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

Proceeding	92025859
Party	Plaintiff Empresa Cubana Del Tabaco d.b.a Cubatabaco
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Signature	/Lindsey Frank/
Date	06/15/2021
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Trademark Registration No. 1147309
For the mark COHIBA
Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273
For the mark COHIBA
Date registered: June 6, 1995

EMPRESA CUBANA DEL TABACO, d.b.a. CUBATABACO, Petitioner,	:	Cancellation No. 92025859
v.	:	
GENERAL CIGAR CO., INC. Respondent.	:	

PARTY DESIGNATIONS*: Petitioner's Designations During Its Trial Period—Yellow or Pink
Respondent's Designations During Its Trial Period—Green
Petitioner's Designations During Its Rebuttal Period—Blue

Designated TTAB Discovery Deposition Transcript of
Richard Carleton Hacker, dated June 15, 2017
Part 1 of 3

* Designations made pursuant to the marking and filing procedure the Board has previously approved, TTABVUE Nos. 165, 157, 138, 137, 135 and 132.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Trademark Registration No. 1147309

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EMPRESA CUBANA DEL TABACO, d.b.a. CUBATABACO,	)
Petitioner,	)
versus	) Cancellation No. 92025859
GENERAL CIGAR CO., INC. and CULBRO CORP.,	)
Respondents.	)

DEPOSITION OF: RICHARD CARLETON HACKER

TAKEN ON: June 15, 2017

37667

LESLI KELIGIAN
CSR No. 6006, RPR

DEPOSITION OF RICHARD CARLETON HACKER,
taken on behalf of the Petitioner, at
10100 Santa Monica Boulevard, Suite 1725,
Los Angeles, California, on Thursday,
June 15, 2017, at 9:31 A.M., before
Lesli Keligian, CSR No. 6006, RPR.

APPEARANCES:

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Also Present: Erin Gilmore

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Q U E S T I O N S M A R K E D

(None.)

I N F O R M A T I O N R E Q U E S T E D

(None.)

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1 Los Angeles, California,
2 Thursday, June 15, 2017
3 9:31 A.M.
4
5 -oOo-
6
7 RICHARD CARLETON HACKER,
8 a Witness herein, having been duly
9 sworn, testified as follows:
10
11 EXAMINATION
12 BY MR. KRINSKY:
13 Q Mr. Hacker, my name is Michael Krinsky. I'm
14 with the law firm of Rabinowitz, Boudin, Standard,
15 Krinsky & Lieberman in New York. We represent the
16 petitioner in this case, Cuban Tobacco.
17 I'm going to be asking you a series of
18 questions today principally about your report.
19 If you do not understand my question, please
20 tell me and I will try to clarify it.
21 A (No audible response.)
22 Q I understand there is something of a hearing --
23 temporary hearing problem you're having, so if you
24 cannot hear anything, please let us know right away.
25 A I absolutely will.

1 Q Okay. Very good.
2 Can you state your business address.
3 A 4011 Dixie Canyon Avenue, Sherman Oaks,
4 California 91423.
5 Q Is Sherman Oaks in the Los Angeles area?
6 A Yes, Los Angeles County.
7 MR. KRINSKY: Let me mark -- will the reporter
8 please mark Mr. Hacker's report as our Exhibit No. 1.
9 (Whereupon, the document referred to
10 was marked as Petitioner's Exhibit 1
11 for identification by the Reporter,
12 a copy of which is attached hereto.)
13 BY MR. KRINSKY:
14 Q And, Mr. Hacker, did you prepare this report?
15 A Yes, I did.
16 Q Okay. From this report I understand that you
17 graduated from Arizona State University; is that
18 correct?
19 A I didn't graduate. I took four years and then
20 I began working in advertising. I didn't have any
21 money, and I couldn't afford to complete my final
22 courses.
23 And I was working in a law -- in an advertising
24 agency, and I was in the mailroom, and I would rewrite
25 their ads after hours and give it to the president. And

1 one day he came to me and he offered me a job. He said,
2 "You're writing better than the people I'm paying."
3 Q Okay. And while you were attending Arizona
4 State University, what was your major?
5 A It was marketing, and I had a minor in
6 broadcasting.
7 MR. KRINSKY: Let me mark Exhibit 2.
8 (Whereupon, the document referred to
9 was marked as Petitioner's Exhibit 2
10 for identification by the Reporter,
11 a copy of which is attached hereto.)
12 BY MR. KRINSKY:
13 Q And you were retained at a certain point by
14 DLA Piper to prepare a report in this case; is that
15 correct?
16 A Yes, that's correct.
17 Q And is that the retainer agreement that you
18 signed with DLA Piper?
19 A This is it.
20 Q And were you retained to be a consulting
21 witness as well as a testifying witness?
22 A To my knowledge, it was as a testifying
23 witness.
24 MR. DEUTSCH: I'm not sure the witness knows
25 the distinction, but he understood that he was going to

1 give a report that was going to be used in this case.
2 BY MR. KRINSKY:
3 Q Have you consulted with DLA Piper on this case
4 with respect to anything other than the preparation of
5 your report?
6 A No.
7 Q And when was the first time you had contact
8 with DLA Piper about this case?
9 A Thinking back probably early May of this year.
10 It could have been late April. I'm not sure of the
11 exact date.
12 Q Have you done any work for General Cigar other
13 than this report?
14 A Yes.
15 Q And what is that, please.
16 A I was hired by them to write various articles
17 on cigars and spirits.
18 Q And when was this?
19 A Roughly from 2012 up until 2015.
20 Q And did any of these articles concern premium
21 cigars?
22 A They all did.
23 Q And did any of them concern the Cohiba cigar?
24 A The General Cigar.
25 Q We'll take that first.

1 Did any of them concern the General Cigar?
2 A Yes.
3 Q And did any of them concern the Cuban Cohiba
4 cigar?
5 A No.
6 Q And where were these articles published?
7 A CigarWorld.com.
8 Q And -- and who at General Cigar was your point
9 of contact for that work?
10 A Victoria McKee.
11 Q And what was her position?
12 A She was and still is vice president of public
13 relations.
14 Q Prior to General Cigar engaging you for that
15 work, had you had any contact with people at General
16 Cigar?
17 A Yes.
18 Q How far back does that go?
19 A At least to the year 2000 and probably before
20 that.
21 Q And what was the nature of that initial
22 contact?
23 A It was in relationship to their cigar products.
24 Q Would that include Cohiba?
25 A At one point, yes.

1 Q And what was it that was the subject of your
2 contact more specifically besides cigar products?
3 A I don't understand.
4 MR. DEUTSCH: Your voice is going down.
5 MR. KRINSKY: Yeah, I'm sorry.
6 Q You said you had contact with them regarding
7 their cigar products. What was it that you were -- were
8 you trying to find something out?
9 Were you having conversations with them?
10 What was the nature of your interchange with
11 them?
12 A It related to their products and my writing
13 about those products for the consumer market.
14 Q Were you writing for the consumer market at
15 their request?
16 A No.
17 Q On their behalf?
18 A No.
19 Q And this is part of the research you were doing
20 for your -- for your writing?
21 A Yes.
22 Q And at that point who were you writing for?
23 A A number of lifestyle magazines including
24 Playboy, Robb Report. A great many of them are now out
25 of business. European Cigar Journal, numerous others,

1 but all on a lifestyle format.
2 Q And did you continue to have that kind of
3 contact with them over the years?
4 A Yes.
5 Q How frequently?
6 A It mainly revolved around new products they
7 were introducing.
8 Q When there was a new product, you would want to
9 write about it; is that correct?
10 A That's correct.
11 Q Would they contact you that they were going to
12 introduce a new product?
13 A Occasionally.
14 Q Over the years did you meet with Mr. Cullman
15 from General Cigar?
16 A Yes. Are you talking --
17 Q Jr.
18 A Yes.
19 Q How about Cullman, Sr.?
20 A That goes so far back. I'm sure I met him. I
21 can't recall when.
22 Q And how often did you meet Cullman, Jr.?
23 A Not that often. My main contact were the
24 marketing people.
25 Q And who were the main people there at the

1 marketing?
2 A I cannot recall before Victoria joined the
3 team. They had a number of advertising managers.
4 Q And when was that?
5 A This was in the '90's and going on up to the
6 present time.
7 Q I'm sorry. And when did Victoria McKee become
8 your main contact, approximately?
9 A Sometime during the '90's.
10 Q Did you ever discuss General Cigar's litigation
11 with Cuban Tobacco with Mr. Cullman?
12 A No.
13 Q With Victoria McKee?
14 A No.
15 Q With anyone at General Cigar?
16 A No.
17 Q Did you ever write about the litigation?
18 A I did in passing.
19 Q And where was that?
20 A In my book I mentioned it as a matter of
21 history.
22 Q Were you ever interviewed about the litigation?
23 A Yes.
24 Q When was that?
25 A It was during the early 2000's as I recall.

1 Q And by whom were you interviewed?
2 A National Public Radio.
3 Q Is that the only occasion you recall being
4 interviewed about the case?
5 A Yes.
6 MR. KRINSKY: I'm going to mark as Exhibit 3 an
7 exchange of correspondence between myself and
8 Mr. Deutsch. My letter is dated June 1, 2017, and
9 Mr. Deutsch's response is dated June 6, 2017.
10 (Whereupon, the document referred to
11 was marked as Petitioner's Exhibit 3
12 for identification by the Reporter,
13 a copy of which is attached hereto.)
14 BY MR. KRINSKY:
15 Q Mr. Hacker, in this letter I can represent to
16 you Mr. Deutsch represented that you have never
17 testified as an expert before; is that correct?
18 A As -- I'm not sure I understand. As an
19 expert --
20 MR. DEUTSCH: As an expert witness.
21 MR. KRINSKY: As an expert witness.
22 Q Have you ever testified as an expert witness
23 before this case?
24 A No.
25 Q Have you ever prepared an expert's report for

1 litigation before?
2 A No.
3 Q I represent to you that in Paragraphs 4, 5, and
4 6 of my letter to Mr. Deutsch I asked to provide -- I
5 asked that respondent provide all notes and recordings
6 and memorandum you might have of conversation -- of the
7 conversations with cigar smokers or tobacconists that
8 you reference in your report.
9 And Mr. Deutsch responded that you did not have
10 any; is that correct?
11 A That's correct.
12 Q Did you ever have any notes, recordings, or
13 memorandum of that sort?
14 A No.
15 Q Is it your habit -- is it your practice when
16 you do interviews to take notes of the interview?
17 A Yes.
18 Q The conversations you reference in your report,
19 you would not consider them interviews; is that correct?
20 A Correct.
21 Q And in those conversations, were you seeking --
22 did you initiate any of those conversations in order to
23 obtain any information?
24 A I'm not sure I understand that.
25 Q These conversations -- how did these

1 conversations occur?

2 A In social situations meeting fellow cigar

3 smokers, the conversation eventually gets around to

4 cigars.

5 Q What kind of social situations are you

6 referring to?

7 A Numerous. Dinner parties, cigar smoking

8 events, wine tastings, spirits tastings, anything that

9 involves a lifestyle meeting people, consumers.

10 Q And when you say "dinner parties," do you mean

11 dinner parties with friends of yours?

12 A Sometimes.

13 Q And what about the other times?

14 A During the '90's we had a number of what was

15 called smokers which were cigar smoking events.

16 Q And that is no longer common, smokers?

17 A It goes on, but not as frequently.

18 Q And have you attended any smokers this year?

19 A No.

20 Q Did you attend any smokers last year in 2016?

21 A Yes.

22 Q How many?

23 A I believe two or three.

24 Q And do you recall when in 2016?

25 A No, not specifically.

1 Q Winter, spring, fall?
2 A No. Possibly all of the above.
3 Q When you attend a smoker, do you note it in
4 your calendar?
5 A Not always.
6 Q In 2015 do you recall attending smokers?
7 A I must have. I can't recall.
8 Q In your report you reference JR Cigars -- three
9 web sites. JRCigars.com, Famous Smoke.com,
10 ThompsonCigars.com.
11 Did you visit those web sites in the course of
12 preparing your report?
13 A Yes.
14 Q And for JRCigars.com, did you review each of
15 these web sites -- did you visit -- withdraw that.
16 You visited these web sites for information
17 about Cohiba; is that correct?
18 A I visited the web sites to confirm that the
19 internet basically differentiates the Dominican Cohiba
20 as opposed to the Cuban Cohiba.
21 Q And did you review those web sites for
22 references to either Cohiba carefully?
23 A Yes.
24 Q Systematically?
25 A What do you mean by "Systematically"?

1 Q Trying to make sure you saw every reference to
2 the General Cigar Cohiba or the Cuban Cohiba?
3 A There was no reference to the Cuban Cohiba on
4 the retail sites, but I reviewed the sites in their
5 entirety.
6 Q I'm sorry?
7 A I reviewed the sites in their entirety,
8 everything on the site.
9 Q And when you visited the Famous Smoke.com, was
10 it for the same purpose?
11 A Yes.
12 Q And did you review that web site carefully?
13 A I went as far as their cigar listings. They
14 have blog posts, but I just was curious about the
15 ongoing practice of mentioning the Dominican Cohiba.
16 Q How long a time do you think you spent looking
17 at the JR Cigars web site for this purpose at that time?
18 A I would guess a half an hour.
19 Q On one day?
20 A One day.
21 Q And how long did you spend looking at the
22 Famous Smoke web site?
23 A Possibly about the same time.
24 Q And did you look at -- did you visit the
25 Thompson's Cigars web site for the same purpose?

A Yes.
Q And did you review that web site carefully?
A I went to the Cohiba section on that web site. That's a little more extensive than some of the others.
Q Did you review that section carefully?
A Yes.
Q Did you review that section systematically?
A Yes.
Q And did you find any references to the Cuban Cohiba there on Thompson's web site?
A I found a reference of the Cuban Cohiba as differentiated from the non-Cuban Cohiba on one of the sites. And I think it was the Thompson site, but I can't be sure.
Q Before -- before you visited JR Cigars web site in May for the purposes of this case, when was the last time you had visited that web site?
A I would guess a month ago previous.
Q Do you visit it regularly?
A Yes.
Q And for what purpose?
A To check retail prices.
Q Any other purpose?
A Just to keep my information up to date because they tend to post products they get in right away, so

1 it's part of my ongoing research.
2 Q And do you recall on these prior visits to
3 JR Cigars web site your -- you're looking for
4 information they posted on General Cigar's COHIBA?
5 A I'm sorry?
6 Q Do you recall when you visited JR Cigars web
7 site prior to May whether you -- whether you had the
8 purpose of looking at information they were posting
9 about General Cigar's Cohiba?
10 A Not specifically.
11 Q About the Cuban Cohiba?
12 A No.
13 Q And prior to looking at Famous for purposes of
14 preparing your report, when was the last time you had
15 looked at that web site?
16 A On average once a month.
17 Q And was it for the same purpose primarily of
18 looking at prices?
19 A Yes.
20 Q Do you recall on those prior visits seeing any
21 references to the Cuban Cohiba?
22 A Not specifically. But it is a topic of
23 conversation on the internet.
24 Q Let's see if I understand. We're talking
25 specifically about Famous Smoke.com's web site; right?

1 A Uh-huh.
2 Q Do you recall seeing information about the
3 Cuban Cohiba on that web site prior to May?
4 A There must have been. I can't recall a
5 specific time.
6 Q Why do you say there must have been?
7 A Because Cuba is a topic of interest to cigar
8 smokers.
9 Q And Thompson's web site, did you visit it
10 before May --
11 A Yes.
12 Q And you visit that web site regularly also?
13 A Yes. Not as regularly as JR and a few others.
14 Q Uh-huh. What are the few others?
15 A I can't recall, but there are multiple web
16 sites. The Fuente web site, I visit that. I visit the
17 General Cigar web site. I visit the Ashton web sites.
18 Q Can you recall any other web sites you
19 regularly visit?
20 MR. DEUTSCH: That are cigar related?
21 MR. KRINSKY: Yes, cigar related.
22 THE WITNESS: Not offhand. I typically do a
23 search, find what pops up.
24 BY MR. KRINSKY:
25 Q When you say "do a search" --

1 A I put in "Cigars - Figurado" to see who is
2 making a Figurado cigar if I'm doing an article on a
3 Figurado, things like that.
4 Q Do you recall ever doing a search for Cohiba?
5 A Oh, yes.
6 Q And when was the last time you did that?
7 A That was in relation to this report, so it
8 would have been last month.
9 Q Uh-huh. What search engine did you use?
10 A I'm computer illiterate, so a search engine --
11 Google, is that a search engine?
12 Q I think so.
13 A That's what I use.
14 (An off-the-record discussion was held.)
15 BY MR. KRINSKY:
16 Q And before for this report -- before this --
17 I'm sorry.
18 Before your work on this report, did you ever
19 do a Google search for Cohiba?
20 A Yes.
21 Q And when was the last time prior to this report
22 that you did that?
23 A It was the previous month.
24 Q Uh-huh. And why did you do that search?
25 A I do it on a regular basis to see what's

1 happening.

2 Q You do a Google search -- so I understand you,

3 you do a Google search for Cohiba on a regular basis?

4 Do I understand you correctly?

5 A Yes. And I specify "Cohiba Cuba" to see what

6 Havana is doing. And then I go to the General Cigar web

7 site to see what they're doing.

8 Q Uh-huh. When you say you do a Google search

9 for Cohiba, could you describe to me what exactly you do

10 mechanically?

11 A I type in the word "Cohiba." Then, depending

12 on what my purpose is, I'll put Dominican Republic,

13 Cohiba Nicaragua, a new cigar, or if I'm interested in

14 the Habanos product, I'll put in Cohiba Cuba.

15 Q And when you put in any of the -- let's say the

16 first search you said when you put in "Cohiba General

17 Cigar," is that one search you do?

18 A It depends on what I'm looking for, the purpose

19 of my search.

20 Q Uh-huh. And how many hits do you get? How

21 many items are listed when you do that search?

22 A It depends on what I'm specifying with that

23 brand.

24 Q Uh-huh. And you said that you go to General

25 Cigar's web site when you do these searches.

1 Do you go to other web sites when do you these
2 searches?
3 A Yes.
4 Q Which ones?
5 A The ones I mentioned primarily. Famous is a
6 good one.
7 Q Uh-huh.
8 A Cigars.com is another.
9 Q And when you do a search as you're describing,
10 many items come back in response to this search; is that
11 correct?
12 A Right.
13 Q A substantial number; is that correct?
14 A Again, it depends on what I'm specifying.
15 Q Okay. When they -- when items come back as a
16 result -- in response to your search, do you look at
17 each of the items?
18 A No.
19 Q If I understand you correctly, correct me if
20 I'm incorrect, do you usually look at -- from the items
21 that are identified as a result of your search, you
22 usually don't look at all of them, but you look at
23 General Cigar's web site, JR's web site, Fuentes,
24 Ashton, and a few others; is that correct?
25 A Not always. It depends on what I'm looking

1 for. Some of these web sites won't have the information
2 I'm seeking, and I know that, so I don't go there.
3 Q And what is the information that you were
4 seeking?
5 A It depends on my search.
6 Q Have you ever just put in the word "Cohiba" as
7 a search term in Google?
8 A Yes.
9 Q And did you get many -- when was that?
10 A About a month ago.
11 Q And what was the purpose?
12 A Again, research and also for the report.
13 Q And what were you researching?
14 A Researching more for my book, and I'm doing
15 articles on cigars, so it's part of what I do.
16 Q Okay. And when you put in the word "Cohiba" in
17 Google, how many items, approximately, came back?
18 A I can't count them, but a number.
19 Q Would it be 50?
20 A Whatever fills up the screen. I would
21 guesstimate 10 to 15.
22 Q Uh-huh. And that's the first screen?
23 A Right. I usually stay there.
24 Q Okay. You usually stay with the first screen.
25 Have you ever systematically reviewed the

1 material that's responsive that is identified when you
2 search Cohiba for how General Cigar's Cohiba is
3 presented on the internet?
4 A I'm sorry. Can you -- I'm not getting it.
5 Q Okay. Have you ever made a systematic study of
6 how General Cigar's Cohiba is presented on the internet?
7 A I'm not sure what you mean.
8 Q How many web sites have you visited -- have you
9 attempted to determine how General Cigar's Cohiba is
10 presented on the internet?
11 A Yes.
12 Q And what have you done?
13 A I've gone to various consumer retail sites,
14 some of which we've discussed, to see if it's an open
15 box, a single cigar, closeup of the band.
16 Q And which retailer sites were those -- which
17 retailer web sites?
18 A I'm sorry.
19 Q Yeah. I'm sorry.
20 You say you go to retailer web sites?
21 A Yes.
22 Q And it's those that you have mentioned?
23 A Yes.
24 Q Okay. Any others?
25 A There may be. I just see what's there and what

1 looks interesting. These are the top ones with the most
2 variety and the most cigars.
3 Q In your work do you have an assistant?
4 A My wife.
5 Q Is there anyone who helps you do your research?
6 A No.
7 Q And has that always been the case?
8 A Always.
9 Q In my letter to Mr. Deutsch in Paragraph 7, I
10 asked whether -- I asked him to identify any web sites
11 in addition to those you reference in the report that
12 you visited in the course of preparing your report.
13 And Mr. Deutsch responded by identifying one,
14 two -- three web sites. If you could take a look at it,
15 it's Paragraph 7 in Mr. Deutsch's letter.
16 MR. DEUTSCH: I'll just help the witness.
17 MR. KRINSKY: Sure.
18 MR. DEUTSCH: (Indicating.)
19 BY MR. KRINSKY:
20 Q You visited those web sites in the course of
21 preparing this report; is that correct?
22 A Right.
23 Q And is it correct as Mr. Deutsch stated that --
24 well, let me rephrase that.
25 Did you visit any other web sites in the course

1 of preparing the report besides those that are
2 identified in Paragraph 7 and those you referenced in
3 your report?
4 A Not that I can recall.
5 Q Have you ever visited the web site of the
6 Atlantic Cigar Company?
7 A No.
8 Q Of Barclay Pipe Tobacco and Cigar?
9 A Barclay Rex?
10 Q No. Barclay.
11 You know a Barclay Rex; is that correct?
12 A Yes.
13 Q You do not know a Barclay Pipe, Tobacco and
14 Cigar?
15 MR. DEUTSCH: How do you spell Barclay on that?
16 MR. KRINSKY: B-a-r-c-l-a-y.
17 THE WITNESS: It may be the same company with a
18 changed name.
19 BY MR. KRINSKY:
20 Q Barclay Rex is what?
21 A It's a very old New York tobacco shop.
22 Q Uh-huh. And it's a retail shop; is that right?
23 A Yes.
24 Q It's a walk-in store?
25 A Yes.

1 Q And it has one location in New York?
2 A I believe they have two unless they closed one.
3 Q Do they have locations outside of New York?
4 A No.
5 Q Did you ever visit the web site of Best Cigar
6 Prices?
7 A I may have.
8 Q Do you recall when?
9 A No.
10 Q Do you visit it frequently?
11 A No.
12 Q The web site Bonita Smoke Shop?
13 A No.
14 Q Web site Cigar.com?
15 A Yes.
16 Q And what web site is that?
17 A (No audible response.)
18 Q What company is that?
19 A I'm not sure of the company, but it lists a
20 number of cigars with retail prices, which is the
21 purpose of my visit to it.
22 Q Uh-huh. And when was the last time you went to
23 that web site?
24 A I would say within the last six months.
25 Q And do you recall seeing anything there about

1 Cohiba -- any Cohiba?
2 A Not specifically.
3 Q You visited the web site Cigars Direct?
4 A No.
5 Q The web site Cigars International?
6 A It sounds familiar. I don't recall visiting
7 that site.
8 Q Do you recall anything about that?
9 A No.
10 Q Do you recall visiting the web site Cuban
11 Crafters Cigars?
12 A Yes.
13 Q And when was the last time you visited that web
14 site?
15 A I would say over a year ago.
16 Q And what was the purpose for that?
17 A It was research for my book.
18 Q And what topics were you interested in by
19 visiting that web site?
20 A I was curious about the name.
21 Q Why?
22 A It had Cuban Craft in it, the word "Cuban."
23 Q And what interested you in that?
24 A What?
25 Q What interested you about that?

A To see if they were doing Cuban cigars and marketing them.

Q Are you -- are you writing a fifth edition of your book? Do I understand that?

A The fourth edition is out now. That's the current edition.

Q Yes.

A It's in the third printing.

Q Are you working on another edition of that book?

A Yes. That book is constantly being updated.

Q And have you drafted a manuscript?

A No, the book is done. It's now a matter of updating information that's already there.

Q And this new information will be in another printing?

A Yes.

Q And when do you expect that printing to be out?

A There's no way to know because the third printing is just arriving and just selling.

Q Have you visited a web site -- let me go back. When you visited the web site Cuban Crafters Cigars, do you recall seeing anything about Cohiba?

A No.

Q Have you visited the web site of Cuenca,

1 C-u-e-n-c-a, Cigars?
2 A No.
3 Q Do you recall visiting the web site CVM Cigars?
4 A No.
5 Q Do you recall visiting the web site Emerson's
6 Cigars?
7 A No.
8 Q The web site Finck Cigar Company, F-i-n-c-k?
9 A Yes.
10 Q And when was the last time you visited that?
11 A About two years ago.
12 Q And what was the purpose of that?
13 A The Finck family makes cigars. So I wanted to
14 see what they were doing.
15 Q Uh-huh. And do you recall seeing anything
16 there about Cohiba?
17 A No.
18 Q Do you recall visiting the web site Habanos y
19 Hermanos?
20 A No.
21 Q Do you recall visiting the web site Holt's
22 Cigar Company?
23 A Yes.
24 Q And when did you last visit it?
25 A I would say within the last six weeks.

1 Q And what was the purpose?
2 A To see their current cigar lineup.
3 Q And do you recall seeing anything there about
4 Cohiba?
5 A No.
6 Q Gotham Cigars?
7 A No.
8 Q A web site Little Havana Cigar Factory?
9 MR. DEUTSCH: Is that a "V" or a "B"?
10 MR. KRINSKY: "V," yes.
11 THE WITNESS: Yes.
12 BY MR. KRINSKY:
13 Q And when did you visit that web site?
14 A Within two months -- within a two-month period.
15 Q And what was the purpose of your visiting that
16 web site?
17 A They're in Little Miami, so I wanted to see
18 what brands they were making.
19 Q Uh-huh. Do you recall anything about Cohiba
20 cigars in that web site?
21 A No.
22 Q Mike's Cigars?
23 A I think it's apostrophe S.
24 Q Yes?
25 A Yes.

1 Q And when is the last time you went to that web
2 site?
3 A About six months ago.
4 Q And for what purpose?
5 A Again, to see what he was selling and what was
6 new.
7 Q Do you recall anything about Cohiba on that web
8 site?
9 A I'm trying to recall if he had an exclusive on
10 the new Nicaraguan Cohiba. I think that was my purpose
11 because that cigar wasn't out yet, and sometimes he gets
12 exclusives. That was my purpose for visiting that site.
13 Q Prior to then, had you visited that site?
14 A Yes.
15 Q Do you visit that web site periodically?
16 A Periodically.
17 Q When you last visited that web site, do you
18 recall seeing anything about the Cuban Cohiba?
19 A No.
20 Q NH Cigar's?
21 A No.
22 Q Serious cigars?
23 A Serious?
24 Q Serious?
25 A No.

1 MR. DEUTSCH: Is that Sirius, S-i-r-i-u-s,
2 or --
3 MR. KRINSKY: As opposed to numerous.
4 MR. DEUTSCH: Okay. Sorry.
5 BY MR. KRINSKY:
6 Q Top Quality Cigars?
7 A No.
8 Q In your web site -- I'm sorry.
9 In your report you reference three cigar's at
10 Paragraph 19.
11 MR. DEUTSCH: Shall I direct him to it?
12 MR. KRINSKY: Yes, please.
13 MR. DEUTSCH: Paragraph 19.
14 BY MR. KRINSKY:
15 Q Cigar Boss, Cigar Scanner, and Mobile Stogy.
16 When was the last time you looked at the Cigar Boss app?
17 A I've never been there.
18 Q And when was the last time you looked at the
19 Cigar Scanner app?
20 A I've never seen it.
21 Q And when was the last time you looked at the
22 Mobile Stogy app?
23 A I don't have a smart phone, so I've never seen
24 any of these.
25 Q And how did you learn of their existence?

1 A By asking other cigar smokers what were their
2 famous -- famous -- favorite's.
3 Q And who were these other people you asked?
4 A The people that I meet at dinners, in tobacco
5 shops, sometime the tobaccans themselves and they would
6 have one or two favorites, but these three kept coming
7 up. They were the most popular. There are many more,
8 but these kept on being mentioned to me.
9 Q And approximately how many people mentioned it
10 to you?
11 A I couldn't break it down app by app, but within
12 the hundreds of people I meet percentagewise, I would
13 say at least 45, 50 percent. They're used quite
14 extensively.
15 Q And did you -- were you asking people this
16 question in connection with preparing your report?
17 A Yes.
18 Q Prior to then had you asked people about what
19 cigar apps they used?
20 A Yes.
21 Q Over what period of time had you asked?
22 A At least over the last five, six years.
23 Q Do people mention any other apps to you besides
24 these?
25 A Not that I could recall.

Q To go back to who told you about these apps, can you identify the categories of people again?

A Cigar smokers, consumers, and some retail tobacconists.

Q And the consumers -- in what way did you meet these consumers? On what occasions?

A (No audible response.)

Q On what occasions did you meet these consumers?

A Various social occasions. I meet them, as we discussed, at smokers, at tobacco shops, wine parties, dinners, friends.

Q When you say "tobacco shops," what do you mean by "tobacco shops"?

A Tobacco stores that specialize in pipes and cigars and nothing else.

Q And are these premium cigars?

A Yes.

Q Not mass market?

A No.

Q And how many tobacco shops do you think these conversations took place at?

A Over the course of how long?

Q The last two years.

A I ask because the number of tobacco shops is dwindling, so two years I would say probably 10 to 12.

1 Q And were these mostly in the Los Angeles area?
2 A No. They were around the country.
3 Q Okay. Can you identify them?
4 A Not all of them. I can identify a few.
5 Q Please do.
6 A Tinder Box in Santa Monica, Lone Wolf in
7 Santa Monica, Lone Wolf in West L.A., Cigar Warehouse,
8 Sherman Oaks, Davidoff in New York. There were a few in
9 Europe. It's difficult to recall them all.
10 Q And why did you go to these tobacco shops?
11 A It's what I do. I go in to see what's
12 happening in the world of cigars.
13 Q And when you're there, who do you speak to --
14 and when you're in the tobacco shops, who do you speak
15 to?
16 A Usually the owner, the manager, and the
17 customers.
18 Q And you mentioned dinners. You mentioned both
19 dinners and smokers. For this purpose of this list you
20 just gave me, dinners are something different than
21 smokers. You're referring to something different; is
22 that correct?
23 A In the cigar world, yes.
24 Q Uh-huh. And what is a dinner in a cigar world?
25 A A dinner is a dinner as we would have a dinner.

1 Q Okay.
2 A A smoker is specifically you get together to
3 smoke and talk about cigars.
4 Q Okay. And who attends these -- the dinners
5 you're talking about where you ask people about the
6 cigar apps, these were dinners of social acquaintances
7 of yours?
8 A Social and business.
9 Q And what kind of business?
10 A My other areas of expertise could be with we
11 call them brand ambassadors for spirits, it could be
12 with distillers. In the cigar world it could be with a
13 cigar maker or it could be with a major distributor.
14 Q So there are two types of dinners if I
15 understand it. One is your friends of yours --
16 A Uh-huh.
17 Q -- social friends of yours?
18 A (No audible response.)
19 Q Then the other are business acquaintances in
20 either the cigar business or the wine or spirits
21 business; is that correct?
22 A Correct. Business dinners.
23 Q Yeah. Okay.
24 Do you have any business dinners with the
25 people where cigars are discussed with people from other

1 businesses besides cigar and wine and spirits?
2 A Yes.
3 Q How frequently -- what other businesses?
4 A It varies, but once they find out what I do, if
5 they smoke cigars, the conversation is set.
6 Q Okay. Did you say "wine party"? I'm sorry.
7 A That's one of the gatherings, yes.
8 Q And can you describe what those are?
9 A The same thing. We have wine collectors, wine
10 enthusiasts, and we occasionally -- like-minded people
11 get together, have dinner. We each bring a bottle of
12 wine, and invariably somebody will be smoking or want to
13 smoke, because you can't smoke in a restaurant. The
14 topic comes up because they all know what I do, and we
15 talk about cigars.
16 Q In Paragraph 13 of your report you say that you
17 familiarized yourself with the situation concerning
18 Cohiba cigars made by General Cigar and the Cohiba
19 cigars made in Cuba by reviewing the following six
20 documents, and you list them there.
21 Did you look at anything else to familiarize
22 yourself --
23 A I'm sorry.
24 Q -- other than what we've already talked about?
25 A I'm sorry. Could you repeat that?

1 Q Yes.
2 In Paragraph 13 --
3 A Uh-huh.
4 Q -- you list six documents that you looked at to
5 familiarize yourself concerning the situation with
6 Cohiba cigars made by General Cigar and the Cohiba
7 cigars made in Cuba.
8 Now, did you look at anything else to
9 familiarize yourself with that situation?
10 A No.
11 Q Have you ever reviewed market research done by
12 General Cigar?
13 A No.
14 Q Has anyone ever discussed market research done
15 by General Cigar with you?
16 A No.
17 Q Have you ever discussed marketing strategy with
18 people from General Cigar?
19 MR. DEUTSCH: This is in relation to the
20 Cohiba?
21 MR. KRINSKY: Generally.
22 THE WITNESS: No.
23 BY MR. KRINSKY:
24 Q Did you ever discuss General Cigar's
25 positioning of its Cohiba?

1 A Of their Cohiba?
2 Q Yes.
3 A By "positioning, what do you mean?
4 Q Is that a term you're familiar with?
5 A It is. I want to make sure I understand the
6 question you're asking me.
7 Q For example, positioning could be positioning a
8 cigar as a -- as a premium cigar, as a super premium
9 cigar, as a luxury cigar.
10 A I discussed with some of the General Cigar
11 salespeople how they were positioning their Cohiba, but
12 I wasn't giving any input to it.
13 Q And when was that -- when were those
14 discussions?
15 A That was in the early '90's.
16 Q And what did they say?
17 A They said they were bringing out a new premium
18 cigar, and it would be part of the premium cigar line.
19 And they were going to call it Cohiba.
20 Q Did they say to you why they were going to call
21 it Cohiba?
22 A Just the cache of the name.
23 Q As a result of the Cuban Cohiba; is that right?
24 A Yes.
25 Q Does that continue to be the case?

1 MR. DEUTSCH: Objection.
2 BY MR. KRINSKY:
3 Q You can answer.
4 A (No audible response.)
5 Q You can answer.
6 A He objected.
7 MR. DEUTSCH: Well, I didn't tell you not to
8 answer.
9 MR. KRINSKY: He'll tell you, "I instruct you
10 not to answer."
11 THE WITNESS: I actually don't know.
12 BY MR. KRINSKY:
13 Q And since those discussions, have you ever
14 discussed with anyone from General Cigar its positioning
15 of Cohiba?
16 A No.
17 Q And who did you have those conversations with?
18 A Initially I think it was with Mark Perez who
19 was a manager of the Dunhill store in Beverly Hills.
20 And it may have also been with Dixon Farrington. I'm
21 not sure what his position was, but he was involved with
22 General Cigar in the Beverly Hills store.
23 Q When you say "the Beverly Hills store," you
24 mean the Dunhill?
25 A The Dunhill, yes.

1 Q And this was the cigar -- Cohiba cigar that was
2 distributed initially through Dunhill? Is that what
3 you're referring to?
4 A Yes.
5 Q Have you ever studied market research done by
6 anyone on premium cigar consumers?
7 A Yes.
8 Q When was that?
9 A That was the late '80's, early '90's.
10 Q And by whom were you employed at that time?
11 A I wasn't -- oh, I'm sorry. I was employed by
12 myself at that time.
13 Q The worst boss?
14 A You can't get fired.
15 Q And what was the market research you saw at
16 that time?
17 A It was put out by the Cigar Association of
18 America in connection with the industry trade group at
19 that time called the Retailer Tobacco Dealer
20 Association, RTDA.
21 Q Does that organization still exist?
22 A RTDA has now become the International Pipe and
23 Cigar Retailer Association, and the initials are IPCPR,
24 and I'm not sure if the cigar association is that viable
25 anymore.

1 Q You mentioned that the number of
2 tobacconists -- the number of tobacco stores is
3 diminishing; is that correct?
4 A Yes.
5 Q And to what extent is it diminishing? How
6 rapidly is it diminishing?
7 A I'm not really sure, but there are fewer of
8 them each year.
9 Q Is that true across -- pretty much across the
10 country?
11 A Yes.
12 Q And do you have an opinion about why that is
13 happening?
14 A Yes.
15 Q What's that?
16 A The anti-smoking rhetoric among media and local
17 ordinances make it difficult to have a tobacco shop in a
18 metropolitan area.
19 Q And in the -- in the Los Angeles area, how many
20 tobacco -- when I say "tobacco shops" -- when you say
21 "tobacco shops," I assume you're referring to tobacco
22 shops which sell premium cigars, not mass market cigars?
23 A Yes, absolutely.
24 MR. KRINSKY: Keep going?
25 MR. DEUTSCH: Yes.

1 BY MR. KRINSKY:
2 Q How many tobacco shops of that nature are
3 currently in the Los Angeles area?
4 A I honestly don't know anymore because it
5 changes so rapidly.
6 Q When you say "it changes rapidly," you mean --
7 A Fewer of them.
8 Q There are fewer of them?
9 A Right.
10 Q And which of the -- how many do you -- how many
11 did you visit this year in the Los Angeles area?
12 A Three.
13 Q Which ones were those?
14 A Both Lone Wolf locations and Tinder Box in
15 Santa Monica.
16 Q Besides these tobacco stores which remain,
17 where do people -- where do people buy premium cigars?
18 A Usually off the internet by mail order.
19 Q Are premium cigars sold in grocery stores?
20 A No.
21 Q Are they sold in -- I'm not referring just to
22 Los Angeles I should say, generally in the country.
23 MR. DEUTSCH: You have to keep your voice up
24 again. He's straining to hear you.
25 ///

1 BY MR. KRINSKY:
2 Q Should I repeat what I said?
3 A Sorry. Next year I won't have this problem.
4 MR. KRINSKY: Next year I won't remember what I
5 said.
6 Q Referring to the country as a whole, not just
7 the Los Angeles area, are premium cigars sold in grocery
8 stores?
9 A Not to my knowledge.
10 Q Are they sold in liquor stores?
11 A Occasionally.
12 Q Are they sold in convenience stores?
13 A Not usually.
14 Q Sold in drug stores?
15 A Very, very rarely.
16 Q Are they sold through cigar clubs or other
17 kinds of clubs?
18 A Indirectly, yes.
19 Q And what do you mean by "Indirectly"?
20 A In other words, a cigar club such as Grand
21 Havana Room in Beverly Hills, which I visit also on a
22 regular basis, they are a cigar club, a private club.
23 You have to pay a fee to join.
24 Their purpose is to provide a place to smoke
25 and to serve premium spirits. In that context as a

1 service to their members, they make premium cigars
2 available, but you wouldn't call them a tobacco store.
3 Q Are there cigar bars?
4 A Yes.
5 Q Are they common?
6 A Not as much as I'd like to see.
7 Q Are they diminishing like tobacco stores?
8 A No, they're a constant.
9 Q And in the Los Angeles area, how many are there
10 that you can approximate?
11 A I'm aware of many in the L.A. area.
12 Q Are they common in other areas of the country?
13 A I wouldn't say "common," but they exist.
14 Q Any particular geographic areas?
15 A San Francisco has two, Houston has, I believe,
16 two to three, New York has a couple. Usually the major
17 metro areas.
18 Q Referring to your fourth edition of your book,
19 when was it first published?
20 A The book itself or the fourth edition?
21 Q The fourth edition.
22 A The fourth edition was first published in 2015.
23 Q Do you remember what month, what season?
24 A I'm hoping it was in the fall. That's the big
25 season. I think it was around September/October.

1 Q Thank you.
2 And how many copies have sold so far?
3 A 11,400.
4 Q And is it the best selling cigar book on the
5 market now?
6 A Yes.
7 Q What are the leading others?
8 A I'm not sure there are any leading others.
9 Most of the books on cigars that are out have been out
10 for quite a while and are outdated.
11 Q Uh-huh. And where is your book sold, through
12 what channels?
13 A The publisher has his distribution network, so
14 it encompasses book stores, Barnes & Noble, Walgreen's,
15 Amazon.com, BarnesandNoble.com.
16 Q Do you know which of these places have --
17 represent the most sales?
18 A No, I don't. I do know Amazon.com sells a lot.
19 Q Uh-huh. And when was the third edition
20 published?
21 A I'm trying to think. I believe around 2002.
22 Q And how many copies did it sell?
23 A I've never broken down the first, second, or
24 third edition, but 45,000 books of all three of those
25 editions sold.

1 Q Okay. When was the second edition sold -- I
2 mean, published? I'm sorry.
3 A It's easier to go backwards.
4 Q Okay. Do it whichever way you want to go.
5 A The first edition came out in 1993.
6 Q Uh-huh.
7 A And sold out in months.
8 Q Uh-huh.
9 A So the second edition came out in 1995, and
10 then the third.
11 Q And the target audience of your book is premium
12 cigar smokers; is that correct?
13 A Yes.
14 Q How many premium cigar smokers are there in the
15 United States today?
16 A Currently?
17 Q Yeah.
18 A There's roughly 3.5 million.
19 Q And how many mass market cigar smokers are
20 there?
21 A By "mass market," are you talking about
22 non-premium cigars?
23 Q Yes.
24 A Because you -- I just want to clarify. Premium
25 cigar smokers is one segment of the market. So you're

1 talking about the other segment, mass-produced cigars,
2 machine-made cigars?
3 Q Yeah.
4 A Those figures I don't have because I don't deal
5 with that market.
6 Q Do you believe it's more than 3.5 million?
7 A It would be strictly an educated guess, but I
8 would think so.
9 Q Your report is about -- in this case is about
10 premium cigar smokers; is that correct?
11 A That's correct.
12 Q And not what we've been talking about as mass
13 market?
14 A No.
15 Q Now, you're associated with Robb Report; is
16 that correct?
17 A I'm one of the writers, yes.
18 Q And were you ever a contributing editor?
19 A Yes.
20 Q Are you still a contributing editor?
21 A Yes.
22 Q How long have you written for them?
23 A 1995.
24 Q And how long have you been a contributing
25 editor?

A 1995.

Q Is there a print edition of Robb Reports?

A Yes.

Q And an online?

A Yes.

Q And do you know what the circulation figures are for the print?

A I can't be totally positive. I think paid circulation is around 200, 250,000.

Q Uh-huh. And do you know how many people view Robb Report online?

A I have no way of knowing. A much, much larger number.

Q In your opinion where -- where do premium cigar smokers get information on brands from?

A Primarily the internet today.

Q And when you say "the internet," where on the internet do they get information?

A The short answer is wherever they can, but they'll go to various web sites. As I do, they'll go to companies they've dealt with before. They'll go to blogs. They'll go to anything remotely related to cigars and what they're looking for.

Q Have you read any studies of where premium cigar smokers get information on the internet?

1 A No. It's common knowledge. I'm not aware of
2 any studies that exist.
3 Q It's common knowledge -- what is common
4 knowledge?
5 A That they get their information from the
6 internet.
7 Q Okay. And is there any common knowledge about
8 where on the internet they particularly get information?
9 A No, there's no one specific area. It's vast.
10 Q And have you ever read any studies about how
11 premium cigar smokers search the internet for
12 information about cigars?
13 A No.
14 Q Have you talked to people about that?
15 A Occasionally.
16 Q And who have you talked to about that?
17 A Consumers.
18 Q How frequently do you have these conversations?
19 You said "Occasionally." I'm sorry.
20 A Whenever I meet a cigar smoker, the
21 conversation goes around, "What's the best cigar?
22 What's a good cigar?" And they'll always bring up the
23 internet.
24 Q And what will they say about it?
25 A They'll say, "Oh, I saw this there. I saw this

1 there. This guy gave a review on such and such a
2 thing."
3 Q Uh-huh. And have you had these conversations
4 about General Cigar's Cohiba?
5 A Yes.
6 Q And when was the last time you had a
7 conversation like that?
8 A I can't recall. It comes up.
9 Q Uh-huh. Would you say frequently, it comes up
10 frequently?
11 A I would say often. I'm not sure "frequently"
12 because there are so many brands out there. It does
13 come up.
14 Q And what do people say about their use of the
15 internet and General Cigar Cohiba?
16 A They usually want to find out how it smokes,
17 what it tastes like. They want to know if it's the
18 Dominican one, the Nicaraguan one. They want to know
19 how much it costs, who has the best price.
20 Q Uh-huh. And do they tell you where they look
21 for information on the internet about the General Cigar
22 Cohiba?
23 A All over. They're go to the web site, of
24 course, General Cigar's, and then they'll go to these
25 other web sites that we've talked about, and they have

1 their own web sites.
2 There's another one called HalfWheel.com.
3 They'll go there to get the review.
4 Q Do they go to retailers web sites?
5 A Only to check the price and the wrapper binder
6 filler.
7 THE REPORTER: Can we take a short break here?
8 MR. KRINSKY: Yes.
9 (A brief recess was taken.)
10 MR. KRINSKY: Let's mark as Exhibit 4 pages
11 downloaded from JR Cigars web site that have been
12 produced in discovery here and have Bates
13 Nos. CT 0014846 through 14850.
14 (Whereupon, the document referred to
15 was marked as Petitioner's Exhibit 4
16 for identification by the Reporter,
17 a copy of which is attached hereto.)
18 MR. KRINSKY: And I would like the witness to
19 take a look at this, please.
20 MR. DEUTSCH: Okay. Spend some time reading
21 it, and he'll ask you questions about it.
22 THE WITNESS: Okay.
23 BY MR. KRINSKY:
24 Q You've looked at this; correct?
25 A Yes.

1 Q And did this come off the JR web site?
2 A Yes.
3 Q And have you seen this before?
4 A Actually, I have not.
5 Q The image on the first page, that's the image
6 of the General Cigar Cohiba; is that correct?
7 A Right.
8 Q And on the top left above it, it has the word
9 "Home Cuban cigars history of Cuba"?
10 A Uh-huh.
11 MR. DEUTSCH: Cohiba.
12 MR. KRINSKY: Cohiba. Thank you.
13 Q Does the image under that heading suggest that
14 the cigar portrayed there is a Cuban cigar?
15 A No.
16 Q Do you think someone would believe it to be?
17 A No.
18 Q And when you read the text history of Cohiba
19 under the image of General Cigar Cohiba, the first
20 paragraph is about the Cuban Cohiba; is that correct?
21 A That's correct.
22 Q And the second paragraph is about the Cuban
23 Cohiba; is that correct?
24 A That's correct.
25 Q And the third paragraph is about the Cuban

1 Cohiba; is that correct?
2 A Yes.
3 Q And the fourth paragraph is about the General
4 Cigar Cohiba; is that correct?
5 A That's correct.
6 Q In your opinion, would someone who has not
7 gotten -- who does not get to the fourth paragraph think
8 there is a connection between Cuba and the cigar that's
9 portrayed on this first page?
10 MR. DEUTSCH: Objection.
11 Could you read the question back, please.
12 THE REPORTER: Sure.
13 (The record was read.)
14 THE WITNESS: Not with the picture of the
15 Dominican band.
16 BY MR. KRINSKY:
17 Q If the -- but for the words "Dominican" on
18 the -- on the image, is it likely that someone who does
19 not get to the fourth paragraph think there's a
20 connection between the cigar that's portrayed and Cuba?
21 MR. DEUTSCH: Objection.
22 THE WITNESS: If you didn't have the band, then
23 Cohiba would mean the Cuban Cohiba.
24 BY MR. KRINSKY:
25 Q And in the image that you see, what do you see

1 on the first -- on the image?
2 A I see Republica and DOM, but all cigars smokers
3 know that's the Dominican Republic.
4 Q Does General Cigar's have any common history
5 with the Cuban Cohiba?
6 A Do they have any?
7 Q Common history with the Cuban Cohiba?
8 A No.
9 Q So would you agree that it is misleading for
10 JR Cigars to picture General Cigar's Cohiba and to talk
11 about it in the fourth paragraph under the title "Cuban
12 Cigars, History of Cohiba"?
13 MR. DEUTSCH: Objection.
14 THE WITNESS: If a knowledgeable cigar smoker
15 would see this, he would know that it's not the Cuban
16 Cohiba. If someone who didn't know anything about
17 cigars would see this, he would be wondering.
18 BY MR. KRINSKY:
19 Q Can we mark this as -- before we do, in your
20 opinion what is the most well-known cigar in the world
21 premium cigars?
22 A I would say Cohiba.
23 Q And that's the Cuban Cohiba?
24 A It would be in general Cohiba, but there are
25 more cigar smokers in the world than in the U.S., so I

1 think if they in Europe would think Cuban Cohiba.
2 Q Is General Cigar's Cohiba sold outside of the
3 United States?
4 A No.
5 Q And is the Cuban Cohiba sold to most countries
6 in the world?
7 A Yes.
8 Q Is the Cuban Cohiba well known in the United
9 States among premium cigar smokers?
10 A Yes.
11 Q Is it -- is the Cuban Cohiba the most
12 well-known cigar among premium cigar smokers in the
13 United States?
14 MR. DEUTSCH: Objection.
15 BY MR. KRINSKY:
16 Q In your opinion?
17 A I would say it would be a close call between
18 the Cuban Cohiba -- we're talking Cuban cigars only now?
19 Q No, I'm talking any cigars.
20 A Pardon?
21 Q Any cigars.
22 A Any?
23 Q Premium.
24 A Can I ask you to rephrase that, then.
25 Q Sure. Sure. Premium cigars -- let me put it

1 this way:
2 Are you familiar with the term "brand
3 awareness"?
4 A Yes.
5 Q What is the brand awareness of Cohiba in the
6 United States?
7 MR. DEUTSCH: Objection.
8 THE WITNESS: And, again, I'm not sure what you
9 mean. Does it have brand awareness?
10 BY MR. KRINSKY:
11 Q Does Cohiba have brand awareness in the United
12 States?
13 A Yes.
14 Q Okay. Does it have high brand awareness in the
15 United States?
16 MR. DEUTSCH: Cuban or --
17 MR. KRINSKY: We're just talking about Cohiba.
18 MR. DEUTSCH: My apologies.
19 THE WITNESS: Does it have high awareness?
20 BY MR. KRINSKY:
21 Q High awareness?
22 A Yes.
23 Q Does it have among the highest awarenesses of
24 premium cigar names?
25 A Of all cigars U.S. awareness?

1 Q U.S., yes?
2 A I would say one of them, not the highest. No,
3 one of the highest.
4 Q What would you say are among the others?
5 A The Fuente -- Fuente Opus X is right up there
6 with it. That's probably the biggest contender.
7 Q Uh-huh.
8 A And there's some other ones underneath it like
9 Padron, P-a-d-r-o-n. It's a Nicaraguan, very much in
10 demand, very high awareness. I would say those would be
11 the three top brand awareness contenders in this
12 country.
13 MR. KRINSKY: I'll mark as No. 5 a download
14 from JR Cigars web site, and it has Bates No. CT 0014758
15 through 14763.
16 (Whereupon, the document referred to
17 was marked as Petitioner's Exhibit 5
18 for identification by the Reporter,
19 a copy of which is attached hereto.)
20 MR. KRINSKY: Can I ask the witness to look at
21 this document.
22 MR. DEUTSCH: Can I ask while he's doing it,
23 there are some words that are highlighted here. Were
24 they highlighted in the original?
25 MR. KRINSKY: I'm sorry. I highlighted them.

1 MR. DEUTSCH: Okay.
2 MR. KRINSKY: But the extra copies were
3 somehow -- they didn't make it to Los Angeles.
4 MR. DEUTSCH: Okay. That's fine.
5 MR. KRINSKY: We just made a Xerox here. I'm
6 sorry. I should have made that clear.
7 MR. DEUTSCH: No problem. Just so it's clear.
8 BY MR. KRINSKY:
9 Q I draw your attention to the first line of the
10 text under the image which reads -- the part that reads
11 "Reformulated by the world-renown cigar brand in the
12 1990's, the Cohiba Dominican," and so on.
13 Now, I believe from your prior testimony that
14 the Cuban Cohiba is world renown, but General Cigar's is
15 not; is that correct?
16 A Oh, yes. The General Cigar Cohiba?
17 Q Yes.
18 A Right.
19 Q Yes. So someone reading this phrase
20 "Reformulated by the world-renown cigar brand in the
21 1990's" would think that the reference is to the Cuban
22 Cohiba; is that correct?
23 MR. DEUTSCH: Objection.
24 THE WITNESS: That could be misconstrued.
25 ///

1 BY MR. KRINSKY:
2 Q And in the second paragraph -- in the second
3 paragraph you see the words "an integral part of the
4 Cohiba family."
5 In your opinion, would someone reading this
6 think that the meaning of "Cohiba family" included both
7 the Cuban Cohiba and the General Cigar Cohiba?
8 MR. DEUTSCH: Objection.
9 THE WITNESS: And by someone who is not
10 familiar with both Cohibas, the Cuban and non-Cuban,
11 that could be misconstrued.
12 BY MR. KRINSKY:
13 Q And what is the -- what is the definition of
14 "brand"?
15 A In a word, image, a name and an image.
16 Q In dictionaries is brand defined to mean a
17 product emanating from a single source?
18 MR. DEUTSCH: Objection.
19 THE WITNESS: I would say yes.
20 BY MR. KRINSKY:
21 Q I didn't ask. Have you seen -- had you seen
22 Exhibit 5 before today?
23 A No.
24 Q What is JR Cigars?
25 A They're a major cigar retailer with what we

1 call brick and mortar stores and a very prominent online
2 presence. And they're also owned by Altadis which owns
3 50 percent of Habanos.
4 Q And are they among the largest retail sellers
5 of cigars in the United States?
6 A They're among the largest.
7 Q Who are the others?
8 A Thompson Cigar is the other major one. Holt's
9 Tobacconist.
10 Q Holt's?
11 A Yeah. Those are three of the biggies.
12 Q And does Thompson have brick and mortar stores?
13 A I don't think -- I take that back. I think
14 they may have now. They used to just be brick and
15 mortar. Then they went all internet, and now they may
16 have opened a couple brick and mortar stores too. It
17 changes a lot because of the market.
18 Q Uh-huh. And Holt's -- Holt's has online sales?
19 A They're online.
20 Q And they're brick and mortar?
21 A Yes.
22 MR. KRINSKY: Okay. Can we mark this as
23 Exhibit 6 we're up to.
24 (Whereupon, the document referred to
25 was marked as Petitioner's Exhibit 6

1 for identification by the Reporter,
2 a copy of which is attached hereto.)
3 BY MR. KRINSKY:
4 Q This is a -- this exhibit is a download from
5 Thompson's web site, and it's Bates Nos. CT 0014645
6 through 14860 -- I'm sorry. No, no. I think it's
7 actually two documents got put together, but I'll give
8 you the Bates numbers. 146 -- I'll only ask about part
9 of it, 14645 through 14648. And then there's 14852
10 through 14860.
11 MR. DEUTSCH: And do you want these to stay as
12 a single exhibit?
13 MR. KRINSKY: Well, no, but -- I'm actually
14 going to ask about the first part of it.
15 MR. DEUTSCH: Okay.
16 MR. KRINSKY: I have to apologize in advance.
17 You know, we had stuff shipped out here from New York,
18 and, so, it's been a little difficult to get all the
19 exhibits.
20 THE WITNESS: Could they have made this type
21 any smaller?
22 MR. KRINSKY: Yeah, isn't that terrible?
23 So I ask the witness to look at 14645 through
24 14648.
25 THE WITNESS: 48?

MR. KRINSKY: Yeah.

I'm sorry. You should read all the way through to 1485.

MR. DEUTSCH: Yes. The next place the text appears -- unless you have an objection --

MR. KRINSKY: No.

MR. DEUTSCH: -- skip the last page. What he's referring to is this here. The text is small.

THE WITNESS: You're telling me.

BY MR. KRINSKY:

Q Have you seen this document before?

A I may have. I can't -- I've been on their web site. I can't recall it verbatim.

Q The images below the text on 14645 is General Cigar's Cohiba; is that correct?

A Yes.

Q And that's true of the images on the following pages; correct?

A Correct.

Q And on that first page, 14645, the first paragraph is about Cuba; is that correct?

A Yes.

Q And the second paragraph on that page is about the Cuban Cohiba; is that correct?

A Right.

1 Q And then it has the words "Read More" which you
2 have --
3 A I'm sorry.
4 Q There are the words underneath the first two
5 paragraphs that says "Read More."
6 A Oh, I see it, yes.
7 Q Yeah. And in order to read more, you have to
8 click on that; is that correct?
9 A Yes.
10 Q Now, is it -- in your opinion, is it likely
11 that some people looking at this first page would think
12 there is an association between Cuba and General Cigar's
13 Cohiba?
14 MR. DEUTSCH: Objection.
15 THE WITNESS: I think some people who didn't
16 know would think that.
17 BY MR. KRINSKY:
18 Q Do you recall in your visits to prior web
19 sites -- I'm sorry -- in your prior visits to the
20 Thompson web site of material related to General Cigar's
21 Cohiba beginning with some discussion of the Cuban
22 Cohiba?
23 A I can't recall specifics, but I suspect there
24 was.
25 Q In your opinion, do non-smokers in the United

1 States -- non-smokers in the United States -- have any
2 familiarity with the Cohiba name?
3 A Only in vague passing. It's not of interest to
4 them if they're nonsmokers.
5 Q When General Cigar was selling Cohiba through
6 Davidoff --
7 A Dunhill do you mean?
8 Q Dunhill. I probably just thought of some war.
9 Dunhill. I'm sorry.
10 Would you characterize the sales of cigars as
11 limited?
12 A Yes.
13 Q And General Cigar launched -- made a national
14 launch of Cohiba in 1997; is that correct?
15 A Right.
16 Q And that was -- it was something called the --
17 that's come to be referred to as the cigar boom; is that
18 correct?
19 A Yes.
20 Q And when would you say that started?
21 A It started in '92, '93 and went up from there.
22 Q And General Cigar began selling through Dunhill
23 in 1992; is that correct? Is that your recollection?
24 A That's correct.
25 MR. KRINSKY: Okay. Let's mark as No. 7.

1 Thank you.

2 (Whereupon, the document referred to

3 was marked as Petitioner's Exhibit 7

4 for identification by the Reporter,

5 a copy of which is attached hereto.)

6 MR. KRINSKY: It's from the Famous web site,

7 Bates Nos. CT 0014708 through 14710 and ask the witness

8 to examine it.

9 BY MR. KRINSKY:

10 Q Have you examined it?

11 A I read it.

12 Q Thank you.

13 And have you seen this document before?

14 A No, I have not.

15 Q I draw your attention to the second sentence

16 which states, "It's a brand that skyrocketed to

17 popularity even before the boom."

18 From your prior testimony about General Cigar's

19 sales through Dunhill and their timing, this could not

20 be referring -- could not accurately be referring to the

21 General Cigar Cohiba; is that correct?

22 MR. DEUTSCH: Objection.

23 THE WITNESS: I would say that's correct.

24 BY MR. KRINSKY:

25 Q And I draw your attention to the continuation

1 of that sentence where it says "Is the only" -- in
2 quotes "authentic," end quote, "Cohiba cigars the Cohiba
3 cigar?"
4 What do you understand this meaning of the word
5 "authentic" in that sentence?
6 MR. DEUTSCH: Objection.
7 THE WITNESS: I think authentic means sharing
8 the same name.
9 (A brief recess was taken.)
10 BY MR. KRINSKY:
11 Q Can you think of other instances in marketing
12 where the word "authentic" is used to mean share the
13 same name?
14 A Yes, I can. off the top of my head there's
15 industry that makes replica of guns, and the most famous
16 of that would be Colt, C-o-l-t. And they're making
17 copies of those in Italy, and they use the word -- "This
18 is like an authentic Colt. This is the authentic peace
19 maker," which is a nickname for that gun. That's one
20 that comes to mind immediately.
21 Q Is the General Cigar Cohiba a replica of the
22 Cuban Cohiba?
23 A No.
24 Q Does the word "authentic" as used in this
25 sentence suggest sharing the same qualities?

1 MR. DEUTSCH: Objection.
2 THE WITNESS: No, I would have to say no.
3 BY MR. KRINSKY:
4 Q What would you consider is authentic about
5 General Cigar's Cohiba?
6 A Strictly the name, Cohiba.
7 Q And if -- I draw your attention to probably
8 it's the fourth sentence. It begins --
9 A Where are we? I'm sorry.
10 Q It's the one, two, three, four -- the sixth --
11 fifth line of text.
12 A Uh-huh.
13 Q And it says,
14 "A Cohiba cigar isn't just a smoke -
15 today it represents, quality, history,
16 and those bits and pieces of life that
17 are more than just refined."
18 What -- what -- what history is this suggesting
19 to the reader General Cigar's Cohiba represents?
20 MR. DEUTSCH: Objection.
21 THE WITNESS: They're referring to the name and
22 the history of the Cuban cigar.
23 BY MR. KRINSKY:
24 Q In the text following that it talks about the
25 Cuban Cohiba for several sentences; is that correct?

1 A Yes.
2 Q And, then, the fourth line from the bottom is
3 the sentence that reads,
4 "Meanwhile, back in the states...
5 General Cigar licensed the Cohiba name
6 in the early '90's to market the
7 Dominican-made version of these cigars,
8 not fake Cohibas in America."
9 In the context of the text on this first page,
10 does this suggest that General Cigar licensed the Cohiba
11 name from the Cubans?
12 MR. DEUTSCH: Objection.
13 THE WITNESS: There is that implication.
14 MR. KRINSKY: Off the record.
15 (An off-the-record discussion was held.)
16 (Lunch recess taken at 12:10 P.M.)
17 (Reconvening after lunch at 1:11 P.M.)
18 MR. KRINSKY: We're resuming after a lunch
19 break.
20 I think it would be easiest if I mark several
21 exhibits and we can get through them faster.
22 I'm marking as Exhibit 8 a download from
23 Cigar.com with Bates Nos. CT 0014690.
24 (Whereupon, the document referred to
25 was marked as Petitioner's Exhibit 8

1 for identification by the Reporter,
2 a copy of which is attached hereto.)
3 MR. KRINSKY: And, then, I will mark as
4 Exhibit 9 another download from Cigar.com with Bates
5 Nos. CT 0014764 through -- I'm sorry. It's one page.
6 (Whereupon, the document referred to
7 was marked as Petitioner's Exhibit 9
8 for identification by the Reporter,
9 a copy of which is attached hereto.)
10 MR. KRINSKY: Okay. So Exhibit No. 10 is a
11 download from Holt's, one page, CT 0014722.
12 (Whereupon, the document referred to
13 was marked as Petitioner's Exhibit 10
14 for identification by the Reporter,
15 a copy of which is attached hereto.)
16 MR. KRINSKY: No. 11 is a download from Cigars
17 International with a single-page, Bates CT 0014701.
18 (Whereupon, the document referred to
19 was marked as Petitioner's Exhibit 11
20 for identification by the Reporter,
21 a copy of which is attached hereto.)
22 MR. KRINSKY: No. 12 is another download from
23 Cigar International, a single page CT 0014779.
24 (Whereupon, the document referred to
25 was marked as Petitioner's Exhibit 12

1 for identification by the Reporter,
2 a copy of which is attached hereto.)
3 MR. KRINSKY: I'm going to ask the witness to
4 examine Exhibit No. 8.
5 MR. DEUTSCH: This is the very first one.
6 THE WITNESS: Got it. You want me to go ahead
7 and read that?
8 MR. KRINSKY: Yes, please.
9 MR. DEUTSCH: Just for the record, the
10 highlighting on this is your highlighting.
11 MR. KRINSKY: Oh, yes, it is. I'm sorry. I
12 gave you the wrong copy.
13 MR. DEUTSCH: I may have your copy, then.
14 MR. KRINSKY: Which one is it?
15 MR. DEUTSCH: This is 8.
16 THE WITNESS: Okay.
17 BY MR. KRINSKY:
18 Q Have you seen this document before?
19 A I think I've seen this one, yes.
20 Q And I draw your attention to the second
21 paragraph on the first page. And it says, "As perhaps
22 the most recognized name in cigars worldwide."
23 Do you understand that to be referring to the
24 Cuban Cohiba?
25 MR. DEUTSCH: Objection.

1 THE WITNESS: No. Actually, reading this I
2 would infer it was Cohiba the name. It could be either
3 the Dominican one or the Cuban one.
4 BY MR. KRINSKY:
5 Q And the second sentence, "Debuting in Cuba
6 shortly after Castro came to power, Cuban cigars were
7 made from" and so forth.
8 That would refer to the Cuban Cohiba; is that
9 correct?
10 A That's correct.
11 Q And the third sentence refers to Fidel Castro;
12 correct?
13 A That's correct.
14 Q Okay. That one was Exhibit?
15 THE REPORTER: 8.
16 MR. DEUTSCH: That one was 8, yeah.
17 BY MR. KRINSKY:
18 Q Okay. And I'd like the witness to look at
19 Exhibit No. 9.
20 And I'll ask the witness after he reads it
21 whether he has seen this document before?
22 A I have not seen this.
23 Q I draw your attention to the second sentence.
24 It says, "The Cohiba was born in Cuba." That's not true
25 for the General Cigar Cohiba; is that correct?

1 A That's correct.
2 Q And I ask the witness to examine
3 Exhibit No. 10. And I'll ask him whether he has seen
4 that exhibit before.
5 A Not this particular one. Parts I have, the
6 illustration. I have not seen the copy.
7 Q I'm sorry? You have not seen the copy?
8 A No.
9 Q I ask the witness to look at Exhibit No. 11,
10 and I'll ask him whether he has seen this before.
11 A No.
12 Q I'd ask the witness to look at Exhibit No. 12
13 and ask him, after he examines it, whether he has seen
14 this before.
15 A I've seen parts. The illustration I've seen.
16 I haven't seen the copy.
17 Q I draw your attention to the second sentence of
18 the second paragraph, I guess where it says,
19 "This line originated from the special
20 blend of tobaccos that Fidel Castro
21 himself used to smoke, and to this day
22 the Cohiba brand continues to impress."
23 What does the word "line" mean in marketing
24 terms?
25 MR. DEUTSCH: Objection.

1 THE WITNESS: It refers to all of the cigars
2 produced under this banner, under this name.
3 BY MR. KRINSKY:
4 Q This name. It's not as distinct from a line of
5 products produced by a single company?
6 A I'm sorry?
7 Q As distinct from a line of products produced by
8 a single company?
9 A I guess I'm a little confused by the whole
10 thing. I want to reread it.
11 Q Sure. Take your time.
12 A Okay.
13 Q Is General Cigar's Cohiba in the line
14 originated by the Cuban Cohiba?
15 A No.
16 Q In your report I believe you did not mention
17 any social media; is that correct?
18 A I'm not really sure what social media is to be
19 honest. But that's definitely a factor.
20 MR. DEUTSCH: He's just asking you whether it's
21 in your report.
22 THE WITNESS: I don't know if those words are
23 in my report.
24 BY MR. KRINSKY:
25 Q In your report do you discuss Facebook?

A I just put the ones that I knew about. I'm not on Twitter or Facebook or social media, but that is a factor that I mentally encompass with all this mass communications.

Q You're not on Facebook; is that correct?

A That's correct.

Q And you're not on Twitter; is that correct?

A That's correct.

Q And you're not on Instagram; is that correct?

A That's correct.

Q And you're not on You Tube; is that correct?

A That's correct.

Q Did you examine Facebook in connection with preparing your report?

A No.

Q Twitter?

A No.

Q Instagram?

A No.

Q You Tube?

A Can I correct that.

Q Yes, please?

A You Tube yes, I have.

Q What did you do?

A I clicked on the number of people talking about

1 their different cigars some of which were the Cohiba
2 cigars.
3 Q Uh-huh. And where was that? Where on You Tube
4 was that?
5 A It was just on those little things you click
6 on. If you go to the internet and you click on Cohiba
7 cigars --
8 Q Uh-huh.
9 A -- you'll get a little box, a window, which
10 will be a You Tube thing, and it's usually some smoker
11 talking about whatever he's smoking.
12 Q And what was the search word that you used to
13 find that?
14 A I put "Cohiba."
15 Q And you did not save it?
16 A (No audible response.)
17 Q You did not save that?
18 A No.
19 Q And did you take any notes about it?
20 A No.
21 Q And do you know where to find it?
22 A Yes. If I click on Cohiba it will probably
23 come up again.
24 Q And do the people identify themselves by name?
25 A Not always.

1 Q How many -- how many -- I don't even know the
2 word. How many of these conversations did you see on
3 You Tube in preparing your report?
4 A I can't recall. It was a number.
5 Q Five?
6 A More than that.
7 Q 10?
8 A I would say closer to 15, 20.
9 Q Do you know who these people were?
10 A No.
11 Q And what were they talking about?
12 A Their favorite cigars.
13 Q Uh-huh. And do they mention their favorite
14 cigars?
15 A In some cases they mentioned what it was.
16 Q And in some they mentioned Cohiba?
17 A Some of them did.
18 Q And was it clear whether they were referring to
19 the Cuban Cohiba or the General Cigar Cohiba?
20 A Normally they would make a distinction whether
21 it was the Cuban or the general.
22 Q In what way did they make a distinction?
23 A They would mention the country or showing the
24 brand or the taste of Dominican tobacco or the fact that
25 they got an illegal Cohiba. So they would definitely

1 break them out.
2 Q The same -- in how many instances did the same
3 person reference both the Cuban Cohiba and the General
4 Cigar Cohiba?
5 A Not many.
6 Q And have you done research on Facebook,
7 Instagram, or Twitter prior to your work on the -- on
8 this report?
9 A Yes.
10 Q And what have you done?
11 A Basically asking people about their
12 information. "Where did you get that? How do you know
13 this?" And that's where they mentioned going on these
14 sites.
15 Q Uh-huh. And did you yourself go on these
16 sites?
17 A No.
18 Q And was it common -- I'm sorry. Are you
19 referring to cigar consumers, cigar smokers?
20 A Yes.
21 Q And how many people -- was it frequent that
22 people said they obtained information from these sites?
23 A In recent years very frequent.
24 Q Do these people who mentioned it fit into any
25 particular age group?

1 A They were 100 percent premium cigar smokers,
2 but the age group would range from 24 to 65 generally.
3 There's exceptions, but that's the gamut.
4 Q Now, is it -- do I understand correctly that it
5 is your opinion that because people know it's illegal to
6 sell Cuban cigars in the United States, they know that
7 General Cigar's Cohiba is not a Cuban cigar?
8 A Yes.
9 Q And I draw your attention to Paragraph -- I'm
10 sorry -- Paragraph 22 and 23 of your report.
11 If I understand it correctly, are you saying
12 there that when there has been some relaxation of the
13 rules of the embargo rules, that has generated some
14 questions by some cigar consumers about whether it's
15 legal to buy Cuban cigars in the United States?
16 A Yes.
17 Q On October 17th, 2016 there was a relaxation of
18 the embargo rules with respect to cigars; is that
19 correct?
20 A That's correct.
21 Q Did you watch President Obama's appearance on
22 The Jimmy Kimmel show on October 24th?
23 A No.
24 Q Have you heard about it?
25 A No.

1 MR. KRINSKY: I'll mark Exhibit 13 a download
2 from RobbReport.com on -- it was made on June 12th.
3 (Whereupon, the document referred to
4 was marked as Petitioner's Exhibit 13
5 for identification by the Reporter,
6 a copy of which is attached hereto.)
7 MR. DEUTSCH: Can you put the page numbers --
8 MR. KRINSKY: No, this is not --
9 MR. DEUTSCH: It's not previously marked.
10 MR. KRINSKY: The numbers 6-12-17 appear on it.
11 THE WITNESS: I have two pages that are the
12 same.
13 MR. KRINSKY: Yeah, I have two pages too.
14 MR. DEUTSCH: While he's looking at this, do
15 you mind me looking at yours? It's so small, it's hard
16 to read over his shoulder.
17 MR. KRINSKY: Sure.
18 MR. DEUTSCH: I assume it's just the first two
19 pages have any significance here.
20 THE WITNESS: What are there two pages?
21 MR. DEUTSCH: I don't know.
22 MR. KRINSKY: It was a duplicating mistake.
23 That's all.
24 MR. DEUTSCH: I think, unless I'm wrong, that
25 that page and then the page talking about it that talks

1 about the Cuba Cohiba is the ones you want him to look
2 at; right?
3 MR. KRINSKY: Yeah, I'm only going to ask about
4 the first page actually, he doesn't have to look at the
5 whole document.
6 THE WITNESS: Okay. So should I just read all
7 of this?
8 MR. KRINSKY: Let me ask the question.
9 THE WITNESS: I wrote it, so --
10 MR. DEUTSCH: I don't think he's interested --
11 go ahead and ask the question.
12 BY MR. KRINSKY:
13 Q Have you seen this document before?
14 A Yes.
15 Q Have you seen it in the format it appears on
16 this printout?
17 A On a printout? No.
18 Q On the screen?
19 A Yes.
20 Q Okay. Did you write the headline "Cuban Cigars
21 are Legal Again. This is Your Guide to Buying the
22 Best"?
23 A Actually, that's not my headline. That's the
24 editor's headline.
25 Q Uh-huh. Did you see this headline before it

1 was published?
2 A No. I saw it when it was published.
3 Q Did you subsequently object to the editor about
4 this headline?
5 A No.
6 Q In your opinion, would a reader just looking at
7 the headline believe that Cuban cigars can be sold in
8 the United States legally?
9 MR. DEUTSCH: Objection.
10 THE WITNESS: I'm not sure because I know they
11 can't be, so that would not -- that wouldn't be relevant
12 to me.
13 MR. KRINSKY: Uh-huh. Okay.
14 Q Are you more knowledgeable than most people
15 about the U.S. embargo with respect to cigars?
16 A I believe so.
17 MR. KRINSKY: We'll mark as No. 14 a download
18 from RobbReport.com which I will -- and each page is
19 marked 6-12-17 as the day of the download.
20 MR. DEUTSCH: Can you read the headline or
21 something so that we can distinguish it from the last
22 exhibit?
23 MR. KRINSKY: Yes. It's called -- well, the
24 search appears on RobbReport.com as the source, rather,
25 and it says "Robb Report," and then it has, "Search

1 results for: Cohiba."
2 MR. DEUTSCH: Okay.
3 MR. KRINSKY: That's No. 14.
4 (Whereupon, the document referred to
5 was marked as Petitioner's Exhibit 14
6 for identification by the Reporter,
7 a copy of which is attached hereto.)
8 MR. DEUTSCH: Do you want me to have the cover
9 as part of the exhibit? I don't care. I just want to
10 staple it.
11 MR. KRINSKY: Yes. Thank you. Why don't we
12 just -- there's a cover to the exhibit prepared by my
13 office which was not part of the download and it's just
14 for purposes of identification. "Robb Report search
15 results for Cohiba."
16 MR. DEUTSCH: Can I look at yours?
17 MR. KRINSKY: Yes.
18 And I ask the witness to look at this exhibit.
19 THE WITNESS: Do you want me to read all of
20 this?
21 MR. KRINSKY: If I get my copy back, I can
22 maybe expedite this a little bit.
23 Can you look at the whole document as you wish,
24 of course, but I draw your attention to the first page,
25 the two items on the first page. And you might come

1 back to look at them more carefully after we go through
2 this.
3 And, then, on the third page there -- the first
4 item and the third item -- the first, second, and third
5 items -- I'm sorry, and on the next page the fourth
6 item -- the second and fourth items.
7 And, then, the next page, the middle item?
8 A I'm sorry?
9 Q The middle item?
10 A That's the same as -- the preceding page.
11 Okay.
12 Q Not on my copy.
13 What does the middle item say on your page?
14 A "Cuban Cigars, A Buyer's Guide."
15 Q Yes, that's correct.
16 And, then, so those are the items I would bring
17 your attention to in particular, but feel free to read
18 through the whole document.
19 A I wrote most of it, not all of it.
20 Q In your opinion, would a reader entering the
21 search on RobbReports.com for Cohiba and scrolling down
22 through the document that has been printed out believe
23 that it was now legal for Cuban cigars to be sold in the
24 United States?
25 MR. DEUTSCH: Objection.

1 THE WITNESS: That's debatable because most
2 Robb Report readers would know this is a Dominican
3 product even though I'm writing about Charlie Palmer's
4 Cuban cigar celebration.
5 BY MR. KRINSKY:
6 Q Aside from what they believed about the General
7 Cigar's Cohiba, would they, scrolling down through this,
8 believe that Cuban cigars can now legally be sold in the
9 United States?
10 MR. DEUTSCH: Objection.
11 THE WITNESS: It's possible some might.
12 (An off-the-record discussion was held.)
13 BY MR. KRINSKY:
14 Q In preparing your report, did you review how
15 the press reported on the changes in the embargo
16 regulations with respect to cigars --
17 A Yes.
18 Q -- on October 17?
19 MR. DEUTSCH: That's when the embargo
20 regulations changed, not when he reviewed it.
21 MR. KRINSKY: Yes.
22 THE WITNESS: Correct.
23 BY MR. KRINSKY:
24 Q And you reviewed how the press reported that in
25 connection with preparing your report?

1 A It wasn't a direct connection with my report.
2 It was part of my ongoing research.
3 Q And in May when you were -- May 2017 --
4 A I'm sorry?
5 Q In May 2017 when you were retained as an expert
6 in this case and began work on your report and wrote
7 your report, did you review how the press had reported
8 on the October 17th, 2016 changes in the regulations?
9 A Yes, I went back.
10 Q You went back?
11 A Yeah.
12 Q Where did you go back --
13 A Back to the internet.
14 Q Back to the internet?
15 A Right.
16 Q Okay. And what did you look at on the
17 internet?
18 A The newspaper stories. I put "Cuban embargo
19 news stories."
20 Q Uh-huh.
21 A And, then, you get the New York Times, the
22 L.A. Times, the major versions of reporting on that.
23 MR. KRINSKY: And I'm going to mark this as
24 Exhibit 15, which is a -- I only have one copy. I'm
25 sorry -- which is -- has Bates Nos. CT 0027363 through

386.

(Whereupon, the document referred to was marked as Petitioner's Exhibit 15 for identification by the Reporter, a copy of which is attached hereto.)

BY MR. KRINSKY:

Q So, please, this is a composite exhibit of downloads from the internet of -- of newspaper stories.

A Do you want me to read all these?

Q Yeah. Look at it as you like, but I'm really going to be asking you about the headlines.

A The headlines?

Q Yeah, the headlines?

A Yeah, I pretty much know what the content is.

MR. DEUTSCH: Take a look at it. If you're only going to be asked about the headlines, then take a look at the headlines.

THE WITNESS: Yeah.

BY MR. KRINSKY:

Q And in the review of the press that you just mentioned, did you look at these publications and these articles?

A I looked at the New York Times. To be honest, I did not look at the originator of the headlines. I just looked at the headline.

1 Q You mean just now?
2 A Sorry?
3 Q You mean just now?
4 A Yes.
5 Q Okay. Let me help out here, then.
6 In your review, did you look at USA Today?
7 A Yes.
8 Q Did you see the article which is on 27367 --
9 not in your review today, but you testified that you --
10 A Initially --
11 Q -- in preparing your report, you made a review
12 of the press.
13 A Yes.
14 Q Okay. Did you look at -- in that review, did
15 you look at USA Today?
16 A Yes.
17 MR. DEUTSCH: Are you asking him to do so
18 without referring to the exhibits -- looking at the
19 exhibit now --
20 MR. KRINSKY: No.
21 Q Just generally did you look at USA Today?
22 A No.
23 Q Did you see this article, 27367?
24 MR. DEUTSCH: Now you can look at this. This
25 one here.

1 THE WITNESS: Yes.
2 BY MR. KRINSKY:
3 Q And in your opinion, would someone just reading
4 the headline believe that Cuban cigars could be legally
5 sold in the United States?
6 MR. DEUTSCH: Objection.
7 THE WITNESS: Yes.
8 BY MR. KRINSKY:
9 Q And did -- in your review, the prior review,
10 did you look at Fox4KC.com?
11 MR. DEUTSCH: Which page is that?
12 MR. KRINSKY: 27368.
13 THE WITNESS: No.
14 BY MR. KRINSKY:
15 Q And drawing your attention to 27372 from Conde
16 Nast Traveler --
17 A Okay.
18 Q -- did you look at Conde Nast Traveler --
19 A Yes.
20 Q -- in your review?
21 A Yes.
22 Q Did you see this article?
23 A Yes.
24 Q Would someone reading the headline believe that
25 Cuban cigars could be legally sold in the United States?

1 MR. DEUTSCH: Objection.
2 THE WITNESS: Yes.
3 BY MR. KRINSKY:
4 Q Drawing your attention to CT 0027377, the
5 New York Times, you testified you reviewed the New York
6 Times?
7 A I did.
8 Q Did you see this article?
9 A Yes.
10 Q And would someone reading this article believe
11 that Cuban cigars could be legally sold in the United
12 States?
13 MR. DEUTSCH: Objection.
14 THE WITNESS: Yes.
15 BY MR. KRINSKY:
16 Q Looking at CT 0027382, Washington Times, did
17 you look at that?
18 A Yes.
19 Q And would someone reading that headline believe
20 Cuban cigars could be legally sold in the United States?
21 MR. DEUTSCH: Objection.
22 THE WITNESS: You say sold --
23 BY MR. KRINSKY:
24 Q Legally sold, yeah, in the United States?
25 MR. DEUTSCH: The same objection.

1 THE WITNESS: This one has the word "import,"
2 so I would say possibly.
3 BY MR. KRINSKY:
4 Q Okay. And 27385, Time.com, did you review
5 Time?
6 A No, I didn't look at this one.
7 Q Would someone reading that headline believe
8 that Cuban cigars could be legally sold in the United
9 States?
10 MR. DEUTSCH: Objection.
11 THE WITNESS: Possibly.
12 BY MR. KRINSKY:
13 Q And finally 27363.
14 MR. DEUTSCH: 27363?
15 MR. KRINSKY: 27363.
16 MR. DEUTSCH: So it's back in the beginning.
17 THE WITNESS: Oh, it's the first one.
18 MR. KRINSKY: And this is KCTV5.com.
19 MR. DEUTSCH: Here.
20 THE WITNESS: Oh, yeah.
21 BY MR. KRINSKY:
22 Q Did you review that publication?
23 A No.
24 Q And would its headline -- would someone reading
25 its headline believe that Cuban cigars could be sold in

1 wine things as well.
2 MR. DEUTSCH: Are you doing okay hearing him?
3 THE WITNESS: Yeah, yeah, as long as I cup my
4 ear I'm good.
5 BY MR. KRINSKY:
6 Q Now, I noticed in your calendar that you
7 providing there are some references to Costco and Wine
8 Locker.
9 A Uh-huh. Sorry. Go ahead. I'll answer that.
10 Q Does the reference to Costco have anything to
11 do with cigars?
12 A No.
13 Q Okay. I won't ask further.
14 A Can I say something off the record?
15 (An off-the-record discussion was held.)
16 BY MR. KRINSKY:
17 Q Let me draw your attention to Paragraph 18 and
18 33 of your report.
19 A What?
20 Q 18 -- I'm sorry. My voice is dropping. 18.
21 A Uh-huh.
22 Q Let me start with 18, Paragraph 18, and draw
23 your attention to the second sentence,
24 "After all, if someone is paying
25 anywhere from $7 and up for a premium

1 cigar, the General Cigar Cohiba -- the
2 General Cigar Cohiba cigar typically
3 retails depending on size and sub brand
4 approximately $7.20 to $23 each, not
5 including state and local taxes. It is
6 far from being a random choice or a
7 casual purchase. It is a definite
8 monetary commitment to a product that is
9 a symbol of a luxury lifestyle. As a
10 result, that cigar smoker is keenly
11 interested in discovering specific
12 details concerning the cigars he is
13 interested in buying including their
14 tobacco strength and the countries in
15 which they are made."
16 Is -- is someone paying significantly less than
17 that for cigars less likely to be interested in
18 discovering those specific details?
19 A No. It's a different breed of cat. Usually
20 you're getting into the machine-made, less expensive
21 brands. That person doesn't have the interest to go
22 beyond what he's smoking at that time. It could be a
23 Roi-Tan. It could be a Grenidier. Those are very
24 inexpensive machine-made cigars.
25 Once you get into the premium cigar realm,

1 you're getting into a much more sophisticated and
2 serious cigar consumer.
3 Q So if all premium cigar smokers have this keen
4 interest, if I understand you correctly, why did you
5 make this point about how expensive the General Cigar
6 Cohiba cigar is?
7 A Because that falls within the premium cigar
8 realm. Premium cigars typically start at $7.
9 Q Are there any cheaper premium cigars than $7?
10 A There must be, but not that are in the
11 mainstream that are serious contenders.
12 Q Okay. What do you mean by the "mainstream"?
13 A Cigars that people recognize or that see or
14 that have been advertised.
15 Q Advertised on the internet?
16 A On the internet, in print, basically, yes.
17 Q Can you find premium cigars -- when you say
18 "premium cigars," you mean hand-rolled cigars?
19 A Yes. A definition of a premium cigar is hand
20 rolled, long-leaf tobacco.
21 Q Uh-huh.
22 A And there just happens to be a price range
23 within that premium cigar category which on average
24 typically starts around $7.
25 Q On JR's are there premium cigars that are less

than $7?

A Yes. JR discounts heavily.

Q Uh-huh. Who else discounts heavily?

A Thompson Cigars.

Q Are there something called small cigars?

A I have to stop because I have to think about it, but there are miniature cigars, there are machine-made cigars are dry, d-r-y, cigars.

Q And all those cigars are typically substantially cheaper than $7?

A Yes.

Q Is there a small cigar that is a premium cigar that is not handmade?

A No, just by definition a premium cigar is --

(An off-the-record discussion was held.)

MR. KRINSKY: I'll rephrase the question.

Q Is there a small cigar that is a premium cigar?

A No, by definition of a premium cigar generally speaking there's not.

Q Is there a small cigar that is handmade?

A Yes.

Q Could you name some?

A There is such an anomaly, Villiger, V-i-l-l-i-g-e-r, makes one. I think the Dominican Partagas makes one called the Pequeno, I believe,

1 P-e-q-u-e-n-o, with a tilde over the N.

2 MR. KRINSKY: I'd like to mark as Exhibit 16.

3 (Whereupon, the document referred to

4 was marked as Petitioner's Exhibit 16

5 for identification by the Reporter,

6 a copy of which is attached hereto.)

7 MR. KRINSKY: This is photocopies of Pages 158,

8 159, and 160 of your book The Ultimate Cigar Book,

9 fourth edition.

10 MR. DEUTSCH: We brought a copy of the book if

11 it would be more useful to look at this.

12 MR. KRINSKY: Well, why don't we stick with

13 this. It will be easier just to keep everything

14 together. But I have no objection if you want to look

15 at the book as well.

16 And on the photocopies I've given you, the

17 photos of the flags are my flags, not your flags.

18 Q And I direct your attention to Page 159. And

19 you discuss something that you refer to as the power

20 smoke. And could you review that discussion and then I

21 will ask you a couple questions.

22 A Okay.

23 Q Okay. Are General Cigar's Cohiba, would you

24 consider them a power smoke?

25 A I'm sorry?

1 Q Would you consider General Cigar's Cohiba a
2 power smoke?
3 A Some of them.
4 Q Which ones?
5 A They have Macassar, they have the luxury
6 selection. Every once in a while they'll come out with
7 one called an ultra premium cigar that's very limited in
8 production and made with rarer tobaccos. That would
9 qualify as a power smoke.
10 Q If I'm reading what you wrote correctly, the
11 people who are -- want to have a power smoke are
12 interested in the image of the cigar primarily; is that
13 correct?
14 A Yes.
15 Q And they would be less inclined to be
16 interested in the details about their tobacco strength
17 and country of origin?
18 A What was the last part?
19 Q Country of origin.
20 MR. DEUTSCH: Could you read the last question.
21 (The record was read.)
22 THE WITNESS: Not necessarily. Country of
23 origin would play a big part. Tobacco strength would
24 depend on the cigar and the cigar smoker.
25 ///

BY MR. KRINSKY:

Q And the country of origin would play a part for these people because it's connected to the image they want to project?

A The image and the quality of the cigar.

Q You write here on Page 159, "It has absolutely nothing to do with flavor, tobacco, value, or the attributes of any brand."

Are you suggesting that for people who want to have a power smoke, they're not interested in the quality of the cigar, but its image?

A The quality plays -- I don't think I said that. I'll have to reread what I wrote.

Q Uh-huh.

A Quality is a factor, but it's the image also that makes it a power smoke.

Q For the people who are power smokers, what's their primary motivation in the selection of a brand?

A To show off a cigar that has prestige and that's hard to get.

Q And, so, when they're looking for a brand, they will try -- they will gravitate to a brand that they believe has prestige; is that correct?

A Yes.

Q Is there -- did you ever hear of the word

1 people -- of those people are of the people who buy
2 General Cigar Cohibas?
3 A I couldn't answer that.
4 Q Do you think it's high or low?
5 A I wouldn't want to speculate because there are,
6 as you know, more than one General Cigar Cohiba. Each
7 one has images. And there are only so many in its
8 higher price category and power smoke category. What
9 percentage of the total General Cigar Cohiba smokers buy
10 those cigars, I have no idea.
11 Q And do you think that General Cigar's marketing
12 strategy is directed substantially to people who want to
13 have a power smoke?
14 MR. DEUTSCH: Objection.
15 BY MR. KRINSKY:
16 Q For their Cohiba, I mean.
17 A Can you ask that again? I lost it.
18 Q Do you think General Cigar's marketing strategy
19 is substantially directed -- marketing strategy for
20 Cohiba is substantially directed to people who want a
21 power smoke?
22 MR. DEUTSCH: Objection.
23 THE WITNESS: In varying degrees depending on
24 which Cohiba is being marketed.
25 ///

1 BY MR. KRINSKY:
2 Q Which of those Cohibas would be more true than
3 others?
4 MR. DEUTSCH: Objection.
5 THE WITNESS: Any of the higher priced limited
6 editions that they come out with. Like the Macassar,
7 they came out with -- who is the guy American wine safe?
8 MR. DEUTSCH: Jay Z.
9 THE WITNESS: Thank you.
10 A cigar that Jay Z allegedly helped blend,
11 those types of limited editions would be directed toward
12 our smoke guy.
13 BY MR. KRINSKY:
14 Q Does -- does General Cigar's Cohiba enjoy a
15 Cuban halo?
16 MR. DEUTSCH: Objection.
17 THE WITNESS: Not anymore. It has the Cohiba
18 name, but that's where it ends.
19 BY MR. KRINSKY:
20 Q At one time it enjoyed a Cuban halo? Is that
21 what you're saying?
22 MR. DEUTSCH: Objection.
23 THE WITNESS: At one time it did.
24 BY MR. KRINSKY:
25 Q When was that?

A During the cigar boom right after it first came out.

Q And what do you -- what is meant by halo?

A A connection that suggested assimilation.

Q Would you consider General Cigar's Cohiba to be positioned as a super premium?

A It would be more of a premium across the line. Some would be the super premium on the limited editions, but by and large the standard line would be a premium cigar.

Q When you say standard line, what do you mean?

A The cigars that are in regular General Cigar production, Cohiba black, the Cohiba Nicaragua, the basic red lights.

Q Would you say that name recognition draws interest in the General Cigar Cohiba?

MR. DEUTSCH: Objection.

THE WITNESS: I'm sorry?

BY MR. KRINSKY:

Q Do you believe that name recognition drives interest in the Cuban Cohiba -- in the General Cigar Cohiba?

MR. DEUTSCH: Objection.

THE WITNESS: I think it helps.

///

1 BY MR. KRINSKY:
2 Q And is that name recognition in part due to the
3 Cuban Cohiba's renown?
4 MR. DEUTSCH: Hold on. Objection.
5 THE WITNESS: In part, yes.
6 BY MR. KRINSKY:
7 Q Is the perception that the General Cigar Cohiba
8 has an authentic Cuban heritage part of its strength as
9 a brand?
10 MR. DEUTSCH: Objection.
11 THE WITNESS: I think that was truer in the
12 beginning. It may still be partially true now.
13 BY MR. KRINSKY:
14 Q Now, on Paragraph 22 -- now it's too hot here.
15 (A brief recess was taken.)
16 BY MR. KRINSKY:
17 Q In Paragraph 22 you recount some conversations
18 you've had, and what's the time period over which you've
19 had these conversation, 22 and 23?
20 A Oh. Ever since -- it was October when they
21 first relaxed the rules. They said you could bring in
22 Cuban cigars.
23 Q Uh-huh.
24 A That's when it started.
25 Q Okay. And you say in Paragraph 22,

1 "I speak to many tobacconists, and some
2 of them tell me that because of these
3 changes, sometimes a customer will ask
4 if he can now buy Cuban cigars in the
5 United States."
6 When you say "sometimes," do you have any
7 indication of frequency?
8 A I would say 20 to 30 percent of the time. Most
9 customers know you can't have Cuban cigars, but there
10 are some because of the headlines that you showed me
11 before that I had seen in my research, they're very
12 misleading.
13 Q Now, in Paragraph 24 you have stated that you
14 have concluded that,
15 "Today potential international smokers
16 of premium cigars are aware that they
17 cannot legally obtain Cuban cigars
18 including the Cuban Cohiba in the United
19 States. As a result these smokers also
20 know that the Cuban Cohiba cigars made
21 by General Cigar Cohiba cigars are
22 completely different and unconnected."
23 If I understand what you're saying -- correct
24 me if I have not understood it -- you're saying that you
25 believe that premium cigar consumers know they cannot

1 legally obtain Cuban cigars in the United States. And
2 you are making a deduction from that that they also
3 believe the Cuban cigar Cohiba and the General Cigar
4 Cohiba cannot be connected; is that a fair statement of
5 what your reasoning is?
6 A Yes.
7 Q And have you -- have you done anything in
8 preparing this report to substantiate the soundness of
9 that deduction?
10 A That was all based upon my experience up to
11 doing that report.
12 Q Now, the fact that Cuban cigars cannot be
13 legally sold in the United States does not necessarily
14 mean that a Cuban company could not license a Dominican
15 Republic company to use the Cohiba name on cigar
16 products the Dominican company sells in the United
17 States; do you agree with that?
18 MR. DEUTSCH: Objection.
19 THE WITNESS: To be honest, I'm not sure if
20 that's legally possible because of our non-relationship
21 with Cuba. I don't think that could happen.
22 BY MR. KRINSKY:
23 Q Are you certain about that?
24 A I'm not a trademark attorney, so, no. But my
25 perception is U.S. companies cannot do business with

1 Cuba and vice versa. And the general perception is any
2 cigar sold in this country would not have a Cuban
3 connection.
4 Q And that's a perception based upon your legal
5 understanding of the embargo?
6 A And -- and -- yes, my understanding of the
7 embargo and also what most consumers believe -- the
8 premium cigar smokers, I have to qualify that -- that
9 you can't have Cuban tobacco in this country and you
10 can't have Cuban products in this country. So that's
11 what --
12 Q Have you had a discussion with cigar consumers
13 about whether a cigar manufactured in the Dominican
14 Republic entirely from non-Cuban ingredients can be sold
15 in the United States -- legally sold in the United
16 States if the Cubans provide technical advice and value
17 quality valuation to the Dominican Republic company?
18 MR. DEUTSCH: Could we hear the question read
19 back.
20 Hold on. I'd like to hear the question read
21 back.
22 THE WITNESS: To you, yeah.
23 MR. DEUTSCH: To you and me.
24 (The record was read.)
25 MR. DEUTSCH: The question is whether you've

1 had a conversation.
2 THE WITNESS: With consumers. That has never
3 come up with consumers.
4 BY MR. KRINSKY:
5 Q You refer, I believe, in your book to cigars
6 that have dual nationality. What do you mean by that?
7 A Having the same name as a Cuban and a non-Cuban
8 cigar like Partagas, H. Upmann, or Cohiba.
9 Q And are there many such cigars?
10 A I don't know what you mean by "many," but there
11 are a number of them, yes.
12 Q And they're included in the compendium portion
13 of your book; right?
14 A Yes.
15 Q And in the compendium portion of your book you
16 could identify those cigars because you have made a
17 double entry under the name with the parentheses around
18 one of the entries, Cuba, and on the other entry,
19 whatever it is, Honduras, Nicaragua, or the Dominican
20 Republic?
21 A Yes.
22 Q And there are maybe 10 of them?
23 A Easy, yeah.
24 Q Easy. Probably more?
25 A A little more, not many, but there's enough.

1 Q Okay. And are some of these cigars very well
2 known in the U.S. market?
3 A Yes.
4 Q Partagas?
5 A Partagas for sure.
6 Q Montecristo?
7 A Montecristo, H. Upmann, U-p-m-a-n-n, Romeo y
8 Julieta.
9 Q And am I right that the history of those cigars
10 is that they were originally made in Cuba by a family
11 usually, by a Cuban business, and that family or
12 business left Cuba in 1959 or 1960 when the factories
13 were nationalized, and they set up shop in another
14 country, Canary Islands, Honduras, Nicaragua, and
15 ultimately they started making cigars again under that
16 same name; is that correct?
17 A That's correct.
18 Q And some of these families are still making the
19 cigars, some of them have sold the rights to other
20 companies?
21 A That's correct.
22 Q Yeah. And this -- and this history of -- it's
23 usually emphasized by the company selling that brand --
24 is that correct? -- in the United States?
25 A (No audible response.)

1 Q That history is usually emphasized in one way
2 or another in the marketing of the brand in the United
3 States; is that fair to say?
4 A Yes.
5 Q And in these situations for these dual
6 nationality brands, the Cubans after the Cuban
7 revolution, they continued to use the brand and sell
8 cigars around the world with that brand, but not in the
9 United States; is that correct?
10 A That's correct.
11 Q Now, there is a Cohiba sold around the world
12 and there is a Cohiba sold in the United States. It's
13 not by General Cigar.
14 MR. DEUTSCH: Could you repeat it.
15 BY MR. KRINSKY:
16 Q There is a Cohiba sold in Cuba and there's a
17 Cohiba sold in Cuba and around the world that's made in
18 Cuba and sold under the Cohiba name. And there is a
19 cigar sold under the Cohiba name in the United States
20 just like the rest of these dual nationals; is that
21 correct?
22 A Right.
23 Q Except that the history of a family having made
24 the cigar originally in Cuba and then having left and
25 continuing to make cigars but elsewhere under that brand

1 name is not true in the case of Cohiba; is that correct?
2 A Right. Because there was no family connected
3 to Cohiba.
4 Q Right. And from the fact that there are so
5 many dual nationals as you have explained, are some
6 people likely to believe that the Cuban -- that the
7 General Cigar Cohiba is also a dual national?
8 A Yes, it's very possible some might.
9 Q Referring to Paragraph 29 of your report, you
10 refer to the appearance of the cigar bands and the boxes
11 of -- for the General Cigar Cohiba and the Cuban Cohiba,
12 and you say they are -- the appearance is distinctly
13 different.
14 Now, is the -- in your opinion is the lettering
15 of the word "Cohiba" on the General Cigar band and box
16 completely different -- distinctly different from the
17 lettering of Cohiba on the Cuban product?
18 A It's different enough to be noticed by anybody
19 who's seen a real Cuban-made Cohiba as opposed to a real
20 Dominican-made Cohiba.
21 Q And in what way is it different enough?
22 A The serifs and the thickness of the letters.
23 It's a different type style, and the General Cigar
24 Cohiba always has a color in the middle of the O.
25 Q And if you took the color out, would you still

1 say they were distinctly different?
2 A Again, they would be different enough to be
3 noticed by anybody who had seen the Cuban Cohiba.
4 Q Have you done any work in product design?
5 A (No audible response.)
6 Q Product design, trade dress design?
7 A I have.
8 Q When was that?
9 A That was when I was with the Tinder Box
10 International as their marketing counsel. I helped
11 design certain cigar boxes that were theirs exclusively.
12 I designed certain pipes and pipe boxes that contained
13 them. I won a few design contests when I was in high
14 school, if that counts.
15 Q It sure counts.
16 Did you read Mr. Siegel's -- Alan Siegel's
17 report in the federal litigation?
18 A Yes.
19 Q And he talked a lot about the design of the --
20 the two products, the box and the band.
21 A Uh-huh.
22 Q And you -- I take it you disagree with the
23 conclusion, his conclusions?
24 A Yes.
25 Q Mr. Siegel wrote that -- I'm sorry. Did you

read his -- Mr. Siegel's direct written testimony as distinct from his report?

A I'm not sure which I read.

MR. DEUTSCH: Whatever he read is in his own report. The witness only saw the documents that are listed in his report, so that is -- if written testimony is not written there, the witness did not see it.

MR. KRINSKY: Yeah. Yes, you reference the report of Alan Siegel.

THE WITNESS: Uh-huh.

BY MR. KRINSKY:

Q Would you disagree with Mr. Siegel that the trade dress of the band and the box have a direct familial relationship?

A Absolutely disagree.

Q That they're very similar?

A They're not.

Q That they have an affinity?

A I'm not sure what you mean by "affinity."

Q Affinity.

A Sorry. There's no visual connection between the Cuban Cohiba trade dress and a General Cigar Cohiba trade dress.

MR. KRINSKY: Okay. I'm going to mark as Exhibit 17 the next exhibit.

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1 (Whereupon, the document referred to
2 was marked as Petitioner's Exhibit 17
3 for identification by the Reporter,
4 a copy of which is attached hereto.)
5 BY MR. KRINSKY:
6 Q And I ask the witness to examine Exhibit 17.
7 And does this bear a resemblance to the word
8 "Cohiba" as it appears on the Cuban Cohiba products?
9 A I'm sorry. Say that again.
10 Q Does -- does the image that appears on
11 No. 17 --
12 A Uh-huh.
13 Q -- have a resemblance to the way the word
14 "Cohiba" appears on the Cuban Cohiba products?
15 A By itself it does.
16 Q Would you say it has a close resemblance by
17 itself?
18 A I would say a close resemblance by itself.
19 Q Would you say it's identical?
20 A No.
21 MR. KRINSKY: All right.
22 MR. DEUTSCH: You're done?
23 MR. KRINSKY: We can go play golf.
24 You have some questions.
25 MR. DEUTSCH: I do have some questions. If you

1 don't mind, let's take five minutes.
2 (A brief recess was taken.)
3
4 EXAMINATION
5 BY MR. DEUTSCH:
6 Q Okay. Mr. Hacker, good afternoon. My name is
7 Andrew Deutsch, and I am the attorney representing
8 General Cigar Company in this case.
9 Mr. Krinsky has asked you a number of
10 questions, and I have a few questions regarding subject
11 matters that he asked you about on his examination.
12 Let's start sort of where he left off. I'm
13 going to show you Plaintiff's Exhibit 17 -- I'm sorry --
14 Petitioner's Exhibit 17, which is a trademark
15 registration for Cohiba obtained by General Cigar in
16 1992.
17 And you recall seeing that in your examination
18 by Mr. Krinsky?
19 A Yes, I do.
20 Q Now, I'm going to direct your attention at the
21 same time to your report which has been marked as
22 Petitioner's Exhibit 1.
23 Now, there is an Attachment E to Petitioner's
24 Exhibit 1, and I'll ask you if you can tell me what's
25 depicted on the first page of Attachment E?

1 A It's a copy of the Dominican Cohiba, and
2 underneath that is the Cuban Cohiba.
3 Q Okay. Now, I would like to ask you to take a
4 look at the band that is shown on the Cuban Cohiba on
5 that exhibit, which is the lower picture; correct?
6 A That's correct.
7 Q And compare it to the image of the Cohiba mark
8 registered by General Cigar that's shown on Petitioner's
9 Exhibit 17.
10 Do you see those two?
11 A You're talking about the word "Cohiba," not the
12 band?
13 Q I'm talking about how the word "Cohiba" is
14 depicted in the trademark registration and on the band
15 side by side.
16 A Okay.
17 Q And you were asked questions about the
18 similarity between the depiction of the Cohiba word --
19 word "Cohiba" in the trademark registration vis-a-vis
20 how it's depicted on the Cuban cigar.
21 Do you recall being asked about that?
22 A I do.
23 Q Now that you are actually looking at both of
24 them, what is your view or opinion about the similarity
25 or dissimilarity of the mark shown in the trademark

1 registration vis-a-vis the mark as shown on the band of
2 the Cuban Cohiba?
3 A As I said, they are slightly similar, but not
4 identical, and it's obvious that the lettering is more
5 condensed.
6 Q On which?
7 A On the Dominican Cohiba.
8 When you look at a word anywhere, but
9 especially something in bold type like Cohiba is
10 printed, your eye doesn't go to a single letter, it goes
11 to the entire word and then it goes to the single
12 letters. It's just a matter of how you look at things.
13 Q Right.
14 A And it's a more condensed image. It's
15 distinctly different in that aspect from anybody who has
16 seen a Cuban Cohiba. It has a very distinctive look to
17 it. It's more stretched out, and in most cases it's
18 embossed -- embossed in gold, and then you go to the
19 details.
20 In the Dominican Cohiba the "H" is more
21 condensed and the Cuban is spread out, and that
22 translates into the whole immediate visual you get of
23 the word.
24 Q Okay. Now, the top picture on the first page
25 of Exhibit E, that is a picture of the band on the

1 General Cigar Cohiba; is that correct?
2 A That is correct.
3 Q Now, ignoring for a moment the red dot that is
4 in the middle of the O on that, is that the same Cohiba
5 lettering as one sees in the trademark Petitioner's 17?
6 A Right.
7 Q Now, looking at the two products that are shown
8 in the first page of Exhibit 1 -- sorry -- of
9 Attachment E, the first page there, in your opinion
10 would the consumer consider those presentations to be
11 similar or different?
12 A Different.
13 Q In what respects would the consumer view them
14 as different?
15 A The overall design. The red dot
16 notwithstanding, the Cuban Cohiba is very distinctive.
17 For one it says "Habanos" on it. It says Habanos,
18 sometimes it says Los Habanos, but Habana in this case.
19 Q Does it also say "Cuba"?
20 A Yes.
21 Q What does it say on the General Cigar band?
22 A It has Dominican Republic written in reverse
23 type. It says Republica Dominicana.
24 Q I'll turn now to the second page --
25 Attachment F to your report. And can you tell me what

1 Attachment F depicts?
2 A It depicts the dress box of the Dominican
3 Cohiba on top and dress boxes of the Cuban Cohiba on the
4 bottom.
5 Q Now, in your opinion would the consumer of
6 premium cigars view those presentations as similar or
7 different?
8 A Different.
9 Q And why would a consumer of premium cigars view
10 them as different?
11 A The overall visual impact of the design, the
12 General Cigar Cohiba is actually much more simplistic.
13 It has the word branded in the center on the top.
14 There's nothing else around it. And you open the lid,
15 the inside of the lid repeats that desire. It's very
16 distinctive, but it's by itself.
17 The Cuban Cohiba I have to say is very
18 identifiable and for a reason, because anybody looking
19 to buy a Cuban cigar would be looking for these
20 distinctive marks. You have the Taino, T-a-i-n-o,
21 Indian silhouette. You have what I call the black and
22 white checkerboard, which is, again, very distinctive
23 Cuban Cohiba. And, then, the bottom half of the label
24 is yellow, and it says -- I can't read this writing, but
25 it usually says Habanos or Los Habanos Cuba, one of

1 those variations.

2 Q Okay. When consumers are looking to purchase

3 cigars and they go into a tobacco store for premium

4 cigars of quality of Cohiba, are they typically

5 presented in or not in a box?

6 A Usually a consumer will go into the walk-in

7 humidor and the cigars will be presented in the box.

8 Q And when one is going to buy a cigar or a box

9 of cigars on the internet, are they typically

10 presented -- displayed in their boxes, displayed as

11 individual cigars or in some other manner?

12 A Actually, both ways. Depending on the internet

13 site, they could show just a whole cigar, they can show

14 a closeup of the band, or they can show an open box.

15 They rarely show the closed box because that defeats the

16 purpose. The consumer wants to see the cigar.

17 Q Okay. I have some other questions.

18 I'll sort of now go in chronological order of

19 the issues raised by Mr. Krinsky.

20 Early in your examination by Mr. Krinsky he

21 asked you about the occasions in which you dealt with

22 General Cigar's marketing department outside of the

23 context of your service as an expert.

24 Do you remember testifying as to that issue?

25 A Yes.

A New cigar releases, yeah.

Q And do you obtain the information about that by going to cigar companies to find out what their new releases are or what they plan to be?

A Usually I go to the cigar companies, yes.

Q Okay. So would you say you deal with many cigar companies in the course of your work as an expert --

A Yes.

Q -- and writer?

A Many.

Q Okay. I'm going to show you Plaintiff's Exhibit 5. I'm sorry. Plaintiff's Exhibit 4. This is the printout from the JR Cigar site.

A Where are we?

Q It looks like this, so this is the one. It has 4 on the bottom.

A Ahhh.

MR. KRINSKY: Let me catch up here.

MR. DEUTSCH: Okay.

Q In examining Mr. Krinsky asked you about this exhibit which he said was a printout from the JRCigars.com web site.

Do you remember the questions and your testimony?

1 A Yes, I do.
2 Q Okay. What is JR Cigars?
3 A They are one of the largest if not the largest
4 internet sellers of cigars to consumers. They also have
5 a couple of brick and mortar stores.
6 Q Okay. Who owns JR Cigars?
7 A Altadis.
8 Q And does Altadis have any connection with
9 Plaintiff Cuban Tobacco?
10 A Yes, they are 50 percent owner of Cuban
11 Tobacco. They -- I don't know how it works. They may
12 be owned by Cuban Tobacco, but it's 50 percent.
13 Q And, so, the statements that appear on
14 Plaintiff's Exhibit 4 are made by a company that is a
15 subsidiary of Cuban Tobacco; is that correct?
16 A That's correct.
17 Q Now, you were shown in the course of your
18 examination web site printouts of JR Cigars, from
19 Thompson Cigars, from Famous Smoke Shop, from
20 Cigar.com -- Cigars.com, from Holt's Cigar Company.
21 A Uh-huh.
22 Q Do you remember those?
23 A Yes, I do.
24 Q Now, you were asked a series of questions by
25 Mr. Krinsky regarding copy on those -- downloaded from

1 those web sites which appeared to mention the General
2 Cigar Cohiba in the same text as the Cuban Cohiba.
3 Do you recall that?
4 A Yes, I do.
5 Q Is it a common practice for cigar merchants on
6 the internet to make a connection between an
7 American-sold cigar and Cuba?
8 A Yes, it is.
9 Q And could you describe how common that is?
10 A That's very common. Very few companies will
11 pass up an opportunity to make some kind of a Cuban
12 connection whether their name is from a Cuban cigar or
13 not.
14 Q And, so, is this issue limited to Cohiba or
15 does it also apply to other kinds or brands of cigars?
16 A No, it applies to numerous brands.
17 Q And what brands do you see efforts by cigar
18 merchants to draw Cuban connections to?
19 A Just off the top of my head, there are more
20 than I can recall, but H. Upmann does it all the time,
21 Montecristo does it all the time. Even cigars like
22 Aroma de Cuba, which uses the Cuban name for a reason,
23 it's a very common practice to try to link their cigar
24 product with some kind of a Cuban heritage.
25 Q And beyond the cigar companies themselves, do

1 cigar merchants attempt to make this kind of linkage?
2 A In what way?
3 Q You've been shown a series of printouts from
4 web sites of cigar merchants in which they have been
5 depicting or selling the Cohiba sold in the United
6 States, but they talk about the Cuban Cohiba.
7 A Right. I thought you meant did the merchants
8 liken themselves to Cuba.
9 Q No.
10 A They link their cigars to Cuba, of course.
11 Q Why do they do that?
12 A For the same reason the companies do that, to
13 show an implied connection.
14 And a lot of this copy, now that I've seen some
15 of this and, then, also when I was researching on the
16 internet, I've seen before because some of this is
17 supplied by the cigar companies themselves as sales
18 material.
19 Q But you don't know where the copy came from on,
20 say, for example, Plaintiff's Exhibit 4 or 5?
21 A No.
22 Q You don't know if that was written by the
23 merchant or by someone else?
24 A No.
25 Q But is there a similar effort on the part of

1 merchants to connect, say, the U.S. -- the Partagas sold
2 in the United States with the history of the Partagas
3 cigar in Cuba?
4 A They show the history, the link. They make a
5 distinction between Cuban and not Cuban, but they
6 invariably -- and Partagas is a prime example -- show
7 the family history, and they show where it started from.
8 Q So it's fair to say that it's common for
9 merchants in the talking about American -- cigars that
10 are sold in the United States to have a lot of copy
11 dealing with Cuba?
12 A Yes.
13 Q Okay. And, so, is there anything unusual about
14 the fact that this is also being done by some of these
15 merchants for the Cohiba cigar?
16 A No. It follows a pattern.
17 Q Okay. Now, you were asked about some newspaper
18 articles, and I think I might not actually have copies
19 of those, so I'm going to have to use your exhibits.
20 A You can --
21 Q Yeah, let me just go through right here.
22 It's going to be -- oh, yes. It's Plaintiff's
23 Exhibit 15 -- sorry. I keep saying that. Petitioner's
24 Exhibit 15.
25 MR. KRINSKY: Let's wait for a second.

1 MR. DEUTSCH: Sure.
2 MR. KRINSKY: What does it look like?
3 MR. DEUTSCH: This is what it looks like, 15.
4 MR. KRINSKY: Oh, the newspaper --
5 MR. DEUTSCH: The news stories, yeah.
6 MR. KRINSKY: Hold on. All right. Why don't
7 you go ahead.
8 BY MR. DEUTSCH:
9 Q Okay. Mr. Krinsky asked you a series of
10 questions as to whether -- what impressions consumers
11 might have if they only read the headlines on these
12 internet articles.
13 Do you remember that?
14 A Yes, I do.
15 Q Do you have any reason to believe that a
16 consumer on the internet who has navigated to one of
17 these stories would only read the headline?
18 A No, they'd read it for the copy.
19 Q And have you had a look at the copy that
20 appears under the headlines in these news articles?
21 A I did.
22 Q And does that copy correct any
23 misinterpretation that might be given with respect to
24 the commercial availability of Cuban cigars in the
25 United States following the relaxation of the embargo

1 restrictions?
2 A Depending on the reporter who wrote it, it does
3 correct it, but I notice that in some instances the
4 reporter goes with canned copy because the headlines are
5 very misleading.
6 Q Let me just ask you the text -- we'll just
7 start with -- this is small. I'll take something that
8 isn't quite this small so that we can all read it.
9 This was the -- let's go to one of the articles
10 you were asked about in some detail and that you said
11 you had seen in the past, so hold on a second, please.
12 A There was the New York Times, a couple other
13 ones.
14 Q Okay. Let's take a look at the one that
15 appears on Page CT 387 --
16 MR. KRINSKY: What is this?
17 MR. DEUTSCH: You have the exhibit.
18 MR. KRINSKY: Yeah.
19 MR. DEUTSCH: It's the Washington Times article
20 which the witness said he had seen. And it begins on
21 Page CT 0027382.
22 Q Now, I'll direct your attention to the second
23 page, and it says there,
24 "Effective Monday, U.S. citizens will no
25 longer be restricted to be returning

1 limitation.

2 Q And was that changed as a result of the

3 embargo -- the --

4 A The relaxation.

5 Q That's what I'm asking you about.

6 After the embargo regulations were released, is

7 it the case that Americans will be able to bring home as

8 many cigars and bottles of rum as they wish?

9 A No.

10 Q What was the change made in the embargo

11 regulations?

12 A That in terms of cigars that you could bring

13 cigars back because prior to that time you couldn't

14 bring Cuban cigars back.

15 Q Okay. So after the embargo regulations were

16 changed, was it true that Americans could bring home as

17 many cigars as they wish?

18 A No.

19 Q Okay. What were -- what currently are the

20 limitations on importation for personal use of cigars?

21 A Currently it's been changed since this came

22 out --

23 Q Uh-huh.

24 A -- you can now bring back as many cigars as you

25 want as long as they're for your own personal use;

1 however, if you delve deeply into the importation
2 regulations, they put a $400 limit on the cigars. You
3 never see this anywhere. I had to search for that.
4 Q Okay. Are Cohibas generally smoked by the
5 casual or sporadic cigar smoker?
6 A No.
7 Q Why not?
8 A They're way too expensive.
9 Q So what is your opinion as to the general level
10 of sophistication for the smoker of a cigar like Cohiba
11 or a person who wants to smoke a cigar like Cohiba?
12 A Are you talking about in general?
13 Q In general.
14 A He's in the upper echelon of wanting to smoke
15 the right thing for lack of a better term. He wants the
16 prestige and the panache of having one of the best
17 cigars they can. He's smoking the name.
18 Q Do people who smoke Cohibas generally do
19 research about Cohibas before they start smoking?
20 A Yes.
21 Q What kind of research do they tend to do?
22 A They want to find out what it is, where they
23 come from, what all the big hubbub is.
24 Q And you were asked a couple of questions by
25 Mr. Krinsky on what are sometimes called parallel

1 brands.

2 Do you recall those?

3 A Yes.

4 Q Is it your opinion that American consumers of

5 premium cigars are familiar with the fact that cigars

6 using the same brand are sold in the United States and

7 sold outside of the United States, but that there is not

8 a connection between the two?

9 A Yes.

10 Q And can you give us some examples of the types

11 of cigars where that is true?

12 A Brands such as Partagas, Romeo y Julieta,

13 H. Upmann, Cohiba Ramonios. There's a number of them.

14 Q And what is the level of awareness of consumers

15 of that kind of cigar with respect to whether there is

16 or is not a connection between the cigar under that name

17 sold in the United States and the cigar in that name

18 sold outside of the United States?

19 A The great majority realize they're two

20 different connections to these cigars. There's a Cuban

21 connection and, for the lack of a better word, a

22 non-Cuban connection which would be Dominican Republic

23 or Honduras or Nicaragua.

24 Q Do you have an understanding that the consumers

25 know the cigars are owned by two different companies?

1 A Yes, they know they're made in different
2 countries. They know they're not made by Cuban Tobacco
3 if they're sold in the U.S., and they know where they're
4 made because there's a great level of understanding
5 about where their cigars come from.
6 Q For how long has this parallel brand situation
7 existed?
8 A Since the early to mid '90's during the cigar
9 boom. It actually existed a little before that, but not
10 in such great quantities. But ever since the Cuban
11 embargo Hoyo de Monterrey, for example, is originally a
12 Cuban cigar. It's still being made in Cuba, but after
13 the embargo, it moved to Honduras and became a Honduran
14 cigar, and that was sold in the U.S. using the same band
15 and the same name.
16 Q When, if you can say, were the first of the
17 expropriated or nationalized Cuban marks sold in the
18 United States using non-Cuban tobacco?
19 A I couldn't say for sure, but Hoyo de Monterrey
20 was one of the originals. Partagas was a close second.
21 Q Would it be fair to say that this situation of
22 parallel brands has been going on for at least 25 years?
23 A Yes.
24 MR. DEUTSCH: Okay. No more questions.
25 MR. KRINSKY: Okay. I have some questions.

FURTHER EXAMINATION

BY MR. KRINSKY:

Q Would you look at Exhibit No. 8?

A Now you tell me. Which one is that?

MR. DEUTSCH: 8 is the Cohiba black.

THE WITNESS: Ahhh.

MR. DEUTSCH: It looks like this.

(Indicating.)

BY MR. KRINSKY:

Q I ask the witness to look at Exhibit No. 8, and that's an image of the General Cigar's Cohiba black; is that correct?

A I'm sorry?

Q Is that correct?

A Yes, it is, yes.

Q Okay. And there is no -- there is no country of origin indicated on the band of this cigar; is that correct?

A That's correct.

Q Now, in your opinion have more people in the -- more premium cigar smokers in the United States heard of the Cuban Cohiba than seen the Cuban Cohiba?

A That's hard to say at this point. That used to be the case. I think because of the internet most cigar smokers, premium cigar smokers, are now familiar with

1 the Cuban band as well as the non-Cuban band.
2 Q You talked about JR having a couple of brick
3 and mortar stores.
4 A Uh-huh.
5 Q Are these, in fact, quite large sellers of
6 cigars?
7 A Large -- not large in space, but large sellers.
8 Q Yeah, large volume.
9 A I'm not sure about stores to be honest. I know
10 his web site is. I don't know about the stores.
11 Q Have you ever gone to any of his stores?
12 A No. He had one in New York. I went to that,
13 and that has since moved, so, no, not recently.
14 Q Did you ever go to any of his stores in
15 New Jersey?
16 A No.
17 Q I believe you testified in response to
18 Mr. Deutsch that a lot of marketing copy makes a
19 connection of cigars with Cuba; is that correct?
20 A That's correct.
21 Q Okay. Is that the case -- in what instances do
22 they make that connection when the cigar name is the
23 same for the product being sold in the United States and
24 the Cuban product?
25 A They will typically say something like "having

its origins in Cuba" or "Since 1845." In the case of Partagas they'll bring that year in because that's the year Partagas started in Cuba.

Q I'm not sure I was clear on my question.

A Okay.

Q There are -- what are the instances in which the marketing material makes a connection with Cuba and the U.S. product has the same name as the Cuban product?

A I don't understand what you mean by "what are the instances."

Q Is it only the dual -- the so-called dual nationals and Cohiba in which that is the case?

A Yes, there would be no reason to do it otherwise.

Q Other cigars -- some marketing that you've seen for cigars that are not dual nationals and not Cohiba make a connection with Cuba of some sort; is that correct?

A Yes, that does happen usually by the use of the word Cuban "seed."

Q Uh-huh. I see.

But the only instances in which the connection is made where the Cuban and the U.S. products have the same name are the dual nationals and Cohiba?

MR. DEUTSCH: Objection.

1 United States that have a name of a former Cuban cigar
2 that is no longer made.
3 Q Uh-huh.
4 A That happens.
5 Q Okay. What's that?
6 A I can't think of any offhand, but I know that's
7 where a lot of these names come from. Flor de Antillas
8 is one that pops into my head. That's an old 19th
9 century Cuban brand, hasn't been used for years, and now
10 it's being made in Nicaragua using the same artwork.
11 Q Are any of these major brands in the market?
12 A That's a major brand.
13 Q Where would it rank in terms of sales? Where
14 would it rank in terms of sales?
15 A I have no idea in terms of sales. I know it's
16 called super premium, very expensive, very limited
17 production made with extra-aged tobacco.
18 Q You said that -- testified that people in your
19 opinion people would not only read the headlines, but
20 read the copy of the stories about the relaxation of the
21 embargo. On what do you base that?
22 Have you done any research on that question?
23 A No, but -- well, not research on that, per se,
24 but it's obvious the reason they're reading the article
25 is to find out what's really going on because the

1 headlines on most of these stories are misleading.
2 Headlines, as you know, are like billboards. They're
3 done to get the attention of the reader and get him into
4 the articles, and that's what these headlines do.
5 Once you get into the article, then you find
6 out more of the facts in many cases. Sometimes the
7 article doesn't have as much as it should.
8 Q You've testified that after the relaxation of
9 the embargo restrictions with respect to cigars in
10 October, there, as an increase in the number of
11 consumers asking whether Cuban cigars were now legal to
12 be sold in the United States. What lead them to ask
13 that question?
14 MR. DEUTSCH: Objection.
15 THE WITNESS: Okay. The misconception mainly
16 by the mass market media that Cuban tobacco was legal in
17 the U.S.
18 BY MR. KRINSKY:
19 Q You've testified that under the -- under the
20 October 17, 2016 change in the regulations it was now
21 legal to bring back Cuban cigars for your own personal
22 use; is that correct?
23 A That's correct.
24 Q Isn't it also the case that you were also
25 allowed to bring back Cuban cigars to give as gifts?

1 A No. But that's typically your mass market
2 cigar smoker. That's a very blanket statement.
3 Q Do you know how many premium cigar smokers are
4 female?
5 A Not anymore. It used to be during the cigar
6 boom 7 to 10 percent because I gave some women-only
7 cigar seminars. And at that time the Cigar Association
8 of America was keeping tabs on these. Now they don't
9 have any figures, so I can't accurately answer that as
10 of today.
11 Q Do you know what the income distribution is
12 among premium cigar smokers in the United States?
13 A No, but it's got to be well above the medium if
14 they're going to have money to burn if they're going to
15 be able to buy a $10 cigar and see it go up in smoke.
16 Q Okay. You testified that premium cigar smokers
17 generally do research, and you said that people buying
18 Cohibas you testified generally do research and because
19 they want to find out what all the big hubbub was about.
20 What were you referring to by "hubbub"?
21 A The talk. These are people who haven't talked
22 about it before. They hear about it. They want to know
23 why. What is it all about? And so they do research to
24 find out what everybody is talking about. Why is it so
25 great? Why do I want to spend this kind of money on

1 that cigar?
2 Q What is the "it" you're testifying to? What
3 are you referring to when you say "it"?
4 A I'm not sure where I used that word. But --
5 MR. KRINSKY: Can we read it back.
6 (The record was read.)
7 THE WITNESS: I was referring to the Cohiba.
8 BY MR. KRINSKY:
9 Q The Cohiba?
10 A Yes.
11 Q What do you mean by the --
12 A I believe your question was why do they want to
13 find out about it? And I think we were talking about
14 the Cohiba prior to that point.
15 Q When you talk about the big hubbub --
16 A Yes.
17 Q -- what's the hubbub about?
18 A It's the excitement. It's a Cuban brand that's
19 supposed to be the top of the mark, and it's the one
20 they hear the most about.
21 Q On Page 279 of your book -- I don't think we've
22 marked it --
23 MR. DEUTSCH: I'll just show him the book.
24 MR. KRINSKY: Yeah, that would be fine.
25 Q The entry on Cohiba brand Cuba you begin, "Yes,

A In most cases, yes, not exclusively, because -- well, let me think about it. I want to make sure I understand your question correctly.

Just ask me that again. This heat is really getting to us.

Q I'm almost done.

A Please.

Q Mr. Deutsch used the word "parallel brands." Is that the same thing as dual nationality brands that you and I discussed?

A Yes.

Q Do I understand correctly that you testified in response to a question from Mr. Deutsch that people know brands from a different country -- that come from a different country -- let me try that again.

I believe you testified in response to a question from Mr. Deutsch that people believe different companies make brands with the same name because the brands come from different countries?

Is that what you testified? Is that your testimony?

A Yes.

Q Is the Cohiba made in the Dominican Republic?

A Most versions of it are.

Q And there's a Cohiba made in Nicaragua?

1 A Yes.
2 Q And the band and the box of the cigars made in
3 the Dominican Republic indicate that their country of
4 origin is the Dominican Republic; is that correct?
5 A Yes.
6 Q And the band and the box of the cigars of Cuban
7 cigars made in the Nicaragua have -- indicate the
8 country of origin as Nicaragua?
9 A That's correct.
10 Q Okay. Do people believe the Dominican Cohiba
11 and the Nicaraguan Cohiba are made by different
12 companies?
13 A No, they believe it's made by General Cigar.
14 They know that General Cigar has factories throughout
15 the Caribbean.
16 Q People know the name General Cigar?
17 A Yes.
18 Q And that name appears on the box?
19 A Usually on the bottom of the box. By law it
20 has to have the country on there, and I'm not sure of
21 all the cases, but I think by law it has to have who
22 made it somewhere stamped on the box.
23 Q And are the cigars in the Dominican Republic,
24 the Cohiba cigars that are sold in the United States
25 under the Cohiba name, made in the Dominican Republic by

1 a subsidiary of General Cigar?
2 A No, they're all made by factories owned by
3 General Cigar.
4 Q And is that true in Nicaragua as well?
5 A Yes.
6 Q And when you say "owned by them," there is no
7 Dominican subsidiary that owns the factory?
8 A It's a General Cigar factory -- and they have
9 more than one factory. They have factories all over in
10 Honduras, so they'll have different names. So if that's
11 what you mean by "subsidiary," but it's still a General
12 Cigar umbrella.
13 Q And that's true in Nicaragua as well?
14 A Yes.
15 MR. KRINSKY: That's it.
16 (An off-the-record discussion was held.)
17 MR. KRINSKY: So the parties agree that when
18 the reporter prepares the transcript, she will send it
19 both to me, counsel for the petitioner, to Mr. Deutsch,
20 counsel for respondent. Mr. Deutsch, if he chooses and
21 the witness chooses, will review the transcript and make
22 any corrections they may be advised to do and as
23 permitted by the Federal Rules of Civil Procedure.
24 MR. DEUTSCH: Let me just ask a question. Will
25 you typically take corrections on a correction sheet as

I, RICHARD CARLETON HACKER, say I have read the foregoing deposition and declare under penalty of perjury that my answers as indicated are true and correct to the best of my ability.

Signed this 28 day of July, 2017, at Sherman Oaks, California.

RICHARD CARLETON HACKER

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT **CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Los Angeles)

On July 28th, 2017 before me, Mark Bryan, notary public,
Date *Here Insert Name and Title of the Officer*

personally appeared Richard Carleton Hacker
Name(s) of Signer(s)

,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

MARK BRYAN
Commission # 2121000
Notary Public - California
Los Angeles County
My Comm. Expires Jul 26, 2019

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature
Signature of Notary Public

Place Notary Seal Above

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☐ Partner — ☐ Limited ☐ General	☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact	☐ Individual ☐ Attorney in Fact
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☐ Other:	☐ Other:
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I, LESLI KELIGIAN, Certified Shorthand Reporter, License No. 6006, certify:

That, prior to being examined, the witness named in the foregoing deposition, to wit, RICHARD CARLETON HACKER, was by me duly sworn to testify to the truth, the whole truth, and nothing but the truth;

That said transcript was taken down by me in shorthand at the time and placed therein named and thereafter reduced to computerized transcription under my direction and is a true record of the proceedings.

I further certify that I am not interested in the event of the action.

WITNESS this 19th day of June, 2017.

Lesli Keligian

LESLI KELIGIAN, CSR No. 6006

CORRECTION LIST

PAGE/LINE		FROM	TO
6	23	in a law	(did not say "law" - not sure what this refers to)
35	2	famous	famous
35	5	Tobaccans (should be tobacconists)	
43	19	The Retail	Tobacco Dealer Association
50	23	Since	1995
51	2	Robb	Report (singular)
55	9	Home (? do not think this is correct)	
69	18	Peacemaker (caps)	
79	21	General (caps) the company name)	
102	19	Robb	Report (singular)
104	23	Grenadier (sp.)	
105	13	that	(they) see
106	8	cigars	(that) are
112	7	American	Safe
		(should be "who married Beyonce")	
112	12	our	(power) smoke
113	14	Basic	lights
		(should be "red dots"	
129	15	desire	(should be "design")
140	6	released	(should be "relaxed")
142	13	Cohiba	Ramonis (?)
143	2	by (should be "with")	tobacco

CORRECTION LIST

PAGE/LINE	FROM	TO
153 6	when	(my) book
153 13	By	it was a whole
156 6	And the band...	of the cigars (of Cuban is incorrect)

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

In the matter of Trademark Registration No. 1147309
For the mark COHIBA
Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273
For the mark COHIBA
Date registered: June 6, 1995

EMPRESA CUBANA DEL TABACO, d.b.a. CUBATABACO, Petitioner, v. GENERAL CIGAR CO., INC. Respondent.	:	Cancellation No. 92025859

PARTY OFFERING: PETITIONER

Exhibit 1 to the TTAB Discovery Deposition Transcript of Richard Carleton Hacker, dated June 15, 2017

REPORT OF RICHARD CARLETON HACKER
May 31, 2017

1. My name is Richard Carleton Hacker. I am an internationally published and recognized book author and magazine writer specializing in cigars, spirits, and related lifestyle topics, including restaurants, destination resorts, and pairing various cigars with whiskies, ports, and cognacs. (See Attachment A, which sets forth my qualifications.)

2. Prior to becoming a full-time writer in 1989, I had a career in advertising and public relations. After attending Arizona State University, I began as a copywriter for Jennings & Thompson Advertising in Phoenix, Arizona. I then moved to Los Angeles, California to accept a position as an account executive and Director of Broadcasting for Wenger-Michaels Advertising, then joined Shareholders, a mutual fund management company in Century City, California as Vice President, Marketing, and finally started my own advertising and public relations agency in the 1970s, where one of my clients was Tinder Box International, Ltd. ("TBI"), the largest retail tobacco chain in the United States at that time, with 148 stores, many of them franchised. It was through my ten-year relationship with TBI that I got an inside look at the tobacco industry and met many of the Cuban expatriates who fled their country when Fidel Castro nationalized the cigar industry.

3. Because of the knowledge that I had gained through my association with TBI, where I handled all of their publicity activities, including writing consumer-oriented booklets on pipes and cigars, conducting courses for their franchisee tobacconist training classes, and assisting with product development (pipe designs and cigar blends) that I ended up writing The Ultimate Pipe Book, which gave me the financial

freedom to dissolve my advertising and public relations agency and to turn to writing full time, where I eventually specialized in articles about whiskeys and cigars. One of my first major articles for the mass media was an article, appearing in the October 1989 issue of Playboy Magazine, entitled "Up In Smoke," in which I predicted a change in the cigar world (hinting at the cigar boom that was to come three years later). I continued writing about spirits and cigars for Playboy for a number of years, while also writing articles for many other consumer magazines as well (a list of the magazines I have written for is attached as Attachment B).

4. I am the author of a number of books (see Attachment C) including The Ultimate Cigar Book, widely acknowledged as the most authoritative book on the subject of cigars in the English language. Since its first publication in 1993, The Ultimate Cigar Book has gone through numerous printings and three editions – all of which completely sold out (totaling approximately 45,000 copies). The book was then out of print for a number of years as I devoted more of my time to meeting the requests by editors for my magazine articles and to travel connected with these magazine assignments.

5. In 2015, due to ongoing demand from the public (primarily consumer cigar smokers), I updated The Ultimate Cigar Book as a new fourth edition (publisher: Skyhorse Publishing, New York), which sold out of its first printing in less than a year. In 2016 the fourth edition of this book went into a second printing, which again sold out within a year's time. In 2017 The Ultimate Cigar Book went into its third printing of the fourth edition in less than two years (for a total of 11,440 copies to date) and is currently listed on Amazon.com as one of their top five-star best sellers.

6. I am also one of three Contributing Editors of Robb Report – America's leading luxury lifestyle magazine – where I specialize in writing about cigars and whiskies. I have regularly written for this publication on the subjects of cigars and cigar smoking since 1995. In addition, I personally select and write about every cigar included in Robb Report's annual Best of Best cigar category winners in each year's June issue. I also select and review (including my personal tasting notes) the world's newest premium non-Cuban cigars each fall for Robb Report's annual Host's Guide publication (Cuban cigars are not covered by Robb Report as they cannot legally be sold in the United States). I am also a regular contributor to the robbreport.com website, where I write about cigars and related topics, including cigar accessories. I also regularly contribute articles about cigars to other publications and have been frequently interviewed by reporters seeking information on the current cigar scene in America (see Attachment D).

7. During my cigar writing career I have visited all of the major cigar making countries, including Cuba, the Dominican Republic, Honduras, and Nicaragua. Not only have I been to the factories in these countries, but I have gone to many of the fields where the tobaccos are grown. In addition, as a longtime cigar smoker I have smoked and am very familiar with the cigars made in all of these countries, including Cuba.

8. Because of my vocation as a lifestyle writer and an acknowledged cigar expert, I interact with consumer cigar smokers on a regular basis, including at dinners, visiting tobacco shops, and other social encounters. In addition, I have often been hired as a keynote speaker on the subject of cigars and cigar smoking at consumer events, including seminars given at Ritz-Carlton Resorts; Laguna Niguel, CA; Ritz-Carlton Resorts, St. Louis, Missouri: the Los Angeles Athletic Club, Los

Angeles, CA; the Balboa Bay Club in Newport Beach, CA; and Blancpain Watches nationwide. At the end of these seminars I usually conduct a Q&A (Questions & Answers) session with the attendees, where they ask me questions about cigars – such as what is a maduro, how to properly relight a cigar that has gone out, and are Cuban cigars better than non-Cuban cigars. I cannot recall a single instance in the last decade in which a cigar smoker asked me a question or made a comment indicating that he or she was confusing the Cohiba cigar made by General Cigar with the Cohiba cigar made in Cuba.

9. I am also a regular attendee at the annual U.S. tobacco industry's International Premium Cigar & Pipe Retailers (IPCPR) Association trade show (the largest trade show of its kind in America), where I mingle with retail tobacconists and meet with many of their employees to discuss the current cigar situation on a retail as well as a consumer basis.

10. I have been retained by DLA Piper LLP, a law firm representing General Cigar Co., Inc., to act as an expert witness in this proceeding. I am being compensated for my services at the rate of $450 per hour for time spent consulting with counsel, preparing this report and testifying. My travel expenses are also being covered.

11. I have been asked to provide the Board with my opinion with regard to United States consumer attitudes towards the General Cigar Cohiba cigar and the Cuban Cohiba cigar. In particular, I have been asked to give my opinion and conclusions as to whether, in 2017, potential and actual United States consumers of cigars are likely to be confused as to the source or origin of these cigars or to believe that there is a relationship or affiliation between the makers of these two different cigars.

12. In forming the conclusions set forth below, I have relied on my own observations and experiences accumulated over nearly 30 years as a cigar expert, which include: my frequent personal interactions and discussions with consumer cigar smokers and retail tobacconists at seminars and industry events; the extensive research I performed in connection with my book *The Ultimate Cigar Book,* and the additional extensive research I performed in writing the recently-published fourth edition of this book; my review of reliable industry and trade publications such as Smokeshop Magazine, Tobacco International Magazine, and Tobacconist Magazine and reliable Internet cigar commentary; my personal experience in reviewing hundreds of brands of cigars; and pertinent news stories that pertain to the tobacco industry.

13. In addition, I have familiarized myself with the situation concerning Cohiba cigars made by General Cigar and the Cohiba cigars made in Cuba by reviewing the following six documents, which were supplied to me by DLA Piper, and which I understand were created in prior litigation between General Cigar and Cubatabaco concerning the Cohiba mark in the United States:

a. Defendant's Proposed Findings Of Fact and Conclusions of Law

b. Report of Dr. Itamar Simonson, dated November 7, 2002

c. Report of Alan Siegel

d. Report Of Alvin Ossip On Significance Of Information In Market Research Related Files Furnished By General Cigar And

Third Parties With Respect To Certain Issues Concerning Cohiba

e. A Study To Measure Awareness Of Cohiba Cigars And Source Confusion Between These Cigars And General Cigars Co. Inc. Cohiba Cigars

f. Plaintiff's Post-Trial Proposed Findings Of Fact And Conclusions Of Law (Corrected Copy)

14. I found these six documents interesting in describing the American cigar scene as it existed from the early 1990s up until 2002. However, these reports have a very limited and a noticeably outdated value in describing the American cigar scene today. For consumers, the American cigar scene today is a dramatically different world that is light years away from what it was back in 1992 or even 2002. Specifically, I am referring to the rapid advancements in personal communications and the greatly accelerated and improved use of the internet by consumers for information-gathering about cigars as well as for cigar purchasing. As such, today's cigar smokers and potential cigar smokers are much more sophisticated and informed regarding their knowledge of the products that they use. This is the result of the technological advances that now enable consumers to obtain instant information and as a result, has increased the information that they may already have had.

15. For example, in the 1990s personal computers were in their infancy, being large and bulky and not as ubiquitous as they are today. And they were far from being as portable. Plus, the word "smartphone" was not part of our common vernacular back then as it is today, nor were portable telephone devices a part of a consumer's everyday attire, as

they are today. In fact, iPads did not even exist until 2010 and even back then, they had nowhere near the sophistication and portability and information-gathering capabilities that they have today.

16. Additionally, with consumers streaming to get their news and product research instantaneously, as they do today, print is no longer their sole - and in many cases, even their primary - means of information-gathering, as it once was. Thus, in terms of a consumer's access to instantaneous information, the world we live in today has technologically evolved into a lifestyle of instant information encompassing a global arena; it is a world that never existed back in 2002.

17. Since 2002 I have met with and spoken with many hundreds of cigar smokers at events such as those described above, and through these interactions I have learned that consumers are much better informed about cigars than they were in 2002. As a result, their questions are often more detailed, such as asking about the growing seasons of tobacco and knowing which part of a tobacco plant produces the heaviest flavors. All of this shows that consumers are much better informed on all matters of interest to them than they were fifteen years ago. And that includes cigars, both Cuban and non-Cuban.

18. The smoker of premium cigars – that is, hand rolled cigars made of all natural tobaccos and with long leaf filer tobaccos, (as opposed to smokers of mass-produced "machine made" cigars that are dramatically less expensive) - is a much more astute consumer today than in 2002. After all, if someone is paying anywhere from $7 and up for a premium cigar (the General Cigar Cohiba cigar typically retails, depending on size and sub-brand, from approximately $7.20 to $23 each, not

including state and local taxes), it is far from being a random choice or a casual purchase. It is a definite monetary commitment to a product that is a symbol of a luxury lifestyle. As a result, that cigar smoker is keenly interested in discovering specific details concerning the cigars he is interested in buying, including their tobaccos, strength, and the countries in which they are made.

19. Thus, the premium cigar smoker is constantly updating his information about the current cigar scene. Like the consumer of fine wines, this fact checking and updating of information by premium cigar smokers is an on-going process. It is not unusual to see cigar smokers today constantly checking their iPhones to verify a cigar's price, availability, and country of origin. Their searches are made even easier thanks to the growing number of cigar apps, such as Cigar Boss, Cigar Scanner, and Mobile Stogie that can be downloaded to their iPhones, much as wine purchasers have apps for wine brands and varietals.

20. Premium cigar smokers constantly conduct their cigar searches in tobacco shops, or sitting with a group of fellow cigar smokers, or even by themselves at their computers, looking for specific information about brands. This identical phenomenon is also readily apparent when consumers are Googling other products as well, but with cigars, specifically the information that most often comes up in these searches is the wrapper-binder-filler tobaccos used in that specific cigar, the shape of the cigar, its price, and its country of origin, which is often accompanied by an image of the banded cigar itself, as seen on popular websites such as jrcigars.com, famous-smoke.com, and Thompsoncigars.com.

21. Because of all these aforementioned technological advances, today, there is a much greater knowledge among cigar smokers of the cigar world around them than there was in 2002. My book has certainly made consumers aware of the differences between Cuban and non-Cuban cigars, and this is a popular topic of conversation among cigar smokers on internet forums and elsewhere. After all, it cannot be denied that there is a definite cachet to Cuban cigars, in large part because they are the "forbidden fruit" to Americans due to the U.S. embargo on importing and selling Cuban cigars in the U.S. However, after more than fifty years, the Cuban embargo is "old news" to American citizens, and especially to American cigar smokers.

22. Recently, relaxed rules concerning travel by U.S. citizens to Cuba and the fact that U.S. citizens can now legally bring Cuban cigars into the United States as long as it is for their personal use has led consumers to ask whether the commercial situation has changed. I speak to many tobacconists, and some of them tell me that because of these changes, sometimes a customer will ask them if he can now buy Cuban cigars in the U.S. Of course, the tobacconists, who are another source of information for the consumer, always reply no, Cuban cigars cannot be sold in the United States.

23. As a result, the next thing a customer will often ask, is "Well, what do you have that is similar to a Cuban cigar in flavor or strength?" In short, consumers know that Cuban cigars are illegal to purchase in America and if for some reason they are unaware of this, their tobacconist will quickly point out the fact and will steer that customer to a non-Cuban cigar that he can legally sell.

24. Thus, in my experience, based upon my thousands of interactions with cigar smokers and tobacconists, I have

concluded that today, potential and actual smokers of premium cigars are aware that they cannot legally obtain Cuban cigars, including the Cuban Cohiba, in the United States. As a result, those smokers also know that the Cohiba cigars made by General Cigar and the Cohiba cigars made in Cuba are completely different and unconnected, because they can, in fact, purchase a Cohiba cigar made by General Cigar in the United States.

25. In addition, there are publications, including my own, that spotlight the fact that these two cigars are different. For example, in the fourth edition of The Ultimate Cigar Book (and in the previous three editions as well), in the chapter that lists all of the cigar brands in the world, I list the two different Cohiba cigars under two different headings and on different pages: on page 279: *"Cohiba (Cuba) Yes, this is the cigar, the one that was originally reserved only for invited dignitaries to Cuba...."* And on page 282: *"Cohiba (Dominican Republic/Nicaragua) In 1993 this cigar was introduced to U.S. smokers via the Alfred Dunhill stores....etc."*

26. There are many other examples as well. For example, on the website of the Thompson Cigar Company (the oldest mail order cigar company in the United States) under a blog by "Pat the Cigar Guy" (https://www.thompsoncigar.com/blog/dominican-cohiba-vs-cuban-cohiba/) it reads, in part: "The Dominican Cohiba [a General Cigar product] has an incredible flavor that isn't overpowering. Between the draw, the look of the wrapper, the burn and more importantly, the construction is a thing of perfection. I've never come across a Cohiba that didn't smoke well so I decided to put the Dominican Cohiba to the ultimate test; compare it to a Cuban Cohiba. So, I'm in the Caribbean and

I buy a Cuban Cohiba and with me is my Dominican Cohiba and I start to compare..."

27. And from the Business Insider website (http://www.businessinsider.com): "Cohiba is the Cuban brand of cigar, illegal in the United States (that we knew). There is another Cohiba you can get here legally, but it's made in the Dominican Republic — those have red dots on them..."

28. I should point out that these internet mentions are made with the assumption that the reader already knows Cuban Cohibas and Cohibas made by General Cigar are completely different as to their country of origin. It is a well-known fact today.

29. Further contributing to the consumer's awareness of the differences between Cuban Cohibas and Cohibas made by General Cigar is the fact that the cigar bands on the General Cigar Cohiba cigars, and the boxes in which General Cigar Cohiba cigars are displayed and sold are distinctly different from the corresponding elements of Cuban Cohiba cigars. In addition the General Cigar Cohiba bands have a tagline on the band that plainly points out that it is made in either the Dominican Republic or Nicaragua, while the Cuban Cohiba band is very distinct, not only in its design, but with the words "Habana" or "La Habana" on the band.

30. It should also be pointed out that the majority of cigar magazines that cropped up during the cigar boom of the 1990s have gone out of business and even Cigar Aficionado – the magazine that initially gave a boost to Habanos and the Cuban Cohiba – no longer has the clout it once had. Part of the reason for this is that other lifestyle magazines, such as Robb Report, GQ, and Departures, now cover cigars as part of their overall

subject matter, so there are other places for consumers to get their cigar information besides Cigar Aficionado, not the least of which is the internet and numerous cigar forums. However, I should point out that the U.S. edition of Robb Report does not feature Cuban cigars, as they are illegal to purchase in the U.S. and our readers are aware of that. They may ask where they can buy Cuban cigars out of the U.S., but they know Cuban cigars cannot legally be purchased in the U.S.

31. By the same token, consumers are now keenly aware that there are duplicate Cuban and non-Cuban brands, such as Partagas, Montecristo, and most definitely Cohiba, which unlike these other two examples, does not even share a similar-looking band or box. Indeed, consumers now closely identify the General Cigar red-dot Dominican or Nicaraguan Cohiba as a totally different cigar than the Cuban version, with its distinctive yellow and black color combination and Taino Indian silhouette, although it should be mentioned that some cigar smokers do not know the silhouette is that of a Taino Indian. But they do know those artistic elements (the yellow, gold, and black design and the Taino silhouette) are found only on Cuban-made Cohibas, just as they know the red dot inside the "O" of the Dominican and Nicaraguan Cohiba indicates that the product is the General Cigar non-Cuban cigar. The bands of the Cuban and General Cigar Cohibas are graphically dramatically different (see Attachment E), as are the box designs (see Attachment F). The General Cigar band and box designs can be seen by U.S. consumers in many cigar reviews as well as in magazine and on-line advertisements.

32. Even for those unexposed to the differences between the Cuban Cohiba and the General Cigar Dominican or Nicaraguan Cohiba, all they have to do is to Google any of these cigars on their iPhones or computers and the answers appear, for a

cigar's country of origin is one of the key points of information that is brought up, along with graphics of the cigar's band itself, which is just as identifiable. In addition, cigar reviews, whether on-line or in print, invariably give a cigar's country of manufacture as part of that cigar's identity, a standard editorial procedure that can be seen in my cigar reviews. This is yet another feature of separating the well- known General Cigar Cohibas from the Cuban Cohibas. As a result, the General Cigar Dominican and Nicaraguan Cohibas are extremely well-known by American consumers, who recognize them as non-Cuban products.

33. Therefore, it is my conclusion, based upon the experience and data described above, that today, given the far greater knowledge of both Cuban and non-Cuban cigar brands by the United States cigar smoker than existed in 2000, and with the ready access to information that can be obtained by the consumer instantly with merely the tap of a key, there is no appreciable confusion among today's potential and actual premium cigar smokers between the Cuban Cohiba from Habanos and the Dominican or Nicaraguan Cohiba from General Cigar. Those smokers know that the cigars come not only from different countries, but also from different and unrelated manufacturers. A United States cigar smoker who spends between $7 and $23 for a General Cigar Cohiba in the United States knows that he is buying a premium cigar, but not one that is connected with the Cuban Cohiba sold in other countries.

Dated: May 31, 2017

RICHARD CARLETON HACKER

Attachment A

Richard Carleton Hacker is one of the world's foremost authorities on the subjects of cigars and cigar smoking. He is the author of twelve books, including The Ultimate Cigar Book, now in the second printing of its fourth edition and the book that is generally credited with having helped start the cigar boom back in the early 1990s, when it was first published. In addition, he is a Senior Contributing Editor for The Robb Report, America's leading luxury lifestyle magazine, and is a contributing writer on cigars for other national and international publications. Mr. Hacker has written hundreds of articles on the topic for additional publications in the United States and Europe. He has been knighted in Germany by the Internationales Tabakskoliegium for his extensive and dedicated writings about tobacco.

He is personally acquainted with all of the major cigar-making companies throughout the world, as well as many of the smaller manufacturers and cigar-making families. Mr. Hacker has personally visited and studied cigar factories and tobacco farms in every major geographic area, including Cuba, the Dominican Republic, Honduras, Nicaragua, and Europe. He currently maintains cigars in a number of humidors and keeps detailed tasting notes on hundreds of cigar brands from all of the major tobacco-producing regions of the world. Mr. Hacker also collects cigar memorabilia, including cigar boxes, labels and cutters.

In 1975, Mr. Hacker became the marketing and public relations consultant for Tinder Box International, Ltd. Since, he has served as a cigar consultant for both corporations and individuals. He is also has been a popular keynote speaker at cigar night "smokers." In addition, Mr. Hacker has been the subject of numerous radio, television, newspaper, and

magazine interviews. He is recognized as an international spokesman of the cigar industry.[1]

RELEVANT PROFESSIONAL EXPERIENCE

1975 Marketing and Public Relations Director of Tinder Box International, Ltd.

1995 Senior Contributor of the Robb Report.

[1] *As one of the world's foremost writers on the pleasures of tobacco, Richard Carleton Hacker has long been known as the "cigar czar."* – Los Angeles Times: "Cigar Czar" Knighted by German Town http://articles.latimes.com/1995-02-10/local/me-30570_1_cigar-czar

Attachment B

Author of cigar-related articles printed in consumer publications including:

- Playboy Magazine
- Smoke Magazine
- Smokeshop Magazine
- The Tasting Panel
- Robb Report Magazine
- Robb Report Host's Guide
- Caviar Affair Magazine
- Collection Magazine
- European Cigar Cult Journal
- Safari Magazine
- Quarterly Review of Wines 2007
- Drinks Magazine
- Indulge Magazine

Author of cigar-related articles printed in online consumer publications including:

- robbreport.com
- RobbVices
- cigarworld.com

Attachment C

BOOKS AUTHORED:

- The Muzzleloading Hunter, Winchester Press, 1981;
- The Ultimate Pipe Book, Autumngold Publishing, 1984 (First U.S. Edition);
- The Christmas Pipe, Autumngold Publishing, 1986;
- The Ultimate Pipe Book, Souvenir Press, 1988 (First British Edition);
- The Muzzleloading Hunter, Outdoor Life Press, 1988;
- The Ultimate Pipe Book, Autumngold Publishing, 1989 (Second U.S. Edition);
- Die Kunst Pfeife zu rauchen, Wilhelm Heyne Verlag, 1991 (First German Edition);
- The Ultimate Cigar Book, Autumngold Publishing, 1993 (First U.S. Edition);
- Die Welt der Zigarre, Wilhelm Heyne Verlag, 1995 (First German Edition);
- The Ultimate Pipe Book, Andre Deutsch, 1995 (Second British Edition);
- The Ultimate Cigar Book, Autumngold Publishing, 1996 (Second U.S. Edition);
- Rare Smoke - The Ultimate Guide To Pipe Collecting, Autumngold Publishing, 1999;
- The Ultimate Cigar Book, Autumngold Publishing, 2000 (Third U.S. Edition);
- Das Handbuch des Pfeifenrauchers, Wilhelm Heyne Verlag, 2000 (First German Edition);
- Pipesmoking - A 21st Century Guide, Autumngold Publishing, 2000;

- Die Welt der Zigarre, Collection Rolf Heyne, 2001 (Second German Edition);
- The Ultimate Cigar Book, Skyhorse Publishing, 2015, Fourth U.S. Edition

VIDEOS:

- The Ultimate Pipe Video (Premiere Edition), 1987;
- The Ultimate Pipe Video (Collector's Edition), 1987

AUDIO TAPES:

- CigarQuest-Conversations In Smoke, 1997

SPEECHES:

- Ritz-Carlton Resorts (Laguna Niguel, CA; St. Louis, Missouri)
- Blancpain Watches
- Alfred Dunhill, Ltd.
- Balboa Bay Club, Newport Beach, CA
- Los Angeles Athletic Club, Los Angeles, CA

Attachment D

MENTIONS OR FEATURES IN PUBLICATIONS:

- Luxe Beat Exclusive: Interview with "Cigar Czar" Richard Carleton Hacker
luxebeatmag.com/luxe-beat-exclusive-interview-cigar-czar-richard-carleton-hacker/

- Author of top-rated cigar book on Amazon.com
https://www.amazon.com/Ultimate-Cigar-Book-4th/dp/1632206579

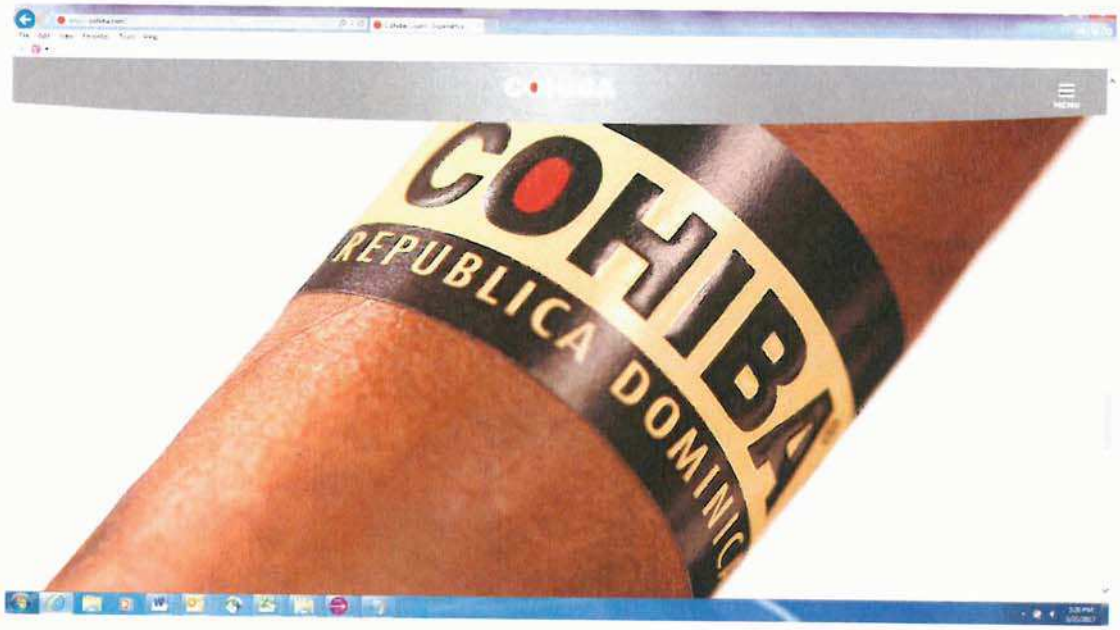
- Los Angeles Times: "Cigar Czar" Knighted by German Town
http://articles.latimes.com/1995-02-10/local/me-30570_1_cigar-czar

- Los Angeles Times article, quoted in The Vice That Binds
http://articles.latimes.com/1994-08-12/news/va-26509_1_premium-cigar

- Profiled in Los Angeles Times Article:
Smoke Gets In His Buys"
http://articles.latimes.com/1994-08-12/news/va-26509_1_premium-cigar

Attachment E

Cohiba Red Dot Band



Cohiba Linea Clasica Band

Attachment F

Cohiba Red Dot Box

Cohiba Linea Clasica Box

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

In the matter of Trademark Registration No. 1147309
For the mark COHIBA
Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273
For the mark COHIBA
Date registered: June 6, 1995

EMPRESA CUBANA DEL TABACO, d.b.a. CUBATABACO, Petitioner, v. GENERAL CIGAR CO., INC. Respondent.	:	Cancellation No. 92025859

PARTY OFFERING: PETITIONER

Exhibit 2 to the TTAB Discovery Deposition Transcript of Richard Carleton Hacker, dated June 15, 2017

DLA PIPER

DLA Piper LLP (US)
1251 Avenue of the Americas, 27th Floor
New York, New York 10020-1104
www.dlapiper.com

Andrew L. Deutsch
andrew.deutsch@dlapiper.com
T 212.335.4880
F 212.884.8580

May 11, 2017

Richard Carleton Hacker
sirrichard1@earthlink.net

Re: ***Empresa Cubana del Tabaco v. General Cigar***

Dear Mr. Hacker:

As you know, our firm DLA Piper LLP (US) ("DLA Piper") is counsel to General Cigar Co. Inc. ("General Cigar"). General Cigar is a respondent in a cancellation proceeding that Empresa Cubana del Tabaco ("Cubatabaco") has brought before the Trademark Trial and Appeal Board ("TTAB Litigation").

This letter, when countersigned by you, will constitute a retainer agreement between DLA Piper and you to provide cigar industry-related expert services to General Cigar in connection with the TTAB Litigation, pursuant to the terms set forth below.

1. The expert services that you will provide will include: (a) consulting with lawyers of DLA Piper; (b) obtaining such materials as you may deem necessary to consider prior to rendering your expert opinion; (c) setting forth your expert opinion, and the bases for that opinion, in one or more affidavits, declarations or reports; (d) preparing for and providing truthful testimony at a deposition, hearing or trial; (e) reviewing and commenting on any affidavit, declaration, report, testimony or other evidence offered by Cubatabaco in the Litigation that DLA Piper may ask you to review; and (f) such other matters as you and we may agree upon in the course of your retention.

2. Your billing rate for this matter will be $450.00/hour for review, analysis, preparation, and consultation and also $450.00/hour for time spent giving oral testimony (i.e., depositions and testimony at trial or a hearing). Travel time shall be billed on a portal-to-portal basis. You agree to travel from your home to meetings or deposition in Century City, Los Angeles with your personal car, for which we will provide complimentary parking or reimburse your cost of parking. For other travel within the Los Angeles area, we will provide you with a car service to be paid by us. In addition, we shall reimburse you for your costs and direct expenses necessitated by your consulting services, including reasonable travel expenses and subsistence if it is necessary for you to be away from home. If we require you to travel by air in this matter, and the time of the flight exceeds two hours, we will arrange for you to fly by business class if the route you take has a business class; otherwise, we will arrange for you to fly in the next highest category of airfare available on the route. All travel arrangements will be

EXHIBIT NO.: 2
WITNESS: Hacker
DATE: 6-15-17

DLA PIPER

made through our own travel agency and at our expense, and we will coordinate flight times and dates with you in advance.

3. You will make yourself available to us and to undertake any necessary analysis and drafting so that we can submit your affidavit, declaration and/or report to meet the May 31, 2017 expert report deadline established in the Litigation. If your deposition or hearing/trial testimony is demanded by Cubatabaco, as we expect, you agree to make yourself reasonably available to meet with DLA Piper lawyers for preparation prior to such events and to make yourself reasonably available for deposition and/or proceeding.

4. Except as directed by DLA Piper or required by court order or rule or other legal process, you will keep in confidence and not disclose (a) any communications or correspondence between DLA Piper or General Cigar and yourself with respect to the Litigation, including communications had before the date of this agreement, (b) the subject matter of any information, documents, and other things provided to you by DLA Piper or General Cigar or obtained by it in the course of the engagement unless either designated as an expert witness by General Cigar or ordered by a court, (c) all information, data, and drafts generated by you in the course of your retention, and (d) all conclusions and opinions reached by you in the course of your retention. Further, you agree to be bound by the Protective Order entered in this case, a copy of which is enclosed for your reference. You will not use any of these in any proceeding other than the Litigation or on behalf of anyone but DLA Piper and General Cigar. If you receive legal process seeking disclosure of any of this material or information, you will promptly notify DLA Piper, and cooperate in any effort by DLA Piper to obtain a court order precluding or limiting the disclosure. These obligations shall continue after the end of your services, until such time as we specifically release you.

5. You agree that your status is that of an independent contractor, and that you are not the agent or employee of DLA Piper or General Cigar.

6. If we so request, you will cooperate with and assist any other consultant or expert which we may retain in connection with the Litigation.

7. This contract shall be governed in all respects by the laws of the State of New York applicable to contracts made in and performed entirely within that State.

8. By accepting, you agree that General Cigar will have the right to terminate the engagement at any time, that you will stop all work as soon as practicable, and that General Cigar shall only be responsible for fees incurred up to the point at which you are notified of the termination of the engagement. Although you will receive instructions and direction from DLA

DLA PIPER

Piper, General Cigar will be responsible for the financial obligations set forth in this agreement and you agree to bill General Cigar directly, with bills to be sent to the undersigned for initial review before forwarding to General Cigar for payment.

9. You have confirmed that you are not aware of circumstances that constitute a conflict of interest with respect to this engagement. During the course of this engagement, you may be requested to be retained by parties with interests that may not be consistent with those of DLA or General Cigar. You agree that you will not, without General Cigar's permission, accept such engagements that would be adverse to General Cigar with respect to the same factual issues that are the subject matter of this engagement; or that require services of your personnel staffed on this engagement who have received or are likely to receive confidential information of General Cigar relevant to the potential new engagement.

To indicate your acceptance of this engagement and the terms thereof, please sign a copy of this agreement and return it to us.

FOR GENERAL CIGAR CO., INC.

DLA Piper LLP (US)

By: _____
Andrew L. Deutsch, Partner

AGREED TO:

_____
Richard Carleton Hacker

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

In the matter of Trademark Registration No. 1147309
For the mark COHIBA
Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273
For the mark COHIBA
Date registered: June 6, 1995

EMPRESA CUBANA DEL TABACO, d.b.a. CUBATABACO, Petitioner, v. GENERAL CIGAR CO., INC. Respondent.	:	Cancellation No. 92025859

PARTY DESIGNATION: See Exhibit Cover Sheets

Designated TTAB Discovery Deposition Transcript of
Richard Carleton Hacker, dated June 15, 2017
Part 2 of 3

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

In the matter of Trademark Registration No. 1147309
For the mark COHIBA
Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273
For the mark COHIBA
Date registered: June 6, 1995

EMPRESA CUBANA DEL TABACO, d.b.a. CUBATABACO, Petitioner, v. GENERAL CIGAR CO., INC. Respondent.	:	Cancellation No. 92025859

PARTY OFFERING: PETITIONER

Exhibit 3 to the TTAB Discovery Deposition Transcript of Richard Carleton Hacker, dated June 15, 2017

RABINOWITZ, BOUDIN, STANDARD, KRINSKY & LIEBERMAN, P.C.
ATTORNEYS AT LAW
61 BROADWAY, 18TH FLOOR
NEW YORK, NY 10006-2708

TELEPHONE (212) 254-1111
FACSIMILE (212) 674-4614
www.rbskl.com

VICTOR RABINOWITZ (1911-2007)
LEONARD B BOUDIN (1912-1989)

MICHAEL KRINSKY
ERIC M. LIEBERMAN
DAVID B GOLDSTEIN
LINDSEY FRANK

COUNSEL

TERRY GROSS
CRAIG KAPLAN
CHRISTOPHER J KLATELL

June 1, 2017

Andrew L. Deutsch
Airina L. Rodrigues
DLA Piper LLP (US)
1251 Avenue of the Americas, 27th Floor
New York, NY 10020-1104

Re: *Empresa Cubana del Tabaco v. General Cigar Co., Inc., Canc. No. 92025859 (TTAB)*

Dear Andrew and Airina:

We received by email yesterday, at 7:02 PM, Mr. Hacker's Report.

1. We have not yet received any of the materials requested in our email dated May 21.

2. Mr. Hacker's Report does not list any cases in which, during the previous four years, he has testified as an expert, at trial or by deposition. See 37 C.F.R. § 2.120 (a)(2)(iii); FRCP 26(a)(2)(B)(v). Please confirm that this is because Mr. Hacker has not so testified. If this is not correct, please identify all such proceedings, and provide Mr. Hacker's report and testimony in each of those proceedings.

3. Please confirm that, as we would assume from the absence of any such reference in his Report, that Mr. Hacker has never testified as an expert in any proceeding, at trial or by deposition; his testimony as an expert has never been offered in any proceeding, whether at trial or deposition; and Mr. Hacker has never provided an expert's report for use in a proceeding, whether or not he testified in the proceeding. If that is not correct, please identify the proceeding, state whether or not Mr. Hacker's testimony as an expert was admitted into evidence, and provide copies of his report and testimony.

EXHIBIT NO.: 3
WITNESS: Hacker
DATE: 6-15-17

4. Please provide all notes or recordings of, and memoranda concerning, Mr. Hacker's interactions, discussions and communications with consumers, consumer cigar smokers and cigar smokers that support, or that Mr. Hacker or Respondent asserts support, the conclusions set forth in paragraph 24 of his Report. If there is no such material, please so state.

5. Please provide all notes and recordings of, and memoranda concerning, Mr. Hacker's conversations with tobacconists recounted in: (a) paragraph 22 of the Report, first sentence; (b) paragraph 22 of the Report, second sentence, beginning with "some of them ...;" (c) the last sentence of paragraph 22; (d) paragraph 23, first sentence; and (e) paragraph 23, second sentence. If there is no such material, please so state.

6. Please provide all notes or recordings of, and memoranda concerning, Mr. Hacker's interactions, discussions and communications with tobacconists that support, or that Mr. Hacker or Respondent asserts support, the conclusions set forth in paragraph 24 of the Report. If there is no such material, please so state.

7. Please identify all, if any, websites, in addition to those specified in his Report, that Mr. Hacker visited in the course of preparing his Report; and, if Mr. Hacker downloaded or saved any material from those websites, please provide same.

8. Please identify the "publications" referred to in paragraph 25 other than Mr. Hacker's book.

9. Please confirm that, other than for the documents identified in Mr. Hacker's Report, there are no communications between Mr. Hacker and either Respondent's attorneys or Respondent that:

a. Identify facts or data provided to Mr. Hacker and that Mr. Hacker considered in forming the opinions to be expressed; or

b. Identify assumptions provided and that Mr. Hacker relied on in forming the opinions to be expressed.

See 37 C.F.R. § 2.120 (a)(2)(iii); FRCP 26(a)(4)(C). If this is not correct, please provide all such communications.

10. Please confirm that, other than for the documents identified in Mr. Hacker's Report, Mr. Hacker was not provided with any documents by Respondent or Respondent's attorneys in connection with the preparation of his Report or testimony in this proceeding. If that is not correct, please provide all such documents.

11. Please provide the Letter of Engagement or other agreement for Mr. Hacker's services in this proceeding.

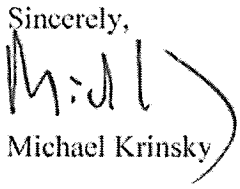
12. Please provide documents sufficient to show the scope, terms, periods and frequency of Mr. Hacker's engagement, and the fees or other compensation paid to Mr. Hacker, for material or other services provided to cigarworld.com (which Mr. Hacker lists in Attachment B to his Report).

13. Please confirm that, other than for his services in preparing his Report and testifying as an expert in this proceeding and his work in connection with cigarworld.com, Mr. Hacker has not been employed, or engaged by, or provided any services to, Respondent or any of Respondent's parent or affiliated companies. If that is not the case, please provide documents sufficient to show the scope, terms, periods and frequency of such employment or engagement.

Please provide responses to the foregoing, and to our email dated May 21, 2017 , as soon as possible and, in any event, in sufficient time for us to review them in preparation for Mr. Hacker's deposition.

Thank you.

Sincerely,



Michael Krinsky

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1251 Avenue of the Americas, 27th Floor
New York, New York 10020-1104
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Andrew L. Deutsch
andrew.deutsch@dlapiper.com
T 212.335.4880
F 212.884.8580

June 6, 2017
VIA E-MAIL (MKRINSKY@RBSKL.COM)

Michael Krinsky
Rabinowitz, Boudin, Standard, Krinsky & Lieberman, P.C.
61 Broadway, 18th Floor
New York, NY 10006-2708

Re: Cubatabaco v. General Cigar

Dear Michael:

We write regarding: (a) Mr. Frank's email of May 31, 2017 stating that Cubatabaco intends to disclose documents produced in this proceeding to Alvin Ossip and Alan Siegel; and (b) your June 1, 2017 letter.

Cubatabaco's Email of May 31 Regarding Disclosure of TTAB Documents

On May 31, 2017, Mr. Frank sent us email correspondence requesting that General Cigar agree to Cubatabco's disclosure of Confidential and Highly Confidential documents produced in this proceeding (outside of Federal Action Discovery) to Alvin Ossip and Alan Siegel (the "Federal Action Experts"). General Cigar does not agree to this request, and objects to the disclosure of any such documents to the Federal Action Experts.

Cubatabaco has not identified that it is using the Federal Action Experts as testifying experts in the current proceeding, beyond the use of their Federal Action testimony and reports. If it had, it would have had to provide their new report by March 15, 2017. (*See* Dkt. No. 106). Indeed, Cubatabaco has confirmed in its Notice to the Board dated March 17, 2017 (Dkt. No. 104) that it intends to rely *only* on the expert testimony and reports that were previously disclosed and/or provided in the Federal Action. In addition, General Cigar will not question the Federal Action Experts on any of the more recent documents. Accordingly, General Cigar objects to Cubatabaco's disclosure of documents produced in this proceeding to the Federal Action Experts. We are willing to meet and confer in an attempt to resolve this issue; please let us know your availability for a call this week.

Cubatabaco's Letter of June 1 Regarding Expert Report of Richard Carleton Hacker

We address the points in your letter of June 1 as they are numbered.

1. As Airina and Lindsey discussed last week, we are assembling these materials and will provide them to you sufficiently in advance of Mr. Hacker's deposition for you to review them.

2-3. Mr. Hacker has not previously testified as an expert in any proceeding, whether at trial or by deposition, has not previously had his testimony offered in any proceeding, whether at trial or by deposition, and has not previously provided an expert's report for use in a proceeding.

4-6. Mr. Hacker does not have the materials requested in points 4-6 of your letter.

7. In addition to those specified in his report, Mr. Hacker visited the following websites: http://articles.latimes.com/1996-10-31/entertainment/ca-59592_1_cigar-dinners; https://www.amazon.com/CigarQuest-Conversations-Richard-Carleton-Hacker/dp/0931253071; and http://www.businessinsider.com/how-to-tell-if-your-cojiba-is-from-cuba-and-other-cigar-picking-wisdom-2012-4. Mr. Hacker did not save or download any materials from these websites.

8. The publications referenced in paragraph 25 of Mr. Hacker's report are *Cigar Aficionado*, *Smoke* and *European Cigar Journal*.

9. Other than the documents identified in Mr. Hacker's report, there are no communications between Mr. Hacker and either General Cigar or its attorneys that: (a) identify facts or data provided to Mr. Hacker and that Mr. Hacker considered in forming the opinions to be expressed; and/or (b) identify assumptions provided and that Mr. Hacker relied on in forming the opinions that he expressed.

10. Excluding the documents identified in Mr. Hacker's report and materials exempted from disclosure under Fed. R. Civ. P. 26(b)(4)(B) and 26(b)(3)(A) and (B), there are no such documents.

11. We will produce a copy of Mr. Hacker's engagement letter.

12. We have asked Mr. Hacker to collect responsive materials to this request in his possession. If such materials exist, we will produce them sufficiently in advance of Mr. Hacker's deposition for you to review them.

13. Mr. Hacker authored a cigar and spirits pairing booklet for General Cigar titled *Down the Hatch with a Perfect Match*. We have asked Mr. Hacker to collect responsive materials in his possession regarding this engagement. If such materials exist, we will produce them sufficiently in advance of Mr. Hacker's deposition for you to review them.

Very truly yours,

DLA Piper LLP (US)

/s/ Andrew L. Deutsch

Andrew L. Deutsch
Partner

Admitted to practice in Illinois and New York

EAST\144112902.1

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

In the matter of Trademark Registration No. 1147309
For the mark COHIBA
Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273
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Date registered: June 6, 1995

EMPRESA CUBANA DEL TABACO, d.b.a. CUBATABACO, Petitioner, v. GENERAL CIGAR CO., INC. Respondent.	:	Cancellation No. 92025859

PARTY OFFERING: PETITIONER

Exhibit 4 to the TTAB Discovery Deposition Transcript of Richard Carleton Hacker, dated June 15, 2017

History Of Cohiba

The island of Cuba has long been the considered the "El Dorado" of tobacco. It is almost a mythical place, where the tobacco fields stretch as far as the eye can see, and the Havana Club rum flows like water. Cuban cigars have long been seen as the pinnacle of luxury, class, and quality. Out of the many fine cigars that are rolled on this small island, there has been one that is considered of the highest quality and remains the most sought after in the world, Cohiba. With all the great cigars in Cuba and their storied histories, Cohiba is actually considered one of the youngest. Yet in that short time is has risen to become the premium cigar of note.

This history of this cigar does not begin, like many others, in the tobacco fields during the 19th century. Yet it begins in the presidential home of Fidel Castro in the mid 1960s. A local cigar roller had been supplying Castro's bodyguard with some of his home rolled cigars. The guard in turn shared these cigars with the President and spoke very highly

EXHIBIT NO.: 4
WITNESS: Hacker
DATE: 4-15-17

of the local roller. Castro was so taken aback by the quality and taste of the cigar; he visited the local man and set him up in his own factory (The El Laguito Factory) to produce these cigars simply for him and other top government officials. It was in this factory that the first lanceros size was produced, specifically under the specifications of Fidel Castro.

In 1968, the state sponsored Cubatobaco formerly launched the brand. Cohiba comes from the ancient Taino word for tobacco. These cigars were to be produced on a limited scale and to be of higher quality than any other Cuban. What was strange about the Cohiba brand is that is was formed after the Cuban Revolution, making it one of the only Cuban cigars that didn't suffer from the loss of the American market and earned its merit in mainly the European and Asian markets. In the early 1980s, Cuba really made a push to make Cohiba a full production line, making it more readily available in the world's cigar stores. From there its legacy continued to grow.

With Cohiba being completely under Cuban control with no immediate copyright or trademark problems, in 1978, the name was taken by General Cigar and registered for distribution in the United States. Calling them the Red Dot Cohibas and using exclusively Dominican tobacco. The brand became immensely popular during the boom of the 1990s and remains a top of the line Dominican cigar even to this day. There has been an ongoing court dispute between these two companies that is now becoming more and more relevant as the embargo seems to be drawing to an end. I am not one to get into the middle of such a dispute; I'm just here for some fine smokes. With that in mind whether you're smoking a mild and delicious Dominican or the robust and flavorful Cuban, these are two cigars that are a must have for your humidor.

Related Articles

PREPARING HABANO LEAVES AT THE FACTORY

CRAFTING CIGAR BOXES & BANDS

CUBAN TOBACCO AND HABANOS TERM GLOSSARY

HOW A HABANO IS CRAFTED

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

In the matter of Trademark Registration No. 1147309
For the mark COHIBA
Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273
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EMPRESA CUBANA DEL TABACO, d.b.a. CUBATABACO, Petitioner, v. GENERAL CIGAR CO., INC. Respondent.	:	Cancellation No. 92025859

PARTY OFFERING: PETITIONER

Exhibit 5 to the TTAB Discovery Deposition Transcript of Richard Carleton Hacker, dated June 15, 2017

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ADVANCED SEARCH

CIGARS SAMPLERS 5-PACKS HUMIDORS VAPES & E-CIGS PIPE TOBACCO ACCESSORIES AUCTIONS GIFT CARD DEALS

Cigars › Handmade Cigars › Cohiba Cigars › Cohiba Dominican

Reformulated by the world-renowned cigar brand in the 1990s, the Cohiba Dominican took years of patience and development to perfect – and the patience paid off. Originating from the Dominican Republic, Cohiba Dominican cigars are medium-bodied handmades that boast a smooth, flavorful taste you won't soon forget.

An integral part of the Cohiba family, this Central American beauty is packed with aged, Dominican Piloto Cubano long-fillers, encased in a savory Indonesian binder. To finish it off, the Cohiba Dominican is dressed in a rich, wholesome African Cameroon wrapper. This superb combination enchants the palate with a smooth, even smoke that packs a creamy flavor from start to finish.

Cohiba Dominican cigars come in a large array of shapes and sizes, so you'll have no trouble finding one you enjoy.

EXHIBIT NO.: 5
WITNESS: Hacker
DATE: 6-15-17

Sort by

Name (A - Z)

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Results per page 20

List Grid

WRAPPER TYPE

- EMS
- Maduro

LENGTH

3.88 7.25

RING

24.00 64.00

PACKAGING

- Box
- Pack
- Single
- Tin

PRICE

$16.49 $283.25

OTHER COHIBA CIGARS

- Cohiba Black
- Cohiba Luxury Selection
- Cohiba Nicaragua
- Cohiba XV Dominican

$19.09

Cohiba Dominican
Churchill
7 × 49 · EMS
Single

Quick view

★★★★½ (10 Reviews)

$283.25 $56.65

Cohiba Dominican
Churchill
7 × 49 · EMS
Box of 25 · Pack of 5
Save up to $194.00

Quick view

★★★★½ (10 Reviews)

DEAL Buy a box, get 5 Cohiba Dominican Robustos, valued at $81.45, absolutely free!

$203.75 $40.75

Cohiba Dominican
Corona
5.12 × 42 · EMS
Box of 25 · Pack of 5
Save up to $141.00

Quick view

★★★★★ (4 Reviews)

DEAL Buy a box, get 5 Cohiba Dominican Robustos, valued at $81.45, absolutely free!

$195.40

Cohiba Dominican
Crystal Corona
5.5 × 42 · EMS
Box of 20 Glass Tubes
Save $134.40

Quick view

DEAL Buy a box, get 5 Cohiba Dominican Robustos, valued at $81.45, absolutely free!

$125.12

$99.92

$119.20

$122.12

Cohiba Dominican
Double Corona
7.25 × 54 · EMS
Box of 10
Save $84.78

Quick view

Cohiba Dominican
Double Robusto
5.25 × 54 · EMS
Box of 10
Save $67.98

Quick view

★★★★★ (1 Review)

Cohiba Dominican
Gigante
6 × 60 · EMS
Box of 10
Save $80.70

Quick view

Cohiba Dominican
Gran Gigante
6 × 64 · EMS
Box of 10
Save $82.78

Quick view

$248.75 $49.75

Cohiba Dominican
Lonsdale Grande
6.25 × 47 · EMS
Box of 25 · Pack of 5
Save up to $171.00

Quick view

$99.20

Cohiba Dominican
Miniature
3.88 × 24 · EMS
10 Tins of 10 (100 total)
Save $70.70

Quick view

$16.50

Cohiba Dominican
Miniature Single Tin
3.88 × 24 · EMS
Tin of 10

Quick view

$56.05

Cohiba Dominican
Pequeno
4.19 × 34 · Maduro
5 Tins of 6 (30 total)
Save $38.90

Quick view

★★★★★ (1 Review)

DEAL Buy a box, get 5 Cohiba Dominican Robustos, valued at $81.45, absolutely free!

★★★★★ (1 Review)

★★★★★ (1 Review)

$56.05

Cohiba Dominican
Pequeno
4.19 × 34 · EMS
5 Tins of 6 (30 total)
Save $38.90

Quick view

★★★★★ (1 Review)

$244.25 $16.49

Cohiba Dominican
Robusto
5 × 49 · EMS
Box of 25 · Single
Save up to $168.00

Quick view

★★★★★ (1 Review)

DEAL Buy a box, get 5 Cohiba Dominican Robustos, valued at $81.45, absolutely free!

$38.71

Cohiba Dominican
Robusto Fino
4.75 × 47 · EMS
Pack of 5
Save $26.24

Quick view

★★★★★ (3 Reviews)

$106.10

Cohiba Dominican
Toro Tube
6 × 50 · EMS
Box of 10 Aluminum Tubes
Save $73.80

Quick view

★★★★☆ (2 Reviews)

DEAL Buy a box, get 5 Cohiba Dominican Robustos, valued at $81.45, absolutely free!

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

In the matter of Trademark Registration No. 1147309
For the mark COHIBA
Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273
For the mark COHIBA
Date registered: June 6, 1995

EMPRESA CUBANA DEL TABACO, d.b.a. CUBATABACO, Petitioner, v. GENERAL CIGAR CO., INC. Respondent.	:	Cancellation No. 92025859

PARTY OFFERING: PETITIONER

Exhibit 6 to the TTAB Discovery Deposition Transcript of Richard Carleton Hacker, dated June 15, 2017

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Cohiba Nicraragua Corona Nicaraguan (3)

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Only $58.70
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As low as $1.96 per cigar

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Long Nicaraguan Cigar
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COHIBA

ABOUT COHIBA CIGARS

When Columbus landed in the Caribbean in 1492, he was greeted by Cuba's original inhabitants, the Tainos, who delighted in smoking bunches of dried leaves they called "cohiba." The Tainos love affair with quality tobacco soon spread to become the world's love affair with Cuban cigars.

The Cohiba cigar brand celebrates its 50th Anniversary in 2016 as one of the most beloved premium brands. The original Cohiba cigar line was made expressly for Fidel Castro and other significant government officials under strict regulations and intense secrecy on 10 separate farms. By the 1980s Cuban Cohibas became cherished diplomatic gifts for foreign dignitaries and accounted for more revenue than other cigar brands internally. Read More

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Cohiba Macassar Double Corona Connecticut Plus
Colibri Triple Torch Cohiba Lighter
Strength: Medium
Size: Double Corona (7 1/4" x 54)
Origin: Dominican Rep
~~$124.95-$249.90~~
Only $102.10-$199.20
Save up to $50.70
As low as $19.92 per cigar

Shop Now

Compare

Cohiba Macassar Toro Gordo Connecticut Plus
Colibri Triple Torch Cohiba Lighter
Strength: Medium
Size: Toro Gordo (6" x 52)
Origin: Dominican Rep
(1)
~~$109.95-$219.90~~
Only $90.46-$175.92
Save up to $43.98
As low as $17.59 per cigar

Shop Now

Compare

Cohiba Macassar Gigante Connecticut Plus
Colibri Triple Torch Cohiba Lighter
Strength: Medium
Size: Gigante (6" x 60)
Origin: Dominican Rep
~~$119.95-$239.90~~
Only $98.46-$191.92
Save up to $47.98
As low as $19.19 per cigar

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EXHIBIT NO.: 6
WITNESS: Hacker
DATE: 6-15-17

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Compare

Cohiba Pequenos Cameroon Cigarillo
Strength: Medium
Size: Cigarillo (4 3/4" x 34)
Origin: Dominican Rep
(52)

~~$97.44~~
Only $58.70
Save $38.74
As low as $1.96 per cigar

Add to Cart

Compare

Cohiba Black Tubes Maduro Robusto
Strength: Medium-full
Size: Robusto (5 1/2" x 50)
Origin: Dominican Rep
(16)

~~$131.92~~
Only $78.16
Save $53.76
As low as $9.77 per cigar

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Compare

Cohiba Robusto Fino Cameroon Plus
Colibri Triple Torch Cohiba Lighter
Strength: Medium
Size: Robusto (4 3/4" x 47)
Origin: Dominican Rep
(9)

~~$69.95-$349.75~~
Only $45.05-$212.77
Save up to $136.98
As low as $8.51 per cigar

Shop Now

Compare

Cohiba Corona Minor Cameroon Panetela Plus
Colibri Triple Torch Cohiba Lighter
Strength: Medium
Size: Panetela (4" x 42)
Origin: Dominican Rep
(4)

~~$53.95-$269.75~~
Only $34.75-$161.23
Save up to $108.52
As low as $6.45 per cigar

Shop Now

Compare

Cohiba Black C Maduro Plus
Colibri Triple Torch Lighter
Strength: Medium-
Size: Corona (5 1/2
Origin: Dominicar

~~$69.95-$349.~~
Only $44.51-$2
Save up to $1
As low as $8.40 p

Add to Cart

Compare

Cohiba Pequenos Cameroon Cigarillo
Strength: Medium
Size: Cigarillo (4 3/4" x 34)
Origin: Dominican Rep
(52)

~~$97.44~~
Only $58.70
Save $38.74
As low as $1.96 per cigar

Add to Cart

Compare

Cohiba Miniatures Cameroon Mini Cigarillo
Strength: Mild-medium
Size: Mini Cigarillo (3 7/8" x 24)
Origin: Dominican Rep
(10)

$17.49
As low as $1.75 per cigar

Add to Cart

Compare

Cohiba Pequenos Cameroon Cigarillo Single Tin
Strength: Medium
Size: Cigarillo (4 1/8" x 36)
Origin: Dominican Rep
(4)

$19.49
As low as $3.25 per cigar

Shop Now

Compare

Cohiba Crystal Corona Cameroon Plus
Colibri Triple Torch Cohiba Lighter
Strength: Medium
Size: Corona (5 1/2" x 42)
Origin: Dominican Rep
(1)

~~$84.95-$339.80~~
Only $53.66-$204.62
Save up to $135.18
As low as $10.23 per cigar

Shop Now

Compare

Cohiba Robust Cameroon Plus
Colibri Triple Torch Lighter
Strength: Mediun
Size: Robusto (4 3/
Origin: Dominicar

~~$69.95-$349.~~
Only $45.05-$2
Save up to $1
As low as $8.51 p

Add to Cart

Compare

Cohiba Black Tubes Maduro Robusto
Strength: Medium-full
Size: Robusto (5 1/2" x 50)
Origin: Dominican Rep
(16)

~~$131.92~~
Only $78.16
Save $53.76
As low as $9.77 per cigar

Add to Cart

Compare

Cohiba Black Pequenos Maduro Cigarillo
Strength: Medium-full
Size: Cigarillo (4" x 36)
Origin: Dominican Rep
(15)

~~$97.44~~
Only $58.70
Save $38.74
As low as $1.96 per cigar

Add to Cart

Compare

Cohiba Black Pequenos Maduro Cigarillo
Strength: Medium-full
Size: Cigarillo (4 1/8" x 36)
Origin: Dominican Rep
(6)

$19.49
As low as $3.25 per cigar

Shop Now

Compare

Cohiba Black Corona Maduro Plus
Colibri Triple Torch Cohiba Lighter
Strength: Medium-full
Size: Corona (5 1/2" x 42)
Origin: Dominican Rep
(3)

~~$69.95-$349.75~~
Only $44.51-$210.03
Save up to $139.72
As low as $8.40 per cigar

Shop Now

Compare

Cohiba Black Su Maduro Tor Plus
Colibri Triple Torch Lighter
Strength: Medium-
Size: Toro (6" x
Origin: Dominicar

~~$94.95-$474.~~
Only $59.76-$2
Save up to $1
As low as $1.45 p

COHIBA CIGAR REVIEWS View all COHIBA CIGAR REVIEWS (22)

Measurable in the US, a second "Cohiba" name was trademarked in 1978 by General Cigar. The original seeds came from Cuba, but after years of research, the final tobaccos and the blend of this new Cohiba was established in Santo Domingo in the Dominican Republic. Soon high-quality General Cigar Cohibas with a distinctive red dot in the middle of the "O" in the Cohiba name on their label became available to aficionados in the U.S.

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Compare

Cohiba Edicion Diamante Gigante In Wood Coffin Cameroon Gigante Plus

Colibri Triple Torch Cohiba Lighter

Strength: Medium
Size: Gigante (6" x 60)
Origin: Dominican Rep

$270.00

As low as $27.00 per cigar

Add to Cart

Compare

Cohiba Nicraragua Robusto Nicaraguan 5 Pack

Strength: Medium-full
Size: Robusto (5" x 50)
Origin: Nicaragua

(26)

Mix 4 5-packs for $19.75 each

Add to Cart

Compare

Cohiba Nicraragua Corona Nicaraguan

Strength: Full
Size: Corona (4 1/8" x 36)
Origin: Nicaragua

(3)

~~$97.45~~
Only $58.70
Save $38.75
As low as $1.96 per cigar

Add to Cart

Compare

Cohiba Nicraragua Pequenos Nicaraguan Petite Corona

Strength: Full
Size: Petite Corona (4 1/8" x 36)
Origin: Nicaragua

$19.49

As low as $3.25 per cigar

Add to Cart

Compare

Cohiba Nicraragua Corona Nicaraguan Plus

Colibri Triple Torch Cohiba Lighter

Strength: Full
Size: Corona (4" x 45)
Origin: Nicaragua

(2)

~~$166.24~~
Only $132.99
Save $33.25
As low as $8.31 per cigar

Add to Ca

Compar

Cohiba Nicrar Crystale Nicara Robusto

Strength: Full
Size: Robusto (5"
Origin: Nicarag

~~$107.92~~
Only $86.3
Save $21.5
As low as $16.79 p

Add to Cart

Compare

Cohiba Red Dot Robusto Cameroon 5 Pack

Strength: Mild-medium
Size: Robusto (5" x 50)
Origin: Dominican Rep

(17)

Add to Cart

Compare

Cohiba Red Dot Gran Gigante Cameroon

Strength: Medium-full
Size: Gran Gigante (6" x 64)
Origin: Dominican Rep

(1)

~~$204.90~~
Only $122.12
Save $82.78
As low as $12.21 per cigar

Add to Cart

Compare

Cohiba Red Dot Double Corona Cameroon

Strength: Medium
Size: Double Corona (7 1/4" x 54)
Origin: Dominican Rep

(1)

~~$209.90~~
Only $125.12
Save $84.78
As low as $12.51 per cigar

Cohibas are a perfect fit for any special occasion or simply as a great afternoon or evening smoke due to their medium to full strength flavor profiles. Instantly recognizable, Cohibas offer a truly unique smoking experience and their quality is evident in every puff. Thompson Cigars carries five lines of the General Cigar Cohiba family. In addition to the general Cohiba line, we have the signature Cohiba Red Dot line of medium strength cigars. The Cohiba Black line offers something for those with a taste for the rich Maduro-style wrappers while the Cohiba Edicion Diamante is a rare specimen featuring a Cameroon wrapper that is over 35 years old. Cohiba Nicaragua presents fuller-flavored cigars using some of the finest leaves from this up-and-coming region.

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Cohiba Red Dot Robusto Cameroon 5 Pack
Strength: Mid-medium
Size: Robusto (5" x 50)
Origin: Dominican Rep
(17)

Add to Cart

Compare

Cohiba Nicaragua Robusto Nicaraguan 5 Pack
Strength: Medium-full
Size: Robusto (5" x 50)
Origin: Nicaragua
(26)

Mix 4 5-packs for $19.75 each

Add to Cart

Compare

Cohiba Pequenos Cameroon Cigarillo
Strength: Medium
Size: Cigarillo (4 3/4" x 34)
Origin: Dominican Rep
(52)

~~$97.44~~
Only $58.70
Save $38.74
As low as $1.96 per cigar

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Compare

Cohiba Black Tubes Maduro Robusto
Strength: Medium-full
Size: Robusto (5 1/2" x 50)
Origin: Dominican Rep
(16)

~~$131.92~~
Only $78.16
Save $53.76
As low as $9.77 per cigar

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Compar

Cohiba Peque Cameroon Cig Single Tin
Strength: Mediun
Size: Cigarillo (4 1/
Origin: Dominicar

$19.49
As low as $3.25 p

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The Cohiba "Red Dot" Gigante has a dark,
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Save $38.74
As low as $1.96 per cigar

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COHIBA

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Size: Churchill (7 1/4" x 52)
Origin: Dominican Rep

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As low as $36.00 per cigar

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Cohiba Macassar Toro Gordo Connecticut Plus
Colibri Triple Torch Cohiba Lighter
Strength: Medium
Size: Toro Gordo (6" x 52)
Origin: Dominican Rep

Only $90.46-$175.92
Save up to $43.98
As low as $17.59 per cigar

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Compare

Cohiba Macassar Double Corona Connecticut Plus
Colibri Triple Torch Cohiba Lighter
Strength: Medium
Size: Double Corona (7 1/4" x 54)
Origin: Dominican Rep

Only $102.10-$199.20
Save up to $50.70
As low as $19.92 per cigar

Shop Now

Compare

Cohiba Macassar Gigante Connecticut Plus
Colibri Triple Torch Cohiba Lighter
Strength: Medium
Size: Gigante (6" x 60)
Origin: Dominican Rep

Only $98.46-$191.92
Save up to $47.98
As low as $19.19 per cigar

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Cohiba Pequenos Cameroon Cigarillo
Strength: Medium
Size: Cigarillo (4 3/4" x 34)
Origin: Dominican Rep
52
~~$97.44~~
Only $58.70
Save $38.74
As low as $1.96 per cigar

Add to Cart

Compare

Cohiba Black Tubes Maduro Robusto
Strength: Medium-full
Size: Robusto (5 1/2" x 50)
Origin: Dominican Rep
6
~~$131.92~~
Only $78.16
Save $53.76
As low as $9.77 per cigar

Shop Now

Compare

Cohiba Robusto Fino Cameroon Plus
Colibri Triple Torch Cohiba Lighter
Strength: Medium
Size: Robusto (4 3/4" x 47)
Origin: Dominican Rep
Only $45.05-$212.77
Save up to $136.98
As low as $8.51 per cigar

Shop Now

Compare

Cohiba Corona Minor Cameroon Panetela Plus
Colibri Triple Torch Cohiba Lighter
Strength: Medium
Size: Panetela (4" x 42)
Origin: Dominican Rep
4
Only $34.75-$161.23
Save up to $108.52
As low as $6.45 per cigar

Compare

Shop Now

Compare

Cohiba Black Coro Maduro Plus
Colibri Triple Torch Co Lighter
Strength: Medium-full
Size: Corona (5 1/2" x
Origin: Dominican Re
Only $44.51-$210.
Save up to $139
As low as $8.40 per

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Cohiba Pequenos Cameroon Cigarillo
Strength: Medium
Size: Cigarillo (4 3/4" x 34)
Origin: Dominican Rep
Only $58.70
Save $38.74
As low as $1.96 per cigar

Add to Cart

Compare

Cohiba Miniatures Cameroon Mini Cigarillo
Strength: Mild-medium
Size: Mini Cigarillo (3 7/8" x 24)
Origin: Dominican Rep
$17.49
As low as $1.75 per cigar

Shop Now

Compare

Cohiba Crystal Corona Cameroon Plus
Colibri Triple Torch Cohiba Lighter
Strength: Medium
Size: Corona (5 1/2" x 42)
Origin: Dominican Rep
Only $53.66-$204.62
Save up to $135.18
As low as $10.23 per cigar

Shop Now

Compare

Cohiba Lonsdale Grande Cameroon Plus
Colibri Triple Torch Cohiba Lighter
Strength: Medium
Size: Lonsdale Grande (6 1/4" x 47)
Origin: Dominican Rep
Only $16.99-$255.78
Save up to $168.97
As low as $10.23 per cigar

Add to Cart

Compare

Cohiba Pequeno Cameroon Cigarillo Si Tin
Strength: Medium
Size: Cigarillo (4 1/8" x
Origin: Dominican Re
$19.49
As low as $3.25 per

COHIBA BLACK

View all COHIBA BLACK (6)

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Compare
Cohiba Black Pequenos Maduro Cigarillo
Strength: Medium-full
Size: Cigarillo (4" x 36)
Origin: Dominican Rep
Only $58.70
Save $38.74
As low as $1.96 per cigar

Add to Cart
Compare
Cohiba Black Tubes Maduro Robusto
Strength: Medium-full
Size: Robusto (5 1/2" x 50)
Origin: Dominican Rep
Only $78.16
Save $53.76
As low as $9.77 per cigar

Shop Now
Compare
Cohiba Black Supremo Maduro Toro Plus
Colibri Triple Torch Cohiba Lighter
Strength: Medium-full
Size: Toro (6" x 54)
Origin: Dominican Rep
Only $59.76-$286.28
Save up to $188.47
As low as $11.45 per cigar

Add to Cart
Compare
Cohiba Black Pequenos Maduro Cigarillo
Strength: Medium-full
Size: Cigarillo (4 1/8" x 36)
Origin: Dominican Rep
$19.49
As low as $3.25 per cigar

Shop Now
Compare
Cohiba Black Coro Maduro Plus
Colibri Triple Torch Co Lighter
Strength: Medium-full
Size: Corona (5 1/2" x
Origin: Dominican Re
Only $44.51-$210.
Save up to $139.
As low as $8.40 per

COHIBA EDICION DIAMANTE

View all COHIBA EDICION DIAMANTE (1)

Add to Cart
Compare
Cohiba Edicion Diamante Gigante In Wood Coffin Cameroon Gigante Plus
Colibri Triple Torch Cohiba Lighter
Strength: Medium
Size: Gigante (6" x 60)
Origin: Dominican Rep
$270.00
As low as $27.00 per cigar

COHIBA NICARAGUA

View all COHIBA NICARAGUA (7)

CT0014857

Add to Cart | Compare

Cohiba Nicraragua Robusto Nicaraguan 5 Pack
Strength: Medium-full
Size: Robusto (5" x 50)
Origin: Nicaragua
Mix 4 5-packs for $19.75 each

Add to Cart | Compare

Cohiba Nicraragua Corona Nicaraguan
Strength: Full
Size: Corona (4 1/8" x 36)
Origin: Nicaragua
Only $58.70
Save $38.75
As low as $1.96 per cigar

Add to Cart | Compare

Cohiba Nicraragua Pequenos Nicaraguan Petite Corona
Strength: Full
Size: Petite Corona (4 1/8" x 36)
Origin: Nicaragua
$19.49
As low as $3.25 per cigar

Add to Cart | Compare

Cohiba Nicraragua Corona Nicaraguan Plus
Colibri Triple Torch Cohiba Lighter
Strength: Full
Size: Corona (4" x 45)
Origin: Nicaragua
Only $132.99
Save $33.25
As low as $8.31 per cigar

Add to Cart | Compare

Cohiba Nicraragu Crystale Nicaragua Robusto Plus
Colibri Triple Torch Co Lighter
Strength: Full
Size: Robusto (5" x 5
Origin: Nicaragua
Only $86.34
Save $21.58
As low as $10.79 per

COHIBA RED DOT

View all COHIBA RED DOT (3)

Add to Cart | Compare

Cohiba Red Dot Robusto Cameroon 5 Pack
Strength: Mild-medium
Size: Robusto (5" x 50)
Origin: Dominican Rep

Add to Cart | Compare

Cohiba Red Dot Double Corona Cameroon
Strength: Medium
Size: Double Corona (7 1/4" x 54)
Origin: Dominican Rep
Only $125.12
Save $84.78
As low as $12.51 per cigar

Add to Cart | Compare

Cohiba Red Dot Gran Gigante Cameroon
Strength: Medium-full
Size: Gran Gigante (6" x 64)
Origin: Dominican Rep
Only $122.12
Save $82.78
As low as $12.21 per cigar

COHIBA CIGAR REVIEWS

View all COHIBA CIGAR REVIEWS (22)

CT0014858

Add to Cart | Add to Cart | Add to Cart | Add to Cart | Shop Now

Compare | Compare | Compare | Compare | Compare

Cohiba Red Dot Robusto Cameroon 5 Pack
Strength: Mild-medium
Size: Robusto (5" x 50)
Origin: Dominican Rep
(7)

Cohiba Nicraragua Robusto Nicaraguan 5 Pack
Strength: Medium-full
Size: Robusto (5" x 50)
Origin: Nicaragua
(2)
Mix 4 5-packs for $19.75 each

Cohiba Pequenos Cameroon Cigarillo
Strength: Medium
Size: Cigarillo (4 3/4" x 34)
Origin: Dominican Rep
(52)
~~$97.44~~
Only $58.70
Save $38.74
As low as $1.96 per cigar

Cohiba Black Pequenos Maduro Cigarillo
Strength: Medium-full
Size: Cigarillo (4" x 36)
Origin: Dominican Rep
(17)
~~$97.44~~
Only $58.70
Save $38.74
As low as $1.96 per cigar

Cohiba Crystal Cor Cameroon Plus
Colibri Triple Torch Co Lighter
Strength: Medium
Size: Corona (5 1/2" x
Origin: Dominican Re
~~$34.95-$53.9~~
Only $53.66-$204
Save up to $135
As low as $10.23 per

Meanwhile in the US, a second "Cohiba" name was trademarked in 1978 by General Cigar. The original seeds came from Cuba, but after years of research, the final tobaccos and the blend of this new Cohiba was established in Santo Domingo in the Dominican Republic. Soon high-quality General Cigar Cohibas with a distinctive red dot in the middle of the "O" in the Cohiba name on their label became available to aficionados in the U.S.

Cohibas are a perfect fit for any special occasion or simply as a great afternoon or evening smoke due to their medium to full strength flavor profiles. Instantly recognizable, Cohibas offer a truly unique smoking experience and their quality is evident in every puff. Thompson Cigars carries five lines of the General Cigar Cohiba family. In addition to the general Cohiba line, we have the signature Cohiba Red Dot line of medium strength cigars. The Cohiba Black line offers something for those with a taste for the rich Maduro-style wrappers while the Cohiba Edicion Diamante is a rare specimen featuring a Cameroon wrapper that is over 35 years old. Cohiba Nicaragua presents fuller-flavored cigars using some of the finest leaves from this up-and-coming region.

Related Products

Cohiba Gigante Cameroon
The Cohiba "Red Dot" Gigante has a dark, ...
Quickview

Cohiba Crystal Corona Cameroon
The Cohiba "Red Dot" Crystal Corona has a ...
Quickview

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Per the FDA's minimum age requirement, for tobacco purchase, your age will be verified based on the current legislation in your billing address location.

Thompson does not sell cigars to retailers of tobacco products nor does it otherwise sell or ship cigars on a wholesale basis. All cigars sold by Thompson are intended for personal consumption by its customers and resale thereof is strictly prohibited.

Compare

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

In the matter of Trademark Registration No. 1147309
For the mark COHIBA
Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273
For the mark COHIBA
Date registered: June 6, 1995

EMPRESA CUBANA DEL TABACO, d.b.a. CUBATABACO, Petitioner, v. GENERAL CIGAR CO., INC. Respondent.	:	Cancellation No. 92025859

PARTY OFFERING: PETITIONER

Exhibit 7 to the TTAB Discovery Deposition Transcript of Richard Carleton Hacker, dated June 15, 2017

COHIBA NICARAGUA

7 Products: $44.96 - $215.86
PER UNIT: $8.99 - $13.49

COHIBA CIGARS

Cohiba cigars – this is one whose name even non-smokers know well. It's a brand that skyrocketed to popularity even before the boom, is the only "authentic" Cohiba cigar that can be bought legally in the U.S. – and is one of the only smokes out there worthy of its string of trademark lawsuits. Dominican at its heart, Cohiba cigars are a natural stepping stone for smokers looking to ramp up the flavor and add a little spice to the mix. The selections here, starting with the Cohiba Red Dot, land square in the neighborhood of medium body and move on up; though any and all of these Cohibas smoke creamy-smooth, rich and well-balanced due to their respective, refined Cuban-seed longfiller blends. A Cohiba cigar isn't just a smoke – today it represents quality, history and those bits and pieces of life that are more than just refined. It's no wonder that the original Cuban Cohiba was a Castro favorite. Christopher Columbus was way ahead of Castro, as well as the rest of us who buy Cohibas online, when it came to these premium gems. Columbus returned to Hispaniola in 1496, where he witnessed the Taino Indians smoking cured and rolled tobacco leaves. The Taino referred to these "smokes" as..."Cohibas." In February 1962, the United States implemented the Cuban embargo – and with it, banning the import of Cuban cigars – which meant that America would end up missing out on one of Cuba's best-kept secrets: Eduardo Ribera. He was a local Cuban roller who made puros for one of Castro's bodyguards, who in turn shared his private stash with "El Jefe." Castro loved the cigars so much, he took Ribera as his private roller to make this blend exclusively for him, in secret. The actual name brand came about in 1968 when Cubatabaco, the state's tobacco bureau, formally employed master blender Avelino Lara to produce a new blend at his El Laguito factory. Produced in very limited quantities and reserved only for the most senior Cuban government officials, it consisted of the choicest leaf grown in the Vuelta Abajo region of Pinar del Rio Province. One of Lara's secrets to imparting such smoothness to his blend was triple-fermenting the leaves, with the third rest in oak barrels. By 1982, the smoke broke free from the island and was introduced worldwide - the United States excluded - meaning these Cuban cigars are very often counterfeited, as fake Cohiba cigars seemed to pop up everywhere. Meanwhile, back in the States...General Cigar licensed the Cohiba name in the early '90s to market their Dominican-made version of these cigars (not fake Cohibas) in America. Though a lengthy lawsuit with the Cuban government over the brand name continues to this day, the Dominican offering is a staple among enthusiasts worldwide. And it's no wonder why: consisting of three DR-grown Cuban-seed longfillers, Indonesian binder and a sweet, flavorful Cameroon wrapper, this legal Cohiba cigar maintains a slightly spicy, Cuban character; but still remains very distinct from

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its island-born relative. Not content to leave it at just one cigar, Cohiba has introduced a slew of premium and super-premium offerings under the name, topping out with the Edición Diamante Collection. Just like you don't buy a Rolex to tell you what time it is, you don't choose these cigars for burning at the barbecue. Hailed as "a piece of premium cigar history," they've worked up something truly special here...wrapped in Cameroon from a crop harvested in 1980 that was hailed as "legendary" and aged ever since, Edición Diamante is a limited edition smoke presented in boxes of 10, starting at a 50 ring gauge. Rich in tradition and refined in taste...buy your box and smoke some history. Buy Cohiba cigars online at discount prices here at Famous Smoke Shop.

VISIT OUR RETAIL STORE

Sick of shopping online? Come and visit our physical store.

LET'S GO!

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Famous Smoke is a secure retailer of the finest cigars online at the web's best prices. Please note that Famous Smoke Shop does not sell tobacco products to anyone under the age of 18 (or the minimum age in your local jurisdiction, whichever is higher). Note also that it is unlawful to even attempt to purchase cigars below the minimum age. If you are not of legal age, please do not enter our site.

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

In the matter of Trademark Registration No. 1147309
For the mark COHIBA
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AND

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EMPRESA CUBANA DEL TABACO, d.b.a. CUBATABACO, Petitioner,	:	Cancellation No. 92025859
v.	:	
GENERAL CIGAR CO., INC. Respondent.	:	

PARTY OFFERING: PETITIONER

Exhibit 8 to the TTAB Discovery Deposition Transcript of Richard Carleton Hacker, dated June 15, 2017

Cohiba Black

(9) WRITE A REVIEW

STAFF REVIEWS (2)

SHOP ALL COHIBA BRANDS ›

CLICK TO BROWSE OPTIONS

DEAL

FREE 5-Pack w/ Box Purchase

For a limited time only, enjoy a FREE 5-Pack of the medium to full-bodied Cohiba Nicaragua with any Cohiba 16-count or higher box purchase.

DETAILS

OVERVIEW

The richest Cohiba to date.

With a dark maduro wrapper and aged Dominican Piloto binder, Cohiba Black offers a rich and complex flavor that appeals to even the most discerning aficionado.

As perhaps the most recognized name in cigars worldwide, Cohiba has been an icon for what many consider to be "the best." Debuting in Cuba shortly after Castro came to power, Cohiba cigars were made from the country's top 1% of leaves harvested and the cigars were reserved for diplomatic gifts and government VIPs. In fact, speculation exists that the brand was initially made for Fidel Castro himself, who considered the blend his favorite.

Cohiba Black was introduced at the 2006 RTDA show in Las

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Vegas. As one of the most popular super premiums, Cohiba Black follows in the footsteps of its predecessor, Cohiba Red Dot, which is also made in the Dominican Republic. The cigar features a multi-country blend with a rich and dark Connecticut Broadleaf maduro wrapper. However, perhaps more exciting than the oily wrapper is the filler, which encompasses leaves from the Dominican Republic and Mexico. Cohiba Black is then finished with an enticing Dominican Piloto binder that has been aging for more than three years in tercio. Don't miss your chance to try on of Cohiba's finest creations.

Churchill (7.0"x49) **MEDIUM-FULL**

Show cigar size

Add To Favorites

SINGLE	IN STOCK		$19.10	ADD TO CART
5-PACK	IN STOCK		$67.50	ADD TO CART
BOX OF 25 + 5-PACK	IN STOCK	MSRP: $477.25	$283.25	ADD TO CART

Corona (5.5"x42) **MEDIUM-FULL**

Show cigar size

Add To Favorites

SINGLE	IN STOCK		$13.80	ADD TO CART
5-PACK	IN STOCK		$47.50	ADD TO CART
BOX OF 25 + 5-PACK	IN STOCK	MSRP: $344.75	$203.75	ADD TO CART

FREE SHIPPING EVERY DAY

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PARTY OFFERING: PETITIONER

Exhibit 9 to the TTAB Discovery Deposition Transcript of Richard Carleton Hacker, dated June 15, 2017

Cohiba Edicion Diamante 2013

BE THE FIRST TO RATE THIS PRODUCT

SHOP ALL COHIBA BRANDS ›

CLICK TO BROWSE OPTIONS

DETAILS

OVERVIEW

You've tried the rest, now try the best

The mere mention of Cohiba cigars conjures up images of powerbrokers sitting in overstuffed leather chairs in some back office making seven figure business deals. The Cohiba was born in Cuba, commissioned by Castro to be the cigars of the elite, available exclusively for dignitaries and high-ranking government officials. Eventually word got out about how great the Cohiba cigars were, and the brand became available to the public and are now considered as the finest cigar from the island south of Miami. Due to the political climate, a second version of the brand was produced in the Dominican Republic, to no less fanfare and acclaim.

Look up the word vintage in the dictionary, and you'll understand to how special Cohiba Edicion Diamante 2013 truly is. Featuring an extraordinary 35 year old Cameroon wrapper, this leaf truly sets Cohiba Edicion Diamante 2013 apart from the rest of the super-premium blends on the market. This medium-bodied blend is completed with a hand selected blend of Dominican long leaves to provide a luxuriously smooth character and creamy profile that any palate will appreciate. With additional notes of leather and cedar, this blend is one to be treasured and savored.

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Exhibit 10 to the TTAB Discovery Deposition Transcript of Richard Carleton Hacker, dated June 15, 2017

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Home > Top Cigar Brands > Cohiba Cigars

COHIBA

Cohiba Cigars

Cohiba cigars are known around the world among true blue cigar connoisseurs as well as cigar novices who indulge only on rare occasions. Handcrafted from premium long-filler tobaccos in the Dominican Republic, Cohiba presents a great opportunity to acquaint yourself with a famous brand. A nice variety of strengths and formats make up the Cohiba portfolio. Consistent construction, rich flavors and elegant packaging guarantee you'll be impressed.

CIGARS

Cohiba
Price Per Cigar:
$1.04 - $19.49
16 options available

1 Review

STRENGTH MEDIUM
Country: Dominican Republic
Wrapper: Cameroon

Cohiba has been a mainstay in the cigar industry for longer than any of us can...

read more

Click To Buy

Cohiba Black
Price Per Cigar:
$1.95 - $19.49
10 options available

1 Review

STRENGTH MILD-MEDIUM
Country: Dominican Republic
Wrapper: Connecticut Broadleaf

Cohiba Black features a Connecticut-Broadleaf Maduro wrapper that's as...

read more

Click To Buy

Cohiba Nicaragua
Price Per Cigar:
$10.79 - $15.49
6 options available

STRENGTH MEDIUM-FULL
Country: Nicaragua
Wrapper: Nicaraguan

Cohiba Nicaragua features sultry Honduran Oscuro wrappers around a...

read more

Click To Buy

EXHIBIT NO.: 10
WITNESS: Hacker
DATE: 6-15-17

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PARTY OFFERING: PETITIONER

Exhibit 11 to the TTAB Discovery Deposition Transcript of Richard Carleton Hacker, dated June 15, 2017

COHIBA®

Cohiba

Cohiba cigars are the most well-known cigars the world-over. Each Cohiba cigar is a luxurious, top-shelf handmade crafted using only the most premium tobaccos. Continually consistent, Cohiba cigars deliver as advertised.

Cigars

Cohiba Black

13 Ratings
$1.87 - $12.50 per cigar
17 Options

Shop Now

Strength: MEDIUM-FULL
Wrapper: Connecticut Broadleaf
Origin: Dominican Republic
Sizes:

- Churchill (7.0"x49)
- Cigarillos (4.1"x36)
- Corona (5.5"x42)

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WITNESS: Hacker
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PARTY OFFERING: PETITIONER

Exhibit 12 to the TTAB Discovery Deposition Transcript of Richard Carleton Hacker, dated June 15, 2017

Cohiba Luxe

Be the first to rate this product

Cohiba...enough said.

Cohiba is a celebrity in the cigar industry, there's no denying that. This line originated from the special blend of tobaccos that Fidel Castro himself used to smoke, and to this day the Cohiba brand continues to impress. And now once again Cohiba has managed to deliver a blend for the ages, a prize of pure beauty, a lip-smacker of luxury – say hello to Cohiba Luxe. Ever the innovators, the minds behind Cohiba at General Cigars have found a way to wow the masses with one of the rarest and most unique wrapper leaves to appear in quite some time.

Cohiba Luxe features an African Cameroon wrapper leaf that was grown on a plot of lush soil located on the outskirts of the second densest rainforest on the planet. The tobacco is grown by the Meerapfel family, and for that reason this specific leaf is called Cameroon Meerapfel African gold. The family behind this rare and highly desirable varietal goes back five generations in the tobacco industry, and they know the crop inside and out. Yes, Cohiba Luxe comes with a hefty price tag, but so do diamonds, and this medium-bodied concoction is most certainly worth every penny. It's only available in limited quantities, so be sure to grab yours before it disappears for good.

Please Call for Availability and Pricing!

Products | **Customer Reviews** | **Q&A**

Size	Pack	In Stock	Price	Qty	Cart
Cohiba Luxe - Call for Availability and Price		Out of Stock	$0.00		

Checkout

Cohiba Edicion Diamante 2013

Cohiba Comador

Cohiba Black

Edgar Hoill O.S.O.K. (One Shot One Kill)
$6.44 - $11.50 per cigar
(3)

Cohiba Edicion Diamante 2013
$12.63 - $13.06 per cigar
(2)

Cohiba Nicaragua
$6.09 - $13.40 per cigar
(3)

EXHIBIT NO.: 12
WITNESS: Hacker
DATE: 6-15-17

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PARTY DESIGNATION: See Exhibit Cover Sheets

Designated TTAB Discovery Deposition Transcript of
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Part 3 of 3

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Exhibit 13 to the TTAB Discovery Deposition Transcript of Richard Carleton Hacker, dated June 15, 2017

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CARS AVIATION MARINE TRAVEL WATCH COLLECTOR STYLE SHELTER FOOD & DRINK

Cuban Cigars Are Legal Again. This Is Your Guide to Buying the Best

VIEW SLIDESHOW

This is indeed an historic time for American cigar smokers as, for the first time since 1962, restrictions on **Cuban cigars** have been lifted, and U.S. citizens traveling outside of the country can now legally bring back what once was Havana's "forbidden fruit."

But it is still illegal to sell Cuban cigars in the United States. That means you won't be finding Havana's finest at your local tobacconist's any time soon—numerous obstacles prevent that, including the fact that many Cuban and non-Cuban cigars share the same names (think Cohiba, Partagas, and Fonseca, for example).

However, you can now legally buy Cuban cigars in any country except the United States. But beware of fakes. Because of their reputation and mystique, counterfeit Cuban cigars are rampant worldwide—even in Cuba. Cuban tobacco has, in varying degrees, a slight earthiness in taste and aroma, and you do not usually find this characteristic in counterfeit cigars. But it is not just the possibility of inferior tobaccos—Cuban or otherwise—one should guard against; bands and boxes (even when date-stamped on the bottom) are commonly counterfeited. Therefore, the best places to buy Cuban cigars are from reputable tobacconists, which include La Casa del Habano shops and Duty Free stores.

When buying Havanas by the box, look for the official Habanos S.A. watermarked and holograms stamp, which has been in use since 2009. Plus, make sure all the cigars are of uniform color. There are approximately ninety shades of brown, and cigar makers employ a color-sorter to ensure every cigar in the box is the same color. It is also wise to check the second layer of cigars in the box. If they are a different shade of brown, select a different box.

And finally, even with the newly relaxed rules, the cigars you bring back must be for personal consumption—they cannot be for resale. And U.S. customs regulations still apply, which means returning travelers are limited to 100 cigars. Considering Cuban cigars typically sell from $17 to $40 apiece—not counting limited editions and other rarities—that may effectively limit your purchases to four boxes or less. But to help ensure the brand of Cuban cigars you buy will be the ones you will enjoy smoking, here

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DATE: 6-15-17

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CARS AVIATION MARINE TRAVEL WATCH COLLECTOR STYLE SHELTER FOOD & DRINK

Cuban Cigars Are Legal Again. This Is Your Guide to Buying the Best

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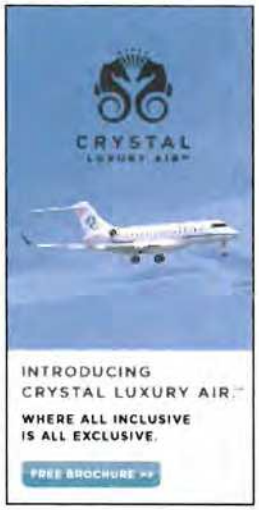
But it is still illegal to sell Cuban cigars in the United States. That means you won't be finding Havana's finest at your local tobacconist's any time soon—numerous obstacles prevent that, including the fact that many Cuban and non-Cuban cigars share the same names (think Cohiba, Partagas, and Fonseca, for example).

However, you can now legally buy Cuban cigars in any country except the United States. But beware of fakes. Because of their reputation and mystique, counterfeit Cuban cigars are rampant worldwide—even in Cuba. Cuban tobacco has, in varying degrees, a slight earthiness in taste and aroma, and you do not usually find this characteristic in counterfeit cigars. But it is not just the possibility of inferior tobaccos—Cuban or otherwise—one should guard against; bands and boxes (even when date-stamped on the bottom) are commonly counterfeited. Therefore, the best places to buy Cuban cigars are from reputable tobacconists, which include La Casa del Habano shops and Duty Free stores.

When buying Havanas by the box, look for the official Habanos S.A. watermarked and hologramed stamp, which has been in use since 2009. Plus, make sure all the cigars are of uniform color. There are approximately ninety shades of brown, and cigar makers employ a color-sorter to ensure every cigar in the box is the same color. It is also wise to check the second layer of cigars in the box. If they are a different shade of brown, select a different box.

And finally, even with the newly relaxed rules, the cigars you bring back must be for personal consumption—they cannot be for resale. And U.S. customs regulations still apply, which means returning travelers are limited to 100 cigars. Considering Cuban cigars typically sell from $17 to $40 apiece—not counting limited editions and other rarities—that may effectively limit your purchases to four boxes or less. But to help ensure the brand of Cuban cigars you buy will be the ones you will enjoy smoking, here are our top 10 recommendations.



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#1 Cohiba

Cohibas are undoubtedly one of the most popular—and the most counterfeited —of all Cuban cigars. Particularly coveted are the Esplendido and the newer Behike, a large-ringed variation that is all the rage, especially in London and Paris. Cohibas are medium-full in character but not overpowering. However, newer smokers may want to select the kinder, gentler Cohiba Siglo series.

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BY ROBB REPORT STUDIO

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#2

Trinidad

Trinidad cigars started out as Castro's "secret" VIP cigar that replaced the Cohiba in popularity when it began to be sold to the public in 1982. As one of the most expensive choices, depending on where you buy it, it won't take many of these medium-full-flavored smokes to use up most of your government-approved limitations, not to mention your budget.

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The New Ways of Yachting from Ferretti

BY FERRETTI GROUP

In nearly a half century, the Ferretti Group has revolutionized the yachting industry. Its Ferretti Yachts, Pershing, Itama, Riva, Mochi Craft, Custom Line, and CRN brands have been category leaders, with innovations that later became standard...

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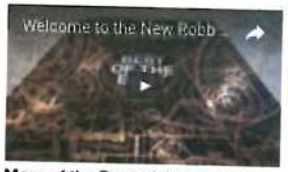

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#3 Montecristo

The No. 2 **Montecristo** specifically is a perennial favorite—if you like single-malt scotch and red meat, you cannot go wrong with this choice. Medium-full-bodied, it carries an undertone of sweet spice. That said, the slightly smaller Montecristo No. 4 is the best-selling cigar in world.

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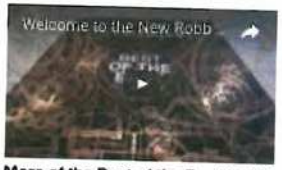

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#4 Partagás

The **Partagás** series D, No. 4 robusto is a popular size for this powerhouse brand. It is tantamount to smoking a porterhouse steak: if you have an hour and a half to spare, try a Lusitania.

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BY THE PENINSULA

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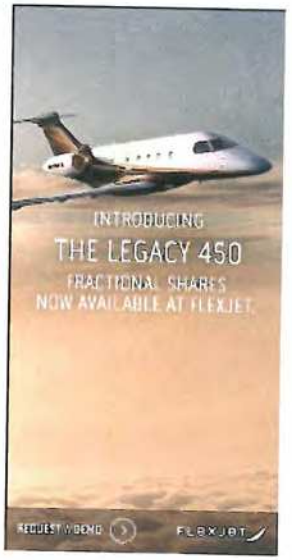
#5

H. Upmann

Medium strength, the gentle **H. Upmann** still retains enough earthiness to make it suitable for either early or late evenings.



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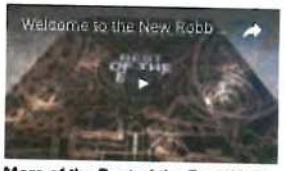

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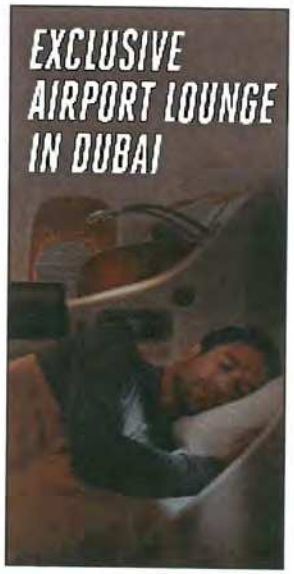
#6

Romeo y Julieta

Medium strength with a touch of sweetness, a **Romeo y Julieta** is the perfect cigar when you are not quite sure what to buy. Their Tubos are especially handy for traveling when you do not have a cigar case to protect your smokes.



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#7 Punch

Subtly powerful yet smooth, a **Punch** cigar has a rich, leathery finish. The Double Corona is a perfect match for a snifter of X.O. Cognac.

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#8 Hoyo de Monterrey

The **Hoyo de Monterrey** is a fairly mild smoke; think Irish whiskey, or blended Scotch.

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#9

Vegas Robaina

Medium-full in flavor; the **Vegas Robaina** is one of the most complex and spicy Havanas around and perfect for any time after lunch and well into the evening.

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The famed wildlife photographer risks life and limb to capture the secret lives of wild animals...

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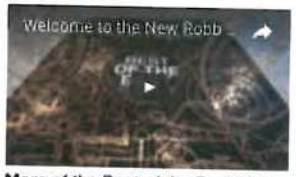

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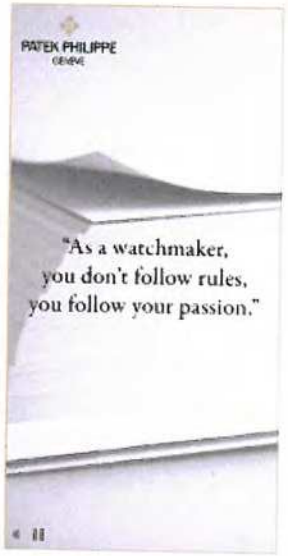
#10 Cuaba

The shapes of all **Cuabas** are all figurados: a mild-mannered smoke ideal for the novice as well as the connoisseur who feels like throttling down a bit in flavor intensity.



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

In the matter of Trademark Registration No. 1147309
For the mark COHIBA
Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273
For the mark COHIBA
Date registered: June 6, 1995

EMPRESA CUBANA DEL TABACO, d.b.a. CUBATABACO, Petitioner, v. GENERAL CIGAR CO., INC. Respondent.	:	Cancellation No. 92025859

PARTY OFFERING: PETITIONER

Exhibit 14 to the TTAB Discovery Deposition Transcript of Richard Carleton Hacker, dated June 15, 2017

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Celebrate Cohiba's 50th Anniversary with Celebrity Chef Charlie Palmer in Napa

The chef's Harvest Inn resort will host a three-day festivity to honor the legendary Cuban cigars...

March 31, 2016 · RICHARD CARLETON HACKER

CIGARS

Cohiba Black

Characteristics A slightly sweet, spicy cigar that gets its name from its brownish-black Connecticut broadleaf maduro wrapper. The filler is composed of Mexican and Dominican leaf, and the Dominican binder has been aged for three years in hardened palm fronds called tercios, which dramatically intensifies fermentation and taste. Insider's Tip Now that General Cigar has [...]

July 11, 2010 · ROBB REPORT STAFF

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April 1, 2012 · RICHARD CARLETON HACKER

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When a public-smoking ban took effect in London in 2007, the Lanesborough's Library Bar could no longer serve cigars. So the hotel set three umbrellas on a sunken outdoor patio and served cigars in the makeshift space. The spot became so popular that the hotel sought permissions to upgrade it. Opened in April with the [...]

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Cohiba Puro Dominicana

Although other companies brought their Dominican puros to market first, General Cigar began experimenting with Dominican-grown wrappers as early as the 1970s. Recently, the company's retiring president and chief operating officer, Daniel Nuñez, at last unveiled one of the splendid outcomes of those experiments, the Cohiba Puro Dominicana (www.cigarworld.com, $14.30–?$21.30). It is not the company's [...]

June 1, 2009 · ROBB REPORT STAFF

SPIRITS

Smoke: Best of the Best Cigars: Cohiba Extra Vigoroso

Whether you are speaking of the Cuban or the Dominican brand, the Cohiba name is revered among most cigar connoisseurs. The Extra Vigoroso, though, has catapulted the Dominican Cohiba to the pinnacle of quality among superpremium cigars. When the Dominican brand first appeared in the 1980s, it barely registered with most cigar smokers because of [...]

June 1, 2002 · RICHARD CARLETON HACKER

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Cuban Cigars Are Legal Again. This Is Your Guide to Buying the Best

With the loosening of some rules (not all), these are the 10 Cubans to collect and smoke now...

November 27, 2016 · RICHARD CARLETON HACKER

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This Nearly $150,000 Bar Is the Ultimate Holiday Party Maker—It Even Comes with a Bartender

Designer Timothy Oulton's fully stocked bar cabinet is an epic centerpiece for any holiday party...

November 14, 2016 · JACKIE CARADONIO

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10 Things You Need to Know When Traveling to Cuba

Just back from Cuba, a Robb Report travel editor outlines everything a savvy traveller must know...

March 6, 2016 · JACKIE CARADONIO

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Front Runners November 2015: Sizing Things Up

In 2014, Cohiba unveiled a new limited-edition cigar, the Dominican-made Cohiba Luxury Selection, which earlier this year was named Robb Report's Best of the Best cigar. Now the manufacturer has released a new iteration of that cigar—the Cohiba Luxury Selection No. 2 (cohiba.com), which is available as a 6 × 52 toro. Like the double [...]

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Cuban Cigars: A Buyer's Guide

Contrary to popular opinion, not all Havanas are stellar stogies. Here is how to make the most of the relaxed new rules.

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SANLORENZO 52STEEL SUPERYACHT SEVEN SINS

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Cohiba Luxury Selection My Father Cigars La Antiguedad Padrón 50th Anniversary Corona Gorda Ashton La Aroma de Cuba Noblesse Montecristo Espada Davidoff Nicaragua Diadema Rocky Patel Super Ligero Quesada 40th Anniversary Salomon Press

June 1, 2015 · RICHARD CARLETON HACKER

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Robb Report VIPs Toast to 300 Years of Martell Cognac

New York's Club Macanudo played host to an evening of Martell Cognac and Cohiba cigars...

May 7, 2015 · A ROBB REPORT PARTNER EVENT

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Roll On, Britannia

A new boutique hotel was built on the original site of the Hyde Park Corner tube station...

February 17, 2015 · RICHARD CARLETON HACKER

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Too Precious to Smoke

As prices for rare Cubans rise, it is getting harder to put a match to the most collectible cigars...

December 15, 2014 · RICHARD CARLETON HACKER

SPIRITS

Holiday Stars: Collector's Choice

The Arturo Fuente 100th Anniversary Destino Siglo ($416–$520; http://www.cigarfamily.com) is aptly subtitled Autor. The limited-edition book-shaped boxes are dedicated to the story of the Fuente family and are filled with 26 100th Anniversary Dominican puros in two rows of 13—the Fuente family's lucky number. Most of the tobaccos were grown at Château de la Fuente, [...]

December 2, 2014 · RICHARD CARLETON HACKER

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Robb Report Hosted the Launch of Sony's 4K Ultra Short Throw Projector at the Waterfall Mansion in New York

The design-driven event offered attendees a night of art, music, and technology...

October 13, 2014 · [ROBB REPORT PARTNER EVENT]

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SPIRITS

Roll On, Britannia

Beneath the awning at the entrance to the Wellesley, a new boutique hotel built on the original site of the Hyde Park Corner tube station, there are still vestiges of the old red subway tiles, and it is not difficult to imagine the many cigars puffed by waiting passengers so many decades ago. Just off [...]

March 1, 2014 · RICHARD CARLETON HACKER

SPIRITS

Holiday Stars: Dominican Republic

BLACK DIAMOND Made for the J.C. Newman Cigar Company by its partner Tabacalera A. Fuente y Cia., Diamond Crown has always been known for its Connecticut shade wrapper and trademark 54-ring gauge in a variety of lengths. The best Connecticut broadleaf is deeply fermented, resulting in the dark, oily wrapper of the relaunched Black Diamond. [...]

December 1, 2013 · RICHARD CARLETON HACKER

CIGARS

And to All a Good Light

Cigar smokers have cause to be especially joyous this season, for not since the Great Cigar Boom of the 1990s has such an abundance of hand-rolled riches been laid before them. This bounty has resulted, in part, from increased competition, as new cigar makers have entered the field and older, more established brands have felt [...]

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December 1, 2013 · RICHARD CARLETON HACKER

HOME DESIGN

Cuts Above

Paris Lighting that is truly a glass act A Nathalie Pasqua-designed chandelier is more sculptural than functional, casting no more light than that emitted by a handful of birthday candles. And this is precisely the intention of the former ballerina turned lighting creator. After 20 years under the Opéra National de Paris's glaring stage lights, [...]

March 1, 2013 · JACKIE CARADONIO, JORGE S. ARANGO AND SAMANTHA BROOKS

DESTINATIONS

Le Royal Monceau Opens a Private Oasis for Cigar Lovers

Le Royal Monceau, Raffles Paris opened Vinales Club, a private cigar club named after the Cuban tobacco region. The club opened in late September, and membership is limited to just 50 guests, who pay about $15,500 per year. Members of the club, which has a bar and private smoking terrace, have private humidors to house [...]

October 8, 2012 · CHRISTINA GAROFALO

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SPIRITS

Smoke: Prime Aged Leaf

While students of military history define a tercio as a 15th-century battle formation in which armed soldiers assumed a box-shaped configuration, cigar manufacturers employ the term to designate a covering of hardened palm bark used to age tobacco gradually. This mid-19th-century Cuban aging technique has fallen out of favor with most cigar makers because of [...]

March 1, 2009 · RICHARD CARLETON HACKER

SPIRITS

2008 Holiday Host Guide: On A Roll: Forbidden Fruits

It is a violation of the Trading with the Enemy Act for Americans to purchase or consume Cuban products anywhere in the world, so it would be a crime to smoke the following cigars. Since it was created in 1966 as a diplomatic gift with which Fidel Castro could honor foreign dignitaries, the Cohiba has [...]

November 1, 2008 · JACK SMITH

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SPIRITS

2008 Holiday Host Guide: On A Roll

In Cuba, it is better to beg forgiveness than to ask permission. After all, in a country where the economy runs on the black market and promiscuity is promoted as a tourist attraction, people tend to be understanding. To ask permission, on the other hand, is to call attention to yourself, to arouse suspicion, and, [...]

November 1, 2006 · JACK SMITH

FASHION

2008 Holiday Host Guide: Leaf Changes

The fancies of high-fashion designers—as expressed in the creations that populate the runways of Paris, Milan, and New York—represent more than simply the latest in practical protection from the elements; they are social snapshots that capture the cultural mood of the moment. Simplicity might reign one season, complexity the next. Although cigar making ranks among [...]

November 1, 2008 · BRENT BUTTERWORTH AND RICHARD CARLETON HACKER

CIGARS

2006 Holiday Host Guide: From Morning to Midnight

A smoker's definition of the perfect cigar will depend as much on the time of day as on his palate. Even stalwarts will find heavier cigars overwhelming at a morning affair, and those same veterans may consider lighter cigars to be as flavor-free as the air itself, regardless of the hour of the event. We [...]

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6/12/17

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Time: Out of the Closet

Robert Goldstein, president of the Venetian Resort in Las Vegas, lives for his watches. More precisely, Goldstein lives with his watches. Rather than store his collection of more than 50 timepieces furtively in a vault, he displays them in his living area, all spinning in an Orbita Bergamo, one of the new, massive winder cabinets [...]

August 1, 2006 · JAMES D. MALCOLMSON

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Smoke: Pyramids in the Alps

Every great day of skiing ends on an elegiac note, when the lifts have closed, the light is waning, and it is time to pull off your boots. Cigar smokers visiting Courchevel, however, can find solace in the promise of an après-ski evening at the Hotel Byblos Des Neiges' cigar lounge. Here, Antoine Chevanne, the [...]

October 1, 2005 · BRENT BUTTERWORTH

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Holiday Survival Guide: Burning Desires: Cigars

What better way to begin a golf gathering, season an afternoon social, or end an elegant dinner party than with a fine cigar? We present new tastes to tantalize the adventurous guest, classics to impress those who take solace in the tried-and-true, and accessories that will render even the most extravagant host speechless. Among [...]

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SEARCH RESULTS FOR: COHIBA

CARS

Cuba's American Iron

"Mira, señor," says Eugenio, taking a moment from other distractions to demonstrate how the Caddy's power seat—a slick, blood red Naugahyde bench on which I have been sliding around—still rises and descends with an audible hum. I am amazed, if only because this is Cuba, where keeping a car running requires a combination of providence, [...]

September 1, 2004 · CHRISTOPHER P. BAKER

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FrontRunner: Select Smoke

Cusano 18Choosing a brand name so audaciously close to "Cubano" invites ridicule, but the Cusano 18 earns the connoisseur's respect on the first draw. With its powerful, peppery punch, the 18 approaches the intoxicating force of Fidel's favorite cigar, the Cohiba Habano. Cusano accomplishes this challenging feat in part through the use of Dominican [...]

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Smoke: Small Wonders

Unless a restaurant is especially busy, most chefs are willing to accommodate a patron's special request. One dish, however, is often craved but seldom provided: an ashtray. As he steps outside a London restaurant on a blustery night to light a Partagas Serie D, Italian importer Enzo Natali says he is becoming accustomed to the proliferating [...]

February 1, 2004 · DEEDRA ALLISON

SPIRITS

Host Guide: Smoker's Triumvirate: Showstoppers

C.A.O. L'Anniversaire Box-Pressed Tubos Cigars that come packaged in tubes are typically round, and square-cornered, box-pressed cigars are traditionally packed in boxes. C.A.O. mixed the two, creating the world's first box-pressed, square-tubed cigar. Our favorite is the brown-capped tube containing the 7 x 50 eXtreme, which features a Sumatra seed Ecuadoran-grown wrapper and Nicaraguan [...]

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Host Guide: Smoker's Triumvirate: The Essentials

Fuente Hemingway 7-Inch Classic Of the six shapes in the Hemingway line, ranging from the 9½-inch Masterpiece to the 4½-inch Short Story, our preference is the 7 x 48 Classic. It provides thick, Cameroon-wrapped spiciness for a full hour—not so long that a guest overstays his welcome nor so short that the evening ends prematurely. [...]

November 1, 2003 · RICHARD CARLETON HACKER

SPIRITS

Smoke: Cigars to Dine For

During a recent dinner in Dublin, I was halfway through the polenta with shaved truffles—a specialty at the Tea Room in the Clarence Hotel—when I began to anticipate my after-dinner cigar. A Cuban Romeo y Julieta Cedros and a Sancho Panza were tucked in my cigar case, but I had no intention of lighting either. [...]

October 1, 2003 · RICHARD CARLETON HACKER

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Robb Report Host Guide: Post-Prandial Puffery

The night is perfect and wanting only for the companionship of a good cigar. Our host has stocked and aged an impressive selection, and one exists to suit the taste of every guest—the experienced smoker and neophyte alike. The enjoyment afforded by a fine cigar is—for some of us—unmatched by any other experience of the [...]

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Fine spirits of every shade and flavor have come to represent, through the centuries, the embodiment of fellowship, comfort, and celebration: No gathering (or quiet winter evening, for that matter) is complete without at least one glassful. Our recommendations are guided by the host's desire to surprise, delight, and quench every thirst–whether for a rare [...]

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Smoke: Ringleaders

Cigar makers and car designers share a dilemma: Every few years, they face the challenge of coming up with something new, yet not too different, to attract and excite consumers. With cigars, however, it is difficult to continue varying a product that is more than 500 years old. Also, cigar smokers are generally a conservative [...]

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Private Preview 2003: Smoke Detector

A number of notable cigars have come from a Bahamas resort that employs one of the world's most experienced and respected torcedors, and the Graycliff Crystal cigar promises to continue that tradition. To keep those and other cigars in top form, we suggest you think outside the box and consider one of Bressay's innovative humidors. [...]

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Smoke: Vintage Selection

Macanudo Fumoir, a sleek cigar lounge in London's celebrated Claridge's hotel, has no signs directing smokers to this enclave, but those who are aware of the retreat know of its fine rewards. Located in the hotel foyer adjacent to celebrity chef Gordon Ramsay's restaurant, the room is richly dressed in shades of purple and aubergine. [...]

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Best of the Best 2002: Smoke: Best Cigars

For the Ages First conceived in 1996, Davidoff's Millennium Blend Series (Churchill, robusto, lonsdale, and petit corona) comprises its most full-bodied and flavorful cigars to date. The blend is a direct result of a trend toward a pithier yet balanced smoking experience, which began in the United States and is now taking root in Europe. [...]

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Smoke: A Rolling Resort

You will need plenty of bravado for your cigar-rolling lesson at Graycliff Hotel's cigar factory in Nassau, The Bahamas. After watching old-time Cuban leaf artists as they bunch, roll, and press tobacco with fluid grace and precision, you can join them at the bench. As a novice roller, you are humbled as you take the [...]

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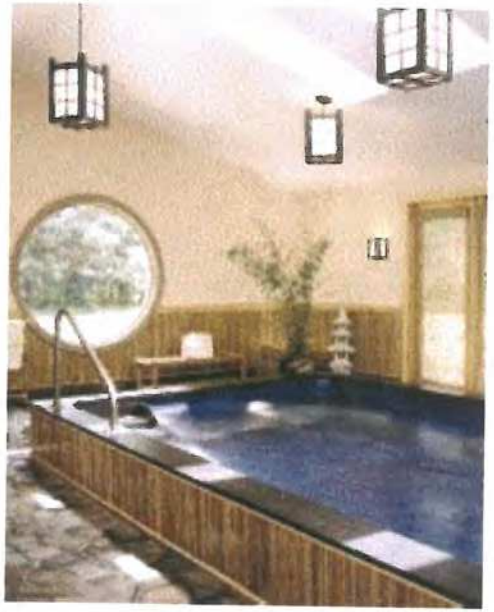

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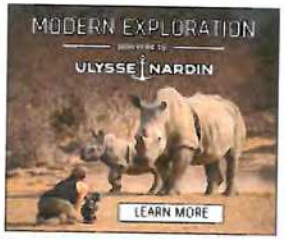

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AND

In the matter of the Trademark Registration No. 1898273
For the mark COHIBA
Date registered: June 6, 1995

EMPRESA CUBANA DEL TABACO, d.b.a. CUBATABACO, Petitioner, v. GENERAL CIGAR CO., INC. Respondent.	:	Cancellation No. 92025859

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New trade regulations allow for Cuban cigars, rum in the U.S.

Posted: Oct 17, 2016 8:25 AM EDT
Updated: Oct 17, 2016 8:25 AM EDT

Posted by Daniel Barnett, Digital Producer **CONNECT**

FAIRWAY, KS (KCTV) - The Obama Administration is loosening trade restrictions with Cuba and it's catching the eyes of many Americans who travel.

United States travelers are now allowed to bring back an unlimited amount of Cuban alcohol and tobacco, including the country's famous cigars.

There's one catch.

The items brought back have to be for personal use. They can't be sold.

But this still has lovers of Cuban rum and cigars excited.

The Obama administration has lifted the original $100 limit, which could generate millions of dollars for Cubans.

People in the U.S. can soon smoke the forbidden Caribbean island's tobacco at home, thanks to a number of executive actions by President Obama.

The lifted ban was in place for 50 years.

Cigar enthusiast Boyer Harris, has been waiting a long time for this to happen.

"Cuban cigars are the top of the line, Supremos, so everybody is talking about it that knows about it," Harris said. "I've traveled the world, couldn't bring Cubans back, always had to smoke them overseas."

As for Cuban cigar producers, many say the industry needs to prepare for the chance that all U.S. economic sanctions on Cuba could be lifted in the future, which would allow Cuban cigars to be sold in America.

David Savona, Executive Editor of 'Cigar Aficionado' said "There's obviously built up demand and excitement for people to smoke Cuban cigars. They haven't been able to smoke them legally for more than fifty years. I think all cigar smokers in America are going to want to give a legal Cuban cigar a try."

It's still difficult from a retail standpoint.

According to new FDA regulations, cigars on the market after 2007 have to get approved.

The application process can take years.

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New trade regulations

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New trade regulations allow for Cuban cigars, rum in the U.S.

Posted: Oct 17, 2016 8:25 AM EDT
Updated: Oct 17, 2016 8:25 AM EDT

Posted by Daniel Barnett, Digital Producer CONNECT

People in the U.S. can soon smoke the forbidden Caribbean island's tobacco at home, thanks to a number of executive actions by President Obama. (AP)

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Obama lifts all restrictions on Cuban rum, cigars

Alan Gomez , USA TODAY , KHOU *8:17 AM. EST October 14, 2016*

Attention U.S. visitors to Cuba: Bring home all the Cuban rum and cigars you want.

The Obama administration announced Friday, a new round of executive actions designed to increase trade and travel with the communist island. And this is the one many Americans have been waiting for — no more restrictions on the island's famed rum and cigars.

The new regulations issued by the U.S. Treasury Department will make it easier for U.S. companies to import Cuban-made pharmaceuticals, U.S. agricultural companies to sell their products to the island and Cubans to purchase U.S.-made goods online.

The changes follow a series of steps taken since President Obama and Cuban President Raúl Castro announced on Dec. 17, 2014, that the Cold War foes would normalize relations after more than a half century of enmity.

"The Treasury Department has worked to break down economic barriers in areas such as travel, trade and commerce, banking, and telecommunications," Treasury Secretary Jacob Lew said. "Today's action builds on this progress by enabling more scientific collaboration, grants and scholarships, people-to-people contact, and private sector growth."

The most noticeable change for most Americans, however, is the removal of the five-decade ban on importing Cuban rum and cigars. The Obama administration partially lifted that ban already, allowing Americans traveling directly to Cuba to come back home with up to $100 in rum and cigars in their carry-on luggage. Now, that monetary restriction is removed and U.S. citizens can come back with as much tobacco and alcohol made in Cuba in their checked baggage.

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Obama lifts restrictions on Cuban cigars and rum

POSTED 3:30 PM, OCTOBER 15, 2016, BY AP WIRE

The Obama administration says it is eliminating a $100 limit on the value of Cuban rum and cigars that American travelers can bring back from the island.

Cuban rum and cigars will now be subject to the same duties as alcohol and tobacco from other countries, meaning most people will be able to bring back as many as 100 cigars and several bottles of rum. High-end Cuban cigars can sell for more than $100 apiece outside Cuba, meaning every U.S. traveler can now legally bring back many thousands of dollars in Cuban products. The previous limit restricted travelers to a combined value of $100 in rum and cigars.

The measure is contained in a package of relatively small-scale regulatory changes meant to ease U.S. trade with Cuba.

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US lifts import limits on Cuban cigars, alcohol

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Obama Lifts Restrictions on Cuban Cigars, Rum

by **Lale Arikoglu** October 14, 2016

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Getty

You can now stock up on Cuban cigars during that next trip to Havana.

American tourists are no longer limited when it comes to bringing cigars or rum back from vacation.

Your fantasy of puffing away on a Cuban cigar with a well-made Daiquiri in hand is now one step closer to reality. In the latest move to ease trade restrictions between the United States and Cuba, Americans will now be able to bring home as many cigars and bottles of rum as they wish. The new regulations will also make it easier for the U.S. to import Cuban pharmaceuticals, and American agricultural companies will now be able to sell to Cuba. In a statement issued Friday, the Obama administration said the latest batch of rules are set to make the renewal of U.S. diplomatic relations with Cuba "irreversible" after he leaves office in January.

"The Treasury Department has worked to break down economic barriers in areas such as travel, trade and commerce, banking, and telecommunications," said Treasury Secretary Jacob Lew of the decision to relax the rules on Cuban products. "Today's action builds on this progress by enabling more scientific collaboration, grants and scholarships, people-to-people contact, and private sector growth."

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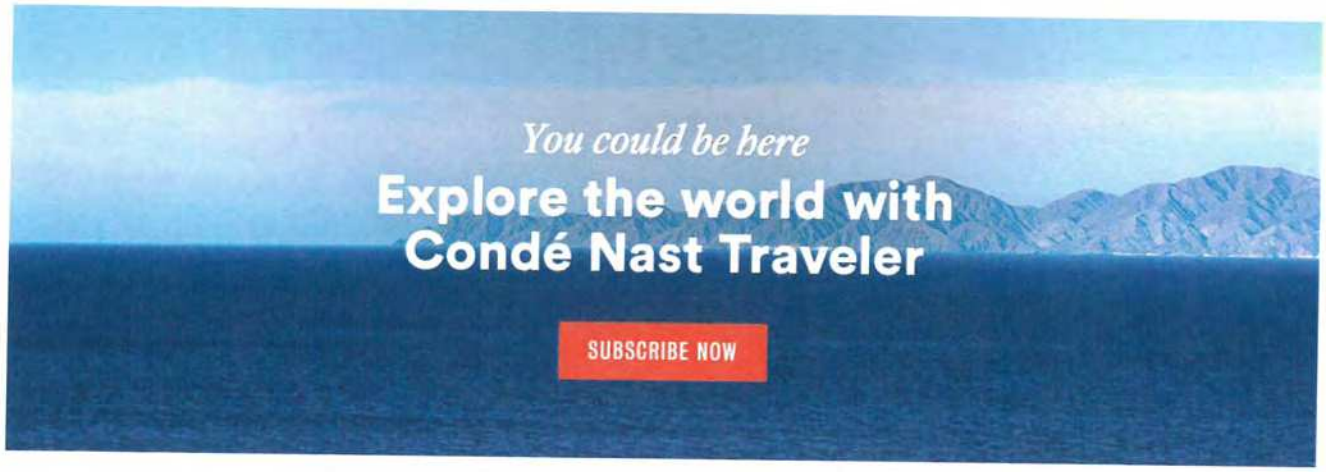

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Americas

Obama, Cementing New Ties With Cuba, Lifts Limits on Cigars and Rum

230

Video Tourists bought rum and cigars in Havana as President Obama lifted a $100 limit on bringing the Cuban goods into the United States.

By JULIE HIRSCHFELD DAVIS
OCTOBER 14, 2016

WASHINGTON — President Obama on Friday moved to cement his administration's historic opening with Cuba by issuing a sweeping directive that will last beyond his presidency, setting forth a new United States policy to lift the Cold War trade embargo and end a half-century of clandestine plotting against Cuba's government.

The action formalizes the shift toward normalization that the president unveiled

CT0027377

nearly two years ago with the announcement that he and President Raúl Castro of Cuba had secretly agreed to repair their countries' relationship.

Mr. Obama on Friday also made what aides said were likely his final major modifications to loosen United States sanctions on Cuba before leaving office, including lifting the $100 limit on bringing Cuban rum and cigars into the United States.

It is Mr. Obama's latest use of executive power to press forward in the face of lingering opposition in Congress to repealing the embargo, this time through a 12-page document that essentially transforms what has been a presidential priority into a set of official mandates that will shape United States policy toward Cuba for decades.

It would take another directive by a future president to reverse the move, but Mr. Obama's top advisers argued that it would be difficult for a successor to cancel a set of policy changes that are reshaping the way Americans travel to and do business with Cuba.

Document | Presidential Policy Directive on Cuba President Obama on Friday signed a new directive regarding United States policy toward Cuba, enshrining his push to normalize relations in a legally binding document.

"This directive takes a comprehensive and whole-of-government approach to promote engagement with the Cuban government and people, and make our opening to Cuba irreversible," Mr. Obama said in a statement. "Challenges remain — and very real differences between our governments persist on issues of democracy and human rights — but I believe that engagement is the best way to address those differences and make progress on behalf of our interests and values."

The policy directive was notable because it was public instead of classified.

"We are not seeking to impose regime change on Cuba," Mr. Obama said, asserting that "the embargo is outdated and should be lifted."

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As if to underscore a stark shift from decades of United States policy toward Cuba, which were marked by spying and suspicion, the document specifically requires that American-led "democracy programs" — which the Castro government has denounced as secret efforts to destabilize the country — be "transparent."

"The United States used to have secret plans for Cuba; now our policy is fully out in the open and online for everyone to see and read," Susan E. Rice, the national security adviser, said at a speech in Washington on Friday. "What you see is what you get."

The sanctions eased on Friday were the sixth round of regulatory changes announced by the Treasury and Commerce Departments aimed at easing travel to Cuba as well as trade and commerce between the United States and the island nation.

The actions built on a series of milestones with Cuba as Mr. Obama's tenure draws to a close. Last month, he nominated the first United States ambassador to Cuba in more than 50 years, following the reopening last year of embassies in Washington and Havana. The first direct commercial flight from the United States reached Cuba in August.

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Report: U.S. Close to Accepting Hundreds of Australia's Refugees

The United States and Australia were close to announcing a deal in which the United States would resettle hundreds of asylum seekers banished by Australia to Pacific island camps, a newspaper reported Friday.

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Cuban cigars and rum aplenty! Obama lifts import limit

This March 1, 2013, file photo shows a worker selecting cigars at the H. Upmann cigar factory, where people can take tours as part of the 15th annual Cigar Festival in Havana, Cuba. The Obama administration announced Friday, Oct. 14, ... more >

By Andrew Blake - *The Washington Times - Friday, October 14, 2016*

The Obama administration on Friday announced it's lifting a limit on Cuban cigars and rum

brought into the country by Americans travelers returning home.

Effective Monday, U.S. citizens will no longer be restricted to returning with $100 or less in Cuban cigars and rum as the result of new amendments unveiled by the Treasury Department this week as the White House continues on its path toward normalizing relations with its Caribbean neighbor.

Accompanied by new rules pertaining to bilateral medical research and other scientific endeavors, the latest measures come less than two years after President Obama began announced plans to repair a relationship that has witnessed decades of disputes, sanctions and embargoes.

"President Obama's historic announcement in December 2014 charted a new course for a stronger, more open U.S.-Cuba relationship," Treasury Secretary Jacob Lew said in a statement. "The Treasury Department has worked to break down economic barriers in areas such as travel, trade and commerce, banking and telecommunications."

"More commercial activity between the U.S. and Cuba benefits our people and our economies," added U.S. Secretary of Commerce Penny Pritzker.

Specifically, the Treasury said its Office of Foreign Assets Control (OFAC) is removing monetary value limitations pertaining to imports brought to the U.S. in the baggage of American travelers returning to Cuba. The limit will officially be lifted once the announcement is formally published in the Federal Register on Monday, and it applies to the current value limitation on alcohol and tobacco products.

"In all cases, the Cuban-origin goods must be imported for personal use, and normal limits on duty and tax exemptions will apply," the notice said.

Additionally, U.S. citizens will be allowed to participate in medical research projects with Cuban nations and return home with FDA-approved, Cuban-origin pharmaceuticals.

"Today's action builds on this progress by enabling more scientific collaboration, grants and scholarships, people-to-people contact and private sector growth. These steps have the potential to accelerate constructive change and unlock greater economic opportunity for Cubans and Americans." Mr. Lew said.

Engage Cuba, a bipartisan nonprofit that opposes travel and trade embargoes on the

country, applauded the decision in a statement Friday for its potential to bring together Cubans and Americans, especially regarding health care.

"Today's announcement will build on the progress that has been made to further strengthen the ties between our two nations that have opened opportunities for U.S. companies in Cuba, empowered the Cuban people, and made it easier for Cuban-Americans to visit their loved ones," Engage Cuba President James Williams said in a statement.

"U.S. companies have the resources needed to work with Cuba to develop innovative testing and discover new treatments. This change in U.S. policy could literally save lives. Now it's time for Congress to lift the U.S. embargo that is stifling innovation in healthcare."

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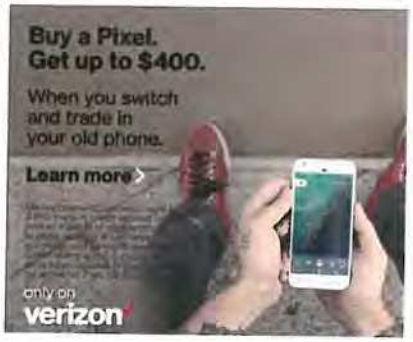
POLITICS WHITE HOUSE

President Obama Lifts Restrictions on Cuban Rum and Cigars

Tessa Berenson @tcberenson Oct. 14, 2016

The changes will take effect Oct. 17



American travelers to Cuba can now stuff their suitcases with as many bottles of rum and Cuban cigars as they want: President Obama lifted the remaining restrictions on those items in a round of executive actions announced Friday.

The new regulations, released by the Treasury Department, include a provision that removes the previous $100 value limit on the amount of rum and alcohol travelers could bring to the U.S. from Cuba. They also make it easier for the U.S. to import Cuban pharmaceuticals, Cubans to buy U.S. goods online and U.S. providers to work on Cuban infrastructure, among other changes.

"The Treasury Department has worked to break down economic barriers in areas such as travel, trade and commerce, banking, and telecommunications," Treasury Secretary Jacob Lew said in a statement. "Today's action builds on this progress by enabling more scientific collaboration, grants and scholarships, people-to-people contact, and private sector growth. These steps have the potential to accelerate constructive change and unlock greater economic opportunity for Cubans and Americans."

The changes will take effect Oct. 17, 2016.

RECOMMENDED FOR YOU

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How 2 Boston Grads Are Disrupting the Auto Insurance Industry

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

In the matter of Trademark Registration No. 1147309
For the mark COHIBA
Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273
For the mark COHIBA
Date registered: June 6, 1995

EMPRESA CUBANA DEL TABACO, d.b.a. CUBATABACO, Petitioner, v. GENERAL CIGAR CO., INC. Respondent.	:	Cancellation No. 92025859

PARTY OFFERING: PETITIONER

Exhibit 16 to the TTAB Discovery Deposition Transcript of Richard Carleton Hacker, dated June 15, 2017

rule that Americans traveling to Cuba with government approval could bring up to $100 worth of Cuban goods into the US had been rescinded until recently. No Cuban goods of any kind were allowed. Of course, all this may be changing under the revised rules set up by the Obama administration. And although counterfeit Cuban cigars are primarily a problem for the unwary in America, by contrast, European cigar smokers should be aware that many Honduran and Dominican cigars share the same brand name as their Cuban counterparts. For example, Punch and Hoyo de Monterrey are made in both Honduras and Cuba. And Romeo y Julieta, Cohiba, and Montecristo are made in both the Dominican Republic and Havana. Consequently, there has been more than one European tourist visiting the

The Fuente Fuente OpusX, a Dominican Republic *puro*, is one of the most sought after cigars in the world, even rivaling some from Cuba. Introduced in 1995 in seven different shapes, it is now available in a number of vitolas—when you can find them.

At the Robert Lewis shop at 19 St James's Street in London, a wide variety of Havana cigars are carried that are made exclusively for the United Kingdom.

EXHIBIT NO. 16
WITNESS Hacker
DATE: 6-15-17

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US who was pleasantly surprised to find his favorite "Havana" cigar for sale in American tobacco shops, only to discover that it wasn't a Havana cigar at all. The reason for this sometimes-confusing double identity of some cigars is that when Castro nationalized the factories during the revolution, many of the cigar-making families fled Cuba, taking their brand names with them. As recounted in Chapter 1, they eventually began manufacturing their family brand name cigars in other countries, thus creating a dual nationality for many cigars that were formerly only Havanas. Fortunately, there is a trade agreement that forbids Havana and non-Havana cigars of the same name from being sold together. Thus, you will never see a Cuban Hoyo de Monterrey for sale next to a Honduran Hoyo de Monterrey. Instead, the Honduran Hoyo de Monterrey (which is now being imported into Germany, for example) is renamed for the European market and is known as Excalibur.

Whether Cuban, Dominican, Nicaraguan, or Honduran, there is an all-encompassing, elite category of cigar that I refer to as The Power Smoke. These are cigars that tell the non-smoking world you've made it, or are about to make it. It has absolutely nothing to do with flavor, tobacco, value or the attributes of any brand. It is strictly an image that is presented to the casual, uninformed observer, although every cigar in this classification is definitely high grade. Power Smoke cigars include virtually all of the vintage cigars. In addition, the Ashton VSG and the limited edition Dominican Cohiba Luxury Selection are Power Smokes, as is the entire Davidoff line. Any Havana smoked in America is a Power Smoke. A Havana smoked in Europe is not, although all of the Cohibas and any of the larger sizes, such as the Partagás Lusitania and especially the Montecristo A, can certainly qualify for this category. Within the Power Smoke league there is also an upper

echelon group of cigars that may not necessarily mean anything to the non-smoker, but which definitely will catch the attention of the knowledgeable cigar connoisseur. Cigars in this rarified inner circle include the OpusX, Partagas 150th Anniversary, Cohiba Behike, and any cigar that is so new nobody has heard of it yet. But of this latter category, only large sizes qualify. So take a Power Smoke to your next business seminar or dinner. Offer one to your boss. If an associate offers you a Power Smoke, clasp his hand heartily and return the favor. You've got a valuable ally.

Another category of cigar, one that is not too widely seen in the US but is immensely popular in Europe, is that of the dry cigar. Commonly referred to as "Dutch-type," these small smokes offer a number of benefits: 1) they require no humidification, because they smoke their best at only 10 to 12 percent humidity; 2) most of them come already clipped or pierced, so it is relatively effortless to get one going; 3) they are extremely easy to carry, usually coming in small packs of five, ten, or twenty cigars; 4) they can be conveniently stored in an attaché case, desk drawer or coat pocket for weeks. I once squirreled away a pack of Dunhill Señoritas in the glove compartment of my car for over a year before I accidently stumbled upon them one day while looking for my registration. They were a little dry, but they smoked without incident. The highway patrol officer enjoyed them, too. A humidified cigar would have gone to dust.

Dry cigars come in a variety of blends, and can be as mild or as strong as you wish. Basically, there are two types of wrappers: Sumatra, which is light and mild tasting; and Brazil, which is dark and spicy. Tobaccos used within the cigars come from Mexico, Colombia, Java, Cameroon, Italy, Florida, Connecticut, and Cuba. Most people select Sumatra over Brazil, simply because it is not so overbearing.

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

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PARTY OFFERING: PETITIONER

Exhibit 17 to the TTAB Discovery Deposition Transcript of Richard Carleton Hacker, dated June 15, 2017

Int. Cl.: 34

Prior U.S. Cl.: 17

Reg. No. 1,898,273

United States Patent and Trademark Office

Registered June 6, 1995

TRADEMARK
PRINCIPAL REGISTER

COHIBA

GENERAL CIGAR CO., INC. (DELAWARE CORPORATION)
320 WEST NEWBERRY ROAD
BLOOMFIELD, CT 06002

FOR: CIGARS, IN CLASS 34 (U.S. CL. 17).
FIRST USE 12-0-1992; IN COMMERCE 12-0-1992, FIRST USED IN COMMERCE IN ANOTHER FORM IN FEBRUARY 1978.

OWNER OF U.S. REG. NO. 1,147,309.
UPON INFORMATION AND BELIEF, "COHIBA" IS A CONJUGATIVE FORM OF THE SPANISH WORD "COHIBIR", WHICH MEANS "TO RESTRAIN" OR "COHIBIT".

SN 74-344,349, FILED 12-30-1992.

R. G. COLE, EXAMINING ATTORNEY

EXHIBIT NO.: 17
WITNESS: Hacker
DATE: 4-15-17

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

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EMPRESA CUBANA DEL TABACO, d.b.a. CUBATABACO, Petitioner,	:	Cancellation No. 92025859
v.	:	
GENERAL CIGAR CO., INC. Respondent.	:	

PARTY DESIGNATIONS*: Petitioner's Designations During Its Trial Period—Yellow or Pink
Respondent's Designations During Its Trial Period—Green
Petitioner's Designations During Its Rebuttal Period—Blue

Designated TTAB Discovery Deposition Transcript of
Alvin Ossip, dated June 29, 2017
Part 1 of 2

* Designations made pursuant to the marking and filing procedure the Board has previously approved, TTABVUE Nos. 165, 157, 138, 137, 135 and 132.

1 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK AND APPEAL BOARD
2 ----------x
3 EMPRESA CUBANA DEL TABACO, d/b/a CUBATABACO,
4 Petitioner,
5 - against -
6 GENERAL CIGAR CO., INC. and CULBRO CORP.,
7 Respondents.
8 ----------x
June 29, 2017
9 10:05 a.m.
10
11 DEPOSITION of ALVIN OSSIP, an expert witness on
12 behalf of the Petitioner herein, taken pursuant to
13 Subpoena, and held at the offices of DALCO
14 Reporting, Inc., 170 Hamilton Avenue, White
15 Plains, New York, before April Pearl, a Court
16 Reporter and Notary Public of the State of New
17 York.
18
19
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21
22
23
24
25

1 A P P E A R A N C E S :
2 RABINOWITZ BOUDIN STANDARD KRINSKY &
LIEBERMAN, P.C.
3 Attorneys for the Petitioner
61 Broadway
4 18th Floor
New York, New York 10006-2708
5 BY: MICHAEL KRINSKY, ESQ.
6
7 DLA PIPER, LLP
Attorneys for the Respondents
8 1251 Avenue of the Americas
New York, New York 10020-1104
9 BY: AIRINA LYNN RODRIGUES, ESQ.
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25

1 ALVIN OSSIP,
2 having been first duly sworn by the
3 Notary Public (April Pearl), and
4 stating his address as 11 Homewood
5 Road, Hartsdale, New York 10530,
6 was examined and testified as follows:
7
8
9 EXAMINATION
10 BY MS. RODRIGUES:
11 Q. Good Morning, Mr. Ossip.
12 A. Good morning.
13 Q. My name is Airina Rodrigues. I'm with
14 the law firm of DLA Piper. And I'm here today
15 representing the respondent, which is General
16 Cigar Company.
17 MS. RODRIGUES: Mr. Krinsky, if you
18 want to introduce yourself.
19 MR. KRINSKY: My name is Michael
20 Krinsky with Rabinowitz Boudin Standard
21 Krinsky & Lieberman, P.C., and we represent
22 the petitioner in this case, Empresa
23 Cubana, also known at Cubatabaco.
24 Q. Mr. Ossip, today I'll be asking you
25 some questions about the expert report that you

1 submitted in connection with the federal district
2 court litigation between Empresa Cubana del
3 Tabaco, as plaintiff, and General Cigar, Co., as
4 defendant, as well as the testimony that you
5 provided in that case.
6 Is it okay with you today if I refer
7 to the plaintiff/petitioner in the current case as
8 Cubatabaco?
9 A. Sure.
10 Q. Thank you. I'll do my best today to
11 ask you clear questions, but if you don't
12 understand a question, please let me know, and
13 I'll try to rephrase it.
14 A. Yes.
15 Q. Otherwise, I'll assume that you
16 understood the question.
17 A. Yes.
18 Q. It's important today as we proceed
19 that you provide audible answers, as the court
20 reporter can't transcribe gestures or uh-huhs or
21 uh-uhs; so yes, no. I know you have been deposed
22 before.
23 A. Yes.
24 Q. So you know the drill. Okay.
25 Similarly, please wait until I'm finished asking a

1 question to answer it, so that she can transcribe
2 properly. Is there any reason -- oh, one more.
3 If you need a break at any time, please let me
4 know.
5 A. Yes.
6 Q. I just ask that a break isn't
7 requested while a question is pending. And if you
8 feel tired at any time, we've allocated two days
9 for your deposition, again, please feel free to
10 let me know. I'll finish my line of questions,
11 and we can adjourn.
12 A. Yes.
13 Q. Is there any reason you can't testify
14 truthfully today?
15 A. No.
16 Q. Are you on any medication that would
17 affect your ability to testify today?
18 A. No.
19 Q. Are you currently employed?
20 A. I do handle two or three projects a
21 year.
22 Q. What kinds of projects?
23 A. Projects relating to intellectual
24 property and advertising claims.
25 Q. Do you testify -- are they --

1 withdrawn.
2 Are those projects that you perform in
3 the capacity as an expert consultant or --
4 A. Yes, as a consultant.
5 Q. In connection with litigation?
6 A. Yes. Although, I have not testified
7 formally in about five or six years.
8 Q. So you consult on litigation matters
9 related to false advertising and false claims; is
10 that accurate?
11 A. Yes.
12 Q. In the past -- in the last year, what
13 types of cases have you worked on?
14 A. I don't remember specifically.
15 Probably advertising claims. As I said, cases are
16 advertising claims or intellectual property
17 issues.
18 Q. Involving what kinds of products or
19 services in the past year?
20 A. There have probably only been two or
21 three projects, and I really don't remember.
22 Q. Before you began consulting work, what
23 did you do?
24 A. I was in the marketing research
25 business for about 35 years. 23, roughly, of

1 those years, I was a research executive at General
2 Foods. Before that, I worked for a major
3 advertising agency in research for two years. I
4 worked for a consumer products company in research
5 for four years, and I worked for a research
6 supplier for three years.
7 Q. And in the marketing research
8 business, what were the scope of your
9 responsibilities? Let's start at General Foods.
10 Well, let's start with your first position.
11 A. My first position, I started as an
12 assistant to the chief statistician, and then I
13 became responsible for the work on a major
14 continuing project. And then I worked on specific
15 projects for specific clients. That covered three
16 years interrupted by Army service.
17 After that, I worked for four years as
18 a senior researcher with Best Foods Corn Products
19 which related to food and laundry products. And
20 then I moved to Foote Cone & Belding, a major ad
21 agency, where I worked -- I handled all of the
22 research for a number of clients.
23 Then I moved to General Foods. After
24 six months, I became the manager of research in
25 their smallest division department, then moved to

1 the largest division department. Then they
2 centralized. And after a little while, I became
3 director of survey research, responsible for all
4 of the surveys and studies, research studies the
5 company did. In the last couple of years, they
6 reorganized again, and I was responsible for about
7 four or five specialty areas.
8 In 1986, after the company was
9 purchased by Philip Morris, I left to become a
10 consultant. And from '86 until now, I've been
11 doing that sort of work. The last couple of
12 years, the volume has been two or three projects.
13 Prior to that, it was a lot of projects per year
14 for all sorts of clients, essentially lawyers.
15 Maybe I worked for a hundred different law firms.
16 Q. Did you work for -- did you perform
17 any work for DLA Piper?
18 A. Not that I recall.
19 Q. Did your consulting firm have a name?
20 A. Al Ossip Marketing Research
21 Consulting. It was a one man operation.
22 Q. So you did not have a staff?
23 A. No.
24 MS. RODRIGUES: Let's mark these
25 together. Mark them as Exhibit 1.

1

2 (Exhibit Ossip-1, DOCUMENT ENTITLED
3 NOTICE OF SUBPOENA FOR ORAL
4 EXAMINATION OF DR. ALVIN OSSIP AND
5 SUBPOENA TO TESTIFY AT A DEPOSITION IN
6 A CIVIL ACTION, marked for
7 identification.)
8
9 Q. Mr. Ossip, please take a look at what
10 has been marked as Ossip Exhibit 1. Have you seen
11 this document before?
12 A. Yes.
13 Q. What is it?
14 A. It's a subpoena which indicates the
15 topics that I'm going to be deposed on.
16 Q. Is it your understanding that you are
17 testifying today pursuant to the subpoena?
18 A. Right.
19 Q. What is your understanding of the
20 nature of the current proceeding between the
21 parties in the Trademark Trial and Appeal Board of
22 the U.S. PTO?
23 A. There have been a number of trials
24 over the years that I was involved in, you know,
25 15, 17 years ago. And apparently, the TTAB is

1 going to make a decision on the ownership of the
2 brand name Cohiba. That's my understanding.
3 Q. And you are familiar with the
4 petitioner in this proceeding, Cubatabaco; that is
5 accurate to say?
6 MR. KRINSKY: Excuse me. I didn't
7 hear the question.
8 Q. You are familiar with the petitioner
9 in this proceeding, Cubatabaco?
10 A. Rabinowitz Boudin?
11 Q. The petitioner, Cubatabaco, first.
12 A. They have been the client, but I have
13 worked for their law firm.
14 Q. Understood. What were the
15 circumstances under which you first became
16 familiar with, let's start with the law firm,
17 Rabinowitz Boudin?
18 A. I was hired to work on a case. I
19 believe this may have been the first case. There
20 may have been another one, but I worked on this
21 case.
22 Q. And by "this case," you mean the
23 district court litigation that you testified at
24 trial in 2003, I believe?
25 A. The study was done in 2000 relating

1 to, essentially, confusion between General Cigar
2 Cohiba and the Cuban Cohiba.
3 Q. Did you prepare any other reports in
4 connection with the district court litigation?
5 A. I prepared two reports, one which was
6 after my study, I believe. I reviewed a lot of
7 material that was provided by General Cigar. I
8 reviewed this material and summarized things that
9 were relevant to the issues. I also, I guess,
10 prepared a defense of my study, which was
11 critiqued by an expert for General Cigar.
12 Q. And that defense, was that a separate
13 document, or was that included in your written
14 direct examination testimony, if you recall?
15 A. It was probably my examination
16 testimony.
17 Q. Okay. Are you aware that in this
18 proceeding, that Cubatabaco intends to rely solely
19 on your expert reports and the testimony from the
20 district court proceeding?
21 MR. KRINSKY: Objection.
22 A. I don't understand.
23 MR. KRINSKY: And you are asking the
24 witness, a non-lawyer, about a legal
25 question. And any understanding he had

1 would have come from -- entirely from
2 conversations with counsel which would be
3 privileged. And therefore, I'm instructing
4 the witness not to answer. You may ask, if
5 you wish, without objection from me, if he
6 has seen any documents from the case
7 relevant to that question.
8 MS. RODRIGUES: I don't think the
9 question of whether the witness is aware
10 that his reports from 2001 and 2002 will be
11 used in this proceeding implicates
12 privilege. If you'd like, I can rephrase
13 the question.
14 MR. KRINSKY: Now what you just said
15 was not your question.
16 MS. RODRIGUES: All right.
17
18 BY MS. RODRIGUES:
19 Q. Are you aware that your reports that
20 you prepared for the district court litigation in
21 2001 and 2002 will be used in this proceeding or
22 may be used in this proceeding?
23 A. I'm assuming it would be.
24 Q. Have you consented to Cubatabaco's use
25 of those reports and the testimony from the

1 district court litigation and the current
2 proceeding before the TTAB?
3 A. Yes.
4 Q. When was that? When did you give that
5 consent?
6 A. When I was contacted maybe a month or
7 so ago by Mr. Krinsky.
8 Q. Do you recall when exactly you were
9 contacted?
10 A. Probably the beginning of May.
11 Q. Have you provided any written consent
12 to Mr. Krinsky or the Rabinowitz Boudin firm?
13 A. Well, I signed various forms. I'm not
14 sure whether that was included.
15 Q. What kind of forms did you sign?
16 A. I really can't say, but in regard to
17 my studies, they paid me to conduct the research.
18 So my assumption is that they own the studies.
19 Q. So were those forms that you signed 15
20 years ago in connection with the district court
21 litigation or forms that you signed recently?
22 A. I signed recently, which is probably
23 the contract between the law firm and myself.
24 Q. Your contractor retainer letter?
25 A. Yeah, retainer letter.

1 Q. Okay. When did you sign a retainer
2 letter?
3 A. Probably earlier this month.
4 Q. Earlier this month in June?
5 A. I believe. I'm not sure.
6 MS. RODRIGUES: I call for the
7 production of the retainer letter.
8
9 DOCUMENT/INFORMATION REQUESTED
10
11 MR. KRINSKY: We'll do that.
12 Q. Have you reviewed the amended petition
13 of cancellation filed by Cubatabaco in this
14 proceeding in about June 2011?
15 A. I'm not sure.
16 Q. Were you consulted by Cubatabaco at
17 any time before, let's say, a month ago or
18 beginning of May in connection with this
19 proceeding since the last -- let me clarify.
20 Since the last trial, since the last
21 district court proceeding, have you been contacted
22 by, I'll specify, the Rabinowitz firm,
23 specifically in connection with this proceeding
24 before May -- before you were contacted in May?
25 If that makes sense, you can answer

1 it.
2 A. I do not believe so.
3 Q. Okay. But there were other matters
4 that you worked on, on behalf of the Rabinowitz
5 firm?
6 A. There was one other project, yeah.
7 Q. And which project was that?
8 A. It related to Guantanamera cigars.
9 Q. We'll come back to that in a minute.
10 When you were contacted in May, was it
11 by Mr. Krinsky?
12 A. I believe so.
13 Q. Have you been requested to issue a new
14 expert report or survey in connection with this
15 proceeding?
16 A. No.
17 MR. KRINSKY: Objection. That would
18 be privileged information, but he answered
19 it anyway.
20 Q. Have you been requested -- or are you
21 performing any other additional work in connection
22 with this proceeding; research, independent
23 research, review of materials, anything like that?
24 MR. KRINSKY: I object to the
25 question. I don't know what you mean by

1 "additional work." Additional work,
2 additional to what?
3 MS. RODRIGUES: Let's keep the
4 speaking objections to a minimum. Again,
5 you may object, but I -- and I'm happy to
6 rephrase my question.
7 MR. KRINSKY: Thank you.
8 Q. Have you performed -- is it your
9 understanding that you will be performing
10 additional research in connection with the current
11 proceeding?
12 MR. KRINSKY: Object. Same objection
13 as to form, the meaning of the question.
14 Q. You can answer if you understand it.
15 A. I have no understanding at the moment
16 that I will do any additional research.
17 Q. Have you performed any independent
18 research in connection with this proceeding?
19 MR. KRINSKY: Objection to form as to
20 the word "independent."
21 A. And the word "research."
22 Q. You can answer if you understand it.
23 A. Well, I've been on the Internet.
24 Q. With counsel or by yourself?
25 A. By myself and reviewed material that I

1 was given.
2 Q. Are you being compensated for the time
3 that you have spent on the Internet?
4 A. Yes.
5 Q. At what rate?
6 A. For the hours that I charge, it's $600
7 per hour.
8 Q. Are you being compensated for the time
9 you have spent reviewing materials that you were
10 given, I assume, by the law firm Rabinowitz
11 Boudin?
12 A. Yes.
13 Q. At the same rate?
14 A. Yes.
15 Q. That is pursuant to your retainer
16 letter?
17 A. Yes.
18 Q. Are you being compensated for your
19 testimony today?
20 A. Yes.
21 Q. Will you be compensated for any other
22 work that you may be requested to do in connection
23 with this proceeding?
24 A. Yes.
25 Q. How many hours have you billed on this

1 case so far?
2 A. I haven't billed any. I'm just
3 keeping track of it.
4 Q. How many hours have you kept track of
5 so far?
6 A. I would guess, maybe 15.
7 Q. What materials have you been provided
8 with by counsel?
9 A. A large stack of information on
10 Internet sites of companies that sell tobacco,
11 sell cigars, some copies of print ads that General
12 Cigar has run. Various other things, a few pages
13 of this or that.
14 Q. Anything you remember in particular?
15 A. The key thing was that information
16 from the retailers, and then there was other
17 information relating to a couple of articles or
18 news articles relating to the embargo activity
19 recently.
20 Q. Anything else?
21 A. Those were the key things that I
22 looked at. There were other little things, some
23 of which, you know, I didn't quite understand.
24 Q. Do you recall what the little things
25 were, regardless of your understanding?

1 A. Yeah, there was things about, and
2 maybe it had to do with Instagram or one of those
3 services, where if you read an article and you
4 clicked on something, you were sent to the General
5 Cigar site. You know, I didn't understand that,
6 but that is what I was told.
7 Q. Have you performed market research on
8 digital branding strategies?
9 A. What do you mean by "digital branding
10 strategies"?
11 Q. Social media branding strategies,
12 Instagram marketing, anything like that?
13 A. I've done research relating to the
14 Internet. I haven't done research relating to
15 Instagram or Twitter or one of those.
16 Q. What about Facebook?
17 A. Not that I recall.
18 Q. You have never done any quantitative
19 or qualitative research about how consumers
20 interact with digital media or social media sites
21 like those?
22 MR. KRINSKY: I object to the compound
23 question.
24 MS. RODRIGUES: I'll break it down.
25 Q. You've never done quantitative

1 research in connection with digital media; is that
2 accurate to say?
3 A. Would the Internet be included in
4 that?
5 Q. Let's narrow it to social media. Have
6 you ever done quantitative research on consumer
7 interaction with social media?
8 A. Meaning what; Facebook, Twitter?
9 Q. Facebook, Twitter, Instagram.
10 A. Not that I recall.
11 Q. What about qualitative research with
12 respect to social media; Facebook, Instagram or
13 Twitter?
14 A. Not that I recall.
15 Q. Any other materials that you recall
16 reviewing?
17 A. Yes, Mr. Hacker's report and
18 Mr. Hacker's deposition recap.
19 Q. Were you provided with any documents
20 from General Cigar?
21 A. Not that I'm aware of.
22 Q. Since your reports in connection with
23 the district court litigation, have you done any
24 surveys regarding consumers of premium cigars?
25 A. I worked on Guantanamera.

1 Q. Did you do a survey on Guantanamera?
2 A. I don't know. That was, like, eight
3 years ago. I don't know if I did.
4 Q. Have you done any surveys measuring
5 consumer awareness of premium cigar brands since
6 the district court litigation?
7 A. Not that I recall.
8 Q. How about surveys measuring consumer
9 confusion in the premium cigar market since 2003?
10 A. Not that I recall.
11 Q. Any research regarding changes in the
12 premium cigar market?
13 A. Not that I recall.
14 Q. Since the district court litigation,
15 have you done research on the sources of
16 information that consumers of premium cigars
17 consult when making purchasing decisions?
18 A. Have I done any research? No, I
19 haven't done any research, but I might have
20 analyzed research that General Cigar might have
21 had, which might have been given to me after the
22 case. I don't know the timing of it, but I did
23 issue a report after I reviewed the data, which
24 might have been, I don't know, 2001. I'm not
25 sure. It might have been earlier.

1 Q. I don't think it was after the case,
2 if it's what I'm thinking of.
3 A. Might have been 1998. I don't know.
4 The date might have been earlier.
5 Q. We'll get to that.
6 A. Okay.
7 Q. I'm not trying to trick you.
8 A. No, I understand.
9 Q. We'll get to that, yeah.
10 Since the district court litigation,
11 have you conducted any research on the sources of
12 information that are available to consumers of
13 premium cigars?
14 MR. KRINSKY: Objection. I'm not sure
15 what time frame you are talking about. The
16 work he did, he testified in response to
17 your question, in connection with -- since
18 May, and then there is the end of the
19 district court litigation. Are these
20 questions about that interim period?
21 MS. RODRIGUES: They are, and if that
22 is not clear, we can clarify that now.
23 Q. It's about the interim period between
24 the conclusion of the district court litigation
25 and your contact with Rabinowitz Boudin in May.

1 Does that clarify things?
2 A. Well, I don't recall when my report
3 was issued reviewing General Cigar information.
4 And I also had, I guess it was my testimony, after
5 my trial testimony in reaction to their expert.
6 So that was issued after the trial.
7 Q. The transcript, you mean?
8 A. Yeah. But other than that, no.
9 Q. Okay. How about, again, in the same
10 period of time, and all of these questions will
11 cover that same period of time. Have you done any
12 research on the effect of the Cuban embargo on the
13 ability of U.S. consumers to purchase Cuban cigars
14 in the United States?
15 A. No.
16 Q. How about any research on the U.S.
17 consumers' awareness on the Cuban embargo?
18 A. No.
19 Q. Any surveys or studies on the same
20 topic besides research?
21 A. No.
22 Q. How about any research on consumer
23 awareness of parallel brands in that time frame?
24 A. No.
25 Q. Same question with respect to any

1 surveys or studies?
2 A. No.
3 Q. Have you reviewed the media coverage
4 of this, of the longstanding dispute between the
5 parties since the district court litigation?
6 A. I've seen various and sundry things
7 relating to that.
8 Q. I understand that you have a great
9 deal of experience as a consulting and testifying
10 expert. So I would like -- I'm going to do my
11 best to keep the next line of questions as narrow
12 as I can.
13 A. Okay.
14 Q. And as relevant as I can. But since
15 the district court litigation, how many times have
16 you served as an expert witness, testifying
17 witness in a trademark infringement case? You may
18 approximate, if you wish.
19 A. Since 2000?
20 Q. Since 2003.
21 A. I gave Mr. Krinsky a list of all of
22 the cases in which I have been a testifying
23 witness. And in addition to that, there are cases
24 where I was deposed but was never called to be a
25 witness before a judge or a jury. So I don't

1 remember. I'd have to see the list to be able to
2 answer the question.
3 MS. RODRIGUES: We'll call for
4 production of the list.
5 MR. KRINSKY: It may make things
6 easier. I was going to introduce it later,
7 but if you would like, you can make this
8 your exhibit.
9 MS. RODRIGUES: I don't need to make
10 it my exhibit now. If you'll introduce it
11 later, then I don't need to call for
12 production of the list.
13 MR. KRINSKY: Okay.
14 MS. RODRIGUES: All right?
15 MR. KRINSKY: Very good.
16 MS. RODRIGUES: Good.
17 Q. And you mentioned you were retained by
18 the Rabinowitz firm in connection with the
19 Guantanamera case; is that correct?
20 A. Yes.
21 Q. Any other cases where you were
22 retained by the Rabinowitz firm since 2003?
23 A. Yes.
24 Q. What were those?
25 A. Havana Club Rum.

1 Q. Was that before or after 2003, if you
2 recall?
3 A. Probably was before.
4 Q. After 2003?
5 A. No, probably before.
6 Q. Oh, sorry. But how about cases after
7 2003, were there any others in addition to
8 Guantanamera?
9 A. No, not that I recall.
10 Q. What about any cases other than the
11 district court litigation where the client was
12 either Cubatabaco or the company Habanos S.A.?
13 A. No.
14 Q. Is Rabinowitz Boudin the firm that
15 represented -- withdrawn.
16 Was the Rabinowitz Boudin firm
17 involved in the Havana Club dispute?
18 A. Yes.
19 Q. Approximately how much have you
20 invoiced the Rabinowitz Boudin firm over the
21 course of your career?
22 A. Over the course of my career?
23 Q. Uh-huh.
24 A. I'll make a guess.
25 Q. Sure.

1 A. 250, 300,000.
2 Q. Since 2003, have you been involved in
3 any cases, whether trademark infringement, false
4 advertisement or otherwise, involving luxury goods
5 or luxury products.
6 A. I probably have, but I don't recall.
7 I was quite active between 2003 and 2012. It's
8 after that, that I've only been doing two or three
9 projects a year.
10 Q. Is that a formal retirement, or you
11 just slowed down?
12 A. Well, my wife passed away, and I
13 slowed down.
14 Q. I'm very sorry to hear that.
15 Other than Guantanamera, were there
16 any cases involving cigars?
17 A. No, I don't recall any.
18 Q. How about tobacco products?
19 A. I'm not sure.
20 Q. Have you ever held any academic
21 positions?
22 A. I have taught some classes, but I did
23 not have a formal position.
24 Q. What classes were those?
25 A. In marketing research.

1 Q. Where?
2 A. Where. I'm trying to remember. In a
3 college in Westchester.
4 Q. And about what time frame?
5 A. Maybe in the '90s.
6 Q. Anything since 2003?
7 A. If yes, it was modest.
8 Q. Modest?
9 A. (Nodding head.)
10 Of course, I've taught classes at
11 General Foods, which had a very large marketing
12 research department.
13 Q. Where is General Foods located?
14 A. General Foods no longer exists. It
15 was bought by --
16 Q. You mentioned that.
17 A. -- Philip Morris in 1985, I think, and
18 it was then merged with Kraft.
19 Q. Got it.
20 Since 2003, have you given any
21 lectures or speeches relating to market research
22 or survey methodology?
23 A. I probably have. I'm not sure of the
24 dates, but I did work with some lawyers who were
25 doing classes. And I was invited as a guest, and

1 I did participate in seminars.
2 Q. Are there any transcripts or records
3 of these lectures, speeches, seminars?
4 A. There might be in my voluminous files.
5 MS. RODRIGUES: I call for production
6 of those, if they exist.
7
8 DOCUMENT/INFORMATION REQUESTED
9
10 Q. Have you authored any academic
11 articles?
12 A. Yeah, there were a couple.
13 Q. Do you recall what they were about?
14 A. No, not really. I may have been a
15 co-author with some other people. I don't recall.
16 Q. Do you recall approximately when they
17 were published?
18 A. No.
19 Q. How about any books, have you authored
20 any books?
21 A. No.
22 Q. And I believe you mentioned that you
23 have not served as a testifying expert in the past
24 five or six years; is that correct? Did I
25 remember that correctly?

1 A. Yeah, I remember my last case, which
2 might have been 2012, maybe 2011. I'm not sure.
3 Q. And what case was that?
4 A. It had to do with a claim made on a
5 drug package, and the point was that the claim
6 gave the false impression about what the drug did,
7 and we won that case.
8 Q. Who did you --
9 A. The product may have been, like,
10 Myoflex, something like that. It's probably in my
11 list of cases.
12 Q. Probably. Who did you represent, or
13 who retained you in that case?
14 A. The company that challenged it. I
15 don't remember the name.
16 Q. You prevailed in showing that there
17 was a false advertising claim on the --
18 A. Misunderstanding, that the claim gave
19 people the wrong impression.
20 Q. Okay. What did you do to prepare for
21 your deposition today?
22 A. What did I do?
23 Q. Yes.
24 A. I reread the material that I had
25 produced from 2000 to 2003, whatever the time

1 period was, and I reviewed materials that
2 Mr. Krinsky gave me, paying particular attention
3 to the online ads of tobacco retailers. And I did
4 some searching on my own on the Internet, putting
5 in various search terms and tracking some of the
6 information that appeared.
7 Q. Did you --
8 A. I also, as I said before, I read the
9 report and deposition of Mr. Hacker. And that's
10 basically it, that I remember.
11 Q. When you were doing your own searching
12 on the Internet, did you print out any materials?
13 A. Did I print out any material?
14 Q. Uh-huh.
15 A. I'm not sure.
16 Q. If you did --
17 A. I copied some things off it.
18 Q. Copied, okay. What does that mean,
19 copied?
20 A. Well, I have in my pocket a sheet
21 where I abstracted some material that I either saw
22 on the Internet or saw in the material that
23 Mr. Krinsky gave me.
24 MS. RODRIGUES: I'll call for
25 production of the sheet, to the extent it

1 doesn't contain any privileged information.
2
3 DOCUMENT/INFORMATION REQUESTED
4
5 Q. So by "copied," do you mean that you
6 reviewed the screen and the materials on the
7 Internet and took handwritten notes?
8 A. Yes.
9 Q. Okay. Did you save any of your search
10 histories?
11 A. Did I save search histories?
12 Q. Yeah.
13 A. No.
14 Q. Is it possible that the websites you
15 visited are still stored in your browser history?
16 A. They might well be. I don't know
17 enough technically.
18 Q. Sure.
19 MR. KRINSKY: I'm sorry. I didn't
20 hear the last answer.
21 MS. RODRIGUES: I think he said, "I
22 don't know enough technically."
23 MR. KRINSKY: Okay. Thank you.
24 Q. To the extent there are pages saved or
25 documents that exist that can be recreated from

1 your independent search, I call for the production
2 of those materials as well.
3 A. Okay.
4
5 DOCUMENT/INFORMATION REQUESTED
6
7 Q. Okay. Did you meet with counsel in
8 preparation for your deposition today?
9 A. Yes.
10 Q. How many times?
11 A. We've met a couple of times. The
12 first time just to talk about the situation, to
13 see if I'd be interested in participating and
14 whether I was physically able to do so. And then
15 we met a couple of other times, one where he
16 provided me with the material. And we, generally,
17 talked about questions I might have, some
18 information I would like, and we also discussed my
19 viewpoint, which I gave.
20 Q. And when was the first meeting when
21 you discussed, I suppose, whether you would still
22 be interested and capable of working on this case?
23 A. I don't know offhand. Maybe it was
24 beginning of May. I'm not sure.
25 Q. And since then, I think you said you

1 recall meeting a couple of more times. When were
2 those meetings?
3 A. Well, they stretched out from sometime
4 in May to recently. So it'd be a meeting, an
5 interval, another meeting, and I'd get material
6 that I looked over.
7 Q. When was your last meeting?
8 A. I think it was yesterday.
9 Q. And who did you meet with?
10 A. Pardon?
11 Q. Who did you meet with?
12 A. The gentleman to my left.
13 Q. Was anybody else present?
14 A. No.
15 Q. No? Did you have any conversations
16 regarding this matter with anyone other than
17 counsel?
18 A. Well, there is an associate who works
19 in his law firm that I had some brief telephone
20 conversations.
21 Q. Who was that?
22 A. His name escapes me for the moment.
23 Q. Did you speak with Mr. Siegel at all?
24 A. No.
25 Q. Let's move on to the next topic.

1 In your opinion, what factors are
2 important in creating a survey designed to measure
3 brand awareness?
4 A. Could you break that down a bit. That
5 is such a broad question.
6 Q. It is very broad. Let's start with a
7 foundation.
8 What does "brand awareness" mean to
9 you?
10 A. Just what those words indicate. A
11 given respondent's awareness of a brand.
12 Q. And how can that be measured?
13 A. Typically, by asking the respondent a
14 question.
15 Q. What kind of question?
16 A. The question can be asked in various
17 ways. There is aided awareness, in which I ask
18 you to name all of the brands you can think of in
19 a described category. That is unaided. Then
20 there is aided awareness, where I typically give
21 you or mention a list of brands and ask you
22 whether you have heard of that brand or not.
23 Q. So in -- go ahead.
24 A. So those are the classic breaks,
25 unaided and aided.

1 Q. And if you were measuring unaided
2 awareness, you would ask a question such as, when
3 you think of premium cigars, what comes to mind,
4 what brands come to mind?
5 A. Right, but the issue in asking that
6 sort of question is whether you follow it up with
7 other probes.
8 Q. Such as what?
9 A. Depends on your purpose, but if I
10 asked you any brands of premium cigars, I might
11 follow it up by saying brands of premium cigars
12 made in this country or that country, because
13 people don't tell you the names of all the cigars
14 they are aware of.
15 If you asked about cars, I'm sure
16 there are many, many cars that you are aware of.
17 Porsches, for example, they might not think of
18 when they think about cars. They might just
19 mention the more popular ones or the ones they
20 own.
21 Q. So if you wanted to get a more
22 targeted response, you can narrow the category to
23 luxury cars or German manufactured cars?
24 A. Or foreign manufactured. It depends
25 on what the purpose is what clues you give to the

1 categories you are interested in.
2 Q. And when you are creating or when one
3 creates a survey to measure brand awareness, how
4 would you define the appropriate universe of
5 survey participants?
6 A. How would you --
7 Q. How would you define the appropriate
8 universe of participants?
9 A. Again, it depends on the purpose of
10 the study and the status of the category you are
11 involved in. You may want users, and if you want
12 users, what is the time period or what are the
13 frequency of use, or what is the amount of use.
14 You may want potential users. Then you have to
15 determine how you ask the questions to get at
16 potential users. So it's largely a focus of the
17 purpose. And once you have determined the
18 purpose, then you try to write the questions so
19 that they get you a reasonable estimate of what
20 you are looking for.
21 Q. If you were measuring or if you had
22 measured brand awareness among potential or actual
23 consumers of premium cigars, how would you define
24 the proper universe of that?
25 MR. KRINSKY: I'll object to the form.

1 It's a compound question.
2 Q. If you understand it, you can answer.
3 If not, I can rephrase it.
4 A. Well, first you have to define what
5 premium means. Okay. And if you want users, then
6 you ask a question which relates to usage. If you
7 want potential users, you ask a question or
8 questions that relate to potential use, typically,
9 with some time frame maybe. Or you can ask
10 awareness and then ask information about the cost
11 of the cigars in order to determine which are
12 premium.
13 Q. So you could define a price floor, for
14 example, consumers who are interested in
15 purchasing cigars or regularly, perhaps, have
16 purchased cigars above a certain unit price to
17 establish a category; is that more or less
18 accurate?
19 A. Right.
20 MR. KRINSKY: Objection as to form.
21 MS. RODRIGUES: That's fine.
22 Q. You can go ahead and answer it.
23 MR. KRINSKY: You can answer it.
24 A. It can get tricky to ask the question.
25 There are different ways to do it. And again, it

1 depends on your purpose and the degree of accuracy
2 you really care about.
3 Q. In selecting potential users, what
4 kinds of limiting factors would you insert to make
5 sure that those potential users are actually
6 likely to use the product in question?
7 A. You'd have to devise the question here
8 to make it appropriate. It all depends on each
9 case.
10 Q. What about for a survey designed to
11 measure consumer confusion, how would you define
12 an appropriate universe of survey participants to
13 measure confusion amongst premium cigar users?
14 A. Confusion of what?
15 Q. Brand confusion, source confusion.
16 A. It's kind of tricky, and the Cohiba
17 case is very tricky. Because, typically, if you
18 measure a brand name, there is one company that
19 owns or controls that brand, and that is what
20 people generally think. So you can ask about
21 brands. In a situation we have here, where two
22 organizations are using the brand name, it gets
23 very tricky.
24 Q. So how would you select a universe in
25 the Cohiba case? If you were performing a new

1 study today -- let me rephrase the question.
2 Withdrawn.
3 If you were performing a new study
4 today to measure source confusion between the
5 Cuban Cohiba and General Cigar Cohiba, how would
6 you select your universe of participants?
7 A. By "source confusion," do you mean
8 made by the same company, affiliated or
9 associated, or with authorization or permission?
10 Do you mean all those three aspects?
11 Q. I believe, in the 2001 survey, you
12 measured all three of those aspects.
13 A. Yeah, that's the classic --
14 Q. Yeah.
15 A. -- definition of confusion.
16 Q. Let's use that as the premise. How
17 would you select your universe of participants?
18 A. If it were relevant, I might define
19 usage and get current users and then ask them some
20 questions. I might have to expose a product to
21 them, like I did in my survey, and ask the extent
22 to which they think A and B, A and the exposed
23 product have a business connection.
24 Q. Why is it important to get current
25 users?

1 A. Well, that is typically the key group,
2 current users.
3 Q. Why?
4 A. Because that is the market, as you
5 define it today.
6 Q. Would you perform a survey of past
7 users?
8 A. Past users? Depended on my purpose.
9 You know, if I wanted to recapture past users, I
10 might include them.
11 Q. For what reasons might you want to
12 capture past users?
13 A. Well, one, to find out why they are
14 past users. The more restricted the category was
15 the more important it might be to me to define the
16 category. Why did they stop using my product
17 category might be interesting to me. Okay. If it
18 was normal turnover, a product that you use and
19 then move on, you might not be interested.
20 Q. In measuring source confusion, would
21 you survey past users?
22 A. Past users, is there a particular
23 reason to, I don't know.
24 Q. Can you think of any reasons where
25 you would?

1 A. Why I would research past users, in
2 which category?
3 Q. Source confusion study, premium
4 cigars, let's say.
5 A. People who no longer smoke the
6 category, would I be interested if they were
7 confused between product A and product B, I can't
8 think of a major purpose offhand, but there might
9 be.
10 Q. But you think that, typically, if you
11 were surveying past users and doing market
12 research, you would be more interested in the
13 reasons why those past users quit using a product;
14 do you agree with that?
15 A. Right, although you might have a
16 reason to want to find out what the situation was
17 a number of years before. So you might ask, what
18 brands did you use in this time period or that
19 time period if you are trying to reconstruct
20 something. You know, it would have to be a
21 specific purpose.
22 Generally, the general purpose in
23 speaking about market research in general is to
24 find out why they are past users. Typically, you
25 are interested in the past users of your own

1 brand. Why did they leave you. Why did they
2 switch. What are they now using. What attributes
3 are they looking for in the product category.
4 Q. If you were preparing a survey today,
5 in 2017, to measure the topics that you measured
6 in 2000, which is brand awareness and source
7 confusion, would you use a different methodology
8 than what you used in 2000, 2001?
9 A. Well, I would like to learn, before I
10 answer that question, for example, what the sales
11 of General Cigar were in the years from when they
12 relaunched in '97 through 2000, and see what the
13 sales are in recent years to see if the brand has
14 grown or not.
15 Q. Why is that important?
16 A. I might isolate some people and ask
17 them questions differently or analyze them
18 differently. Again, it all depends on your
19 purpose.
20 Q. So just going back, I'm going to reask
21 the question. You mentioned that you'd like to
22 learn what the sales of General Cigar's Cohiba
23 were in recent years to see if the brand has
24 grown. And my question was, why is that
25 important?

1 A. Well, I have no idea what the status
2 of the brand is. If it has grown a lot and become
3 well-known, more well-known than it was 17 years
4 ago, that might affect some of the questions I
5 would like to ask.
6 Q. In what manner would it affect the
7 questions you would like to ask?
8 A. Well, I might do some pretest to find
9 out what they are referring to, because it was an
10 issue in General Cigar research and, potentially,
11 in my research. When people said Cohiba, you
12 didn't necessarily know what they were referring
13 to. Confusion could exist unless a brand has been
14 popular for a long time, and people can identify
15 that they are talking about that specific brand.
16 So I'm really answering without
17 knowing what the real context of the desired
18 information is, what the purpose is. You know,
19 the research could be done the same way it was
20 done before, where people are shown a product, and
21 some will be familiar with it, and some won't be
22 familiar with it. And you can answer questions
23 that relate to potential confusion.
24 Q. But without knowing what the current
25 status and awareness of the General Cigar brand

1 is, it would be difficult to design an accurate
2 survey?
3 A. If you told me it was the 40th premium
4 brand, it would be different than if you told me
5 it was the second premium, second selling premium
6 brand.
7 Q. Have you done any research since --
8 between 2003 and May of this year as to the status
9 of General Cigar's Cohiba brand?
10 A. No.
11 Q. You don't know what General Cigar's
12 sales volume are in the United States?
13 A. No.
14 Q. You don't know how much General Cigar
15 spends on advertising in the United States?
16 A. No.
17 Q. Is it true that confusion dissipates
18 or can dissipate over time?
19 MR. KRINSKY: Objection to the
20 question. It's a compound question.
21 Q. Is it true that confusion can
22 dissipate over time?
23 A. Can, yes, has the potential to.
24 Q. Do you recall a survey critique that
25 you performed in the case of Wallach versus

1 Longevity Network Limited?
2 A. No.
3 Q. Let me see if I can refresh your
4 recollection.
5 MS. RODRIGUES: Exhibit 2.
6
7 (Exhibit Ossip-2, DOCUMENT ENTITLED
8 EXPERT REPORT OF ALVIN OSSIP IN THE
9 CASE OF WALLACH VERSUS LONGEVITY
10 NETWORK LIMITED, marked for
11 identification.)
12
13 Q. Please take a look at what has been
14 marked as Exhibit 2, and I appreciate that this
15 document has been pulled from Westlaw, so I'm sure
16 it's not in a form that you are familiar with.
17 But if you can just take a moment to review it,
18 and let me know if it's familiar to you.
19 A. Let you know what?
20 Q. If it's familiar to you, if you
21 recognize it.
22 A. This is quite a long piece.
23 MR. KRINSKY: Well, I ask that the
24 witness be given sufficient time to review
25 the whole document if you are going to ask

1 him about it.
2 MS. RODRIGUES: That's fine.
3 Q. Take your time. We can go off the
4 record while you review. We can stay on.
5 A. Okay. I've --
6 MR. KRINSKY: I haven't finished.
7 THE WITNESS: Oh, I'm sorry.
8 MR. KRINSKY: I'd like to note that
9 Mr. Ossip and I, I would guess, took
10 perhaps five minutes in reviewing this
11 document.
12 MS. RODRIGUES: That's fine.
13 Q. Mr. Ossip, do you recognize this
14 document? Are you familiar with it?
15 A. No, I don't recognize the specific
16 document, but the names of the two parties are
17 familiar to me.
18 Q. And did you perform an expert report
19 in connection with this proceeding?
20 MR. KRINSKY: Are you asking whether
21 he recalls it or on the basis of this
22 current document?
23 Q. Do you recall it?
24 A. This is a review of someone else's
25 study. So I don't know what I did, if anything.

1 Q. If you look at the top, there is a
2 case caption, and then below that, it says "Expert
3 report of Alvin Ossip." Do you see that?
4 A. Yes.
5 Q. And if you go down to the first
6 paragraph, it says, "Retention by counsel for
7 defendant." Do you see that?
8 A. Yeah.
9 Q. And it says that "In December 2004,
10 Cowan Liebowitz & Latman, counsel for Longevity
11 Network Limited, asked me to review and comment on
12 three studies conducted by the plaintiff's market
13 research consultant, Dr. Gerald Ford." Do you see
14 that?
15 A. Yep.
16 Q. Does this refresh your recollection as
17 to whether you were retained to critique
18 Dr. Ford's study -- studies in this case?
19 A. This would indicate that I was hired
20 to review his studies and other material.
21 Q. Do you have any reason to believe that
22 you did not prepare --
23 A. I don't recall.
24 Q. -- a critique?
25 A. This is the critique.

1 Q. Okay. If you could turn to page 4 of
2 this document, and toward the bottom of the page,
3 there is a paragraph that begins with the number
4 4. Do you see that?
5 A. Yes.
6 Q. And what did you conclude in this
7 paragraph?
8 A. I said that conditions had changed
9 meaningfully in five to eight years.
10 Q. I think you wrote "Many who might have
11 been confused have likely since been disabused of
12 any misconception." Do you see that?
13 A. Yeah, that's always an issue. For
14 example, people might be confused and buy American
15 Cohiba thinking it was related to the Cuban
16 Cohiba, and then they discovered they made a
17 mistake. So you may never find out whether they
18 had initial interest confusion unless you question
19 them about it.
20 So this is saying, in a way, that
21 there might have been confusion, which those
22 people involved became disabused of when they
23 found out they had made a mistake. Also, there
24 was a major change in the time period. This says,
25 "Major damage due to confusion may have occurred

1 five to eight years ago."
2 Q. And talking about the present case
3 now, the market research that you performed in
4 connection with the first report that you issued
5 was done in late 2000; is that correct?
6 A. Correct.
7 Q. It's 2017 now; right?
8 A. Right.
9 Q. So it's very possible that many people
10 have since been disabused of any confusion they
11 may have had 17 years ago; do agree with that?
12 MR. KRINSKY: I'm not sure what the
13 question is.
14 Q. Do you agree that it's possible that
15 in the last 17 years, consumers have become less
16 confused?
17 A. Well, there are a couple of aspects
18 here. You are talking about a 17-year span. So
19 the composition of the universe of relevant
20 smokers has changed.
21 Q. How do you know that?
22 A. Because 17 years makes a difference.
23 Some have died, and undoubtedly, new users have
24 come in. Half the users in the category are, you
25 know, 21 to 35. So 17 years ago, they were 18,

1 19, 20, 21. So people have come into the
2 category, and people have left the category. So
3 it's changed. Okay.
4 The demographics may not have changed
5 majorly. So you can look at the various factors
6 that affect confusion and separate them between
7 those that have largely remained the same versus
8 those that may have changed. And then you got to
9 consider those that have changed, what do they
10 cause. Did they cause an increase or a decrease
11 in confusion.
12 And then you have to determine whether
13 initial interest confusion is important or not.
14 If it's not important, fine. But you have to look
15 at the key factors, and if you haven't done a
16 study and are just conjecturing, look at what you
17 think the key factors may have portended from '00
18 to '17.
19 Q. Without actually looking at those
20 factors in any methodological way, can you draw a
21 conclusion on consumer confusion in 2017 based on
22 data from 17 years ago?
23 MR. KRINSKY: Objection as to the
24 form.
25 Q. You can answer if you understand it.

1 A. There are certain factors that may not
2 have been affected by time, such as the general
3 feeling that Americans have that if products in
4 the same category, basic category have the same
5 brand name, then there must be a connection.
6 I mean, there are probably thousands
7 of Lanham Act cases to prove that. Okay. I don't
8 think that that has changed in 17 years. I think
9 the universe of respondents now tend to have the
10 same feeling or thought process, same name, same
11 company, or the first company gave the other one
12 permission or whatever. There is a business
13 connection.
14 Q. But you haven't measured that in any
15 quantitative way?
16 A. In this case, I haven't.
17 MR. KRINSKY: I don't believe the
18 witness finished his answer.
19 A. I haven't finished the answer.
20 And then you got to look at another
21 issue and decide whether it changed and that issue
22 relates to whether producing a brand, producing a
23 brand with name A in this country and producing a
24 brand with name A in another country makes you
25 think they are different companies or still makes

1 you think there is a connection. Okay. So the
2 issue is, if I know that this Cohiba was made in
3 Cuba, and this Cohiba was made in the Dominican
4 Republic, that doesn't necessarily mean I think
5 they are different companies, all other
6 information aside. Okay.
7 I may think that the company expanded,
8 or they went from Cuba to add Dominican Republic
9 because they couldn't sell the Cuban product in
10 the United States. And the fact that General
11 Cigar now makes the same product in Nicaragua,
12 it's the same thing. People think it comes from
13 Nicaragua. Do they think it's another Cohiba not
14 connected to another one.
15 So I think respondents' attitudes
16 about similar brand names and production
17 facilities is probably pretty much the same now,
18 in general, as it was then, all other information
19 being equal. I hope I made that clear.
20 Q. Isn't that speculative without
21 performing an actual survey or quantitative study
22 to determine what respondents think?
23 A. Well, one could say that for any
24 opinion, but I'm saying, as a basic truth, I don't
25 think there was a change in 17 years in the

1 feeling that if it has the same brand name, then
2 there is a business connection. I don't think
3 people really change. Did it go down 2 percent,
4 did it go up 2 percent, I don't know. I'm just
5 giving you my opinion based on 50, 60 years of
6 experience.
7 Q. Have you measured -- have you looked
8 at any facts relevant to this case to form that
9 opinion?
10 A. In this case?
11 Q. Yes. Recently, in 2017.
12 A. No, but I have the reasons that people
13 gave for confusion in 2000. And you know, like
14 everyone said, you know, same brand or even same
15 logo, and some added, well, they are also made in
16 another country to, you know, be able to sell it
17 in the United States. Okay.
18 And there is another thing that may
19 not have changed, and that is you are tending here
20 to deal with more educated, higher income people,
21 and they travel. As they travel out of the United
22 States, they are cigar smokers, they look to buy
23 cigars, and wherever they go, they find Cuba
24 Cohiba. When they come back in the United States,
25 it's the only place they can't buy Cuban Cohiba if

1 they are looking for Cohiba. So one can
2 conjecture that that situation encourages many of
3 them to think there must be a business connection,
4 because the rest of the world and this one
5 country.
6 So obviously, it's my opinion and
7 judgment, based on previous knowledge I have, plus
8 data I've looked at that has been available for
9 this controversy.
10 Q. Without data, can't you conjecture
11 just the opposite, that people encounter the Cuban
12 Cohiba outside the United States and a different
13 Cohiba in the United States and understand that
14 there is no connection because of the embargo
15 without data?
16 A. Well, I think many, many people knew
17 about the embargo in the year 2000, and also a
18 criticism I made here of their study did not occur
19 in my study. In order to check confusion with
20 Cuban Cohiba, I only exposed the people who were
21 aware of Cuban Cohiba to the Dominican Republic
22 Cohiba. So there were 60 percent of the people in
23 the universe that I didn't do the study with. So
24 the 20 percent confusion I found was based on
25 doing it with a limited number of people, not like

1 was done in this study, where everyone,
2 apparently, saw two items when they may never have
3 seen them before, aside from other problems with
4 the study.
5 So the point I'm making is that the
6 universe, initially, in 2000 were people who were
7 aware of Cohiba and said they knew it was made in
8 Cuba, and it assumed the rest of the people
9 couldn't get confused. I didn't go for likelihood
10 of those in the future. So it was restricted.
11 And the attitude that Americans have, same name,
12 same company, I think, carried forward.
13 And the fact that there could be line
14 extensions, you could produce this in another
15 country, I think, is also an important idea which
16 will continue over the 17 years.
17 Q. You have done no research to measure
18 that?
19 A. No.
20 Q. Conducted no studies to measure that?
21 A. No.
22 Q. Here in your critique in the Wallach
23 case, you say that many who might have been
24 confused have likely since been disabused of any
25 misconception.

1 Let me ask you a question. How do
2 consumers become disabused of misconceptions that
3 they may have?
4 A. It can happen a couple of ways, I
5 guess. They can talk to someone knowledgeable,
6 someone they trust who explains it. They can
7 research it in detail, if they want to. Most
8 people don't research things in detail. They go
9 by initial impressions. And also the impression
10 someone has today they may have gotten ten years
11 ago and have kept that impression with other data
12 floating around. So who knows. You measure it at
13 a point in time. Okay.
14 And you don't assume that everybody
15 read everything the week before. You just assume
16 that they attained their knowledge whenever they
17 attained it, and I'm trying to measure something
18 today.
19 Now, if you are interested in initial
20 interest confusion, you know, then you can ask the
21 question. Did you always feel this way. Did you
22 ever buy this brand. What did you think when you
23 bought it. It depends on your purpose.
24 Q. So you are saying that someone may
25 have some -- you know, a hypothetical person may

1 have received an impression ten years ago and then
2 existed in a vacuum and never changed their mind;
3 that's possible?
4 A. Sure.
5 MR. KRINSKY: Objection to the
6 question.
7 Q. Isn't it more possible that someone
8 keeps getting exposed to information and learns
9 more about a product?
10 A. I'm sure we all use products that
11 we've used for a long time, and there might be new
12 information floating around, and we don't attempt
13 to get it. If we are satisfied with what we're
14 doing, and there no reason to check it, we don't
15 check it. And even if you check it, things may
16 have changed.
17 I think that Internet retailers and
18 retailers who provide information on the Internet
19 can tend to confuse people by their ads because
20 more times than not when they are advertising
21 General Cigar Cohiba, it's always preambled by a
22 connection to the Cuban Cohiba. If you read a lot
23 of these initial paragraphs or even the whole
24 thing, you can come away with the impression that
25 they are connected. They are the same family.

1 You know, this is a line extension, this is
2 variation. They did it in order to sell it in the
3 United States.
4 Sometimes you read further, and you
5 know, it's a disclaimer. But if you buy a box of
6 General Cigar, I don't think there is a disclaimer
7 on it saying we have no connection with so and so.
8 So you don't know, and I think that many of these
9 current ads and current articles are confusing.
10 Q. That's your --
11 A. That is my opinion.
12 Q. That's your personal opinion?
13 MR. KRINSKY: Objection to "personal
14 opinion."
15 Q. You have not measured anything --
16 A. No.
17 Q. -- to measure that?
18 Turn to the last page of this report,
19 if you would.
20 A. Yeah.
21 Q. It's page 6, I think.
22 A. Page 6. Got it.
23 Q. Very top of this page, what did you
24 conclude?
25 A. Pardon?

1 Q. What was your conclusion in the
2 paragraph at the very top of this page, the first
3 paragraph on this page?
4 A. Findings cannot be used to estimate
5 the level of confusion that existed in the initial
6 years of American Longevity.
7 Q. Stop there. Why was that?
8 MR. KRINSKY: I'm objecting to counsel
9 asking him to stop. You asked a question,
10 what do you conclude, and then you
11 interrupted the witness in the middle of
12 his response.
13 A. This is saying that you can't use it
14 to estimate what existed when Longevity Network
15 sales were considerably greater, so the brand was
16 a more major factor years ago before the study was
17 conducted.
18 Q. And you mentioned earlier today that,
19 indeed, one of the significant factors that you
20 would consider if you were designing a survey
21 today would be General Cigar's current sales and
22 market penetration; is that correct?
23 A. Yes.
24 Q. And that could affect confusion levels
25 in some ways; is that correct?

1 A. Yes, it can work either way.
2 MS. RODRIGUES: Do you want to take a
3 five-minute break. Go off the record.
4 MR. KRINSKY: Sure.
5
6 (Recess taken.)
7
8 (Exhibit Ossip-3, FIVE-PAGE DOCUMENT
9 ENTITLED NOTICE, WITH COVER PAGE,
10 marked for identification.)
11
12 Q. Mr. Ossip, please take a look at what
13 has been marked as Ossip Exhibit 3.
14 A. Are you directing me to Article 3?
15 MR. KRINSKY: No, Exhibit 3.
16 THE WITNESS: Okay.
17 Q. Yep. Please take a look at it.
18 A. Okay.
19 Q. Have you seen this before?
20 A. I don't know what it means, but I've
21 read it.
22 Q. You read it just now?
23 A. Yes, I believe.
24 Q. To the best of your recollection, is
25 this a document you reviewed with counsel?

1 A. I'm not sure.
2 Q. Okay. I just want to point out the
3 bottom of -- starting on the bottom of page 1, it
4 states, "On March 16, 2017, during a telephone
5 conference with respondent, petitioner advised of
6 its intention to rely on the expert testimony and
7 reports." And then it goes on, and it says, "This
8 expert disclosure consists of the testimony and
9 reports of experts presented at trial and in
10 pre-trial discovery in Empresa Cubana del Tabaco
11 versus Culbro, Corp., 97 Civ. 8399, SDNY," the
12 federal action. Do you see that?
13 A. Yeah.
14 Q. And in the federal action, I believe
15 you said that you submitted two expert reports and
16 your written direct examination testimony; is that
17 correct?
18 A. That is what I have copies of, yes.
19 Q. We'll look at those now.
20
21 (Exhibit Ossip-4, DOCUMENT ENTITLED A
22 STUDY TO MEASURE AWARENESS OF CUBAN
23 COHIBA CIGARS AND SOURCE CONFUSION
24 BETWEEN THESE CIGARS AND GENERAL CIGAR
25 CO. INC. COHIBA CIGARS, DATED MARCH

1 2001, marked for identification.)
2
3 (Exhibit Ossip-5, DOCUMENT ENTITLED
4 REPORT OF ALVIN OSSIP ON SIGNIFICANCE
5 OF INFORMATION IN MARKET RESEARCH
6 RELATED FILES FURNISHED BY GENERAL
7 CIGAR AND THIRD PARTIES WITH RESPECT
8 TO CERTAIN ISSUES CONCERNING COHIBA,
9 DATED 1/28/02, marked for
10 identification.)
11
12 (Exhibit Ossip-6, DOCUMENT ENTITLED
13 WRITTEN DIRECT EXAMINATION TESTIMONY
14 OF ALVIN OSSIP, marked for
15 identification.)
16
17 Q. Take a minute to flip through.
18 A. Okay. Is there a date on this written
19 direct examination?
20 Q. There is not.
21 A. This is based on what?
22 MR. KRINSKY: Why don't we -- let's
23 wait for questions, and we'll give answers.
24 THE WITNESS: Okay. Fine.
25 Q. Are the two documents that have been

1 marked as Ossip-4 and Ossip-5, --
2 A. Yep.
3 Q. -- are these reports you submitted in
4 connection with the district court litigation?
5 A. Yes.
6 Q. And what are they?
7 A. One is a report of the study I
8 conducted, and the other is a report which
9 summarizes and analyzes information obtained from
10 General Cigar and third parties with respect to
11 certain issues concerning Cohiba.
12 Q. And the third document, which is Ossip
13 Exhibit 6, do you recognize that document?
14 A. Yeah, I recognize the document.
15 Right.
16 Q. What is it?
17 A. It says "Written direct examination
18 testimony."
19 Q. And did you prepare this document?
20 A. I prepared the document, yes.
21 Q. Do you recall when?
22 A. Do I recall when?
23 Q. Yes.
24 A. Since it refers largely to testimony
25 by Dr. Simonson, it was after the trial, I guess.

1 Q. Do you believe that you may have
2 prepared it before the trial and then been
3 examined and cross-examined on this?
4 A. It's possible, if Simonson prepared a
5 written report. My report was attached as an
6 appendix.
7 Q. Uh-huh.
8 A. Okay. So it could have been after the
9 report and before the trial. Could have been,
10 yeah. That could be.
11 Q. I'll represent --
12 MS. RODRIGUES: Maybe Mr. Krinsky
13 wants to make a representation, since he
14 was there at the time. I don't know what
15 you were about to say, but it looked like
16 you were about to speak.
17 MR. KRINSKY: It appears to be, and
18 perhaps you would like to clarify this,
19 that Ossip -- Exhibit Ossip Number 6,
20 entitled "Written direct examination
21 testimony of Alvin Ossip" is incomplete in
22 that attached to that written examination
23 testimony, I believe, were several
24 appendices. One was Ossip Number 4, one
25 was what is Ossip Number 5 here. But on a

1 quick look, it appears to me that there
2 were additional appendices which are not
3 included in any of those documents.
4 MS. RODRIGUES: Thank you,
5 Mr. Krinsky. You have clarified that to be
6 the case. I have those additional
7 appendices with me today, but I don't have
8 questions on them. So unless and until I
9 do have questions on them, I did not intend
10 to introduce them as exhibits, unless you
11 think otherwise.
12 MR. KRINSKY: I would object to your
13 examining Mr. Ossip on a document when he
14 hasn't been given the complete document.
15 MS. RODRIGUES: All right. Let's
16 submit the complete document. Is it all
17 right with you, for paper, if we leave A
18 and B out, since you already represented
19 were the reports that we've already looked
20 at as 4 and 5?
21 MR. KRINSKY: That's fine.
22 MS. RODRIGUES: Okay. Let's go off
23 the record for a second.
24
25 (Discussion held off the record.)

1
2 MS. RODRIGUES: Let's mark this as
3 Exhibit 7.
4
5 (Exhibit Ossip-7, DOCUMENT CONTAINING
6 APPENDICES C THROUGH H AND TABLES 1
7 THROUGH 11 OF ALVIN OSSIP'S WRITTEN
8 DIRECT EXAMINATION, marked for
9 identification.)
10
11 BY MS. RODRIGUES:
12 Q. Mr. Ossip, please take a look at what
13 has been marked as Ossip Exhibit 7 as well. I
14 will represent to you that this exhibit consists
15 of Appendices C through H of your written direct
16 examination and Tables 1 through 11 of the same
17 document. Appendices A and B, as Mr. Krinsky
18 already represented, consisted of your 2001 report
19 and your 2002 report. So all in now, I think we
20 have everything.
21 Do you recognize the documents that
22 have been marked as --
23 A. Yeah, I have a copy of this at home.
24 Q. These are the appendices to your
25 written direct examination; is that correct?

1 A. Appendices to which one?
2 Q. Exhibit 6.
3 A. 6, okay. Right.
4 Q. Again, excluding Appendix A and B,
5 which are the reports now in front of you as
6 Ossip-4 and Ossip-5.
7 A. Right.
8 Q. Please take a look at Ossip-4.
9 A. Yes.
10 Q. When did you prepare this report,
11 Mr. Ossip?
12 A. It says March 2001.
13 Q. When did you conduct the research?
14 A. I think it was the previous November,
15 December.
16 Q. In fact, if you turn to the third page
17 of your report, which is captioned, "Study
18 authorship and responsibility."
19 A. October, November.
20 Q. October, November 2000?
21 A. Yes.
22 Q. After you submitted this report in
23 March 2001, did you conduct any supplemental
24 market research or surveys in connection with this
25 matter?

1 A. Any surveys, no, not that I'm aware
2 of.
3 Q. No surveys, but you did do a second
4 report, which we'll get to; is that correct?
5 A. Right.
6 Q. If you can turn to the first page of
7 the report, which is, actually, the fourth page of
8 the document. The page number on the bottom says
9 1.
10 A. Yes.
11 Q. It says "Background and purpose." Do
12 you see that?
13 A. This is page 4 of the document, "Study
14 design overview"?
15 Q. Page 4 of the whole document, page 1
16 of your report.
17 A. Got it.
18 Q. Got it. If you can go to the second
19 paragraph here, it describes the sample that you
20 selected for the study. Do you agree with that?
21 MR. KRINSKY: Excuse me. What is the
22 question?
23 Q. Do you agree with that, that this is a
24 description of the sample that you selected for
25 the study?

1 A. I would have to look at the questions,
2 whether they were future purchasers or current
3 purchasers. I'd have to check it out.
4 Q. Okay. Let's turn to page 4, which is
5 the study design overview.
6 A. Yeah.
7 Q. If you need to take a second to review
8 it, let me know, but I do want to ask you first,
9 in general terms, what the design of the study
10 was?
11 A. It was an Internet study done with an
12 Internet survey panel, and we sought people over
13 21 who smoked cigars.
14 Q. Current smokers?
15 MR. KRINSKY: Excuse me?
16 Q. Current smokers?
17 A. No, we asked if they smoked. Yes,
18 current smokers.
19 Q. Okay.
20 A. And if so, whether they were very
21 likely to buy for themselves or for a gift within
22 the next 12 months.
23 Q. Why was that the sample that you
24 selected?
25 A. Why was that the sample?

1 Q. Uh-huh. Why did you select that
2 sample?
3 A. Well, we wanted people who are current
4 smokers who continued to smoke cigars.
5 Q. Why?
6 A. Why? Because they represented the
7 current market at the time the study was done.
8 Q. Okay.
9 A. So.
10 Q. So what was the -- after selecting
11 this group, what -- describe the -- withdrawn.
12 After developing questions to select
13 this group, how did you design the remaining
14 portion of the survey?
15 A. How did I define the remaining?
16 Q. Design the remaining portion of the
17 survey.
18 A. Let me go back, if I may, to page 1.
19 Q. Sure.
20 A. Where the statement is. It was
21 conducted among a sample of cigar smokers at the
22 time who indicated they are going to buy in the
23 future, and the information we got allowed us to
24 segregate those people who would spend 65 or
25 higher for a box of 25. And we were able to

1 further segment them into those who bought very
2 expensive cigars. Okay.
3 Q. Uh-huh.
4 A. And what we wanted to do was to find,
5 among this group, those who were aware of the
6 brand name Cohiba.
7 Q. And how did you do that?
8 A. By asking them whether or not they had
9 heard of various brands.
10 Q. And how many brands?
11 A. Well, this says six premium and two
12 nonpremium brands.
13 Q. Okay. And then what?
14 A. Pardon?
15 Q. And then what? What was the next
16 stage of the survey?
17 A. If they heard of Cohiba, they
18 continued in the study, and they were asked,
19 Cohiba and some other brands, if they knew where
20 it was made. So we didn't ask, where is it made.
21 We asked, do you know where it's made. And if
22 they said yes, we said where, name the country or
23 countries. And they put in the countries, or a
24 couple of them said, I don't know. So this gave
25 us an indication of the proportion of people who

1 were aware of Cohiba, on the order of 72 percent.
2 And of that group of the 72 out of 100, 39 percent
3 of that group said, I heard of Cohiba. Okay.
4 And -- no, said it's made in Cuba. 72 heard of
5 Cohiba, and then a portion of those said it's made
6 in Cuba.
7 That became the group to which we
8 exposed pictures of the box of General Cigar
9 Cohiba, including two cigars, and they were told
10 it's a box of cigars sold by quality retailers in
11 the United States. So the sample was only this
12 particular group, are you aware of Cohiba made in
13 Cuba, and they were shown the sample. And the
14 estimates of confusion are based on that subgroup.
15 Q. Okay.
16 A. Okay?
17 Q. Okay. Going back to page 4, on the
18 bottom of the study design overview, of this page
19 anyway, it states, "Those who thought Cohiba
20 cigars were made in Cuba (or Cuba and elsewhere)
21 then continued with the survey."
22 A. Right.
23 Q. What does it mean by "or Cuba and
24 elsewhere"?
25 A. Some people said Cuba and Dominican

1 Republic or might have said something else. Not
2 too many said names other than those two
3 countries.
4 Q. Okay. And so people who put in, for
5 example, Cuba and the Dominican Republic were
6 selected to proceed with the survey?
7 A. Yes. Anyone who said Cuba, regardless
8 of what else they entered.
9 Q. And why was the sample drawn from
10 people who said Cuba or Cuba and something else?
11 A. Well, the key thing was whether they
12 said Cuba. The only people who could be confused
13 by General Cigar Cohiba were those who were aware
14 of the Cuban Cohiba. If they weren't aware of the
15 Cuban Cohiba, theoretically, they can't be
16 confused with that brand.
17 Q. What if the first country of origin
18 that came to mind was the Dominican Republic?
19 A. They would not be in the sample that
20 were shown the boxes.
21 Q. But there is no way of knowing if they
22 were not aware of the Cuban Cohiba, you just have
23 their responses; is that correct?
24 A. Well, we just have to believe what
25 they said.

1 Q. Sure.
2 A. Now, the question, you know, it was a
3 little tougher than usual. We didn't say, where
4 is it made. We said, do you know. We didn't want
5 a lot of guessing, and there wasn't a lot of
6 guessing, because Cuba was rarely mentioned for
7 the other brands in the study. So we felt there
8 wasn't just a lot of just guessing, which is what
9 you wanted to avoid.
10 Q. Okay. Going up a little bit, let me
11 go back two steps in the survey.
12 A. Okay.
13 Q. Roughly. You mentioned that you
14 wanted to get a sample of the current market. So
15 you were looking at current cigar smokers, and
16 then whose who -- and among those current cigar
17 smokers, those who would likely buy cigars for
18 themselves or as a gift or a special event within
19 the next 12 months; right?
20 A. Right.
21 Q. Why was 12 months selected?
22 A. It's arbitrary.
23 Q. Is that a typical way to get a sample
24 of the current market?
25 A. Yeah. It's pretty common. And with

1 tobacco, you don't want people who say, next year
2 I'm not going to smoke.
3 Q. Right. Okay.
4 A. Because people drop out of the tobacco
5 market.
6 Q. And after -- now I'm moving ahead to
7 where we were before I interjected. You said that
8 the people who mentioned Cuba or Cuba and another
9 country were selected to proceed; right?
10 A. Yes.
11 Q. And what happened then?
12 A. Well, they were shown full color
13 pictures of a box of General Cigar's Cohiba,
14 including two cigars, and there were two
15 variations of what they were shown. They were
16 told it's a box of cigars sold by quality
17 retailers in the United States. Now, half of them
18 saw the closed top and bottom of the box. The
19 other half saw the opened box, as well as the
20 bottom and the two cigars. And the opened box
21 contained not only the information on the top of
22 the box but a flyleaf with promotional text.
23 Q. Okay.
24 A. Okay. So we wanted to see if there
25 was a difference when someone got the whole

1 promotional text.
2 Q. And what was the reason to select two
3 stimulus for this survey?
4 A. Well, because the other side could
5 argue that was the wrong thing, you should have
6 shown them this, you should have shown them that.
7 So we gave them -- we tested two reasonable
8 alternatives.
9 Q. Did you perform any research into how
10 the cigars or how cigars are generally displayed
11 to consumers in selecting the stimulus or stimuli?
12 A. I don't know. We may have asked
13 around. I don't remember.
14 Q. And what did you do then? What was
15 the next part of the survey?
16 A. Then we asked them some questions
17 relating to three potential aspects of source
18 confusion. You know, do they think the two
19 Cohibas were made by the same company; yes, no,
20 don't know. If yes, they had to give the reason
21 that made them say that. If no or don't know,
22 they were then asked whether the two companies had
23 an affiliation, association or a business
24 connection; yes, no, don't know. If yes, what
25 reason. If they weren't saying yes, whether or

1 not one company got authorization or approval, and
2 if they did, which one gave the approval. This is
3 really, sort of, a classic way of measuring
4 confusion.
5 Q. So if, in response to the first
6 question, a participant had answered no, they
7 would still be prompted with the second question?
8 A. Yes.
9 Q. Okay.
10 A. Yes.
11 Q. All right. And what were your
12 ultimate conclusions in this survey? Or what
13 conclusions did you draw from your survey in this
14 report?
15 A. Well, I can look at it, but in
16 essence, the confusion level met or exceeded the
17 threshold required to prove confusion.
18 Q. And what threshold was that?
19 A. Well, among those aware of Cohiba, 20,
20 21 percent were confused, and many of those were
21 not asked the survey. They were counted as not
22 confused. Okay. What actually happened was 72
23 percent awareness of Cohiba, and among that, 39
24 percent of -- 39 of the 72 mentioned Cuba, and as
25 I recall, 54 percent of the 39 were confused. So

1 it's a high percentage of this core group, aware
2 of Cohiba, and it's made in Cuba.
3 Q. And that was based on the survey that
4 was conducted in late 2000; right?
5 A. Right.
6 Q. Okay. Let's let this document aside,
7 and if you can take out Ossip Exhibit 5 for me.
8 A. 5.
9 Q. We'll review this one next.
10 A. Okay. I have it.
11 Q. Okay. And this is the second report
12 that you prepared?
13 A. Yeah, 2002.
14 Q. And what were you asked to do in
15 connection with this report?
16 A. I was furnished with various files,
17 which included surveys and other information
18 provided by General Cigar and some other sources,
19 and to look it over and address -- use the
20 information to address several issues to explore.
21 Q. And what were those issues?
22 A. Well, if you look at the topics under
23 the table of contents, the issues are describing
24 the premium cigar market at the time this
25 information was collected. The awareness of the

1 Cohiba brand. How many people saw it as the best
2 brand ever smoked, analyze information from Cigar
3 Aficionado magazine, look at any information about
4 the image of Cohiba, look and analyze information
5 about Cohiba buyers, look at and analyze
6 information about the interest, general interest
7 in Cuban cigars, and look at any information
8 relating to confusion as to Cohiba source and
9 association.
10 And what I did is I looked at these
11 reports which dated back to 1994. I guess, '92 is
12 the earliest year. And I compared the different
13 studies on the same topic for different points of
14 time. And I wrote -- I summarized the key
15 information and what I thought the implications
16 were.
17 Q. And you mentioned that the reports and
18 studies that you considered dated back to, I think
19 you said, '92?
20 A. Many --
21 MR. KRINSKY: Objection. That is a
22 misstatement of his testimony.
23 A. Some of them dated as far back as '92
24 is what it says.
25 Q. What was the date of the latest report

1 you considered?
2 MR. KRINSKY: Are you asking the
3 witness to examine the document to answer
4 that question?
5 MS. RODRIGUES: If you need to, yeah.
6 A. Well, there is data on the size of the
7 market, which includes estimates from 2001. So
8 you can say that might be the latest, and it's a
9 year before this analysis, which was the beginning
10 of 2002. So some data was pretty current.
11 Q. Anything later than 2001?
12 A. Well, there wouldn't be, because the
13 study was written January 28, 2002.
14 Q. That would be a logical deduction,
15 yeah.
16 A. So I don't think -- but I don't think
17 it would contain 2001, other than an estimate,
18 estimate of cigar volume.
19 Q. Let's set this aside. If you can take
20 a look at Ossip Exhibit 6.
21 A. 6.
22 Q. Uh-huh.
23 A. All right. Yes, I have it.
24 Q. And you, I believe, mentioned already
25 this was your written direct examination testimony

1 that you prepared in connection with the district
2 court litigation; is that right?
3 A. Yes.
4 Q. And when you prepared this document,
5 did you consider any materials in addition to
6 those that you had reviewed in connection with
7 your March 2001 report or your January 28, 2002,
8 report?
9 MR. KRINSKY: Are you asking the
10 witness to examine the report?
11 MS. RODRIGUES: If he needs.
12 MR. KRINSKY: Or are you asking for
13 his current recollection?
14 Q. Let's start with your current
15 recollection, and if you want to flip through to
16 refresh your recollection, please feel free.
17 A. Can you repeat the question, please.
18 Q. Sure. In connection with preparing
19 the written direct examination testimony, did you
20 consult any additional materials or, I guess, new
21 materials from the time of your previous report,
22 January 28, 2002, to the best of your
23 recollection? Again, feel free to --
24 A. This is, like, a year later, roughly.
25 Q. Uh-huh.

1 A. There might have been more information
2 that I got from the Shanken study about the time
3 Cigar Aficionado came out.
4 Q. The 1992 Shanken study?
5 A. Yeah, because there is a whole section
6 here in Exhibit 6 that relates to the issue of
7 Cuban Cohibas renowned prior to November 1992.
8 November 1992 was an important date and was an
9 issue as to whether Cuban Cohiba was well-known or
10 not. And so I examined the various data and
11 reached a conclusion about that.
12 Whether that detail was in the January
13 '02 report, I don't know. Probably it wasn't. It
14 doesn't list that as a specific topic. So that's
15 what might have been added, information relating
16 to that 1992 date.
17 MR. KRINSKY: I'll make an observation
18 that I'm not sure the witness has looked
19 through the entire document in an attempt
20 to answer your question. So if you want
21 him to look through the entire document,
22 you might ask him if he has done that
23 already.
24 Q. You testified earlier today that you
25 reviewed these documents in preparation for your

1 deposition today?
2 A. Yes.
3 Q. If you'd like to conduct any further
4 review, you are welcome to, as your counsel points
5 out.
6 A. Well, there is a whole major section
7 on Dr. Simonson's critique. So that relates to
8 his critique of my study. Okay. Then there is a
9 summary of confusion survey results, which is
10 probably from my study. Okay. So it's part of my
11 study and Simonson's critique.
12 Then there was information about how
13 General Cigar benefited by using Cohiba as their
14 brand name when they launched it or relaunched it
15 in '97 and how they were helped by information
16 about awareness and attitudes toward the Cuban
17 Cohiba.
18 There are abstracts from studies that
19 I may have also cited in the other report, studies
20 we got from General Cigar, and more detail on the
21 Shanken study. I think that covers it.
22 And it also looked into more
23 information about Cigar Aficionado, its first
24 edition, which had a major article about Cuban
25 Cohiba. So those were the topics covered and

1 probably covered in somewhat more detail, some of
2 them, than the other document, document 5.
3 Q. Are you familiar with the term "Cuban
4 seed"?
5 A. Pardon?
6 Q. Cuban seed.
7 A. Cuban seed?
8 Q. Yes.
9 A. Yeah.
10 Q. What does that mean to you?
11 A. I never asked for a specific
12 definition, but I assumed it meant the seeds from
13 tobacco plants that had grown in Cuba.
14 Q. The existence of -- well, withdrawn.
15 Does the fact that tobacco grown
16 from -- the fact that seeds from tobacco plants
17 had grown in Cuba may be used in a cigar indicate
18 any source connection between that cigar and a
19 Cuban cigar?
20 A. It may or may not. I don't know how
21 to answer that. I mean, there was something else,
22 like, in the General Cigar wrapper that had a term
23 that would make people think it was Cuban. So I
24 don't know whether or not it aided the confusion.
25 It wouldn't lower the confusion. It did increase

1 it, if it did anything. But, you know, that could
2 be a function of how knowledgeable a cigar buyer
3 is.
4 Q. Just isolating that factor, Cuban
5 seed --
6 A. I haven't isolated it in anything.
7 MR. KRINSKY: Well, let her finish the
8 question.
9 THE WITNESS: I'm sorry.
10 MR. KRINSKY: Then answer the
11 question.
12 Q. So have you isolated the factor of
13 Cuban seed on consumer perceptions relating to
14 cigars?
15 A. No.
16 Q. Finally, I think you recalled earlier
17 today, or I think you mentioned that you could not
18 recall whether you performed a survey in
19 connection with the Guantanamera case. Is that
20 accurate?
21 A. Right. I may just have written a
22 report.
23 Q. So no quantitative survey?
24 A. As far as I recall, no.
25 Q. And what was your recollection of that

1 case?
2 A. That case?
3 Q. Yes.
4 A. The issue was whether the name would
5 make a substantial -- a legally substantial
6 proportion of buyers think it was made in Cuba
7 because of the Guantanamo area where cigars are
8 grown.
9 Q. So that case dealt with geographic
10 misdescriptiveness of Guantanamera?
11 A. Yeah, geographic misinformation,
12 right.
13 Q. You didn't conduct a confusion
14 analysis on whether people were confused between
15 two brands or sources?
16 A. No. It had to do with where it was
17 made.
18 MS. RODRIGUES: Nothing further for
19 now.
20 MR. KRINSKY: Okay. Well, very good.
21 We're going to break today and resume
22 tomorrow.
23 MS. RODRIGUES: Okay.
24
25 (Time noted: 12:49 p.m.)

1 STATE OF NEW YORK)
2 ss:
3 COUNTY OF)
4
5
6 I, ALVIN OSSIP, hereby certify that I
7 have read the pages of the foregoing testimony of
8 this deposition and hereby certify it to be a true
9 and correct record.
10
11
12
13 _____
14 ALVIN OSSIP
15
16 Subscribed and sworn to before me
17 this day of , 20 .
18
19
20 _____
21 Notary Public
22
23
24
25

DECLARATION OF ALVIN OSSIP

I, Alvin Ossip, declare under penalty of perjury, that I have read the foregoing testimony of this deposition and hereby certify it to be a true and correct record.

Dated: September 12, 2017

ALVIN OSSIP

1 I N D E X

2

3 WITNESS EXAMINATION BY PAGE

4 Alvin Ossip Ms. Rodrigues 3:11

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7

8 DOCUMENT/INFORMATION REQUESTED 14

9 DOCUMENT/INFORMATION REQUESTED 29

10 DOCUMENT/INFORMATION REQUESTED 32

11 DOCUMENT/INFORMATION REQUESTED 33

12

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16 (Exhibits retained by the court reporter.)

17

18 E X H I B I T S

19

20 Exhibit No. Exhibit Description Page

21 Ossip Exhibit 1 DOCUMENT ENTITLED NOTICE OF 9

22 SUBPOENA FOR ORAL EXAMINATION

23 OF DR. ALVIN OSSIP AND

24 SUBPOENA TO TESTIFY AT A

25 DEPOSITION IN A CIVIL ACTION

1 Ossip Exhibit 2 DOCUMENT ENTITLED EXPERT 46
2 REPORT OF ALVIN OSSIP IN
3 THE CASE OF WALLACH VERSUS
4 LONGEVITY NETWORK LIMITED
5
6 Ossip Exhibit 3 FIVE-PAGE DOCUMENT ENTITLED 61
7 NOTICE, WITH COVER PAGE
8
9 Ossip Exhibit 4 DOCUMENT ENTITLED A STUDY TO 62
10 MEASURE AWARENESS OF CUBAN
11 COHIBA CIGARS AND SOURCE CONFUSION
12 BETWEEN THESE CIGARS AND GENERAL
13 CIGAR CO. INC. COHIBA CIGARS,
14 DATED MARCH 2001
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16 Ossip Exhibit 5 DOCUMENT ENTITLED REPORT OF 63
17 ALVIN OSSIP ON SIGNIFICANCE
18 OF INFORMATION IN MARKET RESEARCH
19 RELATED FILES FURNISHED BY
20 GENERAL CIGAR AND THIRD
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22 CERTAIN ISSUES CONCERNING
23 COHIBA, DATED 1/28/02
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1 Ossip Exhibit 6 DOCUMENT ENTITLED WRITTEN 63
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5 Ossip Exhibit 7 DOCUMENT CONTAINING 67
6 APPENDICES C THROUGH H
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1 C E R T I F I C A T I O N
2
3 STATE OF NEW YORK)
4 ss:
5 COUNTY OF WESTCHESTER)
6
7 I, APRIL PEARL, Court Reporter and
8 Notary Public within and for the County of
9 Westchester, State of New York, do hereby certify:
10
11 That I reported the proceedings that
12 are hereinbefore set forth, and that such
13 transcript is a true and accurate record of said
14 proceedings.
15
16 AND, I further certify that I am not
17 related to any of the parties to this action by
18 blood or marriage, and that I am in no way
19 interested in the outcome of this matter.
20
21 April Pearl
22
23 _____
24 APRIL PEARL
25 Court Reporter

1 ERRATA SHEET
VERITEXT/NEW YORK REPORTING, LLC
2
CASE: Empresa Cubana Del Tabaco v. General Cigar, Inc.
3 DATE OF DEPOSITION: 6/29/2017
WITNESS NAME: Alvin Ossip
4
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Alvin Ossip
20 SUBSCRIBED AND SWORN TO BEFORE ME
THIS ____ DAY OF _____, 20__.
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24 _____ _____
25 (NOTARY PUBLIC) MY COMMISSION EXPIRES:

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wrote 49:10 80:14

x

x 1:2,8 89:1,18

y

yeah 13:25 15:6 19:1 22:9 23:8 29:12 30:1 32:12 40:13,14 48:8 49:13 59:20 62:13 64:14 65:10 67:23 70:6 75:25 79:13 81:5,15 83:5 85:9 87:11
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york 1:15,17 2:4,4 2:8,8 3:5 88:1 92:3,9 93:1

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

In the matter of Trademark Registration No. 1147309
For the mark COHIBA
Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273
For the mark COHIBA
Date registered: June 6, 1995

EMPRESA CUBANA DEL TABACO, d.b.a. CUBATABACO, Petitioner, v. GENERAL CIGAR CO., INC. Respondent.	:	Cancellation No. 92025859

PARTY OFFERING: PETITIONER

Exhibit 1 to the TTAB Discovery Deposition Transcript of Alvin Ossip, dated June 29, 2017

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

In the matter of Trademark Registration No. 1147309
For the mark COHIBA
Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273
For the mark COHIBA
Date registered: June 6, 1995

EMPRESA CUBANA DEL TABACO, d.b.a. CUBATABACO, Petitioner, v. GENERAL CIGAR CO., INC. and CULBRO CORP., Respondents.	Cancellation No. 92025859

NOTICE OF SUBPOENA FOR ORAL EXAMINATION OF DR. ALVIN OSSIP

TO ALL INTERESTED PARTIES:

PLEASE TAKE NOTICE THAT, pursuant to Rules 30 and 45 of the Federal Rules of Civil Procedure, Respondent, General Cigar Company, Inc., by and through its undersigned counsel, hereby give notice of the service of a subpoena to Dr. Alvin Ossip, c/o Rabinowitz, Boudin, Standard, Krinsky & Lieberman, P.C., with respect to Dr. Ossip's oral testimony regarding the ongoing trademark dispute between Petitioner and Respondents. The subject of the testimony sought from Dr. Ossip is set forth in Exhibit A. Dr. Ossip will be required to appear for a deposition upon oral examination at the office of DLA Piper LLP, 1251 Avenue of the Americas, New York, New York 10020, commencing at 10:00 A.M on May 23, 2017.

PENGAD 800-631-6989
EXHIBIT
Ossip 1
6/29/17 AP

Pursuant to the Federal Rule of Civil Procedure 30(b)(3), testimony of Dr. Ossip may be recorded by stenographic means, sound and visual means, or both, and may continue from day to day until completed.

Dated: New York, New York
April 26, 2017

Respectfully submitted,

By: /s/ Airina Rodrigues

Andrew L. Deutsch
Airina Rodrigues
Kerry O'Neill
DLA PIPER LLP (US)
1251 Avenue of the Americas New York, New York 10020-1104
Telephone: (212) 335-4500
Facsimile: (212) 335-4501

Attorneys for General Cigar Co., Inc.

EXHIBIT A

Respondent identifies the following matters it expects to cover with Dr. Ossip as part of his oral examination, however, Respondent reserves the right to inquire into additional topics. As used herein, "District Court Litigation" means *Empresa Cubana del Tabaco d.b.a. Cubatabaco v. Culbro Corporation and General Cigar Co., Inc.*, No. 97 Civ. 8399 (RWS), United States District Court, Southern District of New York. In construing these topics, all terms shall be construed to permit discovery as broadly as permitted under the Federal Rules of Civil Procedure and the rules and procedures of the Trademark Trial and Appeal Board.

The Deponent should be prepared to address the following topics:

1. The methodology, facts, opinions and conclusions set forth in the Deponent's previous expert reports in the District Court Litigation: (i) "A Study to Measure Awareness of Cuban Cohiba Cigars and Source Confusion Between These Cigars and General Cigar Co., Inc., Cohiba Cigars," dated March 2001; and (ii) "Report of Alvin Ossip on Significance of Information in Market Research Related Files Furnished by General Cigar and Third Parties with Respect To Certain Issues Concerning Cohiba" dated January 28, 2002 (collectively the "Reports") and in the Deponent's testimony given connection with the District Court Litigation ("the Testimony").

2. The extent to which the Report and Testimony provide valid measures of U.S. consumer awareness of Cohiba cigars and of the source of Cohiba cigars as of 2017.

3. The extent to which the Report and Testimony provide valid measures of U.S. consumer confusion, mistake and deception, if any, existing as of 2017 with regard to the source of Cohiba cigars made in Cuba and Cohiba cigars made by General Cigar Co.

4. What additional information and investigation, if any, the Deponent would require in order to form opinion and conclusions about: (a) consumer awareness of Cohiba cigars and the source of Cohiba Cigars in 2017; and (b) the likelihood of confusion, mistake, or deception, if any, arising in 2017 from General Cigar's use of the COHIBA mark when used on or in connection with the goods of General Cigar.

CERTIFICATE OF SERVICE

I hereby certify that on this date I have caused to be served a true and correct copy the foregoing: NOTICE OF SUBPOENA FOR ORAL EXAMINATION OF DR. ALVIN OSSIP by transmitting copies by electronic mail dated April 26, 2017 to Petitioner's counsel:

Michael Krinsky
Rabinowitz, Boudin, Standard, Krinsky & Lieberman, P.C.
61 Broadway, 18th Floor
New York, NY 10006
(212) 254 - 1111 phone
mkrinsky@rbskl.com
Attorneys for Petitioner, Empresa Cubana del Tabaco, d.b.a. Cubatabaco

Date: April 26, 2017 /s/ *Airina Rodrigues*

UNITED STATES DISTRICT COURT

for the

Southern District of New York

Empresa Cubana del Tabaco d/b/a Cubatabaco *Plaintiff* v. General Cigar Co., Inc., and Culbro Corp. *Defendant*	Pending in the US Patent & Trademark Office Before the Trademark Trial and Appeal Board In the Matter of Trademark Registration No. 1147309 for the mark COHIBA - Date Registered 2/17/1981 In the Matter of Trademark Registration No. 1898273 for the mark COHIBA - Date Registered 6/6/1995

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: Alvin Ossip, c/o Rabinowitz, Boudin, Standard, Krinsky & Lieberman, P.C., 61 Broadway, 18th Floor, New York, NY 10006

(Name of person to whom this subpoena is directed)

☑ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

See Exhibit A to the Notice of Subpoena For Oral Examination of Dr. Alvin Ossip.

Place:	Date and Time:
DLA Piper LLP (US) 1251 Avenue of the Americas, New York, NY 10020	05/22/2017 10:00 am

The deposition will be recorded by this method: stenographically

☐ *Production:* You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 4/26/2017

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk | *Attorney's signature*

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* Respondent General Cigar Co., Inc., who issues or requests this subpoena, are:

Airina L. Rodrigues, 1251 Avenue of the Americas, New York, NY 10020, 212-335-4500, airina.rodrigues@dlapiper.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No.

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____

on *(date)* _____ .

☐ I served the subpoena by delivering a copy to the named individual as follows: _____

_____

_____ on *(date)* _____ ; or

☐ I returned the subpoena unexecuted because: _____

_____ .

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of $ _____ .

My fees are $ _____ for travel and $ _____ for services, for a total of $ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

_____
Server's signature

_____
Printed name and title

_____
Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
(i) is a party or a party's officer; or
(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:
(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*
(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;
(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
(iv) subjects a person to undue burden.
(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
(i) disclosing a trade secret or other confidential research, development, or commercial information; or
(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
(ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:
(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.
(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*
(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
(i) expressly make the claim; and
(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.
The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013).

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

In the matter of Trademark Registration No. 1147309
For the mark COHIBA
Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273
For the mark COHIBA
Date registered: June 6, 1995

EMPRESA CUBANA DEL TABACO, d.b.a. CUBATABACO, Petitioner, v. GENERAL CIGAR CO., INC. Respondent.	:	Cancellation No. 92025859

PARTY OFFERING: PETITIONER

Exhibit 2 to the TTAB Discovery Deposition Transcript of Alvin Ossip, dated June 29, 2017

2005 WL 3590816 (C.D.Cal.) (Expert Report and Affidavit)
United States District Court, C.D. California.

WALLACH,
v.
LONGEVITY NETWORK LTD.

No. 04 2404 SJO.
February 8, 2005.

Expert Report of Alvin Ossip

Case Type: Intellectual Property >> Patent
Jurisdiction: C.D.Cal.
Name of Expert: Alvin Ossip
Area of Expertise: Marketing >> Consumer Behavior

Representing: Unknown

Retention by Counsel for Defendant

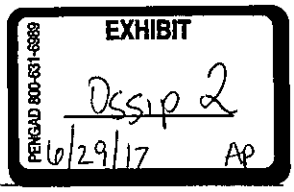
In December, 2004 Cowan, Liebowitz & Latman, counsel for Longevity Network, Ltd., asked me to review and comment on three studies conducted by the Plaintiffs market research consultant. Dr. Gerald Ford ("Ford"). To arrive at the opinions expressed here I reviewed the three survey reports and the declaration of Dr. Ford. In addition, I have reviewed the deposition transcripts of Messrs. Ford and Song and the transcripts of the TTAB trial testimony of Messrs. Song and Clemens and Petitioner's Exhibit Booklet. I have also reviewed the briefs of both parties and the decision of the TTAB dated 11/12/03. In addition, I have viewed the web sites of both companies and of several trade associations and other companies in the network marketing business. I have also reviewed market data issued by the Direct Selling Association.

Should additional relevant information become available to me I may supplement my report. I am being paid for my work in this case at the rate of $500 per hour.

Professional Experience

I have conducted or been responsible for thousands of surveys for commercial purposes *over* the past 45+ years. For the last 19 years I have been an independent marketing research consultant specializing in survey research issues relating to trademarks and trade dress, advertising claims and advertising communication.

Prior to being a consultant, I was employed by General Foods Corporation for 23 years and for many years was their Director of Survey Research, responsible for all the company's surveys in the United States. Before that I held senior marketing research positions with another major consumer products company and an advertising agency. In all of these positions I have had involvement in issues relating to product evaluation, product packaging and naming, trademark and trade dress issues, brand awareness, brand perception and other topics.



I received an MBA degree in Marketing from New York University and a BBA degree in Marketing Research and Statistics from Baruch College, City University of New York. Appended are a copy of my resume and a list of cases in which f have testified or been deposed within the past four years. I have not had anything published in the last ten years.

My Opinion Regarding The Ford Studies

Likelihood of Confusion Studies

1. The universe in these studies was too broad and shed no light on the extent of confusion in those groups among whom Longevity Network is most damaged by confusion with American Longevity. I have been advised by counsel that the major damage suffered or likely to be suffered by Longevity Network, due to confusion with American Longevity, relates to its ability to attract and retain independent distributors from among current multi-level network marketing ("MLM") distributors or from among those who have an interest in becoming one, particularly those working for or interested in smaller MLM firms. The studies covered a universe of product end-buyers but did not adequately sample or identify members of the aforementioned groups.

The first study, which Ford indicated as being the most relevant, surveyed adults who indicated they were likely to purchase any nutritional supplements or skin or hair care products in the next year, regardless cf where purchased. This universe represented an estimated 78% of all adults in the U.S. with essentially all women qualifying (as one would expect) and about half the men. *

The second study surveyed adults who indicated they were likely to purchase such products in the next year from "an independent distributor or multi-level network marketing company". This universe represented an estimated 26% of all adults in the U.S. about 36% of all adult women and 14% of adult men for a total of about 54 million individual buyers. *

MLM is a distinct channel of distribution essentially characterized by person-to-person selling and word of mouth exposure. MLM companies place a great reliance on their independent distributors, who not only sell their products, person-to-person, but who themselves use a significant proportion of the product that they buy from the company. It is my understanding that personal use of their company's products by independent distributors is greater than average among the smaller MLM companies.

The Ford study was an end-buyer survey which did not include an adequate sampling of current and potential MLM distributors and did not identify any that they might have interviewed.

Ford contends that although not identified, all groups were appropriately represented in his studies due to his use of probability sampling. As is normally the case such a sample does not assure appropriate representation since about two-thirds of the telephone numbers called produced no contact with a potential respondent and many contacted refuse to cooperate. One might also hypothesize that distributors might be more likely to be out when interviewers call or perhaps too busy to cooperate. With sample sizes of 200 in each study, even if these groups were properly represented, the number of those interviewed who were from these groups would be extremely small.

The Direct Selling Association estimates there are 13, 3 million direct selling independent distributors, many of whom may buy product for their own use only. Including those who might be interested in becoming disiribuiors, there may be perhaps 15 million individuals from among which Longevity Network might attract distributors. A substantial proportion *of* these are part *of* a major MLM organization such as: Amway, Avon, Mary Kay, Shaklee and Herbalife and may not have interest in joining a smaller company. I would roughly guess that perhaps 4 million might form the pool that Longevity Network might look to for distributors. This would comprise about 2% of the adult population.

Ford did not consider utilizing any sub-sample of independent distributors or those interested in becoming distributors, that might have been available through subscriber lists from some industry publications nor did he consider identifying any he happened to interview.

2. The lack of confusion among the large universe of end-buyers was predictable given that Longevity Network has very limited awareness among this universe, unlike the larger firms such as Amway and Avon. Since the Likelihood of Confusion studies only exposed respondents to the American Longevity name, only those aware of Longevity Network had the potential to be confused. The studies did not collect any information regarding company or product awareness that would have both indicated the levels of awareness of the two companies and provided the opportunity to separately analyze responses of any respondents that might have been aware of Longevity Network.

To measure likelihood of confusion between Longevity Network and American Longevity even among all end-buyers in the context of Longevity Network's limited awareness and its marketing trade channel, it would be necessary to do one of the following:

1) focus a study on a relevant universe that is likely to have had the opportunity to come in contact with Longevity Network or its products and identify those who were aware of Longevity Network or

2) expose both the Longevity Network and American Network names to a sample of respondents from a relevant universe, in an appropriate study design.

Alternative 1 would measure whether confusion is likely when a consumer, familiar with one maker's mark, is presented with the other party's mark alone. The second alternative would measure likelihood of confusion if relevant respondents came in contact with both company names. *

* These measurements are consonant with one of the grounds cited by American Longevity in their brief before the TTAB. Namely. "Given the common *use* of the word LONGEVITY, when applied *to* vitamins and dietary food supplements and personal care products, the public is able to distinguish between trademarks which include the word LONGEVITY and the goods designated thereby*(5/12/03 P.3).

The first Ford study universe covered the bulk of U.S. adults. This second study's universe was narrower but much too overinclusive with respect to people who had reasonable potential to have come in contact with Longevity Network's name or products.

3. There is evidence of some level of respondent confusion in understanding what was meant by "an independent distributor or a multi-level network marketing company" which may have inflated the proportion of respondents tallied as qualified end-buyers in the second study.

In describing the MLM trade channel Ford relied on the formal terminology used within the industry. Those terms are not universally known and can be confusing and are not as respondent friendly as a more colloquial description might be. Consideration of use of a more colloquial description was rejected out of hand. Also, no attempt was made to specifically ask respondents what MLM companies they had purchased from to help verify their level of understanding.

For people not versed in the MLM industry an "independent distributor" could indicate a retailer such as GNC or a manufacturer not in the MLM business. "Multi-level network marketing company" could be interpreted to mean a company that sells via different media such as the Internet, TV shopping channels, catalogues, retail stores or just a large marketer.

Interestingly, in his deposition Ford acknowledged the possibility that independent distributors could be selling products not from an MLM company. In fact, he stated that he was not trying to determine whether those purchasing from an independent distributor knew if that distributor was associated with an MLM company. In that statement he probably assumes that respondents understood that an independent distributor sells to friends, acquaintances, etc and not via a retail store, mail or some other way.

Ford stated that the description used had been pretested and no problem found. However, what was done was to review a limited number of the initial questionnaires and to ask interviewing supervisors whether any problems were evident. That the respondents answered the questions was apparently taken to mean that there were no problems in understanding. No attempt was made to actually ask any respondents in a pretest what they understood the channel description to mean, a common approach when there is any concern about respondents understanding something

The overwhelming response to the four sets of substantive questions relating to confusion was an answer such as "I don't know" and "No idea". However, many of those who did respond mentioned names that would tend to indicate misunderstanding of the described MLM channel of distribution. Ford said in his deposition that references to Amway and Avon made it clear that the terminology was understood. However, in me responses there were many more mentions of companies that were not MLM companies. Such responses point to a likelihood of misunderstanding among some or many respondents.

For example, in Study 2 ail respondents indicated a likelihood of purchasing from the described channel in the next year. When asked "Who or what company, do you believe puts out nutritional supplements or skin and hair care products sold under the name American Longevity?". One respondent repeated American Longevity and only 2 mentioned another MLM company, while 4 mentioned GNC, a company not in the MLM industry. Six gave the name of a consumer products manufacturer (e.g. J&J), 3 gave a retail brand name (e.g. Neutragena) and 1 mentioned a retailer, in addition, one mentioned Dr. Wallach.

When asked "What other name or names, if any, do you believe are used by the company that puts out nutritional supplements or skin and hair care products sold under the name American Longevity?", only 7 responded with a company or brand name. Of those, 1 mentioned American Longevity, one mentioned Mary Kay, 3 mentioned the name of a consumer product manufacturer, 1 cited a retail brand name (Natures Way) and 1 cited Atkins, a diet organization.

4. These studies were conducted in 2004, and whether they include the appropriate universe for this case or not, they cannot estimate the level of confusion between the two companies that existed in the past, since many who might have been confused have likely since been disabused of any misconception. American Longevity was introduced during Longevity Network's peak years (1997-99) * so that major damage due to confusion may have occurred 5 to 8 years ago.

*Based on the screening information collected in the three surveys, and assuming a somewhat greater proportion of women interviewed versus men, since women tend to be more likely to cooperate in surveys

Secondary Meaning Study (Pilot Survey)

5. This study used the same qualifications as the first Likelihood of Confusion Study except respondents had to be past year buyers, rather than likely next year buyers, of nutritional supplements or skin or hair care products. It consequently suffers from the same problem in that it included people who did not buy those products through the MLM channel (62 of 101 respondents).

* Longevity Network's sales in the U.S. were about $8 million in 1997 and declined steadily thereafter to a few hundred thousand dollars in 2004.

In addition, if the MLM description was misunderstood the proportion of MLM buyers was likely overstated, producing a study with fewer than 39 qualified end- buyers. As in the other studies, the number who were MLM distributors or wanted to be would be relatively small, particularly among those involved in or interested in a small MLM firm.

6. Since neither "Longevity Network" nor the brand name "Longevity" are universally known names it would probably have been more appropriate in a study of this nature to not immediately confront respondents with the single criterion question. A more logical approach, particularly in a telephone interview with its potential distractions, would have been something akin to the sequence below. It also would have allowed those who were hesitant to answer "yes" because they didn't know the specific name of the company, to indicate so and provide other information such as: association with Doc Wallach, celebrity spokespersons or individual product names, In addition, the name "Longevity" could have been placed in the context of MLM sold products, as the American Longevity name was in the Likelihood of Confusion studies.

^ Have you ever seen the name Longevity on any nutritional supplement or skin or hair care product or seen Longevity in the name of any company selling such products? (If "yes" continue)

^ Do you associate the use of the name Longevity with one company or more than one company? (If "Don't know", skip to Q.)

^ With what company (companies) do you associate the name Longevity?

^ (If no name given, ask) What, if anything, can you tell me about that company (those companies) or its (their) products? (PROBE) Anything else?

^ (For each specific name, ask:) What, if anything, can you tell me about that company or its products? (PROBE) Anything else?

Summary

The Likelihood of Confusion studies involved end-buyers of nutritional supplements/skin/hair care products but did not adequately represent or identify respondent groups among which Longevity Network had suffered and would likely suffer the most damage due to any confusion with American Longevity. These groups would be comprised of current or likely future MLM independent distributors, particularly those working for or interested in a smaller company.

The lack of confusion shown in these studies was predictable since only those aware of Longevity Network had the potential to be confused and awareness of this company is very limited among the end-buyer universe.

Considering this limited awareness and the nature of the MLM trade channel, the confusion study could have either been conducted among a relevant universe likely to have had the opportunity to become aware of American Longevity (which would likely have had a large proportion of current or likely future MLM distributors) or relevant respondents could have been exposed to both the American Longevity and Longevity Network names.

There is also evidence of some confusion in understanding the definition of MLM used in the study, which would have caused some non-qualified purchasers being included in the study.

Regardless of the relevance of the universe in these studies, the findings cannot be used to estimate the level of confusion that may have existed in the initial years of American Longevity, when Longevity Network's U.S. annual sales v/ere considerably greater than in 2004 when the Ford studies were conducted.

The Secondary Meaning Study suffered from the same broad universe definitions as the Likelihood of Confusion studies.

In addition, the name Longevity could have been placed in the context of MLM products and the questioning approach could have provided more opportunity for respondents to reveal confusion related to company names, products or spokespersons.

Dated: February 8, 2005

Signature:

End of Document

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

In the matter of Trademark Registration No. 1147309
For the mark COHIBA
Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273
For the mark COHIBA
Date registered: June 6, 1995

EMPRESA CUBANA DEL TABACO, d.b.a. CUBATABACO, Petitioner, v. GENERAL CIGAR CO., INC. Respondent.	:	Cancellation No. 92025859

PARTY OFFERING: PETITIONER

Exhibit 3 to the TTAB Discovery Deposition Transcript of Alvin Ossip, dated June 29, 2017

ESTTA Tracking number: **ESTTA807911**

Filing date: **03/17/2017**

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

Proceeding	92025859
Party	Plaintiff Empresa Cubana Del Tabaco d.b.a Cubatabaco
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Signature	/Michael Krinsky/
Date	03/17/2017
Attachments	TTAB_Notice_3.17.17.pdf(30288 bytes)

PENGAD 800-631-6989 EXHIBIT Ossip 3 6/29/17 AP

EXHIBIT 2 DATE: 6/27/17 Cathi Irish, RPR, CRR

In the matter of Trademark Registration No. 1147309
For the mark COHIBA
Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273
For the mark COHIBA
Date registered: June 6, 1995

EMPRESA CUBANA DEL TABACO, d.b.a. CUBATABACO, Petitioner, v. GENERAL CIGAR CO., INC. and CULBRO CORP., Respondents.	Cancellation No. 92025859

NOTICE

1. Pursuant to Section 401.03 of the Trademark Trial and Appeal Board Manual of Procedure, Petitioner Empresa Cubana Del Tabaco, d.b.a. Cubatabaco, by and through the undersigned counsel, hereby notifies the Board that, compliant with Fed. R. Civ. P. 26(a)(2), it made the required disclosure of the witnesses it may use at trial to present evidence under Federal Rule of Evidence 702, 703, or 705.

Petitioner made said disclosure on February 3, 2016 in its first Response to Respondent's Interrogatory No. 19 and referenced such evidence extensively in its Second Response to Respondent's discovery demands on December 20 and 22, 2016. On March 16, 2017, during a telephone conference with Respondent, Petitioner advised of its intention to rely on the expert testimony and reports. This expert disclosure consists of the testimony and reports of experts

presented at trial and in pre-trial discovery in *Empresa Cubana del Tabaco v. Culbro Corp.*, 97 Civ. 8399 (S.D.N.Y.) (the "Federal Action"). The Respondent presented a rebuttal expert.

Under a Stipulation between the Parties that was approved by the Board on April 1, 2016: (1) discovery taken in the Federal Action and trial testimony (direct, cross-examination, redirect, etc.) and exhibits proferred, whether or not admitted, in the Federal Action are treated as if taken and obtained in the TTAB proceeding; (2) these materials are admissible in the TTAB proceeding both at trial and in pre-trial proceedings, subject to evidentiary objections, other than the objection that the evidence/discovery was taken in the Federal Action; and (3) the parties may rely at trial and in pre-trial proceedings on the Federal Action Evidence and discovery that was not proferred or admitted as evidence.

2. Neither Petitioner nor Respondent has made any disclosure of expert witnesses not included in the Federal Action.

3. The Parties have already agreed to submit to the Board for its approval a stipulation extending and modifying the Board's December 22, 2016 Scheduling Order for reasons unrelated to expert evidence. They are still finalizing the stipulation.

4. Discovery is on-going. The Parties have tentatively agreed upon dates for the depositions of four of Respondent's current employees and two third-party witnesses subpoenaed by Petitioner. Document production by a third-party pursuant to Petitioner's subpoena is underway. Respondent is expected to advise Petitioner shortly of the depositions, if any, it wishes to take.

5. Petitioner has queried Respondent as to whether it wishes to take any new discovery concerning Petitioner's experts, whether there are any adjustments to the schedule it wishes to propose on account of Petitioner's experts, and whether it intends to offer the

testimony of any expert to contradict or rebut Petitioner's aforementioned expert testimony other than what was introduced in the Federal Action.

Referencing TTAB Order (December 22, 2016), fn. 3 and TBMP Section 401.03, Petitioner has also queried Respondent as to its position on whether proceedings should be suspended.

6. In the above circumstances, Petitioner respectfully requests that the Board hold in abeyance any decision to suspend proceedings as contemplated by the December 22, 2016 Order, fn. 3 ("[T]he Board will, at that point, suspend proceedings for the sole purpose of allowing the orderly taking and completion of expert witness discovery, including any rebuttal expert witness discovery") until the parties have an opportunity to confer on that issue and the related matters queried by Petitioner (paragraph 5 above).

Dated: New York, New York
March 17, 2017

Respectfully submitted,
By: /Michael Krinsky/

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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing NOTICE was sent by email on Respondents on March 17, 2017, to:

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/Lindsey Frank/
LINDSEY FRANK

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

In the matter of Trademark Registration No. 1147309
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EMPRESA CUBANA DEL TABACO, d.b.a. CUBATABACO, Petitioner, v. GENERAL CIGAR CO., INC. Respondent.	:	Cancellation No. 92025859

PARTY OFFERING: PETITIONER

Exhibit 4 to the TTAB Discovery Deposition Transcript of Alvin Ossip, dated June 29, 2017

DEFENDANT'S
DEPOSITION
EXHIBIT
Ossip - 3
8/27/01 AA

A STUDY TO MEASURE AWARENESS OF CUBAN COHIBA CIGARS AND SOURCE CONFUSION BETWEEN THESE CIGARS AND GENERAL CIGAR CO. INC. COHIBA CIGARS

PREPARED FOR:
RABINOWITZ, BOUDIN, STANDARD, KRINSKY & LIEBERMAN, P.C.
NEW YORK, NY

PREPARED BY:
ALVIN OSSIP
MARKETING RESEARCH CONSULTANT

March 2001

PENGAD 800-631-6989
EXHIBIT
Ossip 4
6/29/17 AP

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IX. Appendix

A. Computer Tables

B. Questionnaire and Solicitations

C. Resume and Other Information Concerning Mr. Ossip

I. Background and Purpose

I. BACKGROUND AND PURPOSE

I am informed that Empresa Cubana del Tabaco, d.b.a. Cubatabaco, a Cuban entity, has brought an action in the United States District Court for the Southern District of New York against Culbro Corporation and General Cigar Co., Inc. (hereafter "General Cigar") to enjoin the defendants' continued use of the trademark COHIBA for cigars in the United States, and for other relief. I am further informed that Cubatabaco alleges that, directly and through a licensee, it has sold premium cigars under the COHIBA trademark in Cuba and other countries for many years. Plaintiff alleges that it has not sold COHIBA or other cigars in the United States due to the prohibitions of United States embargo laws but that its COHIBA mark is well known in the United States. I am informed that plaintiff's COHIBA cigars are made in Cuba but that defendants' COHIBA cigars are not. I have been shown defendants' COHIBA cigars and the box in which defendants' COHIBA cigars are sold in the United States. As grounds for relief, Cubatabaco asserts, among other matters, that defendants' use of the COHIBA mark for cigars is likely to cause confusion among United States consumers as to the source, sponsorship, and affiliation of defendants' product.

This study was commissioned by Rabinowitz, Boudin, Standard, Krinsky & Lieberman, P.C,. attorneys for Empresa Cubana del Tabaco d.b.a. Cubatabaco. The study was conducted among a sample of cigar smokers, 21 or older, who indicated they are likely future purchasers of premium priced cigars (i.e. $65 or higher for a box of 25 cigars or $2.81 per cigar or higher).

I have been informed by counsel that the consumer group most likely to be the target market for General Cigar's Cohiba cigars are those who will spend at least $120 for a box of twenty five cigars or $5.25 per cigar. This is based on information that the country's two leading cigar retailers (J&R, Mike's Cigars) price the General Cigar Cohibas in excess of $120 a box except for the Corona Minors, which are smaller cigars sold for under $120 a box.

Consequently, while results will be analyzed for the premium cigar buyer group in total, special focus will be on those cigar smokers who indicate they will buy cigars priced at $120 or more per box.

The study was basically designed to provide a measure of:

- The proportion of these premium cigar smokers who have heard of Cohiba cigars and think that they are made in Cuba, and

- The extent to which those premium cigar smokers who have heard of Cohiba cigars would think there is a source connection between Cuban Cohibas and General Cigar's Cohiba cigars, if they were exposed to a box of the latter's cigars.

and Responsibility

II. STUDY AUTHORSHIP AND RESPONSIBILITY

This study was planned and supervised by Alvin Ossip, an independent marketing research consultant of 11 Homewood Road, Hartsdale, New York. Mr. Ossip is a very experienced survey researcher who has been involved in many studies concerned with trademark, trade dress or advertising perception issues. He has conducted many studies that have been used in legal proceedings. Attached, as Appendix C is Mr. Ossip's resume and a list of cases in which he has testified as an expert at trial or by deposition within the past four years.

The study was implemented by Greenfield Online using members of their Internet panel. Greenfield Online maintains a very large panel of individuals throughout the United States who have agreed to participate in market research surveys conducted via the Internet. The interviews for this study were conducted between October 27 and November 11, 2000.

III. Study Design
Overview

III. STUDY DESIGN OVERVIEW

The study was conducted with a sample of qualified respondents in households that participate in an Internet survey panel run by Greenfield Online. Selected members of the Greenfield panel were sent an e-mail soliciting their participation in a cigar survey if any household member over 21 years of age smokes cigars. Those cigar smokers agreeing to cooperate then accessed the survey questionnaire via an on-line link to the Internet site run by Greenfield and completed the survey that appeared on their computer screen.

In the questionnaire, respondents were asked if they smoke cigars, and if so, whether they would very likely buy cigars for themselves or very likely buy cigars as a gift or for a special event within the next 12 months. If they responded that they were likely to do so for either purpose they were shown a list of seven price categories from which they were asked to select those that represented what they would most likely pay for these cigars. Based on their pricing responses to either of the purchase questions, 962 respondents were identified as cigar smokers who will buy premium cigars (i.e. cigars priced at $65 or higher for a box of 25 cigars or $2.81 per cigar or higher) and were asked to continue with the study. (About half of this group indicated they would buy cigars priced at $120 a box or more.)

These prospective premium cigar buyers were then shown 6 premium and 2 non-premium cigar names and asked whether or not they had heard of each one. Those who had heard of Cohiba continued with the study and were asked if they knew where Cohiba cigars were made. If they answered "Yes", they were asked to type in which country or countries they thought Cohiba cigars are made in. They were also asked to do the same for Macanudo and Bering cigars, two best selling premium brands, if they were aware of these names. The information generated by these questions provides a measure of the extent of the awareness of Cohiba cigars and their being made in Cuba.

Those who thought Cohiba cigars were made in Cuba (or Cuba and elsewhere) then continued with the survey. They were shown full color pictures of a box of General Cigar's Cohiba cigars, including two cigars, and told it was "a box of cigars sold by quality retailers in the United States."

About half of these respondents saw a full color picture of the top of the closed box, along with two of the cigars, and the bottom of the box. The other half saw a picture of the opened box, along with two of the cigars, and the bottom of the box. The opened box contained similar information as appeared on the top of the box, as well as a flyleaf with promotional text. A copy of the visual stimuli used follows this section of the report.

After seeing the pictures respondents were asked several questions to determine whether there was any source confusion between Cohibas from Cuba and the Cohiba cigars that they had just been shown. These questions covered three relevant aspects of potential source confusion: a) whether or not the two Cohiba cigars were made by the same company, b) whether or not the two companies had an affiliation, association of business connection with each other and c) whether or not one company got authorization or approval from the other company to use the name Cohiba. If an affirmative answer was given to one of these questions the subsequent source questions were not asked. If a respondent answered affirmatively to either of the first two questions they were asked to type in what made them say so. For the last question, if answered affirmatively they were asked which of the two companies gave the authorization or approval. Selected demographic data was obtained from all respondents in the survey.

Female cigar smokers were overrepresented in this study due to their significantly greater tendency to cooperate in surveys than is true for males. Using Greenfield Online's experience with male versus female cooperation rates as a guide, calculations were made which resulted in estimating that females account for about 11% of the premium cigar buyer population sampled by this study. (See Methodology Section for details)

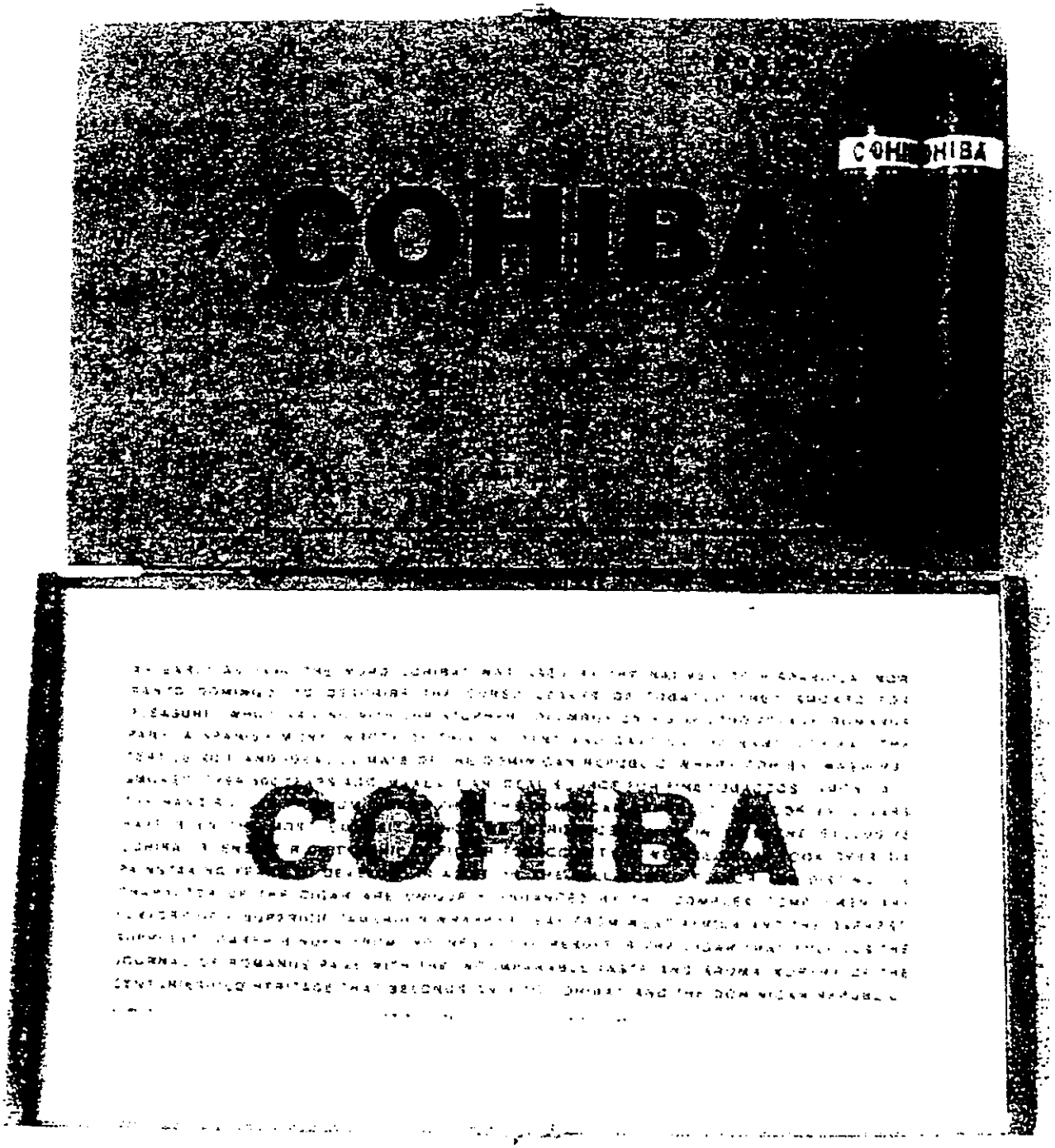
Since the females in the study were less familiar with premium cigar brands and their countries of origin than were the males, adjusting study findings by the revised female/male ratio (i.e. gender weighting) would result in modest increases in the awareness of Cohiba and its being made in Cuba and in the source confusion between Cohiba cigars from Cuba and General Cigar's Cohiba cigars. The report that follows provides unadjusted totals, males only and gender weighted figures for the three key measures in the study (awareness of Cohiba; awareness that Cohiba is made in Cuba; and source confusion).

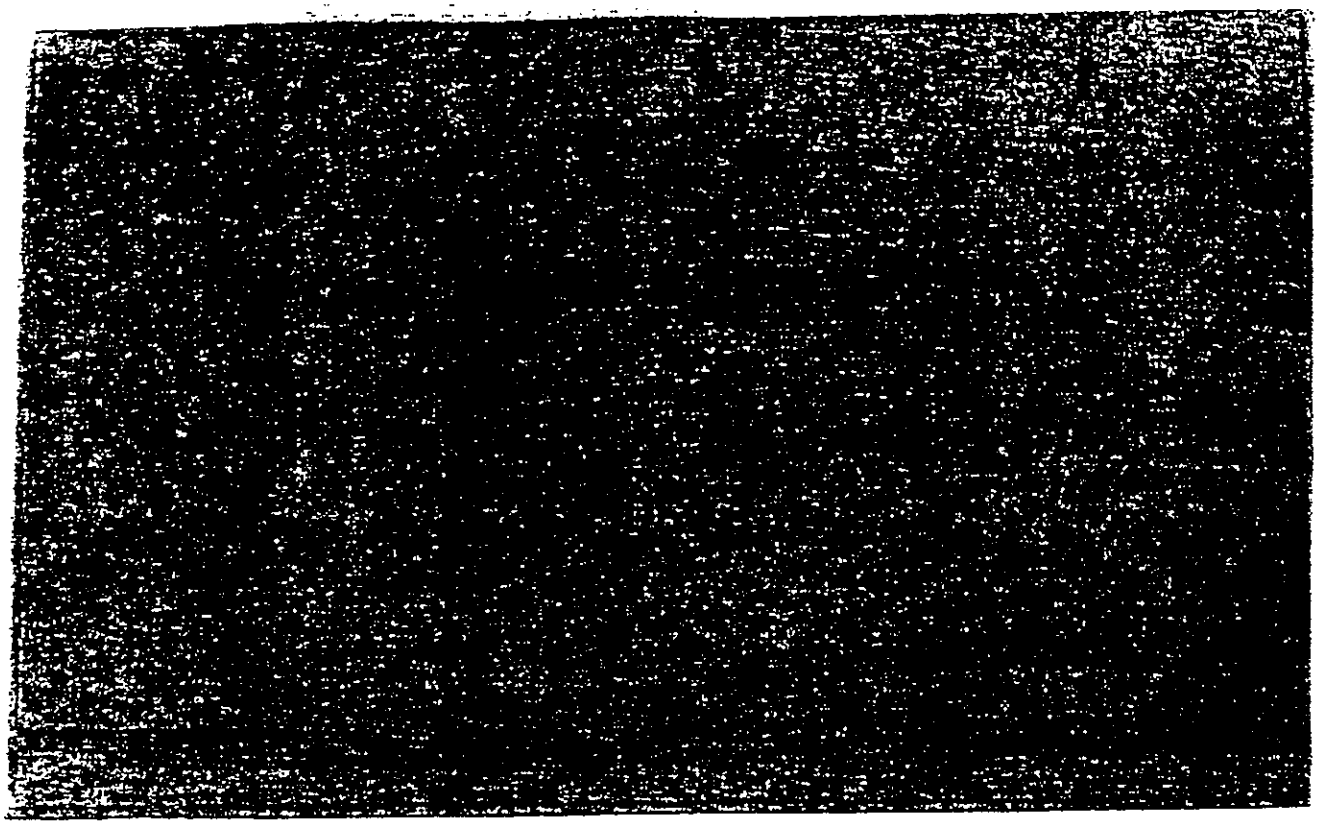
Cigar Cohiba Cigars

IV. BOX OF GENERAL CIGAR COHIBA CIGARS

Note: The two images of the General Cigar Cohiba cigar box that a respondent saw were continuous – with the respondent scrolling down on their computer to see both images, if necessary.

OPEN BOX


COHIBA
COHIBA
COHIBA



CLOSED BOX

V. RESEARCH SUMMARY

About half the cigar smokers completing the questionnaire indicated they would very likely buy premium cigars (priced at $65 or higher for a box of 25) within the next twelve months. Half of these likely premium buyers would spend $120 or more per box. This report presents results for the total premium buyer group but focuses on those in the likely target group for General Cigar's Cohibas, buyers of $120+ per box cigars.

Awareness Of Cohiba Cigars And Their Source Among Premium Cigar Buyers

The Cohiba name is well known among premium buyers with 72% having heard of Cohiba cigars (Males only: 75%, Gender weighted: 74%). Awareness of Cohiba is 78% among the $120+ buyer group.

With the exception of Cohiba, awareness levels of the premium cigar brands asked about correlated with their U.S. sales rank in 1998. However, although General Cigar's Cohiba cigars are not among the top 50 premium sellers in the U.S., the awareness of Cohiba is only about 2 points lower than the second best selling U.S. premium brand (Arturo Fuente) and about ten points below the best seller, Macanudo.

Cohiba awareness is about 28 points higher than the seventh best selling premium (Bering) and more than 50 points higher than the fiftieth best selling premium (Bances).

28% of all premium buyers are aware of Cohiba, answer that they know where they are made and volunteer Cuba (or Cuba and elsewhere) (Males only: 31%, Gender weighted: 30%). Among the $120+ buyer group, 37% name Cuba (or Cuba and elsewhere) as where Cohiba cigars are made.

Likely buyers of the very highest priced premiums ($235+ a box) are even more aware of Cohiba cigars (over 80%) with 43% of all the buyers of this price category saying that the cigars are made in Cuba (or Cuba and elsewhere).

Cuba was cited as the source of Cohiba cigars more often than was the Dominican Republic. 22% of all premium buyers are aware of Cohiba and think they are made in the Dominican Republic (or Dominican Republic and elsewhere), with 27% among the $120+ buyer group. (The comparable numbers for Cuba, as previously cited, are 28% and 37%, respectively.)

Source Confusion Between Cohiba Cigars From Cuba And General Cigar Cohiba Cigars Among Those Premium Buyers Aware Of Cohiba

Of all premium buyers aware of Cohiba, more than 20% (20.4%) erroneously thought that there was a source connection between the Cohiba cigars from Cuba and the General Cigar Cohibas (Males only: 21%, Gender weighted: 21%). Among those in the $120+ group source confusion was close to 25%.

This confusion rate was based on showing the pictures of a box of General Cigar's Cohiba cigars to those who thought Cohiba cigars were made in Cuba (or Cuba and elsewhere). Among those seeing the pictures, over 54% indicated confusion in terms of thinking the cigars shown and the Cohibas from Cuba are made by the same company, or that the companies are affiliated, associated or connected with each other or that one of the makers of Cohiba cigars got authorization or permission from the other maker to use the name Cohiba.

VI. DETAILED FINDINGS

Key data referred to here are shown in the Summary Tables that follow. More detail appears in the Computer Tables in the Appendix.

The Cigar Smoker Who Is A Premium Buyer

A bit more than half (51%) of the cigar smokers answering the questionnaire indicated they would very likely buy cigars priced at $65 or more for a box of 25 (or $2.81 per cigar or more) in the next twelve months.* Half of these prospective "premium" cigar buyers indicated their highest expenditure would be $120 or more per box with about one in six of the premium buyers very likely to spend as much as $235 per box or higher.

> Of those who qualify as premium buyers, 88% will buy such cigars for their own use and 66% will buy premiums for use as a gift or at a special event. This pattern roughly holds across the three price classes analyzed with the exception of cigars priced at $235 or more. Only 68% of buyers will buy those cigars for personal use.
>
> (See Summary Table 1)

The incidence of cigar smokers being likely premium buyers rises steadily as household income increases, with 67% of cigar smokers with household incomes of $75-$100M being likely premium buyers and 88% at $150M or more income. Premium buyer incidence among cigar smokers also rises with education level. Cigar smokers who are 50 years or older are the least likely age group to be premium buyers.

> Among premium buyers, the incidence of likely purchasers of cigars priced at $120 or more rises sharply when the $100M income level is reached.
>
> (See Summary Table 2)

* "Premium cigars" refers to those that cost $65 or more for a box of 25 or $2.81 per cigar or more when purchased in smaller quantity. The $120 a box or more or the $235 a box or more buyers refers to those whose highest price cigar purchase, for their own use or as a gift or for a special event, is verylikely to be in that price category.

Awareness Of Cigar Brands Among Premium Buyers

About 72% of premium cigar buyers have heard of Cohiba (Males only: 75%, Gender weighted: 74%). Among those whose highest anticipated purchase is $120+ per box Cohiba awareness was 78%.

Of the five other premium brands asked about, awareness levels correlated with sales rank.* Although General Cigar's Cohiba sales in the U.S. are not among the top 50 premium sellers, the Cohiba awareness level placed it about 2 points under Arturo Fuente (74%), the second best selling U.S. premium brand in 1998, and about 10 points below Macanudo, the premium sales leader.

Cohiba awareness was about 28 points higher than the seventh best seller (Bering) and more than 50 points higher than the 50th ranked premium brand (Bances).

(See Summary Table 3 and Methodology Detail Page 38)

Where Those Aware Of Cohiba Think It Is Made

Among those who have heard of Cohiba about 39% said they knew where these cigars were made and thought it was in Cuba (or Cuba and elsewhere). Among those likely to buy cigars at $120+ per box more than 47% of those aware of Cohiba named Cuba (or Cuba and elsewhere).

The association of Cohiba with Cuba is higher than it is with the Dominican Republic. Compared with the numbers noted above for Cuba, Cohiba was thought to be made in the Dominican Republic (or Dominican Republic and elsewhere) by 30% of premium buyers aware of Cohiba and 35% among the $120+ buyer group.

The stronger Cuba association is also illustrated by looking at the extent to which mentions of the two countries overlap. About 23% of those aware of Cohiba mentioned Cuba as where these cigars are made but did not mention the Dominican Republic. In contrast, about 14% mentioned the Dominican Republic but not Cuba. About 16% of those aware of Cohiba mentioned both countries as the source of these cigars.

(See Summary Tables 4, 4a)

* Source: Cigar Insider, May 1999, covering the year 1998

Awareness Of Cohiba And Where It Is Made Among All Premium Buyers

Among all premium buyers in the study -- not only those aware of Cohiba – 28% have heard of Cohiba and think it is made in Cuba (or Cuba and elsewhere) (Males only: 31%, Gender weighted: 30%). Among $120+ buyers it is 37%.

Likely buyers of $235+ per box are the most aware of Cohiba (over 80%) and 43% of all these buyers volunteered that Cohiba was made in Cuba (or Cuba and elsewhere)

(See Summary Table 5 and
Methodology Detail Page 38)

General Comments On Producer Country Data

The country of origin questions used in this study were more stringent than might generally be used in surveys of this type.

- Respondents were first asked "Do you know in which country or countries Cohiba cigars are made?" They were not asked if they "thought" they knew or if they had an opinion. Only if they answered "yes" did they proceed to the next question.
- In the next question they were asked to write in the country or countries where they thought Cohiba cigars are made. No country prompts were given. In addition, they were given the option of checking "Don't know", which some respondents did.
- If a respondent aware of Cohiba indicated not knowing where the cigar was made, no attempt was made to refresh any recollection that person may have, such as by asking where they may have heard of the brand or whether they had ever read anything about where the product was made.

Respondents did not seem shy in saying they did not know where Cohiba was made- with 43% indicating they did not know or checking "Don't know" when asked to write in the country name(s).

The questioning approach used may have caused some respondents that had a country in mind not to volunteer it because they weren't sufficiently confident of the correctness of their answer, or because they had not been stimulated enough to seek to recollect it.

Where Macanudo And Bering Are Thought To Be Made

Country of origin data was also obtained for Macanudo and Bering to serve as a control to compare with the Cohiba data and to see the potential extent of correctness or guessing relating to where products are made.*

Macanudo is associated with the Dominican Republic by 29% of the premium cigar buyers aware of the brand while 12% link it with Jamaica, countries in which this brand has been made. These numbers rise modestly among those who will buy cigars priced at $120 or more.

Association of Cohiba with Cuba was greater than the association of Macanudo with either the Dominican Republic or Jamaica, countries in which Macanudo has been made.

Only 8% of those aware of Bering think it is made in Honduras, its country of origin.

Overall, the incidence of incorrect source country mentions was lower for Cohiba than for either Macanudo or Bering.

If there was guessing of country of origin, it appears to be at low levels.

Cuba was incorrectly cited as the source of Macanudo by only about 4% of those aware of the brand and only one respondent mentioned it for Bering, probably indicating that Cuba would not tend to be cited as a "guess" by respondents who did not know where a cigar was made.

Dominican Republic was incorrectly cited as the source of Bering by about 4%.

(See Summary Table 4)

* Answers for Macanudo and Bering were obtained from the 72% of all respondents aware of Cohiba and also aware of these brands. They comprise more than 4 out of 5 of all respondents aware of Macanudo and of Bering.

The Measure Of Source Confusion

Only those who had previously heard of Cohiba cigars could potentially be affected by prior associations with this name if they were to be exposed to a box of General Cigar's Cohiba cigars. For the purposes of this study, only those who volunteered that Cohiba cigars were made in Cuba (regardless of where else they thought the cigars were made) could potentially be confused to think that the General Cigar Cohiba cigars are related to the same source as the Cohibas from Cuba.

Consequently, the pictures of General Cigar's Cohiba cigars were shown only to the premium buyers who were aware of Cohiba and who also said Cohiba cigars were made in Cuba (or Cuba and elsewhere). However, the number of those in this group who are source confused is percentaged against all those aware of Cohiba, whether or not they thought that Cohibas are made in Cuba.

As indicated in the section "General Comments On Producer Country Data", there might have been respondents who were discouraged from volunteering that Cohiba cigars are made in Cuba because they weren't sufficiently confident of that response or because there was no stimulation of their recollection. To the extent this may have occurred it would have kept some respondents from being exposed to the General Cigar box and potentially indicating source confusion between that product and Cohiba cigars from Cuba.

As indicated in the Study Design Overview Section, two different sets of pictures of the box for the General Cigar Cohiba cigars were used. The results obtained for each set were extremely similar, and well within statistical sampling tolerance, and therefore have been combined.

(See Summary Table 6)

Overall Source Confusion

Over 54% of those exposed to the pictures of the General Cigar Cohiba cigars thought there was a source connection between these cigars and Cohiba cigars from Cuba.

Considering all of the premium buyers who are aware of Cohiba, more than 20% (20.4%) indicated that they thought there was a source connection between the company that makes the displayed Cohiba cigars and the company that makes Cohiba cigars from Cuba (Males only: 21%, Gender weighted: 21%). This estimate rises to close to 25% when looking at those who will buy premium cigars priced at $120 or more.

(See Summary Tables 6,7 and
Methodology Detail Page 38)

The more than 20% source confusion level is made up of about 10% who indicated that they thought the two products were made by the same company and about 7% who thought the two companies were affiliated, associated or had a business connection with each other. Close to an additional 4% thought that one of the makers of Cohiba cigars got authorization or permission from the other maker to use the name Cohiba. *

(See Summary Table 7)

As would be expected, the reasons cited for thinking the companies were the same or were affiliated, associated or had a business connection with each other related largely to the Cohiba name used on both products. 16 of the 114 reasons involved a comment relating to the use of the Dominican Republic cigars to overcome U.S. trade sanctions against Cuba.

(See Summary Table 8)

* If an affirmative answer was given to the first or second question the other source questions were not asked.

The source confusion tally excludes 9 respondents who answered one of the two questions affirmatively, but who gave no reason or gave a reason not appropriate for confusion when asked why they thought the two products were made by the same company or that the companies were affiliated, associated or connected with each other.

Of the 25 respondents who thought one company gave the other company authorization or approval to use the name Cohiba, 20 thought the approval was given by the maker of the Cuban Cohibas, 4 thought it was given by the maker of the cigars they were shown and 1 did not know who gave the approval.

VII. Summary Tables

SUMMARY TABLE 1

ANTICIPATED CIGAR PURCHASES IN NEXT 12 MONTHS *

(By current cigar smokers)

(Price shown is the highest price to be paid by the respondent)

	All Respondents #	All Respondents %
Base = Cigar Smokers	1873	100.0
Will very likely buy cigars in next 12 months:		
For personal use	1680	89.7
$65 or more per box	(842)	(45.0)
$120 per box or more	(403)	(21.5)
$235 per box or more	(112)	(6.0)
As a gift/use at special event	970	51.8
$65 or more per box	(632)	(33.7)
$120 per box or more	(294)	(15.7)
$235 per box or more	(111)	(5.9)
Either for personal use or as a gift/use at special event	1773	94.7
$65 or more per box	(960)	(51.3)
$120 per box or more	(480)	(25.6)
$235 per box or more	(165)	(8.8)

* Based on the following questions:

Q. 5. Do you smoke cigars? .Yes .No

Q. 6. Within the next 12 months, are you very likely to buy cigars for yourself? .Yes .No .Not sure

Q. 7. (IF YES) Thinking about the cigars you will buy for yourself within the next 12 months, please indicate intowhich of the price categories those cigars would fall. This should be based on what you will most likely pay for a box of 25 cigars or for each cigar that you will buy for yourself. (Select as many as apply)

Under $35 for a box of 25 cigars/ under $1.50 per cigar
$35-$64 for a box of 25 cigars/ $1.50- $2.80 per cigar
$65-$99 for a box of 25 cigars/ $2.81- $4.34 per cigar
$100-$119 for a box of 25 cigars/$4.35- $5.24 per cigar
$120-$234 for a box of 25 cigars/$5.25-$10.30 per cigar
$235-$349 for a box of 25 cigars/$10.31-$15.35 per cigar
$350 or more for a box of 25 cigars/ $15.36 or more per cigar

Q. 9. Within the next 12 months are you very likely to buy cigars as a gift for someone else or to use at a special event? .Yes .No .Not sure

Q. 10. (IF YES) Thinking about the cigars you will buy as a gift for someone or to use at a special event within the next 12 months, please indicate into which of the price categories those cigars would fall. This should be based on what you will most likely pay for a box of 25 cigars or for each cigar that you will buy as a gift. (Select as many as apply) (Same price list as Q. 7.)

SUMMARY TABLE 2

ANTICIPATED CIGAR PURCHASES IN NEXT 12 MONTHS*

(By current cigar smokers)

	% Of All Cigar Smoker In This Group	% Of Cigar Smokers In A Group Who Will Buy Premium Cigars *	% of Premium Buyers In A Group Who Will Buy Cigars At $120+ a Box *
Base = Cigar Smokers	(1873)	(960)	(480)
	(100%)	51	50
Household Income			
Under $30M	(15)	28	47
$30-$49,999	(29)	44	49
$50-$74,999	(23)	54	46
$75-$99,999	(13)	67	41
$100-$149,999	(8)	68	62
$150M +	(4)	88	74
No answer	(8)	51	54
Education			
High school or less	(15)	28	35
Some college	(44)	48	48
College graduate	(41)	63	54
Age			
21-24	(10)	60	50
25-34	(31)	61	55
35-49	(42)	50	46
50+	(17)	32	46
Gender			
Males	(77)	53	51
Females**	(23)	47	47

* Includes cigars to be bought for their own use or as a gift or for a special event.

** Females overrepresented due to higher cooperation rates. See Methodology Detail section.

SUMMARY TABLE 3

AWARENESS OF COHIBA AND SELECTED CIGARS*
(By current cigar smokers who are future purchasers of premium cigars)

	All Respondents	Men	Highest price will buy next 12 months: $120+	$65-119	$120-234	$235+
Base = Premium Cigar Buyers	(960) 100.0%	(753) 100.0%	(480) 100.0%	(480) 100.0%	(315) 100.0%	(165) 100.0%
Heard of:						
Premiums**						
Cohiba	72.2	75.2	77.9	66.5	76.5	80.6
Macanudo	83.2	85.4	87.7	78.8	88.6	86.1
Arturo Fuente	74.1	77.3	80.0	68.1	78.1	83.6
Bering	44.2	49.1	47.5	40.8	47.3	47.9
La Aurora	31.3	31.7	33.3	29.2	31.7	36.4
Bances	21.3	22.3	22.1	20.4	21.3	23.6
Non-Premiums						
King Edward	83.5	85.8	82.9	84.2	84.4	80.0
White Owl	70.7	75.0	70.0	71.5	72.1	66.1

* Based on the following question:

Q. 11. Listed below are the names of several cigars that you may or may not have of before. For each cigar listed, please indicate whether you have heard of it, whether you have not heard of it, or whether you are not sure. (Select one answer in each row)

** Sales ranking of premium brands in 1998 in the U.S.: Macanudo (1), Arturo Fuente (2), Bering (7), La Aurora (45), Bances (50). Source: Cigar Insider May 1999, covering 1998

SUMMARY TABLE 4

WHERE PRODUCTS ARE THOUGHT TO BE MADE *
(By current cigar smokers who are future purchasers of premium cigars)

	All Respondents	Men	Highest price will buy next 12 months: $120+	$65-119	$120-234	$235+
WHERE COHIBA IS MADE, AMONG THOSE AWARE OF COHIBA						
Base = Premium Cigar Buyers Aware Of Cohiba	(693) 100.0%	(566) 100.0%	(374) 100.0%	(319) 100.0%	(241) 100.0%	(133) 100.0%
Do not know where made	43.4	39.8	34.0	54.5	36.9	28.6
Cuba	38.8	41.5	47.6	28.5	44.4	53.4
Dominican Republic	29.9	33.0	35.0	23.8	36.1	33.1
All other mentions	8.1	8.3	9.4	6.6	8.7	10.5
WHERE MACANUDO IS MADE AMONG THOSE AWARE OF MACANUDO AND COHIBA						
Base = Premium Cigar Buyers Aware of Macanudo & Cohiba	(637) 100.0%	(531) 100.0%	(350) 100.0%	(287) 100.0%	(228) 100.0%	(122) 100.0%
Do not know where made	47.6	45.2	40.6	56.1	41.2	39.3
Cuba	4.2	4.5	4.0	4.5	5.3	1.6
Dominican Republic	28.7	29.6	33.7	22.6	33.8	33.6
Jamaica	12.2	13.7	16.9	6.6	17.5	15.6
Honduras	6.3	6.4	6.9	5.6	4.8	10.7
All other mentions	8.3	8.1	8.0	8.7	7.5	9.0
WHERE BERING IS MADE AMONG THOSE AWARE OF BERING AND COHIBA						
Base = Premium Cigar Buyers Aware Of Bering & Cohiba	(352) 100.0%	(314) 100.0%	(197) 100.0%	(155) 100.0%	(125) 100.0%	(72) 100.0%
Do not know where made	81.5	81.5	78.7	85.2	76.8	81.9
Cuba	**		**		**	
Dominican Republic	4.3	3.8	4.6	3.9	5.6	2.8
Honduras	8.0	8.0	9.1	6.5	8.0	11.1
All other mentions	8.2	8.9	9.6	6.5	11.2	6.9

* See Summary Table 5 for format of questions these responses are based on.

** One respondent

SUMMARY TABLE 4a

WHERE COHIBA IS THOUGHT TO BE MADE *
(By current cigar smokers who are future purchasers of premium cigars)

	All Respondents	Highest price will buy next 12 months $120+
WHERE COHIBA IS MADE, AMONG THOSE AWARE OF COHIBA		
Base = Premium Cigar Buyers Aware Of Cohiba	(693) 100.0%	(374) 100.0%
Do not know where made	43.4	34.0
Cuba **	38.8	47.6
Cuba but not Domin. Republic	22.7	27.3
Cuba and Domin. Republic	16.2	20.3
Dominican Republic **	29.9	35.0
Domin. Republic but not Cuba	13.7	14.7
Domin. Republic and Cuba	16.2	20.3

* Based on Q. 13 See Summary Table 5 for question wording.

** A tabulation of the overlap of Cuba and Dominican Republic responses to Q. 13 was not run for the 13 respondents (8 in the $120+ group) who wrote in Cuba for Q.13 but did not check Cuba in Q. 18. As a consequence, the results shown above for "Cuba but not Domin. Republic" and "Domin. Republic but not Cuba" are each equally probably slightly overstated, by likely less than one percentage point. The two other categories which involve mentions of both Cuba and the Dominican Republic would be understated by a like amount.

SUMMARY TABLE 5

AWARENESS OF COHIBA
AND IT BEING MADE IN CUBA AND/OR THE DOMINICAN REPUBLIC *
(By current cigar smokers who are future purchasers of premium cigars)

	All Respondents	Men	Highest price will buy next 12 months			
			$120+	$65-119	$120-234	$235+
Base = Premium Cigar Buyers	(960) 100.0%	(753) 100.0%	(480) 100.0%	(480) 100.0%	(315) 100.0%	(165) 100.0%
Have heard of Cohiba	72.2	75.2	77.9	66.5	76.5	80.6
Think Cohiba made in Cuba (or Cuba and elsewhere)	28.0	31.2	37.1	19.0	34.0	43.0
Think Cohiba made in Dominican Republic (or DR and elsewhere)	21.6	24.8	27.3	15.8	27.6	26.7

* Based on the following questions:

Q. 11 Listed below are the names of several cigars that you may or may not have of before. For each cigar listed, please indicate whether you have heard of it, whether you have not heard of it, or whether you are not sure. (Select one answer in each row)

Q. 12. Do you know in which country or countries COHIBA cigars are made? . Yes .No

Q. 13. Please write in the name of the country or countries where you think COHIBA cigars are made. If you don't know, please check the don't know box.

. COHIBA cigars are made in _____
. Don't know

SUMMARY TABLE 6

SOURCE CONFUSION BETWEEN COHIBA CIGARS FROM CUBA AND CIGARS SHOWN *

(By those aware that Cohiba cigars are made in Cuba)

	All Respondents Shown Pictures	Pictures Seen Open Box	Pictures Seen Closed Box
Base = Those Shown Pictures Of General Cigar Cohiba Box	(256) 100.0%	(120) 100.0%	(136) 100.0%
Indicated source confusion between Cohiba cigars from Cuba and General Cigar Cohiba cigars shown:	54.3	54.2	54.4
Both made by same company **	26.2	26.7	25.7
Companies have an affiliation, association or business connection **	18.4	15.8	20.6
One company gave authorization or approval for other company to use Cohiba name	9.8	11.7	8.1

* Based on the following questions:

Q. 19. Do you think that COHIBA cigars from Cuba and the cigars shown above are made by the same company, are made by different companies, or don't you know.

Q. 23. IF SAME COMPANY) Please tell what makes you think they are made by the same company.

Q. 25. Do you think that the company that makes COHIBA cigars from Cuba and the company that makes the cigars shown above do or do not have an affiliation, association, or business connection with each other or don't you know?

Q. 26. (IF DO HAVE) Please tell what makes you think they have an affiliation, association or business connection with each other.

Q. 27. Thinking again about the company that makes COHIBA cigars from Cuba and the company that makes the cigars shown above, do you think that one of these companies.
- Got authorization or approval from the other company to use the name Cohiba
- Did not get authorization or approval from the other company to use the name Cohiba
- Don't know

Q. 29. (IF GOT) Which of the two companies do you think gave authorization or approval or don't you know?
- The company that makes Cohiba cigars from Cuba
- The company that makes the cigars shown above
- Don't know

Note: Wording of these various questions was randomly rotated across respondents. See Methodology Section.

** Excludes 9 respondents who gave no reason or gave a reason not appropriate for confusion.

SUMMARY TABLE 7

SOURCE CONFUSION BETWEEN COHIBA CIGARS FROM CUBA AND CIGARS SHOWN *

(By current cigar smokers who are future purchasers of premium cigars and are aware of Cohiba)

	All Respondents	Men	Highest price will buy next 12 months			
			$120+	$65-119	$120-234	$235+
Base = Premium Cigar Buyer Aware of Cohiba*	(680) 100.0%	(554) 100.%	(366) 100.0%	(314) 100.0%	(236) 100.0%	(130) 100.0%
Indicated source confusion between Cohiba cigars from Cuba and General Cigar Cohiba cigars shown to them:	20.4	21.1	24.6	15.6	25.0	23.8
Both made by same company **	9.9	10.5	11.7	7.6	11.9	11.5
Companies have an affiliation, association or business connection **	6.9	7.0	8.2	5.4	8.9	6.9
One company gave authorization or approval for other company to use Cohiba name	3.7	3.6	4.6	2.5	4.2	5.4

* Base does not include 13 respondents who said Cohiba cigars were made in Cuba in Q. 13 but did not check Cuba in Q. 18. Of the 13, 12 were men, 5 were in the $65-$119 group, 5 in the $120-$234 group and 3 in the $235+ group.

** Excludes 9 respondents who gave no reason or gave a reason not appropriate for confusion.

SUMMARY TABLE 8

VERBATIM COMMENTS
BY RESPONDENTS WHO WERE CLASSIFIED AS SOURCE CONFUSED
BETWEEN COHIBA CIGARS FROM CUBA AND THE CIGARS SHOWN TO THEM

On the following pages are shown the reasons given for thinking that the Cohiba cigars from Cuba and the cigars shown the respondent are made by the same company (Q. 23) or the makers are affiliated, associated or have a business connection with each other (Q. 26).

Nine respondents indicated confusion but either offered no reason or gave a reason not appropriate for confusion. These respondents are not tallied as source confused.

ID	Q23
40014	The logo, the shape/shape color and packaging - also know that some Cohibas are made outside Cuba
40051	The name is unique and think separate patents/rights for use of same logo would be diffiicult
40098	same name
40109	The labeling rights
40151	Same name
40203	brand name
40207	They have the same brand name. I think they manufacture in two countries because of trade sanctions imposed on Cuba by the United States.
40299	Cohiba is the overall brand and although they are made in diffeent companies, they can still be the same parent company.
40331	Same name, but different factories
40392	Same Logo and Known Brand Name
40408	same logo and name
40427	Common sense
40437	same company, different manufacturing sites
40482	cant sell direct to US due to contraban laws so if theymake them in dominican can sell them to us
40492	Same brand name, must be the same company.
40516	Same logo, labeling
40609	the name
40622	Same name, same tobacco, just grown in different countries and manafactured in different countries
40705	name, label on cigar & box
40751	Real Cuban Cohibas, are made in Cuba but cannot be imported to the USA. The Cohibas we get here are from the Dominican Republic
40788	General information from friends that smoke cigars I believe that I have read about it.
40802	Labels (rings) I've seen look the same.
40850	The only difference is teir country of origin.
40853	Beacause Americans have a trade embago with Cuba, it would make sence to utilise the success of the Cuban Cohiba and manufactuer it from a different country that allow importing into the USA, thus the company does not lose sales and bypasses the embargo.
40854	Marketing Strategy, Brand name versus off brand pricing
40910	I think that these are the Cohiba cigars and they are actually from the Dominican Republic.
40922	I think they are made buy the same company but with diffrent grades of tobacco
40925	It is a quality cigar no matter which country it is made in
40966	Cohiba cigars set up business in the Dominican Republic to capture the US market under the guise of a Cuban cigar.
40969	memory, and the stenciling!
40975	Same name, produced separately to sell to US

ID	Q23
41010	I would assume the brand name would be specific to one company. Also I've seen the collar for both the Dominican and Cuban cigars and they seem to have the same logos.
41069	They look alike
41070	Cuban cigars all have 'Habana' written somewhere on the band. The ones pictured are mfg'd. in the Dominican Republic. Since real Cuban cigars are not permitted in the USA, the cuban seed is planted and harvested in the DR, and then sold in the USA.
41075	Same wrapper
41081	cohiba is a registered trademark
41085	They are made by COHIBA COMPANY
41108	The size, look and the three rings around the band
41122	same name - cohiba
41198	same design and name style
41213	Can't use the name unless the companies are related
41218	The company expanded into Cuba. The product looks and tastes the same
41232	Cigars made in Cuba cannot be exported to the USA. Cigars made in the Dom. Rep., can.
41323	the boxes are similar
41329	They have the same brand name.
41343	same name,alot of cuban seed in the dominican republic
41380	The cigar band and the imprint on the bottom of the box.
41394	trademarked name
41415	You can make cigars in places other than Cuba.
41422	name of distributor
41458	Even though the tobaccos that are used in the cigars are grown in different countries, the cohiba name is controlled by one company.
41480	Because real Cohiba's are made in Cuba, however since they cannot be imported into the US, they also make them from the Dominican Rep.
41503	brand name
41543	Cohiba cigars are made in the Dominican Republic, not Cuba
41645	I've seen them both in the same shop in Mexico-Same Trademark
41655	They have the same name and label.
41687	Similar logo
41690	same band, same branding, it may be licenced out but I suspect its the same holding company or corporation
41697	U.S. Embargo
41704	Same name/quality
41715	I was not correct, they are made in Santo Domingo
41733	same name

ID	Q23
41782	i have read about that
41784	Logo looks the same
41812	cigar name
41842	Same name & company logo
41873	Cohiba has factories in many countries

ID	Q26
40162	Same label, same name, and you can't sell the Cuban ones in the U.S.
40280	It seems perhaps the same people made Cigars in Cuba and due to trade embargos that they moved some operations to the Dominican Republic to keep some market share, but have since probably split up.
40325	Copyright laws would prohibit. I believe it is a way for the Cohiba Co to avoid the Cuba Embargo
40348	the name is the same and si is the style of the cigar
40404	trademark is similar
40425	I think they use the same seed or plants.
40443	Talking with Cigar shop owners, other cigar smokers
40444	name
40471	licensing agreement
40490	Same packaging, just a way of legally selling in US
40534	use of the same name
40554	same trademark name and logo
40565	The Dominican company uses Cuban seed grown on Dominican soil.
40709	consolidated
40734	same name
40741	trademark rights
40753	I imagine some of the people that worked with or owned the Cuban company now own or participate in the Domincan company
40835	THEY ARE MADE IN THE SAME COUNTRY, BOXES LOOK SIMILAR, SAME TYPE FONT, ETC.
40836	Use of the name Cohiba
40858	name brand
40860	Sare the same name
40874	same logo
40901	name
40951	The Name
40970	cohiba is illegal is US, another company makes the dominican republic cigars to import to US
41125	name only
41173	well there claiming that there the same cigars, and the same company. i'm assuming that there would be a lawsuit if one used the name and reputation of the other for self benifit
41202	The use of the name Cohiba
41214	because of the seed
41221	Same name, logo
41250	Same name
41280	The vrand name Cohiba
41325	to trade with countries that have trade embargos against Cuba

ID	Q26
41354	I would think that international law would require the same product marketed under the same name to have at least an affiliation with each other
41411	ONE WOULD NOT BE ABLE TO MARKET A SIMILAR PRODUCT USING THE SAME NAME WITHOUT SOME SORT OF AFFILIATION
41423	If I remember correctly, I seem to remember Dominican Cohibas being made from Cuban cohiba seed.
41599	I think it is through an ownership association
41620	use of cigar name
41629	I don't think that Cohiba from Cuba would let anyone else use their name unless they were working together in some way.
41667	large company, many different customers
41686	they are grown with seeds from cuba
41718	family affiliation before castro
41763	nearly identical packaging
41764	Cohiba were made in Cuba. When the communist revolution took place some family members fled to D.R.
41768	Same Logo, Cuban Immigrants came to Dominican Republic for Political Assylum
41816	the both use the same name and lable
41882	they are the same

VIII. Methodology Detail

VIII. METHODOLOGY DETAIL

Use Of An Internet Panel

Internet panels are increasingly being used by companies to conduct surveys to aid business decision making. Use of such a panel to address the issues of this study was both practical and reasonable because it could fulfill the difficult requirements of obtaining a relatively large and geographically dispersed sample of a very small proportion of the population (it was assumed that perhaps 2% of adults were premium cigar smokers), who are predominantly male, with an upward income skew and some of whom needed to be shown a picture then immediately questioned about it.

An Internet panel is limited to those who are connected to the Internet. However survey methods typically used for addressing consumer product trademark issues are limited to a certain selected proportion of the population. (Mall intercept surveys are limited to those who visit malls with interviewing facilities, telephone surveys to those at home to answer the phone or those who do not screen calls via their answering machine.) With the great increase in Internet usage it is presently estimated that perhaps 45% of homes have an Internet connection, with the proportion increasing as household income rises. Of those with household incomes of $75M or more it is estimated that perhaps 80% are Internet connected. It is estimated that half of the adults in the U.S. are Internet users either at home, at school, at work or elsewhere. Thus, while not all premium cigar smokers are Internet connected it is likely that a very substantial proportion are and use of such people as respondents would provide a reasonable estimate of the measures sought in this study.

Regardless of survey method used, potential qualified respondents decide whether or not they will cooperate. The use of a panel of people who agree to cooperate in some studies facilitates the conduct of studies and it is not felt that panel participation would have any meaningful effect on responses relating to the topics covered in this study.

Sample of Respondents Participating In The Survey

To maximize the odds of reaching cigar smokers and to avoid a massive solicitation effort, advantage was taken of the fact that about 24,000 Greenfield Online panelists, who had joined the panel since July 1998, had indicated via completion of a general screening questionnaire when they joined the panel, that someone in their household had used a cigar or pipe within the prior 12 months. While many of these may be pipe smokers or only occasional cigar smokers and even people who no longer smoke cigars it was felt the group would contain considerably more current cigar smokers than would a general sample from the panel. Consequently, e-mail solicitations were sent to about 15,000 of these households.

On their own initiative, Greenfield Online sent out the same e-mail solicitation to a sample of about 10,000 panelists who were 21 or older, had joined the panel since July 1998 and were not included among the 24,000 panelists noted above. Examination of the survey responses obtained from the two samples indicated a general pattern of similarity in regard to premium cigar purchasing information.

There were some differences between the two samples in regard to the key measures in the study. However, due to the relatively small number of qualified premium cigar buyers generated by the Greenfield initiated sample the differences in regard to awareness of Cohiba cigars being made in Cuba (or Cuba and elsewhere) and in the source confusion level were well within statistical sampling tolerances. (If 2 or 3 in the Greenfield initiated sample had given different answers the two samples would have produced the same results on these key measures).

Although the difference between the two groups in regard to the Cohiba awareness level is on the edge of statistical significance it should be noted that:

a. The rank order of awareness of the six premium brands is the same in both samples.
b. The awareness level of Arturo Fuente, the second best selling premium, is also lower in the non-screened sample. In both samples, awareness of Cohiba is less than three points below Arturo Fuente.
c. There is no Cohiba awareness difference between the two samples among $120+ buyers.

Consequently, responses of the two samples have been combined and are shown in the Summary Tables and in the appended Computer Tables. Responses of the two separate samples are available. Following is a comparison of the key measures and the sample size for each measure.

	Screened Sample		Non Screened Sample	
	%	#	%	#
Premium Cigar Buyers- $65 or more	100.0	(849)	100.0	(111)
Aware of Cohiba	73.3	(622)	64.0	(71)
Aware of Cohiba Made In Cuba	28.3	(240)	26.1	(29)
Premium Cigar Buyers- $120 or more	100.0	(426)	100.0	(54)
Aware of Cohiba	77.7	(331)	79.6	(43)
Aware of Cohiba Made In Cuba	36.9	(157)	38.9	(21)
Aware of Cohiba	100.0	(609)*	100.0	(71)
Source Confused	20.9	(127)	16.9	(12)

* Base does not include 13 respondents who said Cohiba cigars were made in Cuba in Q. 13 but did not check Cuba in Q. 18.

Male Versus Female Cigar Smokers

Females are overrepresented among the premium cigar smokers in this study due to the generally greater likelihood of females to cooperate in these studies than males. In the study somewhat less than 22% of those who smoke cigars and will buy premium cigars are female. Geenfield Online's rule of thumb, based on their experience, is that if cooperation is solicited from a sample of half males/half females the responses received will be 60/40 female. On the assumption that this rule applies to panelist's willingness to cooperate on a specific study such as this one, as well as the willingness of other household members to do so, then based on study results, it is estimated that females comprise about 11% of the premium cigar population sampled by this study. *

In the Greenfield non-screened sample the split of qualified respondents was 15.3% females 84.7% males. Dividing these percents by the relative cooperation rates noted above produces a female/male ratio of 10.7/89.3, which represents an estimate of the male/female split of the population from which the survey cooperators were drawn. (Divide the female % of 15.3 by .6 to produce 25.5. Then divide the male percent of 84.7 by .4 to produce 211.8. Add the two resulting figures and repercentage to produce the population split estimate.)

Since respondents from the prescreened panel were involved in the screening phase and then the survey the greater tendency of females to cooperate must be compensated for twice. As a result, the 22.3% of qualified respondents in this sample of the survey who are females would be reduced to 11.2% if the 60/40 cooperation rule were applied twice, as shown above.

To produce the 11/89 female/male gender weighted proportions, each female's response is weighted by .4493 while each male response is weighted 1.0.

* Information given to Mr. Ossip by the Simmons National Survey indicates that in a recent study women accounted for 11% of the 660 smokers of regular cigars.

There are meaningful differences in some of the responses of males versus females. The females are generally less aware of premium cigar brands and of countries of origin.** The data below compare the responses of males and females for certain key measures and the effect if the sample were balanced by sex. Some of the Summary Tables show results for the men in the survey. The Computer Tables in the Appendix permit a more detailed comparison of male versus female responses.

	Males	Females	Total Sample	Gender Weighted Sample
% Aware of Cohiba	75.2	61.4 *	72.2	73.6
% Of Those Aware Thinking Cohiba Made in Cuba (or Cuba and elsewhere)	41.5	26.8 *	38.8	40.2
Think Cohiba Made In Cuba (or Cuba and elsewhere) As % Of All Premium Buyers	31.2	16.4 *	28.0	29.6
Confused As % Of All Aware Of Cohiba	21.1	17.5	20.4	20.7

* Statistically significant difference between males and females

** While the data above is only for Cohiba the same pattern would generally apply to the other premium cigar brands asked about.

Soliciting Cooperation

Panelists solicited for cooperation in this survey were sent an e-mail explaining that a cigar survey was being conducted and asking them to cooperate if they were a cigar smoker and over 21 years of age. If they were not, they were asked to seek the cooperation of any other household member who would meet these qualifications. Those who qualified and completed the survey would be offered a chance by Greenfield to win an incentive, common procedure with an Internet panel. A total of 231 prizes with a combined value of $1500 was offered.

Internet Procedures

To gain access to the survey on their computer a panelist went to the Greenfield Internet site address appearing in the e-mail solicitation. They then had to enter the e-mail address with which they were registered at Greenfield Online. A second questionnaire could not be completed using the same e-mail address.

The first question then appeared on the screen. After a question was answered the respondent clicked the "Next" button on the screen in order to have the next question appear. If the "Next" button was clicked before the question was answered an appropriate reminder message appeared on the screen. The respondent was not permitted to go back to a question already answered. One question at a time appeared on the screen except in the demographic section and when asked about cigar and pipe smoking. When the questionnaire was completed a "Submit" button was clicked on the screen to send the answers to Greenfield. If a respondent did not answer a question within a fifteen-minute time period the survey disappeared from the screen and was not retrievable.

The Questionnaire

The first two questions in the survey, followed industry practice, and were used to eliminate potential respondents who had participated in a survey involving cigars in the past six months or who work or have a household member who works in an occupation that might give them special access to information about cigars. In addition, those under 21 were excluded.*

Those who then indicated they were cigar smokers were asked two questions to determine whether they were very likely to buy cigars for themselves or as a gift or use at a special event within the next 12 months. A "Not sure" option was included in these questions along with the "Yes" and "No". Those who answered "Yes" were asked to indicate what they would most likely pay for these cigars. Seven price categories were provided with prices shown for a box of 25 cigars as well as the comparable prices on a per-cigar basis. (The latter prices were roughly 10% higher than the per-cigar cost of a full box.) Respondents had the option of checking more than one price category.

Those respondents checking a price category of $65 per box or more in response to either question were categorized as premium buyers and continued with the study. All other respondents were only asked for demographic information. Those who would buy premium cigars for their own use were asked to check off the amount of such cigars that they were likely to buy in the next year.

* A 21 year cut off was used so as not to appear to encourage smoking. The minimum age for purchasing tobacco products in some states is 19. Some organizations that solicit survey cooperation from large numbers of people, such as Polks, use the 21 age cutoff.

The future premium buyers were then shown the names of 6 premium and 2 non-premium cigars and asked to indicate whether or not they had heard of each. A "not sure" option was offered. The order in which the names were shown was randomly rotated. The premium cigars included the two top selling brands (as of 1998), the seventh ranked and the 45 and 50th ranked to provide some basis for comparison with the Cohiba awareness level. *

Those respondents who had not heard of Cohiba skipped to the demographic questions. Those who had heard of it were asked if they knew in which country or countries Cohiba cigars were made. If they answered yes, they were asked to write in the country or countries in which they thought Cohiba cigars are made. An opportunity to indicate that they did not know the country was provided in that question. They were also asked the same questions about Macanudo and Bering, if they were aware of these brands. The order in which these three names were asked about was randomly rotated.

Those who had named Cuba as a country in which Cohiba cigars are made were then shown two pictures of a box of General Cigar Cohiba cigars and two of the cigars, which were placed on the box. This was preceded by a statement telling them they were going to see "an image of a box of cigars sold by quality retailers in the United States". Those not naming Cuba went to the demographic questions.

Since the computer could not read whether a respondent had initially typed in Cuba (in Q. 13) it was necessary for the response to be transferred (piped) to another question (Q.18), which contained a list of countries, and the respondent asked to check off the country or countries they had previously written in. This then permitted the computer to determine whether the respondent should be shown the box pictures (if they had entered Cuba) or be skipped to the demographic questions.

Analysis of responses to the two questions indicated that 13 respondents who had initially answered that Cohiba cigars were made in Cuba failed to check Cuba on the list. These 13 respondents were not shown the pictures and are excluded from the base of respondents used to tally source confusion. Nine respondents who had not previously volunteered Cuba nevertheless checked it on the subsequent list. These 9 viewed the cigar box pictures but their responses were not included in the confusion tally although they were counted in the base of total respondents.

* Source: Cigar Insider May 1999, covering 1998

After viewing the cigar box pictures of the General Cigar Cohiba cigars, respondents were asked a series of questions to determine whether or not there was source confusion between the cigars they viewed and Cohiba cigars from Cuba. (Each of these respondents had indicated that they thought Cohiba cigars were made in Cuba (or Cuba and elsewhere). The specific questions asked covered three relevant areas of potential source confusion:

- Thinking they were made by the same company.
- Thinking that the two makers have an affiliation, association or business connection with each other.
- Thinking that one of the companies that makes Cohiba cigars got authorization or approval from the other maker to use the name Cohiba.

When each of these questions was asked a positive and negative option was offered along with a "Don't know". For the first of these questions the option of "different companies" preceded the option of "same company" half the time. The two cigars were referred to as "Cohiba cigars from Cuba" and "the cigars shown above". In half the interviews one of these was mentioned first in each of the questions and in the other half of the interviews it was mentioned second.

If a respondent answered "same company" to the first question they were asked to write in what made them think so. They were not asked the other source questions. The same procedure applied if a respondent answered that that the companies do have an affiliation, association or business connection. If a respondent answered that "one of these companies got authorization or approval from the other company to use the name Cohiba" they were asked to indicate which company gave authorization or approval. A "Don't know" option was offered in that question.

Mr. Ossip reviewed the reasons offered by respondents, when either the first or second question was answered affirmatively. A total of nine respondents are not included in the tally of those classified as source confused either because they did not provide a reason for their answer or the reason given was not appropriate for confusion.

Pictures Shown to Respondents

Two different picture sets were randomly rotated. About half of those shown a picture set saw the top of the closed box of General Cigar's Cohiba cigars, on which was placed two of the cigars, and the bottom of the closed box. The rest of the respondents saw a picture of the opened box with two of the cigars placed on the top part of the opened box. (This part looked like the top of the closed box.) The bottom part of the opened box had a promotional flyleaf covering the cigars. They also saw the bottom of the closed box.

Each time a question relating to source was asked it was preceded by the showing of the appropriate pictures. To insure that a very clear image of these pictures was transmitted, at the end of the source questions the picture of the top of the box or of the flyleaf in the opened box was shown again to those who originally saw it and the respondent was asked to type the words they saw on a specified line in the picture. The line chosen for the closed box was the one involving the small print: "Santiago, La Republica Dominica" from the top of the box. For those seeing the opened box, the eighth line of the flyleaf was selected ("have been the most exquisite...).

All respondents instructed to type in the words from the top of the box typed in the appropriate words. While a few respondents typed in words from other than the eighth line of the flyleaf only two respondents indicated by their response difficulty in reading the line from the flyleaf. These two respondents were not tabulated in the study.

The foregoing constitutes my findings and opinions in this matter. The fee to be received by the undersigned is at the rate of $400 per hour for time spent on this project, regardless of the specific activity.

Alvin Ossip

Computer Tables

APPENDIX A

TABLE HEADINGS OF COMPUTER TABLES THAT FOLLOW

Total = Responses of all those respondents asked the specific question

$65 or higher/$120 or higher/$235 or higher = respondents who are very likely to buy cigars in this price category, within the next twelve months, for their own use or as a gift or for a special event.

$65 or higher/ $120 or higher/$235 or higher/ saw image = Those very likely to buy cigars in this price category who were aware of Cohiba and volunteered that these cigars were made in Cuba (or Cuba and elsewhere) (These respondents were shown the picture of the General Cigar Cohiba box.)

For questions after Q. 18 the tables exclude 13 respondents who volunteered Cuba in response to Q. 13, but did not check Cuba in Q. 18.

Female = Columns headed "Female" pertain only to the females in the sample. All other columns show the total of males and females. Subtracting the "Females" from the "Total", for comparably headed columns, will provide the data for "males only".

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CIGAR STUDY (#685)
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Page	Table	Title	Total
1	1	Q5. DO YOU SMOKE CIGARS?	0
2	2	Q6. WITHIN THE NEXT 12 MONTHS, ARE YOU VERY LIKELY TO BUY CIGARS FOR YOURSELF?	0
3	3	Q7. THINKING ABOUT THE CIGARS YOU WILL BUY FOR YOURSELF WITHIN THE NEXT 12 MONTHS, PLEASE INDICATE INTO WHICH OF THE PRICE CATEGORIES THOSE CIGARS WOULD FALL.	0
5	4	Q8. CONSIDERING ONLY THE CIGARS YOU WILL BUY FOR YOURSELF THAT COST AT LEAST $65 OR MORE FOR A BOX OF 25 CIGARS/$2.81 OR MORE PER CIGAR, ABOUT HOW MANY OF THESE CIGARS WILL YOU LIKELY BUY IN THE NEXT 12 MONTHS?	0
6	5	Q9. WITHIN THE NEXT 12 MONTHS, ARE YOU VERY LIKELY TO BUY CIGARS AS A GIFT FOR SOMEONE ELSE OR TO USE AT A SPECIAL EVENT?	0
7	6	Q6/9. WITHIN THE NEXT 12 MONTHS, ARE YOU VERY LIKELY TO BUY CIGARS FOR YOURSELF OR FOR SOMEONE ELSE?	0
8	7	Q10. THINKING ABOUT THE CIGARS YOU WILL BUY AS A GIFT FOR SOMEONE ELSE OR TO USE AT A SPECIAL EVENT WITHIN THE NEXT 12 MONTHS, PLEASE INDICATE INTO WHICH OF THE PRICE CATEGORIES THOSE CIGARS WOULD FALL.	0
10	8	Q7/10. THINKING ABOUT THE CIGARS YOU WILL BUY FOR YOURSELF/OR AS A FIGT FOR SOMEONE ELSE, WITHIN THE NEXT 12 MONTHS, PLEASE INDICATE INTO WHICH OF THE PRICE CATEGORIES THOSE CIGARS WOULD FALL.	0
12	9	Q11. FOR EACH CIGAR LISTED, PLEASE INDICATE WHETHER YOU HAVE HEARD OF IT, WHETHER YOU HAVE NOT HEARD OF IT, OR WHETHER YOU ARE NOT SURE. - ARTURO FUENTE -	0
13	10	Q11. FOR EACH CIGAR LISTED, PLEASE INDICATE WHETHER YOU HAVE HEARD OF IT, WHETHER YOU HAVE NOT HEARD OF IT, OR WHETHER YOU ARE NOT SURE. - BANCES -	0
14	11	Q11. FOR EACH CIGAR LISTED, PLEASE INDICATE WHETHER YOU HAVE HEARD OF IT, WHETHER YOU HAVE NOT HEARD OF IT, OR WHETHER YOU ARE NOT SURE. - BERING -	0
15	12	Q11. FOR EACH CIGAR LISTED, PLEASE INDICATE WHETHER YOU HAVE HEARD OF IT, WHETHER YOU HAVE NOT HEARD OF IT, OR WHETHER YOU ARE NOT SURE. - COHIBA -	0
16	13	Q11. FOR EACH CIGAR LISTED, PLEASE INDICATE WHETHER YOU HAVE HEARD OF IT, WHETHER YOU HAVE NOT HEARD OF IT, OR WHETHER YOU ARE NOT SURE. - KING EDWARD -	0
17	14	Q11. FOR EACH CIGAR LISTED, PLEASE INDICATE WHETHER YOU HAVE HEARD OF IT, WHETHER YOU HAVE NOT HEARD OF IT, OR WHETHER YOU ARE NOT SURE. - LA AURORA -	0
18	15	Q11. FOR EACH CIGAR LISTED, PLEASE INDICATE WHETHER YOU HAVE HEARD OF IT, WHETHER YOU HAVE NOT HEARD OF IT, OR WHETHER YOU ARE NOT SURE. - MACANUDO -	0

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Page	Table	Title	Total
19	16	Q11. FOR EACH CIGAR LISTED, PLEASE INDICATE WHETHER YOU HAVE HEARD OF IT, WHETHER YOU HAVE NOT HEARD OF IT, OR WHETHER YOU ARE NOT SURE. WHITE OWL	0
20	17	Q12. DO YOU KNOW IN WHICH COUNTRY OR COUNTRIES COHIBA CIGARS ARE MADE?	0
21	18	Q13. PLEASE WRITE IN THE NAME OF THE COUNTRY OR COUNTRIES WHERE YOU THINK COHIBA CIGARS ARE MADE. IF YOU DON'T KNOW, PLEASE CHECK THE DON'T KNOW BOX.	0
23	19	Q14. DO YOU KNOW IN WHICH COUNTRY OR COUNTRIES MACANUDO CIGARS ARE MADE?	0
24	20	Q15. PLEASE WRITE IN THE NAME OF THE COUNTRY OR COUNTRIES WHERE MACANUDO CIGARS ARE MADE. IF YOU DON'T KNOW, PLEASE CHECK THE DON'T KNOW BOX.	0
26	21	Q16. DO YOU KNOW IN WHICH COUNTRY OR COUNTRIES BERING CIGARS ARE MADE?	0
27	22	Q17. PLEASE WRITE IN THE NAME OF THE COUNTRY OR COUNTRIES WHERE BERING CIGARS ARE MADE. IF YOU DON'T KNOW, PLEASE CHECK THE DON'T KNOW BOX.	0
28	23	Q18. YOU SAID THAT COHIBA CIGARS WERE MADE IN [PIPE FROM Q13A1]. PLEASE CHECK THIS NAME (NAMES) BELOW SO THAT THE COMPUTER CAN TALLY YOUR ANSWER.	0
29	24	SAW IMAGE 1 (OPEN BOX) Q19-22. DO YOU THINK THAT COHIBA CIGARS FROM CUBA AND THE CIGARS SHOWN ABOVE ARE MADE BY THE SAME COMPANY, ARE MADE BY DIFFERENT COMPANIES, OR DON'T YOU KNOW?	0
30	25	SAW IMAGE 1 (OPEN BOX) Q23. PLEASE TELL WHAT MAKES YOU THINK THEY ARE MADE BY THE SAME COMPANY.	0
31	26	SAW IMAGE 1 (OPEN BOX) Q24-25. DO YOU THINK THAT THE COMPANY THAT MAKES COHIBA CIGARS FROM CUBA AND THE COMPANY THAT MAKES THE CIGARS SHOWN ABOVE DO OR DO NOT HAVE AN AFFILIATION, ASSOCIATION, OR BUSINESS CONNECTION WITH EACH OTHER OR DON'T YOU KNOW?	0
32	27	SAW IMAGE 1 (OPEN BOX) Q26. PLEASE TELL WHAT MAKES YOU THINK THEY HAVE AN AFFILIATION, ASSOCIATION, OR BUSINESS CONNECTION WITH EACH OTHER.	0
33	28	SAW IMAGE 1 (OPEN BOX) Q27-28. THINKING AGAIN ABOUT THE COMPANY THAT MAKES COHIBA CIGARS FROM CUBA AND THE COMPANY THAT MAKES THE CIGARS SHOWN ABOVE, DO YOU THINK THAT ONE OF THESE COMPANIES..	0
34	29	SAW IMAGE 1 (OPEN BOX) Q29-30. WHICH OF THE 2 COMPANIES DO YOU THINK GAVE AUTHORIZATION OR APPROVAL OR DON'T YOU KNOW?	0
35	30	SAW IMAGE 1 (OPEN BOX) Q19-22/24-25/29-30	0
36	31	SAW IMAGE 2 (CLOSED BOX) Q19-22. DO YOU THINK THAT COHIBA CIGARS FROM CUBA AND THE CIGARS SHOWN ABOVE ARE MADE BY THE SAME COMPANY, ARE MADE BY DIFFERENT COMPANIES, OR DON'T YOU KNOW?	0

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Page	Table	Title	Total
37	32	SAW IMAGE 2 (CLOSED BOX) Q23. PLEASE TELL WHAT MAKES YOU THINK THEY ARE MADE BY THE SAME COMPANY.	0
38	33	SAW IMAGE 2 (CLOSED BOX) Q24 25. DO YOU THINK THAT THE COMPANY THAT MAKES COHIBA CIGARS FROM CUBA AND THE COMPANY THAT MAKES THE CIGARS SHOWN ABOVE DO OR DO NOT HAVE AN AFFILIATION, ASSOCIATION, OR BUSINESS CONNECTION WITH EACH OTHER OR DON'T YOU KNOW?	0
39	34	SAW IMAGE 2 (CLOSED BOX) Q26. PLEASE TELL WHAT MAKES YOU THINK THEY HAVE AN AFFILIATION, ASSOCIATION, OR BUSINESS CONNECTION WITH EACH OTHER.	0
40	35	SAW IMAGE 2 (CLOSED BOX) Q27-28. THINKING AGAIN ABOUT THE COMPANY THAT MAKES COHIBA CIGARS FROM CUBA AND THE COMPANY THAT MAKES THE CIGARS SHOWN ABOVE. DO YOU THINK THAT ONE OF THESE COMPANIES..	0
41	36	SAW IMAGE 2 (CLOSED BOX) Q29-30. WHICH OF THE 2 COMPANIES DO YOU THINK GAVE AUTHORIZATION OR APPROVAL OR DON'T YOU KNOW?	0
42	37	SAW IMAGE 2 (CLOSED BOX) Q19-22/24-25/29-30	0
43	38	Q3. PLEASE INDICATE YOUR AGE GROUP.	0
44	39	Q33. PLEASE INDICATE THE LAST GRADE OF SCHOOL YOU COMPLETED.	0
45	40	Q34. PLEASE INDICATE YOUR EMPLOYMENT STATUS.	0
46	41	Q35. PLEASE INDICATE YOUR HOUSEHOLD'S TOTAL INCOME BEFORE TAXES:	0
47	42	Q36. GENDER	0
48	43	Q37. WHICH OF THE FOLLOWING BEST DESCRIBES THE GEOGRAPHIC AREA OF YOUR PRIMARY RESIDENCE?	0

GREENFIELD CONSULTING GROUP
CIGAR STUDY (#6851
NOVEMBER, 2000

Table 1
Q5. DO YOU SMOKE CIGARS?

TOTAL SAMPLE

	TOTAL	$65 OR HIGH -ER	$65 OR HIGH ER SAW IMAGE	FE MALE $65 OR HIGH -ER	FE MALE $65 OR HIGH -ER SAW IMAGE	$120 OR HIGH -ER	$120 OR HIGH -ER SAW IMAGE	$235 OR HIGH -ER	$235 OR HIGH ER SAW IMAGE
TOTAL RESPONDENTS	1873	960	256	207	33	480	170	165	68
YES	1873 100.0	960 100.0	256 100.0	207 100.0	33 100.0	480 100.0	170 100.0	165 100.0	68 100.0
NO	-	-	-	-	-	-	-	-	-

Table 2
Q6. WITHIN THE NEXT 12 MONTHS, ARE YOU VERY LIKELY TO BUY CIGARS FOR YOURSELF?

TOTAL SAMPLE

	TOTAL	$65 OR HIGH -ER	$65 OR HIGH -ER SAW IMAGE	FE MALE $65 OR HIGH -ER	FE MALE $65 OR HIGH -ER SAW IMAGE	$120 OR HIGH -ER	$120 OR HIGH -ER SAW IMAGE	$235 OR HIGH -ER	$235 OR HIGH ER SAW IMAGE
TOTAL RESPONDENTS	1873	960	256	207	33	480	170	165	68
YES	1680 89.7	917 95.5	249 97.3	186 89.9	31 93.9	465 96.9	164 96.5	159 96.4	66 97.1
NO	51 2.7	12 1.3	3 1.2	7 3.4	1 3.0	6 1.3	3 1.8	3 1.8	1 1.5
NOT SURE	142 7.6	31 3.2	4 1.6	14 6.8	1 3.0	9 1.9	3 1.8	3 1.8	1 1.5

Table 3

Q7. THINKING ABOUT THE CIGARS YOU WILL BUY FOR YOURSELF WITHIN THE NEXT 12 MONTHS, PLEASE INDICATE INTO WHICH OF THE PRICE CATEGORIES THOSE CIGARS WOULD FALL.

	TOTAL SAMPLE								
	TOTAL	$65 OR HIGH -ER	$65 OR HIGH -ER SAW IMAGE	FE MALE $65 OR HIGH -ER	FE MALE $65 OR HIGH -ER SAW IMAGE	$120 OR HIGH -ER	$120 OR HIGH -ER SAW IMAGE	$235 OR HIGH -ER	$235 OR HIGH -ER SAW IMAGE
BASE: VERY LIKELY TO BUY CIGARS FOR SELF, WITHIN THE NEXT 12 MONTHS	1680	917	249	186	31	465	164	159	66
LESS THAN $35 FOR A BOX OF 25 CIGARS/LESS THAN $1.50 PER CIGAR	647 38.5	108 11.8	18 7.2	30 16.1	3 9.7	38 8.2	9 5.5	14 8.8	2 3.0
$35 $64 FOR A BOX OF 25 CIGARS/$1.50-$2.80 PER CIGAR	459 27.3	180 19.6	33 13.3	41 22.0	3 9.7	58 12.5	15 9.1	18 11.3	4 6.1
$65 OR MORE FOR A BOX OF 25 CIGARS/$2.81 OR MORE PER CIGAR (NET)	842 50.1	842 91.8	242 97.2	156 83.9	29 93.5	451 97.0	162 98.8	157 98.7	66 100.0
$65-$99 FOR A BOX OF 25 CIGARS/$2.81-$4.34 PER CIGAR	392 23.3	392 42.7	87 34.9	75 40.3	9 29.0	102 21.9	31 18.9	27 17.0	7 10.6
$100 $119 FOR A BOX OF 25 CIGARS/$4.35-$5.24 PER CIGAR	302 18.0	302 32.9	85 34.1	50 26.9	10 32.3	161 34.6	51 31.1	57 35.8	17 25.8
$120 OR MORE FOR A BOX OF 25 CIGARS/$5.25 OR MORE PER CIGAR (SUB-NET)	403 24.0	403 43.9	146 58.6	68 36.6	17 54.8	403 86.7	146 89.0	147 92.5	61 92.4
$120-$234 FOR A BOX OF 25 CIGARS/$5.25-$10.30 PER CIGAR	352 21.0	352 38.4	124 49.8	61 32.8	16 51.6	352 75.7	124 75.6	96 60.4	39 59.1
$235 OR MORE FOR A BOX OF 25 CIGARS/$10.31 OR MORE PER CIGAR (SUB-SUB-NET)	112 6.7	112 12.2	47 18.9	16 8.6	3 9.7	112 24.1	47 28.7	112 70.4	47 71.2
$235-$349 FOR A BOX OF 25 CIGARS/$10.31-$15.35 PER CIGAR	92 5.5	92 10.0	40 16.1	13 7.0	1 3.2	92 19.8	40 24.4	92 57.9	40 60.6

Table 3

Q7. THINKING ABOUT THE CIGARS YOU WILL BUY FOR YOURSELF WITHIN THE NEXT 12 MONTHS, PLEASE INDICATE INTO WHICH OF THE PRICE CATEGORIES THOSE CIGARS WOULD FALL.

	TOTAL SAMPLE								
	TOTAL	$65 OR HIGH -ER	$65 OR HIGH -ER SAW IMAGE	FE MALE $65 OR HIGH -ER	FE MALE $65 OR HIGH -ER SAW IMAGE	$120 OR HIGH -ER	$120 OR HIGH -ER SAW IMAGE	$235 OR HIGH -ER	$235 OR HIGH -ER SAW IMAGE
BASE: VERY LIKELY TO BUY CIGARS FOR SELF, WITHIN THE NEXT 12 MONTHS	1680	917	249	186	31	465	164	159	66
$350 OR MORE FOR A BOX OF 25 CIGARS/$15.36 OR MORE PER CIGAR	49 2.9	49 5.3	15 6.0	7 3.8	3 9.7	49 10.5	15 9.1	49 30.8	15 22.7

Table 4

Q8. CONSIDERING ONLY THE CIGARS YOU WILL BUY FOR YOURSELF THAT COST AT LEAST $65 OR MORE FOR A BOX OF 25 CIGARS/$2.81 OR MORE PER CIGAR, ABOUT HOW MANY OF THESE CIGARS WILL YOU LIKELY BUY IN THE NEXT 12 MONTHS?

	TOTAL SAMPLE								
	TOTAL	$65 OR HIGHER	$65 OR HIGHER SAW IMAGE	FEMALE $65 OR HIGHER	FEMALE $65 OR HIGHER SAW IMAGE	$120 OR HIGHER	$120 OR HIGHER SAW IMAGE	$235 OR HIGHER	$235 OR HIGHER SAW IMAGE
BASE: THE CIGARS YOU WILL BUY FOR YOURSELF COST AT LEAST $65 OR MORE FOR A BOX OF 25 CIGARS/$2.81 OR MORE PER CIGAR	842	842	242	156	29	451	162	157	66
FEWER THAN 25 CIGARS	371 44.1	371 44.1	84 34.7	92 59.0	18 62.1	201 44.6	60 37.0	68 43.3	26 39.4
25 50 CIGARS	269 31.9	269 31.9	73 30.2	44 28.2	6 20.7	138 30.6	54 33.3	43 27.4	15 22.7
51 100 CIGARS	129 15.3	129 15.3	57 23.6	12 7.7	4 13.8	69 15.3	31 19.1	26 16.6	15 22.7
101 200 CIGARS	39 4.6	39 4.6	18 7.4	3 1.9	1 3.4	21 4.7	8 4.9	10 6.4	5 7.6
MORE THAN 200 CIGARS	34 4.0	34 4.0	10 4.1	5 3.2	-	22 4.9	9 5.6	10 6.4	5 7.6

Table 5

Q9. WITHIN THE NEXT 12 MONTHS, ARE YOU VERY LIKELY TO BUY CIGARS AS A GIFT FOR SOMEONE ELSE OR TO USE AT A SPECIAL EVENT?

	TOTAL SAMPLE								
	TOTAL	$65 OR HIGH -ER	$65 OR HIGH -ER SAW IMAGE	FE MALE $65 OR HIGH -ER	FE MALE $65 OR HIGH -ER SAW IMAGE	$120 OR HIGH -ER	$120 OR HIGH -ER SAW IMAGE	$235 OR HIGH -ER	$235 OR HIGH ER' SAW IMAGE
TOTAL RESPONDENTS	1873	960	256	207	33	480	170	165	68
YES	970 51.8	689 71.8	200 78.1	177 85.5	25 75.8	377 78.5	140 82.4	141 85.5	61 89.7
NO	548 29.3	157 16.4	34 13.3	13 6.3	3 9.1	60 12.5	20 11.8	13 7.9	5 7.4
NOT SURE	355 19.0	114 11.9	22 8.6	17 8.2	5 15.2	43 9.0	10 5.9	11 6.7	2 2.9

Table 6

Q6/9. WITHIN THE NEXT 12 MONTHS, ARE YOU VERY LIKELY TO BUY CIGARS FOR YOURSELF OR FOR SOMEONE ELSE?

	TOTAL SAMPLE								
	TOTAL	$65 OR HIGHER	$65 OR HIGHER SAW IMAGE	FEMALE $65 OR HIGHER	FEMALE $65 OR HIGHER SAW IMAGE	$120 OR HIGHER	$120 OR HIGHER SAW IMAGE	$235 OR HIGHER	$235 OR HIGHER SAW IMAGE
TOTAL RESPONDENTS	1873	960	256	207	33	480	170	165	68
YES	1773 94.7	960 100.0	256 100.0	207 100.0	33 100.0	480 100.0	170 100.0	165 100.0	68 100.0
NO	53 2.8	-	-	-	-	-	-	-	-
NOT SURE	47 2.5	-	-	-	-	-	-	-	-

Table 7

Q10. THINKING ABOUT THE CIGARS YOU WILL BUY AS A GIFT FOR SOMEONE ELSE OR TO USE AT A SPECIAL EVENT WITHIN THE NEXT 12 MONTHS, PLEASE INDICATE INTO WHICH OF THE PRICE CATEGORIES THOSE CIGARS WOULD FALL.

TOTAL SAMPLE

	TOTAL	$65 OR HIGH -ER	$65 OR HIGH -ER SAW IMAGE	FE MALE $65 OR HIGH -ER	FE MALE $65 OR HIGH -ER SAW IMAGE	$120 OR HIGH -ER	$120 OR HIGH -ER SAW IMAGE	$235 OR HIGH -ER	$235 OR HIGH -ER SAW IMAGE
BASE: VERY LIKELY TO BUY CIGARS FOR SOMEONE ELSE AS A GIFT. WITHIN THE NEXT 12 MONTHS	970	689	200	177	25	377	140	141	61
TOTAL RESPONDENTS	970	689	200	177	25	377	140	141	61
LESS THAN $35 FOR A BOX OF 25 CIGARS/LESS THAN $1.50 PER CIGAR	193 19.9	40 5.8	8 4.0	10 5.6	- .	17 4.5	6 4.3	6 4.3	2 3.3
$35 $64 FOR A BOX OF 25 CIGARS/$1.50-$2.80 PER CIGAR	273 28.1	119 17.3	19 9.5	32 18.1	1 4.0	35 9.3	9 6.4	11 7.8	3 4.9
$65 OR MORE FOR A BOX OF 25 CIGARS/$2.81 OR MORE PER CIGAR (NET)	632 65.2	632 91.7	190 95.0	167 94.4	25 100.0	366 97.1	137 97.9	137 97.2	61 100.0
$65 $99 FOR A BOX OF 25 CIGARS/$2.81-$4.34 PER CIGAR	249 25.7	249 36.1	59 29.5	66 37.3	5 20.0	63 16.7	20 14.3	11 7.8	3 4.9
$100 $119 FOR A BOX OF 25 CIGARS/$4.35-$5.24 PER CIGAR	210 21.6	210 30.5	48 24.0	63 35.6	4 16.0	104 27.6	30 21.4	31 22.0	11 18.0
$120 OR MORE FOR A BOX OF 25 CIGARS/$5.25 OR MORE PER CIGAR (SUB-NET)	294 30.3	294 42.7	114 57.0	76 42.9	21 84.0	294 78.0	114 81.4	123 87.2	59 96.7
$120-$234 FOR A BOX OF 25 CIGARS/$5.25-$10.30 PER CIGAR	223 23.0	223 32.4	79 39.5	60 33.9	15 60.0	223 59.2	79 56.4	52 36.9	24 39.3
$235 OR MORE FOR A BOX OF 25 CIGARS/$10.31 OR MORE PER CIGAR (SUB SUB-NET)	111 11.4	111 16.1	51 25.5	24 13.6	7 28.0	111 29.4	51 36.4	111 78.7	51 83.6

Table 7

Q10. THINKING ABOUT THE CIGARS YOU WILL BUY AS A GIFT FOR SOMEONE ELSE OR TO USE AT A SPECIAL EVENT WITHIN THE NEXT 12 MONTHS. PLEASE INDICATE INTO WHICH OF THE PRICE CATEGORIES THOSE CIGARS WOULD FALL.

	TOTAL SAMPLE								
	TOTAL	$65 OR HIGH -ER	$65 OR HIGH -ER SAW IMAGE	FE-MALE $65 OR HIGH -ER	FE MALE $65 OR HIGH -ER SAW IMAGE	$120 OR HIGH -ER	$120 OR HIGH -ER SAW IMAGE	$235 OR HIGH -ER	$235 OR HIGH ER SAW IMAGE
TOTAL RESPONDENTS	970	689	200	177	25	377	140	141	61
$235 $349 FOR A BOX OF 25 CIGARS/$10.31-$15.35 PER CIGAR	90 9.3	90 13.1	41 20.5	19 10.7	5 20.0	90 23.9	41 29.3	90 63.8	41 67.2
$350 OR MORE FOR A BOX OF 25 CIGARS/$15.36 OR MORE PER CIGAR	34 3.5	34 4.9	15 7.5	7 4.0	3 12.0	34 9.0	15 10.7	34 24.1	15 24.6

Table 8

Q7/10. THINKING ABOUT THE CIGARS YOU WILL BUY FOR YOURSELF/OR AS A FIGT FOR SOMEONE ELSE, WITHIN THE NEXT 12 MONTHS, PLEASE INDICATE INTO WHICH OF THE PRICE CATEGORIES THOSE CIGARS WOULD FALL.

	TOTAL SAMPLE								
	TOTAL	$65 OR HIGH -ER	$65 OR HIGH -ER SAW IMAGE	FE-MALE $65 OR HIGH -ER	FE MALE $65 OR HIGH -ER SAW IMAGE	$120 OR HIGH -ER	$120 OR HIGH -ER SAW IMAGE	$235 OR HIGH -ER	$235 OR HIGH ER SAW IMAGE
BASE: VERY LIKELY TO BUY CIGARS FOR SELF OR SOMEONE ELSE AS A GIFT, WITHIN THE NEXT 12 MONTHS	1773	960	256	207	33	480	170	165	68
LESS THAN $35 FOR A BOX OF 25 CIGARS/LESS THAN $1.50 PER CIGAR	700 39.5	126 13.1	22 8.6	34 16.4	3 9.1	46 9.6	13 7.6	17 10.3	3 4.4
$35 $64 FOR A BOX OF 25 CIGARS/$1.50-$2.80 PER CIGAR	593 33.4	247 25.7	41 16.0	61 29.5	4 12.1	77 16.0	19 11.2	26 15.8	6 8.8
$65 OR MORE FOR A BOX OF 25 CIGARS/$2.81 OR MORE PER CIGAR (NET)	960 54.1	960 100.0	256 100.0	207 100.0	33 100.0	480 100.0	170 100.0	165 100.0	68 100.0
$65-$99 FOR A BOX OF 25 CIGARS/$2.81-$4.34 PER CIGAR	495 27.9	495 51.6	105 41.0	104 50.2	10 30.3	128 26.7	38 22.4	29 17.6	7 10.3
$100-$119 FOR A BOX OF 25 CIGARS/$4.35-$5.24 PER CIGAR	402 22.7	402 41.9	102 39.8	88 42.5	10 30.3	204 42.5	61 35.9	69 41.8	18 26.5
$120 OR MORE FOR A BOX OF 25 CIGARS/$5.25 OR MORE PER CIGAR (SUB-NET)	480 27.1	480 50.0	170 66.4	97 46.9	26 78.8	480 100.0	170 100.0	165 100.0	68 100.0
$120-$234 FOR A BOX OF 25 CIGARS/$5.25-$10.30 PER CIGAR	421 23.7	421 43.9	147 57.4	84 40.6	22 66.7	421 87.7	147 86.5	106 64.2	45 66.2
$235 OR MORE FOR A BOX OF 25 CIGARS/$10.31 OR MORE PER CIGAR (SUB-SUB-NET)	165 9.3	165 17.2	68 26.6	33 15.9	9 27.3	165 34.4	68 40.0	165 100.0	68 100.0
$235-$349 FOR A BOX OF 25 CIGARS/$10.31-$15.35 PER CIGAR	136 7.7	136 14.2	56 21.9	27 13.0	6 18.2	136 28.3	56 32.9	136 82.4	56 82.4

Table 8

Q7/10. THINKING ABOUT THE CIGARS YOU WILL BUY FOR YOURSELF/OR AS A FIGT FOR SOMEONE ELSE, WITHIN THE NEXT 12 MONTHS, PLEASE INDICATE INTO WHICH OF THE PRICE CATEGORIES THOSE CIGARS WOULD FALL.

TOTAL SAMPLE

	TOTAL	$65 OR HIGH -ER	$65 OR HIGH ER SAW IMAGE	FE MALE $65 OR HIGH -ER	FE MALE $65 OR HIGH -ER SAW IMAGE	$120 OR HIGH -ER	$120 OR HIGH -ER SAW IMAGE	$235 OR HIGH -ER	$235 OR HIGH, -ER SAW IMAGE
BASE: VERY LIKELY TO BUY CIGARS FOR SELF OR SOMEONE ELSE AS A GIFT, WITHIN THE NEXT 12 MONTHS	1773	960	256	207	33	480	170	165	68
$350 OR MORE FOR A BOX OF 25 CIGARS/$15.36 OR MORE PER CIGAR	67 3.8	67 7.0	25 9.8	13 6.3	5 15.2	67 14.0	25 14.7	67 40.6	25 36.8

Table 9

Q11. FOR EACH CIGAR LISTED, PLEASE INDICATE WHETHER YOU HAVE HEARD OF IT, WHETHER YOU HAVE NOT HEARD OF IT, OR WHETHER YOU ARE NOT SURE.
- ARTURO FUENTE -

	TOTAL SAMPLE								
	TOTAL	$65 OR HIGH -ER	$65 OR HIGH -ER SAW IMAGE	FE MALE $65 OR HIGH -ER	FE MALE $65 OR HIGH -ER SAW IMAGE	$120 OR HIGH -ER	$120 OR HIGH -ER SAW IMAGE	$235 OR HIGH -ER	$235 OR HIGH -ER SAW IMAGE
BASE: THE CIGARS YOU WILL BUY FOR YOURSELF/SOMEONE ELSE COST AT LEAST $65 OR MORE FOR A BOX OF 25 CIGARS/$2.81 OR MORE PER CIGAR	960	960	256	207	33	480	170	165	68
HEARD OF	711 74.1	711 74.1	223 87.1	129 62.3	25 75.8	384 80.0	150 88.2	138 83.6	64 94.1
NOT HEARD OF	155 16.1	155 16.1	21 8.2	50 24.2	4 12.1	67 14.0	11 6.5	22 13.3	3 4.4
NOT SURE	94 9.8	94 9.8	12 4.7	28 13.5	4 12.1	29 6.0	9 5.3	5 3.0	1 1.5

Table 10

Q11. FOR EACH CIGAR LISTED, PLEASE INDICATE WHETHER YOU HAVE HEARD OF IT, WHETHER YOU HAVE NOT HEARD OF IT, OR WHETHER YOU ARE NOT SURE.

BANCES

TOTAL SAMPLE

	TOTAL	$65 OR HIGH -ER	$65 OR HIGH -ER SAW IMAGE	FE MALE $65 OR HIGH -ER	FE MALE $65 OR HIGH ER SAW IMAGE	$120 OR HIGH ER	$120 OR HIGH -ER SAW IMAGE	$235 OR HIGH -ER	$235 OR HIGH ER SAW IMAGE
BASE: THE CIGARS YOU WILL BUY FOR YOURSELF/SOMEONE ELSE COST AT LEAST $65 OR MORE FOR A BOX OF 25 CIGARS/$2.81 OR MORE PER CIGAR	960	960	256	207	33	480	170	165	68
HEARD OF	204 21.3	204 21.3	73 28.5	36 17.4	10 30.3	106 22.1	47 27.6	39 23.6	22 32.4
NOT HEARD OF	543 56.6	543 56.6	141 55.1	117 56.5	16 48.5	281 58.5	96 56.5	88 53.3	33 48.5
NOT SURE	213 22.2	213 22.2	42 16.4	54 26.1	7 21.2	93 19.4	27 15.9	38 23.0	13 19.1

Table 11

Q11. FOR EACH CIGAR LISTED, PLEASE INDICATE WHETHER YOU HAVE HEARD OF IT, WHETHER YOU HAVE NOT HEARD OF IT, OR WHETHER YOU ARE NOT SURE.
- BERING -

	TOTAL SAMPLE								
	TOTAL	$65 OR HIGH -ER	$65 OR HIGH -ER SAW IMAGE	FE MALE $65 OR HIGH -ER	FE-MALE $65 OR HIGH -ER SAW IMAGE	$120 OR HIGH -ER	$120 OR HIGH -ER SAW IMAGE	$235 OR HIGH -ER	$235 OR HIGH -ER SAW IMAGE
BASE: THE CIGARS YOU WILL BUY FOR YOURSELF/SOMEONE ELSE COST AT LEAST $65 OR MORE FOR A BOX OF 25 CIGARS/$2.81 OR MORE PER CIGAR	960	960	256	207	33	480	170	165	68
HEARD OF	424 44.2	424 44.2	158 61.7	54 26.1	13 39.4	228 47.5	100 58.8	79 47.9	40 58.8
NOT HEARD OF	377 39.3	377 39.3	73 28.5	106 51.2	14 42.4	183 38.1	52 30.6	61 37.0	21 30.9
NOT SURE	159 16.6	159 16.6	25 9.8	47 22.7	6 18.2	69 14.4	18 10.6	25 15.2	7 10.3

Table 12

Q11. FOR EACH CIGAR LISTED, PLEASE INDICATE WHETHER YOU HAVE HEARD OF IT, WHETHER YOU HAVE NOT HEARD OF IT, OR WHETHER YOU ARE NOT SURE.
- COHIBA -

TOTAL SAMPLE

	TOTAL	$65 OR HIGH -ER	$65 OR HIGH -ER SAW IMAGE	FE-MALE $65 OR HIGH -ER	FE MALE $65 OR HIGH -ER SAW IMAGE	$120 OR HIGH -ER	$120 OR HIGH -ER SAW IMAGE	$235 OR HIGH -ER	$235 OR HIGH -ER SAW IMAGE
BASE: THE CIGARS YOU WILL BUY FOR YOURSELF/SOMEONE ELSE COST AT LEAST $65 OR MORE FOR A BOX OF 25 CIGARS/$2.81 OR MORE PER CIGAR	960	960	256	207	33	480	170	165	68
HEARD OF	693 72.2	693 72.2	256 100.0	127 61.4	33 100.0	374 77.9	170 100.0	133 80.6	68 100.0
NOT HEARD OF	180 18.8	180 18.8	-	53 25.6	-	80 16.7	-	24 14.5	-
NOT SURE	87 9.1	87 9.1	-	27 13.0	-	26 5.4	-	8 4.8	-

Table 13

Q11. FOR EACH CIGAR LISTED, PLEASE INDICATE WHETHER YOU HAVE HEARD OF IT, WHETHER YOU HAVE NOT HEARD OF IT, OR WHETHER YOU ARE NOT SURE.

- KING EDWARD -

	TOTAL SAMPLE								
	TOTAL	$65 OR HIGH -ER	$65 OR HIGH -ER SAW IMAGE	FE MALE $65 OR HIGH -ER	FE MALE $65 OR HIGH -ER SAW IMAGE	$120 OR HIGH -ER	$120 OR HIGH -ER SAW IMAGE	$235 OR HIGH -ER	$235 OR HIGH -ER SAW IMAGE
BASE: THE CIGARS YOU WILL BUY FOR YOURSELF/SOMEONE ELSE COST AT LEAST $65 OR MORE FOR A BOX OF 25 CIGARS/$2.81 OR MORE PER CIGAR	960	960	256	207	33	480	170	165	68
HEARD OF	802 83.5	802 83.5	199 77.7	156 75.4	24 72.7	398 82.9	129 75.9	132 80.0	49 72.1
NOT HEARD OF	93 9.7	93 9.7	37 14.5	30 14.5	7 21.2	49 10.2	25 14.7	21 12.7	13 19.1
NOT SURE	65 6.8	65 6.8	20 7.8	21 10.1	2 6.1	33 6.9	16 9.4	12 7.3	6 8.8

Table 14

Q11. FOR EACH CIGAR LISTED, PLEASE INDICATE WHETHER YOU HAVE HEARD OF IT, WHETHER YOU HAVE NOT HEARD OF IT, OR WHETHER YOU ARE NOT SURE.

· LA AURORA ·

	TOTAL SAMPLE								
	TOTAL	$65 OR HIGH -ER	$65 OR HIGH -ER SAW IMAGE	FE-MALE $65 OR HIGH -ER	FE-MALE $65 OR HIGH -ER SAW IMAGE	$120 OR HIGH -ER	$120 OR HIGH -ER SAW IMAGE	$235 OR HIGH -ER	$235 OR HIGH -ER SAW IMAGE
BASE: THE CIGARS YOU WILL BUY FOR YOURSELF/SOMEONE ELSE COST AT LEAST $65 OR MORE FOR A BOX OF 25 CIGARS/$2.81 OR MORE PER CIGAR	960	960	256	207	33	480	170	165	68
HEARD OF	300 31.3	300 31.3	106 41.4	61 29.5	15 45.5	160 33.3	70 41.2	60 36.4	32 47.1
NOT HEARD OF	458 47.7	458 47.7	120 46.9	94 45.4	15 45.5	231 48.1	83 48.8	77 46.7	30 44.1
NOT SURE	201 20.9	201 20.9	30 11.7	52 25.1	3 9.1	88 18.3	17 10.0	27 16.4	6 8.8
DON'T KNOW/NO ANSWER	1 0.1	1 0.1	- -	- -	- -	1 0.2	- -	1 0.6	- -

Table 15

Q11. FOR EACH CIGAR LISTED, PLEASE INDICATE WHETHER YOU HAVE HEARD OF IT, WHETHER YOU HAVE NOT HEARD OF IT, OR WHETHER YOU ARE NOT SURE.

MACANUDO

TOTAL SAMPLE

	TOTAL	$65 OR HIGH -ER	$65 OR HIGH -ER SAW IMAGE	FE MALE $65 OR HIGH -ER	FE MALE $65 OR HIGH -ER SAW IMAGE	$120 OR HIGH -ER	$120 OR HIGH -ER SAW IMAGE	$235 OR HIGH -ER	$235 OR HIGH -ER SAW IMAGE
BASE: THE CIGARS YOU WILL BUY FOR YOURSELF/SOMEONE ELSE COST AT LEAST $65 OR MORE FOR A BOX OF 25 CIGARS/$2.81 OR MORE PER CIGAR	960	960	256	207	33	480	170	165	68
HEARD OF	799 83.2	799 83.2	246 96.1	156 75.4	28 84.8	421 87.7	162 95.3	142 86.1	64 94.1
NOT HEARD OF	97 10.1	97 10.1	7 2.7	28 13.5	5 15.2	36 7.5	6 3.5	14 8.5	3 4.4
NOT SURE	63 6.6	63 6.6	3 1.2	23 11.1	- -	22 4.6	2 1.2	8 4.8	1 1.5
DON'T KNOW/NO ANSWER	1 0.1	1 0.1	- -	- -	- -	1 0.2	- -	1 0.6	-

Table 16

Q11. FOR EACH CIGAR LISTED, PLEASE INDICATE WHETHER YOU HAVE HEARD OF IT, WHETHER YOU HAVE NOT HEARD OF IT, OR WHETHER YOU ARE NOT SURE.
- WHITE OWL -

TOTAL SAMPLE

	TOTAL	$65 OR HIGH -ER	$65 OR HIGH -ER SAW IMAGE	FE MALE $65 OR HIGH -ER	FE MALE $65 OR HIGH -ER SAW IMAGE	$120 OR HIGH -ER	$120 OR HIGH ER SAW IMAGE	$235 OR HIGH ER	$235 OR HIGH -ER SAW IMAGE
BASE: THE CIGARS YOU WILL BUY FOR YOURSELF/SOMEONE ELSE COST AT LEAST $65 OR MORE FOR A BOX OF 25 CIGARS/$2.81 OR MORE PER CIGAR	960	960	256	207	33	480	170	165	68
HEARD OF	679 70.7	679 70.7	198 77.3	114 55.1	21 63.6	336 70.0	127 74.7	109 66.1	47 69.1
NOT HEARD OF	203 21.1	203 21.1	42 16.4	63 30.4	9 27.3	109 22.7	35 20.6	46 27.9	19 27.9
NOT SURE	78 8.1	78 8.1	16 6.3	30 14.5	3 9.1	35 7.3	8 4.7	10 6.1	2 2.9

Table 17
Q12. DO YOU KNOW IN WHICH COUNTRY OR COUNTRIES COHIBA CIGARS ARE MADE?

TOTAL SAMPLE

	TOTAL	$65 OR HIGH -ER	$65 OR HIGH -ER SAW IMAGE	FE MALE $65 OR HIGH -ER	FE MALE $65 OR HIGH -ER SAW IMAGE	$120 OR HIGH -ER	$120 OR HIGH -ER SAW IMAGE	$235 OR HIGH -ER	$235 OR HIGH -ER SAW IMAGE
BASE: HEARD OF COHIBA	693	693	256	127	33	374	170	133	68
YES	412 59.5	412 59.5	256 100.0	56 44.1	33 100.0	257 68.7	170 100.0	98 73.7	68 100.0
NO	281 40.5	281 40.5	- -	71 55.9	- -	117 31.3	- -	35 26.3	- -

Table 18

Q13. PLEASE WRITE IN THE NAME OF THE COUNTRY OR COUNTRIES WHERE YOU THINK COHIBA CIGARS ARE MADE. IF YOU DON'T KNOW, PLEASE CHECK THE DON'T KNOW BOX.

	TOTAL SAMPLE								
	TOTAL	$65 OR HIGHER SAW IMAGE	$65 OR HIGHER	FEMALE $65 OR HIGHER	FEMALE $65 OR HIGHER SAW IMAGE	$120 OR HIGHER	$120 OR HIGHER SAW IMAGE	$235 OR HIGHER	$235 OR HIGHER SAW IMAGE
BASE: KNOW IN WHICH COUNTRY OR COUNTRIES COHIBA CIGARS ARE MADE	412	412	256	56	33	257	170	98	68
BRAZIL	1 0.2	1 0.2	-	1 1.8	-	1 0.4	-	-	-
CAMEROON	1 0.2	1 0.2	1 0.4	1 1.8	1 3.0	1 0.4	1 0.6	-	-
COSTA RICA	3 0.7	3 0.7	-	2 3.6	-	1 0.4	-	1 1.0	-
CUBA	256 62.1	256 62.1	256 100.0	33 58.9	33 100.0	170 66.1	170 100.0	68 69.4	68 100.0
CUBA (DIDN'T CHECK IN Q18)	13 3.2	13 3.2	-	1 1.8	-	8 3.1	-	3 3.1	-
DOMINICAN REPUBLIC	207 50.2	207 50.2	112 43.8	20 35.7	7 21.2	131 51.0	76 44.7	44 44.9	26 38.2
HONDURAS	19 4.6	19 4.6	12 4.7	1 1.8	-	13 5.1	9 5.3	8 8.2	5 7.4
JAMAICA	1 0.2	1 0.2	1 0.4	-	-	1 0.4	1 0.6	1 1.0	1 1.5
MEXICO	7 1.7	7 1.7	3 1.2	2 3.6	2 6.1	5 1.9	3 1.8		-
NICARAGUA	8 1.9	8 1.9	2 0.8	1 1.8	-	3 1.2	1 0.6	-	-
UNITED STATES	6 1.5	6 1.5	3 1.2	-	-	2 0.8	1 0.6	-	-
OTHER	10 2.4	10 2.4	1 0.4	1 1.8	-	8 3.1	1 0.6	4 4.1	1 1.5

Table 18

Q13. PLEASE WRITE IN THE NAME OF THE COUNTRY OR COUNTRIES WHERE YOU THINK COHIBA CIGARS ARE MADE. IF YOU DON'T KNOW, PLEASE CHECK THE DON'T KNOW BOX.

	TOTAL SAMPLE								
	TOTAL	$65 OR HIGH -ER	$65 OR HIGH -ER SAW IMAGE	FE MALE $65 OR HIGH -ER	FE MALE $65 OR HIGH -ER SAW IMAGE	$120 OR HIGH -ER	$120 OR HIGH -ER SAW IMAGE	$235 OR HIGH -ER	$235 OR HIGH -ER SAW IMAGE
BASE: KNOW IN WHICH COUNTRY OR COUNTRIES COHIBA CIGARS ARE MADE	412	412	256	56	33	257	170	98	68
DON'T KNOW/NO ANSWER	20 4.9	20 4.9	-	5 8.9	-	10 3.9	-	3 3.1	-

Table 19
Q14. DO YOU KNOW IN WHICH COUNTRY OR COUNTRIES MACANUDO CIGARS ARE MADE?

	TOTAL SAMPLE								
	TOTAL	$65 OR HIGHER	$65 OR HIGHER SAW IMAGE	FEMALE $65 OR HIGHER	FEMALE $65 OR HIGHER SAW IMAGE	$120 OR HIGHER	$120 OR HIGHER SAW IMAGE	$235 OR HIGHER	$235 OR HIGHER SAW IMAGE
BASE: HEARD OF COHIBA & MACANUDO	637	637	246	106	28	350	162	122	64
YES	365 57.3	365 57.3	181 73.6	51 48.1	20 71.4	226 64.6	122 75.3	79 64.8	46 71.9
NO	272 42.7	272 42.7	65 26.4	55 51.9	8 28.6	124 35.4	40 24.7	43 35.2	18 28.1

Table 20

Q15. PLEASE WRITE IN THE NAME OF THE COUNTRY OR COUNTRIES WHERE MACANUDO CIGARS ARE MADE. IF YOU DON'T KNOW, PLEASE CHECK THE DON'T KNOW BOX.

TOTAL SAMPLE

	TOTAL	$65 OR HIGH -ER	$65 OR HIGH -ER SAW IMAGE	FE MALE $65 OR HIGH -ER	FE MALE $65 OR HIGH -ER SAW IMAGE	$120 OR HIGH -ER	$120 OR HIGH -ER SAW IMAGE	$235 OR HIGH -ER	$235 OR HIGH ER SAW IMAGE
BASE: KNOW IN WHICH COUNTRY OR COUNTRIES MACANUDO CIGARS ARE MADE	365	365	181	51	20	226	122	79	46
BRAZIL	1 0.3	1 0.3	-	-	-	1 0.4	-	1 1.3	-
COSTA RICA	1 0.3	1 0.3	-	-	-	-	-	-	-
CUBA	27 7.4	27 7.4	20 11.0	3 5.9	3 15.0	14 6.2	12 9.8	2 2.5	1 2.2
DOMINICAN REPUBLIC	183 50.1	183 50.1	103 56.9	26 51.0	12 60.0	118 52.2	68 55.7	41 51.9	24 52.2
ECUADOR	2 0.5	2 0.5	2 1.1	-	-	1 0.4	1 0.8	-	-
HAITI	1 0.3	1 0.3	1 0.6	-	-	1 0.4	1 0.8	-	-
HONDURAS	40 11.0	40 11.0	18 9.9	6 11.8	2 10.0	24 10.6	13 10.7	13 16.5	8 17.4
JAMAICA	78 21.4	78 21.4	46 25.4	5 9.8	1 5.0	59 26.1	34 27.9	19 24.1	12 26.1
MEXICO	14 3.8	14 3.8	7 3.9	5 9.8	2 10.0	9 4.0	6 4.9	2 2.5	1 2.2
NICARAGUA	12 3.3	12 3.3	6 3.3	1 2.0	1 5.0	7 3.1	5 4.1	5 6.3	4 8.7
UNITED STATES	4 1.1	4 1.1	2 1.1	-	-	1 0.4	-	-	-
OTHER	18 4.9	18 4.9	5 2.8	4 7.8	1 5.0	8 3.5	2 1.6	3 3.8	2 4.3

Table 20

Q15. PLEASE WRITE IN THE NAME OF THE COUNTRY OR COUNTRIES WHERE MACANUDO CIGARS ARE MADE. IF YOU DON'T KNOW, PLEASE CHECK THE DON'T KNOW BOX.

	TOTAL SAMPLE								
	TOTAL	$65 OR HIGHER	$65 OR HIGHER SAW IMAGE	FEMALE $65 OR HIGHER	FEMALE $65 OR HIGHER SAW IMAGE	$120 OR HIGHER	$120 OR HIGHER SAW IMAGE	$235 OR HIGHER	$235 OR HIGHER SAW IMAGE
BASE: KNOW IN WHICH COUNTRY OR COUNTRIES MACANUDO CIGARS ARE MADE	365	365	181	51	20	226	122	79	46
DON'T KNOW/NO ANSWER	31 8.5	31 8.5	5 2.8	8 15.7	1 5.0	18 8.0	5 4.1	5 6.3	1 2.2

Table 21
Q16. DO YOU KNOW IN WHICH COUNTRY OR COUNTRIES BERING CIGARS ARE MADE?

	TOTAL SAMPLE								
	TOTAL	$65 OR HIGH -ER	$65 OR HIGH -ER SAW IMAGE	FE MALE $65 OR HIGH -ER	FE MALE $65 OR HIGH -ER SAW IMAGE	$120 OR HIGH -ER	$120 OR HIGH -ER SAW IMAGE	$235 OR HIGH ER	$235 OR HIGH -ER SAW IMAGE
BASE: HEARD OF COHIBA & BERING	352	352	158	38	13	197	100	72	40
YES	77 21.9	77 21.9	45 28.5	9 23.7	6 46.2	48 24.4	30 30.0	14 19.4	10 25.0
NO	275 78.1	275 78.1	113 71.5	29 76.3	7 53.8	149 75.6	70 70.0	58 80.6	30 75.0

Table 22

Q17. PLEASE WRITE IN THE NAME OF THE COUNTRY OR COUNTRIES WHERE BERING CIGARS ARE MADE. IF YOU DON'T KNOW, PLEASE CHECK THE DON'T KNOW BOX.

	TOTAL SAMPLE								
	TOTAL	$65 OR HIGH -ER	$65 OR HIGH -ER SAW IMAGE	FE MALE $65 OR HIGH -ER	FE MALE $65 OR HIGH -ER SAW IMAGE	$120 OR HIGH -ER	$120 OR HIGH -ER SAW IMAGE	$235 OR HIGH -ER	$235 OR HIGH ER SAW IMAGE
BASE: KNOW IN WHICH COUNTRY OR COUNTRIES BERING CIGARS ARE MADE	77	77	45	9	6	48	30	14	10
CUBA	1 1.3	1 1.3	1 2.2	1 11.1	1 16.7	1 2.1	1 3.3	- -	- -
DOMINICAN REPUBLIC	15 19.5	15 19.5	7 15.6	3 33.3	3 50.0	9 18.8	4 13.3	2 14.3	- -
HONDURAS	28 36.4	28 36.4	20 44.4	3 33.3	2 33.3	18 37.5	12 40.0	8 57.1	7 70.0
NICARAGUA	3 3.9	3 3.9	1 2.2	- -	- -	2 4.2	1 3.3	1 7.1	1 10.0
UNITED STATES	21 27.3	21 27.3	12 26.7	1 11.1	- -	12 25.0	8 26.7	2 14.3	1 10.0
OTHER	5 6.5	5 6.5	3 6.7	-	- -	5 10.4	3 10.0	2 14.3	2 20.0
DON'T KNOW/NO ANSWER	12 15.6	12 15.6	6 13.3	2 22.2	1 16.7	6 12.5	4 13.3	1 7.1	

Table 23

Q18. YOU SAID THAT COHIBA CIGARS WERE MADE IN [PIPE FROM Q13A1]. PLEASE CHECK THIS NAME [NAMES] BELOW SO THAT THE COMPUTER CAN TALLY YOUR ANSWER.

	TOTAL SAMPLE								
	TOTAL	$65 OR HIGH -ER	$65 OR HIGH -ER SAW IMAGE	FE-MALE $65 OR HIGH -ER	FE-MALE $65 OR HIGH -ER SAW IMAGE	$120 OR HIGH ER	$120 OR HIGH -ER SAW IMAGE	$235 OR HIGH -ER	$235 OR HIGH -ER SAW IMAGE
BASE: GAVE COUNTRY IN Q.13	392	392	256	51	33	247	170	95	68
BRAZIL	1 0.3	1 0.3	- -	1 2.0	- -	1 0.4	-	-	-
CAMERODN	1 0.3	1 0.3	1 0.4	1 2.0	1 3.0	1 0.4	1 0.6	- -	-
COSTA RICA	3 0.8	3 0.8	- -	2 3.9	- -	1 0.4	- -	1 1.1	- -
CUBA	256 65.3	256 65.3	256 100.0	33 64.7	33 100.0	170 68.8	170 100.0	68 71.6	68 100.0
DOMINICAN REPUBLIC	198 50.5	198 50.5	106 41.4	19 37.3	6 18.2	129 52.2	74 43.5	44 46.3	26 38.2
HONDURAS	19 4.8	19 4.8	12 4.7	1 2.0	- -	13 5.3	9 5.3	8 8.4	5 7.4
JAMAICA	1 0.3	1 0.3	1 0.4	- -	- -	1 0.4	1 0.6	1 1.1	1 1.5
MEXICO	7 1.8	7 1.8	3 1.2	2 3.9	2 6.1	5 2.0	3 1.8	-	-
NICARAGUA	8 2.0	8 2.0	2 0.8	1 2.0	- -	3 1.2	1 0.6	-	-
UNITED STATES	2 0.5	2 0.5	1 0.4	- -	- -	- -	- -	- -	-
OTHER	1 0.3	1 0.3	- -	- -	- -	1 0.4	- -	- -	-
DON'T KNOW/NO ANSWER	23 5.9	23 5.9	- -	1 2.0	- -	12 4.9	- -	5 5.3	-

Table 24

Q19 22. DO YOU THINK THAT COHIBA CIGARS FROM CUBA AND THE CIGARS SHOWN ABOVE ARE MADE BY THE SAME COMPANY, ARE MADE BY DIFFERENT COMPANIES, OR DON'T YOU KNOW?

SAW IMAGE 1 (OPEN BOX)_____

	TOTAL SAMPLE								
	TOTAL	$65 OR HIGHER	$65 OR HIGHER SAW IMAGE	FEMALE $65 OR HIGHER	FEMALE $65 OR HIGHER SAW IMAGE	$120 OR HIGHER	$120 OR HIGHER SAW IMAGE	$235 OR HIGHER	$235 OR HIGHER SAW IMAGE
BASE: COHIBA MADE IN CUBA	120	120	120	15	15	80	80	31	31
MADE BY THE SAME COMPANY	34 28.3	34 28.3	34 28.3	5 33.3	5 33.3	23 28.8	23 28.8	10 32.3	10 32.3
MADE BY DIFFERENT COMPANIES	64 53.3	64 53.3	64 53.3	8 53.3	8 53.3	44 55.0	44 55.0	14 45.2	14 45.2
DON'T KNOW/NO ANSWER	22 18.3	22 18.3	22 18.3	2 13.3	2 13.3	13 16.3	13 16.3	7 22.6	7 22.6

Table 25
Q23. PLEASE TELL WHAT MAKES YOU THINK THEY ARE MADE BY THE SAME COMPANY.

SAW IMAGE 1 (OPEN BOX)_____

	TOTAL SAMPLE								
	TOTAL	$65 OR HIGH -ER	$65 OR HIGH -ER SAW IMAGE	FE-MALE $65 OR HIGH -ER	FE MALE $65 OR HIGH -ER SAW IMAGE	$120 OR HIGH -ER	$120 OR HIGH -ER SAW IMAGE	$235 OR HIGH ER	$235 OR HIGH ER SAW IMAGE
BASE: CIGARS MADE BY SAME COMPANY	34	34	34	5	5	23	23	10	10
GAVE RELEVANT REASON	32 94.1	32 94.1	32 94.1	5 100.0	5 100.0	22 95.7	22 95.7	9 90.0	9 90.0
DID NOT GIVE RELEVANT REASON	2 5.9	2 5.9	2 5.9	- -	-	1 4.3	1 4.3	1 10.0	1 10.0

Table 26

Q24-25. DO YOU THINK THAT THE COMPANY THAT MAKES COHIBA CIGARS FROM CUBA AND THE COMPANY THAT MAKES THE CIGARS SHOWN ABOVE DO OR DO NOT HAVE AN AFFILIATION, ASSOCIATION, OR BUSINESS CONNECTION WITH EACH OTHER OR DON'T YOU KNOW?

SAW IMAGE 1 (OPEN BOX)_____

	TOTAL SAMPLE								
	TOTAL	$65 OR HIGH -ER	$65 OR HIGH -ER SAW IMAGE	FE-MALE $65 OR HIGH -ER	FE-MALE $65 OR HIGH -ER SAW IMAGE	$120 OR HIGH -ER	$120 OR HIGH -ER SAW IMAGE	$235 OR HIGH -ER	$235 OR HIGH -ER SAW IMAGE
BASE: CIGARS MADE BY DIFFERENT COMPANIES/DON'T KNOW	86	86	86	10	10	57	57	21	21
THEY DO HAVE AN AFFILIATION, ASSOCIATION, OR BUSINESS CONNECTION WITH EACH OTHER	21 24.4	21 24.4	21 24.4	2 20.0	2 20.0	13 22.8	13 22.8	4 19.0	4 19.0
THEY DO NOT HAVE AN AFFILIATION, ASSOCIATION, OR BUSINESS CONNECTION WITH EACH OTHER	35 40.7	35 40.7	35 40.7	2 20.0	2 20.0	24 42.1	24 42.1	9 42.9	9 42.9
DON'T KNOW/NO ANSWER	30 34.9	30 34.9	30 34.9	6 60.0	6 60.0	20 35.1	20 35.1	8 38.1	8 38.1

Table 27

Q26. PLEASE TELL WHAT MAKES YOU THINK THEY HAVE AN AFFILIATION, ASSOCIATION, OR BUSINESS CONNECTION WITH EACH OTHER.

SAW IMAGE 1 (OPEN BOX)_____

	TOTAL SAMPLE								
	TOTAL	$65 OR HIGH -ER	$65 OR HIGH -ER SAW IMAGE	FE-MALE $65 OR HIGH -ER	FE MALE $65 OR HIGH ER SAW IMAGE	$120 OR HIGH -ER	$120 OR HIGH -ER SAW IMAGE	$235 OR HIGH -ER	$235. OR HIGH -ER SAW IMAGE
BASE: COMPANIES HAVE AN AFFILIATION	21	21	21	2	2	13	13	4	4
GAVE RELEVANT REASON	19 90.5	19 90.5	19 90.5	2 100.0	2 100.0	13 100.0	13 100.0	4 100.0	4 100.0
DID NOT GIVE RELEVANT REASON	2 9.5	2 9.5	2 9.5	- -	- -	- -	- -	-	-

Table 28

Q27 28. THINKING AGAIN ABOUT THE COMPANY THAT MAKES COHIBA CIGARS FROM CUBA AND THE COMPANY THAT MAKES THE CIGARS SHOWN ABOVE, DO YOU THINK THAT ONE OF THESE COMPANIES..

SAW IMAGE 1 (OPEN BOX)_____

	TOTAL SAMPLE								
	TOTAL	$65 OR HIGH -ER	$65 OR HIGH ER SAW IMAGE	FE-MALE $65 OR HIGH -ER	FE MALE $65 OR HIGH ER SAW IMAGE	$120 OR HIGH -ER	$120 OR HIGH ER SAW IMAGE	$235 OR HIGH -ER	$235 OR HIGH ER SAW IMAGE
BASE: COMPANIES DO NOT HAVE AFFILIATION/DON'T KNOW	65	65	65	8	8	44	44	17	17
GOT AUTHORIZATION OR APPROVAL FROM THE OTHER COMPANY TO USE THE NAME COHIBA	14 21.5	14 21.5	14 21.5	3 37.5	3 37.5	8 18.2	8 18.2	2 11.8	2 11.8
DID NOT GET AUTHORIZATION OR APPROVAL FROM THE OTHER COMPANY TO USE THE NAME COHIBA	31 47.7	31 47.7	31 47.7	2 25.0	2 25.0	21 47.7	21 47.7	7 41.2	7 41.2
DON'T KNOW/NO ANSWER	20 30.8	20 30.8	20 30.8	3 37.5	3 37.5	15 34.1	15 34.1	8 47.1	8 47.1

Table 29

Q29-30. WHICH OF THE 2 COMPANIES DO YOU THINK GAVE AUTHORIZATION OR APPROVAL OR DON'T YOU KNOW?

SAW IMAGE 1 (OPEN BOX)_____

TOTAL SAMPLE

	TOTAL	$65 OR HIGH -ER	$65 OR HIGH -ER SAW IMAGE	FE MALE $65 OR HIGH -ER	FE MALE $65 OR HIGH -ER SAW IMAGE	$120 OR HIGH -ER	$120 OR HIGH -ER SAW IMAGE	$235 OR HIGH -ER	$235 OR HIGH -ER SAW IMAGE
BASE: GOT AUTHORIZATION OR APPROVAL FROM THE OTHER COMPANY TO USE THE NAME COHIBA	14	14	14	3	3	8	8	2	2
THE COMPANY THAT MAKES COHIBA CIGARS FROM CUBA	10 71.4	10 71.4	10 71.4	1 33.3	1 33.3	6 75.0	6 75.0	1 50.0	1 50.0
THE COMPANY THAT MAKES THE CIGARS SHOWN ABOVE	3 21.4	3 21.4	3 21.4	1 33.3	1 33.3	2 25.0	2 25.0	1 50.0	1 50.0
DON'T KNOW/NO ANSWER	1 7.1	1 7.1	1 7.1	1 33.3	1 33.3	- -	-	-	

Table 30
Q19-22/24-25/29-30

SAW IMAGE 1 (OPEN BOX)_____

	TOTAL SAMPLE								
	TOTAL	$65 OR HIGH -ER	$65 OR HIGH -ER SAW IMAGE	FE-MALE $65 OR HIGH -ER	FE-MALE $65 OR HIGH -ER SAW IMAGE	$120 OR HIGH -ER	$120 OR HIGH -ER SAW IMAGE	$235 OR HIGH -ER	$235 OR HIGH -ER SAW IMAGE
BASE: CHOIBA MADE IN CUBA	120	120	120	15	15	80	80	31	31
NET	65 54.2	65 54.2	65 54.2	10 66.7	10 66.7	43 53.8	43 53.8	15 48.4	15 48.4
MADE BY THE SAME COMPANY AND GAVE RELEVANT REASON	32 26.7	32 26.7	32 26.7	5 33.3	5 33.3	22 27.5	22 27.5	9 29.0	9 29.0
THEY DO HAVE AN AFFILIATION, ASSOCIATION, OR BUSINESS CONNECTION WITH EACH OTHER AND GAVE RELEVANT REASON	19 15.8	19 15.8	19 15.8	2 13.3	2 13.3	13 16.3	13 16.3	4 12.9	4 12.9
ONE COMPANY GAVE THE OTHER AUTHORIZATION OR APPROVAL TO USE NAME COHIBA	14 11.7	14 11.7	14 11.7	3 20.0	3 20.0	8 10.0	8 10.0	2 6.5	2 6.5

Table 31

Q19 22. DO YOU THINK THAT COHIBA CIGARS FROM CUBA AND THE CIGARS SHOWN ABOVE ARE MADE BY THE SAME COMPANY, ARE MADE BY DIFFERENT COMPANIES, OR DON'T YOU KNOW?

SAW IMAGE 2 (CLOSED BOX)_____

	TOTAL SAMPLE								
	TOTAL	$65 OR HIGH -ER	$65 OR HIGH -ER SAW IMAGE	FE-MALE $65 OR HIGH ER	FE MALE $65 OR HIGH -ER SAW IMAGE	$120 OR HIGH ER	$120 OR HIGH ER SAW IMAGE	$235 OR HIGH -ER	$235 OR HIGH -ER SAW IMAGE
BASE: COHIBA MADE IN CUBA	136	136	136	18	18	90	90	37	37
MADE BY THE SAME COMPANY	38 27.9	38 27.9	38 27.9	5 27.8	5 27.8	24 26.7	24 26.7	6 16.2	6 16.2
MADE BY DIFFERENT COMPANIES	72 52.9	72 52.9	72 52.9	9 50.0	9 50.0	47 52.2	47 52.2	20 54.1	20 54.1
DON'T KNOW/NO ANSWER	26 19.1	26 19.1	26 19.1	4 22.2	4 22.2	19 21.1	19 21.1	11 29.7	11 29.7

EXHIBITS

Table 32
Q23. PLEASE TELL WHAT MAKES YOU THINK THEY ARE MADE BY THE SAME COMPANY.

SAW IMAGE 2 (CLOSED BOX)_____

	TOTAL SAMPLE								
	TOTAL	$65 OR HIGH -ER	$65 OR HIGH -ER SAW IMAGE	FE MALE $65 OR HIGH -ER	FE MALE $65 OR HIGH -ER SAW IMAGE	$120 OR HIGH -ER	$120 OR HIGH -ER SAW IMAGE	$235 OR HIGH -ER	$235 OR HIGH -ER SAW IMAGE
BASE: CIGARS MADE BY SAME COMPANY	38	38	38	5	5	24	24	6	6
GAVE RELEVANT REASON	35 92.1	35 92.1	35 92.1	4 80.0	4 80.0	21 87.5	21 87.5	6 100.0	6 100.0
DID NOT GIVE RELEVANT REASON	3 7.9	3 7.9	3 7.9	1 20.0	1 20.0	3 12.5	3 12.5	- -	- -

Table 33

Q24 25. DO YOU THINK THAT THE COMPANY THAT MAKES COHIBA CIGARS FROM CUBA AND THE COMPANY THAT MAKES THE CIGARS SHOWN ABOVE DO OR DO NOT HAVE AN AFFILIATION, ASSOCIATION, OR BUSINESS CONNECTION WITH EACH OTHER OR DON'T YOU KNOW?

·SAW IMAGE 2 (CLOSED BOX)_____

	TOTAL SAMPLE								
	TOTAL	$65 OR HIGH -ER	$65 OR HIGH -ER SAW IMAGE	FE-MALE $65 OR HIGH -ER	FE MALE $65 OR HIGH -ER SAW IMAGE	$120 OR HIGH ER	$120 OR HIGH ER SAW IMAGE	$235 OR HIGH -ER	$235 OR HIGH -ER SAW IMAGE
BASE: CIGARS MADE BY DIFFERENT COMPANIES/DON'T KNOW	98	98	98	13	13	66	66	31	31
THEY DO HAVE AN AFFILIATION, ASSOCIATION, OR BUSINESS CONNECTION WITH EACH OTHER	30 30.6	30 30.6	30 30.6	6 46.2	6 46.2	19 28.8	19 28.8	7 22.6	7 22.6
THEY DO NOT HAVE AN AFFILIATION, ASSOCIATION, OR BUSINESS CONNECTION WITH EACH OTHER	44 44.9	44 44.9	44 44.9	3 23.1	3 23.1	32 48.5	32 48.5	14 45.2	14 45.2
DON'T KNOW/NO ANSWER	24 24.5	24 24.5	24 24.5	4 30.8	4 30.8	15 22.7	15 22.7	10 32.3	10 32.3

Table 34

Q26. PLEASE TELL WHAT MAKES YOU THINK THEY HAVE AN AFFILIATION, ASSOCIATION, OR BUSINESS CONNECTION WITH EACH OTHER.

SAW IMAGE 2 (CLOSED BOX)_____.

	TOTAL SAMPLE								
	TOTAL	$65 OR HIGH -ER	$65 OR HIGH -ER SAW IMAGE	FE MALE $65 OR HIGH -ER	FE MALE $65 OR HIGH -ER SAW IMAGE	$120 OR HIGH -ER	$120 OR HIGH -ER SAW IMAGE	$235 OR HIGH ER	$235 OR HIGH -ER SAW IMAGE
BASE: COMPANIES HAVE AN AFFILIATION	30	30	30	6	6	19	19	7	7
GAVE RELEVANT REASON	28 93.3	28 93.3	28 93.3	6 100.0	6 100.0	17 89.5	17 89.5	5 71.4	5 71.4
DID NOT GIVE RELEVANT REASON	2 6.7	2 6.7	2 6.7	- -	- -	2 10.5	2 10.5	2 28.6	2 28.6

Table 35

Q27 28. THINKING AGAIN ABOUT THE COMPANY THAT MAKES COHIBA CIGARS FROM CUBA AND THE COMPANY THAT MAKES THE CIGARS SHOWN ABOVE, DO YOU THINK THAT ONE OF THESE COMPANIES..

SAW IMAGE 2 (CLOSED BOX)_____

	TOTAL SAMPLE								
	TOTAL	$65 OR HIGH -ER	$65 OR HIGH ER SAW IMAGE	FE HALE $65 OH HIGH -ER	FE MALE $65 OR HIGH -ER SAW IMAGE	$120 OR HIGH -ER	$120 OR HIGH -ER SAW IMAGE	$235 OR HIGH -ER	$235 OR HIGH -ER SAW IMAGE
BASE: COMPANIES DO NOT HAVE AFFILIATION/DON'T KNOW	68	68	68	7	7	47	47	24	24
GOT AUTHORIZATION OR APPROVAL FROM THE OTHER COMPANY TO USE THE NAME COHIBA	11 16.2	11 16.2	11 16.2	2 28.6	2 28.6	9 19.1	9 19.1	5 20.8	5 20.8
DID NOT GET AUTHORIZATION OR APPROVAL FROM THE OTHER COMPANY TO USE THE NAME COHIBA	35 51.5	35 51.5	35 51.5	2 28.6	2 28.6	25 53.2	25 53.2	11 45.8	11 45.8
DON'T KNOW/NO ANSWER	22 32.4	22 32.4	22 32.4	3 42.9	3 42.9	13 27.7	13 27.7	8 33.3	8 33.3

Table 36

Q29 30. WHICH OF THE 2 COMPANIES DO YOU THINK GAVE AUTHORIZATION OR APPROVAL OR DON'T YOU KNOW?

SAW IMAGE 2 (CLOSED BOX)_____

	TOTAL SAMPLE								
	TOTAL	$65 OR HIGHER	$65 OR HIGHER SAW IMAGE	FEMALE $65 OR HIGHER	FEMALE $65 OR HIGHER SAW IMAGE	$120 OR HIGHER	$120 OR HIGHER SAW IMAGE	$235 OR HIGHER	$235 OR HIGHER SAW IMAGE
BASE: GOT AUTHORIZATION OR APPROVAL FROM THE OTHER COMPANY TO USE THE NAME COHIBA	11	11	11	2	2	9	9	5	5
THE COMPANY THAT MAKES COHIBA CIGARS FROM CUBA	10 90.9	10 90.9	10 90.9	1 50.0	1 50.0	8 88.9	8 88.9	5 100.0	5 100.0
THE COMPANY THAT MAKES THE CIGARS SHOWN ABOVE	1 9.1	1 9.1	1 9.1	1 50.0	1 50.0	1 11.1	1 11.1	- -	- -

Table 37
Q19-22/24-25/29-30

SAW IMAGE 2 (CLOSED BOX)

	TOTAL SAMPLE								
	TOTAL	$65 OR HIGH -ER	$65 OR HIGH -ER SAW IMAGE	FE-MALE $65 OR HIGH -ER	FE-MALE $65 OR HIGH -ER SAW IMAGE	$120 OR HIGH -ER	$120 OR HIGH -ER SAW IMAGE	$235 OR HIGH -ER	$235 OR HIGH -ER SAW IMAGE
BASE: CHOIBA MADE IN CUBA	136	136	136	18	18	90	90	37	37
NET	74 54.4	74 54.4	74 54.4	12 66.7	12 66.7	47 52.2	47 52.2	16 43.2	16 43.2
MADE BY THE SAME COMPANY AND GAVE RELEVANT REASON	35 25.7	35 25.7	35 25.7	4 22.2	4 22.2	21 23.3	21 23.3	6 16.2	6 16.2
THEY DO HAVE AN AFFILIATION, ASSOCIATION, OR BUSINESS CONNECTION WITH EACH OTHER AND GAVE RELEVANT REASON	28 20.6	28 20.6	28 20.6	6 33.3	6 33.3	17 18.9	17 18.9	5 13.5	5 13.5
ONE COMPANY GAVE THE OTHER AUTHORIZATION OR APPROVAL TO USE NAME COHIBA	11 8.1	11 8.1	11 8.1	2 11.1	2 11.1	9 10.0	9 10.0	5 13.5	5 13.5

Table 38
Q3. PLEASE INDICATE YOUR AGE GROUP.

	TOTAL SAMPLE								
	TOTAL	$65 OR HIGH -ER	$65 OR HIGH -ER SAW IMAGE	FE MALE $65 OR HIGH -ER	FE MALE $65 OR HIGH -ER SAW IMAGE	$120 OR HIGH ER	$120 OR HIGH -ER SAW IMAGE	$235 OR HIGH ER	$235 OR HIGH -ER SAW IMAGE
TOTAL RESPONDENTS	1873	960	256	207	33	480	170	165	68
21 24	193 10.3	115 12.0	21 8.2	33 15.9	4 12.1	58 12.1	15 8.8	28 17.0	6 8.8
25 34	578 30.9	350 36.5	95 37.1	89 43.0	14 42.4	193 40.2	68 40.0	65 39.4	29 42.6
35 49	778 41.5	390 40.6	110 43.0	77 37.2	13 39.4	181 37.7	68 40.0	59 35.8	26 38.2
50 OR OLDER	324 17.3	105 10.9	30 11.7	8 3.9	2 6.1	48 10.0	19 11.2	13 7.9	7 10.3

Table 39
Q33. PLEASE INDICATE THE LAST GRADE OF SCHOOL YOU COMPLETED.

	TOTAL SAMPLE								
	TOTAL	$65 OR HIGHER SAW IMAGE	$65 OR HIGHER	FEMALE $65 OR HIGHER SAW IMAGE	FEMALE $65 OR HIGHER	$120 OR HIGHER SAW IMAGE	$120 OR HIGHER	$235 OR HIGHER SAW IMAGE	$235 OR HIGHER
TOTAL RESPONDENTS	1873	960	256	207	33	480	170	165	68
LESS THAN HIGH SCHOOL GRADUATE	37 2.0	6 0.6	1 0.4	- -	- -	3 0.6	1 0.6	2 1.2	- -
HIGH SCHOOL GRADUATE	250 13.3	74 7.7	7 2.7	16 7.7	1 3.0	25 5.2	3 1.8	6 3.6	1 1.5
SOME COLLEGE OR TECHNICAL SCHOOL	815 43.5	394 41.0	79 30.9	106 51.2	8 24.2	190 39.6	56 32.9	65 39.4	19 27.9
COLLEGE GRADUATE OR BEYOND	771 41.2	486 50.6	169 66.0	85 41.1	24 72.7	262 54.6	110 64.7	92 55.8	48 70.6

Table 40
Q34. PLEASE INDICATE YOUR EMPLOYMENT STATUS.

TOTAL SAMPLE

	TOTAL	$65 OR HIGH -ER	$65 OR HIGH -ER SAW IMAGE	FE MALE $65 OR HIGH -ER	FE-MALE $65 OR HIGH -ER SAW IMAGE	$120 OR HIGH -ER	$120 OR HIGH -ER SAW IMAGE	$235 OR HIGH -ER	$235 OR HIGH -ER SAW IMAGE
TOTAL RESPONDENTS	1873	960	256	207	33	480	170	165	68
STUDENT	79 4.2	44 4.6	14 5.5	11 5.3	3 9.1	25 5.2	12 7.1	12 7.3	6 8.8
RETIRED	155 8.3	34 3.5	5 2.0	4 1.9	1 3.0	12 2.5	3 1.8	4 2.4	1 1.5
EMPLOYED FULL TIME	1316 70.3	752 78.3	217 84.8	129 62.3	25 75.8	388 80.8	141 82.9	133 80.6	57 83.8
EMPLOYED PART-TIME	120 6.4	56 5.8	11 4.3	23 11.1	1 3.0	27 5.6	9 5.3	12 7.3	4 5.9
NOT PRESENTLY EMPLOYED	67 3.6	25 2.6	5 2.0	10 4.8	1 3.0	13 2.7	2 1.2	1 0.6	- -
HOMEMAKER	73 3.9	27 2.8	2 0.8	22 10.6	2 6.1	7 1.5	1 0.6	3 1.8	-
OTHER	63 3.4	22 2.3	2 0.8	8 3.9	- -	8 1.7	2 1.2	- -	- -

Table 41
Q35. PLEASE INDICATE YOUR HOUSEHOLD'S TOTAL INCOME BEFORE TAXES:

	TOTAL SAMPLE								
	TOTAL	$65 OR HIGH-ER	$65 OR HIGH-ER SAW IMAGE	FE-MALE $65 OR HIGH-ER	FE MALE $65 OR HIGH-ER SAW IMAGE	$120 OR HIGH-ER	$120 OR HIGH-ER SAW IMAGE	$235 OR HIGH-ER	$235 OR HIGH-ER SAW IMAGE
TOTAL RESPONDENTS	1873	960	256	207	33	480	170	165	68
LESS THAN $30,000	282 15.1	79 8.2	14 5.5	21 10.1	1 3.0	37 7.7	8 4.7	11 6.7	3 4.4
$30,000 $39,999	289 15.4	126 13.1	24 9.4	35 16.9	6 18.2	65 13.5	19 11.2	21 12.7	7 10.3
$40,000-$49,999	254 13.6	115 12.0	28 10.9	35 16.9	7 21.2	54 11.3	19 11.2	15 9.1	5 7.4
$50,000 $74,999	438 23.4	237 24.7	51 19.9	48 23.2	5 15.2	108 22.5	34 20.0	29 17.6	11 16.2
$75,000 $99,999	248 13.2	167 17.4	48 18.8	28 13.5	3 9.1	69 14.4	21 12.4	21 12.7	6 8.8
$100,000-$149,999	152 8.1	104 10.8	36 14.1	16 7.7	3 9.1	64 13.3	28 16.5	28 17.0	12 17.6
$150,000 OR MORE	66 3.5	58 6.0	32 12.5	13 6.3	6 18.2	43 9.0	25 14.7	24 14.5	15 22.1
REFUSED	144 7.7	74 7.7	23 9.0	11 5.3	2 6.1	40 8.3	16 9.4	16 9.7	9 13.2

Table 42
Q36. GENDER

TOTAL SAMPLE

	TOTAL	$65 OR HIGH -ER	$65 OR HIGH -ER SAW IMAGE	FE MALE $65 OR HIGH -ER	FE-MALE $65 OR HIGH -ER SAW IMAGE	$120 OR HIGH -ER	$120 OR HIGH -ER SAW IMAGE	$235 OR HIGH -ER	$235 OR HIGH -ER SAW IMAGE
TOTAL RESPONDENTS	1873	960	256	207	33	480	170	165	68
MALE	1433	753	223	.	-	383	144	132	59
	76.5	78.4	87.1	.	.	79.8	84.7	80.0	86.8
FEMALE	440	207	33	207	33	97	26	33	9
	23.5	21.6	12.9	100.0	100.0	20.2	15.3	20.0	13.2

Table 43

Q37. WHICH OF THE FOLLOWING BEST DESCRIBES THE GEOGRAPHIC AREA OF YOUR PRIMARY RESIDENCE?

	TOTAL SAMPLE								
	TOTAL	$65 OR HIGH -ER	$65 OR HIGH -ER SAW IMAGE	FE-MALE $65 OR HIGH -ER	FE-MALE $65 OR HIGH -ER SAW IMAGE	$120 OR HIGH -ER	$120 OR HIGH -ER SAW IMAGE	$235 OR HIGH -ER	$235 OR HIGH -ER SAW IMAGE
TOTAL RESPONDENTS	1873	960	256	207	33	480	170	165	68
PACIFIC (WA, OR, CA, AK, HI)	290 15.5	155 16.1	49 19.1	37 17.9	8 24.2	90 18.8	36 21.2	43 26.1	17 25.0
MOUNTAIN (MT, ID, WY, NV, UT, CO, AZ, NM)	121 6.5	55 5.7	7 2.7	15 7.2	1 3.0	30 6.3	6 3.5	13 7.9	3 4.4
WEST NORTH CENTRAL (ND, SD, NE, KS, MN, IA, MO)	148 7.9	70 7.3	13 5.1	18 8.7	-	30 6.3	8 4.7	9 5.5	2 2.9
WEST SOUTH CENTRAL (TX, OK, AR, LA)	200 10.7	107 11.1	26 10.2	21 10.1	1 3.0	41 8.5	12 7.1	11 6.7	5 7.4
EAST NORTH CENTRAL (WI, IL, MI, IN, OH)	276 14.7	146 15.2	33 12.9	26 12.6	2 6.1	72 15.0	25 14.7	22 13.3	10 14.7
EAST SOUTH CENTRAL (KY, TN, MS, AL)	99 5.3	42 4.4	16 6.3	10 4.8	5 15.2	23 4.8	12 7.1	6 3.6	5 7.4
SOUTH ATLANTIC (FL, GA, SC, NC, VA, WV, DC, MD, DE)	366 19.5	185 19.3	61 23.8	42 20.3	11 33.3	94 19.6	41 24.1	29 17.6	16 23.5
MIDDLE ATLANTIC (NY, NJ, PA)	278 14.8	144 15.0	40 15.6	27 13.0	3 9.1	71 14.8	24 14.1	23 13.9	7 10.3
NEW ENGLAND (ME, NH, VT, MA, RI, CT)	95 5.1	56 5.8	11 4.3	11 5.3	2 6.1	29 6.0	6 3.5	9 5.5	3 4.4

APPENDIX B

QUESTIONNAIRE

- Each page that follows depicts the screen shown to respondents on their computer.
- The little box below each question says "Next". When the respondent clicked on that box the next page appeared. The next page appeared only if the previous question had been answered
- Appropriate question skip patterns were built into the computer program.
- In Q. 18, what had been typed in for Q. 13 appeared at the end of the first sentence in Q. 18.
- The two images of the General Cigar Cohiba box that a respondent saw were continuous- with the respondent scrolling down to see both images, if necessary. The two continuous images are shown here on two separate pages.
- The questionnaire that follows only shows the pictures of the opened box, which was shown to about half of the respondents who saw the General Cigar Cohiba box. Pictures of both alternatives (opened box, closed box) appear in Section IV of this report.
- As indicated in the Methodology Detail - The Questionnaire, several versions of some questions were used in order to randomly rotate the order of items mentioned in the questions. The order in which some questions were asked was also randomly rotated. The questionnaire that follows shows only one rotation sequence. Note that the questions are not sequentially numbered after the initial questions due to this rotation scheme.

If you are 21 years of age or older and smoke cigars, we are interested in your thoughts and opinions. If you don't smoke cigars, but someone else in your household who is 21 or older does, please ask him or her to complete this survey.

By sharing your thought and opinions, you will be entered into a drawing for a chance to win a grand prize of $150, 1 of 20 $15 cash prizes, or 1 of 210 $5 cash prizes. All winners will be notified via email when their iGain account has been credited. Please allow 6-8 weeks for winners to be selected and accounts to be credited.

Please visit the following URL or copy it into your Web browser (long address may break into 2 lines). This survey should take no more than 15 minutes to complete.

http://www.greenfieldonline.com/projects/685s004.htm

If you encounter any technical problems while completing this survey, please send an email to us at help@greenfieldonline.com and reference project #685 in your message.

We look forward to working with you!

Sara Williams
Greenfield Online

Reminder:

There is still time to take our cigar study. If you are 21 years of age or older and smoke cigars, we are interested in your thoughts and opinions. If you don't smoke cigars, but someone else in your household who is 21 or older does, please ask him or her to complete this survey.

By sharing your thought and opinions, you will be entered into a drawing for a chance to win a grand prize of $150, 1 of 20 $15 cash prizes, or 1 of 210 $5 cash prizes. All winners will be notified via email when their iGain account has been credited. Please allow 6-8 weeks for winners to be selected and accounts to be credited.

Please visit the following URL or copy it into your Web browser (long address may break into 2 lines). This survey should take no more than 15 minutes to complete.

http://www.greenfieldonline.com/projects/685s004.htm

If you encounter any technical problems while completing this survey, please send an email to us at help@greenfieldonline.com and reference project #685 in your message.

We look forward to working with you!

Sara Williams
Greenfield Online

CIGAR STUDY (#685)

We appreciate your interest in our cigar study. This survey should take not more than 15 minutes to complete.

WIN! By completing this survey, you will be entered into a drawing for a chance to win a **grand prize of $150, 1 of 20 $15 cash prizes or 1 of 210 $5 cash prizes**. Winners will be notified by email, and all incentives will be deposited directly into each winner's personal iGain prize account.

TIP! Simply answer the questions and click the **"Next"** button in the lower left-hand corner of your screen. When you have reached the end of the survey, click **"Submit"** to send your answers. If you encounter any technical difficulties while completing this survey, please send and email to help@greenfieldonline.com.

Greenfield
Leading the Research Revolution®

To be eligible to participate in this study, you must be a registered member of Greenfield Online. As always, this survey is for research purposes only. You will never be asked to buy anything, and no one outside of Greenfield Online will contact you as a result of your answers.

A. To start, please enter your complete email address. Be sure to use the email address with which you are currently registered at Greenfield Online. (Please be sure to use your full address, e.g. abc@xyz.123.)

Survey 685s004

We are interested in your opinions and thoughts about cigars. Please complete this questionnaire now, answering each of the questions. Do not consult anyone else while answering this survey. Thanks for your help.

1. Have you participated in any market research surveys within the past 6 months, for any of the following topics? (Select as many as apply.)

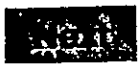
- ☐ Sports
- ☐ Sailing
- ☐ Cigars
- ☐ Beer
- ☐ Movies
- ☐ None of the above

Next

Survey 685s004

2. Do you or any members of your household work in the following industries? (Select as many as apply.)

- ☐ An advertising agency
- ☐ In a store that sells cigars
- ☐ Beverage industry
- ☐ A market research company or department
- ☐ A movie company
- ☐ Tobacco industry
- ☐ None of the above



Survey 685s004

3. Please indicate your age. (Select one answer.)

- ○ Under 21
- ○ 21-24
- ○ 24-34
- ○ 35-49
- ○ 50 or older

Next

Survey 685s004

4. Do you smoke a pipe? (Select one answer.)

- O Yes
- O No

5. Do you smoke cigars? (Select one answer.)

- O Yes
- O No

Next

Survey 685s004

6. Within the next 12 months, are you very likely to buy cigars for yourself? (Select one answer.)

- ○ Yes
- ○ No
- ○ Not sure

Next

Survey 885s004

7. Thinking about the cigars you will buy for yourself within the next 12 months, please indicate into which of the price categories those cigars would fall. This should be based on what you will most likely pay for a box of 25 cigars or for each cigar that you will buy for yourself. (Select as many as apply.)

- ☐ Less than $35 for a box of 25 cigars/less than $1.50 per cigar
- ☐ $35-$64 for a box of 25 cigars/$1.50-$2.80 per cigar
- ☐ $65-$99 for a box of 25 cigars/$2.81-$4.34 per cigar
- ☐ $100-$119 for a box of 25 cigars/$4.35-$5.24 per cigar
- ☐ $120-$234 for a box of 25 cigars/$5.25-$10.30 per cigar
- ☐ $235-$349 for a box of 25 cigars/$10.31-$15.35 per cigar
- ☐ $350 or more for a box of 25 cigars/$15.36 or more per cigar

Next

Survey 685s004

8. Considering only the cigars you will buy for yourself that cost at least $65 or more for a box of 25 cigars/$2.81 or more per cigar, about how many of these cigars will you likely buy in the next 12 months? (Select one answer.)

- ○ Fewer than 25 cigars
- ○ 25-50 cigars
- ○ 51-100 cigars
- ○ 101-200 cigars
- ○ More than 200 cigars

NEXT

Survey 685s004

9. Within the next 12 months, are you very likely to buy cigars as a gift for someone else or to use at a special event? (Select one answer.)

- ○ Yes
- ○ No
- ○ Not sure

Next

Survey 885s004

10. Thinking about the cigars you will buy as a gift for someone else or to use at a special event within the next 12 months, please indicate into which of the price categories those cigars would fall. This should be based on what you will most likely pay for a box of 25 cigars or for each cigar that you will buy as a gift. (Select as many as apply.)

- ☐ Less than $35 for a box of 25 cigars/less than $1.50 per cigar.
- ☐ $35-$64 for a box of 25 cigars/$1.50-$2.80 per cigar
- ☐ $65-$99 for a box of 25 cigars/$2.81-$4.34 per cigar
- ☐ $100-$119 for a box of 25 cigars/$4.35-$5.24 per cigar
- ☐ $120-$234 for a box of 25 cigars/$5.25-$10.30 per cigar
- ☐ $235-$349 for a box of 25 cigars/$10/31-$15.35 per cigar
- ☐ $350 or more for a box of 25 cigars/$15.36 or more per cigar

Next

Survey 685s004

11. Listed below are the names of several cigars that you may or may not have heard of before. For each cigar listed, please indicate whether you have heard of it, whether you have not heard of it, or whether you are not sure. (Select one anser in each row.)

	Heard Of	Not Heard Of	Not Sure
Bering	○	○	○
Macanudo	○	○	○
Arturo Fuente	○	○	○
Bances	○	○	○
King Edward	○	○	○
Cohiba	○	○	○
La Aurora	○	○	○
White Owl	○	○	○

Next

Survey 685s004

12. Do you know in which country or countries COHIBA cigars are made? (Select one answer.)

- ○ Yes
- ○ No

Next

Survey 635s004

13. Please write in the name of the country or countries where you think COHIBA cigars are made. If you don't know, check the don't know box. (Select one answer.)

- ○ COHIBA cigars are made in _____
- ○ Don't know

Next

Survey 885s004

14. Do you know in which country or countries MACANUDO cigars are made? (Select one answer.)

- ○ Yes
- ○ No

Next

Survey 685s004

15. Please write in the name of the country or countries where MACANUDO cigars are made. If you don't know, check the don't know box. (Select one answer.)

- ○ MACANUDO cigars are made in [ ]
- ○ Don't know

Next

Survey 685s004

16. Do you know in which country or countries BERING cigars are made? (Select one answer.)

- ○ Yes
- ○ No

Next

Survey 685s004

The following is an image of a box of cigars sold by quality retailers in the United States. Also shown are some of the cigars from this box. Please look this over and we will ask you some questions about it.

Next

Survey 685s004

17. Please write in the name of the country or countries where BERING cigars are made. If you don't know, check the don't know box. (Select one answer.)

- ○ BERING cigars are made in _____
- ○ Don't know

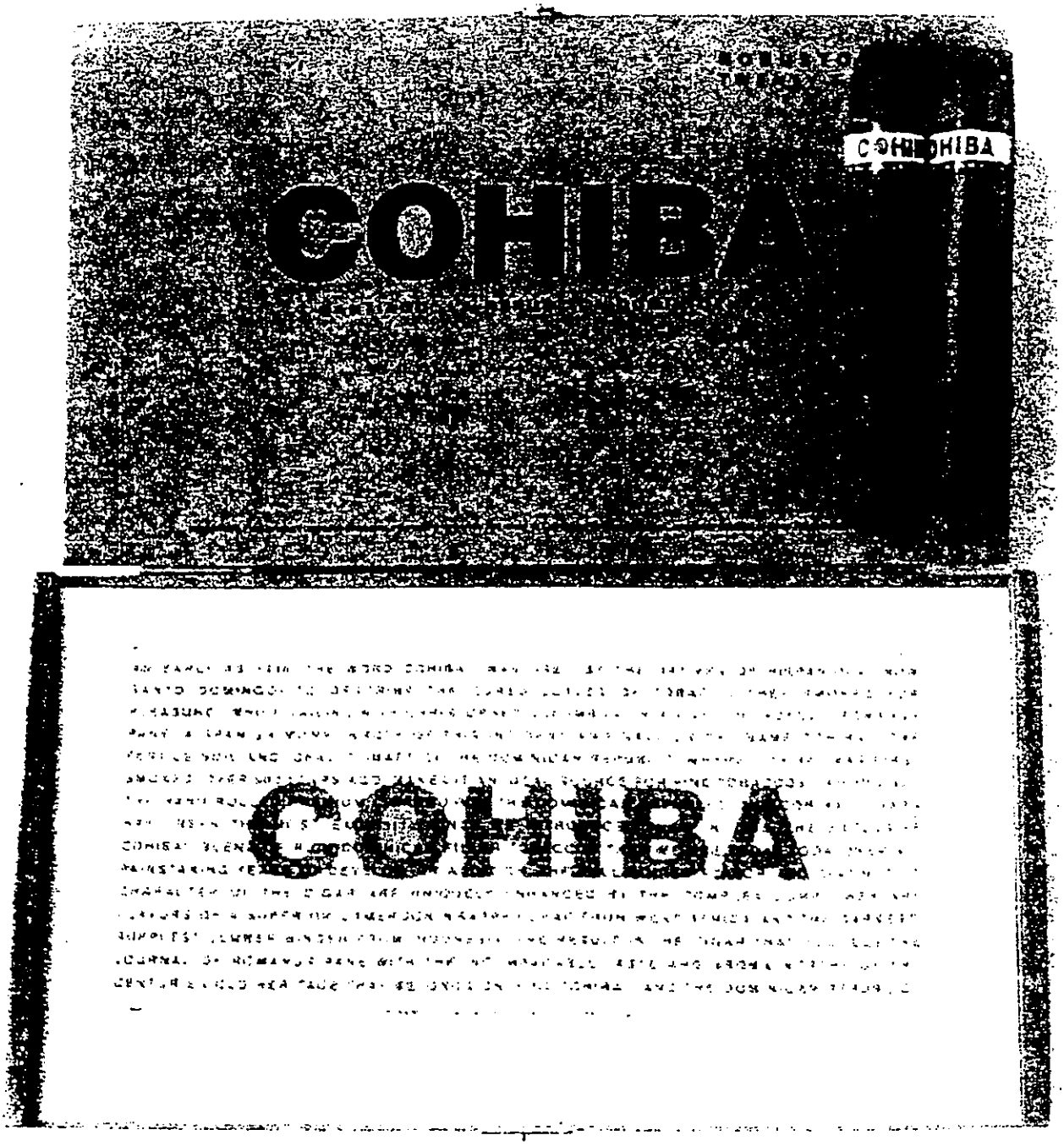
Survey 885s004

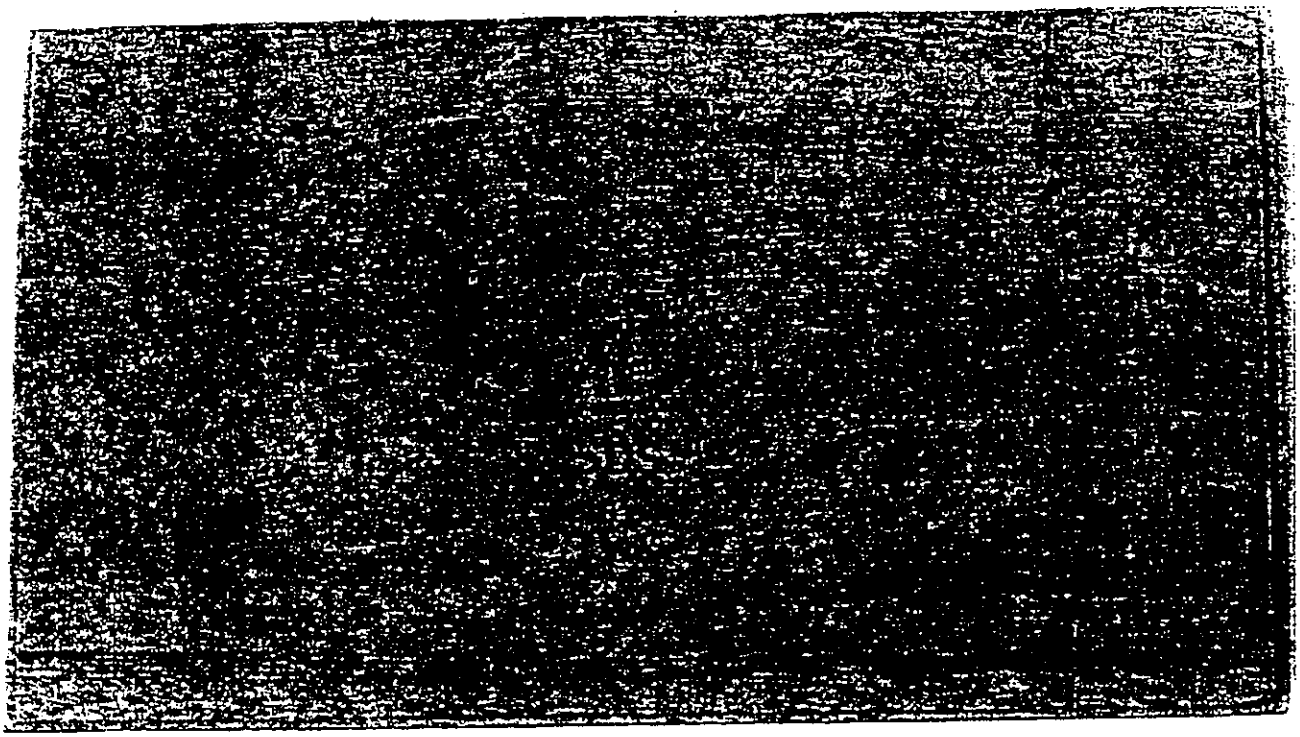
18. You said that COHIBA cigars were made in **Cuba**. Please check this name (names) below so that the computer can tally your answers. Do not check any others. (Select as many as apply.)

- ☐ Bahamas
- ☐ Brazil
- ☐ Cameroon
- ☐ Canary Islands
- ☐ Costa Rica
- ☐ Cuba
- ☐ Dominican Republic
- ☐ Ecuador
- ☐ Haiti
- ☐ Honduras
- ☐ Indonesia
- ☐ Jamaica
- ☐ Mexico
- ☐ Nicaragua
- ☐ United States
- ☐ West Africa
- ☐ Other

Next

Survey 855804





Please be patient while the image is downloaded...

19. Do you think that COHIBA cigars from Cuba and the cigars shown above are made by the same company, are made by different companies, or don't you know?

- ○ Made by the same company
- ○ Made by different companies
- ○ Don't know

Next

Survey 685s004

23. Please tell what makes you think they are made by the same company. (Please enter your answer in the space provided.)

Next

Survey 385s004

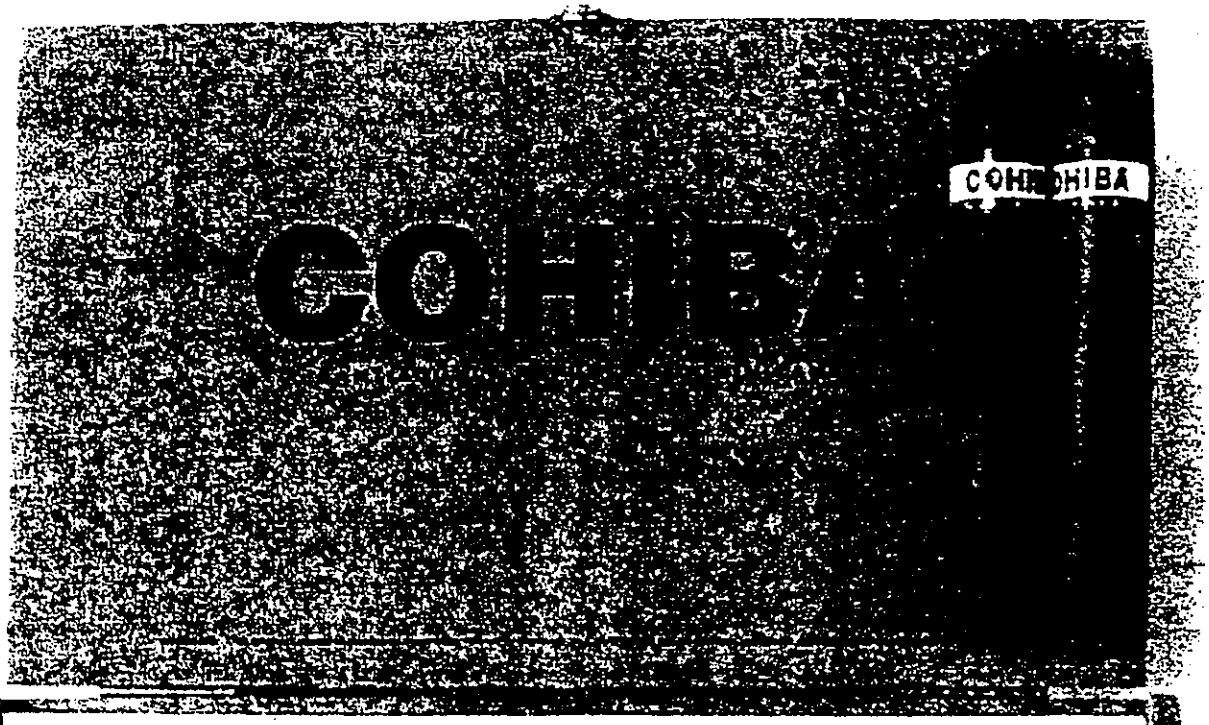
26. Please tell what makes you think they have and affiliation, association, or business connection with each other. (Please enter your answer in the space provided.)

_____

_____

Next

Survey 885sC04

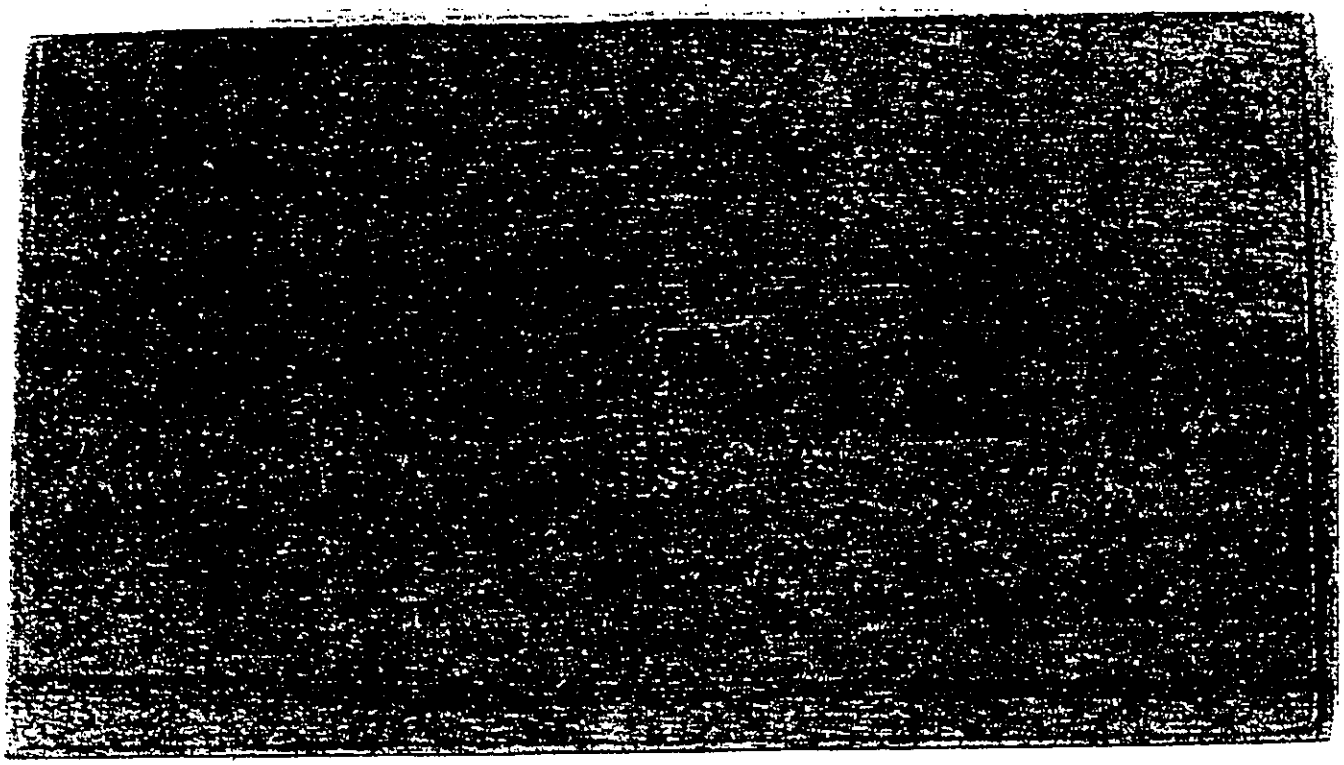


AS EARLY AS 1492 THE WORD COHIBA WAS USED BY THE NATIVES OF HISPANIOLA NOW SANTO DOMINGO TO DESCRIBE THE SUPERB LEAVES OF TOBACCO THEY SMOKED FOR PLEASURE. WHILE SAILING IN CHRISTOPHER COLUMBUS ON A SEA [illegible] FAME A SPANISH MONK WROTE OF THE SAME [illegible] FERTILE SOIL AND IDEAL CLIMATE OF THE DOMINICAN REPUBLIC WHERE COHIBA WAS [illegible] 400 YEARS AGO MAKES THIS IDEAL SOURCE FOR FINE TOBACCOS [illegible]

COHIBA

[illegible] THE MOST FA[illegible] DOMINICAN [illegible] CHARACTER OF THE CIGAR ARE UNQUESTIONABLY ENHANCED BY THE COMPLEX CULTURE [illegible] AMERICAN [illegible] FROM [illegible] OF THE CIGAR [illegible] OF HAVANA PANE WITH THE INC MARABU ASTE AND AROMA [illegible] OLD HERITAGE THAT [illegible] COHIBA AND THE COBIN [illegible]

Survey 885s004

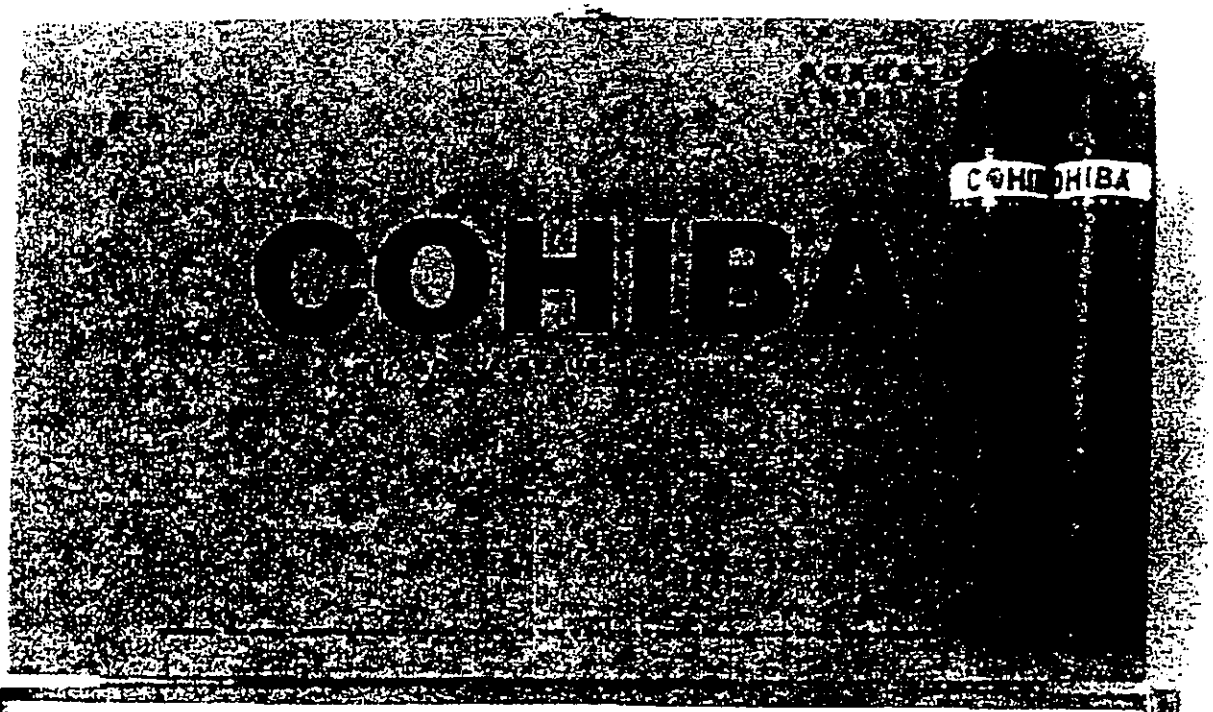


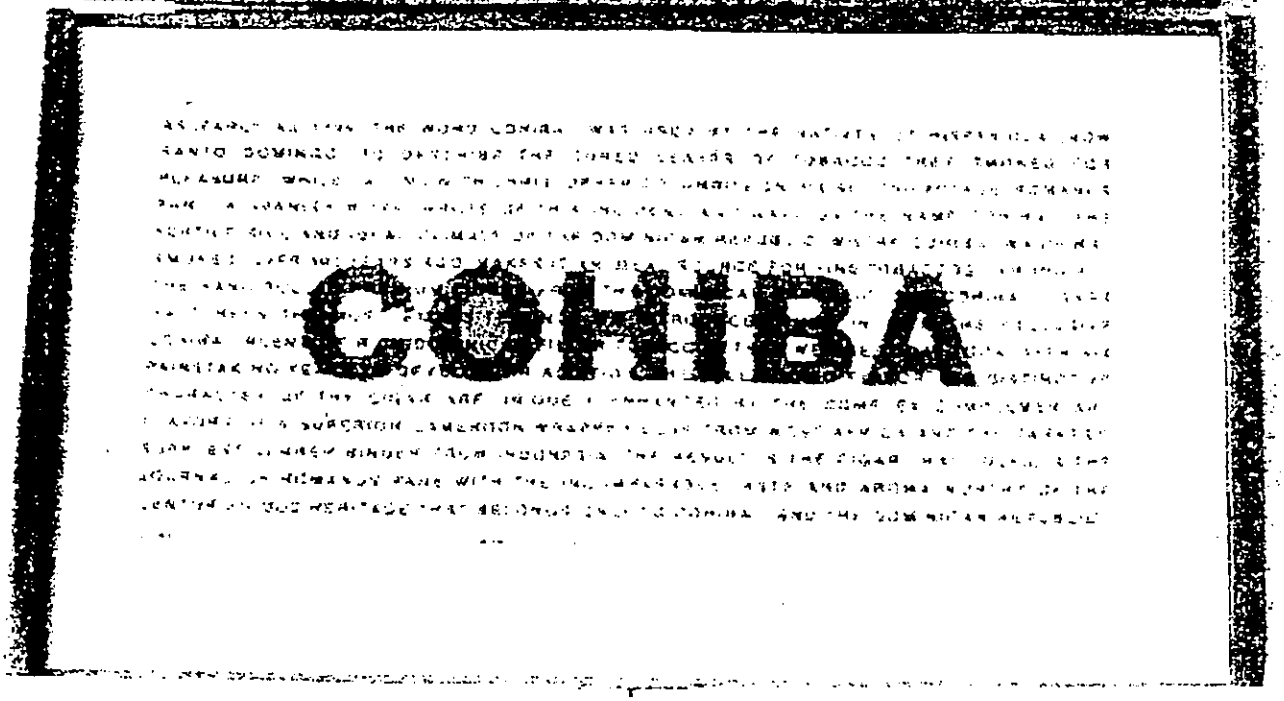
Please be patient while the image is downloaded...

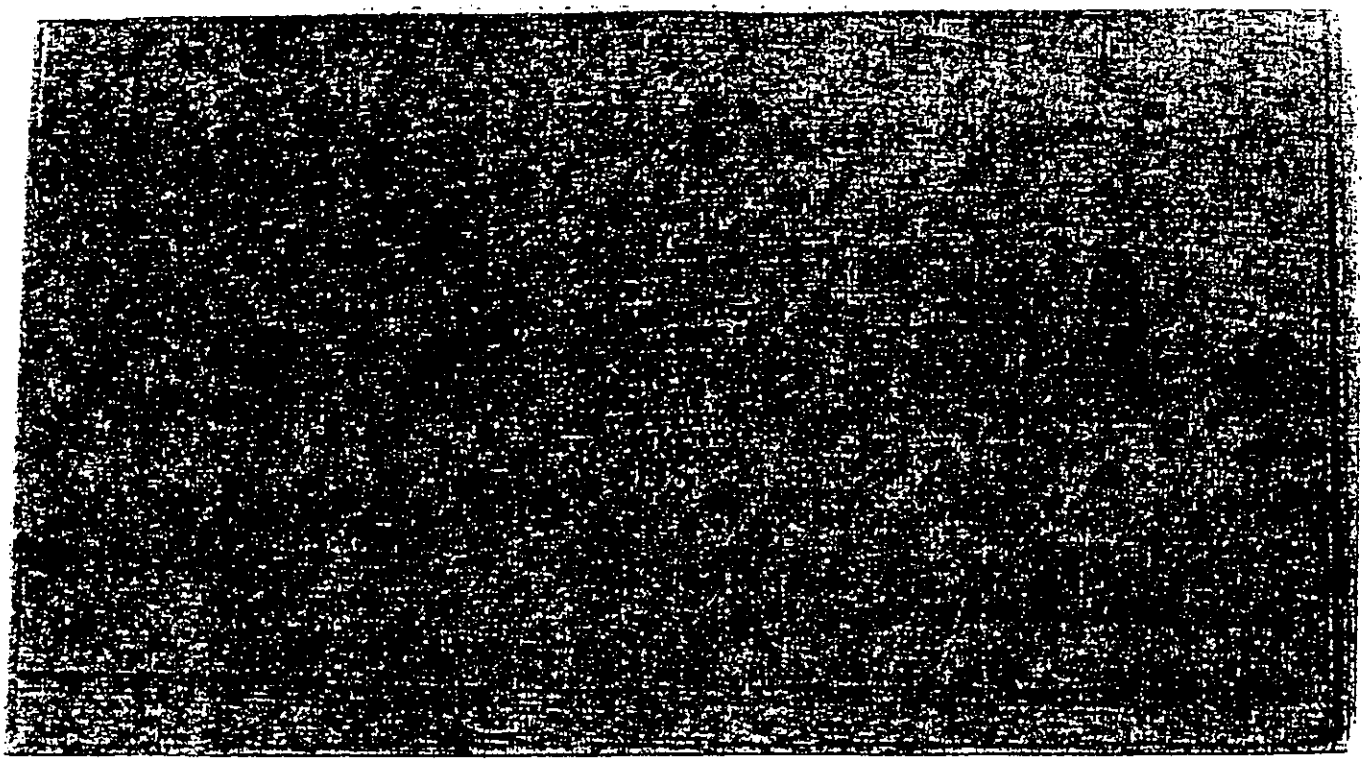
24. Do you think that the company that makes COHIBA cigars from Cuba and the company that makes the cigars shown above do or do not have an affiliation, association, or business connections with each other or don't you know.

- They do have an affiliation, association, or business connection with each other.
- The do not have an affiliation , association, or business connection with each other.
- Don't know

Next


COHIBA
COHIBA


COHIBA



Please wait while the image is downloaded...

27. Thinking again about the company that makes COHIBA cigars from Cuba and the company that makes the cigars shown above, do you think that one of these companies...

- ○ Got authorization or approval from the other company to use the name Cohiba
- ○ Did not get authorization or approval from the other company to use the name Cohiba
- ○ Don't know

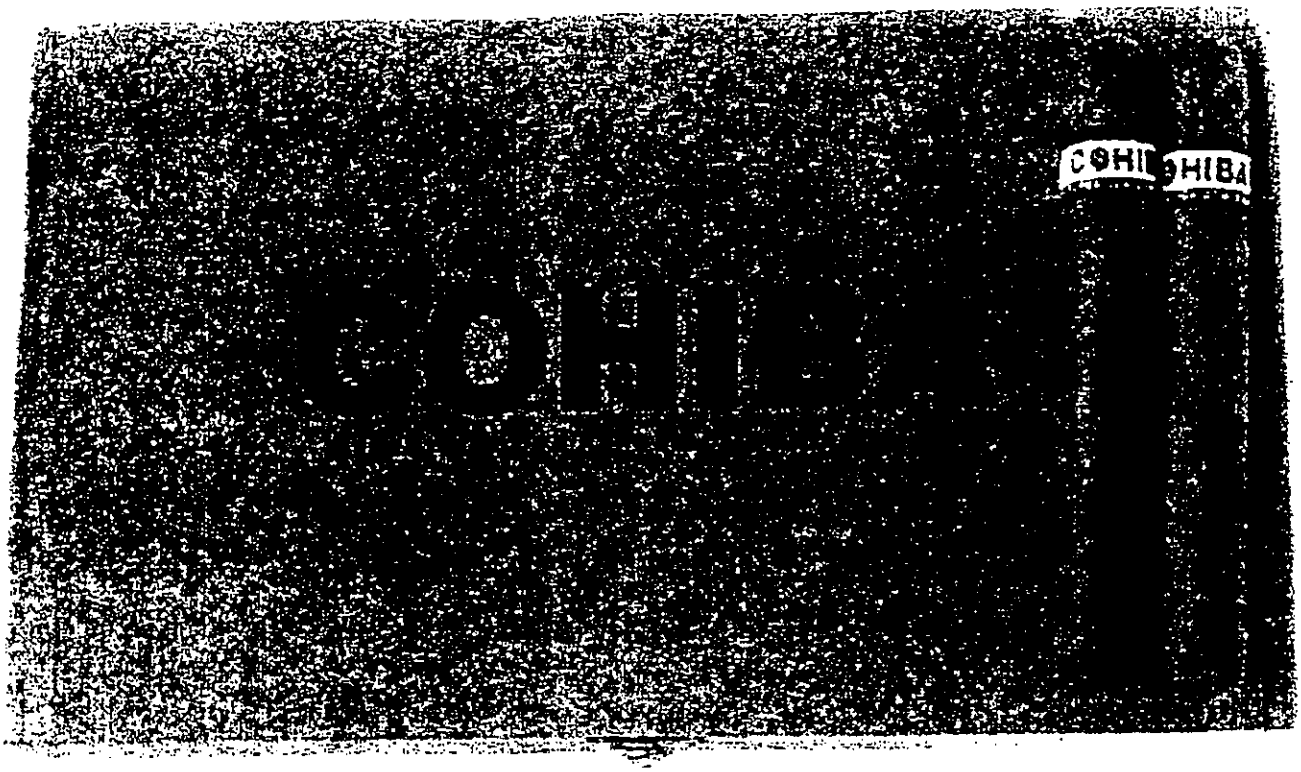
Next

Survey 685s004

29. Which of the 2 companies do you think gave authorization or approval or don't you know. (Select one answer.)

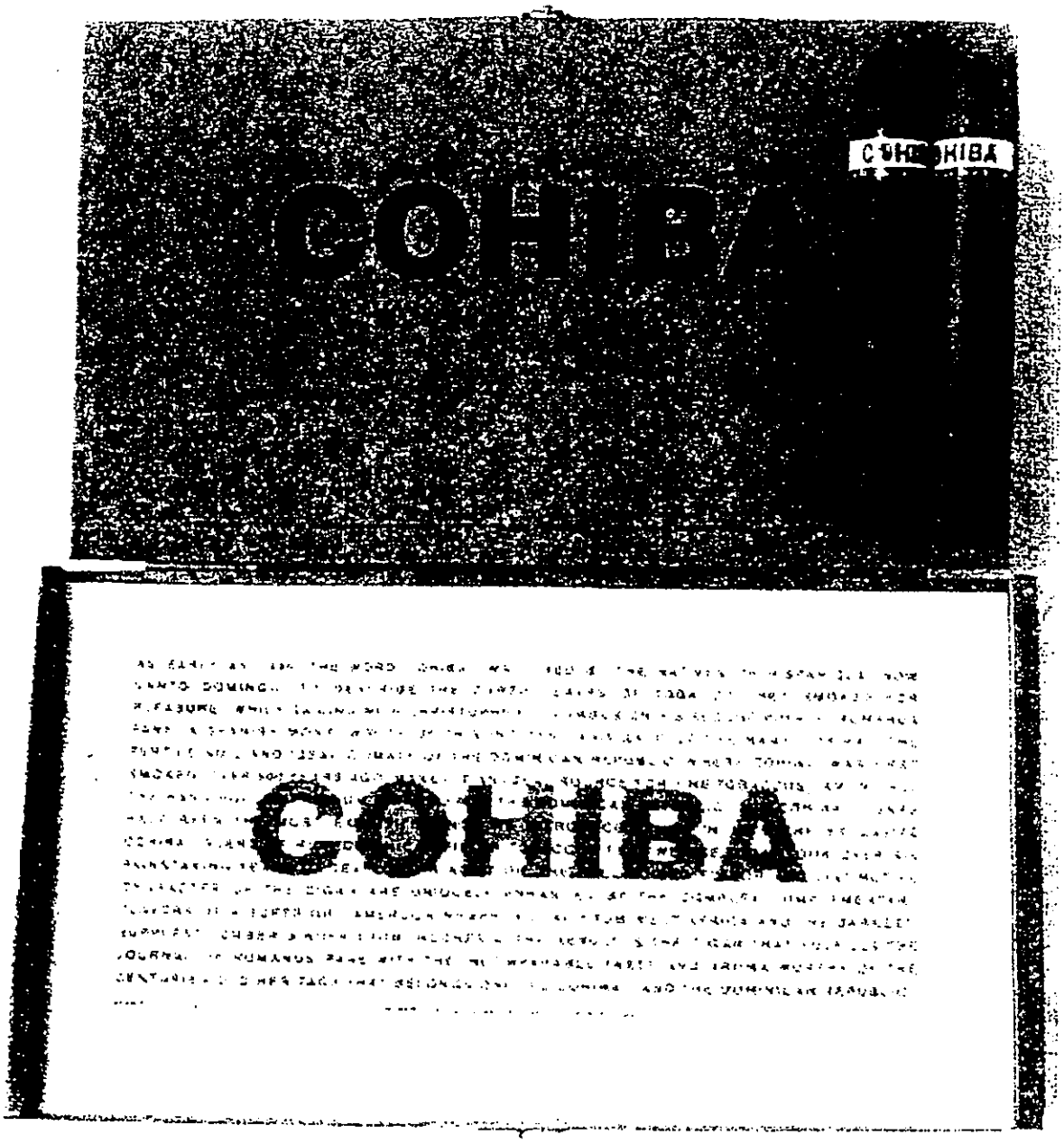
- ○ The company that makes Cohiba from Cuba
- ○ The company that makes the cigars shown above
- ○ Don't know

Next



31. Next, we need to check how well the pictures of the cigar box were transmitted to your computer. Please look at the picture of the top of the cigar box as is appears above. You will see the word COHIBA in large print on the box and then several words in smaller print directly under COHIBA. Please type in the words that you see printed directly below COHIBA on the box. If you cannot make out any of these words please indicate that.

Next



32. Next, we need to check on how well the pictures of the cigar box were transmitted to your computer. Please look a the picture of the open cigar box as it appears above. You will see many lines of print telling about the cigars. Please count down to line 8 and type the first five words that you see at the beginning of the eighth line. If you cannot make out any of these words please indicate that. (Please enter your answer in the space provided.)

Next

Survey 385s004

33. Please indicate the last grade of school you completed. (Select one answer.)

- ○ Less than high school graduate
- ○ High school graduate
- ○ Some college or technical school
- ○ College graduate or beyond

34. Please indicate your employment status. (Select one answer.)

- ○ Student
- ○ Retired
- ○ Employed full-time
- ○ Employed part-time
- ○ Not presently employed
- ○ Homemaker
- ○ Other

Next

Survey S85s004

35. Please indicate your household's total income before taxes. (Select one answer.)

- ○ Less than $30,000
- ○ $30,000-$39,000
- ○ $40,000-$49,000
- ○ $50,000-$74,000
- ○ $75,000-$99,000
- ○ $100,000-$149,000
- ○ $150,000 or more
- ○ Prefer not to say

36. Are you... (Select one answer.)

- ○ Male
- ○ Female

37. Which of the following best describes the geographic area of your primary residence? (Select one answer.)

- ○ Pacific (WA, OR, CA, AK, HI)
- ○ Mountain (MT, ID, WY, NV UT, CO, AZ, NM)
- ○ West North Central (ND, SD, NE, KS, MN, IA, MO)
- ○ West South Central (TX, OK, AR, LA)
- ○ East North Central (WI, IL, MI, IN, OH)
- ○ East South Central (KY, TN, MS, AL)
- ○ South Atlantic (FL, GA, SC, NC, VA, WV, DC, MD, DE)
- ○ Middle Atlantic (NY, NJ, PA)
- ○ New England (ME, NH, VT, RI, CT)

Next

Thank you for your participation. Please press the **"Submit"** button to send your survey.

Submit

Appendix C: Information
Concerning Mr. Ossip

APPENDIX C

AL OSSIP
MARKETING RESEARCH CONSULTING
11 HOMEWOOD ROAD · HARTSDALE, NY 10530

(914) 682-4782
682-1582
FAX (914) 328-8907

PROFESSIONAL EXPERIENCE

INDEPENDENT MARKETING RESEARCH CONSULTANT — Jan. 1986 – Present

Consultant for legally oriented applications of marketing and advertising research, surveys and experimental designs covering:

- trademarks, trade dress issues
- advertising claims substantiation
- advertising communication/perception

Role has ranged from review of ads, packages, names or research studies to design of studies, supervision of study execution and expert witness testimony for support or challenge.

Retained by many law firms, advertisers, as well as research firms and ad agencies on wide range of product and service categories. (Includes: food, beverages, tobacco, household products, laundry products, health & beauty aids, prescription and OTC drugs, autos and automotive products, apparel, fragrances, appliances, toys, household furnishings, financial products, books and magazines, telecommunications, advertising media, entertainers, industrial products, retail and service establishments.)

Prepared ad substantiation procedures for several major advertisers. Conducted in-house seminars.

Consulted for survey methodology improvement for various companies.

GENERAL FOODS CORPORATION — 1962 – 1986

Director, Corporate Services (Marketing Research Department)

Directed marketing research for corporate areas (Law, Media, Sales, Promotion, Public Affairs, Personnel, Consumer Center). Served as department methods consultant. Also supervised: Statistical Applications, Marketing Information Center, MRD training, advertising claims substantiation .

Director, Survey Research

Directed survey research for all General Foods domestic products. Also supervised: in-house supplier, methods development, and quality control. Devised and administered company's advertising claims substantiation procedures. Initiated Test Marketing Group.

GENERAL FOODS CORPORATION (continued)

Manager, Division Research

Directed all marketing research activity for: pet foods, cereals, breakfast beverages and foods, frozen foods.

FOOTE, CONE & BELDING ADVERTISING 1960 – 1962

Account Research Supervisor for Contac Cold Capsules (national introduction), Rheingold Beer, Pepsodent Toothpaste.

CPC INC. – BEST FOODS DIVISION 1956 – 1960

Senior Marketing Research Analyst

Supervised survey research for company's food and laundry products.

Supervised store audits, consumer panels, sales analysis and sales forecasting for food and laundry products.

EDUCATION

BBA, magna cum laude, Marketing Research & Statistics
Baruch College, City University of New York

MBA, Marketing
New York University

OTHER ACTIVITIES

Speaker: Numerous conferences and seminars for Advertising Research Foundation, Better Business Bureaus, law societies and others.

Instructor: CASRO Project Director Training Program, General Foods Marketing Research and Product Management Training Programs, Adelphi University Evening Program.

AL OSSIP
MARKETING RESEARCH CONSULTING
11 HOMEWOOD ROAD • HARTSDALE, NY 10530
(914) 682-4782
682-1582
FAX (914) 328-8907

CASES IN WHICH I HAVE TESTIFIED IN THE PAST 4 YEARS (AS OF 3/2001) (Client name underlined)

The Black & Decker Corporation v. Patrick Mastronardo
Trademark Trial and Appeal Board, 1997

Messenger v. Gruner & Jahr
USDC Southern District of NY, 1998

QVC v. Home Shopping Network
Trademark Trial and Appeal Board, 1998

Havana Club Holding S.A. v. Galleon S.A
USDC Southern District of NY, 1999

Quanterra v. Warner-Lambert
USDC District of Colorado, 1999

The Teaching Company v. Unapix Entertainment
USDC Eastern District of Virginia, Alexandria Division, 1999

Eppendorf-Netheler-Hinz v. Ritter
USDC Southern District of Mississippi, 2000

DEPOSITIONS IN PAST 4 YEARS

CBS v. White Consolidated Industries
USDC Western District of Pennsylvania, 1998

QVC v. Home Shopping Network
Trademark Trial and Appeal Board, 1998

Havana Club Holding S.A. v. Galleon S.A
USDC Southern District of NY, 1999

Telemac Cellular Corp. v. Topp Telecom
USDC Northern District of California, Oakland Div., 1999

Eppendorf-Netheler-Hinz v. Ritter
USDC Southern District of Mississippi, 1999

National Football League v. Coors Brewing & National Football League Players Inc.
USDC Southern District of New York, 1999

The Teaching Company v. Unapix Entertainment
USDC Eastern District of Virginia, Alexandria Division, 1999

American Marine Holdings v. R.J.Reynolds & Gyro advertising
USDC Middle District of Florida, Tampa Division, 2000

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

In the matter of Trademark Registration No. 1147309
For the mark COHIBA
Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273
For the mark COHIBA
Date registered: June 6, 1995

EMPRESA CUBANA DEL TABACO, d.b.a. CUBATABACO, Petitioner, v. GENERAL CIGAR CO., INC. Respondent.	:	Cancellation No. 92025859

PARTY DESIGNATION: See Exhibit Cover Sheets

Designated TTAB Discovery Deposition Transcript of
Alvin Ossip, dated June 29, 2017
Part 2 of 2

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

In the matter of Trademark Registration No. 1147309
For the mark COHIBA
Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273
For the mark COHIBA
Date registered: June 6, 1995

EMPRESA CUBANA DEL TABACO, d.b.a. CUBATABACO, Petitioner, v. GENERAL CIGAR CO., INC. Respondent.	:	Cancellation No. 92025859

PARTY OFFERING: PETITIONER

Exhibit 5 to the TTAB Discovery Deposition Transcript of Alvin Ossip, dated June 29, 2017

Michael Krinsky, Esq. (MK 4503)
David Goldstein, Esq. (DG 8291)
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(212) 254-1111

Kevin Walsh (KW 6256)
Steve Young (SY 3567)
WINSTON & STRAWN
200 Park Avenue
New York, New York 10166

Attorneys for Plaintiff

ORIGINAL

PENGAD 800-631-6989
PLAINTIFF'S EXHIBIT
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EMPRESA CUBANA DEL TABACO d.b.a. CUBATABACO, Plaintiff, - against - CULBRO CORPORATION, and GENERAL CIGAR CO., INC. Defendants.	97 Civ. 8399 (RWS)

REPORT OF ALVIN OSSIP ON SIGNIFICANCE OF INFORMATION IN MARKET RESEARCH RELATED FILES FURNISHED BY GENERAL CIGAR AND THIRD PARTIES WITH RESPECT TO CERTAIN ISSUES CONCERNING COHIBA

January 28, 2002

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REPORT ON SIGNIFICANCE OF INFORMATION

IN MARKET RESEARCH RELATED FILES

FURNISHED BY GENERAL CIGAR AND THIRD PARTIES

WITH RESPECT TO CERTAIN ISSUES CONCERNING COHIBA

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JANUARY 2002

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A. Purpose and Data Background

At the request of Rabinowitz, Boudin, Standard, Krinsky & Lieberman, P.C., attorneys for Empresa Cubana del Tabaco d.b.a. Cubatabaco, I address in this report the significance of the market research related material provided by General Cigar and third parties in regard to the following topics:

1. The Premium Cigar Market
2. Awareness Of The Cohiba Brand
3. Cohiba As The Best Brand Ever Smoked
4. *Cigar Aficionado* Magazine As A Source Of Cigar Information
5. The Image Of Cohiba
6. Cohiba Buyers
7. Interest In Cuban Cigars
8. Confusion As To Cohiba Source And Association

The material provided included all or part of research studies commissioned by General Cigar since 1994 plus a few reports from other sources that were in General Cigar's files or information supplied to General Cigar. The material provided also included some analyses and interpretations of the research studies plus presentations made to General Cigar management. None of the research material cited precedes 1992, except for market volume estimates.

A number of different studies are referred to in this report and comparisons are made of findings that were obtained from different studies and/or at different points in time. All of the studies or study parts cited that involved interviews focused on male premium cigar users. It

should be noted that the definitions used to define the premium cigar market or the qualifications to select respondents for interview may have varied from one study to another or even for the same basic study repeated at another time period. Also, the wording of questions designed to measure essentially the same phenomena may have differed across studies or time periods, as may the context in which specific questions appeared. In some studies it is not clear what the respondent qualifications for participation were. Where it is felt relevant to do so, study differences will be elaborated and evaluated. Complete tabulations for all studies were not provided and some data came from overview summaries that appeared in periodic reports to General Cigar management.

Footnote notations appear when specific study data are cited. In Section D of this report, for each of the topics covered, the specific Bates numbered pages or other designations of the documents from which that information was obtained is listed.

Previously, the undersigned prepared a report for plaintiff in this action entitled "A Study to Measure Awareness Of Cuban Cohiba Cigars And Source Confusion Between These Cigars And General Cigar Co. Inc. Cohiba Cigars" dated March 2001. My qualifications, background and compensation for services were set forth in that report. There has been no material change in these.

B. Key Information and Implications

1. The long static premium cigar market started to expand in late 1992 or in 1993, apparently fueled by growth of users, with major volume jumps in 1996 and 1997. Estimates are that the premium market turned down in 1998 and continues to drift downward as the number of new buyers being added shrinks. It is estimated that there

were 3 million or more premium smokers at one point.

2. It is estimated that a substantial majority of premium cigar smokers were aware of Cohiba cigars in the three years before General Cigar launched their 9/97 Cohiba brand, ranging from about 70% among more affluent premium smokers in 1994-95 to 58% among a more income balanced group of premium smokers in 1996. Although specific brand awareness measures were not available before 1994, information from a study conducted for the publisher of *Cigar Aficionado* magazine provides indications that awareness of Cohiba was also high in early 1992. While there may have been increases in top-of-mind awareness of Cohiba after the launch of the GC brand in 9/97 there is little to indicate that this product meaningfully increased the overall awareness of Cohiba cigars.

3. Although never legally available for sale in the United States, over the course of the years covered by the available surveys, Cohiba has ranked very high in being considered the best cigar brand that premium users ever smoked .

4. *Cigar Aficionado* magazine was launched in 9/92 and is credited by many as playing a major role in building the premium market and promoting the Cuban Cohiba. It is an important source of information to premium cigar smokers. The magazine has prominently and consistently featured the Cuban Cohiba cigars, starting with its premier issue.

Implications:

Cohiba was a famous brand in the years before GC Cohiba was launched in 9/97. This is clearly supported by data from several surveys as early as 12/94. While not directly addressed, the 1/92 survey results are consistent with a high level of

awareness of the brand among more affluent premium smokers in early 1992. Cohiba's high level of "best" rankings clearly supports that Cohiba has been and is a famous and desired brand. Continuous mentions of the Cuban Cohiba cigars in *Cigar Aficionado* magazine, starting in its premier 9/92 issue, undoubtedly aided in making premium smokers aware of the Cuban Cohiba and enhanced its reputation.

5. Prior to GC's 9/97 launch, Cohiba had a distinctive image among premium users, which continued after the GC launch. It has consistently been seen as an expensive, prestigious, sophisticated, special occasion, strong flavored cigar.

Implications:

The consistency of the Cohiba image supports that it stems from the Cuban Cohibas. It also indicates that awareness of Cohiba consists of specific impressions about the product and not only recognition of the name.

6. Information obtained from Cohiba users or buyers provides no basis for determining which Cohiba product they were referring to. However, there is a substantial segment of Cohiba buyers who rate themselves as low in terms of cigar knowledge, and, on average, Cohiba buyers do not see themselves as any more knowledgeable than the average premium user. Analyzing the total cigar user market by motivational segments, General Cigar's research found that, among the segments to whom premium cigars appeal, Cohiba in recent years seems to have drawn disproportionately from those segments with the lowest self evaluated knowledge of cigars.

7. There appears to be a continuing high level of interest in and preference for Cuban cigars among premium cigar smokers, with Cohiba users surveyed in 9/98 stating much greater

than average preference for Cuban cigars, and above average interest in a cigar's country of origin.

8. After the launch of their Cohibas in 9/97, General Cigar management was made aware by their research companies that there was confusion between the GC and Cuban Cohibas. No attempt was made to measure or address this in any quantitative studies.

Implications:

With a substantial segment of Cohiba users indicating low cigar knowledge, and Cohiba users, on average, indicating no greater knowledge than the typical premium smoker, and, coupled with the Cohiba's having a substantially above average interest in Cuban cigars, it is not unlikely that many Cohiba users would be or are confused as to the source of the GC product or the association of the manufacturers of the Cuban and GC Cohibas. It is also not unlikely that such confusion would probably also occur among many potential Cohiba buyers who are aware of Cuban Cohiba cigars and their reputation.

C. Topics

1. The Premium Cigar Market

The consumption of premium cigars started to grow in late 1992 or 1993, after more than a dozen years of flat sales, fueled by the influx of new users. Growth apparently continued through 1997, with major gains occurring in 1996 and 1997. Estimates are that the market turned down in 1998 and continues to inch downward as the number of new buyers declines. It is estimated that there were at least 3 million premium smokers during the peak periods.

While the size of the premium cigar market in the United States is measured in different ways the market estimates shown are those prepared for General Cigar

by the Bain consulting organization.

- Premium cigar consumption (apparently covering hand rolled cigars costing at least $1 and excluding little cigars) was at the rate of 90-102 million per year for fourteen years before showing an annual increase in 1993. Growth continued for several more years, with major gains evident in 1996 and in 1997. New users apparently fueled the growth of the premium category.(6)

Millions of Premium Cigars Consumed (1)

	Annual consumption	% Gain Over Prior Year
1992	99	+ 1
1993	110	+11
1994	126	+15
1995	164	+30
1996	250	+52
1997	350	+40

- Premium cigar consumption apparently started to turn down in 1998. The numbers shown below were read from a graph presented to GC management in July 2001.(2)

1998	300	-14
1999	285	- 5
2000 (estimate)	270	- 5
2001 (estimate)	260	- 4

- A presentation in 2000 based on data from an NPD study, which tracked cigar users over time, indicated a continuing decline in new premium smokers.(4) However, according to the same studies, approximately 20% of premium only smokers in September 1999 and

January 2000 had been smoking cigars for 2 years or less.* This proportion dropped to about 14% in the April 2000 wave of this study.(3)

- According to a NPD 3/99 Attitude & Usage Study ("A&U Study"), the proportion of cigar smokers who are relatively new to the cigar market is higher among lighter smokers. At that time, 29% of the lighter premium smokers had been smoking cigars two years or less, compared to 11.3% for the more frequent premium smokers.(4a) The average of the two groups was 22% who had smoked cigars for two years or less.
- The number of total premium buyers appeared to peak in 1997-98, with about 3 million households having a premium smoker. (Since some households include more than one cigar smoker, the actual numbers may be somewhat higher than shown below.)

Millions of Smoker Households
(Based on NPD Incidence Studies) (5)

	Total Cigar Smoker HHs	Premium Cigar Smoker HHs *
1/97	5.5	2.1
10/97	8.6	3.3
5/98	6.8	2.6
9/98	7.9	3.2
1/99	8.0	2.8

* Largely composed of those who smoke only premium plus some who smoke both premium and mass market cigars.

While the consulting organization that analyzed these numbers indicated some issues with the data (7) it probably provides reasonable estimates of the number of premium smokers.

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* In the 9/99 wave, 20% of cross-over buyers (buy both premium and mass brands) had also started smoking cigars within the past two years (8).

2. Awareness Of The Cohiba Brand

A majority of premium cigar smokers (estimated in the range of 58-73%) was aware of the Cohiba brand name in the three years before General Cigar launched its Cohiba in 9/97. While no estimate of awareness is available from a 1992 study, responses to other questions in that study would be consistent with a high level of awareness for Cohiba at that time.

In analyzing Cohiba awareness levels we should be cognizant of the fact that awareness before the introduction of the GC Cohiba brand in 9/97 was very likely due to familiarity with the Cuban Cohiba. Before introduction of the GC product in 9/97, there had been substantial publicity about the Cuban Cohiba, particularly in *Cigar Aficionado* magazine (see later section). Sales of GC's Cohibas before 9/97 had been extremely modest (see Appendix 1), and, I am advised, there had been no advertising or promotion support.

While comparisons must be made across different types of studies, it would appear that the level of total awareness of Cohiba since the launch of the GC Cohiba product in 9/97 has not changed majorly even though there may have been increases in top-of-mind awareness of Cohiba. Any increase in overall Cohiba awareness, if it occurred, after 9/97 might be due in whole or in part to the continuing media attention paid to the Cuban Cohiba.

Two levels of brand awareness are often measured: unaided or top-of-mind awareness (when respondents are asked to name brands that come to mind or that they have heard of) and aided or total awareness (when respondents are asked whether or not they have heard of a named brand). Unaided awareness is affected by such things as brands a respondent is currently using or

a brand's recent advertising or publicity and is often used to evaluate current advertising programs. Total awareness is used to gauge the extent to which a brand is known.

Various GC sponsored studies measured awareness of premium brands starting in late 1994. While aided awareness for Cohiba was not measured until 1998, information from unaided awareness of the brand was used by me to estimate its total awareness in the pre-1998 studies. Data from a 1992 study done for Shanken Communications is used to attempt some indication of Cohiba awareness during that time period.

- I estimate that 68-73% of premium cigar smokers in 1994-1995 were aware of Cohiba cigars. While my estimates are based on the results of three studies with premium cigar users, it is not known what was required for the respondents to qualify for the study. Respondents in these studies appear to have been considerably more affluent than those in the subsequent studies reported here.

  Three Attitude and Usage studies were conducted in 1994 and 1995 for GC via telephone interviews with pre-screened NPD consumer panel members who smoke premium cigars. These studies showed extremely consistent results for the unaided and aided brand awareness measures obtained, with results for individual brands falling within a relatively narrow range over the three studies.

  In these studies, aided awareness was obtained for nine brands but not for Cohiba. However, having both unaided and aided awareness for these other brands allows for interpolating the projected total awareness of Cohiba based on the proportion who cite it on an unaided basis. I used the average increment from unaided to aided awareness for seven brands to arrive at the Cohiba estimate. (Even if the lowest end of the range of increment from unaided to aided awareness were to have been used the estimates would have indicated a majority being aware of Cohiba)

(Table on next page)

Awareness Levels for Selected Brands

	12/94 Sample = 200 (1)			2/95 Sample = 304(6)			5/95 Sample = 363 (2)		
	Unaided %	Aided %	Gain	Unaided %	Aided %	Gain	Unaided %	Aided %	Gain
Macanudo	63.0	82	+19	59.2	82	+23	59.5	82	+22
Partagas	39.0	61	+22	38.8	64	+25	42.7	67	+24
Fuente	26.5	66	+40	31.6	71	+39	34.4	73	+39
Upmann	33.5	80	+56	27.6	83	+55	28.1	85	+57
Dunhill	23.5	92	+68	20.4	93	+73	20.2	94	+74
Davidoff	18.0	73	+55	16.8	77	+60	18.4	80	+62
Hoyo de Monterrey	11.5	76	+64	16.4	80	+64	17.1	83	+66
Avo	13.0	52	+39	15.0	58	+43	14.6	61	+46
Ashton	8.5	60	+51	7.2	58	+51	7.7	57	+49
Cohiba	14.5			17.1			16.7		
Average increment of brands excluding Macanudo & Partagas*			+53			+56			+55
Estimated Cohiba aided awareness using the average increment		68			73			72	

* The two brands excluded due to high unaided awareness which limits the gain that can occur in aided awareness.

In the studies reported above about 35% of respondents indicated an annual income of $100M or more. However, the available data show that in the 1995 studies the unaided awareness of Cohiba was not drastically different between those who made over $100M versus those who made less.

Unaided Awareness of Cohiba

	Less than $100m per annum	$100M or more per annum
2/95	15.8%	19.1%
5/95	15.7	19.6

- On the basis of a similar NPD study conducted 7/96, with a sample of respondents who may have qualified for the study using a different standard than the earlier ones, I estimated that 58% of the respondents were aware of Cohiba.

The 1996 NPD study was apparently conducted with less affluent premium smokers and may have included more lower priced brand users or less frequent smokers than in the 1994-95 studies. (Only about 11% of those in the 1996 study earned $100M or more per annum.) This may account for the general sharp reduction, from the prior studies, in unaided awareness levels for all the major brands as well as a reduction in aided awareness levels for Upmann, Davidoff and Hoyo de Monterrey. Aided awareness for the six other brands essentially maintained their prior levels. (An expanding number of premium brands being available in the marketplace may also have lowered unaided awareness levels.) However, the relation of unaided to aided awareness evident in the prior three studies seemed to hold allowing for an estimate to be made of Cohiba's aided awareness.

Awareness Levels for Selected Brands
7/1996 Sample = 364 (3)

	Unaided %	Aided %	Gain %
Macanudo	37.9	80	+42
Partagas	19.0	64	+45
Fuente	19.1	70	+51
Upmann	16.7	66	+49
Dunhill	14.0	86	+72
Davidoff	5.7	48	+42
Hoyo de Monterrey	9.9	66	+56
Avo	3.9	61	+57
Ashton	3.5	51	+47
Cohiba	5.0		
Average increment of brands excluding Macanudo & Partagas *			+53
Estimated Cohiba aided awareness using average increment		58	

* The two brands excluded to keep it consistent with the prior analyses.

Aided awareness measures were not obtained in the NPD Attitude & Usage studies done in July 1997 and after the launch of GC's Cohiba. Although unaided awareness of Cohiba in these NPD studies appeared to increase in the post launch periods (see later page) there was no aided awareness data to link the numbers to. Consequently, aided or total awareness estimates were used from other studies.

- About a year after the GC Cohiba introduction (9/98), a mail study conducted with the NFO consumer panel indicated Cohiba had 56% aided brand awareness among premium cigar smokers (had to smoke at least one of 24 listed higher priced premium brands). This is no higher than the 58% estimate I derived from the NPD 7/96 study, as noted above. (In this NFO study about 16% of premium users had incomes of $100M or more, not too far from the 11% noted in the NPD 1996 study.) It should be noted that the total awareness levels for the six brands for which this information was obtained in both the NPD and NFO studies showed declines in the more recent NFO study. (Table of NFO data appears after next bullet point)
- In March of 2000 another mail study was conducted with the NFO panel which involved substantially more committed premium smokers than the prior NFO study (smoked only premium, at least once a week) produced an aided recall of 77% for Cohiba. This is not much higher than the 68-73% range I derived from the NPD 1994 and 1995 studies.

Although the sample qualifications are not the same, the gain for Cohiba from 56% awareness in the 1998 NFO study, a year after the GC launch, to 77% in the 2000 NFO study among a substantially more committed premium user group was no greater than the average gain shown for the brands asked about in both of these studies (+24).

Aided Awareness for Selected Brands - NFO Studies

	9/98 (4)	3/00 (5)	Gain
No. of Respondents	(456)	(350)	
	%	%	
Macanudo	78	87	+ 9
Partagas	56	79	+ 23
Fuente	52	85	+ 32
Upmann	56	76	+ 20
Davidoff	39	67	+ 28
Hoyo de Monterrey	46	80	+ 34
Punch	52	77	+ 25
Don Diego	69	85	+ 16
Monte Cristo	59	86	+ 27
Cohiba	56	77	+ 21

- The results of these two NFO studies (9/98 and 3/00), when compared with the derived Cohiba awareness estimates from the pre-GC launch NPD studies, would indicate that GC sales and promotion had no major effect on overall Cohiba awareness.
- The various NPD A&U studies, done between 1994 and 1999, would indicate that unaided awareness of Cohiba may have increased since the launch of the GC brand. However, as noted before, the indications are that overall Cohiba brand awareness did not expand to any meaningful extent. (Of course, the premium market changes year to year as smokers enter and leave but a comparison of the year to year levels is relevant.)

  If there was an increase in unaided awareness after launch of the GC product, it is not known what part of that may be attributable to GC Cohiba efforts or to media coverage of Cuban Cohiba.

NPD Studies (7)

Date of Study	No. of Resp.	Cohiba Unaided Awareness
12 /94	(200)	14.5 *
2/95	(304)	17.1 *
5/95	(363)	16.7 *
7/96	(364)	5.0
7/97	(341)	6.9
3/98	(408)	13.0
10/98	(451)	17.3
3/99	(375)	14.9

* Qualifications for inclusion in these studies may have differed from the later studies.

- Information on recall of GC Cohiba's advertising in magazines within the first year after the launch would seem to indicate that only a small percent of premium smokers consciously recalled seeing such advertising.

	NPD 3/98 (8)	NPD 10/98 (9)
No. of Respondents	(408)	(451)
	%	%
Remember seeing or hearing advertising in the past 2 months for:		
Cohiba	4	3
Macanudo	9	7
Partagas	5	3
Punch	4	2
Cohiba share of premium brand mentions	7%	6%

- The only survey data available before 1994 is a 1/92 study conducted for Shanken Communications, subsequent publisher of *Cigar Aficionado* magazine.(10) The respondents surveyed were drawn from cigar company mailing lists, probably because of the difficulty of accessing a sample from the modest percent of males who smoked

premium cigars then. Respondents tended to be well above average in income, with 44% stating they earned $100M per year or more. A group of 437 respondents who usually spent at least $3.50 for a cigar was analyzed separately. This group comprised 24% of the total sample of smokers and was probably chosen to focus on premium cigar buyers.

While no brand awareness information was collected, Cohiba was tied for fourth place in terms of being the best cigar these higher priced users had ever smoked, with 6.2% citing it. 4.1% of the higher priced cigar users indicated that Cohiba was the brand they normally smoke.(11) In addition, these 437 respondents indicated a very high level of interest and involvement with Cuban cigars.

All of the above would be consistent with a fairly high level of awareness of the Cohiba brand among these premium smokers. It can be safely assumed that these respondents were aware of the Cuban Cohiba cigars, since the study was conducted at a time when GC had no Cohiba product on the market, and had last sold cigars under the Cohiba name in 1986 or early 1987, five years previously. (See Appendix).

3. Cohiba As The Best Brand Ever Smoked

Although Cuban Cohibas were never legally available for sale in the US, Cohiba has ranked very high in being considered the best cigar brand that premium users ever smoked over the course of the years covered by the available reports.

- In a 1992 study conducted for Shanken Communications (subsequent publisher of *Cigar Aficionado*) Cohiba was tied for fourth place in terms of being named the best cigar ever smoked by the decidedly upscale male cigar smokers interviewed.

Best Cigar Ever Smoked
(Among Those Usually Spending Over $3.50 Per Cigar) (1)

No. of Respondents	(437)
	%
Davidoff	23.6
Monte Cristo	14.9
Macanudo	6.4
Cohiba	6.2
Upmann	6.2
Romeo & Julieta	4.1

- In the Attitude & Usage surveys conducted periodically by NPD from 1994 through 1999 Cohiba was ranked either first or second each time as being the best cigar ever smoked by the premium users in each study.

Best Cigar Ever Smoked
(NPD A&U Studies) (2)

Date of Study	No. of Resp.	Cohiba	Macanudo
12 /94	(200)	8.5	22.5 %
2/95	(304)	10.9	16.1
5/95	(363)	11.3	14.6
7/96*	(364)	3.6	11.8
7/97	(341)	11.0	10.3
3/98	(408)	8.6	10.0
10/98	(451)	14.6	8.2
3/99	(375)	14.4	13.3

* The 3.6% figure in the 7/96 study would seem to be anomalous given the pattern over the years, and its significance is to be questioned. It should be noted that between the 5/95 and 7/96 studies there was a sharp decline in the proportion of times that the top eight brands were mentioned, although Cohiba showed a relatively sharper falloff. There was an increase in mentions for non-major brands, for Cuban (unspecified) and in no brand being mentioned.

- At least through the July 1997 survey, it is safe to assume that the respondents reporting Cohiba as the best cigar they ever smoked were referring for the most part to the Cuban

Cohiba. There was no General Cigar Cohiba product on the market at all after 1986 or 1987 through late 1992, and there had been only extremely modest sales from then until the 9/97 launch. (See Appendix).

- While there may have been an increment of about 100,000 premium users who cite Cohiba as the best cigar ever smoked between the 1995 and 1997 versus 1998-99 studies,* it is logical to assume that only a modest proportion of this increment, at most, is due to GC Cohiba. Annual sales of GC Cohiba were less than 1 million per year and the likely number of buyers/triers this would cover is modest, and there is no reason to assume they would all consider the GC Cohiba the best brand ever smoked.

4. *Cigar Aficionado* Magazine As A Source Of Cigar Information

***Cigar Aficionado* was first published in September 1992, which is roughly concurrent with the start of the premium cigar boom of the nineties. Many attribute a major role to *Cigar Aficionado* in fostering this boom and it is an important source of information to premium cigar smokers, particularly the heavier smokers. *Cigar Aficionado* has prominently and consistently featured the Cuban Cohiba cigar.**

- *Cigar Aficionado*'s premier issue in September 1992 roughly coincides with the start of the growth in the premium cigar market. Several industry executives have testified to their belief that the magazine played an immediate, important role in fostering this growth and promoting the Cuban Cohiba.(13) This appears to be confirmed by the circulation figures for the premier issue, and the magazine's subsequent growth.

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* The differential of 3.4% between the two time periods, applied to roughly 3 million premium users, yields about 100,000 added users.

About 115,000 copies of the premier issue were distributed, at a time when there were less than half a million premium cigar smokers -- a ratio of little less than 1 issue per 4 consumers.(14) The magazine was also distributed to 453 cigar retail outlets for display and sales to customers and its introduction was a major industry publicity event.

- As the number of premium cigar smokers grew, so did *Cigar Aficionado*'s circulation; at the height of the premium cigar boom its circulation for the first six months of 1997 was 400,000.(14) The GC market research studies began to chronicle *Cigar Aficionado*'s importance in 1997. For the period 1997-2201, perhaps 11-17% of premium cigar smokers indicated they purchase the magazine regularly and 28-52% used it as a source of information about premium cigars. The influence of the magazine is multiplied as readers convey information from it to friends, relatives and business associates.

  - Based on several different GC studies, 11-17% of premium cigar smokers indicate that they subscribe to or regularly read *Cigar Aficionado*. Evidence is that heavier premium smokers are more likely to do so.

% Of Premium Smokers Who Subscribe To or Regularly Read *Cigar Aficionado*

		Heaviness of Premium Use		
	Total	Heavy	Medium	Light
NPD A&U Studies				
7/97 (1)	12%			
3/98 (2)	12			
10/98 (3)	12			
NFO Study – 9/98 (4)	17	36	19	8
Internet Advtg. Study 3/01 (5) (Purchased premium at least 2X in past year)	11			

  - In the several NPD studies at least 44% of the premium cigar users indicated

using *Cigar Aficionado* as a source of cigar information.

% Who Use *Cigar Aficionado* As An Information Source/Reference

	Total
NPD A&U Studies	
7/97 (6)	46%
3/98 (6)	44
10/98 (6)	47
3/99 (7)	52

- In a 9/98 NFO Study(9), 28% of the premium smokers indicated referring to *Cigar Aficionado* as a cigar information source, with the proportion being 48% among the heavier premium users.

  Also, the proportion referring to *Cigar Aficionado* ranged between 34-55% for regular users of the major premium brands (45% for Cohiba users). In addition, 35% of those who are regular or most often users of Cohiba indicated they read it regularly.(10)

% Who Use *Cigar Aficionado* As An Information Source/Reference

		Heaviness of Premium Use		
	Total	Heavy	Medium	Light
NFO Study – 9/98 (8)	28	48	33	16

- Friends, relatives and business associates are an important source of information to premium cigar smokers, particularly to younger smokers. Consequently, the influence of the magazine is not confined to its readers but includes influencing those cigar smokers who seek advice from *Cigar Aficionado* readers.

% Who Look To Friends, Relatives & Business Associates For Cigar References

	Total	18-34	35-54	55+
NPD 3/98 (11)	61	71	58	30
NPD 9/98 (12)	61	72	61	32

- Cohiba cigars from Cuba have been prominently and consistently featured in *Cigar Aficionado*, beginning with the magazine's first issue, where the lead article was about the Cuban Cohiba cigar and continuing in most every issue thereafter. In the period from the initial issue through summer 1997 it was mentioned in at least 149 articles and additional times in taste tests and numerous photos.(15) For the subsequent period, I am advised, there have been at least 46 articles, plus additional taste tests and photos.

5. The Image of Cohiba

Prior to GC's 9/97 Cohiba launch, Cohiba had a distinctive image among premium smokers. Studies after the GC launch showed that Cohiba retained the same image. It has consistently been seen as an expensive, prestigious, sophisticated, special occasion, strong cigar.

In addition to its high ratings as best cigar ever smoked, the market research data contained other information about Cohiba's image.

- One survey completed before the launch of the GC Cohiba and three completed after the launch showed perceptions of Cohiba to be essentially similar.
  - In the NPD study conducted 7/97(2) Cohiba was rated against eight other major brands. Cohiba's top ranked image attributes were: expensive, prestigious, trendy and for serious smokers.

- On the basis of a study conducted by NFO in 9/98 (3), about a year after the GC Cohiba launch, it was concluded that "Cohiba has a differentiated image as a prestigious, sophisticated cigar that's good on special occasions."
- An NPD study conducted in 3/00 (4) showed Cohiba as being perceived as expensive, for special occasions, top of the line cigar, for successful people, a brand you could use to treat yourself and for the serious smoker.
- In another study conducted in 2000 by NFO (5) among 350 committed premium users, they saw Cohiba as being for experienced smokers, for connoisseurs that live life to the fullest, for those who want to stand out and who are successful.

- Cohiba had a clear image as a strong tasting cigar, both before and after the GC launch. This is indicated in three studies conducted before the launch of GC Cohiba and one study conducted after.
  - In an NPD study in 5/95 (6) respondents rated several brands in terms of having full bodied taste. Cohiba was highest rated for this attribute among the brands that had more than a handful of respondents rating them.

Rating on Full Bodied Taste
(5-point scale of Excellent to Poor)

	No. of Resp.	% Rating "Excellent"	Average Rating *
All premium brand combined		37	3.9
Cohiba	(38)	84	4.8
La Gloria Cubana	(26)	46	4.3
Partagas	(133)	38	4.1
Davidoff	(67)	45	4.1
Arturo Fuente	(134)	37	4.0
Avo	(69)	19	3.7
Macanudo	(185)	25	3.6

  - Although sample sizes are small, results from the NPD survey of 9/96 (7) are

largely similar to the prior study, with Cohiba considered the most full bodied brand.

	Rating on Full Bodied Taste (5-point scale of Excellent to Poor)		
	No. of Resp.	% Rating "Excellent"	Average Rating *
All premium brand combined		39	4.1
Cohiba	(13)	77	4.6
Partagas	(78)	35	4.1
Davidoff	(31)	26	3.6
Arturo Fuente	(91)	36	4.1
Avo	(24)	25	3.6
Macanudo	(156)	31	3.9

* Excellent = 5, Poor = 1

- In a 7/97 NPD study (8) 328 premium smokers rated their most often smoked brand on a 5-point mild to strong scale and a 5-point light bodied to full bodied scale. Their ratings were then converted into a 10-point strength of taste scale. The values for each brand were read from a perceptual map since detailed tabulations were not available in the report. Again, Cohiba comes out as the strongest tasting brand.

	Average Rating on 10-point Scale
Cohiba	8.1
Te Amo	7.9
Punch	7.7
Partagas	7.0
Hoyo de Monterrey	6.9
Upmann	6.6
Fuente, Don Diego, Davidoff	6.3
Macanudo	6.2
Avo	5.5

- An NFO study conducted in 9/98 (9), about a year after the GC Cohiba launch, had all those aware of a brand rate it on several taste attribute scales. These results again show Cohiba being perceived as the strongest tasting brand of those rated. The Cambridge Group, which analyzed the study, wrote "Those aware of Cohiba, but not regular users, have accurate perceptions of the brand's taste profile".(10)

	Ratings Among those Aware Of A Brand		
	Strong Taste %	Mild/Strong Average Rating*	Full Flavored %
Cohiba	19.3	3.59	31.9
Punch	19.2	3.15	17.6
Te Amo	15.4	3.15	17.6
Partagas	14.5	3.22	24.1
Arturo Fuente	13.5	3.17	27.8
Monte Cristo	10.4	3.18	19.3
Upmann	7.2	3.00	18.9
Don Diego	8.6	2.92	15.0
Davidoff	8.0	2.80	17.0
Macanudo	9.6	2.69	26.2

* Based on Mild (1) to Strong (5) scale.

6. Cohiba Buyers

Since the quantitative studies reviewed did not address the source of the Cohiba cigars mentioned by respondents, we have no specific information about GC Cohiba users.* However, information about Cohiba users in general, obtained in 1998, indicates that about one in five of them rated their own knowledge of cigars as low and, on average, rated

* In a few of the more recent studies Cohibas were identified as "Red Dot" in the questionnaire but there was no way to determine whether this had any specific branding meaning to any of the respondents.

themselves no higher than did the average premium user. In addition, a motivational segmentation of the total cigar market conducted for GC indicated that, among the four segments where premium brands did well, Cohiba was proportionately more used in the segments with the lowest self perceived level of cigar knowledge.

Cohiba users also smoked fewer cigars than other premium brand users and spent more per cigar.

- A 9/98 study conducted with members of the NFO consumer panel compared those who indicated they were Cohiba regular users with the average premium user (smoke at least 1 of 24 specific premium brands 3X a year or more) and with the regular users of other key premium brands. Twenty-two percent of Cohiba regular smokers rated themselves as having low knowledge of cigars. The self rated average level of cigar knowledge indicated by Cohiba users was on a par with that of the average premium user but below the level of many other high priced premium brand users.

(Table on next page)

Comparison Of Cohiba Regular Users With Other Brand Users (1)
Self Perceived Cigar Knowledge

Regular Smokers Of:	No. Resp**	Average Rating *	% Bottom 3 Ratings
Cohiba	(100)	5.65	22
Macanudo	(273)	5.49	20
Partagas	(126)	6.42	10
Punch	(94)	6.32	7
Hoyo de Monterey	(60)	6.81	7
A. Fuente	(138)	6.38	8
Upmann	(126)	6.36	8
All Premium Users	(456)	5.49	21

** Knowledge ratings based on 10 point scale. The higher the rating the higher the perceived knowledge.

*** Supplemented sample used to increase number of users of each brand.

- Using the same NFO study, both premium and non-premium cigar smokers were divided by the Cambridge Group into eight motivational segments based on their responses to a series of questions on various subjects. Four of these segments accounted for the bulk of premium cigar volume. Cohiba obtained a disproportionate share of its volume from two of these segments, Emerging Enthusiasts and Casual Enjoyers. On average, these two segments gave themselves a substantially lower cigar knowledge rating than was evident in the two other premium prone segments. In fact, about one-third of the respondents in these two segments put themselves in the lower part of the knowledge scale.

(Table on next page)

Motivational Segmentation (2)

Segments	% of Total Sample	% of Premium Purchases	% of Cohiba Volume	Cohiba Share of Premium	Self Perceived Cigar Knowledge Average Rating	% in Top 3	% in Bottom 3
Relationship Driven Connoisseurs	12	38	32	4	6.6	34	8
Savvy Self Reliant Connoisseurs	11	25	6	1	6.4	35	7
Emerging Enthusiasts	15	11	23	10	4.7	6	31
Casual Enjoyers	16	12	34	12	4.5	5	33

- The same NFO study indicated that the Cohiba regular user, as compared to other key premium brand users, smoked fewer cigars, smoked less often (4) and spent more per cigar smoked.(5)

Comparison Of Cohiba Regular Users With Other Brand Users (3)

Regular Smokers Of:	No. Resp	No. Times . Smoke Per Mo.	Cigars Per Wk.	Avg. Cost Per cigar
Cohiba	(100)	10.3	3.1	8.64
Macanudo	(273)	10.5	3.2	6.64
Partagas	(126)	14.2	4.2	6.64
Punch	(94)	15.2	4.8	5.80
Hoyo de Monterey	(60)	18 .8	5.2	5.68
A. Fuente	(138)	14.5	4.8	6.41
Upmann	(126)	12.3	3.8	6.80
Premium Users	(456)	11.6	3.7	6.01

- In an NPD study done in 3/98, about six months after the GC Cohiba launch, The Cambridge Group concluded that Cohiba was capturing a notably younger than average smoker franchise. (This indicated to them the importance of status positioning.)

3/98 NPD Study- Average Age Of Buyers (4)	
Premium buyer	40.0
Cohiba buyer	34.4
Fuente buyer	37.8
Macanudo buyer	38.2
Punch buyer	45.6

- However, an NFO study conducted six months later (5), which included 100 Cohiba regular users (3x or more in year) did not indicate any meaningful difference in average age between these Cohiba users and users of other premium brands.

7. Interest In Cuban Cigars

There appears to be a continuing high level of interest in and preference for Cuban cigars among premium cigar smokers. Cohiba smokers, as measured in 9/98, showed a much greater than average preference for Cuban cigars over any other cigars, and more interest in country of origin in general.

- In the 1/92 Shanken Communications study (1), the following findings indicate the relatively high interest in Cuban cigars evidenced by the 437 smokers interviewed who spent over $3.50 per cigar:
  - 40% indicated that their most preferred brand normally smoked was Cuban
  - 29% indicated that their everyday cigar was imported from Cuba
  - 63% indicated they thought Cuba produced the best cigars (Among those smoking cigars $3.50 or less per cigar, 43% also thought so)
  - 62% indicated they had purchased Cuban cigars when traveling outside the US (Among those spending $3.50 or less per cigar, 41% had purchased Cuban cigars

outside the US)

- In a compilation of industry data appearing in Packaged Facts, July 1997 (2) it was stated that "Cuban cigars retain an enormous cachet in the US market even though the majority of cigar smokers have never had a Cuban cigar" (This would include smokers of mass brands)
- A 1997 GC report (7) stated "..Cohiba's strong ratings indicates not only the 'best' perception of the brand but also the strength of Cuban reputation for producing the best cigars".
- In an NFO study conducted in 9/98 (3) a substantial proportion of premium smokers indicated a relatively high level of interest in Cuban cigars. This interest was much more pronounced among those who indicated they regularly or most often smoked Cohiba.

  The Cambridge Group, which analyzed the study, characterized these findings as "Cohiba users have a love of Cuban cigars and would switch to them if they were legal".

(Table on next page)

	Total Premium users	Regular/most often users * Cohiba	Macanudo	Partagas
No. of Respondents	(456)	(100)	(273)	(126)
	%	%	%	%
"I prefer Cuban cigars to any other" (6-point scale)				
Agree completely	14	27	10	16
Agree somewhat	10	19	13	21
	24	46	23	37

*3 times a year or more

	Total Premium users	Regular/most often users * Cohiba	Macanudo	Partagas
No. of Respondents	(456)	(100)	(273)	(126)
	%	%	%	%
"If Cuban cigars were legal I'd switch most of my smoking to Cubans" (6-point scale)				
Agree completely	16	26	25	28
Agree somewhat	15	19	5	5
	31	45	30	33
Importance of country of origin of the cigar (4-point scale)				
Extremely or Very important	35	45	29	42

*3 times a year or more

- In NPD Attitude & Usage studies conducted in 3/98 and 10/98 (4) 35% and 41% respectively of the premium smokers interviewed indicated that the best cigar they had smoked was Cuban.
- A 1997 General Cigar marketing plan document (8) stated the desire for Cohiba: "... to

leverage the mystique of the Cuban name with a comprehensive product lineup".

- Qualitative interviews with a limited number of respondents are generally designed to provide marketing hypotheses and/or insights about consumers' behavior and/or attitudes. Several conclusions drawn from such interviews appeared in General Cigar presentations.

  In a General Cigar memo dated 1/99 (5) it was indicated that "the mystiques surrounding Cuban cigars is still apparent but it seems to only be predominant in those smokers with little or modest specific knowledge of the category, cigars and manufacturers. Those that are more knowledgeable know that quality cigars are made by manufacturers not countries." However, in a General Cigar Marketing Plan document dated 10/00 (6) it was stated that "Non-Cuban cigars are seen as less than premium"

8. Confusion As To Cohiba Source And Association

None of the General Cigar quantitative studies sought to determine a respondent's belief as to the source of the Cohiba cigar that they were mentioning. However, after the GC Cohiba launch in 9/97, presentations or reports to management drawn from qualitative interviews and from evaluations of quantitative studies reported confusion between the GC Cohibas and Cuban Cohibas.

- Concern about source confusion relating to Cohiba cigars were evidenced by the following drawn from several GC presentations and documents in 1998 and 1999.
  - From a 4/98 Business Review (1): "Confusion level continues to exist in the marketplace due to the legal/counterfeit issues during the launch".
  - In a 6/98 report prepared by The Cambridge Group which referred to NPD A&U Studies (2): "Confusion over Cohibas of different origin, as well as "the brag value" of claiming to prefer Cuban Cohibas, likely contribute to Cohiba's high

rating (as best brand ever smoked)". "While awareness and preference for Cohiba appears to be rising consumers may be confusing Dominican with Cuban Cohibas".

- In that same 6/98 report and presentation (3) reference was made to the results of qualitative research: "Substantial confusion exists over Dominican versus Cuban Cohibas. Knowledgeable people tend to look down on Dominican cigars as an imitation or fake. Others are simply confused. (There are two brothers, one who makes Cohiba in Cuba and the other in the Dominican Republic)".

  The Cambridge Group also indicated (4) "Concerns around consumer confusion over Cohiba's identity and authenticity suggest that investing in brand extension would be risky at this time" They stressed in their presentation that " there is serious consumer confusion over different types of Cohiba"

  In this same Cambridge Group presentation, equity from the Cuban Cohiba was included in a summary of the GC Cohiba's brand equity. It listed the following as the Cuban product's equity accruing to the GC brand: stronger flavor, best quality, illegal, hard to find, legendary. Under the Dominican Cohiba's equity it included "imitation of Cuban Cohiba"

- General Cigar was aware that its surveys did not attempt to determine whether or to what extent there might be source confusion regarding Cohiba.

  - In an 4/99 report (7) it indicated that "Cohiba (Brand- Cuban or Dominican) and Macanudo are the two top brands in terms of best perceived smoke among premium users"

  - In an Internet survey done in 3/01 to evaluate Punch and Macanudo Ascots advertising (5) the following was noted about unaided recall of Cohiba: "Participants wrote in their own responses, so there is no way to establish if they meant Cuban or Red Dot Cohiba".

- Even knowledgeable cigar smokers may be confused as to the genuineness of a cigar. In *Cigar Aficionado*'s weekly polls on their Internet site 39-40% of those answering in 7/98 and at a later poll (6) indicated that they had purchased a cigar which they believed was genuine but was later discovered to be counterfeit.

The foregoing constitutes my analysis of the reviewed data in regard to the specified topics.

Alvin Ossip

D. Source Of Information

1. The Premium Cigar Market

(1) Bain & Co. Bain 0092
(2) Bain & Co. GC 022234
(3) GC 021692
(4) GC 21717
(4a) GC 015870-71
(5) GC 022629-33
(6) Bain 00094
(7) Bain 00195
(8) GC 021378

2. Awareness Of The Cohiba Brand

(1) GC 023687-95
(2) GC 014860-62, GC 014865-67, GC 014870-78
(3) GC 016885-87, GC 016890-91
(4) NFO 001263
(5) GC 019934-61
(6) 2/95 NPD Study P.15-32- no Bates number provided
(7) 7/97- GC 013852, 3/98- GC 016386, GC 016399, 10/98- GC 015941, 3/99- GC 015735
(8) GC 016699, 016703
(9) GC 015919-20
(10) GC 014275+
(11) GC 014285,288

3. Cohiba As The Best Brand Ever Smoked

(1) GC 014293
(2) 12/94- GC 023586-88 2/95- NPD Study P55-57- no Bates numbers appear,
5/95- GC 014898-99 7/96- GC 015322 7/97- GC 015751 3/98- GC 0116479, 016482
10/98- GC 016027, 016031 3/99- GC 015751

4. *Cigar Aficionado* Magazine As A Source Of Cigar Information

(1) GC 01375
(2) GC 016685
(3) GC 016103
(4) GC 019500
(5) GC 022286
(6) GC 01384
(7) GC 015723
(8) GC 019339
(9) GC 019717,017937,018674
(10) GC 018835
(11) GC 016685
(12) GC 016103
(13) Depositions of: Lewis Rothman, Oscar Boruchin, Steven Johnson, Edgar Cullman Jr.
(14) Bain 00094; Shanken Communications Stipulation
(15) Declaration of Jessica Heyman

5. The Image of Cohiba

(1) GC 013771
(2) GC 019661-67
(3) GC 019797
(4) GC 019938
(5) GC 014959-60
(6) GC 015385-87
(7) GC 023805
(8) NFO 01265+, 01361-67
(9) GC 019665

6. Cohiba Buyers

(1) GC 018667-68, 01240-41, 017928-29
(2) GC 019592-94, 019610; NFO 720-21
(3) GC 018506,017754,018523,017771, NFO 010179, 01097
(4) GC 013797-99
(5) GC 018410

7. Interest In Cuban Cigars

(1) GC 014275 +
(2) GC 014132
(3) GC 019116, 018583,019129,018450,018681, 019638
(4) 3/98- GC 016486 10/98- GC 016036
(5) GC 015847
(6) GC 022800
(7) GC 013783
(8) GC 022846

8. Confusion As To Cohiba Source And Association

(1) GC 021219
(2) CAM 000370-71
(3) CAM 000384
(4) CAM 000389, 000385
(5) GC 022283
(6) GC 021445
(7) GC 015750

Appendix

General Cigar sales of Cohiba Cigars, as advised by counsel for plaintiff:

YEAR	COHIBA SALES
1982	90,000
1983	323,000
1984	118,000
1985	70,000
1986	5,000
1987	3,000*
1988	0
1989	0
1990	0
1991	0
1992	5,600**
1993	50,000***
1994	49,000
1995	101,000
1996	96,000
1997	509,000****
1998	858,000
1999	985,000
2000 (thru Nov.)	996,103
2001 (thru Sept.)	1,337,169

*There is a dispute as to whether there were any 1987 sales, but the position favorable to defendants is used here for simplicity's sake.
**First shipment (to Dunhill) on November 20, 1992.
***Approximately 9,000 shipped from GC in DR to GC in US (rest shipped directly to Dunhill); 100 cigars shipped for Mike's Cigars in Miami on Dec. 20, 1993.
****Records show 60,000 sold through Feb. 1997, unclear if total 1997 figure reflects 1997 sales prior to September 1997 launch of GC Cohiba.

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July 19,2002

Subject: Errata for REPORT OF SIGNIFICANCE OF INFORMATION IN MARKET RESEARCH RELATED FILES FURNISHED BY GENERAL CIGAR AND THIRD PARTIES WITH RESPECT TO CERTAIN ISSUES CONCERNING COHIBA , January 2002

The above report, prepared by me, makes reference to several Attitude & Usage studies (A&U) conducted for General Cigar in 12/94, 2/95, 5/95 and 7/96. I erroneously attributed the conduct of those studies to NPD , a marketing research company, when they were actually conducted by another firm, Service Industry Research Systems (SIRS). Apparently, after the 7/96 study General Cigar switched their A&U studies to NPD.

Both the SIRS and the NPD A&U studies referred to in the report were telephone surveys conducted with premium cigar smokers and covered very similar topics and were tabulated in a similar manner. Although the definitions of the respondent universes used in these various studies may have varied (specific information about the universe for some of the studies was not available in the General Cigar files) General Cigar used the last two SIRS studies and the subsequent NPD studies to evaluate trends in certain market measures. Results of the studies from both of these market research firms were cited in tracking:

- Unaided awareness –1995-1997 (GC 013783)
- Best cigar ever smoked – 1995-1998 (CAM 000366)
- Brand smoked most often – 1996-1999 (GC 022593)
- Primary store where cigars bought – 1995-1999 (GC 022610)

The incorrect attributions to NPD appear in the following places:

Page 9, Line 14
Page 11, Line 1
Page 12, Lines 1,3,,9,11,13,18
Page 13, Line 2 after table, Line 14
Page 14, first table heading should read "A&U Studies"
Page 16, Line 1 after first table and in table heading
Page 21, Line 13

Following are three minor errors in the typing of the report:

- Page 5- Implication Section Line 3- "the Cohiba's" should read "the Cohiba users"
- Page 21- a footnote should appear for the table similar to the one appearing on the next page: Excellent = 5, Poor = 1
- Page 25- each of the footnotes under the table should have one less asterisk

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October 17, 2002

Mr. Michael Krinsky
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Subject: Errata for REPORT OF SIGNIFICANCE OF INFORMATION IN MARKET RESEARCH RELATED FILES FURNISHED BY GENERAL CIGAR AND THIRD PARTIES WITH RESPECT TO CERTAIN ISSUES CONCERNING COHIBA, January 2002

Several errors have been discovered in the Source Of Information section which shows the specific Bates numbered pages or other designations of the documents from which specific information was obtained. In one instance the source should have been NFO instead of GC. In the other instances the error involved a single digit in the designation.

Section of report		Reported as:	Should be:
3. Cohiba As The Best Brand Ever Smoked	(2)	3/98- GC 0116479	GC 016479
4. Cigar Aficionado Magazine As A Source Of Cigar Information	(1)	GC 01375	GC 013750
	(6)	GC 01384	GC 013847
6. Cohiba Buyers	(1)	GC 01240-41	NFO 01240-41
	(3)	NFO 010179	NFO 01079

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

In the matter of Trademark Registration No. 1147309
For the mark COHIBA
Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273
For the mark COHIBA
Date registered: June 6, 1995

EMPRESA CUBANA DEL TABACO, d.b.a. CUBATABACO, Petitioner, v. GENERAL CIGAR CO., INC. Respondent.	:	Cancellation No. 92025859

PARTY OFFERING: PETITIONER

Exhibit 6 to the TTAB Discovery Deposition Transcript of Alvin Ossip, dated June 29, 2017

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EMPRESA CUBANA DEL TABACO d.b.a. CUBATABACO, Plaintiff, -against- CULBRO CORPORATION, and GENERAL CIGAR CO., INC., Defendants.	:	97 Civ. 8399 (RWS)

WRITTEN DIRECT EXAMINATION TESTIMONY OF ALVIN OSSIP

PENGAD 800-631-6989
EXHIBIT
Ossip 6
6/29/17 AP

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EMPRESA CUBANA DEL TABACO d.b.a. CUBATABACO,	:	
Plaintiff,	:	97 Civ. 8399 (RWS)
-against-	:	DIRECT EXAMINATION TESTIMONY OF ALVIN OSSIP
CULBRO CORPORATION, and GENERAL CIGAR CO., INC.,	:	
Defendants.	:	

1. My name is Alvin Ossip and I reside at 11 Homewood Road in Hartsdale, New York. I have had over 45 years of experience in designing, supervising the conduct of and analyzing marketing research studies for consumer products. I have also for many years assisted marketers in applying the results of such studies. This experience was obtained at a research firm, where I conducted research for various clients; at a large advertising agency, where I was responsible for research studies for major clients with new and established brands; and at two major consumer products manufacturers. I was at General Foods, one of the largest advertisers and users of marketing research, for 23 years.

2. At General Foods, I was the research manager for two divisions of the company involved in all aspects of marketing research. I then was Director, Survey Research, responsible for all of General Foods' surveys for its domestic products. Finally, I served as General Foods' Director, Corporate Services (Marketing Research Department); in that capacity, I directed all marketing research for the Sales, Promotion and Public Affairs Departments, was a consultant to the Legal Department on marketing research issues, and supervised Research Methodology, Statistical Services and Sales Analysis groups.

3. For the last seventeen years I have been a marketing research consultant specializing in surveys for legal purposes, involving advertising and trademark issues. During that time I have testified at trial in eighteen cases and by deposition and declaration in many more. I received a BBA degree in Marketing Research and Statistics from Baruch College, CUNY, and an MBA degree in Marketing from New York University. A copy of my *curriculum vitae* is attached to my reports.

4. I was retained by counsel for the plaintiff to review and report on a substantial amount of market research related material provided by General Cigar, and some material from other sources, in regard to a number of specific topics. I issued a report based on this review (PX317), which is attached as Appendix A. The first part of my testimony relates to my review of this material and will concern how this information bears on several topics that I have been told are important in this case. I will also comment on the report and deposition of the defendant's expert, Dr. Itamar Simonson, in regard to these topics and his criticisms of my report.

5. I had also been asked to conduct a study among premium cigar smokers to determine the extent to which, if any, source confusion existed between Cuban Cohibas and the General Cigar Cohiba. This study was conducted in October-November 2000 and the report I issued about this study (PX316) is attached as Appendix B. The second part of my testimony will concern this report and criticisms of it contained in the report prepared by Dr. Simonson.

6. I have been paid by counsel at the rate of $400 an hour, which was my usual and customary rate at the time I was initially retained. My present rate is somewhat higher.

OVERVIEW AND SUMMARY OF FINDINGS

7. I have been told that the extent of Cohiba's renown immediately prior to November 20, 1992 is an important point in this case. However, a specific estimate of the extent of this renown is not

available since there were no consumer surveys done at about that time of which I am aware. Nonetheless, from my review of available data and information I have formed the opinion that Cohiba had a substantial level of awareness and reputation among premium cigar smokers by November 20, 1992.

8. In the absence of a survey, it is difficult to derive a numerical estimate with any certainty, but I used available quantitative data and other information to try to arrive at a reasonable estimate of the level of awareness of Cohiba at that time. In 1992 the premium market had been relatively static for about a dozen years, few new users were entering the market and the bulk of users had probably been smoking cigars for many years. The size of the premium cigar user group then was estimated at about 483,000. (PX 182, at BAIN 00094) My analysis leads me to conclude that over 50% of these smokers were aware of Cohiba immediately prior to November 20, 1992, and that Cohiba had a substantial reputation at that time.

9. I will elaborate on how I arrived at these conclusions but would like to summarize the key points of support, which will also set a framework for my more detailed testimony.

- There was a study among cigar smokers conducted for Shanken Communications (PX 139) that was issued in January 1992, but for which the interviewing is likely to have taken place somewhat earlier. Respondents in this survey skewed to upscale consumers and the study did not solicit any brand awareness information from them. However, the study does provide some information that is relevant. It clearly shows a very high interest in, evaluation of and involvement with Cuban cigars among respondents. This high interest and evaluation of Cuban cigars is also evident among those not in the very high income groups and probably reflects the thrust of general attitudes of the premium cigar smoker population in 1992 regarding Cuban cigars.

- This interest manifests itself among these respondents in such ways as: thinking Cuba produces the best cigars, purchasing Cuban cigars when traveling abroad and smoking Cuban cigars.

- This high interest and involvement in Cuban cigars would likely lead many to be exposed to Cohiba and/or information about it because of the high incidence of foreign travel and purchasing of Cuban cigars when out of the United States indicated in the Shanken Study. Given the types of jobs and business and social interactions that a large portion of these premium smokers had, it is very likely that such travelers were involved in a lot of discussions with other premium cigar smokers about their cigar experiences. It is also very likely that Cuban cigars were often given out as gifts. In addition, the Shanken Study's report would indicate many Cuban cigars or counterfeits were coming into the country for sale. Thus, any awareness of Cohiba and Cuban cigars would be multiplied among premium smokers by word of mouth.

- With Cohiba being the very highest priced Cuban cigar at about $7 to $26 each (PX 1090, P. Dep. Ex. 624 (Simonson)), and the existence of the U.S. embargo, the extent to which Cohiba could be a person's normal brand was quite limited. However, it still was rated in the Shanken Study as "finest cigar ever smoked" by 6% of those who usually spend over $3.50 per cigar, a price category that would include Cohiba, with 4% of the over $3.50 buyer group saying they normally smoke Cohiba.

- Up to November 1992 Cohiba had appeared in about 50 articles in various general circulation magazines and newspapers and was the only cigar repeatedly linked to Fidel Castro. These exposures helped engender awareness and interest because of the reports of Cohiba's worldwide reputation, its high cost, its exclusivity and cachet, and its connection with Fidel

Castro. These elements would tend to interest smokers of premium cigars, particularly because of their high interest in Cuban cigars, and would increase awareness of the brand.

- It was in this context that the *Cigar Aficionado* magazine premier issue was published in September 1992 (PX 1062) and had a significant impact on the cigar market. Judging by the extent of its circulation and the space and attention given to Cohiba in this issue, it greatly enhanced awareness of Cohiba. Cohiba had a feature article devoted to it, it was listed first and tied for the highest rated cigar in the category of cigars evaluated in the magazine, had two full page paid ads in the magazine and was mentioned in other articles. It is likely that a very substantial proportion of all premium cigar smokers at that time got to read or look through the magazine and take note of Cohiba.

- Legal travel between the U.S. and Cuba as well as the presence of Cuban émigrés in the U.S. also helped in spreading awareness of Cohiba.

- In addition to the above circumstances, information contained in three studies conducted for General Cigar dated September 1994 and February and May 1995 (PX 175, 1264, 140), with the interviews probably conducted earlier, also leads me to the conclusion that there was substantial awareness of Cohiba immediately prior to November 20, 1992.

- These studies provided unaided awareness information about Cohiba and other brands by asking respondents to name all the cigar brands they could think of. While aided awareness was obtained for some other brands, in terms of respondents indicating they had heard of a brand named for them, this was not done for Cohiba. While there is no standard way to use unaided awareness to estimate aided awareness, I found some patterns in the information and derived a reasonable aided awareness estimate for Cohiba with the information that was available. Given that this derived estimate of Cohiba aided awareness at the time of these surveys was quite high, in the range of 62-71%, it is reasonable to conclude that a high level

existed immediately prior to November 20, 1992. I estimate that level to have been greater than 50%.

10. In later portions of this testimony I address what the materials I reviewed show about the issue of consumer confusion and what they show about the advantages obtained by General Cigar from the reputation and awareness of Cuban Cohibas. I conclude from this review that there were meaningful levels of confusion between the new General Cigar Cohiba and Cuban Cohibas and that the high level of Cohiba awareness and reputation has been a strong benefit to General Cigar.

11. I will elaborate on how I arrived at these conclusions in Paragraphs 80 to 100, but would like to summarize key points of support for these conclusions. Later in my testimony I will discuss the study I conducted to measure confusion in late 2000.

- While General Cigar in their studies conducted after the September 1997 launch of their Cohiba cigars apparently did not attempt to measure any confusion between their brand and Cuban Cohibas, findings of confusion were reported.

- Consumer confusion was encouraged by use of the same name as the Cuban cigar. General Cigar's advertising and promotion for its new product, which included a heritage theme, was very likely to have added to confusion. In addition, ads that some cigar retailers ran in catalogs or on the Internet are likely to have aided confusion between the two products.

- Those smokers who were attracted to a Cohiba branded cigar, or were in the General Cigar attitudinal target segments, had characteristics that would indicate above average potential to be confused. These include a considerably above average interest in Cuban cigars among Cohiba smokers and a lower than average self-perceived knowledge about cigars in the attitudinal segments in which Cohibas had an above average share of premium cigar sales.

- The legal availability, in very substantial numbers, of another Cohiba from the Dominican Republic which mimicked Cuban Cohiba trade dress, in the years immediately preceding the General Cigar launch and continuing thereafter, is likely to have caused smokers to think there was a link with the Cuban cigar by both that brand and the General Cigar brand.

- The awareness and reputation of the Cuban Cohibas was strengthened between November 20, 1992 and the launch of the General Cigar Cohiba in September 1997 by prominent and consistent mentions in *Cigar Aficionado* articles and ratings and by favorable mentions and references in hundreds of media articles. The Cuban Cohiba's reputation and brand name recognition helped the newly-launched General Cigar Cohiba brand stand out from the large number of premium cigar brands being introduced into the market.

- Sales of General Cigar's Cohiba account for only a modest proportion of Cohiba cigars that respondents mention as smoking, buying or inventorying in studies conducted for General Cigar after September of 1997. The bulk of the respondents therefore had to be referring to counterfeits and/or Cuban Cohibas.

12. My testimony now provides detail about the various points I have summarized above.

THE CUBAN COHIBA'S RENOWN PRIOR TO NOVEMBER 20, 1992

13. The Shanken Study (PX 139) was issued in January 1992 but was likely conducted earlier among a sample of premium cigar smokers drawn largely from the subscriber list of *The Wine Spectator* (a Shanken magazine) and from mailing lists provided by two cigar retailers and two manufacturers. This sample was very upscale in terms of income and type of occupation, although its respondents probably typified a substantial segment of the relatively limited number of premium smokers at that time. The study did not obtain any brand awareness information but did provide some potentially useful information. The Shanken Study chose to separate out for analysis those smokers who usually spent more

than $3.50 for a cigar (about a fourth of respondents). Given Cohiba's very high price, that group would be the likely target group for the brand if it were available in the U.S.

14. As indicated in Table 1, the study showed an extremely high interest and involvement in Cuban cigars. In terms of attitudes: 47% of the respondents thought Cuba produced the best cigars, with the Dominican Republic ranked second at 26%. Among those smoking cigars priced over $3.50 the margin was greater, in favor of Cuba, 63% to 25%. 40% of all the respondents said a Cuban cigar was the best they had ever smoked, with the proportion being 58% among those who usually smoke the higher priced cigars.

15. In terms of behavior: 33% of all respondents said they traveled outside the U.S. at least two times a year. Of all those who ever traveled outside the country, 54% said they purchased Cuban cigars when they traveled. These numbers are even higher among those who usually spend over $3.50 per cigar. Among this group, 50% travel outside the country at least twice a year and among the 90% of those who ever do so, 69% said they purchased Cuban cigars when they traveled. See Table 1.

16. I assume that in their travels these smokers had the opportunity to see Cohiba cigars in their visits to tobacconists and duty free shops while abroad. I have been informed that the Cuban cigar company positioned Cohiba at the pinnacle of Cuban cigars, that it priced them above other Cuban cigars, and that this positioning was reflected in the trade and general European press of that time. Therefore it is likely that Cohiba was shown and/or discussed in the shops visited by many of these American travelers abroad.

17. In addition to many travelers buying Cuban cigars for themselves, it is likely that they also purchased some as gifts. In the Shanken Study 63% of all respondents indicated they sometimes give cigars as a gift and 76% indicated sometimes receiving them. (PX 139, at GC 014301-2)

18. Given their high level of interest in Cuban cigars, it is likely that for many it was a topic of interest to discuss with friends and associates who smoked cigars. Cohiba was likely to be in many of these conversations given its high price, exclusivity and its being reported as Fidel Castro's cigar. While there is no data about the conversational interactions with friends, relatives and associates, data obtained by General Cigar in studies done in later years (see Paragraph 92) indicates that these people are important sources of information about cigars. Consequently, it can be reasonably assumed that word of mouth about Cohiba was also important in spreading its awareness prior to November 20, 1992.

19. Despite the embargo, 24% of all respondents in the Shanken Study said that a brand they normally smoke is Cuban, with 50% of those usually spending more than $3.50 per cigar saying so. See Table 1.

20. Although the Shanken Study respondents had an upward income skew, it is interesting to look at those whose annual income was below $100,000. In this group the level of interest in Cuban cigars was quite high with, for example, 36% purchasing Cuban cigars when they travel outside the country (47% of those who do travel buy Cubans), 17% indicating that a brand they normally smoke is Cuban and 31% indicating that the finest cigar they smoked was from Cuba. For these people, also, Cohiba would be a natural subject of discussion. See Table 1.

21. The Shanken Study did not obtain either unaided awareness or aided awareness information for any brands. It did, however, ask respondents to name the brands they normally smoke, the most preferred brand normally smoked, the finest cigar they ever smoked and for thirteen specific brands, but not Cohiba, whether they recall smoking each during the past five years. In spite of the lack of availability and high price, Cohiba was indicated as a brand normally smoked by 4% of the over $3.50 buyers. It was tied for fourth place in terms of being named the best cigar ever smoked in the over $3.50 per cigar group, with 6% mentioning it. It was exceeded by Davidoff, which was top ranked. For many

years, Davidoff had been a Cuban cigar and had only recently begun to be made in the Dominican Republic rather than Cuba. Cohiba was also exceeded by Montecristo, another Cuban cigar which had, I am informed, export volume almost 18 times greater than Cohiba and a wider and lower skewed price range, and Cohiba was also edged out by Macanudo, the best selling cigar in the U.S. (PX 139 at GC 014285, 014293)

22. I conclude from the data noted above that in late 1991-early 1992: 1) there was a very high level of interest in Cuban cigars, 2) Cuban Cohiba was highly rated among those who had smoked it, 3) there was likely high interest in and exposure of Cohiba to cigar smokers who traveled abroad or who obtained Cuban cigars in the U.S., and 4) there was high likelihood of awareness of Cohiba given its place at the top of the hierarchy of Cuban cigars.

23. Up to November 1992 Cohiba was mentioned in about 50 articles appearing in newspapers and magazines, many with wide circulation. (PX 1124(c)(1)) While there is no way to translate such media exposure and overseas exposure into precise estimates of brand awareness, it undoubtedly helped communicate to many premium smokers the desirability of this world class cigar.

24. Even if judged simply by its circulation, the launch of *Cigar Aficionado* magazine in September 1992 undoubtedly had a major and quick effect on awareness of Cohiba. About 115,000 copies of the magazine were sold, with an additional 10,000 promotional copies distributed. It was distributed to 453 cigar retail outlets that either displayed and/or sold the magazine. The magazine was launched at a national trade show of the Retail Tobacco Dealers Association, the principal trade association. (PX 247)

25. This first issue gave such prominent attention to Cohiba that anyone looking through the magazine would have been exposed to Cohiba in ways that would have registered the brand name and Cohiba's reputation as the finest cigar. In the previously mentioned Shanken Study conducted before the

launch of *Cigar Aficionado*, 51% of all respondents indicated that they definitely or probably would subscribe to a magazine for cigar lovers. (PX 139, at GC 014317) Which shows a high level of interest in a magazine like *Cigar Aficionado*.

26. On a page written by the magazine's editors they provide information which they call a profile of the *Cigar Aficionado* reader. Based upon a survey of more than 1300 respondents, perhaps a different survey from the previously discussed Shanken Study, or else based on a subset of respondents in that survey, these respondents were indicated as generally upscale executive or professional types, 90% of whom have taken a foreign trip in the last twelve months and "as you might suspect, many of the foreign travelers also took advantage of their trips to pick up Cuban cigars." They also mention that the average respondent usually spends just over $3 a cigar with 14% saying that their everyday cigar is Cuban. (This question may refer to the cigar they smoke most often.) This is an audience likely to note the Cohiba material in the premier issue and discuss it with others.

27. *Newsweek*, a wide circulation magazine, in its 9/21/92 issue shortly after the launch of *Cigar Aficionado*, recounted some of the information that had been in *Cigar Aficionado*. It mentioned that Cohiba was the winner in the blind tasting test of robustos but that the brand can't be bought on the open market. It also mentioned that Cohiba was one of the magazine's advertisers. This exposure also undoubtedly aided Cohiba awareness. (PX 1124(c)(1)(49)).

28. Considering that there were an estimated 483,000 premium smokers at that time, and that the buyers of the magazine were extremely likely to be premium cigar smokers, the sale of 115,000 copies plus 10,000 promotional copies represented major penetration of the premium cigar smoker market. In addition, exposure to the magazine's contents was increased due to the effect of pass along readership and browsing and reading at tobacco shops and by conversations between cigar smokers who

had seen the issue. In addition, conversations between readers and non-readers who were cigar smokers would further add to the effect of the magazine on Cohiba awareness and reputation.

29. The occurrence of pass along readership is well established with respect to magazines. For example, in General Cigar surveys for 1997, when they first started collecting such data, and later, many more people indicate that they get information from *Cigar Aficionado* than purchase the magazine. I describe this phenomenon at pages 17-20 of my report (Appendix A).

30. It is likely that a premier issue, such as *Cigar Aficionado*, received a greater than average rate of pass along readership. Given all this exposure through its appearance in the magazine, further replay in *Newsweek* magazine and the normal interaction of cigar smokers about cigars, it is therefore logical to assume that the effect of this premier issue of *Cigar Aficionado* on awareness of Cohiba and its reputation clearly was major. It is likely that a substantial proportion, if not a majority, of premium smokers at that time got to read or see the premier issue of *Cigar Aficionado*.

31. An additional factor that would aid awareness of Cohiba was the number of émigrés from Cuba to the U.S. from 1971 through 1992, which U.S. Census data reports at 439,000 persons 21 years old or older. In addition, I am informed that, according to the expert report of Hilda Diaz, there were 484,000 total legal visits by U.S. persons to Cuba from 1979 through 1992, although some people may have made several visits.

32. Data available from three surveys conducted in 1994-95 corroborate that *Cigar Aficionado*, the media and other factors had a substantial impact on building awareness of Cohiba. We do not have a trial rate estimate for Cohiba in the January 1992 Shanken Study, but we know from the 1994-95 studies that about 48% of those who tried Cohiba rated it the "best cigar ever smoked." There is no reason to believe that this reaction in 1994-95 would be different than it was in 1992. We can therefore estimate that trial in late 1991/early 1992 was about 5.4% in the Shanken Study, based on 2.6% of the Shanken

respondents who usually spend over $1 per cigar rating Cohiba as the best brand ever smoked (assuming none of the respondents who spend less than that amount named Cohiba as the best brand ever smoked).

33. According to the later studies, trial of Cohiba as measured by recall of brands tried had jumped to 18.5% by about September 1994, more than three times as high as the estimated trial in the late 1991/early 1992 Shanken Study. See Table 2. There is nothing apparent that could explain such a large increase in trial other than Cohiba media exposure plus attendant word of mouth and the other factors I have previously mentioned as raising awareness, which subsequently encourages trial.

34. Of course, awareness would be higher than trial given the price of Cohiba and the relative difficulty in obtaining this embargoed product. We have no data that would allow us to quantify how much of this growth in trial took place before or after November 20, 1992. However, this steep growth does show that the dynamics of the type which were present before November 20, 1992 are very powerful in building awareness and subsequently trial.

35. My analysis of the 1994-95 studies leads me to conclude that awareness of Cohiba within that period was in the 62-71% range. This level of awareness indicates that the level of Cohiba awareness by November 20, 1992 was substantial and more than 50%. The details of how I arrived at this awareness estimate range follow.

36. Three consumer telephone surveys were commissioned by General Cigar. These studies were reported in September 1994 and February and May 1995 but were likely actually conducted somewhat earlier. (PX 175, 1264, 140) They all appear to have been conducted the same way but information on the qualifications respondents had to meet or the source of those respondents was not provided by General Cigar. The respondents in these studies, compared with those in the Shanken Study, were less likely to be $200,000 a year earners and less likely to be corporate executives and managers, although there was a general upward income skew among respondents. They were somewhat more likely

to be under 35 years of age than those in the Shanken Study and somewhat less likely to buy cigars via mail order.

37. The three studies collected data on awareness and usage, although aided awareness of Cohiba was not obtained. The collected data included the following:

- Unaided awareness (What is the first brand of cigar you can think of? What other brands of cigars can you think of?)
- Aided awareness for 9 selected brands (Have you heard of (brand mentioned)?)
- Trial (Just the past year, what brands of cigars have you smoked? What other brands of cigars have you ever smoked?)
- Most often smoke (What brand do you smoke most often?)
- Best brand smoked (What's the best brand of cigar you have ever smoked?)

38. A look at the awareness and trial data as shown in Table 2 reveals the following:

- A great deal of consistency across the three studies with some modest upward or downward trends noticed for individual brands. This is logical given the surveys were similar and conducted not far apart in time.
- Aided awareness, which is recognition of the name and not voluntary recall, is always higher than unaided awareness, ranging from about 22 points higher for Macanudo, a brand which the majority of respondents have tried, to about a 70 point gain for Dunhill. This clearly indicates that unaided awareness only taps some of the recognition of a brand.

- There is almost perfect rank order correlation between trial and unaided awareness, that is, the higher the trial, the higher the unaided awareness. This indicates to me that respondents when asked to name cigar brands tend to name those that they have used. Obviously some respondents name other brands. The exception to the ranking pattern is Cohiba. Its unaided awareness ranking is higher than its trial level ranking, placing its unaided awareness above some of the brands that had higher trial rates. This would be expected for such a highly touted brand that is not generally available for purchase.

- Not shown in Table 2 but derived from the same data is the fact that on average, respondents volunteer 4.4 brand names (some not being premium brands) but they have tried an average of 6.8 brands. Consequently, they don't even name all those they subsequently volunteer as having tried, let alone all they are familiar with. This shows the importance of follow up questions or cues if only unaided awareness measures are to be relied on. Dr. Itamar Simonson, defendant's expert, has issues with the aided awareness measure, which I will address later, but did not seem to consider that unaided awareness is obtained in studies like these in a telephone interview where the respondent may not give deep thought to plumbing his memory for brand names, and where the interviewer, who has a long interview to complete, will move the questioning along when the respondent pauses.

39. Since Cohiba was not one of the brands for which aided awareness was obtained, I thought to derive a reasonable estimate of that measure from the data that was available, since that will serve as a measure of Cohiba's renown. Deriving such an estimate was possible since there was unaided awareness for Cohiba and nine other brands and aided awareness for those nine brands that could be used to derive the missing number, Cohiba aided awareness.

40. It should be realized, however, that the reported unaided awareness level for Cohiba was based upon a question that would not capture its true unaided awareness level. Recall from memory

requires some stimulus or cue in a survey. In the studies under review, the stimulus was "brands of cigars" that you can think of. If the cue or the question had been different, then the unaided awareness results would likely have been different for Cohiba. In Dr. Simonson's approach to these numbers he supports his basic principle, which I will talk about later, by citing Kevin Keller's book and the section that relates to brand awareness. I would also like to cite what Professor Keller wrote in that same section. Dr. Keller's comments would lead one to think that the appropriate question stimulus to determine unaided awareness of a Cuban cigar that is not legally available would have been to ask "What brands of Cuban cigars can you think of?" or a similar question. Quoting from Dr. Keller, "For example, if recall of the Porsche Boxster (a high-performance German sports car) in non-German markets was of interest, the recall probes could begin with 'all cars' and move to more and more narrowly defined categories such as 'sports cars', 'foreign sports cars' or even 'high-performance German sports cars'. For example, consumers could be asked: 'When you think of foreign sports cars, which brands come to mind?'" (Keller, *Strategic Brand Management, Second Edition*, pp. 453-457, attached hereto as Appendix C). It cannot be reasonably doubted that if Dr. Keller's suggestions for Porsche Boxster were followed for Cohiba the unaided numbers for the brand would have been dramatically higher.

41. The task of deriving an estimate of aided awareness from unaided awareness numbers is uncommon since if one has an interest in both measures then such information would be collected. Apparently, General Cigar was interested in the nine brands for which both types of data were collected, but not in Cohiba aided awareness. Consequently, I cannot draw on established procedures.

42. I looked at the differences between unaided and aided awareness, which tended to be very consistent across the three studies, for each of the nine brands for which both measures were available. I then made an estimate of what that difference might be for Cohiba. This is shown in Table 3. This approach provides a general estimate of Cohiba aided awareness in the 1994-95 studies by using the performance of other brands as guidelines.

43. I used the average increment between unaided and aided awareness for seven of the nine brands, which was 55%. I then added that increment to the Cohiba unaided awareness level, which was about 16%. This produced an estimate of Cohiba's aided awareness of 71%. I omitted two brands of the nine from this average, Macanudo and Partagas, because their extremely high trial rates limit the potential for the increment between unaided and aided awareness.

44. Dr. Simonson questioned my eliminating these two brands from the average. I then related Cohiba to the average of all nine brands and, in addition, to the average of the three brands it generally exceeded in unaided awareness. These latter two approaches yielded Cohiba aided awareness estimates of 64% and 68%, based on averaging results for the three studies. These estimates are lower than the 71% but in the same general range.

45. Dr. Simonson argues that no estimate can be made for Cohiba because each brand is different and one brand may vary greatly from another. To attempt to examine this I looked at how Cohiba behaved in comparison to other brands for two measures that *were* available for Cohiba as well as for the other brands, namely, unaided awareness and trial. As shown in Table 4, this data indicates that not all triers of Cohiba name it in unaided awareness. Cohiba tends to have its pattern of unaided awareness related to trial not greatly dissimilar from the unaided awareness to trial proportions for five of the other brands (Partagas, Fuente, Upmann, Dunhill and Davidoff). Therefore, an estimating approach that attempts to derive aided awareness for Cohiba from the performance of other brands may be useful.

46. In addition to utilizing the increment between unaided and aided awareness, as I previously described above, I also used another approach for estimating Cohiba aided awareness by deriving the aided awareness of the nine other brands among those who had not volunteered that they had tried the given brand. If we assume that all who said they tried a brand are aware of it, then we can subtract them

from the aided awareness number and calculate the estimated awareness of those who had not claimed to have tried the brand.

47. To illustrate how this analysis would work, using the information in Table 2, in the September 1994 study Upmann, for example, had 80% aided awareness and 49% volunteered that they had tried that brand. If we subtract these triers, 49%, from the aided awareness we are left with 31% awareness among the 51% of respondents who did not volunteer having tried Upmann. This produces an estimate of 61% awareness of the Upmann brand among those who were non-triers. Although some who had previously tried a brand but did not recall doing so would be included in the non-trier group, I believe the analysis is relevant because it compares brands across the same measures.

48. This analysis, which appears in Table 5, shows Partagas with low awareness among those who did not indicate that they had tried the brand (about 17% on average) while the other brands ranged between 35% and 91% awareness, with Dunhill having the highest number. Using the three brand averaging approaches I did in my prior analysis (Table 3), I get an estimate range for Cohiba aided awareness among all respondents of 62% to 69% when averaging the three studies.

49. For example, in the three surveys, Cohiba averaged 21% of respondents indicating that they had tried the brand. See Table 2. To estimate the awareness among the remaining 79% of respondents, I looked at the average derived awareness among those who did not indicate trying a brand. This average for the nine other brands was 54.5%. I then applied that estimate of 54.5% awareness to those who did not indicate trial of Cohiba (79%). The resulting estimate is that 43% of all respondents are aware of Cohiba but have not indicated trying it. When added to the 21% who had indicated trying Cohiba, it produces the 64% estimate for the aided awareness of Cohiba. See Table 5.

50. The two approaches I have used provide general estimates that it is likely that Cohiba awareness in mid-1994 to mid-1995 was in the 62-71% range. There is added confidence in the

reasonableness of this estimate range because it is very likely that unaided mentions of Cohiba would have risen substantially if a cue of "brands of Cuban cigars" had been given, as Professor Keller suggests be done if you rely on unaided awareness in comparable situations. Even with this added cue, not all respondents aware of Cohiba would have volunteered it.

51. This estimate of the awareness range for Cohiba in 1994-95 reinforces my earlier conclusion that the awareness level immediately prior to November 20, 1992 was high, and over 50%. Perhaps as many as 90% of the respondents in the three studies mentioned above, by their response to a question about how long they had been smoking cigars, indicated that they had been cigar smokers by November 1992. It is likely that the great bulk of those aware of Cohiba would have obtained their awareness by November 20, 1992. (82% indicated that they had been smoking cigars for at least 3 years.) Moreover, I am not aware of anything dramatic having occurred between then and the time of the three surveys to significantly spike this group's awareness of Cohiba as distinct from maintaining their preexisting awareness by such exposures to Cohiba as the June 1994 "Fidel Castro" edition of *Cigar Aficionado*. It is my understanding that circulation of *Cigar Aficionado* remained relatively flat until late 1995, so it is likely that at the time of these three studies the magazine was largely reaching those who had already become aware of Cohiba.

52. A measure in the studies that indicates Cohiba's reputation in mid-1994 to mid-1995 is the proportion that rated it the "best brand ever smoked." In the 1994 study it was 8.5% of respondents and rose to 10.9% and 11.3% in the subsequent studies. It was only exceeded by Macanudo, which appeared to be in a downtrend. See Table 6.

53. We do not know the precise economic make-up of the premium cigar smoker market on November 20, 1992 or at the time of the 1994-95 studies. However, the market may have been more upscale than in the later years of market expansion. Respondents in the three studies plus the Shanken

Study were considerably more likely to have annual incomes of $100,000 or more than in studies conducted for General Cigar in 1997 and later. When key measures in the 1994-95 studies in regard to Cohiba are analyzed by income group in Table 6, we see that unaided awareness is only moderately lower among the under $100,000 group versus the higher income group. We also find that while trial of Cohiba is greater in the higher income group, it is relatively substantial in the other income group, with the gap between groups narrowing. The same is also true in regard to "best brand ever smoked." This would clearly indicate that Cohiba awareness and reputation is not confined to the highest income earners.

54. Dr. Simonson believes that Cohiba awareness by 11/20/92 was very low, although he makes *no* specific estimate for that date. He concludes that unaided awareness of Cohiba at the time of the Shanken Study, late 1991 or early 1992 – prior to *Cigar Aficionado* – was 3.5% or about 17,000 people in total, and that this number of people was likely to be rather close to the number aware of the brand by November 20, 1992. He arrives at the estimate for 1991-92 by applying a theory about awareness, which I will soon testify about, and using some of the data from the 1994-95 studies.

55. My first point is that in using his 3.5% estimate he, in effect, totally dismisses the impact of the *Cigar Aficionado* premier issue on awareness of Cohiba. He concludes that no weight should be given to the publication of this issue later in 1992, on the grounds that 1) people may not have noted Cohiba in looking at the premier issue and 2) the impact of the magazine should be measured against all "potential" premium cigar smokers, rather than against existing premium cigar smokers.

56. If Dr. Simonson believes that his estimate of 3.5% reflects the level of awareness achieved by Cohiba immediately prior to November 20, 1992, then his estimate does not pass a reality check. In addition, as I will show later, his theory for arriving at his estimates does not hold up. If we take 3.5% of the estimated 483,000 premium cigar smokers in 1992, then he is saying that only about 17,000 of them were aware of Cohiba. If we ignore everything but the readers of the initial issue of *Cigar Aficionado*,

then his estimate would indicate that total awareness of Cohiba is confined to less than one-sixth of those who purchased the magazine.

57. His estimate makes no sense given issue sales of 115,000 and the prominence given to Cohiba in that issue, and, even apart from that, given what we have shown to be a high interest in Cuban cigars, the exposure to and likely purchase of Cohiba in the foreign travels of many premium smokers, the articles written about the brand, Cuban émigrés, and word of mouth dissemination of Cohiba knowledge and use.

58. Dr. Simonson has a theory that he uses to arrive at his very low estimate of Cohiba awareness at the time of the Shanken Study. I believe I understand his theory but it is best explained by using his own words and so I quote him: "Unaided awareness is likely to provide a reasonable approximation of the awareness of a brand that is very well-known and popular (e.g., Coca-Cola, McDonald's, IBM) or a brand that is considered by a high proportion of those who are aware of it to be the best brand. That is, when asked about brands in a certain category, the brand that consumers consider to be the best is likely to be among the first that come to mind." (Report of Dr. Itamar Simonson, p. 13)

59. If an estimate of unaided awareness is not available, Dr. Simonson states that "the proportion of consumers who consider a particular brand to be the best relative to all those who are aware of the brand tends to be stable over time. This basic principle allows us to derive a rather accurate estimate of awareness at a particular year based on the 'Best/Awareness' proportion in other years." (Report of Dr. Itamar Simonson, p. 18) Obviously Dr. Simonson did not consider Cohiba to be as well known and popular as Coca-Cola or McDonald's. Therefore his theory was to be applied to "a brand that is considered by a high proportion of those who are aware of it to be the best brand."

60. In applying his theory, Dr. Simonson then derived an estimate of unaided awareness for Cohiba in 1992 of 3.5% by 1) using the proportion who rated Cohiba as the "best brand ever *smoked*"

relative to its unaided awareness in the 1994-95 studies, and 2) applying that ratio to the percent who rated Cohiba "finest brand ever *smoked*" in the Shanken Study. (Italics added.) He then assumed that this unaided awareness estimate was a good approximation of total awareness of Cohiba at that time.

61. At Dr. Simonson's deposition, it was pointed out that respondents in the various studies were *not* asked to name the "best brand," as Dr. Simonson had stated in his report, but rather the best brand they had "ever smoked." Dr. Simonson was then asked, "well, is the question the finest brand ever smoked different than the question what do you consider to be the finest brand?," to which he answered "It could be different." He then withdrew this first response, at least in part, by stating that "I think that people would be rather unlikely to nominate a brand that they have not had any personal experience with as the best brand. Therefore, I think that it's not a very significant distinction." He continued in his testimony that his Report would "be exactly or even more correct, if you will, if I said the brand that is the best that these consumers ever smoked, because if it's based on a personal experience, it's even more likely to come to mind when you're answering these kind of survey questions. But I just used it here interchangeably. Perhaps I should have used the term best brand ever smoked." (Simonson Dep. at pp. 121-25)

62. Dr. Simonson offered no support for his assertion that respondents in a survey, when asked what they consider to be the best brand, would answer the question as if they had been asked for the best brand they ever tried. While this may or may not be so in other product categories, this theory does not appear applicable for a product which is not found in retail stores and has the restricted availability of an embargoed product like Cohiba. The awareness estimates which are based on only triers may easily grossly underestimate awareness of such a brand.

63. Dr. Simonson uses unaided awareness to measure the recognition of a brand since he has no confidence in aided awareness measures such as "have you ever heard of brand x." His analysis therefore

depends on the accuracy and reliability of the unaided questions being asked. In the 1994-95 studies, the unaided awareness questions were: "What is the first cigar brand you can think of?" and "What other cigar brands can you think of?" While these are standard questions, in order to appropriately use unaided questions to get at brand recognition for a product like the Cohiba, you would need to provide additional cues to trigger the appropriate reactions, such as adding questions like "What brands of Cuban cigars have you heard of?" In this way, the unaided questions would get closer to true awareness.

64. Even with these cues, there would be some respondents who would not call up the name in their minds in response to an unaided question, but would do so upon seeing the name on a cigar or in an advertisement. Since, because of the embargo, many who may be aware of Cohiba are not buying it or seeing it in stores, the brand may not be stored in the top of the mind in a way that renders its awareness accurately measurable by unaided awareness questions, no matter how appropriate. If confronted by a product bearing the name Cohiba, however, many of these consumers might recognize the brand name. Thus, in the embargo context, aided, rather than unaided, awareness is key to determining total awareness.

65. Dr. Simonson's theory is also inconsistent with basic data available from the 1994-95 studies. Dr. Simonson assumes that Cohiba's unaided awareness provides a reasonable approximation of its recognition. But using the 5/95 study as an example, Cohiba unaided awareness was 16.7%, while its volunteered trial rate was 23.4% (about 40% higher). See Table 2. Dr. Simonson is therefore positing that fewer people were aware of Cohiba than those who volunteered that they had tried it.

66. Moreover, Dr. Simonson not only estimates lower awareness than those who have tried the brand, but his estimate does not allow for any awareness among the 77% of the people who did not volunteer that they had tried the brand. For a cigar not available in the U.S., but with the background of exposure through the media and foreign travel that Cohiba has, plus word of mouth, this is a particularly

important omission. It is not plausible that no one who had read *Cigar Aficionado* but had not tried a Cohiba was aware of the brand.

67. As I have previously shown, brands such as Davidoff and Macanudo, which in the 5/95 study have a fair number of triers who consider them the best brand ever smoked, have a relatively high awareness among those who did not volunteer that they had tried the brand (71% for Davidoff and 49% for Macanudo). Even if there is some spurious awareness, the proportion of awareness among non-triers is meaningful. It is very logical therefore to assume that many of those who have never tried Cohiba are aware of it.

68. Moreover, it is useful to think about how Dr. Simonson's theory would play out with a brand like Porsche. Pursuant to Dr. Simonson's theory, if Porsche is considered to be the best car ever driven by all who have driven it, and unaided awareness is calculated based on the number of people who say Porsche is the best car they have ever driven, then the total awareness estimate for Porsche will be close to the proportion of car owners who have driven it. In other words, few of the people who have never driven a Porsche have ever heard of it. The theory does not comport with reality.

69. Assume that the Shanken Study universe represents the market. Using the Shanken data for "finest cigar ever smoked" but dropping out those respondents who usually smoke cigars under $1 (on the assumption that few if any had smoked Cohiba), the proportion of the remaining respondents who rate Cohiba as the best cigar they ever smoked is 2.6%. (See PX 140 at GC 014274, 014293) How many triers would there have to be to support the 2.6% who give it a best cigar evaluation? If we base it on the proportion of Cohiba triers in the 1994-95 studies who considered it the best cigar ever smoked (48%) then trial would have to be 5.4%. If we base it on the proportion of Davidoff triers who rated that brand the best cigar they ever smoked (31%) (PX 140 at GC 014292-93), because Davidoff was far and away the most highly rated cigar in the Shanken Study (PX 140 at GC 014293), then trial would need to be

8.4% for Cohiba to have 2.6% of respondents rate it the best brand they ever smoked. Both of these trial levels exceed Dr. Simonson's overall awareness estimate of 3.5%, *and* they do not take into account those who had not tried the brand but had heard of it through conversations with friends, associates or tobacconists, read about Cohiba or saw it in their travels, or were of Cuban origin. His estimate again does not seem reasonable.

70. As indicated in the Shanken Study, Davidoff was chosen by about 31% of its triers as the best brand they had ever smoked, several times the proportion for the other brands for which trial data was obtained. Therefore according to Dr. Simonson's theory, I assume that the proportion naming Davidoff in unaided awareness in 1992 would have been likely to be close to the proportion aware of it. While awareness information is not available in the Shanken Study, it is in the 1994-95 studies and shows aided awareness of Davidoff was 55 to 62 points higher than its unaided awareness. This is not in line with the theory, as I understand it.

71. In his analysis in his report (Report of Dr. Itamar Simonson, p. 24) Dr. Simonson applies his principle – that the ratio of "best ever smoked" to unaided awareness will remain relatively constant – to Macanudo, in order to estimate what Macanudo's unaided awareness would have been in the Shanken Study. However, he doesn't complete the calculation. By applying his theory to Macanudo, Dr. Simonson would derive an unaided estimate of about 22% for Macanudo in 1992. This is a grossly unreasonable estimate when the trial of Macanudo in the Shanken Study itself was 75% and its unaided awareness in the 1994 study was 63%. Clearly this part of his theory fell apart on an illustration that he himself used.

72. 14.6% of premium smokers indicated in General Cigar's 10/98 study (PX 143 at GC 016027) that Cohiba was the best brand they had ever smoked. The application of Dr. Simonson's theories would have indicated that overall awareness for Cohiba in 1998 was in the low 20% range. This

estimate is based on projecting the ratios of "Best to unaided awareness" seen in the 1994-95 studies forward, just as Dr. Simonson projected them backward to 1992. (Dr. Simonson hypothesized that this ratio should remain rather stable over time, and that the unaided awareness estimate is likely to provide a reasonable approximation of the awareness of Cohiba.) This low 20% range is well below the reported aided awareness in 1998 (56%) (PX 181 at NFO 001263), and about half of the proportion who said they have ever *tried* a Cohiba in a 3/98 survey. (PX 144 at GC 016631)

73. Dr. Simonson says in his report that aided awareness measures tend to greatly inflate the true awareness level and that it is not unusual to encounter cases where close to or more than 50% of the survey respondents say they are aware of fictitious brands. He believes that aided awareness measures are therefore not useful other than for trend information. He cites this 50% number four times, which would be at the very high end of reported occurrences (as the Keller book shows), but he provides no specific brand, nor does he try to estimate the level of such spurious awareness that may exist in the premium cigar market studies. While there well may be spurious awareness, we cannot assume that it will be great without some data to corroborate it. General Cigar has been conducting surveys for at least eight years in which they collected aided awareness information which, I assume, they used for marketing purposes, but I am not aware of their ever trying to measure any spurious awareness.

74. Dr. Simonson states that "spurious awareness"' in the cigar category will be greater for Hispanic or Cuban sounding names. I tried to evaluate that by combining data from the two 1995 surveys and comparing the information for Arturo Fuente and Hoyo De Monterrey, Hispanic or Cuban sounding names, with that for Upmann and Ashton, decidedly not Hispanic sounding names. An examination of this data, as seen in Table 7, provides mixed results for the two Hispanic sounding names in regard to how one would expect them to compare with the other two brands. This does not provide support for Dr. Simonson's hypothesis.

75. Dr. Simonson virtually ignores the effect of the premier issue of *Cigar Aficionado* on Cohiba awareness and reputation among the estimated 483,000 premium cigar smokers prior to November 22, 1992. Instead of coming to grips with the effect of the magazine, he asserts that we should not look at that population but rather consider the premium users in 1992 *plus* all those who entered the market by some later date over the next many years. Quoting from his report: "Considering that the potential market included 3.95 million existing and prospective premium cigar users, under the most conservative assumption, the first issue reached approximately 2.9% of the relevant consumers." His number included everyone who is estimated to have entered the premium cigar market through 1997. He ignores or doesn't reconcile the fact that in the 1998 Study, used extensively by the Cambridge Group for General Cigar (PX 181 at NFO 01075-76), an estimated 61% of all premium smokers were smoking cigars by November 20, 1992.

76. It is my understanding that it is a legal question as to whether it is relevant to measure Cohiba renown among existing premium cigar users at a given time or among existing users plus those who enter the market in subsequent years. However, I believe that some marketing observations may be relevant in considering this issue.

77. From all the data I have examined, it is clear that Cohiba's renown and reputation among existing premium users in 1992 was a valuable asset and would have been of great value to General Cigar if they could leverage and use that renown and reputation regardless of whether future premium cigar users are considered. It is a base for the product and leads to recommendations of the brand to friends and associates and to building awareness due to word of mouth.

78. Moreover, in spite of the growth in new premium users, the surveys General Cigar conducted indicated tbat of those in the market at a later date, many were also in the market in 1992. Thus, 57% of regular/most often users of Cohiba in the 1998 NFO Study (PX 149.1 at GC 018501-02)

had been cigar smokers by 1992 and, on average, these Cohiba users had been cigar smokers for about 11 years. No data was obtained as to when these people started using premium cigars, but if they had known of Cohiba in 1992 they likely would have helped spread awareness of the brand to new cigar users.

CONFUSION

79. I now turn to an examination of information I found in the material I reviewed that relates to confusion. There were reported findings of confusion in General Cigar's own marketing research and, in addition, the studies showed that Cohiba buyers were particularly vulnerable to confusion given their self-evaluated knowledge of cigars and other reported measures.

80. General Cigar launched a new product under the Cohiba name in September 1997. The company apparently did not attempt to investigate whether there was source confusion between their product and Cuban Cohibas. However, there were reports of confusion based on General Cigar market research studies.

81. In a 6/98 report prepared by The Cambridge Group (PX 185), a consulting group undertaking major research for the company, which referred to quantitative attitude and usage studies, it stated: "Confusion over Cohibas of different origin, as well as 'the brag value' of claiming to prefer Cuban Cohibas, likely contribute to Cohiba's high rating" (as best brand ever smoked) (PX 185 at CAM 370), and "While awareness and preference for Cohiba appears to be rising consumers may be confusing Dominican with Cuban Cohibas." (PX 185 at CAM 371). I attach this as Appendix D.

82. In that same 6/98 report a reference was made to the results of qualitative research (PX 185, at Cam 384):

Consumer Confusion Over "Different Kinds" of Cohiba Is a Major Concern

Substantial confusion exists over Dominican versus Cuban Cohibas

- Knowledgeable people tend to look down on Dominican Cohibas as an imitator or a fake
- Others are simply confused
  - "There are two brothers, one who makes Cohiba in Cuba and the other in the Dominican Republic"

Strategically, it appears questionable to invest behind extending our Cohiba brand to new categories while this issue remains

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83. While observations from focus group qualitative research, based on perhaps six to eight groups of about eight cigar smokers each, should not be projected to a broader population, it is a form of anecdotal evidence. In addition, these focus groups involve sufficient probing so that the confusion uncovered is not based only on casual comments. I attach this document as Appendix E.

84. In this same Cambridge Group presentation, equity from both the Cuban Cohiba and the Dominican product was seen as contributing to a unitary "Cohiba Brand Equity." It listed the following as the Cuban product's equity accruing to "Cohiba Brand Equity": "stronger flavor, best quality, illegal, hard to find, legendary." The Dominican Cohiba contributed as equity "imitation of Cuban Cohiba," as well as "stronger flavor" and "expensive." (PX 185, at CAM 000385) I attach this material as Appendix F.

85. General Cigar's own advertising and promotion is likely to have aided this consumer confusion. In his report, Dr. Simonson tries to excuse the statement in the 1997 marketing plan that states as an objective for the General Cigar Cohiba the leveraging of the mystiques of the Cuban name. He cites

the brand's initial four page magazine ads but they, in fact, focused on heritage: "Past and present come together." Such links with the past may have been interpreted by many cigar smokers as indicating a business connection, past or present, with the Cuban Cohibas.

86. In his deposition (Simonson Dep. at 187) Dr. Simonson recalled seeing a General Cigar ad that, even in his mind, seemed to create an association with Cuba. He recalled the ad saying something about bringing together past and present, perhaps referring to what I just mentioned.

87. In his report, Dr. Simonson cites the text of the information on the flyleaf found inside the General Cigar Cohiba box (Report of Dr. Itamar Simonson at p. 63, Point 127) which he implies sets the General Cigar product apart from the Cuban Cohibas. However, when half of the respondents in my study were exposed to the General Cigar box with this flyleaf, they were just as likely to be source confused as those who didn't see the flyleaf. This would indicate that the text, even if noticed, did not work to dispel confusion.

88. The people attracted to the Cohiba name, although we do not know which particular Cohiba they were referring to, were more likely than average to have some characteristics that would indicate potential for source confusion. In the study done for General Cigar in 1998 by the Cambridge Group it was evident that Cohiba regular smokers (smoked it three times a year or more) were considerably more interested in Cuban cigars than other premium smokers. This can be seen in Table 8, where, for example, 46% of Cohiba regular smokers indicated preferring Cuban cigars to any other, compared with 24% among all premium users. Cambridge Consulting indicated that this was a key factor distinguishing Cohiba buyers.

89. This same study in 1998 indicated that Cohiba cigars, whatever the source, got a disproportionate share of total premium cigar volume from those attitudinal segments whose self-

evaluation indicated that their cigar knowledge was well below average (Emerging Enthusiasts, Casual Enjoyers and Special Occasion Users). This can be seen in Table 9.

90. Looking at Cohiba buyers in total, across all attitudinal segments, as shown in Table 10, their perceived self-knowledge was about average but below the level of the buyers of many other high priced premium brands. This movement toward the average occurs because the Relationship Driven Connoisseurs attitudinal group, who perceive themselves as highly knowledgeable, make up a large proportion of the premium volume. However, even when looked at in total, 22% of the regular Cohiba buyers place themselves in the bottom three of a ten point rating scale on self-perceived cigar knowledge.

91. It is also evident from the Cambridge Group Study that those who indicate that Cohiba is a regular smoked brand generally smoke fewer cigars than the average premium user but spend more per cigar. This is shown on page 26 of my report.

92. Dr. Simonson assumes that confusion was avoided because the potential Cohiba buyer could very easily consult with a tobacconist if any questions arose. In his report (Report of Dr. Simonson, p. 52) Dr. Simonson looked at data obtained from Cohiba regular/most often smokers in the 1998 Study and concluded that because about 44% of them said they buy their cigars most often from one tobacconist, this suggests that the tobacconist likely influenced the decision of these people to switch to Cohiba from another cigar they were smoking. While this may be true for some proportion of this sub-group of Cohiba smokers, data in this same study indicate that friends are more important to Cohiba smokers in determining which cigar to buy than are tobacconists, with 44% indicating friends as extremely/very important in that decision versus 29% for salesperson recommendations. (PX 149.1 at GC 01860-62) This would indicate that word of mouth would spread interest in Cohiba. Also in general, friends, relatives and business associates are more of a source of information about cigars for Cohiba smokers than tobacconists. Interestingly, 45% of the Cohiba smokers also indicated *Cigar Aficionado* as

a source of information on cigars. (PX 149.1 at GC 018674) This pattern was corroborated by the NPD A&U Surveys in 1997 and 1998. (PX 137 at GC 013847)

93. Moreover, I see no evidence to place confidence in tobacconists as a reliable corrective for confusion.

94. Dr. Simonson cites no data to support his assumption that tobacconists both knew and explained the source difference between the two products to their customers, particularly to customers who might be infrequent patrons. In fact, there have been ads on the Internet sites of prominent cigar retailers and in their catalogs that tend to promote a connection between the General Cigar and Cuban Cohibas. Many of these ads were shown to Dr. Simonson at his deposition.

95. Confusion might also exist among the large numbers who buy cigars elsewhere than a cigar outlet with knowledgeable sales people. Also, one confused person can confuse another.

96. Perhaps many smokers who are confused have no questions: same name equals same company to them. Even if the different countries of origin are noted, the opinion that a business connection exists between the companies producing the two cigars can still be held by cigar buyers.

97. Knowing about the embargo does not make the potential confusion go away. While it would indicate that a cigar could not be legally imported from Cuba, this knowledge does not imply that a Dominican Republic cigar bearing the Cohiba name could not be affiliated with the maker of the Cuban Cohiba. It also does not imply that the maker of the Dominican cigar did not once make the cigar in Cuba, just like the Cuban families who made Partagas and Montecristo in Cuba (or the successor companies) and now make them in the Dominican Republic.

98. Knowledge of the embargo prohibiting sale of products coming from Cuba might in fact encourage source confusion because some smokers might think that by manufacturing their cigars in the Dominican Republic the company that makes the Cuban Cohibas can avoid the embargo rules. Another aspect of confusion, even given awareness of the embargo, is that with the same brand names one could think that the Dominican company purchased the right to use the name from the Cuban makers of Cohiba.

99. Dr. Simonson recognizes the importance of cigar recommendations from friends, relatives and business associates but thinks it unlikely that they would recommend a cigar that is not available locally. However, it is logical to assume that laudatory comments about Cuban Cohiba could lead one to buy an available Cohiba because of the assumption that the available cigar with the same brand name has an association with the Cuban cigar of the same name.

100. Another factor that may have encouraged confusion was the availability of another Cohiba brand from the Dominican Republic beginning, I am advised, in late 1995 and continuing with increasing sales thereafter. Cigars made by the Montecristi company and by other companies, labeled as Cohiba from the Dominican Republic, and very closely mimicking the trade dress of Cuban Cohibas, were sold in tobacco shops, via catalogue and on the Internet. It would seem likely that many smokers aware of Cuban Cohibas seeing this product in free distribution thought they were products associated with the Cuban cigar. Many of these same smokers, when seeing General Cigar's Cohiba, were likely to assume that two openly sold brands with the same name and from the same country are connected to each other (i.e., that one is a line extension of the other) and that therefore, they both were related to the Cuban Cohiba.

ADDITIONAL COMMENTS ON BENEFITS FROM THE CUBAN COHIBA ACCRUING TO GENERAL CIGAR

101. The awareness and reputation built by Cuban Cohiba was a strong benefit to General Cigar when they launched their Cohiba brand in September 1997 and thereafter. By that time Cohiba had edged out Macanudo as being the most often named "best cigar ever smoked" by premium smokers, with 11%

citing Cohiba in General Cigar's July 1997 survey. (PX 253 at GC 015751) The awareness of Cuban Cohibas was built and supported by the prominence and consistency of being mentioned in *Cigar Aficionado* articles and ratings over the prior five years, by mentions in hundreds of articles in newspapers and magazines, by premier cigar smokers' foreign travels, by its reported use by celebrities and by word of mouth among cigar smokers.

102. With 57% of Cohiba regular/most users in the 1998 survey, conducted a year after the General Cigar launch, indicated as having been cigar smokers for at least six years and 85% for at least three years (PX 149.1 at GC 018501-02), there was more than ample time for the bulk of the regular/most often Cohiba users to have become aware of Cuban Cohibas and their reputation prior to the launch of the General Cigar product.

103. General Cigar's advertising and promotion efforts apparently were not very effective. An evaluation prepared by Bain & Co., a consultant to General Cigar, in 1998 (PX 259) indicated their opinion that the level of advertising and perhaps the advertising messages weren't doing the desired job. Quoting from this report, "Spending today is spread across multiple large and small brands. Spending on the core brands is below a threshold level to have material impact with cigar smokers given industry comparisons [and] smoker awareness data. The advertising campaigns haven't established clear, compelling positioning with smokers." Cohiba was included among "core brands." (PX 259 at GC 020617) While General Cigar also relied heavily on trade promotions, its 2001 Marketing Plan document indicated that "Financial incentives to the trade, within the present budget, have been ineffective in generating GCC brand recommendations." (PX 193 at GC 021869)

104. Dr. Simonson was wrong when he stated in his report (Report of Dr. Itamar Simonson, p. 62, Point 162) that ad spending on Cohiba was greater than any other cigar during its introductory period. The report he referred to was given in June 1998, before the first year's ad spending for the GC Cohiba

had been completed. A report prepared after the first marketing year indicated that Cohiba spent substantially less than indicated in the first report and that it was outspent by Macanudo by 2 to 1, and also outspent by Bering. (PX 194, at GC 020477)

105. It is logical to assume that the recognition of the Cohiba name generated by the Cuban Cohiba substantially aided General Cigar's brand in its efforts to stand out from the substantial proliferation of new brands trying to get in on the growing premium cigar market. (PX 250 at GC 013750) Dr. Simonson makes a major point of this proliferation.

106. It is difficult to evaluate the performance of General Cigar's brand based on consumer related measures because we cannot know which specific Cohiba respondents are referring to when they mention Cohiba – General Cigar Cohiba, the Cuban Cohiba or others. However, given the General Cigar brand's sales volume in relation to the total number of Cohiba users and purchases reported in studies conducted after the product's launch, it would appear that the bulk of reported Cohiba volume was not the General Cigar product but were these other Cohibas, either Cuban cigars or counterfeits or imitations of the Cubans. This conclusion is based on a straight projection to the premium user universe of the Cohiba numbers generated in the surveys as well as comparisons of the Cohiba numbers with the Macanudo numbers in the same surveys, done in order to take into account any volume inflation in survey responses.

107. Dr. Simonson seems to place a good part of his positive assessment of the General Cigar marketing effort on the increase in unaided awareness for Cohiba which occurred from July 1997 to points after the product launch. He notes that no other brand even came close to doubling its share of unaided awareness mentions from 1997 to 1998. However, as I have shown, and as has been acknowledged in General Cigar documents, we do not know which Cohiba was being recalled, and a good part of any gain may have been due to these other Cohiba cigars, which were in the market in even greater numbers, based on my calculation. In addition, Dr. Simonson ignores the great amount of media

attention given to the Cuban Cohibas during this period. There was continuing attention from *Cigar Aficionado*, and approximately 225 media articles from 7/97 to 3/98, 100 additional articles through 10/98 and 60 additional articles through 3/99. Also, the absolute gains, as shown in Table 11, were essentially no greater than that which was achieved in the same time frame by Macanudo, a brand whose starting unaided awareness levels were considerably higher.

108. Dr. Simonson is incorrect when he characterizes my point of view as being that the introduction of General Cigar Cohiba and its marketing efforts did not significantly affect the Cohiba brand awareness. I believe that it may have increased unaided awareness of the brand, but I don't see the evidence that total awareness of Cohiba changed meaningfully. I might liken this to car owners being aware of the Alfa Romeo but rarely mentioning it as one of the brands of cars they think of when asked to name "makes of cars." However, after some exposure to advertising or promotion for the brand it may come up more often in unaided awareness, but its overall awareness, which we will assume is high, might not increase, particularly if it is advertised in media that essentially reaches only those who are already aware of the brand. The General Cigar Cohiba advertising was largely in magazines likely to reach smokers who already were most aware of Cuban Cohibas, such as readers of *Cigar Aficionado* and other upscale magazines.

109. In his report Dr. Simonson cites an October 1998 study which he indicates showed Cohiba aided awareness of about 41%. This was incorrect. The actual study number for regular premium users was 56%. (PX 181 at NFO 1263)

110. Points listed in the General Cigar 2001 Marketing Plan document (PX 193 at GC 021895) sum up the values of the Cohiba name to General Cigar. This document cited that there was a "huge equity in the Cohiba brand name" and that the strengths for General Cigar were the Cohiba "brand name recognition," the "cachet" and the "Quality/consistency perception." In my opinion, supported by the

information I previously testified about, these values were due in large part to the reputation and awareness of the Cuban cigars built up among U.S. premium cigar smokers.

CONFUSION SURVEY

111. I was retained by plaintiff's counsel to conduct a survey to determine the extent, if any, of source confusion between Cuban Cohiba cigars and General Cigar Cohiba cigars among relevant premium cigar smokers. My report on this study, dated March 2001, is entitled "A Study to Measure Awareness of Cuban Cohiba Cigars and Source Confusion Between These Cigars and General Cigar Co., Inc. Cohiba Cigars" ("Confusion Survey Report") (PX 316), attached as Appendix B. This report was filed with the Court on 11/17/02.

112. My Confusion Survey Report outlines the methodology and summarizes the findings of the survey I conducted. I would like to briefly summarize the methodology that was used and the findings I obtained from this survey. I will then address criticism made by the defendants' expert, Dr. Itamar Simonson.

CONFUSION SURVEY REPORT- SUMMARY OF METHODOLOGY

113. The study was conducted with a national sample of qualified respondents in households that participate in an Internet survey panel run by a major supplier of this type of research, Greenfield Online. Selected members of the Greenfield panel were sent an e-mail soliciting their participation in a cigar survey if any household member over 21 years of age smokes cigars. Those cigar smokers agreeing to cooperate then accessed the survey questionnaire via an online link to the Internet site run by Greenfield and completed the survey that appeared on their computer screens. The survey interviews took place between October 27 and November 11, 2000.

114. Respondents were asked if they smoked cigars, and if so, whether they would be likely to buy cigars for themselves, or as a gift or for a special event, within the next 12 months. If they were likely to do so for either purpose, they were shown a list of seven price categories from which they were asked to select those that represented what they would most likely pay for these cigars. Of the 1,873 who responded, 962 were identified as cigar smokers who will buy premium cigars (defined as cigars priced at $65 or higher for a box of 25 cigars or $2.81 per cigar or higher) and they were asked to continue with this study. The $2.81 per cigar level was selected as the cut-off point by looking at cigar prices for about 375 individual cigars from over 80 premium brands shown by Cigar Insider Dec. 99 and finding all but about 3% to be at or above the $2.81 average price.

115. These respondents were then shown six premium and two non-premium cigar names and asked whether or not they had heard of each one. Those who had heard of Cohiba continued with the study. They were then asked if they knew where Cohiba cigars are made and if they answered "Yes" were then asked to type in which country or countries they thought Cohiba cigars are made in. They were also asked to do the same for Macanudo and Bering if they were aware of these brand names.

116. Those who indicated that Cohiba cigars are made in Cuba (or Cuba and elsewhere) then continued with the survey. They were shown full color pictures of a General Cigar Cohiba cigar box with two General Cigar Cohiba cigars and told it was "a box of cigars sold by quality retailers in the United States." Additionally, half of these respondents were also shown a flyleaf with text that appeared in the box. In my report, I have included copies of these visual stimuli.

117. After seeing the pictures, respondents were asked several commonly used questions to determine whether there was any source confusion between Cohiba from Cuba and the Cohiba cigars that they had just been shown. These questions covered three relevant aspects of potential source confusion: (a) if the two Cohiba cigars are made by the same company, (b) if the two companies have an affiliation,

association or business connection with each other, and (c) if one company received authorization or approval from the other to use the name Cohiba. If a respondent answered affirmatively to either of the first two questions they were asked to type in what made them say so. For the last question, if answered affirmatively, they were asked which of the two companies gave authorization or approval.

118. Those considered as confused included: respondents who gave a relevant reason for thinking the two products are made by the same company or that the companies have an affiliation, association or business connection with each other plus those who thought one company gave the other authorization or approval to use the name Cohiba.

119. Female cigar smokers were initially over represented in this study due to their significantly greater tendency to cooperate in surveys. Using Greenfield Online's experience with male versus female cooperation rates as a guide, calculations were made which resulted in estimating that females would account for about 11% of the premium cigar buyer population sampled by this study. This percent is in line with estimates from Cambridge Group results obtained by General Cigar in 1998. (PX 150.1 at GC 018930). When looking at total respondent measures, the sample has been appropriately gender balanced.

SUMMARY OF CONFUSION SURVEY RESULTS

120. I have prepared a summary chart which reflects the results more fully set forth in my Confusion Survey Report. This chart is attached as Appendix G.

121. Source confusion in the study among all the premium smokers, regardless of whether or not they are aware of Cohiba, is a little above 15% in the gender balanced sample and almost 16% among male smokers. Among all those who have heard of Cohiba, where the potential for trading on the Cohiba name may exist, about 21% are confused.

122. Respondents who are likely to buy cigars that are $120 a box or more are the likely target group for General Cigar's Cohiba. $120 for a box of 25 cigars was the about the low-end of the price range for General Cigar Cohibas from discount Internet sellers, like JR Cigars, with prices from tobacconists being higher.

123. Among all those in the $120 a box or more likely buyer group, the confusion estimate is 19%. Among those in the group who have heard of Cohiba, the confusion level is greater than 24%.

124. I can explain more specifically how the confusion numbers were arrived at and can also provide some additional analyses of significance. About 74% of respondents indicated that they have heard of the cigar name "Cohiba." Among this group, 40% of them indicate that it is made in Cuba or Cuba and elsewhere.

125. Cuba was cited more often than the Dominican Republic as the country in which Cohibas are made, with 40% mentioning Cuba and about 32% mentioning the Dominican Republic. More than half of those mentioning Cuba do not also mention the Dominican Republic. The proportion mentioning Cuba increases among respondents in the $120+ buyer category and the difference between Cuba and Dominican Republic mentions widens with about 48% mentioning Cuba and 35% mentioning the Dominican Republic in this higher price category. About 42% of all those aware of Cohiba indicate they do not know where it is made. (See Summary Table 4 in PX 316 at p. 23).

126. Thus, 30% of all respondents had heard of Cohiba and indicated that it was made in Cuba. They were then shown the General Cigar box and cigars. More than half of them (about 53%) indicated source confusion.

127. Many brands in the U.S. market are now made by people (or successors) who made and exported cigars under the same brand name in Cuba prior to the Cuban revolution. They left Cuba and

began making and selling cigars under the same brand name in the Dominican Republic or elsewhere. These "parallel brands" continue to sell in the U.S. even as cigars with these same names from Cuba are sold outside the U.S.

128. Cohiba is a post-revolution cigar and is therefore not a parallel brand. However, if a respondent understood the concept of parallel brands but incorrectly believed that Cohiba is a parallel brand, similar to other brands they might be familiar with, the correct answer to the question relating to "association, affiliation or business connection" would have been "no," since there is no current connection between Cohibas made in Cuba and elsewhere.

129. Although not designed for this purpose, this question did elicit responses suggesting parallel brand confusion. The following are examples of this type of response:

> "I imagine some of the people that worked with or owned the Cuban company now own or participate in the Dominican company" (PX 316 at 32)
>
> "family affiliation before Castro" (PX 316 at 33)
>
> "Same logo, Cuban immigrants came to the Dominican Republic for political asylum" (PX 316 at 33)

130. Since the questions posed in my survey did not directly address this issue of "parallel brands," in all likelihood, my results understate the extent of confusion.

DR. SIMONSON'S CRITIQUE OF THE SURVEY REPORT

131. I have reviewed Dr. Simonson's critique of my study (Report of Dr. Simonson) as well as his deposition in this case. I believe Dr. Simonson's critiques of my study report are theoretical and based on conjecture without specific relevant support. He has ignored available information that bears

negatively on his critique and, I believe, he applies tougher execution standards to my survey than are applied to other methods of measuring source confusion.

Survey Universe - Use of the Internet

132. One area of criticism by Dr. Simonson concerns my use of an Internet panel. I used such a panel after considering various traditional alternatives, and concluded that an Internet panel was the only feasible and affordable method of conducting a large scale study meeting the necessary requirements. The goal was to administer the survey to a national sample drawn from a population of essentially male premium cigar smokers. Such cigar smokers are found in perhaps only 3% of households, and they have an upper-income skew. The survey also required showing the respondents a picture of the General Cigar Cohiba box and cigars and then obtaining their reactions. The online survey allowed me to interview 1,893 cigar smokers nationally and obtain relevant information and opinions quickly and efficiently.

133. The use of the Internet for market research studies has been increasing dramatically. Many major companies make important marketing decisions based on information collected via Internet panels. General Cigar itself conducted three Internet studies to evaluate the advertising and market performance of its various cigar brands. The use of cooperating panels of consumers has been employed effectively in telephone and mail studies for at least 40 years. The research companies running such panels, as well as other companies, now operate Internet panels because many panelists prefer that medium for responding, respondents can be shown visual stimuli, and reactions can be obtained quickly.

134. Based on documents produced in this case, I am aware that General Cigar conducted almost all of its research over the past decade using such cooperating panels for mail, telephone and Internet surveys. In a General Cigar report of an ad evaluation study done via the Internet it was noted, "[t]he respondents of this survey mirror the off-line cigar smoking population, so that Internet bias does not appear to be a major problem with the validity of the results." (PX 280 at GC 022332) Another study

conducted for General Cigar in 1998 indicated that 74% of premium cigar smokers had Internet access and it is likely that this percentage rose by late 2000 (PX 137 at GC 013890).

135. Clearly, General Cigar does not share Dr. Simonson's claimed lack of faith in Internet surveys. Several months before my study, General Cigar conducted an Internet study, with 1,149 respondents, which largely had the same characteristics as my study. E-mails were sent to a sample of on-line panelists with a letter directed to the person in the household that had smoked any cigar within the past year. They were asked if they would consider taking a survey regarding cigar attitudes and behavior.

136. It is interesting to note that in the *MySimon* case in which Dr. Simonson was an expert, Dr. Simonson's non-Internet survey and an Internet study also completed for his client in that case produced the same results regarding likelihood of confusion. (Simonson Dep. at 366)

Respondent Issues

137. Dr. Simonson also criticizes what he contends to be no control over the universe of survey respondents. Dr. Simonson asserts that respondents were motivated by cash prizes and may have misrepresented their qualifications and may have participated in the survey multiple times. He also asserts that there is no way of knowing who completed the survey.

138. Offering modest sums to survey participants is a common practice within the panel research industry. This practice does not significantly skew the results because panelists do not know the identity of the survey's sponsor. The incentive offered to respondents in the survey was modest. As an example of this commonplace practice, General Cigar provided monetary and cigar related items incentives in its own Internet surveys and respondents in all the mail and telephone studies the company had conducted also received incentives for their panel participation

139. In all surveys, whether through the Internet, in person, via the phone or by mail, it is conceivable that some survey respondents may not meet study qualifications. Almost 90% of participants in the study had been pre-screened for household members who smoked a cigar or pipe in a prior year, with no incentive to have lied, since a number of product categories were inquired about. This procedure is similar to the procedures used by other panel companies, such as those used by General Cigar.

140. As in almost any survey that is not conducted face to face, it is impossible to know if the respondent consulted with anyone or received assistance in completing the questionnaire. It is unlikely in this survey that any meaningful number of respondents consulted with another person or received help. The survey questions were rather simple and respondents were instructed not to consult with anyone else while completing the questionnaire. The survey involved a topic of interest to cigar smokers. The study was conducted online with the respondent sitting in front of the computer and, if 15 minutes elapsed without a response by the participant, the survey became permanently inaccessible to the participant and that participant's survey would not be counted. By contrast, General Cigar has frequently relied upon mail panels where respondents had perhaps a week or two to complete the questionnaire at home. (PX 151 at GC 018925, PX 141 at GC 015687)

141. Dr. Simonson had a concern that some respondents were under the age of 21. This is a risk inherent in all studies that are not face to face, and even then younger persons may put themselves in an older age category. This does not mean that you must invalidate telephone and mail studies on the assumption that participants lied about their ages. Respondents who indicated they were under 21 were dropped from the survey. Dr. Simonson's concern that very young children completed the survey seems unreasonable and, if it happened, was likely to be a rare occurrence.

142. Dr. Simonson also had a concern that participants in the Internet study were "professional respondents" (individuals who participate in a large number of surveys for financial motives). This is an

inherent problem in mail panel and mall surveys as well. Here, respondents who indicated that they had participated in surveys within the past six months which were related to cigars were excluded. In addition, to guard against panelists trying to participate more than once, Greenfield Online will only allow an e-mail address to be registered once, and information about the household and its address is collected at registration. Only responses from the e-mail address that was solicited are recorded, and one e-mail address can only respond once to a survey.

Alternative Approaches For Reaching Respondents

143. Dr. Simonson does not agree that because premium cigar purchasers are a low-incidence group and a visual stimulus needed to be shown, traditional survey methods would not be as appropriate as an Internet survey. In Dr. Simonson's expert report, he claims that traditional studies are routinely done with low incidence groups. (Report of Dr. Itamar Simonson, p. 87, Point 170) To support this claim he gives examples of studies done with cotton farmers and a specific type of information technology professional. The comparison is far from analogous and does not support his criticism. Although it is true that there are a limited number of cotton farmers in the U.S., a list of such U.S. cotton farmers may be available, and it is highly probable that cotton farmers in the U.S. are concentrated in a limited number of areas. Similarly, lists of specialized IT professionals may be obtained from various sources such as industry groups. Additionally, IT professionals are typically interviewed via an Internet survey. Internet research companies promote the fact that they have the ability to target these sorts of professionals through Internet surveys.

144. Unlike cotton farmers and specific IT professionals, it is very difficult to find a ready list with an adequate number of premium cigar smokers to conduct a meaningful survey. Premium cigar smokers do not live in a particular part of the country and they do not belong to the same industry organization. While researching, I found that organizations that do periodic large scale nationwide

surveys have very few cigar smokers available for subsequent interviewing. Similarly, in contacting various list companies, I was unable to find a list with an adequate number of cigar smokers to conduct a meaningful survey with a national sample.

145. Dr. Simonson offers some methodology alternatives that, to me, indicate inadequate understanding of the approaches suggested. For the needs of the study I conducted, these alternatives are extremely difficult to execute, if at all possible, are very costly and would have characteristics that he has criticized in my study.

146. Dr. Simonson offers "one commonly used methodology, referred to as 'phone-mail-phone' which involves calling prospective respondents first (using, for example, a relevant magazine subscriber list), mailing the materials that the respondent should look at while answering the questions, and then calling them to conduct the interview." (Report of Dr. Itamar Simonson, p. 87, Point 170) I think this suggestion is unrealistic and shows insufficient knowledge of this approach. It is easy to imagine Dr. Simonson's critique after such a study was conducted using, for example, the subscriber list of *Cigar Aficionado*, which would be the magazine of choice for locating premium cigar users. He would criticize the biased universe, *i.e.*, only magazine subscribers, the featuring of Cohiba in this particular magazine, not knowing if respondents had opened the material before the interview, not knowing if they gave their correct age and likely having to provide a significant incentive for cooperation.

147. Also, the cost of such a study would likely be prohibitive. You would probably have to undertake getting the telephone numbers of those subscribers since they are not likely to be provided in a list, then phoning them and asking to speak to the cigar smoker, calling back those who did not answer the phone or where the cigar smoker was not at home, screening the smokers on the phone to see if they qualify and then soliciting cooperation to receive a mailing and to be interviewed again. They would then need to be mailed the material and then called again or asked to call an 800 number. To obtain a sample

of about 1,000 premium smokers to complete the study, conservatively, you would probably need a list of over 20,000 phone numbers and have at least 13,000 telephone conversations.

148. Dr. Simonson proposes another approach where prospective respondents would be invited to a central location where the interviews would be conducted. (Report of Dr. Itamar Simonson, p. 87, Point 170) Such an approach makes no sense when trying to find the one man in 33 who smokes premium cigars and once identifying the smoker inviting him to a central location. Such a venture, for a large sample, would involve massive telephone screenings, a significant financial incentive to get them to come to a central location, and rental of locations. It would also limit the number of areas where that could happen due to the difficulty of assembling people. The resulting sample would likely not be adequately representative of the premium cigar smoking population.

The Survey Questionnaire Criticisms

149. Dr. Simonson criticized the screening question, "Do you smoke cigars?" as highly ambiguous because different consumers were likely to interpret it differently. (Report of Dr. Itamar Simonson, Point 171) I am not troubled by this question, because it is clear in its intent and meaning. It is common practice in survey design to identify users or buyers by merely asking if they use or buy the category at issue. I assume that the criticism is that this may be too inclusive, tending to include infrequent smokers. If it is, then the next questions about likelihood of purchasing cigars would weed out those who are not cigar buyers, which would likely be the infrequent smokers. In addition, in General Cigar's major 1998 Segmentation Study, about 12% of the premium smokers who were included in the study smoked a cigar only two to four times a year or less. (PX 151 at GC 019168)

150. Dr. Simonson claims that the question, "[w]ithin the next 12 months, are you very likely to buy cigars for yourself?" is a leading question that leaves little doubt in the mind of the survey participant

as to what the "correct" answer is. The appearance of three alternative responses to that question on the computer screen: "Yes," "No," and "Not sure" indicates that any one of those answers is acceptable.

151. Dr. Simonson also criticized that I did not ask an additional screening question about other products, in addition to cigars, in an attempt to disguise the purpose of the study. This need to camouflage the purpose of the study has no practical application here. The purpose of the study was not to screen a massive number of panelists about a variety of products in order to identify the small percent that smoke premium cigars. Rather, the survey sought only cigar smokers as participants, and almost 90% had previously been screened for cigar and pipe usage within a prior year.

152. In Dr. Simonson's report he criticizes the survey questions dealing with price points in which respondents were given seven price ranges. Giving a survey participant multiple price range choices and asking him or her to select the applicable ranges is an acceptable approach that obtains the information needed in a reasonable manner.

153. Dr. Simonson criticized the specific price ranges shown, stating the theory that if a different number of price ranges were shown, such as five below and five above $65 per box, the actual qualified respondent universe would have been quite different. The actual price range over $65 is wider than the range under $65, so that affects how you divide the range. The proportion of buyers in my sample who buy cigars for themselves priced at $65 a box or more is 50%. This is generally in line with the proportion of cigar smokers identified as premium smokers in the NFO 9/98 study, which was 51%, and the NPD study of 9/99, which was 42%. (PX 151 at GC 019077, PX 194 at GC 021344)

154. Dr. Simonson indicated in his deposition (Simonson Dep. at 382) that it was not obvious that crossover smokers (those who smoke both premium and mass market brands) were included in my study. Obviously they were if they indicated likelihood of purchasing cigars both above and below the $65 a box level.

155. In criticizing the questionnaire for failing to instruct respondents not to guess, Dr. Simonson ignores the fact that in each of the answer choices for questions where a respondent could be tempted to guess, there was a "Not sure" or "Don't know" option listed. Giving participants these answer options is actually more effective than giving a general "no guessing" instruction at the beginning of the questionnaire, as urged by Dr. Simonson. These answer options remind the participants that if they are unclear or unsure of an answer, they do not need to guess. For example, the questionnaire included the following question: "Listed below are the names of several cigars that you may or may not have heard of before. For each cigar listed, please indicate whether you have heard of it, whether you have not heard of it, or whether you are not sure." In responding to this question, a range of 7% to 22% used the "Not sure" response for the premium brands asked about.

156. In addition to disagreeing with the criticisms that Dr. Simonson offered in regard to some of the questions in the survey, I believe the wording I used made it even tougher than the average likelihood survey for the respondent to provide answers that would evidence confusion. For example, in asking about where a brand that they are aware of is made, respondents were asked if they "know" in which country or countries it is made and could only proceed if they answered "Yes." Even when asked to type in those countries, a "Don't know" option was offered.

Side-By-Side Methodology

157. Dr. Simonson criticizes the survey for employing what was in his opinion a "side-by-side" methodology because respondents were asked about the Cuban Cohiba and then later shown the General Cigar Cohiba box. Although respondents were never shown the two different Cohibas "side by side," he claims that the method used "focused the respondents' attention on the two marks and forced respondents to make comparisons that, in all likelihood, they would not have considered in a normal purchase situation." (Report of Dr. Itamar Simonson, p. 91, Point 178) I think it is logical that when these

consumers see or evaluate the General Cigar Cohiba in a normal purchase situation, they are aware of the same information that they have stated in the survey. In other words, they have in mind that they have previously heard of Cohiba and that it is either made or also made in Cuba.

158. Dr. Simonson argued that "the proper survey procedure should have involved presenting only the General Cigar Cohiba and asking non-leading questions (*e.g.*, using a variant of the standard *Eveready* format) to determine if respondents believe that that brand is associated with any other brand (without suggesting to the respondent a particular confusion candidate)." (Report of Dr. Itamar Simonson, p. 89, Point 176) Again, Dr. Simonson's comments fail to take into account the unusual context of two identically named products which are also the identical type of product. The *Eveready* format, named after the *Union Carbide Corporation v. Eveready Inc.* case (531 F.2d 366 (1976)), uses a sequence of questions that would not be appropriate in this situation because in *Eveready*, the items at issue were a battery and a lamp. The respondents were shown a picture of an Eveready lamp with its mark shown and asked: "Who do you think puts out the lamp shown here?" Then they were asked: "What makes you think so?" Employing the *Eveready* format here, as Dr. Simonson urges should have been done, would have entailed showing all respondents the General Cigar Cohiba box and cigars, and then asking: "Who do you think puts out this cigar? Why do you think so?" The crucial element of the *Eveready* format that determines likelihood of confusion is the last question asked, which is: "Please name any other products put out by the same concern which puts out the lamp shown here?" Implicit in this question is that there is a different product. Once a respondent is shown a cigar with the mark Cohiba, he could not logically be expected to respond that another product put out by the same company would be a cigar called Cohiba!

159. Dr. Simonson acknowledges this problem, and he suggests that a solution might be to ask one or two additional questions related to other brands the company makes or to the location of the company's headquarters. (Simonson Dep. at 328) However, this is really not a solution to the problem.

Neither asking what other brands the company puts out nor where the headquarters was located would be likely to yield meaningful answers as to source confusion with the Cuban Cohiba. Asking a survey respondent what other brands the company puts out ignores the fact that both companies put out a number of parallel brands under the same name. Likewise, if respondents do mention where the headquarters is and cite the United States, this does not indicate whether or not the company has any affiliation, association or business connection with a Cuban company or producer. Dr. Simonson has not offered a revision of the *Eveready* approach that would be appropriate in this context, that is, where the name and type of product are both identical.

Failure to Use a Control

160. Dr. Simonson states that a survey designed to estimate likelihood of confusion must include a proper control. (Report of Dr. Itamar Simonson, p. 92, Point 181) While this is true in many instances, a control is not always necessary in every case, particularly where there are names at issue and they are the same or very similar. Many trademark studies have been accepted by courts without a control, for example the *Eveready* study on which Dr. Simonson relies. In citing the lack of a control, Dr. Simonson ignores the information generated in my survey which is useful in determining the necessity for a control or what a control might indicate.

161. Dr. Simonson argues that two fictitious brand names that bear some similarity to the names "Cuba" and "Cohiba" without infringing on the name Cohiba should have been included in the survey as a control. The problem of course is that if the name or names are really similar, they are infringing and if they are not similar enough, they would not be an effective control, according to Dr. Simonson.

162. Dr. Simonson hypothesizes substantial spurious brand awareness, that is, respondents indicating awareness of cigar brands they are not actually aware of, but provides no evidence of that. The awareness levels of the premium brands in my study ranged between 22% and 85%, with the awareness

correlating with the sales rank for those brands, as shown by *Cigar Insider* for the year 1998, (PX 691). While this does not mean that no spurious awareness occurred, it does indicate a level of reasonableness.

163. Cohiba had a high awareness level but it was below Macanudo and Arturo Fuente. However, this is well above the level warranted by the sales volume of General Cigar Cohiba. However, as covered in my earlier testimony, the Cuban Cohibas have achieved a high awareness level and the great bulk of purchases of Cohiba cigars reported in surveys are not products of General Cigar. (see Paragraph 106)

164. The concept of "noise" or guessing could impact participant responses to questions about where a cigar brand is made. However, respondents were not shy about indicating that they didn't know where a brand they were aware of was made. Over 81% of the those aware of Bering, for example, indicated that they did not know where it was made. For Macanudo, the best selling U.S. brand, with the majority of premium smokers having tried the brand, over 45% indicated they did not know where it was made. For Cohiba it was about 40%. It is likely that some of these respondents may have had an idea about where the brand was made but were not sure enough to indicate that they knew it.

165. With regard to mention of Cuba, only one out of 314 participants aware of Bering indicated Cuba as the source country and only about 4% cited Cuba as the source for Macanudo. It is even unlikely that all of those respondents were in fact guessing, since some of these respondents may actually think that Cuba is the source for Macanudo. This finding is supported by the 1992 Shanken Study (PX 139 at GC 014278), which found that 3% of respondents who said they normally smoke Macanudo classified it as a Cuban brand. In total, even without a control, respondent guessing in the survey that Cuba is the cigar source country appears to be minor.

166. Although I disagree with Dr. Simonson that a control in this case was necessary, even if a control had been used, the effect of the control on my confusion estimate would have been negligible. I'd

like to illustrate how a control works on an awareness measure and I will then separately describe the procedure of how it would work on a confusion measure. The brand with the lowest awareness in the study was Bances, with 22.3% awareness. According to *Cigar Insider*, this brand had about as much volume as General Cigar Cohiba in 1998 (PX 691), so it is likely that some premium buyers were aware of it. However, let us assume a "worst case scenario" where all of those saying they were aware of Bances were just guessing. If that is so, what is the true awareness of Cohiba, applying the results for Bances as the control for "noise?" While the easiest approach, and that suggested by Dr. Simonson, would be merely to subtract the 22.3% from the awareness level for Cohiba (75.2% among men), this approach is not correct. If it were, then a study that showed Coca-Cola having 99% awareness and RG Cola (fictitious) having 20% awareness would be read to indicate that in truth Coca-Cola only had 79% awareness. The correct way to use the data is indicated in the following formula:

> Awareness estimate in survey = percent actually aware + (estimate of noise percent) multiplied by (those who are not actually aware)
>
> When that is computed for Cohiba using Bances as a worst-case scenario, the results are:
>
> The study estimate of Cohiba awareness of 75.2% is made up of 68.1% estimated to be actually aware plus the percent of those who guess (22.3%) out of those who are not actually aware (31.9%).
>
> Thus, 68.1% + (22.3% of 31.9%) or 7.1% = 75.2%.
>
> Thus, under this worst case scenario, about 7% out of the total 75.2% of the Cohiba awareness might be "noise." Obviously, if we take into account people actually aware of Bances, the noise estimate would drop.

167. On the confusion measure, if a control was to have been used in my study, it would have involved setting up a separate matched sample of respondents who would go through the test, as did the original group, but a fictitious name would be substituted for Cohiba. There would likely have been controversy over what that fictitious name should be. The estimate of noise would then be based on the

proportion of respondents who went through each of the following elimination steps: indicated that they were aware of the fictitious brand, indicated that it was made in Cuba and then indicated source confusion, with a relevant or acceptable reason given for their answer. While I obviously cannot know, my best judgment is that the resulting noise estimate would have been very minor. In suggesting the use of an *Eveready* approach, Dr. Simonson did not indicate how a control would be used.

168. In his deposition, Dr. Simonson indicated he would not accept the answers to the "reason why" questions asked of those who indicated confusion on his assumption that respondents generally are merely coming up with explanations that they think are expected of them. (Simonson Dep. at p. 338, Report of Dr. Itamar Simonson, p. 83, Point 164) This "reason why" type of question is standard practice in survey research conducted for various purposes, including likelihood of confusion surveys. I believe it is stretching reason not to accept as logical that many people seeing the same name for two items in the exact same product sub-category will think that there is a source connection between them and will give different, reasonable responses for thinking so. Following are a few examples of the reasons given by respondents for their apparent confusion:

> "Cohiba cigars set up business in the Dominican Republic to capture the US market under the guise of a Cuban cigar" (PX 316 at 29)
>
> "Even though the tobaccos that are used in the cigars are grown in different countries, the Cohiba name is controlled by one company." (PX 316 at 30)
>
> "Logo looks the same" (PX 316 at 31)

The full list of reasons given by respondents is annexed here to as Appendix H. (PX 316 at 29-31)

169. In his report, Dr. Simonson quotes from a prior case where I criticized another expert's survey for not having a control. However, there is no universal template for surveys; rather, they must be tailored to the products and situations at issue. In the case Dr. Simonson cites, the products that shared a similar name were cell phones that used pre-paid calling cards and a back-room accounting system used

by only car rental companies for renting cell phones. In that study, very few were likely to have seen or heard of one of the items and none of the respondents were likely to have heard of the other. Thus, noise was to be expected and a control was appropriate since all respondents were exposed to both products even though they were not likely to have seen or to ever see both items. In contrast, in my study the opportunity to indicate confusion was only given to those aware of Cohiba and aware that it is made in Cuba.

Failure to Conduct Survey Validation

170. Dr. Simonson states that a validation procedure should have followed the survey, and that litigation studies must be validated "to confirm that the interviews were indeed conducted and often to confirm also whether the respondents were qualified to participate in the study." (Report of Dr. Itamar Simonson, p. 84, Point 165) In Internet surveys, with information available as to the respondent's e-mail address and with the completed on-line questionnaires in hand, the proof that the study was conducted is there. It is not comparable to a questionnaire completed by someone other than the respondent, such as in a personal interview. Validation of Internet studies or even of mail panel studies is rarely done.

171. Supposedly contrary comments from one of my depositions (Report of Dr. Itamar Simonson, p. 85, Point 168) were cited by Dr. Simonson, but incorrectly so. The case related to a mall intercept study where I commented "[e]xecution controls and validation were weak or lacking in a difficult, low incidence population study conducted in a very short time frame." The major execution issue is not that an unqualified respondent will impose himself or herself into the study, because the number of such respondents found in the typical study is very small. The basic issue in such studies is that the mall interview service or an interviewer will cheat or shortcut procedures because they have little time to execute a difficult study. To complete such a study, they may fake interviews, bring in respondents they use for other types of studies, or not follow the study procedures, and these

transgressions will not be discovered with inadequate validation. That criticism is plainly not applicable to my Internet study.

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

In the matter of Trademark Registration No. 1147309
For the mark COHIBA
Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273
For the mark COHIBA
Date registered: June 6, 1995

EMPRESA CUBANA DEL TABACO, d.b.a. CUBATABACO, Petitioner, v. GENERAL CIGAR CO., INC. Respondent.	:	Cancellation No. 92025859

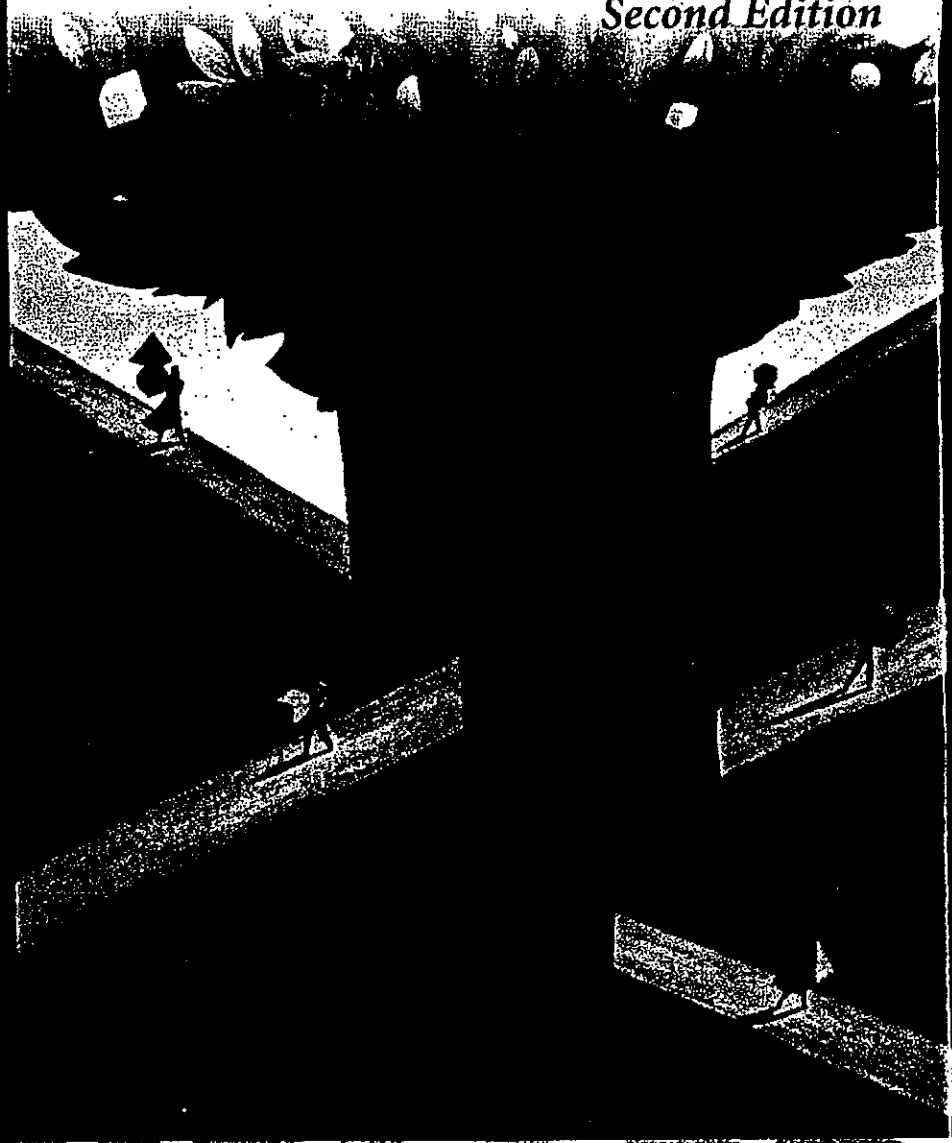
PARTY OFFERING: PETITIONER

Exhibit 7 to the TTAB Discovery Deposition Transcript of Alvin Ossip, dated June 29, 2017

Strategic Brand Management

Building, Measuring, and Managing Brand Equity

Second Edition



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Summary

Qualitative research techniques are a creative means of ascertaining consumer perceptions that may otherwise be difficult to uncover. The range of possible qualitative research techniques is limited only by the creativity of the marketing researcher.

Qualitative research also has drawbacks. The in-depth insights that emerge have to be tempered by the realization that the samples involved are often very small and may not necessarily generalize to broader populations. Moreover, given the qualitative nature of the data, there may be questions of interpretation. Different researchers examining the same results from a qualitative research study may draw different conclusions.

QUANTITATIVE RESEARCH TECHNIQUES

Although qualitative measures are useful to identify the range of possible associations to a brand and their characteristics in terms of strength, favorability, and uniqueness, a more definitive portrait of the brand often is desirable to permit more confident and defensible strategic and tactical recommendations. Whereas qualitative research typically elicits some type of verbal response from consumers, quantitative research typically employs various types of scale questions so that numerical representations and summaries can be made. Quantitative measures of brand knowledge can be employed to better assess the depth and breadth of brand awareness; the strength, favorability, and uniqueness of brand associations; the valence of brand responses and feelings; and the extent and nature of brand relationships. Quantitative measures are often the primary ingredient in tracking studies that monitor brand knowledge structures of consumers over time, as discussed in Chapter 8.

Awareness

Recall that brand awareness is related to the strength of the brand in memory, as reflected by consumers' ability to identify various brand elements (i.e., the brand name, logo, symbol, character, packaging, and slogan) under different conditions. Brand awareness relates to the likelihood that a brand will come to mind and the ease with which it does so given different types of cues.

Several measures of awareness of brand elements can be employed.[30] Choosing the appropriate measure depends on the relative importance of brand awareness for consumer behavior in the category and the resulting role it plays in the success of the marketing program for the brand, as discussed in Chapter 2. For example, if research reveals that many consumer decisions are made at the point of purchase, where the brand name, logo, packaging, and so on will be physically present and visible, then brand recognition will be important. If research reveals that consumer decisions are mostly made in settings away from the point of purchase, on the other hand, then brand recall will be more important. As a cautionary note, even though brand recall per se may be viewed as less important when consumer decisions are made at the point of purchase, consumers' brand evaluations and choices will still often depend on what *else* they recall about the brand given that they are able to recognize it there.

Recognition

In the abstract, recognition processes require that consumers be able to discriminate a stimulus—a word, object, image, or whatever—as something they have previously seen. Brand recognition relates to consumers' ability to identify the brand under a variety of circumstances and can involve identification of any of the brand elements. The most basic type of recognition procedure gives consumers a set of individual items visually or orally and asks them if they thought that they have previously seen or heard of these items. To provide a more sensitive test, it is often useful to include decoys or lures—items that consumers could not possibly have seen. In addition to "yes" or "no" responses, consumers can be asked to rate how confident they are in their recognition of an item.

A number of additional, somewhat more subtle, recognition measures involve "perceptually degraded" versions of the brand. In some cases, the brand element may be visually masked or distorted in some way or shown for extremely brief duration. For example, brand name recognition could be tested with missing letters. Figure 9-8 tests your ability to recognize brand names with less than full information. These more subtle measures may be particularly important for brands that have a high level of recognition to provide more sensitive assessments.

Brand recognition is especially important in terms of packaging, and some marketing researchers have used creative means to assess the visibility of package design. As

A brand name with a high level of awareness will be recognized under less than ideal conditions. Consider the following list of incomplete names (i.e., word fragments). Which ones do you recognize? Compare your answers to the answer key in the footnote to see how well you did.

1. D_ _N E_
2. K O_ _K
3. D U_A C_ _ _
4. H Y_T_
5. A D_ _L
6. M_T_E L
7. D_L T_
8. N_Q U_L
9. G_L L_T_ _
10. H_ _S H_Y
11. H_L L_ _R K
12. M_C H_ _I N
13. T_P P_R W_ _E
14. L_G_
15. N_K_

Answers: (1) Disney; (2) Kodak; (3) Duracell; (4) Hyatt; (5) Advil; (6) Mattel; (7) Delta; (8) NyQuil; (9) Gillette; (10) Hershey; (11) Hallmark; (12) Michelin; (13) Tupperware; (14) Lego; (15) Nike.

FIGURE 9-8 Don't Tell Me It's on the Tip of My Tongue

a starting point, they consider the benchmark or "best case" of the visibility of a package when a consumer (1) with 20–20 vision (2) is face-to-face with a package (3) at a distance of less than five feet (4) under ideal lighting conditions.

A key question then is whether the package design is robust enough to be still recognizable if one or more of these four conditions are not present. Because shopping is often not conducted under "ideal" conditions, such insights are important. For example, one research study indicated that one of six members of the population who wear eyeglasses do not wear them when shopping in a supermarket.[31] An important question then is whether a package is still able to effectively communicate to consumers under such conditions.

Research methods using tachistoscopes (T-scopes) and eye tracking techniques exist to test the effectiveness of alternative package designs according to a number of specific criteria:

- Degree of shelf impact
- Impact and recall of specific design elements
- Distance at which the package can first be identified
- Angle at which the package can first be identified
- Speed with which the package can be identified
- Perceived package size
- Copy visibility and legibility

These additional measures can provide more sensitive measures of recognition than simple "yes" or "no" tasks. By applying these direct and indirect measures of brand recognition, marketers can determine which brand elements exist in memory and, to some extent, the strength of their association. One advantage brand recognition measures have over recall measures is that they can be used in any modality. For example, because brand recognition is often visual in nature, visual recognition measures can be used. It may be difficult for consumers to describe a logo or symbol in a recall task either verbally or pictorially, but much easier for them to assess the same elements visually in a recognition task.

Nevertheless, brand recognition measures only provide an approximation of *potential* recallability. To determine whether the brand elements will actually be recalled under various circumstances, measures of brand recall are necessary.

Recall

Brand recall relates to consumers' ability to identify the brand under a variety of circumstances. With brand recall, consumers must retrieve the actual brand element from memory when given some related probe or cue. Thus, brand recall is a more demanding memory task than brand recognition because consumers are not just given a brand element and asked to identify or discriminate it as one they have or have not already seen.

Different measures of brand recall are possible depending on the type of cues provided to consumers. *Unaided recall* on the basis of "all brands" provided as a cue is likely to identify only the very strongest brands. *Aided recall* uses various types of cues to help consumer recall. One possible sequence of aided recall might use progressively narrower cues—such as product class, product category, and product type labels—to

provide insight into the organization of consumers' brand knowledge structures. For example, if recall of the Porsche Boxster (a high-performance German sports car) in non-German markets was of interest, the recall probes could begin with "all cars" and move to more and more narrowly defined categories such as "sports cars," "foreign sports cars," or even "high-performance German sports cars." For example, consumers could be asked: "When you think of foreign sports cars, which brands come to mind?"

Other types of cues may be employed to measure brand recall. For example, consumers could be probed on the basis of product attributes (e.g., "When you think of chocolate, which brands come to mind?) or usage goals (e.g., "If you were thinking of having a healthy snack, which brands come to mind?"). Often, to capture the breadth of brand recall and to assess brand salience, it may be important to examine the context of the purchase decision or consumption usage situation. For example, consumers could be probed according to different purchase motivations as well as different times and places when the product could be used to see which brands came to mind (e.g., different times of the day, days of the week, or times of the year; at home, at work, or on vacation). The more that brands have strong associations to these nonproduct considerations, the more likely it is that they will be recalled when consumers are given those situational cues. Combined, measures of recall based on product attribute or category cues as well as situational or usage cues give an indication of breadth and depth of recall.

Brand recall also can provide some insight into category structure and brand positioning in consumers' minds. Past research has shown that brands tend to be recalled in categorical clusters when consumers are given a general probe. Certain brands are grouped together because they share certain associations and are thus likely to cue and remind consumers of each other if one is recalled.[32] Besides being judged as correctly recalled, brand recall can be further distinguished according to order, as well as latency or speed of recall. In many cases, people will recognize a brand when it is shown to them and will recall it if they are given a sufficient number of cues. Thus, potential recallability is high. The more important issue is the salience of the brand: Do consumers think of the brand under the right circumstances, for example, when they could be either buying or using the product? How quickly do they think of the brand? Is it automatically or easily recalled? Is it the first brand recalled?

Corrections for Guessing

Any research measure must consider the issue of consumers making up responses or guessing. That problem may be especially evident with certain types of aided awareness or recognition measures for the brand. *Spurious awareness* occurs when consumers erroneously claim that they recall something that they really don't and that maybe doesn't even exist. For example, one market research firm, Oxtoby-Smith, conducted a benchmark study of awareness of health and beauty products.[33] In the study, they asked consumers questions like this:

"The following is a list of denture adhesive brand names. Please answer yes if you've heard the name before and no if you haven't. Okay? Orafix? Fasteeth? Dentu-tight? Fixodent?"

Although 16 percent of the sample reported that they had heard of Dentu-Tight, there was one problem: It didn't really exist! Similarly high levels of reported recall were reported for plausible-sounding but fictitious brands such as Four O'Clock Tea (8

percent), Leone Pasta (16 percent), and Mrs. Smith's Cake Mix (31 percent). On the basis of this study, Oxtoby-Smith found that spurious awareness was around 8 percent for new health and beauty products and was even higher in some product categories. In one case, a proposed line extension was mistakenly thought to already exist by about 50 percent of the sample (a finding that no doubt sent a message to the company that they should go ahead and introduce the product!).

From a marketing perspective, the problem with spurious awareness is that it may send misleading signals about the proper strategic direction for a brand. For example, Oxtoby-Smith reported that one of its clients was struggling with a 5 percent market share despite the fact that 50 percent of survey respondents reported that they were aware of the brand. On the surface, it would seem that the recommended strategy would be to improve the image of the brand and attitudes toward it in some way. Upon further examination, it was determined that spurious awareness accounted for *almost half* of the survey respondents who reported brand awareness, suggesting that a more appropriate solution to the true problem would be to first build awareness to a greater degree. Marketers should be sensitive to the possibilities of misleading signals because of spurious brand awareness, especially with new brands or ones with plausible-sounding names.

Strategic Implications

The advantage of aided recall measures is that they yield insight into how brand knowledge is organized in memory and what kind of cues or reminders may be necessary for consumers to be able to retrieve the brand from memory. Understanding recall when different levels of product category specificity are used as cues is important because it has implications for how consideration sets are formed and product decisions are made by consumers.

For example, again take the case of the Porsche Boxster. Assume that consumer recall of this particular car model was fairly low when all cars were considered but very high when foreign sports cars were considered. In other words, consumers strongly categorized the Porsche Boxster as a prototypical sports car but tended to think of it in only that way. If that were the case, for more consumers to entertain the possibility of buying a Porsche Boxster, it might be necessary to broaden the meaning of Porsche so that it had a stronger association to cars in general. Of course, such a strategy would run the risk of alienating existing customers who had been initially attracted by the "purity" and strong identification of the Porsche Boxster as a sports car. Deciding on the appropriate strategy would depend on the relative costs and benefits of targeting the two different segments.

The important point to note is that the category structure that exists in consumers' minds—as reflected by brand recall performance—can have profound implications for consumer choice and marketing strategy, as demonstrated by the Science of Branding 9-2. The insights gleaned from measuring brand recall are also valuable for developing brand identity and integrated marketing communication programs, as Chapters 4 and 6 showed. For example, brand recall can be examined for each brand element to explore the extent to which any one brand element (the name, symbol, logo, etc.) suggests another brand element. In other words, is it the case that consumers are aware of all the different brand elements and understand how they relate?

In addition to obtaining a thorough understanding of brand awareness, it is important to gain a complete understanding of brand image, as covered in the following section.

Summary of Brand Awareness and Preferences

Summary

- Macanudo enjoys sizeable leads over other premium cigar brands in terms of awareness, usage, and preference
  - Has maintained this lead despite increase in competitive intensity
- Partagas has suffered significant declines in the same measures over the past few years
- While awareness and preference for Cohiba appear to be rising, consumers may be confusing Dominican with Cuban Cohiba
- Quantitatively, Macanudo appears to be the most promising brand for extension into other categories beyond cigars
- It is critical for the company to focus on Macanudo as the primary brand in growing the business over time

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Consumer Confusion Over "Different Kinds" of Cohiba Is a Major Concern

Partagas Equity

- Substantial confusion exists over Dominican versus Cuban Cohibas
  - Knowledgeable people tend to look down on Dominican Cohibas as an imitator or a fake
  - Others are simply confused
    - "There are two brothers, one who makes Cohiba in Cuba and the other in the Dominican Republic"
- Strategically, it appears questionable to invest behind extending our Cohiba brand to new categories while this issue remains

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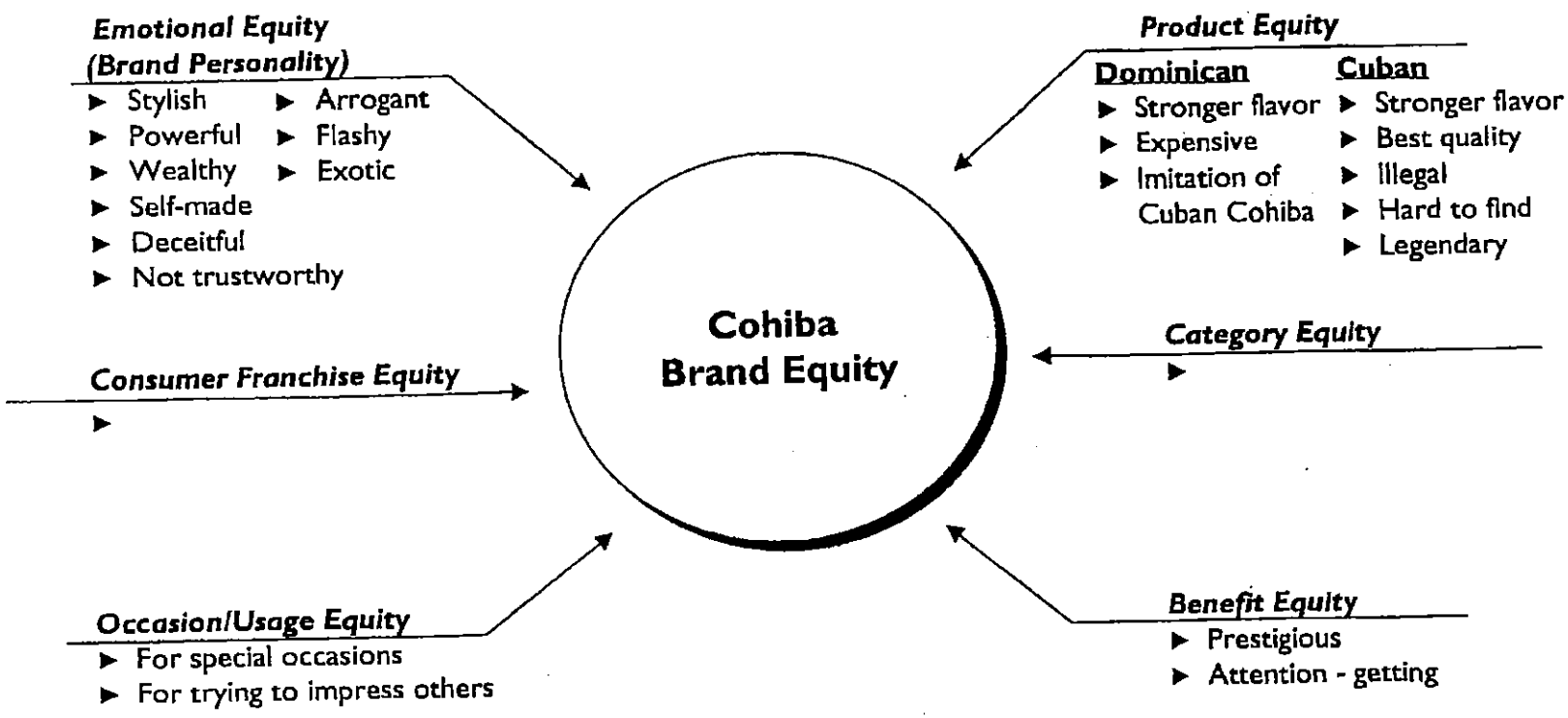
Cohiba Is Seen As a Cigar for Trying to Impress Others

Cohiba Equity



Source: Qualitative Research, 6/98

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CAM 000385

Cohiba: Awareness, Country Where Made, Confusion Level

	Premium Cigar Buyers (Gender-Balanced)	Male Respondents Only	Those Likely to Purchase Cigars of $120+ per Box (Not Gender-Balanced)
Base = Premium Cigar Buyers	(960) 100%	(753) 100%	(480) 100%
Have Heard of Cohiba	73.6	75.2	77.9
(Think Cohiba made in Cuba – or Cuba and elsewhere – among those who have heard of Cohiba)	(40.2%)	(41.5%)	(47.6%)
Think Cohiba Made in Cuba (or Cuba and elsewhere)	29.6	31.2	37.1
(Source confusion among those who think Cohiba made in Cuba – or Cuba and elsewhere)	(53.3%)	(52.5%)	(52.9%)
Source Confusion Among All Premium Buyers in Category*	15.2	15.8	19.1
Source Confusion Among Those Aware of Cohiba*	20.7%	21.1%	24.6%

* 13 respondents who were aware of Cohiba and answered that it was made in Cuba, but failed to check Cuba on the next question, and were therefore not shown the image of the General Cigar box, were deleted from the tally.

ID	Q23
40014	The logo, the shape/shape color and packaging - also know that some Cohibas are made outside Cuba
40051	The name is unique and think separate patents/rights for use of same logo would be diffiicult
40098	same name
40109	The labeling rights
40151	Same name
40203	brand name
40207	They have the same brand name. I think they manufacture in two countries because of trade sanctions imposed on Cuba by the United States.
40299	Cohiba is the overall brand and although they are made in diffeent companies, they can still be the same parent company.
40331	Same name, but different factories
40392	Same Logo and Known Brand Name
40408	same logo and name
40427	Common sense
40437	same company, different manufacturing sites
40482	cant sell direct to US due to contraban laws so if theymake them in dominican can sell them to us
40492	Same brand name, must be the same company.
40516	Same logo, labeling
40609	the name
40622	Same name, same tobacco, just grown in different countries and manafactured in different countries
40705	name, label on cigar & box
40751	Real Cuban Cohibas, are made in Cuba but cannot be imported to the USA. The Cohibas we get here are from the Dominican Republic
40788	General information from friends that smoke cigars I believe that I have read about it.
40802	Labels (rings) I've seen look the same.
40850	The only difference is telr country of origin.
40853	Beacause Americans have a trade embago with Cuba, it would make sence to utilise the success of the Cuban Cohiba and manufacluer it from a different country that allow importing into the USA, thus the company does not lose sales and bypasses the embargo.
40854	Marketing Strategy, Brand name versus off brand pricing
40910	I think that these are the Cohiba cigars and they are actually from the Dominican Republic.
40922	I think they are made buy the same company but with diffrent grades of tobacco
40925	It is a quality cigar no matter which country it is made in
40966	Cohiba cigars set up business in the Dominican Republic to capture the US market under the guise of a Cuban cigar.
40969	memory, and the stenciling!
40975	Same name, produced separately to sell to US

ID	Q23
41010	I would assume the brand name would be specific to one company. Also I've seen the collar for both the Dominican and Cuban cigars and they seem to have the same logos.
41069	They look alike
41070	Cuban cigars all have 'Habana' written somewhere on the band. The ones pictured are mfg'd. in the Dominican Republic. Since real Cuban cigars are not permitted in the USA, the cuban seed is planted and harvested in the DR, and then sold in the USA.
41075	Same wrapper
41081	cohiba is a registered trademark
41085	They are made by COHIBA COMPANY
41108	The size, look and the three rings around the band
41122	same name - cohiba
41198	same design and name style
41213	Can't use the name unless the companies are related
41218	The company expanded into Cuba. The product looks and tastes the same
41232	Cigars made in Cuba cannot be exported to the USA. Cigars made in the Dom. Rep., can.
41323	the boxes are similar
41329	They have the same brand name.
41343	same name,alot of cuban seed in the dominican republic
41380	The cigar band and the imprint on the bottom of the box.
41394	trademarked name
41415	You can make cigars in places other than Cuba.
41422	name of distributor
41458	Even though the tobaccos that are used in the cigars are grown in different countries, the cohiba name is controlled by one company.
41480	Because real Cohiba's are made in Cuba, however since they cannot be imported into the US, they also make them from the Dominican Rep.
41503	brand name
41543	Cohiba cigars are made in the Dominican Republic, not Cuba
41645	I've seen them both in the same shop in Mexico-Same Trademark
41655	They have the same name and label.
41687	Similar logo
41690	same band, same branding, it may be licenced out but I suspect its the same holding company or corporation
41697	U.S. Embargo
41704	Same name/quality
41715	I was not correct, they are made in Santo Domingo
41733	same name

ID	Q23
41782	i have read about that
41784	Logo looks the same
41812	cigar name
41842	Same name & company logo
41873	Cohiba has factories in many countries

Table 1 – Shanken Study, January 1992
Interest, Preference, Use of Cuban Cigars

Base = Respondents in group	Total Sample 100%	Usually Spend per Cigar: $3.50 or less 100%	Usually Spend per Cigar: Over $3.50 100%	Annual Income: Under 100M 100%	Annual Income: 100M+ 100%
Country think produces best cigars					
Cuba:	47	43	63	42	53
Dominican Republic:	26	26	25	27	26
A brand normally smoked is Cuban	24	16	50	17	33
Cuba is where everyday cigar is from	12	6	29	9	14
Most preferred brand normally smoked is from Cuba	16	9	40	11	43
Finest cigar ever smoked was from Cuba	40	35	58	31	52
Purchase Cuban cigars when travel outside USA	46	41	62	36	58
Of those who travel abroad, % who buy Cuban cigars	54	50	69	47	61
Travel outside U.S. at least two times per year	33	28	50	19	49
How long been smoking cigars					
over 10 years	63	64	59	58	68
6 – 10 years	18	18	19	19	18

Source: PX 139

Table 2 – Awareness and Trial Levels for Selected Brands

	9/94 Sample = 200			2/95 Sample = 304			5/95 Sample = 363		
	Unaided %	Aided %	Trial %*	Unaided %	Aided %	Trial %*	Unaided %	Aided %	Trial %*
Macanudo	63.0	82	65	59.2	82	65	59.5	82	65
Partagas	39.0	61	54	38.8	64	57	42.7	67	58
Fuente	26.5	66	41	31.6	71	48	34.4	73	52
Upmann	33.5	80	49	27.6	83	48	28.1	85	47
Dunhill	23.5	92	30	20.4	93	31	20.2	94	33
Davidoff	18.0	73	27	16.8	77	28	18.4	80	31
Hoyo de Monterey	11.5	76	26	16.4	80	32	17.1	83	32
Avo	13.0	52	26	15.0	58	31	14.6	61	32
Ashton	8.5	60	22	7.2	58	22	7.7	57	23
Cohiba	14.5		18.5	17.1		21.4	16.7		23.4

* Trial Percentage = percent who volunteered had ever smoked brand.

Source: PX 175, 1264, 140

Table 3 – Awareness of Cohiba Based on 1994-95 A & U Studies

	Awareness Gain (Aided – Unaided)		
	9/94	2/95	5/95
Macanudo	+19	+23	+22
Partagas	+22	+25	+24
Fuente	+40	+39	+39
Upmann	+56	+55	+57
Dunhill	+68	+73	+74
Davidoff	+55	+62	+62
Hoyo de Monterey	+64	+64	+66
Avo	+39	+43	+46
Ashton	+51	+51	+49

	Average of 3 Studies	Cohiba Estimated Aided Awareness (Average Cohiba unaided awareness of 16% added to average awareness gain for respective groups to left)
Average for all 9 Brands	+48	64
Average for all Brands except Macanudo and Partagas	+55	71
Average for Brands with generally lower unaided awareness than Cohiba (Ashton, Avo, Hoyo de Monterey)	+52	68

Source: PX 175, 1264, 140

Table 4 – 1994 – 1995 A & U Studies

	9/94		2/95		5/95	
	Ever Tried %	Unaided Awareness as % of Ever Tried*	Ever Tried %	Unaided Awareness as % of Ever Tried*	Ever Tried %	Unaided Awareness as % of Ever Tried*
Macanudo	65.0	97	64.5	92	64.7	92
Partagas	54.0	72	56.5	69	57.9	74
Fuente	41.0	65	48.1	66	52.1	66
Upmann	49.0	68	47.7	58	47.1	60
Dunhill	30.0	78	30.9	66	33.0	61
Davidoff	27.0	67	28.0	60	30.9	60
Hoyo de Monterey	26.0	44	31.9	51	32.0	53
Avo	26.0	50	30.6	49	32.3	45
Ashton	22.0	39	22.1	33	22.6	34
Cohiba	18.5	78	21.4	71	23.4	71

* See Table 2 for data on unaided awareness and trial.

Source: PX 175, 1264, 140

Table 5 – Awareness Information From 1994-95 A & U Studies

	Derived Aided Awareness Among Non-Trials of the Brand*		
	9/94	2/95	5/95
Macanudo	49	49	49
Partagas	15	16	21
Fuente	42	44	44
Upmann	61	67	72
Dunhill	89	90	91
Davidoff	63	68	71
Hoyo de Monterey	68	71	75
Avo	35	39	43
Ashton	49	46	44

	Average of 3 Studies	Cohiba Estimated Aided Awareness (Average Cohiba trials of 21% added to average awareness among non-triers for respective groups to left)
Average for all 9 Brands	54.5	64
Average for all Brands except Macanudo and Partagas	60.6	69
Average for Brands with generally lower unaided awareness than Cohiba (Ashton, Avo, Hoyo de Monterey)	52.2	62

*"Non-Triers" are those who did not volunteer having smoked the brand.

Source: PX 175, 1264, 140

Table 6 – Cohiba Performance Among Two Income Groups* 1994-95 A & U Studies

	All Respondents %	Less Than 100M Annual Income %	100M or More Annual Income %
Unaided awareness of Cohiba			
9/94	14.5	14.2	16.2
2/95	17.1	15.8	19.1
5/95	16.7	15.7	19.6
Ever smoked Cohiba**			
9/94	18.5	15.0	23.5
2/95	21.4	18.7	25.7
5/95	23.4	22.1	26.8
Cohiba best cigar ever smoked			
9/94	8.5	6.2	13.2
2/95	10.9	9.9	13.3
5/95	11.3	11.3	12.6

* Not all respondents provided income data.

** Ever smoked = those who volunteered having smoked.

Source: PX 175, 1264, 140

Table 7 – Comparison of Two Hispanic-Sounding Brand Names With Two Other Names

February & May 1995 Studies

	Arturo Fuente	Hoyo de Monterey	Upmann	Ashton
% Ever Tried	50	17	48	24
% Aided Awareness	72	81	84	58
Ever tried as % of aided awareness	(69)	(39)	(56)	(41)
% Unaided Awareness	33	17	28	7
Unaided awareness as % of aided awareness	(46)	(21)	(33)	(13)
% Awareness among non-triers	44	73	70	45

Source: PX 1264, 140

Table 8 – 1998 Survey

	Total Premium Users	Regular/Most Often Users* Cohiba	Macanudo	Partagas
Number of Respondents	(456)	(100)	(273)	(126)
	%	%	%	%
"I prefer Cuban cigars to any other" (6-point scale)				
Agree completely	14	27	10	16
Agree somewhat	10	19	13	21
	24	46	23	37
"If Cuban cigars were legal I'd switch most of my smoking to Cubans" (6-point scale)				
Agree completely	16	26	25	28
Agree somewhat	15	19	5	5
	31	45	30	33
Importance of country of origin of the cigar (4-point scale)				
Extremely or Very important	35	45	29	42

* 3 times a year or more.

Source: PX 149.1

Table 9 – 1998 Survey

Motivational Segmentation

Segments	% of Total Sample	% of Premium Purchase	% of Cohiba Volume	Cohiba Share of Premium	Self-Perceived Cigar Knowledge: Average Rating	Self-Perceived Cigar Knowledge: % in Top 3	Self-Perceived Cigar Knowledge: % in Bottom 3
Relationship Driven Connoisseurs	12	38	32	4	6.6	34	8
Savvy Self-Reliant Connoisseurs	11	25	6	1	6.4	35	7
Emerging Enthusiasts	15	11	23	10	4.7	6	31
Casual Enjoyers	16	12	34	12	4.5	5	33
Special Occasion Users	12	3	4	5	4.5	2	77

Source: PX 152, 180

Table 10 – Self-Perceived Cigar Knowledge of Regular Cohiba Users Compared to Regular Users of Other Brands

Regular Smokers Of:	No Resp.**	Self-Perceived Cigar Knowledge: Average Rating*	Self-Perceived Cigar Knowledge: % Bottom 3 Ratings
Cohiba	(100)	5.65	22
Macanudo	(273)	5.49	20
Partagas	(126)	6.42	10
Punch	(94)	6.32	7
Hoyo de Monterey	(60)	6.81	7
A. Fuente	(138)	6.38	8
Upmann	(126)	6.36	8
All Premium Users	(456)	5.49	21

* Knowledge ratings based on 10-point scale. The higher the rating the higher the perceived knowledge.

** Supplemented sample used to increase number of users of each brand.

Source: PX 149.1, 146, 181

Table 11 – Unaided Brand Awareness Data From A & U Studies

% Citing Brand First	Cohiba	Macanudo
7/96	1.4	18.7
7/97	1.6	16.4
3/98	6.1	22.1
10/98	5.8	23.7
3/99	5.3	21.3
Average gain in points from 96-97 period to 98-99 period	+4.2	+4.8
% Citing Brand in First 3		
7/97	6.9	31.6
3/98	13.4	36.4
10/98	17.6	40.2
3/99	14.9	40.9
Average gain in points from 96-97 period to 98-99 period	+8.4	+7.6

Source: PX 137, 253

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

In the matter of Trademark Registration No. 1147309
For the mark COHIBA
Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273
For the mark COHIBA
Date registered: June 6, 1995

EMPRESA CUBANA DEL TABACO, d.b.a. CUBATABACO, Petitioner,	:	Cancellation No. 92025859
v.	:	
GENERAL CIGAR CO., INC. Respondent.	:	

PARTY DESIGNATIONS*: Petitioner's Designations During Its Trial Period—Yellow or Pink
Respondent's Designations During Its Trial Period—Green
Petitioner's Designations During Its Rebuttal Period—Blue

Designated TTAB Discovery Deposition Transcript of
Alvin Ossip, dated June 30, 2017
Part 1 of 4

* Designations made pursuant to the marking and filing procedure the Board has previously approved, TTABVUE Nos. 165, 157, 138, 137, 135 and 132.

1 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK AND APPEAL BOARD
2 ----------x
3 EMPRESA CUBANA DEL TABACO, d/b/a CUBATABACO,
4 Petitioner,
5 - against -
6 GENERAL CIGAR CO., INC. and CULBRO CORP.,
7 Respondents.
8 ----------x
June 30, 2017
9 9:54 a.m.
10
11 CONTINUED DEPOSITION of ALVIN OSSIP, an expert
12 witness on behalf of the Petitioner herein, taken
13 pursuant to Subpoena, and held at the offices of
14 DALCO Reporting, Inc., 170 Hamilton Avenue, White
15 Plains, New York, before April Pearl, a Court
16 Reporter and Notary Public of the State of New
17 York.
18
19
20
21
22
23
24
25

1 A P P E A R A N C E S :
2 RABINOWITZ BOUDIN STANDARD KRINSKY &
LIEBERMAN, P.C.
3 Attorneys for the Petitioner
61 Broadway
4 18th Floor
New York, New York 10006-2708
5 BY: MICHAEL KRINSKY, ESQ.
6
7 DLA PIPER, LLP
Attorneys for the Respondents
8 1251 Avenue of the Americas
New York, New York 10020-1104
9 BY: AIRINA LYNN RODRIGUES, ESQ.
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25

1 ALVIN OSSIP,
2 having been first duly sworn by the
3 Notary Public (April Pearl), and
4 stating his address as 11 Homewood
5 Road, Hartsdale, New York 10530
6 was examined and testified as follows:
7
8
9 MR. KRINSKY: This is a continuation
10 of the deposition that began yesterday.
11 And I'd like this to be marked as the next
12 exhibit number.
13
14 (Exhibit Ossip-8, DOCUMENT CONTAINING
15 CURRICULUM VITAE OF AL OSSIP, marked
16 for identification.)
17
18 EXAMINATION
19 BY MR. KRINSKY:
20 Q. Mr. Ossip, please look at what we've
21 marked as Exhibit 8, and can you tell me whether
22 you have seen that before?
23 A. Yes.
24 Q. And what is it?
25 A. It's my business resume.

1 Q. Excuse me?
2 A. My business resume.
3 Q. Business resume. And did you prepare
4 this?
5 A. Yes.
6 Q. And when did you prepare this?
7 A. Quite a while ago. A number of years
8 ago.
9 Q. And it was current as of -- do you
10 know when it was current as of?
11 A. It's current as of now.
12 Q. Okay. Thank you. And is the
13 information in there accurate and correct?
14 A. I believe so.
15 Q. Very good. And, Mr. Ossip, when were
16 you born?
17 A. 7/13/30.
18 Q. 7/13?
19 A. 1930.
20 Q. So you will be having your birthday --
21 A. In two weeks.
22 Q. -- in two weeks. Thank you. Okay.
23 We can put this aside.
24 Now, Mr. Ossip do you recall
25 testifying yesterday -- do you recall yesterday

1 that you were identifying factors to look at to
2 see whether they may have affected any change one
3 way or the other in the confusion you reported in
4 your studies and testimony in the federal action?
5 A. Yes.
6 Q. Okay. Do you recall mentioning
7 retailers' online promotions as one of those
8 factors?
9 MS. RODRIGUES: Objection.
10 A. I was referring to, yeah, sellers of
11 cigars.
12 Q. Were those sellers of cigars online
13 sellers or other sellers?
14 A. Well, they are online, and some of
15 them are not online. I guess, it's just their way
16 of advertising on the Internet.
17 Q. Have you looked at the way retailers
18 promote Cohibas, General Cigar's Cohiba cigars
19 currently online?
20 A. Yes.
21 Q. Have you looked at that in connection
22 with your preparation for your deposition
23 testimony?
24 A. Yes.
25 MS. RODRIGUES: Objection. And just

1 for the record, objection to the scope of
2 questioning to the extent it concerns
3 matters not in the previous expert reports
4 or testimony in the district court
5 litigation.
6 MR. KRINSKY: Right. We understand
7 your position.
8 Q. And do you form an assessment of the
9 impact of the retailers' online promotions on the
10 question of confusion?
11 A. Yes.
12 Q. And what was that assessment?
13 A. I think that many of the retailer ads
14 or other information that appears on the Internet
15 is potentially very confusing in terms of the
16 business relationship between General Cigar's
17 Cohiba and Cuba's Cohiba.
18 Q. And in what way do you think it is
19 potentially confusing?
20 A. Well, it seems that most of them
21 provide information about the Cuban cigar whenever
22 they are promoting the General Cigar Cohiba. I
23 think it's probably an objective of General Cigar
24 to take advantage of the mystique and reputation
25 of the Cuban cigar, and that tends to appear when

1 there is any write-up about the General Cigar
2 version.
3 Q. When you say it potentially engenders
4 confusion, in what sense do you mean confusion?
5 A. That there is a business relationship
6 between the two organizations, that they are not
7 separate, that cigars have the same brand name.
8 And as I said yesterday, great majority of
9 Americans think if you have the same brand name,
10 you have a business connection. You are the same
11 company or you got a license or whatever, there is
12 a business connection. And I think these ads, in
13 many ways, tend to promote that. And that is why
14 it gives the impression, I believe, that there is
15 this business connection.
16 Q. Can you give us examples of what
17 retailers' online promotions that you are
18 referring to?
19 A. Yeah. I'm sure I couldn't memorize
20 them. I handwrote a list, if I may look at that.
21 Q. Yes. Please do.
22 A. And some were the retailers or the
23 sellers mentioned by Mr. Hacker, and others were
24 other companies that I saw. So I'll read some,
25 and I'll stop reading when you tell me to.

1 JR Cigars, what they do is they
2 provided a history of Cohiba, talked about the
3 background, and Castro being interested in it.
4 Then they showed a picture of the Dominican
5 Republic Cohiba. And if you keep reading, you
6 have to read down to line 19 before it makes any
7 mention relating to the branding of the two being
8 in any way separate. So there is a lot about the
9 history, and you see the picture of the General
10 Cigar brand. And as I say, line 19 is something
11 that tells you about the relationship.
12 Thompson Cigars, what I looked at, it
13 talks about the origin of Cohiba cigars, and it
14 says, in 2016, it was the 50th anniversary of one
15 of the most beloved premium brands. And it shows
16 the General Cigar Cohiba.
17 Famous-smoke.com shows a picture of a
18 Nicaraguan Cohiba, and it says, Cohiba cigars,
19 this is one whose name even non-smokers know well.
20 It's a brand that skyrocketed to popularity even
21 before the boom. It is the only authentic Cohiba
22 cigar that can be bought legally in the U.S. I
23 think that is very misleading.
24 And I have more for those ones that I
25 mentioned. Let's go to another one. Cigar.com.

1 shows a picture of a General Cigar Cohiba that
2 doesn't have a country of origin in the label. As
3 perhaps the most recognized name in cigars
4 worldwide, Cohiba has been an icon for what many
5 consider to be the best. Then it talks about --
6 writes about Castro, et cetera. And there is no
7 mention of any business relationship issue.
8 Another time they, again, show a
9 picture of General Cigar Cohiba, and they say:
10 Due to the political climate, a second version of
11 the brand was produced in the Dominican Republic
12 to no less fanfare and acclaim, referring to the
13 previous mentions of the Cuban Cohiba.
14 And like the other brand, they say:
15 One of the world's most recognizable cigar names.
16 Today, the Dominican version, crafted using the
17 same traditional methods incorporated in Cuba, has
18 become one of the top brands in the U.S.
19 Pipes and Cigars, a site, the best
20 known brand name in the cigar world, period.
21 Cohiba is truly an iconic brand in the cigar
22 world, and the Dominican version of this cigar is
23 one of the most popular brands we carry here.
24 So again, I think it keeps making the
25 connection, like this is the version we're selling

1 in the United States, and it's related to Cuba's.
2 That's my take if I were to read it. And when
3 they say laudatory comments about the world, to my
4 knowledge, the General Cigar Cohibas are only
5 available in the United States.
6 Again, they show -- another one, Tex
7 Cigars, they show Cohiba Red Dot Corona. Cohiba
8 is possibly the most well-known and highly
9 regarded cigar brand in history. It is the
10 ultimate cigar smoking experience. Cohiba Crown
11 definitely lives up to this well-deserved
12 reputation.
13 There are others like this. There is
14 the Robb Report, which, I guess, Mr. Hacker
15 mentioned. Maybe he writes for it. On the same
16 page, at least on the Internet, there is a
17 picture, and it shows a man. And it says,
18 celebrate Cohiba's 50th anniversary of legendary
19 Cuban cigars, and then there is another picture
20 under it of Cohiba Black, which is the General
21 Cigar brand.
22 And then there are other things I came
23 up with on the Internet relating to the
24 introduction of Cohiba Luxe. The Cohiba brand
25 continues to impress, delivers a brand for the

1 ages.
2 Bloomberg News, sometime in 2017,
3 which gets into the history, but even that is
4 confusing. Many of the larger Cuban brands
5 license their name or set up independent factories
6 in other countries where they produce U.S. legal
7 cigars, and then they mention Cohiba.
8 Now, when you look up the sites,
9 sometimes Google indicates questions, and you can
10 click on a question and get an answer. And one of
11 the questions was, Are Cohiba cigars from Cuba.
12 And the answer was, Cohiba is a brand for two
13 kinds of premium cigars. To me, that would also
14 be confusing.
15 So I get the impression from reading
16 these, and there are many more of these that I
17 didn't quote, that the brands are related, and
18 maybe the U.S. version is a line extension of the
19 Cuban brand. And there are also some sites that
20 categorize cigars that they are selling. And
21 there is at least one that has a category of Cuban
22 cigars, and under that, they show the General
23 Cigar version. So I think these things are
24 misleading to many, many people, and not everyone
25 who goes on the Internet is an expert about

1 cigars.
2 Q. And when you say "misleading," what do
3 you mean? Misleading as to what?
4 A. Misleading as to, this is a cigar that
5 is made by the company or the organization that
6 sells the Cuban cigars, or they are authorized, or
7 they are affiliated. There is a business
8 connection. They are not separate entities. They
9 are the same brand.
10 Q. And the retailer, online retailer
11 material that you looked at, was that material
12 provided to you by my law firm?
13 A. A good part of that was, and I also
14 looked up some on my own.
15 Q. In your opinion, are people buying
16 products online through online sellers more than
17 they were in 2000 to 2003 period?
18 MS. RODRIGUES: Objection. Lacks
19 foundation.
20 A. I'm sure that over time, online sales
21 of cigars have increased. I don't know the exact
22 measurements, but I'm sure it's gone up
23 significantly from, you know, 14, 15 years ago.
24 Q. Do you have any understanding whether
25 the number of, let's call them, brick and mortar

1 tobacco stores has remained the same since 2000,
2 2003, there's more, there's less?
3 A. My impression is that the number of
4 brick and mortar stores that sell premium cigars
5 has decreased in recent years.
6 Q. Do you recall Mr. Hacker referencing
7 that question?
8 MS. RODRIGUES: Objection.
9 A. Yes, I believe his answer was also
10 that it's decreased.
11 Q. Is it your opinion that the factor of
12 retailer online promotions of the General Cigar
13 Cohiba that you have been testifying about, as a
14 factor in confusion is -- I'll give you three
15 options -- weightier, less weighty or the same
16 weight as it was in the 2000, 2003 period?
17 MS. RODRIGUES: Objection.
18 A. I don't know if I understand your
19 question.
20 Q. You have been testifying about -- you
21 have been identifying in your testimony -- is it
22 not correct that you have been identifying factors
23 to look at as to their impact on confusion in the
24 2000, 2003 period as compared to now to see if
25 they are the same or whether there has been any

1 change, and if there has been a change, which --
2 do they weigh against confusion or do they weigh
3 in favor of confusion; is that a fair
4 characterization of your testimony what you have
5 been testifying about?
6 A. Yes. I think I understand what you
7 are asking. We sort of have been talking about
8 retailers.
9 Q. Yeah.
10 A. Assuming I'm correct that the number
11 of brick and mortar stores has declined, then
12 there is less of an opportunity for a smoker to
13 have a face-to-face conversation and ask questions
14 that they think is naive, like, can I get a Cuban
15 cigar, where does this come from, blah, blah,
16 blah. I think they are less likely to be able to
17 do that. And as they move more to purchase
18 online, the only information they get is what
19 appears online or on the packages that they get.
20 So if they read -- if they are
21 searching to buy a cigar and go to several sites,
22 and they read what I mentioned, I think it will
23 attempt to convey to them, if they don't know the
24 answer, that there is a business connection
25 between Cuban and non-Cuban Cohibas. And I think

1 that the purchasing online and the dissemination
2 of this sort of information online would tend to
3 increase confusion in regard to the business
4 relationship.
5 Q. Is General Cigar's advertisements for
6 its Cohiba products a factor you would look at to
7 assess whether there has been any changes since
8 the 2000, 2003 period and today?
9 A. Well, it depends how you define
10 advertising. If you define advertising related
11 to, you know, measured media like magazines, you
12 see the ads. And the ads, as I've seen them, try
13 to convey sophistication, and people would look
14 well upon you if they saw you with a cigar, their
15 brand of cigar, et cetera. But they also take
16 advantage of Internet and some social media where
17 people go on their sites, and when they go on
18 their sites, and the site tells you about the
19 history of the Cuban Cohiba, then it reinforces
20 the impression I've been talking about, the
21 connection between their cigar and the Cuban
22 cigar.
23 Q. In the -- maybe we can call it, in
24 their advertisements in magazines and other print
25 media that you refer to, have you looked at that,

1 their current advertisements in those media?
2 A. I don't know how current it was, but
3 you know, I've seen the magazine ads, and I've
4 gone on their site.
5 Q. Okay. With respect to their magazine
6 ads, is that material that counsel provided to you
7 for your review?
8 A. Yes, I looked at some. Yeah.
9 Q. And did you see any disclaimers of the
10 association with the Cuban Cohiba in the print
11 ads?
12 A. No, I don't recall seeing any.
13 Q. Did you see anything that, in your
14 mind, would tend to be the equivalent of being a
15 disclaimer, without being an explicit disclaimer?
16 A. No, I did not see that.
17 Q. Did you see anything that would tend
18 to disassociate the Cuban Cohiba with the General
19 Cigar Cohiba?
20 A. In what I looked at that was related
21 to something they sponsored or paid for?
22 Q. Yes.
23 A. No, I did not.
24 Q. Did you look at General Cigar's
25 website for Cohiba?

1 A. Yes, I believe I did.
2 Q. Is that something you looked at online
3 yourself or --
4 A. No, I looked at it online myself, and
5 I looked at their, I guess, Facebook.
6 Q. Okay. Let's stay with their online --
7 their website. Let's stay with that first.
8 For their website, did you see a
9 disclaimer?
10 A. No, I don't believe I did.
11 Q. And did you see anything that you
12 would consider to be the equivalent of a
13 disclaimer?
14 A. No, I think there are pictures of the
15 cigar and some other things. And there wasn't
16 much verbiage that I recall.
17 Q. Did you see anything that, in your
18 opinion, would tend to disassociate the General
19 Cigar Cohiba from the Cuban Cohiba?
20 A. I did not.
21 Q. And you mentioned looking at Facebook.
22 A. Right.
23 Q. And what is it that you saw there?
24 A. Well, the thing I copied down that was
25 relevant, they say: One of the world's most

1 recognized luxury names, Cohiba remains a must
2 have cigar. And where they do say something, they
3 try to associate themselves with the worldwide
4 reputation of Cohiba, which, to my mind, is the
5 reputation that comes from the Cuban cigar, not
6 their cigar, which might be roughly 20 years old
7 in the United States.
8 Q. And read that first part again -- I'm
9 sorry -- about what you said that is on the
10 Facebook.
11 A. One of the world's most recognized
12 luxury names.
13 Q. Okay. Let me stop you there. And
14 what, in that sentence, do you think is
15 significant for the issue of confusion?
16 A. Well, basically, worldwide, it keeps
17 getting mentioned, as if they were part of this
18 worldwide business, and part of that is selling
19 cigars. And they talk about a reputation that
20 isn't necessarily their cigar's reputation but is
21 the Cuban Cohiba cigar's reputation.
22 Q. And when you are talking about
23 Facebook here, you are talking about General
24 Cigar's account or home page or whatever the
25 reference is on Facebook; is that correct?

1 A. I believe so.
2 Q. Did you see on that material any
3 disclaimer?
4 A. I don't believe I did.
5 Q. And when did you look at their
6 Facebook page, if that is the right word?
7 A. Probably within the last two weeks.
8 Q. And you -- okay.
9 MR. KRINSKY: Let me mark as Exhibit 9
10 these two pages.
11
12 (Exhibit Ossip-9, TWO-PAGE DOCUMENT
13 CONTAINING GOOGLE SEARCH RESULTS FOR
14 COHIBA CIGARS, marked for
15 identification.)
16
17 Q. Mr. Ossip, please take a look at this
18 exhibit, which is Number 9, and tell me whether
19 you recognize that.
20 A. Yes, it's the first page results when
21 you put in the search term "Cohiba cigars" in
22 Google.
23 Q. Okay. And did you create this
24 document? Let me ask that differently.
25 Did you make a search in Google using

1 the search term "Cohiba cigars"?
2 A. Yes.
3 Q. And did you print out -- is this
4 document a printout of the results of that
5 exercise?
6 A. Yeah, this is the page I saw.
7 Q. Excuse me?
8 A. This is the page I saw.
9 Q. Okay. And this was done on your
10 computer at home; is that correct?
11 A. I believe so, yeah.
12 Q. And you printed this out at your home?
13 A. Yeah.
14 Q. And when was this?
15 A. It was either earlier this week or
16 last week. I'm not sure.
17 Q. And --
18 A. There might be a date on here. I'm
19 not sure. It says 6/28, so if that is
20 Wednesday -- yeah, it was printed on Wednesday.
21 Q. And you see -- strike that.
22 And what is the first images you see
23 on this page?
24 A. If you are talking of pictures, it
25 says "Shop for Cohiba cigars on Google," and here

1 it shows five images; Cuban cigar Habana, the
2 Cohiba Behike cigars, which is the Cuban, and it
3 shows the image that is used by Cohiba Cuban, and
4 then there's other Cuban cigars, and I don't know
5 what the fourth one is, and the fifth one is
6 another brand. But it shows Cuban cigars, two of
7 which are Cohiba, under the search term "Cohiba
8 cigars."
9 Q. And then the item that appears
10 underneath that, "Cohiba cigars, experience
11 luxury," and it refers to cohiba.com. Is that a
12 link to General Cigar's website for Cohiba?
13 A. I don't know offhand. It may well be.
14 Q. And then the item under that is Cohiba
15 cigars/JR Cigar?
16 A. Yes.
17 Q. And is that the JR Cigar that you
18 testified as to the way they promote General
19 Cigar's Cohibas on the Internet?
20 A. Right. I may not have gotten the
21 wording from this particular entry, because JR
22 Cigar has a couple of entries. And the one I got
23 related to their Blending Room. So I'm not sure
24 what this one would show. It might well be the
25 same.

1 Q. And the next item under that, that
2 is -- what is that?
3 A. It's titled "Cohiba cigars, finest
4 Cuban cigars. And the website it comes from is
5 finestcubancigars.com, and the partial wording
6 here starts to talk about the history of Cohiba
7 cigars, Fidel Castro's preferred brand, et cetera.
8 Q. And the item appearing underneath that
9 is Thompson Cigar; is that correct?
10 A. Yes.
11 Q. A link to its website; is that
12 correct?
13 A. Yes.
14 Q. And Thompson Cigar is one of the
15 retailers you talked about in your testimony with
16 respect to the way they promote General Cigar's
17 Cohibas on their website; is that correct?
18 A. Yes.
19 Q. And then there appears a section
20 "People also ask: Are Cohiba cigars from Cuba,"
21 is that correct?
22 A. Right. That is the one I referred to
23 that I clicked on.
24 Q. Okay. And underneath that, Cohiba
25 cigar brand, Wikipedia; is that correct?

1 A. Yes, three entries down, yeah.
2 Q. Okay. So the seventh -- Wikipedia
3 appears, is that correct, as the seventh item down
4 on the screen that resulted from your Googling
5 Cohiba cigars?
6 A. Right. It's the seventh site that is
7 shown.
8 Q. Okay. And directing your attention
9 again to the top, "Shop for Cohiba cigars on
10 Google," and then there are some images. Are
11 those images what are called sponsored links, if
12 you know?
13 A. Yeah, it says "Sponsored." They are
14 paid ads.
15 Q. Let me see your exhibit, because I
16 don't have the second page. And this exhibit I've
17 shown you goes to -- has two pages, as it has been
18 printed out. Were these two pages of the first
19 page of what was displayed on your computer when
20 you did this Google search?
21 A. Well, this isn't all displayed in one
22 visual shot. You have to scroll down to get to
23 the part that allows you to go to subsequent
24 pages. So this is what is shown, and then you
25 scroll down to the end of it. That would be

1 considered page 1.
2 Q. And where -- when you did this Google
3 search, and an image and material came up on your
4 computer screen, at what point did you have to
5 scroll down to see what was beyond what first
6 appeared on your computer screen?
7 A. Well, I don't have a very big screen.
8 So that may affect it. I believe I saw the
9 picture images and then maybe two of the
10 subsequent mentions.
11 Q. Okay. So that would be, in your
12 recollection, the sponsored links, the first item,
13 Cohiba cigars, experience luxury, cohiba.com and
14 then Cohiba cigars, JR cigar?
15 A. Yeah, probably went through that.
16 Q. That was on the first screen, and then
17 to see more, you would have to scroll down; is
18 that correct?
19 A. Right, you have to scroll down.
20 Q. Okay. And looking further down after
21 Wikipedia, there is Cigars International; is that
22 correct?
23 A. Yes.
24 Q. And is Cigars International one of the
25 retailers whose advertisements and promotions

1 online that you looked at?
2 A. Yes.
3 Q. Did it have the same way of -- general
4 way of promoting General Cigar Cohibas that you
5 talked about with respect to JR and Thompson and
6 others?
7 A. Right. If they were selling General
8 Cigar, the introduction, like others, talks about
9 the most well-known cigars the world over,
10 luxurious, top-shelf, handmade crafted using only
11 the most premium. And most of these abstracts
12 make statements that, in effect, link the two
13 products.
14 Q. And the item under that, does that
15 refer to Cuban cigars?
16 A. It says "Cohiba cigars, buy Cuban
17 cigars online."
18 Q. And the item under that, is that a
19 link to Famous Cigars?
20 A. Famous Smoke, right. And the heading
21 is "Cohiba cigars online, best prices online."
22 Q. And is Famous one of the retailers
23 that you testified to as to the way they promote
24 General Cigar's Cohiba?
25 A. Yes.

1 Q. And then the next item refers to --
2 does the next item refer to -- what is that?
3 A. Next item is an ad, apparently, from
4 amazon.com.
5 Q. And does it refer to Cuba?
6 A. It says, "Find deals on cigars, Cuba,
7 in men's fragrance on Amazon."
8 Q. And to go further to see the results
9 of your Googling Cohiba cigars, is it correct you
10 would have to click on the number 2?
11 A. Well, if you want to go to the next
12 page, based on your original search of Cohiba
13 cigars, you go to page 2. Although, at the
14 bottom, they give you options of new search terms.
15 Q. Very good.
16 A. And you can go to one of the new
17 search terms.
18 Q. Now, in your opinion, does this --
19 does the results of the Google search for Cohiba
20 cigars, for the term "Cohiba cigars" that you have
21 been testifying about, have any significance for
22 the question of whether or not there is confusion?
23 A. Yes, I think, if you were to just look
24 at this and not go further into any individual
25 site, you would probably tend to be confused,

1 because you put in Cohiba cigars, and let's assume
2 you were searching for cigars to buy in the United
3 States, it talks about the world reputation, talks
4 about when it was created here, talks about the
5 General Cigar Cohiba family. It talks about that
6 the Dominican Cohiba cigars rival their Cuban
7 cousins. So that is a relationship.
8 So if you just read the little blurbs
9 here, they tend to reinforce the connection.
10 Obviously, if you go onto a site, you get some of
11 the information that I mentioned before, or if you
12 click on a question, you know, are Cuban cigars
13 from Cuba, you get the information that I cited
14 here. So it depends if you dig further.
15 And even Wikipedia says what was said
16 by somebody else that I mentioned, Cohiba is a
17 brand for two kinds of premium cigars, one
18 produced in Cuba, and the other produced in, and
19 it stops, meaning the United States.
20 Q. And to read further of what Wikipedia
21 is saying, you would have to click on the link?
22 A. Yeah.
23 Q. Is that correct?
24 A. Yes.
25 Q. Okay. And, Mr. Ossip, I believe you

1 testified yesterday that you reviewed Mr. Hacker's
2 report; is that correct?
3 A. Yes.
4 Q. And that you reviewed Mr. Hacker's
5 deposition testimony?
6 A. Yes, I did read it.
7 Q. Is it fair to say that Mr. Hacker
8 relied heavily on the Internet for his opinion
9 that there is no appreciable confusion?
10 MS. RODRIGUES: Objection. And also
11 objection to this line of questioning to
12 the extent -- well, because Mr. Ossip has
13 not been designated as a rebuttal witness
14 in this proceeding.
15 Q. You may answer.
16 A. Can you ask the question again,
17 please.
18 Q. Yeah. Is it fair to -- let me put it
19 this way.
20 Do you recall Mr. Hacker discussing
21 the Internet in his report and in his deposition
22 testimony?
23 MS. RODRIGUES: Objection.
24 A. I recall he mentioned some of the
25 sites that I mentioned before, but he seemed to

1 refer a lot to his experience in meetings with
2 cigar smokers or conversations with cigar smokers,
3 and he did mention the Internet, but he did not
4 site things like I did. He talked in generalities
5 in terms of providing information.
6 It was my feeling that he was almost
7 assuming that everybody read everything and
8 questioned everything. And it seems to me that
9 his opinions were either/or, everybody knows since
10 they have been on the Internet. But he doesn't
11 know what people read or don't read. And many
12 people will stop at the first sentence. They look
13 at the sites and say -- you know, get an
14 impression and that's it. Or they will click on
15 the question, is this a Cuban cigar, and get an
16 answer.
17 So I think, while he said the Internet
18 provided a lot of information, that doesn't mean
19 that's the correct information. It doesn't mean
20 that everybody is reading it down to line 19 or
21 the fourth paragraph or whatever.
22 Q. And do you believe, in your opinion,
23 that the assumption of Mr. Hacker that you
24 mentioned is warranted?
25 A. That everybody reads all of the

1 details, and everybody is curious to get all of
2 the detail, no, I don't buy that. Some people
3 may, obviously, but as I said, his answer seems to
4 be an extreme. When we talk about confusion, it's
5 not 100 to zero in terms of population. It's
6 whether a meaningful proportion of people are
7 confused.
8 MR. KRINSKY: I'd like to mark as
9 Exhibit 10 Mr. Hacker's report.
10
11 (Exhibit Ossip-10, DOCUMENT ENTITLED
12 REPORT OF RICHARD CARLETON HACKER, MAY
13 31, 2017, WITH EXHIBITS, marked for
14 identification.)
15
16 Q. I should correct this. What we've
17 marked as Ossip Number 10 is Mr. Hacker's report
18 and his exhibits, plus the exhibits to his
19 deposition. So it's a composite exhibit.
20 MS. RODRIGUES: Do you have a copy for
21 me?
22 MR. KRINSKY: Yes, I do.
23 MS. RODRIGUES: Thank you.
24 Q. And, Mr. Ossip, I would draw your
25 attention to Paragraph 24 of Mr. Hacker's report.

1 It's on page 10, I believe.
2 A. Yes.
3 Q. And the first sentence reads, "Thus,
4 in my experience, based upon my thousands of
5 interactions with cigar smokers and tobacconists,
6 I have concluded that, today, potential and actual
7 smokers of premium cigars are aware that they can
8 not legally obtain Cuban cigars, including the
9 Cuban Cohiba, in the United States." Do you see
10 that?
11 A. Yes.
12 Q. Now, I'll ask you to take a look at
13 your survey report, which is Exhibit Number 4, and
14 will you indicate from there the type of
15 confusion -- let me -- and directing your
16 attention to page 5 of your report, the first full
17 paragraph where it reads, "These questions," the
18 questions you were posing in the survey "cover
19 three relevant aspects of potential source
20 confusion." And can you read the rest -- can you
21 read from that point on, the rest of the sentence,
22 the complete sentence.
23 A. "Whether or not the two Cohiba cigars
24 were made by the same company, whether or not the
25 two companies had an affiliation, association or

1 business connection with each other, and whether
2 or not one company got authorization or approval
3 from the other company to use the name Cohiba."
4 Q. Okay. And in your understanding,
5 these are relevant aspects of potential source
6 confusion; is that correct?
7 A. Those are the classic questions that
8 are used in legal cases to prove or disprove
9 confusion.
10 Q. And is that -- are these aspects of
11 source confusion the same as the source confusion
12 Mr. Hacker was addressing when he said, Cigar
13 smokers are aware that they cannot legally obtain
14 Cuban cigars in the United States?
15 MS. RODRIGUES: Objection.
16 Q. Page 10, I'm referring back to page
17 10, next page. And I'm pointing the witness --
18 A. Right.
19 Q. -- to the top.
20 A. A smoker can know you cannot legally
21 obtain Cuban Cohibas in the United States. That
22 does not mean, as he says, as a result, they also
23 know they are made by completely different
24 unconnected companies. There is not that
25 necessary link. You can well know that you can't

1 buy the Cuban Cohibas here, but you can get
2 another Cohiba, but if you believe in brands and
3 brand naming, you could well think that there is a
4 connection.
5 And in my survey, it was on the
6 Internet, so people don't elaborate too much, but
7 there were a significant number of people who
8 said, in effect, same name and the same company.
9 One was made in Cuba, and the other was made in
10 the Dominican Republic.
11 So he makes a leap which isn't
12 necessarily so for a significant number of people
13 who are aware of the embargo but don't believe
14 what he said.
15 Q. All right. Now, let me put these back
16 together again.
17 Keeping Exhibit Number 4 in front of
18 you, which is your study, your survey study, am I
19 correct that the first filter of the respondents
20 was people who had heard of Cohiba; is that
21 correct?
22 MS. RODRIGUES: Objection.
23 A. That was the first basic screen once
24 they were qualified as the respondent group that I
25 wanted to have interviewed.

1 Q. And what was the percentage that had
2 heard of Cohiba?
3 A. I believe, overall, for the premium
4 cigars, it was, like, 72 percent.
5 Q. And then was there a further screen
6 with respect to those people who thought Cohiba
7 was made in Cuba or Cuba and another country?
8 A. They were asked about awareness of a
9 number of brands, Cohiba being one of them. And
10 then for each of the brands that they said they
11 had heard of, they were asked if they knew where
12 it was made. If they said yes, they were asked to
13 type in the country or countries where they were
14 made. So that allowed us to determine how many of
15 those who said they were aware of Cohiba had
16 mentioned Cuba or mentioned another country or
17 both.
18 Q. And the people who were posed the
19 question that you indicated before, were those the
20 people who had heard of Cohiba and had -- and who
21 referenced Cuba when asked further questions?
22 A. Right. In order to qualify to be
23 shown the images of the General Cigar Cohiba, they
24 had to have indicated they were aware of Cohiba
25 and that they knew where it was made, and they

1 mentioned Cuba.
2 Q. Okay. So of those people, how many
3 gave responses that you considered to indicate
4 source confusion in the way you have defined it in
5 the study?
6 A. I believe it was 54 percent of those
7 who were shown the General Cigar box and cigar.
8 Q. And what percentage did that represent
9 of the total number of people who had heard of
10 Cohiba but did not indicate -- did not reference
11 Cuba in the further screening?
12 A. If you looked at all of the people who
13 were aware of Cohiba, I think it was 20 or 21
14 percent.
15 Q. Now, let me ask you to assume for the
16 moment that there is a greater awareness of Cuban
17 Cohiba than there was in the year 2000 when you
18 did this survey. Would that have any effect on
19 the level of confusion?
20 MS. RODRIGUES: Objection.
21 A. Well, I made the assumption the only
22 people who could be confused between -- or
23 potentially confused between the two cigar
24 entities were people who were aware of Cohiba. So
25 if you expand the number of people who were aware

1 of Cohiba from 72 percent up to a higher number,
2 that increases the universe the study might be
3 done with. And if you increase the number of
4 those people who are aware of the Cuban Cohiba,
5 that also expands the base.
6 As you expand the base of those who
7 are aware of the Cohiba made in Cuba, then the
8 percentage who are confused can be -- the
9 percentage of those confused can be smaller and
10 still produce a level that was shown in this
11 study. I know that may be a little confusing.
12 But in this study, and I'll round the
13 numbers, 50 percent of 40 percent was confused,
14 but if the 40 percent became 60 percent, then you
15 would need a lower confusion level to produce the
16 end result of 20 percent confusion, assuming 20
17 percent confusion is a threshold of anything. I
18 hope that is clear.
19 Q. Thank you.
20 A. If it's not clear, I can illustrate it
21 another way.
22 Q. No, that's fine.
23 A. Okay.
24 Q. Thank you.
25 Mr. Ossip, you have identified or

1 testified as to a number of factors that you
2 believe are relevant to considering whether the
3 findings of your testimony or the opinions you
4 expressed in your testimony and two prior reports
5 have continuing relevance to the question of
6 current confusion. Are there any other factors
7 that you have considered or want to consider with
8 respect to that question?
9 A. Well, over time, there are new people
10 who come into the market, and there are people who
11 drop out of the market. They either pass away, or
12 they stop smoking for health reasons. And the new
13 people may have a lot less information than the
14 older people. I think, for example, Mr. Hacker
15 tended to be in circles of people who are
16 knowledgeable about cigars. But as younger people
17 come into the market, they are less knowledgeable.
18 As they get more and more information on the
19 Internet, they have the potential confusion that I
20 mentioned before. That is one aspect.
21 And as people become -- as they read
22 these things, they become more familiar with the
23 existence of the Cuban Cohiba cigar, and I think
24 the reputation of Cuban cigars is still high. I
25 don't know how it compares with 17 years ago, but

1 it's still very high.
2 So there is a range of knowledge of
3 users, and they don't all know what Mr. Hacker
4 implies they know, just because they say I can't
5 buy a Cuban cigar. He indicates that a lot of
6 people asked him over time, can I get a Cuban
7 cigar, and there still are people that probably
8 don't know, but they find out, but it's less
9 likely they talk to a tobacconist. They would
10 have to go on the Internet.
11 Now, there has been some action in the
12 embargo, at least under President Obama's
13 administration. I think that would raise the
14 level of knowledge or existence of Cuban Cohiba.
15 So it would raise the base of people who could
16 potentially be confused.
17 He also may have mentioned parallel
18 brands, like Partagas and so on, and I think that
19 people were aware of the parallel brands in 2000.
20 And I think many people were aware of the embargo
21 in 2000, since it's been in effect for probably 40
22 years or more then. So he makes assumptions that
23 are too drastic and too extreme.
24 I found a very high level of confusion
25 among the people I asked those questions of, and

1 that pool of people, awareness of Cohiba Cuba has
2 expanded. And I think there will still be at this
3 time a significant, a legally significant level of
4 confusion if the same questions were asked, and
5 those questions were the typical, accepted
6 questions legally to determine confusion.
7 Q. In your -- within one of your reports
8 and in your written direct testimony in the
9 federal action, did you refer to and take into
10 account market studies and marketing materials,
11 General Cigar's market studies and marketing
12 strategies, documents concerning marketing
13 strategy?
14 A. Yes.
15 Q. And did -- in forming an opinion as to
16 whether things have remained -- circumstances have
17 remained the same or they have changed, would you
18 have wanted to see General Cigar's marketing
19 studies and marketing strategy documents in the
20 interim between then and now?
21 A. Sure, I would have like to have seen
22 them.
23 Q. You think that would be potentially
24 relevant to your assessment of the questions we've
25 been -- you have been testifying as to?

1 A. Yes, I believe so. Their studies were
2 done, some may have been -- I mean, they got a
3 license to sell under the Cohiba name in the '80s,
4 I think, but they didn't really get rolling until
5 maybe '97, if I recall correctly. They had,
6 maybe, some studies before that, and there were
7 issues with counterfeits, counterfeit Cohibas in
8 the United States. They may have had some studies
9 between '97 and 2000 and 2001. And I recall that
10 the organization doing it said some of its
11 advertising wasn't very effective, and there was
12 confusion.
13 So there was concern about confusion
14 in the studies they did then. And I assume, if
15 they were to do studies now or in the recent past,
16 it would contain some of the aspects of what was
17 in my study to determine how many people were
18 aware of Cohiba, where it was made and whether
19 they saw any connection. So yeah, if they did
20 those studies, they would be very relevant to the
21 discussion we're having.
22 Q. Are you familiar with the term "brand
23 equity"?
24 A. Yes.
25 Q. And what does that mean?

1 A. Brand equity, in broad terms, is what
2 the brand owns, the good will it owns, the
3 recognition it owns. If I own the brand name
4 Pepsi, it has a lot of equity. If I put that on
5 any product, what people feel about the brand in
6 total gets acquired by the line extension or
7 whatever it is. It's the feelings and the
8 recognition that people have for a brand, which is
9 worth money.
10 Q. Would you have liked to have seen
11 General Cigar's current internal assessment of the
12 brand equity of its Cohiba cigar?
13 A. Yes, there are various aspects of it.
14 It's a little more complicated, because they have
15 the same name. It's a brand name of another
16 product. As I said, there is a tendency for
17 people to think there is connection, if you have
18 the same brand name, it must be owned by the same
19 company or have some kind of business connection.
20 It's very rare to find the same brand name on two
21 things in roughly the same category that are not
22 connected business-wise.
23 So their brand equity, a lot of it
24 could be their history. The Cuban cigar history,
25 in fact, if you refer to documents in the past,

1 and I think some of their general documents were
2 to take advantage, as I call it, of the mystique
3 or the value of the Cuban cigar. If they could
4 take some of that and bring it to their product,
5 which they do by having the same brand name, that
6 is part of their brand equity.
7 MR. KRINSKY: I have no further
8 questions.
9 MS. RODRIGUES: Okay.
10 MR. KRINSKY: And I think we should
11 take a ten-minute break.
12 MS. RODRIGUES: That's fine. I have a
13 few more questions, but I would like the
14 ten minutes anyway.
15 MR. KRINSKY: Sure.
16 MS. RODRIGUES: Great. Thank you.
17
18 (Discussion held off the record.)
19
20 MR. KRINSKY: I'm going to mark the
21 notes.
22
23 (Exhibit Ossip-11, TWO-PAGE DOCUMENT
24 CONTAINING HANDWRITTEN NOTES, marked
25 for identification.)

1

2 BY MR. KRINSKY:

3 Q. Mr. Ossip, please look at Exhibit

4 Number 11. Are these the notes that you were

5 referring to and, in part, reading from earlier in

6 your testimony today?

7 A. Yes.

8 Q. Okay. Thank you.

9 MR. KRINSKY: Off the record.

10

11 (Discussion held off the record.)

12

13 (Recess taken.)

14

15 FURTHER EXAMINATION

16 BY MS. RODRIGUES:

17 Q. Good morning, again, Mr. Ossip.

18 A. Okay.

19 Q. Mr. Krinsky just asked you a number of

20 questions about your reports, about material

21 outside of your reports, about recent material.

22 As you know, I've objected to many of those

23 questions.

24 In particular, Mr. Krinsky asked you

25 about Mr. Hacker's report. And you, I believe,

1 mentioned, correct me if I'm mischaracterizing
2 anything, that Mr. Hacker made an assumption that
3 everyone reads and everyone is curious about
4 cigars. Do you recall that?
5 A. Yes, in general.
6 MR. KRINSKY: I object to the
7 mischaracterization of his testimony.
8 Q. Would you like to clarify that?
9 A. He said, if you know there is an
10 embargo, therefore you know that there is no
11 connection between American sold Cohiba and Cohiba
12 sold in the rest of the world. And I said that
13 wasn't necessarily so. People have different
14 levels of interest and spend different levels of
15 time exploring questions that may interest them.
16 Q. And how do you know that?
17 A. Well, I can look in my previous study
18 and get some information and --
19 Q. And how does your previous study --
20 MR. KRINSKY: Wait. You are
21 interrupting the witness's answer.
22 Q. Would you like to complete your
23 answer?
24 A. Yeah. In my previous study, people
25 who had unknown levels of information said, you

1 know, it has the same brand name, and therefore,
2 it's the same company or whatever, and they
3 needn't research it anymore. And other people
4 were aware of the embargo, and said, to avoid the
5 embargo, they had it produced in other countries.
6 Q. Did your previous study assess how
7 consumers become educated about the cigar market?
8 Was that the subject of that study, the 2001
9 study?
10 A. No, it wasn't.
11 MR. KRINSKY: When you say "study,"
12 are you referring to -- he did two studies.
13 MS. RODRIGUES: I clarified that it
14 was the 2001 study.
15 MR. KRINSKY: 2001 study, meaning the
16 survey?
17 MS. RODRIGUES: Survey, correct.
18 A. But in my other write-up, and I was
19 asked about studies that General Cigar did, and
20 they reached the conclusion that Cohiba buyers, at
21 that time, which were probably buyers or smokers
22 of the Cuban cigar, were generally less
23 knowledgeable than cigar buyers, premium buyers in
24 general.
25 Q. Well, --

1 A. Okay. For whatever the reason.
2 Q. Let's stop there, because I didn't get
3 an answer to my first question, which is whether
4 your 2001 study actually measured, in any
5 quantitative way, how consumers become educated
6 about premium cigars?
7 A. No, it did not.
8 Q. Did any of the studies that you
9 consulted in your subsequent report measure, in
10 any quantitative way, how consumers become
11 knowledgeable about premium cigars?
12 A. How they become knowledgeable?
13 Q. Sure.
14 MR. KRINSKY: You are asking for his
15 recollection?
16 MS. RODRIGUES: Yes.
17 A. I don't recollect it was that
18 specific.
19 Q. Okay.
20 A. Let me amend that.
21 Q. Sure.
22 A. I think there was information in my
23 report about Cigar Aficionado, because my report,
24 one of them, also referred to an issue that was
25 involved in the case, which related to awareness

1 of Cohiba in 1992, and that's when Cigar
2 Aficionado came out. And it was information that
3 I summarized, from whatever the source, relating
4 to the importance of Cigar Aficionado to smokers
5 at the time when it came out, because it was
6 relevant to that issue. So that appeared in the
7 report.
8 Q. So at that time, being 25 years ago?
9 A. Right. When Cigar Aficionado --
10 MR. KRINSKY: Objection. What is 25
11 years ago?
12 MS. RODRIGUES: At that time, 1992.
13 A. 1992.
14 MR. KRINSKY: Oh, I'm sorry.
15 Q. In your testimony a few moments ago,
16 you stated that, perhaps, there would be an
17 increase in the level of awareness of the Cuban
18 Cohiba. Do you recall that?
19 A. Yes.
20 Q. What is the factual basis for that
21 opinion?
22 A. Well, it's obviously my opinion, and
23 it derives partly from the fact that General Cigar
24 Cohiba has been around for another 15, 16 years
25 from when my study was done. And if people search

1 for information about that, they are told about
2 the Cuban cigar, because General Cigar wants to
3 take advantage of that heritage. So as they
4 collect information about General Cigar Cohiba,
5 they find out about the Cuban Cohiba. They become
6 aware of it.
7 Q. But that doesn't itself indicate --
8 MR. KRINSKY: Wait. I'm really going
9 to object to counsel interrupting the
10 witness's answer. If a question is asked,
11 the witness has to be given the opportunity
12 to give his full answer. So I would
13 appreciate, Counsel, asking the question
14 and waiting for Mr. Ossip to answer the
15 question fully.
16 Q. Did you complete your answer,
17 Mr. Ossip?
18 A. Well, you know, depends on -- no. It
19 depends on the time period. If you are thinking
20 about recent times with President Obama trying
21 to -- changing the access to Cuban cigars, where
22 you can buy as many as you want, as long as you
23 are not going to sell them, I'm sure that probably
24 raised awareness. And there might have been
25 newspaper articles that talked about buying, you

1 know, Cuban cigars. So at least, in the past
2 three quarters of a year, that might have affected
3 awareness of Cohiba, Cuban Cohiba.
4 Q. Okay. And previously, you said, if
5 people search for information about that, meaning
6 the General Cigar Cohiba, they are told about the
7 Cuban cigar, because General Cigar wants to take
8 advantage of that heritage. So as they collect
9 information about the General Cigar Company and
10 they find out about the Cuban Cohiba, they become
11 aware of that.
12 The question I was going to ask was,
13 that, in itself, does not indicate confusion
14 though; isn't that correct?
15 A. Right, it indicates awareness.
16 Q. Awareness. And you would have to
17 perform another study to determine whether any
18 number of the people who are aware of the Cuban
19 Cohiba are, in fact, confused about the source of
20 both brands?
21 A. Right.
22 MR. KRINSKY: Wait, wait. Let me read
23 that question and see if I have an
24 objection.
25 I object to the question. I think

1 it's too complicated. I don't know what
2 you mean when you ask, "that, in itself."
3 MS. RODRIGUES: Well, you can state
4 your objection, Mr. Krinsky.
5 MR. KRINSKY: My objection is --
6 MS. RODRIGUES: I want to caution you
7 about Rule 30.
8 MR. KRINSKY: Thank you. I don't know
9 what "in itself" refers to. So I'm
10 objecting.
11 MS. RODRIGUES: Okay.
12 A. Okay. Obviously, when I answer some
13 of these questions, it's my conjecture or opinion,
14 but that opinion is based on what experience I
15 obtained in this case and the answers I got in
16 studies I conducted or looked at. And it also is
17 based on my history in working with confusion
18 cases and the importance of brand name in telling
19 people whether there is a connection or not, and
20 that continues. That hasn't changed, and I think
21 that is, obviously, an essential point here,
22 because the names are the same.
23 And when you couple that with all the
24 information people get, which couples the General
25 Cigar brand with the Cuban brand and talks about

1 worldwide acceptance, worldwide acceptance does
2 not mean acceptance of a brand that is only
3 available in the United States.
4 So my opinion is based upon what I've
5 looked at and also based on knowledge of the
6 effect of some of the facts in this case on the
7 extent to which people could be confused.
8 Q. Why do you usually perform a Google
9 search?
10 A. Pardon?
11 Q. What's the reason why you would
12 usually perform a Google search?
13 MR. KRINSKY: Are you asking him or
14 people in general?
15 Q. Let's start with you, personally.
16 A. I don't know. Recent searches I've
17 done is I've seen some abbreviations or initials,
18 and I didn't know what they meant. So I looked
19 them up in Google. If someone says LOL, what does
20 that mean, lots of luck or something else. So
21 I've looked that up.
22 I looked up information about
23 companies, what business are they in. The depth
24 of my search depends on whether I get the
25 information I want topline or not. I will look up

1 people. I will go to intelius.com and look up
2 people.
3 Q. So you use Google to get more
4 information about a topic?
5 A. Yeah, sometimes.
6 Q. Is that fair to say?
7 A. Just to learn what it means or what
8 business a company is in, find out a person's age
9 or location or what's happening. At my age, I
10 will look up obituaries to see if my friends are
11 still alive that I haven't been in contact with.
12 Q. Do you ever go to Google and just
13 stare at the hit page and not click on anything
14 else?
15 A. No, I obviously click on something,
16 you know. The first things are usually ads, and
17 you try to find a topic that is very relevant.
18 You know, I don't know if I'm mistaken or not,
19 when I looked up Cohiba or something like that,
20 there were, like, 32 million references. And I
21 know people don't get past page 2, you know,
22 unless they are lawyers.
23 Q. What about in your professional
24 opinion, why do people use Google?
25 A. Why do they use Google?

1 Q. Yeah.
2 A. To find out information. Now, I've
3 been involved in a case involving just what we're
4 talking about. And people look at Google, they
5 look at some of the entries on the screen, and
6 sometimes they make assumptions just based on
7 that, and sometimes they look deeper, obviously,
8 until it hits what they want. It depends on the
9 individual.
10 Q. What was the case that you were
11 involved in that you were just referencing?
12 A. American Blinds versus Google.
13 Q. What was the issue in that case?
14 A. The issue was that American Blinds was
15 the name of a company that sold blinds. It didn't
16 relate to blinds made in America. When you put
17 American Blinds into Google, you get lots of ads
18 for companies that sold blinds but did not sell
19 American blinds.
20 So I did a study to find out what
21 people clicked on initially and what they thought
22 when they went to the site. And the net of it was
23 that a significant proportion of people who would
24 be, theoretically, looking for American blinds
25 clicked on sites where they thought they could buy

1 or get information about American blinds, and they
2 couldn't on those sites.
3 So that was the issue, and American
4 Blinds won on that issue but did not proceed to
5 follow it up, because it would cost them too much
6 money to fight Google.
7 Q. But you were assessing what people
8 clicked on and not whether they clicked through at
9 all?
10 A. It was, essentially, what they clicked
11 on. Because the issue became initial interest
12 confusion. And I mentioned that but in a
13 different vein yesterday. If I click on a site
14 thinking I can find American Blinds, and then I
15 see these other blinds, I may say, hey, these look
16 pretty good, and I may never go back and look
17 through American Blinds.
18 So it became an initial interest and
19 confusion issue, too. There the assumption was,
20 you were looking to buy something, not just
21 looking for information.
22 Q. Okay. Looking at Ossip Exhibit 9
23 again, should be in your pile here, this is the
24 Google search you printed out?
25 A. Yes.

1 Q. Is that correct? Okay.
2 And do you want to type in that same
3 Google search here.
4 A. Okay.
5 MR. KRINSKY: Can we identify, for the
6 record, what --
7 MS. RODRIGUES: Sure. I have placed
8 an iPad in front of the witness. And I
9 have the Google screen open. And I've
10 instructed the witness to type in the same
11 search that he did in the Google printout
12 marked as Exhibit 9, which is "Cohiba
13 cigars."
14 MR. KRINSKY: Whose iPad is it?
15 MS. RODRIGUES: This is my iPad. I
16 cleared the cache and cookies while we were
17 on the break.
18 A. Cohiba cigars is showing already, but
19 I will type it in.
20 Q. And do you see a list of results?
21 A. Do I see the results? Yes.
22 Q. Let's take a screenshot of this.
23 MS. RODRIGUES: For the record, I have
24 spoken with our reporter today. And I am
25 going to be emailing everything we

1 screenshot to the reporting company so that
2 they can compile it all as Exhibit 12.
3
4 (Exhibit Ossip-12, 29-PAGE DOCUMENT
5 CONTAINING SCREENSHOTS FROM MS.
6 RODRIGUES'S IPAD, marked for
7 identification.)
8
9 A. Now, it is my understanding, based on
10 my previous involvement in this Internet case,
11 that the screens may change from one area to
12 another and from one time to another. So the
13 screen you are showing me could be different than
14 the screen --
15 Q. It could be. I agree with that.
16 A. -- I looked at a day or two ago.
17 Q. Sure. If you scroll down further, I
18 just want to capture all of the results. If you
19 scroll down further, and then we'll take another
20 image. So if you can stop right here, I don't
21 think that was on the prior page.
22 A. Okay.
23 Q. Okay. Let's go down a little more,
24 and we'll try to capture what is below this entry.
25 A. Further?

1 Q. I think that's --
2 A. That is where it ended.
3 Q. Yep. Okay.
4 A. Okay.
5 Q. And there are some related searches,
6 and then we're at the bottom. So I'll take one
7 more screenshot. Is that all right with you?
8 A. Okay.
9 Q. Okay. Great. Go back up to the top
10 again. All right. And the first site that comes
11 up, I believe you testified that you thought that
12 was General Cigar's site. Do you see that site?
13 It says cohiba.com?
14 A. It said cohiba.com on my version.
15 Q. And on the iPad, does it just say
16 "Cohiba"?
17 MR. KRINSKY: What was the question?
18 A. It doesn't say any "dot com." It just
19 says "Cohiba." You don't know whether that is a
20 site.
21 Q. Okay. Do you want to click through
22 that site. And that takes you to cohiba.com;
23 right?
24 A. Right.
25 Q. Okay. I'm just going to take a

1 screenshot of that. It's probably the most
2 awkward thing I've done in a deposition.
3 We're going to go back. The next
4 site, what do you see there?
5 A. Cohiba cigars, finest Cuban cigars.
6 Finest Cuban cigars.
7 Q. It looks like that one is not on your
8 site. It pulled up for mine, but not yours.
9 A. It is.
10 MR. KRINSKY: It is.
11 A. But it's a dot com. It's third.
12 Q. You are right. You are right.
13 A. Do you want me to click on it?
14 Q. Please click through, yeah. And let's
15 take a screenshot of this. And if you can scroll
16 down that page, let me know if you see any Red Dot
17 Cohibas at all.
18 A. No, I do not.
19 Q. Okay. Let's go back to the search
20 page again.
21 A. Okay.
22 Q. And what is the third site that you
23 see there?
24 A. JR.
25 Q. Okay. Why don't you click through

1 that.
2 A. (Witness complying.)
3 Q. All right. And what do you see?
4 A. I see Cohiba.
5 Q. Okay. Which one?
6 A. General Cigar.
7 Q. Okay. Let's take --
8 A. Some with country names and some
9 without.
10 Q. Okay.
11 A. And some with silver horizontal
12 stripes, what I would call horizontal stripes.
13 MR. KRINSKY: I'd like to look at
14 this.
15 MS. RODRIGUES: That's fine. I'd like
16 to take a screenshot of it.
17 MR. KRINSKY: I'd like to look at it
18 now.
19 MS. RODRIGUES: Okay.
20 MR. KRINSKY: Okay. Thank you.
21 MS. RODRIGUES: Yep.
22 Q. All right. Let's take an image of
23 that. All right. Under the banner where it says
24 "Cohiba cigars," and it has the General Cigar
25 Cohiba logo, you see a short summary of the cigar.

1 Do you see that?
2 A. Yes, I do.
3 Q. Do you see any reference to Cuba in
4 that summary?
5 A. No.
6 Q. Okay. And before, you mentioned a
7 page from JR Cigars that you felt was confusing or
8 misleading?
9 A. Yeah.
10 Q. Do you know how to access that page
11 from where you are right now? Can you find it?
12 A. I don't know. How do I get to
13 Cohibas?
14 Q. So let me make a screenshot of this,
15 and I also want to make a comment for the record.
16 So the record reflects that -- what did you click
17 on to get here?
18 A. The Blending Room.
19 Q. Okay. So you clicked on the Blending
20 Room. And you just searched Cohiba?
21 A. That is what I just put in.
22 Q. On the Blending Room page. I'm just
23 narrating for the record.
24 A. Yeah.
25 Q. Okay.

1 A. "A sterling new line extension to one
2 of the world's most famous brands. Cohiba Blue
3 cigars come proudly displayed in eye-catching
4 bright blue boxes. Inside you will find 20
5 flawless parejos covered in gorgeous silky smooth
6 wrappers atop a three-nation," but it's an
7 extension to one of the -- a line extension to one
8 of the world's most famous brands.
9 Q. Is that the same page that you
10 mentioned earlier with the whole history of the
11 Cuban Cohiba? I'm going to take a screenshot of
12 this while you look at your notes. Okay?
13 A. Yes.
14 No, it's different.
15 Q. Okay. Can you access that page. Can
16 you find it for me?
17 A. I don't know, because pages change. I
18 accessed it when I copied it, but I don't know.
19 Let's try this.
20 MR. KRINSKY: I'd like the witness to
21 indicate what he clicked on and what the
22 text is that he was brought to.
23 MS. RODRIGUES: Okay.
24 Q. So you clicked on?
25 A. I clicked on the previous page in

1 order to get to the rest of the sentence. And the
2 rest of the sentence talks about "a three-nation
3 blend of the finest aged binder and filler to
4 tobaccos." It doesn't give the nations. Then it
5 talks about the cigar itself.
6 Q. Okay. Let's take a screenshot of
7 that, but that is still not the page you reference
8 in your notes?
9 A. That's right.
10 Q. Okay. If you want to go back and keep
11 trying to locate that page, I'll let you do that.
12 A. Which page?
13 Q. The page that you referenced in your
14 notes.
15 A. The page may no longer exist. These
16 things change.
17 Q. From 6/28 to 6/30, you think the page
18 disappeared?
19 A. I don't know if it's from 6/28.
20 Q. Right. I don't want to misrepresent
21 your testimony.
22 A. I could have gotten it the week
23 before. I didn't look, to get this image. So I
24 don't know whether that page exists. Also, I had
25 mentioned before that you can make an assumption

1 that the knowledge today is a function of
2 everybody looking on the Internet and reading
3 magazines today. But knowledge of an individual
4 about the topics of interest is something they
5 acquire and accumulate over time. Okay.
6 I may know the true story of the two
7 brands, but I may have learned that ten years ago.
8 Likewise, I may have learned -- gotten the
9 impression ten years ago that they were connected,
10 and I haven't changed my impression. So looking
11 at something today or yesterday doesn't tell the
12 whole story, because it's an accumulation of
13 knowledge. And I know from my previous
14 experience, pages change, and it changes -- it's
15 different in different parts of the country.
16 Q. I understand.
17 MR. KRINSKY: You are interrupting
18 the witness.
19 MS. RODRIGUES: Well, actually, he
20 didn't answer any question that I actually
21 asked. So I think, in this instance, I'm
22 entitled to interrupt.
23 MR. KRINSKY: No, I don't think you
24 are. You can object to it and move to
25 strike, but you cannot interrupt.

1 MS. RODRIGUES: And I will reserve my
2 right to do that. I'll move to strike the
3 previous testimony.
4 THE WITNESS: Okay.
5 Q. Let's go back to the Google page. So
6 scrolling down, do you see the page that you
7 referenced in your notes? Just let me know.
8 A. Okay. I find things here which --
9 Q. Is that --
10 A. -- would support confusion, as I read
11 it, about the U.S. ban on Cuban cigars comes to an
12 end.
13 MS. RODRIGUES: Motion to strike.
14 Q. That is not my question. Scrolling
15 down, do you see that page that you referenced in
16 your notes?
17 A. Did I see that page?
18 Q. Yes. It's a yes or no question.
19 A. No.
20 Q. Okay. So if it's on there, it may be,
21 it may not, you have to, kind of, dig for it; do
22 you agree with that?
23 MR. KRINSKY: Counsel is testifying.
24 You have to ask a question.
25 Q. Do you agree that if that page exists

1 on JR Cigars, that you have to dig around for it?
2 A. I don't understand your question.
3 Q. If you type Cohiba cigars -- we typed
4 "Cohiba cigars" into the Google search, and we got
5 Cohiba page on jrcigars.com; right? Then in order
6 to find the page that you were referencing, you
7 had to click through a link to the Blending Room,
8 perform a separate search, and then a number of
9 links popped up. And we are still -- we don't see
10 the article that you referenced; is that accurate?
11 Is that an accurate summary of what we just did?
12 A. Yes, except I don't know how I got to
13 the Blending Room. It might have been a specific
14 entry when I looked for that particular one. So I
15 don't know.
16 Q. Okay. Let's go back to the main
17 Google search. And if you could go to the next
18 link, buy authentic Cohiba Cuban cigars online.
19 A. This buy authentic Cuban cigars
20 online?
21 Q. Yep.
22 A. You want me to click that?
23 Q. Click through that, please.
24 A. (Witness complying.)
25 Q. And let's take a screenshot of that.

1 Do you mind if I grab it.
2 A. Yep.
3 Q. Thank you. Okay. Under where it says
4 "Cohiba cigars," can you read the first sentence.
5 A. "Cohiba is the flagship brand of
6 Habanos. It was created in 1966 for President
7 Fidel Castro and was made at the then top secret
8 but now world famous El Laguito factory. At
9 first, it was only seen outside Cuba as gifts for
10 heads of state and visiting diplomats. Since
11 1982, Cohiba has been available in limited
12 quantities to the open market."
13 Q. It references Habanos; is that right?
14 A. There it does.
15 Q. All right. Let's go back. Under
16 that, you see a lot of other question; right? It
17 says, "People also ask," and there is a list of
18 four questions that popped up; right? Could you
19 press the drop-down menu for the first question,
20 which is "Are Cohiba cigars from Cuba."
21 A. "Cohiba is a brand" --
22 MR. KRINSKY: Okay. She hasn't asked
23 you a question yet.
24 THE WITNESS: I'm sorry.
25 Q. Let's take a screenshot of that.

1 A. Okay.
2 Q. Could you read that into the record,
3 please.
4 A. "Cohiba is a brand for two kinds of
5 premium cigar, one produced in Cuba for Habanos
6 S.A., the Cuban state-owned tobacco company, and
7 other produced in the Dominican Republic for U.S.
8 based General Cigar Company," and et cetera.
9 Q. Okay. And the next entry is the
10 Wikipedia page; do you agree with that?
11 A. Say it again.
12 Q. The next entry after the four
13 questions --
14 A. Is Wikipedia.
15 Q. -- is Wikipedia; right?
16 MR. KRINSKY: She hasn't asked you to
17 do anything.
18 MS. RODRIGUES: The witness just
19 clicked through to Wikipedia.
20 MR. KRINSKY: That may be. But what's
21 your direction or question?
22 MS. RODRIGUES: Let's take a
23 screenshot of that.
24 Q. Can you read the first paragraph
25 there.

1 A. "Cohiba is a brand for two kinds of
2 premium cigar, one produced in Cuba by Habanos
3 S.A., the Cuban state-owned tobacco company, and
4 the other produced in the Dominican Republic for
5 U.S. based General Cigar Company. The name Cohiba
6 derives from the Taino word for 'tobacco.'"
7 Q. Let's click through the next link as
8 well, which is Cohiba cigars, buy Cuban cohibas
9 online. Can you do that for me.
10 A. Okay.
11 Q. And what do you see at the top of the
12 page?
13 A. You mean starting here?
14 Q. Yeah.
15 A. The design of Cohiba, Habana, Cuba
16 cigars.
17 Q. The Cuban Cohiba design?
18 A. Right. And then it says "Cigars
19 brand, Cohiba."
20 Q. Okay. Let's take a screenshot. Okay.
21 Great. I'll put this away for the time being.
22 So if you use Google to get
23 information about a product, is it safe to say
24 that you can get information that there are two
25 separate brands on a Google search?

1 A. No, it all says it's one, it's a
2 brand --
3 Q. And --
4 A. -- with two versions, or one made here
5 and one made there. It only says --
6 Q. By two different companies?
7 A. -- a brand.
8 MR. KRINSKY: You are interrupting the
9 witness again.
10 A. It only says it's a brand.
11 Q. But it --
12 A. It does not say it's two brands.
13 Okay. It's Cohiba is a brand for two kinds of
14 cigars or made in two places.
15 Q. But it does say there are two
16 different companies; is that correct?
17 A. In terms of being produced, yeah.
18 Q. Okay. You mentioned before, and
19 again, I'll give you the opportunity to clarify,
20 but that consumer source of information is what
21 they get online or on the packages that they
22 receive; is that correct? You can clarify it.
23 A. Those are two sources, yeah.
24 Q. Okay. What other sources? You
25 mentioned tobacco stores. Anything else?

1 A. Well, newspapers, magazines,
2 conversations with friends, relatives, associates,
3 Facebook and other -- Instagram, whatever.
4 Q. You mentioned the packages they get in
5 the mail, too?
6 A. Well, if they order or buy in a store,
7 they get a package, and it depends what appears on
8 the package.
9 Q. Have you inspected any packages
10 relating to or put out by either General Cigar or
11 Cubatabaco or Habanos for Cuba cigars?
12 A. Recently?
13 Q. Yes.
14 A. No. I've inquired about it.
15 Q. What does that mean?
16 A. I've asked whether there was a
17 disclaimer on the current box or package. I was
18 told there wasn't.
19 Q. Other than that, did you make any
20 further inquiries?
21 A. No, other than looking at the boxes
22 that appear on websites I looked at.
23 Q. Do you know if country of origin
24 appears on cigar boxes?
25 A. I believe so.

1 Q. Did you do anything since yesterday to
2 prepare for today's deposition?
3 A. Did I do anything?
4 Q. Yep.
5 A. I took a quick glance at Mr. Hacker's
6 report to refresh my memory on that.
7 Q. Anything else?
8 A. I looked at my report to refresh my
9 memory about some of the numbers I cited earlier
10 today.
11 Q. Anything else?
12 A. I made a copy of this.
13 MR. KRINSKY: Referring to?
14 MS. RODRIGUES: Exhibit 11.
15 A. Yeah, Exhibit 11. I don't recall if I
16 did anything else.
17 Q. Okay. Did you speak with counsel?
18 A. Did I speak with counsel?
19 Q. Uh-huh.
20 A. About anything relevant to the case?
21 Q. Well, let's start with, did you speak
22 with counsel?
23 A. Well, we were in the same cab.
24 Q. Did you speak with counsel about
25 anything relevant to the case?

1 A. No. Counsel said we can't discuss
2 anything.
3 Q. Okay. That is my assumption, but I'm
4 entitled to ask.
5 A. Okay. You sure are.
6 MS. RODRIGUES: I have no further
7 questions.
8 MR. KRINSKY: Let me use your -- the
9 same iPad that you examined the witness on,
10 and if you can bring us to google.com.
11 MS. RODRIGUES: Okay. Let me do that.
12 MR. KRINSKY: I asked counsel to show
13 the witness -- hand the witness her iPad
14 again.
15
16 FURTHER EXAMINATION
17 BY MR. KRINSKY:
18 Q. I'd like you to delete the current
19 search, and put in -- retype "Cohiba cigars" as a
20 Google search term.
21 A. Start over, is that what you are
22 saying?
23 Q. Uh-huh. And is this the same -- a
24 screen has come up. Is this the same screen that
25 you got when you did it at opposing counsel's

1 request?
2 A. Well, I'm not sure about the first
3 entry. It doesn't look the same.
4 Q. Okay. Can we take a screenshot of
5 this.
6 MS. RODRIGUES: Uh-huh.
7 Q. The first item --
8 MR. KRINSKY: If I could just do this
9 quickly, it would be easier than asking the
10 witness, but if you want to correct me.
11 Q. Just to identify the first item that
12 comes up, there are no ads on the top; is that
13 correct?
14 A. This is an ad.
15 Q. What is an ad?
16 A. Finish smoking, dash, the truth.com,
17 that is an ad.
18 Q. Okay. And then the next item is
19 Cohiba cigars, experience luxury?
20 A. Experience luxury.
21 Q. Cohiba?
22 A. Right.
23 Q. And then next item is Cohiba cigars,
24 JR Cigars; is that correct?
25 A. Yes.

1 Q. Can you click on that?
2 A. (Witness complying.)
3 Q. Okay. And there is an image that
4 comes up, is that correct, which includes your
5 ability to go to JR Blending Room; is that
6 correct?
7 A. Yes.
8 Q. Okay. Can you click on that.
9 A. (Witness complying.)
10 Q. And could you type in -- then you come
11 to the JR Blending Room; is that correct?
12 A. Yes.
13 Q. Can you type in "Cohiba."
14 A. (Witness complying.)
15 Q. And the second item, --
16 MR. KRINSKY: Can we take a screenshot
17 of this, please.
18 MS. RODRIGUES: Uh-huh.
19 Q. And the second -- what's the first
20 item? Will you read the first item that appears?
21 A. "Top ten rich and famous cigars:
22 Famous cigars for famous people."
23 Q. What is the next item under that?
24 A. Cohiba Blue.
25 Q. Okay. And Cohiba Blue is a General

1 Cigar product; is that your understanding?
2 A. Yes.
3 Q. And would you read what appears
4 underneath that?
5 A. "June 5, 2017, A sterling new line
6 extension to one of the world's most famous
7 brands. Cohiba Blue cigars come proudly displayed
8 in eye-catching bright blue boxes.
9 Q. What is a line extension?
10 A. That is an additional variety or size
11 of a product that's the same as its base brand.
12 Would be like Diet Coke was a line extension.
13 Q. Is a line extension -- is a product
14 that is in a line extension made by the same
15 company as makes other products in that line?
16 MS. RODRIGUES: Objection to form.
17 A. Yes. A line extension of a brand
18 continues that brand with another variety. If you
19 refer to a line extension within a company, which
20 is less common usage, it means that company is
21 putting out another product or version of a
22 product that they have. Typically, a line
23 extension relates to a brand.
24 Q. Would Diet Coke be a line extension of
25 Coke?

1 A. Yes Coca-Cola.
2 Q. Would American Express Gold Card be a
3 line extension of American Express Green Card?
4 A. Yes.
5 Q. And would American Express Black Card
6 be a line extension of American Express Green
7 Card?
8 A. Yes.
9 Q. And Platinum Card would be a line
10 extension of American Express Green Card?
11 A. Yes.
12 Q. And referring you back then to the
13 text under Cohiba Blue, is it your understanding
14 that General Cigar Cohiba is sold outside of the
15 United States?
16 A. No, it's my understanding it's not.
17 Q. Is it your understanding that Cuba
18 Cohiba is sold throughout the world?
19 A. Except the United States.
20 Q. Is it your opinion that a significant
21 number of people would read this text as
22 indicating that Cohiba Blue is a line extension of
23 the Cuban Cohiba?
24 MS. RODRIGUES: Objection to form.
25 Lacks foundation.

1 A. Can I answer it?
2 Q. Yeah.
3 A. Yes, it's a line extension of the
4 world's -- one of the world's most famous brands,
5 and Cohiba Cuba is one of the world's most famous
6 brands.
7 Q. And looking down to the third item
8 that appears on this screen, what does it say?
9 A. "Cigarillos: Get to know them, get to
10 love them."
11 Q. What is the fourth item?
12 A. "La Estrella Cubana Connecticut."
13 Q. What is the fifth item?
14 A. "La Estrella Cubana Habano."
15 Q. Can you scroll down, and what is the
16 next item underneath that?
17 A. "Cohiba Macassar."
18 Q. And what is the next item underneath
19 that?
20 A. "U.S. ban on Cuban cigars comes to an
21 end."
22 Q. That is the headline?
23 A. That's the headline.
24 MR. KRINSKY: I'm sorry. Can we take
25 a screenshot of this.

1 MS. RODRIGUES: Uh-huh.
2 Q. Would you read the text that appears
3 on this screen under that heading?
4 A. Under the U.S. ban heading?
5 Q. Yes.
6 A. "October 27, 2016, For centuries,
7 premium handmade Cuban cigars have been considered
8 the best in the world due to having the perfect
9 environment for growing cigar tobacco, impeccable
10 craftsmanship, and the intense, earthly flavors
11 that the smoke provides. These top-quality
12 sticks, although costly," and you have to click to
13 read more.
14 Q. After "although costly," are there
15 three dots?
16 A. Yes.
17 Q. And to read more, you have to click
18 what?
19 A. "Read more."
20 Q. Can you click "read more."
21 A. (Witness complying.)
22 MR. KRINSKY: Okay. Let's take a shot
23 of this screen.
24 Q. And what is the headline of the
25 material that appears on that screen?

1 A. "U.S. ban on Cuban cigars comes to an
2 end."
3 Q. Is there period, exclamation point?
4 A. Exclamation point.
5 Q. Okay. Directing your attention to the
6 first, second, third -- to the fifth paragraph,
7 I'd like you to read that fifth paragraph and also
8 draw your attention to the parenthetical.
9 A. Yes.
10 Q. Appearing in that fifth paragraph.
11 A. "After smoking your stash of premium
12 Habanos, will you be spoiled for life? Honestly,
13 we don't think so, because even though they are
14 unique in taste, the improvement of cigar
15 production in Honduras, the Dominican Republic and
16 Nicaragua (where all of the above brands are also
17 made) has increased so exponentially in the last
18 couple of decades, you will find almost no
19 difference in overall quality and construction."
20 Q. Does that text have any significance
21 for the initial confusion, in your opinion?
22 A. I think it does. If brand means to
23 many people what I've said it does, that if they
24 have the same brand name, you have a connection,
25 if that is what it means to you, this says that

1 those brands, including Cohiba, are produced in
2 Cuba and in other countries.
3 Q. And does it have any significance as
4 to the question of confusion as to association?
5 A. Again, it says it's the same brand.
6 So that's the association.
7 Q. Okay. And let's go back. Go back to
8 the prior screen. And could you continue to
9 scroll down.
10 A. I'm sorry. I shrunk it.
11 MS. RODRIGUES: It's okay.
12 Q. And after "U.S. ban on Cuban cigars
13 comes to an end," what is the next item?
14 A. "Weekly cigar roundup 31: Something
15 new is on the way."
16 Q. And the item after that?
17 A. "The amazing Macassar cigar from
18 Cohiba."
19 Q. And would you please read the text
20 that appears.
21 A. "October 18, 2016, Introducing
22 Macassar, an exciting new release from the famous
23 Cohiba company. This ultra premium masterpiece,
24 handmade in the Dominican Republic by General
25 Cigar draws its name from the rare wood that is

1 exquisite but difficult to procure, just as," dot,
2 dot, dot.
3 MR. KRINSKY: Can we have a screen
4 shot of this.
5 MS. RODRIGUES: Uh-huh.
6 Q. And I draw your attention to the
7 phrase in this text "the famous Cohiba company."
8 In your opinion, does that have any -- the use of
9 that phrase have any significance for the question
10 of confusion?
11 MS. RODRIGUES: Objection.
12 A. I think it does, because I think, to
13 me, it is saying that there is a Cohiba company,
14 "the famous Cohiba company." It's talking about a
15 company called Cohiba, like there is one.
16 Q. And does this suggest that a single
17 company produces different Cohiba products?
18 A. It suggests to me that the famous
19 company produces various cigars with the Cohiba
20 name on the cigars.
21 Q. And does it suggest that there is one
22 company that produces Cohiba named cigars?
23 MS. RODRIGUES: Objection.
24 A. To me, it implies there is one company
25 that markets them and/or produces them, whatever

1 the consumer thinks a company does.
2 Q. Okay. Could you scroll down, please.
3 Could you scroll down so we get a totally new
4 screen.
5 A. (Witness complying.)
6 Q. Okay. Thank you.
7 MR. KRINSKY: Can we have a screenshot
8 of this, please.
9 MS. RODRIGUES: Uh-huh.
10 MR. KRINSKY: Thank you.
11 Q. And can you scroll down to the next
12 screen. To do that, you hit number --
13 A. 2.
14 MS. RODRIGUES: The witness just hit 2
15 to go through to a separate screen?
16 MR. KRINSKY: Hit number 2 to go to
17 the next page, is that how we can refer to
18 it?
19 MS. RODRIGUES: Yeah.
20 MR. KRINSKY: Okay. Can we take a
21 screenshot of this.
22 Q. And what is the first item under on
23 this screen?
24 A. "Cohiba Behike."
25 Q. And can you read the text that appears

1 underneath that.
2 A. "July 14, 2016, This year, the cigar
3 world was abuzz with the celebration of the 50th
4 anniversary of Cohiba. During the XVIII Habanos
5 Festival, Cohiba released two highly exclusive
6 lines to commemorate half a Century of luxury
7 cigar making. These two cigars," dot, dot, dot.
8 Q. Is it correct that the remaining items
9 on this screen; one, two, three, four, five, refer
10 to Cuba in some way?
11 A. Yes, to a festival.
12 Q. And can we screen down, go screen
13 down.
14 A. (Witness complying.)
15 MR. KRINSKY: And can we take another
16 screenshot, please.
17 Q. And can we scroll down to another --
18 A. Another page?
19 Q. And is there -- on this screen, are
20 there items that refer to Cuba?
21 A. Well, first one says, "Holy smokes,
22 we're going to Cuba, by Steve Nathan."
23 Then there is "Cigar Aficionado top
24 25," but the word "Cuba" is not mentioned in the
25 two sentences that appear.

1 The third one, "The history of
2 Davidoff, part 4." There is a reference to Cuba.
3 Q. And the next one?
4 A. "The history of Davidoff, part 3."
5 Q. And the next one?
6 A. "Black and mild."
7 Q. Okay.
8 A. "An affordable fast smoke."
9 Q. Okay. Any reference to Cuba there?
10 A. Not in the two lines.
11 Q. The next one?
12 A. No reference. "Best 10 cigars to give
13 as a gift on a budget."
14 Q. Okay. The final one on this screen?
15 A. "The shapes and sizes of Habanos."
16 Q. Can you scroll down to the next
17 screen.
18 A. (Witness complying.)
19 Q. And how many items are on this screen?
20 A. There are three.
21 MR. KRINSKY: Can we take a
22 screenshot. I'm sorry.
23 MS. RODRIGUES: Uh-huh.
24 Q. And what is the third -- what is the
25 second item heading?

1 A. "The 10 best Cuban cigars."
2 Q. And what is the item underneath that?
3 A. "History of Cohiba."
4 Q. Okay. And can you click on that. And
5 when you click on that, have you seen this -- can
6 you describe what the title of this page is, the
7 way it appears?
8 A. "JR The Blending Room."
9 Q. And then underneath?
10 A. "Home to Cuban cigars, the history of
11 Cohiba."
12 Q. And underneath that, there is an image
13 of what?
14 A. An image of Cohiba cigars Republica
15 Dominicana.
16 Q. Have you seen this page before?
17 A. I believe I have, the side pictures
18 may have been different. I have no idea.
19 Q. Okay. Let's go back.
20 A. Go back?
21 Q. Yep. You do it.
22 A. (Witness complying.)
23 Q. Okay. And we're at the end of page 2;
24 is that correct?
25 A. Yes.

1 Q. And can you hit page 3?
2 MS. RODRIGUES: You are clicking
3 through another link to the next page?
4 THE WITNESS: Next page, yes.
5 MS. RODRIGUES: Okay.
6 Q. What is the first item there?
7 A. "The opening of the U.S. Embassy."
8 Q. Okay.
9 MR. KRINSKY: Can we take a screenshot
10 of that. I'm sorry. Thank you.
11 Q. And can you -- and what is the -- and
12 can you scroll down to the next screen.
13 A. (Witness complying.)
14 Q. Okay.
15 MR. KRINSKY: Can we take a screenshot
16 of that.
17 Q. And can you scroll down to the next
18 screen.
19 A. (Witness complying.)
20 Q. And is there any further pages to go
21 to?
22 A. It doesn't indicate any, no.
23 Q. Okay.
24 MR. KRINSKY: If we could ask counsel
25 to take us back to where we began.

1 MS. RODRIGUES: I assume you mean the
2 Google search.
3 MR. KRINSKY: Yeah.
4 MS. RODRIGUES: Okay. I'll put on the
5 record that I had to tap back five times to
6 get to that search.
7 Q. Okay. Could we scroll down.
8 A. (Witness complying.)
9 Q. Okay. Can we scroll back up.
10 A. (Witness complying.)
11 Q. Thank you. And could you delete the
12 search term.
13 MS. RODRIGUES: Do you want to just
14 delete the search term?
15 MR. KRINSKY: Yeah.
16 MS. RODRIGUES: Okay. It's blank now.
17 Q. Okay. Can you type in "Cohiba cigars"
18 again.
19 A. (Witness complying.)
20 Q. Now, is this the same page as -- when
21 you typed the search term, is this the same page
22 that you saw before?
23 A. No, the first entry disappeared.
24 MS. RODRIGUES: That being the stop
25 smoking ad?

1 THE WITNESS: Yeah.
2 MR. KRINSKY: Can you take a
3 screenshot of that.
4 MS. RODRIGUES: Uh-huh.
5 Q. Okay.
6 MR. KRINSKY: You can return the iPad.
7 Q. Now, you testified earlier concerning
8 a case in which you did a study that involved
9 American Blinds and Google. Do you recall that?
10 A. Yes.
11 Q. Okay. In that case, when -- did I
12 understand you correctly that when someone typed
13 in the search term "American Blinds" in Google,
14 some advertisements for the sale of blinds came up
15 on the screen; is that correct?
16 A. Yes.
17 Q. And how do those -- and the people,
18 the companies that were -- those were people --
19 those were ads of companies that were selling
20 blinds; is that correct?
21 A. Yes.
22 Q. And do they pay Google in order to
23 place their ads on the Google page?
24 A. Yes.
25 Q. Is it a frequent practice, in your

1 understanding, that companies pay Google to have
2 their advertisements for their products appear on
3 Google pages?
4 A. Yes.
5 Q. From your research, is it your
6 understanding that substantial sums are paid to
7 Google for that?
8 A. Yes.
9 Q. Is it your understanding that Google
10 is used by consumers to find products to buy?
11 A. Yes.
12 Q. Is it your understanding that
13 companies pay Google to place their material high
14 on the items that appear in response to a Google
15 search?
16 A. Yes. I believe you bid on a position,
17 and the higher the position, the more you pay for
18 the clicks, however the rate is determined.
19 Q. Is it your understanding that this is
20 a big business for Google?
21 A. That is their business, essentially.
22 Q. In your preparation for this
23 deposition, did you observe any General Cigar
24 boxes for Cohiba online?
25 A. I looked at the boxes that appeared in

1 my report, which were boxes used 17 years ago, and
2 I did see the boxes that might appear on the
3 sites.
4 Q. I'm sorry. Go ahead.
5 A. That might appear in the ads or appear
6 on the sites, because many of the sites are
7 selling cigars.
8 Q. When you say "might appear," that
9 means when you looked at -- when you went online
10 in connection with preparation for this deposition
11 within the last couple of weeks; is that correct?
12 A. Yes.
13 MR. KRINSKY: No further questions.
14 MS. RODRIGUES: I have maybe -- I
15 never like to promise, but I have maybe
16 just a couple of more and mostly just for
17 clarification purposes.
18
19 FURTHER EXAMINATION
20 BY MS. RODRIGUES:
21 Q. Are you aware of any affiliation
22 between JR Cigars, the website that we spent a lot
23 of time on today, and the petitioner in this case,
24 Cubatabaco or Habanos?
25 A. No, I'm not aware.

1 Q. Would it surprise you to know there is
2 an affiliation?
3 A. Would it surprise me to know there is?
4 Q. Yeah.
5 A. Perhaps, yeah.
6 Q. Okay. With Mr. Krinsky, you reviewed
7 an article on the JR Cigar site regarding the
8 headline that mentioned that the embargo was
9 coming to an end. Do you recall that?
10 A. Yes.
11 Q. And in that article, there was a
12 reference to brands, not the Cohiba brand
13 specifically, but brands manufactured outside of
14 Cuba, such as in Nicaragua and Honduras. Do you
15 remember that?
16 A. Yeah, Cuban brands also manufactured
17 outside.
18 Q. I think you testified yesterday that
19 since 2001 or 2002, you did no research into
20 consumer perception or awareness of parallel
21 brands; is that correct?
22 A. That's correct.
23 Q. Okay. A couple of other items. In
24 Exhibit 11, which is your handwritten notes
25 regarding a number of websites, Mr. Krinsky asked

1 you about these websites, but you didn't put in or
2 he didn't put into the record copies of all of the
3 websites that you took notes on; is that fair to
4 say?
5 MR. KRINSKY: Objection. Ask if he
6 has a foundation for knowing that.
7 MS. RODRIGUES: That wasn't my
8 question.
9 A. I've been involved in the case for
10 what, a month and a half, and I was also given a
11 lot of material, some of which were shots of
12 websites. Okay. So my notes came from those
13 shots of websites or my looking at a website.
14 Okay. And I felt they were all relevant, because
15 people collect information over time. So I
16 abstracted from those examples of where I felt
17 information might be misleading.
18 Q. Were any of those examples taken out
19 of context?
20 A. What do you mean "out of context"?
21 Since they are abstracts of something larger, they
22 are taken out of their total environment.
23 Q. Okay. Let's take a look at one
24 example. This is from famoussmoke.com, which is
25 the third example that you have written down on

1 Ossip Exhibit 11.
2 A. Okay.
3 Q. And I will have you -- we can
4 screenshot this.
5 A. Famous?
6 Q. Uh-huh. If you can scroll down,
7 underneath the images, there is, maybe, the
8 pricing and a description of the cigar. Do you
9 agree with that?
10 A. Yes.
11 Q. And the second heading in bold, what
12 does that say?
13 A. "Are Cohiba cigars from Cohiba. The
14 answer to this is yes, but those are a different
15 company than the Red Dot Cohiba that are available
16 for sale in the USA."
17 Q. Okay. And just above that, it
18 references the litigation, does it not, before the
19 bold heading?
20 A. This was a Cohiba cigar. "This is one
21 whose name even nonsmokers know well. It's a
22 brand that skyrocketed to popularity, even before
23 the boom. It is the only authentic Cohiba cigar
24 that can be bought legally in U.S. and is one of
25 the only smokes out there worthy of its string of

1 trademark lawsuits."
2 Q. So would you agree with me that while
3 there may be misleading statements on some sites,
4 that if you were to read the entire site in
5 context, there may be other statements that would
6 disabuse a consumer of any misconception or
7 confusion?
8 A. It might disabuse them, or it might
9 not. That statement about lawsuits might not mean
10 anything, unless they are familiar with the
11 lawsuits, because there can be all sorts of
12 lawsuits.
13 Q. Understood. But the next statement
14 about there being two companies, would that help
15 disabuse a consumer of any misconception?
16 A. Well, what preceded the statement
17 about two companies?
18 Q. It said, "Are Cohiba cigars from
19 Cuba." And then, as I believe you read, "The
20 answer is yes, but those are a different company
21 than the Red Dot Cohiba that are available for
22 sale in the USA."
23 A. Okay.
24 Q. Do you agree with that, that is what
25 you read; right?

1 A. Yes.
2 Q. I'm going to just screenshot this page
3 as well.
4 A. Okay.
5 Q. For the record, I screenshotted the
6 top of the page and then scrolled down to where
7 you can see the text.
8 MS. RODRIGUES: And I don't think I
9 have any further questions today.
10 MR. KRINSKY: I ask counsel to get us
11 back to what she showed the witness about
12 Famous.
13
14 FURTHER EXAMINATION
15 BY MR. KRINSKY:
16 Q. And can you scroll to the top of this
17 page for us.
18 A. (Witness complying.)
19 MR. KRINSKY: Did we take a screenshot
20 of this, the first page, I mean, first
21 screen?
22 MS. RODRIGUES: I did, yes.
23 Q. And there are images at the top of
24 this screen. There are four images of Cohiba; is
25 that correct?

1 A. Yes.
2 Q. And one of them is Cohiba Blue; is
3 that correct?
4 A. Yes.
5 Q. One of them is Cohiba Black; is that
6 correct?
7 A. Yes.
8 Q. And is there -- in those images, is
9 there a country of origin indicated on any of
10 those images?
11 A. No.
12 Q. Okay. And towards the bottom third of
13 the screen, there is another image, and that image
14 indicates -- what does it indicate?
15 A. Cohiba Nicaragua.
16 Q. Scroll down. Now, the first question
17 in bold is "What is a Cohiba cigar," is that
18 correct?
19 A. Yes.
20 Q. Does that suggest to you that there
21 is -- that it is singular or multiple?
22 MS. RODRIGUES: Objection.
23 A. Well, the phrase is in the singular.
24 Q. Okay. And reading underneath that,
25 the second sentence reads, "It's a brand that

1 skyrocketed to popularity even before the boom."
2 Do you see that?
3 A. Yes.
4 Q. Okay. Is the reference to "brand"
5 singular there?
6 A. A brand, yeah.
7 Q. Okay. And from your prior study and
8 research, do General Cigar -- when was this, what
9 is referred to as the cigar boom, do you recall,
10 from your prior work?
11 A. Yeah. In the early '90s. I guess it
12 coincided with Cigar Aficionado Magazine coming
13 out.
14 Q. And had General Cigar's Cohiba
15 skyrocketed to popularity before the cigar boom?
16 A. No.
17 Q. Had the Cuban Cohiba?
18 A. Yes.
19 Q. In your survey, was one of the
20 questions you posed to the respondents -- let me
21 look at your survey. I'm sorry.
22 A. Questions are in the back.
23 Questionnaire is in the back.
24 Q. Okay.
25 MR. KRINSKY: I ask the witness to

1 look at his survey report, Ossip Number 4,
2 and the question posed, question 24 -- I
3 believe it is 24, that was posed to
4 respondents, and the tabulation is on Table
5 26.
6 Q. What was that question that was posed?
7 A. It was one of the three questions
8 related to confusion. "Do you think the company
9 that makes Cohiba cigars from Cuba and the company
10 that makes the cigar shown above," which says
11 Dominican Republic, "do or do not have an
12 affiliation, association or business connection
13 with each other, or don't you know."
14 Q. And who are the people who were asked
15 this question?
16 A. The people who are aware of Cohiba and
17 that it was made in Cuba.
18 Q. And does this question -- I'm sorry.
19 A. I'm looking, because if you are going
20 to refer to the answers, this page refers to only
21 one half of the sample. Okay. So I'm looking for
22 the comparable question, for the other half of the
23 sample. Because half saw a closed box and half
24 saw an open box with more information.
25 Q. Let's just focus for a moment on the

1 question. And why was this question asked, about
2 an association between two companies?
3 A. Why was it asked?
4 Q. Uh-huh. Let me withdraw it.
5 Is it your understanding that a
6 consumer's belief that there are two companies but
7 that they are associated is a form of consumer
8 confusion?
9 A. Yes.
10 Q. Okay. And was this question meant to
11 get at that form of consumer confusion?
12 A. Yes. These people were asked if they
13 think the company that makes the cigars from Cuba
14 and the company that makes the cigars we showed
15 them, which was not made in Cuba, it said
16 Dominican Republic, we asked them if those two
17 companies had an affiliation, association or a
18 business connection in this question, correct.
19 Q. And did some respondents answer that
20 question in the affirmative?
21 A. Yes.
22 Q. And did you consider that a form of
23 confusion that you reported on in your report?
24 A. It is, according to the way these
25 studies have been done in the past by the U.S.

1 Courts and Trademark Board.
2 Q. And --
3 A. May I comment on that?
4 Q. Yeah. Sure.
5 A. And I wanted to comment --
6 Q. Please elaborate.
7 A. -- before when Ms. Rodrigues asked the
8 question, you can believe they are made by
9 different companies in different countries, but
10 they can still be connected; association,
11 affiliation, licensing or what have you. And in
12 fact, many, many years ago, General Cigar did get
13 a license for the name. So they are made in
14 different countries, as was indicated by the
15 statement on the Internet, does not mean people
16 cannot think there is a business connection.
17 MR. KRINSKY: All right. No further
18 questions.
19 MS. RODRIGUES: No questions.
20 MR. KRINSKY: On the record, counsel
21 has used her own iPad to examine the
22 witness with Google searches. I have done
23 the same. I'm going to ask counsel not to
24 use this iPad further with respect to
25 Cohiba until I've had an opportunity to

1 consult with people more knowledgeable than
2 me about the technology, about whether
3 there is any information we want to have
4 counsel to produce from her iPad.
5 MS. RODRIGUES: Okay. I'll take -- I
6 don't think that was a request, but --
7 MR. KRINSKY: It is a request that you
8 not use this iPad further with respect to
9 Cohiba until I've had a time to consult and
10 get back to you as to whether we have any
11 demands for production of the iPad or for
12 production of information from the iPad.
13 MS. RODRIGUES: What do you mean by
14 not use it further with respect to Cohiba?
15 MR. KRINSKY: Not do any Google
16 searches or any alteration of search
17 histories.
18 MS. RODRIGUES: Okay. I will save the
19 search history.
20 Can we go off the record for one
21 second.
22
23 (Discussion held off the record.)
24
25 MS. RODRIGUES: As I mentioned

1 throughout the deposition, I just want to
2 restate that I have objected today to
3 questions posed by Mr. Krinsky to the
4 witness on any topics outside of the scope
5 of his expert reports and testimony
6 provided in 2001, 2002 and 2003 and the
7 district court litigation, as well as to
8 questions regarding Mr. Hacker's report
9 produced in this TTAB proceeding.
10 MR. KRINSKY: We had our contrary view
11 on all of that. So we both have preserved
12 our positions. Very good.
13 MS. RODRIGUES: Great.
14 MR. KRINSKY: Thank you.
15
16
17
18 (Time noted: 1:11 p.m.)
19
20
21
22
23
24
25

1 STATE OF NEW YORK)
2 ss:
3 COUNTY OF)
4
5
6 I, ALVIN OSSIP, hereby certify that I
7 have read the pages of the foregoing testimony of
8 this deposition and hereby certify it to be a true
9 and correct record.
10
11
12
13 _____
14 ALVIN OSSIP
15
16 Subscribed and sworn to before me
17 this day of , 20 .
18
19
20 _____
21 Notary Public
22
23
24
25

DECLARATION OF ALVIN OSSIP

I, Alvin Ossip, declare under penalty of perjury, that I have read the foregoing testimony of this deposition and hereby certify it to be a true and correct record.

Dated: September 12, 2017

ALVIN OSSIP

1 I N D E X

2

WITNESS	EXAMINATION BY	PAGE
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	Ms. Rodrigues	136:17
	Mr. Krinsky	165:18
	Ms. Rodrigues	183:21
	Mr. Krinsky	188:16

(Exhibits retained by the court reporter.)

E X H I B I T S

Exhibit No.	Exhibit Description	Page
Ossip Exhibit 8	DOCUMENT CONTAINING CURRICULUM VITAE OF AL OSSIP	96
Ossip Exhibit 9	TWO-PAGE DOCUMENT CONTAINING GOOGLE SEARCH RESULTS FOR COHIBA CIGARS	112

Ossip Exhibit 10	DOCUMENT ENTITLED REPORT OF RICHARD CARLETON HACKER, MAY 31, 2017, WITH EXHIBITS	123
Ossip Exhibit 11	TWO-PAGE DOCUMENT CONTAINING HANDWRITTEN NOTES	135
Ossip Exhibit 12	29-PAGE DOCUMENT CONTAINING SCREENSHOTS FROM MS. RODRIGUES'S IPAD	149

1 C E R T I F I C A T I O N
2
3 STATE OF NEW YORK)
4 ss:
5 COUNTY OF WESTCHESTER)
6
7 I, APRIL PEARL, Court Reporter and
8 Notary Public within and for the County of
9 Westchester, State of New York, do hereby certify:
10
11 That I reported the proceedings that
12 are hereinbefore set forth, and that such
13 transcript is a true and accurate record of said
14 proceedings.
15
16 AND, I further certify that I am not
17 related to any of the parties to this action by
18 blood or marriage, and that I am in no way
19 interested in the outcome of this matter.
20
21 April Pearl
22
23 _____
24 APRIL PEARL
25 Court Reporter

CASE: *Empresa Cubana Del Tabaco v. General Cigar, Inc.*
DATE OF DEPOSITION: 6/29-30/2017
WITNESS NAME: Alvin Ossip

I, Alan Ossip, declare under penalty of perjury that the following is true and correct.

PAGE	LINE(S)	CHANGE	REASON
55	23-25	"so the 20% confusion I found among all those aware of Cohiba was based on doing it with a limited number of people, namely only those who said Cohiba was made in Cuba (or Cuba and elsewhere)."	Clearer, more complete statement of intended meaning
73	12-13	"are you aware of Cohiba made in Cuba" should read: "those who are aware of Cohiba made in Cuba"	Clearer statement of intended meaning
78	20-21	"and many of those aware of Cohiba were not asked the survey"	Clearer statement of intended meaning
10	14	I recall now it was Havana Club in 1999	Could not recall at time
30	10	"like Myoflex" should have been "Osteo Bi-Flex".	Correction of faulty recollection

Dated: September 12, 2017

Alvin Ossip

ALVIN OSSIP

1 ERRATA SHEET
VERITEXT/NEW YORK REPORTING, LLC
2
CASE: Empresa Cubana Del Tabaco v. General Cigar, Inc.
3 DATE OF DEPOSITION: 6/30/2017
WITNESS NAME: Alvin Ossip
4
5 PAGE | LINE (S) | CHANGE | REASON
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19 _____
Alvin Ossip
20 SUBSCRIBED AND SWORN TO BEFORE ME
THIS ____ DAY OF _____, 20__.
21
22
23
24 _____ _____
25 (NOTARY PUBLIC) MY COMMISSION EXPIRES:

&

& 95:2

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

In the matter of Trademark Registration No. 1147309
For the mark COHIBA
Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273
For the mark COHIBA
Date registered: June 6, 1995

EMPRESA CUBANA DEL TABACO, d.b.a. CUBATABACO, Petitioner, v. GENERAL CIGAR CO., INC. Respondent.	:	Cancellation No. 92025859

PARTY OFFERING: PETITIONER

Exhibit 8 to the TTAB Discovery Deposition Transcript of Alvin Ossip, dated June 30, 2017

AL OSSIP
MARKETING RESEARCH CONSULTING
11 HOMEWOOD ROAD • HARTSDALE, NY 10530
(914) 682-4782
682-1582
alossip@optonline.net

Professional Experience

Jan. 1986- Present **Independent Marketing Research Consultant**

Consultant for legally oriented applications of marketing and advertising research surveys and experimental designs covering:

- trademarks, trade dress issues
- advertising claims substantiation
- advertising communication/perception

Role has ranged from review of ads, packages, names or research studies to design of studies, supervision of study execution and expert witness testimony for support or challenge.

Retained by many law firms, advertisers, as well as research firms and ad agencies on wide range of product and service categories.

(Includes: food, beverages, tobacco, household products, laundry products, health & beauty aids, prescription and OTC drugs, autos and automotive products, apparel, fragrances, appliances, toys, household furnishings, financial products, books and magazines, telecommunications, advertising media, entertainers, industrial products, retail and service establishments.)

Prepared ad substantiation procedures for several major advertisers. Conducted in-house seminars.

Consulted for survey methodology improvement for various companies.

1962-1986 **General Foods Corporation**

- Director, Corporate Services (Marketing Research Department)

Directed marketing research for corporate areas (Law, Media, Sales, Promotion, Public Affairs, Personnel, Consumer Center). Served as department methods consultant. Also supervised: Statistical Applications, Marketing Information Center, MRD training, advertising claims substantiation .

- Director, Survey Research

Directed survey research for all General Foods domestic products. Also supervised: in-house supplier, methods development, quality control. Devised and administered company's advertising claims substantiation procedures.

PENGAD 800-631-6989
EXHIBIT
Ossip 8
6/20/17 AP

General Foods Corporation

- Manager, Division Research

Directed all marketing research activity for: pet foods, cereals, breakfast beverages and frozen foods.

1960-1962 **Foote, Cone & Belding Advertising**

Account Research Supervisor for: Contac Cold Capsules (national introduction), Rheingold Beer, Pepsodent Toothpaste.

Education

BBA, magna cum laude- Marketing Research & Statistics.
Baruch College, City University of New York

MBA, Marketing- New York University

Other Activities

Speaker - Numerous conferences and seminars for Advertising Research Foundation, Better Business Bureaus, law societies and others.

Instructor - Previous experience: CASRO Project Director Training Program, General Foods Marketing Research and Product Management Training Programs, Adelphi University Evening Program.

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Testimony at trial (Client underlined)

- Maybelline Co. v. Noxell Corp. and Lintas
  USDC Eastern District of Arkansas LR-C-86-455

- Rubbermaid Inc. v. Tucker Housewares
  USDC District of Massachusetts Civil Action 89-40154 Y

- GFA Brands Inc. & Fitness Foods v. Canbra Foods Ltd. and Campbell-Mithun-Esty
  USDC Northern District of California Civil Action 90-0150

- Koch & Lowy and PAF v. Lon Tai Shing
  USDC Southern District of NY Civil Action 90 Civ 4464

- Limited Express Inc. v. Brambella
  TTAB Opposition 80525 '90

- Sizes Unlimited Inc. and the Avenue v. Sizes To Fit Inc
  USDC Eastern District of NY Docket # CV 92-2443

- Arche Inc. v. Azaleia USA
  USDC Southern District of NY 93 Civ 0817

- Bell South Corp. v. B.E.L.- Tronics Limited
  USDC N. District of Georgia, Atlanta Div 93: CV 1714

- Hershey Foods v. Warner Lambert
  TTAB Opposition 77 to application 73/616,897

- Avon Products v. S.C. Johnson
  USDC Southern District of NY 94 CV 3958

- Princeton Review v. Stanley Kaplan Educational Center
  Arbitration Hearing 6/94

- The Black & Decker Company v. Patrick Mastronardo
  Trademark Trial and Appeal Board 1998

- Messenger v. Gruner & Jahr
  USDC Southern District of NY 1998

- QVC v. Home Shopping Network
  Trademark Trial and Appeal Board 1998

- Havana Club Holding v. Galleon
  USDC Southern District of NY 1999

- Quanterra v. Warner Lambert
  USDC for the District of Colorado 1999

- The Teaching Company v. Unapix Entertainment
  USDC Eastern District of Virginia, Alexandria Division 1999

- Eppendorf-Netheler-Hinz v. Ritter
  USDC Southern District of Mississippi 2000

- Star Industries v. Bacardi & Co.
  USDC Southern District of NY CA 02 Civ 4239 (2003)

- Playtex v. Procter & Gamble
  USDC Southern District of NY 02 Civ 8046 (2003)

- Empresa Cubana Del Tabaco v. General Cigar
  USDC Southern District of NY 2003

- Joel D. Wallach v. Longevity Network, LTD
  USDC Central District of California 2005
  Testimony via report

- American Blinds & Wallpaper v. Google
  USDC Northern District Of California 2007
  Testimony via report

- Playtex v. Procter & Gamble
  USDC Southern District of NewYork 2007

- Tamares Las Vegas Properties v. The El-Ad Group
  USDC Clark County, Nevada 2008

- Rexall Sundown v. Perrigo Company of South Carolina
  USDC E.D.N.Y 2010

- Corporacion Habanos v. Guantanamera Cigar Co.
  Trademark Trial and Appeals Board Opposition 2011

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

In the matter of Trademark Registration No. 1147309
For the mark COHIBA
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AND

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For the mark COHIBA
Date registered: June 6, 1995

EMPRESA CUBANA DEL TABACO, d.b.a. CUBATABACO, Petitioner, v. GENERAL CIGAR CO., INC. Respondent.	:	Cancellation No. 92025859

PARTY OFFERING: PETITIONER

Exhibit 9 to the TTAB Discovery Deposition Transcript of Alvin Ossip, dated June 30, 2017

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Cohiba Cigars - Finest Cuban Cigars
https://www.finestcubancigars.com/brands/all-cigar-brands/cohiba.html
Strength: Full **Cohiba**, Fidel Castros preferred brand, was created in 1966 as Havanas premier brand for diplomatic purposes. Since 1982, it was offered to the ...
Cohiba Esplendidos · Cohiba Robusto · Cohiba Siglo VI · Cohiba Maduro 5 Magicos

Cohiba Cigars - Thompson Cigar
https://www.thompsoncigar.com/category/CIGAR-BRANDS/COHIBA/.../pc/9833.uts
Thompson **Cigars** carries five lines of the General **Cigar Cohiba** family. In addition to the general **Cohiba** line, we have the signature **Cohiba** Red Dot line of ...

People also ask

Are Cohiba cigars from Cuba?

How much does a box of Cohiba cigars cost?

How much is a Cuban cigar?

What is the best Cohiba cigar?

Feedback

Buy authentic Cohiba cuban cigars online from cigars-of-cuba.com ...
https://www.cigars-of-cuba.com › Brands › Cohiba
Buy authentic cuban **cigars** from the **Cohiba** brand. **Cohiba** is the flagship brand of Habanos. It was created in 1966 for President Fidel Castro and was made at ...

Cohiba Cigars | Mike's Cigars
www.mikescigars.com/brands/cohiba
Rating: 4.4 - 5 votes
Cohiba as we know it in the good ole USA is produced and crafted by General Cigar Company in the Dominican Republic, which makes it the only legal **Cohiba** ...

Cohiba (cigar brand) - Wikipedia
https://en.wikipedia.org/wiki/Cohiba_(cigar_brand)
Cohiba is a brand for two kinds of premium **cigar**, one produced in Cuba for Habanos S.A., the Cuban state-owned tobacco company, and the other produced in ...

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Cohiba - Cigars International
https://www.cigarsinternational.com › Cigars ▾
Cohiba cigars are the most well-known cigars the world-over. Each **Cohiba cigar** is a luxurious, top-shelf handmade crafted using only the most premium.

Cohíba cigars - Buy cuban cigars online - Authentic Habanos cigars ...
www.topcubans.com/cuban-cigars/cohiba,9.html ▾
Authentic Habanos Cohíba **cigars** from Cuba. You can buy boxes of authentic Cohíba **cigars** from our TopCubans.com online **cigar** shop: Cohiba Robustos, ...

Cohiba Cigars Online - Best Prices Online | Famous Smoke
https://www.famous-smoke.com/brandgroup/cohiba+cigars ▾
Searching for **Cohiba cigars** at the best prices online? These Dominican Cohiba 'Red Dot' cigars rival their Cuban cousins in quality, flavor, and price.

Shop Cigars Cuba - Amazon - Amazon.com Official Site
Ad www.amazon.com/beauty/mens-fragrance ▾
Find Deals on **Cigars** Cuba in Men's Fragrance on Amazon.
Try Prime Free · Shop Our Huge Selection · Stream Videos Instantly · Save with Our Low Prices
Men's Grooming · Luxury Beauty · Skin Care · Coupons & Deals · Makeup · Hair Care

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fake cohiba cigars	cohiba cigars **review**
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Trademark Registration No. 1147309
For the mark COHIBA
Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273
For the mark COHIBA
Date registered: June 6, 1995

EMPRESA CUBANA DEL TABACO, d.b.a. CUBATABACO, Petitioner, v. GENERAL CIGAR CO., INC. Respondent.	:	Cancellation No. 92025859

PARTY DESIGNATION: See Exhibit Cover Sheet

Designated TTAB Discovery Deposition Transcript of
Alvin Ossip, dated June 30, 2017
Part 2 of 4

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

In the matter of Trademark Registration No. 1147309
For the mark COHIBA
Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273
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Date registered: June 6, 1995

EMPRESA CUBANA DEL TABACO, d.b.a. CUBATABACO, Petitioner, v. GENERAL CIGAR CO., INC. Respondent.	:	Cancellation No. 92025859

PARTY OFFERING: PETITIONER

Exhibit 10 to the TTAB Discovery Deposition Transcript of Alvin Ossip, dated June 30, 2017
Part 1 of 2

REPORT OF RICHARD CARLETON HACKER
May 31, 2017

1. My name is Richard Carleton Hacker. I am an internationally published and recognized book author and magazine writer specializing in cigars, spirits, and related lifestyle topics, including restaurants, destination resorts, and pairing various cigars with whiskies, ports, and cognacs. (See Attachment A, which sets forth my qualifications.)

2. Prior to becoming a full-time writer in 1989, I had a career in advertising and public relations. After attending Arizona State University, I began as a copywriter for Jennings & Thompson Advertising in Phoenix, Arizona. I then moved to Los Angeles, California to accept a position as an account executive and Director of Broadcasting for Wenger-Michaels Advertising, then joined Shareholders, a mutual fund management company in Century City, California as Vice President, Marketing, and finally started my own advertising and public relations agency in the 1970s, where one of my clients was Tinder Box International, Ltd. ("TBI"), the largest retail tobacco chain in the United States at that time, with 148 stores, many of them franchised. It was through my ten-year relationship with TBI that I got an inside look at the tobacco industry and met many of the Cuban expatriates who fled their country when Fidel Castro nationalized the cigar industry.

3. Because of the knowledge that I had gained through my association with TBI, where I handled all of their publicity activities, including writing consumer-oriented booklets on pipes and cigars, conducting courses for their franchisee tobacconist training classes, and assisting with product development (pipe designs and cigar blends) that I ended up writing The Ultimate Pipe Book, which gave me the financial

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EXHIBIT NO.: 1
WITNESS: Hacker
DATE: 6-15-17

freedom to dissolve my advertising and public relations agency and to turn to writing full time, where I eventually specialized in articles about whiskeys and cigars. One of my first major articles for the mass media was an article, appearing in the October 1989 issue of Playboy Magazine, entitled "Up In Smoke," in which I predicted a change in the cigar world (hinting at the cigar boom that was to come three years later). I continued writing about spirits and cigars for Playboy for a number of years, while also writing articles for many other consumer magazines as well (a list of the magazines I have written for is attached as Attachment B).

4. I am the author of a number of books (see Attachment C) including The Ultimate Cigar Book, widely acknowledged as the most authoritative book on the subject of cigars in the English language. Since its first publication in 1993, The Ultimate Cigar Book has gone through numerous printings and three editions – all of which completely sold out (totaling approximately 45,000 copies). The book was then out of print for a number of years as I devoted more of my time to meeting the requests by editors for my magazine articles and to travel connected with these magazine assignments.

5. In 2015, due to ongoing demand from the public (primarily consumer cigar smokers), I updated The Ultimate Cigar Book as a new fourth edition (publisher: Skyhorse Publishing, New York), which sold out of its first printing in less than a year. In 2016 the fourth edition of this book went into a second printing, which again sold out within a year's time. In 2017 The Ultimate Cigar Book went into its third printing of the fourth edition in less than two years (for a total of 11,440 copies to date) and is currently listed on Amazon.com as one of their top five-star best sellers.

6. I am also one of three Contributing Editors of Robb Report – America's leading luxury lifestyle magazine – where I specialize in writing about cigars and whiskies. I have regularly written for this publication on the subjects of cigars and cigar smoking since 1995. In addition, I personally select and write about every cigar included in Robb Report's annual Best of Best cigar category winners in each year's June issue. I also select and review (including my personal tasting notes) the world's newest premium non-Cuban cigars each fall for Robb Report's annual Host's Guide publication (Cuban cigars are not covered by Robb Report as they cannot legally be sold in the United States). I am also a regular contributor to the robbreport.com website, where I write about cigars and related topics, including cigar accessories. I also regularly contribute articles about cigars to other publications and have been frequently interviewed by reporters seeking information on the current cigar scene in America (see Attachment D).

7. During my cigar writing career I have visited all of the major cigar making countries, including Cuba, the Dominican Republic, Honduras, and Nicaragua. Not only have I been to the factories in these countries, but I have gone to many of the fields where the tobaccos are grown. In addition, as a longtime cigar smoker I have smoked and am very familiar with the cigars made in all of these countries, including Cuba.

8. Because of my vocation as a lifestyle writer and an acknowledged cigar expert, I interact with consumer cigar smokers on a regular basis, including at dinners, visiting tobacco shops, and other social encounters. In addition, I have often been hired as a keynote speaker on the subject of cigars and cigar smoking at consumer events, including seminars given at Ritz-Carlton Resorts; Laguna Niguel, CA; Ritz-Carlton Resorts, St. Louis, Missouri: the Los Angeles Athletic Club, Los

Angeles, CA; the Balboa Bay Club in Newport Beach, CA; and Blancpain Watches nationwide. At the end of these seminars I usually conduct a Q&A (Questions & Answers) session with the attendees, where they ask me questions about cigars – such as what is a maduro, how to properly relight a cigar that has gone out, and are Cuban cigars better than non-Cuban cigars. I cannot recall a single instance in the last decade in which a cigar smoker asked me a question or made a comment indicating that he or she was confusing the Cohiba cigar made by General Cigar with the Cohiba cigar made in Cuba.

9. I am also a regular attendee at the annual U.S. tobacco industry's International Premium Cigar & Pipe Retailers (IPCPR) Association trade show (the largest trade show of its kind in America), where I mingle with retail tobacconists and meet with many of their employees to discuss the current cigar situation on a retail as well as a consumer basis.

10. I have been retained by DLA Piper LLP, a law firm representing General Cigar Co., Inc., to act as an expert witness in this proceeding. I am being compensated for my services at the rate of $450 per hour for time spent consulting with counsel, preparing this report and testifying. My travel expenses are also being covered.

11. I have been asked to provide the Board with my opinion with regard to United States consumer attitudes towards the General Cigar Cohiba cigar and the Cuban Cohiba cigar. In particular, I have been asked to give my opinion and conclusions as to whether, in 2017, potential and actual United States consumers of cigars are likely to be confused as to the source or origin of these cigars or to believe that there is a relationship or affiliation between the makers of these two different cigars.

12. In forming the conclusions set forth below, I have relied on my own observations and experiences accumulated over nearly 30 years as a cigar expert, which include: my frequent personal interactions and discussions with consumer cigar smokers and retail tobacconists at seminars and industry events; the extensive research I performed in connection with my book *The Ultimate Cigar Book,* and the additional extensive research I performed in writing the recently-published fourth edition of this book; my review of reliable industry and trade publications such as Smokeshop Magazine, Tobacco International Magazine, and Tobacconist Magazine and reliable Internet cigar commentary; my personal experience in reviewing hundreds of brands of cigars; and pertinent news stories that pertain to the tobacco industry.

13. In addition, I have familiarized myself with the situation concerning Cohiba cigars made by General Cigar and the Cohiba cigars made in Cuba by reviewing the following six documents, which were supplied to me by DLA Piper, and which I understand were created in prior litigation between General Cigar and Cubatabaco concerning the Cohiba mark in the United States:

a. Defendant's Proposed Findings Of Fact and Conclusions of Law

b. Report of Dr. Itamar Simonson, dated November 7, 2002

c. Report of Alan Siegel

d. Report Of Alvin Ossip On Significance Of Information In Market Research Related Files Furnished By General Cigar And

Third Parties With Respect To Certain Issues Concerning Cohiba

e. A Study To Measure Awareness Of Cohiba Cigars And Source Confusion Between These Cigars And General Cigars Co. Inc. Cohiba Cigars

f. Plaintiff's Post-Trial Proposed Findings Of Fact And Conclusions Of Law (Corrected Copy)

14. I found these six documents interesting in describing the American cigar scene as it existed from the early 1990s up until 2002. However, these reports have a very limited and a noticeably outdated value in describing the American cigar scene today. For consumers, the American cigar scene today is a dramatically different world that is light years away from what it was back in 1992 or even 2002. Specifically, I am referring to the rapid advancements in personal communications and the greatly accelerated and improved use of the internet by consumers for information-gathering about cigars as well as for cigar purchasing. As such, today's cigar smokers and potential cigar smokers are much more sophisticated and informed regarding their knowledge of the products that they use. This is the result of the technological advances that now enable consumers to obtain instant information and as a result, has increased the information that they may already have had.

15. For example, in the 1990s personal computers were in their infancy, being large and bulky and not as ubiquitous as they are today. And they were far from being as portable. Plus, the word "smartphone" was not part of our common vernacular back then as it is today, nor were portable telephone devices a part of a consumer's everyday attire, as

they are today. In fact, iPads did not even exist until 2010 and even back then, they had nowhere near the sophistication and portability and information-gathering capabilities that they have today.

16. Additionally, with consumers streaming to get their news and product research instantaneously, as they do today, print is no longer their sole - and in many cases, even their primary - means of information-gathering, as it once was. Thus, in terms of a consumer's access to instantaneous information, the world we live in today has technologically evolved into a lifestyle of instant information encompassing a global arena; it is a world that never existed back in 2002.

17. Since 2002 I have met with and spoken with many hundreds of cigar smokers at events such as those described above, and through these interactions I have learned that consumers are much better informed about cigars than they were in 2002. As a result, their questions are often more detailed, such as asking about the growing seasons of tobacco and knowing which part of a tobacco plant produces the heaviest flavors. All of this shows that consumers are much better informed on all matters of interest to them than they were fifteen years ago. And that includes cigars, both Cuban and non-Cuban.

18. The smoker of premium cigars – that is, hand rolled cigars made of all natural tobaccos and with long leaf filer tobaccos, (as opposed to smokers of mass-produced "machine made" cigars that are dramatically less expensive) - is a much more astute consumer today than in 2002. After all, if someone is paying anywhere from $7 and up for a premium cigar (the General Cigar Cohiba cigar typically retails, depending on size and sub-brand, from approximately $7.20 to $23 each, not

including state and local taxes), it is far from being a random choice or a casual purchase. It is a definite monetary commitment to a product that is a symbol of a luxury lifestyle. As a result, that cigar smoker is keenly interested in discovering specific details concerning the cigars he is interested in buying, including their tobaccos, strength, and the countries in which they are made.

19. Thus, the premium cigar smoker is constantly updating his information about the current cigar scene. Like the consumer of fine wines, this fact checking and updating of information by premium cigar smokers is an on-going process. It is not unusual to see cigar smokers today constantly checking their iPhones to verify a cigar's price, availability, and country of origin. Their searches are made even easier thanks to the growing number of cigar apps, such as Cigar Boss, Cigar Scanner, and Mobile Stogie that can be downloaded to their iPhones, much as wine purchasers have apps for wine brands and varietals.

20. Premium cigar smokers constantly conduct their cigar searches in tobacco shops, or sitting with a group of fellow cigar smokers, or even by themselves at their computers, looking for specific information about brands. This identical phenomenon is also readily apparent when consumers are Googling other products as well, but with cigars, specifically the information that most often comes up in these searches is the wrapper-binder-filler tobaccos used in that specific cigar, the shape of the cigar, its price, and its country of origin, which is often accompanied by an image of the banded cigar itself, as seen on popular websites such as jrcigars.com, famous-smoke.com, and Thompsoncigars.com.

21. Because of all these aforementioned technological advances, today, there is a much greater knowledge among cigar smokers of the cigar world around them than there was in 2002. My book has certainly made consumers aware of the differences between Cuban and non-Cuban cigars, and this is a popular topic of conversation among cigar smokers on internet forums and elsewhere. After all, it cannot be denied that there is a definite cachet to Cuban cigars, in large part because they are the "forbidden fruit" to Americans due to the U.S. embargo on importing and selling Cuban cigars in the U.S. However, after more than fifty years, the Cuban embargo is "old news" to American citizens, and especially to American cigar smokers.

22. Recently, relaxed rules concerning travel by U.S. citizens to Cuba and the fact that U.S. citizens can now legally bring Cuban cigars into the United States as long as it is for their personal use has led consumers to ask whether the commercial situation has changed. I speak to many tobacconists, and some of them tell me that because of these changes, sometimes a customer will ask them if he can now buy Cuban cigars in the U.S. Of course, the tobacconists, who are another source of information for the consumer, always reply no, Cuban cigars cannot be sold in the United States.

23. As a result, the next thing a customer will often ask, is "Well, what do you have that is similar to a Cuban cigar in flavor or strength?" In short, consumers know that Cuban cigars are illegal to purchase in America and if for some reason they are unaware of this, their tobacconist will quickly point out the fact and will steer that customer to a non-Cuban cigar that he can legally sell.

24. Thus, in my experience, based upon my thousands of interactions with cigar smokers and tobacconists, I have

concluded that today, potential and actual smokers of premium cigars are aware that they cannot legally obtain Cuban cigars, including the Cuban Cohiba, in the United States. As a result, those smokers also know that the Cohiba cigars made by General Cigar and the Cohiba cigars made in Cuba are completely different and unconnected, because they can, in fact, purchase a Cohiba cigar made by General Cigar in the United States.

25. In addition, there are publications, including my own, that spotlight the fact that these two cigars are different. For example, in the fourth edition of The Ultimate Cigar Book (and in the previous three editions as well), in the chapter that lists all of the cigar brands in the world, I list the two different Cohiba cigars under two different headings and on different pages: on page 279: *"Cohiba (Cuba) Yes, this is the cigar, the one that was originally reserved only for invited dignitaries to Cuba...."* And on page 282: *"Cohiba (Dominican Republic/Nicaragua) In 1993 this cigar was introduced to U.S. smokers via the Alfred Dunhill stores....etc."*

26. There are many other examples as well. For example, on the website of the Thompson Cigar Company (the oldest mail order cigar company in the United States) under a blog by "Pat the Cigar Guy" (https://www.thompsoncigar.com/blog/dominican-cohiba-vs-cuban-cohiba/) it reads, in part: "The Dominican Cohiba [a General Cigar product] has an incredible flavor that isn't overpowering. Between the draw, the look of the wrapper, the burn and more importantly, the construction is a thing of perfection. I've never come across a Cohiba that didn't smoke well so I decided to put the Dominican Cohiba to the ultimate test; compare it to a Cuban Cohiba. So, I'm in the Caribbean and

I buy a Cuban Cohiba and with me is my Dominican Cohiba and I start to compare..."

27. And from the Business Insider website (http://www.businessinsider.com): "Cohiba is the Cuban brand of cigar, illegal in the United States (that we knew). There is another Cohiba you can get here legally, but it's made in the Dominican Republic — those have red dots on them..."

28. I should point out that these internet mentions are made with the assumption that the reader already knows Cuban Cohibas and Cohibas made by General Cigar are completely different as to their country of origin. It is a well-known fact today.

29. Further contributing to the consumer's awareness of the differences between Cuban Cohibas and Cohibas made by General Cigar is the fact that the cigar bands on the General Cigar Cohiba cigars, and the boxes in which General Cigar Cohiba cigars are displayed and sold are distinctly different from the corresponding elements of Cuban Cohiba cigars. In addition the General Cigar Cohiba bands have a tagline on the band that plainly points out that it is made in either the Dominican Republic or Nicaragua, while the Cuban Cohiba band is very distinct, not only in its design, but with the words "Habana" or "La Habana" on the band.

30. It should also be pointed out that the majority of cigar magazines that cropped up during the cigar boom of the 1990s have gone out of business and even Cigar Aficionado – the magazine that initially gave a boost to Habanos and the Cuban Cohiba – no longer has the clout it once had. Part of the reason for this is that other lifestyle magazines, such as Robb Report, GQ, and Departures, now cover cigars as part of their overall

subject matter, so there are other places for consumers to get their cigar information besides Cigar Aficionado, not the least of which is the internet and numerous cigar forums. However, I should point out that the U.S. edition of Robb Report does not feature Cuban cigars, as they are illegal to purchase in the U.S. and our readers are aware of that. They may ask where they can buy Cuban cigars out of the U.S., but they know Cuban cigars cannot legally be purchased in the U.S.

31. By the same token, consumers are now keenly aware that there are duplicate Cuban and non-Cuban brands, such as Partagas, Montecristo, and most definitely Cohiba, which unlike these other two examples, does not even share a similar-looking band or box. Indeed, consumers now closely identify the General Cigar red-dot Dominican or Nicaraguan Cohiba as a totally different cigar than the Cuban version, with its distinctive yellow and black color combination and Taino Indian silhouette, although it should be mentioned that some cigar smokers do not know the silhouette is that of a Taino Indian. But they do know those artistic elements (the yellow, gold, and black design and the Taino silhouette) are found only on Cuban-made Cohibas, just as they know the red dot inside the "O" of the Dominican and Nicaraguan Cohiba indicates that the product is the General Cigar non-Cuban cigar. The bands of the Cuban and General Cigar Cohibas are graphically dramatically different (see Attachment E), as are the box designs (see Attachment F). The General Cigar band and box designs can be seen by U.S. consumers in many cigar reviews as well as in magazine and on-line advertisements.

32. Even for those unexposed to the differences between the Cuban Cohiba and the General Cigar Dominican or Nicaraguan Cohiba, all they have to do is to Google any of these cigars on their iPhones or computers and the answers appear, for a

cigar's country of origin is one of the key points of information that is brought up, along with graphics of the cigar's band itself, which is just as identifiable. In addition, cigar reviews, whether on-line or in print, invariably give a cigar's country of manufacture as part of that cigar's identity, a standard editorial procedure that can be seen in my cigar reviews. This is yet another feature of separating the well- known General Cigar Cohibas from the Cuban Cohibas. As a result, the General Cigar Dominican and Nicaraguan Cohibas are extremely well-known by American consumers, who recognize them as non-Cuban products.

33. Therefore, it is my conclusion, based upon the experience and data described above, that today, given the far greater knowledge of both Cuban and non-Cuban cigar brands by the United States cigar smoker than existed in 2000, and with the ready access to information that can be obtained by the consumer instantly with merely the tap of a key, there is no appreciable confusion among today's potential and actual premium cigar smokers between the Cuban Cohiba from Habanos and the Dominican or Nicaraguan Cohiba from General Cigar. Those smokers know that the cigars come not only from different countries, but also from different and unrelated manufacturers. A United States cigar smoker who spends between $7 and $23 for a General Cigar Cohiba in the United States knows that he is buying a premium cigar, but not one that is connected with the Cuban Cohiba sold in other countries.

Dated: May 31, 2017

RICHARD CARLETON HACKER

Attachment A

Richard Carleton Hacker is one of the world's foremost authorities on the subjects of cigars and cigar smoking. He is the author of twelve books, including The Ultimate Cigar Book, now in the second printing of its fourth edition and the book that is generally credited with having helped start the cigar boom back in the early 1990s, when it was first published. In addition, he is a Senior Contributing Editor for The Robb Report, America's leading luxury lifestyle magazine, and is a contributing writer on cigars for other national and international publications. Mr. Hacker has written hundreds of articles on the topic for additional publications in the United States and Europe. He has been knighted in Germany by the Internationales Tabakskoliegium for his extensive and dedicated writings about tobacco.

He is personally acquainted with all of the major cigar-making companies throughout the world, as well as many of the smaller manufacturers and cigar-making families. Mr. Hacker has personally visited and studied cigar factories and tobacco farms in every major geographic area, including Cuba, the Dominican Republic, Honduras, Nicaragua, and Europe. He currently maintains cigars in a number of humidors and keeps detailed tasting notes on hundreds of cigar brands from all of the major tobacco-producing regions of the world. Mr. Hacker also collects cigar memorabilia, including cigar boxes, labels and cutters.

In 1975, Mr. Hacker became the marketing and public relations consultant for Tinder Box International, Ltd. Since, he has served as a cigar consultant for both corporations and individuals. He is also has been a popular keynote speaker at cigar night "smokers." In addition, Mr. Hacker has been the subject of numerous radio, television, newspaper, and

magazine interviews. He is recognized as an international spokesman of the cigar industry.[1]

RELEVANT PROFESSIONAL EXPERIENCE

1975 Marketing and Public Relations Director of Tinder Box International, Ltd.

1995 Senior Contributor of the Robb Report.

[1] *As one of the world's foremost writers on the pleasures of tobacco, Richard Carleton Hacker has long been known as the "cigar czar."* – Los Angeles Times: "Cigar Czar" Knighted by German Town http://articles.latimes.com/1995-02-10/local/me-30570_1_cigar-czar

Attachment B

Author of cigar-related articles printed in consumer publications including:

- Playboy Magazine
- Smoke Magazine
- Smokeshop Magazine
- The Tasting Panel
- Robb Report Magazine
- Robb Report Host's Guide
- Caviar Affair Magazine
- Collection Magazine
- European Cigar Cult Journal
- Safari Magazine
- Quarterly Review of Wines 2007
- Drinks Magazine
- Indulge Magazine

Author of cigar-related articles printed in online consumer publications including:

- robbreport.com
- RobbVices
- cigarworld.com

Attachment C

BOOKS AUTHORED:

- The Muzzleloading Hunter, Winchester Press, 1981;
- The Ultimate Pipe Book, Autumngold Publishing, 1984 (First U.S. Edition);
- The Christmas Pipe, Autumngold Publishing, 1986;
- The Ultimate Pipe Book, Souvenir Press, 1988 (First British Edition);
- The Muzzleloading Hunter, Outdoor Life Press, 1988;
- The Ultimate Pipe Book, Autumngold Publishing, 1989 (Second U.S. Edition);
- Die Kunst Pfeife zu rauchen, Wilhelm Heyne Verlag, 1991 (First German Edition);
- The Ultimate Cigar Book, Autumngold Publishing, 1993 (First U.S. Edition);
- Die Welt der Zigarre, Wilhelm Heyne Verlag, 1995 (First German Edition);
- The Ultimate Pipe Book, Andre Deutsch, 1995 (Second British Edition);
- The Ultimate Cigar Book, Autumngold Publishing, 1996 (Second U.S. Edition);
- Rare Smoke - The Ultimate Guide To Pipe Collecting, Autumngold Publishing, 1999;
- The Ultimate Cigar Book, Autumngold Publishing, 2000 (Third U.S. Edition);
- Das Handbuch des Pfeifenrauchers, Wilhelm Heyne Verlag, 2000 (First German Edition);
- Pipesmoking - A 21st Century Guide, Autumngold Publishing, 2000;

- Die Welt der Zigarre, Collection Rolf Heyne, 2001 (Second German Edition);
- The Ultimate Cigar Book, Skyhorse Publishing, 2015, Fourth U.S. Edition

VIDEOS:

- The Ultimate Pipe Video (Premiere Edition), 1987;
- The Ultimate Pipe Video (Collector's Edition), 1987

AUDIO TAPES:

- CigarQuest-Conversations In Smoke, 1997

SPEECHES:

- Ritz-Carlton Resorts (Laguna Niguel, CA; St. Louis, Missouri)
- Blancpain Watches
- Alfred Dunhill, Ltd.
- Balboa Bay Club, Newport Beach, CA
- Los Angeles Athletic Club, Los Angeles, CA

Attachment D

MENTIONS OR FEATURES IN PUBLICATIONS:

- Luxe Beat Exclusive: Interview with "Cigar Czar" Richard Carleton Hacker
luxebeatmag.com/luxe-beat-exclusive-interview-cigar-czar-richard-carleton-hacker/

- Author of top-rated cigar book on Amazon.com
https://www.amazon.com/Ultimate-Cigar-Book-4th/dp/1632206579

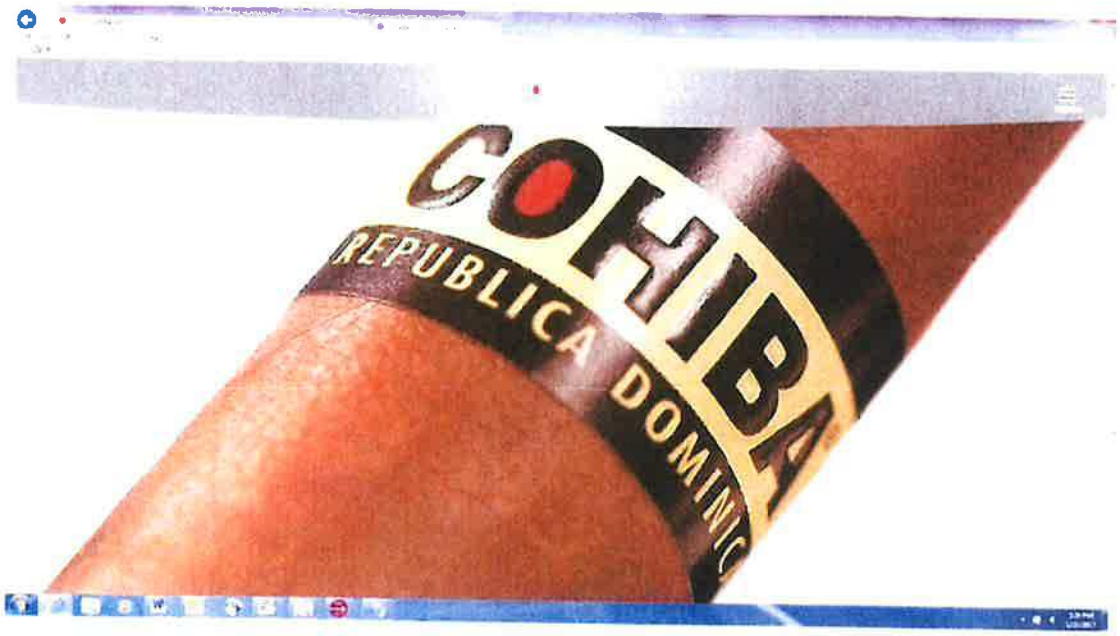
- Los Angeles Times: "Cigar Czar" Knighted by German Town
http://articles.latimes.com/1995-02-10/local/me-30570_1_cigar-czar

- Los Angeles Times article, quoted in The Vice That Binds
http://articles.latimes.com/1994-08-12/news/va-26509_1_premium-cigar

- Profiled in Los Angeles Times Article:
Smoke Gets In His Buys"
http://articles.latimes.com/1994-08-12/news/va-26509_1_premium-cigar

Attachment E

Cohiba Red Dot Band



Cohiba Linea Clasica Band

Attachment F

Cohiba Red Dot Box

Cohiba Linea Clasica Box

DLA PIPER

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Andrew L. Deutsch
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T 212.335.4880
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May 11, 2017

Richard Carleton Hacker
sirrichard1@earthlink.net

Re: ***Empresa Cubana del Tabaco v. General Cigar***

Dear Mr. Hacker:

As you know, our firm DLA Piper LLP (US) ("DLA Piper") is counsel to General Cigar Co. Inc. ("General Cigar"). General Cigar is a respondent in a cancellation proceeding that Empresa Cubana del Tabaco ("Cubatabaco") has brought before the Trademark Trial and Appeal Board ("TTAB Litigation").

This letter, when countersigned by you, will constitute a retainer agreement between DLA Piper and you to provide cigar industry-related expert services to General Cigar in connection with the TTAB Litigation, pursuant to the terms set forth below.

1. The expert services that you will provide will include: (a) consulting with lawyers of DLA Piper; (b) obtaining such materials as you may deem necessary to consider prior to rendering your expert opinion; (c) setting forth your expert opinion, and the bases for that opinion, in one or more affidavits, declarations or reports; (d) preparing for and providing truthful testimony at a deposition, hearing or trial; (e) reviewing and commenting on any affidavit, declaration, report, testimony or other evidence offered by Cubatabaco in the Litigation that DLA Piper may ask you to review; and (f) such other matters as you and we may agree upon in the course of your retention.

2. Your billing rate for this matter will be $450.00/hour for review, analysis, preparation, and consultation and also $450.00/hour for time spent giving oral testimony (i.e., depositions and testimony at trial or a hearing). Travel time shall be billed on a portal-to-portal basis. You agree to travel from your home to meetings or deposition in Century City, Los Angeles with your personal car, for which we will provide complimentary parking or reimburse your cost of parking. For other travel within the Los Angeles area, we will provide you with a car service to be paid by us. In addition, we shall reimburse you for your costs and direct expenses necessitated by your consulting services, including reasonable travel expenses and subsistence if it is necessary for you to be away from home. If we require you to travel by air in this matter, and the time of the flight exceeds two hours, we will arrange for you to fly by business class if the route you take has a business class; otherwise, we will arrange for you to fly in the next highest category of airfare available on the route. All travel arrangements will be

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made through our own travel agency and at our expense, and we will coordinate flight times and dates with you in advance.

3. You will make yourself available to us and to undertake any necessary analysis and drafting so that we can submit your affidavit, declaration and/or report to meet the May 31, 2017 expert report deadline established in the Litigation. If your deposition or hearing/trial testimony is demanded by Cubatabaco, as we expect, you agree to make yourself reasonably available to meet with DLA Piper lawyers for preparation prior to such events and to make yourself reasonably available for deposition and/or proceeding.

4. Except as directed by DLA Piper or required by court order or rule or other legal process, you will keep in confidence and not disclose (a) any communications or correspondence between DLA Piper or General Cigar and yourself with respect to the Litigation, including communications had before the date of this agreement, (b) the subject matter of any information, documents, and other things provided to you by DLA Piper or General Cigar or obtained by it in the course of the engagement unless either designated as an expert witness by General Cigar or ordered by a court, (c) all information, data, and drafts generated by you in the course of your retention, and (d) all conclusions and opinions reached by you in the course of your retention. Further, you agree to be bound by the Protective Order entered in this case, a copy of which is enclosed for your reference. You will not use any of these in any proceeding other than the Litigation or on behalf of anyone but DLA Piper and General Cigar. If you receive legal process seeking disclosure of any of this material or information, you will promptly notify DLA Piper, and cooperate in any effort by DLA Piper to obtain a court order precluding or limiting the disclosure. These obligations shall continue after the end of your services, until such time as we specifically release you.

5. You agree that your status is that of an independent contractor, and that you are not the agent or employee of DLA Piper or General Cigar.

6. If we so request, you will cooperate with and assist any other consultant or expert which we may retain in connection with the Litigation.

7. This contract shall be governed in all respects by the laws of the State of New York applicable to contracts made in and performed entirely within that State.

8. By accepting, you agree that General Cigar will have the right to terminate the engagement at any time, that you will stop all work as soon as practicable, and that General Cigar shall only be responsible for fees incurred up to the point at which you are notified of the termination of the engagement. Although you will receive instructions and direction from DLA

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Piper, General Cigar will be responsible for the financial obligations set forth in this agreement and you agree to bill General Cigar directly, with bills to be sent to the undersigned for initial review before forwarding to General Cigar for payment.

9. You have confirmed that you are not aware of circumstances that constitute a conflict of interest with respect to this engagement. During the course of this engagement, you may be requested to be retained by parties with interests that may not be consistent with those of DLA or General Cigar. You agree that you will not, without General Cigar's permission, accept such engagements that would be adverse to General Cigar with respect to the same factual issues that are the subject matter of this engagement; or that require services of your personnel staffed on this engagement who have received or are likely to receive confidential information of General Cigar relevant to the potential new engagement.

To indicate your acceptance of this engagement and the terms thereof, please sign a copy of this agreement and return it to us.

FOR GENERAL CIGAR CO., INC.

DLA Piper LLP (US)

By: _____
Andrew L. Deutsch, Partner

AGREED TO:

_____
Richard Carleton Hacker

RABINOWITZ, BOUDIN, STANDARD, KRINSKY & LIEBERMAN, P.C.
ATTORNEYS AT LAW
61 BROADWAY, 18TH FLOOR
NEW YORK, NY 10006-2708

TELEPHONE (212) 254-1111
FACSIMILE (212) 674-4614
www.rbskl.com

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LEONARD B BOUDIN (1912 1989)

MICHAEL KRINSKY
ERIC M LIEBERMAN
DAVID B GOLDSTEIN
LINDSEY FRANK

COUNSEL

TERRY GROSS
CRAIG KAPLAN
CHRISTOPHER J KLATELL

June 1, 2017

Andrew L. Deutsch
Airina L. Rodrigues
DLA Piper LLP (US)
1251 Avenue of the Americas, 27th Floor
New York, NY 10020-1104

Re: *Empresa Cubana del Tabaco v. General Cigar Co., Inc., Canc. No. 92025859 (TTAB)*

Dear Andrew and Airina:

We received by email yesterday, at 7:02 PM, Mr. Hacker's Report.

1. We have not yet received any of the materials requested in our email dated May 21.

2. Mr. Hacker's Report does not list any cases in which, during the previous four years, he has testified as an expert, at trial or by deposition. See 37 C.F.R. § 2.120 (a)(2)(iii); FRCP 26(a)(2)(B)(v). Please confirm that this is because Mr. Hacker has not so testified. If this is not correct, please identify all such proceedings, and provide Mr. Hacker's report and testimony in each of those proceedings.

3. Please confirm that, as we would assume from the absence of any such reference in his Report, that Mr. Hacker has never testified as an expert in any proceeding, at trial or by deposition; his testimony as an expert has never been offered in any proceeding, whether at trial or deposition; and Mr. Hacker has never provided an expert's report for use in a proceeding, whether or not he testified in the proceeding. If that is not correct, please identify the proceeding, state whether or not Mr. Hacker's testimony as an expert was admitted into evidence, and provide copies of his report and testimony.

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4. Please provide all notes or recordings of, and memoranda concerning, Mr. Hacker's interactions, discussions and communications with consumers, consumer cigar smokers and cigar smokers that support, or that Mr. Hacker or Respondent asserts support, the conclusions set forth in paragraph 24 of his Report. If there is no such material, please so state.

5. Please provide all notes and recordings of, and memoranda concerning, Mr. Hacker's conversations with tobacconists recounted in: (a) paragraph 22 of the Report, first sentence; (b) paragraph 22 of the Report, second sentence, beginning with "some of them ...;" (c) the last sentence of paragraph 22; (d) paragraph 23, first sentence; and (e) paragraph 23, second sentence. If there is no such material, please so state.

6. Please provide all notes or recordings of, and memoranda concerning, Mr. Hacker's interactions, discussions and communications with tobacconists that support, or that Mr. Hacker or Respondent asserts support, the conclusions set forth in paragraph 24 of the Report. If there is no such material, please so state.

7. Please identify all, if any, websites, in addition to those specified in his Report, that Mr. Hacker visited in the course of preparing his Report; and, if Mr. Hacker downloaded or saved any material from those websites, please provide same.

8. Please identify the "publications" referred to in paragraph 25 other than Mr. Hacker's book.

9. Please confirm that, other than for the documents identified in Mr. Hacker's Report, there are no communications between Mr. Hacker and either Respondent's attorneys or Respondent that:

a. Identify facts or data provided to Mr. Hacker and that Mr. Hacker considered in forming the opinions to be expressed; or

b. Identify assumptions provided and that Mr. Hacker relied on in forming the opinions to be expressed.

See 37 C.F.R. § 2.120 (a)(2)(iii); FRCP 26(a)(4)(C). If this is not correct, please provide all such communications.

10. Please confirm that, other than for the documents identified in Mr. Hacker's Report, Mr. Hacker was not provided with any documents by Respondent or Respondent's attorneys in connection with the preparation of his Report or testimony in this proceeding. If that is not correct, please provide all such documents.

11. Please provide the Letter of Engagement or other agreement for Mr. Hacker's services in this proceeding.

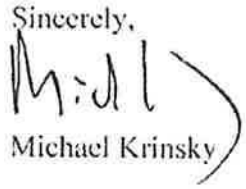
12. Please provide documents sufficient to show the scope, terms, periods and frequency of Mr. Hacker's engagement, and the fees or other compensation paid to Mr. Hacker, for material or other services provided to cigarworld.com (which Mr. Hacker lists in Attachment B to his Report).

13. Please confirm that, other than for his services in preparing his Report and testifying as an expert in this proceeding and his work in connection with cigarworld.com, Mr. Hacker has not been employed, or engaged by, or provided any services to, Respondent or any of Respondent's parent or affiliated companies. If that is not the case, please provide documents sufficient to show the scope, terms, periods and frequency of such employment or engagement.

Please provide responses to the foregoing, and to our email dated May 21, 2017 , as soon as possible and, in any event, in sufficient time for us to review them in preparation for Mr. Hacker's deposition.

Thank you.

Sincerely,



Michael Krinsky

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June 6, 2017
VIA E-MAIL (MKRINSKY@RBSKL.COM)

Michael Krinsky
Rabinowitz, Boudin, Standard, Krinsky & Lieberman, P.C.
61 Broadway, 18th Floor
New York, NY 10006-2708

Re: Cubatabaco v. General Cigar

Dear Michael:

We write regarding: (a) Mr. Frank's email of May 31, 2017 stating that Cubatabaco intends to disclose documents produced in this proceeding to Alvin Ossip and Alan Siegel; and (b) your June 1, 2017 letter.

Cubatabaco's Email of May 31 Regarding Disclosure of TTAB Documents

On May 31, 2017, Mr. Frank sent us email correspondence requesting that General Cigar agree to Cubatabco's disclosure of Confidential and Highly Confidential documents produced in this proceeding (outside of Federal Action Discovery) to Alvin Ossip and Alan Siegel (the "Federal Action Experts"). General Cigar does not agree to this request, and objects to the disclosure of any such documents to the Federal Action Experts.

Cubatabaco has not identified that it is using the Federal Action Experts as testifying experts in the current proceeding, beyond the use of their Federal Action testimony and reports. If it had, it would have had to provide their new report by March 15, 2017. (*See* Dkt. No. 106). Indeed, Cubatabaco has confirmed in its Notice to the Board dated March 17, 2017 (Dkt. No. 104) that it intends to rely *only* on the expert testimony and reports that were previously disclosed and/or provided in the Federal Action. In addition, General Cigar will not question the Federal Action Experts on any of the more recent documents. Accordingly, General Cigar objects to Cubatabaco's disclosure of documents produced in this proceeding to the Federal Action Experts. We are willing to meet and confer in an attempt to resolve this issue; please let us know your availability for a call this week.

Cubatabaco's Letter of June 1 Regarding Expert Report of Richard Carleton Hacker

We address the points in your letter of June 1 as they are numbered.

1. As Airina and Lindsey discussed last week, we are assembling these materials and will provide them to you sufficiently in advance of Mr. Hacker's deposition for you to review them.

2-3. Mr. Hacker has not previously testified as an expert in any proceeding, whether at trial or by deposition, has not previously had his testimony offered in any proceeding, whether at trial or by deposition, and has not previously provided an expert's report for use in a proceeding.

4-6. Mr. Hacker does not have the materials requested in points 4-6 of your letter.

7. In addition to those specified in his report, Mr. Hacker visited the following websites: http://articles.latimes.com/1996-10-31/entertainment/ca-59592_1_cigar-dinners; https://www.amazon.com/CigarQuest-Conversations-Richard-Carleton-Hacker/dp/0931253071; and http://www.businessinsider.com/how-to-tell-if-your-cojiba-is-from-cuba-and-other-cigar-picking-wisdom-2012-4. Mr. Hacker did not save or download any materials from these websites.

8. The publications referenced in paragraph 25 of Mr. Hacker's report are *Cigar Aficionado*, *Smoke* and *European Cigar Journal*.

9. Other than the documents identified in Mr. Hacker's report, there are no communications between Mr. Hacker and either General Cigar or its attorneys that: (a) identify facts or data provided to Mr. Hacker and that Mr. Hacker considered in forming the opinions to be expressed; and/or (b) identify assumptions provided and that Mr. Hacker relied on in forming the opinions that he expressed.

10. Excluding the documents identified in Mr. Hacker's report and materials exempted from disclosure under Fed. R. Civ. P. 26(b)(4)(B) and 26(b)(3)(A) and (B), there are no such documents.

11. We will produce a copy of Mr. Hacker's engagement letter.

12. We have asked Mr. Hacker to collect responsive materials to this request in his possession. If such materials exist, we will produce them sufficiently in advance of Mr. Hacker's deposition for you to review them.

13. Mr. Hacker authored a cigar and spirits pairing booklet for General Cigar titled *Down the Hatch with a Perfect Match*. We have asked Mr. Hacker to collect responsive materials in his possession regarding this engagement. If such materials exist, we will produce them sufficiently in advance of Mr. Hacker's deposition for you to review them.

Very truly yours,

DLA Piper LLP (US)

/s/ Andrew L. Deutsch

Andrew L. Deutsch
Partner

Admitted to practice in Illinois and New York

EAST\144112902.1

History Of Cohiba

The island of Cuba has long been the considered the "El Dorado" of tobacco. It is almost a mythical place, where the tobacco fields stretch as far as the eye can see, and the Havana Club rum flows like water. Cuban cigars have long been seen as the pinnacle of luxury, class, and quality. Out of the many fine cigars that are rolled on this small island, there has been one that is considered of the highest quality and remains the most sought after in the world, Cohiba. With all the great cigars in Cuba and their storied histories, Cohiba is actually considered one of the youngest. Yet in that short time is has risen to become the premium cigar of note.

This history of this cigar does not begin, like many others, in the tobacco fields during the 19th century. Yet it begins in the presidential home of Fidel Castro in the mid 1960s. A local cigar roller had been supplying Castro's bodyguard with some of his home rolled cigars. The guard in turn shared these cigars with the President and spoke very highly

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of the local roller. Castro was so taken aback by the quality and taste of the cigar; he visited the local man and set him up in his own factory (The El Laguito Factory) to produce these cigars simply for him and other top government officials. It was in this factory that the first lanceros size was produced, specifically under the specifications of Fidel Castro.

In 1968, the state sponsored Cubatobaco formerly launched the brand. Cohiba comes from the ancient Taino word for tobacco. These cigars were to be produced on a limited scale and to be of higher quality than any other Cuban. What was strange about the Cohiba brand is that is was formed after the Cuban Revolution, making it one of the only Cuban cigars that didn't suffer from the loss of the American market and earned its merit in mainly the European and Asian markets. In the early 1980s, Cuba really made a push to make Cohiba a full production line, making it more readily available in the world's cigar stores. From there its legacy continued to grow.

With Cohiba being completely under Cuban control with no immediate copyright or trademark problems, in 1978, the name was taken by General Cigar and registered for distribution in the United States. Calling them the Red Dot Cohibas and using exclusively Dominican tobacco. The brand became immensely popular during the boom of the 1990s and remains a top of the line Dominican cigar even to this day. There has been an ongoing court dispute between these two companies that is now becoming more and more relevant as the embargo seems to be drawing to an end. I am not one to get into the middle of such a dispute; I'm just here for some fine smokes. With that in mind whether you're smoking a mild and delicious Dominican or the robust and flavorful Cuban, these are two cigars that are a must have for your humidor.

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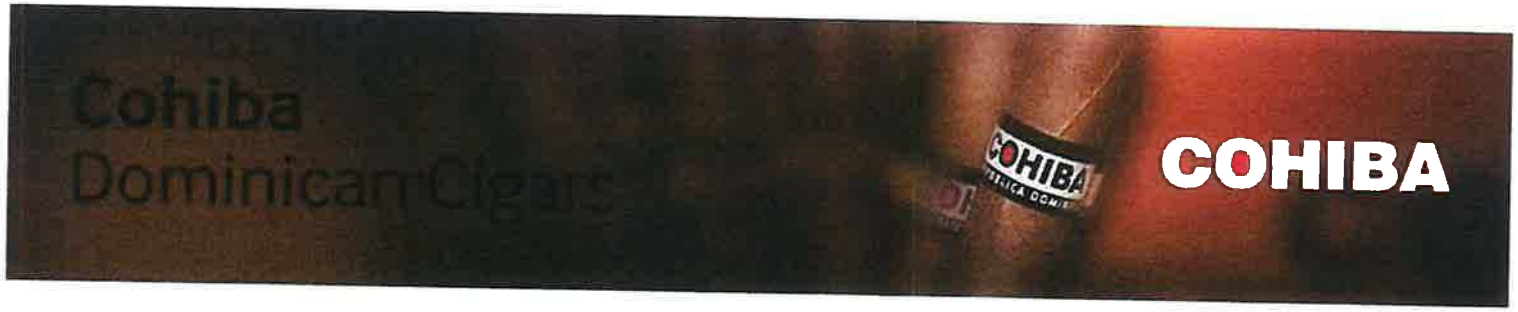

Reformulated by the world-renowned cigar brand in the 1990s, the Cohiba Dominican took years of patience and development to perfect – and the patience paid off. Originating from the Dominican Republic, Cohiba Dominican cigars are medium-bodied handmades that boast a smooth, flavorful taste you won't soon forget.

An integral part of the Cohiba family, this Central American beauty is packed with aged, Dominican Piloto Cubano long-fillers, encased in a savory Indonesian binder. To finish it off, the Cohiba Dominican is dressed in a rich, wholesome African Cameroon wrapper. This superb combination enchants the palate with a smooth, even smoke that packs a creamy flavor from start to finish.

Cohiba Dominican cigars come in a large array of shapes and sizes, so you'll have no trouble finding one you enjoy.

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WITNESS: Hacker
DATE: 6-15-17

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WRAPPER TYPE

- EMS
- Maduro

LENGTH

3.88 — 7.25

RING

24.00 — 64.00

PACKAGING

- Box
- Pack
- Single
- Tin

PRICE

$16.49 — $283.25

OTHER COHIBA CIGARS

- Cohiba Black
- Cohiba Luxury Selection
- Cohiba Nicaragua
- Cohiba XV Dominican

$19.09

Cohiba Dominican
Churchill
7 × 49 · EMS
Single

Quick view

(10 Reviews)

$283.25 $56.65

Cohiba Dominican
Churchill
7 × 49 · EMS
Box of 25 · Pack of 5
Save up to $194.00

Quick view

(10 Reviews)

DEAL Buy a box, get 5 Cohiba Dominican Robustos, valued at $81.45, absolutely free!

$203.75 $40.75

Cohiba Dominican
Corona
5.12 × 42 · EMS
Box of 25 · Pack of 5
Save up to $141.00

Quick view

(4 Reviews)

DEAL Buy a box, get 5 Cohiba Dominican Robustos, valued at $81.45, absolutely free!

$195.40

Cohiba Dominican
Crystal Corona
5.5 × 42 · EMS
Box of 20 Glass Tubes
Save $134.40

Quick view

DEAL Buy a box, get 5 Cohiba Dominican Robustos, valued at $81.45, absolutely free!

$125.12

$99.92

$119.20

$122.12

Cohiba Dominican
Double Corona
7.25 × 54 · EMS
Box of 10
Save $84.78

Quick view

Cohiba Dominican
Double Robusto
5.25 × 54 · EMS
Box of 10
Save $67.98

Quick view

★ ★ ★ ★ ★ (1 Review)

Cohiba Dominican
Gigante
6 × 60 · EMS
Box of 10
Save $80.70

Quick view

Cohiba Dominican
Gran Gigante
6 × 64 · EMS
Box of 10
Save $82.78

Quick view

$248.75 $49.75

Cohiba Dominican
Lonsdale Grande
6.25 × 47 · EMS
Box of 25 · Pack of 5
Save up to $171.00

Quick view

$99.20

Cohiba Dominican
Miniature
3.88 × 24 · EMS
10 Tins of 10 (100 total)
Save $70.70

Quick view

$16.50

Cohiba Dominican
Miniature Single Tin
3.88 × 24 · EMS
Tin of 10

Quick view

$56.05

Cohiba Dominican
Pequeno
4.19 × 34 · Maduro
5 Tins of 6 (30 total)
Save $38.90

Quick view

(1 Review)

DEAL Buy a box, get 5 Cohiba Dominican Robustos, valued at $81.45, absolutely free!

(1 Review)

(1 Review)

$56.05

Cohiba Dominican
Pequeno
4.19 × 34 · EMS
5 Tins of 6 (30 total)
Save $38.90

Quick view

(1 Review)

$244.25 $16.49

Cohiba Dominican
Robusto
5 × 49 · EMS
Box of 25 · Single
Save up to $168.00

Quick view

(1 Review)

DEAL Buy a box, get 5 Cohiba Dominican Robustos, valued at $81.45, absolutely free!

$38.71

Cohiba Dominican
Robusto Fino
4.75 × 47 · EMS
Pack of 5
Save $26.24

Quick view

(3 Reviews)

$106.10

Cohiba Dominican
Toro Tube
6 × 50 · EMS
Box of 10 Aluminum Tubes
Save $73.80

Quick view

(2 Reviews)

DEAL Buy a box, get 5 Cohiba Dominican Robustos, valued at $81.45, absolutely free!

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(3)

~~$97.45~~
Only $58.70
Save $38.75

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- Aged Connecticut Cigar
- Long Nicaraguan Cigar
- Cedar Medium Cigar

> Cigar Brands > COHIBA

COHIBA

ABOUT COHIBA CIGARS

When Columbus landed in the Caribbean in 1492, he was greeted by Cuba's original inhabitants, the Tainos, who delighted in smoking bunches of dried leaves they called "cohiba." The Tainos love affair with quality tobacco soon spread to become the world's love affair with Cuban cigars.

The Cohiba cigar brand celebrates its 50th Anniversary in 2016 as one of the most beloved premium brands. The original Cohiba cigar line was made expressly for Fidel Castro and other significant government officials under strict regulations and intense secrecy on 10 separate farms. By the 1980s Cuban Cohibas became cherished diplomatic gifts for foreign dignitaries and accounted for more revenue than other cigar brands internally Read More

COHIBA MACASSAR

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Shop Now

Compare

Cohiba Macassar Double Corona Connecticut Plus
Colibri Triple Torch Cohiba Lighter
Strength: Medium
Size: Double Corona (7 1/4" x 54)
Origin: Dominican Rep
~~$124.95-$249.90~~
Only $102.10-$199.20
Save up to $50.70

Shop Now

Compare

Cohiba Macassar Toro Gordo Connecticut Plus
Colibri Triple Torch Cohiba Lighter
Strength: Medium
Size: Toro Gordo (6" x 52)
Origin: Dominican Rep
(1)
~~$109.95-$219.90~~
Only $90.40-$175.92
Save up to $43.98

Shop Now

Compare

Cohiba Macassar Gigante Connecticut Plus
Colibri Triple Torch Cohiba Lighter
Strength: Medium
Size: Gigante (6" x 60)
Origin: Dominican Rep
~~$119.95-$239.90~~
Only $96.40-$191.92
Save up to $47.98

BEST SELLING COHIBA CIGARS

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COHIBA

View all COHIBA (13)

COHIBA BLACK

View all COHIBA BLACK (7)

COHIBA EDICION DIAMANTE

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COHIBA NICARAGUA

View all COHIBA NICARAGUA (7)

COHIBA RED DOT

View all COHIBA RED DOT (3)

EXHIBIT NO.: 6
WITNESS: Hackett
DATE: 6-15-17

Add to Cart

Compare

Cohiba Pequenos Cameroon Cigarillo
Strength: Medium
Size: Cigarillo (4 3/4" x 34)
Origin: Dominican Rep
(52)

~~$97.44~~
Only $58.70
Save $38.74
As low as $1.05 per cigar

Add to Cart

Compare

Cohiba Black Tubes Maduro Robusto
Strength: Medium-full
Size: Robusto (5 1/2" x 50)
Origin: Dominican Rep
(16)

~~$131.92~~
Only $78.16
Save $53.76
As low as $4.77 per cigar

Shop Now

Compare

Cohiba Robusto Fino Cameroon Plus
Colibri Triple Torch Cohiba Lighter
Strength: Medium
Size: Robusto (4 3/4" x 47)
Origin: Dominican Rep
(9)

~~$69.95-$349.75~~
Only $45.05-$212.77
Save up to $136.98
As low as $6.51 per cigar

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Compare

Cohiba Corona Minor Cameroon Panetela Plus
Colibri Triple Torch Cohiba Lighter
Strength: Medium
Size: Panetela (4" x 42)
Origin: Dominican Rep
(4)

~~$53.95-$269.75~~
Only $34.75-$161.23
Save up to $108.52
As low as $6.45 per cigar

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Compare

Cohiba Black C Maduro Plus
Colibri Triple Torch Lighter
Strength: Medium-
Size: Corona (5 1/2
Origin: Dominicar

~~$69.95-$349.~~
Only $44.51-$2
Save up to $1
As low as $8.40 p

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Compare

Cohiba Pequenos Cameroon Cigarillo
Strength: Medium
Size: Cigarillo (4 3/4" x 34)
Origin: Dominican Rep
(52)

~~$97.44~~
Only $58.70
Save $38.74
As low as $1.05 per cigar

Add to Cart

Compare

Cohiba Miniatures Cameroon Mini Cigarillo
Strength: Mid-medium
Size: Mini Cigarillo (3 7/8" x 24)
Origin: Dominican Rep
(10)

$17.49
As low as $1.46 per cigar

Add to Cart

Compare

Cohiba Pequenos Cameroon Cigarillo Single Tin
Strength: Medium
Size: Cigarillo (4 1/8" x 36)
Origin: Dominican Rep
(4)

$19.49
As low as $1.62 per cigar

Shop Now

Compare

Cohiba Crystal Corona Cameroon Plus
Colibri Triple Torch Cohiba Lighter
Strength: Medium
Size: Corona (5 1/2" x 42)
Origin: Dominican Rep
(1)

~~$84.95-$339.80~~
Only $53.66-$204.62
Save up to $135.18
As low as $1.28 per cigar

Shop Now

Compare

Cohiba Robusto Cameroon Plus
Colibri Triple Torch Lighter
Strength: Modiun
Size: Robusto (4 3/4
Origin: Dominicar

~~$69.95-$349.~~
Only $45.05-$2
Save up to $1
As low as $8.40 p

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Compare

Cohiba Black Tubes Maduro Robusto
Strength: Medium-full
Size: Robusto (5 1/2" x 50)
Origin: Dominican Rep
(16)

~~$131.92~~
Only $78.16
Save $53.76
As low as $4.77 per cigar

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Cohiba Black Pequenos Maduro Cigarillo
Strength: Medium-full
Size: Cigarillo (4" x 36)
Origin: Dominican Rep
(15)

~~$97.44~~
Only $58.70
Save $38.74
As low as $1.05 per cigar

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Compare

Cohiba Black Pequenos Maduro Cigarillo
Strength: Medium-full
Size: Cigarillo (4 1/8" x 36)
Origin: Dominican Rep
(6)

$19.49
As low as $1.62 per cigar

Shop Now

Compare

Cohiba Black Corona Maduro Plus
Colibri Triple Torch Cohiba Lighter
Strength: Medium-full
Size: Corona (5 1/2" x 42)
Origin: Dominican Rep
(3)

~~$69.95-$349.75~~
Only $44.51-$210.03
Save up to $139.72
As low as $5.41 per cigar

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Compare

Cohiba Black Su Maduro Tor Plus
Colibri Triple Torch Lighter
Strength: Medium-
Size: Toro (6" x
Origin: Dominicar

~~$94.95-$474.~~
Only $59.76-$2
Save up to $1
As low as $1.25 p

Meanwhile in the US a second "Cohiba" name was trademarked in 1978 by General Cigar. The original seeds came from Cuba, but after years of research, the final tobaccos and the blend of this new Cohiba was established in Santo Domingo in the Dominican Republic. Soon high-quality General Cigar Cohibas with a distinctive red dot in the middle of the "O" in the Cohiba name on their label became available to aficionados in the U.S.

COHIBA CIGAR REVIEWS

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Compare

Cohiba Edicion Diamante Gigante in Wood Coffin Cameroon Gigante Plus

Colibri Triple Torch Cohiba Lighter

Strength: Medium
Size: Gigante (6" x 60)
Origin: Dominican Rep

$270.00

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Compare

Cohiba Nicraragua Robusto Nicaraguan 5 Pack

Strength: Medium-full
Size: Robusto (5" x 50)
Origin: Nicaragua

(26)

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Compare

Cohiba Nicraragua Corona Nicaraguan

Strength: Full
Size: Corona (4 1/8" x 36)
Origin: Nicaragua

(3)

~~$97.45~~
Only $55.70
Save $38.75

Add to Cart

Compare

Cohiba Nicraragua Pequenos Nicaraguan Petite Corona

Strength: Full
Size: Petite Corona (4 1/8" x 36)
Origin: Nicaragua

$19.49

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Compare

Cohiba Nicraragua Corona Nicaraguan Plus

Colibri Triple Torch Cohiba Lighter

Strength: Full
Size: Corona (4" x 45)
Origin: Nicaragua

(2)

~~$166.24~~
Only $132.99
Save $33.25

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Compar

Cohiba Nicrar Crystalo Nicara Robusto

Strength: Full
Size: Robusto (5"
Origin: Nicarag

~~$107.02~~
Only $86.3
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Cohiba Red Dot Robusto Cameroon 5 Pack

Strength: Mild-medium
Size: Robusto (5" x 50)
Origin: Dominican Rep

(17)

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Compare

Cohiba Red Dot Gran Gigante Cameroon

Strength: Medium-full
Size: Gran Gigante (6" x 64)
Origin: Dominican Rep

(1)

~~$204.90~~
Only $122.12
Save $82.78

Add to Cart

Compare

Cohiba Red Dot Double Corona Cameroon

Strength: Medium
Size: Double Corona (7 1/4" x 54)
Origin: Dominican Rep

(1)

~~$209.90~~
Only $125.12
Save $84.78

Cohibas are a perfect fit for any special occasion or simply as a great afternoon or evening smoke due to their medium to full strength flavor profiles instantly recognizable. Cohibas offer a truly unique smoking experience and their quality is evident in every puff. Thompson Cigars carries five lines of the General Cigar Cohiba family. In addition to the general Cohiba line, we have the signature Cohiba Red Dot line of medium strength cigars. The Cohiba Black line offers something for those with a taste for the rich Maduro-style wrappers while the Cohiba Edicion Diamante is a rare specimen featuring a Cameroon wrapper that is over 35 years old. Cohiba Nicaragua presents fuller-flavored cigars using some of the finest leaves from this up-and-coming region.

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Compare

Cohiba Red Dot Robusto Cameroon 5 Pack
Strength: Mild-medium
Size: Robusto (5" x 50)
Origin: Dominican Rep
(17)

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Compare

Cohiba Nicaragua Robusto Nicaraguan 5 Pack
Strength: Medium-full
Size: Robusto (5" x 50)
Origin: Nicaragua
(26)
Mix 4 5-packs for $19.75 each

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Cohiba Pequenos Cameroon Cigarillo
Strength: Medium
Size: Cigarillo (4 3/4" x 34)
Origin: Dominican Rep
(52)
~~$97.44~~
Only $58.70
Save $38.74

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Compare

Cohiba Black Tubes Maduro Robusto
Strength: Medium-full
Size: Robusto (5 1/2" x 50)
Origin: Dominican Rep
(16)
~~$131.92~~
Only $78.16
Save $53.76

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Cohiba Peque Cameroon Cig Single Tin
Strength: Mediun
Size: Cigarillo (4 1/
Origin: Dominicar

$19.49

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The Cohiba "Red Dot" Gigante has a dark
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COHIBA

ABOUT COHIBA CIGARS

When Columbus landed in the Caribbean in 1492, he was greeted by Cuba's original inhabitants, the Tainos, who delighted in smoking bunches of dried leaves they called "cohiba." The Tainos love affair with quality tobacco soon spread to become the world's love affair with Cuban cigars.

The Cohiba cigar brand celebrates its 50th Anniversary in 2016 as one of the most beloved premium brands. The original Cohiba cigar line was made expressly for Fidel Castro and other significant government officials under strict regulations and intense secrecy on 10 separate farms. By the 1980s Cuban Cohibas became cherished diplomatic gifts for foreign dignitaries and accounted for more revenue than other cigar brands internally. Read More

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Origin: Dominican Rep

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Colibri Triple Torch Cohiba Lighter
Strength: Medium
Size: Toro Gordo (6" x 52)
Origin: Dominican Rep

Only $90.46-$175.92
Save up to $43.98
As low as $1.76 per cigar

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Cohiba Macassar Double Corona Connecticut Plus
Colibri Triple Torch Cohiba Lighter
Strength: Medium
Size: Double Corona (7 1/4" x 54)
Origin: Dominican Rep

Only $102.10-$199.20
Save up to $50.70
As low as $1.92 per cigar

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Compare

Cohiba Macassar Gigante Connecticut Plus
Colibri Triple Torch Cohiba Lighter
Strength: Medium
Size: Gigante (6" x 60)
Origin: Dominican Rep

Only $96.46-$191.92
Save up to $47.98
As low as $1.61 per cigar

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Cohiba Pequenos Cameroon Cigarillo
Strength: Medium
Size: Cigarillo (4 3/4" x 34)
Origin: Dominican Rep

Only $58.70
Save $38.74
As low as $1.96 per cigar

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Cohiba Black Tubes Maduro Robusto
Strength: Medium-full
Size: Robusto (5 1/2" x 50)
Origin: Dominican Rep

Only $78.16
Save $53.76
As low as $9.77 per cigar

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Compare

Cohiba Robusto Fino Cameroon Plus
Colibri Triple Torch Cohiba Lighter
Strength: Medium
Size: Robusto (4 3/4" x 47)
Origin: Dominican Rep

Only $45.05-$212.77
Save up to $136.98
As low as $8.51 per cigar

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Compare

Cohiba Corona Minor Cameroon Panetela Plus
Colibri Triple Torch Cohiba Lighter
Strength: Medium
Size: Panetela (4" x 42)
Origin: Dominican Rep

Only $34.75-$161.23
Save up to $108.52
As low as $6.45 per cigar

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Cohiba Black Coro Maduro Plus
Colibri Triple Torch Co Lighter
Strength: Medium-full
Size: Corona (5 1/2" x
Origin: Dominican Re

Only $44.51-$210
Save up to $139
As low as $8.40 pe

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Cohiba Pequenos Cameroon Cigarillo
Strength: Medium
Size: Cigarillo (4 3/4" x 34)
Origin: Dominican Rep

Only $58.70
Save $38.74
As low as $1.95 per cigar

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Cohiba Miniatures Cameroon Mini Cigarillo
Strength: Mild-medium
Size: Mini Cigarillo (3 7/8" x 24)
Origin: Dominican Rep

$17.49
As low as $1.75 per cigar

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Compare

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Colibri Triple Torch Cohiba Lighter
Strength: Medium
Size: Corona (5 1/2" x 42)
Origin: Dominican Rep

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Save up to $135.18
As low as $10.23 per cigar

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Cohiba Lonsdale Grande Cameroon Plus
Colibri Triple Torch Cohiba Lighter
Strength: Medium
Size: Lonsdale Grande (6 1/4" x 47)
Origin: Dominican Rep

Only $16.99-$255.78
Save up to $168.97
As low as $10.23 per cigar

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Cohiba Pequeno Cameroon Cigarillo S Tin
Strength: Medium
Size: Cigarillo (4 1/8" x
Origin: Dominican Re

$19.49
As low as $1.75 per

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Cohiba Black Pequenos Maduro Cigarillo
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Size: Cigarillo (4" x 36)
Origin: Dominican Rep
Only $58.70
Save $38.74
As low as $1.96 per cigar

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Compare
Cohiba Black Tubes Maduro Robusto
Strength: Medium-full
Size: Robusto (5 1/2" x 50)
Origin: Dominican Rep
Only $78.16
Save $53.76
As low as $9.77 per cigar

Shop Now
Compare
Cohiba Black Supremo Maduro Toro Plus
Colibri Triple Torch Cohiba Lighter
Strength: Medium-full
Size: Toro (6" x 54)
Origin: Dominican Rep
Only $59.76-$286.28
Save up to $188.47
As low as $11.45 per cigar

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Compare
Cohiba Black Pequenos Maduro Cigarillo
Strength: Medium-full
Size: Cigarillo (4 1/8" x 36)
Origin: Dominican Rep
$19.49
As low as $3.25 per cigar

Shop Now
Compare
Cohiba Black Corona Maduro Plus
Colibri Triple Torch Co Lighter
Strength: Medium-full
Size: Corona (5 1/2" x
Origin: Dominican Re
Only $44.51-$210
Save up to $139
As low as $8.40 pe

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Compare
Cohiba Edicion Diamante Gigante In Wood Coffin Cameroon Gigante Plus
Colibri Triple Torch Cohiba Lighter
Strength: Medium
Size: Gigante (6" x 60)
Origin: Dominican Rep
$270.00
As low as $27.00 per cigar

COHIBA NICARAGUA

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Cohiba Nicraragua Robusto Nicaraguan 5 Pack
Strength: Medium-full
Size: Robusto (5" x 50)
Origin: Nicaragua

Mix 4 5-packs for $19.75 each

Add to Cart

Compare

Cohiba Nicraragua Corona Nicaraguan
Strength: Full
Size: Corona (4 1/8" x 36)
Origin: Nicaragua

Only $58.70
Save $38.75
As low as $1.96 per cigar

Add to Cart

Compare

Cohiba Nicraragua Pequenos Nicaraguan Petite Corona
Strength: Full
Size: Petite Corona (4 1/8" x 36)
Origin: Nicaragua
$19.49
As low as $3.25 per cigar

Add to Cart

Compare

Cohiba Nicraragua Corona Nicaraguan Plus
Colibri Triple Torch Cohiba Lighter
Strength: Full
Size: Corona (4" x 45)
Origin: Nicaragua

Only $132.99
Save $33.25
As low as $8.31 per cigar

Add to Cart

Compare

Cohiba Nicraragua Crystale Nicaragua Robusto Plus
Colibri Triple Torch Co Lighter
Strength: Full
Size: Robusto (5" x 5
Origin: Nicaragua

Only $86.34
Save $21.58
As low as $10.79 per

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Cohiba Red Dot Robusto Cameroon 5 Pack
Strength: Mild-medium
Size: Robusto (5" x 50)
Origin: Dominican Rep

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Cohiba Red Dot Double Corona Cameroon
Strength: Medium
Size: Double Corona (7 1/4" x 54)
Origin: Dominican Rep

Only $125.12
Save $84.78
As low as $10.51 per cigar

Add to Cart

Compare

Cohiba Red Dot Gran Gigante Cameroon
Strength: Medium-full
Size: Gran Gigante (6" x 64)
Origin: Dominican Rep

Only $122.12
Save $82.78
As low as $12.21 per cigar

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Cohiba Red Dot Robusto Cameroon 5 Pack
Strength: Mild-medium
Size: Robusto (5" x 50)
Origin: Dominican Rep

Cohiba Nicaragua Robusto Nicaraguan 5 Pack
Strength: Medium-full
Size: Robusto (5" x 50)
Origin: Nicaragua
Mix 4 5-packs for $19 75 each

Cohiba Pequenos Cameroon Cigarillo
Strength: Medium
Size: Cigarillo (4 3/4" x 34)
Origin: Dominican Rep
Only $58 70
Save $38.74
As low as $1 96 per cigar

Cohiba Black Pequenos Maduro Cigarillo
Strength: Medium-full
Size: Cigarillo (4" x 36)
Origin: Dominican Rep
Only $58 70
Save $38 74
As low as $1 96 per cigar

Cohiba Crystal Cor Cameroon Plus
Colibri Triple Torch Co Lighter
Strength: Medium
Size: Corona (5 1/2" x
Origin: Dominican Re
Only $53 66-$204
Save up to $135
As low as $10 23 per

Meanwhile in the US, a second "Cohiba" name was trademarked in 1978 by General Cigar. The original seeds came from Cuba, but after years of research, the final tobaccos and the blend of this new Cohiba was established in Santo Domingo in the Dominican Republic. Soon high-quality General Cigar Cohibas with a distinctive red dot in the middle of the "O" in the Cohiba name on their label became available to aficionados in the U.S.

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The Cohiba "Red Dot" Crystal Corona has a
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PER UNIT: $8.99 - $13.49

COHIBA CIGARS

Cohiba cigars – this is one whose name even non-smokers know well. It's a brand that skyrocketed to popularity even before the boom, is the only "authentic" Cohiba cigar that can be bought legally in the U.S. – and is one of the only smokes out there worthy of its string of trademark lawsuits. Dominican at its heart, Cohiba cigars are a natural stepping stone for smokers looking to ramp up the flavor and add a little spice to the mix. The selections here, starting with the Cohiba Red Dot, land square in the neighborhood of medium body and move on up; though any and all of these Cohibas smoke creamy-smooth, rich and well-balanced due to their respective, refined Cuban-seed longfiller blends. A Cohiba cigar isn't just a smoke – today it represents quality, history and those bits and pieces of life that are more than just refined. It's no wonder that the original Cuban Cohiba was a Castro favorite. Christopher Columbus was way ahead of Castro, as well as the rest of us who buy Cohibas online, when it came to these premium gems. Columbus returned to Hispaniola in 1496, where he witnessed the Taino Indians smoking cured and rolled tobacco leaves. The Taino referred to these "smokes" as..."Cohibas " In February 1962, the United States implemented the Cuban embargo – and with it, banning the import of Cuban cigars – which meant that America would end up missing out on one of Cuba's best-kept secrets: Eduardo Ribera. He was a local Cuban roller who made puros for one of Castro's bodyguards, who in turn shared his private stash with "El Jefe." Castro loved the cigars so much, he took Ribera as his private roller to make this blend exclusively for him, in secret. The actual name brand came about in 1968 when Cubatabaco, the state's tobacco bureau, formally employed master blender Avelino Lara to produce a new blend at his El Laguito factory. Produced in very limited quantities and reserved only for the most senior Cuban government officials, it consisted of the choicest leaf grown in the Vuelta Abajo region of Pinar del Rio Province. One of Lara's secrets to imparting such smoothness to his blend was triple-fermenting the leaves, with the third rest in oak barrels. By 1982, the smoke broke free from the island and was introduced worldwide - the United States excluded - meaning these Cuban cigars are very often counterfeited, as fake Cohiba cigars seemed to pop up everywhere. Meanwhile, back in the States...General Cigar licensed the Cohiba name in the early '90s to market their Dominican-made version of these cigars (not fake Cohibas) in America. Though a lengthy lawsuit with the Cuban government over the brand name continues to this day, the Dominican offering is a staple among enthusiasts worldwide. And it's no wonder why: consisting of three DR-grown Cuban-seed longfillers, Indonesian binder and a sweet, flavorful Cameroon wrapper, this legal Cohiba cigar maintains a slightly spicy, Cuban character; but still remains very distinct from

EXHIBIT NO.: 7
WITNESS: Hacker
DATE: 6-15-17

its island-born relative. Not content to leave it at just one cigar, Cohiba has introduced a slew of premium and super-premium offerings under the name, topping out with the Edición Diamante Collection. Just like you don't buy a Rolex to tell you what time it is, you don't choose these cigars for burning at the barbecue. Hailed as "a piece of premium cigar history," they've worked up something truly special here...wrapped in Cameroon from a crop harvested in 1980 that was hailed as "legendary" and aged ever since, Edición Diamante is a limited edition smoke presented in boxes of 10, starting at a 50 ring gauge. Rich in tradition and refined in taste...buy your box and smoke some history. Buy Cohiba cigars online at discount prices here at Famous Smoke Shop.

VISIT OUR RETAIL STORE

Sick of shopping online? Come and visit our physical store

LET'S GO!

HELP SUPPORT SMOKER'S RIGHTS

Join the fight to protect your right to enjoy premium cigars

FIGHT FOR FREEDOM

FAMOUS RADIO DEALS

Deals and offers you may have heard on the airwaves

SEE THE DEALS

CIGARS FOR WARRIORS

Famous Smoke Shop is proud to support the Cigars for Warriors program.

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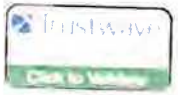
For website help, please contact us by email or call us at **1-800-564-2486**



terremark Cybertrust Security | SECURED WEBSITE

Famous Smoke is a secure retailer of the finest cigars online at the web's best prices. Please note that Famous Smoke Shop does not sell tobacco products to anyone under the age of 18 (or the minimum age in your local jurisdiction, whichever is higher). Note also that it is unlawful to even attempt to purchase cigars below the minimum age. If you are not of legal age, please do not enter our site.

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

In the matter of Trademark Registration No. 1147309
For the mark COHIBA
Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273
For the mark COHIBA
Date registered: June 6, 1995

EMPRESA CUBANA DEL TABACO, d.b.a. CUBATABACO, Petitioner, v. GENERAL CIGAR CO., INC. Respondent.	:	Cancellation No. 92025859

PARTY DESIGNATION: See Exhibit Cover Sheet

Designated TTAB Discovery Deposition Transcript of
Alvin Ossip, dated June 30, 2017
Part 3 of 4

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

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PARTY OFFERING: PETITIONER

Exhibit 10 to the TTAB Discovery Deposition Transcript of Alvin Ossip, dated June 30, 2017
Part 2 of 2

Cohiba Black

(9) WRITE A REVIEW

STAFF REVIEWS (2)

SHOP ALL COHIBA BRANDS ›

CLICK TO BROWSE OPTIONS

DEAL

FREE 5-Pack w/ Box Purchase

For a limited time only, enjoy a FREE 5-Pack of the medium to full-bodied Cohiba Nicaragua with any Cohiba 16-count or higher box purchase.

DETAILS

OVERVIEW

The richest Cohiba to date.

With a dark maduro wrapper and aged Dominican Piloto binder, Cohiba Black offers a rich and complex flavor that appeals to even the most discerning aficionado.

As perhaps the most recognized name in cigars worldwide, Cohiba has been an icon for what many consider to be "the best." Debuting in Cuba shortly after Castro came to power, Cohiba cigars were made from the country's top 1% of leaves harvested and the cigars were reserved for diplomatic gifts and government VIPs. In fact, speculation exists that the brand was initially made for Fidel Castro himself, who considered the blend his favorite.

Cohiba Black was introduced at the 2006 RTDA show in Las

EXHIBIT NO.: 8
WITNESS: Hacker
DATE: 6-15-17

Vegas. As one of the most popular super premiums, Cohiba Black follows in the footsteps of its predecessor, Cohiba Red Dot, which is also made in the Dominican Republic. The cigar features a multi-country blend with a rich and dark Connecticut Broadleaf maduro wrapper. However, perhaps more exciting than the oily wrapper is the filler, which encompasses leaves from the Dominican Republic and Mexico. Cohiba Black is then finished with an enticing Dominican Piloto binder that has been aging for more than three years in tercio. Don't miss your chance to try on of Cohiba's finest creations.

Churchill (7.0"x49) **MEDIUM-FULL**

Show cigar size

Add To Favorites

SINGLE	[illegible]		$19.10	ADD TO CART
5-PACK	[illegible]		$67.50	ADD TO CART
BOX OF 25 + 5-PACK	IN STOCK	MSRP: $477.25	$283.25	ADD TO CART

Corona (5.5"x42) **MEDIUM-FULL**

Show cigar size

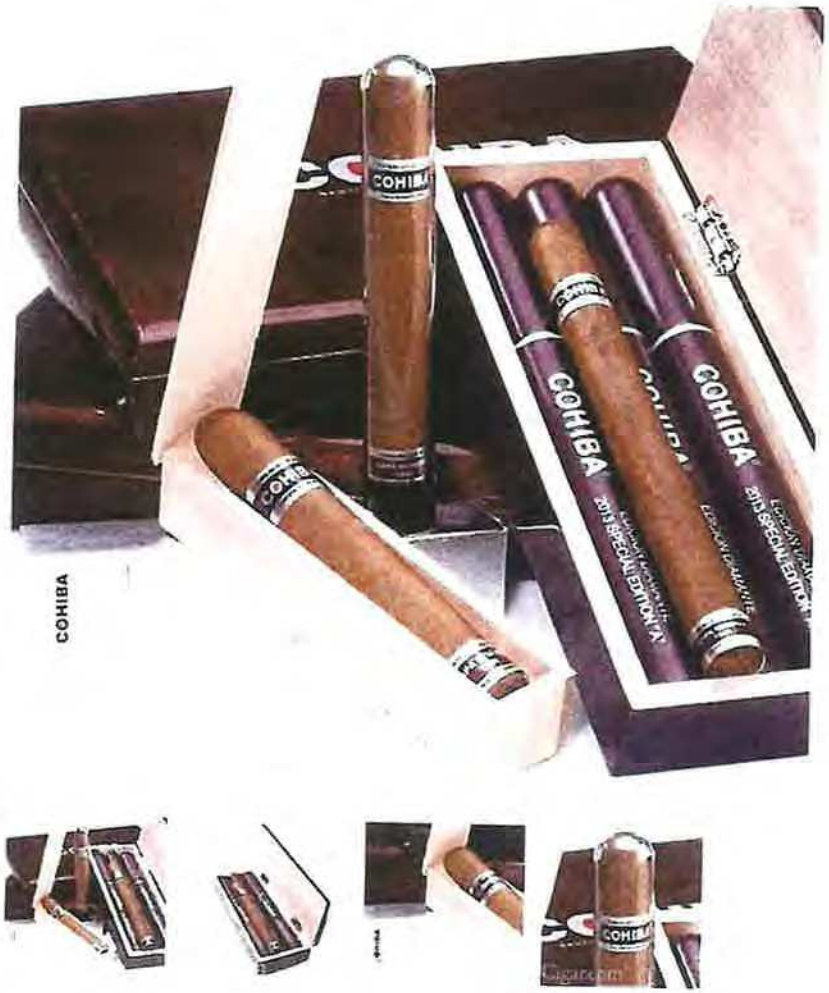
Add To Favorites

SINGLE	[illegible]		$13.80	ADD TO CART
5-PACK	[illegible]		$47.50	ADD TO CART
BOX OF 25 + 5-PACK	IN STOCK	MSRP: $344.75	$203.75	ADD TO CART

FREE SHIPPING EVERY DAY

cigarsprinksale

BACK TO TOP



Cohiba Edicion Diamante 2013

BE THE FIRST TO RATE THIS PRODUCT

SHOP ALL COHIBA BRANDS ›

CLICK TO BROWSE OPTIONS

DETAILS

OVERVIEW

You've tried the rest, now try the best

The mere mention of Cohiba cigars conjures up images of powerbrokers sitting in overstuffed leather chairs in some back office making seven figure business deals. The Cohiba was born in Cuba, commissioned by Castro to be the cigars of the elite, available exclusively for dignitaries and high-ranking government officials. Eventually word got out about how great the Cohiba cigars were, and the brand became available to the public and are now considered as the finest cigar from the island south of Miami. Due to the political climate, a second version of the brand was produced in the Dominican Republic, to no less fanfare and acclaim.

Look up the word vintage in the dictionary, and you'll understand to how special Cohiba Edicion Diamante 2013 truly is. Featuring an extraordinary 35 year old Cameroon wrapper, this leaf truly sets Cohiba Edicion Diamante 2013 apart from the rest of the super-premium blends on the market. This medium-bodied blend is completed with a hand selected blend of Dominican long leaves to provide a luxuriously smooth character and creamy profile that any palate will appreciate. With additional notes of leather and cedar, this blend is one to be treasured and savored.

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WITNESS: Hacker
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COHIBA

Cohiba Cigars

Cohiba cigars are known around the world among true blue cigar connoisseurs as well as cigar novices who indulge only on rare occasions. Handcrafted from premium long-filler tobaccos in the Dominican Republic, Cohiba presents a great opportunity to acquaint yourself with a famous brand. A nice variety of strengths and formats make up the Cohiba portfolio. Consistent construction, rich flavors and elegant packaging guarantee you'll be impressed.

CIGARS

Cohiba
Price Per Cigar:
$1.04 - $19.49
16 options available
1 Review
STRENGTH MEDIUM
Country: Dominican Republic
Wrapper: Cameroon
Cohiba has been a mainstay in the cigar industry for longer than any of us can...
read more
Click To Buy

Cohiba Black
Price Per Cigar:
$1.95 - $19.49
10 options available
1 Review
STRENGTH MILD-MEDIUM
Country: Dominican Republic
Wrapper: Connecticut Broadleaf
Cohiba Black features a Connecticut-Broadleaf Maduro wrapper that's as...
read more
Click To Buy

Cohiba Nicaragua
Price Per Cigar:
$10.79 - $15.49
6 options available
STRENGTH MEDIUM-FULL
Country: Nicaragua
Wrapper: Nicaraguan
Cohiba Nicaragua features sultry Honduran Oscuro wrappers around a
read more
Click To Buy

EXHIBIT NO.: 10
WITNESS: Hacker
DATE: 6-15-17

Cohiba

Cohiba cigars are the most well-known cigars the world-over. Each Cohiba cigar is a luxurious, top-shelf handmade crafted using only the most premium tobaccos. Continually consistent, Cohiba cigars deliver as advertised.

Cigars

Cohiba Black

13 Ratings
$1.87 - $12.50 per cigar
17 Options

Shop Now

Strength: MEDIUM-FULL
Wrapper: Connecticut Broadleaf
Origin: Dominican Republic
Sizes:

- Churchill (7.0"x49)
- Cigarillos (4.1"x36)
- Corona (5.5"x42)

EXHIBIT NO.: 11
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DATE: 6-15-17

Cohiba Luxe

Be the first to rate this product

Cohiba... enough said.

Cohiba is a celebrity in the cigar industry, there's no denying that. This line originated from the special blend of tobaccos that Fidel Castro himself used to smoke, and to this day the Cohiba brand continues to impress. And now once again Cohiba has managed to deliver a blend for the ages, a prize of pure beauty, a lip-smacker of luxury – say hello to Cohiba Luxe. Ever the innovators, the minds behind Cohiba at General Cigars have found a way to wow the masses with one of the rarest and most unique wrapper leaves to appear in quite some time.

Cohiba Luxe features an African Cameroon wrapper leaf that was grown on a plot of lush soil located on the outskirts of the second densest rainforest on the planet. The tobacco is grown by the Meerapfel family, and for that reason this specific leaf is called Cameroon Meerapfel African gold. The family behind this rare and highly desirable varietal goes back five generations in the tobacco industry, and they know the crop inside and out. Yes, Cohiba Luxe comes with a hefty price tag, but so do diamonds, and this medium-bodied concoction is most certainly worth every penny. It's only available in limited quantities, so be sure to grab yours before it disappears for good.

Please Call for Availability and Pricing!

Products **Customer Reviews** **Q&A**

Size	Pack	In Stock	Price	Qty	Cart
Cohiba Luxe - Call for Availability and Price		Out of Stock	$0.00		

Checkout

Cohiba Edicion Diamante 2013

Cohiba Comador

Cohiba Black

Edgar Hoill O.S.O.K. (One Shot One Kill)
$6.44 - $11.50 per cigar
(3)

Cohiba Edicion Diamante 2013
$12.63 - $13.06 per cigar
(2)

Cohiba Nicaragua
$6.09 - $13.40 per cigar
(3)

EXHIBIT NO.: 12
WITNESS: Hacke
DATE: 6-15-1

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CARS AVIATION MARINE TRAVEL WATCH COLLECTOR STYLE SHELTER FOOD & DRINK

Cuban Cigars Are Legal Again. This Is Your Guide to Buying the Best

VIEW SLIDESHOW

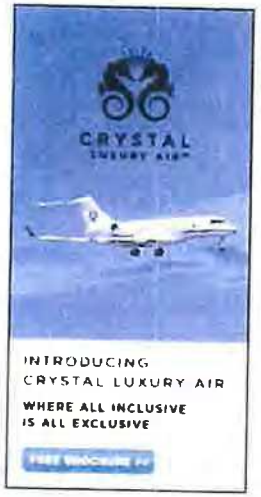
This is indeed an historic time for American cigar smokers as, for the first time since 1962, restrictions on **Cuban cigars** have been lifted, and U.S. citizens traveling outside of the country can now legally bring back what once was Havana's "forbidden fruit."

But it is still illegal to sell Cuban cigars in the United States. That means you won't be finding Havana's finest at your local tobacconist's any time soon—numerous obstacles prevent that, including the fact that many Cuban and non-Cuban cigars share the same names (think Cohiba, Partagas, and Fonseca, for example).

However, you can now legally buy Cuban cigars in any country except the United States. But beware of fakes. Because of their reputation and mystique, counterfeit Cuban cigars are rampant worldwide—even in Cuba. Cuban tobacco has, in varying degrees, a slight earthiness in taste and aroma, and you do not usually find this characteristic in counterfeit cigars. But it is not just the possibility of inferior tobaccos—Cuban or otherwise—one should guard against: bands and boxes (even when date-stamped on the bottom) are commonly counterfeited. Therefore, the best places to buy Cuban cigars are from reputable tobacconists, which include La Casa del Habano shops and Duty Free stores.

When buying Havanas by the box, look for the official Habanos S.A. watermarked and holograms stamp, which has been in use since 2009. Plus, make sure all the cigars are of uniform color. There are approximately ninety shades of brown, and cigar makers employ a color-sorter to ensure every cigar in the box is the same color. It is also wise to check the second layer of cigars in the box. If they are a different shade of brown, select a different box.

And finally, even with the newly relaxed rules, the cigars you bring back must be for personal consumption—they cannot be for resale. And U.S. customs regulations still apply, which means returning travelers are limited to 100 cigars. Considering Cuban cigars typically sell from $17 to $40 apiece—not counting limited editions and other rarities—that may effectively limit your purchases to four boxes or less. But to help ensure the [illegible] of Cuban cigars you buy will be the ones you will enjoy smoking, here



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CRYSTAL LUXURY AIR
WHERE ALL INCLUSIVE
IS ALL EXCLUSIVE

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The Superfoods You Need for Longevity

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1 OF 10 NEXT

#1

Cohiba

Cohibas are undoubtedly one of the most popular—and the most counterfeited—of all Cuban cigars. Particularly coveted are the Esplendidos and the newer Behike, a large-ringed variation that is all the rage, especially in London and Paris. Cohibas are medium-full in character but not overpowering. However, newer smokers may want to select the kinder, gentler Siglo series.

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An Exclusive Guide to Terranea Resort

By ROBB REPORT STUDIO

With its breathtaking oceanfront setting in Rancho Palos Verdes, California, it's easy to see the allure of Terranea. Here, on a peninsula just 30 miles south of Los Angeles, the classic Mediterranean-style resort embraces its natural, 102-acre...

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#2

Trinidad

Trinidad cigars started out as Castro's "secret" VIP cigar that replaced the Cohiba in popularity when it began to be sold to the public in 1982. As one of the most expensive choices, depending on where you buy it, it won't take many of these medium-full-flavored smokes to use up most of your government-approved limitations, not to mention your budget.

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The New Ways of Yachting from Ferretti

BY FERRETTI GROUP

In nearly a half century, the Ferretti Group has revolutionized the yachting industry. Its Ferretti Yachts, Pershing, Itama, Riva, Mochi Craft, Custom Line, and CRN brands have been category leaders, with innovations that quickly became standards...

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#3

Montecristo

The No. 2 **Montecristo** specifically is a personal favorite—if you like single-malt scotch and red meat, you cannot go wrong with this choice. Medium-full-bodied, it carries an undertone of sweet spice. That said, the slightly smaller Montecristo No. 4 is the best-selling cigar in world.

PATEK PHILIPPE

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Rest of wild animals...

Modern Exploration with Shannon Wild

BY ROBB REPORT STUDIO

The famed wildlife photographer risks life and limb to capture the secret

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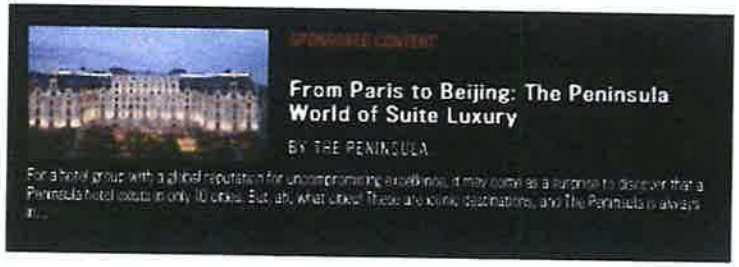
#4

Partagás

The **Partagás** series D No. 4 robusto is a popular size for this powerhouse [illegible] It is tantamount to smoking a porterhouse steak. If you have an hour and a half to spare, try a Lusitania



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#5

H. Upmann

Medium strength, the gentle **H. Upmann** still retains enough earthiness to make it suitable for either early or late evenings

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From Paris to Beijing: The Peninsula World of Suite Luxury

BY THE PENINSULA

For a hotel group with a global reputation for uncompromising excellence, it may come as a surprise to discover that a Peninsula hotel exists in only 10 cities. But ah, what cities! These are iconic destinations, and The Peninsula is always in...

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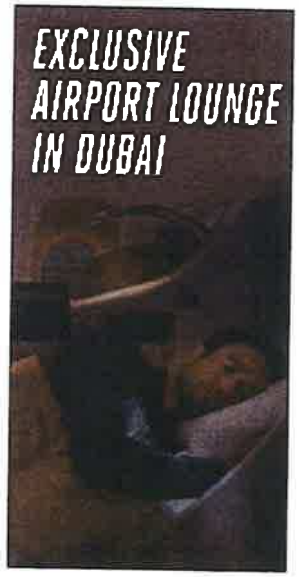
#6

Romeo y Julieta

Medium strength with a touch of sweetness, a **Romeo y Julieta** is the perfect cigar when you are not quite sure what to buy. Their Tubos are especially handy for traveling when you do not have a cigar case to protect your smokes.



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An Exclusive Guide to Terranea Resort

BY ROBB REPORT STUDIO

With its breathtaking oceanfront setting in Rancho Palos Verdes, California, it's easy to see the allure of Terranea. Here, on a peninsula just 20 miles south of Los Angeles, the classic Mediterranean-style resort embraces its natural, 102-acre...

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#7

Punch

Subtly powerful yet smooth, a **Punch** cigar has a rich, leathery finish. The Double Corona is a perfect match for a snifter of X.O. Cognac.

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BY ROBB REPORT STUDIO

With its breathtaking oceanfront setting in Rancho Palos Verdes, California, it's easy to see the allure of Terranea. Here on a bluff just 30 miles south of Los Angeles, the classic Mediterranean-style resort embraces its natural, 102-acre...

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lenger 350 aircraft.
industry best seller.
BOMBARDIER

8

Hoyo de Monterrey

The **Hoyo de Monterrey** is a fa[illegible] mild smoke: th[illegible] Irish whiskey, or blended Scotch.

Challenger 350
The industry best seller
BOMBARDIER

[illegible] of wild animals...

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Modern Exploration with Shannon Wild

BY ROBB REPORT STUDIO

The famed wildlife photographer risks life and limb to capture the secret

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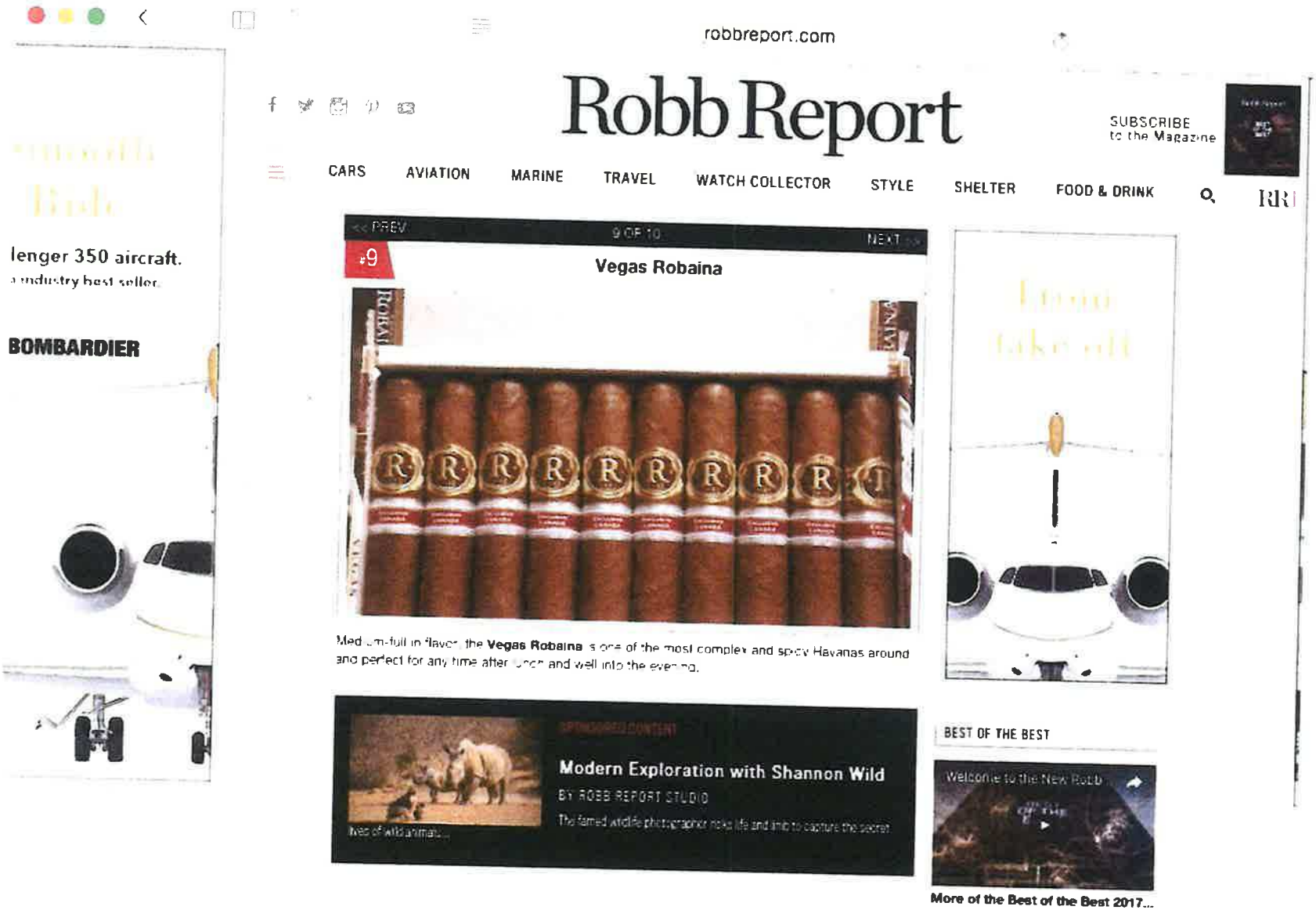
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lenger 350 aircraft.
BOMBARDIER
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NEXT
#9
Vegas Robaina
Medium-full in flavor, the Vegas Robaina is one of the most complex and spicy Havanas around and perfect for any time after lunch and well into the evening.
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Modern Exploration with Shannon Wild
BY ROBB REPORT STUDIO
The famed wildlife photographer risks life and limb to capture the secret lives of wild animals...
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Welcome to the New Robb
More of the Best of the Best 2017...

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#10

Cuaba

The shapes of all **Cuabas** are all Figurados, a mild-mannered smoke ideal for the novice as well as the connoisseur who feels like throttling down a bit in flavor intensity.

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BY TECHNOGYM

Technogym's Design-Driven Personal Line is as High-Tech as it is Easy on the Eyes...

PATEK PHILIPPE GENEVE

"As a watchmaker, you don't follow rules, you follow your passion."

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SEARCH RESULTS FOR: COHIBA

lenger 350 aircraft.
industry best seller.

BOMBARDIER

SPIRITS

Celebrate Cohiba's 50th Anniversary with Celebrity Chef Charlie Palmer in Napa

The chef's Harvest Inn resort will host a three-day festivity to honor the legendary Cuban cigars...

March 31, 2015 · RICHARD CARLETON HACKER

CIGARS

Cohiba Black

Characteristics A slightly sweet, spicy cigar that gets its name from its brownish-black Connecticut broadleaf maduro wrapper. The filler is composed of Mexican and Dominican leaf, and the Dominican binder has been aged for three years in hardened palm fronds called tercios, which dramatically intensifies fermentation and taste. Insider's Tip Now that General Cigar has [...]

July 11, 2010 · ROBB REPORT STAFF

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BOMBARDIER

Cohiba Puro Dominicana

Although other companies brought their Dominican puros to market first, General Cigar began experimenting with Dominican-grown wrappers as early as the 1970s. Recently, the company's retiring president and chief operating officer, Daniel Nunez, at last unveiled one of the splendid outcomes of those experiments, the Cohiba Puro Dominicana (www.cigarworld.com, $14.30-?$21.30). It is not the company's [...]

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Smoke: Best of the Best Cigars: Cohiba Extra Vigoroso

Whether you are speaking of the Cuban or the Dominican brand, the Cohiba name is revered among most cigar connoisseurs. The Extra Vigoroso, though, has catapulted the Dominican Cohiba to the pinnacle of quality among superpremium cigars. When the Dominican brand first appeared in the 1980s, it barely registered with most cigar smokers because of [...]

June 1, 2002 · RICHARD CARLETON HACKER

Cuban Cigars Are Legal Again. This Is Your Guide to Buying the Best

With the loosening of some rules (not all), these are the 10 Cubans to collect and smoke now...

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Just back from Cuba, a Robb Report travel editor outlines everything a savvy traveler must know...

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In 2014, Cohiba unveiled a new limited-edition cigar, the Dominican-made Cohiba Luxury Selection, which earlier this year was named Robb Report's Best of the Best cigar. Now the manufacturer has released a new iteration of that cigar—the Cohiba Luxury Selection No. 2 (cohiba.com), which is available as a 6 × 52 toro. Like the double [...]

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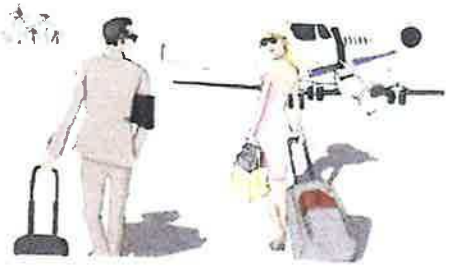

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Robb Report VIPs Toast to 300 Years of Martell Cognac

New York's Club Macanudo played host to an evening of Martell Cognac and Cohiba cigars...

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A new boutique hotel was built on the original site of the Hyde Park Corner tube station...

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Too Precious to Smoke

As prices for rare Cubans rise, it is getting harder to put a match to the most collectible cigars...

December 15, 2014 · RICHARD CARLETON HACKER

SPIRITS

Holiday Stars: Collector's Choice

The Arturo Fuente 100th Anniversary Destino Siglo ($416-$520; http://www.cigarfamily.com) is aptly subtitled Autor. The limited-edition book-shaped boxes are dedicated to the story of the Fuente family and are filled with 26 100th Anniversary Dominican puros in two rows of 13—the Fuente family's lucky number. Most of the tobaccos were grown at Château de la Fuente. [...]

December 2, 2014 · RICHARD CARLETON HACKER

ELECTRONICS

Robb Report Hosted the Launch of Sony's 4K Ultra Short Throw Projector at the Waterfall Mansion in New York

The design-driven event offered attendees a night of art, music, and technology...

October 13, 2014 · [ROBB REPORT PARTNER EVENT]

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SPIRITS

Roll On, Britannia

Beneath the awning at the entrance to the Wellesley, a new boutique hotel built on the original site of the Hyde Park Corner tube station, there are still vestiges of the old red subway tiles, and it is not difficult to imagine the many cigars puffed by waiting passengers so many decades ago. Just off [...]

March 1, 2014 · RICHARD CARLETON HACKER

SPIRITS

Holiday Stars: Dominican Republic

BLACK DIAMOND Made for the J.C. Newman Cigar Company by its partner Tabacalera A. Fuente y Ca., Diamond Crown has always been known for its Connecticut shade wrapper and trademark 54-ring gauge in a variety of lengths. The best Connecticut broadleaf is deeply fermented, resulting in the dark, oily wrapper of the relaunched Black Diamond. [...]

December 1, 2013 · RICHARD CARLETON HACKER

CIGARS

And to All a Good Light

Cigar smokers have cause to be especially joyous this season, for not since the Great Cigar Boom of the 1990s has such an abundance of hand-rolled riches been laid before them. This bounty has resulted, in part, from increased competition, as new cigar makers have entered the field and older, more established brands have felt [...]

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HOME DECOR

Cuts Above

Paris Lighting that is truly a glass act A Nathalie Pasqua-designed chandelier is more sculptural than functional, casting no more light than that emitted by a handful of birthday candles. And this is precisely the intention of the former ballerina turned lighting creator. After 20 years under the Opera National de Paris's glaring stage lights, [...]

March 1, 2013 · JACKIE CARADONIO, JORGE S. ARANGO AND SAMANTHA BROOKS

DESTINATIONS

Le Royal Monceau Opens a Private Oasis for Cigar Lovers

Le Royal Monceau, Raffles Paris opened Vinales Club, a private cigar club named after the Cuban tobacco region. The club opened in late September, and membership is limited to just 50 guests, who pay about $15,500 per year. Members of the club, which has a bar and private smoking terrace, have private humidors to house [...]

October 8, 2012 · CHRISTINA GAROFALO

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Although men may have smoked together since the first tobacco leaves were rolled and torched with fire, the proper cigar lounge was a 19th-century invention. Indeed, in spite of Queen Victoria's disapproval of tobacco, it became a cherished ritual for like-minded gentlemen to bond over snifters and cigars in a well-appointed space. The tradition blazed [...]

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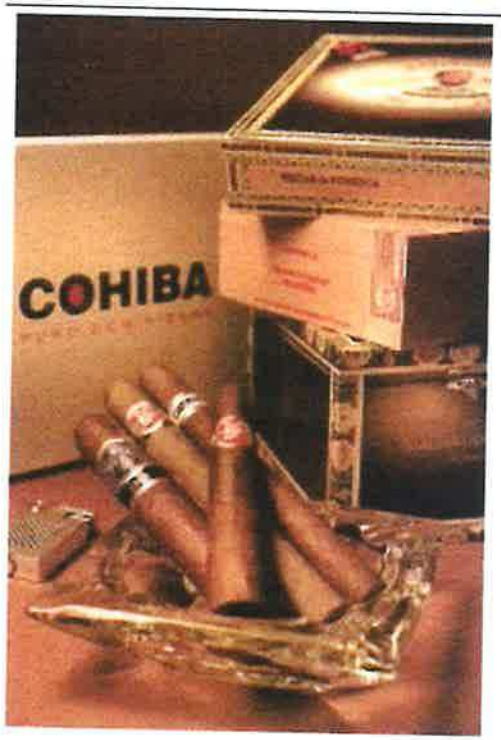

SPIRITS

Smoke: Prime Aged Leaf

While students of military history define a tercio as a 15th-century battle formation in which armed soldiers assumed a box-shaped configuration, cigar manufacturers employ the term to designate a covering of hardened palm bark used to age tobacco gradually. This mid-19th-century Cuban aging technique has fallen out of favor with most cigar makers because of [...]

March 1, 2009 - RICHARD CARLETON HACKER

SPIRITS

2008 Holiday Host Guide: On A Roll: Forbidden Fruits

It is a violation of the Trading with the Enemy Act for Americans to purchase or consume Cuban products anywhere in the world, so it would be a crime to smoke the following cigars. Since it was created in 1966 as a diplomatic gift with which Fidel Castro could honor foreign dignitaries, the Cohiba has [...]

November 1, 2008 - JACK SMITH

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2008 Holiday Host Guide: On A Roll

In Cuba, it is better to beg forgiveness than to ask permission. After all, in a country where the economy runs on the black market and promiscuity is promoted as a tourist attraction, people tend to be understanding. To ask permission, on the other hand, is to call attention to yourself, to arouse suspicion, and, [...]

November 1, 2006 · JACK SMITH

FASHION

2008 Holiday Host Guide: Leaf Changes

The fancies of high-fashion designers—as expressed in the creations that populate the runways of Paris, Milan, and New York—represent more than simply the latest in practical protection from the elements; they are social snapshots that capture the cultural mood of the moment. Simplicity might reign one season, complexity the next. Although cigar making ranks among [...]

November 1, 2008 · BRENT BUTTERWORTH AND RICHARD CARLETON HACKER

2006 Holiday Host Guide: From Morning to Midnight

A smoker's definition of the perfect cigar will depend as much on the time of day as on his palate. Even stalwarts will find heavier cigars overwhelming at a morning affair, and those same veterans may consider lighter cigars to be as flavor-free as the air itself, regardless of the hour of the event. We [...]

November 1, 2006 · BRENT BUTTERWORTH AND RICHARD CARLETON HACKER

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WATCH COLLECTOR

Time: Out of the Closet

Robert Goldstein, president of the Venetian Resort in Las Vegas, lives for his watches. More precisely, Goldstein lives with his watches. Rather than store his collection of more than 50 timepieces furtively in a vault, he displays them in his living area, all spinning in an Orbita Bergamo, one of the new, massive winder cabinets [...]

August 1, 2006 - JAMES D MALCOLMSON

TRAVEL

Smoke: Pyramids in the Alps

Every great day of skiing ends on an elegiac note, when the lifts have closed, the light is waning, and it is time to pull off your boots. Cigar smokers visiting Courchevel, however, can find solace in the promise of an apres-ski evening at the Hotel Byblos Des Neiges' cigar lounge. Here, Antoine Chevanno, the [...]

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Smoke: Pyramids in the Alps

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October 1 2005 · BRENT BUTTERWORTH

Holiday Survival Guide: Burning Desires: Cigars

What better way to begin a golf gathering, season an afternoon social, or end an elegant dinner party then with a fine cigar? We present new tastes to tantalize the adventurous guest, classics to impress those who take solace in the tried-and-true, and accessories that will render even the most extravagant host speechless. Among [...]

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SEARCH RESULTS FOR: COHIBA

Cuba's American Iron

"Mira, señor," says Eugenio, taking a moment from other distractions to demonstrate how the Caddy's power seat—a slick, blood red Naugahyde bench on which I have been sliding around—still rises and descends with an audible hum. I am amazed, if only because this is Cuba, where keeping a car running requires a combination of providence. [...]

September 1, 2004 · CHRISTOPHER P. BAKER

FrontRunner: Select Smoke

Cusano 18Choosing a brand name so audaciously close to "Cubano" invites ridicule, but the Cusano 18 earns the connoisseur's respect on the first draw. With its powerful, peppery punch, the 18 approaches the intoxicating force of Fidel's favorite cigar, the Cohiba Habano. Cusano accomplishes this challenging feat in part through the use of Dominican [...]

September 1, 2004 · ROBB REPORT STAFF

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Smoke: Small Wonders

Unless a restaurant is especially busy, most chefs are willing to accommodate a patron's special request. One dish, however, is often craved but seldom provided: an ashtray. As he steps outside a London restaurant on a blustery night to light a Partagas Serie D, Italian importer Enzo Natali says he is becoming accustomed to the proliferating [...]

February 1, 2004 · DEEDRA ALLISON

Host Guide: Smoker's Triumvirate: Showstoppers

C.A.O. L'Anniversaire Box-Pressed Tubos Cigars that come packaged in tubes are typically round, and square-cornered, box-pressed cigars are traditionally packed in boxes. C.A.O. mixed the two, creating the world's first box-pressed, square-tubed cigar. Our favorite is the brown-capped tube containing the 7 x 50 eXtreme, which features a Sumatra seed Ecuadoran-grown wrapper and Nicaraguan [...]

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Host Guide: Smoker's Triumvirate: The Essentials

Fuente Hemingway 7-inch Classic Of the six shapes in the Hemingway line, ranging from the 912-inch Masterpiece to the 412-inch Short Story, our preference is the 7 x 48 Classic. It provides thick, Cameroon-wrapped spciniess for a full hour—not so long that a guest overstays his welcome nor so short that the evening ends prematurely. [...]

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Smoke: Cigars to Dine For

During a recent dinner in Dublin, I was halfway through the polenta with shaved truffles—a specialty at the Tea Room in the Clarence Hotel—when I began to anticipate my after-dinner cigar. A Cuban Romeo y Julieta Cedros and a Sancho Panza were tucked in my cigar case, but I had no intention of lighting either. [...]

October 1, 2003 - RICHARD CARLETON HACKER

Robb Report Host Guide: Post-Prandial Puffery

The night is perfect and wanting only for the companionship of a good cigar. Our host has stocked and aged an impressive selection, and one exists to suit the taste of every guest—the experienced smoker and neophyte alike. The enjoyment afforded by a fine cigar is—for some of us—unmatched by any other experience of the [...]

November 1, 2002 - JOE MAHROUKIAN AND ROBERT ROSS

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November 1 2002 - JOE MAHROUKIAN AND ROBERT ROSS

Robb Report Host Guide: Willing Spirits

Fine spirits of every shade and flavor have come to represent, through the centuries, the embodiment of fellowship, comfort, and celebration: No gathering (or quiet winter evening, for that matter) is complete without at least one glassful. Our recommendations are guided by the host's desire to surprise, delight, and quench every thirst–whether for a rare [...]

November 1, 2002 - BRETT ANDERSON

Smoke: Ringleaders

Cigar makers and car designers share a dilemma. Every few years, they face the challenge of coming up with something new, yet not too different, to attract and excite consumers. With cigars, however, it is difficult to continue varying a product that is more than 500 years old. Also, cigar smokers are generally a conservative [...]

November 1 2002 - RICHARD CARLETON HACKER

Private Preview 2003: Smoke Detector

A number of notable cigars have come from a Bahamas resort that employs one of the world's most experienced and respected torcedors, and the Graycliff Crystal cigar promises to continue that tradition. To keep those and other cigars in top form, we suggest you think outside the box and consider one of Bressay's innovative humidors. [...]

October 1 2002 - RICHARD CARLETON HACKER

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SEARCH RESULTS FOR: COHIBA

SPIRITS

Smoke: Vintage Selection

Macanudo Fumoir, a sleek cigar lounge in London's celebrated Claridge's hotel, has no signs directing smokers to this enclave, but those who are aware of the retreat know of its fine rewards. Located in the hotel foyer adjacent to celebrity chef Gordon Ramsay's restaurant, the room is richly dressed in shades of purple and aubergine. [...]

October 1, 2002 · BRIE LAM

SPIRITS

Best of the Best 2002: Smoke: Best Cigars

For the Ages First conceived in 1996, Davidoff's Millennium Blend Series (Churchill, robusto, lonsdale, and petit corona) comprises its most full-bodied and flavorful cigars to date. The blend is a direct result of a trend toward a richer yet balanced smoking experience, which began in the United States and is now taking root in Europe. [...]

June 1 2002 · MARK MORMAR, NICK PASSMORE AND RICHARD CARLETON HACKER

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Smoke: A Rolling Resort

You will need plenty of bravado for your cigar-rolling lesson at Graycliff Hotel's cigar factory in Nassau, The Bahamas. After watching old-time Cuban leaf artists as they bunch, roll, and press tobacco with fluid grace and precision, you can join them at the bench. As a novice roller, you are humbled as you take the [...]

April 1, 2002 · DAVID LYON

DESTINATIONS

Travel: Natural Fit

Some people may still think of the Catskills as chopped liver, but the Emerson Inn & Spa, the first small luxury hotel in the Catskill Forest Preserve, is quickly changing that image to foie gras. Located in Mt. Tremper, a two-hour drive from New York City and 15 minutes from Woodstock, the Emerson is part [...]

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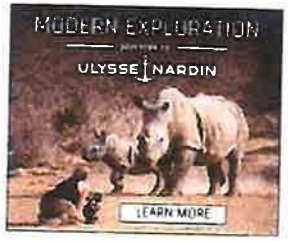

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New trade regulations allow for Cuban cigars, rum in the U.S.

Posted Oct 17, 2016 8 25 AM EDT
Updated Oct 17 2016 8:25 AM EDT

Posted by Daniel Barnett, Digital Producer CONNECT

FAIRWAY, KS (KCTV) - The Obama Administration is loosening trade restrictions with Cuba and it s catching the eyes of many Americans who travel.

United States travelers are now allowed to bring back an unlimited amount of Cuban alcohol and tobacco, including the country's famous cigars

There s one catch

The items brought back have to be for personal use They can t be sold

But this still has lovers of Cuban rum and cigars excited

The Obama administration has lifted the original $100 limit, which could generate millions of dollars for Cubans

People in the U S can soon smoke the forbidden Caribbean island s tobacco at home, thanks to a number of executive actions by President Obama

The lifted ban was in place for 50 years

Cigar enthusiast Boyer Harris, has been waiting a long time for this to happen

"Cuban cigars are the top of the line, Supremos, so everybody is talking about it that knows about it " Harris said "I've traveled the world couldn't bring Cubans back, always had to smoke them overseas "

As for Cuban cigar producers, many say the industry needs to prepare for the chance that all U S economic sanctions on Cuba could be lifted in the future, which would allow Cuban cigars to be sold in America

David Savona, Executive Editor of 'Cigar Aficionado' said "There's obviously built up demand and excitement for people to smoke Cuban cigars. They haven't been able to smoke them legally for more than fifty years I think all cigar smokers in America are going to want to give a legal Cuban cigar a try "

It's still difficult from a retail standpoint

According to new FDA regulations cigars on the market after 2007 have to get approved

The application process can take years

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Obama lifts all restrictions on Cuban rum, cigars

Alan Gomez , USA TODAY , KHOU 8:17 AM EST October 14 2016

Attention U.S. visitors to Cuba: Bring home all the Cuban rum and cigars you want.

The Obama administration announced Friday, a new round of executive actions designed to increase trade and travel with the communist island. And this is the one many Americans have been waiting for — no more restrictions on the island's famed rum and cigars.

The new regulations issued by the U.S. Treasury Department will make it easier for U.S. companies to import Cuban-made pharmaceuticals, U.S. agricultural companies to sell their products to the island and Cubans to purchase U.S.-made goods online.

The changes follow a series of steps taken since President Obama and Cuban President Raúl Castro announced on Dec. 17, 2014, that the Cold War foes would normalize relations after more than a half century of enmity.

"The Treasury Department has worked to break down economic barriers in areas such as travel, trade and commerce, banking, and telecommunications," Treasury Secretary Jacob Lew said. "Today's action builds on this progress by enabling more scientific collaboration, grants and scholarships, people-to-people contact, and private sector growth."

The most noticeable change for most Americans, however, is the removal of the five-decade ban on importing Cuban rum and cigars. The Obama administration partially lifted that ban already, allowing Americans traveling directly to Cuba to come back home with up to $100 in rum and cigars in their carry-on luggage. Now, that monetary restriction is removed and U.S. citizens can come back with as much tobacco and alcohol made in Cuba in their checked baggage.

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LEAVE A COMMENT ()

Obama lifts restrictions on Cuban cigars and rum

POSTED 3:30 PM, OCTOBER 15, 2016, BY AP WIRE

The Obama administration says it is eliminating a $100 limit on the value of Cuban rum and cigars that American travelers can bring back from the island.

Cuban rum and cigars will now be subject to the same duties as alcohol and tobacco from other countries, meaning most people will be able to bring back as many as 100 cigars and several bottles of rum. High-end Cuban cigars can sell for more than $100 apiece outside Cuba, meaning every U.S. traveler can now legally bring back many thousands of dollars in Cuban products. The previous limit restricted travelers to a combined value of $100 in rum and cigars.

The measure is contained in a package of relatively small-scale regulatory changes meant to ease U.S. trade with Cuba.

CT0027368

US lifts import limits on Cuban cigars, alcohol

You can now buy airline tickets with monthly payments

Heart to Heart International sends more help to Haiti

Billionaire battle: Warren Buffett challenges Trump to release their tax returns to the public

Janet Reno, first female US attorney general, dies at 78

First presidential debate could shift tight race

People who travel to Zika-infected areas urged to continue precautions when they return home

U.S. soldier dies during military operation to retake Mosul

Kansas City restaurants happy to host customers, living... and dead?

Ala. pipeline explosion leaves 1 dead, several injured; fuel prices expected to rise

Daredevil skydiver jumps without parachute, plummeting 25,000 feet into net

Louisiana flood victims still reeling from damage; Obama pledges to rebuild

President Obama vetoes 9/11 lawsuit bill that would have

allowed victims' families to sue Saudi Arabia

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Obama Lifts Restrictions on Cuban Cigars, Rum

by Lale Arikoglu October 14, 2016

CT0027372

Getty

You can now stock up on Cuban cigars during that next trip to Havana.

American tourists are no longer limited when it comes to bringing cigars or rum back from vacation.

Your fantasy of puffing away on a Cuban cigar with a well-made Daiquiri in hand is now one step closer to reality. In the latest move to ease trade restrictions between the United States and [illegible], Americans will now be able to bring home as many cigars and bottles of rum as they wish. The new regulations will also make it easier for the U.S. to import Cuban pharmaceuticals, and American agricultural companies will now be able to sell to Cuba. In a [illegible], the Obama administration said the latest batch of rules are set to make the renewal of U.S. diplomatic relations with Cuba "irreversible" after he leaves office in January.

"The Treasury Department has worked to break down economic barriers in areas such as travel, trade and commerce, banking, and telecommunications," [illegible] Treasury Secretary Jacob Lew of the decision to relax the rules on Cuban products. "Today's action builds on this progress by enabling more scientific collaboration, grants and scholarships, people-to-people contact, and private sector growth."

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Americas

Obama, Cementing New Ties With Cuba, Lifts Limits on Cigars and Rum

230

Video Tourists bought rum and cigars in Havana as President Obama lifted a $100 limit on bringing the Cuban goods into the United States.

By JULIE HIRSCHFELD DAVIS
OCTOBER 14, 2016

WASHINGTON — President Obama on Friday moved to cement his administration's historic opening with Cuba by issuing a sweeping directive that will last beyond his presidency, setting forth a new United States policy to lift the Cold War trade embargo and end a half-century of clandestine plotting against Cuba's government.

The action formalizes the shift toward normalization that the president unveiled

CT0027377

nearly two years ago with the announcement that he and President Raúl Castro of Cuba had secretly agreed to repair their countries' relationship.

Mr. Obama on Friday also made what aides said were likely his final major modifications to loosen United States sanctions on Cuba before leaving office, including lifting the $100 limit on bringing Cuban rum and cigars into the United States.

It is Mr. Obama's latest use of executive power to press forward in the face of lingering opposition in Congress to repealing the embargo, this time through a 12-page document that essentially transforms what has been a presidential priority into a set of official mandates that will shape United States policy toward Cuba for decades.

It would take another directive by a future president to reverse the move, but Mr. Obama's top advisers argued that it would be difficult for a successor to cancel a set of policy changes that are reshaping the way Americans travel to and do business with Cuba.

Document | Presidential Policy Directive on Cuba President Obama on Friday signed a new directive regarding United States policy toward Cuba, enshrining his push to normalize relations in a legally binding document.

"This directive takes a comprehensive and whole-of-government approach to promote engagement with the Cuban government and people, and make our opening to Cuba irreversible," Mr. Obama said in a statement. "Challenges remain — and very real differences between our governments persist on issues of democracy and human rights — but I believe that engagement is the best way to address those differences and make progress on behalf of our interests and values."

The policy directive was notable because it was public instead of classified.

"We are not seeking to impose regime change on Cuba," Mr. Obama said, asserting that "the embargo is outdated and should be lifted."

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As if to underscore a stark shift from decades of United States policy toward Cuba, which were marked by spying and suspicion, the document specifically requires that American-led "democracy programs" — which the Castro government has denounced as secret efforts to destabilize the country — be "transparent."

"The United States used to have secret plans for Cuba; now our policy is fully out in the open and online for everyone to see and read," Susan E. Rice, the national security adviser, said at a speech in Washington on Friday. "What you see is what you get."

The sanctions eased on Friday were the sixth round of regulatory changes announced by the Treasury and Commerce Departments aimed at easing travel to Cuba as well as trade and commerce between the United States and the island nation.

The actions built on a series of milestones with Cuba as Mr. Obama's tenure draws to a close. Last month, he nominated the first United States ambassador to Cuba in more than 50 years, following the reopening last year of embassies in Washington and Havana. The first direct commercial flight from the United States reached Cuba in August.

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THE SATURDAY PROFILE

How Zeng Fanzhi Became China's Hottest Artist, and Why His Lawn Is So Green

His version of "The Last Supper" sold for $23.3 million. How does Mr. Zeng explain his success? "I only sell my paintings to those who really like them."

Tajik Police Commander, Trained in U.S., Appears to Rise in Islamic State Ranks

Unconfirmed accounts say Gulmurod Khalimov has been promoted to military commander of the group, and the State Department reward for his capture appears to confirm his high status.

Report: U.S. Close to Accepting Hundreds of Australia's Refugees

The United States and Australia were close to announcing a deal in which the United States would resettle hundreds of asylum seekers banished by Australia to Pacific island camps, a newspaper reported Friday.

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Cuban cigars and rum aplenty! Obama lifts import limit

This March 1, 2013, file photo shows a worker selecting cigars at the H. Upmann cigar factory, where people can take tours as part of the 15th annual Cigar Festival in Havana, Cuba. The Obama administration announced Friday, Oct. 14, ... more >

By Andrew Blake - *The Washington Times - Friday, October 14, 2016*

The Obama administration on Friday announced it's lifting a limit on Cuban cigars and rum

CT0027382

brought into the country by Americans travelers returning home.

Effective Monday, U.S. citizens will no longer be restricted to returning with $100 or less in Cuban cigars and rum as the result of new amendments unveiled by the Treasury Department this week as the White House continues on its path toward normalizing relations with its Caribbean neighbor.

Accompanied by new rules pertaining to bilateral medical research and other scientific endeavors, the latest measures come less than two years after President Obama began announced plans to repair a relationship that has witnessed decades of disputes, sanctions and embargoes.

"President Obama's historic announcement in December 2014 charted a new course for a stronger, more open U.S.-Cuba relationship," Treasury Secretary Jacob Lew said in a statement. "The Treasury Department has worked to break down economic barriers in areas such as travel, trade and commerce, banking and telecommunications."

"More commercial activity between the U.S. and Cuba benefits our people and our economies," added U.S. Secretary of Commerce Penny Pritzker.

Specifically, the Treasury said its Office of Foreign Assets Control (OFAC) is removing monetary value limitations pertaining to imports brought to the U.S. in the baggage of American travelers returning to Cuba. The limit will officially be lifted once the announcement is formally published in the Federal Register on Monday, and it applies to the current value limitation on alcohol and tobacco products.

"In all cases, the Cuban-origin goods must be imported for personal use, and normal limits on duty and tax exemptions will apply," the notice said.

Additionally, U.S. citizens will be allowed to participate in medical research projects with Cuban nations and return home with FDA-approved, Cuban-origin pharmaceuticals.

"Today's action builds on this progress by enabling more scientific collaboration, grants and scholarships, people-to-people contact and private sector growth. These steps have the potential to accelerate constructive change and unlock greater economic opportunity for Cubans and Americans." Mr. Lew said.

Engage Cuba, a bipartisan nonprofit that opposes travel and trade embargoes on the

country, applauded the decision in a statement Friday for its potential to bring together Cubans and Americans, especially regarding health care.

"Today's announcement will build on the progress that has been made to further strengthen the ties between our two nations that have opened opportunities for U.S. companies in Cuba, empowered the Cuban people, and made it easier for Cuban-Americans to visit their loved ones," Engage Cuba President James Williams said in a statement.

"U.S. companies have the resources needed to work with Cuba to develop innovative testing and discover new treatments. This change in U.S. policy could literally save lives. Now it's time for Congress to lift the U.S. embargo that is stifling innovation in healthcare."

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POLITICS WHITE HOUSE

President Obama Lifts Restrictions on Cuban Rum and Cigars

Tessa Berenson @tcberenson Oct. 14, 2016

The changes will take effect Oct. 17

American travelers to Cuba can now stuff their suitcases with as many bottles of rum and Cuban cigars as they want: President Obama lifted the remaining restrictions on those items in a round of executive actions announced Friday.

The , released by the Treasury Department, include a provision that removes the previous $100 value limit on the amount of rum and alcohol travelers could bring to the U.S. from Cuba. They also make it easier for the U.S. to import Cuban pharmaceuticals, Cubans to buy U.S. goods online and U.S. providers to work on Cuban infrastructure, among other changes.

"The Treasury Department has worked to break down economic barriers in areas such as travel, trade and commerce, banking, and telecommunications," Treasury Secretary Jacob Lew said in a statement. "Today's action builds on this progress by enabling more scientific collaboration, grants and scholarships, people-to-people contact, and private sector growth. These steps have the potential to accelerate constructive change and unlock greater economic opportunity for Cubans and Americans."

The changes will take effect Oct. 17, 2016.

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rule that Americans traveling to Cuba with government approval could bring up to $100 worth of Cuban goods into the US had been rescinded until recently. No Cuban goods of any kind were allowed. Of course, all this may be changing under the revised rules set up by the Obama administration. And although counterfeit Cuban cigars are primarily a problem for the unwary in America, by contrast, European cigar smokers should be aware that many Honduran and Dominican cigars share the same brand name as their Cuban counterparts. For example, Punch and Hoyo de Monterrey are made in both Honduras and Cuba. And Romeo y Julieta, Cohiba, and Montecristo are made in both the Dominican Republic and Havana. Consequently, there has been more than one European tourist visiting the

The Fuente Fuente OpusX, a Dominican Republic *puro*, is one of the most sought after cigars in the world, even rivaling some from Cuba. Introduced in 1995 in seven different shapes, it is now available in a number of vitolas—when you can find them.

At the Robert Lewis shop at 19 St James's Street in London, a wide variety of Havana cigars are carried that are made exclusively for the United Kingdom.

EXHIBIT NO. 16
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US who was pleasantly surprised to find his favorite "Havana" cigar for sale in American tobacco shops, only to discover that it wasn't a Havana cigar at all. The reason for this sometimes-confusing double identity of some cigars is that when Castro nationalized the factories during the revolution, many of the cigar-making families fled Cuba, taking their brand names with them. As recounted in Chapter 1, they eventually began manufacturing their family brand name cigars in other countries, thus creating a dual nationality for many cigars that were formerly only Havanas. Fortunately, there is a trade agreement that forbids Havana and non-Havana cigars of the same name from being sold together. Thus, you will never see a Cuban Hoyo de Monterrey for sale next to a Honduran Hoyo de Monterrey. Instead, the Honduran Hoyo de Monterrey (which is now being imported into Germany, for example) is renamed for the European market and is known as Excalibur.

Whether Cuban, Dominican, Nicaraguan, or Honduran, there is an all-encompassing, elite category of cigar that I refer to as The Power Smoke. These are cigars that tell the non-smoking world you've made it, or are about to make it. It has absolutely nothing to do with flavor, tobacco, value or the attributes of any brand. It is strictly an image that is presented to the casual, uninformed observer, although every cigar in this classification is definitely high grade. Power Smoke cigars include virtually all of the vintage cigars. In addition, the Ashton VSG and the limited edition Dominican Cohiba Luxury Selection are Power Smokes, as is the entire Davidoff line. Any Havana smoked in America is a Power Smoke. A Havana smoked in Europe is not, although all of the Cohibas and any of the larger sizes, such as the Partagás Lusitania and especially the Montecristo A, can certainly qualify for this category. Within the Power Smoke league there is also an upper

echelon group of cigars that may not necessarily mean anything to the non-smoker, but which definitely will catch the attention of the knowledgeable cigar connoisseur. Cigars in this rarified inner circle include the OpusX, Partagas 150th Anniversary, Cohiba Behike, and any cigar that is so new nobody has heard of it yet. But of this latter category, only large sizes qualify. So take a Power Smoke to your next business seminar or dinner. Offer one to your boss. If an associate offers you a Power Smoke, clasp his hand heartily and return the favor. You've got a valuable ally.

Another category of cigar, one that is not too widely seen in the US but is immensely popular in Europe, is that of the dry cigar. Commonly referred to as "Dutch-type," these small smokes offer a number of benefits: 1) they require no humidification, because they smoke their best at only 10 to 12 percent humidity; 2) most of them come already clipped or pierced, so it is relatively effortless to get one going; 3) they are extremely easy to carry, usually coming in small packs of five, ten, or twenty cigars; 4) they can be conveniently stored in an attaché case, desk drawer or coat pocket for weeks. I once squirreled away a pack of Dunhill Señoritas in the glove compartment of my car for over a year before I accidently stumbled upon them one day while looking for my registration. They were a little dry, but they smoked without incident. The highway patrol officer enjoyed them, too. A humidified cigar would have gone to dust.

Dry cigars come in a variety of blends, and can be as mild or as strong as you wish. Basically, there are two types of wrappers: Sumatra, which is light and mild tasting; and Brazil, which is dark and spicy. Tobaccos used within the cigars come from Mexico, Colombia, Java, Cameroon, Italy, Florida, Connecticut, and Cuba. Most people select Sumatra over Brazil, simply because it is not so overbearing.

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

In the matter of Trademark Registration No. 1147309
For the mark COHIBA
Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273
For the mark COHIBA
Date registered: June 6, 1995

EMPRESA CUBANA DEL TABACO, d.b.a. CUBATABACO, Petitioner, v. GENERAL CIGAR CO., INC. Respondent.	:	Cancellation No. 92025859

PARTY DESIGNATION: See Exhibit Cover Sheets

Designated TTAB Discovery Deposition Transcript of
Alvin Ossip, dated June 30, 2017
Part 4 of 4

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

In the matter of Trademark Registration No. 1147309
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PARTY OFFERING: PETITIONER

Exhibit 11 to the TTAB Discovery Deposition Transcript of Alvin Ossip, dated June 30, 2017

Internet - Potentially Confusing

JR Cigars (History of Cohiba - JR Blending room) shows picture of DR Cohiba after detailing history of Cuban Cohiba - not until line 19 does it talk about GC branding issue

thompson cigars (talks about origin of Cohiba cigars - in 2016 - 50th Anniversary of one of the most beloved premium brands - then shows GCs Cohiba)

famous smoke.com (Picture of Cohiba nicaragua)
Cohiba cigars - this is one whose name even non-smokers know well. It's a brand that skyrocketed to popularity even before the boom, is the only "authentic" Cohiba cigar that can be bought legally in the US

(conference to link GC Cohiba to Cuba - only much later in info does it go into law suit - but also "the Dominican offering is a staple among enthusiasts worldwide) 11/15

(Picture of DR Cohiba)
JR Cigar Reformulated by the world-renowned cigar brand in the 1990s - - -
- - - An integral part of the Cohiba family - - -

Cigar.com (picture of Cohiba - no country of origin)
As perhaps the most recognized name in cigars worldwide, Cohiba has been an icon for what many consider to be "the best"
(then talks about Castro etc. no mention of name issue)

(picture of GC Cohibas)
- - - Due to the political climate, a second version of the brand was produced in the Dominican Republic, to no less fanfare + acclaim (referring to prior ID which talked of Cuban Cohiba)

One of the world's most recognized cigar names, Cohiba cigars debuted in Cuba - - today, the Dominican version crafted using the same traditional methods incorporated in Cuba has become one of the top brands in the US

Ripple + cigars the best known brand name in the cigar world, period. Cohiba is truly an iconic brand in the cigar world + the Dominican version of this cigar were of the most popular brands we carry here.

EXHIBIT
Ossip 11
6/30/17 AP
PENGAD 800-631-6989

Best Cigar prices.com Quite possibly the most famous name in cigars, the Dominican Cohiba is a deeply satisfying cigar, rich in flavor + history

Fox cigars. Cohiba Red Dot Corona - Cohiba is possibly the most well known and highly regarded cigar brand in history. It is the ultimate cigar smoking experience. Cohiba Corona definitely lives up to this well deserved reputation

Cigars International - creating a suitable new blend for a legendary brand like Cohiba is no easy task. But cigar master Daniel Nunez was up to the challenge - -

B&B tobacco - (picture of Cuban Cohiba wrapper)
B&B tobacco is adding to its arsenal of excellence with Cohiba cigars these highly regarded cigars are enjoyable for aspiring smokers + deliver a pinnacle smoke for cigar buffs around the world. Their enormous demand from a world class mix of Dominican grown Cuban seed - - - - For a genuine Cuban cigar experience purchase a Red, Black or Small cigar pack . . .

Robb report - Same pages celebrate Cohiba's 50th anniversary - of legendary Cuban cigars - followed by picture of Cohiba black

GC Cohiba facebook - one of the world's most recognized luxury names. Cohiba remains a must have cigar

Intro to Cohiba lute - the Cohiba brand continues to impress - delivers a brand for the ages.

Bloomberg news 2017 - Many of the longer Cuban brands licensed their name or set up independent factories in other countries where they would produce US legal cigars - (then the site the 2 Cohibas)

Cigar optimum - there are Cuban Cohibas, Dominican Cohibas that for the first time in the brand's history there will be Cohibas from Nicaragua

Internet response to direct question - Are Cohiba cigars from Cuba
Cohiba is a brand for 2 kinds of premium cigars

Some actually show GCC under Cuban category

A continual linking of the 2 brands which implies a business connection, a line extension, a way to get around embargo

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

In the matter of Trademark Registration No. 1147309
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EMPRESA CUBANA DEL TABACO, d.b.a. CUBATABACO, Petitioner, v. GENERAL CIGAR CO., INC. Respondent.	:	Cancellation No. 92025859

PARTY OFFERING: PETITIONER

Exhibit 12 to the TTAB Discovery Deposition Transcript of Alvin Ossip, dated June 30, 2017

cohiba cigars

cohiba cigars

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Cohiba Cigars | Experience Luxury
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Cohiba Cigars - Finest Cuban Cigars
Finest Cuban Cigars › all-cigar-brands

Cohiba, Fidel Castros preferred brand, was created in 1966 as Havanas premier brand for diplomatic purposes.
Cohiba Esplendidos · Cohiba 1966 Edicion Limitada ... · Cohiba Siglo II Tubos

Cohiba Cigars | JR Cigar
JR Cigars › brand › cohiba-cigars

Items 1 - 20 of 32 - The Cohiba brand is known for a broad lineup of premium handmade cigars with many styles and ...
Cohiba Dominican · Cohiba Black · Cohiba Blue · Cohiba Nicaragua

COHIBA

Rating
4.4 ★★★★½ (2,932)

Cohiba Dominican Cigars | JR Cigar
JR Cigars › ... › Cohiba Cigars

Items 1 - 14 of 14 - Reformulated by the world-renowned cigar brand in the 1990s, the Cohiba Dominican took years of ...

Rating
4.4 ★★★★½ (1,436)

Buy authentic Cohiba cuban cigars online from cigars-of-cuba.com ...
Cigars of Cuba › Brands › Cohiba

Buy authentic cuban cigars from the Cohiba brand. Cohiba is the flagship brand of Habanos. It was created in 1966 for ...

EXHIBIT
Dssi p 12
6/30/17 AP
PENGAD 800-631-6989

cohiba cigars

Cohiba Cigars - Thompson Cigar
Thompson Cigar › CIGAR-BRANDS › C...

Thompson Cigars carries five lines of the General Cigar Cohiba family. In addition to the general Cohiba line, we have ...

People also ask

Are Cohiba cigars from Cuba?

How much does a box of Cohiba cigars cost?

How much is a Cuban cigar?

What is the best Cohiba cigar?

Feedback

Cohiba (cigar brand) - Wikipedia
Wikipedia › wiki › Cohiba_(cigar_brand)

Cohiba is a brand for two kinds of premium cigar, one produced in Cuba for Habanos S.A., the Cuban state-owned ...

Cohiba Cigars | Mike's Cigars
Mike's Cigars › brands › cohiba

Cohiba as we know it in the good ole USA is produced and crafted by General Cigar Company in the Dominican ...

Rating
4.4 ★★★★½ (5)

Cohiba Cigars Online - Best Prices Online | Famous Smoke
Famous Smoke › brandgroup › cohiba+c...

Searching for Cohiba cigars at the best prices online? These Dominican Cohiba ' Red Dot' cigars rival their Cuban ...

Cohiba cigars - Buy cuban cigars online - Authentic Habanos cigars ...
Top Cubans › cuban-cigars › cohiba.9

Rating

4.4 ★★★★½ (2,932)

Cohiba Dominican Cigars | JR Cigar
JR Cigars › ... › Cohiba Cigars

Items 1 - 14 of 14 - Reformulated by the world-renowned cigar brand in the 1990s, the Cohiba Dominican took years of ...

Rating

4.4 ★★★★½ (1,436)

Buy authentic Cohiba cuban cigars online from cigars-of-cuba.com ...
Cigars of Cuba › Brands › Cohiba

Buy authentic cuban cigars from the Cohiba brand. Cohiba is the flagship brand of Habanos. It was created in 1966 for ...

Cohiba Cigars - Thompson Cigar
Thompson Cigar › CIGAR-BRANDS › C...

Thompson Cigars carries five lines of the General Cigar Cohiba family. In addition to the general Cohiba line, we have ...

People also ask

Are Cohiba cigars from Cuba?

How much does a box of Cohiba cigars cost?

How much is a Cuban cigar?

What is the best Cohiba cigar?

Why are Cuban cigars illegal in the United States?

What is the most expensive cigar in the world?

Are Cuban cigars the best?

Are Montecristo cigars good?

Can I bring a Cuban cigar to the US from Canada?

Can you bring Cuban cigars into the US from Mexico?

cohiba cigars

Cohíba cigars - Buy cuban cigars online - Authentic Habanos cigars ...
Top Cubans › cuban-cigars › cohiba.9

Authentic Habanos Cohíba cigars from Cuba. You can buy boxes of authentic Cohíba cigars from our TopCubans.com ...

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Zazzle

Visol Products VCASE454 "Big Joe" Travel Cigar Humidor Case
$69.99
Amazon.com
Free shipping

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Free Shipping on Qualified Orders.
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Prime Photos · Amazon Prime · Amazon Family · Amazon Prime Student · Prime Instant Video · Prime Music

Found in related search "best cuban cigars"

Hoyo de Monterrey

Partagás

Romeo y Julieta

Montecristo

H. Upmann

Feedback

Found in related search "cuban cigar brands"

Cuaba

Por Larrañaga

Guantanamera

Dunhill

Vegueros

La Gloria Cubana

Feedback

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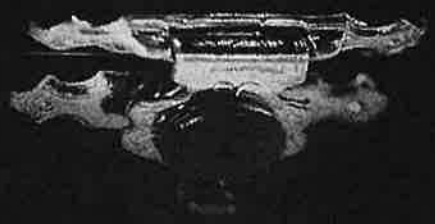

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Cohiba

Strength: Full

Cohiba, Fidel Castros preferred brand, was created in 1966 as Havanas premier brand for diplomatic purposes.

Since 1982, it was offered to the public in three sizes: Lanceros, Coronas Especiales and Panetelas. In 1989, three more sizes were added to complete the classic line namely: Esplendidos, Robustos and Exquisitos.

In 1992, the following five sizes were further made in order to commemorate the 500th anniversary of the discovery of Cuba in 1492: Siglo I, II, III, IV and V.

Cohiba 1966 Edicion Limitada 2011- no discounts apply - (Open Box)

Single - US$187.50
Box 10 - US$1,499.00 **(Out of Stock)**
★★★★★ 2 Reviews

Cohiba Behike 52 - (Open Box)

Single - US$106.50
Box 10 - US$850.00
★★★★★ 16 Reviews

Cohiba Behike 54 - (Open Box)

Single - US$125.00
Box 10 - US$999.00
★★★★☆ 7 Reviews

Cohiba Behike 56 - (Open Box)

Single - US$140.00
Box 10 - ~~US$1,120.00~~ **US$1,008.00**
★★★★★ 4 Reviews

Cohiba Esplendidos

Single - US$37.00 **(Out of Stock)**
3s X 5 - US$445.00 **(Out of Stock)**
★★★★★ 8 Reviews

Cohiba Lanceros - (Open Box)

Single - US$24.00 **(Out of Stock)**
Box 25 - US$479.00 **(Out of Stock)**

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Cohiba Cigars

Average Customer Review: ★★★★½ 4.5 2,933 Reviews

Beloved by serious smokers, the Cohiba brand is known for its luxurious lineup of premium handmade cigars. Ranging from medium to full in body, each Cohiba line, whether crafted in the Dominican Republic or Nicaragua, promises premium-cigar smokers a rich and refined experience made up of bold blends of expertly cultivated tobacco leaf meticulously constructed to create not just a cigar but a smoking experience. With so many handcrafted premium styles and flavor profiles to choose from, you're sure to find a Cohiba cigar that more than satisfies your smoking needs.

All Brands in Cohiba Cigars

Cohiba Black
★★★★½ (782 Reviews)

Cohiba Dominican
★★★★★ (1,436 Reviews)

Cohiba Nicaragua
★★★★½ (709 Reviews)

Cohiba Macassar
No reviews yet

Cohiba Blue
★★★★★ (6 Reviews)

Most Helpful Reviews for Cohiba Cigars

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Cohiba Blue

June 5, 2017

A sterling new line extension to one of the world's most famous brands, Cohiba Blue cigars come proudly displayed in eye-catching bright blue boxes. Inside you will find 20 flawless parejo's covered in gorgeous silky smooth wrappers atop a three-nation blend of the finest aged binder and filler to tobaccos. Medium body in strength, Cohiba Blue provides the palate with a natural tobacco sweetness and velvety smooth notes of cocoa, caramel, and cinnamon.

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Cohiba Cigars

Cohiba is the flagship brand of Habanos. It was created in 1966 for President Fidel Castro and was made at the then top secret but now world famous El Laguito factory. At first, it was only seen outside Cuba as gifts for heads of state and visiting diplomats. Since 1982 Cohiba has been available in limited quantities to the open market. The name Cohiba is an ancient Taino Indian word for the bunches of tobacco leaves that Read more

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Club | 96.5 mm | 22 Ø | Cuba

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Club | 96.5 mm | 22 Ø | Cuba

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Cohiba is a brand for two kinds of premium cigar, one produced in Cuba for Habanos S.A., the Cuban state-owned tobacco company, and the other produced in the Dominican Republic for US-based General Cigar Company. The name *cohíba* derives from the Taíno word for "tobacco."

Three authentic Cuban-made Cohiba Cigars

The Cuban brand is filled with tobacco that comes from the Vuelta Abajo region of Cuba which has undergone an extra fermentation process. Cuban Cohiba was established in 1966 as a limited production private brand supplied exclusively to Fidel Castro and high-level officials in the Communist Party of Cuba and Cuban government. Often given as diplomatic gifts, the Cohiba brand gradually developed a "cult" status. It was first released commercially for sale to the public in 1982. The Cohiba Siglo VI has received some of the highest scores in the line from blind reviews like a 93 from Cigar Aficionado[1] and a 90 from Blind Man's Puff.[2]

The US Cohiba brand name was registered in the United States by the General Cigar Company in 1978 and cigars using that trademark have been produced for the American market in the Dominican Republic on a large scale from 1997. This Cohiba is related to the Cuban product in name only, containing no Cuban tobacco, and thus is the only "Cohiba" that can be sold legally in the United States.

Contents

Cuban Cohiba

History

Cuban Cohiba's origins trace back to the middle 1960s, when a bodyguard of Fidel Castro shared some of his private supply of cigars made by a local artisan named Eduardo Ribera.[3] These cigars pleased Castro so much that a special production of the unbranded blend, produced under tight security, was made for Castro and other top government officials.[3]

As Castro himself recalled the tale in 1994:

> "I used to see the man smoking a very aromatic, very nice cigar, and I asked him what brand he was smoking. He told me that it was a special blend, but that it came from a friend who makes cigars and he gave them to him. I said, let's find this man. I tried the cigar, and I found it so good that we got in touch with him and asked him how he made it. Then we set up the house [the El Laguito factory], and he explained the blend of tobacco he used. He told which leaves he used from which tobacco plantations. He also told us about the wrappers he used and other things. We found a group of cigar makers. We gave them the material and that is how the factory was founded. Now Cohiba is known all over the world."[4]

The production of special cigars for top officials under conditions of tight security was given extra impetus by fears of

Awesome Cubans!

Hoyo de Monterrey Elegantes

Montecristo Dantes Edición Limitada 2016

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COHIBA

Habana, Cuba

CIGARS BRAND : COHÍBA

COHÍBA CIGARS			HISTORY OF COHÍBA
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Exquisitos	25 cigars	$ 257	Add to cart
Exquisitos pack of 5 cigars	5 cigars	$ 52	Add to cart
Genios Maduro 5	25 cigars	$ 612	Add to cart
Magicos Maduro 5	25 cigars	$ 574	Add to cart
Medio Siglo	25 cigars	$ 496	Add to cart
Medio Siglo TUBOS (pack of 3 cigars)	3 cigars	$ 78	Add to cart
Panetelas	25 cigars	$ 215	Add to cart
Panetelas pack of 5 cigars	5 cigars	$ 43	Add to cart
Piramides Extra 2012 Production	10 cigars	$ 389	Add to cart
Robustos	25 cigars	$ 476	Add to cart
Robustos Supremos Edicion Limitada 2014	10 cigars	$ 622	Add to cart
Robustos TUBOS (pack of 3 cigars)	3 cigars	$ 66	Add to cart
Secretos Maduro 5	25 cigars	$ 281	Add to cart
Secretos Maduro 5 (box of 10)	10 cigars	$ 113	Add to cart
Siglo I	25 cigars	$ 243	Add to cart
Siglo I pack of 5 cigars	5 cigars	$ 49	Add to cart
Siglo I TUBOS (pack of 3 cigars)	3 cigars	$ 35	Add to cart
Siglo II	25 cigars	$ 324	Add to cart
Siglo II pack of 5 cigars	5 cigars	$ 65	Add to cart
Siglo II TUBOS (pack of 3 cigars)	3 cigars	$ 42	Add to cart
Siglo III	25 cigars	$ 376	Add to cart
Siglo III pack of 5 cigars	5 cigars	$ 76	Add to cart
Siglo V (AGED 2009 Productions)	25 cigars	$ 897	Add to cart

ALL COHÍBA CIGARS:

Cohíba Espléndidos pack of 3 cigars

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Items 1 - 20 of 32 - The Cohiba brand is known for a broad lineup of premium handmade cigars with many styles and flavor profiles to choose from. Find your favorite Cohiba cigars at JR Cigar.
Cohiba Dominican · Cohiba Black · Cohiba Blue · Cohiba Nicaragua

COHIBA

Rating
4.4 ★★★★½ (2,932)

Cohiba Dominican Cigars | JR Cigar
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Items 1 - 14 of 14 - Experience the true, unmatched taste of a Cohiba Dominican cigar when you order online with JR Cigars. Smooth and expertly-crafted, purchase a box today.

Rating
4.4 ★★★★½ (1,436)

Cohiba Cigars - Finest Cuban Cigars
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Strength: Full Cohiba, Fidel Castros preferred brand, was created in 1966 as Havanas premier brand for diplomatic purposes. Since 1982, it was offered to the public in three sizes: Lanceros, Coronas Especiales and ...
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US Ban On Cuban Cigars Comes To An End!

October 27, 2016

For centuries, premium handmade Cuban cigars have been considered the best in the world due to having the perfect environment for growing cigar tobacco, impeccable craftsmanship, and the intense, earthy flavors that the smoke provides.

These top-quality sticks, although costly, were easily obtainable in the States up until 1962 when the US embargo against Cuba began. This harsh ban prevented Americans from bringing home Cuban cigars even if purchased in other countries. Then, a few years ago, the no stogie limit was finally lifted and travelers could bring home a measly $100 worth.

Well it took 54- long years, but thanks to President Obama's directive that would allow Americans to engage in more commerce with the communist-run island of Cuba, American travelers can now bring back an unlimited amount of Cuban alcohol and tobacco – including their famous cigars!

Now, before you eagerly stuff a king's ransom full of Cuban cigars in your luggage for the return trip home, the bold truth is that not all of them are created equal. Just because a cigar is Cuban, that doesn't guarantee it will be great. First, do your homework to make sure it fits your preferred strength, and flavor profile, secondly, check reviews online and most importantly, buy them from a reputable shop to assure they are not counterfeit. However, if you purchase such popular Cuban brands as Cohiba, Montecristo, H.Upmann, Punch, or Hoyo de Monterrey, you simply cannot go wrong, because all of these top sellers, have been pleasing enthusiasts for at the very least, 75-years.

After smoking your stash of premium Habanos, will you be spoiled for life? Honestly, we don't think so, because even though they are unique in taste, the Improvement of cigar production in Honduras, the Dominican Republic, and Nicaragua (where all of the above brands are also made) has increased so exponentially in the last couple of decades you will find almost no difference in overall quality and construction.

The easing of sanctions is the first step in what Mr Obama hopes will someday result in open trading with Cuba. When that glorious time finally arrives, and Cuban brands are mingling with all others on cigar store shelves, you will have the wonderful task of finally deciding which country (or countries) makes the best smokes for your particular taste. And, for many, it will open up a completely new world of flavor that they have never experienced.

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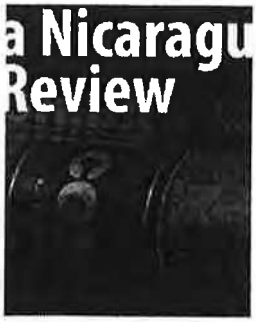

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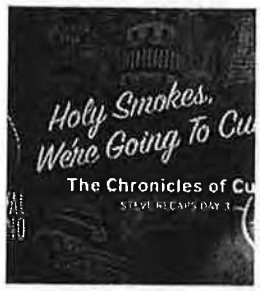

XVIII Festival Habano*: Day 3 By Steve Nathan

MARCH 11, 2016 Even after two days of non-stop Habano stogie smoking, I could still enjoy a TTT Trinidad Vigia with my cup of Cuban espresso as I welcomed another warm and sunny morning. This short, fat pig-tailed firecracker was medium-bodied and as ...

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XVIII Festival Habano*: Day 2 By Steve Nathan

MARCH 10, 2016 After a glorious day "numero uno" at Festival Habano, it was time to board a chartered bus for the two plus hour ride to the holy land of Cuban leaf—the famous Pinar del Rio growing region. Cuba grows ...

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XVIII Festival Habano*: Day 1 By Steve Nathan

MARCH 9, 2016 My morning alarm rings at promptly 6:30 a.m., and as if still in a dream I stumble out of bed and walk on to the balcony deck that overlooks the stunning Oceanside view of the Melia Habana Hotel anticipating what ...

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Cuba: The Experience Of A Lifetime! By Steve Nathan

MARCH 4, 2016 I'm sure many of you have seen the amazing pictures my traveling companion Brian Massey has posted on the JR Cigar Instagram feed and Facebook page of our astonishing journey to XVIII Festival Habano* in Havana, Cuba. Although intriguing, these ...

Holy Smokes, We're Going To Cuba! By Steve Nathan

FEBRUARY 26, 2016 When I first heard the news that Brian Massey, our Senior Product Merchant, and I would be attending the XVIII Festival Habano in Havana, Cuba, I had to pinch myself! Was this really happening? To me, this is the culmination ...

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Cigar Aficionado Top 25 Of 2015 – #3, #2

DECEMBER 17, 2015 We are coming down to the wire here folks. So far we have seen some old favorites show up on this list including Liga Privada, Padron and Fuente. II admit, today I was shocked yet pleased by a very surprising ...

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The History Of Davidoff Part 4

NOVEMBER 10, 2015 In the eyes of Zino Davidoff, his first attempt into cigar manufacturing had been a failure. The quality he demanded on the product that bared his name was apparently too high for the Cuban factory to produce. With the embargo ...

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The History Of Davidoff Part 3

NOVEMBER 10, 2015 What many modern smokers fail to realize is that long before the creation of the famed Davidoff White Label, Zino had established himself as a driving force in the retail industry, particularly with cigars. With his success at ...

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Black And Mild- An Affordable Fast Smoke

NOVEMBER 9, 2015 For those occasions when you just don't have the time for a full-sized smoke, nothing beats a little cigar. You can easily find small sticks from premium brands like Montecristo, Don Diego, Partagas, ...

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Best 10 Cigars To Give As A Gift -On A Budget

NOVEMBER 9, 2015 Tis' the holiday season, and most of us have at least one person on our shopping list that smokes premium cigars. Anything less than a good box of stogies will more time than not bring great disappointment. That's easy enough: ...

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The Shapes & Sizes Of Habanos

NOVEMBER 6, 2015 When deciding which cigar to smoke for a specific occasion, size and shape are important considerations. Perhaps you're enjoying a Habano (Havana cigar) in a business meeting or inside your favorite cigar lounge during a lunch break. The ...

Top 10 Best Selling JR Alternatives

SEPTEMBER 24, 2013 1. Ashton Churchill– If your looking for a long lasting mild cigar for a great price, the Ashton Churchill Alternative is the one for you. Its 7.50 inches of mild, Dominican goodness. Its smooth, creamy with a light ...

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Top 10 Best Cuban Cigars

SEPTEMBER 22, 2013 Top 10 Cuban Cigars 1. Montecristo #2– The Montecristo #2 can be called one of the best cigars in the world. It constantly ranked one of the best cigars of the year, and has become the staple to ...

Read More

History Of Cohiba

SEPTEMBER 11, 2013 The island of Cuba has long been the considered the "El Dorado" of tobacco. It is almost a mythical place, where the tobacco fields stretch as far as the eye can see, and the Havana Club rum flows like water. ...

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The Opening Of The U.S. Embassy

SEPTEMBER 2, 2015 After more than 50 years, the U.S. has reopened its embassy in the nation of Cuba. Since its closure in 1961 by President Eisenhower, the U.S. has had little to no political contact with Cuba. Following the Cuban revolution, and ...

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The 10 Best Dominican Cigars

AUGUST 27, 2015 The Dominican Republic is home to some of the most popular cigars in the world. They have a unique flavor profile, and are always in high demand. The popularity of cigars from this region stems from its history. At the ...

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Top 10 Countries That Grow Cigar Tobacco

AUGUST 26, 2015 Cuba– Cuba is probably the most famous cigar producing country in the world. Its tobacco is renowned for its flavor and high quality. Although it has been banned in the United States for more than half a century, it still ...

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10 Cigar Smoking Celebrities

JULY 30, 2015 Arnold Schwarzenegger– The Govenator is the king of cigar smoking celebrities. He has been in Cigar Aficionado a number of times and is a common visitor to several cigar clubs including the Grand Havana Room. He portrays his love of ...

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12 Very Little Known Cigar Facts

JULY 15, 2015 Before his first high-altitude airplane flight, Winston Churchill requested the creation of an oxygen mask that would accommodate cigar smoking. The next day he was puffing away at 15,000 feet over Berlin. They even opened the cabin window so he ...

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Cuban Alternatives – JR University

JUNE 22, 2015 Alternatives to Cuban Cigars Jump to The AlternativeWhat Makes a Cuban Alternative Legit?Location, Location, LocationSpeclalized BlendsEnjoy a Celebrated Name Whether you are a ...

Best Dominican Republic Cigar Brands

JUNE 23, 2015 Favorite Dominican Cigar Brands Jump toArturo FuenteCohibaRamon AllonesLa Gloria CubanaMontecristo The Dominican Republic has a long and rich history of cigar making, going ...

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Habanos

MARCH 4, 2015 The Habanos festival is over in Havana...it is not like Pro Cigar, instead it is the Habanos version of the IPCPR trade show. They roll out new products and show off their stuff to the worldwide wholesalers and retailers. With ...

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First Convention

FEBRUARY 5, 2015 The Tobacco Plus Expo was held in Vegas last week. There were about 400 plus vendors including Rocky Patel, Altadis, General Cigar, Drew Estate, Oliva, and CLE, but the biggest thrust of the show ...

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Legal Cubans?

DECEMBER 30, 2014 There has been a lot of talk over the past couple of weeks about the loosening of our embargo on Cuba. So let's say you want a Montecristo #2 from Cuba, last year's Cigar of the Year. That would set ...

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Ratings

DECEMBER 23, 2014 Cigar Aficionado is out with their latest cigars of the year. Like any ratings, it is always surrounded with controversy. Do I agree with them? Yes and no. But the one thing about CA—their taste tests are blind and the ...

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Post Post Turkey Day

DECEMBER 2, 2014 This is the time of year when I get to talk (and brag a bit) about what we do here in Dallas over Thanksgiving...we hold our Post Turkey Day Crawl. We marked our 20th year this past weekend, making us ...

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Nicaragua

OCTOBER 28, 2014 We all know that Nicaragua makes some great cigars. The brands there are famous...Padron, Joya de Nicaragua , Perdomo, Drew Estate, My Father among others. While the Dominican Republic still is the leader in terms ...

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Cohiba Cigars - Finest Cuban Cigars
Finest Cuban Cigars › all-cigar-brands

Strength: Full Cohiba, Fidel Castros preferred brand, was created in 1966 as Havanas premier brand for diplomatic purposes. Since 1982, it was offered to the public in three sizes: Lanceros, Coronas Especiales and ...
Cohiba Esplendidos · Cohiba 1966 Edicion Limitada ... · Cohiba Siglo II Tubos

Cohiba Cigars | JR Cigar
JR Cigars › brand › cohiba-cigars

Items 1 - 20 of 32 - The Cohiba brand is known for a broad lineup of premium handmade cigars with many styles and flavor profiles to choose from. Find your favorite Cohiba cigars at JR Cigar.
Cohiba Dominican · Cohiba Black · Cohiba Blue · Cohiba Nicaragua

Rating
4.4 ★★★★½ (2,932)

Cohiba Dominican Cigars | JR Cigar
JR Cigars › ... › Cohiba Cigars

Items 1 - 14 of 14 - Experience the true, unmatched taste of a Cohiba Dominican cigar when you order online with JR Cigars. Smooth and expertly-crafted, purchase a box today.

Rating
4.4 ★★★★½ (1,436)

Buy authentic Cohiba cuban cigars online from cigars-of-cuba.com - Cigars of cuba, online cuban cigars store
Cigars of Cuba › Brands › Cohiba

The name Cohiba is an ancient Taino Indian word for the bunches of tobacco leaves that Columbus first saw being smoked by the original inhabitants of Cuba, the earliest known form of the cigar. The leaves for Cohiba ...

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Cohiba

77 Rated

257 customers

22 products:
$10.99 - $308.99

Per Unit:
$1.10 - $13.20

Bonus Item (9)

Cohiba Black

87 Rated

27 customers

11 products:
$19.99 - $308.99

Per Unit:
$2.07 - $13.00

Bonus Item (4)

Cohiba Blue

90 Rated

1 customers

5 products:
$39.99 - $175.99

Per Unit:
$7.20 - $8.80

Bonus Item (4)

Cohiba Macassar

Not Yet Rated

4 products:
$87.99 - $199.99

Per Unit:
$17.60 - $20.00

Free Shipping (2)

Bonus Item (1)

Cohiba Nicaragua

92 Rated

5 customers

Cohiba Nicaragua

92 Rated

5 customers

13 products:
$10.99 - $204.99

Per Unit:
$2.00 - $15.99

Bonus Item (4)

What is a Cohiba Cigar?

This is one whose name even non-smokers know well. It's a brand that skyrocketed to popularity even before the boom, is the only "authentic" Cohiba cigar that can be bought legally in the U.S. - and is one of the only smokes out there worthy of its string of trademark lawsuits.

Are Cohiba cigars from Cuba?

The answer to this is yes, but those are a different company than the Red Dot Cohiba that are available for sale in the USA.

The Cohiba available within the U.S. is Dominican at its heart. Cohiba cigars are a natural stepping stone for smokers looking to ramp up the flavor and add a little spice to the mix. The selections here, starting with the Cohiba Red Dot, land square in the neighborhood of medium body and move on up; though any and all of these Cohibas smoke creamy-smooth, rich and well-balanced due to their respective, refined Cuban-seed longfiller blends.

A Cohiba cigar isn't just a smoke - today it represents quality, history and those bits and pieces of life that are more than just refined. It's no wonder that the original Cuban Cohiba was a Castro favorite.

The History of Cohiba Cigars?

Christopher Columbus was way ahead of Castro, as well as the rest of us who buy Cohibas online, when it came to these premium gems. Columbus returned to Hispaniola in 1496, where he witnessed the Taino Indians smoking cured and rolled tobacco leaves. The Taino referred to these "smokes" as..."Cohibas." In February 1962, the United States implemented the Cuban embargo - and with it, banning the import of Cuban cigars - which meant that America would end up missing out on one of Cuba's best-kept secrets: Eduardo Ribera.

He was a local Cuban roller who made puros for one of Castro's bodyguards, who in turn shared his private stash with "El Jefe." Castro loved the cigars so much, he took Ribera as his private roller to make this blend exclusively for him, in secret. The actual name brand came about in 1968 when Cubatabaco, the state's tobacco bureau, formally employed master blender Avelino Lara to produce a new blend at his El Laguito factory. Produced in very limited quantities and reserved only for the most senior Cuban government officials, it consisted of the choicest leaf grown in the Vuelta Abajo region of Pinar del Río Province. One of Lara's secrets to imparting such smoothness to his blend was triple-fermenting the leaves, with the third rest in oak barrels. By 1982, the smoke broke free from the island and was introduced worldwide - the United States excluded - meaning these Cuban cigars are very often counterfeited, as fake Cohiba cigars seemed to pop up everywhere.

Meanwhile, back in the States...General Cigar licensed the Cohiba name in the early 90's to market their Dominican-made version of these cigars (not fake Cohibas) in America. Though a lengthy lawsuit with the Cuban government over the brand name continues to this day, the Dominican offering is a staple among enthusiasts worldwide. And it's no wonder why: consisting of three DR-grown Cuban-seed longfillers, Indonesian binder and a sweet, flavorful Cameroon wrapper, this legal Cohiba cigar maintains a slightly spicy, Cuban character; but still remains very distinct from its island-born relative.

More Cohiba Cigars Available Now

Not content to leave it at just one cigar, Cohiba has introduced a slew of premium and super-premium offerings under the name, topping out with the Edicion Diamante Collection. Just like you don't buy a Rolex to tell you what time it is, you don't choose these cigars for burning at the barbecue. Hailed as "a piece of premium cigar history," they've worked up something truly special here...wrapped in Cameroon from a crop harvested in 1980 that was hailed as "legendary" and aged ever since, Edicion Diamante, is a limited edition smoke presented in boxes of 10, starting at a 50 ring gauge.

Rich in tradition and refined in taste...buy your box and smoke some history. How much are Cohiba Cigars, you may ask? Well you will find that Cohibas can purchased online at low discount prices here at Famous Smoke Shop.