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

Proceeding	92045838
Party	Defendant Zutler, David M. Zutler, David M. P.O. Box 2812 Telluride, CO 81435
Correspondence Address	Zutler, David M. P.O. Box 2812 Telluride, CO 81435
Submission	Answer
Filer's Name	Steven B. Smith
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Date	06/30/2006
Attachments	Answer.pdf (4 pages)(145145 bytes)

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

MOUNTAIN VALLEY SPRING COMPANY, LLC,	:	
	:	
Petitioner,	:	Cancellation No. 92045838
	:	Registration No. 2787692
v.	:	Mark: AMERICA'S PREMIUM
	:	SPRING WATER
ZUTLER, DAVID M.	:	(International Class 32)
	:	
Registrant.	:	

ANSWER TO PETITION FOR CANCELLATION
OF DAVID M. ZUTLER

Registrant, David M. Zutler, respectfully submits this Answer to the Petition for Cancellation.

ANSWER

Registrant denies all allegations that are not expressly admitted, and further states as follows:

As to the preliminary paragraph, Registrant admits that it is the Registrant for the mark AMERICA'S PREMIUM SPRING WATER, U.S. Trademark Registration No. 2,787,692, for use in connection with "Mineral waters, spring waters, drinking waters, bottled waters."

Registrant is without sufficient information to admit or deny the remaining allegations of the preliminary paragraph, and therefore denies the same.

1. Registrant is without sufficient information to admit or deny the allegations of paragraph 1, and therefore denies the same.

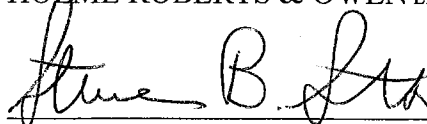
2. Registrant admits the allegations of paragraph 2.
3. Registrant admits the allegations of paragraph 3.
4. Registrant is without sufficient knowledge or information to admit or deny the allegations of paragraph 4, and therefore denies the same.
5. Registrant is without sufficient knowledge or information to admit or deny the allegations of paragraph 5, and therefore denies the same.
6. Registrant is without sufficient knowledge or information to admit or deny the allegations of paragraph 6, and therefore denies the same.
7. Registrant denies the allegations of paragraph 7.
8. Registrant is without sufficient information to admit or deny the allegations of paragraph 8, and therefore denies the same.
9. Registrant denies the allegation that Petitioner has “long prior rights in and to the mark.” Registrant admits the remaining allegations of paragraph 9.
10. Registrant denies the allegations of paragraph 10.
11. Registrant denies the allegations of paragraph 11.
12. Registrant denies the allegations of paragraph 12.
13. Registrant denies the allegations of paragraph 13.
14. Registrant denies the allegations of paragraph 14.

AFFIRMATIVE DEFENSES

1. Petitioner’s Notice fails to state a claim upon which relief can be granted.
2. Petitioner’s claims are or may be barred due to estoppel, waiver, laches, acquiescence and/or unclean hands.
3. Petitioner’s claims are or may be barred, in whole or in part, due to abandonment.

Respectfully submitted this 30th day of June, 2006.

HOLME ROBERTS & OWEN LLP

A handwritten signature in cursive script, appearing to read "Steven B. Smith", is written over a horizontal line.

Steven B. Smith

Eric Bentley

Jill J. Chalmers

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Colorado Springs, Colorado 80903

(719) 473-3800

Attorneys for Registrant

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **ANSWER TO PETITION FOR CANCELLATION** has been served on Petitioner Mountain Valley Spring Company, LLC, by mailing said copy on June 30, 2006, via First Class mail, postage prepaid, to:

Trent C. Keisling
KEISLING PIEPER & SCOTT, PLC
One East Center St., Ste 217
Fayetteville, AR 72701

