

EXH

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

In re Application No. 75/813,747 for the mark TASMANIAN DEVIL & Design filed on October 4, 1999, and published on April 25, 2000

TIME WARNER ENTERTAINMENT COMPANY L.P. :
:
: Opposer :
:
: v. : Opp. No. 119,790 :
:
: STEINBECK BREWING COMPANY, INC. :
: d/b/a BUFFALO BILL'S BREWPUB :
:
: Applicant :

DECLARATION OF JOSEPH R. PRICE

I, Joseph R. Price, hereby state as follows:

1. I am an attorney with the law firm of Arent Fox Kintner Plotkin & Kahn, PLLC ("Arent Fox"), 1050 Connecticut Avenue, N.W., Washington, D.C. 20036-5339, U.S.A. I am older than 18 years of age.
2. I am a member in good standing of the State Bar of the Commonwealth of Virginia since 1996, and the Bar of the District of Columbia since 1996. I am also admitted to practice before the United States Court of Appeals for the Fourth Circuit, and the United States District Courts for the Eastern and Western Districts of Virginia.
3. I have personal and direct knowledge of the facts and information set forth herein.
4. I submit this Declaration in support of Opposer's Motion for Summary Judgment.
5. On February 25, 2002, I visited the Internet website "Discover Tasmania," the official website of Tourism Tasmania, sponsored by the government of Tasmania. See <http://www.discovertasmania.com.au/home/index.cfm>, a true and correct copy of which is

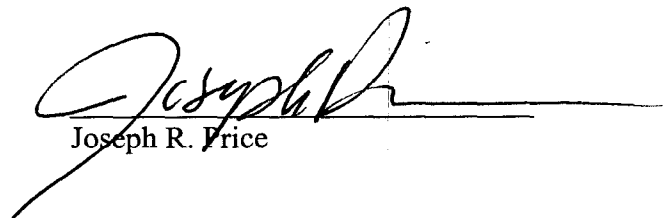
attached hereto at Exhibit A. Tourism Tasmania sponsors an active tourist advertising campaign and reported more than 40,000 visitors to its consumer website in January 2002. *See* http://www.tourismtasmania.com.au/tasind/talk/talk_20020225_issue110.html, a true and correct copy of which is attached hereto at Exhibit B. Of those 40,000 visitors, Tourism Tasmania reported that 41 percent were of international origin with the United States representing one of the most frequent visitors to the site. *Id.*

6. On February 25, 2002, I visited the internet website "Discover Tasmania," the official website of Tourism Tasmania, sponsored by the government of Tasmania. *See* <http://www.discovertasmania.com.au/home/index.cfm>, attached at Exhibit A. Tourism Tasmania provides information on animals indigenous to Tasmania, including the Tasmanian Devil. *See* <http://www.discovertasmania.com.au/home/index.cfm?siteid=587>, a true and correct copy of which is attached hereto at Exhibit C. Tourism Tasmania reports that the Tasmanian Devil, once found in mainland Australia, is now found only in Tasmania. *Id.*

7. On November 6, 2001, I took the deposition of Bill Owens in Palo Alto, California. Attached hereto as Exhibit D is a true and correct copy of the deposition transcript and a true and correct copies of selected exhibits to that deposition.

8. On November 7, 2001, I took the deposition of Geoff Harries in Palo Alto, California. Attached hereto as Exhibit E is a true and correct copy of the deposition transcript and a true and correct copies of selected exhibits to that deposition.

Pursuant to 28 U.S.C. § 1746, I hereby certify under penalty of perjury that the foregoing is true and correct.


Joseph R. Price

Executed on October 15, 2002