

ESTTA Tracking number: **ESTTA141384**

Filing date: **05/18/2007**

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	Global Vacation Network, Inc.
Granted to Date of previous extension	05/20/2007
Address	2849 Executive Drive, Suite 100 Clearwater, FL 33762 UNITED STATES
Party who filed Extension of time to oppose	Global Vacation Network, Inc.
Relationship to party who filed Extension of time to oppose	There was a typographical error in the initial extension request.

Attorney information	Kevin M. Lindsey Halleland Lewis Nilan & Johnson 600 U.S. Bank Plaza South 220 South Sixth Street Minneapolis, MN 55402-4501 UNITED STATES klindsey@halleland.com, creid@halleland.com Phone:6123381838
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Applicant Information

Application No	78865211	Publication date	11/21/2006
Opposition Filing Date	05/18/2007	Opposition Period Ends	05/20/2007
Applicant	RCI TM CORP. 10750 West Charleston Blvd. Suite 130 Las Vegas, NV 89135 UNITED STATES		

Goods/Services Affected by Opposition

<p>Class 035. All goods and services in the class are opposed, namely: Business and marketing consulting services; advertising services, namely, advertising real estate properties for rental by means of brochures, catalogues, and over a global telecommunications network</p>
<p>Class 036. All goods and services in the class are opposed, namely: Real estate services, namely, rental of vacation homes, condominiums, cabins, and villas; real estate time-share exchange services; real estate management; real estate management consultation; Real estate ownership exchange services, namely vacation real estate time sharing, real estate management and leasing services, and consulting services for resort properties, namely sales, development, leasing and management</p>

of resort properties
Class 043. All goods and services in the class are opposed, namely: Arranging temporary housing accommodations; Booking of campground accommodation; Consulting services in the field of hospitality; Providing travel lodging information services and travel lodging booking agency services for travelers; Travel agency services, namely, making reservations and booking for temporary lodging

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Application No	78968692	Publication date	11/21/2006
Opposition Filing Date	05/18/2007	Opposition Period Ends	
Applicant	RCI TM Corp. 10750 West Charleston Blvd., Suite 130 Las Vegas, NV 89135 UNITED STATES		

Goods/Services Affected by Opposition

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Class 043. All goods and services in the class are opposed, namely: Arranging temporary housing accommodations; booking of campground accommodation; consulting services in the field of hospitality; providing travel lodging information services and travel lodging booking agency services for travelers; travel agency services, namely, making reservations and booking for temporary lodging

Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Mark Cited by Opposer as Basis for Opposition

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	GLOBAL VACATION NETWORK		
Goods/Services	GVN is in the business of providing travel-related hospitality services on a membership basis. These services include, but are not limited to, selling vacation weeks at various resorts which its members can then exchange to use at other locations.		

Attachments	GVN Consolidated Notice of Opposition.pdf (7 pages)(12284 bytes)
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Signature	/s/Kevin M. Lindsey
Name	Kevin M. Lindsey
Date	05/18/2007

2. GVN is the parent company of several subsidiaries, including but not limited to, GVN Florida, Inc., GVN Vacations, Inc., GVN Michigan, Inc., GVN Minnesota, Inc., GVN Pennsylvania, Inc., and GVN Illinois, Inc.

3. GVN is in the business of providing travel-related hospitality services on a membership basis. These services include, but are not limited to, selling vacation weeks at various vacation resorts which its members can then exchange to use at other locations.

4. Upon information and belief, Applicant RCI is also in the business of providing travel-related hospitality services. Upon information and belief, RCI's services also include, but are not limited to, selling vacation weeks at various vacation resorts which its members can use to exchange at other locations.

5. GVN was formed in 1997.

6. GVN is in the business of selling vacation weeks at various resorts to consumers who are referred to as "members." These weeks are called "Star Credits", and GVN's members are able to exchange their Star Credits for use at other resorts.

7. GVN started using the name GLOBAL VACATION NETWORK at the time of its formation in 1997. In addition, its members know GVN as GLOBAL VACATION NETWORK.

8. Over the years, GVN has spent hundreds of thousands of dollars marketing its name and building goodwill in the industry. The GVN name is on its office buildings, and has been used in various corporate sponsorships and in

referral mailings to its members nationwide. Moreover, in the first quarter of 2007, GVN has opened two new offices and is projected to open four more before the end of the year.

9. The majority of GVN's marketing is direct marketing to attract certain demographics. Hundreds of thousands of direct mail pieces get mailed monthly throughout the United States.

10. GVN also promotes its name through the use of a website that it first set up in 1998. This website is updated every few years and receives traffic from its current members and prospective members.

11. In the ten years that GVN has been in business, it has grown to over 32,000 members that reside in every state and even internationally. Consequently, GVN uses the name GLOBAL VACATION NETWORK in all 50 states and has acquired distinctiveness.

12. In 2006, members began to call GVN to ask about the affiliation between GVN and RCI. The members were informed that there was no affiliation. GVN did not inquire about the source of the confusion at that time, and was unaware that RCI was using the name RCI GLOBAL VACATION NETWORK.

13. In late 2006, GVN was again contacted by one of its members who was confused about the affiliation between GVN and RCI. The member stated that she had read about RCI Global Vacation Network and did not want to be affiliated with them because of a previous bad experience. She was informed that there was no affiliation with RCI.

14. In late 2006, another member called and asked for an RCI exchange book. She was informed that GVN and RCI were not affiliated. She stated that she just saw the RCI Global Vacation Network website and thought the two were affiliated. It was at this point when GVN became aware of the use of its trade name by RCI.

15. Subsequently, on or around November 21, 2006, GVN received a notice from the United States Patent and Trademark Office that RCI intended to trademark the name RCI GLOBAL VACATION NETWORK.

ALLEGATIONS OF STANDING

16. GVN hereby incorporates the allegations set forth in paragraphs 1 through 16 as if fully set forth herein.

17. GVN has used the name GLOBAL VACATION NETWORK for over 10 years and has spent substantial resources and money in building its reputation as a premier travel club.

18. RCI is engaged in the same or similar business as GVN.

19. If RCI is allowed to register the trademark RCI GLOBAL VACATION NETWORK, there is a strong likelihood that consumers will be confused about the affiliation between RCI and GVN, as evidenced by the instances of actual confusion stated in the earlier paragraphs.

20. Based on some of the experiences that some of its members shared, GVN believes that any confusion regarding the affiliation between RCI and GVN

will adversely impact its business, and its reputation as a premier travel club could be tarnished.

21. Consequently, GVN has a real interest and a direct and personal stake in the outcome of these proceedings.

GROUNDS FOR OPPOSITION

A. Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d) – Priority

22. GVN hereby incorporates the allegations set forth in paragraphs 1 through 22 as if fully set forth herein.

23. Although it never registered GLOBAL VACATION NETWORK with the United States Patent and Trademark Office, GVN has promoted and used the name in virtually every state since 1997, well before RCI's use.

24. As a result of GVN's use and promotion, GLOBAL VACATION NETWORK has become distinctive and serves to identify GVN's services, to distinguish GVN's services from those made and/or sold by others, and to distinguish the source and origin of GVN's services and vacation products.

25. The relevant consuming public recognizes and associates GLOBAL VACATION NETWORK with GVN.

26. RCI GLOBAL VACATION NETWORK closely resembles the mark GLOBAL VACATION NETWORK, which has been used by GVN since 1997 to identify GVN's travel services.

27. GVN has not abandoned the use of the mark GLOBAL VACATION NETWORK, and still uses the mark to this day.

28. There have already been instances of actual confusion regarding the affiliation between GVN and RCI based on RCI's use of RCI GLOBAL VACATION NETWORK.

29. Consequently, the registration of RCI GLOBAL VACATION NETWORK, to be used in connection with RCI's travel services, will likely cause confusion, or mistake, or will be deceptive as to the affiliation or source of those services.

B. Section 13(a) of the Trademark Act, 15 USC § 1063(a) - Dilution

30. GVN hereby incorporates the allegations set forth in paragraphs 1 through 30 as if fully set forth herein.

31. GVN is engaged in providing travel-related hospitality services on a national and international basis. As such GLOBAL VACATION NETWORK is famous as described under 15 USC § 1125(c).

32. In addition, the consuming public associates the GLOBAL VACATION NETWORK mark with GVN.

33. GVN is likely to be damaged by the registration of RCI's proposed mark RCI GLOBAL VACATION NETWORK as it would likely cause dilution by blurring or by tarnishment of GVN's famous mark, GLOBAL VACATION NETWORK.

C. Section 2(a) of the Trademark Act, 15 U.S.C. § 1052(a) – False suggestion of a connection

34. GVN hereby incorporates the allegations set forth in paragraphs 1 through 33 as if fully set forth herein.

35. GLOBAL VACATION NETWORK and RCI GLOBAL VACATION NETWORK are deceptively similar to the relevant consuming public.

36. There are instances of actual confusion by consumers inquiring as to whether there is an affiliation between GLOBAL VACATION NETWORK and RCI GLOBAL VACATION NETWORK.

37. This confusion illustrates that the RCI GLOBAL VACATION NETWORK mark falsely suggests a connection with GVN's name or identity.

38. GVN is likely to be harmed by this false suggestion.

HALLELAND LEWIS NILAN &
JOHNSON, P.A.

Date May 18, 2007

By /s/ Kevin M. Lindsey

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