**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 MOTION FOR PROTECTIVE ORDER**

COMES NOW, John W. Blackstock ("Applicant"), and files his Motion for Protective Order against Interrogatories and Request for Production filed by Sherrie Turner ("Opposer") herein, and would show as follows:

1. The Opposer filed Opposer's First Set of Interrogatories to Applicant and Opposer's First Set of Requests for Production of Documents and Things to Applicant on June 21, 2004.

2. The discovery period set by the Trademark Trial and Appeal Board expired on June 20, 2004.

3. Section 403.01 of the Trademark Trial and Appeal Board Procedures Manual states that discovery devices, including interrogatories and requests for production, are only available during the discovery period. Section 403.02 of the Trademark Trial and Appeal Board Procedures Manual states that

discovery devices must be served on, or before, the closing date of the discovery period.

4. Because the Opposer failed to assert any discovery devices before the expiration of the discovery period, her discovery devices are untimely. Therefore, the Opposer's attempted use of discovery devices is prohibited.

WHEREFORE, PREMISES CONSIDERED, Applicant prays that that his Motion for Protective Order against discovery devices untimely asserted by Opposer be granted along with any further relief the Trademark and Trial and Appeal Board may find just and proper in the premises.

Dated the 9 day of July, 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: MOTION FOR PROTECTIVE ORDER**

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 July 9, 2004.

John B. MacNeill

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 9 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
JOHN B. MACNEILL

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**
**TRADEMARK TRIAL AND APPEAL BOARD**
**MOTION FOR PROTECTIVE ORDER**

*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 July 9, 2004.*

Susan R. Bryan

Susan R. Bryan

July 9, 2004

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

Commissioner:

Enclosed for filing are the following:

1. Motion for Protective Order (original and copy) filed by John W. Blackstock 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: John B. MacNeill
JOHN B. MACNEILL

07-15-2004
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #22

TTAB


# *MacNeill & Buffington, P.A.*

**Attorneys at Law**

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E-mail: sbryan@mbpa.com


July 9, 2004

Trademark Trial and Appeal Board
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202

*Re: Sherrie Turner v. John W. Blackstock; Opposition No.: 91158684; Application Serial No.: 76/403,796*

Dear Sir or Madam:

In connection with the above-referenced matter, enclosed herewith please find the original and one (1) copy of the following:

*Applicant John W. Blackstock's Motion for Protective Order.*

We would appreciate your stamping the original and copy as "Filed" and return the copy to us in the self-addressed stamped envelope provided herewith.

By copy of this correspondence we are providing copies of the same to counsel of record.

Sincerely yours,

MacNEILL & BUFFINGTON, P.A.

Susan R. Bryan

Susan R. Bryan
SRB/tp
Enclosures

cc: Walter G. Maxwell. (w/encs.)

07-15-2004
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #22