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

Proceeding	91179336
Party	Plaintiff ANHEUSER-BUSCH, INCORPORATED
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

ANHEUSER-BUSCH, INCORPORATED,	)	
	)	
Opposer,	)	Opposition No. 91179336
	)	
v.	)	
	)	
MONICA CHURCHILL.,	)	
	)	
Applicant.	)	

OPPOSER'S RESPONSE TO APPLICANT'S
MOTION FOR SUMMARY JUDGMENT

I. INTRODUCTION

Applicant's motion for summary judgment is unfounded and based on the legally unsupportable position that the Board can enter judgment based solely on evidence concerning use of the applied-for term on goods not subject of the opposed application. Since Applicant has not offered *any* relevant evidence, Opposer has no burden to come forward with affirmative evidence to prove its claims. Nonetheless, Opposer has demonstrated its claims are amply supported by relevant and admissible evidence. Applicant's motion fails since it is not entitled to judgment as a matter of law.

II. FACTS

A. Opposer, Anheuser-Busch.

Anheuser-Busch, Incorporated ("A-B" or "Opposer") is the nation's leading brewer and marketer of beer and other beverages, including bottled water. (Notice of Opposition, ¶1). Opposer, along with many others, uses the term DRINK RESPONSIBLY as part of its campaign to educate Americans of certain dangers related to excessive alcohol consumption. (Declaration of Alan E. Engle at ¶ 5, Ex. C.).

Opposer has also used its extensive bottling facilities to produce water. For example, following Hurricane Katrina, Opposer donated millions of cans of safe drinking water to the relief effort. (Declaration of Douglas N. Masters ("Masters Decl.") at ¶2, Exh. A, B).

B. Applicant.

Monica Churchill ("Applicant") filed an intent-to-use application for the mark DRINK RESPONSIBLY in International Class 32 for bottled water on May 19, 2004. Applicant has submitted no evidence of use the mark.

C. Grounds For Opposition.

A-B's opposition claims Applicant is not entitled to register based upon the ornamental or informational nature of Applicant's mark; the descriptive or mis-descriptive nature of Applicant's mark; the fact that Applicant's mark has not become distinctive of its goods; that Applicant's mark is so highly descriptive as to not be capable of acquiring distinctiveness for its goods; and the harm that would result to Opposer if Applicant received a registration for its mark.

D. Drink Responsibly Is Not Used As A Trademark In Connection With Water And Other Beverages.

Applicant's motion relies solely on evidence of use of the term DRINK RESPONSIBLY in a non-trademark sense in the alcohol industry, not in connection with water. (Motion at 2-3).

In fact, the term also is used, not as a mark, but informationally, ornamentally, and descriptively in connection with water. Many people use the term DRINK RESPONSIBLY to promote environmentally-friendly practices for drinking water. Masters Decl. at ¶ 3-7. In particular, the waste associated with the tens of millions of water bottles that are consumed each day in America alone create an environmental problem. Masters Decl. at ¶ 7-8, Exhs. G, H. In

order to communicate this problem and urge consumers to use reusable water bottles, many use the term DRINK RESPONSIBLY. Masters Decl. at ¶ 3-7.

The term DRINK RESPONSIBLY, and similar variations, is also used to communicate the need for responsible consumption of water and other hydrating products. As Applicant readily admits, one can admonish another to "DRINK RESPONSIBLY," which may mean to drink more water, or other healthy beverage. Motion at 4. Indeed, Glaceau, a popular water and beverage company, uses the term HYDRATE RESPONSIBLY as a slogan to sell its popular line of vitamin-fortified water. Masters Decl. at ¶ 9, Exh. I. The ability to communicate responsible drinking also impacts the sale of alcohol product. For example, one can easily imagine a scenario where a party provides free water to patrons at a bar, party, concert, or sporting event while admonishing those patrons to "Drink Responsibly."

III. ARGUMENT

A. Applicant is Not Entitled to Entry of Summary Judgment.

Denial of summary judgment is required where, as here, the material facts are not in dispute, but the Movant is not entitled to judgment as a matter of law. Rule 56(c), Fed.R.Civ.P. In evaluating the facts, all reasonable inferences must be drawn in favor of Opposer, the non-movant. *Lloyd's Food Prods., Inc., v. Eli's Inc.,* 987 F.2d 766 (Fed. Cir. 1993); *Copelands' Enterps., Inc. v. CNV, Inc.,* 945 F.2d 1563 (Fed. Cir. 1991). In order to shift the burden to Opposer to come forward with affirmative evidence in support of its claims, Applicant has to offer competent evidence that Opposer cannot support an element of its claim. Indeed, the party moving for summary judgment "bears the burden of demonstrating absence of all genuine issues of material fact." *Copelands',* 945 F.2d at 1565 (internal citations omitted).

Applicant puts forth no evidence of a material fact. There is no evidence of *how* it uses or intends to use the mark DRINK RESPONSIBLY. There is no evidence about the significance

of the term in connection with the applied for goods, water. Instead, Applicant offers evidence that DRINK RESPONSIBLY is not used as a trademark in connection with alcohol products. Applicant then speculates, without any evidence, that it would therefore be understood an inherently distinctive mark when used on water.

Such conclusory statements are not evidence and do not provide a basis for the entry of judgment. The *Copelands'* case is instructive. There, the Federal Circuit reversed the Board's granting of summary judgment when reasonable inferences drawn in the non-moving party's favor could counter the "conclusory assertions" put forth by the moving party. *Copelands'*, 945 F.2d at 1566.

Applicant's "conclusory assertions" here do not even bear the same evidentiary weight as those presented in *Copelands'*. There, the moving party submitted four declarations – two declarations of the party's representatives and two attorney declarations. Applicant does not meet its burden in a motion for summary judgment by simply providing this evidence about a different product, while not presenting any reliable evidence of how it intends to use DRINK RESPONSIBLY for water.

B. Applicant Has Not Met its Burden to Show Absence of Material Facts that its Use of the Mark Will Not be in an Ornamental or Informational Fashion.

A mark used solely decoratively or ornamental in nature does not function as a trademark to distinguish one's goods or to indicate their source. *See e.g., Damn I'm Good, Inc. v. Sakowitz,* 514 F.Supp. 1357, 1360 (D.C.N.Y. 1981). In its motion, Applicant suggests that it "intends to use the mark in association with her water in a manner indicating it comes from Applicant." (Motion at 6). Applicant goes on to suggest that there is no evidence that it would use the mark in an ornamental or informational manner.

This turns the standard for summary judgment on its head. (*Supra,* Sec. III. A.). As the moving party, Applicant must show that there is no question of fact that it will not use the mark in an ornamental or informational manner. Applicant does not propound one scintilla of evidence to support this crucial fact. Instead, it mistakenly claims that there is no evidence to the contrary.

Although Applicant has not met its burden, Opposer does have evidence to the contrary. Masters Decl. ¶¶ 3-7.

C. Applicant Has Not Met its Burden to Show Absence of Material Facts that its Use of the Mark Will not be Descriptive.

Descriptive marks "describe the purpose, function or use of the product, a desirable characteristic of the product, or the nature of the product." Without proof of acquired secondary meaning, a descriptive mark may not be registered.[1] *See, e.g. Target Brands, Inc. v. Shaun N.G. Hughes,* 85 U.S.P.Q.2d 1676 (T.T.A.B. 2007).

Applicant offers no evidence that DRINK RESPONSIBLY is distinctive of water. Opposer's evidence, on the other hand, clearly supports Opposer's claims. Applicant concedes that the term DRINK RESPONSIBLY could relate to selling water, thus not requiring a sufficient level of imagination to make it distinctive. *See e.g., Organizational Tech., Inc. v. Dun & Bradstreet Corp. Found.,* 44 U.S.P.Q.2d 1533, 1535 (finding the term PowerSpeak descriptive for a self-improvement seminar because no imagination was necessary to tie the term to what was being offered) In fact, this is the exact manner how the synonym term Hydrate Responsibly is already used. *See also* Masters Decl. at ¶ 9, Exh. I.

[1] Indeed, the descriptive nature of Applicant's mark is such that it is virtually incapable of acquiring distinctiveness. *In re Seats, Inc.,* 225 U.S.P.Q. 364 (Fed. Cir. 1985) (SUPERWATERFINISH incapable of acquiring distinctiveness for a paper finishing process).

Moreover, the fact that DRINK RESPONSIBLY may be, and is, used descriptively in connection with goods other than water evidences that it cannot still be descriptive for water. Applicant's claim that is using a well-known phrase "incongruously" (Motion at 9) is unsupported by evidence. There is no evidence regarding how the mark is used by Applicant. Indeed, the example provided by Applicant, "Roach Motel" for a roach trap illustrates the distinction well. *Id.* (citing *Am. Home Prods. Corp. v. Johnson Chemical Co.,* 589 F.2d 103, 200 U.S.P.Q. 417 (2nd Cir. 1978). The Second Circuit found ROACH MOTEL suggestive for an insect trap, noting the incongruity that cockroaches do not really live and/or stay in motels. The Court stated that:

> While roaches may live in some motels against the will of the owners, motels are surely not built for roaches to live in. Hence the mark is fanciful in conception. Indeed, its very incongruity is what catches one's attention.

Id. at 420.

The "incongruity" cited by the *American Products* Court does not mean what Applicant here urges the Board that it does. In *American Products,* the "incongruity" involved using a word – MOTEL – to mean something other than its actual meaning, namely, for a insect trap. In this case, Applicant proposes to use a term – DRINK RESPONSIBLY – that applies directly to its goods, namely, water. Put simply, an insect trap is *not* a hotel, but a consumer may, and does, DRINK water RESPONSIBLY.

The rationale for the rule regarding descriptiveness belies Opposer's point. "Descriptive terms are regarded as words in the 'public domain' in the sense that all sellers should be free to truthfully use these terms to describe their merchandise." 2 McCarthy on Trademarks § 11.18. This is especially true in a case such as this one, where the term is one that has entered the "public domain" to serve as a method to "'educate' the American public about the dangers of

excessive alcohol consumption." (Motion at 3). Applicant itself states that the use of the term DRINK RESPONSIBILY is "ubiquitous in American society." *Id.* at 2. The Board should not limit Opposer's, or anyone else's, rights to use the term to reach a common goal – namely, as Applicant recognizes, to educate Americans about matter of public concern.

D. If Applicant were Granted a Registration of DRINK RESPONSIBLY, Opposer Would be Damaged.

Applicant's claim that Opposer would not be damages is akin to a motion to dismiss for lack of standing. As a competitor, Opposer clearly has stay to oppose. Opposer markets water and already owns at least two registered marks and three applications for water products. Masters Decl. at ¶¶ 10, 11.

Standing reflects the set of legal principles developed by the Board to ensure that only those parties who have a "real interest" in the outcome of the proceeding bring them. *Ritchie v. Simpson*, 170 F.2d 1092 (Fed. Cir. 1999). Only a reasonable basis to believe one would be damaged, not actual damage, need be shown. *Id.* In oppositions like this, based on the grounds that a term does not function as a mark, the Board has repeatedly held that a competitor has standing by virtue of the fact that it would have an interest in using the applied for term in its business. TBMP § 309.03(b); *See, e.g., Binny & Smith Inc. v. Magic Maker Industries, Inc.* 222 U.S.P.Q. 1003 (TTAB 1984) (standing shown because product in question is one "which could be produced in the normal expansion of Plaintiff's business... Plaintiff is one who has a present or prospective right to use the term descriptively in its business"). It need not have actual use or current plans to use the term.

The Board treats one's status as a competitor as a sort of proxy for having a sufficient interest in using the applied for term in the future, and therefore having a basis to be damaged from its registration:

> Thus, a registration of a merely descriptive term would be inimical to the right of others in the trade engaged in the sale of the same or similar goods to use the notation as a word of art in describing their goods and would bestow upon the applicant a competitive advantage to the extent that purchasers may be deceived or misled into believing goods so marketed are the only ones of that type available in the marketplace. This constitutes damage within the intent and meaning of Section 13.

Southwire Co. v. Kaiser Aluminum & Chemical Corp., 196 U.S.P.Q. 566, 572-73 (TTAB 1977); *See also Waltco Truck Equipment Co. Inc. v. Maxon Industries, Inc.* 218 U.S.P.Q. 450 (TTAB 1983) (showing that petitioner is a competitor sufficient to establish standing).

IV. CONCLUSION

For the foregoing reasons, Opposer respectfully requests that Monica Churchill's Motion for Summary Judgment be denied.

Date: May 9, 2008

LOEB & LOEB LLP

By: /s/ Douglas N. Masters

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Attorneys for Opposer

CERTIFICATE OF SERVICE

I, Angela Ocasio, hereby certify that a copy of the OPPOSER'S RESPONSE TO APPLICANT'S MOTION FOR SUMMARY JUDGMENT has been served upon:

Matthew A. Powelson, Esq.
LaRiviere, Grubman & Payne, LLP
19 Upper Ragsdale Drive, Suite 200
Monterey, CA 93942

via first class mail, postage prepaid, this 9th day of May, 2008.

/s/ Angela Ocasio

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

ANHEUSER-BUSCH, INCORPORATED,	)	
	)	
Opposer,	)	
	)	Opposition No. 91179336
v.	)	
	)	
MONICA CHURCHILL.,	)	
	)	
Applicant.	)	

DECLARATION OF DOUGLAS N. MASTERS

I, Douglas N. Masters, declare as follows:

1. I am an attorney with the law firm of Loeb & Loeb LLP, counsel for Opposer in the above opposition.

2. Exhibits A and B are true and correct copies of news stories detailing Anheuser-Busch, Incorporated's ("A-B") efforts to provide safe drinking water to victims of Hurricane Katrina.

3. Exhibit C is a true and correct copy of a print-out of the website at http://ecosip.vox.com, downloaded by me on May 9, 2008, which details a student project to "Please Drink Responsibly" aimed at "reducing the water bottle consumption on McGill campus."

4. Exhibit D is a true and correct copy of a print-out of the website at http://www.zazzle.com/hinkiepinkie/product/235552985416430859, downloaded on May 9, 2008, which sells t-shirts with a crossed-out water bottle over the words "DRINK RESPONSBILY H20."

5. Exhibit E is a true and correct copy of a print out a press release entitled "'Drink Responsibly' – New Athena Sport Bottle Benefits Breast Cancer Cause and the Environment." The press release heralds the "environmentally-friendly bottled water of choice."

6. Exhibit F is a true and correct copy of a print-out of the website at http://www.epinions.com/reviews/Brita_Original_Slim_Pitcher_Household_Water_Filter_1_Each, downloaded on May 9, 2008, which states that "Drink Responsibly – Not just for liquor anymore!"

7. Exhibit G is a true and correct copy of a print-out of the website at http://nopain2.org/geekfit/2008/02/get_a_real_bottle_stop_buying_1.html, downloaded on May 9, 2008, which states that Americans drink two million bottles of water every five minutes and admonishes readers to "Drink Responsibly: Get a Real Bottle – stop buying plastic bottled water."

8. Exhibit H is a true and correct copy of a Businessweek article stating, among other things, that Americans discard 38 billion plastic water bottles a year.

9. Exhibit I is a true and correct print-out of the Glaceau web-site, where the company sells its popular Vitamin Water. In marketing its beverages, Glaceau uses the term HYDRATE RESPONSIBLY.

10. Exhibit J is a set of TESS print-outs for two federal registrations and two applications owned by Opposer for water products.

11. Exhibit K is a true and correct copy of a Brandweek.com article reporting on Anheuser-Busch, Incorporated's new position as distributor for Iclandic Glacial, a bottled water company.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 9th day of May 2008, in Chicago, Illinois.

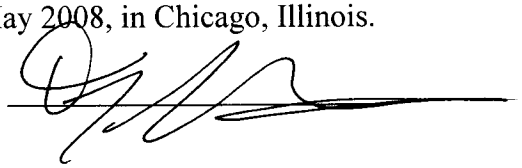

Exhibit A

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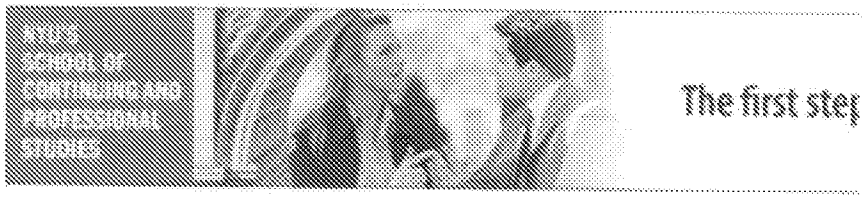

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Corporate Giving Responds to Hurricane Katrina

By: Jessica Stannard-Friel, 08/30/05

As news of Hurricane Katrina's destruction continues to pour in, many companie want to help. Inside Corporate Philanthropy has compiled our top tips for effect disaster-grantmaking, related educational resources, and a list of current corporate commitments to the relief effort.

Tips and Resources:

Give cash. The cost of moving and storing donated products is often prohibitive. Cash also allows relief agencies to provide hurricane victims with the goods and services they truly nee based on their educated assessments of the situation. Some select companies may have acc to products that are crucial to the relief effort; bottled water, for instance, has been a popula in-kind gift thus far. If you think your company might be one of these, contact a trusted disaster relief agency to discuss your offer.

Leverage your giving potential. According to the Chronicle of Philanthropy, the American Red Cross has requested that companies create giving programs for their employees and customers. Matching these donations may create an added incentive for these populations to give.

Don't forget that recovery will be a long-term effort. While there are many immediate relief needs, consider committing some funds to the upcoming recovery and reconstruction.

Be educated. The following sources offer information about disaster-relief grantmaking:

U.S. Chamber of Commerce: The Center for Corporate Citizenship Business Disaster Assistar Program, http://www.uschamber.com/ccc/disaster.htm.

Council on Foundations, Disaster Grantmaking: A Practical Guide for Foundations and Corporations, http://www.cof.org/Content/General/Display.cfm?contentID=2230&orglink=75

The SouthWest Emergency Response Network, a Homeland Security Information Network, is designed to match resources, including corporate resources, with relief-effort needs; it may thus provide another source of information about how you can help. Information is available http://www.swern.gov/. See in particular the National Emergency Resource Registry (www.swern.gov/emergency/).

Healthcare

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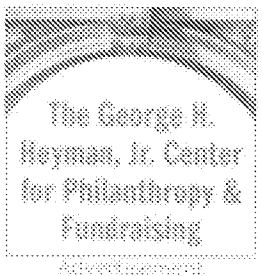

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Current Corporate Commitments:

Altria: It is anticipated that Altria's companies giving will be in the $5 million range, including employee matching gift component. Some of these grants include $1 million to the Red Cross ($500,000 from Philip Morris USA and $500,000 from Altria Group); $1 million from Altria Group, Inc. to the Bush-Clinton Katrina Fund; $700,000 in Kraft food products and $300,000 from Kraft for various food bank/hunger relief organizations. In addition to their $500,000 gr to the Red Cross, Philip Morris USA will also be contributing $500,000 to local entities.

Anheuser-Busch: Anheuser-Busch and its wholesalers have donated 825,000 cans of water t the relief effort, and the Anheuser-Busch Foundation has pledge $250,000 to the Red Cross.

BP: The BP Foundation has contributed $1 million to the Red Cross ($500,000 for Louisiana $250,000 for Mississippi, $100,000 for Alabama, and $150,000 "at the discretion of the Red Cross," according to a company press release). The Foundation will also match employee donations to the relief effort.

Cadeco Industries, Inc.: Cadeco which operates a coffee processing plant, is offering all available resources to "support the coffee industry assets" damaged by the hurricane, accord to a company press release. For instance, the company has offered to store, roast, and package coffee from affected coffee industry participants.

Capital One Financial Corporation: Capital One will make a $1 million donation to the Americ Red Cross.

Cingular Wireless: Cingular Wireless has created free emergency calling stations in its retail stores in affected states. When conditions allow, it will send out vans to offer the service on a mobile basis.

Culligan International Company: Culligan is contributing "five semi-trailer trucks" of bottled water, according to a company press release. The company is distributing its donation throug Convoy of Hope and the American Red Cross.

Computer Associates International, Inc.: Computer Associates has pledged $500,000 to the American Red Cross. The company will also follow its standard practice of matching employe donations to international aid organizations at a 2-to-1 ratio.

CVS/pharmacy: CVS will donate $254,000 worth of supplies, including food, water, and personal care items, while the CVS/pharmacy Charitable Trust has pledge $250,000; both gif will go to the American Red Cross.

DuPont: DuPont has pledged $1 million to disaster relief, with particular emphasis on the hardest hit communities, including those surrounding its DeLisle, MS and Pascagoula, MS site The company is also "prepared to provide product donations," according to a company press release.

Fannie Mae: The Fannie Mae Foundation will donate $500,000 to the American Red Cross an $500,000 to medium- and long-term relief efforts by the housing industry and housing organizations. The Fannie Mae Foundation will also match employee donations to relief effort In addition, the company is offering mortgage relief to affected borrowers, including the optic

to suspend payments for up to three months.

Ford Motor Credit Company: Ford is offering affected customers the opportunity to defer up t two payments on their vehicles.

Freddie Mac: Freddie Mac has pledged $50,000 to the American Red Cross, while the Freddie Mac Foundation will match employee donations to hurricane relief efforts; the Foundation will double its match on donations to Habitat for Humanity's relief efforts.

General Motors: GM, the GM Foundation, and GMAC are contributing a total of $400,000 to t American Red Cross Hurricane 2005 Relief Fund. The GM Foundation will also match employe donations to the company's Global Aid disaster relief website, up to $250,000. GM is also offering the American Red Cross the use of more than 25 cars and trucks, while OnStar is offering its full range of services for customers based or traveling in and near the affected are A Shreveport, Louisiana GM facility is helping the local American Red Cross chapter to collect bedding for evacuees.

Grainger: Grainger committed $1 million to the American Red Cross.

KeyBank: According to a company press release, evacuees relocating to a number of states "will benefit from $100,000 in Key Foundation donations dispersed within KeyBank communit from Maine to Alaska." In addition to such increased funding, KeyCorp will focus its company wide day of volunteering, involving 8,000 employees, on activities serving the relief effort. T company will follow its Key Foundation Matching Gifts policy and match employee donations t hurricane relief organizations. The company is also collecting donations to the Red Cross at i branches nationwide and is modifying hours and staffing levels as needed to accommodate th banking needs of evacuees.

KPMG: KPMG is using its Disaster Relief Fund to aid employees affected by the hurricane and will be making a donation to the Red Cross; the donation amount has not yet been determine

Lowe's Companies, Inc.: Lowe's is collecting customer donations to the American Red Cross its locations nationwide; the company will match these contributions up to $1 million.

Office Depot: Office Depot has pledged $1 million to the American Red Cross.

Omnicom: Assisted with the creation of the Bush-Clinton Katrina Fund, to which it has contributed $3 million, and is encouraging its employees worldwide to contribute. Omnicom is also setting up a "jobs fair" in the hurricane-stricken region and is encouraging its clients to increase their business with companies in the three affected states, Louisiana, Mississippi and Alabama.

PETCO: PETCO and the PETCO Foundation are asking customers to round up their store charges to the next dollar, with proceeds going to support "animal welfare disaster relief need in the affected region, according to a company press release. The company is also raising fu for disaster relief via its website.

T-Mobile: T-Mobile will make its Wi-Fi Internet service available at no cost at its Louisiana, Mississippi, and Alabama HotSpot locations, according to CNN.

The Deluxe Corporation: The Deluxe Corporation has contributed $50,000 to the American R

Cross.

Toyota: Toyota companies are donating a total of $5 million to the relief efforts. $3 million of the pledge will go to the American Red Cross. Freedom Companies, parent company of Gulf States Toyota, created a $2 million Freedom Disaster Relief Fund to aid Toyota and dealership employees and their families in the affected region.

U-Haul: The U-Haul Company of Southern Alabama and the U-Haul Company of Mississippi are offering affected families 30 days of free storage.

Universal Drug Store: Universal Drug Store is offering free priority shipping on orders from hurricane victims. The company will also donate $1 to the American Red Cross for every order received by September 15.

Wal-Mart: Wal-Mart has announced a $1 million donation to the Salvation Army "to provide early support for upcoming disaster relief assistance," according to a company press release. The company is also collecting donations at its stores and on its websites.

Walgreen's: Walgreen's is distributing free bottled drinking water in the areas most affected the hurricane.

Winn-Dixie Stores: Winn-Dixie is collecting donations to the American Red Cross Disaster Re Fund at its checkout counters.

Additional information about corporate donations is available from the following sources:

Business Week:
http://www.businessweek.com/bwdaily/dnflash/aug2005/nf20050897_2794_db094.h

Center for Corporate Citizenship at Boston College: http://ccc.bc.edu/katrinaefforts/

CNNMoney:
http://money.cnn.com/2005/08/31/news/fortune500/firms_hurricane/index.htm

Committee to Encourage Corporate Philanthropy: http://corphilanthropy.org/relief/

Council on Foundations: http://www.cof.org/Content/General/Display.cfm?contentID=2922

National Association of Manufacturers: http://www.nam.org/s_nam/doc1.asp?CID=202373&DID=235077

Sources include: PRNewswire, Public Affairs Council

About The Author:

Jessica Stannard-Friel is an Associate Director in the Philanthropy Division of Changing Our World, Inc., a national firm helping corporate philanthropists plan and implement their strategic giving.

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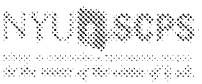
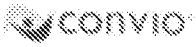

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Exhibit B

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President Bush and Homeland Security Sec. Michael Chertoff brief the media Friday on disaster relief in wake of Hurricane Katrina. Bush later left to fly to the stricken area. (SOURCE: White House)

After Katrina: Damage estimate bumped to $100B, hurricane relief efforts escalate

TULSA, OK, Sept. 2, 2005 -- Risk Management Solutions quadrupled Monday's estimate of the cost of total damage to $100 billion, based largely not on the hurricane but flooding after the Aug. 29 event -- particularly in New Orleans, where authorities ordered the city abandoned because of the breadth of the catastrophe. Still, some 200,000 people -- largely the least economically able -- were said to be left in the city as of Thursday, with thousands of evacuees being taken to San Antonio, Houston and Dallas.

Yet more criticism was heaped on the federal response to the disaster, which President Bush called "not acceptable" after labeling the tragedy one of the worst natural disasters in U.S. history. Much of it had to do with underfunding in recent years of Army Corp of Engineers and FEMA efforts to prepare for such a disaster. Bush named his father, George H.W. Bush, and Bill Clinton to lead relief campaign efforts, reprising the role the former presidents played following the tsunami that struck South Asia in December. Congress meanwhile appropriated $10.5 billion for relief efforts.

Meanwhile, the Chronicle of Philanthropy reported that Americans have given more than $93 million in aid to Katrina victims, including more than $27 million from corporations, according to an item posted Thursday to Business Week online, which added that the U.S. Chamber of Commerce projected corporate giving will top $100 million.

A number of articles appeared warning those making pledges online to beware of scams. To learn more and to how to donate safely to Hurricane Katrina relief efforts, see: *American Red Cross*.

For additional giving opportunities, don't forget tonight's *Concert for Hurricane Relief* (8 p.m. ET, Sept. 2, NBC/MSNBC/CNBC) or other upcoming celebrity-led efforts by the MDA Labor Day Telethon, BET, MTV, VH1 and CMT.

***

While a host of headlines are available on this topic, here are a few more relevant to the water and wastewater treatment industry. Feel free to click through to read the full story:

• Anheuser-Busch Continues to Supply Water to Victims of Hurricane Katrina and Raises Financial

Commitment -- ST. LOUIS, Sept. 2, 2005 -- Anheuser-Busch Companies said today it will be increasing its donation of fresh drinking water to nearly 2.5 million cans per week to Mississippi, Alabama and Louisiana. Recognizing the unique position the company is in to provide safe drinking water, the company will also be converting operations at its Houston brewery, in addition to its Cartersville, Ga., brewery, to producing canned water. The company's Foundation, the philanthropic arm of Anheuser-Busch Companies, is also increasing its donation to the Red Cross to $1 million to help ongoing relief efforts along the Gulf Coast communities devastated by Hurricane Katrina. Anheuser-Busch will also match contributions made by its employees to the Red Cross Hurricane Katrina relief efforts. In addition, the company announced it will match up to an additional $1 million from its independent wholesalers nationwide...

• **Shaw Group Commits to Match Employee Donations to Hurricane Katrina Relief and Recovery** -- BATON ROUGE, LA, Sept. 2, 2005 -- The Shaw Group Inc. will match cash donations made by its employees to the American Red Cross, United Way, or other appropriate organizations for relief and recovery efforts in the aftermath of Hurricane Katrina. In addition, Shaw urges its employees to make donations of non-perishable food, clothing, furniture, supplies and other useable items to collection centers organized by the relief agencies. Lastly, as in all natural disasters, blood is in short supply and Shaw encourages its able employees to make blood donations at their local blood centers on behalf of Hurricane Katrina relief efforts...

• **Calgon Carbon Announces Hurricane Impact in Mississippi** -- PITTSBURGH, Sept. 1, 2005 -- Calgon Carbon Corporation announced today that its Pearl River Plant has been idle since Sunday, August 28, 2005 due to a mandatory evacuation order in advance of Hurricane Katrina. A preliminary inspection of the plant, conducted yesterday, indicated that the damage from the hurricane was limited, but the full extent of the damage will not be determined until a thorough assessment can be completed, possibly sometime next week. The company's number one priority is to determine the location and condition of each Pearl River employee...

• **Insituform Technologies Assesses Impact of Hurricane Katrina on Operations in Gulf** -- CHESTERFIELD, MO, Sept. 1, 2005 -- Insituform Technologies Inc. stated that it is assessing the effects of Hurricane Katrina on operations in the Gulf region. The company's first and primary concern is locating and accounting for all of its employees in the region. It has a number of crews, administrative and support personnel based in its Hammond, La., office. At present, most have been accounted for...

• **Nestle Waters North America Donates Over Million Bottles of Water Toward Hurricane Relief** -- GREENWICH, CT, Sept. 1, 2005 -- Coordinating directly with the American Red Cross and Americares, Nestle Waters North America Inc. has so far donated more than one million bottles of bottled water to Hurricane Katrina relief efforts. The bottled water was delivered to Baton Rouge and other staging areas in Louisiana, Mississippi, Alabama and Texas. The company anticipates making further shipments as requests from the American Red Cross are received...

• **Miller Brewing Donates Up to $1 Million to American Red Cross, 18 Truckloads of Water Already Committed** -- MILWAUKEE, Sept. 1, 2005 -- Miller Brewing Company announced today it will donate up to $1 million to the American Red Cross to aid with Hurricane Katrina relief efforts. Miller will be donating $500,000 immediately and will match all contributions from its employees and distributor partners up to an additional $500,000...

• **Seychelle Water Filtration Products Announces a Donation of Thousands of Water Filtration Bottles for Hurricane Katrina Relief Effort** -- SAN JUAN CAPISTRANO, CA, Sept. 1, 2005 -- Seychelle Water Filtration Products, a DBA of SEYCHELLE Environmental Technologies Inc., a leader in the design, manufacture and supply of proprietary/superior water purification and filtration products, announced a donation of thousands of water filtration bottles for Hurricane Katrina relief efforts along with Krystal Enterprises, a leading limousine manufacturer and other companies. This joint effort included thousands of its Ionic Micron Adsorption Water Filter bottles for International agencies providing relief efforts for Hurricane Katrina...

• **Trinity Springs Donates Naturally Pure Bottled Spring Water for Hurricane Katrina Disaster Aid** -- BOISE, ID, Sept. 1, 2005 -- Trinity Springs, Inc., bottlers of the world's purest natural spring water, donated 27,000 liters of TRINITY water to the disaster relief efforts for victims of Hurricane Katrina. Working with Governor Dirk Kempthorne and the Idaho National Guard, the company delivered 12,000 1.5-liter bottles of pristine TRINITY water to the Boise Airport, filling a C-130 airplane set to depart this evening. The company is also donating another 6,000 1.5-liter bottles out of their Jacksonville warehouse...

• **Bayer Pledges $2 Million to Hurricane Katrina Relief Effort; Matches Employee Donations Dollar For Dollar** -- PITTSBURGH, Aug. 31, 2005 -- Bayer Corp., which spun off specialty chemical and water treatment company Lanxess last year, announced that, together with the Bayer Foundation, it has committed $2 million in cash and product donations to the Hurricane Katrina relief effort. The Bayer Foundation will match Bayer employee donations dollar for dollar, which will then be donated to the American Red Cross...

* * *

For an earlier hurricane relief report, see: After Katrina: Thousands thought dead, insurers expect $25B impact from hurricane (Sept. 1, 2005) -- Less than a year after the largest humanitarian effort in the world due to an earthquake-spawned tsunami in the Indian Ocean, the United States is now dealing with its own historic humanitarian effort to aid victims of Hurricane Katrina which struck the Gulf Coast on Tuesday leaving a path of destruction across three states -- Louisiana, Mississipi and Alabama. As such, the water industry steps to the fore with donations of equipment, supplies, personnel and money...

# # #

Find this article at:
http://ww.pennnet.com/display_article/236000/41/ARCHI/none/ENVIR/1/After-Katrina:-Damage-estimate-bumped-to-$100B,-hurricane-relief-efforts-escalate

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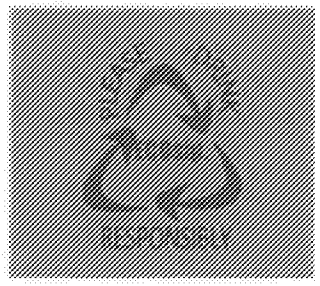
ECOsip: Please Drink Responsibly



ECOsip

Oct 24, 2007 1 comment

Hi Everyone,

Our names are Jenna Kellner, Lisa Winberg and Erin Segal and we are McGill Management Students. For our Social context class we have decided to do our "Taking Action" project on reducing the water bottle consumption on McGill campus. We have chosen to target this issue because we feel that it is present in our everyday lives. we ourselves are guilty of wasteful consumption with water bottles and feel it should be reduced.

We plan to perpetuate the use of water bottles by making them available on campus in addition to creating awareness of plastic waste. We will be

About Me

ECOsip: Please Drink Responsibly
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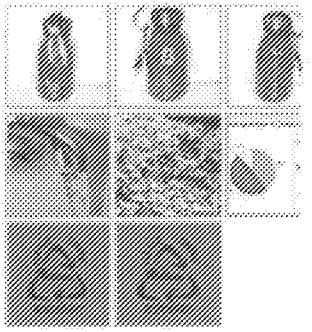
Recent Comments

Sgobeyowd said: thank you for joining Earthkinds your participation is vital i you are interested in helping others understand the issue Thanks. . read more on ECOsip

Photos



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selling low-cost reusable bottles in the Bronfman lobby on October 31st for a cost of 10$. The bottles will be sporting our trendy logo as well. All the proceeds will be donated to a clean water initiative in a developing country.

Please come help support this cause and help save OUR earth!!

- Jenna, Lisa & Erin

1 comment

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Exhibit D

WHAT'S HOT | CATEGORIES | PARTICIPATE | CREATE |

Drink Responsibly T-shirt by hinkiepinkie

H2O

Views: Model | Product | Design

Top Sellers

All

Color:

Size: (view size chart)

DISPLAYNAME

Model:

Qty: 1 save + bulk

Customize: Change the design, add yo

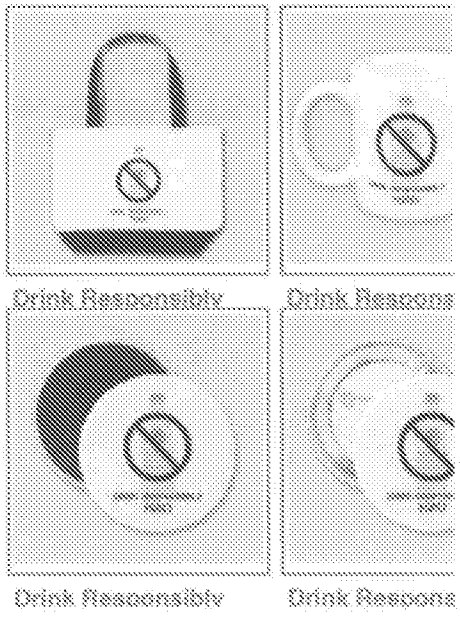
Email this | Link to this | Add to favorites

Gallery Product Line: Rehab Habitat

The availability of bottled water is undoubtedly one of the most convenient and essential part of most of peoples lives. This convenience comes at a very high price so consuming bottled water is a responsibility shared by anyone drinking this product and it is a product. Soft drink beverage manufacturers and non soft drink manufactures make billions of dollars of revenue from bottled water and it is a great product. The costs are real, obtaining the water, some water sources are from underground aquifers which become depleted and are not sustainable or renewable and other water sources. The carbon factor of transporting the water, packaging of the water, the most commonly used water bottled container is polyethylene terephthalate (PET) which is derived from crude oil. Then shipping the completed finished product to market and providing the consumer the convenience of bottled water. Now comes even more responsibility the disposal of the bottle water container, out of sight out of mind. Nine out of ten water bottles end up in landfills over 30 million containers roughly a day and over a thousand years to biodegrade and this is only the United States not factoring in the world, big responsibly consuming bottled water. Some countries and cities do a great job recycling some don't but it still is the consumer who has to decide is the price of bottle water worth the price. Supply and demand drives and moves all markets. Surprisingly for the most part city or municipality water is very drinkable they are regulated vigorously. Manufactures are motivated by profit and respond to financial vested interest and what the consumer will and will not buy, big bucks at stake. Investigate the source of the water, contacting the manufactures consumer division, let them know your concerns and ask what type of water bottle container is used they won't ignore you. Find out if where you live, how the bottled water container is recycled or disposed of, you might be pleasantly or unpleasantly surprised. If you think this a small thing to do, it is not it is big. You can always filter your tap water and when you need the convenience of bottled water buy it, use it only when you need the convenience. Sooner or later the manufacturer will rethink what type of bottled water container they should be using, but you have to tell them you want change and they will do it, too much money at stake not to mention planet Earth. Get on the WWW and find out for yourself what is what, not only drinking responsibly H2O this is environmentally sound and Earth friendly.

Tags: water, h20, water management, wa planet, save the earth, plastic bottles, earth hinkie pinkie, hinkiepinkie

Other products by hinkiepinkie...



created by hinkiepinkie (July 23, 2007 at 03:13PM)

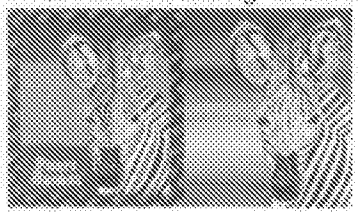
Comments (showing 5 of 5) (Add a comment | See all)

Lyudmila said 1/30/2008

Wonderful message!! must Live responsibly always!
we filter our tap water, but the filter too uses a lot of plastic with no recycle sign on it. We break the filter and take the charcoal out, put it in our recycle bin, but what happens with it after that? nobody knows. Every product on the market is over packaged in non recyclable plastic (or if it is recyclable, it does not show) - really frustrating

Donamaria said 11/16/2007

Drink Responsibly...
Agreed. Some companies bottle "tap" water. Some companies bottle "natural springs"...So, drink responsibly. And, WE think PLASTIC is a bad thing - real and fake. :)



noodell said 9/15/2007

Yes!
Amen.

hinkiepinkie said 9/8/2007

Thank you so much for your comment and viewing this little graphic, I do appreciate it very much iliyaaa.

iliyaaa said 9/8/2007

I love this shirt!

Log in to add a comment...

Product id: 235552985416430859 (rated G)

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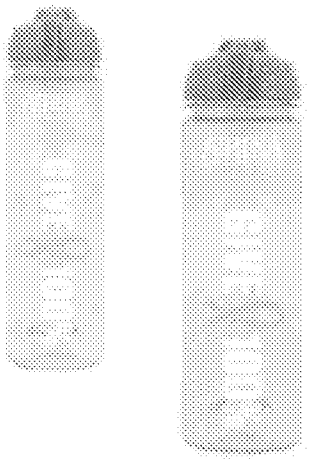
				Co
				Te

Exhibit E

FOR IMMEDIATE RELEASE

"Drink Responsibly" – New *Athena Sport Bottle* Benefits Breast Cancer Cause and Environment

Refillable bottle donates 100% of profits to women's cancer research and provides environmentally-friendly bottled water choice



SEATTLE, WA – Oct. 9, 2007 – Athena Partners®, a social enterprise that devotes 100 percent of its profits from Athena® bottled water to women's cancer research, today introduced the refillable Athena™ Sport Bottle, giving consumers the opportunity to support the cause and the environment too. Unveiled in conjunction with National Breast Cancer Awareness Month, the stylish water bottle is available now at www.athenawater.org. True to Athena Partners' mission, all profits will go toward research seeking a cure for breast and gynecological cancers.

As some occasions are better suited for the use of durable, refillable water bottles – which have a lower environmental impact as compared to recyclable plastic bottles of purified water – Athena Partners now gives consumers a convenient choice to support the cause whether filling the Athena Sport Bottle from the tap, or purchasing Athena purified bottled water from local retailers while on the go.

"Athena Partners is committed to social responsibility, and, knowing environmental concerns are top of mind for our supporters, we want to provide them with the opportunity to align with Athena and our cause in any hydration situation," said Trish May, a breast cancer survivor and Athena Partners' founder. "We know people will continue to buy Athena purified bottled water at retailers for its convenience and purity, and we now offer a durable sport water bottle that is perfect for refilling at home or the office when the situation calls for that. Either way, you can 'drink responsibly' and support the cause while staying hydrated in style."

The new Athena Sport Bottle is produced in partnership with leading lifestyle container brand Aladdin. Made from transparent unbreakable polycarbonate, the Athena Sport Bottle is available in both pink and blue versions and reads "GIVE 100%" alongside a pink ribbon to represent Athena's mission

and approach to life. The 24-ounce bottle retails for $11.95 and features elegant ergonomically curved sides, is dishwasher safe and includes a drink-through lid to allow for a straw or to go without.

The new sport bottle marks the latest expansion for Athena Partners, which has seen significant growth throughout the past year. Athena purified water now sells more than one million bottles of purified water a month through retail outlets, and sales have increased more than 25% over last year. Since its 2003 inception the company has sold more than 27 million bottles of purified water and donated more than $130,000 to the cause. Athena bottled water is rapidly expanding distribution and is now available in more than 5,000 stores, cafes, coffee shops, hospitals and schools across eight Western US states (Alaska, Washington, Oregon, California, Idaho, Montana, Utah and Wyoming), and is quickly rolling out nationwide. More information is found at www.athenapartners.org.

About Athena Partners
Athena Partners®, a 501(c)(3) not-for-profit corporation, is dedicated to advancing research and education to eliminate breast and gynecological cancers. A full 100 percent of the net profits from the sales of Athena bottled water and related products are devoted to innovative research to find a cure. Athena bottled water is available through grocery stores, coffee shops, cafes and other locations. Athena Partners' Web site, www.athenapartners.org, provides a comprehensive directory to leading cancer information and resources about women's cancers.

About Aladdin
At Aladdin, we believe you need to chew with your mouth closed and your mind open. We believe you've got to think while you eat. About what goes into your food. About where it comes from. About the packages it comes in and the waste that results. We've been thinking about these things for 100 years. And we think we've come up with some pretty fresh solutions. Accessories that not only keep your culinary cargo fresh and delicious, but that do it in a clever, non-geeky way. Aladdin® is a brand of privately-held Pacific Market International (PMI) and is headquartered in Seattle, with offices in London, Shanghai and Nashville. For more information, please visit www.aladdin-pmi.com.

# # #

Media Contact:
Amanda Foley, Duo PR, for Athena Partners | 206.957.1387 | amanda@duopr.com

Exhibit F

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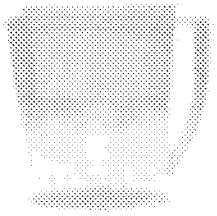

Brita Original Slim Pitcher Household Water Filter 1 Each

Overall rating: ★★★★★
Reviewed by 1 user

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Product Rating: ★★★★★

Drink Responsibly - Not just for liquor anymore!

by tinx79 , May 01 '08

Pros: Eco-friendly, great tasting, clean water
Cons: Minimal starter maintenance for filters.

Why I bought this At the time of purchase, I was renting a bedroom in a house where I kept a mini-fridge and wanted a way to keep a cold water source without having to disturb my landlords every few hours to use their kitchen. The slim size of ...

Read the full review

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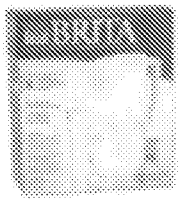
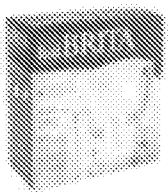
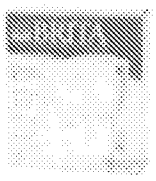
	**Brita Original Slim Pitcher Household Water Filter - 1 each** **Ships in 2-3 days** (In stock) Reduces Harmful Contaminants for Cleaner Water. Capacity: 8x 8 oz glasses. *More at AmericaRx.com Health Shop* Read 889 customer reviews on AmericaRx.com Health Shop	AmericaRx.com 1-877-632-2979 *Featured Store* ✓✓✓✓ *Trusted Store* 889 store ratings	$12.29 SEE IT
	**Brita Slim Water Pitcher** **Free Shipping on $24 and up** (In stock) 40-oz. capacity, Fits in fridge door, Eliminates 99% of lead, Improves taste and odor, User manual ... *More at Circuit City* Read 780 customer reviews on Circuit City	Circuit City *Featured Store* ✓✓✓½ *Trusted Store* 780 store ratings	$10.99 SEE IT
	**Brita Slim Pitcher** **Get free shipping on orders ov...** (In stock) Slim design Fits into refrigerator door Reduces chlorine taste, Weight: 7 lbs., Manufacturer: Brita *More at Amazon* Read 1570 customer reviews on Amazon	amazon.com *Featured Store* ✓✓✓½ *Trusted Store* 1570 store ratings	$10.99 SEE IT
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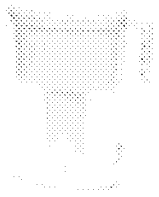

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Exhibit G

iamgeekfit

For grad students, researchers, academics and related who want to get fit, healthy, well and stay that way.

« EU cows are killing the rainforest? | Main

Drink Responsibly: Get a Real Bottle - stop buying plastic bottled water.

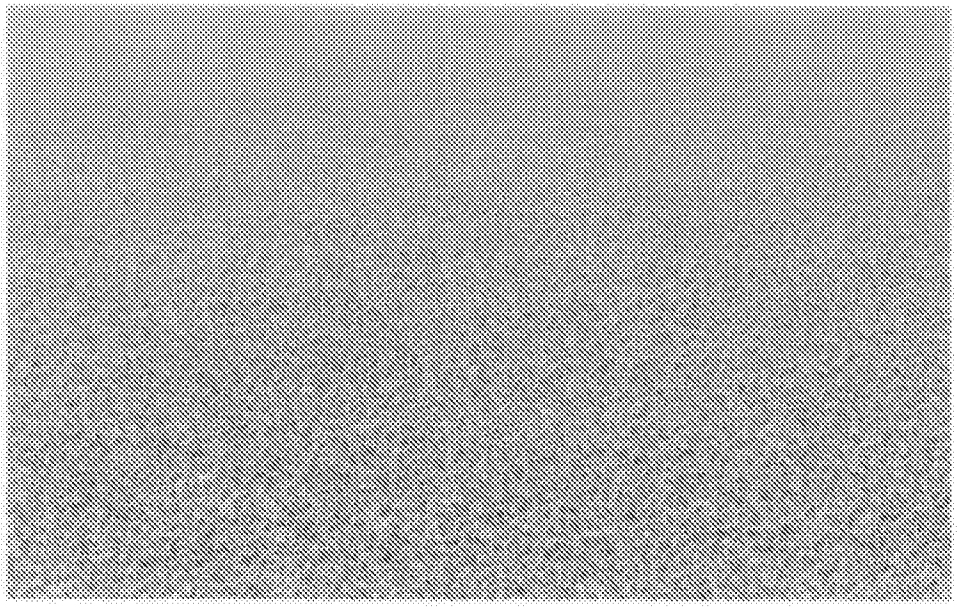

Image of two million bottles of water - the amount Americans drink EVERY FIVE MINUTES. from http://www.chrisjordan.com/current_set2.php?id=7

Ever hear the joke about a new messiah named Evian? he turned water into really expensive water.

It was a clip from an ad on the tube last night: why buy oil, ship it all the way over here to turn into plastic bottles, fill the bottles with water and sell the water, only for that plastic to end up on a landfill?

No kidding. The cost of drinking responsibly is so low: get a bloody bottle. We're spoiled for choice: stainless, colored stainless, polycarb, squishy, suction or pour.... Are we immoral if it's not a choice we're willing to make?

Yes, in case any of us have forgotten, plastic is an oil-based product. So is any of our high tech clothing, but at least that lasts more than five minutes to chug down filtered high price tap water.

So I've written before about the need to stay hydrated - drink three or four bottle fulls a day - don't rely on taste. Most of us go around sleep deprived and dehydrated. No need for at least one of them: fill the bottle, empty the bottle. But staying hydrated by buying bottled water is worse than taking the elevator down four flights.

In other words, what's the cost of all these disposable bottles? the cost of raw materials, of transporting them, of energy to convert the materials into bottles, to fill with

filtered water, the cost of those same basic materials, refined differently to transport these heavy little capsules, the energy cost of storing them "cold" and dumping them out from a dispenser. What's the problem? when did we get so paranoid about tap water? when coke started bottling it? EU has some of the highest international standards for tap water anywhere. Even on what a person pays for a bottle (you pay 1000x's more for it than tap water which isn't even metered in homes in the UK).

And as for the water from the spings argument? First, most bottled water is just filtered water (reverse osmosis) from the tap. Second, where it is shipped from Evian or Malvern or anywhere else, the same questions about costs of components apply, and so what? do you care when you're getting onto a train where that bottle comes from or is it that there's buy one get one free; only 20p with a copy of the Independent.

This may be the new "drink responsibly" - ban the frickin' bottle - the bottled water bottle that is.

Drinking responsibly is an easy and cheap way to feel good about yourself:
at work get a stainless steel water bottle. For travel or the gym where you may want to protect your teeth, you may need to get a long lasting polycarbonate, but you can look for a recyclable type there. Here's some info on these types. Keep the bottle at work and use the installed filtered taps available in most kitchens/kitchenettes, or keep the bottle in your pack. Empty it weighs almost nothing; full, not much more. On campus there's no excuse not to skip the landfill, is there?

The message is still the same: hydrate or die, but at least we can do either without leaving such a big energy hole in our wake.

Happy Hydrating.

update march4, 2008:
If you do a google search on banning bottled water you'll see an increasing number of hits on both cities and groups that are getting behind questioning the cost of bottled water. So, you ain't alone.

Posted by me on February 19, 2008 07:12 PM | Permalink

POST A COMMENT

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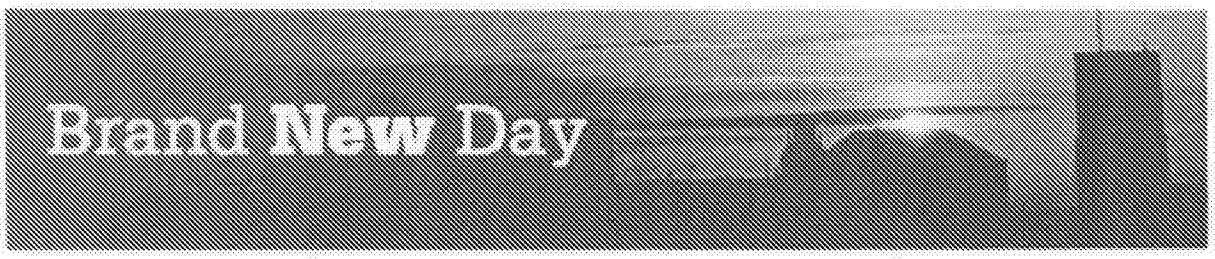
(If you haven't left a comment here before, you may need to be approved by the site owner before your comment will appear. Until then, it won't appear on the entry. Thanks for waiting.)

Site Meter
9,431

Exhibit H



Plastic Water Bottles: How many will just say No.

Posted by: David Kiley on October 08

One thing has always, ALWAYS, been clear to me about the bottled water market. The market has been driven more by the inherent laziness of consumers than by any fear of the municipal water supply.

How ironic, considering all those people working out with bottles of water in their mitts.

The attraction is the handy size, and the fact that most of us are too absent minded to keep a reusable water bottle full of water in our briefcases, backpack or car. It is not because we doubt the quality of the water from our tap or the office cooler.

As public information mounts about the environmental havoc these ubiquitous bottles cause, companies who make huge profits on hand-held bottles of water are in a panic. Coca-Cola, Evamor, PepsiCo, Dasani.

Beverage Digest reports retail sales of bottled water (excluding vending machines and Walmart) grew only 6% this year compared with 16% in 2007. Explanations abound. For one, it seems people who are paying more for gas, mortgage payments and education are taking a harder look at how much they are paying for ... water. It adds up, just like those lattes at Starbucks. But there does seem to be multiple factors eroding the growth of water, and one of those factors is the leading edge of green consumers choosing to refill water bottles instead of buying water.

According to water filtration company Brita (owned by bleach giant Clorox), Americans discard 38 billion plastic water bottles per year, and it takes 1.5 billion barrels of oil to produce them.

Sounding just like the lobby it is, the International Bottled Water Association wants regulators and consumers to know that, before we get hysterical about water bottles, any attempt to

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no comments yet

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Last Fall)
0 comments

CATEGORIES

ANA Blogging E
In Motion Case St
Desperate Networ

regulate consumer packaging should address all categories, not just water bottles.

To which I say, why not start a new campaign with water bottles. Get people thinking about water bottles, and the thinking tends to spread to other parts of their lives.

[illegible]

[illegible]

Stephanie Fierman

[illegible]

Tapperning (Tapperning.com) is exactly the kind of campaign you describe!

Begun by marketing execs Mark DiMassimo of DiGO Brands and Eric Yaverbaum of EricNYR, Tapperning calls for everyone to send in a single empty water bottle (with a note inside to the Chairman of Coke, which I'm sure he loves) promising that the writer will stop drinking bottled water. Tapperning also offers its own bottle that a person can fill with tap water and carry around, thereby fulfilling the "cool" need that some believe is filled by the bottled water brands.

Between the facts that the EPA regulates tap water better than the FDA regulate bottled - and to your point the waste is unbelievable (just CA throws away 3M water bottles every day!) this is becoming v difficult to ignore.

Take a look at Tapperning.com and, shamelessly, I've written my own blog post on the campaign, which includes an exclusive interview with DiMassimo and Yaverbaum (http://stephanierfierman.com/stephanie-fierman-is-tapperning-are-you.php)

Thanks,
Stephanie Fierman
www.stephanierfierman.com

Stephanie Fierman

[illegible]

Tapperning (Tapperning.com) is exactly the kind of campaign you describe!

Begun by marketing execs Mark DiMassimo of DiGO Brands and Eric Yaverbaum of EricNYR, Tapperning calls for everyone to send in a single empty water bottle (with a note inside to the Chairman of Coke, which I'm sure he loves) promising that the writer will stop drinking bottled water. Tapperning also offers its own bottle that a person can fill with tap water and carry around, thereby fulfilling the "cool" need that some believe is filled by the bottled water brands.

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Thanks,
Stephanie Fierman
www.stephanierfierman.com

Market Research Products Scratch Game ad agency creative branded brands is trouble marketing Mother-fear wordplay is interesting market marketing/social p schadenfreude non-advertising perso political ads prod marketing

ARCHIVES

May 2008 April 2 2008 January 20 2007 October 20 2007 July 2007 2007 March 2007 December 2006 S September 2006 2006 May 2006 February 2006 Ja November 2005 August 2005 July April 2005 March 2005 December

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Sheila Amerson

Just checked out the site Stephanie mentioned. I'd actually heard Yaverbaum speak years ago and one of his books we had to read for a marketing class I took at Harvard. What's brilliant about what he and his partner are doing (and someone must do a case study!) is that it is no different than Nalgene or P&G at all, except they are better at marketing. They basically adopted tap water as their shared client and are making the world a better place by effectively delivering a message. Two lifelong agency guys didn't wait for a client to call them. Wow. Pretty smart. If you want an education in how destructive bottled water is to our environment, check out their site. It's not even them telling the story. It's the mainstream media and there is plenty of it. So much for my Harvard education! I would never have thought of that! These guys should be environmentalists of the year.

Rhonda Janetsky

WOW! Smart guys! That website is awesome!Wonder when Coke or Pepsi buys them and shuts them up? Don't tell! You'll let us all down!!!

Kathryn Grayson

Hey Dave, your article is right on. However, I disagree with one thing. I DO doubt the quality of the water from the tap, water cooler and bottled water. The February 2008 issue of the Reader's Digest has alot to say. Alot of the bottled water does come from public resources. And, not only is bottled water destructive to our environment but you would be horrified if you knew what was in the bottles. What could be more basic than the water you drink? Well, it depends on which water you drink. Available water has been severely compromised. Water as we know it will never be the same. Ionized alkaline water is the only answer. Ionized water alkalizes, hydrates, and detoxifies the body more effectively than any other substance. It is not only the best water we can drink - it is the best substance you can put into your body. It could save your life... I would be happy to share my research by contacting me at waterlily4life@yahoo.com. Also, add up the amount of money you spend on bottled water each month and make a donation so that other people can enjoy our quality of life.

Liven

I LOVE TAPPENING and I LOVE MAGIC. Check out the VIDEO my Girlfriend and I made FOR TAPPENING. By the way they loved it and its being passed around a lot! Check out what the buzz is about!

http://www.youtube.com/watch?v=eJWO_5KVB4A

-Liven

Melody

LAST WEEK I READ ABOUT TAPPENING.COM IN PEOPLE MAGAZINE - THEY HAD A SPREAD ON "GREEN" STUFF RELATED TO EARTH DAY (APRIL 22ND)...

$1,667/hr! GET THE a Home Gym. Buy it Little as 6 Weeks

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THANKS TO JOAN LEE BLOUNDI ABOUT TAPPENING'S INCLUSION, WHICH GOT ME NOW VERY INTERESTED IN THIS ISSUE. I'VE BEEN DRINKING TAP WATER FOR MANY YEARS AND IT'S GREAT THAT SOMEONE STARTED A WELL DESIGNED, INTELLIGENT SITE TO SUPPORT IT.

SPREAD THE WORD: WWW.TAPPENING.COM

POST A COMMENT

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Exhibit I

vitaminwater
vitaminwater
vitaminwater

Exhibit J

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2008-05-09 15:17:15 ET

Serial Number: 75424376 Assignment Information Trademark Document Retrieval

Registration Number: 2221667

Mark (words only): KINGSMILL RESORT

Standard Character claim: No

Current Status: Section 8 and 15 affidavits have been accepted and acknowledged.

Date of Status: 2005-02-03

Filing Date: 1998-01-01

Transformed into a National Application: No

Registration Date: 1999-02-02

Register: Principal

Law Office Assigned: LAW OFFICE 101

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2007-07-25

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Busch Properties, Inc.

Address:
Busch Properties, Inc.
One Busch Place
St. Louis, MO 63118
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Missouri

GOODS AND/OR SERVICES

International Class: 032
Class Status: Active

Bottled drinking water
Basis: 1(a)
First Use Date: 1997-03-18
First Use in Commerce Date: 1997-03-18

ADDITIONAL INFORMATION

Prior Registration Number(s):
1788659
1806453

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2007-07-25 - Case File In TICRS

2005-02-03 - Section 8 (6-year) accepted & Section 15 acknowledged

2004-12-13 - Section 8 (6-year) and Section 15 Filed

2004-12-13 - TEAS Section 8 & 15 Received

1999-02-02 - Registered - Principal Register

1998-11-10 - Published for opposition

1998-10-09 - Notice of publication

1998-06-25 - Approved for Pub - Principal Register (Initial exam)

1998-06-23 - Non-final action mailed

1998-06-15 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
FRANK Z HELLWIG

Correspondent
SCOTT D. MILLER
ANHEUSER-BUSCH COMPANIES INC

ONE BUSCH PL
ST LOUIS MO 63118

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2008-05-09 15:16:51 ET

Serial Number: 78182776 Assignment Information Trademark Document Retrieval

Registration Number: 3133665

Mark (words only): 180 SPORT

Standard Character claim: No

Current Status: Registered.

Date of Status: 2006-08-22

Filing Date: 2002-11-07

Transformed into a National Application: No

Registration Date: 2006-08-22

Register: Principal

Law Office Assigned: LAW OFFICE 104

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-07-14

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Anheuser-Busch, Incorporated

Address:
Anheuser-Busch, Incorporated
One Busch Place
St. Louis, MO 63118
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Missouri
Phone Number: 314-577-7088
Fax Number: 314-577-3835

GOODS AND/OR SERVICES

International Class: 005
Class Status: Active
NUTRIENT ENHANCED WATER
Basis: 1(a)
First Use Date: 2003-01-01
First Use in Commerce Date: 2003-01-01

ADDITIONAL INFORMATION

Disclaimer: "SPORT"

Prior Registration Number(s):
2538063
2586298
3618765

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2006-08-22 - Registered - Principal Register

2006-07-06 - Law Office Registration Review Completed

2006-06-30 - Assigned To LIE

2006-06-28 - Allowed for Registration - Principal Register (SOU accepted)

2006-02-09 - NON-FINAL ACTION E-MAILED

2006-02-09 - SU - Non-Final Action - Written

2006-02-01 - Assigned To Examiner

2005-12-16 - Statement of use processing complete

2005-11-29 - Amendment to Use filed

2005-11-29 - TEAS Statement of Use Received

2005-11-15 - Extension 3 granted

2005-10-28 - Extension 3 filed

2005-10-28 - TEAS Extension Received

2005-05-19 - Extension 2 granted

2005-04-29 - Extension 2 filed

2005-04-29 - TEAS Extension Received

2004-11-05 - Extension 1 granted

2004-10-26 - Extension 1 filed

2004-10-26 - TEAS Extension Received

2004-05-04 - Notice of allowance - mailed

2004-02-10 - Published for opposition

2004-01-21 - Notice of publication

2003-12-17 - Approved for Pub - Principal Register (Initial exam)

2003-12-15 - EXAMINERS AMENDMENT E-MAILED

2003-10-06 - Communication received from applicant

2003-10-06 - TEAS Response to Office Action Received

2003-04-11 - Non-final action e-mailed

2003-03-28 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Deborah L. Norman

Correspondent
Deborah L. Norman
Anheuser-Busch Companies, Inc.
One Busch Place
St. Louis MO USA 63118
Phone Number: 314-577-7088
Fax Number: 314-577-3835

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2008-05-09 15:16:38 ET

Serial Number: 78850840 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

PRISM CLUB WATER

(words only): PRISM CLUB WATER

Standard Character claim: Yes

Current Status: A request for the second extension of time to file a statement of use has been granted.

Date of Status: 2008-02-21

Filing Date: 2006-03-31

Filed as TEAS Plus Application: Yes

Currently TEAS Plus Application: Yes

The Notice of Allowance Date is: 2007-02-06

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 105

Attorney Assigned:
MICHOS JOHN E

Current Location: 700 -Intent To Use Section

Date In Location: 2008-02-15

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Anheuser-Busch, Incorporated

Address:
Anheuser-Busch, Incorporated
202-6 One Busch Place
St. Louis, MO 63118
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Missouri

GOODS AND/OR SERVICES

International Class: 032
Class Status: Active
Drinking water
Basis: 1(b)
First Use Date: (DATE NOT AVAILABLE)
First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

Disclaimer: "WATER"

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-02-21 - Extension 2 granted

2008-02-05 - Extension 2 filed

2008-02-05 - TEAS Extension Received

2007-08-12 - Extension 1 granted

2007-07-10 - Extension 1 filed

2007-07-10 - TEAS Extension Received

2007-02-06 - Notice of allowance - mailed

2006-11-14 - Published for opposition

2006-10-25 - Notice of publication

2006-09-27 - Law Office Publication Review Completed

2006-09-22 - Assigned To LIE

2006-09-14 - Approved for Pub - Principal Register (Initial exam)

2006-09-11 - Assigned To Examiner

2006-04-06 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Deborah L. Norman

Correspondent
Deborah L. Norman
ANHEUSER-BUSCH, INCORPORATED
1 BUSCH PL # 2026
SAINT LOUIS MO 63118-1852
Phone Number: (314) 577-7088
Fax Number: (314) 577-3835

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2008-05-09 15:17:01 ET

Serial Number: 77079205 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

H2AID

(words only): H2AID

Standard Character claim: Yes

Current Status: A request for the first extension of time to file a statement of use has been granted.

Date of Status: 2008-04-15

Filing Date: 2007-01-09

Filed as TEAS Plus Application: Yes

Currently TEAS Plus Application: Yes

The Notice of Allowance Date is: 2007-10-02

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 106

Attorney Assigned:
WELLS CHRISTOPHER WILLIAM

Current Location: 700 -Intent To Use Section

Date In Location: 2008-04-11

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Anheuser-Busch, Incorporated

Address:
Anheuser-Busch, Incorporated
202-6 One Busch Place
St. Louis, MO 63118
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Missouri
Phone Number: 314-577-2648
Fax Number: 314-577-3835

GOODS AND/OR SERVICES

International Class: 032
Class Status: Active
Drinking water; Flavored waters
Basis: 1(b)
First Use Date: (DATE NOT AVAILABLE)
First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-04-15 - Extension 1 granted

2008-04-01 - Extension 1 filed

2008-04-01 - TEAS Extension Received

2007-10-02 - Notice of allowance - mailed

2007-07-10 - Published for opposition

2007-06-20 - Notice of publication

2007-04-30 - Law Office Publication Review Completed

2007-04-30 - Assigned To LIE

2007-04-09 - Approved for Pub - Principal Register (Initial exam)

2007-04-05 - Assigned To Examiner

2007-01-18 - Notice Of Pseudo Mark Mailed

2007-01-17 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Deborah L. Norman

Correspondent
Deborah L. Norman
ANHEUSER-BUSCH, INCORPORATED
1 BUSCH PL # 202-6
SAINT LOUIS MO 63118-1852
Phone Number: 314-577-2648
Fax Number: 314-577-3835

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2008-05-09 15:17:08 ET

Serial Number: 77331277 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

B-HAVE

(words only): B-HAVE

Standard Character claim: Yes

Current Status: Application has been published for opposition.

Date of Status: 2008-03-04

Filing Date: 2007-11-16

Filed as TEAS Plus Application: Yes

Currently TEAS Plus Application: Yes

The Information will be/was published in the Official Gazette on 2008-03-04

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 114

Attorney Assigned:
HELFMAN JUDITH MICHELLE

Current Location: 650 -Publication And Issue Section

Date In Location: 2008-01-26

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Anheuser-Busch, Incorporated

Address:
Anheuser-Busch, Incorporated
202-6 One Busch Place
St. Louis, MO 63118
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Missouri
Phone Number: 314-577-2648
Fax Number: 314-577-3835

GOODS AND/OR SERVICES

International Class: 032
Class Status: Active
Drinking water; Energy drinks
Basis: 1(b)
First Use Date: (DATE NOT AVAILABLE)
First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-03-04 - Published for opposition

2008-02-13 - Notice of publication

2008-01-26 - Law Office Publication Review Completed

2008-01-26 - Assigned To LIE

2007-12-13 - Approved for Pub - Principal Register (Initial exam)

2007-12-13 - Assigned To Examiner

2007-11-21 - Notice Of Pseudo Mark Mailed

2007-11-20 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

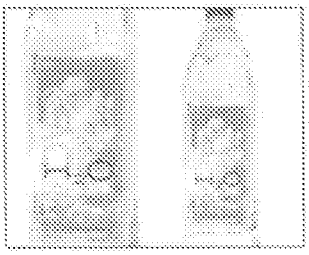
Attorney of Record
Andrea K. Cannon

Correspondent
ANDREA K. CANNON
ANHEUSER-BUSCH, INCORPORATED
ONE BUSCH PLACE
202-6
ST. LOUIS, MO 63118
Phone Number: 314-577-2648
Fax Number: 314-577-3835

Exhibit K

PRINTTHIS
Powered by Clickability

Anheuser-Busch Adds Bottled Water to Offerings



July 18, 2007

By Kenneth Hein

NEW YORK -- Beer giant Anheuser-Busch is getting into the bottled water game.

The brewer announced today it would become the master distributor for Icelandic Glacial super-premium natural spring water in the U.S. A-B will take a 20% ownership in Icelandic Glacial, which sources its water from the Olfus Spring in Southwest Iceland. Other terms, namely financials, were not disclosed.

Icelandic Glacial is just the latest entrant into the growing bottled water category. While sales are not gushing as rapidly as they had been in the past, the category was still up 10.8% last year, per *Beverage Digest*, Bedford Hills, N.Y.

"U.S. consumers are still driving very strong growth," said John Sicher, editor of *Beverage Digest*. PepsiCo's Aquafina leads the category followed by Coca-Cola's Dasani and Nestle Waters' Poland Spring.

Icelandic Glacial's initial distribution will focus on major markets like California and New York. It will then go nationwide by 2008.

Still, Sicher said "even given A-B's distribution strength, it's not going to be easy to make inroads against the major brands from Nestle, Pepsi and Coke. Those companies' brands plus a few other like Crystal Geyser are very big, well distributed and well known by the consumer. A-B will get some volume out of this, but I think Nestle, Pepsi and Coke can still sleep at night knowing their water business will get continued growth."

The brand is being positioned as "the first U.S.-distributed bottled water company to receive a CarbonNeutral certification &hellip in recognition for its ongoing commitment to reduce its overall carbon imprint on the environment." Marketing is currently handled in-house.

It will come in 500-milliliter (priced at $1.19), 750-milliliter sports cap ($1.69), 1-liter PET bottles ($1.79) and 500-milliliter PET bottle six-packs ($6.99).

Links referenced within this article

Find this article at:
http://www.brandweek.com/bw/news/recent_display.jsp?vnu_content_id=1003613248

Uncheck the box to remove the list of links referenced in the article.

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