

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

In re Trademark Applications of:

Estefan Enterprises, Inc.
Filed: October 1, 2004
International Class: 043
Published: September 13, 2005

Serial No.: 78/493,465
Mark: CABANA BEACH

Serial No.: 78/493,470
Mark: CABANA BEACH RESORT

Serial No.: 78/493,473
Mark: CABANA BEACH HOTEL & RESORT

BSG DEVELOPMENT, CORP.,
a Florida corporation,

Opposer,

Opposition No. _____

v.

ESTEFAN ENTERPRISES, INC.,
a Florida corporation,

01/26/2006 SWILSON1 00000109 501111 78493465
01 FC:6402 900.00 DA

Applicant.

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

NOTICE OF OPPOSITION UNDER 37 C.F.R. § 2.101(b)

Opposer, BSG Development Corp. (hereinafter referred to as "Opposer"), is a Florida corporation located and doing business at 420 Lincoln Road, Miami Beach, Florida 33139. Opposer believes it will be damaged by the registration of the marks shown in the above-identified applications and hereby opposes the same in accordance with the provisions of Sections 2(d) and 13 of the Lanham Act (15 U.S.C. §§ 1052(d) and 1063). Opposer's grounds for opposition are as follows:



1. Opposer is a full service real estate development company engaged in the conception, design, construction, financing, marketing, advertising, promotion and management of new and/or existing mixed-use (residential and/or commercial) condominium developments.

2. Opposer is the owner of pending U.S. Trademark Application Serial No. 78/712,683 for the mark "CABANA" ("Opposer's Mark") for use in connection with real estate sales, marketing, advertising, design and promotional services, in International Class 035; financial investment in the field of real estate, real estate acquisition, real estate listing and brokerage services, leasing of real estate, and management of real properties, namely, mixed-use (residential and/or commercial) condominium properties, in International Class 036; and real estate development, namely, site selection, construction planning, construction management and supervision, and construction services, namely, planning, laying out and custom construction of new, and/or the renovation of existing mixed-use (residential and/or commercial) condominium development projects and/or properties, in International Class 037.

3. Opposer is further the owner of prior United States Trademark Application Serial No. 78/334,153 for the trademark "CABANA" (the "153 Mark"), now abandoned, but which was pending as of October 1, 2004.

4. Opposer has been using Opposer's Mark in commerce since at least January 2004. For example, in the January 10, 2004 New York Post, Opposer announced the debut of its CABANA mixed use (residential and commercial) project in connection with many of the above-listed services (see Appendix 1).

5. In the February 1, 2004 Miami Herald, Opposer provided additional details to the public with respect to its CABANA project (see Appendix 2).

6. In the September 2004 Architectural Record, which is distributed throughout the United States as well as the rest of the world, additional information on the Opposer's CABANA project was provided (see Appendix 3).

7. Opposer has developed extensive goodwill with respect to Opposer's Mark. Opposer has expended substantial sums in the advertising and promotion of its services, and by its efforts and its considerable advertising expenditures, Opposer has developed an extensive and valuable reputation for its mark and the services sold thereunder.

8. By virtue of its efforts, advertising expenditures, and other promotional activities, as well as the excellence of the quality of its services, Opposer has gained a valuable reputation through use of its mark.

9. On or about October 1, 2004, well after Opposer began using its CABANA mark, Estefan Enterprises, Inc. (hereinafter "Applicant") submitted three combination trademark/service mark applications for variations of the mark CABANA pursuant to Section 1(b) of the Lanham Act, namely, U.S. Serial No. 78/493,465 for CABANA BEACH, U.S. Serial No. 78/493,470 for CABANA BEACH RESORT, and U.S. Serial No. 78/493,473 for CABANA BEACH HOTEL & RESORT (hereinafter collectively "Applicant's Marks").

10. Applicant's Marks are for use in connection with hotels, resort hotels, restaurants, bars, cocktail lounges and the provision of conference and banquet facilities in International Class 043, as well as souvenir items that are closely associated therewith, such as umbrellas (in Int. Cl. 018), nonmetal key chains (in Int. Cl. 020), drinking glasses, mugs, cups and saucers (in Int. Cl. 021), beach towels (in Int. Cl. 024) and clothing (in Int. Cl. 025).

11. Opposer is informed and believes that Applicant has not made use of Applicant's Marks in commerce controlled by the U.S. Congress in connection with any goods or services identified in Applicant's applications or, alternatively, has only recently made first use of Applicant's Marks in commerce controlled by the U.S. Congress in connection with the goods or services identified in Applicant's applications. As a result, Opposer's use of Opposer's Mark in commerce controlled by the U.S. Congress pre-dates Applicant's first use, if any, of Applicant's Marks. Therefore, Opposer's rights in Opposer's Mark are senior to Applicant's rights, if any, in Applicant's Marks.

12. The dominant portion of Applicant's Marks (i.e., "CABANA") is identical to Opposer's Mark (i.e., "CABANA"). Moreover, the services recited in connection with Applicant's Marks in International Class 043 (i.e., hotels, resort hotels, restaurants, bars, cocktail lounges, and the provision of conference and banquet facilities) are substantially similar to the services provided by Opposer (i.e., leasing of real estate and management of real properties, namely, mixed use (residential and/or commercial) condominium properties). Further, the goods recited in connection with Applicant's Marks in International Classes 018, 020, 021, 024 and 025 (i.e., umbrellas, key chains, drinking glasses, mugs, cups, saucers, beach towels, and clothing) are simply souvenir items conventionally sold at gift shops in hotels, resort hotels, bars and cocktail lounges of the same name.

13. Thus, Applicant's Marks so resemble Opposer's Mark as to be likely, when used in connection with the goods and services recited in Applicant's applications to cause confusion, or to cause mistake, or to deceive relevant purchasers as to the source or origin of such goods or services in violation of the limits of federal registration imposed by Section 2(d) of the Lanham Act. Opposer believes that Applicant is

attempting to benefit from the goodwill already established by Opposer in its mark by using marks that are confusingly similar to Opposer's Mark, thereby confusing relevant purchasers as to the source or origin of Applicant's services and related goods. Moreover, Applicant filed to register Applicant's Marks even though Opposer's now abandoned application (the '153 Mark) was still pending. Opposer therefore believes that Applicant's use of Applicant's Marks is likely to cause confusion in the minds of Opposer's customers and potential customers in relation to Opposer's Mark.

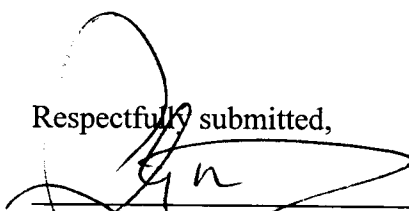
14. Opposer has not and does not consent in any way to Applicant's proposed use or registration of Applicant's Marks in connection with the goods and services identified in Applicant's applications.

WHEREFORE, Opposer respectfully requests that the registrations in connection with Applicant's Marks be refused and that this Opposition be sustained.

This Notice of Opposition is being submitted in duplicate. Please charge the Notice of Opposition filing fee of \$900.00 for three marks (i.e., International Class 043) pursuant to 37 C.F.R. § 2.6(a)(17) and any additional fees, or credit any overage, to our Deposit Account Number 50-1111.

Dated: January 11, 2006

Respectfully submitted,


Patricia E. McQueeney, Esq. (Fl. Bar No. 0534773)
Brinkley, McNerney, Morgan, Solomon
& Tatum, LLP
200 East Las Olas Blvd., Suite 1900
Fort Lauderdale, FL 33301
Telephone: (954) 522-2200
Facsimile: (954) 522-9123

ATTORNEYS FOR BSG DEVELOPMENT, INC.

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL & APPEAL BOARD**

In re Trademark Applications of:

Estefan Enterprises, Inc.

Filed: October 1, 2004

International Class: 043

Published: September 13, 2005

Serial No.: 78/493,465

Mark: CABANA BEACH

Serial No.: 78/493,470

Mark: CABANA BEACH RESORT

Serial No.: 78/493,473

Mark: CABANA BEACH HOTEL & RESORT

BSG DEVELOPMENT, CORP.,
a Florida corporation,

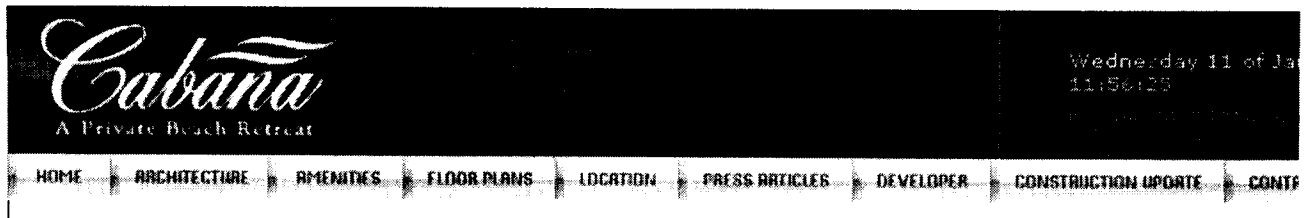
Opposer,

v.

ESTEFAN ENTERPRISES, INC.,
a Florida corporation,

Applicant.

APPENDIX 1



press.articles

SWANKY STUDIOS

NEW YORK POST - January 10, 2004

By Dan Levine

Everybody's heard of a pied-a-terre – but a “pied-a-mer?” That's French for “foot-to-the ocean,” the name Ronald Bloomberg, President of high-end residential developers BSG Development, uses for the apartments in his company's new Miami Beach residential building, Cabana.

The name is meant to convey the jewel box size of Cabana's apartments. Its 210 studios start at 350 square feet and go up to 525 square feet.

Almost 95 percent of the new construction that's on the ocean today are condominiums that are two bedrooms and larger,” says Bloomberg, noting that those units cost around a million bucks.

Cabana studios, by contrast, start at \$200,000.00. (Depending on height, exposure and terrace size, they can run up to \$600,000.00.)

Perhaps best for out-of-towners, Cabana owners face virtually no restrictions on their apartment usage.

Owners are free to rent out their units as often as they like, to whomever they'd like.

WATER SPORTS

Sure, you can swim (the fourth-floor infinity pool overlooks the ocean) and there's a ritzy beach club (Bloomberg anticipates that private memberships for non-residents will cost at least \$3,000).

But the best part is that you don't have to carry a key. Borrowing a page from island resorts, Cabana will have fingerprint-entry doors.

The soak-in-luxury theme continues inside. While all apartments have full bathrooms with showers, the larger units have a luxury bathtub (with an ocean view) in the bedroom, too.

CABLE AND CHOW

Bloomberg says he's negotiating for a world-class restaurant with China Grill Management Jeffery Chodorow (the guy who's behind Rocco's, as in The Restaurant).

While there's no free food for residents, your cable, Internet access and air conditioning bills are included in the \$300-a-month maintenance fee.

All those utilities power DVD players, wireless telecom and plasma screen TVs. Maid service is available, but not included.

JUMP ON SHIP

BSG Development has two other buildings nearby: Cabana residents can use the marina at 6000 Indian Creek.

The places, Bloomberg says, are going fast. After just one month on market, about one-third sold. So hurry if you want to get your feet wet.



Sales Center:
• 6202 Collins Avenue.
Miami Beach, FL 33140
Phone:
• 305-867-6669
• Toll Free: 1-866-568-3772

Development:
• BSG Development Corp.
Architecture:
• The Sieger Suarez Archite
Partnership.

© 2005 BSG Development Corporation. All rights reserved.

Disclaimer, Terms a



press.articles

Pampering by the Poolside

New York Post - NYP Home Real Estate Guide - January 10, 2004

By Alison Rogers

Pampering by the Poolside

Three new Miami-area condos are all about their spas

Remember how fantastic you felt the last time you went to a spa? Now you can have that feeling just by stepping into a condo – at least that’s what the developers of three new Florida palaces would have you think. What used to sell Miami was sun and sex; now, it’s all spa.

Canyon Ranch Living co-developed with the folks who run the Canyon Ranch spas in Arizona and the Berkshires, offers beachfront yoga classes.

Ten Museum Park has a Clinique La Prairie spa, and sunrise and sunset pools. And Cabana, which distinguishes itself by offering smaller, cheaper units, has door sensors that read your fingerprints so you don’t have the burden of carrying those heavy, heavy keys.

Who are the buyers? Cabana’s typical in that half are South Floridians who don’t want to drive after they go out in Miami. The other half are from South America and, you guessed it, New York.

So if you’re feeling chilly, check these condos out. Two of them are in Miami Beach, while one is on the edge of downtown Miami. No matter what location, you’re sure to get your rest and recreation.

Sales Center:
• 6202 Collins Avenue.
Miami Beach, FL 33140
Phone:
• 305-867-6669
• Toll Free: 1-866-568-3772



Development:
• BSG Development Corp.
Architecture:
• The Sieger Suarez Archite
Partnership.

© 2005 BSG Development Corporation. All rights reserved.

Disclaimer, Terms a

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL & APPEAL BOARD**

In re Trademark Applications of:

Estefan Enterprises, Inc.
Filed: October 1, 2004
International Class: 043
Published: September 13, 2005

Serial No.: 78/493,465
Mark: CABANA BEACH

Serial No.: 78/493,470
Mark: CABANA BEACH RESORT

Serial No.: 78/493,473
Mark: CABANA BEACH HOTEL & RESORT

BSG DEVELOPMENT, CORP.,
a Florida corporation,

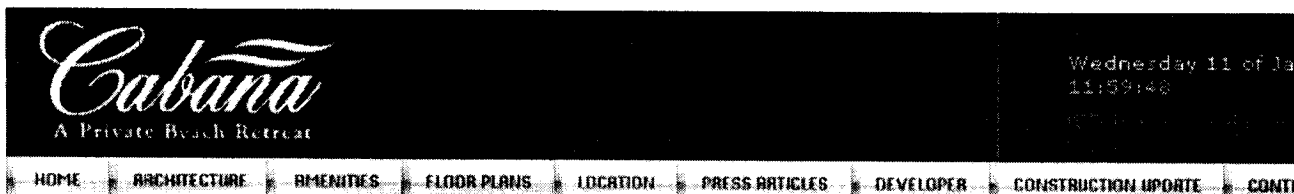
Opposer,

v.

ESTEFAN ENTERPRISES, INC.,
a Florida corporation,

Applicant.

APPENDIX 2



press.articles

1951 hotel will turn into luxury condos

The Miami Herald - Sunday, February 1, 2004

By Casey Woods

An innovative project slated to begin this year shows that the North Beach Resort Historic district is helping to save the oceanfront hotels it was created to protect.

Even before it has been fully approved by the Miami Beach City Commission, the North Beach Resort Historic District is helping to rejuvenate the 1950s-era oceanfront hotels it was designed to protect.

The Allison Hotel, known as the Comfort Inn in recent years and located at 6261 Collins Ave., will be reborn in 2006 as Cabana, a sleek condominium development that is being lauded by city planners and preservationists as an example of how good preservation can work – and how a historic district can be economically viable.

Although the City Commission has not yet fully approved the district – the second reading of the ordinance approving it is scheduled to take place at Wednesday's commission meeting – the buildings within the district boundaries have been provisionally protected since August, when the Historic Preservation Board voted to approve the district. That vote set off the city's "zoning in progress" rules that prevent demolitions until the issue has been voted on by the commission.

The district, which runs from 60th to 72 nd streets, mostly along the east side of Collins Avenue, is the first one to target the fanciful Miami Modern, or Mimo, architectural style prevalent across North Beach.

The developers of the Cabana project say they Allison Hotel – built in 1951 and designed by A. Herbert Mathes – would have been doomed if the preservation district had not been on line.

"That property has some fairly aggressive building rights, and we could have built a sizable building there," said Ronald Bloomberg, a principle of BSG Development, Cabana's developers. "If we could have developed new, we would have torn it down, but the district prevented that."

BSG sought out the property with the idea of providing a beach club for its other two developments in North Beach, 6000 Indian Creek and the Terra Beachside Villas.

The company entered into a contract to buy the Allison last summer. It plans to close the deal

in March, Bloomberg said.

Bloomberg's design partners in BSG, Charles Sieger and Jose Suarez, are well-known for their massive high-rises, like the Murano and the Portofino Tower. Cabana is their first foray into designing a historic preservation project in Miami Beach, Seiger said. "This project is interesting because the MiMo architecture is really the first kind of modernism in buildings, and we still use modernism," he said. "So what we're doing is picking up on the old modern and putting the new modern with it.

Bloomberg brought in Teri D'Amico, a designer who helped spearhead the movement to save MiMo architecture, to consult on the historic preservation issues and to help design the interiors of the condominiums.

The concept of the project is a beach retreat, made up of 210 luxuriously furnished studios of 525 square feet or less. It is designed for out-of-towners or area residents who want a turnkey pad in Miami Beach, but don't want to pay millions for it. The studios start at \$200,000, and since they went on the market two months ago, 40 percent have already sold.

The planned renovation to the building will add two floors, extend the building in the rear, and add balconies.

It will also raise the pool deck and disguise two floors of parking underneath, avoiding the monolithic concrete parking garages common in high-rises across the city.

"One of the design's major successes is the way they did the parking, because it doesn't ruin anyone's view and is beautiful from the ocean side," D'Amico said. "Because they're hidden behind the dunes, there are so few pools in the city that actually have an ocean view."

The construction is slated to begin in July, Bloomberg said, and will be finished by early 2006.

City historic preservation official and members of the historic preservation board lauded the project as an example of the possibilities for the historic district.

"The design of that project is smart, well-thought-out plan that should be an example for others," said Colleen Martin, who was a member of the historic preservation board when it approved plans for the Cabana project in December. "I hope it will be a catalyst for other projects in the area, because the possibility for creativity in restoring that district is so immense."

Sales Center:
• 6202 Collins Avenue.
Miami Beach, FL 33140
Phone:
• 305-867-6669
• Toll Free: 1-866-568-3772



Development:
• BSG Development Corp.
Architecture:
• The Sieger Suarez Archite
Partnership.

© 2005 BSG Development Corporation. All rights reserved.

Disclaimer, Terms a

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL & APPEAL BOARD**

In re Trademark Applications of:

Estefan Enterprises, Inc.
Filed: October 1, 2004
International Class: 043
Published: September 13, 2005

Serial No.: 78/493,465
Mark: CABANA BEACH

Serial No.: 78/493,470
Mark: CABANA BEACH RESORT

Serial No.: 78/493,473
Mark: CABANA BEACH HOTEL & RESORT

BSG DEVELOPMENT, CORP.,
a Florida corporation,

Opposer,

v.

ESTEFAN ENTERPRISES, INC.,
a Florida corporation,

Applicant.

APPENDIX 3



press.articles

New Miami living: Apartments mimic boutique hotels

Architectural Record - September 2004

by Jennifer LeClaire

New Miami living: Apartments mimic boutique hotels

Call it Manhattan South. Clusters of residential towers are rising up to fill in Miami's snaggle-toothed skyline. But these luxury condominiums more closely resemble full-service boutique hotels than domestic dwellings. Projects like Ten Museum Park, Bellini Bal Harbour, Cabana, and a host of others feature metropolitan amenities like valet service, spa service, and state-of-the-art technologies in the comfort of your own condo.

"Hotels have always tried to mimic high-end residences," says Daun St. Amand, an architect with RTKL Associates. "Now residences are trying to mimic high-end hotels. Condominium developers keep upping the ante on residential amenities."

Apartment towers with beauty salons, scaled-down grocery stores, and concierge services offer timesaving conveniences often found only in hotels. Condo owners, who run the gamut from successful young executives to wealthy empty nesters, subscribe to the theory that time is money and convenience is worth the cost.

In designing the structures, Miami architects are taking a page out of the design books of popular area boutique hotels like the Mandarin Oriental Miami, a slim, 20-story hotel with a curved face and Asian theme; Lowes Miami Beach Hotel, an 18-floor building with a modern Art Deco flare; and the 31-story Trump Sonesta Beach Resort, with its stunning use of exterior glass and staggered building structure.

While boutique apartment towers are springing up in New York, Atlanta, Dallas, and Las Vegas, observers point to Miami as the mother of the trend, which was born of necessity; A state-drawn boundary line to protect the Everglades National Park has halted western growth. And the ocean, bay, and rivers crossing through Dade County limit available land.

"The only place to go", says Charles Sieger, FAIA, principal of Sieger Suarez Architectural Partnership, "is up." Sieger's firm has designed skyscraper residential properties like Portofino Tower, the Trump Ocean Grande, and now the Cabana, a 10-story private beach retreat on the Atlantic Ocean.

Cabana features 210 luxury studios appointed with items like plasma screen TVs, surround

sound, SmartBox technology (controlling lighting, temperature, and other functions), and fine furnishings. The building also offers a restaurant, a spa, and an infinity-edge oceanfront pool. "In Manhattan you can enjoy plenty of amenities, but you have to leave your building and walk to them," Sieger says. "In Miami's sub-urban structure, once you leave your building, you have to drive. Having the amenities encased on the property is more convenient."

Just up Ocean Drive a few miles, Bellini Bal Harbour, a 24-story boutique condo has only four residences on each floor. Amenities include a 24-hour concierge, valet, heated oceanfront pool, a spa, fitness and beauty centers, and a café.

Architect Chad Oppenheim, AIA, says it's all about the lifestyle. The design of his 50-story Ten Museum Park plays off Miami's tropical climate and provides a splash of European flavor. The tower features on-site a Clinique La Prairie of Montreux, Switzerland, a wellness center, high-tech fitness equipment, and two skygardens.

"Miami is the zenith for residential lifestyle experiences as developers work to differentiate themselves with cutting-edge design, creative amenities, and hype, hype, hype," Oppenheim says.



Sales Center:
• 6202 Collins Avenue.
Miami Beach, FL 33140
Phone:
• 305-867-6669
• Toll Free: 1-866-568-3772

Development:
• BSG Development Corp.
Architecture:
• The Sieger Suarez Archite Partnership.

© 2005 BSG Development Corporation. All rights reserved.

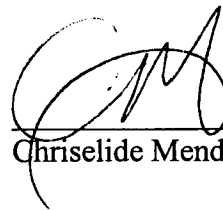
Disclaimer, Terms and Conditions

MARK: CABANA BEACH; Serial No. 78/493,465
CABANA BEACH RESORT; Serial No. 78/493,465
CABANA BEACH HOTEL & RESORT; Serial No. 78/493,473

Our File No.: 013387-05149

CERTIFICATE OF FIRST CLASS MAIL

I HEREBY CERTIFY that the following correspondence: NOTICE OF OPPOSITION UNDER 37 C.F.R. § 2.101(b) and Appendixes 1-3 in Duplicate (17 pages), and RETURN POSTCARD FOR CONFIRMATION OF RECEIPT is being deposited with the United States Postal Service as FIRST CLASS, addressed to the Commissioner for Trademark, Box: TTAB – P.O. Box 1451, Alexandria, VA 22313-1451, this the 11TH day of January, 2006.



Chriselide Mendez, Legal Assistant

January 11, 2006

Date

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL & APPEAL BOARD**

In re Trademark Applications of:

Estefan Enterprises, Inc.
Filed: October 1, 2004
International Class: 043
Published: September 13, 2005

Serial No.: 78/493,465
Mark: CABANA BEACH

Serial No.: 78/493,470
Mark: CABANA BEACH RESORT

Serial No.: 78/493,473
Mark: CABANA BEACH HOTEL & RESORT

BSG DEVELOPMENT, CORP.,
a Florida corporation,

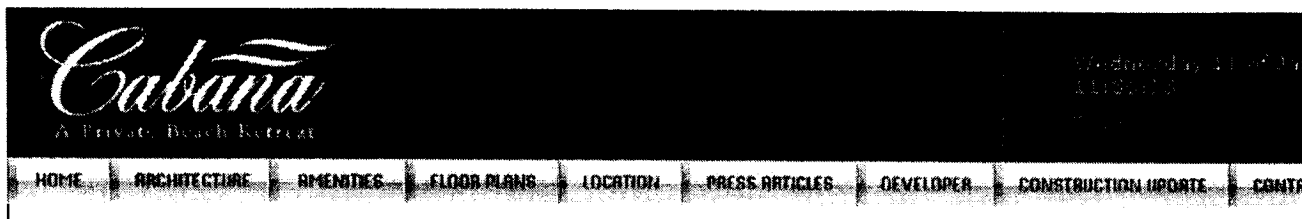
Opposer,

v.

ESTEFAN ENTERPRISES, INC.,
a Florida corporation,

Applicant.

APPENDIX 1



press.articles

SWANKY STUDIOS

NEW YORK POST - January 10, 2004

By Dan Levine

Everybody's heard of a pied-a-terre – but a “pied-a-mer?” That's French for “foot-to-the ocean,” the name Ronald Bloomberg, President of high-end residential developers BSG Development, uses for the apartments in his company's new Miami Beach residential building, Cabana.

The name is meant to convey the jewel box size of Cabana's apartments. Its 210 studios start at 350 square feet and go up to 525 square feet.

Almost 95 percent of the new construction that's on the ocean today are condominiums that are two bedrooms and larger,” says Bloomberg, noting that those units cost around a million bucks.

Cabana studios, by contrast, start at \$200,000.00. (Depending on height, exposure and terrace size, they can run up to \$600,000.00.)

Perhaps best for out-of-towners, Cabana owners face virtually no restrictions on their apartment usage.

Owners are free to rent out their units as often as they like, to whomever they'd like.

WATER SPORTS

Sure, you can swim (the fourth-floor infinity pool overlooks the ocean) and there's a ritzy beach club (Bloomberg anticipates that private memberships for non-residents will cost at least \$3,000).

But the best part is that you don't have to carry a key. Borrowing a page from island resorts, Cabana will have fingerprint-entry doors.

The soak-in-luxury theme continues inside. While all apartments have full bathrooms with showers, the larger units have a luxury bathtub (with an ocean view) in the bedroom, too.

CABLE AND CHOW

Bloomberg says he's negotiating for a world-class restaurant with China Grill Management Jeffery Chodorow (the guy who's behind Rocco's, as in The Restaurant).

While there's no free food for residents, your cable, Internet access and air conditioning bills are included in the \$300-a-month maintenance fee.

All those utilities power DVD players, wireless telecom and plasma screen TVs. Maid service is available, but not included.

JUMP ON SHIP

BSG Development has two other buildings nearby: Cabana residents can use the marina at 6000 Indian Creek.

The places, Bloomberg says, are going fast. After just one month on market, about one-third sold. So hurry if you want to get your feet wet.

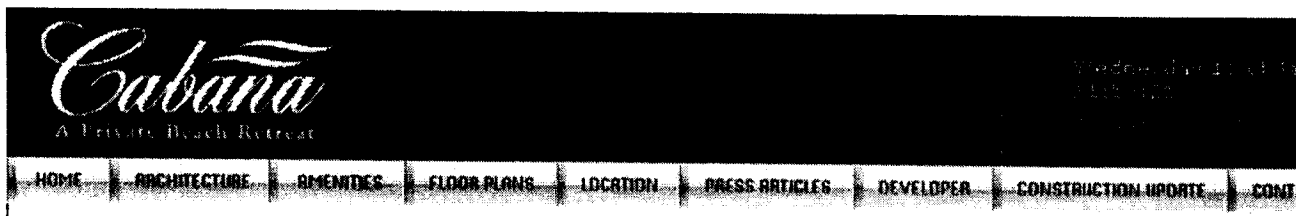


Sales Center:
• 6202 Collins Avenue.
Miami Beach, FL 33140
Phone:
• 305-867-6669
• Toll Free: 1-866-568-3772

Development:
• BSG Development Corp.
Architecture:
• The Sieger Suarez Archite
Partnership.

© 2005 BSG Development Corporation. All rights reserved.

Disclaimer, Terms and Conditions



press.articles

Pampering by the Poolside

New York Post - NYP Home Real Estate Guide - January 10, 2004

By Alison Rogers

Pampering by the Poolside

Three new Miami-area condos are all about their spas

Remember how fantastic you felt the last time you went to a spa? Now you can have that feeling just by stepping into a condo – at least that's what the developers of three new Florida palaces would have you think. What used to sell Miami was sun and sex; now, it's all spa.

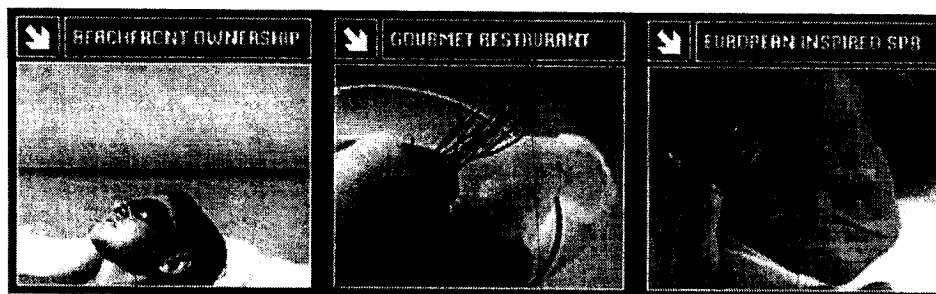
Canyon Ranch Living co-developed with the folks who run the Canyon Ranch spas in Arizona and the Berkshires, offers beachfront yoga classes.

Ten Museum Park has a Clinique La Prairie spa, and sunrise and sunset pools. And Cabana, which distinguishes itself by offering smaller, cheaper units, has door sensors that read your fingerprints so you don't have the burden of carrying those heavy, heavy keys.

Who are the buyers? Cabana's typical in that half are South Floridians who don't want to drive after they go out in Miami. The other half are from South America and, you guessed it, New York.

So if you're feeling chilly, check these condos out. Two of them are in Miami Beach, while one is on the edge of downtown Miami. No matter what location, you're sure to get your rest and recreation.

Sales Center:
• 6202 Collins Avenue.
Miami Beach, FL 33140
Phone:
• 305-867-6669
• Toll Free: 1-866-568-3772



Development:
• BSG Development Corp.
Architecture:
• The Sieger Suarez Archite
Partnership.

© 2005 BSG Development Corporation. All rights reserved.

Disclaimer, Terms a

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL & APPEAL BOARD**

In re Trademark Applications of:

Estefan Enterprises, Inc.
Filed: October 1, 2004
International Class: 043
Published: September 13, 2005

Serial No.: 78/493,465
Mark: CABANA BEACH

Serial No.: 78/493,470
Mark: CABANA BEACH RESORT

Serial No.: 78/493,473
Mark: CABANA BEACH HOTEL & RESORT

BSG DEVELOPMENT, CORP.,
a Florida corporation,

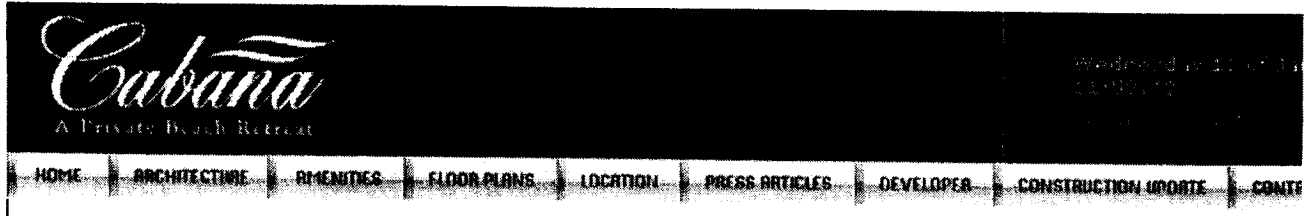
Opposer,

v.

ESTEFAN ENTERPRISES, INC.,
a Florida corporation,

Applicant.

APPENDIX 2



press.articles

1951 hotel will turn into luxury condos

The Miami Herald - Sunday, February 1, 2004

By Casey Woods

An innovative project slated to begin this year shows that the North Beach Resort Historic district is helping to save the oceanfront hotels it was created to protect.

Even before it has been fully approved by the Miami Beach City Commission, the North Beach Resort Historic District is helping to rejuvenate the 1950s-era oceanfront hotels it was designed to protect.

The Allison Hotel, known as the Comfort Inn in recent years and located at 6261 Collins Ave., will be reborn in 2006 as Cabana, a sleek condominium development that is being lauded by city planners and preservationists as an example of how good preservation can work – and how a historic district can be economically viable.

Although the City Commission has not yet fully approved the district – the second reading of the ordinance approving it is scheduled to take place at Wednesday's commission meeting – the buildings within the district boundaries have been provisionally protected since August, when the Historic Preservation Board voted to approve the district. That vote set off the city's "zoning in progress" rules that prevent demolitions until the issue has been voted on by the commission.

The district, which runs from 60th to 72 nd streets, mostly along the east side of Collins Avenue, is the first one to target the fanciful Miami Modern, or Mimo, architectural style prevalent across North Beach.

The developers of the Cabana project say they Allison Hotel – built in 1951 and designed by A. Herbert Mathes – would have been doomed if the preservation district had not been on line.

"That property has some fairly aggressive building rights, and we could have built a sizable building there," said Ronald Bloomberg, a principle of BSG Development, Cabana's developers. "If we could have developed new, we would have torn it down, but the district prevented that."

BSG sought out the property with the idea of providing a beach club for its other two developments in North Beach, 6000 Indian Creek and the Terra Beachside Villas.

The company entered into a contract to buy the Allison last summer. It plans to close the deal

in March, Bloomberg said.

Bloomberg's design partners in BSG, Charles Sieger and Jose Suarez, are well-known for their massive high-rises, like the Murano and the Portofino Tower. Cabana is their first foray into designing a historic preservation project in Miami Beach, Seiger said. "This project is interesting because the MiMo architecture is really the first kind of modernism in buildings, and we still use modernism," he said. "So what we're doing is picking up on the old modern and putting the new modern with it.

Bloomberg brought in Teri D'Amico, a designer who helped spearhead the movement to save MiMo architecture, to consult on the historic preservation issues and to help design the interiors of the condominiums.

The concept of the project is a beach retreat, made up of 210 luxuriously furnished studios of 525 square feet or less. It is designed for out-of-towners or area residents who want a turnkey pad in Miami Beach, but don't want to pay millions for it. The studios start at \$200,000, and since they went on the market two months ago, 40 percent have already sold.

The planned renovation to the building will add two floors, extend the building in the rear, and add balconies.

It will also raise the pool deck and disguise two floors of parking underneath, avoiding the monolithic concrete parking garages common in high-rises across the city.

"One of the design's major successes is the way they did the parking, because it doesn't ruin anyone's view and is beautiful from the ocean side," D'Amico said. "Because they're hidden behind the dunes, there are so few pools in the city that actually have an ocean view."

The construction is slated to begin in July, Bloomberg said, and will be finished by early 2006.

City historic preservation official and members of the historic preservation board lauded the project as an example of the possibilities for the historic district.

"The design of that project is smart, well-thought-out plan that should be an example for others," said Colleen Martin, who was a member of the historic preservation board when it approved plans for the Cabana project in December. "I hope it will be a catalyst for other projects in the area, because the possibility for creativity in restoring that district is so immense."

Sales Center:
• 6202 Collins Avenue.
Miami Beach, FL 33140
Phone:
• 305-867-6669
• Toll Free: 1-866-568-3772



Development:
• BSG Development Corp.
Architecture:
• The Sieger Suarez Archite
Partnership.

© 2005 BSG Development Corporation. All rights reserved.

Disclaimer, Terms a

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL & APPEAL BOARD**

In re Trademark Applications of:

Estefan Enterprises, Inc.
Filed: October 1, 2004
International Class: 043
Published: September 13, 2005

Serial No.: 78/493,465
Mark: CABANA BEACH

Serial No.: 78/493,470
Mark: CABANA BEACH RESORT

Serial No.: 78/493,473
Mark: CABANA BEACH HOTEL & RESORT

BSG DEVELOPMENT, CORP.,
a Florida corporation,

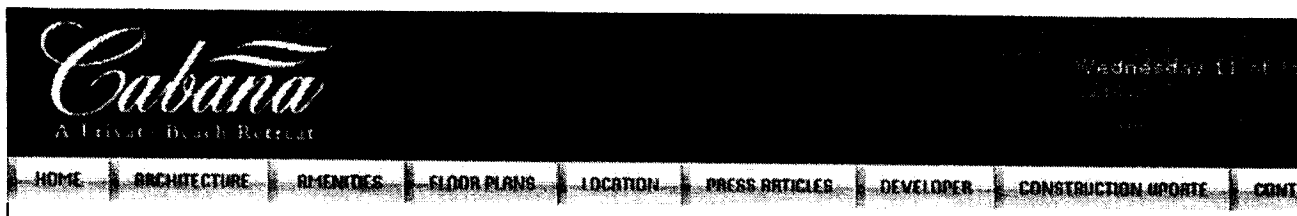
Opposer,

v.

ESTEFAN ENTERPRISES, INC.,
a Florida corporation,

Applicant.

APPENDIX 3



press.articles

New Miami living: Apartments mimic boutique hotels

Architectural Record - September 2004

by Jennifer LeClaire

New Miami living: Apartments mimic boutique hotels

Call it Manhattan South. Clusters of residential towers are rising up to fill in Miami's snaggle-toothed skyline. But these luxury condominiums more closely resemble full-service boutique hotels than domestic dwellings. Projects like Ten Museum Park, Bellini Bal Harbour, Cabana, and a host of others feature metropolitan amenities like valet service, spa service, and state-of-the-art technologies in the comfort of your own condo.

"Hotels have always tried to mimic high-end residences," says Daun St. Amand, an architect with RTKL Associates. "Now residences are trying to mimic high-end hotels. Condominium developers keep upping the ante on residential amenities."

Apartment towers with beauty salons, scaled-down grocery stores, and concierge services offer timesaving conveniences often found only in hotels. Condo owners, who run the gamut from successful young executives to wealthy empty nesters, subscribe to the theory that time is money and convenience is worth the cost.

In designing the structures, Miami architects are taking a page out of the design books of popular area boutique hotels like the Mandarin Oriental Miami, a slim, 20-story hotel with a curved face and Asian theme; Lowes Miami Beach Hotel, an 18-floor building with a modern Art Deco flare; and the 31-story Trump Sonesta Beach Resort, with its stunning use of exterior glass and staggered building structure.

While boutique apartment towers are springing up in New York, Atlanta, Dallas, and Las Vegas, observers point to Miami as the mother of the trend, which was born of necessity; A state-drawn boundary line to protect the Everglades National Park has halted western growth. And the ocean, bay, and rivers crossing through Dade County limit available land.

"The only place to go", says Charles Sieger, FAIA, principal of Sieger Suarez Architectural Partnership, "is up." Sieger's firm has designed skyscraper residential properties like Portofino Tower, the Trump Ocean Grande, and now the Cabana, a 10-story private beach retreat on the Atlantic Ocean.

Cabana features 210 luxury studios appointed with items like plasma screen TVs, surround

sound, SmartBox technology (controlling lighting, temperature, and other functions), and fine furnishings. The building also offers a restaurant, a spa, and an infinity-edge oceanfront pool. "In Manhattan you can enjoy plenty of amenities, but you have to leave your building and walk to them," Sieger says. "In Miami's sub-urban structure, once you leave your building, you have to drive. Having the amenities encased on the property is more convenient."

Just up Ocean Drive a few miles, Bellini Bal Harbour, a 24-story boutique condo has only four residences on each floor. Amenities include a 24-hour concierge, valet, heated oceanfront pool, a spa, fitness and beauty centers, and a café.

Architect Chad Oppenheim, AIA, says it's all about the lifestyle. The design of his 50-story Ten Museum Park plays off Miami's tropical climate and provides a splash of European flavor. The tower features on-site a Clinique La Prairie of Montreux, Switzerland, a wellness center, high-tech fitness equipment, and two skygardens.

"Miami is the zenith for residential lifestyle experiences as developers work to differentiate themselves with cutting-edge design, creative amenities, and hype, hype, hype," Oppenheim says.



Sales Center:
 • 6202 Collins Avenue.
 Miami Beach, FL 33140
Phone:
 • 305-867-6669
 • Toll Free: 1-866-568-3772

Development:
 • BSG Development Corp.
Architecture:
 • The Sieger Suarez Archite Partnership.

© 2005 BSG Development Corporation. All rights reserved.

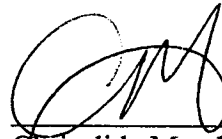
Disclaimer, Terms and Conditions

MARK: CABANA BEACH; Serial No. 78/493,465
CABANA BEACH RESORT; Serial No. 78/493,465
CABANA BEACH HOTEL & RESORT; Serial No. 78/493,473

Our File No.: 013387-05149

CERTIFICATE OF FIRST CLASS MAIL

I HEREBY CERTIFY that the following correspondence: NOTICE OF OPPOSITION UNDER 37 C.F.R. § 2.101(b) and Appendixes 1-3 in Duplicate (17 pages), and RETURN POSTCARD FOR CONFIRMATION OF RECEIPT is being deposited with the United States Postal Service as FIRST CLASS, addressed to the Commissioner for Trademark, Box: TTAB – P.O. Box 1451, Alexandria, VA 22313-1451, this the 11TH day of January, 2006.



Chriselide Mendez, Legal Assistant

January 11, 2006

Date