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

Proceeding	92046807
Party	Plaintiff FIJI Water Company LLC; Paramount International Export, Ltd.
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Date	05/05/2009
Attachments	Amended Petition to Cancel.pdf (4 pages)(14640 bytes)

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

**In the Matter of Registration No. 2,523,167
Registration Date: December 25, 2001**

FIJI WATER COMPANY LLC;)	
PARAMOUNT INTERNATIONAL)	
EXPORT, LTD.,)	
Petitioners,)	
)	Cancellation No. 92046807
v.)	
)	
)	
GREAT BRANDS OF EUROPE, INC.,)	
)	
Registrant.)	

FIRST AMENDED PETITION TO CANCEL

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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Registration Date: December 25, 2001**

FIJI WATER COMPANY LLC;)	
PARAMOUNT INTERNATIONAL)	
EXPORT, LTD.,)	
Petitioners,)	
)	Cancellation No. 92046807
v.)	
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)	
GREAT BRANDS OF EUROPE, INC.,)	
)	
Registrant.)	

FIRST AMENDED PETITION TO CANCEL

In accordance with 37 C.F.R. § 2.107 and Fed. R. Civ. P. 15, Petitioners, Fiji Water Company, LLC and Paramount International Export, Ltd. (“Petitioners”), both Delaware companies located and doing business at 11444 W. Olympic Blvd., Los Angeles, CA 90064, file

this First Amended Petition to Cancel, without need for leave from the Bard, against the continued registration of UNTOUCHED BY MAN. PERFECT BY NATURE., Reg. No. 2,523,167, for “Bottled Spring Water” in Class 32, by Great Brands of Europe, Inc. (“Registrant”),¹ because Petitioners believe they will be damaged by the continued maintenance of such registration and hereby petition to cancel the same.

As grounds for this cancellation, Petitioner alleges:

1. Petitioners and Registrant are competitors in the marketing and sale of bottled water in the United States.

2. Petitioners have marketed their natural artesian water using the phrases “Untouched by man,” “Untouched by Man,” and “untouched by man.”

3. Registrant has obtained a registration for the phrase UNTOUCHED BY MAN. PERFECT BY NATURE., Reg. No. 2,523,167, for “Bottled Spring Water” in Class 32 (the “Registered Mark”).

Count I - Abandonment

4. Petitioners reallege the allegations of Paragraphs 1 through 3.

5. On information and belief, Registrant has ceased use, within the meaning of 15 U.S.C. § 1127, of the mark shown in Registration No. 2,523,167.

6. On information and belief, Registrant ceased use of the mark shown in Registration No. 2,523,167 for at least three consecutive years prior to the filing of this petition.

7. On information and belief, Registrant intends not to resume use of the mark shown in Registration No. 2,523,167.

8. Registrant has abandoned Registration No. 2,523,167.

¹ On April 1, 2009, Respondent filed a Motion to Change Caption of Proceedings to reflect an assignment of the Registered Mark from Great Brands of Europe, Inc. to Danone Waters of America, Inc. Petitioners do not oppose this Motion.

CERTIFICATE OF SERVICE

I, Sharon A. Ceresnie, hereby certify that a copy of this **FIRST AMENDED PETITION**

TO CANCEL has been served upon:

Kyoko Imai
Oblon, Spivak, McClelland, Maier & Neustadt, P.C.
1940 Duke Street
Alexandria, Virginia 22314

first class mail, postage prepaid, on this 5th day of May, 2009.

/s/ Sharon A. Ceresnie