4 states:

Identify by common commercial descriptive name each product and service actually and/or intended to be offered for sale, advertised and/or promoted by or on behalf of Registrant or any predecessor person(s) or company(ies) bearing the Baby Butter Originals by Tracey Martin mark ...:

Respondent submitted an amended response to Petitioner's Interrogatory No. 4, dated May 15, 2012:⁷

Tank tops (women's and kid's); tee shirt (women's and kid's); robes (women's and kid's); pants (women's and kid's); shorts (women's and kid's); dresses (women's and kid's); onesies; vests; coats; socks; boots (women's and kid's); blankets; jackets (women's and kid's); sweatsuits (women's and kid's);diaper covers; swimwear (women's and kid's); cover ups; raincoats/slickers (awaiting information on chemical treatment); scarves (women's and kid's); wraps (women's and kid's);' shrugs; skorts; capri pants; thermals (men's, women's and kid's); lounge wear; headbands; bandanas; and messenger pouches.

*4 Respondent submitted a supplementary response to Petitioner's Interrogatory No. 4, dated January 14, 2015, which reads in relevant part, as follows:

Registrant has never ceased working in the fashion industry or with Baby Butter Originals by Tracey Martin line. Every year the following items were produced in the line: For infant, toddler, children's junior and tween sizes - respectively: onesies, blankets, diaper covers, diaper overs, tops, tank tops, pants, dresses, skirts, skorts, jackets, coats, scarves, bikinis, cover ups, thermals, lounge pants, fabric backpacks, grocery cart covers, bibs, burp cloths, hand painted boots, faux fur shrugs, tutus and robes. For women's apparel: dresses, thermal tops, tank tops, short sleeve tops, long sleeve tops, lounge pants, wraps. For Men's apparel: thermal shirts, short sleeve shirts, long sleeve shirts.

Petitioner asserts that there are "inconsistencies in the identification of goods as it appears in the registration and in the respondent's responses to interrogatories." 50 TTABVUE 10. Petitioner additionally argues that the documents produced by Respondent do not clarify the alleged inconsistency.

Petitioner refers to its First Set of Requests for Production of Documents and Things, Request No. 21:

All documents sufficient to show continuous use in interstate commerce of Registrant's Baby Butter Originals by Tracey Martin mark, from its alleged date of first use to the present.

Respondent submitted a supplemental response to Request No. 21, dated August 4, 2014:

Registrant has lost most sales and distribution documentation for the business due to relocating home and business numerous times. All information that Registrant has been able to locate has been provided. Please refer to REGISTRANT00157-REGISTRANT00184 for dated invoices and bills of sale from 2006 through 2012.

Petitioner further refers to its First Set of Requests for Production of Documents and Things, Request No. 24:

Representative invoices evidencing the sale of goods in the United States by Registrant under the Baby Butter Originals by Tracey Martin mark, for each year from the date of first use of the mark.

Respondent submitted its supplemental response to Request No. 24, dated August 4, 2014:

Registrant has lost most sales and distribution documentation for the business due to relocating home and business numerous times. All information that Registrant has been able to locate has been provided. Please refer to REGISTRANT00157-REGISTRANT00184 for dated invoices and bills of sale from 2006 through 2012.

The invoices show use of Respondent's mark during the time period 2006 through 2012, which predates and includes Respondent's filing date. Respondent further submitted the declaration of Respondent's president, Tracey Martin, dated September 2, 2015, which reiterated the list of goods stated above which appeared under the BABY BUTTER ORIGINALS BY TRACEY MARTIN mark. 56 TTABVUE 15. The list in the Martin declaration is the same as in Respondent's supplementary response to Interrogatory No. 4, except to add "cloth diapers." There is no indication as to whether either is intended to be an exhaustive list since both indicate that "the following items were produced in the line," but neither states whether *only* these and no other goods were manufactured or sold under the mark at the time the application was filed.⁸

*5 Ms. Martin did, however, further attest and "admits that the mark was not used for rain gear at the time of registration, and agreed to remove those items (rain boots, rain coats, rain jackets, rain slickers, rain suits, rain trousers) from the mark's description." 56 TTABVUE 15. Given the nature of Petitioner's claim for nonuse in this cancellation proceeding; Respondent's responses to Interrogatory No. 4, which do not list any kind of rain gear among the goods that it actually or intended to offer under the mark; and the fact that Respondent voluntarily agreed via its Opposition to Petitioner's Motion for Summary Judgment to delete the unused goods from its registration, we understand Respondent's admission regarding rain gear to indicate, for purposes of summary judgment, nonuse of the referenced goods not only "at the time of registration" but also at the time of the application filing date.

Apart from these specific goods, for which Respondent admits nonuse at the time of registration, there remains a genuine issue as to whether Respondent was using its mark on the other identified goods as of the application filing date. Accordingly, Petitioner's motion for summary judgment is granted in part and denied in part. Respondent's registration shall be cancelled in part by deletion of the following goods: "rain boots, rain coats, rain jackets, rain slickers, rain suits, rain trousers." See *Grand Canyon West Ranch LLC v. Hualapai Tribe*, 78 USPQ2d at 1698. Respondent's identification of goods will be amended as follows: Prior identification of goods: cloth diapers, hats, jackets, pants, rain boots, rain coats, rain jackets, rain slickers, rain suits, rain trousers, robes, scarves, shirts, shoes, skirts, socks, tank tops, underpants;

Amended identification of goods, per Board order: cloth diapers, hats, jackets, pants, robes, scarves, shirts, shoes, skirts, socks, tank tops, underpants.

The motion for summary judgment is otherwise denied.

Proceedings are resumed. Discovery remains closed, and trial dates are reset as follows:

Discovery Period to Close:	CLOSED
Petitioner's 30 day Trial Period Ends:	February 15, 2016
Defendant's Pretrial Disclosures:	March 1, 2016
Defendant's 30 day Trial Period Ends:	April 15, 2016
Plaintiff's Rebuttal Disclosures:	April 30, 2016
Petitioner's Rebuttal Period Ends:	May 30, 2016

Footnotes

- 1 Registration No. 3618819, registered on May 12, 2009, based upon an application filed on September 2, 2008, under Trademark Act Section 1(a), alleging July 10, 2001 as the date of first use anywhere and July 5, 2003 as the date of first use in commerce. Section 8 affidavit acknowledged.
- 2 Registered May 14, 2002, alleging June 1, 1984 as the date of first use, and February 1, 1989 as the date of first use in commerce. Sections 8 and 15 affidavits accepted and acknowledged. Renewed.
- 3 Registered May 25, 2004, alleging January, 2001 as the date of first use anywhere and in commerce. Sections 8 and 15 affidavits accepted and acknowledged. Renewed.
- 4 Registered May 9, 2006, alleging January 12, 2006 as the date of first use anywhere and in commerce, and disclaiming the exclusive right to use the term "BODY SERUM" apart from the mark as shown. Sections 8 and 15 affidavits accepted and acknowledged.
- 5 Registered September 16, 2003, alleging 1995 as the date of first use and September 1996 as the date of first use in commerce, and disclaiming the exclusive right to use the term "BODY TREATMENT" apart from the mark as shown. Sections 8 and 15 affidavits accepted and acknowledged. Renewed.
- 6 Registered May 11, 2004, alleging January 2001 as the date of first use anywhere and in commerce, and disclaiming the exclusive right to use the term "SERUM" apart from the mark as shown. Sections 8 and 15 affidavits accepted and acknowledged. Renewed.
- 7 Respondent's original responses to interrogatories were not included with the parties' summary judgment submissions. The Amended Response is dated March 15, 2012, but the accompanying verification is dated May 15, 2012. Respondent's original responses to requests for documents were also not included with the parties' summary judgment submissions.
- 8 We note that Respondent's arguments against abandonment are inapposite. Petitioner's claim is nonuse at the time of filing, not Respondent's possible later abandonment of the mark.

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