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Exhibits

Attorney Docket No. 330071/28

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

CRYSTAL CRUISES, INC.)	
)	
Opposer,)	Opposition No.
)	
)	
v.)	
)	
MARINO COLMANO)	
)	
Applicant.)	



02-21-2002
U.S. Patent & TMO/TM Mail Rpt Dt. #66

Mark: Harmony Resorts & design
 Services: Resort Hotels; Health Resorts and Health Spas
 Serial No. 78/053,590
 Filed: March 16, 2001
 Published: February 12, 2001

02/27/2002 KBEACH 00000043 78053590
 01 FC:377 300.00 OP

NOTICE OF OPPOSITION

Crystal Cruises, Inc., a California corporation, having a principal place of business at 2049 Century Park East, Suite 1400, Los Angeles, California 90067 ("Opposer"), believes it will be damaged by the registration of the above-identified application and hereby opposes grant of same.

As grounds for its opposition, Opposer alleges:

1. On March 16, 2001, Applicant filed Application Serial No. 78/053,590 to register the mark depicted in Exhibit "1" for "Exclusive group of overnight luxury destination Resorts and Day Spas with integrated Holistic Health & Wellness techniques for prevention & healing with multi-faceted educational & exercise programs, stress management, and corporate motivational seminars. A catalog line of trademark health care products, bottled water and cosmetics all displaying the Harmony Resorts™ banner. Linked to registered domain name

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<http://www.harmonyresorts.com>" (no class specified), based on an intent to use the mark. This application was published in the February 14, 2002 *Official Gazette*. The published services are listed as "resort hotels; health resorts and health spas, in Int. Class 42."

2. Opposer has been using its marks Perfect Harmony and Crystal Harmony for many years. Opposer has used its mark Crystal Harmony in conjunction with the transporting of passengers by luxury cruise ships since 1988. Opposer has been using its mark Perfect Harmony in conjunction with cruise arrangement services and cruise ship services since 1995.

3. Opposer owns the registrations depicted in Exhibits 2 and 3 for Crystal Harmony, Reg. No. 1,661,964, registered October 22, 1991 for transporting passengers by luxury cruise ships (Exhibit 2), and Perfect Harmony, Reg. No. 2,462,426 for cruise arrangement services and cruise ship services, registered June 12, 2001 (Exhibit 3).

4. Opposer has extensively used and promoted its Crystal Harmony mark for cruise ship services in the United States since at least as early as 1988, well prior to the filing date of Applicant's application (March 16, 2001). Opposer has extensively used and promoted its Perfect Harmony mark for cruise arrangement services and cruise ship services since at least as early as 1995, well prior to the filing date of Applicant's application (March 16, 2001).

Upon information and belief, Applicant made no use of its mark before March 16, 2001.

5. As a result of the substantial use and promotion of Opposer's cruise ship services under Opposer's Crystal Harmony and both cruise ship services and cruise arrangement services under its Perfect Harmony mark, Opposer's marks have established considerable goodwill.

6. In view of the similarity of the dominant portion of the parties' respective marks (i.e. Harmony) and the fact that the same customers for Opposer's services are likely to purchase Applicant's services, and may encounter Applicant's services, e.g., resort hotels, health resorts and health spas, at both the various ports of call of Opposer's cruise ships, and when booking such service through a travel agency, confusion is likely so as to cause confusion, or cause mistake or to deceive.

7. Further, Opposer's two registrations, as seen in Exhibits 2 and 3, having Harmony as the predominant part thereof, which thus form a family of marks in the travel industry.

8. Opposer's Crystal Harmony mark is a famous mark in the travel industry due to Opposer's use and extensive advertising over the years and Applicant's proposed use of Opposer's Harmony mark would dilute Opposer's rights in its mark.

For these reasons, Opposer would be damaged by the registration of Applicant's mark shown in Application Serial No. 78/053,590.

WHEREFORE, Opposer respectfully requests that Application Serial No. 78/053,590 be rejected, that no registration be issued thereon to Applicant, and that this opposition be sustained in favor of Opposer.

Opposer submits a duplicate copy of this Notice of Opposition, as required by 37 C.F.R. §2.104(a), and the required opposition fee of \$300.00. If the fee is found deficient for any reason, please charge the deficiency to Deposit Account No. 16-2230.

Respectfully submitted,



Louis J. Bovasso, Reg. No. 24,075
Attorney for Opposer

Dated: February 21, 2002

OPPENHEIMER WOLFF & DONNELLY LLP

2029 Century Park East, 38th Floor

Los Angeles, CA 90067-3024

Telephone: (310) 788-5000 • Fax: (310) 277-1297

Enc. Exhibit 1 – Harmony Resorts mark
Exhibit 2 – Trademark Crystal Harmony
Exhibit 3 – Trademark Perfect Harmony
Notice of Opposition (in triplicate)