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Filing date: **07/26/2006**

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

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Spa Finder, Inc.		
Entity	Corporation	Citizenship	Maryland
Address	257 Park Avenue South New York, NY 10010 UNITED STATES		

Attorney information	Gary H. Fechter McCarter & English, LLP 245 Park Avenue 27th Floor New York, NY 10167-0001 UNITED STATES gfechter@mccarter.com, dpopovic@mccarter.com Phone:212-609-6800		
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### Applicant Information

Application No	78727487	Publication date	06/27/2006
Opposition Filing Date	07/26/2006	Opposition Period Ends	07/27/2006
Applicant	SALON AND SPA FINDER, INC. 1110 NW 145 TERRACE MIAMI, FL 33168 UNITED STATES		

### Goods/Services Affected by Opposition

Class 035. All goods and services in the class are opposed, namely: Providing on-line directory information services also featuring hyperlinks to other web sites
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Attachments	SALON FINDER WHERE BEAUTY IS ON DEMAND (Stylized) Notice of Opposition.pdf ( 4 pages )(88461 bytes )
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Signature	/garyhfechter/
Name	Gary H. Fechter
Date	07/26/2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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SPA FINDER, INC., :  
: Mark: SALON FINDER WHERE  
: BEAUTY IS ON DEMAND (Stylized)  
Opposer, :  
: Serial No. 78/727,487  
-vs- :  
: NOTICE OF OPPOSITION  
SALON AND SPA FINDER, INC., :  
: Applicant. :  
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In the matter of the application of Salon And Spa Finder, Inc. (hereinafter "Applicant"), for the registration of SALON FINDER WHERE BEAUTY IS ON DEMAND (Stylized), Application No. 78/727,487, published in the Official Gazette of June 27, 2006, at TM 744, Spa Finder, Inc., a corporation of the State of Maryland with its principal place of business at 257 Park Ave South, New York, New York 10010 ("Opposer"), believes that it would be damaged by the registration of the mark shown in the application and hereby opposes same. The grounds for the opposition are:

1. Opposer is a corporation which has been engaged since at least as early as 1986 as a leading spa travel and marketing company offering spa and travel accommodations, magazines, publications, products and other services with marks consisting of or including the term SPAFINDER.

2. Opposer owns the following registration and trademark registration application for marks consisting of or including the term "SPAFINDER" (collectively, the "SPAFINDER Marks"):

MARK	REG./APP. NO.	REG./FILING DATE	CLASS/GOODS
<b>LUXURY SPAFINDER THE SPA LIFESTYLE AT ITS FINEST (Stylized)</b>	3,004,327	October 4, 2005	16: Printed matter, namely magazines featuring information for the vacation traveler
<b>SPAFINDER</b>	78/834,332	March 10, 2006	35: Online ordering services in the field of bath and beauty products, gift certificates and publications;  39: Online booking of travel arrangements;  41: Online publication featuring information for the vacation traveler and beauty, health and wellness information.

3. By reason of the extensive promotion, advertising, and provision of high-quality publications, products and services offered and distributed by Opposer in conjunction with the SPAFINDER Marks, the public and the trade have come to recognize products and services offered in conjunction with these marks as signifying Opposer and its publications and services.

4. Notwithstanding Opposer's long prior rights in the SPAFINDER Marks,

Applicant has filed an application, Serial No. 78/727,487, for registration of SALON FINDER WHERE BEAUTY IS ON DEMAND (Stylized), for “providing on-line directory information services also featuring hyperlinks to other web sites,” in Class 35.

5. There is no issue as to priority. Applicant’s filing date for its SALON FINDER WHERE BEAUTY IS ON DEMAND (Stylized) mark is October 5, 2005, long after the dates when Opposer first used and registered its SPAFINDER Marks.

6. The trademark proposed for registration by the Applicant, SALON FINDER WHERE BEAUTY IS ON DEMAND (Stylized) is extremely similar to Opposer’s SPAFINDER Marks, and is applied to goods and/or services very similar to those offered by Opposer. The Applicant’s mark so closely resembles the Opposer’s SPAFINDER Marks as to be likely to be confused therewith and mistaken therefor. The SALON FINDER WHERE BEAUTY IS ON DEMAND (Stylized) mark is deceptively similar to Opposer’s SPAFINDER Marks so as to cause confusion and lead to deception as to the origin of Applicant’s services bearing the Applicant’s mark.

7. If Applicant is permitted to use and register its SALON FINDER WHERE BEAUTY IS ON DEMAND (Stylized) mark for its services, as specified in the Application herein opposed, confusion in the trade resulting in damage and injury to Opposer would be caused and would result by reason of the similarity between the SALON FINDER WHERE BEAUTY IS ON DEMAND (Stylized) mark and the Opposer’s SPAFINDER Marks. Persons familiar with Opposer’s SPAFINDER Marks would be likely to connect to Applicant’s on-line internet directory and purchase or book accommodations through Applicant’s directory as and for a product, service or accommodation made and sold by, or sponsored or approved by, the

Opposer.

8. If Applicant were granted the registration herein opposed, it would thereby obtain at least a prima facie exclusive right to the use of its mark. Such registration would be a source of damage and injury to the Opposer.

WHEREFORE, the Opposer, Spa Finder Inc., prays that this Opposition be sustained and that the application Serial No. 78/727,487, for the mark SALON FINDER WHERE BEAUTY IS ON DEMAND (Stylized), for the services therein specified in International Class 35, be refused registration, and for such other relief as may be deemed just and proper.

Respectfully submitted,

SPA FINDER, INC.

By:



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Dated: July 26, 2006.