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

Proceeding	91204094
Party	Defendant Bobbie Renteria
Correspondence Address	BOBBIE RENTERIA 6805 WINDHAVEN PKWY APT 207 THE COLONY, TX 75056-5255 spawater4life@yahoo.com
Submission	Answer
Filer's Name	Bobbie Renteria
Filer's e-mail	spawater4life@yahoo.com, bobbierenteria@yahoo.com
Signature	/Bobbie Renteria/
Date	04/09/2012
Attachments	Response to Oppostion Spa Water 4 Life.txt (2 pages)(4491 bytes)

Response to Opposition from 4Life Trademarks:
Spa Water 4 Life

1. The term 4 Life is a commonly used term in the English lexicon a nd has been used for many years as a shortened form of "For Life." As such, it in of itself is not a trademark worthy of protection just as we do not claim the term Spa Water as a stand alone trademark.

2. Bobbie Renteria has secured the Trademark for the term Spa Water 4 Life to denote the benefits of the Spa experience as contained in a fruit based beverage. It has not been our intention nor will it be to use the term 4 Life as a designation for a "nutritional supplement" but rather as a Fruit beverage for which we properly chose the correct classification.

3. The company, 4 Life Trademarks clearly has trademarks listed in a number of categories, namely as nutritional supplements. However, until the appearance of our Fruit Based classification of Spa Water 4 Life, they had no such filings or overt usage of a beverage for anything other than nutritional supplementation. Only with application number 85481494, filed on 11/28/2011, did they suddenly claim a right over such a beverage designation. Though they claim they have used such a designation since 2005 for such a beverage, a thorough examination of their own product lines shows no such beverage. The only drink they show is one clearly named Riovida, NOT 4Life as they now claim. The Riovida drink is clearly one that meets their own definition of a nutritional supplement. It is NOT one touted as a beverage per se as normally understood.

4. Since there product is NOT a beverage per se, there is NO confli ct or likelihood of industry confusion.

5. Since they have already used a different name, Riovida, they clearly have not had a long term use of the name 4Life even for this product. Therefore, a lack of a true fruit based beverage in their product line prevents any true confusion in the marketplace.

6. There are a a myriad of 4 Life suffixed trademarks currently Liv e. Fit 4 Life, Be Strong 4 Life, Fit Foods 4 Life, etc with many of them being in one area of another of general health. Surely 4 Life Trademarks does not claim rights over every form of the commonly used 4 Life suffix designation. That would be far and above the intentions of the Trademark protections. It would be akin to Coca Cola having protection over the word Cola itself for all beverages and keeping the competition from using a Cola description in their name. Since 4 Life is in of itself nothing more than a slang designation purposely misspelling the more grammatically correct "For Life," it should not be granted protection as a stand alone trademark in the first place.

7. Spa Water 4 Life is targeting a niche market of those people see king to replicate the Spa experience and nothing more. As such, since no Spa related items are marketed by 4 Life trademarks and since their only apparent liquid supplement is simply a supplement, there is no cause for anticipated industry confusion or confusion to the public.

8. As to the opposition’s claim that we would be trading on their m

arks
we take exception. The very fact that Opposer has saturated its 4 Life use with such varied applications including educational services, animal products, and publications, all serve to minimize rather than strengthen the mark itself and thus negate their claim of deserving wide latitude in such protection. Using completely unrelated classifications for the same mark adds confusion within their own use of the term so declaring that an outsider using a generic designation in their product is simply illogical.

Therefore, Applicant respectfully requests that Serial number 85 327930
be protected as filed.

Respectfully submitted this 9th day of April 2012.

Bobbie Renteria
(make note of ne
w address please)
7121 Sienna Pl #
317
The Colony, TX
75056

Certificate of Mailing and Transmission Pursuant to 37 C.F.R 2.119
I hereby certify that this Response to Opposition is being filed electronically with the USPTO Trademark Trail and Appeal Board 37 C.F.R.
I hereby further certify that this Response to Opposition is being sent via Priority Mail to
Glenn Spencer Bacal
6991 E. Camelback Rd Ste D-102
Scottsdale, AZ 85251
(Attorney for 4Life Trademarks)