

THIS OPINION IS NOT A
PRECEDENT OF THE TTAB

Mailed: January 8, 2025

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

—————
Shakopee Mdewakanton Sioux Community

v.

Adrenalin Technologies, LLC
—————

Opposition Nos. 91285546 (Parent) and 91285548¹
—————

Katlyn Moseley of Faegre Drinker Biddle & Reath LLP,
for Shakopee Mdewakanton Sioux Community.

Rob L. Phillips of FisherBroyles, LLP,
for Adrenalin Technologies, LLC.

—————
Before Lykos, Pologeorgis, and Lavache,
Administrative Trademark Judges.

Opinion by Lavache, Administrative Trademark Judge:

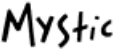
Adrenalin Technologies, LLC (“Applicant”) seeks registration on the Principal Register of the standard character marks **MYSTIC PARKS** (PARKS disclaimed) for “Operating of amusement park attractions, namely amusement park rides;

—————
¹ The Board consolidated these opposition proceedings in its order dated June 5, 2024. 11 TTABVUE (Opposition No. 91285546). Unless otherwise noted, citations in this opinion are to the record in Opposition No. 91285546 and to the TTABVUE docket entry number and the electronic page number where the document or testimony appears.

entertainment services, namely, ticket agency services for amusement park attractions, namely amusement park rides,” in International Class 41,² and **MYSTIC CITY** for “Providing amusement park facilities including a fictional location featuring an amusement park attraction in the nature of a themed area and amusement park rides” in International Class 41.³

I. Pleadings

A. Notices of Opposition

In its notices of opposition, Shakopee Mdewakanton Sioux Community (“Opposer” or “SMSC”) opposed registration of each of Applicant’s marks based on likelihood of confusion under Trademark Act Section 2(d), 15 U.S.C. § 1052(d).⁴ In support of its pleaded claim, Opposer alleged prior use and ownership of 17 registrations on the Principal Register for marks containing the wording “MYSTIC” or “MYSTIC LAKE” for a variety of services.⁵ Most relevant here is the stylized mark  , which is registered for, inter alia, “Casino services, entertainment services, namely, live

² Application Serial No. 97197521 was filed on December 30, 2021, based on an allegation of a bona fide intention to use the mark in commerce under Section 1(b) of the Trademark Act, 15 U.S.C. § 1051(b).

³ Application Serial No. 97197533 was filed on December 30, 2021, based on an allegation of a bona fide intention to use the mark in commerce under Section 1(b) of the Trademark Act, 15 U.S.C. § 1051(b).

⁴ Opposition No. 91285546, Amended Notice of Opposition, 7 TTABVUE; Opposition No. 91285548, Amended Notice of Opposition, 7 TTABVUE.

⁵ Notice of Opposition, 1 TTABVUE 11-13, 17-96. Opposer later identified an additional registration, providing a TSDR printout showing the current status and title of Registration No. 7377140 for the standard character mark MYSTIC, which registered on the Principal Register on May 7, 2024. *See* 12 TTABVUE 151, 292-97. We do not identify all of Opposer’s pleaded registrations here, because we need not discuss them all to reach a decision in this case. A complete listing of the pleaded registrations appears in the Appendix to this opinion.

Opposition Nos. 91285546 and 91285548

entertainment in the nature of musical, theatrical, dancing, sporting, and comedy performances,” in International Class 41, and “Hotel services; arena services, namely, providing facilities for sports, concerts, conventions, trade shows, conferences, exhibitions, and banquets; restaurant services; food preparation and catering services,” in International Class 42.⁶

The notices of opposition also claimed that Applicant lacked a bona fide intent to use the applied-for MYSTIC PARKS and MYSTIC CITY marks in commerce and thus the applications were void ab initio.⁷

B. Applicant’s Answers

With regard to both the Section 2(d) claim and the claim of lack of bona fide intent, Applicant filed answers denying almost all of the salient allegations asserted in the notices of opposition, but admitting “that the list identifying the MYSTIC Family of Marks is consistent with the records located in the USPTO’s trademark database.”⁸

Applicant’s answers also included the following assertions, which Applicant characterized as “affirmative defenses”: (1) that “Opposer fails to state a claim upon which relief may be granted”; (2) that “one or more of Opposer’s claims are barred by the equitable defenses of laches, acquiescence, waiver and/or estoppel”; (3) that “Opposer’s marks are geographically descriptive, weak and entitled to less

⁶ Registration No. 2799696 issued on December 30, 2003, and was last renewed on April 2, 2024.

⁷ Opposition No. 91285546, Amended Notice of Opposition, 7 TTABVUE; Opposition No. 91285548, Amended Notice of Opposition, 7 TTABVUE.

⁸ Opposition No. 91285546, Applicant’s Answer to Amended Notice of Opposition, 9 TTABVUE 10; Opposition No. 91285548, Applicant’s Answer to Amended Notice of Opposition, 9 TTABVUE 2.

protection”; (4) that “[t]here is no likelihood of confusion, mistake, or deception between Opposer’s Marks and Applicant’s Mark[s]”; (5) that “[a]ny acts alleged to have been committed by Applicant were performed with lack of knowledge and lack of willful intent”; (6) that “[t]hird parties have used similar MYSTIC marks for similar goods, thus the mark is weak and entitled to a narrow scope of protection”; and (7) that a “[v]erbal license agreement between Applicant and Adrenalin Attractions, LLC permits use of Applicant’s Mark by Adrenalin Attractions, LLC which inures to the benefit of Applicant.”⁹

Applicant’s assertion that Opposer has failed to state a claim upon which relief can be granted is not a true affirmative defense, because “it relates to an assertion of the insufficiency of the pleading of Opposer’s claims rather than a statement of a defense to a properly pleaded claim.” *Advance Mag. Publ’rs, Inc. v. Fashion Elecs., Inc.*, Opp. No. 91247034, 2023 TTAB LEXIS 223, at *3 n.4 (TTAB 2023) (citing *TiVo Brands LLC v. Tivoli, LLC*, Opp. No. 91221632, 2018 TTAB LEXIS 439, at *8 n.6 (TTAB 2018)).¹⁰ In any event, we deem this issue to be waived because Applicant did not subsequently raise it through a formal motion during the interlocutory phase of

⁹ Opposition No. 91285546, Applicant’s Answer to Amended Notice of Opposition, 9 TTABVUE 11-12; Opposition No. 91285548, Applicant’s Answer to Amended Notice of Opposition, 9 TTABVUE 3-4.

¹⁰ As part of an internal Board pilot program to broaden acceptable forms of legal citation in Board cases, citations in this opinion are in the form recommended in TRADEMARK TRIAL AND APPEAL BOARD MANUAL OF PROCEDURE (TBMP) § 101.03 (2024). This opinion cites decisions of the U.S. Court of Appeals for the Federal Circuit and the U.S. Court of Customs and Patent Appeals by the pages on which they appear in the Federal Reporter (e.g., F.2d, F.3d, or F.4th). For opinions of the Board, this opinion cites to the Lexis legal database and cites only precedential decisions. Practitioners should also adhere to the guidance at TBMP § 101.03.

this proceeding or otherwise address it in briefing. *See Advance*, 2023 TTAB LEXIS 223, at *3 n.4 (citing *Alcatraz Media, Inc. v. Chesapeake Marine Tours, Inc.*, Canc. No. 92050879, 2013 TTAB LEXIS 347, at *5 n.6 (TTAB 2013), *aff'd mem.*, 565 F. Appx. 900 (Fed. Cir. 2014)). Applicant likewise did not further pursue the issues of laches, acquiescence, waiver, or estoppel, and thus we consider these defenses waived as well. *See Advance*, 2023 TTAB LEXIS 223, at *3 n.4.

To the extent Applicant's putative affirmative defense based on the alleged geographic descriptiveness of Opposer's marks is an attack on the validity of Opposer's pleaded registrations, it is considered a compulsory counterclaim, which will not be heard in the absence of a timely filed counterclaim or separate petition seeking cancellation of the registrations. *See* Trademark Rule 2.106(b)(3), 37 C.F.R. § 2.106(b)(3). Under the circumstances here, to be timely, a counterclaim or separate petition seeking cancellation of Opposer's pleaded registrations should have been filed with Applicant's answer,¹¹ but was not. Therefore, we give this purported affirmative defense no consideration.¹²

¹¹ "A defense attacking the validity of any one or more of the registrations pleaded in the opposition shall be a compulsory counterclaim if grounds for such counterclaim exist at the time when the answer is filed. If grounds for a counterclaim are known to the applicant when the answer to the opposition is filed, the counterclaim shall be pleaded with or as part of the answer." 37 C.F.R. § 2.106(b)(3)(i). "An attack on the validity of a registration pleaded by an opposer will not be heard unless a counterclaim or separate petition is filed to seek the cancellation of such registration." 37 C.F.R. § 2.106(b)(3)(ii).

¹² We note, however, that it would be appropriate for us to consider any evidence or arguments as to the alleged weakness of Opposer's registered marks in the context of Opposer's likelihood-of-confusion claim were that claim to be fully adjudicated here. *Cf. NASDAQ Stock Mkt. v. Antartica, S.r.l.*, Opp. No. 91121204, 2003 TTAB LEXIS 391, at *60-62 (TTAB 2003) (noting that it "is well settled that an applicant cannot collaterally attack opposer's registration in the absence of a counterclaim for cancellation," but holding "that it is

Lastly, we construe Applicant's remaining "affirmative defenses" as amplifications of Applicant's denials to Opposer's allegations relating to Trademark Act Section 2(d) and Applicant's alleged lack of bona fide intent to use the mark in commerce. *See TiVo*, 2018 TTAB LEXIS 439, at *8 n.6.

C. Accelerated Case Resolution

On November 8, 2024, Opposer and Applicant submitted to the Board a joint stipulation requesting that the parties be allowed to proceed by means of accelerated case resolution (ACR) in accordance with TBMP § 528.05(a).¹³ The joint stipulation provided that the Board may (1) "treat the Parties' summary judgment motion papers and evidence as the final record and briefs on the merits in this proceeding" and (2) "resolve issues of fact at summary judgment."¹⁴ On November 25, 2024, the Board accepted the joint stipulation, confirming that the consolidated oppositions will proceed to final disposition under the summary judgment model of ACR.¹⁵ Both Opposer and Applicant filed their ACR summary judgment briefs¹⁶ and Opposer filed its ACR summary judgment reply brief.¹⁷

permissible for a defendant addressing a dilution claim to present arguments regarding the lack of distinctiveness of the plaintiff's mark, even in the absence of a counterclaim for cancellation of the plaintiff's pleaded registration").

¹³ Joint Stipulation, 16 TTABVUE.

¹⁴ *Id.*

¹⁵ Board Order Accepting Parties' Joint Stipulation, 17 TTABVUE.

¹⁶ Opposer's ACR Summary Judgment Brief, 12 TTABVUE; Applicant's ACR Summary Judgment Brief, 14 TTABVUE.

¹⁷ Opposer's ACR Summary Judgment Reply Brief, 15 TTABVUE. The Board commends the parties for their decision to resolve this case through the more efficient, expeditious, and cost-effective means of an ACR procedure.

D. Res Judicata Claim Tried by Implied Consent

In its ACR Brief, Opposer claims that registration of Applicant's mark is barred by res judicata, i.e., claim preclusion,¹⁸ which Applicant, in turn, argued against in its ACR brief.¹⁹ Therefore, under Fed. R. Civ. P. 15(b), we consider the pleadings amended by implied consent to include the claim of res judicata, in addition to the pleaded claims of likelihood of confusion and lack of bona fide intent to use the mark in commerce. *See also Morgan Creek Prods. v. Foria Int'l Inc.*, Opp. No. 91173806, 2009 TTAB LEXIS 445, at *11 (TTAB 2009) (“[I]mplied consent to the trial of an unpleaded issue can be found only where the non[offer]ing party (1) raised no objection to the introduction of evidence on the issue, and (2) was fairly apprised that the evidence was being offered in support of the issue.”); TBMP § 507.03(b) (“When issues not raised by the pleadings are tried by the express or implied consent of the parties, unless prohibited by 37 C.F.R. § 2.107, the Board will treat them in all respects as if they had been raised in the pleadings.”).

For the reasons explained below, we sustain both oppositions on the ground of res judicata. We therefore do not reach the claims of likelihood of confusion or lack of bona fide intent.

¹⁸ Opposer's ACR Brief, pp. 9-19, 12 TTABVUE 10-20. Where helpful, this opinion cites to the specific page number within the parties' ACR briefs, in addition to the TTABVUE citation. However, to avoid confusion, we have refrained from doing so where the nature of the relevant documents' pagination precludes a simple, straightforward citation.

¹⁹ Applicant's ACR Brief, pp. 3-6, 14 TTABVUE 4-7.

II. Record

The record includes the pleadings and, pursuant to Trademark Rule 2.122(b)(1), 37 C.F.R. § 2.122(b)(1), Applicant's involved application files. The record also includes the evidence summarized below.

A. Opposer's Evidence²⁰

1. Testimony Declaration of Alison Fogarty, Vice President of Marketing at Mystic Lake Casino, which is operated by Opposer through the Shakopee Mdewakanton Community Gaming Enterprise, and an accompanying exhibit of 60 press releases concerning various live entertainment events at Mystic Lake Casino Hotel;
2. Testimony Declaration of Opposer's counsel, Katlyn Moseley;
3. Printouts of Opposer's pleaded registrations from TSDR showing current status and title for marks containing the wording "MYSTIC" or "MYSTIC LAKE" for a variety of services;
4. Excerpts from the Rule 30(b)(6) discovery deposition of Scott D'Avanzo, Applicant's President and CEO, taken on March 12, 2024;
5. Applicant's responses to Opposer's first and second sets of interrogatories for Opposition Nos. 91285546 and 91285548;
6. Applicant's responses to Opposer's first set of requests for admission for Opposition No. 91285548;²¹

²⁰ Opposer's ACR Brief, 12 TTABVUE 29-724.

²¹ While any admissions in the submitted responses to the requests for admissions are properly of record, any denials are not. Trademark Rule 2.120(k)(3)(i), 37 C.F.R. § 2.120(k)(3)(i). *See, e.g., Shenzhen IVPS Technology Co. v. Fancy Pants Prods., LLC*, Opp. No. 91263919, 2022 TTAB LEXIS 383, at *6 n.7 (TTAB 2022) (noting that denials or "effective denials" to requests for admissions are not properly of record); *Life Zone Inc. v. Middleman Grp. Inc.*, Opp. No. 91160999, 2008 TTAB LEXIS 37, at *10 n.10 (TTAB 2008) ("[U]nlike an admission (or a failure to respond which constitutes an admission), the denial of a request for admission establishes neither the truth nor the falsity of the assertion, but rather leaves the matter for proof at trial."). Therefore, Applicant's denials have no probative value and we do not consider them. *See Shenzhen IVPS Tech.*, 2022 TTAB LEXIS 383, at *6 n.7.

7. Applicant's supplemental responses to Opposer's first set of requests for admission for Opposition No. 91285546;
8. Copy of a February 18, 2019, Petition for Cancellation of Registration No. 5633245;
9. Copy of the Board's opinion in Opposition No. 91246474;
10. Copies of documents associated with Opposition No. 91246474, namely, responses to interrogatories, responses to requests for production, pretrial disclosures, and a trial brief;
11. Printout of an assignment of trademarks from Adrenalin Attractions, LLC to Applicant, executed July 21, 2020, and recorded at the USPTO on July 22, 2020;
12. Printouts from TSDR of third-party registrations covering various services including amusement park services, casino services, hotel services, and restaurant services;
13. Printouts from the following third-party websites: www.sixflags.com, www.knotts.com, www.universalorlando.com, www.dollywood.com, and disneyworld.disney.go.com.

B. Applicant's Evidence²²

1. Screenshots from esos.nv.gov, showing entity information relating to Adrenalin Technologies, LLC and Adrenalin Attractions, LLC;
2. Complete copy of the Rule 30(b)(6) discovery deposition of Scott D'Avanzo, Applicant's President and CEO, taken on March 12, 2024;
3. Screenshot from shakopeedakota.com showing a map of the Shakopee Mdewakanton Sioux Community.

IV. Opposer's Entitlement to a Statutory Cause of Action

Establishing an entitlement to a statutory cause of action, formerly referred to as "standing" by the Federal Circuit and the Board, is a threshold requirement in every

²² Applicant's ACR Brief, 14 TTABVUE 16-205.

inter partes case.²³ *See Corcamore, LLC v. SFM, LLC*, 978 F.3d 1298, 1303 (Fed. Cir. 2020); *Australian Therapeutic Supplies Pty. Ltd. v. Naked TM, LLC*, 965 F.3d 1370, 1373 (Fed. Cir. 2020). Thus, as plaintiff in this opposition proceeding, Opposer must prove its entitlement to a statutory cause of action by a preponderance of the evidence. *See, e.g., Made in Nature, LLC v. Pharmavite LLC*, Opp. No. 91223352, 2022 TTAB LEXIS 228, at *8 (TTAB 2022).

To establish entitlement to a statutory cause of action, a plaintiff must demonstrate: (i) an interest falling within the zone of interests protected by the statute, and (ii) a reasonable belief in damage proximately caused by the registration of the mark. *Corcamore*, 978 F.3d at 1304-07; *see also Made in Nature*, 2022 TTAB LEXIS 228, at *18.

Here, Opposer has submitted printouts of its pleaded registrations from TSDR showing their current status and title.²⁴ These pleaded registrations form the basis of a likelihood-of-confusion claim that is not wholly without merit, and thus establish Opposer's entitlement to oppose Applicant's applications.²⁵ *N.Y. Yankees P'Ship v.*

²³ We now refer to "entitlement to a statutory cause of action" instead of "standing," but our prior decisions and those of the Federal Circuit interpreting "standing" under Trademark Act Sections 13 and 14, 15 U.S.C. §§ 1063, 1064, remain applicable. *See Spanishtown Enters., Inc. v. Transcend Res., Inc.*, Canc. No. 92070340, 2020 TTAB LEXIS 481, at *4-5 (TTAB 2020).

²⁴ Notice of Opposition, 1 TTABVUE 17-96; *see also* Notice of Opposition in Opp. No. 91285548, 1 TTABVUE 17-96.

²⁵ Because Opposer has established its entitlement to a statutory cause of action for its asserted likelihood-of-confusion claim, it automatically has established its entitlement to assert its claims based on res judicata and lack of bona fide intent in both oppositions. *See A&H Sportswear Co. v. Yedor*, Opp. No. 91235843, 2019 TTAB LEXIS 75, at *8 (TTAB 2019) ("Having demonstrated standing on this ground, Opposer may assert any other valid basis for refusal."); *Enbridge, Inc. v. Excelerate Energy LP*, Opp. No. 91170364, 2009 TTAB LEXIS

Opposition Nos. 91285546 and 91285548

IET Prods. & Servs., Inc., Opp. No. 91189692, 2015 TTAB LEXIS 96, at *8 (TTAB 2015) (“Opposer’s standing is established with respect to its likelihood of confusion and dilution claims by its . . . registrations . . . , which the record shows to be valid and subsisting, and owned by Opposer.”) (citing *Cunningham v. Laser Golf Corp.*, 222 F.3d 943, 945 (Fed. Cir. 2000)). Specifically, Opposer’s ownership of these registrations establishes both an interest in marks similar to those for which Applicant seeks registration and a reasonable belief in damage should Applicant’s marks be registered. See *Corcamore*, 978 F.3d at 1304-07.

III. Res Judicata

We turn now to the issue of res judicata. “Under the doctrine of res judicata (or claim preclusion), the entry of a final judgment ‘on the merits’ of a claim (i.e., cause of action) in a proceeding serves to preclude the relitigation of the same claim in a subsequent proceeding between the parties or their privies.” *John W. Carson Found. v. Toilets.com, Inc.*, Opp. No. 91181092, 2010 TTAB LEXIS 226, at *16 (TTAB 2010) (citing *Lawlor v. Nat’l Screen Serv. Corp.*, 349 U.S. 322 (1955); *Chromalloy Am. Corp. v. Kenneth Gordon, Ltd.*, 736 F.2d 694 (Fed. Cir. 1984); and *Flowers Indus., Inc. v. Interstate Brands Corp.*, Opp. No. 91070572, 1987 TTAB LEXIS 2 (TTAB 1987)). The doctrine serves “the dual purpose of protecting litigants from the burden of relitigating an identical issue with the same party or [that party’s] privy and of promoting judicial economy by preventing needless litigation.” *Parklane Hosiery Co.*

642, at *21 n.10 (TTAB 2009) (“If an opposer can show standing as to one ground, it has the right to assert any other ground as well.”).

Opposition Nos. 91285546 and 91285548

v. Shore, 439 U.S. 322, 326 (1979); *see also Sharp KK v. Thinksharp, Inc.*, 448 F.3d 1368, 1372 (Fed. Cir. 2006) (“The purpose of *res judicata* is salutary, for it protects a party from being required to relitigate the same issue against the same party in a separate action.”); *Foster v. Hallco Mfg. Co.*, 947 F.2d 469, 478 (Fed. Cir. 1991) (“The general concept of claim preclusion is that when a judgment is rendered in favor of a party to litigation, the plaintiff may not thereafter maintain another action on the same ‘claim,’ and defenses that were raised or could have been raised by the defendant in that action are extinguished.”).

This case involves offensive claim preclusion, as Opposer asserts that Applicant is not entitled registration of its marks because a prior proceeding resulted in a final judgment in Opposer’s favor on the issue of likelihood of confusion and the issue thus cannot be relitigated.²⁶ *See Sharp*, 448 F.3d at 1371 (discussing offensive claim preclusion in support of an opposition); *Jet, Inc. v. Sewage Aeration Sys.*, 223 F.3d 1360, 1362 (Fed. Cir. 2000) (“Over the years, the doctrine has come to incorporate common law concepts of merger and bar, and will thus also bar a second suit raising claims based on the same set of transactional facts.”); *Flame & Wax, Inc. v. Laguna Candles, LLC*, Canc. No. 92072343, 2022 TTAB LEXIS 272, at *43 (TTAB 2022) (“This case involves offensive, not defensive, claim preclusion – it is the plaintiff in the proceeding that is asserting claim preclusion.”).

Specifically, Opposer bases its *res judicata* claim on the Board’s August 9, 2021, decision in Opposition No. 91246474 (consolidated with Cancellation No. 92070605),

²⁶ Opposer’s ACR Brief, p. 8, 12 TTABVUE 9.

Opposition Nos. 91285546 and 91285548

which lists SMSC as plaintiff and Adrenalin Attractions, LLC as defendant. In that prior proceeding, SMSC claimed likelihood of confusion to (1) oppose Adrenalin Attractions, LLC's application for registration on the Principal Register of the standard character mark MYSTIC PARKS AND RESORTS (PARKS AND RESORTS disclaimed) for "amusement park and theme park services" in International Class 41 (Application Serial No. 87742831), and (2) petition to cancel Adrenalin Attractions, LLC's registration on the Principal Register for the standard character mark MYSTIC CITY for "amusement park and theme park services" and "entertainment in the nature of an amusement park ride," in International Class 41 (Registration No. 5633245). The Board found in SMSC's favor, sustaining the opposition and granting the cancellation, after concluding that Adrenalin Attractions, LLC's marks were likely to cause confusion with SMSC's registered mark *Mystic* (Registration No. 2799696) for the identified services, including casino services, live entertainment services, hotel services, and restaurant services.

For Opposer to prevail on its res judicata claim here, we must find that:

- (1) the parties in both the first proceeding and subsequent proceeding are the same, or there is otherwise privity between the relevant parties;
- (2) the first proceeding resulted in a final judgment on the merits of a claim; and
- (3) the second claim is based on the same set of transactional facts as the claim in the first proceeding.

See *Jet*, 223 F.3d at 1362 (citing *Parklane* 439 U.S. at 326 n.5 (1979); and *Foster*, 947 F.2d at 478-79); *Carson Found.*, 2010 TTAB LEXIS 226, at *16.

A. Identity of the Parties

There is no dispute that the opposer here, SMSC, is the same party as the plaintiff in the prior proceeding. Regarding the defendant in the prior proceeding, however, Applicant asserts that “[w]hile Adrenalin Attractions, LLC controlled the defense to the prior opposition filed relative to MYSTIC PARKS AND RESORTS and the cancellation proceeding of MYSTIC CITY, Adrenalin Technologies, LLC is controlling the defense in the current opposition.”²⁷ According to Applicant, these are different entities and Opposer has not established that the two entities are in privity.²⁸

Although the case caption of the prior proceeding listed Adrenalin Attractions, LLC as the defendant, Opposer points out that ownership of the opposed application for the mark MYSTIC PARKS AND RESORTS in that proceeding was assigned from Adrenalin Attractions, LLC to Adrenalin Technologies, LLC on July 21, 2020.²⁹ Thus, Adrenalin Technologies, LLC was the owner of the application when, 19 days later, the Board issued the decision in the prior proceeding. There is no indication that the Board was aware of the assignment at the time. Had it been, the Board likely would have substituted Adrenalin Technologies, LLC as defendant prior to a decision being issued. *Cf. J.I. Case Co. vs. F.L. Indus.*, Opp. No. 91070765, 1986 TTAB LEXIS 112,

²⁷ Applicant’s ACR Brief, pp. 3-4, 14 TTABVUE 4-5.

²⁸ *Id.* at p. 5, 14 TTABVUE 4.

²⁹ Opposer’s ACR Brief, p. 9, 12 TTABVUE 10. The record includes a copy of the assignment documents at 12 TTABVUE 460-64.

Opposition Nos. 91285546 and 91285548

at *2 n.5 (TTAB 1986) (substituting assignees of involved application and registration as parties in the proceeding, and deeming assignees to be successors in interest to the assignors). In any event, under these circumstances, we find that Applicant, Adrenalin Technologies, LLC, is the same party as the defendant in the prior proceeding, at least with respect to the opposed application in that proceeding.

As to the registration for MYSTIC CITY at issue in the prior proceeding, however, there was no such assignment of ownership. The record indicates that the registration was owned by Adrenalin Attractions, LLC, not Adrenalin Technologies, LLC, when the decision issued in the prior proceeding. Therefore, we must determine whether the two entities are in privity such that Adrenalin Technologies, LLC is bound by the judgment regarding the registered MYSTIC CITY mark in the prior proceeding. *See Int'l Nutrition Co. v. Horphag Rsrch., Ltd.*, 220 F.3d 1325, 1329-30 (Fed. Cir. 2000); *Carson Found.*, 2010 TTAB LEXIS 226, at *16-17.

“A variety of relationships between two parties can give rise to the conclusion that a nonparty to an action is ‘in privity’ with a party to the action.” *Horphag Rsrch.*, 220 F.3d at 1329. For instance, privity may be based on a preexisting substantive legal relationship between the parties. *See Taylor v. Sturgell*, 553 U.S. 880, 894 (2008). Or a party may be bound by a judgment in a prior action because they were adequately represented in that action by another party with the same interests. *Id.* And privity may also be found where a nonparty assumed control over the prior litigation. *Id.* That is, “[a] person who is not a party of an action but who controls or substantially participates in the control of the presentation on behalf of a party is bound by the

determination of issues decided as though [the person] were a party.” *Carson Found.*, 2010 TTAB LEXIS 226, at *18 (quoting RESTATEMENT (SECOND) OF JUDGMENTS § 39 (1982)); *see also* 18A EDWARD H. COOPER, FEDERAL PRACTICE AND PROCEDURE § 4451 (3d. ed. 2024) (“The most direct basis for applying preclusion against a nonparty rests on actual participation in prior litigation. A nonparty who has in fact enjoyed a full and fair litigation has no more claim than a party to enjoy a second chance.”).

Here, the record shows that both Adrenalin Attractions, LLC and Applicant are solely owned by Scott D’Avanzo and his son.³⁰ Mr. D’Avanzo is the majority owner of each entity, with 70% ownership, while his son owns 30%.³¹ Mr. D’Avanzo is also the president and CEO of both Adrenalin Attractions, LLC and Applicant.³² The only other member/manager of these entities is his son.³³ Both entities share the same headquarters and principal place of business.³⁴

As to the relationship between the two entities, Mr. D’Avanzo testified that Applicant does not have any other employees and that it is a holding company that manages the use of its trademarks by Adrenalin Attractions, LLC.³⁵ Further, Mr. D’Avanzo personally determines what the best use of those trademarks is.³⁶

³⁰ Opposer’s ACR Brief, 12 TTABVUE 329-30.

³¹ *Id.*

³² *Id.* at 324, 335, 338, 428, 430, 443, 712.

³³ *Id.* at 711-712.

³⁴ *Id.* at 373.

³⁵ Applicant’s ACR Brief, 14 TTABVUE 58-59.

³⁶ *Id.* at 68-69.

Against this backdrop, Applicant’s argument that Adrenalin Attractions, LLC controlled the defense in the prior proceeding, but Adrenalin Technologies, LLC controls the defense in this one, amounts to a distinction without a difference. The record establishes that Mr. D’Avanzo essentially controls, and has controlled, both entities at all relevant times. Thus, saying that either Adrenalin Attractions, LLC or Adrenalin Technologies was in control is the same as saying that Mr. D’Avanzo was in control. Indeed, Mr. D’Avanzo served as the sole witness in both this proceeding and the prior one.³⁷ And the same counsel, whom Mr. D’Avanzo has referred to as “my attorney,”³⁸ represented Adrenalin Attractions, LLC in the prior proceeding and represents Adrenalin Technologies, LLC in this one.

We therefore conclude that Adrenalin Attractions, LLC and Adrenalin Technologies, LLC are in privity for purposes of res judicata because they have the same owners and the same CEO: Mr. D’Avanzo, who controls and directs the actions and interests of both entities. *See, e.g., Kraeger v. Gen. Elec. Co.*, 497 F.2d 468, 472 (2d. Cir. 1974) (finding president and sole shareholder of a corporation was bound by the corporation’s defeat in an action that he effectively controlled); *Vitronics Corp. v. Conceptronic, Inc.*, 1992 U.S. Dist. LEXIS 22117, at *12 (D.N.H. 1992) (finding founder and CEO of corporation in privity with corporation). And, importantly, in that role Mr. D’Avanzo not only participated in, but controlled the presentation of, the prior litigation and the current one. *See Taylor*, 553 U.S. at 894; *Carson Found.*, 2010

³⁷ Opposer’s ACR Brief, 12 TTABVUE 337-38, 347, 430.

³⁸ Applicant’s ACR Brief, 14 TTABVUE 33, 92, 111, 140.

Opposition Nos. 91285546 and 91285548

TTAB LEXIS 226, at *18; *see also* 5 J. Thomas McCarthy, MCCARTHY ON TRADEMARKS AND UNFAIR COMPETITION § 32:78 (5th ed. Sept. 2024 Update) (“The general principle of res judicata is that once a ‘res’ or ‘thing’ is ‘decided,’ then that ‘thing,’ whether a claim or an issue, is determined once and for all against a person who had a full and fair opportunity to litigate the matter.”).

In sum, we find that Applicant is the same party as the defendant in the prior proceeding as it relates to the MYSTIC PARKS AND RESORTS application, and is otherwise in privity with Adrenalin Attractions, LLC with respect to the portion of the prior proceeding concerning the registration for MYSTIC CITY.

B. Prior Final Judgment on the Merits of a Claim

Having found that the involved parties are identical or otherwise in privity, we next consider whether the prior proceeding resulted in a final judgment on the merits of the relevant claim, which in this case is likelihood of confusion. In short, we agree with Opposer that there is no actual dispute that the prior consolidated opposition proceeding resulted in a final judgment in Opposer’s favor on its likelihood-of-confusion claim.³⁹

Applicant acknowledges that there was a final judgment in the prior opposition with respect to the petition to cancel the registration for MYSTIC CITY, but argues that there was no final judgment as to the mark MYSTIC PARKS, because the prior opposition concerned the mark MYSTIC PARKS AND RESORTS.⁴⁰ However,

³⁹ A copy of the Board’s decision in Opposition No. 91246474 appears at 12 TTABVUE 392-423.

⁴⁰ *See* Applicant’s ACR Brief, p. 4, 14 TTABVUE 5.

Applicant appears to be conflating the requirement for a final judgment on the merits with the requirement that there be the same set of transactional facts. That is, the former requirement concerns only whether there was a final judgment, whereas the latter requirement concerns whether that final judgment was based on the same set of transactional facts. Here, because Applicant's argument focuses on whether the relevant mark in the prior proceeding is the same as the mark in the instant proceeding, it is relevant only to the determination of whether the prior and current claims involve the same set of transactional facts. We turn to that question next.

C. Same Set of Transactional Facts

To determine whether the likelihood-of-confusion claim in the prior proceeding involves the same set of transactional facts as the claim here, we must consider:

- (1) Whether the marks involved in the prior proceeding are the same marks, in terms of commercial impression, as the marks involved in this proceeding; and
- (2) Whether the evidence of likelihood of confusion between the marks in the prior proceeding would be identical to the evidence of likelihood of confusion in this proceeding.

Be Sport, Inc. v. Al-Jazeera Satellite Channel, Opp. No. 91213743, 2015 TTAB LEXIS 259, at *9 (TTAB 2015); *Institut Nat'l Des Appellations d'Origine v. Brown-Forman Corp.*, Opp. No. 91097417, 1998 TTAB LEXIS 122, at *67 (TTAB 1998).

1. Are the Marks the Same?

“[T]he proper test for determining whether two marks have the same commercial impression, for purposes of the claim preclusion doctrine, is the test used in tacking

situations, i.e., whether the marks are legal equivalents.” *Brown-Forman*, 1998 TTAB LEXIS 122, at *70. The previous mark must be indistinguishable from the mark in question; the consumer should consider both as the same mark; and they must create “the same, continuing commercial impression.” *Hana Fin., Inc. v. Hana Bank*, 574 U.S. 418, 420 (2015). Thus, even if the marks are confusingly similar, they may not be legal equivalents for purposes of applying claim preclusion. *See Brown-Forman*, 1998 TTAB LEXIS 122, at *70 (“[T]here is no reason why the fact that a party’s two marks might be confusingly similar to each other under a likelihood of confusion analysis should be held to be a sufficient basis for finding that the applications to register the two marks should be deemed to be a single ‘claim,’ for claim preclusion purposes.”).

Here, we find that the marks in the prior proceeding and this proceeding create the same continuing commercial impression and thus are legal equivalents. In the prior proceeding, the Board’s judgment in favor of Opposer on its likelihood-of-confusion claim involved the following marks:

- Opposer’s registered stylized mark *Mystic* (Registration No. 2799696) on the Principal Register for, inter alia, “casino services, entertainment services, namely, live entertainment in the nature of musical, theatrical, dancing, sporting, and comedy performances,” in International Class 41; and “hotel services; arena services, namely, providing facilities for sports, concerts, conventions, trade shows, conferences, exhibitions, and banquets;

restaurant services; food preparation and catering services,” in International Class 42;

- Applicant’s⁴¹ applied-for standard character mark **MYSTIC PARKS AND RESORTS** (PARKS AND RESORTS disclaimed) for “amusement park and theme park services,” in International Class 41; and
- Adrenalin Attractions, LLC’s then-registered standard character mark **MYSTIC CITY** for “amusement park and theme park services; entertainment in the nature of an amusement park ride,” in International Class 41.

This proceeding involves Opposer’s same registered mark *Mystic* (among others) and Applicant’s following applied-for marks:

- **MYSTIC PARKS** (PARKS disclaimed) for “Operating of amusement park attractions, namely amusement park rides; entertainment services, namely, ticket agency services for amusement park attractions, namely amusement park rides,” in International Class 41; and
- **MYSTIC CITY** for “Providing amusement park facilities including a fictional location featuring an amusement park attraction in the nature of a themed area and amusement park rides” in International Class 41.

Thus, the *Mystic* mark and **MYSTIC CITY** mark in the prior proceeding are identical to those in the current proceeding. The only significant point of contention

⁴¹ As discussed *supra* at III.A, Applicant was the owner of the opposed application for **MYSTIC PARKS AND RESORTS** when the Board’s decision issued in the prior proceeding.

between the parties here is whether the mark MYSTIC PARKS AND RESORTS is the legal equivalent of MYSTIC PARKS. Opposer argues that “Applicant’s MYSTIC PARKS mark and the MYSTIC PARKS AND RESORTS . . . create the same commercial impression, as the former simply omits the descriptive words AND RESORTS, which were disclaimed from the prior application, just as PARKS is disclaimed from the current one.”⁴² Applicant asserts, simply, that the marks are different,⁴³ presumably because the prior mark contains wording that the current one does not. Applicant does not otherwise address Opposer’s argument that the marks have the same commercial impression.

We agree with Opposer that the mere deletion of the disclaimed wording AND RESORTS from the prior mark is insufficient to change the commercial impression of the mark for purposes of claim preclusion. Given that both PARKS AND RESORTS and PARKS are disclaimed, presumably because of their descriptiveness/genericness as applied to Applicant’s amusement park services, the word MYSTIC is the sole source-indicating element in each mark.⁴⁴ Unlike other cases where marks were found not to be legal equivalents, there are no additional elements in the current mark that would change its commercial impression. *Cf., e.g., Be Sport, 2015 TTAB*

⁴² Opposer’s ACR Brief, p. 11, 12 TTABVUE 12.

⁴³ Applicant’s ACR Brief, p. 5, 14 TTABVUE 6.

⁴⁴ We are mindful that disclaimed matter should not be wholly disregarded in our analysis. *See, e.g., Be Sport, 2015 TTAB LEXIS 259, at *13.* Here, we point to the fact that the relevant wording is disclaimed because it indicates that the wording is not inherently distinctive and thus is likely not source-indicating in the minds of consumers. *See, e.g., In re Six Continents Ltd., Ser. No. 88430142, 2022 TTAB LEXIS 35, at *23 (TTAB 2022)* (noting that the disclaimer of SUITES in ATWELL SUITES mark “is a concession that ‘Suites’ is not inherently distinctive”).

LEXIS 259, at *13 (finding the prior mark BEIN and the subsequent mark BEIN SPORT to create different commercial impressions); *Am. Paging, Inc. v. Am. Mobilphone, Inc.*, Canc. No. 92016232, 1989 TTAB LEXIS 48, at *11 (TTAB 1989) (“[I]n terms of connotation, the [subsequent] mark AMERICAN MOBILPHONE PAGING and design is more informative than and hence legally different from [the prior mark] AMERICAN MOBILPHONE and design.”). Rather, consumers viewing the prior or current version of the mark in connection with Applicant’s services would perceive either as the term MYSTIC plus a descriptive/generic term or terms referring to amusement park services.⁴⁵ The fact that the descriptive/generic terms AND RESORTS do not appear in the subsequent version would not alter that perception or otherwise create a “new mark” in consumers’ eyes. *See Miller Brewing Co. v. Coy Int’l Corp.*, Opp. No. 91068606, 1986 TTAB LEXIS 159, at *12 (TTAB 1986) (finding that “two marks create substantially the same commercial impression” where “the minor alterations [in the subsequent mark] do not rise to the level of a new mark”).

And, importantly, allowing a party to avert claim preclusion by simply deleting a non-source-indicating element from a subsequent mark would too easily subvert the doctrine’s dual purposes of avoiding relitigation and promoting judicial economy. *See Parklane*, 439 U.S. at 326. As the Board stated in *Miller Brewing*, we do “not wish to encourage losing parties to insignificantly modify their marks after an adverse ruling

⁴⁵ Opposer submitted evidence showing that the terms PARKS and RESORTS are used to refer to amusement parks and associated amusement park resort services, respectively. *See* Opposer’s ACR Brief, 12 TTABVUE 686-89, 698-700.

and thereby avoid the res judicata effect of the prior adjudication.” 1986 TTAB LEXIS 159, at *12.

2. Would the Evidence of Likelihood of Confusion be Identical?

Because we have found that the involved marks are the same or legally identical, we must now determine whether the evidence to support the likelihood-of-confusion claim here would be identical to the evidence supporting the likelihood-of-confusion claim in the prior proceeding. *Be Sport*, 2015 TTAB LEXIS 259, at *9; *Brown-Forman*, 1998 TTAB LEXIS 122, at *67. And that determination rests largely on the nature of the services as identified in Applicant’s current applications.

To reiterate, in the prior proceeding Applicant’s/Adrenalin Attraction LLC’s marks and services were:

- **MYSTIC PARKS AND RESORTS** (in standard character form, PARKS AND RESORTS disclaimed) for “amusement park and theme park services,” in International Class 41; and
- **MYSTIC CITY** (in standard character form) for “amusement park and theme park services; entertainment in the nature of an amusement park ride,” in International Class 41.

In this proceeding, Applicant’s marks and services are:

- **MYSTIC PARKS** (in standard character form, PARKS disclaimed) for “Operating of amusement park attractions, namely amusement park rides; entertainment services, namely, ticket agency services for amusement park attractions, namely amusement park rides,” in International Class 41; and

- **MYSTIC CITY** (in standard character form) for “Providing amusement park facilities including a fictional location featuring an amusement park attraction in the nature of a themed area and amusement park rides” in International Class 41.

Applicant argues that the services in the current applications are different from those in the prior application and registration, because they are “undoubtedly more focused than the broad description of amusement park and theme park services.”⁴⁶ This argument, however, is of little help to Applicant. It is just as accurate to say that the currently identified services are, in fact, encompassed by the prior identified services. And this conclusion is supported by the evidence of record, which shows that amusement park and theme park services can and do involve the specific services of operating amusement park rides, providing tickets for amusement park rides, and offering an amusement park attraction in the nature of a themed area.⁴⁷

Thus, the Board’s likelihood-of-confusion determination in the prior proceeding was based on a broader identification of services, and the judgment there necessarily extends to any and all identified services under the umbrella of that broader identification. *See J.I. Case Co.*, 1986 TTAB LEXIS 112, at *9-11. In other words, Applicant may not avoid the preclusive effect of this prior judgment by merely providing a narrower, or “more focused,” identification of services, if those services

⁴⁶ Applicant’s ACR Brief, p. 5, 14 TTABVUE 6.

⁴⁷ Opposer provided screenshots from disneyworld.disney.go.com, www.sixflags.com, www.knotts.com, www.universalorlando.com, and www.dollywood.com. 12 TTABVUE 686-706. These screenshots show that amusement parks offer rides, attractions, and themed areas, as well as services for associated tickets and passes.

remain encompassed by the broader identification of services and are therefore essentially legally identical.⁴⁸ *See id.* (“We think that the Board’s prior decision precludes applicant from now coming in and specifying several different specialized lubricant products and thereby attempting to avoid the preclusive effect of the broad judgment rendered in the first case against applicant’s broad description of goods, i.e., ‘multi-purpose lubricants.’ We think the goods recited in this application are fully encompassed by those claimed in the prior proceeding and that applicant’s assertions to the contrary are not well taken.”).

Because Applicant’s services here are encompassed by, and thus legally identical to, the relevant services in the prior proceeding, and the marks at issue are also identical or legally identical, we find that the evidence to support the likelihood-of-confusion claim here would be identical to the evidence supporting the likelihood-of-confusion claim in the prior proceeding.⁴⁹

⁴⁸ *Monster Energy Co. v. Chun Hua Lo*, Opp. No. 91225050, 2023 TTAB LEXIS 14, at *20 (TTAB 2023) (“If an application or registration describes goods or services broadly, and there is no limitation as to their nature, it is presumed that the ‘registration encompasses all goods or services of the type described.’” (quoting *Levi Strauss & Co. v. Abercrombie & Fitch Trading Co.*, 719 F.3d 1367, 1373 (Fed. Cir. 2013))); *Anthony’s Pizza & Pasta Int’l Inc. v. Anthony’s Pizza Holding Co.*, Opp. No. 91171509, 2009 TTAB LEXIS 718, at *26 (TTAB 2009) (“The services are legally identical. Defendant has registered its mark and is seeking to register its word and design marks for ‘restaurant services, namely, eat-in and take-out coal oven pizza and other items’ and plaintiff has registered its marks for restaurant services.”); *Jansen Enters. Inc. v. Rind*, Canc. No. 92042871, 2007 TTAB LEXIS 47, at *11 (TTAB 2007) (finding respondent’s “restaurant services featuring bagels as a main entrée” legally identical to petitioner’s “restaurant services”).

⁴⁹ As discussed *supra* at III.C.1, the fact that the applied-for mark MYSTIC PARKS AND RESORTS in the prior proceeding contains the additional wording AND RESORTS, whereas the current applied-for mark is just MYSTIC PARKS, does not render the marks sufficiently different to avoid claim preclusion. Nor does this difference meaningfully affect the type or nature of evidence needed to support the likelihood-of-confusion claim. To the extent that evidence was submitted with regard to the AND RESORTS portion of the mark in the prior

IV. Conclusion

We have reviewed all of the evidence and arguments, and we conclude that res judicata applies to bar registration of Applicant's applied-for marks because (1) the parties in both the prior proceeding, Opposition No. 91246474, and this subsequent proceeding are the same or there is otherwise privity between the relevant parties; (2) the prior proceeding resulted in a final judgment on the merits of a claim; and (3) the likelihood-of-confusion claim in this proceeding is based on the same set of transactional facts as the likelihood-of-confusion claim in the first proceeding.


Decision: The oppositions to registration of Applicant's MYSTIC PARKS and MYSTIC CITY marks are sustained on the ground of res judicata. We therefore do not need to reach Opposer's remaining claims of likelihood of confusion and lack of a bona fide intent. *See, e.g., Azeka Bldg. Corp. v. Azeka*, Opp.No. 91218679, 2017 TTAB LEXIS 123, at *4 (TTAB 2017) (The Board has "discretion to decide only those claims necessary to enter judgment and dispose of the case" as its "determination of registrability does not require, in every instance, decision on every pleaded claim." (quoting *Multisorb Techs. Inc. v. Pactiv Corp.*, Canc. No. 92054730, 2013 TTAB LEXIS 616, at *3 (TTAB 2013))).

proceeding, such evidence would be unnecessary here. But any evidence as to the remainder of the mark (MYSTIC PARKS) would be the same.

APPENDIX


Opposer pleaded the following registrations:


Mark	Reg. No.	Relevant Services
MYSTIC	2126487	Entertainment services, namely providing casino facilities, in International Class 41.
	2799696	Casino services, entertainment services, namely, live entertainment in the nature of musical, theatrical, dancing, sporting, and comedy performances, in International Class 41; Hotel services; arena services, namely, providing facilities for sports, concerts, conventions, trade shows, conferences, exhibitions, and banquets; restaurant services; food preparation and catering services, in International Class 42.
MYSTIC LAKE	1882743	Entertainment services; namely, casino facilities, exhibition facilities and providing facilities for members of the community to meet for social, educational and entertainment purposes, in International Class 41; restaurants, and retail shops featuring souvenirs and crafts, in International Class 42.
MYSTIC LAKE	2726584	Casino services, entertainment services, namely, live entertainment in the nature of musical, theatrical, dancing, sporting, and comedy performances, in International Class 41; Hotel services; arena services, namely, providing facilities for sports, concerts, conventions, trade shows,

		conferences, exhibitions, and banquets; restaurant services; food preparation and catering services, in International Class 42.
MYSTIC LAKE	2008798	Hotels, in International Class 42.
MYSTIC GAMING	2677172	Casino services in the nature of providing games of chance, bingo games, casino table games, and gaming machines, in International Class 41.
MYSTIC SLOTS	2649129	Casino services; entertainment services in the nature of providing for the use of slot machines and video slot machines, in International Class 41.
MYSTIC BINGO	2645630	Entertainment services, namely, providing and conducting bingo game events and promotions, in International Class 41.
	4878819	Casino services; entertainment services in the nature of providing casino gaming and providing facilities featuring gaming machines, namely, slot machines, video slot machines, video poker machines, video lottery terminals, video keno machines, video craps machines, video roulette machines, and pull tab machines; Entertainment services in the nature of providing and conducting blackjack games and tournaments, bingo game events and gaming contests, slot machine events and gaming contests, sporting-related promotions, namely, games of chance based upon organized sporting events; lottery services, namely, providing and conducting drawings for cash and prize giveaways; entertainment

		<p>services in the nature of providing movie showings and video game arcades for use by guests; provision of non-downloadable films and movies via video on demand services; entertainment services, namely, providing on-line video games; providing live entertainment in the nature of magic shows, musical performances, theatrical performances, dancing performances, sporting events in the nature of golf tournaments, comedy performances, and celebrity performances and events in the nature of personal appearances by celebrities; arranging and conducting of concerts; entertainment, namely, live music concerts; rental of audio-visual multi-media equipment, in International Class 41; Hotel services; arena services, namely, providing general purpose facilities for sports, concerts, conventions, trade shows, conferences, and exhibitions; providing online hotel reservation services for travelers; restaurant services; food preparation and catering services; providing general purpose facilities for meeting, reception, seminar, event, banquet, convention, conference, trade show, and exhibition facilities, in International Class 43.</p>
	<p>2699711</p>	<p>Casino services, entertainment services in the nature of providing games and gaming machines, such as slot machines, video slot machines, video poker machines, video lottery terminals, video</p>

		<p>keno machines, video craps machines, video roulette machines, and pull tab machines; entertainment services in the nature of providing and conducting blackjack games and tournaments, bingo game events and promotions, slot machine events and promotions, sporting-related promotions, and providing and conducting drawings for cash and prize giveaways; entertainment services in the nature of providing movies and video games for use by guests; providing live entertainment in the nature of musical, theatrical, dancing, sporting, comedy, and celebrity, performances and events, in International Class 41; hotel services, hotel concierge services; arena services, namely, providing facilities for sports, concerts, conventions, trade shows, conferences, and exhibitions; providing online hotel reservation services; restaurant services; food preparation and catering services, in International Class 42.</p>
<p>MYSTIC LAKE CASINO HOTEL</p>	<p>2760867</p>	<p>Casino services, entertainment services, namely, live entertainment in the nature of musical, theatrical, dancing, sporting, and comedy performances, in International Class 41; Hotel services; arena services, namely, providing facilities for sports, concerts, conventions, trade shows, conferences, exhibitions, and banquets; restaurant services; food preparation and catering</p>

	<p>2998124</p>	<p>services, in International Class 42. Casino services; golf tournaments; entertainment services, namely, providing live entertainment in the nature of musical, sporting, comedy, and celebrity performances and events; entertainment services in the nature of providing and conducting blackjack games and tournaments, bingo game events and promotions, slot machines events and promotions, sporting-related promotions; providing and conducting drawings for cash and prize giveaways; providing facilities for sports and concerts, in International Class 41; providing facilities for conventions and exhibitions; catering; restaurant services; hotel services, in International Class 43.</p>
<p>MYSTIC SHOWROOM</p>	<p>3864654</p>	<p>Entertainment services in the nature of live comedy shows, musical performances, theatrical performances, and circus performances, in International Class 41; Providing convention and meeting space facilities, in International Class 43.</p>
<p>MYSTIC ENTERTAINMENT</p>	<p>2892303</p>	<p>Promoting musical sporting, comedy, and celebrity performances and events, in International Class 35; Entertainment services, namely providing live entertainment in the nature of musical, sporting, comedy, and celebrity performances and events, in International Class 41.</p>
<p>MYSTIC STEAKHOUSE</p>	<p>4599499</p>	<p>Restaurant services, in International Class 43.</p>

 <p>MYSTIC LAKE CENTER</p>	<p>5439211</p>	<p>Providing general purpose facilities for meetings, receptions, seminars, events, banquets, conventions, conferences, trade shows, and exhibitions; Providing general purpose convention facilities; Providing social meeting, banquet and social function facilities; Provision of conference, exhibition and meeting facilities; Provision of facilities for conventions, in International Class 43.</p>
<p>MYSTIC LAKE CENTER</p>	<p>5439210</p>	<p>Providing general purpose facilities for meetings, receptions, seminars, events, banquets, conventions, conferences, trade shows, and exhibitions; Providing general purpose convention facilities; Providing social meeting, banquet and social function facilities; Provision of conference, exhibition and meeting facilities; Provision of facilities for conventions, in International Class 43.</p>
<p>MYSTIC</p>	<p>7377140</p>	<p>Restaurants; bar services; delicatessen services; catering services; food preparation services, in International Class 43.</p>