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

Proceeding no.	91252714
Party	Defendant Rogue Ridge, LLC
Correspondence address	ANTOINETTE M TEASE ANTOINETTE M TEASE PLLC P O BOX 51016 BILLINGS, MT 59105 UNITED STATES Primary email: <a href="mailto:toni@teaselaw.com">toni@teaselaw.com</a> 406-294-9000
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Signature	/Antoinette M. Tease/
Date	09/27/2022
Attachments	Submission of Expert Testimony Declaration of Brian Sowers PUBLIC - R EBUTTAL REPORT 09-24-22.pdf(106026 bytes ) Sowers Supplemental Declaration 06-28-21 .pdf(359972 bytes )

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

COULTER VENTURES, LLC,	)	
	)	
Opposer/Petitioner,	)	Opposition No. 91252714
	)	(parent case)
v.	)	Cancellation No. 92074531
	)	
ROGUE RIDGE, LLC,	)	Mark: R ROGUE RIDGE
	)	Serial No.: 87562770
	)	Mark: RODGUE RIDGE
Applicant/Registrant.	)	Serial No.: 87562718
_____	)	

**APPLICANT/REGISTRANT ROGUE RIDGE, LLC'S**  
**SUBMISSION OF EXPERT TESTIMONY DECLARATION**  
**OF BRIAN M. SOWERS**

Applicant/Registrant Rogue Ridge, LLC hereby gives notice of filing with the Trademark Trial and Appeal Board the Expert Testimony Declaration of Brian M. Sowers. Pursuant to the Board's October 18, 2021 order, consideration of Opposer's contested motion to strike this declaration is deferred until final decision.

Dated: September 27, 2022

Respectfully submitted,

/Antoinette M. Tease/

Antoinette M. Tease  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing ROGUE RIDGE, LLC'S SUBMISSION OF EXPERT TESTIMONY DECLARATION OF BRIAN M. SOWERS is being served on September 27, 2022, by email to Louis DiSanto, attorney for Opposer/Petitioner, at [ldisanto@bannerwitcoff.com](mailto:ldisanto@bannerwitcoff.com),  
with a copy to:

[aking@bannerwitcoff.com](mailto:aking@bannerwitcoff.com)  
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/Antoinette M. Tease/  
Antoinette M. Tease

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

_____	)	
COULTER VENTURES, LLC,	)	
	)	
Opposer,	)	Opposition No. 91252714 (Parent Case)
	)	Cancellation No. 92074531
vs.	)	
	)	
ROGUE RIDGE, LLC,	)	
	)	
Applicant.	)	
_____	)	

**SUPPLEMENTAL DECLARATION OF BRIAN M. SOWERS TO THE EXPERT  
REPORT OF DR. BRUCE ISAACSON**

**Brian M. Sowers**  
Applied Marketing Science, Inc.  
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Waltham, Massachusetts 02451  
(781) 250-6313  
bsowers@ams-inc.com ■ www.ams-inc.com

I, Brian M. Sowers, hereby AFFIRM THAT:

### **INTRODUCTION**

1. As detailed in my Expert Declaration dated April 2, 2021, I am a Principal at Applied Marketing Science, Inc. (“AMS”), a market research and consulting firm. I have been at AMS since 2011, and I have worked in the field of market research since 1996. Prior to joining AMS, I held market research positions at the Forbes Consulting Group (2003-2011), Lockheed Martin (2002-2003), MCI WorldCom (1999-2002), and Marketing Analysts, Inc. (1996-1999).
2. I submitted my Expert Declaration on April 2, 2021, where I explained that I designed and conducted a survey to test whether Rogue Ridge’s use of the ROGUE RIDGE mark is likely to cause confusion with Coulter Ventures and/or Coulter Ventures’ Marks. Further, I concluded that, based on the results of the survey that I designed and conducted, it is my professional opinion that relevant consumers are not likely to be confused by Rogue Ridge’s use of the ROGUE RIDGE mark in connection with electric mountain bikes. Specifically, 6.1% of Test Group respondents indicated that they believed the goods and services offered under the ROGUE RIDGE mark originate from, are connected to or affiliated with, or are offered with the permission or approval of, Coulter Ventures. After controlling for guessing and other forms of survey noise, the net confusion rate is 5.6%.
3. On June 15, 2021, Dr. Bruce Isaacson submitted an Expert Report (the “Isaacson Report”). Dr. Isaacson was asked by counsel representing Coulter Ventures to review and evaluate my Expert Declaration dated April 2, 2021.

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