

ESTTA Tracking number: **ESTTA38789**

Filing date: **07/14/2005**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	AMADEUS GLOBAL TRAVEL DISTRIBUTION S.A.		
Entity	Corporation	Citizenship	SPAIN
Address	SALVADOR DE MADARIAGA 1 E-28027 MADRID, SPAIN		

Attorney information	JAMIE J. FITZGERALD WIGGIN AND DANA ONE CENTURY TOWER, 265 CHURCH ST. NEW HAVEN, CT 06510-7001 UNITED STATES jfitzgerald@wiggin.com Phone: 203-498-4512		
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Applicant Information

Application No	78413076	Publication date	06/14/2005
Opposition Filing Date	07/14/2005	Opposition Period Ends	07/14/2005
Applicant	Amadeus Waterways Inc. 21625 Prairie Street Chatsworth, CA 91311 UNITED STATES		

Goods/Services Affected by Opposition

Class 039. First Use: 20020701 First Use In Commerce: 20020901
All goods and services in the class are opposed, namely: European river cruises for
American passengers

Attachments	AMADEUS Notice of Opp.pdf (6 pages) AMADEUS 1529969.pdf (4 pages) AMADUS 1802387.pdf (4 pages)
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Signature	/jamie j. fitzgerald/
Name	JAMIE J. FITZGERALD
Date	07/14/2005

TRADEMARK

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

In the matter of Application Serial No. 78/413,076
Published: June 14, 2005

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Amadeus Global Travel Distribution S.A., :
Opposer, :
 :
v. : Opposition No.
 :
Amadeus Waterways, Inc., :
Applicant. :
-----X

Commissioner for Trademarks
P.O. Box 1451
Arlington, VA 22313-1451
Attn: TTAB

NOTICE OF OPPOSITION

Amadeus Global Travel Distribution S.A., a corporation having its principal place of business at Salvador de Madariaga 1, E-28027 Madrid, Spain ("Opposer,") believes that it will be damaged by registration of the mark AMADEUS WATERWAYS, shown in Application Serial No. 78/413,076 filed May 4, 2004 by Amadeus Waterways, Inc. ("Applicant") and published in the *Official Gazette* of June 14, 2005, and hereby opposes the same under the provisions of Section 13 of the Trademark Act of 1946, as amended (15 U.S.C. §1063).

Application Serial No. 78/413,076

As grounds of opposition, it is alleged that:

1) Applicant seeks to register AMADEUS WATERWAYS as a service mark for: “European river cruises for American passengers.” Applicant claims use of its mark in commerce since September 1, 2002.

2) Since March 14, 1989, opposer’s mark AMADEUS (block letters) has been registered in the United States under No. 1,529,969 for travel services, namely, “promoting travel and tourism worldwide through sales programs utilizing video terminals and cable television,” in Class 35; “travel agency services,” in Class 39; and “hotel reservation services,” in Class 42

While said registration, now incontestable, confers a constructive date of first use in commerce of March 14, 1989, the mark has been in use in U.S. commerce since May 3, 1989.

3) Since November 2, 1993, opposer’s mark AMADEUS and Design has been registered in the United States under No. 1,802,387 for travel services, namely, “providing and leasing access to a worldwide computerized system and data bank in the field of reservations for lodging, hotels and transportation (air, land and sea) and providing and leasing access to a worldwide computerized system and databank for use by travel agents in connection with travel services for air, land and sea transportation reservations and ticketing, car rentals and tourist packages,

Application Serial No. 78/413,076

organizing trips and excursions, and travelers' guide services and sightseeing tourism services," in Class 42

Registration No. 1,802,387, also incontestable, was renewed on January 13, 2004.

4) Opposer has continuously advertised and promoted its AMADEUS mark and Logo for the travel services identified in paragraphs 2 and 3 in U.S. commerce since 1989. The AMADEUS mark is a valuable asset of Opposer and is the repository of substantial good will. By virtue of its efforts and the expenditure of considerable sums for promotional activities in the U.S., and by virtue of the excellence of its services, Opposer has gained for its AMADEUS brand travel services an invaluable reputation in the U.S., and among travelers to the U.S.

5) Such use by Opposer long predates the first use of Applicant's mark thirteen and one-half years later.

6) The service mark proposed for registration by Applicant, AMADEUS WATERWAYS, is virtually identical to Opposer's mark, the dominant part of the mark being identical to Opposer's mark. When AMADEUS WATERWAYS is applied to travel services, the same as those rendered by Opposer, it will so nearly resemble Opposer's AMADEUS mark as to be likely to be confused therewith and mistaken therefor.

Application Serial No. 78/413,076

7) If Applicant were permitted to use and register AMADEUS WATERWAYS for the services specified in its application herein opposed, it would cause confusion in trade, resulting in damage and injury to the Opposer by reason of the similarity between Applicant's mark and Opposer's mark. Persons familiar with Opposer's mark would mistakenly contract with Applicant for travel services perceived as being offered and provided by Opposer, because the marks are substantially indistinguishable and the services the same. Any such confusion in trade would inevitably result in loss of sales to Opposer. Furthermore, any objection or fault found with Applicant's services marketed under its AMADEUS WATERWAYS mark would necessarily reflect upon and seriously injure the reputation that Opposer has established for its AMADEUS services.

8) If Applicant were granted the registration herein opposed, it would thereby obtain a *prima facie* exclusive right to the use of its mark. Such registration would be the source of damage and injury to Opposer for that reason as well.

9) In view of a) the fact that the dominant portion of Applicant's mark is identical to Opposer's; b) the identical nature of the parties' services; and c) Opposer's unequivocal priority as to use of the mark in commerce for travel and tourism services, Opposer alleges that Applicant's AMADEUS WATERWAYS mark so resembles Opposer's AMADEUS mark as to be likely to cause confusion, or mistake, or to deceive under Section 2(d) of the Trademark Law Revision Act, 15 U.S.C. §1052(d), and to damage Opposer and the good will symbolized by its senior mark.

Application Serial No. 78/413,076

WHEREFORE, Opposer prays that application Serial No. 78/413,076 be refused and that this opposition be sustained in favor of Opposer.

Opposer hereby gives notice under Rule 2.122 (d) of the Rules of Practice that after hearing and in any appeal on this opposition proceeding, it will rely on its U.S. Registrations Nos. 1,529,969 and 1,802,387 as evidence in support of this Notice of Opposition. Status and title copies of said registrations, from TARR, are being electronically submitted with this Notice of Opposition.

Please charge Deposit Account No. 23-1665 (User No. 6230) for the fee of \$300 for filing a Notice of Opposition, as prescribed by 37 C.F.R. § 2.6(a)(17).

Opposer hereby appoints Jamie J. Fitzgerald and Graceann A. Pisano, members of the Bar of the State of Connecticut, whose post office address is Wiggin and Dana LLP, 265 Church Street, P.O. Box 1832, New Haven, CT 06508, to act as attorneys for Opposer herein, with full power to prosecute said opposition, to transact all relevant business with the Patent and Trademark Office and in the United States courts, and to receive all official communications in connection with this opposition. Please address all correspondence to Mrs. Fitzgerald.

Application Serial No. 78/413,076

Respectfully submitted,

AMADEUS GLOBAL TRAVEL DISTRIBUTION S.A.

Opposer

Dated: July 14, 2005

By: /jamie j. fitzgerald/
Jamie J. Fitzgerald
Wiggin and Dana LLP
Attorneys and Authorized
Representatives for Opposer
265 Church Street
P.O. Box 1832
New Haven, CT 06508-1832
Tel: 203-498-4512
jfitzgerald@wiggin.com

CERTIFICATE OF E-MAIL TRANSMISSION

I hereby certify that this correspondence "NOTICE OF OPPOSITION" is being sent via ESTTA as a pdf attachment on the date indicated below.

Dated: July 14, 2003

/jamie j. fitzgerald/

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Serial Number: 73682376 Assignment Information

Registration Number: 1529969 Assignment Information

Mark (words only): AMADEUS

Standard Character claim: No

Current Status: Section 8 and 15 affidavits have been accepted and acknowledged.

Date of Status: 1995-10-10

Filing Date: 1987-11-13

Transformed into a National Application: No

Registration Date: 1989-03-14

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 1998-07-22

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. ANADEUS MARKETING, S.A.

Address:

ANADEUS MARKETING, S.A.
PASEO DE LA CASTELLANA 95 11TH FLOOR, E
28046, MADRID
Spain

Legal Entity Type: Corporation

State or Country of Incorporation: Spain

GOODS AND/OR SERVICES

International Class: 035

PROMOTING TRAVEL AND TOURISM WORLDWIDE THROUGH SALES PROGRAMS UTILIZING

VIDEO TERMINALS AND CABLE TELEVISION

First Use Date: (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)**Basis:** 44(e)**International Class:** 039

TRAVEL AGENCY SERVICES

First Use Date: (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)**Basis:** 44(e)**International Class:** 042

HOTEL RESERVATION SERVICES

First Use Date: (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)**Basis:** 44(e)

ADDITIONAL INFORMATION

Foreign Registration Number: 110297**Foreign Registration Date:** 1987-08-20**Country:** Fed Rep Germany**Foreign Expiration Date:** 1996-12-05

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

1995-10-10 - Section 8 (6-year) accepted & Section 15 acknowledged

1994-12-30 - Section 8 (6-year) and Section 15 Filed

1989-03-14 - Registered - Principal Register

1988-12-20 - Published for opposition

1988-11-21 - Notice of publication

1988-11-20 - Notice of publication

1988-11-20 - Notice of publication

1988-08-19 - Approved for Pub - Principal Register (Initial exam)

1988-06-30 - Examiner's amendment mailed
1988-06-21 - Examiner's amendment mailed
1988-05-19 - Communication received from applicant
1988-02-16 - Non-final action mailed
1988-01-20 - Case file assigned to examining attorney

CORRESPONDENCE INFORMATION

Correspondent

VINCENT L. RAMIK (Attorney of record)

VINCENT L. RAMIK
DILLER, RAMIK & WIGHT, P.C.
7345 MCWHORTER PLACE
SUITE 101
ANNANDALE, VA 22003

Domestic Representative

DILLER, RAMIK & WIGHT, P.C.



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MADRID, SPAIN**Entity Type:** CORPORATION**Citizenship:** NONE**Correspondent:** DELLER, RAMIK & WIGHT, P.C.7345 MCWHORTER PLACE
SUITE 101
ANNANDALE, VA 22003**Assignment: 2****Reel/Frame:** [2081/0634](#)**Received:** 06/01/2000**Recorded:** 05/08/2000**Pages:** 21**Conveyance:** MERGER**Assignor:** [AMADEUS MARKETING S.A.](#)**Exec Dt:** 06/28/1999**Entity Type:** CORPORATION**Citizenship:** SPAIN**Assignee:** [AMADEUS GOBAL TRAVEL DISTRIBUTION, S.A.](#)SALVADOR DE MADARIAGE NO. 1
MADRID, SPAIN 28027**Entity Type:** CORPORATION**Citizenship:** SPAIN**Correspondent:** DILLER, RAMIK & NIGHT, P.C.VINCENT L. RAMIK
7345 MCWHORTER PLACE
SUITE 101
ANNANDALE, VA 22003

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Serial Number: 74188528 Assignment Information

Registration Number: 1802387 Assignment Information

Mark



AMADEUS

(words only): AMADEUS

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2004-01-13

Filing Date: 1991-07-25

Transformed into a National Application: No

Registration Date: 1993-11-02

Register: Principal

Law Office Assigned: LAW OFFICE 5

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 2004-01-14

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. AMADEUS GLOBAL TRAVEL DISTRIBUTION, S.A.

Address:

AMADEUS GLOBAL TRAVEL DISTRIBUTION, S.A.
SALVADOR DE. MADARIAGE NO. 1

MADRID 28027

Spain

Legal Entity Type: Corporation**State or Country of Incorporation:** Spain

GOODS AND/OR SERVICES

International Class: 042

providing and leasing access to a worldwide computerized system and data bank in the field of reservations for lodging, hotels and transportation (air, land and sea) and providing and leasing access to a worldwide computerized system and data bank for use by travel agents in connection with travel services for air, land and sea transportation reservations and ticketing, car rentals and tourist packages, organizing trips and excursions, and travelers' guide services and sight seeing tourism services

First Use Date: 1989-05-03**First Use in Commerce Date:** 1989-05-03**Basis:** 1(a)

ADDITIONAL INFORMATION

Description of Mark: The mark consists of a graphic illustration of a hemisphere.**Lining and Stippling:** The lining shown in the drawing is a feature of the mark and does not indicate color.**Prior Registration Number(s):**

1529969

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2004-01-13 - First renewal 10 year

2004-01-13 - Section 8 (10-year) accepted/ Section 9 granted

2003-10-31 - Combined Section 8 (10-year)/Section 9 filed

2003-10-31 - TEAS Section 8 & 9 Received

1999-07-30 - Section 8 (6-year) accepted & Section 15 acknowledged

1999-02-09 - Section 8 (6-year) and Section 15 Filed

1993-11-02 - Registered - Principal Register

1993-08-10 - Published for opposition

1993-07-09 - Notice of publication
1993-03-03 - Approved for Pub - Principal Register (Initial exam)
1993-02-09 - Communication received from applicant
1992-08-03 - Final refusal mailed
1992-06-01 - Communication received from applicant
1992-04-08 - Non-final action mailed
1991-11-27 - Non-final action mailed
1991-10-23 - Case file assigned to examining attorney

CORRESPONDENCE INFORMATION

Correspondent

MARGARET A. BOULEWARE (Attorney of record)

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Trademark Assignment Abstract of Title

Total Assignments: 1

Serial #: [74188528](#)

Filing Dt: 07/25/1991

Reg #: [1802387](#)

Reg. Dt: 11/02/1993

Registrant: AMADEUS MARKETING S.A.

Mark: AMADEUS

Assignment: 1

Reel/Frame: [2081/0634](#)

Received: 06/01/2000

Recorded: 05/08/2000

Pages: 21

Conveyance: MERGER

Assignor: [AMADEUS MARKETING S.A.](#)

Exec Dt: 06/28/1999

Entity Type: CORPORATION

Citizenship: SPAIN

Assignee: [AMADEUS GOBAL TRAVEL DISTRIBUTION, S.A.](#)

SALVADOR DE MADARIAGE NO. 1

MADRID, SPAIN 28027

Entity Type: CORPORATION

Citizenship: SPAIN

Correspondent: DILLER, RAMIK & NIGHT, P.C.

VINCENT L. RAMIK

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SUITE 101

ANNANDALE, VA 22003

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