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

Proceeding	91179336
Party	Defendant Churchill, Monica
Correspondence Address	Matthew A. Powelson LaRiviere, Grubman & Payne, LLP 19 Upper Ragsdale Drive, Suite 200, P.O. Box 3140 Monterey, CA 93942 UNITED STATES uspto@lgpatlaw.com
Submission	Motion for Summary Judgment
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Signature	/Alan E. Engle/
Date	12/06/2007
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Date of Filing: December 6, 2007

I hereby certify that this paper or fee is being electronically filed with the United States Patent and Trademark Office on the date indicated above.

Typed or Printed Name of Person Electronically Filing Paper or Fee: Ricki Alexander

Signature: Ricki Alexander

**TRADEMARK: DRINK RESPONSIBLY**

**IN THE**

**UNITED STATES PATENT AND TRADEMARK OFFICE**

**TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration Application Serial No. 78/421,910.

ANHEUSER-BUSCH INCORPORATED,	)	Opposition No. 91179336
	)	
Opposer,	)	DECLARATION OF ALAN E.
v.	)	ENGLE IN SUPPORT OF
	)	APPLICANT'S MOTION
MONICA CHURCHILL,	)	FOR SUMMARY JUDGMENT
	)	
Applicant.	)	
	)	

I, ALAN E. ENGLE, declare:

1. I am an associate at the law firm of LaRiviere, Grubman & Payne, LLP, counsel for Applicant. I have personal knowledge of the following and could competently testify thereto.

2. Monica Churchill is part-owner of Private Springs Water, a manufacturer of private label water products for businesses and organizations. Ms. Churchill seeks registration of the mark DRINK RESPONSIBLY for use with the sale of bottled water.

3. Attached as Exhibit A is a true and correct copy of Traffic Safety Facts from the National Highway Traffic Safety Administration downloaded from its website at

DECLARATION OF ALAN E. ENGLE ISO APPLICANT'S MOTION FOR SUMMARY JUDGMENT

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[www-nrd.nhtsa.dot.gov/Pubs/TSF2005.PDF](http://www-nrd.nhtsa.dot.gov/Pubs/TSF2005.PDF) by me on December 5, 2007.

4. Attached as Exhibit B is a true and correct copy of a FAQ concerning alcohol from the Centers for Disease Control downloaded from its website at [www.cdc.gov/alcohol/faqs.htm#16](http://www.cdc.gov/alcohol/faqs.htm#16) by me on December 5, 2007.

5. Attached as Exhibit C is a true and correct copy of the homepage of [www.beeresponsible.com/home.html](http://www.beeresponsible.com/home.html) indicating it is a website established and maintained by Opposer Anheuser Bush to promote alcohol safety. This page was downloaded by me on December 5, 2007.

6. Attached as Exhibit D is a true and correct copy of a webpage concerning water consumption from the University of Michigan Health Systems downloaded from its website at [www.med.umich.edu/umim/clinical/pyramid/water.htm](http://www.med.umich.edu/umim/clinical/pyramid/water.htm). This page was downloaded by me on December 5, 2007.

7. Attached hereto as Exhibit E is a true and correct copy of a TESS printout for an application for the mark KEEP IT TOGETHER. DRINK RESPONSIBLY filed by Opposer's subsidiary Long Tail Libations, Inc. This page was downloaded by me on December 5, 2007.

8. Attached hereto as Exhibit F is a set of TESS printouts for registered trademarks containing the phrase "Drink Responsibly," including: KEEP IT FRESH. DRINK RESPONSIBLY; PACE YOURSELF, DRINK RESPONSIBLY; DRINK RESPONSIBLY - CAPTAIN'S ORDERS!; LIVE PASSIONATELY, BUT DRINK RESPONSIBLY; and BE A CHAMPION. DRINK RESPONSIBLY. These pages were downloaded by me on December 5, 2007.

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DECLARATION OF ALAN E. ENGLE ISO APPLICANT'S MOTION FOR SUMMARY JUDGMENT

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Executed in Monterey, California on December 6, 2007. I declare under penalty of perjury  
that the foregoing is true and correct.

Dated: December 6, 2007

Respectfully Submitted,

By   
Alan E. Engle

**CERTIFICATE OF SERVICE**


I, Ricki Alexander, paralegal to Alan E. Engle of LARIVIERE, GRUBMAN & PAYNE, LLP, attorneys for Opposer, hereby certify that a true and complete copy of the foregoing:

**DECLARATION OF ALAN E. ENGLE IN SUPPORT OF APPLICANT'S MOTION  
FOR SUMMARY JUDGMENT**

was served on:

**Douglas N. Masters  
LOEB & LOEB LLP  
321 N. Clark St., Ste. 2300  
Chicago, IL 60610**

postage prepaid by first-class mail on December 6, 2007.



\_\_\_\_\_  
Ricki Alexander

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