

ESTTA Tracking number: **ESTTA482928**

Filing date: **07/12/2012**

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

Proceeding	91201070
Party	Defendant Matthew Harnden and Roger Scommegna
Correspondence Address	ADAM L BROOKMAN BOYLE FREDRICKSON SC 840 N PLANKINTON MILWAUKEE, WI 53203 UNITED STATES docketing@boylefred.com
Submission	Reply in Support of Motion
Filer's Name	Adam L. Brookman
Filer's e-mail	abrookman@boylefred.com
Signature	/Adam L. Brookman/
Date	07/12/2012
Attachments	2d Declaration of Adam Brookman ADOBE PRINT FROM WORD.pdf ( 22 pages )(2699703 bytes )

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

PROCEEDING NO. 91201070

Anderson Valley Acquisition Company, LLC

v.

Matthew Harnden and Roger Scommegna

Serial No. 85178395

Mark: BOONVILLE CIDER HOUSE BITE HARD CIDER

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**SECOND DECLARATION OF ADAM BROOKMAN  
IN SUPPORT OF APPLICANT'S MOTION FOR SUMMARY JUDGMENT**

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I, Adam Brookman, based on my own personal knowledge, do hereby declare:

1. I am counsel for the applicants in this action.
2. Attached hereto as Exhibit A are true and correct copies of screen shots of web sites advertising various city festivals in Milwaukee, Wisconsin (The Milwaukee Film Festival, The Milwaukee Wine Festival, The Milwaukee Comedy Festival, The Milwaukee Ukulele Festival and The Milwaukee Firkin Craft Beer Festival) and Alexandria, Virginia (The Alexandria Festival of the Arts, The Alexandria Film Festival, The Alexandria Running Festival, the Alexandria Armenian Festival and the Alexandria Food & Wine Festival) each bearing the name of the city in which the festival takes place.

3. Attached hereto as Exhibit B is a true and correct copy of a printout of the “Shop” “page” on Opposer’s web site which shows various non-beer items available for purchase from Opposer.
4. Shown below are pictures of four bottles of Opposer’s beer products that do not include labels with the “Legendary Boonville Beer” logo but do include descriptive uses of “Boonville.” The pictures shown below are true and correct copies of pictures of bottles that were shown on Opposer’s web site on or about October 25, 2011.



I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on July 11, 2011 in Milwaukee, Wisconsin.

/Adam L. Brookman/  
Adam L. Brookman

Milwaukee Film

www.milwaukee-film.org/festival/

Bargains News PTO Rsrch Courts Weather Misc Home Goods Boxes Email WORLDOX Wine Other Bookmarks

MILWAUKEEFILM  
A World of Moving Ideas

Membership  
Workshops  
Photo + Video  
Join our Newsletter  
Sign Up

Festival Call for Entries Tickets Events Blog Membership Volunteer Education Sponsors Press About

## 2012 Milwaukee Film Festival September 27 - October 11

### 2011 Festival Trailers



El Velador

### Twitter



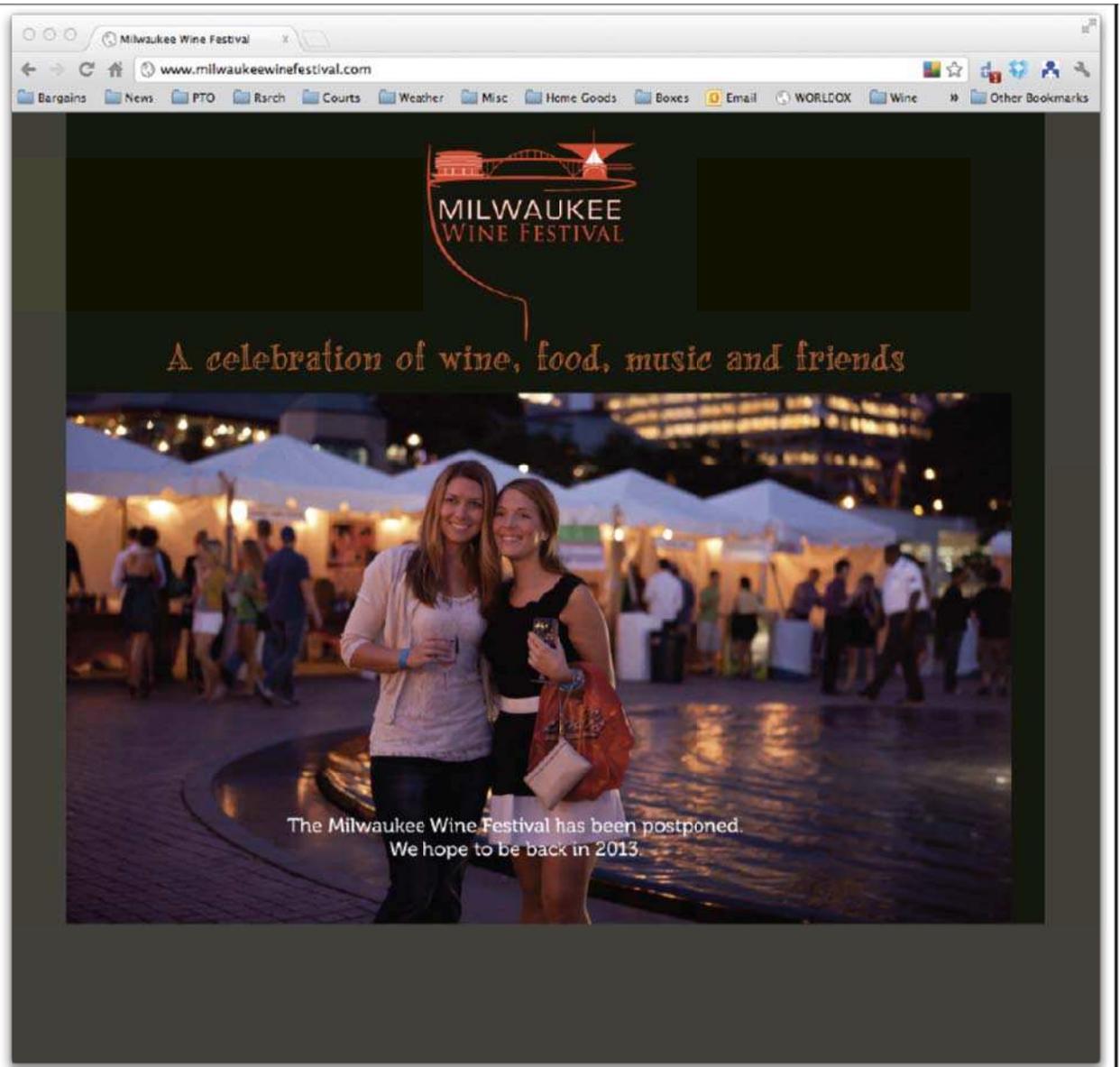
### Call for Entries

The 2012 Milwaukee Film Festival Call for Entries is now closed. If you have submitted a film, we thank you for thinking of our festival and look forward to viewing your work. You will hear from us in late August regarding the status of your submission.



Exhibit A

2012 Milwaukee Film Festival: September 27 - October 11



The Milwaukee Comedy Festival

milwaukeecomedy.com/festival/

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THE MILWAUKEE  
COMEDY FESTIVAL

**AUGUST 3 - 11, 2012**

AT THE NEW NEXT ACT THEATRE BUILDING  
255 S. WATER ST., MILWAUKEE, WI

WISCONSIN'S LARGEST COMEDY EVENT!

HOME
FORUM
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STORE
LINKS
COMEDY  
FESTIVAL

[About](#) | [FestTickets](#) | [Fest Schedule](#) | [Kick Off Party!](#) | [Support](#) | [Directions](#) | [Fest in the Press](#)

Wisconsin's Largest Comedy Event!

**9 DAYS OF COMEDY SHOWS, WORKSHOPS, SPECIAL GUESTS, FOOD & FUN!!**

**EVERY SHOW IS TOTALLY DIFFERENT & FULL OF FUNNY: FEATURING IMPROV, STAND UP, SKETCH COMEDY AND MORE!**

**Tickets on sale now!**

Tickets are available [right now online!](#) Shows usually sell out, get your tickets before it's too late.

**Get a VIP Pass!**

VIP passes are now available! It's a great deal and every penny goes to support the comedy happening right here in Milwaukee. **Each pass includes a pair of tickets to any 3 performances in the 2012 Milwaukee Comedy Festival.** Don't wait, a limited number of VIP [passes are available here!](#)

**Each pass includes the following:**

- A Limited Edition VIP Lanyard
- First choice seating
- A pair of tickets to any 3 performances (That's 6 Tickets!)
- Free Admission to the Kick Off Party comedy show

**Thanks for the support!**

A special thank you to all the Milwaukee Comedy Festival supporters! [Learn more or make a donation.](#)

**THE MILWAUKEE COMEDY FESTIVAL**

**KICK OFF PARTY!**

**THURSDAY**

**AUGUST 2, 2012**

**Join The Email List**

Email:

Privacy by [SafeSubscribe™](#)

[Find us on Facebook](#)

[Follow us on Twitter](#)

**Tickets On Sale Now**

[Click here to Buy Tickets!](#)

**\$15 Pre-Sale**

**\$18 Day Of Show**

**VIP Passes!**

Don't wait, limited [VIP passes available here!](#)

**Each pass includes:**

Pair of tickets to any 3 shows (That's 6 Tix!)

Limited Edition VIP Lanyard

First choice seating

Free Admission to Kick Off Party comedy show

**Twitter Feed**

[Follow Milwaukee Comedy!](#)

Milwaukee Ukulele Festival

mufest.com

BIOGRAPHY / **EVENT** / PHOTOS / SCHEDULE

# Milwaukee Ukulele Festival 2012

Come Join us October 20, 2012

## Event

Same Place as Last Year!

Sunset Playhouse 800 Elm Grove Road Elm Grove, WI 53122-2533  
(262) 782-4430/  
<http://www.sunsetplayhouse.com/>

When: Saturday October 20TH  
9AM - 10:30PM

Tickets Go On Sale Soon.

Lineup:

## Sponsors



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By



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## Saturday, July 21st, 2012

[Tickets](#)

[Brewers and Firkins](#)

[Time and Location](#)



[Click for directions](#)

www.artfestival.com/Festivals/Alexandria\_Festival\_of\_the\_Arts\_Alexandria\_Virginia\_September.ASPX

**Howard Alan Events & American Craft Endeavors**  
 Producer of the Nation's Finest Juried Art Shows and Art & Craft Festivals

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**FESTIVAL VISITORS**

**ARTISTS & FINE CRAFTERS**

**CRAFT MARKET EXHIBITORS**

**Tell A Friend About This Festival!**  
 Enter Your Name And Your Friend's Email And Click The Button

Your Name:

Friend's email:

**10th Anniversary Alexandria Festival of the Arts (Alexandria, VA.)**  
**September 8th & 9th, 2012**  
**Saturday 10 AM - 7 PM & Sunday 10 AM - 5 PM**  
**Free Admission**  
**King Street in Alexandria, VA.**

Experience an alluring mix of historical authenticity and urban sophistication in Alexandria, Virginia. Alexandria offers a collection of over ten historic museums that preserve the city's important heritage amidst modern day delights including the Potomac River waterfront with vistas of Washington, D.C.



The City of Alexandria and Howard Alan Events are proud to produce 10th Anniversary Alexandria Festival of the Arts. Come be part of Alexandria's signature cultural festival, along King Street, in Old Town. Discover spectacular paintings, life-size sculptures, jewelry, photography, ceramics and more. This popular outdoor, community festival will feature art for every taste. More than \$15 million in art will be on display and visitors will have the opportunity to meet the artists behind the work and hear first-hand what inspires them. With hundreds of submissions, this show features artists known for quality and originality. The show stretches all the way down the street to the Potomac River. Use the Metro, water taxi, or free King Street Trolley, to



HISTORY | alexandriafilm.org/about/history/

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Alexandria Film Festival: November 3 – 6, 2011

HOME BLOG FILMS & TICKETS PRESS SPONSORS VENUES VOLUNTEERS **HISTORY**

# Alexandria Film Festival

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## HISTORY

The [Alexandria Commission for the Arts](#) launched the Alexandria Film Festival in 2007 with a two-fold mission:

- To establish Alexandria as a venue for creating, exhibiting, and experiencing film by reaching out to local, national, and international filmmakers.
- To foster awareness of the cultural and educational value of cinema among Alexandria's diverse and influential audience.

For the past four years, the festival has presented a diverse and imaginative array of feature films, documentaries, and shorts by U.S. and foreign filmmakers, including several works of Washington-area producers and directors.

**2010:**  
[Schedule at a Glance](#)  
[FILMS – By Date](#)  
[FILMS – By Title](#)

**2009:** The festival opened with a black-and-white (the recommended attire) party featuring music, open galleries and studios, and silent flicks screened throughout the [Torpedo Factory](#), an arts complex on the Old Town Alexandria waterfront. The rest of the four-day festival took place in [The George Washington Masonic Memorial's](#) Memorial Theater, itself the setting for the opening scene of [National Treasure 2: Book of Secrets](#), a 2007 Disney film starring Nicolas Cage and Helen Mirren.

The Jury Prize was awarded to [Redemption Stone: The Life and Times of Tom Lewis](#), a documentary about a D.C. storyteller who launched the Fishing School as a neighborhood safe haven for needy children in his community. Both Lewis



### Get Tickets

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#### FOLLOW US ON FACEBOOK



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#### FOLLOW US ON TWITTER

- [Melancholia: The most gorgeous, dread inducing, sooooo-not-feel-good film \(IMHO\) Let the Oscar speculation begin!](#) 7 months ago
- [Did you drool over the interior fashions featured in the Ryan Reynolds film "The Change Up"? You can find those...](#) [fb.me/1mpidNo1fa7](#) 7 months ago
- [Did you drool over the interior fashions featured in the Ryan Reynolds film "The Change Up"? You can find those...](#) [fb.me/Q12bXujt7](#) 7 months ago

[Follow @alexfilmfest](#)

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Marathon Charity Cooperation

www.mc-coop.org/arf/

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Grant Thornton An industry to grow with

It's About Time

Register On-line

### Alexandria Running Festival Half Marathon and Grant Thornton 5K

**Date** 05/27/2012 - 7:30am

**Location** Alexandria, VA

**Training Information**

- WTR Trainee Benefits
- Theory of WTR Program

**Activities**

College of Running	05/26/2012 - 1:00pm
Pre-Race Expo	05/26/2012 - 1:00pm
Pasta Dinner	05/26/2012 - 6:00pm
Race Day Events	05/27/2012 - 6:00am
Course Preview	05/26/2012 - 8:00am
Run	8:00am



facebook

[2012 Runner's Welcome Letter](#)

Please click [here](#) for details on the Expo and Race Day.

**Race Start Times**

• 7:30 AM — Half Marathon | [Complete Results](#) | [Age-Group Awards](#)

armenianfestivals.com

armenianfestivals.com

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## **20<sup>th</sup> Annual Alexandria Armenian Festival**

Celebrating 20 years of  
**Saturday, June 2, 2012, 1 PM-6 PM**  
 Market Square in front of Alexandria Virginia City Hall, 301 King St., Old Town  
**Delicious Food – Armenian and American music, Live  
 Entertainment – Cultural Exhibits  
 Armenian Souvenirs – Local Dignitaries**



*Entertainers – Dance Choreographer Carolyn Rapkivian, Oudist and Clarinetist  
 Mihran Kochyan, Talented Vocalist Vivian Chakarian, Folk Dancer Sevan Birky,  
 Popular Singer Edita Kalayjian, Alexandria Jazz Ensemble, Greg and Jonathan Birky  
 on Sax, Singer Rachel Birky, Children's Face Painting by Dee Rogers, Instrumentals  
 and Stories Read by Michelle Birky, Hye Q Quiz, and More*

*Emcees – Dean Shahinian, Esq., and Sintia Petrosian Guzman*

Sponsored by the Knights of Vartan and the Alexandria-Gyumri Sister City Committee

For further information email: The Knights of Vartan at [jbournazian@verizon.net](mailto:jbournazian@verizon.net) ;  
 Alexandria Sister City Committee at [DeanS@aya.yale.edu](mailto:DeanS@aya.yale.edu)

Alexandria's Food & Wine Festival

www.alexandriafestival.com

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Alexandria's FOOD & WINE FESTIVAL

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SPONSORSHIP INFORMATION...

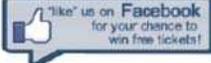
[Sponsorship Information](#)  
[Children's Corner](#)  
[Restaurants & Wineries](#)  
[Learn about the festival!](#)

**JUNE 23 2012**  
12 NOON TO 5PM  
RAIN OR SHINE

**FREE TO ATTEND**  
TICKETS ARE NEEDED TO SAMPLE FOOD AND BEVERAGES [READ MORE]

**JOHN CARLYLE SQUARE**  
300 JOHN CARLYLE ST, ALEXANDRIA VA 22314

SEARCH THIS SITE:


 "like" us on Facebook for your chance to win free tickets!

**Restaurant Competition Winners Are In!**

**Appetizer:**  
Della's Restaurant with its Halloumi Crustini.

*Della's*  
Small Business CAFE • 800 E. Elm Plaza

**Main Course:**  
Walker's Grille with its Asian Style Short Ribs.

**WALKER'S GRILLE**

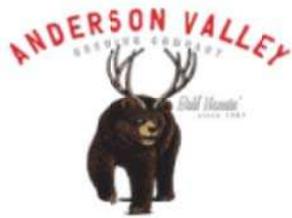
**Dessert:**  
Jamieson Grille with its Green Tea Cheesecake

**Jamieson | GRILLE**

**We can already taste the goodness...**

\*Alexandria's Food & Wine Festival is a large single day community event located at John Carlyle Square, Old Town Alexandria.

This event focuses on showcasing the numerous diverse restaurants of Alexandria as well as Virginia's wineries combined with the opportunity to give back to the community through local non-profit organizations. This is an exciting event well anticipated by the local community that will transform John Carlyle Square into a lively festival completed with live entertainments, children's activities, and cooking demonstrations.



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- [Wall Decor](#)
- [Wear This](#)



"add a brew" 9-grain beer bread

Mix with your favorite beer and bake.

Price: \$10.00

[Add To Cart](#)

"add a brew" beer pancake mix

Mix with your favorite beer to create pancakes or waffles.

## Exhibit B



Price: \$10.00

[Add To Cart](#)

**12oz. Label Set**

Set includes front, back, and neck labels for five brands: Boont Amber, Poleeko Gold, Hop Otin? IPA, High Rollers Wheat, Belk?s ESB, and Barney Flats Oatmeal Stout. 15 labels in all!

Price: \$1.50

[Add To Cart](#)



**2012 BoontFling Advanced Masters Division**

Advanced Masters Division for 2012 BoontFling Disc Golf Tournament  
July 28 & 29, 2012

Camping included on-site, Players Party & Glow Golf Saturday Night

This event is PRE-REG ONLY!

Registration DEADLINE July 23rd 2012

This is the Original BEER-TIER Event!

Price: \$60.00

[Add To Cart](#)



**2012 BoontFling Advanced Men Division**

Advanced Men Division for 2012 BoontFling Disc Golf Tournament  
July 28 & 29, 2012

Camping included on-site, Players Party & Glow Golf Saturday Night

This event is PRE-REG ONLY!

Registration DEADLINE July 23rd 2012

This is the Original BEER-TIER Event!

Price: \$60.00

[Add To Cart](#)



**2012 BoontFling Open Division**

Open Division for 2012 BoontFling Disc Golf Tournament  
July 28 & 29, 2012

Camping included on-site, Players Party & Glow Golf Saturday Night

This event is PRE-REG ONLY!

Registration DEADLINE July 23rd 2012

This is the Original BEER-TIER Event!

Price: \$80.00

[Add To Cart](#)



**2012 BoontFling Pro Grand Master Division**

Pro Grand Master Division for 2012 BoontFling Disc Golf Tournament  
July 28 & 29, 2012

Camping included on-site, Players Party & Glow Golf Saturday Night

This event is PRE-REG ONLY!

Registration DEADLINE July 23rd 2012

This is the Original BEER-TIER Event!

[More Details](#)

Price: \$70.00

[Add To Cart](#)



**2012 BoontFling Pro Masters Division**

Pro Masters Division for 2012 BoontFling Disc Golf Tournament  
July 28 & 29, 2012

Camping included on-site, Players Party & Glow Golf Saturday Night

This event is PRE-REG ONLY!

Registration DEADLINE July 23rd 2012

This is the Original BEER-TIER Event!

Price: \$80.00

[Add To Cart](#)



**2012 BoontFling Pro Women Division**

Pro Women Division for 2012 BoontFling Disc Golf Tournament  
July 28 & 29, 2012

Camping included on-site, Players Party & Glow Golf Saturday Night

This event is PRE-REG ONLY!

Registration DEADLINE July 23rd 2012

This is the Original BEER-TIER Event!

Price: \$70.00

[Add To Cart](#)

**22oz. Label set**



Set includes front, back, and neck labels for five brands: Boont Amber, Poleeko Gold, Hop Ottin? IPA, High Rollers Wheat, Belk?s ESB, and Barney Flats Oatmeal Stout. 15 labels in all!

Price: \$1.00



5oz. Tasting glass

Price: \$2.95



Anderson Valley Brewing Company Fidel Cap

Color:

Price: \$16.00



AVBC Brand Label Tees

Put what you want in your mouth, on your back. Our Four Most Popular Brands available: Boont Amber, Hop Ottin' IPA, Poleeko Pale, and Barney Flats. 100% cotton.

Size:

Color:

Beer Label:

Price: \$14.50



AVBC license-style tacker

12" x 6" License-style tacker is the exact size of real automobile license plates, with mounting holes. All aluminum .002 gauge. This item is for entertainment and display purposes only. Research the motor vehicle laws in your jurisdiction if you intend to mount on your vehicle. Anderson Valley Brewing Company DOES NOT advocate drinking and driving, but we do advocate driving sober, while displaying the logo of your favorite beers.

Price: \$4.50



#### AVBC Logo shot glass

The ultimate accessory for those who enjoy Boont Boilermakers. Also makes a great gift for the collector. Holds 2 ounces of your favorite beverage.

Price: \$2.25

[Add To Cart](#)



#### AVBC mini bottle magnets

4 3/16 inch tall magnets offer incredible attention to detail. If there wasn't a hand in the photo, you'd think they were the real thing! Made of very tough plastic, with a strong magnet on the back.

Price: \$3.96

[Add To Cart](#)



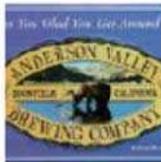
#### AVBC mustards

Three very different mustards made with Anderson Valley ales: A spicy dijon-style mustard made with our Belk's Extra Special Bitter Ale, a sweet dark mustard made with our Barney Flats Oatmeal Stout, and a very spicy HOT mustard made with our Hop Ottin' India Pale Ale.

Flavor:

Price: \$6.75

[Add To Cart](#)



#### AVBC wall tacker

A whopping 18" wide by 12" tall, this .022" gauge aluminum embossed tacker tells it like it is. Lets your friends know where you want to be.

Price: \$10.95

[Add To Cart](#)



#### Belgian-style Ale Snifter

Our German made snifters bear the Anderson Valley Brewing Company crest, and are finished with a bright gold rim.

Price: \$5.95

[Add To Cart](#)

#### Boontling: An American Lingo

A serious linguistic study of Boontling.



Price: \$19.95

[Add To Cart](#)

**Boonville Beer Ball Cap**

100% Cotton denim material Boonville Beer logo on front AVBC name embroidered on back **Adjustable cloth strap makes One Size Fit All**

Color:

Price: \$18.00

[Add To Cart](#)



**Boonville Beer Pint Glass**

This pint glass proudly wears a four color image of the Legendary Boonville Beer and holds 16 ounces of Boonville beer, or your second favorite beverage.

Price: \$3.95

[Add To Cart](#)



**Bottle cap magnets**

Bottlecap magnet. Features the classic Legendary Boonville Beer logo, with an extra strong magnet affixed to the back.

Price: \$0.50

[Add To Cart](#)



**Bottle Coozie**

Price: \$4.00

[Add To Cart](#)



**Can Coozie**

Price: \$2.00

[Add To Cart](#)

**Champion Beast**

Price: \$16.95



[Add To Cart](#)

**Champion Sidewinder**

Price: \$16.95

[Add To Cart](#)



**Cooler Tote**

Color:

Price: \$29.95

[Add To Cart](#)



**English to Boontling**

English to Boontling lexicon

Price: \$13.95

[Add To Cart](#)



**Hooded Pullover**

Heavy weight pullover sweatshirt with drawstring hood and pockets  
Poly/Cotton blend  
Full color screen print on chest with AVBC logo

Size:

Color:

Price: \$0.00

[Add To Cart](#)



**Long sleeve boonville beer tee**

100% Cotton pre-shrunk tees  
Boonville Beer logo on front  
Reads "Boonville Beer" on back, and "Anderson Valley Brewing" along left sleeve

Size:

Color:

Price: \$22.50

[Add To Cart](#)

**Mini-Disk**



Price: \$2.95

[Add To Cart](#)



**One sided AVBC coasters**

One dozen coasters of our newest design – A 40 pt., 4 inch X 4 inch one sided coaster with a full color Anderson Valley graphic featuring the Legendary Boonville Beer. The same image is being used on our newly redesigned labels, soon to be seen in stores near you.

Price: \$1.49

[Add To Cart](#)



**Putter**

Price: \$9.95

[Add To Cart](#)



**Solar powered beer coasters**

Circular coasters with the 'Solar Powered Beer' motif.

Price: \$1.49

[Add To Cart](#)



**Solar Powered T Shirt**

Size:

Price: \$13.20

[Add To Cart](#)



**Solar Powered Tote Bag**

Price: \$12.00

[Add To Cart](#)



**Starline T-rex**

Price: \$18.95

[Add To Cart](#)



**Starline Wraith**

Price: \$18.95

[Add To Cart](#)

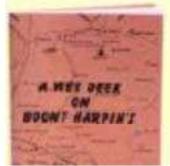


**The Mendocino Coast Glove box guide**

Written by Bob Lorentzen If you're planning a trip to our neck of the woods, this softcover guide book is an indispensable resource. Offers info on Mendocino's lodgings, eateries, sights, history, and activities.

Price: \$17.50

[Add To Cart](#)



**Wee Deek on Boont Harpin's**

Also known as a "Brief Look at the Boontling Language." Contains a brief description of our interesting local language of Boontling, and a short glossary of some of the words.

Price: \$4.00

[Add To Cart](#)

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