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11 Attorneys for Defendant
 12 ANHEUSER-BUSCH, INC.

13
 14 UNITED STATES DISTRICT COURT
 15 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

16 UNITED BRANDS COMPANY, INC.,)	
)	
17 Plaintiff,)	Case No. 10-CV-2281 BEN (WMc)
)	
18 v.)	DECLARATION OF PETER MOLL IN
)	SUPPORT OF NOTICE OF MOTION AND
19)	EX PARTE MOTION FOR EXTENSION
20 ANHEUSER-BUSCH, INC.)	OF TIME TO ANSWER OR OTHERWISE
)	RESPOND TO COMPLAINT
21 Defendant.)	
)	

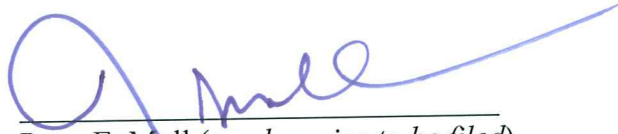
22
 23 I, Peter Moll, am an attorney licensed to practice in Massachusetts, New Jersey, and the District
 24 of Columbia, a partner with the law firm Howrey LLP, and counsel for Anheuser-Busch, Inc (“AB”).
 25 If called as a witness, I could and would testify competently to the following:

- 26 1. United Brands Company, Inc. (“United Brands”) filed its complaint against Anheuser-
 27 Busch on November 4, 2010. AB’s responsive pleading is currently due November 29, 2010, the day
 28 after Thanksgiving.

1 2. On November 16th, I called Nancy Dix, counsel for United Brands, to request an
2 extension of time until mid-December to allow AB time to respond to United Brands' complaint.
3 Counsel for United Brands responded on November 17, 2010, advising that United Brands would be
4 willing to grant AB an extension until December 14, 2010 to file an answer, but would only give an
5 extension until December 7, 2010 for AB to file a motion. I sent a responsive email to Nancy Dix,
6 advising her that AB would file a motion for extension until December 17th in light of United Brands'
7 position. A true and correct copy of the email chain is attached hereto as Exhibit 1.

8 I declare under penalty of perjury under the laws of the United States of America that the
9 foregoing is true and correct.

10 Executed this 19th day of November, 2010 in Washington D.C.

11 

12 _____
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EXHIBIT 1

PAGE 1

From: Dix, Nancy [mailto:Nancy.Dix@dlapiper.com]
Sent: Thursday, November 18, 2010 4:47 PM
To: Moll, Peter
Cc: Behmer, Brian; Stitcher, Debra
Subject: RE: United Brands v. Anheuser-Busch, Inc.

Peter,

I am surprised by the characterization in your response. As you know, and as clearly set forth in my message to you below, we certainly did agree to a more than "modest" extension of time in light of the Thanksgiving Holiday, of either 11 or 18 days depending on your choice of either responding with a motion or answering.

As to the copyrights, I apparently misunderstood your request and will send out the graphics shortly.



Nancy Dix

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San Diego, California 92101

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619.764.6621 F
619.787.2699 M
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From: Moll, Peter [mailto:MollP@howrey.com]
Sent: Thursday, November 18, 2010 11:49 AM
To: Dix, Nancy
Cc: Behmer, Brian; Stitcher, Debra
Subject: RE: United Brands v. Anheuser-Busch, Inc.

It is disappointing that United Brands is unwilling to extend us the courtesy of agreeing to a modest request for extension of time to answer or otherwise plead, particularly in light of the upcoming Thanksgiving Holiday. You have left us with no alternative but to file a motion, we

11/19/2010

EXHIBIT 1, PAGE 1

will be seeking an extension until December 17th.

With respect to the copyrights, you provided us with copies of the extracts. May we please have copies of the graphics that the copyrights cover

From: Dix, Nancy [mailto:Nancy.Dix@dlapiper.com]
Sent: Wednesday, November 17, 2010 5:15 PM
To: Moll, Peter
Cc: Behmer, Brian; Stitcher, Debra
Subject: United Brands v. Anheuser-Busch, Inc.

Peter:

This is to follow-up on the several issues we discussed yesterday.

To clear up the service issue, our Client's lawsuit was served on the agent for Service of Process for Anheuser-Busch, Inc on Nov. 5. Because they use electronic filing in the Southern District, in order to sign up the other attorneys involved for electronic filings, we had to file separate notices of appearance which were also required to be served. Since your client had not yet made an appearance these were also served on the agent for Service of Process. The service date for the complaint, however, was November 5th.

That said, having consulted with our client, we would be willing to agree to an extension until December 14th, for your client to answer the complaint. If your client will, instead, file a motion, we are willing to agree to extend the time for filing to December 7th.

Lastly, I am attaching copies of the two copyright registrations referenced in the Complaint.

Please let me know if you have any questions. My contact information is below.

Please confirm receipt of this message.

Nancy



Nancy Dix

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