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TRADEMARK
Docket No. T532:110.2-1

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

In the matter of trademark application **Serial No. 76/403,796**
For the mark EIGHT 8 GLASSES OF WATER
Published in the Trademark *Official Gazette* on July 8, 2003 (the term for opposition having been extended to November 5, 2003)

Sherrie Turner Opposer, v. John W. Blackstock Applicant.	Opposition No.

[redacted]

11-10-2003
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #11

NOTICE OF OPPOSITION

Sherrie Turner, an individual having an address at 2575 Chino Hills Parkway, Suite 336A, Chino Hills, California 91709, believes that she will be damaged by registration of the mark shown in application Serial No. **76/403,796** in International Class 32 and hereby opposes its registration.

As grounds for opposition, opposer alleges that:

1. Applicant John W. Blackstock seeks to register EIGHT 8 GLASSES OF WATER as a trademark for pure bottled spring drinking water for human consumption, in International Class 32, having filed application Serial No. 76/403,796, claiming an intent to use the mark, as evidenced by the publication of said mark in the *Official Gazette* on page TM 284 of the July 8, 2003 issue.

2. Opposer has been in the business of marketing bottled water and carrying pouches for bottled water since 1997. Opposer is President and CEO of 8Glasses, Inc., a California corporation which manufactures, designs and sells high fashion sports water bottle pouches,

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I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3514 on:
November 5, 2003 [signature]
(Date of Deposit)

workout bags and accessories under the mark 8GLASSES. Opposer also sells her own brand of bottled water to be carried in the carrying pouches also sold under the mark 8GLASSES.

3. The mark 8GLASSES has been used by the opposer throughout the United States for many years and opposer also has for many years been offering these products over its web site www.8glasses.com.

4. Opposer has filed an application Serial No. 76/473755 filed December 10, 2002, in the U.S. Patent and Trademark Office to register the mark 8GLASSES in class 25 for sports gear, namely, pouches to be worn for carrying bottled water. This application claims opposer's date of first use as April 1, 1997, and the date of first use in commerce as October 31, 1999.

5. Opposer also has filed an application Serial No. 78/323,058 filed November 4, 2003, to register the mark 8GLASSES in the United States Patent and Trademark Office for bottled drinking water for human consumption. This application also claims as opposer's date of first use as April 1, 1997, and the date of first use in commerce as October 31, 1999.

6. In an Office action dated May 30, 2003, opposer's '755 application was suspended pending disposition of the applicant's intent-to-use application to register 8 GLASSES OF WATER for bottled water. The Examiner indicated that the opposer's application may be rejected for likelihood of confusion if applicant's mark proceeds to registration.

7. Opposer also is likely to suffer the same consequences for its other pending application to register the 8GLASSES mark for bottled water.

8. Accordingly, applicant's registration application for the mark 8 GLASSES OF WATER is causing and/or is likely to cause damage to opposer by blocking what is believed to be her right to obtain federal registration of the mark 8GLASSES in both of opposer's applications to register that mark. In addition, registration of the mark 8GLASSES OF WATER to applicant is likely to injure the opposer and to infringe upon her rights in exclusively promoting and selling her products under the 8GLASSES trademark by causing confusion, deception and/or mistake as to the respective rights of the parties and as to the source of their respective goods.

WHEREFORE, Opposer prays that application Serial No. **76/403,796** be rejected, and that the mark therein sought for the goods herein specified in International Class 32 be refused registration.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

Date November 5, 2003

By Walter G Maxwell

Walter G. Maxwell
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TRADEMARK
Docket No. T532:110.2-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF OPPOSITION TRANSMITTAL

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3514 on November 5, 2003.

Anita Johnson

Anita Johnson

Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3514

November 5, 2003

11-10-2003
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #11

Commissioner:

Enclosed for filing are the following:

1. Notice of Opposition (original and copy) filed by Sherrie Turner relating to the following registration application:

Mark	:	**EIGHT 8 GLASSES OF WATER**
Serial No.	:	76/403,796
Filed	:	May 2, 2002
Class(es)	:	32
Applicant	:	John W. Blackstock

2. Our check for $300 for the opposition filing fee.

The Commissioner is authorized upon filing or during prosecution of this opposition to charge any additional fees which may be required or credit any overpayment of fees to Deposit Account No. 03-1728. Please show our docket number with any Deposit Account transaction. **A copy of this letter is enclosed**.

Please address all correspondence to **CHRISTIE, PARKER & HALE, LLP, P.O. Box 7068, Pasadena, California 91109-7068**.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By Walter G. Maxwell
Walter G. Maxwell
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WGM/agj

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