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

Proceeding	91181266
Party	Defendant Plaza IP Holdings LLC (USA)
Correspondence Address	Alan N. Sutin Greenberg Traurig, LLP 200 Park Avenue, 34th Floor New York, NY 10166 UNITED STATES
Submission	Reply in Support of Motion
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Date	02/26/2008
Attachments	Reply266.pdf (4 pages)(115195 bytes)

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

In the Matter of Application No. 77/111,298
Mark: PP THE PLAZA AND DESIGN

Tamares Las Vegas Properties, LLC	)	
	)	
Opposer,	)	**Opposition No. 91181266**
v.	)	
	)	
Plaza IP Holdings LLC (USA)	)	
	)	
	)	
Applicant.	)	
	)	

APPLICANT'S REPLY TO OPPOSER'S OPPOSITION TO MOTION TO SUSPEND PROCEEDING PENDING CIVIL ACTION

I. PRELIMINARY STATEMENT

Applicant herein replies to Opposer's Opposition to Applicant's Motion to Suspend Proceeding Pending Civil Action filed on February 6, 2008 and served on Applicant by US Mail ("Opposer's Opposition"). The Board should suspend this proceeding for the reasons set forth in Applicant's original Motion to Suspend. As explained below, Opposer's arguments to the contrary are without basis in any authority. Although not required to do so, Applicant also provides herein further information concerning the relationship between Applicant and the named defendants in the Civil Action.

II. ARGUMENT

A. The Parties to a Civil Action and a Board Proceeding Need Not Be Identical for Suspension of a Board Proceeding to be Appropriate

The relevant language of 37 C.F.R. § 2.117(a) authorizes the Board to suspend proceedings where "**a party or parties** to a pending case are engaged in a civil action or another Board proceeding **which may have a bearing on the case** . . . ."[1] Thus, the rule is clear that the Board can properly suspend a Board proceeding where: (i) only one party is involved in both a civil action and a relevant Board proceeding, and (ii) the issues in the civil action "may have a bearing" on the Board proceeding. In the face of these clear standards at odds with its own position, Opposer urges upon the Board a nebulous higher standard of Opposer's own invention.

Opposer is well aware of Applicant's connection with the named defendants in the Civil Action and there is no such requirement as the one posited by Opposer in its Opposition that Applicant "fully disclose the nature of the relationship between it and Defendants in the Civil Action . . . ."[2] Notwithstanding the irrelevance of its precise corporate structure to the analysis at hand, Applicant is willing to provide this information in the interest of clarification.

One of the named defendants in the Civil Action is The El-Ad Group, Ltd. As Opposer knows, the successor in interest to The El-Ad Group, Ltd. is El Ad US Holding, Inc. Applicant Plaza IP Holdings LLC (USA) is a subsidiary of El Ad US Holding, Inc. Applicant also acts as the licensor with respect to the planned use of Applicant's marks in Las Vegas. The Board should not be misled by Opposer's demands for further information on this issue, which amount to nothing more than a red herring invoked solely for the purpose of harassing Applicant by necessitating the filing of needless contentious motions.

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[1] 37 C.F.R. § 2.117(a) (emphasis added).
[2] Opposer's Opposition at 2.

B. The Issues in the Civil Action and this Proceeding are Clearly Intertwined

The Board should reject as nonsensical Opposer's argument that the issues in the Civil Action have no bearing on this proceeding. Opposer asserts that the issues in the Civil Action have no bearing on this Board proceeding merely because the Civil Action concerns state law claims for injunctive relief[3], while this Board proceeding involves only a "federal registrability issue."[4] Of course, Opposer's argument ignores the obvious fact that no Board proceeding ever involves claims for injunctive relief, while most every Board proceeding involves at least one "federal registrability issue." Indeed, to accept Opposer's argument would effectively preclude any motion for suspension. Therefore, this argument is specious on its face.

Accordingly, Applicant respectfully requests that the Board suspend this Opposition proceeding pending disposition of the Civil Action.

Dated: February 26, 2008

Respectfully submitted,

GREENBERG TRAURIG, LLP

By: _____

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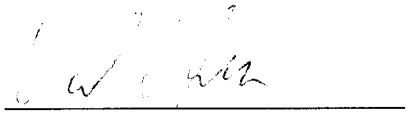
[3] Notably, these claims involve the mark PLAZA and other marks containing the term PLAZA for hotel and restaurant services and related casino services and condominium hotel services.
[4] Opposer's Opposition at 2.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 26, 2008, a true and correct copy of the foregoing Applicant's Reply to Opposer's Opposition to Motion to Suspend Pending Civil Action has been sent by US Mail, postage prepaid, to counsel of record for Opposer Tamares Las Vegas Properties, LLC:

Michelle M. Graham, Esq.
Kelley Drye & Warren LLP
101 Park Avenue
New York, NY 10178

Date: February 26, 2008



Daniel I. Schloss