

ESTTA Tracking number: **ESTTA617137**

Filing date: **07/23/2014**

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	LGVV, LLC
Granted to Date of previous extension	07/23/2014
Address	12300 Las Vegas Blvd. South Las Vegas, NV 89044 UNITED STATES

Attorney information	Hara K. Jacobs Ballard Spahr LLP 1735 Market Street, 51st Floor Philadelphia, PA 19103-7599 UNITED STATES jacobsh@ballardspahr.com, larsont@ballardspahr.com, phila_tmddocketing@ballardspahr.com, cramerp@ballardspahr.com Phone:215.864.8209
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Applicant Information

Application No	86092882	Publication date	03/25/2014
Opposition Filing Date	07/23/2014	Opposition Period Ends	07/23/2014
Applicant	Sahaj Morgantown, LLC 6304 Hana Rd. Edison, NJ 08117 UNITED STATES		

Goods/Services Affected by Opposition

Class 043. First Use: 2012/01/15 First Use In Commerce: 2012/01/15 All goods and services in the class are opposed, namely: Hotel and motel services

Applicant Information

Application No	86086732	Publication date	03/25/2014
Opposition Filing Date	07/23/2014	Opposition Period Ends	
Applicant	Sahaj Morgantown, LLC 6304 Hana Rd. Edison, NJ 08117 UNITED STATES		

Goods/Services Affected by Opposition

Class 043. First Use: 2012/01/15 First Use In Commerce: 2012/01/15
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All goods and services in the class are opposed, namely: Hotel and motel services

Grounds for Opposition

Priority and likelihood of confusion

Trademark Act section 2(d)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3411031	Application Date	02/10/2006
Registration Date	04/08/2008	Foreign Priority Date	NONE
Word Mark	M		
Design Mark			
Description of Mark	The mark consists of stylized character "M".		
Goods/Services	Class 043. First use: First Use: 2007/10/01 First Use In Commerce: 2007/10/01 hotel services		

U.S. Registration No.	3544752	Application Date	12/01/2007
Registration Date	12/09/2008	Foreign Priority Date	NONE
Word Mark	M RESORTÂ· SPA Â· CASINO LAS VEGAS		

Design Mark	
Description of Mark	The mark consists of Stylized "M" above the words "RESORT SPA CASINO" (separated by dots) above the word "LAS VEGAS".
Goods/Services	Class 043. First use: First Use: 2008/04/01 First Use In Commerce: 2008/04/01 Hotel, bar and restaurant services

U.S. Registration No.	3896122	Application Date	11/03/2009
Registration Date	12/28/2010	Foreign Priority Date	NONE
Word Mark	M RESORT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 043. First use: First Use: 2008/04/01 First Use In Commerce: 2008/04/01 Hotel, bar and restaurant services		

U.S. Registration No.	3620814	Application Date	08/05/2008
Registration Date	05/12/2009	Foreign Priority Date	NONE
Word Mark	IMAGINE REWARDS		

Design Mark			
Description of Mark	The mark consists of the stylized word "IMAGINE" over the word "REWARDS" .		
Goods/Services	Class 043. First use: First Use: 2009/02/25 First Use In Commerce: 2009/02/25 hotel, restaurant and bar services; customer loyalty programs that provide hotel, restaurant, and bar benefits to reward repeat customers		

U.S. Registration No.	3512483	Application Date	05/12/2008
Registration Date	10/07/2008	Foreign Priority Date	NONE
Word Mark	M IS FOR ME		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 043. First use: First Use: 2008/05/05 First Use In Commerce: 2008/05/05 Hotel services; Providing convention facilities		

Attachments	78979735#TMSN.png(bytes) 77341800#TMSN.png(bytes) 77864323#TMSN.png(bytes) 77539654#TMSN.png(bytes) 77472401#TMSN.png(bytes)
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	CONSOLIDATED NOTICE OF OPPOSITION.pdf(325128 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Hara K. Jacobs/
Name	Hara K. Jacobs
Date	07/23/2014

Mark	Services	Registration No.
<p data-bbox="289 268 456 302">M & Design</p> 	<p data-bbox="597 268 922 302">Hotel services (Class 43)</p>	<p data-bbox="1166 268 1279 302">3411031</p>
<p data-bbox="175 485 570 554">M RESORT · SPA · CASINO LAS VEGAS & Design</p> 	<p data-bbox="597 485 922 554">Hotel, bar and restaurant services (Class 43)</p>	<p data-bbox="1166 485 1279 518">3544752</p>
<p data-bbox="289 772 456 806">M RESORT</p>	<p data-bbox="597 772 922 842">Hotel, bar and restaurant services (Class 43)</p>	<p data-bbox="1166 772 1279 806">3896122</p>
<p data-bbox="199 877 542 947">IMAGINE REWARDS & Design</p> 	<p data-bbox="597 877 980 1094">Hotel, restaurant and bar services; customer loyalty programs that provide hotel, restaurant, and bar benefits to reward repeat customers (Class 43)</p>	<p data-bbox="1166 877 1279 911">3620814</p>
<p data-bbox="272 1176 467 1209">M IS FOR ME</p>	<p data-bbox="597 1176 948 1283">Hotel services; Providing convention facilities (Class 43)</p>	<p data-bbox="1166 1176 1279 1209">3512483</p>

Attached hereto as Exhibit A are the current reports from the electronic database records of the USPTO showing the current status and title of above-referenced registrations.

3. Opposer offers, among other things, hotel services under the M Marks.
4. Applicant seeks to register the marks HOTEL M (Stylized) and HOTEL M (Stylized in Color) for “hotel and motel services” in Class 43, as evidenced by the publication of said marks in the Official Gazette on March 25, 2014.
5. The ‘732 Application for the services herein opposed was filed on October 9, 2013 based on Applicant’s alleged use of the mark in commerce beginning January 15, 2012.
6. The ‘882 Application for the services herein opposed was filed on October 16, 2013 based on Applicant’s alleged use of the mark in commerce beginning January 15, 2012.
7. Opposer’s dates of first use in commerce, application dates, and registration dates for each of the M Marks precede Applicant’s dates of first use in commerce and filing dates.
8. The registrations for the M Marks are valid and subsisting.
9. Opposer’s use of the M Marks has been continuous, exclusive and commercially significant for many years in connection with its services.
10. Opposer’s M Marks are valid and have been valid and in continuous use since at least their respective dates of first use and have not been abandoned.
11. Opposer’s M Marks are inherently distinctive as applied to Opposer’s services.
12. Because of the substantial investment of time and resources nationally to promote, advertise, and enforce the M Marks, consumers have come to associate the M Marks exclusively with Opposer’s services.
13. By virtue of Opposer’s continuous use in commerce of the M Marks in connection with hotel and related services, such services have become favorably known to the relevant trade and public under such marks.

14. In the Applications for the services herein opposed, there are no restrictions on trade channels, so it must be presumed that the services of the Applications identified will travel through all trade channels appropriate for services of that type.

15. On information and belief, Applicant's hotel and motel services in Class 43, and Opposer's hotel services are marketed through overlapping channels of trade and are intended to be sold to overlapping classes of purchasers.

16. Applicant's HOTEL M (Stylized) and HOTEL M (Stylized in Color) marks used in association with hotel and motel services in Class 43 are confusingly similar to the M Marks established by Opposer because the marks are similar in sound, appearance and overall commercial impression.

17. The dominant element in each of Applicant's marks and each of Opposer's M Marks is the letter "M." The word "HOTEL" in Applicant's marks is generic for its hotel services, has been disclaimed in the Applications, and therefore does not distinguish Applicant's marks from Opposer's M Marks in appearance, sound or commercial impression.

18. The hotel and motel services identified in the Applications are identical to Opposer's hotel services offered under the M Marks.

19. Applicant's HOTEL M (Stylized) and HOTEL M (Stylized in Color) marks as applied to the hotel and hotel services identified in the Applications so resemble the M Marks as applied to hotel and related services that they are likely to cause confusion, mistake and/or deception.

20. If Applicant is permitted to register the HOTEL M (Stylized) and HOTEL M (Stylized in Color) marks for the hotel and motel services set forth in Class 43 of the

Applications, confusion of the relevant trade and public is likely to result, which will damage and injure Opposer.

21. Any defect, objection to, or fault found with Applicant's services under the HOTEL M (Stylized) and HOTEL M (Stylized in Color) marks would necessarily reflect on and seriously injure the reputation that Opposer has established for its services and business.

22. If Applicant is granted a registration for the marks herein opposed, it would obtain thereby at least a *prima facie* exclusive right to use the marks. Such registrations would be a source of damage and injury to Opposer.

WHEREFORE, LVGV, LLC prays that registration of the marks of Application Serial Nos. 86/092,882 and 86/086,732 in International Class 43 be refused and that this opposition be sustained.

Dated: July 23, 2014

Respectfully submitted,

By: /Hara K. Jacobs/
Hara K. Jacobs
Troy Larson
BALLARD SPAHR LLP
1735 Market Street, 51st Floor
Philadelphia, Pennsylvania 19103-7599
(215) 665-8500

ATTORNEYS FOR OPPOSER

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this Notice of Opposition was served on July 23, 2014 by First Class U.S. Mail on the Correspondent of Record for the Applicant of Application Serial Nos. 86/092,882 and 86/086,732 at the following mail and e-mail addresses:

Monika J. Hussell
Dinsmore & Shohl LLP
900 Lee St. E. Ste. 600
Charleston, WV 25301-1773

By: /s/ Michael S. Shore
Michael S. Shore

EXHIBIT A



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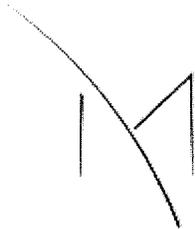
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TSDR **ASSIGN Status** **TTAB Status** (Use the "Back" button of the Internet Browser to return to TESS)



Word Mark M
Goods and Services IC 043. US 100 101. G & S: hotel services. FIRST USE: 20071001. FIRST USE IN COMMERCE: 20071001
Mark Drawing Code (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
Trademark Search Facility Classification Code LETS-1 M A single letter, multiples of a single letter or in combination with a design SHAPES-MISC Miscellaneous shaped designs
Serial Number 78979735
Filing Date February 10, 2006
Current Basis 1A
Original Filing Basis 1B
Published for Opposition August 29, 2006
Registration Number 3411031

Registration Date April 8, 2008

Owner (REGISTRANT) M HOLDINGS, LLC LIMITED LIABILITY COMPANY NEVADA
12300 Las Vegas Boulevard South Henderson NEVADA 89044

(LAST LISTED OWNER) LV GAMING VENTURES, LLC LIMITED LIABILITY
COMPANY NEVADA 12300 LAS VEGAS BOULEVARD SOUTH HENDERSON
NEVADA 89044

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Kelley L. Nyquist

Description of Mark Color is not claimed as a feature of the mark. The mark consists of stylized character "M".

Type of Mark SERVICE MARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR).

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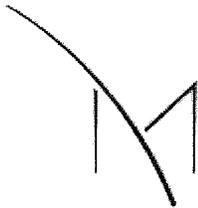
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RESORT · SPA · CASINO
LAS VEGAS

Word Mark M RESORT · SPA · CASINO LAS VEGAS

Goods and Services IC 043. US 100 101. G & S: Hotel, bar and restaurant services. FIRST USE: 20080401. FIRST USE IN COMMERCE: 20080401

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code

- 26.17.01 - Bands, straight; Bars, straight; Lines, straight; Straight line(s), band(s) or bar(s)
- 26.17.04 - Bands, vertical; Bars, vertical; Lines, vertical; Vertical line(s), band(s) or bar(s)
- 26.17.06 - Bands, diagonal; Bars, diagonal; Diagonal line(s), band(s) or bar(s); Lines, diagonal
- 26.17.09 - Bands, curved; Bars, curved; Curved line(s), band(s) or bar(s); Lines, curved
- 27.03.01 - Geometric figures forming letters, numerals or punctuation

Trademark

Search Facility Classification LETS-1 M A single letter, multiples of a single letter or in combination with a design NOTATION-SYMBOLS Notation Symbols such as Non-Latin characters,punctuation and mathematical signs,zodiac signs,prescription marks SHAPES-BAR-BANDS Designs with bar, bands or lines

Code SHAPES-MISC Miscellaneous shaped designs
Serial Number 77341800
Filing Date December 1, 2007
Current Basis 1A
Original Filing Basis 1B
Published for Opposition July 1, 2008
Registration Number 3544752
Registration Date December 9, 2008
Owner (REGISTRANT) M Holdings, LLC LIMITED LIABILITY COMPANY NEVADA 12300 Las Vegas Boulevard South Henderson NEVADA 89044

(LAST LISTED OWNER) LVGV, LLC LIMITED LIABILITY COMPANY NEVADA 12300 LAS VEGAS BOULEVARD SOUTH HENDERSON NEVADA 89044
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Kelley L. Nyquist
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "RESORT SPA CASINO LAS VEGAS" APART FROM THE MARK AS SHOWN
Description of Mark Color is not claimed as a feature of the mark. The mark consists of Stylized "M" above the words "RESORT SPA CASINO" (separated by dots) above the word "LAS VEGAS".
Type of Mark SERVICE MARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
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M RESORT

Word Mark M RESORT
Goods and Services IC 043. US 100 101. G & S: Hotel, bar and restaurant services. FIRST USE: 20080401. FIRST USE IN COMMERCE: 20080401
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Trademark Search Facility Classification Code LETS-1 M A single letter, multiples of a single letter or in combination with a design
Serial Number 77864323
Filing Date November 3, 2009
Current Basis 1A
Original Filing Basis 1A
Published for Opposition October 12, 2010

Registration Number 3896122

Registration Date December 28, 2010

Owner (REGISTRANT) M Holdings, LLC LIMITED LIABILITY COMPANY NEVADA 12300 Las Vegas Boulevard South Henderson NEVADA 89044

(LAST LISTED OWNER) LV GAMING VENTURES, LLC LIMITED LIABILITY COMPANY NEVADA 12300 LAS VEGAS BOULEVARD SOUTH HENDERSON NEVADA 89044

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Kelley L. Nyquist

Prior Registrations 3544752;3627983;3664380;AND OTHERS

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "RESORT" APART FROM THE MARK AS SHOWN

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Word Mark IMAGINE REWARDS
Goods and Services IC 043. US 100 101. G & S: hotel, restaurant and bar services; customer loyalty programs that provide hotel, restaurant, and bar benefits to reward repeat customers. FIRST USE: 20090225. FIRST USE IN COMMERCE: 20090225
Mark Drawing Code (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
Trademark Search Facility SHAPES-MISC Miscellaneous shaped designs
Classification Code
Serial Number 77539654
Filing Date August 5, 2008
Current Basis 1A
Original Filing Basis 1B
Published for Opposition December 9, 2008
Registration Number 3620814

Registration Date May 12, 2009

Owner (REGISTRANT) M Holdings, LLC LIMITED LIABILITY COMPANY NEVADA 12300 Las Vegas Boulevard South Henderson NEVADA 89044

(LAST LISTED OWNER) LV GAMING VENTURES, LLC LIMITED LIABILITY COMPANY NEVADA 12300 LAS VEGAS BOULEVARD SOUTH HENDERSON NEVADA 89044

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Kelley L. Nyquist

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "REWARDS" APART FROM THE MARK AS SHOWN

Description of Mark Color is not claimed as a feature of the mark. The mark consists of the stylized word "IMAGINE" over the word "REWARDS" .

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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M IS FOR ME

Word Mark M IS FOR ME
Goods and Services IC 043. US 100 101. G & S: Hotel services; Providing convention facilities. FIRST USE: 20080505. FIRST USE IN COMMERCE: 20080505
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Trademark Search Facility Classification Code LETS-1 M A single letter, multiples of a single letter or in combination with a design
Serial Number 77472401
Filing Date May 12, 2008
Current Basis 1A
Original Filing Basis 1A
Published for Opposition July 22, 2008

Registration Number 3512483
Registration Date October 7, 2008
Owner (REGISTRANT) M Holdings, LLC LIMITED LIABILITY COMPANY NEVADA 12300 Las Vegas Boulevard South Henderson NEVADA 89044

(LAST LISTED OWNER) LV GAMING VENTURES, LLC LIMITED LIABILITY COMPANY NEVADA 12300 LAS VEGAS BOULEVARD SOUTH HENDERSON NEVADA 89044
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