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Attorney for Defendant  
 ANHEUSER-BUSCH, INC.

9 Attorneys for Plaintiff  
 10 UNITED BRANDS COMPANY, INC.

11 UNITED STATES DISTRICT COURT  
 12 SOUTHERN DISTRICT OF CALIFORNIA

13 UNITED BRANDS COMPANY, INC.,  
 14 Plaintiff,  
 15 v.  
 16 ANHEUSER-BUSCH, INC.,  
 17 Defendant.  
 18  
 19  
 20

CASE NO. 10-cv-2281-AJB (WMC)

**JOINT MOTION TO ALLOW PARTIES TO  
 BRING CANNED ALCOHOLIC  
 BEVERAGES TO HEARING ON  
 DEFENDANT’S MOTION TO DISMISS**

Hearing Date: July 21, 2011  
 Time: 10:00 a.m.  
 Courtroom: 12  
 Judge: Anthony J. Battaglia

Trial Date: Not yet set  
 Complaint: November 4, 2010

21 The Parties hereby jointly stipulate, and respectfully request that this Court issue an Order  
 22 allowing the Parties to use representative exemplars of the JOOSE and TILT cans at issue in this  
 23 action as demonstrative exhibits during the hearing on Defendant’s motion to dismiss.

24 **JOINT MOTION**

25 NOW THEREFORE, the Parties stipulate and request as follows:

- 26 1. Counsel for United Brands Company, Inc. and Anheuser-Busch, Inc., be permitted  
 27 to bring sample cans of their respective products JOOSE and TILT, which are flavored malt  
 28

1 beverages, into the courthouse as demonstrative exhibits during the hearing on Defendant's  
2 motion to dismiss, which is scheduled for July 21, 2011 at 10:00 a.m. in Courtroom 12 of the U.S.  
3 District Court for the Southern District of California, 940 Front Street, San Diego, California.  
4 Specifically, counsel for United Brands Company, Inc. will bring in one (1) 16-ounce can and  
5 five (5) 24-ounces, and counsel for Anheuser-Busch, Inc. will bring in three (3) 24-ounce cans.

6 The undersigned have read and hereby agree to comply with and be bound by all of the  
7 terms and provisions of the foregoing Joint Motion. This Joint Motion may be signed by the  
8 parties in multiple counterparts, all of which shall be taken together as a single document, and  
9 facsimile and electronic signatures shall be effective as originals.

10 **SO STIPULATED.**

11 Dated: July 20, 2011

**DLA PIPER LLP (US)**

12  
13 By: s/Nancy O. Dix  
14 NANCY O. DIX  
nancy.dix@dlapiper.com

15 Attorneys for Plaintiff  
16 UNITED BRANDS COMPANY, INC.

17 Dated: July 20, 2011

**LUCE, FORWARD, HAMILTON &  
SCRIPPS LLP**

18  
19 By: s/Jeffrey A. Feasby  
20 JEFFREY A. FEASBY  
jfeasy@luce.com

21 Attorneys for Defendant  
22 ANHEUSER-BUSCH, INC.,

1 **CERTIFICATE OF SERVICE**

2 I am a resident of the State of California, over the age of eighteen years, and not a party to  
3 the within action. My business address is DLA Piper LLP (US), 401 B Street, Suite 1700,  
San Diego, California 92101. On July 20, 2011, I served the within document(s):

4 **JOINT MOTION TO ALLOW PARTIES TO BRING CANNED ALCOHOLIC**  
5 **BEVERAGES TO HEARING ON DEFENDANT'S MOTION TO DISMISS**

- 6  by transmitting via facsimile the document(s) listed above to the fax number(s)  
7 set forth below on this date before 5:00 p.m.
- 8  by placing the document(s) listed above in a sealed envelope with postage  
9 thereon fully prepaid, for delivery via overnight/express service carrier at San  
10 Diego, California addressed as set forth below.
- 11  by placing the document(s) listed above in a sealed envelope with postage  
12 thereon fully prepaid, in the United States mail at San Diego, California  
13 addressed as set forth below.
- 14  by personally delivering the document(s) listed above to the person(s) at the  
15 address(es) set forth below on this date before the close of normal business  
16 hours.
- 17  by transmitting via electronic mail a copy of the document(s) listed above in  
18 .pdf format, with no transmission errors reported, to the person(s) at the e-mail  
19 address(es) denoted on the Electronic Mail notice list.
- 20  I hereby certify that on the below date, I electronically filed the foregoing with  
21 the Clerk of the Court using the CM/ECF system which will send notification  
22 of such filing to the e-mail addresses denoted on the Electronic Mail notice list,  
23 and I hereby certify that I have mailed the foregoing document or paper via the  
24 United States Postal Service to the non-CM/ECF participants indicated on the  
25 Manual Notice list.

26 I am readily familiar with the firm's practice of collection and processing correspondence  
27 for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same  
28 day with postage thereon fully prepaid in the ordinary course of business. I am aware that on  
motion of the party served, service is presumed invalid if postal cancellation date or postage  
meter date is more than one day after date of deposit for mailing affidavit.

I declare under penalty of perjury under the laws of the State of California that the above  
is true and correct.

Executed on July 20, 2011, at San Diego, California.

  
Debra Stitches