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

Proceeding	91211837
Party	Defendant Blanco Basura Beverage, Inc.
Correspondence Address	BROCK R. LYLE ROPERS, MAJESKI, KOHN & BENTLEY 1001 MARSHALL ST STE 500 REDWOOD CITY, CA 94063-2054 blyle@rmkb.com;jlove@rmkb.com; tcruzada
Submission	Answer
Filer's Name	Brock R. Lyle
Filer's e-mail	blyle@rmkb.com, jlove@rmkb.com, tcruzada@rmkb.com
Signature	/Brock R. Lyle/
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Trademark Application Serial No. 85/801,815
Published in the *Official Gazette* May 7, 2013

ANHEUSER-BUSCH, LLC,

Opposer,

v.

BLANCO BASURA BEVERAGE, INC.,

Applicant.

OPPOSITION NO. 91211837

**APPLICANT'S ANSWER TO NOTICE OF
OPPOSITION**

**APPLICANT'S ANSWER AND AFFIRMATIVE DEFENSES TO
NOTICE OF OPPOSITION**

Applicant, BLANCO BASURA BEVERAGE, INC. (hereafter, "Applicant"), for its Answer to the Notice of Opposition filed by Anheuser-Busch, LLC (hereafter, "Opposer") against application for registration of Applicant's trademark BUSHI, Serial No. 85/801,815 filed December 13, 2012, and published in the Official Gazette on May 7, 2013 (the "Mark"), pleads and avers as follows:

1. Applicant is without sufficient knowledge or information to admit or deny the allegations of Paragraph 1, and on that basis denies the allegations.
2. Applicant is without sufficient knowledge or information to admit or deny the allegations of Paragraph 2, and on that basis denies the allegations.
3. Applicant is without sufficient knowledge or information to admit or deny the allegations of Paragraph 3, and on that basis denies the allegations.
4. Applicant is without sufficient knowledge or information to admit or deny the allegations of Paragraph 4, and on that basis denies the allegations.

ANSWER TO OPPOSITION

5. Answering Paragraph 5, Applicant admits that Opposer is listed as the owner of United States trademark registrations BUSCH (Reg. No. 621,424), ANHEUSER-BUSCH (Reg. No. 909,723), BUSCH LIGHT (Reg. No. 1,573,711), and BUSCH ICE (Reg. No. 4,285,175), and that the registration dates and goods to which the registrations relate appear to be alleged in this Paragraph. Applicant is without sufficient knowledge or information to admit or deny the remaining allegations of Paragraph 5, and on that basis denies the allegations.

6. Applicant is without sufficient knowledge or information to admit or deny the allegations of Paragraph 6, and on that basis denies the allegations.

7. Applicant denies each and every allegation set forth in Paragraph 7.

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

8. Applicant realleges and incorporates by reference its responses to the preceding allegations of the Notice of Opposition as if set forth fully herein.

9. Applicant denies each and every allegation set forth in Paragraph 9.

COUNT II
Likelihood of Dilution
(15 USC § 1125(c))

10. Applicant realleges and incorporates by reference its responses to the preceding allegations of the Notice of Opposition as if set forth fully herein.

11. Applicant is without sufficient knowledge or information to admit or deny the allegations of Paragraph 11, and on that basis denies the allegations.

12. Applicant denies each and every allegation set forth in Paragraph 12, and specifically denies that registration of the Mark will damage Opposer in any amount or at all.

AFFIRMATIVE DEFENSES

First Affirmative Defense

Opposer fails to state a claim upon which relief can be granted.

Second Affirmative Defense

As a result of Applicant's continuous use of the Mark since the time of Applicant's adoption thereof, the Mark has developed significant goodwill among the consuming public and consumer acceptance of the goods offered by Applicant in conjunction with the Mark. Such goodwill and widespread usage have caused the Mark to acquire distinctiveness with respect to Applicant, and caused the Mark to become a valuable asset of Applicant.

Third Affirmative Defense


There is no likelihood of confusion, mistake or deception because, *inter alia*, the Mark is not confusingly similar to the trademarks of Opposer, or any of them.

WHEREFORE, Applicant prays as follows:

- (a) The Opposition be dismissed;
- (b) A registration for the term BUSHI be issued to Applicant.

Dated: September 9, 2013

ROPER, MAJESKI, KOHN & BENTLEY



Brock R. Lyle
Counsel for Applicant, Blanco Basura
Beverage, Inc.
1001 Marshall St.
Redwood City, CA 94063
Telephone: (650) 364-8200
Facsimile: (650) 780-1701