

ESTTA Tracking number: **ESTTA179292**

Filing date: **12/06/2007**

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 |
| Filer's Name | Alan E. Engle |
| Filer's e-mail | uspto@lgpatlaw.com |
| Signature | /Alan E. Engle/ |
| Date | 12/06/2007 |
| Attachments | Dec of AEE in Support of SJM 120607.pdf (40 pages)(1460334 bytes) |

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

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 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 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. 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 Decemeber 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.

///

///

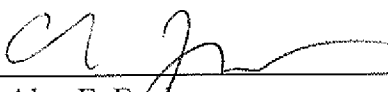
DECLARATION OF ALAN E. ENGLE ISO APPLICANT'S MOTION FOR SUMMARY JUDGMENT

Page 2

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

Ricki Alexander

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.