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

Proceeding	91184978
Party	Defendant Walgreen Co.
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Attachments	2011.04.27 Deposition of R. Tompkins Redacted.pdf (140 pages)(860195 bytes) Exhibit 2.pdf (3 pages)(71410 bytes) Exhibit 3.pdf (7 pages)(984711 bytes) Exhibit 4 Part 1.pdf (4 pages)(5471432 bytes) Exhibit 4 Part 2.pdf (3 pages)(5546604 bytes) Exhibit 5.pdf (2 pages)(59347 bytes) Exhibit 6.pdf (7 pages)(10092968 bytes) Exhibit 7.pdf (3 pages)(3621591 bytes) Exhibit 8 Part 1.pdf (20 pages)(5297252 bytes) Exhibit 8 Part 2.pdf (25 pages)(6691754 bytes) Exhibit 9.pdf (5 pages)(139949 bytes) Exhibit 10.pdf (6 pages)(451903 bytes) Exhibit 11.pdf (7 pages)(282847 bytes) Exhibit 12.pdf (2 pages)(327823 bytes) Exhibit 13.pdf (28 pages)(672776 bytes) Exhibit 14.pdf (13 pages)(2578726 bytes)

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McNEIL-PPC,INC.)
)
Opposer,)
)
against) Opp. No. 91184978
)
WALGREEN CO.,)
)
Applicant.)

C O N F I D E N T I A L

The deposition of ROBERT TOMPKINS, called for examination, taken before KIMBERLY WINKLER CHRISTOPHER, CSR No. 084-002752, a Certified Shorthand Reporter of the State of Illinois, at 104 Wilmot Road, Second Floor, Deerfield, Illinois, on the 28th day of March, A.D. 2011, at 9:16 a.m.

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MR. LISS: Would you swear in the witness for us, please.

(Witness sworn.)

ROBERT TOMPKINS,

called as a witness herein, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. LISS:

Q. Please state your name, please, sir.

A. Robert Tompkins.

Q. And can you spell your last name.

A. T-o-m-p-k-i-n-s.

Q. And are you employed, Mr. Tompkins?

A. Yes.

Q. And where are you employed?

A. Walgreen Company.

Q. And how long have you been employed at Walgreen Company?

A. About 22 years.

Q. And what is your current position at Walgreen?

A. Divisional vice president and general merchandise manager of health and wellness.

Q. And can you just generally describe the

business activity of Walgreen?

A. Walgreen Co. is a company with approximately 8,000 drugstores in 50 states. We're in the business of selling prescription drugs and also self-service goods.

Q. And self-service goods would be what?

A. That would include anything from food products to seasonal items, like holiday decor, over-the-counter drugs, and beauty products.

Q. Okay. And when you say over-the-counter drugs, again, just generally what are you referring to?

A. Those would be items that don't require a prescription on categories such as cough and cold relief, allergy relief, vitamins, pain relief, and others.

Q. And your responsibility includes over-the-counter drugs?

A. Yes, it does.

Q. And how long has that been the case?

A. I've been the general merchandise manager for two and a half years.

Q. And prior to that?

A. I was divisional merchandise manager for

OTC 1.

Q. What is OTC 1?

A. OTC 1 is the division that has categories including cough and cold, allergy, pain, sleep, GI, eye/ear was the main categories.

Q. And how long within the Walgreen Company have you worked in the over-the-counter category?

A. I've been involved with the over-the-counter category for approximately ten years.

Q. And when you say you're involved with the over-the-counter category, what specifically does that mean in that category?

A. In my role as general merchandise manager, we're responsible for the procurement and marketing of merchandising of over-the-counter drugs.

Q. And prior to your current position, what was your involvement specifically with the over-the-counter area?

A. Sure. As a divisional merchandise manager of OTC 1, I was responsible for the category management team that oversaw the categories I mentioned before, including

procurement of merchandising.

MR. LISS: I'm going to have this marked as Exhibit 2 because we actually have a different Exhibit 1.

(Exhibit No. 2 marked as requested.)

BY MR. LISS:

Q. I'm going to hand you what was marked as Exhibit 2 and indicate that's a document entitled "Notice of Testimony Deposition."

It's your understanding that you're here today pursuant to this notice?

A. Yes.

Q. And reading it, it says your title here is divisional merchandise manager.

Do you see that?

A. I do.

Q. And we've learned that's not correct anymore?

A. No, it's not.

Q. And your current title is?

A. General merchandise manager and divisional vice president.

Q. And previously you were the divisional

merchandise manager?

A. That's correct.

Q. Okay. You can put that aside, if you would.

You mentioned that Walgreen has approximately 8,000 stores; is that correct?

A. Yes.

Q. And are they all located in the United States?

A. They are except for Puerto Rico. We have stores there as well.

Q. And does Walgreens track how many customers typically visit the 8,000 or so Walgreen stores?

A. Yes, we do.

Q. And approximately do you do it -- do you have a number on a daily basis?

A. It's several million.

Q. And I assume Walgreens tracks its revenue realized from sales of goods from these stores?

A. Yes, we do.

Q. And do you know annualized approximately what the 2010 sales revenue for Walgreens was?

A. Approximately 70 billion.

Q. I assume Walgreens has other drugstore competitors?

A. Yes, we do.

Q. And how does Walgreen rank in the drugstore business in the United States?

A. We're No. 1.

Q. Now, you talked a little bit earlier about there was a mix of products; prescription drugs, over-the-counter drugs, and other products.

Is there a typical mix in the Walgreens store?

A. I would say approximately 65 percent of our sales are prescription; and the balance of 35 percent is done on the front end, which are those beauty, consumable, and OTC categories I mentioned.

Q. And in the products carried in a Walgreen store, are any of them what I'll call private label products?

A. Yes.

Q. And so the record is clear, what is a private label? What's your understanding?

A. Generally a private label or private

brand product is considered to be managed by the retailer as opposed to an outside supplier.

Q. So a private label would be sold under a retailer's control brand?

A. Yes. Oftentimes it will have the retailer name on the product or be a name that the retailer owns.

Q. And does Walgreens sell private label over-the-counter drugs?

A. Yes, we do.

Q. And it also sells name brand drugs; is that correct?

A. That's correct.

Q. Have you ever heard the name brand Zyrtec?

A. Yes, I have.

Q. And what to your knowledge is Zyrtec?

A. Zyrtec is an allergy product, over-the-counter medication.

Q. And is that sold by Walgreens?

A. Yes, it is.

Q. And do you know who manufactures Zyrtec and sells it to Walgreens?

A. Yes. J&J, Johnson & Johnson.

Q. And then Walgreen would resell the Zyrtec product to retail customers; is that right?

A. That's right.

Q. And what is the active ingredient to your knowledge in Zyrtec?

A. Cetirizine.

Q. Why don't you spell that if you can. We have a package, if that would help.

A. Yeah. Just to make sure I get it a hundred percent right, that would help. Thank you.

It's C-e-t-i-r-i-z-i-n-e.

Q. And has Zyrtec always been an over-the-counter product for Walgreens?

A. No, it has not.

Q. And prior to Zyrtec being over the counter, did Walgreens sell Zyrtec branded products?

A. We did as a prescription product, yes.

Q. And did there come a time when Walgreens started to sell Zyrtec over the counter?

A. Yes. Approximately January of 2008 it went from prescription to over the counter.

Q. Do you know why that happened?

A. Oftentimes an Rx OTC switch can be due to patent expiration or other factors.

Q. Does Walgreen sell cetirizine based products over the counter?

A. Yes, we do.

Q. And how long has Walgreen done that?

A. Since January of 2008 we've had cetirizine over the counter.

Q. And how do you brand the over-the-counter cetirizine offered by Walgreens under your own label?

A. It's called Wal-Zyr.

Q. And how do you spell Wal-Zyr?

A. W-a-l-dash-Z-y-r.

Q. And why did Walgreens decide to introduce the Wal-Zyr product?

A. We often will introduce a house brand or private brand equivalent to a national brand item in over-the-counter drugs.

Q. And were you involved in the decision to offer cetirizine as a private label under the name Wal-Zyr?

A. Yes, I was.

Q. And what was your involvement?

A. At the time I was the divisional merchandise manager so I was working with the category manager and general merchandise manager at the time to bring the product to market.

Q. And how did you happen to come upon the name Wal-Zyr?

A. Wal-Zyr was one of a couple names that we considered. We have our Wal prefix on a lot of our over-the-counter drugs, which connotates the Walgreen brand. And we felt that it was a name that conveyed what the product was to the customer in offering a value proposition tied into the Walgreen heritage.

Q. And when you say that you have a Wal prefix program, what do you mean by that?

A. We have several over-the-counter drugs that start with the W-a-l.

Q. And where does the W-a-l come from?

A. It's from the Walgreens name. It connotates Walgreen as a retailer.

Q. And when you say Wal-Zyr communicated the message that you wanted, what message were you trying to communicate?

A. That the product is national brand

equivalent. It offers really a value proposition to the customer. It really conveys the equivalency, but also conveys the unique availability of the product at Walgreens.

Q. And the national brand equivalent in this case, Zyrtec?

A. Yes.

Q. And the Wal-Zyr product, is that manufactured by Walgreens?

A. No, it's not.

Q. And who manufactures the product?

A. Currently I believe it's Perrigo. I also believe that L&K has been a producer of the Wal-Zyr product.

Q. And who is Perrigo?

A. Perrigo is a large private brand manufacturer.

Q. And L&K?

A. They're also a large private brand manufacturer.

Q. And is the Wal-Zyr product viewed as the equivalent to the Zyrtec product?

A. Yes, it is.

Q. And they have the same active

ingredient?

A. Yes, they do.

Q. Does Walgreens take any measures to make sure that its Wal-Zyr product is of good quality?

A. Absolutely. You know, No. 1, we'll oftentimes visit the manufacturers of these products. Number 2, in the case of Wal-Zyr and several of our products, we'll do independent lab testing by a company called Bureau Veritas, which is a reputable outside laboratory to ensure the quality of the product.

Q. Is the independent lab testing Walgreens does -- is it required by the FDA?

A. No, it is not.

MR. LISS: This would be Exhibit 3.

(Exhibit No. 3 marked as requested.)

MR. LISS: And before we talk about Exhibit 3, I think the procedure that we've utilized is we'll mark the whole deposition confidential for now; and then we'll go through and designate. So we don't have to keep interrupting, we'll designate specifically confidential portions later.

BY MR. LISS:

Q. Take a minute and look at Exhibit 3. Can you tell us what that is?

A. This is a summary of the independent lab testing that we did on our Wal-Zyr product.

Q. Okay. And what is Wal-Zyr being tested against, if you will?

A. Zyrtec Allergy 24-hour 10 milligram tablets.

Q. And what Wal-Zyr product was being tested?

A. Wal-Zyr 24-hour allergy tablets 10 milligram.

Q. And under the "Executive Summary," can you just -- what does the executive summary mean?

A. The executive summary really gives you ratings from acceptable, marginal to unacceptable. In this case the composition and labeling of the product are marked as acceptable versus the Zyrtec product.

Q. Then after the heading "Executive Summary," you see some sentences there. Why don't you read those sentences.

A. Sure. The summary states that "The two

products compared favorably in all areas tested. The product is in compliance with the Code of Federal Regulations (CFR) content requirements as detailed in the protocol." Then, "For general inquiries, please contact Bureau Veritas."

Q. What is your understanding of those first two sentences?

A. That the product is of acceptable quality.

Q. And is Exhibit 3 a business record of Walgreens?

A. Yes, it is.

Q. And I take it, then, you indicated in 2008, January of 2008, that you launched the Wal-Zyr product; is that correct?

A. That's correct.

Q. And that would be across the United States?

A. Yes.

Q. I assume the store number changes somewhat from time to time?

A. Yes, it does. We've been growing our stores over time.

MR. LISS: Can we have this as Exhibit 4.

(Exhibit No. 4 marked as requested.)

MR. LISS: And, Counsel, we apparently only have one of those boxes, but we'll get you color pictures of the boxes.

MR. POPP-ROSENBERG: Okay. Thank you.

BY MR. LISS:

Q. What is Exhibit 4?

A. This is a product sample of Walgreens Wal-Zyr 45 count tablet.

Q. Is this an example of a product currently offered by Walgreens?

A. Yes, it is.

Q. And does Walgreens have packaging guidelines for its over-the-counter drug products?

A. Yes, we do.

Q. And to your knowledge does this Exhibit 4 meet those guidelines?

A. Yes, this does follow our style guide.

Q. And I notice there's some language on the box that says in the upper right-hand corner "Compare to Zyrtec active ingredient."

What does that mean?

A. That communicates to the customer that

the active ingredient is the same as is in Zyrtec.

Q. And then it also says, "All Day Allergy" under the "Wal-Zyr."

Do you see that?

A. Yes, I do.

Q. And why is that on there?

A. That communicates to the customer that it's a 24-hour relief product.

Q. And underneath that it says "Indoor & Outdoor Allergies."

Do you see that?

A. Yes, I do.

Q. And why is that there?

A. The active ingredient is indicated for both indoor and outdoor allergy relief.

Q. And why does Walgreens put all this information on the packaging?

A. To make it clear to the customer what the product does, what it's indicated for.

Q. Do you think in your marketing experience that's important to the customer?

A. Yes, I do.

Q. And there's additional information. It says, "24 Hour Relief of:"

Do you see that?

A. Yes, I do.

Q. And what are the categories that gives you relief?

A. It says, "24 Hour Relief of: Runny Nose. Itchy, Watery Eyes. Sneezing," and, "Itchy Throat or Nose."

Q. And why is that information there?

A. To clearly communicate to the customer all of the symptom relief that the product provides.

Q. And do you believe that's important to the customer?

A. Yes, I do.

Q. And there's a clock on there.

A. Yes.

Q. And why is the clock there?

A. To more visually communicate the 24-hour duration of the product.

Q. Is the duration of the product a factor the customer would be interested in making a purchase?

A. Absolutely.

Q. There's other information on the package

such as the generic name of the ingredient; is that right?

A. Yes.

Q. And that's cetirizine?

A. That's right.

Q. And it's also labeled as an antihistamine; is that correct?

A. Yes, it is.

Q. And does the packaging contain directions for taking the products?

A. Yes, it does.

Q. Who designed the packaging shown on Exhibit 4?

A. Well, many parts of the back panel, of course, the "Drug Facts" labeling, which are mandated by the monograph and FDA. The front also has elements that are mandated by the packaging monograph. Other elements of the product follow the Walgreens style guide.

Q. And were you personally involved in creation of the packaging?

A. Yes, I was.

Q. Why were the particular colors chosen?

A. So in the case of green, that

communicates allergy relief. It also communicates the brand equivalency to Zyrtec, and it also provides ease of shop in the aisle as folks generally tend to look for colors within categories and this helps them shop.

Q. When you say the green helps the customer understand the Zyrtec equivalent, what do you mean by that?

A. Well, generally what we see is customers look for color blocks as they go into the aisle. So we know that that green color helps the customer find the product that they're looking for. Green is also a common color used within the allergy category.

MR. LISS: We'll mark this Exhibit 5, please.

(Exhibit No. 5 marked as requested.)

BY MR. LISS:

Q. Going back to Exhibit 4, is that particular box and quantity the only Wal-Zyr product sold in Walgreens?

A. No, it's not.

Q. And what is Exhibit 5, then, that the reporter has just put in front of you?

A. Exhibit 5 is a list of cetirizine containing over-the-counter products sold at Walgreens, including both the Walgreen brand and the national brand Zyrtec.

Q. Okay. I don't want you to go through all of them; but just to help understand it, what is the very first item shown on Exhibit 5, which has the number -- well, starting, what does the number 538052 indicate?

A. Sure. The first row indicates our Walgreen item code. That's what we use for inventory management in tracking. The second row has what I believe is the item UPC code or universal product code. And then the next column is the item description.

Q. And so then it says "Wal-Zyr." It says "1MG." What does that mean?

A. 1 milligram. That's the amount of liquid in the package.

Q. And "Cetirizne Syrp," what does that mean?

A. That's the syrup and then grape flavor, 4 ounce.

Q. And then just randomly going down to

your number 517157. What are we looking there at?

A. That would be the Wal-Zyr 24-hour 10 milligram tablet 30-count.

Q. And how does that, if at all, differ from 531266, the third item?

A. 531266 is our Wal-Zyr 10 milligram 120 count with 33, so the count of the pill is different.

Q. And then the second half of the document shows various Zyrtec products; is that correct?

A. Yes, it does.

Q. To your knowledge are these the only cetirizine products currently in Walgreens? What I mean by that, I mean by Wal-Zyr and Zyrtec?

A. I don't see on this list the Zyrtec liquids. And, you know, as best as memory can serve, I think everything is on here except for the Zyrtec children's liquids. And if I'm missing them, bear with me. There's a lot of text on here. But I think other than that, this looks like a pretty complete list.

Q. Since it's introduction in January 2- -- you can put that away.

Since January 2008 has Walgreens

advertises -- let's start with the Wal-Zyr brand.

A. Yes, we have.

Q. And, again, generally speaking, how would you engage in this advertising?

A. I'm sorry. How would I --

Q. How does the advertising take place?

A. So the advertising takes place in different formats, which include our Sunday newspaper insert, what we'll call our circular, our roto, that has multimillion circulation. And that's a device we'll usually show items and a price or a discounted price.

Every week Wal-Zyr we've done in-store radio on. We've also done merchandising activities on. We also have done in-store discount programs. We call those our TLCs, or temporary low cost. And, you know, there may be some other vehicles, but we've heavily promoted the Wal-Zyr brand.

Q. And before we get into the specifics, I'm going to ask the court reporter to mark this Exhibit 6 and Exhibit 7.

(Exhibit Nos. 6 and 7 marked as requested.)

BY MR. LISS:

Q. Looking at Exhibit 6 first, what are we looking at there?

A. This is our Wal-Zyr 120 plus 30 count tablet.

Q. And when you say 120 plus 30-count, what does that mean?

A. It's a bonus size.

Q. And is that Exhibit 6 -- I'm sorry -- typical of the packaging for the bonus size?

A. Yes, it is.

Q. And would that have much or all the same information as earlier Exhibit 4?

A. Yes, it would.

Q. And it also has additional information about the bonus size; is that correct?

A. That's right.

Q. And what is Exhibit 7?

A. Exhibit 7 is our Wal-Zyr 30 count tablet.

Q. And that's packaged differently; is that correct?

A. It is. It's a bottle within a blister.

Q. And why is that bottle for that

particular product -- why are those pills in a bottle as compared to a box?

A. We'll often offer multiple package configurations for the convenience of the customer. So the first two examples, the 45 count, 150 count I believe are in -- or pardon me. Sorry. The 45 count is in a blister. Then the 150 and the 30 count are in a bottle.

Q. Okay. And if you could say that again but use the exhibit numbers.

A. I'm sorry.

Q. That's all right.

A. So Exhibit 5.

Q. 4.

A. 4, pardon me, is the 45 count tablet. So that's in a child safe blister card. And then Exhibit 5 and 6 --

Q. 6 and 7.

A. 6 and 7, pardon me, are in a bottle configuration, not a blister card.

Q. And these are representative packaging for the Wal-Zyr product that one would find if one walked into a Walgreens store?

A. Yes, they are.

Q. Okay. Now, you had mentioned that the Wal-Zyr product was advertised by Walgreens in various ways, and I'm going to switch gears and walk through some of those.

A. Sure.

MR. LISS: Mark this No. 8.

(Exhibit No. 8 marked as requested.)

BY MR. LISS:

Q. Okay. Take a moment and page through Exhibit 8 and then I'll ask you if you recognize it.

A. Yes, I do.

Q. Okay. And what is Exhibit 8?

A. Exhibit 8 are copies of our Sunday circular advertising roto. This is an insert into Sunday newspapers throughout the country.

Q. Is Exhibit 8 one roto or is it something different?

A. It is several dozens it looks like, if not more, of copies of our Sunday roto.

Q. Does it have a complete roto or just pages taken from given rotos?

A. No. These are just the -- it looks like

some of the drug OTC pages taken out of the roto.

Q. So the more complete roto might advertise other household products, clothing, food?

A. That's right.

Q. And you mentioned it's a Sunday insert. What does that mean?

A. In the middle of Sunday newspapers either delivered to peoples homes or available at the store, in the center retailers choose to advertise products on sale usually with a separate paper insert. And that's what this represents.

Q. And do you know the distribution of the Sunday rotos?

A. It's tens of millions. The most recent number I think I've heard is between 50 and 60 million every Sunday.

Q. And does Wal-Zyr appear in every Sunday roto Walgreens does?

A. No, it does not.

Q. And do you know approximately what percentage?

A. Well, approximately about half. It's about every other week that we advertise Wal-Zyr.

Q. And looking at the first page of Exhibit 8, the middle of the page next to Wal-Itin is Wal-Zyr; is that correct?

A. Yes, that's correct.

Q. And what is Wal-Itin?

A. Wal-Itin is our Claritin equivalent product.

Q. And what type of product is Wal-Itin?

A. Wal-Itin is an allergy product that contains the active ingredient loratadine.

Q. And so Wal-Zyr and Wal-Itin are both allergy products?

A. Yes, they are.

Q. But they have different active ingredients; is that right?

A. That's correct.

Q. And underneath Wal-Zyr it says, "Buy 1 Get 1 Free." What does that mean?

A. That's the sale price so in essence if a customer buys two units, they just pay for the first one.

Q. And turn to the next page of Exhibit 8, which also has the Page No. 3881 at the bottom.

Is Wal-Zyr advertised there?

A. Yes, it is.
Q. And where is that advertised?
A. That's advertised at the top half of the page right by Wal-Itin, Wal-Flu, Wal-Tussin, and Wal-Tap.
Q. And just so the record is clear, what is Wal-Flu?
A. Wal-Flu is our Theraflu equivalent product.
Q. And Wal-Flu is a private label for Walgreens?
A. Yes, it is.
Q. And underneath it there's Wal-Tussin. What is that?
A. Wal-Tussin is our Walgreens brand equivalent of Robitussin.
Q. And Wal-Tap, what is that?
A. That's our Walgreen brand equivalent of Dimetapp.
Q. And I won't have you go through each page, but is it fair that Exhibit 8 is a representative sample of various rotos put out by the company?
A. Yes, it is.

Q. And in some cases the rotos will also advertise Zyrtec products; is that correct?

A. That's correct.

Q. And just for an example, if you look at Page 3932, Page 17.

A. Yes.

Q. Okay. Is Zyrtec advertised there as well?

A. Yes, it is.

Q. And next to it is Wal-Zyr?

A. That's correct.

Q. And there seems like an oval above the Wal-Zyr. What is that?

A. That's a compare to statement. It says "Compare to Zyrtec."

Q. And why is that statement there?

A. Just to clarify that this is our Walgreens national brand equivalent of Zyrtec.

Q. And Exhibit 8 contains true and correct copies of representative samples of your roto ads?

A. Yes.

Q. Now, you had mentioned another way the Wal-Zyr product is promoted is through radio; is that correct?

A. That's correct.

MR. LISS: Exhibit 9, please.

(Exhibit No. 9 marked as requested.)

BY MR. LISS:

Q. Take a moment. Look at Exhibit 9.

A. Okay.

Q. Can you tell me what this is?

A. This is an in-store radio script by our advertising agency for Wal-Zyr.

Q. And when you say "in-store radio," what do you mean by that?

A. This is the radio that we run in our stores. This would be in all of our stores so that when customers are shopping they can hear in-store radio advertising.

Q. And, again, how many customers typically visit Walgreen stores?

A. Boy, millions a day.

Q. In Exhibit 9 it says, the third sentence, "Spot ran once per hour/7 days weeks."

Do you see that sentence?

A. Yes, I do.

Q. What does that mean?

A. This means that the spot ran in all of our stores once every hour, seven days a week. The weeks of February 10th, 17th, and 24th; the week of March 30th; the week of April 20th; the week of July 6th; and July 13th in 2008.

Q. Okay. And turning to the second page of Exhibit 9, what are we looking at there?

A. This looks like the actual in-store script for the radio spot.

Q. So this is what the consumers would hear when visiting the Walgreen stores on the dates of the first page of Exhibit 9?

A. Yes, that's right.

Q. And Exhibit 9 is a true copy of the text of the in-store radio ad?

A. I believe so, yes.

MR. LISS: Number 10, please.

(Exhibit No. 10 marked as requested.)

BY MR. LISS:

Q. The reporter has just handed you what was marked as Exhibit 10. Take a moment, if you would, please, and look at that.

A. Okay.

Q. What is the first page of Exhibit 10?

A. This is a copy of our June coupon book. We send several hundred copies of this to our stores every month. The coupon books have coupons off various products in our store.

Q. And are the store managers given any instructions as to what to do with the coupon books?

A. Yes, they are. They have a dedicated slot that they're told to place the book in every month near the front of the store.

Q. And do you actually visit Walgreen stores?

A. Quite frequently.

Q. And are the coupon books routinely displayed in the correct spot?

A. Yes, they are.

Q. And turning to the second page of Exhibit 10, what are we looking at there?

A. So the second page is a copy of coupon offers for various over-the-counter products.

Q. Does that include the Wal-Zyr products?

A. Yes, it does. There are two coupons for Wal-Zyr.

Q. And is there actually three --

A. Oh, pardon me. I'm sorry. Yeah, there's three. There's one on the 14-count, one on the 12 count chewable; and then there's also one on the eye drops, the Wal-Zyr eye drops.

Q. I notice there's a letter W also on the coupons.

A. Yes, there is. That's our Walgreens W.

Q. And why is that put there?

A. Really it's just part of the branding architecture for the coupon book to connotate that these are good in Walgreens stores.

Q. If we look at the packaging that's Exhibit 4, would we see a similar W on this pack?

A. There's not a stand-alone W, but the W mimics the Walgreens W on the front of the package.

Q. What about on the top? What is there that I'm looking at?

A. Very similar. There's not a stand-alone W, but the W in the IVC book replicates the W font that says Walgreens on it.

Q. When you say not stand-alone, because it has words with it?

A. Yes. The other W on the top of the package is part of our quality guaranteed seal on the top of the package. Also has a stand-alone W.

Q. And what does that quality guaranteed seal -- what is it meant to convey?

A. That we have a hundred percent satisfaction guarantee with our Walgreen brand products or your money back.

Q. Turning to the third page of Exhibit 10, it also has the number 5336 in the right-hand corner. What is that?

A. This is another copy of a front cover of a Walgreens coupon book. This one is from April 2010.

Q. And what is behind this page?

A. There are more representative coupons from the April coupon book. In this case it's also over-the-counter items, including two spots with Wal-Zyr.

Q. And the last page, 5346, would that be in the same coupon book?

A. Yes, it would be. And on this page there's also a coupon on Wal-Zyr.

Q. Is there one on Zyrtec too?

A. Yes, there is. Zyrtec 24-hour Allergy Tablets, 70 count.

Q. And both those pages would have appeared in the April 2010 Walgreens coupon book?

A. Yes.

Q. And Exhibit 10 are true copies of the relevant pages from the coupon books?

A. Yes, they are.

MR. LISS: Off the record.

(Discussion off the record.)

BY MR. LISS:

Q. Does Walgreens have a Web site?

A. Yes, we do. Walgreens.com.

MR. LISS: Exhibit 11.

(Exhibit No. 11 marked as requested.)

BY MR. LISS:

Q. Take a moment, if you will, and tell me what Exhibit 11 is, if you can.

A. Exhibit 11 looks like screenshots from our walgreens.com Web site.

Q. And what products are being offered here?

A. These screenshots, these are featuring

allergy products such as Wal-Zyr.

Q. And how would a customer come to these pages as shown on Exhibit 11?

A. They would go to walgreens.com, enter into the health section would be one way. The other way they could do it is to search Wal-Zyr.

Q. And could the customer shop and purchase the Wal-Zyr product through the Internet?

A. Yes, they could.

Q. And the products pictured are actual products then offered for sale by Walgreens?

A. Yes, they are.

Q. And if you turn to Page 5 of Exhibit 11, what are we looking at there?

A. This is a screen shot from walgreens.com featuring Walgreens Wal-Zyr 4 ounce children's allergy, Walgreens Wal-Zyr 4 ounce allergy in a different flavor. I think we've got -- pardon me. We've got grape here.

Q. So that page would simply show some of the products directed for children?

A. That's right.

Q. Now, does Walgreen sell a product called Wal-Zyr D, with the letter D after it?

A. Yes, we do.

Q. And what is that?

A. That would be Walgreen Wal-Zyr with Pseudoephedrine. Pseudoephedrine is a decongestant sold behind the counter in most states.

Q. And do you know why it's behind the counter?

A. There are federal regulations that require signature and ID on sale of Pseudoephedrine products.

MR. LISS: Number 12.

(Exhibit No. 12 marked as requested.)

BY MR. LISS:

Q. What is Exhibit 12?

A. These are copies of our Mega Saver -- sometimes we'll call these TLCs -- Mega Saver promotional events that we hold in our stores where we will generally reduce the price of an item and try to convey that sale price to the customer on the tag in front of the product.

Q. Okay. So just help me understand this. The first Mega Saver tag says, Save 99

cents. $4. Sale. Regular 4.99.

What exactly am I looking at there?

A. So this is -- this would tell the customer that the sale price on this item was $4, but that without the sale price they would be paying 4.99. So they're saving 99 cents during the sale.

Q. And what item is specifically subject to this Mega Saver?

A. This is the Walgreens Wal-Dryl Allergy/Sinus Headache Cap 24 Count.

Q. And then to the right of there?

A. That is for the Walgreens Allergy Multi-Symptom Rapid Release Gel Cap 24 count.

Q. And then if you go to the bottom left-hand corner, what are we looking at there?

A. This is a Mega Saver sale tag for the Wal-Zyr 24 Hour 10 milligram Tablets 5 Count.

Q. And, again, how would this Mega Saver be specifically used in connection to Wal-Zyr?

A. So in all of our stores where product is placed, this tag would be stuck to the shelf right in front of the product to communicate the sale price.

Q. And Mega Savers actually get used for the Wal-Zyr product?

A. Oh, yes.

Q. And is Exhibit 12 a representative sample of Mega Savers in general?

A. Yes, it is.

Q. And does it also contain a representative sample of a specific Wal-Zyr Mega Saver?

A. Yes, it does.

Q. Okay. Put that away.

Are you familiar with the term Catalina advertisements?

A. Yes, I am.

Q. And how do you spell Catalina? Let's start there.

A. C-a-t-a-l-i-n-a, I think.

Q. And what is a Catalina advertisement?

A. A Catalina advertisement is a coupon that prints out at the register via a special Catalina coupon machine. Those can sometimes be dollar off coupons given to the customer when they check out. It can also just provide information to the customer when they check out.

Q. And does Walgreens engage in Catalina advertising?

A. Yes, we do in all of our stores.

Q. And has Wal-Zyr been the subject of Catalina advertising?

A. I believe it has, yes.

(Exhibit No. 13 marked as requested.)

BY MR. LISS:

Q. Looking at Exhibit 13, are you familiar with this document?

A. Yes, I am.

Q. And can you tell me in general terms what Exhibit 13 is?

A. This is a print screen copy of the Walgreen item event version history screen. And this communicates the various promotional events that Walgreens performs against a given item.

Q. Okay. And what item is being tracked on Exhibit 13?

A. This is the Wal-Zyr 24-hour 10 milligram tablet 30 count.

Q. Okay. And looking at the column that says -- or row that says "Start Date," what does

that mean?

A. The start date would be the kickoff date of the promotional event.

Q. And then it says "Event Version Description." What does that mean?

A. This would communicate the type or title of the promotional event. So it could either be a national Sunday circular or roto and the title of that event, or it could be a Mega Saver event or a Catalina event or a BAGB event; and there may be a couple of others.

Q. And keep going on the rows. "Mkt," what does that mean?

A. That's the market spread of the event. In this case it's showing "NTL" for national distribution. The next one I'm actually not so sure of. The next one is the page number; the spot type, which would be feature or coupon. If it's a coupon, the coupon number. And then there's distribution information at the very end called ad event and version.

Q. So walking through the first entry, it says January 25th, 2009; is that right?

A. That's right.

Q. Then it says "Walgreen drugstores," and underneath it says, "Ad Retail w/SUR."

What does that mean?

A. So this is communicating the title of a Sunday circular dropped on 1/25/2009 titled the "Walgreen drugstores" event. We featured Wal-Zyr 24 hour 10 milligram tablet 30 counts at an ad retail of 2 for 14.99. And this was run nationally.

Q. This would have been one of the rotos that you talked about earlier?

A. That's right. This would have been run on Page 13 in the feature side spot nationwide.

Q. Then skipping one, let's go to April 5th, 2009. "Easter Savings Amount Off."

What does that mean?

A. I believe this is a $5 off -- pardon me -- coupon that was run nationally.

Q. And what product would that be?

A. This is for the Wal-Zyr 24 hour 10 milligram tablet 30 count.

Q. And everything we're looking at on this page anyway is for the Wal-Zyr 24-hour 10 milligram?

A. That's correct.

Q. And we know that because that's the heading of the document, right?

A. Yes.

Q. And then June 14th, 2009, it says, "Father's Day Sale Ad Retail."

What does that mean?

A. This would have been our Father's Day Sunday circular roto. We ran an ad retail of 12.99 nationally.

Q. And June 28th, 2009, "July MegaSaver."

A. Yes. This would have been a July 2009 Mega Saver sale event where we would have printed the aforementioned sale tags on shelf in all of our stores. The ad retail here is 2 for 14.99.

Q. And Exhibit 12 was a typical example of the Mega Savers?

A. Yes.

Q. And I won't make you go through all these. But looking through these, these are all for the Wal-Zyr 24-hour 10 milligram -- well, I'll just change it.

These are all various Wal-Zyr promotions; is that correct?

A. Yeah. There are several pages here communicating the various promotions we've done on several different Wal-Zyr items.

Q. And the second page of Exhibit 13, which also has 4948, July 26th, 2009, "August BAGB," what does that mean?

A. That's a -- what we call a BAGB event, which is a gift with purchase. So the customer buys an item and gets another item free.

Q. And the next page for February 22, 2008, this is Page 4949, also Page 3 of Exhibit 13, it says "March Catalina Marketing."

What does that mean?

A. Yes. This would have been a Catalina coupon event, as we discussed earlier, that we would have run in all of our stores in March of 2008.

Q. And to your knowledge Exhibit 13 are true and correct copies of business records tracking various Wal-Zyr advertising and promotional events; is that correct?

A. That is correct.

Q. And let's go to the last page of Exhibit 32. It says at the top "WAL-ZYR CHILD 1MG SYRP

GRAPE 4OZ."

Do you see that?

A. Yes, I do.

Q. And what does that mean?

A. That's the Wal-Zyr children's 4 ounce liquid in the grape flavor.

Q. So in this case this particular page would track advertising or promotional events for that product?

A. That's right.

THE WITNESS: Do you mind if we take a break?

MR. LISS: Fine.

(Short recess.)

MR. LISS: Number 14, please.

(Exhibit No. 14 marked as requested.)

MR. LISS: Okay. Back on the record.

BY MR. LISS:

Q. Hand you what's been marked as Exhibit 14. Can you tell me what that is?

A. This is what we would refer to as a planogram. A planogram is a diagram that shows where products -- in this case it looks like cough, cold, and allergy products -- would be laid

out in the department within a store.

Q. And this is the department that you supervise?

A. Yes.

Q. And it says here in the middle of the top, "August Reset PT2 WK33 08/20/10."

A. Yes.

Q. What are we looking at there?

A. So this would be a planogram or product diagram from our August 2010 reset.

Q. And so what are we looking at in terms of product on the first page of Exhibit 14?

A. This has the lip cure sections, the cough drop sections, and then various other products within the cough/cold department.

Q. And then the next page, which is also labeled 5415 on Page 2 of Exhibit 14?

A. These are mainly the cough sections and cough/cold sections.

Q. And if we went into a Walgreens store, we would expect to see a shelf display more or less for these products as shown on the second page of Exhibit 14?

A. Yes, that's right.

Q. And looking at 5416, the next page, what are we looking at there?

A. These are the -- within the cough/cold/allergy department, these are the sinus and allergy sections.

Q. Okay. Now, in the middle, fourth row, it says Wal-Phed; is that right?

A. Yes, it does.

Q. And below it is also Wal-Phed?

A. Yes.

Q. And what is Wal-Phed?

A. Wal-Phed is our national brand equivalent product to Sudafed.

Q. And would we expect to see Sudafed in the same area?

A. Yes, for the most part. It's the shelf below there, yes.

Q. Then looking to the right-hand box, there's Claritin.

A. That's right.

Q. And what is Claritin again?

A. Claritin is an allergy product containing loratadine.

Q. And what's the product shown below

Claritin?

A. Wal-Itin.

Q. And what is that?

A. That's an allergy product containing loratadine.

Q. And the Wal-Itin is a private label Walgreens product?

A. Yes, it is. That's a national brand equivalent to Claritin.

Q. And looking at the next page, 5417, which is the fourth page of the exhibit, what are we looking at there?

A. These are the allergy -- continuation of the allergy section and then the pediatric section.

Q. And on the second row, what product is being promoted there?

A. The first 3-foot section, it's Zyrtec; and the second 3-foot section, it's pediatric Wal-Zyr.

Q. And below the Zyrtec, what product is being promoted?

A. Wal-Zyr.

Q. Okay. Looking to Page 5424, which is

Page 11 of Exhibit 14, what are we looking at there?

A. This is what we would call a block diagram of the allergy section within the cough/cold department. The block diagrams communicate the item description and Walgreen item code, or WIC.

Q. And in the third row I see Wal-Zyr products being displayed; is that correct?

A. Yes, it is.

Q. And in the middle of there, we looked at this code earlier, 517157, do you see that box?

A. Yes, I do.

Q. And, again, this box would reflect if you went to a Walgreens store, you would expect to see a real box with the 10 milligram product there, right?

A. Correct.

Q. And above it there's a smaller box that says C&S. What does that mean?

A. That connotates our compare and save signage.

Q. And what is meant by compare and save signage?

A. This is a sign that shows the savings versus the national brand item for Walgreen brand product.

Q. So in the case of Wal-Zyr, what comparison would be made?

A. This would compare itself to the Zyrtec 10 milligram 30 count tablet.

Q. And Exhibit 14 is true and correct copies of planograms which you've described their purpose; is that correct?

A. Yes, that's right.

Q. And this is for the period roughly of August 2010?

A. That's correct.

MR. LISS: Mark that Exhibit 15.

(Exhibit No. 15 marked as requested.)

BY MR. LISS:

Q. What is Exhibit 15, Mr. Tompkins?

A. This is another block diagram, planogram for the cough/cold/allergy department.

Q. And what time period is this a planogram?

A. This is dated January 16th, 2009.

Q. And Exhibit 15 is a true and correct copy of a planogram for this area of the Walgreens store going back to January 2009; is that correct?

A. Yes, it is.

Q. Turn to the second page of Exhibit 15 and look at the second row.

What's being displayed at that point?

A. The second row we have Zyrtec products.

Q. And below them what's being offered to the customer?

A. These are Wal-Zyr products.

Q. And, again, if we look at 517157 in the middle of that row, there's a C&S box at the top of that?

A. Yes. That's the compare and save sign that shows the difference in value between the Wal-Zyr and the Zyrtec.

Q. And underneath that row there's a Wal-dryl box with a number 593284.

Do you see that?

A. Yes.

Q. And there's a C&S box ahead of that -- on top of that. I'm sorry.

What does that indicate?

A. That would be an indication that we do a compare and save sign. Wal-Dryl is national brand equivalent to Benadryl so it would show the savings between the two.

Q. And to the right of this compare and save, what product is being displayed there?

A. Benadryl Ultratab.

Q. Put that away.

MR. LISS: Let's mark this Exhibit 16, please.

(Exhibit No. 16 marked as requested.)

BY MR. LISS:

Q. And what is Exhibit 16?

A. This is a block diagram, planogram of the cough/cold/allergy department dated 8/15/2008.

Q. And is Exhibit 16 a true and correct copy of a planogram actually utilized by Walgreens in August of 2008?

A. Yes, it is.

Q. And if you turn to Page 7, what are we looking at there?

A. This would be the allergy section of the planogram.

Q. And in the second row what is being promoted again?

A. Zyrtec products.

Q. And below that what is being promoted?

A. Wal-Zyr products.

Q. And not to be too redundant, but in 2008 what did C&S stand for?

A. That was also a compare and save sign that showed the difference between -- in savings between the Wal-Zyr and the Zyrtec product.

Q. And since 2008 has the Wal-Zyr product been accompanied by compare and save type labels or tags?

A. Yes, it has been.

Q. What product has it again been positioned against, if you will?

A. On this case, Zyrtec.

Q. And what's the purpose of the compare and save?

A. It's really to delineate the difference in savings in the Wal-Zyr product to the national brand Zyrtec.

Q. And who is it directed to inform?

A. It's for customers to understand the

savings and difference between the two.

Q. Does Walgreens sell the Wal-Zyr product in -- we looked at on-line and at the retail stores -- any other avenues of sale for Wal-Zyr?

A. No. It would be the retail stores and the walgreens.com Web site.

Q. And to the end consumer, how is Walgreens pricing the Wal-Zyr equivalent product to Zyrtec?

In other words, if I had 10 milligram versus 10 milligram, so 30 count versus 30 count, which would be less expensive for the retail consumer to buy?

A. The Wal-Zyr product would be less expensive.

Q. Does Walgreens track its sales of the Wal-Zyr branded product?

A. Yes, we do.

MR. LISS: Exhibit 17, please.

(Exhibit No. 17 marked as requested.)

BY MR. LISS:

Q. Skipping the first page of Exhibit 17 for a second, looking behind that, starting at

Page 498 to the end of the exhibit, what are we looking at there?

A. This is a report that contains various Wal-Zyr and Zyrtec products. This includes the scanning, week date, and the store, the UPC number, the item descriptions, the brand name, the sales in dollars and units from the given week identified on the report.

Q. And what's the beginning date of this report?

A. It looks like the earliest date is January 15th of 2008.

Q. And let's go first to Page 18 of this report.

A. Okay.

Q. What's the last date there?

A. November 18th, 2008.

Q. Okay. So would these Pages 2 through and including 18 show total Walgreens sales in dollars and units of Wal-Zyr and Zyrtec branded products?

A. I believe so.

Q. Now, turning to Page 19, what date are we looking at there -- what are we looking at

there?

A. This is another sales tracking report in both dollars and units for, in this case, the Zyrtec branded product, starting on November 8th, 2008, and ending on the next page October 16th, 2010.

Q. Okay. And then on Page 21 what are we looking at there?

A. This is a similar report also for Zyrtec products with the same date range.

Q. And then at Page 23?

A. This is the same formatted report in this case for Zyrtec and Wal-Zyr with the same date range ending on the next page.

Q. Okay. And then Page 25?

A. This is the same formatted report for Wal-Zyr products with the same date range ending on the next page.

Q. Is it your understanding that excluding the first page of Exhibit 17, this represents total sales -- the documents represent total sales of both the Wal-Zyr and Zyrtec products from January 15th, 2008, through October 16, 2010?

A. Yes, I believe so.

Q. And do you understand what the first page of Exhibit 17 is?

A. I believe this is a summary of the attached sales and units reports.

Q. And the dates are a little bit overlapping. Well, under "Time Period" do you see January 8, 2008 - November 18, 2008?

Do you understand what that means?

A. Yes, I do. That would be the time period being tracked for sales and units.

Redacted

Q. And you believe these numbers accurately reflect or summarize the more detailed listings attached to the first page of Exhibit 17?

A. Yes, I do.

Q. And there is a three-day overlap. So they might be slightly overstated by three days' worth of sales?

A. Yes.

Q. And then looking at the Zyrtec numbers, the same time figures revealed there?

A. Yes, they are.

Redacted

Redacted

Q. And we're talking about dollar sales -- we're talking about Walgreen dollar sales for these products; is that right?

A. That's correct.

Q. Sales through Walgreens stores or the Web site?

A. That's correct.

Q. And has Walgreens continued to sell Wal-Zyr products since October 16 of 2010?

A. Yes, we have.

Q. And has Walgreens continued to sell Zyrtec product since October 16, 2010?

A. Yes, we have.

Q. I want to switch gears a little bit and ask you a little bit about the Walgreens customer.

Who are your customers for the Wal-Zyr product?

A. Generally they're those consumers looking for relief from their allergy symptoms for themselves or their families. The case of Wal-Zyr, oftentimes it's a value-ended shopper.

Q. And have you had a chance you said to

visit the Walgreen stores?

A. Quite frequently.

Q. And do you visit your department within the store?

A. Yes, I do.

Q. And do you have an opportunity over the years to experience or observe customers purchasing or thinking about purchasing, if you will, over-the-counter medicines?

A. Very frequently.

Q. And what typically have you observed of those customers?

A. The -- this customer will take their time I think, you know, versus other areas where it could be a quick shop. I think in this area due to the nature of the products being ingestible, being a medicine that people take their time to look through the various product offerings.

Q. And, again, the product offerings -- we've talked about some of the packaging contains various information available to the customer; is that right?

A. That's right.

Q. Okay. Now, we've talked about earlier in general terms the fact that Walgreens has other Wal prefix marks; is that right?

A. That's right.

Q. And does that include products in the over-the-counter area?

A. It does. We have several examples. Wal-Zan, Wal-Som, Wal-Dryl, Wal-Tussin; and there are several others as well.

(Exhibit No. 18 marked as requested.)

BY MR. LISS:

Q. Take a moment, if you would, and page through Exhibit 18.

A. Okay.

Q. What are we looking at in Exhibit 18?

A. These are photocopies of various Walgreen brand packages in the OTC area.

Q. And the first page of Exhibit 18, what are we looking at?

A. This is our Wal-phed PE nighttime cold product.

Q. And on the bottom right-hand are we looking at an actual photograph of a package?

A. Yes.

Q. Photocopy.

A. Yes. This page has the front panel and the top panel.

Q. And is that the back panel at the bottom of Page 18?

A. Yes, it is. It looks like it picks up the side panel and back panel as well at the bottom of the page.

Q. And looking at the front panel, it has the box right on the packaging.

Can you read what that says?

A. Yes. "Compare to Maximum Strength Sudafed PE Nighttime Cold active ingredients."

Q. And what is meant by "nighttime cold"?

A. This product specifically targets those that are suffering cold symptoms at night.

Q. Is there a Wal-Phed that is not a nighttime cold formulation?

A. Yes, there is.

Q. So for the customer to understand, if they want a nondrowsy versus drowsy formula, they need to look at the label?

A. That's right.

Q. And what is the second page?
A. The second pages are Wal-Dryl product.
Q. And what is that the equivalent of?
A. This is "Compare to Benadryl Severe Allergy & Sinus Headache."
Q. And it says "Maximum Strength" on there?
A. Yes, it does.
Q. Are all formulas maximum strength?
A. No, they are not.
Q. And, again, the customer would understand the formulation by picking up the box and looking at the label?
A. That's right. The label explains all of the symptomology that the product is supposed to address, what the product is meant to do, the counts, and the form of the medication.
Q. Now, this also says on it "Sinus Headache." Do you see that?
A. Yes, it does. "Severe Allergy & Sinus Headache."
Q. But this has a different formula than your Wal-Zyr product, though, right?
A. Yes, it does.
Q. Wal-Zyr also is an allergy medicine?

A. Correct.

Q. But would I take Wal-Zyr if I had a sinus headache?

A. Not necessarily.

Q. So depending on even the specifics of my symptom, one medicine may be more appropriate than the other?

A. There are several different combinations of medications within OTC, and that's why the package so clearly details the symptomology that each individual product is meant for.

Q. Page 3. What am I looking at there?

A. This is our Wal-Itin product.

Q. And I think we've talked about who that competes with. I notice it says "Non-Drowsy."

What does that mean?

A. This -- this product will not create drowsiness or sleepiness in a person that's taking it. This is our "Compare to Claritin ReadiTabs" product.

Q. And why is nondrowsy -- is nondrowsy important to put on the package?

A. It is. Oftentimes customers that are needing to take the product during the workday or

during the daytime hours, they do not want something that creates drowsiness or sleepiness.

Q. I notice this packaging also says "Citrus Flavor." What does that mean?

A. That's the flavor of the melting tablet.

Q. And it says "Orally Disintegrating Tablets."

What does that mean?

A. This is a quick dissolve tablet. So unlike other pills that you have to swallow, this actually will dissolve in the mouth by itself.

Q. And why is that language on the packaging?

A. There are several different types of forms of medications within the OTC aisle, and this communicates to the customer the exact form of the dosage.

Q. Why does Walgreens want to communicate that these are disintegrating tablets as compared to tablets you have to swallow whole?

A. To make sure the customer understands how the medication works.

Q. Some customers prefer one formula over the other?

A. That's right.
Q. Page 4. What are we looking at there?
A. This is our Wal-Flu, flu and sore throat product.
Q. And what is this compared to?
A. Theraflu, Flu & Sore Throat.
Q. And in this case it indicates "Natural Apple Cinnamon Flavor"?
A. That's right.
Q. And why is that there?
A. To communicate to the customer the flavoring of the product.
Q. And Page 5, what is that?
A. This is our Wal-Tussin Cough Long Acting.
Q. And what does that compete with?
A. Robitussin.
Q. And Page 6, what are we looking at there?
A. This is our Children's Wal-Tap Elixir Cold & Allergy, which is compared to Children's Dimetapp Cold & Allergy product.
Q. And 7 of Exhibit 18, what are we looking at there?

A. This is our Wal-Born Effervescent product.

Q. And it says, "Compare to Airborne active ingredients"; is that right?

A. That's correct, on the front of the package.

Q. And Page 8, what are we looking at there?

A. This is our Walgreens Wal-Dram II. Compare to Dramamine Less Drowsy Formula.

Q. In the case of Dramamine -- well, let me ask you going backwards, the first seven pages we looked at various Wal formulas who contained as its suffix part of the national brand.

A. That's correct.

Q. And it would be the suffix found in the national brand?

A. That's correct.

Q. How about Wal-Dram?

A. Wal-Dram would be the prefix of the national brand product.

Q. And why is that?

A. Well, similar to Wal-Zan and Wal-Som and others, we'll generally try to pick a name that's

the easiest sounding to the customer. This communicates that it's the national brand equivalent of the Dramamine formula.

Q. You mentioned Wal-Zan. What is that?

A. Wal-Zan, our national brand equivalent to Zantac that would be found in the GI department.

Q. And if you look at Page 9, is that an example of Wal-Zan?

A. Yes, it is.

Q. And Wal-Som, what is that?

A. That's our equivalent to Sominex.

Q. And looking at Page 10 of Exhibit 18, what are we looking at there?

A. This is our Wal-Hist. This is our national brand equivalent to Tavist Allergy.

Q. And then looking at Pages 11, 12, 13 and 14, and 15, what are we looking at there?

A. These are the other package panels on the Wal-Hist product.

Q. And Page 16 of Exhibit 18, what are we looking at there?

A. Page 16 is the front panel for our Wal-Sporin product.

Q. And what does that product do?

A. That's the equivalent to a product that was called Polysporin. It's a first aid antibiotic ointment.

Q. Okay. And then looking at Pages 17 through Page 20, what are we looking at?

A. These are the other panels on the Wal-Sporin product.

Q. And Page 21, what are we looking at?

A. Page 21 is our Wal-finate. This is the comparison to Chlor-Trimaton.

Q. And how was the name Wal-finate developed?

A. This product was developed before I was involved with the category so I'm not certain.

Q. And finally, Page 22 of Exhibit 18, what are we looking at there?

A. This is our Wal-Four Nasal Spray. This is the national brand equivalent to 4-Way Nasal Spray.

Q. And Exhibit 18, does it show various Wal products actually sold by Walgreens?

A. Yes, it does.

Q. And if we went into Walgreens today, we

would see the full packaging of these various Wal prefix branded products?

A. That's right.

Q. Okay.

(Exhibit No. 19 marked as requested.)

BY MR. LISS:

Q. We've just talked about the Wal -- some of the Wal prefix branded products of Walgreens.

Does Walgreens advertise the Wal prefix private label brands?

A. Yes, it does quite frequently.

Q. And generally speaking, how would it advertise its various Wal brand products?

A. Well, these are advertised through our weekly Sunday circular with nationwide distribution. These are advertised through our Mega Saver shelf program. These can be advertised through in-store radio, through Catalina couponing, and through in-store merchandising.

Q. Okay. The court reporter handed you what was a fairly thick exhibit, Group Exhibit 19.

A. Yes.

Q. What are we looking at there?

A. These look like -- or these are copies of Sunday national circulation rotos. It looks like going back by several years, if not decades.

Q. And looking at Page 1, do you see any Wal prefix products being promoted there?

A. Yes, I do.

Q. And that is fairly self-explanatory, but why don't you just walk through a couple.

A. Sure. We have advertised Wal-phed PE, Wal-itin D, Wal-dryl Allergy, Wal-Zan Acid Reducer, and Wal-itin Allergy Relief.

Q. And would the circulation of these rotos be the same as the rotos we talked about earlier in the Sunday papers?

A. The circulation will, you know, vary slightly; but it would be in the tens of millions.

Q. And then look at Page 4. And just so we're clear, Exhibit 19 is not one roto; is that correct?

A. No. This looks like -- I'm guessing, but literally hundreds of rotos.

Q. These are just pages pulled from hundreds of rotos?

A. That's right.

Q. These are true and correct copies of the pages that would have appeared in the actual rotos?

A. I believe so, yes.

Q. And Page 4, what are we looking at there? Are there any Wal products being promoted?

A. Yes. This is a Walgreen brand feature page where we have products like Wal-Zan. We have Wal-dryl, Wal-itin, Wal-Tussin, Wal-borne, and several others.

Q. And turn to Page 8 of Exhibit 19. I notice a product in the upper left-hand corner called Wal-Profen.

Do you see that?

A. Yes.

Q. And what is that?

A. That is our Walgreen brand equivalent to Advil, and it contains Ibuprofen.

Q. And why is Profen used as a suffix there; do you know?

A. These connotate the Ibuprofen ingredient.

Q. And the Wal, what does that indicate?

A. That it's a Walgreen brand product.

Q. And then there are other Wal products being displayed; is that correct?

A. Yes, there are. Wal-dryl, Wal-phed, Wal-itin.

Q. And the Wal-itin also shows "Compare to Claritin."

What does that mean?

A. This is to convey that it's a national brand comparison to Claritin.

Q. And turning to Page 13 of Exhibit 19, what are we looking at there?

A. This is another copy of a page out of one of our Sunday circulars. In this case it's featuring several Walgreen brand products such as Wal-Four, Wal-itin, Wal-dryl, Wal-phed, Wal-Proxen.

Q. And I note there's coupons attached. How would those coupons be used?

A. The customer would cut those coupons out. Sunday circular, ring up the product at the register, and then have the coupon scanned. And that would give them the sale price.

Q. Turn to Page 37.

A. Okay.

Q. And what are we looking at there?

A. This is a photocopy of a page out of our Walgreen Sunday circular featuring "Walgreens Brand Cold, Flu and Cough Relief Values," including Wal-Flu, Wal-Tap, Wal-Hist, Wal-Act, Wal-Finate, Wal-Dryl.

Q. And what is Wal-Act?

A. Wal-Act is our equivalent product to Actifed.

Q. And I'm not going to make you go through each page.

Is it fair to say that Exhibit 19 is true and correct copies of representative pages for many years of your Sunday advertising inserts?

A. That's correct.

MR. LISS: Exhibit 20.

(Exhibit No. 20 marked as requested.)

BY MR. LISS:

Q. The reporter has handed you what was marked as Exhibit 20. Take a moment, if you would, and look at that, please.

(Witness examining document.)

THE WITNESS: Okay.

BY MR. LISS:

Q. Can you tell me what Exhibit 20 is?

A. These are screen prints from our walgreens.com Web site.

Q. And what products are being promoted here?

A. The first page contains Wal-Phed. Further in there's Wal-Tussin, Wal-Finate, Wal-Dryl, Wal-Tap, Wal-Hist, Wal-Flu, Wal-Profen, Wal-Dram, Wal-Som, Wal-Zan, Wal-Sporin, Wal-Four, Wal-Itin, Wal-Vert, Wal-Born, Wal-Mucil.

Q. To your knowledge is Exhibit 20 a true and correct and accurate depiction of pages printed from the Walgreens Web site?

A. Yes, they are.

Q. And are the products listed on Exhibit 20 still offered by Walgreens today?

A. I can't speak to each individual item; but for the most part, yes. Most of these brands are available in the Walgreens store.

Q. Do you know any that have been discontinued? Not talking about the individual count, but the item in general.

A. Wal-Born to the best of my knowledge has

been discontinued. The rest of these I believe are still brands represented on the shelf. Wal-Profen is now Walgreens Ibuprofen, but it's the same product that's on the shelf. The rest of these are, the best of my knowledge, still existing brands.

Q. And does Walgreens promote its various Wal prefix products through Mega Savers?

A. Yes, we do.

(Exhibit No. 21 marked as requested.)

BY MR. LISS:

Q. What is Exhibit 21, please?

A. These are photocopies of our Walgreen Mega Saver sales that we run on the shelf. This has several Walgreen brand products represented.

Q. And, again, just so it's clear, how would the tags on Exhibit 21 be used?

A. These tags would be placed on the shelf right in front of the product to connotate the value to the consumer. We run hundreds of these a year.

Q. And Exhibit 21 contains representative true and correct samples of the various Mega

Savers for Wal prefix products sold by Walgreens?

A. Yes. It looks like there is some national brand products interlaced as well; but, yes, these look correct.

Q. So the Mega Saver would look the same if it was a national brand product being promoted as well; is that right?

A. That's correct.

Q. And we looked at the planograms and the various Wal products would be sold on the same shelves as generally the Wal-Zyr product, same area of the store, I guess?

A. Yes, within the allergy section. They're also off-shelf merchandising activities that we'll do with the Wal-Zyr product outside of the allergy department on various end stands or side panels to promote the product.

Q. And is that true for Zyrtec products?

A. Yes. We will also do off-shelf merchandising with Zyrtec products on end stand, side panels, and other places in the store.

Q. Does Walgreens track the sales of its Wal prefix products?

A. Yes, we do.

(Exhibit No. 22 marked as requested.)

BY MR. LISS:

Q. Excluding the first page of Exhibit 22, what is the second page of Exhibit 22? It's also 5671.

A. The second page is titled "OTC Walgreens Brand Units & Sales by WIC" -- which stands for Walgreen item code -- "February 2009 - July 2010."

Q. Okay. Looking at the third page of Exhibit 22, what are we looking at there?

A. This is a sales report showing dollar sales in units of various Walgreen brand products.

Q. And would these all have the Wal prefix? Look through it, if you would.

(Witness examining document.)

THE WITNESS: As I scan through the pages here, yes, that's correct.

BY MR. LISS:

Q. And do you understand what the first page of Exhibit 22 is?

A. This page shows the Walgreen item code number, the --

Q. I'm sorry. The very first page.

A. I'm sorry. This first page is a summary of sales figures from February 2009 through July 2010.

Q. Sales figures for what products?

A. The Walgreen brand products.

Q. When you say "Walgreens brand," do you mean the products that start with the Wal prefix?

A. Yes. These are the Walgreen brand products that start with the Wal prefix and their summary of sales in this time period.

Q. And just so that we can understand the specific documents that support that, going to Page 3, we have our old WIC No. 517157.

Do you see that?

A. Yes, I do.

Q. And what is that?

A. That's the Walgreen item code.

Q. And then it says "Item Description."

What is that?

A. That is Wal-Zyr 24-hour 10 milligram tablet 30s. That connotates the exact item.

Q. It says "PL Indicator"?

A. That's the private label indicator.

Q. So the Y would indicate it's a private

label product?

A. That's correct.

Q. And then going to "Division," what does that mean?

A. Well, the division would be the purchasing division. In this case, Drug OTC1.

Q. Is that your division?

A. That division is under my area of responsibility, yes.

Q. And then where it says "Product Category," what are we looking at there?

A. Product category for the Wal-Zyr is the allergy, cetirizine product category.

Q. And the brand?

A. Is Wal-Zyr.

Redacted

Q. And we're not going to go through each page, but this is how Pages 3 through 67 should be read; is that right?

A. That's correct.

Q. To your understanding, Page 1 of Exhibit

22 shows the total dollar and unit sales for the products. The more detailed sales information is attached having the Wal prefix?

A. That's correct.

Redacted

Q. And since July 2010 has Walgreens continued to sell Wal prefix products?

A. Yes, we have.

Q. In the over-the-counter category?

A. That's correct.

Q. By the way, the documents other than the first two pages of Exhibit 22, are these computer-generated business records kept in the ordinary course of business by Walgreens?

A. Yes, I believe so.

Q. Does Walgreens track -- well, let me ask you more generally.

Does Walgreens ever get comments from

customers about its products?

A. Yes, we do.

Q. Does Walgreens -- has it ever gotten customer comments about the Wal-Zyr product?

A. Yes, we have.

Q. And are those comments tracked by Walgreens?

A. Yes. We track our customer comments very closely.

Q. And how do you do that?

A. We have a customer service and quality assurance area, and questions on the Walgreen brand products are referred to that area.

Q. And are the comments or inquiries, whatever you receive, communications, are any recorded by Walgreens?

A. Yes, they are.

Q. And do you know if there are instructions given to the people who record it to in any way edit or put their own spin on the comments they receive?

A. No. They're supposed to accurately record the customer comments.

(Exhibit No. 23 marked as requested.)

BY MR. LISS:

Q. Now, before looking at Exhibit 23, how can a customer contact Walgreens with a communication about a product?

A. They can either -- there are multiple ways. They can send an e-mail into the company office. They can call the company office. There are a variety of different ways.

Q. Looking at Exhibit 23, can you tell me what that is?

A. This is a product quality summary form. These summarize customer communication on specific products. In this case it's a product quality recording on Wal-Zyr.

Q. Looking at the first page, it says "Case ID." What does that mean?

A. Each case is individually tracked as the customer calls in to report it. The case ID lets us track the issue through the closure.

Q. And it says "Reason." Do you see that?

A. Yes.

Q. Do you know what that indicates?

A. That is supposed to give a high level summary of the type of issue being brought to mind.

Q. And "WIC," what is that?

A. That is the Walgreen item code.

Q. And "Product Description"?

A. In this case it's the Wal-Zyr cetirizine 10 milligram tablet 150s.

Q. And it says "Issue Summary." By use of the word "summary" does that mean this is not a verbatim --

A. Correct. It should accurately summarize what the customer is stating.

Q. And is Exhibit 23 true and correct copies of comments -- I'm sorry -- these types of reports about product quality received by Walgreens?

A. That's correct.

Q. And these all relate to Wal-Zyr; is that correct?

A. That's correct.

Q. Okay. Just hold that on the side for a minute.

MR. LISS: 24.

(Exhibit No. 24 marked as requested.)

BY MR. LISS:

Q. Can you tell me what Exhibit 24 is?

A. Exhibit 24 are the Walgreens case detail reports from the individual cases reported in to our customer service department.

Q. Okay. And what would these reflect?

A. These would reflect specific customer communications, including the person, the date and time, the resolution, the reason, the customer feedback. I believe most -- let's see. A lot of these reflect some written correspondence, some e-mail correspondence.

Q. Do these all relate to the Wal-Zyr product?

A. Yes, I believe they do.

Q. Do you know if Walgreens gets customer comments on Zyrtec?

A. I can't recall any.

Q. And why would that be? It is a product you sell, right?

A. It is a product that we sell. In general, my experience is that customers will

contact the national brand companies directly if they have a question on their product. In this case if it was a question on Zyrtec, that would be -- the customer would reach out to J&J or McNeil.

Q. Okay. Is Exhibit 24 true and correct documents of customer comments received?

A. Yes.

Q. Did you or anyone do anything to edit these customer comments, or is it to your knowledge we're looking at a complete set of customer comments?

A. To my knowledge, this is a complete set of customer comments.

Q. Regarding the Wal-Zyr product?

A. That's right.

(Exhibit No. 25 marked as requested.)

BY MR. LISS:

Q. What is Exhibit 25, please?

A. This is a product quality -- a Walgreen Company product quality report showing a summation of cases. In this case in regards to Wal-Zyr products.

Q. And was there any editing done in this category of customer comments?

A. No.

Q. And does Exhibit 25 represent true and correct copies of summaries of customer comments as kept in the ordinary course of business by Walgreens?

A. Yes, it is.

Q. And, again, use of the word "summary" would suggest that these are not verbatim?

A. Correct.

Q. And are the Walgreen employees instructed to record the information as accurately as possible?

A. Correct.

Q. Look at Page 17 of Exhibit 25.

A. Okay.

Q. Under "Issue Summary," it says, "Customer Comment."

Do you see that?

A. Yes, I do.

Q. And I won't have you read it, but it's in quotes.

Would that indicate anything to you?

A. That the summary here is the exact quote of what the customer was saying.

Q. In looking through these customer comments and summaries -- again, this group of Exhibits 23, 24, and 25 -- to your knowledge reflect all Walgreen customer comments that you've been able to maintain referencing Wal-Zyr?

A. That's right.

Q. And to your knowledge has any one customer evidenced confusion between either -- let's start in these documents Exhibits 23, 24, and 25 -- between Zyrtec and Wal-Zyr?

A. No, I'm not aware of any instance where a customer has been confused.

Q. And from your visits to the store are you aware of any confusion?

A. No, I'm not.

MS. POPP-ROSENBERG: Objection, ambiguous.

BY MR. LISS:

Q. Well, let me ask you, you said earlier you visit Walgreens stores.

A. Yes, quite frequently.

Q. And since 2008 have you visited Walgreens stores?

A. Yes, quite frequently.
Q. And when you say "quite frequently," what would be a normal monthly or quarterly visit?
A. Well, I would say that I average at least three stores per week.
Q. So that would be 150 stores roughly a year?
A. Yes.
Q. And what do you do when you visit the stores?
A. I'll go in and observe my departments, the departments under my responsibility. That includes watching customers shop the department. It will include watching for compliance on displays. It will include watching for in-stock condition, et cetera.
Q. And ultimately you are responsible for the Wal-Zyr product?
A. That's correct.
Q. And during all these visits to the store, have you observed any instance of confusion?
A. Never.
MS. POPP-ROSENBERG: Objection, ambiguous.

BY MR. LISS:

Q. Have you ever been -- had it reported to you any instance where a customer was confused in any way between Wal-Zyr and Zyrtec?

A. No, I have not.

Q. Has it ever been reported to you any confusion as to the source or origin of Wal-Zyr?

A. No, it has not.

MR. LISS: Okay. Let's take a five-minute break. We may be wrapping up here.

(Short recess.)

MR. LISS: Back on.

Just so the record is clear, I don't think we're required to anymore, but we are offering Exhibits 2 through 25 into evidence.

And then we have no further questions. So if you want to switch chairs.

CROSS-EXAMINATION

BY MS. POPP-ROSENBERG:

Q. My name is Laura Popp-Rosenberg. You and I have met before, Mr. Tompkins; is that correct?

A. Yes, we have.

Q. And was that a deposition probably about

two years ago now? Is that about right?

A. That's right.

Q. Well, you know that we represent McNeil-PPC in this proceeding. And I'm just going to be asking you a few questions. Hopefully we won't take that long.

During your examination from Mr. Liss you testified that Walgreens advertises its Wal-Zyr products in a number of ways; is that correct?

A. That's correct.

Q. And does Walgreens also advertise the Zyrtec product?

A. Yes, we do.

Q. Okay. And does Walgreens advertise the Zyrtec product through the roto ads that -- similar to what we saw?

A. Yes, we do.

Q. And how about Catalina? Does Walgreens advertise their Zyrtec through Catalina?

A. Yes, we have.

Q. And how about through Mega Saver. Does Walgreens advertise Zyrtec through Mega Saver?

A. Yes, I believe we have.

Q. And I think we saw an example, didn't we, where Walgreens was advertising Zyrtec through its coupon books, correct?

A. Yes.

Q. And I think you mentioned that Walgreens also markets Zyrtec not only on the shelves, but also I guess in store -- other places in store such as end stands and side -- side what?

A. Side panels, yes.

Q. Okay. And Walgreens also sells Zyrtec through the Walgreens Web site; is that correct?

A. That's correct.

Q. And with regard to the Walgreens coupon books, does every Walgreens customer pick up one of those coupon books?

A. No, they don't.

Q. And does every Walgreens customer shop the allergy section when they're in a Walgreens store?

A. No, they don't.

Q. And customers who are shopping in a Walgreens store, they don't generally shop in a Walgreens store for an hour or more; is that correct?

A. That's correct.

Q. And one other form of, I guess, advertising for Wal-Zyr that Walgreens does that you mentioned earlier was in-store radio; is that correct?

A. Yes.

Q. And Walgreens also advertises Zyrtec through in-store radio; is that correct?

A. I believe we have.

Q. Okay. I'm just going to go through some of the exhibits that we already looked at today.

First if you could pull out the Exhibit No. 3, which is the Bureau Veritas report I think is how it was described. Let me know when you're ready.

A. Okay.

Q. And on the first page kind of a little bit more than halfway down, it has a "Ratings" section. And underneath it it says, "Performance," "Composition," and "Labeling."

Do you see that?

A. I do.

Q. And then for "Performance" it has an X next to "N/A." Do you see that?

A. Yes, I do.

Q. Does that mean that this report did not test the performance of the Wal-Zyr product?

A. That's correct. This was the testing type -- up at the top of the report it says "Comparison," so this test is for composition and labeling.

Q. So this test or this report is, I guess, referencing the results only of the composition and labeling comparisons; is that correct?

A. Yes, that's correct.

Q. And when you and I met before, we talked a little bit about Walgreens and the Wal-Zyr product. I think that you testified at that time that Walgreens stores were only in 49 states at that time. So about two years ago it was not in Alaska; is that correct?

A. That's correct.

Q. Just for my own curiosity, how long has Walgreens been in Alaska?

A. Well, just over a year, I believe.

Q. Okay. If you could look at Exhibit 5 now.

MS. POPP-ROSENBERG: Can we go off the record

for a second.

(Discussion off the record.)

MS. POPP-ROSENBERG: Okay. Back on the record.

BY MS. POPP-ROSENBERG:

Q. Exhibit 5 is a listing of different products.

A. Okay.

Q. And I believe that you testified earlier that as far as you knew, except for perhaps Zyrtec children's liquid products, that this list shown in Exhibit 5 represented all the different types of Wal-Zyr, Zyrtec products sold by Walgreens; is that correct?

A. To the best of my knowledge, yes, that's correct.

Q. Has Walgreens ever offered a product called Zyrtec Itchy Eye Drops?

A. Yes, we have.

Q. Okay. And I don't see that on this list. Do you?

A. Wal-Zyr itchy eye drop. Middle of the report.

Q. Did I ask Wal-Zyr? What I meant was has

Walgreens offered Zyrtec Itchy Eye Drops or has Walgreens ever offered Zyrtec Itchy Eye Drops?

A. Yes, we have.

Q. So Zyrtec Itchy Eye Drops I don't see on Exhibit 5. Do you see it?

A. I think similar to the liquids, that's not on the report either.

Q. Okay. But other than the children's liquids and the Zyrtec Itchy Eye Drops, you believe this list is complete for both the Wal-Zyr and the Zyrtec products; is that correct?

A. I believe so.

Q. Do Wal-Zyr itchy eye drops -- they don't contain cetirizine, do they?

A. I don't believe so.

Q. Okay. And how about Zyrtec Itchy Eye Drops. They don't contain cetirizine, do they?

A. I don't believe so.

Q. And has Walgreens always sold Wal-Zyr itchy eye drops since its first introduction of the Wal-Zyr products, which I believe you testified was in January 2008?

A. I'm not certain as to the timing of the Wal-Zyr itchy eye drops. I'm not certain.

Q. Do you think they were distributed beginning in January of 2008, or do you think they were introduced later?

A. I can't recall.

Q. If you could pull out Exhibit 7. I think it's this one. And I believe you testified this is the 30 count packaging for the Wal-Zyr product; is that correct?

A. That's correct.

Q. Okay. Has the Wal-Zyr packaging for the 30 count product always been the same as what's shown in Exhibit 7?

A. It's been several years, but I believe we sold a Wal-Zyr 30 count in a box at one point to the best of my memory.

Q. Okay. So at some point the 30 count product for Wal-Zyr switched from a box configuration to the bottle in a cardboard configuration as we see in Exhibit 7; is that correct?

A. I believe so.

Q. You spoke before about the Catalina marketing or couponing program, correct?

A. Yes.

Q. And I'm just trying to understand exactly how that program worked when you said that you do Catalina marketing or coupons for both Wal-Zyr and Zyrtec products.

Does that mean when a customer buys a Wal-Zyr product, a coupon comes out; or does that mean that a customer does something, whatever it is, and then a coupon for a Wal-Zyr product comes out?

A. So there's variability to the question because we don't always have coupons running on Catalina for those products. So it's not all the time. And those promotions run on and off per that history screen we were looking at.

Q. Right. I understand.

A. So, yes, there have been times where we've sold Wal-Zyr, they get a Catalina coupon; and there have been times we've sold Zyrtec and they get a Catalina coupon.

Q. So, for example -- and I understand there's probably been different Catalina programs over the course of the time that you've been selling both Wal-Zyr and Zyrtec over the counter.

A. Yes.

Q. But what are some examples of coupons that would come out -- Catalina coupon would come out if a customer bought a Wal-Zyr product, if you know of any specifically?

A. Off the top of my head I really don't want to speculate. We run several different types of Catalina coupon and information offers. And I don't want to quote specifics. There have been several.

Q. Is it ever the case that a customer would buy a Zyrtec product and a Catalina coupon would come out giving them some offer on a Wal-Zyr product?

A. I'm not sure.

Q. If we could pull out Exhibits 14, 15, and 16, which I think you testified were various planograms or block diagram planograms.

Now, you testified that Exhibits 14, 15, and 16 were different planograms for Walgreens stores; is that correct?

A. That's correct.

Q. Okay. And each of them has a different date so it would signify a planogram for a different time period; is that correct?

A. Yes, it is.

Q. Okay. So the planograms are not static. That is, that Walgreens changes the planograms every so often; is that correct?

A. That's correct.

Q. And generally I think when we looked at Exhibits 14, 15, and 16 -- specifically looking at the Wal-Zyr and Zyrtec products and how they were arranged in relation to each other -- they're generally adjacent -- I think in these examples they were all -- Zyrtec was on one shelf and Wal-Zyr was on the shelf below; is that correct?

A. That's correct.

Q. Okay. And are there planograms or have there been planograms for the Walgreen stores over the time period from January 2008 to the present other than the three that we're seeing here in 14, 15, 16?

A. I'm not certain that I can answer that. We do revisions and resets quite frequently in all of our departments, and I certainly can't memorize all the resets and revisions we do in all these departments.

Q. Do you believe that from the time

period -- I guess the earliest one here we have is August 15th, 2008, and the latest one we have here is August 20th, 2010.

Do you believe that these three planograms were the only three planograms for this shelving area in Walgreens during that time period?

A. Well, we have multiple planograms for different size departments, so these certainly don't represent all of them. And in regards to timing, I'm not certain if these represent all the planograms in that time period or not.

Q. Okay. And the planograms are supposed to be followed by stores; is that correct?

A. That's correct.

Q. During your direct testimony, you talked about a number of Walgreens over-the-counter products that begin with a prefix Wal hyphen; is that correct?

A. That's correct.

Q. Do all of Walgreens product label products in the over-the-counter category have a Wal hyphen brand name on them?

A. No, not all of them do.

Q. Okay. If you could look at Exhibit 8, please. I believe you testified that these were various copies of Walgreens roto advertising; is that correct?

A. Yes, it is.

Q. Okay. And did you select the pages that are shown in Exhibit 8? Did you put this exhibit together yourself?

A. No, I did not.

Q. Okay. Do you know who put it together?

A. I do not.

Q. Are you in charge of Walgreens roto advertising?

A. Can you clarify that for me a little bit?

Q. Sure.

A. Sorry.

Q. Is Walgreens roto advertising part of your area of responsibility? Are you the one -- I'll stop there.

A. For the products under my department, yes. We select the items that go into the advertisement.

Q. Okay. But in general do you decide

which products overall go into any particular roto advertisement?

A. Yes. So that is in my area of responsibility.

Q. But for products that are not inside your area of responsibility, you don't control or have any say over what goes in the roto advertisement, correct?

A. Correct. So areas like consumables or beauty, I would not have any responsibility over those items.

Q. And you testified that Exhibit 8 was a representative sample of roto advertisements; is that correct?

A. Yes.

Q. Have you ever -- well, have you ever done an analysis of all the roto advertisements to say whether Exhibit 8 is a representative sample of those?

A. I look at the rotos every week both in the planning process and in the execution. And I can say that looking at all of these examples, this is a representative sample of the rotos that we run.

Q. Okay. If you could pull out Exhibit 17, please.

Okay. The first page of this document entitled "Summary of Sales Figures Pursuant to F.R. Evid. R. 1006," did you prepare that document?

A. No, I did not.

Q. Just the first page. Do you know who did?

A. No, I do not.

Q. Did you check this summary against anything to make sure that it's accurate?

A. I know that based on the dollars -- the dollar figures mentioned here, that these are representative of the dollar sales of these products.

Q. So based on your general knowledge of the sales in these categories, you believe these numbers are correct; is that what you're saying?

A. That's correct.

Q. But when you testified about what the exact dollar amounts were, you were testifying from this document -- the first page of Exhibit 17 -- rather than from your memory; is that

correct?

A. So I was testifying based on what I believed to be the accuracy of what a Walgreen compiled sales document, and these numbers look accurate based on my knowledge of the sales of these items.

Q. All right. But when you were testifying, it was from this summary rather than from your memory; isn't that correct?

A. I believe that the question that I was asked was in regards to this summary.

Q. And in terms of the pages behind the first page in Exhibit 17, did you compile those pages yourself?

A. No, I did not.

Q. Do you know who did?

A. These are Walgreen formatted reports, but I don't know the specific individual that ran these reports.

Q. Did you do anything yourself to confirm that these reports were accurate?

A. In preparation for the deposition, I was asked to review these documents. And based on my knowledge of these items and categories, the

documents appear to be accurate.

Q. Did you do anything besides just looking at these documents in preparation for the deposition to confirm that the documents were accurate?

A. Other than observing the documents, no.

Q. If you could pull out what's been marked as Exhibit 19. And I think you testified that these were examples of Walgreens roto advertisements; is that correct?

A. Yes, it is.

Q. And you also testified, I believe, that these roto advertisements go back years, if not decades; is that correct?

A. Yes.

Q. Okay. And I don't need you to look at every single page. But just looking, a lot of them don't seem like they all have dates on them. Is that correct?

A. That is correct.

Q. Okay. Did you assemble Exhibit 19 yourself?

A. I did not. And just referring to the last question, though, many of these pages do have

dates on them. Any page that contains a Walgreen coupon has a date, so there's some documents here that go back to 1985, for example.

Q. I'm finished with Exhibit 19.

A. Oh, sorry.

Q. That's okay. If you could pull out Exhibit 22.

A. Okay.

Q. Okay. And I believe that you testified that this exhibit contained sales information for Walgreens Wal hyphen products; is that correct?

A. That's correct.

Q. And just looking at the first page of Exhibit 22 entitled "Summary of Sales Figures," did you prepare that document yourself?

A. No, I did not.

Q. And looking just at the rest of the document, did you prepare those pages yourself?

A. No, I did not.

Q. And did you do anything in preparation for today's deposition to confirm that the document or pages in Exhibit 22 are accurate?

A. In preparation for the deposition I reviewed these documents, and to the best of my

knowledge these are accurate. Counsel worked with internal sources for the data to compile this.

Q. Besides looking at just the pages that have been marked now as Exhibit 22, did you do anything to confirm that these pages were accurate or that the information presented in these pages were accurate?

A. Besides observing the documents based on the data that I see here, these look to be accurate based on my knowledge of the items and categories; but other than that, no.

Q. When you think about Walgreens private label OTC products, do you generally think of them -- well, it's true that you generally think of them as a group, right, regardless of whatever the brand name on them is; is that correct?

A. I'm not sure -- sorry. I'm not sure I understand the question.

Q. My question is whether you think of the Walgreens private label products as a group and not divided into different categories based on whether it has, for example, Wal hyphen name on it or some different type of name on it?

A. Forgive me, but I think about items in

different groupings based upon the business question or case at hand. So I'm trying to -- when you say I think about them, I'm trying to understand the context.

Q. Well, I guess what I'm trying to understand is whether as part of your duties you generally keep track of the sales of Wal hyphen private label products differently from the private label products in the OTC group that don't have the Wal hyphen prefix on them?

A. So depending upon the business scenario, we may think of these items in many different ways. Some with the Wal hyphen, some under Walgreen brand, and some under national brand; and then we'll even look at these by category or price point. So there are several different situations and ways that we will look at our item hierarchies.

Q. Anything further on that?

A. No.

Q. Okay. Looking back at the first page of Exhibit 22, when you testified as to the dollar and unit sales of Wal hyphen branded products, you were testifying from the summary stated here

rather than from memory; is that right?

A. So my knowledge of the Wal products makes me believe that the data that's communicated here is correct, if I am understanding your question correctly.

Q. When you were testifying about the exact dollar sales and unit sales figures for Wal hyphen products, you were testifying from the summary document, the first page of Exhibit 22, rather than from memory; isn't that right?

A. I apologize. I'm just trying to understand the question. When I was testifying to what was in the reports? I'm trying to understand. Sorry.

Q. Do you want me to ask you the question again?

A. Please.

Q. On direct examination you testified as to the exact dollar sale amount and unit sales amount of Wal branded product at Walgreens. And I'm asking you isn't it true that you were testifying to those amounts from the summary page shown on the first page of Exhibit 22 rather than from memory?

A. I understand. So the exact dollar amount that's on the report I did take from the report, but the general knowledge that these numbers are approximately right was based on memory.

Q. Now, if you could grab Exhibits 23, 24, and 25; the last three exhibits.

A. Okay.

Q. Did you create any of these exhibits yourself; that is, get the pages that make up these exhibits?

A. No. These exhibits were accumulated by counsel from our product quality department.

Q. And I'm sorry. Which group did you say they were from?

A. Customer service, product quality department.

Q. And I assume that your customer service and product quality department gets comments on products other than Wal-Zyr; is that correct?

A. Yes.

Q. So these reports don't represent every comment that's come into Walgreens, just the ones that were specifically selected in relation to

Wal-Zyr; is that correct?

A. Yes.

Q. So presumably some type of search was done of a larger database to come up with these documents; is that right?

A. I believe so.

Q. And did you do that search yourself?

A. I did not.

Q. Do you know if a search was made for comments on Zyrtec?

A. I'm uncertain.

Q. Did you talk to the person who pulled these specific documents? I think you said they were pulled for counsel.

A. In regards to this, no, I did not.

Q. But you testified that no editing was done of these documents; isn't that correct?

A. Correct.

Q. But you never spoke to anyone who did the search to make sure that no editing was done; is that right?

A. According to counsel --

MR. LISS: Just don't talk about counsel, conversation with counsel. You can make a general

sense.

THE WITNESS: Okay.

MR. LISS: Can you repeat the question? I'm sorry.

MS. POPP-ROSENBERG: Could you reread the question.

(Record read as requested.)

THE WITNESS: That's correct.

BY MS. POPP-ROSENBERG:

Q. And I believe that you testified that people communicate with Walgreens via e-mail or also call the company office; is that right?

A. In addition to written correspondence, yes.

Q. And so these documents -- 23, 24, and 25 -- reflect e-mail correspondence, telephone calls, and also written correspondence; is that right?

A. Yes.

Q. Okay. What about customer comments that may have been made at one of Walgreens' 8,000 stores? Do these documents reflect those comments?

A. I believe some of the comments do come

from our stores. Would it be all the customer comments, no, that would be impossible.

Q. On what basis do you believe that some of these documents reflect comments that come from stores?

A. I know in some cases stores will refer customers to our customer service line when they have an issue they want to communicate.

Q. Okay. So then what these documents reflect, then, is a customer who may have said something to the store and the store told them to call 1-800 Walgreens or whatever your number is; is that right?

A. In some cases, yes.

Q. But these aren't -- well, is it your understanding that these documents would reflect a store clerk's report that someone -- a customer in the store said something?

A. Having read through these case reports before, I have seen some examples of stores forwarding consumer comments.

Q. But you don't know if Exhibit 23, 24, or 25 reflect any store-forwarded consumer comments, do you?

A. Well, so, for instance, there's a comment on here that says, "Lady Came to return Wal-Zyr all day allergy." To me that looks like a store communicating an issue with a customer.

MR. LISS: What exhibit are you reading?

THE WITNESS: I'm sorry. This is Exhibit 23, 1647, although I'm not certain if this is reflective of the customer service person referring to the customer as a lady or a store referring to a customer as lady. But I believe most of these in here are direct from customer.

BY MS. POPP-ROSENBERG:

Q. But you don't have a policy -- or Walgreens doesn't have a policy, does it, that when customers make comments about products to store personnel, that the store personnel is supposed to report that to some corporate entity, correct?

A. That's correct. Some issues can be handled at the store level.

Q. Okay. I believe you testified earlier that you've never heard of any customer being confused between the Wal-Zyr and Zyrtec product; is that correct?

A. That's correct.

Q. And have you questioned every Walgreens customer?

A. No, I have not.

MS. POPP-ROSENBERG: I think that's all my questions.

MR. LISS: Give me one minute.

(Brief pause.)

MR. LISS: Back on the record. No redirect, so we'll excuse the witness.

THE COURT REPORTER: Is there signature on these?

MR. LISS: We'll have to -- yes.

THE COURT REPORTER: You're ordering a transcript?

MR. LISS: Yes. And, again, we'll give you specific directions because, again, the questions have to be numbered.

THE COURT REPORTER: Do you need a copy?

MS. POPP-ROSENBERG: Yes, please.

FURTHER DEPONENT SAYETH NAUGHT

(Time noted: 12:17 p.m.)

C E R T I F I C A T E

I, ROBERT TOMPKINS, do hereby certify that I have read the foregoing transcript of my testimony, and further certify that it is a true and accurate record of my testimony (with the exception of the corrections listed below):

Page	Line	Correction

ROBERT TOMPKINS

OFFICIAL SEAL
KATHRYN MARY COLLINS
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES:06/26/12

SUBSCRIBED AND SWORN TO BEFORE ME

THIS 15th DAY OF April, 2011.

(NOTARY PUBLIC)

MY COMMISSION EXPIRES: 6-26-2012

STATE OF ILLINOIS)
) SS:
COUNTY OF C O O K)

I, KIMBERLY WINKLER CHRISTOPHER, a Certified Shorthand Reporter of the State of Illinois, do hereby certify:

That I have not been disqualified as specified in Rule 28 of the Federal Rules of Civil Procedure; that the within transcript is a true and accurate record of the testimony of ROBERT TOMPKINS under oath and other proceedings in McNeil-PPC, Inc., against Walgreen Co., Opposition No. 91184978. The deposition was held at the offices of Walgreen Co., 104 Wilmot Road, Second Floor, Deerfield, Illinois, from 9:16 a.m. to 12:17 p.m. and in the presence of both parties.

I further certify that I am not a relative, employee, attorney or counsel of any of the parties to this action and that I am in no way interested in the outcome of this matter.

IN WITNESS HEREOF, I have hereunto set my hand this 29th day of March, 2011.

_____

C.S.R. Certificate No. 084-002752

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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**

APPLICANT'S TRIAL EXHIBIT 2 TO THE DEPOSITION OF R. TOMPKINS OFFERED BY WALGREEN CO.

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 TESTIMONY DEPOSITION

PLEASE TAKE NOTICE THAT, pursuant to Rule 30 of the Federal Rules of Civil Procedure and 37 C.F.R. § 2.123, Applicant, Walgreen Co., will take the deposition upon oral examination of Mr. Robert Tompkins, Divisional Merchandise Manager, Walgreen Company, 104 Wilmot Rd., Deerfield, IL 60015. The deposition will commence on Monday, March 28, 2011, at 9:30 a.m. and continue until completed. The deposition will be conducted at the offices of Applicant, Walgreen Co., 104 Wilmot Rd., Deerfield, IL 60015. Please take further notice that the deposition will be before a certified court reporter or other officer authorized by law to administer oaths and the deposition will recorded by stenographic means.

You are invited to attend and cross-examine.

Date: March 3, 2011

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Applicant's Trial Ex. 3 to Deposition of R. Tompkins
Offered by Walgreen Co.
McNeil-PPC, Inc. v. Walgreen Co. (No. 91184978)
Page 2 -1 rac

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the attached NOTICE OF TESTIMONY DEPOSITION was served on March 3, 2011, via first class mail and email to the following:

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Michelle L. Calkins

Applicant's Trial Ex. 2 to Deposition of R. Tompkins
Offered by Walgreen Co.
McNeil-PPC, Inc. v. Walgreen Co. (No. 91184978)
Page 2 -2

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**

APPLICANT'S TRIAL EXHIBIT 3 TO THE DEPOSITION OF R. TOMPKINS OFFERED BY WALGREEN CO.

BUREAU VERITAS

WALGREENS

Technical Report: (5109)117-0051
Date Received: April 27, 2009

May 11, 2009
Page 1 of 6

BILL DOLAK
WALGREENS
200 WILMOT ROAD
DEERFIELD, IL 60015
UNITED STATES

Testing Type: COMPARISON
PO No.: N/A

Sample Description:	**ZYRTEC ALLERGY 24 HOUR 10MG TABLETS**	**WAL-ZYR 24 HOUR ALLERGY TABLETS 10MG**
Manufacturer:	MCNEIL CONSUMER HEALTHCARE	L. PERRIGO
SKU:	N/A	N/A
Lot No.:	128216	8KE1828
UPC No.:	312547204361	311917100883
Expiration Date:	02/10	08/10
Contents/Count/Size:	30 TABLETS	30 TABLETS
Client Item No.:	N/A	517157
Country of Origin:	N/A	NO INFORMATION

TEST:
- Cold/Cough/Allergy Tablets
- Retail Cost of Sample(s)

RATINGS:

Performance:	☐	**Acceptable**	☐	**Marginal**	☐	**Unacceptable**	☒ N/A
Composition:	☒	**Acceptable**	☐	**Marginal**	☐	**Unacceptable**	☐ N/A
Labeling:	☒	**Acceptable**	☐	**Marginal**	☐	**Unacceptable**	☐ N/A

EXECUTIVE SUMMARY:

The two products compared favorably in all areas tested.

The product is in compliance with the Code of Federal Regulations (CFR) content requirements as detailed in the protocol.

For general inquiries, please contact Bureau Veritas at (716) 505-3300.

Bureau Veritas
Consumer Products Services, Inc.

Nicholas Budniewski, Product Test Technician
Health, Beauty, Household and Food Products
nicholas.budniewski@us.bureauveritas.com

/cag

cc: TROY PELAK, PERRIGO COMPANY

Bureau Veritas
Consumer Products Services, Inc.
100 Northpointe Parkway Buffalo, NY 14228-1884 USA
Tel 716 505 3300 Fax 716 505 3301 www.bvcps.us.com

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W5773

TRADE SECRET / COMMERCIALLY SENSITIVE

Applicant's Trial Ex. 3 to Deposition of R. Tompkins
Offered by Walgreen Co.
McNeil-PPC, Inc. v. Walgreen Co. (No. 91184978)
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TRADE SECRET / COMMERCIALLY SENSITIVE

WALGREENS TEST PROTOCOL FOR
WALG-7201.1-US

Allergy / Sinus / Cough / Cold Tablets / Caplets / Softgels / Liquids

Evaluation	Citation/Method	No. Samples	Criteria	Results		Rating
				Zyrtec	Walgreens 517157	
SUPPLEMENTAL PROTOCOLS						
* CA Prop 65	Applicable Section from Protocol MC-6572-US	-	The sample should be reviewed against the requirements of California Proposition 65 to determine if additional testing or labeling is required.	--	NA	-
Note: Additional cost, sample size & TAT may be required if testing to 1 or more supplemental protocol is necessary. Please refer to the above referenced supplemental protocol(s) for additional information.						
LABELING						
One Time Use Products **Fair Packaging and Labeling Act OR All Other Products **Uniform Packaging and Labeling Regulations	F.P. & L. Act (16 CFR 500) OR NIST Uniform Laws and Regulations Handbook 130	1	Manufacturer, Packer, or Distributor's Name & Address (City, State & ZIP Code)	--	Distributed by: Walgreen Co., 200 Wilmot Rd., Deerfield, IL 60015-4616	ACC
			Product identification	Allergy; Cetirizine HCl/antihistamine 10 mg tablets; Indoor & Outdoor Allergies	Cetirizine Hydrochloride Tablets, 10mg/ Antihistamine; All Day Allergy; Indoor & Outdoor Allergies	ACC
			Net quantity of contents shall be expressed in terms of weight or mass, measure, numerical count, or combination so as to give accurate information to facilitate consumer comparison (U.S. and metric units).	30 Tablets	30 Tablets	ACC
**Country of Origin Marking	19 CFR 134	1	Shall indicate country of origin legibly, permanently, and in comparable size and close proximity to any mention of country other than country in which the article was manufactured or produced. Must be visible at point of purchase.	None listed	None listed	-
Use Labeling	CPSD-HL-01057-MTHD / Visual	1	Use/care instructions that are clear and understandable shall be provided in English.	Clear and understandable	Clear and understandable	ACC
Lot Number	CPSD-HL-01057-MTHD / Visual	1	Report as labeled	LOT 128216 EXP 02/10	EXP08/10 8KE1828	-

W5774

Applicant's Trial Ex. 3 to Deposition of R. Tompkins
Offered by Walgreen Co.
McNeil-PPC, Inc. v. Walgreen Co. (No. 91184978)
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TRADE SECRET / COMMERCIALLY SENSITIVE

WALG-7201.1-US

Allergy / Sinus / Cough / Cold Tablets / Caplets / Softgels / Liquids

Evaluation	Citation/Method	No. Samples	Criteria	Results		Rating
				Zyrtec	Walgreens 517157	
Ingredients List	CPSD-HL-01057-MTHD / Visual	1	Report actual number of ingredients listed as well as number of ingredients common to NB.	Lists 8 inactive ingredients	Lists 10 inactive ingredients, 4 common to Zyrtec	-
WIC No. (Item #)	Walgreens Requirement	1	Must be present.	--	517157	ACC
**Imprinting (tablets only as applicable)	21 CFR 206.10	1	Report actual. Shall meet the CFR requirements as applicable.	"ZYRTEC" imprinted on one side; "10" imprinted on the other side	"4H2" imprinted on one side; meets requirements	ACC
**OTC Drug Products Containing Internal Analgesic/Antipyretic Active Ingredients; Alcohol Warning	21 CFR 201.322	1	Shall meet the CFR requirements as applicable.	--	NA	-
**Labeling of Permitted Combinations of Active Ingredients	21 CFR 341.85	1	Shall meet the CFR requirements as applicable.	--	NA	-
**Warning and Caution Statements for Drugs	21 CFR 369.21	1	Shall meet the CFR requirements as applicable.	--	NA	-
Tentative Final Monograph (informational only)	53 FR 46204	1	Tentative final monograph (TFM) for analgesic/antipyretic OTC drug products eliminates the need for acetaminophen warning as per 21 CFR 369.21. Labeling requirements in the TFM include directions according to age group and limitation as to the number of days for use.	--	NA	-
**Labeling of Antihistamine Drug Products	21 CFR 341.72	1	Shall meet the CFR requirements as applicable.	--	NA	-
**Sodium Labeling	21 CFR 201.64	1	The product will be tested to verify label claims such as low sodium, sodium free, etc. If the product does not make a sodium claim, the product label will be reviewed for any sodium ingredient listed. If sodium is present, the label will be reviewed to determine if the appropriate warning is present. If no warning is present and the amount of sodium is unknown documentation (dated within one year) the vendor showing the sodium content present in the product. Based on this information, a determination will be made if the product complies with the CFR regulations. If documentation is not provided, the sample will be tested for the sodium content at an additional cost.	--	NA	-

Applicant's Trial Ex. 3 to Deposition of R. Tompkins
Offered by Walgreen Co.
McNeil-PPC, Inc. v. Walgreen Co. (No. 91184978)
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TRADE SECRET / COMMERCIALLY SENSITIVE

WALG-7201.1-US

Allergy / Sinus / Cough / Cold Tablets / Caplets / Softgels / Liquids

Evaluation	Citation/Method	No. Samples	Criteria	Results		Rating
				Zyrtec	Walgreens 517157	
**Labeling of Permitted Combinations of Active Ingredients	21 CFR 341.85	1	Shall meet the CFR requirements as applicable.	–	NA	-
**Labeling of Nasal Decongestant Drug Products	21 CFR 341.80	1	Shall meet the CFR requirements as applicable.	–	NA	-
**Labeling of Expectorant Drug Products	21 CFR 341.78	1	Shall meet the CFR requirements as applicable.	–	NA	-
**Labeling of Antitussive Drug Products	21 CFR 341.74	1	Shall meet the CFR requirements as applicable.	–	NA	-
**Suggested Warning for OTC Drugs for Minor Sore Throats	21 CFR 201.315	1	Shall meet the CFR requirements as applicable.	–	NA	-
ANALYTICAL						
*Active Ingredient, mg/tablet -Cetrizine Hydrochloride	USP or Internal Method	30 tablets or 1 bottle	Report actual. Shall meet USP limits as applicable. Lab to report actual limits. Acceptable limits: 90.0 - 110.0%	C: 10	C: 10 R: 9.43 (94.3%)	ACC
*Dissolution, mg/tablet (tablets only as applicable)	USP	6 tablets	Report actual. Shall meet USP limits as applicable. Lab to report actual limits. USP limits: Greater than 80%	NA	NA	-
*Sodium Content, mg/maximum daily dose (as applicable)	Internal Method	20 tablets	Report actual. Shall meet the label claim as outlined in 21 CFR 201.64.	–	NA	-
PHYSICAL CHARACTERISTICS						
Net Contents, count	Std. Measure (count)	1	Report actual. Must meet or exceed label claim.	–	C: 30 R: 30 (100%)	ACC
Appearance	Visual	1	Report actual. Comparable to NB as applicable.	Oval-shaped, white tablet	Oval-shaped, white tablet	ACC
Fragrance (liquids only)	Organoleptic	1	Report actual. Comparable to NB as applicable. Shall have no off odors.	NA	NA	-
Taste (liquids only)	Organoleptic	1	Report actual. Comparable to NB as applicable. Shall have no off flavors.	NA	NA	-
pH (liquids only)	Std. Measure	1	Report actual. Shall meet USP limits or be comparable to NB as applicable.	NA	NA	-
Percent Solids (liquids only)	3g, 105°C, 3 hours	3g	Report actual. Comparable to NB as applicable.	NA	NA	-
Average Dimensions, cm (tablets only as applicable)	Std. Measure	10 tablets	Report actual. Comparable to NB as applicable.	0.902 x 0.554 x 0.356	1.07 x 0.615 x 0.401	ACC
Average Tablet Weight, mg (tablets only as applicable)	Std. Measure	10 tablets	Report actual. Comparable to NB as applicable.	177	204	ACC

W5776

Applicant's Trial Ex. 3 to Deposition of R. Tompkins
Offered by Walgreen Co.
McNeil-PPC, Inc. v. Walgreen Co. (No. 91184978)
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TRADE SECRET / COMMERCIALLY SENSITIVE

BUREAU VERITAS

WALG-7201.1-US

Allergy / Sinus / Cough / Cold Tablets / Caplets / Softgels / Liquids

Evaluation	Citation/Method	No. Samples	Criteria	Results		Rating
				Zyrtec	Walgreens 517157	
CONSTRUCTION & WORKMANSHIP						
Defects	CPSD-HL-01057-MTHD / Visual	All	Shall have no discernible surface degradation, including crazing, shivering, denting, bubbles, cracks, stains, deformations, chips, fractures, heavy lines, waves, shear marks, scratches, scuff marks, indentations, or blisters.	--	No major defects noted	ACC
Workmanship	CPSD-HL-01057-MTHD / Visual	All	Shall have no components missing, malformed, and/or fractured.	--	Product shows good workmanship	ACC
Packaging	CPSD-HL-01057-MTHD / Visual	All	Report actual. Comparable to NB.	Plastic bottle with screw cap; squeeze sides while turning cap, child-resistant; printed foil seal over bottle opening	Plastic bottle with screw cap; push down while turning cap, child-resistant; printed foil seal over bottle opening	ACC
**Substances requiring special packaging	16 CFR 1700.14 (20)	1	Shall meet the regulatory requirements outlined in the CFR as applicable.	--	Meets requirements	ACC
**Tamper Evident Packaging	21 CFR 211.132	All	Report actual. Shall meet the CFR requirements as applicable.	--	Meets requirements	ACC

Key:
* Additional Charge For This Test ** Mandatory Requirement

Results Key:

M	Meets	NM	Does Not Meet
NA	Not Applicable	NT	Not Tested
C	Claimed	R	Recorded

Rating Key:

Acc	Acceptable
Marg	Marginal
Unacc	Unacceptable

No. Of Samples Required For Complete Testing:	3
No. Of (Fully Packed) Cartons For Transit Testing:	1
No. Of Working Days For Complete Testing:	10

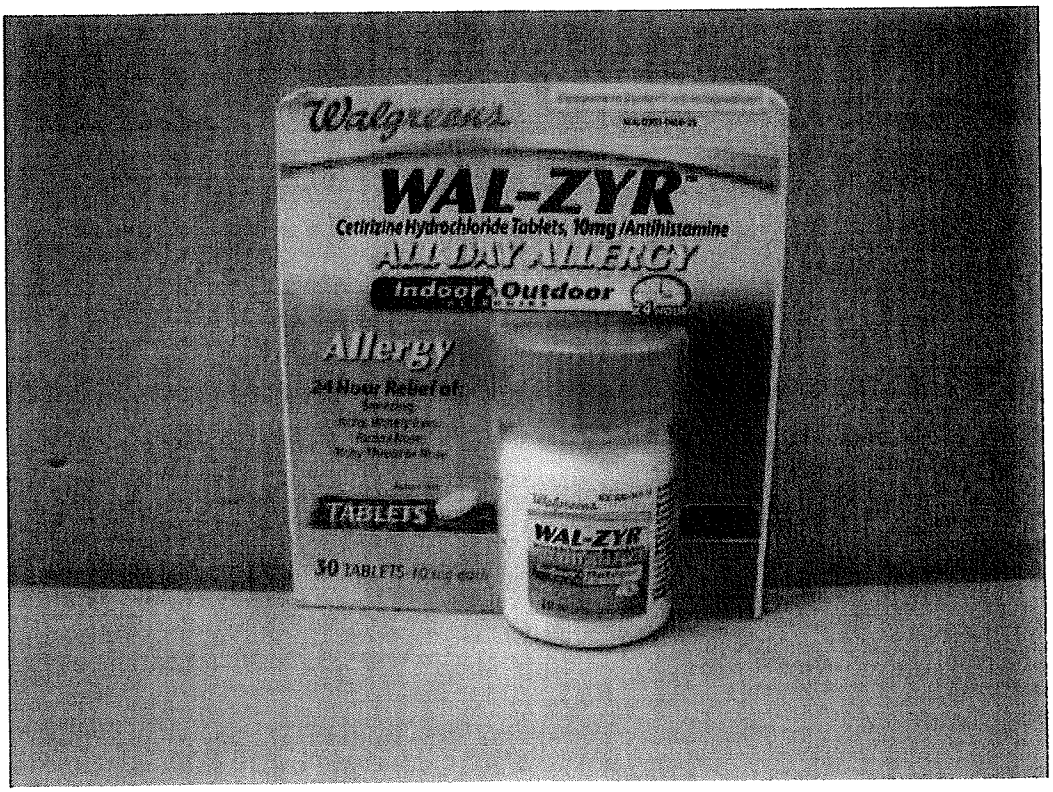
bottles / packages

Creation Date: June 9, 2008
Editorial Revision Date:
Pricing Review Date:
Technical Review Date:

W5777

BUREAU VERITAS

EXHIBIT #1

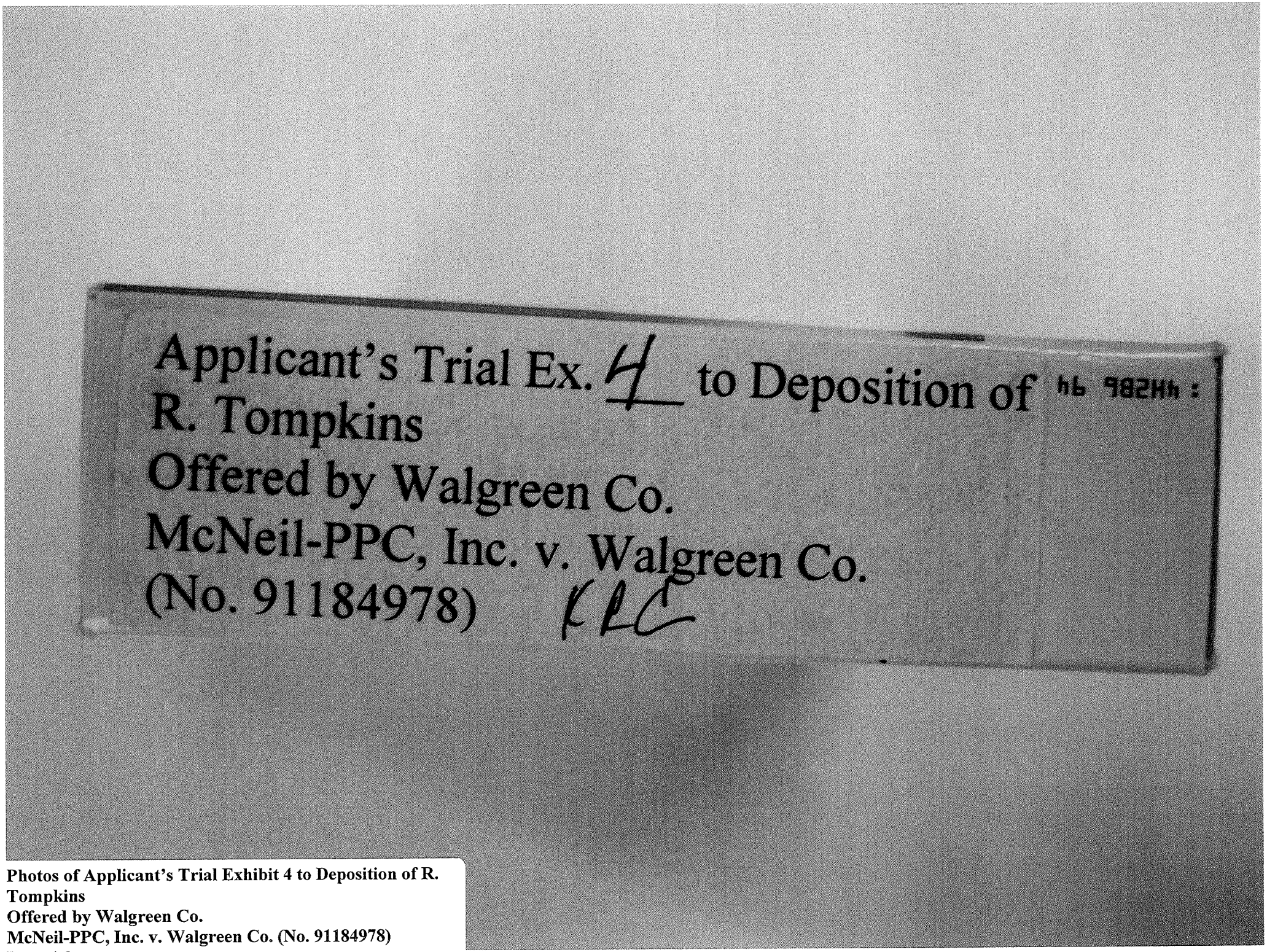


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

McNEIL-PPC, INC., Opposer, -against- WALGREEN CO., Applicant.	**Opp. No. 91184978**

APPLICANT'S TRIAL EXHIBIT 4 TO THE DEPOSITION OF R. TOMPKINS OFFERED BY WALGREEN CO.

Photos of Applicant's Trial Exhibit 4 to Deposition of R. Tompkins
Offered by Walgreen Co.
McNeil-PPC, Inc. v. Walgreen Co. (No. 91184978)


Applicant's Trial Ex. 4 to Deposition of
R. Tompkins
Offered by Walgreen Co.
McNeil-PPC, Inc. v. Walgreen Co.
(No. 91184978)

Drug Facts

Active ingredient (in each tablet) — **Purpose**

Cetirizine HCl 10 mg ..... Antihistamine

Uses

temporarily relieves these symptoms due to hay fever or other upper respiratory allergies:

- runny nose
- sneezing
- itchy, watery eyes
- itching of the nose or throat

Warnings

Do not use if you have ever had an allergic reaction to this product or any of its ingredients or to an antihistamine containing hydroxyzine.

Ask a doctor before use if you have liver or kidney disease. Your doctor should determine if you need a different dose.

Ask a doctor or pharmacist before use if you are taking tranquilizers or sedatives.

When using this product

- drowsiness may occur
- avoid alcoholic drinks
- alcohol, sedatives, and tranquilizers may increase drowsiness
- be careful when driving a motor vehicle or operating machinery

Stop use and ask a doctor if an allergic reaction to this product occurs. Seek medical help right away. ▶

Drug Facts (continued)

If pregnant or breast-feeding:

- if breast-feeding: not recommended
- if pregnant: ask a health professional before use.

Keep out of reach of children. In case of overdose, get medical help or contact a Poison Control Center right away.

Directions

adults and children 6 years and over	one 10 mg tablet once daily; do not take more than one 10 mg tablet in 24 hours. A 5 mg product may be appropriate for less severe symptoms.
adults 65 years and over	ask a doctor
children under 6 years of age	ask a doctor
consumers with liver or kidney disease	ask a doctor

Other information

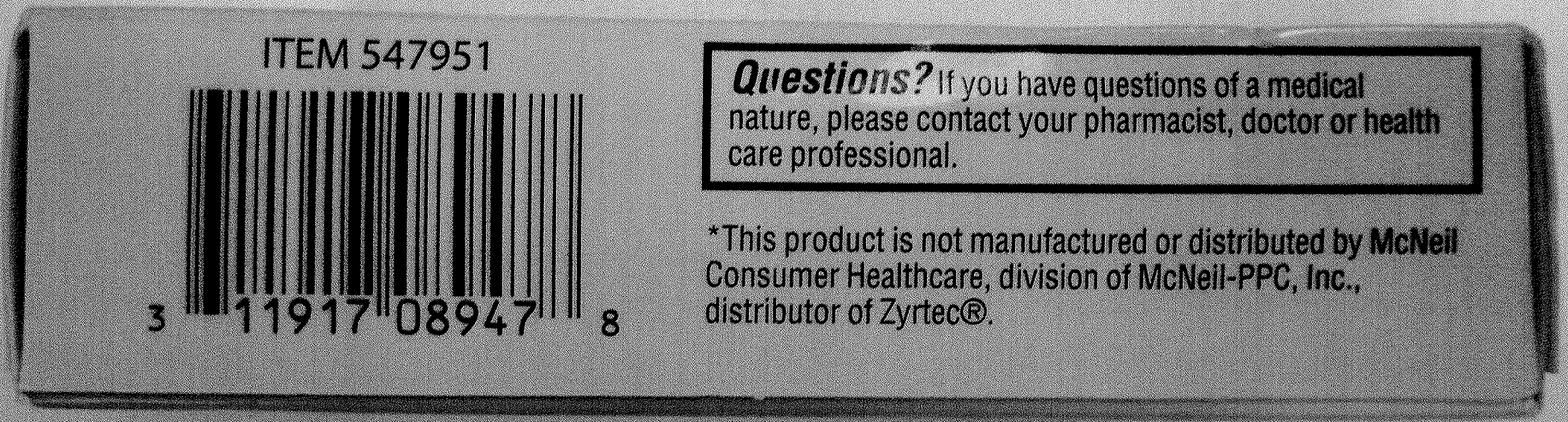
- do not use if blister unit is broken or torn
- store between 20° to 25°C (68° to 77°F)

Inactive ingredients

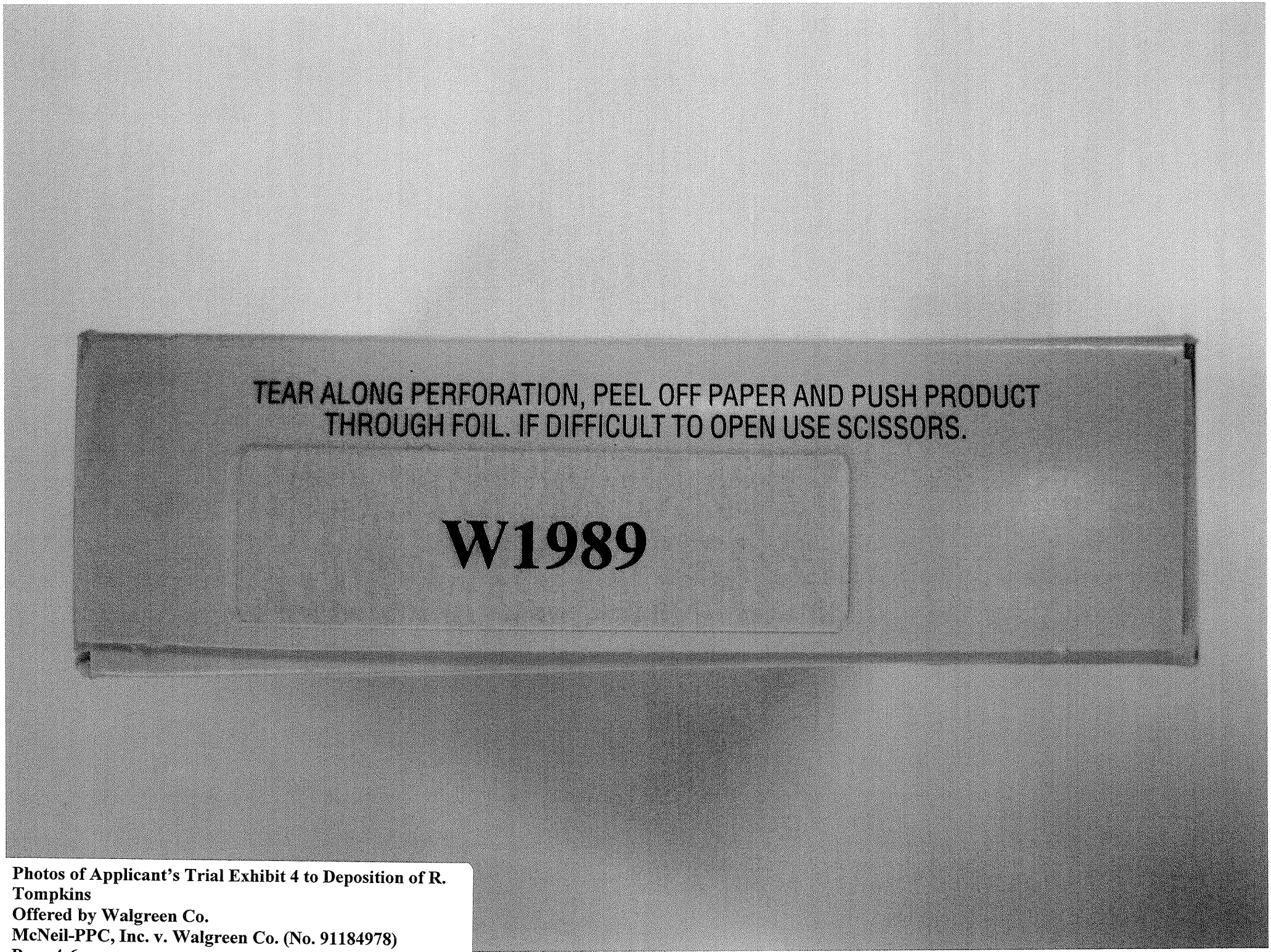
corn starch, FD&C blue #1, hypromellose, lactose, magnesium stearate, polydextrose, polyethylene glycol, povidone, titanium dioxide, triacetin

Photos of Applicant's Trial Exhibit 4 to Deposition of R. Tompkins
Offered by Walgreen Co.
McNeil-PPC, Inc. v. Walgreen Co. (No. 91184978)
Page 4-3

Photos of Applicant's Trial Exhibit 4 to Deposition of R. Tompkins
Offered by Walgreen Co.
McNeil-PPC, Inc. v. Walgreen Co. (No. 91184978)



Photos of Applicant's Trial Exhibit 4 to Deposition of R. Tompkins
Offered by Walgreen Co.
McNeil-PPC, Inc. v. Walgreen Co. (No. 91184978)



Photos of Applicant's Trial Exhibit 4 to Deposition of R. Tompkins
Offered by Walgreen Co.
McNeil-PPC, Inc. v. Walgreen Co. (No. 91184978)

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**

APPLICANT'S TRIAL EXHIBIT 5 TO THE DEPOSITION OF R. TOMPKINS OFFERED BY WALGREEN CO.

538052	31191709324 WAL-ZYR 1MG CETIRIZNE SYRP GRP4OZ
466517	31191711867 WAL-ZYR 5MG CHERRY 4OZ
531266	31191709648 WAL-ZYR 10MG TAB 30FRW120S
542429	31191709124 WAL-ZYR 10MG TABLETS 14S
542424	31191709125 WAL-ZYR 10MG TABLETS 60S
539366	31191709280 WAL-ZYR 10MG TABLETS 90S
498958	31191710783 WAL-ZYR 10MG TABLETS 300S
517157	31191710088 WAL-ZYR 24HR 10MG TABLETS 30S
517158	31191710086 WAL-ZYR 24HR 10MG TABLETS 45S
547954	31191708944 WAL-ZYR 24HR 10MG TABLETS 5S
531106	31191709707 WAL-ZYR CHILD CHEW 10MG TABS 12S
517043	31191710091 WAL-ZYR D 12HR 5MG TABLETS 24S
547948	31191708950 WAL-ZYR D 12HR 5MG TB12S 120MG/DS
474398	31191711327 WAL-ZYR ITCHY EYE DROPS .17OZ
469385	30045020427 ZYRTEC-D 12 HOUR TAB 12S 120MG/DS
469386	30045020424 ZYRTEC-D 12 HOUR TAB 24S 120MG/DS
553546	31254720436 ZYRTEC 24 HOUR 10MG TABLETS 30S
553544	31254720432 ZYRTEC 24 HOUR 10MG TABLETS 14S
553547	35058072638 ZYRTEC 24 HOUR 10MG TABLETS 45S
475279	30045020431 ZYRTEC 24HR 10MG LIQUID GELS 12S
475278	30045020444 ZYRTEC 24HR 10MG LIQUID GELS 40S
477979	30045020425 ZYRTEC 24HR 10MG LIQUID GELS 25S
475277	30045020470 ZYRTEC 24HR 10MG TABLETS 70S
553543	31254720430 ZYRTEC 24 HOUR 10MG TABLETS 5S

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**

APPLICANT'S TRIAL EXHIBIT 6 TO THE DEPOSITION OF R. TOMPKINS OFFERED BY WALGREEN CO.

Photos of Applicant's Trial Exhibit 6 to Deposition of R. Tompkins
Offered by Walgreen Co.
McNeil-PPC, Inc. v. Walgreen Co. (No. 91184978)

Photos of Applicant's Trial Exhibit 6 to Deposition of R. Tompkins
Offered by Walgreen Co.
McNeil-PPC, Inc. v. Walgreen Co. (No. 91184978)
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Drug Facts

Active ingredient (in each tablet) — **Purpose**

Cetirizine HCl 10 mg ..... Antihistamine

Uses

temporarily relieves these symptoms due to hay fever or other upper respiratory allergies:

- runny nose
- sneezing
- itchy, watery eyes
- itching of the nose or throat

Warnings

Do not use if you have ever had an allergic reaction to this product or any of its ingredients or to an antihistamine containing hydroxyzine.

Ask a doctor before use if you have liver or kidney disease. Your doctor should determine if you need a different dose.

Ask a doctor or pharmacist before use if you are taking tranquilizers or sedatives.

When using this product

- drowsiness may occur
- avoid alcoholic drinks
- alcohol, sedatives, and tranquilizers may increase drowsiness
- be careful when driving a motor vehicle or operating machinery

Stop use and ask a doctor if an allergic reaction to this product occurs. Seek medical help right away.

If pregnant or breast-feeding:

- if breast-feeding: not recommended
- if pregnant: ask a health professional before use.

▼

Drug Facts (continued)

Keep out of reach of children. In case of overdose, get medical help or contact a Poison Control Center right away.

Directions

adults and children 6 years and over	one 10 mg tablet once daily; do not take more than one 10 mg tablet in 24 hours. A 5 mg product may be appropriate for less severe symptoms.
adults 65 years and over	ask a doctor
children under 6 years of age	ask a doctor
consumers with liver or kidney disease	ask a doctor

Other information

- do not use if printed foil under cap is broken or missing
- store between 20° to 25°C (68° to 77°F)

Inactive ingredients

corn starch, FD&C blue #1, hypromellose, lactose, magnesium stearate, polydextrose, polyethylene glycol, povidone, titanium dioxide, triacetin

Questions?

If you have questions of a medical nature, please contact your pharmacist, doctor or health care professional.

*This product is not manufactured or distributed by McNeil Consumer Healthcare, division of McNeil-PPC, Inc., distributor of Zyrtec®.

Photos of Applicant's Trial Exhibit 6 to Deposition of R. Tompkins
Offered by Walgreen Co.
McNeil-PPC, Inc. v. Walgreen Co. (No. 91184978)
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Photos of Applicant's Trial Exhibit 6 to Deposition of R. Tompkins
Offered by Walgreen Co.
McNeil-PPC, Inc. v. Walgreen Co. (No. 91184978)
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Photos of Applicant's Trial Exhibit 6 to Deposition of R. Tompkins
Offered by Walgreen Co.
McNeil-PPC, Inc. v. Walgreen Co. (No. 9118978)
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Photos of Applicant's Trial Exhibit 6 to Deposition of R. Tompkins
Offered by Walgreen Co.
McNeil-PPC, Inc. v. Walgreen Co. (No. 91184978)
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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**

APPLICANT'S TRIAL EXHIBIT 7 TO THE DEPOSITION OF R. TOMPKINS OFFERED BY WALGREEN CO.

Applicant's Trial Ex. 7 to Deposition of R. Tompkins
Offered by Walgreen Co.
McNeil PPC, Inc. v. Walgreen Co.
(No. 91184978)

Photos of Applicant's Trial Exhibit 7 to Deposition of R. Tompkins
Offered by Walgreen Co.
McNeil-PPC, Inc. v. Walgreen Co. (No. 91184978)

Drug Facts

Active Ingredient (in each tablet) — **Purpose**

Cetirizine HCl 10 mg — Antihistamine

Uses

temporarily relieves these symptoms due to hay fever or other upper respiratory allergies

- runny nose
- sneezing
- itchy, watery eyes
- itching of the nose or throat

Warnings

Do not use if you have ever had an allergic reaction to this product or any of its ingredients or to an antihistamine containing hydroxyzine.

Ask a doctor before use if you have liver or kidney disease. Your doctor should determine if you need a different dose. ▶

Drug Facts (continued)

Ask a doctor or pharmacist before use if you are taking tranquilizers or sedatives.

When using this product

- drowsiness may occur
- avoid alcoholic drinks
- alcohol, sedatives, and tranquilizers may increase drowsiness
- be careful when driving a motor vehicle or operating machinery

Stop use and ask a doctor if an allergic reaction to this product occurs. Seek medical help right away.

If pregnant or breast-feeding:

- if breast-feeding: not recommended
- if pregnant: ask a health professional before use.

Keep out of reach of children. In case of overdose, get medical help or contact a Poison Control Center right away.

Directions

adults and children 6 years and over	one 10 mg tablet once daily, do not take more than one 10 mg tablet in 24 hours. A 5 mg product may be appropriate for less severe symptoms.
adults 65 years and over	ask a doctor
children under 6 years of age	ask a doctor
consumers with liver or kidney disease	ask a doctor

Other information

- store between 20° to 25°C (68° to 77°F)

Inactive ingredients

corn starch, FD&C blue #1, hypromellose, lactose, magnesium stearate, polydextrose, polyethylene glycol, povidone, titanium dioxide, triacetin

Questions? 1-800-719-9260

REV 0908

Distributed by: Walgreen Co., 200 Wilmot Rd., Deerfield, IL 60015-4616

100% Satisfaction Guaranteed

www.walgreens.com

ITEM 517157

11917 10088

"This product is not manufactured or distributed by McNeil Consumer Healthcare, division of McNeil-PPC, Inc., distributor of Zyrtec®

Do not use if printed foil under cap is broken or missing

Purpose: Antihistamine

more than one 10 mg tablet in 24 hours; use lower dosage for less severe symptoms; Adults 65 years and over: ask a doctor; Children under 6 years of age: ask a doctor; Consumers with liver or kidney disease: ask a doctor; Other information: store between 20° and 25°C (68° and 77°F); Inactive ingredients: corn starch, FD&C blue #1, hypromellose, lactose, magnesium stearate, polydextrose, polyethylene glycol, povidone, titanium dioxide, triacetin; Questions or comments? 1-800-719-9260; Do not use if printed foil under cap is broken or missing

Distributed by: Walgreen Co., 200 Wilmot Rd., Deerfield, IL 60015-4616

100% Satisfaction Guaranteed

www.walgreens.com

Photos of Applicant's Trial Exhibit 7 to Deposition of R. Tompkins
Offered by Walgreen Co.
McNeil-PPC, Inc. v. Walgreen Co. (No. 91184978)
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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**

APPLICANT'S TRIAL EXHIBIT 8 TO THE DEPOSITION OF R. TOMPKINS OFFERED BY WALGREEN CO.

Save with *Walgreens* Brand Products!

Quality Guaranteed

6.99

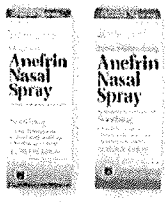
Acid Reducer • 48 ct. Wal-Zan™, 150 mg., includes 24 **FREE** • 50 ct. Maximum Strength Acid Controller, 20 mg., includes 25 **FREE** • 60 ct. Acid Controller, 10 mg., includes 30 **FREE**

Buy 1 Get 1

FREE*

Sale Glucosamine Chondroitin or 400 ct. Calcium

*Of equal or lesser price



Buy 1 at 5.99 Get 1

FREE

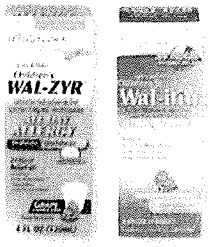
Sale Anefrin Nasal Spray

.5 or 1 oz.

5.49

Anti-Diarrheal

36 ct. Caplets, includes 18 **FREE!**



Buy 1 Get 1

FREE*

Sale Wal-Zyr™ or Wal-itin® Allergy Relief

Liquid, 4 oz. *Must be of same price

Buy 1 at 99¢ Get 1

FREE

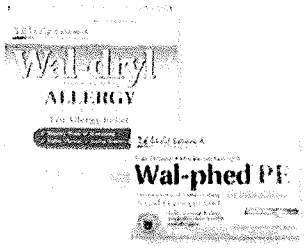
Sale Cough Drops

30 pack

9.49

Omeprazole

28 ct. tablets, 20 mg., Includes 14 **FREE!**

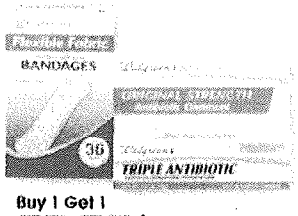


Buy 1 at 5.99 Get 1

FREE

Sale Allergy Relief

- 48 ct. Wal-dryl™ Capsules
- 36 ct. Wal-phed™ PE Tablets

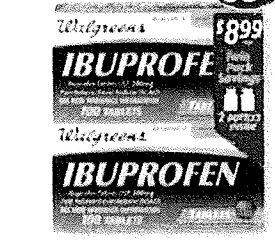


Buy 1 Get 1

FREE*

Sale First Aid

- Adhesive Bandages • Ointment or Cream, .5 or 1 oz. *Of equal or lesser price



3.99

Sale Ibuprofen

2 pack tablets, 100 ct. ea.

Buy 1 at 5.99 Get 1

FREE

Sale One Daily Multivitamins

50 or 100 ct. For Women or Men.

Buy 1 at 3.99 Get 1

FREE

Sale Aspirin

- 500 ct. Tablets
- 3 pack Chewables, 36 ct. ea.

Applicant's Trial Ex. 8 to Deposition of R. Tompkins
Offered by Walgreen Co.
McNeil-PPC, Inc. v. Walgreen Co. (No. 91184978)
Page 8 -1 CAC

Walgreens Brand Buy One Get One FREE

Quality Guaranteed

Sale Skin Care
16 oz. Cleanser, Lotion or Cream

Sale First Aid
• Multi or Triple Antibiotic Plus, 1 oz • Maximum Strength 1% Hydrocortisone Cream, 2 oz

Buy 1 Get 1 FREE *Must be of same price

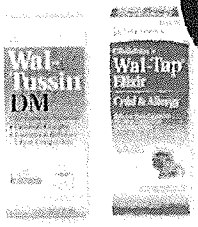
Sale Wal-Flu*
• 6 Packets
• Liquid, 8.3 oz

Buy 1 Get 1 FREE *Must be of same price

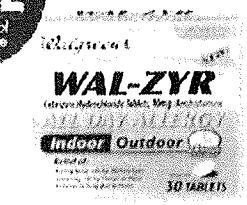
Sale Wal-itin® 24 Hour Allergy Relief
30 ct. Tablets or Mini Melts

Sale Minoxidil
2 oz. • 2% for Women • 5% for Men

Sale Ⓦ Body Wash
23.6 oz. 24 oz.



Sale Cough and Cold Relief
Wal-Tussin® or Wal-tap®, 4 oz



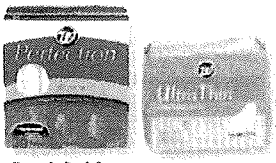
Sale Wal-Zyr® 24 Hour Allergy Relief 30 ct. Tablets, 10 mg

Buy 1 Get 1
FREE*
Sale Therapeutic Hair Care
2.5 to 23.7 oz
*Of equal or lesser price

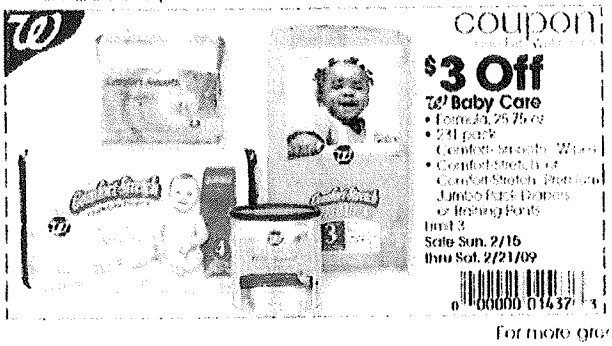
Buy 1 Get 1
FREE*
Sale One Daily Multivitamins
50 to 200 ct.
*Of equal or lesser price

Buy 1 at 9.99 Get 1
FREE
Sale Cough Drops
30 pack.

Buy 1 at 5.99 Get 1
FREE
Sale Anefrin Nasal Spray
.5 or 1 oz.



Buy 1 Get 1
50% Off*
Sale Ⓦ Feminine Care
• 12 to 24 pack Maxi Pads
• 18 or 20 pack Tampons
• 40 to 64 pack Panty Liners
*Must be of same price



coupon

$3 Off
Ⓦ Baby Care
• Formula, 25.75 oz
• 231 pack Comfort Soothe Wipes
• Comfort Stretch or Comfort Stretch Premium Jumbo Pack Diapers or Training Pants
Limit 3
Sale Sun. 2/15 thru Sat. 2/21/09

2/$3
Sale Ⓦ Hand Soap
Liquid, 7.5 oz.

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Offered by Walgreen Co.
McNeil-PPC, Inc. v. Walgreen Co. (No. 91184978)
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Walgreens Brand Buy One Get One FREE

Quality Guaranteed

Sinus & cold relief

Sale Sinus or Allergy Relief
- 18 ct or 24 ct. Wal-phed PE
- 24 ct. Wal-phed

Buy 1 Get 1 FREE *Must be of same price

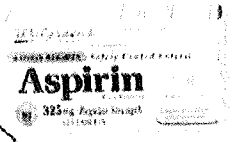
Sale Wal-born®
- 10 ct. Effervescent Tablets
- 8 pack to Go Packets

Sale Allergy, Sinus or Cold Relief
- Liquid 4 or 8 oz
- 24 ct. Caplets or Quick Gels

Pain relief

Sale Pain Reliever
20 ct or 100 ct. Extra Strength

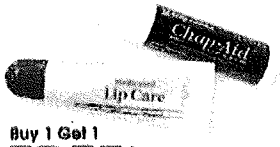
Buy 1 Get 1 FREE *Must be of same price



Sale Enteric Aspirin
100 to 150 ct. Tablets

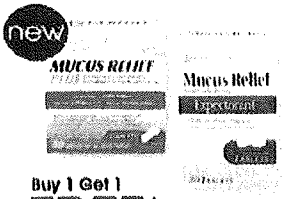
Sale All Day Pain, Migraine or Headache Relief
100 ct. Tablets or Caplets

Sale Ibuprofen
80 or 100 ct.



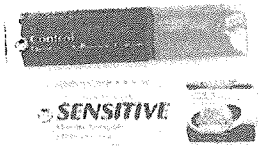
Buy 1 Get 1 **FREE***
Sale Lip Care
- Chap Aid Balm, .15 oz.
- Medicated Lip Care Tube, .35 oz or Jar, .25 oz.

*Must be of same price



Buy 1 Get 1 **FREE***
Sale Mucus Relief
30 ct. Caplets or Tablets

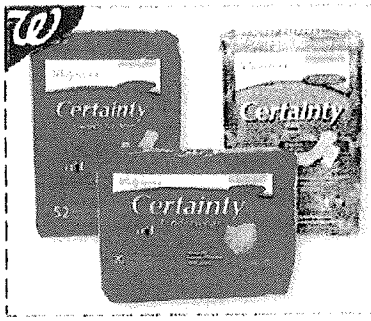
*Must be of same price



Buy 1 at 3.99 Get 1 **FREE**
Sale Denture Care
- Denture Adhesive, 2 oz.
- Sensitive Toothpaste, 4 oz.

Buy 1 at 3.99 Get 1 **FREE**
Sale Antacid
72 to 150 ct. Tablets

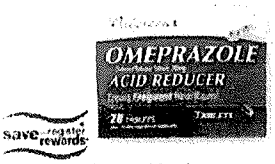
39.99
Sale Automatic Wrist Blood Pressure Monitor



coupon

$4 Off
Certainty® Protective Pads or Undergarments
- 14 to 20 pack Underwear
- 10 pack Guards for Men
- 36 to 72 pack Pads
- 30 pack Belted Shields

Limit 3
Sale Sun. 2/15
thru Sat. 2/21/09



save rewards

Omeprazole Acid Reducer
28 ct. Tablets, 20 mg.

13.99 - $4 = 9.99

W3882; CONFIDENTIAL

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Offered by Walgreen Co.
McNeil-PPC, Inc. v. Walgreen Co. (No. 91184978)
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W3951; CONFIDENTIAL

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Offered by Walgreen Co.
McNeil-PPC, Inc. v. Walgreen Co. (No. 91184978)
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save with register rewards

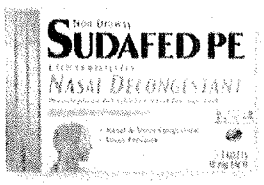
Buy 3 or more participating products, receive

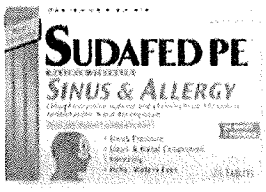
$5 Register Rewards® at checkout*

– Good on your NEXT in-store purchase.

*Limit 1 coupon printed per offer. See coupon for exclusions, limitations and expiration.

FSA FSA eligible items





3.99

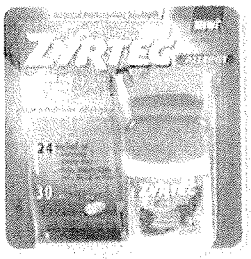
Sale Sudafed or SudaCare

- 10 to 24 ct. Sudafed PE
- 3 pack SudaCare Shower Soothers

4.99

Sale Tylenol Allergy, Cold and Sinus Relief

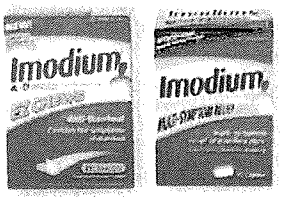
- Liquid, 4 or 6 oz.
- 24 ct. Caplets or Gelcaps



18.99

Sale ZYRTEC® 24 Hour Allergy Relief

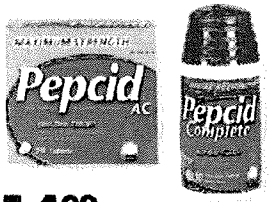
30 ct. Tablets, 10 mg.



10.99

Sale Imodium A-D

- 48 ct. Caplets • 40 ct. EZ Chews
- 42 ct. Tablets or Caplets



14.99

Sale Pepcid Acid Reducer

- 50 to 60 ct. AC Tablets
- 50 ct. EZ Chews or Complete

6.49

Sale Benadryl

- Liquid, 8 oz.
- 48 ct. Rapsorbs or Ultratabs

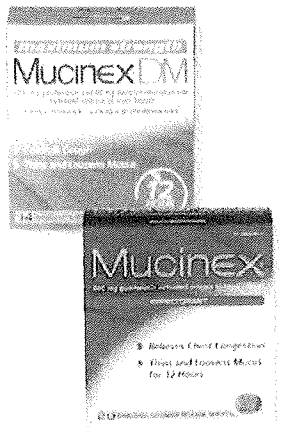
Buy 2 or more Mucinex, get

$5 in Register Rewards® at checkout*

Good on your NEXT in-store purchase

save with register rewards

*Limit 1 coupon printed per offer. See coupon for exclusions, limitations and expiration.



9.99 Coupon savings in Sunday papers!

Sale Mucinex

- 14 or 20 ct. Tablets • 18 ct. D Tablets
- Nasal Spray, .75 oz.

Limit 1 on Mucinex D

16.99

Sale Claritin Allergy Relief

- 30 ct. 24 Hour Tablets or Reditabs, 10 mg. • 30 ct. D 12 Hour Tablets

Limit 1 on Claritin D

coupon

1.39

Halls Cough Drops

25 or 30 pack

Limit 3

Sale Sun. 12/7 thru Sat. 12/13/08

3.99 Coupon savings in Sunday papers!

Sale Theraflu

- 6 ct. Packets • Liquid, 6.3 oz.

Buy 2, Get $2 • Buy 3, Get $5

Register Rewards® at checkout*

Good on your NEXT in-store purchase

save with register rewards

*Limit 1 coupon printed per offer. See coupon for exclusions, limitations and expiration.

Coupon savings in Sunday papers!

3.99

Sale Dimetapp or Robitussin

Liquid, 4 oz.

coupon

Compare to Airborne®

Buy 1 at 4.99 Get 1

FREE

Wal-born™

- 10 ct. Tablets
- 8 pack to Go Packets

Limit 4

Sale Sun. 12/7 thru Sat. 12/13/08

Pick up your prescriptions & go! See ExpressPay™ @ Walgreens.com 35

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Offered by Walgreen Co.
McNeil-PPC, Inc. v. Walgreen Co. (No. 91184978)
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Buy 1 Get 1
50% Off*
Sale First Aid or Topical Pain Relief
Walgreens. • 12 to 36 pack Bandages • Ice Blue Gel 8 oz. • Triple Antibiotic Ointment, .5 oz. • Plus many more
*Of equal or lesser price

Buy 1 Get 1
50% Off*
Sale Pain Relief Walgreens. • 100 ct. Acetaminophen, Ibuprofen or All Day • 80 ct. PM • 120 or 150 ct. Low Dose Aspirin • 125 ct. Regular Strength Aspirin
*Of equal or lesser price

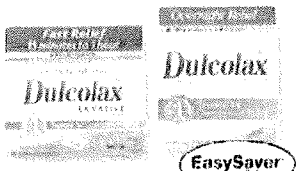
Buy 1 at 19.99 Get 1
50% Off
Sale Wal-Zyr™ Allergy Relief
45 ct. 24 Hour Tablets, 10 mg.
2/29.98

Save $20
on orders of $100 or more
Free Shipping on contact lens orders over $50
Call toll-free 1-866-817-1631 or go to walgreens.com to order.
State restrictions apply; not available in AR and NJ. Not available through in-store ordering. Offer expires at midnight ET on 12/13/08.

Buy 1 Get 1
50% Off*
Sale Blistex Lip Care
*Of equal or lesser price

4.99 Coupon savings in Sunday papers!
Sale Triaminic
• Liquid, 4 oz. • 14 ct. Thin Strips • Nasal Spray, .66 oz.

11.99
Sale Eye Drops
• Refresh, 1 oz. Itch Relief, .17 oz. or 50 ct. Plus • Optive, 1 oz.
• Refresh PM, .12 oz. **10.99**



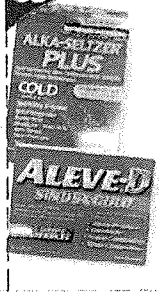
14.99 AFTER INSTANT COUPON
Dulcolax • 16 pack Suppositories • 100 ct. Tablets or Liquid Gels
Sale Price 17.99 less Coupon $3 Final Cost 14.99

coupon
Good at Walgreens

$4 Off
Breathe Right
• 26 or 30 pack Strips • Snore Relief Spray 2 oz.
Limit 3
Sale Sun. 12/7 thru Sat. 12/13/08

0 00000 01185 3

coupon
Good at Walgreens



4.99
Cold and Sinus
• 20 ct. Alka-Seltzer Plus • 10 ct. Aleve D Sinus & Cold or Headache
Limit 1
Sale Sun. 12/7 thru Sat. 12/13/08

0 00000 01184 6

coupon
Good at Walgreens

$4 Off
Os-Cal Calcium Supplement
120 or 160 ct. Tablets
Limit 3
Sale Sun. 12/7 thru Sat. 12/13/08

0 00000 01195 2

coupon
Good at Walgreens

99¢
First Aid
Walgreens.
• Isopropyl Alcohol 70% or 91%, 16 oz. • Hydrogen Peroxide 3%, 32 oz.
Limit 3
Sale Sun. 12/7 thru Sat. 12/13/08

0 00000 01176 1

Applicant's Trial Ex. 8 to Deposition of R. Tompkins
Offered by Walgreen Co.
McNeil-PPC, Inc. v. Walgreen Co. (No. 91184978)
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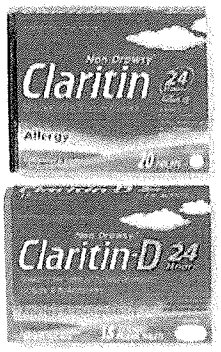
save with register rewards

Buy participating products below, receive Register Rewards at checkout - totaling up to $20
Good on your NEXT in-store purchase
Limit 1 coupon printed per offer. See coupon for exclusions, limitations and expiration.

Buy 1, Get $5



14.99
Sale Claritin Allergy Relief
• 15 ct. D tablets
• 20 ct. tablets, 5 or 10 mg.
Limit 1 on Claritin D

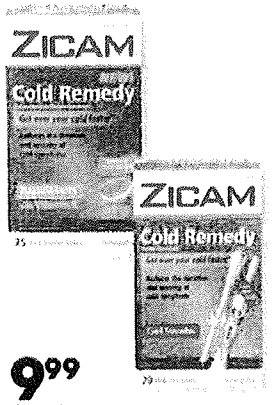
Buy 2, Get $5

9.99
Sale Mucinex • 14 or 20 ct. tablets
• Nasal Spray, .75 oz. • 18 ct. D tablets
Limit 1 on Mucinex-D

Buy 2, Get $2 • Buy 3, Get $5

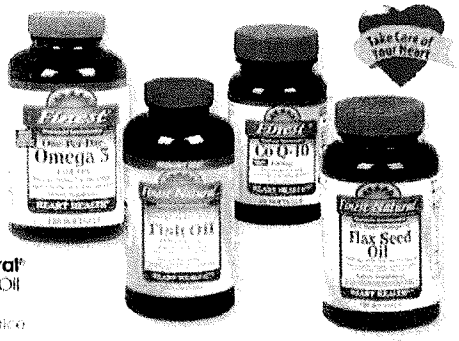
3.99
Sale Robitussin or Dimetapp Cough Relief
Liquid, 4 oz.

Buy 1, Get $2 • Buy 2, Get $5

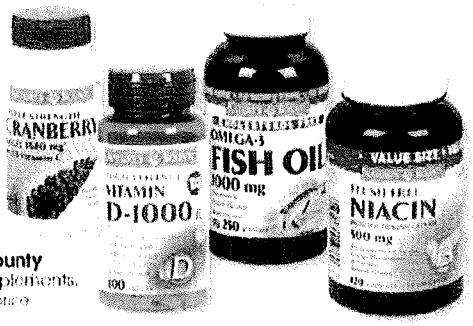


9.99
Sale Zicam
• 20 to 25 ct. • Gel, .5 oz
• Spray, 1 oz.

Buy 1 Get 1
FREE*
Sale Finest Natural*
Fish Oil, Flax Seed Oil or Co Q-10.
*Of equal or lesser price



Buy 1 Get 1
FREE*
Sale Nature's Bounty
Vitamins and Supplements.
*Of equal or lesser price



Buy 1 at 13.99 Get 1
FREE
Less than 24¢ per pill
Sale Wal-itin® 24-Hour Allergy Relief 30 ct. tablets or Aller-melts, 10 mg.

3day coupon
Good at Walgreens

1.29
ChapStick Lip Balm
.15 oz
Limit 3
Excludes Naturals
Sale Thurs. 11/27 thru Sat. 11/29/08

3day coupon
Good at Walgreens

COMPARE TO ZYRTEC
WAL-ZYR
Indoor Outdoor

99¢
Wal-Zyr™ Allergy Relief
5 ct. 24 Hour tablets, 10 mg.
Limit 3
Sale Thurs. 11/27 thru Sat. 11/29/08

3day coupon
Good at Walgreens

COMPARE TO OCEAN

99¢
Saline Nasal Spray
Liquid, 1.5 oz
Walgreens
Limit 3
Sale Thurs. 11/27 thru Sat. 11/29/08

Pick up prescriptions or have them shipped to your door. See Walgreens.com 11

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Offered by Walgreen Co.
McNeil-PPC, Inc. v. Walgreen Co. (No. 91184978)
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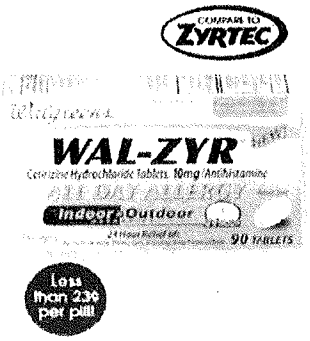
W1450

Save with Walgreens Products!

You only want the best for your family. Even if it costs less.

19.99

Sale Wal-itin® or Mucus Relief
- 150 ct. Wal-itin® tablets, 10 mg
- 240 ct. Mucus Relief



19.99

Sale Wal-Zyr™ 24 Hour Allergy Relief 90 ct. tablets, 10 mg

39.99

Sale Stop Smoking Gum or Lozenges
- 108 pack Lozenges
- 160 or 170 pack Gum

5.49

Sale Pain Relief
- 40 or 50 ct. Tylenol
- 50 ct. Motrin IB

Buy 1 at 4.99 Get 1

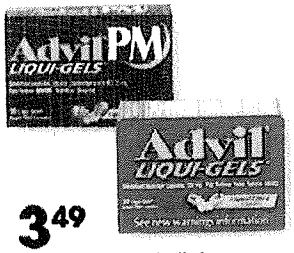
FREE

Sale Cough, Sinus or Cold Relief
- 24 ct. Caplets or Quick Gels
- Liquid, 8 oz.

Buy 1 at 4.99 Get 1

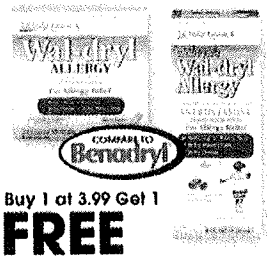
FREE

Sale Children's Non-Aspirin or Ibuprofen
Liquid 4 oz.



3.49

Sale Advil Pain Relief
- 20 or 24 ct. • 16 or 20 ct. PM



Buy 1 at 3.99 Get 1

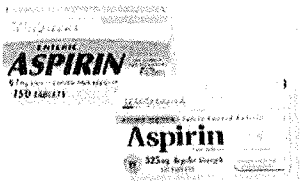
FREE

Sale Wal-dryl® Allergy
24 ct. or Liquid 4 oz.

Buy 1 at 4.99 Get 1

FREE

Sale All Day Pain Relief
50 ct. tablets or Caplets.



Buy 1 at 4.99 Get 1

FREE

Sale Aspirin
- 125 ct. Regular Strength
- 120 or 150 ct. Low Dose

$4 Off

Bayer Pain Relief
- 300 ct. Low Dose or Regular Strength
- 60 ct. Heart Advantage

Limit 3
Sale Sun. 11/2 thru Sat. 11/8/08

Pick up your prescriptions & go! See ExpressPay™ @ Walgreens.com 15

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Offered by Walgreen Co.
McNeil-PPC, Inc. v. Walgreen Co. (No. 91184978)
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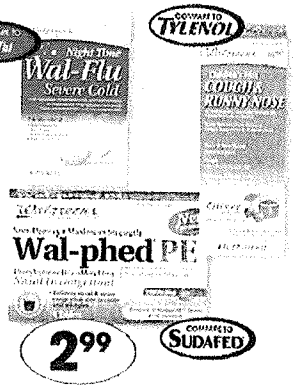
9.99
Sale ZYRTEC® 24 Hour Allergy Relief
• Liquid, 4 oz.
• 12 ct. Chews

Save with Walgreens Products!

Quality Guaranteed 70

26.99
Less than 60¢ per pill
Sale ZYRTEC® 24 Hour Allergy Relief
45 ct. Tablets, 10 mg. Effectively treats indoor and outdoor allergies.



2.99
Sale Sinus or Cold Relief
Walgreens, • Children's Plus Cold/Cough Liquid, 4 oz.
• 18 to 24 ct. Wal-phed® PE
• Wal-Flu® Warming Liquid, 8.3 oz. or 6 pack Packets

Claritin
Allergy Relief
45 ct. 24 hour Tablets, 10 mg.

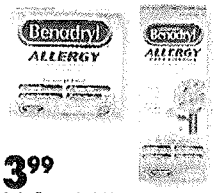
Our Price	Register Rewards® Good on Next Purchase	You Pay
24.99	- $5 =	19.99

*Limit 1 coupon printed per offer. See coupon for exclusions, limitations and expiration.

24.99
Sale Wal-Zyr™ 24 Hour Allergy Relief 150 ct. Tablets, 10 mg., Includes 30 FREE!

4.99
Sale Mucus Relief
30 ct. Tablets, Walgreens

Buy 1 at 3.99 Get 1
FREE
Sale Wal-Tussin®
Liquid, 4 oz.



3.99
Sale Benadryl Allergy Relief
• 24 ct. • 10 pack Pre-Measured Liquid • Liquid, 4 oz.

Buy 1 at 1.99 Get 1
50% Off
Sale Halls Cough Relief
25 or 30 pack
2/2.99

Buy 1 at 4.99 Get 1
FREE
Sale Wal-born®
• 10 ct. Effervescent Tablets
• 8 packets To Go

Buy 1 at 99¢ Get 1
FREE
Sale Lip Care
• Medicated Jar, .25 oz. or Tube, .35 oz. • Chap Ale™, .16 oz.

2.99
Sale Clear Eyes Drops
.5 oz. Itchy Eyes, Redness, Contact, Triple Action or Max Redness Relief.

Get drug information, check interactions & more @ Walgreens.com 17

Applicant's Trial Ex. 8 to Deposition of R. Tompkins
Offered by Walgreen Co.
McNeil-PPC, Inc. v. Walgreen Co. (No. 91184978)
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Offered by Walgreen Co.
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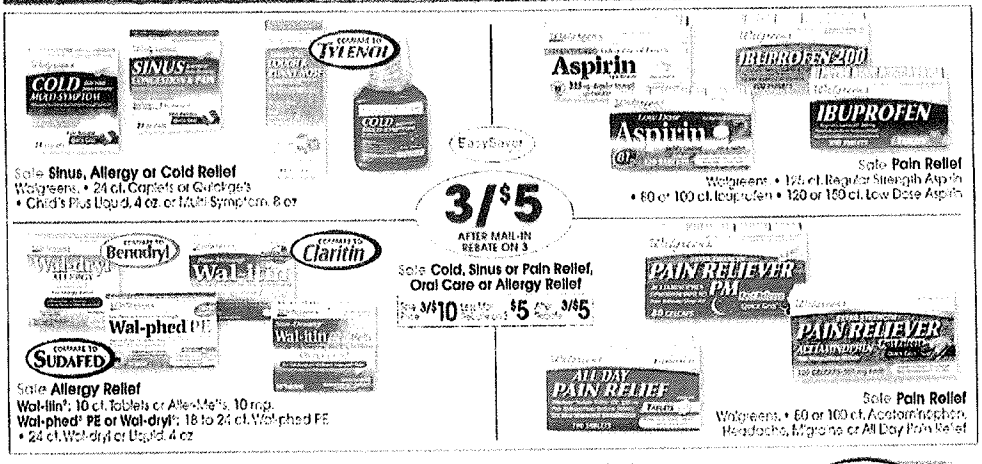
W1447

FREE AARP® Membership

Free one year new membership with $10 purchase of participating Walgreens brand products

AARP | Walgreens

Refer to EasySaver in store



Sale **Sinus, Allergy or Cold Relief**
Walgreens, • 24 ct. Caplets or Quicklets
• Child's Plus Liquid, 4 oz. or Multi-Symptom, 8 oz.

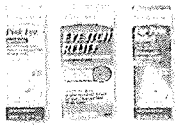
Sale **Pain Relief**
Walgreens • 125 ct. Regular Strength Aspirin
• 80 or 100 ct. Ibuprofen • 120 or 150 ct. Low Dose Aspirin

Sale **Allergy Relief**
Wal-itin®: 10 ct. Tablets or Allerest®, 10 mg.
Wal-phed® PE or Wal-dryl®: 18 to 24 ct. Wal-phed PE
• 24 ct. Wal-dryl or Liquid, 4 oz.

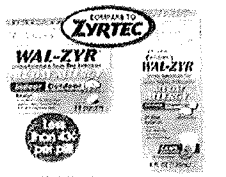
Sale **Pain Relief**
Walgreens, • 50 or 100 ct. Acetaminophen, Headache, Migraine or All Day Pain Relief

4.99
Sale Skin Cream or Cleanser 16 oz.

3.99
Oral Care
Walgreens • 78 to 90 pack Denture Cleanser Tablets
• Antiseptic Mouthwash, 2 liter



6.99
Sale **Eye or Ear Relief**
Walgreens
• Eye Itch Relief Drops, .17 oz.
• Eye Ointment, .12 oz. • Earache or Ear Pain Relief Drops, .33 oz.



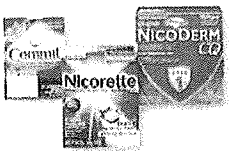
Sale **Wal-Zyr®**
• 14 ct. 24-Hour Tablets, 10 mg. **5.99**
• Liquid, 4 oz. **7.99**

2/$4
Sale **First Aid**
Walgreens
• Triple Antibiotic Pump, .75 oz.
• Hydrocortisone 1% Spray, .17 oz.

3.99
First Aid
• 8 or 20 pack Band-Aid Ultra Strips
• Neosporin Ointment, .5 oz.

Support you can count on!

33% Off
Sale **Walgreens by Ace®**
Brace or Supports



39.99
Sale **Stop Smoking Products**
• 72 pack Commit Lozenges
• 100 or 110 pack Nicorette Gum
• 14 pack Nicoderm CQ Patches

Get drug information, check interactions & more @ Walgreens.com [19]

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Offered by Walgreen Co.
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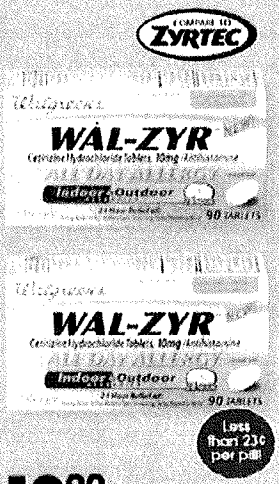
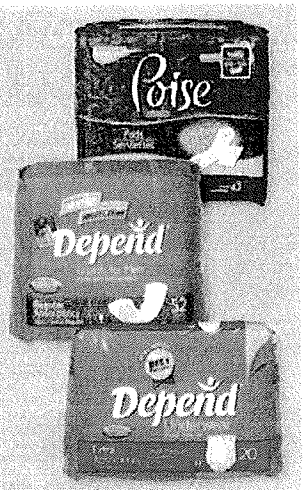
9.99
Sale Children's ZYRTEC® 24 Hour Allergy Relief
- 12 ct. Chewable Tablets, 10 mg.
- Liquid, 4 oz

26.99
Sale ZYRTEC® 24 Hour Allergy Relief
45 ct. Tablets, 10 mg.



19.99
Sale Wal-Zyr™ 24 Hour Indoor/Outdoor Allergy Relief
90 ct. Tablets, 10 mg. Walgreens

10.99
Sale Digestive Relief
- 100 ct. Beano, Citrucel or Phazyme
- Citrucel Laxative, 16.9 or 30 oz.
- 90 ct. Fiber Choice



11.99
Sale Depend Underwear or Poise Pads
- 30 to 72 pack Poise
- 52 pack Guards for Men
- 14 to 30 pack Underwear
- 16 or 20 pack Briefs

4.99
Sale Advil Cold & Sinus Relief
20 ct. Caplets.
Limit 1 on 20 ct. Cold & Sinus

14.99
Sale Wal-itin® 24 Hour Allergy Relief
90 ct. Tablets, 10 mg. Walgreens

Treats the same symptoms as Prilosec OTC

Omeprazole Acid Reducer
28 ct. Tablets, 20 mg. Walgreens.

Sale Price	Register Rewards	Net Price
13.99	- $4	= 9.99

6.99
Sale Bausch & Lomb Renu MultiPlus Eye Care
- 2 pack Rewetting Drops, .27 oz ea.
- Multipurpose Solution, 12 oz.

coupon

2.99
ChapStick Lip Balm
3 pack. Limit 2
Sale Sun. 10/5 thru Sat. 10/11/08

coupon

$5 Off
Mucus Relief
60 ct. Tablets
Walgreens. Limit 3
Sale Sun. 10/5 thru Sat. 10/11/08

coupon

1.29
Ricola Cough Drops
19 to 24 pack
Limit 3
Sale Sun. 10/5 thru Sat. 10/11/08

coupon

$2 Off
Visine Eye Drops
.5 oz. Limit 3
Sale Sun. 10/5 thru Sat. 10/11/08

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Offered by Walgreen Co.
McNeil-PPC, Inc. v. Walgreen Co. (No. 91184978)
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save rewards

Vicks
- Early Defense Hand Sanitizer
- Vicks 44 Liquid, 6 oz.
- Liquid, 10 oz
- 20 ct. LiquiCaps

Sale Price	Register Rewards® Good on Next Purchase	You Pay
2/$12 -	$4 =	2/$8

*Limit 1 coupon printed per offer. See coupon for exclusions, limitations and expiration.

24.99

Sale Wal-itin® Allergy Relief
150 ct. Tablets, 10 mg.

29.99

Sale Wal-Zyr® 24 Hour Allergy Relief 150 ct. Tablets, 10 mg., Includes 30 **FREE!**
- Sale Wal-Zyr® Liquid, 4 oz. **7.99**

save rewards

Claritin Allergy Relief
- 40 ct. 24 Hour RediTabs or Tablets 10 mg., Includes 10 **FREE**

Sale Price	Register Rewards® Good on Next Purchase	You Pay
19.99 -	$5 =	14.99

*Limit 1 coupon printed per offer. See coupon for exclusions, limitations and expiration.

18.99

Sale ZYRTEC® 24 Hour Allergy Relief
30 ct. Tablets, 10 mg.

Sale Vicks DayQuil or NyQuil Plus Vitamin C 20 ct. Tablets

Sale Price	Register Rewards® Good on Next Purchase	You Pay
2/$14 -	$4 =	2/$10

*Limit 1 coupon printed per offer. See coupon for exclusions, limitations and expiration.

Buy 1 at 10.99 Get 1
FREE
Sale Zicam
- 25 pack Cold Remedy Rapid Melts
- 20 pack Allergy Relief Swabs

$4 Off
Sale I-Caps Eye Vitamins

save rewards

SlimQuick
- 72 ct. Capsules
- 60 ct. Naturals Capsules

Our Price	Register Rewards® Good on Next Purchase	You Pay
29.99 -	$10 =	19.99

save rewards

SlimQuick
- 56 ct. Cleanse
- 20 ct. Powder Packets

Our Price	Register Rewards® Good on Next Purchase	You Pay
19.99 -	$5 =	14.99

Buy 2 or more of Delsym, gel
$5 in Register Rewards® at checkout
Good on your NEXT in-store purchase

save rewards

*Limit 1 coupon printed per offer. See coupon for exclusions, limitations and expiration.

7.99

Sale Delsym Cough Suppressant
Acutil's or Child's Liquid, 3 oz.

Flu shots beginning October 1. Drop in.

Flu shots available daily at all Take Care Clinics.

Take Care Clinics also provide other important vaccinations, like those that protect against pneumonia and whooping cough.

No appointment necessary. Open 7 days a week, weekends too.

Flu shots also available at select Walgreens. Call 1-800-FLU-9990 or visit Walgreens.com/flu.

take care clinic
at select Walgreens

1-866-Take-Care (1-866-825-3227)
TakeCare@Walgreens.com

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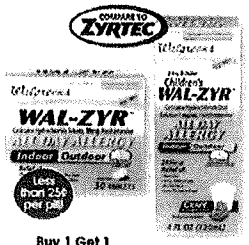
Buy One Get One FREE

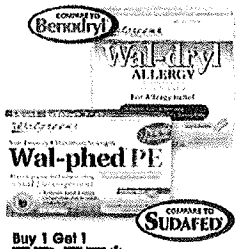
Quality Guaranteed



Buy 1 Get 1
FREE*
Sale Wal-Zyr® Allergy Relief
- Liquid, 4 oz.
- 30 ct. 24 Hour Tablets, 10 mg.

*Must be of same price

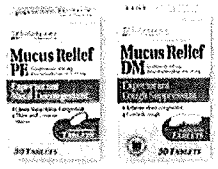
Buy 1 at 4.99 Get 1
FREE
Sale Cough, Sinus or Cold Relief
- 24 ct. Caplets or Quicklets
- Liquid, 4 or 8 oz.



Buy 1 Get 1
FREE*
Sale Wal-phed® PE or Wal-dryl®
- 18 to 24 ct. Wal-phed PE
- 24 ct. Wal-dryl or Liquid, 4 oz.

*Must be of same price

Buy 1 at 13.99 Get 1
FREE
Sale Wal-itin® 24-Hour Allergy Relief 30 ct. Tablets or Aller-Melts, 10 mg.

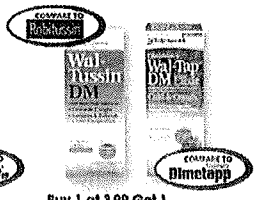


Buy 1 at 8.49 Get 1
FREE
Sale Mucus Relief
30 ct. Tablets.

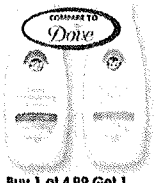
Buy 1 at 4.49 Get 1
FREE
Sale Daytime or NightTime Cold/Flu Relief
- 20 ct. Softgels • Liquid, 10 oz.

Get 1
REE*
Bandages
16 pack.
*e of same price

Buy 1 at 4.99 Get 1
FREE
Sale Children's Non-Aspirin or Ibuprofen Liquid, 4 oz.



Buy 1 at 3.99 Get 1
FREE
Sale Wal-Tussin® or Wal-Tap®
Liquid, 4 oz.



Buy 1 at 4.99 Get 1
FREE
Sale *W* Body Wash
23.6 or 24 oz.

Generics
for LESS THAN
$1 a week*
90-day supply
Over 400 generic medications
with the
Walgreens
Prescription Savings Club*†

Plus get a
10% Reward
on all Walgreens
brand products,
to be redeemed
on future visits

Talk to your Walgreens pharmacist today!
Learn more at
Walgreens.com/rxsavingsclub

*Based on $12 for a 90-day supply under Prescription Savings Club pricing. †Membership fee required ($20 individual or $35 family per year).
This program does not constitute insurance.
Persons enrolled in a publicly funded health care program are ineligible. Membership may be canceled within 30 days of enrollment for a full refund. For complete terms and conditions, call 1-866-WGMD-19 (1-866-922-7319) or visit www.walgreens.com/rxsavingsclub. Walgreen Co., 200 Wilmot Rd., Deerfield, IL 60015

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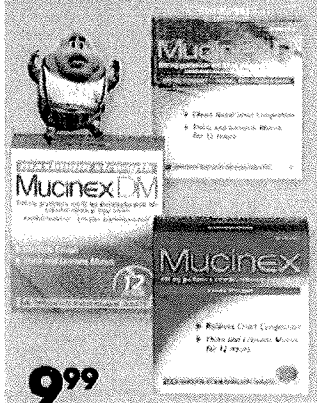
save register rewards

Buy 2 or more participating products, receive
$5 in Register Rewards® at checkout
Good on your NEXT in-store purchase

*Limit 1 coupon printed per offer. See coupon for exclusions, limitations and expiration.



9.99
Sale Mucinex
- 14 or 20 ct. Tablets
- Nasal Spray, .75 oz.
- 18 ct. D Tablets

Limit 1 on Mucinex D

7.99
Sale Delsym Cough Suppressant Adult's or Children's Liquid, 3 oz.

save register rewards

Buy 2, Get $2 • Buy 3 or more, Get $4

Buy participating products, receive Register Rewards at checkout* – good on your NEXT in-store purchase

*Limit 1 coupon printed per offer. See coupon for exclusions, limitations and expiration.

Look for coupon savings in most Sunday papers

4.99
Tylenol Allergy, Cold & Sinus Relief
- 24 ct. Caplets or Gelcaps
- Liquid, 8 oz.

3.99
Sale Allergy Relief
Benadryl: 24 ct. • Liquid, 4 oz.
- 10 pack Pre-measured Liquid

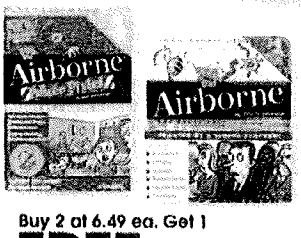
Sudafed: 10 to 20 ct. PE or 24 ct. Tablets

Limit 1 on Sudafed

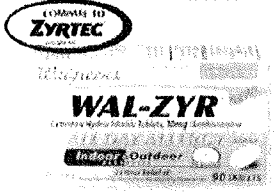
save register rewards
Silent Snooz Snore Relief

9.99 - $5 = 4.99

*Limit 1 coupon printed per offer. See coupon for exclusions, limitations and expiration.



Buy 2 at 6.49 ea. Get 1
FREE
Sale Airborne
3/12.98



19.99
Sale Wal-Zyr® 24 Hour Allergy Relief 90 ct. Tablets, 10 mg. Walgreens

9.99
Sale ZYRTEC® 24 Hour Allergy Relief
- Liquid, 4 oz.
- 12 ct. Chews

26.99
Sale ZYRTEC® 24 Hour Allergy Relief
45 ct. Tablets, 10 mg. Effectively treats indoor and outdoor allergies.

Buy 1 at 4.99 Get 1
50% Off
Sale Anefrin Nasal Spray
5 or 1 oz.
2/7.48

coupon
Good at Walgreens

$3 Off
Breathe Right
- 28 or 30 pack Nasal or Buccal Strips
- Snore Relief Spray, 2 oz.

Limit 3
Sale Sun. 9/7 thru Sat. 9/13/08

0 00000 01152 9

coupon
Good at Walgreens

$5 Off
Claritin Allergy Relief
- 30 ct. 24 Hour Tablets or Reditabs, 10 mg. or D 12 Hour Tablets, 5 mg.
- 40 ct. Tablets, 10 mg. Includes 10 **FREE**

Limit 1
Sale Sun. 9/7 thru Sat. 9/13/08

0 00000 01151 8

coupon
Good at Walgreens

3/$3
Ricola Cough Drops
19 to 24 pack

Limit 3
Sale Sun. 9/7 thru Sat. 9/13/08

0 00000 01138 9

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Generics For LESS THAN $1 a week**

with the *Walgreens* Prescription Savings Club[1]

90-day supply

Over 400 generic medications

Sale Allergy, Sinus or Cold Relief

• 24 ct. Caplets, Quickgels or Gelcaps • 24 ct. Wal-Dryl® Tabs or Liquid, 4 oz. • Cold/Cough Liquid, 4 or 8 oz. • 18 to 24 ct. Wal-phed® PE • Wal-Tussin® or Wal-Tap®, 4 oz. • 30 ct. Mucus Relief Tablets • 8 or 10 ct. Wal-born® • 20 ct. Daytime or Nighttime Cold/Flu or Liquid, 10 oz. *Must be of same price

Sale Pain Relief

• 80 or 100 ct. Acetaminophen, Migraine Headache Relief, Ibuprofen or All Day Pain Relief • 125 ct. Regular Strength Aspirin • 120 or 150 ct. Low Dose Aspirin

*Must be of same price

Sale Wal-itin® or Wal-Zyr™ Allergy Relief

Wal-itin: 30 ct. Tablets or Aftermelts®, 10 mg. or Liquid, 4 oz. Wal-Zyr: 30 ct. 24 Hour Tablets, 10 mg. or Liquid, 4 oz.

*Must be of same price

Get a **10% Reward** on all Walgreens brand products, to be redeemed on future visits

Talk to your Walgreens pharmacist today!

Learn more at Walgreens.com/rxsavingsclub

[1]Based on $12 for a 90-day supply under Prescription Savings Club pricing. Membership Fee required ($20 individual or $35 family per year). This program does not constitute insurance. For plans receiving prescription benefits from a publicly funded health care program we participate. Membership may be canceled within 30 days of receive date for a full refund. For complete terms and conditions, call 1-800-WCARD-12 (1-800-927-2312) or visit www.walgreens.com/rxsavings. Walgreen Co., 200 Wilmot Rd., Deerfield, IL 60015

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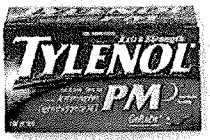
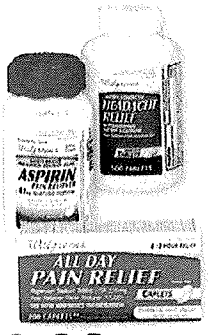
Save with Walgreens Products!

Quality Guaranteed

You only want the best for your family. Even if it costs less.

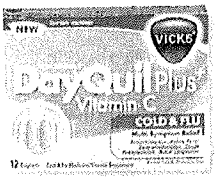


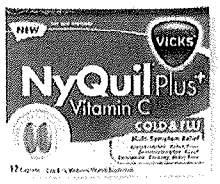
9.49 SALE!
Tylenol or Motrin Pain Relief
- 150 ct. Tylenol
- 165 ct. Motrin IB



8.99 SALE!
Walgreens Pain Relief
- 600 ct. Enteric Low Dose EZ-Open or Headache Relief Tablets
- 200 ct. All Day Pain Relief

7.99 SALE!
NEW! Wal-Zyr™ Allergy Relief
Walgreens.
- 14 ct. 24 Hour Tablets, 10 mg.





Vicks NyQuil or DayQuil
12 ct. plus Vitamin C

save register rewards

SALE PRICE	REGISTER REWARDS* GOOD ON NEXT PURCHASE	LIKE PAYING
4.99	- $3 =	1.99

*Limit 1 coupon printed per offer. See coupon for exclusions, limitations and expiration.

4.49 SALE!
Advil Pain Relief
- 16 ct. PM Liqui-Gels or 20 ct. Caplets
- 40 ct. Liqui-Gels or 50 ct. Tablets, Caplets or Gel Caplets

Buy 1 at 3.99 Get 1
FREE
Antacid Relief
72 to 150 ct. Walgreens Assorted formulas
SALE! 2/3.99

Treats the same symptoms as Prilosec OTC

12.99 AFTER INSTANT COUPON
Omeprazole Acid Reducer
28 ct. Tablets, 20 mg. Walgreens.

Sale Price	Less Coupon	Final Cost
14.99	$2	12.99

4.99 SALE!
Tylenol
- Children's Plus Liquid, 4 oz.
- Liquid or Warming Liquid, 8 oz. Assorted formulas.

Claritin 24 Hour Allergy Relief
45 ct. Tablets, 10 mg.

save register rewards

SALE PRICE	REGISTER REWARDS* GOOD ON NEXT PURCHASE	LIKE PAYING
24.99	- $5 =	19.99

*Limit 1 coupon printed per offer. See coupon for exclusions, limitations and expiration.

8.99 SALE!
Pepcid
- 25 or 30 ct. AC
- 25 ct. EZ or Complete Chewables

7.99 AFTER INSTANT COUPON
Benefiber
- 60 or 72 ct. Caplets • 48 or 62 dose Powder • 90 or 100 ct. Chewables
- 28 ct. Stick Pack

Sale Price	Less Coupon	Final Cost
9.99	$2	7.99

3.99 SALE!
Benadryl or Sudafed
- 24 ct. Benadryl Liquid, 4 oz. or 10 pack Pre-measured
- 18 to 24 ct. Sudafed PE

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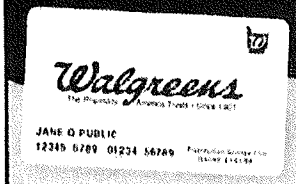
Join the
Walgreens
Prescription
Savings Club



Save on more than
5,000
brand name
and generic medications.
See our main ad for details.

Walgreens Brand Products

You only want the best for your family.
Even if it costs less.

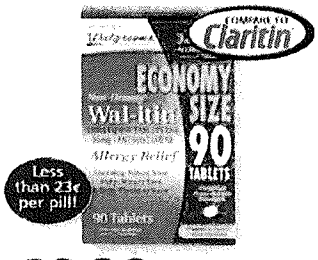
Quality Guaranteed

Buy 2 Motrin or Tylenol below, get
$2 in Register Rewards®
at checkout*
Good on your NEXT in-store purchase
*Limit 1 Register Rewards coupon printed per offer. See Coupon for exclusions and limitations.

Allergy, Cold & Sinus Relief
- 18 ct. Wal-phed® PE Tablets, 10 mg.
- 24 ct. Wal-dryl® or Liquid, 4 oz.
- 24 ct. Caplets, Quick Gels or Gelcaps, assorted formulas
- 5 ct. Wal-Zyr® 24 Hour Allergy Relief 10 mg. Tablets

7.99 SALE!
Tylenol or Motrin
- 80 or 100 ct. Tylenol
- 100 ct. Motrin IB

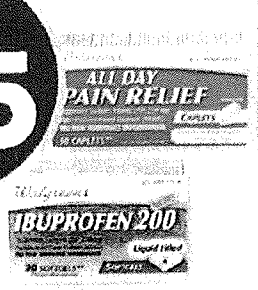
Assorted formulas



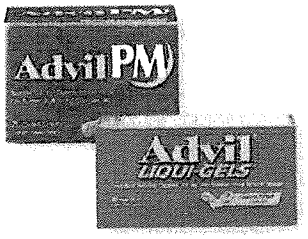
19.99 SALE!
Wal-itin® 24 Hour Allergy Relief
90 ct. Tablets, 10 mg.

MIX 'N MATCH
2/$5 SALE!

Wal-born®
- 10 ct. Effervescent Tablets
- 8 ct. To Go Packets



Pain Relief
- 50 ct. All Day Pain Relief
- 20 ct. Ibuprofen 200 or Extra Strength Pain Relief Softgels



4.49 SALE!
Advil Pain Relief
- 16 ct. PM Liqui-Gels
- 20 ct. PM Caplets • 40 ct. Liqui Gels
- 50 ct. Tablets, Caplets or Gel Caplets

coupon
Good at Walgreens

HOT PRICE!
3/$4
ChapStick Lip Balm
.15 oz.
Assorted formulas
Limit 3
Excludes Naturals
Sale Sun. 8/10 thru Sat. 8/16/08

Speed 3 Disposable Razor
4 pack
2/$5 SALE!

Shampoo, Conditioner or Styler
- Shampoo or Conditioner 25.4 oz.
- Styling Product, 6 oz.

2/$5 SALE!

coupon
Good at Walgreens

VALUE PRICE!
1.99
Aspirin
500 ct. Tablets, Walgreens
Limit 3
Sale Sun. 8/10 thru Sat. 8/16/08

Applicant's Trial Ex. 8 to Deposition of R. Tompkins
Offered by Walgreen Co.
McNeil-PPC, Inc. v. Walgreen Co. (No. 91184978)
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Pick up your prescriptions & go! See ExpressPay™ @ Walgreens.com 17

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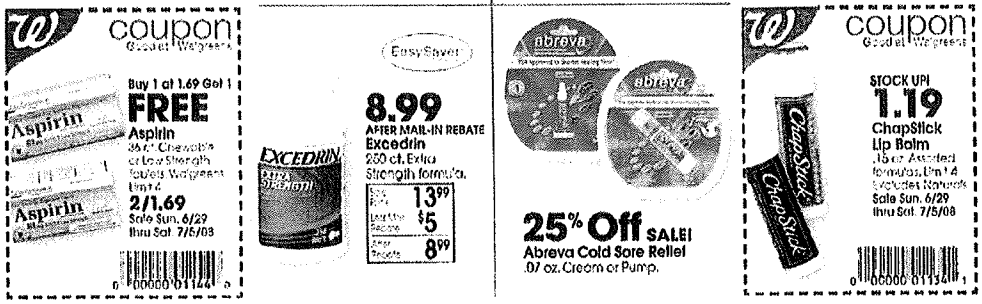
W1430



Applicant's Trial Ex. 8 to Deposition of R. Tompkins
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Walgreens accepts assignment on diabetic supplies. Visit Walgreens.com 13

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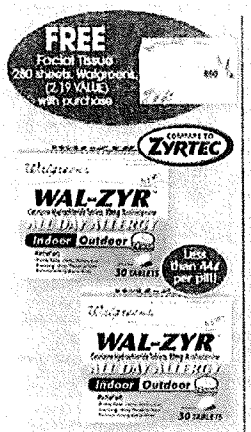
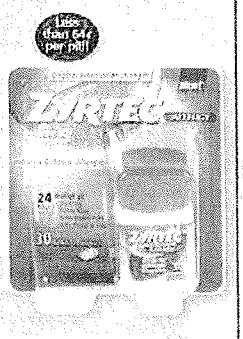


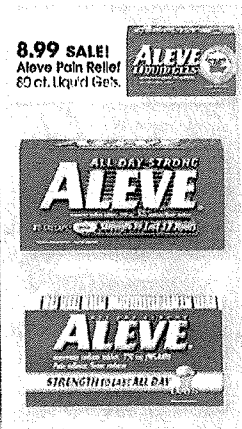
12.99 SALE!
Wal-Zyr® Allergy Relief
30 ct. 24 Hour Tablets, 10 mg.

Now available without a prescription!



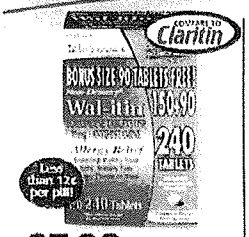
18.99 SALE!
ZYRTEC® Allergy Relief
30 ct. 24 Hour Tablets

8.99 SALE!
Aleve Pain Relief
80 ct. Liquid Gels.

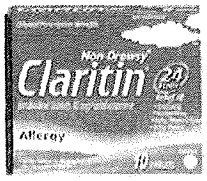


6.99 SALE!
Aleve Pain Relief
- 80 ct. Gelcaps
- 100 ct. Tablets, Caplets or Arthritis Caplets

7.49 SALE!
Pain Relief or Simply Sleep
- 80 or 100 ct. Tylenol
- 100 ct. Simply Sleep
- 100 ct. Motrin IB



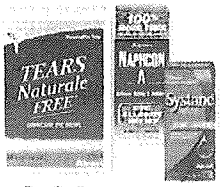
27.99 SALE!
Wal-itin® 24 Hour Allergy Relief
240 ct. Tablets, 10 mg.
Includes 90 **FREE!**



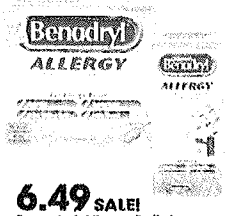
7.99 SALE!
Claritin Allergy Relief
10 ct. 24 Hour Tablets, RediTabs or Chewable.

4.99 SALE!
Bayer Heart Advantage Aspirin
30 ct. Due-Caps.

3.99 SALE!
Excedrin Extra Strength
50 ct. Assorted formulas.

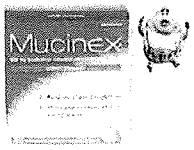


9.99 SALE!
Eye Care
- Systane, .5 oz. • Naphcon A, 1 oz.
- 36 pack Tears Natural's Free



6.49 SALE!
Benadryl Allergy Relief
- Liquid, 8 oz.
- 48 ct. Ultratabs or Kapseals

Mucinex in. Mucus out.



17.99 SALE!
Mucinex
28 ct. Max Strength or 40 ct. Tablets

8.99 SALE!
Ibuprofen
500 ct. Tablets or Caplets. Walgreens.

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Walgreens

The Pharmacy America Trusts • Since 1901®

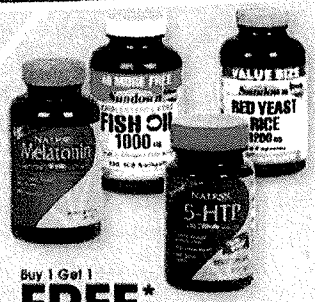
Buy 3 Get 1 Diet Mountain Dew **FREE**

3/$10 SALE! ONLY $2.50 ea. After coupon

12 Pack Soda
Pepsi, Diet Pepsi, Sierra Mist or Mountain Dew. Limit 3
Plus deposit where required

Walgreens Instant Value Coupon
Expires 3/29/08
FREE
NEW! 12 Pack
Diet Mountain Dew
with purchase of three (3) 12 pack Pepsi Products. Limit 1 coupon per customer
Plus deposit where required

Buy 1 at 23.99 Get 1
FREE
Wal-Zyr™ 24 Hour Allergy Relief
60 ct. tablets, 10 mg
SALE! 2/23.99

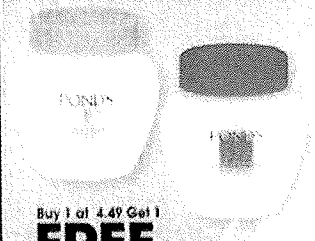


Buy 1 Get 1
FREE*
Sundown or Natrol Vitamins and Supplements
SALE! *Of equal or lesser price

MAYBELLINE® NEW YORK
Buy 1 Get 1
FREE*
Maybelline Foundation, Powder, Blush or Concealer
SALE! *Of equal or lesser price

Buy 1 at 5.99 Get 1
FREE
Walgreens Ultra Alkaline Batteries
• 8 pack AA or AAA
• 4 pack C or D • 2 pack 9 Volt
SALE! 2/5.99

Buy 1 Get 1
FREE*
Walgreens Finest® Glucosamine Chondroitin Supplements
SALE! *Of equal or lesser price



Buy 1 at 4.49 Get 1
FREE
Pond's Skin Care
• Cold Cream, 3.5 oz.
• Dry Skin Cream, 3.9 oz.
SALE! 2/4.49

coupon Good at Walgreens
Process 1 roll, Get 2nd processed
FREE
4x6 In. Prints
From 35mm Film or One-Time-Use Camera

coupon Good at Walgreens
Buy 1 at 4.99 Get 1
FREE
Single-Use 35mm Flash Camera
Walgreens 400 speed, 27 exp.
Limit 4
2/4.99
Sale Sun. 3/23 thru Sat. 3/29/08

coupon Good at Walgreens
Buy 1 at 1.59 Get 1
FREE
Bumble Bee Chunk White Albacore Tuna
6 oz. in water. Limit 4
2/1.59
Sale Sun. 3/23 thru Sat. 3/29/08

coupon Good at Walgreens
Buy 1 at 3.99 Get 1
FREE
Revlon Root Perfect or ColorSilk Hair Color
Limit 4
2/3.99
Sale Sun. 3/23 thru Sat. 3/29/08

coupon Good at Walgreens
HOT BUY!
2/$3
Puffs Facial Tissue
• 132 or 216 pack Family Size
• 6 pack To Go
• 60 pack with Vicks
Limit 4
Sale Sun. 3/23 thru Sat. 3/29/08

MARCH SUN 23 MON 24 TUE 25 WED 26 THU 27 FRI 28 SAT 29

OPEN EASTER SUNDAY

OVER 1,600 STORES AND PHARMACIES OPEN 24 HOURS. For Locations Call 1-800-WALGREENS. Other Stores and Pharmacies Open Regular Sunday Hours.

*One Hour availability based on machine capacity

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W3906; CONFIDENTIAL

W1410

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GET 1 FREE*

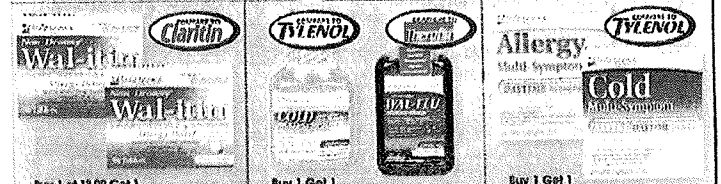
Quality Guaranteed

Buy 1 Get 1
FREE*
Wal-phed® PE or Wal-dryl®
• 18 or 24 ct. Wal-phed PE
• 24 ct. Wal-dryl
SALE! 2/3.49, 2/3.99
*Must be of same price

Buy 1 Get 1
FREE*
Cold/Flu Relief
• Liquid, 10 oz. • 20 ct. Softgels
SALE! 2/4.49, 2/4.99
*Must be of same price

Buy 1 Get 1
FREE*
Mucus Relief
30 ct. Tablets, Assorted formulas
SALE! 2/7.99, 2/9.99
*Must be of same price

33% Off OUR EVERYDAY LOW PRICE
Our Entire Line of Walgreens by ACE® Braces and Supports
Reg. 6.99 to 31.99
SALE! 4.66 to 21.43



Buy 1 at 13.99 Get 1
FREE
Wal-itin® Allergy Relief
30 ct., 10 mg.
SALE! 2/13.99

Buy 1 Get 1
FREE*
Cold or Flu Relief
• Liquid, 6 oz. • Wal-Flu, 8.3 oz.
SALE! 2/4.49, 2/4.99
*Must be of same price

Buy 1 Get 1
FREE*
Allergy, Sinus or Cold Relief
24 ct. Caplets or Gelcaps
SALE! 2/3.99, 2/4.99
*Must be of same price

14.99 SALE!
Wal-Zyr® 24-Hour Allergy Relief
30 ct. Tablets, 10 mg.

Buy 1 at 4.99 Get 1
FREE
Wal-born®
• 10 ct. Effervescent Tablets
• 8 ct. To Go Packets
SALE! 2/4.99

Buy 1 at 99¢ Get 1
FREE
Cough Drops
30 pack, Assorted flavors
SALE! 2/99¢

Buy 1 at 3.99 Get 1
FREE
Wal-tussin®
Liquid, 4 oz. Assorted formulas
SALE! 2/3.99

33% Off OUR EVERYDAY LOW PRICE
Pain Relief
• Analgesic Cream, 3 oz.
• Cool & Heat Stick, 1.75 oz., Cream, 3 oz., Balm, 3.6 oz. or 5 pack Patch
Reg. 4.49 to 6.99
SALE! 3.00 to 4.19

Pick up your prescriptions & get See ExpressPay™ @ walgreens.com 9

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Applicant's Trial Ex. 8 to Deposition of R. Tompkins
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McNeil-PPC, Inc. v. Walgreen Co. (No. 91184978)
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Candy, gifts & fun Valentines

...It's what every little heart desires!

2.99 AFTER MAIL-IN REBATE

Theraflu or Triaminic

Theraflu: Warming Liquid, 8.3 oz.
• 6 ct. Packets • 24 ct. Caplets
Triaminic: 14 pack Thin Strips • Liquid, 4 oz.

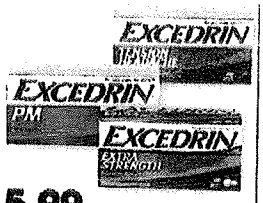
Price 4.99 Mail-in Rebate $2 Price 2.99

NEW Walgreens Prescription Savings Club*

- Save on more than 5,000 name brand and generic medications.
- Pay just $12.99 for a 90-day supply of over 300 generic medications.

Plus, earn instant rewards on Walgreens brand products. See pharmacy for details.

*Membership Fee required.
This program does not constitute insurance.



5.99 SALE!

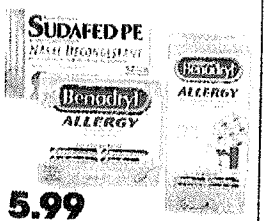
Excedrin
100 ct. Assorted formulas.

9.99 SALE!

Mucinex
• 14 or 20 ct. Tablets
• Nasal Spray, .75 oz.

14.99 SALE!

Wal-Zyr® 24 Hour Allergy Relief
30 ct. Tablets, 10 mg.



5.99

Benadryl or Sudafed PE
• 48 ct. Benadryl or Liquid, 8 oz.
• 20 to 36 ct. Sudafed PE

7.99 SALE!

Delsym Cough Syrup
3 oz. Assorted Children's or Adult formulas.

coupon
Good at Walgreens

GREAT VALUE!

1.39

Halls Cough Drops
25 or 30 pack. Assorted flavors. Limit 3
Sale Sun, 2/3
thru Sat, 2/9/08

Personal. Simple. Secure.™ Online refills. Walgreens.com 21

W1404

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PERF ALONG CENTER FOR HALF SHEET ← IN ↑ FEED THIS DIRECTION

IW42MSHS Megasaver Small Half Sheet Revised 09/08/2008 25

WIC #958894 03/08

PERF ALONG CENTER FOR HALF SHEET

vestcom® New Century LaserLabel® FasTalker® U.S. PATENT 6,579,595 & U.S. PATENT 6,929,942

W4982

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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**

APPLICANT'S TRIAL EXHIBIT 9 TO THE DEPOSITION OF R. TOMPKINS OFFERED BY WALGREEN CO.

WALGREENS

Broadcast Department – Grenada Advertising Agency

Walzyr advertising on in-store radio:

Spot #WGR-3402-30 (English):

Spot ran once per hour /7 days weeks of 2/10/08, 2/17/08, 2/24/08, 3/30/08, 4/20/08, 7/6/08 & 7/13/08

Spot #SPW-878 (Spanish):

Spot ran once per hour / 7 days weeks of 3/15/08, 3/23/08, 3/30/08, 4/27/08, 5/11/08, 5/18/08 & 7/6/08

M Schultz
11/11/08

Applicant's Trial Ex. 9 to Deposition of R. Tompkins
Offered by Walgreen Co.
McNeil-PPC, Inc. v. Walgreen Co. (No. 91184978)
Page 9 -1 DRC

Walgreens

Walgreens In-Store	Project Title: Wal-Zyr	ISCI: WGR-3402-30	Airdate:	Today's Date: 1/18/08
TRT:	Traffic Date:	Approved by:	Date of Approval:	

SFX	ANNOUNCER
MUSIC UNDER	Want the allergy relief provided by Zyrtec *without* paying the name brand price? Then try Wal-Zyr!
[wall-ZEER]	Just one dose treats indoor and outdoor allergy symptoms for twenty-four hours, delivering the original prescription strength over-the-counter. But Wal-Zyr isn't just *any* store brand — it's the Walgreens brand. The Brand America Trusts! That means Wal-Zyr comes with Walgreens 100 percent satisfaction guarantee — so you get national brand effectiveness, plus Walgreens-brand savings! Compare Wal-Zyr to Zyrtec today and save.

Applicant's Trial Ex. 9 to Deposition of R. Tompkins
Offered by Walgreen Co.
McNeil-PPC, Inc. v. Walgreen Co. (No. 91184978)
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Walgreens

Walgreens In-Store	Project Title: Wal-Zyr	ISCI: SPW-878	Airdate:	Today's Date: 1/22/08
TRT:	Traffic Date:	Approved by:	Date of Approval:	

SFX	ANNOUNCER
MUSIC UNDER	¿Quieres el alivio para las alergias que proporciona Zyrtec *sin* tener que pagar por el precio de marca?
[wall-ZEER]	¡Entonces prueba Wal-Zyr! Sólo una dosis de este producto de venta libre alivia durante veinticuatro horas las alergias causadas por alérgenos en interiores y exteriores porque contiene la potencia original del medicamento recetado. Pero Wal-Zyr no es cualquier producto *sin* receta, ¡es de la marca Walgreens! ¡La marca en que todos confiamos! En otras palabras, Wal-Zyr tiene el respaldo de satisfacción garantizada 100 por ciento de Walgreens, con lo que obtienes la eficacia de una marca nacional, ¡más los ahorros de la marca Walgreens! Para ahorrar más, compara Wal-Zyr con Zyrtec hoy mismo.

Applicant's Trial Ex. 9 to Deposition of R. Tompkins
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Radio Script

200 Wilmot Road
Deerfield, IL 60015-4616
Telephone: 847.914.2500
Fax: 847.914.2388
www.walgreens.com

Walgreens	Project Title:	ISCI:	Airdate:	Today's Date:
In-Store	Wal-Zyr	WGR-3402-30		1/18/08

TRT: Traffic Date: Approved by: Date of Approval:

SFX	ANNOUNCER
MUSIC UNDER	Want the allergy relief provided by Zyrtec *without* paying the name brand price? Then try Wal-Zyr!
[wall-ZEER]	Just one dose treats indoor and outdoor allergy symptoms for twenty-four hours, delivering the original prescription strength over-the-counter. But Wal-Zyr isn't just *any* store brand — it's the Walgreens brand. The Brand America Trusts! That means Wal-Zyr comes with Walgreens 100 percent satisfaction guarantee — so you get national brand effectiveness, plus Walgreens-brand savings! Compare Wal-Zyr to Zyrtec today and save.

Applicant's Trial Ex. 9 to Deposition of R. Tompkins
Offered by Walgreen Co.
McNeil-PPC, Inc. v. Walgreen Co. (No. 91184978)
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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**

APPLICANT'S TRIAL EXHIBIT 10 TO THE DEPOSITION OF R. TOMPKINS OFFERED BY WALGREEN CO.

Applicant's Trial Ex. 10 to Deposition of R. Tompkins
Offered by Walgreen Co.
McNeil-PPC, Inc. v. Walgreen Co. (No. 91184978)
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W5338

INSTANT VALUE
Coupon
Good at Walgreens

$2 off

Ivy Block™ Lotion, 4 oz.

Limit one coupon per customer per offer. Expires 6/26/10. Manufacturer coupon good only at Walgreens. Not valid with any other offer. Customer pays any sales tax. Void if copied or where prohibited. Cash value 1/100¢.

0 00000 05929 9

INSTANT VALUE
Coupon
Good at Walgreens

$5 off

Little Allergies™ Allergen Block, .1 oz. or **Chloraseptic** Allergen Block, .1 oz.

Limit one coupon per customer per offer. Expires 6/26/10. Manufacturer coupon good only at Walgreens. Not valid with any other offer. Customer pays any sales tax. Void if copied or where prohibited. Cash value 1/100¢.

0 00000 05930 5

INSTANT VALUE
Coupon
Good at Walgreens

$1 off

Children's Wal-Zyr™ Allergy Chewable Tablets, 10 mg., 12 ct.

Limit one coupon per customer per offer. Expires 6/26/10. Manufacturer coupon good only at Walgreens. Not valid with any other offer. Customer pays any sales tax. Void if copied or where prohibited. Cash value 1/100¢.

0 00000 05931 2

INSTANT VALUE
Coupon
Good at Walgreens

$2 off

Wal-dryl® Allergy Mini Tablets, 100 ct.

Limit one coupon per customer per offer. Expires 6/26/10. Manufacturer coupon good only at Walgreens. Not valid with any other offer. Customer pays any sales tax. Void if copied or where prohibited. Cash value 1/100¢.

0 00000 05932 9

INSTANT VALUE
Coupon
Good at Walgreens

$2 off

Wal-Zyr™ Allergy, 10 mg., 14 ct.

Limit one coupon per customer per offer. Expires 6/26/10. Manufacturer coupon good only at Walgreens. Not valid with any other offer. Customer pays any sales tax. Void if copied or where prohibited. Cash value 1/100¢.

0 00000 05933 6

INSTANT VALUE
Coupon
Good at Walgreens

$2 off

Wal-Zyr™ Itchy Eye Drops, .17 oz.

Limit one coupon per customer per offer. Expires 6/26/10. Manufacturer coupon good only at Walgreens. Not valid with any other offer. Customer pays any sales tax. Void if copied or where prohibited. Cash value 1/100¢.

0 00000 05934 3

Applicant's Trial Ex. 10 to Deposition of R. Tompkins
Offered by Walgreen Co.
McNeil-PPC, Inc. v. Walgreen Co. (No. 91184978)
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W5339

Walgreens

April 2010 Coupon Book

Great prices on allergy and cold –

what a relief!

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Offered by Walgreen Co.
McNeil-PPC, Inc. v. Walgreen Co. (No. 91184978)
Page 10 -3

W5336

INSTANT VALUE
Coupon
Good at Walgreens

0 00000 05552 9

$1 off

Wal-Zyr® Children's Chewable Tablets, 10 mg., 12 ct.

Limit one coupon per customer per offer. Expires 4/24/10. Manufacturer coupon good only at Walgreens. Not valid with any other offer. Customer pays any sales tax. Void if copied or where prohibited. Cash value 1/100¢.

INSTANT VALUE
Coupon
Good at Walgreens

0 00000 05026 5

$1 off

Children's Wal-itin® or Wal-Zyr® Allergy Relief Syrup, 4 oz.

Limit one coupon per customer per offer. Expires 4/24/10. Manufacturer coupon good only at Walgreens. Not valid with any other offer. Customer pays any sales tax. Void if copied or where prohibited. Cash value 1/100¢.

INSTANT VALUE
Coupon
Good at Walgreens

0 00000 05068 5

$5 off

Wal-itin® Tablets, 10 mg., 150 ct.

Limit one coupon per customer per offer. Expires 4/24/10. Manufacturer coupon good only at Walgreens. Not valid with any other offer. Customer pays any sales tax. Void if copied or where prohibited. Cash value 1/100¢.

INSTANT VALUE
Coupon
Good at Walgreens

0 00000 05551 2

$2 off

Wal-dryl® Children's Allergy Syrup, 8 oz.

Limit one coupon per customer per offer. Expires 4/24/10. Manufacturer coupon good only at Walgreens. Not valid with any other offer. Customer pays any sales tax. Void if copied or where prohibited. Cash value 1/100¢.

INSTANT VALUE
Coupon
Good at Walgreens

0 00000 05204 7

$2 off

Wal-dryl® Allergy Minitabs, 100 ct.

Limit one coupon per customer per offer. Expires 4/24/10. Manufacturer coupon good only at Walgreens. Not valid with any other offer. Customer pays any sales tax. Void if copied or where prohibited. Cash value 1/100¢.

INSTANT VALUE
Coupon
Good at Walgreens

0 00000 05069 2

$3 off

Little Allergies™ or Chloraseptic Allergen Block, .1 oz.

Limit one coupon per customer per offer. Expires 4/24/10. Manufacturer coupon good only at Walgreens. Not valid with any other offer. Customer pays any sales tax. Void if copied or where prohibited. Cash value 1/100¢.

Applicant's Trial Ex. 10 to Deposition of R. Tompkins
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McNeil-PPC, Inc. v. Walgreen Co. (No. 91184978)
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W5337

Think you may have allergies?

You're not alone.

More than 50% of the U.S. population is allergic to at least one known allergen. Walgreens can help you make sense of your symptoms - and help find the right products to treat them.

Symptoms	Cold	Allergy
Cough	Usually	Sometimes
Aches/Pains	Sometimes	Rarely
Tired/Weakness	Sometimes	Sometimes
Itchy Eyes	Rarely	Usually
Sneezing	Usually	Usually
Sore Throat	Usually	Sometimes
Fever	Sometimes	Never
Runny/Stuffy Nose	Usually	Usually
Duration	3-14 days	Weeks

INSTANT VALUE Coupon
Good at Walgreens

$5 off

Claritin® Liqui-Gels, 10 mg., 40 ct. or Tablets, 10 mg., 45 ct.

Limit one coupon per customer per offer. Expires 4/24/10. Manufacturer coupon good only at Walgreens. Not valid with any other offer. Customer pays any sales tax. Void if copied or where prohibited. Cash value 1/100¢.

0 00000 05549 9

INSTANT VALUE Coupon
Good at Walgreens

$5 off

ZYRTEC® 24-Hour Allergy Tablets, 10 mg., 70 ct.

Limit one coupon per customer per offer. Expires 4/24/10. Manufacturer coupon good only at Walgreens. Not valid with any other offer. Customer pays any sales tax. Void if copied or where prohibited. Cash value 1/100¢.

0 00000 05251 1

INSTANT VALUE Coupon
Good at Walgreens

$5 off

Wal-Zyr® Tablets, 10 mg., 300 ct.

Limit one coupon per customer per offer. Expires 4/24/10. Manufacturer coupon good only at Walgreens. Not valid with any other offer. Customer pays any sales tax. Void if copied or where prohibited. Cash value 1/100¢.

0 00000 05201 6

Applicant's Trial Ex. 10 to Deposition of R. Tompkins
Offered by Walgreen Co.
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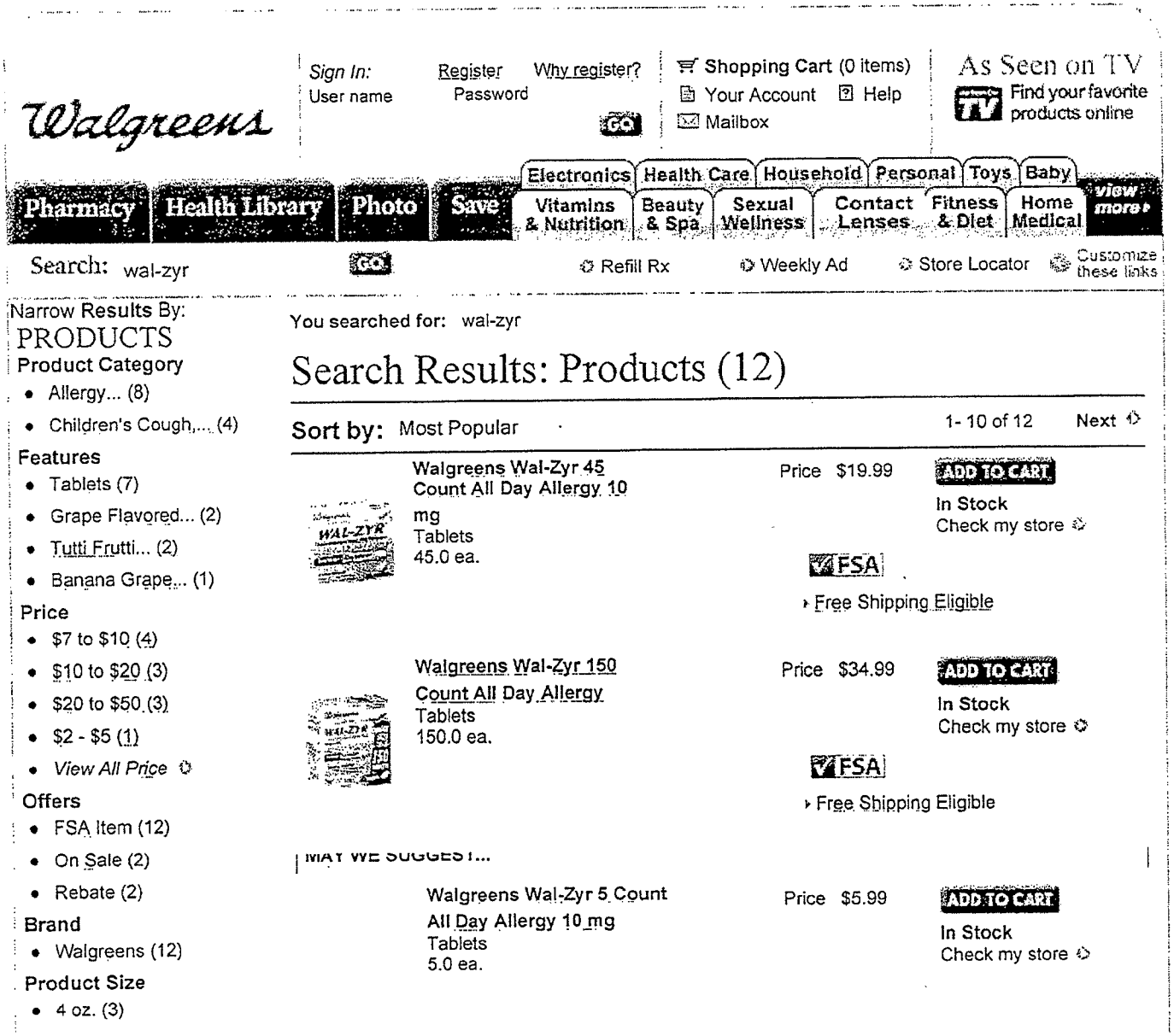
W5346

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**

APPLICANT'S TRIAL EXHIBIT 11 TO THE DEPOSITION OF R. TOMPKINS OFFERED BY WALGREEN CO.



Walgreens

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Narrow Results By:

PRODUCTS

Product Category
- Allergy... (8)
- Children's Cough,... (4)

Features
- Tablets (7)
- Grape Flavored... (2)
- Tutti Frutti... (2)
- Banana Grape... (1)

Price
- $7 to $10 (4)
- $10 to $20 (3)
- $20 to $50 (3)
- $2 - $5 (1)
- View All Price

Offers
- FSA Item (12)
- On Sale (2)
- Rebate (2)

Brand
- Walgreens (12)

Product Size
- 4 oz. (3)

You searched for: wal-zyr

Search Results: Products (12)

Sort by: Most Popular — 1- 10 of 12 — Next

Walgreens Wal-Zyr 45 Count All Day Allergy 10 mg Tablets 45.0 ea.
Price $19.99 ADD TO CART
In Stock
Check my store
FSA
Free Shipping Eligible

Walgreens Wal-Zyr 150 Count All Day Allergy Tablets 150.0 ea.
Price $34.99 ADD TO CART
In Stock
Check my store
FSA
Free Shipping Eligible

MAY WE SUGGEST...

Walgreens Wal-Zyr 5 Count All Day Allergy 10 mg Tablets 5.0 ea.
Price $5.99 ADD TO CART
In Stock
Check my store

Applicant's Trial Ex. 11 to Deposition of R. Tompkins 3/8/2009
Offered by Walgreen Co.
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Page 11-1 tlc

- 5 ea. (2)
- 60 ea. (1)
- 30 ea. (1)
- *View All Product Size*

Customer Reviews *

Health Info

No Articles Found

COMPANY INFO

Sub-Category

- Walgreens February...

FSA

Free Shipping Eligible

Easy Saver Rebate

Walgreens Wal-Zyr 30 Count All Day Allergy Tablets 30.0 ea.

Price $14.99 ADD TO CART

In Stock

Check my store

FSA

Free Shipping Eligible

Walgreens Wal-Zyr 4 Oz. Children's All Day Allergy Banana Grape Flavor 4.0 oz.

Price $9.99 ADD TO CART

In Stock

Check my store

FSA

Free Shipping Eligible

Walgreens Wal-Zyr 90 Count All Day Allergy 10 mg Tablets 90.0 ea.

Price $29.99 ADD TO CART

In Stock

Check my store

FSA

Free Shipping Eligible

Walgreens Wal-Zyr 60 Count All Day Allergy 10 mg Tablets 60.0 ea.

Price $23.99 ADD TO CART

In Stock

Check my store

FSA

Free Shipping Eligible

Walgreens Children's Wal-Zyr All Day Allergy Tutti Frutti Flavor, Chewable

Price $5.99 ADD TO CART

In Stock

Applicant's Trial Ex. // to Deposition of R. Tompkins 3/8/2009
Offered by Walgreen Co.
McNeil-PPC, Inc. v. Walgreen Co. (No. 91184978)
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Tablets
5.0 ea.

Check my store

FSA

Free Shipping Eligible
Easy Saver Rebate

Walgreens Wal-Zyr 14 Count All Day Allergy 10 mg
Tablets
14.0 ea.

Price $11.99

ADD TO CART

In Stock
Check my store

FSA

Free Shipping Eligible

Walgreens Wal-Zyr 12 Count Children's All Day Allergy
Tutti Frutti Flavor, Chewable
Tablets
12.0 ea.

Price $9.99

ADD TO CART

Out of Stock Online
Check my store

FSA

Free Shipping Eligible

1- 10 of 12 Next

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Walgreens

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Narrow Results By:

PRODUCTS

Product Category
- Allergy... (8)
- Children's Cough,... (4)

Features
- Tablets (7)
- Grape Flavored... (2)
- Tutti Frutti... (2)
- Banana Grape... (1)

Price
- $7 to $10 (4)
- $10 to $20 (3)
- $20 to $50 (3)
- $2 - $5 (1)
- *View All Price*

Offers
- FSA Item (12)
- On Sale (2)
- Rebate (2)

Product Size
- 4 oz. (3)
- 5 ea. (2)
- 60 ea. (1)

You searched for: wal-zyr

Search Results: Products (12)

Sort by: Most Popular — 11- 12 of 12 Previous

Walgreens Wal-Zyr 4 Oz. Children's All Day Allergy Grape Flavored Syrup 4.0 oz.

Price $9.99 ADD TO CART

In Stock

Check my store

FSA

Free Shipping Eligible

Walgreens Wal-Zyr 4 Oz. Children's All Day Allergy Grape Flavored Syrup 4.0 oz.

Price $9.99 ADD TO CART

In Stock

Check my store

FSA

Free Shipping Eligible

11- 12 of 12 Previous

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Offered by Walgreen Co.
McNeil-PPC, Inc. v. Walgreen Co. (No. 91184978)

- 30 ea. (1)
- *View All Product Size*

that you do not solely rely on the information presented and that you always read labels, warnings, and directions before using or consuming a product. For additional information about a product, please contact the manufacturer.

Customer Reviews *

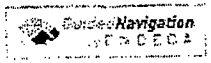
Health Info

No Articles Found

COMPANY INFO

Sub-Category

- Walgreens February...



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McNeil-PPC, Inc. v. Walgreen Co. (No. 91184978)

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**

APPLICANT'S TRIAL EXHIBIT 12 TO THE DEPOSITION OF R. TOMPKINS OFFERED BY WALGREEN CO.

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WIC #958894 03/08

PERF ALONG CENTER FOR HALF SHEET

vestcom® New Century LaserLabel® FasTalker® U.S. PATENT 6,579,595 & U.S. PATENT 6,929,942

Applicant's Trial Ex. 12 to Deposition of R. Tompkins
Offered by Walgreen Co.
McNeil-PPC, Inc. v. Walgreen Co. (No. 91184978)
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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**

APPLICANT'S TRIAL EXHIBIT 13 TO THE DEPOSITION OF R. TOMPKINS OFFERED BY WALGREEN CO.

PCPO113 QPADEV0010 MJANZEN 8:32:30 5/07/09
ADV ITEM EVENT VERSION HISTORY PROMOTIONAL CONTROL

WIC/Item Desc 517157 WAL-ZYR 24HR 10MG TABLETS 30S Photo Avail D
Event Type _

Start Date	Event Version Description	Mkt NTL	V-I Sts	Page Tp/#	Spot Type	Cpn#	Ad Event	TVer
1/25/09	WALGREEN DRUG STORES	NTL	N	13	F	0	A2924	A 01
	Ad Retail w/ SUR 2 / 14.99 w/ 14.99							
2/01/09	FEBRUARY MEGASAVER 2/01-2/28	NTL	N	83	F	0	A2967	A 01
	Ad Retail w/ SUR 2 / 14.99 w/ 14.99							
4/05/09	EASTER SAVINGS	NTL	N	18	C	1161	A2934	A 01
	Amount Off 5.00							
6/14/09	FATHER'S DAY SALE	NTL	N	13	F	0	A2944	A 01
	Ad Retail 1 / 12.99							
6/28/09	JULY MEGASAVER 6/28-7/25	NTL	X	83	F	0	A2972	A 01
	Ad Retail w/ SUR 2 / 14.99 w/ 14.99							

COMMAND: F3=Exit F17=Everyday Retail Inquiry F10=Actions

Roll up or down past the first or last record in file.

TRADE SECRET/COMMERCIALLY SENSITIVE

Applicant's Trial Ex. 13 to Deposition of R. Tompkins
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PCPO113 QPADEV0010 MJANZEN 8:32:30 5/07/09
ADV ITEM EVENT VERSION HISTORY PROMOTIONAL CONTROL

WIC/Item Desc 517157 WAL-ZYR 24HR 10MG TABLETS 30S Photo Avail D
Event Type

Start Date	Event Version Description	Mkt NTL	V-I Sts	Page Tp/#	Spot Type	Cpn#	Ad Event	TVer
7/26/09	WALGREEN DRUG STORES	NTL	X	16	F	0	A2954	A 01
	Ad Retail 1 / 9.99							
7/26/09	AUGUST MEGASAVER 7/26-8/29	NTL	N	83	F	0	A2973	A 01
	Ad Retail 1 / 9.99							
7/26/09	AUGUST BAGB 7/26-8/29	NTL	X	4	C	4700	A2989	A 01
	No Retail Entered							
8/30/09	WALGREEN DRUG STORES	NTL	X	0	C	0	A2959	A 01
	Amount Off 1.00							

COMMAND: F3=Exit F17=Everyday Retail Inquiry F10=Actions

Roll up or down past the first or last record in file.

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PCPO113 QPADEV0010 MJANZEN 8:32:41 5/07/09
ADV ITEM EVENT VERSION HISTORY PROMOTIONAL CONTROL

WIC/Item Desc 547954 WAL-ZYR 24HR 10MG TABLETS 5S Photo Avail D
Event Type _

Start Date	Event Version Description	Mkt NTL	V-I Sts	Page Tp/#	Spot Type	Cpn#	Ad Event	TVer
2/22/08	MARCH CATALINA MKTG 2/22-3/29	NTL	X	0	F	0	A9779	A 01
	No Retail Entered							
3/28/08	APRIL CATALINA MKTG 3/28-4/26	NTL	X	13	F	0	A9780	A 01
	No Retail Entered							
3/28/08	APRIL REBATE 3/28-4/26	NTL	N	1	F	0	A9848	A 01
	Ad Retail 1 / 3.99							
3/28/08	APRIL MEGASAVER 3/28-4/26	NTL	N	83	F	0	A9890	A 01
	Ad Retail 1 / 3.99							
3/30/08	TRUCK LOAD SALE	NTL	N	20	F	0	A9541	A 01
	Ad Retail 1 / 3.99							

COMMAND: F3=Exit F17=Everyday Retail Inquiry F10=Actions

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ADV ITEM EVENT VERSION HISTORY PROMOTIONAL CONTROL

WIC/Item Desc 547954 WAL-ZYR 24HR 10MG TABLETS 5S Photo Avail D
Event Type _

Start Date	Event Version Description	Mkt NTL	V-I Sts	Page Tp/#	Spot Type	Cpn#	Ad Event	TVer
4/25/08	MAY CATALINA MKTG 4/25-5/31	NTL	N	0	F	0	A9781	A 01
	No Retail Entered							
5/30/08	JUNE CATALINA MKTG 5/30-6/28	NTL	N	99	F	0	A9782	A 01
	No Retail Entered							
6/27/08	JULY CATALINA MKTG 6/27-7/26	NTL	N	99	F	0	A9783	A 01
	No Retail Entered							
7/13/08	DOLLAR DAYS	NTL	X	15	F	0	A9557	A 01
	Ad Retail 1 / 2.99							
7/25/08	AUG CATALINA MKTG 7/25-8/30	NTL	X	99	F	0	A9784	A 01
	No Retail Entered							

COMMAND: F3=Exit F17=Everyday Retail Inquiry F10=Actions

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TRADE SECRET/COMMERCIALLY SENSITIVE

Applicant's Trial Ex. 13 to Deposition of R. Tompkins
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PCPO113 QPADEV0010 MJANZEN 8:32:41 5/07/09
ADV ITEM EVENT VERSION HISTORY PROMOTIONAL CONTROL

WIC/Item Desc 547954 WAL-ZYR 24HR 10MG TABLETS 5S Photo Avail D
Event Type _

Start Date	Event Version Description	Mkt NTL	V-I Sts	Page Tp/#	Spot Type	Cpn#	Ad Event	TVer
8/10/08	1¢ SALE	NTL	X	17	F	0	A9561	A 01
	Ad Retail 2 / 5.00							
8/29/08	SEPT CATALINA MKTG 8/29-9/27	NTL	N	99	F	0	A9841	A 01
	No Retail Entered							
11/27/08	OPEN THANKSGIVING	NTL	X	11	C	1317	A1452	A 01
	Ad Retail 1 / 0.99							
3/01/09	WALGREEN DRUG STORES	NTL	X	16	F	0	A2929	A 01
	Ad Retail 1 / 3.99							
3/01/09	MARCH MEGASAVER 3/01-3/28	NTL	X	83	F	0	A2968	A 01
	Ad Retail 1 / 3.99							+

COMMAND: F3=Exit F17=Everyday Retail Inquiry F10=Actions

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TRADE SECRET/COMMERCIALLY SENSITIVE

W4951
Applicant's Trial Ex. 13 to Deposition of R. Tompkins
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PCPO113 QPADEV0010 MJANZEN 8:32:41 5/07/09
ADV ITEM EVENT VERSION HISTORY PROMOTIONAL CONTROL

WIC/Item Desc 547954 WAL-ZYR 24HR 10MG TABLETS 5S Photo Avail D
Event Type _

Start Date	Event Version Description	Mkt NTL	V-I Sts	Page Tp/#	Spot Type	Cpn#	Ad Event	TVer
3/01/09	MARCH REBATE 3/01-3/28	NTL	X	3	F	0	A2992	A 01
	No Retail Entered							
4/26/09	WALGREEN DRUG STORES	NTL	N	14	F	0	A2937	A 01
	Ad Retail 1 / 4.00							
4/26/09	MAY MEGASAVER 4/26-5/30	NTL	X	83	F	0	A2970	A 01
	Ad Retail 1 / 4.00							
5/31/09	JUNE MEGASAVER 5/31-6/27	NTL	X	83	F	0	A2971	A 01
	Ad Retail 1 / 4.00							
8/30/09	SEPTEMBER MEGASAVER 8/30-9/26	NTL	X	0	F	0	A5450	A 01
	Ad Retail 1 / 4.00							

COMMAND: F3=Exit F17=Everyday Retail Inquiry F10=Actions

Roll up or down past the first or last record in file.

TRADE SECRET/COMMERCIALLY SENSITIVE

W4952

Applicant's Trial Ex. 13 to Deposition of R. Tompkins
Offered by Walgreen Co.
McNeil-PPC, Inc. v. Walgreen Co. (No. 91184978)
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PCPO113 QPADEV0010 MJANZEN 8:32:41 5/07/09
ADV ITEM EVENT VERSION HISTORY PROMOTIONAL CONTROL

WIC/Item Desc 547954 WAL-ZYR 24HR 10MG TABLETS 5S Photo Avail D
Event Type _

Start Date	Event Version Description	Mkt	V-I Sts	Page Tp/#	Spot Type	Cpn#	Ad Event	TVer
		NTL	_	_ __	_			
9/13/09	WALGREEN DRUG STORES	NTL	X	0	F	0	A4919	A 01
	Ad Retail 1 / 4.00							

COMMAND: F3=Exit F17=Everyday Retail Inquiry F10=Actions

Roll up or down past the first or last record in file.

TRADE SECRET/COMMERCIALLY SENSITIVE

Applicant's Trial Ex. 13 to Deposition of R. Tompkins
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PCP(113 QPADEV0010 MJANZEN 8:32:51 5/07/09
ADV ITEM EVENT VERSION HISTORY PROMOTIONAL CONTROL

WIC/Item Desc 539366 WAL-ZYR 24HR 10MG TABLETS 90S Photo Avail D
Event Type _

Start Date	Event Version Description		Mkt NTL	V-I Sts	Page Tp/#	Spot Type	Cpn#	Ad Event	TVer
3/02/08	EASTER/1¢ SALE		NTL	N	17	F	0	A9537	A 01
	Ad Retail	1 / 24.99							
4/27/08	COUPON DAYS		NTL	X	17	F	0	A9546	A 01
	Ad Retail	1 / 22.99							
6/01/08	DOLLAR DAYS		NTL	X	13	F	0	A9551	A 01
	Ad Retail	1 / 20.00							
7/06/08	WALGREEN DRUG STORES		NTL	X	11	F	0	A9556	A 01
	Ad Retail	1 / 19.99							
9/07/08	COUPON DAYS		NTL	X	17	F	0	A1433	A 01
	Ad Retail	1 / 19.99							+

COMMAND: F3=Exit F17=Everyday Retail Inquiry F10=Actions

Roll up or down past the first or last record in file.

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ADV ITEM EVENT VERSION HISTORY PROMOTIONAL CONTROL

WIC/Item Desc 539366 WAL-ZYR 24HR 10MG TABLETS 90S Photo Avail D
Event Type _

Start Date	Event Version Description		Mkt NTL	V-I Sts	Page Tp/#	Spot Type	Cpn#	Ad Event	TVer
10/05/08	COUPON DAYS		NTL	N	17	F	0	A1441	A 01
	Ad Retail	1 / 19.99							
11/02/08	BUY ONE GET ONE FREE		NTL	X	15	F	0	A1446	A 01
	Ad Retail	1 / 19.99							
12/28/08	TRUCK LOAD SALE		NTL	X	17	F	0	A1462	A 01
	Ad Retail	1 / 19.99							
5/31/09	WALGREEN DRUG STORES		NTL	X	13	F	0	A2942	A 01
	Percent Off	33.0 %							
6/28/09	4TH OF JULY SALE		NTL	X	12	F	0	A2946	A 01
	Ad Retail	1 / 19.99							

COMMAND: F3=Exit F17=Everyday Retail Inquiry F10=Actions

Roll up or down past the first or last record in file.

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ADV ITEM EVENT VERSION HISTORY PROMOTIONAL CONTROL

WIC/Item Desc 542424 WAL-ZYR 24HR 10MG TABLETS 60S Photo Avail D
Event Type

Start Date	Event Version Description		Mkt NTL	V-I Sts	Page Tp/#	Spot Type	Cpn#	Ad Event	TVer
2/24/08	LEAP YEAR SALE		NTL	N	16	F	0	A9536	A 01
	Ad Retail	1 / 18.99							
3/23/08	BUY ONE GET ONE FREE		NTL	N	1	F	0	A9540	A 01
	Ad Retail w/ SUR	2 / 23.99 w/ 23.99							
4/13/08	BUY ONE GET ONE FREE		NTL	X	13	F	0	A9543	A 01
	Ad Retail	1 / 19.99							
5/11/08	1¢ SALE		NTL	X	13	F	0	A9548	A 01
	Ad Retail	1 / 18.99							
5/25/08	MEMORIAL DAY SALE		NTL	X	13	F	0	A9550	A 01
	Ad Retail	1 / 19.99							

COMMAND: F3=Exit F17=Everyday Retail Inquiry F10=Actions

Roll up or down past the first or last record in file.

TRADE SECRET/COMMERCIALLY SENSITIVE

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ADV ITEM EVENT VERSION HISTORY PROMOTIONAL CONTROL

WIC/Item Desc 542424 WAL-ZYR 24HR 10MG TABLETS 60S Photo Avail D
Event Type _

Start Date	Event Version Description		Mkt NTL	V-I Sts	Page Tp/#	Spot Type	Cpn#	Ad Event	TVer
7/20/08	39¢ SALE		NTL	X	17	F	0	A9558	A 01
	Ad Retail	1 / 19.99							
11/09/08	EARLY CHRISTMAS SALE!		NTL	X	21	F	0	A1447	A 01
	Ad Retail	1 / 17.99							
12/14/08	XMAS COUNT DOWN		NTL	X	35	F	0	A1458	A 01
	Ad Retail	1 / 17.99							
1/18/09	WALGREEN DRUG STORES		NTL	X	14	C	1038	A2923	A 01
	Amount Off	6.00							
2/22/09	WALGREEN DRUG STORES		NTL	X	9	C	1032	A2928	A 01
	Amount Off	6.00							

COMMAND: F3=Exit F17=Everyday Retail Inquiry F10=Actions

Roll up or down past the first or last record in file.

TRADE SECRET/COMMERCIALLY SENSITIVE

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ADV ITEM EVENT VERSION HISTORY PROMOTIONAL CONTROL

WIC/Item Desc 542424 WAL-ZYR 24HR 10MG TABLETS 60S Photo Avail D
Event Type

Start Date	Event Version Description		Mkt NTL	V-I Sts	Page Tp/#	Spot Type	Cpn#	Ad Event	TVer
3/22/09	EASTER		NTL	X	13	F	0	A2932	A 01
	Ad Retail w/ SUR	2 / 23.99 w/ 23.99							
5/10/09	WALGREEN DRUG STORES		NTL	X	10	C	2968	A2939	A 01
	Amount Off	1.00							
5/24/09	MEMORIAL DAY SALE		NTL	X	9	F	0	A2941	A 01
	Ad Retail	1 / 18.99							
8/23/09	WALGREEN DRUG STORES		NTL	X	0	F	0	A2958	A 01
	Ad Retail w/ SUR	2 / 23.99 w/ 23.99							

COMMAND: F3=Exit F17=Everyday Retail Inquiry F10=Actions

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ADV ITEM EVENT VERSION HISTORY PROMOTIONAL CONTROL

WIC/Item Desc 542429 WAL-ZYR 24HR 10MG TABLETS 14S Photo Avail D
Event Type _

Start Date	Event Version Description	Mkt NTL	V-I Sts	Page Tp/#	Spot Type	Cpn#	Ad Event	TVer
1/20/08	COUPON DAYS	NTL	N	1	F	0	A9531	A 01
	Ad Retail 1 / 7.99							
2/22/08	MARCH CATALINA MKTG 2/22-3/29	NTL	X	0	F	0	A9779	A 01
	No Retail Entered							
2/22/08	MARCH REBATE 2/22-3/29	NTL	N	3	F	0	A9846	A 01
	No Retail Entered							
3/09/08	EASTER SAVINGS	NTL	N	29	F	0	A9538	A 01
	Ad Retail 1 / 7.99							
3/28/08	APRIL CATALINA MKTG 3/28-4/26	NTL	X	13	F	0	A9780	A 01
	No Retail Entered							

COMMAND: F3=Exit F17=Everyday Retail Inquiry F10=Actions

Roll up or down past the first or last record in file.

TRADE SECRET/COMMERCIALLY SENSITIVE

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ADV ITEM EVENT VERSION HISTORY PROMOTIONAL CONTROL

WIC/Item Desc 542429 WAL-ZYR 24HR 10MG TABLETS 14S Photo Avail D
Event Type _

Start Date	Event Version Description	Mkt NTL	V-I Sts	Page Tp/#	Spot Type	Cpn#	Ad Event	TVer
4/06/08	DOLLAR DAYS	NTL	N	13	F	0	A9542	A 01
	Ad Retail 1 / 8.00							
4/25/08	MAY CATALINA MKTG 4/25-5/31	NTL	N	0	F	0	A9781	A 01
	No Retail Entered							
5/04/08	MOTHER'S DAY SALE	NTL	X	33	F	0	A9547	A 01
	Ad Retail 1 / 7.99							
5/30/08	JUNE CATALINA MKTG 5/30-6/28	NTL	N	99	F	0	A9782	A 01
	No Retail Entered							
5/30/08	JUNE REBATE 5/30-6/28	NTL	N	3	F	0	A9850	A 01
	No Retail Entered							

COMMAND: F3=Exit F17=Everyday Retail Inquiry F10=Actions

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ADV ITEM EVENT VERSION HISTORY PROMOTIONAL CONTROL

WIC/Item Desc 542429 WAL-ZYR 24HR 10MG TABLETS 14S Photo Avail D
Event Type _

Start Date	Event Version Description	Mkt NTL	V-I Sts	Page Tp/#	Spot Type	Cpn#	Ad Event	TVer
5/30/08	JUNE MEGASAVER 5/30-6/28	NTL	X	83	F	0	A9893	A 01
	Ad Retail 1 / 9.99							
6/22/08	WALGREEN DRUG STORES	NTL	X	13	F	0	A9554	A 01
	Ad Retail 1 / 7.99							
6/27/08	JULY CATALINA MKTG 6/27-7/26	NTL	N	99	F	0	A9783	A 01
	No Retail Entered							
7/25/08	AUG CATALINA MKTG 7/25-8/30	NTL	X	99	F	0	A9784	A 01
	No Retail Entered							
8/24/08	LABOR DAY SALE	NTL	N	17	F	0	A9563	A 01
	Ad Retail 1 / 7.99							

COMMAND: F3=Exit F17=Everyday Retail Inquiry F10=Actions

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ADV ITEM EVENT VERSION HISTORY PROMOTIONAL CONTROL

WIC/Item Desc 542429 WAL-ZYR 24HR 10MG TABLETS 14S Photo Avail D
Event Type _

Start Date	Event Version Description	Mkt NTL	V-I Sts	Page Tp/#	Spot Type	Ad Cpn#	Ad Event	TVer
8/29/08	SEPT CATALINA MKTG 8/29-9/27	NTL	N	99	F	0	A9841	A 01
	No Retail Entered							
10/12/08	HALLOWEEN	NTL	X	19	F	0	A1442	A 01
	Ad Retail 1 / 5.99							
3/29/09	APRIL REBATE 3/29-4/25	NTL	N	3	C	5667	A2993	A 01
	Amount Off 3.00							
5/31/09	JUNE MEGASAVER 5/31-6/27	NTL	X	83	F	0	A2971	A 01
	Ad Retail 1 / 9.99							
6/21/09	WALGREEN DRUG STORES	NTL	X	10	F	0	A2945	A 01
	Ad Retail 1 / 7.99							

COMMAND: F3=Exit F17=Everyday Retail Inquiry F10=Actions

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ADV ITEM EVENT VERSION HISTORY PROMOTIONAL CONTROL

WIC/Item Desc 531266 WAL-ZYR 24HR 10MG TAB 30FRW120S Photo Avail D
Event Type _

Start Date	Event Version Description		Mkt NTL	V-I Sts	Page Tp/#	Spot Type	Cpn#	Ad Event	TVer
6/29/08	4TH OF JULY SALE		NTL	N	17	F	0	A9555	A 01
	Ad Retail	1 / 24.99							
8/03/08	BACK TO SCHOOL		NTL	N	17	F	0	A9560	A 01
	Ad Retail	1 / 24.99							
9/28/08	FREE SALE		NTL	X	17	F	0	A1440	A 01
	Ad Retail	1 / 29.99							
10/26/08	HALLOWEEN		NTL	N	17	F	0	A1444	A 01
	Ad Retail	1 / 24.99							
1/04/09	WALGREEN DRUG STORES		NTL	X	10	F	0	A2921	A 01
	Ad Retail	1 / 24.99							

COMMAND: F3=Exit F17=Everyday Retail Inquiry F10=Actions

Roll up or down past the first or last record in file.

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PCPO .13 QPADEV0010 MJANZEN 8:33:16 5/07/09
ADV ITEM EVENT VERSION HISTORY PROMOTIONAL CONTROL

WIC/Item Desc 531266 WAL-ZYR 24HR 10MG TAB 30FRW120S Photo Avail D
Event Type _

Start Date	Event Version Description		Mkt	V-I Sts	Page Tp/#	Spot Type	Ad Cpn#	Ad Event	TVer
			NTL						
2/08/09	VALENTINE SALE		NTL	X	13	C	1337	A2926	A 01
	Amount Off	10.00							
8/02/09	WALGREEN DRUG STORES		NTL	N	15	F	0	A2955	A 01
	Ad Retail	1 / 24.99							
10/04/09	WALGREEN DRUG STORES		NTL	X	0	F	0	A4924	A 01
	Ad Retail	1 / 24.99							
10/25/09	HALLOWEEN		NTL	X	0	F	0	A4930	A 01
	Ad Retail	1 / 24.99							

COMMAND: F3=Exit F17=Everyday Retail Inquiry F10=Actions

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PCPO113 QPADEV0010 MJANZEN 8:33:23 5/07/09
ADV ITEM EVENT VERSION HISTORY PROMOTIONAL CONTROL

WIC/Item Desc 547947 WAL-ZYR D 12 HOUR 5MG TABLETS 24S Photo Avail D
Event Type _

Start Date	Event Version Description		Mkt NTL	V-I Sts	Page Tp/#	Spot Type	Cpn#	Ad Event	TVer
4/25/08	MAY BAGB 4/25-5/31		NTL	N	3	C	4713	A9878	A 01
	No Retail Entered								
5/18/08	MEMORIAL DAY SALE		NTL	N	21	C	4713	A9549	A 01
	Alt. Ad Retail	1 / 12.99							
6/08/08	FATHER'S DAY SALE		NTL	N	17	F	0	A9552	A 01
	Ad Retail	1 / 12.99							
6/29/08	4TH OF JULY SALE		NTL	N	17	F	0	A9555	A 01
	Ad Retail	1 / 12.99							
7/25/08	AUGUST BAGB 7/25-8/30		NTL	N	3	C	4708	A9882	A 01
	No Retail Entered								

COMMAND: F3=Exit F17=Everyday Retail Inquiry F10=Actions

Roll up or down past the first or last record in file.

TRADE SECRET/COMMERCIALLY SENSITIVE

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PCPO113 QPADEV0010 MJANZEN 8:33:23 5/07/09
ADV ITEM EVENT VERSION HISTORY PROMOTIONAL CONTROL

WIC/Item Desc 547947 WAL-ZYR D 12 HOUR 5MG TABLETS 24S Photo Avail D
Event Type _

Start Date	Event Version Description	Mkt NTL	V-I Sts	Page Tp/#	Spot Type	Cpn#	Ad Event	TVer
7/27/08	FREE SALE	NTL	X	29	F	0	A9559	A 01
	Ad Retail 1 / 12.99							
10/24/08	NOVEMBER REBATE 10/24-11/22	NTL	X	3	C	5213	A9856	A 01
	Amount Off 3.00							
10/24/08	NOVEMBER IVC 10/24-11/22	NTL	X	3	C	5213	A9872	A 01
	Amount Off 3.00							
11/16/08	WALGREEN DRUG STORES	NTL	X	21	F	0	A1450	A 01
	Ad Retail 1 / 14.99							
11/21/08	DECEMBER REBATE 11/21-12/27	NTL	X	3	C	5213	A9857	A 01
	Amount Off 3.00							+

COMMAND: F3=Exit F17=Everyday Retail Inquiry F10=Actions

Roll up or down past the first or last record in file.

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PCPO113 QPADEV0010 MJANZEN 8:33:23 5/07/09
ADV ITEM EVENT VERSION HISTORY PROMOTIONAL CONTROL

WIC/Item Desc 547947 WAL-ZYR D 12 HOUR 5MG TABLETS 24S Photo Avail D
Event Type _

Start Date	Event Version Description	Mkt NTL	V-I Sts	Page Tp/#	Spot Type	Cpn#	Ad Event	TVer
11/21/08	DECEMBER IVC 11/21-12/27	NTL	X	3	C	5213	A9873	A 01
	Amount Off 3.00							
12/21/08	LAST MINUTE GIFT GUIDE	NTL	X	18	F	0	A1460	A 01
	Ad Retail 1 / 12.99							
12/25/08	CHRISTMAS CLEARANCE SALE	NTL	X	4	F	0	A1461	A 01
	Ad Retail 1 / 12.99							
5/31/09	WALGREEN DRUG STORES	NTL	X	13	F	0	A2942	A 01
	Percent Off 33.0 %							

COMMAND: F3=Exit F17=Everyday Retail Inquiry F10=Actions

Roll up or down past the first or last record in file.

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PCPO113 QPADEV0010 MJANZEN 8:33:34 5/07/09
ADV ITEM EVENT VERSION HISTORY PROMOTIONAL CONTROL

WIC/Item Desc 547948 WAL-ZYR D 12 HOUR 5MG TABLETS 12S Photo Avail D
Event Type

Start Date	Event Version Description		Mkt	V-I Sts	Page Tp/#	Spot Type	Cpn#	Ad Event	TVer
6/22/08	WALGREEN DRUG STORES		NTL	N	13	F	0	A9554	A 01
	Ad Retail	1 / 7.99							
7/20/08	39¢ SALE		NTL	N	17	F	0	A9558	A 01
	Ad Retail	1 / 7.99							
8/24/08	LABOR DAY SALE		NTL	N	17	F	0	A9563	A 01
	Ad Retail	1 / 7.99							

COMMAND: F3=Exit F17=Everyday Retail Inquiry F10=Actions

Roll up or down past the first or last record in file.

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ADV ITEM EVENT VERSION HISTORY PROMOTIONAL CONTROL

WIC/Item Desc 531106 WAL-ZYR CHILD CHEW 10MG TABS 12S Photo Avail
Event Type

Start Date	Event Version Description	Mkt	V-I Sts	Page Tp/#	Spot Type	Cpn#	Ad Event	TVer
11/09/08	EARLY CHRISTMAS SALE!	NTL	N	21	F	0	A1447	A 01
	Ad Retail 1 / 7.99							

COMMAND: F3=Exit F17=Everyday Retail Inquiry F10=Actions

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PCPO113 QPADEV0010 MJANZEN 8:33:50 5/07/09
ADV ITEM EVENT VERSION HISTORY PROMOTIONAL CONTROL

WIC/Item Desc 538052 WAL-ZYR CHILD 1MG SYRP GRAPE 4OZ Photo Avail D
Event Type _

Start Date	Event Version Description		Mkt	V-I Sts	Page Tp/#	Spot Type	Cpn#	Ad Event	TVer
			NTL						
6/01/08	DOLLAR DAYS		NTL	N	13	F	0	A9551	A 01
	Ad Retail	1 / 7.99							
6/08/08	FATHER'S DAY SALE		NTL	N	17	F	0	A9552	A 01
	Ad Retail	1 / 7.99							
6/22/08	WALGREEN DRUG STORES		NTL	N	13	F	0	A9554	A 01
	Ad Retail	1 / 7.99							
7/06/08	WALGREEN DRUG STORES		NTL	N	11	F	0	A9556	A 01
	Ad Retail	1 / 7.99							
7/20/08	39¢ SALE		NTL	N	17	F	0	A9558	A 01
	Ad Retail	1 / 7.99							

COMMAND: F3=Exit F17=Everyday Retail Inquiry F10=Actions

Roll up or down past the first or last record in file.

TRADE SECRET/COMMERCIALLY SENSITIVE

W4970
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PCPO113 QPADEV0010 MJANZEN 8:33:50 5/07/09
ADV ITEM EVENT VERSION HISTORY PROMOTIONAL CONTROL

WIC/Item Desc 538052 WAL-ZYR CHILD 1MG SYRP GRAPE 4OZ Photo Avail D
Event Type _

Start Date	Event Version Description		Mkt	V-I Sts	Page Tp/#	Spot Type	Cpn#	Ad Event	TVer
			NTL						
8/31/08	FREE SALE		NTL	N	7	F	0	A0260	A 01
	Ad Retail w/ SUR	2 / 9.99 w/ 9.99							
9/14/08	WALGREEN BRAND SALE		NTL	N	9	F	0	A1438	A 01
	Ad Retail w/ SUR	2 / 9.99 w/ 9.99							
9/28/08	FREE SALE		NTL	N	17	F	0	A1440	A 01
	Ad Retail	1 / 7.99							
10/12/08	HALLOWEEN		NTL	N	19	F	0	A1442	A 01
	Ad Retail	1 / 7.99							
11/09/08	EARLY CHRISTMAS SALE!		NTL	X	21	F	0	A1447	A 01
	Ad Retail	1 / 7.99							

+

COMMAND: F3=Exit F17=Everyday Retail Inquiry F10=Actions

Roll up or down past the first or last record in file.

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ADV ITEM EVENT VERSION HISTORY PROMOTIONAL CONTROL

WIC/Item Desc 538052 WAL-ZYR CHILD 1MG SYRP GRAPE 4OZ Photo Avail D
Event Type _

Start Date	Event Version Description	Mkt NTL	V-I Sts	Page Tp/#	Spot Type	Ad Cpn#	Ad Event	TVer
3/29/09	APRIL MEGASAVER 3/29-4/25	NTL	N	83	F	0	A2969	A 01
	Ad Retail w/ SUR 2 / 9.99 w/ 9.99							
4/12/09	WALGREEN DRUG STORES	NTL	N	8	F	0	A2935	A 01
	Ad Retail w/ SUR 2 / 9.99 w/ 9.99							
5/31/09	JUNE MEGASAVER 5/31-6/27	NTL	N	83	F	0	A2971	A 01
	Ad Retail 1 / 7.99							
6/21/09	WALGREEN DRUG STORES	NTL	X	10	F	0	A2945	A 01
	Ad Retail 1 / 7.99							
6/28/09	JULY MEGASAVER 6/28-7/25	NTL	X	83	F	0	A2972	A 01
	Ad Retail w/ SUR 2 / 9.99 w/ 9.99							

COMMAND: F3=Exit F17=Everyday Retail Inquiry F10=Actions

Roll up or down past the first or last record in file.

TRADE SECRET/COMMERCIALLY SENSITIVE

Applicant's Trial Ex. 13 to Deposition of R. Tompkins
Offered by Walgreen Co.
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PCPO113 QPADEV0010 MJANZEN 8:33:50 5/07/09
ADV ITEM EVENT VERSION HISTORY PROMOTIONAL CONTROL

WIC/Item Desc 538052 WAL-ZYR CHILD 1MG SYRP GRAPE 4OZ Photo Avail D
Event Type _

Start Date	Event Version Description		Mkt	V-I Sts	Page Tp/#	Spot Type	Cpn#	Ad Event	TVer
			NTL						
8/30/09	WALGREEN DRUG STORES		NTL	X	0	C	0	A2959	A 01
	Amount Off	1.00							
10/04/09	WALGREEN DRUG STORES		NTL	X	0	F	0	A4924	A 01
	Ad Retail	1 / 7.99							

COMMAND: F3=Exit F17=Everyday Retail Inquiry F10=Actions

Roll up or down past the first or last record in file.

TRADE SECRET/COMMERCIALLY SENSITIVE

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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**

APPLICANT'S TRIAL EXHIBIT 14 TO THE DEPOSITION OF R. TOMPKINS OFFERED BY WALGREEN CO.

05300-00001-24-056-16 COUGH/COLD/LIP/NASAL (Ast 00001) - 24 ft - RT PHARMACY WALL

August Reset PT2 WK33 08/20/10

CONFIDENTIAL

Applicant's Trial Ex. 14 to Deposition of R. Tompkins
Offered by Walgreen Co.
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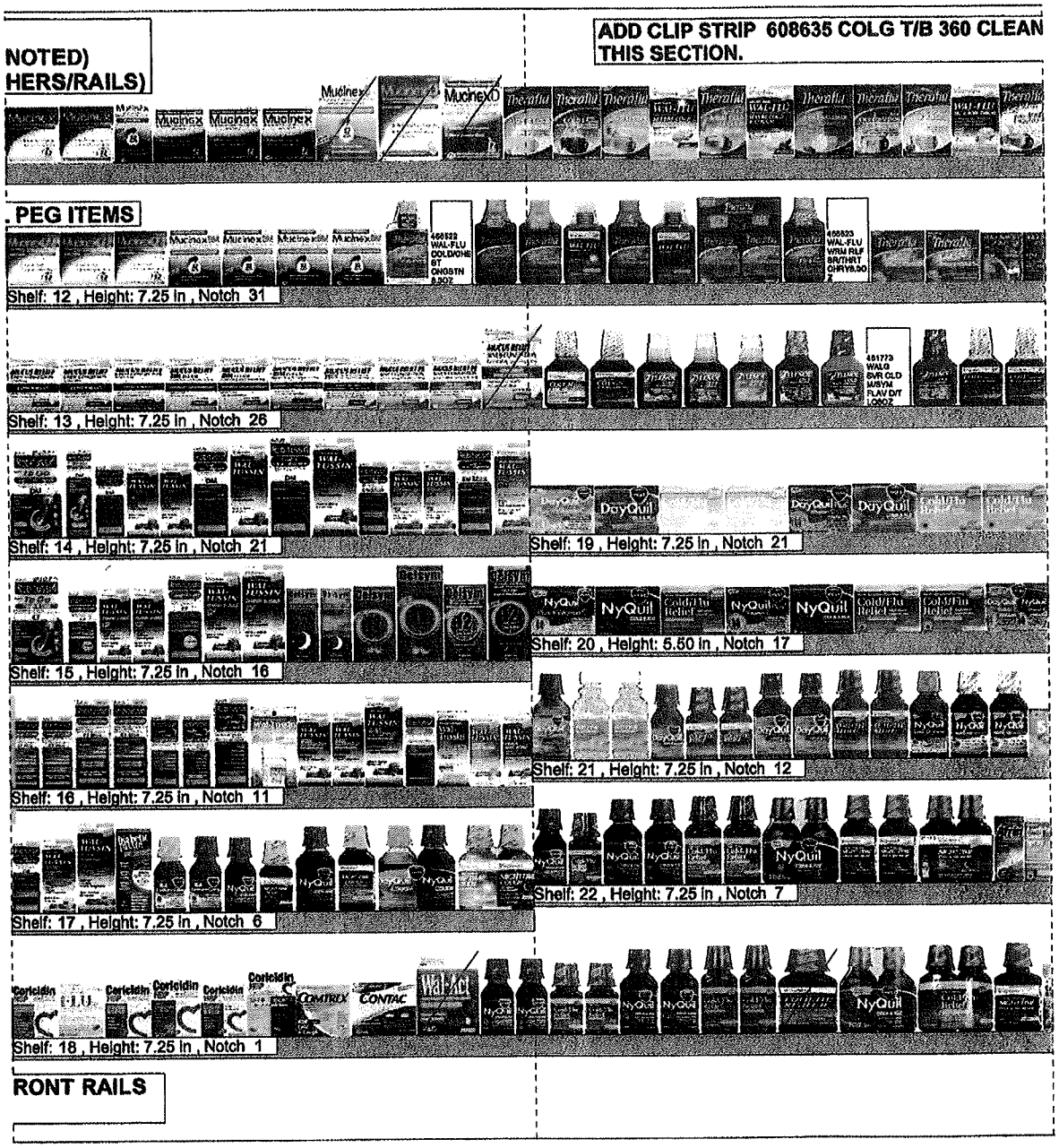
W5414

05300-00001-24-056-16 COUGH/COLD/LIP/NASAL (Ast 00001) - 24 ft - RT PHARMACY WALL

August Reset PT2 WK33 08/20/10



Section Length: 24 ft
Page 2 of 4

WALGREENS BASIC DEPARTMENT

CONFIDENTIAL

Applicant's Trial Ex. 14 to Deposition of R. Tompkins
Offered by Walgreen Co.
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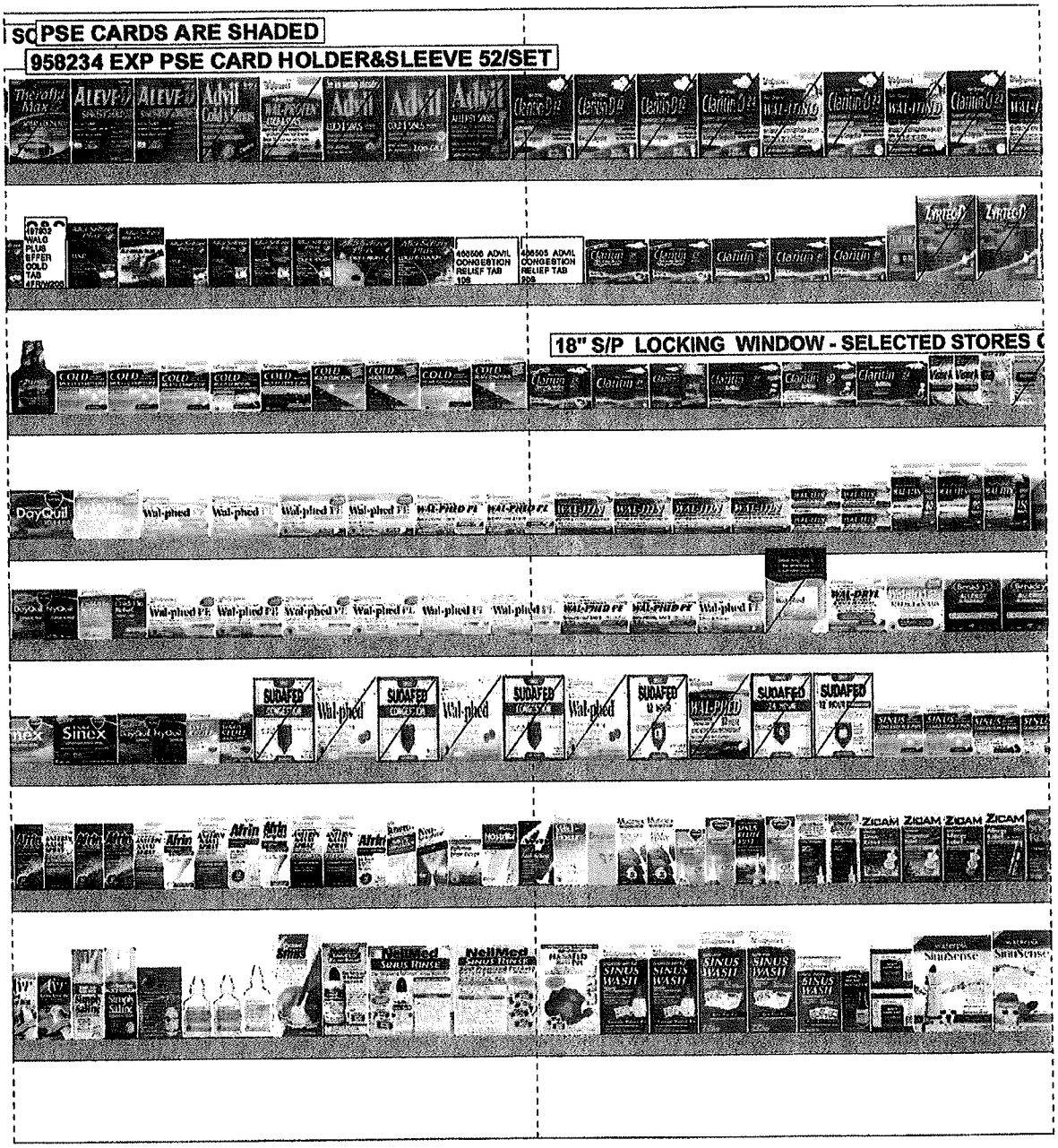
W5415

05300-00001-24-056-16 COUGH/COLD/LIP/NASAL (Ast 00001) - 24 ft - RT PHARMACY WALL

August Reset PT2 WK33 08/20/10



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Applicant's Trial Ex. 14 to Deposition of R. Tompkins
Offered by Walgreen Co.
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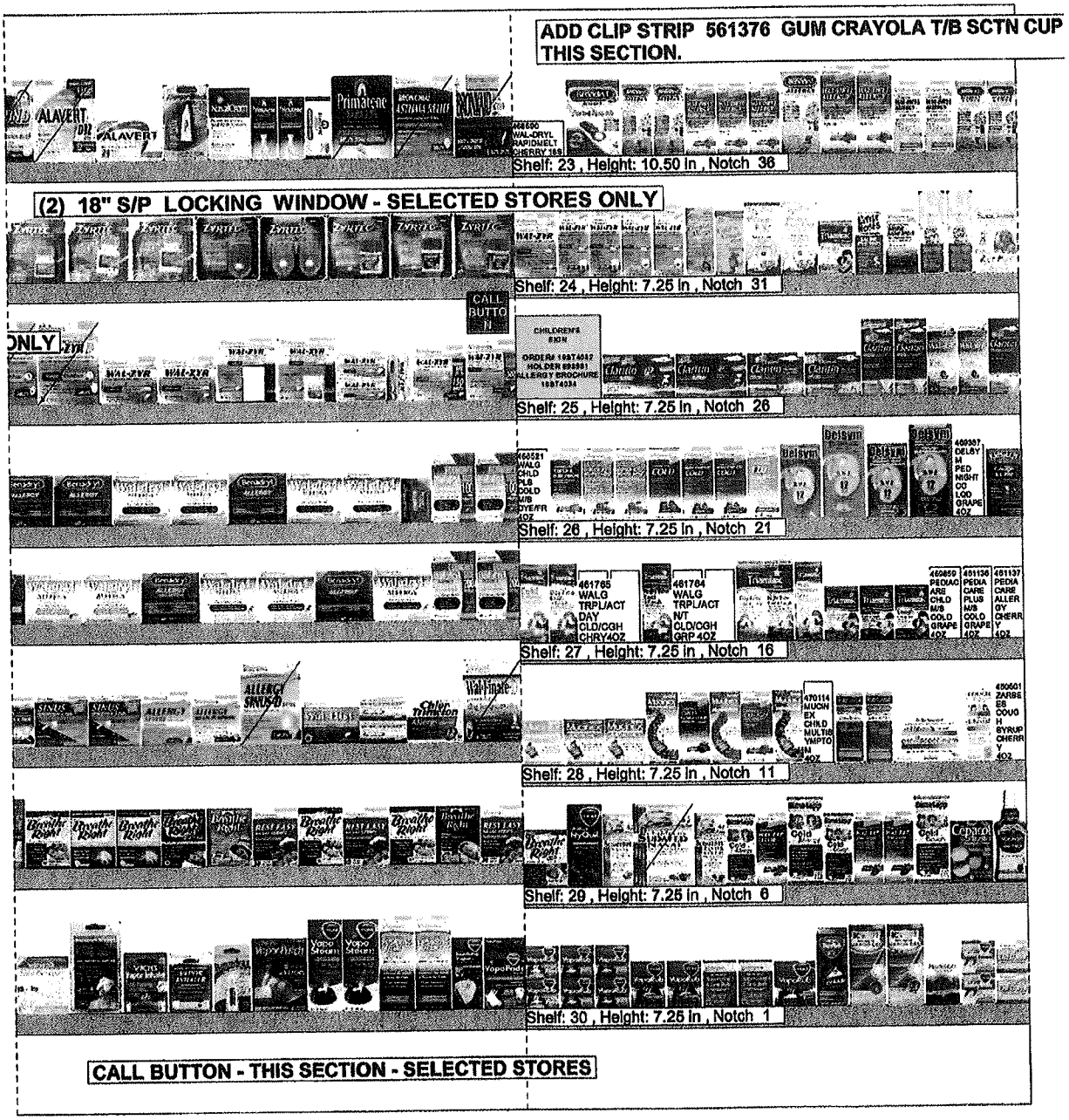
W5416

05300-00001-24-056-16 COUGH/COLD/LIP/NASAL (Ast 00001) - 24 ft - RT PHARMACY WALL

August Reset PT2 WK33 08/20/10



Section Length: 24 ft
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WALGREENS BASIC DEPARTMENT

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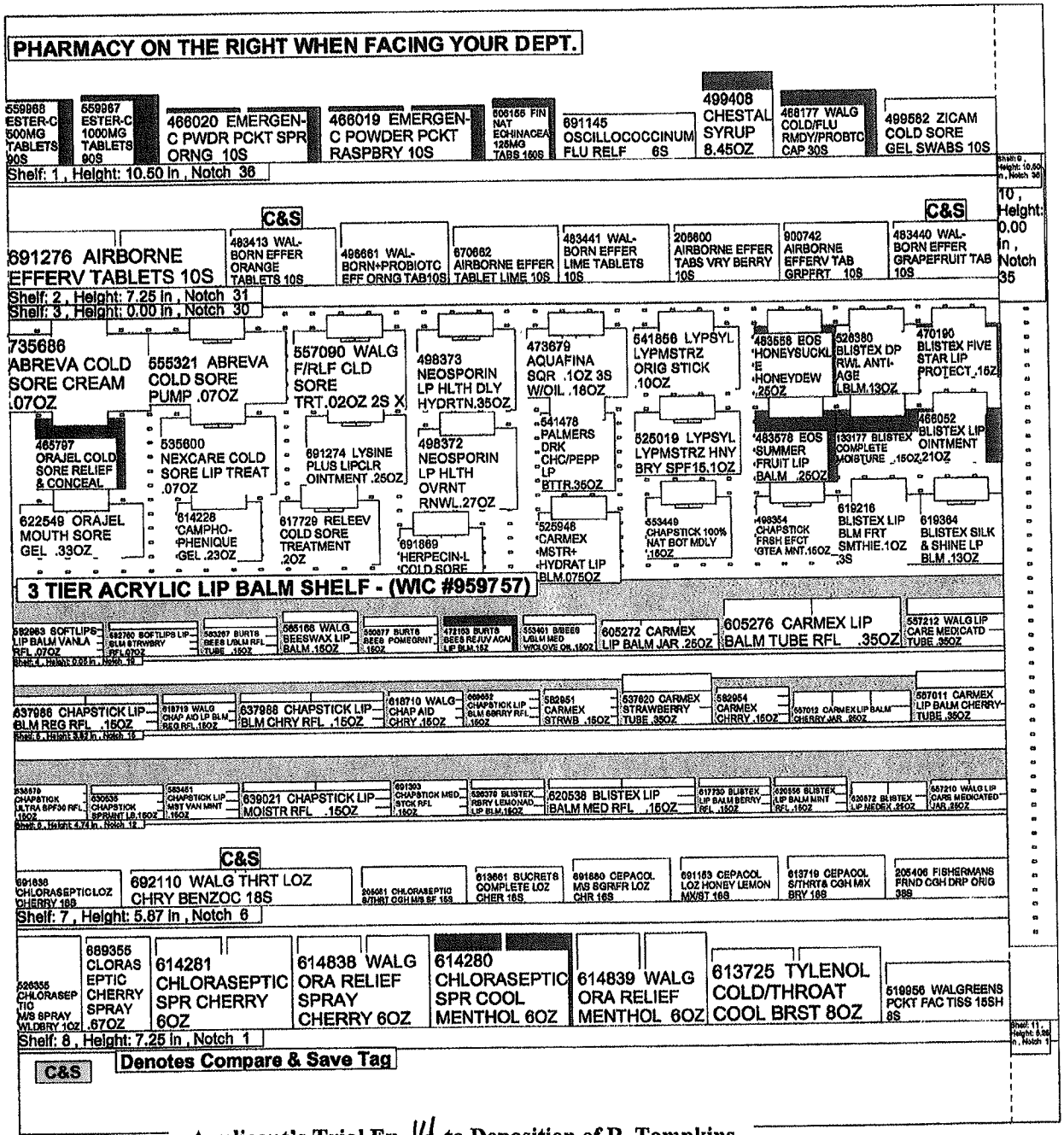
W5417

05300-00001-24-056-16 COUGH/COLD/LIP/NASAL (Ast 00001) - 24 ft - RT PHARMACY WALL

August Reset PT2 WK33 08/20/10



Applicant's Trial Ex. 14 to Deposition of R. Tompkins
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Section Length: 24 ft
Page 1 of 8
*** NEW ITEMS SHADED BLACK ON SCHEMATIC**
**** SIDE-FACED ITEMS SHADED GRAY ON SCHEMATIC**

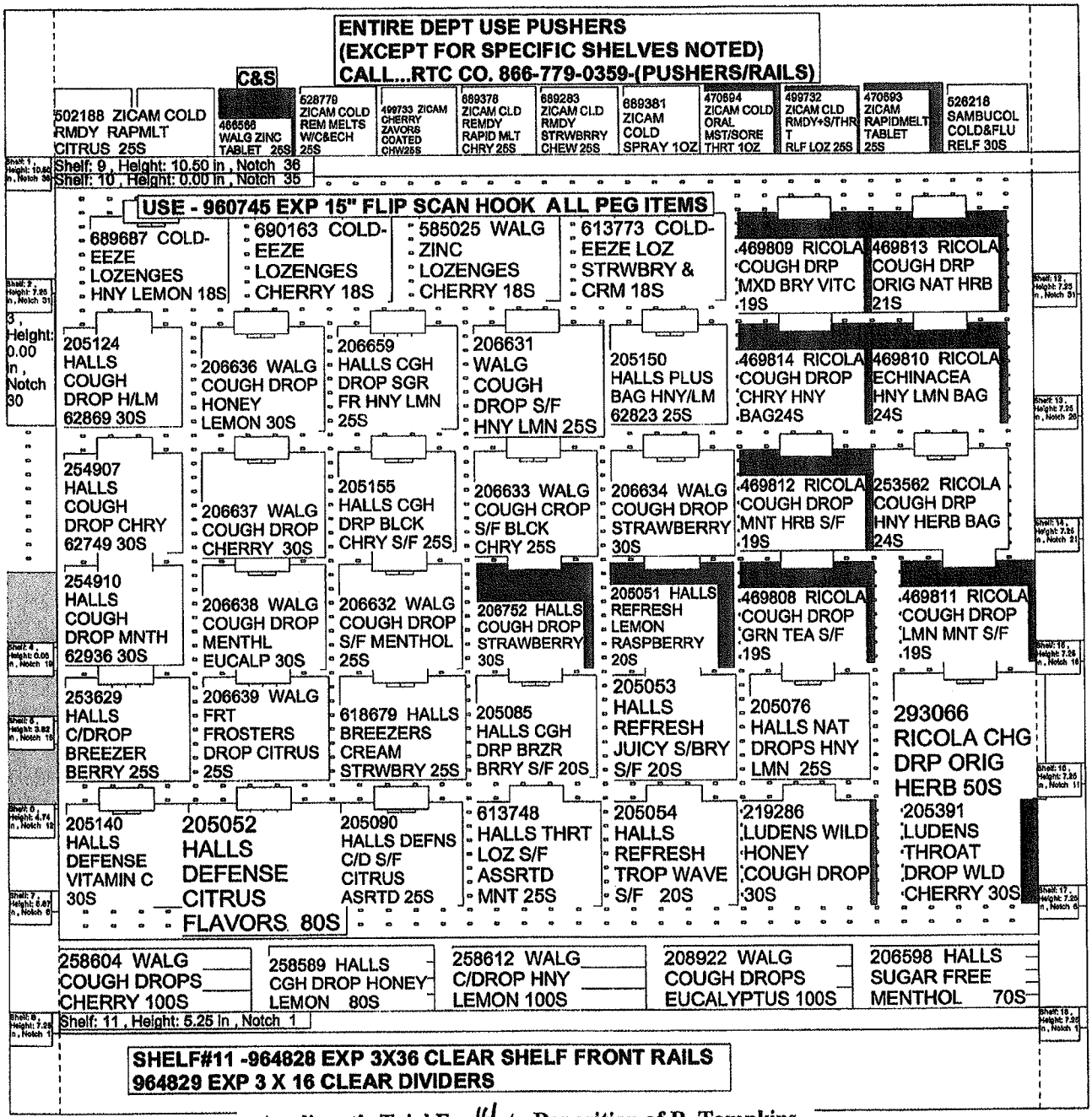
WALGREENS BASIC DEPARTMENT

W5418

CONFIDENTIAL

05300-00001-24-056-16 COUGH/COLD/LIP/NASAL (Ast 00001) - 24 ft - RT PHARMACY WALL

August Reset PT2 WK33 08/20/10



Applicant's Trial Ex. 14 to Deposition of R. Tompkins
Offered by Walgreen Co.
McNeil-PPC, Inc. v. Walgreen Co. (No. 91184978)
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Section Length: 24 ft
Page 2 of 8
* NEW ITEMS SHADED BLACK ON SCHEMATIC
** SIDE-FACED ITEMS SHADED GRAY ON SCHEMATIC

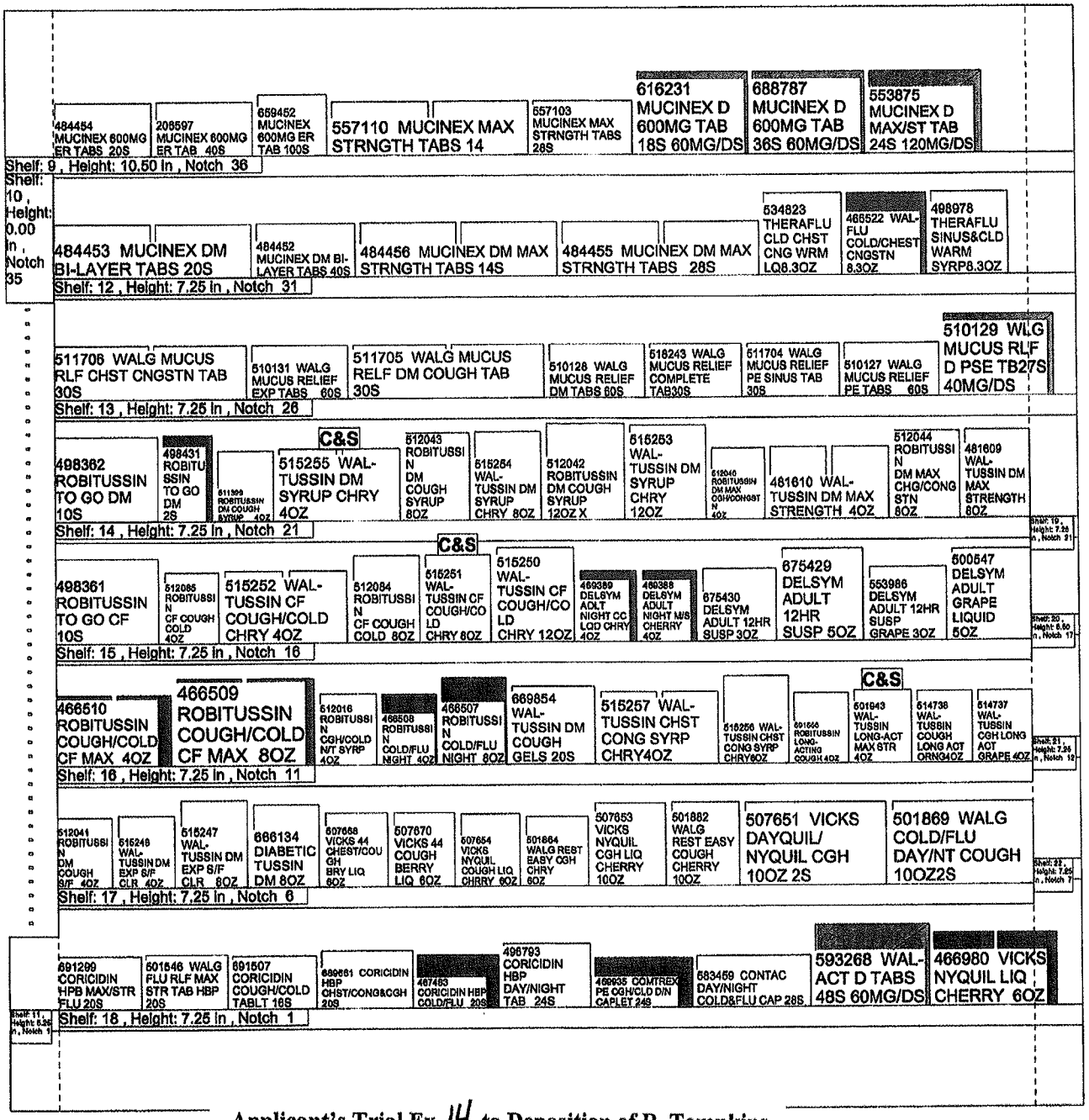
WALGREENS BASIC DEPARTMENT

W5419

CONFIDENTIAL

05300-00001-24-056-16 COUGH/COLD/LIP/NASAL (Ast 00001) - 24 ft - RT PHARMACY WALL

August Reset PT2 WK33 08/20/10



Applicant's Trial Ex. 14 to Deposition of R. Tompkins
Offered by Walgreen Co.
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Section Length: 24 ft
Page 3 of 8
*** NEW ITEMS SHADED BLACK ON SCHEMATIC**
**** SIDE-FACED ITEMS SHADED GRAY ON SCHEMATIC**

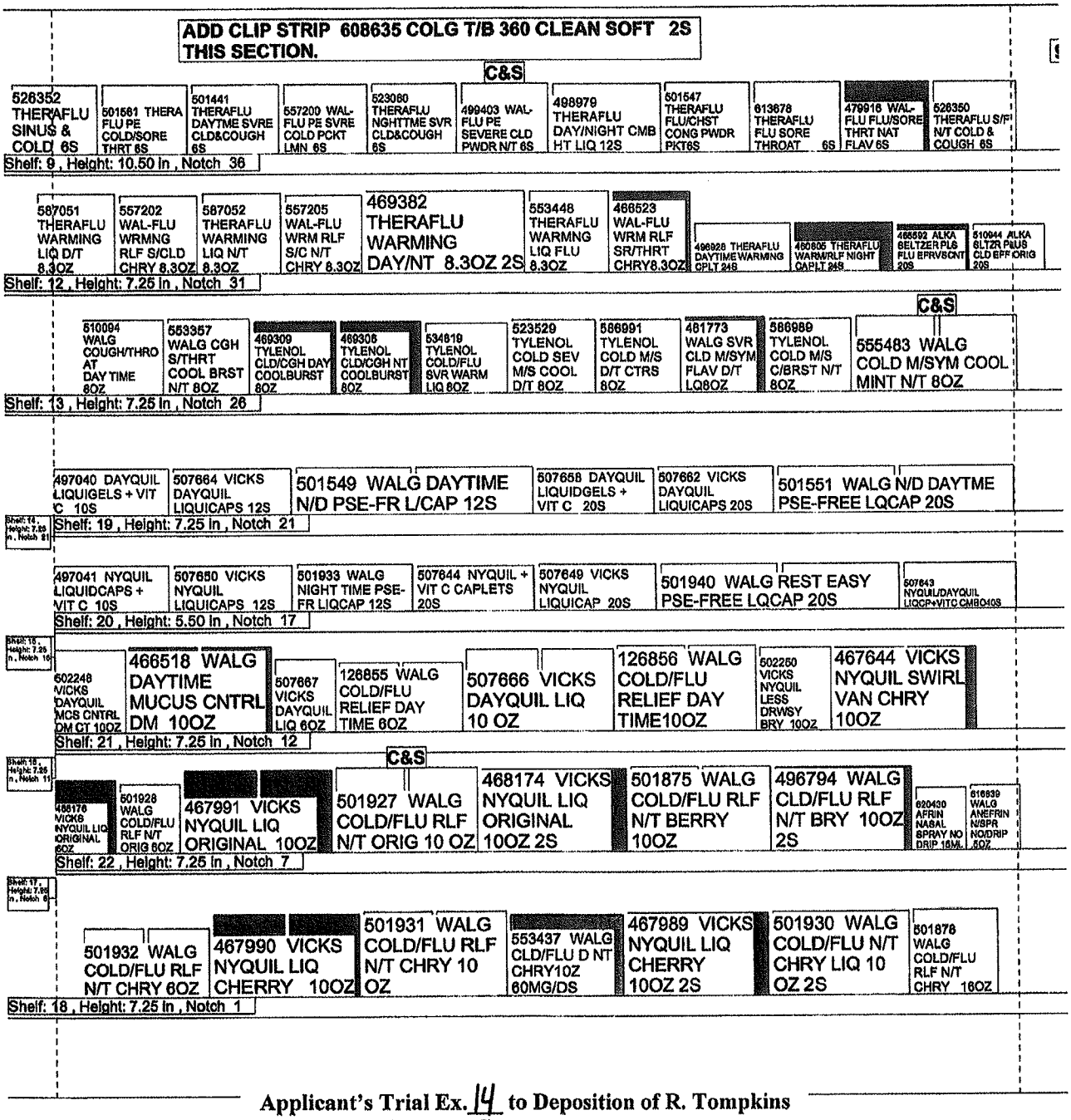
WALGREENS BASIC DEPARTMENT

W5420

CONFIDENTIAL

05300-00001-24-056-16 COUGH/COLD/LIP/NASAL (Ast 00001) - 24 ft - RT PHARMACY WALL

August Reset PT2 WK33 08/20/10



Applicant's Trial Ex. 14 to Deposition of R. Tompkins
Offered by Walgreen Co.
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Section Length: 24 ft
Page 4 of 8
*** NEW ITEMS SHADED BLACK ON SCHEMATIC**
**** SIDE-FACED ITEMS SHADED GRAY ON SCHEMATIC**

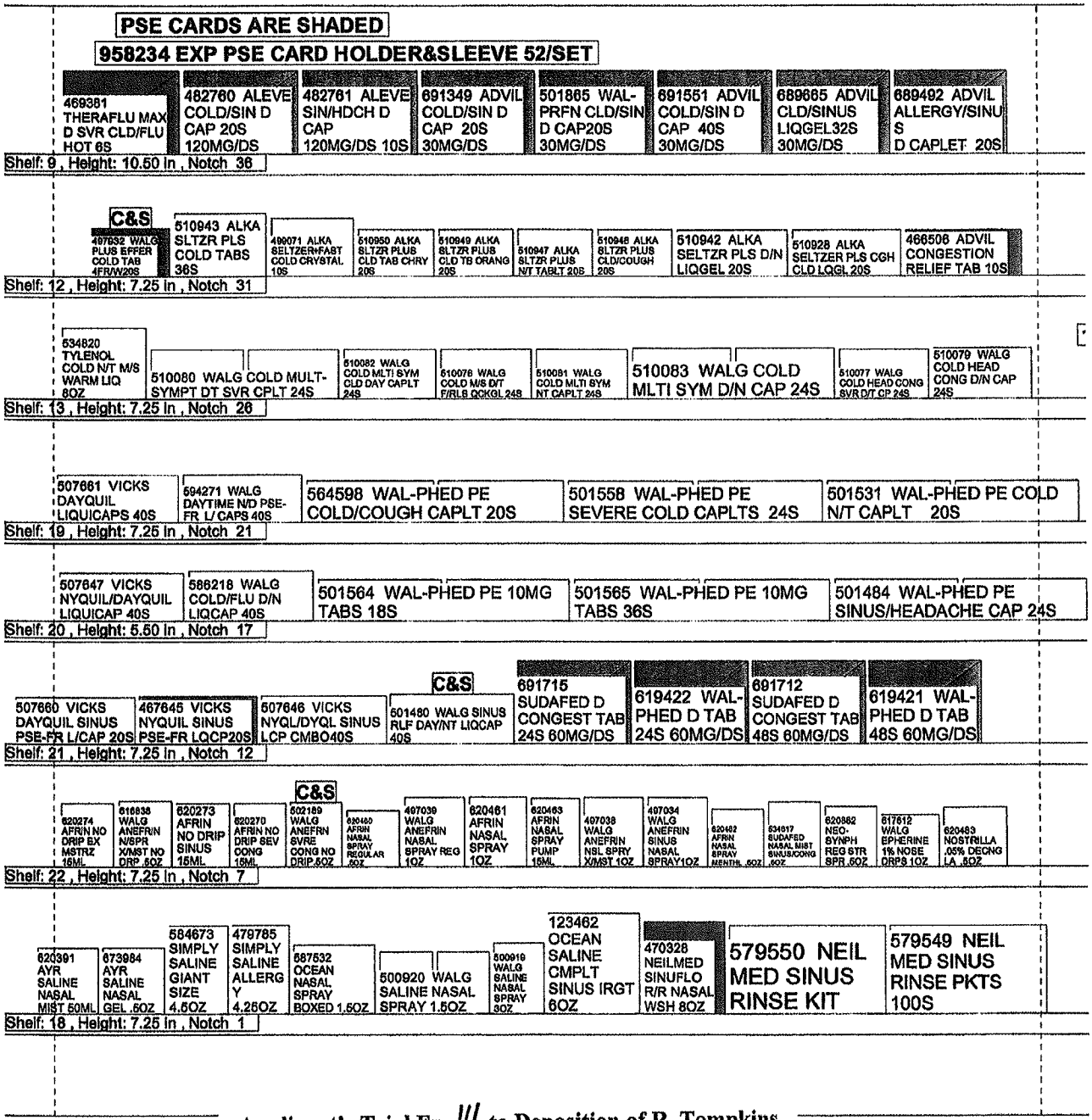
WALGREENS BASIC DEPARTMENT

W5421

CONFIDENTIAL

05300-00001-24-056-16 COUGH/COLD/LIP/NASAL (Ast 00001) - 24 ft - RT PHARMACY WALL

August Reset PT2 WK33 08/20/10



Applicant's Trial Ex. 14 to Deposition of R. Tompkins
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Section Length: 24 ft
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*** NEW ITEMS SHADED BLACK ON SCHEMATIC**
**** SIDE-FACED ITEMS SHADED GRAY ON SCHEMATIC**

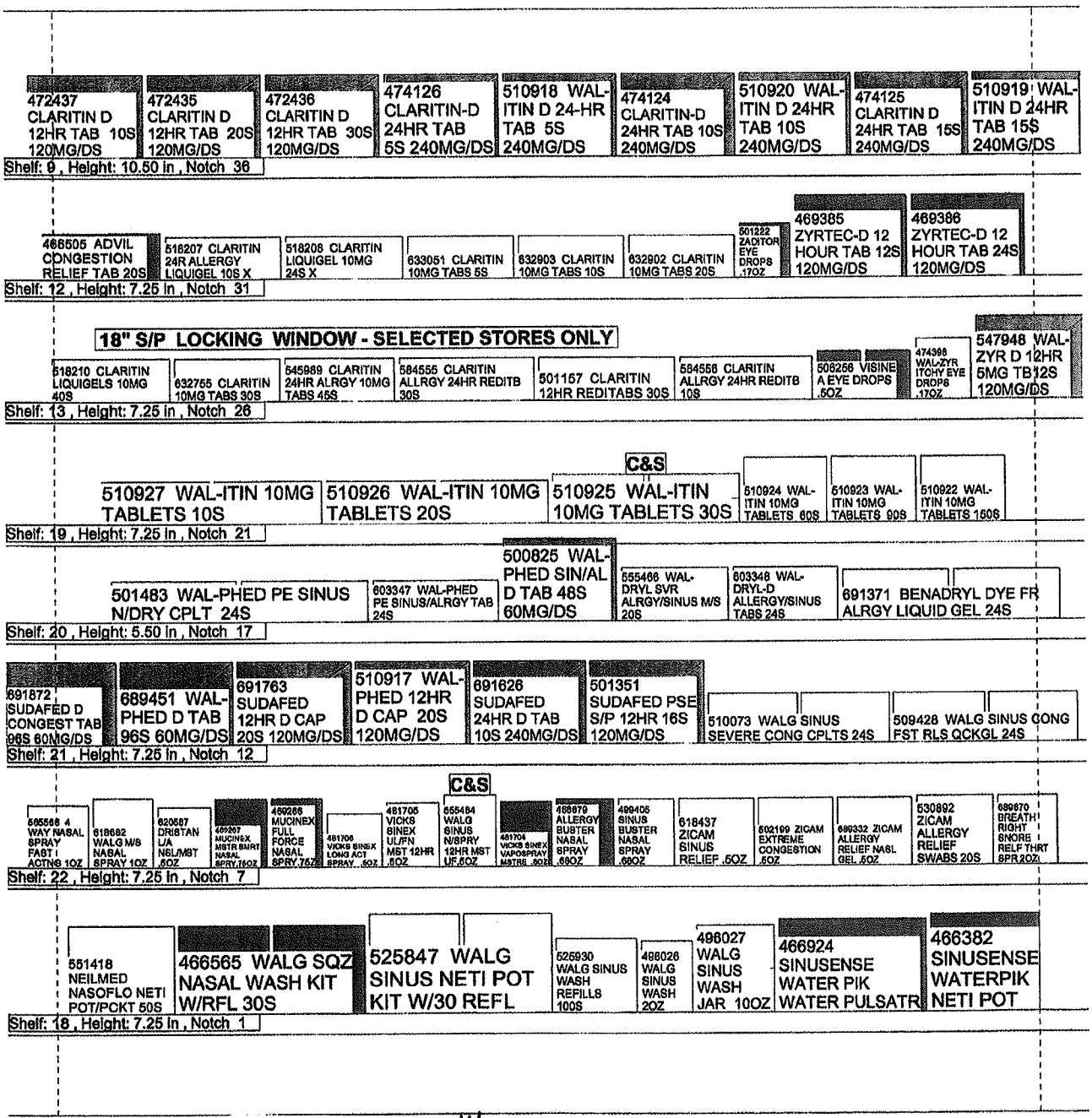
WALGREENS BASIC DEPARTMENT

W5422

CONFIDENTIAL

05300-00001-24-056-16 COUGH/COLD/LIP/NASAL (Ast 00001) - 24 ft - RT PHARMACY WALL

August Reset PT2 WK33 08/20/10



Applicant's Trial Ex. 14 to Deposition of R. Tompkins
Offered by Walgreen Co.
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Section Length: 24 ft
Page 6 of 8
*** NEW ITEMS SHADED BLACK ON SCHEMATIC**
**** SIDE-FACED ITEMS SHADED GRAY ON SCHEMATIC**

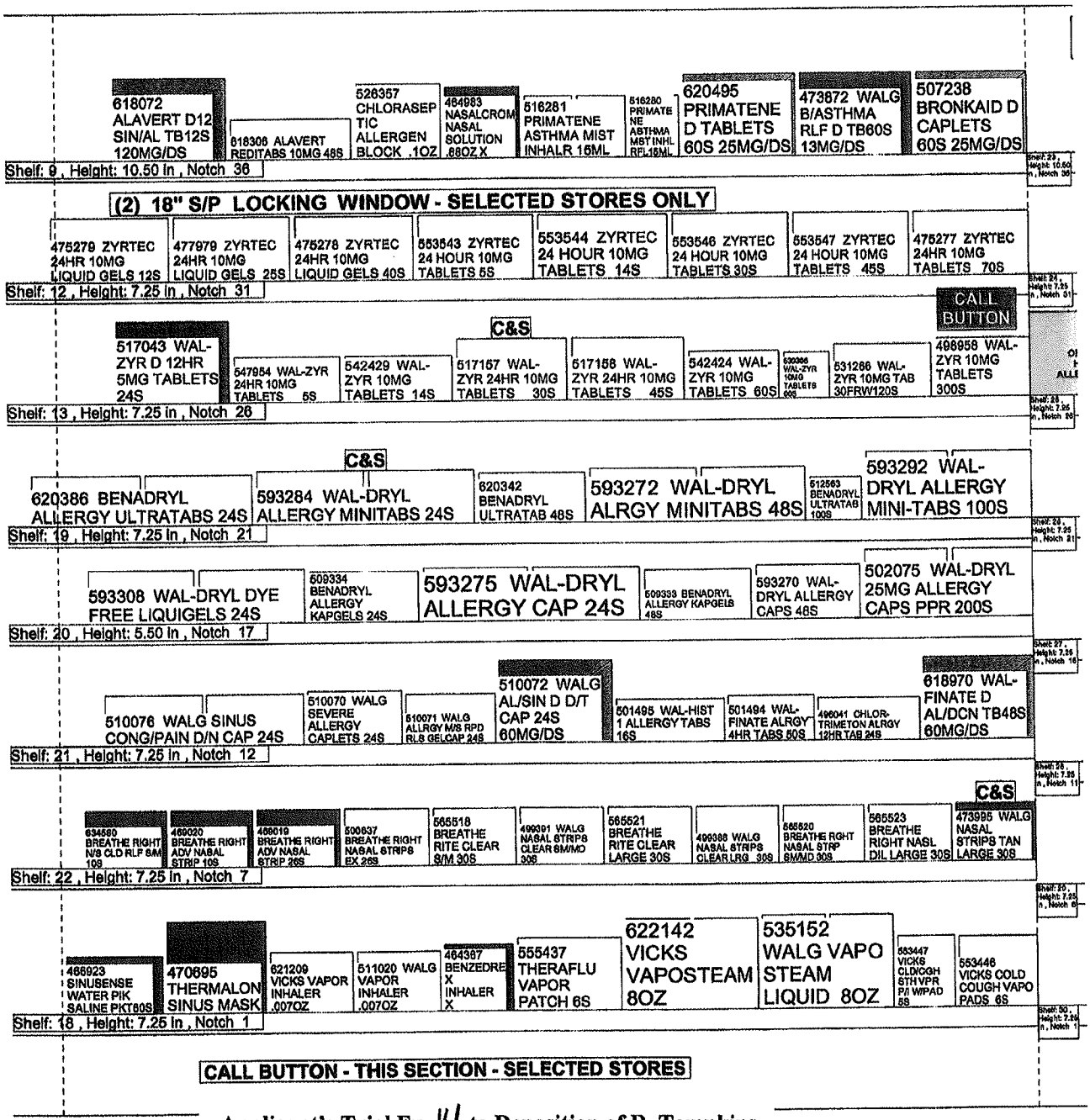
WALGREENS BASIC DEPARTMENT

W5423

CONFIDENTIAL

05300-00001-24-056-16 COUGH/COLD/LIP/NASAL (Ast 00001) - 24 ft - RT PHARMACY WALL

August Reset PT2 WK33 08/20/10



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Section Length: 24 ft
Page 7 of 8
*** NEW ITEMS SHADED BLACK ON SCHEMATIC**
**** SIDE-FACED ITEMS SHADED GRAY ON SCHEMATIC**

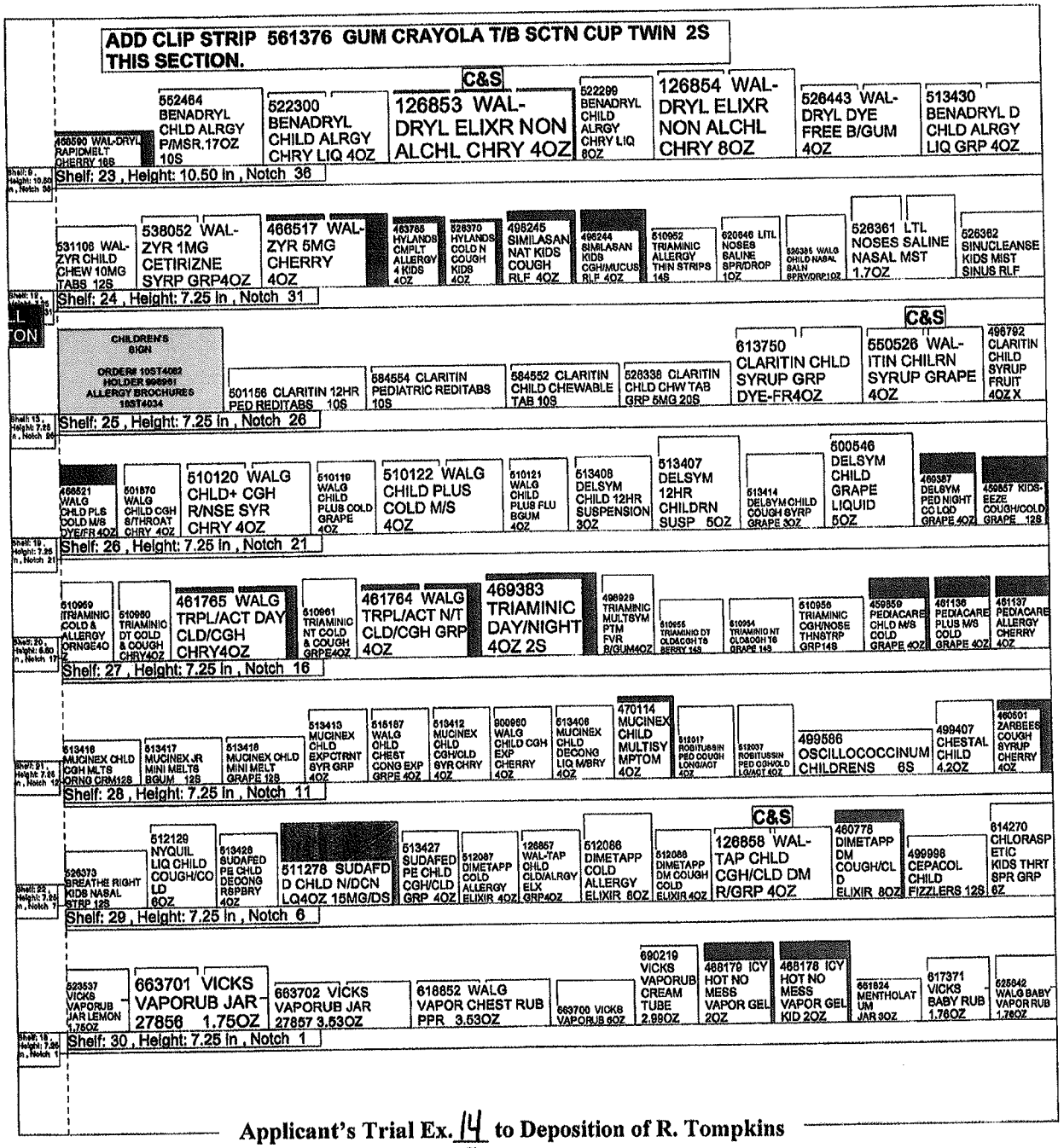
WALGREENS BASIC DEPARTMENT

W5424

CONFIDENTIAL

05300-00001-24-056-16 COUGH/COLD/LIP/NASAL (Ast 00001) - 24 ft - RT PHARMACY WALL

August Reset PT2 WK33 08/20/10



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Section Length: 24 ft
Page 8 of 8
*** NEW ITEMS SHADED BLACK ON SCHEMATIC**
**** SIDE-FACED ITEMS SHADED GRAY ON SCHEMATIC**

WALGREENS BASIC DEPARTMENT

W5425

CONFIDENTIAL