

ESTTA Tracking number: **ESTTA91389**

Filing date: **07/24/2006**

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

Proceeding	91171379
Party	Defendant DOWNTOWN RESORTS, LLC DOWNTOWN RESORTS, LLC 450 FREMONT STREET SUITE 310 LAS VEGAS, NV 89101
Correspondence Address	JASON D. FIRTH GREENBERG TRAUERIG, LLP 3773 HOWARD HUGHES PKWY STE 500 LAS VEGAS, NV 89109-0949
Submission	Answer
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Date	07/24/2006
Attachments	answer 91171379.PDF (4 pages)(142712 bytes)

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

CREATIVE NIGHTCLUB CONCEPTS
LLC,

Opposer,

v.

DOWNTOWN RESORTS, LLC

Applicant.

Opposition No. 91171379

Application Serial No. 78/724475

Filing Date: September 30, 2005

Publication Date: June 13, 2006

RESPONSE TO NOTICE OF OPPOSITION

DOWNTOWN RESORTS, LLC, ("Applicant") hereby answers the Notice of Opposition ("Opposition") filed by CREATIVE NIGHTCLUB CONCEPTS LLC ("Opposer"), which opposes Applicant's application, Serial No. 78/724,475 for the mark DOWNTOWN.

1. Answering numbered Paragraph 1 of the Opposition, Applicant admits the allegations contained therein.

2. Answering the numbered paragraph 2 of the Opposition, Applicant admits the allegations contained therein.

3. Answering numbered Paragraph 3 of the Opposition, Applicant admits the allegations contained therein.

4. Answering numbered Paragraph 4 of the Opposition, Applicant admits the allegations contained therein.

5. Answering numbered Paragraph 5 of the Opposition, Applicant denies the allegation contained therein.

6. Answering numbered Paragraph 6 of the Opposition, Applicant denies

the allegations contained therein.

7. Answering the numbered paragraph 7 of the Opposition, Applicant admits the allegations contained therein.

8. Answering numbered Paragraph 8 of the Opposition, Applicant denies the allegations contained therein.

9. Answering numbered Paragraph 9 of the Opposition, Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations contained in such paragraphs and, therefore, denies such allegations.

10. Answering numbered Paragraph 10 of the Opposition, Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations contained in such paragraphs and, therefore, denies such allegations.

11. Answering numbered Paragraph 11 of the Opposition, Applicant denies the allegations contained therein.

12. Answering numbered Paragraph 12 of the Opposition, Applicant denies the allegations contained therein.

13. Answering numbered Paragraph 13 of the Opposition, Applicant denies the allegations contained therein.

14. Answering numbered Paragraph 14 of the Opposition, Applicant denies the allegations contained therein.

15. Answering numbered Paragraph 15 of the Opposition, Applicant denies the allegations contained therein.

16. Answering unnumbered Paragraph 16 of the Opposition, Applicant cannot admit any allegation since these are conclusions of law and beliefs of

Opponent rather than factual assertions. Nevertheless, to the extent an answer is required for this paragraph, Applicant denies the allegations contained herein.

AFFIRMATIVE DEFENSES

1. Applicant repeats, realleges and incorporates herein each and every allegation of the preceding paragraphs as if fully set forth herein.
2. Opposer's Opposition is barred under the doctrine of laches.
3. Opposer's Opposition is barred by the doctrine of estoppel.
4. Opposer's Opposition is barred by the doctrine of waiver.
5. Opposer's Opposition is barred by the doctrine of unclean hands.

WHEREFORE, Applicant requests that the Opposition be denied.

DATED: July 24, 2006.

GREENBERG TRAURIG



Jason D. Firth
Andrew D. Sedlock
3773 Howard Hughes Parkway
Suite 500 North
Las Vegas, Nevada 89109

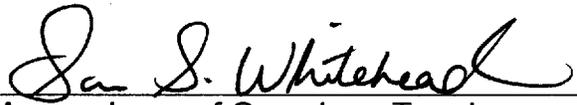
CERTIFICATE OF SERVICE

I hereby certify that on July 24, 2006, I served the foregoing Response to
Notice of Opposition on:

KAREN S. FRANK
JEFFREY FAUCETTE
Howard, Rice, Nemerovski, Canady, Falk & Rabkin
Three Embarcadero Center, 7th Floor
San Francisco, California 94111

by causing a full, true, and correct copy thereof to be sent by the following
indicated method or methods, on the date set forth below:

- by mailing in a sealed, first-class postage-prepaid envelope, addressed to the last-known office address of the attorney, and deposited with the United States Postal Service at Las Vegas, Nevada.
- by hand delivery.
- by sending via overnight courier in a sealed envelope.
- by faxing to the attorney at the fax number that is the last-known fax number.
- by electronic mail to the last known e-mail address.


An employee of Greenberg Traurig