

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

In the Matter of Application of Tobias Hanzl, Serial No.78/290976, for the mark LET'S GO AMERICA, published in the Official Gazette on or about June 1, 2004:

LET'S GO, INC.,)
) Opposer,)
))
v.)
))
Tobias Hanzl,)
) Applicant.)

Opposition No.



06-11-2004

U.S. Patent & TMOfc/TM Mail RcptDt. #22

NOTICE OF OPPOSITION

Let's Go, Inc., a Massachusetts Corporation with a principal place of business at 67 Mt. Auburn, Street, Cambridge, Massachusetts 02138 that is engaged in the business of selling travel guide books and related services, believes that it will be damaged by registration of the mark, LET'S GO AMERICA, in International Class 39, as shown in application having Serial No. 78-290976, and hereby opposes the same.

As grounds of opposition, it is alleged that:

1. Let's Go, Inc., a Massachusetts Corporation with a principal place of business at 67 Mt. Auburn, Street, Cambridge, Massachusetts 02138 that is engaged in the business of producing and selling travel guide books and related services.
2. Let's Go, Inc. is the owner of the mark LET'S GO which it, and its predecessor Harvard Student Agencies, Inc., have used since about 1960 with respect to travel guide books.

Let's Go, Inc. is the owner of LET'S GO registered on the principal register at the United

States Patent and Trademark Office bearing registration number 114528 and registered on December 9, 1980 with respect to travel guide books.

3. Let's Go, Inc.'s predecessor started in 1960 when a handful of well-traveled students at Harvard University handed out a 20-page mimeographed pamphlet offering a collection of their tips on budget travel to passengers on student charter flights to Europe. In 1961, in response to the instant popularity of the first volume, students traveling to Europe researched the first full-fledged edition of a travel guide book under the mark LET'S GO. This guide was a pocket-sized book featuring honest, practical advice, witty writing, and a decidedly youthful slant on the world.
4. Since 1961, Let's Go, Inc.'s and its predecessor have grown their travel guide book business and offered travel related services. At present, Let's Go, Inc. has 44 titles in print and sold throughout the world and interstate commerce under the mark LET'S GO, including "Let's Go:USA" and "Let's Go:Central America".. Additionally, the guide book "Let's Go: Europe" has traditionally been among the world's best-selling international travel guides.
5. As result of Let's Go, Inc.'s and predecessor's continuous use and promotion of the distinctive mark LET'S GO in interstate commerce since 1961 with respect to the goods and services mentioned above, consumers now associate the mark LET'S GO with Let's Go, Inc. and recognize the mark as the source of travel guide books and related services.
6. As result of Let's Go, Inc.'s and predecessor's continuous use and promotion of the distinctive mark LET'S GO in interstate commerce since 1961 with respect to the goods

and services mentioned above, Let's Go, Inc. has developed a trade identity in the minds of consumers for travel guide books and related services.

7. As result of Let's Go, Inc.'s and predecessor's continuous use and promotion of the distinctive mark LET'S GO in interstate commerce since 1961 with respect to the goods and services mentioned above, Let's Go, Inc. has become the owner of the mark LET'S GO.
8. Since 1961, Let's Go, Inc. and its predecessor continually used the mark LET'S GO and have not abandoned it.
9. Additionally, since the mid 1990s Let's Go, Inc. has registered and operated an active Internet web site with the domain name www.letsgo.com at which it has not only offered information about its travel guide books but also offered travel services, including the ability of web site users to make reservations for lodging and transportation.
10. Upon information and belief, Tobias Hanzl is an individual who resides in California and offers travel agency services, including making reservations and bookings for transportation. Upon information and belief, Tobias Hanzl operates an Internet website with the domain name www.letsgoamerica.com which purports to provide services for helping people travel so they can study, work, and/or live in the United States of America.
11. Upon information and belief, Tobias Hanzl is the applicant of an application filed on August 22, 2003 with serial number 78/290976 for the mark LET'S GO AMERICA for services in International Class 39 concerning "[t]ravel agency services, namely, making reservations and bookings for transportation."

12. The marks LET'S GO and LET'S GO AMERICA are similar as to appearance, sound connotation and commercial impression.
13. Upon information and belief, Let's Go, Inc. and Tobias Hanzl offer similar services under the marks LET'S GO and LET'S GO AMERICA and offer these services in similar trade channels.
14. Upon information and belief, Tobias Hanzl's use of the mark LET'S GO AMERICA with respect to services in International Class 39 concerning "[t]ravel agency services, namely, making reservations and bookings for transportation" is likely to cause confusion, mistake, or deception in the minds of consumers as to the sponsorship or origin of Mr. Hanzl's services and services of Let's Go, Inc.
15. If Tobias Hanzl is permitted to register the mark LET'S GO AMERICA for the services specified in its application, damage and injury to Let's Go, Inc. will be caused and will result by reason of the confusing similarity of the marks LET'S GO and LET'S GO AMERICA. Consumers are likely to be confused, mistaken, or deceived into believing that Tobias Hanzl's services are associated or connected with, or sponsored by, or approved of by Let's Go, Inc. Any defect, objection, or fault found with Tobias Hanzl's services bearing the LET'S GO AMERICA mark will necessarily reflect upon and seriously injure the reputation which Let's Go, Inc. has established for its goods and services offered under the mark LET'S GO.
16. If Tobias Hanzl is permitted to register the mark LET'S GO AMERICA for the services specified in its application, damage and injury to Let's Go, Inc. will be caused and will

result by reason of dilution of Let's Go, Inc.'s famous mark in violation of Section 43 (c) of the Lanham Act. Let's Go, Inc.'s mark was famous and distinctive prior to Tobias Hanzl's use of the LETS GO AMERICA mark or the filing of Tobias Hanzl's application and the public associates the mark LET'S GO with Let's Go, Inc. even when it encounters the mark apart from Let's Go, Inc.'s use of mark. Thus, any use of the mark LET'S GO AMERICA by Tobias Hanzl will necessarily reflect upon and seriously injure the reputation which Let's Go, Inc. has established for its goods and services offered under the mark LET'S GO.

17. If Tobias Hanzl is granted a registration of the LET'S GO AMERICA mark, Tobias Hanzl would obtain at least a prima facie exclusive right to use the LET'S GO AMERICA mark. Such registration would be a source of damage and injury to Let's Go, Inc. because it will unduly narrow the scope of protection to which the LET'S GO mark is entitled and would be inconsistent with Let's Go, Inc.'s rights to the LET'S GO mark.

WHEREFORE, Let's Go, Inc. prays that Tobias Hanzl's application filed on August 22, 2003 with serial number 78/290976 for the mark LET'S GO AMERICA for services in International Class 39 be rejected.

A duplicate copy of this Notice of Opposition as required by 37 CFR 2.104 (a) and the fee required by 37 CFR 2.6 (a) (17) are enclosed herewith.

Let's Go, Inc.
By its attorney,



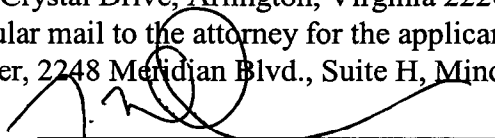
J. Mark Dickison (BBO#629170)
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EXPRESS MAIL CERTIFICATE

Express Mail No.:

Date of Deposit: June 11, 2004

I hereby certify that this paper, and any attached papers are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated and is addressed to Assistant Commissioner for Trademarks, Attention: Trademark Trial and Appeal Board, 2900 Crystal Drive, Arlington, Virginia 22202-3513. I further certify that a copy was sent by regular mail to the attorney for the applicant Tobias Hanzl, Attorney Garrett Sutton, Sutton Law Center, 2248 Meridian Blvd., Suite H, Minden, NV 89423



J. Mark Dickison

ENDOR: 581903 Let's Go, Inc.

LAWSON & WEITZEN, LLP

DATE PAID: 06/11/04

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June 11, 2004

06-11-2004

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VIA EXPRESS MAIL

Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513
Attention: Trademark Trial and Appeal Board

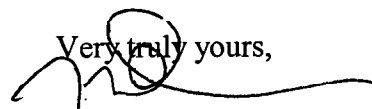
Re: Applicant: Tobias Hanzl
Serial No.78/290976,
Publication Date: June 1, 2004
Notice of Opposition

Dear Sir/ Madam:

Enclosed for filing please find the following:

- a. Notice of Opposition by Let's Go, Inc. to the above-referenced Application, submitted in duplicate as required by 37 CFR 2.104; and
- b. Check in the amount of \$300.00 payable to the Assistant Commissioner for Trademarks to cover the fee required by 37 CFR 2.6(a) (17) for opposition to mark in class 41.

Kindly file and docket the same. Please do not hesitate to contact me should you have any questions.

Very truly yours,

J. Mark Dickison

cc: client
George E. Christodoulo, P.C.
Garrett Sutton, Esq.

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