

ESTTA Tracking number: **ESTTA551740**

Filing date: **08/01/2013**

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 LLC
Granted to Date of previous extension	09/04/2013
Address	ONE BUSCH PLACE ST. LOUIS, MO 63118 UNITED STATES

Attorney information	Janet Shih Hajek Holland & Hart LLP P.O. Box 8749 DENVER, CO 80201 UNITED STATES TRADEMARKS@ANHEUSER-BUSCH.COM, docket@hollandhart.com, aanderson@hollandhart.com, jshajek@hollandhart.com, lmroot@hollandhart.com Phone:(303) 295-8119
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Applicant Information

Application No	85801815	Publication date	05/07/2013
Opposition Filing Date	08/01/2013	Opposition Period Ends	09/04/2013
Applicant	Blanco Basura Beverage, Inc. Suite 338 5776 Stoneridge Mall Road Pleasanton, CA 94588 UNITED STATES		

Goods/Services Affected by Opposition

Class 032. All goods and services in the class are opposed, namely: Beer
Class 033. All goods and services in the class are opposed, namely: Spirits

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	621424	Application Date	04/06/1955
Registration Date	02/14/1956	Foreign Priority	NONE

		Date	
Word Mark	BUSCH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U048 (International Class 032). First use: First Use: 1928/04/00 First Use In Commerce: 1928/04/00 BEER		

U.S. Registration No.	909723	Application Date	03/23/1970
Registration Date	03/09/1971	Foreign Priority Date	NONE
Word Mark	ANHEUSER-BUSCH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U048 (International Class 032). First use: First Use: 1876/00/00 First Use In Commerce: 1876/00/00 BEER		

U.S. Registration No.	1573711	Application Date	04/28/1989
Registration Date	12/26/1989	Foreign Priority Date	NONE
Word Mark	BUSCH LIGHT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 1989/04/25 First Use In Commerce: 1989/04/25 BEER		

U.S. Registration No.	4285175	Application Date	03/06/2012
Registration Date	02/05/2013	Foreign Priority Date	NONE
Word Mark	BUSCH ICE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 1995/12/31 First Use In Commerce: 1995/12/31 Beer		

Attachments	NOO - BUSHI.pdf(13614 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address

record by First Class Mail on this date.

Signature	/Janet Shih Hajek/
Name	Janet Shih Hajek
Date	08/01/2013

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

ANHEUSER-BUSCH, LLC,)	
)	Opposition No.
Opposer,)	
)	
v.)	Mark: BUSHI
)	
BLANCO BASURA BEVERAGE, INC.,)	
)	Serial No. 85/801,815
Applicant.)	
_____)	

NOTICE OF OPPOSITION

Anheuser-Busch, LLC (“Opposer”), a limited liability company of Missouri, having a principal place of business at One Busch Place, St. Louis, Missouri, 63118, believes that it will be damaged by the registration of the mark BUSHI shown in U.S. Trademark Application Serial No. 85/801,815, covering “beer” in International Class 32 and “spirits” in International Class 33 (the “Application”) and hereby opposes it.

As grounds for its opposition, Opposer alleges that, upon actual knowledge with respect to itself and its own actions, and upon information and belief as to other matters:

1. Opposer is the leading brewer and marketer of beer in the United States, and Opposer and its predecessors have been marketing beer for more than a century.
2. Since well prior to the filing date of the Application, Opposer has used its BUSCH, ANHEUSER-BUSCH, BUSCH LIGHT, and BUSCH ICE marks (collectively, “the Busch Marks”) in connection with the marketing and sale of beer.
3. Opposer has sold hundreds of millions of dollars worth of beer under the BUSCH Marks and has spent hundreds of millions of dollars advertising and promoting its beer under the Busch Marks.

4. As a result of Opposer's extensive marketing and promotion, coupled with the overwhelming commercial success of its beer, Opposer's BUSCH Marks have become famous and well-known.

5. Opposer is the owner of, among others, the following United States trademark registrations:

MARK	REG. NO.	REG. DATE	GOODS
BUSCH	621,424	Feb. 14, 1956	Beer
ANHEUSER-BUSCH	909,723	Mar. 9, 1971	Beer
BUSCH LIGHT	1,573,711	Dec. 26, 1989	Beer
BUSCH ICE	4,285,175	Feb. 5, 2013	Beer

6. These registrations are valid, subsisting, and incontestable, and constitute conclusive evidence of the validity of the marks and registrations, and of Opposer's ownership of and exclusive right to use these marks in connection with the goods set forth in these registrations.

7. Applicant's mark BUSHI is confusingly similar to Opposer's famous BUSCH Marks such that consumers are likely to be confused or to believe that Opposer has endorsed Applicant's BUSHI products or that there is a relationship or affiliation between Applicant's BUSHI products and Opposer's BUSCH products.

COUNT I
Likelihood of Confusion
(15 U.S.C. § 1052(d))

8. Opposer realleges and incorporates by reference the preceding allegations of its Notice of Opposition.

9. Applicant's mark BUSHI so closely resembles Opposer's prior used and registered BUSCH Marks, as to be likely, when used in connection with the goods set forth in

the Application, to cause confusion, or to cause mistake, or to deceive under Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

COUNT II
Likelihood of Dilution
(15 U.S.C. § 1125(c))

10. Opposer realleges and incorporates by reference the preceding allegations of its Notice of Opposition.

11. Well prior to the filing date of the Application, Opposer's BUSCH Marks became distinctive and famous under 15 U.S.C. § 1125(c).

12. Applicant's proposed registration and use of the mark BUSHI in connection with the goods set forth in the Application is likely to cause dilution of Opposer's famous BUSCH Marks under Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

WHEREFORE, Opposer believes that it will be damaged by registration of the mark shown in Application Serial No. 85/801,815 and respectfully requests that the opposition be sustained, and that registration to Applicant be refused.

The filing fee in the amount of \$600 is being transmitted electronically with this submission. Any deficiency in the fee should be charged to Deposit Account No. 08-2623.

Dated: August 1, 2013

Respectfully submitted,

/s/ Janet Shih Hajek
Andrea Anderson
Janet Shih Hajek
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Denver, CO 80201-8749
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Attorneys for Opposer
ANHEUSER-BUSCH, LLC

CERTIFICATE OF SERVICE

I certify that on August 1, 2013, I served a copy of the above **NOTICE OF OPPOSITION** to the following by U.S. Mail, postage prepaid:

Brock R. Lyle, Esq.
Ropers, Majeski, Kohn & Bentley
1001 Marshall Street
Suite 500
Redwood City, CA 94063-2054

/s/ Janet Shih Hajek

Janet Shih Hajek

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