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

Proceeding	91181755
Party	Defendant BeauxKat Enterprises LLC
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

FRANCISCAN VINEYARDS)	
)	Mark: BLACK RAVEN BREWING COMPANY
Opposer)	Opposition No.: 91181755
v.)	Serial No.: 77223446
)	
BEAUXKAT ENTERPRISES LLC)	
)	
Applicant)	

**DECLARATION OF ROBERT “BEAUX” BOWMAN IN SUPPORT
APPLICANT’S RESPONSE TO OPPOSER’S MOTION FOR SUMMARY JUDGMENT**

I, Robert “Beaux” Bowman, under penalty of perjury under the laws of the State of Washington, do hereby declare as follows:

1. I am over the age of 18 and I am competent to testify to the matters set forth herein.
2. I am one of the members for Beauxkat Enterprises, LLC, the Applicant in this matter.
3. I have considerable experience in brewing beer. I first started in the industry in 2001 in Redmond, Washington. I received a Bachelors Degree in Business Management from William Carey College in 1999. I have been certified as a brewer by the American Brewers Guild. A true and correct copy of that certification is attached as Exhibit A.
4. I have worked as a production shift brewer, lead brewer, and head brewer for three different brewing companies:
 - Mac & Jacks Brewing Company (2001-2003) - Production brewer;
 - Far West Ireland Brewing Company (2003-2005) – Lead brewer;
 - Ram Restaurant & Brewery (2005-2007) – Head brewer.
5. I have received two national and one international awards for my beers. In 2006 my beer, Total Disorder Porter, received a bronze medal in the brown porter category at the 2006 World Beer Cup. Also in 2006 another of my beers, Rambeaux Strong Scotch Ale received a bronze medal in the Scotch Ale category at the 2006 Great American Beer

Festival. Finally, also in 2006 my beer, Slapshot Stout received a silver medal in the Irish Dry Stout category at the 2006 Great American Beer Festival.

6. I have been an active member of the Washington Brewers Guild since 2003 and involved in the local beer scene.

7. In January of 2007 I founded (with my partner) BeauxKat Enterprises, LLC with the intention of opening a small, neighborhood brewery and taproom on the Eastside of Seattle. A true and correct copy of the Certificate of Formation for BeauxKat Enterprises, LLC is attached hereto as Exhibit B. While we went public with our website and began actively soliciting customers with our website in September 2007 (we have made no sales of beer yet, but have built up anticipation for the opening of our location), we are currently slated to open the brewery and taproom in March of 2009.

8. Our business will be the production and sale of beer. Our channels of distribution will be a combination of on-site retail and wholesale distribution to specialty beer stores and accounts (pubs/alehouses/restaurants). Our intent is to have the majority of our sales directly retail in our taproom with the balance of production capacity being sold wholesale.

9. Attached as Exhibit C is a true and correct copy of our proposed label for our first beer. We have not attempted to trademark this label, only our name, **BLACK RAVEN BREWING COMPANY**.

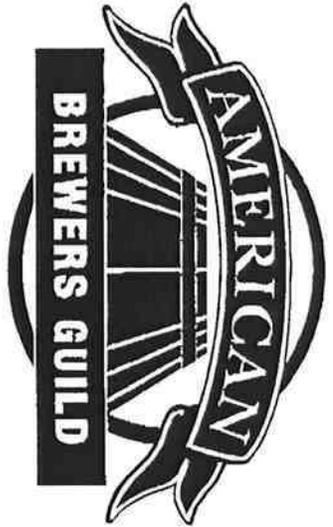
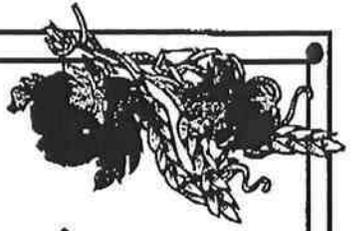
10. In my experience working in the beer industry, beer is marketed to a different customer base than wine. While some beer drinkers may occasionally have a glass of wine, and some wine drinkers may occasionally have a beer, in general they are two distinct groups of people. I have attached as Exhibit D a copy of a press release from the Wine Institute on January 5, 2006. This article shows the results of a study done by Yankelovich and The Segmentation Company for the Wine Institute in California that shows, among other things, the difference in the markets for beer and wine. My experience in this industry agrees with their findings.

11. Prior to this action by Franciscan Vineyards, I was only tangentially aware that there was a wine or winery on the market that may have incorporated a raven into its name. I had no specific knowledge of Franciscan Vineyards or its products.

12. Attached as Exhibit E is a true and correct copy of the trademark registration from the TEAS system for our mark, BLACK RAVEN BREWING COMPANY.

I declare under penalty of perjury that the foregoing is true and correct and that this Declaration was executed on this 5th day of January, 2009 at Redmond, Washington.


Robert "Beaux" Bowman



BREWING SCHOOL

AMERICAN BREWERS GUILD

DIPLOMA

This is to certify that

Robert Bowman Jr.

Has successfully completed the requirements of the

**Intensive Brewing
Science & Engineering Program**

and is thereby inaugurated into the Guild as a member.

This 1st day of July in the year 2005

Steve Parkes

Steve Parkes, President

EXHIBIT
A



UNITED STATES OF AMERICA

The State of  Washington

Secretary of State

I, **SAM REED**, Secretary of State of the State of Washington and custodian of its seal, hereby issue this

CERTIFICATE OF FORMATION

to

BEAUXKAT ENTERPRISES LLC

a/an WA Limited Liability Company. Charter documents are effective on the date indicated below.

Date: 1/22/2007

UBI Number: 602-687-808

APPID: 759785



Given under my hand and the Seal of the State of Washington at Olympia, the State Capital

Sam Reed, Secretary of State

EXHIBIT

B



BKE 00001

EXHIBIT
C

New Wine Institute Research Offers Road Map For California Wine Competitiveness

SAN FRANCISCO - A new study commissioned by Wine Institute finds that California wine ranks first in favorability and familiarity with U.S. wine consumers by a wide margin. The survey of 2,442 U.S. wine consumers by Yankelovich and The Segmentation Company sm, a division of Yankelovich, also indicates that California can improve its position by developing and sharing a cohesive message, connecting with the powerful imagery of the state and responding to consumers' quest for "safe adventure." These are among the findings of the first comprehensive research on U.S. wine consumers by Wine Institute in more than 20 years undertaken as part of a Market Development program to enhance the competitiveness of California wine in the U.S. "Providing our member wineries with research, information and tools is one of our top priorities," said Robert P. Koch, President and CEO of Wine Institute. "By better understanding our consumer, as well as our strengths and the areas where we can improve, California wineries will be more successful both individually and collectively in the future."

Among the key findings of the survey:

California Wines Rank First in Familiarity, Consumption and Positive Impressions The national survey asked wine consumers about their familiarity and consumption of wines from 12 different U.S. and foreign regions, including California. Of the regions evaluated, California ranks first in favorability, familiarity and consumption. Three-quarters of U.S. wine consumers describe the state's wine characteristics as: an easy to enjoy taste, versatile, appropriate for many occasions, a good value and consistent. No other region comes close to matching California's rankings on these key purchase criteria. However, the research also finds that while California is well-positioned with U.S. wine consumers in general, the state's wine industry can benefit from developing a more distinctive image and from capitalizing on the positive association with California's wine country landscape, tourism and the distinct personalities of its regions.

Wine Consumers Are on the Leading Edge of Trends

Aligning the Wine Institute findings with data derived from the annual Yankelovich MONITOR survey of American adults, the research also showed that from an attitudinal standpoint, wine consumers exhibit traits that put them on the leading edge of trends. Wine consumers stand out from the U.S. population in several ways and, in general, are more likely to:

- Be open to new experiences
- Follow their own path in life
- Be information-savvy and confident consumers
- Desire intangibles, experiences and emotions
- Have their life priorities in order
- Eschew brands as badges

In addition, wine consumers, especially women who account for the majority of wine purchases in most price segments, enjoy wine in small, intimate gatherings and choose it for reasons that speak to enhancing an experience.

Word of Mouth is the Most Powerful Influencer

The research confirms that wine consumers look to personal recommendations as the most prized sources of information. Trusted friends and family, followed by the sommelier or server when in a restaurant setting, are mentioned as the top information sources. Nearly 40 percent of wine consumers report receiving wine information from publications including newspapers' wine sections or columns and lifestyle and wine magazines in the past three months. And, in a finding that reinforces the value of wineries' investments in tasting rooms, visits to a winery are among the most powerful influences in a purchase decision among the 25 percent who report receiving information this way. Winery websites were also found to be as popular as other wine and lifestyle websites among those interested in on-line information.

Wine by the Glass Responds to Consumers' Quest for "Safe Adventure"

Among those who purchase wine at restaurants, bars and clubs, nearly three in four purchases (74 percent) are by the glass. Wine consumers who spend more on a bottle of wine are more likely to buy by the bottle when on premise but even those who buy at price points \$15 and above (at retail) choose wines by the glass the majority of time. Yankelovich relates the popularity of by-the-glass purchases to the current U.S. consumer desire for "safe adventure" - opportunities to be bold and take chances without going overboard. Wine consumers who are generally more confident and risk-taking find by-the-glass purchase ideal for experimentation.

About the Survey

The Wine Institute survey by Yankelovich and The Segmentation Company was designed to build on current knowledge of U.S. wine consumers and provide a benchmark on consumer attitudes and behaviors about wine in general and California wine in particular. The survey was based on 2,442 on-line interviews with consumers 21 years of age and older who consume wine more than a couple of times a year and have joint or sole responsibility for wine purchase decisions in their household. The survey averaged 22 minutes and included 56 questions, many multi-part, on subjects including wine consumption preferences and usage, on premise behavior, regional familiarity, consumption, and perceptions, attitudes and lifestyles, information/communications channels and demographics.

About Yankelovich Inc. and The Segmentation Company

Yankelovich offers a complete mix of marketing services and solutions for clients. For more than 30 years, The Yankelovich MONITOR™ has tracked and forecasted consumer attitudes, values, and lifestyle trends. The Segmentation Company (TSC), a division of Yankelovich, is a full-service custom research and consulting firm that helps clients precisely target their customers through segmentation and brand equity and positioning work. Yankelovich and TSC are headquartered in Chapel Hill, NC.

About Wine Institute

Wine Institute is the association of 887 California wineries and affiliated businesses whose members account for 85 percent of U.S. wine production and 95 percent of U.S. wine exports. Established in 1934, the organization is dedicated to initiating and advocating state, federal and international public policy to enhance the environment for the responsible consumption and enjoyment of wine. Wine Institute seeks to broaden public understanding of the wine industry and its role in the American economy, lifestyle and culture.



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Black Raven Brewing Company

Word Mark	BLACK RAVEN BREWING COMPANY
Goods and Services	IC 032. US 045 046 048. G & S: Beer
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77223446
Filing Date	July 6, 2007
Current Filing Basis	1B
Original Filing Basis	1B
Published for Opposition	December 18, 2007
Owner	(APPLICANT) BeauKat Enterprises LLC LTD LIAB CO WASHINGTON 4605 167th CT NE Redmond WASHINGTON 98052
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BREWING COMPANY" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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EXHIBIT
E

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Declaration of Robert “Beaux” Bowman in Support of Applicant’s Response to Opposer’s Motion for Summary Judgment was forwarded by first class, postage pre-paid mail by depositing the same with the U.S. Postal Service on this 5th day of January, 2009 to the Opposer at the following address:

Stephen L. Baker
Baker & Rannells
575 Route 28, Suite 102
Raritan, NJ 08869

A copy of the same was sent via e-mail on this 5th day of January, 2008 to the Opposer at the following e-mail addresses:

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