

ESTTA Tracking number: **ESTTA730619**

Filing date: **03/01/2016**

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

|  |  |
|--|--|
| Proceeding.  | 91225999                                   |
| Applicant  | Defendant<br>Preferred Hotel Group, Inc.   |
| Other Party  | Plaintiff<br>Luxe Hospitality Company, LLC |
| Have the parties held their discovery conference as required under Trademark Rules 2.120(a)(1) and (a)(2)? | No   |

### **Motion for Suspension in View of Civil Proceeding With Consent**

The parties are engaged in a civil action which may have a bearing on this proceeding. Accordingly, Preferred Hotel Group, Inc. hereby requests suspension of this proceeding pending a final determination of the civil action. Trademark Rule 2.117.

Preferred Hotel Group, Inc. has secured the express consent of all other parties to this proceeding for the suspension and resetting of dates requested herein.

Preferred Hotel Group, Inc. has provided an e-mail address herewith for itself and for the opposing party so that any order on this motion may be issued electronically by the Board.

### **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.

Respectfully submitted,  
/melaniehoward/

Melanie Howard  
mhoward@loeb.com, aclarke@loeb.com, cmedina@loeb.com

Breton.Bocchieri@novakdruce.com

03/01/2016

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

|   |   |                              |
|---|---|------------------------------|
| Luxe Hospitality Company, LLC, a        | ) | Opposition No. 91/225999     |
| Delaware limited liability company,     | ) |                              |
|   | ) | Mark: LVX PREFERRED HOTELS & |
| Opposer,                                | ) | RESORTS                      |
|   | ) | Serial No.: 86/471878        |
| vs.                                     | ) | Filed: December 4, 2014      |
|   | ) |                              |
| Preferred Hotel Group, Inc., a Delaware | ) |                              |
| corporation,                            | ) |                              |
|   | ) |                              |
| Applicant.                              | ) |                              |

**CONSENTED MOTION TO SUSPEND FOR CIVIL ACTION**

Pursuant to 37 CFR § 2.117 and TBMP §510, Applicant, Preferred Hotel Group, Inc. (“Applicant”) files this consented motion to suspend proceedings in this opposition on the following grounds:

1. Opposer, Luxe Hospitality Company, LLC, has filed a civil action against Applicant in district court in the Central District of California, Case 8:16-cv-00110-JLS- DFM (the “Pending Civil Action”); and

2. The pending civil action in federal district court involves issues in common with those in this opposition proceeding, specifically, Applicant’s application for and use of the mark “LVX PREFERRED HOTELS & RESORTS” in connection with the services listed in U.S. Application Serial No. 86/471878.

A copy of the complaint filed by Opposer is attached hereto as Exhibit “A”. Opposer consented to this motion to suspend by email dated February 28, 2016, from Opposer’s attorney of record, Breton Bocchieri of Novak Druce Connolly Bove & Quigg, LLP.

Accordingly, the parties agree and request that the Board suspend this opposition proceeding pending the disposition of the Pending Civil Action.

Please charge any deficiency or credit any overpayment to Deposit Account 12-1820.

Dated: March 1, 2016

Respectfully submitted,

MELANIE HOWARD  
ALESON CLARKE  
LOEB & LOEB LLP  
10100 Santa Monica Boulevard  
Suite 2200  
Los Angeles, California 90067  
Tel: 310-282-2000  
Fax: 310-282-2200

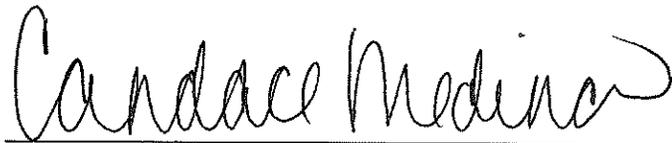
By:   
\_\_\_\_\_  
Melanie Howard  
Attorneys for Applicant, Preferred Hotel Group,  
Inc.

CERTIFICATE OF SERVICE AND MAILING

It is hereby certified that a true and correct copy of the foregoing MOTION TO SUSPEND PENDING CIVIL ACTION is being served upon Opposer by depositing a copy of the same in the U.S. mail, first class postage prepaid, in an envelope addressed to:

Daniel P. Mullarkey  
Breton Bocchieri  
Novak Druce Connolly Bove + Quigg, LLP  
1875 Eye Street, NW, 11th Floor  
Washington, DC 20006  
UNITED STATES

Executed this 1st day of March 2016, at Los Angeles, California.

A handwritten signature in black ink that reads "Candace Medina". The signature is written in a cursive style with a large initial "C" and a long, sweeping tail.

Candace Medina

EXHIBIT A

1 Breton Bocchieri (SBN: 119459)  
Breton.bocchieri@novakdruce.com  
2 NOVAK DRUCE CONNOLLY BOVE + QUIGG LLP  
3 333 Grand Ave., Suite 2300  
Los Angeles, CA 90071  
4 (213) 787-2500

5 Attorneys for Plaintiff Luxe Hospitality Company

6  
7 UNITED STATES DISTRICT COURT  
8 CENTRAL DISTRICT OF CALIFORNIA  
9

10 LUXE HOSPITALITY COMPANY,  
11 LLC, a Delaware LLC,

12 Plaintiff,

13 v.

14 Preferred Hotel Group, Inc.,

15 Defendant.  
16  
17

Case No. 8:16-cv-110

COMPLAINT FOR:

- 1. Trademark Infringement and False Designation of Origin Under 15 U.S.C. §1125(a)
- 2. Trademark Infringement Under 15 U.S.C. §1114
- 3. California Common Law Unfair Competition
- 4. California Common Law Trademark Infringement
- 5. California Statutory Unfair Competition

JURY TRIAL DEMANDED

19  
20 Luxe Hospitality Company ("Luxe") hereby alleges for its complaint against defendant  
21 Preferred Hotel Group, Inc. ("Preferred"), as follows:  
22

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# EXHIBIT A

1 NATURE OF THIS ACTION

2 This is an action for (1) trademark infringement and false designation of origin under 15  
3 U.S.C. § 1125(a), (2) trademark infringement under 15 U.S.C. § 1114, (3) California common  
4 law unfair competition, (4) California common law trademark infringement and (5) California  
5 statutory unfair competition.  
6

7 PARTIES

8 1. Luxe is a limited liability company organized under the laws of Delaware with a  
9 principal place of business at 11461 Sunset Boulevard, Los Angeles, California, 90049, and owns  
10 the exclusive right to use the term LUXE<sup>®</sup>, including variants of LUXE, for goods and services  
11 related to hotels and hotel accommodations.

12 2. Based on information and belief, Preferred is a limited liability company organized  
13 under the laws of Delaware and its executive offices are located at 26 Corporate Plaza, Suite 150,  
14 Newport Beach, CA 92660.

15 JURISDICTION AND VENUE

16  
17 3. The Court also has personal jurisdiction over Preferred. Preferred has had  
18 continuous and systematic contact with this Court and has committed the acts complained of  
19 herein within the jurisdiction of this Court. Further, Preferred's executive offices are located  
20 within the jurisdiction of this Court.

21 4. This Court has jurisdiction over the subject matter of this action pursuant to 15  
22 U.S.C. §§ 1116 and 1121 and 28 U.S.C. §§ 1331 and 1338, and has supplemental jurisdiction  
23 pursuant to 28 U.S.C. §§ 1338(b) and 1367(a).

24 5. Venue for this action is proper under 28 U.S.C. § 1391(b) in the United States  
25 District Court for the Central District of California because the events giving rise to the claims  
26 alleged herein occurred and are occurring within this district.  
27  
28

EXHIBIT A

**BACKGROUND ON DEFENDANT’S LANHAM ACT VIOLATIONS,  
TRADEMARK INFRINGEMENT, AND UNFAIR COMPETITION**

6. Plaintiff is a highly recognized leader in providing high quality hotel and accommodation services (the “Luxe goods and services”).

7. Prior to Defendant’s acts described herein, Plaintiff continuously and exclusively used the LUXE® marks in commerce in connection with the Luxe goods and services.

8. Plaintiff’s hotels are renowned for their world-class goods and services, and are promoted and marketed throughout the world.

9. As shown below, Plaintiff is the owner of several United States federal trademark registrations which gives it exclusive priority over all later users of these marks and marks confusingly similar thereto.

| Mark  | SN or Registration No.   | Goods and Services   |
|---|--|--|
| LUXE  | Reg. 3,548,611<br>Filing Date: Feb. 9, 2007<br><del>Reg. Date: Dec. 23, 2008</del> | <u>Class 43</u> : Hotel Services   |
| LUXE HOTELS   | Reg. 4,177,255<br>Filing Date: June 1, 2011<br>Supp. Reg. Date: Jul. 17, 2011      | <u>Class 44</u> : Health spa services for health and wellness of the body and spirit, namely, providing massage, facial and body treatment services, cosmetic body care services |
| LUXE<br>WORLDWIDE<br>HOTELS   | Reg. 4,212,420<br>Filing Date: Jun. 13, 2011<br>Reg. Date: Sep. 25, 2012           | <u>Class 43</u> : Hotel accommodation services; Hotel, restaurant and bar services   |
|  | Reg. 4,212,421<br>Filing Date: Jun. 13, 2011<br>Reg. Date: Sep. 25, 2012           | <u>Class 43</u> : Hotel, bar and restaurant services   |

10. Attached as Exhibits A-D hereto are true and correct copies of Luxe’s trademark registrations identified in paragraph 9 of this Complaint, which are incorporated herein by reference.

## EXHIBIT A

1           11. A Combined Declaration of Use and Incontestability under Sections 8 & 15 of the  
2 United States Code regarding LUXE® mark Registration No. 3,548,611 was filed on January 13,  
3 2015 and accepted by the United States Patent and Trademark Office on January 25, 2015,  
4 thereby establishing, as a matter of statutory law, pursuant to 15 U.S.C. § 1065, the  
5 incontestability of the LUXE® mark

6           12. As a result of Luxe's substantial and continuous use of the LUXE® marks for the  
7 Luxe goods and services, Luxe is also the owner of all common law rights to those marks.

8           13. The LUXE® marks are, and have been since 1999, the subject of substantial and  
9 continuous marketing and promotion by Luxe in connection with its Luxe goods and services and  
10 enjoy a reputation of high quality hotel and accommodation services.

11           14. Preferred is engaged in the business of marketing and selling hotel and  
12 accommodation services.

13           15. Upon information and belief, beginning in 2014, Preferred decided to expand its  
14 market by using LVX ("the LVX mark") and selected "V" to represent "U" as is common in the

15 marketplace, and Preferred, its employees, customers and purchasers promote, market and  
16 pronounce the mark as "LUX."

17           16. The use of "LVX" creates the overall commercial impression of "LUX," which is  
18 confusingly similar to Luxe's use the LUXE® marks to promote the Luxe goods and services.

19           17. Preferred's adoption and use of the LVX mark to promote its hotels and resort  
20 services ("Preferred's goods and services") is confusingly similar to Luxe's well-known LUXE®  
21 marks, creates the same or similar commercial impression and was adopted to exploit and acquire  
22 the goodwill associated with the long term use of the LUXE® marks and to deliberately confuse  
23 and deceive the purchasing public into believing that Preferred's goods and services are the same  
24 as, associated with, licensed or sponsored by Plaintiff when, in fact, they are not.

25           18. Without permission or consent from Luxe, Preferred has offered and is offering  
26 goods and services using marks confusingly similar to the LUXE® marks and have thereby  
27 deliberately created confusion among the purchasing public by committing the acts complained of  
28 herein.



EXHIBIT A

1 consumers and potential customers have come to associate the LUXE® marks its goods and  
2 services.

3 29. Preferred has infringed the LUXE® marks, and created a false designation of  
4 origin, by using in commerce, without Luxe's permission, trademarks confusingly similar to the  
5 LUXE® marks, in connection with the advertisement offering for sale, and or sale of the accused  
6 goods and services.

7 30. Preferred's actions are likely to cause confusion and mistake, or to deceive as to  
8 the affiliation, connection, or association of Luxe with Preferred and/or as to the origin,  
9 sponsorship, or approval of Preferred's goods, services, or commercial activities, in violation of  
10 15 U.S.C. § 1125(a).

11 31. Upon information and belief, Preferred has infringed the LUXE® marks with the  
12 intent to trade upon Luxe's reputation and goodwill by causing confusion and mistake among  
13 customers and the public and to deceive the public into believing Preferred's accused goods and  
14 services are associated with, sponsored by, endorsed by, or approved by Luxe, when they are not.

15 32. Upon information and belief, Preferred had actual knowledge of Luxe's ownership  
16 and prior use of the LUXE® marks, and without consent of Luxe, have willfully violated 15  
17 U.S.C. § 1125(a).

18 33. Preferred's aforementioned acts have damaged Luxe in an amount to be  
19 determined at trial.

20 34. By its actions, Preferred has irreparably injured Luxe. Such irreparable injury will  
21 continue unless Preferred is preliminarily and permanently enjoined by this Court from further  
22 violation of Luxe's rights, for which Luxe has no adequate remedy at law.

23 **SECOND CLAIM FOR RELIEF**

24 (Trademark Infringement Under 15 U.S.C. § 1114)

25 35. Luxe hereby repeats, realleges, and incorporates by reference paragraphs 1-34 of  
26 this Complaint as though fully set forth herein.

27 36. This is a claim for trademark infringement arising under 15 U.S.C. § 1114.  
28

EXHIBIT A

1 37. Luxe owns valid and enforceable registered trademarks for the LUXE® marks,  
2 including at least the registrations listed in Paragraph 9 above.

3 38. Preferred has used in commerce, without permission from Luxe, colorable  
4 imitations, and/or confusingly similar marks to the LUXE® marks that are the subject of at least  
5 Luxe’s U.S. Trademark Registration Nos. 3,548,611, 4,177,255, 4,212,420, and 4,212,421 in  
6 connection with the distribution, selling, offering for sale, advertising, and/or promoting of the  
7 Preferred goods and services. Such use is likely to cause confusion or mistake, or to deceive.

8 39. Upon information and belief, the activities of Preferred complained of herein  
9 constitute infringements of Luxe’s trademarks, and Preferred did so with the intent to trade upon  
10 Luxe’s reputation and goodwill by causing confusion and mistake among customers and the  
11 public and to deceive the public into believing that Preferred’s goods and services are associated  
12 with, sponsored by, originated from, or are approved by, Luxe, when they are not.

13 40. Preferred had actual knowledge of Luxe’s ownership and prior use of Luxe’s  
14 registered marks, and has willfully violated 15 U.S.C. § 1114.

15 41. Preferred’s aforementioned acts have damaged Luxe in an amount to be  
16 determined at trial.

17 42. Preferred’s aforementioned acts have irreparably injured Luxe. Such irreparable  
18 injury will continue unless Preferred is preliminarily and permanently enjoined by this Court from  
19 further violation of Luxe’s rights, for which Luxe has no adequate remedy at law.

20 **THIRD CLAIM FOR RELIEF**

21 (California Common Law Unfair Competition)

22 43. Luxe hereby repeats, realleges, and incorporates by reference paragraphs 1-42 of  
23 this Complaint as though fully set forth herein.

24 44. This is a claim for unfair competition arising under California common law.

25 45. Preferred’s acts complained of herein constitute unfair competition under  
26 California common law.

27 46. By virtue of the acts complained of herein, Preferred has willfully and  
28 intentionally caused a likelihood of confusion among the purchasing public in this Judicial

EXHIBIT A

1 District and elsewhere, thereby unfairly competing with Luxe in violation of the common law of  
2 the state of California.

3 47. Preferred’s aforementioned acts have damaged Luxe in an amount to be  
4 determined at trial.

5 48. Preferred has irreparably injured Luxe. Such irreparable injury will continue  
6 unless Preferred is preliminarily and permanently enjoined by this Court from further violation of  
7 Luxe’s rights, for which Luxe has no adequate remedy at law.

8 49. Preferred’s willful acts of unfair competition under California common law  
9 constitute fraud, oppression and malice. Accordingly, Luxe is entitled to exemplary damages  
10 pursuant to Cal. Civ. Code Section § 3294(a).

11 **FOURTH CLAIM FOR RELIEF**

12 (California Common Law – Trademark Infringement)

13 50. Luxe hereby repeats, realleges, and incorporates by reference paragraphs 1 – 49 of  
14 ~~this Complaint as though fully set forth herein.~~

15 51. This is a claim for California common law trademark infringement.

16 52. Defendant’s use of the LVX mark constitutes common law trademark, which is  
17 confusingly similar to the LUXE mark owned by Plaintiff, and has been extensively advertised  
18 and promoted. Plaintiff’s common law trademark is recognized throughout worldwide trading  
19 areas and channels of trade as distinctive and is identified by the purchasing public with Plaintiff.

20 53. By virtue of the acts complained of herein, Preferred has willfully and  
21 intentionally caused a likelihood of confusion among the purchasing public in this Judicial  
22 District and elsewhere, thereby unfairly competing with Luxe in violation of the common law of  
23 the state of California.

24 54. Preferred’s aforementioned acts have damaged Luxe in an amount to be  
25 determined at trial.

26 55. Preferred has irreparably injured Luxe. Such irreparable injury will continue  
27 unless Preferred is preliminarily and permanently enjoined by this Court from further violation of  
28 Luxe’s rights, for which Luxe has no adequate remedy at law.

**EXHIBIT A**

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**FIFTH CLAIM FOR RELIEF**

(California Statutory Unfair Competition)

56. Luxe hereby repeats, realleges, and incorporates by reference paragraphs 1-55 of this Complaint as though fully set forth herein.

57. This is a claim for unfair competition, arising under California Business and Professions Code § 17200, *et seq.* and California common law.

58. Preferred's acts complained of herein, constitute unfair competition with Luxe under California Business and Professions Code § 17200, *et seq.* Preferred's acts constitute unlawful, unfair, malicious or fraudulent business practices.

59. By its actions, Preferred has irreparably injured Luxe. Such irreparable injury will continue unless Preferred is preliminarily and permanently enjoined by this Court from further violation of Luxe's rights, for which Luxe has no adequate remedy at law.

**PRAYER FOR RELIEF**

**WHEREFORE**, Luxe prays for judgment against the Preferred as follows:

- A. That the Court render a final judgment in favor of Luxe and against Preferred on all claims for relief alleged herein;
- B. That the Court render a final judgment that Preferred has violated the provisions of 15 U.S.C. § 1125(a) by willfully infringing the LUXE<sup>®</sup> marks and by using a false designation of origin, false description or false representation through the marketing, sale and promotion of Preferred's accused goods and services;
- C. That the Court render a final judgment that Preferred has willfully violated the provisions of 15 U.S. C. § 1114 by infringing Luxe's trademark rights in at least the marks that are the subject of U.S. Trademark Registration Nos. 3,548,611, 4,177,255, 4,212,420, and 4,212,421;
- D. That the Court render a final judgment that Preferred has unfairly competed with Luxe in violation of California law;

EXHIBIT A

1 E. That the Court render a final judgment that Preferred has infringed Luxe's  
2 trademarks under the common law.

3 F. That the Court render a final judgment that Preferred has unfairly competed with  
4 Luxe in violation of California Business and Professions Code § 17200, *et seq.*;

5 G. That Preferred, its agent, servants, employees, attorneys, successors, licensees, and  
6 assigns, and all other persons in active concert or participation with any of them who receive  
7 actual notice of the injunction by personal service or otherwise, be forthwith preliminarily and  
8 permanently enjoined in any jurisdiction lawfully regulated by Congress from:

9 a. Using the mark shown in U.S. Trademark Application Serial No. 86/471,878,  
10 using LVX, and/or the LUXE® marks, in connection with Preferred's goods  
11 and services, using the LUXE® marks in advertising or promoting Preferred's  
12 goods and services, and/or using confusingly similar variations of the LUXE®  
13 marks in any manner that is likely to create the impression that Preferred's  
14 ~~goods and/or services originate from Luxe, are endorsed by Luxe, or are~~

15 connected in any way with Luxe;

16 b. Manufacturing, distributing, shipping, importing, reproducing, displaying,  
17 advertising, marketing, promoting, transferring, selling, and/or offering to sell  
18 and goods or services bearing the mark shown in U.S. Trademark Application  
19 Serial No. 86/471,878, and/or the LUXE® marks, and/or any confusingly  
20 similar marks;

21 c. Otherwise infringing the LUXE® marks;

22 d. Falsely designating the origin of Preferred's goods and services;

23 e. Unfairly competing with Luxe in any manner whatsoever; and

24 f. Causing a likelihood of confusion or injury to Luxe's business reputation;

25 H. That Preferred be directed to file with this Court and serve on Luxe within thirty  
26 (30) days after the service of the injunction, a report, in writing, under oath, setting forth in detail  
27 the manner and form in which it has complied with the injunction pursuant to 15 U.S.C. § 1116;

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EXHIBIT A

1 I. That Preferred be required to account to Luxe for any and all profits derived by  
2 Preferred and all damages sustained by Luxe by virtue of Preferred's acts complained of herein;

3 J. That Preferred be ordered to pay over to Luxe all damages which Luxe has  
4 sustained as a consequence of the acts complained of herein, subject to proof at trial, together  
5 with prejudgment and post-judgment interest;

6 K. That Luxe be awarded treble damages pursuant to 15 U.S. C. § 1117;

7 L. That Luxe be awarded exemplary damages from Preferred pursuant to Cal. Civ.  
8 Code. § 3294;

9 M. That Preferred's actions be deemed willful;

10 N. That an award of reasonable costs, expenses, and attorneys' fees be awarded to  
11 Luxe pursuant to at least 15 U.S.C. § 1117;

12 O. That Preferred be required to deliver and destroy all devices, literature,  
13 advertising, goods and other materials bearing the infringing marks pursuant to 15 U.S.C. § 1118;

14 P. That Luxe be awarded such other and further relief as this Court may deem just  
15 and proper.

16

17 Dated: January 25, 2016

NOVAK DRUCE CONNOLLY BOVE + QUIGG LLP

18

19 By: /s/Breton Bocchieri

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Breton Bocchieri, Esq.  
Attorneys for Plaintiff Luxe Hospitality Company

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EXHIBIT A

DEMAND FOR JURY TRIAL

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Plaintiff hereby demands trial by jury on all issues asserted herein as may be triable to a jury.

Dated: January 25, 2016 NOVAK DRUCE CONNOLLY BOVE + QUIGG LLP

By: /s/Breton Bocchieri  
Breton Bocchieri, Esq.  
Attorneys for Plaintiff Luxe Hospitality Company

**EXHIBIT A**

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9/4/2015

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# LUXE

|   |   |
|---|---|
| Word Mark                                     | LUXE  |
| Goods and Services                            | IC 043. US 100 101. G & S: hotel services. FIRST USE: 19990200. FIRST USE IN COMMERCE: 19990200 |
| Standard Characters Claimed                   |   |
| Mark Drawing Code                             | (4) STANDARD CHARACTER MARK   |
| Trademark Search Facility Classification Code | SHAPES-MISC Miscellaneous shaped designs  |
| Serial Number                                 | 76672491  |
| Filing Date                                   | February 9, 2007  |
| Current Basis                                 | 1A  |
| Original Filing Basis                         | 1A  |
| Published for Opposition                      | October 7, 2008   |
| Registration Number                           | 3548611   |
| Registration Date                             | December 23, 2008   |

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9/4/2015

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**Owner** (REGISTRANT) LUXE HOSPITALITY COMPANY LIMITED LIABILITY COMPANY DELAWARE  
11461 Sunset Boulevard Los Angeles CALIFORNIA 90049

**Attorney of Record** Foster Tepper

**Prior Registrations** 2425916

**Type of Mark** SERVICE MARK

**Register** PRINCIPAL-2(F)

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

**Live/Dead Indicator** LIVE

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**EXHIBIT B**

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# LUXE HOTELS

**Word Mark** LUXE HOTELS  
**Goods and Services** IC 044. US 100 101. G & S: Health spa services for health and wellness of the body and spirit, namely, providing massage, facial and body treatment services, cosmetic body care services. FIRST USE: 20110215. FIRST USE IN COMMERCE: 20110215

**Standard Characters Claimed**

**Mark Drawing Code** (4) STANDARD CHARACTER MARK

**Serial Number** 85334841

**Filing Date** June 1, 2011

**Current Basis** 1A

**Original Filing Basis** 1A

**Date**

**Amended to Current Register** January 31, 2012

**Registration Number** 4177255

**Registration Date** July 17, 2012

# EXHIBIT A

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**Owner** (REGISTRANT) LUXE HOSPITALITY COMPANY LIMITED LIABILITY COMPANY DELAWARE 11461  
Sunset Boulevard Los Angeles CALIFORNIA 90049

**Attorney of Record** Michael A. Painter,

**Prior Registrations** 3548611

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

**Type of Mark** SERVICE MARK

**Register** SUPPLEMENTAL

**Live/Dead Indicator** LIVE

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**EXHIBIT C**

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## LUXE WORLDWIDE HOTELS

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|                             |   |
|-----------------------------|---|
| Word Mark                   | LUXE WORLDWIDE HOTELS   |
| Goods and Services          | IC 043. US 100 101. G & S: Hotel accommodation services; Hotel, restaurant and bar services. FIRST USE: 20000400. FIRST USE IN COMMERCE: 20000400 |
| Standard Characters Claimed |   |
| Mark Drawing Code           | (4) STANDARD CHARACTER MARK   |
| Serial Number               | 85344198  |
| Filing Date                 | June 13, 2011   |
| Current Basis               | 1A  |
| Original Filing Basis       | 1A  |
| Published for Opposition    | July 10, 2012   |
| Registration Number         | 4212420   |
| Registration Date           | September 25, 2012  |
| Owner                       | (REGISTRANT) LUXE HOSPITALITY COMPANY LIMITED LIABILITY COMPANY DELAWARE<br>11461 Sunset Boulevard Los Angeles CALIFORNIA 90049                   |
| Attorney of Record          | Michael A. Painter, Esq.  |
| Prior                       | 3548611   |

# EXHIBIT A

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## Registrations

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

**Type of Mark** SERVICE MARK

**Register** PRINCIPAL-2(F)

**Live/Dead Indicator** LIVE

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**EXHIBIT D**

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**LUXE**

Word Mark LUXE  
Goods and Services IC 043, US 100 101. G & S: Hotel, bar and restaurant services. FIRST USE: 20080500. FIRST USE IN COMMERCE: 20080500  
Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS  
Design Search Code 26.11.01 - Rectangles as carriers or rectangles as single or multiple line borders  
Serial Number 85344211  
Filing Date June 13, 2011  
Current Basis 1A  
Original Filing Basis 1A  
Published for Opposition July 10, 2012  
Registration Number 4212421  
Registration Date September 25, 2012  
Owner (REGISTRANT) LUXE HOSPITALITY COMPANY LIMITED LIABILITY COMPANY DELAWARE 11461 Sunset Boulevard Los Angeles CALIFORNIA 90049  
Attorney of Record Michael A. Painter, Esq.  
Prior Registrations 3548611  
Description of Mark Color is not claimed as a feature of the mark. The mark consists of the word "LUXE" with a stylized "X".  
Type of Mark SERVICE MARK  
Register PRINCIPAL-2(F)-IN PART  
Live/Dead Indicator LIVE

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Distinctiveness  
Limitation Statement as to "LUXE"

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