

ESTTA Tracking number: **ESTTA707959**

Filing date: **11/11/2015**

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	Full House Resorts, Inc.
Granted to Date of previous extension	11/11/2015
Address	4670 South Fort Apache Road Suite 190 Las Vegas, NV 89147 UNITED STATES
Attorney information	Jordan A. LaVine Flaster/Greenberg P.C. 1600 JFK Boulevard, 2nd Floor PHILADELPHIA, PA 19103 UNITED STATES jordan.lavine@flastergreenberg.com, linda.ladzenski@flastergreenberg.com Phone:215.279.9389

Applicant Information

Application No	86247255	Publication date	07/14/2015
Opposition Filing Date	11/11/2015	Opposition Period Ends	11/11/2015
Applicant	TravNow LLC 150 Governor's Square Fayetteville, GA 30215 UNITED STATES		

Goods/Services Affected by Opposition

Class 035. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Membership club services providing discounts for the goods and services of others; Buying clubs; Buyers' club services; Promoting and showcasing consumer goods and services of others by means of an on-line shopping site; on-line retail store services featuring a wide variety of consumer goods and services of others; none of the foregoing offered in connection with casino or gambling services

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	2639239	Application Date	11/06/2001
Registration Date	10/22/2002	Foreign Priority Date	NONE

Word Mark	PLAYERS ADVANTAGE CLUB
Design Mark	PLAYERS ADVANTAGE CLUB
Description of Mark	NONE
Goods/Services	Class 041. First use: First Use: 2001/12/20 First Use In Commerce: 2001/12/20 CASINO SERVICES

Attachments	76334866#TMSN.png(bytes) Players Club Notice of Opposition.pdf(23247 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	/jordan lavine/
Name	Jordan A. LaVine
Date	11/11/2015

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

Full House Resorts, Inc.	:	
	:	
	:	Re: Application Serial No. 86247255
v.	:	
	:	
	:	
TravNow LLC	:	

NOTICE OF OPPOSITION

In the matter of trademark Application Serial No. 86247255 filed April 9, 2014, and published for opposition in the *Official Gazette* of July 14, 2015, Full House Resorts, Inc. ("Opposer"), a Delaware corporation having an address of 4670 S. Fort Apache Road, Suite 190, Las Vegas, Nevada 89147, believes that it will be damaged if a registration issues for the services therein identified and hereby opposes the registration of said trademark. The grounds for opposition are as follows:

1. Applicant seeks to register **THE PLAYERS CLUB ADVANTAGE** as a trademark for the following services in International Class 35: *Membership club services providing discounts for the goods and services of others; Buying clubs; Buyers' club services; Promoting and showcasing consumer goods and services of others by means of an on-line shopping site; on-line retail store services featuring a wide variety of consumer goods and services of others; none of the foregoing offered in connection with casino or gambling services,* as evidenced by the publication of said mark in the *Official Gazette* of July 14, 2015.

2. Opposer is a leading provider of entertainment and gaming services.

3. Since at least as early as December 20, 2001, Opposer, its related company Gaming Entertainment, LLC, and their predecessors have used the mark **PLAYERS**

ADVANTAGE CLUB in commerce in connection with casino services and a membership/reward program that features rewards and discounts on various types of products and services. More specifically, the services that Opposer provides under the mark consist of reward programs that allow users to obtain discounts on various products and services, including restaurants and hotel stays.

4. Opposer's subsidiary, Gaming Entertainment, LLC, owns Registration No. 2,639,239 for the mark **PLAYERS ADVANTAGE CLUB** in the U.S. Patent and Trademark Office.

5. Opposer's **PLAYERS ADVANTAGE CLUB** trademark is well-known and is an extremely valuable asset of Opposer.

6. Opposer's **PLAYERS ADVANTAGE CLUB** mark is inherently distinctive as used in connection with Opposer's services.

7. Applicant seeks to register the mark **THE PLAYERS CLUB ADVANTAGE** on the basis of its intent to use the mark in commerce.

8. On information and belief, Applicant did not use **THE PLAYERS CLUB ADVANTAGE** mark in the United States prior to the filing date of its intent to use application or prior to Opposer's first use of its registered **PLAYERS ADVANTAGE CLUB** trademark.

9. Opposer is the prior user of its **PLAYERS ADVANTAGE CLUB** mark by virtue of its use of the mark in commerce since at least as early as December 20, 2001.

10. The respective **PLAYERS ADVANTAGE CLUB** and **THE PLAYERS CLUB ADVANTAGE** marks are highly similar in sight, sound and meaning. The marks contain all of

the same wording; Applicant has merely changed the order of the wording in its mark and added the non-distinctive word “The” in its mark.

11. Opposer's services and Applicant's services are highly similar. The savings achieved through the use of Applicant's proposed services could be achieved at the same types of establishments as can be achieved through Opposer's services, *e.g.*, restaurants, hotels, etc.

12. The purported restriction in Applicant's application that none of the services are “offered in connection with casino or gambling services” is not sufficient to preclude confusion. The same types of consumers that use Opposer's services could also use Applicant's proposed services and would be confused even if they encounter such services in different market environments.

13. Applicant's services and Opposer's services are likely to be offered to an overlapping class of purchasers through the same and similar channels of trade.

14. Applicant's ***THE PLAYERS CLUB ADVANTAGE*** mark as used in connection with the services identified in its application so resembles Opposer's ***PLAYERS ADVANTAGE CLUB*** mark that it is likely to cause confusion, mistake or deception.

15. If Applicant is permitted to register the mark ***THE PLAYERS CLUB ADVANTAGE*** for the services identified in the application herein opposed, confusion of the trade and public is likely to result, such confusion resulting in damage and injury to Opposer.

16. Purchasers, potential purchasers and the relevant public, upon seeing Applicant's ***THE PLAYERS CLUB ADVANTAGE*** mark used in connection with the services identified in its application would be likely to believe in error that such services are provided in association or affiliation with or under the sponsorship of or license from Opposer.

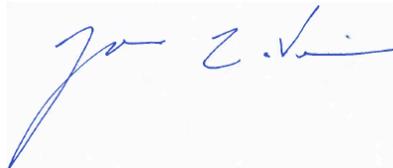
17. If Applicant is permitted to register its mark for the services set forth in the application herein opposed, persons familiar with the services of Opposer would be likely to use Applicant's services as services sponsored by or produced in affiliation with or under the sponsorship of Opposer. Furthermore, any defect, objection to or fault found with Applicant's services provided under its mark would necessarily reflect on and seriously injure the reputation that Opposer has established for its services under the ***PLAYERS ADVANTAGE CLUB*** mark.

18. If Applicant is granted a registration for the mark herein opposed, it would obtain thereby at least a prima facie exclusive right to use the mark. Such registration would be a source of damage and injury to Opposer and Opposer's customers.

WHEREFORE, Opposer prays that registration of the mark of Application Serial No. 86247255 be refused and that this opposition be sustained.

Respectfully submitted,

FLASTER/GREENBERG P.C.



November 11, 2015

Jordan A. LaVine
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215.279-9389

ATTORNEYS FOR OPPOSER

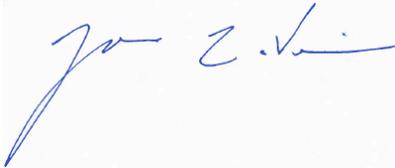
Certificate of Service

I certify that a true and correct copy of Opposer's Notice of Opposition against Application Serial No. 86247255 was served by First Class Mail on Applicant and Applicant's counsel of record at the following addresses on November 11, 2015:

TravNow LLC
Owner Address:150 Governor's Square
Fayetteville, GEORGIA 30215

And

W. SCOTT CREASMAN
TAYLOR ENGLISH DUMA LLP
1600 PARKWOOD CIR SE STE 400
ATLANTA 30339-2119

A handwritten signature in blue ink, appearing to read "John E. Flaster", is written over a light gray rectangular background.

Flaster/Greenberg P.C.