

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

STATESIDE BRANDS LLC,

Plaintiff,

v.

ANHEUSER-BUSCH, LLC, ANHEUSER-BUSCH, INCORPORATED, and
ANHEUSER-BUSCH INBEV
WORLDWIDE INC.

Defendants.

Case No. _____

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Stateside Brands LLC alleges against Defendants Anheuser-Busch, LLC; Anheuser-Busch, Incorporated; and Anheuser-Busch InBev Worldwide Inc. (collectively, “Anheuser-Busch”) as follows, upon actual knowledge with respect to itself and its own acts, and upon information and belief as to all other matters.

NATURE OF THE ACTION

1. This is a civil action for trade dress infringement and unfair competition under 15 U.S.C. § 1051 *et seq.* and Pennsylvania common law.

2. Founded in 2013 by Philadelphia natives, the Stateside vodka distillery experienced a meteoric rise in 2022 when it introduced its SURFSIDE canned iced-tea and lemonade vodka drink. Since then, with millions of cases of SURFSIDE sold year over year, Stateside has earned a spot at the top of the alcoholic beverage industry, with its SURFSIDE drink becoming a household staple across the nation.

3. SURFSIDE's immense popularity is attributable not only to its quality ingredients and innovative flavors, but also to the instantly recognizable product design of the SURFSIDE can. The combination of a stylized gradient design on the bottom third of the can comprised of layered color-shifting bands, a white background overlayed with a sun design and the product mark in the top two thirds of the can, and a colored rim around the top of the can drawn from the color scheme of the bottom, has become distinctive of Stateside's SURFSIDE drinks and makes it stand out from the crowd. When consumers encounter the SURFSIDE can—up close and from afar—in ballparks, stadiums, stores, and everywhere else it is sold and used, they recognize it as a unique source indicator for Stateside.



4. Seeking to trade off the tremendous goodwill Stateside has built in its highly recognizable, extremely popular, and hugely successful SURFSIDE beverages, Anheuser-Busch recently introduced its own ready-to-drink (“RTD”) alcoholic iced-tea and lemonade vodka-based beverage, named Skimmers, that copies the SURFSIDE can design and mimics the overall look and feel (or trade dress) of Stateside’s product:

***Stateside’s SURFSIDE
Can Design/Trade Dress***



AB’s Infringing Can Design





5. Anheuser-Busch could have selected from a vast universe of design elements to create a can that stood on its own. Instead, it opted to mimic Stateside and freeride off its popular and successful SURFSIDE design, product, reputation, and goodwill to gain an unfair marketplace boost—at the expense of both Stateside and consumers alike. Stateside therefore seeks to enjoin Anheuser-Busch’s unauthorized use of Stateside’s SURFSIDE trade dress and to recover actual damages, Anheuser-Busch’s profits, and other relief, including costs and attorneys’ fees.

THE PARTIES

6. Plaintiff Stateside is a limited liability company organized and existing under the laws of Pennsylvania, with its principal place of business at 1700 N. Hancock St., Philadelphia, PA 19122.

7. Defendant Anheuser-Busch, LLC is a limited liability company organized and existing under the laws of Missouri, with its principal place of business at One Busch Place, 202-7, St. Louis, MO 63118. Anheuser-Busch, LLC is registered to do business in the Commonwealth of Pennsylvania. Anheuser-Busch, LLC’s registered office in the Commonwealth of Pennsylvania has an address at 1635 Market Street, Philadelphia, PA 19103.

8. Defendant Anheuser-Busch, Incorporated is a corporation organized and existing under the laws of Missouri, with its principal place of business at One Busch Place, St. Louis, MO 63118. Anheuser-Busch, Incorporated is registered to do business in the Commonwealth of Pennsylvania. Anheuser-Busch, Incorporated’s registered office in the Commonwealth of Pennsylvania has an address at 1635 Market Street, Philadelphia, PA 19103.

9. Defendant Anheuser-Busch InBev Worldwide Inc. is a corporation organized and existing under the laws of Delaware, with its principal place of business at One Busch Place, St. Louis, MO 63118. Anheuser-Busch InBev Worldwide Inc. is registered to do business in the

Commonwealth of Pennsylvania. Anheuser-Busch InBev Worldwide Inc.'s registered office in the Commonwealth of Pennsylvania has an address at 1635 Market Street, Philadelphia, PA 19103.

JURISDICTION AND VENUE

10. This Court has jurisdiction over the subject matter of this action under 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331, 1338(a), and 1338(b). This Court has general jurisdiction over each Anheuser-Busch Defendant pursuant to 42 Pa. Cons. Stat. § 5301(a)(2)(i) because each is registered to do business in the Commonwealth of Pennsylvania, 15 Pa. Cons. Stat. § 411(a), and as a result, maintains a corporate office that is continuously maintained in the Commonwealth of Pennsylvania, 15 Pa. Cons. Stat. § 411(f). Each Defendant therefore enjoys the same rights and privileges as a domestic entity and is subject to the same liabilities, restrictions, duties, and penalties imposed on domestic entities. 15 Pa. Cons. Stat. § 402(d). This Court has supplemental jurisdiction over Stateside's state-law claims pursuant to 28 U.S.C. § 1367 because those claims are substantially related to Stateside's federal Lanham Act claims.

11. This Court also has diversity jurisdiction under 28 U.S.C. § 1332 because Stateside is a citizen of Pennsylvania, Anheuser-Busch, LLC and Anheuser-Busch, Incorporated are citizens of Missouri, Anheuser-Busch InBev Worldwide Inc. is a citizen of Delaware, and the amount in controversy exceeds \$75,000.

12. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) and (c) because Stateside is being harmed in this District, Stateside's intellectual property at issue in this litigation is located in this District, and each Anheuser-Busch Defendant maintains an office in this District, as documented with the Pennsylvania Department of State.

STATESIDE AND ITS WELL-KNOWN SURFSIDE PRODUCTS AND TRADE DRESS

13. Founded in 2013, Stateside is a successful, popular, and well-known Philadelphia-based distillery that distills and sells several types of alcoholic beverages, namely, vodka, RTD vodka-soda cocktails, and RTD iced-tea and lemonade with vodka cocktails.

14. In 2015, Stateside launched its first product, STATESIDE vodka. Since then, STATESIDE vodka has experienced great commercial success, beloved by consumers in Philadelphia where the product was first launched, and across the country.

15. To capitalize on the success of its STATESIDE vodka, and looking for ways to expand its product portfolio, in 2021 Stateside made its first foray into the RTD beverage space by launching its STATESIDE VODKA SODA, a pre-mixed vodka and soda drink.

16. Around the same time, Stateside also developed the concept for a different pre-mixed vodka beverage, evoking a beach theme and containing iced tea or lemonade—SURFSIDE.



17. The overall appearance of the SURFSIDE beverage, created by the combination of the following features, forms a non-functional and distinctive trade dress: (1) a stylized gradient design on the bottom third of the can comprised of layered color-shifting bands, (2) a white background overlayed with a sun design and the product trademark in the top two thirds of the can, and (3) a colored rim around the top of the can drawn from the color scheme of the bottom of the can:



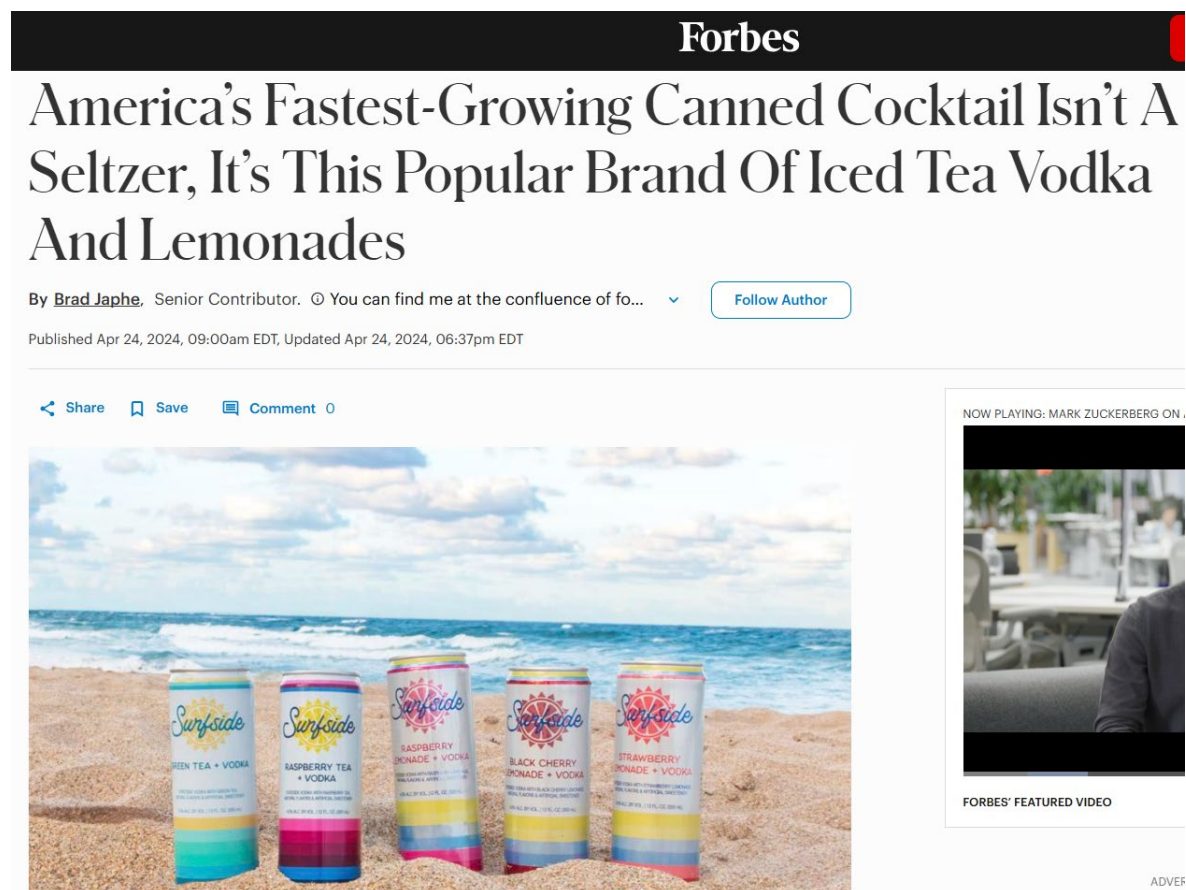
(collectively, the “Surfside Trade Dress”).

18. Launched in 2022, the SURFSIDE beverage was an overnight success that took the industry by storm. And its growth has been nothing short of exponential. SURFSIDE grew 563% in just its second year on the market—from selling about 200,000 cases in 2022, to 1.3 million cases in 2023, to 4.9 million cases in 2024. In just under three years, Stateside has earned many millions of dollars from sales of its SURFSIDE products alone.

19. Starting with its Iced Tea flavor, Stateside has expanded its SURFSIDE product line to offer a wide range of flavors including Iced Tea + Lemonade, Lemonade, Strawberry Lemonade, Black Cherry Lemonade, Raspberry Tea, Peach Tea, Peach Green Tea, Mango Green Tea, and Green Tea & Lemonade.

20. Stateside’s SURFSIDE drinks are sold in all 50 U.S. states, as well as St. Thomas, the Bahamas, and Grand Cayman. In 2024, SURFSIDE was recognized as “America’s

fastest growing canned cocktail” by *Forbes* magazine,¹ which prominently displayed the SURFSIDE Trade Dress in the article:



21. One year later, *Forbes* broadened its praise, heralding SURFSIDE as “the fastest-growing alcohol brand in America.”²

¹ <https://www.forbes.com/sites/bradjaphe/2024/04/24/americas-fastest-growing-canned-cocktail-isnt-a-seltzer-its-this-popular-brand-of-vodka-lemonade/>, accessed September 23, 2025.

² <https://www.forbes.com/sites/chloesorvino/2025/07/27/how-surfside-became-the-fastest-growing-alcohol-brand-in-america/>, accessed September 23, 2025.

DAILY COVER

How Surfside Became The Fastest-Growing Alcohol Brand In America



22. Stateside’s SURFSIDE drinks have also received extensive media attention from major business outlets, including *CNN Business*, *INC. Magazine*, *AdAge*, *Men’s Journal*, *Philly Voice*, and *InsideHook*, as well as industry publications such as *Food & Wine*, *RTD Ready-To-Drink Magazine*, *Beverage Daily*, *The Spirits Business*, *Beer Business Daily*, *Eat This, Not That!*, *FoodDive*, *VinePair*, and *Guilty Eats*. When Stateside’s SURFSIDE drinks are featured and discussed in these publications, an image of the product itself—including the SURFSIDE Trade Dress—is virtually always included.

23. Moreover, Stateside has widely and extensively advertised its SURFSIDE products on its website and social media, on billboards, and other physical signage, as shown in the

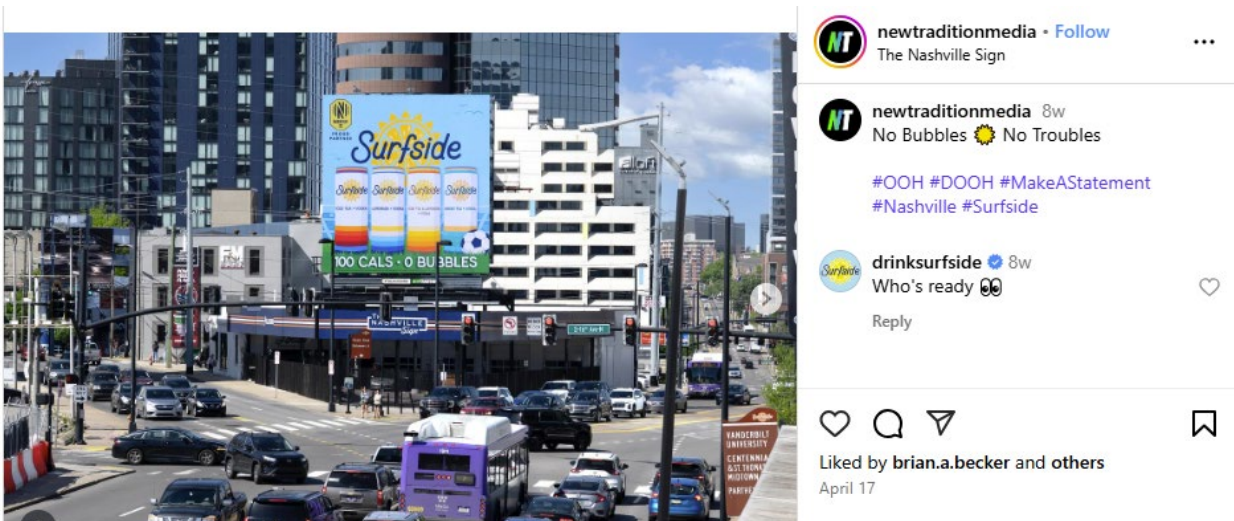
examples below. Stateside's advertising for its SURFSIDE products often prominently feature the SURFSIDE Trade Dress.



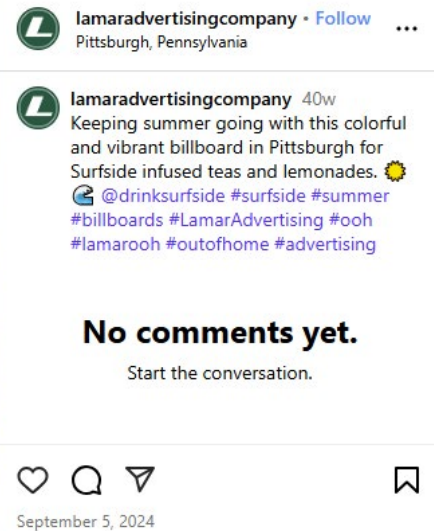
https://www.instagram.com/p/DMAiESJNTF1/?img_index=1



<https://www.instagram.com/p/DC61sYHM-ql/>



<https://www.instagram.com/p/DIjctK9MwM6/>



https://www.instagram.com/p/C_i4NjgvbID/

24. To further acquaint millions of consumers with its SURFSIDE products and Surfside Trade Dress, Stateside has entered into high-profile partnerships with several professional sports teams to sell and promote its SURFSIDE drinks (and other Stateside beverages) in their stadiums.



<https://www.instagram.com/reel/DMQx4q5urTB/>



<https://www.instagram.com/p/DGYfjFRyyRx/>

25. A key part of the commercial success and tremendous popularity of the SURFSIDE products is the unique and highly identifiable design of the SURFSIDE Trade Dress.

26. As a result of Stateside’s widespread sales and extensive promotion of the SURFSIDE products and the Surfside Trade Dress, consumers of RTD beverages have come to associate the Surfside Trade Dress as a unique identifier exclusively associated with one source, namely Stateside.

27. Indeed, conscious of the power of its branding and the strength of its Surfside Trade Dress, Stateside has consistently, repeatedly, and prominently emphasized the color-gradient stacked bars in its advertising, on its merchandise, and on its product packaging—thereby further establishing the Surfside Trade Dress as a source indicator for Stateside. A few of the many examples of Stateside’s use of the stacked bars (along with its other trade dress elements) in advertising, on its packaging, and on its merchandise are shown below.





Surfside Iced Tea Board Shorts
\$35.00



Surfside Strawberry
Lemonade Board Shorts
\$35.00



Surfside Peach Tea Board
Shorts
\$35.00



Surfside Green Tea Board
Shorts
\$35.00



Surfside Demerbox Speaker
\$400.00



Surfside Paddle Ball Set
\$15.00



Surfside Magnetic Blade
Putter Cover
\$44.00



Surfside Golf Bundle
\$70.00 ~~\$90.00~~

28. Further indicative of the widespread recognition of Stateside's Surfside Trade Dress, people have even gotten tattoos of that trade dress, e.g.:



https://www.instagram.com/p/DDsiiOWJIVx/?hl=en&img_index=1



<https://www.instagram.com/p/DIB80nPu1J7/>

ANHEUSER-BUSCH'S WRONGFUL ACTIVITIES

29. Founded in St. Louis, Missouri in the mid-19th century, Anheuser-Busch is one of the world's largest beer companies and the owner of some of the most famous beer brands in the United States, including BUDWEISER, BUD LIGHT, KONA BIG WAVE, MICHELOB ULTRA, and STELLA ARTOIS, to name a few.

30. In 2019, Anheuser-Busch expanded into the RTD canned cocktail space when it acquired Cutwater Spirits—one of Stateside's direct competitors.

31. In April 2025, Anheuser-Busch launched a new vodka-based RTD beverage named "Skimmers." Much like Stateside's SURFSIDE drinks, Skimmers is a canned RTD beverage made with iced tea and/or lemonade and vodka and competes directly with Stateside's SURFSIDE products.

32. Instead of competing in the RTD industry on a level playing field, Anheuser-Busch decided to give itself an unlawful edge in the market by designing its Skimmers product to look

strikingly similar to the SURFSIDE products. Indeed, as shown in the comparison table below, the design for the Skimmers product mimics each element of Stateside’s Surfside Trade Dress and conveys the same overall appearance and commercial impression.



33. Tracking each element of the Surfside Trade Dress, Anheuser-Busch’s Skimmers design uses: (1) a stylized gradient design on the bottom third of the can comprised of layered color-shifting bands, (2) a white background overlayed with a sun design and the product trademark in the top two thirds of the can, and (3) a colored rim around the top of the can drawn from the color scheme of the bottom of the can.

34. Anheuser-Busch was familiar with Stateside’s SURFSIDE products and Surfside Trade Dress when it designed its Skimmers product design, and Anheuser-Busch knowingly and willfully copied the Surfside Trade Dress to leverage and take advantage of the substantial goodwill Stateside has tirelessly developed.

35. Anheuser-Busch could have selected from among myriad other design elements to create a unique product design for its Skimmers cans. Instead, Anheuser-Busch chose to cut corners and to usurp Stateside's goodwill in the marketplace by adopting a design that is nearly identical and confusingly similar to the Surfside Trade Dress.

INJURY TO STATESIDE AND THE PUBLIC

36. Anheuser-Busch's unauthorized use of Stateside's Surfside Trade Dress is likely to cause confusion, mistake, and deception as to the source or origin of Anheuser-Busch's products and/or to mislead consumers into believing that Anheuser-Busch or its products are affiliated with or sponsored, approved, and/or licensed by Stateside and/or its products.

37. Anheuser-Busch has knowingly, willfully, and in reckless disregard of Stateside's rights leveraged and exploited the substantial goodwill and reputation associated with Stateside's Surfside Trade Dress. Through its willful misappropriation of that trade dress, Anheuser-Busch obtained a substantial unfair competitive advantage by forgoing the effort required to develop its own brand identity and is instead freeriding on Stateside's significant investments of time and money, which have contributed to the renown of its highly popular and commercially successful SURFSIDE products, including the Surfside Trade Dress associated with those products.

38. As a direct and proximate result of Anheuser-Busch's willful actions, Stateside has been, and will continue to be, irreparably harmed unless Anheuser-Busch's unlawful conduct is enjoined—particularly because Stateside lacks control over the nature and quality of Anheuser-Busch's copycat design and the products Anheuser-Busch offers. There is no adequate remedy at law to redress this harm.

39. Anheuser-Busch's unlawful acts have also damaged and irreparably injured and, if permitted to continue, will further damage and irreparably injure consumers, who have an interest in being free from confusion, mistake, and deception.

40. Anheuser-Busch has acted knowingly, willfully, in reckless disregard of Stateside's rights, and in bad faith.

COUNT I
Trade Dress Infringement, False Designation of Origin,
Passing Off, and Unfair Competition Under Section 43(a)
of the Lanham Act (15 U.S.C. § 1125(a)) Against All Defendants

41. Stateside repeats and re-alleges each and every allegation set forth in paragraphs 1-40 above.

42. Stateside's Surfside Trade Dress is non-functional and distinctive based on, among other things, extensive nationwide use, promotion, marketplace success, and recognition, and was non-functional and distinctive before Anheuser-Busch first sold, offered for sale, distributed, advertised, or promoted its Skimmers product.

43. Anheuser-Busch's unauthorized use of Stateside's Surfside Trade Dress in connection with its Skimmers product, as described above, is likely to cause confusion (including initial-interest, point-of-purchase, and/or post-sale confusion), or to cause mistake, or to deceive as to the origin, sponsorship, or approval of Anheuser-Busch, Anheuser-Busch's Skimmers product, and/or Anheuser-Busch's commercial activities by or with Stateside. Anheuser-Busch's conduct thus constitutes trade dress infringement, false designation of origin, passing off, and unfair competition in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

COUNT II
Common-Law Trade Dress Infringement and Unfair Competition
Under Pennsylvania Common Law Against All Defendants

44. Stateside repeats and re-alleges each and every allegation set forth in paragraphs 1-43 above.

45. Anheuser-Busch's activities described above constitute common-law trade dress infringement and misappropriation of the goodwill associated with Stateside's Surfside Trade Dress and thus constitute unfair competition in violation of Pennsylvania common law.

JURY DEMAND

46. Pursuant to Fed. R. Civ. P. 38, Stateside respectfully demands a trial by jury on all issues properly triable by a jury in this action.

REQUEST FOR RELIEF

WHEREFORE, Stateside respectfully requests that this Court enter judgment in its favor on each and every claim set forth above and award it at least the following relief:

A. An Order that Anheuser-Busch's Skimmers product, as detailed above, infringes Stateside's Surfside Trade Dress and constitutes trade dress infringement and unfair competition under federal and state law, specifically, 15 U.S.C. §§ 1125(a) and Pennsylvania common law.

B. A permanent injunction enjoining Anheuser-Busch and its officers, directors, agents, servants, affiliates, employees, subsidiaries, parents, licensees, assigns, and customers, and all others acting in concert or participation with them, from further acts of infringement of Stateside's Surfside Trade Dress, including:

- a. Advertising, marketing, promoting, supplying, distributing, offering for sale, or selling the Skimmers product and/or any product that uses Stateside's Surfside Trade Dress and/or anything confusingly similar thereto;

- b. Representing by any means whatsoever, directly or indirectly, that Anheuser-Busch or any of its products or activities are associated, connected, or affiliated with Stateside (and/or its SURFSIDE products) and/or sponsored, authorized, or licensed by Stateside;
- c. Effecting assignments or transfers, forming new entities or associations, and/or utilizing any other device for the purpose of circumventing or otherwise avoiding the prohibitions set forth above; and
- d. Aiding, abetting, contributing to, or otherwise assisting anyone in engaging or performing any of the activities referred to in subparagraphs B(a)-(c).

C. An Order directing Anheuser-Busch to, within 30 days after the entry of the permanent injunction, file with this Court and serve on Stateside's attorneys a report in writing and under oath setting forth in detail the manner and form in which Anheuser-Busch has complied with the injunction.

D. An Order directing Anheuser-Busch to immediately tender to Stateside all products, advertisements, promotional materials, and/or any other materials and things that contain or bear Stateside's Surfside Trade Dress and/or anything confusingly similar thereto.

E. An Order requiring Anheuser-Busch to account for and pay to Stateside any and all profits arising from the foregoing acts in accordance with 15 U.S.C. § 1117, and other applicable laws, and increasing such profits, including trebling them, in accordance with 15 U.S.C. § 1117 and other applicable laws.

F. An Order requiring Anheuser-Busch to pay Stateside damages in an amount as yet undetermined (but exceeding \$75,000) caused by the foregoing acts in accordance with 15 U.S.C.

§ 1117, and the common law of the state of Pennsylvania, and trebling such damages in accordance with 15 U.S.C. § 1117.

G. An Order requiring Anheuser-Busch to pay Stateside punitive damages in an amount to be determined due to the foregoing willful acts.

H. An Order declaring this to be an exceptional case and awarding Stateside its attorneys' fees and costs in this action pursuant to 15 U.S.C. § 1117, and other applicable laws.

I. An Order awarding pre- and post-judgment interest on the damages caused by Anheuser-Busch's infringing activities and other conduct set forth above.

J. Awarding Stateside any other additional relief as the Court deems just and proper.

Date: October 21, 2025

/s/ Susan M. Valinis

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