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

Proceeding	91232427
Party	Plaintiff International Dairy Foods Association
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International Dairy Foods Association et al. v Interprofession Du Gruyere et al.

Transcript of the Testimony of:

FERMO JAECKLE

July 25, 2018

1 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD
2
INTERNATIONAL DAIRY FOODS | OPPOSITION NO: 91232427
3 ASSOCIATION, U.S. DAIRY |
EXPORT COUNCIL, ATALANTA | CONSOLIDATED WITH
4 CORPORATION, AND INTERCIBUS, | OPPOSITION NOS.:
INC., | 91232442, 91232446,
5 | and 91232448
Opponents, |
6 |
vs. |
7 |
INTERPROFESSION DU GRUYERE |
8 and SYNDICAT |
INTERPROFESSIONEL DU |
9 GRUYERE, |
|
10 Applicants. |
11
12
****
13 ORAL DEPOSITION OF
FERMO JAECKLE
14 JULY 25, 2018
****
15
16
17 ORAL DEPOSITION OF FERMO JAECKLE, produced
18 by Subpoena and duly sworn, was taken in the above-styled and
19 numbered cause on July 25, 2018, starting at 12:03 p.m., Eastern
20 Standard Time, before Tracey L. Peck, CSR, RPR, in and for the
21 State of New Jersey, recorded by machine shorthand, at 1
22 Atalanta Plaza, Elizabeth, New Jersey 07206, pursuant to the New
23 Jersey Rules of Civil Procedure and the provisions stated on the
24 record or attached hereto; the deposition will be signed before
25 any notary public.

1 A P P E A R A N C E S

2

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1 INDEX OF EXHIBITS

1 FERMO JAECKLE, after having
2 first been duly sworn, was examined and testified as
3 follows:
4 - - -
5 EXAMINATION
6 - - -
7 BY MR. WILLENBRINK:
8 Q. Mr. Jaeckle, my name is Zachary Willenbrink. I am an
9 attorney with Godfrey & Kahn. We represent the Opposers,
10 International Dairy Food Association and U.S. Dairy Expert
11 Council, Atalanta Corporation, and Intercibus, Inc. Opposition
12 number 91232427 before the Trademark Trial and Appeal Board.
13 You're here today to provide testimony, is that correct?
14 A. That's correct.
15 Q. Before we begin, could you please state and spell your
16 full name?
17 A. Sure. It's Fermo C. Jaeckle. The C stands for Carl,
18 and spelling is F-E-R-M-O, C-A-R-L, J-A-E-C-K-L-E.
19 Q. Thank you. What's your address?
20 A. 680 Solana Court, Marco Island, Florida 34145.
21 Q. Mr. Jaeckle, have you been deposed before?
22 A. I have.
23 Q. Have you been deposed recently?
24 A. No.
25 Q. I'll just go through a few ground rules for what we'll

1 do during the testimony today. This is going to be a question
2 and answer format. If you can, please wait until I finish
3 asking the question before you start answering so that we're not
4 talking over one another. Also, try to answer with verbal and
5 clear answers like yes and no as opposed to uh-huh or uh-huh.
6 A. Right.
7 Q. Does that make sense?
8 A. Uh-huh.
9 Q. If there is any question that I ask that you don't
10 understand, don't hesitate to ask me to clarify. I'm happy to
11 do that. We're free to take breaks as you need. If you need to
12 take a break, just ask. If there's a questions that has been
13 out on the record you will have to answer that before we can
14 take a break, though. Do you understand that?
15 A. Yes.
16 Q. And Mr. Lehv may object after I ask some questions.
17 If he does, please wait until I decide to either reformulate my
18 question or go ahead and instruct you to answer, that would be
19 great, as well. Does that make sense, too?
20 A. Yes.
21 Q. Thank you. Is there any reason due to illness,
22 medication, or otherwise today that you cannot give accurate
23 testimony?
24 A. No.
25 Q. Mr. Jaeckle, we will begin with background information

1 about you, particularly as to education. Beginning with
2 college, can you describe your formal education for me?
3 A. Sure. I attended Cornell University, agricultural
4 economics major, specializing in food marketing. That came with
5 a BS degree, and the years were 1969 to 1973.
6 Q. Did you go onto pursue any graduate or professional
7 degrees?
8 A. No. I entered business straightaway. I spent three
9 months working in an importing company, and then was sent
10 overseas where I spent eleven months in Germany, nine months in
11 France, and about three months in Italy before spending about
12 half a year in Switzerland and then returning.
13 Q. Other than your formal education have you or do you
14 take any classes in business marketing, or the law, or anything
15 of that sort?
16 A. I have from time-to-time. Yes.
17 Q. And can you just describe those generally?
18 A. I have taken marketing, additional marketing classes,
19 and business law. That's really to the extent of it.
20 Q. And have you taken any specific classes on cheese or
21 the cheese industry or anything like that?
22 A. No. I grew up with it.
23 Q. Sure. Practical education?
24 A. Right.
25 Q. So, you just mentioned this briefly, but beginning

1 with college could you just walk us through your employment
2 history?
3 A. Well, my employment history began at the age of maybe
4 about 9 or 10 when I went to work with my dad, and we were at
5 Duane Street in Tribeca. We had an importing company that
6 imported what's called Otto Roth & Company, and the company
7 imported cheese from primarily Switzerland and Italy, although
8 also from Denmark, France, and other countries.
9 At the time, we are talking now the 1960s or
10 early 1960s, it was pre-refrigerated container times, and the
11 product was still imported in bulk and unloaded in cargo nets,
12 and then trucked, unimaginable today, but, yes, then trucked to
13 our warehouse which was at 177-179 Duane Street in Lower
14 Manhattan. Do you want me to go on?
15 Q. No. So, that was prior to college, is that correct?
16 A. That's prior to college. Yes.
17 Q. And then after college you spent a little bit of time
18 in Europe as you just mentioned.
19 A. Right.
20 Q. Could you describe what you were doing when you were
21 in Europe?
22 A. In Germany I worked in a store door distribution
23 business that also manufactured cheese, and I drove a little
24 delivery van. I went store to store and dropped off the orders
25 and sometimes packed it out, and I became proficient in

1 German.
2 After that I spent about nine months in
3 Paris working in two places. First in an export firm that was
4 responsible for exporting Roquefort cheese throughout the world.
5 The name of that business was Saisof, S-A-I-S-O-F. Saisof also
6 had a little depot in the Rungis, R-U-N-G-I-S, Terminal Market
7 outside of Paris, which then distributed to local markets and
8 prepared shipments for export to wherever they were going. I
9 was just a lumper, and I did that for about four months and
10 became proficient in French.
11 Q. And after France?
12 A. After France I spent three months in Italy, and that
13 was with a company called Noseda Camillo, N-O-S-E-D-A,
14 C-A-M-I-L-L-O. They manufactured Fontina cheese and exported
15 it, and from there I went to O Roth & Company in Switzerland,
16 which was the original parent firm to Otto Roth in New York,
17 which had by then moved to New Jersey. I had spent several
18 months there before September of 1975 when my father passed away
19 unexpectedly and I came back to the United States.
20 Q. And when you returned to the United States where did
21 you work?
22 A. I worked as executive vice president along with my
23 brother, and we operated and managed Otto Roth & Company.
24 Q. And what did Otter Roth & Company do?
25 A. Otter Roth & Company was one of the leading importers

1 of cheese into the United States. Cheese is from all over the
2 world, but having its root in cheeses from Switzerland and
3 Italy, if I may.
4 Q. How long did you work with Ott Roth & Company for?
5 A. Until 1983 and then we sold the business to General
6 Foods. They had a buy and build strategy. They recently
7 purchased the Oscar Meyer Company and decided that they wanted
8 to add a cheese component to the Oscar Meyer program and
9 utilized, we're going to utilize Ott Roth & Company as a company
10 to furnish the product for that program. I stayed on there for
11 another four years, I guess.
12 Q. So, that would take you up to about 1987, is that
13 correct?
14 A. Yes.
15 Q. And starting in 1987, where did you work?
16 A. I lived out a non-compete. The business had been
17 re-sold in the meantime to the New Zealand Dairy Board. I
18 stayed there for one year and decided that I really wanted to do
19 something for myself again, and so I lived out a non-compete.
20 At that point in time I came up with the
21 bright idea to import the technologies, not the cheese. I
22 searched for a production facility where we could go into the
23 production of Gruyere in the United States. That was the
24 primary focus of the business. We realized full well that the
25 assortment had to go well beyond Gruyere in order to achieve

1 some critical mass. I had hoped to build a small 20, 25 million
2 dollar business, and it didn't work that way. It ended up being
3 an 80 million dollar business. That was then sold to the Emmi
4 Company.
5 I was not the sole investor in Roth Kase
6 USA, the name of the business that we founded. My cousins
7 Ehrlich(phonetic) and Felix Roth were partners of mine, and the
8 three of us plus a small minority stock holder named Toni
9 Zeuger(phonetic) founded the business in 1990 and first produced
10 cheese in 1991.
11 Q. How long was Roth Kase operational? So, from 1991
12 until when was it sold to Emmi Roth?
13 A. It was a staged sale, or in steps. It started in 2006
14 and ended in 2010.
15 Q. Okay. What sorts of cheeses did Roth Kase make?
16 A. Well, our flagship product was Gruyere. We called it
17 Grandcru Gruyere. It was a slow building process to get that
18 going, but by the time the business was sold we were doing in
19 excess of 2 million pounds of Gruyere cheese.
20 Q. When Roth Kase started selling Gruyere approximately
21 how many pounds would you sell per year?
22 A. At that point in time when we started none, but within
23 the first year we probably produced a couple hundred thousand
24 pounds.
25 Q. So, the business grew substantially for Gruyere?

1 A. Yes, right, for Gruyere and for the entire variety of
2 cheeses that we had. Gruyere was definitely our flagship
3 cheese. It is what attracted the attention of the buyer.
4 Q. Sure. After Roth Kase was sold to Emmi Roth, what did
5 you do after that?
6 A. Well, the original vision was to continue to operate
7 the business but, you know, the words that the acquiring company
8 used was we don't want to change anything. We just want you to
9 keep on doing what you're doing. It was not six months into the
10 final acquisition where they approached us and said they had a
11 problem in their US operations company, a company named Emmi,
12 their import operations, and they needed to replace the chief
13 operating officer. They asked if, literally asked permission
14 whether it be would be okay if they fused the Emmi import
15 business together with the Roth Kase business. The Emmi import
16 business was about 60 or 65 million. We were doing about 80
17 million, so it turned into about a 140 or 150 million dollar
18 business.
19 I operated that for one year. I did not
20 like the way it felt and decided that it was not really
21 something that I wanted to do. They insisted on a ten year.
22 During the negotiation, the acquisition negotiations, they
23 insisted on a ten year non-compete, which I thought was a bit
24 egregious, but love is blind and I agreed to do that.
25 Q. What are you doing now?

1 A. I represent a couple of companies out of Europe
2 selling cheese into the United States. I have a little
3 distribution operation. I have a warehouse, a warehousing
4 facility in New Jersey, and a cutting and wrapping facility in
5 Wisconsin, and our biggest customer is Emmi Roth.
6 Q. What are the names of your facilities?
7 A. So, the import business is Intercibus, Inc. The
8 distribution business is called Inter-source, Inc., and the
9 packaging operation is called Family Fresh Packing.
10 Q. If I refer to it as Intercibus or Inter-source is that
11 a fair way to describe both companies?
12 A. Yes, sure.
13 Q. What types of cheeses does Intercibus import?
14 A. We import primarily Italian sheep milk cheese and from
15 Sardinia, but we also import product from the U.K., and those
16 are the two primary.
17 Q. And then do you --
18 A. Those are the two primary brands, line items.
19 Q. And do you resell the cheeses that you import?
20 A. I do. I sell some to Inter-source for further
21 re-distribution and some of it is sold directly to endusers.
22 Q. When you say endusers, are you referring to retailers
23 or consumers?
24 A. No. I am talking about businesses.
25 Q. Okay.

1 A. They would need to be bringing in truckload type,
2 container loads of product.
3 Q. Does Intercibus import any Gruyere?
4 A. We import Austrian Gruyere and still in relatively
5 small quantities, relatively.
6 Q. Just generally could you describe your marketing
7 experience in the cheese industry?
8 A. My marketing experience, I have worked my whole life
9 to build branded, at least from the trade standpoint branded.
10 It's literally impossible to build a consumer brand in this
11 category, a trade branded specialty cheeses through various
12 vehicles whether it be retail, food service, or industry.
13 Q. And are one of those cheeses Gruyere?
14 A. Yes.
15 Q. Do you participate in any industry groups or
16 organizations related to the cheese business or agriculture or
17 importing?
18 A. Well, I am a former president of the Cheese Importers
19 Association of America. Obviously when I went into production
20 in the United States I was no longer really an importer and I
21 was active at the Wisconsin Cheese Makers Association, although
22 I held no offices. I was active in the American Cheese Society.
23 I was a board director member for two terms. That's about the
24 extent of it.
25 Q. What years did you work with the Cheese Importers of

1 America?
2 A. You're testing me.
3 Q. No, I'm not. Just approximately, if you know.
4 A. You are testing my memory. We're talking about late
5 1979 or 1980.
6 Q. And with the Wisconsin Cheese Makers, if you recall?
7 A. That would have been in the mid-1990s.
8 Q. And American Cheese Society, if you recall?
9 A. That was in the -- well, it started in the late 1980s
10 and continued until the turn of the Century, 2000.
11 Q. Now, we'll talk just a little bit about Gruyere cheese
12 generally. Could you describe what Gruyere is?
13 A. Yes. Gruyere is an Alpine cheese variety. Gruyere is
14 indigenous to France, Germany, Switzerland, obviously, and
15 Austria. The definition for Gruyere is pretty broad when it
16 comes to what kind of cheese it was.
17 Understand that the beginning of the
18 production of Alpine cheeses, small cheese factories in valleys,
19 produced a variety of different mountain style cheeses most of
20 which had eye formation. The French to this day referred to
21 Gruyere as being just about any cheese variety with eye
22 formation coming from Alpine areas.
23 The Austrians have produced Gruyere for
24 centuries. It was an Alpine variety, and sometimes they called
25 it bird case, but effectively it was sold as Gruyere. The same

1 thing goes for the Germans. The fact of the matter is that some
2 of the claims that are made that Gruyere has been made the same
3 way since 1655 are largely overblown. I would say that the
4 really start of the Gruyere production that we know of, or the
5 cheese variety that we know of today as Gruyere, really started
6 certainly in the post World War 2 but primarily in the early
7 1980s because of the fact that there were so many different
8 varieties of cheeses that were being called Gruyere that there
9 was an attempt made to begin to unify the recipe for the
10 production of Gruyere driven to a certain extent by sanitation
11 needs.
12 It may come as a surprise to people that for
13 hundreds of years cheeses were eye formation, no one knew why
14 there was eye formation. A plant in one valley had big eyes and
15 a plant in the next valley had small eyes and a plant in the
16 third valley had no eyes. One had many, one had few, and they
17 were different sizes, and they were all, you know, many of them
18 were called Gruyere. That was a style of Alpine cheese-making.
19 Then in 1951 at the Strazer(phonetic)
20 convention --
21 MR. LEHV: Excuse me. I am going to object
22 to the narrative. I'm going to object on the grounds
23 of no foundation. I object on the grounds of hearsay.
24 I object on the grounds that the witnesses response is
25 not responsive to the question. I object on grounds

1 of best evidence. I object on the grounds of the
2 witness giving a lay opinion.
3 If your intention is to have this witness
4 testify as an expert, we have not gotten an expert
5 report. For all of those reasons, I am objecting to
6 the continued response and move to strike as
7 non-responsive the answer that's been given.
8 Q. Mr. Jaeckle, what have you based all of what you just
9 told me upon?
10 A. Having grown up in the business since 1951, having
11 worked in the industry and studied the industry for my entire
12 career. I am now 67 years old. Our family's activity in the
13 cheese business started in 1863. Some of the knowledge that I
14 have is from my other family members. So, that's really where I
15 get my knowledge base from. I also have done research and
16 reading.
17 Q. All in connection with your work in the cheese
18 industry?
19 A. Absolutely.
20 MR. LEHV: I renew my objection, the same
21 grounds, narrative, lay opinion, hearsay, no personal
22 knowledge, best evidence, no foundation, and failure
23 to provide an expert report. So, for that reason I
24 object to the questioning and I move to strike the
25 answer.

1 Q. We can move on, Mr. Jaeckle. I want to show you what
2 we'll mark as Exhibit 51.
3 (Whereupon, Exhibit 51 was marked for
4 identification, as of this date.)
5 Q. I'll wait for Mr. Lehv to have a look.
6 MR. LEHV: This has a number 15 on it. Did
7 you say 15 or 51?
8 MR. WILLENBRINK: This is going to be 50 and
9 I believe that the number 15 was something else that
10 was on the document itself.
11 Q. Mr. Jaeckle, does in have the words Gruyere Intercibus
12 72 through 74 written on the bottom?
13 A. Right down here, right. Yes. (Indicating)
14 Q. Do you recognize this document?
15 A. Yes.
16 Q. What is it?
17 A. Well, it's one of the most famous books regarding
18 cheese produced by Pierre Androuet, and he was a well-known
19 cheese scholar, we'll call it that.
20 Q. And last year Intercibus produced some documents in
21 this case, is that correct?
22 A. Yes.
23 Q. Was this one of the documents that Intercibus
24 produced?
25 A. Yes.

1 Q. Did you retrieve this source?
2 A. Retrieve?
3 Q. Did you --
4 A. I copied it.
5 Q. Did you make the copy?
6 A. Yes.
7 Q. And there's some highlighting on pages 73 and 74. Did
8 you make those highlights?
9 A. 73 and 74, yes. On 73 I made that highlight and also
10 on 74. Yes.
11 Q. And how does this source refer to Gruyere on page 74?
12 MR. LEHV: Objection on the grounds of
13 hearsay.
14 Q. You can answer it. You can answer the question, Mr.
15 Jaeckle.
16 MR. LEHV: And the document speaks for
17 itself.
18 A. Can you restate the question?
19 Q. Sure. On page 74 how does this source refer to
20 Gruyere?
21 A. Well, here it says Gruyere. The country is France.
22 The province that it's made is Burgundy, France-Comte, Pays De
23 Lain, Savoie. The highlighted part says, Note: In France
24 Gruyere is the generic name for all of the big cheeses,
25 Beaufort, Comte, Emmental. Do you want me to read the rest of

1 it?
2 Q. No. That's fine. So, would you describe on the basis
3 of this, as well as your knowledge of Gruyere, as a generic
4 style of cheese?
5 MR. LEHV: Objection. Calls for lay
6 opinion, no foundation. The document speaks for
7 itself. It calls for hearsay. If you're asking the
8 witness to repeat what's in the document, it's calling
9 for hearsay.
10 Q. You can answer the question if you remember it.
11 A. Let's try it again.
12 MR. LEHV: Also the document says in France.
13 We are in the United States.
14 Q. Mr. Jaeckle, is Gruyere a generic variety or style of
15 cheese?
16 A. It is.
17 Q. Thank you.
18 MR. LEHV: I move to strike, no foundation,
19 no personal knowledge, hearsay, lay opinion, failure
20 to provide an expert opinion. It calls for
21 speculation. The question is ambiguous in that it's
22 unclear whether you're asking him whether he is to
23 recite what's in the book or if you're asking a
24 different question.
25 Q. Mr. Jaeckle, is there any specific type of milk that

1 needs to be used to produce Gruyere?
2 MR. LEHV: Objection to the form of the
3 question, ambiguous.
4 Q. You can answer the question.
5 A. The milk from one cow can vary to the next cow, and
6 the milk from one area of a valley can vary from another area of
7 the valley. It depends on what the cows have eaten, and so
8 there is no one milk necessarily appropriate to make Gruyere.
9 Q. Let me ask you, what do you base that on?
10 A. Personal experience.
11 Q. Where is Gruyere produced?
12 A. Well, Gruyere is produced to my knowledge in the
13 entire Western Europe, Hungary, for example. It's produced in
14 Australia. It's a style of production of cheese, a generic
15 style. There is a standard of identity in the United States and
16 of course there is a standard. There's an international
17 standard for Gruyere, which the United States standard was
18 modeled after.
19 Q. When you refer to the United States --
20 A. I think there's a great example of why Gruyere is
21 generic. We have import license here in the United States and
22 one of the categories for import license is processed Gruyere.
23 Processed Gruyere in most cases contains no Gruyere whatsoever.
24 Q. What does processed Gruyere contain?
25 A. Usually it's Emmental cheese. It's Swiss cheese but

1 they can blend in a little bit of cheddar. It's a style of
2 processed cheese that was different than processed American, as
3 we call it today. It is usually white and it is sold in little
4 wedges and in slices.
5 MR. LEHV: I move to strike the answer as
6 non-responsive to the question, narrative, best
7 evidence, lay opinion, and no expert opinion, no
8 personal knowledge, no foundation.
9 Q. Mr. Jaeckle, where does Intercibus source Gruyere
10 from?
11 A. Austria and we have imported some from Germany. It's
12 been a while.
13 Q. I'm going to show you what will be marked as Exhibit
14 51.
15 (Whereupon, Exhibit 51 was marked for
16 identification, as of this date.)
17 Q. Do you recognize this Mr. Jaeckle?
18 A. I do.
19 Q. What is this?
20 A. This is the label off of the cheese that we import
21 from Austria.
22 Q. Thank you. I'll show you what we'll mark as Exhibit
23 52.
24 (Whereupon, Exhibit 52 was marked for
25 identification, as of this date.)

1 Q. Do you recognize this document?
2 A. Yes.
3 Q. What is it?
4 A. This is an invoice on the first page, and a
5 certificate and analysis produced in Austria for the cheeses
6 that we import. There are more invoices here, more certificates
7 of analysis. All of these labels are labeled as Austrian
8 Gruyere, 44 percent, 2.6 kilometers.
9 Q. Are these records kept as a regular part of
10 Intercibus's business?
11 A. Yes.
12 Q. And do these show Gruyere imported from Austria?
13 A. Yes.
14 MR. LEHV: Objection to the documents on the
15 grounds of hearsay, no foundation, no proper
16 authentication.
17 Q. Mr. Jaeckle, I'll show you next what we'll mark as
18 Exhibit 53.
19 (Whereupon, Exhibit 53 was marked for
20 identification, as of this date.)
21 Q. Do you recognize this?
22 A. Yes. This is something from a retailer featuring
23 Austrian smoked Gruyere.
24 Q. Did you make copies of that for the document
25 production that Intercibus made last year?

1 A. Yes.
2 Q. And is the highlighting in this document your
3 highlighting?
4 A. Yes, it is.
5 Q. And where does this reflect Gruyere coming from?
6 A. Austria.
7 Q. Thank you. I'll take that from you.
8 MR. LEHV: Objection to the document on
9 grounds of hearsay, no foundation, and improper
10 authentication, no personal knowledge.
11 Q. I'll show you next, Mr. Jaeckle, what we're going to
12 mark as Exhibit 54.
13 (Whereupon, Exhibit 54 was marked for
14 identification, as of this date.)
15 Q. Do you recognize this document?
16 A. I do.
17 Q. What is it?
18 A. This is part of a menu from a retailer who uses
19 Austrian Gruyere in a ham and Gruyere pretzel roll.
20 Q. And did you print this document last year for
21 production with Intercibus's document productions?
22 A. Yes.
23 Q. And is the highlighting yours?
24 A. Yes, it is.
25 MR. LEHV: Objection on the grounds of

1 hearsay, no personal knowledge, no proper
2 authentication.
3 Q. Next Mr. Jaeckle, I'll show you what we will mark as
4 Exhibit 55.
5 (Whereupon, Exhibit 55 was marked for
6 identification, as of this date.)
7 Q. Do you recognize this document?
8 A. Yes.
9 Q. What is it?
10 A. This is one of the books that I studied, Handbuch der
11 Kase. It's generally considered to be the encyclopedia of
12 cheese that's most commonly used in the German speaking world.
13 I translated Handbuch der Kase. It's Handbook of Cheese, and
14 it's by Dr. Heinrich Mair-Waldburg. He is the director of dairy
15 research and development in Kempten, Germany. He is the author
16 and, yes, it says an encyclopedia.
17 Q. Did you print this document as part of the
18 Intercibus's document production last year?
19 A. I did.
20 Q. I believe you already said this, what language is this
21 document in?
22 A. It's in German.
23 Q. And you speak German fluently, is that correct?
24 A. I do.
25 Q. And there are highlights and notes in here, the notes

1 being what appears to be translations, is that correct?
2 A. Yes, that's correct.
3 Q. And did you make those highlights and notes?
4 A. I did.
5 Q. Thank you.
6 MR. LEHV: Objection on the grounds of
7 hearsay, no personal knowledge, authentication
8 lacking, no foundation, irrelevant since it's a German
9 book in the German language and this is a United
10 States proceeding.
11 MR. WILLENBRINK: I'll mark this as Exhibit
12 56.
13 (Whereupon, Exhibit 56 was marked for
14 identification, as of this date.)
15 Q. Mr. Jaeckle, this has been marked as Exhibit 56.
16 A. Okay.
17 Q. Do you recognize this document?
18 A. I do.
19 Q. What is this?
20 A. This is off the Internet and it is from Amazon, which
21 is in the United States, and it's a compilation of menu items
22 and where Gruyere can be purchased from Amazon.
23 Q. And did you print this last year as part of
24 Intercibus's production of documents?
25 A. Yes.

1 Q. Is the highlighting in this document yours?
2 A. I don't know.
3 Q. It's on page 57, for example.
4 A. Yes, it is.
5 Q. And so on page 57, where is that Gruyere referenced as
6 coming from?
7 A. Austrian Alps Gruyere.
8 Q. And if you'll look on page 60, where is this Gruyere
9 referenced coming from?
10 A. Italian Gruyere.
11 Q. If you'll look at page 59, where exactly did you
12 reference it's being produced?
13 A. Wisconsin Gruyere.
14 MR. WILLENBRINK: Let's mark this as Exhibit
15 57.
16 (Whereupon, Exhibit 57 was marked for
17 identification, as of this date.)
18 Q. I have a few more exhibits to show you, Mr. Jaeckle.
19 I'll show you now what was marked as Exhibit 57. Do you
20 recognize this?
21 A. I do.
22 Q. And what is it?
23 A. This is off a web page from one of our customers,
24 igourmet.
25 Q. Is this something that you printed last year in

1 connection with Intercibus' document production?
2 A. Yes.
3 Q. Is the highlighting in this yours?
4 A. It is.
5 MR. WILLENBRINK: Next we'll mark this as
6 Exhibit 58.
7 (Whereupon, Exhibit 58 was marked for
8 identification, as of this date.)
9 Q. Mr. Jaeckle, do you recognize this?
10 A. I do.
11 Q. What is it?
12 A. This is taken off of Internet from a company called
13 West Allis Cheese & Sausage Shoppe, and they are offering
14 Gruyere Reserve which was manufactured and sold by Emmi Roth.
15 Q. And where is that produced?
16 A. That's produced in Wisconsin.
17 MR. WILLENBRINK: Next we'll mark this as
18 Exhibit 59.
19 (Whereupon, Exhibit 59 was marked for
20 identification, as of this date.)
21 Q. Do you recognize this, Mr. Jaeckle?
22 A. I do.
23 Q. What is it?
24 A. It's a picture of cheese from a retail shop and it's
25 the brand is Cheese Brothers, Wisconsin Gruyere.

1 Q. Do you know who produces this Gruyere cheese?
2 A. This Gruyere cheese is produced by Emmi.
3 Q. Thank you. Let me ask one more question.
4 MR. LEHV: I'm going to object on no
5 foundation, no personal knowledge, best evidence,
6 speculation.
7 Q. Did you print this as part of Intercibus's document
8 production from last year?
9 A. Yes.
10 Q. What do you base your conclusion that this cheese was
11 produced by Emmi Roth on?
12 A. Because at the time, or still currently, I believe the
13 only producer of Wisconsin Gruyere is Emmi Roth.
14 Q. Thank you. I'll show you next what we marked as
15 Exhibit 60.
16 (Whereupon, Exhibit 60 was marked for
17 identification, as of this date.)
18 Q. Do you recognize this, Mr. Jaeckle?
19 A. Yes, I do.
20 Q. What is it?
21 A. It's a book used by the Wisconsin Milk Marketing Board
22 used to teach customers, chefs, people involved in the industry
23 about cheeses from Wisconsin.
24 Q. Did you print this as part of Intercibus's production
25 of documents last year?

1 A. Yes.
2 Q. Is this your highlighting in this document?
3 A. Yes.
4 Q. On pages 21 and 47, where does it reference Gruyere as
5 being produced?
6 A. Wisconsin.
7 Q. Thank you. I would like to show you next what we'll
8 mark as Exhibit 61.
9 (Whereupon, Exhibit 61 was marked for
10 identification, as of this date.)
11 Q. Do you recognize this?
12 A. I do.
13 Q. And what is it?
14 A. This is a label off of a coal pack(phonetic) cheese
15 product. It's a blend of cheddar and Gruyere.
16 Q. And did you purchase this cheese?
17 A. Yes, I did.
18 Q. Is this your receipt that's to the right of the label?
19 A. Yes.
20 Q. And did you highlight this?
21 A. Yes, I did.
22 Q. Was it produced as part of Intercibus's document
23 production?
24 A. It was.
25 Q. And where does the label reference the Gruyere being

1 produced?
2 A. Wisconsin.
3 Q. Thank you. I have one more exhibit to show you. This
4 is Exhibit 62.
5 MR. WILLENBRINK: I am marking this as
6 Exhibit 62.
7 (Whereupon, Exhibit 62 was marked for
8 identification, as of this date.)
9 Q. Do you recognize this?
10 A. I do.
11 Q. And what is it?
12 A. This is a copy of a couple of pages of the Cheese
13 lovers Companion, copyright 2007, and I highlighted in America,
14 Roth Kase USA, LTD of Monroe Wisconsin makes an award-winning
15 version called Grand Cru Gruyere.
16 Q. Is that referring to Roth Kase, the company that you
17 previously owned?
18 A. That's correct.
19 Q. Did you produce this as part of Intercibus's document
20 production?
21 A. I did.
22 Q. Mr. Jaeckle, who controls or governs what can be
23 called Gruyere in the United States?
24 A. The US Department of Agriculture.
25 Q. And is that in connection with the standards of

1 identity that you mentioned earlier?
2 A. That's correct.
3 Q. Are you familiar with the Applicants in this case,
4 Interprofession Du Gruyere and Syndicat Interprofessionel Du
5 Gruyere?
6 A. I am familiar with one of the organizations, yes.
7 Q. Which one is that?
8 A. The Swiss one.
9 Q. Would that be Interprofession Du Gruyere?
10 A. Yes.
11 Q. And its Syndicat Interprofessionel Du Gruyere, is that
12 the French organization?
13 A. Yes.
14 Q. Do either of those entities, Interprofession Du
15 Gruyere, the Swiss entity which I'll call IDG, or the French
16 entity, Syndicat Interprofessionel Du Gruyere, which I'll call
17 SIDG, have any power to control Gruyere in the United States?
18 A. They do not.
19 MR. WILLENBRINK: I will be marking this as
20 Exhibit 63.
21 (Whereupon, Exhibit 63 was marked for
22 identification, as of this date.)
23 Q. Mr. Jaeckle, in the to line on this first page there
24 is Sbridgham. I might be mispronouncing that, at
25 Inter-sourceinc.com. Who does that refer to?

1 A. She was one of my sales staff.
2 Q. What's her name?
3 A. Shaleena, Shaleena Bridgham.
4 Q. If you'll turn to the second page, does this appear to
5 be a letter from the Interprofession Du Gruyere request that you
6 change your labeling of Gruyere cheeses?
7 A. Yes, it does.
8 Q. Are you aware of any communications from
9 Interprofession Du Gruyere that you received prior to this?
10 A. We had, I believe, three contacts, letter contacts
11 from the attorneys regarding use of the Gruyere -- use of
12 Gruyere in the United States --
13 Q. And do you know --
14 A. -- or objecting to our use of Gruyere, is what I
15 should have said.
16 Q. Do you know when the first of those would have been
17 received?
18 A. No, I don't.
19 Q. If you'll refer to the second page of this, 1942 at
20 the bottom, the third paragraph in the last sentence says, the
21 largest producer and importer of Swiss cheese in the United
22 States has acted in accordance with this decision and has ceased
23 all use of the designation Gruyere on its American produced
24 cheese. Do you know what producer that's referring to?
25 A. Emmi Roth.

1 Q. Do you know the circumstances surrounding their
2 cessation of the use of the word Gruyere?
3 A. Well, first of all the statement is incorrect. They
4 did not stop using the word Gruyere. They only stopped using
5 the word Gruyere on a product that they sold under the Emmi
6 brand. They continued to sell Gruyere to private label
7 customers, SYSCO, Boars Head, Wegman's, just to main three.
8 Q. What do you base that on?
9 A. I took part in the sales.
10 Q. Thank you. I am showing you next what we marked as
11 Exhibit 64.
12 (Whereupon, Exhibit 64 was marked for
13 identification, as of this date.)
14 Q. Do you recognize this, Mr. Jaeckle?
15 A. I do.
16 Q. And what is it?
17 A. It's a copy of a response by Shaleena Bridgham to an
18 attorney, I believe it's an attorney. She states -- it's in
19 response to an attempt by an organization to stop us from
20 selling natural Gruyere cheese from Austria, and we are
21 responding that we confirmed, we, she, has confirmed that we
22 have the right to sell cheese produced in the United States
23 labeled simply as natural Gruyere cheese, and that it's contrary
24 to the assertion that was made in the letter when they contacted
25 us.

1 Q. Thank you.
2 A. I hope I was clear on that.
3 Q. Yes. Thank you.
4 MR. WILLENBRINK: I'm marking this as
5 Exhibit 65.
6 (Whereupon, Exhibit 65 was marked for
7 identification, as of this date.)
8 Q. In the "to" line of this document Ms. Bridgham is the
9 recipient again, is that correct?
10 A. Yes, she was.
11 Q. When was this sent?
12 A. 10/2014.
13 Q. Do you recall if you received any further
14 communications from IDG after receiving this?
15 A. I don't recall.
16 Q. Did you make any changes based upon this letter to
17 your sale of Gruyere cheese?
18 A. We did not.
19 Q. Did you make any changes based on other communications
20 that you received from IDG?
21 A. No. We did not.
22 Q. Did IDG take any enforcement action against Intercibus
23 or Inter-source?
24 A. Not in writing. They visited us on three separate
25 occasions at the Fancy Food Show in New York and created a bit

1 of a stir by insisting that we remove our display of Gruyere and
2 insisting that only Gruyere, the only Gruyere came from
3 Switzerland and that it was illegal for us to display cheese not
4 labeled, or labeled Gruyere. The last occurrence was at the
5 last Fancy Food Show, which was early June this year.
6 Q. Is it illegal for you to sell Gruyere in the United
7 States?
8 A. It is not.
9 Q. Has Intercibus ever been approached or contacted by
10 SIDG, the French entity?
11 A. No.
12 Q. Has anyone else ever tried to stop Intercibus from
13 selling Gruyere cheese from any source?
14 A. Not directly.
15 Q. I would like to talk a little bit about the US
16 production of Gruyere cheese now. Where is Gruyere cheese
17 produced in the United States?
18 A. Well, it's produced in Monroe, Wisconsin.
19 Q. Who produces it there?
20 A. Emmi Roth.
21 Q. Are there any other smaller producers of Gruyere in
22 the United States?
23 A. Yes, there are.
24 Q. But Emmi Roth has the largest?
25 A. The largest.

1 Q. When you operated Roth Kase where was Roth Kase
2 located?
3 A. In Monroe, Wisconsin.
4 Q. So, the production has not shifted from place to place
5 after the sale to anyone?
6 A. They have a new production facility in Flatsville,
7 Wisconsin. They produce both in Monroe and in Flatsville.
8 Q. And are there any specific milk sources that Roth Kase
9 used when producing Gruyere?
10 A. No.
11 Q. How did Roth Kase develop its production techniques
12 for Gruyere?
13 A. My cousin Felix Roth is a master cheese maker and was
14 familiar with the manufacturing procedure for Gruyere, and
15 that's how we entered into the business of producing Gruyere in
16 the United States.
17 MR. LEHV: Can you read back the prior
18 question and answer?
19 (Whereupon, the question and answer was read
20 back by the reporter.)
21 Q. I believe you already answered this, what year did
22 Roth Kase begin producing Gruyere cheese?
23 A. In 1991.
24 Q. Who did Roth Kase sell Gruyere cheese to?
25 A. Numerous clients.

1 Q. Did it sell to retailers?
2 A. Retailers.
3 Q. Did it sell to restaurants?
4 A. To food service distributors.
5 Q. Did it sell direct to consumers?
6 A. We had a small store.
7 Q. Did Roth Kase label the cheeses it sold as Gruyere as
8 Gruyere cheese?
9 A. Yes.
10 Q. Did anyone ever stop or attempt to stop Roth Kase from
11 selling Gruyere cheese?
12 A. Not when the business was called Roth Kase.
13 Q. So, not while you owned it?
14 A. Correct.
15 Q. I believe you already answered this but I would just
16 like to make sure, in the first year that Roth Kase was
17 producing Gruyere approximately how much did it sell?
18 A. I'll call it 150 thousand pounds.
19 Q. And in 2009 when you sold?
20 A. In excess of 2 million.
21 Q. Now, Emmi Roth USA purchased Roth Kase in 2009, is
22 that correct?
23 A. The Emmi Company, Emmi International.
24 Q. And based on your knowledge of the industry what has
25 happened to Roth's Gruyere production since that time?

1 A. I would certainly expect that it would have grown.
2 MR. LEHV: Objection. Lack of foundation,
3 no personal knowledge, calls for speculation.
4 THE WITNESS: I agree.
5 Q. Is Emmi Roth still producing Gruyere?
6 A. Yes.
7 Q. How is Emmi Roth labeling its Gruyere now?
8 MR. LEHV: Objection, no personal knowledge,
9 calls for speculation.
10 THE WITNESS: I do have personal knowledge.
11 Q. You can answer the question.
12 A. I can answer the question?
13 Q. Yes.
14 A. My cutting operation cuts and packs it.
15 Q. Your cutting operation cuts and packs the Gruyere
16 cheese that Emmi Roth produces?
17 A. That's correct.
18 Q. And how is that cheese being labeled now?
19 A. I don't know for how long but --
20 Q. And how is that cheese being labeled now?
21 A. Well, there is the subset of it being just sold simply
22 as Grand Cru cheese, but there's some cheese packed under
23 private labels where the name is Gruyere.
24 Q. Who were they private labeling for?
25 MR. LEHV: Objection, lack of foundation, no

1 personal knowledge, calls for speculation, hearsay,
2 best evidence.
3 Q. You can answer the question.
4 A. I can answer the question, good. We pack for Boars
5 Head provisions.
6 MR. WILLENBRINK: This I'll mark as Exhibit
7 66.
8 (Whereupon, Exhibit 66 was marked for
9 identification, as of this date.)
10 Q. Do you recognize this, Mr. Jaeckle?
11 A. Yes.
12 Q. What is it?
13 A. This is a page off of Boars Head website and they are
14 using the brand Blanc Gru, Gruyere cheese.
15 Q. Did you print this as part of Intercibus's document
16 productions?
17 A. I did.
18 Q. Is this one of the Boars Head cheeses that your firm
19 packages?
20 A. It is.
21 MR. LEHV: Can we have clarification, when
22 you say your firm, what firm are you talking about?
23 A. Family Fresh Pack.
24 Q. Sorry?
25 A. Family Fresh Pack. Sorry, did I step out of line?

1 Q. Does Emmi Roth produce this cheese?
2 A. Yes.
3 Q. And it's labeled as Gruyere?
4 A. Yes.
5 Q. Are you aware of any other producers of Gruyere based
6 in the United States?
7 A. They are smaller type of operations. Can I add to
8 that?
9 Q. Sure.
10 A. Okay. There is a substantial amount of processed
11 Gruyere cheese being made and the largest producer of processed
12 Gruyere is also located in Wisconsin.
13 Q. And who's that?
14 A. That's Dairy Foods out of Blue Mounds.
15 MR. LEHV: Sorry. The last word?
16 THE WITNESS: Blue Mounds. Dairy Foods is
17 the name of the company and it's Blue Mounds,
18 Wisconsin.
19 Q. Approximately how much Gruyere does cheapest sell
20 annually?
21 MR. LEHV: Objection, best evidence.
22 A. Imported Gruyere.
23 MR. LEHV: I object on the grounds of best
24 evidence. Best evidence would be the document as
25 opposed to the witnesses recollection.

1 Q. You can answer the question.
2 A. I can answer it?
3 Q. Yes.
4 A. It's about 250 thousand pounds.
5 MR. WILLENBRINK: That's all I have
6 for you. Thank you. Mr. Lehv might have some
7 cross-examination.
8 MR. LEHV: I do have some questions.
9 - - -
10 CROSS-EXAMINATION
11 - - -
12 BY MR. LEHV:
13 Q. Where is Caribou Coffee located?
14 A. I really don't know.
15 Q. How many locations do they have?
16 A. I couldn't tell you.
17 Q. How many ham and Gruyere sandwiches do they sell every
18 year?
19 MR. WILLENBRINK: Objection, foundation.
20 MR. LEHV: That's my point.
21 Q. Do you know?
22 A. No. Does it matter?
23 Q. I'm asking you if you know and you answered my
24 question. Let's go back to Exhibit 56.
25 MR. LEHV: Do you have the original for the

1 witness to look at?
2 MR. WILLENBRINK: Yes.
3 Q. Take a look at page number 55. The page numbers are
4 at the bottom. It's a long number, the last two digits are 55.
5 A. Uh-huh.
6 Q. It refers to Roth Kase Grand Cru Reserve Gruyere.
7 A. It does.
8 Q. And the photograph above is not Roth Kase Grand Cru,
9 is it?
10 A. It's not.
11 Q. The photograph on the next page is what?
12 A. That's a picture of Wisconsin Gruyere, and below it
13 says La Gruyere AOP.
14 Q. Then the next page -- sorry, 57, it says -- on page 59
15 it refers to Wisconsin Gruyere Cheese and the picture above is
16 not Wisconsin Gruyere Cheese, is it?
17 A. Yes. I noticed that this obviously comes from a
18 website and the pagination is off. The picture should appear
19 below the description. If you look at the prior page it says,
20 La Gruyere AOP, and that's in fact the cheese which is on the
21 next page.
22 Q. Okay. And then on page 59 it refers to Wisconsin
23 Gruyere Cheese, and the picture on the next page, is that a
24 picture of Wisconsin Gruyere Cheese? That would be page 60.
25 A. It's not. It's a picture of La Gruyere AOP.

1 Q. And then on page 60 it refers to Piave DOP Mezzano
2 Gruyere?
3 A. It does.
4 Q. On the next page does it show --
5 A. Yes, it does.
6 Q. What does it show?
7 A. Piave.
8 Q. Does the photograph of Piave cheese refer to Gruyere?
9 A. It does.
10 Q. Where does it say Gruyere?
11 A. Oh, on the label itself?
12 Q. Yes.
13 A. It doesn't say Gruyere.
14 Q. And then on page 61 it refers to Comte Cheese, and I
15 take it you would agree with me that the picture above the
16 description of Comte Cheese is not a picture of Comte Cheese,
17 it's the Italian cheese we just referred to. On page 61, the
18 picture above the description of Comte --
19 A. Right. So, if the pagination -- since the pagination
20 is incorrect, it says Piave DOP Mezzano Gruyere.
21 Q. Right. On page 61 it describes Comte Cheese.
22 A. Right, and on the next page that picture is of Comte.
23 Q. Does that say Comte Cheese or is that something else?
24 A. All you can tell is the brand, which is Rouge, I
25 believe. That looks ever so much like a piece of Comte.

1 Q. It doesn't say Gruyere on it, does it?
2 A. You can't see. You only see a piece of the cheese. I
3 believe the Gruyere was probably cut off.
4 Q. So, in making what you refer to as Gruyere cheese in
5 Wisconsin, there's no regulation or certification body that
6 tells the producer what breed of cow to use?
7 A. No.
8 Q. And there's no regulation or certification body that
9 says what the cow must eat?
10 A. No.
11 Q. Can the cows can be fed anything?
12 A. Correct.
13 Q. And there's no regulation that says whether you have
14 to use fresh milk or pasteurized milk?
15 A. No. There is not.
16 Q. And there's no regulation that says what the resulting
17 cheese has to taste like?
18 A. There's not.
19 Q. There's no regulation or certification body that says
20 cheese labeled Gruyere made in Wisconsin has to taste like
21 cheese labeled Gruyere that comes from Switzerland, correct?
22 A. Yes.
23 Q. And there's no one who comes to the cheese makers in
24 Wisconsin or anywhere else in the United States and compares
25 their cheese to Gruyere cheese made in Switzerland, is that

1 correct?
2 A. Can you restate that?
3 Q. No one comes around to the cheese makers in Wisconsin
4 and compares the cheese to see if it tastes like it's made in
5 Switzerland?
6 A. No. No one does that.
7 Q. Is the cheese that you sell to Boars Head and Boars
8 Head labels as Blanc Gru Gruyere cheese, is that the same cheese
9 that Emmi Roth sells to Wegmans?
10 MR. WILLENBRINK: Objection, foundation.
11 A. Yes. I don't know what the same cheese means. First
12 of all, I want to make sure you understand that Fresh Pack only
13 packs the cheese. They don't sell it to Boars Head.
14 Q. Can you explain what you mean by that?
15 A. Certainly. We get shipped cheese and are asked to cut
16 it into pieces and package that cheese, and then we give it back
17 to the customer who sold the cheese to us.
18 Q. So, you never take ownership of the cheese itself?
19 A. No. I don't take ownership.
20 Q. And you get a fee of cutting and packing?
21 A. Correct.
22 Q. Do you know if when you were working at Roth Kase the
23 private label cheese, was there only one private labeled cheese
24 labeled Gruyere?
25 A. No, numerous.

1 Q. What were the differences?
2 A. Age sometimes, sometimes.
3 Q. What else?
4 A. Format.
5 Q. What do you mean by format?
6 A. Round versus square.
7 Q. What are the differences?
8 A. Sometimes it's made -- we, Roth Kase, manufactured
9 Gruyere both out of raw milk, usually for round cheeses, and
10 pasteurized milk, usually for pre-cuts, shreds, grates.
11 Q. What other differences?
12 A. Pasteurized versus unpasteurized, that should speak
13 for itself.
14 Q. Right.
15 A. You get a different, you get slightly different
16 variations in the flavor profile when you pasteurize milk
17 because of the fact that when you pasteurize you are not only
18 killing beneficial deleterious bacteria but you're also killing
19 some beneficial bacteria.
20 The desirable bacteria are re-introduced
21 during a manufacturing process when you make pasteurized milk
22 cheese. It's the control, you have more control over the flavor
23 and taste profile on pasteurized cheese than you do on raw milk
24 cheese.
25 MR. LEHV: Just give me one second. I'll

1 see if I have any other questions for you.
2 (Whereupon, there was a pause in the
3 proceeding.)
4 Q. One other question, when did you last work at Emmi
5 Roth?
6 A. Well, my last paycheck was September of 2017.
7 Q. When did you last work there? That was your last
8 paycheck but --
9 A. That's correct.
10 Q. I don't know if you got a paycheck after you stopped
11 working there. I don't know.
12 A. I remained on as a consultant for a period of time.
13 So, I was not per se in operations, in the operations, the
14 day-to-day operations, but I did consult.
15 Q. When were you last in the day-to-day operations?
16 A. I believe it was in 2011.
17 MR. LEHV: I have no further questions.
18 Thank you, very much. I will order a copy of the
19 transcript.
20 - - -
21 (Witness excused.)
22 - - -
23 (Deposition concluded at 1:28 p.m.)
24
25

1 C E R T I F I C A T E
2
3 I do hereby certify that I am a Notary Public in
4 good standing, that the aforesaid testimony was taken before me,
5 pursuant to notice, at the time and place indicated; that said
6 deponent was by me duly sworn to tell the truth, the whole
7 truth, and nothing but the truth; that the testimony of said
8 deponent was correctly recorded in machine shorthand by me and
9 thereafter transcribed under my supervision with computer-aided
10 transcription; that the deposition is a true and correct record
11 of the testimony give by the witness; and that I am neither of
12 counsel nor kin to any party in said action, nor interested in
13 the outcome thereof.
14
15 WITNESS my hand and official seal this
16 10th day of August, 2018.
17
18
19
20 _____
21 Tracey L. Peck
22 Notary Public
23
24
25

ERRATA SHEET

CASE NAME: ***International Dairy Foods Association, et al. v. Interprofession Du Gruyere et al.***

DEPOSITION OF: Fermo Jaeckle **TAKEN BY: Tracey L. Peck**

DATE OF DEPOSITION: July 25, 2018

Pg	Ln	Presently Reads	Should Read	Reason
11	7	Ehrlich	Ulrich	Correct name
13	24	Businesses	Business to business	
15	25	bird cage	BergKaese	
34	5	The Emmi brand	an Emmi-Roth brand	
37	6,7	Flatsville	Platteville, Wisconsin	

I have read the deposition transcript and am requesting the above corrections be appended to the original transcript. Other than as stated above, the transcript is a true and correct transcription of my testimony.

State of New Jersey

County of Morris

Fermo Jaeckle

Fermo Jaeckle

Subscribed and sworn to (or affirmed) before me this 22 day of August, 2018.

Notary Name: Emily Peck

By: _____

My Commission Expires: _____

Seal:

19348850.1

EMILY PECK
NOTARY PUBLIC OF NEW JERSEY
Comm. # 50048258
My Commission Expires 10/25/2021

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the TRANSCRIPT OF TESTIMONY OF FERMO JAECKLE, together with all exhibits thereto, was served on counsel for Applicants, by forwarding said copy on August 23, 2018, via email as follows:

Richard Lehv
Susan Upton Douglass
FROSS ZELNICK LEHRMAN & ZISSU, P.C.
4 Times Square, 17th Floor
New York, NY 10036
rlehv@fzlz.com; sdouglass@fzlz.com

/Zachary R. Willenbrink/
Zachary R. Willenbrink

19399731.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD	
INTERNATIONAL DAIRY FOODS ASSOCIATION, U.S. DAIRY EXPORT COUNCIL, ATALANTA CORPORATION, INTERCIBUS INC., Opposers, v. INTERPROFESSION DU GRUYÈRE and SYNDICAT INTERPROFESSIONEL DU GRUYÈRE, Applicants.	Opposition No. 91232427 Consolidated with Opposition Nos. 91232442, 91232446, and 91232448

JAECKLE DEPOSITION EXHIBIT 50

SUBMITTED BY OPPOSERS

#15

1 of 3

Androuet

GUIDE DU FROMAGE

English Edition
REVISED

with the help of
N. Roche
G. Lambert

Translated from the French
by John Githens and new cheeses by Anthea Bell

AIDAN ELLIS

2 of 3

First published in the U.K. by Aidan Ellis Publishing Ltd.

First published in France under the title *Guide du Fromage*, by Éditions Stock.

FIRST EDITION 1973
SECOND EDITION 1977
REVISED EDITION 1983

ISBN 0 85628 007 0

Printed and bound by Redwood Burn Limited, Trowbridge, Wiltshire.

British Library Cataloguing in Publication Data

Androuet, Pierre
Guide du fromage – Rev. ed.
1. Cheese – France – Dictionaries
1. Title
641.3'7'350944 SF270.2

ISBN 0–85628–007–0

Contents

GRUYERE

Country: FRANCE
Provinces: BURGUNDY, FRANCHE-COMTE, PAYS DE L'AIN, SAVOIE

Note: In France, Gruyère is the generic name for all the big cheeses: BEAUFORT, COMTE, EMMENTAL (*see* these listings).

The origin of these cheeses goes back, it is said, to a distant time when Saint Louis ruled over France and none of the four provinces had as yet been added to the realm. Diderot describes the manufacture of the cheese in his *Encyclopédie*.

3 of 3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD	
INTERNATIONAL DAIRY FOODS ASSOCIATION, U.S. DAIRY EXPORT COUNCIL, ATALANTA CORPORATION, INTERCIBUS INC., Opposers, v. INTERPROFESSION DU GRUYÈRE and SYNDICAT INTERPROFESSIONEL DU GRUYÈRE, Applicants.	Opposition No. 91232427 Consolidated with Opposition Nos. 91232442, 91232446, and 91232448

JAECKLE DEPOSITION EXHIBIT 51

SUBMITTED BY OPPOSERS

(1)

Austrian Gruyère 45% F.i.d.m.

made from cows-milk
country of origin: Austria
chilled storage at +2°C to +6 °C

Nutrition Information / 100g	
Energy	1770kJ/ 423kcal
Fat	35 g
of which saturates	23 g
Carbohydrate	0 g
of which sugars	0 g
Protein	27 g
Salt	1.0 g

PURCHASE ORDER «P002/07/2016»

PAL «3»

Lotto 170916

0.144kg

0.315Lb

(01) 99120022032668 (3103) 000144 (15) 000000 (10) 170916

Stück

Austrian Gruyère
45% F.i.d.m.

Lotto: 170916

Sub Load Number: 8153000001 FDA Reg.-No 11145916036

0.144*kg

PURCHASE ORDER: «P002/07/2016»

PAL «3»

0.315*Lb

1» «2»

(01) 99120022032668 (3103) 000144 (15) 000000 (10) 170916

Karton

Austrian Gruyère
45% F.i.d.m.

Lotto: 170916

Sub Load Number 8153000001 FDA Reg.-No 11145916036

0.144*kg

PURCHASE ORDER «P002/07/2016»

PAL «3»

0.315*Lb

1» «2»

(01) 99120022032668 (3103) 000144 (15) 000000 (10) 170916

PAL

EXHIBIT
51
7-25-18 JP
PENGAD 800-631-6989

GRUYERE-INTERCIBUS-000003

(1)

AT - 70144
EG

Austrian Gruyère
45% F.i.d.m.

Lotto: 280216

Sub Load Number: 8150000044 FDA Reg.-No.

5.226*kg

PURCHASE ORDER: *P002/07/2016*

11.520*Lb

PAL. *01*

2* **1**

(01) 99120022032668 (3103) 005226 (15) 000000 (10) 280216

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD	
INTERNATIONAL DAIRY FOODS ASSOCIATION, U.S. DAIRY EXPORT COUNCIL, ATALANTA CORPORATION, INTERCIBUS INC., Opposers, v. INTERPROFESSION DU GRUYÈRE and SYNDICAT INTERPROFESSIONEL DU GRUYÈRE, Applicants.	Opposition No. 91232427 Consolidated with Opposition Nos. 91232442, 91232446, and 91232448

JAECKLE DEPOSITION EXHIBIT 52

SUBMITTED BY OPPOSERS

2

Intercibus Inc.
18, Stoney Hill Road
P.O.Box 10
Mendham NJ 07945
USA

Invoice: 62911
Date: Monday March 26th, 2017
PO: P002/06/2017

Article	weight / kg	price / kg	total EUR
1777 Austrian Gruyère Cheese 45% F.i.d.m. – made from cows milk	17.010,842	6,15 €	€ 104.616,68

total amount **€ 104.616,68**

packing: 3.355 cardboard boxes
number of pallets: 28
total net: 17.010,842 KG
tare: 877,00 KG
milk solid content: 11.057,047 KG
Country of origin: AUSTRIA

"Payment terms – 30 days after invoice-date"

EXHIBIT
52
72578 TP
PENGAD 800-631-6989

Certificate of Analysis

Product: Austrian Gruyere 45 % 2.6 KG
Producer:
PO-Nr.: P002/06/2017

DESCRIPTION

Gruyere cheese loaves are packed in a moisture and oxygen barrier film to preserve quality.
Loaves are random weight weighing approximately 2.6 Kg and packed 2 loaves per case.
Gruyere is a hard cheese made from cow's milk.
It has an aromatic, slightly robust taste.

ORGANOLEPTIC CHARACTERISTICS

Flavour: Aromatic, Slightly Robust. No off-flavours
Colour: Off- White to Light yellow
Aroma: No off-odors

CHEMICAL SPECIFICATIONS

Moisture on a fat-free basis	50,7 %
Fat on the dry basis	50,2 %
Salt	1.0 %
water content	33,90 %

MICROBIOLOGICAL SPECIFICATIONS

Coliforms	<100 cfu/g
E. Coli	<10 cfu/g
Coagulase positive staph.	<10 cfu/g
Salmonella	Not Detectable in 25 g
Listeria *spp*	Not Detectable in 25 g

INGREDIENT STATEMENT

Milk, Salt and Enzymes. CONTAINS: MILK
Alternate: Milk, Salt, Rennet. CONTAINS: Milk
Proximate Composition: Milk: 98%; Salt: 1%; Enzymes: 1%

NUTRITION INFORMATION

NUTRIENT	PER 100 G
Calories (kcal)	423
Protein (g)	27.2
Carbohydrates (g)	0.01
Total Sugars (g)	< 0.01
Fat (g)	33.94
Saturated Fat (g)	22.18
Dietary Fiber (g)	0.00
Sodium (g)	0.40

Allergens - Contains Milk.
Country of Origin - Austria
GMO Status – Non GMO product
Rennet/Enzyme Source: microbial rennet

SHELF LIFE

180 days from date of packaging

STORAGE REQUIREMENTS

Product must be stored at 35°F-40°F (2°C – 5°C)

SHIPPING REQUIREMENTS

Product should be shipped and stored under refrigeration: 35-40°F (2°C – 5°C)
Trailers shall be clean, dry and free of foreign material and objectionable odors.
Trailers should be sealed.

Intercibus Inc.
18, Stoney Hill Road
P.O.Box 10
Mendham NJ 07945
USA

Invoice: 61022
Date: Friday March 31st, 2017
PO: P001/03/2017

Article	weight / kg	price / kg	total EUR
1777 Austrian Gruyère Cheese 45% F.i.d.m. – made from cows milk	17.010,686	6,15 €	€ 104.615,72

total amount **€ 104.615,72**

packing: 3.465 cardboard boxes
number of pallets: 28
total net: 17.010,686 KG
tare: 834,00 KG
milk solid content: 11.056,945 KG
Country of origin: AUSTRIA

"Payment terms – 30 days after invoice-date"

an

LS-Nr:	Lieferdatum:	Auf-Nr.:	Knd-Nr.:	Seite:
91538	31.03.2017	143340	30407	1

Intercibus Inc.
18, Stoney Hill Road P.O. Box 10
07945 Mendham NJ
Vereinigte Staaten

Telefon Nr. Knd.:
Lieferscheindatum: 30.03.2017

Pos	Art.Nr	Artikelbezeichnung				Stück	Gewicht
1.	1777	**Austrian Gruyere**				6930	17.010,686 kg
		Charge:	164004	164004	MHD: 30.09.2017		
			164803	164803	30.09.2017		
			165017	165017	30.09.2017		
			165124	165124	30.09.2017		
			165125	165125	30.09.2017		
			165231	165231	30.09.2017		
			170428	170428	30.09.2017		
			171330	171330	30.09.2017		
2.	9990	**Palette**			MHD:	28	0,000 kg
					Nettogewicht in KG:		17.010,686

Certificate of Analysis

Product: Austrian Gruyere 45 % 2.6 KG
Producer: [illegible]
PO-Nr.: P001/03/2017

DESCRIPTION

Gruyere cheese loaves are packed in a moisture and oxygen barrier film to preserve quality.
Loaves are random weight weighing approximately 2.6 Kg and packed 2 loaves per case.
Gruyere is a hard cheese made from cow's milk.
It has an aromatic, slightly robust taste.

ORGANOLEPTIC CHARACTERISTICS

Flavour: Aromatic, Slightly Robust. No off-flavours
Colour: Off- White to Light yellow
Aroma: No off-odors

CHEMICAL SPECIFICATIONS

Moisture on a fat-free basis	50,7 %
Fat on the dry basis	50,2 %
Salt	1.0 %
water content	33,90 %

MICROBIOLOGICAL SPECIFICATIONS

Coliforms	<100 cfu/g
E. Coli	<10 cfu/g
Coagulase positive staph.	<10 cfu/g
Salmonella	Not Detectable in 25 g
Listeria *spp*	Not Detectable in 25 g

INGREDIENT STATEMENT

Milk, Salt and Enzymes. CONTAINS: MILK
Alternate: Milk, Salt, Rennet. CONTAINS: Milk
Proximate Composition: Milk: 98%; Salt: 1%; Enzymes: 1%

NUTRITION INFORMATION

NUTRIENT	PER 100 G
Calories (kcal)	423
Protein (g)	27.2
Carbohydrates (g)	0.01
Total Sugars (g)	< 0.01
Fat (g)	33.94
Saturated Fat (g)	22.18
Dietary Fiber (g)	0.00
Sodium (g)	0.40

Allergens - Contains Milk.
Country of Origin - Austria
GMO Status – Non GMO product
Rennet/Enzyme Source: microbial rennet

SHELF LIFE

180 days from date of packaging

STORAGE REQUIREMENTS

Product must be stored at 33°F-40°F (1°C – 5°C)

SHIPPING REQUIREMENTS

Product should be shipped and stored under refrigeration: 35-40°F (2°C – 5°C)
Trailers shall be clean, dry and free of foreign material and objectionable odors.
Trailers should be sealed.

Intercibus Inc.
18, Stony Hill Road
P.O.Box 10
Mendham NJ 07945
USA

Invoice: 45605
Date: Tuesday
09th June, 2015
PO: P001/05/2015

Article	weight / kg	price / kg	total EUR
Austrian Gruyère Cheese 45% F.i.d.m. – made from cows milk	11975,978	6,15	
total amount			**€ 73652,26**

packing: 2210 cardboard boxes
net: 11975,978 KG
tare: 393,380 KG
milk solid content: 7784,38 KG
Country of origin: AUSTRIA

"Payment terms – 30 days after Invoice-date, net."

Certificate of Analysis

Product: Austrian Gruyere 45 % 2.6 KG
Producer:
PO-Nr.: P001/05/2015

DESCRIPTION

Gruyere cheese loaves are packed in a moisture and oxygen barrier film to preserve quality.
Loaves are random weight weighing approximately 2.6 Kg and packed 2 loaves per case.
Gruyere is a hard cheese made from cow's milk.
It has an aromatic, slightly robust taste.

ORGANOLEPTIC CHARACTERISTICS

Flavour: Aromatic, Slightly Robust. No off-flavours
Colour: Off- White to Light yellow
Aroma: No off-odors

CHEMICAL SPECIFICATIONS

Moisture on a fat-free basis	50,7 %
Fat on the dry basis	50,2 %
Salt	1.0 %
water content	33,90 %

MICROBIOLOGICAL SPECIFICATIONS

Coliforms	<100 cfu/g
E. Coli	<10 cfu/g
Coagulase positive staph.	<10 cfu/g
Salmonella	Not Detectable in 25 g
Listeria *spp*	Not Detectable in 25 g

INGREDIENT STATEMENT

Milk, Salt and Enzymes. CONTAINS: MILK
Alternate: Milk, Salt, Rennet. CONTAINS: Milk
Proximate Composition: Milk: 98%; Salt: 1%; Enzymes: 1%

NUTRITION INFORMATION

NUTRIENT	PER 100 G
Calories (kcal)	423
Protein (g)	27.2
Carbohydrates (g)	0.01
Total Sugars (g)	< 0.01
Fat (g)	33.94
Saturated Fat (g)	22.18
Dietary Fiber (g)	0.00
Sodium (g)	0.40

Allergens - Contains Milk.
Country of Origin - Austria
GMO Status – Non GMO product
Rennet/Enzyme Source: microbial rennet

SHELF LIFE

180 days from date of packaging

STORAGE REQUIREMENTS

Product must be stored at 33°F-40°F (1°C – 5°C)

SHIPPING REQUIREMENTS

Product should be shipped and stored under refrigeration: 35-40°F (2°C – 5°C)
Trailers shall be clean, dry and free of foreign material and objectionable odors.
Trailers should be sealed.

Intercibus Inc.
18, Stony Hill Road
P.O.Box 10
Mendham NJ 07945
USA

Invoice: 49193
Date: Friday
13th November, 2015
PO: P002/11/2015

Article	weight / kg	price / kg	total EUR
Austrian Gruyère Cheese 45% F.i.d.m. – made from cows milk	15.124,522	6,15	
total amount			**€ 93.015,81**

packing: 2886 cardboard boxes
net: 15.124,522 KG
tare: 513,708 KG
milk solid content: 9.830,940 KG
Country of origin: AUSTRIA

Customs tariff-no. ATEOS1000020253

"Payment terms – 30 days after invoice-date, net."

SHIPPER		VOYAGE NUMBER
AUSTRIA	**WAYBILL** **NON NEGOTIABLE**	017LYW
		WAYBILL NUMBER
		BRE0343801

CONSIGNEE

INTERCIBUS INC.
18, STONY HILL ROAD
P.O. BOX 10
U S A - MENDHAM , NJ 07945.

EXPORT REFERENCES

5151110295

NOTIFY PARTY, Carrier not to be responsible for failure to notify

INTERCIBUS INC.
18, STONY HILL ROAD
P.O. BOX 10
U S A - MENDHAM , NJ 07945.

CMA CGM

CARRIER: CMA CGM - Société Anonyme au capital de 175 000 000 euros
Head Office: 4, quai d'Arenc - 13002 Marseille - France
Tel: (33) 4 88 91 90 00 - Fax: (33) 4 88 91 90 95
B 562 024 422 R.C.S. Marseille

PRE CARRIAGE BY*	PLACE OF RECEIPT*	FREIGHT TO BE PAID AT	NUMBER OF ORIGINAL WAYBILLS
		HAMBURG	ZERO (0)
VESSEL	**PORT OF LOADING**	**PORT OF DISCHARGE**	**FINAL PLACE OF DELIVERY***
E.R. INDIA	BREMERHAVEN	NEW YORK, NY	

MARKS AND NOS CONTAINER AND SEALS	NO AND KIND OF PACKAGES	DESCRIPTION OF PACKAGES AND GOODS AS STATED BY SHIPPER SHIPPER'S LOAD STOW AND COUNT SAID TO CONTAIN	GROSS WEIGHT CARGO	TARE	MEASUREMENT
CGMU4991744 SEAL ES4619006 SEAL 011778	1 x 40RH	2886 PACKAGES ON CARDBOARD BOXES AUSTRIAN GRUYERE CHEESE 45% MADE FROM COWS MILK HS: 04069017 NET WEIGHT: 15124,522 KGS TARE: 513,708 KGS SOLIT MILK CONTENT: 9830,940 KGS	15638.230	4700	60.000

REF.: 5151110295

US-THC+CUC PREPAID
COOLING TEMPERATURE DURING THE VOYAGE +5C

Total 2886 PK

FREIGHT PREPAID

GENERAL CMA CGM TERMS AND CONDITIONS TO BE FOUND
UNDER WWW.CMA-CGM.COM

THIS MASTER BILL COVERS AUTOMATED NVOCC HOUSE
BILL

Continued on Next Sheet Sheet 1 of 2

ABOVE PARTICULARS DECLARED BY SHIPPER, CARRIER NOT RESPONSIBLE.

ADDITIONAL CLAUSES

4. Cargo at port is at merchant risk, expenses and responsibility

5. FCL

91. Ground rent/storages/power supply/monitoring costs at port of discharge for Receiver's account according to port rates.

92. Reefer container can only be operated by electrical power. During land transportation the Carrier will not be liable in any respect whatsoever for consequences, due to non refrigeration.

191. Unless the value of cargo is declared on the face of this bill of lading or waybill in the conditions set for on the reverse, limitation of liability in respect of loss or damage to goods shall not exceed US$ 500 per package, or customary freight unit if goods are not shipped in package.

194. For the purpose of the present carriage, clause 14(2) shall exclude the application of the York/Antwerp rules, 2004.

214. U.S. demurrage and detention conditions are billed per CMA-CGM (America)'s U.S. tariff or service contracts filed with the FMC

216. Mis-declaration of cargo weight endangers crew, port workers and vessels' safety. Your cargo may be weighed at any place and time of carriage and any mis-declaration will expose you to claims for all losses, expenses or damages whatsoever resulting thereof and be subject to freight surcharge.

225. The shipper acknowledges that the Carrier may carry the goods identified in this bill of lading on the deck of any vessel and in taking remittance of this bill of lading the Merchant (including the shipper, the consignee and the holder of the bill of lading, as the case may be) confirms his express acceptance of all the terms and conditions of this bill of lading and expressly confirms his unconditional and irrevocable consent to the possible carriage of the goods on the deck of any vessel.

274. The Merchant is responsible for returning any empty container, with interior clean at the designated place, and within 60 days following to the date of release, failing which the container shall be construed as lost. The Merchant shall be liable to indemnify the Carrier for any loss or expense whatsoever arising out of the foregoing, including but not limited to liquidated damages equivalent to the sound market value - or the depreciated value due by the Carrier to a container lessor. The Carrier is entitled to collect a deposit from the Merchant at the time of release of the container which shall be remitted as security for payment of any sums due to the Carrier, in particular for payment of all detention and demurrage and/or

RECEIVED by the Carrier from the Shipper in apparent good order and condition (unless otherwise noted herein) the total number or quantity of containers or other packages or units indicated above by the Merchant for carriage, subject to all the terms hereof (including the terms on page one) and tariff for the relevant trade, from the place of receipt or the port of loading, whichever applicable, to the port of discharge or place of delivery, whichever applicable. This Waybill is deemed to be a contract of carriage as defined in Article I (b) of the Hague Rules and Hague Visby Rules although this is not a document of title to the Goods.
DELIVERY will only be made on Payment of all Freight and Charges and to the named Consignee or any third party nominated by the Consignee by written instruction to the Carrier or his Agent, unless the Shipper instructs otherwise prior to delivery. The rights and liabilities arising according to the terms hereof shall (without prejudice to any rule of common law and status) become binding between the Carrier and Consignee as if this agreement has been made between them and the Shipper guarantees on reception of this Waybill that he has accepted it on his own behalf, on behalf of the Consignee and the Owner of the Goods, and warrants that he has authority to do so.
All claims and actions arising between the Carrier and the Merchant in relation with the contract of Carriage evidenced by this Waybill shall exclusively be brought before the Tribunal de Commerce de Marseille and no other Court shall have jurisdiction with regards to any such claim or action. Notwithstanding the above, the Carrier is also entitled to bring the claim or action before the Court of the place where the defendant has his registered office.
This Waybill is issued subject to the C.M.I Uniform Rules for Sea Waybills.
(OTHER TERMS AND CONDITIONS OF THE CONTRACT ON PAGE ONE)

PLACE AND DATE OF ISSUE HAMBURG 18 NOV 2015

SIGNED FOR THE SHIPPER

*APPLICABLE ONLY WHEN THIS DOCUMENT IS USED AS A COMBINED TRANSPORT BILL OF LADING

SIGNED FOR THE CARRIER CMA CGM S.A.
BY CMA CGM (Deutschland) GmbH
as agents for the carrier CMA CGM S. A.

Certificate of Analysis

Product: Austrian Gruyere 45 % 2.6 KG
Producer:
PO-Nr.: P002/11/2015

DESCRIPTION

Gruyere cheese loaves are packed in a moisture and oxygen barrier film to preserve quality.
Loaves are random weight weighing approximately 2.6 Kg and packed 2 loaves per case.
Gruyere is a hard cheese made from cow's milk.
It has an aromatic, slightly robust taste.

ORGANOLEPTIC CHARACTERISTICS

Flavour: Aromatic, Slightly Robust. No off-flavours
Colour: Off- White to Light yellow
Aroma: No off-odors

CHEMICAL SPECIFICATIONS

Moisture on a fat-free basis	50,7 %
Fat on the dry basis	50,2 %
Salt	1.0 %
water content	33,90 %

MICROBIOLOGICAL SPECIFICATIONS

Coliforms	<100 cfu/g
E. Coli	<10 cfu/g
Coagulase positive staph.	<10 cfu/g
Salmonella	Not Detectable in 25 g
Listeria *spp*	Not Detectable in 25 g

INGREDIENT STATEMENT

Milk, Salt and Enzymes. CONTAINS: MILK
Alternate: Milk, Salt, Rennet. CONTAINS: Milk
Proximate Composition: Milk: 98%; Salt: 1%; Enzymes: 1%

NUTRITION INFORMATION

NUTRIENT	PER 100 G
Calories (kcal)	423
Protein (g)	27.2
Carbohydrates (g)	0.01
Total Sugars (g)	< 0.01
Fat (g)	33.94
Saturated Fat (g)	22.18
Dietary Fiber (g)	0.00
Sodium (g)	0.40

Allergens - Contains Milk.
Country of Origin - Austria
GMO Status – Non GMO product
Rennet/Enzyme Source: microbial rennet

SHELF LIFE

180 days from date of packaging

STORAGE REQUIREMENTS

Product must be stored at 33°F-40°F (1°C – 5°C)

SHIPPING REQUIREMENTS

Product should be shipped and stored under refrigeration: 35-40°F (2°C – 5°C)
Trailers shall be clean, dry and free of foreign material and objectionable odors.
Trailers should be sealed.

Intercibus Inc.
18, Stony Hill Road
P.O.Box 10
Mendham NJ 07945
USA

Invoice: 55409
Date: Friday
08th July, 2016
PO: P002/07/2016

Article	weight / kg	price / kg	total EUR
1056 Austrian Gruyère Cheese 45% F.i.d.m. – made from cows milk	14.972,536	6,15 €	€ 92.081,10
1057 Bergkäse Zwickel 45% F.i.d.m. – made from cows milk	1.380,598	9,90 €	€ 13.667,92
2052 Zillertaler Heublumenkäse 50% F.i.d.m. – made from cows milk	304,294	7,50 €	€ 2.282,21
1070 Zillertaler Alpenkönig 50% F.i.d.m. – made from cows milk	60,661	6,70 €	€ 394,30
total amount			**€ 108.425,53**

packing: 3098 cardboard boxes
number of pallets: 28
net: 16.718,089 KG
tare: 900,00 KG
milk solid content: 10.866,757 KG
Country of origin: AUSTRIA

EORI-No. ATEOS1000020253

"Payment terms – 30 days after invoice-date, net."

Lieferschein

LS-Nr:	Lieferdatum:	Auf-Nr.:	Knd-Nr.:	Seite:
79768	08.07.2016	126701	30407	1

Intercibus Inc.
18, Stony Hill Road P.O. Box 10
07945 Mendham NJ
Vereinigte Staaten

Telefon Nr. Knd.:
Lieferscheindatum: 07.07.2016

Pos	Art.Nr	Artikelbezeichnung				Stück	Gewicht
1.	1056	**Austrian Gruyère Cheese 45% F.i.d.m.**				5676	14.972,536 kg
		Charge:	160215	160215	MHD: 31.12.2016		
			160320	160320	31.12.2016		
			160321	160321	31.12.2016		
			160426	160426	31.12.2016		
			160427	160427	31.12.2016		
			160428	160428	31.12.2016		
			160716	160716	31.12.2016		
			160717	160717	31.12.2016		
			160718	160718	31.12.2016		
			160719	160719	31.12.2016		
			160720	160720	31.12.2016		
			160721	160721	31.12.2016		
			160823	160823	31.12.2016		
			160824	160824	31.12.2016		
2.	1058	**Bergkäse 45% F.i.d.m.**				400	1.380,598 kg
		Zwickel					
3.	2052	**Zillertaler Heublumenkäse 50% F.i.d.m.**				50	304,294 kg
		Charge:	160610	160610			
4.	1070	**Alpenkönig 45% F.i.d.m.**				10	60,661 kg
		Charge:	160824	160824			
5.	9990	**Euro Pallet**				28	0,000 kg
						Nettogewicht in KG:	16.718,089

Waren übernommen: _____

Certificate of Analysis

Product: Austrian Gruyere 45 % 2.6 KG
Producer:
PO-Nr.: P002/07/2016

DESCRIPTION

Gruyere cheese loaves are packed in a moisture and oxygen barrier film to preserve quality.
Loaves are random weight weighing approximately 2.6 Kg and packed 2 loaves per case.
Gruyere is a hard cheese made from cow's milk.
It has an aromatic, slightly robust taste.

ORGANOLEPTIC CHARACTERISTICS

Flavour: Aromatic, Slightly Robust. No off-flavours
Colour: Off- White to Light yellow
Aroma: No off-odors

CHEMICAL SPECIFICATIONS

Moisture on a fat-free basis	50,7 %
Fat on the dry basis	50,2 %
Salt	1.0 %
water content	33,90 %

MICROBIOLOGICAL SPECIFICATIONS

Coliforms	<100 cfu/g
E. Coli	<10 cfu/g
Coagulase positive staph.	<10 cfu/g
Salmonella	Not Detectable in 25 g
Listeria *spp*	Not Detectable in 25 g

INGREDIENT STATEMENT

Milk, Salt and Enzymes. CONTAINS: MILK
Alternate: Milk, Salt, Rennet. CONTAINS: Milk
Proximate Composition: Milk: 98%; Salt: 1%; Enzymes: 1%

NUTRITION INFORMATION

NUTRIENT	PER 100 G
Calories (kcal)	423
Protein (g)	27.2
Carbohydrates (g)	0.01
Total Sugars (g)	< 0.01
Fat (g)	33.94
Saturated Fat (g)	22.18
Dietary Fiber (g)	0.00
Sodium (g)	0.40

Allergens - Contains Milk.
Country of Origin - Austria
GMO Status – Non GMO product
Rennet/Enzyme Source: microbial rennet

SHELF LIFE

180 days from date of packaging

STORAGE REQUIREMENTS

Product must be stored at 33°F-40°F (1°C – 5°C)

SHIPPING REQUIREMENTS

Product should be shipped and stored under refrigeration: 35-40°F (2°C – 5°C)
Trailers shall be clean, dry and free of foreign material and objectionable odors.
Trailers should be sealed.

:n

Intercibus Inc.
18, Stoney Hill Road
P.O.Box 10
Mendham NJ 07945
USA

Invoice: 58267
Date: Friday
18th November, 2016
PO: P003/11/2016

Article	weight / kg	price / kg	total EUR
1056 Austrian Gruyère Cheese 45% F.i.d.m. – made from cows milk	15.004,570	6,15 €	€ 92.278,11
1058 Bergkäse Zwickel 45% F.i.d.m. – made from cows milk	1.668,022	9,90 €	€ 16.513,42
2052 Heublumenkäse 50% F.i.d.m. – made from cows milk	299,579	7,50 €	€ 2.246,84

total amount **€ 111.038,37**

packing: 3.175 cardboard boxes
number of pallets: 28
total net: 16.972,171 KG
tare: 880,00 KG
milk solid content: 11.031,911 KG
Country of origin: AUSTRIA

"Payment terms – 30 days after invoice-date"

Certificate of Analysis

Product: Austrian Gruyere 45 % 2.6 KG
Producer:
PO-Nr.: P003/11/2016

DESCRIPTION

Gruyere cheese loaves are packed in a moisture and oxygen barrier film to preserve quality.
Loaves are random weight weighing approximately 2.6 Kg and packed 2 loaves per case.
Gruyere is a hard cheese made from cow's milk.
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Trailers shall be clean, dry and free of foreign material and objectionable odors.
Trailers should be sealed.

Lieferschein

LS-Nr:	Lieferdatum:	Auf-Nr.:	Knd-Nr.:	Seite:
85795	18.11.2016	135272	30407	1

Intercibus Inc.
18, Stoney Hill Road P.O. Box 10
07945 Mendham NJ
Vereinigte Staaten

Telefon Nr. Knd.:
Lieferscheindatum: 17.11.2016

Pos	Art.Nr	Artikelbezeichnung			Stück	Gewicht
1.	1056	**Austrian Gruyère Cheese 45% F.i.d.m. 2.5 kg**			5850	15.004,570 kg
		Charge: 162020 162020	MHD:	16.05.2017		
		162021 162021		16.05.2017		
		162127 162127		16.05.2017		
		162128 162128		16.05.2017		
		162129 162129		16.05.2017		
		162601 162601		16.05.2017		
		162602 162602		16.05.2017		
		162704 162704		16.05.2017		
		162706 162706		16.05.2017		
		162708 162708		16.05.2017		
		162811 162811		16.05.2017		
		162812 162812		16.05.2017		
		162815 162815		16.05.2017		
		162816 162816		16.05.2017		
2.	1058	**Bergkäse 45% F.i.d.m. Zwickel**			400	1.668,022 kg
		Charge: 162021 162021	MHD:	16.05.2017		
		162123 162123		16.05.2017		
3.	2052	**Heublumenkäse 50% F.i.d.m.**			50	299,579 kg
		Charge: 162814 162814	MHD:	16.05.2017		
4.	9990	**pallet**			28	0,000 kg
			MHD:			
				Nettogewicht in KG:		16.972,171

Waren übernommen: _____

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD	
INTERNATIONAL DAIRY FOODS ASSOCIATION, U.S. DAIRY EXPORT COUNCIL, ATALANTA CORPORATION, INTERCIBUS INC., Opposers, v. INTERPROFESSION DU GRUYÈRE and SYNDICAT INTERPROFESSIONEL DU GRUYÈRE, Applicants.	Opposition No. 91232427 Consolidated with Opposition Nos. 91232442, 91232446, and 91232448

JAECKLE DEPOSITION EXHIBIT 53

SUBMITTED BY OPPOSERS

Denninger's FOODS OF THE WORLD

foods for thought

Come into Denninger's for a taste of Austria

March 2011

BISTRO MONTHLY SPECIALS

Viennese Pinwheel Sandwich $2.95
Tiroler Schinkenspeck, Denninger's Austrian Salami with Austrian Smoked Gruyere on a onion bun. ***Or combine with one of Denninger's soup for only $5.95***

Austrian Schnitzel Burger $7.95
Delicious Denninger's schnitzel burger topped with Austrian Smoked Gruyere, lettuce, tomato and Wenger Classic mustard with small homefries.

Chipotle Turkey Schnitzel Burger $7.95
a bun topped with Jarlsberg cheese, tomato, lettuce, bacon and chipotle mayonnaise with small homefries.

Apple Strudel and Coffee $1.95

From our Kitchen

Denninger's German Style Potato Salad $4.99 1.3kg
Reg. $6.99

Freshly Baked Denninger's Quiches $6.99
Reg. $7.50

Denninger's Meat Pies *(mini)* $2.49

St. Patrick's Day

Irish Stew *Available fresh or frozen* $6.99
Reg. $8.99

NEW Coventry Shepherd Pie *with ground turkey* $10.99 1kg

All products are carefully manufactured at Denninger's.

From our Butcher & Deli Counter

Denninger's Vienna Salami Chubs $4.99 400g
Reg. $15.21/kg

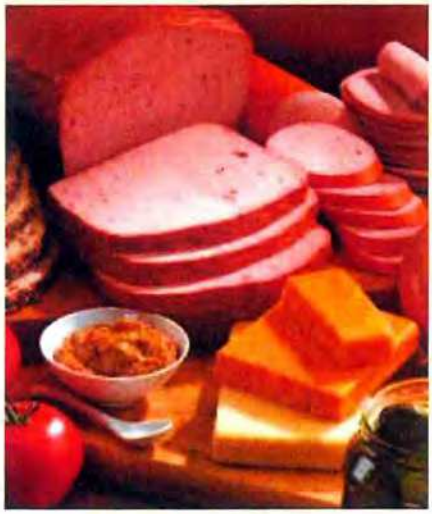
Denninger's Bologna Chubs $3.99 500g
Reg. $11.90/kg

Denninger's Wurst Salad $1 OFF
Reg. $5.99

Tiroler Schinkenspeck Exclusive at Denninger's $3.59 100g
Reg. $3.96/100g

Denninger's Fresh Banger Sausage $3.49 lb
Reg. $4.29/lb

Denninger's Fresh Maple Sausage $3.49 lb
Reg. $4.29/lb



All products are carefully manufactured at Denninger's.

From our Cheese Counter

Austrian Smoked Gruyere $1.79 100g
Reg. $2.39/100g

New Austrian Alpine Cheese "Le Rose" $4.79 100g
Reg. $5.39/100g

From our Bakery

Pfalzgraf Grand Marnier Torte (8") $11.50
Reg. $13.50

Dimpflmeier Breads European Style & Healthy Living Multigrain $1.99
Reg. $2.50

Helga Linzer Torte $10.90 kg
Reg. $15.90/kg

NEW Crepe Team Plain, Spinach & Feta, Blueberry & Cheese $7.99 per pack

EXHIBIT
53
PENGAD 800-631-6989

Cheese Delicatessen

Great News for Cheese Lovers!

BUTTER & CREAMERS CHEESE CUSTOMER FAVORITES ON SALE SMOKED MEATS PRODUCTS BY BRAND SEAFOOD

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Our Products >> Austrian Alps Gruyere, 1/2 lb.

Austrian Alps Gruyere. 1/2 lb.

A delicacy originally from the Gruyere district of Switzerland, this cheese is best known as a key fondue ingredient. This Austrian version offers all you'd expect in an Alpine Gruyere-- it is delightfully nutty, spicy, full-flavored, and aromatic when melted. A whole wheel weighs approximately 80 pounds, and it takes over 700 pounds of milk to make a single wheel. We recommend this cheese be diced into salads, melted in a hot sandwich, or blended into a piping-hot pot of cheese fondue.

- Made from pasteurized cow's milk
- We cut and wrap this item by hand

- Made with top quality milk
- Delightfully nutty and spicy
- Full flavored and aromatic when melted
- Perfect for fondue, diced in salads and melted for sandwiches

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(No image)

Austrian Alps Gruyere

(Imported Cheeses)

Based on the popular cheese from Switzerland by the same name, this pasteurized Gruyere is also made in the Alps, but in Austria. Similar in flavor to a younger Swiss Gruyere, the Austrian version is nutty, fruity and smooth with gentle spicy notes and an aroma that smells far more pungent than it tastes. Its relatively low price makes it an ideal choice for food-service uses, especially where melting is involved, but retailers will do well to offer it as a lower-priced Alpine-produced selection.

Category
Alpine

Item #
2601

Animal
cow

WB Cheese - 111 Business Park Drive - Armonk NY 10504 - 1-800-WBCHEESE - (800) 922-4337

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Milk Pail Market has very affordable cheeses for tasting experimentation!

THE MILK PAIL MARKET

MILK PAIL MARKET

"The heartwarming little store that has everything"

OPEN M-F 8am - 8pm, Sat 8 - 7, Sun 8 - 6 **2585 California St, Mountain View** (650) 941-2505

Put the ZING back in your dining

THIS IS THE PLACE! Cheese for picnics, for parties, for pasta, for your morning omelet... Italian reggiano, Danish fontina, French Morbier, Dutch gouda, Bulgarian feta, Swiss Tilsiter, Vermont extra sharp cheddar, organic California jack... and over three hundred other varieties to put the zing back in your dining.

Imagine having 20 exotic cheeses!

Would your company be interested in a cheese tasting held at your company?

Call or Email us at: cow@milkpail.com

Rosello Dressing (La Clasica) $5.99

Pomi Strained Tomatoes $2.89

Guittard French Vanilla Chocolate Pieces $4.49

The ultimate Swiss cheese

80 LB WHEEL OF SWISS GRUYERE

Fra'mani Smoked Ham $5.89

California Dates $3.99

Delba Three Grain Bread & Sunflower Seed Bread

$1.49

"I Love The Milk Pail!"

yelp Real people. Real reviews.

The Milk Pail Market

CHEESES

German Swiss	$5.89 lb
Dutch Goat Gouda	$7.99 lb
Russian Tvorog Farmers Cheese	$4.99 each
La Tur	$7.99 each
Austrian Gruyere	$4.99 lb
Sheep's Milk Greek Feta	$4.99 lb

PRODUCE SPECIALS

Prices effective April 18-20, 2017

Butternut Squash 89¢ lb

Cherry Tomatoes $1.79 lb

Valencia Oranges 69¢ lb

Seedless Watermelon 39¢ lb

Pink Lady Apple 89¢ lb

English Cucumber 79¢ ea

Pinata Apple $1.29 lb

Cameo Apple 99¢ lb

Red Seedless Grape $1.99 lb

Mexican Papaya 89¢ lb

Navel Orange 39¢ lb

Buy one Quinoa Packet, get one FREE

COUPON

FREE 2 lb Green Bell Peppers

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD	
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JAECKLE DEPOSITION EXHIBIT 54

SUBMITTED BY OPPOSERS

4

Caribou COFFEE

Welcome
MY ACCOUNT CART

CARIBOU PERKS MENU & NUTRITION ABOUT OUR COFFEE LOCATIONS SHOP GIFT CARDS

BEVERAGES
BACK TOFOOD
BOTTLED ICED COFFEE
ALLERGENS

Allergens:
Contains eggs, milk, soy and wheat.

HAM AND GRUYERE PRETZEL ROLL

Roasted Black Forest ham, Austrian Gruyere cheese and dijon mustard on a pretzel roll

Calories	550.0
Fat Calories	160.0
Total Fat (g)	18.0
Saturated Fat (g)	8.0
Trans Fat (g)	0.0
Cholesterol (mg)	55.0
Sodium (mg)	1730.0
Total Carbohydrates (g)	71.0
Fiber (g)	4.0
Sugars (g)	9.0
Protein (g)	27.0
Vitamin A (% daily value)	4.0
Vitamin C (% daily value)	0.0
Calcium (% daily value)	35.0
Iron (% daily value)	20.0

Nutritional information is provided by Caribou Coffee's suppliers based on current recipes and reflects average values. Product offerings may vary due to location or seasonality.

Caribou COFFEE

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EXHIBIT
54
PENGAD 800-631-6989

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD	
INTERNATIONAL DAIRY FOODS ASSOCIATION, U.S. DAIRY EXPORT COUNCIL, ATALANTA CORPORATION, INTERCIBUS INC., Opposers, v. INTERPROFESSION DU GRUYÈRE and SYNDICAT INTERPROFESSIONEL DU GRUYÈRE, Applicants.	Opposition No. 91232427 Consolidated with Opposition Nos. 91232442, 91232446, and 91232448

JAECKLE DEPOSITION EXHIBIT 55

SUBMITTED BY OPPOSERS

1 of 2

#14

Handbook of Cheese

Handbuch der Käse

Käse der Welt von A - Z

Eine Enzyklopädie

von Dr. Heinrich Mair-Waldburg

Direktor der
Milchwirtschaftlichen Untersuchungs-
und Versuchsanstalt Kempten (Allgäu)

— Director of Dairy Research and Development Kempten, Germany

unter Mitarbeit namhafter Sachkenner verschiedener Länder

Siehe nächstes Blatt

1 9 7 4

Volkswirtschaftlicher Verlag GmbH, Kempten (Allgäu)

2of2

Grobnički sir

Zusammensetzung

Fett i. T.	44–53 %
TM	60–70 %
NaCl	7–9 %

Milchart
Schafmilch

Wesentliche Herstellungsmerkmale
Verarbeitung von Rohmilch
Weizenkorngroßer Bruch
Nachwärmen des Bruches
Reifen in Holzbottichen
Aufbewahren bis zum Verkauf in Salzlake

Herstellung
Fettgehalt der KM: 6–7 %; LT 32–37°; DZ 35–45 min. Das Zerkleinern der Gallerte erfolgt zuerst mit kräftigen Bewegungen beider Hände und dann weiter mit einem 1 m langen, im Durchmesser 2,5 cm dicken Stock, bis der Bruch Weizenkorngröße erlangt hat. Dann wird der Kesselinhalt unter ständigem Umrühren bei 45–55° nachgewärmt. Nach einem Absitzenlassen von 10–20 min wird der Bruch am Boden des Kessels mit den Händen zu einem Ball geformt und dabei die Molke ständig ausgedrückt. Danach wird der Bruch aus dem Kessel herausgenommen, zu einem Laib geformt und für 2–3 Tage in einen Holzbottich gelegt. Nach dieser Zeit wird der Käse mit Salz eingerieben und in einen anderen Holzbottich von 1,5 m Höhe und ca. 30 cm Durchmesser gelegt. In diesem Gefäß werden 5–8 Käselaibe aufeinander geschlichtet, wo sie 1–2 Monate liegenbleiben. Dabei werden die Laibe während der ersten 10 Tage täglich herausgenommen und mit Salz eingerieben, später jeden 2. und dann jeden 3. Tag.
Für längere Aufbewahrung werden die Käselaibe in Holzbottichen in Salzlake gelegt, wo sie bis zum Verkauf lagern.

Ausbeute
19–24 kg Käse aus 100 Ltr. Milch

Literatur:
Pejić, O.: Mlekarstvo II. Teil, Beograd, 1956.
Sabadoš, D.: Mlekarstvo Nr. 11, 12, 1959.
Vrečko, K.: Die Schafmilchverarbeitung im kroatischen Küstenlande. XIII. Internat. Milchwirtschafskongr., Haag, (1953) II S. 710.

Groene kaas siehe Texel

Grojer
Bezeichnung für Gruyère in Jugoslawien und Polen; siehe Anhang unter Hartkäse – Typ Gruyère

Käse Großbritanniens siehe Käse im Vereinigten Königreich (V. K.)

Grosseto siehe Pecorino

Groyer is a type of Gruyere cheese made in Austria usually in small alpine dairies.

Groyer
A. Furtenbach, Bregenz, Österreich

Groyer ist ein dem Greyerzer entsprechender Käse in Österreich, der besonders in den kleinen Talkäsereien der österreichischen Alpenländer hergestellt wird.

Form, Größe, Gewicht
Die Laibe sind scharfkantig, nicht ausgewölbt, die Järbseite ist oft sogar etwas eingefallen; D bis zu 50 cm, H 8–10 cm, G unter 40 kg

Eigenschaften
Äußeres: Rinde nicht zu schmierig oder verkrustet, ohne Schimmelpilze
Inneres: weich-schnittig, mit wenigen, aber sauberen erbsgroßen Löchern
Geruch und Geschmack: rein und typisch, an den Emmentaler angelehnt

Zusammensetzung

	gesetzlich festgelegte Werte (1)		analytisch ermittelte Durchschnittswerte	
	vollfett	halbfett	vollfett	halbfett
F. i. T.	mind. 45 %	25 %		
Fett			26 %	15 %
TM	mind. 60 %	54 %	61 %	52 %
Wasser	max. 40 %	46 %	39 %	48 %

Milchart
Kuhmilch

Herstellung
Die Herstellung ist in den Grundzügen gleich der des Emmentalers. Wegen des geringeren Laibgewichts kann der Bruch gröber, weniger fest und weniger trocken gemacht und der geformte Käse schwächer gepreßt werden. Der Teig des fertigen Käses bleibt dadurch weicher.
Je weniger fett die Käse hergestellt werden, desto mehr weichen die Eigenschaften vom Typ ab. Die Rinde wird etwas schmieriger, der Teig wird fester, oftmals grünlich aussehend, die Lochung kleiner und zahlreicher, Geruch und Geschmack schärfer. Je magerer der Groyer, um so länger ist seine Reifezeit (bis zu 12 Monaten, damit der magere Teig mürber wird).
Weiche Groyer wurden seinerzeit in Vorarlberg erzeugt und **Battelmatt** genannt.
Im Österreichischen Lebensmittelbuch (1) finden sich Angaben über Groyer und Mischling; vgl. dazu unter dem Stichwort Mischling.

Literatur:
(1) Österreichisches Lebensmittelbuch, II. Auflage, Kap. XLII (Käse) 7, 8, 12, 13.

Gruda siehe Brano mljako

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD	
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JAECKLE DEPOSITION EXHIBIT 56

SUBMITTED BY OPPOSERS

- Best Wine
- Best Beer
- Best Cheese

TODAY TOP Reviews

Best Gruyere Cheese You Should Include in Your Next Recipe

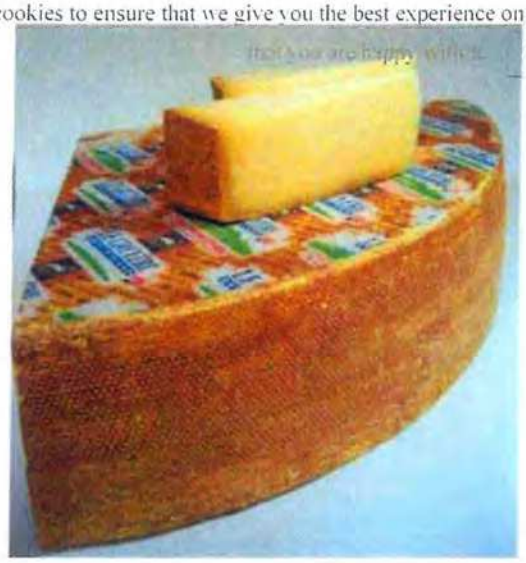
Gruyere Cheese is a gourmet cheese originally produced in Switzerland that can be easily included in a variety of delicious recipes. With a hard yellow exterior and lightly colored interior, this cheese is among the most popular choices for mac and cheese, quiche, fondue and even grilled sandwiches.

You can also use it to bake and roast delicious scalloped potatoes with Gruyere cheese, as well as add it to your favorite sauce to enhance its taste and flavor. There is a variety of types of Gruyere cheese to choose from, and they all have different degrees of sharpness and spiciness. You can buy them in specialized cheese shops or online, directly from Amazon, so read below and find the best Gruyere for your recipe.

In our list of the best Gruyere cheese to use when cooking, we have also included a few alternative products that are similar to Gruyere, but with a less intense flavor. Ideal for people who prefer a milder taste, our substitute dairy products can easily compete with the regular Gruyere, and you should definitely find them and add them to your shopping list.

Cave-Aged Gruyere

This Swiss Cave-Aged Gruyere is produced using the traditional cheese-making techniques that have made the region famous. This slightly sweet Le Gruyere cheese is ideal for a variety of dishes, such as Gruyere grilled cheese sandwich recipes, Gruyere cheese sauce and of course, the famous fondue. The price is under $30 per 8-ounce piece, and you can use it to make delicious cream soups, soufflé dishes, and gratins.



Gruyere de Comte

This product is softer that the smoked or aged alternatives, which makes it ideal for Gruyere mac and cheese and Gruyere cheese quiche. With a softer interior and a more delicate taste, Gruyere de Comte can be served as an appetizer or starter paired with crackers and a glass of French red wine such as a Bordeaux type wine. The best Gruyere cheese recipes make the best of this flavored, sometimes heavy kind of cheese, by using it baked or shredded. Gruyere de Comte is available for $20 per pound on Amazon.

Roth Kase Grand Cru Reserve Gruyere

This hard Gruyere is produced from cow's milk respecting the French tradition of cheese making. A lot of women wonder is Gruyere cheese pasteurized, as during pregnancy certain unpasteurized cheeses can be dangerous. The best answer to the often asked question: "Can pregnant women eat Gruyere cheese?" is that it depends on the type of cheese you are buying. It is always recommended to check the information on the label before choosing a product in order to be safe. This Roth Kase Grand cheese is a classic product crafted according to Swiss tradition, and it mixes earthy, nutty and fruity aromas.

Le Gruyere AOP

This cheese imported from Switzerland is ideal as Gruyere cheese fondue, soufflé, and savory cheese puffs. Obtained from raw cow milk, and respecting a long maturation process, Le Gruyere AOP has the classic, stingy gruyere cheese taste that everybody loves and appreciates. If you are wondering where to buy Gruyere cheese, there is no reason to worry. Just head over to Amazon to find and buy this cheese Gruyere. The price for a 7.5-ounce slice of Le Gruyer cheese is $11.

Austrian Alps Gruyere

This special type of Gruyere produced in the Austrian Alps has a delicate nutty and spicy aroma, being great for your mac and cheese with Gruyere recipes. Full flavored and deliciously aromatic when melted, grated or baked, this gourmet cheese can easily be added to your next scalloped potatoes with gruyere cheese recipe and even gruyere cheese soufflé dish. As it is a Gruyere cheese pasteurized version, pregnant women can safely enjoy this Austrian specialty. This Gruyere cheese cost starts from $7 per 7.5 ounces slice.

Comte Gruyere

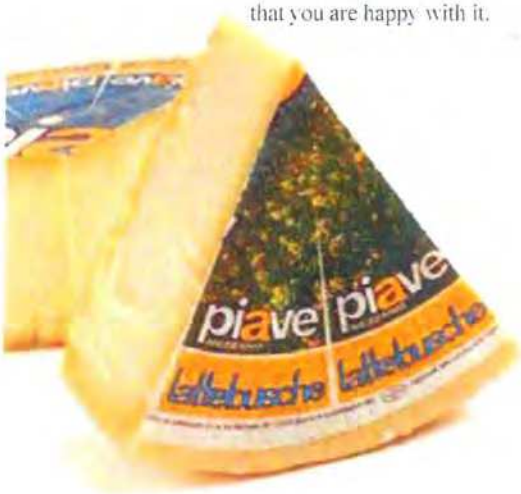
Another great choice for macaroni and cheese gruyere is a gourmet product that was aged for over 6 months. Among the best Gruyere, Comte is a great solution for all recipes with Gruyere cheese. A hard, dried cheese that you can grate and add to your salad or favorite pasta dish, Comte Gruyere doesn't have as many calories as the softer, fatty versions. If you like strong tastes and firm texture, Comte is your best replacement product that is not so high in calories and fats. Go for this cheese that you can easily order on Amazon and everyone will be impressed by your choice.

Wisconsin Gruyere Cheese

What is Gruyere cheese made in America? Well, the Wisconsin Gruyere is a is a rich melting cheese ideal for scallop potatoes with Gruyere cheese, fondue dip for nachos, that is comparable to the Swiss version. Not among the substitutes for Gruyere, but a real, homemade style kind of cheese with high nutrition values, Wisconsin Gruyere is a delight in any recipe. With a price of only $11 per 8 ounces, you should definitely try this affordable lightly smoked Gruyere cheese.

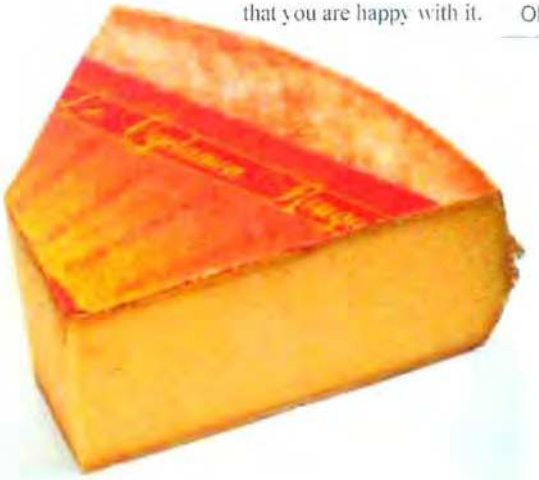
Piave DOP Mezzano Gruyere

An Italian Gruyere with its origin in the Belluno Provence, the Piave can be a substitution fit for pregnant women. Produced from pasteurized milk, this Gruyere is safe to consume during pregnancy. The small Italian manufacturer uses traditional methods to produce this delicious specialty that anyone can enjoy. Ideally paired with a wine that has low acidity, the Piave Gruyere can be served shredded or grilled for an enhanced taste.



Comte Cheese

Comte cheese is the best substitute for Gruyere cheese as it packs great taste and a lower calorie level. You can use Comte as a Gruyere cheese substitute in any of your regular mac and cheese, fondue, dip or soufflé recipes and you will be impressed by the flavor. Semi-sharp, tangy and bold, Comte is a cheese similar to Gruyere that is produced in France. Enjoy it with a glass of Alsace wine and you will be amazed by its rich flavor. Comte is regarded not only part of the substitutions to Gruyere on the market, but a delicious cheese in its own right.



Gruyere Gourmet-Food

This matured gourmet Gruyere is produced following the traditional Swiss technique and using raw milk. It has a hard texture and a strong flavor that make it ideal for appetizers or being served shredded over your favorite pasta, polenta or potato dish. This Gruyere costs $24 per pound, and you can order it from Amazon.

After you have read our article you can now decide which Gruyere cheese type, or maybe substitute is ideal for you. Before you include this delicious cheese in your next recipe, you need to know how to properly pronounce its name, so here it the answer. The correct Gruyere cheese pronunciation is Gruh-year-eh.

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Top Guinness Beer Types You Shouldn't Miss
Next post
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GRUYERE CHEESE

ABOUT GRUYERE CHEESE

Shop, Find Recipes, Read About the History of Gruyere Cheese

Buy **Gruyere** online from igourmet.com! please visit our online **Store** and go shopping at the number one imported food delivery service in the USA. Gruyere Cheese is often thought of as a type of Swiss. This grand cheese originated in the village of Gruyères, Switzerland, a region filled with lush pastures located in the alpine foothills. Gruyere Cheese has been made in the Alps since ancient times. Legend says that in 161 AD Emperor Antonin the Pious died of indigestion after eating too much cheese from the Gruyere area. While Swiss Gruyere Cheese is perhaps the most famous, Gruyere de Comte, the French variety from the other side of the Alps, is equally compelling and alluring. In 2001 Swiss Gruyere Cheese was awarded AOC Appellation d'Origine Contrôlée, or "Controlled Designation of Origin" protection, which regulates the methods of locations of production of Gruyere.

Gruyere is a nutty, fruity raw cow's milk cheese, aged for a minimum of five months. Swiss Gruyere Cheese is ideal for melting and a necessary ingredient in the classic cheese fondue recipe. Gruyere Cheese is also called for as the preferred topping for French onion soup, quiche and chicken cordon bleu. This multi-purpose cheese may also be eaten as a table cheese, julienned into a Chef's Salad, or shredded over salad or pasta. Gruyere Cheese pairs well with white wines that accentuate its rich nutty flavor such as Pinot Gris or a fruity Cabernet Sauvignon or Merlot.

Gruyere de Comte is the French version of Gruyere Cheese. Similar to the Swiss variety, the wheel of Gruyere de Comte is a bit less high than that of its Swiss counterpart. Known as Comte for short, this French Gruyere has a pale ivory interior and a semi-hard texture from its aging period of over 10 months. Gruyere de Comte Cheese is sweet and nutty. A versatile cheese, Gruyere de Comte is excellent in fondue and as a table cheese or added to soufflés or gratins.

Austrian Alps Gruyere is another Gruyere type, made in Austria. The Austrian Alps are very similar to the Swiss Alps from a *terroir* perspective, making the Austrian Gruyere very similar to the Swiss. Equalling its nuttiness and spiciness. Austrian Alps Gruyere Cheese may be melted onto sandwiches, enjoyed as a table cheese, or as a component in the classic cheese fondue.

When searching for cheese online, look no further than igourmet.com.

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Gruyere Cheese Recipes

igourmet.com lists thousands of recipe examples online, many of which include this firm, nutty melting cheese as an ingredient. Some examples are Chefs Salad, Swiss Fondue, and numerous recipes for Entrées and Hors d'Oeuvres. To browse our Recipe Forum, click **HERE**.

Gruyere Cheese Information

igourmet.com sells over 700 cheeses from around the world. One of our favorites is Gruyere. An Alpine cheese, Gruyere is made in Switzerland, France and Austria. A wonderful new family of Gruyere Cheeses is also being made in Wisconsin by Emmi Roth USA. A terrific melter, Gruyere is famous as an ingredient in fondue, but is also found in numerous other recipes, as well as being an excellent table cheese for snacking or on the dessert plate.

Each cheese we sell is accompanied by a long story about its history and manufacture. To view a complete listing of all cheese types available at the igourmet online store, please click **HERE**.

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Wisconsin Gruyere 8 oz.

Cured over 4 months, this Wisconsin Gruyere is smooth and mellow with light floral notes, melts easily, great for fondue or "from scratch" mac & cheese. 8 oz.
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Reviewer: Daniel from Raymore, MO United States
I used this cheese as a little in the cheddar sauce and as a topping. Brought to a Pot Luck, was gone in less than 30 mins.

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CHEESE AT FOODSERVICE

STUDY COURSE

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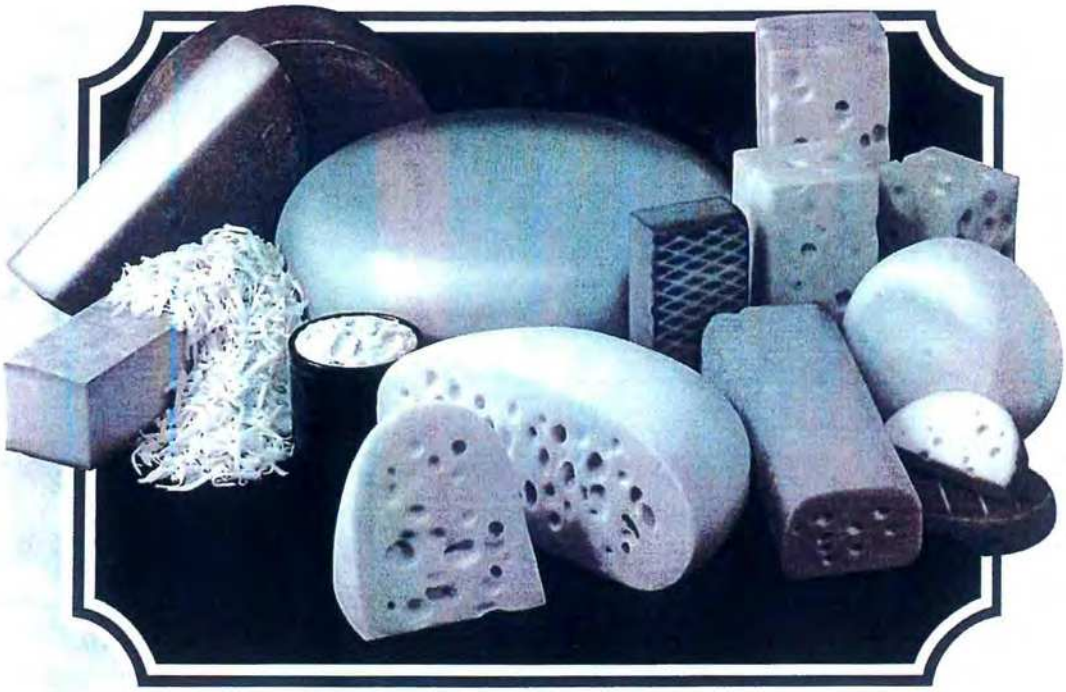
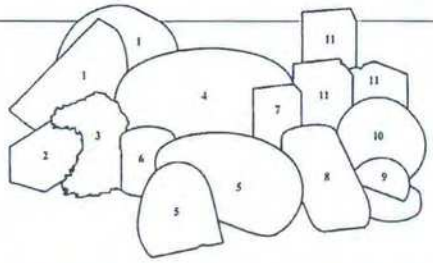
WISCONSIN
SWISS CHEESES

SWISS • BABY SWISS • SMOKED SWISS • SWEET-STYLE SWISS • GRUYERE



Swiss cheese is famous for its "eyes" and its nutty, mellow flavor. Other varieties of Alpine cheese — ranging from mild Baby Swiss to piquant Gruyere — are equally intriguing and appealing. They are just some of the more than 250 varieties, types and styles of cheese available from Wisconsin.

1. Gruyere (groo-yair'), 22 lb. wheel
2. Gruyere, 5 lb. loaf
3. Gruyere, shredded
4. Sweet-style Swiss
5. Swiss, 10 lb. wheel
6. Swiss Cold Pack, 16 oz. crock



7. Smoked Swiss, 2.5 lb. loaf
8. Smoked Baby Swiss, 10 lb. loaf
9. Smoked Baby Swiss, 16 oz. wheel
10. Baby Swiss, 5 lb. wheel
11. Aged Swiss, loaf

WISCONSIN SWISS CHEESES

Foodservice Menu Ideas

Wisconsin Swiss

Ivory color. Buttery/nutty, mellow flavor. Firm texture. Dime-size eyes form during curing, when a starter culture releases carbon dioxide that's trapped in the cheese and forms pockets. **Smoked Swiss:** Smoking imparts a slightly darker color and an appealing flavor.

Side Dish: For Roesti potatoes, fry shredded potatoes in butter until golden. Invert skillet to turn out the potatoes; return potatoes to skillet to brown other side. Top with shredded Swiss; cover to melt cheese.

Side Dish*: Zesty Sweet Potato Ya Ya: Layer cooked, sliced sweet potatoes with julienned honey-baked ham, diced green chiles and a white sauce made with shredded Wisconsin Swiss cheese. Repeat layers twice, ending with cheese sauce. Top with diced jalapeño peppers and bake.

Garnish: Make a fun-to-eat kabob. Skewer chunks of Smoked Swiss with cubed sausage and cold cuts, and pieces of fresh fruit.

Side Dish: New-style au gratin: Bake potatoes in a flat pan with cream, garlic and Swiss cheese, unmold and cut into little cubes. Serve with meat and poultry.

If a vacuum package of Swiss cheese appears puffed out, it simply means the cheese continues to ripen and produce carbon dioxide.

Wisconsin Baby Swiss

Pale yellow in color. Made with whole milk, it has a buttery-mild, creamy flavor and soft, silky texture. Smaller eyes than traditional Swiss, and is usually made in smaller sizes.

Smoked Baby Swiss: Beige color; lightly smoked flavor.

Side/Entree*: Blend Baby Swiss into a white sauce with Parmesan and eggs. Add to cooked and drained linguine. Place on a "crust" of buttered, thin-sliced French bread slices. Top with sliced tomatoes and bake.

*Wisconsin Baby Swiss Salad with Vinaigrette**

Sandwich: A Swiss-style club: Layer Smoked Baby Swiss with sliced onions, turkey, ham and lettuce on three different breads — wheat, light rye and dark rye.

Salad*: On a bed of greens, arrange chopped, hard-cooked eggs, tomatoes and bell peppers, sliced mushrooms, alfalfa sprouts and triangle-shaped slices of Wisconsin Baby Swiss and Cheddar. Sprinkle with crumbled Blue cheese. Serve with vinaigrette dressing.

Wisconsin Sweet-Style Swiss

Similar to traditional Swiss, but made with different cultures so it's softer and milder than traditional Swiss, and firmer and more full-flavored than Baby Swiss.

*Cover: Swiss-Wrapped Veggies**

Appetizer*: Wrap slices of Sweet-Style Swiss around asparagus or pickle spears, celery sticks, bread or pretzel sticks, or green onions. For variety, include sliced cold meats and alternate Swiss with Cheddar, Havarti or other Wisconsin cheese.

Snack: Blend shredded Wisconsin Swiss and Cheddar, slivered almonds, bacon bits, mayonnaise, chopped onions, sour cream and egg whites. Spread on bagel halves and broil.

Entree: Any Wisconsin Swiss enhances any egg dish — omelettes, frittatas, quiche and savory tarts.

Sandwich: The eyes in Swiss make it an ideal choice to top off open-face sandwiches of any kind. Use dark breads for color and flavor contrast.

Wisconsin Gruyere

Pale yellow color. Distinctive full flavor is pungent and nutty. Firm texture.

Entree: Serve a classic Swiss fondue, made quickly with pre-shredded Wisconsin Gruyere. Use cubes of crusty, hearty bread to dip the creamy cheese.

Entree*: Roasted Duck and Wild Cherry Tart: Make a pastry shell with Cream cheese. Blend fresh rosemary and sage, chopped bell peppers, small arugula leaves, chopped, cooked duck meat, dried wild cherries, grated Wisconsin Asiago and shredded Gruyere. Spoon the duck mixture into the shells, top with pastry, crimp edges and bake.

Soup*: Sauté onions in white wine, then add chicken stock, cream and roux. Blend in Swiss Almond Cold Pack, and Gruyere, cubed to speed melting. Heat just until the cheese is melted. Season to taste, garnish with whipped cream and toasted almonds, and serve.

*Wisconsin Gruyere, Chicken, Almonds and Onion Soup**

Side Dish: Wild Mushroom au Gratin: Mix sautéed mushrooms with shallots, garlic, dry sherry, cream, salt and pepper. Place warm mixture in dishes, and top with a blend of bread crumbs, fresh chopped herbs (parsley, basil, thyme), grated Parmesan and shredded Gruyere. Broil until the crust is browned.

Sandwich: Breakfast pita: Layer shredded ham, sliced tomatoes, a cooked egg and sliced Wisconsin Gruyere.

For More Information:

For more information on Wisconsin Swiss cheeses, or any of the more than 250 varieties, types and styles of cheese available from Wisconsin's skilled cheesemakers, contact Wisconsin Milk Marketing Board, Foodservice, 8418 Excelsior Drive, Madison, WI 53717.

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**Recipe available from WMMB; write to address listed above.*

TRADITIONAL QUICHE

Yield: 1 - 9" with 6 servings

INGREDIENTS	MEASURE
Pie crust, unbaked 9", bottom only	1 each
Onion, medium dice	1 medium or 1/3 cup (1-1/2 oz.)
Bacon, uncooked, medium dice	1/2 cup (3 oz.)
Wisconsin Aged Swiss cheese, shredded	1 cup (3 oz.)
Eggs, large	3 each
Milk	1 cup
Cream	1/2 cup
Pepper	1 tsp.
Nutmeg	1/2 tsp.

METHOD

1. Render the bacon until partially cooked.
2. Add the onion and cook until transparent, and bacon is cooked.
3. Place half of the shredded Wisconsin Aged Swiss cheese in the bottom of the unbaked pie shell.
4. Distribute the cooked bacon and onion over the shredded cheese, in the pie shell.
5. Top the bacon and onion with the remaining shredded Wisconsin Aged Swiss cheese.
6. Using a wire whip, mix the eggs, milk, cream, pepper and nutmeg together.
7. Strain the egg mixture, and then pour over the layered bacon and cheese, in the pie shell.
8. Place on a sheet pan and put into a 450° F. oven. Bake for 10 minutes, then reduce the oven temperature to 350° F. and bake for 30 minutes.
9. Remove from the oven and allow to rest for 15 minutes before serving.
10. Cut into 6 pieces and serve with a green salad or fresh fruit.

WISCONSIN GRUYERE FONDUE

Yield: 4 servings

INGREDIENTS	MEASURE
Garlic clove, cut in half	1 each
Lemon juice	2 tsp.
White wine (dry)	1 cup
Wisconsin Gruyere, shredded	2 cups (1 lb.)
Cornstarch	2 tsp.
Kirschwasser	1 Tbsp.
Nutmeg, grated	Pinch
Crusty bread, cut into 1" cubes	1 loaf
Apples and/or Pears, sliced	1 each

METHOD

1. Rub the inside surface of the Fondue pot with the cut garlic clove halves.
2. Light the heating element and adjust to medium flame. Pour in the lemon juice and the wine. Heat this until it simmers.
3. Reduce the heating element to low flame and gradually add the Gruyere, stirring using a spoon, until all the cheese has been added.
4. In a small bowl mix cornstarch with the Kirschwasser. Add the mixture to the cheese sauce and cook an additional 5 minutes or until thickened, while stirring. Do not allow this to come to a boil.
5. Add the nutmeg and serve while holding on a very low flame.
6. Cut and core fruit and dip them into lemon water to prevent browning. Drain for service.
7. Serve with bread and fruit along with Fondue forks for dipping.

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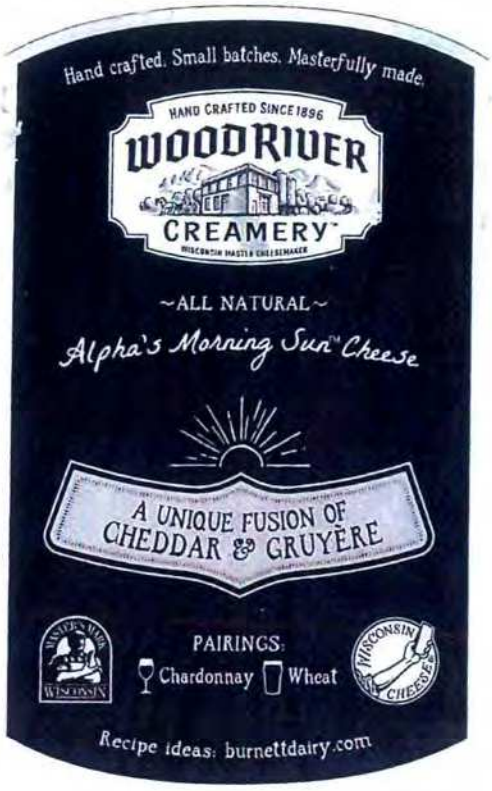

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E	27003	STRAWBERRIES	4.49	
		SUBTOTAL	203.41	
		TAX	4.04	
	****	TOTAL	207.45	

XXXXXXXXXXXX9084 CHIP Read
AID: A0000000031010
Seq# 12562 App#: 01376G
Visa Resp: APPROVED
Tran ID#: 719100012562....
Merchant ID: 990244

APPROVED - Purchase
AMOUNT: $207.45
07/10/2017 20:20 244 12 602 1

EXHIBIT
61

PENGAD 800-631-6989

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD	
INTERNATIONAL DAIRY FOODS ASSOCIATION, U.S. DAIRY EXPORT COUNCIL, ATALANTA CORPORATION, INTERCIBUS INC., Opposers, v. INTERPROFESSION DU GRUYÈRE and SYNDICAT INTERPROFESSIONEL DU GRUYÈRE, Applicants.	Opposition No. 91232427 Consolidated with Opposition Nos. 91232442, 91232446, and 91232448

JAECKLE DEPOSITION EXHIBIT 62

SUBMITTED BY OPPOSERS

#19

FIRST EDITION

Designed by William Ruoto

Library of Congress Cataloging-in-Publication Data

Herbst, Sharon Tyler.
The cheese lover's companion : the ultimate A-to-Z cheese guide with more than 1,000 listings for cheeses and cheese-related terms / Sharon Tyler Herbst and Ron Herbst.
p. cm.
Includes bibliographical references.
ISBN: 978-0-06-053704-3
ISBN-10: 0-06-053704-3
1. Cheese—Dictionaries. 2. Cookery (Cheese) I. Herbst, Ron. II. Title.

SF270.2.H47 2007
641.3'73—dc22 2006046866

07 08 09 10 11 WBC/RRD 10 9 8 7 6 5 4 3 2 1

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Dedicated to

Our good friend Bethan Powell, without whom
there would simply be no *Cheese Lover's Companion,*
and
the dear Bonnie Castello, whose strength and
determination to see things through enabled
us to do the same.

We are forever in your debt.

G

Gruyère (AOC) [groo-YEHR; gree-YEHR]

Origin	Switzerland (Fribourg)
Milk	Cow's, traditionally unpasteurized
Type	SEMIHARD TO HARD; PRESSED COOKED; NATURAL RIND; ARTISAN, FARMSTEAD, COOPERATIVE, and some MOUNTAIN
Appearance	55- to 88-pound wheels; rind is hard, dry, pitted, and golden brown to brown; interior is ivory to medium yellow (today there are very few EYES)
Texture	Very dense and compact yet supple
Flavor	Complex flavor blend of creamy, fruity, nutty, earthy, and mushroomy

Taking its name from Gruyères, a small town in the Fribourg canton in western Switzerland, this cheese has been made in this area for centuries. Records dated 1115 show that farmers were using it to tithe to the area's abbeys. The word *gruyères* is a term from Charlemagne's era for "forests," *gruyer* for "forestry official." Besides Switzerland, "Gruyère" cheeses can be found in various parts of France and Germany. In France large cheeses like COMTÉ, BEAUFORT, and EMMENTAL are referred to as "Gruyère cheeses." The word is also used in the name of cheeses like GRUYÈRE DE COMTÉ. In July 2001, the Swiss gained APPELLATION D'ORIGINE CONTRÔLÉE (AOC) name-protection status for Gruyère, which should put an end to the intercountry clash over the name. Of course, because of Gruyère's reputation, the name is used for cheeses made in other nations, including Austria, Denmark, Germany, and the United States. If and when the Swiss obtain the European Union's PROTECTED DESIGNATION OF ORIGIN (PDO) status, other European countries will have to

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G

discontinue using the name. At some point the United States may also agree not to use the name Gruyère on its cheeses. In general, and with the exception of the French cheeses dubbed "Gruyère," cheesemongers agree that most Gruyère-style cheeses can't compete with Switzerland's high-quality examples. That's because the majority of non-Swiss versions are factory produced with pasteurized milk, which typically doesn't deliver the full flavor of raw-milk cheeses. Gruyère with an AOC designation can be produced solely in the cantons of Fribourg, Vaud, Neuchâtel, Jura, and Berne. The cows must be fed grass or hay—no silage. Gruyère is made from two milkings and can be prepared only in copper pots. It's brined (*see* SALTING) for a day before RIPENING begins. During the first 3 weeks of aging the surface of the cheese is wiped every other day with brine, which encourages the growth of beneficial molds. There are three types of Gruyère AOC: Classic (ripened for a minimum of 5 months), Réserve (10 to 16 months), and d'Alpage, which is made only from April through October from milk produced by cows grazing in high alpine pastures. Gruyère has a FAT CONTENT of between 49 and 53 percent. In America, **Roth Käse USA, Ltd.**, of Monroe, Wisconsin, makes an award-winning version called **Grand Cru Gruyère.** In 2001, this company—which has Swiss origins—built a new state-of-the-art cheese factory that includes some traditional Swiss cheesemaking equipment such as large copper vats. They produce three versions of Gruyère: Grand Cru Gruyère—aged a minimum of 4 months; Grand Cru Gruyère Reserve—at least 6 months of ripening; and Grand Cru Gruyère Surchoix—with a minimum of 9 months in the curing cellars.

Gruyère de Comté [groo-YEHR day kaw*n*-TAY] see COMTÉ

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JAECKLE DEPOSITION EXHIBIT 63

SUBMITTED BY OPPOSERS

Date : 9/10/2014 2:47:04 PM
From : "Emily Mattsson"
To : "'sbridgham@inter-sourceinc.com'"
Cc : "Susan Douglass" , "Matthew Frisbee" , "Christine Y. Kim"
Subject : Re: Interprofession du Gruyère – Conflict with InterSource Inc. (GRUYÈRE) (Our Ref.: GRUY USA TC-14/05766 SUD)
Attachment : GRUYERE .pdf;

Dear Ms. Bridgham,

Please see the attached letter from Susan Douglass. A hard copy has also been sent to you via mail. You may send your response to sdouglass@frosszelnick.com. We look forward to hearing from you by **September 24, 2014**.

Kind regards,
Emily

Emily Mattsson
Legal Assistant, U.S. Prosecution
Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza
New York, New York 10017
Direct: (212) 813-8222
Email: emattsson@fzlz.com

EXHIBIT
63
PENGAD 800-631-6989

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

Susan Upton Douglass
212.813.5995
sdouglass@fzlz.com

September 10, 2014

BY MAIL AND EMAIL (sbridgham@inter-sourceinc.com)

Ms. Shaleena Bridgham
Sales & Marketing
InterSource Inc.
P.O. Box 10
Mendham, New Jersey 07945

Re: Interprofession du Gruyère -- Conflict with InterSource Inc. (GRUYÈRE) (Our Ref.: GRUY USA TC-14/05766 SUD)

Dear Ms. Bridgham:

We are U.S. trademark counsel to Interprofession du Gruyère, the association of Swiss cheese producers that manufacture genuine GRUYÈRE cheese according to strict requirements. GRUYÈRE is a recognized "appellation of origin" to denote cheese from the Gruyère region of Switzerland. In addition, our client owns a federal certification trademark registration for LE GRUYERE SWITZERLAND AOC (U.S. Reg. No. 4,398,395). A copy of the registration certificate is attached for your reference.

You should be aware that the authorities in Europe recently enacted a directive that requires that all use of GRUYÈRE for cheese not being produced in Switzerland according to the strict requirements of our client or – if labeled accordingly – in France be phased out. Thus, the term GRUYÈRE should only refer to cheese from the Gruyère region of Switzerland. Further, Emmi Roth USA, perhaps the largest producer and importer of Swiss cheese in the U.S., has acted in accordance with this decision and has ceased all use of the designation GRUYÈRE on its American-produced cheese.

We see from your website http://inter-sourceinc.com/ that InterSource Inc. sells a variety of types of cheese, including several varieties of cheese identified as "Gruyère," as seen on your product catalog: http://inter-sourceinc.com/pdfs/product_catalog.pdf. Most of the GRUYÈRE cheeses are genuine AOC cheese supplied by Emmi Roth:

866 United Nations Plaza at First Avenue & 48th Street | New York, New York 10017
Phone 212.813.5900 | Fax 212.813.5901 | www.frosszelnick.com

Code			
		LE GRUYERE AOP	
33766	*	Le Gruyère AOP Wheel (R)	1/70 lb/1
35521	*	Le Gruyère AOP 1/4 Wheel (R)	1/17 lb/9
33375		Le Gruyère AOP King Cut (R)	2/5 lb/19
33376		Le Gruyère AOP King Cut (R)	6/5 lb/10
35661		Le Gruyère AOP Reserve Wheel (R)	1/70 lb/1
		Emmi Shredded AOP Gruyère (R)	4/5 lb/17 cs
33605		Le Gruyère AOP Mild Mega Cuts (R)	8/9.25 lb/4

		KALTBACH CAVE AGED LE GRUYERE AOP	
33758	*	Le Gruyère Wheel (R)	1/70 lb/1
33910	*	Le Gruyère 1/4 Wheel (R)	1/17 lb/9
35416		Le Gruyère King Cut (R)	2/5 lb/18
03055		Le Gruyère Mega Cuts (R)	8/8 lb/5

However, one of your cheeses, sold under the label PREMIER GRUYÈRE, distributed by Tessa Trading, appears to be made with "pasteurized part-skim milk", and thus can not be a genuine GRUYÈRE cheese:

Inasmuch as your company undoubtedly values fine cheeses as well as correct information about the cheeses you sell, we ask that you change the descriptions and other text on your website and your catalog to not refer to cheeses of non-Swiss or French origin as "GRUYÈRE" and that you also change the text on your product labels to remove such references and simply refer to the cheese as "Swiss-style," "Alpine," or some similar designation.

We would appreciate your prompt confirmation that your company will comply with proper labeling and will respect our client's trademark and appellation of origin designations, and that you will re-label your cheese and revise the text of your catalog. Please let us hear from you not later than **September 24, 2014**.

This letter is without prejudice to the rights and remedies of the Interprofession du Gruyère, all of which are expressly reserved.

Very truly yours,

Susan Upton Douglass

SUD/eem
Enclosure

United States of America

United States Patent and Trademark Office

LE GRUYÈRE

SWITZERLAND AOC

Reg. No. 4,398,395

Registered Sep. 10, 2013

CERTIFICATION MARK

PRINCIPAL REGISTER

INTERPROFESSION DU GRUYÈRE (SWITZERLAND REGISTERED ASSOCIATION)
LA MAISON DU GRUYÈRE, CASE POSTALE 12
1662 PRINGY, SWITZERLAND

FOR: CHEESE, IN CLASS A (U.S. CL. A).

FIRST USE 0-0-2001; IN COMMERCE 0-0-2001.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SWITZERLAND" AND "AOC" , APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF THE TERM "LE GRUYÈRE SWITZERLAND" IN A STYLIZED FONT. THE TERM "SWITZERLAND" APPEARS WITHIN A SOLID BAR DIRECTLY UNDER "LE GRUYÈRE". TO THE RIGHT APPEARS A STYLIZED SQUARE CONTAINING THE LETTERS "AOC" AND A STYLIZED SWISS CROSS.

THE ENGLISH TRANSLATION OF "LE" IN THE MARK IS "THE".

THE CERTIFICATION MARK, AS USED BY PERSONS AUTHORIZED BY THE CERTIFIER, CERTIFIES THAT THE CHEESE ORIGINATES IN THE GRUYÈRE REGION OF SWITZERLAND INCLUDING THE CANTONS OF FRIBOURG, VAUD, NEUCHATEL, JURA, AND THE DISTRICTS OF COURTELARY, LA NEUVEVILLE, MOUTIER, AND THE COMMUNES OF FERENBALM, GUGGISBERG, MÜHLEBERG, MÜNCHENWILER, RÜSCHEGG AND WAHLERN OF THE CANTON OF BERN.

SER. NO. 85-118,515, FILED 8-30-2010.

KAREN M. STRZYZ, EXAMINING ATTORNEY

UNITED STATES PATENT AND TRADEMARK OFFICE · DEPARTMENT OF COMMERCE

Acting Director of the United States Patent and Trademark Office

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD	
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JAECKLE DEPOSITION EXHIBIT 64

SUBMITTED BY OPPOSERS

September 22, 2014

Ms. Susan Upton Douglas
866 United Nations Plaza @ First & 48th
New York, NY 10017

Re: InterSource Inc.

Dear Ms. Upton Douglas,

I am in receipt of your letter dated September 10, 2014.

We have researched this matter and consulted with several US Government Departments as well as a few trade associations. All have confirmed that we have every right to sell cheese produced in the U.S. labeled simply as Natural Gruyere Cheese and that contrary to your assertion, our cheese is in fact properly labeled. There is a USDA Standard of Identity for Natural Gruyere Cheese as well as one for Processed Gruyere Cheese. May we suggest that you consult the USDA website.

As an aside, it is also common knowledge that Emmi-Roth USA did not voluntarily discontinue offering US produced Gruyere to the trade. They were forced to do so because of substantial political pressure on the parent company Emmi in Switzerland.

Respectfully,

Shaleena Bridgham
InterSource Inc.
PO Box 10
Mendham, NJ 07945

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD	
INTERNATIONAL DAIRY FOODS ASSOCIATION, U.S. DAIRY EXPORT COUNCIL, ATALANTA CORPORATION, INTERCIBUS INC., Opposers, v. INTERPROFESSION DU GRUYÈRE and SYNDICAT INTERPROFESSIONEL DU GRUYÈRE, Applicants.	Opposition No. 91232427 Consolidated with Opposition Nos. 91232442, 91232446, and 91232448

JAECKLE DEPOSITION EXHIBIT 65

SUBMITTED BY OPPOSERS

Date : 10/1/2014 12:38:43 PM
From : "Emily Mattsson"
To : "'sbridgham@inter-sourceinc.com'" <'sbridgham@inter-sourceinc.com'>
Cc : "Susan Douglass" , "Matthew Frisbee" , "Christine Y. Kim"
Subject : RE: Re: Interprofession du Gruyère – Conflict with InterSource Inc. (GRUYÈRE) (Our Ref.: GRUY USA TC-14/05766 SUD)
Attachment : GRUYERE .pdf;
RE: Re: Interprofession du Gruyère – Conflict with InterSource Inc. (GRUYÈRE) (Our Ref.: GRUY USA TC-14/05766 SUD)

Dear Ms. Bridgham,

Please see the attached letter from Susan Douglass. A hard copy has also been sent via mail. You may send your reply to sdouglass@frosszelnick.com. We look forward to hearing from you soon.

Kind regards,
Emily

Emily Mattsson
Legal Assistant, U.S. Prosecution
Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza
New York, New York 10017
Direct: (212) 813-8222
Email: emattsson@fzlz.com

From: Emily Mattsson
Sent: Thursday, September 25, 2014 2:27 PM
To: 'sbridgham@inter-sourceinc.com'
Cc: Susan Douglass; Matthew Frisbee; Christine Y. Kim
Subject: FW: Re: Interprofession du Gruyère -- Conflict with InterSource Inc. (GRUYÈRE) (Our Ref.: GRUY USA TC-14/05766 SUD)
Importance: High

Dear Ms. Bridgham,

As you know, we requested a reply to our letter by yesterday, **September 24, 2014**. Please confirm receipt of this email, and send your reply soon. We look forward to hearing from you.

Kind regards,
Emily

Emily Mattsson
Legal Assistant, U.S. Prosecution
Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza
New York, New York 10017
Direct: (212) 813-8222
Email: emattsson@fzlz.com

From: Emily Mattsson
Sent: Wednesday, September 10, 2014 2:47 PM
To: 'sbridgham@inter-sourceinc.com'
Cc: Susan Douglass; Matthew Frisbee; Christine Y. Kim
Subject: Re: Interprofession du Gruyère -- Conflict with InterSource Inc. (GRUYÈRE) (Our Ref.: GRUY USA TC-14/05766 SUD)

Dear Ms. Bridgham,

Please see the attached letter from Susan Douglass. A hard copy has also been sent to you via mail. You may send your response to sdouglass@frosszelnick.com. We look forward to hearing from you by **September 24, 2014**.

Kind regards,
Emily

Emily Mattsson
Legal Assistant, U.S. Prosecution
Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza
New York, New York 10017
Direct: (212) 813-8222
Email: emattsson@fzlz.com

PENGAD 800-631-6989
EXHIBIT
65

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

Susan Upton Douglass
212.813.5995
sdouglass@fzlz.com

October 1, 2014

BY MAIL AND EMAIL (sbridgham@inter-sourceinc.com)

Ms. Shaleena Bridgham
Sales & Marketing
InterSource Inc.
P.O. Box 10
Mendham, New Jersey 07945

Re: Interprofession du Gruyère -- Conflict with InterSource Inc. (GRUYÈRE) (Our Ref.: GRUY USA TC-14/05766 SUD)

Dear Ms. Bridgham:

We have carefully considered your reply, but find that the points you raise are neither persuasive nor legally accurate.

First, we are familiar with the Standard of Identity. However, we would like to make you aware of the recent Supreme Court case, *POM Wonderful, LLC v. Coca-Cola*, which held that a misleading label may still give rise to a false advertising, even if the label conforms to FDA standards. Cheese that does not come from the Gruyere region of the Europe should not be called GRUYÈRE. Just as PARMA ham must come from Parma, ROQUEFORT cheese must come from Roquefort, CHAMPAGNE sparkling wine must come from Champagne, and DARJEELING tea must come from Darjeeling, consumers have every expectation that GRUYÈRE cheese comes from Gruyère, and not from the U.S. It is deceptive for InterSource to sell mislabeled cheese.

We would also like to pass along the label now used by Emmi Roth for its Wisconsin-made Swiss cheese that was formerly called "Gruyere":

866 United Nations Plaza at First Avenue & 48th Street | New York, New York 10017
Phone 212.813.5900 | Fax 212.813.5901 | www.frosszelnick.com

As you can see, the cheese is now called "Alpine-Style Cheese." Thus, it is a simple and inexpensive transition, to still sell the same cheese that is accurately labeled.

InterSource has already correctly labeled most of their GRUYÈRE cheeses, which are genuine AOC cheese supplied by Emmi Roth, as seen on your product catalogue: http://inter-sourceinc.com/pdfs/product_catalog.pdf:

Code			Cases
		LE GRUYERE AOP	
33766	*	Le Gruyère AOP Wheel (R)	1/70 lb/1
35521	*	Le Gruyère AOP 1/4 Wheel (R)	1/17 lb/9
33375		Le Gruyère AOP King Cut (R)	2/5 lb/19
33376		Le Gruyère AOP King Cut (R)	6/5 lb/10
35661		Le Gruyère AOP Reserve Wheel (R)	1/70 lb/1
		Emmi Shredded AOP Gruyère (R)	4/5 lb/17 cs
33805		Le Gruyère AOP Mild Mega Cuts (R)	8/9.25 lb/4

		KALTBACH CAVE AGED LE GRUYERE AOP	
33758	*	Le Gruyère Wheel (R)	1/70 lb/1
33910	*	Le Gruyère 1/4 Wheel (R)	1/17 lb/9
35416		Le Gruyère King Cut (R)	2/5 lb/18
03055		Le Gruyère Mega Cuts (R)	8/8 lb/5

However, for the cheeses that are not properly labeled, InterSource could easily correct the mischaracterization by simply replacing "Gruyère" with an alternative name for cheeses that are not from the Gruyère region, as Emmi Roth did.

In sum, we ask that InterSource respect our client's rights and accurately label its cheeses.

Please confirm that these steps are being taken, and when they will be completed.

Sincerely,

Susan Upton Douglass

SUD/mlf/eem

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD	
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JAECKLE DEPOSITION EXHIBIT 66

SUBMITTED BY OPPOSERS

Products / Cheese

Prepared in the traditional manner in copper vats, this earthy cheese is made with milk from small family farms in Wisconsin. Gruyere is favored for fondue and French onion soup because it melts beautifully and has a complex flavor with a hint of cashews. It pairs well with Boar's Head Rotisserie Seasoned Chicken.

Pasteurized Cow's Milk	United States (Wisconsin)
Semi-firm	Red Burgundy

Available in the specialty cheese case.

Gluten Free *Premium Vegetarian Products* *No MSG Added*

As a vegetarian, I trust Boar's Head bc they make many of their cheese without animal rennet so I can have my fave snack worry free!

Products / Cheese

Calories	Total Fat	Cholest.	Sodium	Protein
120	9 g	35 mg	230 mg	8 g

EXHIBIT 66

PENGAD 800-631-6989

Nutrition Facts

Serving Size 1 oz (28g)
Servings Per Container About 8

Amount Per Serving

Calories 120	Calories from Fat 80
	% Daily Value*
Total Fat 9g	**14%**
Saturated Fat 6g	**29%**
Trans Fat 0g	
Monounsaturated Fat 2g	
Polyunsaturated Fat 0g	
Cholesterol 35mg	**12%**
Sodium 230mg	**10%**
Total Carbohydrate 0g	**0%**
Dietary Fiber 0g	**0%**
Sugars 0g	
Protein 8g	**16%**

Vitamin A 6% • Vitamin C 0%

Calcium 25% • Iron 0%

*Percent Daily Values are based on a 2,000 calorie diet.