

BETWEEN:

CANTARELLA BROS PTY LIMITED
(ACN 000 095 607)
Appellant



and

MODENA TRADING PTY LIMITED
(ACN 140 018 015)
Respondent

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APPELLANT'S CHRONOLOGY

Part I:

I certify that this chronology is in a form suitable for publication on the internet.

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Part II:

1947	The Appellant (Cantarella) established in Australia.	PJ [44]
1955	According to a website for Lavazza coffee, LAVAZZA QUALITÀ ORO was asserted to have been the first product to be imported into Australia by the founders of Valcorp Fine Foods. (There is no finding that this product was actually imported to Australia. There was no finding as to the nature or extent of branding of this product).	PJ [93]
1965	Caffè Molinari SpA (Molinari) starts producing CAFFÈ MOLINARI ORO brand coffee <u>in Italy</u> . This is not in issue in the proceeding.	PJ [60]
1994	Mr Ian Pagent, (a director of the Respondent (Modena)) becomes acquainted with Mr Les Schirato, the CEO of Cantarella.	PJ [70]
1995	Car dealerships owned by Mr Ian Pagent, begin purchasing Cantarella coffee products to serve to clients.	PJ [71]

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1996	Cantarella begins using the ORO mark.	PJ [50]
July 1996	Molinari begins exporting coffee products to Australia. (There are no findings as to the nature or extent of this use or the way in which this product is packaged or advertised.)	PJ [67]
1997	Molinari introduces in Italy CAFFÈ MOLINARI CINQUE STELLE as its premium coffee blend. (There are no findings as to the nature or extent of this use or the way in which this product is packaged or advertised.)	PJ [62]
Nov 1997	Mr Ian Pagent helps establish a restaurant in Surry Hills called MG Garage in which he holds an interest. Mr Pagent directs those responsible to serve Cantarella's coffee products.	PJ [72]
July 1998	Mr Ian Pagent helps establish a restaurant in Surry Hills called Fuel Bistro in which he holds an interest. Mr Pagent directed those responsible to serve Cantarella's coffee products.	PJ [73]
24 Mar 2000	Cantarella files Australian Trade Mark No. 829098 for ORO for coffee.	PJ [2]
2000	Cantarella repositions coffee sold under the ORO trade mark as an offering to its food service customers. Cantarella also announces the positioning of coffee sold under the CINQUE STELLE trade mark.	PJ [50]
6 June 2001	Cantarella files Australian Trade Mark No. 878231 for CINQUE STELLE for coffee.	PJ [2]
2000/2001	Car dealerships owned by Mr Ian Pagent, a director of Modena, begin purchasing CINQUE STELLE and ORO from Cantarella to serve to clients. Fuel Bistro and MG Garage begin serving ORO and CINQUE STELLE.	PJ [74]
2003	Modena puts a business proposal to Cantarella whereby Modena would distribute Vittoria products in the United Kingdom. The proposal expressly referred to CINQUE STELLE coffee. The proposal was refused by Cantarella.	PJ [165]
Nov 2009	Molinari appoints Modena as its exclusive distributor in Australia of its products for six years, including	PJ [77] & [176]

	for the CAFFÈ MOLINARI ORO and CAFFÈ MOLINARI CINQUE STELLE products.	
8 Sep 2010	Cantarella sends a letter of demand to Modena.	Aff. Abrahams, [60], Exhibit DBA-1, pp.197 to 209
Feb 2011	Cantarella commences these proceedings against Modena.	PJ [4]
July 2011	Modena commences distributing newly packaged CAFFÈ MOLINARI QUALITA ORO products, the front of which no longer bear the ORO or CINQUE STELLE mark.	PJ [82]
13 Feb 2013	Primary Judge's first judgment [2013] FCA 8.	PJ [196]
25 Feb 2013	Primary Judge's second judgment [2013] FCA 130, and orders made.	Orders
30 Sep 2013	Full Court Judgment [2013] FCAFC 110 and orders made.	
14 Mar 2014	Cantarella granted special leave to Appeal to the High Court	

Dated 22 April 2014



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