

**SECTION 8 & 15 DECLARATION  
AND APPOINTMENT OF  
DOMESTIC REPRESENTATIVE**

**MARK:** DAVIDOFF  
**REG. NO.:** 2884163  
**REG. DATE:** September 14, 2004  
**CLASS:** 35  
**OUR REF:** DVF 0303144

The undersigned declares that Davidoff & Cie SA, a corporation organized and existing under the laws of Switzerland, located at 2, rue de Rive, 1200 Geneva, Switzerland, is the owner of the above-identified registration as shown by the records of the United States Patent and Trademark Office; and that the mark shown therein has been in continuous use in commerce for five consecutive years after the date of registration, and is still in use in commerce on or in connection with the following services recited in the registration, namely,

Class 35: Retail store and electronic retailing services via computer featuring tobacco products, cigars and cigarettes, smokers' articles, promoting the goods and services of others by providing information about the products and services via web pages; public relations; dissemination of advertising for others via the internet; providing consumer information via the internet; ~~organization of exhibitions of luxury goods and services;~~ sales promotion of third parties via the internet and providing them updating of advertising material; direct advertising by mail order, in particular by means of the internet; ~~providing electronic catalogs for distance selling; organizing and conducting of commercial or advertising fairs and exhibitions;~~

as evidenced by the attached specimen showing such use; that there has been no final decision adverse to owner's claim of ownership of said mark for such services or to owner's right to register the same or maintain the same on the Register; and that there is no proceeding involving said rights pending and not disposed of either in the Patent and Trademark Office or in the courts.

**ADDRESS FOR CORRESPONDENCE**

The owner requests that all correspondence in connection with this declaration be directed to the law firm of Fross Zelnick Lehrman & Zissu, P.C., 866 United Nations Plaza, New York, New York 10017, (212) 813-5900; Attn: Susan Upton Douglass.

**APPOINTMENT OF DOMESTIC REPRESENTATIVE**

The firm Fross Zelnick Lehrman & Zissu, P.C., 866 United Nations Plaza, New York, New York 10017, is hereby designated owner's representative upon whom notices or process in proceedings affecting the mark may be served.

**DECLARATION**

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is authorized to execute this document on behalf of the owner; that all statements made herein of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

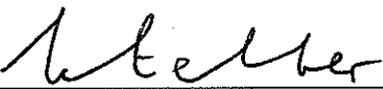
**Davidoff & Cie SA**

By: 

Name: Hanspeter Hagmann

Title: Director

Date: September 2, 2010

By: 

Name: Dr. Patrick Schädler

Title: Head Legal Counsel

Date: September 2, 2010

SUD/lpa