

ESTTA Tracking number: **ESTTA67672**

Filing date: **02/22/2006**

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

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Anheuser-Busch, Incorporated
Granted to Date of previous extension	02/22/2006
Address	One Busch Place202-6 St. Louis, MO 63118 UNITED STATES

Attorney information	Douglas N. Masters Loeb & Loeb LLP 321 North Clark Street Suite 2300 Chicago, IL 60610 UNITED STATES dmasters@loeb.com Phone:312/464-3100
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### Applicant Information

Application No	78314904	Publication date	10/25/2005
Opposition Filing Date	02/22/2006	Opposition Period Ends	02/22/2006
International Registration No.	NONE	International Registration Date	NONE
Applicant	Palm Breweries Steenhuffeldorp 3 1840 Londerzeel (Steenhuffel), BELGIUM		

### Goods/Services Affected by Opposition

Class 032. All goods and seVICES in the class are opposed, namely: Beer
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Attachments	DraftOpp.pdf ( 3 pages )
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Signature	/douglas n masters/
Name	Douglas N. Masters
Date	02/22/2006

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

In The Matter of Application Serial No. 78/314,904: DRAFT HORSE Design  
Published in the *Official Gazette* in International Class 32

ANHEUSER-BUSCH, INCORPORATED,	)	
	)	
Opposer,	)	
	)	Opposition No. _____
v.	)	
	)	
PALM BREWERIES,	)	
	)	
Applicant.	)	

**NOTICE OF OPPOSITION**

Anheuser-Busch, Incorporated, a Missouri corporation located and doing business at One Busch Place, St. Louis, Missouri, believes that it will be damaged by the registration of DRAFT HORSE Design, Application Serial No. 78/314,904, and opposes the same.

As grounds for opposition, it is alleged that:

1. Opposer is the nation's leading brewer and marketer of beer.
2. Since long prior to the filing date of the opposed application, Opposer has continuously and extensively used a variety of marks consisting of the term CLYDESDALE(S), a type of draft horse, and/or images of draft horses (collectively "DRAFT HORSE Marks") in commerce in connection with the sale and marketing of beer.
3. Opposer has sold substantial quantities of beer in connection with its DRAFT HORSE Marks.
4. Opposer has spent substantial sums to advertise and promote its DRAFT HORSE Marks throughout the United States.

5. By virtue of Opposer's use, advertising, and promotion, Opposer has built up and now owns a valuable goodwill which is symbolized by its DRAFT HORSE Marks.

6. Opposer has registered its DRAFT HORSE Marks in the United States Patent and Trademark Office, including the following registrations:

<u>Mark</u>	<u>Registration No.</u>
DRAFT HORSE Design	918,645
CLYDESDALE	1,146,473

These registrations are valid, subsisting, and owned by Opposer. Registration Nos. 918,645 and 1,146,473 are incontestable in accordance with 15 USC §§ 1065, 1115.

7. Applicant's use of the applied for mark for "beer" is likely to cause confusion, mistake, or deception with Opposer, or its beer sold in connection with its DRAFT HORSE Marks, or in the belief that Applicant or its beer is in some way legitimately connected with, licensed by, or approved by, Opposer.

8. Upon information and belief, neither Applicant nor any predecessor or related company of Applicant has made use of the applied for mark for the applied for goods in commerce in the United States.

9. Upon information and belief, neither Applicant nor any predecessor or related company of Applicant has any claim of use of the applied for mark for the applied for goods prior to October 17, 2003, the date Applicant filed the opposed application.

10. Registration of the applied for mark by Applicant is without Opposer's consent or permission.

**WHEREFORE**, registration by Applicant of the mark shown in Application Serial No. 78/314,904 would be damaging to Opposer.

Please debit our Deposit Account No. 502876 for the \$300.00 filing fee and any additional necessary fees.

Please address all correspondence to Douglas N. Masters, Loeb & Loeb LLP, 321 North Clark Street, Suite 2300, Chicago, Illinois 60610.

Date: February 22, 2006

Respectfully Submitted,

LOEB & LOEB LLP

By: /s/ Douglas N. Masters  
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Attorneys for Opposer