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

Proceeding	76658473
Applicant	HOST HOTELS & RESORTS, L.P.
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Submission	Request for Reconsideration
Attachments	4-24-08 Request for Reconsideration and Submission of Consent.pdf (6 pages) (266306 bytes)
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Signature	/Linda K. McLeod/
Date	04/24/2008

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

Applicant: Host Hotels & Resorts, L.P.
Serial Number: 76658473
Filing Date: April 14, 2006



Mark:
Examining Atty: William Rossman, Esq.
Law Office: 109

Commissioner of Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

REQUEST FOR RECONSIDERATION AND SUBMISSION OF CONSENT

Applicant respectfully request that the Examining Attorney reconsider his Final refusal of registration under Section 2(d), 15 U.S.C. § 1052(d), based on cited Registration No. 2528862 for the mark ROYAL HOST.

As detailed below, Applicant has obtained the written consent of the owner of Registration No. 2528862 for the mark ROYAL HOST to register Applicant's mark. For this reason, and those set forth below, Applicant respectfully requests that the Examining Attorney reconsider his refusal of registration.

A. The Owner of Registration No. 2528862 for the mark ROYAL HOST Consents to Registration

Applicant has obtained the written consent of the owner of Registration No. 2528862 for the mark ROYAL HOST to register Applicant's HOST HOTELS & RESORTS and Design mark. A copy of the written consent is attached as Exhibit A.

Both the Court of Appeals for the Federal Circuit and the Board have determined that consent agreements should be given great weight, and that the Office should not substitute its judgment concerning likelihood of confusion for the judgment of the real parties in interest without good reason. TMEP § 1207.01(d)(viii) citing *Amalgamated Bank of New York v. Amalgamated Trust & Savings Bank*, 842 F.2d 1270, 6 USPQ2d 1305 (Fed. Cir. 1988); *Bongrain International (American) Corp. v. Delice de France Inc.*, 811 F.2d 1479, 1 USPQ2d 1775 (Fed. Cir. 1987).

In this case, the owner of the cited Registration No. 2528862 for the mark ROYAL HOST has entered into an agreement to consent to the registration of Applicant's mark HOST HOTELS & RESORTS and Design. The consent agreement provides that the parties agree that there is no likelihood of confusion between Host Hotels & Resorts, L.P.'s ("Host") use and registration of its HOST HOTELS & RESORTS and Design mark for real estate investment trust services; investment services, namely asset management services ("Host's Services") and Royal Host Corp.'s ("Royal Host") use and registration of ROYAL HOST for hotel, motel and resort management for others; franchising, namely technical assistance and the establishment and operation of hotels, motels and hotel resorts; real estate time sharing; real estate investment services; entertainment bookings, namely arranging for ticket reservations for shows, concerts and other entertainment events; and hotels, motels and hotel resorts; travel agency services, namely making reservations and bookings for temporary lodging, providing consolation to travellers, namely consultation in the field of planning trips and vacations ("Royal Host's Services").

The parties are not aware of any instances of actual confusion between the parties' respective marks and services at this time. In addition, the parties agree that, due to the visual and aural differences between the marks and the sophistication of consumers who exercise care in making purchasing decisions, a likelihood of confusion will be avoided. The parties also agree to cooperate to take all steps necessary to mitigate a likelihood of confusion should the need arise.

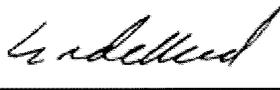
B. Conclusion

In view of the foregoing, Applicant respectfully requests that the refusal to register the mark be withdrawn, and the application approved for publication.

Respectfully submitted,

HOST HOTELS & RESORTS, L.P.

Dated: April 24, 2008

By: 

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Attorneys for Applicant

Applicant: Host Hotels & Resorts, L.P.
Serial Number: 76658473
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Mark: 
The logo consists of a stylized 'H' symbol above the word 'HOST' in a bold, sans-serif font, with 'HOTELS & RESORTS' in a smaller font below it.

Exhibit A

CONSENT TO REGISTRATION

Host Hotels & Resorts, L.P. ("Host") filed Application Serial No. 76658473 for registration of the mark HOST HOTELS & RESORTS and Design in connection with real estate investment trust services; investment services, namely asset management services ("Host's Services") on April 14, 2006.

The U.S. Patent & Trademark Office has refused to register Host's HOST HOTELS & RESORTS and Design mark based on Royal Host Corp.'s ("Royal Host") U.S. Registration No. 2528862 (issued January 15, 2002) for the mark ROYAL HOST for hotel, motel and resort management for others; franchising, namely technical assistance and the establishment and operation of hotels, motels and hotel resorts; real estate time sharing; real estate investment services; entertainment bookings, namely arranging for ticket reservations for shows, concerts and other entertainment events; and hotels, motels and hotel resorts; travel agency services, namely making reservations and bookings for temporary lodging, providing consolation to travellers, namely consultation in the field of planning trips and vacations ("Royal Host's Services").

In view of the differences between the parties' marks in overall sound, appearance, and connotation, and in the manner in which the parties' marks and services are and/or will be promoted and sold, the parties agree that there is no likelihood of confusion between Host's use and registration of its HOST HOTELS & RESORTS and Design mark for Host's Services and Royal Host's use and registration of ROYAL HOST for Royal Host's Services.

Both parties agree that their respective services are provided to sophisticated purchasers who exercise care in making purchasing decisions.

The parties are not aware of any instances of actual confusion between the parties' respective marks and services at this time. Thus, the parties agree that the marks can co-exist in the marketplace and on the register.

Finally, although the parties believe that confusion is unlikely between their respective marks and services, they will cooperate in good faith to take reasonable steps as necessary to prevent or minimize the likelihood of consumer confusion arising in the future should the need arise.

Accordingly, Royal Host consents to Host's registration of the mark HOST HOTELS & RESORTS and Design mark shown in Application Serial No. 76658473 for Host's Services and Host consents to Royal Host's registration of the mark ROYAL HOST and Design mark shown in Application Serial No. 2528862 for Royal Host's Services.

ROYAL HOST CORP.

By 
Name A. BRAD CAWN
Title EXECUTIVE VP AND CFO
Date APRIL 8, 2008

Host Hotels & Resorts, L.P.
by its general partner

HOST HOTELS & RESORTS, INC.

By 
Name Larry K. Harvey
Title Executive Vice President
Date April 14, 2008