

Registrar of Trade Marks
PO Box 200
Woden ACT 2606

SPRUSON & FERGUSON
Sydney NSW
Speed Dial 509
Fax: 02 9261 5486

TEX
FSD

26 November 2004

Our Ref: T138704M; T187403:MHP:JYD
Telephone Contact: Joanne Dunn

Sir

1031251

Re: Ceramiche Caesar S.p.A.
New Australian Trade Mark Application
CAESAR (Stylised) in Class 19
Expedited Examination

We request expedited examination of the above trade mark application.

We enclose a Statutory Declaration in support of this request.

1. Application No:
2. Name of Applicant: Ceramiche Caesar S.p.A.
3. Address of Applicant: Via Canaletto, 49, 41040, Spezzano Di Fiorano,
Modena, Italy
4. Application Date: 23 November 2004
5. Address for Service in Australia: **Spruson & Ferguson**, Patent & Trade Mark Attorneys,
St Martins Tower, Level 35, 31 Market Street, Sydney,
NSW, 2000 (CCN 3710000177)
Telephone No.:(02) 9207 0777
Fax No.: (02) 9261 5486 or (02) 9232 8555

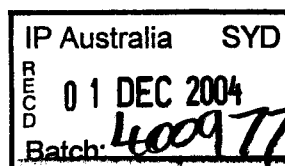
Yours faithfully

SPRUSON & FERGUSON



Joanne Dunn
Legal Practitioner

Encl



Australia
Trade Marks Act 1995

IN THE MATTER of New Trade Mark
Application CAESAR (Stylised) in the name of
Ceramiche Caesar S.p.A.

STATUTORY DECLARATION

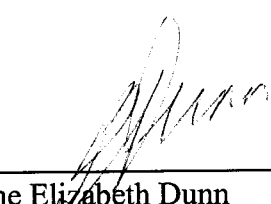
I, Joanne Elizabeth Dunn, of 31 Market Street, Sydney, New South Wales 2000, Australia, do solemnly and sincerely declare as follows :

1. I am a Solicitor employed by Spruson & Ferguson, Patent & Trade Mark Attorneys (“my firm”)
2. On 23 November 2004 my firm lodged an application for the trade mark CAESAR (Stylised) in Class 19 on behalf of Ceramiche Caesar S.p.A. (“Applicant”).
3. I understand that the Applicant has invested in its trade mark and requires registration of its trade mark in Australia at the earliest date possible so as to put its investment in as little risk as possible.

AND I MAKE this solemn Declaration by virtue of the Statutory Declarations Act 1959, and subject to the penalties provided by that Act for the making of false statements in statutory declarations, conscientiously believing the statements contained in this declaration to be true in every particular.


DECLARED at Sydney

this 26th day
of November 2004



Joanne Elizabeth Dunn

BEFORE ME:



Solicitor of the Supreme Court of
New South Wales

Angela Patricia Jenke

TXR
TSD

Registrar of Trade Marks
PO Box 200
Woden ACT 2606

SPRUSON & FERGUSON
Sydney NSW
CNN 3710000177
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28 September 2006

Our Ref.: T187403:MHP:JYD
Telephone Contact: Joanne Dunn

Dear Madam

Re: Ceramiche Caesar S.p.A.
Australian Trade Mark Application No. 1031251
CAESAR (Stylised) in Class 19

**NOTE - EVIDENCE FORWARDED
TO EXAM SERVICES**

We refer to the third examination report regarding the citation objection based on registration No. 861751 CAESARSTONE in the name of CaesarStone Sdot-Yam Ltd and the Examiner's request for further information on the goods "cove base sg".

Please amend the Class 19 specification of goods for the application to:

Class 19: Ceramic tiles for indoor and outdoor use

We enclose a copy of the Statutory Declaration made by Luigi Annovi on 8 July 2004 together with original Annexures AT-1 to AT-4 (inclusive) and a copy of Confidential Annexures AT-5 to AT-8 (inclusive) and Annexure AT-9 which were filed with the Trade Marks Office for a related opposition (now discontinued).

We request that the citation objection be withdrawn on the basis of the above amendment to the specification of goods and enclosed evidence.

The enclosed Statutory Declaration shows that the applicant has used the CAESAR (Stylised) trade mark in Australia in connection with the amended goods since 1998. The cited registration has a filing date of 28 December 2000. We therefore submit that the application should be accepted under the provisions of subsection 44(4) of the Trade Marks Act on the basis of prior continuous use.

We look forward to receiving official notice that the application has been accepted.

Yours faithfully

SPRUSON & FERGUSON


Joanne Dunn
Legal Practitioner

Encl

IP Australia SYD
RECD
28 SEP 2006
Batch: 540886

Australia

Trade Marks Act 1995

IN THE MATTER of Trade Mark Application
No. 917822 in the name of CaesarStone Sdot Yam
Ltd.

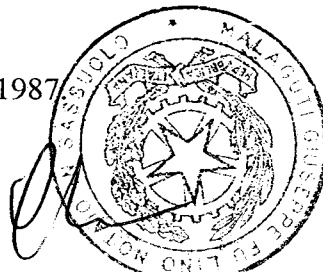
- and -

IN THE MATTER of Opposition by Ceramiche
Caesar S.p.A.

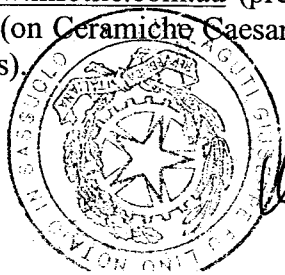
Statutory Declaration

I, **Luigi Annovi** of Ceramiche Caesar S.p.A do solemnly and sincerely declare as follows :

1. I am, and have been since June 2001 the Vice-President of Ceramiche Caesar S.p.A., Italy ("my Company").
2. In my capacity as Vice-President, I am the Legal Representative of my Company.
3. I am fully authorised to make this declaration on behalf of my Company.
4. Unless indicated to the contrary, the contents of this Declaration are based on my own knowledge and acquired from my own experience or are based on examinations of the relevant books and records of my Company which I have made or caused to be made where necessary. These books and records to which I have full access are made and maintained in a normal course and for the purposes of business of my Company by its officers and/or employees. I also have contact with my Company's employees and have consulted those employees where necessary in the course of preparing this declaration.
5. I am aware that CaesarStone Sdot-Yam Ltd has filed Australian application No. 917822 CAESAR MOSAIC in Classes 19 and 20 and that my Company is opposing the registration of the mark CAESAR MOSAIC under application No. 917822 ("Opposition") and the information contained in this Declaration is being filed in support of the Opposition.
6. My Company is an Italian company, which manufacturers porcelain stoneware tiles for indoor and outdoor use, both for flooring and cladding in installations and projects of diverse natures ("Goods").
7. My Company is located in Italy and has branch in the United States of America.
8. Attached hereto and marked **Annexure AT-1** are print outs from my Company's website at www.caesar.it, which refer to its Show room in France and its branch in the United States of America.
9. My Company created the trade mark CAESAR in 1987



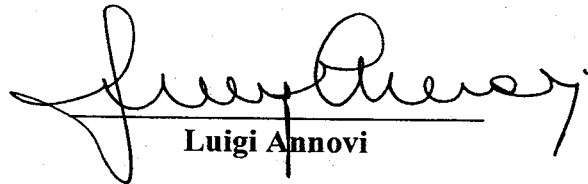
10. My Company uses the trade mark CAESAR with and without the word MOSAIC in connection with its Goods in a number of countries. Attached hereto and marked **Annexure AT-2** is a list identifying the individual countries and the year of first use of the mark in the particular country.
11. My Company has registered the mark CAESAR in Italy, Philippines, Argentina, United States of America and the European Community. Attached hereto and marked **Annexure AT-3** are copies of the Certificates of Registration for each country.
12. Attached hereto and marked **Annexure AT-4** are samples of my Company's catalogues showing use of the trade mark CAESAR.
13. My Company first used the mark CAESAR in relation to its Goods in Australia in 1988.
14. Now shown to me and annexed hereto and mark **Confidential Annexure AT-5** are the Australian sales figures from 1988 to 2003 for goods bearing the mark CAESAR.
15. Now shown to me and annexed hereto and marked **Confidential Annexure AT-6** is a list of my Company's Australian clients.
16. Now shown to me and marked **Confidential Annexure AT-7** is a copy of some of my Company's invoices.
17. My Company is the owner of the exclusive technology for the production of MOSAIC porcelain stoneware for floor and wall tiling. The technology is protected by patent. Even the material inserted between the tesserae is glazed stoneware.
18. My Company is well known in the relevant industry and has won a number of awards. In particular my Company is well know for its dedication to quality and in 1996 obtained the ISO 9001 certification, which concerns design, production, commercialisation and assistance. ISO 9001 is the Company Quality System Certification, issued by Det Norske Veritas Dnv, an internationally known organisation. My Company is regularly inspected by this organisation, which certifies that the regulations are being complied with. The regulations concern quality, design, manufacture, material handling and shipping, marketing and customer assistance. Also, in 2004, my Company obtained the European ecological quality mark ecolabel registration No. IT/21/01. The European Community created the ecolabel product certification system in 1992. The ecolabel certifies to consumers that the goods bearing this label are "green" goods in accordance with the requirements of the European Community.
19. Now shown to me and annexed hereto and marked **Annexure AT-8** is an extract from my Company's website at www.caesar.it, which shows various certificates issued for my Company.
20. Now shown to me and annexed hereto and marked **Annexure AT-9** are print outs from the Internet at www.infotile.com.au (press releases for December 1998 and August 1998) and www.caesar.it (on Ceramiche Caesar's porcelain stoneware and answers to some frequently asked questions).



21. Attached hereto and marked **Annexure AT-10** is a table showing the approximate number of hits on the website at www.caesar.it from 1999 to 2003.
22. The information contained in **Confidential Annexure AT-5**, **Confidential Annexure AT-6** and **Confidential Annexure AT-7** is commercially sensitive and pertains to the business of my Company. The information provided solely for the purpose of the Opposition. It is not to be disclosed or used for any other purpose whatsoever, and is exempt from disclosure under the provisions of the Freedom of Information Act.

AND I MAKE this solemn declaration conscientiously believing the statements contained in this declaration to be true in every particular, subject to the penalties provided for the making of false statements in statutory declarations.

DECLARED at SASSUOLO
this 8th day
of JULY 2004


Luigi Annovi

BEFORE ME:

PUBLIC NOTARY →

