

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MILLERCOORS, LLC,)	
)	
Plaintiff,)	
)	
v.)	Case No. 19-cv-218-WMC
)	
ANHEUSER-BUSCH COMPANIES, LLC,)	
)	
Defendant.)	

Anheuser-Busch Companies, LLC's Motion to Dismiss

Anheuser-Busch Companies, LLC ("Anheuser-Busch") hereby moves to dismiss MillerCoors, LLC's ("MillerCoors") Complaint under Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief can be granted.

In support of this motion, Anheuser-Busch relies upon the accompanying Memorandum of Law, which states that the Court should dismiss both counts of the Complaint, with prejudice. Count I is barred because it fails to plead a plausible claim or the elements of a claim for false advertising under the Lanham Act. Count II is barred as a matter of law by 15 U.S.C. § 1125(c)(3)(A) and because MillerCoors has failed to plead a plausible claim or the elements of a claim for trademark dilution under the Lanham Act. For these reasons, and the reasons set forth in Anheuser-Busch's accompanying Memorandum of Law, MillerCoors' Complaint should be dismissed with prejudice.

WHEREFORE, Anheuser-Busch respectfully requests that this Court enter an Order dismissing MillerCoors' Complaint, with prejudice, for failure to state a claim and for such other and further relief as this Court deems just and proper.

Dated: April 18, 2019

Respectfully submitted,

GODFREY & KAHN, S.C.

By: /s/ Kendall W. Harrison

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