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

Proceeding	92061474
Party	Defendant Greater Omaha Packing Co., Inc.
Correspondence Address	I STEPHEN SAMUELS SAMUELS & HIEBERT LLC TWO INTERNATIONAL PLACE, SUITE 2330 BOSTON, MA 02482-4104 UNITED STATES Email: iss@samuelstm.com
Submission	Testimony For Defendant
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Omaha Steaks	)	
International, Inc.,	)	Cancellation No.
	)	92061474
Plaintiff,	)	
	)	Registration No.
v.	)	4690144
	)	
Greater Omaha Packing	)	Registration No.
Co., Inc.,	)	4721723
	)	
Defendant.	)	TAKEN IN BEHALF OF
	)	DEFENDANT

APPEARANCES:

Ms. Nora M. Kane For Plaintiff  
Attorney at Law  
OMAHA STEAKS  
INTERNATIONAL, INC.  
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Mr. Mark Theisen  
General Counsel  
GREATER OMAHA PACKING CO  
3001 L Street  
P.O. Box 7566  
Omaha, NE 68107

**DEPOSITION OF ANGELO FILI**, taken at

10:31 a.m. on May 18, 2017, by Deanna L. Maley,  
RPR, CRR, and General Notary Public in and for  
the State of Nebraska, at 3001 L Street, Omaha,  
Nebraska.

# I N D E X

EXAMINATION: DIRECT CROSS REDIRECT

ANGELO FILI

By Mr. Samuels: 3

E X H I B I T S

<u>Ex. No.</u>	<u>Pg. No.</u>	<u>Ref. Description</u>
GOP-901	20	3-25-92 USDA Application for Approval (GOP-0150-152)
GOP-902	22	Time Change Announcement (GOP-0722)
GOP-903	27	1997 Greater Omaha Brochure (GOP-0535-540)
GOP-904	35	March 3-9, 1997, <i>Midlands Business Journal</i> (GOP-0753-756)
GOP-905	38	1-23-98 Diagram of Container Layout (GOP-0158)
GOP-906	48	One-page Website Printout
GOP-907	49	Two-page Website Printout
GOP-908	50	One-page Website Printout

1                                   ANGELO FILI

2                   Of lawful age, being first  
3                   duly cautioned and solemnly  
4                   sworn as hereinafter certified,  
5                   was examined and testified as  
6                   follows:

7                                   DIRECT EXAMINATION

8                   BY MR. SAMUELS:

9                   Q.       Mr. Fili, would you please state your  
10                   full name.

11                   A.       Angelo Fili.

12                   Q.       How old are you now?

13                   A.       I'm 60.

14                   Q.       Did you attend high school?

15                   A.       Yes, I did.

16                   Q.       In what city did you go to high  
17                   school?

18                   A.       Omaha, Nebraska.

19                   Q.       What was the name of your high  
20                   school?

21                   A.       Omaha South High School.

22                   Q.       Did you graduate from Omaha South  
23                   High School?

24                   A.       Yes, I did.

25                   Q.       In what year did you graduate from  
Omaha South High School?

A.       In 1975.



1 Q. Did you attend college or university?

2 A. Yes, I did.

3 Q. Please describe where and when you  
4 went to college or university.

5 A. One year at the University of  
6 Nebraska in Lincoln.

7 Q. And in what year was that?

8 A. 1975-1976.

9 Q. After you attended the University of  
10 Nebraska, did you obtain full-time employment?

11 A. Yes, I did.

12 Q. What was the name and city location  
13 of your first full-time employer?

14 A. In Council Bluffs, Iowa, at Great  
15 Plains.

16 Q. Was that Great Plains Beef Company?

17 A. Yes, it was.

18 Q. During what years did you work at  
19 Great Plains?

20 A. From 1976 to 1977.

21 Q. What were your titles of your job at  
22 Great Plains?

23 A. Originally I was a trainee, and I  
24 later became a journeyman butcher and a  
25 supervisor.

1 Q. What were your responsibilities at  
2 Great Plains?

3 A. Initially to learn how to become a  
4 butcher and then to go on to train other people  
5 and then supervise people.

6 Q. What was the name and city location  
7 of your next employer?

8 A. Denver, Colorado. Circle C.

9 Q. Was that Circle C Beef?

10 A. Yes, it was.

11 Q. During what years did you work at  
12 Circle C?

13 A. From 1977 to 1983.

14 Q. What were your job titles at  
15 Circle C?

16 A. I began as a butcher, moved to a  
17 trainer, a trainer, a supervisor, and the plant  
18 manager.

19 Q. What were your responsibilities at  
20 Circle C?

21 A. To hire and train individuals to  
22 fabricate beef.

23 Q. What was the name and city location  
24 of your next employer?

25 A. Omaha, Nebraska, at BeefAmerica.

1 Q. What years did you work at  
2 BeefAmerica?

3 A. From 1983 to 1992.

4 Q. What were your job titles at  
5 BeefAmerica?

6 A. I was a trainer, a supervisor, a  
7 plant manager, and a national marketing  
8 representative.

9 Q. What were your responsibilities at  
10 BeefAmerica?

11 A. Overall I hired -- initially I  
12 started with the design of the plant. I hired  
13 people, trained people, and oversaw the facility.  
14 And then as a national marketing representative I  
15 sold products to wholesalers and retailers.

16 Q. What was the name and city location  
17 of your next employer?

18 A. In Omaha, Nebraska, at Greater Omaha  
19 Packing.

20 Q. And that is Greater Omaha Packing  
21 Co., Inc., the defendant in this proceeding?

22 A. Yes, it is.

23 Q. Mr. Fili, I will hereafter refer to  
24 the Defendant, Greater Omaha Packing Co., Inc.,  
25 as Defendant Greater Omaha. Is that acceptable

1 to you?

2 A. Yes, it is.

3 Q. In what year did you begin work at  
4 Defendant Greater Omaha?

5 A. 1992.

6 Q. What was your first job title at  
7 Defendant Greater Omaha?

8 A. Executive vice president.

9 Q. What were your initial  
10 responsibilities at Defendant Greater Omaha?

11 A. I worked with Mr. Henry Davis to  
12 purchase the assets of a company that was  
13 fabricating boxed beef.

14 Q. When you were first hired at  
15 Defendant Greater Omaha, did Mr. Henry Davis talk  
16 to you about the goal of expanding the company  
17 into becoming a boxed beef producer?

18 A. Yes. That was primarily my  
19 responsibility. He was considering -- they were  
20 a harvest company that produced carcasses. He  
21 wanted to get into the boxed beef fabrication.

22 Q. And the Henry Davis that we've just  
23 talked about, is that Henry Davis, the president  
24 and CEO of Defendant Greater Omaha?

25 A. Yes. That is correct.

1 Q. And during what years have you worked  
2 at Defendant Greater Omaha?

3 A. From 1992 until the present.

4 Q. And what is your present job title?

5 A. Executive vice president.

6 Q. All right. Mr. Fili, let's go back  
7 and discuss what you did when you were at  
8 BeefAmerica from 1983 until 1992. Please  
9 describe BeefAmerica's beef operations.

10 A. We purchased carcass beef from  
11 slaughterhouses and fabricated those products and  
12 sold them to wholesalers and retailers.

13 Q. Would you describe BeefAmerica as  
14 being a general public consumer?

15 A. No, I would not.

16 Q. Would you describe BeefAmerica as  
17 being a fabricator of beef and a seller of that  
18 beef to wholesalers?

19 A. Yes, I would.

20 Q. Thank you. Mr. Fili, when you were  
21 at BeefAmerica from 1983 until 1992, did you ever  
22 visit Defendant Greater Omaha's plant?

23 A. Yes, I did.

24 Q. Based on your own personal  
25 observations of Defendant Greater Omaha's plant,

1 please describe Defendant Greater Omaha's beef  
2 operations between 1983 and 1992.

3 A. Their company purchased live animals  
4 and harvested them and sold carcass beef to  
5 companies.

6 Q. Did they sell the carcass pieces to  
7 companies such as BeefAmerica?

8 A. Yes, they did.

9 Q. When you were at BeefAmerica between  
10 1983 and 1992, did BeefAmerica often purchase  
11 beef from Defendant Greater Omaha?

12 A. Yes, I believe they did daily.

13 Q. Daily?

14 A. I believe so, yes.

15 Q. Between 1983 and 1992 when beef  
16 carcasses were purchased by BeefAmerica from  
17 Defendant Greater Omaha, please describe how the  
18 beef carcasses were delivered to BeefAmerica.

19 A. They arrived at BeefAmerica in a semi  
20 trailer truck that had rails on the ceiling and  
21 they were hung by quarters and our employees,  
22 luggers, unloaded those products.

23 Q. So if I understand your testimony,  
24 the hanging beef quarters would be shipped from  
25 Greater Omaha to BeefAmerica where the hanging

1       quarters would be unloaded by BeefAmerica  
2       employees, is that what you said?

3             A.       That is correct.

4             Q.       Did you ever observe this unloading  
5       process at BeefAmerica between 1983 and 1992?

6             A.       Yes, I did.

7             Q.       Did you observe it once or more than  
8       once?

9             A.       Many, many times.

10            Q.       Did you observe whether the beef  
11       purchased by BeefAmerica from Defendant Greater  
12       Omaha had any markings on the beef indicating  
13       that the beef came from Defendant Greater Omaha?

14            A.       Yes, I did.

15            Q.       Please describe those markings on the  
16       beef.

17            A.       The beef were stamped with an edible  
18       blue ink that they use in the industry that said  
19       "Greater Omaha 960."

20            Q.       You say it said "Greater Omaha" and  
21       it had the number 960?

22            A.       That is correct.

23            Q.       What was the number 960? What did it  
24       mean?

25            A.       Each facility that processes cattle,

1 processes food has an establishment number issued  
2 by the United -- U.S. Department of Agriculture.

3 Q. And was 960 Defendant Greater Omaha's  
4 establishment number?

5 A. Yes, it was.

6 Q. Did the name on the ink stamp that  
7 you observed ever contain anything other than the  
8 two words "Greater Omaha"?

9 A. No, it did not.

10 Q. Between 1983 and 1992 did you see in  
11 each and every year that the hanging beef  
12 quarters which BeefAmerica purchased and received  
13 from Defendant Greater Omaha always had the  
14 two words "Greater Omaha" ink stamped on the  
15 beef?

16 A. Yes, I did.

17 Q. Between 1983 and 1992 did you ever  
18 see any hanging beef quarters which BeefAmerica  
19 purchased and received from Defendant Greater  
20 Omaha which did not have the two words "Greater  
21 Omaha" ink stamped on the beef?

22 A. No, I did not. Not that I recall.

23 Q. Between 1983 and 1992 when you saw a  
24 load of hanging beef quarters bearing the ink  
25 stamp containing the two words "Greater Omaha"



1 being unloaded by BeefAmerica employees, what did  
2 those ink stamped two words mean to you as a  
3 customer?

4 A. That those products came from Greater  
5 Omaha.

6 Q. Now, Mr. Fili, while you were  
7 employed by BeefAmerica between 1983 and 1992,  
8 how often did you visit Defendant Greater Omaha's  
9 plant?

10 A. Monthly, maybe 10 times per year.

11 Q. Where was Defendant Greater Omaha's  
12 plant located?

13 A. On 26th and O Street.

14 Q. Did you go to Defendant Greater  
15 Omaha's plant on 26th Street in connection with  
16 your responsibilities at BeefAmerica?

17 A. Yes, I did.

18 Q. And why did you go to Defendant  
19 Greater Omaha's plant?

20 A. To look at the products that we were  
21 purchasing from them.

22 Q. When you were at Defendant Greater  
23 Omaha's plant between 1983 and 1992, did you ever  
24 see any Greater Omaha employees ink stamping  
25 hanging beef?

1 A. Yes, I did.

2 Q. How often did you see Greater Omaha  
3 employees ink stamping hanging beef?

4 A. Every time that I visited there.

5 Q. When you visited the Greater Omaha  
6 plant between 1983 and 1992 and you saw the  
7 employees ink stamping hanging beef, could you  
8 observe what the ink stamp looked like?

9 A. Yes, I could.

10 Q. What did the ink stamp look like?

11 A. It was a handheld stamp with the word  
12 "Greater Omaha" and 960 on it.

13 Q. And was there a color to the ink?

14 A. Yes. It's a blue edible ink that's  
15 used in the industry for marking cattle.

16 Q. Did the name on the ink stamp ever  
17 say anything other than the two words "Greater  
18 Omaha"?

19 A. No, it did not.

20 Q. Did you personally see Defendant  
21 Greater Omaha employees ink stamping the name  
22 "Greater Omaha" on hanging beef at the 26th  
23 Street plant in each and every year from 1983 to  
24 1992?

25 A. Yes, I did.

1 Q. Mr. Fili, when you visited the  
2 Greater Omaha plant between 1983 and 1992, did  
3 you ever observe boxes of beef parts being  
4 prepared for shipment by Greater Omaha?

5 A. Yes, I did.

6 Q. Did you see that frequently or  
7 seldom?

8 A. I believe each time I was there.

9 Q. Please describe what you saw.

10 A. They packed beef parts into boxes  
11 that had black-and-white block letters that said  
12 "Greater Omaha."

13 Q. If I understand your testimony, you  
14 saw Greater Omaha's employees packing boxes; is  
15 that correct?

16 A. Yes. At their facility, correct.

17 Q. And they packed beef parts in those  
18 boxes; is that correct?

19 A. Yes. There are other parts besides  
20 the carcass that would go into those boxes.

21 Q. And on those boxes the words "Greater  
22 Omaha" appeared?

23 A. Yes, they did.

24 Q. Did you see the name "Greater Omaha"  
25 specifically on those boxes?

1 A. Yes, I did.

2 Q. And what did the name look like to  
3 you?

4 A. It was block letters, large black  
5 block letters that said Greater Omaha.

6 Q. Did you see the two-word name  
7 "Greater Omaha" printed on shipping boxes of beef  
8 parts at the 26th Street plant in each and every  
9 year from 1983 to 1992?

10 A. I believe that I did, yes.

11 Q. Now, Mr. Fili, you stated that you  
12 became an employee of Defendant Greater Omaha in  
13 1992; is that correct?

14 A. That is correct.

15 Q. And was any particular person at  
16 Greater Omaha primarily responsible for hiring  
17 you?

18 A. Yes. Mr. Henry Davis.

19 Q. Is that Mr. Henry Davis, the CEO of  
20 Defendant Greater Omaha?

21 A. Yes, it is.

22 Q. Did he meet with you once or more in  
23 connection with hiring you?

24 A. Several times, yes.

25 Q. What did Mr. Davis tell you would be

1 your primary role when you came to work for  
2 Defendant Greater Omaha?

3 A. He wanted to add a division of the  
4 company that would fabricate beef, fabricate and  
5 make boxed beef.

6 Q. And was that similar to what you were  
7 doing at BeefAmerica?

8 A. It was the same thing exactly, yes.

9 Q. Who did Mr. Henry Davis tell you that  
10 you would be working with in connection with  
11 starting the new boxed beef business?

12 A. Directly with Henry. That's -- for  
13 the most part that's why I took the job.

14 Q. In 1992 when you say -- I'm sorry.  
15 In 1992 what did you say was the job title that  
16 you were given when you began work at Defendant  
17 Greater Omaha?

18 A. Executive vice president.

19 Q. In 1992 did Defendant Greater Omaha  
20 have any boxed beef fabricating capabilities at  
21 its 26th Street plant?

22 A. No, they did not.

23 Q. In 1992 what was one of the first  
24 projects that your company undertook to start the  
25 boxed beef business?

1           A.     We purchased assets and the lease of  
2     a company that was currently making boxed beef.

3           Q.     And so you say that one of the assets  
4     that you purchased was a lease on a building?

5           A.     Yes, it was.

6           Q.     Where was that leased building  
7     located?

8           A.     On 25th and Gomez in Omaha, Nebraska.

9           Q.     Did you oversee the purchase and  
10    setting up of boxed beef fabrication equipment in  
11    the leased building on Gomez Avenue?

12          A.     I did. I worked with Mr. Davis on  
13    that project, yes.

14          Q.     Please briefly describe what the  
15    setup included.

16          A.     They had a small amount of equipment  
17    and a number of employees, and we purchased  
18    packaging equipment and enlarged the operation.

19          Q.     Did your company hire any of the  
20    employees who were working at the Gomez Avenue  
21    building?

22          A.     Yes. We hired approximately a  
23    hundred people from there.

24          Q.     After you set up the boxed beef  
25    fabrication equipment in the Gomez Avenue

1 building in 1992, when did your company begin  
2 fabricating and selling and shipping boxed beef?

3 A. I believe in April of 1992.

4 Q. Please describe the customers to whom  
5 your company began selling the boxed beef in  
6 1992.

7 A. Wholesalers and retailers.

8 Q. Beginning in 1992 were any of your  
9 company's boxed beef customers general public  
10 consumers?

11 A. No, they were not.

12 Q. Beginning in 1992 from what source  
13 did you obtain the carcasses that you fabricated  
14 in the Gomez Avenue building?

15 A. From Greater Omaha.

16 Q. And did you obtain them from Greater  
17 Omaha's 26th Street plant?

18 A. Yes, we did. That is correct.

19 Q. Beginning in 1992 did your company  
20 need to have shipping boxes made which could be  
21 used by the Gomez Avenue plant to ship boxed beef  
22 to your customers?

23 A. Yes, we did.

24 Q. Did the printing on such shipping  
25 boxes have to be approved by the U.S. Department

1 of Agriculture?

2 A. Yes, they did.

3 Q. Why was that?

4 A. Because they contain food products,  
5 the U.S. government has to approve the containers  
6 and labels and marking.

7 Q. Did you want your new shipping boxes  
8 to have a trademark on them?

9 A. Yes, we did.

10 Q. Why was that?

11 A. So that customers would know who the  
12 products were coming from.

13 Q. What did you do regarding the  
14 creation of that printed shipping box trademark?

15 A. I worked directly with Mr. Davis. We  
16 used the long used Greater Omaha name, surrounded  
17 it with the state of Nebraska with a beef cattle  
18 cutout and the words "Since 1920."

19 Q. Please describe the process that  
20 Henry Davis and you followed in 1992 when you  
21 created that new printed Greater trademark.

22 A. We discussed exactly how we wanted it  
23 to look. We took, as I said, the words from  
24 his -- that they had used for a long time,  
25 "Greater Omaha," put it on a background of the



1 state of Nebraska with a beef cattle cutout and  
2 then we added the words "Since 1920." That's  
3 when Henry told me that his grandfather had  
4 started the company.

5 Q. Thank you. In 1992 when you were  
6 involved with creating that new printed Greater  
7 Omaha trademark, did you ever think about the  
8 company name or the trademarks used by Omaha  
9 Steaks International, Inc.?

10 A. We absolutely did not.

11 Q. Did you or Mr. Davis arrange to have  
12 an application for approval prepared and sent to  
13 the U.S. Department of Agriculture which  
14 contained your new printed Greater Omaha  
15 trademark?

16 A. Yes, we did.

17 Q. Mr. Fili, I now show you a document  
18 dated March 25, 1992, which is marked Exhibit  
19 GOP-901. Exhibit GOP-901 is a three-page  
20 document entitled U.S. Department of Agriculture  
21 application for approval. The document bears  
22 Bates numbers GOP-0150 through 0152. Are you  
23 familiar with that document?

24 A. Yes, I am.

25 Q. What is Exhibit GOP-901?

1           A.     This is a U.S. Department of  
2     Agriculture label approval form.

3           Q.     Is it an application form?

4           A.     Yes, it is.

5           Q.     Do the two pages attached to the  
6     application page show two sides of a shipping  
7     box?

8           A.     Yes, they do.

9           Q.     Is any street address shown on  
10    Exhibit GOP-901 shipping box?

11          A.     Yes, it is. 2519 Gomez Avenue,  
12    Omaha, Nebraska 68107.

13          Q.     Is that the same Gomez Avenue address  
14    as the Gomez Avenue address shown on the first  
15    page of Exhibit GOP-901 application form which is  
16    Bates number GOP-0150?

17          A.     Yes, it is.

18          Q.     Mr. Fili, can you tell from the first  
19    page of Exhibit GOP-901 whether the application  
20    was approved?

21          A.     Yes, I can.

22          Q.     How can you tell?

23          A.     At the top in block 2 is a statement  
24    that says approved 960A VV. And also in block 12  
25    at the bottom is Victor Visty, who was our

1 inspector, and his initials are VV, I assume at  
2 the top, and then block 12, on 3-25-92.

3 Q. So his signature is on March 25,  
4 1992?

5 A. That is correct.

6 Q. Mr. Fili, I now show you a one-page  
7 document which is marked Exhibit GOP-902. This  
8 document bears Bates number GOP-0722. Are you  
9 familiar with this document?

10 A. Yes, I am.

11 Q. What is it?

12 A. It's a notice that I typed up for  
13 the -- to notify the employees that effective  
14 Tuesday, April 7th, 1992, Greater Omaha Packing  
15 Company will start operations at 6:30 a.m. It  
16 was the notice we used to tell people what day we  
17 started the company -- started the plant.

18 Q. Please compare Exhibit GOP-901 and  
19 Exhibit GOP-902. Do you see any differences  
20 between the printed Greater Omaha trademark in  
21 Exhibit GOP-901 and the printed Greater Omaha  
22 trademark in Exhibit GOP-902?

23 A. No, I do not.

24 Q. Did your purchase -- I'm sorry. Did  
25 your company purchase and receive shipping boxes

1 which looked like the shipping box shown in  
2 Exhibit GOP-901?

3 A. Yes, we did.

4 Q. Did your company receive many or few  
5 shipping boxes like the box shown in Exhibit  
6 GOP-901?

7 A. Many. Hundreds of thousands.

8 Q. Were you involved in ordering those  
9 Exhibit GOP-901 shipping boxes?

10 A. Yes, I was.

11 Q. How were you involved?

12 A. I ordered all the consumables for the  
13 company. Meaning all of the things that we used  
14 in the plant, boxes, bags, glue.

15 Q. Thank you. Were the Exhibit GOP-901  
16 shipping boxes ever used by your company to ship  
17 the boxed beef which you fabricated at the Gomez  
18 Avenue plant?

19 A. Yes, they were.

20 Q. And were the Exhibit GOP-901 shipping  
21 boxes used by your company to ship the boxed beef  
22 almost entirely to wholesalers and large retail  
23 customers?

24 A. Yes, they were.

25 Q. Were the Exhibit GOP-901 shipping

1 boxes ever used by your company to ship boxed  
2 beef to general public consumer customers?

3 A. No, they were not.

4 Q. Were the Exhibit GOP-901 shipping  
5 boxes ever used by your company to ship boxed  
6 beef to customers in small quantities?

7 A. No, they are not.

8 Q. About how many pounds of beef usually  
9 went into an Exhibit GOP-901 shipping box?

10 A. Between 70 and 75 pounds.

11 Q. And your usual shipments to  
12 wholesalers and retailer customers involved about  
13 how many of such shipping boxes?

14 A. Between 400 and 600 boxes.

15 Q. For approximately how many years were  
16 the Exhibit GOP-901 shipping boxes continuously  
17 used by the Gomez Avenue plant to ship boxed  
18 beef?

19 A. About four years.

20 Q. You mean from about 1992 to about  
21 1996?

22 A. That is correct.

23 Q. Mr. Fili, based on your own personal  
24 knowledge, did Defendant Greater Omaha ship boxed  
25 beef in shipping boxes that looked just like the

1 shipping boxes shown in Exhibit GOP-901 to  
2 wholesale and large retail customers in each and  
3 every year from 1992 to 1996?

4 A. Yes, we did.

5 Q. And based on your own personal  
6 knowledge, did Defendant Greater Omaha ship boxed  
7 beef in shipping boxes that looked just like the  
8 shipping boxes shown in Exhibit GOP-901 to  
9 Plaintiff Omaha Steaks International, Inc. in  
10 each and every year from 1992 to 1996?

11 A. Yes, we did.

12 Q. Why did your company stop using the  
13 Exhibit GOP-901 shipping boxes in 1996?

14 A. We built a new fabrication facility  
15 at a different location.

16 Q. So you built a new building?

17 A. Yes, we did.

18 Q. And that was to house the fabrication  
19 operation?

20 A. That is correct. Yes.

21 Q. Where was that new building located?

22 A. At -- in Omaha, Nebraska, at 3001  
23 L Street.

24 Q. Is that the building in which we're  
25 currently sitting?

1 A. Yes, it is.

2 Q. Were you involved in designing the  
3 new L Street building?

4 A. Yes, I was. I worked directly with  
5 Mr. Henry Davis.

6 Q. Very briefly tell us how you were  
7 involved in designing the new L Street building.

8 A. We were involved with everything from  
9 the land purchase to the equipment, looking at  
10 new and different equipment. I was involved in  
11 everything that they had to do with, myself and  
12 Henry were.

13 Q. Thank you. In what year did  
14 Defendant Greater Omaha start its boxed beef  
15 fabrication operation at the L Street plant?

16 A. In 1996.

17 Q. In what year did Defendant Greater  
18 Omaha begin to sell and ship boxed beef from its  
19 L Street plant?

20 A. In 1996.

21 Q. After 1996 what happened to your  
22 company's lease of the Gomez Avenue plant?

23 A. We ended the lease and left that  
24 facility.

25 Q. I now show you a document marked

1 Exhibit GOP-903 which is a copy of a six-page  
2 brochure. This exhibit bears Bates numbers  
3 GOP-0535 through 0540. Exhibit GOP-903 is  
4 entitled "Greater Omaha Since 1920." Are you  
5 familiar with this exhibit?

6 A. Yes, I am.

7 Q. What is this exhibit?

8 A. This is a company brochure that me  
9 and Henry designed when we opened the new  
10 facility.

11 Q. Does that company brochure describe  
12 what you do at your company?

13 A. Yes, it does.

14 Q. And did you say you were involved  
15 with Mr. Davis in creating that exhibit?

16 A. Yes, I was.

17 Q. Exhibit GOP-903 has a photograph of a  
18 person on the last page of the exhibit. Who is  
19 that person?

20 A. That is Henry Davis.

21 Q. I see on the second page of Exhibit  
22 GOP-903 at Bates number GOP-0536 under the word  
23 "Technology" a photograph of beef. Is that  
24 photograph of what -- is that a photograph of  
25 what you have been calling hanging beef?



1           A.     Yes.  Those are actually beef  
2 carcasses cut in half.  They're beef sides.

3           Q.     So they're called sides of beef?

4           A.     They are.  That's a term used in the  
5 industry, yes.

6           Q.     Is there any way by your looking at  
7 the second page of the Exhibit GOP-903 brochure,  
8 Bates numbered GOP-0536, that you can identify  
9 the approximate date that this brochure was first  
10 published?

11          A.     Yes, I believe that I can.

12          Q.     And how can you at the top of the  
13 second page tell us?

14          A.     In the section marked "History" it  
15 has a description.  It says, "Our new fabrication  
16 facility opened in the spring of 1996.  A new  
17 slaughter plant will be completed in 1998."  So  
18 that would indicate this was published between  
19 1996 and before 1998.

20          Q.     Thank you.  Again looking at the  
21 upper right portion of the second page of the  
22 Exhibit GOP-903 brochure, Bates number GOP-0536,  
23 is that building the new L Street fabrication  
24 facility which the Exhibit GOP-903 brochure  
25 stated was opened in the spring of 1996?

1 A. Yes, it is.

2 Q. Is the L Street facility the current  
3 headquarters building of Defendant Greater Omaha?

4 A. Yes, it is.

5 Q. Is the L Street facility located in  
6 Omaha, Nebraska?

7 A. Yes, it is.

8 Q. Are we taking this deposition today  
9 in the L Street facility?

10 A. Yes, we are.

11 Q. Is the Greater Omaha sign over the  
12 front door of the L Street building shown on the  
13 second page of Exhibit GOP-903 brochure  
14 substantially identical to the Greater Omaha  
15 trademark shown in the Exhibit GOP-901 USDA  
16 application?

17 A. Yes, it is.

18 Q. To the best of your own personal  
19 knowledge, has a building sign bearing the  
20 two words "Greater Omaha" been located over the  
21 front door of Defendant Greater Omaha's L Street  
22 building from 1996 to the present?

23 A. Yes, it has.

24 Q. Based on your own personal knowledge  
25 since you began work at Defendant Greater Omaha

1 in 1992, how do your company's customers usually  
2 refer to your company?

3 A. As Greater Omaha.

4 Q. Over what period of time since 1992  
5 has that been your personal observation?

6 A. Since I began working here.

7 Q. Until when?

8 A. Until the present.

9 Q. Based on your own personal knowledge  
10 gained when you worked at BeefAmerica from 1983  
11 until 1992, how did BeefAmerica employees usually  
12 refer to Defendant Greater Omaha?

13 MS. KANE: Objection. Hearsay.

14 A. During the time that I worked there  
15 what I witnessed was that people called it  
16 Greater Omaha.

17 MS. KANE: Same objection.

18 Q. What is your company's principal  
19 trademark?

20 A. Greater Omaha.

21 Q. What does it mean to be your  
22 company's principal trademark?

23 A. That's the name of the company.

24 Q. And do the two words "Greater Omaha"  
25 appear on every shipping box of beef which your

1 company sells to customers?

2 A. Yes, on every one.

3 Q. Have you personally observed that the  
4 two words "Greater Omaha" have appeared on every  
5 shipping box of beef which Defendant Greater  
6 Omaha sells to its wholesale and large retail  
7 customers?

8 A. To the best of my knowledge, yes.

9 Q. Over what period of time has that  
10 been your personal observation?

11 A. Since I've been at Greater -- since  
12 I've been here and every day.

13 Q. Mr. Fili, what was the name of your  
14 employer between 1983 and 1992?

15 A. BeefAmerica.

16 Q. And did you testify earlier that when  
17 you were an employee of BeefAmerica between 1983  
18 and 1992 you often observed shipments of beef  
19 being delivered to BeefAmerica by Defendant  
20 Greater Omaha?

21 A. Yes, I did.

22 Q. And did you see such shipments seldom  
23 or often?

24 A. Often.

25 Q. I believe you also testified that the

1 shipments of beef being delivered to BeefAmerica  
2 always bore a blue-inked trademark stamped on the  
3 hanging beef; is that correct?

4 A. Yes, it is.

5 Q. Please describe that blue ink  
6 trademark again.

7 A. It was a mark -- it was a stamp made  
8 from edible ink that said "Greater Omaha 960."

9 Q. Thank you. When you worked for  
10 BeefAmerica between 1983 and 1992 and when you  
11 personally observed shipments of beef being  
12 received by BeefAmerica which bore the blue inked  
13 Greater Omaha name stamped on the beef, what did  
14 you mean -- what did you as a customer think that  
15 the words "Greater Omaha" meant?

16 A. That those products came from Greater  
17 Omaha.

18 Q. And when you say "came from Greater  
19 Omaha," you mean the Greater Omaha company?

20 A. Yes, I do.

21 Q. Did you ever think that the  
22 in-stamped beef came from Omaha Steaks  
23 International, Inc.?

24 A. No, I did not.

25 Q. Why not?

1           A.     If they were marked with Greater  
2           Omaha, then they came from Greater Omaha.  If  
3           they would have been marked with Omaha Steaks,  
4           they may have come from Omaha Steaks.  But I  
5           don't think that's possible to confuse those two.

6           Q.     Thank you.  Mr. Fili, I see that on  
7           the last page of the Exhibit GOP-903 brochure,  
8           Bates number GOP-0540, next to Mr. Davis's  
9           photograph there is a statement from Mr. Davis as  
10          president.  Do you see that?

11          A.     Yes, I do.

12          Q.     Would you please very slowly read the  
13          first three sentences of the second paragraph of  
14          Mr. Davis's statement?

15          A.     "The 1980s and 1990s brought many  
16          changes to the beef industry.  These changes  
17          required that we evolve from a beef carcass  
18          producer to a boxed beef fabricator.  The  
19          challenges of this transformation were  
20          formidable, but we met them with a commitment of  
21          resources and willpower."

22          Q.     Thank you.  Mr. Fili, does the  
23          statement that you have just read corroborate the  
24          testimony that you have just given about your  
25          company's beginning in 1992 to make a change to

1 becoming a boxed beef fabricator?

2 A. Yes, I believe it does.

3 Q. On the last page of the Exhibit  
4 GOP-903 brochure, Bates number GOP-0540, in the  
5 photograph of Mr. Davis I see eight shipping  
6 boxes; is that correct?

7 A. That is correct.

8 Q. Is the printed Greater Omaha  
9 trademark which is printed on each of those eight  
10 shipping boxes in the Exhibit GOP-903 photo  
11 substantially identical to the Greater Omaha  
12 trademark printed on the shipping box which was  
13 approved by the U.S. Department of Agriculture in  
14 1992 as shown in Exhibit GOP-901?

15 A. Yes, it is identical.

16 Q. Based on your own personal knowledge,  
17 has your company used shipping boxes bearing the  
18 printed Greater Omaha trademark, which boxes and  
19 trademark were virtually identical to the  
20 shipping boxes shown on the last page of the  
21 Exhibit GOP-903 photo, to ship boxed beef to  
22 wholesale and large retail customers in each and  
23 every year from 1992 to the present?

24 A. Yes.

25 Q. Based on your own personal knowledge,

1 has your company used shipping boxes bearing the  
2 printed Greater Omaha trademark, which boxes and  
3 trademark were virtually identical to the  
4 shipping boxes shown on the last page of the  
5 Exhibit GOP-903 photo, to ship boxed beef to  
6 Plaintiff Omaha Steaks International, Inc. in  
7 each and every year from 1992 to the present?

8 A. Yes, we did.

9 Q. Have you carefully read Exhibit  
10 GOP-903?

11 A. Yes, I have.

12 Q. And did you state that you were  
13 personally involved in creating Exhibit GOP-903?

14 A. Yes, I was.

15 Q. Do you have personal knowledge  
16 regarding all of the statements contained in  
17 Exhibit GOP-903?

18 A. Yes, I do.

19 Q. Are all of the statements contained  
20 in Exhibit GOP-903 true and correct to the best  
21 of your own personal knowledge?

22 A. Yes, they are.

23 Q. Mr. Fili, I now show you a four-page  
24 document which has been marked Exhibit GOP-904.  
25 Exhibit GOP-904 contains copies of several pages



1 from a newspaper entitled *Midlands Business*  
2 *Journal* dated March 3-9, 1997. The exhibit bears  
3 Bates numbers GOP-0753 through 0756. Are you  
4 familiar with this exhibit?

5 A. Yes, I am.

6 Q. On page 4, Bates number GOP-0754 of  
7 the Exhibit GOP-904 newspaper, does it state when  
8 *Midlands Business Journal* was established?

9 A. Yes, it does.

10 Q. What does it say?

11 A. It says established in 1975.

12 Q. To the best of your own personal  
13 knowledge, was the *Midlands Business Journal* a  
14 publication which was available to the public in  
15 Nebraska and Iowa in 1997?

16 A. Yes, it was.

17 Q. On the front page of the Exhibit  
18 GOP-904 newspaper, Bates number GOP-0753, who is  
19 the person in the photo?

20 A. That is Henry Davis.

21 Q. And what is he holding?

22 A. A box of beef.

23 Q. Do the six shipping boxes on the  
24 front page in the Exhibit GOP-904 photo show a  
25 printed Greater Omaha trademark which is

1 identical to the printed Greater Omaha trademark  
2 on the eight shipping boxes in the Exhibit  
3 GOP-903 photo?

4 A. Yes, they do.

5 Q. Mr. Fili, I am now going to quote  
6 several statements from the Exhibit GOP-904  
7 newspaper and ask you whether to the best of your  
8 own personal knowledge these 1997 statements were  
9 true or false. On the front page, Bates number  
10 GOP-0753, it states that your company is  
11 investing \$3 million to build a  
12 30,000-square-foot addition. To the best of your  
13 own personal knowledge, was that statement true  
14 or false?

15 A. It is true.

16 Q. On the third page of the 1997 Exhibit  
17 GOP-904, Bates number GOP-0755, it also says that  
18 your company was operating two plants, the plant  
19 at 5102 South 26th Street processed live cattle  
20 and the plant at 3001 L Street converted the beef  
21 into fabricated boxed beef cuts. To the best of  
22 your own personal knowledge, was that statement  
23 true or false in 1997?

24 A. It was true.

25 Q. On the third page of Exhibit GOP-904,

1 Bates number GOP-0755, it also says that the  
2 L Street plant was completed in May 1996. To the  
3 best of your own personal knowledge, was that  
4 statement true or false?

5 A. It is true.

6 Q. Do you feel that all of the  
7 statements concerning your company on the front  
8 page and page 18 of Exhibit GOP-904 were true or  
9 false to the best of your own personal knowledge?

10 A. I believe they were true.

11 Q. I now show you a one-page document  
12 dated January 23, 1998, which has been marked  
13 Exhibit GOP-905. Exhibit GOP-905 is entitled  
14 "Container Layout." The exhibit bears Bates  
15 number GOP-0158. Are you familiar with this  
16 exhibit?

17 A. Yes, I am.

18 Q. What is Exhibit GOP-905?

19 A. It is a container layout which is a  
20 box flat and it contains drawings of the markings  
21 that we are asking them to print on to the boxes.

22 Q. So if I understand what you just  
23 said, Exhibit GOP-905 is a drawing of a flattened  
24 shipping box; is that correct?

25 A. That is correct.

1 Q. What is the purpose of Exhibit  
2 GOP-905?

3 A. This would be for us to approve  
4 the -- that they have the print and layout  
5 correct.

6 Q. And when you say "they," do you mean  
7 the box manufacturer?

8 A. Yes, I do.

9 Q. And does it show the box manufacturer  
10 exactly what your company wants the box to look  
11 like?

12 A. Yes, it does.

13 Q. To the best of your knowledge, did  
14 the box manufacturer make shipping boxes in 1998  
15 for Defendant Greater Omaha that looked like the  
16 drawing in Exhibit GOP-905?

17 A. Yes, they did.

18 Q. To the best of your knowledge, did  
19 the box manufacturer make shipping boxes in 1998  
20 that looked like Exhibit GOP-905 in varying  
21 sizes?

22 A. Yes, they did.

23 Q. Is the Greater Omaha trademark in the  
24 Exhibit GOP-905 drawing identical to the Greater  
25 Omaha trademark on the six shipping boxes in the

1 Exhibit GOP-904 photo?

2 A. Yes, it is.

3 Q. Is the Greater Omaha trademark in the  
4 Exhibit GOP-905 drawing identical to the Greater  
5 Omaha trademark on the eight boxes in the Exhibit  
6 GOP-903 photo?

7 A. Yes, it is.

8 Q. Is there anything, such as an  
9 address, on the Exhibit GOP-905 drawing which is  
10 different from the previous shipping boxes?

11 A. Yes. Yes, it is different.

12 Q. And what is it that is different?

13 A. The address on this box is 3001  
14 L Street.

15 Q. Thank you. To the best of your own  
16 personal knowledge, did the shipping box  
17 manufacturer ever ship to your company shipping  
18 boxes which corresponded to the Exhibit GOP-905  
19 drawing?

20 A. Yes, they did.

21 Q. Did the shipping box manufacturer  
22 ship many boxes or only a few boxes?

23 A. Many thousands of boxes.

24 Q. And did those boxes correspond to the  
25 Exhibit GOP-905 drawing?

1           A.     Yes, they do.

2           Q.     To the best of your knowledge, did  
3 Defendant Greater Omaha continuously ship beef in  
4 large quantities from the L Street plant to  
5 wholesale and large retail customers in each and  
6 every year from at least as early as 1998 to 2017  
7 in shipping boxes bearing a printed Greater Omaha  
8 trademark substantially identical to the  
9 trademark shown in Exhibit GOP-905?

10          A.     Yes, we did.

11          Q.     To the best of your own personal  
12 knowledge, did Defendant Greater Omaha  
13 continuously ship boxed beef in large quantities  
14 from the L Street plant to Plaintiff Omaha Steaks  
15 International, Inc. in each and every year from  
16 at least as early as 1998 to 2017 in shipping  
17 boxes bearing a printed Greater Omaha trademark  
18 substantially identical to the trademark shown in  
19 Exhibit GOP-905?

20          A.     Yes, we did.

21          Q.     Mr. Fili, to the best of your own  
22 personal knowledge, has Defendant Greater Omaha  
23 ever shipped beef in large quantities in shipping  
24 boxes bearing a Greater Omaha trademark  
25 substantially identical to the trademark shown in

1 Exhibit GOP-905 to general public consumers?

2 A. No, we have not.

3 Q. Mr. Fili, Plaintiff Omaha Steaks  
4 International, Inc. in its petition for  
5 cancellation in this proceeding alleged that if  
6 Defendant Greater Omaha marketed goods of poor  
7 quality, Plaintiff Omaha Steaks would be damaged.  
8 To the best of your own personal knowledge, have  
9 you ever observed that any of Defendant Greater  
10 Omaha's beef products which your company markets  
11 under the Greater Omaha trademark were of a  
12 poorer quality than the beef marketed by  
13 Plaintiff Omaha Steaks?

14 A. To my knowledge, never.

15 Q. Mr. Fili, since what year did you  
16 state that you have been an employee of Defendant  
17 Greater Omaha?

18 A. Since 1992.

19 Q. To the best of your own personal  
20 knowledge, have you or any of your company's  
21 employees ever received a communication of any  
22 kind from anyone indicating that any of your  
23 company's or Plaintiff Omaha Steaks customers or  
24 potential customers ever thought that your  
25 company was Plaintiff Omaha Steaks?

1 A. To my knowledge, never.

2 Q. To the best of your own personal  
3 knowledge, have you or any of your company's  
4 employees ever received a communication of any  
5 kind from anyone indicating that any of your  
6 company's or Plaintiff Omaha Steaks customers or  
7 potential customers ever thought that your  
8 company was licensed by or was affiliated in any  
9 way with Plaintiff Omaha Steaks?

10 A. No.

11 Q. To the best of your own personal  
12 knowledge, has Defendant Greater Omaha ever sold  
13 any Greater Omaha trademarked beef products in  
14 large quantities directly to general public  
15 consumers?

16 A. No.

17 Q. To the best of your own personal  
18 knowledge, has Defendant Greater Omaha ever sold  
19 any beef products through retail stores owned or  
20 operated by your company?

21 A. No, we have not.

22 Q. Does Defendant Greater Omaha have a  
23 minimum purchase requirement when it sells beef  
24 products to wholesalers or large retailers?

25 A. Yes, we do.



1 Q. What is that minimum purchase  
2 requirement?

3 A. 10,000 pounds.

4 Q. Very roughly what is the minimum  
5 dollar amount that a purchase of 10,000 pounds of  
6 beef would cost?

7 A. In general there's nothing that we  
8 make that costs less than a dollar. So the  
9 minimum would be \$10,000, and maybe it could go  
10 up to a hundred thousand dollars for  
11 10,000 pounds.

12 Q. Mr. Fili, are you saying that your  
13 company currently requires that when each of your  
14 wholesaler or large retailer customers makes a  
15 purchase of Greater Omaha trademark beef, the  
16 purchase total must be a minimum of at least  
17 \$10,000?

18 A. Yes, that is correct.

19 Q. Mr. Fili, please describe the  
20 sophistication level of the wholesaler and large  
21 retailer customers that Defendant Greater Omaha  
22 has been selling its beef to under the Greater  
23 Omaha trademark since 1992.

24 A. The customers that we deal with are  
25 sophisticated. I think they're very thoughtful

1 in what they purchase. They're very experienced  
2 at doing that, and I think they're very careful  
3 in what they do.

4 Q. And is the purchase a relatively  
5 expensive purchase?

6 A. It's a very expensive purchase.

7 Q. And I think you said it costs at  
8 least a minimum \$10,000?

9 A. Yes, that's correct.

10 Q. Thank you. Would you say that your  
11 company's wholesaler and large retailer customers  
12 for its Greater Omaha trademark beef make quick  
13 and impulsive purchases?

14 A. That I'm aware of that would never  
15 happen.

16 Q. I'm now turning to the two  
17 registrations which Plaintiff Omaha Steaks  
18 petitioned to cancel. To the best of your own  
19 personal knowledge, did any person connected with  
20 Plaintiff Omaha Steaks ever communicate with you  
21 or anyone connected with Defendant Greater Omaha  
22 prior to May 11, 2015, to object to your  
23 company's use or registration of the Greater  
24 Omaha trademark as used on beef sold to  
25 independent wholesalers and retailers in large

1 quantities and not sold directly to general  
2 public consumers?

3 A. No, they did not.

4 Q. To the best of your own personal  
5 knowledge, did any person connected with  
6 Plaintiff Omaha Steaks ever communicate with you  
7 or anyone connected with Defendant Greater Omaha  
8 prior to May 11, 2015, to object to your  
9 company's use or registration of the Omaha  
10 Natural Angus by Greater Omaha Packing Co.  
11 trademark?

12 A. No, they did not.

13 Q. To the best of your own personal  
14 knowledge, have you or any person connected with  
15 Defendant Greater Omaha ever received a  
16 communication or information of any kind from  
17 anyone indicating that Defendant Greater Omaha's  
18 use of its Greater Omaha trademark has actually  
19 caused customers or potential customers of either  
20 Plaintiff Omaha Steaks or Defendant Greater Omaha  
21 to become confused, mistaken, or deceived as to  
22 the source or sponsorship of beef products?

23 A. No, we have not.

24 Q. Not to the best of your knowledge?

25 A. Not to the best of my knowledge.

1           Q.     To the best of your own personal  
2           knowledge, have you or any person connected with  
3           Defendant Greater Omaha ever received a  
4           communication or information of any kind from  
5           anyone indicating that Defendant Greater Omaha's  
6           use of its Omaha Natural Angus by Greater Omaha  
7           Packing Co. trademark has actually caused  
8           customers or potential customers of either  
9           Plaintiff Omaha Steaks or Defendant Greater Omaha  
10          to become confused, mistaken, or deceived as to  
11          the source or sponsorship of beef products?

12          A.     To the best of my knowledge, no.

13          Q.     Based on your own personal  
14          observations made during your entire employment  
15          history with any company, from what year to what  
16          year have you personally seen the Greater Omaha  
17          trademark used by Defendant Greater Omaha on beef  
18          sold to independent wholesalers and retailers in  
19          large quantities, not sold directly to general  
20          public consumers?

21          A.     From 1983 until today.

22          Q.     In every year from 1983 to the  
23          present?

24          A.     Yes, sir.

25          Q.     I now show you a one-page document

1 which has been marked Exhibit GOP-906. Are you  
2 familiar with this exhibit?

3 A. Yes, I am.

4 Q. What is Exhibit GOP-906?

5 A. It is a screen printout from our web  
6 page.

7 Q. And when you say "our web page," do  
8 you mean your company's web page?

9 A. Company's web page, yes.

10 Q. And when we say "web page," do we  
11 mean website?

12 A. Yes.

13 Q. How do you know that?

14 A. Because I've looked at our website  
15 and I can see this is a printout from the  
16 website.

17 Q. Did you make a personal comparison of  
18 Exhibit GOP-906 with your company's current  
19 website?

20 A. Yes, I did.

21 Q. Do you see the Greater Omaha  
22 trademark anywhere on the Exhibit GOP-906 page?

23 A. Yes, I do.

24 Q. Where?

25 A. In the upper left-hand corner.

1 Q. Mr. Fili, I now show you a two-page  
2 document which has been marked Exhibit GOP-907.  
3 Are you familiar with this exhibit?

4 A. Yes, I am.

5 Q. What is Exhibit GOP-907?

6 A. It is a screen printout of our food  
7 safety page from our website, from Greater  
8 Omaha's website.

9 Q. How do you know that?

10 A. I've compared this to our website.

11 Q. Do you see the Greater Omaha  
12 trademark anywhere on the first page of Exhibit  
13 GOP-907?

14 A. Yes, I do. In the upper left-hand  
15 corner.

16 Q. Please turn to the second page of  
17 Exhibit GOP-907. Do you see the two words  
18 "Greater Omaha" in the first line of the second  
19 page?

20 A. Yes, I do.

21 Q. Mr. Fili, what does the two-word term  
22 "Greater Omaha" in the first line of the second  
23 page of Exhibit GOP-907 mean to you?

24 A. It's the name of the company.

25 Q. Mr. Fili, I now show you a one-page

1 document which has been marked Exhibit GOP-908.

2 Are you familiar with this exhibit?

3 A. Yes, I am.

4 Q. What is Exhibit GOP-908?

5 A. It is a printout from the company  
6 website of the product page.

7 Q. How do you know that?

8 A. I compared it to our website.

9 Q. Do you see the Greater Omaha  
10 trademark anywhere on the Exhibit GOP-908 page?

11 A. Yes, I do in a number of places.

12 Q. How many places?

13 A. Four.

14 Q. Thank you. Mr. Fili, during your 25  
15 years of experience as an employee of Defendant  
16 Greater Omaha, how often have you had  
17 communications with your company's customers?

18 A. I would say daily.

19 Q. During those 25 years by what name  
20 have you heard your company's customers usually  
21 refer to your company?

22 MS. KANE: Objection. Calls for  
23 hearsay.

24 Q. Go ahead and answer, please.

25 A. When I speak to customers of Greater

1 Omaha they call us Greater Omaha.

2 MR. SAMUELS: Although I know it is  
3 not necessary under the rules, I hereby offer  
4 into evidence all of the marked exhibits which  
5 the witness discussed today. And I also plan to  
6 respond to the hearsay objections by stating what  
7 the, what the exceptions under the rule are in my  
8 brief to explain why the statements that Mr. Fili  
9 has made are exceptions to the hearsay rule.

10 Mr. Fili, I have no further  
11 questions.

12 MS. KANE: I have no questions.

13 MR. SAMUELS: Mr. Fili, thank you  
14 very much. The deposition is closed.

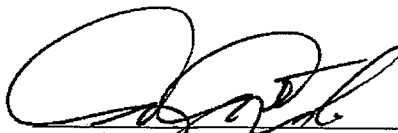
15 (The deposition was concluded at the  
16 hour of 11:28 a.m.)

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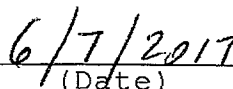


## J U R A T

I, ANGELO FILI, do hereby state under oath that I have read the above and foregoing deposition in its entirety and that the same is a full, true, and correct transcription, with my noted corrections, if any, of my testimony so given at said time and place.



(Deponent's signature)



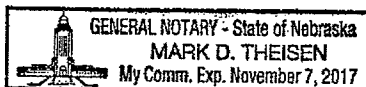
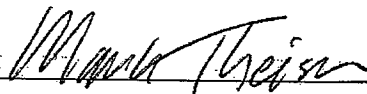
(Date)

STATE OF NEBRASKA )

COUNTY OF Douglas )

) ss.

Subscribed and sworn to before me on this 7<sup>th</sup> day of June, 2017.

GENERAL NOTARY PUBLIC

- C E R T I F I C A T E -

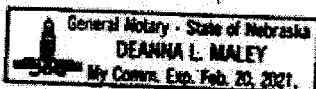
[illegible]

I, Deanna L. Maley, RPR, CRR, and  
General Notary Public in and for the State of  
Nebraska, do hereby certify that ANGELO FILI was by  
me duly sworn to testify the truth, the whole truth  
and nothing but the truth, and that the deposition  
by him as above set forth was reduced to writing by  
me.

That the within and foregoing deposition was taken by me at the time and place herein specified and in accordance with the within stipulations, the reading and signing of the witness to his deposition having not been waived.

That I am not counsel, attorney, or relative of either party or otherwise interested in the event of this suit.

IN TESTIMONY WHEREOF, I have placed my  
hand and notarial seal this 30th day of May, 2017.



Deanna L. Maly

GENERAL NOTARY PUBLIC

COST: \$

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

Omaha Steaks	)	
International, Inc.,	)	Cancellation No.
	)	92061474
Plaintiff,	)	
	)	Registration No.
v.	)	4690144
	)	
Greater Omaha Packing	)	Registration No.
Co., Inc.,	)	4721723
	)	
Defendant.	)	
	)	

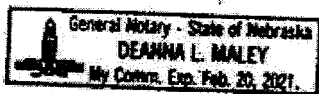
**CERTIFICATE OF REPORTER**

I, Deanna L. Maley, RPR, CRR, and General Notary Public, do hereby certify that I served as the Court Reporter at the deposition of ANGELO FILI on May 18, 2017, at 3001 L Street, Omaha, Nebraska, in which the costs of reporting and transcribing the deposition were \$ \_\_\_\_\_, and that such costs are to be paid by counsel for the defendant.

I further certify that the original and copies were sent to: Original and 1 copy to Mr. I. Stephen Samuels; 1 copy to Ms. Nora M. Kane.

Dated this 30th day of May, 2017.

Delivered: \_\_\_\_\_



*Deanna L. Maley*  
\_\_\_\_\_  
GENERAL NOTARY PUBLIC  
Deanna L. Maley, RPR, CRR  
Thibault, Suhr & Thibault, Inc.  
6818 Grover Street, Suite 300  
Omaha, Nebraska 68106  
(402) 331-2500

1 May 30th, 2017

2 ANGELO FILI  
3 c/o Mr. Mark Theisen  
4 General Counsel  
5 GREATER OMAHA PACKING CO  
3001 L Street  
Omaha, NE 68107

6 Dear Mr. Fili:

7 You will recall on May 18, 2017, I took your  
8 deposition at 3001 L Street, Omaha, Nebraska,  
9 dealing with the case of Omaha Steaks  
10 International, Inc. v. Greater Omaha Packing Co.,  
Inc. docketed in the United States Patent and  
Trademark Office. Your signature on the  
deposition was not waived.

11 A manuscript of the transcript, which is an exact  
12 duplicate of the original, is ready for your  
13 review. I would appreciate it if you would read  
14 it, then sign the errata sheet and jurat page and  
15 return all back to me in the enclosed envelope as  
soon as possible. Local practice allows a  
witness 30 days in which to read and sign the  
transcript and return same to the reporter.

16 As you read the manuscript, please note any  
17 corrections you might have on the correction  
18 sheet enclosed with the manuscript giving the  
page number, line number, and the reason for the  
correction to be made as so indicated on the  
sheet.

19 After reading and noting any correction on the  
20 sheet, please sign the jurat page and also the  
21 correction sheet. Please sign both pages in  
front of a Notary Public and then have the Notary  
sign on the proper line.

22 Thank you for your cooperation in this matter.

23 Yours truly,  
24 *Deanna L. Maley*  
Deanna L. Maley

25 cc: All Counsel

DEPOSITION CORRECTIONS OF ANGELO FILI

CASE: Omaha Steaks International, Inc. v.  
Greater Omaha Packing Co., Inc.  
Cancellation No. 92061474, et al.

<u>PAGE</u> <u>NO.</u>	<u>LINE</u> <u>NO.</u>	<u>CORRECTION</u>	<u>REASON FOR</u> <u>CORRECTION</u>
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18	*	*	*

\_\_\_\_\_  
SIGNATURE OF WITNESS

STATE OF NEBRASKA     )  
                                      ) ss  
COUNTY OF \_\_\_\_\_ )

Subscribed and sworn to before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
GENERAL NOTARY PUBLIC

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<b>varying</b> [1] - 39:20 <b>vice</b> [3] - 7:8, 8:5, 16:18 <b>Victor</b> [1] - 21:25 <b>virtually</b> [2] - 34:19, 35:3 <b>visit</b> [2] - 8:22, 12:8 <b>visited</b> [3] - 13:4, 13:5, 14:1 <b>Visty</b> [1] - 21:25				

<b>VV</b> <sup>[2]</sup> - 21:24, 22:1
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<b>waived</b> <sup>[2]</sup> - 53:16, 55:10 <b>wants</b> <sup>[1]</sup> - 39:10 <b>web</b> <sup>[5]</sup> - 48:5, 48:7, 48:8, 48:9, 48:10 <b>Website</b> <sup>[3]</sup> - 2:18, 2:19, 2:20 <b>website</b> <sup>[9]</sup> - 48:11, 48:14, 48:16, 48:19, 49:7, 49:8, 49:10, 50:6, 50:8 <b>WHEREOF</b> <sup>[1]</sup> - 53:20 <b>white</b> <sup>[1]</sup> - 14:11 <b>whole</b> <sup>[1]</sup> - 53:8 <b>wholesale</b> <sup>[4]</sup> - 25:2, 31:6, 34:22, 41:5 <b>wholesaler</b> <sup>[3]</sup> - 44:14, 44:20, 45:11 <b>wholesalers</b> <sup>[9]</sup> - 6:15, 8:12, 8:18, 18:7, 23:22, 24:12, 43:24, 45:25, 47:18 <b>willpower</b> <sup>[1]</sup> - 33:21 <b>WITNESS</b> <sup>[1]</sup> - 56:20 <b>witness</b> <sup>[3]</sup> - 51:5, 53:16, 55:14 <b>witnessed</b> <sup>[1]</sup> - 30:15 <b>word</b> <sup>[4]</sup> - 13:11, 15:6, 27:22, 49:21 <b>words</b> <sup>[15]</sup> - 11:8, 11:14, 11:20, 11:25, 12:2, 13:17, 14:21, 19:18, 19:23, 20:2, 29:20, 30:24, 31:4, 32:15, 49:17 <b>writing</b> <sup>[1]</sup> - 53:10
<b>Y</b>
<b>year</b> <sup>[20]</sup> - 3:23, 4:5, 4:7, 7:3, 11:11, 12:10, 13:23, 15:9, 25:3, 25:10, 26:13, 26:17, 34:23, 35:7, 41:6, 41:15, 42:15, 47:15, 47:16, 47:22 <b>years</b> <sup>[8]</sup> - 4:18, 5:11, 6:1, 8:1, 24:15, 24:19, 50:15, 50:19

<p>1. U.S. DEPARTMENT OF AGRICULTURE Food Safety and Inspection Service APPLICATION FOR APPROVAL OF LABELS, MARKING OR DEVICE</p> <p>FSIS has determined that information provided in items 8, 9, and 10 is exempt from mandatory disclosure under the Freedom of Information Act 5 U.S.C. 552 (b)(4).</p>	<p>2. <i>11 C. approved</i> <i>960A-1</i> <i>9/10</i></p>	<p>3. <i>960A</i></p>	<p>4. ESTABLISHMENT OR PLANT NO. AND/OR PORTS OF ENTRY</p>	<p>5. NAME OF PRODUCT</p> <p><i>Contender</i></p>
<p>6. ACTION REQUESTED BY USDA FOR APPROVAL</p> <p><input type="checkbox"/> SKETCH</p> <p><input checked="" type="checkbox"/> FINAL</p> <p>Was label previously approved as a sketch? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If sketch, date of sketch _____</p>		<p>7. AREA OF PRINCIPAL DISPLAY PANEL</p>	<p>8. PRODUCT FORMULA</p>	<p>9. PROCESSING PROCEDURES</p>

PCT. ☐ WEIGHT  
(No Fractions)

☐ TEMPORARY ☐ REQUEST FOR EXTENSION

Prior approval number \_\_\_\_\_

Number of labels on hand \_\_\_\_\_

Number of days requested \_\_\_\_\_

Omaha Steaks International, Inc. v.  
Greater Omaha Packing Co. Inc.  
Cancellation No. 92061474  
Defendant's Exhibit No. GOP-901-5-18-17 dm

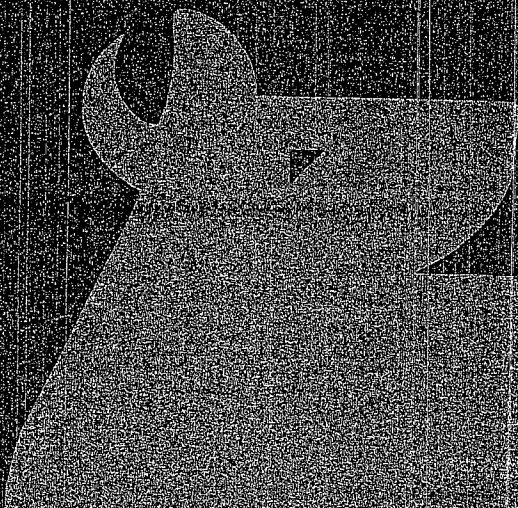
GOP-0150

<p>10. NAME AND ADDRESS OF FIRM (Below and between dots)</p> <p><i>Transfer Omaha Packing</i> <i>2519 Corns Ave</i> <i>Omaha ne 68107</i></p>	<p>11. SIGNATURE OF APPLICANT OR AGENT</p> <p><i>Edward J. ...</i></p> <p>DATE <i>3-25-92</i></p> <p>12. SIGNATURE OF INSPECTOR</p> <p><i>...</i></p> <p>DATE <i>3-25-92</i></p> <p>13. CONDITIONS APPLYING TO USE OF LABELS OR DEVICE</p>
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TOTAL  
(Percent must total 100%)

# GOVERNMENTAL AFFAIRS

SINCE 1920



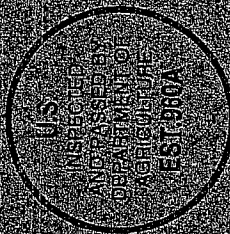


**BEEF**

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**KEEP**

**REFRIGERATED**



**GREATER OMAHA PACKING CO**  
**2513 GOMEZ AVE. OMAHA, NE 68107**





**GREATER OMAHA  
PACKING CO., INC.**

## NOTICE

EFFECTIVE TUESDAY APRIL 7, 1992 AND UNTIL FURTHER NOTICE, GREATER  
OMAHA PACKING CO., WILL START OPERATIONS AT 6:30 A.M.

THANK YOU

Omaha Steaks International, Inc. v.  
Greater Omaha Packing Co. Inc.  
Cancellation No. 92061474  
Defendant's Exhibit No. GOP- 902

5-18-17 dm

# GREATER OMAHA

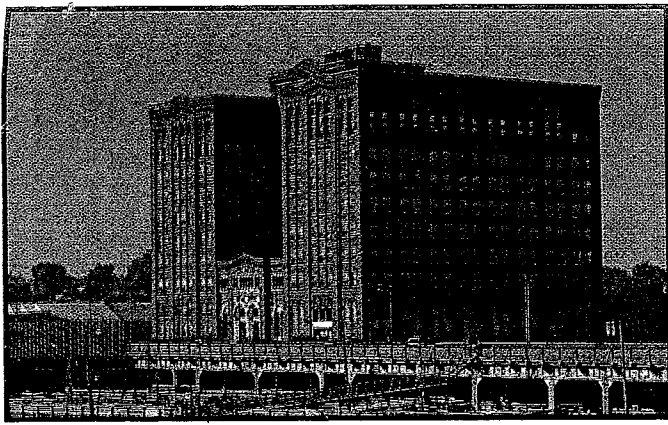
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Omaha Steaks International, Inc. v.  
Greater Omaha Packing Co. Inc.  
Cancellation No. 92061474  
Defendant's Exhibit No. GOP- 903

5-18-17 dm

GREATER  
OMAHA

PACKING COMPANY, INC.



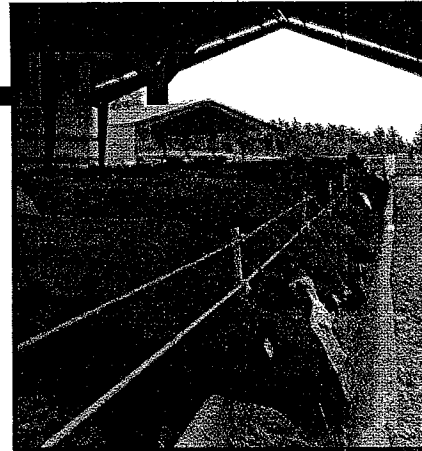
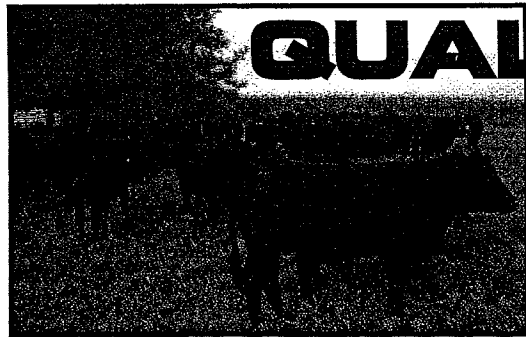
# HISTORY



**H**istory links Greater Omaha to the proud packing house tradition of South Omaha. Since 1920, the Omaha Stockyards and the surrounding Nebraska feedlots have supplied us with the world's finest grain fed cattle. Through three generations of family ownership, the name Greater Omaha has become synonymous with quality. Our reputation as a premier supplier of beef has been earned by our continuing commitment to service and integrity. The finest restaurants, distributors, and grocers in the United States and around the world count on Greater Omaha to deliver the best.

**W**e've come a long way since Greater Omaha Packing was opened in 1920. Our new fabrication facility opened in the spring of 1996. A new slaughter plant will be completed in 1998. These new plants employ the latest technologies available in the industry to ensure the safest and most wholesome beef available. From refrigeration and warehousing, to processing and packaging, Greater Omaha has the latest and best means to provide you with an outstanding boxed beef product.

**Q**uality cattle are essential for an outstanding finished product. We begin our production process with the finest grain fed cattle available in Nebraska and Iowa. Our production capacity is currently 2,000 cattle per day. Customers from around the world know that the corn belt of the Midwestern United States produces livestock whose quality cannot be matched anywhere. Based in Omaha, we are centrally located in the middle of the largest and best livestock producing area in the world.



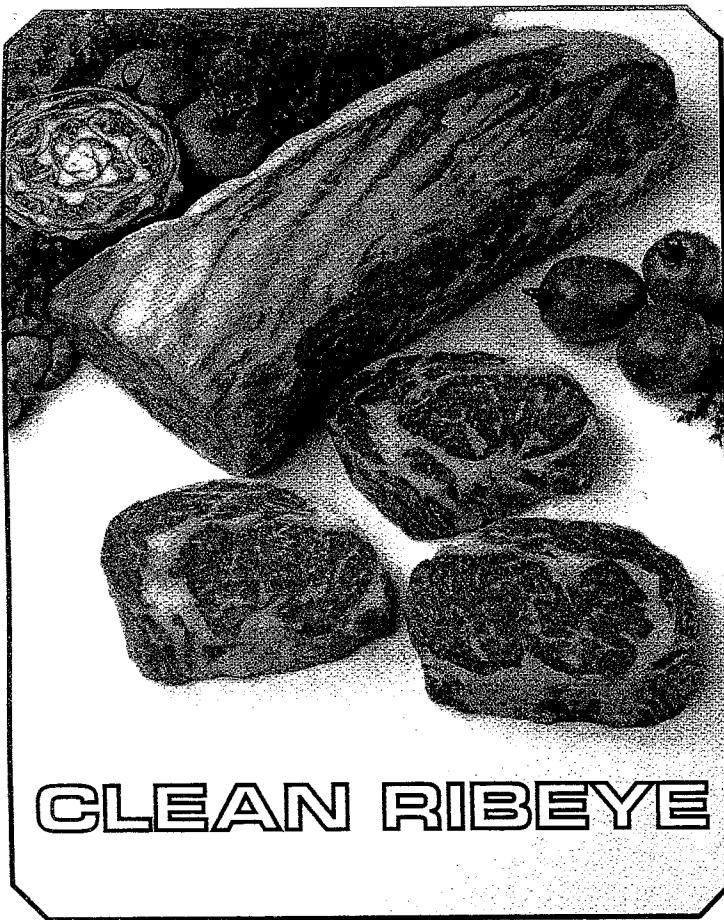
**O**ur cattle buyers tap this livestock mother lode at local auctions and area feedlots. Our long standing relationships with area cattle feeders assures us of ready access to the type of animals which result in the high quality boxed beef products our customers have come to expect.

# TECHNOLOGY

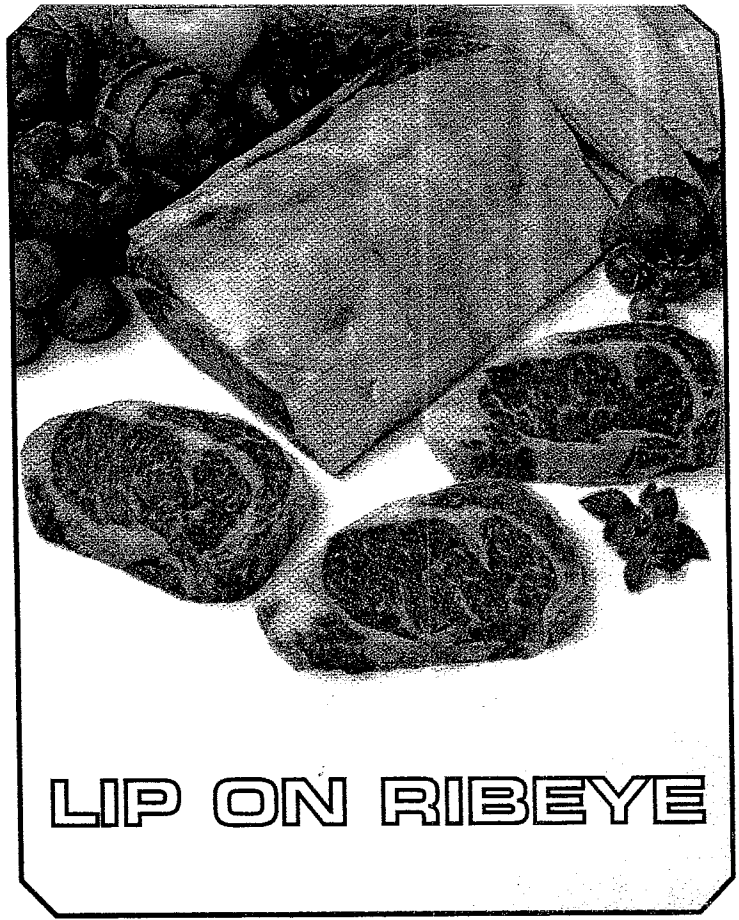
**G**reater Omaha is on the leading edge of industry advancements in technology. We were the first plant in the U.S. to use steam vacuum pasteurization at our slaughter plant. We were one of the first beef plants in the country to operate under SSOP and HACCP guidelines. Our new facilities allow us to chill carcasses a minimum of 48 hours prior to fabrication. Carcasses are moved by a mechanized transfer system which eliminates the need for human contact to "lug" carcasses. These advancements translate to longer shelf life and safer products for our customers.



**U.S.D.A.** graded carcasses are logged into our computer system according to grade, yield, weight, and feeder. This information allows us to identify which feeders consistently deliver us the highest quality and best yielding cattle. This data also allows us to sort carcasses by weight for sizing product to customer requirements.



**CLEAN RIBEYE**



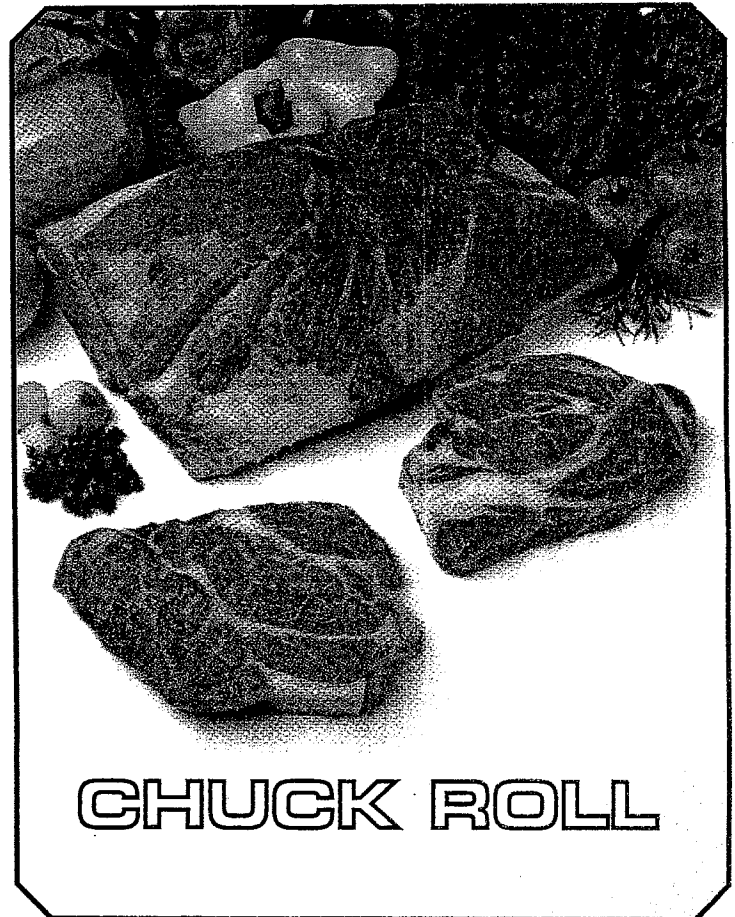
**LIP ON RIBEYE**



**GREATER OMAHA  
PACKING CO., INC.**

Corporate Headquarters  
3001 "L" Street • Omaha, NE 68107

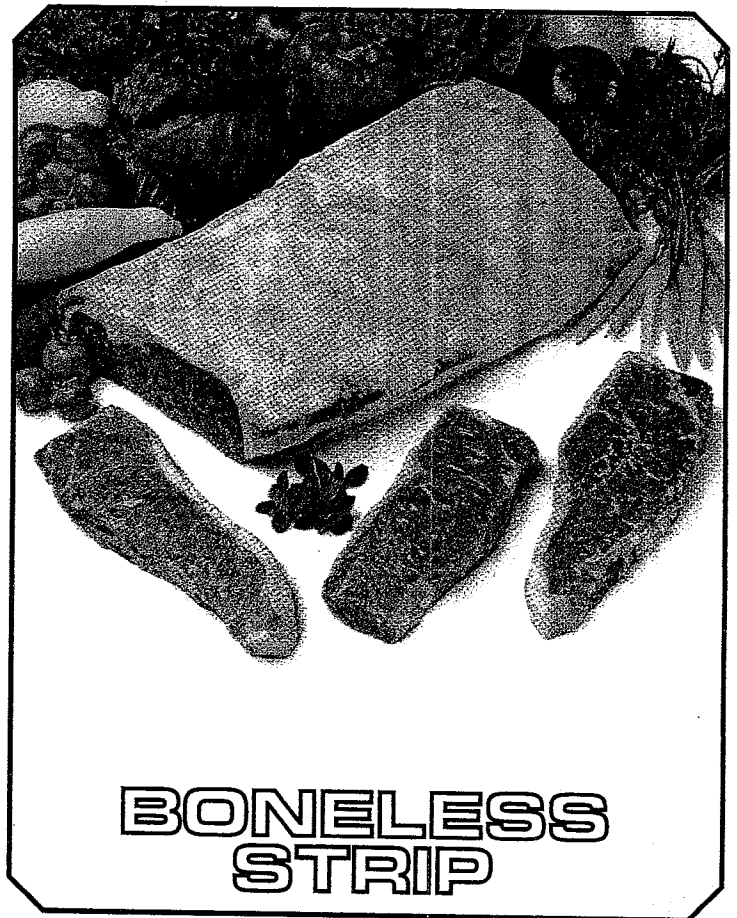
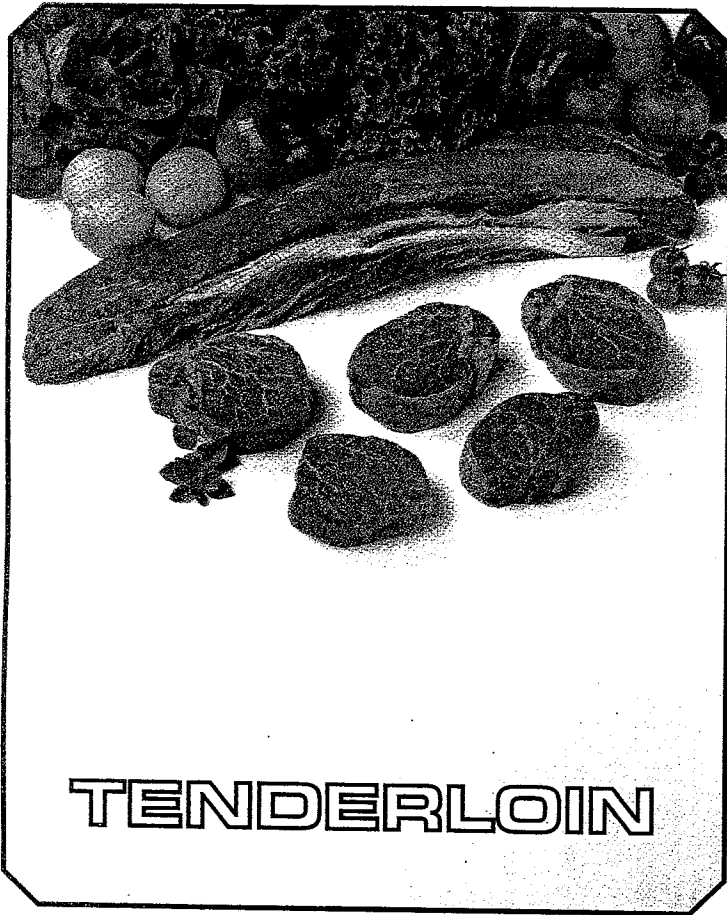
Local: (402) 731-1700 • Wats: (800) 747-5400 • Fax: (402) 731-8020



**CHUCK ROLL**

# PUTTING OUR BEST FOOT *FORWARD...*

Show your customers that you care about their business by giving them the opportunity to buy the finest quality beef available anywhere. Quality is not a word that we use lightly at Greater Omaha Packing. We believe in the outstanding performance of the beef we produce and are pleased to be compared to anyone else's product. We invite your cutting test, taste test, or any form of test you like. Greater Omaha will not only meet your expectations, we will exceed them – we guarantee it!

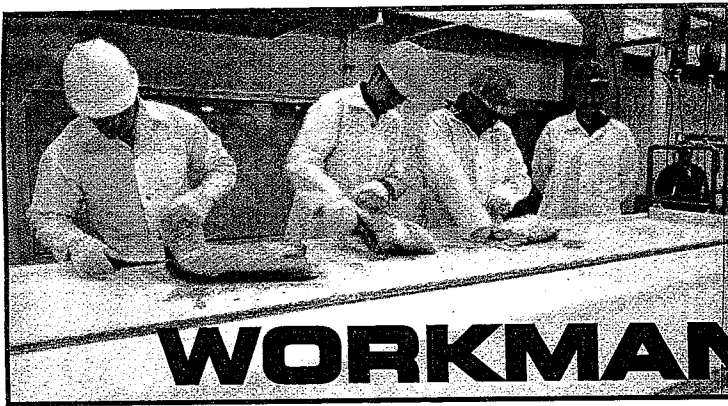


**GREATER OMAHA PACKING CO., INC.**

Corporate Headquarters • 3001 "L" Street • Omaha, NE 68107

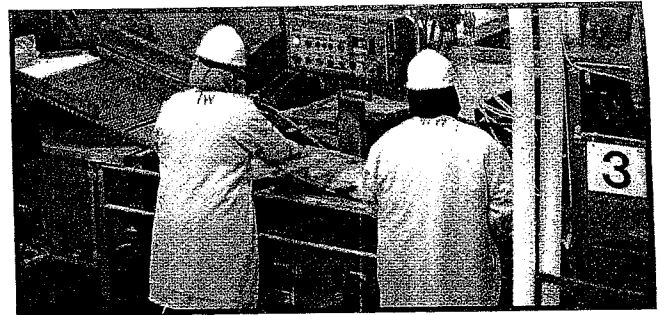
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# WORKMANSHIP

**F**abrication takes place in our new 30,000 sq. ft., sanitary production room. Our butchers are trained to cut to exact product specifications. Constant supervision is provided by our Quality Control team. Training for new employees takes place in our separate training room designed specifically to provide space for meat cutters to be trained in a "live" environment, without learning on product that will show up at the customer's warehouse.



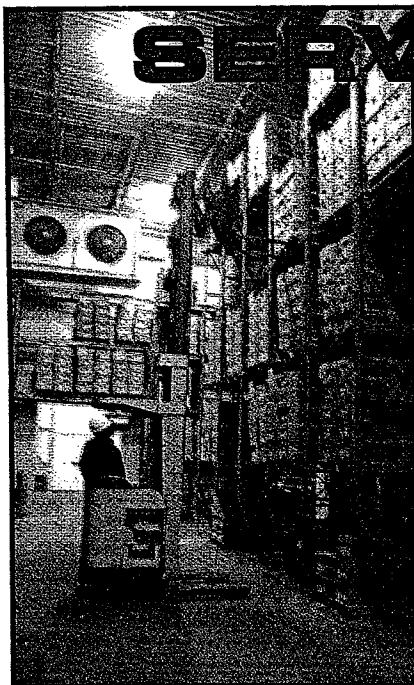
**F**lexibility lets us adjust production at a moments notice to fill your order. Flexibility also allows us to produce product to virtually every specification available in the industry. As our customers have gravitated to more closely trimmed product, closely trimmed product has become our mainstay. Every employee in our plant is committed to our company philosophy of Team Quality Control, so you can be assured of receiving the type of product you will be proud to sell.



**P**ackaging is one of the most crucial components in assuring that product arrives to you in the finest condition. We run five of CRYOVAC™'s most advanced packaging machines and use only CRYOVAC™ grade-stamped bags to provide the best package available.

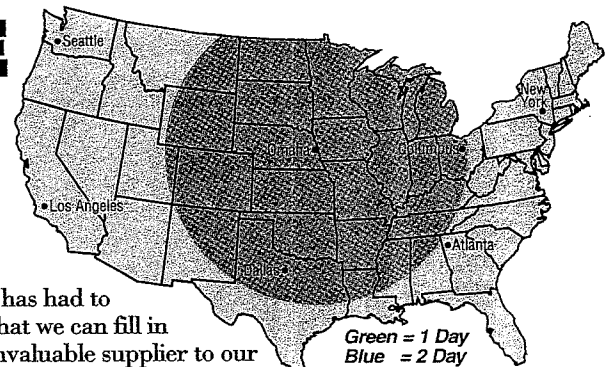
These high standards mean you get a superior product and more importantly, one with dramatically increased shelf life. Box materials and equipment are held to the same high quality standards. We have spared no expense to provide a box which will stand up to the rigors of handling and shipping at the various levels of the distribution chain. Greater Omaha promises to deliver the highest quality beef in the country, in a package that you will be proud to ship.

**S**ervice to our customers would not be complete without the means to warehouse and deliver product. A large part of our new fabrication plant is a 60,000 sq. ft. refrigerated warehouse. Our forklifts are equipped with a computer terminal that the operators use to log in and out pallets of product. This gives us exact inventory quantities and locations at all times, allowing us to eliminate shipping shortages. Highly efficient refrigeration equipment maintains a constant 30° temperature in this warehouse.



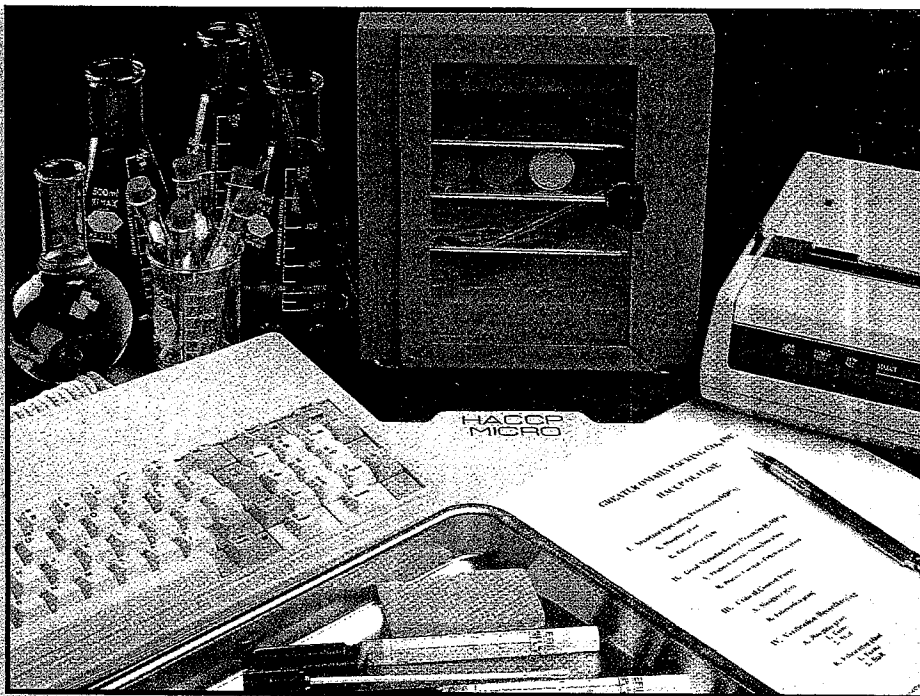
# SERVICE

**T**o compete in this industry, Greater Omaha has had to identify niches that we can fill in order to be an invaluable supplier to our customers. High quality grain fed cattle, the ability to cut to our customers specifications, and flexibility in production scheduling are important services that our customers require. Another key service we provide is our ability to quick ship product for next day or second day delivery. Due to our central location and proximity to major interstates, we are able to provide next day delivery to the Midwest and second day delivery to the East and West coasts. Our capacity for timely delivery on short notice, makes us an indispensable supplier to some of the nation's largest distributors and retailers. Greater Omaha has become legendary throughout the industry for our ability to deliver.



# FOOD SAFETY

**T**echnology plays an ever increasing role in food safety and wholesomeness. Greater Omaha prides itself on being in the forefront of the industry in testing for and eliminating bacteria and pathogens. Swab tests are collected throughout every day of production. Carcasses, primal cuts, and equipment are all tested. Samples are analyzed at an independent laboratory to ensure unbiased results. Steam vacuum pasteurization, 48 hour chill, clean, new production facilities, micro biological testing, state of the industry packaging, and efficient refrigeration, storage and handling of product, all contribute to the safest, cleanest beef you can buy.



## MISSION STATEMENT

Greater Omaha will produce the finest beef products in a manner that is uncompromising in food safety. We will respect our customers and suppliers by treating them fairly and honoring every commitment that we make. We will provide a proper work environment for everyone at Greater Omaha and have an unyielding focus on their health, safety and the betterment of themselves and their families.

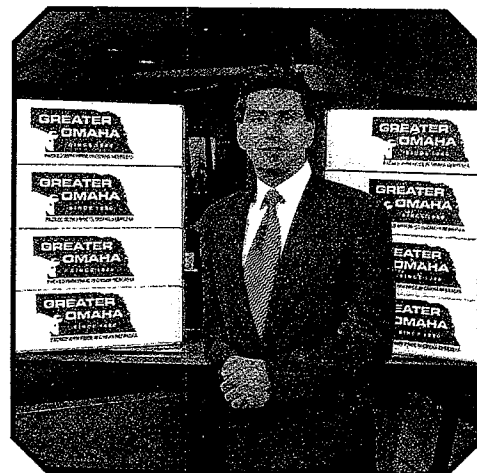
## FROM THE PRESIDENT

*Many thanks for your interest in Greater Omaha Packing. I hope we have conveyed to you the sense of tradition and pride that exists at our company. Three generations of family have adhered to the philosophy of providing the highest quality product to our customers. That philosophy served our carcass and swinging beef customers from 1920 through the 1980's, when Greater Omaha earned its reputation as a premium supplier of the Midwest's finest grain fed beef.*

*The 1980s and 1990s brought many changes to the beef industry. These changes required that we evolve from a beef carcass producer to a boxed beef fabricator. The challenges of this transformation were formidable, but we met them with a commitment of resources and willpower. These commitments assure our valued customers that the Greater Omaha which they relied upon in the past, will continue to be their partner both today, and in the future.*

*Our company, founded on the principals of providing quality and service, has prospered for three quarters of a century. Our foundation will remain firmly rooted in these areas. While I cannot predict what challenges the future will bring to our industry, I can promise that Greater Omaha will be here with you to meet those hurdles as they arise.*

*Once again, thank you for your interest in Greater Omaha. As you come to know us better, I guarantee you will find us to be a company committed to excellence and with every reason to be proud of our past and confident of our future.*



Best regards,

*Henry Davis*



## GREATER OMAHA PACKING CO., INC.

Corporate Headquarters • 3001 "L" Street • Omaha, NE 68107

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# Midlands Business Journal

VOL 23 NO 39 \$1.00 THE BUSINESS NEWSPAPER OF GREATER OMAHA, LINCOLN AND COUNCIL BLUFFS OCTOBER 3 - 9, 1997

Greater Omaha Packing investing \$3 million in addition

## New space expands firm's beef processing

by Allison  
Edwards Locke

Adapting to meet its customers' needs means a 30,000-square-foot addition for Greater Omaha Packing Co., which produces beef boxed separately by cut.

Company President Henry Davis said most of the added space will be used for further processing, which entails fabricating the beef into smaller pieces.

The company is investing \$3 million in the plant addition and in new equipment, and it will increase its 580-person workforce by about 30 positions.

"The addition will accommodate changes in processing as demanded by our customers," Davis said. "Our beef is sold worldwide, mainly to grocery store chains and boxed beef distributors which sell to people who cut steaks, restaurants and grocery stores."

"It is possible that in the future we will be doing case

Continued on page 18.



Omaha Steaks International, Inc. v.  
Greater Omaha Packing Co. Inc.  
Cancellation No. 92061474  
Defendant's Exhibit No. GOP-9045-8-17 dm

Davis ... "The addition will accommodate changes in processing as demanded by our customers."

**State Farm adjusts to  
consolidation of services,**

**Security system sales boost Bluffs' All Home Central**

by Linda Persigehl

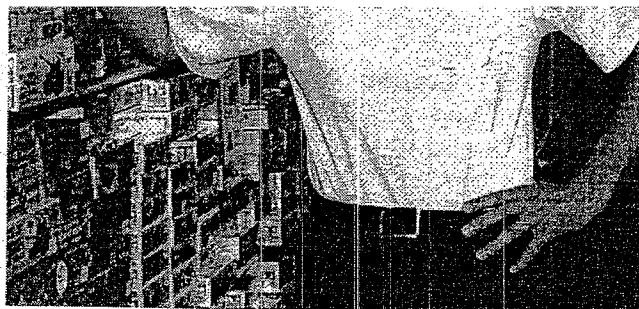


spread to the West Coast. We had the ability to spread the merchandise out across the country, which actually caused us some problems because we rolled it out to the East Coast faster than the fad spread. So the merchandise sat there for awhile until the craze caught up with it.

"Overall, though, I'd say one of the things that has brought us to this point has been that we've been able to get a distributor network set up and ready to roll out some new item just before it becomes a fad. Once something really catches on, the discount stores get into it, which is a losing battle."

Other items the company has been able to capitalize on are licensed products ranging from a replica Star Wars light saber for \$110 to life-size cardboard cutouts of characters

Continued on page 6.



Walla in the Lincoln store ... "We have to recognize a trend ahead of its time. It's kind of a weird thing to say, but we've actually started trends with the merchandise we carry."

## KPMG Peat Marwick

Continued from page 2.

but we are spending more time consulting."

Greisch said this approach is a switch from the way accounting firms have traditionally done business.

"We used to be very analytical and task oriented," he said. "Now we look for the opportunity to be more creative and



Heng



Labenz

more like problem solvers. It's neat when you are working with a client and you can spot something such as a bottleneck in production before it happens. Then instead of spending time worrying about the problem, they can spend time fixing it."

The firm's specialty areas have been developed over the past three or four years and appear to be a big benefit to the growth of the company, Greisch said.

The trend toward outsourcing tasks that aren't associated with a company's core business services is creating more work for KPMG Peat Marwick.

"While they have been around for awhile, information technology and outsourcing have come into vogue," Greisch said. "New services typically emerge because of a market opportunity. For example, 10 years ago mergers and acquisitions happened, but not at the speed they do today, so the whole corporate transaction business is different because of our economy now."

"The amount of wealth transferred today is different, too, and the amount of holdings in the stock market keeps going up. In public service there is a lot of talk about privatization."

Jung said the trend toward companies expanding internationally also is creating opportunities for the firm.

"I think the whole international arena will become more demanding," he said. "We have a large network of interna-

tional offices that we can instantly access."

Almost everyone at KPMG Peat Marwick has had some level of experience in dealing with international business.

"Certainly all of our partners and the rest of our people have received e-mail internationally," he said. "You could come in in the morning and have e-mail from Budapest."

KPMG employs 55 people at its Omaha office in Suite 1501 at Two Central Park Plaza and 40 people in its Lincoln office in Suite 1600 at 233 S. 13th St.

Labenz said a major goal for the company is to minimize its turnover.

"We have been fortunate in Nebraska to have low turnover, but we will focus on it more," she said. "To do that we will need to find innovative ways to keep their jobs interesting. We want to keep our turnover at less than 25 percent."

To mark its 100th anniversary this year, KPMG has organized several events, including a World of Spirit day Sept. 22 in which all of its offices in the United States were closed so its employees could do community service work. The Nebraska offices worked with schools in Omaha and Lincoln.

"We dedicated 160,000 hours of community service in one day," Labenz said. "In Nebraska we contributed a minimum of 800 hours. I think we gained as much from the experience as we gave."

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Established in 1975

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NEWS EDITOR, Allison Edwards Locke

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witnessed this continual consolidation. For one thing, we have gotten better by getting bigger, and we are in a better position to satisfy the demands of these larger customers."

Davis said the company also operates Denver-based High Country, a distributorship of various food products, mainly boxed beef, that serves the mountain area.

Greater Omaha Packing has a strong emphasis on providing a better environment for its employees, Davis said. Every year the company holds a health fair at Our Lady of Guadalupe Parish, and it purchased exercise equipment to make a fitness center at the church for its employees.

The company is a recipient of the Well Workplace Award from the Wellness Council of America, and it has received a safety merit award from the American Meat Institute. The Greater Omaha Safety Council has issued the firm an award of honor with distinction for its safety programs.

"The nucleus of our safety programs starts with employee involvement," Davis said. "We have committees that

monitor all activities for safety. That's all types of safety. Food safety is our number one priority here as well as safety for employees."

Davis said the recent reports of E. coli found in meat products should have impacted every food producer.

"We have some of the most sophisticated and effective equipment in our facilities to assist us in producing the safest product possible," he said. "We were one of the first companies to integrate steam vacuum cleaners on our processing floor.

"The steam vac has a fairly wide nozzle that sprays onto the carcass, and at the same time it vacuums the steam off the carcass, killing any bacteria in the area. You can't see bacteria, so it is our policy to steam vac the entire carcass."

Greater Omaha Packing was founded in 1920 by Davis' grandfather. Davis' father later took over the presidency, and Davis became president of the firm in 1936.

Davis said employees such as Angelo Fili, executive vice president, and Roy Wiggs, vice president of sales, have been instrumental in helping the firm achieve its goals.

## Davis heads Enterprise Zone Association Board

As the new chairman of the Omaha Enterprise Zone Association board of directors, Henry Davis is working to make sure the city's designated enterprise zones benefit from the \$2.9 million in grants it has received.

The board is responsible for approving applications submitted by the city of Omaha to the U.S. Department of Housing and Urban Development and the Nebraska Department of Economic Development.

As established by state legislation, seven members make up the board. Membership includes property owners, residents, business operators, users of space and individuals representing groups or organizations which are interested in furthering the purposes and goals of the enterprise community.

Nebraska has three enterprise zones, two of which are in Omaha and encompass parts of North and South Omaha.

Davis said the goals of the Omaha Enterprise Association include improving the physical condition of existing neighborhoods and focusing additional resources toward creating jobs and training employees in industries that utilize future oriented skills and trades.

Other goals are to develop a one-stop approach for guiding and preparing entrepreneurs from the start-up through the development of their businesses and for providing financing. The association also works to establish long-term solutions to individuals' health care and human services needs.

Davis has been on the board for nearly a year and was appointed chairman last month.

"It's my goal to continue to see that the \$2.9 million in grants our city has received are distributed in a manner that is practical and goes to the recipients to satisfy their programs as they were presented in order to receive these funds," Davis said. "There are lots of different programs the enterprise board has a positive effect on. Recently Scott Knudsen, enterprise zone coordinator and I spent a day touring some of the projects that are subrecipients of the

funding, all of which comes from HUD."

One of the recipients is Mercy Housing, a training facility and transitional housing provider.

"Mercy offers families and individuals enhanced transitional housing in 32 living units at Mason Apartments in South Omaha," Davis said. "It has a \$140,000 grant budgeted over five years to guide families toward self-sufficiency through activities related to the development of life skills, setting goals, assessing resources and building a sense of community."

Omaha 100 is another organization that receives funding through a HUD grant.

"Omaha 100 is a group of eight to 12 financial institutions which pool funds to provide mortgage financing to help low and moderate income home buyers," Davis said. "Operation Bridge is another subrecipient. It will receive \$280,000 over three years. These services are to address substance abuse, problem gambling, emotional and mental disorders, psychological and medical traumas and other problems of that nature."

Davis said most of the projects being funded were part of the original grant.

"There is around \$65,000 of the original \$2.9 million which has not been assigned or approved yet," he said. "One of the projects just getting started is the Catholic Charities Campus for Hope, which will incorporate programs similar to the ones other grant recipients have."

Davis said that establishing the enterprise zone communities in Omaha is bringing in funds in addition to the \$2.9 million from HUD.

"The University of Nebraska at Omaha will expand a program to encourage minority students to pursue doctorates with the help of a three-year \$400,000 grant," he said. "That will help the enterprise zones. Omaha had the initiative to create these enterprise communities, which enable other funds and proactive efforts to help those parts of our community."

— AEL

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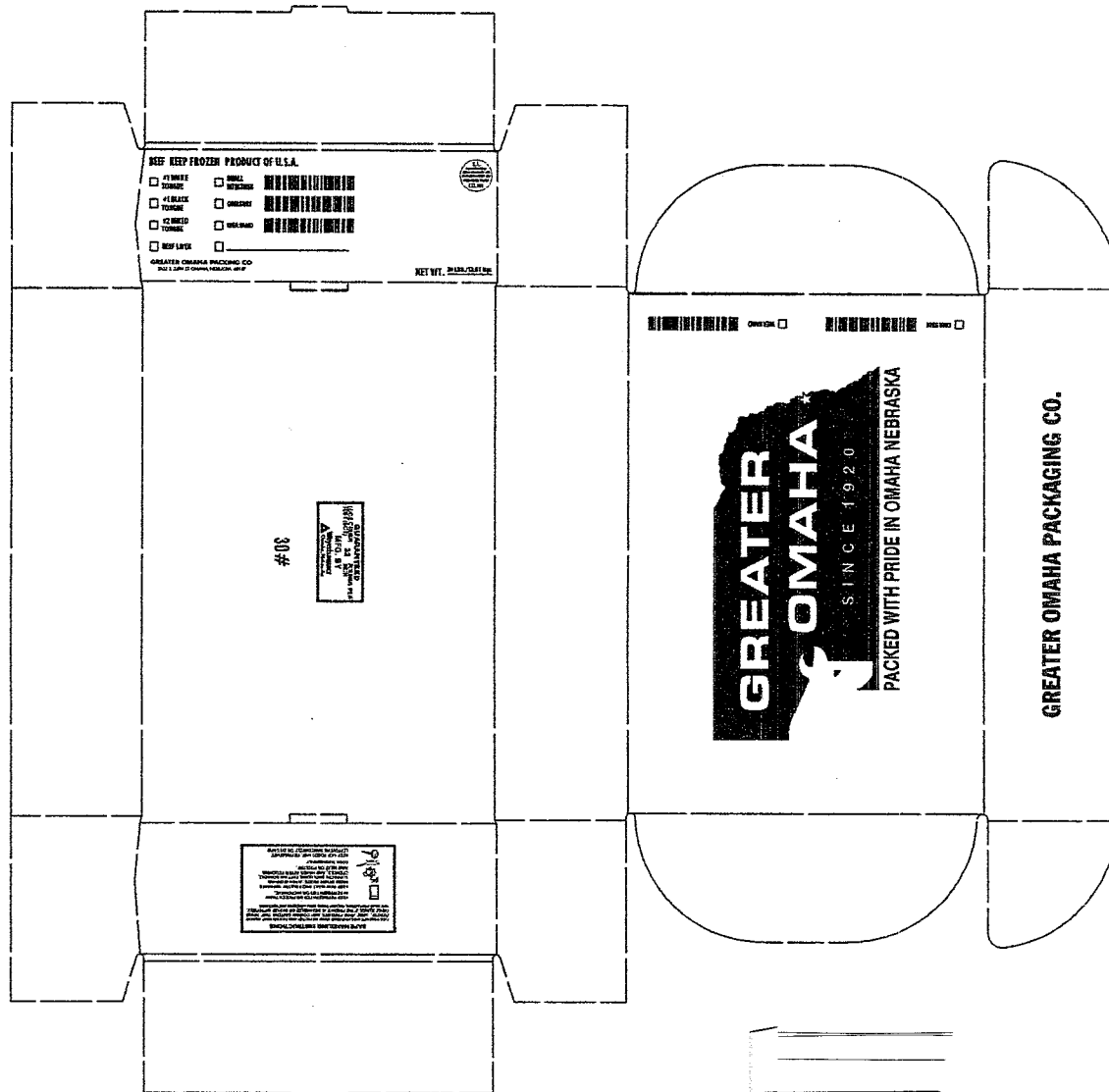
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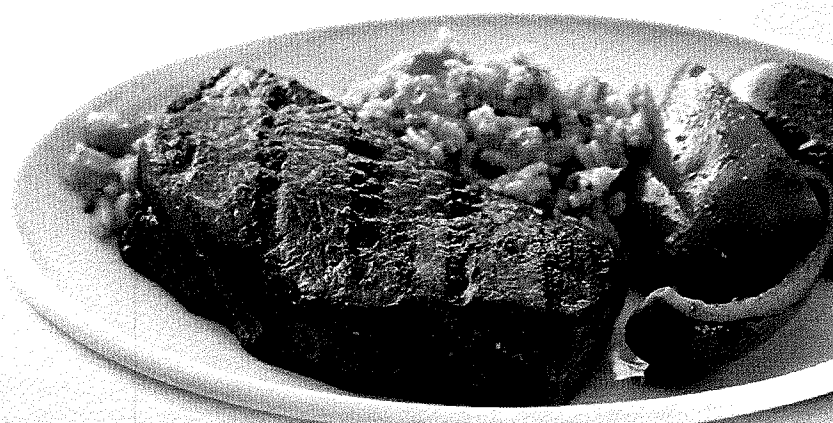
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