

TTAB

Docket No. [25837.000]
B407-129

TRADEMARK

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

In The Matter of Application Serial No. 78/302847
Published in the Official Gazette of [September 21, 2004]

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SIX CONTINENTS HOTELS, INC.,	:	
	:	
Opposer,	:	
	:	
v.	:	Opposition No.
	:	
HILTON HOSPITALITY, INC.,	:	
	:	
Applicant.	:	
	:	
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NOTICE OF OPPOSITION

Six Continents Hotels, Inc., a Delaware corporation, with offices at Three Ravinia Drive, Atlanta, Georgia 30346-2149 (hereinafter referred to as "Opposer") believes it is or will be damaged by registration of the mark shown in Application Serial No. 78/302847 and hereby opposed the same.

As grounds of opposition it is alleged that:

1. Hilton Hospitality, Inc. (hereinafter referred to as "Applicant") is not now and never was entitled to appropriate or register as a service mark the designation HAMPTON ON THE GO and Design, for which it seeks registration in its Application Serial No. 78/302847, published on page TM 1061 of the Official Gazette of September 21, 2004 (Vol. 1286, No. 3), for the services set forth therein.

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2. Applicant was not entitled to appropriate or register as a service mark the designation HAMPTON ON THE GO and Design either on September 19, 2003, the date of its filing of an application for registration thereof, or on September 21, 2004, the date of the publication for opposition thereof in the United States.

3. Since prior to September 19, 2003, Applicant's filing date, Opposer (which term includes its related companies) has been engaged, *inter alia*, in operating and licensing others to own and/or operate hotels under the name Staybridge Suites which uses ON THE GO! in connection with the rendering of take-out food services rendered by such hotels.

4. Opposer is the owner of the following registration of its ON THE GO! service mark, which registration is now outstanding, validly subsisting and uncanceled.

<u>Registration No.</u>	<u>Date of Issue</u>
2,329,074	March 14, 2000

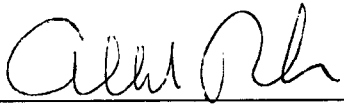
5. In Application Serial No. 78/302,847, Applicant seeks to register the designation HAMPTON ON THE GO and Design as a service mark for "hotel and motel services."

6. HAMPTON ON THE GO and Design, as proposed to be used by Applicant, so resembles ON THE GO!, as used and registered by Opposer, as to be likely to cause confusion, or to cause mistake or to deceive.

WHEREFORE, Opposer prays that its opposition be sustained and that registration of the designation HAMPTON ON THE GO and Design as a service mark to Applicant be refused and denied.

Dated: New York, New York
September 23, 2004

COWAN, LIEBOWITZ & LATMAN, P.C.

By  _____

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