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

Proceeding	91187959
Party	Defendant Fundbud, Inc.
Correspondence Address	Kenneth Berland Law Offices of Kenneth Berland 2263 Derby St. Berkeley, CA 94705 UNITED STATES ken@hero.com
Submission	Answer
Filer's Name	Kenneth Berland
Filer's e-mail	ken@hero.com
Signature	/Kenneth Berland/
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KENNETH BERLAND, CA SBN 250255
LAW OFFICES OF KENNETH BERLAND
2263 Derby St.
Berkeley, California 94705
Telephone: 310/383-7981
Facsimile: 877/895-7698

Attorney for Applicant

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

ANHEUSER-BUSH COMPANIES, INC., ANHEUSER-BUSH, INCORPORATED, Opposers, v. IDEABUD INC., Applicant.	In the Matter of: Application Serial No. 77/320,450: SPONSORBUD Opposition No. 91187959

ANSWER TO NOTICE OF OPPOSITION

Applicant, IdeaBud, Inc. ("Applicant"), does hereby answer Opposers, Anheuser-Busch Companies, Inc. and Anheuser-Busch, Incorporated (each, an "Opposer", and collectively, "Opposers") as follows:

Answering the preamble on page 1 of the Notice of Opposition, Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations concerning Opposers' organization, location, and/or belief that they will be damaged by the registration of SPONSORBUD, and therefore denies same.

1. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph No. 1 and therefore denies same.

2. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph No. 2 and therefore denies same.

3. Applicant denies each and every allegation of Paragraph No. 3 on the ground that the term "IdeaBud Applications" is capitalized and not defined in the Notice of Opposition and the meanings of the allegations of Paragraph No. 3 are, therefore, impossible to ascertain. To the extent that the meanings of the allegations in Paragraph No. 3 become ascertainable, Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph No. 3 and therefore denies same. To the extent that Paragraph No. 3 purports to set forth a conclusion of law, no responsive pleading is required.

4. Applicant admits that Opposer is the owner of United States Trademark Registrations listed in Paragraph No. 4 for commercial use in connection with "[b]eer". To the extent that Paragraph No. 4 purports to set forth conclusions of law, no responsive pleading is required. Except as expressly stated herein, Applicant denies each and every allegation of Paragraph No. 4.

5. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph No. 5 and therefore denies same.

6. Applicant denies each and every allegation of Paragraph No. 6 on the ground that the term "IdeaBud Applications" is capitalized and not defined in the Notice of Opposition and the meanings of the allegations of Paragraph No. 6 are, therefore, impossible to ascertain. To the extent that the meanings of the allegations in Paragraph No. 6 become ascertainable, Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph No. 6 and therefore denies same.

7. Applicant denies each and every allegation of Paragraph No. 7 on the ground that the term "IdeaBud Applications" is capitalized and not defined in the Notice of Opposition and the meanings of the allegations of Paragraph No. 7 are, therefore, impossible to ascertain. Applicant admits that Opposer is the owner of the United States Trademark Registrations and Applications listed in Paragraph No. 6. To the extent that Paragraph No. 6 purports to set forth conclusions of law, no responsive pleading is required. Except as

expressly stated herein and to the extent that the meanings of the allegations in Paragraph No. 7 become ascertainable, Applicant denies each and every allegation of Paragraph No. 7.

8. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph No. 8 and therefore denies same.

9. Applicant denies each and every allegation of Paragraph No. 9 on the ground that the term "IdeaBud Applications" is capitalized and not defined in the Notice of Opposition and the meanings of the allegations of Paragraph No. 9 are, therefore, impossible to ascertain. To the extent that Paragraph No. 8 purports to set forth conclusions of law, no responsive pleading is required. Except as expressly stated herein and to the extent that the meanings of the allegations in Paragraph No. 9 become ascertainable, Applicant denies each and every allegation of Paragraph No. 9.

10. Applicant denies each and every allegation of Paragraph No. 10 on the ground that the term "IdeaBud Applications" is capitalized and not defined in the Notice of Opposition and the meanings of the allegations of Paragraph No. 10 are, therefore, impossible to ascertain. To the extent that Paragraph No. 10 purports to set forth conclusions of law, no responsive pleading is required. Except as expressly stated herein and to the extent that the meanings of the allegations in Paragraph No. 10 become ascertainable, Applicant denies each and every allegation of Paragraph No. 10.

11. Applicant denies each and every allegation of Paragraph No. 11 on the ground that the term "IdeaBud Applications" is capitalized and not defined in the Notice of Opposition and the meanings of the allegations of Paragraph No. 11 are, therefore, impossible to ascertain. Except as expressly stated herein and to the extent that the meanings of the allegations in Paragraph No. 11 become ascertainable, Applicant denies each and every allegation of Paragraph No. 11.

12. Applicant denies each and every allegation of Paragraph No. 12 on the ground that the term "IdeaMarks" is capitalized and not defined in the Notice of Opposition and the meanings of the allegations of Paragraph No. 12 are, therefore, impossible to ascertain.

13. Applicant denies each and every allegation of Paragraph No. 13 on the ground

that the term "IdeaMarks" is capitalized and not defined in the Notice of Opposition and the meanings of the allegations of Paragraph No. 12 are, therefore, impossible to ascertain. Applicant specifically denies that its registration of SPONSORBUD in connection with the uses stated in Application No. 77/320,450 would be damaging to Opposers.

14. See responses stated in Paragraph Nos. 1 -12 supra.

15. Applicant denies each and every allegation of Paragraph No. 15 on the ground that the term "IdeaBud Marks" is capitalized and not defined in the Notice of Opposition and the meanings of the allegations of Paragraph No. 15 are, therefore, impossible to ascertain. To the extent that the meanings of the allegations in Paragraph No. 15 become ascertainable, Applicant specifically denies each and every allegation of Paragraph No. 15.

16. See responses stated in Paragraph Nos. 1 -12 supra.

17. Applicant denies each and every allegation of Paragraph No. 17 on the ground that the term "IdeaBud Applications" is capitalized and not defined in the Notice of Opposition and the meanings of the allegations of Paragraph No. 17 are, therefore, impossible to ascertain. Applicant specifically denies that Opposer's Bud Marks (as defined in the Notice of Opposition) were famous and that Opposer's Bud Marks constituted a family of famous marks prior to June 1, 2007. To the extent that Paragraph No. 17 purports to set forth conclusions of law, no responsive pleading is required. Except as expressly stated herein and to the extent that the meanings of the allegations in Paragraph No. 17 become ascertainable, Applicant denies each and every allegation of Paragraph No. 17.

18. Applicant denies each and every allegation of Paragraph No. 3 on the ground that the term "IdeaBud Marks" is capitalized and not defined in the Notice of Opposition and the meanings of the allegations of Paragraph No. 18 are, therefore, impossible to ascertain. Applicant specifically denies that Opposer's Bud Marks (as defined in the Notice of Opposition) are famous and that Opposer's Bud Marks constitute a family of famous marks. To the extent that Paragraph No. 18 purports to set forth conclusions of law, no responsive pleading is required. Except as expressly stated herein and to the extent that the meanings of the allegations in Paragraph No. 18 become ascertainable, Applicant denies each and every

allegation of Paragraph No. 18.

AFFIRMATIVE DEFENSES

Applicant sets forth its affirmative defenses below. By setting forth these affirmative defenses, Applicant does not assume the burden of proving any fact, issue, or element of a cause of action where such burden properly belongs to Opposers. Moreover, nothing stated herein is intended or shall be construed as an acknowledgement that any particular issue or subject matter is relevant to Opposers' allegations.

FIRST AFFIRMATIVE DEFENSE
(Waiver or Estoppel)

Opposers' action is barred by the doctrine of waiver or estoppel.

SECOND AFFIRMATIVE DEFENSE
(Laches or Acquiescence)

Opposers' action is barred by the doctrine of laches or acquiescence.

THIRD AFFIRMATIVE DEFENSE
(Unclean Hands, Trademark Misuse)

Opposers' action is barred because Opposers have acted with unclean hands and have misused certain of their trademarks.

FOURTH AFFIRMATIVE DEFENSE
(Marks Not Famous)

Opposers' dilution claim is barred because the Bud Marks (as defined in the Notice of Opposition) are not famous.

FIFTH AFFIRMATIVE DEFENSE
(Additional Affirmative Defenses)

Applicant hereby gives notice that it intends to rely on any additional affirmative

defenses that become available or apparent during discovery and thus reserves the right to amend its answer to assert such additional affirmative defenses.

PRAYER FOR RELIEF

WHEREFORE, Applicant prays that Opposers' Opposition to Application Serial No. 77/320,450 be denied.

DATED: January 19, 2009.

Respectfully,

KENNETH BERLAND,
ATTORNEY FOR APPLICANT

By: s/Kenneth Berland/
KENNETH BERLAND