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1/12/14

Date of Deposit

Scott Slavick

Name of Applicant, Assignee or Registered Representative

Scott Slavick

Signature

1/12/14

Date of Signature



01-15-2004

U.S. Patent & TMO/tm Mail Rcpt Dt. #22

Our File No.: 5668/600

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

In the matter of application Serial No. 78/048,341
Published in the *Official Gazette* (Trademarks) on May 7, 2002

H2O PLUS, L.P.,)	
)	
Opposer,)	Opposition No.
)	
v.)	
)	
NEW WINDSOR BRANDS, INC.)	
)	
Applicant.)	

To: BOX TTAB FEE
Commissioner of Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514

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NOTICE OF OPPOSITION

H2O Plus, L.P. hereby alleges and avers, on information and belief, as follows:

1. H2O Plus, L.P. ('Opposer') is a limited partnership located and doing business at 845 West Madison Street, Chicago, Illinois 60607.
2. Opposer owns an application to register AN OASIS OF WATER-BASED SKINCARE, Serial No. 75/305,445, for 'retail store services in the field of personal care and beauty products,' filed on June 9, 1997.
3. Long before February 14, 2001, Opposer adopted and first used OASIS as a trademark in connection with a line of OASIS cosmetic and personal care products and services, including FACE OASIS, EYE OASIS, OASIS MIST, BODY OASIS and AN OASIS OF WATER-BASED SKINCARE. Since then, Opposer has continuously used, has not abandoned, and is now using OASIS as a trademark in connection with its line of OASIS cosmetic and personal care products and services.
4. As a result of (among other things) Opposer's lengthy, substantial, and widespread use and promotion of its use of OASIS as trademark in connection with its line of OASIS brand cosmetic and personal care products and services in interstate commerce, OASIS has become widely and favorably known throughout the United States and has become recognized by the trade and public as identifying Opposer's goods and services and distinguishing them from the goods and services of others. Opposer has thus established an exceedingly valuable goodwill and consumer recognition in its OASIS trademark.

5. Also as a result of (among other things) Opposer's lengthy, substantial, and widespread use and promotion of its line of OASIS brand cosmetic and personal care products and services in interstate commerce, OASIS is famous and has been famous since before February 14, 2001.

6. On information and belief, New Windsor Brands, Inc. ('Applicant'), is a New Jersey corporation located and doing business in Princeton Junction, New Jersey 08540.

7. On February 14, 2001, Applicant filed with the U.S. Patent and Trademark Office an application to register OASIS (hereinafter, 'Applicant's Mark') for use on or in connection with:

Facial make-up, foundation make-up, facial powder, concealer, blush, eye shadow, mascara, eye lining pencil, liquid eye liner, eye make-up remover, lipstick, nail color, nail care preparations, moisturizer, facial soap, skin creams, eye cream, skin cleanser, skin toner, facial mask, bath soap, liquid soap, skin conditioner, hair shampoo, hair conditioner, in Class 3.

The application was filed on an 'intent-to-use' basis and was given Serial No. 78/048,341.

8. Applicant's Mark, when used on or in connection with the goods listed in Applicant's application, is likely to cause confusion, mistake, or deception as to the origin of Applicant's and/or Opposer's OASIS goods and services. Accordingly, if Applicant is permitted to register Applicant's Mark for the goods specified in its application, Opposer will be damaged.

9. Applicant's Mark, when used on or in connection with the goods listed in Applicant's application, will cause dilution of Opposer's famous OASIS trademark.

its application, if Applicant is permitted to register Applicant's Mark for the goods specified in its application, Opposer will be damaged.

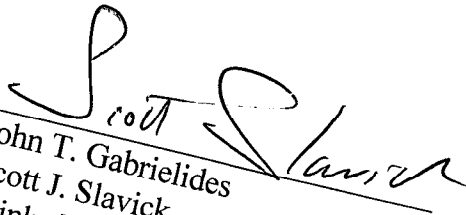
WHEREFORE, Opposer prays that application Serial No. 78/048,341 be refused registration and that this opposition be sustained.

The Commissioner is authorized to charge the filing fee for the Opposition from our Deposit Account No. 23-1925. This document is being submitted in duplicate.

Respectfully submitted,

H2O PLUS, L.P.

1/12/4



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Date of Deposit: January 12, 2004

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

Re: H2O Plus, L.P. v. New Windsor Brands, Inc.
Serial No.: 78/048,341
Our Case No.: 5668/600



Dear Sir/Madam:

01-15-2004

Enclosed for filing is the following document:

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #22

1. Notice of Opposition (in duplicate).

The Commissioner is hereby authorized to charge payment of the filing fees required to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.

If you have any questions, please contact the undersigned at the above telephone number.

Sincerely,

Scott J. Slavick

SJS/jlc
Enclosures

BRINKS
HOFER
GILSON
& LIONE

A PROFESSIONAL CORPORATION
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