

ESTTA Tracking number: **ESTTA389905**

Filing date: **01/24/2011**

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

Proceeding	91184978
Party	Plaintiff McNeil-PPC, Inc.
Correspondence Address	LAURA POPP-ROSENBERG FROSS ZELNICK LEHRMAN & ZISSU, P.C. 866 UNITED NATIONS PLAZA NEW YORK, NY 10017 UNITED STATES lrosenberg@fzlz.com
Submission	Other Motions/Papers
Filer's Name	Laura Popp-Rosenberg
Filer's e-mail	lpopp-rosenberg@fzlz.com,gwoo@fzlz.com,jweingerger@fzlz.com,mortiz@fzlz.com
Signature	/Laura Popp-Rosenberg/
Date	01/24/2011
Attachments	Notice of Filing of Deposition Transcript (DONOHUE) (F0740374).PDF (2 pages)(198806 bytes) Redacted Part 1 of 3 (F0740440).PDF (100 pages)(222184 bytes) Redacted Part 2 of 3 (F0740441).PDF (61 pages)(2661659 bytes) Redacted Part 3 of 3 (F0740442).PDF (41 pages)(3269788 bytes)

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

McNEIL-PPC, INC.,

Opposer,

-against-

WALGREEN CO.,

Applicant.

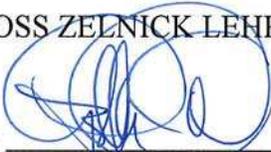
Opp. No. 91184978

NOTICE OF FILING OF CERTIFIED DEPOSITION TRANSCRIPT

PLEASE TAKE NOTICE that pursuant to 37 C.F.R. § 2.125(c), a certified transcript of the December 8, 2010 Testimonial Deposition of Jim Donohue has been filed with the Trademark Trial and Appeal Board contemporaneously herewith.

Dated: New York, New York
January 24, 2011

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

By: 

Laura Popp-Rosenberg
Giselle C. Woo

866 United Nations Plaza
New York, New York 10017

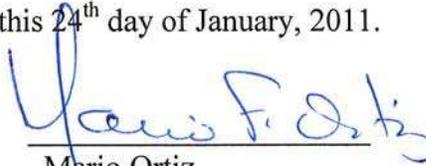
Tel: (212) 813-5900

Email: lpopp-rosenberg@frosszelnick.com
gwoo@frosszelnick.com

Attorneys for Opposer McNEIL-PPC, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing **Notice of Filing Certified Deposition Transcript** to be served via First Class U.S. Mail, postage prepaid, in an envelope addressed to counsel for Applicant, Caroline L. Stevens, Esq., Leydig, Voit & Mayer, 1420 Fifth Avenue, Suite 3670, Seattle, WA 98101, this 24th day of January, 2011.



Mario Ortiz

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

McNEIL-PPC, INC.,)
)
Opposer,)
)
vs.) 91184978
)
WALGREEN CO.,)
)
Applicant.)
-----)

DEPOSITION OF JIM DONOHUE
New York, New York
Wednesday, December 8, 2010

Reported by:
Philip Rizzuti
JOB NO. 34975

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

December 8, 2010

1:00 a.m.

Deposition of JIM DONOHUE, held
at the offices of Fross Zelnick
Lehrman & Zissu, 866 United Nations Plaza,
New York, New York, pursuant to subpoena,
before Philip Rizzuti, a Notary Public
of the State of New York

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A P P E A R A N C E S:

FROSS ZELNICK LEHRMAN & ZISSU

Attorneys for Opposer

866 United Nations Plaza

New York, New York 10017

BY: LAURA POPP-ROSENBERG, ESQ.

GISELLE C. WOO, ESQ.

LEYDIG VOIT & MAYER

Attorneys for Applicant

Two Prudential Plaza

180 N. Stetson Avenue

Chicago, Illinois, 60601

BY: MARK J. LISS, ESQ.

DLA PIPER

Attorneys for Witness

6225 Smith Avenue

Baltimore, Maryland 21209

BY: JOHN CALEB DOUGHERTY, ESQ.

TIFFANY LEE CHRISTIAN, ESQ.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



REDACTED

+

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue

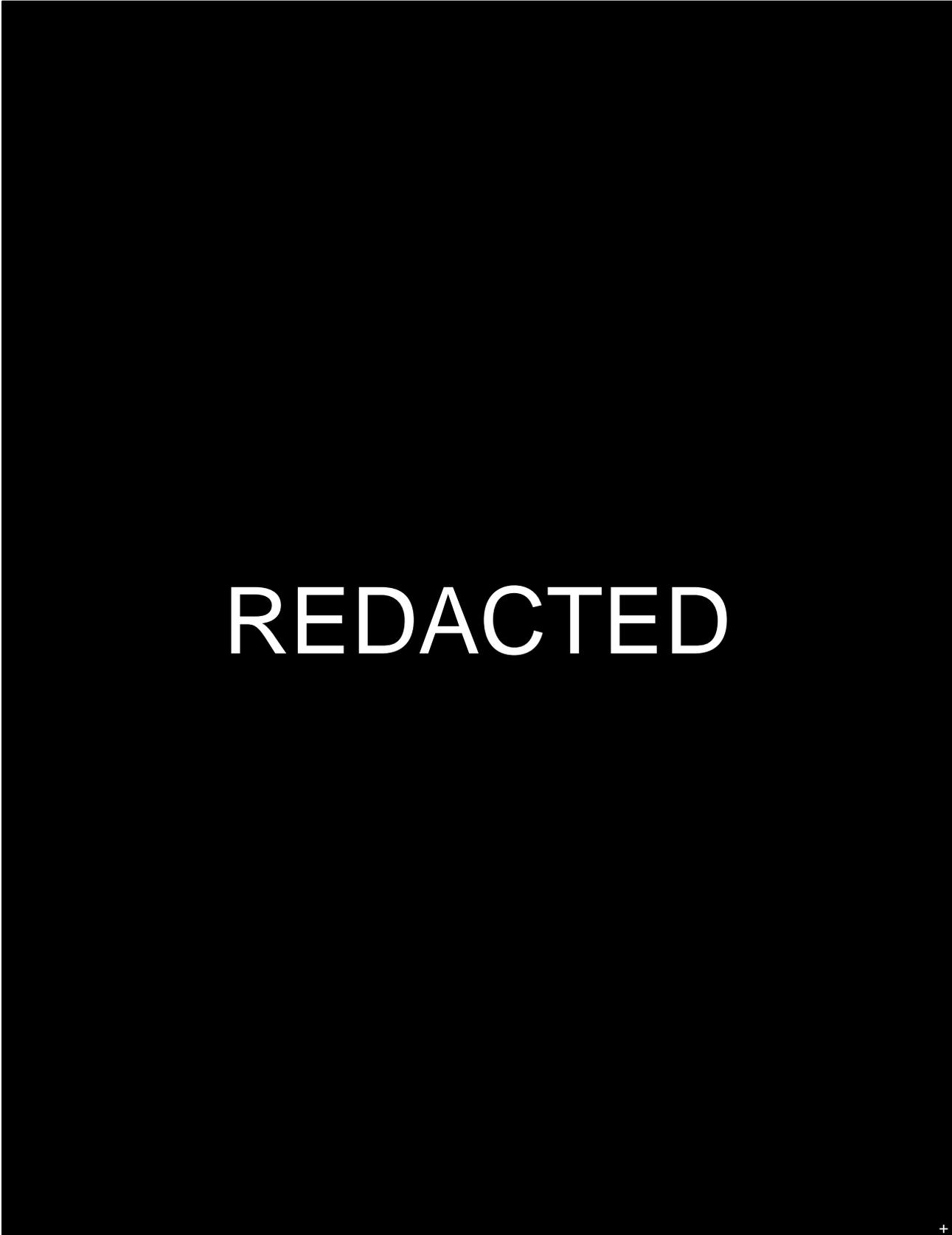


REDACTED

+

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue

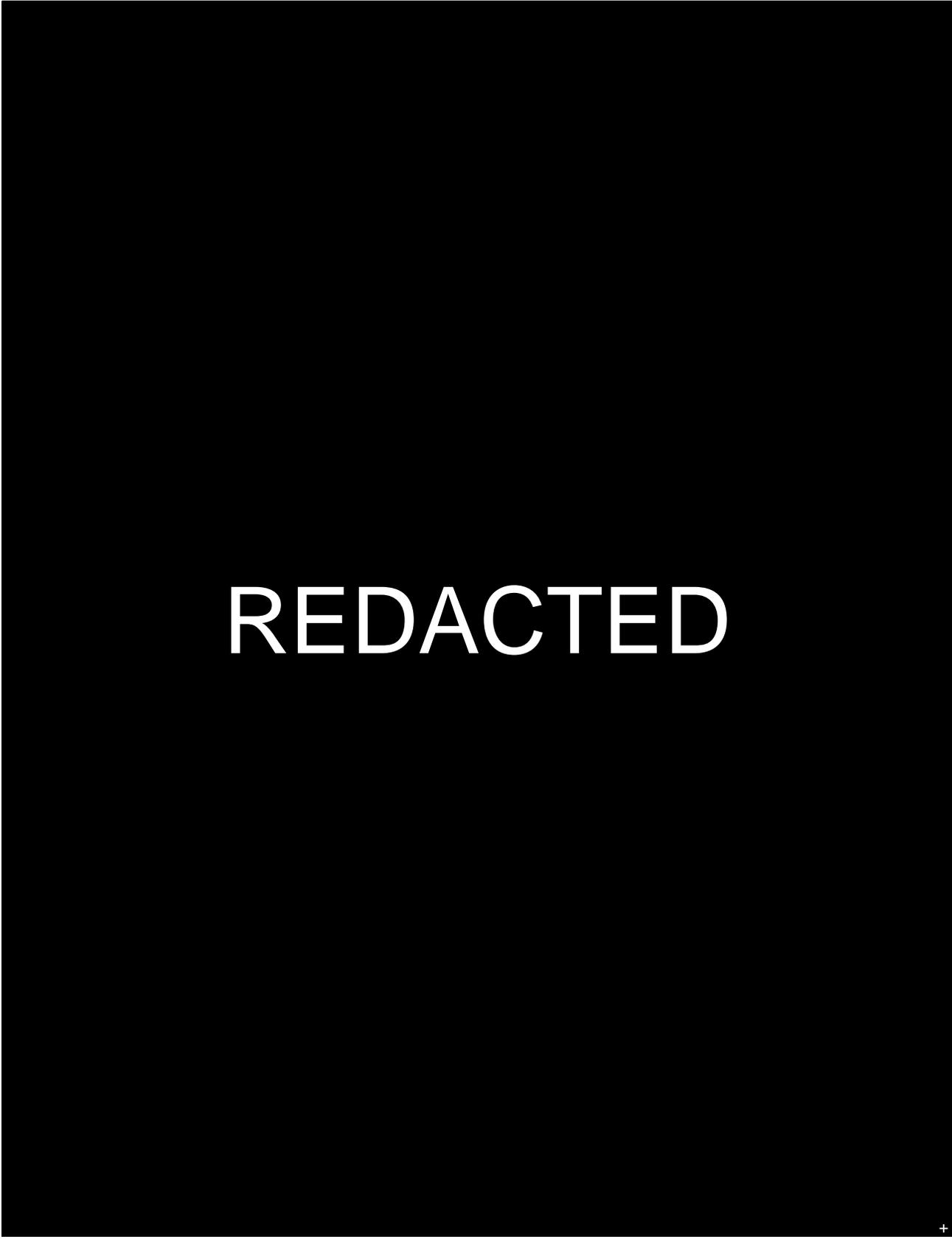


REDACTED

+

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Donohue

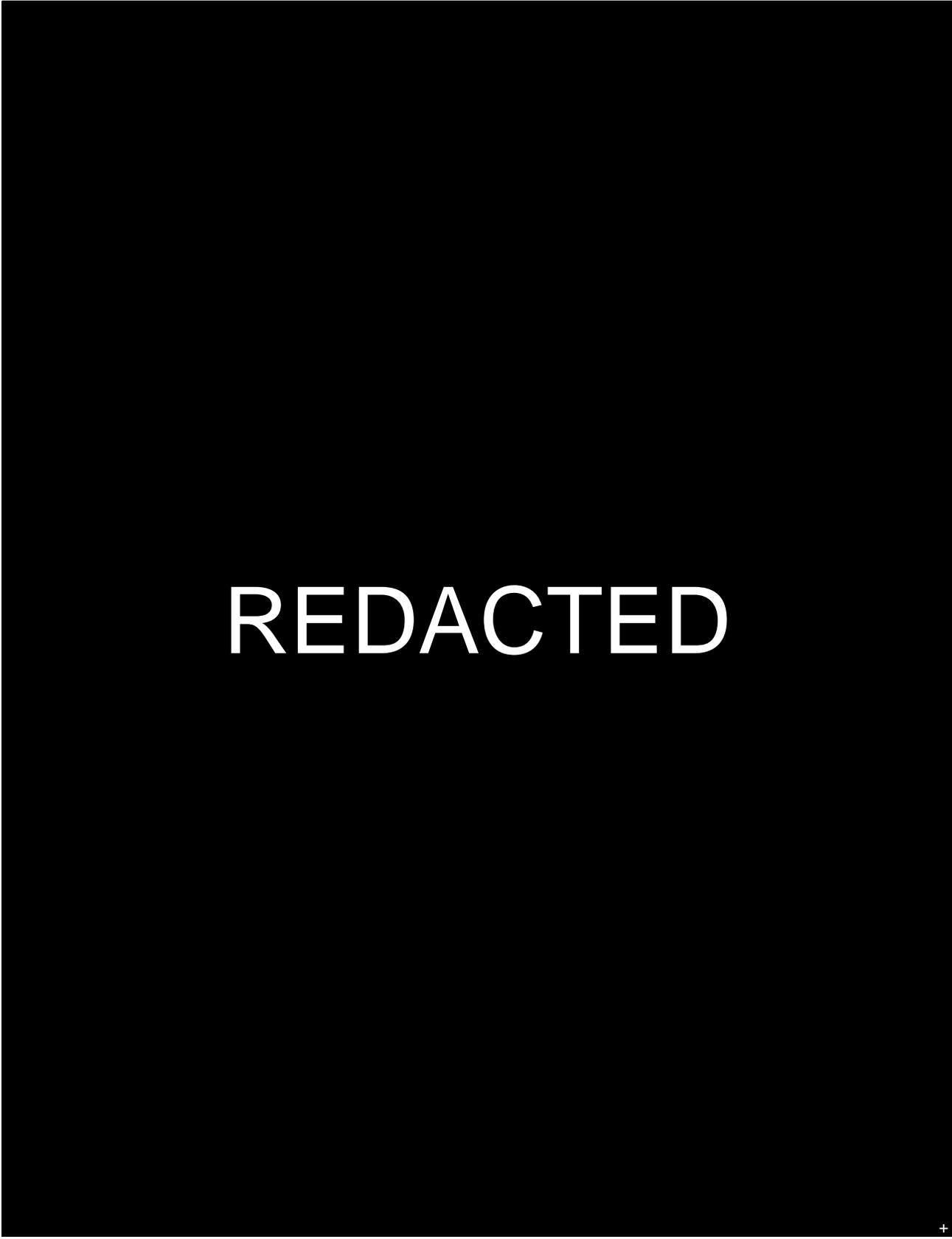


REDACTED

+

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Donohue

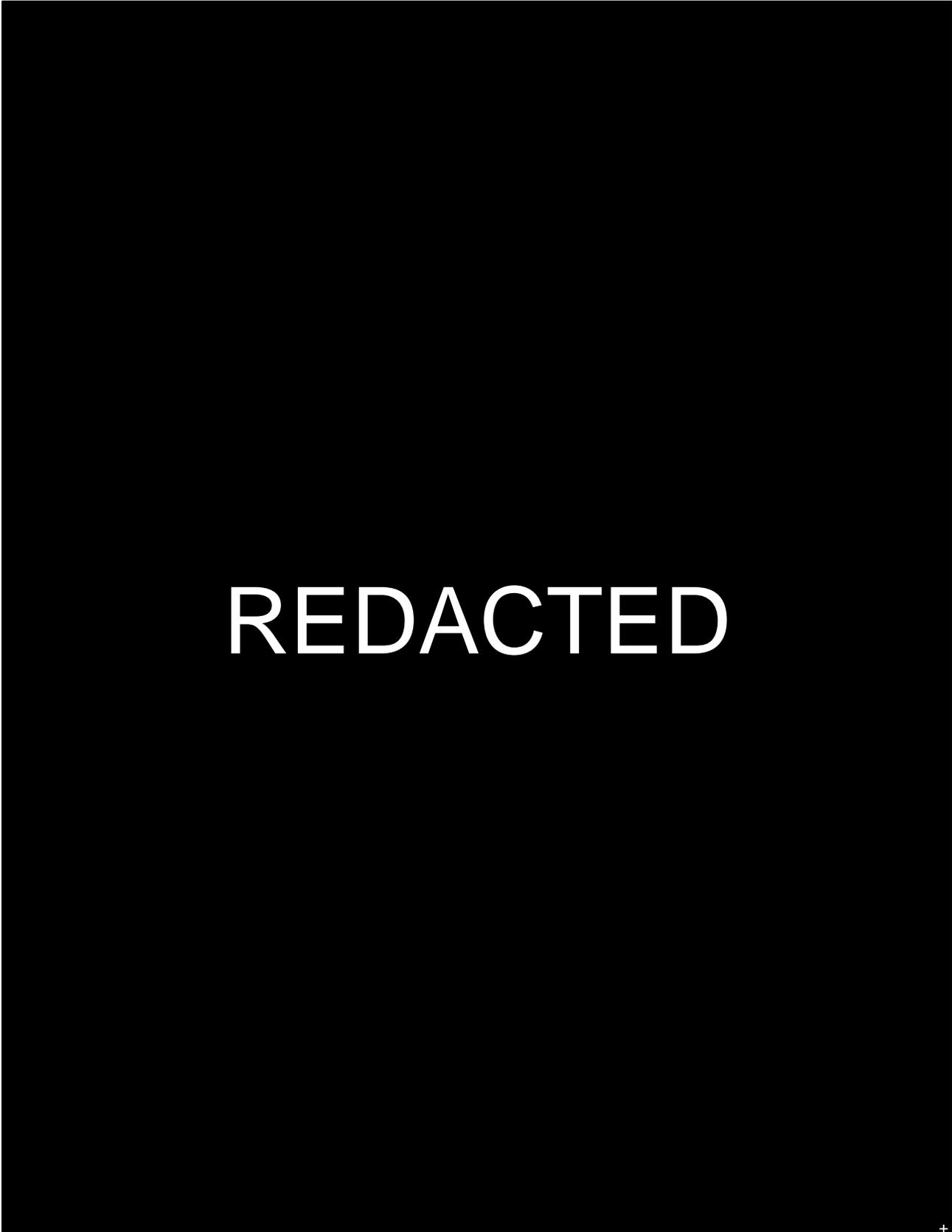


REDACTED

+

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue

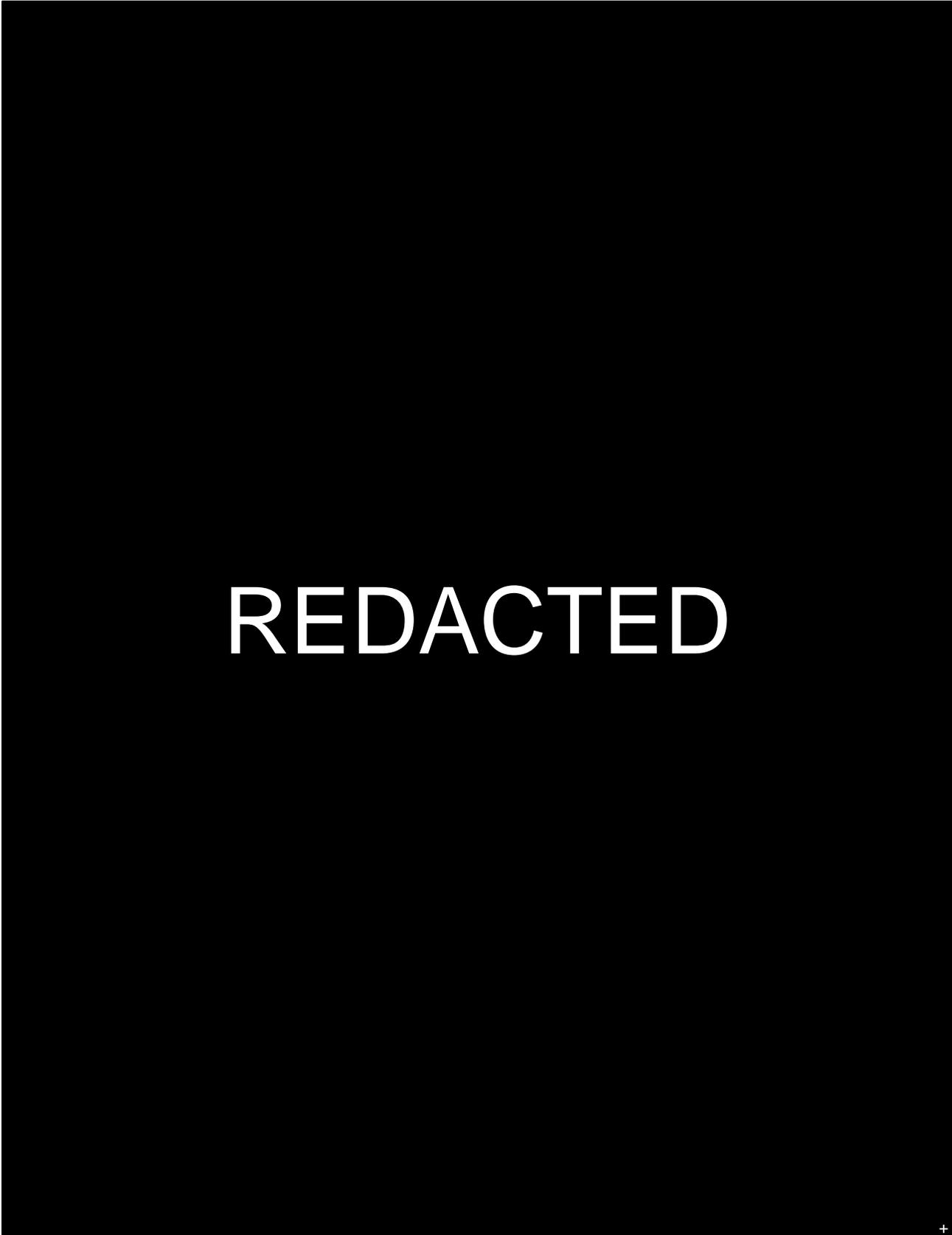


REDACTED

+

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue

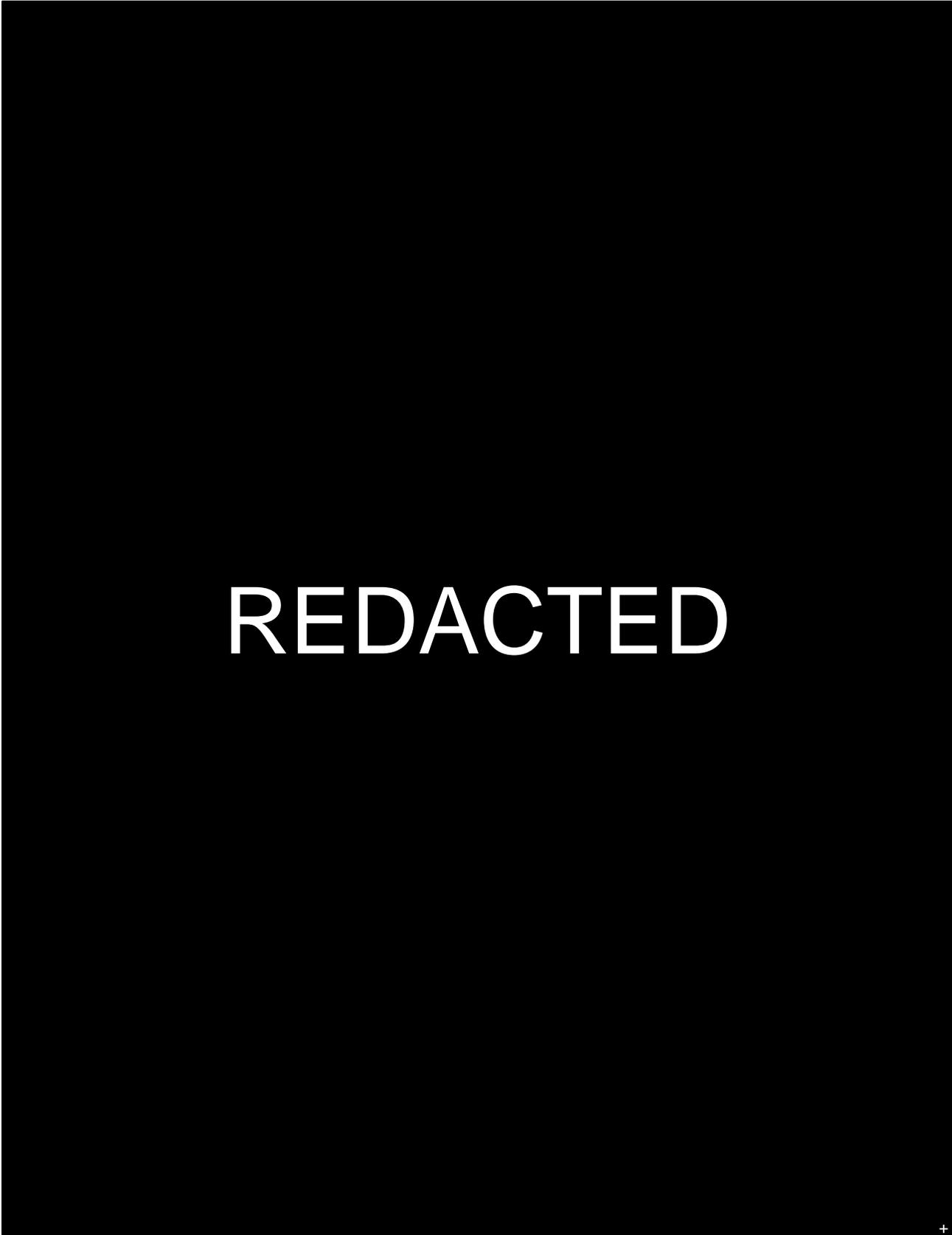


REDACTED

+

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue

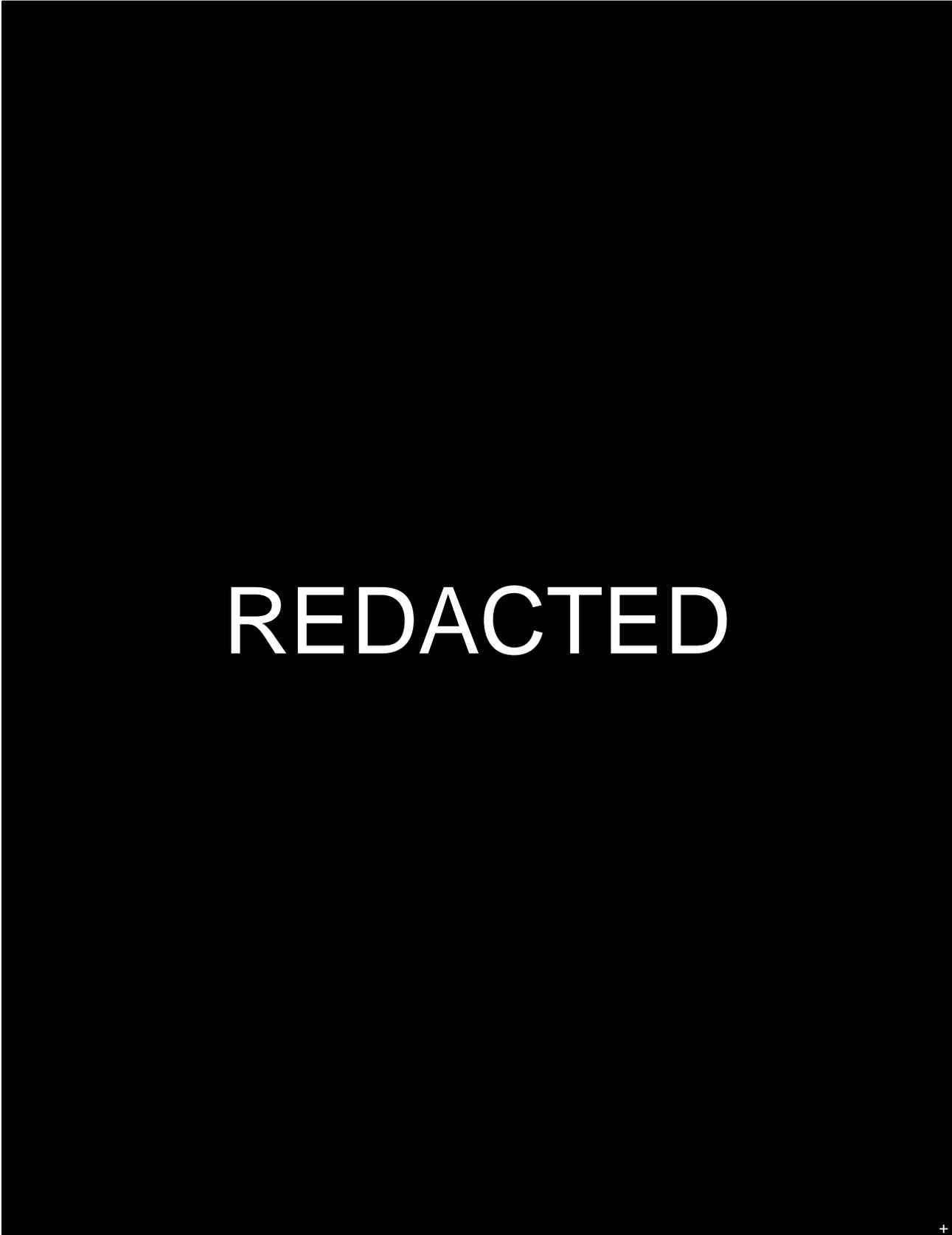


REDACTED

+

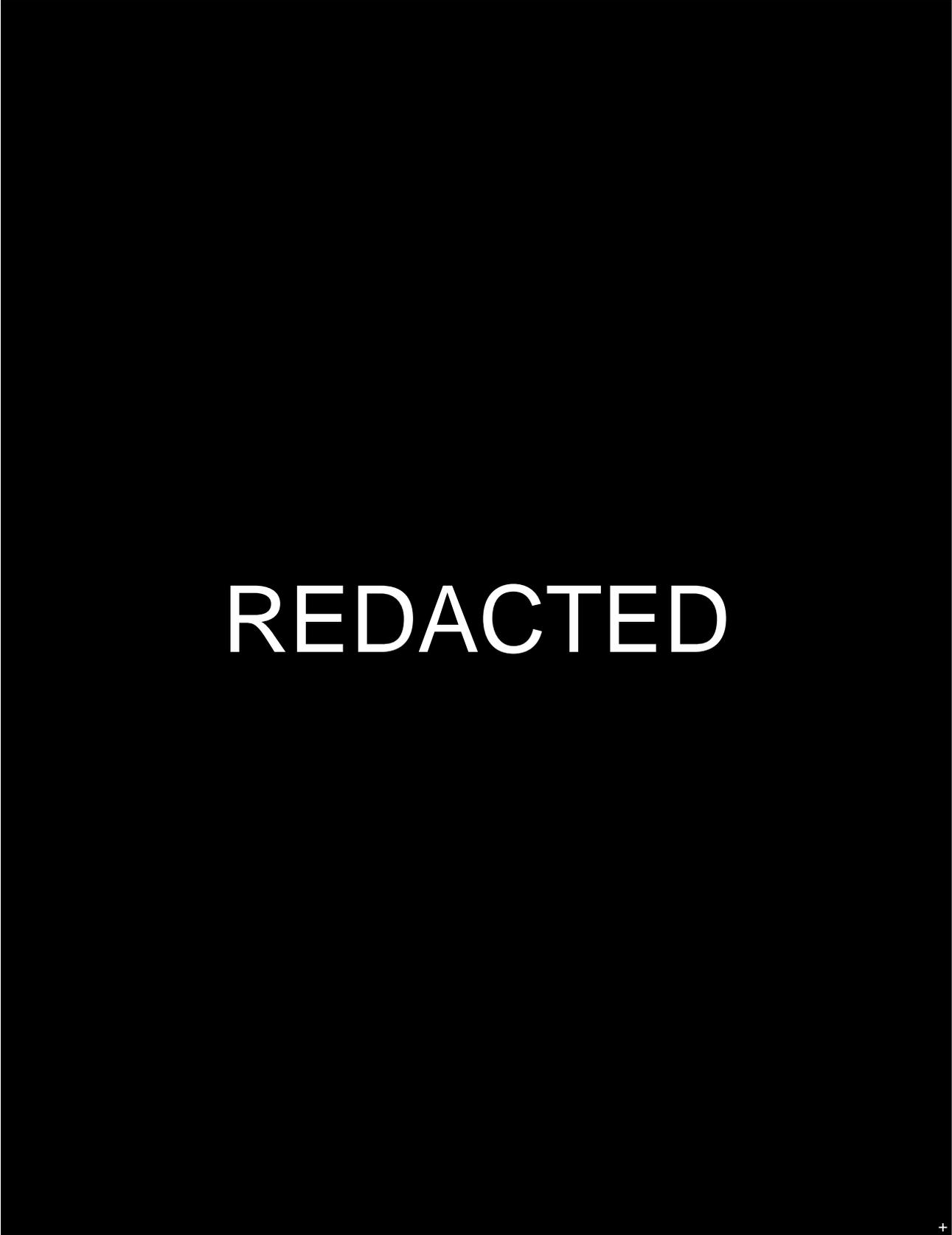
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



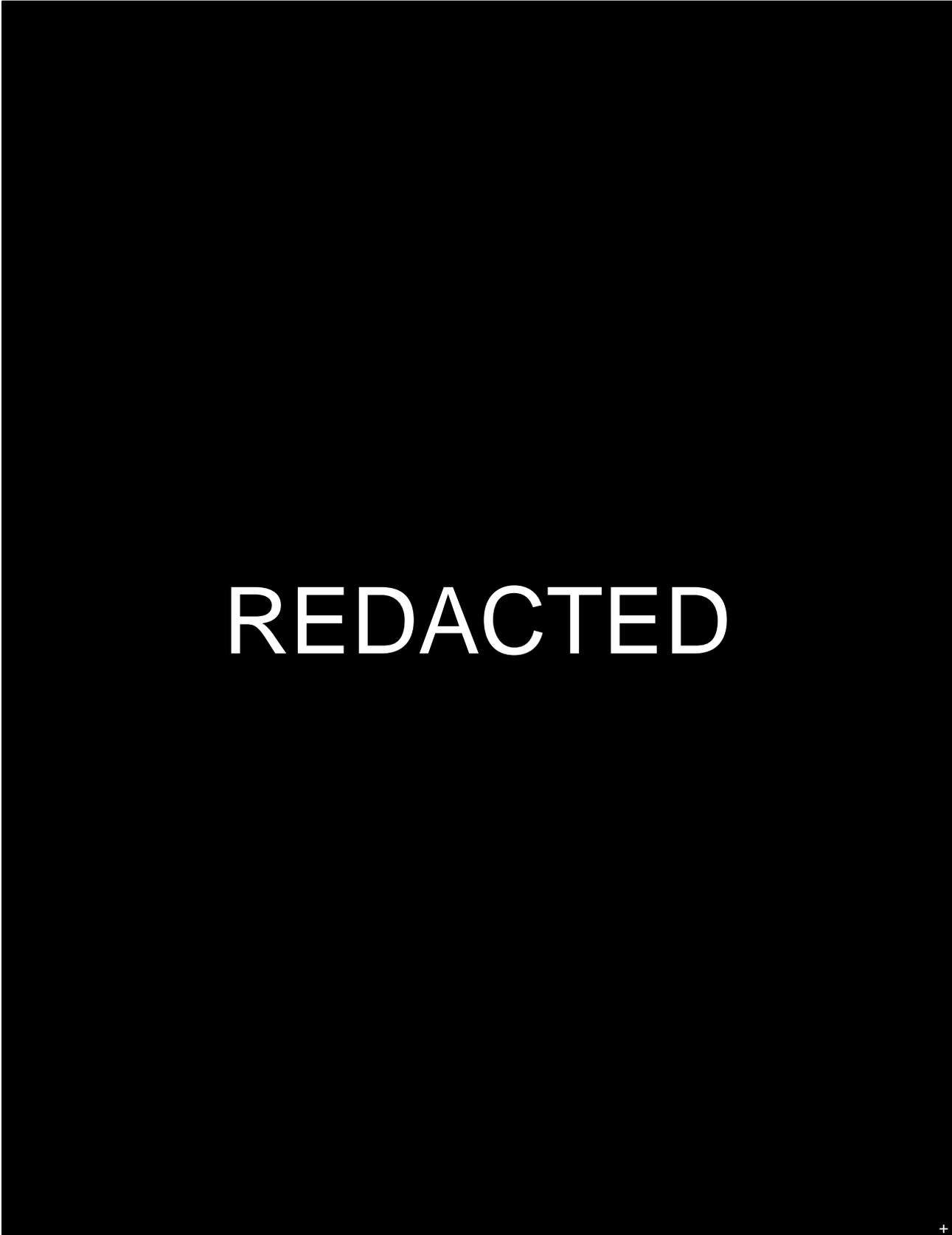
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



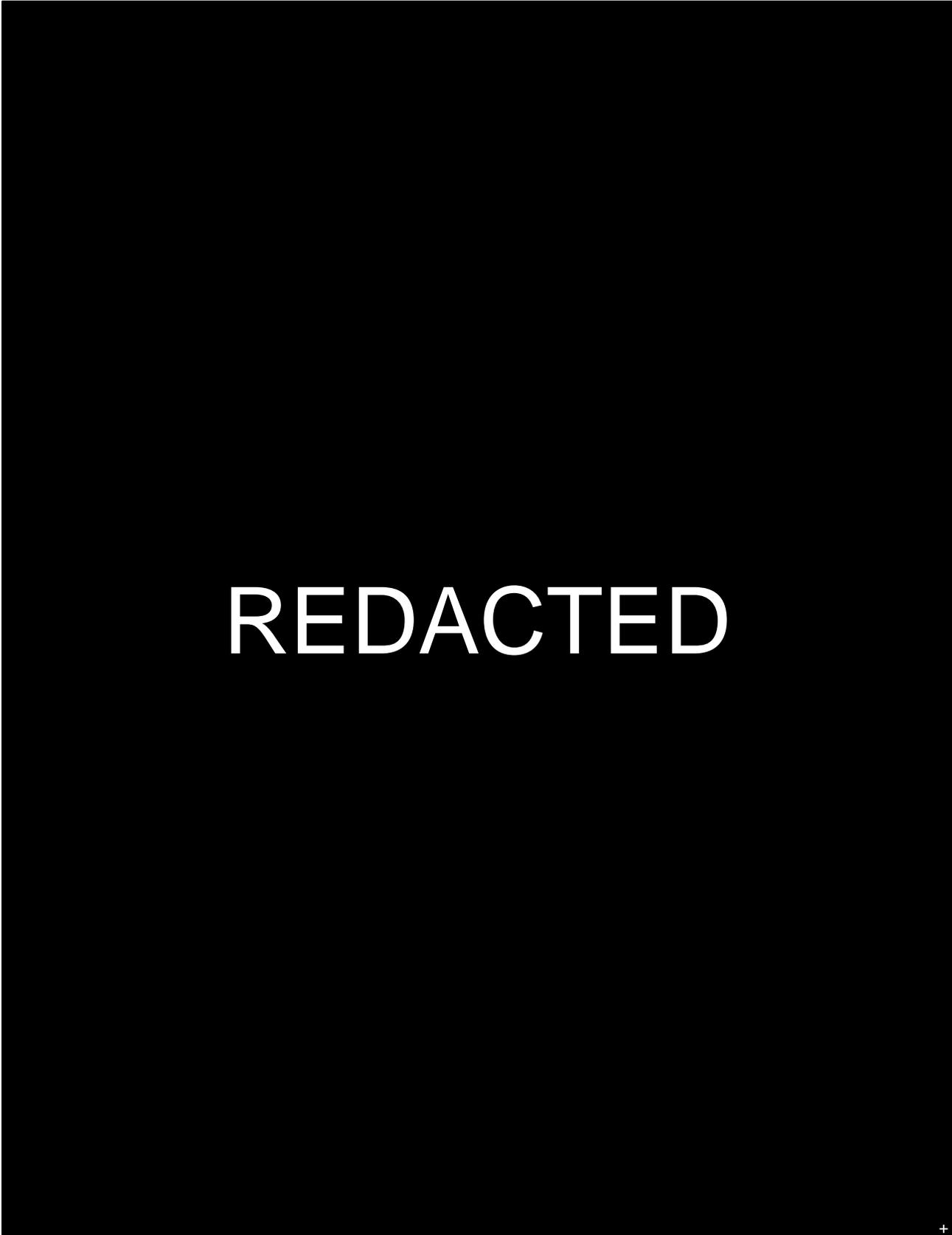
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue

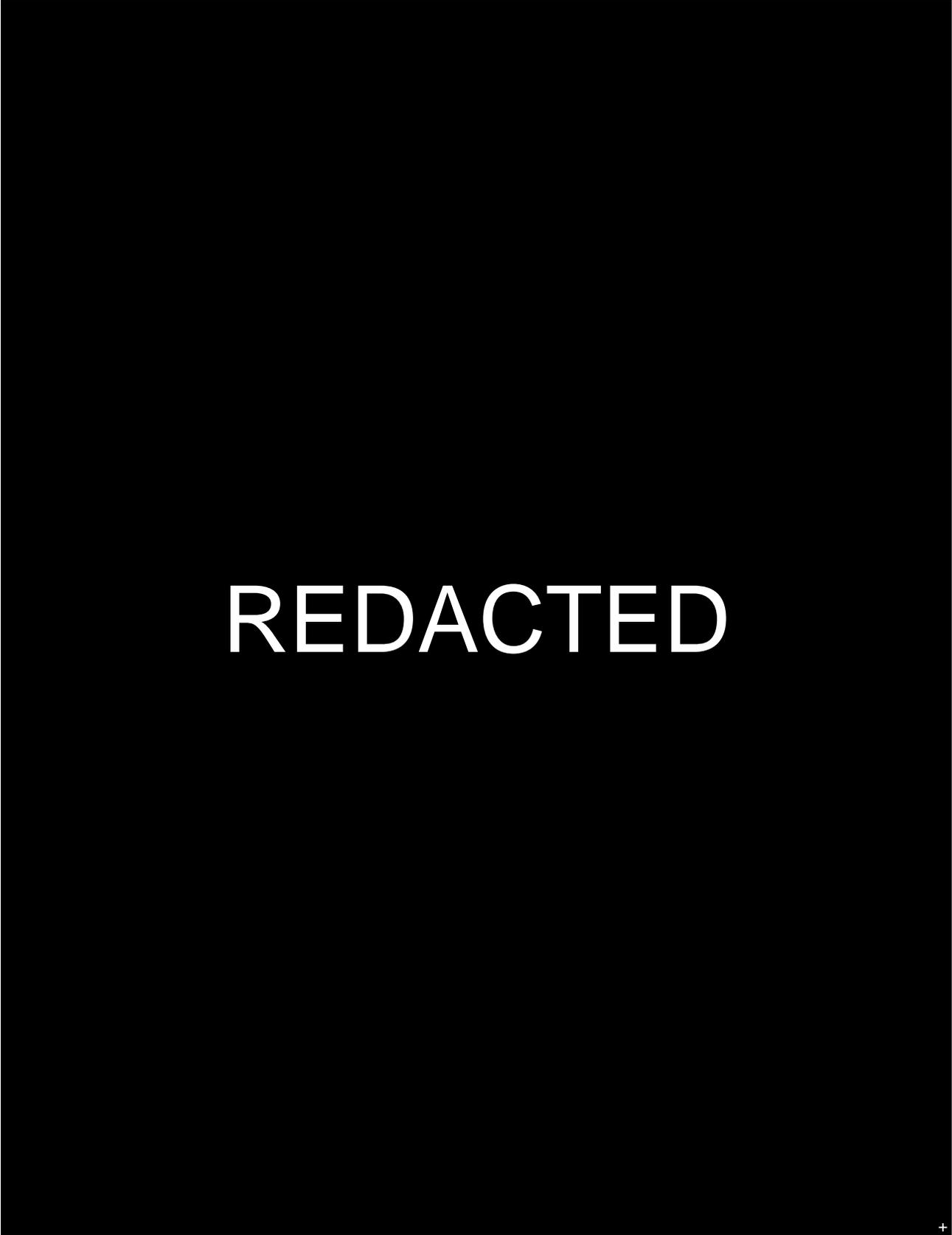


REDACTED

+

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue

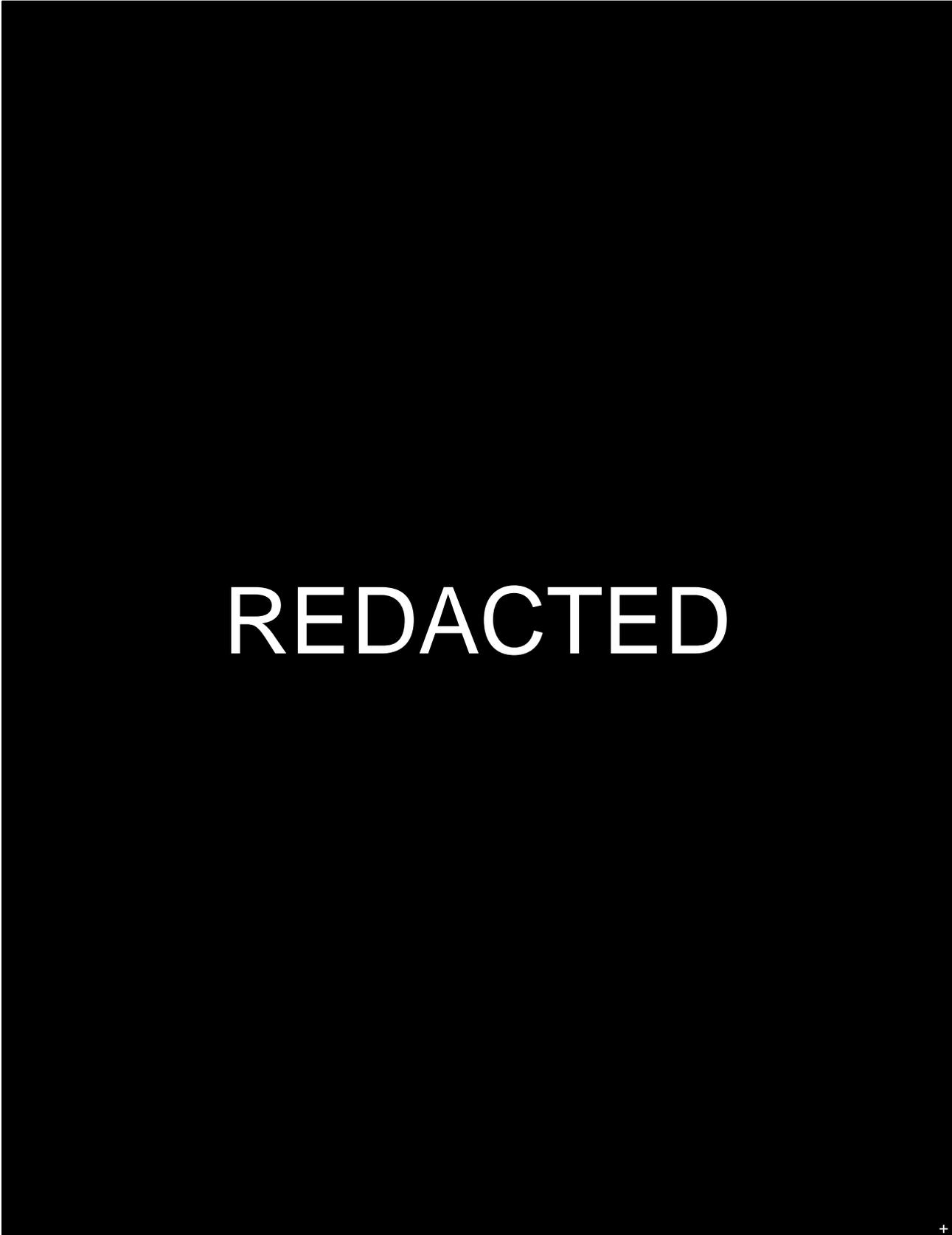


REDACTED

+

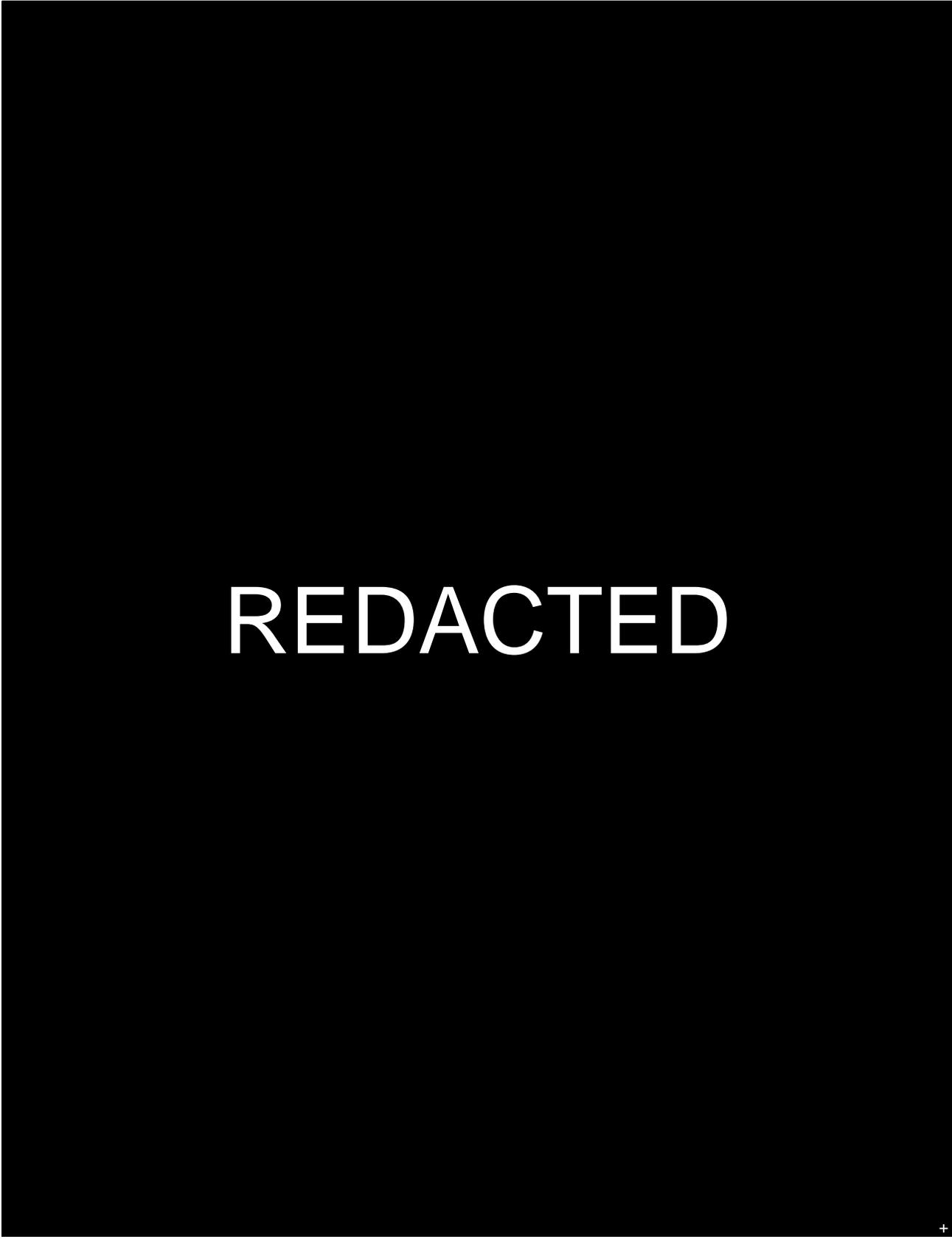
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue

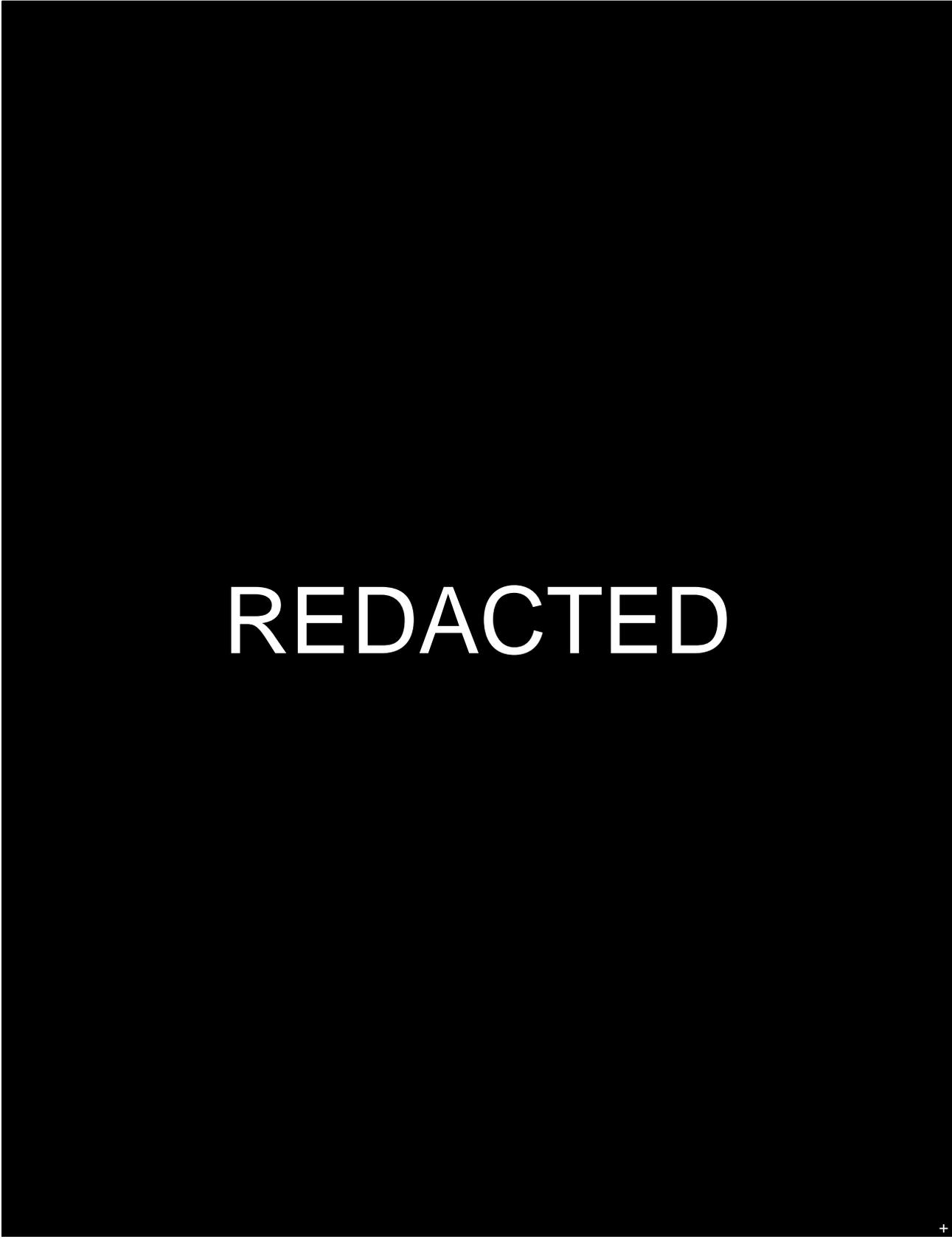


REDACTED

+

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Donohue

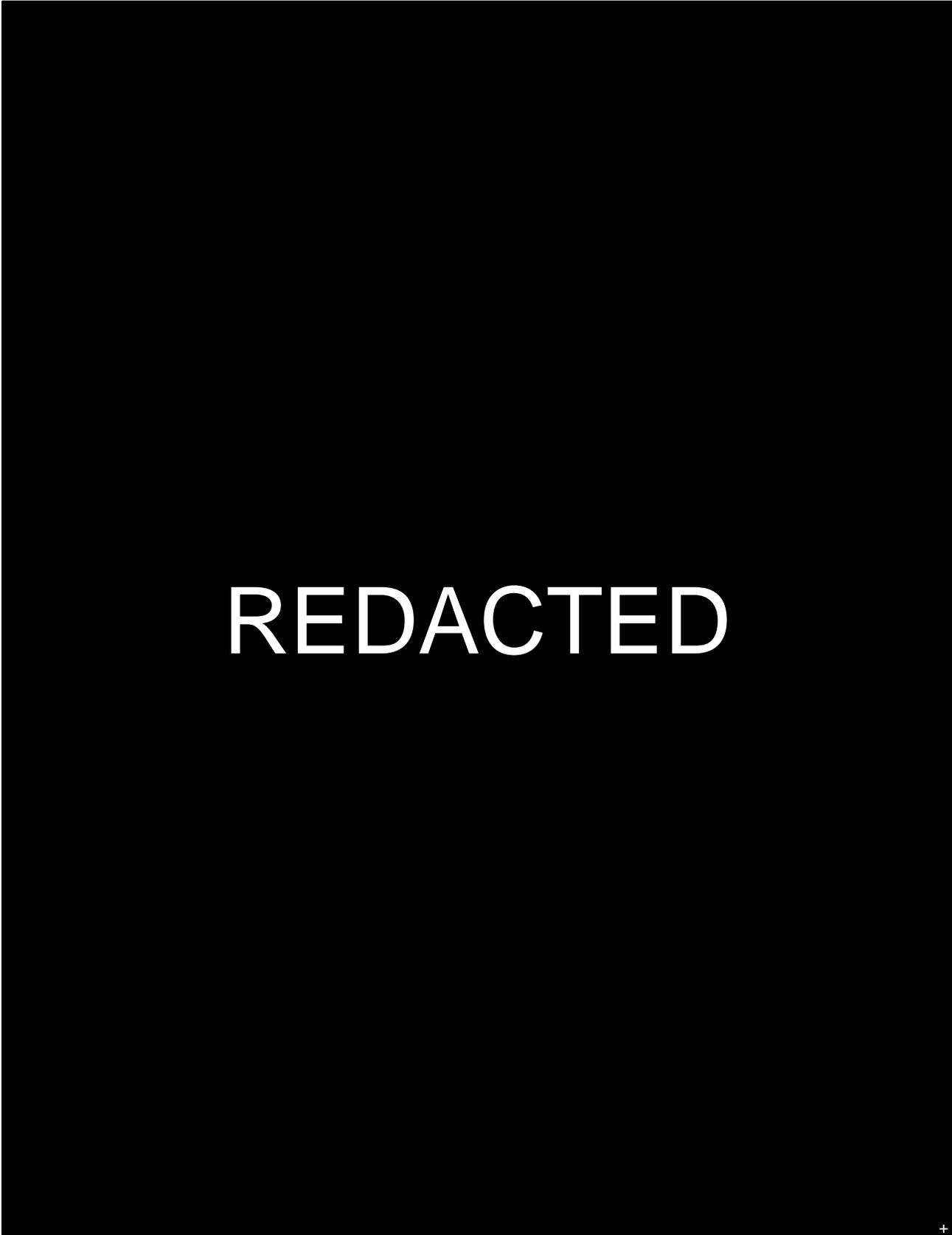


REDACTED

+

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue

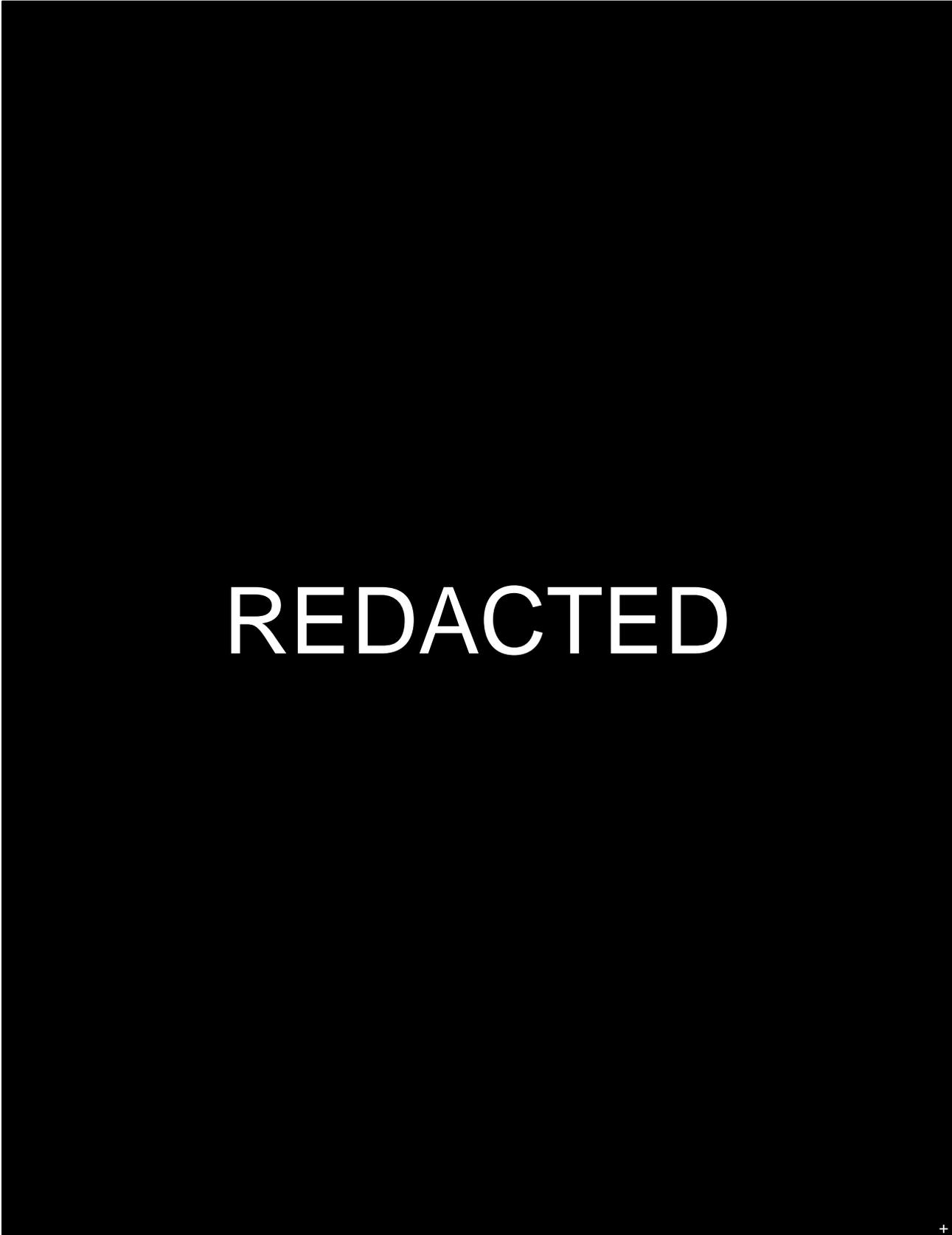


REDACTED

+

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue

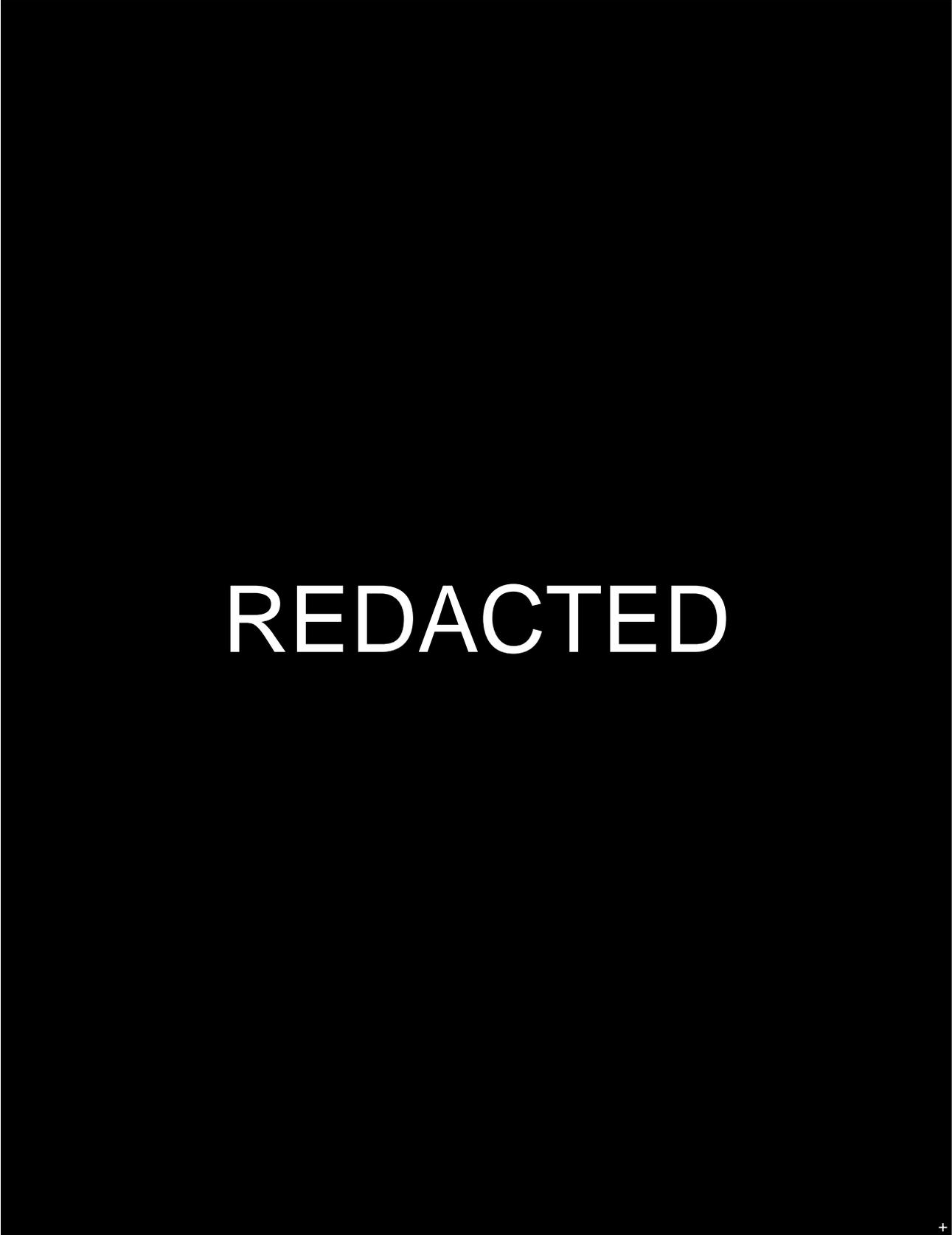


REDACTED

+

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue

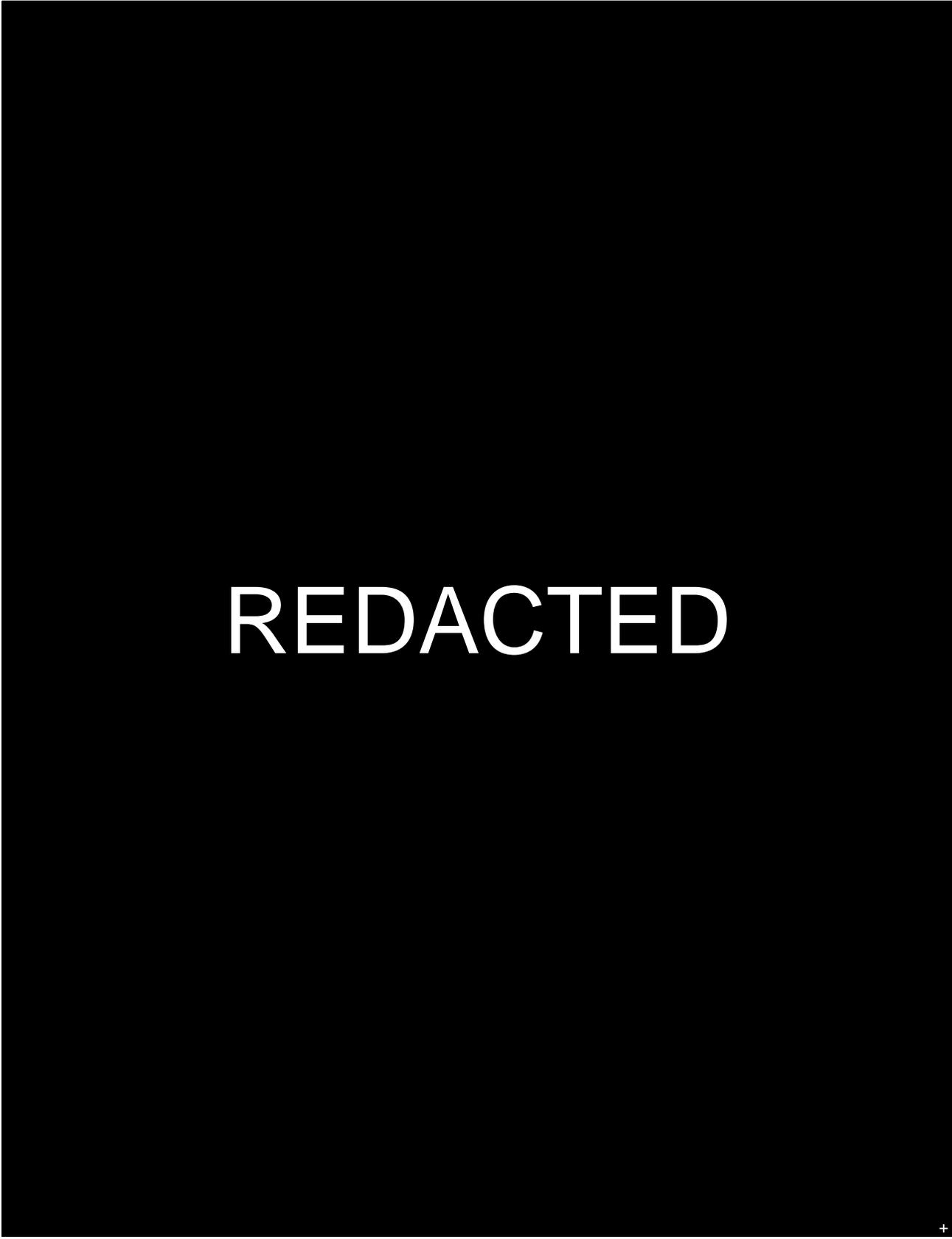


REDACTED

+

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue

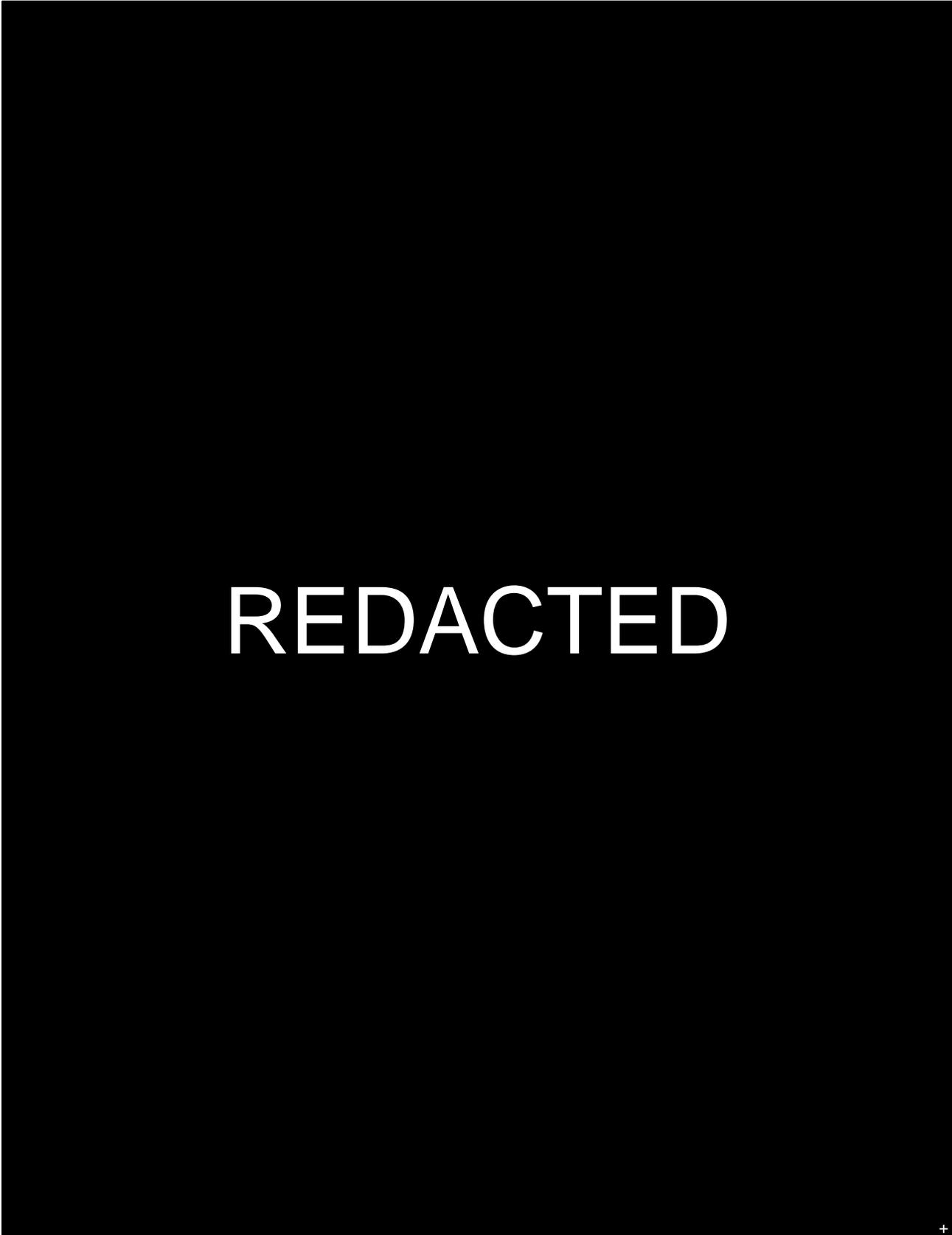


REDACTED

+

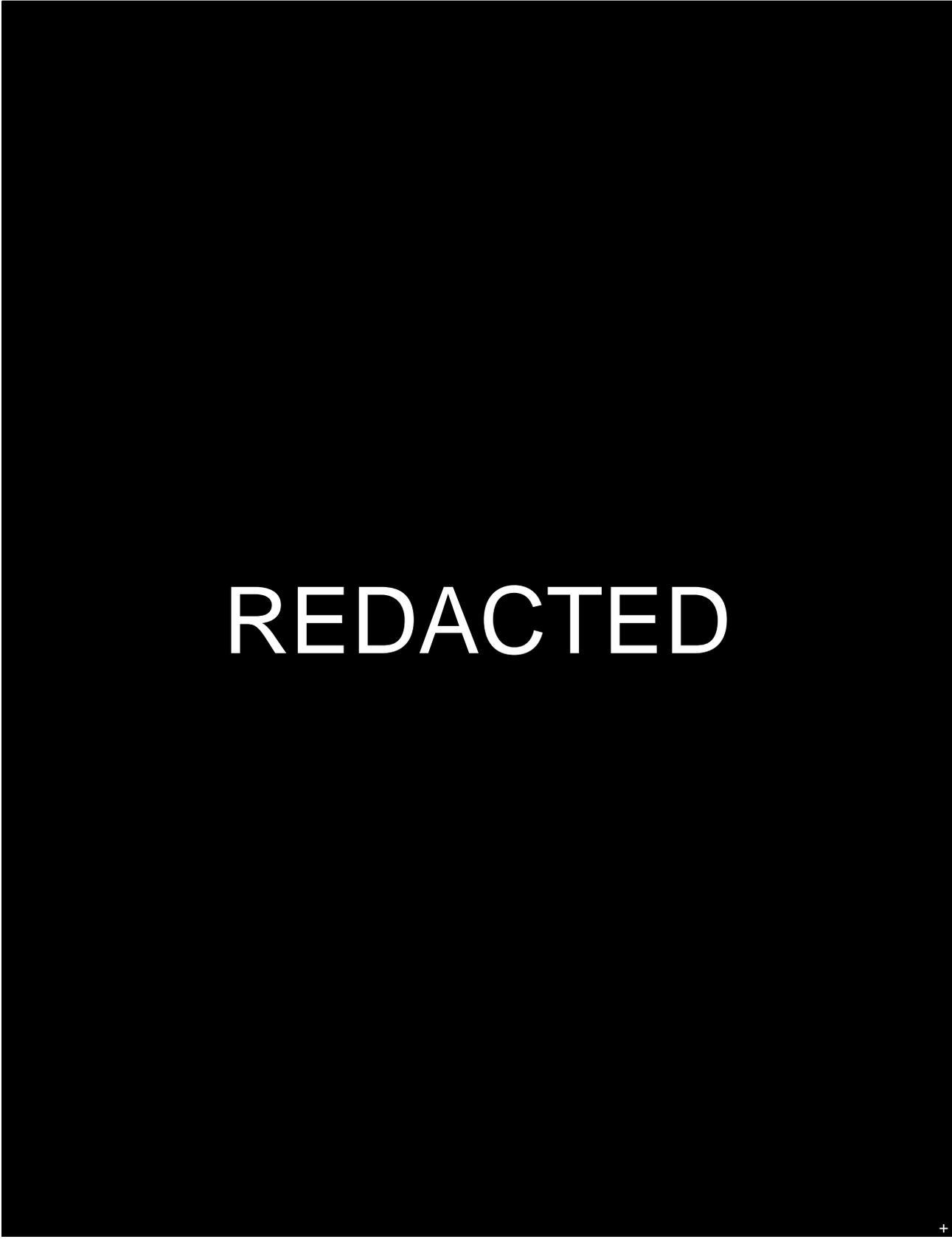
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue

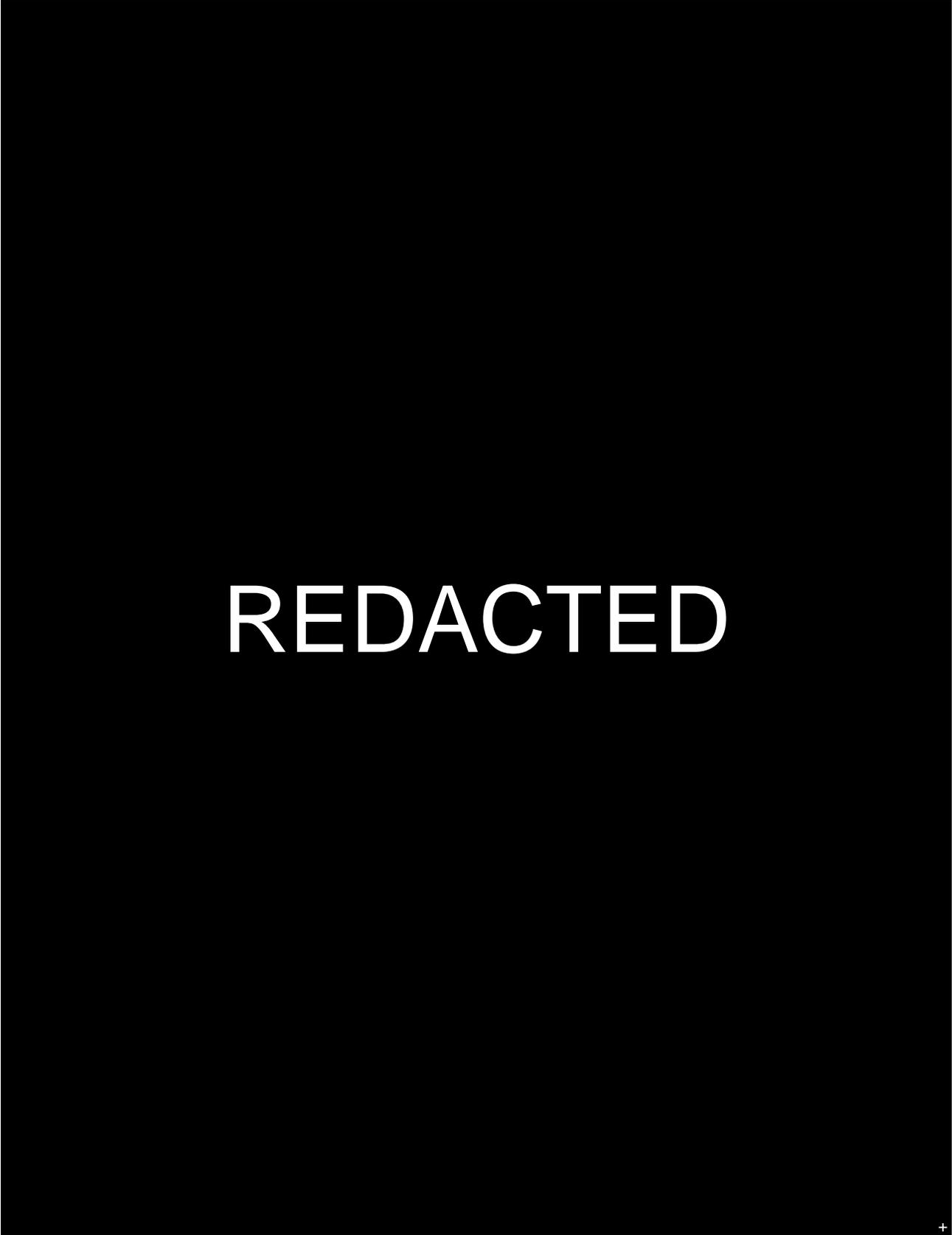


REDACTED

+

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue

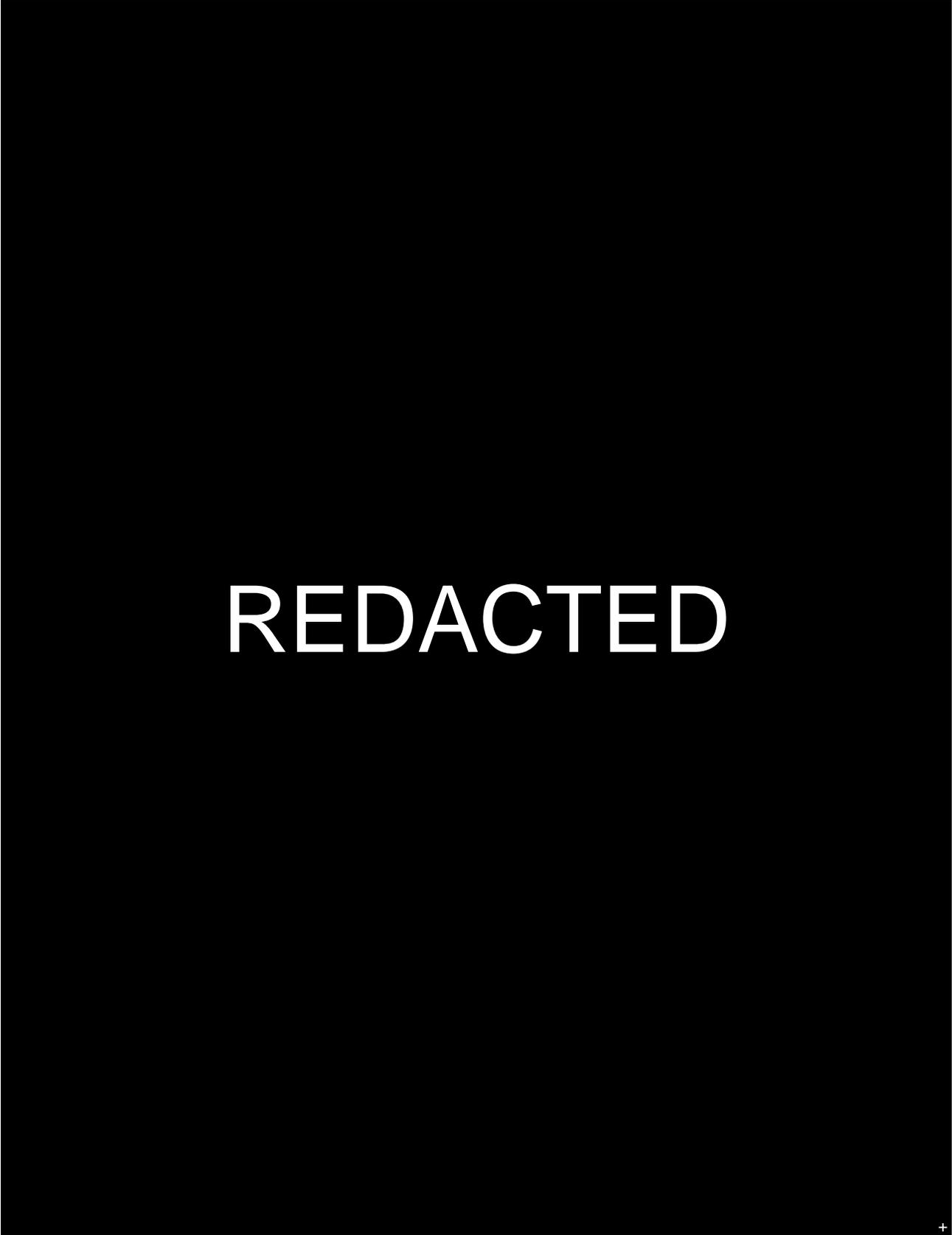


REDACTED

+

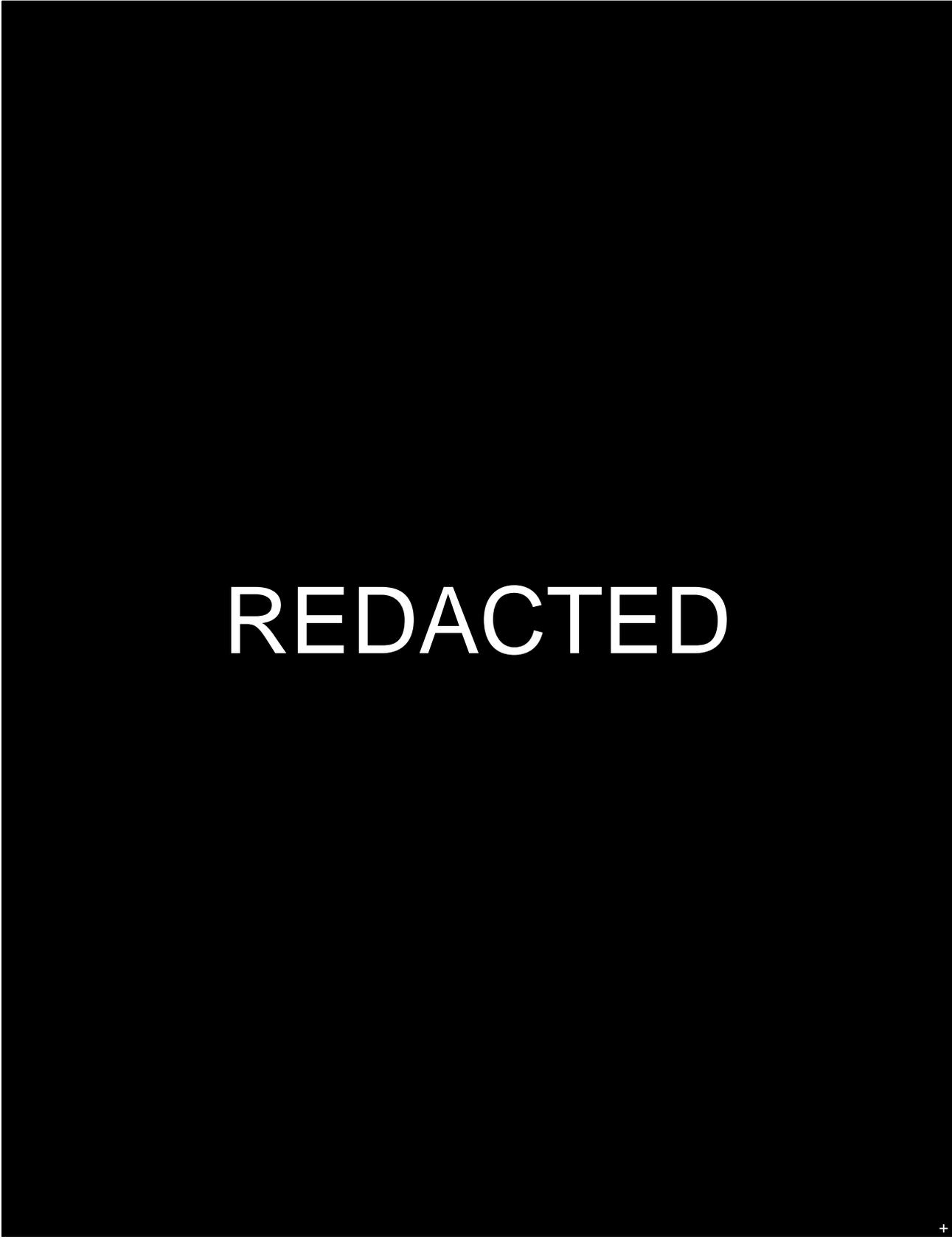
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue

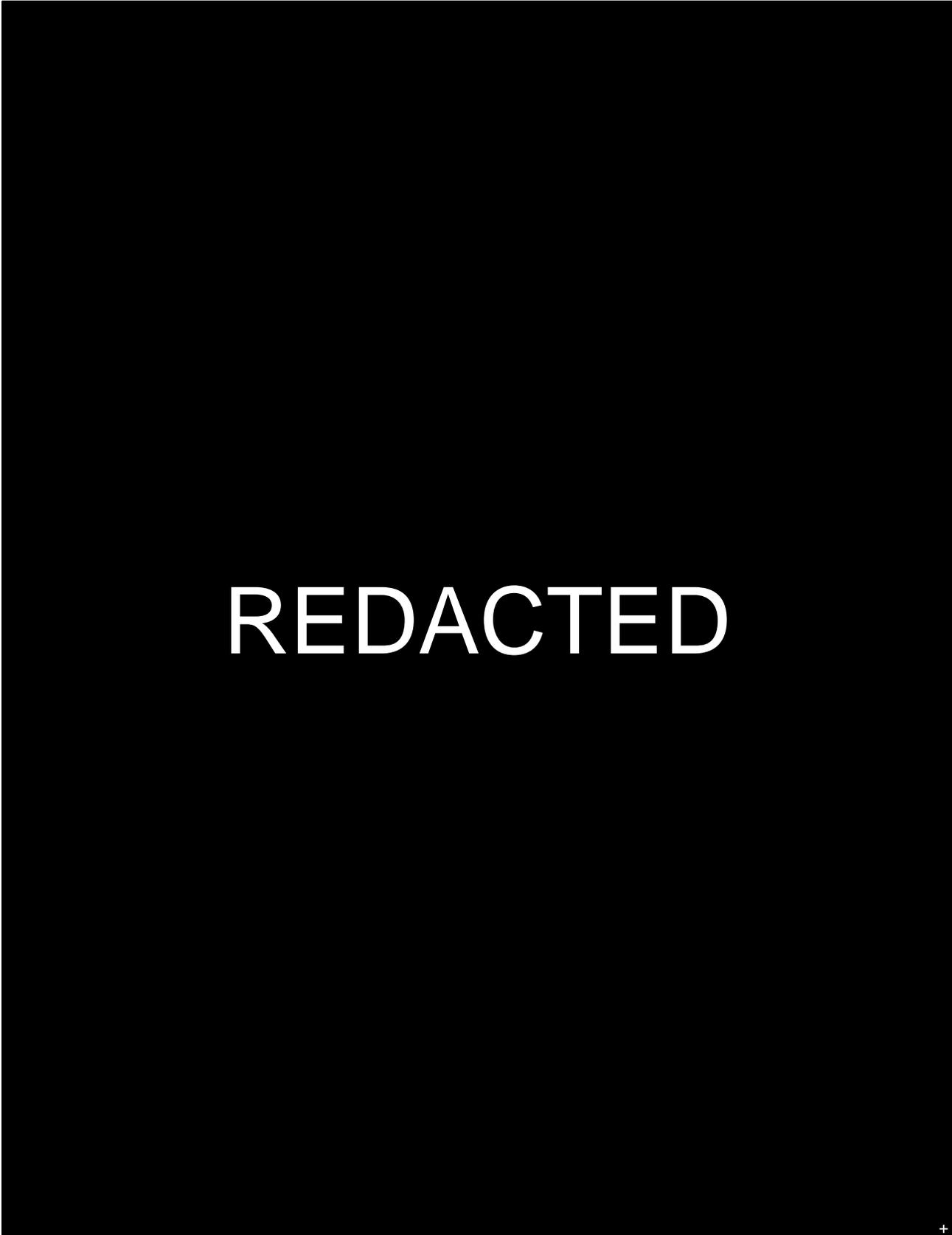


REDACTED

+

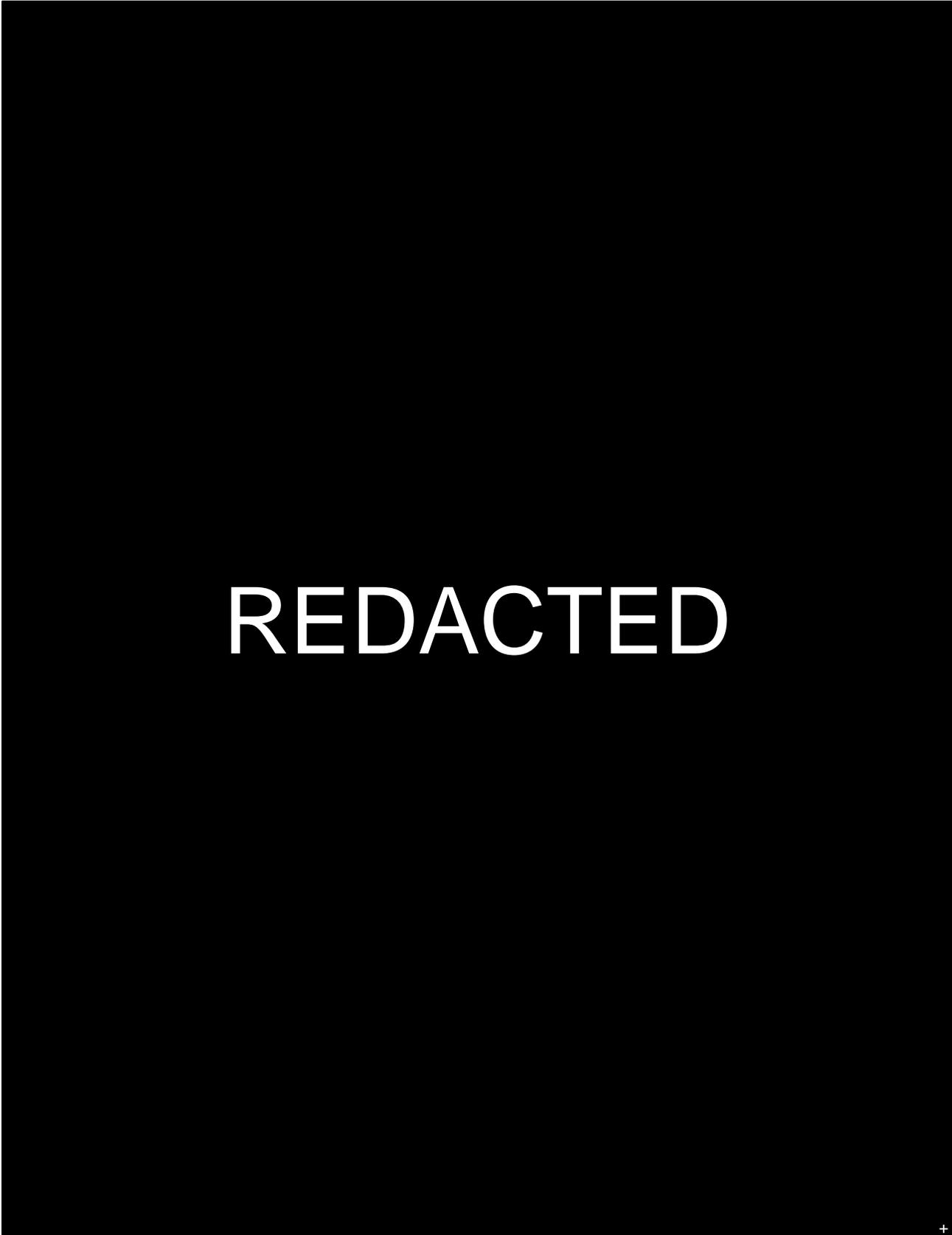
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

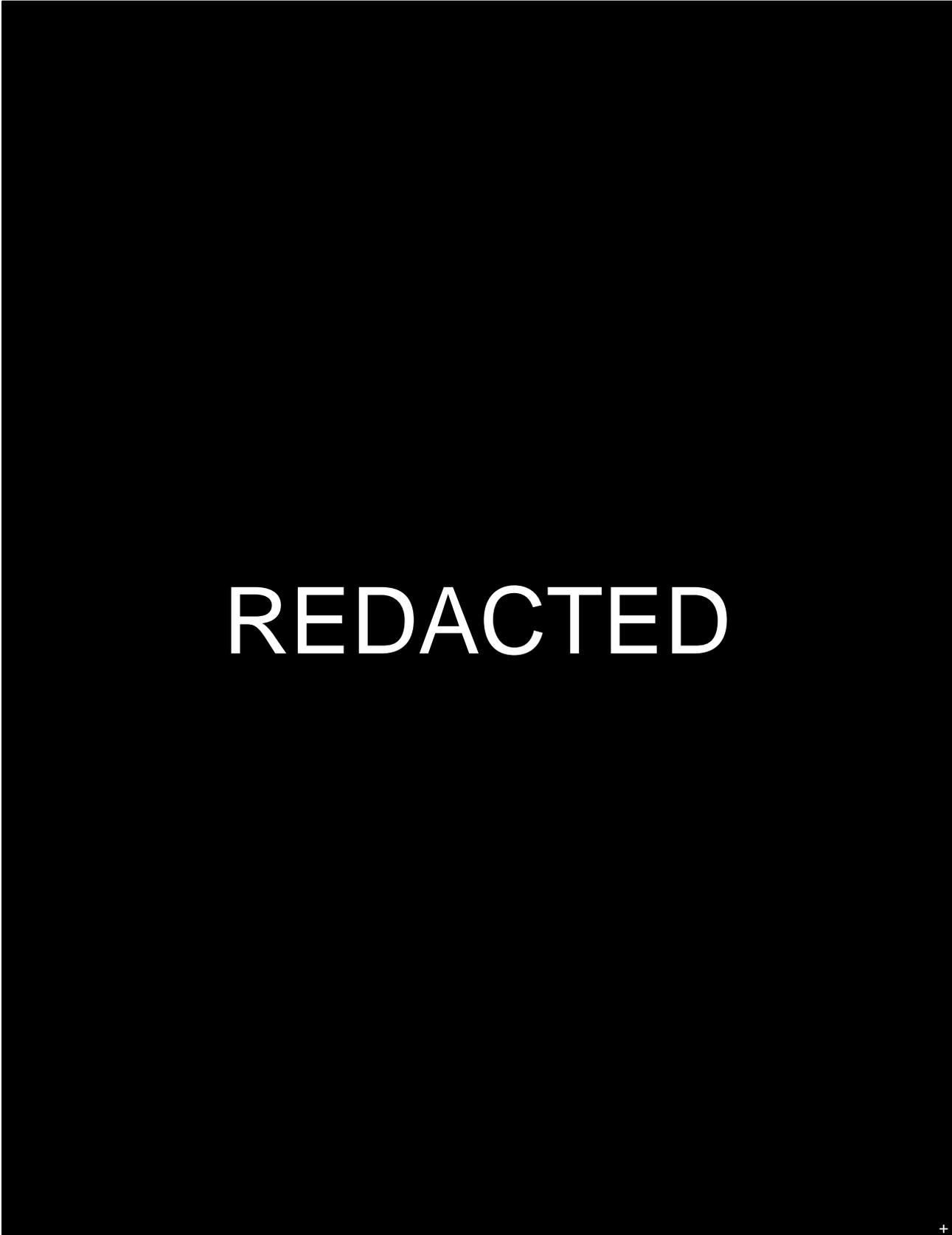
Donohue



REDACTED

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



REDACTED

+

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue

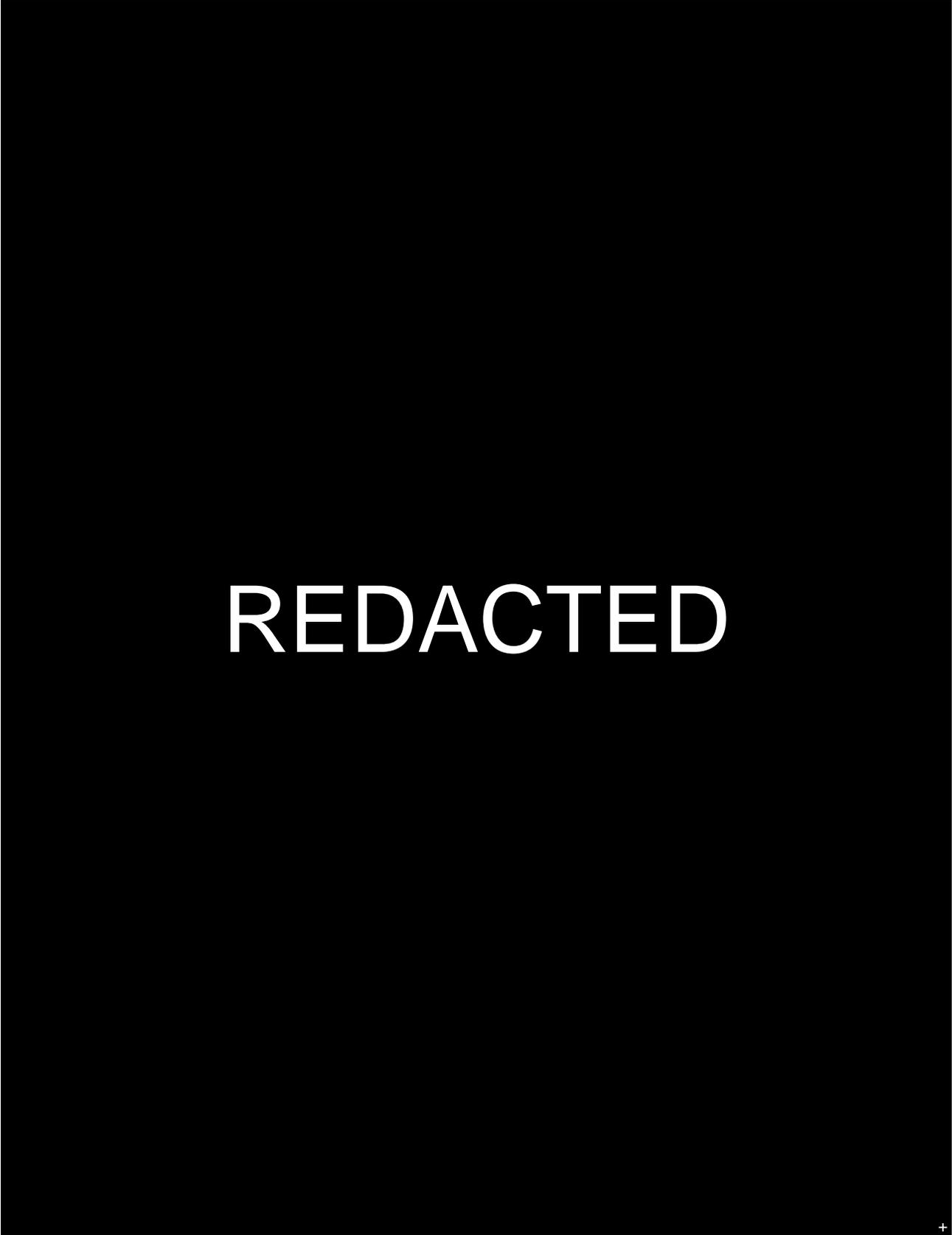


REDACTED

+

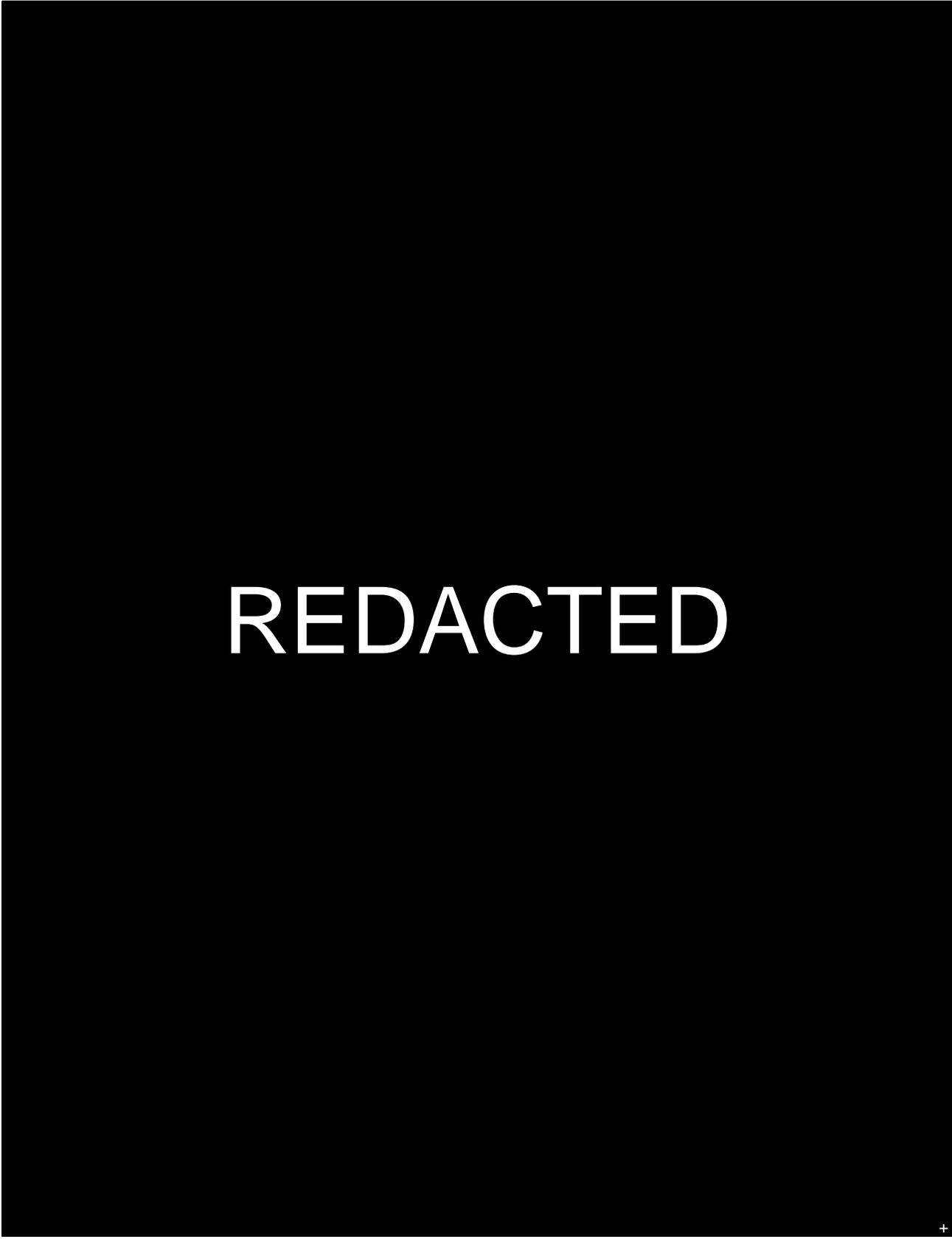
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue

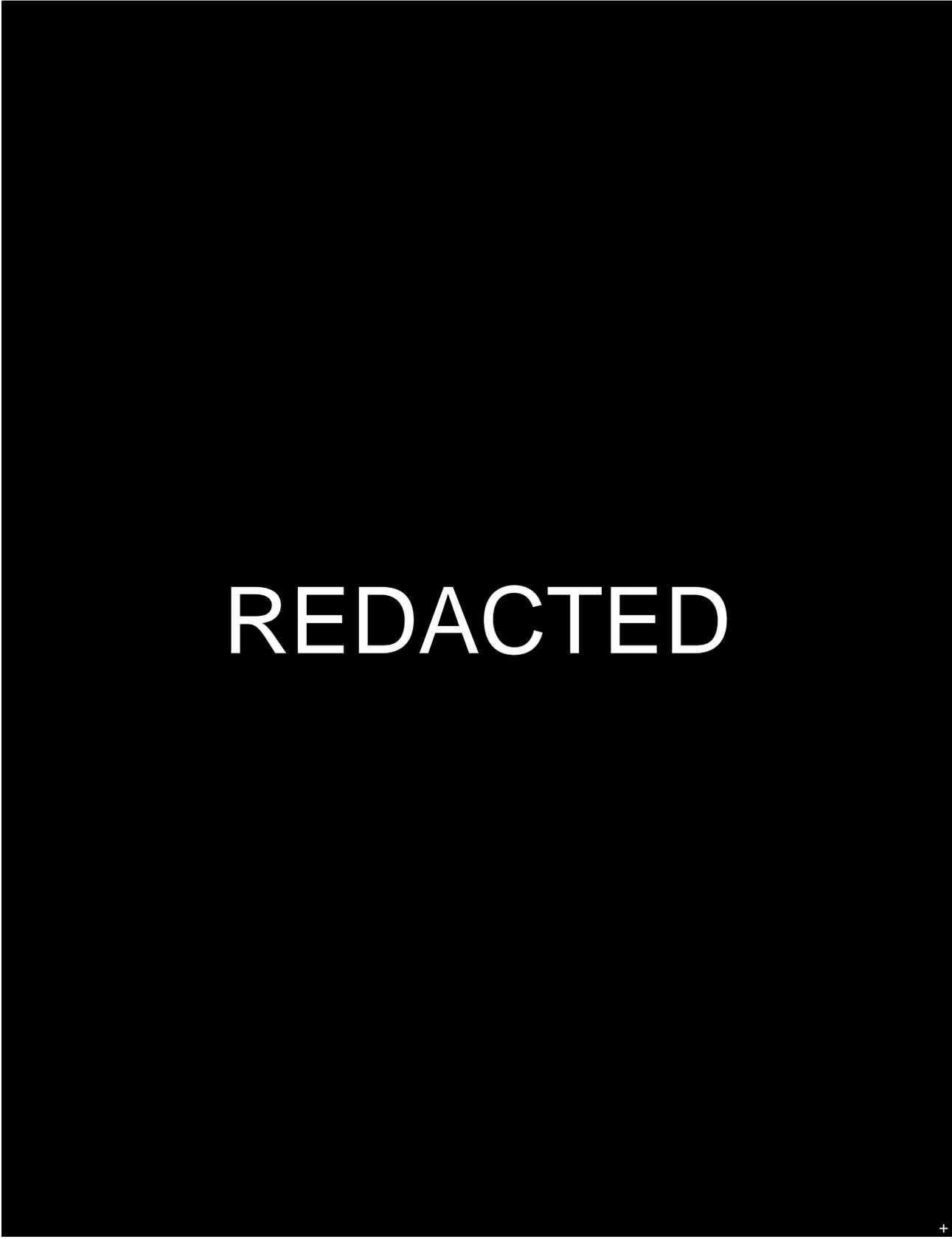


REDACTED

+

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue

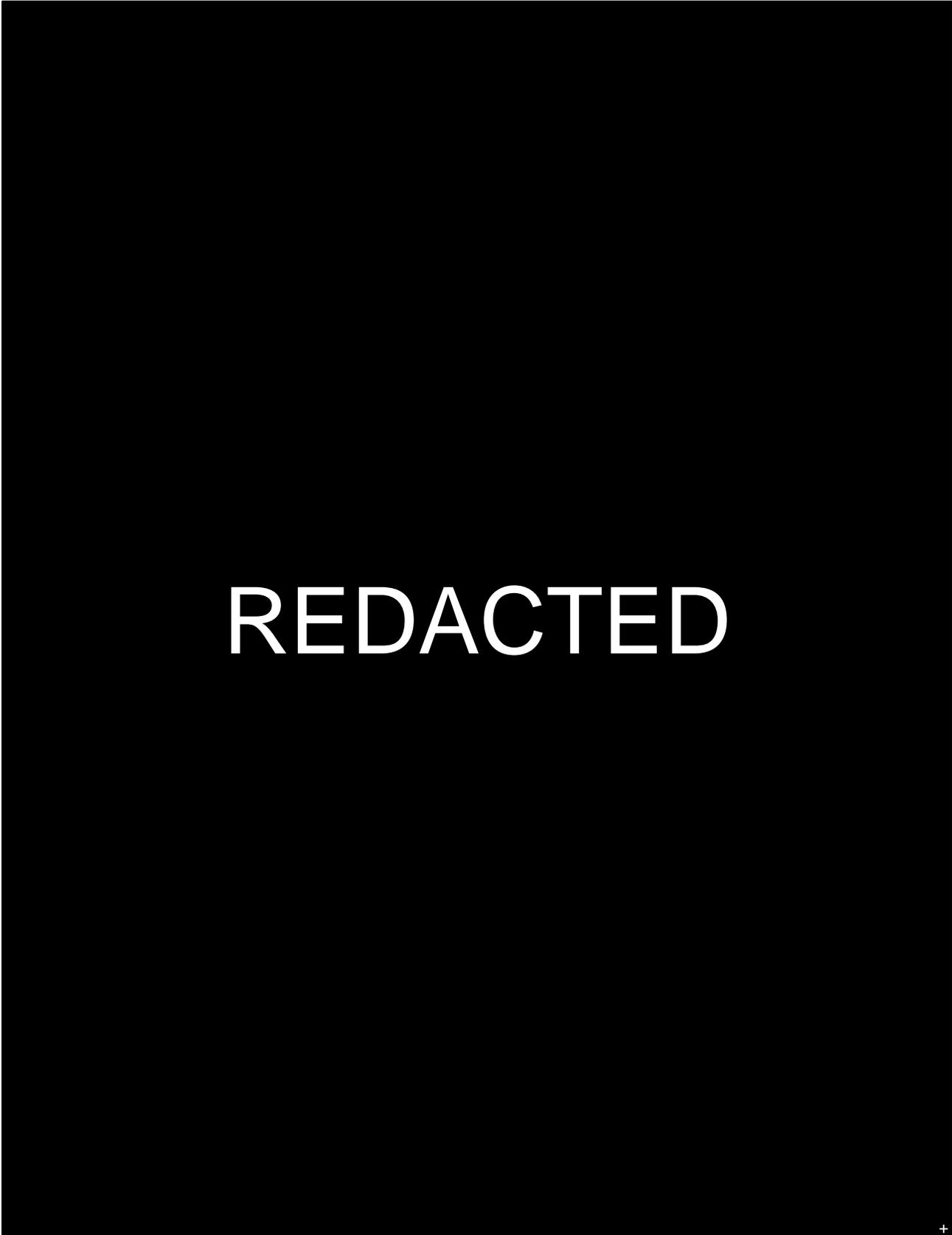


REDACTED

+

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



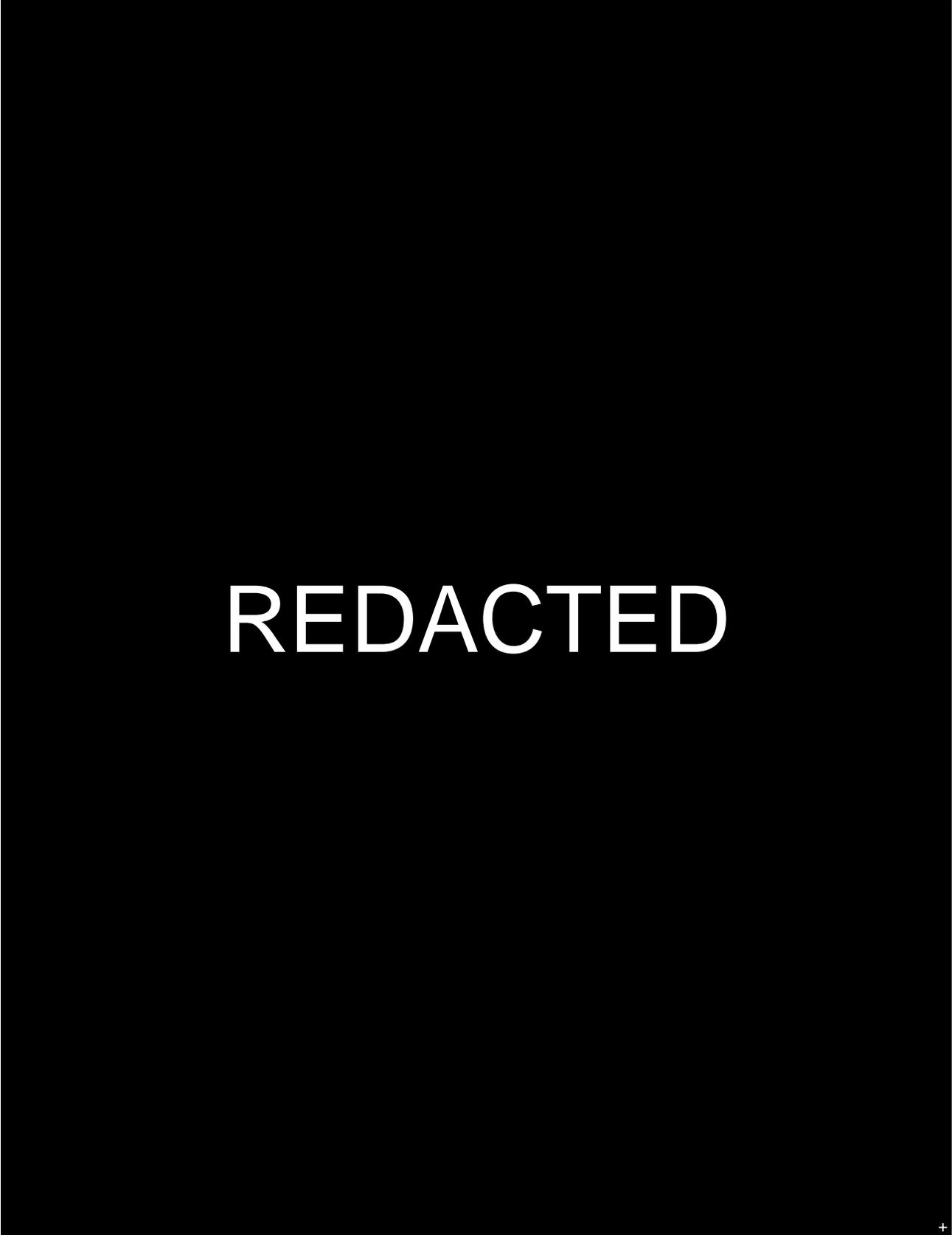
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue

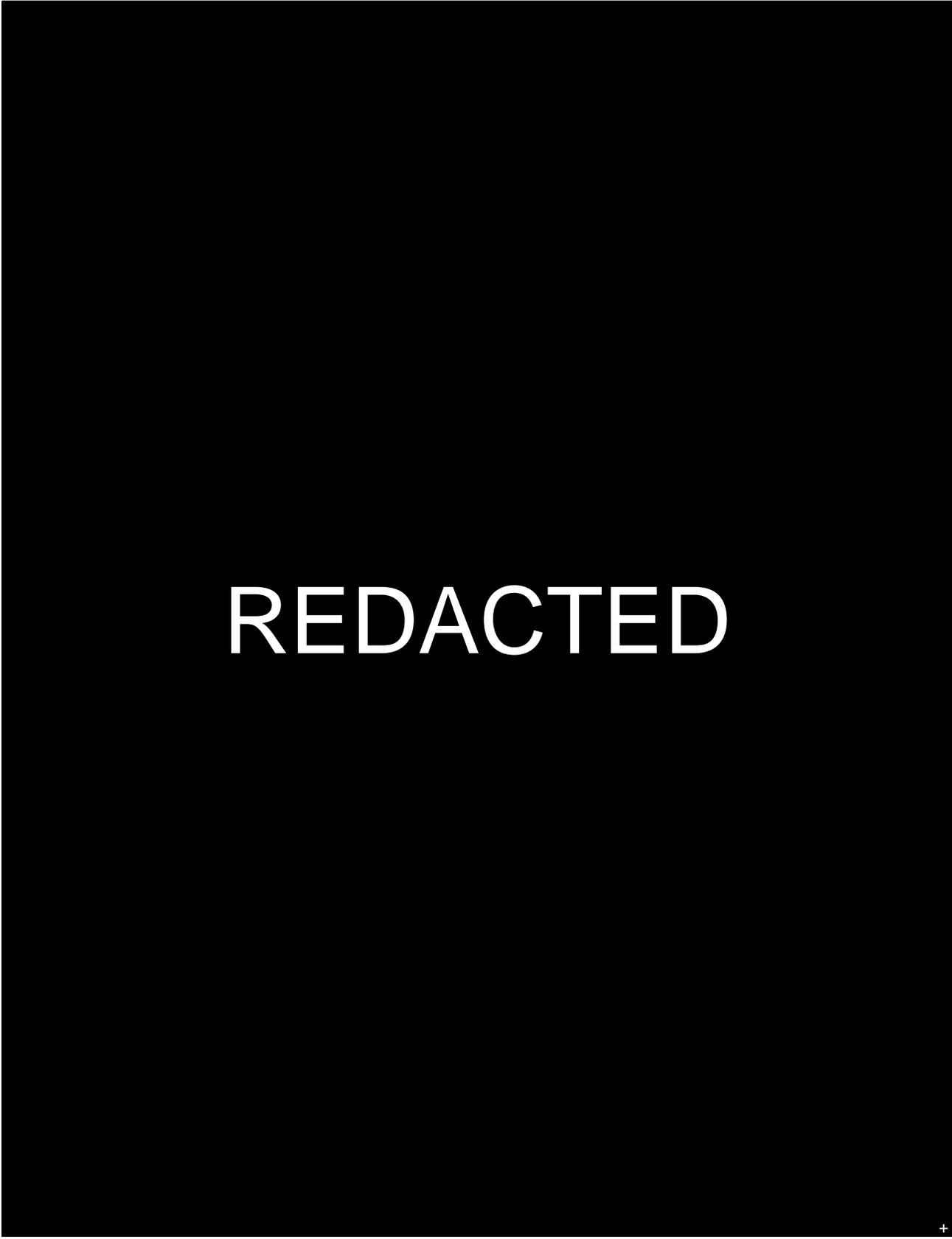


REDACTED

+

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue

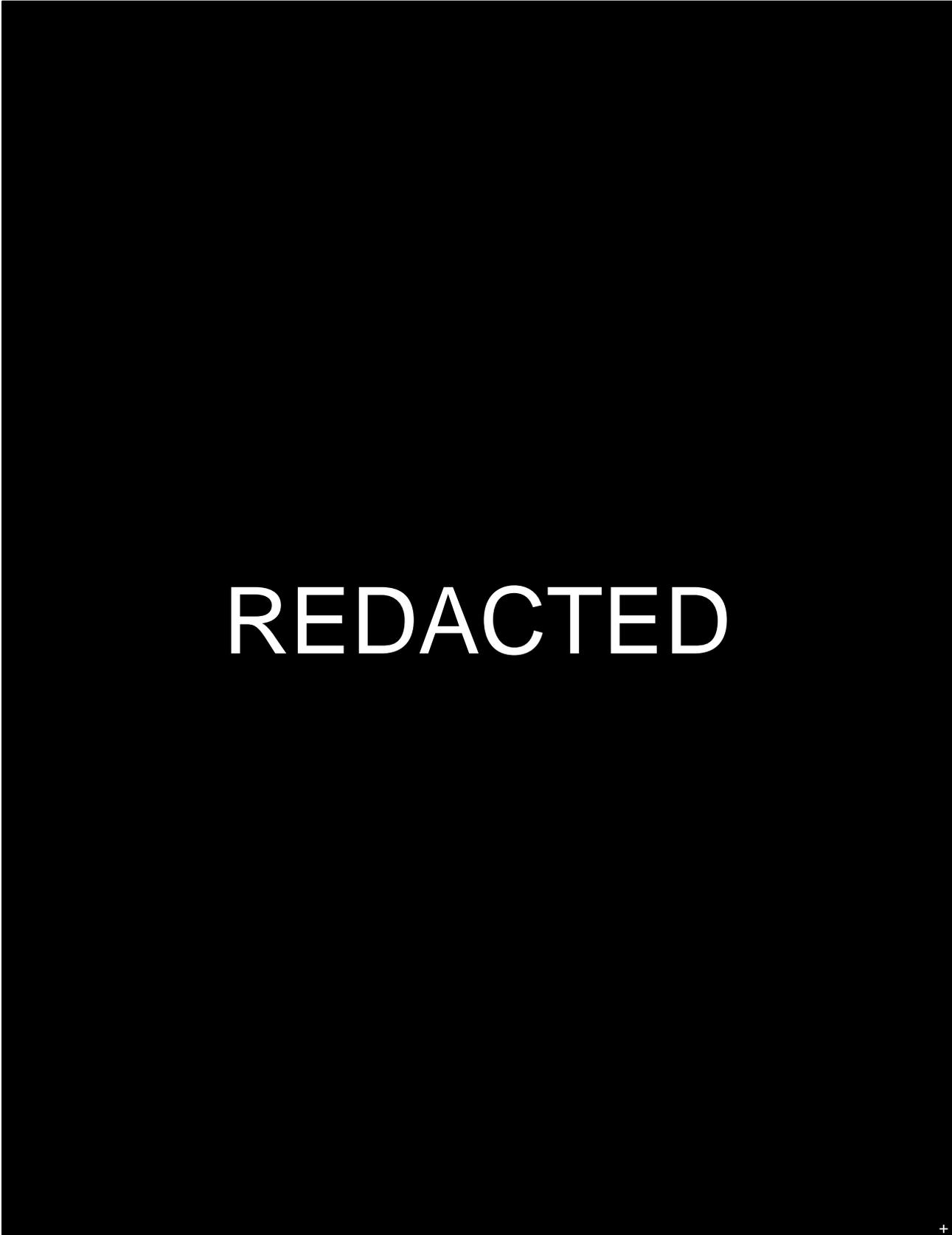


REDACTED

+

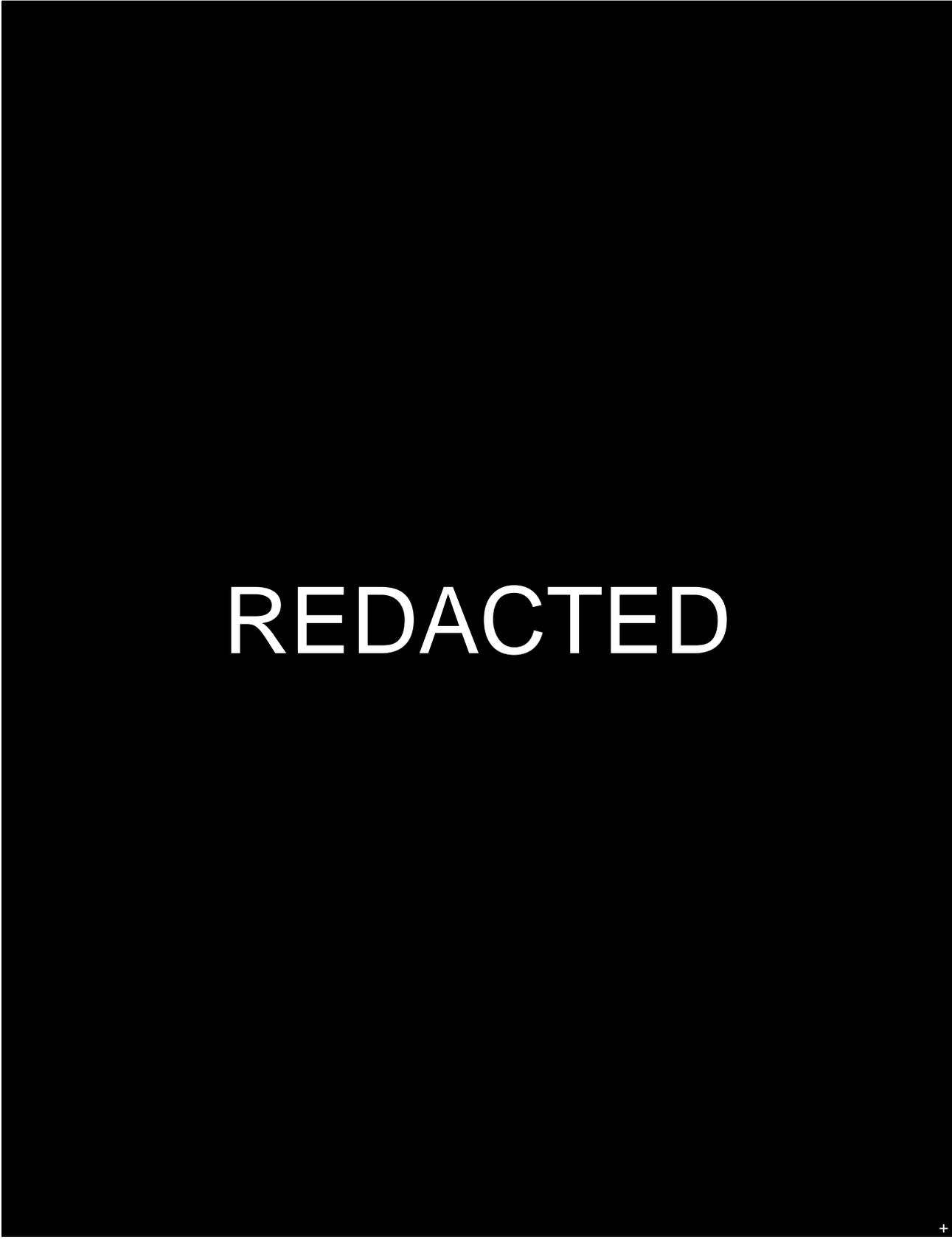
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue

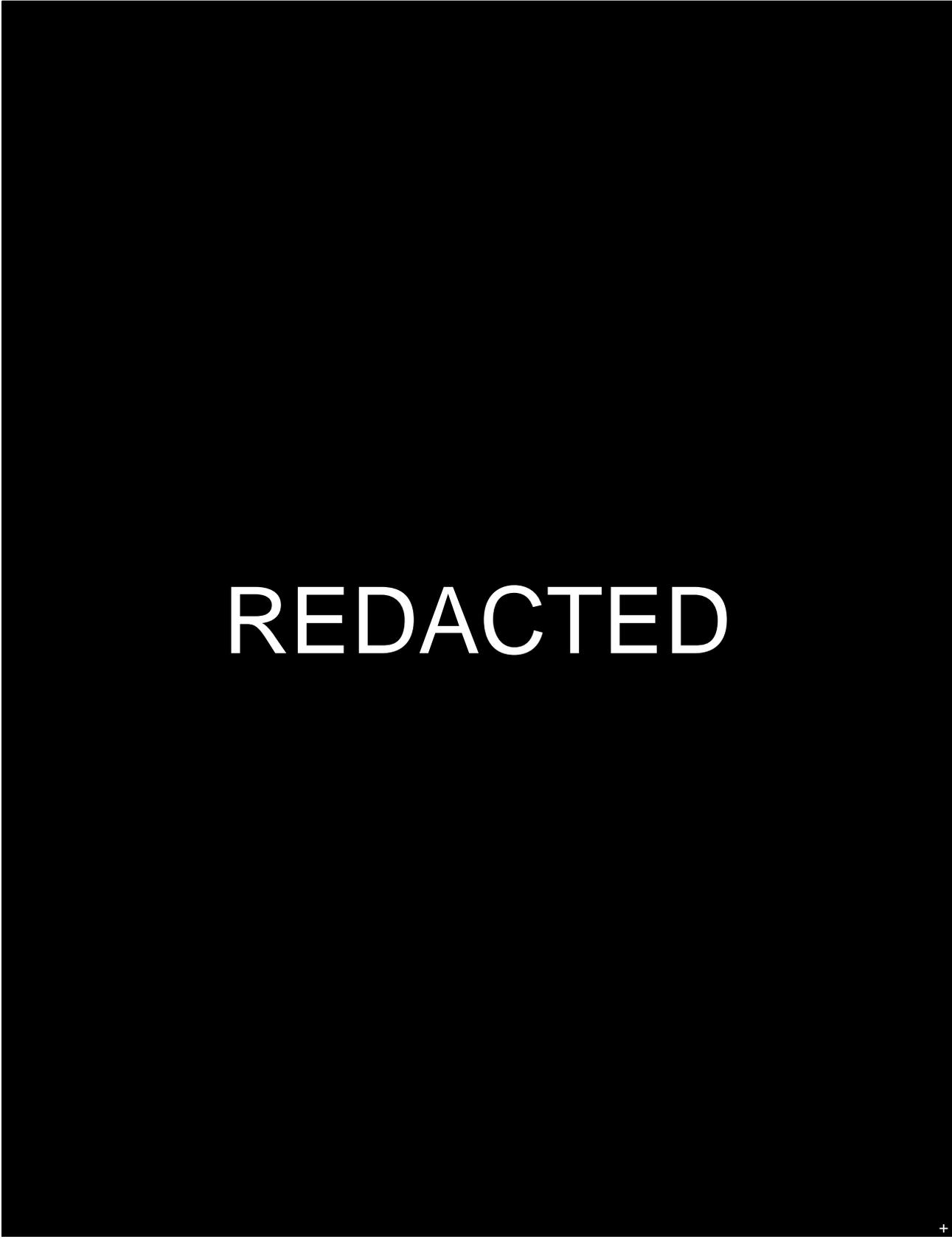


REDACTED

+

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue

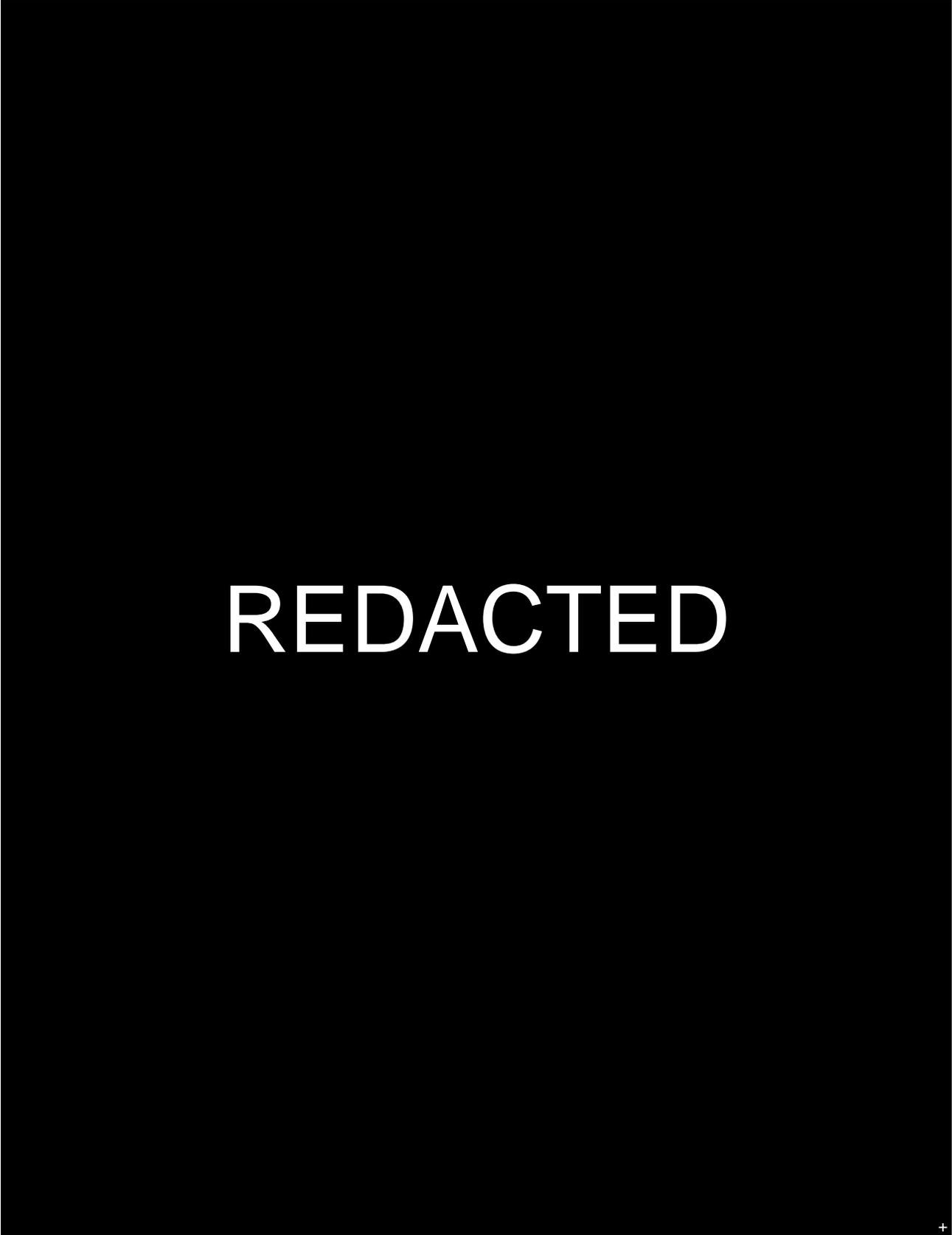


REDACTED

+

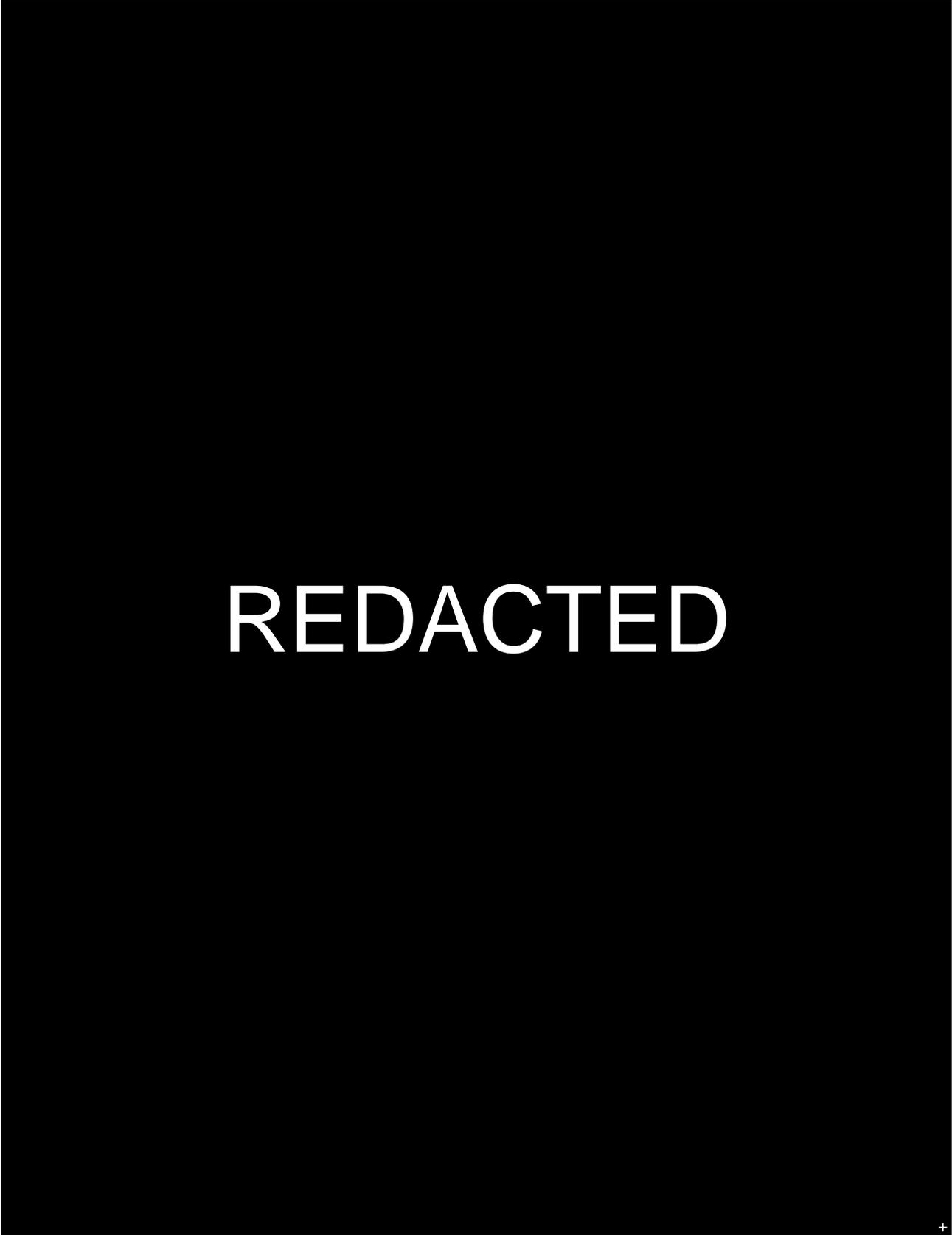
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



REDACTED

+

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue

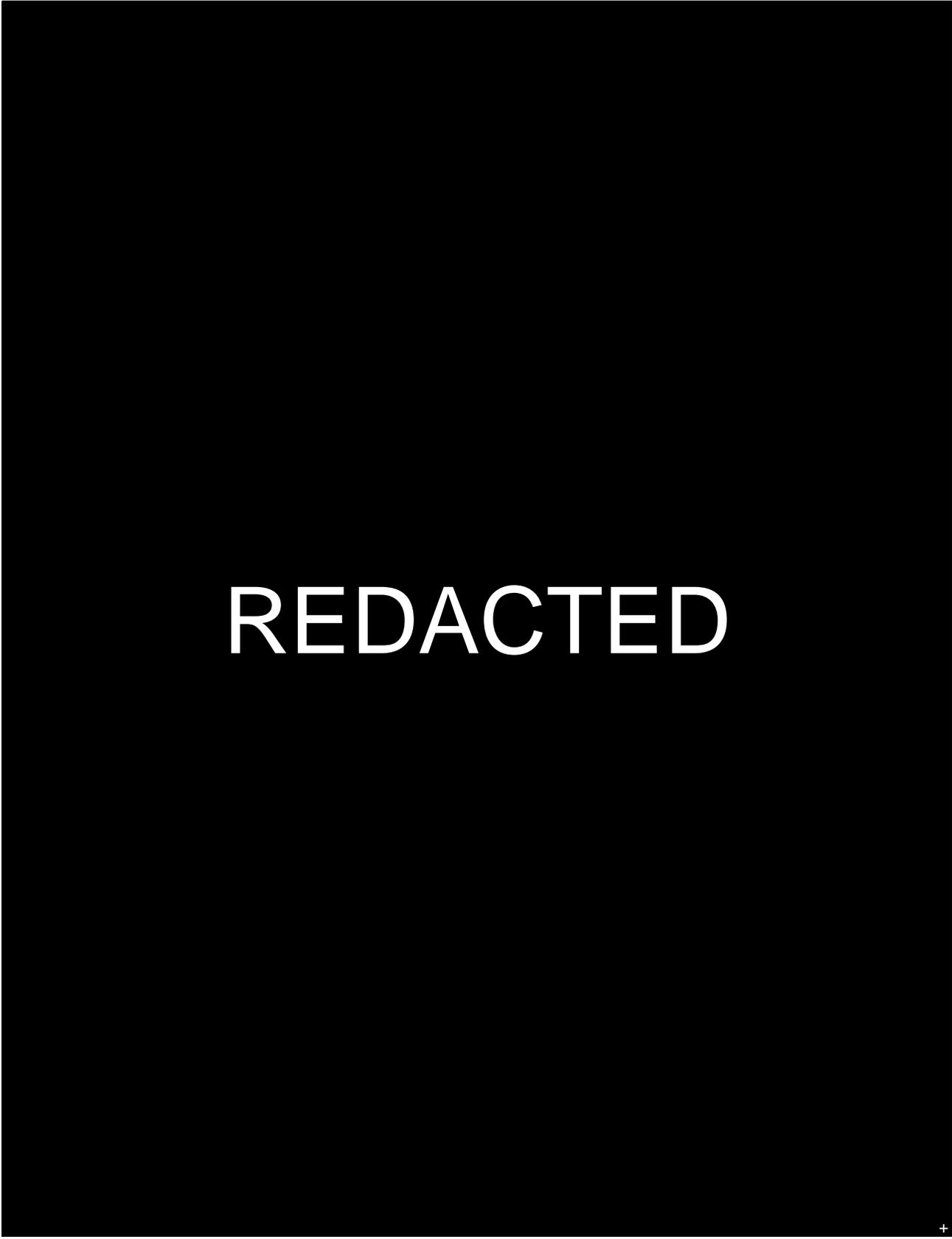


REDACTED

+

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



REDACTED

+

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue

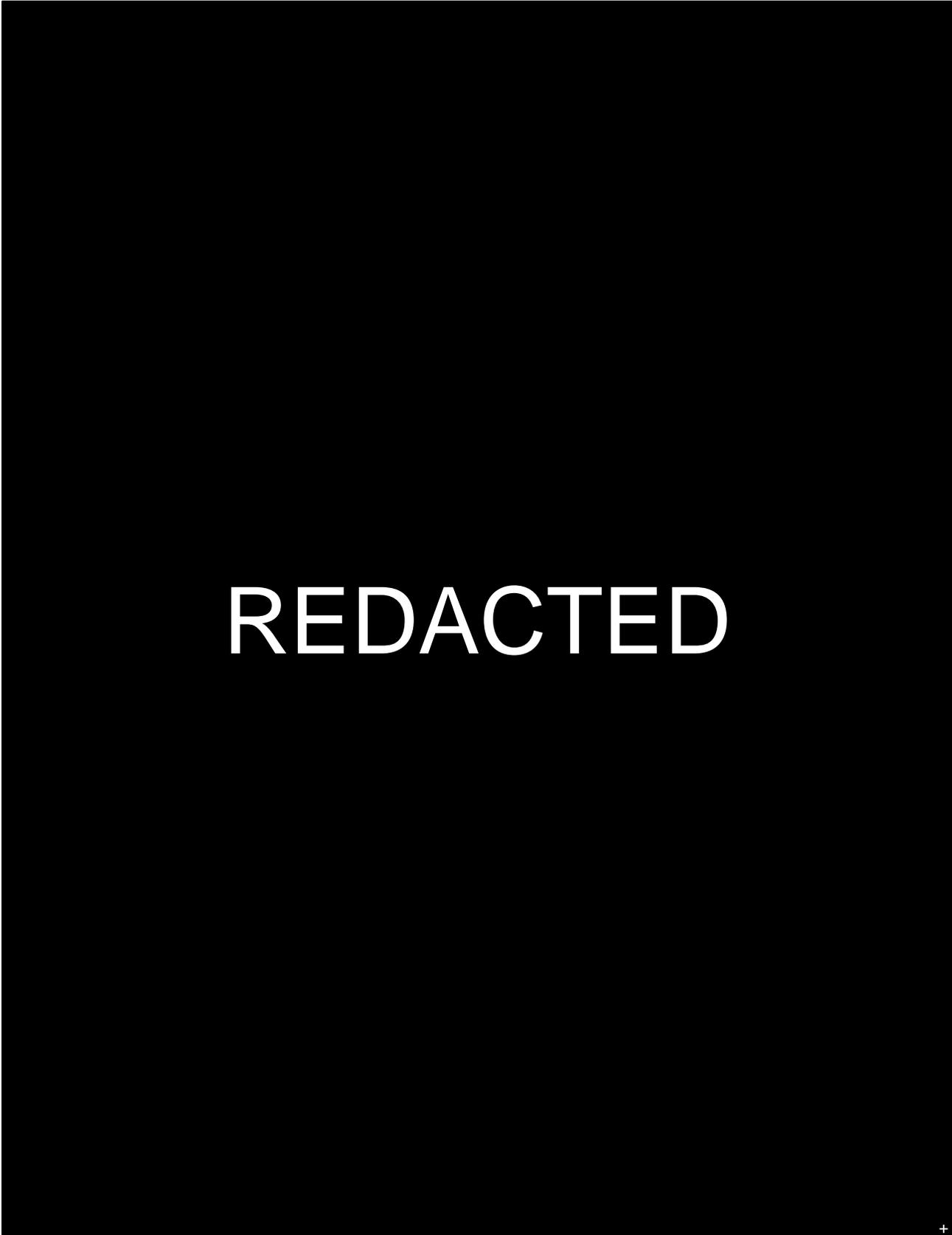


REDACTED

+

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



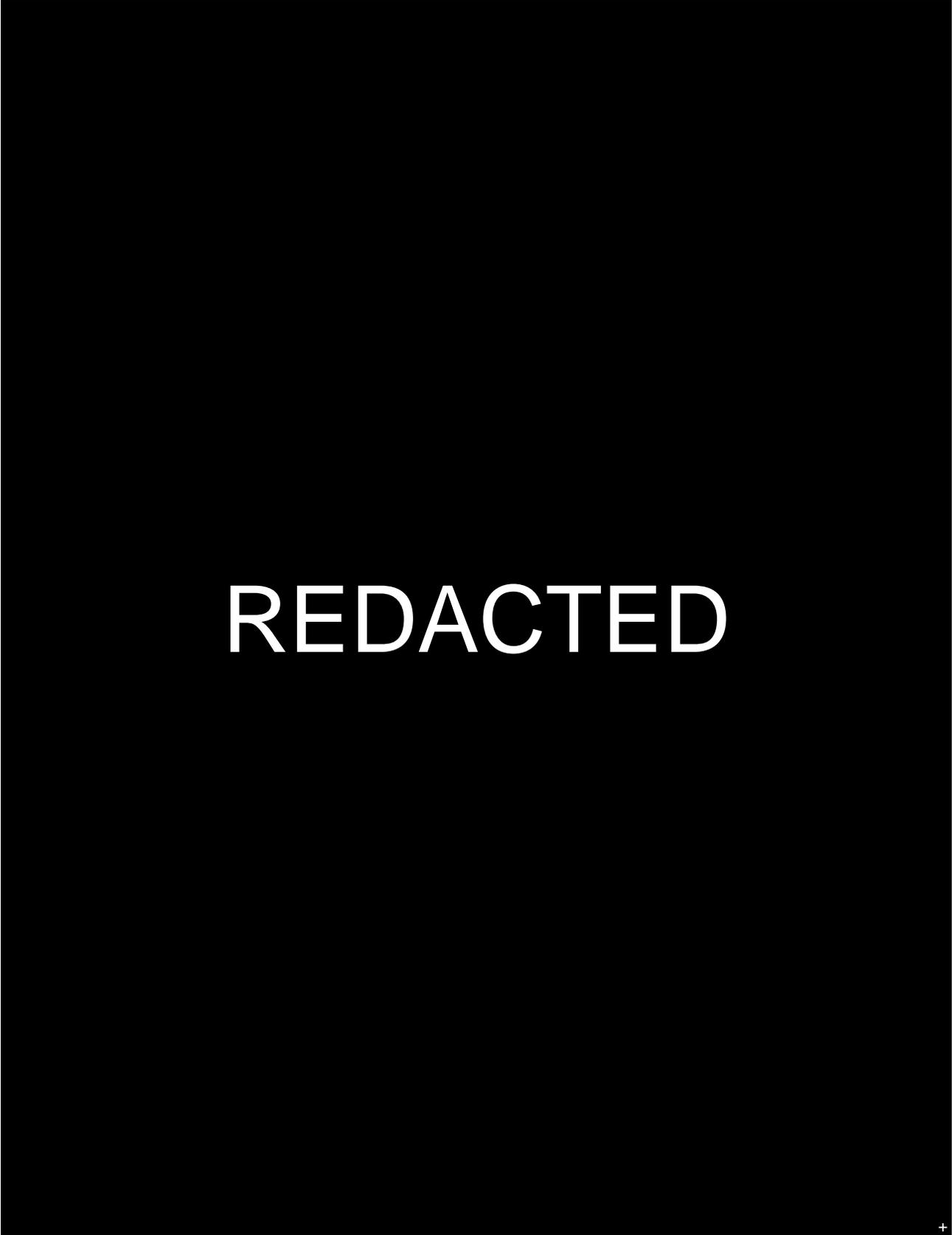
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



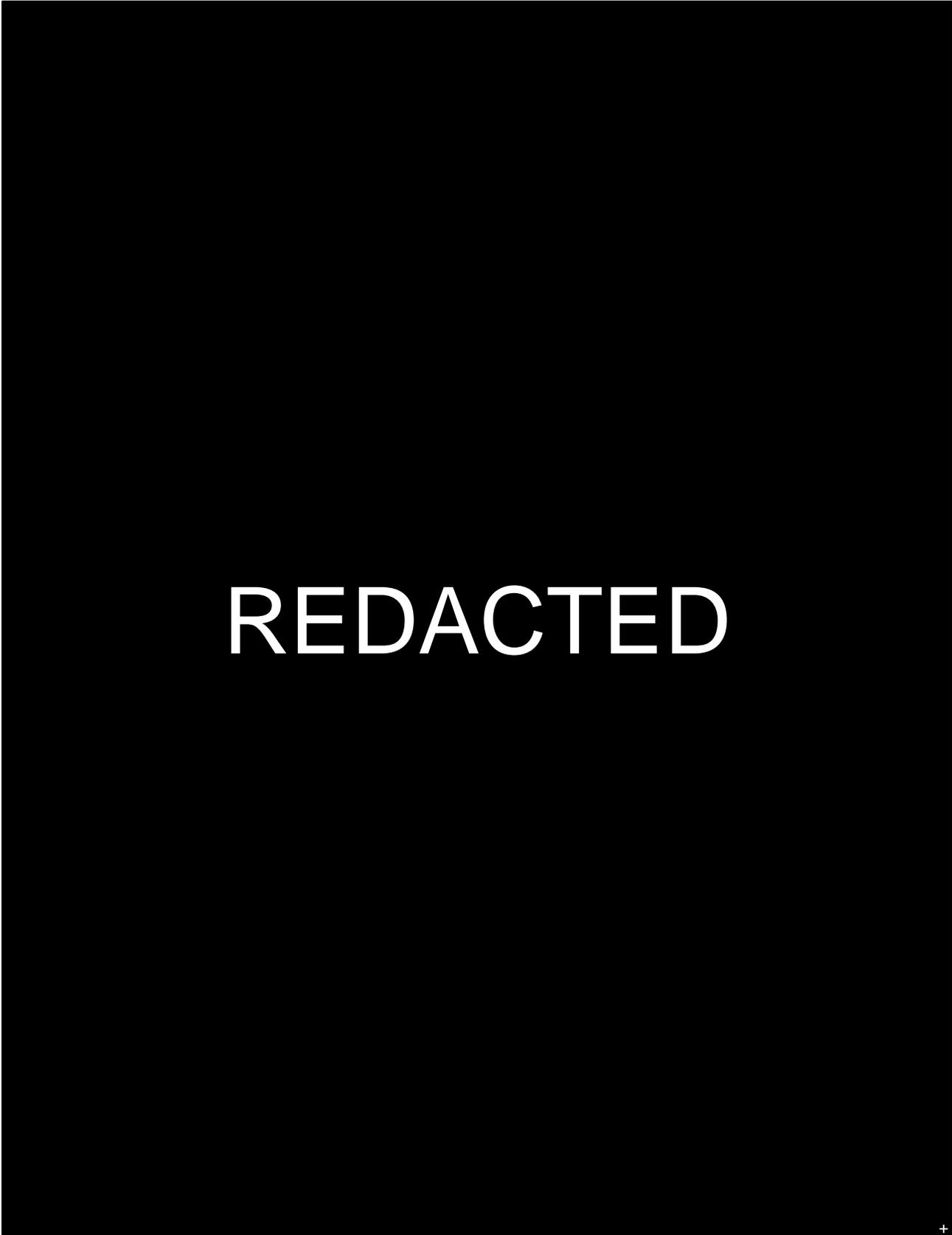
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue

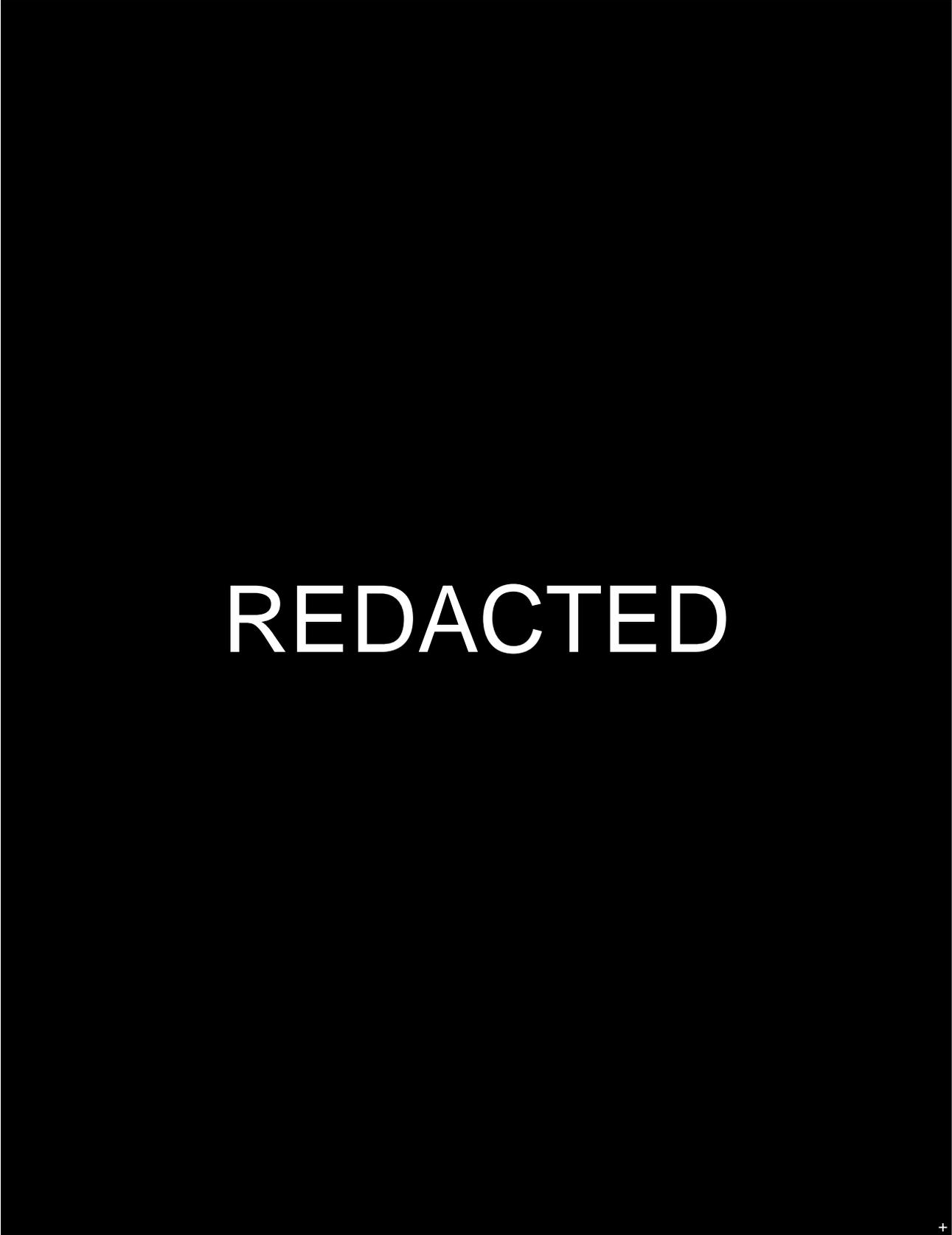


REDACTED

+

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue

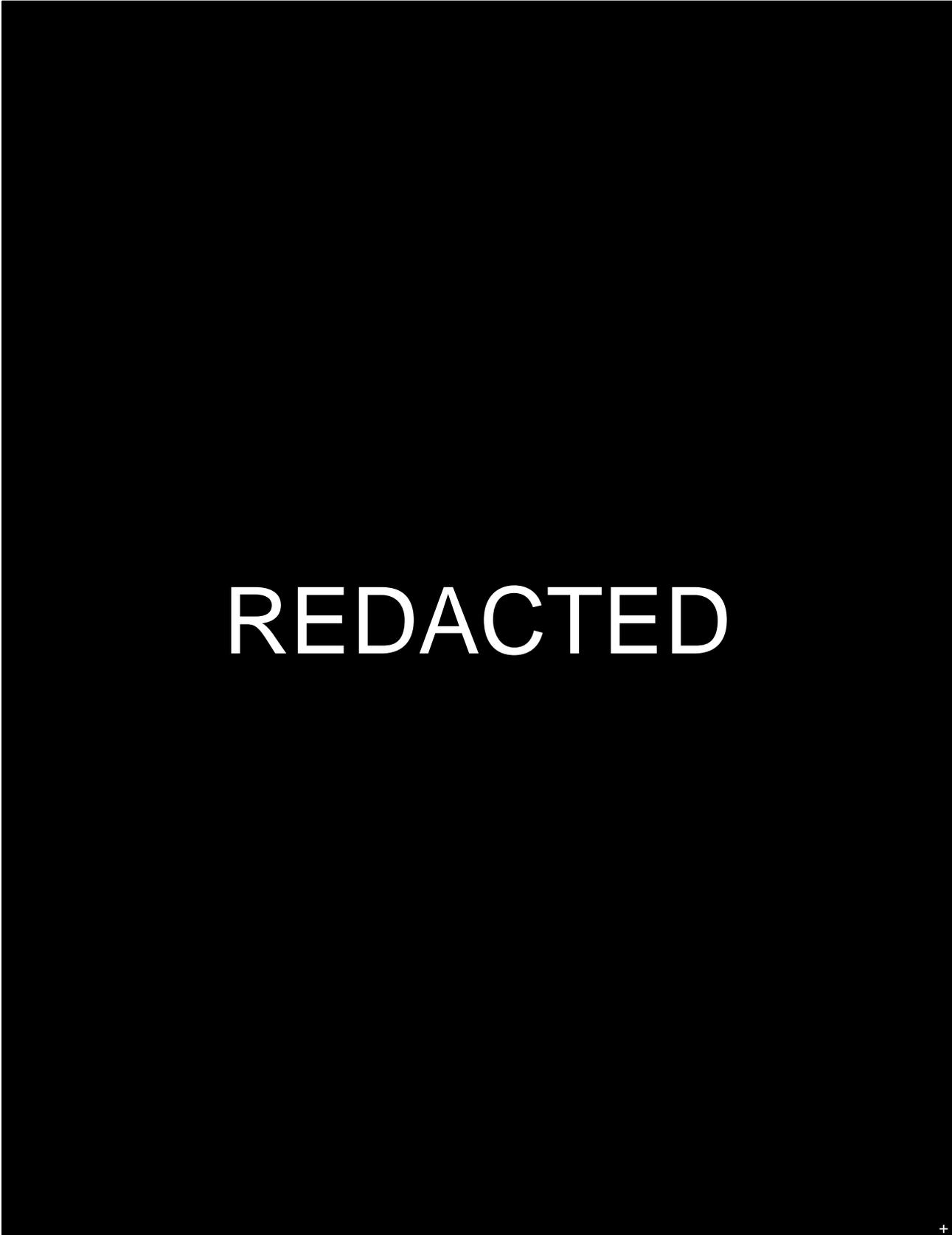


REDACTED

+

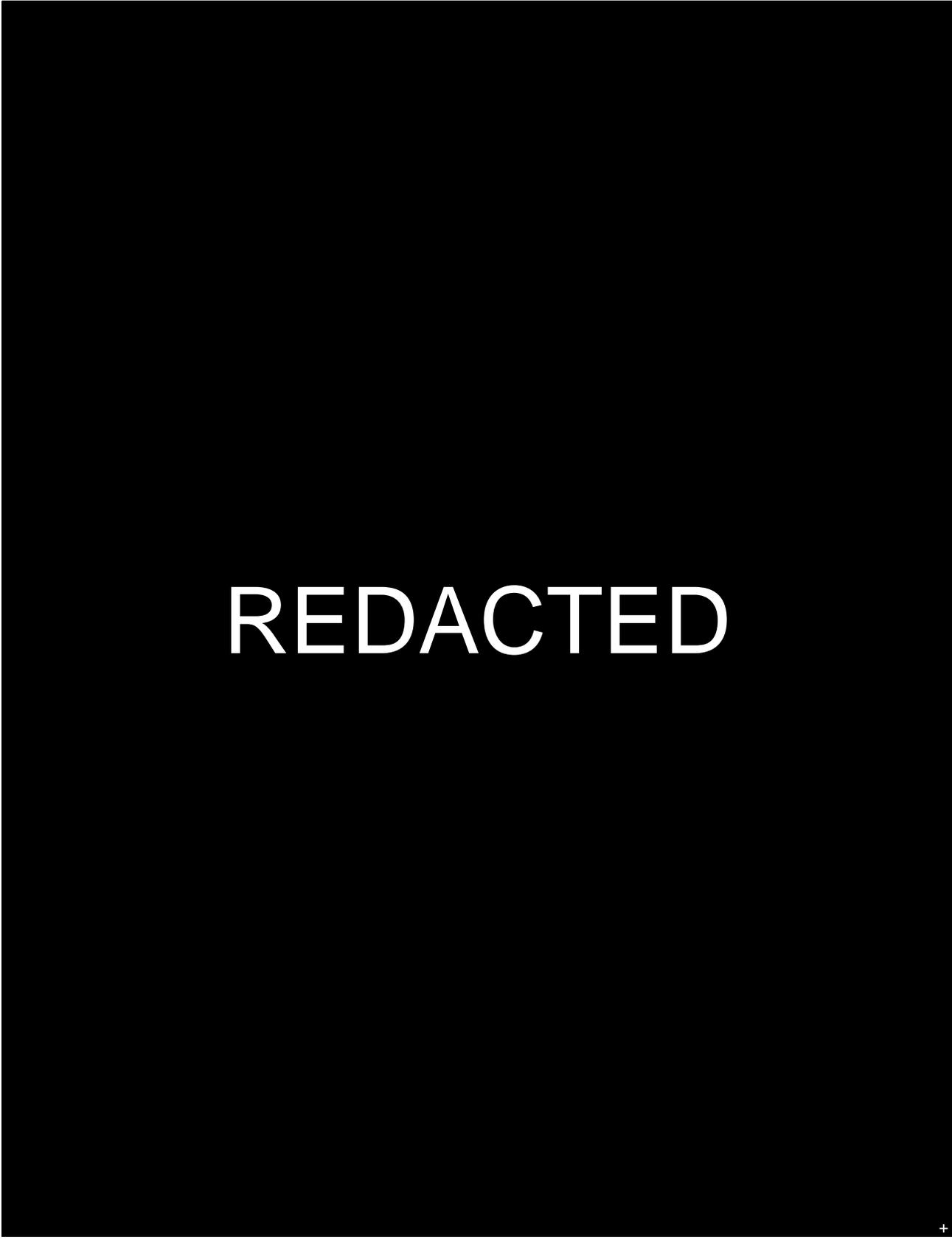
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue

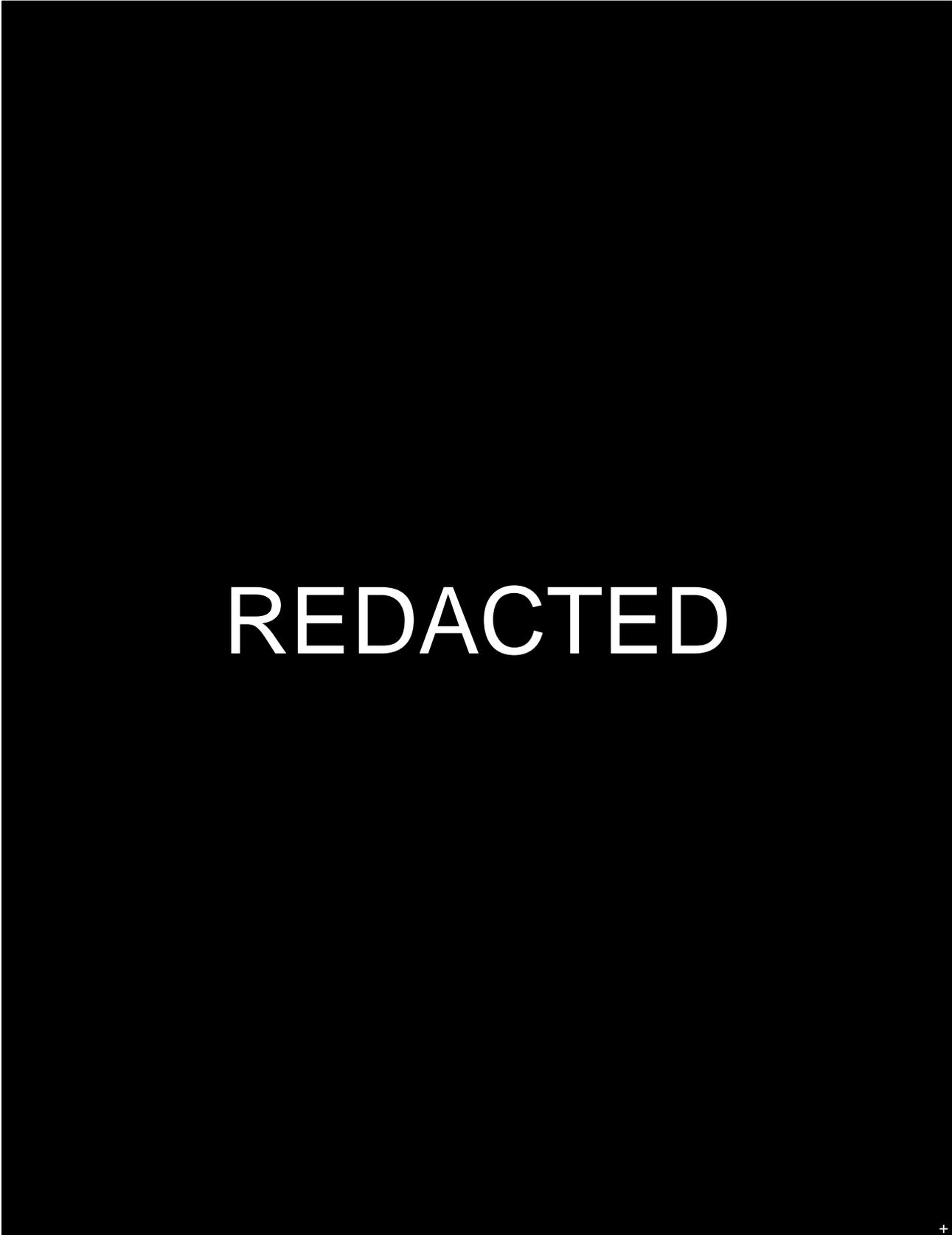


REDACTED

+

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue

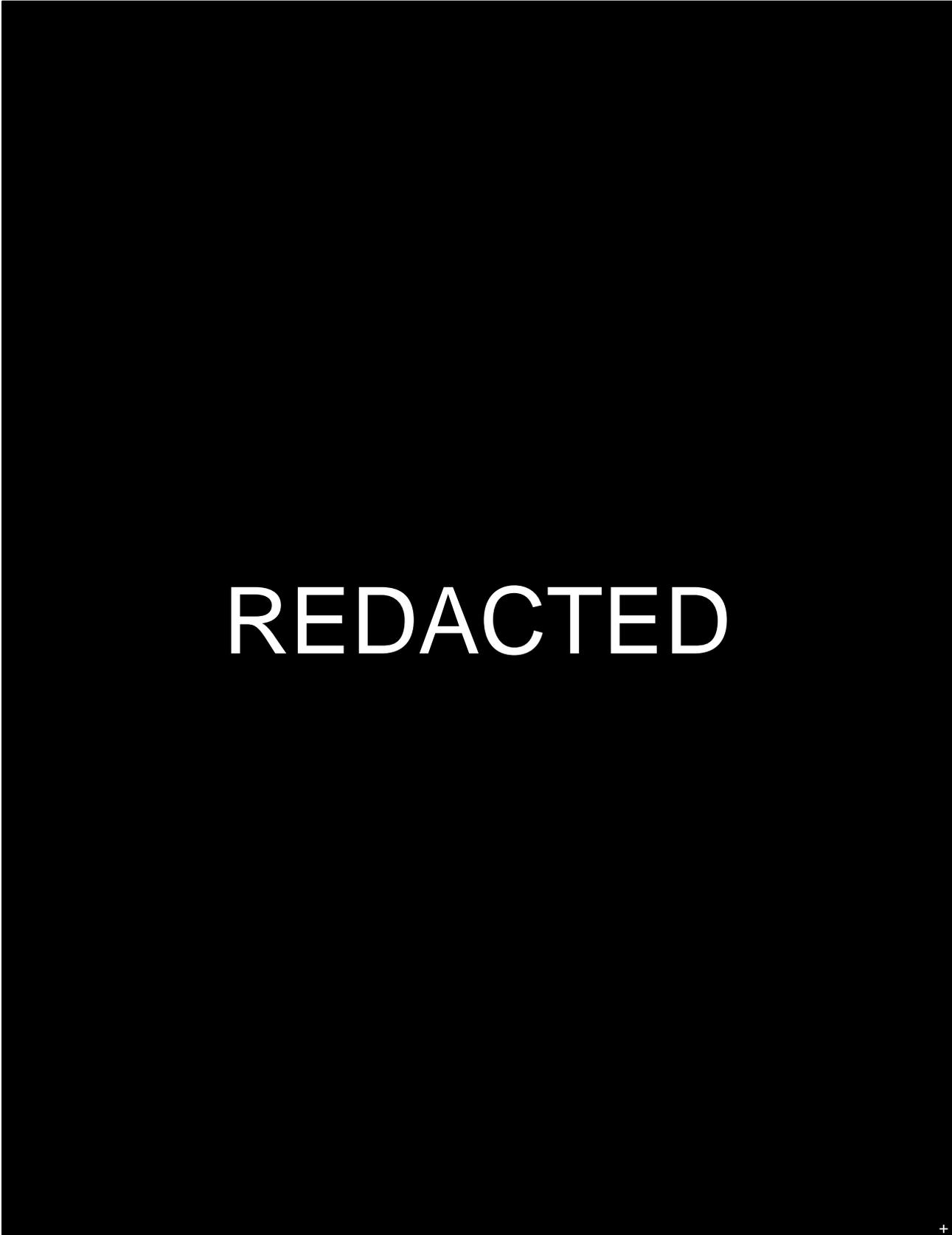


REDACTED

+

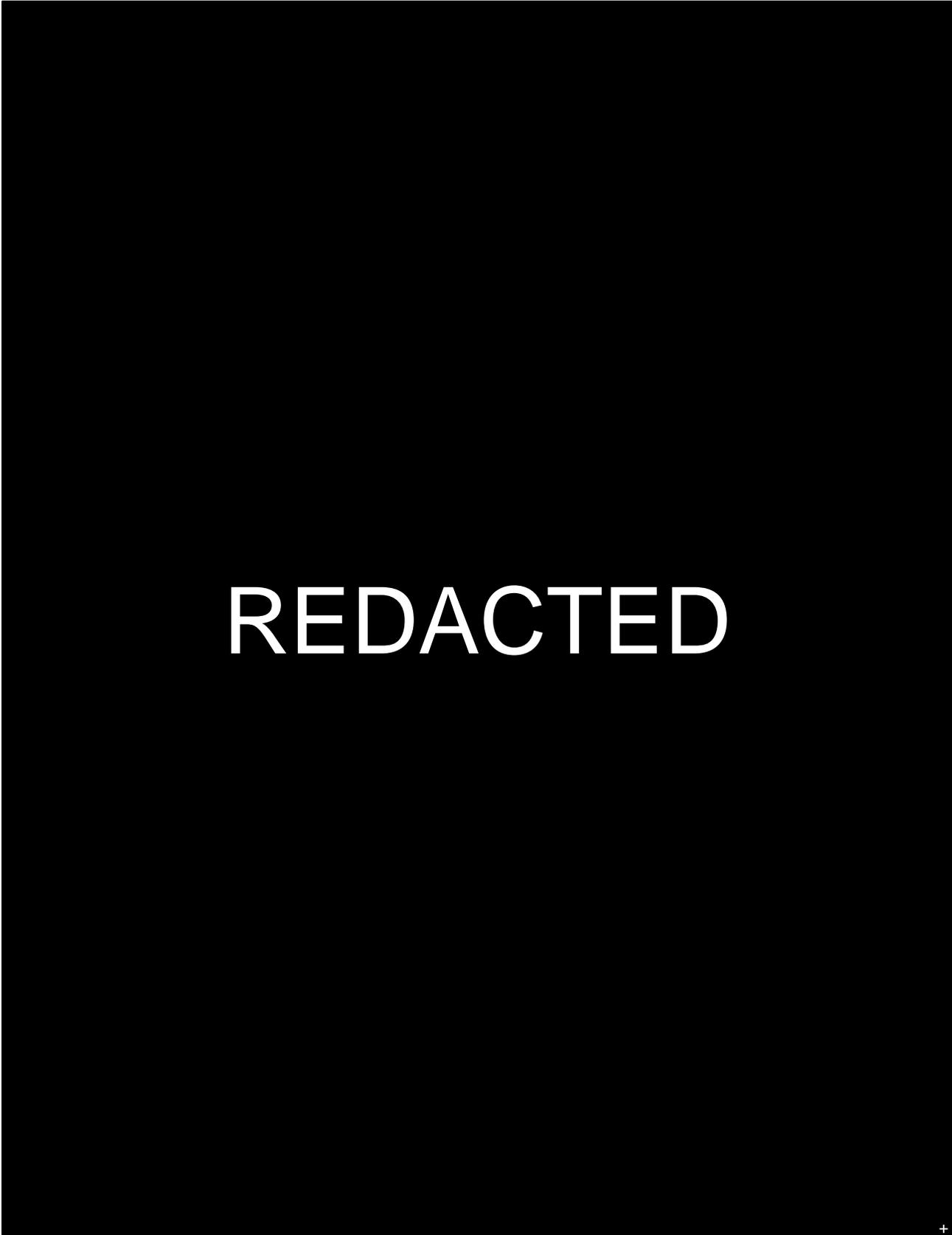
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue

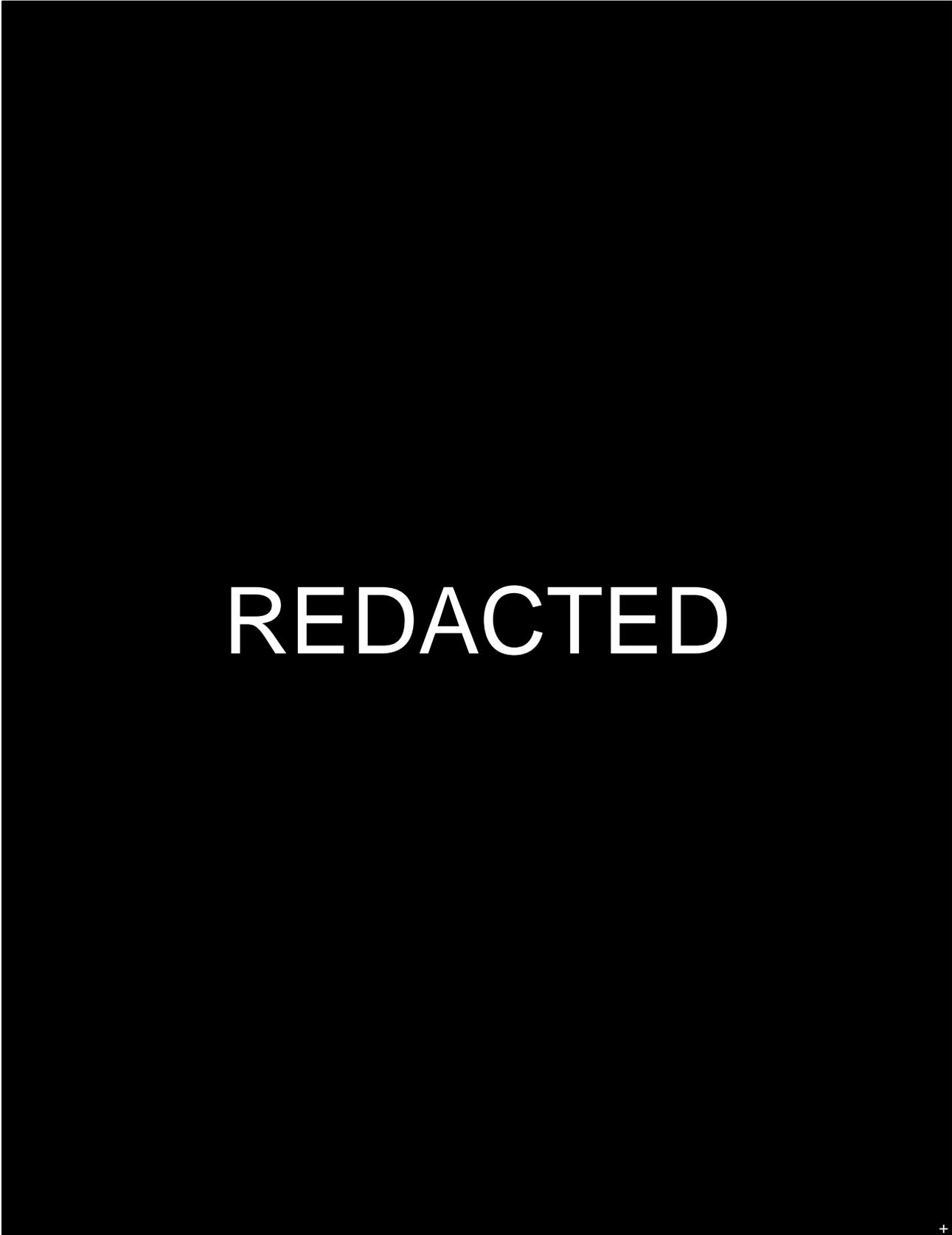


REDACTED

+

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



REDACTED

+

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue

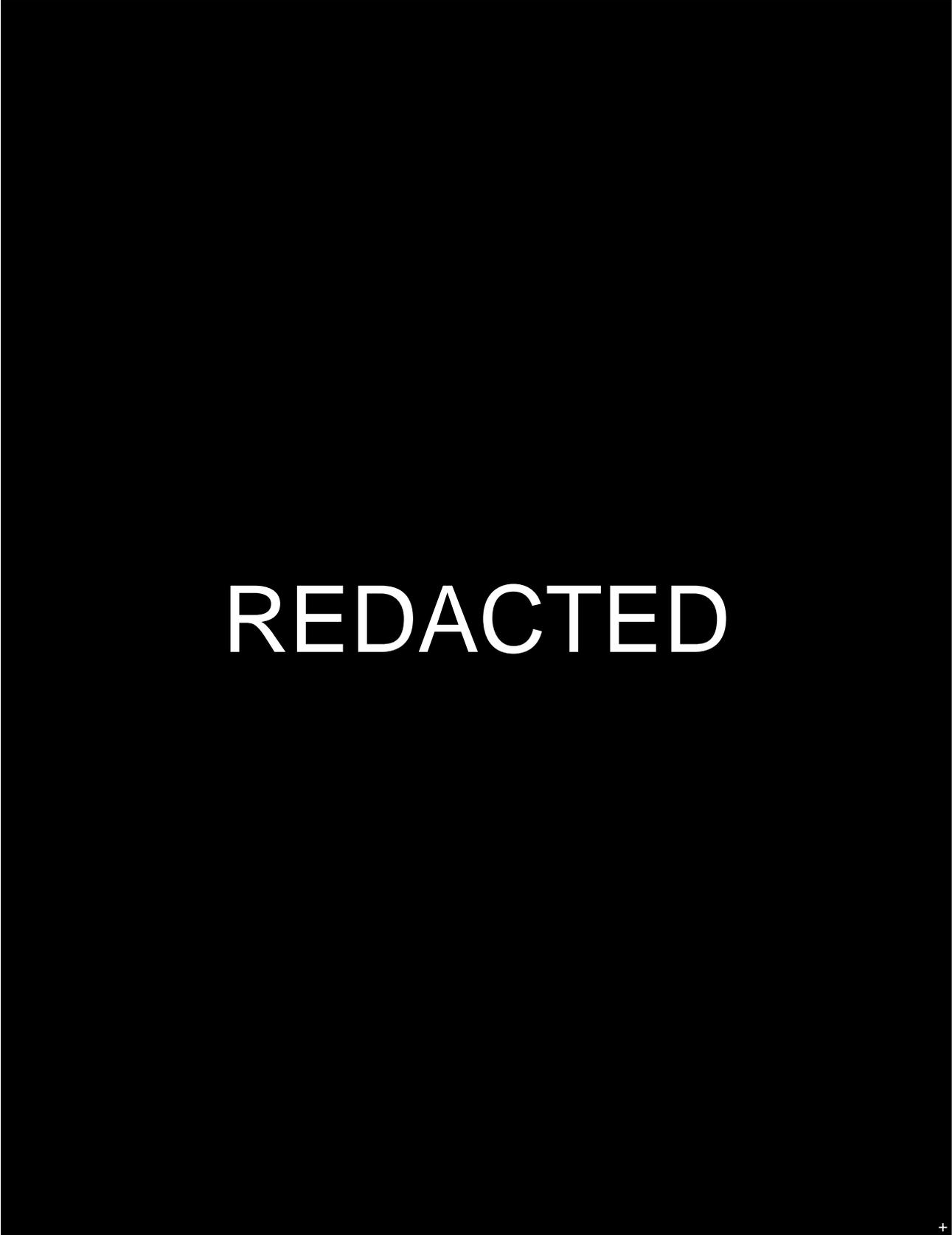


REDACTED

+

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue

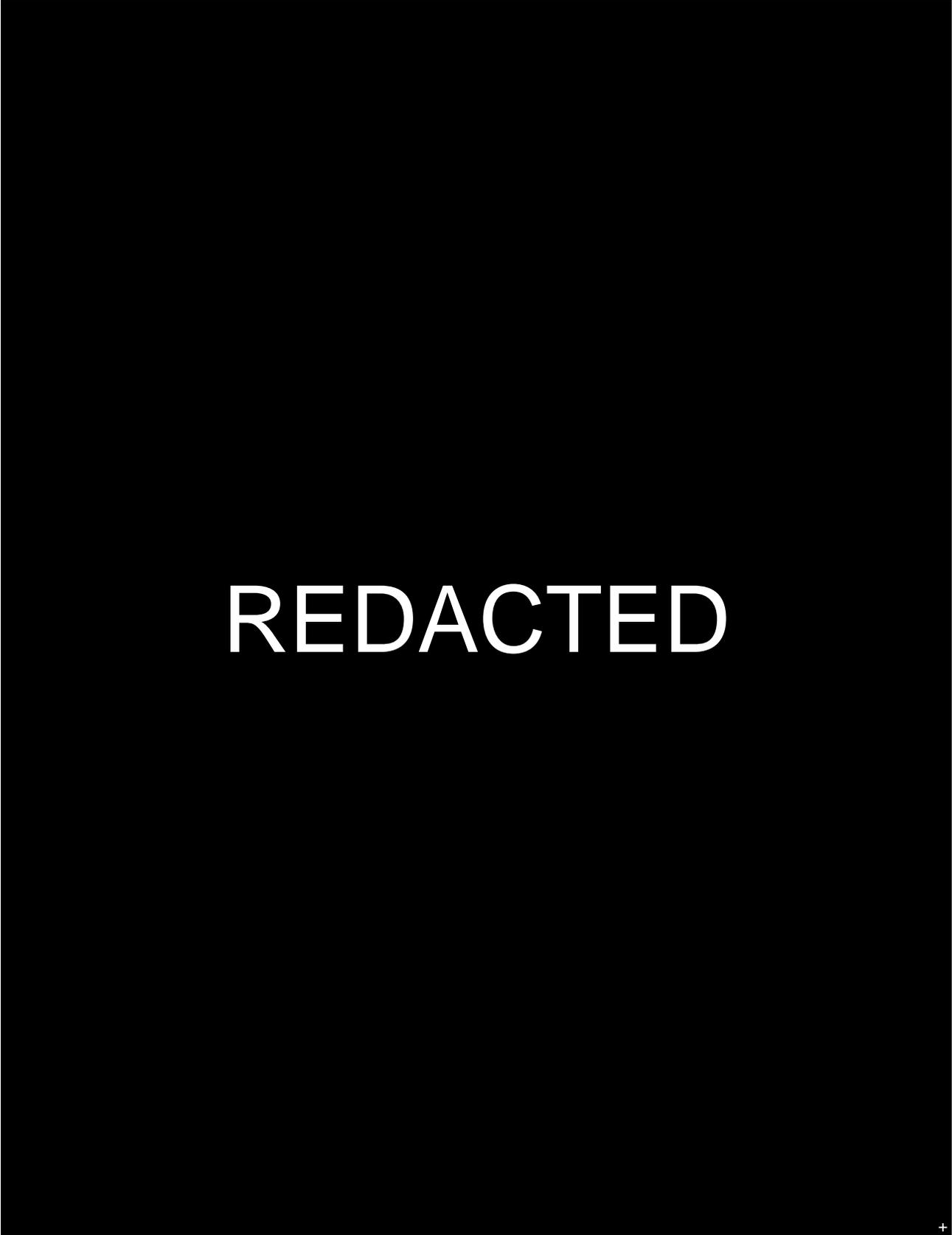


REDACTED

+

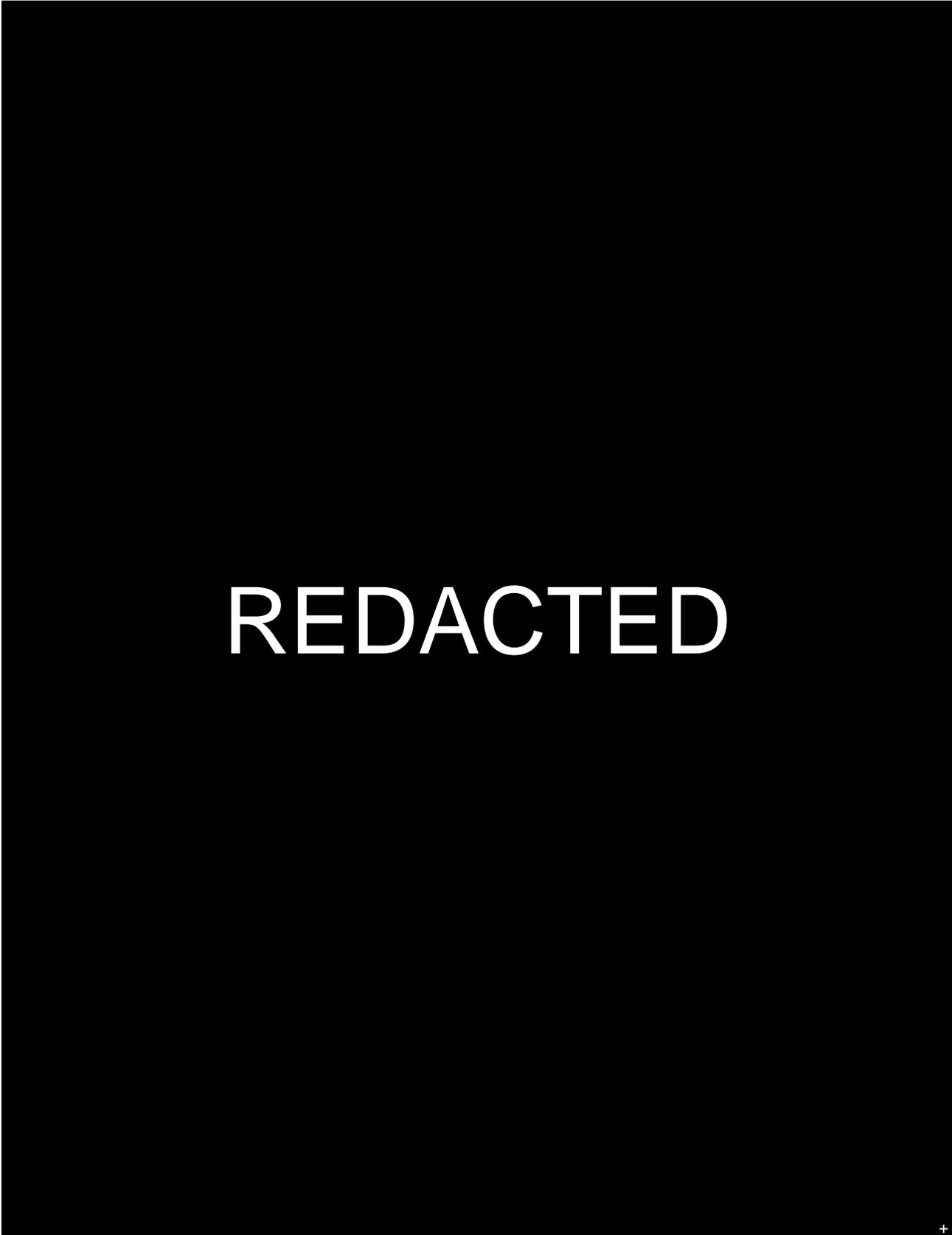
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



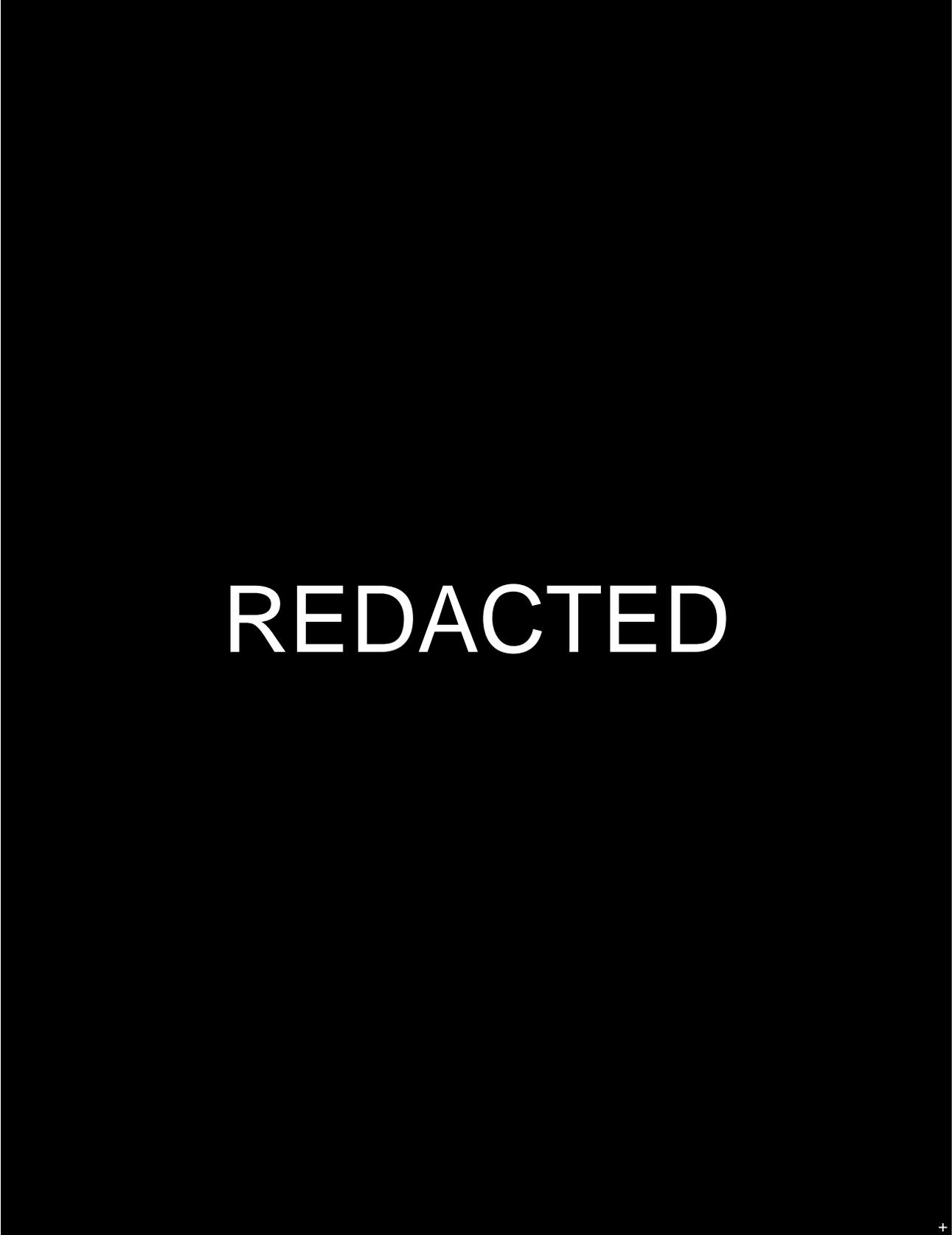
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue

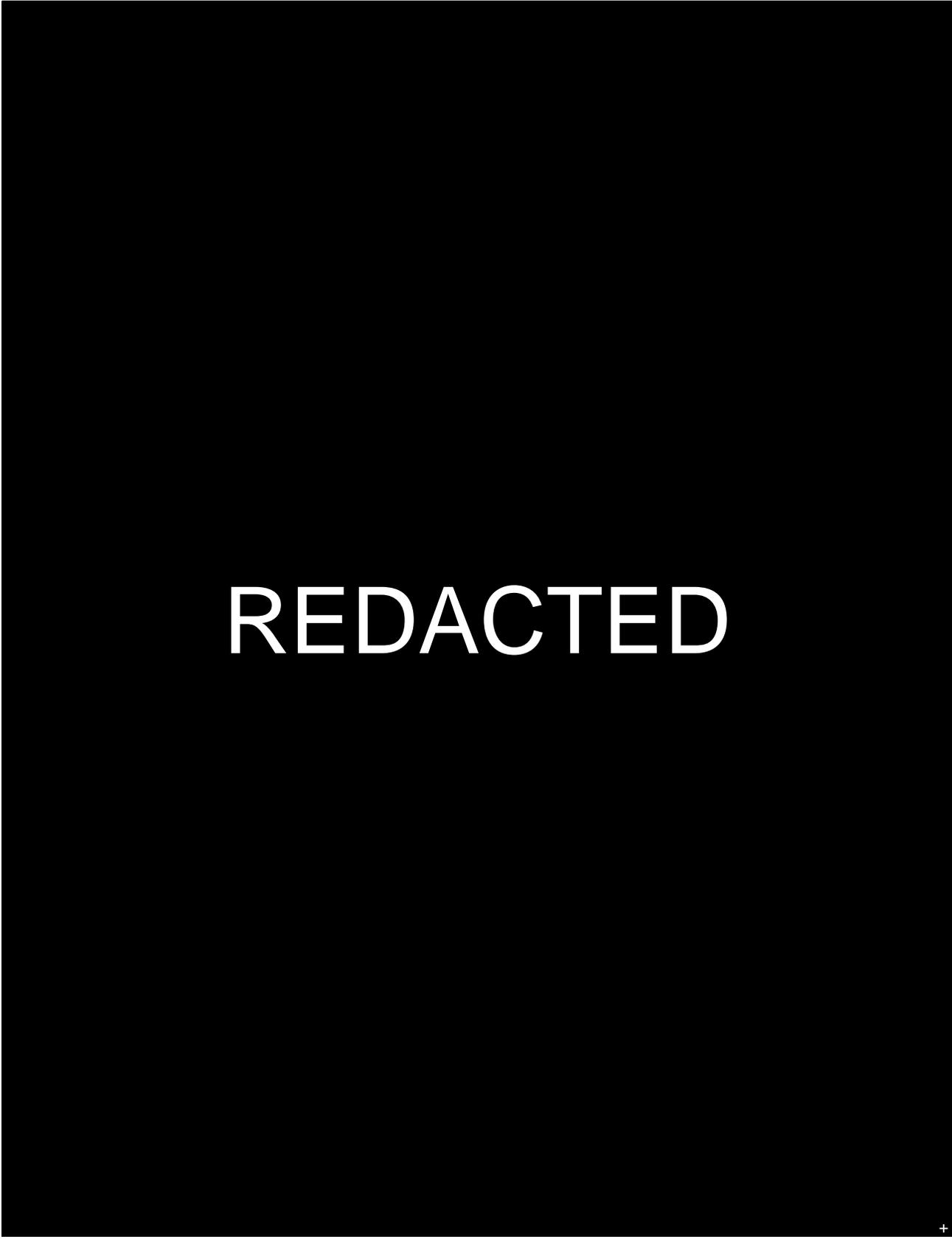


REDACTED

+

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



REDACTED

+

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue

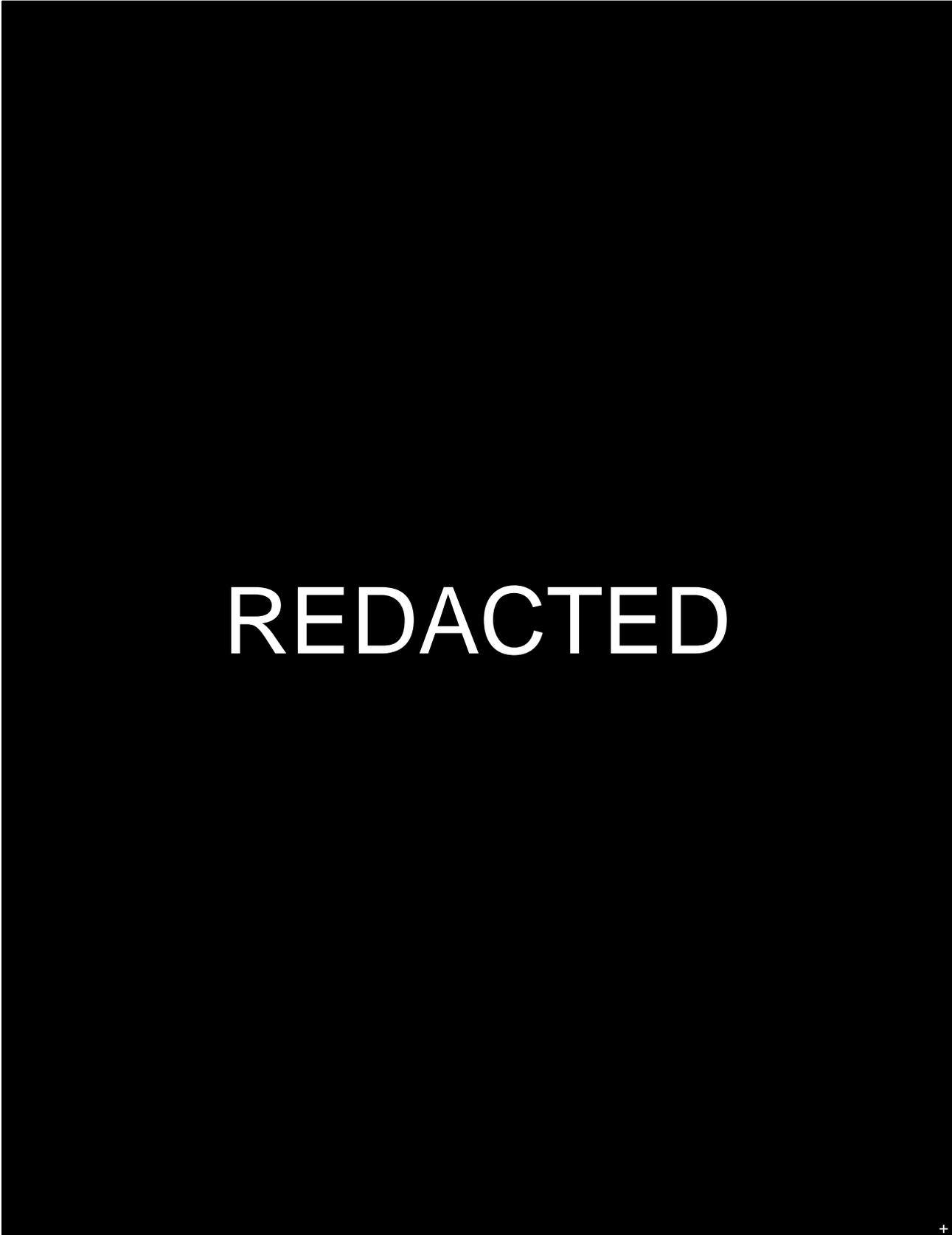


REDACTED

+

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue

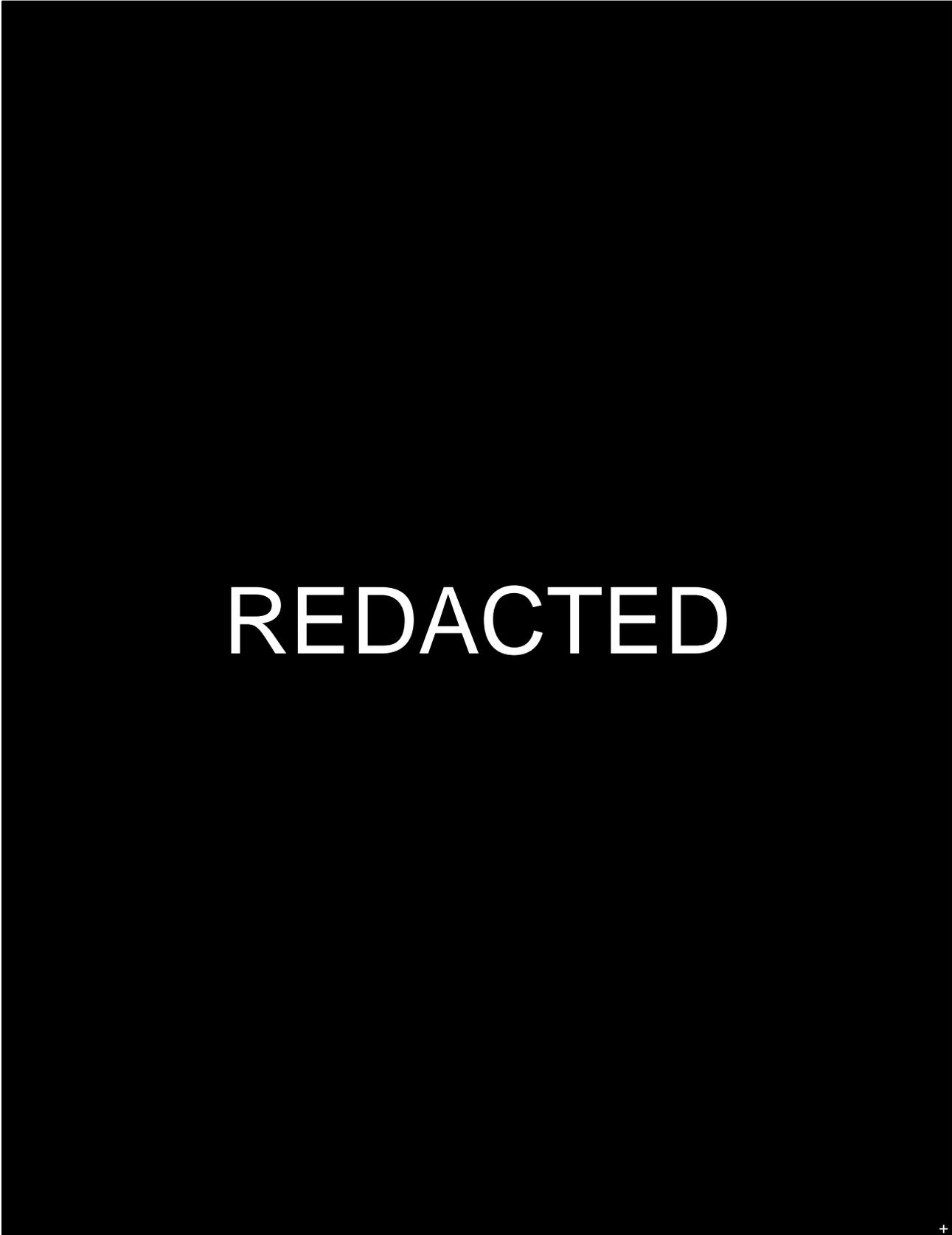


REDACTED

+

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



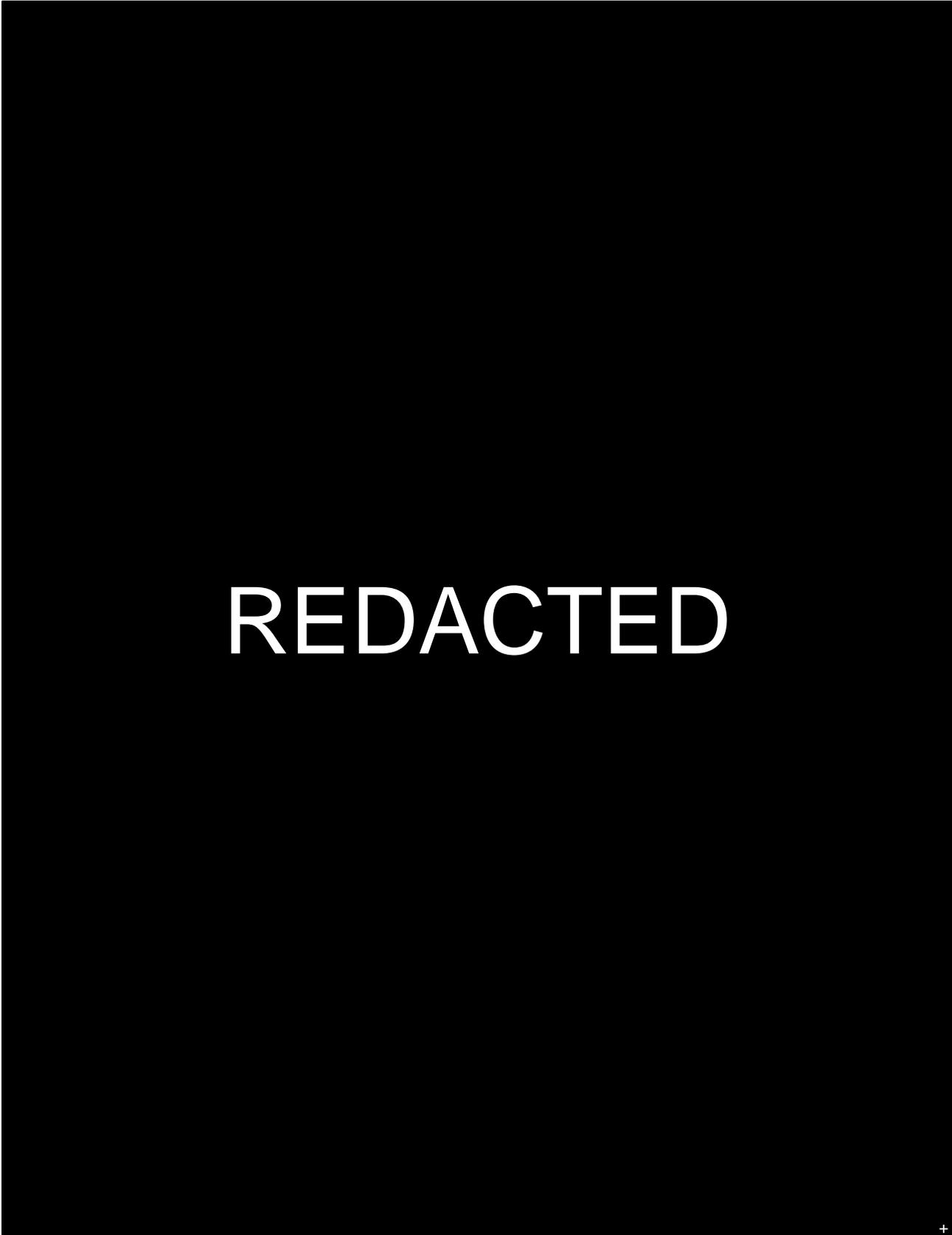
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



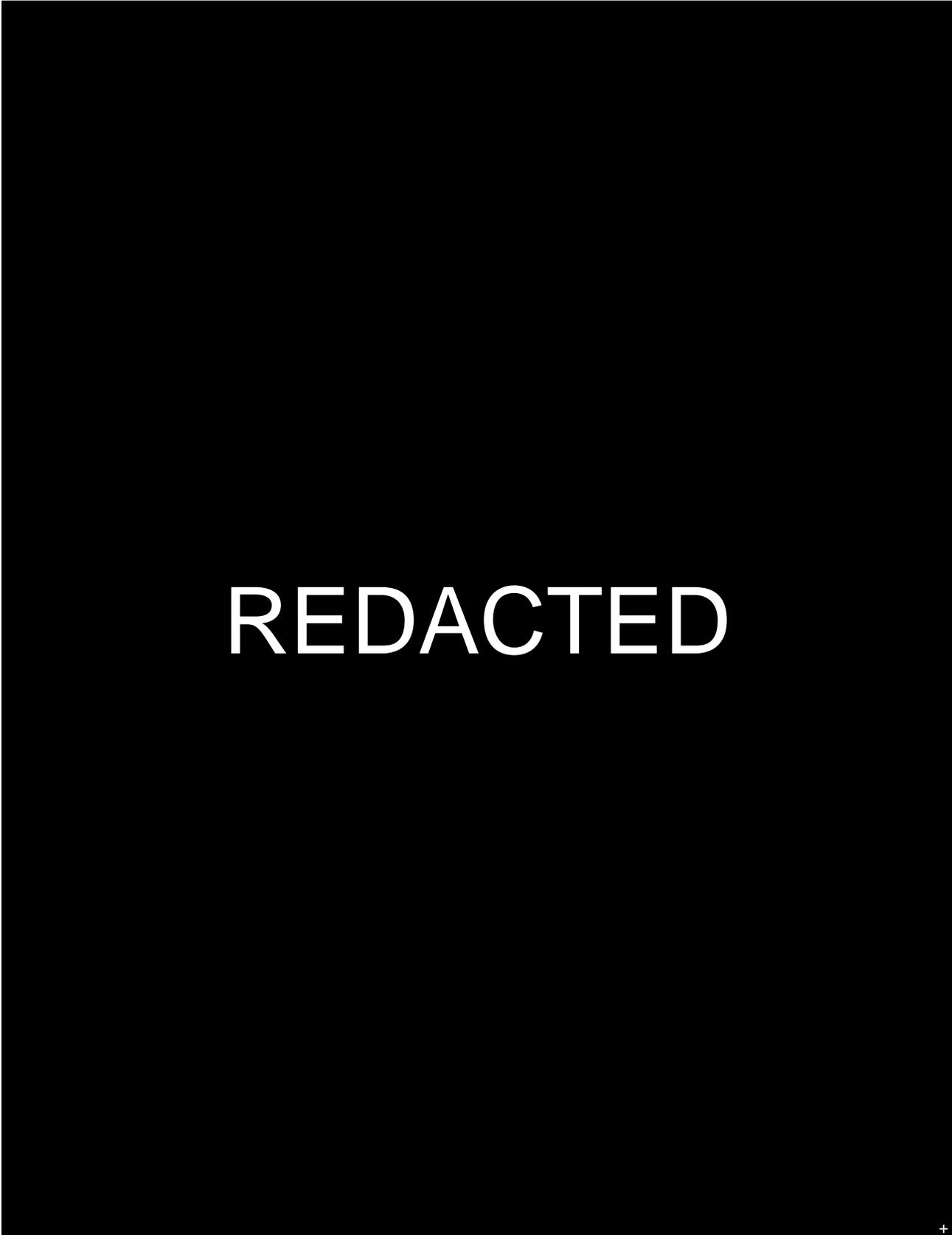
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



REDACTED

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



REDACTED

+

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue

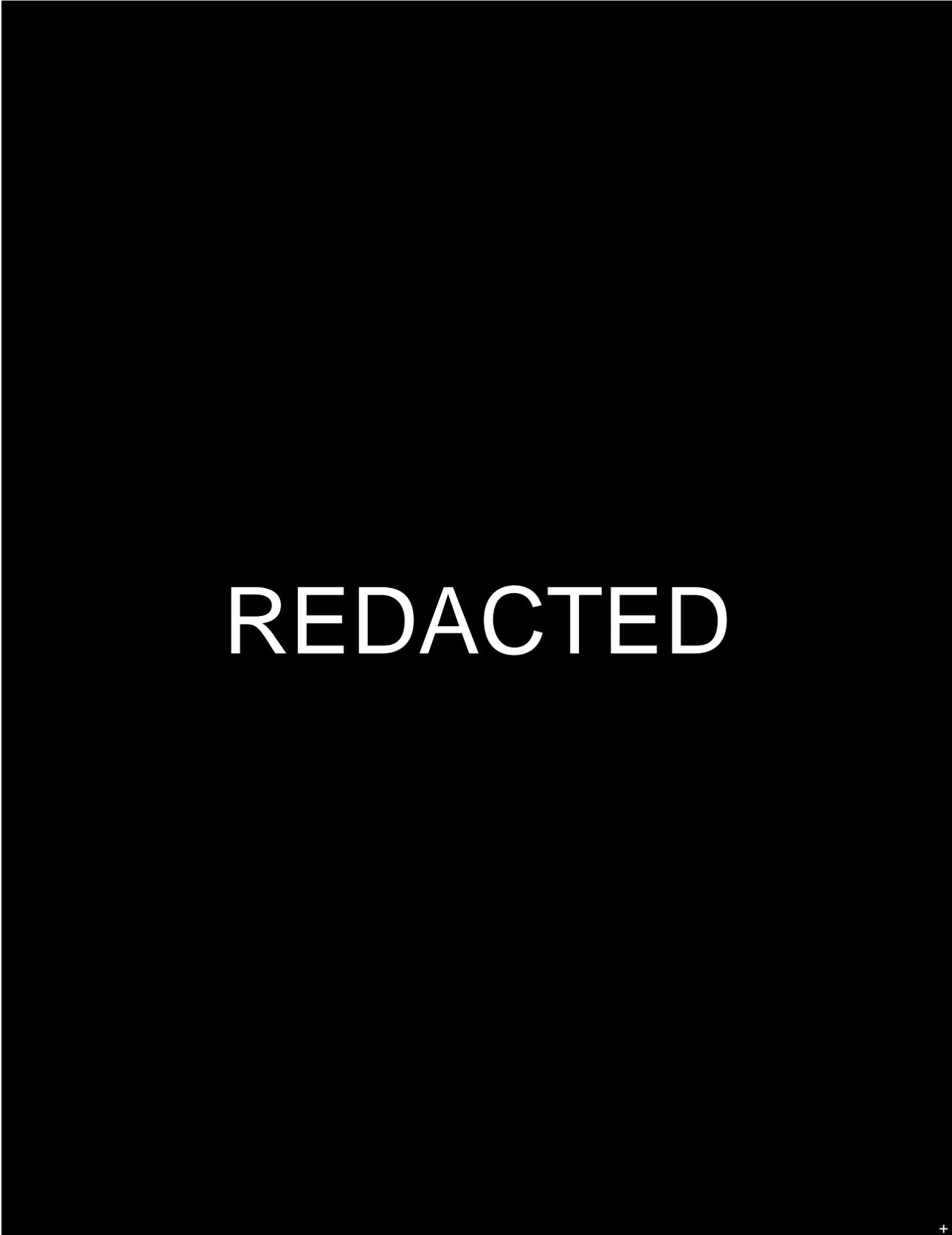


REDACTED

+

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue

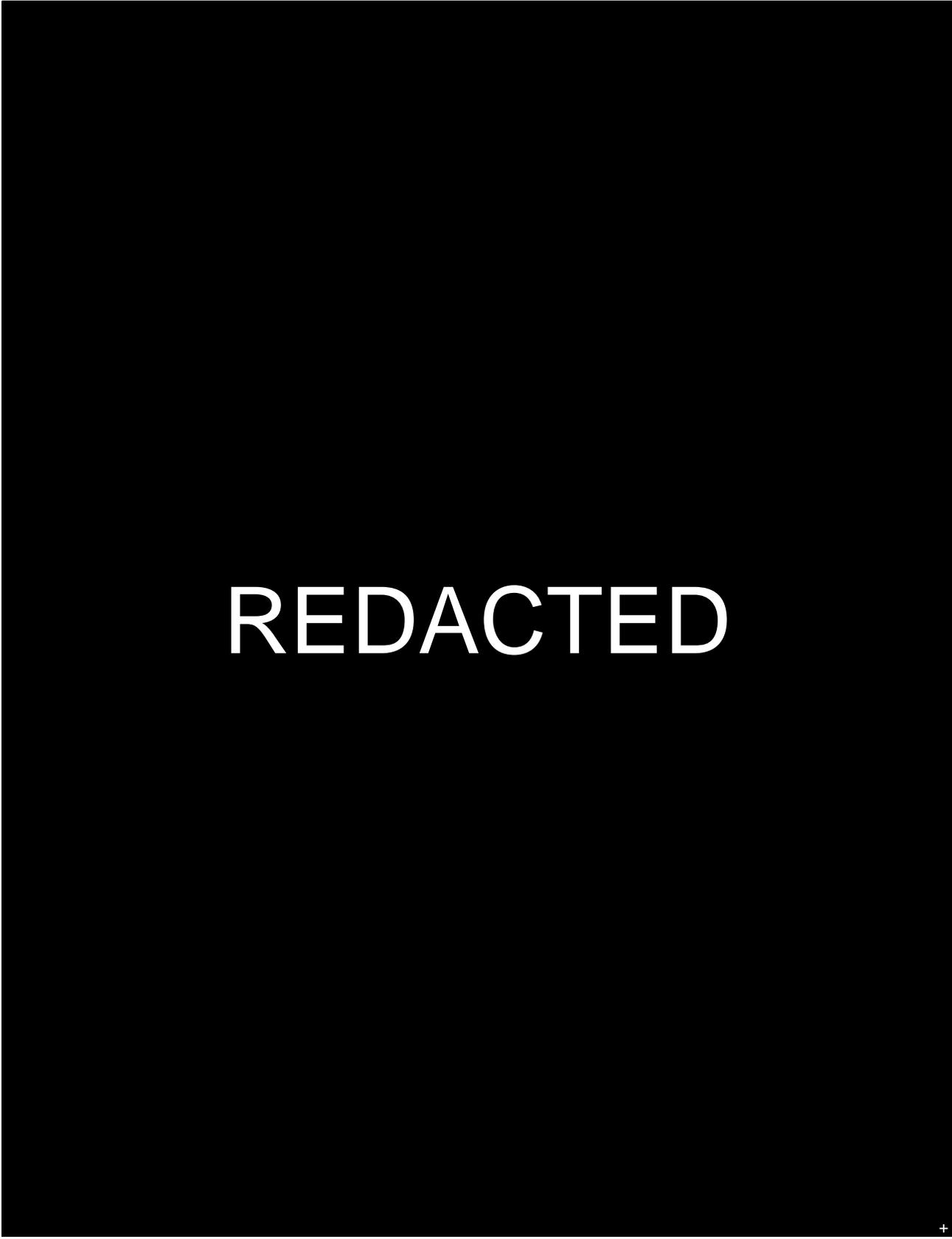


REDACTED

+

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



REDACTED

+

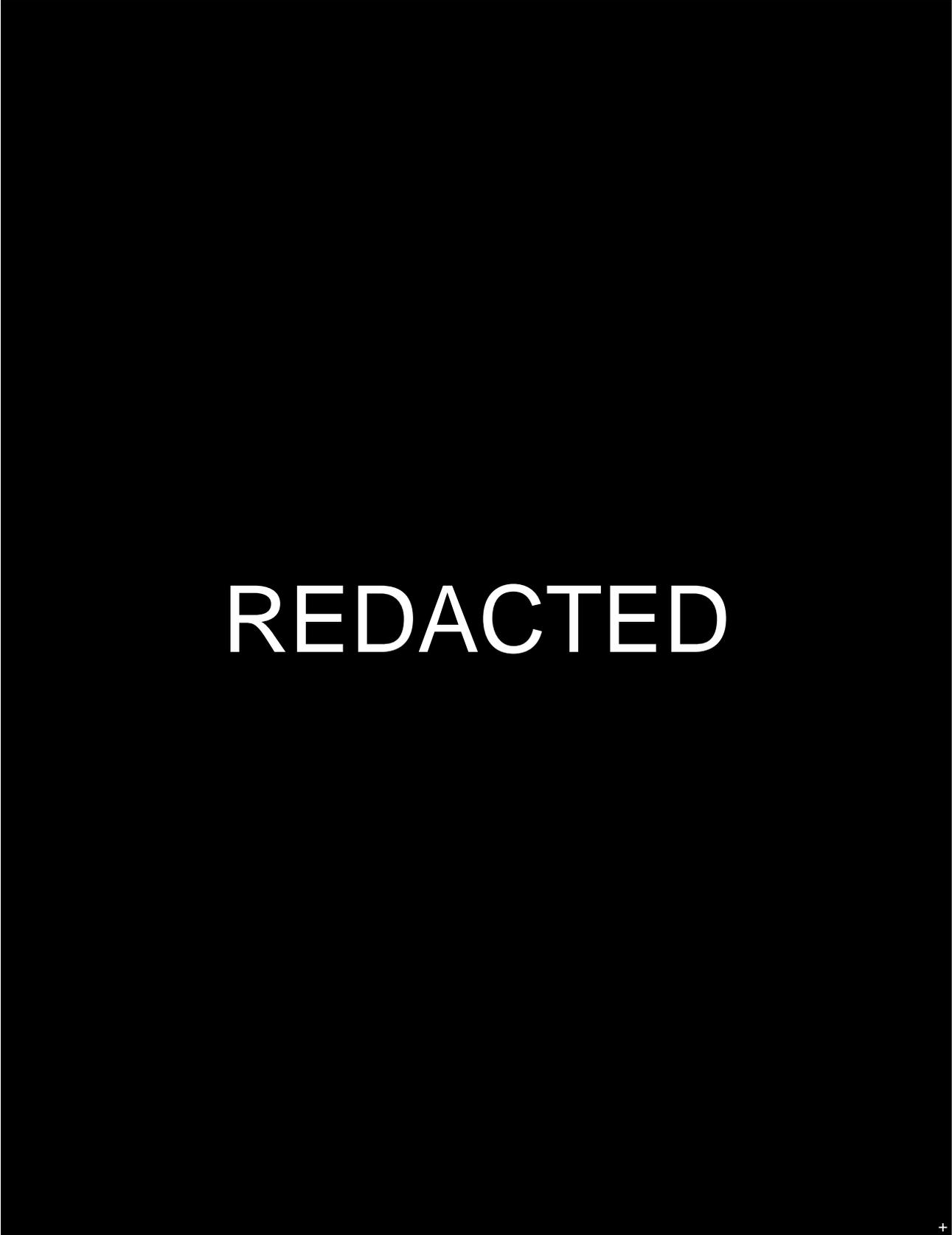
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



REDACTED

+

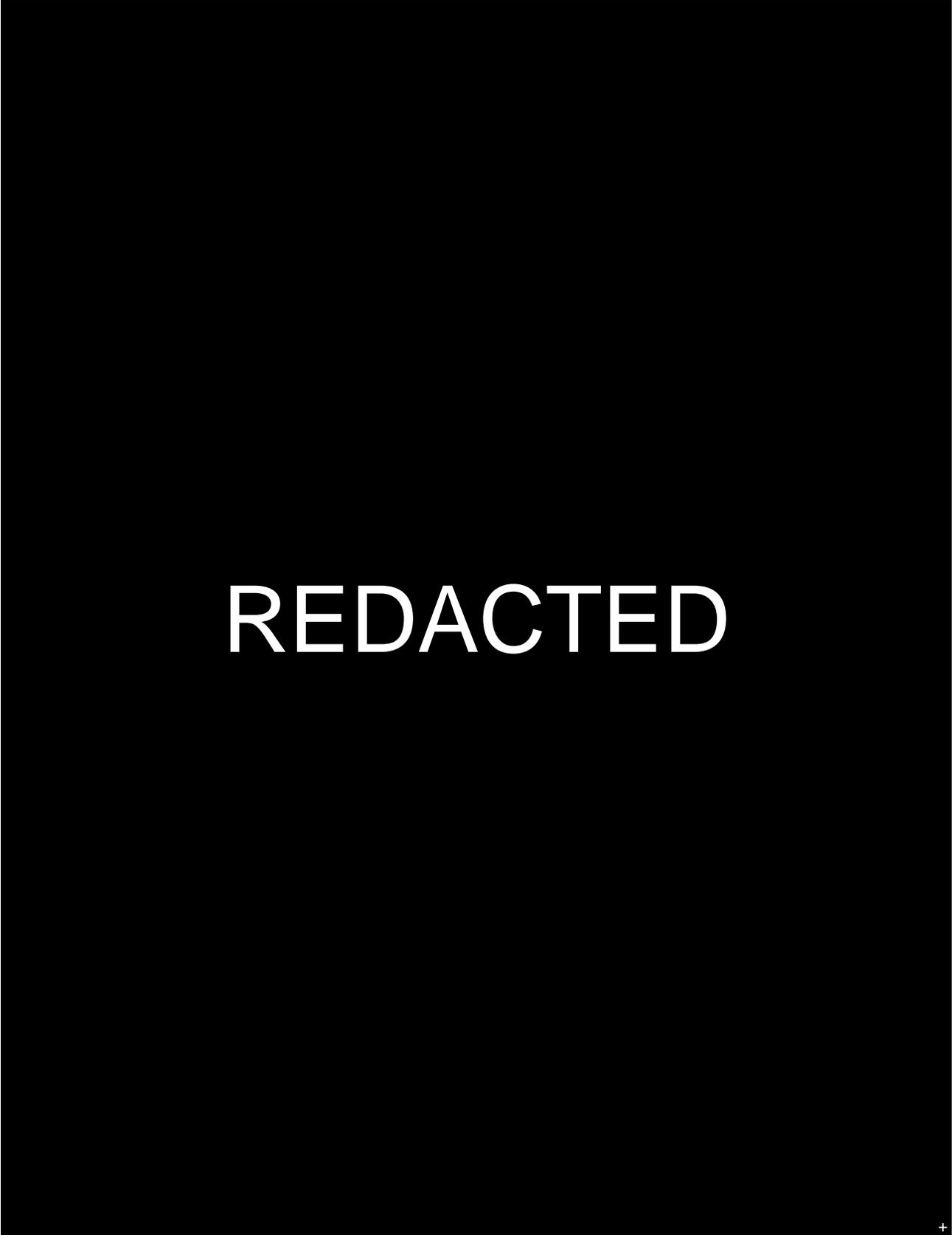
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



REDACTED

+

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue

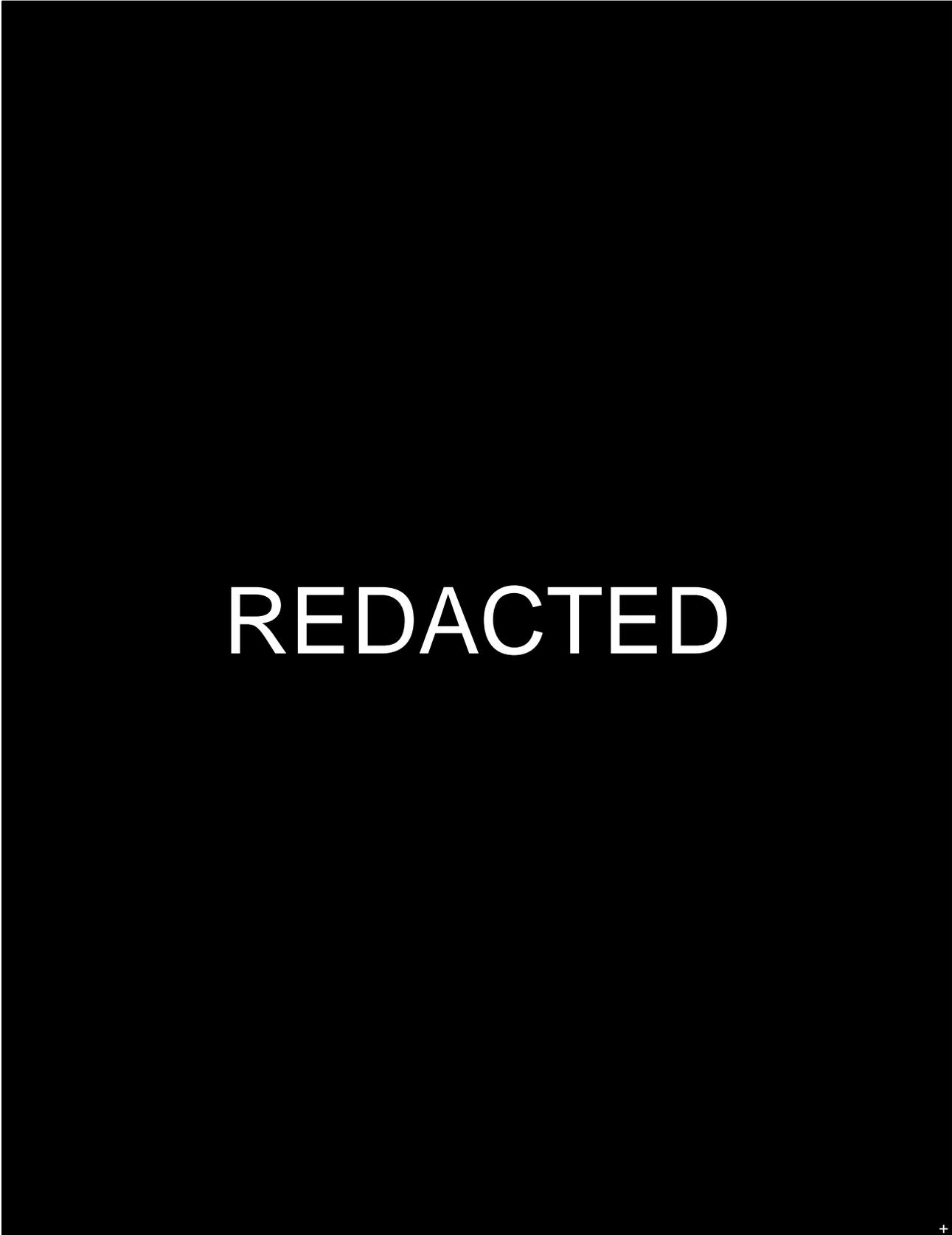


REDACTED

+

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



REDACTED

+

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue

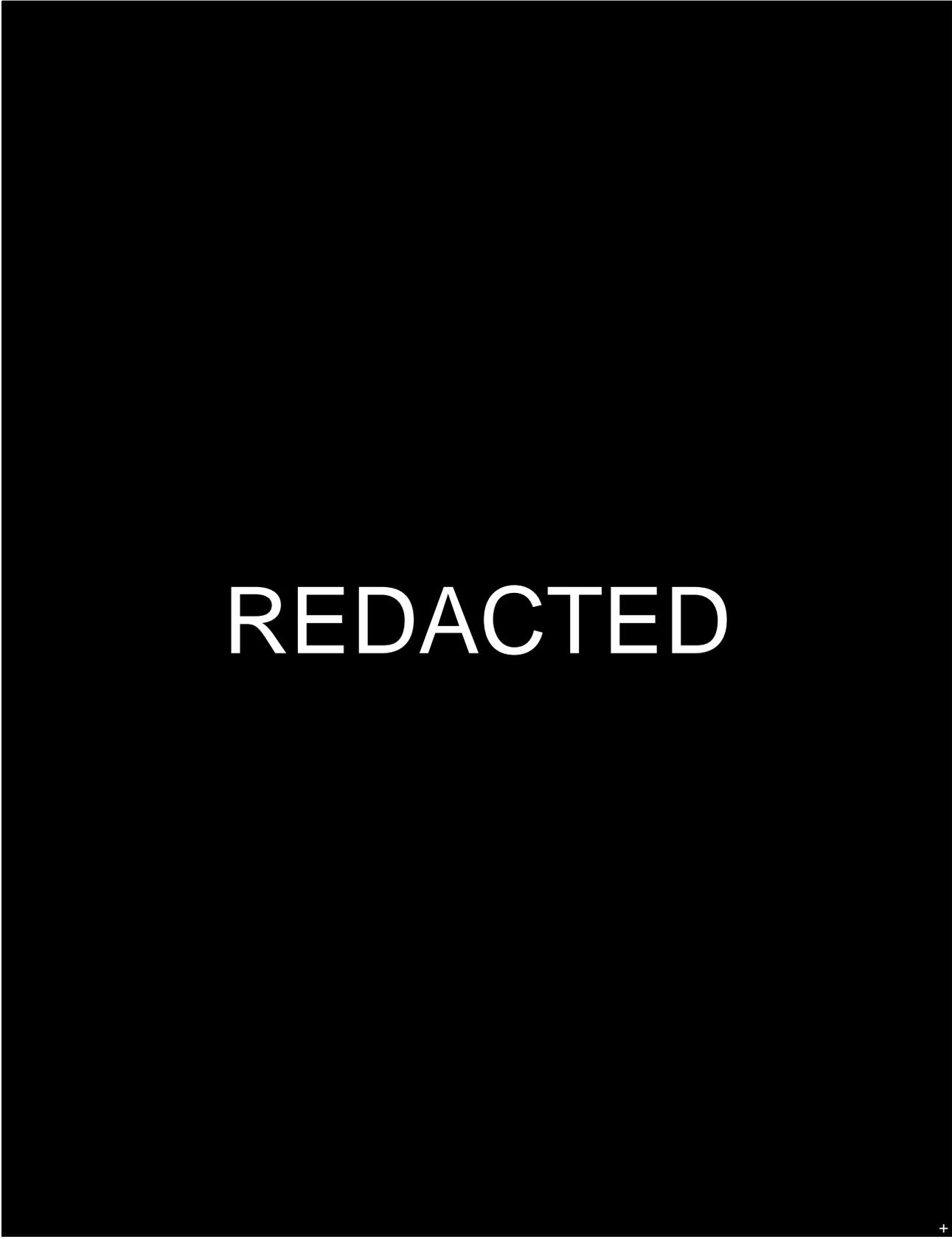


REDACTED

+

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue

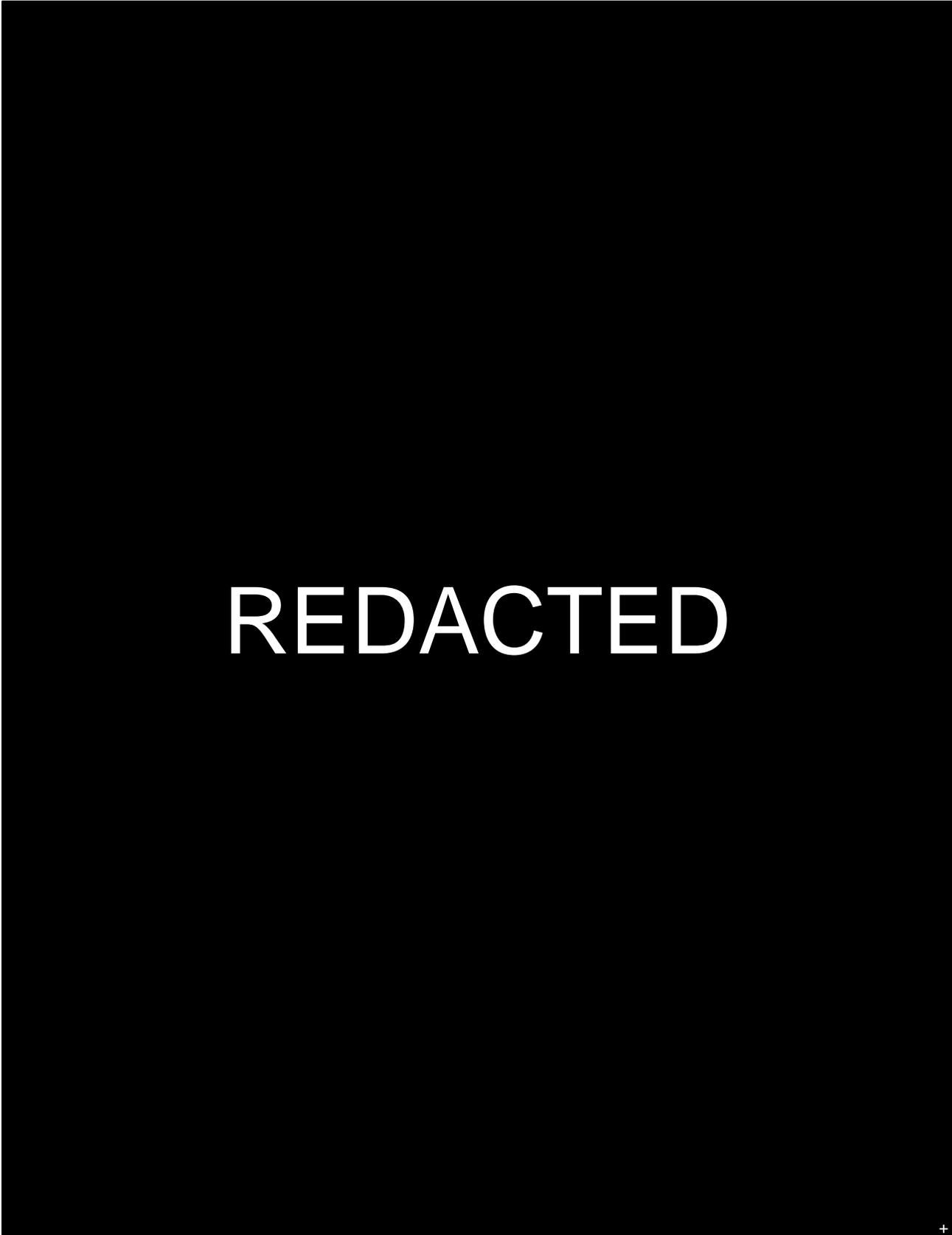


REDACTED

+

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



REDACTED

+

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue

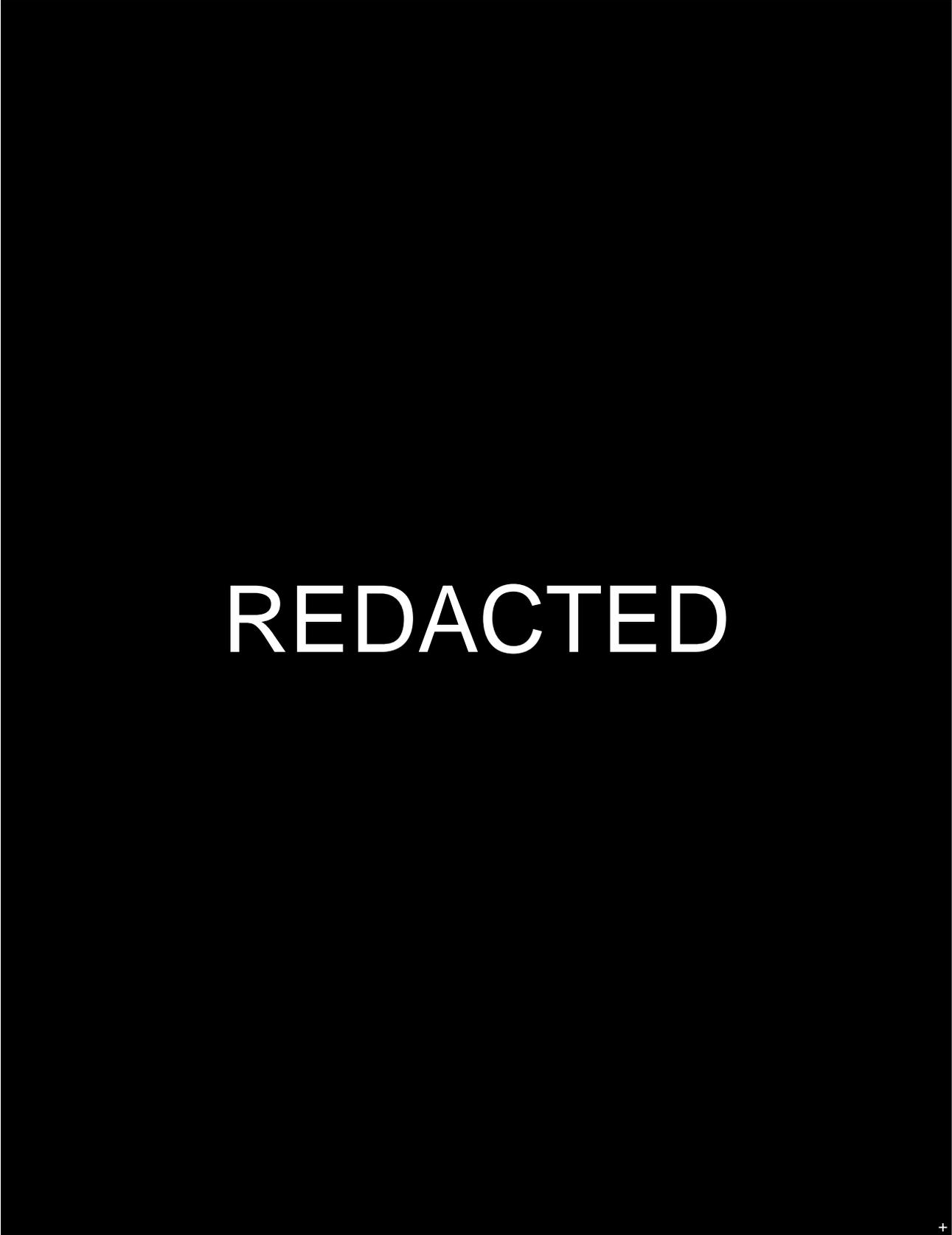


REDACTED

+

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue

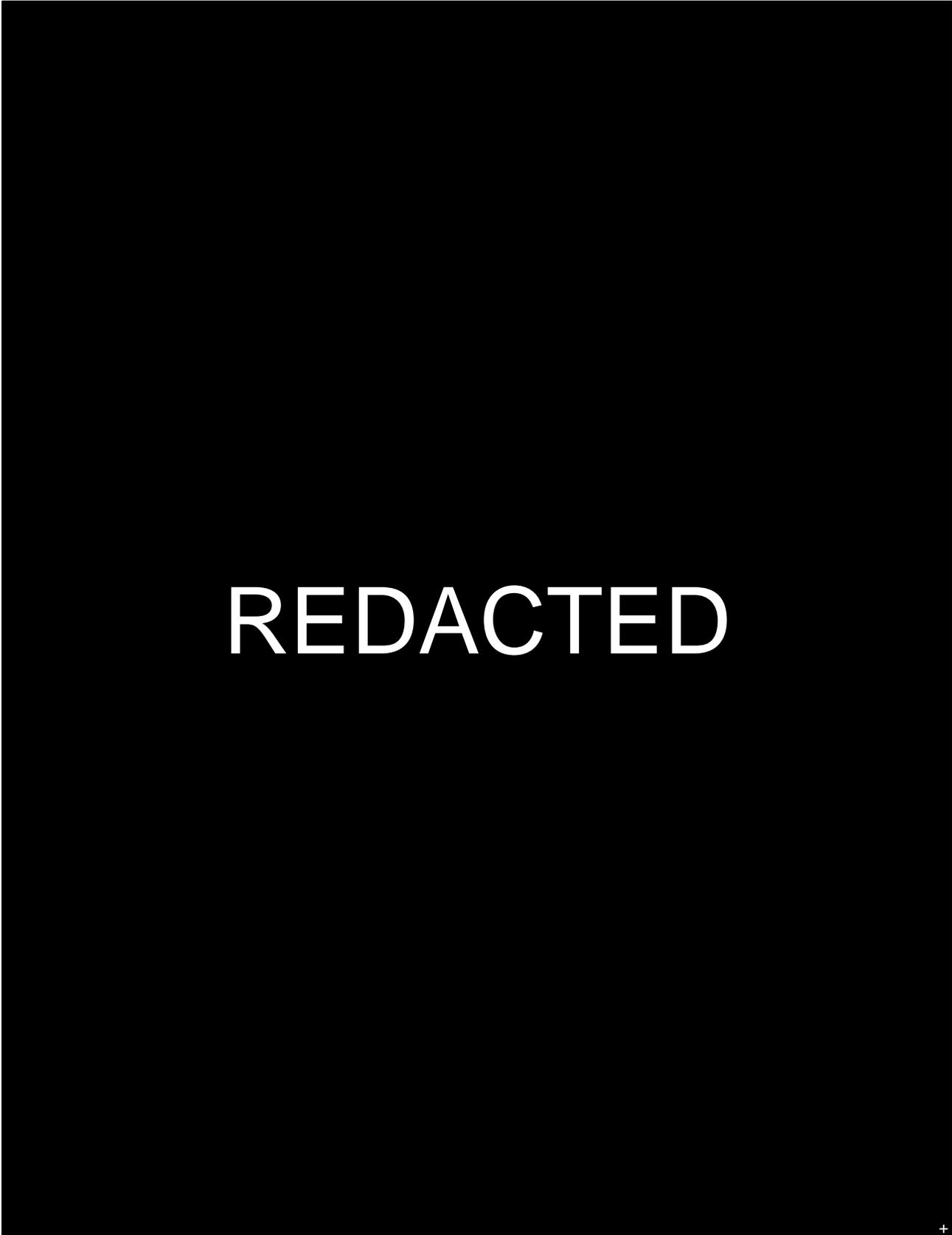


REDACTED

+

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



REDACTED

+

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue

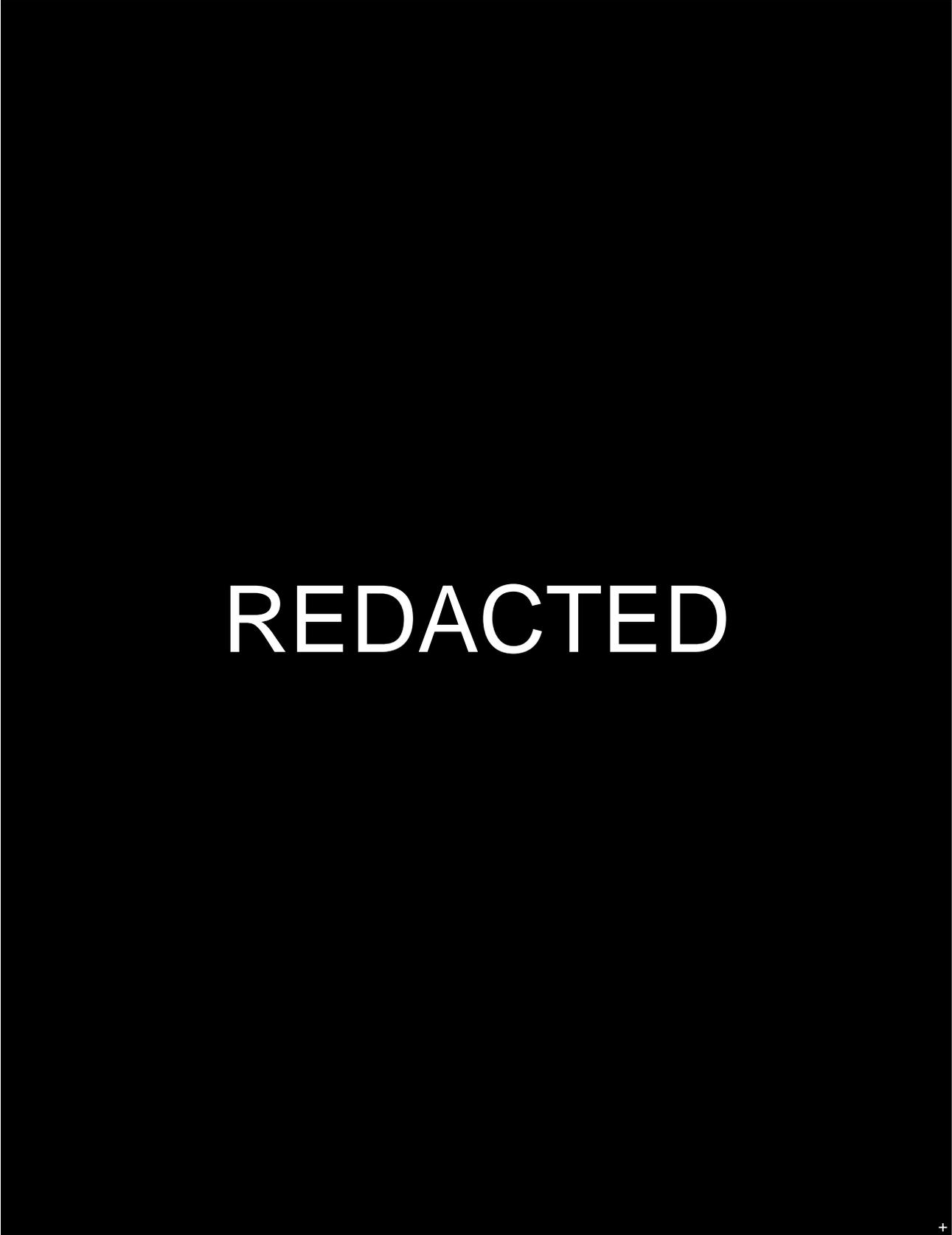


REDACTED

+

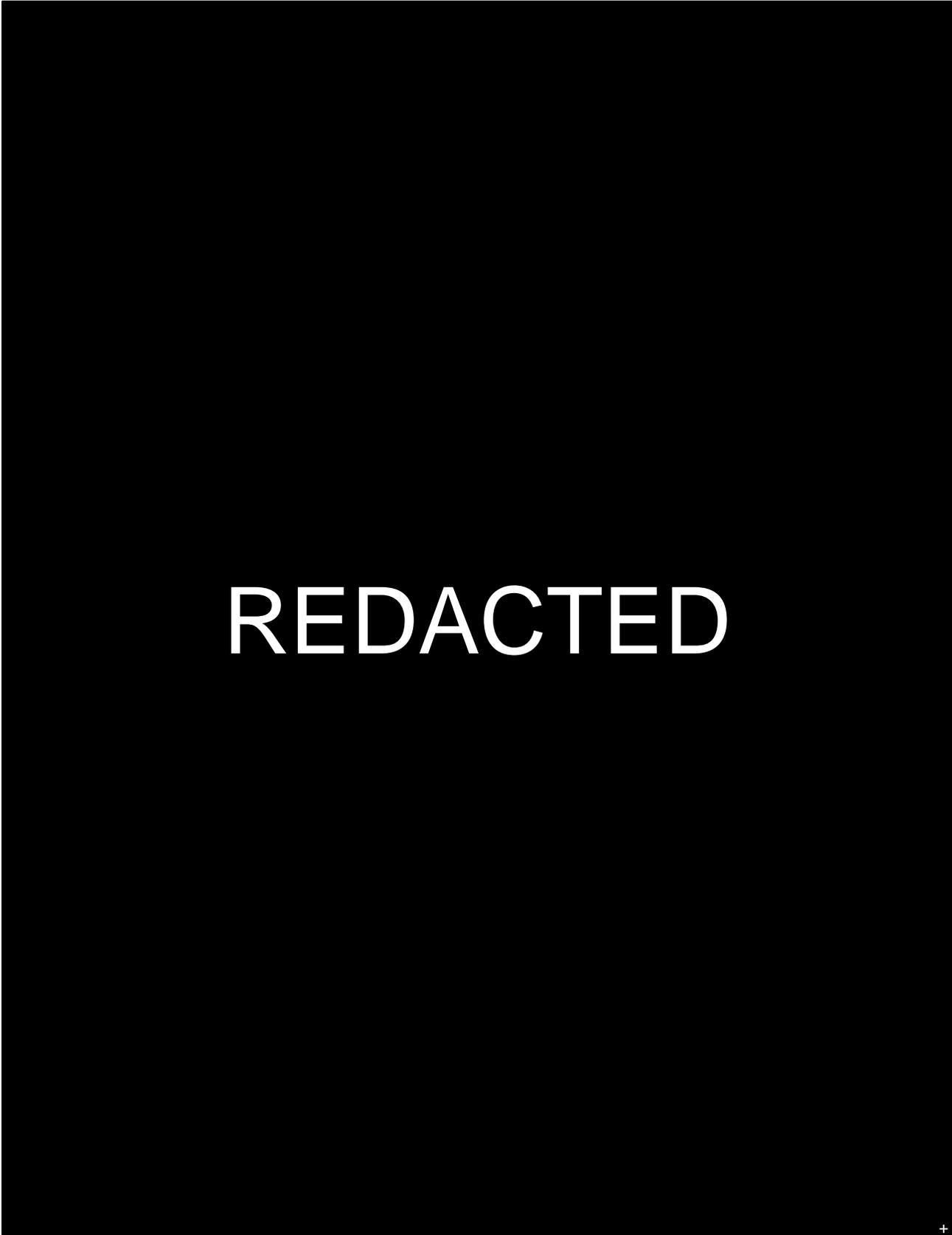
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



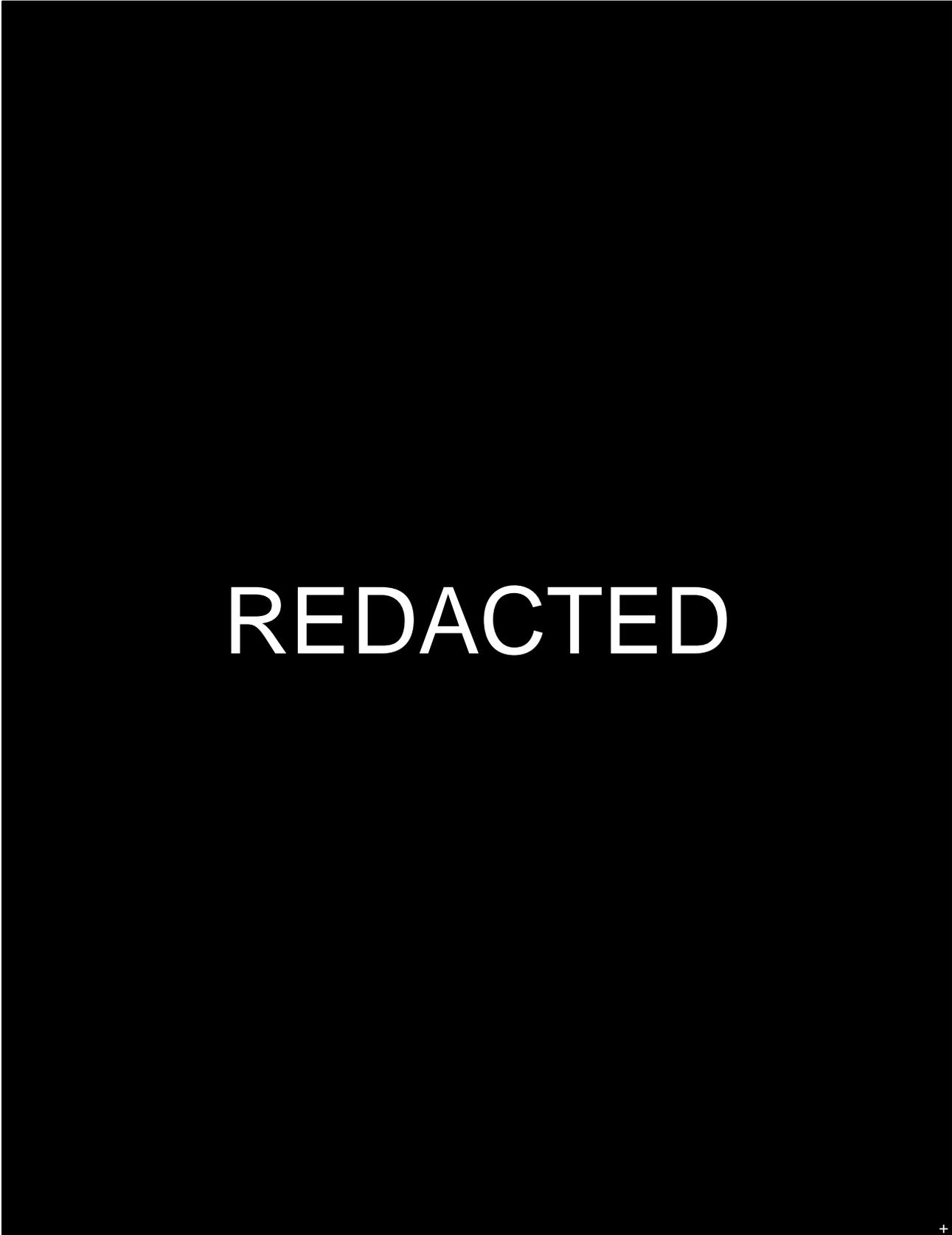
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue

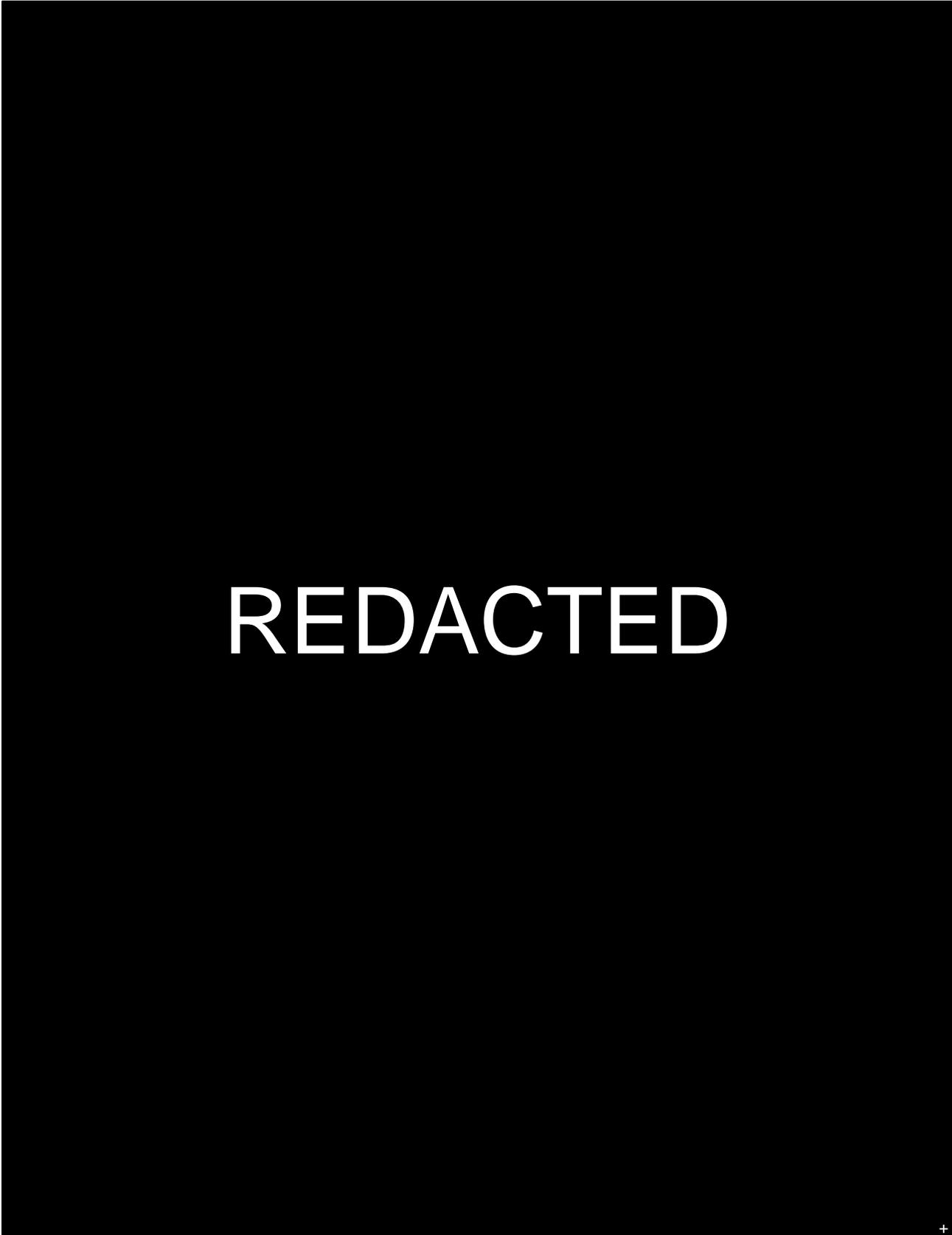


REDACTED

+

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue

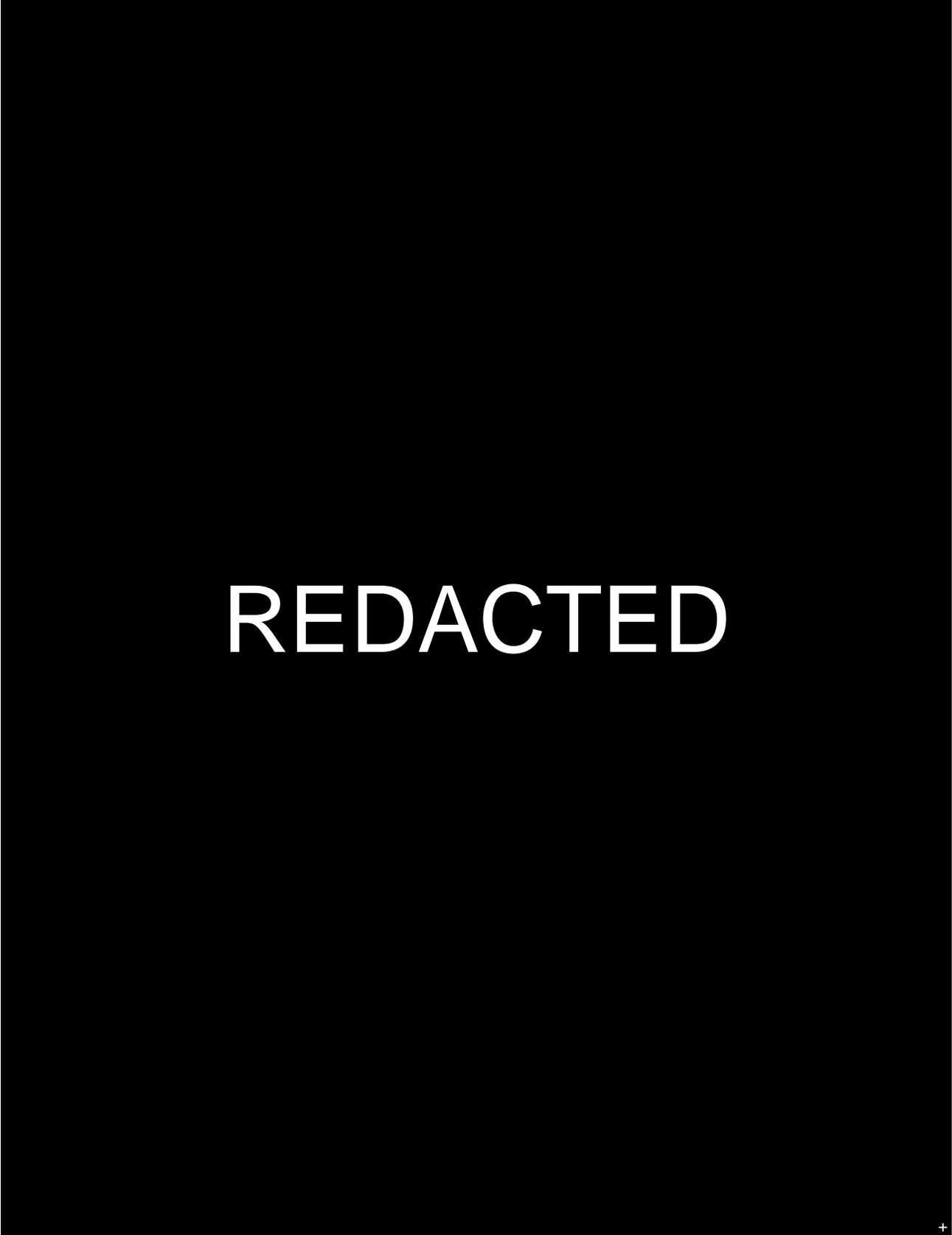


REDACTED

+

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue

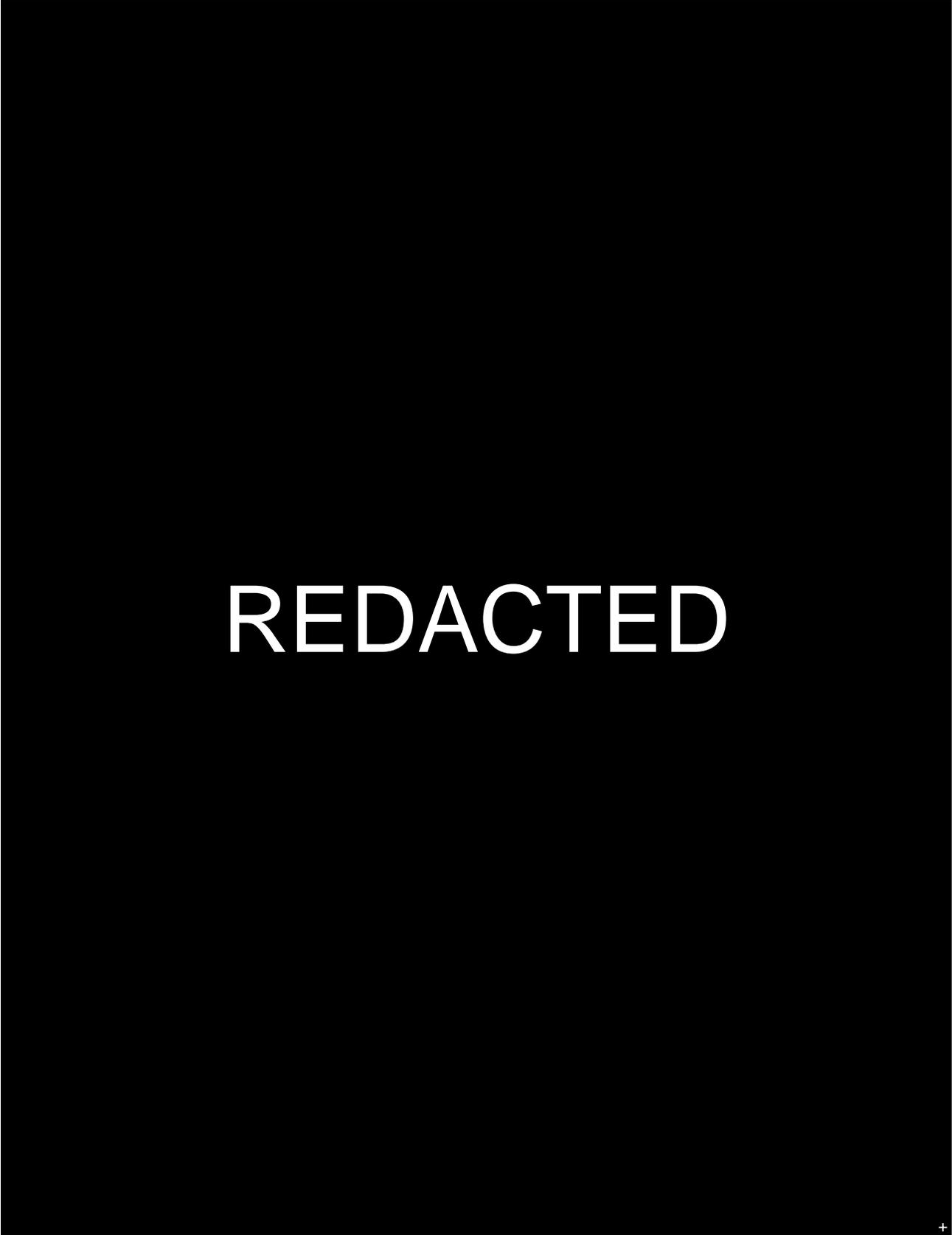


REDACTED

+

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



REDACTED

+

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue

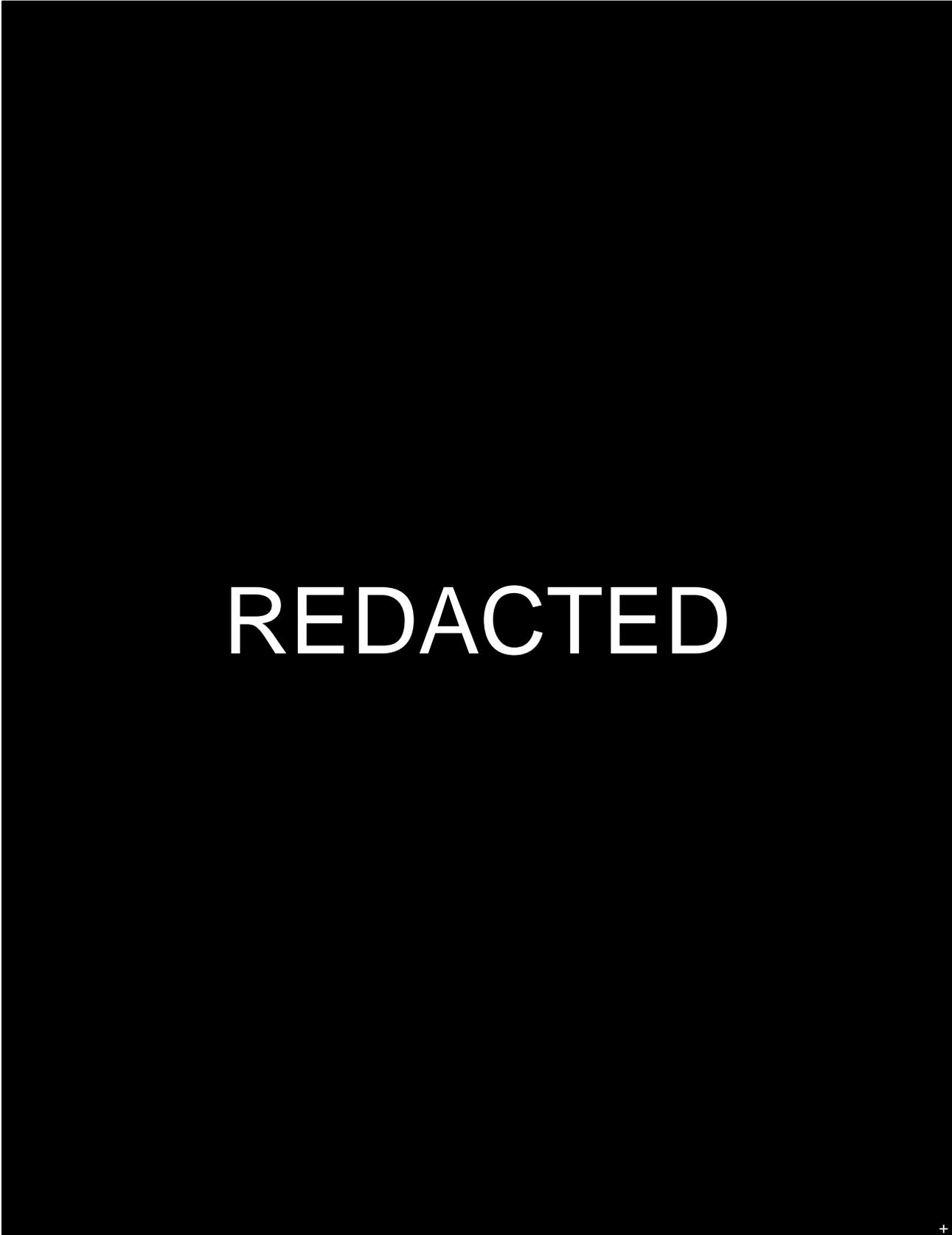


REDACTED

+

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue

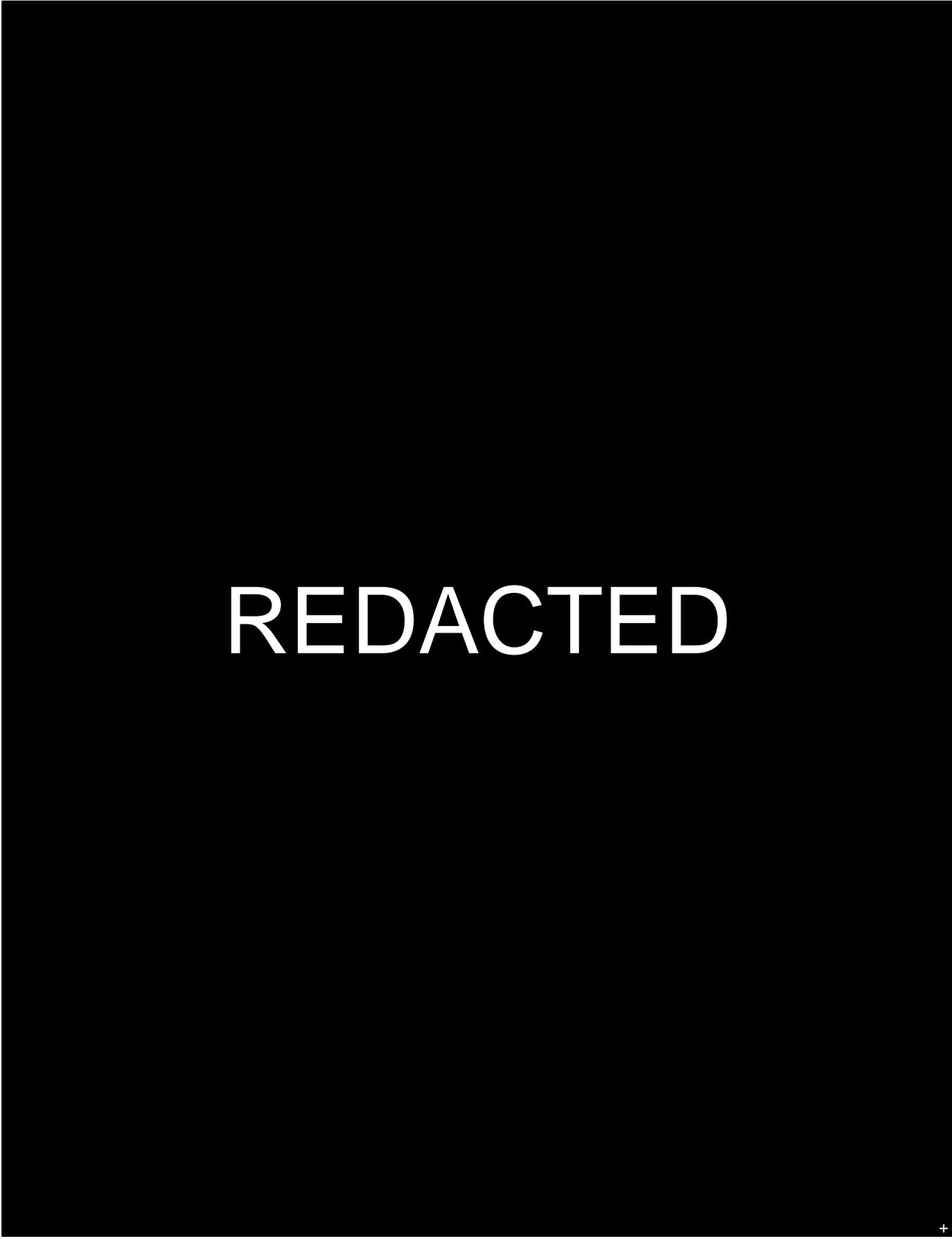


REDACTED

+

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



REDACTED

+

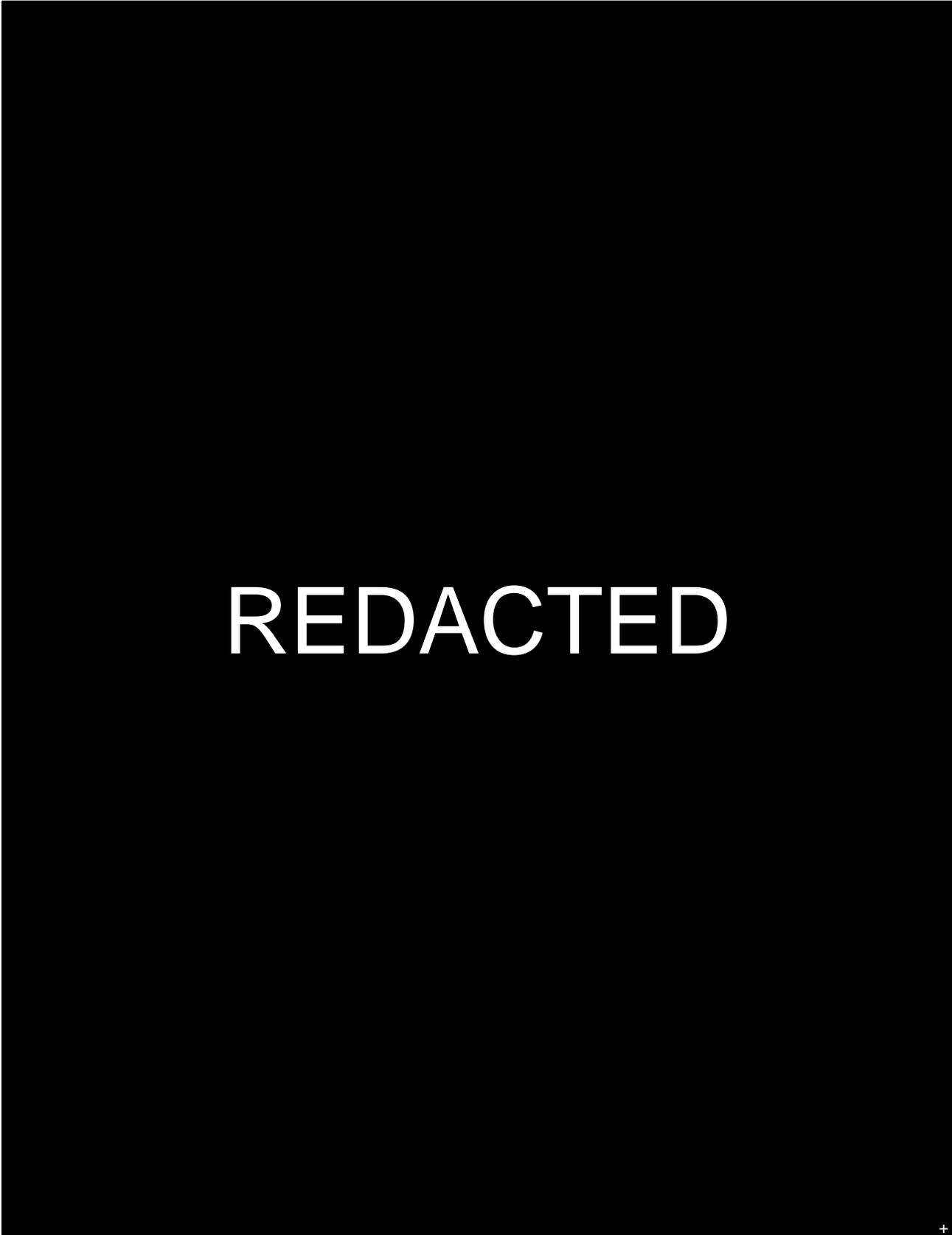
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



REDACTED

+

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue

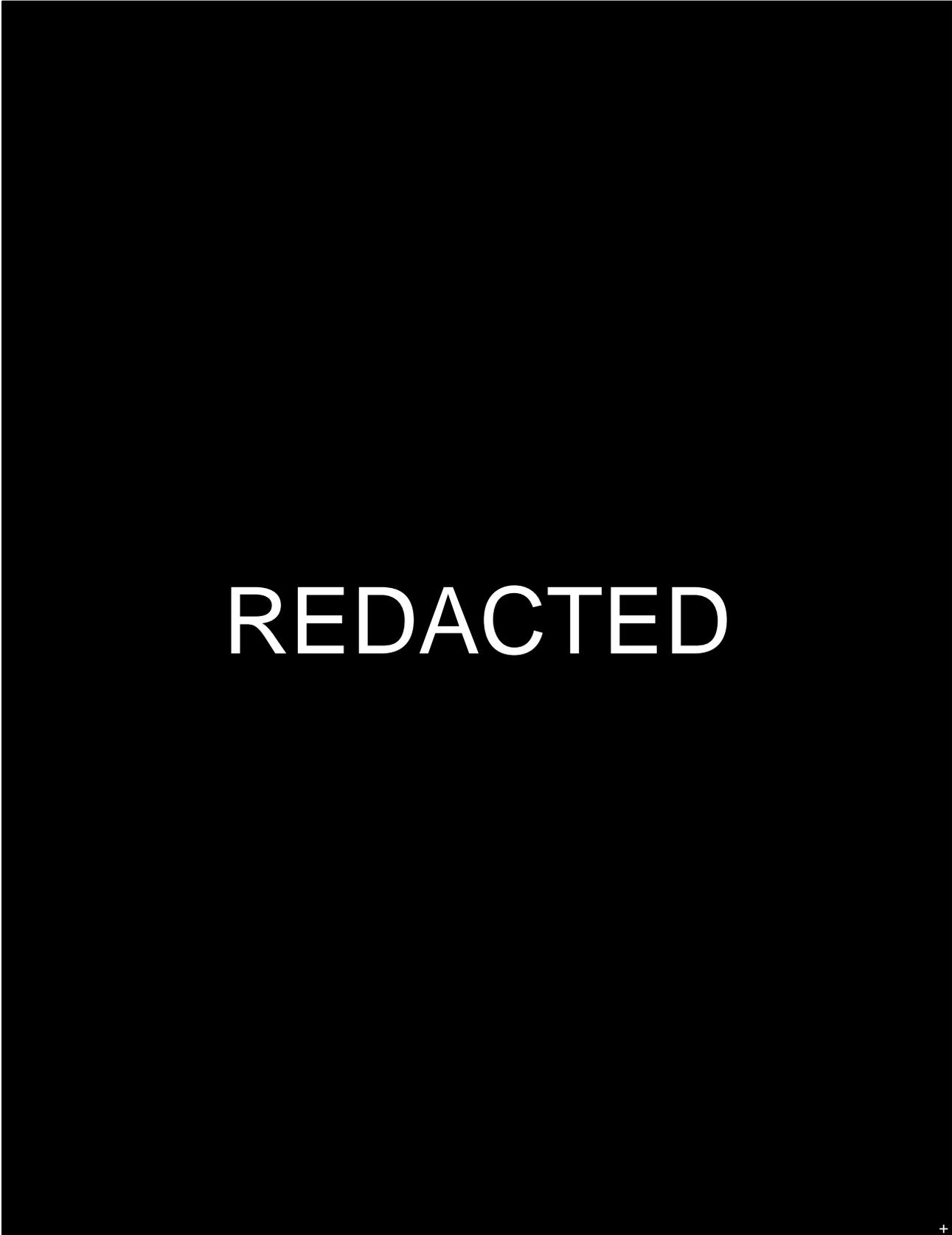


REDACTED

+

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue

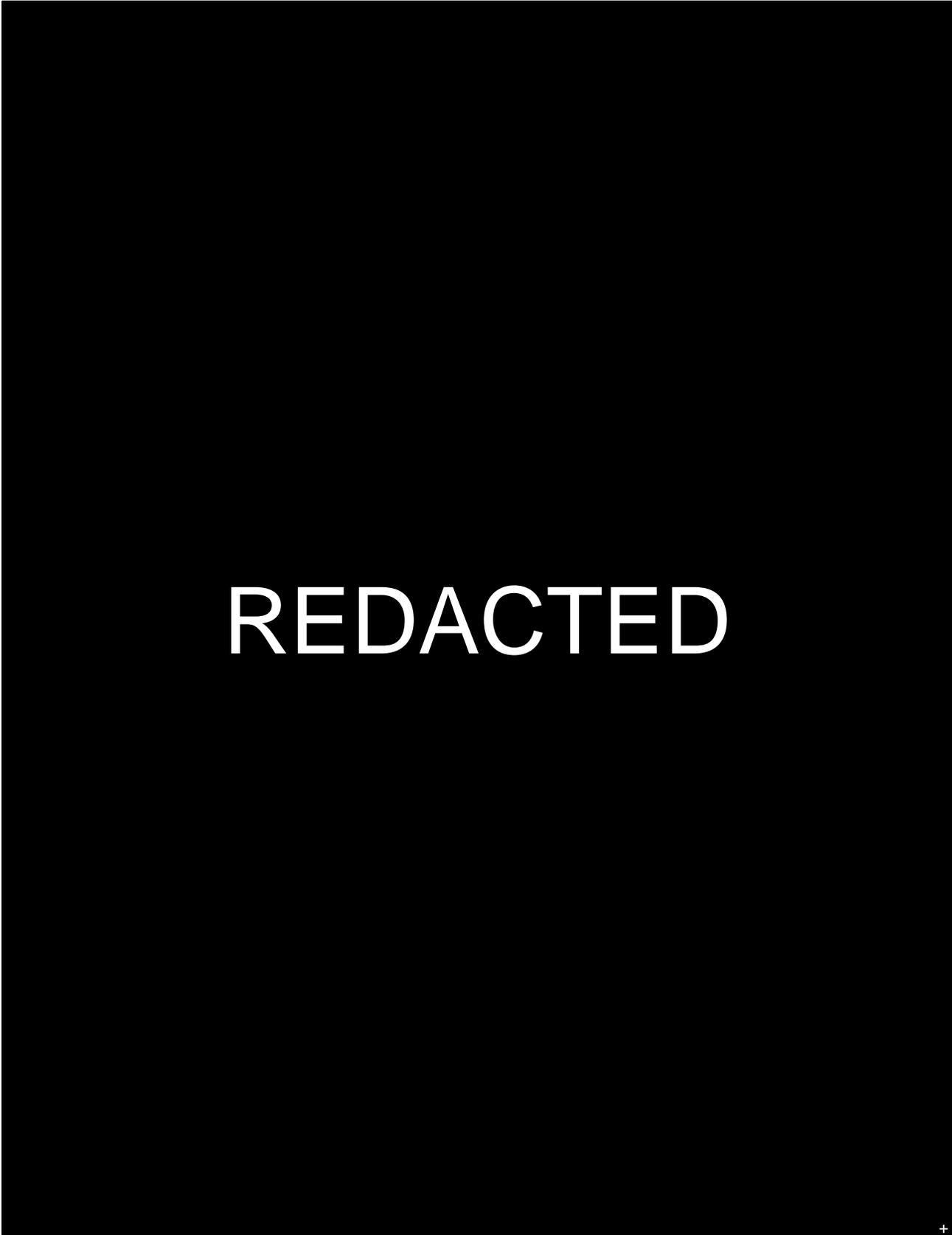


REDACTED

+

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



REDACTED

+

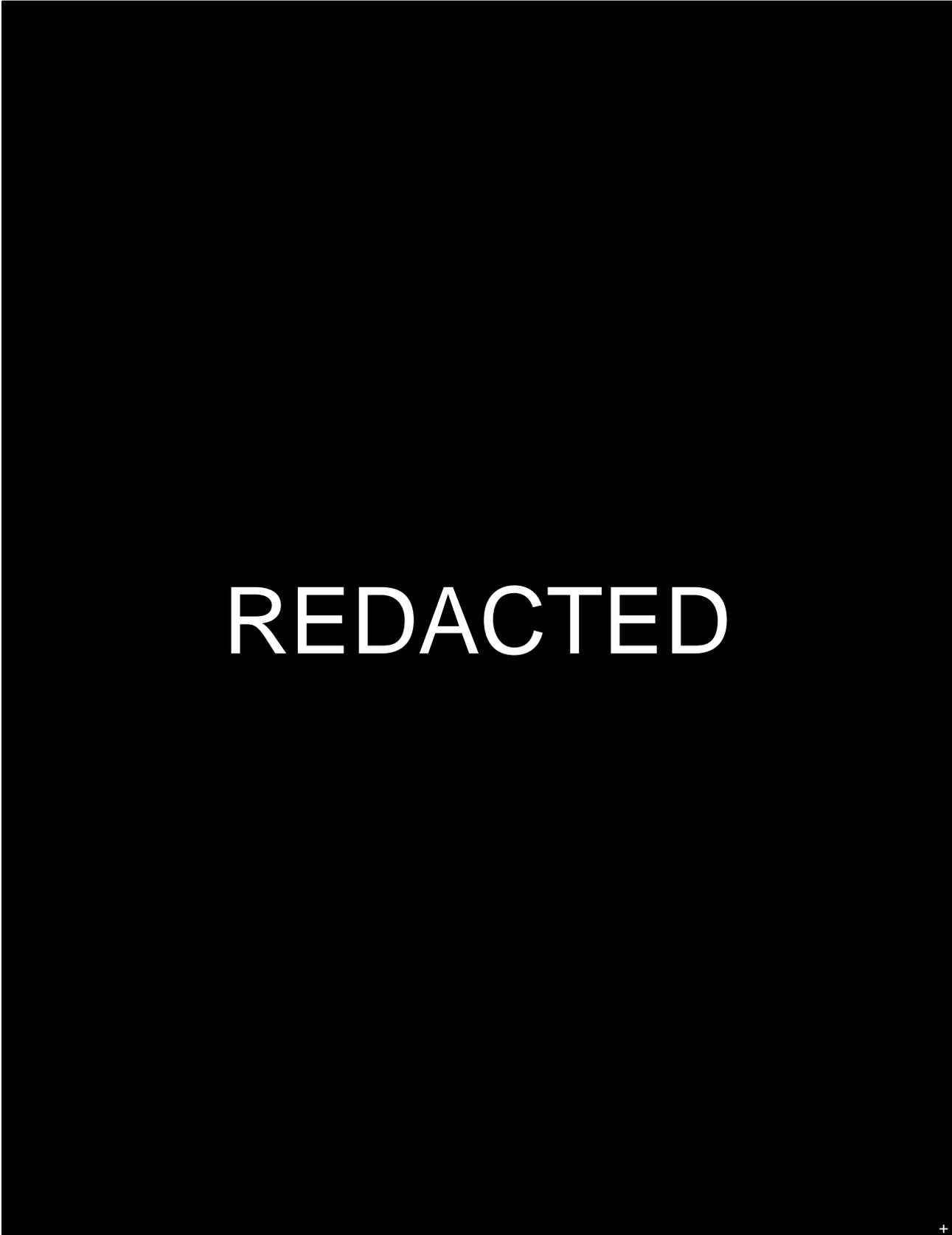
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



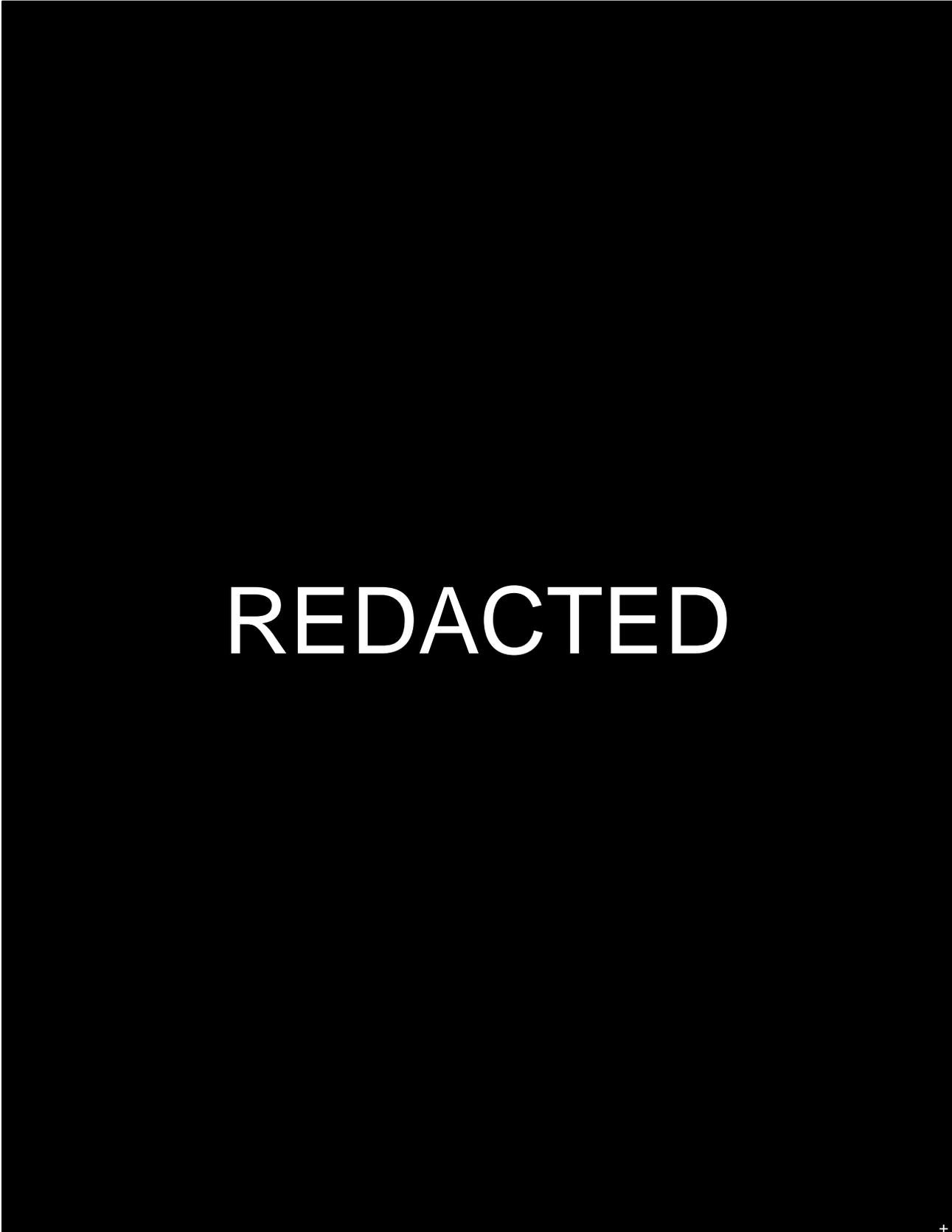
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



REDACTED

+

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue

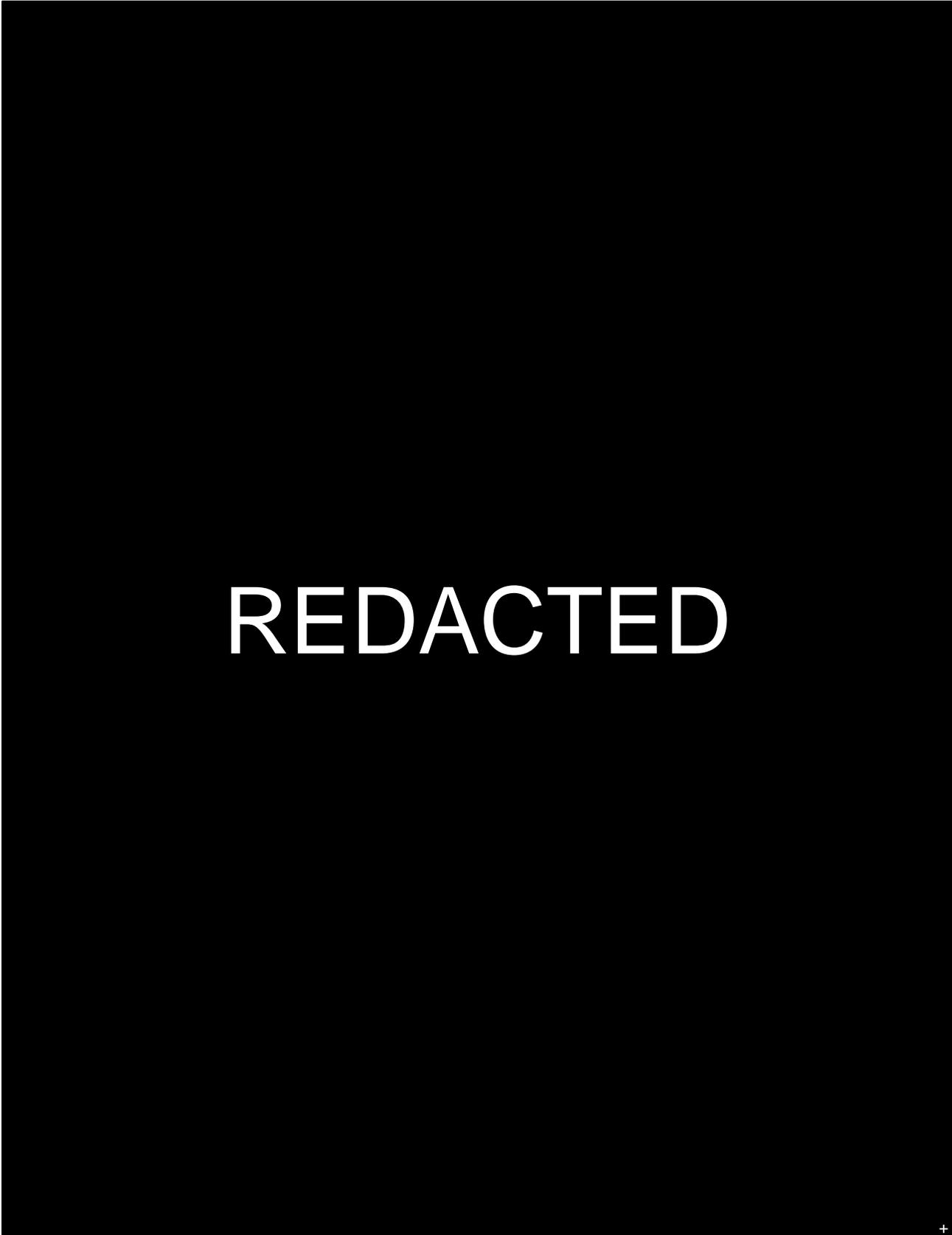


REDACTED

+

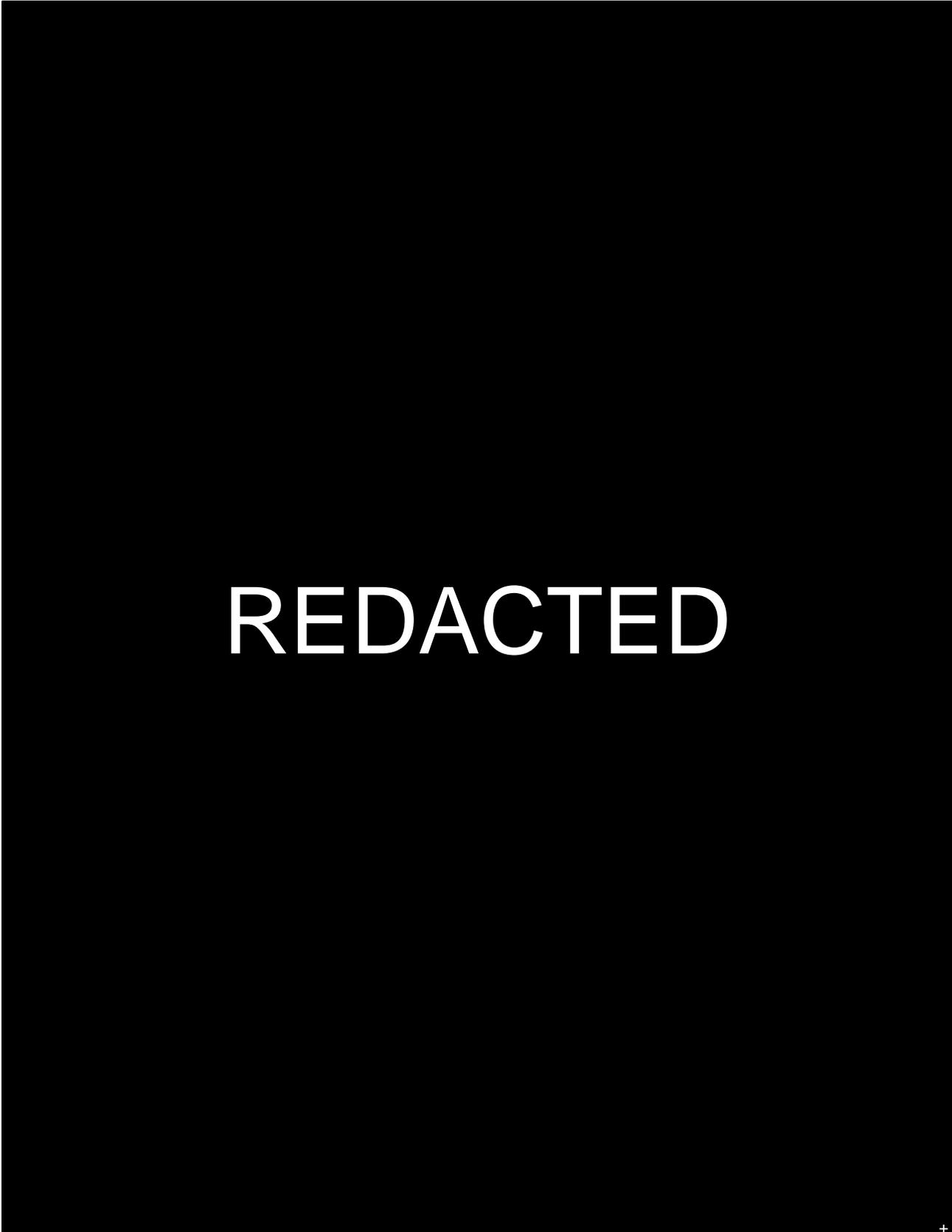
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue

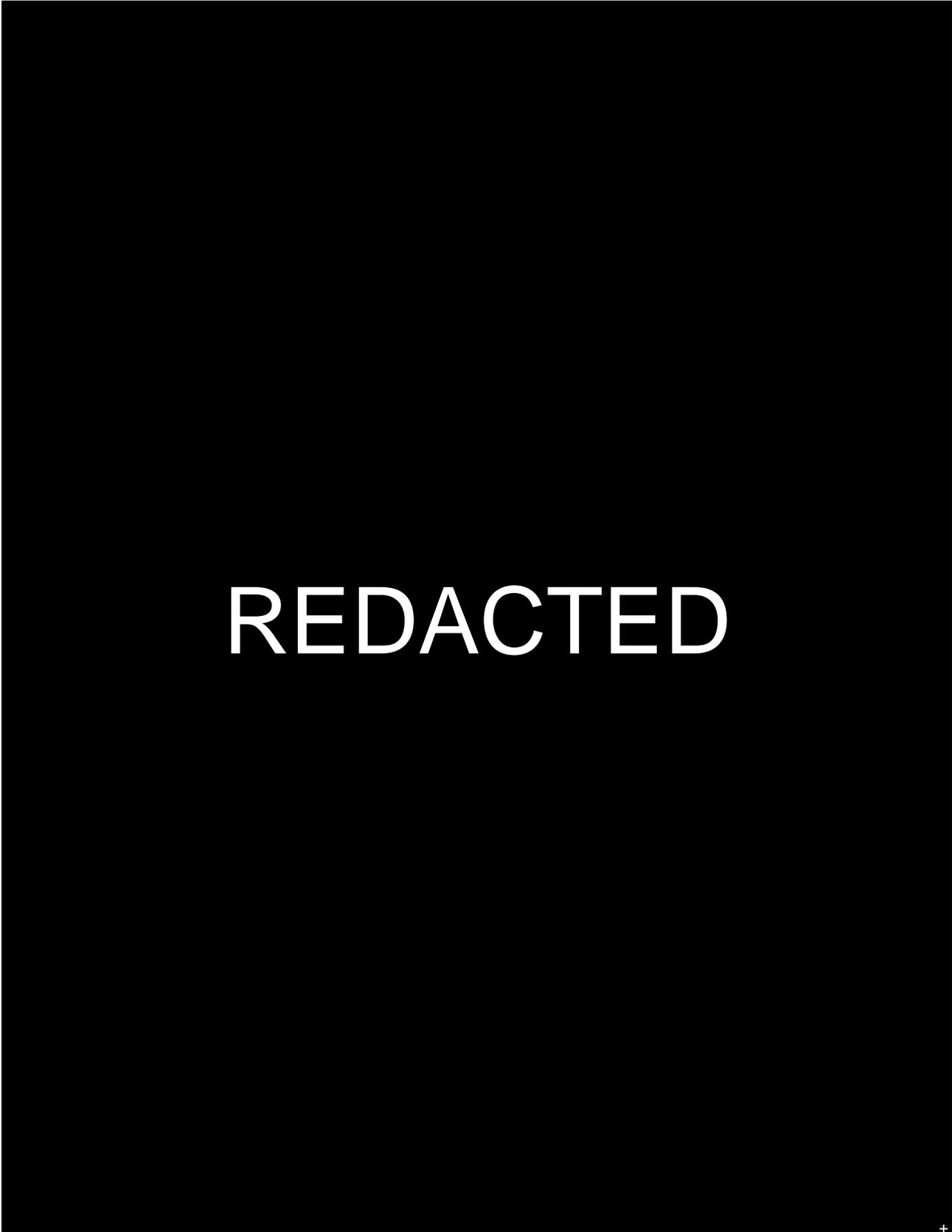


REDACTED

+

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



REDACTED

+

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



REDACTED

+

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue

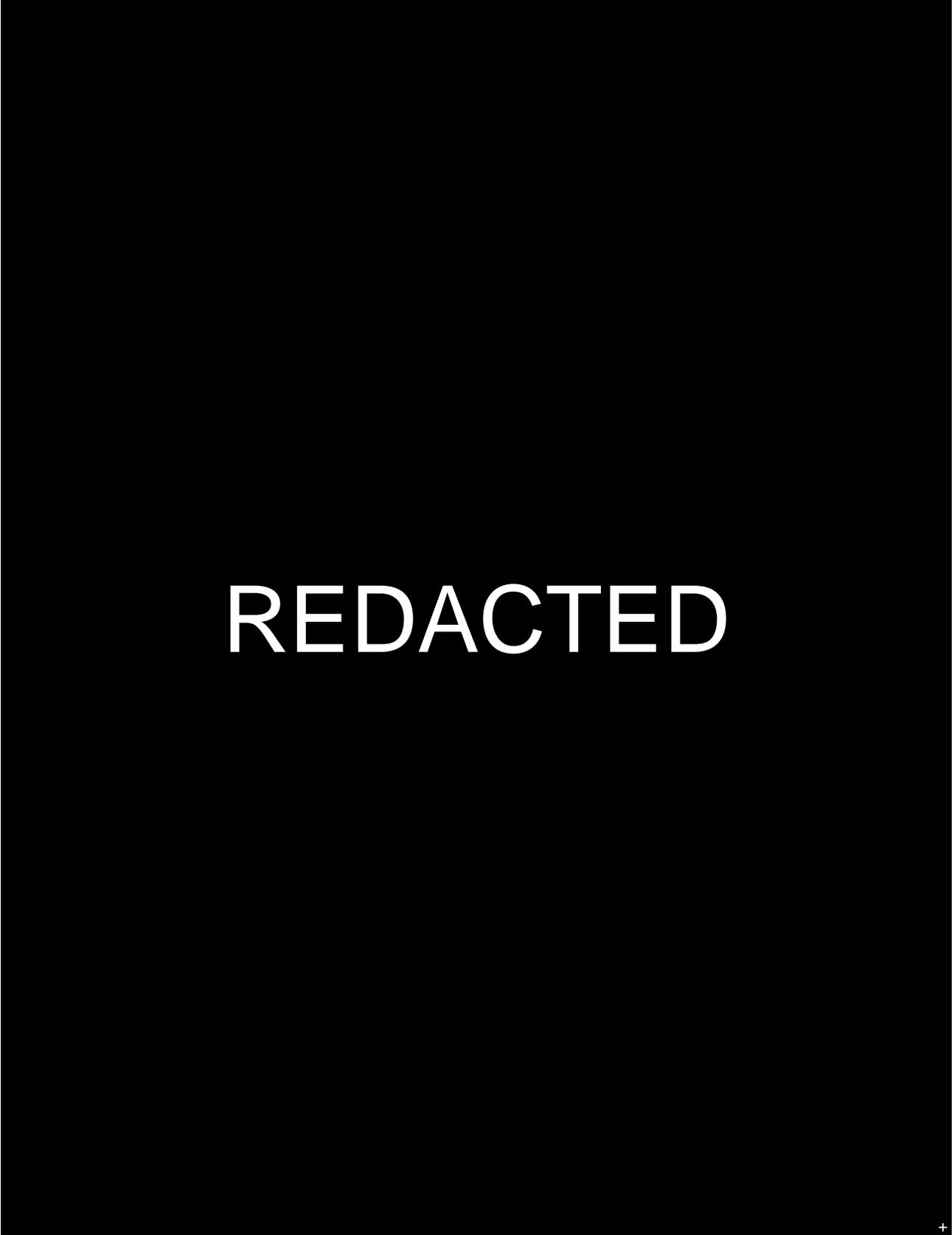


REDACTED

+

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue

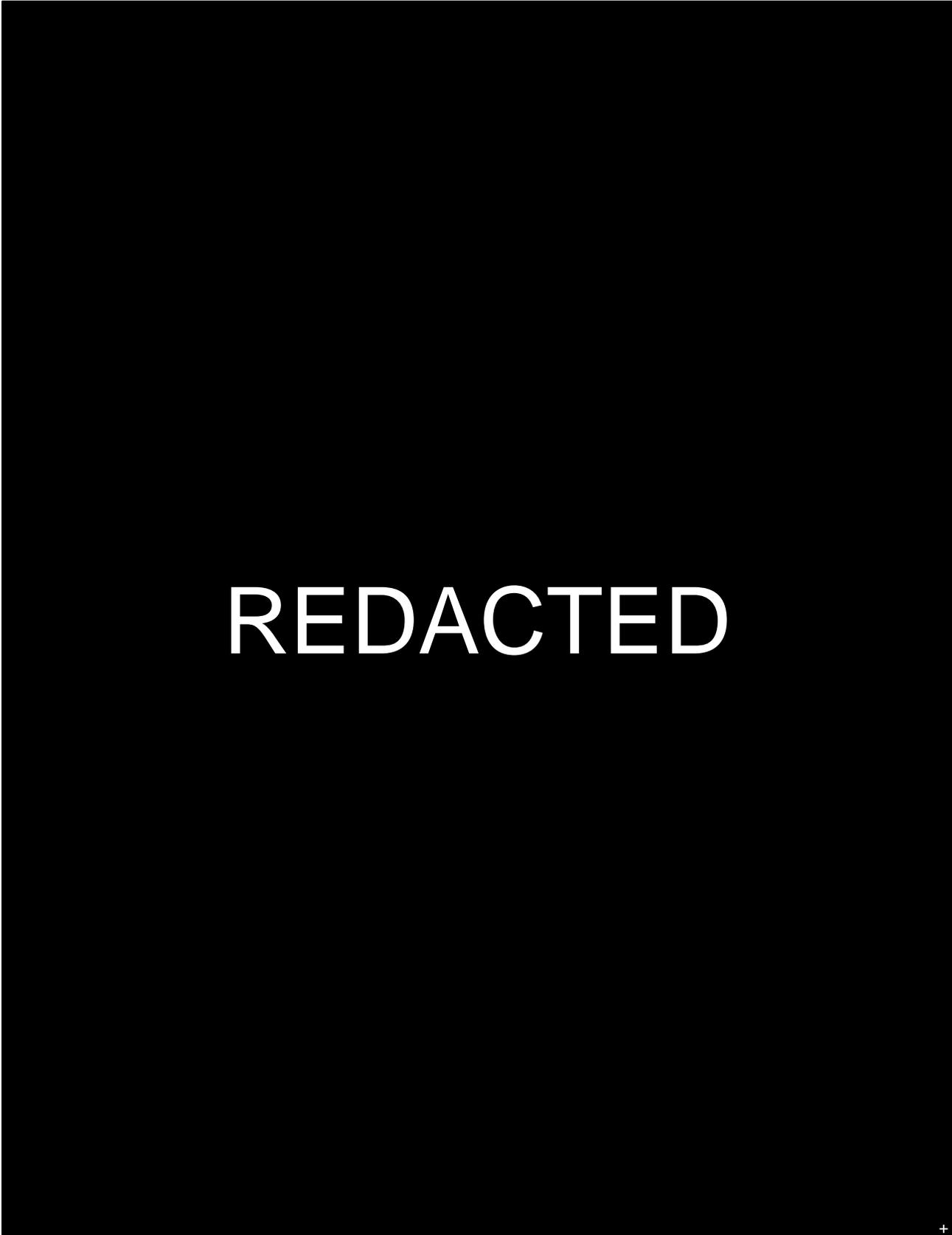


REDACTED

+

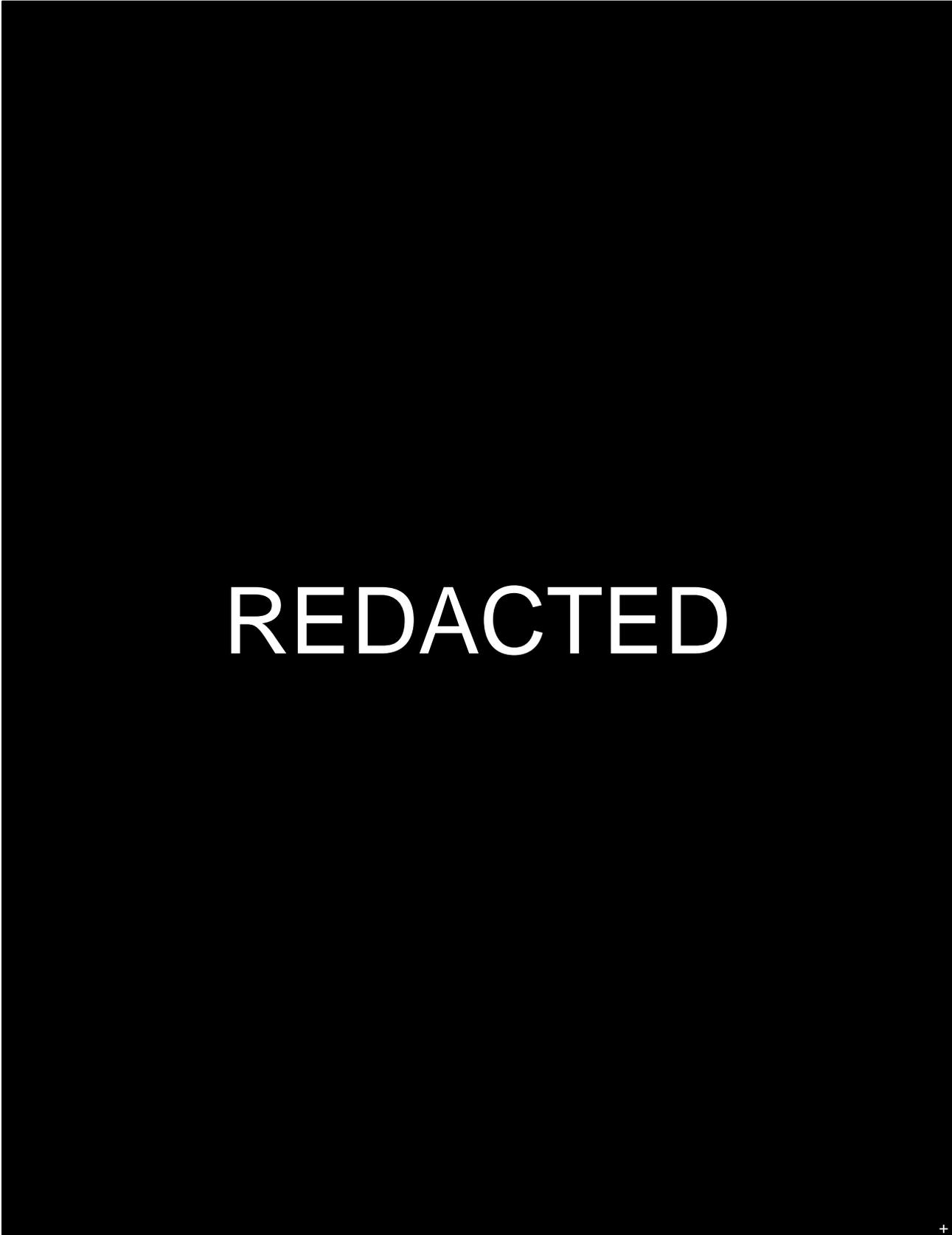
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



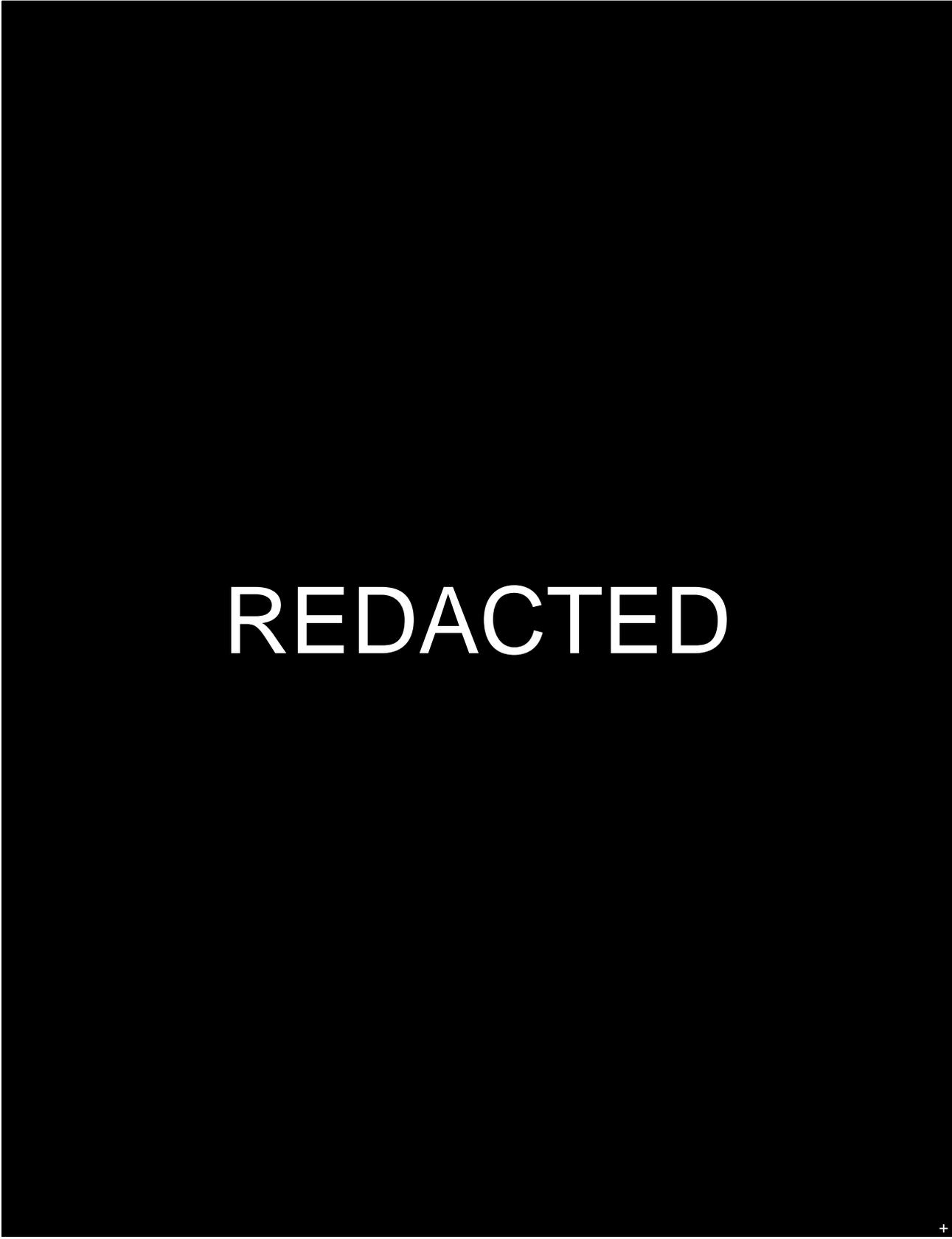
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



REDACTED

+

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue

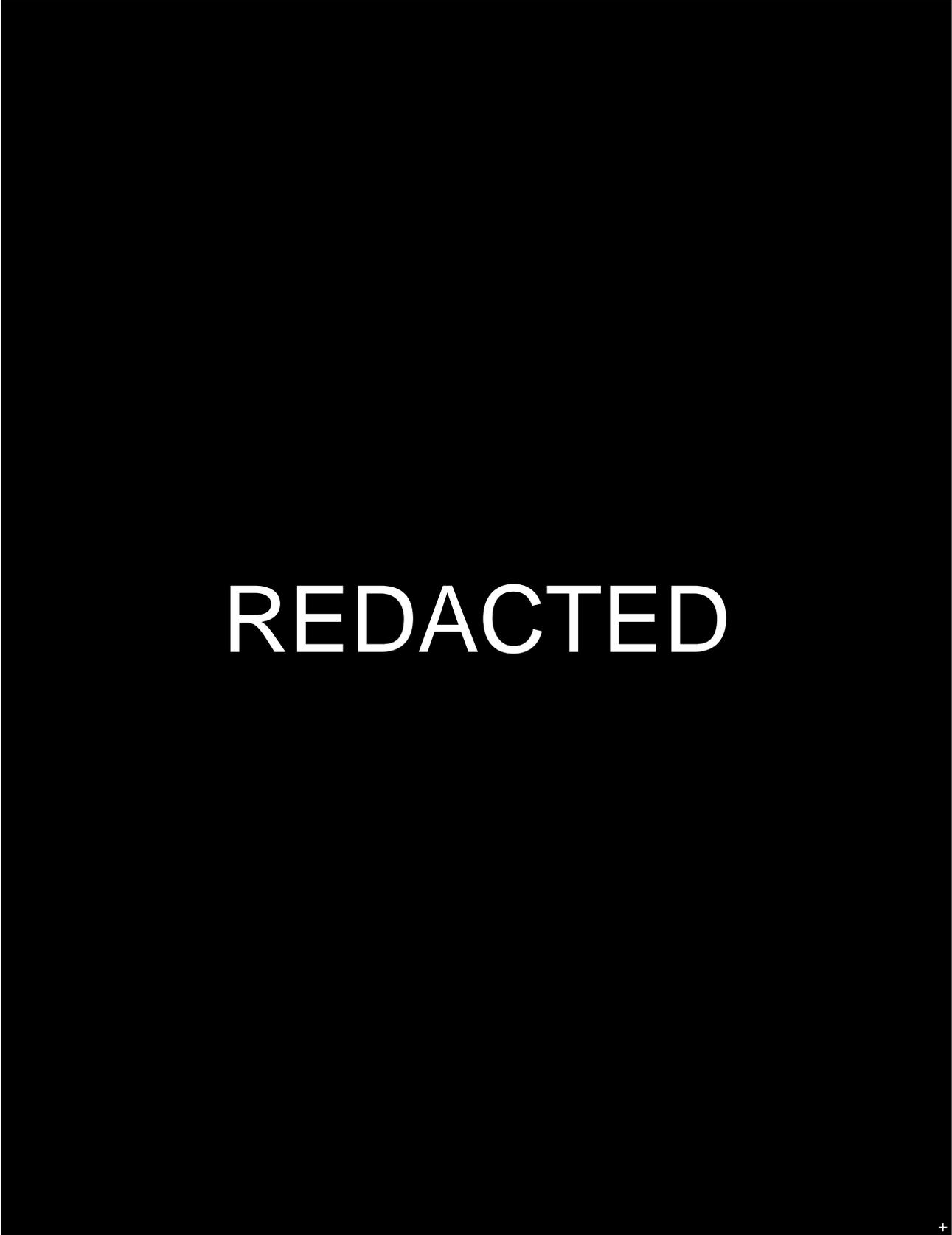


REDACTED

+

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue

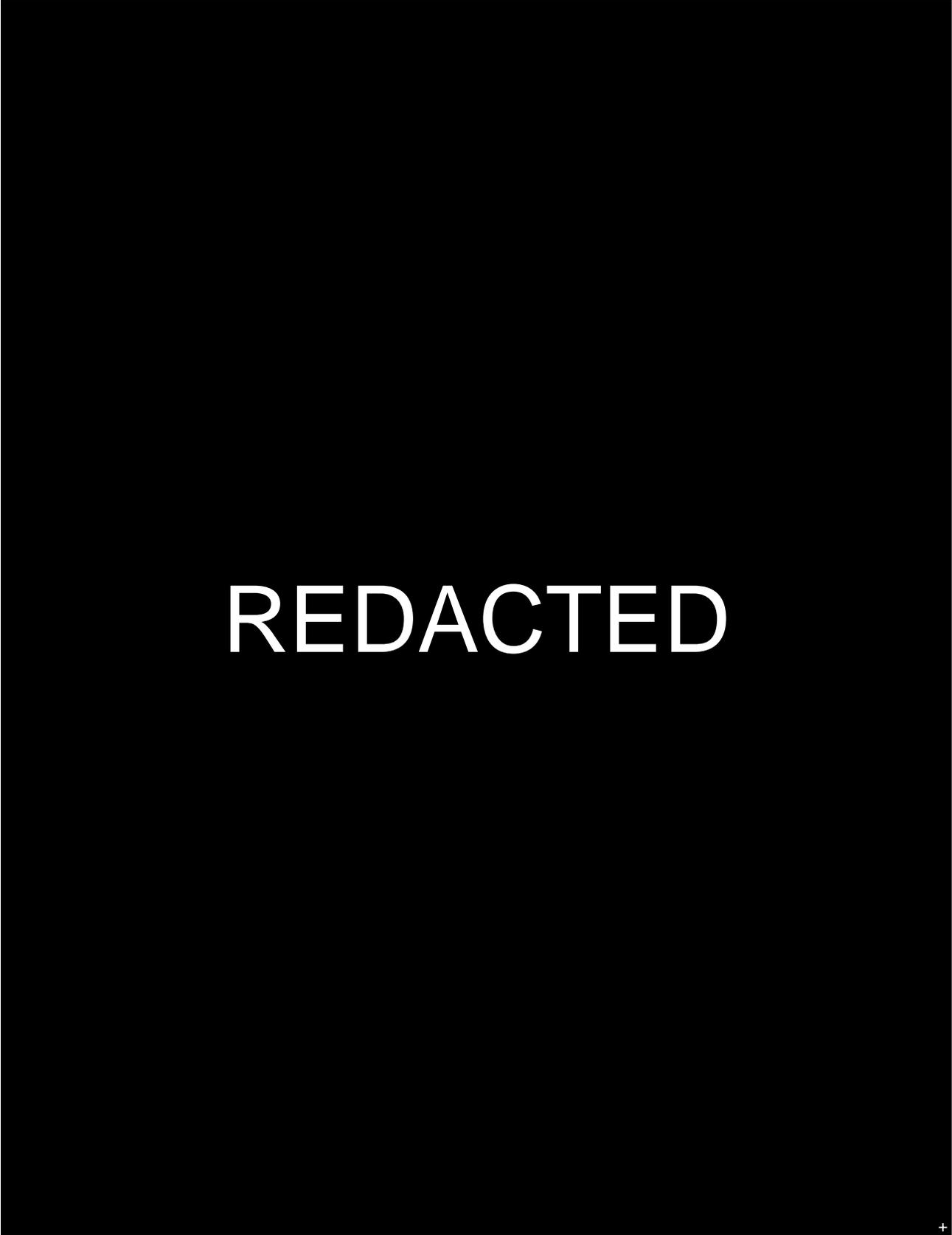


REDACTED

+

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



REDACTED

+

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue

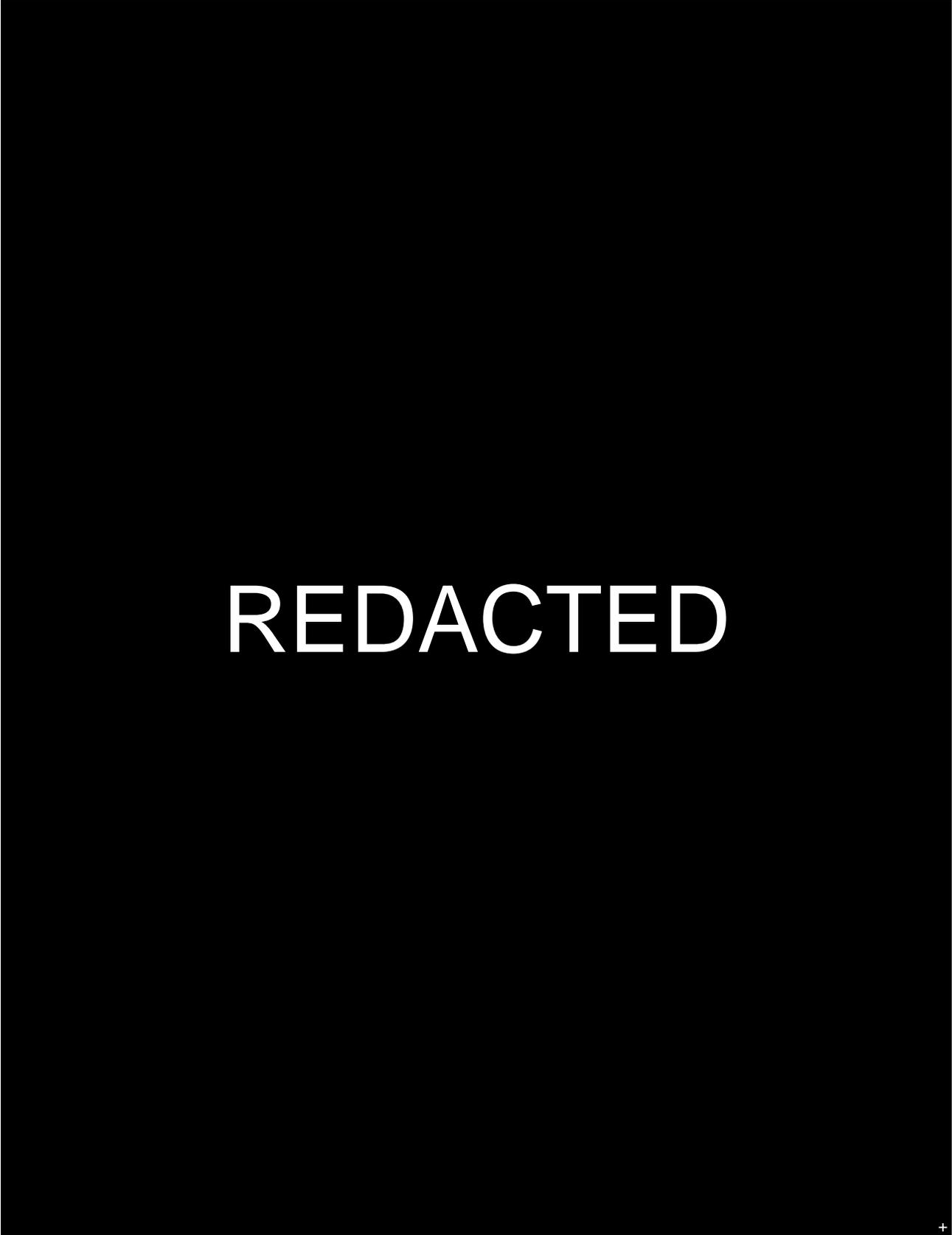


REDACTED

+

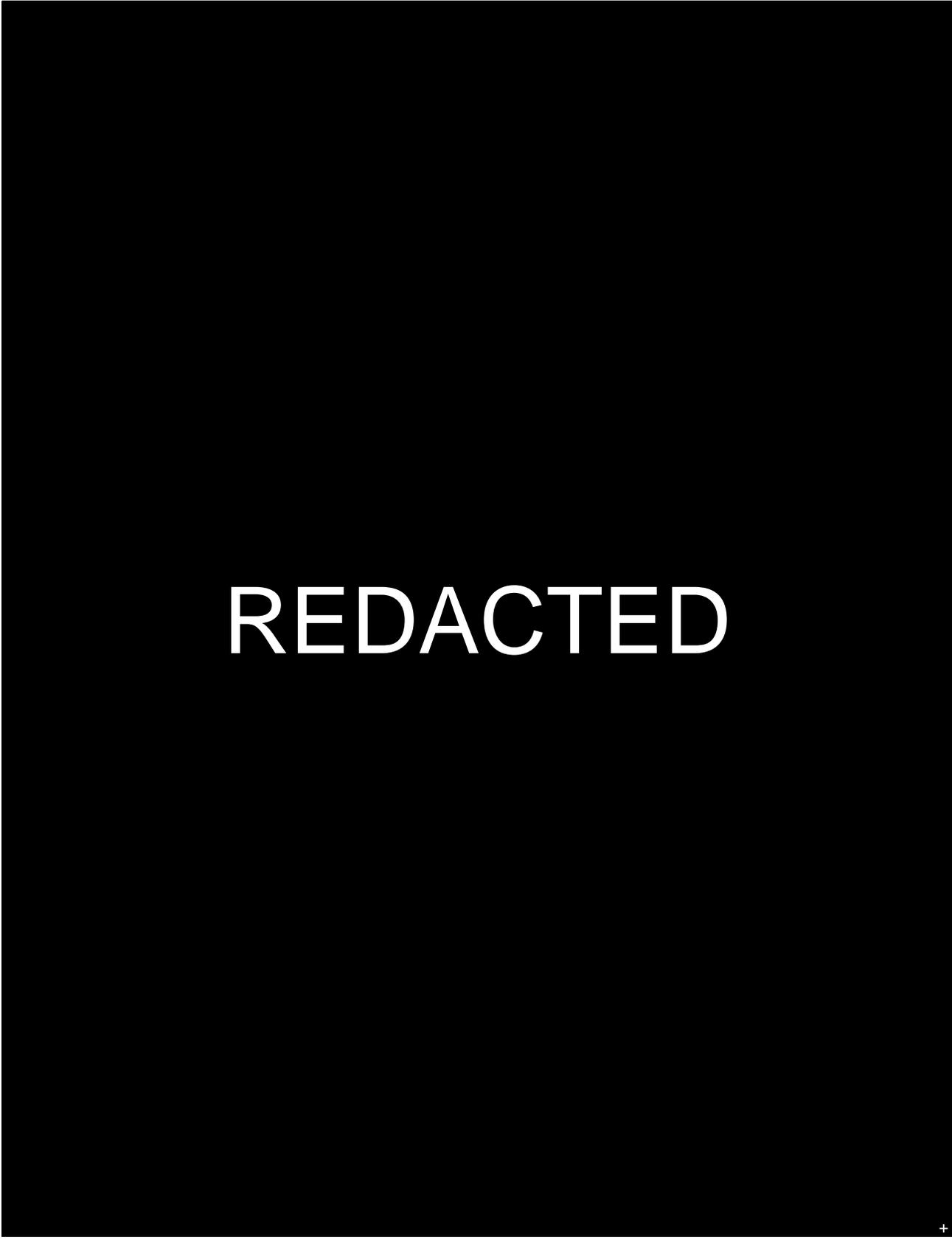
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



REDACTED

+

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue

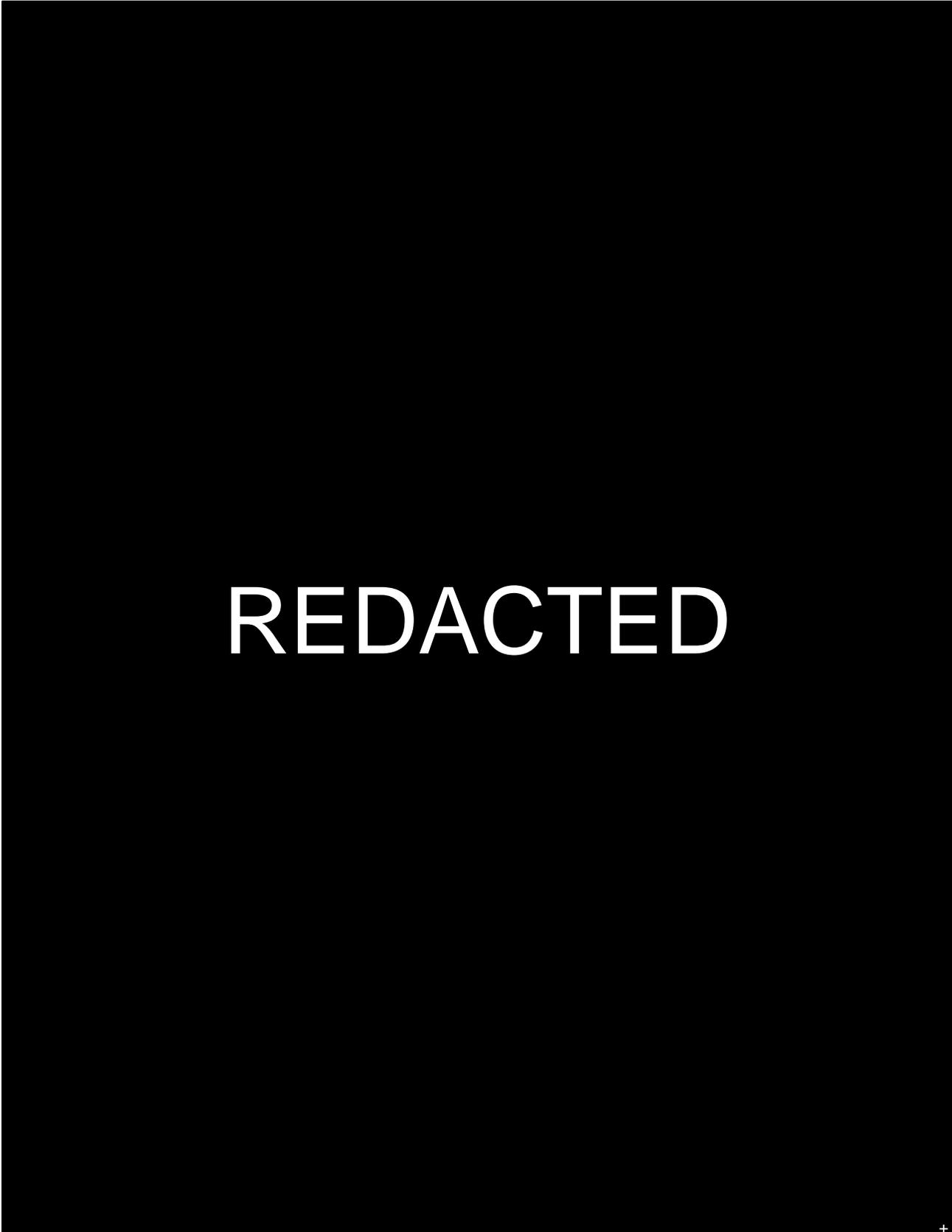


REDACTED

+

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Donohue



REDACTED

+

1 Donohue

2
3
4 **REDACTED**
5
6
7

8 No further questions.

9 (Time noted: 5:00 p.m.)

10 STATE OF New York Jim Donohue
11 COUNTY of New York JIM DONOHUE

12
13 Subscribed and sworn to before me
14 this 20 day of JANUARY, 2010

15
16 Susan E. Grant

17
18 **SUSAN E GRANT**
19 Notary Public - State of New York
20 NO. 01GR6062309
21 Qualified in New York County
22 My Commission Expires 08/10/2012

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

STATE OF NEW YORK)
 : SS.
COUNTY OF NEW YORK)

I, Philip Rizzuti, a Notary
Public within and for the State of New
York, do hereby certify:

That JIM DONOHUE, the witness
whose deposition is hereinbefore set forth,
was duly sworn by me and that such
deposition is a true record of the
testimony given by the witness.

I further certify that I am not
related to any of the parties to this
action by blood or marriage, and that I am
in no way interested in the outcome of this
matter.

IN WITNESS WHEREOF, I have
hereunto set my hand this 20th day of
December, 2010.



PHILIP RIZZUTI

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

----- I N D E X -----

WITNESS	EXAMINATION BY	PAGE
JIM DONOHUE	Ms. Woo	6, 112
	Mr. Liss	136, 140
	Ms. Popp-Rosenberg	137

----- INFORMATION REQUESTS -----

DIRECTIONS: None
RULINGS: None
TO BE FURNISHED: None
REQUESTS: None
MOTIONS: None

----- EXHIBITS -----

Deposition Exhibit 1, notice of deposition of Pfizer,	4
Deposition Exhibit 2, spreadsheet,	4
Deposition Exhibit 2-A, spreadsheet,	4
Deposition Exhibit 3, spreadsheet,	4
Deposition Exhibit 3-A, spreadsheet,	4

1		
2	Deposition Exhibit 4,	5
3	spreadsheet,	
4	Deposition Exhibit 4-A,	5
5	spreadsheet,	
6	Deposition Exhibit 5,	5
7	spreadsheet,	
8	Deposition Exhibit 5-A,	5
9	spreadsheet,	
10	Deposition Exhibit 6,	6
11	spreadsheet,	
12	Deposition Exhibit 6-A,	6
13	spreadsheet,	
14	Deposition Exhibit 7,	6
15	spreadsheet,	

16
17
18
19
20
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

*** ERRATA SHEET ***

NAME OF CASE: McNeil vs. Walgreen

DATE OF DEPOSITION: December 8, 2010

NAME OF WITNESS: JIM DONOHUE

PAGE LINE FROM TO

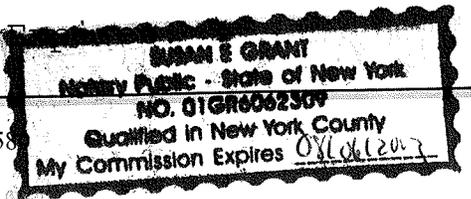
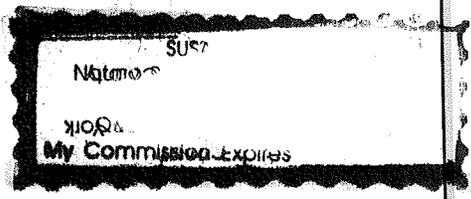


REDACTED

Jim Donohue
JIM DONOHUE

Subscribed and sworn to before me
this 20th day of Jan, 2010.

S. C. Del 8/6/2014
(Notary Public) My Commission Expires





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

McNEIL-PPC, INC.,

Opposer,

-against-

WALGREEN CO.,

Applicant.

Opp. No. 91184978

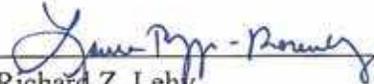
NOTICE OF DEPOSITION OF PFIZER INC.

PLEASE TAKE NOTICE that pursuant to Rules 30 and 45 of the Federal Rules of Civil Procedure, shall seek documents from and take the deposition of Pfizer Inc. pursuant to subpoena. A copy of the subpoena to Pfizer Inc. is attached hereto.

The deposition shall take place on August 17, 2009, commencing at 10:00 a.m. and continuing day-to-day thereafter or on such dates as may be necessary until concluded. The deposition shall take place before a certified court reporter duly authorized to administer oaths and shall be transcribed stenographically. You are invited to attend and cross-examine.

Dated: New York, New York
July 17, 2009

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

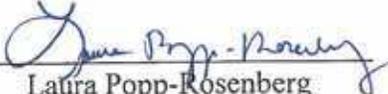
By: 
Richard Z. Lehv
Laura Popp-Rosenberg
866 United Nations Plaza
New York, New York 10017
Tel: (212) 813-5900
Email: rlehv@frosszelnick.com
lpopp-rosenberg@frosszelnick.com

Attorneys for Opposer McNEIL-PPC, Inc.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD
McNeil-PPC, Inc.,
Opposer, Opp. No. 91184978
v.
Walgreen Co.,
Applicant.
Jim Donohue Deposition Ex. 1

CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of the foregoing Notice of Deposition of Pfizer Inc. to be sent by First Class mail, postage pre-paid, in an envelope addressed to Applicant's counsel, Mark J. Liss, Esq., Leydig, Voit & Mayer, Two Prudential Plaza, 180 N. Stetson Ave., Suite 4900, Chicago, IL 60601, this 17th day of July, 2009.



Laura Popp-Rosenberg

UNITED STATES DISTRICT COURT

for the Southern District of New York

McNEIL-PPC, INC.

Plaintiff

v.

WALGREEN CO.

Defendant

Civil Action No. TTAB No. 91184978

(If the action is pending in another district, state where:

Trademark Trial and Appeals Board

SUBPOENA TO TESTIFY AT A DEPOSITION OR TO PRODUCE DOCUMENTS IN A CIVIL ACTION

To: Pfizer Inc., 235 East 42nd Street, New York, NY 10017

Testimony: YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization that is not a party in this case, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

See Schedule A.

Table with 2 columns: Place and Date and Time. Place: Fross Zelnick Lehrman & Zissu, P.C. 866 United Nations Plaza, New York, NY 10017. Date and Time: 08/17/2009 10:00 am

The deposition will be recorded by this method: Stenographic

Production: You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

See Schedule B.

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 07/17/2009

CLERK OF COURT

Signature of Clerk or Deputy Clerk

OR

Handwritten signature of Laura Popp-Rosenberg, Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) McNEIL-PPC, Inc., who issues or requests this subpoena, are:

Laura Popp-Rosenberg, Fross Zelnick Lehrman & Zissu, P.C. 866 United Nations Plaza, New York, New York 10017 Ph: (212) 813-5900 Email: lpopp-rosenberg@frosszelnick.com

Civil Action No. TTAB No. 91184978

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This subpoena for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the subpoena on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the subpoena at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the subpoena on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the subpoena unexecuted because _____; or

Other *(specify)*:

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)

(c) Protecting a Person Subject to a Subpoena.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney’s fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party’s officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party’s officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert’s opinion or information that does not describe specific occurrences in dispute and results from the expert’s study that was not requested by a party; or

(iii) a person who is neither a party nor a party’s officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(d) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) Contempt. The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty’s failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

SCHEDULE A

Definitions

The following definitions apply to the Topics of Deposition below:

- A. "All" and "each" shall be construed as "all and each."
- B. "And" and "or" shall each be construed as "and/or."
- C. "Pfizer" means Pfizer, Inc., and any business entity, division, parent, subsidiary, affiliate, licensee, franchisee, successor, predecessor in interest, assign, or other related business entity with which Pfizer Inc. is associated and the predecessors of any of them and every employee, agent or other person acting or purporting to act on behalf of Pfizer Inc.
- D. "Concerning" means relating to, referring to, describing, evidencing or constituting.
- E. "Market Research" includes all surveys, polls, focus groups, interviews, market research studies and other investigations, whether or not such investigations were completed, discontinued or fully carried out.
- F. "ZYRTEC Mark" means all marks consisting of or incorporating the term "Zyrtec."
- G. "ZYRTEC Products" means all products, regardless of form, bearing a name or mark consisting of or including the term "Zyrtec."
- H. The use of the singular form of any word includes the plural and vice versa.

Topics of Deposition

The deposition shall address the following subjects, and Pfizer is requested to designate a representative or representatives with knowledge of the same:

1. For each year prior to 2008, Pfizer's annual U.S. sales in dollars and units for ZYRTEC Products.
2. For each year prior to 2008, annual U.S. retail sales in dollars and units for ZYRTEC Products.
3. For each year prior to 2008, U.S. market share data in units and dollars for ZYRTEC Products.
4. For each year prior to 2008, Pfizer's annual U.S. expenditures on the marketing, promotion, advertising and other publicity of ZYRTEC Products or the ZYRTEC Mark.
5. For each year prior to 2008, activities undertaken by or on behalf of Pfizer to market, promote, advertise or otherwise publicize ZYRTEC Products or the ZYRTEC Mark in the United States, including but not limited to details concerning media (*e.g.*, newspapers, television) and media outlets (*e.g.*, *The New York Times*, CBS) utilized.
6. For all periods prior to 2008, Market Research Concerning U.S. consumer recognition or awareness of the ZYRTEC Mark and/or ZYRTEC Products.
7. The Documents produced in response to the foregoing subpoena.

SCHEDULE B

Definitions

The following definitions apply to the Requests for Document Production below:

- A. "All" and "each" shall be construed as "all and each."
- B. "And" and "or" shall each be construed as "and/or."
- C. "Concerning" means relating to, referring to, describing, evidencing or constituting.
- D. "Document" is used in the broadest sense possible consistent with the Federal Rules of Civil Procedure as adopted by the Trademark Rules of Practice and includes, without limitation, non-identical copies (whether different from the original because of underlining, editing marks, notes made on or attached to such copy, or otherwise), and drafts, whether printed or recorded (through a sound, video or other electronic, magnetic or digital recording system) or reproduced by hand, including but not limited to writings, recordings, photographs, letters, correspondence, purchase orders, invoices, facsimiles, telegrams, telexes, memoranda, records, summaries, minutes, records or notes of personal conversations, interviews, meetings and/or conferences, note pads, notebooks, postcards, "Post-It" notes, stenographic or other notes, opinions or reports of consultants, opinions or reports of experts, projections, financial or statistical statements or compilations, checks (front and back), contracts, agreements, appraisals, analyses, confirmations, publications, articles, books, pamphlets, circulars, microfilms, microfiche, reports, studies, logs, surveys, diaries, calendars, appointment books, maps, charts, graphs, bulletins, tape recordings, videotapes, diskettes, compact discs (CDs), data tapes or readable computer-produced interpretations or transcriptions thereof, electronically-transmitted messages (email), voicemail messages, inter-office communications, advertising, packaging and

promotional materials, and any other writings, papers and tangible things of whatever description whatsoever, including but not limited to all information contained in any computer or electronic data processing system, or on any tape, whether or not already printed out or transcribed.

Without limiting the foregoing, “Documents” include electronically stored information, including any and all subsisting metadata associated therewith.

E. “Market Research” includes all surveys, polls, focus groups, interviews, market research studies and other investigations, whether or not such investigations were completed, discontinued or fully carried out.

F. “Pfizer” means Pfizer, Inc., and any business entity, division, parent, subsidiary, affiliate, licensee, franchisee, successor, predecessor in interest, assign, or other related business entity with which Pfizer Inc. is associated and the predecessors of any of them and every employee, agent or other person acting or purporting to act on behalf of Pfizer Inc.

G. “ZYRTEC Mark” means all marks consisting of or incorporating the term “Zyrtec.”

H. “ZYRTEC Products” means all products, regardless of form, bearing a name or mark consisting of or including the term “Zyrtec.”

I. The use of the singular form of any word includes the plural and vice versa.

INSTRUCTIONS

A. Pfizer is required to produce any and all responsive Documents in its possession, custody or control that are known or available to it, regardless of whether those Documents are possessed by it or by any agent, representative, attorney or other third party. Pfizer must make a diligent search of its records (including but not limited to paper records, computerized records, electronic mail records and voicemail records) and of other papers and materials in its

possession, custody or control, including but not limited to those Documents available to it or its agents, representatives, attorneys or other third parties.

B. If there are no Documents responsive to any particular request or part thereof, Pfizer should so state in writing.

C. If Pfizer objects to furnishing Documents in response to any request, or any part or portion thereof, Pfizer should state specifically the basis of such objection, identify the Documents to which each objection applies, and furnish all requested Documents to which the objection does not apply.

D. Confidentiality of information and Documents produced by parties and non-parties to this proceeding is governed by the Standard Protective Order of the Trademark Trial and Appeal Board of the United States Patent and Trademark Office, a copy of which is available at <http://www.uspto.gov/web/offices/dcom/ttab/tbmp/stndagmnt.htm>. Pfizer may avail itself of the protections available in the Standard Protective Order for any Documents requested to be produced herein that it deems confidential, proprietary, trade secret or commercially sensitive.

E. In the event any Document is withheld on a claim of attorney/client privilege or work product immunity, Pfizer should offer a statement signed by an attorney representing it identifying as to each such Document:

(a) the name of the author of the Document;

(b) the name of the sender of the Document;

(c) the names of all Persons to whom copies were sent or to whom the information contained therein was disclosed;

(d) the job title of every Person named in (a), (b), and (c) above;

- (e) the date of the Document;
- (f) the date on which the Document was received;
- (g) a brief description of the nature and subject matter of the Document; and
- (h) the statute, rule, or decision which is claimed to give rise to the privilege.

F. If, in responding to any document request, Pfizer perceives any ambiguity in construing either the request or the instruction or definition relevant to the request, Pfizer should identify the matter deemed ambiguous and set forth the construction chosen or used in answering the request.

Requests for Document Production

Request No. 1

Documents (including financial, accounting or corporate records) sufficient to establish Pfizer's total U.S. sales of ZYRTEC Products in dollars and units, for each year (or portion thereof) prior to 2008.

Request No. 2

Documents (including financial, accounting or corporate records) sufficient to establish total U.S. retail sales of ZYRTEC Products in dollars and units, for each year (or portion thereof) prior to 2008.

Request No. 3

Documents sufficient to show U.S. market share for ZYRTEC Products (by units and/or dollars) for each year prior to 2008.

Request No. 4

Documents (including financial, accounting or corporate records) sufficient to establish the amount of money spent by Pfizer, for each year (or portion thereof) prior to 2008, to

advertise, market, promote or otherwise publicize ZYRTEC Products or the ZYRTEC Mark in the United States.

Request No. 5

Representative samples of advertisements (regardless of media), circulars, catalogues, brochures, promotional materials and other marketing materials sufficient to show the manners in which Pfizer promoted ZYRTEC Products or the ZYRTEC Mark in the United States.

Request No. 6

U.S. media schedules for ZYRTEC for each year prior to 2008.

Request No. 7

Documents sufficient to identify the types of media that Pfizer used to advertise, market, promote or otherwise publicize ZYRTEC Products or the ZYRTEC Mark in the United States.

Request No. 8

Documents sufficient to show the penetration levels of advertising (*e.g.*, magazine subscriber rates, television program viewer rates, Internet advertising click rates, mailings volumes) undertaken by or on behalf of Pfizer for the ZYRTEC Products or the ZYRTEC Mark in the United States.

Request No. 9

Documents sufficient to show the number of visitors to any ZYRTEC-dedicated webpage or website controlled by or on behalf of Pfizer.

Request No. 10

All Documents Concerning Market Research Concerning U.S. consumer recognition or awareness of the ZYRTEC Mark and/or ZYRTEC Products.

Request No. 11

Copies of all media reports, press clippings or press releases Concerning ZYRTEC Products or the ZYRTEC Mark.



REDACTED

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

McNeil-PPC, Inc.,
Opposer, Opp. No. 91184978
v.
Walgreen Co.,
Applicant.
Jim Donohue Deposition Ex. 2

REDACTED

REDACTED

P0001



REDACTED

Trade Secret/Commercially Sensitive

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

McNeil-PPC, Inc.,

Opposer,

Opp. No. 91184978

v.

Walgreen Co.,

Applicant.

Jim Donohue Deposition Ex. 2A

REDACTED

REDACTED

REDACTED

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD
McNeil-PPC, Inc.,
Opposer, Opp. No. 91184978
v.
Walgreen Co.,
Applicant.
Jim Donohue Deposition Ex. 3



Trade Secret/Commercially Sensitive
To Be Filed Under Seal

REDACTED

Trade Secret/Commercially Sensitive
To Be Filed Under Seal

REDACTED

Trade Secret/Commercially Sensitive
To Be Filed Under Seal

REDACTED

Trade Secret/Commercially Sensitive
To Be Filed Under Seal

REDACTED

Trade Secret/Commercially Sensitive
To Be Filed Under Seal

REDACTED

REDACTED



REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD
McNeil-PPC, Inc.,
Opposer, Opp. No. 91184978
v.
Walgreen Co.,
Applicant.
Jim Donohue Deposition Ex. 4

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD
McNeil-PPC, Inc.,
Opposer, Opp. No. 91184978
v.
Walgreen Co.,
Applicant.
Jim Donohue Deposition Ex. 5

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

P0013

REDACTED



Trade Secret/Commercially Sensitive

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

McNeil-PPC, Inc.,

Opposer,

Opp. No. 91184978

v.

Walgreen Co.,

Applicant.

Jim Donohue Deposition Ex. 5A

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD
McNeil-PPC, Inc.,
Opposer, Opp. No. 91184978
v.
Walgreen Co.,
Applicant.
Jim Donohue Deposition Ex. 6



REDACTED

REDACTED

REDACTED

REDACTED



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD
McNeil-PPC, Inc., Opposer, Opp. No. 91184978
v.
Walgreen Co., Applicant.
Jim Donohue Dep. Ex. 6A

REDACTED

REDACTED

REDACTED