

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

In the Matter of Trademark Registration No. 2,700,492  
For the Mark RAW WATER  
Registered March 25, 2003

78/126,065

WORLD WRESTLING )  
ENTERTAINMENT, INC., )  
 )  
Petitioner, )  
 )  
v. )  
 )  
MILLER SPRINGS, LTD., )  
 )  
Respondent. )  
\_\_\_\_\_ )

Cancellation No. \_\_\_\_\_

United States Patent and Trademark Office  
Attn: Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

**TRANSMITTAL OF PETITION TO CANCEL**

In accordance with 37 C.F.R. § 2.113, enclosed is a Petition to Cancel filed on behalf of World Wrestling Entertainment, Inc., a Delaware corporation having its principal place of business at 1241 East Main Street, Stamford, Connecticut 06902, against the above-referenced trademark registration for the mark RAW WATER.

The Commissioner is authorized to charge the requisite fee in the amount of \$300.00 (\$300.00 per class) to Deposit Account No. 11-1110. The Commissioner is also authorized to charge any additional fees that may be required, or credit any overpayment, to the

"Express Mail" Mailing Label Number EB616635201US

Date of Deposit July 5, 2007

I certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 2.198 on the date indicated above and is addressed to United States Patent and Trademark Office, Attn: Trademark Trial and Appeal Board, P.O. Box 1451, Alexandria, VA 22313-1451

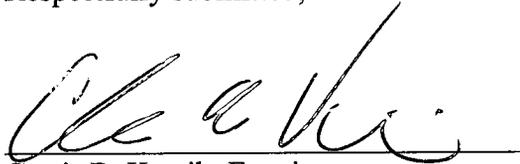
*Patricia A. Mach*



07-05-2007

same Deposit Account. Please direct any questions and any correspondence relating to this  
Petition to Cancel to the undersigned attorneys for Petitioner.

Respectfully submitted,



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July 5, 2007

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**PETITION TO CANCEL**

Petitioner, World Wrestling Entertainment, Inc. ("Petitioner"), a Delaware corporation with its principal place of business at 1241 East Main Street, Stamford, Connecticut 06902, believes that it is or will be damaged by the above-identified registration and, pursuant to 15 U.S.C. § 1064 *et seq.* and 37 C.F.R. § 2.111 *et seq.*, hereby petitions to cancel the same. Miller Springs, LTD ("Respondent"), RR #1, Sidley Mountain Road, Bridesville, British Columbia, V0H 1B0, Canada, is believed to be the owner of record of United States Trademark Registration No. 2,700,492 for the mark RAW WATER in International Class 32.

As grounds in support of its petition to cancel, Petitioner asserts as follows:

**I. Factual Background**

1. Registration No. 2,700,492 for the mark "RAW WATER" in International Class 32 for "bottled spring water" was issued on March 25, 2003 to Respondent.

2. On August 4, 2006, Petitioner applied to register the trademark "RAW" in the United States Patent and Trademark Office ("USPTO") for "non-alcoholic beverages, namely, energy drinks, sports drinks, juices, water, fruit drinks, sports drinks, hypertonic drinks, preparations for making sports drinks" in International Class 32.

3. Petitioner's application, Serial No. 78/945,110, has been initially refused by an Examining Attorney for the USPTO under Section 2(d) of the United States Trademark Act based on Respondent's "RAW WATER" registration. Petitioner disputes the Examining Attorney's refusal and intends to respond accordingly. However, Petitioner has requested that the Examining Attorney suspend action on its application pending the outcome of this matter.

4. Petitioner is and will be damaged by the continued presence on the Principal Register of Respondent's "RAW WATER" registration because this registration is being cited as an obstacle to the registration of Petitioner's "RAW" mark in International Class 32 and thereby denying Petitioner the benefits of a federal registration.

**II. Respondent's "RAW WATER" Registration Should Be Cancelled Because Respondent Has Abandoned Its Rights In The Mark.**

5. Upon information and belief, Respondent is not using the trademark "RAW WATER" in United States of America in the ordinary course of trade on the goods described in Registration No. 2,700,492.

6. Upon information and belief, Respondent ceased its use of the mark "RAW WATER" with the intention of not resuming such use, and thereby abandoned any rights Respondent may have had in "RAW WATER."

7. In light of the foregoing, Respondent is not entitled to continued registration of its "RAW WATER" mark.

8. Accordingly, because Respondent has abandoned any rights it had in "RAW WATER" and Respondent's registration for the mark "RAW WATER" is interfering with Petitioner's right to register its "RAW" mark in International Class 32, Petitioner is being and will continue to be damaged unless and until the "RAW WATER" registration is cancelled.

**III. In The Alternative, Respondent's "RAW WATER" Registration Should Be Cancelled Because It Merely Describes The Goods On Which The "RAW WATER" Mark Is Used.**

9. Even if Respondent has not abandoned its rights in the "RAW WATER" mark, the "RAW WATER" registration should be cancelled because Respondent's use of its "RAW WATER" mark is merely descriptive of the goods to which it relates.

10. Respondent's "RAW WATER" registration is for "bottled spring water." As used by Respondent in connection with "bottled spring water," the "RAW WATER" mark merely describes an ingredient and/or quality of the "bottled spring water."

11. Specifically, Respondent's use of the mark "RAW WATER" is descriptive of the "raw spring water" that Respondent captures for bottling. Upon information and belief, Respondent markets and sells its goods under the name Miller Springs and only uses "RAW WATER" as a means to describe the source of its bottled water.

12. Upon information and belief, Respondent's "RAW WATER" mark has not acquired distinctiveness.

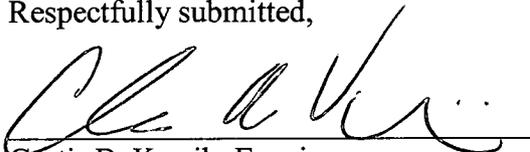
13. In light of the foregoing, Respondent is not entitled to continued registration of its "RAW WATER" mark.

14. Accordingly, because Respondent's use of the mark "RAW WATER" is merely descriptive and Respondent's registration for the mark "RAW WATER" is interfering with

Petitioner's right to register its "RAW" mark in International Class 32, Petitioner is being and will continue to be damaged unless and until the "RAW WATER" registration is cancelled.

WHEREFORE, Petitioner prays that the Petition to Cancel be sustained and that United States Trademark Registration No. 2,700,492 be cancelled.

Respectfully submitted,



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