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

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Six Continents Hotels, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	Three Ravinia Drive, Ste. 100 Atlanta, GA 30346 UNITED STATES		

Attorney information	Tywanda H. Lord and Sabina A. Vayner Kilpatrick Townsend & Stockton LLP 1100 Peachtree Street, Ste. 2800 Atlanta, GA 30309 UNITED STATES tlord@ktslaw.com, svayner@ktslaw.com, kteilhaber@ktslaw.com, tadmin@ktslaw.com		
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Registration Subject to Cancellation

Registration No	3720124	Registration date	12/01/2009
Registrant	CROWN MANOR ENTERPRISES, L.L.C. SUITE 200 1200 PROSPECT STREET LA JOLLA, CA 92037 UNITED STATES		

Goods/Services Subject to Cancellation

Class 043. First Use: 2009/07/24 First Use In Commerce: 2009/07/24 All goods and services in the class are cancelled, namely: HOTEL SERVICES

Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	1297211	Application Date	10/07/1983
Registration Date	09/18/1984	Foreign Priority Date	NONE
Word Mark	CROWNE PLAZA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1983/06/21 First Use In Commerce: 1983/06/21		

	Hotel Services-Namely, Providing Lodging and Restaurant Services in Hotels		
U.S. Registration No.	2329872	Application Date	06/09/1999
Registration Date	03/14/2000	Foreign Priority Date	NONE
Word Mark	CROWNE PLAZA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1994/11/01 First Use In Commerce: 1995/01/09 hotel and restaurant services		
U.S. Registration No.	2895328	Application Date	03/26/2003
Registration Date	10/19/2004	Foreign Priority Date	NONE
Word Mark	CROWNE PLAZA HOTELS & RESORTS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 043. First use: First Use: 2002/09/01 First Use In Commerce: 2002/09/01 Hotel and restaurant services		
Attachments	2013.05.15 Petition for Cancellation (3720124).pdf(126912 bytes) Exhibit A (3720124).pdf(1838714 bytes)		

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	/Sabina A. Vayner/
Name	Sabina A. Vayner
Date	05/15/2013

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

SIX CONTINENTS HOTELS, INC.,)
)
Petitioner,) Cancellation No. _____
)
v.) TM: CROWN MANOR
) (Reg. No. 3720124)
)
CROWN MANOR ENTERPRISES, L.L.C.,)
)
Respondent.)
_____)

PETITION FOR CANCELLATION

Petitioner Six Continents Hotels, Inc., a State of Delaware corporation with a principal place of business at Three Ravinia Drive, Suite 100, Atlanta, Georgia 30346, is damaged by continued registration of the CROWN MANOR mark set forth in Registration No. 3720124 (the “Registration”), owned by Crown Manor Enterprises, L.L.C. (“Respondent”), and states the following for its Petition for Cancellation of the Registration:

1. Six Continents Hotels, Inc. is the owner of the extremely well-known CROWNE PLAZA mark, both standing alone and in combination with other terms and/or design elements, which it and its predecessors in interest, affiliated entities, and licensees (collectively, “Six Continents”) have used continuously in United States commerce for three decades in connection with hotel-related services (the “CROWNE PLAZA Mark”), and since long prior to the Registration’s stated date of first use in commerce (July 24, 2009) and the Registration’s date of issuance (December 1, 2009).

2. As a result of Six Continents’ long and continuous use of its CROWNE PLAZA Mark in connection with its hotel-related services, and as a result of Six Continents’ extensive advertising and promotion of services under its CROWNE PLAZA Mark, the consuming public and the trade have come to recognize the CROWNE PLAZA Mark as belonging to Six

Continents, and associate and identify the services offered under the CROWNE PLAZA Mark with Six Continents. Six Continents consequently derives invaluable goodwill and value from this recognition, association, and identification by the consuming public and the trade.

3. In addition to its strong common law rights in the CROWNE PLAZA Mark, Six Continents is the owner of several registrations that consist of or incorporate its CROWNE PLAZA Mark in connection with hotel-related services, including the following:

Trademark	Reg. No.	Reg. Date	Goods and/or Services	First Use in Commerce
CROWNE PLAZA	1297211	09/18/1984	<u>Class 42</u> : hotel services, namely, providing lodging and restaurant services in hotels	06/21/1983
 CROWNE PLAZA	2329872	03/14/2000	<u>Class 42</u> : hotel and restaurant services	01/09/1995
 CROWNE PLAZA HOTELS & RESORTS	2895328	10/19/2004	<u>Class 43</u> : hotel and restaurant services	09/01/2002

(collectively, the “CROWNE PLAZA Mark Registrations”).

4. The CROWNE PLAZA Mark Registrations are valid and subsisting, and affidavits have been filed in accordance with Sections 8 and 15 of the Lanham Act, 15 U.S.C. §§ 1058 and 1065, for each of the CROWNE PLAZA Mark Registrations. The CROWNE PLAZA Mark Registrations are therefore incontestable.

5. Because of the high degree of inherent and acquired distinctiveness of the CROWNE PLAZA Mark, the length of time and extent to which Six Continents has used the CROWNE PLAZA Mark, the advertising and publicity the CROWNE PLAZA Mark has

received, the substantial trading area in which the CROWNE PLAZA Mark is used, and the high degree of consumer recognition of the CROWNE PLAZA Mark, the CROWNE PLAZA Mark is a well-known and strong trademark, deserving of a broad scope of legal protection.

6. On October 14, 2005, Pacific Corporate Group Holdings, Inc. filed an intent-to-use application to register the CROWN MANOR mark for “hotel services” (Serial No. 78733515) (the “Application”).

7. The Application was published for opposition on June 13, 2006.

8. A Notice of Allowance was issued for the Application on September 5, 2006.

9. Thereafter, Pacific Corporate Group Holdings, Inc. filed five Statement of Use Extension Requests with the United States Patent & Trademark Office (“USPTO”).

10. The fifth Statement of Use Extension Request was approved by the USPTO on March 7, 2009.

11. On August 26, 2009, the Application was assigned to Respondent.

12. At the time the Application was assigned to Respondent, the Statement of Use for the Application had not yet been filed with the USPTO.

13. Respondent submitted the specimen of use attached as **Exhibit A** (the “Specimen”) in connection with its Statement of Use.

14. The Specimen consists of a webpage printout from the www.cmanor.com website.

15. As of August 31, 2009, the www.cmanor.com website did not permit users to make hotel room reservations online.

16. The Registration issued on December 1, 2009, and covers “hotel services” in Class 43.

17. The services recited in the Registration are identical to the services that Six Continents currently provides in intrastate and interstate commerce in connection with its CROWNE PLAZA Mark.

18. The services recited in the Registration are identical to the services that Six Continents provided for years prior to any actual or constructive use date of Respondent's CROWN MANOR mark.

19. Respondent's CROWN MANOR mark is very similar in sight, sound, appearance, and commercial impression to the CROWNE PLAZA Mark.

20. Respondent had constructive knowledge of Six Continents' CROWNE PLAZA Mark prior to adopting its CROWN MANOR mark.

21. On information and belief, Respondent had actual knowledge of Six Continents' CROWNE PLAZA Mark prior to adopting its CROWN MANOR mark.

22. Respondent had constructive knowledge of Six Continents' CROWNE PLAZA Mark prior to filing the Application.

23. On information and belief, Respondent had actual knowledge of Six Continents' CROWNE PLAZA Mark prior to filing the Application.

24. On information and belief, Respondent does not currently offer hotel services under the CROWN MANOR mark in any state in the United States.

25. On information and belief, Respondent does not currently render hotel services under the CROWN MANOR mark in any state in the United States.

26. On information and belief, Respondent currently is not using the www.cmanor.com website to advertise or market hotel services under the CROWN MANOR mark.

27. As of August 31, 2009, Respondent had not rendered any hotel services under the CROWN MANOR mark in any state in the United States.

28. Six Continents is suffering ongoing damage as a result of the continued existence of the Registration because the CROWN MANOR mark so resembles Six Continents' CROWNE PLAZA Mark as to be likely to cause confusion, mistake, and deception.

29. Persons familiar with the CROWNE PLAZA Mark and the services offered under the CROWNE PLAZA Mark would be likely to believe erroneously that Respondent's services are the services of Six Continents or are authorized, endorsed, sponsored, or licensed by Six Continents.

30. Thus, continued registration of Respondent's CROWN MANOR mark on the Principal Register would be inconsistent with Six Continents' strong prior rights in its CROWNE PLAZA Mark under 15 U.S.C. §§ 1052(d) and 1064.

31. Because it enjoys prior use of its CROWNE PLAZA Mark in both intrastate and interstate commerce, Six Continents is entitled to cancellation of Respondent's Registration under 15 U.S.C. §§ 1052(d) and 1064.

32. Six Continents therefore requests that the Board sustain this proceeding in Six Continents' favor by cancelling Registration No. 3720124.

33. The required \$300.00 fee is being submitted electronically with this Petition for Cancellation. The Director is authorized to debit Kilpatrick Townsend & Stockton LLP's Trademark Deposit Account No. 20-1430 for any deficiency in the required fee.

[Signature on following page]

This 15th day of May, 2013.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Sabina A. Vayner", with a long horizontal flourish extending to the right.

Tywanda Harris Lord

Sabina A. Vayner

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Attorneys for Petitioner

Six Continents Hotels, Inc.

EXHIBIT A



Welcome to Crown Manor

Welcome to the Crown Manor, one of Coronado's finest historical properties and a magnificent architectural jewel. Located on the beach and just steps away from shopping and dining, the Crown invites you to experience what celebrities, dignitaries and even US Presidents have all come to enjoy as an exceptional oceanfront residence located ideally on San Diego's prestigious Coronado Island. The Crown boasts a most intriguing history and maintains an unparalleled allure.



Accommodations:

- Totaling More Than 25,000 Square Feet
- Tastefully Updated with Modern Amenities
- Peaceful and Private Courtyards
- Views of the Pacific Ocean
- Crystal Chandeliers, Gold Leaf Ceilings and Luxurious Appointments
- Impeccably Restored English-Tudor Architecture
- Sparkling Lap Pool
- 24 hour Concierge/Staff

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Luxurious Amenities

