

ESTTA Tracking number: **ESTTA588819**

Filing date: **02/24/2014**

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	CROWN IMPORTS LLC
Granted to Date of previous extension	02/23/2014
Address	1 SOUTH DEARBORN, SUITE 1700 CHICAGO, IL 60603 UNITED STATES

Attorney information	JEFFREY H. BROWN MICHAEL BEST & FRIEDRICH LLP 180 N. STETSON, SUITE 2000 CHICAGO, IL 60601 UNITED STATES jhbrown@michaelbest.com Phone:312.222.5794
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Applicant Information

Application No	85961926	Publication date	08/27/2013
Opposition Filing Date	02/24/2014	Opposition Period Ends	02/23/2014
Applicant	ANHEUSER-BUSCH LLC ONE BUSCH PLACE ST. LOUIS, MO 63118 MACAU		

Goods/Services Affected by Opposition

Class 032. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Beer

Grounds for Opposition

The mark is merely descriptive	Trademark Act section 2(e)(1)
The mark is deceptively misdescriptive	Trademark Act section 2(e)(1)
Genericness	Trademark Act section 23

Attachments	14598369_Notice_of_Opposition_-_CHELADITAS.pdf(12305 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	/Jeffrey H. Brown/
Name	JEFFREY H. BROWN
Date	02/24/2014

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

In the Matter of Trademark Applicant:)
ANHEUSER-BUSCH LLC)
Serial No. : 85/961926)
Filed : June 17, 2013)
Mark: CHELADITAS)

Published in the Official Gazette dated August 27, 2013

CROWN IMPORTS LLC,)
Opposer,)
v.) Opp. No.
ANHEUSER-BUSCH LLC,)
Applicant.)

NOTICE OF OPPOSITION

CROWN IMPORTS LLC (“Opposer”), a Delaware limited liability company located and doing business at 1 South Dearborn, Chicago, IL 60603, believes that it will be damaged by the registration of the mark CHELADITAS shown in Serial No. 85/961926 for beer (“Applicant’s Mark”), by ANHEUSER-BUSCH LLC (“Applicant”), and hereby opposes the registration of said application.

As grounds of opposition, Opposer alleges:

1. Opposer is the leading importer and distributor of Mexican beers in the United States.
2. On information and belief, Applicant intends to use the applied-for mark in connection with beer.

3. On information and belief, Applicant intends to use the applied-for mark in connection with a chelada-style beer.

4. "Chelada" is a flavored beer or a drink made with beer. The Spanish language suffix "-ita" is a diminutive, used to indicate a small size or endearment. These terms are well-known to consumers.

5. Accordingly, "chelada" is generic or descriptive in connection with beer and/or a drink made with beer.

6. On information and belief, CHELADITA is the diminutive term for chelada-style beer.

7. On information and belief, Applicant has made no use of the mark shown in Application Serial No. 85/961926 for the applied for goods in commerce in the United States.

8. CHELADITAS has not become distinctive of Applicant's applied for goods.

9. CHELADITAS is a generic term for the applied for goods, or is merely descriptive or misdescriptive of those goods.

10. If Applicant were granted registration of CHELADITAS, Applicant would obtain certain statutory rights, including prima facie rights to the exclusive use of CHELADITAS, all to the damage of Opposer.

11. Registration by Applicant of Application Serial No. 85/961926 would be inconsistent with Opposer's and others' right to use CHELADITAS generically or descriptively.

12. Registration by Applicant of Application Serial No. 85/961926 would be damaging to Opposer.

WHEREFORE, Opposer prays that this opposition be sustained and that registration of Applicant's application, Serial No. 85/961926, be denied and refused.

Dated: February 24, 2014

Respectfully submitted,

CROWN IMPORTS LLC

/s/ Jeffrey H. Brown

By: _____
One of its Attorneys

Jeffrey H. Brown
Luke W. DeMarte
Michael Best & Friedrich LLP
180 N. Stetson Avenue, Suite 2000
Chicago, IL 60601
(312) 222-0800

Attorneys for CROWN IMPORTS LLC

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CERTIFICATE OF SERVICE

The undersigned certifies that on February 24, 2014 the foregoing Notice of Opposition was served upon Applicant's Correspondent by depositing a copy of said document in the U.S. mail in an envelope addressed to:

Jeremy M. Roe
Anheuser-Busch Companies LLC
1 Busch Place
Saint Louis, MO 63118-1852

/s/ Jeffrey H. Brown

Jeffrey H. Brown