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

Proceeding	91176517
Party	Plaintiff JetBlue Airways Corporation JetBlue Airways Corporation ,
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Submission	Motion to Amend Pleading/Amended Pleading
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE
THE TRADEMARK TRIAL AND APPEAL BOARD**

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JETBLUE AIRWAYS CORPORATION,	:	
	:	
Opposer,	:	Opposition No. 91/176,517
	:	
v.	:	
	:	
PACIFIC BLUE HOLDINGS PTY LTD,	:	
	:	
Applicant.	:	
-----X	:	

AMENDED NOTICE OF OPPOSITION

JetBlue Airways Corporation (“Opposer”), through its undersigned counsel, hereby opposes trademark Application Serial No. 78/362,409 filed on February 4, 2004 (“the ‘409 Application”) by Pacific Blue Holdings Pty Ltd (“Applicant”) for the registration of the alleged mark PACIFIC BLUE in the following International Classes. International Class 39 for “Transportation and arranging transportation of goods and passengers by road, rail, air and sea; vehicle hire, namely, chauffeur services and car hire services; airport parking lots and garages for vehicles; car-parking valet services; tourist agency; travel agency services, namely, making reservations and bookings for transportation; arranging and conducting tours”; International Class 12 for “Vehicles and apparatus for locomotion by land, air and water, namely, aeroplanes; automobiles; boats; cars; trucks; passenger buses and coaches”; International Class 35 for “Advertising services, namely, promoting the goods and services of others; outdoor advertising, namely, rental of outdoor billboard advertising; advertising using aircraft, namely, promoting the goods and services of others via aircrafts; promoting the sale of goods and services of others

through the distribution of printed material and promotional contests; dissemination of advertising and promotional matter for others; public relations and public relations consultation; business organization services, namely, business management consultation; managing and operating business conference centres of others; retail services, namely, providing an online retail store featuring branded merchandise, namely, hats, pins, cups, model airplanes and playing cards”; International Class 41 for “Services for providing entertainment content to travelers via television, radio, and electronic means, namely, providing movies, music, news, sports, weather and television programs; organization of sports events in the field of aviation; organizing exhibitions for educational purposes in the aviation industry; educational services, namely, conducting conferences in the field of training and activities in the aviation industry; providing exercise facilities”; and International Class 43 for “Travel agency services, namely, making reservations and bookings for temporary lodging; providing temporary housing accommodations; restaurants, cafes, child care service; serving of food and drink beverages” (collectively, “Applicant’s Services”).

Opposer, a Delaware corporation with its principal place of business at 118-29 Queens Blvd., Forest Hills, New York, 11375, believes it will be damaged by registration of PACIFIC BLUE as sought under the ‘409 Application. JetBlue opposes registration of the ‘409 Application on the basis that (1) use of the PACIFIC BLUE mark in connection with Applicant’s Services would create confusion, mistake and deception with the JETBLUE mark and JetBlue’s services; and (2) use of the PACIFIC BLUE mark would dilute the distinctive quality of the famous JETBLUE mark.

1. Opposer has been continuously engaged in providing high quality, low cost air travel under the trademark, service mark and trade name JETBLUE since it was founded in the late

1999, early 2000 timeframe. As a result of Opposer’s extraordinary efforts, in a relatively short number of years, Opposer has become one of the premier domestic airlines in the United States and a “major carrier”, as defined by U.S. Department of Transportation standards. Opposer currently serves fifty-one destinations in fifteen U.S. states, Puerto Rico, Mexico, The Dominican Republic, The Bahamas, and Aruba. Opposer operates more than 365 flights per day and transports more than 14.5 million passengers a year.

2. As a reflection of its status as a leading domestic airline, Opposer has won numerous awards and industry accolades, not only for its superior product and service, but also for its brand and image. For example, Opposer recently has been named Best Domestic Airline (*Conde Nast Traveler*, 2005 Business Travel Awards), World’s Best Low-Cost Airline (*Skytrax*, 2005 Airline of the Year Survey), Best Domestic Airline (*North American Travel Journalists Association*), Best U.S. Airline (*Airline Quality Ranking Survey*, University of Nebraska), the airline with the Best Branding (*The Association of Travel Marketing Executives*, 2005 Atlas Rewards), and No. 1 in Airline Quality 2006 (*Barton School of Business and University of Nebraska at Omaha Aviation Institute*).

3. Opposer owns, *inter alia*, the following United States Registrations for JETBLUE, JETBLUE & Design and JETBLUE AIRWAYS (collectively, “Opposer’s Registrations”):

Registration Number	First Use Date
2,905,786	December 3, 1999
2,896,785	January 28, 2000
2,449,988	February 11, 2000

Registration Number	First Use Date
2,451,955	February 11, 2000
2,896,784	March 7, 2000
2,971,984	February 28, 2002
2,947,348	January 31, 2003

4. Opposer prominently features its JETBLUE mark in widespread and ongoing nationwide and regional advertising campaigns, as well as on each of its aircraft and concomitant support and promotional goods and materials, thus entitling Opposer to a wide scope of protection for its mark. As a result of Opposer's enormous investment in advertising, marketing and promotion, and its widespread use of the JETBLUE mark, as well as extensive publicity and news coverage generated by third-parties, the public and trade have come to associate the JETBLUE mark with air transportation services emanating exclusively from Opposer. As a result, Opposer's trademarks protected by its Registrations are "famous" as defined under 15 U.S.C. § 1125(c)(1).

5. The marks covered by Opposer's Registrations were in use long prior to any use of the alleged mark which is the subject of the '409 Application, and in fact were already famous at the time Applicant applied to register PACIFIC BLUE.

6. Upon information and belief, Applicant is an airline company based in Christchurch, New Zealand. Upon information and belief, Applicant plans to operate an airline within the United States under the alleged mark PACIFIC BLUE as applied for in the '409 Application.

7. Upon information and belief, Applicant intends to use PACIFIC BLUE in connection with both identical and closely related services with which Opposer uses its JETBLUE marks,

and to market those services to the identical customers and through identical channels of trade as those used by Opposer.

8. In light of the foregoing, Applicant's alleged PACIFIC BLUE mark so resembles the JETBLUE marks as to be highly likely to create confusion, mistake or deception as to the source of Applicant's Services, in violation of 15 U.S.C. § 1052(d).

9. Moreover, Applicant's alleged PACIFIC BLUE mark, in conjunction with Applicant's Services, would dilute the distinctive quality of the famous JETBLUE mark, thereby causing damage to Opposer.

10. If Applicant is permitted to use and register PACIFIC BLUE, such use and registration would likely cause confusion based on the significant similarities between the respective marks and the identical nature of the parties' respective goods. Furthermore, such use and registration of PACIFIC BLUE would dilute the distinctive quality of the famous JETBLUE mark. Accordingly, a grant of registration of the mark in Applicant's '409 Application would cause irreparable damage to Opposer.

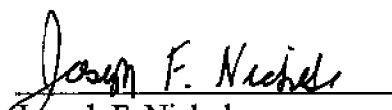
11. Opposer reserves the right to amend its Notice of Opposition in accordance with applicable Trademark Rules of practice.

WHEREFORE, Opposer prays that Application Serial No. 78/362,409 be rejected, and that the registration of the mark therein sought be denied and refused, and that this Opposition be sustained.

Dated: April 27, 2007
New York, New York

Respectfully submitted,

KENYON & KENYON

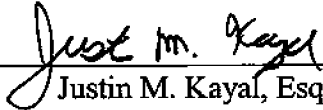
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Attorneys for Opposer
JetBlue Airways Corporation

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing Opposer's AMENDED NOTICE OF OPPOSITION was served by first class mail, postage prepaid, on this 27th day of April 2007 to:

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