

ESTTA Tracking number: **ESTTA129650**

Filing date: **03/13/2007**

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	Peter Morhan Sun and Lily Hsue
Granted to Date of previous extension	03/14/2007
Address	133 S. Coast Highway Oceanside, CA 92054 UNITED STATES

Attorney information	Michael E. Hall 2040 Main Street, 14th Floor Irvine, CA 92614 UNITED STATES efiling@kmob.com, michael.hall@kmob.com, stacey.halpern@kmob.com Phone:949-760-0404
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Applicant Information

Application No	78845073	Publication date	11/14/2006
Opposition Filing Date	03/13/2007	Opposition Period Ends	03/14/2007
Applicant	Yankee Development Corp. Christies Landing Newport, RI 02680 UNITED STATES		

Goods/Services Affected by Opposition

Class 043. All goods and services in the class are opposed, namely: TRANSIENT HOTEL ACCOMMODATIONS

Attachments	Notice of Opposition.pdf (3 pages)(109861 bytes)
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Signature	/meh/
Name	Michael E. Hall
Date	03/13/2007

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

Peter Morhan Sun and Lily Hsue,

Opposers,

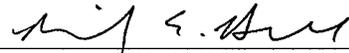
v.

Yankee Development Corp.,

Applicant.

)
) I hereby certify that this correspondence and all marked
) attachments are being electronically filed with the U.S.
) Patent and Trademark Office via their website located at
) <http://esta.uspto.gov/> on:

March 13, 2007
(Date)


Michael E. Hall

NOTICE OF OPPOSITION

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Sir:

Peter Morhan Sun and Lily Hsue (hereinafter referred to as "Opposers"), both U.S. citizens, with an address at 133 S. Coast Highway, Oceanside, California 92054, believe that they will be damaged by registration of the mark shown in Application Serial No. 78/845,073 (hereinafter referred to as "Applicant's Application"), filed March 24, 2006 by Yankee Development Corp. (hereinafter referred to as "Applicant"), a Rhode Island corporation having a place of business at Christies Landing, Newport, Rhode Island 02680, and hereby oppose the same. A description of Applicant's Application is as follows:

Mark: DOLPHIN HOTEL
Serial No.: 78/845,073
Filed: March 24, 2006
Published: November 14, 2006
Services: Transient hotel accommodations
Class: 43
Basis: Section 1(b)

As grounds for opposition, Opposers allege:

1. Since at least as early as August 3, 1953, Opposers have, through their predecessors in interest, used the mark DOLPHIN HOTEL in connection with hotel services.
2. Opposers are the joint owners of U.S. Trademark Application Serial No. 77/000,888 (the “‘888 Application”) for the mark DOLPHIN HOTEL for “hotel services and providing temporary lodging and accommodations.” During the prosecution of the ‘888 Application, the Examining Attorney referenced Applicant’s Application and indicated that if Applicant’s Application matures into a registration, the Examining Attorney may refuse registration under Section 2(d) of the Trademark Act. The ‘888 Application is currently suspended pending the disposition of Applicant’s Application.
3. Opposers’ date of first use of the mark DOLPHIN HOTEL is long prior to the filing date of Applicant’s Application. Inasmuch as the mark DOLPHIN HOTEL in Applicant’s Application is identical to Opposers’ long-used mark DOLPHIN HOTEL, and the services in connection with which Applicant proposes to use the mark are identical to Opposers’ services, it is alleged that registration of Applicant’s mark would inevitably cause confusion, cause mistake, or deceive the trade and purchasing public into believing that Applicant’s services originate with Opposers or are otherwise authorized, licensed, or sponsored by Opposers.
4. In view of Opposers’ prior rights in the DOLPHIN HOTEL mark, Applicant is not entitled to registration of the DOLPHIN HOTEL mark pursuant to Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).
5. By reason of the foregoing, Opposers will be gravely damaged by the registration of the mark in Applicant’s Application.

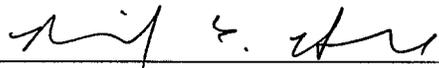
WHEREFORE, Opposers pray that Applicant's Application be rejected and stricken, that no registration be issued thereon to Applicant, and that this opposition be sustained in favor of Opposers.

Please charge Deposit Account No. 11-1410 for any additional fees which may be required, or credit any overpayment to this account.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: March 13, 2007

By: 

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