

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

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MOET HENNESSEY ASIA PACIFIC  
PTE LTD.,

Petitioner,

v.

CELEBRATION DISTILLATION  
CORPORATION,

Registrant.

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Reg. No. 2,926,706

**PETITION FOR CANCELLATION**

Moet Hennessey Asia Pacific Pte Ltd., a Singapore corporation with a place of business at 83 Clemenceau Avenue, #17-07 UE Square, Singapore 239920 ("Petitioner"), believes it will be damaged by Registration No. 2,926,706 for CANE for the goods "rum", issued to Celebration Distillation Corporation ("Registrant") and hereby petitions to cancel this registration.

As grounds for cancellation, it is alleged that:

1. Registrant owns Registration No. 2,926,706 for CANE for rum.
2. Upon information and belief, sugar cane, also known as CANE, is a primary ingredient in the manufacture of rum.
3. Upon information and belief, Registrant's alleged mark is not inherently distinctive and has not acquired secondary meaning.
4. Inasmuch as CANE is a primary ingredient of rum, it is a term that should be in the public domain and is not subject to exclusive appropriation.

5. Applicant's mark CANE is merely descriptive and registration of same on the Principal Register constitutes a violation of 15 U.S.C. 1052(e)(1).
6. Petitioner has filed Application No. 78/389468 for 10 CANE for spirits and liqueurs, namely rum and rum-based alcoholic beverages, prepared alcoholic cocktails, fruit flavoured alcoholic beverages in Class 33, and said application is currently suspended because the Trademark Office has cited Registrant's mark as a potential basis for refusing registration.
7. The continued registration of Registrant's mark will damage Petitioner in that it may prevent Petitioner from registering its 10 CANE mark and will also create an unacceptable risk to Petitioner's use of CANE in its ordinary descriptive sense.
8. By virtue of the facts set forth in the foregoing allegations, Petitioner has been damaged and will continue to be damaged within the meaning of 15 U.S.C. §1064.

WHEREFORE, Petitioner requests that Registration No. 2,926,706 be canceled.

Respectfully submitted,



Lawrence E. Abelman

Date: March 1, 2005

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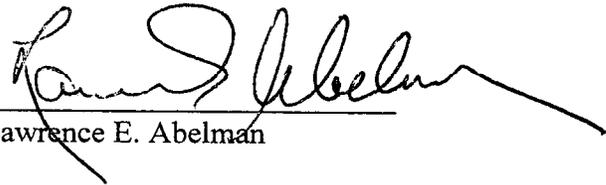
As grounds for cancellation, it is alleged that:

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4. Inasmuch as CANE is a primary ingredient of rum, it is a term that should be in the public domain and is not subject to exclusive appropriation.

5. Applicant's mark CANE is merely descriptive and registration of same on the Principal Register constitutes a violation of 15 U.S.C. 1052(e)(1).
6. Petitioner has filed Application No. 78/389468 for 10 CANE for spirits and liqueurs, namely rum and rum-based alcoholic beverages, prepared alcoholic cocktails, fruit flavoured alcoholic beverages in Class 33, and said application is currently suspended because the Trademark Office has cited Registrant's mark as a potential basis for refusing registration.
7. The continued registration of Registrant's mark will damage Petitioner in that it may prevent Petitioner from registering its 10 CANE mark and will also create an unacceptable risk to Petitioner's use of CANE in its ordinary descriptive sense.
3. By virtue of the facts set forth in the foregoing allegations, Petitioner has been damaged and will continue to be damaged within the meaning of 15 U.S.C. §1064.

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Gabriel M. Frayne (1929 - 2000)

March 1, 2005

**TTAB**

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

**Attention: TRADEMARK TRIAL AND APPEAL BOARD**

Our Ref.: 213399

Re: PETITION TO CANCEL  
To Registration No. 2,926,706 **76511764**  
For CANE

Dear Sir:

1. We submit herewith two copies of a Petition to Cancel to the above referenced registration.
2. The official fee of \$300.00 is covered by the attached check. Please charge Deposit Account No. 01-0035 for any additional fees not fully covered by said check.
3. Kindly acknowledge receipt by returning the attached card.

Respectfully Submitted,

CERTIFICATE OF MAILING  
Date of Deposit: March 1, 2005  
I hereby certify that this correspondence is being deposited with the United States Postal service as First Class Mail in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451

JULIE B. SEYLER  
  
(Signature of person mailing paper or fee)

JULIE B. SEYLER

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03-03-2005

JBS:rd