

ESTTA Tracking number: **ESTTA361617**

Filing date: **08/05/2010**

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	Celebrity Cruises Inc.
Granted to Date of previous extension	08/04/2010
Address	1050 Caribbean Way Miami, FL 33132 UNITED STATES

Attorney information	Ronald E. Shapiro Shapiro and Silverstein PLLC 11350 Random Hills Road, Suite 740 Fairfax, VA 22030 UNITED STATES rshapiro@sasiplaw.com Phone:703-273-7680
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Applicant Information

Application No	77608776	Publication date	04/06/2010
Opposition Filing Date	08/05/2010	Opposition Period Ends	08/04/2010
Applicant	Kepa Pty Ltd Level 1 566 Elizabeth Street Melbourne, 3000 AUSTRALIA		

Goods/Services Affected by Opposition

<p>Class 005. All goods and services in the class are opposed, namely: Dietetic substances, namely, special dietary food supplements and beverages supplements and meal replacement substances, namely, dairy based powders for mixing with water to make shakes; food bars and ready to drink UHT shakes; food supplements</p>
<p>Class 029. All goods and services in the class are opposed, namely: Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams, compotes; eggs, milk and milk products excluding ice cream, ice milk and frozen yogurt; edible oils and fats; soups; dairy products in powder form for making dairy-based food beverages and shakes; dried milk powder; flavoured milk powder for making drinks; milk powder, other than for babies; skimmed milk powder; soup powder mixes; prepared snacks made from cooked fruit; prepared snacks made from cooked vegetables; prepared snacks made from dried fruit; prepared snacks made from dried vegetables; prepared snacks made from fresh fruit; prepared snacks made from fresh vegetables; prepared snacks made from nuts; snack food products made wholly or principally of potatoes; snack foods consisting principally of meat; snack foods made from dehydrated vegetables; snack foods made from dried vegetables; snack foods made from eggs; snack foods made from extruded vegetables; snack foods made from meat; snack foods made from primarily potatoes and may contain wheat;</p>

snack foods made from pre-cooked vegetables

Class 030.

All goods and services in the class are opposed, namely: Flour; cookies made from cereals; yeast, baking-powder; salt, mustard; vinegar, spices; ice; baking powder; sugar free chewing gum, not for medical purposes; snack bars consisting of chocolate; snack bars containing primarily of a mixture of grains and nuts that also contains dried fruit; snack bars containing grains; snack food products consisting of cereal products; snack food products made from cereal flour; snack food products made from cereals; snack food products made from maize flour; snack food products made from potato flour; snack food products made from rice; snack food products made from rice flour; snack food products made from soya flour; snack foods consisting principally of bread; snack foods consisting principally of confectionery; snack foods consisting principally of extruded cereals; snack foods consisting principally of grain; snack foods consisting principally of pasta; snack foods consisting principally of rice; snack foods made from cereals; snack foods made from corn; snack foods made of wheat; snack foods made of whole wheat; snack foods prepared from cereals; snack foods prepared from grains; snack foods prepared from maize; snack foods prepared from potato flour; snack products made of cereals; snack products made principally of cereals; snacks manufactured from cereals; snacks manufactured from muesli; candy coated confections; chocolate, confectionery, namely, sugar free sweets including soft toffee and hard boiled sweets, chocolate confectionery, snack foods in this class, namely, low carbohydrate granola snack bars, confectionery drops of sugar free hard boiled sweets, confectionery jellies, and low carbohydrate granola snack bars, dairy confectionery, namely, sugar free chocolate, yoghurt confectionery, flavoured sugar, sherbet, liquorice, non-medicated lozenges, marshmallows, toffees, caramels, lollipops, candy, puddings, muffins, snack bars, namely, low carbohydrate granola snack bars

Class 032.

All goods and services in the class are opposed, namely: Mineral and aerated waters and other non-alcoholic drinks, namely, natural spring water, flavored and sweetened mineral water and diet soft drinks; fruit drinks and fruit juices; cereal based non-alcoholic beverages also containing soy and dairy milk; soft drinks

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1677067	Application Date	02/05/1991
Registration Date	02/25/1992	Foreign Priority Date	NONE
Word Mark	CELEBRITY CRUISES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 039. First use: First Use: 1989/04/12 First Use In Commerce: 1989/04/12 cruise ship services		

U.S. Registration No.	2743297	Application Date	01/25/2001
Registration Date	07/29/2003	Foreign Priority Date	NONE
Word Mark	CELEBRITY SUMMIT		

Design Mark	CELEBRITY SUMMIT		
Description of Mark	NONE		
Goods/Services	Class 039. First use: First Use: 2001/10/01 First Use In Commerce: 2001/10/01 cruise ship services; arranging and conducting cruises for others; transportation of passengers by ship		

U.S. Registration No.	3165629	Application Date	01/29/2004
Registration Date	10/31/2006	Foreign Priority Date	NONE
Word Mark	CELEBRITY XPEDITION		
Design Mark	CELEBRITY XPEDITION		
Description of Mark	NONE		
Goods/Services	Class 039. First use: First Use: 2004/06/11 First Use In Commerce: 2004/06/11 cruise ship services; arranging and conducting cruises for others; transportation of passengers by ship		

U.S. Registration No.	3517519	Application Date	06/29/2007
Registration Date	10/14/2008	Foreign Priority Date	NONE
Word Mark	CELEBRITY CENTURY		
Design Mark	CELEBRITY CENTURY		
Description of Mark	NONE		

Goods/Services	Class 039. First use: First Use: 2007/05/15 First Use In Commerce: 2007/05/15 cruise ship services, arranging and conducting cruises for others, and transportation of passengers by ship		
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U.S. Registration No.	3517520	Application Date	06/29/2007
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Registration Date	10/14/2008	Foreign Priority Date	NONE
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Word Mark	CELEBRITY CONSTELLATION		
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Design Mark			
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Description of Mark	NONE		
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Goods/Services	Class 039. First use: First Use: 2007/05/15 First Use In Commerce: 2007/05/15 cruise ship services, arranging and conducting cruises for others, and transportation of passengers by ship		
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U.S. Registration No.	3517521	Application Date	06/29/2007
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Registration Date	10/14/2008	Foreign Priority Date	NONE
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Word Mark	CELEBRITY INFINITY		
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Design Mark			
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Description of Mark	NONE		
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Goods/Services	Class 039. First use: First Use: 2007/05/15 First Use In Commerce: 2007/05/15 cruise ship services, arranging and conducting cruises for others, and transportation of passengers by ship		
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U.S. Registration No.	3517522	Application Date	06/29/2007
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Registration Date	10/14/2008	Foreign Priority Date	NONE
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Word Mark	CELEBRITY MERCURY		
Design Mark	<p style="text-align: center;">CELEBRITY MERCURY</p>		
Description of Mark	NONE		
Goods/Services	Class 039. First use: First Use: 2007/05/15 First Use In Commerce: 2007/05/15 cruise ship services, arranging and conducting cruises for others, and transportation of passengers by ship		

U.S. Registration No.	3517523	Application Date	06/29/2007
Registration Date	10/14/2008	Foreign Priority Date	NONE

Word Mark	CELEBRITY MILLENNIUM		
Design Mark	<p style="text-align: center;">CELEBRITY MILLENNIUM</p>		
Description of Mark	NONE		
Goods/Services	Class 039. First use: First Use: 2007/05/15 First Use In Commerce: 2007/05/15 cruise ship services, arranging and conducting cruises for others, and transportation of passengers by ship		

U.S. Registration No.	3765507	Application Date	03/10/2006
Registration Date	03/23/2010	Foreign Priority Date	NONE
Word Mark	CELEBRITY SOLSTICE		

Design Mark	CELEBRITY SOLSTICE
Description of Mark	NONE
Goods/Services	Class 039. First use: First Use: 2008/11/23 First Use In Commerce: 2008/11/23 Cruise ship services, arranging and conducting cruises for others, and transportation of passengers by ship

Attachments	76199192#TMSN.gif (1 page)(bytes) 76572392#TMSN.gif (1 page)(bytes) 77219448#TMSN.jpeg (1 page)(bytes) 77219454#TMSN.jpeg (1 page)(bytes) 77219472#TMSN.jpeg (1 page)(bytes) 77219474#TMSN.jpeg (1 page)(bytes) 77219485#TMSN.jpeg (1 page)(bytes) 78834246#TMSN.jpeg (1 page)(bytes) Celebrity Slim Notice of Opposition.pdf (22 pages)(576528 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Ronald E. Shapiro/
Name	Ronald E. Shapiro
Date	08/04/2010

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

CELEBRITY CRUISES INC.,

Opposer,

v.

KEPA PTY LTD,

Applicant.

Opposition No. _____

Serial No. 77/608,776

NOTICE OF OPPOSITION

In the matter of Application Serial No. 77/608,776, filed by Keba Pty Ltd (“Applicant”) on November 6, 2008, and published in the Official Gazette on April 6, 2010, Celebrity Cruises Inc. (referred to collectively with its predecessors in interest as “Opposer”), a Liberian corporation, having its principal place of business at 1050 Caribbean Way, Miami, Florida 33132, believes that it will be damaged by registration of the mark shown in that application and therefore opposes it. The time to file a Notice of Opposition has been extended to August 4, 2010.

The grounds for this opposition are:

1. Opposer is one of the world’s most well-known cruise lines.

2. Opposer operates a fleet of luxury cruise ships under the CELEBRITY brand.

3. Opposer's CELEBRITY brand is distinguished by a family of marks dominated by the term "CELEBRITY" ("Opposer's family of CELEBRITY marks"), including:

Mark	Registration No.	Registration Date
CELEBRITY CRUISES	1,677,067	February 25, 1992
CELEBRITY SUMMIT	2,743,297	July 29, 2003
CELEBRITY XPEDITION	3,165,629	October 31, 2006
CELEBRITY CENTURY	3,517,519	October 14, 2008
CELEBRITY CONSTELLATION	3,517,520	October 14, 2008
CELEBRITY INFINITY	3,517,521	October 14, 2008
CELEBRITY MERCURY	3,517,522	October 14, 2008
CELEBRITY MILLENNIUM	3,517,523	October 14, 2008
CELEBRITY SOLSTICE	3,765,507	March 23, 2010

TESS database abstracts of the registrations listed above are attached to this Notice of Opposition as Exhibit A.

4. Opposer's cruise ships operating under the CELEBRITY brand and under Opposer's family of CELEBRITY marks have carried millions of passengers to destinations all over the world.

5. Opposer has invested millions of dollars to promote the worldwide recognition of its CELEBRITY brand and Opposer's family of CELEBRITY marks.

6. Opposer promotes its CELEBRITY brand and Opposer's family of CELEBRITY marks in nationwide television commercials, nationwide newspaper and magazine advertisements, internet advertisements, direct mail advertisements, and advertising brochures.

7. Opposer is renowned for the outstanding quality of the cuisine, including special, healthful dining choices, offered aboard its cruise ships operating under the CELEBRITY brand and under Opposer's family of CELEBRITY marks.

8. Passengers aboard Opposer's CELEBRITY brand cruise ships spend substantial amounts of time enjoying foods and beverages provided by Opposer, which are identical, similar, or related to the goods identified in Application Serial No. 77/608,776 ("Applicant's goods").

9. Opposer has continuously used the CELEBRITY brand and Opposer's family of CELEBRITY marks in commerce in connection with cruise ship services ("Opposer's services"), which include the provision of foods and beverages that are identical, similar, or related to Applicant's goods, from dates or constructive use dates

prior to the filing date of Application Serial No. 77/608,776, and, on information and belief, prior to any use by Applicant of the mark CELEBRITY SLIM (“Applicant’s mark”).

10. As a result of the superior quality of Opposer’s services and Opposer’s cuisine, in particular, Opposer’s CELEBRITY brand has achieved a widespread reputation for excellence and has become a household name that is synonymous with Opposer in the minds of consumers.

11. On information and belief, Applicant’s goods are likely to be sold and advertised to purchasers and prospective purchasers of Opposer’s services.

12. On information and belief, Applicant’s goods are likely to be sold and advertised in channels of trade that are the same as or similar to those in which Opposer sells and advertises its services.

13. On information and belief, consumers are likely to believe that Applicant’s goods originate from or are sponsored by, endorsed by, or connected with Opposer.

14. In view of the widespread consumer recognition of Opposer, Opposer’s CELEBRITY brand, and Opposer’s family of CELEBRITY marks, and in view of the relationship between Applicant’s goods and Opposer’s services and the similarity between the relevant consumers and channels of trade, Applicant’s use and registration of Applicant’s mark are likely to cause confusion, mistake, and deception, and are thereby likely to damage Opposer.

WHEREFORE, Opposer prays that this opposition be sustained.

Respectfully submitted,

Date: August 4, 2010

A handwritten signature in black ink, appearing to read "Ronald E. Shapiro", written over a horizontal line.

Ronald E. Shapiro
Shapiro and Silverstein PLLC
11350 Random Hills Road, Suite 740
Fairfax, Virginia 22030
Tel: 703-273-7680
Attorneys for Opposer

Exhibit A to Notice of Opposition

Celebrity Cruises Inc. v. Kepa Pty Ltd

Opposition to Application Serial No. 77/608,776



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Typed Drawing

Word Mark	CELEBRITY CRUISES
Goods and Services	IC 039. US 100 105. G & S: cruise ship services. FIRST USE: 19890412. FIRST USE IN COMMERCE: 19890412
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	74136656
Filing Date	February 5, 1991
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	December 3, 1991
Registration Number	1677067
Registration Date	February 25, 1992
Owner	(REGISTRANT) Chandris, Inc. CORPORATION DELAWARE 900 Third Avenue New York NEW YORK 10022
	(LAST LISTED OWNER) Celebrity Cruises, Inc. CORPORATION Assignee of LIBERIA 1050 CARIBBEAN WAY MIAMI FLORIDA 33132
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	RONALD E. SHAPIRO
Prior Registrations	1580615;1609374
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CRUISES" APART FROM THE MARK AS SHOWN
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20011103.
Renewal	1ST RENEWAL 20011103
Live/Dead Indicator	LIVE

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Typed Drawing

Word Mark	CELEBRITY SUMMIT
Goods and Services	IC 039. US 100 105. G & S: cruise ship services; arranging and conducting cruises for others; transportation of passengers by ship. FIRST USE: 20011001. FIRST USE IN COMMERCE: 20011001
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	76199192
Filing Date	January 25, 2001
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	November 27, 2001
Registration Number	2743297
Registration Date	July 29, 2003
Owner	(REGISTRANT) Celebrity Cruises Inc. CORPORATION LIBERIA 1050 Caribbean Way Miami FLORIDA 33132
Attorney of Record	Ronald E Shapiro
Prior Registrations	1677067
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR).
Live/Dead Indicator	LIVE

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CELEBRITY XPEDITION

Word Mark	CELEBRITY XPEDITION
Goods and Services	IC 039. US 100 105. G & S: cruise ship services; arranging and conducting cruises for others; transportation of passengers by ship. FIRST USE: 20040611. FIRST USE IN COMMERCE: 20040611
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	76572392
Filing Date	January 29, 2004
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	November 22, 2005
Registration Number	3165629
Registration Date	October 31, 2006
Owner	(REGISTRANT) Celebrity Cruises Inc. CORPORATION LIBERIA 1050 Caribbean Way Miami FLORIDA 33132
Attorney of Record	RONALD E. SHAPIRO
Prior Registrations	1677067;2478526;2743297
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "EXPEDITION" APART FROM THE MARK AS SHOWN
Type of Mark	SERVICE MARK

Register PRINCIPAL
Live/Dead Indicator LIVE

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CELEBRITY CENTURY

Word Mark	CELEBRITY CENTURY
Goods and Services	IC 039. US 100 105. G & S: cruise ship services, arranging and conducting cruises for others, and transportation of passengers by ship. FIRST USE: 20070515. FIRST USE IN COMMERCE: 20070515
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77219448
Filing Date	June 29, 2007
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	November 20, 2007
Registration Number	3517519
Registration Date	October 14, 2008
Owner	(REGISTRANT) Celebrity Cruises Inc. CORPORATION LIBERIA 1050 Caribbean Way Miami FLORIDA 33132
Attorney of Record	Ronald E. Shapiro
Prior Registrations	1677067;2478526;2743297;AND OTHERS
Type of Mark	SERVICE MARK
Register	PRINCIPAL

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CELEBRITY CONSTELLATION

Word Mark	CELEBRITY CONSTELLATION
Goods and Services	IC 039. US 100 105. G & S: cruise ship services, arranging and conducting cruises for others, and transportation of passengers by ship. FIRST USE: 20070515. FIRST USE IN COMMERCE: 20070515
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77219454
Filing Date	June 29, 2007
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	November 20, 2007
Registration Number	3517520
Registration Date	October 14, 2008
Owner	(REGISTRANT) Celebrity Cruises Inc. CORPORATION LIBERIA 1050 Caribbean Way Miami FLORIDA 33132
Attorney of Record	Ronald E. Shapiro
Prior Registrations	1677067;2478526;2618928;AND OTHERS
Type of Mark	SERVICE MARK
Register	PRINCIPAL

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CELEBRITY INFINITY

Word Mark	CELEBRITY INFINITY
Goods and Services	IC 039. US 100 105. G & S: cruise ship services, arranging and conducting cruises for others, and transportation of passengers by ship. FIRST USE: 20070515. FIRST USE IN COMMERCE: 20070515
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77219472
Filing Date	June 29, 2007
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	November 20, 2007
Registration Number	3517521
Registration Date	October 14, 2008
Owner	(REGISTRANT) Celebrity Cruises Inc. CORPORATION LIBERIA 1050 Caribbean Way Miami FLORIDA 33132
Attorney of Record	Ronald E. Shapiro
Prior Registrations	1677067;2478526;2527999;AND OTHERS
Type of Mark	SERVICE MARK
Register	PRINCIPAL

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CELEBRITY MERCURY

Word Mark	CELEBRITY MERCURY
Goods and Services	IC 039. US 100 105. G & S: cruise ship services, arranging and conducting cruises for others, and transportation of passengers by ship. FIRST USE: 20070515. FIRST USE IN COMMERCE: 20070515
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77219474
Filing Date	June 29, 2007
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	November 20, 2007
Registration Number	3517522
Registration Date	October 14, 2008
Owner	(REGISTRANT) Celebrity Cruises Inc. CORPORATION LIBERIA 1050 Caribbean Way Miami FLORIDA 33132
Attorney of Record	Ronald E. Shapiro
Prior Registrations	1677067;2478526;2571470;AND OTHERS
Type of Mark	SERVICE MARK
Register	PRINCIPAL

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CELEBRITY MILLENNIUM

Word Mark	CELEBRITY MILLENNIUM
Goods and Services	IC 039. US 100 105. G & S: cruise ship services, arranging and conducting cruises for others, and transportation of passengers by ship. FIRST USE: 20070515. FIRST USE IN COMMERCE: 20070515
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77219485
Filing Date	June 29, 2007
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	November 20, 2007
Registration Number	3517523
Registration Date	October 14, 2008
Owner	(REGISTRANT) Celebrity Cruises Inc. CORPORATION LIBERIA 1050 Caribbean Way Miami FLORIDA 33132
Attorney of Record	Ronald E. Shapiro
Prior Registrations	1677067;2478526;2847624;AND OTHERS
Type of Mark	SERVICE MARK
Register	PRINCIPAL

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CELEBRITY SOLSTICE

Word Mark	CELEBRITY SOLSTICE
Goods and Services	IC 039. US 100 105. G & S: Cruise ship services, arranging and conducting cruises for others, and transportation of passengers by ship. FIRST USE: 20081123. FIRST USE IN COMMERCE: 20081123
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78834246
Filing Date	March 10, 2006
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	August 25, 2009
Registration Number	3765507
Registration Date	March 23, 2010
Owner	(REGISTRANT) Celebrity Cruises Inc. CORPORATION LIBERIA 1050 Caribbean Way Miami FLORIDA 33132
Attorney of Record	Ronald E. Shapiro
Prior Registrations	1677067;2743297
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing document was mailed to Applicant's attorney on August 4, 2010, by first class mail, postage prepaid, at the following address:

Paul G. Juettner
Greer, Burns and Crain Ltd.
300 S. Wacker Drive
Suite 2500
Chicago, IL 60606-6771


Ronald E. Shapiro