

ESTTA Tracking number: **ESTTA191175**

Filing date: **02/06/2008**

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

Proceeding	91181266
Party	Plaintiff Tamares Las Vegas Properties, LLC
Correspondence Address	Michelle M. Graham Kelley Drye & Warren LLP 101 Park Avenue New York, NY 10178 UNITED STATES mgraham@kelleydrye.com
Submission	Opposition/Response to Motion
Filer's Name	Matthew D. Marcotte
Filer's e-mail	mmarcotte@kelleydrye.com
Signature	/Matthew D. Marcotte/
Date	02/06/2008
Attachments	91181266.pdf (4 pages)(292172 bytes)

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

TAMARES LAS VEGAS PROPERTIES, LLC,

Opposer,

v.

PLAZA IP HOLDINGS LLC (USA),

Applicant.

Opposition No. 91181266

**OPPOSER'S OPPOSITION TO MOTION
TO SUSPEND PROCEEDING PENDING CIVIL ACTION**

I. PRELIMINARY STATEMENT

Opposer Tamares Las Vegas Properties, LLC ("Tamares") submits this opposition to Applicant Plaza IP Holdings LLC (USA)'s ("Plaza IP Holdings") Motion to Suspend Proceeding Pending Civil Action ("Applicant's Motion"). The Board should deny Applicant's Motion because Applicant is not a party to the Civil Action, has not made clear how Applicant is related to the parties in the Civil Action, and because the Civil Action and this proceeding involve separate issues.

II. ARGUMENT

Tamares and its predecessors have operated the PLAZA casino and hotel in Las Vegas, Nevada since 1971. After the El-Ad Group, Ltd., El Ad Las Vegas Properties, LLC, and El-Ad Las Vegas LLC (collectively "El-Ad") announced plans to begin operating their own hotel-casino complex in Las Vegas under the identical name and mark PLAZA, Tamares brought a Civil Action in Nevada state court. The Civil Action seeks injunctive relief against El-Ad's

use of any mark confusingly similar to Tamares' family of PLAZA marks in the state of Nevada, and seeks no relief under any federal statute.

A. Plaza IP Holdings Is Not A Party To The Civil Action

Plaza IP Holdings, Applicant in this proceeding, is not a party to the Civil Action. In Applicant's Motion, Applicant simply asserts that it is "affiliated with Defendants in the Civil Action," without explaining the nature of that affiliation. (Applicant's Motion at 2.) Before suspending the action, the Board should require Applicant to fully disclose the nature of the relationship between it and Defendants in the Civil Action so that the Board may correctly determine the extent to which the Civil Action relates to the outcome here. Applicant's unsupported and unexplained assertion of "affiliation" fails to support its contention that the Civil Action has any bearing on the resolution of the instant proceeding.

B. The Issues In This Proceeding And The Civil Action Are Distinct

The instant proceeding solely concerns whether Tamares' prior adoption and use of the marks UNION PLAZA, JACKIE GAUGHAN'S PLAZA, PLAZA, PLAZA LAS VEGAS, PLAZA PLAY CLUB, PLAZA HOTEL AND CASINO, and PLAZA HOTEL & CASINO for casino gaming, restaurant, hotel, and related services precludes Plaza IP Holdings from federally registering the designation PP THE PLAZA & Design for "Condominium hotel services." In contrast, the Civil Action concerns Tamares' right to injunctive relief under the Nevada state law. Accordingly, the instant proceeding should not be suspended pending the Civil Action and the Board should proceed to decide the federal registrability issue herein.

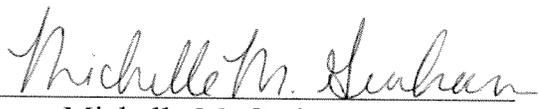
III. CONCLUSION

Based on the foregoing, Tamares respectfully requests that the Board deny Applicant's Motion, or alternatively, direct Applicant to demonstrate how it is related to the Defendants in the Civil Action prior to rendering a decision on Applicant's Motion.

Respectfully submitted,

KELLEY DRYE & WARREN LLP
Attorneys for Opposer
TAMARES LAS VEGAS PROPERTIES, LLC

Dated: February 6, 2008

By: 
Michelle M. Graham

101 Park Avenue
New York, New York 10178
Telephone: (212) 808-7800
Facsimile: (212) 808-7897

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing OPPOSER'S OPPOSITION TO MOTION TO SUSPEND PROCEEDING PENDING CIVIL ACTION has been served upon Applicant's attorney, Alan N. Sutin, Greenberg Traurig LLP, 200 Park Avenue, 34th Floor, New York NY 10166-0005, the address designated by said attorney for that purpose, by depositing a true copy thereof with the United States Postal Service, postal prepaid, first-class mail on February 6, 2008.



Matthew D. Marcotte

CERTIFICATE OF FILING

The undersigned hereby certifies that the foregoing OPPOSER'S OPPOSITION TO MOTION TO SUSPEND PROCEEDING PENDING CIVIL ACTION has been filed electronically with the United States Patent and Trademark Office.

New York, New York
February 6, 2008



Matthew D. Marcotte