TTAB

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD
ANSWER TO 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 January 12, 2004.

Susan R. Bryan
Susan R. Bryan

January 12, 2004

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

Commissioner:

Enclosed for filing are the following:

1. Answer to Notice of Opposition (original and copy) filed by John W. Blackstock in response to Notice of Opposition filed by Sherrie Turner relating to the following proceedings before the Trademark Trial and Appeal Board:

Mark	:	**EIGHT 8 GLASSES OF WATER**
Serial No.	:	76/403,796
Opposition No.	:	91158684
Filed:	:	November 10, 3003
Opposer	:	Sherrie Turner
Applicant	:	John W. Blackstock

Please address all correspondence to **MACNEILL AND BUFFINGTON, P.A, P.O Box 12690, Jackson, Mississippi 39236-2690**

Respectfully submitted,

MACNEILL AND BUFFINGTON, P.A.

By JB MacNeill
John B. MacNeill

[redacted]

01-15-2004
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #76

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

In the matter of Application Serial No. 76/403,796
Filed on June 20, 2002
Published on July 8, 2003
For the EIGHT 8 GLASSES OF WATER

SHERRIE TURNER	§	
	§	
OPPOSER	§	
	§	
V.	§	**OPPOSITION NO. 91158684**
	§	
JOHN W. BLACKSTOCK	§	
	§	
APPLICANT	§	

APPLICANT JOHN W. BLACKSTOCK'S ANSWER TO NOTICE OF OPPOSITION

COMES NOW, John W. Blackstock ("Applicant"), and for his Answer and Defenses to the Notice of Opposition filed by Sherrie Turner herein, would show as follows:

FIRST DEFENSE

The Notice of Opposition fails to state a claim upon which relief may be granted.

SECOND DEFENSE

The goods covered by the Opposer's trademark applications upon which Opposer relies are distinguishable from the goods set forth in the Applicant's pending trademark application herein.

THIRD DEFENSE

There is no likelihood of confusion between Applicant's mark and Opposer's marks due to at least the following factors: the differences in appearance, sound and meaning of Applicant's mark and Opposer's marks; the differences in the respective

parties' goods represented by the marks; and the differences in the channels of trade in which the Applicant's and Opposer's goods are distributed.

FOURTH DEFENSE

In answer to the specific allegations of the Notice of Opposition, Opposer admits the allegations of Paragraph 1; denies the allegations of Paragraph 2; denies the allegations of Paragraph 3; denies the allegations of Paragraph 4; denies the allegations of Paragraph 5; admits the allegations of Paragraph 6; denies the allegations of Paragraph 7; denies the allegations of Paragraph 8; denies the allegations of all other Paragraphs of the Notice, numbered or unnumbered; Applicant further denies that Opposer is entitled to the relief sought, or any relief in the premises, and further denies all allegations related thereto.

WHEREFORE, PREMISES CONSIDERED, Applicant prays that Opposer be granted no relief and take nothing by reason of her Notice of Opposition, and prays that his application to register the trademark sought in application serial number 76/403,796 be granted and allowed full registration; and that Applicant have and take judgment against Opposer for costs and for such other and further relief as the Trademark and Trial and Appeal Board may find just and proper in the premises.

Dated the 12 day of January, 2004.

Respectfully submitted,

By: John B MacNeill
JOHN B. MACNEILL, MSB#1811

ATTORNEY FOR APPLICANT, JOHN W. BLACKSTOCK

CERTIFICATE OF MAILING UNDER 37 CFR § 1.10

MARK: EIGHT 8 GLASSES OF WATER

SERIAL NO.: 76/403,796

OPPOSITION NO.: 91158684

NAME OF PARTY FILING PAPERS: JOHN W. BLACKSTOCK

TYPE OF PAPERS: ANSWER

I hereby certify that the above-identified document is being deposited with the United States Postal Service "Priority Mail" service, addressed to Box TTAB, Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202, on January 12, 2004.

JOHN B. MACNEILL

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of Applicant John W. Blackstock's Answer to Notice of Opposition has been serviced on Walter G. Maxwell, at Christie, Parker & Hale, LLP, attorneys for Opposer via United States mail, on this the 12 day of January, 2004.

WALTER G. MAXWELL
CHRISTIE, PARKER & HALE, LLP
ATTORNEYS FOR OPPOSER
P.O. BOX 7068
PASADENA, CA 91109-7068

JOHN B. MACNEILL