

ESTTA Tracking number: **ESTTA609356**

Filing date: **06/11/2014**

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

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Ecowater Systems LLC		
Entity	Limited Liability Company	Citizenship	Delaware
Address	1890 Woodlane Drive Woodbury, MN 55125 UNITED STATES		

Attorney information	Monica L. Thompson DLA Piper LLP (US) P.O. Box 64807 Chicago, IL 60664 UNITED STATES monica.thompson@dlapiper.com, jasmine.davis@dlapiper.com, ch.tm@dlapiper.com Phone:312-368-4000
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### Applicant Information

Application No	86129082	Publication date	05/13/2014
Opposition Filing Date	06/11/2014	Opposition Period Ends	06/12/2014
Applicant	HongKong Ecoaqua Co., Limited. RM 2105 JQD2732 TREND CENTRE, WAN CHAI, HONG KONG		

### Goods/Services Affected by Opposition

Class 011. First Use: 2011/06/15 First Use In Commerce: 2011/06/15 All goods and services in the class are opposed, namely: Refrigerator water filters
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### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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### Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1555661	Application Date	05/23/1988
Registration Date	09/12/1989	Foreign Priority Date	NONE
Word Mark	ECOWATER		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 011. First use: First Use: 1988/02/25 First Use In Commerce: 1988/02/25 WATER TREATMENT EQUIPMENT AND PARTS THEREOF, NAMELY - RESIDENTIAL WATER CONDITIONERS, DOMESTIC REVERSE OSMOSIS WATER PURIFIERS, AND FILTERS, ION EXCHANGERS AND DEGASIFIERS FOR TREATING LIQUIDS		
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U.S. Registration No.	2145816	Application Date	08/22/1996
Registration Date	03/24/1998	Foreign Priority Date	NONE
Word Mark	ECOWATER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 1996/03/01 First Use In Commerce: 1996/03/01 bottled drinking water Class 035. First use: First Use: 1996/03/01 First Use In Commerce: 1996/03/01 distributorships in the field of bottled drinking water		

U.S. Registration No.	1771860	Application Date	02/28/1992
Registration Date	05/18/1993	Foreign Priority Date	NONE
Word Mark	ECOWATER SYSTEMS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 037. First use: First Use: 1988/02/25 First Use In Commerce: 1988/02/25 repair and maintenance services in the field of domestic and commercial water treatment equipment; namely, water conditioners, softeners, deionizers, distillers, filters, and related water treatment units		

U.S. Registration No.	1613312	Application Date	09/26/1988
Registration Date	09/11/1990	Foreign Priority Date	NONE
Word Mark	ECOWATER SYSTEMS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1988/02/25 First Use In Commerce: 1988/02/25 RETAIL OUTLET SERVICES AND RENTAL SERVICES IN THE FIELD OF DOMESTIC AND COMMERCIAL WATER CONDITIONERS AND PURIFIERS		

U.S. Registration No.	2279118	Application Date	05/28/1998
Registration Date	09/21/1999	Foreign Priority Date	NONE
Word Mark	ECOWATER DRINKING WATER		

Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 032. First use: First Use: 1996/03/01 First Use In Commerce: 1996/03/01 BOTTLED DRINKING WATER</p> <p>Class 035. First use: First Use: 1996/03/01 First Use In Commerce: 1996/03/01 RETAIL DISTRIBUTORSHIPS FEATURING DOMESTIC AND COMMERCIAL WATER CONDITIONERS AND PURIFIERS, AND BOTTLED DRINKING WATER</p>

Attachments	<p>75492829#TMSN.gif( bytes )</p> <p>EcoAqua.pdf(762023 bytes )</p>
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Jasmine R. Davis/
Name	Jasmine R. Davis
Date	06/11/2014

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

In re Serial No. 86/129,082  
Mark: ECOAQUA and Design  
Published: May 13, 2014

<b>ECOWATER SYSTEMS LLC,</b>	)	
	)	
<b>Opposer,</b>	)	
	)	<b>Opposition No.:</b>
<b>v.</b>	)	
	)	<b>Mark: ECOAQUA and Design</b>
	)	
<b>HongKong EcoaquaCo., Limited,</b>	)	
	)	
<b>Applicant.</b>	)	

**NOTICE OF OPPOSITION**

U.S. Patent and Trademark Office  
P.O. Box 1451  
Alexandria, VA 22313-1451

**ECOWATER SYSTEMS LLC**, a Delaware limited liability company located at 1890 Woodlane Drive, Woodbury, Minnesota 55125 (hereinafter, the “Opposer”), believes that it would be damaged by registration of the mark shown in Application Serial No. 86/129,082 (“the ‘082 Application”), filed November 26, 2013, by HongKong Ecoaqua Co., Limited (hereinafter “Applicant”), published in the Official Gazette of the United States Patent and Trademark Office on May 13, 2014, and hereby opposes the registration of such mark.

The grounds for the opposition are as follows:

1. Opposer is a provider of water treatment equipment including, filters, commercial and residential water treatment and conditioning equipment, and rental, repair, and maintenance services of said equipment, and other products and services.

2. Since well before the filing date of the '082 Application, Opposer has continuously used the marks ECOWATER, ECOWATER SYSTEMS, and ECOWATER DRINKING WATER & Design and a number of common law marks containing the word "EcoWater" (collectively the "ECOWATER Marks") in interstate commerce in connection with its goods and services.

3. When used in connection with Opposer's goods and services, the ECOWATER Marks are inherently distinctive.

4. Moreover, Opposer owns a number of United States trademark registrations for the certain ECOWATER Marks, including the following:

Mark	Reg. No.	Goods	Appl. Date	Reg. Date
ECOWATER	1,555,661	Water treatment equipment and parts thereof, namely - residential water conditioners, domestic reverse osmosis water purifiers, and filters, ion exchangers and degasifiers for treating liquids	5/23/1988	9/12/1989
ECOWATER	2,145,816	Bottled drinking water; distributorships in the field of bottled drinking water	8/22/1996	3/24/1998
ECOWATER SYSTEMS	1,771,860	Repair and maintenance services in the field of domestic and commercial water treatment equipment; namely, water conditioners, softeners, deionizers, distillers, filters, and related water treatment units	2/28/1992	5/18/1993
ECOWATER SYSTEMS	1,613,312	Retail outlet services and rental services in the field of domestic and commercial water conditioners and purifiers	9/26/1988	9/11/1990
ECOWATER DRINKING	2,279,118	Bottled drinking water; retail distributorships featuring domestic and	5/28/1998	9/21/1999

WATER & Design		commercial water conditioners and purifiers, and bottled drinking water		
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5. All of Opposer's foregoing registrations for ECOWATER Marks noted in paragraph 4 above are valid, subsisting, and incontestable pursuant to 15 U.S.C. § 1065.

6. Opposer has continuously used its ECOWATER Marks in interstate commerce in connection with the goods and services described in Opposer's registrations listed in paragraph 4 above or on closely related goods and services since before the date of Applicant's '082 Application.

7. On November 26, 2013, Applicant filed the '082 Application on an intent to use basis for the following goods:

"Refrigerator water filters", in Class 11

8. Opposer's use of its ECOWATER Marks and its registration of the ECOWATER Marks noted in paragraph 4 above long pre-date the filing date of the '082 Application.

9. The grant of a registration to Applicant for the ECOAQUA and Design mark, as sought in the '082 Application, should be denied on the grounds of Opposer's prior use of its ECOWATER Marks and the registration of such marks as stated in paragraph 4 above. The mark sought to be registered by Applicant is confusingly similar to Opposer's ECOWATER Marks, and the use of the ECOAQUA and Design mark by Applicant is likely to cause confusion or mistake in the minds of the public and to lead the public and prospective purchasers to believe that Applicant's goods are those of Opposer or are endorsed, sponsored or otherwise affiliated or connected with Opposer, or that Opposer's goods and services are associated with Applicant, all to the damage and injury of the purchasing public and to the damage and injury of Opposer.

10. The grant of a registration to Applicant for the ECOAQUA and Design mark, as sought in the '082 Application, should be denied based on likelihood of confusion with Opposer's prior ECOWATER Marks.

**WHEREFORE**, Opposer files this Notice of Opposition and prays that the aforesaid application of HongKong Ecoaqua Co., Limited herein opposed be rejected, that no registration be issued thereon to Applicant, and for such other and further relief as may be deemed just and proper.

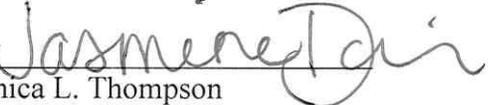
The Deposit Account No. 18-2284 will be charged the amount of \$300.00 to cover the filing fees of this notice of opposition against the Application in one class. Please charge any additional fees to Deposit Account No. 18-2284, and address all correspondence regarding this opposition to:

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Dated: June 11, 2014

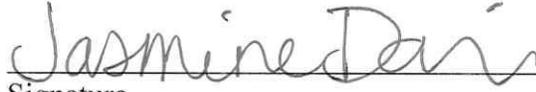
Respectfully submitted,

**ECOWATER SYSTEMS LLC**

By:   
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Jasmine R. Davis  
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Attorneys for Opposer

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this correspondence is being deposited with the United States Postal Service as First-Class Mail in an envelope addressed to the correspondent of record Anthea Lee, 10685B Hazelhurst Drive, #9123, Houston, TX 77043-3238 on June 11, 2014.

  
\_\_\_\_\_  
Signature

Jasmine R. Davis  
\_\_\_\_\_  
Name

June 11, 2014  
\_\_\_\_\_  
Date of Signature