

ESTTA Tracking number: **ESTTA664453**

Filing date: **04/01/2015**

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	Hollywood Entertainment, LLC, dba Avalon and dba Bardot		
Entity	limited liability company	Citizenship	California
Address	1735 Vine Street Los Angeles, CA 90028 UNITED STATES		

Attorney information	Christie Gaumer 3940 Laurel Canyon Blvd. No. 733 Los Angeles, CA 90028 UNITED STATES christie@gaumerlaw.com Phone:(323) 934-8500		
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Applicant Information

Application No	86243405	Publication date	03/03/2015
Opposition Filing Date	04/01/2015	Opposition Period Ends	04/02/2015
Applicant	CityCenter Land, LLC 3950 Las Vegas Boulevard South Las Vegas, NV 89119 UNITED STATES		

Goods/Services Affected by Opposition

Class 043. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Restaurant services; bar services
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Other	unfair competition as opposer used mark in commerce in a market known to applicant and applicant traded on opposer's reputation and goodwill

Mark Cited by Opposer as Basis for Opposition

U.S. Application No.	86245158	Application Date	04/07/2014
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	BARDOT		

Design Mark	<h1>BARDOT</h1>
Description of Mark	NONE
Goods/Services	Class 041. First use: First Use: 2008/12/01 First Use In Commerce: 2008/12/01 Entertainment venue, namely, nightclub featuring recorded and/or live music Class 043. First use: First Use: 2008/12/01 First Use In Commerce: 2008/12/01 Food establishment, namely, cafe, restaurant; bar and cocktail lounge services; hotel services; hospitality services, namely, hotel restaurant reservation services, hotel services for preferred customers

Attachments	86245158#TMSN.png(bytes) Notice of Opposition.pdf(9286 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	/christie gaumer/
Name	Christie Gaumer
Date	04/01/2015

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

HOLLYWOOD ENTERTAINMENT, LLC dba))	OPPOSITION NO.:
AVALON and dba BARDOT,)	
)	NOTICE OF OPPOSITION TO THE
Opposer,)	FOLLOWING APPLICATIONS:
)	
v.)	Application Serial No.86243405
)	Published in the <i>Official Gazette</i> on
)	March 3, 2015
CITY CENTER LAND, LLC,)	
)	
Applicant.)	
)	

Opposer, Hollywood Entertainment, LLC dba Avalon and dba Bardot (“Opposer”), a limited liability company organized and existing under the laws of the State of California, with its principal place of business located at 1735 Vine Street, Los Angeles, CA 90028, believes that it will be damaged by registration of the mark “BARDOT” shown in Serial No. 86243405 (the “subject application”), filed by applicant CityCenter Land, LLC (“Applicant”) and hereby opposes same. The subject application was filed on an intent-to-use basis.

1. Opposer is the assignee to the original applicant of the U.S. trademark application number 86245158 in International Classes 41 and 43.

2. Opposer, since at least December 2008 has been and is now using the mark BARDOT in connection with restaurant and bar services, as set forth in the subject application, as well as more specific items. Said use has been valid and continuous since said date of first use and has not been abandoned. Opposer’s BARDOT mark is symbolic of extensive good will and consumer recognition built up by Opposer through substantial amounts of time and effort in advertising and promotion.

In view of the similarity of the respective marks and the similar nature of the services of the respective parties, it is alleged that Applicant's mark so resembles Opposer's mark, previously used in the United States, and not abandoned, as to be likely to cause confusion, or to cause mistake or to deceive.

3. Opposer, since at least December of 2008, has been, and is now, operating a restaurant and bar under the name BARDOT. Said use has been valid and continuous since said date of first use and the relevant class of the public has come to associate Opposer with said designation. In view of the similarity of Applicant's marks with Opposer's designation, and in view of the related nature of the uses thereof, it is alleged that Applicant's mark consists of and comprises matter that may disparage and falsely suggest a connect with Opposer.

4. Opposer therefore requests that registration of the opposed mark be denied.

5. Additionally, Opposer requests such other and further relief as is deemed just and proper.

Respectfully submitted,

Dated: April 1, 2015

LAW OFFICES OF CHRISTIE GAUMER

By _____

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