

ESTTA Tracking number: **ESTTA296785**

Filing date: **07/22/2009**

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

Proceeding	91180742
Party	Defendant Krush Global Limited
Correspondence Address	William C. Wright Epstein Drangel Bazerman & James, LLP 60 East 42nd Street, Suite 820 New York, NY 10165 UNITED STATES wwright@ipcounselors.com,jdrangel@ipcounselors.com
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Date	07/22/2009
Attachments	DECLARATION OF J. LEARMOND.pdf (5 pages)(382702 bytes) EXHIBITS 1 - 4.pdf (17 pages)(2109556 bytes) EXHIBITS 5 - 8.pdf (19 pages)(3324149 bytes) cert.pdf (1 page)(12067 bytes)

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

-----X	X	
DR PEPPER/SEVEN UP, INC.	:	
Opposer/Petitioner,	:	
v.	:	Consolidated Proceedings
	:	Opposition No. 91180742
KRUSH GLOBAL LIMITED,	:	Cancellation No. 92048446
Applicant/Registrant	:	
-----X	X	

TRIAL DECLARATION OF JAMES LEARMOND

JAMES LEARMOND declares and states as follows:

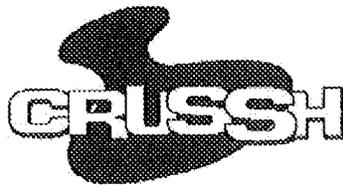
1. I am a founder, the chairman and a director of Krush Global Limited (“Krush”). I make this declaration on personal knowledge.
2. In 1997 I could not find a restaurant in London, England that offered a healthy alternative. I noticed a gap in the marketplace. Accordingly, I along with two partners opened the first CRUSSH restaurant in 1998 in the United Kingdom.
3. Ten years later, there are 24 CRUSSH restaurants in the United Kingdom. Combined, the 24 CRUSSH restaurants are the largest chain of juice and food bars in the United Kingdom.
4. In addition to its 24 store locations, Krush maintains a website at crussh.com established to provide nutritional information on their products, store location, and history. Orders can be placed through the website or by facsimile for delivery.

5. In our first year of operation in 1998, CRUSSH had revenues of 200,000 pounds. In 2008, CRUSSH stores are selling approximately a million smoothies and fresh juices a year. CRUSSH stores annual revenue is nearly 7 million pounds in sales.
6. CRUSSH restaurants sell seasonal, healthy food and beverages to health conscious consumers. CRUSSH juice bars make fresh juice and fruit smoothies on the premises and made to order. CRUSSH also sells healthy sandwiches, salads, soups, wraps and organic, low-fat desserts made daily.
7. Each restaurant is a stand-alone facility located in busy, high traffic, metropolitan locations. Great care went into the design of the 24 restaurants. They were designed to be fresh, uplifting, and energetic atmospheres. **Exhibit 1** is an article from 1999 on the architectural design of CRUSSH restaurants.
8. CRUSSH restaurants were designed for the busy health conscious urban professional looking to grab a healthy breakfast, lunch or smoothie.
9. The rise of juice bars is due to an increasingly health conscious society. CRUSSH stores were initially frequented more by women but it is now around 50:50 with men. Driven by desire for products that are natural, nutritious and low on calories, today's business professional wants more than a short lived energy burst from a caffeine-rich jolt of java or a sugary soda. Most of our customers are choosing between a coffee or a smoothie: not a smoothie or a soda.
10. CRUSSH juice bars were designed to sell made to order fruit smoothies and juice by fresh pressing all the fruit smoothies right in front of the customer. CRUSSH has always strongly believed in avoiding additives, preservatives, salts and sugars in their food and drinks, and to use the best natural and organic ingredients whenever possible.

11. CRUSSH products are made to order. CRUSSH does not sell smoothie beverages in third party retail stores or third party restaurants since, when packaged the goods would need to be pasteurized. Applicant does not believe in pasteurization.
12. The products sold in our stores have names like: Green Goddess, Love Juice, Berry Blast, Strawberry Cool and BrainStorm.
13. We have not yet opened a CRUSSH restaurant/juice bar in the United States, but have an intention to do so. We intend to conduct the CRUSSH business as we have done so in the United Kingdom for the past ten (10) years.
14. The CRUSSH logo was filed on September 4, 1998 in the U.K. in the form shown below (See **Exhibit 2** attached hereto for a print-out from the U.K. Trademark Office showing the registration information):



15. In August 2004, a slightly revised CRUSSH logo (see below) was registered in the U.K. as well as other EU countries to simplify printing.



16. Our CRUSSH logo has an amorphous background. The background has no meaning or purpose. The CRUSSH logo is a fanciful mark having a playful look and sound with the letters appearing in all caps.

17. We selected the term “crush” because it has a number of different meanings. It can mean crushed fruit or crushed ice (more commonly associated with a smoothie drink). See example dictionary definitions attached hereto as **Exhibit 3**.
18. Fruit crush” is defined as a “drink produced by squeezing or crushing fruit.” The term “crush” itself, among other meanings is “to extract or obtain by pressing or squeezing: *crush juice from a grape.*” See example dictionary definition attached hereto as **Exhibit 4**.
19. Crush also means an infatuation, *i.e.*, “a crush.” See example dictionary definition (**Exhibit 3**) and article discussing CRUSSH restaurants entitled “CRUSH ON YOU” attached hereto as **Exhibit 5**.
20. There are many examples of ‘crush’ drink recipes for cocktails with recipe names like: GRAPE CRUSH DRINK or GRAPE CRUSH, BLUEBERRY CRUSH, GRAPEFRUIT CRUSH DRINK, among others. See examples attached hereto as **Exhibit 6**.
21. Some Blenders sold to make smoothies are also referred to as “crush drink blenders”, including the Black & Decker Crush Master, amongst others. See examples of references to the “crush blender” category and the Black & Decker Crush Master attached hereto as **Exhibits 7 & 8**.
22. Given the common usage of the term for fruit related drinks and the mechanisms to make them, we wanted our crush name to have more distinction in sound and appearance. So we decided to add an S to CRUS_H – resulting in a trademark with a different appearance and sound: CRUSSH (long S) with the double (SS) appearing more prominently than the other letters.

23. CRUSSH is one syllable, but the double (SS) can last as long as you like to extend the “usssshhhhhhh” sound.
24. As far as I am aware, the ORANGE CRUSH brand is not known in the United Kingdom. I had never heard of ORANGE CRUSH brand soda as a consumer.
25. FANTA is the best known orange soda in Europe. In the U.K., orange soda is commonly referred to as “orange squash” or “orangeade”.
26. There would be no reason for us to associate CRUSSH with a carbonated soda drink. In fact, we would not want to associate our restaurant with a carbonated soda which many people associate as not being a healthy product

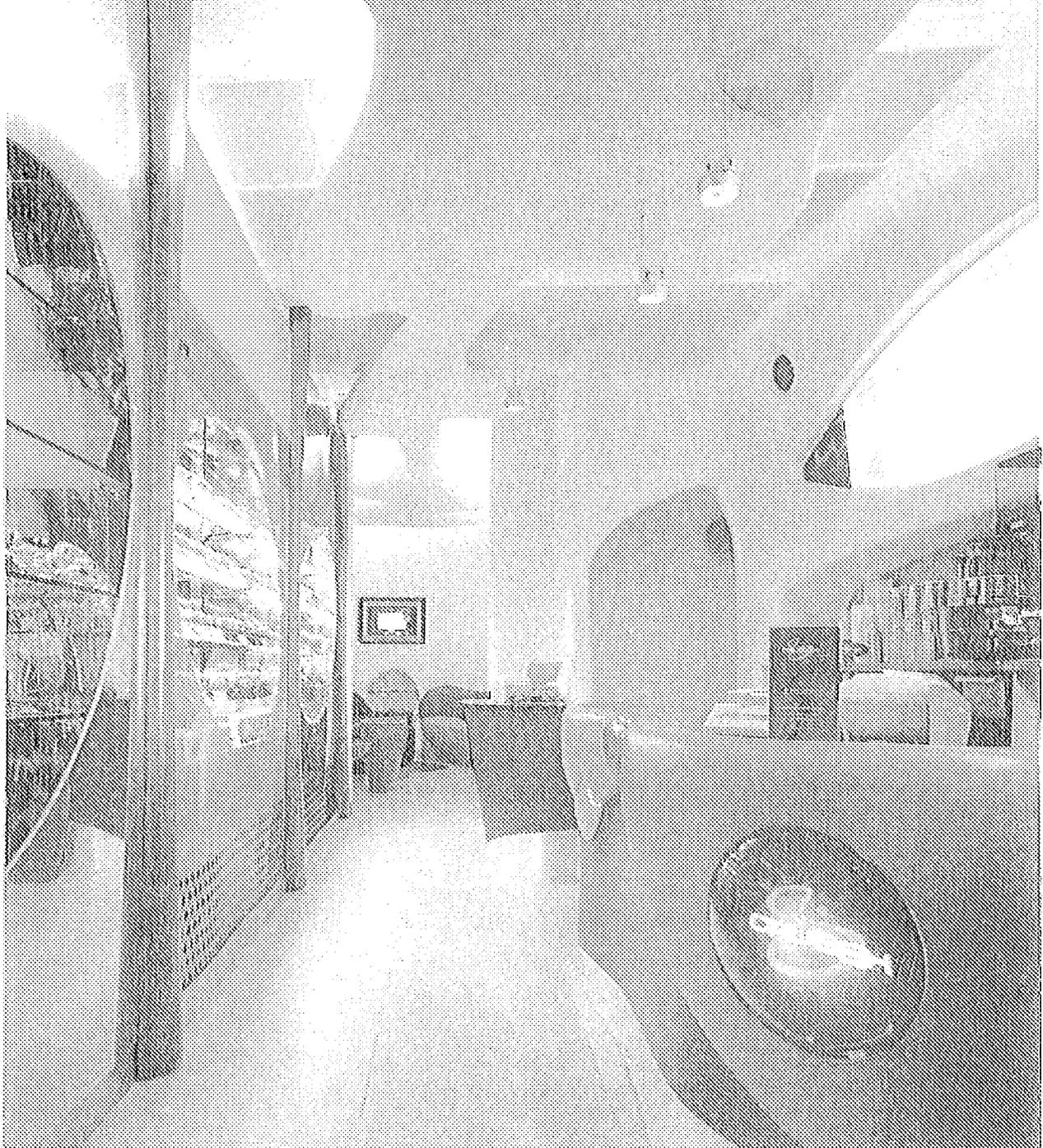
I declare under the penalty of perjury under the laws of the United States of America, that the foregoing is true and correct.

Dated: 7/22/09.

By: 
James Learmond

EXHIBIT 1

ai interiors



Juicy, fruity and fresh

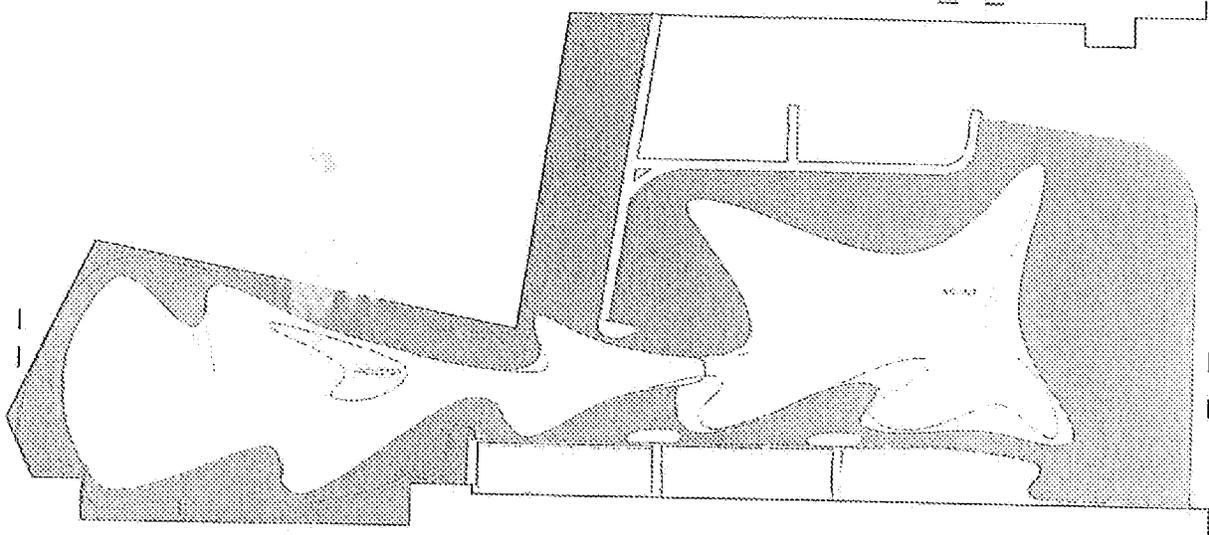
By Isabel Allen
Photographs by Chris
Gascoigne/VIEW

27 May 1999

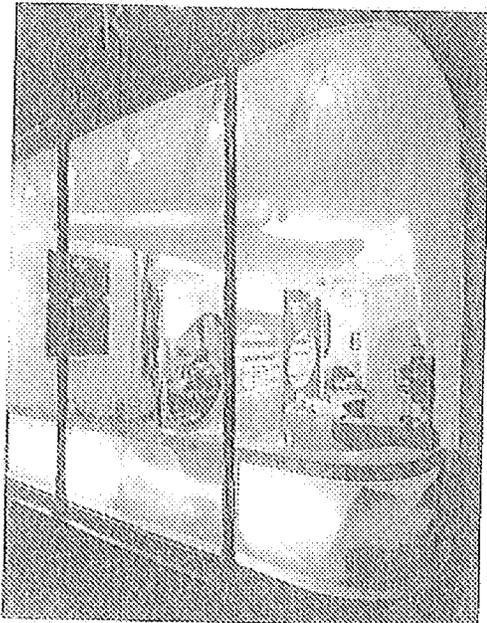
If year-out students aren't flocking to work for Richard Hywel Evans they should think again. This is one of the few offices in town where drawing the reflected ceiling plan is a plum job. Evans views ceilings as blank canvasses on which he can exercise his fondness for weird and wonderful shapes. At Crush, a new arrival on the increasingly competitive juice-bar scene, the ceiling-raft

is a long splodge of hand-carved styrofoam which conceals lighting and projection systems, but, more importantly, relates to the amorphous shapes of fittings and furniture in the rest of the shop. These, in turn, relate to the signage, the corporate logo, and graphics used for the in-house television channel, Crush TV.

This uniformity is due, in part, to the



reflected ceiling plan

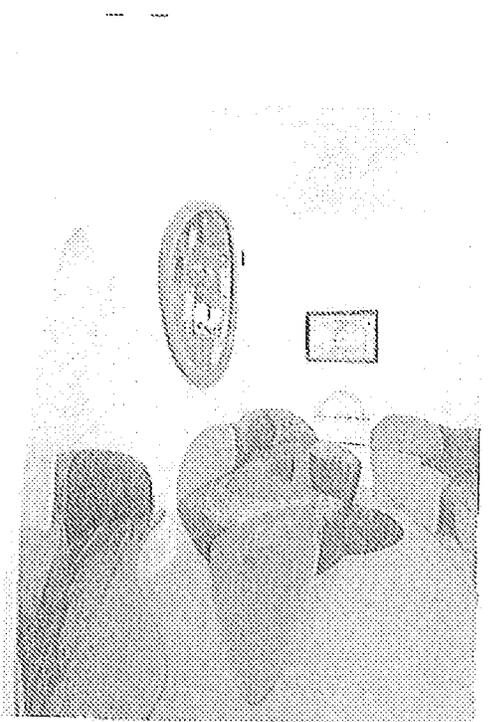


A splash of colour behind a listed facade

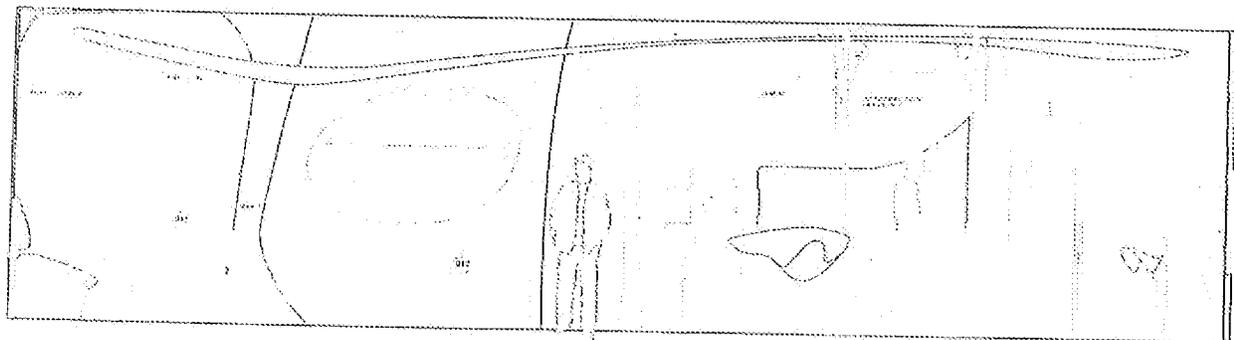
fact that as lead consultant, Richard Hywel Evans Architecture & Design chose and coordinated all members of the design team, making it possible for graphics and interiors to be part of a single coherent design which the retailer could 'roll out' as and when properties were acquired.

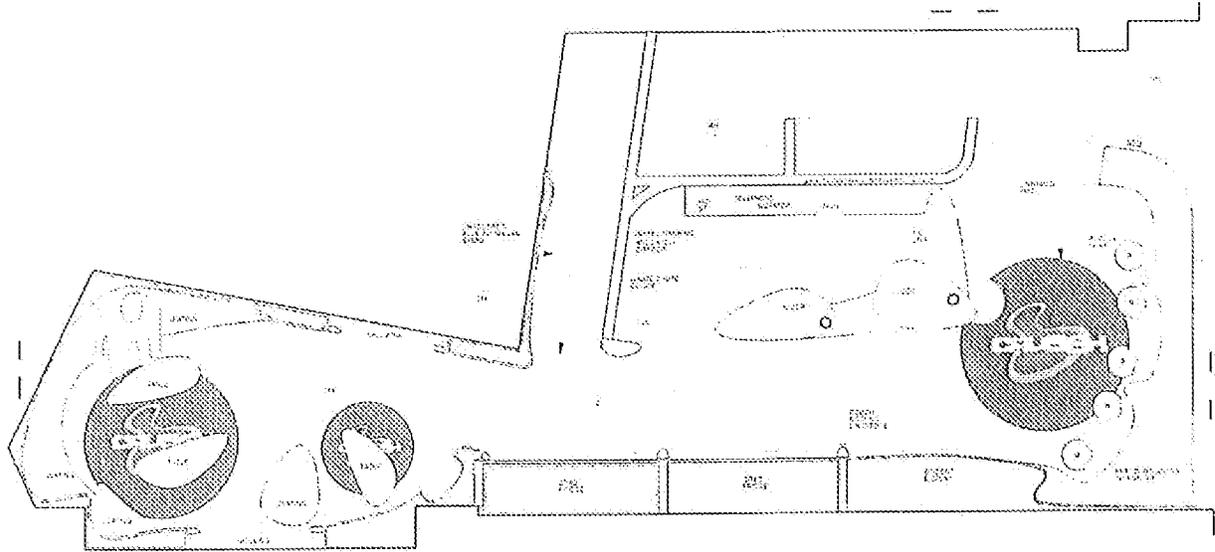
Evans and the client were in agreement that the corporate identity should 'move as far away as possible from the association of juice bars with woolly jumpers and organic stuff', and established a vocabulary combination of zinging colours and organic curves. The combinations seems appropriately 'fizzy' for a juice bar, but is also characteristic of the architect, with clear similarities to work carried out by Richard Hywel Evans for Sweatshop (AJ 26.2.98 and 25.6.98).

Having established a blueprint, the hunt was on for a shop. Cornhill Street in the City of London was chosen, partly because it is a busy pedestrian route, but also because of the appeal of posing a challenge to Seattle, Coast, and Coffee Republic which all have outlets within 75m on the same street. Confronted with the Grade II-listed 38m² shop, RHE's original plans became a little more subdued. Proposals for a brightly back-lit facade with bubbling juice in the air-gap of the double-glazing were swiftly (and predictably) vetoed by the

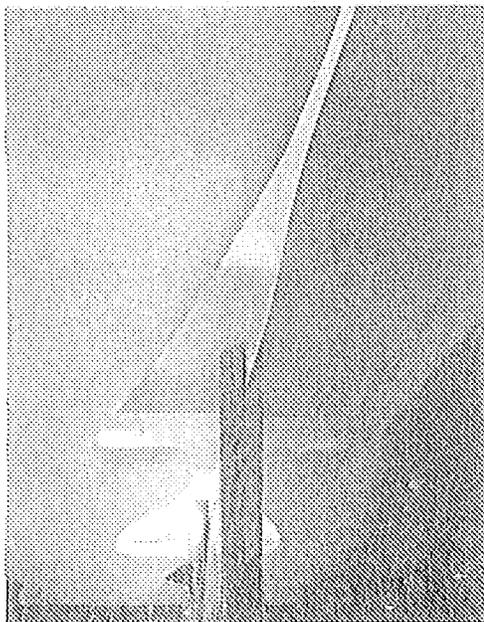


Space to lounge, juice-imbibe, and watch CrussH TV





ground floor plan



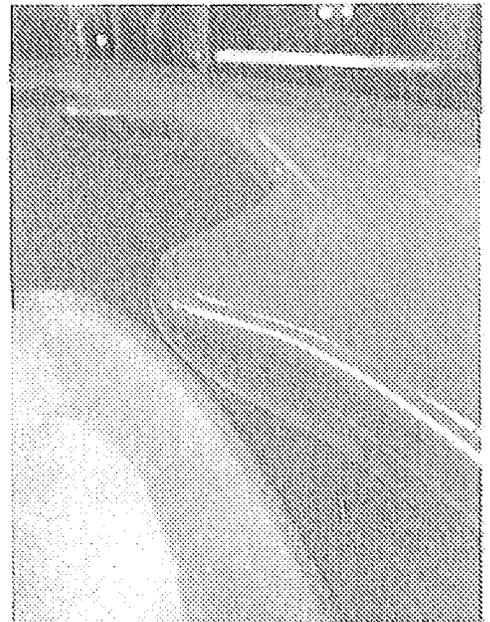
A ceiling-raft to remember

planners, and the team had to content itself with painting the shopfront purple, writing CRUSSH in gold-leaf lettering, and designing psychedelic graphics for the modesty panel in the window onto the street. Customers help themselves to snacks displayed behind coloured perspex, and order juice from the multi-coloured counter. Those in a hurry can sit on tractor seats at a street at a counter of polished American walnut which overlooks the street, while at the back of the shop, the more leisurely can lounge on seats made from a patchwork of red, green, blue and yellow leather, and relax in front of CrussH TV.

The overall effect is of an exuberance which borders on vulgarity, and is particularly welcome in the stuffy context of the City. Expect to see more of CrussH soon - five further units are planned within the next year.

CREDITS

ARCHITECT Richard Hywel Evans
 ARCHITECTURE & DESIGN Richard Hywel Evans, Pietro Granaiola, Simon Leslie
 CLIENT CrussH Global
 CONTRACTOR & FURNITURE ISM Design
 GRAPHIC DESIGN Julia Bostock Associates
 SUPPLIERS *moving image* Felt, *lighting* Targetti, *fridges* Airedale Catering, *stools* Magis, *vinyl printing* Jupiter, *ceiling raft finish* Future Finishes, *juicers* Nutrifast, *monitors* Sony, *leather sofas* Scottish Leather



The bar - for those who prefer to watch the street

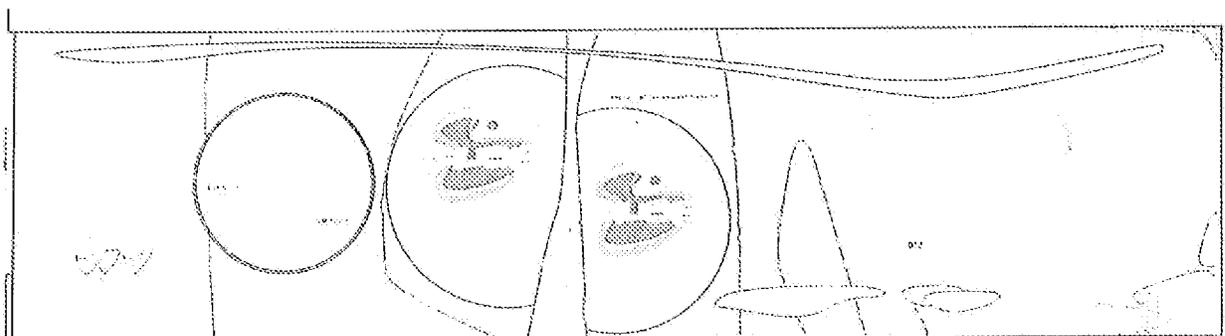


EXHIBIT 2

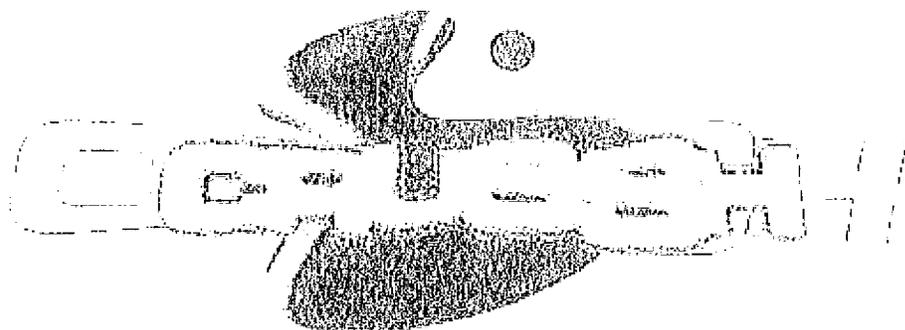


Case details for Trade Mark 2176596

[Explanation of terms used on this page](#)

[Case history](#) including, where available, licensee details

Mark



Mark text:	CRUSSH
Mark claim/limit:	The applicant claims the colours orange, yellow, grey and white as elements of the mark.
Status	
Status:	Registered
Class:	42
Relevant dates	
Filing date:	04 September 1998
Next renewal date:	04 September 2018

29 October 1999

Publication in Trade Marks Journal

First advert:

Journal: 6285
Page: 8289
Publication date: 14 July 1999
Registration:

Journal: 6305
Publication date: 01 December 1999
Renewal:

Journal: 6745
Publication date: 25 July 2008

List of goods or services

Class 42: Restaurant, catering, snack bar and cafe services; catering services, provision of prepared food; food and drink preparation and presentation services; bar services; catering services for the provision of food and drink; preparation of food stuffs or meals for consumption off the premises; sandwich and salad bar services; wine bar services.

Names and addresses

Proprietor: Krush Global Limited
65 New Cavendish Street, London, W1G
7LS
Incorporated country: United Kingdom
Residence country: United Kingdom
Customer's ref: IW/TM8474GBOO
ADP number: 0761489001

Other cases owned by this proprietor

Agent: Groom Wilkes & Wright LLP
'The Haybarn', Upton End Farm Business
Park, Meppershall Road, Shillington, Hitchin, Hertfordshire, SG5 3PF

ADP number: 0849583001

Service: Groom Wilkes & Wright LLP
'The Haybarn', Upton End Farm Business
Park, Meppershall Road, Shillington, Hitchin, Hertfordshire, SG5 3PF

ADP number: 0849583001

Earlier rights notification

Opted in for notifications

Explanation of terms used on this page

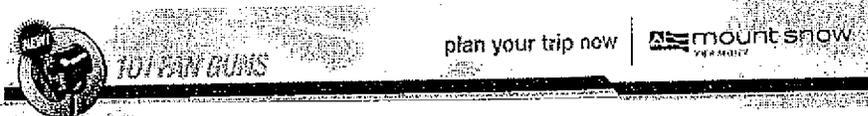
EXHIBIT 3



crush

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 crush [kruʃh] [Pronunciation Key](#) - [Show IPA Pronunciation](#)

-verb (used with object)

1. to press or squeeze with a force that destroys or deforms.
2. to squeeze or pound into small fragments or particles, as ore, stone, etc.
3. to force out by pressing or squeezing; extract: *to crush cottonseeds in order to produce oil*.
4. to rumple; wrinkle; crease.
5. to smooth or flatten by pressure: *to crush leather*.
6. to hug or embrace forcibly or strongly: *He crushed her in his arms*.
7. to destroy, subdue, or suppress utterly: *to crush a revolt*.
8. to overwhelm with confusion, chagrin, or humiliation, as by argumentation or a slighting action or remark; squelch.
9. to oppress grievously.
10. *Archaic*: to finish drinking (wine, ale, etc.).

-verb (used without object)

11. to become crushed.
12. to advance with crushing; press or crowd forcibly.

-noun

13. the act of crushing; state of being crushed.
14. a great crowd: *a crush of shoppers*.
15. *Informal*.
 - a. an intense but usually short-lived infatuation.
 - b. the object of such an infatuation: *Who is your latest crush?*

[Origin: 1300-50; ME *crus-chen* < MF *cruisir* < Gmc; cf. OSw *krusa*, *krasa*, MLG *krossen* to crush]

--Related forms

crush·a·ble, *adjective*
 crush·a·bil·i·ty, *noun*
 crush·a·bly, *adverb*
 crusher, *noun*

--Synonyms 1. crumple, rumple. 2. pulverize, powder, mash, crumble. See **BREAK**. 7. quell, overcome, quash.

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crush (krüsh) Pronunciation Key

v. crushed, crush·ing, crush·es

v. *tr.*

1. To press between opposing bodies so as to break or injure.
2. To break, pound, or grind (stone or ore, for example) into small fragments or powder.
3. To put down; subdue: *crushed the rebellion.*
4. To overwhelm or oppress severely: *spirits that had been crushed by rejection and failure.*
5. To crumple or rumple: *crushed the freshly ironed shirt.*
6. To hug, especially with great force.
7. To press upon, shove, or crowd.
8. To extract or obtain by pressing or squeezing: *crush juice from a grape.*
9. *Archaic* To drink; quaff.

v. *intr.*

1. To be or become crushed.
2. To proceed or move by crowding or pressing.

n.

1. The act of crushing; extreme pressure.
2. The state of being crushed.
3. A great crowd: a *crush of spectators.*
4. A substance prepared by or as if by crushing, especially a fruit drink: *orange crush.*
5. *Informal*
 - a. A usually temporary infatuation.
 - b. One who is the object of such an infatuation.
6. A decisive or critical moment or situation.
7. The process of stamping or crushing grapes for wine.

[Middle English *crushen*, from Old French *croissier*, of Germanic origin.]

crush'a·ble *adj.*, crush'er *n.*, crush'proof' (-prōōf') *adj.*

Synonyms: These verbs mean to press forcefully so as to reduce to a pulpy mass: *crushed the rose geranium leaves; mashed the sweet potatoes; pulped raspberries through a sieve; smashed the bamboo stems with a hammer; squashed the wine grapes.* See Also *Synonyms at crowd*¹.

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crush

1398, from O.Fr. *croisir* "to gnash (teeth), crash, break," perhaps from Frank. **krostjan* "to gnash." Sense of "person one is infatuated with" is first recorded 1884; to *have a crush on* is from 1913.

Online Etymology Dictionary, © 2001 Douglas Harper

crush

noun

1. leather that has had its grain pattern accentuated [syn: crushed leather]
2. a dense crowd of people
3. temporary love of an adolescent [syn: puppy love]
4. the act of crushing

verb

1. come down on or keep down by unjust use of one's authority; "The government oppresses political activists" [syn: oppress]
2. to compress with violence, out of natural shape or condition; "crush an aluminum can"; "squeeze a lemon" [syn: squash]
3. come out better in a competition, race, or conflict; "Agassi beat Becker in the tennis championship"; "We beat the competition"; "Harvard defeated Yale in the last football game" [syn: beat]
4. break into small pieces; "The car crushed the toy"
5. humiliate or depress completely; "She was crushed by his refusal of her invitation"; "The death of her son smashed her"
6. crush or bruise; "jam a toe" [syn: jam]
7. make ineffective; "Martin Luther King tried to break down racial discrimination" [syn: break down]
8. become injured, broken, or distorted by pressure; "The plastic bottle crushed against the wall"

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crush¹ [kraʃ] verb

to squash by squeezing together etc

Example: *The car was crushed between the two trucks.*

Arabic: يَسْحَقُ، يَهْرَسُ	Japanese: 潰れる
Chinese (Simplified): 压	Korean: 으스스하다
Chinese (Traditional): 壓	Latvian: saspiest; saberzt
Czech: (roz)mačkat	Lithuanian: (su)traiškyti, (su)lamdyti
Danish: knuse	Norwegian: knuse, klemme, presse (sammen)
Dutch: verpletteren	Polish: gnieść
Estonian: puruks muljuma	Portuguese (Brazil): esmagar
Finnish: murskata, puristaa	Portuguese (Portugal): esmagar
French: écraser	Romanian: a zdrobi
German: zerquetschen	Russian: раздавливать
Greek: συνθλίβω	Slovak: rozmliaždiť
Hungarian: összeprésel	Slovenian: zmečkati
Icelandic: kremja	Spanish: aplastar
Indonesian: meremuk	Swedish: krossa
Italian: schiacciare	Turkish: ezmek

crush² [kraʃ] verb

to crease

Example: *That material crushes easily.*

Arabic: يَسْحَقُ	Japanese: 潰れる
Chinese (Simplified): 压	Korean: 으스스하다
Chinese (Traditional): 壓	Latvian: burzīt; burzīties; gumzīt
Czech: (z)mačkat se	Lithuanian: glamžyti(s)
Danish: krølle	Norwegian: bli krøllet, krølle seg
Dutch: (ver)kreukelen	Polish: gnieść się, mijać, marszczyć
Estonian: kortsuma	
Finnish: rypistyä	
French: se froisser	
German: zerknittern	
Greek: σαλκίζω	

Hungarian: összegyűrődik
Icelandic: högglast
Indonesian: mengusutkan
Italian: sgualcire, spieazzare
Portuguese (Portugal): enrugar-se
Romanian: a se șifona
Russian: мять(ся)
Slovak: rozbiť sa
Slovenian: mečkati se
Spanish: estrujar, exprimir, prensar
Swedish: skrynkla
Turkish: buruşmak, kırışmak

crush³ [kraʃ] verb

to defeat

Example: He crushed the rebellion.

Arabic: يَهْرَم
Chinese (Simplified): 压
Chinese (Traditional): 壓
Czech: zlikvidovat, zničit
Danish: nedkæmpe
Dutch: nerslaan
Estonian: maha suruma
Finnish: kukistaa
French: écraser
German: zerschmettern
Greek: καταστέλλω, νικώ
Hungarian: felmorzsol (ellenállást)
Icelandic: kveða niður
Indonesian: mengalahkan
Italian: schiacciare
Japanese: 潰す
Korean: 으스스
Latvian: apspiest; sagraut
Lithuanian: (su)triuškinti, (nu)malšinti
Norwegian: knuse
Polish: tłumić
Portuguese (Brazil): esmagar
Portuguese (Portugal): esmagar
Romanian: a reprima
Russian: подавлять
Slovak: rozdrvíť
Slovenian: streti
Spanish: aniquillar, eliminar
Swedish: krossa, tillintetgöra
Turkish: ezmek, yok etmek

crush⁴ [kraʃ] verb

to push, press etc together

Example: We (were) all crushed into the tiny room.

Arabic: يَهْرَس، يَهْرَس
Chinese (Simplified): 压
Chinese (Traditional): 壓
Czech: namačkat
Danish: mase; presse
Dutch: samenpersen
Estonian: kokku killuma
Finnish: ahtaa
French: entasser
German: drängen
Greek: στριμώχνω, πιέζω
Hungarian: összenyom. - zsúfol
Icelandic: troða
Indonesian: menjejalkan
Italian: pigiare, stipare
Japanese: 潰す
Korean: 으스스
Latvian: saspiest; saspiesties; spiesties; drūzmēties
Lithuanian: (su)grūsti, (su)spausti
Norwegian: presse, stappe
Polish: wtiaczać, wpychać
Portuguese (Brazil): esmagar, apertar
Portuguese (Portugal): imprensar
Romanian: a înghesu
Russian: втискивать
Slovak: natlačiť
Slovenian: stisniti
Spanish: comprimir
Swedish: tränga ihop, tränga sig fram
Turkish: tikiş(tır)mak

crush [kraʃ] noun

Example: *There's always a crush in the supermarket on Saturdays.*

Arabic: إزدحام شديد	Japanese: 混雑
Chinese (Simplified): 拥挤	Korean: 혼잡
Chinese (Traditional): 擁擠	Latvian: spiešanās; drūzma
Czech: nával, tlačence	Lithuanian: spūstis
Danish: tæt trængsel	Norwegian: trengsel
Dutch: gedrang	Polish: tłok, ścisk
Estonian: tunglemine	Portuguese (Brazil): aperto
Finnish: tungos	Portuguese (Portugal): aperto
French: cohue	Romanian: înghesuială
German: das Gedränge	Russian: давка
Greek: συνωστισμός, σπρωξιόν	Slovak: nával
Hungarian: tolongás	Slovenian: gneča
Icelandic: troðningur	Spanish: aglomeración, multitud
Indonesian: kerumunan	Swedish: trängsel
Italian: calca, ressa	Turkish: kalabalık, izdiham

See also: [crushing](#)

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crush

A combination commodity trade in which soybean futures are purchased and soybean meal or oil futures are sold. Compare [reverse crush](#).

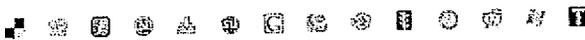
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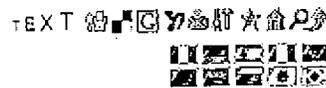
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Thesaurus

Legend: Synonyms Related Words Antonyms

Noun 1. fruit crush - drink produced by squeezing or crushing fruit

fruit juice

beverage, drinkable, potable, drink - any liquid suitable for drinking; "may I take your beverage order?"

nectar - fruit juice especially when undiluted

apple juice - the juice of apples

cranberry juice - the juice of cranberries (always diluted and sweetened)

grape juice - the juice of grapes

grapefruit juice - the juice of grapefruits

orange juice - bottled or freshly squeezed juice of oranges

pineapple juice - the juice of pineapples (usually bottled or canned)



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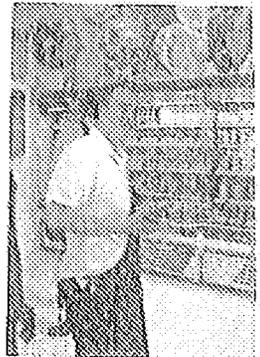
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CRUSSH ON YOU

Just opened on the Strand (next to Charing Cross Station) is a new juice bar perfect for Summer days for quenching drinks. It's too hot to be drinking coffee at the moment so take a look in **Crussh** to find fresh and tasty alternatives. Juices here are pressed before your very eyes so you can be certain they are as fresh as possible with none of those nasty additives which shops use to prolong shelf-life. As well as cooling Summer Drinks, **Crussh** specialises in freshly-made wraps, sandwiches, sushi and summer porridge, a cool version of the Nation's most comforting breakfast. Open from 07.30 every weekday morning, it is worth getting to work half an hour early so you can relax here and read the morning paper before the day ahead. For full listing see page 21.



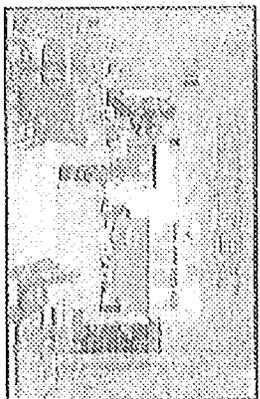
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FOOD REVIEWS

NOVEMBER 15TH 2008

ISSUE 210

THIS WEEK



Discover new fruits and the art of smoothie making at Crussn...

November 15th, 2008

Got a Crussn?

Cherry Martin

Crussn stands out with its bright citrus decor amidst all of the brown tones of the coffee houses making you feel fresher just walking in. So after tearing myself away from the refined shops in Jubilee Place I strolled into Crussn and spent the next hour tasting all of the dishes on

well filled and chilled to perfection so that the bread still tastes like bread and not cardboard - it was cold outside and I fancied something warming. The soups and stews' menu looked inviting with classic, gourmet, chilli and organic all starting from £2.30. I chose one of my favourites, the old classic leek and potato. Cooked to perfection the bowl was filled with just the right

from fresh fruit and you can see it being made in front of you, they boast, in 90 seconds. Their smoothies consist of fruit and either yoghurt (90

I had heard on the grapevine that Crussn had brought a new fruit to Britain and introduced it in the form of a smoothie, intriguing? So was I, so I went along one lunchtime to review it...

which is various berries and a supplement from the US which increases your metabolism. Being a Thursday, I opted for the 'Brain Storm' to get me through to Friday. Summer once again in a cup and gilly pink the fruit snacks your brain into fifth gear and I made a mental note to bring the editorial team here for ideas each week.

Healthy Tequila?

Although their display of desserts looked appetising I decided to fill what space I had left with a healthy Tequila shot. This is actually 10z of pure, freshly squeezed wheat-

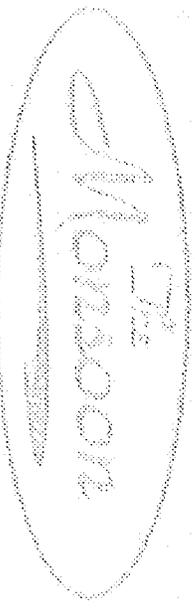
grass in a shot glass, served with an apple to substitute the lime. I was slightly apprehensive about downing a shot that smelt like freshly cut grass but hey, cheers! Pleasantly surprised - it tastes really sweet. The best part about it is that one shot is the equivalent of 3lbs of vegetables. Better still as it hasn't been cooked, all of the nutrients are raw so you gain maximum benefit from it. One of Crussn's employees has one every day and her skin was glowing so if you're like me and have the best intentions but not the best will power when it comes to preparing vegetables this is the one for you.

They have a full range of gluten free, wheat free, dairy free and vegetarian options which excel their competitors. I am a big fan of customer service and attention to detail and I am happy to report that I was greeted with smiles and eye contact which was a refreshing change to the monotones experienced in so many of the other busy cafes here. Crussn have achieved all of their goals and have single handedly destroyed the myth that healthy food is hard work. I will be returning tomorrow for my breakfast smoothie and porridge... see you there!



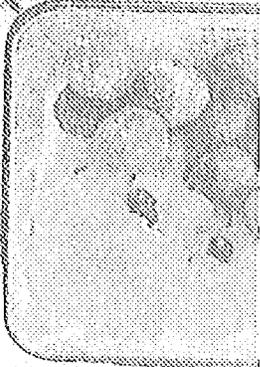
percent fat free) or soya milk and are around the £3 mark. They ooze freshness and I was spoilt for choice. After securing the boards for 5 minutes I narrowed my choices down to 4 and couldn't resist trying each of them.

The first 'Strawberry Cool' was sweet and rose thickly up the straw, the frozen yoghurt melting on your tongue with the fruit is a sensation that conjures up flavours reminiscent of summertime and is

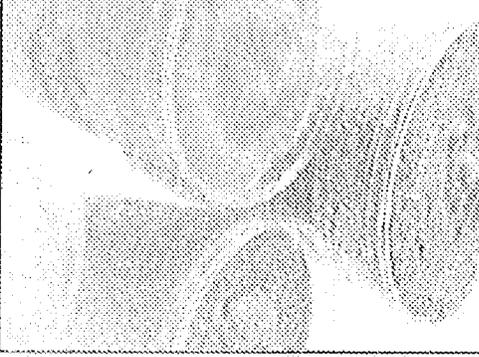


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their fantastic menu.
Let me first fill you in a bit on Crussah...
It was first inspired by MD Chris who, whilst working in the City grew tired of only having the choice of coffee or more coffee and set about creating a different break time experience which would satisfy the taste buds but would leave your senses feeling refreshed and inspired for the rest of the day, to the point where you can't wait to go back.



Fresh is the word
All of the food that Crussah sells is made on the day of serving it to ensure that it glows with freshness and the ingredients are the healthy version of everything: natural, organic, free range and tolerance friendly. Although the sandwiches looked tempting -

amount of vegetables in there to fill you up.
Soup aside it was time to crack on with the exciting concept of finding my perfect drink. There are three main boards of ideas to stimulate you. All of them are made

percent fat free) or soya milk and are around the £3 mark. They ooze freshness and I was spoilt for choice. After scouring the boards for 5 minutes I narrowed my choices down to 4 and couldn't resist trying each of them.
The first: 'Strawberry Cool' was sweet and rose thickly up the straw, the frozen yoghurt melting on your tongue with the fruit is a sensation that conjures up flavours reminiscent of summertime and is good one to fight away those winter blues. 'Mango Madness' is a tropical smoothie which would be refreshing in the middle of a shopping spree.

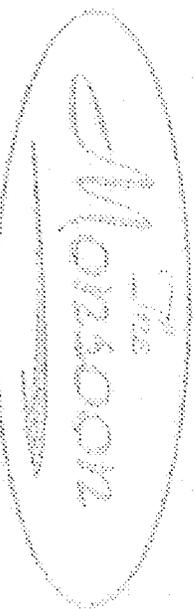
'The Brazilian' was my favourite. This contains the new Acai berry and paw paw and is scrumptious with a subtle spicy kick. You have to try this one!
Now these smoothies are fantastic as they are, however if you followed my advice on page 18 and are on a health kick or if you take supplements what easier and definitely tastier way to take them than to add them as a booster to your smoothie or juice? Choose from ginseng, spirulina, bee pollen, Echinacea, aloe vera and loads more.

If this wasn't enough, they also have a selection of 'super smoothies'. I saw two women guilping down the 'Fat Burner'

Healthy Tequila?

Although their display of desserts looked appetising I decided to fill what space I had left with a healthy Tequila shot. This is actually 10% of pure, freshly squeezed wheat-

Crussah have achieved all of their goals and have single handedly destroyed the myth that healthy food is hard work. I will be returning tomorrow for my breakfast smoothie and porridge... see you there!



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Crush on you

Forget frothy coffee - juice bars are where it's at. Just one slurp and you're smitten

Crush on you. The word is everywhere. From the pop psychology of *Crush* by Dan Brown to the reality show *Crush* on TV, the word is everywhere. It's the word of the moment, the word that's on everyone's lips. It's the word that's on the lips of the young people who are drinking juice bars. It's the word that's on the lips of the young people who are drinking juice bars. It's the word that's on the lips of the young people who are drinking juice bars.



...the word is everywhere. It's the word that's on everyone's lips. It's the word that's on the lips of the young people who are drinking juice bars.

Pulp and Gulp

...the word is everywhere. It's the word that's on everyone's lips. It's the word that's on the lips of the young people who are drinking juice bars.



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Green Beagle

Cocktail Recipe > Grape Crush

INSTRUCTIONS

Add grape juice, cranberry juice, and sour mix to a highball glass filled with ice. Stir and add 7-UP

INGREDIENTS

- 3 oz. [Grape juice](#)
- 1 oz. [Cranberry juice](#)
- 1 oz. [Sweet and sour](#)
- [7-up](#)

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Green Beagle

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⌘ This cocktail is refreshing and wakes you up in the morning. (it fills me with energy!) ⌘

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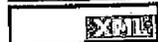
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Ingredients

- 3/4 oz. Liqueur, blueberry (Creme de Myrtille)
- 1 1/2 oz. Gin
- 1/4 oz. Lemon Juice
- 1/2 oz. Sugar Syrup

Glass to Use



Old Fashioned glass

Mixing Instructions

Stir ingredients in a cocktail shaker with ice. Strain into glass.

Contributor

This drink recipe was submitted by one of our eerily charismatic readers, Goodebuzz!

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Grapefruit Crush Drink Recipe

Ingredients

4 oz [Grapefruit Juice](#)

4 oz [Lemonade](#)

Grapefruit Crush Directions

Pour into an ice-filled collins glass. Garnish with a sprig of mint, and serve with a straw.

Serve Grapefruit Crush In a [Collins Glass](#)

1

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Grapefruit Crush Drink Recipe Ingredients



Grapefruit Juice



Lemonade

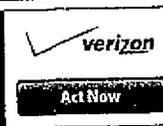


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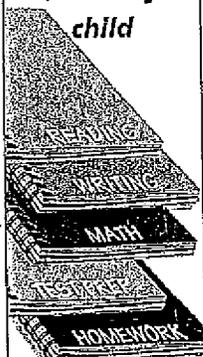
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Dr. Andrew Weil from Spring Switzerland 48-oz. Professional Blender

Description:
Dr. Andrew Weil from Spring Switzerland - The new Weil by Spring two speed Stainless Steel Base is a powerhouse that can crush ice, make drinks, puree vegetables, make salad dressings, puree hot soups and sauces and help in the preparation of any other... [\(More\)](#)

Aroma Housewares Co. 1.5-qt. Blender

Description:
Aroma Housewares Co. - Our blender has 4-speed settings, a generous 1.5 lt jar, and a powerful 500 watt motor. The glass jar can handle plenty of makings for fruity smoothies, shakes, exotic drinks and more, with 6 blades to crush ice fast. A stainless... [\(More\)](#)

Oster 12-Speed 2-in-1 Blender and Food Processor

Description:
Everything from mincing and chopping garlic, onions and vegetables to blending strawberry shakes and banana smoothies, the Oster 12-Speed 2-in-1 Blender and Food Processor has it all! The double-walled thermal jar keeps the drinks colder... longer!... [\(More\)](#)

Elite 60 oz. Glass Jar Blender

Description:
From fruit slushies to frozen drinks, this Elite 60 oz. Glass Jar Blender offers something for the whole family to enjoy. Chop and blend ingredients for every meal of the day, create healthy, flavorful treats for the kids or whip up plenty of... [\(More\)](#)

KitchenAid Designer Color Blender KSB560

Description:
KitchenAid Designer Color Blender KSB560 - When entertaining, keep the smoothies and iced drinks coming with this 0.9 horsepower blender that's built for back-to-back blending. The 56 oz. contoured pitcher slides ingredients into the blade for faster... [\(More\)](#)

Hamilton Beach 48-oz. Classic Chrome Blender, Black/Stainless

Description:
Hamilton Beach - Hamilton Beach Blenders are signature kitchen appliances that are known worldwide for making consistently smooth and delicious blended drinks. Whether you are making fresh smoothies at home or frozen drinks for your friends, Hamilton... [\(More\)](#)

Oster?« BRLY07-BF0-000 Fusion Blender w/Food Processor

Description:
Features: Pre-programmed Settings ?Çô offer consistent blending and one-touch operation. Consistent chunky salsa and smooth frozen drinks every time! Excellent for mincing, chopping and more with chopper blade or reversible disc blade Chopping and... [\(More\)](#)

BizRate is your resource for crush drink in Blenders. Browse through different products from Cuisinart, KitchenAid and Oster when you sort by the lowest price or store. Read reviews on Appliances from other customers or leave a review of your own. Use BizRate's latest online tools to calculate tax and shipping charges when shopping for crush drink in Blenders. Find deals on [Cuisinart SmartPower Dust& Blender/Food Processor - Chrome Model # BFP703CH](#) and [KitchenAid Designer Color Blender KSB560](#).

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EXHIBIT 8

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White

Crush Master® 12-speed blender

(SKU: BL12475B)

Powerful and durable, the Crush Master® blender is equipped with a stainless steel all-metal blade shaft to deliver superior performance for everything you blend, chop and puree.

Features:

- 12 speeds plus Pulse to handle every blending need
- Sleek, vertical design with angled buttons easily wipes clean
- 42-oz (1260 ml) glass jar with easy-pour spout
- 475 watts of power to handle blending, pureeing, crushing ice and more
- Jar and stainless-steel, all-metal blade shaft are dishwasher safe
- Fast-Clean button — add soap and water to jar, then press the button for speedy clean-up
- Powerful Ice-Crush button blasts through ice for making frozen drinks, snow cones, smoothies and more.
- 4-plane stainless-steel, all-metal blade shaft stands up to crushing, chopping and pureeing your favorite foods.





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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Trial Declaration of James Learmond was served by e-mail, on this 22nd day of July, 2009, upon Opposer/Petitioner counsel at:

Laura Popp-Rosenberg
Barbara A. Solomon
FROSS ZELNICK LEHRMAN & ZISSU, P.C.
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New York, New York

By: /s/ Jason M. Drangel
Jason M. Drangel