



## AT THE BAR WITH BOWDITCH

A Legal Blog for the Craft Brewing Community

### Following the Stone Brewing-MillerCoors Trademark Dispute: MillerCoors Responds

BY ANDREW C. BARTHOLOMEW • MAY 1, 2018

A recent [blog post](#) chronicled the trademark infringement action Stone Brewing had initiated against MillerCoors for its marketing of Keystone Light, which allegedly emphasized the word “STONE” in a confusing manner. MillerCoors has since filed an answer to the complaint in which it addresses all of Stone Brewing’s allegations, and interestingly also claims that its rights to use the contested term are superior to those of Stone Brewing. This tactic could potentially put Stone Brewing between a stone and a hard place.

Mirroring the narrative style Stone Brewing adopted in its complaint, MillerCoors tells the story of the Keystone brand, claiming that it first adopted the nickname ‘STONES in the early 1990s, well before Stone Brewing was even formed. It asserts that this nickname resonated with fans of the “economy lager” because it “captured the no-nonsense approach of Keystone customers, who looked forward to the end of the day when they could throw back some ‘STONES.” Because it used the term first, MillerCoors claims that its right to continue to use the ‘STONES moniker should trump any right claimed by Stone Brewing.

Referring to its 2017 marketing campaign as a “visual refresh,” MillerCoors also rebuts Stone Brewing’s contention that the two companies are even true competitors. MillerCoors’ efforts to refresh the Keystone brand were purportedly aimed at differentiating it from Busch Light and Natural Light, both brewed by Anheuser-Busch InBev, the largest beer company in the world. MillerCoors accordingly denies Stone Brewing’s allegation that it is attempting to “chase the craft market,” instead asserting that “Stone Brewing is well known in the beer industry for its bombastic hyperbole, pugnacious attitude, and for launching public insults at brewers small and large.”

Finally, MillerCoors alleges that Stone Brewing had the opportunity to pursue this claim in 2010 when it first contested MillerCoors’ use of ‘STONES. Its failure to do so until eight years later has supposedly resulted in prejudice to MillerCoors, because during that period it invested heavily in marketing campaigns centered around STONES.

At this point, it is evident that neither company is willing to cede any ground. Stone Brewing has already responded to

MillerCoors' answer via social media, essentially refuting all its claims and insisting that it must protect its brand. At the very least, Stone Brewing stands to benefit from this lawsuit through increased publicity, but if it also manages to win, it will be able to safeguard its position in the market and potentially collect damages. In other words, Stone Brewing might be able to kill two birds with one stone.